



**Orange County  
Board of Commissioners**

**Agenda**

**Regular Meeting**

September 6, 2012

7:00 p.m.

Department of Social Services

Hillsborough Commons

113 Mayo Street

Hillsborough, NC 27278

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

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

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

**PUBLIC CHARGE**

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

**2. Public Comments (Limited to One Hour)**

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

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

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

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

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

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

- a. "The Nature of Orange" Photography Contest



## **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
  - c. Property Tax Releases and/or Refunds
  - d. 2012 Property Tax Releases
  - e. Application for Property Tax Exemption/Exclusion
  - f. Tax Collector's Annual Settlement for Fiscal Year 2011-12
  - g. Voluntary Agricultural District Designation – Parker Farm
  - h. Provision of Services to Administer Orange Person Chatham Mental Health Excluded Liabilities
  - i. Amendment to Hobbs, Upchurch & Associates Contract: Buckhorn-Mebane EDD Water and Sewer Extension Project – Phase 2
  - j. Memorandum of Agreement between the NC Sedimentation Control Commission and Orange County
  - k. Approval of Expanded Cane Creek Fire Insurance District Map
  - l. Approval of Expanded Central Orange Fire Insurance District Map
  - m. Approval of Expanded East Alamance Fire Insurance District Map

## **6. Public Hearings**

- a. Eno Economic Development District (EDD) Area Land Use and Zoning Amendments

## **7. Regular Agenda**

- a. Review of the Interim Report from the Historic Rogers Road Neighborhood Task Force
- b. Orange County's Recommendations Regarding Goals for Inclusion in the North Carolina Association of County Commissioners' (NCACC) 2013-14 Legislative Goals Package

## **8. Reports**

## **9. County Manager's Report**

## **10. County Attorney's Report**

## **11. Appointments**

- a. Chapel Hill/Orange County Visitor's Bureau - Appointment

## **12. Board Comments (Three Minute Limit Per Commissioner)**

## **13. Information Items**

- August 21, 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](http://www.co.orange.nc.us)*

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** "The Nature of Orange" Photography Contest

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**DEPARTMENT:** DEAPR

**PUBLIC HEARING: (Y/N)**

No

**ATTACHMENT(S):**

Winning Photos  
Contest Brochure

**INFORMATION CONTACTS:**

David Stancil, 245-2510  
Rich Shaw, 245-2510  
Beverly Shuford, 245-2510

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**PURPOSE:** To recognize the winners and thank all participants of "The Nature of Orange" 2012 Photography Contest.

**BACKGROUND:** The Department of Environment, Agriculture, Parks and Recreation (DEAPR) completed its inaugural "The Nature of Orange" Photography Contest in May 2012. The contest was advertised from fall 2011 through spring 2012 via the Orange County DEAPR website, advisory boards, local newspapers, and the DEAPR Winter Program Guide.

The goal of the contest was to inspire exploration, celebration and appreciation of Orange County's diverse landscapes and outdoor experiences. Photographers of all ages documented the beauty of the County's wildlife, waterways, natural resources, and people connecting to the environment.

A total of 66 photographs were submitted and, of these photographs first, second and third place winners were chosen from the Youth and Adult divisions by a panel of three judges. Winners received a congratulatory letter, certificate, and a small monetary award. The photographs will be displayed at the Orange County Public Library, Visitors Center, and John M. Link, Jr. Government Services Center. In addition, winning photographs are displayed on the Orange County DEAPR website and all 66 entries are featured on the Orange County DEAPR Facebook and Flickr page at:

<http://www.co.orange.nc.us/deapr/photographycontestwinners.asp>

The winners are as follows:

YOUTH: 1<sup>st</sup> Place – Kirby Lau; 2<sup>nd</sup> Place – Delaney Morley; 3<sup>rd</sup> Place – Kirby Lau  
ADULT: 1<sup>st</sup> Place – Richard Robinson; 2<sup>nd</sup> Place – Lisa Tate; 3<sup>rd</sup> Place – Steve Cook

**FINANCIAL IMPACT:** There is no financial impact associated with recognizing the contest winners and thanking all the participants.

**RECOMMENDATION(S):** The Manager recommends that the Board congratulate the contest winners and thank all those who participated in the photo contest.

# “The Nature of Orange” Photography Contest 2012 <sup>2</sup>



1<sup>st</sup> Place – Adult Division  
“Few’s Ford” by Richard Robinson



2<sup>nd</sup> Place – Adult Division  
“Early Morn’ Swing” by Lisa



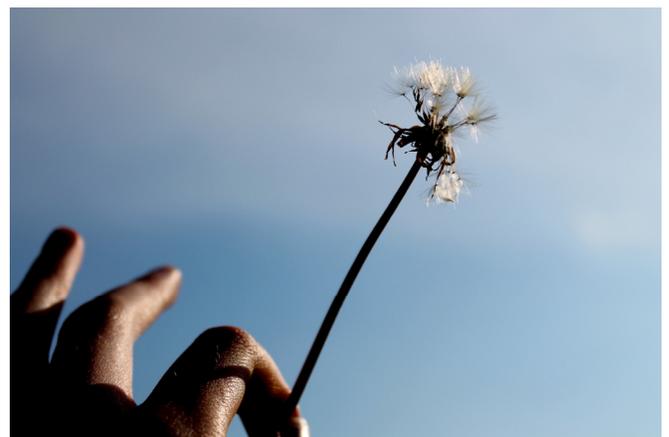
1<sup>st</sup> Place – Youth Division  
“Butterfly Blues” by Kirby Lau



3<sup>rd</sup> Place – Adult Division  
“Yard Critter” by Steve Cook



2<sup>nd</sup> Place – Youth Division  
“My Home Road” by Delaney Morley



3<sup>rd</sup> Place – Youth Division  
“My Paintbrush” by Kirby Lau

## Contest Rules:



- 1) Photographs should feature Orange County wildlife, natural resources, landscapes, or people enjoying the parks and other outdoor environments.
- 2) All photos must be taken in a natural setting (no staged photos).
- 3) Limited to photos taken in Orange County, NC.
- 4) Orange County employees are eligible with the exception of DEAPR staff. Contest judges are ineligible.
- 5) Entries per person: Maximum of five (5) total photos.
- 6) Complete and submit a Contest Entry Form for each photo entered found under "Breaking News" at: <http://www.co.orange.nc.us/deapr/>
- 7) Photo(s) must be mounted and suitable for display. The photos (excluding mounting) must be at least 8"x10".
- 8) Each photo must be accompanied by an electronic version of the photograph, either emailed, CD or DVD. Limit file formats to .gif and .jpg files (identifiable by their extensions), with a width of 500 pixels.
- 9) DEADLINE TO ENTER: May 18, 2012. Submit to: Orange County DEAPR, 306-A Revere Road, Hillsborough, NC 27278.

### The Department of Environment, Agriculture, Parks & Recreation

(DEAPR) works to conserve and manage the natural and cultural resources of Orange County. Included within this "green infrastructure" are natural areas and nature preserves, open spaces, parks and recreation facilities, water resources, and agricultural and cultural resource lands. Consistent with the strong environmental ethic of the community, DEAPR also strives to bring environmental education, recreation, athletics and other programs to residents of the County - with a goal of promoting cultural, physical and natural stewardship and well being.



### Department of Environment, Agriculture, Parks & Recreation

306-A Revere Rd.  
Hillsborough, NC 27278

Phone: 919-245-2510  
Fax: 919-644-3351  
<http://www.co.orange.nc.us/deapr/>  
E-mail: [bshuford@co.orange.nc.us](mailto:bshuford@co.orange.nc.us)

ORANGE COUNTY  
DEPARTMENT OF  
ENVIRONMENT, AGRICULTURE,  
PARKS & RECREATION

## "The Nature of Orange" Photography Contest

**Entry Deadline: May 18, 2012**



919-245-2510  
<http://www.co.orange.nc.us/deapr/>

## "The Nature of Orange" Photography Contest

The Department of Environment, Agriculture, Parks and Recreation (DEAPR) is proud to present its inaugural Nature Photography Contest. The goal is to inspire exploration, celebration and appreciation of Orange County's diverse landscapes and outdoor experiences. Through photography we want you to document the beauty of our wildlife, waterways, natural resources, and people connecting with their environment.

**Deadline: All entries must be received by May 18, 2012**

### Age Divisions:

- Youth (age 18 and younger)
- Adult



### Photographs should feature:

Orange County wildlife, natural resources, landscapes, or people enjoying the parks and outdoor environments.

### How to Submit Your Photo:

See the Contest Rules on the reverse page.

**Prizes:** \$100 First, \$75 Second, and \$50 Third Place cash prizes will be awarded for photos in both divisions; divisions will be judged separately. In addition, participants will receive a certificate and winning photographs will be displayed in prominent, public locations.

**For more information** about parks and natural settings in Orange County visit: [http://www.co.orange.nc.us/deapr/related\\_links.asp](http://www.co.orange.nc.us/deapr/related_links.asp)



### Owner/Use Rights:

Contestants retain the copyright to their photographs, and all rights thereto, except as follows. Orange County and DEAPR shall have the right to use the likeness, name, and/or images photographed by contestants in any and all publications, including web site entries without compensation in perpetuity. Photos will be credited to the contestant named in the entry form. Descriptions or titles, if any, used with the photos are in DEAPR's sole discretion (see Photo Release and Agreement on the required Entry Form under "Breaking News" at; <http://www.co.orange.nc.us/deapr/>)

### Judging Criteria:

*Relevancy to Featured Topics* - Is the photo an obvious illustration of the focus of the contest?

*Composition / Arrangement* - Are the objects in the photo arranged in a meaningful, pleasing manner or are they "haphazard"? Did the photographer use the best angle or otherwise interesting perspective?

*Focus / Sharpness* - Is the object of the photo in focus? If not in sharp focus, does it appear to be an intentional effect to enhance the image in some "artistic" way?

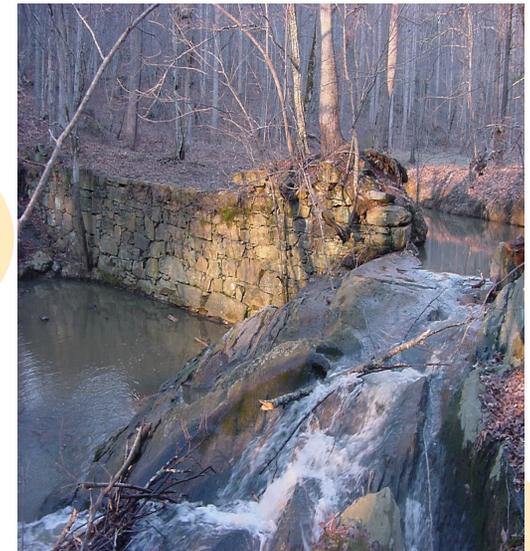
*Lighting* - Did the photographer use proper lighting of the subject matter? Do any extremes of darkness or brightness lend to or detract from the image content?

*Creativity* - Does the photographer show some creative thought or original idea in the making of this image?

## Sponsors

4

- Orange County Department of Environment, Agriculture, Parks and Recreation
- Orange County Commission for the Environment
- Orange County Cooperative Extension / 4-H
- Orange County Parks and Recreation Council



### ORANGE COUNTY DEPARTMENT OF ENVIRONMENT, AGRICULTURE, PARKS & RECREATION

306-A Revere Rd.  
Hillsborough, NC 27278

Phone: 919-245-2510  
Fax: 919-644-3351

<http://www.co.orange.nc.us/deapr/>  
E-mail: [bshuford@co.orange.nc.us](mailto:bshuford@co.orange.nc.us)

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

**Action Agenda**

**Item No.** 5-a

**SUBJECT:** MINUTES

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**DEPARTMENT:**

**PUBLIC HEARING: (Y/N)**

No

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**ATTACHMENT(S):**

**INFORMATION CONTACT:**

Donna Baker, 245-2130

Draft Minutes

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

Attachment 1	May 1, 2012	BOCC Regular Meeting
Attachment 2	May 24, 2012	BOCC Budget Work Session
Attachment 3	June 5, 2012	BOCC Regular Meeting
Attachment 4	June 12, 2012	BOCC Budget Work Session
Attachment 5	June 19, 2012	BOCC Regular Meeting

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

**FINANCIAL IMPACT: NONE**

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

1 DRAFT

2  
3 **MINUTES**  
4 **BOARD OF COMMISSIONERS**  
5 **REGULAR MEETING**  
6 **MAY 1, 2012**  
7 **7:00 p.m.**  
8

9 The Orange County Board of Commissioners met in regular session on Tuesday, May1,  
10 2012 at 7:00 p.m. at the DSS offices, Hillsborough, N.C.  
11

12 **COUNTY COMMISSIONERS PRESENT:** Chair Bernadette Pelissier and Commissioners  
13 Valerie Foushee, Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee and Steve  
14 Yuhasz

15 **COUNTY COMMISSIONERS ABSENT:**

16 **COUNTY ATTORNEYS PRESENT:** John Roberts

17 **COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Gwen Harvey,  
18 Assistant County Manager Michael Talbert and Clerk to the Board Donna Baker (All other staff  
19 members will be identified appropriately below)  
20

21 **NOTE: ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE IN THE PERMANENT**  
22 **AGENDA FILE IN THE CLERK'S OFFICE.**  
23

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

25 Chair Pelissier went through the items at the County Commissioners' places.

- 26 - Copy of the Partnership to End Homelessness Annual Report
- 27 - Blue sheet – correction to item 5-d – Consolidated Housing Plan Annual Action
- 28 Plan/HOME Program
- 29 - Blue sheet – PowerPoint for item 7-a – Master Aging Plan
- 30 - Yellow – additional information on item 7-b – Health Insurance Benefits for ABC Board

31  
32 Chair Pelissier said that staff will be trying to put up motions on the screen during this  
33 meeting.  
34

35 **PUBLIC CHARGE**

36  
37 *The Chair dispensed with the reading of the public charge.*  
38

39 **2. Public Comments**

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

41 Donald O'Leary said that the role of the County Commissioners is to carry out the will of  
42 those that elected them and to follow the laws. He said that they should not act as self-  
43 proclaimed dictators who think it is ok to violate Article 1, Section 10 of the United States  
44 Constitution, funding for the funding of an alliance with a communist socialist international  
45 organization such as ICLEI. He said that the County Commissioners' role was not to squander  
46 and divert the tax dollars to the ICLEI program.  
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48 **b. Matters on the Printed Agenda**

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

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**3. Petitions by Board Members**

Chair Pelissier said that there has been a Chapel Hill 2020 Comprehensive Plan process and she said that there has been discussion about issues that may not be familiar to the Board of County Commissioners and she would like to ask someone from Chapel Hill to make a presentation to the Board before the summer break.

*Commissioner Yuhasz arrived at 7:08 PM.*

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

**a. Older Americans Month Proclamation**

The Board considered approving a proclamation joining Federal and State governments in designating the month of May as Older Americans Month and authorizing the Chair to sign. Department on Aging Director Janice Tyler read the proclamation:

**ORANGE COUNTY BOARD OF COMMISSIONERS**

**Proclamation**

**Older Americans Month – May 2012**

**WHEREAS**, Orange County is a community that includes over 20,000 residents aged 60 and older and this population is the fastest growing segment of Orange County’s population; and

**WHEREAS**, Orange County is committed to helping all individuals maintain their health and independence in later life; and

**WHEREAS**, the older adults in Orange County have an important role in sharing knowledge, wisdom, and understanding of the history of our community through interactions with children, youth, and adults from other generations; and

**WHEREAS**, the fruits of knowledge and experience can be effectively transferred from generation to generation through meaningful social interactions; and

**WHEREAS**, their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved; and

**WHEREAS**, our community can provide opportunities to enrich residents young and old by:

- Emphasizing the value of including elders in public and family life;
- Creating opportunities for older Americans to interact with people of different generations; and
- Providing services, technologies, and support systems that allow older adults to participate in social activities in the community;

**NOW, THEREFORE**, we, the Orange County Board of Commissioners, do hereby proclaim May 2012 to be Older Americans Month and urge all residents to take time this month to engage with our older residents through enjoyable social interactions such as sports, games, contests, and other forms of play.

1  
2 This the 1<sup>st</sup> day of May, 2012.  
3

4 A motion was made by Commissioner Hemminger, seconded by Commissioner  
5 Foushee to approve a proclamation joining Federal and State governments in designating the  
6 month of May as Older Americans Month and authorize the Chair to sign.

7 VOTE: UNANIMOUS  
8

9 **b. Partnership to End Homelessness – Annual Report**

10 The Board received the 2011 Annual Report of the Partnership to End Homelessness.

11 Jamie Rohe, Homeless Program Coordinator for Orange County, said that this group  
12 grew in 2011 substantially in the number of individuals and agencies involved. This program is  
13 organized into housing, services, and employment/other income. She made reference to an  
14 initiative from last year, the 100,000 Homes Campaign. This campaign aims to create 100,000  
15 homes for people that are chronically homeless and most likely to die on the streets. The  
16 campaign began in 2010 and goes through the end of 2013. Orange County joined the  
17 initiative last year along with Wake County and the United Way of the Greater Triangle. The  
18 groups mapped locations where they would find those who are chronologically homeless and  
19 who need medical care and then went out in teams to these mapped locations and counted and  
20 surveyed these homeless people. There is now a task force that is trying to find homes and  
21 medical care for these homeless people.

22 Another initiative is under the Community Partnership and is Support Circles. These are  
23 teams of 8-10 people, often from faith-based groups, who become a support network for  
24 homeless people that are transitioning to independent living. Support Circle work with the  
25 individuals for one year and provide a little bit of financial support, but more emotional and life  
26 skills support.

27 Chair Pelissier said that she serves on this board and Ms. Rohe is able to leverage  
28 much support and coordination and to get grant money for the homeless. She said there are  
29 many volunteers that are involved in this program.  
30

31 **5. Consent Agenda**  
32

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

- 34 - 5-a, Minutes
- 35 - 5-e, Legal Advertisement for Quarterly Public Hearing-May 29, 2012

36  
37• **Approval of Remaining Consent Agenda**  
38

39 A motion was made by Commissioner Hemminger seconded by Commissioner Yuhasz  
40 to approve the remaining items on the consent agenda.

41  
42 VOTE: UNANIMOUS  
43

44 **a. Minutes**

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

46 **b. Motor Vehicle Property Tax Release/Refunds**

47 The Board adopted a release/refund resolution, which is incorporated by reference, related  
48 to four (4) requests for motor vehicle property tax releases or refunds in accordance with  
49 NCGS.

50 **c. Property Tax Releases and/or Refunds**

1 The Board adopted a resolution, which is incorporated by reference, to release property  
2 values related to forty-one (41) requests for property tax release and/or refund in  
3 accordance with North Carolina General Statute 105-381.

4 **d. Consolidated Housing Plan Annual Action Plan/HOME Program**

5 The Board adopted a Resolution, which is incorporated by reference, approving the FY  
6 2012-2013 Consolidated Housing Plan Annual Action Plan; adopted a Resolution, which is  
7 incorporated by reference, approving the proposed HOME Program Activities for 2012-  
8 2013; and authorized the Manager to implement the HOME Program as approved by the  
9 BOCC including the ability to execute agreements with partnering non-profit organizations  
10 after consultation with the County Attorney.

11 **e. Legal Advertisement for Quarterly Public Hearing – May 29, 2012**

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

13 **f. North Carolina Tomorrow Grant Award and Approval of Budget Amendment #8-a**

14 The Board accepted the \$50,000 NC Tomorrow Grant Award from the Community  
15 Investment & Assistance, Community Development Block Grant Program through the NC  
16 Department of Commerce and approved Budget Amendment #8-a and authorized the Chair  
17 to sign.

18  
19● **Discussion and Approval of the Items Removed from the Consent Agenda**

20  
21 **a. Minutes**

22 The Board considered correcting and/or approving the minutes from February 7, 21, 23  
23 and March 15, 2012 as submitted by the Clerk to the Board.

24 Commissioner Jacobs said that there were some formatting issues in the February 7<sup>th</sup>  
25 draft minutes that made reading them very difficult (no indentations/spacing needed in  
26 paragraphing). And the Clerk to the Board said she would correct the formatting.

27  
28 A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger  
29 to approve the minutes with the formatting changes.

30 VOTE: UNANIMOUS

31  
32 **e. Legal Advertisement for Quarterly Public Hearing – May 29, 2012**

33 The Board considered the legal advertisement for items to be presented at the joint  
34 Board of county Commissioners/Planning Board Quarterly Public Hearing scheduled for May  
35 29, 2012.

36 Commissioner Gordon made reference to page 5 of the legal ad, #5, and said that it is  
37 not a good idea to have amendments to both the Comprehensive Plan and the Zoning  
38 Ordinance at the same hearing. The Comprehensive Plan is a planning document and  
39 amendments should be considered separately from zoning changes. She said that she would  
40 vote against this to make her point clear.

41 Commissioner Jacobs said that he agreed with Commissioner Gordon's point but will  
42 vote for it.

43 Commissioner Yuhasz said that in some instances they may want to hold a hearing  
44 separately, but this needs to move forward.

45 A motion was made by Commissioner Foushee, seconded by Commissioner  
46 Hemminger to approve the legal advertisement for items to be presented at the joint Board of  
47 county Commissioners/Planning Board Quarterly Public Hearing scheduled for May 29, 2012.

48 VOTE: Ayes, 6; No, 1 (Commissioner Gordon)

49  
50

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4 **6. Public Hearings**

5 **a. Review of Proposed UDO Text Amendment(s) – Telecommunications**

6 The Board considered the Planning Board recommendation, closed the public hearing,  
7 and considered making a decision on a Planning Director-initiated Unified Development  
8 Ordinance text amendment relating to the permitting of telecommunication facilities.

9 Michael Harvey said that this is a continuation of a public hearing. The proposed  
10 amendments include:

- 11 1. Increasing the height of a tower that can be reviewed by the Board of Adjustment of  
12 less than 200'.  
13 2. Increasing clarity and removing redundancies in UDO text.  
14

15 The Planning Board recommended unanimously that this item be approved. There was  
16 a request from a citizen that the notification for balloon tests be increased from 1,000 to 2,000  
17 feet. The staff believes that 1,000 feet is sufficient, but will ask the County Commissioners for  
18 feedback.

19 Michael Harvey said that there are also signs posted on the property to notify about the  
20 balloon test.  
21

22 **PUBLIC COMMENT:**

23 Jeremy Browner said that he is in support of this text amendment. He would like to  
24 bring high-speed internet to rural Orange County. He said that he saw some potential conflicts  
25 for the future. He made reference to 5.10.6, Administrative Approval of Certain  
26 Telecommunication Facilities, and said that this is not up for discussion tonight so it will not be  
27 changed. This was on page 15. He said that this says that if someone wanted to put an  
28 antenna on County property, the County would require that Emergency Services would have to  
29 have access to the antenna. He said that this would take away a much needed source of  
30 revenue from a new company that could come in on the antenna. He also made reference to  
31 page 26, 'd', and read, "all towers shall be engineered to allow for co-locations. No co-locator  
32 shall be refused access for co-location by charging exorbitant lease fees. Public safety provider  
33 co-locations shall take priority over other co-locators." He said that he was told by people in the  
34 tower industry that to locate equipment for high-speed internet is substantially less expensive  
35 than to build one for a co-location. This is also a deterrent to high-speed internet in the County.  
36 He also pointed out item 'k' on the same page, which requires that all towers be placed in  
37 heavily wooded areas. This seems to deter the usage of topography for the best use. He  
38 supports this amendment.  
39

40 Commissioner Yuhasz asked Mr. Browner to email his concerns to the Board of County  
41 Commissioners and copy the Clerk on his emails.

42 Commissioner Gordon made reference to pages 15-16 and Administrative Approval of  
43 Certain Telecommunication Facilities. She is concerned about #3 and changing the height from  
44 150 feet to 200 feet. She said that this is not a minimal impact though it is stated that it should  
45 have minimal impact. She is also concerned about the County requiring standards for itself that  
46 are different from the standards required for private enterprise or the general public.  
47

48 A motion was made by Commissioner Hemminger to close the public hearing.  
49

1 Commissioner McKee said that the Emergency Services work group is studying the  
2 issue of coverage of emergency services radios.

3 Commissioner Foushee said that she wanted this comment made before the public  
4 hearing was closed.

5 Commissioner Jacobs asked John Roberts if the motion to close the public hearing was  
6 premature.

7 John Roberts said that usually when you have public hearings it is just to receive  
8 additional written comments and Planning Board recommendations and others to speak if  
9 needed. If the County Commissioners want to discuss it, the public hearing can be closed  
10 beforehand.

11 A motion was made by Commissioner Jacobs seconded by Commissioner Hemminger  
12 to close the public hearing.

13  
14 VOTE: UNANIMOUS

15  
16 Commissioner McKee said that the added height will make the towers more visible, but  
17 he is also convinced that increasing the tower height will give more coverage for the emergency  
18 services situation. There are dead spots and no high-speed internet, and the extra height is  
19 needed.

20 Commissioner Jacobs said that Commissioner Gordon's concerns reflect the concerns  
21 raised previously by the Board of Commissioners with the County adhering to different  
22 standards than the standards for those in private enterprise. He asked Michael Harvey if he  
23 perceived these standards as different.

24 Michael Harvey said that he does not see them as dramatically different. He said that it  
25 is a matter of Board policy that if a tower is erected on County property, it has to adhere to the  
26 same notification and submittal required of all private contractors. The County also cannot  
27 submit a Special Use Permit to itself.

28 Commissioner Jacobs said that he shared Commissioner Gordon's concerns, but he  
29 thinks the staff has done a good job of covering the concerns.

30 Commissioner Gordon said that she still has concerns about the additional height.

31  
32 A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to

- 33 1. Receive the Planning Board recommendation of approval;  
34 2. Close the public hearing; and  
35 3. Adopt the Ordinance of Approval for the UDO text amendments contained within  
36 Attachment 2, An Ordinance Amending the UDO of Orange County.

37  
38 VOTE: Ayes, 6; No, 1 (Commissioner Gordon)

39  
40 **b. Text Amendment to the Unified Development Ordinance: Rural Economic**  
41 **Development (UDO/Zoning-2012-06) (Little River Township) – Continuation of Public**  
42 **Hearing to June 5, 2012**

43 The Board continued a public hearing on proposed Unified Development Ordinance text  
44 amendment concerning the creation of the NC Highway 57 Speedway Area Rural Economic  
45 Development Area Conditional Zoning (REDA-CZ-1) District to the Board of Commissioners'  
46 June 5, 2012 regular meeting.

47 Michael Harvey said that staff was slated to bring this back tonight for approval.  
48 However, there has been insufficient time to obtain the necessary approved meeting minutes,  
49 address and incorporate recommended changes, and complete the required abstract package

1 for this meeting. The staff is asking that the Board call the public hearing to order and then  
 2 adjourn it to the June 5<sup>th</sup> regular meeting to receive the Planning Board recommendation.  
 3

4 A motion was made by Commissioner Yuhasz, seconded by Commissioner Foushee to  
 5 open the public hearing.

6 VOTE: UNANIMOUS  
 7

8 A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to  
 9 adjourn the hearing to the Board's June 5, 2012 regular meeting to receive the Planning Board  
 10 recommendation.

11 VOTE: UNANIMOUS  
 12

13 **7. Regular Agenda**

14 **a. Presentation of the 2012-17 Orange County Master Aging Plan**

15 The Board received and reviewed, as information, the 2012-17 Orange County Master  
 16 Aging Plan.

17 Janice Tyler introduced several people that have participated on this plan. They had  
 18 over 140 volunteers and Chair Pelissier served on the MAP planning.  
 19  
 20  
 21

22 Orange County 2012-2017  
 23 Master Aging Plan

24 Board of County Commissioners Meeting

25  
 26  
 27 **CAPSSTONE students:**

28 Phoebe Goldberg  
 29 Laura Major  
 30 Marcia Perritt  
 31 Hannah Prentice-Dunn  
 32 Rebecca Woodruff  
 33

34 Phoebe Goldberg made the presentation. She said that they are all Master of Public  
 35 Health students and have been working with the Department on Aging for the past year on  
 36 this plan.  
 37

38 May 1, 2012

- 39 • Aging in Orange County

40 *Age wave is happening at national, state, local level.*

41 *In Orange County, there are the same number of adults age 55 and older as there are*  
 42 *adolescents under the age of 18.*

43 *We can only expect this population to grow.*

44 **Aging issue impact multiple generations.**

- 45 • Objectives for Developing MAP

- 1 • Citizen engagement
- 2 • A plan for the whole county
- 3 • Sustainability
- 4 • Accountability
- 5 • Citizen Engagement
- 6 • Focus groups
- 7 • Community forum
- 8 • Work groups
  - 9 • Housing
  - 10 • Navigation and Transportation
  - 11 • Health and Wellness
  - 12 • Community Engagement
  - 13 • Aging in Place
  - 14 • Integrated Countywide Plan
- 15 • Work groups
- 16 • Steering Committee
  - 17 • Shared responsibility with MAP implementation and monitoring
  - 18 • Assisted with work group member recruitment
  - 19 • Increased buy-in and commitment of agencies across the county
- 20 • MAP Agencies Responsible
  - 21 • Sustainability & Accountability
- 22 • Economic context requires creativity
- 23 • Built-in indicators of success
- 24 • MAP Evaluation Committee
- 25 • Living document

26  
 27 Janice Tyler said that later this summer the Department on Aging will bring back the  
 28 implementation plan and will have two interns this summer from the School of Public Health  
 29 through private funding. She said that this is definitely a living document. Orange County has  
 30 been selected to receive another CAPSTONE team for next year. This team will be working on  
 31 the communications and outreach plan.

32 Advisory Board on Aging Chair Heather Altman thanked the County Commissioners and  
 33 the Manager's Office for their support, and the students for their work.

34 Commissioner Jacobs said that when the services were consolidated at the Central  
 35 Orange Senior Center, the Board was assured that the people from the Efland Community  
 36 Center would participate and feel welcome, and this has not happened according to some of  
 37 the people from that community. The bus ridership from there to the senior center has  
 38 decreased significantly. There are some concerns about access to the community center. He  
 39 is concerned that the County is not following through on this commitment. He wants to make  
 40 this a goal.

41 Commissioner Foushee said that there is a similar situation at Northside and the  
 42 Seymour Center. She made reference to page 13 and poverty and said that it is hard for her to  
 43 see a goal that would pool together how to identify the people that are affected that way and  
 44 whether they have access to services. She said that there should be a goal somewhere that  
 45 addresses elders who live in poverty.

46 Janice Tyler made reference to Commissioner Jacobs' comments and said that she  
 47 thought that everyone had been integrated. The problem with the outlying areas is the bus

1 routes. The routes are so long and it is difficult for older people to ride the bus for such a long  
 2 time. She said that she would be happy to speak with Commissioner Jacobs more about this  
 3 issue.

4 Commissioner Jacobs said that he would forward the email when he received it from the  
 5 citizen who said that he would email his concerns.

6 Commissioner Yuhasz said that the access issue is the same concern that was heard in  
 7 the Health Department assessment of access to services.

8 Commissioner Jacobs asked the Manager to look into issues beyond Janice Tyler's  
 9 purview and to look into access issues. He made reference to the issue of transportation and  
 10 said the Board of County Commissioners has been pushing for park and ride lots that will serve  
 11 the rural parts of Orange County as part of their transit discussions.

12  
 13 **b. Health Insurance Benefits for Employees of the Orange County Alcoholic**  
 14 **Beverage Control Board**

15 The Board considered approving the addition of a subgroup, Orange County Alcoholic  
 16 Beverage Control (ABC) Board Employees and Retirees, to the Orange County health  
 17 insurance plan with United Healthcare.

18 Interim Human Resources Director Sharon Laisure introduced this item. Over the last  
 19 ten years, the ABC Board has requested participation in the health plan, and for various  
 20 reasons it has not come to fruition. However, in February 2012, the Human Resources  
 21 Department received a verbal request to research the possibility of adding 30 ABC employees  
 22 and six retirees (all under age 65) to the County's health plan effective July 1, 2012. United  
 23 Healthcare has confirmed that adding these 36 individuals and dependents would have no  
 24 impact on the County's current premiums. The Manager recommends approval of this request.  
 25 The County Attorney will develop a two-year Memorandum of Understanding, which would  
 26 require the subgroup to pay for its own claims when the County's health coverage funding  
 27 changes from fully-insured to self-insured.

28 Frank Clifton said that the County also provides coverage for Community Home Trust  
 29 and will assume coverage for retirees of mental health.

30 Commissioner Gordon said that she has asked the Manager some questions about this  
 31 and one of them was that the County has not yet decided whether to change to self-insured.  
 32 Her concern has to do with making a decision on this when the County Commissioners have  
 33 not made decisions about the health insurance details of its own employees. She would like to  
 34 make these decisions before adding these employees.

35 Commissioner McKee said that if the County went to self-insured, it would be over a  
 36 long period of time and not a quick process.

37 A motion was made by Commissioner McKee, seconded by Commissioner Yuhasz to  
 38 approve the ABC Board's request to be added to the County's health insurance plan as a  
 39 subgroup effective July 1, 2012.

40 VOTE: Ayes, 6; No, 1 (Commissioner Gordon)

41  
 42 A motion was made by Commissioner McKee, seconded by Commissioner Yuhasz to  
 43 direct the County Attorney to develop a two-year Memorandum of Understanding (MOU)  
 44 between the two parties to be signed by the appropriate representatives of the ABC Board and  
 45 the County.

46 VOTE: UNANIMOUS

47  
 48 A motion was made by Commissioner McKee, seconded by Commissioner Hemminger  
 49 that the MOU should require the subgroup to pay for its own claims IF the County's health

1 coverage funding changes from fully-insured to self-insured; and that the County reserves the  
2 right, with one-year notification to the ABC Board, to terminate the option if analysis provides  
3 evidence that the subgroup's medical experience adversely impacts the County' overall cost of  
4 coverage; and should approval be granted, the ABC Board reserves the right to consider  
5 another option if during the interim period, the ABC Board identifies another option that is a  
6 better fit for its employees.

7 VOTE: UNANMOUS

8  
9 **8. Reports-NONE**

10  
11 **9. County Manager's Report**

12 Frank Clifton reminded everyone that the next work session will be at the West Campus  
13 Office Building. The agenda has transit for the first hour and then the webinar on automated  
14 agendas.

15 He said that there has been a lot of discussion on the Alamance/Orange County line  
16 and now there is some dispute with the Durham/Orange County line. This has been initiated by  
17 the Board of Elections in Durham when they notified some people that they were not eligible to  
18 vote in Durham although they had voted there for the last 25 years. When the Durham County  
19 Board of Elections sent out notices, the Orange County Board of Elections was not included in  
20 the notification, so they did not know about the change. He will work on this and bring forward  
21 any issues.

22  
23 **10. County Attorney's Report**

24 John Roberts said that he sent an email out today about the two local bills that are in  
25 final form. Senator Ellie Kinnaird is ready to introduce these bills. It should not be an issue to  
26 get the Orange/Alamance County line finalized. The broadband grant bill may have some  
27 pushback.

28  
29 **11. Appointments-NONE**

30  
31 **12. Board Comments**

32 Commissioner Foushee said that she attended the Board of Directors NCACC meeting  
33 and the annual dues will be reduced by 5%. She said that this is an attempt to help counties  
34 that are having difficulty paying their dues. Also, the Healthy Living Task Force is coming to an  
35 end and they will distribute a tool kit to all 100 counties to encourage healthy living.

36 Commissioner McKee said that he toured the local jail facility and he was pleasantly  
37 surprised that the deputies are doing a good job in a facility that is 100 years old.

38 Commissioner McKee said that he participated in a WCHL forum on budgeting in  
39 difficult times this past week. He found this informative.

40 Commissioner McKee said that he attended a meeting of the NAACP in northern  
41 Orange County and transportation was a hot topic.

42 Commissioner Hemminger said that she attended the first Historic Rogers Road Multi-  
43 Jurisdictional Task Force this week. There will be a tour of the area and she will email  
44 everyone about it. The information on this task force will be housed on the County's website.  
45 She said that she attended the RTA transit trip to Pittsburgh and Cleveland. They were able to  
46 ride on bus rapid transit and subways.

47 Commissioner Jacobs said that he and Chair Pelissier attended the mental health  
48 legislative breakfast and one of the acute problems is the housing of mentally ill in nursing  
49 homes with seniors. The U. S. Department of Justice is trying to force North Carolina to do

1 something about it, even though the legislature does not want to spend any money to address  
2 the problem.

3 Commissioner Jacobs said that he, Commissioner Hemminger, and Chair Pelissier  
4 toured the sportsplex since their last meeting and it was very encouraging to see the amount of  
5 use and to look at the proposed plans.

6 Commissioner Jacobs said that four County Commissioners attended the  
7 groundbreaking for CHCCS Elementary School #11.

8 Commissioner Jacobs said that the code for the parking deck for the spaces that the  
9 County rents is 1945#.

10 Commissioner Yuhasz said that he attended the public information meeting on the  
11 potential closing of Pickett Road and there was not unanimous support on this closing. He said  
12 that the closing is associated with the two parts of the park.

13 Commissioner Gordon said that there is a primary election on May 8<sup>th</sup> and early voting is  
14 still ongoing.

15 Chair Pelissier said that she attended the Durham Technical Community College dinner  
16 meeting with Commissioner Foushee and there was a presentation on why students start  
17 school and do not finish.

18 Chair Pelissier said that she attended both public information sessions on the transit  
19 plan. About 37 members of the public attended and many of those people had already made  
20 comments to the County Commissioners.

21 Chair Pelissier said that at the last meeting of Triangle Transit Association Board of  
22 Directors meeting they passed a resolution that said they will not levy a ½-cent sales tax unless  
23 Orange County passes a resolution on this.

24 Chair Pelissier encouraged all County Commissioners to attend the scoping meeting on  
25 May 3<sup>rd</sup> on the environmental impact statement on the light rail plan.

26 Chair Pelissier said that she attended the RTA breakfast on higher speed rail that is a  
27 collaboration between Virginia and North Carolina. These plans are proceeding.

28 Chair Pelissier said that she attended the legislative breakfast of the CHCCS Board  
29 earlier this week. She said that the focus was on the core curriculum and how they wanted the  
30 principals to be coaches rather than managers.

31  
32 **13. Information Items**

- 33  
34 • April 17, 2012 BOCC Meeting Follow-up Actions List  
35 • BOCC Chair Letter Regarding Public Display of Motions  
36 • BOCC Chair Letter Regarding Public Meetings for Southern Triangle Fire District  
37

38 **14. Closed Session - NONE**

39  
40 **15. Adjournment**

41 A motion was made by Commissioner Jacobs, seconded by Commissioner McKee to  
42 adjourn the meeting at 8:53 PM .

43 VOTE: UNANIMOUS  
44

45 Bernadette Pelissier, Chair

46  
47 Donna S. Baker, CMC  
48 Clerk to the Board

1  
2 **DRAFT**

3  
4 **MINUTES**  
5 **BOARD OF COMMISSIONERS**  
6 **BUDGET WORK SESSION**  
7 **May 24, 2012**  
8 **7:00 p.m.**  
9

10 The Orange County Board of Commissioners met for a Budget Work Session on  
11 Thursday, May 24, 2012 at 7:00 p.m. at the DSS Offices, Hillsborough Commons, Hillsborough,  
12 N.C.  
13

14 **COUNTY COMMISSIONERS PRESENT:** Chair Bernadette Pelissier and Commissioners  
15 Valerie Foushee, Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee and Steve  
16 Yuhasz

17 **COUNTY COMMISSIONERS ABSENT:**

18 **COUNTY ATTORNEYS PRESENT:** John Roberts

19 **COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Managers  
20 Gwen Harvey and Michael Talbert and Clerk to the Board Donna Baker (All other staff  
21 members will be identified appropriately below)  
22

23 **NOTE: ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE IN THE PERMANENT**  
24 **AGENDA FILE IN THE CLERK'S OFFICE.**  
25

26 Chair Pelissier said that Commissioner Hemminger would be about an hour late.  
27  
28

29 **1. Durham Technical Community College**

30 Dr. Bill Ingram said that Durham Tech is asking for less money this year. Last year's  
31 total appropriation last year was \$600,521. This year's total request is \$569,450, which reflects  
32 the cost for operating the Orange County campus. It does reflect a potential increase of 3% for  
33 those 2-3 employees that specifically are funded through Orange County. If the state gives an  
34 increase for State employees – page 107 – then they would give money back for these salary  
35 increases. He said that they are putting forward a reduction of \$40,000 this year and they have  
36 experienced a 10% decrease of students at the Orange County campus this past year. He said  
37 that DTCC will be doubling their course offerings next year at the Orange County campus.  
38

39 **Orange County Schools-** School Board Chair Donna Coffey, Vice Chair Steve Halkiotis, and  
40 Superintendent Patrick Rhodes  
41

42 Superintendent Rhodes said that the OCS has requested an increase of \$220 per  
43 student and they will be appropriating monies from their fund balance as well. There is a  
44 shortfall of \$4.4 million for FY 2012-13. This is from the Federal loss of 50 jobs and the Foreign  
45 Language Assistance Program to the tune of \$1.6 million and a projected State reversion of  
46 \$2.5 million.  
47

48 Donna Coffey said that if there was ever a time to put aside the formula for funding  
49 schools, this is the time. She asked the County Commissioners to step outside the funding  
50 target and look at the true needs. She said that OCS has not asked for a per-pupil increase for

1 three years. Also, this year's funding recommendation from the Manager is the lowest  
2 percentage of the General Fund allocation since 1995. She said that OCS has done the best  
3 that it can do with the funding, but there are state and federal budget cuts and more children  
4 coming in. OCS has been asked by the County Manager to use its fund balance to pay teacher  
5 salaries, but the current budget proposal already appropriates \$1.4 million for next year out of  
6 the fund balance. If an additional \$2.1 million is appropriated, the reserves will fall to about \$1.2  
7 million. She said that asking them to use 75% of their fund balance in one year is not a good  
8 idea and it is counter to the current fund balance policy. She said that the County  
9 Commissioners are the schools' last hope and she trusts them to do the right thing and invest in  
10 the children.

11 Vice Chair Steve Halkiotis said that in 1986 he attended the Institute of Government's  
12 class on how to be a responsible County Commissioner. He read the section on public  
13 education from this class. He said that the one thing the County Commissioners and Board of  
14 Education have in common is that they are all part of the party that cares for the people. He  
15 asked the County Commissioners to not do politics on the backs of the children of Orange  
16 County. He said that the OCS Board does this because they do it for a higher purpose – the  
17 children.

18 Commissioner McKee said that he had asked at the two public hearings about the  
19 money that will not be spent on the revaluation and he asked Financial Services Director  
20 Clarence Grier about the total amount of savings, and it was \$350,000. He asked if this could  
21 be used toward education. He also said that the County moved radio purchases out of the five-  
22 year CIP. He wants to look at all avenues of savings.

23 Commissioner Gordon said that the County Commissioners will do the best that they  
24 can for both school systems.

25 Commissioner Jacobs made reference to a document from the public school forum and  
26 actual effort and relative effort by each County in North Carolina to fund schools. He brought  
27 copies for each board and staff. This is through 2010, and Orange County was still in the top  
28 three in the state. He thinks that the County has a proud tradition of supporting the schools.  
29 He said that he has some questions about the abstract in the section. He found this very  
30 confusing. He pointed out some discrepancies in the percentages – 48.1% and 47.2%. He  
31 wants to be clear what fair funding is.

32 Clarence Grier said that the 48.1% is based on the current expense, recurring capital,  
33 debt service, fair funding, and long-range pay-as-you-go capital. There are some non-  
34 mandated services such as school nurses, social workers, and school resource officers that  
35 total about \$1.9 million. This equals 48.2% of the general fund budget. The fair funding has  
36 always been \$988,000.

37 Commissioner Jacobs said that he thought that the fair funding allocation was supposed  
38 to go to nurses, social workers, and resource officers.

39 Paul Laughton in the Financial Services office said that the County gets invoiced from  
40 the school systems for the fair funding. It is sometimes on a quarterly basis.

41 Frank Clifton said that the problem is that OCS has asked for so much more than  
42 CHCCS and the County cannot fully fund one and not the other. He said that the real issue is  
43 that he does not believe that the County Commissioners should fund those requests without  
44 creating new revenue. If it is done out of the County's fund balance, that will impact the County  
45 negatively. He said that both school systems have fund balances that exceed the fund balance  
46 policy. He said that CHCCS can do certain things that OCS cannot because of the district tax.  
47 Orange County citizens have rejected a proposed district tax. He said that there is no desire to  
48 keep the school systems from getting money that they need. However, there is a fund balance  
49 policy, and there is room in the fund balance.

1 Commissioner Foushee said that the County Commissioners understand the school  
2 systems' challenges and will do what they can.

3 Commissioner Jacobs made reference to the fund balance document and asked for  
4 someone to walk them through it.

5 Clarence Grier explained the document.

6

ORANGE COUNTY SCHOOLS FUND  
BALANCE CALCULATION

OCS Fund Balance 6/30/2011		\$4,875,245
Fund Balance percentage per Board policy of Original Budgeted GF local expenditures (minimum)		3.00%
Original General Fund Budget	(FY2012)	\$23,989,85
Calculated minimum amount of fund balance <sup>c</sup>		<u>\$719,696</u>
Excess Fund <sup>D</sup> Balance		\$4,155,549
FY2012-13 Increase in budget per pupil (\$220.00) <sup>1</sup>		\$220.00
FY2012-13 Estimated Enrollment <sup>1</sup>		7,585
Requested increase in funding <sup>1</sup> Proposed FY2012-13 Budget Appropriated Fund Balance		\$2,127,796 <u>\$1,431,698</u>
Excess/(Shortage) Fund Balance remaining if OCS funded their requested increase <sup>e</sup>		<u>\$596,055</u>
Total Unassigned Fund Balance	(Footnotes C + E)	<u>\$1,315,751</u>

Orange County Schools would be over the minimum allowed fund balance by \$596,055.

Note 1 - Formula for Funding the Increase in Per Pupil

		Base Per Pupil			Pupil Increase Base <sup>A</sup>
Pupil Increase	x	Allocation	=		
148		\$ 3,102.00			\$459,096
				Increase	
Total Pupils	x	Increase	=		for All Pupils <sup>B</sup>
7,585		\$ 220.00			\$1,668,700
				Increase in Funding (Footnotes A + B)	<u>\$2,127,796</u>

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4

Clarence Grier then explained the CHCCS fund balance calculation sheet.

**CHCCS Fund Balance 6/30/2011**

**\$10,328,358**

Fund Balance percentage per Board policy  
of Original Budgeted GF local expenditures  
(minimum)

5.50%

Original General Fund Budget (FY2012) \$61,078,312

Calculated minimum amount of fund balance<sup>C</sup>

\$3,359,307

Excess Fund  
Balance<sup>D</sup>

\$6,969,051

①

FY2012-13 Increase in budget per pupil (\$67.00)<sup>1</sup> \$67.00

FY2012-13 Estimated Enrollment<sup>1</sup> 12, 115

Requested increase in funding<sup>1</sup>

\$2,086,627

Proposed FY2012-13 Budget Appropriated Fund Balance<sup>2</sup>

\$3,652,913

Excess/(Shortage) Fund Balance remaining if CHCCS funded their requested  
increase<sup>E</sup>

\$1,229,511

Total Unassigned Fund Balance (Footnotes C + E) \$4,588,818

CHCCS would be over the minimum allowed fund balance by \$1,229,511.

Footnote 1 - Formula for Funding the Increase in Per Pupil

Pupil Increase	x	Base Per Pupil Allocation	=	Pupil Increase Base <sup>A</sup>
411		\$ 3,102.00		B \$1,274,922
Total Pupils	x	Increase	=	Increase for All Pupils <sup>B</sup>
12,115		\$ 67.00		A \$811,705

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

Footnote 2 - Reconciliations

\* Reconciliation to CHCCS FY 2012-13 Budget Presentation:

Fund Balance Amount Per Audit \$10,328,358  
 Appropriated Fund Balance FY 2012 \$3,652,913  
 Fund Balance - CHCCS \$6,675,445

\* Reconciliation of Excess Fund Balance

Excess Fund Balance above ① \$6,969,051  
 Less: Appropriated Fund Balance \$3,652,913  
 Excess Fund Balance per County Manager's Message \$3,316,138

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**Chapel Hill-Carrboro City Schools**

**Funding Scenarios - Per Pupil Funding Above the Manager's Recommended Budget**

2012-13 CHCCS Students 12,115

Current CHCCS Tax Rate (in cents): 18.84

1 Cent Increase Generates: \$1,013,877

		Proposed Per Pupil Increase	
	\$	\$67	\$220
Funding Per Pupil	3,102	3,169	3,322
Cost of Per Pupil Increase	-	811,705	2,665,300
CHCCS Current Expense	\$37,580,730	\$38,392,435	\$40,246,030
District Tax Effect of Per Pupil Increase	-	0.80	2.63
Revised CHCCS Tax Rate (in cents):	-	18.04	16.21

1  
2  
3 **Orange County's Cash Flow Activity (General Fund) FY 2011-12**  
4

5 County's Beginning Cash Balance (7/1/2011)	\$34,723,620
6 Cash Balance (as of 10/31/11)	\$13,294,911
7 Beginning Fund Balance (7/1/2011)	\$27,782,007
8 Fund Balance (as of 10/31/11)	\$6,353,298

9  
10  
11 Donna Coffey said that Superintendent Rhodes is looking at some examples that could  
12 be hitting OCS in the fall and they may have to use the rest of their fund balance.

13 Superintendent Rhodes said that his wish is not to come to the Board as a bank. He  
14 said that OCS has built up the fund balance largely by using the State's funding flexibility rules.  
15 This will be greatly restricted this year. He said that there is still the possibility of big payouts to  
16 the charter schools and they have to be prepared for that. He said that there is also a  
17 possibility for a payout for homeschooled students, and that would mean an obligation of  
18 \$831,000 from OCS. This is a serious threat to funding. There is also a possibility of a 10%  
19 reduction in Title I funding from the Federal government.

20 Donna Coffey said that this is a long-term problem and OCS is losing funding for 39  
21 teachers, so if the fund balance is used this year, then next year OCS will be in the same  
22 position asking for more funds.

23 Chair Pelissier echoed the sentiment of her colleagues and said that these are issues  
24 that are not going to go away. She said that the schools have some of the same budget drivers  
25 as the County does. She said that the County Commissioners need to support the County  
26 employees too because they have not received a raise in three years.  
27

## 1 **Chapel Hill Carrboro City Schools**

2  
3 Superintendent Tom Forcella said that he has only been here one year but he  
4 understands how valuable education is to all. He said that both school systems have a very  
5 collaborative relationship. He said that the schools using their own fund balance makes sense  
6 to him and he sees the fund balance as the rainy day fund. He said that CHCCS has the same  
7 concern as the OCS about the unknowns in the future. He said that he would caution them all  
8 about the use of the local fund balance. They made a lot of choices in their budget this year  
9 and they live in an area with high expectations. He made reference to salaries and said that  
10 there are teachers that are making less money today than they were four years ago because  
11 the costs have gone up but their salaries have not.

12 CHCCS Board Chair Mia Burroughs said that their board knows the economic recovery  
13 is going to be slow. She said that they planned to spend 40% of the fund balance in one year,  
14 40% the next year, and 20% the third year. She said that last year they spent \$2.6 million, they  
15 are budgeting \$2.6 million for next year, and the third year is \$1.3 million. She said that she  
16 sees vulnerability here since they just asked the citizens to pass the ¼-cent sales tax.

17 Commissioner Gordon asked Clarence Grier why they would be decreasing the district  
18 tax. Clarence Grier said that if the property tax were increased, the district tax could be  
19 decreased to offset the tax increases that would have to be provided for the OCS. He said that  
20 the County Commissioners would not have to do it, but the staff was just letting them know  
21 what the decrease would be to be neutral.

22 Commissioner Gordon said that she would not want to see the district tax reduced.

23 Clarence Grier said that it would not be a loss in revenue if the district tax were reduced  
24 and the property tax were increased.

25 Commissioner Jacobs thanked the staff and Manager for being so prudent. He said that  
26 staff should have a conservative fiscal outlook, but this is a decision for the Board of County  
27 Commissioners to make and not staff.

28 Clarence Grier said that the budget analysts will review each department's budget.  
29  
30

## 31 **2. Sportsplex**

32  
33 Paul Laughton said that this is found on page 244 of the budget document. John Stock  
34 was present to answer questions. Paul Laughton made reference to Attachment #4 that gave a  
35 breakdown of the annual budget. He said that John Stock sent an email out to the Board of  
36 County Commissioners yesterday with an update. He reviewed the budget highlights.

37 John Stock said that the 6% increase in revenue this year is because of investments the  
38 Board of County Commissioners made in the facility.

39 Commissioner Jacobs read a note from a citizen thanking the County Commissioners  
40 for taking over the Sportsplex and for doing such a good job.  
41

## 42 **3. County Departments**

### 43 **• Emergency Services (page 111)**

44  
45  
46 Paul Laughton reviewed the budget highlights. The total expenditure budget for 2012-  
47 13 for Emergency Services is \$8.5 million. This is an increase of \$565,000 in this year's  
48 original budget. There are positions for next year – four Telecommunicators, six Paramedics,  
49 and one Assistant Fire Marshal. The positions will be staggered.

1 Commissioner Yuhasz asked if the offsetting revenues were done by division and Paul  
2 Laughton said it is in the line item detail.

3 Commissioner McKee said that the major capital expenditures would come back in the  
4 fall.

5  
6 • **Sheriff (*including Fee Schedule change requests*)**

7 Sheriff Pendergrass' budget is on page 217. Paul Laughton said that the overall  
8 expenditure budget is \$11.2 million, which is a decrease of \$90,000. The decrease is related to  
9 the capital outlay and purchasing vehicles out of that outlay. There is an increase in operations  
10 of \$80,000. There is also an increase of \$42,000 for temporary personnel to provide additional  
11 courtroom security coverage issues.

12 Paul Laughton made reference to fee schedule changes on page 327. There are about  
13 6-7 fee schedule changes.

14 Commissioner McKee asked about a request for 12 patrol cars and that the Manager  
15 recommended six cars. He asked if additional cars could be added mid-year and Frank Clifton  
16 said yes, if funding is available.

17  
18 *Commissioner Hemminger arrived at 8:43 PM.*

19  
20 Sheriff Pendergrass said that if there is some way to increase salaries this year  
21 throughout the County, he would appreciate it because he is losing vital people that are going to  
22 other municipalities for higher salaries.

23  
24 • **Register of Deeds**

25 This was on page 214. Paul Laughton said that this is pretty much a flat budget. He  
26 said that the economy has affected their revenues and they have reduced revenues next year  
27 of \$100,000. The revenues will fall short of the original budget.

28  
29 • **Child Support Enforcement**

30 This was on page 67. Paul Laughton said that this expenditure budget is almost flat  
31 next year. He said that the revenues have decreased about \$210,000 from a reduction in  
32 indirect cost-allocation plan for next year. There will also be decreased reimbursements due to  
33 the move to the West Campus.

34  
35 • **County Attorney**

36 This was on page 80. The budget is generally flat and there is a small operational  
37 decrease. Chair Pelissier said that there is a revised organizational chart for this department at  
38 the County Commissioners' places.

39 John Roberts said that this is still a new department and he moved some line items  
40 around to reflect some changes. He said that the County Commissioners should pay attention  
41 to outcomes, and he reviewed these (collections program, codification of general ordinances,  
42 and no more backlog of closed general accounts).

43  
44 • **Elections**

45 This was on page 63. The total expenditure budget is \$557,000. There is a decrease of  
46 \$136,000 in this budget because last year there were three elections. There is an increase in  
47 expenditures for voting machine maintenance costs. The capital outlay of \$4,700 includes the  
48 purchase of four alert systems for one-stop curbside voters.

49 Commissioner Jacobs asked if there were federal election funds available and it was  
50 answered that these have not been released yet.

1 Commissioner Foushee asked about the special election by Carrboro and if there was  
2 any preparation for this. It was answered that it would cost about \$18,000 and the Town of  
3 Carrboro would be responsible for 100% of this cost.  
4

5 • **Library**

6 This was on page 159. The total expenditures are \$1.7 million, which is an increase of  
7 \$30,414. It is noted that the Hyconeechee Regional Library System will dissolve. Due to this,  
8 there has been an increase in costs. Also, the funding for the Chapel Hill Library, which totals  
9 \$399,984, can be found on page 180 in the non-departmental section. This is 24% of the  
10 expenditures.

11 Library Services Director Lucinda Munger said that on July 1<sup>st</sup> the dissolution will take  
12 place of the Hyconeechee Regional Library system. For the first time, the library system will be  
13 known as the Orange County Public Library and not as the Hyconeechee Regional Public  
14 Library. The total items circulated for the fiscal year is about to surpass 400,000. This does  
15 include e-books.

16 Commissioner McKee asked how the book drop was working and Lucinda Munger said  
17 that citizens have been learning that this space is for book drops only.

18 Commissioner Jacobs asked about the status of providing library services for people in  
19 northern Orange who were served by the Cedar Grove Library. Lucinda Munger said that there  
20 seems to be an increase in circulation from this portion of the County. This will be addressed in  
21 the strategic plan that the County will commence with UNC-Greensboro. The strategic plan will  
22 be funded with federal funds.

23 Commissioner Jacobs asked for information about how much it would cost to be open  
24 for 68 hours per week like the Chapel Hill Library is.

25 Commissioner Jacobs made reference to the e-Newsletter program and asked that the  
26 County Commissioners be put on this. Lucinda Munger said that she thought they were on the  
27 list, but she will check.

28 Commissioner Hemminger said that she wants the document to show that the County  
29 Commissioners increased the contribution to Chapel Hill Library last year and not just this year.

30 Clarence Grier said that he will make a note in the budget.

31 Commissioner Yuhasz said that the County is looking at an increase of the Orange  
32 County Library budget of \$30,414. He thought that the amount of the Chapel Hill increase was  
33 to be limited to the amount of the County increase.

34 Frank Clifton said that they separate out the proposed increase in employee  
35 compensation for non-departmental until the Board decides. Once the Board decides on the  
36 compensation, the library salary line items will be addressed.

37 Commissioner Foushee suggested not changing the numbers and just putting in a  
38 footnote. She does not want to change from the standard.

39 Commissioner Gordon said that there should be cross references where there are  
40 financial commitments made.

41 Commissioner Hemminger asked how many Kindles there were and Lucinda Munger  
42 said 20. There is a small waiting list at all times.

43 Commissioner Jacobs made reference to the three-year strategic plan and the  
44 southwest branch library and that it would be obsolete. He asked if the strategic plan would  
45 look at the future of library service and how that will fit.

46 Lucinda Munger said that the consultant will be assisting staff to address this issue.  
47  
48  
49  
50

1       • **Solid Waste (*including Fee Schedule change requests*)**

2       This was on page 234. The expenditure totals are \$14.9 million, which is an increase of  
3 \$2.6 million. Much of the increase is due to landfill closure costs. Also, the general fund  
4 contribution to sanitation is almost \$1.6 million, which is a slight decrease of \$23,600 from the  
5 prior year. The recycling division saw some decreases in curbside and food waste composting  
6 contractual agreements and there will be some improvements at the High Rock Road  
7 Convenience Center with a target completion date of July 2013. There are some fee schedule  
8 changes on page 239.

9       Solid Waste Director Gayle Wilson said that this next year will be the last year of  
10 revenue received for the jointly owned portion of the Greene Tract. The County, Carrboro, and  
11 Chapel Hill will make the last payment in 2012-13. He said that Orange County again leads the  
12 State in waste reduction, but the percentage remains at 56%.

13       Commissioner Jacobs asked about citizens paying for and getting less of a full serving  
14 of mulch because the full scoop is too much for some vehicles. Gayle Wilson will look into this.

15       Commissioner McKee suggested delaying the next Solid Waste Convenience Center  
16 (SWCC) upgrade until the Walnut Grove Church Road site is up and running.

17       Gayle Wilson said that there will be a gap between the completion of the Walnut Grove  
18 site and construction on the next site. The timing is up to the Board.

19       Commissioner Hemminger asked about the estimated costs for cleaning up the small  
20 illegal dump sites and Frank Clifton said that it is in a reserve fund in the amount of \$50,000.  
21 There is also a line item in the budget for Rogers Road mediation.

22  
23       • **Tax Administration**

24  
25       This was on page 245. The total budget is \$2.4 million, which is an increase of \$83,000  
26 over this year. There are a couple of positions for next year. Approximately \$180,000 needs to  
27 be kept in the revaluation fund budget for next year. The \$350,000 savings is coming from a  
28 transfer from the General Fund.

29       Tax Administrator Jenks Crayton spoke about the software that was giving lots of  
30 problems. He thinks that the company will remedy the shortcomings. Property taxation is a  
31 moving target and things have to be changed a lot.

32  
33       • **Information Technologies**

34       This was on page 156. The total expenditure budget is \$2.2 million. This is an increase  
35 of \$87,000. There is an increase in operations of \$68,000, which is due to an increase of  
36 \$13,000 for software and licensing fees and an increase of \$60,000 for new applications that  
37 have been implemented.

38       Chief Information Officer Todd Jones said that this budget is similar to the current fiscal  
39 year. There are also some standards for managing credit card data and costs associated with  
40 that.

41       Frank Clifton said that UNC is doing the Information Technology Strategic Plan and that  
42 it will probably come through this fall.

43       Commissioner Yuhasz asked about the taxation software and if Todd Jones had any  
44 comment on its reliability.

45       Todd Jones said that North Carolina taxation law is very different from other states, so  
46 the market for software that can operate well in North Carolina is very small. He thinks that the  
47 decision that was made at the time was based on the information that they had. He still feels  
48 that this was the best decision that could have been made. It is the same software used by  
49 Mecklenburg, Wake, Guilford, and ten to fifteen other counties. He is working to make sure the  
50 shortcomings are addressed.

1 Commissioner Gordon asked if the County had any leverage to correct the unreliable  
2 software. She said that this is unacceptable.

3 Todd Jones said that the software is owned by the NCACC, so this is not a traditional  
4 private vendor. The maintenance and enhancements are managed by a private firm.

5 Commissioner Gordon asked that this be pursued aggressively.

6 Commissioner Jacobs made reference to page 26 in the CIP, where it says that capital  
7 outlay is \$0, but there is another whole part of the budget where there is almost \$1 million. He  
8 said that this year's budget is almost double last year's.

9 Todd Jones said that the difference is that there is \$250,000 for the ILS system for the  
10 library and an extra \$200,000 to upgrade the older systems to Windows 7, etc. There are still  
11 450 machines that have older software.

12 Commissioner Jacobs said that he is not comfortable with moving forward with the  
13 Information Technology requests when there is not an Information Technology strategic plan.

14 Commissioner Gordon said that she wants to push the NCACC about this software  
15 unreliability.

16 Commissioner Foushee said that this has been high on NCACC's agenda for the past  
17 year.

18 Commissioner Yuhasz said that the County Commissioners need to get a better sense  
19 of what this issue is regarding the reliability of the software.

20  
21 • **Board of County Commissioners**

22 This was on page 59. The total expenditure budget is \$677,431, which is an increase of  
23 \$80,000. There are three things contributing to the increase – contract for codification, which is  
24 the UDO compilation that is \$25,000; a proposal for a contract for Sound Advice, which is audio  
25 and visual support for up to 70 meetings, which totals \$37,450; and there are a few additions in  
26 the line items, specifically related to operations.

27 Clerk to the Board Donna Baker clarified the contract for Sound Advice. She asked the  
28 County Commissioners to please consider web-streaming all meetings. This would cost about  
29 \$60,000 and it is not in the recommended budget, but she would like the Board to consider this.

30 Commissioner Yuhasz said that he thinks all meetings should be web-streamed.

31 Donna Baker said that she got an estimate to upgrade this room for technology and it  
32 was approximately \$80,000.

33 Commissioner Jacobs suggested phasing it in and doing the most important meetings  
34 first.

35  
36 • **Planning and Inspections and Orange Public Transportation with Efland Sewer  
37 (including Fee Schedule change requests)**

38 Frank Clifton said that Planning Director Craig Benedict has taken on a lot of  
39 responsibilities this past year.

40 This was on page 200. Planning and Inspections and Efland Sewer are within the same  
41 pages. Planning and Inspections expenditures increased by \$35,000 this year and the majority  
42 of that increase is due to an additional proposed new position, 0.5 FTE in the Planning  
43 Department and the other 0.5 FTE in the Health Department to help with the central permitting  
44 process. The fee change for the Efland Sewer is on page 329. There is a proposal to modify  
45 the rate structure for the sewer system to match the City of Mebane. For a revenue neutral  
46 rate, it would be \$13.20 per 1,000 gallons.

47 Craig Benedict said that the property development specialist position will help them  
48 move forward with customer service where a person can answer questions in environmental,  
49 well and septic, zoning, erosion control, billing, etc. This position will be cross-trained and will

1 help with economic development also. He said that the operational expenses are a little higher  
2 this year due to putting more funding into code enforcement.

3 Commissioner Jacobs asked about the agreement with Mebane. He said that the rate is  
4 going to be higher than the out-of-town rate and he asked if Mebane would be content not to  
5 annex in exchange.

6 Craig Benedict said that the revenue that Mebane would get under the system would be  
7 equal to the standard program for out-of-town rates.

8 Commissioner Jacobs asked about joint planning with Mebane.

9 Craig Benedict said that the subjects are being broached and he can meet with some  
10 representatives and work on this before meeting with Mebane again.

11 Commissioner Yuhasz said that it would be appropriate to see what Mebane's land use  
12 vision is before trying to mesh an unknown plan with the County's at this point. He suggested  
13 waiting to see what Mebane comes up with.

14 Craig Benedict said that he is in contact with the City of Mebane and their consultant to  
15 let them know that Orange County does have a land use plan. It does not seem that Mebane  
16 has any problem with what Orange County is suggesting from Efland west.

17  
18 *The Board agreed to continue the meeting at 10:32 PM.*

19  
20 Lisa Henty gave some budget highlights on page 188 for OPT. Page 312 has the  
21 proposed fee changes. Expenditures did rise slightly by about \$68,000. Part of that is a  
22 request for an additional \$23,000 for flex drivers. Another large increase is in the motor pool  
23 costs, which is about \$17,000. There is also capital outlay of \$7,000 for NCDOT reporting.

24 Commissioner Gordon said that the County needs to do a better accounting of OPT's  
25 costs.

26  
27 • **County Manager**

28 This was on page 83. The budget totals \$824,000 and is an increase of \$111,000,  
29 which is associated with the Public Information Officer position as well as operational items  
30 such as travel, training, and expenses.

31 Greg Wilder said that the Manager's budget as originally requested is a decrease of  
32 \$8,502.

33 Commissioner Jacobs said that there will be three Assistant County Managers and one  
34 County Manager and only three people they will be supervising. He said that he would like the  
35 third Assistant Manager position up for a vote on a future agenda.

36 Frank Clifton said that Commissioner Jacobs is correct and there have not been three  
37 Assistant Managers in the past, but in the past there were more department heads. He said  
38 that more responsibility is being moved to Clarence Grier and two of the Assistant Managers in  
39 the County Manager's budget. Clarence Grier will be in the Financial Services budget. They  
40 also have eliminated the Asset Management Position (AMS) director position.

41 Commissioner Jacobs said that this should be articulated outside of the budget process.

42 Commissioner Gordon agreed with Commissioner Jacobs to put it on an agenda.

43 No other Board members wanted to vote on this item outside of the budget process.  
44

45 • **Financial Services**

46 This was on page 121. The total budget is \$3.1 million, which is an increase of \$2.1  
47 million. The majority of this increase comes from the risk management function coming under  
48 financial services next fiscal year. There is also a request for the Risk Manager position that is  
49 a new position but coming under the retirement of the current director as well as a position for

1 an accountant/internal auditor, which will be responsible for the reporting process for the grant  
2 funding for the entire County.

3

4 A motion was made by Commissioner Hemminger, seconded by Commissioner  
5 Foushee to adjourn the meeting at [10:47 PM](#).

6 VOTE: UNANIMOUS

7

8

Bernadette Pelissier, Chair

9

10 Donna S. Baker, CMC

11 Clerk to the Board

1 DRAFT

Attachment 3

2  
3  
4  
5  
6  
7  
8

**MINUTES  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
June 5, 2012  
7:00 p.m.**

9 The Orange County Board of Commissioners met in regular session on Tuesday, June  
10 5, 2012 at 7:00 p.m. at the DSS offices, Hillsborough Commons, Hillsborough, N.C.

11  
12 **COUNTY COMMISSIONERS PRESENT:** Chair Bernadette Pelissier and Commissioners  
13 Valerie Foushee, Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee, and Steve  
14 Yuhasz

15 **COUNTY COMMISSIONERS ABSENT:**

16 **COUNTY ATTORNEYS PRESENT:** John Roberts

17 **COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Gwen Harvey,  
18 Assistant County Manager Michael Talbert and Clerk to the Board Donna Baker (All other staff  
19 members will be identified appropriately below)

20  
21 **NOTE: ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE IN THE PERMANENT**  
22 **AGENDA FILE IN THE CLERK'S OFFICE.**

23  
24 **1. Additions or Changes to the Agenda**

25 The Chair went through the items at the County Commissioners' places:

- 26  
27 - Gray sheet – replacement of item 6-b, UDO Text Amendment  
28 - White sheet – copy of memo from Commissioner Gordon regarding item 7-a,  
29 Orange County Transit Plan and Related Agreement  
30 - Updated copy of the Transit Plan  
31 - White sheet – “untitled” at the top – Additional information from the Town of  
32 Hillsborough related to item 7-c, Exchange of Properties between Orange County  
33 and Eno River Parking Deck

34  
35 **PUBLIC CHARGE**

36  
37 *The Chair dispensed with the reading of the public charge.*

38  
39 **2. Public Comments**

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

41  
42 John Silva- Citizens United to Protect the Cane Creek Watershed

---

43  
44 **STATEMENT TO BOARD OF ORANGE COUNTY COMMISSIONERS**

45 **JUNE 5, 2012**

46 Good evening, my name is John Silva, a resident of the Cane Creek area in Bingham  
47 Township. I represent a community group named Citizens United to Protect the Cane Creek

1 Watershed (CUPCCW). I respectfully request that the written statement I am about to read be  
2 recorded in tonight's minutes.

3 For over a year Cane Creek area residents have attempted to receive information identifying  
4 the path of an OWASA/Cane Creek recreational trail proposed by Orange County Land  
5 Management (OCLM) staff, and Friends of the Mountain to Sea Trail (FMST). We eventually  
6 learned that the trail is proposed on OWASA land adjacent to property and residences on Apple  
7 Mill Road, Mt. Mitchell Road and Thunder Mt.

8 Cane Creek community efforts to work with OCLM and FMST have met with minimal  
9 responsiveness. The expressed concerns of Cane Creek area residents have clearly not been  
10 in the forefront of the planning for the proposed OWASA/Cane Creek segment of the trail.

11 Given the lack of response by OCLM and FMST to concerns expressed regarding the  
12 placement of the proposed OWASA/Cane Creek trail members of our communities formed  
13 CUPCCW.

14 The purpose of the group is to engage the Board of County Commissioners, Orange County  
15 Land Management, NCDENR and FMST in dialogue regarding this matter.

16 Representatives of our group have interacted with all of the above entities and met with most of  
17 the Orange County Commissioners. We want to thank you for your time and interest.

18 While the MST is in concept a valuable idea, the placement of specific segments of the trail  
19 should not infringe upon nearby residents basic rights such as privacy, security and in this  
20 instance protection of the Cane Creek watershed.

21 Given that MST Executive Director has publically stated that hikers have walked the entire MST  
22 from the mountains to the sea the need for the proposed MST Cane Creek/ OWASA segment  
23 is entirely unnecessary for the goal of the MST organization to be achieved.

24 Tonight, we respectfully ask the Board of County Commissioners to open a dialog on the  
25 proposed routing of the MST through Bingham Township.

26 We hope that once the Board fully reviews the situation the Board will agree with CUPCCW that  
27 the proposed OWASA/Cane Creek segment presents unacceptable and unnecessary risks to  
28 Cane Creek area residents and compromises the protection of the Cane Creek Reservoir, a  
29 major water supply for greater Chapel Hill.

30 We specifically request that the Board require OCLM staff to stop working on the proposed  
31 OWASA/Cane Creek segment and that this segment be removed from further consideration.

32 We ask the Board to advise OCLM to focus on segments of the MST in other parts of Orange  
33 County allowing the exploration of viable alternatives to the proposed OWASA/Cane Creek  
34 segment.

35 We understand that OCLM staff and FMST have scheduled an educational meeting on the  
36 MST for the end of June. This meeting will be helpful for individuals who seek general  
37 information about the trail.

38 However, CUPCCW requests that the subject of a possible routing of the MST through  
39 Bingham Township be placed on the Board's agenda for a late September or early October  
40 meeting.

1 Thank you for your consideration and action on the requests communicated by CUPCCW this  
2 evening.

3 Residents of the Cane Creek area and Bingham Township look forward to discussing this  
4 subject openly and completely at the requested fall meeting.

5 Respectfully submitted, John M. Silva

6  
7 CUPCCW Contacts:

8 Bill Charles (Mt. Mitchell) [bacharles@earthlink.net](mailto:bacharles@earthlink.net)

9 Phil Duckwall (Mt. Mitchell) [phil3826@yahoo.com](mailto:phil3826@yahoo.com)

10 Nancy Holt (Bradshaw Quarry Rd.) [fg325@aol.com](mailto:fg325@aol.com)

11 Beth and Jim Hooten (Mebane Oaks Rd.) [eghooten@gmail.com](mailto:eghooten@gmail.com)

12 Jim and Marlene O'Conner (Teer Rd.) [joc@mebtel.net](mailto:joc@mebtel.net)

13 Christine and John Silva (Thunder Mt.) [jmscms67@gmail.com](mailto:jmscms67@gmail.com)

14 Dave and Donna Walser (Apple Mill Rd.) [dbwalser@me.com](mailto:dbwalser@me.com)

15

16

17 Don O'Leary said that the Board of County Commissioners is committing high  
18 treason by being a member of the foreign communist socialist organization of ICLEI. He  
19 said that the County Commissioners are fully conscious and aware of whom they are  
20 dealing with. He said that Orange County is the only communist county in N.C.

21

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

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

25

26 **3. Petitions by Board Members**

27 Commissioner Hemminger asked the Board to review the appointments to the  
28 Workforce Development Board. There are some changes with this initiative that the County  
29 Commissioners need to be aware of and there are some terms expiring and shifting.

30

31 **4. Proclamations/ Resolutions/ Special Presentations-NONE**

32

33 **5. Consent Agenda**

34

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

36 Commissioner Jacobs removed item 5-f, Renewal of Contract with In-Home Aide  
37 Providers to Provide In-Home Aide Services to Eligible Adults.

38

39 • **Approval of Remaining Consent Agenda**

40 A motion was made by Commissioner Foushee, seconded by Commissioner  
41 Hemminger to approve those items on the Consent Agenda as stated below:

42

43 **VOTE: UNANIMOUS**

44

45 **a. Minutes**

46 The Board approved the minutes from March 1, 13 and May 15, 2012 as submitted by the  
47 Clerk to the Board.

48

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

1 The Board adopted a release/refund resolution, which is incorporated by reference, related  
 2 to 49 requests for motor vehicle property tax releases or refunds in accordance with  
 3 NCGS.

4 **c. Property Tax Releases and/or Refunds**

5 The Board adopted a resolution, which is incorporated by reference, to release property  
 6 values related to twenty-six (26) requests for property tax release and/or refunds in  
 7 accordance with North Carolina General Statute 105-381.

8 **d. Application for State Aid to Public Libraries**

9 The Board authorized the Chair to sign the application and all future annual applications for  
 10 State Aid grant as required by the State Library of North Carolina.

11 **e. Renewal of Contract with Northern Blue, L.L.P. for DSS Legal Services**

12 The Board accepted the Social Services Board recommendation and approved the contract  
 13 renewal for legal representation with Northern Blue, L.L.P., for Fiscal Year 2012-2013 and  
 14 authorized the Chair to sign the contract contingent upon approval of the Orange County  
 15 FY 2012-13 budget.

16 **f. Renewal of Contracts with In-Home Aide Providers to Provide In-Home Aide Services  
 17 to Eligible Adults**

18 The Board removed this item and placed it at the end of the consent agenda for separate  
 19 consideration.

20 **g. Renewal of Agreement for Social Work Services Between Orange County Schools  
 21 and Orange County Department of Social Services**

22 The Board accepted the recommendation of the Social Services Board and renewed the  
 23 agreement for eight permanent full time social worker positions and supervision to be  
 24 funded through the agreement, and authorized the Chair to sign the agreement contingent  
 25 upon the continuation of federal and agreement funding and approval of the Orange  
 26 County FY 2012-13 budget.

27 **h. Renewal of Agreement with UNC Hospitals for DSS to Provide Medicaid Workers**

28 The Board accepted the Social Services Board recommendation and approved the  
 29 agreement renewal with UNC Hospitals and authorized the Chair to sign the agreement  
 30 pending approval of the Orange County FY 2012-13 budget.

31 **i. Rejection of All Bids for Construction of Walnut Grove Church Road Solid Waste  
 32 Convenience Center and Authorization to Rebid**

33 The Board rejected all bids for Bid Number 367-283 for the construction of the Walnut  
 34 Grove Church Road Solid Waste Convenience Center and authorized staff to rebid the  
 35 project and present a recommended bid to the Board for award at the August 21, 2012  
 36 regular Board meeting.

37 **j. Orange County ABC Board Travel Policy**

38 The Board approved the Orange County Alcoholic Beverage Control Board's adoption and  
 39 use of the Orange County's travel policy.

40 **k. Request for Road Addition to the State Maintained Secondary Road System**

41 The Board forwarded the Petition for Addition to the State Maintained System to the North  
 42 Carolina Department of Transportation for a subdivision road in Birdsong Subdivision; and  
 43 recommended the Department of Transportation accept the road for maintenance as a  
 44 State Secondary Road.

- 45
- 46 • **Discussion and Approval of the Items Removed from the Consent Agenda**
- 47

48 **f. Renewal of Contracts with In-Home Aide Providers to Provide In-Home  
 49 Aide Services to Eligible Adults**

50

1 Commissioner Jacobs said that he wanted to point out that Orange County maintains a  
2 living wage for its employees and in its contracts for those who are providing in-home aide for  
3 seniors. He said that it is important to continue to reaffirm this fact.

4 A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to  
5 approve continuing contracts to provide In-Home Aide Services with Arcadia Health Services,  
6 Inc., Premier Home Health Care Services, Inc., Personalized Patient Home Assistance, Inc.,  
7 CNC Access, Inc., Flaircare, Inc., and TAMM, L.L.C. for FY 2012-2013, and authorize the Chair  
8 to sign the contracts contingent upon approval of the Orange County FY 2012-2013 budget.

9 VOTE: UNANIMOUS

10  
11 **6. Public Hearings**

12  
13 **a. Proposed UDO Text Amendment: New Section 6.20: Public Sewer**  
14 **Connection**

15 The Board received the Planning Board recommendation, closed the public hearing, and  
16 considered a decision on a Planning Director initiated text amendment to create a new Section  
17 6.20 of the Unified Development Ordinance (UDO) outlining public sewer connection  
18 requirements.

19 Kevin Lindley, Staff Engineer, said that this item was heard at the February 27, 2012  
20 Quarterly Public Hearing. Subsequently, it went to the Planning Board and was heard at two  
21 meetings. The majority of the Planning Board's discussion of this item concerned the ability of  
22 using the viable repair area if a septic system failed. The original amendment to the UDO as  
23 presented at the QPH did not allow this circumstance. After the two Planning Board meetings,  
24 a unanimous recommendation was made that all new construction be required to connect to the  
25 public sewer service, but if someone has a septic system that fails, they would be given an  
26 option to use the viable repair area on their property or to connect to a public sewer system.

27 Another issue that came forward at the Planning Board meetings was the definition that  
28 is part of the UDO amendment for a public sewer service area. He read this definition:

29 "An area located within Orange County's primary service area in the Water and Sewer  
30 Management Planning and Boundary Agreement that is currently served by public sewer or is  
31 expected to be served by public sewer in the near term."

32 Commissioner Jacobs made reference to page 9, Section 6.20.1-C and asked if this  
33 was the change from the Planning Board and Kevin Lindley said yes. He said that this was  
34 something that he and Commissioner McKee brought up at the quarterly public hearing.

35 Commissioner Jacobs made reference to item B on the same page and asked if it was  
36 considered that this is a significant cost that would be incurred by property owners to have to  
37 put in a private sewage pumping station. Kevin Lindley said that pumping systems are more  
38 expensive than regular sewer systems.

39 Commissioner Jacobs said that he wants to know the cost of this. Kevin Lindley said  
40 that it would probably be about \$10,000.

41 Frank Clifton said that there is a grinder pump system for single family homes that is not  
42 quite that expensive.

43 Craig Benedict said that the gravity sewer system should pick up 90-95% of the  
44 properties in that area.

45 Commissioner Yuhasz said that the County Commissioners had an email from a citizen  
46 about financial assistance in this issue.

47 Commissioner Jacobs said that he would like to make a motion to direct staff to  
48 research having a fund for this kind of financial assistance.

1 A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to  
 2 direct staff to investigate a low-interest loan program to help people that want to hook up to the  
 3 Orange County managed sewer systems.

4 VOTE: UNANIMOUS

5  
 6 A motion was made by Commissioner Foushee, seconded by Commissioner  
 7 Hemminger to receive the Planning Board's recommendation of approval; close the public  
 8 hearing; and Adopt the Ordinance of Approval for the UDO text amendments contained within  
 9 Attachment 2, "An Ordinance Amending the Unified Development Ordinance of Orange  
 10 County."

11 VOTE: UNANIMOUS

12  
 13 **b. UDO Text Amendment(s) – Rural Economic Development Area Conditional**  
 14 **Zoning District**

15 The Board received the Planning Board recommendation, closed the public hearing, and  
 16 considered a decision on a Planning Director initiated Unified Development Ordinance (UDO)  
 17 text amendment relating to the creation of the Rural Economic Development Area Conditional  
 18 Zoning District (REDA-CZ-1) in the NC Highway 57 Speedway area.

19 Michael Harvey made reference to the replacement to attachment 2, page 15. There is  
 20 an additional amendment to address some concerns. The gray sheet is supposed to replace  
 21 pages 15-23 of the packet. He summarized each of the attachments. This item was presented  
 22 at the February 27, 2012 Quarterly Public Hearing. This small area plan allows the potential for  
 23 additional non-residential activities in areas of the County where there is existing non-residential  
 24 land uses. This plan also provides a potential pathway to bring the speedway and the go-cart  
 25 track into conformity. These existing uses are non-conforming at this time and cannot be  
 26 expanded as they are listed at this time.

27 Michael Harvey said that concerns were expressed at the QPH by Commissioner  
 28 Jacobs and Commissioner McKee regarding the buffers and impacts of the speedway area.  
 29 This information was discussed by the Planning Board at length, and this information is  
 30 provided in the attachment. He clarified that this Rural Economic Development Area  
 31 designation can only be applied in this NC 57 Small Area Plan. He said that he thinks that all of  
 32 the concerns have been addressed.

33 The Planning Board recommended approval of this amendment as long as staff  
 34 incorporated the requested changes. He went through the changes as listed on the gray sheet,  
 35 which were bolded and underlined.

36  
 37 **NO PUBLIC COMMENT**

38  
 39 Commissioner Jacobs said that everyone from property owners to the owners of the  
 40 speedway was invited to attend the SAP meetings. There were two Board of County  
 41 Commissioners members participating. He said that it is important that this went very quickly  
 42 and it was very collaborative.

43 Commissioner Jacobs made reference to page 9 of the original abstract, item #7. He  
 44 said that two issues came up and they tried to make a more definitive statement about Orange  
 45 County's interest in having recreational facilities that were available to Orange County and that  
 46 Orange County would be part of the process. He said that this was taking place right after  
 47 Hillsborough was fighting to prevent an asphalt plant right next to the Agricultural Food  
 48 Processing Center. He said that the group wanted it stated in writing that no asphalt plant  
 49 would be permitted. He asked staff to address these concerns.

1 Michael Harvey said that staff could provide detail in the ordinance to address the  
2 asphalt plant issue.

3 Commissioner Jacobs suggested adding something about parkland and made reference  
4 to #7 on page 9. He suggested saying, "the creation of additional parkland within the study  
5 area shall be at least proportional to the amount of quarry acreage in Orange County."

6 Michael Harvey said that page 9 is part of the abstract and for the County  
7 Commissioners to direct staff to begin dialogue formally with Durham County and quarry staff.

8 A motion was made by Commissioner Hemminger, seconded by Commissioner McKee  
9 to close the public hearing.

10 VOTE: UNANIMOUS

11  
12 A motion was made by Commissioner McKee, seconded by Commissioner Hemminger  
13 to receive the Planning Board's recommendation of approval; and adopt the Ordinance of  
14 Approval for the UDO text amendments as contained within the **revised** Attachment 2, "An  
15 Ordinance Amending the Unified Development Ordinance of Orange County."

16 VOTE: UNANIMOUS

17  
18 A motion was made by Commissioner Yuhasz, seconded by Commissioner Jacobs to  
19 direct staff to bring back modifications to the ordinance to prohibit the building of an asphalt  
20 plant within the NC 57 Small Area Plan area.

21 VOTE: UNANIMOUS

22  
23 A motion by Commissioner Jacobs, seconded by Commissioner Foushee to direct staff  
24 and the Chair to initiate discussions with Durham County and quarry staff regarding the future  
25 disposition of recreational facilities to be created at the close of the quarry.

26 VOTE: UNANIMOUS

27  
28 **c. Public Hearing on Potential Placement of a Half-Percent Sales Tax**  
29 **Referendum for Public Transportation on the November 2012 Elections Ballot**

30 The Board conducted a public hearing on the potential placement of a ½ - percent sales  
31 tax referendum on the November 2012 ballot as a funding source for implementing the Bus and  
32 Rail Investment Plan in Orange County.

33 Craig Benedict introduced this item. He said that this is being permitted through session  
34 law 2009-527, also known as House Bill 148. This allows the County to put forward revenue  
35 sources for the Orange County Bus and Rail Investment Plan (Orange County Transit Plan).

36 David King from Triangle Transit said that the Board of County Commissioners has had  
37 plenty of opportunity to review this plan over the past 15 months. He spoke about a smoother,  
38 faster, more reliable bus transit system. The last phase is 3+ miles of light rail in Orange  
39 County that would be connected to another 14+ miles in Durham County. These components  
40 are all priced in the plan and the financial model considers conservative growth in sales tax  
41 revenue. If the Federal partner for funding is not in place, the light rail cannot be afforded.

42  
43 **PUBLIC COMMENT:**

44 Chris Weaver said that there is a disparity in paying for transit. Everyone will pay a  
45 sales tax, but the vehicle registration fee is disproportionate to the expenditures. He said that  
46 District 2 pays half the fees and receives token increases in bus services. He asked why the  
47 rural area should pay half and only receive a small percentage of the proceeds. He said that  
48 this tax predominantly serves the 1<sup>st</sup> District. He said that this portion of the County voted all of  
49 the County Commissioners onto the Board. He asked the Board to reconsider the great  
50 amount of funding provided by District 2 and the disproportional dispersal of these funds.

1 Jeff Schmitt agreed with Chris Weaver. He is a resident of Cedar Grove and he said  
2 that his comments would probably be supported by the majority of northern and rural southwest  
3 Orange County. He spoke about the voting strength of the Chapel Hill Township. He said that  
4 the light rail system would not be used by the rural areas of Orange County. He said that  
5 Orange County does not have the population density to use the light rail system. He said that if  
6 this is so needed by Chapel Hill, then Chapel Hill should pay for it and not the entire County.

7 Gerry Cohen said that he hopes the County Commissioners would adopt this plan  
8 tonight and place the issue on the ballot. He said that regional transit is good for economic  
9 development.

10 Harry Johnson is a law student at UNC and a member of Tarheels for Transit. He  
11 asked the County Commissioners to please put this on the referendum and let the citizens  
12 decide. He said that everyone will benefit from this plan because it helps focus development in  
13 areas where it is needed while keeping it away from areas where it is not needed.

14 Patrick Byker said that he used to be a student at UNC and then worked with Triangle  
15 Transit through the Chamber of Commerce. He then worked at the DATA for eight years and  
16 served on the board as either Chairman or Vice Chair. He said that it was imperative to him  
17 that there be a robust transit connection between Durham County and Orange County because  
18 the two counties are intertwined. He said that this would be a great thing for economic  
19 development.

20 Dan Jewell is a resident of Durham but for 17 years before that, he was a resident of  
21 Orange County. He is a member of the Durham/Orange Friends of Transit and said that he  
22 worked hard to get this on the ballot in Durham County last year. He said that this is an  
23 investment in the future. He reminded the County Commissioners that they are not voting on  
24 the referendum tonight, but to allow democracy to take its place.

25 Ed Harrison recognized other Chapel Hill Town Council members: Mayor Kleinschmidt,  
26 Jim Ward, and Penny Rich. He said that he wanted to address one detail on the plan, which is  
27 getting one short sentence on page 7 under "maintaining existing services." He suggested the  
28 following sentence: "support existing services consistent with state law."

29 Bonnie Hauser spoke on behalf of Orange County Voice and thanked Commissioner  
30 McKee for his evaluation of the Triangle Transit Plan and Commissioner Gordon who insisted  
31 that the plan be transparent. She said that her group supports transit but not this plan and she  
32 said that as long as light rail is part of the plan, they cannot support it. She said that there is  
33 widespread support for commonsense meaningful transit, but as people learn about the light  
34 rail plan, they lose interest and begin to oppose it.

35 Julie McClintock has been a Chapel Hill resident since 1970. She also served for 12  
36 years on the Chapel Hill Town Council. She said that there has been a drop off in enthusiasm  
37 for the transit plan because of the amount of emphasis and cost projections on light rail. She  
38 spoke in support of a first rate bus system. She said that the light rail system consumes over  
39 90% of the cost. She said that the technology of light rail is not suited for this County. She said  
40 that she has serious reservations about endorsing a tax to raise revenue that puts so much  
41 money into light rail. She said that an independent third party should review the cost  
42 projections given by TTA.

43 Dave Landicina said that this plan is just a starting point and it will continue to grow and  
44 serve the whole Triangle. He spoke in support of the referendum.

45 David Neal is a resident of Hillsborough and is an attorney. He is also a member of  
46 Durham/Orange Friends of Transit and also a member of the Orange County Commission for  
47 the Environment. He reminded the County Commissioners of a memo from the Commissioner  
48 for the Environment sent to the County Commissioners on April 16<sup>th</sup> endorsing the referendum.  
49 He said that this transit plan will result in a lower greenhouse gas emissions and lower sprawl.  
50 It will help preserve the rural character because the growth will be around the transit.

1 Chapel Hill Town Council Member Penny Rich said that she encouraged the County  
 2 Commissioners to bring this to the citizens and let them vote on it in November. She spoke  
 3 about the Phoenix, Arizona metro system, which was created through a regional transportation  
 4 plan that involved a ½-cent sales tax approved by the voters in 2000. She encouraged the  
 5 Board to put this on the ballot.

6 A motion was made by Commissioner McKee, seconded by Commissioner Hemminger  
 7 to close the public hearing.

8 VOTE: UNANIMOUS

9  
 10 **7. Regular Agenda**

11 **a. Orange County Transit Plan and Related Agreement**

12 The Board considered adoption of the Orange County Transit Plan and approval of the  
 13 Implementing Agreement and if approved, authorized the Chair to sign.

14 Chair Pelissier said that the implementation agreement is for comments only. She does  
 15 not expect any decisions on this agreement tonight. She asked that Triangle Transit give a  
 16 summary of changes made from the original plan from last week.

17 Patrick McDonough said that the elements of the transit plan remain in the plan. He  
 18 said that they received many comments from the County Commissioners and they released  
 19 these changes on May 23<sup>rd</sup>. He made reference to page 25 and a request from Commissioner  
 20 McKee to clarify the debt. The last two bullets in section VI were modified slightly. He said that  
 21 the debt service remains at \$19.2 million, but the amount borrowed is \$25 million. Also, on  
 22 page 23, sections B and C, there was a minor typographical error and \$787,000 is the correct  
 23 amount. In section C, the amount was changed from \$330,000 to \$338,000.

24 He made reference to Appendix A and the page with three pie charts. The middle pie  
 25 chart, there were some rounding issues, and these were corrected.

26 Commissioner McKee made reference to page 25 and the bullet on Hillsborough inner  
 27 city rail. He said that Orange County picks up the 10% local match. Patrick McDonough said  
 28 that this is correct, but it just needs to be put in the right place in the document.

29 Commissioner McKee said that this is Orange County's plan and should reflect Orange  
 30 County's obligations. Patrick McDonough pointed out Appendix A and the asterisks at the  
 31 bottom, which reflects this.

32 Commissioner McKee said that this is misleading.

33 Chair Pelissier suggested that when the plan is discussed that this issue be discussed at  
 34 that time.

35 Commissioner Gordon clarified that there is a replacement page for her handout.

36  
 37  
 38 **PUBLIC COMMENT:**

39 Kathy Andrews said that there will be people who lose their property because of the  
 40 proposed rail line. She said that she does not believe that this is a truly local endeavor. She  
 41 said that eminent domain would be needed to make land transfers in this project. She said that  
 42 the citizens are paying for this advice without a vote and this is an atrocity to her.

43  
 44 Commissioner Gordon said that she has a proposed motion on the transit plan and she  
 45 read it:

46  
 47 **The motion is given below, with the revisions made at the meeting shown in bold.**

48  
 49 Here is a Proposed Motion on the Bus and Rail Investment Plan for consideration tonight,  
 50 submitted by Alice Gordon.

1  
2 Move that the Board of County Commissioners (BOCC) approve the Draft Bus and Rail  
3 Investment Plan (BRI Plan) in Orange County, contingent on the approval of an Implementation  
4 Agreement between Triangle Transit and Orange County, and subject to the following  
5 conditions:

6  
7 A. That the following inconsistent sections in the BRI Plan be addressed, as shown below

- 8  
9 1. The difference in the cost of the Hillsborough rail station on page 25 (Orange  
10 Financial Plan Data) and page 31 (Appendix A, Assumptions)

11  
12 **REVISION: on Page 25, add a note, referencing the Hillsborough Rail Station,  
13 which states that Orange County will only be responsible for a 10% match**

- 14  
15 2. The difference in the number of expenditure categories on page 25 (Orange  
16 Financial Plan Data - 9 categories), and page 32 (Appendix A, How All Dollars Are  
17 Spent - middle pie chart - 8 categories)

18  
19 **REVISION: Change the last bullet, which references the borrowing of \$25  
20 million, into a Note.**

21  
22 B. That the language concerning the Implementation Agreement on pages 25 and 26 of the BRI  
23 Plan be changed to reflect the actual contents of the agreement, once that agreement is  
24 revised.

25  
26 C. That the Rail Investment Cost Sharing Agreement **with charts and map be included** as an  
27 Appendix to the BRI Plan, in substantially the same form as presented on June 5, and with the  
28 dollar amounts verified and corrected, as needed.

29  
30 *ATTACHMENTS ( to be included with the cost sharing agreement):*

31 *LRT Reference Map (Cost Sharing)*

32 *Rail Investment Cost Sharing Agreement Charts*

33  
34 D. That Orange County and Triangle Transit will work together to identify any other  
35 inconsistencies, misstatements, or omissions, and to provide the changes to the BOCC before  
36 the Implementation Agreement is scheduled for approval by the BOCC.

37  
38 The BOCC wishes to note that, even though not all of the stipulations in the BOCC transit plan  
39 motion of May 15 were addressed, the BOCC wishes to move the BRI Plan forward at this time,  
40 in the manner stated above.

41  
42 *NOTE: The above attachments (LRT Reference Map and Rail Investment Cost Sharing  
43 Agreement Charts) are included in the agenda materials and are hereby included by reference  
44 in these minutes.*

45  
46 **Commissioner McKee seconded this motion above for purposes of discussion.**

47  
48 Commissioner Gordon asked John Roberts why this implementation agreement was  
49 important.

1 John Roberts said that the implementation agreement is not mandated by statute. He  
2 does not think that it delays anything.

3 Commissioner Gordon asked Financial Services Director Clarence Grier if he had  
4 enough information and he said that he just received the financials today and he has not had a  
5 chance to read it.

6 Chair Pelissier suggested looking at each component of the motion.

7 Commissioner Gordon said that the public needs to understand that the County  
8 Commissioners have already had the discussion of approving this plan in principle as  
9 presented. She said that the County Commissioners need to figure out how best to move  
10 forward.

11 Commissioner Yuhasz said that, in looking at this motion, it is as understandable as the  
12 plan itself. He said that this is no criticism of Commissioner Gordon but he does not know what  
13 this motion says or what the plan says. He said that this started as a regional plan and still is a  
14 regional plan. He said that they are putting all of their transit eggs in this basket that is so  
15 heavily weighted to light rail. He said that the plan is too expensive and provides too little  
16 overall service.

