Orange County
Board of Commissioners

Agenda

Regular Meeting
September 18, 2012
7:00 p.m.
Southern Human Services Center
2501 Homestead Road
Chapel Hill, NC 27514

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. Orange County Arts Grant Recipients

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. Fiscal Year 2012-13 Budget Amendment #2
   f. Approval of Financing Arrangement for Efland Volunteer Fire Company, Inc. to Purchase a Fire Engine Truck
   g. Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendment Schedule for November 2012 Joint Quarterly Public Hearing – Outdoor Lighting
   h. Amendment to Hobbs, Upchurch & Associates Contract: Buckhorn-Mebane EDD Water and Sewer Extension Project – Phase 2
   i. Trustee Appointments to the Orange New Hope Firemen's Local Relief Fund Board
   j. Trustee Appointment to the Central Orange Firemen's Local Relief Fund Board
   k. Bid Award – Front End Loading Garbage Truck

6. **Public Hearings**

   a. Rezoning and Class A Special Use Permit Modification – Spence Dickinson
   b. Class A Special Use Permit – Public Utility Station (Solar Array)
   c. Continued Public Hearing on Zoning Atlas Amendment – Darrell Chandler Conditional Zoning – REDA-CZ-1

7. **Regular Agenda**

   a. Siting Criteria for Southern Branch Library – Final Recommendation
   b. Burlington-Graham and Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Boundaries
   c. Transit Interlocal Implementation Agreement

8. **Reports**

   a. Update on the NC Mountains-to-Sea Trail – Orange County Section
   b. Landfill Neighborhood Illegal Dumping Cleanup/Collection Update

9. **County Manager's Report**

10. **County Attorney's Report**

11. **Appointments**

    a. Adult Care Home Community Advisory Committee – Appointment
    b. Advisory Board on Aging – Appointments
    c. Orange County Arts Commission – Appointment
    d. Board of Health – Appointment
    e. Orange County Housing Authority Board – Appointments

12. Board Comments (Three Minute Limit Per Commissioner)

13. Information Items

- September 6, 2012 BOCC Meeting Follow-up Actions List
- BOCC Chair Letter Regarding Request for Additional Board Action on Fracking
- BOCC Chair Letter Regarding Request by Commissioner Earl McKee - Mountains-to-Sea Trail
- BOCC Chair Letter Requesting Additional Public Meeting Regarding Mountains-to-Sea Trail
- BOCC Chair Letter Regarding Request by Commissioner Barry Jacobs - Burlington-Graham MPO
- BOCC Chair Letter Requesting Support for Creation of Alternative Energy Task Force
- BOCC Chair Letter Regarding County's Pet Identification Policy
- BOCC Chair Letter Regarding Request That County Ban Certain Wells
- BOCC Chair Letter Regarding Request by Commissioner Earl McKee - Recognition of Volunteer Fire Departments

14. Closed Session

"To discuss the County's position and to instruct the County Manager and County Attorney on the negotiating position regarding the terms of a contract to purchase real property," NCGS § 143-318.11(a)(5).

15. Adjournment

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

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

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 4-a

SUBJECT: Orange County Arts Grant Recipients

DEPARTMENT: Orange County Arts Commission

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Copy of Awards to be Distributed
"Specific Attendee List to Follow"

INFORMATION CONTACT:
Martha Shannon, Arts Commission
968-2011

PURPOSE: To present checks to local artists and nonprofit organizations receiving Spring 2012 Orange County Arts Grants.

BACKGROUND: In the spring, the Orange County Arts Commission awards grants to local nonprofit organizations sponsoring arts projects using funds received from state government through the Grassroots Arts Program of the North Carolina Arts Council. In 1985 the Orange County Arts Commission was designated by the BOCC – and approved by the NC Arts Council – as the Local Distributing Agent (now called Designated County Partner) to award State Grassroots Arts Program funds to nonprofit agencies in Orange County.

Grants are awarded for arts programming in all arts disciplines for artistic merit and benefits to the residents of Orange County. Each recipient must match the grant amount in order to receive funding.

FINANCIAL IMPACT: The $30,482 in State funds awarded to the Arts Commission in FY2012-13 - for Arts Commission purposes and for granting to outside nonprofit agencies sponsoring arts projects - represents a pass-through of State funds.

RECOMMENDATION(S): The Manager recommends that the Board acknowledge the local recipients of the awards during the September 18, 2012 meeting with the presentation of checks by the Board Chair.

Arts Grant Recipients
Orange County Arts Commission

September 18, 2012

Spring, 2012 Grant Recipients:

- ArtsCenter
- Chapel Hill Carrboro Children's Museum (dba Kidzu Children's Museum)
- Chapel Hill Carrboro Public School Foundation
- Deep Dish Theater Company
- Door to Door of UNC Health Care
- Ephesus Road Elementary School PTA
- Estes Hills Elementary School
- Franklin Street Arts Collective (dba FRANK Gallery)
- Glenwood Elementary School PTA
- Grady A. Brown Elementary School PTA
- Hillsborough Arts Council
- McDougle Elementary School PTA
- McDougle Middle School PTA
- North Carolina Symphony
- Orange County Artists Guild
- Town of Carrboro Recreation & Parks

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda
Item No. 5-a

SUBJECT: MINUTES

DEPARTMENT:

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

Draft Minutes

INFORMATION CONTACT:
Donna Baker, 245-2130

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

Attachment 1	June 7, 2012	BOCC Budget Work Session
Attachment 2	June 14, 2012	BOCC Work Session
Attachment 3	August 21, 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.

DRAFT **Attachment 1**

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

The Orange County Board of Commissioners met for a Budget Work Session on Thursday, June 5, 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.

1. FY2012-13 Fire District Tax Rates

Budget and Management Analyst Paul Laughton said that historically the County has invited any fire district that is asking for a tax increase to come and give the reasoning behind the increases. Orange Grove has asked for an increase of 0.92 cents and Bill Waddell the President and Tommy Holmes the Chief were in attendance.

The abstract on page 2 explains the reasoning for the 0.92 cents for FY 12-13 and then another cent for 13-14.

Bill Waddell said that the reason they are looking for an increase is that they wanted to break it into two parts and not have such a tremendous jump when they build their third station down the line. This increase will be needed to outfit the new station.

Commissioner McKee asked Bill Waddell to elaborate on the number of homes that each of the new fire stations will bring within a six-mile radius. Bill Waddell said that station 2 would bring 800 homes within the six-mile radius.

Commissioner Gordon asked about the costs and Bill Waddell said that station 2 would cost $70,000 and the trucks will be about $70,000+ each. They will also have to buy air packs of $2,000 each, hoses, nozzles, etc., which will cost approximately $300,000 for everything, including the building. The land was donated for station 2.

Commissioner Jacobs said that four districts are getting lower ISO ratings and this should be celebrated. He asked staff to track the ISO ratings for the next budget cycle, and if there is a lower ISO rating, staff should put out press releases in conjunction with the fire departments.

Commissioner McKee listed the ratings of each district. Eno, Caldwell, Cedar Grove, Orange Grove, and New Hope are rated 9. Caldwell and New Hope have been rated in the last couple of weeks and Caldwell should get its new rating in the next couple of days. New Hope will get its rating in the next few weeks. Efland and White Cross are rated at a 7. Orange Rural is a 6. The area covered by North Chatham within its five-mile area would be rated at a 7. The

area that Mebane covers for Efland under contract is rated a 5. The two small areas in Chapel Hill that is covered by South Orange is rated a 6. Caldwell, New Hope, and Efland have currently gone through a rating at their own initiation to get the rate reduced.