17 Chair Pelissier said that she does not have a problem with the motion, but it does not  
18 help the public understand the plan any better. She thinks that the plan is understandable.

19 Commissioner Hemminger said that the County Commissioners did look at ways to  
20 protect Orange County from unforeseen circumstances. She said that this will be tweaked over  
21 the years and she thinks the concept works. She thinks that it is time to take it to the voters.

22 Commissioner Foushee said that she agreed with Commissioner Hemminger and this  
23 plan will only go forward if the public decides to vote for it.

24 Commissioner McKee said that he can imagine a future without light rail, where the  
25 attention is on bus rapid transit and commuter rail. He realizes that eventually light rail will be a  
26 component, as in 2050-2060. He made reference to a survey that was done of citizens where  
27 transportation was #5 at 4.5%. The actual number of people that would use light rail often was  
28 at 7.7%. One of the problems for him is the lack of a definitive implementation plan. He said  
29 that this should be a comprehensive process and not a piece meal plan. He said that the  
30 moment the County approves the plan, it loses the ability to negotiate the rest of it.

31 Commissioner Jacobs acknowledged the publicly spirited people that guided them  
32 through this process. He also thanked Chair Pelissier and Commissioner Gordon who have  
33 worked diligently on transit issues, and especially Commissioner Gordon who worked on this  
34 proposed motion.

35 Commissioner Jacobs said that even though Wake County does not want to move this  
36 forward though there are some issues to resolve, he thinks that this is a time for the County to  
37 provide transportation for the public. He made reference to the debate about who gets what  
38 and who gets the short end of the stick. He said that it is a constant refrain. He said that the  
39 fact is that everyone gets served by Orange County government. If it is viewed in a bundle,  
40 everyone is being treated equitable to the best of the ability of the County Commissioners. He  
41 thinks that this moves forward in a better way than has been done so far.

42 Chair Pelissier said that she has looked at transit for years and no plan is perfect. In the  
43 end, the Board of County Commissioners needs to decide if this is a good plan and she thinks  
44 that this is a good plan.

45 Commissioner Gordon said that she wrote the motion as she did because you need to  
46 be clear about your baseline data, and if the County or Triangle Transit has questions before  
47 the implementation agreement is completed, then they have time to resolve these issues. She  
48 thought that she captured the best of both the County and Triangle Transit positions. She has  
49 worked with transportation for many years and she wants this to be right.

1 John Roberts made reference to subsection C of the Cost Sharing Agreement and said  
2 that the maps and charts could be in an appendix.

3 Commissioner McKee accepted the friendly amendment along with Commissioner  
4 Gordon.

5 Patrick McDonough clarified points A.1 and 2.

6 Commissioner Gordon made reference to A.2 and suggested turning the last bullet on  
7 page 25 into a note and she stated the language: "The following seeming inconsistencies in  
8 the plan should be addressed as follows...." Then on page 25, the note would read, "NOTE:  
9 the amount borrowed by Triangle Transit to execute the plan is \$25 million. This number is  
10 larger than the amount of debt service payments (above) because debt payments are over 30  
11 year terms and go past 2035." There could also be another note that the Hillsborough Rail  
12 Station for \$8.9 million will have a 10% local match.

13 A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs  
14 to add language on page 7 under Maintaining Existing Services: "support existing services  
15 consistent with state law." This is related to Article 43 of Chapter 105 N. C. General Statutes.

16 Commissioner McKee made reference to an email the County Commissioners received  
17 today about this language. He said that it has been changed three times, this time at Triangle  
18 Transit's request. He is leery of that because he has extreme reservations on supplantation of  
19 services.

20 Chair Pelissier said that all this would need to be spelled out in the implementation  
21 agreement and by law the County cannot supplant. The details have to be worked out.

22  
23 **VOTE: Ayes, 5; Nays, 2 (Commissioner McKee and Commissioner Yuhasz)**

24  
25 Commissioner McKee said that about a year ago he requested that this plan be split in  
26 two components – one relating to bus service and commuter rail service and the other relating  
27 to light rail to be considered in the future. This was not accomplished, therefore he finds  
28 himself in the uncomfortable position of having to vote against every bit of this plan. He agrees  
29 that Orange County needs increased transportation services, but he is adamantly opposed to  
30 the light rail component.

31  
32 Vote on motion from Commissioner Gordon above, as stated on page 10.

33  
34 **VOTE: Ayes, 5; Nays, 2 (Commissioner McKee and Commissioner Yuhasz)**

35  
36 Chair Pelissier made reference to the Implementation Agreement (Attachment 2). She  
37 said that this is the first time that the County Commissioners will be discussing this. It has not  
38 been discussed with TTA or any other parties. The County Commissioners need to provide  
39 some initial comments so that staff can be directed on how to continue.

40 Commissioner Gordon reviewed the suggested changes to the agreement and referred  
41 to her emails with John Roberts and Craig Benedict below:

42  
43 **John Roberts' responses to Commissioner Gordon's questions are in underline**  
44 **below:**

45  
46 **Throughout the agreement - The correct terminology is vehicle "registration" fee, not "tag"**  
47 **fee. Will be corrected.**

48

1 **Page 2, section 3a** - What is the definition of "supermajority"? I (John Roberts) apparently  
 2 deleted a 2/3 vote reference for the supermajority term from my last draft. It can be  
 3 reinserted if this provision is kept.  
 4

5 Page 2, section 3d - What is the rationale behind the membership of the advisory board which  
 6 includes one representative each for Chapel Hill Transit, Hillsborough, and Mebane? That does  
 7 not relate to the population distribution in Orange County. Has any consideration been given to  
 8 having a representative from Chapel Hill and one from Carrboro? This is a section Craig  
 9 included so I (John Roberts) will leave this answer to him. I recall a discussion that  
 10 there should be an advisory group and it should include the towns but I do not recall if  
 11 membership specifics were discussed.  
 12

13 Craig Benedict made reference to the board makeup and said that it has been brought  
 14 down to a five-member board then back to a seven-member board. The composition includes  
 15 two members from the Chapel Hill Transit area, one member from Hillsborough, one member  
 16 from Durham, one member from Mebane, two members from Orange County (one from District  
 17 1 and one from District 2).

18 Commissioner Jacobs made reference to a super majority and suggested having 5 as a  
 19 super majority as the Board of County Commissioners. Regarding the composition of the  
 20 advisory board, he is in favor of bringing Mebane to the table but it is preposterous to him that  
 21 Mebane would have an equal vote to Chapel Hill and Carrboro and the University in this plan, or  
 22 that Durham would be advising on the Orange County transit plan partnership. He said that it  
 23 would be easier to have 3 partners in Chapel Hill Transit, one in Hillsborough, and two  
 24 representatives of the County and make it a six-member board.

25 All agreed to have 5 as a super majority.

26 All agreed with Commissioner Jacobs' suggestion for the composition of the advisory  
 27 board.  
 28  
 29

30 Pages 3, 4, and especially page 7. When and how will the blank spaces on these pages be  
 31 completed? My (John Roberts) position is TTA should assist the county in finding this  
 32 information.  
 33

34 Craig Benedict made reference to the three elements of the implementation agreement  
 35 and how monies are spent on existing and future service. He made reference to page 4, table  
 36 1 and said that it would be funding levels as of August 1, 2009. These numbers will be plugged  
 37 in later.

38 Commissioner Gordon said that on page 3 there are also some blank spaces. John  
 39 Roberts said that some of those numbers will need to come from Triangle Transit.

40 John Roberts said that Triangle Transit has not had a chance to give comments on this  
 41 plan yet and there will probably be substantial changes to the document. He suggested not  
 42 spending more time on this tonight.

43 Chair Pelissier said that she just wanted to hear initial general comments.  
 44

45 **Page 8, section 6a** - What is the meaning of the words "with an advisory recommendation"?  
 46 Does it mean "after receiving an advisory recommendation"? If so, the latter wording would be  
 47 clearer. The latter is clearer and it will be changed.  
 48

49 **Page 8, section 7a** - I believe the "core plan" is now being called the "local plan" or something  
 50 similar. Also, please check the wording on page 28 of the BRI Plan (IX. Alternative Plan) and

1 determine whether that wording provides enough direction concerning how the alternative plan  
 2 will be developed. **The term "alternative plan" and a reference to the BRI plan section are**  
 3 **preferable. I do not view the paragraph in the BRI as sufficient because it sets no**  
 4 **parameters.**  
 5

6 **Page 9, section 10a (2)** - It is stated that Orange transportation staff and/or the Orange County  
 7 Transit Plan Partnership may recommend amendments to the BRI Plan. If the BOCC wished to  
 8 make an amendment on its own initiative, would it be allowed to do that according to this  
 9 document? **The BOCC or TTA, as parties to the agreement, may request amendments at**  
 10 **any time.**  
 11

12  
 13 Frank Clifton made reference to page 5 and the operating hours for OPT at \$58/hour.  
 14 He said that these are older numbers that did not include overhead for administration. There  
 15 will be a third party analysis of this to make sure the numbers are accurate.

16 Commissioner Yuhasz asked about item 6-b on page 8 and why this is included  
 17 because it is redundant.

18 A motion was made by Chair Pelissier, seconded by Commissioner Hemminger to refer  
 19 this agreement to staff to work over the summer, getting other comments from partners and  
 20 coming back with agreed modifications on August 21<sup>st</sup>.

21 Commissioner Jacobs asked if this includes what the Board already agreed on  
 22 regarding the super majority and board composition.

23 The Board agreed to include these modifications in the motion.

24 VOTE: UNANIMOUS  
 25

26 **b. Decision on Placement of a Half-Percent Sales Tax Referendum for Public**  
 27 **Transportation on the November 2012 Elections Ballot**

28 The Board considered a decision on the placement of a ½ - percent sales tax  
 29 referendum on the November 2012 ballot as a funding source for implementing the Bus and  
 30 Rail Investment Plan in Orange County.

31 Commissioner Yuhasz said that he is going to vote against this and he asked that any  
 32 approval of placing a referendum on the ballot be contingent upon approving the  
 33 implementation agreement.

34 A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee that  
 35 the approval of placing a ½ cent sales tax referendum for public transportation on the ballot be  
 36 contingent upon approval of the implementation agreement.

37 John Roberts said that the Board of Election needs to know to put this on the ballot by  
 38 early August.

39 Commissioner Hemminger asked for a friendly amendment to not levy the tax until the  
 40 implementation agreement is approved.

41 Wib Gulley said that there is an effective contract now between Triangle Transit and  
 42 Orange County that they will not levy any tax or anything until the implementation agreement is  
 43 approved.

44 Commissioner Yuhasz withdrew the motion and Commissioner McKee withdrew the  
 45 second.

46 Commissioner McKee said that he thinks that the County should have these things  
 47 worked out before asking the citizens to vote.  
 48

49 A motion was made by Commissioner Hemminger seconded by Commissioner Jacobs  
 50 to approve the placement of a ½ - percent sales tax referendum on the November 2012 ballot

1 as a funding source for implementing the Bus and Rail Investment Plan in Orange County; and  
2 make a statement that the tax will not be levied until satisfaction is reached with agreements.

3  
4 John Roberts made a suggestion to add a 'whereas':

5  
6 Whereas, the Orange County Commissioners notify the residents of Orange County that  
7 Triangle Transit will not levy the 1/2 cent sales tax until Orange County requests the tax be  
8 levied.

9  
10 This amendment was accepted by Commissioner Hemminger and Commissioner Jacobs.

11  
12 **RESOLUTION OF THE ORANGE COUNTY BOARD OF COMMISSIONERS AUTHORIZING A**  
13 **SPECIAL ADVISORY REFERENDUM ON THE ISSUE OF LEVYING A ONE-HALF PERCENT**  
14 **(1/2%) LOCAL SALES AND USE TAX FOR PUBLIC TRANSPORTATION**

15  
16 WHEREAS, the North Carolina General Assembly has enacted the "Local Government  
17 Public Transportation Sales Tax Act" at Article 43 of Chapter 105 of the North Carolina General  
18 Statutes (Session Law 2009-527), which authorizes counties and transportation authorities to  
19 levy a local sales and use tax for the purpose of financing local public transportation systems;  
20 and

21  
22 WHEREAS, pursuant to 105-509(a), the regional public transportation authority  
23 (hereinafter, "Triangle Transit") will create a special district consisting of the entire area of  
24 Orange County to be added to the existing special district of Durham County; and

25  
26 Whereas, the County Commissioners of Orange County notify the residents of  
27 Orange County that the 1/2 cent tax will not be levied until Orange County requests that  
28 Triangle Transit levy the tax.

29  
30 WHEREAS, pursuant to Part 4 of the Act, Triangle Transit must obtain the approval of  
31 the Orange County Board of Commissioners in order to conduct an advisory referendum by a  
32 vote of the people. The election shall be held in accordance with the provisions of North  
33 Carolina General Statute §163-287;

34  
35 NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County  
36 of Orange:

37  
38 Section 1. The Board of Commissioners hereby authorizes Triangle Transit to call a  
39 referendum during the normal time the polls are open, on Tuesday, November 6, 2012, at which  
40 there shall be submitted to the qualified voters of the County of Orange the question stated in  
41 Section 3 of this resolution.

42  
43 Section 2. The said referendum shall be held in accordance with the procedures of  
44 North Carolina General Statute §163-287.

45  
46 Section 3. The form of the question to appear in the ballots and in the instructions to  
47 voters for said referendum shall be substantially as follows:

48 [ ] FOR [ ] AGAINST  
49 "One-half percent (1/2%) local sales and use tax, in addition to the current local  
50 sales and use taxes, to be used only for public transportation systems."

1  
2 Section 4. The Clerk to the Board of Commissioners is hereby authorized and  
3 directed to mail or deliver a certified copy of this Resolution to the Board of Trustees of Triangle  
4 Transit within three days after passage hereof.

5  
6 Section 5. This Resolution shall take effect upon its passage.  
7

8  
9 VOTE: Ayes, 5; Nays, 2 (Commissioner McKee and Commissioner Yuhasz)  
10

11  
12 **c. Approval of a Settlement Resolution Authorizing an Exchange of**  
13 **Properties Between Orange County and Eno River Parking Deck, LLC, and Approval of**  
14 **Budget Amendment #9-B**

15 The Board considered approving a resolution regarding settlement with Eno River  
16 Parking Deck, LLC, authorizing the purchase for \$1,000,000 and the exchange of properties  
17 valued at \$580,000 pursuant to North Carolina General Statute 160A-271 to purchase the Eno  
18 River Parking Deck, and approving Budget Amendment #9-B and authorizing the Chair to sign.

19 John Roberts said that Orange County has been involved in a tenant/lease agreement  
20 for several years and this has caused many issues. He said that these issues led to litigation  
21 between owners of the deck and Orange County. Out of that mediation, a potential settlement  
22 was reached, which would be that Orange County would purchase the Eno River Parking Deck  
23 for the price of \$1 million cash, plus the two buildings at 112 and 118 North Churton Street,  
24 which have a combined assessed value of \$508,000. The parking deck has a replacement  
25 value of \$2.9 million. If the County Commissioners will approve that property exchange, the  
26 case gets settled and Orange County would own the Eno River Parking Deck.

27 Regarding the lease, the County leased this for 40 years initially and there are 37 years  
28 remaining. It leased 200 spaces at \$1 a space plus half of the maintenance costs. Initially,  
29 Orange County contributed \$2.3 million to the construction of the deck, which was  
30 approximately a \$5.2 million construction cost in an overall project which involved the Library,  
31 the office building, and Gateway Center. The County pays \$200 a year, plus \$25,000 in  
32 maintenance costs. Regarding the sculpture, John Roberts' recommendation is to remove the  
33 sculpture because it is old cast iron and he has evidence that children have been playing on it.  
34 If it is left there, then the County would need some kind of liability insurance.

35 John Roberts made reference to Financial Impact and said that the additional costs are  
36 actually \$20-25,000 for closing costs and inspections.  
37

38 **ORANGE COUNTY BOARD OF COMMISSIONERS RESOLUTION AUTHORIZING**  
39 **EXCHANGE OF PROPERTY**

40 **WHEREAS**, Eno River Parking Deck, LLC owns a multi-level parking facility ("Parking Deck")  
41 (PIN 9874052667) on Nash and Kollock Street, Hillsborough, North Carolina; and

42 **WHEREAS**, Orange County leases approximately 200 parking spaces ("Leased Spaces") in the  
43 Parking Deck; and

44 **WHEREAS**, Orange County and Eno River Parking Deck, LLC (the "Parties") are currently  
45 engaged in litigation regarding the Leased Spaces; and

1 **WHEREAS**, the Parties have reached a mediated settlement agreement whereby they will  
 2 exchange certain properties which shall result in a termination of the Lessor Lessee relationship  
 3 and a dismissal of the litigation; and

4 **WHEREAS**, the Parking Deck property has a stated value of \$2,900,000, recognized as such  
 5 for purposes of the negotiated settlement only, and the Orange County-owned property located  
 6 at 112 North Churton Street (PIN 9874066435) has an assessed valuation of \$450,000 and the  
 7 Orange County-owned property located at 118 North Churton Street (PIN 9874065497) has an  
 8 assessed valuation of \$130,000; and

9 **WHEREAS**, the Parties desire to transfer the Parking Deck property to Orange County and to  
 10 transfer both of the properties at 112 and 118 North Churton Street plus one million dollars  
 11 (\$1,000,000) to Eno River Parking Deck, LLC; and

12 **WHEREAS**, North Carolina General Statute §160A-271 authorizes the County to exchange  
 13 county-owned property upon authorization by resolution of the Board of County Commissioners  
 14 of Orange County adopted at a regular meeting after at least ten (10) days' public notice; and

15 **WHEREAS**, the County has given the required public notice, and the Board has considered the  
 16 matter at a regular meeting.

17 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 18 1. The Exchange of properties described above is authorized.
- 19 2. The appropriate county officials are directed to execute the instruments necessary to  
 20 carry out the exchange.

21 This the 5<sup>th</sup> day of June 2012.

22  
 23

24 Commissioner Gordon went through the emails exchanged between her and John  
 25 Roberts.

26 Commissioner Yuhasz said that the owner of the sculpture is willing to do what is  
 27 necessary regarding the ownership, etc.

28 A motion was made by Commissioner Yuhasz seconded by Commissioner Jacobs to  
 29 attempt to leave the sculpture in its current location.

30 Commissioner Yuhasz amended his motion to say "if the County purchases the parking  
 31 deck."

32 Commissioner Jacobs agreed.

33 Frank Clifton suggested making this sculpture a condition of the purchase.

34 VOTE: Ayes, 6; No, 1 (Commissioner Gordon)

35

36 A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz  
 37 to approve a resolution regarding settlement with Eno River Parking Deck, LLC, by approving  
 38 the Chair to sign the resolution authorizing the exchange of properties, valued at \$580,000  
 39 pursuant to North Carolina General Statute 160A-271 to purchase the Eno River Parking Deck;  
 40 approve budget amendment #9-B for the appropriation of \$1,000,000 from the General Fund's  
 41 fund balance for the cash payment; and authorize the County Manager and Chair to execute all  
 42 necessary documents to effectuate the settlement and property exchange and the exchange of  
 43 properties, and to approve Budget Amendment #9-B and authorize the Chair to sign.

1  
2 Commissioner Gordon read a statement about why she is voting against this item:

3  
4 Commissioner Gordon said she would be voting against this item for the following reasons:

- 5  
6 1. The County already has a lease for 200 parking spaces in the parking deck, at the cost  
7 of \$1 per year for each space, and the lease has 37 years remaining. The 200 parking  
8 spaces area all that the county needs.  
9 2. The cost is too high, especially at a time when the county has many financial  
10 constraints. The assessed value of the deck is \$595, 473 while the assessed value of  
11 the two county buildings is \$450,000 and \$130,000 for a total of \$580,000. There  
12 amounts are roughly equivalent. Paying an additional \$1 million is unwise, in my  
13 opinion, and particularly since the money could be used for many worthy projects,  
14 including school funding.  
15 3. An exchange of buildings means that there will be no proceeds from a sale of these two  
16 buildings which can be put into a fund for the Southwest Library and for older schools,  
17 as BOCC policy would otherwise mandate.

18 Please make these comments part of the minutes along with the email messages below from  
19 the county attorney which provided background information:

20  
21 The number of leased spaces is 200 @ \$1/year plus half of the approximately \$50k/year in  
22 maintenance costs.

23  
24 John L. Roberts  
25 Orange County Attorney

26  
27 -----Original Message-----

28 From: Alice Gordon [<mailto:gordon.alice@gmail.com>]

29 Sent: Tuesday, June 05, 2012 10:00 AM

30 To: John Roberts

31 Cc: Bernadette Pelissier; Barry Jacobs; Earl McKee; Pam Hemminger (External); Steve  
32 Yuhasz; Valerie Foushee; Donna Baker; Frank Clifton; Greg Wilder; Gwen Harvey; Michael  
33 Talbert; Clarence Grier

34 Subject: Re: Questions/ Comments - Agenda Item 7c - June 5

35  
36 John,

37  
38 Thank you very much for this information.

39  
40 I appreciate knowing that the county has 37 years remaining on the lease for the parking deck  
41 in Hillsborough.

42  
43 My understanding of the other terms of the lease is that the county has leased approximately  
44 200 spaces at the cost of \$1 per year for each space. Is that correct? What is the exact  
45 number of leased spaces?

46  
47 Thanks again.

48  
49 Alice Gordon  
50

1 On 6/4/12, John Roberts <[jroberts@co.orange.nc.us](mailto:jroberts@co.orange.nc.us)> wrote:  
2 Commissioner Gordon,

3  
4 The assessed tax value of the deck is \$594,473. The \$2.9 million is the construction cost of  
5 the deck (\$5.2 million) less the amount the owners now acknowledge the county has previously  
6 contributed to that cost (\$2.3 million).

7 In order for the County to lawfully engage in a property transfer some conditions must be met  
8 including publication and notice of the values of the properties and the County must receive fair  
9 value for the exchange.

10  
11 Exchanging \$1 million plus two buildings valued at \$500,000 for a \$594,000 structure is not fair  
12 value. However, such an exchange for a \$2.9 million structure would be a fair exchange. The  
13 \$594,000 figure is based on an income stream valuation. The \$2.9 million figure is based on a  
14 replacement cost valuation. Both are accurate values for those purposes but only the \$2.9  
15 million value can be used in the exchange. 37 years remain on the lease.

16  
17 John L. Roberts  
18 Orange County Attorney

19  
20 -----Original Message-----

21 From: Alice Gordon [<mailto:gordon.alice@gmail.com>]  
22 Sent: Monday, June 04, 2012 11:52 AM  
23 To: John Roberts; Bernadette Pelissier; Alice Gordon; Barry Jacobs;  
24 Earl McKee; Pam Hemminger (External); Steve Yuhasz; Valerie Foushee;  
25 Donna Baker; Frank Clifton; Greg Wilder; Gwen Harvey; Michael Talbert  
26 Cc: Clarence Grier  
27 Subject: Questions/ Comments - Agenda Item 7c - June 5

28  
29 John and Clarence,

30  
31 I had a couple of questions of clarification on item 7-c regarding the parking deck settlement.

32  
33 The stated value of the deck is given as \$2,900,000. What is the assessed valuation of the  
34 deck? The reason I ask is that I thought the value was something just under \$600,000. Could  
35 you explain where the \$2.9 million value came from? Also, was the approximately \$600 K value  
36 what is listed on the tax rolls, or the appraised value, or what?

37 The resolution states that the county leases approximately 200 parking spaces but does not  
38 give the terms. How many more years remain on the lease?  
39 Thank you.

40  
41 Alice Gordon

42  
43  
44 Commissioner Jacobs said that until tonight he did not know if he was going to vote for  
45 this or not. He thinks that the County takes things out of sync in the budget process. He  
46 agrees that there might be better uses for this money. He does not agree with committing  
47 another \$1 million before making the primary budget decisions. He wants to make sure that the  
48 County has done everything it can to resolve these differences, so he cannot support this item.

49  
50 VOTE: Ayes, 5; Nays, 2 (Commissioner Gordon and Commissioner Jacobs)

1  
2 Commissioner Jacobs said that he would like to convey to Hillsborough that the County  
3 is attempting to address the outstanding parking issues and to mend the fences. He would like  
4 to have a declarative letter from John Roberts and solicit from the Town a response.

5 John Roberts said that he has already done this and he has spoken with the Town  
6 Attorney several times and they are aware the County is considering purchase, which will  
7 resolve all outstanding issues.

8 Commissioner Jacobs asked when this would go into effect. John Roberts said that the  
9 closing should happen fairly quickly, within the next couple of weeks.

10  
11 **d. Recommendations from the Emergency Services Workgroup for VIPER**  
12 **Radio System Improvements and Communication System Improvements**

13 The Board received recommendations from the Emergency Services Workgroup for  
14 VIPER Radio System Improvements and Communication System Improvements included in the  
15 Capital Investment Plan for Fiscal Year 2012-13 and incorporate the recommendation as  
16 appropriate into the approval of the Fiscal Year 2012-13 Annual Budget.

17 Michael Talbert said that this is the first of three items from the Emergency Services  
18 Work Group. He reviewed the requested improvements. The purchase of these items will be  
19 spread out over five years at \$128,000 per year.

20 A motion was made by Commissioner Foushee, seconded by Commissioner McKee to  
21 receive the recommendations from the Emergency Services Workgroup for VIPER Radio  
22 System, OSSI- CAD Replacement, and 800 MHz radios included in the Capital Investment Plan  
23 for Fiscal Year 2012-13 and incorporate the recommendation as appropriate into the approval  
24 of the Fiscal Year 2012-13 Annual Budget.

25 VOTE: UNANIMOUS

26  
27 **e. Approval of a Recommendation from the Emergency Services Workgroup**  
28 **to Conduct a Coverage Assessment for the VIPER System**

29 The Board considered approving a recommendation from the Emergency Services  
30 Workgroup to conduct a Needs Assessment for the VIPER System to improve County-wide  
31 coverage and authorizing the Manager to sign a contract not to exceed \$50,000.

32 Michael Talbert said that the workgroup has been working since early December with  
33 the North Carolina Department of Highway Patrol. There is a desperate need of a technical  
34 analysis in how to increase coverage. The work group decided to move forward with the scope  
35 of work that is included in Attachment 2.

36  
37 Chair Pelissier asked for a motion to continue the meeting since it was 10:30 p.m.

38 A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz  
39 to continue the meeting past 10:30 p.m.

40 VOTE: UNANIMOUS

41  
42 Commissioner McKee said that this consultant is needed because no one on the  
43 workgroup has the expertise to pinpoint the location of these towers.

44 A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee to  
45 approve a recommendation from the Emergency Services Workgroup to conduct a Needs  
46 Assessment for the VIPER System to improve County-wide coverage and authorize the  
47 Manager to sign a contract not to exceed \$50,000 for the Needs Assessment; and plan to  
48 appropriate the necessary funds from the General Fund's Fund Balance as part of a budget  
49 amendment that will be presented for the Board's approval at the August 21, 2012 regular  
50 meeting.

1 VOTE: UNANIMOUS

2  
3 **f. Authorization to Proceed with Development of New Fire Protection**  
4 **Contracts with the North Chatham Fire Department, the Town of Carrboro, and the Town**  
5 **of Chapel Hill**

6 The Board considered the recommendation from the Emergency Services Workgroup to  
7 proceed with the development of New Fire Protection Contracts with the North Chatham Fire  
8 Department, the Town of Carrboro, and the Town of Chapel Hill for implementation by July 1,  
9 2013, and authorizing the Chair to send letters to the three entities providing notice of plans to  
10 terminate the existing fire protection contracts as of June 30, 2013.

11 Michael Talbert said that the Board began discussing this in September 2011. This  
12 particular area is mainly the southern Triangle. There are roughly 112 property owners that are  
13 more than 6 miles from a fire station and are therefore immediately impacted and there are  
14 others that can be helped with a restructuring of these contracts. The abstract includes the four  
15 options that the workgroup analyzed. There was a meeting with the homeowners from the  
16 immediately impacted area on May 10<sup>th</sup> and they are desperate to get something done to help  
17 with their insurance rates, which have doubled in many cases. There is a 365-day cancellation  
18 clause, so the contracts would have to be terminated as of June 30, 2013.

19  
20 A motion was made by Commissioner McKee, seconded by Commissioner Yuhasz to  
21 approve proceeding with the development of New Fire Protection Contracts with the North  
22 Chatham Fire Department, the Town of Carrboro, and the Town of Chapel Hill for  
23 implementation by July 1, 2013, and to authorize the Chair to send letters to the three entities  
24 providing notice of plans to terminate the existing fire protections contracts as of June 30, 2013.  
25 VOTE: UNANIMOUS

26  
27 **g. Amendment to Orange County Code of Ordinances Regarding Weapons**

28 The Board considered amending the Orange County Code of Ordinances to prohibit the  
29 carrying of concealed weapons on certain Orange County property and authorizing the Chair to  
30 sign.

31 John Roberts said that last year the General Assembly mandated concealed carry of  
32 firearms legislation to authorize people with lawful permits to carry those firearms in a  
33 concealed manner within parks, including any recreational facilities, whether those parks are  
34 owns privately or publicly. This authorizes local governments to restrict the carrying of  
35 concealed weapons within recreational facilities. Recreational facilities are defined as:  
36 playgrounds, athletic fields, swimming pools, or athletic facilities owned, leased, or operated by  
37 counties or cities. One of the comments at the public hearing was that there are remote areas  
38 in Little River Park and this amendment authorizes people to carry a concealed firearm through  
39 a recreational facility if it is necessary to access those remote trails within Little River Park.  
40 However, it does prohibit the carrying of concealed weapons or non-concealed weapons in  
41 Cedar Grove Park, Central Recreation Center, Efland-Cheeks Park and Community Center,  
42 Eurosport Soccer Center, Fairview Park, Little River Regional Park and Natural Area with the  
43 exception of the areas specifically mentioned, Orange County Sportsplex, and River Market and  
44 Public Market House. Regarding adding in future parks, he said that he would leave this up to  
45 the Board.

46  
47 **PUBLIC COMMENT:**

48 Chris Weaver said that when they started this process the Board of County  
49 Commissioners was going to invite the public to participate in this discussion, but this did not  
50 happen. He said that this is a failure to communicate with the public on matters such as this.

1 He said that the County is trying to create "gun-free zones". There have been a couple of  
 2 instances in the last couple of weeks. A lady was murdered in a gun-free zone. He said that  
 3 anyone in the gun-free zones would be fair bait because people that have lawfully obtained  
 4 firearms would not be able to carry them in these areas. He said that criminals do not care  
 5 about the law so it does not make anyone safer. He said that he has been in contact with the  
 6 Sheriff's Department every day and there has not been a single incident where a lawfully  
 7 permitted citizen has used their gun to commit a crime.

8 Don O'Leary said that the U. S. Constitution is the law of the land. He said that this rips  
 9 the constitution to pieces.

10  
 11 Commissioner Jacobs said that he had also brought up the issue to the County Attorney  
 12 that Twin Creeks Park has a greenway. He wants to have the County Attorney's opinion on  
 13 record.

14 John Roberts said that other entities have attempted to add greenways and other areas  
 15 that are not specifically defined by State statute, and they have been put on notice that they will  
 16 be sued over that.

17 A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger  
 18 to approve the Resolution of Amendment, eliminating exception #8 on page 3 of the abstract.

19 Commissioner Jacobs said that most of the trails in Little River Park are in Durham  
 20 County and Orange County should not be making decisions on what happens in a joint park.

21 Commissioner Yuhasz said that he was disappointed that the public was not given the  
 22 opportunity to weigh in on this. He said that he does not want to remove #8.

23 John Roberts said that #8 would not apply to Durham County, but only people crossing  
 24 through a recreational facility to access remote areas.

25 Commissioner McKee echoed Commissioner Yuhasz's statements about transparency  
 26 of this issue. He said that item 8 acknowledged reality that there are remote trails in these  
 27 parks and where concealed weapons could and should be appropriate. He will vote against this  
 28 if item 8 is removed.

29 Commissioner Jacobs said that this is a partnership with Durham and to enact this and  
 30 expect people to know when they are crossing the county line is not reasonable.

31 Discussion ensued about the inclusion of #8 and John Roberts said that part of this  
 32 amendment includes placing signs at the recreation areas referencing the ordinance.

33  
 34 VOTE: (Commissioner Jacobs's motion with deletion of # 8) Ayes, 3 (Commissioner Jacobs,  
 35 Commissioner Hemminger, and Commissioner Gordon); Nays, 4

36  
 37 MOTION DEFEATED

38  
 39 A motion was made by Commissioner McKee, seconded by Commissioner Foushee to  
 40 amend the Orange County Code of Ordinances by adopting the Resolution of Amendment to  
 41 prohibit the carrying of concealed weapons on certain Orange County property and authorize  
 42 the Chair to sign the resolution.

43 VOTE: Ayes, 4; Nays, 3 (Commissioner Jacobs. Commissioner Gordon, and Commissioner  
 44 Hemminger)

45  
 46  
 47  
 48 **ORANGE COUNTY BOARD OF COMMISSIONERS**

49  
 50 **RESOLUTION OF AMENDMENT**

**A RESOLUTION AMENDING CHAPTER 18, ARTICLE V SECTIONS 18-151  
THROUGH 18-155 OF THE ORANGE COUNTY CODE OF ORDINANCES**

Be it Resolved by the Board of Commissioners of Orange County, North Carolina:

WHEREAS, Orange County, through ordinance, has prohibited the carrying of weapons, concealed or non-concealed, on Orange County-owned property; and

WHEREAS, in 2011 the General Assembly of North Carolina expanded the ability of concealed carry permittees to carry concealed weapons statewide with few exceptions; and

WHEREAS, the General Assembly simultaneously authorized local governments to restrict and prohibit the carrying of concealed weapons on certain local government-owned property; and

WHEREAS, the Board of Commissioners of Orange County, believing it to be in the best interest of the citizens and residents of Orange County, have determined that weapons whether concealed or non-concealed should not be carried on certain Orange County-owned property;

NOW THEREFORE, the Orange County Board of Commissioners hereby amends Chapter 18, Article V, Sections 18-151 through 18-155 of the Orange County Code of Ordinances to prohibit the carrying of concealed weapons in Orange County-owned buildings and in, at, or on Orange County Recreational Facilities.

This Amendment shall become effective upon adoption.

Adopted by the Orange County Board of Commissioners this 5<sup>th</sup> day of June, 2012.

**8. Reports - NONE**

**9. County Manager's Report - NONE**

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

**11. Appointments - NONE**

**12. Board Comments (Three Minute Limit Per Commissioner)**

Commissioner Jacobs – none

Commissioner McKee – none

Commissioner Gordon – none

Commissioner Hemminger said that she had a conference call with the Chief of Staff for Vice President Joe Biden who will be coming to Winston-Salem tomorrow. He has been asked to look at the to-do list for jobs specifically targeting North Carolina. She thanked the Clerk for keeping up with all of the motions regarding this.

Commissioner Foushee said that Social Services Child Care Subsidies waiting list backlog has finally been cleared for the first time in three years. The County is currently serving 800 children.

Commissioner Yuhasz -none

1 **13. Information Items**  
2

- 3 • May 15, 2012 BOCC Meeting Follow-up Actions List  
4 • Memo – Efland Cheeks Community Center Access and Usage Follow-up  
5 • BOCC Chair Letter Regarding NC 10% Campaign  
6 • BOCC Chair Letter Regarding “Ban the Box” Proposal  
7 • BOCC Chair Letter Regarding May 8, 2012 Election Report  
8 • BOCC Chair Letter Regarding Potential Significant Locations Project with the Town of  
9 Hillsborough

10

11 **14. Closed Session - NONE**

12

13 **15. Adjournment**

14

15 A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to  
16 adjourn the meeting at [10:59 P.M.](#)

17 VOTE: UNANIMOUS

18

19

Bernadette Pelissier, Chair

20

21 Donna S. Baker, CMC

22 Clerk to the Board

DRAFT

Attachment 4

**MINUTES  
BOARD OF COMMISSIONERS  
BUDGET WORK SESSION  
June 12, 2012  
7:00 p.m.**

The Orange County Board of Commissioners met for a Budget Work Session on Thursday, June 12, 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:**

**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)

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

Commissioner Pelissier referred to handouts at the Commissioners' place:

-Green sheet- Vehicle Replacement- Internal Service Fund

-Yellow sheet – Markup-Markdown Information ( Available Fund Balance to Address Additional Budget Initiatives of the Board for FY 2012-13 Budget)

**1. Accept and Approve the Five Year Capital Investment Plan and Adopt the Capital Project Budget of \$6,666,950 for the FY2012-13 County Capital Projects Fund**

Paul Laughton reviewed the Capital Investment Plan. He said that the County Commissioners received a memo regarding the revised CIP pages. The financing changed on page 33-34 and the communications systems improvements. There is a note on the schools capital summaries. He said that the school facilities funding schedule must be guided by SAPFO and a note has been added for reference.

Financial Services Director Clarence Grier made a clarification on the Eurosport soccer field on page 49. Only \$623,000 of this is from the County and the rest is from the partners, bringing the total to \$934,500.

Commissioner Jacobs said that there was some discussion about having a placeholder about a community center on Rogers Road, and he thinks that this would be a capital project.

Frank Clifton said that it depends on the level of funding, but if the County Commissioners want to reserve funding, it can be put in the CIP or the County Commissioners' budget.

Commissioner Hemminger said that she thought it would be better to put it in the CIP as a placeholder. She does not want to commit to moving the structure. If it is going to be over \$100,000, then she thinks that it belongs in the CIP.

1 Commissioner Yuhasz said that before the County Commissioners put money into a  
2 capital fund for a community center, they need to have a discussion as a Board first and to at  
3 least wait for a report from the task force.

4 Commissioner Foushee said that she does not care where they put it as long as they  
5 reserve that amount of money. She said that the County Commissioners need to have a  
6 serious discussion about the commitment of funding and how much for the Rogers Road area.

7 Commissioner Gordon said that she does not think they should commit to moving this  
8 house yet. She referred to her handout, which indicated a possible approach to utilizing the  
9 BOCC appropriation of \$905,000; that is amount that was suggested in the Manager's  
10 Operation Budget. In the handout, she suggested setting aside \$120,000 in a reserve and then  
11 waiting for the task force to report back in the fall. She does not want to make any promises as  
12 to what it would be for, but that it would be for this area.

13 Commissioner McKee agreed with Commissioner Yuhasz and said that there is a task  
14 force and the County Commissioners should earmark some funds for this project.

15 Commissioner Jacobs asked about the difference of the budgetary implications of  
16 having it in the CIP versus the Board of County Commissioners' budget.

17 Frank Clifton said that the CIP is for governmental projects but if it is in the Board of  
18 County Commissioners' budget, it is set aside there and they know what it is for.

19 Commissioner Jacobs asked about flexibility.

20 Clarence Grier said that it would depend on the funding. If it were in the CIP, there  
21 would be funding in the general fund and it could be transferred later to the CIP or it could be  
22 just put in the Board of County Commissioners' budget and transferred to the outside project  
23 when needed.

24 Chair Pelissier suggested putting \$120,000 in the Board of County Commissioners'  
25 budget for the Rogers Road area. The Board agreed.

26 Commissioner Hemminger clarified that this is not for operating expense, but just for  
27 capital expenses.

28  
29 Commissioner Gordon suggested declaring the Board's intent to approve the CIP at the  
30 next meeting. The Board agreed.  
31  
32  
33

Transfer from General Fund	\$ 500,000
Transfer from County Capital Reserve	\$ 50,000
Transfer from County Capital Projects	\$ 623,000
Available Project Balance	\$ 450,000
Register of Deeds Fees	\$ 75,000
9-1-1 Funds	\$ 100,000
Contributions from Other Infrastructure Partners	\$ 311,500
Debt Financing County Capital	\$ 4,557,450
<b>Total Funding Sources</b>	<b>\$ 6,666,950</b>

<b>Projects</b>	<b>Recommended Funding FY 2012-13</b>
Emergency Services 510 Meadowlands	\$ 37,500
Northern Human Services Center	\$ 250,000
Seymour Senior Center	\$ 70,000
Southern Orange Campus (Future Planning)	\$ 300,000
Southwest Branch Library	\$ 50,000
Upfit of Link Government Services Center	\$ 25,000
HVAC Projects - Geothermal	\$ 1,759,200
Roofing Projects	\$ 165,000
Affordable Housing	\$ 170,000
Information Technology	\$ 950,000
Register of Deeds Automation	\$ 75,000
Whitted Building	\$ 295,000
Energy Bank	\$ 50,000
Viper Radio System	\$ 543,750
Communications System Improvements	\$ 292,000
Future EMS Stations	\$ 50,000
Blackwood Farm Park	\$ 50,000
Twin Creeks Park Campus Phase II	\$ 600,000
Joint Artificial Turf Soccer Fields - Town of Chapel Hill	\$ 934,500
<b>Total Projects</b>	<b>\$ 6,666,950</b>

1  
2 **2. FY2012-13 Annual Operation Budget Decision Items**

3 **Mark Up/Mark Down Items for the County's Annual Operating Budget and Outside**  
4 **Agencies:**

5 Clarence Grier said that the green sheet is information that Commissioner Yuhasz  
6 asked for regarding vehicle replacement.

7 He made reference to the yellow sheet, Markup-Mark Down Information, and said that  
8 the County recently appropriated \$555,000 of fund balance. The savings from delaying the  
9 revaluation is \$350,000. The total additional funds available for the BOCC discretion fund is  
10 \$1,240,000.

11 Commissioner Gordon explained her handout, which recommended additional amounts  
12 for several items. She said that she only included what she thought the County could fund,  
13 which for school funding is \$50 more per pupil. She also suggested full funding for the Dispute  
14 Settlement Center, which would be \$25,000 already budgeted plus \$51,000.

15 Commissioner McKee said that there is breakdown page 119 in the notebooks for  
16 Emergency Services. There is a proposal for an Assistant Fire Marshal starting January 2013.  
17 There has not been a Fire Marshal since 2009 as a full-time position. He said that it is time to

1 go back to a full-time position. The cost would be an additional \$21,432 for a full year. He  
2 suggested not funding for a full year for the first year, but from January – June 2013. This  
3 would be an additional cost of \$10,716 for the first year, and then move back to a full-time Fire  
4 Marshal position.

5 Commissioner Gordon suggested putting this amount in a reserve until the Emergency  
6 Services Work Group reviews this proposal.

7 Commissioner Foushee said that this group is to sunset at some point and they continue  
8 to add to the charge of the work group. She is concerned that the Board will continually put off  
9 what the Board of County Commissioners has directed them to consider. She wants to ensure  
10 that the County's relationship is collaborative and cooperative. She wants the staff to bring  
11 forward a position description that is clearly defined and explains the role of the position and  
12 that clearly identifies the expectations of this person.

13 Commissioner Yuhasz said that if they are going to identify this position, then the funds  
14 need to be identified as well.

15 Commissioner McKee said that the work group's goals have been set and this is not one  
16 of them. He said that the Board of County Commissioners sets the parameters of this position,  
17 by law. Chair Pelissier agreed.

18 Commissioner Gordon said that she accepts Commissioner Foushee's and  
19 Commissioner McKee's comments, but there has to be a way that staff reviews this position  
20 and to vet this properly.

21 Commissioner Jacobs said that this has been done before – funding a position mid-  
22 year. He suggested doing this the way it was done before.

23 Commissioner Jacobs said that he wanted to add to the library funding \$66,500 to add 8  
24 hours at the central library.

25 Commissioner Yuhasz agreed with Commissioner Jacobs.

26 Library Services Director Lucinda Munger said that this amount would be strictly for  
27 additional operating hours for the central library.

28 Frank Clifton said that this total would need to be \$82,460 since Chapel Hill Library gets  
29 a portion.

30 Commissioner Hemminger asked to add \$10,000 to the scholarship fund through Social  
31 Services for sports and camps for children.

32  
33 Commissioner McKee seconded both Commissioner Jacobs' and Commissioner  
34 Hemminger's comments regarding the additional funding for the scholarships.

35 Commissioner Foushee agreed with Commissioner Hemminger.

36  
37 Commissioner Foushee said that she had two requests. She said that she hoped that  
38 staff listens to the County Commissioners' requests. She asked that enough money be set  
39 aside so that employees are not experiencing more out of pocket healthcare expenditures. She  
40 said that she has heard that employees would prefer higher premiums rather than out of pocket  
41 expenses. She said that she also does not want to forget the post-employment benefits. She  
42 does not want to seriously hurt this reserve fund.

43 Commissioner Yuhasz asked that when self-insurance is considered that all of these  
44 issues become part of the discussion.

45 Commissioner Jacobs agreed and said that he hopes that there would be a survey of  
46 employees with neutral questions before the discussion.

47  
48 Commissioner Jacobs suggested adding \$1,000 for Freedom House.

1 Commissioner Yuhasz said that the County Commissioners have talked over the last  
2 few years about having a meeting room or a study and he would like to see some funding set  
3 aside to work on a meeting room. He asked if there was any money allocated for this.

4 Commissioner Jacobs asked Paul Laughton about money left over from the Link Center  
5 upgrade so far and he said that the current cash balance in the project is \$16,071. In the CIP,  
6 there is \$425,000 of possible alternative financing that the Board has not approved yet.

7 Commissioner Jacobs suggested putting this item on a work session agenda in the fall  
8 and establishing criteria and charging someone to bring back and analysis. He is not  
9 suggesting adding money at this time.

10 Frank Clifton said that the project for the Link Center was to be about \$1 million but the  
11 County Commissioners have not allocated any money yet for that.

12 Commissioner McKee echoed Commissioner Jacobs' comments to discuss this at a  
13 work session in the fall.

14  
15 The Board then declared intent on the additional items.

18	Dispute Settlement Center	\$51,000 - yes
19	Fire Marshal	\$10,716 - yes
21	8 hours additional at Central Library	\$82,460 3-Commissionrs voted yes for additional 8
22		hours, 4-Commissioners vote no for additional 8
23		hours
24		\$51,460 yes
26	Social Services –	
27	additional athletic scholarships	\$10,000 - yes
28	Freedom House	\$1,000 - yes
29	Rogers Road	\$120,000 - yes
32	<b>Total so far</b>	<b>\$244, 176</b>

34 Remaining is \$1,015,824, which equates to \$51.56 additional per-pupil  
35 If the per-pupil is rounded to \$52.00, an additional \$8,576 would be needed to balance

37  
38 • **Funding for Chapel Hill Carrboro City Schools and Orange County Schools**

39 Frank Clifton said that \$2.8 million of this year's allocation to schools is a one-time  
40 savings for debt service.

41 Clarence Grier made reference to the scenarios at the County Commissioners' places  
42 for if the Board chooses to raise the per-pupil allocations. He said that \$1.7 million went to  
43 current expense and the other million went to pay-as-you-go capital. He went through the tax  
44 rate scenarios and the increase in revenue for various tax rate increases. The CHCCS district  
45 tax could be decreased to balance out the increase.

46 Paul Laughton went through the handout with scenarios to get to 48.1% of the general  
47 fund to the schools.

48 Chair Pelissier asked the Board if they agreed with the \$52.00 per pupil. The Board  
49 agreed to show its intent to add an additional \$52.00 per pupil to the recommendation.

50 Commissioner Jacobs said that he does not think it is enough.

1 Commissioner McKee asked about the unfunded liabilities for employees. Clarence  
2 Grier said that it is \$3 million to fully fund one year of this liability.

3 Commissioner McKee asked if these actions taken tonight affected that \$3 million and it  
4 was answered no. He asked if they could reduce that fund by \$250,000 and transfer it to  
5 education and Clarence Grier said yes.

6 Commissioner McKee said that he thinks that the County Commissioners can find some  
7 more money for education.

8 Commissioner Gordon said that she is willing to go to \$65.00 per pupil.

9 Commissioner Yuhasz said that he is concerned about how they are funding the schools  
10 this year, because the more the funding is increased, the greater the divide will be next year.

11 Commissioner Foushee agreed with Commissioner Yuhasz and said that the General  
12 Assembly is not filling any gaps. She said that whatever funding is done this year will have to  
13 be a continuing budget next year. There will have to be a tax increase if this funding is  
14 continued next year.

15 Commissioner Hemminger agreed with Commissioner Foushee's concerns.

16 Commissioner Yuhasz said that the revaluation has been put off for two years, and the  
17 County is still facing the possibility that property values may decrease and taxes will have to be  
18 raised.

19 Commissioner Jacobs said that the County has the highest fund balance in its history  
20 and has set aside \$3 million for the post-employment health insurance, but the legislature is  
21 attacking education. He said that now is the time to use the rainy day fund.

22 Chair Pelissier said that the County Commissioners need to take into consideration that  
23 through the last few years they did not cut operation budgets for the schools at all. She said  
24 that the County cannot fill all of the gaps in state funding cuts. She said that the school boards  
25 also have fund balances that they can use.

26 Commissioner McKee said that he wants to get as much value as possible for every  
27 dollar spent on education. He said that this amount of money from the reserve fund is not a  
28 huge amount of money. He would like to see the additional \$65 per pupil.

29 Frank Clifton clarified that this included taking money out of the post-employment  
30 insurance.

31 Commissioner Yuhasz verified that all of the additional funding could be taken out of the  
32 fund balance without affecting the fund balance target.

33 Commissioner Foushee suggested an intent to support an increase in the per-pupil  
34 allocation of \$65.00 if the remaining monies are taken from the County's fund balance and that  
35 the post employment reserve stays at \$3 million.

36 The Board agreed.

37 Commissioner Yuhasz said that he is not very enthusiastic about this because of the  
38 expectations that will be raised for next year.

39  
40  
41 • **Tax Rate Decisions**

42 The Board agreed on the following tax rates, which were the same rates as last year,  
43 unless otherwise noted:

- 44  
45 i. Ad Valorem Tax- 85.8  
46 ii. Chapel Hill Carrboro City Schools Special District Tax- 18.84  
47 iii. Fire District Tax Rates- all stay the same but Orange Grove, which will go to  
48 .05.  
49  
50

1 **3. Break (to allow Finance and Administrative Services Director to formulate Draft**  
 2 **Resolution of Intent to Adopt FY 2012-13 Budget)**

3 There was a break from 8:36 p.m. until 9:04 p.m.  
 4

5 **4. Resolution of Intent to Adopt FY 2012-13 Annual Operating Budget**

- 6 • Approval of Resolution of Intent to Adopt FY 2012-13 Annual Operating Budget at the  
 7 Board of County Commissioners Regular Meeting on June 19, 2012  
 8

9 Clarence Grier read the Resolution of Intent to Adopt the 2012-12 Orange County Budget:  
 10  
 11  
 12  
 13  
 14

15 **Resolution of Intent to Adopt the 2012-13**  
 16 **Orange County Budget**  
 17

18 *The items outlined below summarize decisions that the Board acted upon June 12, 2012 in*  
 19 *approving the intent to adopt the FY2012-13 Orange County Annual Operating Budget.*  
 20

21 *WHEREAS*, the Orange County Board of Commissioners has considered the Orange County  
 22 2012-13 Manager's Recommended Budget; and  
 23

24 *WHEREAS*, the Commissioners have agreed on certain modifications to the Manager's  
 25 Recommended Budget as presented in the 2012-13 County Manager's Recommended Budget  
 26 on May 15, 2012;  
 27

28 *NOW THEREFORE BE IT RESOLVED*, that the Orange County Board of Commissioners  
 29 expresses its intent to adopt the 2012-13 Orange County Budget Ordinance on **Tuesday, June**  
 30 **19, 2012**, based on the following stipulations:  
 31

32 1) **Property Tax Rates**

- 33  
 34 a) The ad valorem property tax rate shall be set at 85.8 cents per \$100 of assessed  
 35 valuation.  
 36  
 37 b) The Chapel Hill-Carrboro City Schools District Tax shall be set at 18.84 cents per  
 38 \$100 of assessed valuation.  
 39  
 40 c) The Fire District tax rates shall be set at the following rates (all rates are based on  
 41 cents per \$100 of assessed valuation):  
 42  
 43

• Cedar Grove	7.36
• Chapel Hill	7.50
• Damascus	5.00
• Efland	4.66

• Eno	5.99
• Little River	4.06
• New Hope	8.95
• Orange Grove	5.00
• Orange Rural	5.61
• South Orange	7.85
• Southern Triangle	5.00
• White Cross	7.00

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2) **County Employee Pay and Benefits Plan**

Provide a County employee pay and benefits plan that includes:

- a. Cost of living and merit increase equating up to 3% in compensation.
- b. Funding to address an employee health insurance increase up to 23.0%, effective January 1, 2013.
- c. Increasing the Living Wage to \$10.97 an hour.
- d. Implementing recommendations of the County's FY 2011-12 internal Classification and Pay studies.
- e. Extending the six-month hiring delay and the voluntary furlough program.
- f. Continuing the \$27.50 per pay period County contribution to non-law enforcement employees' 401(k) accounts.
- g. Change the service requirement for employees to be eligible for full funding of post-employment Health Insurance benefits from 10 years of County service to 20 years of consecutive County service as a permanent employee beginning with all new hires on or after July 1, 2012.
- h. Change the County allocation for reimbursement of post-65 Medicare cost to 50% for employees hired on or after July 1, 2012.

3) **Modifications to County Manager's FY 2012-13 Recommended Annual Operating Budget**

The following modifications to the County Manager's Recommended Budget are made:

1

Revenues	Increase	Decrease
<b>Manager's Recommended Revenue Budget</b>	<b>\$178,478,100</b>	
<b>Appropriated Fund Balance</b>	<b>\$1,524,676</b>	
<b>Total Revenue Changes</b>	<b>\$1,524,676</b>	<b>\$0</b>
<b>Revised Revenue Budget</b>	<b>180,002,776</b>	

Expenditures	Increase	Decrease
<b>Manager's Recommended Expenditure Budget</b>	<b>\$178,478,100</b>	
Additional Funding to Dispute Settlement Center	\$51,000	
Additional funds to budget for Fire Marshal position	\$10,716	
Additional Library funding (additional 4 hours/week at Central Library)	\$51,460	
Scholarship Fund through DSS	\$10,000	
Additional funding to Freedom House	\$1,000	
Reserve for Rogers Road Community Center	\$120,000	
Increase Per Pupil Funding (\$65 per pupil)	\$1,280,500	
<b>Total Expenditure Changes</b>	<b>\$1,524,676</b>	<b>\$0</b>
<b>Revised Expenditure Budget</b>	<b>\$180,002,776</b>	

3

4

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6

4) Changes in Funding to Improve Service Delivery (Increase in FTE Approved)

7

1

Department	Position	Effective Date	FTE Change
Emergency Services	Assistant Fire Marshal	January 1, 2013	1.000
Emergency Services	Telecommunications	July 1, 2012	2.000
Emergency Services	Telecommunications	January 1, 2013	2.000
Emergency Services	Paramedics	October 1, 2012	6.000
Finance and Administrative Services	Grants Accountant/Internal Auditor	July 1, 2012	1.000
Finance and Administrative Services	Risk Manager	July 1, 2012	1.000
Health	Property Development Specialist	July 1, 2012	0.500
Health <sup>1</sup>	Dental Hygienist	July 1, 2012	0.500
Planning and Inspections	Property Development Specialist	July 1, 2012	0.500
Tax Administration	Systems Analyst	July 1, 2012	1.000
Tax Administration <sup>2</sup>	Office Assistant II (2 year time limited)	July 1, 2012	1.000

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## 5) General Fund Appropriations for Local School Districts

The following FY 2012-13 General Fund Appropriations for Chapel Hill Carrboro City Schools and Orange County Schools are approved:

- a) Current Expense appropriation for local school districts totals \$62,389,900 and equates to a per pupil allocation of \$3,167.
  - 1) The Current Expense appropriation to the Chapel Hill Carrboro City Schools is \$38,368,205.
  - 2) The Current Expense appropriation to the Orange County Schools is \$24,021,695.
- b) Recurring Capital appropriation for local school districts totals \$3,000,000
  - 1) The Recurring Capital appropriation to the Chapel Hill Carrboro City Schools totals \$ 1,845,000.



1 DRAFT

Attachment 5

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**MINUTES  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
June 19, 2012  
7:00 p.m.**

9 The Orange County Board of Commissioners met in regular session on Tuesday, June  
10 19, 2012 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill. N.C.

11  
12 **COUNTY COMMISSIONERS PRESENT:** Chair Bernadette Pelissier and Commissioners  
13 Valerie Foushee, Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee and Steve  
14 Yuhasz

15 **COUNTY COMMISSIONERS ABSENT:**

16 **COUNTY ATTORNEYS PRESENT:** John Roberts

17 **COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Managers  
18 Gwen Harvey, and Michael Talbert and Clerk to the Board Donna Baker (All other staff  
19 members will be identified appropriately below)

20 .  
21 **1. Additions or Changes to the Agenda**

22 The Chair went through the items at the County Commissioners' places:

23  
24 White sheet – fracking resolution from the Commission for the Environment  
25 White sheet – petition from a member of the public regarding public taxes  
26 Yellow sheet – addition to the agenda, Appointment of New Tax Administrator  
27 White sheet – revised for item 5-I, Fiscal Year 2011-2012 Budget Amendment #10  
28 Memo from Commissioner Jacobs related to the budget  
29 Blue and pink sheet – related to County Manager's comments  
30 Binder - Orange County Facilities Inventory update

31  
32  
33 Frank Clifton recognized Pam Jones for her 28 years of service with the County. This is  
34 Pam Jones' last public meeting before retiring.

35 Chair Pelissier thanked Pam Jones on behalf of the Board of County Commissioners.

36  
37 A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz  
38 to add to the agenda the Appointment of the Orange County Tax Administrator as item 4-c.

39 VOTE: UNANIMOUS

40  
41 **PUBLIC CHARGE**

42  
43 *The Chair dispensed with the reading of the public charge.*

44  
45 **2. Public Comments**

46  
47 **a. Matters not on the Printed Agenda (Limited to One Hour)**

48 Jennifer Miller read a prepared statement:

49 "Thank you for your good works, and for your April resolution to the state legislature  
50 asking them to keep the ban on fracking.

1 I support the County's Environment Commission recommendation to you about the need  
2 for protective local action, as the state legislature rushes toward embracing oil and gas  
3 exploration.

4 Many people in numerous citizen groups share your concern about fracking. At this  
5 point their focus is on aiding a huge grassroots effort to convince our governor to veto the  
6 fracking bill (Senate Bill 820). Not only is this bill an open invitation to oil and gas drilling, the  
7 legislation creates a commission which allows that industry to dominate the crafting of  
8 protective regulations.

9 Though fracking may never occur in our County's borders, we are close neighbors with  
10 counties whose citizens are already selling their mineral rights.

11 Good neighbors should not add to the water or air pollution of adjacent citizens or  
12 reduce their quality of life.

13 Within Senate Bill 820, after the House amendments, is language promising property  
14 owners that if their well is polluted by fracking operations within 5,000 feet, they can seek  
15 reimbursement. But a well or a water supply can be polluted beyond this one mile limit.

16 The millions of gallons needed for each fracking drilling operation must come from local  
17 water sources – those sources supply more than one community. The heavy truck traffic  
18 delivering water and removing waste will affect more than one place. Disposal of toxic  
19 wastewater will concern more than one area. The fracking industry releases toxins into the air  
20 that travel far beyond the borders of one county.

21 Within and despite limitations by law – preemption – please encourage creative thinking  
22 from your staff and citizenry on ways to control future effects of fracking and other polluting  
23 industry in Orange County.

24 I've attached with these comments a source to access town and county responses to  
25 fracking nationwide, and an excerpt from one, the Pittsburg, Pennsylvania city code, which  
26 states that citizens have an inalienable right to self governance and protection of their natural  
27 resources.”

28  
29 Renee Price, Chair of the Commission for the Environment, presented a resolution to  
30 the Board of County Commissioners and she read it.

31  
32 WHEREAS, the Orange County Board of Commissioners passed a resolution on April  
33 17, 2012 relating to “Shale Gas Development in North Carolina” that urged the North Carolina  
34 General Assembly to maintain existing laws and regulations that prevent the use of horizontal  
35 drilling and hydraulic fracturing in the state and to take no action that would weaken these laws  
36 and regulations before it is fully demonstrated that North Carolina public health, waters, land,  
37 air, economy, and quality of life can be protected from impacts that may occur by allowing the  
38 development of shale gas resources in the state; and

39 WHEREAS, the Orange County Board of Commissioners further resolved that, should  
40 the State authorize the hydraulic fracturing, local governments should retain some regulatory  
41 authority regarding proposed drilling-related activities as they affect water resources and  
42 previously identified significant natural areas through land-use and other established regulation;  
43 and

44 WHEREAS, the North Carolina Senate and the House of Representatives passed SB  
45 820 (“Clean Energy and Economic Security Act”), which proposes critical changes to North  
46 Carolina's energy policy so as to allow exploration for natural gas through horizontal drilling and  
47 hydraulic fracturing; and

48 WHEREAS, natural gas extraction using the enhanced techniques of horizontal drilling  
49 and hydraulic fracturing, absent proper regulations and/or oversight in states other than North  
50 Carolina, has been associated with potentially adverse effects to human health and the

1 environment, including but not limited to adverse impacts on infrastructure and contamination of  
2 water, air, soils, and land.

3 NOW, THEREFORE, BE IT RESOLVED, that the Orange County Commission for the  
4 Environment urges the Orange County Board of County Commissioners to set forth and  
5 enforce such measures and provisions that will protect public health and lands in the event that  
6 horizontal drilling and hydraulic fracturing activities are planned or conducted in or adjacent to  
7 Orange County, so as to help prevent, mitigate or abate the adverse effects on human health  
8 and the environment that such drilling-related activities may produce;

9 IN ADDITION, BE IT RESOLVED, that such measures and provisions shall seek to  
10 protect and maintain drinking water supplies and prevent degradation in water quality, protect  
11 and maintain air quality, and protect soils, open land and natural areas;

12 MOREOVER, BE IT RESOLVED, that the Orange County Commission for the  
13 Environment urges the Orange County Board of Commissioners to take steps to protect the  
14 rights of landowners from unfair or unclear contracts to lease mineral or natural gas rights and  
15 from possible forced pooling as contemplated by SB 820.

16 This the 19<sup>th</sup> of June, 2012.  
17

18 Commissioner Gordon said that she agreed with this resolution and she will try to do  
19 what she can.

20 Tim Kirkpatrick made reference to the brochure on his home. He said that this is a  
21 home that he cannot sell. The assessed value of the home is \$915,568 and he has it on the  
22 market for less than \$600,000. It will not sell and has been on the market many times since  
23 1992. He said that no one wants to buy this house and the sound is distracting from the  
24 interstate. He asked why his property tax is so high for something that he cannot sell. He has  
25 gone to the Tax Office and he was told that there that the deadline for an appeal was January  
26 31<sup>st</sup>, but it is really June 14<sup>th</sup>, which he found out today. He asked for help with his taxes  
27 because his house is on the market for 60% of the tax value, but people will not buy it because  
28 they do not want to pay the taxes.

29 Chair Pelissier said that the Board of County Commissioners does not deal with the tax  
30 values of individual property, but this will be referred and staff will respond.  
31

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

33 (These matters were considered when the Board addressed that item on the agenda  
34 below.)  
35

### 36 **3. Petitions by Board Members**

37 Commissioner McKee petitioned for staff to follow up with Mr. Kirkpatrick's concern  
38 about the deadline for tax appeals and the miscommunication about deadlines.

39 Commissioner Jacobs said that his petition is to put out a press release and put up  
40 signs when the parking deck in Hillsborough is purchased.  
41

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

#### 43 **a. Orange County Ag Tourism Farms Special Presentation**

44 The Board considered recognizing Orange County farmers that were featured in the  
45 March-April 2012 Chapel Hill Magazine as part of an Orange County Ag Tourism promotion and  
46 presented each of the farms with a framed farm profile.

47 Agricultural Economic Development Director Noah Rannells said that earlier this spring  
48 there was an effort by many departments that worked with Chapel Hill Magazine to put a  
49 section about Ag Tourism and agricultural opportunities in the March/April issue. Three of the  
50 five farms were part of the Piedmont Farm Tour. He introduced representatives from three

1 farms: Captain John Pope Farm, McAdams Farm, and Parker Farm and Vineyard. Unable to  
2 attend were Walters Unlimited and Chapel Hill Creamery.

3 Dan Shannon from Chapel Hill Magazine said that it was a great pleasure to work with  
4 the County Manager and Tourism and Agriculture Departments. He hopes to continue to be a  
5 partner with Orange County.

6 Noah Rannells and Chair Pelissier made the presentation to the three farms: Captain  
7 John Pope Farm, McAdams Farm, and Parker Farm and Vineyard  
8

9 **b. Resolution – North Carolina 10% Campaign/Local Food Economy**

10 The Board considered a resolution supporting the Center for Environmental Farming  
11 Systems “10% Campaign” to support local and regional food economies, and considered asking  
12 County staff to explore ways to augment or incorporate these principles and goals into the  
13 County’s organizational culture and authorizing the Chair to sign.

14 Department of Environment, Agriculture, Parks, and Recreation Director Dave Stancil  
15 introduced Dr. Nancy Creamer from N.C. State. He said that the Board of County  
16 Commissioners received a presentation earlier this year on this issue of the 10% campaign.

17 Dr. Nancy Creamer thanked Orange County for their leadership in agriculture and local  
18 farming. This is about getting people to put in 10% of their food dollars to local food. She read  
19 the resolution.  
20

21 **ORANGE COUNTY BOARD OF COMMISSIONERS**

22  
23 **RESOLUTION SUPPORTING THE “10% CAMPAIGN” AND THE LOCAL FOOD ECONOMY**  
24

25 **WHEREAS**, Orange County has a long history and tradition of agriculture and a local  
26 food economy, and has supported local agriculture - as a critical component of the local  
27 economy; of protecting farmland for future production as part of agricultural heritage, economy  
28 and open space; and of promoting local food consumption as exemplary of a commitment to  
29 sustainable agriculture and linkages between ‘farm and fork;’ and  
30

31 **WHEREAS**, Orange County partnered with several other counties and State agencies to  
32 plan, identify, construct and fund the Piedmont Food and Agricultural Processing Center,  
33 located in Hillsborough and opened in 2011, which provides a means to producing value-added  
34 products from local agricultural products, was built with over \$1.4 million in grant funds from a  
35 variety of State and federal sources, and now has 21 clients selling locally and as far away as  
36 China; and  
37

38 **WHEREAS**, Orange County is fortunate to be home to many agricultural entrepreneurs  
39 and consumers who have been statewide leaders in transitioning into new and innovative  
40 agriculture, as well as vibrant farmers markets that make local foods available to individual and  
41 institutional consumers in the area who benefit from fresh or value-added local foods; and  
42

43 **WHEREAS**, the W.C. Breeze Family Farm Agricultural Extension and Research  
44 Center’s “PLANT” program has now graduated 230 student-farmers since 2008, with four start-  
45 up farms and seven individuals leasing land at Breeze farm in 2012; and  
46

47 **WHEREAS**, North Carolina residents spend about \$35 billion a year on food, and  
48 Orange County residents spend around \$300 million a year on food, meaning that 10% of this  
49 amount spent on local foods would generate approximately \$3.5 billion (or \$30 million in  
50 Orange) for the local economy; and

1  
2       **WHEREAS**, Piedmont Grown, a 37-county regional program to promote awareness  
3 about locally grown, raised, and made farm and food products as well as ag tourism  
4 opportunities was launched in May 2011 with significant support from Orange County;  
5

6       **WHEREAS**, the public health benefits of local foods have been widely researched and  
7 found to be very beneficial to reducing childhood and adult obesity and healthy lifestyles; and  
8

9       **WHEREAS**, the Center for Environmental Farming Systems' (CEFS) "10% Campaign" –  
10 working in conjunction with the N.C. Cooperative Extension Service - supports these local and  
11 regional food economies and benefits local food producers, businesses and communities; and  
12

13       **WHEREAS**, Orange County has stated goals of promoting local agriculture as a means  
14 of promoting economic development, which provides job creation and helps protect the health,  
15 safety and general welfare of County residents both now and in the future:  
16

17       **NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of  
18 Commissioners supports the "10% Campaign" to promote the local food economy and  
19 encourages County residents to commit 10% of their food dollars to supporting local food  
20 producers and related businesses.  
21

22       **BE IT FURTHER RESOLVED** that the Board instructs the County Manager and staff to  
23 identify existing County government practices and programs that support this effort, and report  
24 back on ways to expand or create new opportunities to further implement this goal through  
25 County programs, initiatives, practices and events.  
26

27       This, the 19<sup>th</sup> day of June, 2012.  
28

29       A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger  
30 to approve a resolution supporting the Center for Environmental Farming Systems "10%  
31 Campaign" to support local and regional food economies, and ask County staff to explore ways  
32 to augment or incorporate these principles and goals into the County's organizational culture  
33 and authorize the Chair to sign.  
34

35       VOTE: UNANIMOUS

36       Commissioner Jacobs said that Orange County is also one of the leaders in conserving  
37 easements on agricultural lands through the Lands Legacy program. This is part of a tradition.  
38

39       **c.       Appointment of Tax Administrator**

40       The Board considered approving a resolution appointing Dwane Brinson as Orange  
41 County Tax Administrator, effective August 6, 2012, to fill the remainder of the unexpired term  
42 of Jenkins Crayton ending June 30, 2013.

43       Frank Clifton said that over a year ago the County went through an extensive process  
44 for a Tax Administrator and another gentleman was offered the position but has since retired.  
45 Tonight he introduced Mr. Duane Brinson and asked the County Commissioners to approve  
46 the resolution for the unexpired term of Mr. Jenkins Crayton. He gave Mr. Brinson's  
47 credentials.  
48

49       **ORANGE COUNTY BOARD OF COMMISSIONERS**

1     **A RESOLUTION APPOINTING DWANE BRINSON TO COMPLETE THE UNEXPIRED TAX**  
2                     **ASSESSOR AND TAX COLLECTOR TERMS OF**  
3     **JENKINS CRAYTON TO BE SERVED AS ORANGE COUNTY TAX ADMINISTRATOR**  
4

5     **WHEREAS**, Jenkins Crayton was appointed by the Orange County Board of County  
6         Commissioners to serve a term as Tax Administrator from July 1, 2011 through June 30,  
7         2013; and  
8

9     **WHEREAS**, The Orange County Tax Administrator serves in the statutory roles of both the  
10        Orange County Tax Assessor and the Orange County Tax Collector; and  
11

12    **WHEREAS**, On May 29, 2012 Mr. Crayton resigned from his role as Tax Administrator to serve  
13        as an advisor and consultant to the Tax Administration Department to allow for the  
14        effective transfer of roles responsibilities and integration until a new Tax Administrator  
15        could be appointed; and  
16

17    **WHEREAS**, North Carolina law specifies that in the case of a vacancy occurring in the office of  
18        tax assessor, the Board of County Commissioners shall appoint a qualified person to  
19        serve as county tax assessor for the period of the unexpired term; and  
20

21    **WHEREAS**, North Carolina law specifies that in the case of a vacancy occurring in the office of  
22        tax collector, the Board of County Commissioners shall appoint a qualified person to  
23        serve as county tax collector for the period of the unexpired term; and  
24

25    **WHEREAS**, The Orange County Manager has recommended that Dwane Brinson be appointed  
26        to complete the unexpired terms of Jenkins Crayton in his capacity as Orange County  
27        Tax Assessor and Orange County Tax Collector and that he be appointed to the Orange  
28        County Tax Administrator position based on his extensive experience and years of  
29        public service;  
30

31    **NOW, THEREFORE, BE IT RESOLVED THAT** the Orange County Board of Commissioners,  
32        as provided for under Chapter 105-294 and Chapter 105-349 of the North Carolina  
33        General Statutes, does hereby appoint Dwane Brinson as Orange County Tax Assessor  
34        and Orange County Tax Collector for the balance of the unexpired terms of Jenkins  
35        Crayton that end June 30, 2013, and that such appointments shall be served under the  
36        title Orange County Tax Administrator and that such appointments begin on August 6,  
37        2012;  
38

39    **BE IT FURTHER RESOLVED THAT:**

- 40        • Mr. Brinson shall be paid a starting salary of \$108,000 per year, an amount consistent  
41        with the mid-range of the position of Tax Administrator in North Carolina counties similar  
42        in size and complexity to Orange County;
- 43        • Subject to verification, Mr. Brinson shall transfer from Lee County to Orange County  
44        accumulated sick leave of approximately 700 hours to be used in emergency health  
45        situations and/or counted toward retirement;
- 46        • Mr. Brinson shall begin accruing annual leave in Orange County at the same rate as a  
47        full time employee with eleven years' service to Orange County in accordance with  
48        Chapter 28 of the Orange County Code of Ordinances. This does not include longevity,  
49        retirement credit, or any benefit other than annual leave accrual;

- 1 • Mr. Brinson shall accrue sick leave at the same rate as other full time employees of
- 2 Orange County;
- 3 • Mr. Brinson shall have access to the same employment benefits as other full time
- 4 employees of Orange County;
- 5 • Mr. Brinson shall be paid on the same schedule and shall receive salary adjustments the
- 6 same as other full time employees of Orange County;
- 7 • Mr. Brinson may have access to a county-owned vehicle for use for County business;
- 8 • Upon the presentation of verifiable receipts Mr. Brinson shall receive up to \$5,000 for
- 9 relocation (moving and temporary housing) costs;
- 10 • If, upon the expiration of the unexpired terms, Mr. Brinson is not appointed to a term of
- 11 service with Orange County as Tax Administrator, he shall receive a Separation
- 12 Allowance which shall consist of a lump sum payment equal to three months' salary,
- 13 plus the monetary value of all annual leave accrued while in service to Orange County in
- 14 addition to continued health, dental, and vision insurance coverage for a period of three
- 15 months from the date of the expiration of the unexpired term except, he shall not accrue
- 16 annual or sick leave after the date of separation;
- 17 • As Tax Administrator Mr. Brinson shall be subject to the appointment and removal
- 18 provisions of North Carolina General Statute Chapter 105 and, except as noted herein,
- 19 shall be exempt from the personnel provisions of the Orange County Code of
- 20 Ordinances and any associated Orange County Personnel Policies.

21  
22 Adopted by the Board of County Commissioners this 19<sup>th</sup> day of June 2012.

23  
24 A motion was made by Commissioner Hemminger, seconded by Commissioner McKee

25 to approve a resolution appointing Dwane Brinson as Orange County Tax Administrator,

26 effective August 6, 2012, to fill the remainder of the unexpired term of Jenkins Crayton ending

27 June 30, 2013.

28 VOTE: UNANIMOUS

29  
30 Dwane Brinson said that he looks forward to working with Orange County.

31  
32 **5. Consent Agenda**

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

34  
35 John Roberts removed item 5-o, SportsPlex Facility Management Agreement Renewal.

36  
37 • **Approval of Remaining Consent Agenda**

38  
39 A motion was made by Commissioner Yuhasz, seconded by Commissioner Foushee to

40 approve the remaining items on the consent agenda.

41 VOTE: UNANIMOUS

42  
43 • **Discussion and Approval of the Items Removed from the Consent Agenda**

44  
45 **o. SportsPlex Facility Management Agreement Renewal**

46 The Board considered renewing an agreement with Recreation Factory Partners, LLC,

47 to provide facility management for the Triangle SportsPlex and authorizing the Chair to sign.

48 John Roberts made reference to page 37 and the second paragraph in subsection one.

49 In the next to the last line it has the word "nominal". Nominal is not defined in this, so he asked

50 that it be taken out.

1 A motion was made by Commissioner Hemminger, seconded by Commissioner McKee  
 2 to approve renewing an agreement with Recreation Factory Partners, LLC, to provide facility  
 3 management for the Triangle SportsPlex, with the amendment by John Roberts, and authorize  
 4 the Chair to sign.

5 VOTE: UNANIMOUS

6  
 7 **a. Minutes**

8 The Board approved the minutes from March 22 and April 19, 2012 as submitted by the  
 9 Clerk to the Board.

10 **b. Motor Vehicle Property Tax Release/Refunds**

11 The Board adopted a release/refund resolution, which is incorporated by reference, related  
 12 to 22 requests for motor vehicle property tax releases or refunds in accordance with  
 13 NCGS.

14 **c. Property Tax Releases and/or Refunds**

15 The Board adopted a resolution, which is incorporated by reference, to release property  
 16 values related to twenty-five (25) requests for property tax release and/or refunds in  
 17 accordance with North Carolina General Statute 105-381.

18 **d. Town of Hillsborough Wayfinding Signage Easement**

19 The Board approved a maintenance easement to the Town of Hillsborough for wayfinding  
 20 signs located on County property and authorized the Chair to sign.

21 **e. Home and Community Care Block Grant for Older Adults Funding Plan for FY**  
 22 **2012-13**

23 The Board approved the recommended Home and Community Care Block Grant for Older  
 24 Adults Funding Plan for FY 2012-13 in the amount of \$510,464 and authorized the Chair to  
 25 sign.

26 **f. Agreements Between Chapel Hill Carrboro City Schools, Orange County Schools,**  
 27 **and Health Department for School Nurses**

28 The Board approved the renewal agreements between Chapel Hill Carrboro City Schools,  
 29 Orange County Schools and the Health Department for nine school nurses and authorized  
 30 the Chair to sign.

31 **g. Approval of Senior Lunch Caterer Contract with Nantucket Grill, Inc.**

32 The Board approved the food service caterer contract with Nantucket Grill, Inc. to provide  
 33 noon meals for the Home and Community Care Block Grant-funded Senior Lunch Program  
 34 at the Seymour and Central Orange Senior Centers for the period July 1, 2012 through  
 35 June 30, 2013 with optional one year extension.

36 **h. Community Development Block Grant Program – Section 3 Plan and Equal**  
 37 **Employment and Procurement Plan**

38 The Board approved and authorized the Chair to sign the Section 3 Plan and Equal  
 39 Employment and Procurement Plan for the County's Community Development Block Grant  
 40 Program and authorized the Chair to sign.

41 **i. Fiscal Year 2011-12 Budget Amendment #10**

42 The Board approved budget, grant, and capital project ordinance amendments for fiscal  
 43 year 2011-12 for Department on Aging; Miscellaneous; Emergency Services; Emergency  
 44 Telephone System Fund; County Campus/Office Building/Library Capital Project;  
 45 Department of Social Services; and Department of Environment, Agriculture, Parks and  
 46 Recreation and approved a reimbursement resolution for Orange Rural Fire Department.

47 **j. Approval of a Lease/Purchase Agreement between Orange County Schools and**  
 48 **Chase Equipment Finance to Provide Computers for Teachers and Students**

1 The Board approved a lease/purchase agreement between Orange County Schools and  
 2 Chase Equipment Finance for the lease/purchase of computers for teachers and students  
 3 to upgrade the District's digital technology and authorized the Chair to sign.

4 **k. Amendment to Hobbs, Upchurch & Associates Contract: Buckhorn-Mebane EDD**  
 5 **Water and Sewer Extension Project – Phase II**

6 The Board approved an amendment to the Hobbs, Upchurch & Associates contract for  
 7 design of water and sewer utilities in the Buckhorn Economic Development District area;  
 8 authorized the Chair to sign on behalf of Orange County; authorized proceeding with the  
 9 bid process concurrent with permit review; and authorized the Manager to sign permit  
 10 applications or other documents related to the permitting or bidding of this project, with bid  
 11 results to be brought to the BOCC for approval in Fall 2012.

12 **l. Legal Advertisement for Quarterly Public Hearing – August 27, 2012**

13 The Board approved the legal advertisement for items to be presented at the joint Board of  
 14 County Commissioners/Planning Board Quarterly Public Hearing scheduled for August 27,  
 15 2012.

16 **m. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment**  
 17 **Outline/Schedule for Efland Design Standards**

18 The Board approved process components and schedule for amendments to the UDO Text  
 19 and/or Zoning Atlas regarding Efland Design Standards, currently scheduled for the  
 20 November 19, 2012 Quarterly Public Hearing.

21 **n. Valley Forge Road Property Lease Rate for Builders FirstSource**

22 The Board approved a tiered renewal lease rate schedule of \$2.50 per square foot for 24  
 23 months and \$2.75 per square foot for 36 months for property owned by the County at 401  
 24 Valley Forge Road, Hillsborough and leased to Builders FirstSource.

25 **o. SportsPlex Facility Management Agreement Renewal**

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

28 **p. Reconciliation of Longevity Over/Underpayments Since January 1, 2004**

29 The Board approved approximately \$15,500 in longevity overpayments issued from FY  
 30 2006-07 through FY 2011-12 to 12 employees (ranging from \$386 to \$2,816 per employee)  
 31 and not require repayment, and approved the issuance of longevity payments totaling  
 32 \$1,066 to two employees who were underpaid longevity from FY 2004-05 through 2007-08.

33 **q. Amendment to the Orange County Code of Ordinances Regarding Massage**  
 34 **Regulation**

35 The Board adopted and authorized the Chair to sign the Resolution Amending Chapter 8,  
 36 Article II of the Code of Ordinances of Orange County; and authorized staff to make any  
 37 typographical or other non-substantive corrections as may be needed prior to and during  
 38 the process of submission of the amended ordinance to Municode.

39 **r. Joint Resolution Approving Dissolution of Orange Person Chatham (OPC) Mental**  
 40 **Health, Developmental Disability and Substance Abuse Authority**

41 The Board adopted a joint resolution officially dissolving OPC and establishing the area  
 42 authority comprised of a fifteen county catchment area – Cardinal Innovations Center  
 43 known as PBH and authorized the Chair to sign.

44 **s. Approval of an Agency Agreement Between Orange County, Caldwell Fire**  
 45 **Department and Eno Fire and Emergency Services for Primary Fire Protection in**  
 46 **an Area of the Caldwell Fire District**

47 The Board approved the attached Agency Agreement between Orange County, the  
 48 Caldwell Fire Department and Eno Fire and Emergency Services for primary fire protection  
 49 in an area of the Caldwell Fire District as shown on the attached East Orange Fire  
 50 Insurance District Boundary Map approved by the Board on April 19, 2011.

1  
2 **6. Public Hearings**  
3

4 **a. Proposed 2011-2012 Secondary Road (SR) Construction Program for**  
5 **Orange County**

6 The Board held a public hearing to receive public comment on and discuss the North  
7 Carolina Department of Transportation's Proposed 2011-12 Secondary Roads Construction  
8 Program for Orange County.

9 Craig Benedict introduced Mike Mills from DOT. Mike Mills said that he would like  
10 District Engineer Chuck Edwards to present the actual program. He said that he was at a  
11 meeting with Commissioner Jacobs today and he noticed that there were a lot of bridge projects  
12 in Orange County. He reviewed these projects.

13 Chuck Edwards presented the secondary road program. He said that they are at the  
14 end of the priority list for unpaved roads in Orange County and some have no houses on them.  
15 The highway fund has \$601,793 and the trust fund has \$452,040 for a total of \$1,053,833.  
16 There are two unpaved roads that are being proposed to be paved – Charlie's Dead End road  
17 and Buckhorn Road. The paved road improvements will be on Whitfield Road from NC 86 to  
18 SR 1734 (Erwin Road). The shoulders will be paved and the entire road will be resurfaced.  
19 The balance of the funds will be directed towards surveying and right-of-way acquisition costs,  
20 road indentions, other contingencies, and paving entrances to certified fire departments and  
21 rescue squads.

22 Mike Mills said that DOT is now starting to turn its attention to safety improvements on  
23 old paved roads and they are aggressively pursuing these roads. There will be a need for a  
24 later conversation with the Board of County Commissioners.

25 A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz  
26 to close the public hearing.

27 VOTE: UNANIMOUS  
28

29 A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz  
30 to approve the North Carolina Department of Transportation's Proposed 2011-12 Secondary  
31 Roads Construction Program for Orange County.

32 VOTE: UNANIMOUS  
33

34 **b. Chapel Hill Joint Planning Transition Area Zoning Atlas Amendment – St.**  
35 **Paul Village**

36 The Board received the Planning Board recommendation, closed the public hearing, and  
37 considered action on a proposal to amend the Joint Planning Area Zoning Atlas to change the  
38 zoning of a 20.9 acre 5-lot assemblage at the northeast corner of Rogers Road and Purefoy  
39 Drive from Residential-1 to Residential-5-Conditional.

40 Planner Perdita Holtz introduced this item. This item was heard on March 29<sup>th</sup>. This  
41 rezoning is in order to develop the St. Paul Village project. This project would have some multi-  
42 family units. The Planning Board considered this at the May 2<sup>nd</sup> regular meeting and  
43 unanimously voted to recommend approval of the rezoning.

44 Commissioner Jacobs asked the applicant about the possibility of partnering on the  
45 gym with local governments.

46 Gloria Sheehy, who was representing the applicant, said that it is the plan of the church  
47 that this is a facility that is available to the broader community. There have been some  
48 conversations with the local schools.

1 Commissioner Hemminger asked about sewer line and Gloria Sheehy said that it would  
 2 start at Edgar Street and go up Purefoy Road. The goal is to facilitate any future extension. It  
 3 will come up to Rogers Road.

4 Commissioner Hemminger said that she wanted to bring this information to the Rogers  
 5 Road task force meeting.

6 A motion was made by Commissioner Foushee, seconded by Commissioner  
 7 Hemminger to close the public hearing.

8 VOTE: UNANIMOUS

9 A motion was made by Commissioner Foushee, seconded by Commissioner  
 10 Hemminger to adopt the ordinance contained in Attachment 4 to amend the Joint Planning Area  
 11 Zoning Atlas to change the zoning of a 20.9 acre 5-lot assemblage at the northeast corner of  
 12 Rogers Road and Purefoy Drive from Residential-1 to Residential-5-Conditional.

13 VOTE: UNANIMOUS

14  
 15 **7. Regular Agenda**

16 **a. Approval of Fiscal Year 2012-13 Budget Ordinance, FY2012-13 County**  
 17 **Capital, Grant Project Funding, FY2012-17 Capital Investment Plan and County Fee**  
 18 **Schedule**

19 The Board considered approving the Fiscal Year 2012-13 Budget Ordinance, FY 2012-  
 20 13 County Capital, Grant Project Funding, FY 2012-17 Capital Investment Plan and County Fee  
 21 Schedule.

22 Financial Services Director Clarence Grier said that staff requests the Board of County  
 23 Commissioners to take action and adopt the budget ordinance.

24  
 25  
 26 **Fiscal Year 2012-13**  
 27 **Budget Ordinance**  
 28 **Orange County, North Carolina**

29  
 30 Be it ordained by the Board of Commissioners of Orange County

31  
 32 **Section I. Budget Adoption**

33  
 34 There is hereby adopted the following operating budget for Orange County for this fiscal year  
 35 beginning July 1, 2012 and ending June 30, 2013, the same being adopted by fund and activity,  
 36 within each fund, according to the following summary:

37

Fund	Current Revenue	Interfund Transfer	Fund Balance Appropriated	Total Appropriation
General Fund	\$176,774,904	\$1,040,000	\$2,187,872	\$180,002,776
Emergency Telephone Fund	\$490,672	\$0	\$0	\$490,672
Fire Districts Fund	\$3,608,643	\$0	\$10,911	\$3,619,554
Section 8 (Housing) Fund	\$4,130,645	\$87,319	\$0	\$4,217,964
Community Development Fund	\$535,793	\$209,080	\$0	\$744,873
Efland Sewer Operating Fund	\$203,600	\$99,050	\$0	\$302,650
Revaluation Fund	\$0	\$125,000	\$53,525	\$178,525

Visitors Bureau Fund	\$1,141,500	\$0	\$150,000	\$1,291,500
School Construction Impact Fees Fund	\$1,040,000	\$0	\$0	\$1,040,000
Solid Waste/Landfill Operations Enterprise Fund	\$10,644,953	\$0	\$4,284,065	\$14,929,018
Sportsplex Enterprise Fund	\$2,638,360	\$618,619	\$0	\$3,256,979
Community Spay/Neuter Fund	\$53,000	\$0	\$22,000	\$75,000
Article 46 Sales Tax Fund	\$2,500,000	\$0	\$0	\$2,500,000

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5

## Section II. Appropriations

That for said fiscal year, there is hereby appropriated out the following:

Function	Appropriation
<b>General Fund</b>	
Governing and Management	\$15,339,623
General Services	\$7,712,117
Community and Environment	\$5,851,987
Human Services	\$30,711,556
Public Safety	\$20,121,532
Culture and Recreation	\$2,332,405
Education	\$66,947,350
Debt Service	\$25,551,075
Transfers to Other Funds	\$5,435,131
<b>Total General Fund</b>	<b>\$180,002,776</b>
<b>Emergency Telephone System Fund</b>	
Public Safety	\$490,672
<b>Total Emergency Telephone System Fund</b>	<b>\$490,672</b>
<b>Fire Districts</b>	
Cedar Grove	\$205,287
Chapel Hill	\$1,714
Damascus	\$46,196
Efland	\$314,465
Eno	\$427,542
Little River	\$170,158
New Hope	\$502,439
Orange Grove	\$379,334
Orange Rural	\$713,734
South Orange	\$429,778
Southern Triangle	\$168,360
White Cross	\$260,547
<b>Total Fire Districts Fund</b>	<b>\$3,619,554</b>
<b>Section 8 (Housing) Fund</b>	
Human Services	\$4,217,964
<b>Total Section 8 Fund</b>	<b>\$4,217,964</b>
<b>Community Development Fund (Urgent Repair Program)</b>	
Human Services	\$146,506

<b>Total Community Development Fund (Urgent Repair Program)</b>	<b>\$146,506</b>
<b>Community Development Fund (HOME Program)</b>	
Human Services	\$524,206
<b>Total Community Development Fund (HOME Program)</b>	<b>\$524,206</b>
<b>Community Development Fund (Homelessness Partnership Program)</b>	
Human Services	\$74,161
<b>Total Community Development Fund (Homelessness Program)</b>	<b>\$74,161</b>
<b>Total Community Development Fund Programs</b>	<b>\$744,873</b>
<b>Efland Sewer Operating Fund</b>	
Community and Environment	\$302,650
<b>Total Efland Sewer Operating Fund</b>	<b>\$302,650</b>
<b>Revaluation Fund</b>	
General Services	\$178,525
<b>Total Revaluation Fund</b>	<b>\$178,525</b>
<b>Visitors Bureau Fund</b>	
Community and Environment	\$1,291,500
<b>Total Visitors Bureau Fund</b>	<b>\$1,291,500</b>
<b>School Construction Impact Fees</b>	
Transfers to Other Funds	\$1,040,000
<b>Total School Construction Impact Fees Fund</b>	<b>\$1,040,000</b>
<b>Solid Waste/Landfill Operations</b>	
Solid Waste/Landfill Operations	\$14,929,018
<b>Total Solid Waste/Landfill Operations</b>	<b>\$14,929,018</b>
<b>SportsPlex Enterprise Fund</b>	
Culture and Recreation	\$3,256,979
<b>Total Sportsplex Enterprise Fund</b>	<b>\$3,256,979</b>
<b>Community Spay/Neuter Fund</b>	
Governing and Management	\$75,000
<b>Total Community Spay/Neuter Fund</b>	<b>\$75,000</b>
<b>Article 46 Sales Tax Fund</b>	
Governing and Management	\$2,500,000
<b>Total Article 46 Sales Tax Fund</b>	<b>\$2,500,000</b>

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4

### Section III. Revenues

The following fund revenues are estimated to be available during the fiscal year beginning July 1, 2012 and ending June 30, 2013, to meet the foregoing appropriations:

Function	Appropriation
<b>General Fund</b>	
Property Tax	\$136,928,193
Sales Tax	\$15,742,304
Licenses & Permits	\$313,000
Intergovernmental	\$13,595,810
Charges for Services	\$9,292,257

Investment Earnings	\$105,000
Miscellaneous	\$798,340
Transfers from Other Funds	\$1,040,000
Appropriated Fund Balance	\$2,187,872
<b>Total General Fund</b>	<b>\$180,002,776</b>
<b>Emergency Telephone System Fund</b>	
Charges for Services	\$490,672
Appropriated Fund Balance	\$0
<b>Total Emergency Telephone System Fund</b>	<b>\$490,672</b>
<b>Fire Districts</b>	
Property Tax	\$3,608,643
Investment Earnings	\$0
Appropriated Fund Balance	\$10,911
<b>Total Fire Districts Fund</b>	<b>\$3,619,554</b>
<b>Section 8 (Housing) Fund</b>	
Intergovernmental	\$4,130,645
From General Fund	\$87,319
<b>Total Section 8 Fund</b>	<b>\$4,217,964</b>
<b>Community Development Fund (Urgent Repair Program)</b>	
From General Fund	\$146,506
<b>Total Community Development Fund (Urgent Repair Program)</b>	<b>\$146,506</b>
<b>Community Development Fund (HOME Program)</b>	
Intergovernmental	\$490,555
From General Fund	\$33,651
<b>Total Community Development Fund (HOME Program)</b>	<b>\$524,206</b>
<b>Community Development Fund (Homelessness Partnership Program)</b>	
Intergovernmental	45,238
From General Fund	28,923
<b>Total Community Development Fund (Homelessness Partnership Program)</b>	<b>\$74,161</b>
<b>Total Community Development Fund Programs</b>	<b>\$744,873</b>
<b>Efland Sewer Operating Fund</b>	
Charges for Services	\$203,600
From General Fund	\$99,050
<b>Total Efland Sewer Operating Fund</b>	<b>\$302,650</b>
<b>Revaluation Fund</b>	
From General Fund	\$125,000
Appropriated Fund Balance	\$53,525
<b>Total Revaluation Fund</b>	<b>\$178,525</b>
<b>Visitors Bureau Fund</b>	
Occupancy Tax	\$959,518
Sales & Fees	\$1,000
Intergovernmental	\$180,482
Investment Earnings	\$500
Appropriated Fund Balance	\$150,000
<b>Total Visitors Bureau Fund</b>	<b>\$1,291,500</b>

<b>School Construction Impact Fees Fund</b>	
Impact Fees	\$1,040,000
<b>Total School Construction Impact Fees Fund</b>	<b>\$1,040,000</b>
<b>Solid Waste/Landfill Operations</b>	
Sales & Fees	\$8,368,480
Intergovernmental	\$483,622
Miscellaneous	\$123,605
Licenses & Permits	\$67,520
Interest on Investments	\$7,500
General Fund Contribution for Sanitation Operations	\$1,594,226
Appropriated Reserves	\$4,284,065
<b>Total Solid Waste/Landfill Operations</b>	<b>\$14,929,018</b>
<b>Sportsplex Enterprise Fund</b>	
Charges for Services	\$2,638,360
From General Fund	\$618,619
<b>Total Sportsplex Enterprise Fund</b>	<b>\$3,256,979</b>
<b>Community Spay/Neuter Fund</b>	
Animal Tax	\$31,000
Intergovernmental	\$20,000
Miscellaneous	\$2,000
Appropriated Fund Balance	\$22,000
<b>Total Community Spay/Neuter Fund</b>	<b>\$75,000</b>
<b>Article 46 Sales Tax Fund</b>	
Sales Tax Proceeds	\$2,500,000
<b>Total Article 46 Sales Tax Fund</b>	<b>\$2,500,000</b>

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7

#### Section IV. Tax Rate Levy

There is hereby levied for the fiscal year 2012-13 a general county-wide tax rate of 85.8 cents per \$100 of assessed valuation. This rate shall be levied in the General Fund. Special district tax rates are levied as follows:

Cedar Grove	7.36
Chapel Hill	7.50
Damascus	5.00
Efland	4.66
Eno	5.99
Little River	4.06
New Hope	8.95
Orange Grove	5.00
Orange Rural	5.61
South Orange	7.85
Southern Triangle	5.00
White Cross	7.00
Chapel Hill-Carrboro School District	18.84

1 **Section V. General Fund Appropriations for Local School Districts**

2 The following FY 2012-13 General Fund Appropriations for Chapel Hill-Carrboro  
3 City Schools and Orange County Schools are approved:

- 4
- 5 a) Current Expense appropriation for local school districts totals \$62,389,900, and equates  
6 to a per pupil allocation of \$3,167.
- 7 1) The Current Expense appropriation to the Chapel Hill-Carrboro City Schools is  
8 \$38,368,205.
- 9 2) The Current Expense appropriation to the Orange County Schools is  
10 \$24,021,695.
- 11 b) Recurring Capital appropriation for local school districts totals \$3,000,000
- 12 1) The Recurring Capital appropriation to the Chapel Hill-Carrboro City Schools  
13 totals \$1,845,000.
- 14 2) The Recurring Capital appropriation to the Orange County Schools totals  
15 \$1,155,000.
- 16 c) Long-Range (Pay-As-You-Go) Capital appropriation for local school districts totals  
17 \$3,724,849
- 18 1) The Long-Range (Pay-As-You-Go) Capital appropriation to the Chapel Hill-  
19 Carrboro City Schools totals \$2,290,782.
- 20 2) The Long-Range (Pay-As-You-Go) Capital appropriation to the Orange County  
21 Schools totals \$ 1,434,067.
- 22 d) School Related Debt Service for local school districts totals \$15,352,784, which includes  
23 \$663,196 of school debt service reserves for future debt service on school capital  
24 projects.
- 25 e) Fair Funding appropriation for local school districts totals \$988,000. This appropriation is  
26 to be split 50/50 between Chapel Hill-Carrboro City Schools and Orange County  
27 Schools.
- 28 f) Additional County funding for local school districts totals \$1,907,394
- 29
- 30 1) School Health Nurses - Total appropriation of \$683,706 with \$451,651 allocated  
31 for Chapel Hill-Carrboro City Schools and \$232,055 allocated for Orange County  
32 Schools
- 33 2) School Social Workers - Total appropriation of \$692,283 allocated in the  
34 Department of Social Services to provide School Social Workers to Orange  
35 County Schools
- 36 3) School Resource Officers - Total appropriation of \$531,405 allocated in the  
37 Sheriff's Department to provide School Resource Officers to Orange County  
38 Schools
- 39
- 40

41 **Section VI. Schedule B License**

42

43 In accordance with Schedule B of the Revenue Act, Article 2, Chapter 105 of the North Carolina  
44 State Statutes, and any other section of the General Statutes so permitting, there are hereby

1 levied privilege license taxes in the maximum amount permitted on businesses, trades,  
2 occupations or professions which the County is entitled to tax.