2. Pay and Benefits Presentation

Interim Human Services Director Sharon Laisure made a PowerPoint presentation.

Pay and Benefits Recommendations for Employees and Retirees
BOCC Budget Work Session
June 7, 2012

Work Session Purpose

To consider and provide direction on pay and benefits for employees and retirees for FY 2012-13

Key Pay and Benefits Plan Recommendations

- A COLA of 2% for permanent employees
- An Employee Performance Award of $500 or $1,000
- Funding for a health insurance increase of up to 23%
- Increasing the living wage to $10.97 per hour
- Implementing recommendations of the FY 2011-12 internal Classification and Pay Study
- Extending the six-month hiring freeze and the voluntary furlough program
- Continuing the $27.50 per pay period County contribution to non-law enforcement employees' supplemental retirement accounts and the mandated Law Enforcement Officer 401(k) contribution of 5% of salary
- Addressing increased costs for Retiree Health Benefits

Cost of Living Increase and In-range Salary Increases

- The Manager recommends:
  - A Cost of Living Increase (COLA) of 2.0% for all permanent employees, effective July 1, 2012
  - An employee performance award of $500 for proficient performance and $1,000 for exceptional performance, effective with permanent employees' annual performance review dates from July 1, 2012 to June 30, 2013

- Employees have had no salary increases since FY 2008-09.
- With increased revenues, this is the first year in which additional funds have been identified for employee salaries.
- Personnel services comprise the largest percentage (nearly 50%) of the County's operational expenditures.

Retiree Health Benefits

- As retiree health care costs increase due to the increase in retirees and health care costs, the County must plan for its future liability.

The County Manager recommends:

1. Setting aside $3.0 million of FY 2011-12 fund balance for the long-term liability of funding retiree health benefits,
2. Revising the Personnel Ordinance for employees hired after June 30, 2012 to:

a. Increase the service eligibility requirements retiree health care benefits from 10 to 20 years of continuous service;
b. Require retirees eligible for Medicare due to disability to enroll in Medicare, and
c. Cap the amount the County pays for Medicare supplements and Part D at 50% of the cost of the individual group health premium.

Summary

- Focus is on retaining a talented workforce that is committed to serving the residents of Orange County.
- Employees are very concerned about pay and health insurance.
- Preserving employee pay and benefits continues to be a priority.
- The County's financial condition is improving.
- Funding has been identified to support increases in employee pay and health insurance costs.

Mark Browder from Mark III made another PowerPoint presentation with health plan figures.

- For 2011, we estimate that the NCACC lost $2,700,000 while insuring Orange County.
- The plan is running better now and only at 78% loss plan and the HSA is doing better than the PPO
- There will be about a 23% increase for insurance next year

Timeline:

- July 2, 2012 – UHC Renewal Delivered to Mark III.
- The renewal options that will be reviewed both fully insured and self-funded options for the current plan designs.
- Depending on the competitive nature of the renewal, we will consider going to market.
- We want to be careful not create too much disruption for employees.
- For the self-funded option, we will request an alternative pharmacy benefit manager.
- In August, we will present renewal options to the Commissioners at the first work session.

Frank Clifton said that in September there will be a presentation on being self-insured. He will bring forward the pros and cons of this possibility.

Commissioner Jacobs said that when this comes back to the County Commissioners, he would like to have some definition of terms. He made reference to the statement that this plan is running better. He asked for whom it is running better.

Mark Browder said that the plan is financially better mainly because the employees are bearing more of the cost sharing.

Commissioner Hemminger made reference to the projections for deductibles and if these were going to change and Mark Browder said no.

Commissioner Jacobs made reference to the chart with 100 counties and said that four counties had lower deductibles. He would like to see these plans.

Three of these four are self-insured.

Chair Pelissier said that she supported the COLA increase and she asked what surrounding counties were offering. Financial Services Director Clarence Grier said that the surrounding counties are offering something similar, from 1-2%.

Commissioner Jacobs said that he supports what the Manager is recommending for the employees. He said that the County did some things to support employees last year and it was not reflected in the documents. The 401(k) was raised and each employee was given $500.

Chair Pelissier asked about the six-month hiring freeze that has been done for several years. She asked how this affects staff.

Frank Clifton said that this freeze is for positions that are just delayed. The normal hiring process takes between 60-90 days anyway. He does not think it is a tremendous burden. Staff will continue to monitor this and do some market analysis for these positions. The delays have allowed staff to look at the position and reorganize some duties. He does not think that the public has seen a drop off in services.

Commissioner Hemminger asked about the COBRA plan and if there were a lot of former employees using this and it was answered no. She asked for some figures about how many people were hired after 2008 and would not be eligible for the spouse benefits after 20 years.

Commissioner Jacobs said that he would like to have a conversation about longevity pay. He also asked about the $3 million budgeted for retiree insurance.

Frank Clifton said that the proposal is a reserve fund and would not have to come out of the annual budget.

3. Outside Agencies: Recommended Allocations FY2012-13

Assistant County Manager Gwen Harvey said that there were 56 agencies who made applications for funding and 36 were funded for a total of $926,700. There was only an increase of $500 from last year. She made reference to page 190 in the budget document. There were two outside agencies that were funded last year, but in the Manager's Recommended Budget, the outside agencies are linked to the department that would do the best job of seeing how those funds are allocated. These two agencies are Piedmont Health Services (Health Department) and Triangle Wildlife Rehab Center (Animal Services). This gives clearer oversight.

Frank Clifton said that the staff went through a very deliberate score card process and analyzed the agencies.

Commissioner Gordon made reference to the Dispute Settlement Center and how much more they are asking for - $30,000 more or $60,000 more.

Gwen Harvey said that the Manager's Recommended Budget is an additional $9,000. There has been a reduction in state funding.

Financial Analyst Lisa Henty said that the original request was $76,000 and it currently has $25,000 in the recommended budget, so it would be $51,000 additional to fully fund the request.

Commissioner Hemminger said that she would like to have this clarified from the Dispute Settlement Center because there were some emails about needing a full $60,000. She wants to know the total number - $60,000 or $76,000.

Commissioner Yuhasz said that the County funded the drug treatment court last year and Gwen Harvey said that those funds are incorporated in the Social Services budget at the same level as last year.

Commissioner Jacobs said that the documents for this are confusing. He pointed out some inconsistent figures and said that it is hard to follow.

Commissioner Jacobs made reference to Freedom House and suggested giving the extra $1,000 that it had requested.

Gwen Harvey said that this is a public document and is on the website. There have been no queries about the rating system for outside agencies.

4. Non-Departmentals

Paul Laughton said that this is an opportunity for the Board of Commissioners to ask questions about this line item, which is on page 164. The non-departmental budget is structured by functional areas.

Commissioner Jacobs asked about the status of setting up the payment-in-lieu system to more robustly collect these fees for the parks.

Director of Environment, Agriculture, Parks and Recreation (DEAPR) Director Dave Stancil said that he will be bringing this information later in June. The timeline is early next year for this payment-in-lieu system.

Commissioner McKee made reference to the letter from Judge Buckner about courthouse facilities and the need for audiovisual. He asked where that would fall.

Frank Clifton said that there is a Board of County Commissioners Contingency as an option and there will have to be an analysis of the requests first and then staff will decide where it goes in the budget.

Commissioner Yuhasz said that there is not a lot of wi-fi access in the court facilities or District Attorney's office and he would like to know what it would cost to supply wi-fi in these areas.

Clarence Grier said that he just did a contract to update the wi-fi for all County facilities and they can add the court facilities.

Commissioner Jacobs asked about the Triangle Sportsplex and the $41,000 for membership. He said that this seems like a great investment for a low amount of money for the employees' health.

5. Discussion of County Department's FY2012-13 Budget Requests

- Library

Library Services Director Lucinda Munger said that in response to a request from Commissioner Jacobs, she came up with some figures for increasing the library hours from 60 to 68.

Commissioner Jacobs said that he wanted to see additional hours at the central library because the branch library in the northern part of the County was closed.

Commissioner Hemminger said that she wants additional hours, but adding non-permanent employees concerns her.

- Aging

Lisa Henty made reference to page 32. The total expenditures for the budget this year are just over $1.4 million. This is a small increase of $17,000. This budget continues the $10,000 reduction in the RSVP program that happened this year.

Chair Pelissier asked about the decrease in RSVP and Janice Tyler said that they cut out volunteer travel and Aging is raising its own funds for the RSVP event that was held this week.

Commissioner Yuhasz asked about the meals program and Janice Tyler said that they are serving approximately 138 meals a day at the senior centers. Additional funds are needed for this program. She is asking to hire a senior for two hours per day that would assist this program

- Animal Services (*including Fee Schedule change requests*)

Paul Laughton made reference to page 43 and said that the total expenditure budget is $1.7 million, which is an increase of $52,000. There are a few operational increases. The increase in revenue is $24,000, which is due mostly to the success of web licensing. There are several proposed new fees (page 328).

Commissioner Jacobs expressed concern about quarantine costs going up 50%. He suggested having some kind of discounted rate for people that have to quarantine their animals for an extended period of time.

Bob Marotto said that a six-month quarantine (exposure to raccoon or fox) would never be done in the County's facility. If an individual wishes to do that, it has to be done with a private veterinarian clinic. The $15 fee for a rabies quarantine is only for 10-11 days for a dog or cat that has bitten a person.

Commissioner Hemminger asked about making donations on-line and Bob Marotto said that it can be done in conjunction with the web licensing process.

- Asset Management Services

Paul Laughton said that this is on page 53. The total expenditure budget is $4.2 million. The budget has been decreased by $2.2 million, most of which is due to moving risk management bonds and insurance and worker's compensation to Financial Services effective July 1st. There is an increase in $70,000 for increased gas and diesel costs. There is a reduction in utilities of $94,000. The capital outlay of $31,500 is building improvements for the most part.

Commissioner Jacobs made reference to page 56 and said that they used to get an annual report on vehicles for various issues.

Pam Jones said that the County Commissioners got a report last fall and another one is coming up this fall.

Frank Clifton said that since Pam Jones is retiring, her position is not being filled directly, but her operations will be distributed to other staff.

- Cooperative Extension

Paul Laughton made reference to page 70. Total expenditures are approximately $395,000, which is an increase of $5,000. There is also additional revenue of $5,000 that was generated by class fees, etc.

- DEAPR-Department of Environment, Agriculture, Parks and Recreation (*including Fee Schedule change requests*)

Lisa Henty made reference to page 87 and said that the total expenditure budget is $2.9 million, which is an increase of $40,000. There are some increases in the parks division. Approximately $19,000 is set aside to improve lighting and field irrigation at the West Ten Soccer Complex. There is allocation for $16,000 for a grasshopper mower. The Forest Service allocation request is on page 179, and this year the request is $78,170. This is an increase of $13,000, which is to help fund a new heavy duty vehicle. There are also some fee schedule changes.

Dave Stancil made reference to page 87 and said that there is about $400,000 in offsetting revenues, so the net County costs are about $2.5 million. There is now online registration for parks and recreation and this has helped tremendously.

Commissioner Hemminger asked about the scholarship fund for camps, etc. Dave Stancil said that this is administered through the Social Services budget. From what he has heard, the funds have been used up and are in the budget for next year.

Commissioner Jacobs said that he asked the Clerk for the minutes from the discussion in March and there were a number of Commissioners who spoke in favor of some kind of lease agreement for $500 annually.

Dave Stancil said that this is underway and staff will be presenting to the Board of County Commissioners an update at the June 19th meeting.

Commissioner McKee said that HYAA is growing and really needs more fields to use. He asked if there had been any conversations with HYAA about this.

Dave Stancil said that the youth baseball is no longer being offered through parks and recreation, so there is no longer competition for fields. He said that he did prepare a draft memorandum of agreement and presented it to HYAA representatives that would have enabled them to find ways to meet the fees that are associated with field usage. The HYAA Board was not interested in pursuing that MOA. He has kept the dialogue open with HYAA and he can try and talk with them again. Commissioner McKee asked Dave Stancil to pursue HYAA again.

Commissioner Yuhasz agreed and suggested HYAA compensate Orange County in other ways besides monetarily such as maintenance, etc.

Commissioner Jacobs asked if the County Commissioners agreed to proceed with an agreement with HYAA similar to the farmer's market. The majority of the Board of County Commissioners agreed.

Commissioner Gordon said that she would like to see what's involved as far as the costs, etc., before saying yes.

Frank Clifton said that staff would have discussions and bring back a proposal to the Board for review and approval at a later date.

- Economic Development

Lisa Henty made reference to page 102. This budget remains flat. There is a small decrease this year. She made reference to page 104 and said that there is a summary on the ¼-cent sales tax. There is also an update on page 105 on the Piedmont Food and Agricultural Processing Center. There is a separate fund for the Visitor's Bureau, which also has the Arts Commission. This is on page 251. There is a projection for the occupancy tax to generate $90,000 this year. There will be a recommended fund balance appropriation of $150,000 to use for an advertising initiative for the Agri-Tourism program.

Commissioner Jacobs asked about the transition to the 501(c)3 for the Piedmont Food & Agriculture Processing Center (PFAP) and Matthew Roybal (PFAP Manager) said that the hold-up for transition was the last board member to be appointed by Durham County. Once the individual is appointed, the board will meet for the first time as an assembled board. County Attorney John Roberts is helping with the incorporation paperwork. He hopes that it will be filed within the next 30 days.

Chair Pelissier asked about increasing staff due to increased clients and Matthew Roybal said that there will need to be additional staffing, but incorporated within next year's budget.

Laurie Paolicelli, Director of Chapel Hill/Orange County Visitors Bureau, gave an update on Agri-Tourism. There will be a page in Chapel Hill Magazine dedicated to Agri-Tourism.

- Health Department (*including Fee Schedule change requests*)

This was on page 130. This budget is a little over $7.2 million, which is an increase of $70,000. There is a decrease in the central administration services due to reassignment of a 0.5 FTE in the dental division. This budget includes a 0.5 FTE Property Development Specialist. This is shared with the Planning Department. This position provides intake support and permit application processing for the central permitting clients. This budget does include $10,000 shifting from Piedmont Health Services to the Health Department. The Health Department has requested $67,000 in capital outlay related to vehicles for Environmental Health. There are some fee changes in the Health Department (page 330-338).

Commissioner Yuhasz asked if the Health Department was going to get vehicles this year and Clarence Grier said yes.

- Housing, Human Rights, and Community Development

This was on page 143. Paul Laughton said that the general fund contributes about 70% of the Director's salary and benefits. The general fund also contributes to community development funds – Urgent Repair Program ($146,000), HOME Program ($33,651 County match), Homelessness Partnership Program ($28,923).

Commissioner Jacobs asked if the Affordable Housing Advisory Board was discussing impact fees. Housing, Human Rights, and Community Development Director Tara Fikes said that it is on the calendar to discuss, but it has not been discussed yet.

- Human Resources

This was on page 152. The total budget is just over $700,000. Lisa Henty went through the changes. On page 164, the Manager's Recommended Budget includes a $3,400 increase in drug testing.