### 3 4 **Section VII. Animal Licenses**

5  
6 A license costing \$10 for sterilized dogs and sterilized cats is hereby levied. A license for un-  
7 sterilized dogs and a license for un-sterilized cats is \$30 per animal.

### 8 9 **Section VIII. Board of Commissioners' Compensation**

10  
11 The Board of County Commissioners authorizes that:

- 12 • Salaries of County Commissioners will be adjusted by any cost of living increase, any in-  
13 range salary increase and/or any other general increase granted to permanent County  
14 employees. For fiscal year 2012-13, the approved budget includes a 2% cost of living  
15 increase, effective July 1, 2012.
- 16 • Annual compensation for County Commissioners will include the County contribution for  
17 health insurance, dental insurance and life insurance that is provided for permanent  
18 County employees, provided the Commissioners are eligible for this coverage under the  
19 insurance contracts and other contracts affecting these benefits.
- 20 • County Commissioners' compensation includes eligibility to continue to participate in the  
21 County health insurance at term end as provided below:
  - 22
  - 23 ○ If the County Commissioner has served less than two full terms in office (less  
24 than eight years), the Commissioner may participate by paying the full cost of  
25 such coverage. (If the Commissioner is age 65 or older, Medicare becomes the  
26 primary insurer and group health insurance ends.)
  - 27
  - 28 ○ If the County Commissioner has served two or more full terms in office (eight  
29 years or more), the County makes the same contribution for health insurance  
30 coverage that it makes for an employee who retires from Orange County after 20  
31 years of consecutive County service as a permanent employee. If the  
32 Commissioner is age 65 or older, Medicare becomes the primary insurer and  
33 group health insurance ends. The County makes the same contribution for  
34 Medicare Supplement coverage that it makes for a retired County employee with  
35 20 years of service.
  - 36
  - 37 ○ Annual compensation for Commissioners will include a County contribution for  
38 each Commissioner to the Deferred Compensation (457) Supplemental  
39 Retirement Plan that is the same as the County contribution for non-law  
40 enforcement County employees in the State 401 (k) plan.
  - 41

### 42 **Section IX. Budget Control**

43  
44 General Statutes of the State of North Carolina provide for budgetary control measures  
45 to exist between a county and public school system. The statute provides:

#### 46 47 **Per General Statute 115C-429:**

48 (c) The Board of County Commissioners shall have full authority to call for, and the Board of  
49 Education shall have the duty to make available to the Board of County Commissioners, upon

1 request, all books, records, audit reports, and other information bearing on the financial  
2 operation of the local school administrative unit.

3

4

5 The Board of Commissioners hereby directs the following measures for budget administration  
6 and review:

7 That upon adoption, each Board of Education will supply to the Board of County  
8 Commissioners a detailed report of the budget showing all appropriations by function and  
9 purpose, specifically to include funding increases and new program funding. The Board of  
10 Education will provide to the Board of County Commissioners a copy of the annual audit,  
11 monthly financial reports, copies of all budget amendments showing disbursements and use of  
12 local moneys granted to the Board of Education by the Board of Commissioners.

13

#### 14 **Section X. Internal Service Fund - Dental Insurance Fund**

15

16 The Dental Insurance Fund accounts for the receipt of premium payments from the County for  
17 its employees and from the employees for their dependents, and the payment of employee  
18 claims and administration expenses. Projected receipts from the County and employees for  
19 2012-13 are \$259,408 and projected expense for claims and administration for 2012-13 is  
20 \$259,408.

21

#### 22 **Section XI. Internal Service Fund - Vehicle Replacement Fund**

23 The Vehicle Replacement Fund will centralize and account for the purchase and replacement of  
24 County vehicles purchased with revenues and funding provided by the Governmental Funds of  
25 Orange County (General Fund, Special Revenue and Grants Funds). Projected sources of  
26 revenues and funds will be \$640,503 of short-term installment financing and internal reserves,  
27 and the projected expenses for the purchase of vehicles will be \$640,503.

28

#### 29 **Section XII. Agency Funds**

30

31 These funds account for assets held by the County as an agent for other government units, and  
32 by State Statutes, these funds are not subject to appropriation by the Board of County  
33 Commissioners, and not included in this ordinance.

34

#### 35 **Section XIII. Encumbrances**

36

37 Operating funds encumbered by the County as of June 30, 2012 are hereby reappropriated to  
38 this budget.

39

#### 40 **Section XIV. Capital Projects & Grants Fund**

41

42 The County Capital Improvements Fund, Schools Capital Improvements Fund, Community  
43 Development Fund and the Grant Projects Fund are hereby authorized. Appropriations made  
44 for the specific projects or grants in these funds are hereby appropriated until the project or  
45 grant is complete.

46

1 The County Capital Projects Fund FY 2012-13 budget, with anticipated fund revenues of  
2 \$6,666,950 and project expenditures of \$6,666,950 (see Attachment 3), is hereby adopted in  
3 accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2012, and  
4 ending June 30, 2013, and the same is adopted by project.

5  
6 The County Grant Projects Fund FY 2012-13 budget, with anticipated fund revenues of  
7 \$216,706 and project expenditures of \$216,706 (see Attachment 4), is hereby adopted in  
8 accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2012, and  
9 ending June 30, 2013, and the same is adopted by project.

10  
11 Any capital project or grant budget previously adopted, the balance of any anticipated, but not  
12 yet received, revenues and any unexpended appropriations remaining on June 30, 2012, shall  
13 be reauthorized in the 2012-13 budget.

#### 14 15 **Section XV. Contractual Obligations**

16  
17 The County Manager is hereby authorized to execute contractual documents under the  
18 following conditions:

- 19  
20 1. The Manager may execute contracts for construction or repair projects that do not  
21 require formal competitive bid procedures, and which are within budgeted departmental  
22 appropriations, for which the amount to be expended does not exceed \$250,000.
- 23  
24 2. The Manager may execute contracts for general and/or professional services which are  
25 within budgeted departmental appropriations, for purchases of apparatus supplies and  
26 materials or equipment which are within the budgeted departmental appropriations, and  
27 for leases of personal property for a duration of one year or less and within budgeted  
28 departmental appropriations for which the amount to be expended does not exceed  
29 \$89,999.
- 30  
31 3. Contracts executed by the Manager shall be pre-audited by the Financial Services  
32 Director and reviewed by the County Attorney to ensure compliance in form and  
33 sufficiency with North Carolina law.
- 34  
35 4. The Manager may sign intergovernmental service agreements in amounts under  
36 \$90,000.
- 37  
38 5. The Manager may sign intergovernmental grant agreements regardless of amount as  
39 long as no expenditure of County matching funds, not previously budgeted and  
40 approved by the Board, is required. Subsequent budget amendments will be brought to  
41 the Board of County Commissioners for revenue generating grant agreements not  
42 requiring County matching funds as required for reporting and auditing purposes.
- 43  
44 6. The Manager and Attorney will provide a quarterly report to the County Commissioners  
45 showing the type and amount of each intergovernmental agreement signed by the  
46 Manager.

47  
48 A motion was made by Commissioner McKee, seconded by Commissioner Gordon to  
49 adopt the Resolution of Intent to Adopt the 2012-13 Orange County Budget (Attachment one).

50 VOTE: UNANIMOUS

1  
2 Commissioner Gordon pointed out that the County Commissioners did not make these  
3 decisions to adopt this budget at a work session, but only the "intent" to adopt.  
4

5 A motion was made by Commissioner Hemminger, seconded by Commissioner McKee  
6 to adopt the FY – 2012-13 Budget Ordinance (Attachment 2).

7 VOTE UNANIMOUS  
8

9 A motion was made by Commissioner Foushee, seconded by Commissioner  
10 Hemminger to approve the County Capital Recommended Projects – Capital Investment Plan  
11 FY-2012-13 (Attachment 3).

12 VOTE: UNANIMOUS  
13

14 A motion was made by Commissioner Hemminger, seconded Commissioner Foushee to  
15 approve the County Grant Projects (Attachment 4).

16 VOTE: UNANIMOUS  
17

18 Commissioner Jacobs pointed out that this is the fourth year in a row that the County  
19 has not had a tax increase. The staff was also able to get a raise this year and an additional  
20 \$65 per pupil was given to the school systems.  
21

22 A motion was made by Commissioner Foushee, seconded by Commissioner  
23 Hemminger to adopt the fee schedule.

24 VOTE: UNANIMOUS  
25

26 This budget being duly adopted this 19<sup>th</sup> day of June 2012.  
27

28 Frank Clifton said that Clarence Grier has done a great job with the budget staff and he  
29 will now become an Assistant County Manager as of July 1<sup>st</sup>.  
30

31 **b. Amendment to the Orange County Personnel Ordinance Article IV, Section**  
32 **28-36, Health Insurance**

33 The Board considered approving an amendment to the Orange County Personnel  
34 Ordinance Article IV, Section 28-36, Health Insurance regarding retiree health coverage for  
35 employees hired on or after July 1, 2012.

36 Interim Human Services Director Sharon Laisure went through the changes that would  
37 occur as a result of this amendment:

- 38 - Increase the eligibility requirement from a total of ten year Orange County service to  
39 twenty continuous years of Orange County service for a retiree under age 65 retiring  
40 with a service retirement;
- 41 - Increase the eligibility requirement from a total of five years Orange County service  
42 to ten continuous years of Orange County service for a retiree age 65 or older OR  
43 an employee retiring with a disability retirement;
- 44 - Reduce the cap on the amount the County will pay for post-65 benefits to 50% of the  
45 amount paid for active employees' health insurance (compared to the current 100%);  
46 and
- 47 - Require any retiree eligible for Medicare due to disability or age to enroll in Medicare  
48 Parts A and B and end enrollment in the County's group health insurance.  
49

50 This will affect all employees hired on or after July 1<sup>st</sup>, 2012.

1  
2 Commissioner Yuhasz asked about the “continuous service” and Frank Clifton said that  
3 they found under the older program that people would work then leave and then come back to  
4 retire in order to get the retirement health benefits. He said that this is a retention benefit.

5 Commissioner Yuhasz said that the 20-year period is long enough that would warrant  
6 this particular benefit. Commissioner Jacobs agreed.

7 Commissioner Foushee suggested seeing what happens in the market for other local  
8 governments.

9 Frank Clifton said that Orange County has one of the best benefit packages. He will do  
10 further research if the Board wants.

11 Commissioner Hemminger agreed with Commissioner Yuhasz and Commissioner  
12 Jacobs, however, she is not comfortable with continuous at this point and she would like to see  
13 more information.

14 Commissioner McKee said that he would like to see more information on what other  
15 local governments are doing or have done.

16 Commissioner Gordon agreed with the continuous function and she said that staff could  
17 review it if the Board wants.

18 A motion was made by Commissioner McKee seconded by Commissioner Foushee to  
19 approve an amendment to the Orange County Personnel Ordinance Article IV, Section 28-36,  
20 Health Insurance regarding retiree health coverage for employees hired on or after July 1, 2012  
21 *and ask for additional information on other counties’ actions.*

22 VOTE: UNANIMOUS

23  
24 Commissioner Jacobs said that he would like to see the breakdown of pay grade in the  
25 motion and Commissioner McKee agreed.

26 Commissioner Foushee said that the County Commissioners did talk in the work session  
27 that employees are to be informed during the entire health insurance discussion process  
28 whether the County renews or not with United Health Care (UHC) and she too has received  
29 numerous complaints from employees about UHC. She said that employees did not feel that  
30 they got what they thought they were going to get in healthcare. She hopes that whatever is  
31 done would include the employees’ participation.

32  
33 **c. Modification of Mebane Water and Sewer Service Agreement for the**  
34 **Buckhorn-Mebane-Efland Area**

35 The Board considered approving a modified Water and Sewer Service Agreement with  
36 the City of Mebane for provision of water and sewer service in the Buckhorn-Mebane-Efland  
37 area and authorizing the Chair to sign.

38 Craig Benedict said that this is a modification of the existing water and sewer service  
39 agreement. He showed the area on a map. The original agreement includes about 1,200  
40 acres. He went through some of the aspects of the agreement as an update to the County  
41 Commissioners that were not here when it began in 2004. The purpose of the original  
42 agreement was to leverage some money through federal grants to provide sewer to the  
43 Buckhorn community and also to provide water and sewer facilities to Gravelly Hill Middle  
44 School. In order to extend services through Mebane, this agreement was put together. This  
45 would allow 19 residents in the Buckhorn area to not pay the connection charges. The  
46 concepts in the agreement are that it would be possible in the future to send the sewer flow  
47 from the existing area that presently goes to Hillsborough to Mebane instead.

48 Frank Clifton said that the biggest step in this is Mebane’s willingness to accept the  
49 flows out of the Efland area and also the willingness to dedicate capacity in that area.

1 Commissioner Gordon went to podium to speak because she could not see the map  
2 from her seat. She asked about Exhibit B-2 (Future Land Use Map of Orange County  
3 Comprehensive Plan) and asked if that was controlling land use.

4 Craig Benedict said that Exhibit B-2 would be controlling land use standards.

5 Commissioner Gordon made reference to the monitors and said that she cannot see the  
6 map on the monitor but only on the large screen. She asked staff to work on this to correct the  
7 problem.

8 Frank Clifton said that the only areas on the maps that the City of Mebane would have  
9 land use authority over are the areas where Orange County has extended ETJ authority. The  
10 rest of the areas fall within the County's zoning jurisdiction. He hopes to come back in the fall  
11 and have the Board approve bids for construction of these lines.

12 Commissioner Jacobs said that the issue of annexation needs to be addressed for the  
13 benefit of people in Efland.

14 John Roberts said that the prior drafts of the agreement had some language that could  
15 have been interpreted to require some annexation in some areas. However, due to recent  
16 activity in the General Assembly, annexation has been severely curbed for municipalities. From  
17 Mebane's perspective, all annexation going forward will be voluntary only.

18 Commissioner Jacobs made reference to #10 and Reservation of Capacity and asked if  
19 there was anything in this agreement to recover a percentage of the availability fees.

20 Frank Clifton said that it is really a capacity charge for the County to guarantee capacity  
21 and helps to avoid the capital costs of expansion of plants, lines, etc. As users are added, the  
22 capacity charge will be reduced.

23 Commissioner Jacobs asked if planning jointly with Mebane would be coming back in  
24 the fall.

25 Craig Benedict said that there would be conversations in the fall about joint planning.

26 Commissioner Jacobs asked if this was to be a public process rather than a staff  
27 process. Craig Benedict said yes.

28 Commissioner Gordon asked about the annexation area and made reference to the  
29 bottom of page 5 and the top of page 6. She said that it is a big deal what the urban growth  
30 and annexation area might be. She said that it seems that this is de facto saying which part is  
31 the urban growth area and which part is the annexation area. There is a very long area  
32 extending into Orange County. She would like to get public comment before the decision on the  
33 annexation boundary is made.

34 Commissioner Jacobs said that everything except E-2 was already part of the  
35 agreement with Mebane from 2004 to be part of the economic development district and would  
36 be served by Mebane's sewer and water.

37 Craig Benedict said that this was correct.

38 Commissioner Jacobs asked staff to communicate to the Efland community after the  
39 Board of County Commissioners adopts this agreement that Mebane would not be annexing.

40 Frank Clifton said that Mebane has expressed no interest in annexing the Efland area.  
41 The costs would exceed the tax revenue.

42 Commissioner Gordon said that she still has the same concerns because it defines the  
43 urban growth and annexation area as being all the way past Efland and this has significance for  
44 other agreements.

45 A motion was made by Commissioner McKee, seconded by Commissioner Foushee to  
46 approve a modified Water and Sewer Service Agreement with the City of Mebane for provision  
47 of water and sewer service in the Buckhorn-Mebane-Efland area and authorize the Chair to  
48 sign.

49 VOTE: Ayes, 6; No, 1 (Commissioner Gordon)

1 Commissioner Gordon said that she voted against this because of her concerns about the  
 2 urban growth and annexation boundary.  
 3

4 **d. Resolution of Approval – Conserving Native Wildflowers on Roadways**

5 The Board considered a resolution approving a plan to implement voluntary roadside  
 6 management practices that will increase the visibility, enjoyment, and conservation of native  
 7 wildflowers along some of the roadways in Orange County and authorizing the Chair to sign.

8 Land Conservation Manager Rich Shaw said that over the past few years, the  
 9 Commission for the Environment has studied the effect of herbicides in Orange County to  
 10 control growth of vegetation along roadsides and in utility easements. It also studied the  
 11 adverse effects of herbicides on native plants that also exist. The County Commissioners made  
 12 some recommendations regarding the use of herbicides, including recommending an outright  
 13 ban on herbicides at one time. The Commission for the Environment has put forth a new  
 14 proposal for the Board’s consideration. He introduced Johnny Randall, former member of the  
 15 Commission for the Environment. He is now Assistant Director of the Botanical Garden in  
 16 Chapel Hill.

17 Johnny Randall made a PowerPoint presentation with pictures of the roadways. He said  
 18 that this is not just about wildflowers but the biodiversity of Orange County and the plant  
 19 species that require this habitat. He said that the roadsides are now being decimated. He said  
 20 that he is hoping that there can be time to characterize these roadsides that have natural value.  
 21 There have been some signs put up that say “do not mow or spray.”

22 Commissioner McKee wants to make sure that no “problem species” are reintroduced  
 23 because of the problems that they cause for farmers sometimes. He gave the example of  
 24 Johnson grass.

25 Johnny Randall said that these are all plants native to Orange County and are not  
 26 weeds. Johnson grass is not a native plant and is a terrible pest. He said that no pest plants  
 27 would be introduced.  
 28  
 29

30 **ORANGE COUNTY BOARD OF COMMISSIONERS**

31 **RESOLUTION**

32 **Conservation of Native Wildflowers along Orange County Roadways**  
 33  
 34

35  
 36  
 37 **WHEREAS**, the natural beauty of native wildflowers in Orange County can be enjoyed by  
 38 everyone, can attract guests, and benefit commerce, environmental health, and public well-  
 39 being; and

40  
 41 **WHEREAS**, enjoyment of native wildflowers is an occasion for all County and community  
 42 leaders to unite for the benefit of everyone; and

43  
 44 **WHEREAS**, many naturally beautiful species of native wildflowers, including Indian paintbrush,  
 45 yellow wild indigo, and Carolina rose, are already prominently displayed along Orange County’s  
 46 state and county roadways; and

47  
 48 **WHEREAS**, increasing the visibility of native wildflowers in Orange County is consistent with the  
 49 vision of the 2030 Comprehensive Plan, and goals of many individuals, businesses, and  
 50 community-based organizations; and

1  
2 **WHEREAS**, the presence of native wildflowers is essential to the fitness of native pollinator  
3 species necessary for productive and profitable farms and forests; and  
4

5 **WHEREAS**, it is desirable and attainable to experience the beauty of many more native  
6 wildflowers by reducing the frequency and extent of roadside mowing; and  
7

8 **WHEREAS**, State Road 1006 (Orange Grove Road) and State Road 1114 (Buckhorn Road) are  
9 examples of roadways with pilot projects where native wildflowers have been conserved;  
10

11 **NOW THEREFORE, BE IT RESOLVED** that the Orange County Board of Commissioners does  
12 hereby commit and encourage others to commit to the conservation of roadside native  
13 wildflowers along the roadways in Orange County, and do hereby authorize the Commission for  
14 the Environment and County staff to work with the NC Department of Transportation, utility  
15 companies, and property owners to plan and implement roadside management practices that  
16 will increase the visibility and enjoyment of North Carolina native wildflowers.  
17

18 This the 19th day of June, 2012.  
19

20 A motion was made by Commissioner Gordon, seconded by Commissioner Jacobs to  
21 adopt a resolution approving a plan to implement voluntary roadside management practices  
22 that will increase the visibility, enjoyment, and conservation of native wildflowers along some of  
23 the roadways in Orange County and authorize the Chair to sign.  
24

25 VOTE: UNANIMOUS  
26

## 27 **8. Reports**

### 28 **a. Hydrilla in the Eno River**

29 The Board received an update concerning the extent of Hydrilla, an invasive aquatic  
30 plant, in the Eno River.

31 Water Resources Coordinator Tom Davis said that this aquatic plant is throughout the  
32 Eno River in Orange County and also in other places. It is a highly invasive aquatic plant. He  
33 made a PowerPoint presentation with pictures. The problems with Hydrilla are that it is  
34 unsightly, it is a nuisance with fishing, and it impacts water quality. The management options  
35 include the herbicide Endothall, triploid grass carp, and public outreach and education.

36 Commissioner Jacobs said that this plant used to be a problem at OWASA reservoirs.  
37 One of the changes that OWASA made was the freedom with which people put in boats. He  
38 asked if there was any sanitizing of boats, etc. Tom Davis said that he was not aware of this.

39 Commissioner Gordon commended the Commission for the Environment for their  
40 pursuance of this issue.  
41

## 42 **9. County Manager's Report**

43 Frank Clifton said that the Board of County Commissioners has voted to move forward  
44 on the referendum for the ½-cent sales tax for transit and issues continue to evolve, especially  
45 with the MPOs and the implementation agreement, and staff will be working on this issue over  
46 the summer.  
47

## 48 **10. County Attorney's Report**

49 John Roberts said that the statutes do not require the MPOs to be a part of the  
50 implementation agreement but this is a political decision that the Board will need to make. He

1 said that the County's interest is best served by the Board of County Commissioners. He said  
 2 that there needs to be an additional provision added to the ethics section of the general  
 3 advisory board policy. It needs to be something along the lines of not using the position on an  
 4 advisory board to gain personal profit or profit for a business entity that a member may be  
 5 involved in.  
 6  
 7

8 **11. Appointments**

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

10 The Board considered making appointments to the Adult Care Home Community  
 11 Advisory Committee.

12 A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs  
 13 to appoint Deborah Rider, with a one-year training term expiring June 30, 2013 and Max  
 14 Mason, with a first full term expiring 06/30/2015, to the Adult Care Home Community Advisory  
 15 Committee.

16 VOTE: UNANIMOUS  
 17

18 **b. Advisory Board on Aging – Appointment**

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

20 A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger  
 21 to appoint Ms. Heather Altman to the Advisory Board on Aging, for a second term ending  
 22 6/30/2015.

23 VOTE: UNAIMOUS  
 24

25 **c. Animal Services Advisory Board – Appointment**

26 The Board considered making an appointment to the Animal Services Advisory Board.

27 A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger  
 28 to appoint Ms. Michelle Walker to the Animal Services Advisory Board for a first full term ending  
 29 6/30/2015.

30 Commissioner Hemminger said that this board is not very diverse and she would like to  
 31 find more members.

32 VOTE: UNANIMOUS  
 33

34 **d. Carrboro Northern Transition Area Advisory Committee – Appointment**

35 The Board considered making an appointment to the Carrboro Northern Transition Area  
 36 Advisory Committee.

37 A motion was made by Commissioner Jacobs, seconded by Commissioner Gordon to  
 38 appoint Mr. Noah Moore to the Carrboro Northern Transition Area Advisory Committee for a  
 39 first full term, ending 1/30/2015.

40 VOTE: UNANIMOUS  
 41

42 **e. Economic Development Advisory Board – Appointments**

43 The Board considered making appointments to the Economic Development Advisory  
 44 Board.

45 A motion was made by Commissioner McKee, seconded by Commissioner Yuhasz to  
 46 appoint Nicholas Thomas to the position of Entrepreneur on the Economic Development  
 47 Advisory Board, for a first full term ending 6/30/2014.

48 VOTE: UNANIMOUS

1 A motion was made by Commissioner McKee, seconded by Commissioner Jacobs to  
 2 appoint D.R. Bryan to one of the positions of Core Business Community on the Economic  
 3 Development Advisory Board, for a first full term ending 6/30/2014.

4 VOTE: UNANIMOUS

5  
 6 **f. Hillsborough Board of Adjustment – Appointments**

7 The Board considered making appointments to the Hillsborough Board of Adjustment.

8 A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to  
 9 appoint Ms. Cannie Lloyd to the ETJ position on the Hillsborough Board of Adjustment, for a  
 10 partial term ending 9/30/2013; and to appoint David Remington to an ETJ position for a first full  
 11 term ending 6/30/2014.

12 VOTE: UNANIMOUS

13  
 14 **g. Human Relations Commission – Appointments**

15 The Board considered making appointments to the Human Relations Commission.

16 A motion was made by Commissioner Foushee, seconded by Commissioner  
 17 Hemminger to appoint Dr. Christine Kelly-Kleese to an At-Large position to a first full term  
 18 ending 6/30/2015; and to appoint Rev. Rollin Russell to an At-Large position for a first full term  
 19 ending 6/30/2015.

20 VOTE: UNANIMOUS

21  
 22 **h. Orange County Planning Board – Appointment**

23 The Board considered making an appointment to the Orange County Planning Board.

24 A motion was made by Commissioner Gordon, seconded by Commissioner Jacobs to  
 25 appoint Dawn Brezina to the Orange County Planning Board in the position of Eno Township  
 26 with a first partial term ending 3/31/2013.

27 VOTE: UNANIMOUS

28  
 29 **i. Orange-Person-Chatham (OPC) Community Operations Center Advisory**  
 30 **Board – New Appointments**

31 The Board considered making appointments to the newly formed Orange-Person-  
 32 Chatham Community Operations Center Advisory Board.

33 A motion was made by Commissioner Yuhasz, seconded by Commissioner Jacobs to  
 34 appoint to the newly formed Orange-Person-Chatham Community Operations Center Advisory  
 35 Board Mary Cay Corr to the Consumer/Family Member position, with a term ending 6/30/2015;  
 36 John Stewart to the Other Citizen/Stakeholder position, with a term ending 6/30/2015 and Mark  
 37 Dorosin to the BOCC Designee position.

38 VOTE: UNANIMOUS

39  
 40 **j. Orange Water & Sewer Authority Board of Directors – Appointment**

41 The Board considered making an appointment to the Orange Water & Sewer Authority  
 42 Board of Directors.

43 A motion was made by Commissioner Gordon, seconded by Commissioner Jacobs to  
 44 appoint Michael Hughes to the Orange Water & Sewer Authority Board of Directors, as the  
 45 BOCC appointee, for a first full term ending 6/30/2015.

46 VOTE: Ayes, 5; Nays, 2 (Commissioner Foushee and Commissioner McKee)

47  
 48 Commissioner Foushee nominated Robert Campbell. There was no second.

49  
 50 **k. Workforce Development Board-Regional Partnership – Appointment**

1 The Board considered making an appointment to the Workforce Development Board –  
2 Regional Partnership.

3 A motion was made by Commissioner Hemminger, seconded by Commissioner  
4 Foushee to appoint Nancy Coston to the DSS Director position with a term expiring 06/30/2015  
5 on the Workforce Development Board – Regional Partnership.

6 VOTE: UNANIMOUS

7  
8 **12. Board Comments**

9 Commissioner Foushee said that she brought the Board's attention to the Small  
10 Business Loan program as one of the information items.

11 Commissioner McKee said that once a vote is made by a board, he usually either  
12 supports the vote or stands down on the position. He said that the Board's vote to approve the  
13 transit plan with the inclusion of the light rail component puts him in a position that he has to  
14 vote against the transit tax.

15 Commissioner Yuhasz said that he is looking forward to the TTA Implementation  
16 Agreement.

17 Commissioner Jacobs said that he and Tom Altieri attended the Burlington-Graham  
18 MPO meeting and their staff will be coming back in August with a recommendation on where  
19 the MPO boundary should be.

20 Commissioner Gordon reported on the Durham-Chapel Hill-Carrboro Metropolitan  
21 Planning Organization Transportation Advisory Committee meeting on June 13<sup>th</sup>. The  
22 committee approved the Bus and Rail Investment Plan in concept and also urged the County  
23 Commissioners to reconsider the role that the MPO should have in the implementing  
24 agreement between Orange County and Triangle Transit.

25 Chair Pelissier gave a report on some Triangle J Council of Governments events.

26 John Roberts said that the closing on the parking deck should occur this week.

27  
28 **13. Information Items**

- 29  
30 • Report on May 8, 2012 Election in Orange County  
31 • Parks and Recreation Master Plan Status Memo  
32 • 2012 Annual Observation Well Network Report  
33 • Orange County Small Business Loan Program Status Report  
34 • BOCC Chair Letter Regarding Mountains to Sea Trail Request  
35 • BOCC Chair Response Letter Regarding Mountains to Sea Trail Request  
36 • June 5, 2012 BOCC Meeting Follow-up Actions List

37  
38 **14. Closed Session - NONE**

39  
40 **15. Adjournment**

41 A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to  
42 adjourn the meeting at 9:33 P.M.

43 VOTE: UNANIMOUS

44  
45 Bernadette Pelissier, Chair

46  
47 Donna S. Baker, CMC

48 Clerk to the Board

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** Motor Vehicle Property Tax Release/Refunds

**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 11 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 \$ 2,453.57 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2012-2013 is \$10,673.79.

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

- Accept the report reflecting the 11 motor vehicle property tax release/refunds requested in accordance with the NCGS; and
- Approve of the attached refund resolution.

NORTH CAROLINA

RES-2012-070

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 SEPTEMBER 6, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Brown, Amanda Gail	999674	2012	14,080	0	(257.75)	Changed county to Wake (Illegal tax)
Colpitts, Debra	996992	2012	16,830	0	(195.14)	County changed to Chatham (Illegal tax)
Dougherty, Kimberly	1002101	2012	77,046	6,000	(1,162.17)	Price paid (Appraisal appeal)
Hill, Angela Best	978889	2012	10,360	0	(105.56)	Changed county to Durham (Illegal tax)
Montero, Alicia Leanne	946905	2012	8,460		(77.12)	Incorrect rate code (Clerical error)
Poche, William Herbert Jr.	658990	2012	3,160	0	(56.70)	Changed county to Alamance (Illegal tax)
Rauen, Sheila & Kraig	651183	2012	53,520	0	(498.59)	Military leave & earning statement home of record is VA (Illegal tax)
Sigmund, Lydia	651918	2012	5,100	4,750	(5.38)	High mileage (Appraisal appeal)
Stoen, Christopher	652186	2012	15,820	13,605	(36.23)	High mileage (Appraisal appeal)
Sutter, Jessica Lynn	1000633	2012	9,210	5,577	(32.50)	High mileage and damage (Appraisal appeal)
Vaughan, Christopher	652704	2012	7,610	4,718	(26.43)	High mileage (Appraisal appeal)
				Total	(2,453.57)	

**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:** September 6, 2012

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

**SUBJECT:** Property Tax Releases and/or Refunds

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**DEPARTMENT:** Tax Administration

**PUBLIC HEARING: (Y/N)**

No

**ATTACHMENT(S):**

Resolution  
Spreadsheet

**INFORMATION CONTACT:**

Dwane Brinson, Tax Administrator,  
(919) 245-2109

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**PURPOSE:** To consider adoption of a resolution to release property values related to seven (7) requests for property tax release and/or refund.

**BACKGROUND:** The Tax Administration Office has received seven (7) requests from a taxpayer for refund 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 \$345.17 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-2012-071

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 SEPTEMBER 6, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Babberman, Bobby Dean	316611	2009	2,310	0	(37.55)	Double billed (Illegal tax)
Babberman, Bobby Dean	316611	2010	2,160	0	(31.92)	Double billed (Illegal tax)
Babberman, Bobby Dean	316611	2011	2,052	0	(32.09)	Double billed (Illegal tax)
Chang, Charlie	952696	2011	950	0	(8.59)	Double billed (Illegal tax)
Foundation for a Sustainable Community, Inc.	975254	2011	11,924	0	(196.99)	Exempt Property (Illegal tax)
Toledo, Daniel	324066	2011	950	0	(10.19)	Double billed (Illegal tax)
Wade, Felicia	324063	2012	2,798	0	(27.84)	Listed in Error (Clerical error)
				Total	(345.17)	

August 2, 2012 thru August 15, 2012

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** 2012 Property Tax Releases

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**DEPARTMENT:** Tax Administration

**PUBLIC HEARING: (Y/N)**

No

**ATTACHMENT(S):**

Resolution  
Spreadsheet

**INFORMATION CONTACT:**

Dwane Brinson, Tax Administrator,  
(919) 245-2109

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**PURPOSE:** To consider adoption of a resolution to release property values related to thirty-nine (39) requests for property tax release.

**BACKGROUND:** The Tax Administration Office is requesting thirty-nine (39) releases for 2012 property taxes billed in error. These bills, save one, were created on parcels that were closed or otherwise inactive. The single bill that is not in that category is a bill whose 2012 value should have been lowered per NC Property Tax Commission Consent Order, but was not due to a clerical error.

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 releases for the current fiscal year.

**FINANCIAL IMPACT:** Approval of this change will result in a net reduction in revenue of \$57,074.19 to the County, municipalities, and special districts. The Tax Assessor recognized that releases could impact the 2012 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 releases in accordance with North Carolina General Statute 105-381.

**NORTH CAROLINA**

**RES-2012-072**

**ORANGE COUNTY**

**2012 REFUND/RELEASE RESOLUTION (Approval)**

**Whereas**, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of 2012 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-illegal tax - GS 105-381

## BOCC REPORT- REAL/ PERSONAL SEPTEMBER 6, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	CLERK	DATE
Bass, Joel	218271	2012	8,216	0	(74.60)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Bass, Nellie M.	100593	2012	111,553	0	(1,069.90)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Bettman, William H.	259628	2012	255,193	0	(2,425.20)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Blacknell, Kari	257103	2012	97,084	0	(938.52)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Bottesch, Sharon E.	251591	2012	113,009	0	(1,105.73)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Burnette, Nellie Bass	126890	2012	6,907	0	(62.71)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Case, Martin Wendell	261083	2012	326,710	0	(3,088.87)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Cook, Robert W.	275144	2012	284,859	0	(2,700.49)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Cummins, Timothy L.	234033	2012	361,894	0	(3,415.38)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Drake, Richard E.	52227	2012	849	0	(7.87)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/28/2012
Gilliland, Martha K. Hrs.	281994	2012	9,435	0	(85.67)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Graham, Sara Lindsay	210883	2012	241,908	0	(2,301.91)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Graves, Geraline G	276234	2012	42,108	0	(439.34)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Hazel, Richard Forest Jr.	159302	2012	66,576	0	(604.51)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Hughes, James S.	223461	2012	306,997	0	(2,905.93)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Jones, Honey J	268354	2012	323,204	0	(3,056.33)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Lasley, Kevin A	276185	2012	49,486	0	(506.33)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Lasley, Larry A	275845	2012	139,034	0	(1,319.43)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/23/2012
Lasley, Neal S	177301	2012	127,987	0	(1,219.12)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Lloyd, H Wayne	178921	2012	321,103	0	(3,036.83)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Lloyd, M Shane	222175	2012	268,610	0	(2,549.70)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Nicholson, Mary Karen	241134	2012	275,963	0	(2,617.93)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Nicolaysen, David	294576	2012	839,700	742,150	(895.42)	Error in value update from PTC Consent Order (Clerical error)	NF	8/23/2012
Obrian, Kathryn V.	275968	2012	283,162	0	(2,684.74)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Oliver, Penny S	190509	2012	21,577	0	(195.92)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Oliver, Penny S Watkins	97432	2012	108,771	0	(1,044.65)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Parsons, Darrel	316959	2012	21,549	0	(252.66)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Peifer, Mark Alan	221427	2012	127,848	0	(1,186.43)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Peifer, Mark Alan	172931	2012	347,340	0	(3,280.32)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Robinson, Roger E.	264368	2012	351,062	0	(3,314.85)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012

August 16, 2012 thru August 23, 2012

Releases-illegal tax - GS 105-381

**BOCC REPORT- REAL/ PERSONAL  
SEPTEMBER 6, 2012**

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	CLERK	DATE
Rodriguez, Rufino	289200	2012	8,214	0	(74.59)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Rodriguez, Rufino	289198	2012	99,453	0	(960.04)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Rodriguez, Rufino	289199	2012	4,407	0	(40.01)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Rodriguez, Rufino	289197	2012	14,565	0	(132.25)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Teixeira, Alexandra	316061	2012	237,676	0	(2,262.63)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Tripp, Terrell Ray	184620	2012	242,583	0	(2,308.17)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
Watkins, Betty C	181234	2012	108,100	0	(1,038.55)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Watkins, Brice	15149	2012	133,488	0	(1,269.07)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/22/2012
Zimmerman, Susan	987903	2012	64,826	0	(601.59)	Parcel Inactive/Closed (Illegal tax)	LSJ	8/20/2012
				Total	(57,074.19)			

August 16, 2012 thru August 23, 2012

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** September 6, 2012

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

**SUBJECT:** Application for Property Tax Exemption/Exclusion

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**DEPARTMENT:** Tax Administration

**PUBLIC HEARING:** (Y/N)

No

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**ATTACHMENT(S):**

Exempt Status Resolution  
Spreadsheet  
Request for Exemption/Exclusion

**INFORMATION CONTACT:**

Dwane Brinson, Tax Administrator,  
(919) 245-2109

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**PURPOSE:** To consider one (1) untimely application 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 1<sup>st</sup> 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 applicant is 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 application and the above referenced General Statutes, the applicant 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 this property should be approved for exclusion.

**FINANCIAL IMPACT:** The reduction in the County's tax base associated with approval of this exemption application will result in a reduction of FY 2012/2013 taxes due to the County, municipalities, and special districts in the amount of \$319.01.

**RECOMMENDATION:** The Manager recommends the Board approve the attached resolution for the above listed application for FY 2012/2013 exemption.

**NORTH CAROLINA**

**RES-2012-073**

**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 applicant could have been approved for 2012 had the application been timely.

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

**COMMISSIONERS OF ORANGE COUNTY THAT** the property applying for exemption for 2012 is 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  
SEPTEMBER 6, 2012**

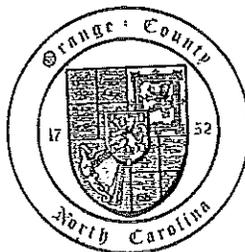
<b>NAME</b>	<b>ABSTRACT NUMBER</b>	<b>BILL YEAR</b>	<b>ORIGINAL VALUE</b>	<b>TAXABLE VALUE</b>	<b>FINANCIAL IMPACT</b>	<b>REASON FOR ADJUSTMENT</b>
Reynolds, Juliaette G.	320012	2012	56,719	28,360	(319.01)	Late HE application
				Total	(319.01)	

August 2, 2012 thru August 15, 2012

FILED<sup>4</sup>

JUL 27 2012

ORANGE COUNTY  
TAX ADMINISTRATION



**Request for Tax Relief  
Late Application Filing**

Date: July 11, 2012

To Whom It May Concern:

I Juliaette G. Reynolds, am applying for a late  
(PRINT NAME)

Homestead Exemption for the year 2012 on parcel number

(PIN) # 9768312043.

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,

Juliaette G Reynolds  
(Signature)

How did you find out about this exemption?

friend at Chapel Hill Senior Center

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** Tax Collector's Annual Settlement for Fiscal Year 2011-12

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**DEPARTMENT:** Tax Administration

**PUBLIC HEARING: (Y/N)**

No

**ATTACHMENT(S):**

Resolution  
Reports (5)  
Order to Collect  
Report of Delinquent Property Taxes  
(provided to Clerk)

**INFORMATION CONTACT:**

T. Dwane Brinson, Director,  
919-245-2109

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**PURPOSE:** To receive the tax collector's annual settlement on current and delinquent taxes, approve the accounting thereof, and upon acceptance of the reports, issue the Order to Collect for Fiscal Year 2012-2013.

**BACKGROUND:** The reports in the annual settlement provide in detail the collection for the County, all fire and special districts, and the Towns of Carrboro, Chapel Hill, and Hillsborough during Fiscal Year 2011-2012.

The overall tax collection percentage for Orange County only is 98.60%. The overall collection percentage has three components: real property, personal property, and motor vehicles. It is reflective of all jurisdictions charged to the collector.

The tax collector is required by North Carolina General Statute (NCGS) 105-373 to give an annual settlement to the governing body. It is the intent of the Machinery Act to create a direct relationship of responsibility and accountability between the tax collector and the governing body.

NCGS 105-373 requires the tax collector to furnish a sworn report to the governing body showing a list of property owners whose taxes remain unpaid for the preceding fiscal year. There are four sections to the report: business property owners, individual property owners, real property owners, and registered motor vehicle property owners. By acceptance of the resolution, the Board designates the list entered into the minutes. The tax claim is not discharged or written off. These accounts are recharged to the collector as delinquent accounts, and the collector has full authority to use levy and garnishment to effect their collection. Lists have been provided to the Clerk to the Board for the permanent record of all outstanding tax by category.

There are two settlement reports for tax. The first settlement report shows all taxes charged for collection for the 2011-2012 Fiscal Year. The tax collector is credited with all sums representing taxes collected and deposited, the principal amount of unpaid taxes on real property, and the principal amount of unpaid taxes on personal property as of June 30, 2012. All uncollected taxes allowed as credits in a settlement are recharged to the tax collector. The second settlement report shows all prior years' taxes collected during the 2011-2012 Fiscal Year.

There are additional reports included with the abstract. One of the reports provides details on all other miscellaneous revenue charged to the Tax Collector for collection during Fiscal Year 2011-2012. An additional report shows the accounts receivable information for 2011 taxes at the beginning of the 2012 fiscal year. The final report is the minimal bill report which provides the number of bills and amount of taxes that are waived.

**FINANCIAL IMPACT:** There is no financial impact associated with receipt of the tax collector's annual settlement.

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

- Receive the tax collector's annual settlement, and approve and authorize the Chair to sign the resolution accepting it as reported for entry into the minutes; and
- Approve, authorize the Chair to sign, and issue the Order to Collect to the Tax Collector for Fiscal Year 2012-2013.

**RES-2012-074**

**RESOLUTION APPROVING THE  
TAX COLLECTOR'S ANNUAL SETTLEMENT  
FOR THE CURRENT YEAR 2011  
AND PRIOR YEARS**

**BE IT RESOLVED** by the Board of Commissioners of Orange County that the following documents attached hereto are received and approved, consisting of the following:

1. Settlement of 2011 Tax Accounts
2. Settlement of Prior Years (2002-2010) Tax Accounts
3. Tax Collector's Report of 2011 Unpaid Taxes
4. Tax Collector's Report of Minimal Property Tax Bills
5. Report of Collections of Non-Tax Revenue and Miscellaneous Taxes

**ADOPTED** this the 6th day of September, 2012.

---

Bernadette Pelissier  
Chair, Board of County Commissioners

Attest:

---

Clerk to the Board of County Commissioners

**Settlement for 2011 Tax Accounts**  
**Orange County, Fire and Special Districts**  
**Towns of Carrboro, Chapel Hill, and Hillsborough**  
**for Fiscal Year 2011-2012**

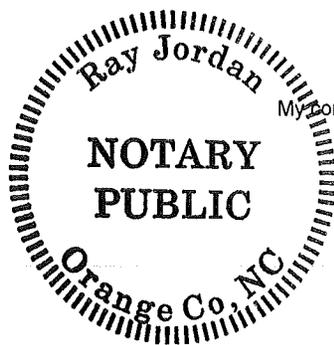
	Orange County	Fire & Special Districts	Town of Carrboro	Town of Chapel Hill	Town of Hillsborough	Grand Total
<b>CHARGES</b>						
Adjusted Levy-Real	124,022,674.73	21,427,199.70	10,808,374.00	30,954,545.17	4,103,323.94	191,316,117.54
Adjusted Levy-Personal	4,985,325.05		193,103.38	1,111,897.03	356,959.17	6,647,284.63
Adjusted Levy-Motor Vehicles	7,383,158.41		623,421.13	1,403,054.96	244,009.43	9,653,643.93
Adjusted Levy--Personal & Motor Vehicles		1,799,519.03				1,799,519.03
Adjusted Levy-Vehicle Fees			371,126.80	843,972.30	49,785.08	1,264,884.18
Interest & Penalties	299,352.25	38,892.29	14,944.27	56,089.36	12,660.35	421,938.52
<b>Total</b>	<b>136,690,510.44</b>	<b>23,265,611.02</b>	<b>12,010,969.58</b>	<b>34,369,558.82</b>	<b>4,766,737.97</b>	<b>211,103,387.83</b>
<b>CREDITS</b>						
Real Uncollected	1,261,646.56	169,544.50	90,964.05	146,210.79	68,543.54	1,736,909.44
Personal Uncollected	77,278.04		2,003.72	19,822.47	1,764.22	100,868.45
Motor Vehicles Uncollected	732,225.02		63,837.36	108,582.97	34,314.56	938,959.91
Personal & Motor Vehicles Uncollected		10,468.63				10,468.63
Motor Vehicle Fees Uncollected			52,012.59	89,006.01	9,036.12	150,054.72
Cash Deposited	134,619,360.82	21,939,143.64	10,923,453.88	31,957,941.93	4,402,635.70	203,842,535.97
<b>Total</b>	<b>136,690,510.44</b>	<b>22,119,156.77</b>	<b>11,132,271.60</b>	<b>32,321,564.17</b>	<b>4,516,294.14</b>	<b>206,779,797.12</b>
<b>COLLECTION CREDIT</b>						
Cash Deposited	134,619,360.82	21,939,143.64	10,923,453.88	31,957,941.93	4,402,635.70	203,842,535.97
Prop Tax Appeals Pending Credit	16,821.93	2,473.55	-	252.39	-	19,547.87
<b>Total Collection Credit</b>	<b>134,636,182.75</b>	<b>21,941,617.19</b>	<b>10,923,453.88</b>	<b>31,958,194.32</b>	<b>4,402,635.70</b>	<b>203,862,083.84</b>
<b>COLLECTION PERCENTAGE</b>						
Real	99.00%	99.21%	99.16%	99.53%	98.33%	
Personal	98.45%		98.96%	98.22%	99.51%	
Motor Vehicles	90.08%		89.76%	92.26%	85.94%	
Personal & Motor Vehicles		99.42%				
Motor Vehicle Fees			85.99%	89.45%	81.85%	
<b>Total</b>	<b>98.49%</b>	<b>99.22%</b>	<b>98.26%</b>	<b>98.94%</b>	<b>97.61%</b>	

**Collection Percentage Reported in the CAFR and to the LGC** 98.60% Combined County, Fire & Special District **Overall Collection** **98.59%**

Timothy Dwane Brinson, Tax Collector for Orange County, Towns of Carrboro, Chapel Hill, and Hillsborough, and applicable fire/special districts, being duly appointed, respectfully reports that he has made a diligent effort within the time permitted by law to collect the taxes due from persons listed out of their personal property and by other means available to him for collection of such taxes.

Sworn to and subscribed before me this the 20<sup>TH</sup> day of August, 2012.

Ray Jordan Notary Public



My Commission expires 05-02-2017

T. Dwane Brinson  
T. Dwane Brinson, Tax Collector

**SETTLEMENT OF UNPAID TAXES  
FOR THE YEARS 2002-2010**  
Orange County, Fire and Special Districts  
Towns of Carboro, Chapel Hill, and Hillsborough

	Adjusted Levy*	Total Collections	Uncollected Balance (Accounts Receivable)	Interest Collected
Orange County	3,259,557.25	1,536,730.96	1,722,826.29	
Downtown Revitalization	1,037.03	721.64	315.39	
Cedar Grove Fire	10,257.80	6,095.59	4,162.21	
Chapel Hill Fire	221.46	137.50	83.96	
Damascus Fire	495.14	319.12	176.02	
Efland Fire	16,971.60	10,102.44	6,869.16	
Eno Fire	10,063.72	5,277.42	4,786.30	
Little River Fire	3,480.98	2,373.33	1,107.65	
New Hope Fire	4,983.85	3,292.80	1,691.05	
Orange Fire	24,850.82	12,875.47	11,975.35	
Orange Grove Fire	7,552.89	4,263.94	3,288.95	
South Orange Fire	12,735.38	6,548.27	6,187.11	
South Triangle Fire	3,314.70	1,660.51	1,654.19	
White Cross Fire	8,444.27	4,686.31	3,757.96	
CH-Carr School District	241,787.48	144,380.75	97,406.73	
<b>Total County, Fire, and Special Districts</b>	<b>3,605,754.37</b>	<b>1,739,466.05</b>	<b>1,866,288.32</b>	<b>208,390.44</b>

Town of Carboro	Real	178,198.39	138,567.38	39,631.01	
	Motor Vehicle and Other Personal Property	272,266.29	80,274.05	191,992.24	
	<b>Total</b>	<b>450,464.68</b>	<b>218,841.43</b>	<b>231,623.25</b>	<b>4.31</b>
Town of Chapel Hill	Real	108,085.42	58,697.57	49,387.85	
	Motor Vehicle and Other Personal Property	381,157.34	138,292.54	242,864.80	
	<b>Total</b>	<b>489,242.76</b>	<b>196,990.11</b>	<b>292,252.65</b>	<b>21,112.52</b>
Town of Hillsborough	Real	128,653.77	71,434.01	57,219.76	
	Motor Vehicle and Other Personal Property	64,548.71	11,997.21	52,551.50	
	<b>Total</b>	<b>193,202.48</b>	<b>83,431.22</b>	<b>109,771.26</b>	<b>6.93</b>

\*Note that the Adjusted Levy includes adjustments, releases, and additional levy that occurred during the fiscal year.

Timothy Dwane Brinson, Tax Collector for Orange County, Towns of Carboro, Chapel Hill, and Hillsborough, and applicable fire/special districts, being duly appointed, respectfully reports, in accordance with G.S. 105-373(b), the amount of taxes remaining unpaid for years 2002 through 2010, that he has made a diligent effort within the time permitted by law to collect such taxes out of the personal property of such taxpayers, or by other means available to him for collection of such taxes.

Sworn and subscribed before me on this the 23<sup>rd</sup> day of August, 2012

*[Signature]*  
T. Dwane Brinson, Tax Collector

*[Signature]*  
Notary Public

My commission expires Sept 23, 2017



**2011-2012 COLLECTIONS OF NON-TAX REVENUE**

EMS Ambulance Fees \$	2,008,400.29
not inclusive of Medicaid Reimbursement	
Medicaid Reimbursement for EMS \$	306,295.00
Schedule B Licenses \$	581.25
Beer & Wine Licenses \$	13,161.75
Rental Vehicle Gross Receipts Tax \$	62,057.89
Emergency Mgmt Collections \$ (all other charges but ambulance)	39,687.00
3R Fee Collection \$	3,910,471.21
Waste Center Fee Collection \$	311,981.42
Occupancy Tax Collections \$	1,017,475.22
<b>TOTAL \$</b>	<b>7,670,111.03</b>

**2011-2012 COLLECTION OF RENTAL VEHICLE GROSS RECEIPT TAX FOR MUNICIPALITIES**

Chapel Hill \$	42,369.88
Hillsborough \$	9,686.99
Carrboro \$	1,251.88
<b>TOTAL \$</b>	<b>53,308.75</b>

**COLLECTIONS OF MISCELLANEOUS AD VALOREM TAXES & MOTOR VEHICLE TAG FEES**

	Fiscal Year 2011-2012				All Prior Years			
	Adjusted Levy	Total Collected	Amount Uncollected	Collection Percentage	Adjusted Levy	Total Collected	Amount Uncollected	Collection Percentage
<b>Town of Mebane, Motor Vehicle Taxes</b>	59,985.94	51,120.62	8,865.32	85.22%	7,870.01	5,024.09	2,545.63	67.65%
<b>City of Durham, Motor Vehicle Taxes</b>	607.84	607.84	-	100.00%	139.70	73.80	65.90	52.83%
<b>City of Durham, Motor Vehicle Tag Fees</b>	862.84	862.84	-	100.00%	199.70	118.80	80.90	59.49%



**ORANGE COUNTY TAX ADMINISTRATION**  
228 S CHURTON STREET, SUITE 200, PO BOX 8181  
HILLSBOROUGH, NORTH CAROLINA 27278  
Telephone (919) 245-2725 Fax (919) 644-3332  
T. Dwane Brinson, Director

State of North Carolina  
County of Orange

Tax Collector's Report of FY 2012  
Accounts Receivable—Real/Personal Property

Timothy Dwane Brinson, Tax Collector for Orange County, Towns of Carrboro, Chapel Hill, and Hillsborough, and applicable Fire Districts being duly appointed, deposes and says:

A complete list of persons owning real and personal property whose tax remain unpaid and the principal amount due has been filed with the Clerk to the Board of County Commissioners and is available for inspection. The principal amount of 2011 real and personal property as of July 1, 2012 is \$3,038,937.22.

Timothy Dwane Brinson  
Orange County Tax Collector

Sworn to and subscribed before me this  
the 6<sup>th</sup> day of September, 2012.

  
Notary Public

My Commission expires 05-02-2017



**TAX COLLECTOR'S REPORT  
OF MINIMAL PROPERTY TAX BILLS  
Fiscal Year 2011-2012**

North Carolina General Statute 105-321(f) is a provision authorizing the governing board of a taxing unit that collects its own taxes to adopt a resolution foregoing the collection of bills that do not exceed a specified amount, up to five dollars (\$5.00). The Orange County Board of Commissioners has adopted, by resolution effective July 26, 1995, a policy change to permit the County Assessor and Tax Collector to waive the billing and collection of tax notices that do not exceed five dollars (\$5.00), and that the tax collector keep record of such and report the total amount as part of annual settlement.

The total number of motor vehicle notices less than five dollars (\$5.00) is 5,490. The total amount of taxes waived is \$12,459.07. The total number of real estate and personal property notices less than five dollars (\$5.00) is 2078. The total amount of taxes waived is \$2,171.48.



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Timothy Dwane Brinson  
Orange County Tax Administrator

**ORDER OF THE BOARD OF COUNTY COMMISSIONERS  
IN ACCORDANCE WITH G.S. 105-321**

**State of North Carolina  
County of Orange**

**ORDER OF THE BOARD OF COUNTY COMMISSIONERS  
IN ACCORDANCE WITH G.S. 105 – 373 & 105 – 321**

**To: Timothy Dwane Brinson  
Tax Collector of Orange County, Towns of Carrboro, Chapel Hill, and  
Hillsborough, and Applicable Fire Districts**

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2002 through 2012 tax records filed in the office of the Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2002 through 2012 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Orange County, Town of Carrboro, Town of Chapel Hill, Town of Hillsborough, Fire Districts of Orange, Efland, South Orange, New Hope, Eno, Orange Grove, Chapel Hill, Little River, Cedar Grove, South Triangle, Damascus, and White Cross, and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are further authorized to call upon the Sheriff to levy upon and sell personal property under execution for the payment of taxes.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees, and they shall have the authority to perform those functions authorized by the Machinery Act of Chapter 105 of North Carolina General Statutes and other applicable laws for current and previous years' taxes. County personnel presently in the Tax Collector's office will continue to serve in their respective collection positions.

Witness my hand and official seal, this 6th day of September, 2012.

---

Bernadette Pelissier  
Chair, Board of County Commissioners

Attest:

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Clerk to the Board of County Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** Voluntary Agricultural District Designation – Parker Farm

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**DEPARTMENT:** Environment, Agriculture,  
Parks and Recreation

**PUBLIC HEARING: (Y/N)**

No
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**ATTACHMENT(S):**

Application and Vicinity Map  
Certification from NRCS, Soil Analysis  
Chart & Maps  
Certification from Tax Office  
Draft APB Meeting Summary - May 16,  
2012

**INFORMATION CONTACTS:**

David Stancil, 245-2510  
Gail Hughes, 245-2750

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**PURPOSE:** To consider an application from the Parker family to certify qualifying farmland within the Caldwell voluntary agricultural district, and enroll the lands in the Voluntary Agricultural District program.

**BACKGROUND:** Owners of the Parker farm have submitted an application to enroll six parcels of their farm totaling 293 acres on Laws Store, Tilley and Hester Roads as qualifying farmland for the County's Voluntary Agricultural District (VAD) program.

As the Board may recall, Orange County has had a Voluntary Farmland Preservation Program since 1992. To date, 17 farms have enrolled in the Voluntary Agricultural District (VAD) program, totaling 3,004 acres within the seven districts comprising the non-urban portions of the County.

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

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

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

OR at least two-thirds of the land has been actively used in agricultural, horticultural or forestry operations as defined by N.C.G.S. §105-277.2 (1, 2, 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies;

4. Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; and
5. Be the subject of a non-binding conservation agreement, as defined in N.C.G.S. §121-35, between the County and the owner that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable County zoning and subdivision regulations.

The Parker farm has been evaluated against each of these standards and meets all of the measures above.

On May 16, 2012 the Agricultural Preservation Board reviewed the findings of the staff assessment and voted unanimously to recommend approval of the certification of the 293 acres of farmland and its inclusion in the Voluntary Agricultural District program (Caldwell Agricultural District).

To be formally designated as part of a voluntary agricultural district, the Board of Commissioners must approve that the farm meets the certification requirements as per the APB's findings.

**FINANCIAL IMPACT:** There is no fiscal impact associated with this item. Voluntary agricultural districts are non-monetary and non-binding conservation agreements.

**RECOMMENDATION(S):** The Manager recommends that the Board certify the 293 acres of the Parker farm as denoted in the attached documentation as qualifying farmland, and designate it as a Voluntary Agricultural District farm within the Caldwell Agricultural District.



Orange County Agricultural Preservation Board

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

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

APPLICANT:

Name: Clay Parker
Address: 2211 Laws Store Rd.
City: Hurdle Mills State: N.C. Zip Code: 27541
Phone Number (Day): (919) 451-0320 (Evening) (919) 732-9485
E-Mail: rc.parker12@hotmail.com

PROPERTY INFORMATION:

Property Location/Address:

Parcel Identification Number (PIN): 9970300733 Parcel Identification Number (PIN): 9879736552
Parcel Identification Number (PIN): 9889035620 Parcel Identification Number (PIN):
Parcel Identification Number (PIN): 9879935674 Parcel Identification Number (PIN):
Parcel Identification Number (PIN): 9879745532 Parcel Identification Number (PIN):
Parcel Identification Number (PIN): 9889446537 Parcel Identification Number (PIN):

Number of Acres: 293.64 Deed Book: see attached Page:

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

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

Is this land listed for Present Use taxation with the Orange County Tax Office?

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

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

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

OWNER[S] CERTIFICATION:

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

Signature: Date: 4/15/12

Signature: Date: 4/14/12

**Additional Owners:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SUPPLEMENTARY INFORMATION:****NOTE: Complete this information ONLY:**

- If you are **NOT** participating in the farm present use taxation program; **OR**
- If you do **NOT** have a plan on file with the Natural Resources Conservation Service or the NC Forest Service.

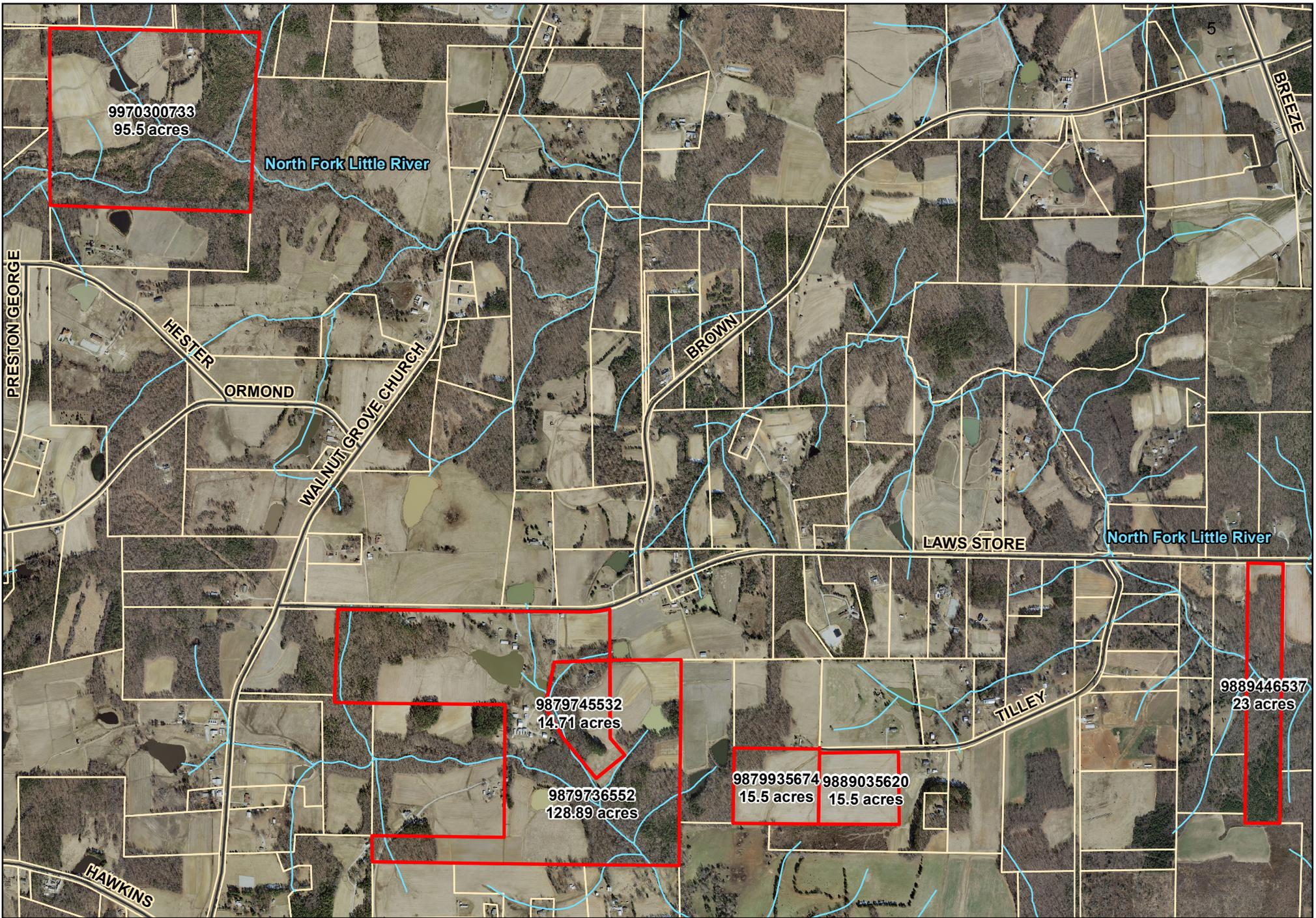
1. How long have you owned your farm? \_\_\_\_\_ years
2. How long have you lived on your farm? \_\_\_\_\_ years
3. Has your farm exceeded \$1,000 in gross income in each of the past three years?  
Yes  No
4. How many acres on your farm are under cultivation? 120.68 acres
5. What are the major crops that you plant each year?  
tobacco, corn, small grains, horticulture produce,  
\_\_\_\_\_
6. How many acres on your farm are used for pasture? \_\_\_\_\_ acres

**Voluntary Agricultural District (VAD)** conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the County.

**Enhanced Voluntary Agricultural District (EVAD)** conservation agreements are for a period of ten years, but cannot be revoked during the term of the agreement. EVAD enrollment, however, offers landowners additional benefits such as a higher percentage of cost-share funds under the Agricultural Cost Share Program.

**For questions or more information, please contact:**

Orange County Department of Environment, Agriculture, Parks and Recreation  
Natural and Cultural Division  
306 Revere Road  
Hillsborough, NC 27278  
(919) 245-2510 Office  
(919) 644-3351 (fax)



- Parker property
- Parcel boundary
- Streets
- Streams
- 2012 aerials

**Parker Farm**  
**Proposed Voluntary Agricultural District**  
**Location Map**

1 inch = 1,300 feet



**ORANGE COUNTY  
DEPARTMENT OF ENVIRONMENT, AGRICULTURE,  
PARKS AND RECREATION**

**MEMORANDUM**

**To:** Gail Hughes, Soil Conservationist  
Teresa Moore, Present Use Value Program Director

**From:** David Stancil, DEAPR Director

**Date:** May 16, 2012

**Subject:** Parker Farm  
**Application for Certification as Qualifying Farmland**

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Please find the attached application from the Parker family for Certification as Qualifying Farmland, part of the application process for the County's Voluntary Agricultural District Program. The Parkers have identified six parcels totaling 293 acres (please see PIN numbers on page 2) for inclusion in the program as a Voluntary Agricultural District (VAD). The farm is located along Laws Store Road, with a separate segment near Hester Road, in Cedar Grove Township.

The attached map shows the boundaries of the property and tabulation of acreage by soil type may be helpful for completing your review.

To secure such certification, a farm must:

1. Be participating in the present use-value taxation program established by the NC General Statutes, Sections 105-277.2 through 105-277.7, or is otherwise determined by the County to meet all the qualifications of this program set forth in the NC General Statutes, Section 105-277.3.  
*[Response to be provided by Tax Supervisor]*
2. Be certified by the Natural Resources Conservation Service of the United States Department of Agriculture (NRCS) as being a farm on which at least two-thirds of the land is composed of soils that:
  - a. Are best suited for providing food, seed, fiber, forage, timber, and oil seed crops;
  - b. Have good soil qualities;
  - c. Are favorable for all major crops common to Orange County;
  - d. Have a favorable growing season; and

- e. Receive the available moisture needed to produce high yields for an average of eight (8) out of ten (10) years; OR be one on which at least two-thirds of the land has been actively used for agricultural, horticultural or forestry operations as defined in the NC General Statutes, Section 105-277.2 (1,2, and 3), during each of the five (5) previous years, measured from the date on which the determination must be made as to whether the land in questions qualifies.  
*[Response to be provided by District Conservationist]*
  
- 3. Be managed, if highly erodible land exists on the farm, in accordance with the NRCS-defined erosion control practices as specified in the 1985 Food Security Act.  
*[Response to be provided by District Conservationist]*

In accordance with Section V of the Orange County Voluntary Farmland Preservation Ordinance, please evaluate the application for compliance with the above requirements and return your finding to me within 30 days. In your response, please be as specific as you can be regarding how the property complies. (You may wish to use the attached maps showing the boundaries of the property and tabulation of acreage by soil type when completing your review.)

Provided the property is certified as qualifying farmland, and the Agricultural Preservation Board recommends designation as a voluntary agricultural district, the Board of Commissioners could consider the request in June-August of 2012.

Thank you for your assistance in this matter. Please feel free to contact me at 245-2522 or by email at [dstancil@co.orange.nc.us](mailto:dstancil@co.orange.nc.us), if I can answer any questions or provide additional information.

PIN Numbers for Parker Farm Application:

9970300733

9889035620

9879935674

9879745532

9889446537

9879736552

attachments



Orange Soil & Water  
Conservation District  
Phone: 919-732-8181, Ext. 2750

Natural Resources  
Conservation Service  
Phone: 919-644-1079, Ext. 3

PO Box 8181  
306 Revere Road  
Hillsborough, NC 27278

This report serves to document how the proposed farm qualifies for acceptance into the Voluntary Agricultural Districts in Orange County.

**1. Two-thirds of the soils on the farm must:**

**a. Be suited for providing food, seed, fiber, forage, timber, and oil seed crops.**

YES  **XX** \_\_\_\_\_ % 88% \_\_\_\_\_

NO \_\_\_\_\_ % \_\_\_\_\_

Comments:

**b. Have good soil qualities.**

YES  **XX** \_\_\_\_\_

NO \_\_\_\_\_

Breakdown of soil classes in percent:

Class I 71% \_\_\_\_\_

Class II \_\_\_\_\_

Class III 17% \_\_\_\_\_

Class IV \_\_\_\_\_

Class V \_\_\_\_\_

Class VI \_\_\_\_\_

Class VIII 11% \_\_\_\_\_

Classes I, II, III are primarily used for cropland

Classes III-VI are generally best suited for pasture or woodland.

Class VIII generally unsuited for agricultural use.

Comments:

**c. Be favorable for all major crops common to Orange County. Major crops are corn, tobacco, small grain, pasture, and loblolly pines.**

88% % favorable

12% % unfavorable

**d. Have favorable growing season. (YES)**

The growing season for Orange County is approximately 200 days. It begins in approximately the second week of April and runs until about the last week in October. This response will be consistent for all farms in Orange County.

**e. Receive the available moisture needed to produce high yields for an average of 8 to 10 years. (YES)**

Orange County receives approximately 42-45 inches of rainfall annually. This response will be consistent for all farms in Orange County.

**OR**

At least two-thirds of the land has been actively used in agriculture, horticulture or forestry operations as defined in the NC General Statutes, Section 105-277.2 (1,2, and 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies.

Acres in cropland	__121__
Acres in forestland	__168__
Acres in homestead, farmstead or other related use	__5__
Total TRACT acres	__294__

Greater than two-thirds in designated uses.

Yes	__XX__	%	__98%__
No	_____	%	_____

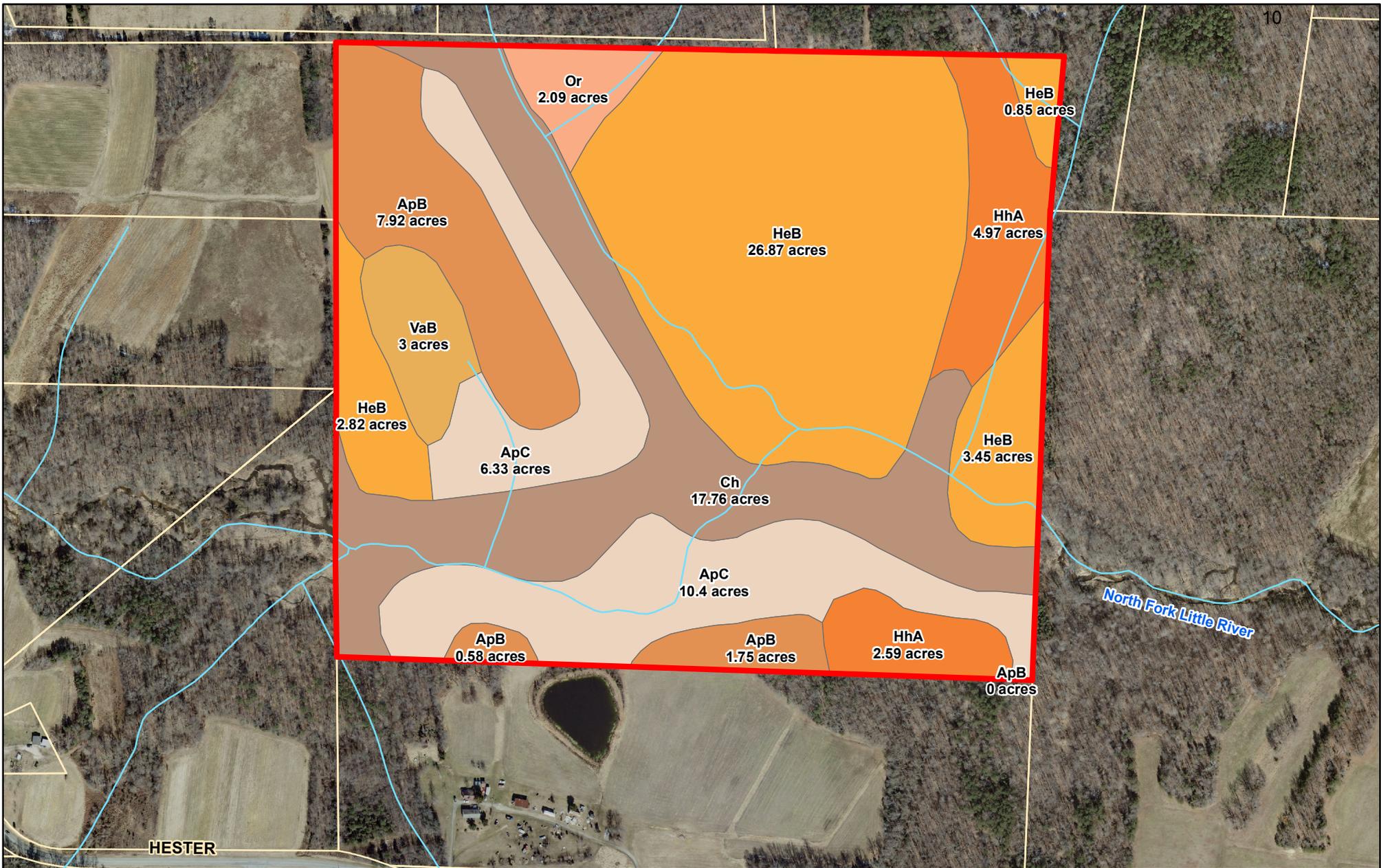
Comments:

**1. Farm must be managed, if highly erodible land exists on the farm, in accordance with the USDA Natural Resources Conservation Service (NRCS) defined erosion-control practices as specified in the 1985 Food Security Act as amended.**

Plan on file in NRCS Office      YES XX      NO \_\_\_\_\_

If NO, plan will be required before acceptance into the Voluntary Agricultural Districts Program.

Comments: The Parker Farm had an active conservation farm plan and works with the USDA-NRCS, FSA, and the Orange Soil and Water Conservation District to improve the conservation efforts on their farm. The Parkers Farm consist of cultivation of cropland, horticulture produce, beef cattle and other livestock, and forestry management practices. All of their farm activities meet or exceed recommended conservation practices.



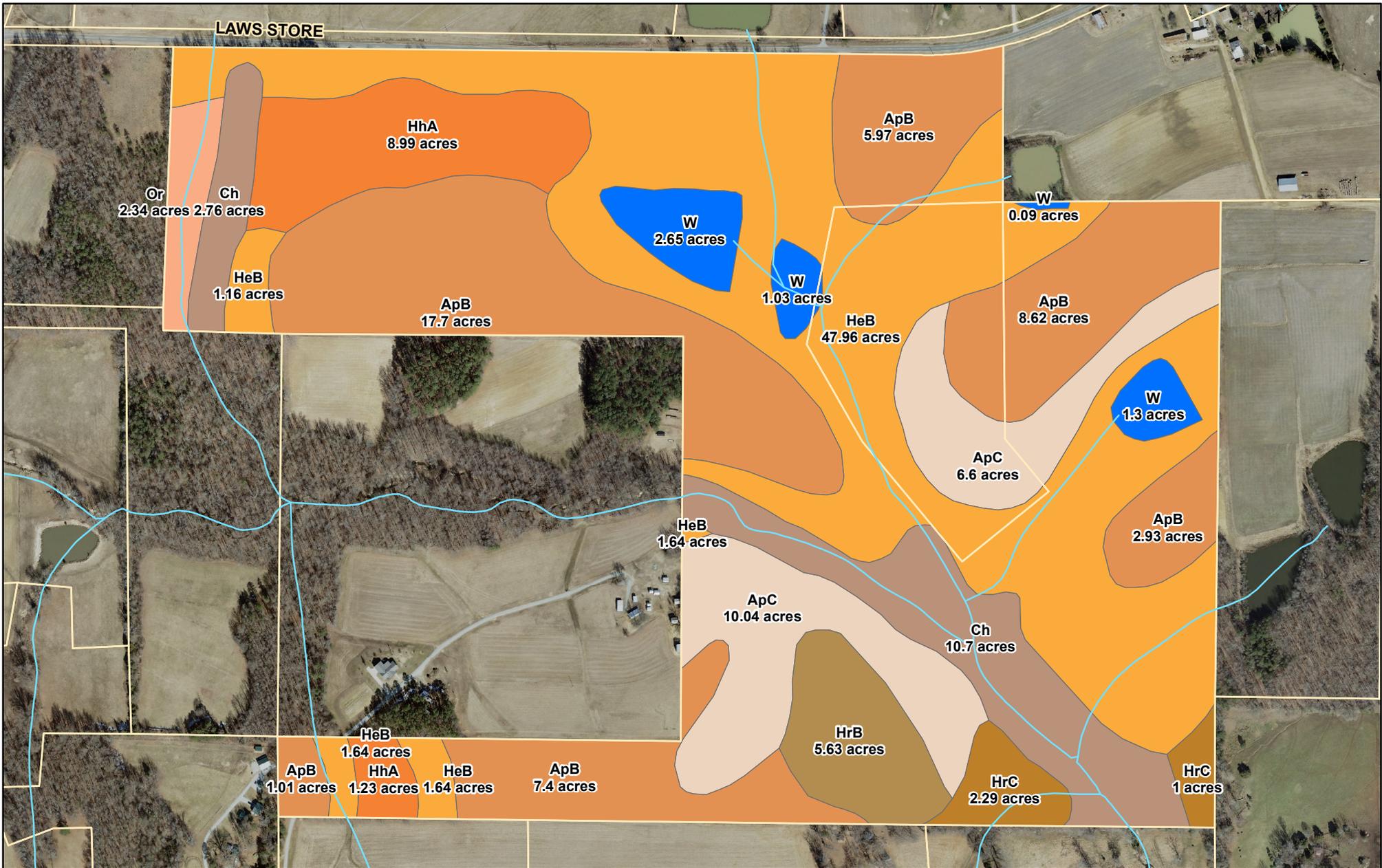
**Parker Farm  
Proposed Voluntary Agricultural District  
Soils Map**

- |  |  |
|--|--|
|  Parker property (9970300733)                 |  Helena-Sedgefield sandy loams, 0 to 2 percent slopes |
| <b>Soils</b>   |  Orange silt loam, 0 to 3 percent slopes              |
|  Appling sandy loam, 2 to 6 percent slopes  |  Vance sandy loam, 2 to 8 percent slopes              |
|  Appling sandy loam, 6 to 10 percent slopes |  Streams  |
|  Chewacla loam                              |  Parcel boundary                                      |
|  Helena sandy loam, 2 to 8 percent slopes   |  |



**1 inch = 395 feet**





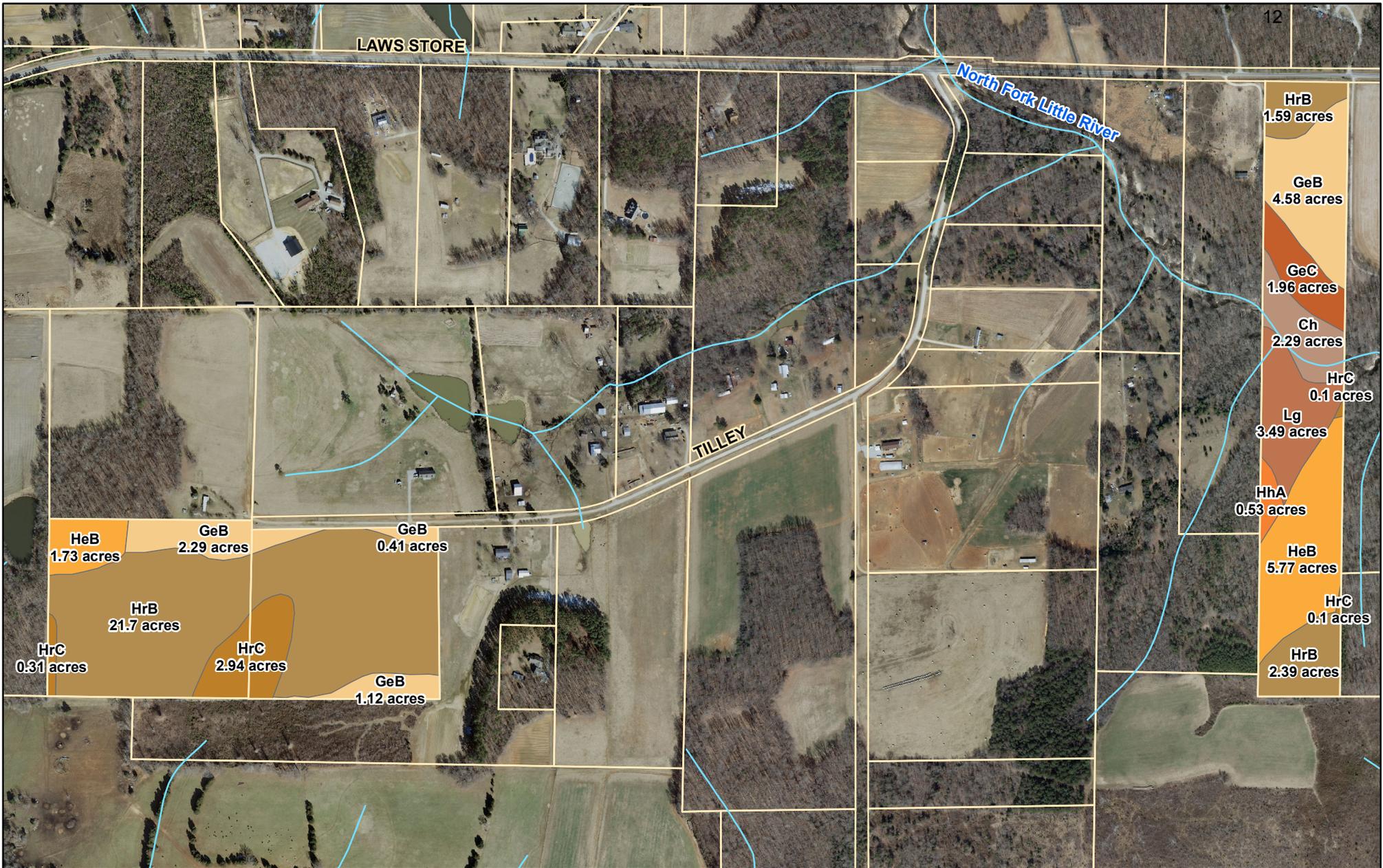
**Parker Farm  
Proposed Voluntary Agricultural District  
Soils Map**

Parker property (9879736552 & 9879745532)

- |  |   |
|--|---|
| <p><b>Soils</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; border: 1px solid black; margin-right: 5px;"></span> Appling sandy loam, 2 to 6 percent slopes</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black; margin-right: 5px;"></span> Appling sandy loam, 6 to 10 percent slopes</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #c08080; border: 1px solid black; margin-right: 5px;"></span> Chewacla loam</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; border: 1px solid black; margin-right: 5px;"></span> Helena sandy loam, 2 to 8 percent slopes</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black; margin-right: 5px;"></span> Helena-Sedgefield sandy loams, 0 to 2 percent slopes</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #c08080; border: 1px solid black; margin-right: 5px;"></span> Herndon silt loam, 2 to 6 percent slopes</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #804040; border: 1px solid black; margin-right: 5px;"></span> Herndon silt loam, 6 to 10 percent slopes</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #0070c0; border: 1px solid black; margin-right: 5px;"></span> Water</li> <li><span style="display: inline-block; width: 15px; height: 1px; background-color: #00b0f0; border: 1px solid black; margin-right: 5px;"></span> Streams</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid #fff, border-left: 1px solid #fff, border-right: 1px solid #fff; margin-right: 5px;"></span> Parcel boundary</li> </ul> |
|--|---|

**1 inch = 450 feet**





**Parker Farm**

**Proposed Voluntary Agricultural District**

**Soils Map**

  Parker property (9879935674, 9889035620, & 9889446537)

**Soils**

- Chewacla loam
- Georgeville silt loam, 2 to 6 percent slopes

Georgeville silt loam, 6 to 10 percent slopes

- Helena sandy loam, 2 to 8 percent slopes
- Helena-Sedgefield sandy loams, 0 to 2 percent slopes
- Herndon silt loam, 2 to 6 percent slopes
- Herndon silt loam, 6 to 10 percent slopes

Lignum silt loam, 0 to 3 percent slopes

- Streams
- Parcel boundary

**1 inch = 580 feet**



**ORANGE COUNTY TAX OFFICE**

228 SOUTH CAMERON STREET

P.O. BOX 8181

**HILLSBOROUGH, NORTH CAROLINA 27278**

TELEPHONE (919) 732-8181, Ext. 2100 , FAX 644-3091

JOHN SMITH, Jr., CAE  
ASSESSORJO ROBERSON  
TAX COLLECTOR

May 22, 2012

David Stancil, DEAPR Director  
Orange County Department of Environment,  
Agriculture, Parks and Recreation  
P O Box 8181  
Hillsborough, N.C. 27278

Dear David:

I am in response to your request for information on six tracts of land for Clay Parker. All of this land is currently participating as agricultural classification in the present-use value program, the information for each one follows:

Parcel Identification No. 9970300733 is 95.5 acres in the name of Ronald Clay Parker. Our records indicate there is 1 acre for a home site, 26 acres of cleared land and 65.5 acres of woodland.

Parcel Identification No. 9889035620 is 15.5 acres in the name of Ronald Clay Parker. Our records indicate all of this is cleared land.

Parcel Identification No. 9879935674 is 15.5 acres in the name of Ronald Clay Parker. Our records indicate all of this is cleared land.

Parcel Identification No. 9879745532 is 14.71 acres in the name of Ronald Clay Parker. Our records indicate there is 1 acre for a home site, 7.5 acres of cleared land and 6.21 acres of woodland.

Parcel Identification No. 9889446537 is 23 acres and is in the name of Nelson and Judith Parker. Our records indicate there are 3 acres of cleared land and 20 acres of woodland.

Parcel Identification No. 9879736552 is 128.89 acres and is in the name of Nelson and Judith Parker. Our records indicate there are 3 acres for home sites, 65 acres cleared land and 60.89 acres woodland

Please contact me if I can be of assistance.

Sincerely,  
Teresa Moore  
Present Use Value  
Program Director

**ORANGE COUNTY  
AGRICULTURAL PRESERVATION BOARD**

**DRAFT MEETING SUMMARY  
May 16, 2012**

Environment & Agricultural Center – Conference Room  
306 Revere Road, Hillsborough, NC  
7:30 p.m.

**MEMBERS PRESENT:** Patrick McGarry, Howard McAdams, Joe Thompson, Kim Woods, Renee McPherson, Roland Walters, Elizabeth Walters, Spence Dickinson, Lynnette Batt, Allen Green

**MEMBERS ABSENT/EXCUSED:** All present

**GUESTS:** None

**STAFF:** David Stancil, Director, Department of Environment, Agriculture, Parks & Recreation (DEAPR)  
Gail Hughes, Soil Conservationist, DEAPR - Orange Soil & Water Conservation District  
Beverly Shuford, Admin. Asst., DEAPR

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**1. CALL TO ORDER**

The meeting was called to order at 7:30 pm by Co-Chair Howard McAdams

**2. CO-CHAIR COMMENTS**

None

**3. CONSIDERATIONS OF ADDITIONS TO AGENDA**

None

**4. APPROVAL OF MINUTES – January 18, 2012**

- a. Motion to accept the January 18, 2012 minutes as corrected by Kim Woods, seconded by Patrick McGarry. Motion carried.

## 5. ITEMS FOR DECISION

- a. Parker Farm Voluntary Agricultural District:** The Parker Farm VAD application was emailed to board members for review and distributed at the meeting again. David Stancil thanked Gail Hughes for pulling together the application. He stated that the only piece missing was the Tax Administration Office certification that the parcels are in agricultural use, which is expected any day now. Stancil verified that all of the separate Parker Farm parcels meet the standards but must wait for the official certification from the Tax Office.

Stancil informed the Board that they did not have to decide tonight, but had 60 days for the Board to make a recommendation. The Board could also take action at this time, contingent upon receipt of the memorandum from the Tax Administration office.

Roland Walters asked if there were any special considerations or different designations for a VAD that is non-contiguous as the Parker Farm is. Stancil explained that it is possible to now have different non-connecting tracts that meet the VAD qualifying standards, allowing the farm to receive the VAD designation.

Hughes stated that the Parker Farm is a viable farm comprised of 6 tracts. This large farm is designated for Use Value. The Parkers grow tobacco, grain crops, horticulture crops, beef cattle, and muscadine grapes.

Stancil noted that the documentation would need to be amended to indicate that the VAD was in the Caldwell VA district.

Roland Walters made a motion that the Parker Farm VAD application be recommended, contingent upon Tax Administration certification being received. Elizabeth Walters seconded. Motion carried unanimously.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** Provision of Services to Administer Orange Person Chatham Mental Health  
Excluded Liabilities

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**DEPARTMENT:** County Manager  
County Attorney

**PUBLIC HEARING: (Y/N)**

No
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**ATTACHMENT(S):**  
Draft Memorandum of Agreement

**INFORMATION CONTACT:**

John Roberts, 245-2318  
Frank Clifton, 245-2320

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**PURPOSE:** To approve a Memorandum of Agreement through which Orange County will provide certain administrative functions for the dissolving entity known as Orange Person Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority d/b/a OPC Area Program ("OPC").

**BACKGROUND:** Effective July 1, 2012, OPC merged with the counties comprising Piedmont Behavioral Health Services ("PBH") in order to comply with state law and provide more effective behavioral health services. Prior to the merger, Orange, Person and Chatham counties were the three counties that comprised OPC. After the merger, OPC will be dissolved and will not be an ongoing entity. OPC and PBH entered into that certain Plan of Merger and Agreement and Addendum thereto dated June 29, 2012 (collectively referenced as the "Plan"). Pursuant to the Plan, funds were identified and segregated to pay the Excluded Liabilities as defined in the Plan. Exhibit A is a list of the Excluded Liabilities identified and the funds estimated to cover the costs of the Excluded Liabilities.

Orange County has agreed to hold the funds segregated on behalf of OPC and provide the management functions necessary (including but not limited to taking possession of the funds, holding the funds in a segregated account for the purpose of paying OPC's Excluded Liabilities as and when billed and paying the Excluded Liabilities as and when billed from the segregated funds). Orange County is willing to do so for no compensation, but also has no individual liability to provide management functions or pay the Excluded Liabilities in the event the funds set aside for this purpose are exhausted. Orange County will provide a financial report to the county managers of Orange, Person and Chatham Counties no later than July 31<sup>st</sup> each year which will include at a minimum the beginning balance of the fund, charges to the fund and the ending balance of the fund.

In the event funds remain after all Excluded Liabilities are paid, the excess funds shall remain with Orange County for its use and purposes, but in the event the funds are exhausted prior to the time all Excluded Liabilities are paid, the obligations of Orange County under Exhibit A shall end.

**FINANCIAL IMPACT:** There is no financial impact to Orange County associated with approval of the Memorandum of Agreement

**RECOMMENDATION(S):** The Manager recommends the Board approve the Memorandum of Agreement and authorize the Chair to sign it.

**MEMORANDUM OF AGREEMENT  
FOR THE PROVISION OF SERVICES TO PROCESS PAYMENT OF EXCLUDED  
LIABILITIES OF ORANGE PERSON CHATHAM MENTAL HEALTH, DEVELOPMENTAL  
DISABILITIES AND SUBSTANCE ABUSE AUTHORITY PURSUANT TO THAT CERTAIN  
PLAN OF MERGER AND ADDENDUM THERETO DATED EFFECTIVE JUNE 30, 2012**

WHEREAS, effective July 1, 2012, Orange, Person and Chatham Counties merged with the counties comprising PBH; and

WHEREAS, prior to the merger, Orange, Person and Chatham Counties were the three counties that comprised Orange Person Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority d/b/a OPC Area Program ("OPC"); and

WHEREAS, after the merger, OPC will be dissolved and will not be an ongoing entity; and

WHEREAS, OPC and PBH entered into that certain Plan of Merger and Agreement and Addendum thereto dated June 29, 2012 (collectively referenced as the "Plan"); and

WHEREAS, pursuant to the Plan, funds were identified and segregated to pay the Excluded Liabilities as defined in the Plan; and

WHEREAS, Exhibit A hereto is a list of the Excluded Liabilities identified and the funds estimated to cover them; and

WHEREAS, Orange County has agreed to hold the funds segregated on behalf of OPC and provide the management functions necessary (including but not limited to taking possession of the funds, holding the funds in a segregated account for the purpose of paying OPC's Excluded Liabilities as and when billed, paying the Excluded Liabilities as and when billed from the segregated funds, retaining records on behalf of OPC for such periods of time required by law, and responding to records request on behalf of OPC as necessary); and

WHEREAS, N.C.G.S. Section 126-24(5) creates an exception to confidentiality for officials of Orange County as a political subdivision of the State of North Carolina to inspect the records of former employees of OPC in that prior to dissolution, its Area Director deemed inspection of the former personnel records of OPC necessary and essential to the pursuance of one of OPC's proper functions, to wit: preservation of such records as required by law and review of them as necessary to meet OPC's legal requirements in the case of legitimate records requests not for the purpose of assisting a criminal investigation or assisting a tax investigation; and

WHEREAS, Orange County is willing to do so for no compensation but also has no individual liability to provide management functions

or pay the Excluded Liabilities in the event the funds set aside for this purpose are exhausted; and

WHEREAS, Orange County will provide a financial report to each of the county managers of Orange, Person and Chatham Counties no later than July 31<sup>st</sup> each year which will include at a minimum the beginning balance of the fund, charges to the fund and the ending balance of the fund; and

WHEREAS, in the event funds remain after all Excluded Liabilities are paid, the excess funds shall remain with Orange County for its use and purposes but in the event the funds are exhausted prior to the time all Excluded Liabilities are paid, the obligations of Orange County under this agreement shall end.

NOW, THEREFORE BE IT RESOLVED that each of the counties named below evidenced by the signature of the Chairman of the Board of Commissioners hereby agrees to the recitals above regarding the provision of the services under this agreement.

BE IT FURTHER RESOLVED, that no individual liability shall accrue to Orange County based on its acts or any failure to act in the performance of its responsibilities pursuant to this Memorandum of Agreement and that in the event any group, individual, entity, or qualified former OPC employee brings any suit, complaint, claim, or legal action regarding Orange County's acts or failures to act in the performance of its responsibilities, such suit, complaint, claim or legal action shall be defended jointly by each party to this Memorandum of Agreement.

ORANGE COUNTY

DATE \_\_\_\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CLERK TO THE BOARD

This instrument has been pre-audited in the manner required by the local government Budget and Fiscal Control Act.

\_\_\_\_\_  
Finance Officer for Orange County (SEAL)

PERSON COUNTY

DATE \_\_\_\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CLERK TO THE BOARD

This instrument has been pre-audited in the manner required by the local government Budget and Fiscal Control Act.

\_\_\_\_\_  
Finance Officer for Person County (SEAL)

CHATHAM COUNTY

DATE \_\_\_\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CLERK TO THE BOARD

This instrument has been pre-audited in the manner required by the local government Budget and Fiscal Control Act.

\_\_\_\_\_  
Finance Officer for Chatham County (SEAL)

Exhibit A

Excluded Liability Set-Aside

- a. Unemployment costs and expenses related to former employees of OPC at any time prior to the earlier of the June 30, 2012 or the date the employee was hired by PBH and the employees of OPC who are not hired by PBH prior to July 1, 2012 - \$150,000.00
- b. Workers' compensation costs and expenses related to former employees; - none anticipated
- c. OPC's liabilities, expenses, costs and judgments related to litigation prior to July 1, 2012; - none anticipated
- d. OPC's liabilities, expenses, costs and judgments related to disputes with providers or consumers arising from occurrences prior to July 1, 2012; and - none anticipated
- e. completion of final audits, - \$60,000
- f. closure of final accounts - \$2,000
- g. preparations of legally required tax documents and other similar activities - \$2,000
- h. expenses of contract employees and counsel as necessary to conclude the wind down and complete final activities - \$50,000.00
- i. disposal of server and computers, \$8,000
- j. bank service charges - \$2,800
- k. preparation of W-2s by ADP - \$1,000

- l. cancellation charges for copiers, postage meter -  
\$10,000.00
- m. storage of personnel and payroll records - \$117,000
- n. Estes Drive rent - \$5157
- o. all other liabilities or expenses of OPC arising from  
occurrences prior to July 1, 2012. - \$92,043.00

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** Amendment to Hobbs, Upchurch & Associates Contract: Buckhorn-Mebane EDD Water and Sewer Extension Project – Phase 2

---

**DEPARTMENT:** Planning

**PUBLIC HEARING: (Y/N)**

N

**ATTACHMENT(S):**

1. Original Hobbs, Upchurch & Associates Contract
2. Contract Amendment
  - a. Buckhorn-Mebane
  - b. Efland Redirection
3. Maps of Project Area
  - a. Water
  - b. Sewer

**INFORMATION CONTACT:**

Craig Benedict, Planning Director, 245-2592  
Kevin Lindley, PE, Staff Engineer, 245-2583

**PURPOSE:** To approve two amendments to the Hobbs, Upchurch & Associates (HUA) contract for design of water and sewer utilities in the extended Efland-Buckhorn-Mebane Economic Development District (EDD) area.