Frank Clifton and the County Commissioners commended Sharon Laisure for serving as the Interim Human Resources Director.

- Social Services

Lisa Henty said that this is on page 220. The total expenditure budget is $7.26 million, which is an increase of $427,000. This budget does not include the additional $100,000 of County appropriation for childcare subsidies. The State estimates indicate a decrease of $300,000 for childcare subsidies.

Social Services Director Nancy Coston made reference to the increase in budget and said that it is all related to the changes in State and Federal funding.

Commissioner McKee asked about the backlog in childcare subsidies and said that the backlogs were clear last week, but now the waiting list is starting again.

Commissioner Yuhasz asked if all of the mental health guardianships have been transferred over and Nancy Coston said that as of June 30th of this year, the DSS Director is the only public official that can be a guardian. The only other option is corporations. She said that there are eight or nine clients still in transition.

Commissioner Hemminger asked about the success of the scholarship program for camps, etc. and Sharron Hinton said that all of the money was used and there were more people that had asked for the funds.

Frank Clifton said that Veteran's Services was a function of DSS, and the Veteran's Services employee retired. Nancy Coston is trying to recruit for this position now.

6. CIP Follow-up

Paul Laughton said that this is an opportunity to make the changes to the CIP. These changes would be brought back to the June 12th Work Session, which will have the Resolution of Intent to Adopt.

Commissioner Gordon made reference to the memo from her at the County Commissioners' places. She said that she got this information from the SAPFO report. She made reference to the elementary school section for Orange County Schools and said that an elementary school is not programmed until 2020-21. She said that the SAPFO should be followed and Elementary School #8 does not need to be built right away. She thinks that OCS should not worry about the County keeping its commitments. She said that a high school would also not be needed when it is shown in the CIP because the SAPFO does not dictate it for OCS. She stated that the County should follow SAPFO, and therefore the recommendations should come from the SAPFO Technical Advisory Committee and should go through the SAPFO process.

Paul Laughton said that page 69 is what is included in the Manager's Recommended CIP for the next five years. Page 70 shows everything else that the school systems have requested that were not part of the recommended CIP. This is where Elementary School #8 falls under for OCS. The classroom addition is for year 2015-16 for Cedar Ridge High School. The auxiliary gym is consistent with 2014-15.

Chair Pelissier said that it is the school's request, but not necessarily the County's agreement to fund anything in any year except the year that the County is approving, which is the next fiscal year. OCS is saying that there is a faster growth, but the County Commissioners are not making any commitment to funding a school until the SAPFO dictates it. Clarence Grier verified this.

Commissioner Jacobs said that it might be simple to make some word changes, like on page 70, where it specifies that these projects are "unfunded." Also, at the bottom, there could be a note that says, "school construction scheduling is guided by SAPFO projections of capacity needs." Also, the $13.86 million for the Cedar Ridge High School Classroom Wing is within the five years, but it could have an asterisk to say, "to be reviewed under SAPFO in light of DPI analysis of Cedar Ridge capacity."

Commissioner Foushee said that the CIP request from OCS had unfunded requests in the budget and the County put it in its unfunded requests. She said that it does not create an assumption if it is in the unfunded requests. It is just a placeholder.

Commissioner Jacobs made reference to the report on the Northern Human Services Center and said that it is good. However, he made reference to the first memo to the Manager, which says that there were mixed opinions about whether to try and retain the cafeteria, and gymnasium in the the facility. Then in the survey results, by far the highest, most intensive response was "keep cafeteria and gym" and "retrofit and improve." This seems different from "mixed feelings."

Commissioner Foushee said that people responded how they previously felt with the survey, but after the discussion, they felt differently after they saw the possibilities of what they could have.

Commissioner Hemminger made reference to a discussion at the Rogers Road Task Force for a capital project. The community would like to remove a historic home, the Hogan House, to the Habitat site. A complication is that the church is getting ready to start its project, and would demolish this house if it was not moved. She is not advocating for the County paying for all of this. The total price for fixing this is around $800,000, but to move the house would cost approximately $120,000. There will be more information at the next meeting. She asked if the Board wanted to consider a placeholder. There are very strong feelings in the community about keeping this building.

Commissioner Gordon made reference to page 69 regarding the schools and suggested that Note 1 be Article 46 and Note 2 be, "school construction scheduling is guided by the Schools Adequate Public Facilities Ordinance projections of capacity needs." She thinks that this will solve the problem.

The County Commissioners agreed.

Clarence Grier said that $905,000 has been allocated for the Board to use to address anything that is necessary aside from the Manager's Recommended Budget.

A motion was made by Commissioner Jacobs, seconded by Commissioner Foushee to adjourn the meeting at 10:44 PM.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT **Attachment 2**

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
WORK SESSION
June 14, 2012
7:00 p.m.

The Orange County Board of Commissioners met for a Work Session on Thursday, June 14, 2012 at 7:00 p.m. in the Link Government Services Center, in Hillsborough, North Carolina.

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

1. Proposed Orange County Mass Gathering Ordinance – Review and Discussion

Annette Moore said that a lot of departments worked on this ordinance proposal. She reviewed the high points. She said that this ordinance provides for minimum standards and guidance for mass gatherings of people between 500-5,000. There are State guidelines for mass gatherings of over 5,000 people. This ordinance would provide one-stop shopping for those who want to apply for a mass gathering event. She said that this only applies to open space gatherings and not churches, stadiums, athletic fields, arenas, etc. The permit would be issued by the Emergency Services Director. It would require insurance, a performance bond, and a fee to be determined by the County Commissioners, etc. She said that this ordinance provides for administrative rules issued by the County Manager, which will address specific issues. There is an appeal process and an enforcement portion.

Emergency Services Director Frank Montes de Oca said that one example he would use would be the biker rally which caught them by surprise a couple of years ago. The promoter was advertising it as 5,000 per day, alcohol served, overnight camping, outdoor cooking, etc. If there had been a mishap then it could have been catastrophic.

Commissioner Hemminger said that if she had to do all of these requirements she would not do an event. She is having trouble with the numbers and not necessarily the ordinance. She would like to know the fee structure.

Annette Moore said that they are anticipating an application process that would eliminate some groups from having to go through the entire process.

Commissioner Jacobs said that it is wise to have more control over events that have mass people, but he thinks that the figure of 500 people is too low. He said that the fee is too much for a small number of only 500 people.

Frank Montes de Oca said that this is not to prohibit the large weddings or events but those cultural events that become a nuisance to the community.

Annette Moore said that there is a difference between 500 and 5,000 and this is why there are some proposed rules. She said that there can be further delineation.

Commissioner McKee said that he tended to agree with the other comments that the 500 number is too low. He said that these requirements were too much for an event of only 500.

Commissioner Jacob pointed out that there are some confusing aspects of the ordinance. He made reference to attachment one, item D, where it says, “the permit shall be issued at least 60 day prior,” and then on the next page, it says, “it shall be filed at least 60 days prior.” This is confusing. Also, on page 4, Issuance of Permit, it is not clear when there would be approval and it could be at the last minute. He does not think it is a one size fits all ordinance.

Commissioner Yuhasz asked how these requirements compared to the State requirements and Annette Moore said that they were modeled after the State requirements.

Commissioner Yuhasz said that if these are close to the State requirements, then there could be a group of 2,500 to get a State permit.

Commissioner Gordon suggested calibrating this ordinance for different sized groups or different venues.

Discussion ensued on calibrating the ordinance.

Commissioner Jacobs said that there should be some kind of notification process to the County and the group needs to be notified of the various permits involved so that all bases are covered.

Commissioner Yuhasz said that there should be a distinction between revenue generating and non-revenue generating. There should be different requirements.

Chair Pelissier said that she is hearing from the Board that there needs to be calibration with regard to permitting and to fees.

Frank Clifton said that there is still land use zoning in these rural areas and there will be complaints about uses that do not fit in certain areas.

Commissioner McKee said that a lot of people will perceive this as a property rights issue.

Annette Moore said that she would come back with a matrix with rules to see if it captures what the County Commissioners have said.

Commissioner Gordon said that she would like to see something in this ordinance about land use regulations.

2. Public Education Effort Discussion for the Half-Percent Sales Tax Referendum on the November 2012 Elections Ballot

Chair Pelissier asked if the County Commissioners wanted to expend County monies on this effort. No monies have been set aside for this. She said that the County did spend money on the ¼-cent sales tax.

Commissioner McKee said that the County Commissioners did expend public funds on the ¼-cent sales tax because the proceeds would come back to Orange County and were used by Orange County for Orange County’s purposes. However, the ½-cent sales tax will go to Triangle Transit. Although some of that money will be spent in Orange County, some of it will be spent in Durham County. He has a problem spending Orange County money on this particular item.

Commissioner Gordon said that she believes that Triangle Transit has a public relations budget for issues like this.

Chair Pelissier said that Commissioner Gordon is correct. Triangle Transit did participate in some information events in Durham County last year when they were passing their own referendum. She said that Triangle Transit is planning on doing some educational events in Orange County.

Commissioner Gordon said that Triangle Transit has designated staff to do public relations.

Commissioner Yuhasz said that Orange County has expended monies through meetings and information sessions and he does not think that anything more can be done to better educate the public on this.

Commissioner Hemminger said that the County needs to update the website and give the link to Triangle Transit. She thinks that the Board needs to be involved in an effort to educate. She does not want to spend money on promotional materials.

Chair Pelissier agreed and said that there is a grassroots community effort in process now and she does not want the County Commissioners to expend any monies either.

Commissioner Jacobs said that he would like to find out formally what Triangle Transit is dedicating to public education and if Chapel Hill or UNC is going to participate in educating the public. He suggested having a FAQ on the County's website. He said that staff or Board of County Commissioners could speak at groups. He said that having an information campaign along an advocacy campaign and saying that they are separate is not effective. He said that it is a winking relationship and it makes him uncomfortable. He said that this is complicated enough that the public really needs to know what is going on and the Board needs to make sure the public knows what is going on.

Chair Pelissier said that Triangle Transit is going to do education and Commissioner Jacobs said that he wants this in writing.

Chair Pelissier said that she is uncomfortable asking the towns to spend money on advocacy.

Commissioner Gordon said that they need to make sure there is something available such as FAQ and all of the documents on the website, etc. She said that at the last TAC meeting this week when the bus and rail plan came out, the TAC approved the plan in concept and deferred action on the plan until Orange County brings back the plan with what role the MPO will play in the plan. The education campaign should be ready in September.

Commissioner Jacobs said that the County should formally ask Triangle Transit and Chapel Hill Transit what, if any, is the extent of the educational campaign they plan to participate in or propose to educate the residents of non-urban Orange County with the details of the plan. He does not want to assume anything. He would like to suggest an affirmative response from Triangle Transit on what they are planning to do and when they come back in August they can review this or make another plan.

Chair Pelissier said that staff can ask both entities these questions.

Commissioner Jacobs said that this is not enough. He would like to know the plans, not via staff.

Chair Pelissier said that staff could ask Triangle Transit to tell the County Commissioners the plan.

Commissioner Hemminger said that Orange County should partner with Triangle Transit on the northern and southern input sessions.

Commissioner McKee agreed with Commissioner Jacobs regarding finding out the plans. He said that he continues to think that Triangle Transit is the one that will be running the show and they should do the public information and education. As far as Commissioner Hemminger's recommendation to do education in the rural area, he thinks that this area already understands this well. He cannot support any campaign that uses Orange County funds to educate on this issue where the funding goes to Triangle Transit. He agreed with having information on the County's website but it should be fair and balanced.

Chair Pelissier asked if all agreed to not allocate funds for education and to ask Triangle Transit to do information sessions in northern and southern Orange County and this will come back to the Board of County Commissioners in August.

Commissioner Gordon said that she wants the County to develop its own FAQ and Craig Benedict said that he would work with Triangle Transit on this.

Commissioner Gordon said that Triangle Transit's FAQ may be different from Orange County's and they need county staff to do a FAQ for Orange County, to be put on the county website along with other information.

Commissioner Jacobs agreed with Commissioner Gordon that this is complex enough that they need staff to put this in Orange County verbiage for Orange County residents and to ask Triangle Transit what they are planning to do for public education in Orange County.

2. Siting Criteria for Southwest Branch Library – Review of Comments

Library Services Director Lucinda Munger made reference to Attachment B. She said that on the left side is the original criteria from last fall. There are also comments from the Carrboro Board of Aldermen and a staff analysis. Everyone pretty much agreed on the criteria about 85%. There were some suggestions from the Aldermen and these were added into the staff comments. This is Phase 3, #2. It is suggested that lease versus purchase be moved to Phase 1 and then in Phase 3, #1, "alignment with Comprehensive Plan," it is being suggested to move that to Phase 1 and change the wording to read, "public or private entities."

She made reference to the areas of difference and said that these are listed. The first one is the element of visibility that has been eliminated from the criteria. Staff still thinks that this is an important element and should be in the beginning of the process. The building should be visible. There was also discussion of price being the overarching or primary concern. Staff recommends that the Board leave the price where it is because there are other considerations for a piece of property, such as how much it will take to actually develop the site. Regarding determination of space needs, staff recommends no change from the original because this is driven by code and ordinances. Regarding public transportation, the Aldermen would like the library to be on an existing Chapel Hill Transit route that serves the downtown area. Staff recommends no change from the original because bus routes are constantly changing. Finally, in Phase 3 and Community Preference, the Aldermen suggest that this be moved to Phase 2. Staff recommends that this remain in Phase 3 because Phases 1 and 2 are meant to be very quick technical analyses of a site.

Chair Pelissier asked about the timeline for decision on this.

Frank Clifton said that staff will bring back information to the Board of County Commissioners in September after the staff sits down with the staff from Carrboro to go over the results of this meeting.

Commissioner Hemminger agreed that the building needs to stay visible. Commissioner McKee agreed.

Lucinda Munger said that she was wrong about the alignment with Comprehensive Planning tools. This was Phase 3, item 1-b. The Aldermen suggested no change, but the staff is recommending that it be moved to Phase 1.

Chair Pelissier clarified that Lucinda Munger is recommending moving two items to Phase 1 – Comprehensive Plan planning tools and lease versus purchase. The majority of the Board of County Commissioners agreed with these two things.

On Phase 3, regarding partnerships, Carrboro suggested leaving the co-location open to public/private and staff suggested rewording to say, "co-location with other public or private entities." The Board agreed with this.

The County Commissioners agreed to keep the language about having the building visible from the street.

Regarding removing traffic counts as incorporated under "access", staff is recommending no change from the original. Commissioner Jacobs agreed with Carrboro. He does not see traffic counts as a needed criterion.

Commissioner Yuhasz said that the purpose was not to add anything, but to eliminate sites that are not viable.

Commissioner Jacobs suggested moving it to Phase 2.

Pam Jones said that the traffic count issue could easily become a site capacity issue. Phase 1 and 2 will likely happen without a break.

Commissioner Jacobs said that it was ok to leave it.