**BACKGROUND:** The amendments will add:

1. Easement negotiation and coordination of the bid (\$30,500 and \$16,000) for the original Buckhorn-Mebane EDD Phase 2
2. Design and bid services for the Buckhorn-Mebane EDD Phase 2 - **Extension** (Efland sewer redirection to Mebane) (\$151,600).

Orange County contracted with HUA in November 2010 to provide design and permitting for water and sewer infrastructure in the Buckhorn EDD area (Attachment 1). To maximize design efficiency (e.g. choosing a gravity sewer option along Bowman Road, see below), the timeline as originally set forward would need to be adjusted. The amendment adding time to the contract as shown in Attachment 2 will simply be an official acknowledgement of this.

Included in the first amendment language is an acknowledgement of the option chosen by the BOCC to pursue a gravity sewer outfall along Bowman Road. This option was outlined in the original contract, and as such, is not an amendment. However, the information regarding the decision to pursue the gravity sewer option along Bowman Road and the cost associated with this option are included in the Amendment document for clarification purposes.

In addition, staff has received a proposal from HUA to coordinate acquisition of the necessary easements in the project area. This scope of work is outlined in the amendment, but will generally include surveying and mapping the easements, contacting and negotiating with

individual property owners on behalf of the County, and conducting easement value assessments, if necessary. Both the County Attorney's office and Planning will still organize the legal aspects of easement dedication. Orange County staff has held community outreach meetings describing the project and the necessity of easements. However, because HUA has experience performing this type of work on previous projects, and staff experience with acquiring easements is limited, staff believes the process would go more smoothly if HUA were contracted to coordinate the easement acquisition process. This easement process will be concurrent with the permitting for the project and will take place over the next two months.

### **Buckhorn-Mebane EDD Phase 2 - Extension (Efland sewer redirection to Mebane)**

The second amendment to the HUA contract entails the design phase of the Efland sewer flow to Mebane redirection. This project went through 'feasibility engineering' as part of HUA Buckhorn-Mebane Phase 2 project since this new flow from Efland will flow through the new sewer master planned area completed by HUA with the original contract. Agreements are now in place with the City of Mebane to permit these new Efland flows.

This project was anticipated in the adopted Fiscal Year 2012-13 Capital Investment Plan (CIP) and after completion will eliminate the approximately \$100,000 annual subsidy to support the Efland sewer system users. Orange County has aligned its sewer rates in Efland to compare with the City of Mebane 'outside city rate' which has been a dramatic moderation in rate increases originally expected in the Efland area.

Also, as a side engineering note, minor field piping changes were made in the ongoing Efland sewer project (also known as Efland Sewer Expansion Phase 1 East and Phase 2) to create cost and operational efficiencies when the sewer flow redirection projects begins.

**FINANCIAL IMPACT:** This first amendment will add:

- 1.1 Easement Negotiations HUA \$30,500  
The cost of any easement appraisals will be negotiated on a case-by-case basis due to the wide variation in potential cost and would be considered a reimbursable item in addition the amount above. Staff recommends an additional easement appraisal allocation of
  - 1.2 Easement, Appraisal and Dedication Fund (Budget)  
\$29,000 should be set aside as a budget amount for this reimbursable item. Money has been set aside in the recommended capital budget for this project which will cover the cost of purchasing the easements and any permitting fees for the project.
  - 1.3 Buckhorn Mebane EDD Phase 2 Bid Management Services
2. Buckhorn-Mebane EDD Phase 2 - Extension (Efland sewer redirection to Mebane) Design Services  
The second amendment (i.e. Buckhorn Mebane Phase 2 Extension or Efland Sewer Flow Redirection Engineering Design) is funded in Fiscal Year 2012-13 in the amount of \$160,000. This proposal is \$151,600 and within budget.

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

1. Approve the contract amendments;
2. Authorize the Chair to sign on behalf of Orange County; and
3. Authorize the Manager to sign permit applications or other documents related to the permitting with bid results for Buckhorn Mebane EDD Water and Sewer Project-Phase 2 to be brought to the BOCC for approval in the Fall 2012.

[Departmental Use Only]

TITLE Buckhorn-Mebane EDD Water and Sewer Extension Project – Phase II  
 FY 2010

NORTH CAROLINA

SERVICES AGREEMENT OVER \$90,000.00  
 RFP – NO REIMBURSABLE EXPENSES

ORANGE COUNTY

This Services Agreement (hereinafter "Agreement"), made and entered into this 4th day of November, 2010, ("Effective Date") by and between Orange County, North Carolina a body politic and corporate of the State of North Carolina (hereinafter, the "County") and Hobbs, Upchurch & Associates, P.A , (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*): Professional Engineering Service
- 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 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 5164 for "Buckhorn-Mebane Economic Development District (EDD) Water and Sewer Extension Project – Phase II" issued June 14, 2010, and the Provider's proposal, which are fully incorporated and integrated herein by reference together with Attachments Hobbs Upchurch cost proposal dated September 14, 2010 (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)

<u>Task</u>	<u>Milestone Date</u>		
1. Conduct Initial Meeting with Project Team	12/9/2010	5%	
2. Compile Background Information / Preliminary Analysis	1/21/2011	10%	
3. Finalize Water and Sewer System Analysis Phase*	2/28/2011	16%	31
4. Complete Field Survey / Preliminary Utility Layout	2/28/2011	14%	45
5. 50% Design Review Meeting with Project Team	3/31/2011	14%	59
6. 90% Design Review Meeting with Project Team	4/30/2011	15%	74
7. Submit Permits for County Review / Approval	5/31/2011	10%	84
8. Submit Final Design for Permitting Agency Approval	6/21/2011	10%	94
9. Finalize Project – Receive Permitting Approvals from State	11/30/2011	6%	100
10. Coordinate Funding Opportunities On-going Discussions	As required		

\* At this point, the decision will be made to pursue design of either a gravity outfall running north and roughly parallel to Bowman Road or to continue the force main along the Bowman Road right-of-way.

- 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 November 2010 to June 2011.
- 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 second week of November 2010.

## 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. The maximum amount payable for Basic Services is one hundred and ninety two thousand Dollars (\$192,000.00). 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.
- b. Additional Services. Should the County choose to pursue design of a gravity sewer outfall from the intersection of West Ten Road and Bowman Road (as described in the footnote to Milestone 3 of Section 3(a)(ii) of this contract) to the City of Mebane's Southeast Regional Pump Station in lieu of the force main design included in Basic Services, the Provider shall be entitled to additional compensation, if necessary, for the difference in design costs between the force main option and the gravity sewer outfall option. Once the County notifies Provider of the decision to pursue the gravity sewer outfall option, the Provider will submit a revised cost estimate for the sewer design portion of the project that includes design costs for this section of gravity sewer outfall and removes the design costs for the section of force main to be replaced. In no case will the compensation for these additional services cause the total compensation for this contract to exceed two hundred thousand Dollars (\$200,000). 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.

## 6. Responsibilities of the County

- a. Cooperation and Coordination. The County has designated the (*Planning Director, Craig Benecict*) 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 <u>Risk Manager</u> if applicable. \$1,000,000

- 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: David Cannell  
 P.O. Box 8181  
 Hillsborough, NC 27278

Provider's Name & Address  
 Hobbs Upchurch Assoc. PA  
 PO Box 1737  
 Southern Pines, NC 28388

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:

PROVIDER:

By: Bernette Palmer  
Chair  
Orange County Board of Commissioners

By: Bill Lester, Jr.  
*Printed Name and Title*  
Bill Lester, Jr., PE  
Governmental Division Manager

Attest: Donna Baker  
Donna Baker, Clerk to the Board

Fred M. Hobbs  
Fred M. Hobbs, P.E., President



This instrument has been approved as to technical content.

Joseph Beredon  
Planning and Inspections, Department Director



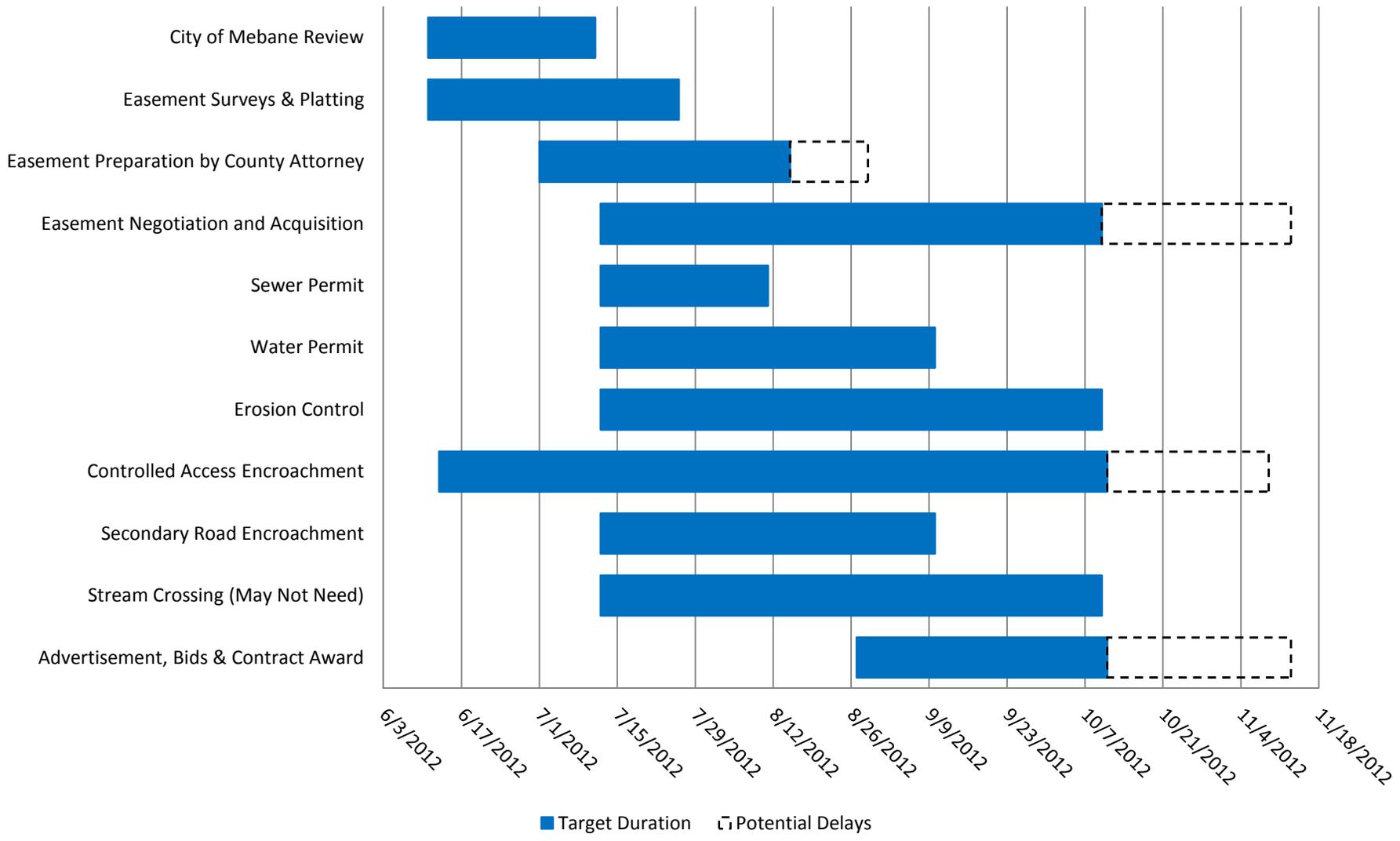
This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Clarence D. Moore  
Office of the Finance Director

This instrument has been approved as to form and legal sufficiency.

J.P.  
Office of the County Attorney

### Buckhorn Mebane Phase 2 Water & Sewer Improvements Permitting Schedule (Revised 6-8-12)





August 3, 2012

Mr. Craig Benedict  
Orange County Planning & Inspection  
131 W. Margaret Lane  
Hillsborough, NC 27278

RE: Buckhorn-Mebane EDD  
Water & Sewer Improvements Project  
Construction Management/Inspection/Bid Management Services

Dear Mr. Benedict:

Per your request, please find attached detailed cost estimate and layout maps for the planned water and sewer improvements to serve Buckhorn-Mebane EDD. We also offer Resident Project Inspection and Construction Management Services in accordance with the attached scope for the noted amounts as summarized below:

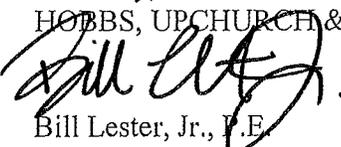
Water Improvements (Lines W-1, W-2 and W-3)	\$82,000.00
Sewer Segment #1 (Lines S-1 and S-2)	\$82,000.00
Sewer Segment #2 (Line S-3)	\$87,000.00
Sewer Segment #3 (Pump Station/Force Main)	\$52,000.00

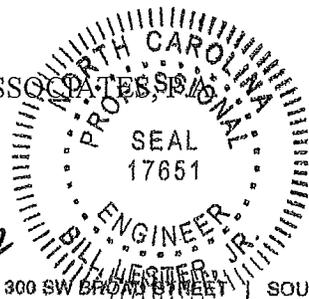
As previously discussed we recognize that the project may move forward in its entirety, or in segments. As such, if the project should be constructed in its entirety concurrently, the above totals may be discounted to a total of \$268,000.00 to account for savings associated with required manpower and total length of oversight. Likewise, there may be negotiated savings with other chosen combinations, however the actual improvements to be completed may not be known until after the bid opening. Also, note that this assumes we will provide daily inspection and oversight. Deviations from this concept will also impact costs.

HUA offers to coordinate all technical services related to preparing construction documents, advertising the project, managing the bid process, issuing addenda, conducting the bid opening, reviewing all bids for completeness and accuracy, and making a recommendation of award to the County for the following amount:

Bid Management Services	\$16,000.00
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If you should have any questions regarding this information, or if you should require additional detail, please do not hesitate to contact this office. As always, I sincerely appreciate the opportunity to assist Orange County and look forward to the implementation of this project.

Sincerely,  
HOBBS, UPCHURCH & ASSOCIATES, P.A.  
  
Bill Lester, Jr., P.E.



## CONSTRUCTION MANAGEMENT AND PROJECT INSPECTION

### DUTIES AND RESPONSIBILITIES OF THE ENGINEER

#### AND THE RESIDENT PROJECT REPRESENTATIVE(S)

The ENGINEER shall perform all required services to adequately inspect the project and insure compliance with the detailed drawings and contract documents. Services shall also include all work to maintain project schedule and budget, review all requisitions, and make recommendations for payment. The ENGINEER shall coordinate all construction management activities for the OWNER, including the following tasks:

#### **Construction Management Responsibilities of the ENGINEER**

1. Prepare formal contract documents, including any and all documents required for execution of the construction contract by OWNER.
2. Provide construction inspection and construction management services as necessary to expedite construction in a timely fashion, insuring that total compliance with general and technical specifications are met by the successful bidder, and that construction is in strict accordance with the plans such that the OWNER receive FIRST-CLASS workmanship and materials, and maintain accurate inspection files.
3. Prepare and issue change orders, and review any and all request for change order from the successful bidder.
4. Investigate any and all request for partial and final payments prior to approval to insure payment to bidder in accordance with the contract documents as executed and amended.
5. Conduct final inspection of construction upon completion of work by the successful bidder, and accompany OWNER on courtesy inspection prior to approval of final payment to successful bidder.
6. Prepare "AS-BUILT" record drawings and provide two (2) sets to OWNER along with certification of completion and satisfaction of project requirements and recommendation of final acceptance by the OWNER. Record Drawings shall also be provided in digital format based on OWNER's preference.

In order to assist in providing the highest quality project, the ENGINEER shall furnish a Resident Project Representative (RPR), assistance and other field staff to assist ENGINEER in observing performance of the Work of the Contractor. The duties and responsibilities of the RPR(s) are limited to those of ENGINEER in ENGINEER's agreement with the OWNER and in the construction Contract Documents, and are further limited and described as follows:

RPR is ENGINEER's agent at the site, will act as directed by and under the supervision of ENGINEER, and will confer with ENGINEER regarding RPR's actions. RPR's dealings in matters pertaining to the on-site work shall in general be with ENGINEER and CONTRACTOR keeping OWNER advised as necessary. RPR's dealings with sub-contractors shall only be through or with the full knowledge and approval of CONTRACTOR. RPR shall generally communicate with OWNER with the knowledge of and under the direction of ENGINEER.

#### **Duties and Responsibilities of RPR.**

1. **Schedules:** Review the progress schedule, schedule of Shop Drawing submittals and schedule of values prepared by CONTRACTOR and consult with ENGINEER concerning acceptability.
2. **Conferences and Meetings:** Attend meetings with CONTRACTOR, such as preconstruction conferences, progress meetings, job conferences, and other project-related meetings, and prepare and circulate copies of minutes thereof.
3. **Liaison:**
  - a. Serve as ENGINEER'S liaison with CONTRACTOR, working principally through CONTRACTOR'S superintendent and assist in understanding the intent of the Contract Documents;

and assist the ENGINEER in serving as OWNER'S liaison with CONTRACTOR when CONTRACTOR'S operations affect OWNER'S onsite operations.

- b. Assist in obtaining from OWNER additional details or information, when required for proper execution of the Work.
4. **Shop Drawings and Samples:**
    - a. Record date of receipt of Shop Drawings and samples.
    - b. Receive samples which are furnished at the site by CONTRACTOR, and notify ENGINEER of availability of samples for examination.
    - c. Advise ENGINEER and CONTRACTOR of the commencement of any Work requiring a Shop Drawing or sample of the submittal of the submittal has not been approved by ENGINEER.
  5. **Review of Work, Rejection of Defective Work, Inspections and Tests**
    - a. Conduct on-site observations of the Work in progress to assist ENGINEER in determining if the Work is in general proceeding in accordance with the Contract Documents.
    - b. Report to ENGINEER whenever RPR believes that any Work is unsatisfactory, faulty or defective or does not conform to the Contract Documents, or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made; and advise ENGINEER of Work that RPR believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval.
    - c. Verify that tests, equipment and systems startups and operating and maintenance training are conducted in the presence of appropriate personnel, and the CONTRACTOR maintains adequate records thereof; and observe, record and report to ENGINEER appropriate details relative to the test procedures and startups.
    - d. Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the results of these inspections and report to the ENGINEER.
  6. **Interpretation of Contract Documents:** Report to ENGINEER when clarifications and interpretations of the Contract Documents are needed and transmit to CONTRACTOR clarifications and interpretations as issued by ENGINEER.
  7. **Modifications:** Consider and evaluate CONTRACTOR'S suggestions for modifications in Drawings or Specifications and report with RPR's recommendations to ENGINEER. Transmit to CONTRACTOR decisions as issued by ENGINEER.
  8. **Records:**
    - a. Maintain at the job site orderly files for correspondence, reports of job conferences, Shop Drawings and samples, reproductions of original Contract Documents including all Work Directive Changes, Addenda, Change Orders, Field Orders, additional Drawings issued subsequent to the execution of the Contract, ENGINEER'S clarification and interpretations of the Contract Documents, progress reports, and other Project related documents.
    - b. Keep a diary or log book, recording CONTRACTOR hours on the job site, weather conditions, data relative to questions of Work Directive Changes, Change Orders or changed conditions, list of job site visitors, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to ENGINEER.
    - c. Record names, addresses and telephone numbers of all CONTRACTORS, subcontractors and major suppliers of materials and equipment.
  9. **Reports:**
    - a. Furnish ENGINEER periodic reports as required of progress of the Work and of CONTRACTOR'S compliance with the progress schedule and schedule of Shop Drawing and sample submittals.

- b. Consult with ENGINEER in advance of scheduled major tests, inspections or start of important phases of the Work.
  - c. Draft proposed Change Orders and Work Directive Changes, obtaining backup material from CONTRACTOR and recommend to ENGINEER Change Orders, Work Directive Changes, and Field Orders.
  - d. Report immediately to ENGINEER and OWNER upon the occurrence of any accident.
10. **Payment Requests:** Review applications for payment with CONTRACTOR for compliance with the established procedure for their submission and forward with recommendations to ENGINEER, noting particularly the relationship of the payment requested to the schedule of values, Work completed and materials and equipment delivered at the site but not incorporated in the Work.
11. **Certificates, Maintenance and Operation Manuals:** During the course of the Work, verify that certificates, maintenance and operation manuals and other data required to be assembled and furnished by CONTRACTOR are applicable to the items actually installed and in accordance with the Contract Documents, and have this material delivered to ENGINEER for review and forwarding to OWNER prior to final payment for the Work.
12. **Completion:**
- a. Before ENGINEER issues a Certificate of Substantial Completion, submit to CONTRACTOR a list of observed items requiring completion or correction.
  - b. Conduct final inspection in the company of ENGINEER, OWNER and CONTRACTOR and prepare a final list of items to be completed or corrected.
  - c. Observe that all items on final list have been completed or corrected and make recommendations to ENGINEER concerning acceptance.

### Limitations of Authority

Resident Project Representative:

1. Shall not authorize any deviation from the Contract Documents or substitution of materials or equipment, unless authorized by ENGINEER.
2. Shall not exceed limitations of ENGINEER'S authority as set forth in the Contract Documents.
3. Shall not undertake any of the responsibilities of CONTRACTOR, subcontractors or CONTRACTOR'S superintendent.
4. Shall not advise on, issue directions relative to or assume control over any aspect of the means, methods, techniques, sequences or procedures of construction unless such advice or directions are specifically required by the Contract Documents.
5. Shall not advise on, issue directions regarding or assume control over safety precautions and programs in connection with the Work.
6. Shall not accept Shop Drawing or sample submittals from anyone other than CONTRACTOR.
7. Shall not authorize OWNER to occupy the Project in whole or in part.
8. Shall not participate in specialized field or laboratory tests or inspection conducted by others except as specifically authorized by ENGINEER.

The ENGINEER and RPR shall insure that the OWNER's project is completed in accordance with the contract documents and all permits. After final acceptance the ENGINEER and RPR shall maintain contact with the OWNER to address any issues that may arise during the warranty period of the project, including conduction a one year warranty inspection. Any outstanding items will be addressed and coordinated with the CONTRACTOR as required.

**Buckhorn - Mebane EDD Water Improvements Phase 2**  
**Orange County, NC**  
**Preliminary Cost Estimates (Revised 8-2-12)**

*Water Improvements: Lines W-1, W-2, and W-3*

<u>Item Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Extended Price</u>
16" D.I.P. Water Main	12,568	LF	\$60.00	\$754,080.00
16" Restrained Joint D.I.P	571	LF	\$100.00	\$57,100.00
18" HDPE Directional Bore	882	LF	\$120.00	\$105,840.00
12" D.I.P. Water Main	2,267	LF	\$45.00	\$102,015.00
16"x12" Reducer	4	EA	\$500.00	\$2,000.00
16" 90 Degree Bend	5	EA	\$600.00	\$3,000.00
16" 45 Degree Bend	12	EA	\$550.00	\$6,600.00
16" 22.5 Degree Bend	7	EA	\$550.00	\$3,850.00
12" 90 Degree Bend	2	EA	\$550.00	\$1,100.00
12" 45 Degree Bend	2	EA	\$535.00	\$1,070.00
16"x12" Tee	1	EA	\$650.00	\$650.00
16"x6" Tee	10	EA	\$650.00	\$6,500.00
12"x12" Tee	1	EA	\$625.00	\$625.00
12"x6" Tee	2	EA	\$600.00	\$1,200.00
16" Gate Valve	18	EA	\$2,000.00	\$36,000.00
12" Gate Valve	8	EA	\$1,750.00	\$14,000.00
6" Gate Valve	12	EA	\$1,000.00	\$12,000.00
Fire Hydrant Assembly	12	EA	\$2,000.00	\$24,000.00
Combination Air Release Valve Assembly	2	EA	\$2,500.00	\$5,000.00
32" Steel Casing (Bored & Jacked)	330	LF	\$400.00	\$132,000.00
24" Steel Casing (Bored & Jacked)	100	LF	\$375.00	\$37,500.00
Gravel for Driveways	296	TN	\$25.00	\$7,400.00
Asphalt Open Cut and Patch	75	SY	\$50.00	\$3,750.00
Concrete Open Cut and Patch	50	SY	\$60.00	\$3,000.00
Tie to Existing Water Main	2	EA	\$3,000.00	\$6,000.00
Stream Crossing (Type 1)	1	LS	\$3,500.00	\$3,500.00
Clearing and Grubbing	3.2	AC	\$4,000.00	\$12,800.00
Seed, Mulch, & Erosion Control	6.0	AC	\$3,500.00	\$21,000.00
<b>Subtotal Construction Cost</b>				<b>\$1,363,580.00</b>
Construction Contingency				\$137,000.00
Construction Administration / Inspection				\$82,000.00
<b>Total Project Cost</b>				<b>\$1,582,580.00</b>

**Buckhorn - Mebane EDD Sewer Improvements Phase 2**  
**Orange County, NC**  
**Preliminary Cost Estimates (Revised 8-02-12)**

*Sewer Improvements Segment 1: Lines S-1 & S-2*

<u>Description of Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Extended Price</u>
12" PVC SDR 35 Gravity Sewer (6'-8')	340	LF	\$60.00	\$20,400.00
12" PVC SDR 35 Gravity Sewer (8'-10')	1,048	LF	\$65.00	\$68,120.00
12" PVC SDR 35 Gravity Sewer (10'-12')	518	LF	\$75.00	\$38,850.00
12" PVC SDR 35 Gravity Sewer (12'-14')	25	LF	\$85.00	\$2,125.00
12" D.I.P. Class 52 Gravity Sewer (8'-10')	822	LF	\$75.00	\$61,650.00
12" D.I.P. Class 52 Gravity Sewer (10'-12')	762	LF	\$85.00	\$64,770.00
12" D.I.P. Class 52 Gravity Sewer (12'-14')	875	LF	\$95.00	\$83,125.00
12" D.I.P. Class 52 Gravity Sewer (14'-16')	1,145	LF	\$105.00	\$120,225.00
12" D.I.P. Class 52 Gravity Sewer (16'-18')	327	LF	\$115.00	\$37,605.00
12" D.I.P. Class 52 Gravity Sewer (18'-20')	25	LF	\$120.00	\$3,000.00
12" D.I.P. Installed in Casing	400	LF	\$75.00	\$30,000.00
8" PVC SDR 35 Gravity Sewer (8'-10')	1600	LF	\$50.00	\$80,000.00
8" PVC SDR 35 Gravity Sewer (10'-12')	550	LF	\$60.00	\$33,000.00
4' 0" Diameter Manhole (10'-12')	17	EA	\$2,500.00	\$42,500.00
4' 0" Diameter Manhole (12'-14')	7	EA	\$3,000.00	\$21,000.00
4' 0" Diameter Manhole (14'-16')	2	EA	\$3,500.00	\$7,000.00
4' 0" Diameter Manhole (14'-16') with Outside Drop	1	EA	\$4,500.00	\$4,500.00
4' 0" Diameter Manhole (16'-18')	2	EA	\$4,250.00	\$8,500.00
4' 0" Diameter Manhole (18'-20')	3	EA	\$5,000.00	\$15,000.00
4' 0" Diameter Manhole (20'-22')	1	EA	\$5,750.00	\$5,750.00
24" Steel Casing (Bored & Jacked)	140	LF	\$425.00	\$59,500.00
24" Steel Casing (Bored & Jacked) for I-85	1	LS	\$485,000.00	\$485,000.00
Stream Crossings (Type 1)	2	EA	\$3,500.00	\$7,000.00
Stream Crossing (Type 2)	1	LS	\$12,000.00	\$12,000.00
Gravel for Driveways	85	TN	\$25.00	\$2,125.00
Tie to Existing Manhole	1	LS	\$3,500.00	\$3,500.00
Clearing and Grubbing	4.10	AC	\$4,000.00	\$16,400.00
Seed & Mulch & Erosion Control	7.52	AC	\$3,500.00	\$26,320.00
<b>Subtotal Construction Cost</b>				<b>\$1,358,965.00</b>
Construction Contingency				\$136,000.00
Construction Administration / Inspection				\$82,000.00
<b>Total Project Cost</b>				<b>\$1,576,965.00</b>

**Buckhorn - Mebane EDD Sewer Improvements Phase 2**

**Orange County, NC**

**Preliminary Cost Estimates (Revised 8-2-12)**

*Sewer Improvements Segment 2: Line S-3*

<u>Description of Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Extended Price</u>
18" PVC SDR 35 Gravity Sewer (6'-8')	492	LF	\$90.00	\$44,280.00
18" PVC SDR 35 Gravity Sewer (8'-10')	2,907	LF	\$97.50	\$283,432.50
18" PVC SDR 35 Gravity Sewer (10'-12')	550	LF	\$112.50	\$61,875.00
18" PVC SDR 35 Gravity Sewer (12'-14')	61	LF	\$127.50	\$7,777.50
18" D.I.P. Class 52 Gravity Sewer (0'-6')	325	LF	\$95.00	\$30,875.00
18" D.I.P. Class 52 Gravity Sewer (6'-8')	418	LF	\$105.00	\$43,890.00
18" D.I.P. Class 52 Gravity Sewer (8'-10')	414	LF	\$112.50	\$46,575.00
18" D.I.P. Class 52 Gravity Sewer (10'-12')	533	LF	\$127.50	\$67,957.50
18" D.I.P. Class 52 Gravity Sewer (12'-14')	760	LF	\$142.50	\$108,300.00
18" D.I.P. Class 52 Gravity Sewer (14'-16')	650	LF	\$157.50	\$102,375.00
18" D.I.P. Class 52 Gravity Sewer (16'-18')	315	LF	\$172.50	\$54,337.50
18" D.I.P. Class 52 Gravity Sewer (18'-20')	525	LF	\$180.00	\$94,500.00
18" D.I.P. Class 52 Gravity Sewer (20'-22')	475	LF	\$187.50	\$89,062.50
18" D.I.P. Class 52 Gravity Sewer (22'-24')	200	LF	\$200.00	\$40,000.00
18" D.I.P. Class 52 Gravity Sewer (24'-26')	275	LF	\$212.50	\$58,437.50
18" D.I.P. Installed in Casing	90	LF	\$110.00	\$9,900.00
4' 0" Diameter Manhole (6'-8')	5	EA	\$2,000.00	\$10,000.00
4' 0" Diameter Manhole (8'-10')	3	EA	\$2,250.00	\$6,750.00
4' 0" Diameter Manhole (10'-12')	19	EA	\$2,500.00	\$47,500.00
4' 0" Diameter Manhole (12'-14')	5	EA	\$3,000.00	\$15,000.00
4' 0" Diameter Manhole (14'-16')	4	EA	\$3,500.00	\$14,000.00
4' 0" Diameter Manhole (16'-18')	4	EA	\$4,250.00	\$17,000.00
4' 0" Diameter Manhole (18'-20')	1	EA	\$5,000.00	\$5,000.00
4' 0" Diameter Manhole (20'-22')	4	EA	\$5,750.00	\$23,000.00
4' 0" Diameter Manhole (22'-24')	3	EA	\$6,250.00	\$18,750.00
4' 0" Diameter Manhole (24'-26')	1	EA	\$7,000.00	\$7,000.00
4' 0" Diameter Manhole (26'-28')	2	EA	\$7,750.00	\$15,500.00
36" Steel Casing (Bored & Jacked)	90	LF	\$525.00	\$47,250.00
Gravel for Driveways	15	TN	\$25.00	\$375.00
Clearing and Grubbing	5	AC	\$4,000.00	\$20,000.00
Seed & Mulch & Erosion Control	12.25	AC	\$3,500.00	\$42,875.00
<b>Subtotal Construction Cost</b>				<b>\$1,433,575.00</b>
Construction Contingency				\$144,000.00
Construction Administration / Inspection				\$87,000.00
<b>Total Project Cost</b>				<b>\$1,664,575.00</b>

**Buckhorn - Mebane EDD Sewer Improvements Phase 2**  
**Orange County, NC**  
**Preliminary Cost Estimates (Revised 8-2-12)**

*Sewer Improvements Segment 3: Pump Station and Line FM-1*

<u>Description of Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Extended Price</u>
10" PVC SDR 21 Force Main	12,258	LF	\$25.00	\$306,450.00
10" D.I.P. Force main	390	LF	\$50.00	\$19,500.00
10" Restrained Joint D.I.P.	100	LF	\$75.00	\$7,500.00
12" HDPE Directional Bore	180	LF	\$90.00	\$16,200.00
10" 90 Degree Bend	4	EA	\$500.00	\$2,000.00
10" 45 Degree Bend	3	EA	\$425.00	\$1,275.00
10" 22.5 Degree Bend	1	EA	\$425.00	\$425.00
10" Gate Valve	6	EA	\$1,500.00	\$9,000.00
Combination Air Release Valve Assembly in Manhole	4	EA	\$2,500.00	\$10,000.00
Pump Station / Site Work	1	LS	\$235,000.00	\$235,000.00
Permanently Mounted Generator	1	LS	\$60,000.00	\$60,000.00
Emergency Pump Connection	1	LS	\$3,000.00	\$3,000.00
20" Steel Casing (Bored & Jacked)	390	LF	\$400.00	\$156,000.00
Gravel for Driveways	371	TN	\$22.00	\$8,162.00
Asphalt Open Cut and Patch	40	SY	\$39.00	\$1,560.00
Tie to Existing Manhole	1	EA	\$1,300.00	\$1,300.00
Seed & Mulch & Erosion Control	7.3	AC	\$3,500.00	\$25,550.00
<b>Subtotal Construction Cost</b>				<b>\$862,922.00</b>
Construction Contingency				\$87,000.00
Construction Administration / Inspection				\$52,000.00
<b>Total Project Cost</b>				<b>\$1,001,922.00</b>



Hobbs Upchurch Associates  
engineering | planning | surveying

August 3, 2012

Mr. Craig Benedict  
Orange County Planning & Inspection  
131 W. Margaret Lane  
Hillsborough, NC 27278

RE: Efland Sewer System  
Re-Routing Sewer Discharge to Gravelly Hill  
Engineering Design Services Proposal

Dear Mr. Benedict:

Per our previous discussions, and in accordance with our preliminary engineering report for the Buckhorn-Mebane EDD project, HUA offers to provide engineering design services for the above referenced project. Our design services shall adhere to the conditions, expectations, and level of service as noted in our original contract with Orange County dated November 4, 2010. Following is a summary of the proposed costs:

Surveying	\$18,000.00
Engineering Design	\$133,600.00

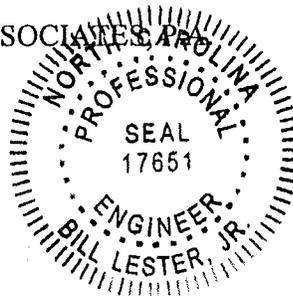
Please find attached a copy of the detailed estimate and layout map for the proposed project. Upon execution of an amendment to our contract to complete this work, we will schedule a meeting to review the previously completed report, all the latest Efland design information, and develop a detailed work schedule.

If you should require additional information, or wish to discuss the project further, please do not hesitate to contact this office.

Sincerely,  
HOBBS, UPCHURCH & ASSOCIATES, P.A.

*Bill Lester, Jr.*  
Bill Lester, Jr., P.E.

8.3.12

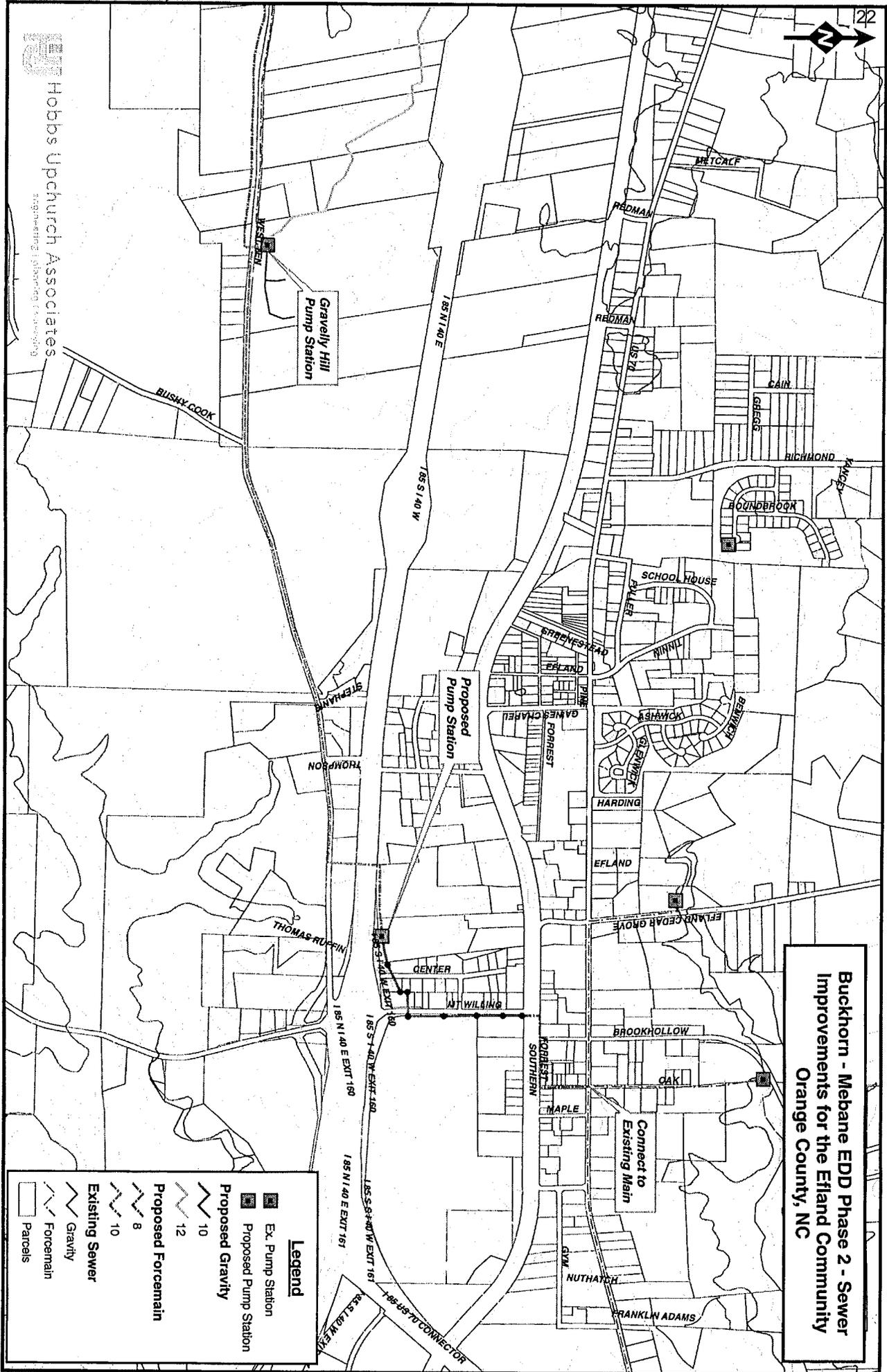


**Buckhorn-Mebane EDD Phase 2**  
**Sewer Improvements to serve the Efland Community**  
**Orange County, NC**

*Preliminary Cost Estimate*

<b>Item</b>	<b>Quantity</b>		<b>Unit Price</b>	<b>Extended Cost</b>
10-inch SDR 35 Sanitary Sewer	2,300	lf	\$60.00	\$138,000.00
10-inch DI Sanitary Sewer	300	lf	\$75.00	\$22,500.00
4-foot Diameter Manhole	10	ea	\$2,750.00	\$27,500.00
8" PVC SDR 21 Forcemain	1,400	lf	\$18.00	\$25,200.00
8" CL 250 DI Forcemain	360	lf	\$35.00	\$12,600.00
10" PVC SDR 21 Forcemain	6,950	lf	\$22.00	\$152,900.00
10" CL 250 DI Forcemain	500	ea	\$50.00	\$25,000.00
10" ID HDPE Installed by Directional Bore	1,750	lf	\$450.00	\$787,500.00
16" Steel Casing Installed by Bore & Jack	280	lf	\$200.00	\$56,000.00
20" Steel Casing Installed by Bore & Jack	380	lf	\$250.00	\$95,000.00
20" Steel Casing Installed on Grade by Bore & Jack	60	lf	\$350.00	\$21,000.00
Tie to Existing Forcemain	1	ls	\$3,000.00	\$3,000.00
Existing Pump Station Modifications	1	ls	\$75,000.00	\$75,000.00
Duplex Submersible Pump Station	1	ls	\$195,000.00	\$195,000.00
Standby Emergency Generator	1	ls	\$60,000.00	\$60,000.00
Clearing	2.25	ac	\$4,000.00	\$9,000.00
Select Fill	1,500	cy	\$20.00	\$30,000.00
Asphalt open cut & Patch	240	sy	\$50.00	\$12,000.00
Concrete Drive Removal & Replacement	25	sy	\$350.00	\$8,750.00
Seed Mulch & Erosion Control	8.50	ac	\$3,000.00	\$25,500.00
<b>Total Estimated Construction Cost:</b>				<b>\$1,781,450.00</b>
<b>Construction Contingency:</b>				<b>\$178,145.00</b>
<b>Survey:</b>				<b>\$18,000.00</b>
<b>Engineering Design:</b>				<b>\$133,600.00</b>
<b>Construction Administration &amp; Inspection:</b>				<b>\$115,800.00</b>
<b>R/R Encroachment</b>				<b>\$25,000.00</b>
<b>Easement Acquisition</b>				<b>\$10,000.00</b>
<b>Permits</b>				<b>\$2,000.00</b>
<b>Total Estimated Project Cost:</b>				<b>\$2,263,995.00</b>

Hobbs Upchurch Associates  
Engineering & Planning



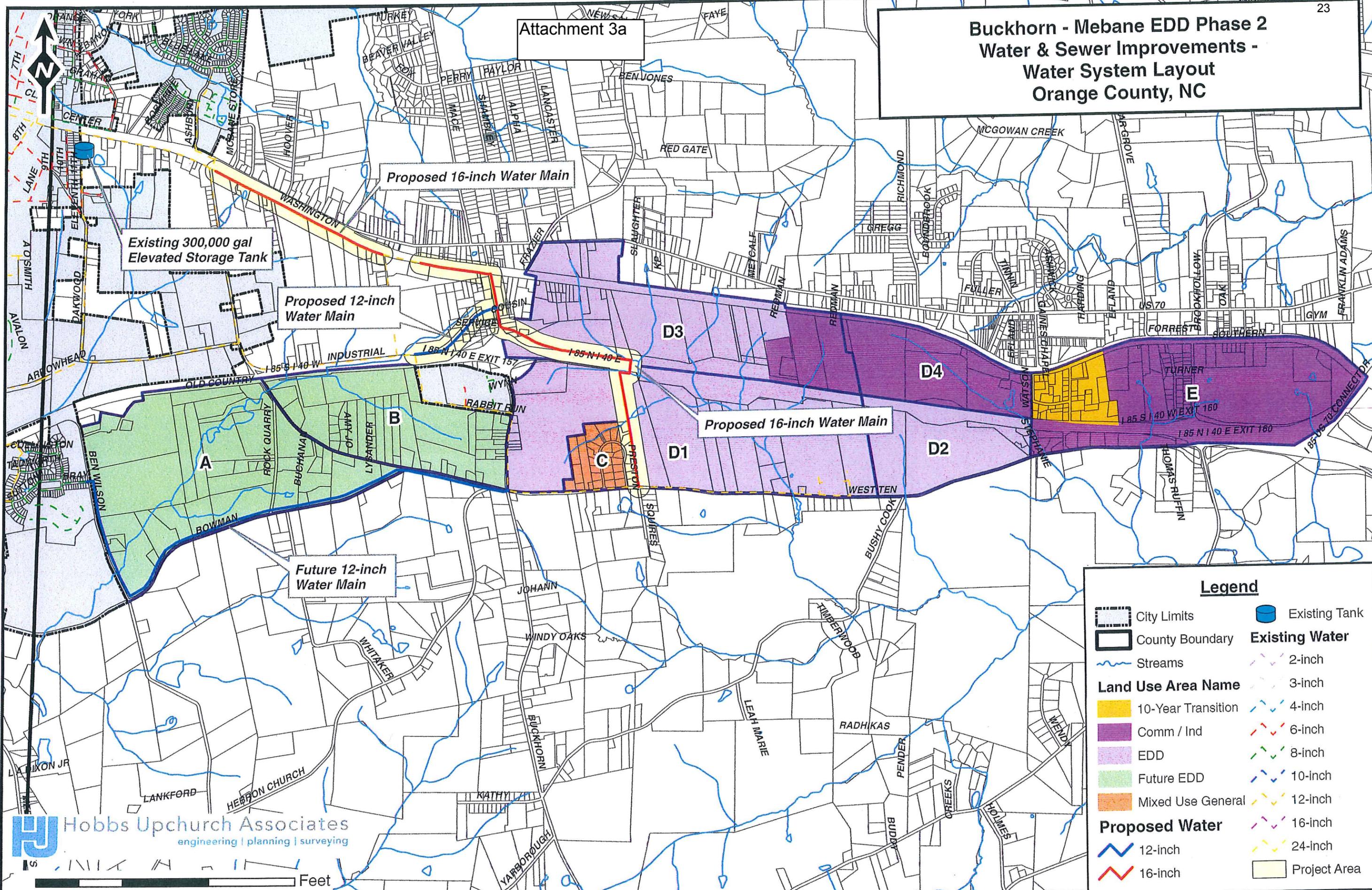
**Legend**

- Ex. Pump Station
- Proposed Pump Station
- Proposed Gravity
- 10
- 8
- 12
- Proposed Forcemain
- Existing Sewer
- Gravity
- Forcemain
- Parcels

**Buckhorn - Mebane EDD Phase 2 - Sewer Improvements for the Efland Community Orange County, NC**

# Buckhorn - Mebane EDD Phase 2 Water & Sewer Improvements - Water System Layout Orange County, NC

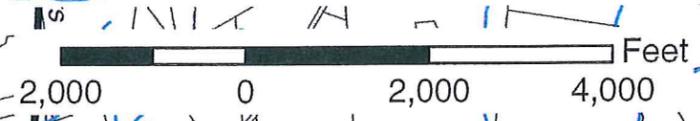
Attachment 3a



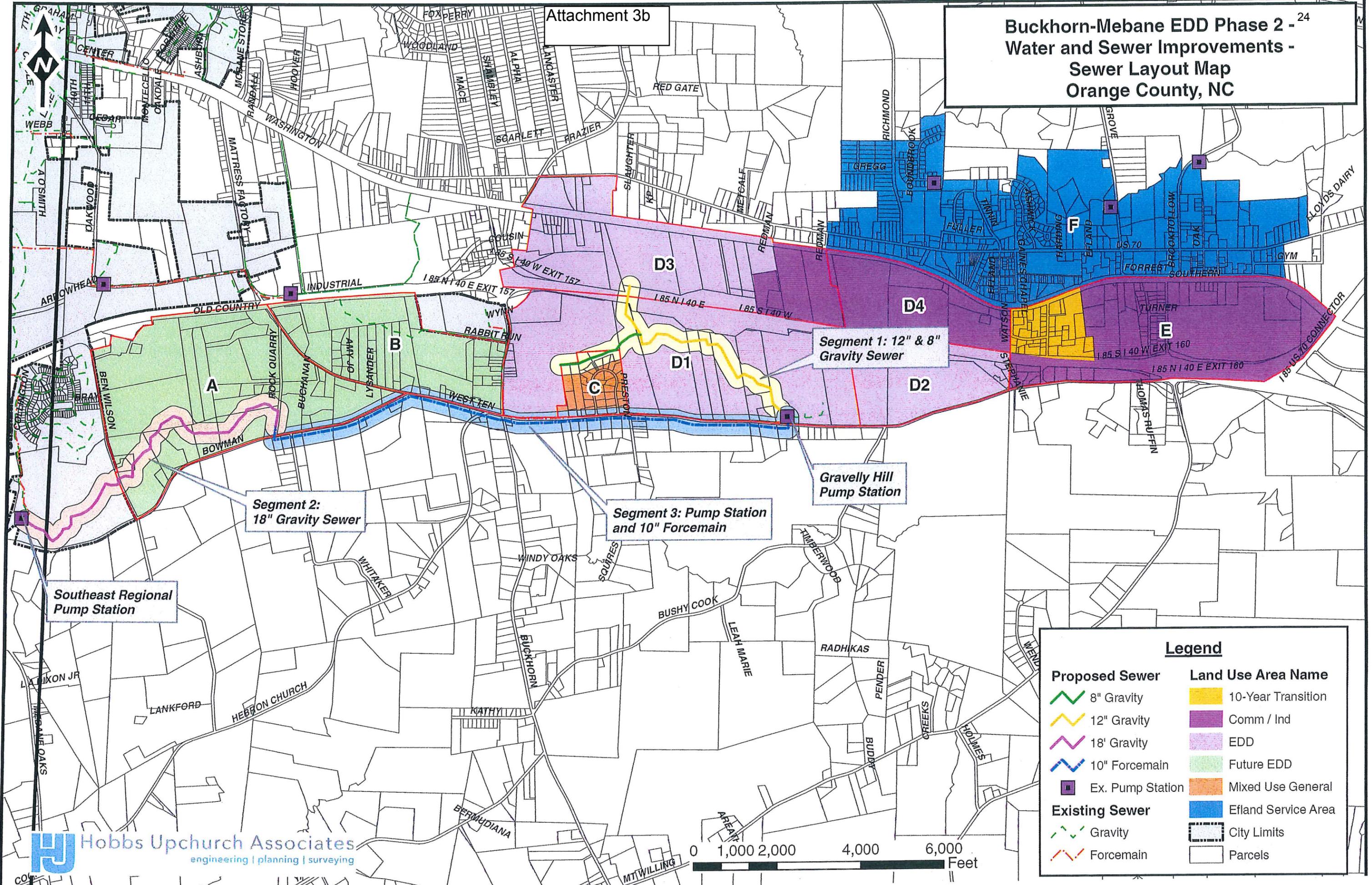
**Legend**

	City Limits		Existing Tank
	County Boundary	<b>Existing Water</b>	
	Streams		2-inch
<b>Land Use Area Name</b>			3-inch
	10-Year Transition		4-inch
	Comm / Ind		6-inch
	EDD		8-inch
	Future EDD		10-inch
	Mixed Use General		12-inch
<b>Proposed Water</b>			16-inch
	12-inch		24-inch
	16-inch		Project Area

**Hobbs Upchurch Associates**  
engineering | planning | surveying



# Buckhorn-Mebane EDD Phase 2 - Water and Sewer Improvements - Sewer Layout Map Orange County, NC



Segment 2:  
18" Gravity Sewer

Segment 3: Pump Station  
and 10" Forcemain

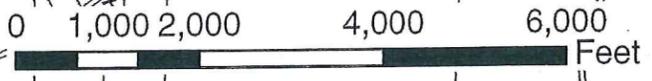
Segment 1: 12" & 8"  
Gravity Sewer

Gravelly Hill  
Pump Station

Southeast Regional  
Pump Station

**Legend**

8" Gravity	10-Year Transition
12" Gravity	Comm / Ind
18" Gravity	EDD
10" Forcemain	Future EDD
Ex. Pump Station	Mixed Use General
<b>Existing Sewer</b>	Efland Service Area
Gravity	City Limits
Forcemain	Parcels



**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** Memorandum of Agreement between the NC Sedimentation Control Commission and Orange County

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**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING: (Y/N)**

No

**ATTACHMENT(S):**  
Memorandum of Agreement

**INFORMATION CONTACT:**  
Sahana Ayer, 245-2319  
Ren Ivins, 245-2586

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**PURPOSE:** To approve a Memorandum of Agreement between the North Carolina Sedimentation Control Commission and Orange County, North Carolina for the purpose of clarifying roles in the enforcement of the Sedimentation Pollution Control Act of 1973, N.C. General Statute Chapter 113A Article 4 and any rules adopted pursuant to the Act.

**BACKGROUND:** Orange County is responsible for enforcing the sedimentation control standards issued by the Sedimentation Control Commission (the "Commission") and adopted a local program in 1975. The Act was amended in July 2011 and provided a model sedimentation control ordinance for adoption by the local programs. The Commission also increased the reporting requirements for local programs by requesting local jurisdictions forward Erosion Control applications to it (which Orange County has been doing effective February 2012). The Memorandum outlines and further clarifies the amended enforcement and reporting responsibilities of the County.

**FINANCIAL IMPACT:** There is no financial impact associated with this decision.

**RECOMMENDATION(S):** The Manager recommends that the Board approve the Memorandum of Agreement and authorize the Chair to sign the agreement.

# MEMORANDUM OF AGREEMENT

BETWEEN

THE NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION

AND

ORANGE COUNTY, NORTH CAROLINA

This MEMORANDUM OF AGREEMENT is entered into between the **North Carolina Sedimentation Control Commission** (hereinafter, “Commission”) and **Orange County, North Carolina** (hereinafter, “Local Government,” collectively, “Parties”) for the purpose of clarifying their roles in the enforcement of the Sedimentation Pollution Control Act of 1973, N.C. Gen. Stat. Ch. 113A Art. 4 and any rules adopted pursuant to the Act (hereinafter collectively, “SPCA.”)

## Part I. Local Program Creation.

### A. Model Ordinance

The Parties agree that the Commission shall do the following:

1. Per N.C. Gen. Stat. § 113A-54(1), provide a model erosion and sedimentation control ordinance (hereinafter, “model ordinance”) for adoption by local governments who wish to operate a delegated local sedimentation and erosion program (hereinafter, “local program.”)
2. Update its model ordinance upon changes in the SPCA.

### B. Proposed Ordinance Review

The Parties agree that:

1. Local governments who choose to create and operate a local program may do so by ordinance (hereinafter, “local program ordinance”.) However, the local government must submit the proposed local program ordinance to the Commission staff for review prior to adoption. Local governments must adopt the ordinance prior to submission to the Commission for approval.
2. North Carolina General Statute § 113A-60(b) requires the Commission to review, approve, approve as modified, or disapprove proposed local program ordinances based upon the minimum requirements of the SPCA.
3. The Commission shall review a local program ordinance submitted and, within 90 days of receipt thereof, shall notify the local government submitting the program that it has been approved, approved with modifications, or disapproved.
4. The local program’s erosion and sedimentation control standards must equal or exceed those of the SPCA.

## **Part II. Responsibilities and Expectations of the Commission.**

### **A. Local Program Review**

The Parties agree that the Commission shall do the following:

1. Review periodically approved local programs for compliance with the SPCA. The results of the reviews shall be presented at the next quarterly meeting of the Commission.
2. If the Commission determines that any local government is failing to administer or enforce an approved erosion and sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement.
3. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.

### **B. Training and Education for Local Programs**

The Parties agree that the Commission shall provide the following:

1. Educational programs in erosion and sedimentation control directed toward persons engaged in land-disturbing activities, general educational materials on erosion and sedimentation control, and instructional materials for persons involved in the enforcement of the SPCA and erosion and sedimentation control rules, ordinances, regulations, and plans.
2. Manuals and publications to assist in the design, construction and inspection of erosion and sedimentation control measures.
3. Periodic reviews of local erosion and sedimentation control programs and through the reviews provide recommendations to improve program administration.
4. Technical assistance in review of draft erosion and sedimentation control plans for complex activities.

### **C. Concurrent Jurisdiction**

The Parties agree that the Commission shall maintain concurrent jurisdiction with the local government for land-disturbing activities and may take appropriate compliance action if the Commission determines that the local government has failed to take appropriate compliance action.

### **Part III. Responsibilities and Expectations of the Local Government.**

#### **A. Enforcement**

The Parties agree that the local government shall administer its own local program ordinances, through the following:

1. Enforce the provisions of the SPCA.
2. Administer the SPCA for all land-disturbing activity within its jurisdiction, including existing sites at the time the local government received program delegation. The Commission may continue to administer the SPCA over specific projects under enforcement action upon mutual agreement with the local government. The local program is not responsible for activities over which the Commission has exclusive jurisdiction.
3. Employ a sufficient number of qualified personnel. Qualified personnel shall be competent to review sedimentation and erosion control plans and conduct inspections of land-disturbing activities.
4. Provide adequate resources for plan review and compliance inspections.

#### **B. Reporting**

The Parties agree that the local government shall provide the following reports/information:

1. Monthly activity report to the Commission in the form adopted by the Commission.
2. Copy of all Financial Responsibility/Ownership forms to the Division of Water Quality (DWQ) when draft erosion and sedimentation control plans are received.
3. Copy of Notices of Violation to the appropriate regional office of DWQ.
4. Current contact information for their local program to the Division of Energy, Mineral and Land Resources.

#### **C. Sediment and Erosion Control Plans for Land-Disturbing Activity Review**

The Parties agree that the local government shall review erosion and sedimentation control plans for land-disturbing activity (hereinafter, "plans") submitted to its local program under the following standards:

1. Review plans within 30 days of receipt of a new plan and within 15 days of a revised plan.
2. Approve, approve with modifications, approve with performance reservations, or disapprove draft plans in conformance with the basic control objectives contained in 15A NCAC 04B .0106.
3. Notify in writing the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations or disapproved within 30 days of receipt of a new plan and within 15 days of a revised plan.

4. Include in written notifications of plan approval the following:
  - a. reference to NPDES General Stormwater Permit NCG 010000,
  - b. expiration date of the approval,
  - c. the right of periodic inspection, and
  - d. condition the approval upon the applicant's compliance with federal and State water quality laws, regulations and rules.
5. Enclose with all written permit notifications the following
  - a. NPDES General Stormwater Permit NCG 010000, and
  - b. Certificate of Approval for posting at the site of the land-disturbing activity.

#### D. Inspection

The Parties agree that the local government shall inspect all sites undergoing land-disturbing activity under the following standards:

- a. Periodically and regularly inspect sites undergoing land-disturbing activity within its jurisdiction. Periodically and regularly means with sufficient frequency to effectively monitor compliance with the SPCA and rules adopted pursuant to the SPCA and the local erosion and sedimentation control ordinance.
2. Document all inspections in writing, including electronic documents.
3. Inspection reports shall include, at a minimum, all information in the model sedimentation inspection report developed by the Commission.
4. Maintain inspection records for active projects in accordance with State and local record retention policies.

#### E. Enforcement

The Parties agree that the local government shall enforce its local program ordinance under the following standards:

1. Issue Notices of Violation (hereinafter, "NOV") for any significant violation of the SPCA, rules adopted pursuant to the SPCA, or the local erosion and sedimentation control ordinance documented in an inspection report. An NOV shall be issued to the persons responsible for the violations, pursuant to N.C. Gen. Stat. § 113A-61.1.
2. The NOV shall specify the following:
  - a. describe the violation with reasonable particularity
  - b. request that all illegal activity cease
  - c. the actions that need to be taken to comply with the SPCA and the local ordinance
  - d. a date by which the person must comply with the SPCA and the local ordinance
  - e. inform the violator that any person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. 113A-64 and the local ordinance

3. Undertake appropriate enforcement actions, including injunctive relief, or assessment of civil penalties for an initial penalty or a daily penalty for continuing violations.
4. Require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

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IN WITNESS HEREOF, the Parties enter into this Memorandum of Agreement, this the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

**SEDIMENTATION CONTROL COMMISSION**

**ORANGE COUNTY, NC**

By: \_\_\_\_\_  
Robin K. Smith  
Chair  
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Bernadette Pelissier  
Chair  
Dated: \_\_\_\_\_

**DIVISION OF ENERGY, MINERAL AND LAND  
RESOURCES**

By: \_\_\_\_\_  
Tracy E. Davis  
Director  
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Bernadette Pelissier  
Chair  
Dated: \_\_\_\_\_

**Approved as to Form**

**Approved as to Form**

\_\_\_\_\_  
Counsel to the Commission  
Dated: \_\_\_\_\_

\_\_\_\_\_  
John L. Roberts  
Local Government Attorney  
Dated: \_\_\_\_\_

**Appendix I.**

NORTH CAROLINA GENERAL STATUTES  
***Sedimentation Pollution Control Act (Ch. 113A Art. 4)***  
(selected statutes)

**§ 113A-54. Powers and duties of the Commission.**

(d) In implementing the erosion and sedimentation control program, the Commission shall:

- (1) Assist and encourage local governments in developing erosion and sedimentation control programs and, as a part of this assistance, the Commission shall develop a model local erosion and sedimentation control ordinance. The Commission shall approve, approve as modified, or disapprove local programs submitted to it pursuant to G.S. 113A-60.

**§ 113A-56. Jurisdiction of the Commission.**

(a) The Commission shall have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that are:

- (1) Conducted by the State.
- (2) Conducted by the United States.
- (3) Conducted by persons having the power of eminent domain other than a local government.
- (4) Conducted by a local government.
- (5) Funded in whole or in part by the State or the United States.

(b) The Commission may delegate the jurisdiction conferred by G.S. 113A-56(a), in whole or in part, to any other State agency that has submitted an erosion and sedimentation control program to be administered by it, if the program has been approved by the Commission as being in conformity with the general State program.

(c) The Commission shall have concurrent jurisdiction with local governments that administer a delegated erosion and sedimentation control program over all other land-disturbing activities. In addition to the authority granted to the Commission in G.S. 113A-60(c), the Commission has the following authority with respect to a delegated erosion and sedimentation control program:

- (1) To review erosion and sedimentation control plan approvals made by a delegated erosion and sedimentation control program and to require a

revised plan if the commission determines that a plan does not comply with the requirements of this Article or the rules adopted pursuant to this Article.

- (2) To review the compliance activities of a delegated erosion and sedimentation control program and to take appropriate compliance action if the Commission determines that the local government has failed to take appropriate compliance action.

(1973, c. 392, s. 7; c. 1417, s. 4; 1987, c. 827, s. 130; 1987 (Reg. Sess., 1988), c. 1000, s. 4; 2002-165, s. 2.5; 2006-250, s.2.)

**§ 113A-60. Local erosion and sedimentation control programs.**

(a) A local government may submit to the Commission for its approval an erosion and sedimentation control program for its jurisdiction, and to this end local governments are authorized to adopt ordinances and regulations necessary to establish and enforce erosion and sedimentation control programs. An ordinance adopted by a local government may establish a fee for the review of an erosion and sedimentation control plan and related activities. Local governments are authorized to create or designate agencies or subdivisions of local government to administer and enforce the programs. An ordinance adopted by a local government shall at least meet and may exceed the minimum requirements of this Article and the rules adopted pursuant to this Article. Two or more units of local government are authorized to establish a joint program and to enter into any agreements that are necessary for the proper administration and enforcement of the program. The resolutions establishing any joint program must be duly recorded in the minutes of the governing body of each unit of local government participating in the program, and a certified copy of each resolution must be filed with the Commission.

(b) The Commission shall review each program submitted and within 90 days of receipt thereof shall notify the local government submitting the program

that it has been approved, approved with modifications, or disapproved. The Commission shall only approve a program upon determining that its standards equal or exceed those of this Article and rules adopted pursuant to this Article.

- (c) If the Commission determines that any local government is failing to administer or enforce an approved erosion and sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.
- (d) A local government may submit to the Commission for its approval a limited erosion and sedimentation control program for its jurisdiction that grants the local government the responsibility only for the assessment and collection of fees and for the inspection of land-disturbing activities within the jurisdiction of the local government. The Commission shall be responsible for the administration and enforcement of all other components of the erosion and sedimentation control program and the requirements of this Article. The local government may adopt ordinances and regulations necessary to establish a limited erosion and sedimentation control program. An ordinance adopted by a local government that establishes a limited program shall conform to the minimum requirements regarding the inspection of land-disturbing activities of this Article and the rules adopted pursuant to this Article regarding the inspection of land-disturbing activities. The local government shall establish and collect a fee to be paid by each person who submits an erosion and sedimentation control plan to the local government. The amount of the fee shall be an amount equal to eighty percent (80%) of the amount established by the Commission pursuant to G.S. 113A-54.2(a) plus any amount that the local government requires to cover the cost of inspection and program administration activities by the local government. The total fee shall not exceed one hundred dollars (\$100.00) per acre. A local government that administers a limited erosion and sedimentation

control program shall pay to the Commission the portion of the fee that equals eighty percent (80%) of the fee established pursuant to G.S. 113A-54.2(a) to cover the cost to the Commission for the administration and enforcement of other components of the erosion and sedimentation control program. Fees paid to the Commission by a local government shall be deposited in the Sedimentation Account established by G.S. 113A-54.2(b). A local government that administers a limited erosion and sedimentation control program and that receives an erosion control plan and fee under this subsection shall immediately transmit the plan to the Commission for review. A local government may create or designate agencies or subdivisions of the local government to administer the limited program. Two or more units of local government may establish a joint limited program and enter into any agreements necessary for the proper administration of the limited program. The resolutions establishing any joint limited program must be duly recorded in the minutes of the governing body of each unit of local government participating in the limited program, and a certified copy of each resolution must be filed with the Commission. Subsections (b) and (c) of this section apply to the approval and oversight of limited programs.

- (e) Notwithstanding G.S. 113A-61.1, a local government with a limited erosion and sedimentation control program shall not issue a notice of violation if inspection indicates that the person engaged in land-disturbing activity has failed to comply with this Article, rules adopted pursuant to this Article, or an approved erosion and sedimentation control plan. The local government shall notify the Commission if any person has initiated land-disturbing activity for which an erosion and sedimentation control plan is required in the absence of an approved plan. If a local government with a limited program determines that a person engaged in a land-disturbing activity has failed to comply with an approved erosion and sedimentation control plan, the local government shall refer the matter to the Commission for inspection and enforcement pursuant to G.S. 113A-61.1.

(1973, c. 392, s. 11; 1993 (Reg. Sess., 1994), c. 776, s. 7; 2002-165, s. 2.8; 2006-250, s. 3.)

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** Approval of Expanded Cane Creek Fire Insurance District Map

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**DEPARTMENT:** Emergency Services

**PUBLIC HEARING: (Y/N)**

No

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**ATTACHMENT(S):**

Cane Creek Fire Insurance District Map

**INFORMATION CONTACT:**

F. R. Montes de Oca, 919-245-6140  
David Sykes, 919-245-6125

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**PURPOSE:** To approve the Cane Creek Fire Insurance District Map which has been expanded to include properties within six road miles of Orange Grove Volunteer Fire Company Station 2.

**BACKGROUND:** Orange Grove Volunteer Fire Company recognized the need to acquire land and build a fire station to enhance fire protection services for the property owners and residents in the eastern area of the district. Property owners in that area were not eligible to be in the fire insurance district because they were more than six road miles from the Orange Grove station located on Orange Grove Road.

Orange Grove Volunteer Fire Company acquired land through a long term lease agreement with Nutter Farms and completed Station 2 in July 2012. The station is located at 6801 Rocky Ridge Road. The station is now equipped with apparatus and is awaiting certification from the North Carolina Department of Insurance, Office of the State Fire Marshal. The insurance boundaries for Station 2 need to be extended to six road miles from the station. Expansion of the insurance boundaries will allow property owners in the eastern section of the district to be inside the insurance district and take advantage of lower fire insurance rates if within six road miles of the station.

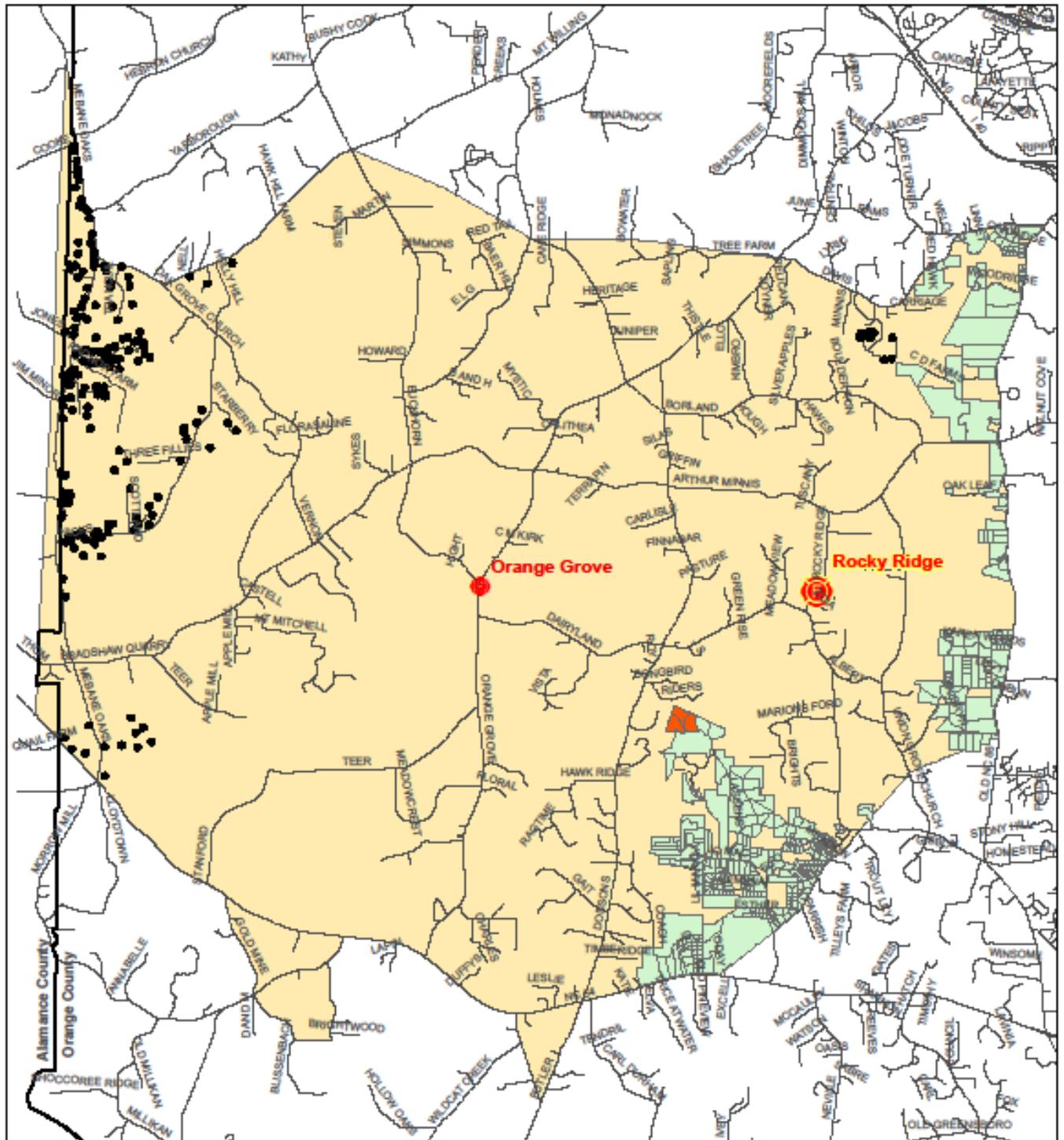
Emergency Services staff worked with Orange Grove Volunteer Fire Company and Orange County Information Technologies – Geographic Information Systems (GIS) to ensure an accurate revised map of the Cane Creek Fire Insurance District. The map, identified as the Cane Creek Fire Insurance District Map, is attached and has been approved by staff from the North Carolina Department of Insurance, Office of the State Fire Marshal Ratings and Inspections Division. Upon approval by the Board of County Commissioners, the Office of the State Fire Marshal can extend the fire insurance district to six road miles from Orange Grove Volunteer Fire Company Station 2. The Emergency Services Workgroup approved the construction of Orange Grove Volunteer Fire Company Station 2.

An analysis was conducted by staff to determine the number of property parcels affected by the insurance district expansion. There will be 414 parcels with 460 addressable structures that will be added to the Cane Creek Fire Insurance District as shown on the attached map. The added parcels are shaded in green on the attached map and the black dots indicate addressable structures that are **not** currently in the insurance district.

**FINANCIAL IMPACT:** The approval of this item has no financial impact on the County. This is an administrative action only and no changes in fire tax rates will be reflected by Board approval. Upon approval, property owners within six road miles of a fire station in the expanded area will be eligible for lower fire insurance premiums.

**RECOMMENDATION(S):** The Manager recommends that the Board approve the attached Cane Creek Fire Insurance District Map for insurance purposes only.

## Properties Covered with the Addition of Rocky Ridge Road Fire Station



<b>LEGEND</b>		 1 inch = 6,465 feet
Cane Creek Fire Insurance District	New properties covered by the Rocky Ridge Road fire station	Map prepared by ITGIS Division 8/8/2012 M. Jones +OC228K C1 gishomepage@emergency5.com CaneCreek_OrangeGrove.mxd Cane Creek Substation
Fire Stations	Active addresses - 460 Parcels - 414 Total Tax Valuation - \$95,329,787	
County boundary	Parcels outside of 6 miles radius (3)	
Streets	Addresses outside 6 miles radius (177) with Rocky Ridge Station	

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** Approval of Expanded Central Orange Fire Insurance District Map

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**DEPARTMENT:** Emergency Services

**PUBLIC HEARING: (Y/N)**

No

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**ATTACHMENT(S):**

Central Orange Fire Insurance District  
Modifications Map

**INFORMATION CONTACT:**

F. R. Montes de Oca, 919-245-6140  
David Sykes, 919-245-6125

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**PURPOSE:** To approve the Central Orange Fire Insurance District Map which has been expanded to include properties within six road miles of Orange Rural Fire Department Station 3.

**BACKGROUND:** Orange Rural Fire Department recognized the need to acquire land and build a fire station to enhance fire protection services of the property owners and residents in the northeast area of the district. Property owners in that area were not eligible to be in the fire insurance district because they were more than six road miles from Orange Rural Station 2 located on Phelps Road.

Land was purchased and Station 3 was completed in April 2012. The station is located at 2510 Walker Road. Construction of Orange Rural Fire Department Station 3 was approved before the formation of the Emergency Services Workgroup. The station is now equipped with apparatus and is awaiting certification from The North Carolina Department of Insurance, Office of the State Fire Marshal. The insurance boundaries for Station 3 need to be extended to six road miles from the station. Expansion of the insurance boundaries will allow property owners in the northwest area of the district to be include inside the insurance district and take advantage of lower insurance rates.

Emergency Services staff worked with Orange Rural Fire Department and Orange County Information Technologies – Geographic Information Systems (GIS) to extend the boundaries and produce an accurate revised map of the Central Orange Fire Insurance District. The map, identified as the Central Orange Fire Insurance District Map, is attached and has been reviewed and approved by staff from the North Carolina Department of Insurance, Office of the State Fire Marshal Ratings and Inspections Division. Upon approval by the Board of County Commissioners, the Office of the State Fire Marshal can extend the fire insurance district to six road miles from Orange Rural Station 3.

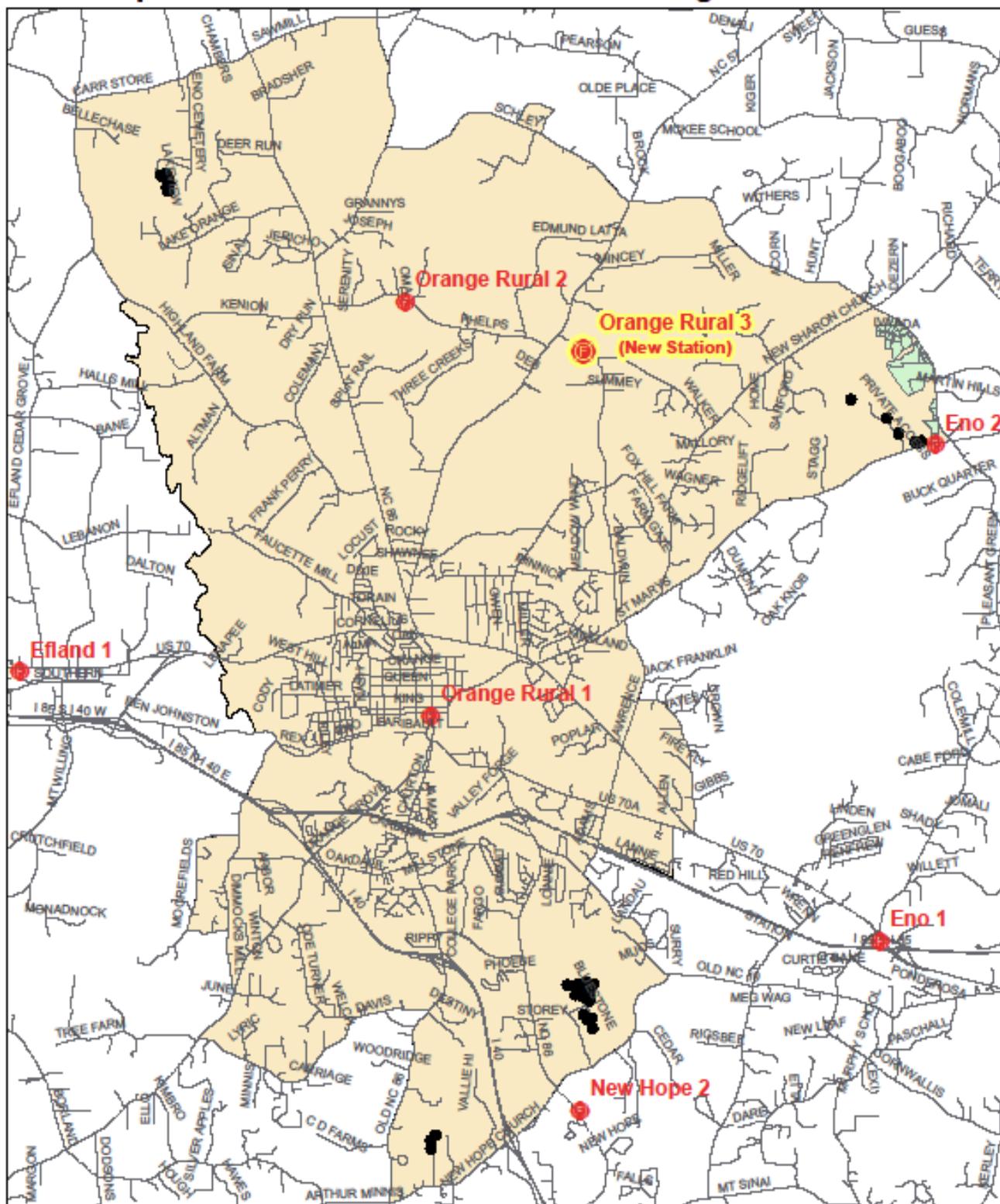
An analysis was conducted by staff to determine the number of parcels of property affected by the insurance district expansion, and 34 parcels of property with 35 addressable structures will be added to the Central Orange Fire Insurance District as shown on the attached map.

The parcels are shaded in green on the attached map, and the black dots indicate addressable structures not currently in the insurance district.

**FINANCIAL IMPACT:** The approval of this item has no financial impact on the County. This is an administrative action only and no changes in fire tax rates will be reflected by Board approval. Upon Board approval, property owners included in the expanded area will be eligible for lower fire insurance premiums.

**RECOMMENDATION(S):** The Manager recommends that the Board approve the attached Central Orange Fire Insurance District Map for insurance purposes only.

## Properties Covered with the Addition of Orange Rural Station 3



<b>LEGEND</b>	
Central Orange Fire Insurance District	Properties Covered by the Addition of Station 3
Fire Stations	Active addresses - 35
Streets	Parcels - 34
	Total tax valuation - \$8,335,504
	Addresses still outside 5 mile service area (30)

1 inch = 7,200 feet

Map prepared by IT- GIS Division  
6/3/2012 M Jones <OC220K O>  
gahome@pro@emergency@ovf  
Orange\_Rural.mxd Addition Station3

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** Approval of Expanded East Alamance Fire Insurance District Map

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**DEPARTMENT:** Emergency Services

**PUBLIC HEARING: (Y/N)**

No

**ATTACHMENT(S):**

East Alamance Insurance District Map

**INFORMATION CONTACT:**

F. R. Montes de Oca, 919-245-6140  
David Sykes, 919-245-6125

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**PURPOSE:** To approve the expansion of the East Alamance Fire Insurance District.

**BACKGROUND:** As fire departments throughout the State continue striving to improve fire protection services, many positive changes have occurred. These changes have allowed the North Carolina Department of Insurance to implement regulations to extend fire insurance boundaries from five road miles to six road miles from a fire station. This action allows property owners who are not currently covered within the five mile district to be eligible for lower insurance premiums. Property owners in an area five road miles or less from their respective fire station are eligible for fire insurance ratings of Class 9 or lower. Upon Board and NC Department of Insurance approval, property owners between five and six road miles from their respective fire station will be eligible to receive a class 9E rating. Property owners beyond six miles from their respective fire station will remain in a class 10 rate, meaning they will pay insurance rates as being unprotected. Without this extension and approval, property owners between five and six road miles of their respective fire station would not be eligible to take advantage of the fire insurance rate reduction.

Emergency Services staff has worked with the fire chiefs in Efland and Mebane and with Orange County Information Technologies – Geographic Information Systems (GIS) to ensure accuracy of the extended map as attached. The map has been reviewed and approved by the Office of the State Fire Marshal, Ratings and Inspection Division. There were no capital expenditures associated with the expansion of the East Alamance Insurance District, and therefore it was not reviewed by the Emergency Services Workgroup. Upon approval by the Board of Commissioners, the map will be delivered to the Office of the State Fire Marshal to officially extend the East Alamance insurance district from five miles to a six mile district.

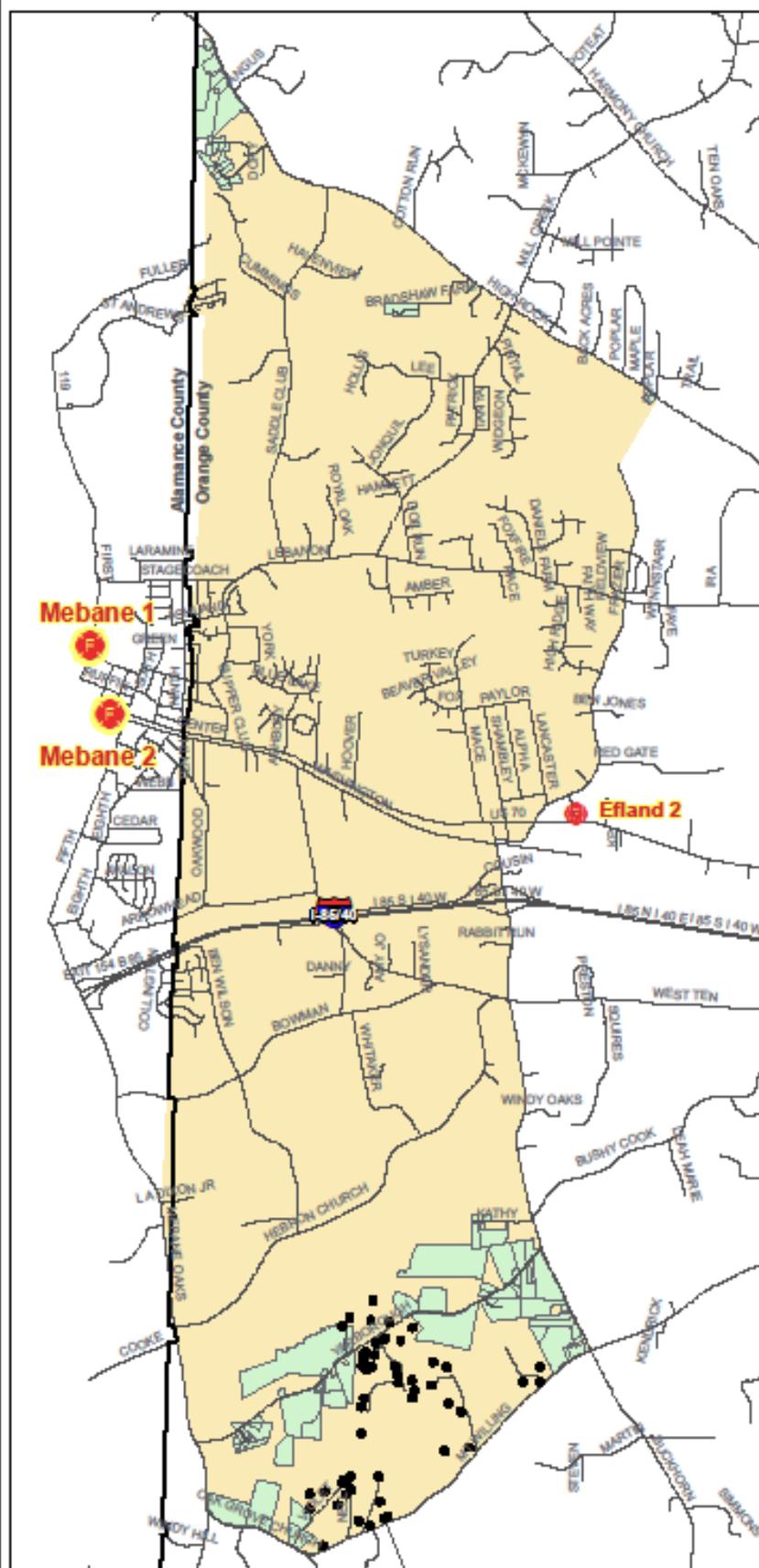
An analysis was conducted by staff to determine the number of parcels of property affected by the insurance district expansion. There will be 88 parcels with 100 addressable structures that will be added to the East Alamance Fire Insurance District as shown on the attached map.

The parcels are shaded in green on the attached map. Black dots on the map indicate addressable structures **not** currently in the insurance district.

**FINANCIAL IMPACT:** The approval of this item has no financial impact on the County. This is an administrative action only and no changes in fire protection services, service delivery or fire tax rates will be reflected by this action. Upon Board and Department of Insurance approval, property owners between five and six road miles from their respective fire station will be eligible for lower insurance premiums.

**RECOMMENDATION(S):** The Manager recommends that the Board approve the attached East Alamance Fire Insurance District Map for insurance purposes only.

### Property Covered by the 5 to 6 Mile Service Area in East Alamance Fire Insurance District



**LEGEND**

- East Alamance FID
- County Boundary
- F Fire Stations
- Parcels inside the 5 to 6 miles service area

Active addresses - 100  
 Parcels - 88  
 Total Tax Valuation - \$13,536,679

- Addresses outside the 6 mile service area

Active addresses - 53



Map prepared by IT/GIS Division for  
 Emergency Services 08/3/2012 -0C220K  
 C:\gishome\giproj\EmergencyServ  
 EAlamance\_11022011.mxd East Alamance  
 Fire Streets 5/6/12



**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: September 6, 2012**

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

**SUBJECT:** Eno Economic Development District (EDD) Area Land Use and Zoning Amendments

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**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING: (Y/N)**

Yes

**ATTACHMENT(S):**

**INFORMATION CONTACT:**

See List of Attachments on Pages 7 and 8

Craig Benedict, Director, 245-2575

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**PURPOSE:** To receive the Planning Board recommendation, close the public hearing, and make a decision on County-initiated amendments to the Future Land Use Map and Zoning Atlas.

**BACKGROUND:** This item was heard at the February 27, 2012 and May 29, 2012 Quarterly Public Hearings. The proposed action consists of the following:

**Land Use** – Attachment 1, page 8

1. Change Land Use for 55.9 acres from Commercial Node to 10-Year Transition
2. Change Land Use for 130.8 acres from Commercial Node to Economic Development
3. Change Land Use for 181.3 acres from Rural Residential to Economic Development (Plus 125.5± acres of right-of-way in the interstate and rail corridor)

**Zoning** – Attachment 2A, page 9

(Zoning amendments were reduced from the February 27 and May 29, 2012 proposals)

- A. Change Zoning for **159.25** acres from R-1 (Rural Residential) to EDE-1 (Economic Development Eno Lower Intensity)
- B. Change Zoning for **21±** acres (including right-of-way) from R-1 (Rural Residential) to EDE-2 (Economic Development Eno Higher Intensity)

There are overlaps of the land use and zoning amendments, so these amendments do not exactly encompass the same lands.

**A second public outreach meeting was held on April 25, 2012. Additional public comment along with the original public hearing comments have prompted an amended planning staff recommendation to withdraw several properties (over 95 acres) south of the railroad tracks and another area west of Stoney Creek from the zoning amendments. The changes are shown on new maps on Attachment 2A shown as area C – N/C (N/C signifies no change to existing zoning).**

After the May 29, 2012 Quarterly Public Hearing, input from the public showed concern for the rezoning of a mobile home park (i.e. Mobile Home Acres) from R-1 to an EDE-2 zoning designation because of the higher intensity use.

Planning staff and the Planning Board recommend deleting this area also (also shown on Attachment 2A as B – N/C).

Although this 65 acre site (MHP plus I-85 right-of-way total 77 acres) is clearly buffered by

- I-85 and other EDE-2 to the north
- High Power Electric transmission lines and under-developed adjacent property (EC-5) to the west
- An existing mobile home park to the south and further south, a railroad corridor
- Existing EDE-2 uses and Mt Herman Church Road to the east,

It may be prudent to forego this rezoning at this time and reanalyze some of the EDE-2 uses or develop a new mix of zoning uses and a different Eno Economic Development District designation such as an Economic Development District-Eno (EDE-3) to implement this unique area. The Eno Small Area Plan (SAP) noted how future land use programs may involve new zoning hybrids.

### **Future Land Use Map Changes (Area 1)**

- Change 55.9 acres from Commercial Node to 10-Year Transition (i.e. Urban Residential). This is the area that comprises Whispering Pines subdivision.

If approved, this established residential area will have an underlying future residential land use which creates consistency with the existing use.

The Parcel Identification Numbers (PIN) for these 55.9 acres are as follows:

9893910204	9893902442	9893700229	9893806742	9893806227
9893809927	9893804345	9893803290	9893902746	9893707211
9893803906	9893809399	9893802155	9893803793	9893805573
9893801992	9893705268	9893808198	9893700687	9893705584
9893709834	9893911241	9893700118	9893902655	9893800468
9893708847	9893912145	9893805077	9893804588	9893706488
9893902848	9893818273	9893808086	9893704588	9893808442
9893805724	9893902959	9893816073	9893803070	9893801473
9893705742	9893815030	9893806885	9892890994	9893707483
9893706647	9893900936	9893704736	9892797873	9893704315
9893809760	9893800876	9893703663	9892793874	9893700421
9893803661	9893808846	9893700525	9893809478	9893704381
9893809650	9893902340	9893902544	9893801306	9893708160
9893703339	9893807204	9893807766	9893805331	9893709160
9893806076	9893900119	9892793773	9893702648	9893708389
9893901121	9893800151	9893817195	9893802646	9893706244
9893703073	9893705048	9893804918	9893707652	9893703272
9892891986	9893703193	9893707829	9893708557	9893901232
9892798990	9892795738	9893807847	9893709563	9893801153

9893807291	9892797963	9893703811	9893807469	9893707016
9893707198	9892793983	9893809890	9893806572	9893804073
9893902164	9892795910	9893800735	9892799992	9893700007
9892699764	9892790923	9892892988		

NOTE: 113 properties averaging less than ½ acre each.

### Future Land Use Map Changes (Area 2)

- Change 130.8 acres from Commercial Node to Economic Development.  
(Area north of the rail corridor and along Old NC 10)

Economic Development land use allows some residential and ‘soft’ non-residential such as office which exists in the area and removes the commercial element.

The Parcel Identification Numbers (PIN) for these 130.8 acres are as follows:

0803002614	9892998862	0803100109	9893604939	9893909606
9893608557	0803007438	0802092905	9893618051	9893608242
0803207282	0803004553	0803100055	9893603521	0803102261
0803107244	9892996872	0803001017	9893602164	0802394949
0803307352	9892699764	9892798476	9892790923	0803003547
0803006178	9892894495	9892990026	0803303393	0803109390
0802093923	0803300153	9892892121	0802094831	0803104242
0803202254	0802090955	9892991685	9892698891	9892895043
0803101210				

### Future Land Use Map Changes (Area 3)

- Change 181.3 acres from Rural Residential to Economic Development.  
(Area north of Old NC 10 and west of the railway underpass)

The Parcel Identification Numbers (PIN) for these 181.3 acres are as follows:

9892691494	9892693355	9893302785	9893333390	9893202889
0803307443	9892698435	9893501063	0803307352	9893403551
9892599833	9892696503	9892593907	9893214750	
9892594954	9893229506	9893524275	9893313471	
9892596828	9893420409	9892691711	9893313471	

In addition, the following road right-of way (no PIN) is proposed to be changed (125.5± acres):

- Approximately 11 acres from Commercial Node to 10-Year Transition.
- Approximately 29.2 acres from Commercial Node to Economic Development.
- Approximately 85.3 acres from Rural Residential to Economic Development.  
(Primarily I-85 and railroad right-of-way)



The purpose of the proposed amendments is to align Orange County land use and zoning classifications with the City of Durham's Urban Growth Area located within Orange County. In addition, implement recommendations of the Eno EDD Small Area Plan (2005-2008) and implement aspects of the Stoney Creek Basin Study (1994-1996).

The City of Durham is concurrently amending land use designations within their Comprehensive Plan [i.e. part of their Urban Growth Boundary (UGB)] to be consistent with these amendments and will wait until Orange County completes its process.

Joint neighborhood information meetings with City of Durham staff were on February 22, 2012 and April 25, 2012 at The Murphey School (3717 Murphey School Rd., Durham, NC 27705). Interested persons were encouraged to attend these neighborhood information meetings to learn more about this proposal. Comments are part of Attachment 5.

Quarterly Public Hearing(s): Excerpts from the February 27, 2012 minutes and the draft May 29, 2012 minutes are attached.

Procedural Information: In accordance with Sections 2.3.10 and 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 Board's Recommendation: The Planning Board recommended approval of the land use amendments (10-1) and zoning amendment (9-2). An excerpt from the draft minutes of the August 1, 2012 Planning Board meeting is attached.

Planning Director's Recommendation: The Planning Director recommends **approval** of this rezoning based on the following:

- i. The land use and zoning are consistent with the adopted Comprehensive Plan, which designates the parcels as being located within the Commercial-Industrial Transition Activity Node or with this amendment Economic Development Land Use.
- ii. The rezoning is consistent with various Principles, Goals, and Objectives of the adopted Comprehensive Plan (see attachment 14).

Staff has been made aware of a recent State Supreme Court decision impacting how zoning atlas amendments are processed and acted upon. In the past, staff has produced an Ordinance amending the zoning atlas containing a statement detailing how the amendment is consistent with the goals and policies of the Comprehensive Plan and is in the public interest.

The State Supreme Court in *Wally vs. City of Kannapolis* (2012) has determined governing bodies are required to take two separate actions acting on a proposed atlas amendment, specifically:

- Adoption of an Ordinance approving or rejecting the proposed atlas amendment, and

- Adoption of a separate statement denoting the atlas amendment complies with an adopted comprehensive plan. This statement must describe whether the action is: *'consistent with any controlling comprehensive plan and explain why the action is reasonable and in the public interest'*.

It should be noted that according to North Carolina General Statute, this statement is not subject to judicial review.

Staff has revised the standard practice and provided the required statements consistent with the Court's decision. Please refer to Attachment 15 for the Ordinance amending the zoning atlas and Attachment 17 for the resolution denoting consistency with the 2030 Comprehensive Plan.

**FINANCIAL IMPACT:** There is no direct financial impact at this time beyond planning staff analysis, mailings and cost of a community meeting. However, these amendments prepare for appropriate land use and zoning categories that can bolster economic development opportunities in the County and its utility/urban growth partnership with the City of Durham.