The Board agreed to leave the traffic count where it is.

Chair Pelissier pointed out the next difference, under Phase 1, #2 and "space for building on-site parking" as recommended by the Aldermen. Staff is recommending no change.

Commissioner Jacobs suggested making reference to the fact that there will be a library strategic plan. The Board agreed.

Commissioner Hemminger said that she would like to stay with the staff recommendation, but expand it to let Carrboro know that this is not just an urban library and they need to plan for all types of residents using this library. She wants to put this in writing.

Chair Pelissier said that the aging population is going to double in the next twenty years and they may be driving and/or driven in to the library.

Frank Clifton said that the reality is that people do drive to the libraries and there needs to be parking.

Chair Pelissier made reference to space for future expansion where the Aldermen wanted clarification on that issue.

Frank Clifton said that there has been conversation about how big the library should be. It was narrowed down to a 20,000 square foot one-level footprint. Part of that is a community meeting room.

Commissioner McKee asked if the library could be designed so that the books and computers are on the first floor and the meeting room would be on the second floor.

Frank Clifton said that the problem is that all of the life safety issues would still have to be addressed.

Commissioner Jacobs said that the County should not be promising a 20,000 square foot library in Carrboro. The Central Library in Hillsborough is a little over 20,000 square feet. He suggested leaving it clear that there will be room to expand, without setting up an expectation of 20,000 square feet. He does not think it is the intention to build a library as large as the Central Library in Carrboro.

Commissioner Yuhasz suggested phrasing it "up to 20,000 square feet" so that there is not an expectation.

Chair Pelissier said that the next item is accessibility for public transportation, Item 3. The Aldermen want the library to be on the existing Chapel Hill Transit route. She has already heard comments that the County Commissioners do not want it limited to the existing route. If there is a library, then Chapel Hill Transit could put it on the route later.

Commissioner McKee suggested staying with the staff recommendation of accessibility to public transportation. If the site is on the route, that is good, but if it is not, then it needs to be brought onto the route.

The Board agreed to no changes on accessibility.

Phase 2:

Lucinda Munger said that there was just a question from the Board of Aldermen about what the County means by "growth and development." This was part of the concern.

Frank Clifton said that it may be better to make the two phases (one and two) one phase. The Board agreed.

Pam Jones said that the two phases could just be called Technical and Public.

The Board agreed with having just one phase.

Lucinda Munger said that technical analysis can be done rather quickly and in-house. The vision is to bring back to the Board and the Manager the sites that meet the majority of these criteria. Those sites that fit the best would then be put before the public for comment.

Commissioner Jacobs suggested calling the first part “preliminary” and the second part “primary”.

Chair Pelissier made reference to Attachment A, which is a letter from Mayor Chilton with the Board of Aldermen motion.

Frank Clifton said that staff could put out a solicitation with the criteria for sites but the issue for all sites will be the zoning and this would not happen until the Board of County Commissioners adopted the criteria in the fall.

Pam Jones said that the site criteria could be defined in the RFP.

Michael Harvey pointed out that in the Board of Aldermen meeting, there was no discussion about changing the zoning ordinance.

Chair Pelissier suggested asking Carrboro what would be done with the zoning ordinance and how to share costs for getting permits, etc.

4. Follow-up on Electronic/Paperless Agenda

Chief Information Officer Todd Jones said that the Board discussed agenda automation in May as well as paperless agendas. He has been working with the staff in the Manager’s Office to put together a process that will put together the agenda items in a pdf format. The images are crisper and the file sizes are smaller for electronic delivery. It is also a much more interactive document. He offered to meet with Board members to review the new process, how to download files onto laptops or iPads, how the annotation works, etc. He said that anyone with Adobe reader can access the files, but it has to be the latest update. The technology is fairly straightforward.

Todd Jones answered clarifying questions from the County Commissioners about this process.

Commissioner Gordon asked if there were other options for County Commissioners such as paper. Todd Jones said that if other County Commissioners wanted to use paper, then it could be provided.

Commissioner Hemminger suggested considering a policy of how County Commissioners interact with each other when they use Internet-based devices during a meeting. There need to be guidelines.

A motion was made by Commissioner Hemminger, seconded by Commissioner Gordon to adjourn the meeting at 9:41 PM.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT **Attachment 3**

MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
August 21, 2012
7:00 p.m.

The Orange County Board of Commissioners met in regular session on Tuesday, August 21, 2012 at 7:00 p.m. at the Central Orange Senior Center in Hillsborough, North Carolina.

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: None.
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Managers Gwen Harvey and Michael Talbert, and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

1. Additions or Changes to the Agenda

Chair Pelissier identified the items at the County Commissioners' places as follows:

- Blue Sheet: additional information for Consent Agenda Item 5.k, relating to the lease of the county owned building at 500 Valley Forge Road to the Piedmont Food & Agricultural Processing Center, Inc.
- Yellow Sheet: additional information for Item 7.b. relating to the North Carolina Department of Transportation, Rural Operating Assistance Property (ROAP) Grant Application for year 2012/2013
- Pink Sheet: additional information on Planning Board applicant and appointment, item 11.b.

PUBLIC CHARGE

The Chair dispensed with the reading of the public charge and asked everyone to abide by it.

2. Public Comments

a. Matters not on the Printed Agenda

Don O'Leary, Jr. came forward and placed his hand on a bible which he brought with him. He read, "I, Donald O'Leary, Jr., do hereby solemnly swear to support and defend the constitution of the United States against all enemies, foreign and domestic, that I will bear truth and faith, allegiance to the same, that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties as a patriotic citizen to defend the republic so help me God."

Mr. O'Leary told the Board they took an oath of office and broke it shortly thereafter. He said in 2006, they wanted to impeach "W" because he broke the rules of the constitution but they are doing the same thing. He stated not only were they violating Section One, Article X, of the constitution, but were still consulting the UN in carrying out Agenda 21 through ICLEI and attempting to erode our sovereignty and usher in a new world order. Mr. O'Leary feels their steady land grabs and gaining more control over the waterways is clearly defined in Agenda 21. The rail plans for Triangle Transit powered by First Group,

which has a strong and very close tie to the UN, will prepare us for the future stack and pack plans to move us out of rural and into urban apartments and away from automobile ownership as defined in Agenda 21.

Mr. O'Leary said they want to track what and how much we buy as clearly defined in Agenda 21 so as to track and control every aspect of human activity. He asked why Orange County didn't change its colors to light blue and white.

Mr. O'Leary concluded by saying the way the Board runs these meetings is grand corporation style, Delphi technique, and they have ICLEI actors, NGO, and cheerleaders. It is as old as mankind and he said he is tired of it. He said the worst nightmare of the communists at the UN and globalists came true. The American public is wide awake, well armed, and not nearly as demoralized as it is assumed. Bringing us down helped us to look up. He said the Board had been naughty boys and girls but playtime is over and Daddy just walked in the room (He removes his belt from pants and holds in the air). He said playtime is over and God bless Orange County.

b. <u>Matters on the Printed Agenda</u>

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

3. <u>Petitions by Board Members (Three Minute Limit Per Commissioner)</u>

Commissioner McKee said it was brought to mind by the first proclamation brought forward that Orange County has several organizations which have made significant contributions to improvements of the lives of its citizens such as the fire departments. Three of these departments improved their ISO ratings significantly reducing the cost of insurance to the citizens. A fourth built a station which significantly increased service for their citizens. Commissioner McKee petitioned the Board to formally recognize this with a resolution of appreciation for their service to the community and to the citizens.

Commissioner McKee attended a meeting for the Mountains to Sea Trail. It was an informational meeting with facts on the table and folks there to talk to. In talking to people at the meeting, he felt they were not able to answer a lot of their questions. He petitioned the Board to hold another meeting or series of meetings in a question and answer format to answer questions the public has on the Mountains to Sea Trail before they move forward.

Chair Pelissier told Commissioner McKee his petitions would be referred to the agenda review process and receive responses accordingly.

Commissioner Jacobs supported both petitions by Commissioner McKee.

Commissioner Jacobs attended the Burlington-Graham MPO meeting. He petitioned to have an item on prior to their joint meeting with Mebane to bring this Board up to speed on the relationship between the two MPOs, how their MPOs work in that picture, the pros and cons of being in the Durham-Chapel Hill-Carrboro MPO for the western part of central Orange County versus the Burlington-Graham MPO. He feels this would bring the Board up to speed on the issues and what priorities will be. Mebane is very interested in working with us and seemed satisfied with what the Durham-Chapel Hill-Carrboro MPO wants to do.

Chair Pelissier felt this was an excellent idea and told Commissioner Jacobs his petition would be referred to the agenda review process.

4. <u>Proclamations/ Resolutions/ Special Presentations</u>

a. <u>Proclamation in Support of Arts & Economic Prosperity IV in Orange County</u>

Martha Shannon, staff support for Orange County Arts Commission, was present, as well as OCAC's Vice-Chair and Board member, Charles Hochman. Ms. Shannon thanked the Board for their continued support of the arts for the past 27 years. She stated that non-profit arts and culture are an $85.4 million industry in Orange County. It supports 3,352 full-time equivalent jobs and generates $8 million in local and state government revenue. Non-profit arts and culture organizations, which spend $63.9 million annually, leverage a remarkable $21.5 million in additional spending by arts and cultures audiences. The spending pumps vital revenue into local restaurants, hotels, retail stores, parking garages, and other businesses. By demonstrating that investing in the arts and culture yields economic benefits, Arts &

Economic Prosperity IV lays to rest a common misconception that communities support the arts and culture at the expense of local economic development. They are investing in an industry that supports jobs, generates government revenue, and is a cornerstone of tourism. The report shows conclusively that locally as well as nationally the arts mean business.

Mr. Hochman read the proclamation:

ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION IN SUPPORT OF *ARTS & ECONOMIC PROSPERITY IV*

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

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

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

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

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

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

This the 21st day of August, 2012.

A motion was made by Commissioner Jacobs, seconded by Commissioner McKee, to approve the proclamation supporting Americans for the Arts' (AFTA) most recent national arts economic impact study entitled *Arts & Economic Prosperity IV* and its findings for Orange County and authorize the Chair to sign.
VOTE: UNANIMOUS

Chair Pelissier commented she attended the North Carolina County Commissioners Conference last weekend and there were presentations by experts in economic development. They noted that arts and leisure are very important for economic development nationwide and this substantiates what was presented.

5. <u>Consent Agenda</u>

- Removal of Any Items from Consent Agenda
  Commissioner Jacobs requested to remove item 5.m.

- Approval of Remaining Consent Agenda

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

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

5.m. – **Bid Award: Walnut Grove Church Road Solid Waste Convenience Center**

Commissioner Jacobs asked to remove this item because he felt when they are spending a million dollars that they at least make note of it in public rather than put it on the Consent Agenda. He also felt it was a good opportunity for them to use their own cable broadcast to tell the public what they're planning to do at the Walnut Grove Convenience Center.

Gayle Wilson, Solid Waste Director, stated the project consists of total modernization of the site including paving and putting in compactors for compaction of materials for more efficient hauling when the landfill closes. They're going to add materials such as plastic film recycling as well as a northern household hazardous waste collection facility. They will also include textile collection and recycling. Mr. Wilson added they will expand their salvage shed operation to dimension lumber. He stated the last day of regular full service will be September 17, 2012. They will close on the 16th, move all of their containers out on the 18th, and turn everything over to the contractors on the 19th. The interim site will open September 21st adjacent to Walnut Grove for bag garbage only and the interim recycling site at Cedar Grove Park will remain open the entire period of construction. Mr. Wilson believes the public will be pleased with what is planned.

Commissioner Jacobs stated as someone who has worked on solid waste and recycling since he got on the Board, it's exciting they're going to start dealing with some of those materials that have been sliding by in the waste stream that could be recycled. Also, as someone who uses the northern Orange site, he said it would be nice to have a place to bring hazardous materials other than Eubanks Road. Mr. Wilson added that residential food waste and residential cooking oil would be collected there as well.

Commissioner Yuhasz noted the site will be bigger and the traffic flow much improved with the expansion. Mr. Wilson agreed and said they had made every attempt to make the traffic flow run more smoothly and more safely.

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger, to approve awarding the general construction bid and approve a construction agreement to W.L. Bishop Construction of Hillsborough, NC in the amount of $877,092 for the construction of the Walnut Grove Church Road Solid Waste Convenience Center; awarding the compaction equipment bid and approve a purchase agreement with Baker Waste of Asheville, NC in the amount of $160,367; authorizing the Chair to sign the general construction agreement on behalf of the Board of County Commissioners, subject to final review by the County Attorney; and authorizing the Manager to execute individual change orders within the limit of his authority ($250,000) up to the extent of the project budget; authorize the Chair to sign the general construction agreement on behalf of the Board of County Commissioners, subject to final review by the County Attorney; and authorize the Manager to execute individual change orders within the limit of the Manager's authority ($250,000) up to the extent of the project budget.
VOTE: UNANIMOUS

With approval of the Consent Agenda, the following items were approved and/or adopted:

a. Minutes

The Board approved the minutes from March 15, April 3, 17, 19, 24, 26, and May 3, 17, 22, 29, 2012 as submitted by the Clerk to the Board.

b. Motor Vehicle Property Tax Release/Refunds for FY 2011-2012

The Board adopted a release/refund resolution related to fifty-five (55) requests for motor vehicle property tax releases or refunds in accordance with NCGS.

c. Motor Vehicle Property Tax Release/Refunds for FY 2012-2013

The Board adopted a release/refund resolution related to forty-eight (48) requests for motor vehicle property tax releases or refunds in accordance with NCGS.

d. Property Tax Releases and/or Refunds

The Board adopted a resolution to release property values related to fifty-three (53) requests for property tax release and/or refund in accordance with N.C.G.S. 105-381.

e. Applications for Property Tax Exemption/Exclusion

The Board approved five (5) untimely applications for exemption/exclusion from ad valorem taxation for the 2012 tax year.

f. Adjustment to Salary Range Maximums

The Board approved a two percent (2%) increase in all salary range maximums to correspond to the two percent (2%) Cost of Living Adjustment (COLA) increase authorized in the approved FY 2012-13 budget effective July 1, 2012.

g. Fiscal Year 2012-13 Budget Amendment #1

The Board approved budget, grant, and capital project ordinance amendments for fiscal year 2012-13.

h. Bid Award: Track Loader for Landfill

The Board awarded a bid for the purchase of a Track Loader for the Landfill at a cost of $310,492 from Gregory Poole of Mebane, North Carolina and to declare the current loader that is being replaced as surplus.

i. Acceptance of Grant Funds for the Orange County Community Response Program and Extend Time-Limited Position

The Board accepted grant funds through the Orange County Partnership for Young Children to implement the Orange County Community Response Program, and to extend a time-limited position until June 30, 2015.

j. Amendment to the Orange County Board of Commissioners' Advisory Board Policy

The Board amended the ethics provisions of the Orange County Board of Commissioners' Advisory Board Policy.

k. Lease of the County-Owned Building at 500 Valley Forge Road to the Piedmont Food and Agricultural Processing Center, Inc.