**RECOMMENDATION:** The Manager recommends the Board:

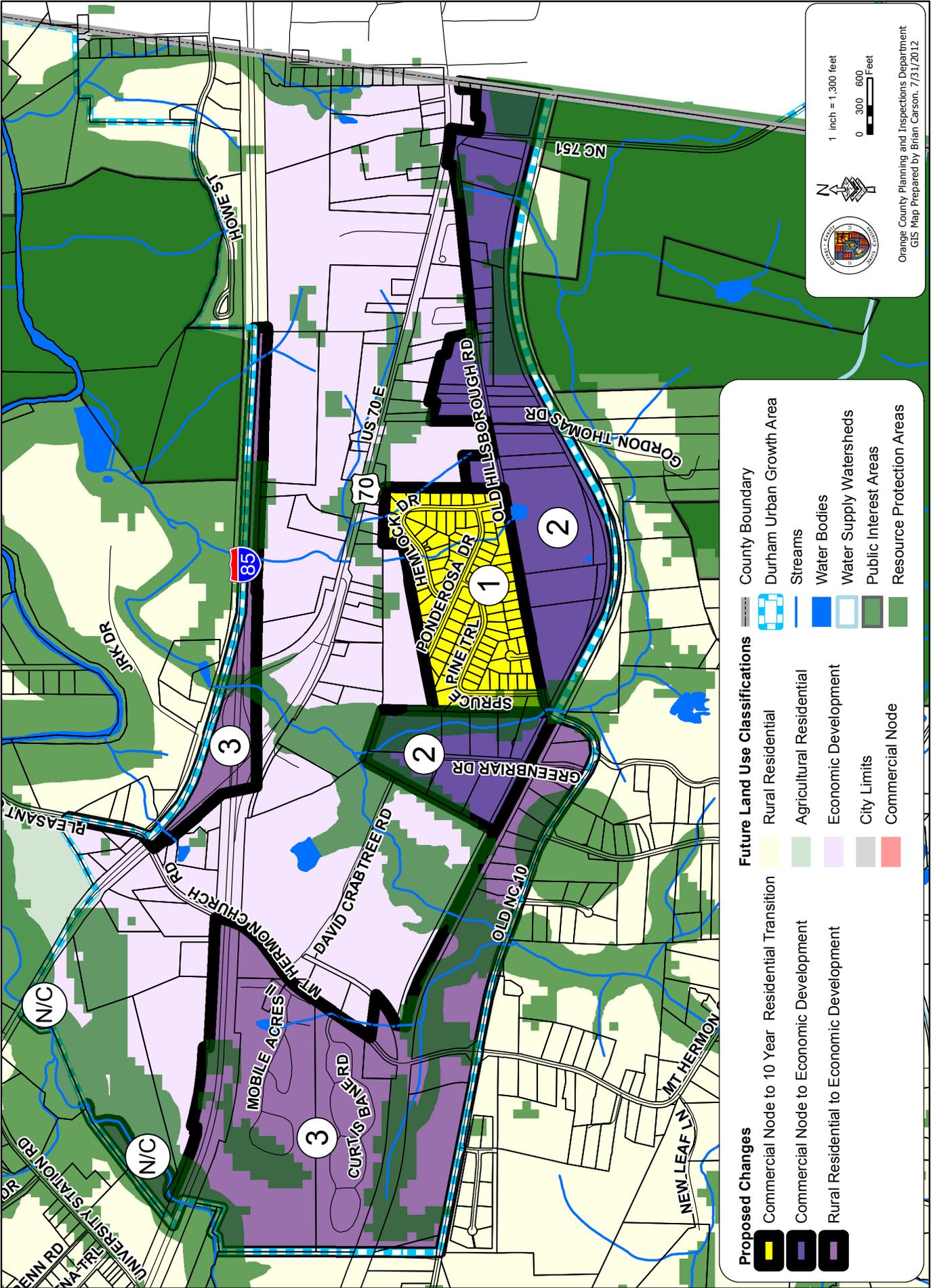
1. Receive the Planning Board recommendation
2. Deliberate as necessary on the proposed amendments to the:
  - a. Future Land Use Map, and
  - b. Orange County Zoning Atlas
3. Consider and approve the various resolutions and ordinances contained herein, specifically:
  - a. Resolution Amending the 2030 Comprehensive Plan Future Land Use Map as contained within Attachment 14;
  - b. Ordinance Amending the Orange County Zoning Atlas as contained within Attachment 15; and
  - c. Resolution Concerning Statement Consistency with the 2030 Comprehensive Plan as contained within Attachment 17.

## LIST OF ATTACHMENTS

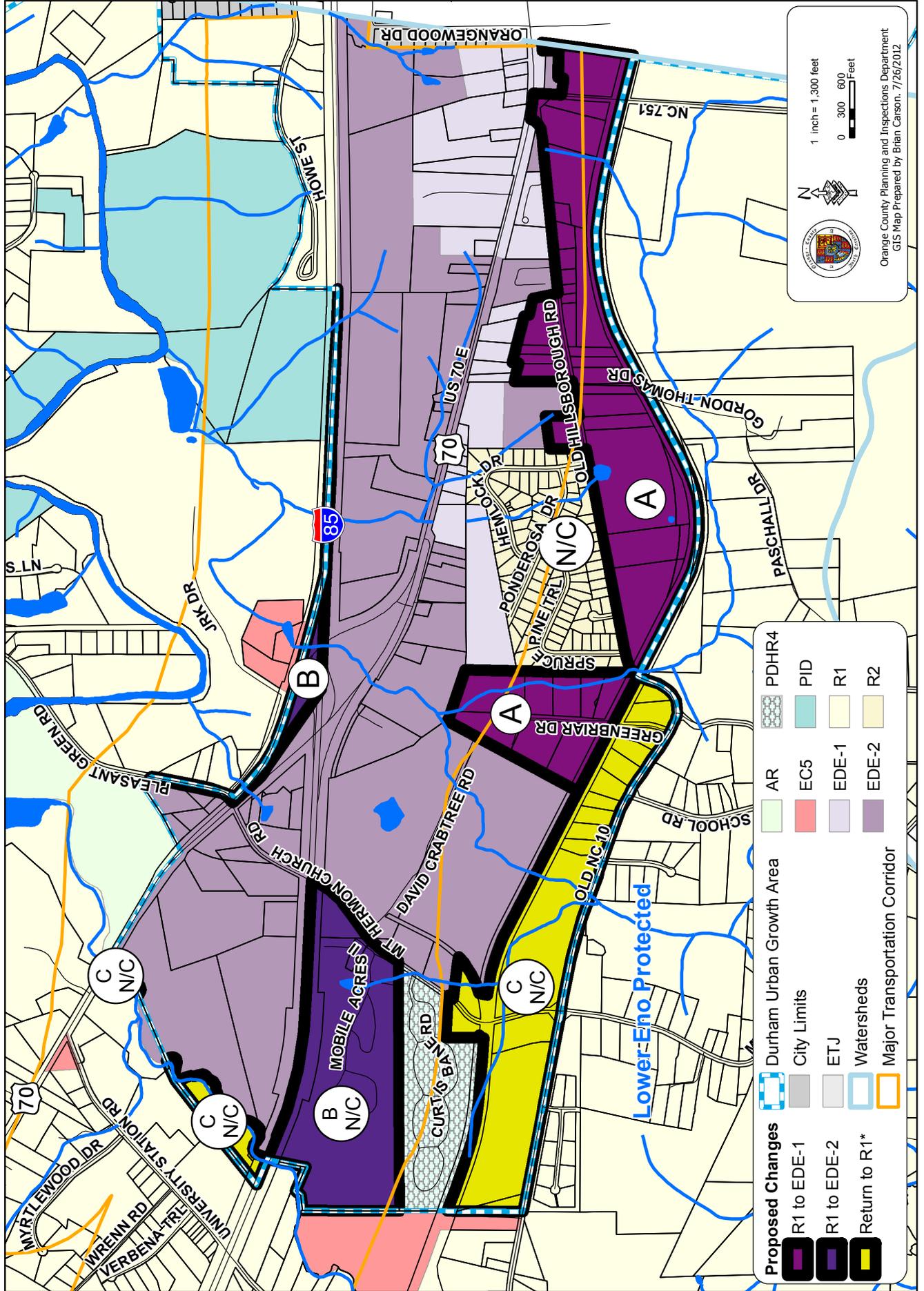
1. Map – Land Use Changes (numbered)
2. Map
  - a. Zoning Changes (lettered)
  - b. Current and Proposed Zoning (acreages)
3. Comprehensive Plan/Future Land Use Map and Unified Development Ordinance (UDO) Amendment Outline Form
4. Analysis of the Land Use Transportation and the Environment
5. Eno EDD Neighborhood Information Meeting Citizen Comments
6. Notice of Neighborhood Information Meeting & Public Hearing
7. Stoney Creek Basin Planning Area
  - a. Overall Plan
  - b. Subject Focus Area
  - c. Text
8. Economic Development Eno Lower Intensity (EDE-1) & Economic Development Eno Higher Density (EDE-2) Permitted Use Comparison
9. Comparison Table of Land Use Element/Map between Orange County and the City of Durham
10. Landscape Comparison within Eno EDD District per Section 6.8.12 of the UDO – Light Industrial/Manufacturing Use
11. Submitted written comments
12. Excerpts from February 27 and Draft May 29, 2012 Quarterly Public Hearing Minutes
13. Excerpt of August 1, 2012 Planning Board Meeting Draft Minutes
14. Resolution Amending the 2030 Comprehensive Plan Future Land Use Map
15. Ordinance Amending the Orange County Zoning Atlas
16. Ordinance Denying Amendment to Orange County Zoning Atlas
17. Resolution Concerning Statement of Consistency with the Adopted 2030 Comprehensive Plan

18. Resolution Concerning Statement of Inconsistency with the Adopted 2030 Comprehensive Plan

# Eno EDD Area - Current and Proposed Future Land Use Classifications

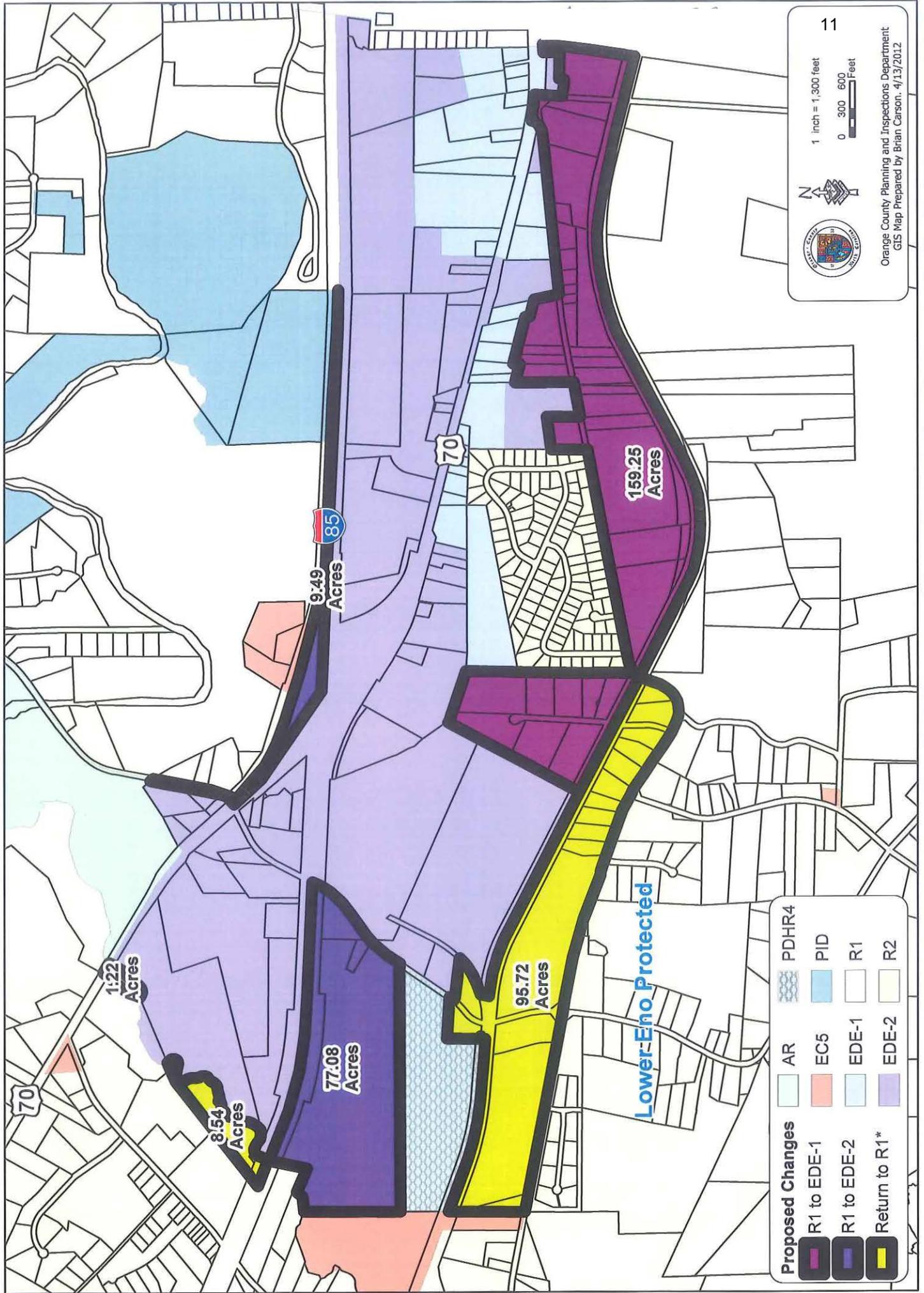


# Eno EDD Area - Current and Proposed Zoning



\* It is recommended that these areas should be removed from the Feb. 27, 2012 recommendations and return to R1 zoning as part of the May 29, 2012 recommendations.

# Eno EDD Area - Current and Proposed Zoning



\* It is recommended that these areas should be removed from the Feb. 22, 2012 recommendations and return to R1 zoning as part of the May 29, 2012 recommendations.

# COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

CP & Zoning-2012-10

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## A. AMENDMENT TYPE

### Map Amendments

- Land Use Element Map:  
From: Commercial Node  
To: 10-year Transition – 55.9 acres (Area 1)  
From: Commercial Node  
To: Economic Development – 130.8 acres (Area 2)  
From: Rural Residential  
To: Economic Development – 181.3 acres (Area 3)
- Zoning Map:  
From: R-1 (Rural Residential)  
To: EDE-1 (Economic Development Eno Lower Intensity) – 159.25 acres (Area A)  
From: R-1 (Rural Residential)  
To: EDE-2 (Economic Development Eno Higher Density) – 86.57 acres (Area B)

Other: [Click here to enter text.](#)

### 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

To create consistency between the City of Durham's UGB and the Orange County Land Use Plan wherein both areas would suggest an urban growth pattern. Thereafter a zoning change would be made to a consistent implementing zoning district that would regulate with standards, permitted uses and processes the form of development.

### 2. Analysis

This area is within the Orange County WASMBPA primary utility service area. This area is within City of Durham's UGB.

This area can be served by an existing utility service agreement with the City of Durham that can be extended to this area because of topographic sewer shed. The Eno Small Area Plan (SAP) anticipated urban/suburban densities in this area. Many existing Mobile Home Parks are in the area at higher densities than typical non-public sewer areas creating a fragile yet important housing segment. Some parks have marginal private septic systems that could be prone to failure at such densities and limited soils percolation. This area is within or adjacent to the Eno ED zone which primarily supports non-residential and could provide an adjacent residential component for the urban transition work force. (Update: Orange County and City of Durham have adopted a utility service agreement in January 2012)  
(See also further analysis attached)

### 3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

ED-1.1

Focus public education efforts on sustainability issues, looking at the social, economic and environmental contributions of local businesses.

ED-1.2

Form partnerships both within and outside the County to create a stronger business climate and market the changes to existing and potential employers.

ED-2.1

Encourage compact and higher density development in areas served by water and sewer.

ED-2.2, ED-2.5, ED-2.6, ED-2.7, ED-2.10, ED-3.5

Ensure that County workers and those preparing for the workforce have access to transportation, childcare, elder care, and affordable housing.

H-1.5

Ensure that a variety of housing types can be developed throughout the County in a sustainable manner that locates housing near employment centers and commercial centers and that efficiently uses existing and planned public services.

H-3.3

Expand assistance in the retrofitting, repair, and maintenance of existing homes owned by financially challenged households, particularly those that are senior citizens.

H-3.6, H-4.1

Continue to permit HUD code-compliant manufactured housing as a form of affordable housing in the County.

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.

LU-2.2, 2.3, 2.7, 2.9, 3.2

LU-4.1

Support the use of individual manufactured housing units as a useful housing resource in the County by increasing the opportunities where these units can locate by-right.

WW-2

Coordinate the provision of potable water and sanitary sewer services with the County's Land Use Plan and Orange County-Chapel Hill-Carrboro Joint Planning Agreement and Land Use Plan, targeting these services to urban, transitional, and economic development districts in a manner that does not endanger environmental resources.

NACS-Goal 1

Energy conservation, sustainable use of non-polluting renewable energy resources, efficient use of non-renewable energy resources, and clean air.

NACS-Goal 6

Sustainable quality and quantity of ground and surface water resources.

NACS-Goal 7

A balanced and healthy diversity of native plant and animal populations.

NACS-Goal 8

Networks of protected natural, cultural, and agricultural lands.

These goals are promoted by creating urban areas that are more efficient in the use of human resources while taking pressure off natural resources in other areas.

#### 4. New Statutes and Rules

Not applicable.

## C. PROCESS

### 1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed  
November 1, 2011
- b. Quarterly Public Hearing  
February 27, 2012 and May 29, 2012
- c. BOCC Updates/Checkpoints

February 7, 2012 and May 3, 2012 – approval of legal ad

d. Other

Community Meeting February 22, 2012 and April 25, 2012 at the Shared Vision Retreat Center on Murphey School Road.

**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:

February 1, 2012 (preview of item)  
 March 7, 2012 (recommendation)  
 May 2, 2012

b. Advisory Boards:

Written Update to Economic  
 Development Commission  
 (when organized) \_\_\_\_\_

c. Local Government Review:

City of Durham  
 (Ongoing) \_\_\_\_\_

d. Notice Requirements

In accordance with NCGS

e. Outreach:

General Public: February 22, 2012 and April 25, 2012 at Shared Vision Retreat Center

Small Area Plan Workgroup: Send note to past SAP participants living or owning property in the affected area.

Other: [Click here to enter text.](#)

**3. FISCAL IMPACT**

Orange County has committed utility investment in these areas to assist in economic development infrastructure. These amendments advance and support public investment.

**D. AMENDMENT IMPLICATIONS**

Amend Orange County/City of Durham Utility Services Agreement to comport with new Land Use and Zoning Boundary. Continue to analyze Eno EDD SAP and amend as necessary to create a comprehensive program of development and environmental compatibility.

## **E. SPECIFIC AMENDMENT LANGUAGE**

**Primary Staff Contact:**

Craig N. Benedict

Planning & Inspections

919-245-2585

[cbenedict@co.orange.nc.us](mailto:cbenedict@co.orange.nc.us)

## **ENO EDD AREA LAND USE AND ZONING AMENDMENTS**

### Land Use, Transportation and Environmental Analysis

#### **HISTORY**

The majority of the area bounded by the NCRR Railway and I-85 and west has been designated as an urban growth area since 1981 because of its proximity to transportation (Interstate, US Highway and Rail), adjacency to an urban area such as the City of Durham which can provide urban services such as water and sewer.

This pattern of growth was reconfirmed in the 1988 land use plan and economic development land use and zoning amendments for the majority of the area in 1994. The majority of these areas were designated for non-residential commercial office and industrial uses although limited higher urban density housing is also permitted.

In the late 90's (1994-96) the Stoney Creek Basin Small Area Plan added certain additional lands to the west and southwest of the urban area for higher intensity and intermediate intensity. Only the higher intensity area is partially included in these amendment areas.

#### **JUSTIFICATION**

The analysis within the ENO SAP (which is on the County's Planning website) explains and supports the importance of this general area for higher intensity activity while preserving environmental and cultural resources of the Eno River to the north and Stoney Creek Basin to the west. The advent of public sewer will lessen the potential for septic systems to create nutrient runoff. In addition, Orange County has improved its floodplain regulations and stormwater techniques to further the protection of the Lower Eno Watershed which supports City of Durham's water supply.

**Eno Economic Development District (EDD)  
Neighborhood Information Meeting  
February 25, 2012  
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.

**NOTICE OF NEIGHBORHOOD INFORMATION MEETING AND PUBLIC HEARING  
Comprehensive Plan Amendments and  
Zoning Atlas (Map) Amendments**

**Orange County**  
Planning and Inspections Department  
131 W. Margaret Lane | Suite 201  
P O Box 8181 | Hillsborough, NC 27278  
(919) 245-2575 | f (919) 644-3002  
www.co.orange.nc.us



**City of Durham**  
City-County Planning Department  
101 City Hall Plaza | Durham, NC 27701  
919.560.4137 | f 919.560.4641  
www.durhamnc.gov

**April 13, 2012**

**\*UPDATE - This letter reflects community and elected officials interest to reengage the public regarding land use and zoning changes in your area based on the prior meetings of February 22, 2012 and February 27, 2012.**

Dear Property Owner:

This letter is to notify you of two NEW upcoming events pertaining to proposed changes to the Orange County Comprehensive Plan Land Use Element Map and Zoning Atlas (Map), and the Durham Future Land Use Map in the area near the Interstate 85/US Highway 70 interchange in eastern Orange County. **Your property is within the area impacted by one of these proposed changes.** The proposed changes, summarized below, are intended to support the goals and objectives of the Orange County Board of Commissioners and the Durham City Council with consideration of community input.

Neighborhood Information Meeting

Information and  
Map Sent

The first new event is a neighborhood information meeting to readdress comments, learn about and provide input on proposed land use and zoning map changes for the area. The meeting will be jointly hosted by the Orange County Planning and Inspections Department and the Durham City-County Planning Department and will take place on **Wednesday, April 25, 2012 at 6:00 pm** at the **Murphey School** (3717 Murphey School Rd., Durham, NC 27705). Interested persons are encouraged to attend this neighborhood meeting to learn more about this proposal and/or amendments to the original proposal. A map of the area to be addressed is included.

Community and public hearing comments will also be discussed and evaluated at this meeting.

Orange County Joint Public Hearing

The second new event is a **Joint Public Hearing** of the Orange County Board of Commissioners and Orange County Planning Board on the proposed changes on **Tuesday, May 29, 2012 at 7:00 p.m.** at the Department of Social Services, located at 113 Mayo Street (Hillsborough Commons Shopping Center) in Hillsborough, North Carolina. Interested persons are invited to address the boards with their comments regarding the proposed land use and zoning map changes at this Joint Public Hearing.

### Summary of proposed Zoning Atlas (Map) Amendments

Orange County is proposing Zoning Atlas Amendments that are compatible with the proposed Land Use Element Map Amendments. Reference the table below and the attached maps to see the proposed changes.

<b>Existing</b>	<b>Proposed</b>	<b>Acreage</b>
R-1 (Rural Residential) <sup>1</sup>	EDE-1 (Economic Development Eno Lower Intensity)	205 ac.
R-1 (Rural Residential)	EDE-1 (Economic Development Eno Lower Intensity)	50 ac. (ROW)
R-1 (Rural Residential) <sup>2</sup>	EDE-2 (Economic Development Eno Higher Intensity)	74.3 ac.
R-1 (Rural Residential)	EDE-2 (Economic Development Eno Higher Intensity)	17 ac. (ROW)
EC-5 (Existing Commercial)	EDE-2 (Economic Development Eno Higher Intensity)	4.2 ac. (ROW)
Public Interest District	EDE-2 (Economic Development Eno Higher Intensity)	0.6 ac. (ROW)
<sup>1</sup> One parcel located in Stoney Creek Basin Overlay		<b>Total: 35.11 acres</b>
<sup>2</sup> Three parcels located in Stoney Creek Basin Overlay		

The City of Durham does not have zoning jurisdiction in this area. Therefore, there are no zoning changes to be made for the City of Durham.

### Changes from original proposals are anticipated

Community input to date has prompted reanalysis of the amendments to add clarity and increase the specificity of future uses. The new proposals will be discussed.

### More Information

Maps and other information regarding the proposed Land Use Element map and zoning changes can be viewed at the following website after Tuesday, May 17, 2012:

<http://www.co.orange.nc.us/planning/SpecialProject.asp>

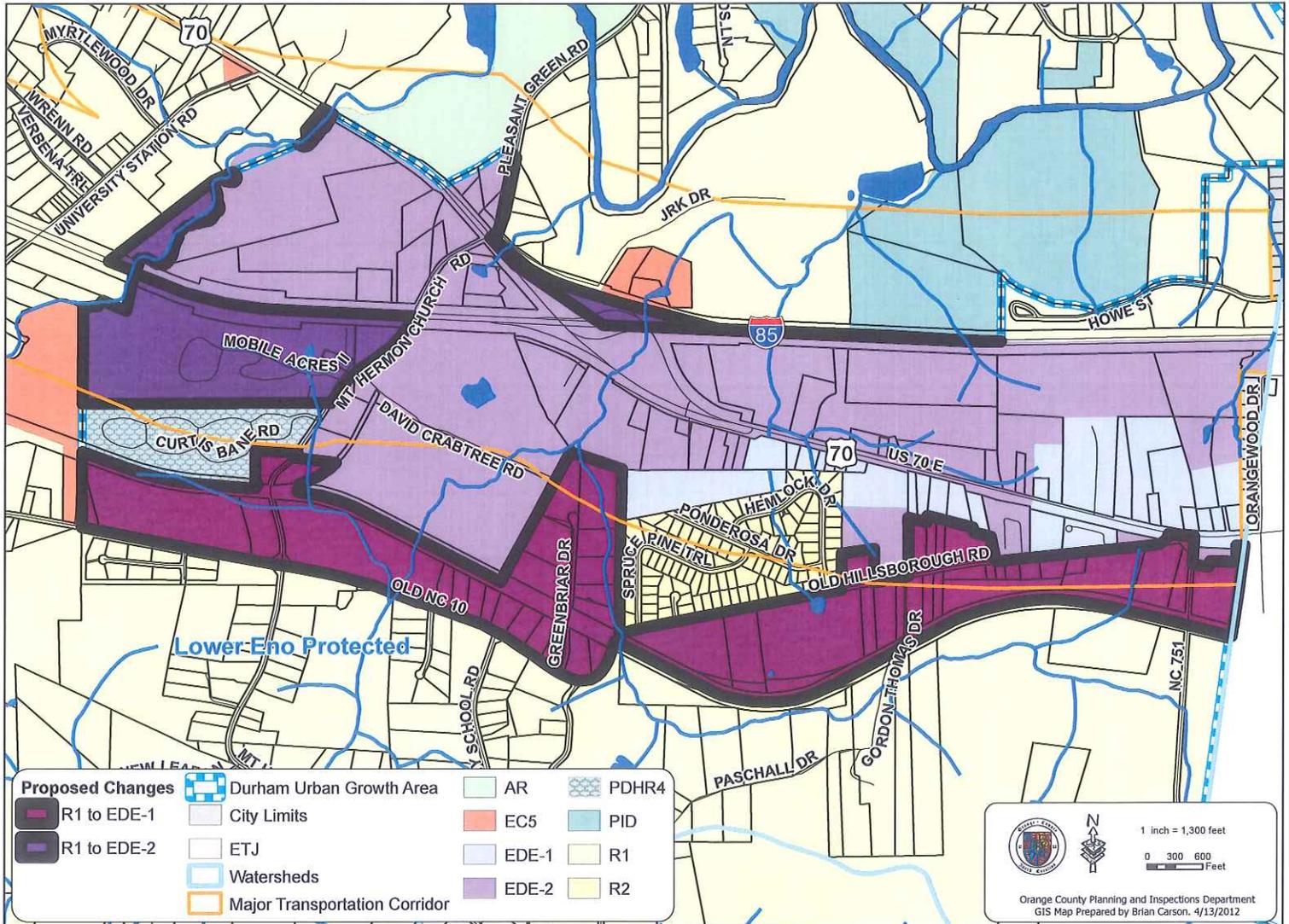
If you cannot attend the Joint Public Hearing and the website does not answer your questions about the proposed land use and zoning map changes, you may call the Orange County Planning and Inspections Department at (919) 245-2575 during regular business hours and you will be directed to a staff person who can assist you.

Sincerely,

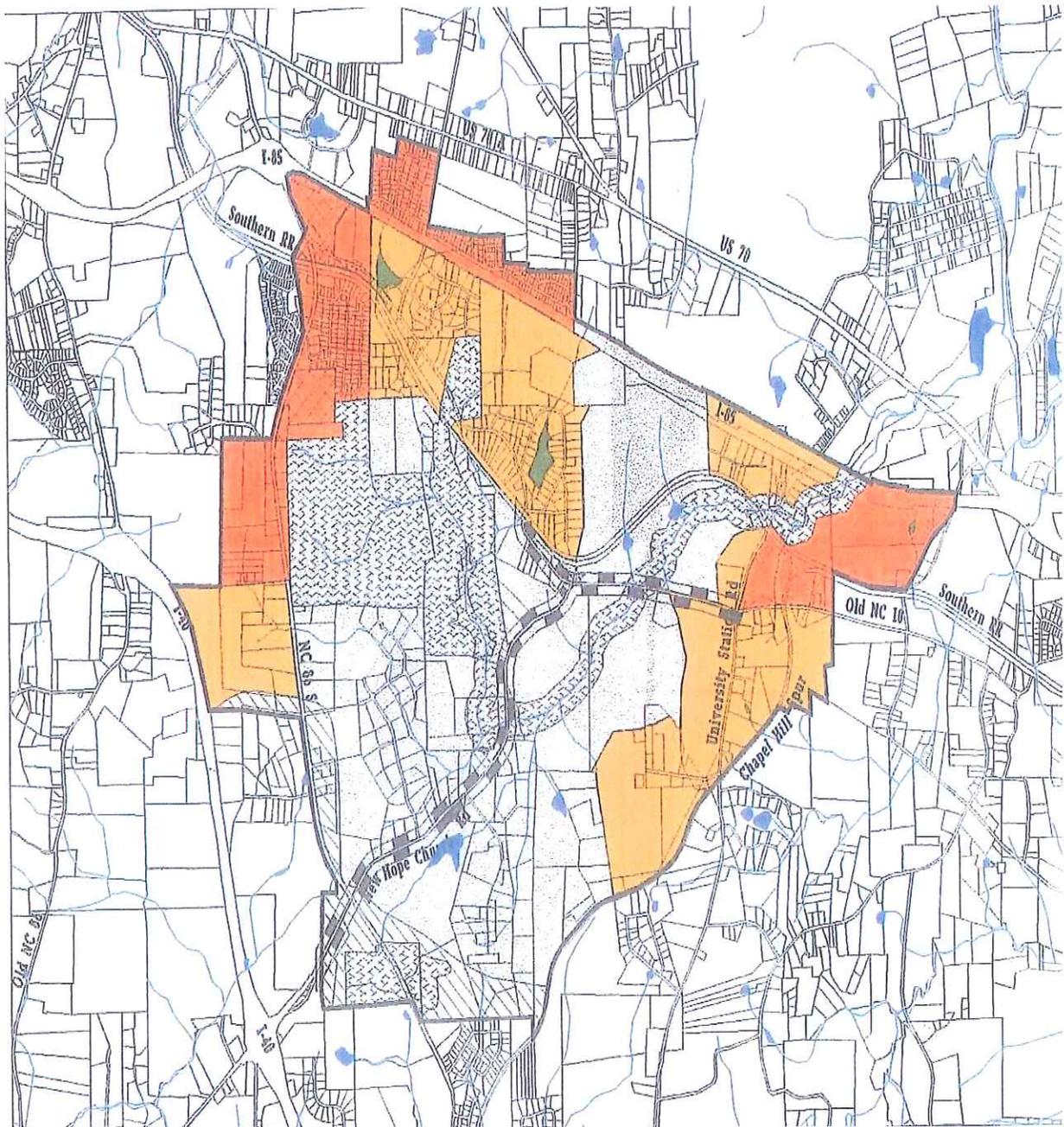
Craig N. Benedict, AICP  
Orange County Planning Director

Hannah Jacobson  
Durham City-County Planning Department

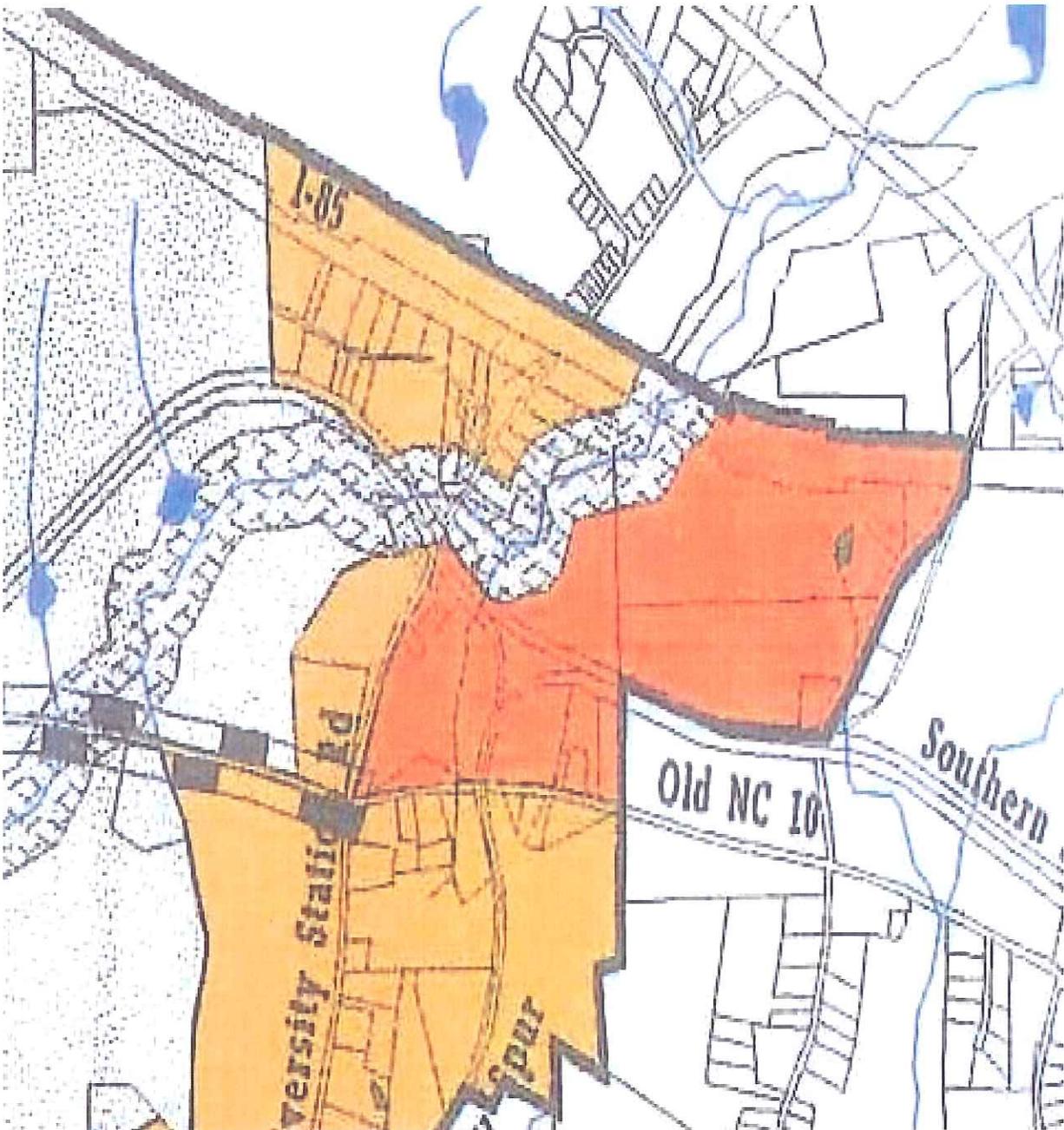
## Eno EDD Area - Current and Proposed Zoning



# Stoney Creek Basin Planning Area



# Stoney Creek Basin Planning Area (enlarged Eastern Area)



# Stoney Creek Basin Small Area Plan

## Land Use Intensity Categories

### A. Higher Intensity Areas

These areas are generally synonymous with the ten and twenty year transition areas in the existing Land Use Plan (adopted 1981, amended 1988) or they are adjacent to areas proposed for future development on an urban scale. At some future date, they will most likely be incorporated into the municipalities of Hillsborough and Durham through the annexation process. A mix of land uses is possible in these areas and they will be served by water and sewer. They could be viewed as “receiving areas” for lower density areas to the south.

### B. Goals

1. Preserve landowners’ rights to get fair value for the property; and
2. Protects the area’s “rural character”.

## Economic Development Eno Lower Intensity (EDE-1)

### EDE-1 Allows:

Finance  
 Government  
 Residential (Urban)  
 Services \* (Office)  
 Transportation  
 Miscellaneous

### EDE-1 Doesn't Allow:

Agricultural  
 Commercial/Retail  
 Construction  
 Manufacturing, Assembly & Processing  
 Recreation  
 Wholesale Trade

## Economic Development Eno Higher Intensity (EDE-2) (Existing and proposed primarily along I-85 and US 70)

### EDE-2 Allows:

Agricultural  
 Construction  
 Finance  
 Government  
 Manufacturing, Assembly & Processing  
 Commercial/Retail  
 Services  
 Transportation  
 Wholesale Trade

### EDE-2 Doesn't Allow:

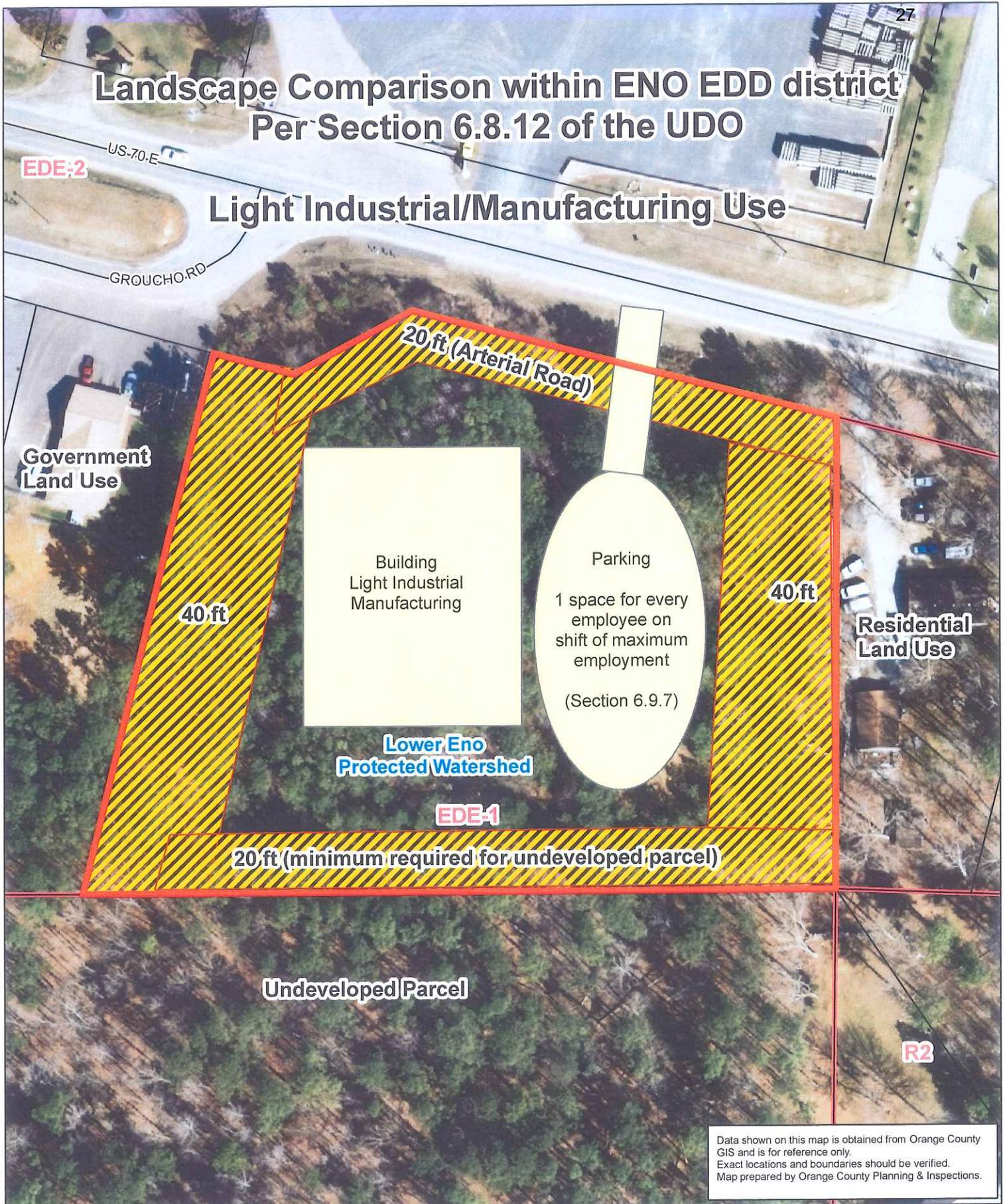
Recreation (New/Outdoor)  
 Residential (New – except by conditional use rezoning)

A	Special Class A
B	Special Class B
C#	Conditions

Comparison Table of Land Use Element/Map  
Orange County vs. Durham City-County

Orange County		Durham City-County			
<p><b>10- year Transition:</b> Lands located in areas that are in the process of changing from rural to urban densities and/or intensities, that are suitable for higher densities/intensities and could be provided with public utilities and services within the first 10-year phase of the Plan update or where such utilities are services are already present or planned. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate. *Information from 2030 Comprehensive Plan, Chapter 5: Land Use Element, Section 5.3, pg 5-15.</p>	<p><b>Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• R1</li> <li>• R2</li> <li>• R3</li> <li>• R4</li> <li>• R5</li> <li>• R8</li> <li>• R13</li> </ul> <p>*Information from 2030 Comprehensive Plan, Appendix F: Land Use and Zoning Matrix, pg. F-3</p>	<p><b>Density:</b></p> <ul style="list-style-type: none"> <li>• 1 DU/acre</li> <li>• 2 DU/acre</li> <li>• 2.9 DU/acre</li> <li>• 4.3 DU/acre</li> <li>• 5.8 DU/acre</li> <li>• 8.7 DU/acre</li> <li>• 14.5 DU/acre</li> </ul> <p>*Information from Orange County UDO, Article 3</p>	<p><b>Residential:</b> Land designated for buildings consisting only of dwelling units.</p> <ul style="list-style-type: none"> <li>• Very Low Density (2 DU/acre)</li> <li>• Low Density (4 DU/acre)</li> </ul> <p>*Information from Durham Comprehensive Plan, Chapter 2, Land Use Element, Development Teir, pg 2-18 &amp; 19; Chapter 18 Appendices, pg. 8-12</p>	<p><b>Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• RS-20</li> <li>• RS-10</li> <li>• RS-8</li> <li>• RS-5</li> </ul> <p>*Information from Durham Unified Development Ordinance, Article 4.2.2, Residential Suburban Density</p>	<p><b>Density:</b></p> <ul style="list-style-type: none"> <li>• 2 DU/acre</li> <li>• 3 DU/acre</li> <li>• 5 DU/acre</li> <li>• 8-10 DU/acre</li> </ul> <p>* Information from Durham Unified Development Ordinance, Article 6.3 Residential Suburban Development</p>
<p><b>Economic Development:</b> Land in transition areas of the County which has been specifically targeted for economic development activity consisting of light industrial, distribution, office, service/retail uses and flex space (typically one story building designed, constructed, and marketed as suitable for use as offices but able to accommodate other uses such as a warehouse, showroom, manufacturing, assembly, or similar operations). Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards. *Information from 2030 Comprehensive Plan, Chapter 5: Land Use Element, Section 5.3, pg 5-16.</p>	<p><b>Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• EDE-1</li> <li>• EDE-2</li> </ul> <p>*Information from 2030 Comprehensive Plan, Appendix F: Land Use and Zoning Matrix, pg. F-3</p>	<p><b>Density:</b></p> <ul style="list-style-type: none"> <li>• No requirement.</li> <li>• Density based compliance with site ratio requirements.</li> <li>• Open space, floor area, ped/landscaping</li> </ul>	<p><b>Industrial:</b> The manufacture, production, and processing of consumer goods. Industrial is often divided into “heavy industrial” uses, such as construction yards, quarrying, and factories; and “light industrial” uses, such as research and development and less intensive warehousing and manufacturing.</p>	<p><b>Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• Industrial</li> <li>• Industrial Light</li> </ul>	<p><b>Density:</b></p> <ul style="list-style-type: none"> <li>• 30,000/ sq. ft.</li> <li>• 25,000/ sq. ft.</li> </ul>
		<p>*Information from Orange County UDO, Article 3</p>	<p>*Information from Durham Comprehensive Plan, Chapter 2, Land Use Element, Development Teir, pg 2-18 &amp; 19; Chapter 18 Appendices, pg. 8-18</p>	<p>*Information from Durham Unified Development Ordinance, Article 4.3.6 and 4.3.7, Nonresidential District</p>	<p>*Information from Durham Unified Development Ordinance, Article 6.10, Nonresidential District Development Intensity</p>

# Landscape Comparison within ENO EDD district Per Section 6.8.12 of the UDO



Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections.

USGS Water Feature	Parcels	Zoning	100 YR Floodplain (Effective 02/02/07)
Soils Survey Water Feature	Township	City Limits	Floodway (Effective 02/02/07)
OC Updated Water Feature	School System Boundary	ETJ	500 YR Floodplain (Effective 02/02/07)
Water Body	Contours	Conservation Easements Held by Others	Buildings
River Basins	County Boundary	Orange County Conservation Easements	Water and Sewer Boundary
Watershed	Soils		

1 inch = 80 feet

Attachment 11

# Submitted Written Comments to date

Darcy Willson  
5315 Old Hillsborough Rd  
Durham, NC 27705  
[darcywillson@yahoo.com](mailto:darcywillson@yahoo.com)  
919-612-7442

The negative financial and social impacts to area residents are too great to allow this proposed zoning change to move forward.

This zoning change will greatly reduce the buffer between new non-residential development and existing small residential properties. By incorporating existing small residential properties currently outside the Eno Economic Development District into the District, the buffers that would help protect these properties from the commercial and industrial development will be reduced from the current 100 ft. to as little as 25 ft. There should not be any zoning changes that reduce or eliminate the current protections to existing small residential properties. Reducing the buffer will have a huge negative impact on the quality of life of affected residents.

County properties are taxed at the "highest and best legally permitted use". If a property changes from Rural Residential zoning to Economic Development district zoning, the tax value as an Economic Development District zoned property will certainly be greater than the current legally permitted residential use. Many affected residents will be unable to afford the property tax increases that would result from this zoning change.

The area affected by the zoning change has a high percentage of affordable housing. The average home price and incomes in this area are both well below the county average. Orange County is already lacking affordable housing. If the zoning change is approved people will most likely have to move to another county to find comparable affordable housing.

As far as the large landowners and developers are concerned, this zoning change means increased profits due to the greatly reduced buffers, and leverage to buy out the small residential property owners who will be unable to afford the higher property taxes. To me and the rest of the small residential property owners who would be negatively impacted by this proposed zoning change, it means the destruction of our homes and the community that we live in.

It would be an injustice to area residents to allow this proposed zoning change to move forward. The negative financial and social impacts are too great. In this time of economic uncertainty for many people it is vital that those at the lower end of the economic spectrum be protected. The consequences to me personally would be devastating. I urge the County Commissioners to not let this community be destroyed.

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. It needs to be amended so that it complies with the Eno Economic Development Small Area Plan regarding this matter.

5-29-12

Dear Chairman - Bernadette Pelissier and  
commissioners -

- Pam Hemminger

- Earl McKee

- Valerie Foushee

- Steve Yukasz

- Alice Gordon

- Barry Gordon

I am writing to respond to the rezoning of NC10. We are a concerned family that lives at 4010 Old NC10. We are right beside the middle railroad trestle. We have twin 8yr. old girls and a 15yr. 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. Money would have to be spent to widen the road and widening and raising the railroad trestles.

The schools here - New Hope Elem., 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. Banes wants approved, I became so stressed with worry. We moved here 15 yr. ago to take advantage of the wonderful schools. The traffic back then wasn't as bad.

I know Mrs. Banes has alot 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. Banes is willing to pay for the new roads, ~~the~~ firetrucks and schools.

Thank You

Donna Underwood  
and family

**Dr. Jon H. Arvik**  
**213 Weldon Ridge Court**  
**Durham, NC 27705**  
**919-597-8891**  
**iharvik@aol.com**

**July 18, 2012**

To the Board of County Commissioners:

Bernadette Pelissier, Chair

Pam Hemminger, Vice Chair

Valerie Foushee, Commissioner

Alice Gordon, Commissioner

Barry Jacobs, Commissioner

Earl McKee, Commissioner

Steve Yuhasz, Commissioner

Cc: Craig Benedict, Director,

Orange County Planning and Inspections Department

I have recently addressed you in person during the citizen's input sessions of the BOCC, and have also participated in the Planning Department's input sessions. These contacts were about my concerns with the proposed rezoning and land use status of the Eno Economic Development (EDD) program. To follow up on lessons I have learned during those discussions, I met with your Planning staff and have had contacts with County and State health and environmental authorities. I hasten to thank all of the members of the BOCC, the Department Heads and staffs of several of the County Departments, and members of the Planning Committee who have taken the time to inform and guide me in the ways of the County administrative processes. These processes are little different from those I have encountered throughout my professional career while working with similar agencies.

I am distressed to find that though Orange County has a strong program for protection of its water quality, we do not have comparable efforts in terms of protections of our residents from airborne materials. Our County Codes state that we will rely on the State of North Carolina Department of Environment and Natural Resources (DENR) regulations, yet there are no DENR air sampling facilities in the County or within reasonable distances of the existing EDD residential areas. Those that are active do not sample a broad range of types of materials, nor are State sampling resources utilized by the County to obtain data upon which our authorities can base planning decisions.

The DENR air quality programs depend highly upon specific fixed-location facilities that are adequate for broad-area snapshots, but are inadequate for the consideration of localized airborne particulates of types of minerals and suspended organic materials which are recognized as significant human health hazards.

Examples of the results of inhalation of these toxins include pulmonary cancers, asthma, emphysema, allergic reactions, cardiac diseases and a multitude of other respiratory problems (please see Appendix I for additional information). Numerous

studies suggest that mortality and disease rates for neighboring residents are significantly higher in areas of industrial activity, such as outdoor materials storage and processing, transportation of uncovered materials, and particularly near such facilities that operate without paved operations areas, with unpaved roads and few mitigation efforts. The situation becomes worse if these activities allow movement of fugitive dust from their areas of operations, and if transportation of raw and finished products flow through residential areas.

The most significant human and animal responses to airborne materials are those caused by inhalation of very fine particles. It is appropriate to note that these are the particles that are most easily picked up and carried long distances by even slight breezes or during transportation, especially if the winds are turbulent, such as those passing over and through rough ground, past elevated structures including buildings, highway and powerline rights-of-way and through forested transportation routes. Please note that this describes rural Orange County quite well, and is specific to the area of concern of the EDD south of Highway 70 and inclusive of all of Old NC 10, along which three commercial particulate sources (a concrete mixing plant, a precast concrete manufacturer, and a concrete, asphalt, and organic materials grinding operation) are located. Though all three are probably operating "within Orange County Codes", there is no evidence that they meet basic mitigation or "best practices" responsibilities, and there is no evidence that the County has the capability to measure the danger to it's citizens in areas of risk.

The gist of this discussion suggests that the Planning Department and the Board are being asked to make decisions on programs and projects that may severely impact the well-being of Orange County residents, without valid and reliable data to determine what that risk may be. Data abounds in the scientific and health communities that clearly describe the effects of airborne particulates on humans, animals, vegetation, and indeed, water quality in the vicinity of producers of such particles; yet, they are not being used to evaluate such facilities in land-use or zoning decisions, nor are they being used to require known, effective mitigation practices to reduce or eliminate risk.

The OC Economic Development Department confirms that there has been no objective analysis of the overall economic benefit that the proposed EDD EDE-2 heavy-industry category would offer for the County; nor is there sufficient information to allow evaluation of the economic loss to the residents by becoming neighbors to the operations of additional pollution-creating, high-traffic, heavy-machinery facilities. However, it can be easily proved that there are significant threats to the local residents, and through review of published scientific reports suggest the increased levels of risk to them. Without an understanding of the potential benefits there is no opportunity to evaluate the risk/benefit equation, and there are no public assurances as to which takes precedence, the risk or the benefit. This presupposes a "if you build it, they will come" situation; however, if you recall the movie "Field of Dreams", the only place "they came" was to the specific location where "it" was built, it was for a very brief time, and no benefit accrued to anyone else.

The difficulties causing my concerns are likely caused by a long-running series of related but not coordinated decisions that could have been improved upon with the application of knowledge from readily available and proven technologies. My first exposure to the movement of airborne materials came in 1959 as a field worker for the US Department of the Interior. Since then, I have frequently been involved in the

creation, measurement, tracking, and effects of airborne materials. I have also participated in management and direction of large programs focused on increasing economic opportunity, and the operation of commercial businesses. I believe that I have a reasonably good understanding of the issues whereof I speak.

As a result, I am convinced that the current press of the County to find expanded economic development to move away from a dependence on property taxes is laudable, and I congratulate the County for the progress made in that regard. However, I strongly disagree that an EDE-2 zoning within the EDD is appropriate.

The current movement towards completion of the Eno EDD reminds me of another piece of American culture, a paradox called "The Road to Abilene". A group of individuals, none of whom really wants to take the long, hot trip, individually agree with the suggestion that they should go to that city, only because they each believe that the rest of the group really does want to go, and that they themselves are the only one that doesn't want to. Not wanting to be contrary, they do not demur, and off the group goes on a very uncomfortable trip in which none of them sees value. In the case of the EDD, there is no demonstrated value inherent in the project, but there has been so much footwork done by so many for so long that there must be a pony in there somewhere. Perhaps Durham County and the City of Durham really do want to go to Abilene, though a majority of Orange County/Eno Township residents do not. I have been there and there is no compelling reason to return.

As a resident of Orange County with a home in immediate proximity to the EDD now being considered, I must object; my concerns are real and have not been adequately addressed.

May I recommend that the decision-making process for land use/rezoning changes include the following?

1. Disallow the granting of an EDE-2 or any rezoning/land use designation in the proposed Eno EDD (or any) location, unless and until factual safety and economic impact information is made available to the citizens, the Planning Committee and to the Board of Commissioners for any location that allows increased heavy-vehicle traffic volume, dissemination of fugitive dust or toxic materials within reasonable distances from, or via transportation through, adjacent residential areas.
2. Advise and involve the residents at potential risk (physical or economic) that proposals have been submitted or are being discussed between their proponents and the County much earlier in the process than is done currently. A great deal of time, resources, and angst could be prevented if all of the affected populations could be included before the County has expended effort to move a project forward against the will of affected constituents.
3. Place in the County Codes/regulations a process that requires a special use permit review of any proposals that have the potential to negatively impact the health, tax rates, personal property value, or quality of life for County residents; that review would include sworn testimony by independent, qualified experts in appropriate fields who

would provide assessments of the validity and reliability of the proposal information provided to the County, as well as providing unbiased professional opinions of the impact of the project. Such individuals can be made available from tax-supported institutions and from independent private sources on a *pro bono publico* basis at little or no cost to the County.

4. Require execution of detailed mitigation plans for any installations that use, create, or release known toxic or nuisance materials or processes within the County.
5. Perform periodic no-notice inspections of operating facilities' mitigation programs to insure compliance with County standards.
6. Require proof of current operator's performance against Federal, State, County, and local regulations/requirements prior to proceeding with evaluation of plans for expansion or modification of their operations. (Please note that items 4,5, and 6 are routine requirements in permit approval processes in many other agencies outside of Orange County.)
7. Review the County Goals and Priorities with a stronger intent to safeguard the health of the population and the quality of life issues not now being addressed.

In no case should land use or rezoning changes be approved without regard to the public safety, detrimental economic impacts to the current and future residents of a proposed area, esthetics of the area, or the quality of life within the County. Certainly decisions of this magnitude deserve a comprehensive analysis of potential effects to evaluate the potential for otherwise unforeseen consequences. Systems can be easily be put into place to allow these analyses with neither significant disruption of current County operation nor significant added costs. If it truly is the intent of the Board of County Commissioners, the County Manager, and the County Departments to protect our quality of life while providing economic growth and stability, changes must be made; the current system is inadequate.

We did not move to the source of risk, it has moved to us, and more may continue to do so if not curtailed. Let us remember the Orange County Mission Statement: "*Orange County exists to provide governmental services requested by our Citizens or mandated by the State of North Carolina.....we must: Serve the Citizens of Orange County - Our Citizens Come First.*" It is a collective request of the residents surrounding the Eno EDD that the EDE-2 classification be stopped; there is no mandate by the State to continue.

If you wish additional details or supporting information, please advise. All of the information upon which this communication is based was taken from published agency documents or peer-reviewed research publications.

Sincerely,

Jon H. Arvik, Ph.D.



**APPENDIX 1:**  
**Factual information concerning airborne particles**

1. The most significant risk to humans from airborne solids is inhalation of very small particles, which lodge inside the lung, causing respiratory trauma and disease. These particles are roughly ten times smaller than the width of a human hair, and are literally invisible to the human eye.
2. Particles of the sizes of concern to major regulatory programs by health authorities and the EPA are PM 2.5 and PM 10. The "PM" numbers identify the rough diameter of the particles in microns, and 2.5 and 10 are used as convenient snapshots within the wider range of particulates in fugitive dust (airborne materials that escape the boundaries of a particular site or operation). A micron is one-one millionth of a meter. There are over 600 microns across the period at the end of this sentence. Many bacteria are smaller than PM 10. PM 2.5 particles can only be seen with powerful microscopes.
3. Breezes of less than ten miles per hour can pick up these and even larger particles and move them considerable distances, particularly when turbulent wind currents are encountered. For example, particles of PM 10 and smaller have been measured hundreds of miles from their point of origin.
4. Fugitive dust is primarily caused by physical processes: crushing of materials by application of mechanical force such as repeated heavy-vehicle traffic, unconfined material storage, grinding and crushing operations, and aerial entrapment of dust particles by the action of wind across an exposed surface.
5. Common sources of fugitive dust include unpaved roads, unprotected materials storage piles, transportation of unprotected materials, and heavy materials processing operations. Once fine particulate materials have left the desired containment area, they cannot be controlled.
6. Larger dust particles are gradually deposited, falling in response to gravity as "nuisance dust" closer to the source, with the smaller particles continuing to move with the wind. If the source of the dust is continuous or repeated, there will be continuous exposure to fine particles at a given location as long as the source is not mitigated.
7. PM 2.5 and PM 10 particles are so small that they respond more to wind speed and turbulence than to gravity, and hence appear in all locations downwind for considerable distances. Fog droplets (roughly PM 25), mist (PM 40), fine spray (roughly PM 60), very light rain (PM 1000, or one millimeter) and similar liquid aerosols can help us to recognize how tiny PM 10 and smaller particles really are.

8. The predominant wind directions centered on the EDD area vary between roughly northeast and southwest, with lesser amounts from the west and east. This directs the fine particles across and through major residential areas 100% of the time.
9. PM 2.5 and PM 10 pollutants have the ability to enter deeply into the human lung and remain there, causing physical damage, blockage of the airways, and chemical reactions with the fluids of the lung. Lung damage may be acute, (causing immediate effects from a large, short-term exposure); subchronic, (causing damage and disease at low rates over somewhat longer exposures); or chronic, (causing damage and disease at later dates due to repeated exposures over the lifetime of the individual).
10. Adverse reactions of the lung, throat, and nasal passages are common following exposure to airborne particles. Examples include our annual spring and summer exposures to broadleaf weed, grass, and tree pollen giving rise to allergic responses. Significant physical and chemical reactions to mineral particles such as are in fine-ground stone and concrete dust include asthma, emphysema, bronchitis, silicosis, reduced pulmonary function, and ultimately, cancers of various types. The elderly, children, and people with chronic lung disease, influenza, or asthma, are especially sensitive to the effects of particulate matter.
11. Fugitive dust from crushed gravel processing, stone-grinding, concrete-grinding, mixing or crushing, and pulverized road sand and gravel contain high quantities of shardlike, sharp-edged particles of glasslike material that easily penetrate and damage interior lung tissue. Sample studies done by the USEPA for typical EDE-2 facilities show that very fine dust can be emitted from operations and storage activities at rates of several pounds per acre to double-digit quantities per day.

February 23, 2012

{Orange County Commissioners}

Dear Commissioner \_\_\_\_\_:

I received a letter dated February 10, 2012, notifying us of two scheduled neighborhood meetings. I have attended the first meeting. Regarding proposed changes, that letter states, in bold print, "Your property is not impacted...". I must respectfully differ with the statement that what you propose will not impact my property at 4411 Hwy 70 E, Durham, NC 27705, located immediately west of the Duke Energy and Piedmont Energy high lines. All activities adjacent to one's property logically affect that property as well.

Previous zoning changes have already affected my property, through the arrival of a company offering "concrete and asphalt recycling". We have also watched as a small mountain of fill dirt has grown alongside and beneath the power high lines. There is occasional, sometimes continuous, intense noise pollution caused by heavy earth-moving equipment. Sounds like gun shots, as dump trucks slam their tailgates, and the noise of engines and back-up warning signals of other heavy earthmoving equipment not only lowers our property values, but it degrades the quality of life for all near this designated "light industrial" zone.

Also, in recent years, we have observed many changes along the section of Stoney Creek that runs through our property, and none of them were good. We have seen greater sediment load from upstream, increased water turbidity, more frequent and more severe flooding and much more erosion from the creek banks. The new mountain of earth and recent tree-clearing in the power line right-of-way, within 100 meters upslope from the creek, is likely to exacerbate this. We feel that the further proposed changes can only continue to have a similar negative impact on Stoney Creek.

Further development such as you are proposing, of areas draining immediately into Stoney Creek, will create additional opportunity for sheet runoff, flooding, and point source pollution. This will further degrade wildlife habitat, destroying aquatic plants, fish, amphibians, mollusks, and crustaceans. These are essential components of a healthy ecosystem. As the stream health declines, surrounding habitat also declines. Currently this habitat supports deer and other mammals and a great variety of birds, including wild turkeys.

Stoney Creek leaves our land, flows north beneath Hwy 70, and enters the Eno at the Eno River State Park. Ecosystems do not stand alone; they are interconnected. Further degradation of water quality, land, and wildlife habitat along Stoney Creek, by connection also affects the Eno River, Falls Lake Reservoir, and the Neuse River. Various agencies and entities are entrusted with protection of watersheds and stewardship of North Carolina's resources on behalf of the state's citizens. As an example, The Stoney Creek Wildlife Corridor was designated for low-intensity use and connects the Eno River State Park to Duke Forest (Reference: Stoney Creek Basin Small Area Plan: Chapter 3, Pages 12-13 – approved by the Orange County Board of Commissioners on August 5, 1996)

I can understand the need for controlled development. I can understand the need to expand county and city tax bases. What I cannot understand is promoting those goals at the sacrifice of important life-giving ecosystems – particularly our watershed system. I implore you to reconsider the changes that you propose and to furthermore restrict commercial activities directly adjacent to drainage into Stoney Creek and the Eno River. Such activities damage essential and protected watershed ecosystems and, by extension, are detrimental to all citizens of the state. Please take this recommendation under advisement prior to approving irreversible development in this ecologically sensitive area.

*“Environmental Responsibility in County Government” adopted as an Orange County Goal, December 5, 2005 is laudable. The goal statement reads as follows: “Perform all County governmental functions, both internal and external, with a sensitivity and ethic that promotes environmental responsibility and leadership, and an understanding of the actions of government activities as they affect the natural and cultural resources of the County, region, state, nation and world.”*

Because I must be out of town on business February 27, 2012, I cannot attend the second meeting. Therefore, in lieu of my in-person comments, I ask that you please enter this letter, imploring you to reconsider your proposed plan, into the meeting minutes.

Thank you for considering my concerns as you plan an orderly development of this area. I encourage you to establish a broader buffer between commercial development and the vital water resources of the people of Orange County and of the State of North Carolina. I and others will work toward that end.

Sincerely,

Charles P. Gunter  
P.O. Box 507  
Hillsborough, NC 27278

May 9, 2012

Ms. Renee Price, Chairman  
Committee for the Environment  
1701 Riverside Dr  
Hillsborough, NC 27278

**[LETTER MAILED TO ALL 15 MEMBERS OF  
COMMITTEE FOR THE ENVIRONMENT AND  
COPIED TO OTHERS]**

Dear Ms. Price:

As citizens of Orange County, my family and I live on a special piece of property along the banks of Stoney Creek – 4411 Hwy 70 E. Because of our location, we are the beneficiaries of an ongoing display of a great variety of wildlife and natural beauty associated with a stream. We view ourselves as stewards as well as owners of this property.

Stoney Creek flows through the middle of our property, which is located one-half mile south of the Eno River State Park. We live in what Orange County Commissioners have designated the Stoney Creek Wildlife Corridor. This corridor connects parts of Duke Forest with the Eno State Park. The importance of protecting and maintaining this corridor is stated in various official documents adopted by the Orange County commissioners.

The Stoney Creek Wildlife Corridor was designated for low-intensity use and connects the Eno River State Park to Duke Forest (Reference: **Stoney Creek Basin Small Area Plan**: Chapter 3, Pages 12-13 – approved by the Orange County Board of Commissioners on August 5, 1996)

Because of zoning changes approved by the Orange County Board of Commissioners in 2008 and more zoning changes in the Eno District that will be considered by the Commissioners at the May 29, 2012, public hearing, the viability of this corridor is being destroyed. It has already been damaged by attracting the type of businesses that contribute to water, air, and noise pollution.

The photos enclosed here illustrate some of the environmental impact of one such business. When this company arrived, they clear-cut the timber on the Stoney Creek/Eno watershed and then began to stockpile dirt of an unknown origin uphill from Stoney Creek. That material now constitutes a small mountain. Storm-water runoff is already creating a man-made “tributary” to Stoney Creek, which is within 100 yards of this pile of stuff.

Dirt and debris overwhelmed the original small silt screen. A new barrier, erected in March of this year, has already been breached. Given the configuration and angle of repose of that created mountain, it is doubtful that anyone will ever be able to contain the stormwater runoff there. Stormwater runoff translates as increased particulate matter and pollution flowing directly into the Eno River, through its tributary, Stoney Creek. Obviously this ultimately impacts the Upper Neuse River water supply.

To prevent additional destruction of this unique corridor, which if decimated might never be restored, I encourage you to voice your opposition to the zoning changes that will be considered May 29<sup>th</sup>. Further, I implore you to encourage the Orange County Planning Commission to restrict expansion of the current activities of Gorilla Materials, Inc, located on Mt. Herman Church Road. Gorilla Materials is the business that continues to build the dirt mountain within yards of Stoney Creek.

If Gorilla Materials, Inc. is allowed to expand operations, or if another company of this nature is allowed to do business on the Stoney Creek/Eno River watershed, then the destruction of this wildlife habitat will be assured. Increased stormwater runoff from the dirt mountain can only have detrimental results:

- Increased pollutants leached from the dirt mountain
- Increased turbidity caused by silt and clay particles flowing directly into Stoney Creek
- Increased impervious and exposed soil surface areas
- Increased flooding due to vegetative denudation
- Increased non-point source pollution

***“Stormwater pollution:***

*So why do we care about stormwater?*

*Quite simply...North Carolina's number one water quality problem is stormwater runoff pollution. As stormwater flows across impervious (i.e.paved) surfaces or exposed soil, it picks up various pollutants, such as oil & grease, excess nutrients, bacteria and sediment. Polluted stormwater flows down our storm drains and ditches where it is discharged, untreated, into our streams, rivers, and lakes. Stormwater runoff pollution causes adverse impacts to aquatic ecosystems, poses human health risks, and can greatly increase the cost of treating our drinking water.*

For more information about stormwater pollution and stormwater resources, contact the Stormwater Resource Officer, Terry Hackett”

[Source: <http://www.co.orange.nc.us/planning/erosion.asp#Stormwater> ]

More business activities of the aforementioned nature will only accelerate and exacerbate an already deteriorating situation. It is up to environmentally concerned citizens and to the Orange County Board of Planning and the Orange County Board of Commissioners to protect this fragile environment.

Orange County already has an environmentally sensitive and comprehensive plan for this area adjacent to Stoney Creek. Please encourage the Commissioners to refer to their original plan and do their duty to protect the Stoney Creek Wildlife Corridor from destruction.

The Orange County officials have a difficult decision to make. Your support will be invaluable in helping the planning department and the commissioners to make an obvious and wise decision. It seems obvious that environmental degradation in the form of stormwater runoff pollution "adversely impacts aquatic ecosystems, poses human health risks, and can greatly increase the cost of treating our drinking water". This zoning change to allow greater industrial development on the assumption that it might generate additional tax dollars sounds like a poor risk and a big mistake

I close with a direct quote from the Orange County website:

A statement of "**Environmental Responsibility in County Government**" was adopted as an Orange County Goal, December 5, 2005. The goal statement reads as follows: *"Perform all County governmental functions, both internal and external, with a sensitivity and ethic that promotes **environmental responsibility** and leadership, and an understanding of the actions of government activities as they affect the natural and cultural resources of the County, region, state, nation and world."*

Thank you for your concern, your consideration, and your help.

Sincerely,

Charles P. Gunter  
P.O. Box 507  
Hillsborough, NC 27278

Cc: Stoney Creek – Old NC 10 Property Owner's Association  
Mr. Frank Clifton, Orange County Manager  
Orange County Commissioners  
Orange County Planning Department  
Eno River Association

Enclosures

May 11, 2012

**TO: Orange County Commissioners  
Orange County Planning Department  
Orange County Attorney**

**FROM: Charles P. Gunter  
4411 Highway 70 East, Durham, Orange County, NC**

**SUBJECT: Gorilla Materials, Inc. – Permits for Expansion of Operations**

Tuesday afternoon, May 8<sup>th</sup>, I became aware that the subject company has purchased an additional eleven (11) acres of land adjacent to and north of their existing operation at 7012 Mt. Hermon Church Road.

As a concerned citizen, representing many other concerned citizens in the Eno District of Orange County, I implore you to cease any and all additional permitting for any expansion of the operations of Gorilla Materials, Inc. until adequate studies are made regarding the environmental impact of the operations of this company.

Detrimental effects of existing operations include, but are not limited to:

- Excessive stormwater runoff into Stoney Creek/Eno River/Upper Neuse River
- Increased non-point source pollution into our drinking water supply due to leaching of unknown materials stockpiled in open areas
- Increased particulate pollution introduced into the air in the sensitive Hwy 70 and I-85 junction (refer to EPA alerts)
- Heavy truck traffic on Hwy 70 E, Mt. Hermon Church Road – destroying road surfaces and causing dangerous traffic problems
- Extreme level of noise created by uncovered and non-noise abating rock grinders and tree shredders
- Excessive noise from dump trucks slamming tailgates to dislodge materials
- Excessive diesel engine noise caused by the use of heavy highway earth moving equipment in a residential area

Attached is a letter sent to members of the Orange County Committee for the Environment, concerning some aspects of the problems currently caused by the operations of Gorilla Materials, Inc. That letter was sent before I learned of the planned expansion of operations.

I urge you, as elected officials representing all of the citizens of Orange County, and as Orange County planning officials, to stop Gorilla Materials, Inc., from expanding their operations in this location. Surely the greater good here, for residents, wildlife, and the land itself in this portion of the Stoney Creek Wildlife Corridor is not the expansion of an operation that is already problematic. One look at the conditions already existing at this site suggests the devastation planned for the recently purchased 11 adjoining acres. In addition to averting more degradation of the environment, I urge you to seek ways to mitigate damage already occurring. For businesses and residents to productively and peacefully coexist, a permanent solution to the incessant and excessive noise problem must also be implemented.

I anticipate much more concerned comment from your constituents on this matter at the quarterly public hearing scheduled for May 29, 2012.

Your help is needed. Thank you for doing your duty and for your service to Orange County and its Citizens.

Cc: Various citizens, citizens groups, and environmental protection and advocacy organizations

May 21, 2012

***[LETTER MAILED TO ORANGE COUNTY COMMISSIONERS  
AND COPIED TO OTHERS]***

Dear Commissioner:

First, I'll thank you for your service to the citizens of Orange County. At times, your job as County Commissioner must be a daunting task. You are charged with balancing the various interests of the citizens of a very diverse county. Economic development and the protection of the environment are always in a state of tension. Regarding those issues, I know that some decisions are much more difficult to make than others. All decisions must be made with integrity and with an adherence to common sense and in the spirit of the longer term good of all citizens and the long-term protection of our delicate environment.

Today, I write to you concerning the Eno District zoning regulations, both those existing presently and the recently proposed changes. First of all, I am not anti-Gorilla Materials; however, I feel that this business was located in an inappropriate place. This is not the fault of the owners of Gorilla Materials. It is due to a mistake caused by zoning changes made in 2008. For reasons that have become apparent, noisy EDE-2 activities with increased heavy vehicle traffic flow should never be allowed to exist next to rural residential areas. These type companies should also not be permitted to operate on steep slopes adjacent to environmentally sensitive watershed areas such as the Stoney Creek Wildlife Corridor.

For thirty-one years, I have owned and operated a business. I am for economic progress and sensibly directed and controlled development. I am pro Gorilla Materials – in the right location.

For the past six years, I have also served as a trustee managing the operations of another business. This second business operates heavy equipment and machinery, often located in environmentally sensitive (watershed) areas, and often near residential areas. Being cognizant of the environmental problems that might result from our operations, and being aware of how our operations might negatively affect and disrupt the lives of our residential neighbors, we do everything possible to mitigate the damages that we might cause to the environment and to people.

Following zoning regulations implemented by the Orange County Board of Commissioners, Gorilla Materials has invested money to start up their operations and to expand their operations. It is unlikely that they will voluntarily choose to relocate. Their operations are noisy, dusty, and are located partially on a steep slope immediately adjacent to Stoney Creek, a major tributary to the Eno River/Upper Neuse watershed.

From my business experience, I have some suggestions to share with you for your consideration. These are suggestions that the owners of Gorilla Materials, as potentially good neighbors, might consider, too.

**I:** Do everything feasible to mitigate possible damage to the Stoney Creek watershed. Work with Orange County officials, and adhere to the "spirit" of the rules and regulations designed to protect the environment. By "spirit", I mean not just adhering to the minimum technical compliance, but using empirical evidence and common sense to address problems and potential problems as they occur- not just once a year on a compliance check.

**II:** To attenuate the noises radiating from Gorilla Materials, construct sound walls or enclosures around shredding, crushing, and grinding equipment. These walls should be covered with sound absorbing acoustical foam or equivalents. All heavy equipment and engines should be fitted with "hospital mufflers" to help lower the decibel level caused by those machines. [Note: In my business we build and insulate sound walls around the heavy pumping equipment we use, and we install "hospital mufflers" on all equipment located near residential areas. This make for good neighbors and peaceful coexistence. In the long run, it also saves money.]

Also, prohibit the large dump trucks from slamming their tail gates trying to dislodge materials in the truck bed. This sounds like gunfire to the neighbors and to wildlife. The record to date is nine slams in rapid succession by one truck.

**III:** Do whatever possible to reduce particulate air pollution from diesel engines and dust generation created by shredding, grinding, and crushing, and dust caused by heavy equipment movement. I believe that the intersection of US Highway 70 and I-85 is located in an area designated by the EPA as an area of particular concern related to particulate air pollution.

**IV:** Amend zoning regulations to prohibit noisy, dusty, high traffic businesses from locating or expanding operations in this rural residential area. There are other geographical locations better suited to this type business activity.

My business experience has taught me that there are two kinds of mistakes: (1) big ones, and (2) small ones. No one wants to make a mistake, but, from time to time, we all do it. I have found it best, if possible, to make only small mistakes and to correct the big mistakes as quickly as possible.

In 2008, for what I feel certain were honorable motives, possibly related to economic development, a big mistake was made. The EDE-2 zones were expanded into the Stoney Creek Wildlife Corridor. These changes in zoning regulations have allowed a business, ill suited to a rural residential setting, to open and operate too near to residential and environmentally sensitive watershed areas.

As an Orange County Commissioner, you have an opportunity to correct an existing big mistake. Just as importantly, you can avoid making another big mistake – the approval of the proposed zoning change.

Secondly, to prevent making another big mistake, why not take a gamble on possibly making only a small mistake by tabling this matter of rezoning until quality of life and environmental issues can be appropriately quantified and addressed; and current problems mitigated.

The choice is yours – big mistake or small mistake. The citizens of Orange County rely upon you to make the best decision for them and for the environment they must live in.

Thank you for your consideration.

Sincerely,

Charles P. Gunter  
P.O. Box 507  
Hillsborough, NC 27278

Cc: Stoney Creek – Old NC-10 Property Owner's Association  
Orange county Commissioners  
Mr. Frank Clifton, Orange County Manager  
Mr. Craig Benedict, Director, Orange County Planning Department  
Members of Orange County Environmental Committee  
Eno River Association  
Gorilla Materials, Inc.

**APPROVED 3/22/2012**

**MINUTES  
ORANGE COUNTY BOARD OF COMMISSIONERS  
ORANGE COUNTY PLANNING BOARD  
QUARTERLY PUBLIC HEARING  
February 27, 2012  
7:00 P.M.**

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Monday, February 27, 2012 at 7:00 p.m. at DSS Offices, Hillsborough Commons, Hillsborough, N.C.

**COUNTY COMMISSIONERS PRESENT:** Chair Bernadette Pelissier, and Commissioners Valerie P. Foushee, Barry Jacobs, Pam Hemminger, Earl McKee and Steve Yuhasz

**COUNTY COMMISSIONERS ABSENT:** Alice M. Gordon

**COUNTY ATTORNEY PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Manager Michael Talbert and Deputy Clerk to the David Hunt (All other staff members will be identified appropriately below)

**PLANNING BOARD MEMBERS PRESENT:** Chair Brian L. Crawford, Vice Chair Larry Wright, Pete Hallenbeck, Mark Marcoplos, H.T. "Buddy Hartley", Johnny Randall, Andrea Rohrbacher, Lisa Stuckey

**PLANNING BOARD MEMBERS ABSENT:** Judith Wegner, Rachel Phelps Hawkins, Maxecine Mitchell, Alan Campbell

Chair Pelissier called the meeting to order at 7:07 PM.

**A. OPENING REMARKS FROM THE CHAIR**

**B. PUBLIC CHARGE**

The Chair dispensed with the reading of the public charge.

**C. PUBLIC HEARING ITEMS**

Planning Board Chair Brian Crawford announced the agenda and read the public charge.

1. ~~Unified Development Ordinance (UDO) Text Amendments - To review government-initiated amendments to the text of the UDO to add a conditional zoning district (REDA-CZ-1) that would be applicable to the geographic area addressed in the NC Highway 57/Speedway Area Small Area Plan and other necessary amendments to implement recommendations made in the small area plan.~~

~~Planner Glenn Bowles made a PowerPoint presentation.~~

~~**Unified Development Ordinance Text Amendments  
NC Highway 57 Rural Economic Development Area (REDA)**~~

~~**Conditional Use (REDA-CZ-1) District**~~

- ~~• Encourage compatible, non-residential development,~~

~~Take the proposed regulations, apply it to the speedway and ascertain whether there are problematic areas and identify potential solutions to allow the Board to see the pro and con impact. Also, identify where there could be methods where we could modify what is being proposed to address a real life scenario and at the same time, encourage any new development to insure it will not have a negative impact on adjacent property.~~

~~VOTE: UNANIMOUS~~

~~(Later, after item C-2 the Board returned to vote on an additional portion of C-1)~~

~~A motion was made by Chair Pellissier, seconded by Commissioner Foushee to adjourn the public hearing until May 1, 2012 in order to receive and accept the Planning Board's recommendation and any submitted written comments.~~

~~VOTE: UNANIMOUS~~

**2. Comprehensive Plan Future Land Use Map and Zoning Atlas Amendments – To review government-initiated amendments to the Comprehensive Plan Future Land Use Map and to the Zoning Atlas to change the land use classification 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 351.5 acres of property in the same area**

Craig Benedict made a PowerPoint presentation. He said that last Wednesday, the County held an outreach meeting and it was very robust. It was a wonderful facility. There were also planners from the City of Durham at the meeting because this area is within the Urban Growth Boundary.

**Orange County  
Quarterly Public Hearing  
February 27, 2012  
Agenda Item C-2  
Eno Township and Economic Development Area  
Land Use and Zoning Amendments**

- Stoney Creek Basin Planning Area

**Stoney Creek Basin Small Area Plan  
Land Use Intensity Categories**

**Higher Intensity Areas:**

These areas are generally synonymous with the ten and twenty year transition areas in the existing Land Use Plan (adopted 1981, amended 1988) or they are adjacent to areas proposed for future development on an urban scale. At some future date, they will most likely be incorporated into the municipalities of Hillsborough and Durham through the annexation process. A mix of land uses is possible in these areas and they will be served by water and sewer. They could be viewed as "receiving areas" for lower density areas to the south.

**Economic Development Eno Lower Intensity (EDE-1)**

**EDE-1 Allows:**

- Finance
- Government

- Services \*
- Transportation
- Miscellaneous

**EDE-1 Doesn't Allow:**

- Agricultural
- Construction
- Information
- Manufacturing, Assembly & Processing
- Recreation
- Wholesale Trade
- Economic Development Eno Higher Intensity (EDE-2)

**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 April 17, 2012,
4. Adjourn the Public Hearing until April 17, 2012 to receive any written comments between February 27, 2012 and Planning Board recommendation.

**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 of the road is also EDE-2.

**2. Resource Protection Areas (RPA)**

RPAs are a layer of the land use plan and are still operational.

**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.

**4. Why now? Public utilities**

This area has been noted as an urban growth land use since 1981 and reconfirmed in 1994 and 2008. Orange County is facilitating the proposed land use pattern since any one small business could not afford to build infrastructure and jobs growth is more important than ever.

#### **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.

#### **6. Why are there two plans Orange County and City of Durham**

Where are these two land use plans and one zoning plan? 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.

#### **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.

Commissioner Yuhasz asked if any conforming uses would be rendered non-conforming by any of these changes. Craig Benedict said that he has analyzed the complete list and there would be no non-conformities.

Chair Pelissier said that the County Commissioners received a letter for the record from Charles Gunter. She gave this letter to the Clerk, which is shown below:

February 23, 2012

Ms. Bernadette Pelissier, Chair  
Orange County Board of Commissioners  
4516 Mystic Lane  
Hillsborough, NC 27278

Dear Ms. Bernadette Pelissier:

I received a letter dated February 10, 2012, notifying of us two scheduled neighborhood meetings. I have attended the first meeting. Regarding proposed changes, that letter states, in bold print, "Your property is not impacted...". I must respectfully differ with the statement that what you propose will not impact my property at 4411 Hwy 70 E, Durham, NC 27705, located immediately west of the Duke Energy and Energy high lines. All activities adjacent to one's property logically affects that property as well.

Previous zoning changes have already affected my property, through the arrival of a company offering "concrete and asphalt recycling." We have also watched as a small mountain of fill dirt has grown alongside and beneath the power high lines. These are occasional, sometimes continuous, intense noise pollution caused by heavy earth-moving equipment. Sounds like gun shots, as dump trucks slam their tailgates, and the noise of engines and backup warning signals of other heavy earthmoving equipment not only lowers our property values, but it degrades the quality of life for all near this designated "light industrial" zone.

Also, in recent years, we have observed many changes along the section of Stoney Creek that runs through our property, and none of them were good. We have seen greater sediment load from upstream, increased water turbidity, more frequent and more severe flooding and much more erosion from the creek banks. The new mountain of earth and recent tree-clearing in the power line right-of-way, within 100 meters upslope from the creek, is likely to exacerbate this. We feel that the further proposed changes can only continue to have a similar negative impact on Stoney Creek.

Further development such as you are proposing, of areas draining immediately into Stoney Creek, will create additional opportunity for sheet runoff, flooding, and point source pollution. This will further degrade wildlife habitat, destroying aquatic plants, fish, amphibians, mollusks, and crustaceans. These are essential components of a health ecosystem. As the stream health declines, surrounding habitat also declines. Currently this habitat supports deer and other mammals and a great variety of birds, including wild turkeys.

Stoney Creek leaves our land, flows north beneath Hwy 70, and enters the Eno at the Eno River State Park. Ecosystems do not stand alone; they are interconnected. Further degradation of water quality, land, and wildlife habitat along Stoney Creek, by connection also affects the Eno River, Falls Lake Reservoir, and the Neuse River. Various agencies and entities are entrusted with protection of watersheds and stewardship of North Carolina's resources on behalf of the state's citizens. As an example, the Stoney Creek Wildlife Corridor was designated for low-intensity use and connects the Eno River State Park to Duke Forest (Reference: Stoney Creek Basin Small Area Plan: Chapter 3, Pages 12-13 – approved by the Orange County Board of Commissioners on August 5, 1996).

I can understand the need for controlled development. I can understand the need to expand county and city tax bases. What I cannot understand is promoting those goals at the sacrifice of important life-giving ecosystems – particularly our watershed system. I implore you to reconsider the changes that you propose and to furthermore restrict commercial activities directly adjacent to drainage into Stoney Creek and the Eno River. Such activities damage essential and protected watershed ecosystems and, by extension, are detrimental to all citizens of the state. Please take this recommendation under advisement prior to approving irreversible development in this ecologically sensitive area.

"Environmental Responsibility in County Government" adopted as an Orange County Goal, December 5, 2005 is laudable. The goal statement reads as follows: "Perform all County governmental functions, both internal and external, with a sensitivity and ethic that promotes environmental responsibility and leadership, and an understanding of the actions of government activities as they affect the natural and cultural resources of the County, region, state, nation, and world."

Because I must be out of town on business February 27, 2012, I cannot attend the second meeting. Therefore, in lieu of my in-person comments, I ask that you please enter this letter, imploring you to reconsider your proposed plan, into the meeting minutes.

Thank you for considering my concerns as you plan an orderly development of this area. I encourage you to establish a broader buffer between commercial development and the vital water resources of the people of Orange County and of the State of North Carolina. I and other will work toward that end.

Sincerely,

Charles P. Gunter  
P. O. Box 507  
Hillsborough, NC 27278

### **PUBLIC COMMENT**

Edward Hill lives on Live Oak Trail, which is off of Mt. Herman Church Road. His property is within 100 yards of the RE-1 area (??). He said that he was not able to attend the February 22<sup>nd</sup> meeting because he did not know about it. He asked about the notification requirements. He became aware of these actions when the signs went up at the corner of Old NC 10 and Mt. Herman Church Road.

Craig Benedict said that staff notified by letter people within 600 feet of all rezoning, and the last tax record owner of the property is used.

Edward Hill said that his comment is that the area that he lives in is residential, R1. He would like to see the Planning Board remove this section below the railroad tracks, which was expanded at the request of Durham County. He understands the mobile home park's property owners' desire to have the potential for municipal sewer access, but he does not see any reason for Durham City to be dictating to Orange County where the zoning limits are.

Phillip Rhew said that he is worried about bringing water and sewer by his house because of the requirement to hook on to this.

Dianne Rabalais lives on Old Hillsborough Road within Whispering Pines. She said that she moved to Orange County not to be in Durham County. She is concerned about Durham County annexing this property. She said that she moved to Orange County for her children to go to Orange County Schools. If the water and sewer will be brought from Durham for certain people to develop their lands, then these people need to pay for this.

Craig Benedict said that these residents will remain within Orange County Schools no matter what happens, even if the City of Durham does come into Orange County. There will be two layers of taxes – Orange County and Durham City. This is similar to places in Hillsborough. The water and sewer program is not intended to be put through the middle of any existing development. It is primarily a backbone to serve undeveloped properties or underdeveloped properties.

Darcy Willson read a prepared statement.

Darcy Willson  
5315 Old Hillsborough Road  
Durham, NC 27705  
[darcywillson@yahoo.com](mailto:darcywillson@yahoo.com)  
919-612-7442

The Eno Economic Development District has many natural and manmade attributes that should be protected and enhanced by any future development.

Zoning and land use policies should take into consideration the established residential housing. The emphasis should be to protect existing residential housing, and create a blend of new single family housing, new multifamily housing, retail, office, and industrial areas. New single family residential and multifamily residential housing should be encouraged in the E. D. 2 and E. D. 1 areas so that the residential aspect of this area is not overshadowed by any new non-residential development.

This area should be a mixed use development similar to Waterstone in Hillsborough. It should not be a large industrial complex.

Duke Forest, the Eno River and Stoney Creek and new and existing housing should be buffered from Industrial Development. Using open space and transition zoning from residential, to office/retail and then industrial would help preserve quality of life for existing and new residents. Facilities that enhance quality of life should be strongly encouraged. Schools, a senior center, community center, daycare facility, medical center, library, arts space and outdoor recreation should be part of this area.

Follow Guidelines Shaping Orange County's Future including the following:

1. The availability of affordable housing for low and moderate income households is a critical requirement.
2. Create multi-use community facilities that would enable a variety of functions such as a school, community center, senior center, senior care facility, adult learning center, teen center, day care facility, medical center, branch library, arts space and outdoor recreation.
3. Ensure that affordable rental and owner occupied homes are available for low and moderate income households.
4. Create high density mixed use development.
5. Land use patterns should be designed to enhance desirable aspects of community character in new and old neighborhoods.
6. We need to manage development and create land use patterns that maintain quality of life and help to build community.
7. Integrate uses (residential, commercial, light industrial and commercial).
8. Continue current efforts to guide growth away from public water supply watersheds to prevent new discharges into these watersheds.

#### Eno Economic Development (EDD) Area Small Area Plan

1. Ensure that zoning text and map changes are completed in such a way that residential uses that were constructed as conforming uses in the current Secondary EDD area are not made nonconforming uses under any new zoning designation.
2. Ensure that if existing mobile home parks are redeveloped into other uses that the property owner and county work together to help displaced residents find suitable, decent, alternative housing.
3. If the region pursues commuter rail in the future, the spur line to Chapel Hill would likely become an important connector within the rail network.
4. The ability to have a commuter train station in the future should be explored. A station could serve the existing Amtrak service or a station could be incorporated into the future Triangle commuter rail system.

5. How land is used is a major factor in many aspects of people's lives. Land Use directly affects people's quality of life in a variety of ways. Community character, traffic generation and flow, availability of services and the quality of the natural environment are all affected by Land Use decisions. Indeed, one of local government's principal powers is the authority to control land development so that growth is managed in such a way that negative impacts are minimized and mitigated.
6. Preserve stream corridors and create a network of publicly-accessible trails between developed areas and the Eno River State Park to the north of the focus area and Duke Forest to the south of the Focus Area.

Last week residents were informed about an interlocal agreement with Durham that had been recently made. I can find no mention of this agreement anywhere on Orange County's website. This agreement and the process that led to it should be made public. It concerns me that local residents weren't informed that an interlocal agreement was being negotiated with the City of Durham. Affected residents should have been informed and invited to be a part of the process. If the agreement does not include provisions for the City of Durham to abide by the recommendations and policies set forth in Shaping Orange County's future and the Eno Economic District small area plan this should be added to ensure that Durham's policies are aligned with Orange County's.

Questions:

1. How will buffering and transitioning of existing and possible future, nonresidential development be accomplished to avoid impacts on existing and new residences?
2. What types of additional nonresidential land uses are to be considered for the area and how will their impact be mitigated?
3. What will be done to protect the environmental integrity of Duke Forest, and 'Eno River State Park and Stoney Creek?

Robin Jacobs spoke on behalf of the Eno River Association. She is the Executive Director. She served as the Chair of the Carrboro Planning Board for a little over ten years while the University Lake Watershed Agreements and the Joint Planning Agreement were issued. She distributed a handout. She pointed out a resource protection area that is along Stoney Creek. She said that the Stoney Creek Plan does talk about higher, middle, and lower intensity uses. The plan is totally focused on residential development and is not talking about higher intensity industrial uses. Her concern is that Stoney Creek will have more industrial use. She said that just because there are regulations, it does not mean that the County can control what happens.

Jennifer Gunter verified that her father's letter was received and entered into the record.

Jim Brown said that it was stated that there is currently no development proposed that is pushing these zoning changes and that this is all in the planning phase. It was answered yes.

Jon Arvik asked about a sewage lift station. He has lived within ten miles of one of these at one time. He is concerned about this. He would like to know where this station is and he would like to have public input. He wants to know what it will look like, sound like, smell like, etc. He asked what authority Orange County would have to resist the annexation by Durham. He said that he moved here for a reason and he would like to maintain the quality of life.

Craig Benedict said that Orange County would not be choosing a consultant for engineering design until later this summer.

Todd Orr spoke against the plan to rezone the area north of Old NC 10 and south of the railroad to ECE-1. It is inconsistent with the current residential character or undeveloped character of this area. He said that this area is proposed by Durham to be low-density residential. He does not understand why Orange County would be proposing a more intense development of that area.

Chris Kelsey said that the maps are very confusing. He suggested that the maps be clearer. He said that he moved into Orange County to be in a more rural environment. He suggested limiting the amount of industry.

Commissioner McKee asked for an answer to a question about forced hookups to water and sewer. Craig Benedict said that no lines would be extended to specific properties in the residential neighborhoods. There will be a policy similar to the City of Durham's sewer policy.

John Roberts said that several people mentioned annexation as a concern. He said that annexation is not a County function. He said that the General Assembly has made annexation a little more difficult for cities to do involuntarily. Cities now have to provide notice to counties when they cross county lines. Property owners do have the ability to some extent block involuntary annexation. For the most part, cities will only annex on a voluntary process.

Commissioner Jacobs asked if the western portion of what is being proposed beyond where it was recommended by the Eno EDD group.

Craig Benedict said that the western portion was not within the original Eno Economic Development boundary. When the Durham interlocal agreement was brought forward, it was found that there was an urban growth boundary outside of the Eno and it was suggested to bring forth land use plan amendments to backfill the urban growth boundary.

Commissioner Jacobs said that last week when the Board considered the advertisement for this public hearing, he specifically asked if this exactly followed what the Eno EDD Work Group recommended and Craig Benedict said yes. He said that this is, in fact, not true, but it is an amplification to match what Durham put on the map of Orange County. It is not what the EDD work group recommended to the Board of County Commissioners.

Craig Benedict said that aspects within that Eno Economic Development zone, especially around Whispering Pines, were within the district. That part is correct. There were areas outside of that, and if he was not as clear, then he apologizes.

Commissioner Jacobs said that he started on the Planning Board in 1985 and this is one of the most poorly presented proposals that he has seen. There was a small area plan in which the Board of County Commissioners had no presentation and members of the public had to bring it up at the community meeting. There is still no copy. The maps are very confusing. There was not one word mentioned by staff about environmental impacts. There was not one word mentioned by staff about rural character impacts. There was barely a mention of neighborhood impacts. He said that this is a County where these are the values (applause). He does support economic development and he has worked on virtually all of the small area plans, but to rush to do something without doing it thoroughly and openly is a mistake. He suggested getting some written responses from Durham about what happens when the water line crosses individual properties. All of the issues of annexation need to be in writing. He wants to be honest with people that they will be in the City of Durham at some point.

Commissioner Yuhasz said that there is a lot going on here and the maps are confusing. He thinks that it is important to look at the entire scope of what is reasonable to serve regarding water and sewer. He is not suggesting rushing this, but the infrastructure needs to be in place to allow for reasonable and considerate development of this property over the next 20-30 years. He thinks that it will be short-sighted not to move forward at this point.

Commissioner Jacobs said that he wants to take a particular exception to the way in which staff is proposing the impact on Stoney Creek. He said that the thought that this should be higher intensity industrial is preposterous. He does not know why Orange County would be so insensitive to the environment.

Craig Benedict said that no matter what land use or zoning category that is applied to the lands in and around creeks, they will adhere to the highest standards applicable. Those impacts will be monitored equally no matter what type of use. The reason the EDE-2 is suggested is that because it does have I-85 frontage and is near an intersection and isolated by railroad tracks to the south. Also, the uses across from the mobile home park are industrial in nature. He said that the staff will continue to take comments from the County Commissioners and the public and work with the Planning Board to come up with recommendations.

In answer to a question from Commissioner Jacobs, Craig Benedict said that one of the higher intensity areas in the Stoney Creek Basin plan is similar to areas where there is an existing truck stop and additional retail opportunities. It is a mix of land uses and not just residential or non-residential.

Commissioner Jacobs said that it would have been helpful to have a small area plan on the website or in the packet.

Commissioner Foushee agreed with Commissioner Jacobs' comments about the Stoney Creek area. She said that she does believe that had the task force had the opportunity to look at that area in particular, there would be no recommendations to include this part. She does think that the task force agreed to what is proposed here otherwise, but not this particular area of Stoney Creek.

Commissioner Hemminger said that this is very confusing to her and she does not feel comfortable making a decision. She thinks that this should be reworked. She would not be ready by April 17<sup>th</sup>.

Chair Pelissier said that the Board could change this to another date.

Brian Crawford said that the Planning Board would like an opportunity to extend this item. The Planning Board will need three or four meetings to really work this through.

A motion was made by Commissioner Jacobs, seconded by Commissioner Foushee to defer this item to be heard again at the Quarterly Public Hearing in May and direct staff to address the concerns that have been raised and bring them back to public hearing. If staff chooses to have another public information meeting, the materials can be presented then.

VOTE: Ayes, 5; No, 1 (Commissioner Yuhasz)

Chair Pelissier pointed out that a motion was missing on Item 1. This motion was added to the end of Item 1.

End of Item

1 **DRAFT**

2

3 **MINUTES**

4 **ORANGE COUNTY BOARD OF COMMISSIONERS**

5 **ORANGE COUNTY PLANNING BOARD**

6 **QUARTERLY PUBLIC HEARING**

7 **May 29, 2012**

8 **7:00 P.M.**

9

10

11 The Orange County Board of Commissioners and the Orange County Planning Board

12 met for a Quarterly Public Hearing on Tuesday, May 29, 2012 at 7:00 p.m. at DSS Offices,

13 Hillsborough Commons, Hillsborough, N.C.

14

15 **COUNTY COMMISSIONERS PRESENT:** Chair Bernadette Pelissier, and Commissioners Alice

16 Gordon, Barry Jacobs, Valerie Foushee, Pam Hemminger, Earl McKee, and Steve Yuhasz

17 **COUNTY COMMISSIONERS ABSENT:**

18 **COUNTY ATTORNEY PRESENT:** John Roberts

19 **COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Manager

20 Michael Talbert, and Deputy Clerk to the Board David Hunt (All other staff members will be

21 identified appropriately below)

22 **PLANNING BOARD MEMBERS PRESENT:**, Vice Chair Larry Wright, Pete Hallenbeck, Mark

23 Marcoplos, H.T. "Buddy Hartley", Andrea Rohrbacher, Lisa Stuckey, Maxecine Mitchell, and

24 Tony Blake

25

26 **PLANNING BOARD MEMBERS ABSENT:** Chair Brian L. Crawford, Rachel Phelps Hawkins,

27 Alan Campbell, and Johnny Randall

28

29 Chair Pelissier called the meeting to order at [7:04:05 PM](#).

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31 \*\*\*\*\*

32

33

34 **C. PUBLIC HEARING ITEMS**

35

36 **5. Comprehensive Plan Future Land Use Map and Zoning Atlas Amendments** – To

37 continue review of government-initiated amendments to the Comprehensive Plan Future Land Use

38 Map of approximately 493.5 acres in the vicinity of the Interstate 85/US Highway 70 interchange

39 (in the vicinity of the Eno Economic Development District near the eastern county line) and to

40 change the zoning district of approximately 245.82 acres of property in the same but limited

41 general area. This item was continued to the May quarterly public hearing from the February 27,

42 2012 quarterly public hearing.

43 Craig Benedict introduced this item and made a PowerPoint presentation.

44

45 **Agenda Item C.5**

46 **Eno Township and Economic Development Area**

47 **Land Use and Zoning Amendments**

48

49 **Contextual Plans and Agreements**

- 1 1. 1981 Orange County Land Use Plan map (Durham's Urban Growth Boundary)
- 2 2. 1988-1993 Land Use Elements Updates
- 3 3. 1994 Land Use Plan Map Amendments to Economic Development
- 4 4. 1994-1996 Stoney Creek Basin Small Area Plan
- 5 5. 1996-2001 Water and Sewer Management Planning and Boundary Agreement
- 6 (WASMPBA)
- 7 6. 2006-2009 Eno EDD Area Small Area Plan
- 8 7.a. Orange County/Durham County Utility Service Agreement (2011-2012)
- 9 b. BOCC Consensus to proceed with land use amendments to provide consistency with
- 10 Orange County Land Use and Durham City Urban Growth Boundary – November 2011
- 11

## 12 **OUTREACH MEETING DATES**

### 13 **PUBLIC OUTREACH MEETINGS**

14 **FEBRUARY 22, 2012**

15 **and**

16 **APRIL 25, 2012 - Pictures**

- 17 ○ Rail looking east from Mt. Herman
- 18 ○ Industrial opposite Mobile Home Acres
- 19 ○ Mt. Herman looking north, Caddy Shack on east side, I-85 Overpass in the distance
- 20 ○ Mt. Herman looking south, I-85 in background
- 21 ○ Stonegate MHP off Mt. Herman with Industrial Warehouse use across road
- 22 ○ dac Awnings opposite Stonegate MHP
- 23 ○ Old Hillsborough Road looking east; Whispering Pines on north and some residential
- 24 and undeveloped on South
- 25 ○ Old Hwy 10 from Mt. Herman looking west
- 26 ○ Old Hwy 10 from Mt. Herman looking east
- 27 ○ High Power Transmission Substation off of US 70

### 28 **Eno Neighborhood Meeting**

#### 29 **Citizen Comments**

#### 31 **1. Stoney Creek Basin EDE-1 vs. EDE-2**

32 The EDE-2 is suggested by staff because of the frontage along I-85 and its  
 33 relative isolation between the interstate, Mt. Herman Church Road, railroad  
 34 tracks, and high voltage primary electric transmission lines. The opposite side  
 35 (east) of the road is also presently EDE-2. Also to the east is Existing  
 36 Commercial zoning (EC-5).

#### 38 **2. Resource Protection Areas (RPA)**

39 RPAs are a layer of the land use plan and are still operational in the Unified  
 40 Development Ordinance (UDO) to protect environmental areas (i.e. stream buffers,  
 41 steep slopes, etc.).

#### 43 **3. What is light industrial; compare Orange County and Durham County?**

44 The uses were discussed during the Eno EDD SAP meetings and comparability was  
 45 achieved. Uses are not of the higher impact industrial. List of specific uses were  
 46 added to webpage.

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#### **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:**

- 1           • Agricultural
- 2           • Construction
- 3           • Finance
- 4           • Government
- 5           • Manufacturing, Assembly & Processing
- 6           • Retail
- 7           • Services
- 8           • Transportation
- 9           • Wholesale Trade

10 **EDE-2 Doesn't Allow:**

- 11           • Information
- 12           • Recreation
- 13           • Residential

14

15 **Recommendations**

- 16       1. Receive the proposal to amend:
  - 17           a. Land Use
  - 18           b. Zoning
- 19       2. Conduct the Public Hearing and receive public, BOCC and Planning Board comments,
- 20       3. Refer the matter to Planning Board to be returned for BOCC action by September 6,
- 21           2012,
- 22       4. Adjourn the Public Hearing until September 6, 2012 to receive any written comments
- 23           between May 29, 2012 and Planning Board recommendation.

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25

26           Commissioner Gordon asked why the County was doing the land use amendments and  
27 the zoning amendments.

28           Craig Benedict said that the UDO allows government-initiated amendments to have a  
29 land use and zoning change together. Also, the differentiation between land use and zoning to  
30 the general public is a nuance. For clarity, it is better to bring them forward together.

31 **Public Comment:**

32           Charles Gunter said that he has written a number of letters to the elected officials and  
33 his concern with this matter. He said that he is not opposed to economic development. He has  
34 owned a business for 31 years. This is a heavy construction business. He is concerned that  
35 there are unintended consequences that can occur. He said that Stoney Creek from Gorilla  
36 Materials runs through his property. He does not want to see the County make another mistake  
37 by inviting other businesses that might also follow that same pattern. He asked the Board to  
38 look at this further and to look at the effects that this one business is causing and consider how  
39 other ones like that might affect the people there. He said that in the future it should be  
40 proposed to the public differently. It should be explained and then the questions that should be  
41 asked by the public should also be brought forward. He asked the County to do further  
42 investigation on this.

1 Darcy Willson said that one of the things that concern him is that some residential areas  
2 have been removed and others have not. He said that this does not seem fair. He said that he  
3 would like to be removed as well. He said that the negative financial and social impacts to area  
4 residents are too great to allow this zoning change to move forward. He said that this zoning  
5 change will greatly reduce the buffer between new non-residential development and existing  
6 small residential properties. He said that by incorporating the small residential properties, it will  
7 reduce the required buffers from the current 100 feet to as little as 25 feet. He said that the tax  
8 value of the residential properties will go up and many people will be unable to afford the  
9 increases. The areas affected by this change have a high percentage of affordable housing.  
10 He said that the Eno economic Development District Small Area Plan states that "development  
11 in the Eno Economic Development District is intended to occur under Orange County  
12 development regulations with coordination with the City of Durham." The interlocal agreement  
13 between Orange County and the City of Durham for construction and operation of water and  
14 sewer facilities in the Eno Economic Development zone of Orange County does not include  
15 provisions for this to occur. He said that it needs to be amended so that it complies with the  
16 Eno Economic Development Small Area Plan regarding this matter.

17 Babette Brown lives in Weldon Ridge and her house backs up on Old NC 10. She said  
18 that she is here to voice her concern about the proposed zoning changes. She said that they  
19 moved here because of the rural character and the great school system. She is worried that the  
20 entire character of the area will change, particularly on Old NC 10. She referred to the letter  
21 from Ms. Kelsey (??), which the County Commissioners received. She said that she supports  
22 the points on the character of the rural residential area. She said that this area does not seem  
23 to fit with commercial development. She said that a lot of this seems to be requested to benefit  
24 one or two large landowners. She said that there seems to be some space to do economic  
25 development north of the railroad tracks. She asked about any legal implications for the County  
26 if the property values decrease. She said that she wonders if Commissioner Yuhasz has a  
27 conflict of interest because he also does work for the largest landowner, who was his largest  
28 contributor. He said that one of his other contributors owns Cardesec, the business.

29 Jim Brown said that he agrees with his wife, Babette Brown. He made reference to the  
30 access to I-85 and NC 86 and said that this property has not been used. He made reference to  
31 the impact of high speed rail, which will use the existing tracks. This rail will bisect EDD. He  
32 asked if this has been taken into account.

33 Sarah Glass lives in Weldon Ridge also and has lived there for about a year. She spoke  
34 about the rural character and the close proximity to places like RTP, Duke, Durham, etc. She  
35 said that at the time the house backing up to Old NC 10 was not a big issue. She said that she  
36 did call someone before they bought the house and was assured that there was not going to be  
37 any changes happening around this area in the near future. She said that the Planning Board  
38 has not been forthcoming with information. She said that the negative environmental impacts  
39 need to be explored, especially the species of wildlife. One of the major issues that bother her  
40 is that the proposed changes seem to be driven by some financial interests of a few landowners  
41 in the area. She said that it is not equitable to allow one landowner to benefit at the cost of a lot  
42 of the residents surrounding the area.

43 Oliver Glass (husband of previous speaker) spoke of the rural character of this  
44 development. He said that the proposed amendments to the zoning and land designation will  
45 take away all of the enjoyment living at Weldon Ridge and negatively impact the future of quality  
46 of life of his family. Environmentally, the amendments will destroy the natural habitat of  
47 numerous wildlife species.

1 Matthew Edwards also lives in Weldon Ridge. He thanked Craig Benedict and the  
2 Planning Board for all of the work and for changing the zoning from ED-1 back to R-1.  
3 However, he is concerned with the future land use change because it sets a permanent  
4 precedent. He said that his family decided to move to this area because of the rural character.

5 Robin Jacobs is the Executive Director of the Eno River Association and an Orange  
6 County resident. She came to represent the Eno River Association and herself. She applauded  
7 the Planning staff for modifying the recommendations that were initially made to rezone  
8 property. There are some proposed changes that she thinks are unnecessary. The area that is  
9 proposed to be zoned EDE-2, the more intense zone, is right next to Stoney Creek. She made  
10 reference to Attachment 7-c and said that it shows the boundary of the Stoney Creek Small  
11 Area Plan. This property is in the small area plan for Stoney Creek and that is why it was not  
12 included in the EDD when it was zoned several years ago. It was left out on purpose. She said  
13 that the Stoney Creek Small Area Plan was strictly talking about residential development and  
14 there was nothing about commercial development in there at all. One of the guidelines is  
15 protection of natural terrain and features and sensitive ecological areas including Duke Forest,  
16 wildlife corridors along Stoney Creek, and other identified natural areas. Another one of the  
17 guidelines is protection of the character of existing neighborhoods from incompatible uses,  
18 densities, and direction of growth not rural in character. She pointed out one of the bullets  
19 under that, which says, "no new commercial development in the planning area." This is the  
20 Stoney Creek Overlay area, which is now proposed to go from Rural Residential to EDE-2. She  
21 said that, in reality, there is an agreement that can legally provide for water and sewer, but this  
22 will be really expensive. It means that some developer will have to acquire enough property and  
23 have big enough lands to run the lines all the way into this district, or the County will have to find  
24 the money somewhere. She asked about the EDE-2 at the mobile home park and if that would  
25 make the current use non-conforming.

26 Blythe Ardyson has lived on Mt. Herman Church Road on 13 years. She spoke about  
27 the yellow area, C. She is also concerned about the dark purple areas, A, where commercial is  
28 being brought into residential areas. She said that they moved into this area specifically  
29 because of the rural residential character. She knew that there were commercial centers  
30 nearby when she moved here, but this would change the nature of the neighborhood  
31 tremendously and would hurt the quality of life. She said that her family bikes every weekday  
32 around here and this commercial development would pose a danger. She said that there are  
33 underutilized or not yet developed areas with easy interstate access that are very close by, such  
34 as Waterstone.

35 Janet Arvik lives in Weldon Ridge. She said that this development has become special  
36 in more ways than just being small. She said that it is a mixed age community that gets along  
37 well with all of the neighbors. She asked the Board to please not commercialize the area.

38 Heidi Hackney lives in Weldon Ridge. She read a letter from the Crabtree builders. This  
39 letter was sent to the County Commissioners prior to this meeting.

1           “On behalf of ?? Crabtree Home Building, we would like to express our concerns  
2 regarding the proposed zoning change along Old NC 10 and Orange County. Several years  
3 ago, we chose to develop a small community that would complement the current character of  
4 Old NC 10 and would be important to the long-term land use plan and current zoning. The  
5 neighborhood is called Weldon Ridge and consists of nine homes, each built on one-acre lots.  
6 Those who purchased property in our neighborhood did so because they wished to live in a  
7 rural Orange County neighborhood. The proposed zoning changes, which would allow  
8 numerous enterprises to be established on this rural residential road are simply not consistent  
9 with the character of Old NC 10 and will significantly compromise the charm and appeal of this  
10 part of the County. As a homebuilder, we chose this area in part because of the current zoning  
11 and long-term land use plan. If non-residential entities are allowed to be mixed among homes  
12 along this road, this will seriously compromise home values and severely diminish the desire for  
13 future homebuyers to purchase properties in this part of the County.

14           I would strongly suggest that the County Commissioners, in conjunction with the  
15 Planning Board, retain the current long-term land use plan and current zoning for Old NC 10.

16 Sincerely,

17 Gail Crabtree”

18           Jon Arvik is a retired research scientist and a resident of Weldon Ridge. He said that he  
19 and his wife hope this is their final home in rural Orange County. He said that this zoning  
20 change will cause significant noise and air pollution. He said that the last 30 years of his career  
21 included growth studies in urban, suburban, and rural areas, as well as environmental  
22 management. This experience has led him to express his concerns. His primary concern is the  
23 EDE-2 zoning. The commercial operations that will be permitted here will result in high rates of  
24 particulate, which cause increases in cardiac and respiratory diseases. He is also concerned  
25 about traffic, which could triple or quadruple.

26           Ray Hackney lives in Weldon Ridge. He said that he is concerned about the safety of  
27 their children. In the neighborhood, there are seven children under the age of 8 and more on  
28 the way. The proposed rezoning would bring businesses that could present some hazards for  
29 their children. He urged the Board to reconsider these changes.

30           Chris Kelsey lives along Old NC 10. He spoke to Amendment #3. He said that this is a  
31 beautiful, quiet, historic, rural residential road. He said that Craig Benedict has indicated that it  
32 has been proposed by the Planning Department to retain the rural residential zoning along this  
33 road. He wholeheartedly agreed with this decision. However, it is still proposed to change the  
34 land use classification along Old NC 10 to EDE-2, which allows a number of non-residential  
35 enterprises. This inconsistency will lead to future tension and discord. Furthermore, the  
36 Durham long-term plan calls for the same area in yellow to be residential. This is a discrepancy  
37 between the zoning, the land use plan, and Orange County’s plan and the City of Durham’s  
38 plan. He said that EDE-1 would allow government, real estate, banking, and other commercial  
39 enterprises to be added haphazardly among rural residential neighbors.

40           Christi Kelsey is a stay-at-home mom and she lives in Weldon Ridge. She has three of  
41 the seven children mentioned before. She spoke against the zoning change in this rural  
42 residential area. She said that she grew up in the city where she could easily walk to  
43 commercial industry and she did not feel safe. She said that she moved to Orange County to  
44 get away from this.

1 Emily Bane said that her mother is Dorothy Bane. She said that part of the property that  
2 was removed in the yellow is her family's property and the other part was the mobile home park.  
3 She said that the family is appreciative that the County values the property that her mother sold  
4 that is Weldon Ridge. Her mother has been a wonderful steward of the property in that area  
5 and she is a large landowner. She said that property that is changing, which is Mobile Acres 2  
6 in the B section, does not belong to her mother. She said that this would not be a conflict of  
7 interest. She said that she appreciates everything that Commissioner Yuhasz has done for  
8 them as a surveyor and a friend. She said that the landowners in this area care deeply about  
9 this area.

10 Kristen Smith is the Director of Public Policy and Member Engagement at Chapel Hill-  
11 Carrboro Chamber of Commerce. She is an Orange County resident. She said that she is  
12 representing 1,100 local lawyers who employ about 80,000. She thanked the Board and  
13 encouraged the County Commissioners to continue to strengthen the County's positioning on  
14 availability for economic development, extending a real invitation to businesses to come and  
15 grow in Orange. She said that they support the proposed rezoning and increasing the County's  
16 commercial tax base, reducing the tax pressure on the homeowner, and retaining and recruiting  
17 employers in Orange County, and increasing work opportunity for the children of the community.  
18 She said that Orange County identified EDDs and locations for economic development over 25  
19 years ago and today is the right time to take the steps needed to rezone them for that long plan  
20 and much needed economic development opportunity, including job opportunities.

21 Jennifer Sharpe is a single mom and she pointed to where she lives on the map. She  
22 works for the Orange County Health Department. She lives in her grandmother's house, which  
23 was bought in 1965. She moved there in 2003. She said that she lives exactly halfway on Old  
24 NC 10 and people turn around in her driveway. She said that she has done a lot of research to  
25 oppose this rezoning and said that this road is rich in history.

26 Barbara Robertson said that she did not find out about this except through their neighbor  
27 and they have lived in the neighborhood for 34 years. She spoke about sustainability and said  
28 that the County should really be thinking about this. She spoke against the rezoning.

29 Laura Streitfield was representing the citizens of Preserve Rural Orange. She thanked  
30 the staff for the maps because in the past she has found some of the proposed maps a little  
31 confusing. She said that all of the residential properties should be reconsidered. She has a list  
32 of 137 affected property owners. She said that 500 feet in a rural area is not very much in terms  
33 of who is actually affected. She urged the staff to make sure that everyone that is affected is  
34 contacted before reaching any kind of decision. She said that there needs to be a lot more  
35 information about the purpose for these changes.

36 Todd Orr lives in Weldon Ridge neighborhood. Agreed with his neighbors about the  
37 inconsistency between the land use plan and the zoning does not make sense. He requested  
38 that the section in yellow be removed from the EDD area or create something else besides  
39 EDE-1 or EDE-2. He said that there should be a residential land use plan.

40 Donna Underwood submitted a prepared statement:

41 "I am writing to respond to the rezoning of NC 10. We are a concerned family that lives  
42 at 4010 Old NC 10. We are right beside the middle railroad tressel. We have twin 8 year old  
43 girls and a 15 year old boy. Right now, the speed is 55 mph. I do not let the kids ride the bus,  
44 letting off on the other side, the traffic coming over the hill would not be able to stop.

45 The road is already heavy with traffic, which is not wise to check mail from 3pm – 7pm  
46 daily. Now, there are more and more bicycles sharing the road and they are extremely narrow.  
47 Many would have to be spent to widen the road and widening and raising the railroad tresses.

1 The schools here – New Hope Elementary, Stanback, and Cedar Ridge are our only  
2 schools for this area. They are already crowded, so new ones will have to be built.

3 When I found out about the rezoning that Mrs. Bane wants approved, I became so  
4 stressed with worry. We moved here 15 years to take advantage of the wonderful schools. The  
5 traffic back then wasn't as bad.

6 I know Mrs. Bane has a lot of land and it would benefit her financially. She would break  
7 her land into smaller pieces and sell. It would not benefit any of us. Thank you for reading my  
8 letter since I had to work. Please consider the feelings and safety of the families that live in this  
9 little neighborhood, unless Mrs. Bane is willing to pay for the new roads, tresses, and schools.”

10

11 Commissioner Jacobs asked Craig Benedict to go back to slide 4 (a map of Eno EDD  
12 Area Small Area Plan – Area Perspective). He said that it looks like continuous development  
13 from Hillsborough to the Durham County line.

14 Craig Benedict said that this was a map that came out of the Eno Small Area Plan.  
15 There has been a modification since then with the Strategic Growth Plan with Hillsborough. The  
16 boundary has been contracted and the larger green area is a long-term interest area.

17 Commissioner Jacobs made reference to page 23 and different intensities based on  
18 EDE-1 and EDE-2. He asked about the asterisks next to “services.”

19 Craig Benedict said that “services” means it is not commercial or retail. For example,  
20 banks are in the services category.

21 Commissioner Jacobs made reference to the Eno EDD that was adopted after the small  
22 area planning effort and asked how far west the EDD went.

23 Craig Benedict said that it was suggested to go out to the Stoney Creek Basin. It was  
24 suggested by the small area plan that the area south of Old NC 10 switch to a soft economic  
25 development zoning category.

26 Commissioner Jacobs made reference to page 5 and said that he would like to see links  
27 to the Eno EDD Small Area Plan, the Stoney Creek Basin study, and the City of Durham's  
28 Urban Growth Plan that goes into Orange County.

29 Commissioner Jacobs said that he would also like to see the meeting notes from  
30 February 25<sup>th</sup>. Craig Benedict said that he would provide those.

31 Commissioner Jacobs asked about the comments from citizens about the railroad  
32 crossings and the non-conforming uses. He asked that these questions be answered in writing  
33 when it is discussed by the Planning Board and the County Commissioners.

34 Craig Benedict said that he took notes during the public comment and he will provide the  
35 answers during the Planning Board meeting.

36 Commissioner Jacobs said that he has worked on the NC 57 Small Area Plan, the  
37 Hillsborough EDD, the Buckhorn EDD, and to some extent on the Eno EDD. He said that in  
38 none of those cases did the County go in defiance of the people who lived in the area. He just  
39 wanted to report this to the Board.

40 Commissioner McKee asked about road construction on Old NC 10 and Mt. Herman  
41 Church Road. He said that he understood that this was a sight line improvement and a safety  
42 issue. He does not think it has anything to do with potential development. He asked about  
43 residential development in EDE-2.

1 Craig Benedict said that no new residential development could happen in EDE-2. Any  
2 existing residential development such as the mobile home park would be a legal non-  
3 conforming use.

4 Commissioner McKee asked about the impact of the high speed rail on the crossings.  
5 He asked if these crossings would be closed.

6 Craig Benedict said that he would give formal responses at a later time.

7 Commissioner Gordon reiterated that she would like to have the links to the information  
8 sources and the questions asked by the citizens should be answered formally.

9 Commissioner Gordon asked about the thinking for changing the zoning in these  
10 residential areas.

11 Craig Benedict said that all through the Eno Economic Development Small Area Plan  
12 and going back to the mid-80's, Area 2 was designated as a commercial, non-residential node.  
13 For 30 years, those two areas have been intended for non-residential activity. It was actually  
14 changed so that there could be mixed uses and residential development allowed.

15 Commissioner Gordon said that it would be helpful if some alternatives to the proposed  
16 zoning are given for the Planning Board and the County Commissioners to consider, along with  
17 the pros and cons.

18 Commissioner Yuhasz said that everyone needs to recognize that change will occur and  
19 the alternative to changing some residential areas to commercial use is to maintain exactly the  
20 same kind of residential to commercial tax base that the County currently has. This has been  
21 damaging to the County's ability to provide the services that people want without having an  
22 exceedingly high property tax rate. He said that the County is trying to get a handle on the  
23 property tax rate that every resident of Orange County has to pay. In order to expand the  
24 commercial tax base, the County needs to expand opportunities for commercial enterprises to  
25 locate in the County.

26 Mark Marcoplos said that a couple of people mentioned that they thought the Planning  
27 Board let them down a few years back and did not warn the citizens about things happening in  
28 the neighborhood. He said that the Planning Board had the information when the staff brings it  
29 at the appropriate time. He said that they only got this information a couple of months ago  
30 before the last public hearing.

31 A motion was made by Commissioner Foushee, seconded by Commissioner McKee to  
32 receive this proposal, refer the matter to the Planning Board to return to the Board of County  
33 Commissioners for action by September 6, 2012 and adjourn the public hearing until September  
34 6, 2012 in order to receive any written comments between now and the Planning Board  
35 recommendation.

36 VOTE: UNANIMOUS

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**MINUTES**  
**ORANGE COUNTY PLANNING BOARD**  
**AUGUST 1, 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; 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

**MEMBERS ABSENT:** Tony Blake, Bingham Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Assistant II

**OTHERS PRESENT:** Steve Brantley, Economic Development Director; David L. Neal and Tom O'Dwyer, Commission for the Environment; Phillip Gunther, Darcy Wilson, Jenny Simchock

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

**AGENDA ITEM 2: INFORMATIONAL ITEMS**  
a) Planning Calendar for August and September  
b) August 27, 2012 Quarterly Public Hearing Legal Ad

Tina Love: We have switched to Outlook to create the meeting calendar. The Quarterly Public Hearing location has been changed to Senior Citizens Center at Meadowlands.

Larry Wright: We have to maintain a quorum for each item heard at the quarterly public hearing meetings.

**AGENDA ITEM 3: APPROVAL OF MINUTES**  
**JULY 11, 2012 ORC NOTES**  
**JULY 11, 2012 REGULAR MEETING**

**MOTION** made by to Lisa Stuckey approve the July 11, 2012 ORC meeting notes. Seconded by Maxecine Mitchell.  
**VOTE: UNANIMOUS**

**MOTION** made by Pete Hallenbeck to approve the July 11, 2012 meeting minutes. Seconded by Maxecine Mitchell.  
**VOTE: UNANIMOUS**

Michael Harvey: Reviewed Legal Advertisement for Weekly Homes LLC for Quarterly Public Hearing.

**AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA**

Mark Marcoplos: I think it is important for any board to have a formal process for electing officers. I propose we adopt this process. A month before the election of officers, there is a committee formed of three people. Those people contact all the members on the Board and gauge interest from anyone that would like to serve and gauge support for those people. Most of the time it results in a slate everyone agrees on. It is an open process that is accountable to the public.

Larry Wright: Could you outline that and send it to the Board.

**DRAFT**

55  
56 Mark Marcoplos: This will be my last meeting. I would like to thank everyone for the opportunity to serve.

57  
58 Larry Wright: Could someone spearhead this? I don't want to see it die.

59  
60 Peter Hallenbeck: I will do that.

61  
62 Larry Wright: Mark, I hate to see you go; you have contributed to this Board immensely

63  
64 **AGENDA ITEM 5: PUBLIC CHARGE**

65  
66 **Introduction to the Public Charge**

67 The Board of County Commissioners, under the authority of North Carolina General Statute,  
68 appoints the Orange County Planning Board (OCPB) to uphold the written land development  
69 laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and  
70 harmonious development. OCPB shall do so in a manner which considers the present and  
71 future needs of its citizens and businesses through efficient and responsive process that  
72 contributes to and promotes the health, safety, and welfare of the overall County. The OCPB  
73 will make every effort to uphold a vision of responsive governance and quality public services  
74 during our deliberations, decisions, and recommendations.

75  
76 **PUBLIC CHARGE**

77 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its  
78 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with  
79 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this  
80 public charge, the Chair will ask the offending member to leave the meeting until that individual  
81 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting  
82 until such time that a genuine commitment to this public charge is observed.

83  
84 **AGENDA ITEM 6: CHAIR COMMENTS**

85  
86 Larry Wright: I would like to introduce our newest member, Dr. Dawn Brezina and our Vice-Chair, Pete Hallenbeck. I  
87 will not permit my name to be considered for nomination for Chair next year.

88  
89 Larry Wright: I would like to stress the importance of attendance at the Quarterly Public Hearing. Is everyone  
90 satisfied with the delivery of the agenda? This seems to be working well. I have also asked staff to send a current  
91 list of the Planning Board members.

92  
93 **AGENDA ITEM 7: Comprehensive Plan Future Land Use Map and Zoning Atlas Amendments-** To make a  
94 recommendation to the BOCC government-initiated amendments to the Comprehensive Plan  
95 Future Land Use Map of approximately 493.5 acres in the vicinity of the Interstate 85/Us  
96 Highway 70 interchange (in the vicinity of the Eno Economic Development District near the  
97 eastern county line) and to change the zoning district of approximately 180± acres of  
98 property in the same but limited general area. This item was heard at the May 29, 2012  
99 quarterly public hearing after being heard at the February 27, 2012 quarterly public hearing.  
100 Presenter: Craig Benedict, Planning Director

101  
102 Craig Benedict: Presented Eno Economic Development District (EDD) Area Land Use and Zoning Amendments.

103  
104 Larry Wright: On page 47, the handwritten letter, this person and a number of people were concerned about traffic.  
105 One thing that comes to mind is that Commissioner Yuhaz said that things were going to change here which means  
106 traffic will change. There will be an impact on Highway 10 and the trestle. How does NCDOT and the railroad come  
107 together to handle a situation like this?

108

**DRAFT**

109 Craig Benedict: Orange County has a good relationship with NCDOT. On a regular basis, we analyze the speeds of  
110 a road based on activities built on property accessing the road. There will be no commercial traffic, which has a  
111 higher trip generation than office traffic. The majority of the commercial activity will be on Highway 70. We will work  
112 with NCDOT to analyze the increase in traffic and if we find out turning is difficult, right or left turn lanes can be put in  
113 or the blinking light could turn into a regular light.

114  
115 Larry Wright: She also talks about the railroad trestle. Did you have any comments on the railroad situation?

116  
117 Craig Benedict: There may be restrictions of truck traffic. There can be additional signage. We will address it with  
118 NCDOT and our partners at the NC Railroad Division.

119  
120 Larry Wright: There is also a letter from Dr. Arvik. When NCDOT announced the extension of Highway 147, there  
121 was an outcry and a lot of opposition. They tried to stop it and they could not. NCDOT did put it through. We do  
122 have an EDD and it is part of the 2030 Comprehensive Plan and there will be commercial traffic there. It is realistic  
123 for the town to conduct essays as requested and monitor them forever?

124  
125 Craig Benedict: The state regulates air quality. Occasionally, they do put monitoring stations through the state. We  
126 will contact them to get a baseline. We have a program through the Durham/Orange County/Chapel Hill MPO to  
127 make traffic work better. We will monitor air quality based on traffic situations and they can pick up background that  
128 is not associated with transportation that would be associated with an area. We will not be mandating these  
129 particular stations to be put in.

130  
131 Larry Wright: For example, if it does get into Orange area, there would not be any way to mitigate it?

132  
133 Craig Benedict: Mitigation due to transportation, there are programs that can be brought forward, i.e. Commuter rail.  
134 When you look at air quality, you focus on development in one area and relieving the burden in other areas.

135  
136 Johnny Randall: When you have a Code Orange and the primary pollution is ozone is not particulates.

137  
138 Craig Benedict: You are familiar with our Environment and Resources Conservation Department that monitors the  
139 level in wells.

140  
141 Johnny Randall: I read the letters and many seemed to be valid concerns. If there is a parcel for sale in this area  
142 and a real estate agent doesn't want to advertise this is an EDD area is there a way that the public can be flagged  
143 that alerts them to this potential.

144  
145 Craig Benedict: The only flag is if they look at the website, speak with staff, or comes to our office. Largely, it is up  
146 to the realtors.

147  
148 Mark Marcoplos: In thinking of the whole concept of the EDD and how the people who live near them, how they have  
149 learned about them, fifteen years ago, we were talking about EDD and what to do with them and the sense was we  
150 couldn't do much. They were just there.

151  
152 Craig Benedict: They originated in 1994. Prior to that, there were Commercial Industrial Transition Nodes and  
153 Commercial Nodes so this EDD theme in 1994 was a reinvention of what had been there.

154  
155 Mark Marcoplos: So these districts are sitting there and someone could easily buy a home there and no one would  
156 know. It seems we have accepted something that was drawn on the map and kept in an office somewhere and now  
157 we are getting ready to impose zoning on these areas. I think it is a problem. There should be signs to let people  
158 know they are entering into a zone. I think it is up to the County and not the realtor.

159  
160 Maxecine Mitchell: Being a licensed realtor myself, the law, we have to make sure the property can be used for what  
161 the buyer wants to use it for and secondly to look into upcoming changes that may affect the use of the property.

**DRAFT**

162 One thing we do run into is if a realtor has a person who works for them and may not necessarily be a licensed  
 163 realtor and not be held to the same standard. Will they share the same information with you? May or may not.

164  
 165 Craig Benedict: All counties in North Carolina don't have a land use plan or zoning. It is something new.

166  
 167 Johnny Randall: This would be a great field trip site.

168  
 169 Andrea Rohrbacher: I would be curious to know about signage if I had a home in the area and it was developed for  
 170 one of the permitted uses, will I have an ugly sign near my home.

171  
 172 Craig Benedict: Any site plan that comes forward to develop in this area would have to adhere to our sign code.

173  
 174 Maxecine Mitchell: I have driven US 10, could they reduce the speed?

175  
 176 Craig Benedict: We do have a meeting with NCDOT we discuss the safety uses.

177  
 178 Lisa Stuckey: When you go from Agricultural to EDE-1, are the property values affected?

179  
 180 Craig Benedict: They stay the same until people start selling their land and someone thinks it is more valuable.

181  
 182 Peter Hallenbeck: There is nothing more dangerous than buying a house. There are many issues. The letters we  
 183 have here are people currently living here and the task is to figure out a balance between future directions with the  
 184 people who are already there. There was a similar issue when I was on the Efland Small Area Plan where residents  
 185 were concerned about Economic Development. One thing that came out is that even though this area is planned for  
 186 this doesn't mean it will happen overnight. If you are in a house and something comes up next to you the buffer is  
 187 larger. We have the state and its rules and the county is not in a position to do anything about that. The people who  
 188 are on the fringes of these falls back to when does it happen, when do you get the development and what are the  
 189 buffers? I do like Old NC 10 being moved up to the railroad tracks and keeping that residential because I think that  
 190 addressed some of the concerns. In fire department districts, depending on which side of the road you live on  
 191 depends on which fire department you get. Having Old NC 10 as a boundary is odd because if you are on one side,  
 192 it is residential and the other is business.

193  
 194 Craig Benedict: The procedure is during the public hearing process, individuals can contribute their thoughts about  
 195 the application and by the Planning Board meeting, and they submit material in writing. If you would like to speak to  
 196 a specific point you have submitted it in writing, you are allowed to speak.

197  
 198 Larry Wright: I am confused with the Commercial Node to Economic Development and the use EDE1 and EDE2.

199  
 200 Discussion about maps and colors.

201  
 202 **MOTION** made by Alan Campbell to approve the resolution as proposed by the planning staff for the future land use  
 203 map changes. Seconded by Buddy Hartley.

204 **VOTE: PASSED 10-1 (MARK MARCOPILOS OPPOSED)**

205  
 206 Mark Marcoplos: I am not comfortable with doing this so soon in the process. I think there is a lot more that needs to  
 207 be heard from the neighbors. There is too much energy in the community that doesn't understand or approve.

208  
 209 Maxecine Mitchell: I need some clarification. I sort of agree with him but I was going to wait for the zoning part  
 210 because that is where the particulars come in. Land use is a broad use and you have the particulars the individual  
 211 has to meet when they come to the BOCC and the Planning Board.

212  
 213 Craig Benedict: The zoning will say how high, how far from the property lines based on this ED1 category.

214

**DRAFT**

215 Maxecine Mitchell: Would that address the concern Dr. Arvik about the air quality, would that come into play during  
216 the zoning part.

217  
218 Craig Benedict: It if is a special use permit, in and EDE1 category, we have performance standards. Does it address  
219 to the complete degree in the letter, probably not. We will discuss with the air quality division of DENR about how  
220 those issues could be researched and address.

221  
222 Peter Hallenbeck: This is all about page 26.

223  
224 Dawn Brezina: Could you state what we are voting on?

225  
226 Craig Benedict: We are voting to change 159 acres from RR to EDE-1 for the Area A zone.

227  
228 Rachel Hawkins: Is anything there now?

229  
230 Craig Benedict: There are residential structures. They can remain as long as they would like and are consistent with  
231 the zoning category.

232  
233 **MOTION** made by Lisa Stuckey to approve the Area A from R-1 to EDE-1 for approximately 159 acres. Seconded by  
234 Buddy Hartley.

235 **VOTE: PASSED 9-2(MARK MARCOPLOS/MAXECINE MITCHELL OPPOSED)**

236  
237 Mark Marcoplos: I could get comfortable with most of these changes if I knew the community was on board with  
238 them as well and I am not convinced they are and it is an unwise decision to make such changes against the will of  
239 the community.

240  
241 Maxecine Mitchell: The same concerns for me. I would like to be sure they are comfortable with the response from  
242 staff.

243  
244 **Agenda Item 8: Outline and Brief Discussion of Future Goal Setting Meetings and Coordination with**  
245 **Advisory Boards (this will be a full agenda item in Sept-Oct)**

246 **Presenter:** Larry Wright, Planning Board Chair and Craig Benedict, Planning

247  
248 Craig Benedict: Each year, the BOCC asks the different advisory boards about some of the work products they have  
249 had in the previous year and what they look forward to doing in the upcoming year. In my conversations with the  
250 chair, to align some of our priorities with some of the other advisory boards, we will probably formulate how we can  
251 get together with some of the others before we all throw in 10 things we would like done to the BOCC to meet ahead  
252 of time and see if we can find some priorities to meet multiple goals and boards. If we get a more compact list that  
253 crosses these lines we may be more affective in achieving them in the coming year. In September, we will be talking  
254 about formulating our future work plan and trying to meet with some of the other boards to see if there is something  
255 mentioned in the Comprehensive Planning process and the Unified Development process that would meet their  
256 interest we can have a sufficient program to achieve some things in the coming year.

257  
258 Larry Wright: In our discussions, I am very sensitive to people's time here. It is a volunteer board. There will be a lot  
259 of work to be done as we go through zoning. My term expires in March and this will fall on many of you. How do we  
260 bring all these silos together? The rules and procedures, it states the meetings start at 7:30 and end at 10:30. Since  
261 we start at 7:00 I am going to make sure you are out of here, unless there is a serious issue, by 10:00.

262  
263 Lisa Stuckey: Are you suggesting that we are getting into this is a little beyond our purview would take a lot of time?

264  
265 Larry Wright: I am not saying that at all. I am not addressing any particular issue.

266

RESOLUTION # RES-2012-075

## A RESOLUTION AMENDING THE 2030 COMPREHENSIVE PLAN FUTURE LAND USE MAP

WHEREAS, Orange County initiated an amendment to the Orange County 2030 Comprehensive Plan Future Land Use Map, as established in Section 2.3 of the Orange County Unified Development Ordinance (UDO), to reclassify areas within the Eno Township, and

WHEREAS, these land use amendments are further described as follows:

- I. Change 55.9 acres of property from the current land use designation of Commercial Node to 10-Year Transition involving properties with the following Orange County Parcel Identification Numbers (PIN):

9893910204	9893902442	9893700229	9893806742	9893806227
9893809927	9893804345	9893803290	9893902746	9893707211
9893803906	9893809399	9893802155	9893803793	9893805573
9893801992	9893705268	9893808198	9893700687	9893705584
9893709834	9893911241	9893700118	9893902655	9893800468
9893708847	9893912145	9893805077	9893804588	9893706488
9893902848	9893818273	9893808086	9893704588	9893808442
9893805724	9893902959	9893816073	9893803070	9893801473
9893705742	9893815030	9893806885	9892890994	9893707483
9893706647	9893900936	9893704736	9892797873	9893704315
9893809760	9893800876	9893703663	9892793874	9893700421
9893803661	9893808846	9893700525	9893809478	9893704381
9893809650	9893902340	9893902544	9893801306	9893708160
9893703339	9893807204	9893807766	9893805331	9893709160
9893806076	9893900119	9892793773	9893702648	9893708389
9893901121	9893800151	9893817195	9893802646	9893706244
9893703073	9893705048	9893804918	9893707652	9893703272
9892891986	9893703193	9893707829	9893708557	9893901232
9892798990	9892795738	9893807847	9893709563	9893801153
9893807291	9892797963	9893703811	9893807469	9893707016
9893707198	9892793983	9893809890	9893806572	9893804073
9893902164	9892795910	9893800735	9892799992	9893700007
9892699764	9892790923	9892892988		

and further described as 'Area 1' on maps provided to the Orange County Board of Commissioners at its February 27, 2012 and May 29, 2012 quarterly public hearings and their September 6, 2012 regular meeting.

- II. Change 130.8 acres of property from the current land use designation of Commercial Node to Economic Development involving properties with the following Orange County Parcel Identification Numbers (PIN):

0803002614	9892998862	0803100109	9893604939	9893909606
9893608557	0803007438	0802092905	9893618051	9893608242
0803207282	0803004553	0803100055	9893603521	0803102261
0803107244	9892996872	0803001017	9893602164	0802394949
0803307352	9892699764	9892798476	9892790923	0803003547
0803006178	9892894495	9892990026	0803303393	0803109390
0802093923	0803300153	9892892121	0802094831	0803104242
0803202254	0802090955	9892991685	9892698891	9892895043
0803101210				

and further described as 'Area 2' on maps provided to the Orange County Board of Commissioners at its February 27, 2012 and May 29, 2012 quarterly public hearings and their September 6, 2012 regular meeting.

- III. Change 181.3 acres of property, including 125.5 +/- acres of interstate and rail corridor right-of-way, from the current land use designation of Rural Residential to Economic Development involving properties with the following Orange County Parcel Identification Numbers (PIN):

9892691494	9892693355	9893302785	9893333390	9893202889
0803307443	9892698435	9893501063	0803307352	9893403551
9892599833	9892696503	9892593907	9893214750	
9892594954	9893229506	9893524275	9893313471	
9892596828	9893420409	9892691711	9893313471	

and further described as 'Area 3' on maps provided to the Orange County Board of Commissioners at its February 27, 2012 and May 29, 2012 quarterly public hearings and their September 6, 2012 regular meeting.

and

WHEREAS, the requirements of Section 2.3 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, the Board finds that the Future Land Use Map amendments will carry out the intent and purpose of the adopted Eno Economic Development District (EDD) Area Small Area Plan and is internally consistent with the 2030 Comprehensive Plan, or part thereof, including, but not limited to, the following:

Principle 7: Promotion of Economic Prosperity and Diversity

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.

Objective ED-2.5: Identify lands suitable to accommodate the expansion and growth of commercial and industrial uses.

Objective ED-2.9: Consider industrial sites in Agricultural-Residential areas along the U.S. 70/I-85 highway and rail corridor.

Objective ED-2.10: Extend public water and sewer into all three Economic Development Districts.

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.

Objective LU-3.5: Encourage energy and water use in an efficient manner by industries and encourage energy efficient industries to locate or expand in the County in Rural Industrial, Commercial/Industrial, and Economic Development Nodes.

Objective LU-3.6: Establish consistency between the Land Use Plan and the Water and Sewer Management Planning and Boundary Agreement and Map.

Objective LU-3.8: Develop a process for implementing small area plan recommendations through the revision of County policies and regulations, and

WHEREAS, the amendment is consistent with the Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA).

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Orange County, North Carolina, that the Future Land Use Map, provided in Chapter 5 of the Land Use Element of the 2030 Comprehensive Plan, is hereby amended as described herein.

Upon motion of Commissioner \_\_\_\_\_, seconded by  
Commissioner \_\_\_\_\_, the aforementioned 2030  
Comprehensive Plan Future Land Use Map amendments were adopted this the  
\_\_\_\_\_ day of \_\_\_\_\_, 2012 and shall become effective upon  
adoption.

\_\_\_\_\_  
Donna Baker, Clerk, Orange County Commissioners

Ordinance #: ORD-2012-036

## AN ORDINANCE AMENDING THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has initiated amendments to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the proposed amendments, and impacted properties, are identified as follows:

- I. The following Parcel Identification Numbers (PIN), comprising approximately 159 acres or property, changed from R1 (Rural Residential) to EDE-1 (Economic Development Eno Lower Intensity) and as further denoted on maps labeled 'Area A' within the Orange County Board of County Commissioners September 6, 2012 agenda packet:

### R1 to EDE-1

Pin	Acres	Pin	Acres	Pin	Acres
0802090955	1.33	0803102261	0.67	9892894495	6.42
0802092905	2.29	0803104242	1.01	9892895043	0.8
0802093923	1.37	0803107244	1.37	9892990026	1.82
0802094831	1.16	0803109390	0.92	9892991685	20.48
0802394949	6.48	0803202254	7.18	9892996872	2.38
0803001017	0.23	0803207282	5.87	9892998862	3.52
0803002614	2.44	0803300153	2.13	9893602164	5
0803003547	1.26	0803307352	0.17	9893603521	4.99
0803004553	1.13	0803307443	0.22	9893604939	4.67
0803006178	1.33	9892698891	0.03	9893608242	3.22
0803007438	4.29	9892699764	2.13	9893608557	3.16
0803100055	5.85	9892790923	2.17	9893618051	7.21
0803100109	0.37	9892798476	9.9	9893909606	2.73
0803101210	0.4	9892892121	0.41	ROW	28.74
				<b>TOTAL</b>	<b>159.25</b>

- II. The following 20.9 acres or right-of-way, changed from R-1 (Rural Residential) to EDE-2 (Economic Development Eno Higher Intensity) and denoted on maps labeled 'Area B' within the Orange County Board of County Commissioners September 6, 2012 agenda packet:

### R1 to EDE-2

PIN	Acres
ROW	20.98
	20.98

and,

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, 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 aforementioned parcels to consistent with the information contained herein.

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

Ordinance #: ORD-2012-037

## AN ORDINANCE DENYING AMENDMENT TO THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has initiated amendments to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the proposed amendments, and impacted properties, are identified as follows:

- I. The following Parcel Identification Numbers (PIN), comprising approximately 159 acres or property, changed from R1 (Rural Residential) to EDE-1 (Economic Development Eno Lower Intensity) and as further denoted on maps labeled 'Area A' within the Orange County Board of County Commissioners September 6, 2012 agenda packet:

### R1 to EDE-1

Pin	Acres	Pin	Acres	Pin	Acres
0802090955	1.33	0803102261	0.67	9892894495	6.42
0802092905	2.29	0803104242	1.01	9892895043	0.8
0802093923	1.37	0803107244	1.37	9892990026	1.82
0802094831	1.16	0803109390	0.92	9892991685	20.48
0802394949	6.48	0803202254	7.18	9892996872	2.38
0803001017	0.23	0803207282	5.87	9892998862	3.52
0803002614	2.44	0803300153	2.13	9893602164	5
0803003547	1.26	0803307352	0.17	9893603521	4.99
0803004553	1.13	0803307443	0.22	9893604939	4.67
0803006178	1.33	9892698891	0.03	9893608242	3.22
0803007438	4.29	9892699764	2.13	9893608557	3.16
0803100055	5.85	9892790923	2.17	9893618051	7.21
0803100109	0.37	9892798476	9.9	9893909606	2.73
0803101210	0.4	9892892121	0.41	ROW	28.74
				<b>TOTAL</b>	<b>159.25</b>

- II. The following 20.9 acres or right-of-way, changed from R-1 (Rural Residential) to EDE-2 (Economic Development Eno Higher Intensity) and denoted on maps labeled 'Area B' within the Orange County Board of County Commissioners September 6, 2012 agenda packet:

### R1 to EDE-2

PIN	Acres
ROW	20.98
	20.98

and,

WHEREAS, pursuant to Sections 1.1.5, 1.1.7, and 2.8 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds there is insufficient documentation within the record supporting the proposed atlas amendment or that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof. and

BE IT ORDAINED by the Board of Commissioners of Orange County that the proposed Orange County Zoning Atlas, as detailed herein, is denied.

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

RES-2012-077

**RESOLUTION CONCERNING  
STATEMENT OF CONSISTENCY  
OF A PROPOSED ZONING ATLAS AMENDMENT  
WITH THE ADOPTED  
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Orange County has initiated amendments to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the proposed amendments, and impacted properties, are identified as follows:

- I. The following Parcel Identification Numbers (PIN), comprising approximately 159 acres or property, changed from R1 (Rural Residential) to EDE-1 (Economic Development Eno Lower Intensity) and as further denoted on maps labeled 'Area A' within the Orange County Board of County Commissioners September 6, 2012 agenda packet:

**R1 to EDE-1**

Pin	Acres	Pin	Acres	Pin	Acres
0802090955	1.33	0803102261	0.67	9892894495	6.42
0802092905	2.29	0803104242	1.01	9892895043	0.8
0802093923	1.37	0803107244	1.37	9892990026	1.82
0802094831	1.16	0803109390	0.92	9892991685	20.48
0802394949	6.48	0803202254	7.18	9892996872	2.38
0803001017	0.23	0803207282	5.87	9892998862	3.52
0803002614	2.44	0803300153	2.13	9893602164	5
0803003547	1.26	0803307352	0.17	9893603521	4.99
0803004553	1.13	0803307443	0.22	9893604939	4.67
0803006178	1.33	9892698891	0.03	9893608242	3.22
0803007438	4.29	9892699764	2.13	9893608557	3.16
0803100055	5.85	9892790923	2.17	9893618051	7.21
0803100109	0.37	9892798476	9.9	9893909606	2.73
0803101210	0.4	9892892121	0.41	ROW	28.74
				<b>TOTAL</b>	<b>159.25</b>

- II. The following 20.9 acres or right-of-way, changed from R-1 (Rural Residential) to EDE-2 (Economic Development Eno Higher Intensity) and denoted on maps labeled 'Area B' within the Orange County Board of County Commissioners September 6, 2012 agenda packet:

**R1 to EDE-2**

PIN	Acres
ROW	20.98
	20.98

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 sufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan, as amended, or part thereof including but not limited to, the following:

- a. The Land Use Element Map.
- b. Chapter 3 – Economic Development, including:
  1. **Objective ED 1.1:** Focus public education efforts on sustainability issues, looking at the social, economic and environmental contributions of local businesses.
  2. **Objective ED 1.2:** Form partnerships both within and outside the County to create a stronger business climate and market the changes to existing and potential employers.
  3. **Objective ED 2.1:** Encourage compact and higher density development in areas served by water and sewer.
- c. Chapter 4 – Housing Element, including:
  1. **Objective H-1.5:** Ensure that a variety of housing types can be developed throughout the County in a sustainable manner that locates housing near employment centers and commercial centers and that efficiently uses existing and planned public services.
  2. **Objective H-1.6:** Promote innovative approaches to housing that are responsive to the needs of Orange County, maintain quality and human scale, increase energy efficiency, and reduce construction and maintenance costs.
  3. **Objective H-3.3:** Expand assistance in the retrofitting, repair, and maintenance of existing homes owned by financially challenged households, particularly those that are senior citizens.
- d. Chapter 5 – Land Use Element, including:
  1. **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.
  2. **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.

3. **Objective LU-4.1:** Support the use of individual manufactured housing units as a useful housing resource in the County by increasing the opportunities where these units can locate by right.

e. Chapter 6 Natural and Cultural Systems Element, including:

1. **Natural and Cultural Systems Goal 1:** Energy conservation, sustainable use of non-polluting renewable energy resources, efficient use of non-renewable energy resources, and clean air.
2. **Natural and Cultural Systems Goal 6:** Sustainable quality and quantity of ground and surface water resources.
3. **Natural and Cultural Systems Goal 7:** A balanced and healthy diversity of native plant and animal populations.
4. **Natural and Cultural Systems Goal 8:** Networks of protected natural, cultural, and agricultural lands.

f. Chapter 8 Services and Facilities Element, including:

1. **Objective WW-2:** Coordinate the provision of potable water and sanitary sewer services with the County's Land Use Plan and Orange County-Chapel Hill-Carrboro Joint Planning Agreement and Land Use Plan, targeting these services to urban, transitional, and economic development

and,

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonable and in the public interest as it promotes public health, safety, and general welfare by adopting the goals and purposes of the 2030 Comprehensive Plan or part thereof,

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be consistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

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

**RES-2012-078**

**RESOLUTION CONCERNING STATEMENT OF  
INCONSISTENCY OF A PROPOSED ZONING ATLAS AMENDMENT  
WITH THE ADOPTED  
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Orange County has initiated amendments to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the proposed amendments, and impacted properties, are identified as follows:

- I. The following Parcel Identification Numbers (PIN), comprising approximately 159 acres or property, changed from R1 (Rural Residential) to EDE-1 (Economic Development Eno Lower Intensity) and as further denoted on maps labeled 'Area A' within the Orange County Board of County Commissioners September 6, 2012 agenda packet:

**R1 to EDE-1**

Pin	Acres	Pin	Acres	Pin	Acres
0802090955	1.33	0803102261	0.67	9892894495	6.42
0802092905	2.29	0803104242	1.01	9892895043	0.8
0802093923	1.37	0803107244	1.37	9892990026	1.82
0802094831	1.16	0803109390	0.92	9892991685	20.48
0802394949	6.48	0803202254	7.18	9892996872	2.38
0803001017	0.23	0803207282	5.87	9892998862	3.52
0803002614	2.44	0803300153	2.13	9893602164	5
0803003547	1.26	0803307352	0.17	9893603521	4.99
0803004553	1.13	0803307443	0.22	9893604939	4.67
0803006178	1.33	9892698891	0.03	9893608242	3.22
0803007438	4.29	9892699764	2.13	9893608557	3.16
0803100055	5.85	9892790923	2.17	9893618051	7.21
0803100109	0.37	9892798476	9.9	9893909606	2.73
0803101210	0.4	9892892121	0.41	ROW	28.74
				<b>TOTAL</b>	<b>159.25</b>

- II. The following 20.9 acres or right-of-way, changed from R-1 (Rural Residential) to EDE-2 (Economic Development Eno Higher Intensity) and denoted on maps labeled 'Area B' within the Orange County Board of County Commissioners September 6, 2012 agenda packet:

**R1 to EDE-2**

PIN	Acres
ROW	20.98
	20.98

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 not submitted sufficient documentation denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, and

WHEREAS, the Board has found the proposed zoning atlas amendment is not reasonable and is not in the public interest as it will not promote public health, safety, and general welfare,

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be inconsistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan, is not reasonable, and is not in the public interest as it will not promote the public health, safety, and general welfare, and the BOCC hereby adopts this statement of inconsistency signifying same.

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

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** Review of the Interim Report from the Historic Rogers Road Neighborhood Task Force

---

**DEPARTMENT:** Solid Waste Management

**PUBLIC HEARING: (Y/N)**

No

**ATTACHMENT(S):**

Historic Rogers Road Neighborhood Task Force Interim Report

**INFORMATION CONTACT:**

Frank Clifton,  
County Manager, 245-2300  
Gayle Wilson, Solid Waste  
Management Director, 968-2885  
Michael Talbert,  
Assistant County Manager, 245-2308

**PURPOSE:** To review the Interim Report from the Historic Rogers Road Neighborhood Task Force dated August 22, 2012.

**BACKGROUND:** Beginning in 1972 the landfill was opened by the Town of Chapel Hill and in 1999 Orange County assumed ownership and operation of the Eubanks Road Landfill. The Historic Rogers Road Community has lived with the Orange County Landfill for 40 years. The Community is geographically split by the Towns of Chapel Hill and Carrboro. Orange County as the current owner/operator of the Landfill is taking the lead to make remediation improvement to the Historic Rogers Road Community.

On May 17, 2011 the Board received a plan from the Rogers-Eubanks Neighborhood Association (RENA) recommending actions to mitigate the long and short term impacts of Orange County's Landfill and Solid Waste operations on the health, safety and welfare of the Historic Rogers Road – Eubanks Road Community.

On January 26, 2012 the Board and the Town Boards discussed the extension of sewer service and a community center for the Historic Rogers Road Community. County and Town Attorneys have concluded that utilization of Solid Waste reserves to extend sewer service to the Historic Rogers Road Community is not consistent with North Carolina General Statutes and would subject the local governments to legal challenges. Therefore, funding for either the extension of sewer services and/or a community center will have to come from the County's and Towns' other general revenue sources.

On February 21, 2012 the Orange County Board of Commissioners authorized the creation of a new Historic Rogers Road Neighborhood Task Force to address sewer service and a community center and approved the Task Force's charge. The composition of the Task Force was to include two members appointed by each Town (Chapel Hill and Carrboro); two members appointed from

the County; and two members appointed from Rogers Eubanks Neighborhood Association (RENA).

Appointed Task Force Members:

David Caldwell:	RENA
Robert Campbell:	RENA
Valerie Foushee:	Orange County
Pam Hemminger:	Orange County
Michelle Johnson:	Carrboro
Sammy Slade:	Carrboro
Penny Rich:	Chapel Hill
James Ward:	Chapel Hill

### **Charge of the Historic Rogers Road Neighborhood Task Force**

The Charge for the Historic Rogers Road Neighborhood Task Force is to investigate and make recommendations to the Board of County Commissioners, the Chapel Hill Town Council and the Carrboro Board of Alderman for neighborhood improvements including funding sources and the financial impact to the County & Towns, for the following:

1. Sewer Service to the Historic Rogers Road Neighborhood as defined by the previously approved public water connections in the area.
2. A Neighborhood Community Center.

The Task force is also directed to:

- a. Submit an Interim Report back to the County and the Towns by the end of August, 2012 and;
- b. Submit a Final Report to the Assembly of Governments on December 6, 2012.

The attached Historic Road Neighborhood Task Force Interim Report was approved by the Task Force on August 22, 2012.

**FINANCIAL IMPACT:** The financial impact of funding improvements recommended by the Historic Rogers Road Neighborhood Task Force is uncertain until its final report to the Assembly of Governments on December 6, 2012. The Board of Commissioners approved a \$120,000 Reserve for the Rogers Road Community Center, included in the County's fiscal year 2011/12 Budget.

**RECOMMENDATION(S):** The Manager recommends that the Board review the Interim Report from the Historic Rogers Road Neighborhood Task Force and provide guidance to the Task Force.

**Historic Rogers Road Neighborhood Task Force  
Interim Report**

**August 22, 2012**

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### APPENDICES

- A. Report of the Rogers-Eubanks Area Survey Well and Septic System Assessment
- B. Hogan-Rogers House Preservation Project
- C. Habitat for Humanity Letter dated May 14, 2012.

## **INTRODUCTION**

In 1972, the north side of Eubanks Road became the site of a solid waste landfill operated by the Town of Chapel Hill. Orange County assumed operational control of the landfill as the result of an August 17, 1999 agreement between the Towns (Chapel Hill, Carrboro, and Hillsborough) and the County. The Historic Rogers Road Community has lived with this landfill for 40 years. Over many years, residents representing the Rogers Road area have voiced concerns about various operational elements associated with the landfill and the impact on the Rogers Road Neighborhood. The Neighborhood is geographically split by the Town of Chapel Hill Joint Planning Transition Area and Town of Carrboro. Orange County, as the current owner/operator of the landfill, is taking the lead to make remediation improvement to the Historic Rogers Road Community.

A number of local government initiatives have been implemented to improve the quality of life in the Rogers Road Community and they are as follows:

1. The Solid Waste Fund paid \$650,000 to extend public water service by the Orange Water and Sewer Authority (OWASA) to the Rogers Road area.
2. Solid Waste installed gas flares to reduce odors.
3. The Town of Chapel Hill initiated bus service on Rogers Road.
4. Orange County initiated a no-fault well policy to deal with failing drinking water wells remaining in the adjoining neighborhoods.
5. The Orange County Board of Commissioners approved the appropriation of \$750,000 from the Solid Waste Fund Balance in the Fiscal 2011/12 Annual Budget to establish a Rogers Road Remediation Reserve Fund and established a \$5.00 tipping fee surcharge per ton as long as the landfill is operational to fund the Rogers Road Remediation Reserve Fund. The surcharge generated \$216,462 for Fiscal 2011/12 and is estimated to create \$222,500 for Fiscal 2012/13, which will bring the total amount available for the Rogers Road Remediation Reserve Fund to \$1,188,962.
6. A partnership with Orange County and the University of North Carolina created a Landfill Gas to Energy Project that commenced operation on January 6, 2012 and will have an immediate and noticeable impact on the odor created by the operation of the landfill. The project will further provide a long-term renewable energy source to UNC, reducing dependence on increasingly expensive fossil fuels, and reduce carbon emissions.
7. On October 4, 2011 the Orange County Board of County Commissioners authorized staff to proceed with a "one-time" effort to clean-up illegal dump sites within three-fourths of one mile of the landfill boundary, at no cost to the individual property owners.

At the January 26, 2012 Assembly of Governments meeting, the Orange County Board of Commissioners and the Town Boards discussed the extension of sewer service and a community center for the Rogers Road Community. County and Town Attorneys have concluded that use of Solid Waste reserves to extend sewer service to the Rogers Road

Community is not consistent with North Carolina General Statutes and would subject the local governments to legal challenges. Funding for a community center does not have a relationship to Solid Waste and could not be funded from Solid Waste reserves. Therefore, funding for either the extension of sewer services and/or a community center will have to come from the County's and Towns' other general revenue sources. There was also significant discussion on January 26 regarding the creation of a task force to address the issues.

On February 21, 2012 the Orange County Board of Commissioners authorized the Creation of a new Historic Rogers Road Neighborhood Task Force to address sewer service and a community center. The composition of the Task Force was to include two members appointed by each Town (Chapel Hill and Carrboro); two members appointed from the County; and two members appointed from Rogers Eubanks Neighborhood Association (RENA).

#### Appointed Task Force Members:

David Caldwell:	RENA
Robert Campbell:	RENA
Valerie Foushee:	Orange County
Pam Hemminger:	Orange County
Michelle Johnson:	Carrboro
Sammy Slade:	Carrboro
Penny Rich:	Chapel Hill
James Ward:	Chapel Hill

#### **Charge of the Historic Rogers Road Neighborhood Task Force:**

The Charge for the Historic Rogers Road Neighborhood Task Force is to investigate and make recommendations to the Board of County Commissioners, the Chapel Hill Town Council and the Carrboro Board of Aldermen for neighborhood improvements including funding sources and the financial impact to the County & Towns, for the following:

1. Sewer Service to the Historic Rogers Road Neighborhood as defined by the previously approved public water connections in the area.
2. A Neighborhood Community Center.

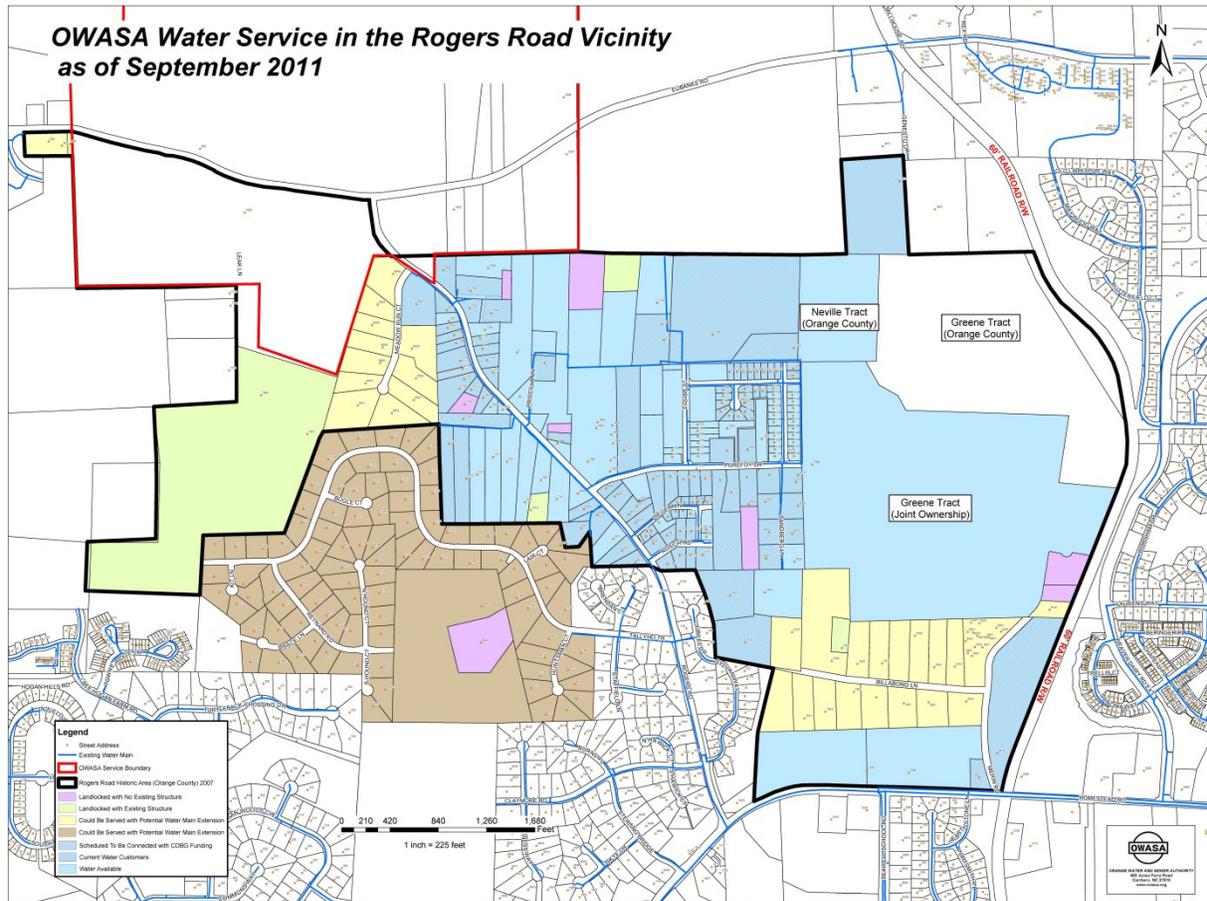
The Task force is also directed to:

- a. Submit an Interim Report back to the County and the Towns by the end of August, 2012 and;
- b. Submit a Final Report to the Assembly of Governments on December 6, 2012.

Approved by the Board of County Commissioners on February 21, 2012

**Boundaries of the Historic Rogers Road Neighborhood:**

The Historic Rogers Road Neighborhood Task Force approved that the Neighborhood be defined as the area identified by the September, 2011 map identifying available water service and approved for water service improvements by the Orange County Board of Commissioners on October 4, 2011. ***See below, OWASA Water Service in Rogers Road Vicinity as of September, 2011 Map.***



## **SEWER SERVICE**

The first charge of the Historic Rogers Road Neighborhood Task Force is to investigate the possibility of providing sewer service to the Historic Rogers Road Neighborhood as defined by the previously approved public water connections in the area.

### **Assessment of Septic System Service in the Rogers Road Neighborhood:**

The County completed a survey of the Rogers Road Neighborhood in February, 2010. **See Appendix A.** The Orange County Health Department, along with RENA, the UNC School of Public Health, and Engineers Without Borders, participated in a survey of wells and septic systems. There were forty-five (45) septic systems included in the survey, and twelve (12) were failing at that time. Of the twelve malfunctioning septic systems, seven (7) were further classified as maintenance-related failures, while five (5)

were found to be end-of-life failures. Further investigation revealed that for the five end-of-life failures, there was no suitable soil for an on-site repair.

The Environmental Health Department revisited the five properties and discovered that two of the properties are vacant, two are seasonal failures, and one has had patchwork done on it, but not a long-term solution. All of the five septic systems identified would benefit from the installation of a public sewer system.

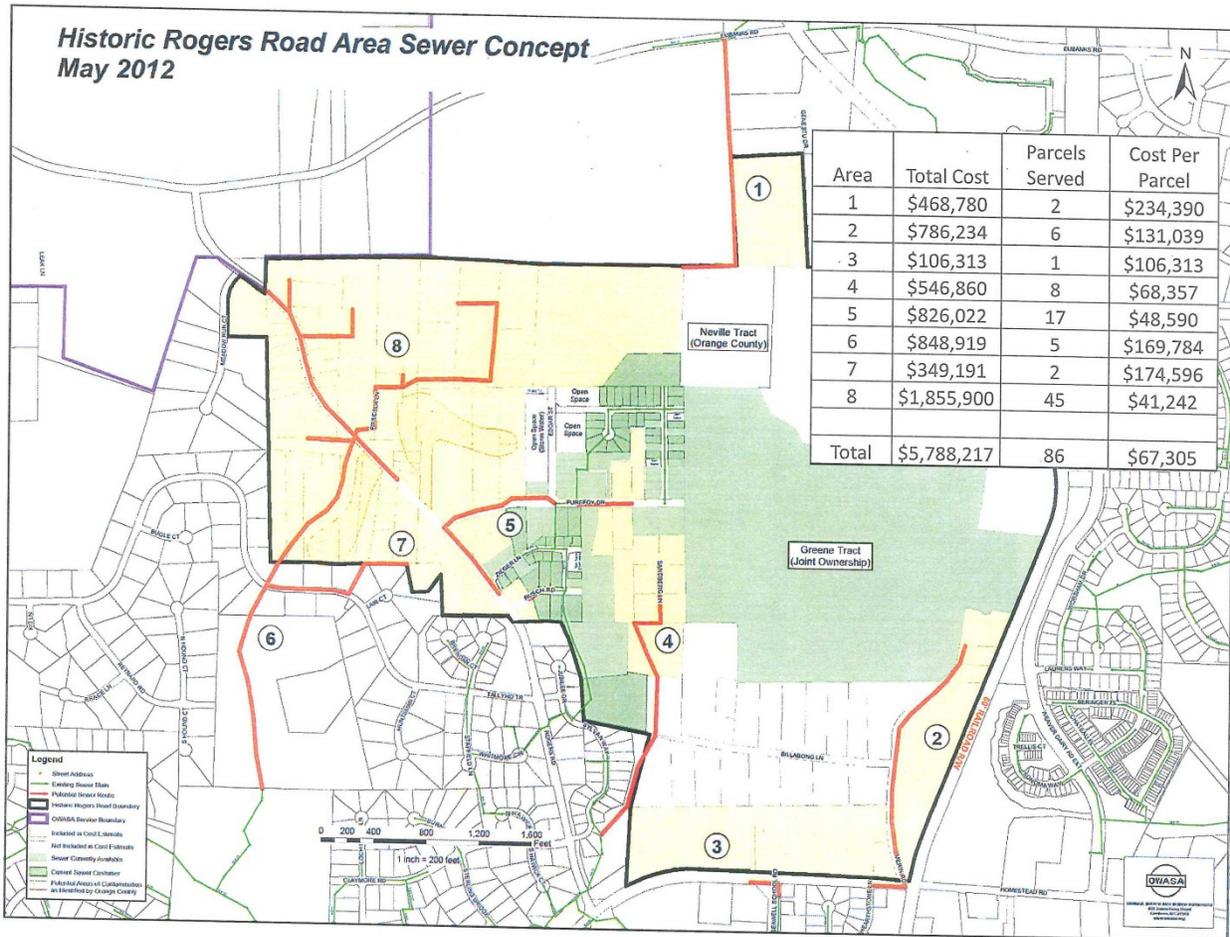
In 2011, Orange County received \$75,000 in Community Development Block Grant (CDBG) funds for the infrastructure hookups in the Rogers Road Neighborhood. In order to receive connection, the homes had to be close enough to an existing water and/or sewer line so that no extension of service lines would be required for connection. Additionally, homeowners had to meet certain income eligibility requirements. There have been five homes connected to Orange Water and Sewer Authority) OWASA sewer as a result of this grant.

#### **OWASA Sewer Concept Plan:**

OWASA is the water & sewer utility for the area and as such, it investigated the concept of providing sewer service as part of the Town of Chapel Hill's Rogers Road Small Area Plan. On February 8, 2011 OWASA provided an updated concept plan and cost estimate for the Rogers Road Small Area Plan Study Area for \$3.4 million. This early concept plan was completed based on the Chapel Hill Small Area Plan which is a geographically different area than the Historic Rogers Road Neighborhood sewer concept. There is also some difference in routing some of the main outfalls. In the current estimate, OWASA needed to avoid the area of contamination coming out from the Carrboro section that required more line with deeper excavation. Most importantly, in the earlier estimates the availabilities fees were not included or the cost of extending a lateral from the main line to the property

On May 16, 2012 OWASA staff provided a concept plan, layout, and cost estimate for providing sewer service to the area that was delineated by the Historic Rogers Road Neighborhood Task Force at the April 30, 2012 meeting. The concept plan is the most efficient way to serve the defined Rogers Road Neighborhood and does not consider adjoining neighborhoods. ***See below, the Historic Rogers Road Area Sewer Concept May, 2012 Map.*** All the green areas show where sewer service is already available. The dark green areas are parcels that have connected to the OWASA service. The light green areas have not connected. The 86 parcels in yellow are the properties that would be served by the conceptual sewer layout. The concept map also breaks down the sewer service into 8 sub-areas with the number of parcels served and cost per parcel. The 8 red lines represent the possible sub-areas of the sewer infrastructure that could

be considered, if the entire concept project is not feasible. The sewer infrastructure routing was estimated based on the topography taken from maps rather than from any field work. In order to get to a greater level of detail or certainty on the cost, some field work would be required. There are two brown areas on the map that the County has identified as some subsurface disposal or some suspected contamination. Without any further investigation, the sewer line has been routed no closer than 100 feet of that margin.



The total construction and installation cost for the concept level sewer is approximately \$5.8 million. **See the table below.** It would serve 86 additional parcels of land. The concept costs include construction, engineering design, administrative and contingency for possible rock. The topography of the neighborhood is complex and the land falls in several different directions. This concept plan does not include the costs of any property acquisitions or easement acquisitions. The availability hookup charge for each of the parcels is based on an assumed average house size of 2,500 square feet. When a customer connects to the OWASA water and sewer system, there is a one-time fee that is estimated to be \$4,300 for the concept plan.

Cost estimate Summary:

Engineering , Design and Permitting	376,350
Construction Cost	3,763,506
Construction Administration	188,175
Construction Inspection	188,175
20% Contingency	903,241
Sub Total	5,419,447
Service Availability Fees	368,768
Total	5,788,215

The concept does not include the cost to actually connect individual homes to the sewer system. Those costs will vary on the configuration of the lot and the distance from the house to the main sewer line. Those costs are typically the costs of the homeowner and are estimated to be about \$20/foot. The connections to an individual house would be provided by a private plumbing contractor.

The next step to move the concept plan forward would be to begin the preliminary engineering and design work. Engineers would be hired to take this concept, go out in the field and start the process of data collection and defining the details of the concept. OWASA has estimated the preliminary engineering costs would be \$376,350. That is a rough estimate based on what is known of the area so far. A completed preliminary engineering and design will be necessary to complete a Community Development Block Grant application.

***Sewer Recommendations:***

The Task Force has discussed all or part of the proposed \$5.8 million dollar sewer concept plan, but has not yet recommended moving forward with this concept plan, pending an agreement on a cost sharing plan for sewer improvements.

## **Grant Opportunities for Sewer Infrastructure:**

The Task Force explored several grant opportunities to fund the sewer improvement for the Rogers Road Neighborhood. The Task Force was furnished a list of possible grant opportunities from RENA including the following:

- Community Development Block Grants
- Department of Health and Human Services
- Department of Housing and Urban Development
- Environmental Protection Agency
- Federal Highway Funds
- Clean Water Trust Fund
- Bernard Allen Fund

These are mostly federal grant opportunities which are administered through the State. After reviewing all of the grant opportunities the Task Force was able to identify only two possible grants to fund sewer infrastructure, a Community Development Block Grant or a Clean Water Trust Fund Grant.

### ***Community Development Block Grant***

Orange County has to access Community Development Block Grant (CDBG) dollars through the State of North Carolina. That is a competitive process. Within the CDBG grant program, there is a category known as "Infrastructure Program". In that category, funding is available up to \$1 million to communities that have infrastructure needs. The operative word is "need". To access those funds, because they are competitive, any application will have to be able to demonstrate need. Another issue is that the State has focused on water projects, which it considers to be a priority over sewer. Where it does fund sewer projects there has to be a demonstrated need for connection to a public sewer system. Someone would have to document that need in the community. The State primarily looks to the local environmental health department to make that assessment. When talking about sewer projects, normally there is some documentation of a major problem such as with failing septic systems.

To qualify to compete for CDBG funds, a letter of interest will be due in early February 2013. The letter must include the engineering report and project documentation defining the needs of the community. That letter, along with a list of committed local government funding sources to complete the project, are necessary before submitting the CDBG application. The amount of local government matching funds required varies from county to county. The CDBG process evaluates the local government's perceived ability to pay. A low-wealth county would have a lower ability to pay versus what the state perceives to be a high-wealth county. The county's employment rate and the per

capita income are important components in a highly competitive grant process. However, early information from CDBG for the coming grant year is that individual grants of up to \$750,000 dollars may be available.

Last year, Orange County applied for and received funds for individual residential hookups in the Rogers Road Neighborhood (\$75,000). Since that time, some water and sewer connections were completed, but the County was able to do that only because water and sewer infrastructure was already in place. There were a few houses in the community that were adjacent to existing water or sewer lines that were connected, and the occupants were low-income. (They had an income of less than 50% of area median income). It will be difficult for Orange County to compete for these resources, and it depends on who else is applying in a given year and what the pool of funding is going to be. All other things equal, Orange County would have difficulty competing with other areas because the County is considered a wealthy county and is not economically distressed.

To qualify today, the families or individuals that live in this area have to meet an income standard which is 50% of the median family income. (For example: the median annual income for a family of four is around \$64,000, so to qualify a family in this area would have to have an annual income of no more than \$32,000). The County has basically funded most of the individuals that meet that standard, and have already connected them to water and sewer. Finding additional property owners that meet that income cutoff would be difficult. There are not that many home owners in the Rogers Road Neighborhood that are going to meet that income qualification.

The Task Force is looking at a total project cost of \$5.8 million. A CDBG could cover roughly twelve percent of the total estimated costs. The CDBG of \$750,000 will require 5% matching funds of \$37,500. In the community development criteria, the areas that CDBG's are willing to fund are water first and sewer second. A CDBG is much more inclined to fund a collaborative effort between units of local government, such as this project. This collaboration would have a higher priority than any one government acting independently. There are some pre-grant application costs that would be incurred on the front end of the process. The Task Force is searching for local funding of \$5 million even if the project could qualify for a CDBG.

#### ***Clean Water Trust Fund Grant:***

The North Carolina General Assembly has expressed an interest in funding more water and sewer projects, and has designated \$17 million for infrastructure projects. The maximum grant amount per project is \$750,000. There will likely be some consideration to raising that limit for future years because most projects cost a million dollars or more, although this year it remains at \$750,000. The priorities will be for projects that have

the severest need. The State looks at percent of low/moderate income benefit in a project area; with the minimum benefit being 70%. At least 70% of the residents in any designated area must be low or moderate income. The residents living in the Rogers Road Neighborhood that need public sewer service will not likely meet the income requirements to qualify for this grant.

***Dedicated Federal Funding:***

Congressman David Price's office has been contacted about a possible Economic Development Incentive (EDI) grant or a Stag Grant. Orange County utilized such a grant for the Efland sewer project. Several years ago, the County was eligible to apply for \$500,000 dollars or more through that type of process. At this time, however, the rules have changed and EDI grants are not allowing for infrastructure projects. These grants can no longer be earmarked for a specific project, which was done for the Efland sewer project.

**NEIGHBORHOOD COMMUNITY CENTER:**

The second assignment of the Historic Rogers Road Neighborhood Task Force is to investigate the possibility of providing a Neighborhood Community Center to the Historic Rogers Road Neighborhood.

**Hogan-Rogers House:**

The Preservation Society of Chapel Hill compiled a report on the historic Hogan-Rogers House as a potential Neighborhood Community Center for the Historic Rogers Road Neighborhood, ***see Appendix B.***

The St. Paul A.M.E. Church has purchased the Hogan-Rogers House and property surrounding it in order to build a new church complex on the site. Plans call for removal and/or demolition of this historic house as early as 2013. The Preservation Society began working with the Rogers-Eubanks Neighborhood Association, St. Paul Church, and Habitat for Humanity to relocate and restore this home that holds over 170 years of history for Chapel Hill's white and black community. Currently, the house is listed on the North Carolina State Historic Preservation survey conducted in 1999.

Habitat for Humanity has graciously indicated its support by donating two lots to relocate the home. The historic home would have to be renovated and used as a center for neighborhood programs and activities. Habitat's support for the home's relocation and restoration is contingent on a commitment of funding allocated to the Rogers Road Neighborhood to complete the project, ***see Appendix C.***

Blake Moving Company, Inc. presented an estimate of \$740,499 *see **Estimated presented to Rogers Road Task Force below***, for the relocation of the Hogan-Rogers home to Purefoy Drive. Habitat has determined that the first two lots in the Phoenix Place subdivision, which are at the corner of Purefoy Drive and Edgar Street, would be the best location for the relocation of the structure. Blake presented examples of historical structures that the company has successfully moved.

Blake's assessment of the historic home is that structure is sound, some repairs need to be made after it is moved, and there will not be any issues with the relocation of the home. An architect/engineer will have to be engaged to design the foundation of the relocated structure and remodeling of the interior of the home.

St. Paul A.M.E. Church is completing the permitting and compliance phase of the project and anticipates getting through that process by late fall. The Church will go through the bidding process to select a site work contractor probably in late August/early September. The site work would start the latter part of the year depending on the weather. The phasing for building and construction for the buildings will not start until the first of the next year at the earliest.

The Church will work with the Rogers Road Neighborhood to relocate the Hogan-Rogers House. Gloria Shealy, Project Manager has requested a timeline to relocate to the adjacent site. Because the Church is anxious to begin construction as soon as possible, time is of the essence to relocate the Hogan-Rogers House.

### **Construction of a New Facility:**

If it is not feasible or practicable to move and restore the Hogan-Rogers House, the Historic Rogers Road Neighborhood Task Force is investigating the possibility of constructing a new Community Center on the two lots donated by Habitat for Humanity. Habitat will support the construction of a new facility if the facility is used as a center for neighborhood programs and activities. The donated site could support a facility of up to 3,000 Sq. Ft. with an estimated budget of \$500,000. Habitat's support for the community center will be contingent on a commitment of funding allocated to the Rogers Road Neighborhood to complete the project.

A proposed community center must meet NC State Building Code and obtain a Building Permit. The Town of Chapel Hill advises consulting an architect/design professional on the cost and specific code requirements. In addition, the site layout must receive zoning approval and meet the Chapel Hill Land Use Management Ordinance requirements regarding site layout and process.

Estimate presented to Rogers Road Task Force on 06/06/12

Blake Moving Company, Inc. submits the following estimate for the relocation of the Hogan-Rogers home on Purefoy Drive. This estimate also includes site prep, footing, foundations, remodeling costs and additions.

1. Relocation- Includes all prep work to prepare the dwelling for relocation. Relocation of the home with the home being left in a level position over a footing at basement height.	\$39,860.00
2. Grading for the route- Includes placement of a 2 foot pipe in a drain ditch. Placing compactable fill over the pipe and adjacent area. Removal of debris from the route and existing site, including back room, trees, and foundation debris.	\$11,160.00
3. Excavation of topsoils at new site. Furnishing compactable fill to raise the house site up to 2.5 feet. Compacting fill including engineering fees:	\$21,230.00
4. Footings, foundations, basement slab- Footings = width 2', depth 10" (includes horizontal rebar). Foundations include a 12" reinforced wall on the front and sides. Porch includes foundation from basement depth due to compaction issues and relocation process. Front sidewalks included. French drains and waterproofing.	\$60,243.00
5. Backfill of topsoil against front and side walls. Side slopes to be tapered.	\$5,250.00
6. Remove back porch Removal of debris included in #2. Remove vinyl siding, Remove shingle siding. Putty all nail holes, repair lap siding, repair improper framing.	\$65,000.00
7. Remove vinyl shingle siding, repair nail holes in lap siding, paint outside of dwelling	\$35,000.00
8. Remove roof – re-sheet and install new roof	\$40,000.00
9. Restructure and rebuild front porch	\$15,000.00
10. Replace windows	\$21,250.00
11. New plumbing 3 levels	\$30,000.00
12. Remove old plaster, install and finish sheet rock	\$40,000.00
13. Repair and refinish all wood floors	\$20,000.00
14. Allowance for appliances	\$30,000.00
15. New cabinets throughout house	\$120,000.00
16. New doors front and back	\$7,500.00
17. New addition	\$80,000.00
18. Mechanical (HVAC, duct work, etc.)	\$48,000.00
19. Electrical rewiring	\$51,000.00
Total	\$740,499.00

***Neighborhood Community Center Options:***

On June 27, 2012 the Task Force approved the following recommendations:

1. The Task Force recommends that the Hogan-Rogers House be saved to be used for a Community Center in the Historic Rogers Road Neighborhood.
2. That the County be asked to increase the amount of funding that has already been budgeted to relocate the Hogan-Rogers House from \$120,000 to \$202,743. This amount will fund removing the back porch, grading, excavation of the new site, footings, foundation, and basement slab. ***See Hogan – Rogers House Minimum Restoration Costs below.***

On August 22, 2012 the Task Force endorsed investigating the construction of a new Community Center.

1. The Task Force is investigating the possibility of constructing a new Community Center on the two lots donated by Habitat for Humanity. Habitat will support the construction of a new facility if the facility is used as a center for neighborhood programs and activities. The donated site could support a facility of up to 3,000 Sq. Ft. with an estimated budget of up to \$500,000.

### Hogan - Rogers Hosue Minimum Restoration Costs

Blake Moving Company, Inc. submits the following estimate for the relocation of the Hogan-Rogers home on Purefoy Drive. This estimate also includes site prep, footing, foundations, remodeling costs and additions.

1. Relocation- Includes all prep work to prepare the dwelling for relocation. Relocation of the home with the home being left in a level position over a footing at basement height. \$39,860.00
  2. Grading for the route- Includes placement of a 2 foot pipe in a drain ditch. Placing compactable fill over the pipe and adjacent area. Removal of debris from the route and existing site, including back room, trees, and foundation debris. \$11,160.00
  3. Excavation of topsoils at new site. Furnishing compactable fill to raise the house site up to 2.5 feet. Compacting fill including engineering fees \$21,230.00
  4. Footings, foundations, basement slab- Footings = width 2' , depth 10" ( includes horizontal rebar) . Foundations include a 12" reinforced wall on the front and sides. Porch includes foundation from basement depth due to compaction issues and relocation process. Front sidewalks included. French drains and waterproofing. \$60,243.00
  5. Backfill of topsoil against front and side walls. Side slopes to be tapered. \$5,250.00
  6. Remove back porch. Removal of debris included in # 2. Remove vinyl siding, Remove shingle siding. Putty all nail holes, repair lap siding, repair improper framing. \$65,000.00
- Total minimum restoration costs \$202,743

## **FINANCIAL IMPACT AND COSTS SHARING OPTIONS**

The Task Force has consensus that there are needs in the Rogers Road Neighborhood that should be addressed by the Task Force. The Task Force has investigated two possible solutions in the Rogers Road Community and the estimated costs are as follows:

***Installing sewer infrastructure for 86 defined parcels in the Rogers Road Neighborhood***

**\$ 5,788,215**

***Relocating and Renovating the Hogan-Rogers House for a Neighborhood Community Center***

**\$ 740,499**

**Total Financial Impact                    \$6,528,714**

The Task Force is investigating and evaluating five different cost sharing options for the Rogers Road Neighborhood as outlined below:

1. The first option is based on the Municipal Solid Waste (tonnage) delivered to the Landfill by each municipality during Fiscal 2010/11.
2. The second option is based on the original Landfill Agreement between the Towns and the County dated November 30, 1972.
3. The third possible solution is based on County and Town populations. This is the method the Board of County Commissioners has selected to distribute Sales Tax revenues between the County and the Towns.
4. The fourth options is based on County and Towns Ad Valorem Property Taxes Levied by each municipality for Fiscal 2011/12. This is an alternative method the Board of County Commissioners could consider to distribute Sales Tax revenues between the County and the Towns.
5. The fifth possible solution is based on County and Town populations. This option is not weighted and uses only the rural population of Orange County compared to the Towns.

***See the Spreadsheet:***

Rogers Road Neighborhood Task Force  
 Cost Sharing Options  
 8/22/2012

	1 Fiscal 2010/11 MSW Volume		2 1972 Landfill Agreement	
	Tons/Yr.	Percent	Annual Payment	Percent
Carrboro	6,650	19%	\$ 29,524	14%
Chapel Hill	15,008	42%	\$ 90,549	43%
Hillsborough	3185	9%		
Orange County	<u>10,497</u>	<u>30%</u>	<u>\$ 90,549</u>	<u>43%</u>
<b>Total</b>	<b>35,340</b>	<b>100%</b>	<b>\$ 210,622</b>	<b>100%</b>

	3 County Population Est. Sales Tax Distribution Method		4 Fiscal 2012/13 Ad Valorem Property Tax	
	Population	Percent	Property Tax Levy	Percent
Carrboro	19,665	9%	11,611,958	5%
Chapel Hill	54,582	25%	34,116,234	16%
Special Districts			235,387	0%
Durham	30	0%	49,416	0%
Hillsborough	6,113	3%	4,705,799	2%
Mebane	1,801	1%	1,114,495	1%
Orange County	134,325	62%	136,382,728	64%
School District			19,260,309	9%
Fire Districts	-	-	<u>3,979,116</u>	<u>2%</u>
<b>Total</b>	<b>216,516</b>	<b>100%</b>	<b>211,455,442</b>	<b>100%</b>

	5 County Population Est. Fiscal 2012/13	
	Population	Percent
Carrboro	19,665	15%
Chapel Hill	54,582	41%
Durham	30	0%
Hillsborough	6,113	5%
Mebane	1,801	1%
Orange County	<u>52,134</u>	<u>39%</u>
<b>Total</b>	<b>134,325</b>	<b>100%</b>

### ***Cost Sharing Recommendations:***

On August 22, 2012 the Task Force approved the following recommendation:

The Task Force recommends that the County and Town Managers collectively discuss and formulate a fair and equitable cost sharing recommendation for the Task Force to consider. Options 2 & 4 are no longer being considered by the Task Force, therefore the recommendation should be based on options 1, 3, and /or 5. The cost sharing recommendation will be reviewed by the Task Force and could be applied to funding Sewer Infrastructure and a Community Center.

### **POTENTIAL NEXT STEPS:**

Formulate recommendations to the Board of County Commissioners, Chapel Hill Town Council and the Carrboro Board of Aldermen on the following unresolved issues:

1. Providing sewer service to the Rogers Road Neighborhood as defined in the Task Force Charge.
  - a. Determine which grant opportunities are possible and probable and worthy of consideration.
  - b. Agree collectively on costs sharing and possible funding sources.
2. Moving and renovation of the Hogan-Rogers House for a Neighborhood Community Center.
  - a. Define a moving and renovation project team.
  - b. Create a timeline for moving and renovating the house.
  - c. Create and approve a capital and/or operating budgets for the Community Center
  - d. Agree collectively on costs sharing and possible funding sources.
3. Complete investigating is the possibility of constructing a new Community Center on the two lots donated by Habitat for Humanity.
  - a. Create and approve a capital and/or operating budgets a new Community Center
  - b. Create a timeline for constructing a new Community Center.
  - a. Agree collectively on costs sharing and possible funding sources.
4. Agree on a strategy to educate and promote the recommendations of the Historic Rogers Road Neighborhood Task Force to all three local governments.

# Report of the Rogers – Eubanks Area Survey Well and Septic System Assessment Orange County NC



**Prepared by:  
Orange County Health Department  
February 2010**

## **Rogers – Eubanks Area Survey Report Well and Septic System Assessment Orange County NC**

### **Background**

In June of 2009, Orange County was pursuing an application for Community Development Block Grant funding from the State of North Carolina for sewer infrastructure improvements to the Rogers Road neighborhood. The Orange County Health Department (OCHD) was asked to provide a statement of need based on reports of widespread septic system failures in this area. Although there had been multiple surveys in the past in this area regarding well water quality, there had been no survey of septic system performance. The University of North Carolina (UNC) and the Rogers Eubanks Neighborhood Association (RENA) had earlier conducted a collaborative investigation of water quality, however those results were not available for consideration. A statement was submitted by the Orange County Health Department; however it lacked important information that could only be provided by conducting an on site survey of septic system performance and failure rates.

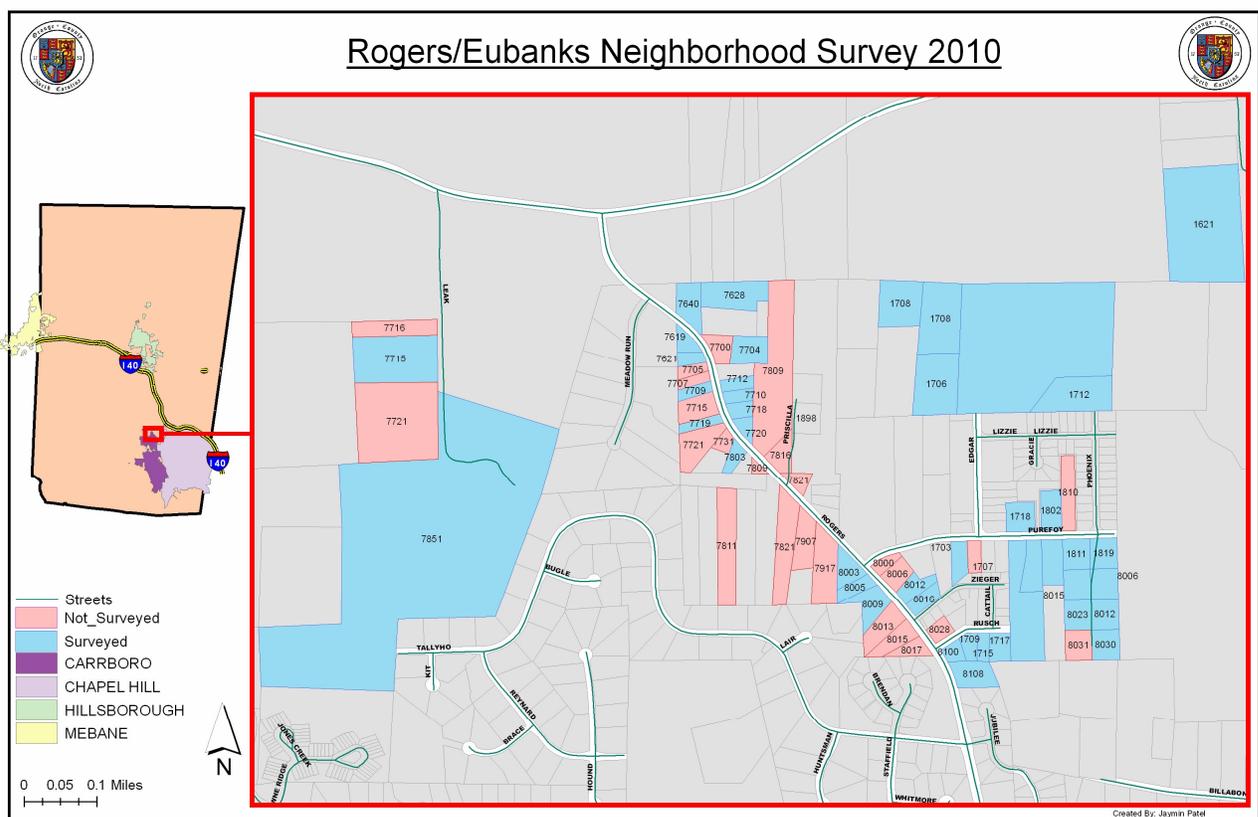
Staff met several times in 2009 with representatives of RENA, UNC student chapter of Engineers without Borders, UNC Epidemiology Department, and others to explore the neighborhood's concerns and to eventually plan a survey of wells and septic systems. In October of 2009, Minister Robert Campbell submitted a request to the Orange County Health Director on behalf of RENA to conduct a survey of the area to document well and septic system failures. In November the Board of County Commissioners approved funding to pay for water sampling costs for the survey. Staff subsequently received approval for reimbursement of the sampling costs to be paid by the state's Bernard Allen Memorial Emergency Drinking Water Fund.

### **Geographical Description**

The Rogers- Eubanks community is located in southeastern Orange County and borders the northern boundaries of the towns of Chapel Hill and Carrboro. The area is primarily residential with a mixture of rental homes and owner-occupied homes. The one non-residential property is a church. The homes in the defined survey area are located along both sides of Rogers Rd, Purefoy Drive, Rusch Rd, Leak Lane, and Sandburg Lane. An additional single property is accessed from Eubanks Rd. The neighborhood is characterized as predominantly African-American residents with 85% of the survey respondents reporting an income level ranging from very low to moderate.

The area is bordered to the north by the Orange County Landfill which lies on the north and south<sup>24</sup> side of Eubanks Road. The area defined as the “historic” Rogers Road neighborhood is abutted by recent and ongoing development of new homes by Habitat for Humanity. These new neighborhoods are served by public water and sewer utilities provided by Orange Water and Sewer Authority (OWASA). The existing water utility lines already reach out into the survey area, however not all residences are connected to public water. OWASA sewer mains route through the southeast portion of the neighborhood to access the Habitat for Humanity developments. Six of the properties located along Purefoy Drive may soon be able to access the newly constructed sewer line. Minor extensions of the sewer line in this area could serve at least 11 other properties. Homes in the majority of the survey area along Rogers Road do not have access to this sewer line due to topography.

The terrain is gently sloping (5% or less) with broad ridges, minor drainageways, and intermittent streams. Soils on the upland areas are well drained and principally in the Georgeville-Herndon series with approximately 10% of the area consisting of the Appling series. These soils are generally considered moderately suitable for septic systems.



## Survey Design

Following the RENA request to the Health Director for a survey, a “task group” was formed that included representatives or visitors from;

- Orange County Health Department
- Orange County Housing and Community Development
- RENA
- Epidemiology Department at the Gillings School of Global Public Health-UNC
- Environmental Science and Engineering Department at the Gillings School of Global Public Health

- UNC Student Chapter of Engineers without Borders (EWB)
- UNC Center for Civil Rights
- The Orange County Board of County Commissioners
- The Town of Carrboro, OWASA, and other interested parties.

Defining the survey area was left to RENA and the EWB members. The area was defined as those homes within the “Historic Rogers Road Neighborhood” served by individual septic systems. Initially the area was thought to contain 85 homes with septic systems of which 36 homes were served by individual wells. Refinement of the data and field verification showed that there are 70 occupied homes served by septic systems and of these, 25 have private wells.

It was decided that an application must be submitted by each homeowner in order to participate in the survey. This would assure that entry onto the property was acknowledged by the owner. A cover letter explaining the purpose of the survey was prepared as well. RENA members were instrumental in distributing the applications and collecting them as well as gathering information for the Community Development Block Grant (CDBG) application. In the end, 45 applications were submitted and eleven of these homes were served by private water supply wells.

Obtaining applications in advance also allowed OCHD staff to prepare file folders prior to the survey containing information about the location, age, and type of septic systems, site plans, and other information pertaining to water samples and wells.

Survey teams were formed, each consisting of a RENA member, an EWB member, and an OCHD staff member. The teams were responsible for completing the four main components of the survey:

- Administration of the homeowner questionnaire
- Assessment of the wells with regard to protection from contamination
- Collection of water samples for those homes served by a well
- Evaluation of the septic tank and classification of its performance

The questionnaire contained the following elements

- Site information, including an approximated age of the septic system and well.
- Resident information, including demographics related to wasteflow expected from the home.
- Home details including number of people and the rental status.
- Reports of problems with drinking water for those on a well.
- Homeowner reports of septic system performance, including tank pump-out history, backups or other malfunctions.

## **Staffing Logistics**

The actual field portion of the survey took four and one-half days to complete. Survey teams were formed from three to four OCHD staff members, six EWB members, three RENA representatives, and an epidemiology department representative. 286 person-hours were logged in the field assessment portion of the survey. At least that many additional hours are estimated for the preparation, planning, data management, and reporting. The RENA members spent countless hours attending meetings, distributing applications and collecting survey forms.

# Water Quality Assessment

## Objectives

- To determine the degree to which water supply wells are protected against contamination. The evaluation will identify any deficiencies with the well heads with respect to proper well protection components (seals, vents, casing height) and with location of the wells.
- To determine the quality of water at each well supplying the homes. Wells will be tested for parameters that are related to health risks as well as for aesthetic qualities. Wells that are no longer used for drinking water supplies are not included in the survey.

## Methodology

All households in the survey area who completed and returned an application were included in the assessment. Of the potential 25 wells in the defined area, 11 applications were received.

The sampling collection included analyses of

- Total and fecal coliform bacteria
- Inorganic chemicals
- pH and turbidity
- Pesticides
- Volatile organic compounds and Petroleum
- Nitrates and Nitrites

Chain of custody for the samples was assured by direct delivery of all samples to the NC Laboratory of Public Health in Raleigh. As lab analyses were reported from the lab, the results were entered into a master spreadsheet.

## Water Sampling Results

### Bacteriologic Quality

Of the 11 wells sampled:

- **one sample showed presence of total coliform bacteria**
- **two samples showed presence of fecal coliform bacteria**
- **eight samples tested negative for coliform bacteria**

**Coliform bacteria**, while not pathogenic in and of itself, is used as indicator bacteria for the presence of harmful bacteria. The presence of coliform bacteria indicates that surface water contamination is present in the well, either through a shallow, unprotected vein of water (generally less than 60 feet from the ground surface), or from an inadequate length of casing or other well construction deficiency. For drilled wells, the casing is the metal pipe that extends from the ground surface and goes into solid rock (bedrock) to seal out the shallow groundwater, which is poor in quality. Hand-dug wells and bored wells rely on shallow groundwater and commonly contain coliform bacteria. Shallow wells are also more prone to going dry or getting muddy during extended periods of drought. For these reasons, current Orange County well construction standards require at least 63 feet of casing on all new drilled wells.

**Health effects** – Because coliform is used as an indicator of contamination, a well with persistent coliform bacteria or with fecal coliform bacteria present should be considered an unsafe source of drinking water. The presence of coliform indicates that conditions are favorable for the presence of other bacteria that can cause health problems such as diarrhea, upset stomach, cramps, and vomiting.

**Remedial action** -When coliform bacteria is present, the well should be chlorinated thoroughly and retested. If total coliform bacteria return after this treatment, the owner may attempt to repair the well by installing a liner, or may install a treatment system on the well, typically a chlorinator or ultraviolet light disinfection unit. If the well exhibits persistent fecal coliform, the well should either be replaced or repaired with a liner.

**Observed incidence of bacteria in wells in Orange County** – A sampling of 1500 wells in Orange County between 2002 and 2006 showed that 32% of the wells had total coliform bacteria and 4% contained fecal coliform bacteria.

## **Inorganic Chemical Water Quality**

For all 11 wells, the following parameters were tested and were either found within the range of acceptable drinking water standards, or no drinking water standard exists.

- Arsenic
- Alkalinity
- Barium
- Cadmium
- Calcium
- Chloride
- Chromium
- Copper
- Fluoride
- Hardness
- Magnesium
- Mercury
- Selenium
- Silver
- Sulfate
- Zinc

The following observations were made regarding other inorganic chemical parameters:

### **Iron** -

**Of the 11 wells sampled, four wells exceeded the recommended drinking water limit of 0.30 milligrams per liter (mg/l). Two of these four wells exceeded the NC public health goal of 2.8 mg/l.**

Iron occurs naturally in groundwater and is the most common source of nuisance problems with well water in Orange County. While generally not considered a health risk at moderate levels, amounts of iron above 0.3 mg/l can cause the water to have a red or brown muddy appearance and can stain white plumbing fixtures and clothes.

**Remedial action** - Remedies for those wells with high iron levels include installing a liner in the well or installing an iron filter or other treatment unit. The liner repair may be an option in limited cases, depending on the well structure and water bearing zones.

### **Manganese** –

**Of the 11 wells sampled, one well exceeded the recommended drinking water limit of 0.05 mg/l.**

Manganese is an element that dissolves in water from natural rock formations. Manganese levels<sup>28</sup> above 0.05 mg/l can turn well water black or brown and stains plumbing fixtures and clothes. The levels found can cause nuisance problems, but do not pose any health risk.

**Remedial action** - Remedies for wells with high manganese levels include installing a liner in the well or installing an iron filter treatment unit. The liner repair may be an option in limited cases, depending on the well structure and water bearing aquifers.

### pH –

**Of the 11 wells sampled, four wells fell below the recommended drinking water limit of 6.5 units.**

pH is a measure of the acidity of the water. With a pH below 6.5, the water is considered acidic and there could be concerns about corrosion of plumbing components and lead leaching into the water from soldered joints. Water with a low pH can also react with copper pipes to cause blue-green stains and a metallic taste.

**Health effects** - There are no adverse health effects at the pH levels found although it can contribute to increased levels of lead and copper in severe cases.

**Remedial action** – Low pH can be remedied by installing a neutralizing treatment system that will adjust the pH to a neutral level of 7 or higher.

### Lead –

**Of the 11 wells sampled, one well exceeded the recommended drinking water limit of 0.015 mg/l of lead.**

Lead in well water usually is a result of the water being in contact with plumbing components, lead soldered joints or valves, pumps and fixtures that may contain lead in the alloys.

**Health effects** – Lead in drinking water can cause a variety of adverse health effects. In babies and children, exposure to lead in drinking water above the action level can result in delays in physical and mental development, along with slight deficits in attention span and learning abilities. In adults, it can cause increases in blood pressure and kidney problems.

**Remedial action** – With elevated lead levels in water, it is recommended that children under the age of six not drink the water unless a treatment system is installed. Treatment systems are available that reduce the corrosive properties of the water and remove lead.

### Turbidity –

**Of the 11 wells sampled, 10 wells had turbidity levels higher than standards set for public water utilities of 0.3 NTUs.**

Turbidity is a measurement of the cloudiness or haziness of water. Well water commonly has higher turbidity levels than public utility water which is highly treated. The higher levels of turbidity in the survey area were attributed to high mineral content, specifically iron and manganese. Treatment or removal of the minerals with a treatment system will bring turbidity down to acceptable levels.

## Organic Compounds

### Pesticides –

**Of the 11 wells two of the wells had low, but detectable levels of pesticide compounds.**

- One well showed a measurable amount of Chlordane (0.4ug/l)
- One well had a measurable amount of Dieldrin (3.1ug/l).

## **Chlordane**

Until 1988, chlordane had been used extensively as an insecticide, particularly in soil treatment for termites. It is considered to be only slightly mobile in soil and persists in the environment for a long period of time. Chlordane health risks include organ damage and cancer.

EPA has set a maximum contaminant level (MCL), at 2ug/L or 2 ppb. The sample indicating the presence of chlordane was well below this level. Water treatment technologies are available to remove these contaminants.

## **Dieldrin**

Dieldrin is another chemical that may be present in groundwater as a result of pesticide use. There is no established maximum contaminant level (MCL), however the North Carolina Department of Public Health recommends a level below the odor threshold of 0.2ug/l for drinking water to protect against possible adverse health effects.

## **Petroleum and Volatile Organic Compounds –**

**Of the 11 wells, two had low, but measurable amounts of Methyl tert-butyl ether (MTBE) (3.4 and 0.6 ug/l).**

MTBE is an additive of gasoline used as an oxygenate and to raise the octane level. MTBE is introduced into groundwater through leaking underground gasoline storage tanks or by spilling gasoline onto the ground. Once released, it is very mobile in the soil and may contaminate large quantities of groundwater as it is persistent and highly soluble. MTBE is not classified as a human carcinogen, however at very large doses can present non-cancer related health risks. Water treatment systems can be installed to remove volatile organics to a non-detectable level.

Health-based limits for MTBE are not issued by the EPA and additional research is ongoing. The odor threshold value of 20ug/l is referenced as a recommendation for drinking water.

The organic test results were reviewed by the NC Division of Public Health toxicologist and he concluded that the water is safe for continued usage, but recommended a follow-up sample for MTBE which has been scheduled for these two wells.

## **Follow-up Plans**

Owners of the wells will be notified of the sampling results by individual comprehensive reports including appropriate recommendations. Staff is available by phone and email for any consultation requested by residents. Any deficiencies in well head protection will be noted and recommendations given as to how the well can be properly protected. Follow-up sampling for bacteriologic and organic contaminants were conducted in March 2010.

## **Limitations**

The samples taken and analyzed are a specific point-in-time evaluation of the water supplies. There are many factors that can influence a water supply, for example, failure to chlorinate a well after replacing a pump can result in bacteriologic contamination of the well. Wells that are drilled where high iron or manganese concentrations are present can degrade over time and require remediation or treatment as the well ages. Periodic water tests are the best way to ensure that a water supply is continually safe for human consumption.

It is important to note that this survey was not intended to be a groundwater assessment. Wells that were not used for drinking water were not included in the sampling. Furthermore, the survey was not an attempt to make any conclusions or inferences related to the landfill operation.

## Summary of the Water Quality Assessment Survey

The Rogers Road area has predominantly older wells, many which pre-date the more stringent well construction standards currently in place in Orange County. It is not unexpected to find both water quantity and quality issues in older wells, particularly those with substandard construction. The survey questionnaire allowed the respondent to document any self-reported issues with water quality and quantity. One respondent said that they had problems with water quantity while 10 respondents had complaints about water quality. Testing during the survey revealed that 10 of the 11 well water supplies exceeded one or more water quality standards and six of them exceeded health-related standards. The average age of wells in the survey area is approximately 35 years old according to respondents in the survey.

The water sampling survey is a snapshot in time of the relative safety and quality of individual water supply wells. The low number of wells tested limit the ability to draw conclusions as to how well water supplies in the survey area compare with the rest of Orange County. It is expected that individual water quality problems noted during the survey could be remedied by either repairing the wells with liners to seal off contaminants, by installing water treatment equipment, or by connecting the homes to the public water supply system. Relative short-term and long-term costs of specific remedies should be considered in choosing the right approach for each individual well.

## Septic System Evaluation

### Objectives

- To determine the degree to which septic systems are functioning within the survey area. The evaluation utilizes standardized survey techniques for evaluating on-site systems and included rating the system status as *compliant*, *non-compliant*, *needs maintenance*, or *malfunctioning*
- To determine the failure rate of septic systems in the survey area.

### Methodology

All households in the survey area who completed and returned an application were included in the septic system assessment. Of the potential 70 homes with septic systems in the survey area, 45 applications were returned.

Each survey team included a staff member from the on-site wastewater program in the Orange County Health Department. Senior staff members were chosen for the survey because of their experience and expertise in the assessment of septic systems.

Septic systems were evaluated by locating the tank and nitrification field with probe rods. Tanks that had riser access ports were opened and the tank liquid operating levels were observed. Hydraulic performance of the drainfield was assessed and note made of any ponding in the trenches or sewage discharges to the ground surface. Septic systems that had pumps were evaluated for proper operation of the pump, alarm, piping systems, and float controls.

Inspection forms were adapted for this purpose to document findings and to rate the system status.

## System Rating

The following criteria were used to rate system performance:

- **Compliant** means the system meets all operation and maintenance guidelines and there are no adverse issues with the system.
- **Non-compliant** means there may be some adverse impacts on the system, but not to the extent of causing system failure. Examples include building a deck or outbuilding over the septic system, removing an access riser, encroaching on the system with a water line or structure.
- **Needs maintenance** includes observations such as the tank needs pumping or the drainfield area needs clearing or mowing, but the system is not malfunctioning.
- **Malfunctioning** means at least one of the following conditions have been observed:
  - Sewage discharging to the top of the ground or to surface waters
  - Sewage backing up into the airspace within the septic tank or into the house plumbing from the tank
  - Sewage effluent ponded in the trenches to within three inches of the ground surface

The systems that were malfunctioning were further classified as one of the following:

- **Maintenance related failure** - System failure can be caused by a variety of reasons. Some causes are as simple as a clogged septic tank filter, tree roots growing in the drainlines, leaking plumbing fixtures, or a crushed pipe. These may be relatively easy fixes that don't require complete system replacement.
- **End of life failure** – this occurs when the soil in the drainfield can no longer absorb any more effluent and sewage begins to back up into the tank or run out into the yard. This type of failure usually requires system replacement.

## Septic System Results

### Septic System Failure Rate

Of the 45 septic systems that were evaluated, the following is a breakdown of the system performance status:

Septic System Status	Number	Percentage
<b>Compliant</b>	<b>21</b>	<b>47%</b>
<b>Non-compliant</b>	<b>10</b>	<b>22%</b>
<b>Needs Maintenance</b>	<b>2</b>	<b>4%</b>
<b>Malfunctioning</b>	<b>12</b>	<b>27%</b>

Of the 12 malfunctioning septic systems, seven were further classified as maintenance related failures while five were found to be end-of-life failures. Further investigation has revealed that for the five end-of-life failures, there is no suitable soil for an on-site repair.

### Follow-up Plans

Orange County Health Department staff will prepare reports to the homeowners summarizing the outcome of their septic system evaluations. Staff will make themselves available to the owners to discuss strategies for repairs and identify improvements that can be made for septic system performance. Finding resources to implement repairs may be a significant obstacle for some owners. Staff will continue to serve as a liaison and information clearing house for these property owners,

placing them in contact with, and where appropriate making initial introductory contacts with regulatory agencies (Division of Water Quality), OWASA, Engineers Without Borders (for assistance in system design), and potential grant and loan funding sources.

## Summary of the Septic System Evaluation Survey

The septic system failure rate of 27% is higher than one would expect based on similar surveys and studies of septic system failure rates. It is generally recognized that a representative survey of septic systems during a wet-season evaluation would result in a failure rate of between 10 and 15 percent.

Study	Failure Rate	Note
1982 Orange County Study	10.9%	1333 systems
2005 Wake County Study	10%	Systems 5 – 23 years old
Orange County WTMP* inspections	4%	Systems <8 years old
Orange County WTMP* inspections	10%	Systems > 8 years old

\* Wastewater Treatment Management Program – A program in Orange County whereby septic systems with pumps or advanced treatment are inspected by the Health Department on a periodic basis.

Several factors may influence survey results such as; the age of the septic systems, types of soil, maintenance intervals, household populations, and ground moisture content during the survey. The average reported age of the septic systems in the survey area was 32 years old. 10 of the respondents reported that they had experienced septic problems characterized by sewage backing up into the house or seeping out into the yard.

Some of the failing septic systems may be remedied by performing maintenance or implementing appropriate interim measures to restore their functionality. For some, connection to the public sewer may be an option, but this will likely require crossing other parcels of land, obtaining easements, installing private sewer lift stations, or extending the sewer mains at a considerable cost.



# Hogan-Rogers House



Preservation

Project



Compiled by the  
Preservation Society of Chapel Hill  
[www.chapelhillpreservation.com](http://www.chapelhillpreservation.com)  
610 E. Rosemary St., Chapel Hill, N. C. 27514

**May 2012****Table of Contents**

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## ***The Project***

St. Paul A.M.E. Church purchased the Hogan-Rogers House and property surrounding it in order to build a new church complex on the site. Plans call for demolition of this historic house in late 2012. The Preservation Society began working with the Rogers-Eubanks Neighborhood Association, St. Paul Church, and Habitat for Humanity to relocate and restore this home that holds over 170 years of history for Chapel Hill's white and black community. Currently, the house is listed on the North Carolina State Historic Preservation survey conducted in 1999. Habitat for Humanity has graciously donated two lots to relocate the home but funding for the home's moving and restoration is dependent on funds allocated to Rogers Road community as part of the over remediation plan.

This report details the home's colorful history, its meaning to the community today, and its important to the future of Chapel Hill.

## ***Places That Help Us Remember: Why the Hogan-Rogers House is important.***

Thomas Lloyd Hogan buried his daughter in the front yard of his house in 1845, the year Texas was annexed from Mexico and became the 28<sup>th</sup> state. Thomas was the grandson of Maj. Gen. Thomas Lloyd, a sheriff, Justice of the Peace, and member of the Assembly of Orange County from 1760-1769. Thomas inherited the land from his father, Daniel, who fought for independence in the Revolutionary War. The Lloyd family, and their neighbors the Hogans, were prominent early settlers of Orange County and instrumental in the founding Hillsborough. Thomas built this house in the early 1840s lived here with his family, both white and black, until his death on July 4, 1856. Slaves made up much of the workforce on the farm and in the house, and the skilled enslaved workers may have been the builders of the house that sheltered the family. The home was sold out of the Hogan family after World War I and purchased by Sam Rogers Jr., an African American whose father had been a slave. Rogers lost the house during the Great Depression.

Today, the Hogan – Roger House is a threatened landmark that will be destroyed it is relocated and restored. The house is an historical artifact from one of the earliest

and most influential founding families of Orange County. It has also become part of the identity of this largely rural African American neighborhood. People living here remember playing in the House and the days spent picking vegetables in the garden. The site still contains those who lived and died there. Before his death in 21011 beloved UNC mascot keeper Rob Hogan placed a headstone in the vandalized cemetery there to make sure his family's story wasn't lost. The house has a shared past.

Preservation of the home is important to remember the Hogan and Lloyd families who experienced the transition from colony to independent country; but also for who made the transition from slavery to freedom almost ninety years later. When Sam Rogers Jr. purchased the "big house" early in the 20<sup>th</sup> century, it gave the home new meaning. It became a trophy to a generation that had been born property themselves. Along with other former slaves, like Morris Hogan, Rogers acquired land and sought to carve out a new life as a free man. A legacy that is evident in the road that bears his name and the sense of pride that resonates in the community today.

The Preservation Society is advocating for the restoration of this historic home and adaptively reusing it as a clubhouse for the Rogers-Eubanks Road Neighborhood Association (RENA), a 501c3 non-profit that provides educational services for this community, as well as, a food bank for local low-income families. Preservation of this house, and its use as RENA's headquarters, would greatly expand their operational space and aid in the execution of their mission.

### ***Leveraging History As a Community Benefit***

Saving this historic home is important to this community who are fighting for their survival. For almost forty years, community leaders have battled against the toxic effects of Chapel Hill's landfill that has spoiled the land and its people. Through books, exhibits, and preservation of this house, the Rogers Road community has leveraged their history to attract attention and gain support.

In 2009, RENA organized both a museum exhibit and published a book telling the story of this house and the community it represents. It was part of an effort by residents to avoid destruction by anonymity. The community has leveraged their history to try and control the landfill's spread. Just to the north of the Hogan-Rogers House are the remains of the Alexander Hogan Plantation, which has been

added to the National Register of Historical Places as a place of important archaeological site. The preservation of the Hogan-Rogers House would be another important site that could be placed on a protected list and benefit the community through the protections this status offers. The preservation of this house will be a valuable tool to help the Rogers Road community develop economically.

The Preservation Society of Chapel Hill is developing a program that links the Hogan-Rogers House with other historic sites to form an African American heritage corridor called, *Freedom Road: The African-American Heritage Trail*. These are areas that collectively tell the story of African-Americans from 1840-1940 during the transition from slavery to freedom. The Hogan-Rogers House would be linked to the new St. Paul A.M.E. Church Museum as anchors the proposed tour. *The Freedom Road* trail would then be linked with other North Carolina Scenic Byways System that run through Orange County. Developing tourism by promoting this tour system could generate more opportunities for development. The increasing interest in learning about African American history has the potential to bring visitors to the area to the neighborhood.

But without Orange County, Chapel Hill, and Carrboro leaders recognizing the value, potential, and worthiness of the endeavor, the house will be destroyed. Investing in the past is a great investment for the future of this proud community. The preservation of the Hogan-Rogers House is an essential icon that reminds of both the tragedy and triumph of America's most turbulent periods.

## **The Ironic Fourth of July: History of the Enslaved People in the Hogan-Rogers House**

On July 4, 1858, the enslaved residents of Thomas Hogan's plantation watched nervously as revelers past the house, headed to the Independence Day festivities in Chapel Hill. They didn't share the joy of the hour. These men and women were worried about the fate of their ailing master whose life was slipping away as he lay in the upstairs of his grand house. Late that day, the news came that death had taken "Master Hogan" away. Male slaves picked up shovels and headed to the small cemetery in front of the house to begin digging his grave. Every slave on the Hogan farm knew what his death meant for him or her - all of Thomas Lloyd Hogan's property would be divided up between his heirs; property which included them. Both the slaves in the nearby quarters and those living in the "big house" worried about separation from friends and family. Sam Morphis, another Chapel Hill enslaved man remembered the scene when his master died.

"When I was sixteen years old my master died. I shall never forget the day. The state of things at the "quarters" was sad enough. The Negroes were in a panic. The death of the master was the thing most dreaded by our slaves. It meant separation and new masters. And we knew that few masters were like ours. " With the settlement of Hogan's will, their worst fears became a reality.

Living with Thomas, were his wife Elizabeth, and seventeen year old Joseph C., and Elizabeth McCauley, aged 12. In 1850, Thomas Lloyd Hogan owned eighteen people; ten men and eight women. Six of these were mulattoes. The rest of Thomas' children had moved off to plantations of their own. His son, Alexander Hogan, owned eight slaves on his plantation north of his father's property. Another son, William Johnston Hogan, owned eleven slaves and was a successful merchant in Chapel Hill. In all, the family owned thirty-seven people.

Besides using African-Americans for their labor, sex became a part of life for the family's female slaves. The census record reveals the 1840s had been a decade of much interracial sexual contact in the Hogan family. On the 1850 census of the Hogan house, six slaves, two boys, aged 10 and 2, along with four girls, aged 9 and 7, were all listed as mulattos. As the decade of the 1850s continued, so did this tradition. Born in 1857, Morris, a slave on the Alexander Hogan farm, claimed his

master was his father. In 1855, one of Thomas' slaves named Carolina gave birth to a mulatto son.

It was a birth Thomas Lloyd Hogan was well aware of when he made out his will a year later on October 20, 1856. To his daughter, Martha Kirkland, Hogan gave a house in Chapel Hill near the Baptist Church and "one negro Woman named Caroline and her children which legacy she is to have undisturbed use of during her natural life." These children were mixed race offspring.

Another piece of property given away was a young girl aged six years old named Mahala, who was assigned to his grandson John T. Hogan.

But the most revealing distribution of Hogan's property was to his son, Joseph C. Thomas left Joseph "all of my Lands whereon I now live and all other lands adjoining the same that I now own; also the following Negroes Richard Harriett and Mariah; also all of my stock of every description consisting of Horses Mules cattle Hogs and sheep. Also wagons all of the crop[s] of every description."

In the basement of the Hogan-Rogers House are the remains of the living quarters for servants who cooked, cleaned, and aided the Hogan family.

Since Richard, Harriett, and Mariah are noted in close connection with Thomas' house, lands, and possessions, these individuals could be the inhabitants of the Hogan-Rogers House basement.

Further research reveals some vague information about these three slaves. Comparing the 1850 and 1860 Federal slave schedules suggests Richard was between 10 and 20 years old and Mariah and Harriett were between 10 and 40 years old. Nothing else is known about them.



*The basement fireplace and ghost marks of a plastered ceiling suggest the Hogan family slaves lived in the home's basement.*

A little more is known about Caroline and her family. In 1860, the census taker found Martha Kirkland living in Chapel Hill with three female slaves, ages twenty-nine, thirteen, and five living in a single structure.

Luckily, the 1870 census answers the question of who Caroline became in freedom. Martha Kirkland is listed living with an illiterate domestic servant Caroline Kirkland aged 38. Also ten year old Jesse Kirkland, a mulatto boy. Ten years later, Caroline is living on her own in Chapel Hill. She is listed as age 45 living with sons Jesse aged 16 and Gaston aged 22. Jesse was working as a servant in a hotel and Gaston was a barber. By 1900, Jesse had taken over the house. He was working as a brickmaker and was married to Mittie Ann Sellars from Chatham County. The records states Jess was born in August 1862 and Mitte in November 1873. Mittie had two children by Jesse but in all the couple had five all together: Callie, Rasalphia, Jesse Jr., Offla, and George. Caroline lists herself as a widower and her birthday as May 1832. She also reveals in her life she has given birth to four children but Jesse is the only one alive. The family also has black boarders.

Caroline had died by 1910 because the next census only lists his family living on Rosemary Street. They had been married for twelve years and the children listed are Kellie, 24, Roser, 22, Jesse 20, Osbuy, 16, and George, 11. On November 22, 1930, Jesse took the secret of his father's identity to his grave. On his death certificate, Carolina is listed but the line for the father's name has two simple "x" mark in its place.

Examining the 1870 census for Caroline, Richard, Mahala, Harriett, and Mariah is extremely difficult not knowing the names they took after slavery. Their stories are one of thousands from Orange County's past that have been lost since emancipation almost 150 years ago.

But after posting a version of this history online, descendents of Harriet contacted the Preservation Society and revealed what happened to these black members of the Hogan family.

Deardra Green-Campbell of Atlanta, Georgia revealed Harriett and her husband fled to Goldsboro soon after Union troops arrived in April 1865. Mariah fled with



*Deardra Green-Campbell visits the home where her ancestor, Harriett, was enslaved.*

Harriett and appears in the Goldsboro area immediately after the war in 1866. Their story suggests a mass exodus away from the Hogan plantation to the safety of Union lines. But Harriett's great grandchildren also revealed Harriett's son, Haywood born around 1845, named his father as William J. Hogan, the brother of her white master.

To confirm and highlight the story the Hogan families, the Preservation Society is sponsoring a DNA test between both sides of the Hogan family.

***Hogan –Rogers House Restoration Team***

*Mike Blake*, Blake Moving Company

*David Caldwell*, RENA

*Rev. Robert Campbell*, RENA

*Ernest Dollar*, Director, Preservation Society of Chapel Hill

*Tom Heffner*, Preservation Committee, Preservation Society of Chapel Hill

*Burnice Hackney*, St. Paul A.M.E. Church

*Cleo Hogan*, Hogan Family genealogist

*Tyler Momsen-Hudson*, Construction Director, Habitat for Humanity

*Patric LeBeau*, Architect, Perkins and Will architects

*Rev. Thomas Nixon*, St. Paul A.M.E. Church

*Lauren Poole*, Intern, Salem College

*Susan Levy*, Director, Habitat for Humanity

*Yvonne Ng*, Preservation Society of Chapel Hill, M. Arch., LEED AP

P.O. Box 14747 t: 919.433.53  
 Research Triangle Park, NC 27709 f: 919.433.53  
[www.perkinswill.com](http://www.perkinswill.com)

## PERKINS + WILL

April 24, 2012

Robert L. Campbell and David Caldwell Jr.  
 1711 Purefoy Drive  
 Chapel Hill, NC 27516

Re: The Rehabilitation of the Historic Hogan-Rogers House

Dear Mr. Campbell and Mr. Caldwell,

For more than 75 years, Perkins+Will has been dedicated to the philosophy that design has the power to transform and enhance the mission and business of our clients and improve society overall. In every project, we strive for a comprehensive understanding of our clients' mission, vision, needs and context in order to transform their culture and environment. We are deeply rooted in our mission of creating ideas + buildings that honor the broader goals of society.

Since 2007, Perkins+Will has more explicitly committed our resources to serve society through an extensive pro bono program. Through our public interest work, we seek to address basic human needs - food, shelter, health, education and empowerment. Since our initial experience working hands-on in New Orleans after hurricane Katrina, our Social Responsibility Initiative has expanded our pledge to Public Architecture to commit 1% of our billable resources to support pro bono initiatives.

Every year, Perkins+Will contributes the equivalent of a 15-person firm working full-time to provide pro bono services to organizations in our communities who would otherwise not have such access. We have empowered all of our offices to engage in their communities on a local level. With a global perspective supported by local engagement, social responsibility is a core value of our firm and integral to everything we do.

In keeping with our commitment to pro bono work, the Research Triangle Park office of Perkins+Will is committing to Roger-Eubanks Neighborhood Association to assist in the relocation and re-settlement of the historic Hogan-Rogers House to a new location. We will donate our professional architectural design time to:

- Help with the permitting to move the structure
- Design of a new foundation for the house relocation
- Design of the exiting required to meet the fire code
- Concept design of the renovations required to the house. This will be used to raise additional funds and generate interest in the ultimate repurposing of the structure.

# ST. PAUL A.M.E. CHURCH MASTER PLAN

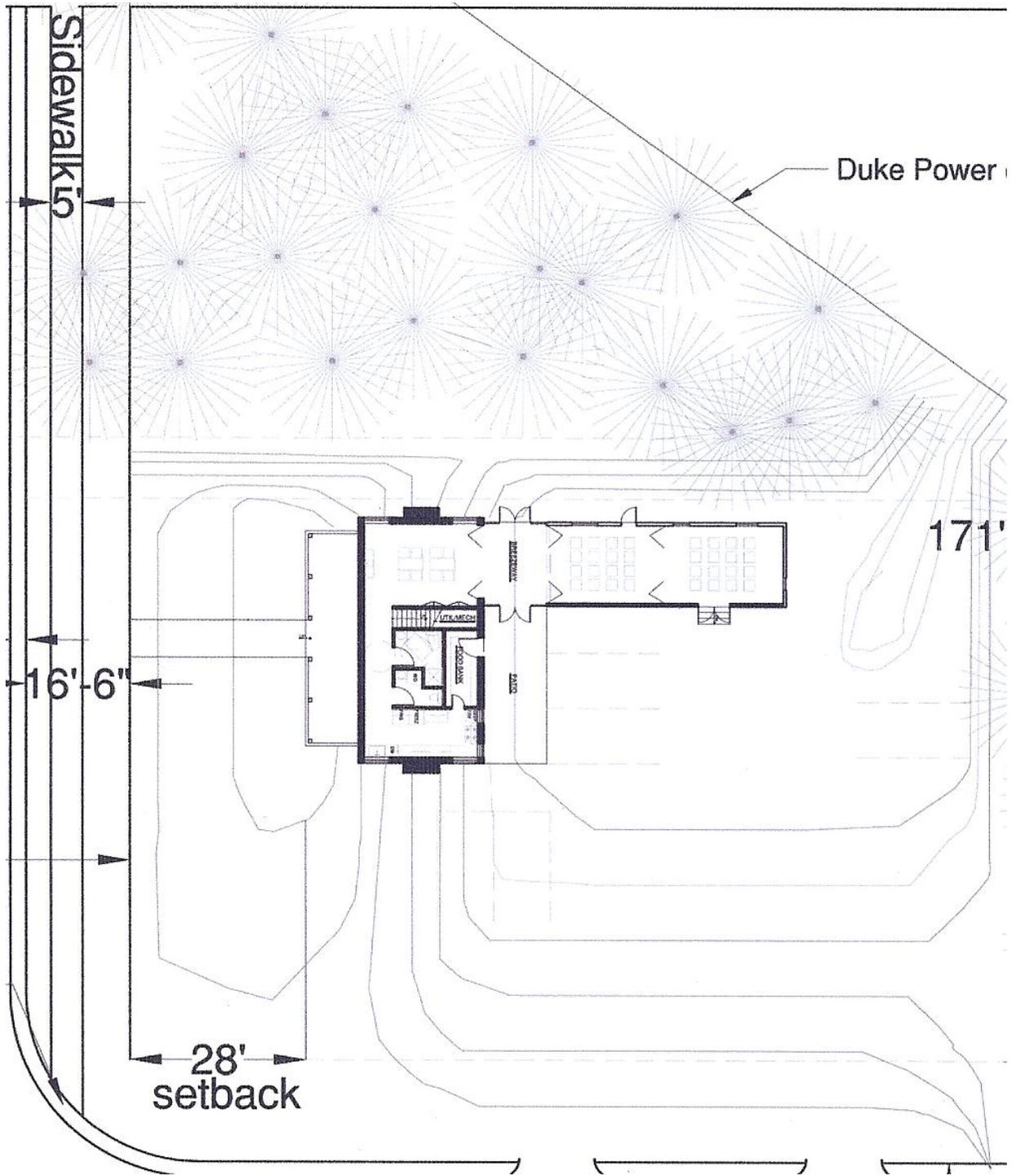
**PHASE 1**  
SANCTUARY  
ADMINISTRATION  
FELLOWSHIP  
DAYCARE

**PHASE 2**  
WELLNESS CENTER

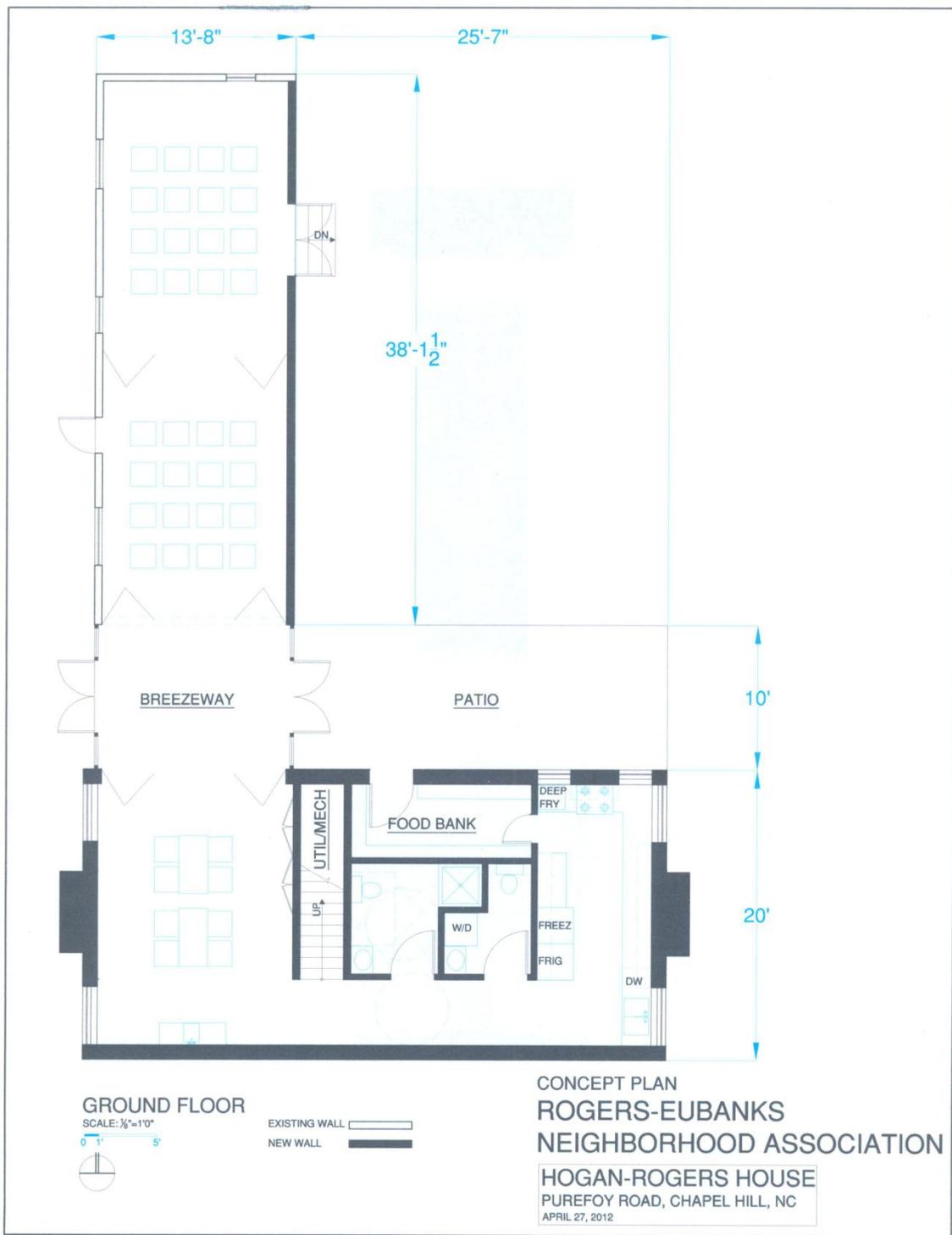
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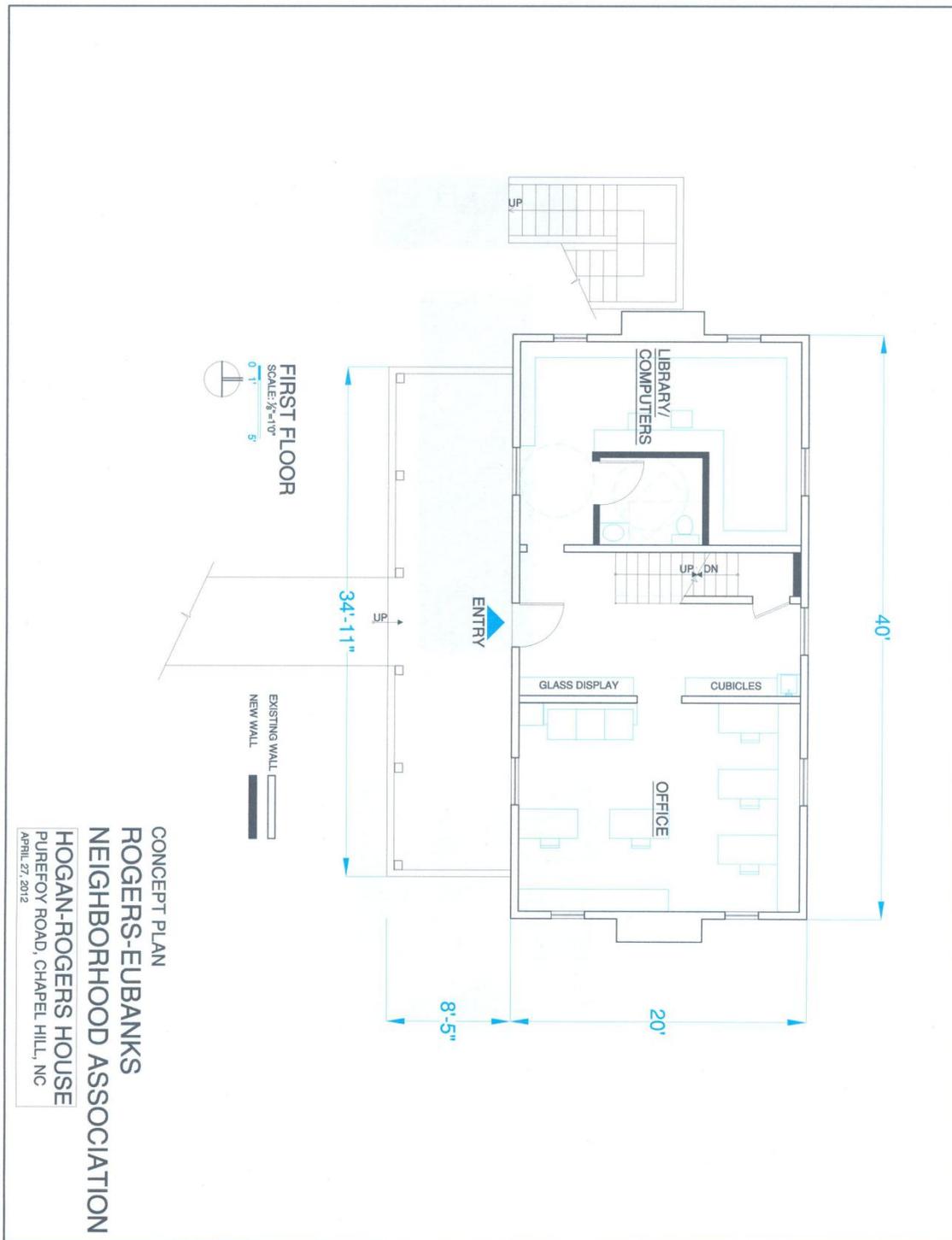
**PHASE 4**  
AFFORDABLE HOUSING  
CEMETERY

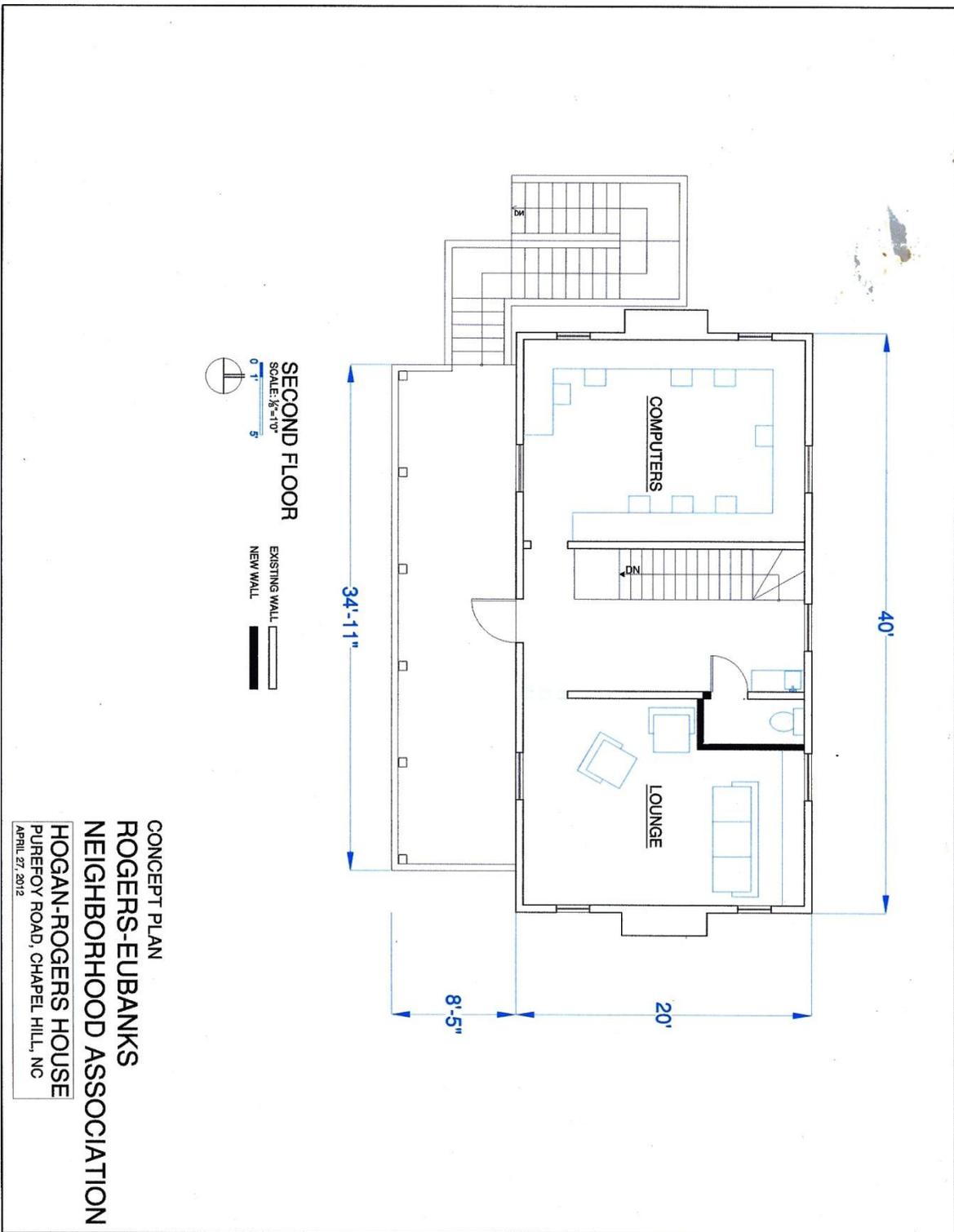


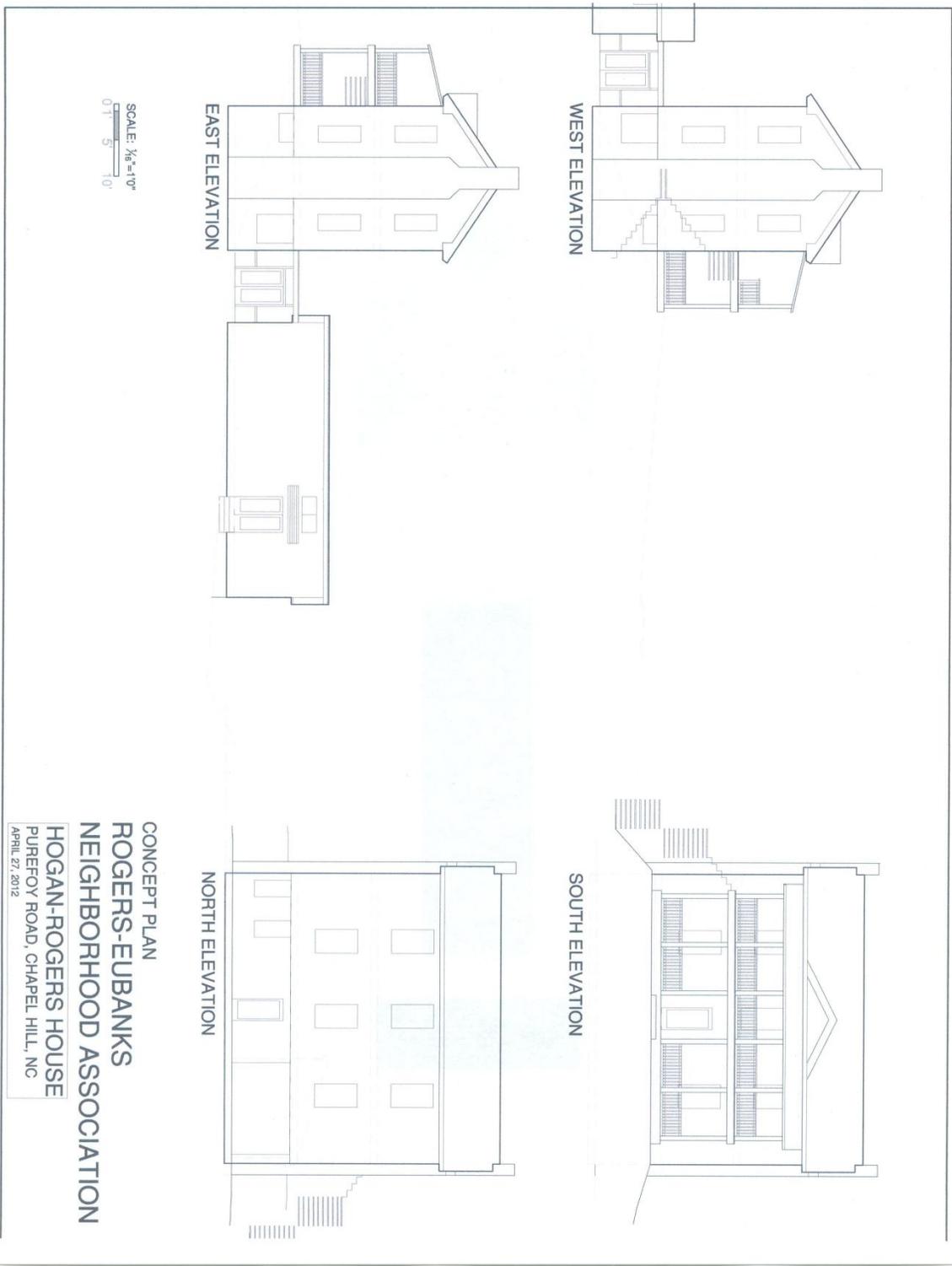


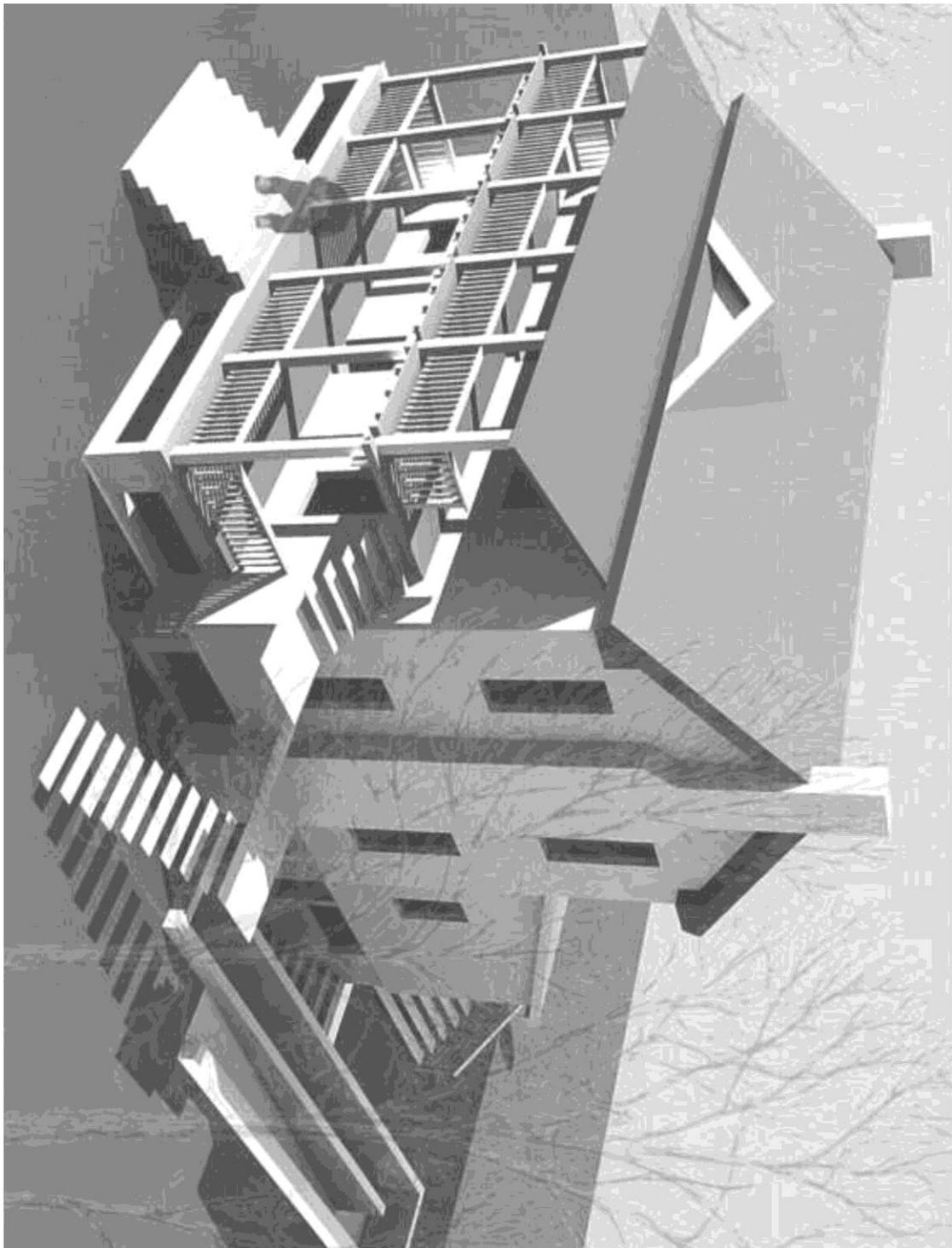














## Press Coverage



Burnice Hackney, left, unfastens a plywood panel so the Rev. Thomas Nixon can open the front door to the historic Lloyd-Rogers House during a visit by members from the Chapel Hill Historical Society

PHOTOS BY HARRY LYNCH - hlynch@newsobserver.com

# 'TREASURE' HOUSE

## St. Paul AME aims to move, restore historic Lloyd-Rogers House

By DAVE HART  
dhart@newsobserver.com

On the front porch at 1621 Purefoy Drive, Burnice Hackney removed the final screw from a big sheet of particle board and slid it to the side, revealing a tattered, cobweb-laden screen door and a dim interior beyond.

"It's like opening King Tut's tomb," said Tom Heffner, one of a half-dozen people standing on the concrete porch, which was half-covered with the periwinkle vines that had swallowed the front steps.

David Caldwell pushed the door open, and everyone followed him carefully.

No golden riches lay within, alas. The house, which has been boarded up for a number of years, was a mess. Broken furniture, shards of glass, discarded shoes, beer cans were everywhere. One room was filled wall to wall with clothing, while a single dress and jacket were draped neatly on a hanger on the wall.

Here and there, the floors, ceilings and wallboards had broken through, in some places revealing rough-cut wood underneath.

"This is hand-sawn lumber," said Heffner, preservation committee chairman of the Preservation Society of Chapel Hill. "There's quite a bit of the origi-



The 19th century frame home may be carefully moved to make room for a new St. Paul AME church.

nal stuff here: some of the trim, floorboards, part of the stair rails. This is certainly what you would have seen in mid-19th century or earlier."

Although most of what was strewn throughout the rooms was trash, Ernest Dollar, executive director of the Preservation Society of Chapel Hill, says the house itself – a pale green, two-

story Greek Revival known as the Lloyd-Rogers House – is a treasure of sorts, and one worth preserving.

"It was built, we think, around 1845, by the Hogan family, a very prosperous, white, Orange County family with ties to the Revolutionary War," said Dollar, who organized the expedition to unseal the house earlier this month. "The house passed into the possession of descendants of slaves in the early 20th century."

The location of the Lloyd-Rogers House, just east of Rogers Road, may be its undoing – but Dollar and others hope that location might be its salvation as well.

St. Paul AME Church plans to move its church – literally deconstructing the existing building and transporting it – from its location on Merritt Mill Road to the exact spot where the Lloyd-Rogers House now stands. St. Paul's pastor, the Rev. Thomas Nixon, said he hopes to break ground on the Purefoy Drive site by late this year or early next.

That means, of course, that the house has to go.

Dollar and the staff of the Rogers

SEE HOUSE, PAGE 12A

# MAKING CONNECTIONS



DTH/KATIE SWEENEY

The Chapel Hill Preservation Society wants the abandoned house on Purefoy Drive to be preserved and used as the Rogers Road Community Center.

## Historical Rogers Road house has ties to slaves' descendants

By Cheney Gardner  
Staff Writer

Deadra Green-Campbell never guessed that she was descended from a white slave owner until she came across the will of Thomas Lloyd Hogan on the Chapel Hill Preservation Society website two weeks ago.

Green-Campbell found names from her family tree in the will — and while the name of a long-distant grandmother belonged to a slave, as expected, the name of her partner belonged to Hogan's white son.

The will had been posted by Preservation Director Ernest Dollar just weeks earlier, and Green-Campbell contacted him to learn more.

"It had only been a week or two since I put that up," Dollar said. "I thought, 'How did this woman find this already?'"

Green-Campbell said she was on a mission to learn about her past. Dollar told her that he had discovered the will in the Hogan-Rogers house on Purefoy Drive, which Thomas Lloyd Hogan built in 1843.

That house is slated to be moved 150 yards from where it is now to the corner of Purefoy Drive and Edgar Street within the year, so she and her husband traveled from Atlanta to Chapel Hill on Tuesday to follow their history.

The house is on land that the St. Paul's African Methodist Episcopal church purchased in 2006. Dollar said the Preservation Society has been working with the Rogers-Eubanks Neighborhood Association to move the house to

make way for a new church complex.

Dollar said the relocated house would be used as a community center for the Rogers-Eubanks Neighborhood Association. Orange County Commissioners have discussed the possibility of using the center as a form of remediation for residents in the historically black and low-income area, which has long hosted the county's landfill.

"It would include a food bank and education programs," Dollar said.

The Preservation Society is also working to use the basement of the house—which can't be moved — in the church's planned museum.

"It would be very authentic because you can be in the space where the slaves lived," he said.

The Hogan-Rogers house was built by Hogan and passed down through the Hogan family. In his will, Hogan also left his slaves, including Harriet Hogan-Latta, Green-Campbell's great-great-grandmother, to his son.

Sam Rogers, a descendant of the plantation's slaves, later purchased the house but lost it in the Great Depression.

Green-Campbell said finding the house has been a breakthrough in her search.

She has arranged for her male cousin to take a DNA test so that the results can be compared with DNA from the Hogan family.

Members of the Rogers-Eubanks Neighborhood Association hosted a community event in honor of Green-Campbell's visit, and long-time resident David Caldwell said histories like Green-Campbell's are central to Rogers Road.

"This is an amazing journey," Green-Caldwell



COURTESY OF ERNEST DOLLAR

Deadra Green-Campbell stands in front of the house on Purefoy Drive. Campbell is a descendant of one of the slaves of the house's original owner.

told the crowd. "To stand in that house... she started before breaking into tears.

"There's just so much history here."

Contact the City Editor  
at [city@dailytarheel.com](mailto:city@dailytarheel.com).

## *Heritage Tourism*



### **The Freedom Road: The African-American Heritage Trail**

The excitement of hearing old history in a new way is the key to developing heritage tourism for Orange County. Across the U.S. travel experts believe African American heritage tourism is a growing trend. Including sites that were important places for the black community and reinterpreting old sites would attract a growing national audience of both black and white travelers.

"It's the second-fastest-growing market segment of tourism," said Rich Harrill, director of the University of South Carolina's Institute for Tourism Research. He listed nature-based tourism as No. 1. African American tourism has grown over the last decade. Growing numbers of black tourist alone spent \$30.5 billion in 2005. Travel industry officials say Southern states need to pay attention to preserving important black landmarks.

“African-Americans and other minority travelers have a genuine desire to connect with their past and are willing to spend money on leisure travel that provide them a personal and rewarding heritage experience,” says Charlotte Haymore, president of the Travel Professionals of Color Association.

“Statistical reports show that minority tourists spend approximately \$600 billion annually on heritage travel. Destinations and suppliers that reach out to this niche group will benefit and have a hand in helping stimulate the economy,” she says.

The African-American market is growing at nearly the same pace.<sup>1</sup>

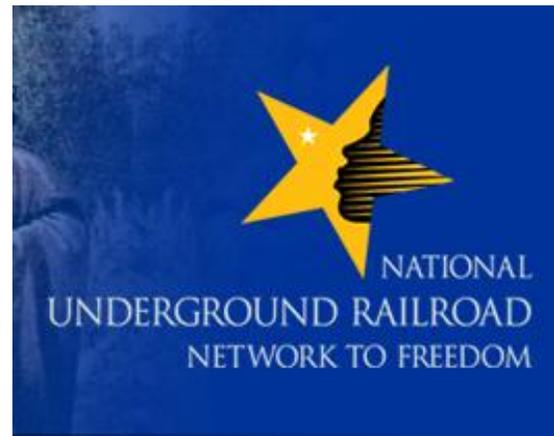
Other cities, like St. Augustine have developed their own African American trails system, along with Washington D.C., Philadelphia, and, most locally, Greensboro offers visitors a *Walkway of History* walking tour.

The restored Hogan-Rogers House would serve as a community center that would tell area’s history through its own story and its connection to other significant historic sites, that, together, tell a bigger story. This African-American cultural corridor provides an additional ability for economic sustainability while educating the community about the experiences of rural Africans Americans in Orange County. Currently, This Colonial Heritage Scenic Byway leaves Hillsborough follows a route down Hwy 86. The Scenic Byway, which the Hogan story is featured, runs by the community.

<http://www.co.orange.nc.us/occlerks/0408176a.pdf>. An extension or alternative route featuring African-American Historic Trail.

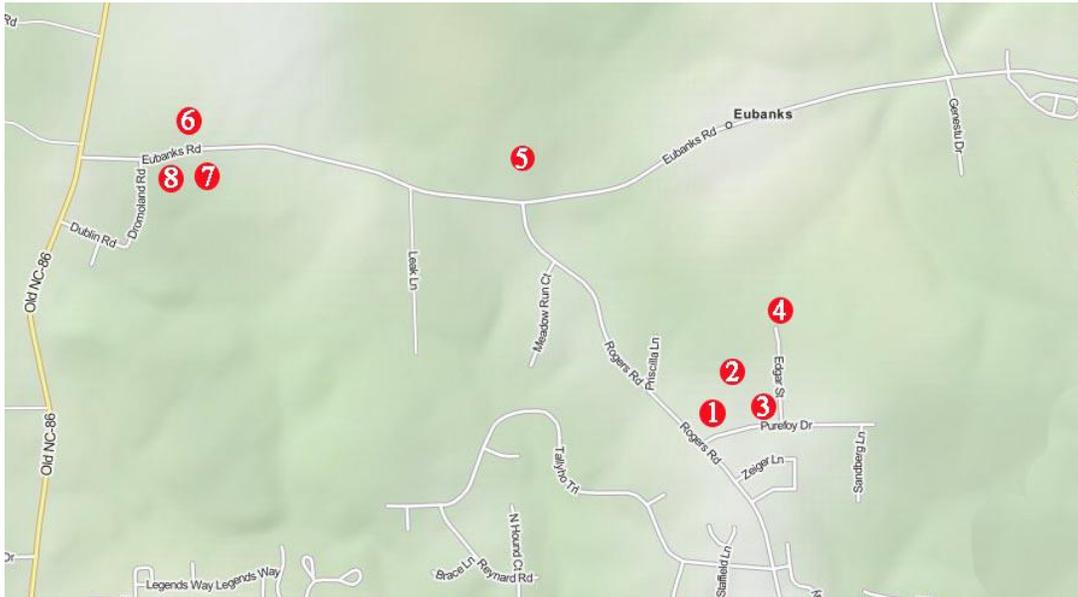
[http://www.ncdot.gov/download/travel/scenic\\_byways.pdf](http://www.ncdot.gov/download/travel/scenic_byways.pdf)

Extending the *Freedom Road* trail through Orange County, and into Durham County, would create a partnership opportunity with neighboring Chambers of Commerce for Hillsborough, Chapel Hill, and Durham Expanding the trail would attract more visitors allow for the eastern end of the trail to be anchored at Stagville Historic Site and the current trail systems they connect to, such as the Network to Freedom trail established by the National Park Service.




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<sup>1</sup> Salome Kilkenny Travel and Tourism .Industry Focus. Magazine Edition. May 2009.

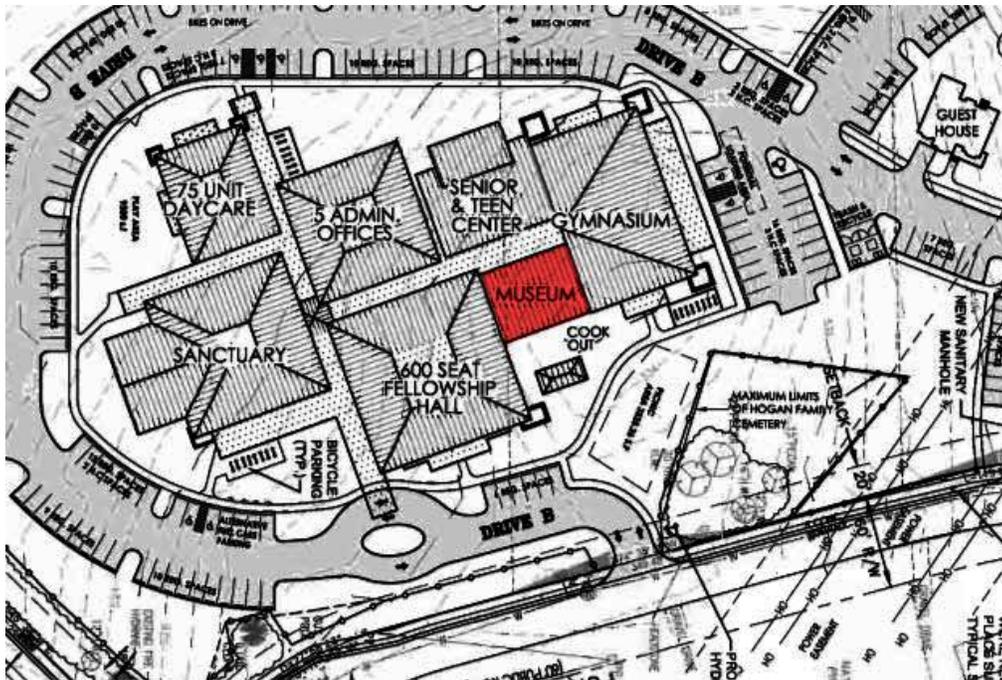


### ***Corridor Sites***

1. **St. Paul A.M.E. Church Museum** – Purefoy Rd. This 1,700 sq. ft. museum will feature an exhibit on the history of the community, house a community archive, and host art exhibitions. The museum’s design will incorporate the original brick basement of the former Hogan-Rogers House where the family slaves lived and worked.
2. **St. Paul A.M.E. original chapel** – Built in 1892, this church served Chapel Hill’s first African American church.
3. **Hogan – Rogers House** – Purefoy Rd. Home of Thomas Lloyd Hogan who held eighteen at least slaves in 1850.
4. **Rogers - Jones Cabin** – Edgar St. After losing ownership of the Hogan – Rogers House, Sam Rogers built this log cabin in the early 1930s.
5. **Alexander Hogan Plantation Site** - Duke Forrest off Eubanks Rd. Listed on the National Register of Historic Places this site features remains of the plantation home of Alexander Hogan and a small cemetery.

6. **Nunn's Chapel Site** – Eubanks Rd. Ruins of two-story church built by Rev. Mathew Nunn in 1946. Only the foundation and massive three-sided front steps remain.
7. **Morris Hogan School** – 402 Eubanks Road. School founded by former slave, Morris Hogan, in the 1870s. The two room school house was finally closed in the 1920s.
8. **Morris Grove Elementary School** - 215 Eubanks Road. New elementary school named in honor of former slave and educator Morris Hogan.

***St. Paul A.M.E. Church Museum and Heritage Center***



1. **St. Paul A.M.E. Church Museum** – This 1,700 sq. ft. museum will feature exhibits that tell the story of the Rogers – Eubanks Road community from its founding to the present. The facility will also house a collection of archival material for researchers and display artifacts from the area. In addition, the space will exhibit artworks by local and regional African American artists. A unique feature of the museum will be the incorporation

of the brick basement from the Hogan-Rogers House, which was moved from the site, into the design of the museum. This basement was the site where the Hogan family slaves lived and worked in the 1840s to the 1860s.

Parking, facilities, and staffing make the St. Paul's museum a perfect hub for visitors to the African-American Heritage Corridor. The church's large meeting space can host large concerts, lectures, or other historical events that would attract visitors to the area.

### ***St. Paul African Methodist Episcopal Church***



2. St. Paul A.M.E. is the oldest congregation in Chapel Hill founded in the mid 1860s and current structure was built in 1892. This church is scheduled to be moved in 2012 from its original location in Chapel Hill to Purefoy Dr. During the move the brick veneer would be removed and the church restored to its original appearance.

### *Hogan-Rogers House*

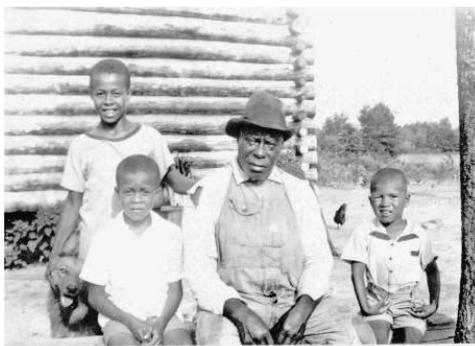


3. Built around 1845, by Thomas Lloyd Hogan, the Hogan-Rogers House is a perfect example of Greek Revival architecture that was prevalent in Orange County. In the early 20<sup>th</sup> century the home left the Hogan family and was purchased by Sam Rogers, a son of former slaves, who lived in the house until he lost it during the Great Depression in the 1930s. The home has few modifications and retains much of its original interior.

### *Sam Rogers' Log Cabin*



4. Evicted from the Hogan-Rogers House, Sam Rogers erected a log cabin near the site of the former slave quarters for the Hogan Plantation. The story-and-a-half structure was built in the early 1930s. Several generations of local families have lived in the house over its eighty year history. The home is made of simple pine logs and features a well in the rear of the house. Home's of this type are very typical of those built by share cropping families in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.



***Sam Rogers and his grandsons, Alfred "Dave", Norman Barbee and Robert Walker in front of the cabin.***

### *Alexander Hogan Plantation Site*

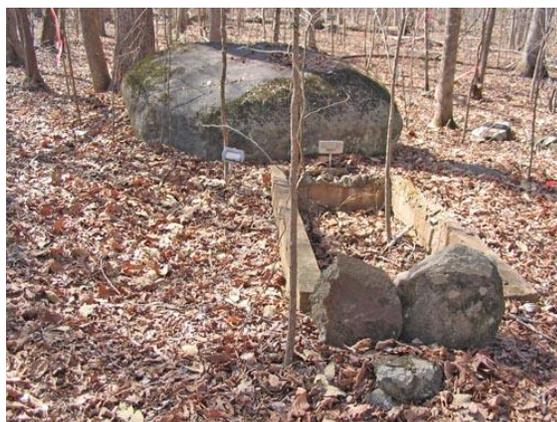


5. The Alexander Hogan Plantation Site, which was inhabited between 1838 and 1890, consists of four stone outbuilding foundations, a chimney fall, and a cemetery. Listed on the National Register for Historic Places in 1996. In his report to Duke's Board of Trustees, President Nannerl O. Keohane said the Hogan "site's importance as a research and educational resource makes it far too valuable to be destroyed by a trash dump." Currently, this site is within the boundaries of Duke Forrest.

### *Nunn's Chapel*



6. The church was organized Oct. 30, 1938. In December 1944, Matthew and Julia Nunn donated 2.36 acres for construction of a church, to be known as the First Baptist Church of the New Hope Association. In May 1945 the name was changed to Nunn Chapel of the New Hope Association. The building was erected in 1946 and burned sometime before 1967, but the foundation and the large concrete front steps remain. The graves of Rev. Nunn and his wife are about 120 ft to the rear of the NW corner of the foundation on the east side of a huge boulder. Rev. Nunn apparently selected this picturesque site for his wife's grave in 1956, and was later buried beside her following his accidental death at age 79.



### ***Morris Grove School***

7. Morris Hogan had a long-standing passion for education as a passport to a better life for his own and other black children. Yet in the late 1800s, the Orange County school board had few funds for school construction and operation. To fill the void, the board sanctioned the opening of many simple, usually one-room, segregated schools that were built and operated by local individuals or groups.

Morris won permission to create the Morris Grove Elementary School, using his own land and funds, at what is now 402 Eubanks Road. It is remembered as a simple frame structure with only pump water, outdoor toilets and a spartan interior heated by a wood stove in cold weather. The school probably stayed in operation from the 1880s to the 1920s, until tax-based public schools took over. All of the Hogan children and some of the grandchildren attended it. "We walked through the woods on a muddy wagon path to get there," said Samuel Rogers, 65, who went to the school through third grade. "Didn't have no shoes most of the time. Once I got there, I had to hold my feet up to the sun to get them warm."

The school was a wooden, one-room, simple frame structure with only pump water, outdoor toilets and wood stove heating. The original doors are covered in brick. A cement porch was added. The house is owned by Mazie Hogan Cradle, a former Morris Grove student.

### ***Morris Grove Elementary School***



8. The school built in 2009 and named after former slave and educator, Morris Hogan. The school would be incorporated into the trail through outdoor interpretive signage covering the history of their namesake and rural African American education after the Civil War.



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info@orangehabitat.org

May 14, 2012

Commissioner Pam Hemminger  
Chair, Historic Rogers Road Neighborhood Task Force  
Orange County  
P. O. Box 8181  
Hillsborough, NC 27278

Dear Commissioner Hemminger,

On behalf of Habitat for Humanity or Orange County, I am writing this letter to indicate our support for the Rogers-Eubanks Neighborhood Association (RENA) and the Preservation Society of Chapel Hill's project to move the Hogan-Rogers House from its current location on property owned by St. Paul AME Church to an adjacent site in Habitat's Phoenix Place Neighborhood. The historic home would be renovated and used as a center for neighborhood programs and activities.

Phoenix Place is Habitat's subdivision of 50 green-certified, affordable homes. It was developed with funding assistance from the Orange County Affordable Housing Bond program, the Orange County HOME program, the Town of Chapel Hill's CDBG program, and private donations and loans. To date, Habitat has completed and sold 29 of the 50 homes, with another five homes under construction.

We were approached several months ago by members of RENA about the possibility of providing a site to relocate the historic home, which is to be donated to RENA by St. Paul AME Church. Habitat staff determined that the first two lots in the subdivision, which are on the corner of Purefoy Drive and Edgar Street, would be the best location for the relocation of the structure. After discussions with the Town of Chapel Hill planning staff, we understand that we will need to request a minor modification to our Special Use Permit to allow for the location of the house to the Phoenix Place lots. The renovated house would be considered a "club house" under the Town's definitions in its Land Use Management Ordinance. The process to modify the SUP should take several months, and will be initiated once the plans to move the house are finalized, and it has been determined that the project has the necessary funding in place to move forward. Once the modification has been approved, Habitat's Board of Directors will determine whether they wish to convey ownership of the lots, or provide a long-term lease of the land.

Habitat for Humanity supports the effort to preserve this historic structure, and to provide a long-term home for a community center that serves the residents, many of them Habitat homeowners, of the historic Rogers Road Neighborhood. We look forward to collaborating on this project as it moves forward.

Sincerely,

Susan Levy  
Executive Director

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

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

**SUBJECT:** Orange County's Recommendations Regarding Goals for Inclusion in the North Carolina Association of County Commissioners' (NCACC) 2013-14 Legislative Goals Package

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**DEPARTMENT:** County Commissioners  
County Manager

**PUBLIC HEARING: (Y/N)**

No
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**ATTACHMENT(S):**

- 1) 7/13/12 Memo – NCACC Solicitation of County Legislative Goals Proposals for 2013-14
- 2) Draft Resolution – Recommendations Regarding Goals for Inclusion in the North Carolina Association of County Commissioners' (NCACC) 2013-14 Legislative Goals Package
- 3) Orange County's 2012 Resolution Regarding Legislative Matters With Exhibit (Statewide Matters) and 2012 Areas of Support and Items of Interest Documents
- 4) North Carolina Association of County Commissioners' (NCACC) 2011-12 Legislative Goals Package
- 5) September 2, 2010 BOCC Adopted Resolution Regarding Goals for Inclusion in the North Carolina Association of County Commissioners' (NCACC) 2011-12 Legislative Goals Package

**INFORMATION CONTACT:**

Commissioner Earl McKee, 245-2130  
Commissioner Barry Jacobs, 245-2130  
Frank Clifton, County Manager, 245-2300  
Greg Wilder, Manager's Office, 245-2314

**PURPOSE:** To consider and approve a Resolution Detailing Orange County's Recommendations Regarding Goals for Inclusion in the North Carolina Association of County Commissioners' (NCACC) 2013-14 Legislative Goals Package.

**BACKGROUND:** Every two years, the North Carolina Association of County Commissioners (NCACC) organizes a process to develop a legislative goals package. The purpose of the package is to develop a consensus of broad support on legislative goals and issues for matters affecting North Carolina counties that may be addressed by the North Carolina General Assembly during the next two calendar years. The goals and issues included in the package,

with their broad support, guide and strengthen NCACC representatives and staff as they converse with individual legislators and committees on legislative matters.

NCACC began the process to develop its 2013-14 Legislative Goals Package in July 2012. As noted in Attachment 1, North Carolina counties have been asked to submit proposed legislative goals for consideration for inclusion in the package, with a submittal deadline of September 17, 2012.

The County's Legislative Issues Work Group (LIWG), including Commissioners Barry Jacobs and Earl McKee, County Attorney John Roberts, and County Manager's Office staff, has recently met and developed a draft resolution for Board consideration that outlines several proposed legislative goals for inclusion in NCACC's 2013-14 package. **The LIWG's draft resolution is provided at Attachment 2 (Pages 30-32).** The Board will likely want to discuss the draft resolution and possibly add to, delete from, and/or revise the language of the proposed goals included in the draft.

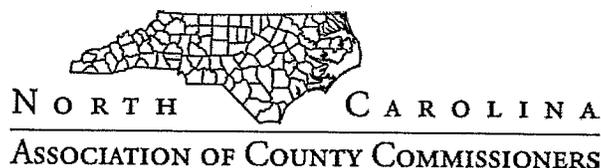
In an effort to assist the Board in considering possible goals to forward to NCACC, a copy of the Orange County's 2012 Resolution Regarding Legislative Matters (Statewide Matters) and the 2012 Areas of Support and Items of Interest documents are provided for reference purposes at Attachment 3. This Resolution and two other documents were approved by the Board on April 3, 2012 for the 2012 General Assembly Session.

A copy of the NCACC's 2011-12 Legislative Goals document is also provided for reference at Attachment 4, and the Board's September 2, 2010 resolution providing input on those goals is provided at Attachment 5. These documents may also be worthy of review and may provide some insight on potential goals to propose to NCACC for 2013-14.

**FINANCIAL IMPACT:** There is no financial impact with considering and approving a resolution detailing Orange County's Recommendations Regarding Goals for Inclusion in the North Carolina Association of County Commissioners' (NCACC) 2013-14 Legislative Goals Package.

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

- 1) Discuss potential goals for the North Carolina Association of County Commissioners' (NCACC) 2013-14 Legislative Goals Package;
- 2) Discuss and consider the LIWG's draft Resolution Detailing Orange County's Recommendations Regarding Goals for Inclusion in the North Carolina Association of County Commissioners' (NCACC) 2013-14 Legislative Goals Package(Attachment 2);
- 3) Add to, delete from, and/or revise the language of the proposed goals included in the draft resolution;
- 4) Approve and authorize the Chair to sign the resolution as presented or amended; and
- 5) Direct the Clerk to the Board to forward the approved resolution, the NCACC Legislative Goals Proposal Form, and any other related materials to NCACC by the September 17, 2012 deadline.



## Memorandum

**To:** County Board Chairs, County Commissioners, County Managers, Clerks and Affiliate Organization Presidents

**From:** David F. Thompson, Executive Director

**Date:** July 13, 2012

**Subject:** NCACC Solicitation of County Legislative Goals Proposals for 2013-14

The time is here for us to begin our legislative goals development process for the 2013-14 biennium. We are inviting counties to submit their legislative proposals to the Association. Our goals development process is open, inclusive and deliberative. It is designed to give all 100 counties a voice in developing our legislative agenda.

This Association is the only organization in the state that truly represents all the citizens of North Carolina. For each biennial session of the General Assembly, counties submit legislative proposals, and commissioners from across the state review and recommend them to our members. Legislators know and appreciate that all 100 counties have the opportunity to be involved in our process.

Receipt of your county's proposals is instrumental to our process. Attached is a form for submittal of 2013-14 legislative goals proposals, a legislative goals handbook that delineates NCACC's legislative goals process, and a list of the progress made on the 2011-12 legislative goals. Due to your efforts, many of our goals were achieved. Reviewing these issues may be helpful in contemplating new goals or revisiting ones that need further action.

When submitting your goals, please keep in mind the following:

- Complete the accompanying goal proposal form.
- Goals may be submitted in any of the following formats: a resolution approved by the Board of Commissioners, a letter from the Chairman of the Board on behalf of the entire board, or by letter from an affiliate organization.
- Proposed goals received on or before Sept. 17 will be referred to the appropriate steering committee for review and consideration.
- Proposed goals received after Sept. 17 will be sent directly to the Legislative Goals Committee for review.

As referenced above, this packet includes the 2012 NCACC Legislative Goals Handbook. This handbook contains information about the rules, procedures and guidelines for the legislative goals adoption process. Please note the following schedule for your planning purposes.

### Legislative goals development timeline

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Sept. 17, 2012</li> <li>• September - October</li> <li>• November</li> <li>• December</li> <li>• Jan. 24-25, 2013</li> </ul> | <ul style="list-style-type: none"> <li>Goals submission deadline</li> <li>Steering committees review goals</li> <li>Legislative Goals Committee meets</li> <li>Board of Directors reviews and finalizes recommendations</li> <li>Legislative Goals Conference, membership approval of goals</li> </ul> |
|---|--|

If you have any questions, please do not hesitate to contact me or Kevin Leonard, NCACC Deputy Director.



2013-14 biennium

# LEGISLATIVE GOALS PROPOSAL FORM

All proposals due to NCACC by Sept. 17, 2012

Mail to NCACC, Attn.: Kevin Leonard, 215. N. Dawson St., Raleigh, NC 27603;  
e-mail to [ncacc@ncacc.org](mailto:ncacc@ncacc.org); or fax to (919) 733-1065

Attach one or more of the following to this form:

- An adopted resolution by the Board of Commissioners;
- A letter from the Board Chairman on behalf of the Board; and/or
- A letter from the president of an affiliate organization.
- Any other documentation or materials that support the proposed goal.

If you have questions, contact Kevin Leonard at (919) 715-4369 or [kevin.leonard@ncacc.org](mailto:kevin.leonard@ncacc.org).

## Legislative Goals Timeline

**Sept. 17:** Deadline for submission of proposals

**Sept. – Oct.:** Steering committees review goals

**November:** Legislative Goals Committee reviews steering committee recommendations, approves package of goals for Board of Directors

**December:** Board of Directors finalizes package to be presented to full membership

**Jan. 24-25, 2013:** Membership adopts goals at Legislative Goals Conference

Date:

Name of county/affiliate organization:

Name and title of person submitting goal:

Phone:

E-mail:

Goal title:

Goal description (what is the problem being addressed?):

County staff contact if other than submitter:

## Select Steering Committee(s)

*You may choose more than one*

Agriculture

Environment

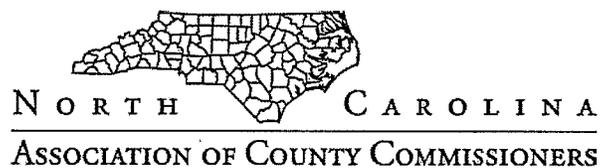
Human Services

Intergovernmental Relations

Justice and Public Safety

Public Education

Tax and Finance



# LEGISLATIVE GOALS HANDBOOK

**FALL 2012**

SECOND EDITION



## THE NCACC LEGISLATIVE GOALS PROCESS

### Mission Statement

The Association's Legislative Goals process is thoughtful, deliberative, inclusive and fair. The investment of time and energy, and value of full discourse, strengthens our Association as we navigate the legislative currents. The process is designed to create an informed grassroots organization and to build a cohesiveness of purpose within the organization that, in turn, grants a degree of credibility to the Association that is unique. All counties and all county officials are invited and encouraged to participate in the Legislative Goals process.



## CONTENTS

This handbook is intended to offer the reader an overview and guidance about the rules and processes used to develop the legislative agenda of the North Carolina Association of County Commissioners. Information is presented in a format that tracks the chronological course of action for the goals adoption process.

Page 6	Background & 2012-13 Timeline
Page 7	Stage 1 - Seeking Goal Proposals
Page 8	Stage 2 - Steering Committee Review
Page 10	Stage 3 - Legislative Goals Committee
Page 11	Stage 4 - Board of Directors Consideration
Page 12	Stage 5 - Legislative Goals Conference
Page 14	Guidance Outside of Legislative Goals Process

## Background and 2013-14 Adopted Timeline

Every two years, in the months preceding a long session of the General Assembly, the North Carolina Association of County Commissioners engages in a process to determine the legislative goals it should seek in the best interest of the counties. The process is thorough, deliberative, and time intensive. It is designed to allow for input from as many county commissioners and other county officials as possible. By maximizing participation from so many of the organization's members, it is possible to reach agreement on goals that are important to all members of this diverse organization.

The NCACC goals-setting process begins in July of each even-numbered year and consists of five stages. These stages are described in detail in this handbook.

Below is the recommended timeline for the 2013-14 legislative goals process:

<b>Legislative Goals Process Timeline</b>	
<b>When</b>	<b>What</b>
September 17 <sup>th</sup>	Submission of county goal proposals deadline
September - October	Steering committees review goals
November	Legislative Goals Committee reviews steering committee recommendations, approves package of goals for Board of Directors
December	Board of Directors finalizes package to be presented to full membership
January 24-25, 2013	Membership adopts goals at Legislative Goals Conference

## Stage 1 - Seeking Proposed Goals (July - September)

The Association's goals-setting process begins with an effort to elicit proposals that members think should be part of the county legislative "package" for the upcoming legislative biennium. Through CountyLines, e-mail communications and other means, the Association solicits proposals from county boards of commissioners. Suggested goals can be submitted via adopted resolutions from full boards, from the Board Chairmen via letter on behalf of the full boards, and from the fifteen affiliate and related organizations (which are groups of county officials/staff organized by function) via a letter from those organizations' presidents.

Presently, the following organizations are included as Affiliate and Related organizations:

### Affiliates

- Association of North Carolina Boards of Health
- Human Resources Directors' Association of North Carolina Counties
- N.C. Association of Assessing Officers
- N.C. Association of County Boards of Social Services
- N.C. Association of County Attorneys
- N.C. Association of County Clerks to the Board
- N.C. Association of County Directors of Social Services
- N.C. Association of County Finance Officers
- N.C. Association of Emergency Medical Services Administrators (NCAEMSA)
- N.C. Association of Local Health Directors
- N.C. Association of Registers of Deeds
- N.C. Tax Collectors' Association

### Related Organizations

- Joint Regional Forum
- N.C. City/County Managers Association
- N.C. Association of County Department of Social Services Attorneys

The Association intentionally casts a wide net to encourage inclusiveness and full membership participation. Discussion and action on proposed goals by full boards of commissioners is requested because this interaction contributes to the deliberative process and builds consensus.

Counties are provided a form on which to submit proposed goals. This streamlines the internal processing of proposals. Forms can be requested by contacting the Association office or can be accessed on the NCACC website at [www.ncacc.org](http://www.ncacc.org). A sample form is included in the Appendix of this handbook.

## Stage 2 - Steering Committee Review (September – October)

The Steering Committee Review is the first step in our legislative goals development process. The Association has seven Steering Committees, organized by subject matter. These are permanent, standing committees. Membership on the Steering Committees is open to any county official – elected, appointed or administrative; chairs are appointed by the Association President following each annual conference. The Steering Committees are:

- Agriculture
- Environment
- Health and Human Services
- Intergovernmental Relations
- Justice and Public Safety
- Public Education
- Taxation and Finance

Proposed goals are sorted according to subject matter by NCACC staff and referred to the appropriate Steering Committees for review. Steering Committees may hear from county officials who submit goal proposals and also may review staff research and analysis. The participation of county staff on Steering Committees provides professional expertise that is critically important as a “reality check” when Steering Committees deliberate the practicality of proposals, discuss how proposals could or should be modified, consider how they align with other proposals, and suggest revisions to better meet the needs of the county “family.” Though staff expertise is critical, particularly at this early stage, as the goal-setting process moves forward, it is increasingly controlled by elected county commissioners.

During the goal setting process the steering committee members are asked to make specific recommendations or actions about each submitted goal. The committee actions include, but are not limited to:

- Favorable – A goal is approved to send to the Legislative Goals Committee for further discussion and consideration.
- Amend – The committee may revise or amend a proposal.
- Unfavorable – The committee declines to send the goal forward.
- Forward Without Prejudice – The Committee has no opinion on the proposal, but wants the Legislative Goals Committee to consider it.
- Needs Further Study – The Committee has insufficient information to make an informed decision and requests that the sponsors either do further research or bring back answers to particular questions at a later date.

In addition to considering proposed goals submitted by counties and partner organizations, the Steering Committees review goals from the previous legislative session to determine whether they are still relevant and should be continued. The committees are also empowered to develop their own suggested goals when needed. Each committee submits its proposed goals to the Legislative Goals Committee.

## Policy Statement Review

The Steering Committees also review the Association's subject area Policy Statements. The Policy Statements are general declarations of ongoing positions that give guidance on broad policy objectives, such as "no mandates without funding." These statements also guide the staff in dealing with unanticipated issues that arise in the legislative context or that affect the counties in other ways, as with proposed administrative rules and regulations or state agency policies.

Because the Steering Committees are ongoing and have broad member participation, they are a critical first step in the Legislative Goals development process. The committees meet quarterly and are available to review legislation during the legislative session; they are used to guide unanticipated legislative action and to recommend any actions that might be advisable to the NCACC Board of Directors for formal consideration and action. This issue is described in greater detail in a later section included in this handbook.

### Stage 3 - Legislative Goals Committee (November)

The Legislative Goals Committee is a non-standing committee. It is newly appointed every two years and meets as needed. Members are selected to assure balance with respect to political affiliation, county population, race, gender and other demographic characteristics. Two co-chairs, a Republican and a Democrat, are appointed by the NCACC Association President to lead the Legislative Goals Committee.

The members of the Legislative Goals Committee traditionally include:

- Each Steering Committee Chair (appointed by the President)
- Affiliate organization representatives (the president of the affiliate organization)
- A Joint Regional Forum representative
- An elected commissioner from each of the Association's 18 districts
- Other members as appointed by the President.

The Legislative Goals Committee reviews the recommendations of the Steering Committees. Steering Committee chairs present their committee's recommendations. The county officials who want to advocate their proposals are allowed to make presentations to the Legislative Goals Committee. The committee also reviews research and analysis related to the proposals.

The goals development timeframe requires that the Legislative Goals Committee hold its meetings during the busiest political season of the year for counties. The process always takes place during an election year for counties, and the campaign season is always underway when the Legislative Goals Committee and Steering Committees are deliberating their proposals. While this may be inconvenient, it is necessary. It is also beneficial to the process, in that critical issues are often in front of the public and commissioners.

The Legislative Goals Committee may narrow the list of proposals; it also reconciles conflicts or overlaps between steering committee recommendations, and prioritizes its recommendations. The proposals are then submitted to Board of Directors for consideration.

#### **Stage 4 - Board of Directors (December)**

As the Association's goal-setting process moves forward, the elected county commissioners become more and more involved in the decision-making process. The Board of Directors is almost exclusively elected commissioners, with the one exception of a non-voting county manager.

At its December meeting, the Board reviews the recommendations of the Legislative Goals Committee. As at earlier stages of the process, the Board may hear presentations, review research and analysis, add, delete or amend proposals and policy statements.

The Board gives final approval to the package of proposals and policy statements that are to be voted on by the full membership at the Legislative Goals Conference in January. By taking this action in December, the individual county boards of commissioners have time and opportunity for a full review prior to the conference.

## Stage 5 - Legislative Goals Conference (Jan. 24-25)

The final stage of the Association's Legislative Goals process is the Legislative Goals Conference, to which all Association members are invited. Historically, more than 85 counties are represented, exemplifying an outstanding degree of interest and participation. The conference is spread over a day and a half, assuring time for thorough discussion, deliberation and debate. In recognition of the need to involve newly elected commissioners in the process, the Board appoints a Screening Committee to receive any new proposals that have not been through the development process by this stage. This process is discussed in greater detail below.

The goals conference is conducted according to rules designed to encourage participation, to provide a balance between inclusiveness and respect for the process and efforts of the committees and the Board up to this point. The conference begins with a pre-lunch nonvoting discussion of the proposed goals. This allows commissioners not previously involved in the deliberations, particularly newly elected commissioners, to improve their understanding of the issues.

### Voting Process

- Every member county appoints a voting delegate to the conference.
- Every county in attendance has one vote. The voting delegate can be any county official, including non-elected officials, and a county may choose an alternate. No proxies are allowed.
- Goals are presented by steering committee subject category. Upon motion of any voting delegate, a proposal can be set aside for detailed discussion.
- Majority votes are required to approve or alter the proposed goals.

### Screening Committee Process

The Association has a Screening Committee process to allow for consideration of newly proposed goals or proposals previously presented but not approved. The Screening Committee is composed of the Legislative Goals Committee chairs and the seven Steering Committee chairs. The Screening Committee meets at the end of the first day of the conference to review and hear presentations on any newly submitted proposals.

The rules under which the Screening Committee operates are designed to provide for fair consideration of new or previously unsuccessful ideas.

Rules for the Screening Committee process are as follows:

- Any new or previous goal proposal must be submitted to the committee by 1 p.m. on the first day of the conference.

- Goals approved and recommended by the Screening Committee are brought to the floor for consideration by the voting delegates on the second day of the conference. A majority vote of the delegates is required for approval.
- Any proposal not approved by the Screening Committee can only be brought to the floor for consideration upon a vote of two-thirds of the number of voting delegates present at 2 p.m. on the first day of the conference. This requirement recognizes that by the end of the second day, voting delegates may leave, and it protects the members from having their goals process circumvented by what could be a relatively small number of delegates.
- The Screening Committee has the authority to request a Steering Committee to give further study to newly proposed ideas. Any Steering Committee recommendations that derive from this kind of study can be presented to the Board of Directors for consideration at a later date.

### **Conclusion**

All goals and policies receiving a favorable report at the Legislative Goals Conference are included in the official final NCACC Legislative Goals package. The official document containing the organization's goals and policy statements shall be mailed to all 100 counties and presented to each member of the North Carolina General Assembly, to the Governor, and to other executive branch leaders.

### **Guidance Outside of Legislative Goals Process**

Throughout the legislative biennium, new issues will arise that were not anticipated or considered during the organization's legislative goals process. The Association Steering Committees have the authority and responsibility to study new issues, to research and analyze the effect or implications of proposed legislation, and to make recommendations to the Board of Directors. Any such action is communicated on a regular basis to the Association members through the web-site, through CountyLines, and through other means as needed.

Upon recommendation of the co-chairs of the Legislative Goals Committee, the committee may meet between the legislative long and short sessions, to review goal progress and make suggestions to the Board of Directors related to goal priorities, especially given an ever-changing legislative environment.

Appendix



2013-14 biennium

## LEGISLATIVE GOALS PROPOSAL FORM

All proposals due to NCACC by, Sept. 17, 2012

Mail to NCACC, Attn.: Kevin Leonard, 215. N. Dawson St., Raleigh, NC 27603;  
e-mail to [ncacc@ncacc.org](mailto:ncacc@ncacc.org); or fax to (919) 733-1065

Attach one or more of the following to this form:

- An adopted resolution by the Board of Commissioners;
- A letter from the Board Chairman on behalf of the Board; and/or
- A letter from the president of an affiliate organization.
- Any other documentation or materials that support the proposed goal.

If you have questions, contact Kevin Leonard at (919) 715-4369 or [kevin.leonard@ncacc.org](mailto:kevin.leonard@ncacc.org).

Date:	
Name of county/affiliate organization:	
Name and title of person submitting goal:	
Phone:	E-mail:
Goal title:	
Goal description (what is the problem being addressed?):	
County staff contact if other than submitter:	

**Legislative Goals Timeline**

**Sept. 17:** Deadline for submission of proposals

**Sept. – Oct.:** Steering committees review goals

**November:** Legislative Goals Committee reviews steering committee recommendations, approves package of goals for Board of Directors

**December:** Board of Directors finalizes package to be presented to full membership

**Jan. 24-25, 2013:** Membership adopts goals at Legislative Goals Conference

**Select Steering Committee(s)**

*You may choose more than one*

- Agriculture
- Environment
- Human Services
- Intergovernmental Relations
- Justice and Public Safety
- Public Education
- Tax and Finance



215 NORTH DAWSON STREET  
RALEIGH, NORTH CAROLINA 27603

919-715-2893

[WWW.NCACC.ORG](http://WWW.NCACC.ORG)



## NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS – 2011-2012 – LEGISLATIVE GOALS

This document provides a summary status report of the county legislative goals adopted in the 2011-12 biennium. Goals are presented by steering committee area, with the following symbols depicting each goal's progress:



Goal Accomplished



Goal Partially Accomplished



Goal Not Met

Counties are encouraged to use this progress report when considering what legislative goals should be submitted as a part of NCACC's legislative goals process for the 2013-14 Legislative Biennium.

NCACC staff will provide a thorough review and discussion of these goals during the steering committee legislative goals review process. County members are invited to join a steering committee, with steering committee meetings to be scheduled in September and October, 2012.

### Priority Goals

1.  **Oppose shift of state transportation responsibilities to counties** – Oppose legislation to shift the state's responsibility for funding transportation construction and maintenance projects to counties.
2.  **Reinstate ADM and lottery funds for school construction** – Seek legislation to fully reinstate the Average Daily Membership funds and Lottery proceeds to the Public School Building Capital Fund.
3.  **Ensure adequate mental health funding**
  - Seek legislation to ensure adequate capacity of state-funded acute psychiatric beds.
  - Oppose legislation to close state-funded beds until there is adequate capacity statewide.
  - Seek legislation to maintain the existing levels of state funding for community mental health services.
4.  **Preserve the existing local revenue base.**
5.  **Authorize local revenue options** – Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county.



NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS – 2011-2012 – LEGISLATIVE GOALS



Goal Accomplished



Goal Partially Accomplished



Goal Not Met

**Agriculture**

1.  **Support conservation of working lands and farmland preservation** - Support legislation to promote and preserve working farmlands by including these lands in the state tourism plan, by retaining the current authority for the present use value system, by maintaining funding for the Ag Development and Farmland Preservation Trust, and by authorizing counties to implement transfer of development rights.
2.  **Fund agricultural resource and extension services** - Support legislation to increase ag research and extension services and maintain existing research stations at current levels.
3.  **Support Sustainable Local Food Advisory Council recommendations** - Support legislation to implement the Sustainable Local Food Advisory Council's recommendations including a prohibition against municipal involuntary annexation or regulation of farm or forestry activities within a voluntary agricultural district or conservation district and support state funding to maintain and enhance the North Carolina Transition Network.
4.  **Maximize availability of adoptable animals** - Seek legislation to increase adoption opportunities for county animal control facilities by clarifying ownership proof and increasing shelter director discretion.



NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS – 2011-2012 – LEGISLATIVE GOALS



Goal Accomplished



Goal Partially Accomplished



Goal Not Met

**Environment**

1. **Enhance river basin monitoring and streamline rule-making** - Enhance monitoring for all river basins in North Carolina and review the rule-making process to enhance regional cooperation.
2. **Streamline water supply reservoir permitting** - Seek legislation to streamline local water supply reservoir permitting without sacrificing the scientific rigor of Environmental Impact Assessment and ensure adequate opportunities for public and local official comment.
3. **Authorize county oversight of bio-solids disposal** - Support legislation to authorize counties to regulate, but not prohibit, bio-solids application activities, including the acceptable "classes" of bio-solids for application and the prohibition of bio-solids application in certain environmentally sensitive areas.
4. **Clarify yard waste facility runoff statutes** - Seek legislation to clarify that runoff from yard waste staging areas at county landfills does not require wastewater treatment.
5. **Create study commission on horizontal drilling, hydraulic fracturing and uranium mining** - Seek legislation to create a Study Commission on horizontal drilling and hydraulic fracturing for shale gas deposits and uranium mining.



NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS – 2011-2012 – LEGISLATIVE GOALS



Goal Accomplished



Goal Partially Accomplished



Goal Not Met

### Health and Human Services

1.  **Ensure adequate mental health funding**
  - Seek legislation to ensure adequate capacity of state-funded acute psychiatric beds.
  - Oppose legislation to close state-funded beds until there is adequate capacity statewide.
  - Seek legislation to maintain the existing levels of state funding for community mental health services.
2.  **Retain state aid to counties** - Seek legislation to retain the State Aid to Counties to maintain federal matching funds.
3.  **Allow county flexibility to organize local human services**
  - Seek legislation to allow counties to organize human services based on community need, including the removal of the population threshold in 153A-77.
  - Oppose legislation that would mandate consolidation of social services functions.
4.  **Maintain childcare subsidy funds and allocate to counties**
  - Seek legislation to allocate all childcare subsidy funding directly to counties.
  - Oppose legislation that would reduce childcare subsidy funding.
5.  **Maintain TANF funds to counties** - Seek legislation to maintain existing levels of county TANF funding to support and fund county DSS programs.
6.  **Maintain childcare subsidy administration** - Seek legislation to maintain the Child Care Subsidy Administration funding at 5 percent.
7.  **Increase state/county special assistance residency requirements** - Seek legislation to increase the number of days to establish residency for Special Assistance from 90 to 180 days, except for persons who have entered the state to be supported by a close relative.
8.  **Require back-up generators for adult-care homes** - Seek legislation to require all new adult-care homes to have back-up generators prior to receiving certificates of occupancy and require all existing adult-care homes to be equipped with back-up generators within three years.
9.  **Expedite NCFAST automation and policy simplification** - Seek legislation to expedite the implementation of NC FAST and ensure automation builds on program and policy simplification and includes interface protocols.
10.  **Retain "electing" counties' financial incentives** - Seek legislation to retain financial incentives for counties to be "electing" counties.



NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS – 2011-2012 – LEGISLATIVE GOALS



Goal Accomplished



Goal Partially Accomplished



Goal Not Met

### Intergovernmental Relations

1.  **Oppose shift of state transportation responsibilities to counties** - Oppose legislation to shift the state's responsibility for funding transportation construction and maintenance projects to counties.
2.  **Modernize annexation laws** - Seek legislation modernizing annexation laws.
3.  **Oppose collective bargaining for public employees** - Oppose legislation to authorize local governments to enter into collective bargaining agreements with public employees, or to mandate dues check-off programs.
4.  **Implement combined motor vehicle registration and property tax collection system** - Seek legislation to ensure that the combined motor vehicle registration and property tax collection system is implemented within the statutory deadline.
5.  **Protect local control of ABC system** - Seek legislation to protect local control of the local ABC system including all local revenue streams generated through local ABC store operations.
6.  **Authorize counties to offer broadband through partnership or direct service** - Seek legislation to authorize counties to provide high-speed internet through direct county service or public-private partnerships.
7.  **Eliminate second primary and run-off elections** - Seek legislation to eliminate second primary and run-off elections.
8.  **Authorize electronic notice of public hearings and other legal notices** - Seek legislation to provide counties with options for notice of public hearings, notice of delinquent taxpayers, and other legal notices, through electronic means.
9.  **Repeal public employee personnel record changes** - Repeal HB 961. Seek legislation that will better clarify issues regarding privacy of public employee personnel records and release of other public records.
10.  **Protect privacy of citizen email notification and distribution lists** - Seek legislation to protect the privacy of email notification and distribution lists of citizens who have requested electronic communication with their local governments.
11.  **Modernize public records retention** - Seek legislation to modernize public records retention to permit records storage in digital format.
12.  **Support Rural Transportation Planning Organizations (RPOs)** - Support legislation to maintain the funding for rural transportation planning organizations (RPOs).
13.  **Reform workers' compensation** - Support legislation to reform North Carolina's workers' compensation system to reduce disability findings and open-ended streams of payment, to address the trend in favor of long-term disability findings, to diminish control over these findings on the part of claimants and their legal representatives, and to curtail adoption of rules that limit return-to-work efforts.



## NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS – 2011-2012 – LEGISLATIVE GOALS

14.  **Oppose contributory negligence tort reform** - Oppose tort reform legislation that would overburden county budgetary constraints, unfairly shift fault to counties, or increase demand for court facilities.
15.  **Promote utilization of 911 centers by protecting confidentiality** - Seek legislation to promote the reporting of criminal activity by protecting the confidentiality of callers by using either transcripts or voice-altered recordings to prevent recognition and to make appropriate amendments to public records laws.



NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS – 2011-2012 – LEGISLATIVE GOALS



Goal Accomplished



Goal Partially Accomplished



Goal Not Met

**Justice and Public Safety**

1.  **Protect county jail system**
  - Seek legislation to protect the fiscal viability of the county jail system by reinstating the reimbursement rate for state inmates housed in county jails and increasing the reimbursement rate for state inmates awaiting post-trial prison transfer.
  - Oppose legislation to increase time counties are mandated to house state misdemeanants.
2.  **Improve inmate medical care cost containment** - Seek legislation that would authorize medical care providers to charge the state and counties no more than the rates set in the Medicaid or Medicare schedule of charges for inmate medical care.
3.  **Maintain funding for gang prevention and adolescent substance abuse prevention, intervention and treatment programs.**
4.  **Allow court facility fee flexibility** - Seek legislation to allow counties to collect additional fees to support specialty courts and help fund capital, operational and other needs associated with increasing demands on our judicial system.
5.  **Authorize inmate electronic monitoring cost reimbursement** - Seek legislation to authorize counties to seek reimbursement from defendants for electronic monitoring, based on ability to pay.



## NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS – 2011-2012 – LEGISLATIVE GOALS



Goal Accomplished



Goal Partially Accomplished



Goal Not Met

**Public Education**

1.  **Reinstate ADM and lottery funds for school construction** - Seek legislation to fully reinstate the Average Daily Membership funds and Lottery proceeds to the Public School Building Capital Fund.
2.  **Authorize county use of lottery funds for technology** - Seek legislation to authorize counties to use lottery funds to address school technology needs.
3.  **Increase high school graduation rates** - Support legislation that encourages students to complete their high school education by recognizing alternative graduation methods and by excluding from the definition of dropouts those youth enrolled in high school equivalency programs at community colleges.



NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS – 2011-2012 – LEGISLATIVE GOALS



Goal Accomplished



Goal Partially Accomplished



Goal Not Met

**Tax and Finance**

1.  **Preserve the existing local revenue base .**
2.  **Authorize local revenue options** - Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county.
3.  **Recover costs through in rem foreclosure fee** - Seek legislation to increase the reimbursement rate for in rem foreclosure collection efforts to recover actual costs, including legal expenses.
4.  **Set property tax relief application deadline at June 1** - Seek legislation to establish June 1 as the statutory deadline for exemption, deferment and other property tax relief applications.
5.  **Clarify centralized listing and assessing of cellular and cable companies** - Seek legislation to implement the central listing and assessment of cellular and cable companies.
6.  **Clarify definition of charity eligible for property tax relief** - Seek legislation to clarify the definition of charity and set a cap amount for hospitals, facilities financed through Medical Care Commission bonds, and continuing care facilities, and require that any property valuation exclusion formula provide for a higher test of charity.
7.  **Allow hospital authority access to setoff debt collection** - Seek legislation to authorize hospital authorities to participate in the setoff debt collection program.
8.  **Require sales tax reported at zip+4** - Seek legislation to require that large vendors report sales tax by the 9-digit zip code.
9.  **Simplify register of deeds fees** - Support legislation to require that all real estate recording fees charged by the Register of Deeds be set at appropriate flat rates, with a single rate paid to a single state agency, provided that implementation of this legislation not reduce any revenues to any county.
10.  **Standardize local vehicle fees** - Seek legislation to require that all local vehicle fees be adopted at the time the tax rate is adopted and impose the fees on all registered and unregistered vehicles.
11.  **Allow solid waste authority access to setoff debt collection** - Seek legislation to authorize solid waste authorities to participate in the setoff debt collection program.
12.  **Manufactured home taxes paid before transfer** - Seek legislation to require that all taxes levied on manufactured homes be paid before the home may be moved, repossessed or sold on site.

## **ORANGE COUNTY BOARD OF COMMISSIONERS**

### **Resolution Detailing Orange County's Recommendations Regarding Goals for Inclusion in the North Carolina Association of County Commissioners' (NCACC) 2013-2014 Legislative Goals Package**

WHEREAS, the North Carolina Association of County Commissioners (NCACC) organizes a process every two years to develop a legislative goals package; and

WHEREAS, the purpose of the package is to develop a consensus of broad support on legislative goals and issues for matters affecting North Carolina counties that may be addressed during the upcoming North Carolina General Assembly sessions during next two calendar years; and

WHEREAS, the goals and issues included in NCACC package, with their broad support, guide and strengthen NCACC representatives and staff as they converse with individual legislators and committees on legislative matters; and

WHEREAS, NCACC has begun the process to develop its 2013-2014 Legislative Goals Package and Orange County and all other North Carolina counties have been asked to submit proposed legislative goals by September 17, 2012 for consideration for inclusion in the 2013-2014 Legislative Goals Package; and

WHEREAS, Orange County believes there are many issues of importance to all North Carolina counties that should be included as goals in NCACC's 2013-2014 Legislative Goals Package;

NOW THEREFORE we, the Orange County Board of Commissioners, do hereby recommend that NCACC include the following goals in the NCACC 2013-2014 Legislative Goals Package:

- 1) Support the expansion of revenue options and protection of revenue sources available to county governments;
- 2) Support an independent Legislative Study regarding options for future transportation funding and continue to oppose legislation shifting the State's existing responsibility for funding transportation construction and maintenance projects to county governments without also providing counties the necessary additional revenue sources;
- 3) Support a statewide bond referendum to provide State assistance to meet public school and community college construction needs caused by increased enrollment, mandated reduction in class size and other factors;

- 4) Seek legislation to ensure that State-funded mental health, developmental disability, and substance abuse services are available, accessible and affordable to all residents and that sufficient state resources fund service provision costs inclusive of sufficient crisis beds;
- 5) Support legislation which streamlines the sales tax refund regulatory process by exempting public institutions (counties, cities, school boards, community colleges, local utility authorities, etc.) from payment of State and local sales taxes on purchases within North Carolina and thereby diminish the administrative burden on the local and State level to pursue/account for/recoup sales tax proceeds; and
- 6) Support legislation which provides county governments some opportunity to regulate and/or have input into, but not prohibit, bio-solids application activities, including the acceptable “classes” of bio-solids for application and the prohibition of bio-solids application in certain environmentally sensitive areas such as critical watersheds. The appropriate application of bio-solids for agricultural use should be allowed with counties playing a role in the process;
- 7) Support legislation to provide additional State compensation to municipalities and local fire districts providing fire protection to state-owned buildings;
- 8) Support actions to change North Carolina Division of Water Quality (DWQ) wastewater system classification rules which currently classify a spray irrigation system such as one utilized by volunteer fire departments as “commercial”. When the flow generated by the system is domestic quality/non-industrial process wastewater, the system should be held to the same monitoring and testing standards as a residential wastewater system under DWQ jurisdiction. In the alternative, volunteer fire departments should be excluded entirely from the “commercial” classification. The annual inspections and testing costs associated with a “commercial” designation for a spray irrigation system serving a volunteer fire department can be several thousands of dollars. Accounting for the type of flow actually treated by a system rather than assigning a blanket “commercial” designation would significantly reduce volunteer fire departments’ annual costs across the state;
- 9) Support revisions to the Homestead Exemption provisions of the Machinery Act to
  - a) provide greater opportunities for low-income seniors to remain in their homes and not be displaced due to property tax burdens by approving a one-time ten percent (10%) increase in the income qualification standard; and maintaining the current provisions which increase the income qualification standard each year based on any

- cost-of-living adjustment made to the benefits under Titles II and XVI of the Social Security Act for the preceding calendar year;
- b) diminish the discriminatory features of the current exemption provisions relating to married couples by establishing graduated income qualification standards for single individuals versus married couples; and
  - c) address the ineffectiveness of the exemption provisions in communities where property values increase at substantial rates over short periods of time by capping the increase in additional taxes to be paid to the increase in the Consumer Price Index (CPI) for the preceding year.
- 10) Support the streamlining of provisions requiring units of local government to prepare 10-year solid waste management plans in order to simplify the process, reduce costs, and produce results more relevant for local governments. Currently a plan and any changes to it, including three year mandated updates, must often be approved unnecessarily by multiple units of government, even those that may not utilize local waste disposal facilities. Additionally, a primary reason for requiring 10-year plans was to measure remaining landfill space to ensure the future space availability. Other State rules require an annual survey of all landfill facilities to calculate remaining space, and with modern Geographical Information Systems, there is no need for the 10 year plan to duplicate this effort; and
- 11) Support legislation requiring an advance recycling fee (ARF) – for the collection and recycling of computer, television, cell phone and other discarded electronic equipment – to fund the shortfall from the existing producer responsibility funding. The producer responsibility provisions for electronics recycling require manufacturers to maintain records by category on equipment sales and pay corresponding fees to the State of North Carolina. The State in turn distributes those funds to North Carolina counties. The producer responsibility funds only cover a portion of the expenses that North Carolina counties incur for electronics recycling (Example: Orange County receives funding equal to approximately ten percent (10%) of its actual electronic recycling expenses).

This the 6<sup>th</sup> day of September 2012.

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Bernadette Pelissier, Chair  
Orange County Board of Commissioners

RES - 2012 - 037

NORTH CAROLINA  
ORANGE COUNTY

RESOLUTION REGARDING  
LEGISLATIVE MATTERS

BE IT RESOLVED by the Board of County Commissioners of Orange County that the Board hereby requests the Senator and Representatives representing Orange County take the following positions on legislation regarding the following Statewide matters:

- 1) \* Revenue Options for Local Government - Support legislation that authorizes any local government to enact any revenue source that is presently available to one or more local governments in the state. Local governments have experienced significant budget cuts in recent years. Providing flexibility regarding revenue options to fund local government services will allow local governments to tailor their respective funding plans based on individual needs and goals;
  
- 2) \* County Responsibility for Roads - Oppose legislation shifting the state's existing responsibility for funding transportation construction and maintenance projects to county governments. However, if the responsibility or the sharing of responsibility for secondary road improvements and/or the maintenance of

roads is required of county governments, then Orange County requests that counties also be given the authority to levy fees, tolls, and other charges as may be necessary to provide funding to address this new responsibility. A new responsibility should include new revenue opportunities to accomplish the identified needs;

- 3) **\* Bio-solids Disposal** - Support legislation which provides county governments some opportunity to regulate and/or have input into, but not prohibit, bio-solids application activities, including the acceptable "classes" of bio-solids for application and the prohibition of bio-solids application in certain environmentally sensitive areas such as critical watersheds. The appropriate application of bio-solids for agricultural use should be allowed with counties playing a role in the process;

- 4) **Energy Efficiency Standards in Local Building Codes** - Support changes in State law to allow local governments to include standards for energy efficiency in local building codes that are higher than those contained in the State Building Code;

- 5) **\* Broadband** - Support legislation, funding, and other efforts to expand broadband capability to the un-served and under-served areas of the State to enhance quality of life as well as expand opportunities for jobs creation, small business development, and growth in farm enterprises. Orange County opposes legislation limiting local governments' efforts to provide broadband and supports legislation and regulations that would preserve local option and authority where needed to deploy community broadband systems and ensure community access to critical broadband services (Also see 2012 Orange County Resolution with Draft Bill concerning the addition of Orange County to Session Law 2011-163 authorizing Broadband Grants for Economic Development);
- 6) **Sales Tax Exemption** - Support legislation to exempt counties, cities, school boards, community colleges, and the Orange Water & Sewer Authority from payment of state and local sales taxes on purchases within North Carolina. The legislation should contain a provision permitting the state to repay the last refund over a multi-year period to minimize state budget impacts. Alternatively, Orange County supports legislation to

fully restore public schools' access to sales tax refunds;

- 7) Smart Start and More at Four - Orange County supports efforts to secure needed and stable funding, enhanced quality early care and education, and family access and benefits in settings public and private. The County advocates sustaining teacher quality; evidence-based learning objectives; healthy life styles; and community engagement. Quality early childhood has proven to help alleviate the achievement gap; curb the need for costly services (including special education); and reduce societal cost by increasing graduation rates. Orange County Schools and Chapel Hill-Carrboro City Schools are ardent allies, equally concerned about State actions that could negatively impact local implementation. Orange County remains strongly supportive of the Orange County Partnership for Young Children in the effective administration and evaluation of services reaching all children throughout the County. (Exhibit A is a summary from Partnership Director Margaret Samuels.)

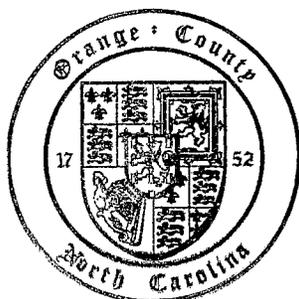
\* This item generally coincides with a similar North Carolina Association of County Commissioners (NCACC) 2011-12 Legislative Goal.

Upon motion of Commissioner Jacob, seconded by Commissioner Hummer, Item #1 of the foregoing resolution was adopted by a vote of 4-2 (Commissioners Yuhasz and McKee voting nay) this the 3<sup>rd</sup> day of April, 2012.

Upon motion of Commissioner Jacob, seconded by Commissioner Hummer, Items #2 through 7 of the foregoing resolution were adopted by a vote of 6-0 this the 3<sup>rd</sup> day of April, 2012.

I, Donna Baker, Clerk to the Board of 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 April 3, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in Minute Book No. \_\_\_\_ of the minutes of said Board.

WITNESS my hand and the seal of said County, this 4<sup>th</sup> day of April, 2012.



Donna Baker  
Clerk to the Board of Commissioners

## EXHIBIT A

**Orange County Partnership for Young Children  
Margaret Samuels, Executive Director  
Smart Start NC Pre K Information**

**Smart Start 2012-2013:**

- Maintain Smart Start funding or increase funding to prior year levels.
- Continue the focus on developmentally appropriate early literacy and evidence based programs for early care, education and services.
- Increased funds will allow OCPYC to fund necessary programs in our community and expand funding to Early Intervention/Health and Family Support projects which were decimated in last year's Smart Start budget cycle due to drastic cuts. Support parents and community with programs that reach all children.
- Continue the waitlist reduction in the upcoming year. In 2011-2013, the County waitlist for child care subsidy has been reduced to minimal from a high of 650 children. This is the first time in several years that hundreds of children have not been waiting for child care subsidy in Orange County.
- Enhance and maintain quality in early care and education in all setting (public and private) by supporting teacher quality; evidence based learning objectives; healthy life styles and community engagement.

**NC Pre K (MAF) 2012-2013:**

- Support and increase funding to serve more children in quality early education.
- NC Pre K should continue to be offered in a variety of setting including child care, public schools, head start, etc. Maintaining this diversity allows the maximum of parent choice and funding.
- Maintain the current definition of "at-risk". At a time when more children are living in poverty, more NC Pre K slots need to be available for children.

OCPYC in conjunction with school districts, CHTOP Head Start and 3 private child care centers continue to work collaboratively to provide some of the best quality Pre K services in the state. Both Chapel Hill Carrboro City School and Orange County School Districts are aware of state issues and concerns and their impact on local implementation. The school district is have been supportive of OCPYC and its administration and implementation of NC Pre K in Orange County.

**Conclusion:**

I want to thank the Orange County Board of County Commissioners for the opportunity to give an update on the status of Smart Start and NC Pre K funding. We know that quality early childhood programs help to alleviate the achievement gap, reduce the need for costly services including special education, and reduce overall societal cost by increasing graduation rates. I also want to thank Commissioner Pelissier, County Manager Clifton and Assistant Manager Harvey for their service to the OCPYC Board as well as thanking the County Department Directors who serve on our Board and provide guidance and assistance to early childhood services in Orange County.

Please do not hesitate to contact Margaret Samuels, OCPYC Executive Director at 919-967-9091 or [msamuels@orangesmartstart.org](mailto:msamuels@orangesmartstart.org) if you need any additional information.

**ORANGE COUNTY**  
**AREAS OF SUPPORT**

**County Jail System/Housing State Inmates Reimbursement** - Orange County appreciates past efforts, in particular the establishment last year of a Statewide Misdemeanor Confinement Program to provide housing for misdemeanants serving periods of confinement of more than 90 days and up to 180 days. Orange County does not participate in the program due to limited space in the County Jail. The Program which houses misdemeanants serving periods of confinement of more than 90 days and up to 180 days is working, with Orange County inmates routinely transferred out of Orange County to other facilities. The County continues to seek legislation to protect the fiscal viability of the county jail system by reinstating a reimbursement rate for state inmates housed in county jails and increasing the reimbursement rate for state inmates awaiting post-trial prison transfer.

**Agriculture/Solar Energy** - Orange County supports renewable energy initiatives such as House Bill 495/Senate Bill 473 and Senate Bill 694 to create a market for agricultural-sourced energy credits. Both provide incentives for farmers to produce renewable energy, which will become increasingly important to preserving and strengthening the agricultural economy and rural infrastructure as well as maintaining Orange County's rural heritage and culture. The lack of continued effective solar energy incentives is a lost opportunity for all North Carolinians, but this is especially true for the agricultural sector. Farmers use a lot of electrical power and are uniquely positioned to become energy producers. Every south-facing barn roof is a candidate for a photo-voltaic (PV) array, and farms usually have open acreage that can support a stand-alone PV array. NOTE: These bills were approved on first reading in their respective chambers in 2011 and sent to committees. No further action occurred and the bills, therefore, did not survive crossover and are not eligible for consideration in the 2012 short session.

**Fracking** - Orange County supports legislation which provides local governments some opportunity to regulate and/or have input on proposed fracking activities, especially as they affect water resources; allows for public awareness and comment; and allows local entities to address issues and concerns that are raised.

**Authority to Amend the Orange County Civil Rights Ordinance** -

The Board of Commissioners adopted the Orange County Civil Rights Ordinance in 1994 with the purpose and policy to promote the equal treatment of all individuals. In subsequent years, the County has requested, to no avail, additional legislative authority to amend the Ordinance to include additional protected classes. The Orange County Human Relations Commission formally acted in October 2011 requesting that the Board of Commissioners take the appropriate steps to amend the Orange County Civil Rights Ordinance to include *sexual orientation* and *sexual identity* as protected classes. Approximately 89% of Fortune 500 companies prohibit discrimination based on sexual orientation, including Bank of America, Lowe's, Duke Energy, Branch Banking and Trust (BB&T), and Reynolds American (the five largest North Carolina-based public companies in that order). Orange County supports legislative action to provide the County the authority to include sexual orientation and sexual identity as protected classes.

**E-911 Funds** - Orange County appreciates past efforts and supports future initiatives to expand the uses for these funds within the public safety disciplines related to emergency communications and Emergency Medical Services. North Carolina General Statute (NCGS) 62A-47 Section 9 allowed local governments to use 50% of the funds in the Emergency Telephone System to provide for public safety needs, without limitations imposed under NCGS 62A-46. Public Safety expenditures authorized under Section 9 must be completed by June 30, 2012. Orange County supports permanently extending the authorization to use E911 funds for all public safety disciplines.

**\* Mental Health** - Orange County supports stable and secure funding for mental illness, development disabilities, and substance abuse treatment systems Statewide, and especially supports efforts and funds to enhance community-based initiatives.

**Land, Water and Agricultural Preservation Funding** - Orange County supports the safeguarding of Park, Agricultural Preservation, Clean Water and other existing trust funds established for the protection of the State's land, water, agriculture, and special places before they are irreversibly lost.

\* Agriculture - Support Conservation of Working Lands and Farmland Preservation - Orange County supports a conservation option under the Use Value Program and a revision to the revenue and acreage requirements of the Use Value Program to address operations that meet the revenue requirements, but do not meet the minimum ten acres threshold for agricultural operations.

Sustainable Communities - Orange County appreciates efforts during the 2010 General Assembly Session to establish the North Carolina Sustainable Communities Task Force and associated Grant Fund and supports future efforts to move these initiatives forward.

\* This item generally coincides with a similar North Carolina Association of County Commissioners (NCACC) 2011-12 Legislative Goal.

**ORANGE COUNTY**  
**ITEMS OF INTEREST**

**Statute of Limitations for Challenging Zoning Ordinances**

Session Law 2011-384 significantly amended the statute of limitations for challenging zoning ordinances by providing that actions challenging the validity of any zoning or unified development ordinance accrue "when the party bringing the action first has standing to challenge the ordinance..." This amendment has the potential to leave lawfully adopted county ordinances open to challenge indefinitely. If an individual purchases a piece of property twenty years after the adoption of a zoning ordinance, pursuant to this amendment, that individual may challenge the validity of the zoning ordinance. Orange County believes a more appropriate statute of limitations would authorize the bringing of such an action within three years of the adoption of a zoning ordinance.

**Potentially Dangerous Dog Declarations - Appeals Timetable**

North Carolina General Statute 67-4.1.C states that an "appellate Board shall schedule a hearing within 10 days of the filing of objections" to a potentially dangerous dog declaration. The 10-day timetable to convene a hearing presents a significant challenge. Members of appeals bodies are community residents with many obligations and it is often a struggle to schedule meetings within the mandated 10-day timeframe. Orange County believes it would be a significant improvement to amend the statute to state "within 10 working days of the filing of objections".

**Solid Waste Management Plan Requirement**

North Carolina General Statute 130A-309.09 (A)(b) requires units of local government to prepare 10-year solid waste management plans and update those plans every three years. A plan and any changes to it must often be approved by multiple units of government. One of the primary reasons for requiring 10-year plans was to measure remaining landfill space and ensure the future availability of landfill space. Other State rules now require an annual survey of all landfill facilities to calculate remaining space. Together with modern Geographical Information Systems, there is no need for the 10 year plan to duplicate this effort. Orange County believes the process for reporting solid waste operations should be simplified, be

made less costly and onerous, and become more relevant for local governments.

### **Forestry Notification**

Property owners currently do not receive any notification of impending forestry activities planned for adjoining properties. Orange County believes the State should at a minimum implement a courtesy notification process for adjoining property owners.

### **Machinery Act**

North Carolina property tax law substantially limits the ability of local governments to address property tax discrepancies, such as prohibiting the refund of prior years' taxes paid after a measurement and/or condition property appraisal error is discovered. Orange County believes that local governments need more flexibility to remedy such errors. Just as local governments can recoup prior years' property taxes from owners for "discoveries", local governments should likewise be authorized to refund prior years' taxes paid when situations such as measurement and/or condition property appraisal errors are discovered.

### **Homestead Exemption**

Orange County believes Homestead Exemption provisions of the Machinery Act should be reformed to:

- 1) provide greater opportunities for low-income seniors to remain in their homes and not be displaced due to property tax burdens;
- 2) eliminate the discriminatory features of the exemption provisions relating to couples; and
- 3) address the ineffectiveness of the exemption provisions in communities where property values increase at substantial rates over short periods of time.

### **\* Court Facility Fees**

Orange County recently completed an \$11 million justice facility expansion, a substantial investment for the County. Like other North Carolina counties, the County receives limited financial support for the construction of judicial facilities as well as the on-going annual facility operation and maintenance. As court fees and jail housing fees are reduced, Orange County believes counties should be

authorized to raise Court Facility Fees to help fund capital or debt service needs associated with ever-increasing judicial activities.

#### **Open Burning/Burning Permits**

Orange County believes the statutes related to open burning (Chapter 106 Article 78) should be amended to grant authority to local governments to regulate and prohibit open burning during periods of hazardous forest fire conditions, drought periods, or periods of excessive air pollution. Local fire authorities are best suited to assess local conditions and determine whether those conditions pose a threat to the public health, safety, and general welfare.

#### **Herbicide Use Limitations for Right of Way Maintenance**

North Carolina and specifically Orange County benefit substantially from organic agriculture. The use of herbicides has a significant negative impact on organic agriculture. Orange County supports legislation that would further regulate or prohibit the use of herbicides for the clearing and maintenance of easements and rights of way by utilities.

\* This item generally coincides with a similar North Carolina Association of County Commissioners (NCACC) 2011-12 Legislative Goal.

**NORTH CAROLINA ASSOCIATION OF COUNTY  
COMMISSIONERS (NCACC)**

**2011-12 LEGISLATIVE GOALS**

**Top Five Priority Goals**

1. **Oppose Shift of State Transportation Responsibilities to Counties** – Oppose legislation to shift the state’s responsibility for funding transportation construction and maintenance projects to counties.
2. **Reinstate ADM and lottery funds for school construction** – Seek legislation to fully reinstate the Average Daily Membership funds and Lottery proceeds to the Public School Building Capital Fund.
3. **Ensure adequate mental health funding**
  - Seek legislation to ensure adequate capacity of state-funded acute psychiatric beds.
  - Oppose legislation to close state-funded beds until there is adequate capacity statewide.
  - Seek legislation to maintain the existing levels of state funding for community mental health services.
4. **Preserve the existing local revenue base.**
5. **Authorize local revenue options** – Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county.

## **NCACC Agriculture Policy Statement**

### **Introduction**

North Carolina's diverse agricultural community is helping meet the challenge of furnishing consumers around the world with food, aquaculture, agricultural, horticultural and forestry products. As North Carolina's top industry, agriculture and agribusiness account for nearly 25% of North Carolina's Gross State Product and total employment. The North Carolina Association of County Commissioners recognizes the importance of agriculture within North Carolina's diverse economic base.

The constitutional purpose of the Association is "to provide the legislature and the public with information necessary for the passage of sound legislation beneficial to the administration of county affairs and to oppose legislation injurious thereto." Therefore the Association will not utilize its resources advocating solely on behalf of agricultural interests, but instead will advocate for or against legislative and regulatory policies that address agricultural concerns, while simultaneously benefiting the administration of all counties' affairs.

### **Relationship of Agriculture and Environmental Policy**

Agricultural issues related to the environment transcend governmental boundaries and therefore require close coordination of policy and action by federal, state and local governments. Powers delegated to the counties for the protection of the public health are important tools for carrying out measures to protect the land and water resources vital for current and future agricultural endeavors. The Association will support and encourage policies that call for the efficient and safe use of natural resources, helping North Carolina's counties remain safe and healthy places in which to live and work.

### **Agriculture and Tax Policy**

Historically, public policy concerns controlled the method of taxation of agricultural property, as with the taxation of other land uses. Accordingly, the Association will continue to study the impact of various financing mechanisms for the assurances of efficiency, equity, and diversification. Whenever possible, the Association will advocate for tax policies advantageous to both agricultural interests and the maintenance of a broad and equitable county tax base.

### **Agriculture – County Land Use and Local System Initiatives**

As North Carolina's urban centers expand into agriculturally oriented land areas, public policy questions emerge as to the regulation of development patterns. The Association believes strongly in flexibility of form and function, and therefore supports local control over land-use decision-making, and its impact on the agricultural community. Furthermore, the Association supports state policies providing local options and tools as to the preservation of farmland if they, in fact serve the best interest of all counties.

Finally, the Association will support research, education and outreach with various public and private partnerships resulting in agricultural development opportunities, sustainable initiatives producing low-cost food and energy that will in turn create healthy local economies.

### **Costs of Animal Care**

The General Assembly should consider the potential financial impacts of proposed legislation that increases responsibilities for county animal control operations and/or facilities. Any legislation should include funding for counties to carry out legislative intent.

## **Agriculture Legislative Proposals**

### **Priority Goals as Determined by NCACC Board of Directors**

- 1. Support conservation of working lands and farmland preservation** – Support legislation to promote and preserve working farmlands by including these lands in the state tourism plan, by retaining the current authority for the present use value system, by maintaining funding for the Ag Development and Farmland Preservation Trust, and by authorizing counties to implement transfer of development rights.
- 2. Fund agricultural research and extension services** – Support legislation to increase ag research and extension services and maintain existing research stations at current levels.
- 3. Support Sustainable Local Food Advisory Council Recommendations** – Support legislation to implement the Sustainable Local Food Advisory Council’s recommendations including a prohibition against municipal involuntary annexation or regulation of farm or forestry activities within a voluntary agricultural district or conservation district and support state funding to maintain and enhance the North Carolina Transition Network.

### **Other Goal**

**Maximize availability of adoptable animals** – Seek legislation to increase adoption opportunities for county animal control facilities by clarifying ownership proof and increasing shelter director discretion.

## **NCACC Environmental Policy Statement**

### **Introduction**

Environmental issues transcend governmental boundaries and therefore require close coordination of policy and action by federal, state and local governments. The aim of public policy addressing environmental issues should be to assure the public health, protect water and other vital natural resources and enhance sound development while protecting individual property rights.

County governments in North Carolina must play a key role in the development and implementation of environmental policy. Powers delegated to the counties for protection of the public health and regulations of development are important tools for carrying out measures to protect land, air and water resources.

### **State and Local Responsibilities**

Protection of the environment must be a shared effort between the state and local governments. State government should not neglect its responsibilities, nor overly burden local government in its attempt to regulate activities impacting the environment. The Association believes that the following principles should guide the relationship between the state and local governments in the area of environmental protection:

- State agencies charged with the responsibility for developing administrative rules to implement federal and state environmental policies should involve local governments in the process at the earliest stages of development and should proceed only after thorough analysis of health risks, environmental impacts and fiscal impacts.
- If state agencies issue permits for activities affecting the environment, affected local governments should be given ample opportunity to comment on all proposed permits in terms of consistency with local plans and policies.
- If state law delegates responsibility for implementation, monitoring and enforcement of environmental policy to local governments, the state should provide, through law and regulation, for optimum flexibility at the local level in carrying out these responsibilities.
- State law and administrative rules should allow local governments maximum discretion in setting fees for such services as inspections, issuance of permits, monitoring activities and enforcement.
- If state law mandates that all local governments assume new or expanded responsibilities for protection of the environment that previously were considered to be discretionary activities at the local level, the General Assembly should provide funding for expenditures resulting from the mandate. If state law mandates that state agencies undertake environmental monitoring activities, the General Assembly must provide state resources necessary to undertake these monitoring responsibilities in a timely manner.

### **Balancing Development and Environmental Protection**

Environmental protection is critical for a sustainable future, but all human activities have an impact on the environment. County governments believe that public policy on environmental protection must recognize this fact and provide a rational balance between these interests. To that end, the North Carolina Association of County Commissioners believes that it is imperative that all initiatives to protect the quality of our natural environment be carefully evaluated in terms of relative costs and benefits and actual risks posed to human health. Enhancements to the environment laws of North Carolina should be justified by sound science and information and based on a clear rationale and purpose for regulatory change.

## Environment Legislative Proposals

### Priority Goals as Determined by NCACC Board of Directors

1. **Enhance river basin monitoring and streamline rule-making** – Enhance monitoring for all river basins in North Carolina and review the rule-making process to enhance regional cooperation.
2. **Streamline water supply reservoir permitting** – Seek legislation to streamline local water supply reservoir permitting without sacrificing the scientific rigor of Environmental Impact Assessment and ensure adequate opportunities for public and local official comment.
3. **Authorize County Oversight of Bio-Solids Disposal** – Support legislation to authorize counties to regulate, but not prohibit, bio-solids application activities, including the acceptable “classes” of bio-solids for application and the prohibition of bio-solids application in certain environmentally sensitive areas.

### Other Goals

- **Clarify Yard Waste Facility Runoff Statutes** – Seek legislation to clarify that runoff from yard waste staging areas at county landfills does not require wastewater treatment.
- **Create Study Commission on Horizontal Drilling, Hydraulic Fracturing and Uranium mining** – Seek legislation to create a Study Commission on horizontal drilling and hydraulic fracturing for shale gas deposits and uranium mining.

## **NCACC Health and Human Services Policy Statement**

### **Guiding Principles**

- Essential health and human services should be financed through state or federal revenues to ensure statewide availability and consistency.
- Counties must be actively engaged in setting health and human services policy and program requirements.
- Health and human services programs should encourage responsible behavior and should be targeted to those citizens least able to care for themselves.
- County health and human services programs should function as a coordinated, unified system with sufficient automation to support efficient service delivery, promote flexibility, and reflect policy simplification.

### **Introduction**

Comprehensive and efficient human services, including social services, health and mental health, are essential to human well-being in our present society. These services must be clearly defined and adequately funded. State mandated services delivered at the county level should be financed from state revenue sources in order for every citizen of North Carolina to receive a substantially similar degree of service. Federally mandated services should be financed from federal revenue sources. Counties should not participate in the financing of Medicaid services.

### **The State and County Partnership and Fiscal Relationship**

Strengthened and sustained state and county collaboration is essential for effective human services delivery. The Association encourages ongoing state and county strategies to enhance intergovernmental communication, cooperation, and conflict resolution.

County commissioners have a significant role in the funding of the human services network. For this reason, policy changes affecting the counties should be preceded by good faith negotiations in a process that is fair and equitable. New program initiatives should allow adequate lead time for implementation within the county budget schedule. The state should consider a county's resource limitations when implementing new state and federal programs.

### **Local Authority**

Since the counties are the level of government closest to the people, the Association supports strengthening of local decision-making to respond to local needs. To enhance this principle, members of all county human service agency boards should be appointed by the boards of county commissioners. All block grants should be allocated as non-categorical funds. The Association will oppose earmarking of block grant funds. The Association supports increases in funding for mandated services, provided that the increases do not require additional expenditures of county funds.

### **Service Priorities**

Health and human service programs should be targeted to those citizens least able to care for themselves. These programs should encourage families to be responsible supporters of their children. To accomplish this, the programs should focus on helping individuals find sustainable long-term employment. County resources should be targeted toward helping individuals become self-sufficient, helping families remain together and rewarding responsible behavior. The needs of children should be the primary focus.

Health and human service programs should be flexible and be designed to accommodate the state's changing demographics, such as the increasing elderly and Hispanic populations.

Intergovernmental strategies for economic development should be encouraged. These efforts are critical to ensuring that work is available for individuals making the transition from public assistance to employment. All local government institutions, including municipalities, school boards and regional council of governments (COGS), should be involved in developing and coordinating services to meet the needs of low-income individuals.

#### **Service Delivery**

The county health and human services programs should function as a coordinated, unified system. Automation of program administration should be focused toward service integration, program integrity, client satisfaction, and efficient operation. Automation efforts should accommodate and promote simplified and flexible service delivery. The Association supports county, regional and state collaborative efforts in developing strategies for enhancing local agency automation, and encourages program simplification to streamline administration and improve client interaction. The state should take a lead role in financing, implementing, maintaining, and supporting statewide-automated systems. Automation efforts undertaken by the state should connect and integrate with county automation initiatives.

## **Health and Human Services Legislative Proposals**

### **Priority Goals as Determined by NCACC Board of Directors**

1. **Ensure adequate mental health funding**
  - a. Seek legislation to ensure adequate capacity of state-funded acute psychiatric beds.
  - b. Oppose legislation to close state-funded beds until there is adequate capacity statewide.
  - c. Seek legislation to maintain the existing levels of state funding for community mental health services.
  
2. **Retain State Aid to Counties** – Seek legislation to retain the State Aid to Counties to maintain federal matching funds.
  
3. **Allow county flexibility to organize local human services.**
  - a. Seek legislation to allow counties to organize human services based on community need, including the removal of the population threshold in 153A-77.
  - b. Oppose legislation that would mandate consolidation of social services functions.

### **Other Goals**

**Maintain childcare subsidy funds and allocate to counties.**

- Seek legislation to allocate all childcare subsidy funding directly to counties.
- Oppose legislation that would reduce childcare subsidy funding

**Maintain TANF Funds to counties** – Seek legislation to maintain existing levels of county TANF funding to support and fund county DSS programs.

**Maintain childcare subsidy administration** – Seek legislation to maintain the Child Care Subsidy Administration funding at 5 percent.

**Increase State/County Special Assistance Residency Requirements** – Seek legislation to increase the number of days to establish residency for Special Assistance from 90 to 180 days, except for persons who have entered the state to be supported by a close relative.

**Require Back-up Generators for Adult Care Homes** – Seek legislation to require all new adult-care homes to have back-up generators prior to receiving certificates of occupancy and require all existing adult-care homes to be equipped with back-up generators within three years.

**Expedite NCFAST Automation and Policy Simplification** – Seek legislation to expedite the implementation of NC FAST and ensure automation builds on program and policy simplification and includes interface protocols.

**Retain “Electing” Counties’ Financial Incentives** – Seek legislation to retain financial incentives for counties to be “electing” counties.

## NCACC Intergovernmental Relations Policy Statement

### Basic Governmental Philosophy

The North Carolina Association of County Commissioners affirms the following as its basic governmental philosophy:

- Leave to private initiative the functions that citizens can perform privately while encouraging public-private partnerships and governmental entrepreneurship when these are in the interest of citizens and taxpayers.
- Use the level of government closest to the people for most public functions, and provide local governments with the resources necessary to carry out these functions.
- Utilize intergovernmental agreements where appropriate to attain efficient performance as determined by local elected officials.
- Intergovernmental communication is vital. State government should communicate and seek input from any and all counties that are impacted by state regulations, especially when rules and regulations have direct impacts on property rights.
- Reserve national action for those areas where state and local governments are not adequate and where continuing national involvement is necessary, e.g. national defense, provided resources are made available by the national government.

### The Intergovernmental System

The Association believes strongly in flexibility of form, function and finance. Counties should be free to organize for the efficient and effective delivery of services as deemed appropriate by each county. They should be free to determine the scope and extent of governmental service they will render subject to the need for uniformity in delivery of services of national or statewide import; to this end, the Association will continue to oppose unfunded minimum service levels and maintenance of effort requirements. Counties should have the authority to employ a variety of means of financing county government.

The state plays a vital role in the economic well being of the counties. In recognition of this partnership, the state should provide alternatives to enable counties to meet their basic infrastructure needs.

By statute the counties of North Carolina are agents of the state; however, county governments are more than local branches of state government. As representatives of the local government that touches all the people, county commissioners accept responsibility for strengthening and improving county government and will continually strive to lead effectively.

To provide equity among the counties, and to relieve counties of fiscal burdens that cannot adequately be funded by county revenue sources, services mandated by the federal government should be fully funded by the federal government, and those services mandated by the state should be fully funded by the state.

The Association recognizes the kinship of cities and counties in the family of local government and urges member counties to act affirmatively to strengthen their partnerships with cities. Local general purpose governments are the building blocks for solving regional problems; therefore, any regional approach must be based on the need to strengthen and support local governments.

The Association generally supports the policy positions established by the National Association of Counties, but retains the right to establish its own policy positions on specific issues as deemed appropriate by its membership.

### **The Importance of Unity**

The constitutional purpose of the Association is "to provide the legislature and the public with information necessary for the passage of sound legislation beneficial to the administration of county affairs and to oppose legislation injurious thereto." The Association affirms that its resources will not be utilized on behalf of individual counties seeking legislative remedy for problems that are not statewide in nature. Its lobbying efforts will be directed toward the support of sound legislation beneficial to the administration of all counties' affairs, and to the opposition of legislation injurious to the counties as a body.

## **Intergovernmental Relations Legislative Proposals**

### **Priority Goals as Determined by NCACC Board of Directors**

1. **Oppose Shift of State Transportation Responsibilities to Counties** – Oppose legislation to shift the state's responsibility for funding transportation construction and maintenance projects to counties.
2. **Modernize Annexation Laws** – Seek legislation modernizing the annexation laws as follows:
  - a. Requiring the development of joint utility service plans for urbanizing areas;
  - b. Requiring cities to reimburse counties for the loss of sales tax due to an annexation
  - c. Increasing the degree of urbanization required to annex property;
  - d. Allowing the Board of Commissioners to request a referendum on any proposed involuntary annexation;
  - e. Requiring the direct provision of municipal water and sewer services to customers within three years of an annexation;
  - f. Providing that counties have the option of continuing to provide utilities to annexed areas;
  - g. Setting the effective date for involuntary annexations to be June 30 following the date of adoption or final resolution of an appeal;
  - h. Prohibiting municipalities from annexing across county boundaries without prior consent of the Board of Commissioners of the affected county. In an instance where a municipality has already annexed across county lines, further annexation cannot occur without consent of the affected county.
3. **Oppose collective bargaining for public employees** – Oppose legislation to authorize local governments to enter into collective bargaining agreements with public employees, or to mandate dues check-off programs.

### **Other Goals**

**Implement Combined Motor Vehicle Registration & Property Tax Collection System** – Seek legislation to ensure that the combined motor vehicle registration and property tax collection system is implemented within the statutory deadline.

**Protect local control of ABC System** – Seek legislation to protect local control of the local ABC system including all local revenue streams generated through local ABC store operations.

**Authorize counties to offer broadband through partnership or direct service** – Seek legislation to authorize counties to provide high-speed internet through direct county service or public-private partnerships.

**Eliminate Second Primary and Run-Off Elections** – Seek legislation to eliminate second primary and run-off elections.

**Authorize Electronic Notice of Public Hearings and Other Legal Notices** – Seek legislation to provide counties with options for notice of public hearings, notice of delinquent taxpayers, and other legal notices, through electronic means.

**Repeal Public Employee Personnel Record Changes** – Repeal HB 961 and seek legislation that will better clarify issues regarding privacy of public employee personnel records and release of other public records.

**Protect privacy of citizen email notification and distribution lists** – Seek legislation to protect the privacy of email notification and distribution lists of citizens who have requested electronic communication with their local governments.

**Modernize public records retention** – Seek legislation to modernize public records retention to permit records storage in digital format.

**Support Rural Transportation Planning Organizations (RPOs)** – Support legislation to maintain the funding for rural transportation planning organizations (RPOs).

**Reform Workers' Compensation – Reform Workers' Compensation** – Support legislation to reform North Carolina Workers' Compensation system to reduce disability findings and open-ended streams of payment, to address the trend in favor of long-term disability findings, to diminish control over these findings on the part of claimants and their legal representatives, and to curtail adoption of rules that limit return-to-work efforts.

**Oppose Contributory Negligence Tort Reform** – Oppose tort reform legislation that would overburden county budgetary constraints, unfairly shift fault to counties, or increase demand for court facilities.

**Promote Utilization of 911 Centers by Protecting Confidentiality** – Seek legislation to promote the reporting of criminal activity by protecting the confidentiality of callers by using either transcripts or voice-altered recordings to prevent recognition and to make appropriate amendments to public records laws.

## **NCACC Justice and Public Safety Policy Statement**

The Association recognizes that the state and counties are partners in the operation of the criminal justice system and will support policies and laws that contribute to this partnership being an equitable one.

County jails should be reserved exclusively for pre-trial detainees, and adjudication should be swift in order to minimize overcrowding in county jails. Bonds should be reasonable, and effective pre-trial screening and population management efforts should be encouraged. Criminals should pay a greater portion of the cost incurred by the counties and the state as a result of their crimes through increased jail fees, service of process fees, and court facilities fees.

The statewide judicial system should be adequately funded and staffed in order to provide an efficient environment for judicial process and to instill public confidence in the justice system.

### **Justice and Public Safety Legislative Proposals**

#### **Priority Goals as Determined by NCACC Board of Directors**

1. **Protect county jail system**
  - o Seek legislation to protect the fiscal viability of the county jail system by reinstating the reimbursement rate for state inmates housed in county jails and increasing the reimbursement rate for state inmates awaiting post-trial prison transfer.
  - o Oppose legislation to increase time counties are mandated to house state misdemeanants.
  
2. **Improve inmate medical care cost containment** – Seek legislation that would authorize medical care providers to charge the state and counties no more than the rates set in the Medicaid or Medicare schedule of charges for inmate medical care.
  
3. **Maintain funding for gang prevention and adolescent substance abuse prevention, intervention and treatment programs.**

#### **Other Goals**

**Allow court facility fee flexibility** – Seek legislation to allow counties to collect additional fees to support specialty courts and help fund capital, operational and other needs associated with increasing demands on our judicial system.

**Authorize inmate electronic monitoring cost reimbursement** – Seek legislation to authorize counties to seek reimbursement from defendants for electronic monitoring, based on ability to pay.

## NCACC Public Education Policy Statement

### Introduction

The Association believes that every child should have equal access to a sound basic education designed to prepare students for successful living, work and good citizenship in a modern society. Recognizing that the responsibility for public education in our country is that of the states, the Association believes that adequate state resources must ensure a sound basic education for all North Carolina children. We believe that improved public education is imperative to the future of North Carolina's citizens, and we encourage the state to place higher priority on increased support for the necessary improvements to compete in an increasingly global and technologically complex business environment.

The Association supports a continued federal role in the funding of educational services. The Association further believes that citizen control of public schools is essential to guarantee continued widespread understanding and support for this major responsibility of government: the education of its people. The Association acknowledges and accepts the traditional responsibility of boards of county commissioners to provide adequate facilities in which to meet our students' need for a sound basic education.

### Clarifying State and County Financial Responsibility

The Association recognizes the importance of new approaches to education in the effort to improve our public schools. New classroom technologies and such innovations as the NC Virtual Public School, Early college High Schools, alternative schools, and charter schools are intended to introduce greater choice into the state's public education system. When the General Assembly authorizes changes to introduce greater choice and/or improve education, these changes and flexibilities should be equally available to all existing public schools.

The Association will support efforts by state policy makers that, in the view of county commissioners, will lead to substantive improvements in the state-supported basic elementary and secondary education programs available to the children of North Carolina. Elementary and secondary public education should be a clear priority to ensure that North Carolina citizens are well served by our schools.

The state should define and support a sound basic education in all local school systems and appropriate adequate operating funds to fully fund its education initiatives with revenue that is earmarked to pay the costs of those initiatives. The state should fund programs that continue to engage young people, provide individualized options that eliminate arbitrary barriers and provide students a range of opportunities through which they can gain the credentials, skills and education they need to function in the modern economy of the 21st century.

The division of responsibility between the state and counties for financing public school needs, which was established by the General Assembly in 1933, became blurred during the years that followed. The Association supports efforts to clarify state and county responsibility through legislation that reflects and recognizes the following realities:

- the rightful guarantee of equal access to high quality basic education opportunities for every child in North Carolina;
- the limitation of county government revenue sources and the need for additional sources of revenue at the county level;
- the impacts of changing technologies on basic educational needs and the job market in the future;

- the impact of changes in the state-supported education program on the facility needs of local school systems;
- the need, if county governments are to remain responsible for school facility needs, for county commissioners to have the authority to assure that funds appropriated to meet these needs are used accordingly;
- and the problems experienced by counties, particularly suburban counties in areas surrounding metropolitan areas, in which growth in school population is not matched by growth in county revenue.

Further, the Association believes that county commissioners together with the state must be diligent in carrying out their financing responsibility for school facilities. Adequate capital financing arrangements will necessitate strong attention to long-range financial planning. School building needs of necessity must be considered in the context of all facilities that commissioners are required to finance.

#### **County Commissioners and Local Boards**

Especially in the area of attaining sufficient state financing for a quality basic education, commissioners and local school board members can be more effective by acting cooperatively to promote improvements in public education.

Joint cooperative action between boards of county commissioners and local school boards is essential to the successful delivery of excellent public education. The free exchange of information and ideas among the North Carolina Association of County Commissioners, the North Carolina School Boards Association and the North Carolina Department of Public Education is likewise necessary to promote understanding of the variety and complexity of issues related to public education.

The Association strongly urges the General Assembly to support counties in their efforts to fund no more than one school system per county in order to better utilize school facilities and financial resources. Taxation for local support of public education should be vested exclusively with boards of county commissioners.

#### **Community Colleges**

North Carolina's community colleges are critical components of the state's integrated efforts to prepare youth and adults for constructive participation in a constantly changing economy. The NCACC recognizes the counties' statutory responsibility to provide financial support for plant operations, maintenance and capital construction, but also supports additional state funds to help counties address construction needs due to increased enrollments and aging facilities. To meet North Carolina's changing workforce demands, the NCACC supports increased state funding to train and retrain both young students and adult citizens.

## Public Education Legislative Proposals

### Priority Goals as Determined by NCACC Board of Directors

1. **Reinstate ADM and lottery funds for school construction** – Seek legislation to fully reinstate the Average Daily Membership funds and Lottery proceeds to the Public School Building Capital Fund.
2. **Authorize county use of lottery funds for technology** – Seek legislation to authorize counties to use lottery funds to address school technology needs.
3. **Increase high school graduation rates** – Support legislation that encourages students to complete their high school education by recognizing alternative graduation methods and by excluding from the definition of dropouts those youth enrolled in high school equivalency programs at community colleges.

## **NCACC Taxation and Finance Policy Statement**

### **Guiding Principles**

- The level of government most capable of delivering public services should provide them.
- Counties must have sufficient revenue authority and options to meet public service needs.
- Counties must have access to a broad and balanced revenue base.
- The state should not mandate programs requiring county financial participation, and state-generated revenues should fund basic state services.
- The state should provide timely and tailored information to sustain county revenue, budget and financial management integrity.

### **Introduction**

The North Carolina Association of County Commissioners believes that the level of government most capable of delivering essential public services should be responsible for providing them. In order for counties to be effective partners with the state and federal governments, counties must have the authority to generate optional local revenues that are sufficient to meet public service needs while being responsive to economic change. The county revenue base should be broad and balanced, permitting counties to raise revenues from various sources rather than being overly dependent on any single revenue source or overly burdensome on any one group of taxpayers.

A proper balance of service responsibility and revenue-raising authority is imperative for effective county governance. Any restructuring of county responsibilities should be coupled with a restructuring of local revenue sources to meet those responsibilities.

### **County Revenue Authority**

The property tax system is the mainstay of the county revenue base and the Association will continue efforts to make the property tax system more efficient and equitable. The Association will also seek to broaden and diversify the county revenue base to include appropriate optional sources that are responsive to economic change and equitable in terms of impact on residents.

The Association believes that county revenue authority should reflect the following:

- Counties should have authority to generate optional revenues sufficient to meet their responsibilities, especially for those programs already mandated by the state and federal governments.
- New taxing authority should not be seen as encouragement for new state and federal mandates.
- The Association opposes the redistribution of existing revenues, and no redistribution of new tax sources should be implemented without assessing taxpayer equity as reflected by local needs, local funding efforts, and local funding capability.
- The General Assembly should reimburse from state sources individual county and city losses if statewide policy objectives necessitate reductions in local tax bases.
- The General Assembly should recognize that county funding obligations do not diminish when local revenue base exemptions and exclusions are granted to specific groups and county

revenue generation is reduced, with the result that the tax burden is shifted from one local constituency to another.

- The General Assembly should evaluate existing local revenue base exemptions and exclusions to determine if they have achieved their intended tax policy objectives. New or extended exemptions and exclusions should include a "sunset" date in their authorizing legislation.
- Local government tax revenues should not be earmarked for specific programs, functions or services.

### **Financing Mandates**

County officials recognize their responsibilities for carrying out policies formulated by the General Assembly. State policy makers should recognize county revenue base limitations and variations in revenue-producing capabilities among counties and should not mandate programs requiring county financial participation.

The Association believes that mandated programs should be financed as follows:

- Where the state has mandated county financing in broad terms, permitting county discretion in service levels, counties should have the primary financing responsibility.
- Where the General Assembly has set a minimum of basic service to be available equally to all state residents, the state should have financing responsibility. County financial participation should be limited to sharing the programs' administrative costs.
- Where the federal government has initiated services to provide income maintenance for all citizens, the federal government should have financing responsibility.

### **Fiscal Integrity of Counties**

Counties need timely information from the legislative and executive branches of state government regarding budgetary decisions that affect county taxation, budgeting, and fiscal management. In order to enhance the fiscal integrity of counties, the Association will continue to support improvements in financial management practices and reduction of inconsistencies in fiscal procedures among programs administered by county governments.

The Association believes that the continued fiscal health of county government depends upon the following:

- State laws and guidance that provide for sound financial management practices that are adaptable to the special needs of each county.
- Appropriate state agencies should guide necessary improvements in consistent accounting, reporting and auditing procedures.
- State agencies monitoring county programs should not require practices that are redundant, duplicative, or inconsistent with generally accepted principles of budgeting and accounting.

## **Taxation and Finance Legislative Proposals**

### **Priority Goals as Determined by NCACC Board of Directors**

1. **Preserve the existing local revenue base.**
2. **Authorize local revenue options** – Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county.
3. **Recover costs through In Rem foreclosure fee** – Seek legislation to increase the reimbursement rate for in rem foreclosure collection efforts to recover actual costs, including legal expenses.

### **Other Goals**

**Set property tax relief application deadline at June 1** – Seek legislation to establish June 1 as the statutory deadline for exemption, deferment and other property tax relief applications.

**Clarify centralized listing and assessing of cellular and cable companies** – Seek legislation to implement the central listing and assessment of cellular and cable companies.

**Clarify definition of charity eligible for property tax relief** – Seek legislation to clarify the definition of charity and set a cap amount for hospitals, facilities financed through Medical Care Commission bonds, and continuing care facilities, and require that any property valuation exclusion formula provide for a higher test of charity.

**Allow hospital authority access to setoff debt collection** – Seek legislation to authorize hospital authorities to participate in the setoff debt collection program.

**Require sales tax reported at zip+4** – Seek legislation to require that large vendors report sales tax by the 9-digit zip code.

**Simplify Register of Deeds Fees** – Support legislation to require that all real estate recording fees charged by the Register of Deeds be set at appropriate flat rates, with a single rate paid to a single state agency, provided that implementation of this legislation not reduce any revenues to any county.

**Standardize Local Vehicle Fees** – Seek legislation to require that all local vehicle fees be adopted at the time the tax rate is adopted and impose the fees on all registered and unregistered vehicles.

**Allow solid waste authority access to setoff debt collection** – Seek legislation to authorize solid waste authorities to participate in the setoff debt collection program.

**Manufactured home taxes paid before transfer** – Seek legislation to require that all taxes levied on manufactured homes be paid before the home may be moved, repossessed or sold on site.

## ORANGE COUNTY BOARD OF COMMISSIONERS

### Resolution Detailing Orange County's Recommendations Regarding Goals for Inclusion in the North Carolina Association of County Commissioners' (NCACC) 2011-2012 Legislative Goals Package

WHEREAS, the North Carolina Association of County Commissioners (NCACC) organizes a process every two years to develop a legislative goals package; and

WHEREAS, the purpose of the package is to develop a consensus of broad support on legislative goals and issues for matters affecting North Carolina counties that may be addressed during the upcoming North Carolina General Assembly sessions during next two calendar years; and

WHEREAS, the goals and issues included in NCACC package, with their broad support, guide and strengthen NCACC representatives and staff as they converse with individual legislators and committees on legislative matters; and

WHEREAS, NCACC has begun the process to develop its 2011-2012 Legislative Goals Package and Orange County and all other North Carolina counties have been asked to submit proposed legislative goals for consideration for inclusion in the 2011-2012 Legislative Goals Package by September 15, 2010; and

WHEREAS, Orange County continues to support legislative goals included in past NCACC legislative goals packages such as:

- 1) Support for the expansion of revenue options and protection of revenue sources available to county governments;
- 2) Opposition to legislation shifting the state's existing responsibility for funding transportation construction and maintenance projects to county governments;
- 3) Support for legislation to provide state assistance to meet public school and community college construction needs caused by increased enrollment, mandated reduction in class size and other factors;
- 4) Seeking legislation to ensure that state-funded mental health, developmental disability, and substance abuse services are available, accessible and affordable to all citizens and that sufficient state resources fund service provision costs inclusive of sufficient crisis beds; and
- 5) Support for legislation to allow public schools systems to regain access to sales tax refunds (Orange County believes a more comprehensive solution is supporting legislation to exempt counties, cities, school boards, community colleges, and local utility authorities

from payment of state and local sales taxes on purchases within North Carolina); and

WHEREAS, Orange County believes there are other issues of importance to all North Carolina counties that should be included as goals in NCACC's 2011-2012 Legislative Goals Package;

NOW THEREFORE we the Orange County Board of Commissioners do hereby recommend that NCACC also include the following goals in the NCACC 2011-2012 Legislative Goals Package:

- 1) **Bio-solids Disposal** - Support legislation which provides county governments some opportunity to regulate and/or have input into, but not prohibit, bio-solids application activities, including the acceptable "classes" of bio-solids for application and the prohibition of bio-solids application in certain environmentally sensitive areas such as critical watersheds. The appropriate application of bio-solids for agricultural use should be allowed with counties playing a role in the process;
- 2) **Energy Efficiency Standards in Local Building Codes** - Support changes in State law to allow local governments to include standards for energy efficiency in local building codes that are higher than those contained in the State Building Code;
- 3) **Fire Protection - Additional State Funding for State-Owned Buildings** - Support legislation to provide additional State compensation to municipalities and local fire districts providing fire protection to state-owned buildings;
- 4) **Entertainment and Sports Event Fee to Support Transportation Needs** - Support legislation to permit a fee to be charged on tickets purchased for large entertainment and sports events, with the revenue shared by the respective government jurisdictions and dedicated to the support of public transit and transportation programs;
- 5) **Wastewater System Classifications for Volunteer Fire Departments** - Support actions to change North Carolina Division of Water Quality (DWQ) wastewater system classification rules which currently classify a spray irrigation system such as one utilized by volunteer fire departments as "commercial". When the flow generated by the system is domestic quality/non-industrial process wastewater, the system should be held to the same monitoring and testing standards as a residential wastewater system under DWQ jurisdiction. In the alternative, volunteer fire departments should be excluded entirely from the "commercial" classification. The annual inspections and testing costs associated with a "commercial" designation for a spray irrigation system serving a volunteer fire department can be several thousands of dollars. Accounting for the type of flow actually treated by a system rather than assigning a blanket "commercial" designation would significantly reduce volunteer fire departments' annual costs across the state; and

- 6) **Homestead Exemption Revision** – Support Homestead Exemption provisions of the Machinery Act to provide greater opportunities for low-income seniors to remain in their homes and not be displaced due to property tax burdens, eliminate the discriminatory features of the exemption provisions relating to couples, and address the ineffectiveness of the exemption provisions in communities where property values increase at substantial rates over short periods of time.

This the 2<sup>nd</sup> day of September 2010.



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Valerie Foushee, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 6, 2012

**Action Agenda**

**Item No.** 11-a

**SUBJECT:** Chapel Hill/Orange County Visitor's Bureau - Appointment

**DEPARTMENT:** Board of Commissioners

**PUBLIC HEARING: (Y/N)**

No

**ATTACHMENT(S):** Under Separate Cover  
Membership Roster  
Letter of Recommendation  
Application of Person for Consideration  
Interest List  
Application(s)/Resume(s) of Person(s) on  
the Interest List

**INFORMATION CONTACT:**  
Clerk's Office, 245-2130

**PURPOSE:** To consider making an appointment to the Chapel Hill/Orange County Visitor's Bureau.

**BACKGROUND:** The following appointment is for Board consideration:

- Appointment to a partial term for Mr. John J. (Jack) Schmidt. If appointed Mr. Schmidt will be serving a partial term ending 12/31/2012 representing the Orange County Lodging Association.

Position Number	Special Representation	Expiration Date
11 John J. (Jack) Schmidt	Orange County Lodging Association	12/31/2012

**FINANCIAL IMPACT:** None.

**RECOMMENDATION(S):** Consider making an appointment to the Chapel Hill/Orange County Visitor's Board.

# Board and Commission Members

## And Vacant Positions

### ***Chapel Hill/Orange County Visitors Bureau***

Meeting Times: 8:00 a.m. third Wed., monthly, no meeting in July/December

Terms: 2

Contact Person: Tina Fuller

Meeting Place: location varies

Positions: 12

Length: 3 years

Contact Phone: 919-968-2060

Description: All members are appointed by the Board of Commissioners. The Visitors Bureau is charged with developing and coordinating visitor services in Orange County. It also implements marketing programs that will enhance the economic activity and quality of life in the community.

1	<b>Mr. James L. Ward</b> 112 Bolton Place Chapel Hill NC 27516	Day Phone: 919-962-0522 Evening Phone: 919-929-7666 FAX: 919-962-3531 E-mail: jimward@nc.rr.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: Chapel Hill Town Council	First Appointed: 03/21/2006 Current Appointment: 11/04/2010 Expiration: 12/31/2012 Number of Terms: 2
2	<b>Mr. Greg Overbeck</b> 205 Zapata Lane Chapel Hill NC 27517	Day Phone: 919-929-1262 Evening Phone: 919-967-5422 FAX: 919-929-0780 E-mail: greg@chapelhillrestaurantgroup.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: Chapel Hill-Carrboro Chamber of Commerce	First Appointed: 11/06/2008 Current Appointment: 03/22/2012 Expiration: 12/31/2014 Number of Terms: 2
3	<b>Mr. Jim Parker</b> 885 Flat River Church Road Roxboro NC 27574	Day Phone: 919-732-3883 Evening Phone: 336-503-9333 FAX: 919-732-6676 E-mail: james.parker@summit-engineer.com	Sex: Male Race: Township: Resid/Spec Req: At-Large Special Repr: Hillsborough Chamber of Commerce	First Appointed: 01/27/2009 Current Appointment: 03/22/2012 Expiration: 12/31/2014 Number of Terms: 2
4	<b>Ms. Laura Hayes Morgan</b> 311 Russburn Way Chapel Hill NC 27516	Day Phone: 919-624-4946 Evening Phone: 919-967-1971 FAX: E-mail: laurahmorgan@gmail.com	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr: UNC- Chapel Hill	First Appointed: 11/04/2010 Current Appointment: 11/04/2010 Expiration: 12/31/2012 Number of Terms: 1
5	<b>Mr Mark Sherburne</b> 524 Highgrove Drive Chapel Hill NC 27516	Day Phone: 919-698-5996 Evening Phone: 919 960 8192 FAX: E-mail: mandmsherburne@nc.rr.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: Economic Development Commission	First Appointed: 08/03/2012 Current Appointment: 08/03/2012 Expiration: 12/31/2014 Number of Terms:

# Board and Commission Members

## And Vacant Positions

### **Chapel Hill/Orange County Visitors Bureau**

Meeting Times: 8:00 a.m. third Wed., monthly, no meeting in July/December

Terms: 2

Contact Person: Tina Fuller

Meeting Place: location varies

Positions: 12

Length: 3 years

Contact Phone: 919-968-2060

Description: All members are appointed by the Board of Commissioners. The Visitors Bureau is charged with developing and coordinating visitor services in Orange County. It also implements marketing programs that will enhance the economic activity and quality of life in the community.

6	<b>Mrs. Karen DeHart</b> 102 Old Larkspur Way Chapel Hill NC 27516	Day Phone: 919-240-7369 Evening Phone: 919-929-6661 FAX: 919-240-7397 E-mail: karen@nchsaa.org	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: NC High School Athletic Association	First Appointed: 02/15/2011 Current Appointment: 02/15/2011 Expiration: 12/31/2013 Number of Terms:
7	<b>Mr. Michael Gering</b> 158 W. King Street Hillsborough NC 27278	Day Phone: Evening Phone: 919-644-8321 FAX: E-mail: mike.gering@hillsboroughnc.org	Sex: Male Race: Caucasian Township: Resid/Spec Req: Hillsborough Twmsp Special Repr: Town of Hillsborough	First Appointed: 11/04/2010 Current Appointment: 11/04/2010 Expiration: 12/31/2013 Number of Terms: 1
8	<b>Mr. Anthony Carey</b> <b>Vice-Chair</b> 1152 Newberry Dr. Mebane NC 27302	Day Phone: 9199294000 Evening Phone: 9192185918 FAX: 9199688527 E-mail: acarey@sienahotel.com	Sex: Male Race: Caucasian Township: Alamance County Resid/Spec Req: At-Large Special Repr: O/C Lodging Assoc.	First Appointed: 11/05/2009 Current Appointment: 11/05/2009 Expiration: 12/31/2012 Number of Terms: 2
9	<b>Ms. Lydia Lavelle</b> 8107 Kit Lane Chapel Hill NC 27516	Day Phone: 919-530-7484 Evening Phone: 919-942-5840 FAX: E-mail: lydia@lydialavelle.com	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr: Carrboro Board of Aldermen.	First Appointed: 11/04/2010 Current Appointment: 11/04/2010 Expiration: 12/31/2013 Number of Terms: 1
10	<b>Mr. David Gephart</b> <b>Chair</b> 1401 Poplar Lane Hillsborough NC 27278	Day Phone: 919.656.7104 Evening Phone: 919.732.9886 FAX: 919.732.9953 E-mail: dave@gephartmarketing.com	Sex: Male Race: Caucasian Township: Eno Resid/Spec Req: At-Large Special Repr: Alliance/Hist.Hillsborough	First Appointed: 12/11/2007 Current Appointment: 03/22/2012 Expiration: 12/31/2014 Number of Terms: 2

# Board and Commission Members

## And Vacant Positions

### ***Chapel Hill/Orange County Visitors Bureau***

Meeting Times: 8:00 a.m. third Wed., monthly, no meeting in July/December

Terms: 2

Contact Person: Tina Fuller

Meeting Place: location varies

Positions: 12

Length: 3 years

Contact Phone: 919-968-2060

Description: All members are appointed by the Board of Commissioners. The Visitors Bureau is charged with developing and coordinating visitor services in Orange County. It also implements marketing programs that will enhance the economic activity and quality of life in the community.

### VACANT

11

Day Phone:

Sex:

First Appointed:

Evening Phone:

Race:

Current Appointment:

FAX:

Township:

Expiration: 12/31/2012

E-mail:

Resid/Spec Req: At-Large

Number of Terms:

Special Repr: O/C Lodging Assoc.

### Ms. Valerie Foushee

12

Day Phone: 919-942-2661

Sex: Female

First Appointed:

Evening Phone:

Race:

Current Appointment: 02/07/2012

106 Claris Ct.

FAX:

Township: Chapel Hill

Expiration: 01/30/2013

Chapel Hill NC 27514

E-mail: vfoushee@co.orange.nc.us

Resid/Spec Req: At-Large

Number of Terms:

Special Repr: O.C. BOCC

**CHAPEL HILL**

THE EDGE OF THE TRIANGLE

Chapel Hill | Carrboro | Hillsborough

August 17, 2012

**To: Donna Baker / Orange County Board of Commissioners****Re: Recommended appointment of Jack Schmidt**

On behalf of the Chapel Hill/Orange County Visitors Bureau and Board, please accept the recommendation of Jack Schmidt, Director of Sales and Marketing for The Carolina Inn to represent the Orange County Lodging Association seat on our board. Mr. Schmidt would replace Mark Sherburne who has been nominated to represent the recently vacant Orange County Economic Development Commission seat on our board.

Upon approval, Mr. Schmidt will serve the remainder of Mr. Sherburne's term which would expire December 31<sup>st</sup>, 2012.

The Visitors Bureau and Board believe that Mr. Schmidt will represent and serve the interests of the Orange County communities and visitor alike.

Respectfully submitted by,



Laurie Paolicelli, Executive Director  
Chapel Hill/Orange County Visitors Bureau

## **Volunteer Application Orange County Advisory Boards and Commissions**

**Name:** Mr. John Schmidt  
**Name Called:**  
**Home Address:** 197 Roads End  
Pittsboro NC 27312  
**Phone: (Day)** 919-918-2792  
**Phone: (Evening)** 919-360-4554  
**Fax:** 919-918-2795  
**Email:** jschmidt@carolinainn.com  
**Place of Employment:** The Carolina Inn  
**Job Title:** Director, Sales & Marketing  
**Year of OC Residence:**  
**Township of Residence:**  
**Zone of Residence:** N/A  
**Sex:** Male  
**Ethnic Background:** Caucasian  
**Date of Birth:**

**Boards/Commissions applied for:**

Chapel Hill/Orange County Visitors Bureau

**Work Experience:**

2/11 - Present: Director, Sales & Marketing - Carolina Inn; 2006-2011 - VP Regional Director Sales & Marketing - Suncadia Resort, Washington, 1999-2006 - Chief Marketing Officer, Benchmark Hospitality, The Woodlands, TX.

**Volunteer Experience:**

2000-2009 - BOD for HSMIAI - Hospitality Sales and Marketing Assn. International, was Chair of America's Board 2006/2007; 1991 - 1995 - BOD International Association of Conference Centers.

**Education:**

Associates Degree in Hospitality from Brandywine College - Wilmington, DE - 1977.  
Attended UNLV 1977 - 1978 - Hospitality Program.

**Other Comments:**

Have experience teaching Hospitality at the college level. Accomplished Hospitality Sales Trainer; Served Various Industry Advisory Boards. STAFF COMMENTS: Applied for Chapel Hill/Orange County Visitor's Bureau 08/03/2012. ADDRESS VERIFICATION: Orange County Residency not required.

**This application was current on:** 8/3/2012

**Date Printed:** 8/3/2012

# Applicant Interest Listing

by Board Name and by Applicant Name

## *Chapel Hill/Orange County Visitors Bureau*

Contact Person: Tina Fuller  
Contact Phone: 919-968-2060

No applicants for this board.

Day Phone:  
Evening Phone:  
FAX:  
E-mail:  
Also Serves On:

Sex:  
Race:  
Township:  
Date Applied:

Skills:

### Ms. Libbie Hough

5401 Hough Road  
Hillsborough NC 27278

Day Phone: 919.967.8070  
Evening Phone: 919.967.0469  
FAX: 919.967.9383  
E-mail: libbiehough@cmatters.org

Sex: Female  
Race: Caucasian  
Township: Bingham  
Date Applied: 05/31/2012

Skills: Chamber of Commerce

Also Serves On:

Skills: Marketing Communications

Also Serves On:

Skills: Mental Health Advocate

Also Serves On:

Skills: School Volunteer

Also Serves On:

### Ms. claire millar

332 standish drive  
chapel hill NC 27517

Day Phone: 919 4892763  
Evening Phone: 919 4892763  
FAX:  
E-mail: clairemillar509@gmail.com

Sex: Female  
Race: Caucasian  
Township: Chapel Hill  
Date Applied: 07/27/2010

Skills: Teacher

Also Serves On: Board of Social Services

### Mrs. Andrea Riley

1204 Brookhollow Road  
Efland NC 27243

Day Phone: 919-644-2604  
Evening Phone: 919-644-2604  
FAX:  
E-mail: andrea.riley44@yahoo.com

Sex: Female  
Race: Caucasian  
Township: Cheeks  
Date Applied:

Skills: Art Teacher

Also Serves On: Arts Commission

Skills: Librarian

Skills: Public Relations

### Ms. Sharon Riley

9212 Orange Grove Road.  
Chapel Hill NC 27516

Day Phone: 969-7866  
Evening Phone: 969-9630  
FAX: 969-7869  
E-mail: sharonrsvp@bellsouth.net

Sex: Female  
Race: Caucasian  
Township: Bingham  
Date Applied: 02/04/2009

Skills: Hospitality

Also Serves On:

Skills: Planning Experience

Also Serves On:

# Applicant Interest Listing

by Board Name and by Applicant Name

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## *Chapel Hill/Orange County Visitors Bureau*

Contact Person: Tina Fuller  
Contact Phone: 919-968-2060

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<b>Ms. Brande Roberts</b>	Day Phone: 9195379692	Sex: Female
1800 Hwy 15-501 South	Evening Phone:	Race: Caucasian
Chapel Hill NC 27517	FAX:	Township: Chapel Hill
	E-mail: BLRoberts@alumni.ncsu.edu	Date Applied: 04/12/2011
Skills: Research	Also Serves On:	
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<b>Mr. Brian Rowe</b>	Day Phone: 919-389-2331	Sex: Male
3235 Rigsbee Road N	Evening Phone:	Race: Caucasian
Chapel Hill NC 27514	FAX:	Township: Chapel Hill
	E-mail: bsrowe67@aol.com	Date Applied: 01/12/2012
Skills: Accounting Experience	Also Serves On:	
Skills: Insurance	Also Serves On:	
<hr/>		
<b>Mr. John Schmidt</b>	Day Phone: 919-918-2792	Sex: Male
197 Roads End	Evening Phone: 919-360-4554	Race: Caucasian
Pittsboro NC 27312	FAX: 919-918-2795	Township:
	E-mail: jschmidt@carolinainn.com	Date Applied: 08/03/2012
Skills: Marketing Analyst	Also Serves On:	
Skills: Sales	Also Serves On:	

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## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms. Libbie Hough  
**Name Called:**  
**Home Address:** 5401 Hough Road  
 Hillsborough NC 27278  
**Phone: (Day)** 919.967.8070  
**Phone: (Evening)** 919.967.0469  
**Fax:** 919.967.9383  
**Email:** libbiehough@cmatters.org  
**Place of Employment:** comma  
**Job Title:** president  
**Year of OC Residence:** 1979  
**Township of Residence:** Bingham  
**Zone of Residence:** County's Rural Buffer  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Boards/Commissions applied for:

Chapel Hill/Orange County Visitors Bureau  
 Economic Development Advisory Board

### Work Experience:

Founder and owner of comma, llc, a marketing/pr firm located in rural Orange County  
 2001-present  
 Development Associate, Ackland Art Museum, UNC-CH, 2000-2001  
 Director of PR, Shoofly: An Audiomagazine for Children, 1998-2000  
 Director of HELPLINE, OPC Mental Health Center, 1989-1992  
 Director of Volunteers, Women's Center of Raleigh, 1988-1989

### Volunteer Experience:

Open Your Heart Chair, American Heart Association of the Triangle, Current Fourth  
 Sector Cluster Initiative, Current Chair, Hillsborough/Orange County Chamber of  
 Commerce's Education Committee, 2007-2012; Member, Mental Health America of the  
 Triangle Board of Directors, 2006-2009, 2010-2012; Member, Hillsborough/Orange  
 County Chamber of Commerce Board of Directors, 2007-2011; Member, Orange County  
 Education Foundation Board of Directors, 2006-2008; Member, Orange County Schools  
 Board of Education, 2002-2006; Volunteer Experience Prior to 2002: Church volunteer --  
 boards, choir, church school teacher Community volunteer -- Hillsborough Visitor's  
 Center tour guide (Spirits of Hillsborough); Friends of the Library  
 School volunteer -- PTSA board committee chair, 1997-2002; A L Stanback Library,  
 2003-2004.

**Education:**

UNC-Chapel Hill, Masters of Social Work, 1987

UNC-Chapel Hill, BA, Religious Studies, 1984

**Other Comments:**

In addition to the other activities mentioned above, I am also a: Member, Chapel Hill Chamber of Commerce; Hillsborough Chamber of Commerce; Association for Corporate Growth-Raleigh Durham Chapter Member, Bull City Forward, a co-working incubator setting for social entrepreneurs. Co-organized a breakfast focused on entrepreneurship for the Hillsborough Chamber and Orange County Schools, March 2011. I am passionate about pushing forward Orange County's economic development efforts. I see this as a social justice issue in that we're creating jobs for those who live here or want to live here. I also see economic development as critical to nurture if we want to continue offering the quality of life we already have while also expanding efforts in other areas -- social services, recreational opportunities for residents. We must have a county-wide perspective while respecting the unique characteristics of each area or municipality within. It would be an honor to serve.

STAFF COMMENTS: Applied 05/31/2012 for Economic Development Advisory Board.

ADDRESS VERIFICATION: 5401 Hough Road is in Bingham Township, Orange County Jurisdiction, and Rural Buffer Zone.

**This application was current on:** 5/31/2012

**Date Printed:** 8/17/2012

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms. claire millar  
**Name Called:**  
**Home Address:** 332 standish drive  
chapel hill NC 27517  
**Phone: (Day)** 919 4892763  
**Phone: (Evening)** 919 4892763  
**Fax:**  
**Email:** clairemillar509@gmail.com  
**Place of Employment:** retired  
**Job Title:**  
**Year of OC Residence:** 1971  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** JPA (Joint Planning Area)  
**Sex:** Female  
**Ethnic Background:** Caucasian

**Boards/Commissions applied for:**

Board of Social Services  
Chapel Hill/Orange County Visitors Bureau  
Personnel Hearing Board

**Work Experience:**

Counselor/Teacher: Carolina Friends School  
Executive Director: Dispute Settlement Center, Orange County  
Director: Work Options for Women  
Owner: Cookie Factory, Claire's clothing store

**Volunteer Experience:**

Habitat for Humanity  
Dispute Settlement Center  
Guardian ad Litem  
Bike and Ped Board  
Legal Aid

**Education:**

MSW, Chapel Hill  
undergraduate degree in history and english from UND

**Other Comments:**

I have always enjoyed volunteering my time for good causes! STAFF COMMENTS:  
Applied 7/27/2010 for Board of Social Services, Chapel Hill/Orange County Visitors

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Bureau, Personnel Hearing Board. ADDRESS VERIFICATION: 332 Standish Drive is in Chapel Hill Township and Chapel Hill Jurisdiction.

**This application was current on:** 7/27/2010 5:14:25 PM

**Date Printed:** 8/17/2012

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mrs. Andrea Riley  
**Name Called:**  
**Home Address:** 1204 Brookhollow Road  
 Efland NC 27243  
**Phone: (Day)** 919-644-2604  
**Phone: (Evening)** 919-644-2604  
**Fax:**  
**Email:** andrea.riley44@yahoo.com  
**Place of Employment:** Orange County Library  
**Job Title:** part-time  
**Year of OC Residence:** 1981  
**Township of Residence:** Cheeks  
**Zone of Residence:** Does not apply  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Boards/Commissions applied for:

Chapel Hill/Orange County Visitors Bureau

### Work Experience:

I recently worked for 16 years for the Durham County Library in customer service. I have been a Water Safety (swimming) Instructor, Y.W.C.A. preschool program teacher/director, American Red Cross blood recruiter, McDonald's Corp. customer services/marketing specialist, Duke Press Editorial Asst., publications office administrator for an academic consortium, development/public relations coordinator for a non-profit, Coordinator for the Duke Pre-Major Advising Center, Staff Liaison for the Friends of the Durham Library, Inc., and Teacher's Assistant in the public schools.

### Volunteer Experience:

Swimming instruction for the Red Cross, and Y.M.C.A., Chairperson and Public Relations Coordinator for a University of Rochester mental health committee; telephone fund raising for the Y.W.C.A.; field trip chaperoning, E.O.G. proctoring, Battle of the Books coaching, and assisting in a media center and classroom of Orange County and Durham public schools.

### Education:

B.A. from UNC-CH, 1988 (Studio Art major)  
 Certification in Art Education, K-12 from NCCU, 1996

### Other Comments:

As a past art major and certified art teacher, I am still very interested in the enjoyment and promotion of the arts. I would like to be actively involved with the promotion of the arts in Orange County and I believe that my marketing and promotional experience could be of use. I worked for 16 years in the Durham County Library (and am currently working part-time in the Hillsborough Library). As both a patron and employee of public libraries, I think I know a great deal about what patrons are looking for and appreciate in their libraries. I would enjoy being involved with the Orange County Library as a volunteer advisor, although I don't know whether my employment by the Orange County Library would be seen as a conflict of interest. As a thirty-year resident of Orange County (Chapel Hill for nine years, and Efland for 21), I have become a life-long fan . I would like to be involved in the promotion of Chapel Hill and Orange County because I believe I understand what makes this area attractive to residents and visitors alike, and with my experience in both marketing and design, I believe that I can contribute many creative ideas about how to communicate its advantages. STAFF COMMENTS: Originally (11/18/2011) applied for Arts Commission, Hyconeechee Regional Library, Chapel Hill/Orange County Visitors Bureau. ADDRESS VERIFICATION: 1204 Brookhollow Road is in Cheeks Township.

**This application was current on:**

**Date Printed:** 8/17/2012

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms. Sharon Riley  
**Name Called:**  
**Home Address:** 9212 Orange Grove Road.  
Chapel Hill NC 27516  
**Phone: (Day)** 969-7866  
**Phone: (Evening)** 969-9630  
**Fax:** 969-7869  
**Email:** sharonrsvp@bellsouth.net  
**Place of Employment:** RSVP Events  
**Job Title:** President  
**Year of OC Residence:**  
**Township of Residence:** Bingham  
**Zone of Residence:** At-Large, Bingham Township  
**Sex:** Female  
**Ethnic Background:** Caucasian

**Boards/Commissions applied for:**

Chapel Hill/Orange County Visitors Bureau

**Work Experience:**

I have been employed in the Hospitality Industry for 29 years as a meeting planner and a special event planner. Since 1987, I have owned and managed RSVP Events, an event management company.

**Volunteer Experience:**

I have served on the Orange co. Parks and Rec Advisory Council, volunteered in Orange Co. Schools, and donated events for various nonprofits.

**Education:**

Educated in the Orange co. Schools Graduated with a BS in Urban and Regional Planning from ECU.

**Other Comments:**

I would like to share my knowledge and experience in the Special Event with other industry leaders on the Chapel Hill Orange County Visitors Bd of Directors. STAFF COMMENTS: Originally applied for Recreation and Parks Advisory Council 6/22/2004. Applied for Chapel Hill/Orange County Visitors Bureau 2/4/2009. ADDRESS VERIFICATION: 9212 Orange Grove Rd is in Orange County in the Bingham Township.

This application was current on: 2/4/2009

Date Printed: 8/17/2012

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms. Brande Roberts  
**Name Called:**  
**Home Address:** 1800 Hwy 15-501 South  
 Chapel Hill NC 27517  
**Phone: (Day)** 9195379692  
**Phone: (Evening)**  
**Fax:**  
**Email:** BLRoberts@alumni.ncsu.edu  
**Place of Employment:** ESC Labor Market Information Division  
**Job Title:** Research Specialist  
**Year of OC Residence:** 2000  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** EA (Extraterritorial Area)  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Boards/Commissions applied for:

Chapel Hill/Orange County Visitors Bureau

### Work Experience:

Research Specialist, Labor Market Information Division, NC ESC, 4/10 to present  
 Support NC Green Economy Study (short-term project funded by ARRA to study statewide employment and training needs): conduct literature review on green jobs; develop survey instrument; develop and deliver presentations on project to workforce development groups; create web page and public information documents for project; write quarterly progress reports for US Dept of Labor (funder); write interim and final project reports

Community Development Specialist, Div. of Community Assistance, NC Commerce, 6/07 to 3/10

Assist grantee communities in complying with federal and state regulations related to their community development programs; monitor grantee compliance through grant cycle; provide one-on-one training (in-person and remote) as well as group presentations; disseminate program information by writing press releases and items for internal and external newsletters and developing and managing Division's web pages; write and edit content for strategic plan and annual action plan; develop and update forms and accompanying instructions to minimize reporting burden on grantees; assist with audits by and communication with federal and state agencies

Survey Center Coordinator, State Center for Health Statistics, NC DHHS, 8/05 to 6/07  
 Oversee operations of survey center including staffing, training, and performance

monitoring; analyze survey data using SAS; write and edit statistical reports on risk behaviors and health conditions across NC; write instructions and procedures manuals; assist with grant application preparation and required reporting to funder; ensure adherence to CDC protocol; develop and deliver training presentations

Research Assistant/Survey Supervisor, Urban Institute, UNC Charlotte, 3/04 to 12/04  
Write statistical reports based on data from community surveys; develop case studies for economic development plans through secondary research and telephone interviews; clean and analyze survey data for reports; train interviewers on survey protocol and use of computer-assisted telephone interviewing software and monitor interviewers for data quality; design layout for and edit documents

Research Assistant, Office of Economic Development, UNC Chapel Hill, 10/00 to 1/04  
Provide primary and secondary research and analytical support; assist in preparation of grant applications, e.g., projecting costs, writing goals and competencies statements, compiling supporting materials, and formatting to funder's specifications; market internship program and facilitate communication between employers and students; edit reports for accuracy and for consistency among collaborators; write and edit content for website and respond to inquiries from public regarding OED's work; organize and assist with focus groups and community stakeholder meetings

**Volunteer Experience:**

Lumber River Conservancy (LRC)- Design and develop a website for LRC including building site, writing content, and finding appropriate photographs and links; create a brochure; develop a hand-out for FAQ for hard-copy distribution and to be included on the website

Regular volunteer with Chapel Hill Parks & Recreation and Eno River Association - Answer questions and provide directions at information booth, encourage attendees to complete surveys on events, help with clean-up after events, check IDs for alcohol purchase, sell tickets, assist attendees at recycling stations, etc.

**Education:**

Graduate Certificate in Technical Communication, UNCC, May 2008

BS Business Management, Concentration in Marketing, NCSU, December 1997

BA Sociology, NCSU, May 1997

Additional training:

Community Development Academy, UNC School of Government, 2008

Basic Economic Development Course, UNC School of Government, 2001

**Other Comments:**

I'm seeking a more substantial volunteer commitment, where my time will really have a positive impact on our community. I believe my skills would be useful in either of these advisory groups. I've worked as a research professional for many years, most of that time focused specifically in economic development. I'm familiar with our resources such as Commerce, Rural Center, Golden LEAF, SBTDC, Triangle J, RTRP, CH-Carrboro Chamber, CH Downtown Partnership, etc. I also have experience in grant proposal

writing, interpreting state and federal regulations, and providing technical assistance and training. If this meets your needs, I would certainly appreciate the opportunity to participate. STAFF COMMENTS: Originally (4/12/2011) for Economic Deelopment Commission and Chapel Hill/Orange County Visitors Bureau. ADDRESS VERIFICATION: 1800 US Hwy 15--501 South is Chapel Hill Jurisdiction and Chapel Hill Township.

**This application was current on:** 4/12/2011 11:31:57 AM

**Date Printed:** 8/17/2012

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr. Brian Rowe  
**Name Called:**  
**Home Address:** 3235 Rigsbee Road N  
Chapel Hill NC 27514  
**Phone: (Day)** 919-389-2331  
**Phone: (Evening)**  
**Fax:**  
**Email:** bsrowe67@aol.com  
**Place of Employment:** OE Enterprises, Inc.  
**Job Title:** Accounting Manager  
**Year of OC Residence:** 2011  
**Township of Residence:** Chapel Hill  
**Zone of Residence:**  
**Sex:** Male  
**Ethnic Background:** Caucasian

**Boards/Commissions applied for:**

Orange County Emergency Services Work Group (  
Orange County Parks and Recreation Council  
Chapel Hill/Orange County Visitors Bureau

**Work Experience:**

OE Enterprises, Inc. - Hillsborough, NC; NC Mutual Life Insurance Company - Durham, NC; Builders Mutual Life Insurance Company - Raleigh, NC

**Volunteer Experience:**

American Red Cross; Jimmy V Celebrity Golf Classic; Special Olympics

**Education:**

Bryant College - Smithfield, RI; BS/BA '89 - Concentration in Finance & Accounting

**Other Comments:**

I have recently relocated to Orange County from Wake County and have an interest in contributing to my community through volunteer opportunities throughout the county.  
STAFF COMMENTS: Originally applied (1/12/2012) for Orange County Emergency Services Work Group, Orange County Parks and Recreation Council, and Chapel Hill/Orange County Visitors Bureau. ADDRESS VERIFICATION: Rigsbee Road N is Orange County Jurisdiction, Eno Fire Tax, and Chapel Hill Township.

This application was current on: 1/12/2012 9:22:12 PM

Date Printed: 8/17/2012

## INFORMATION ITEM

**DRAFT**

Date Prepared: 08/22/12

Date Revised: 08/30/12

### 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
8/21/12	Review and consider request by Commissioner McKee that the Board take action to formally recognize the volunteer fire departments for their service to Orange County and its residents	10/2/2012	Chair/Vice Chair/Manager	<b>DONE</b> Request considered and proclamation to be developed
8/21/12	Review and consider request by Commissioner McKee that the Board direct staff to schedule additional meeting(s) regarding the Mountains to Sea Trail (MST) in Orange County to include an opportunity for a question and answer public session	10/2/2012	Chair/Vice Chair/Manager	<b>DONE</b> Request to be made to State MST officials regarding scheduling additional public session
8/21/12	Review and consider request by Commissioner Jacobs that the Board receive an update on issues, priorities, options, etc. related to the Burlington-Graham MPO, proposed MPO boundaries, etc.	10/2/2012	Chair/Vice Chair/Manager	<b>DONE</b> Planning staff to be asked to provide written update to BOCC
8/21/12	Provide the Board with a sketch drawing depicting the outcome of the new dimensional ratio standards associated with a 35 foot tall commercial building on property adjoining a single family residence	9/18/2012	Perdita Holtz Craig Benedict	<b>DONE</b>
8/21/12	Begin review of properties similar to Woods and Merritt that are split-zoned and bring back a proposed process and properties for the Board to consider as a means to address potential re-zonings comprehensively	12/1/2012	Michael Harvey, Glen Bowles, & Craig Benedict	Properties to be reviewed and possible process/information to be brought back to Board
8/21/12	Pursue opportunities for a Board and public tour for the Southern Orange Homestead Road Campus between the September 4, 2012 Public Information Session and BOCC consideration/possible approval of the Plan in October	9/1/2012	Jeff Thompson	Opportunities for tour to be pursued
8/21/12	Provide the Board with information on the difference in paved area between Option A and Option B for the Southern Orange Homestead Road Campus	9/4/2012	Jeff Thompson	<b>DONE</b>

## INFORMATION ITEM

**DRAFT**

Date Prepared: 08/22/12

Date Revised: 08/30/12

<b>Meeting Date</b>	<b>Task</b>	<b>Target Date</b>	<b>Person(s) Responsible</b>	<b>Status</b>
8/21/12	Include Commissioner Gordon's principle statement regarding the County's plans for the Southern Orange Homestead Road Campus in the minutes for the meeting	9/18/2012	Donna Baker	<b>DONE</b>
8/21/12	Review the continued use of the gate near the West Campus Office Building for the Eno River Parking Deck and consider alternatives to the gate such as a speed bump, additional signage noting free parking, etc., ensuring that any proposed alternatives maintain pedestrian safety	9/18/2012	Wayne Fenton Michael Talbert	Continued use of the gate to be reviewed, additional signage considered, etc.
8/21/12	Work with the Human Relations Commission to bring back a plan before the end of 2012 to reduce the membership size of the Commission	12/31/2012	Tara Fikes	Staff to work with Commission on proposed plan