The Board entered into a lease agreement with the Piedmont Food and Agricultural Processing Center, Inc., regarding the occupation and lease of the building at 500 Valley Forge Road, Hillsborough and authorized the Chair to sign.

l. Change in BOCC Regular Meeting Schedule for 2012

The Board approved one change to the County Commissioners' regular meeting calendar for 2012.

m. Bid Award: Walnut Grove Church Road Solid Waste Convenience Center

This item was discussed and voted on independently from the Consent Agenda (see above).

n. Efland Phase 2/Buckhorn Sanitary Sewer Project Update

The Board approved a project status of the Efland Phase 2/Buckhorn sanitary sewer project and change order cost reconciliation associated with the State approved deepening of the Brookhollow Road Lift Station ("BRLS").

6. Public Hearings

a. CDBG Program – Infrastructure Hook-up Program

Tara Fikes stated the purpose of this public hearing is to receive comments prior to the official close out of Orange County's FY2010 Community Development Block Grant for a grant they received for a infrastructure hook-up program. They received $75,000 in early 2011 and the intent was to provide water and sewer connections to nine homes in the Rogers Road community. In order to receive the connections, the water and/or sewer line has to be accessible to the lot and monies could not be used to extend the line only to connect to the lines. They did identify nine homes that could benefit from this program and they completed connections at seven. One home identified was damaged in a storm and the other was already connected. The total cost for the seven connections was $61,218.53 leaving $13,781.47 in the grant fund. After speaking with members of the community, they identified another home that would be eligible and the family was interested in connecting; however, state officials indicated they would not extend the grant period but the family can reapply if they do the program again. The program is offered annually. Ms. Fikes said the state would retain the $13,781 and she presented the necessary documents to close the grant.

Commissioner Gordon asked whether Ms. Fikes had received the letter from Minister Robert Campbell and Mark Dorosin, and also asked the Clerk Donna Baker to confirm that she was entering it into the public record of the meeting.

Ms. Fikes replied she received the letter, as had the Commissioners, and would be sure to include it when they submit their close out documents to the state community development offices. Ms. Baker said she would enter it into the record as well.

Commissioner Gordon asked Tara Fikes to confirm whether the grant had to be closed out now.

Tara Fikes stated that in order to continue to receive CDBG funding from the state in the future, Orange County needs to close this grant now. If more homes are identified that meet the criteria, Orange County can apply for more funding in the new program year.

The letter from Minister Robert Campbell and Mark Dorosin as entered in the formal record appears as follows:

UNC CENTER FOR CIVIL RIGHTS

THE UNIVERSITY of NORTH CAROLINA at CHAPEL HILL

THE CENTER FOR CIVIL RIGHTS

LAW SCHOOL ANNEX
CAMPUS BOX 3382
CHAPEL HILL, NC 27599-3382

T 919.843-3921
F 919.843-8784
www.law.unc.edu/centers/civilrights

August 20, 2012

Bernadette Pelissier, Chair
Orange County Board of Commissioners
200 S. Cameron St.
Hillsborough, NC 27278

Dear Chairperson Pelissier and Commissioners:

We are writing to urge you not to close the County's 2010 CDBG Infrastructure Hook-up Program and not to return the remaining $13,781.47 to the state. There are still homes in the Rogers-Eubanks neighborhood that are in need of water and sewer, have water or sewer available (according to OWASA's maps), and thus are eligible for connection under this grant.

The action agenda item "6-a" posted for the August 21, 2012 meeting suggests nine homes were identified for the grant, and that two of these either could not be connected or no longer need connections, so the remainder of the grant funds is being returned. Instead we urge the county to look at other homes, even if not in the original nine that were considered, that have urgent need and would qualify for the CDBG program. According to RENA records and maps created by OWASA, there are a number of homes in the community that are still in need of water and sewer, and that have the infrastructure available to be connected under this grant. . Those maps are attached.

The lack of water and sewer service to all of the residents of the Rogers-Eubanks community is a matter of ongoing concern, not only for RENA and residents of the community, but for all of Orange County in pursuing its stated commitment to provide justice for the community that has borne the burden of hosting the landfill for the past 40 years. At a time when the county is searching for funding sources to provide additional needed and long overdue remediation for the community, it would be most unfortunate if money already awarded were returned without making every effort to identify more potential beneficiaries of this grant.

Thank you for your time and consideration.

Sincerely Yours,

Minister Robert Campbell, President
Rogers Eubanks Neighborhood Association

Mark Dorosin, Managing Attorney
UNC Center for Civil Rights

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

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger, to authorize execution of the Certificate of Completion by the Chair of the Board of County Commissioners.

Commissioner Jacobs asked for clarification on the new house that was identified. Ms. Fikes clarified it was a hook-up but the state would not extend the time for this house to be included. They only have twelve months to complete the process and it has expired.
VOTE: UNANIMOUS

b. <u>North Carolina Department of Transportation, Rural Operating Assistance Program (ROAP) Grant Application for FY 2012/2013</u>

Al Terry, Transportation Administrator for Orange County, said this is an annual process and a grant application they get from NCDOT. It pertains to three areas of transit they provide which are rural general public, elderly disabled transportation assistance, and employment transportation. They turn over the employment transportation funds to the Department of Social Services which distributes the funds and provides a report at year end on how the funds were spent.

Mr. Terry referenced the agenda abstract, page two, under background, next to last paragraph. He clarified the statement that read, "The development of a Chapel Hill into Hillsborough public route is no longer funded through Triangle Transit." This was the midday service for which Triangle Transit removed

their funding sources so they operate it through Orange County funds or through part of the rural general funds they get off of this particular application. Chapel Hill Transit has partnered with Triangle Transit and the Chapel Hill to Hillsborough route is still governed by Triangle Transit.

Mr. Terry requested they open a Public Hearing to receive comments, close the Public Hearing, and then approve the application, have the Chair and Manager be able to sign the Certified Statement of Participation, and amend the budget in the amount of $12,713.

Commissioner Gordon said it is important to note that Triangle Transit and Chapel Hill Transit are partnering on the commuter routes between Chapel Hill and Hillsborough in the morning and evening. They are some of the most productive routes of all the Triangle Transit routes so they're very successful.

There were no public comments.

A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger, to close the public hearing.

VOTE: UNANIMOUS

A motion was made by Commissioner Gordon, seconded by Commissioner Hemminger, to approve the application for Rural Operating Assistance Program totaling $193,662 for fiscal 2012/2013; authorize the Chair and County Manager to sign the Certified Statement of Participation; and direct Staff to bring back an amendment to the OPT Budget for the receipt of the additional ROAP fund of $12,713.00.

VOTE: UNANIMOUS

c. <u>Amendments to Unified Development Ordinance Text – Dimensional and Ratio Standards (UDO/Zoning 2012-11)</u>

Perdita Holtz, Planner with Orange County Planning Department, said this item was to consider adopting of UDO text amendments that would amend some of the dimensional and ratio standards in certain zoning districts applicable in commercial transition activity nodes and commercial industrial transition activity nodes. These new ratios would allow for greater intensity of development in areas of the county that are to be served by water and sewer systems or already are served in certain circumstances. These amendments were heard at the May 29th quarterly public hearing and the Planning Board considered its recommendation at the Planning Board's July 11th meeting. The Planning Board unanimously recommended the BOCC adopt the amendments. The Manager's recommendation tonight is for the BOCC to receive the Planning Board's recommendation of approval, to close the public hearing, and to decide accordingly. If BOCC adopts the amendments, the ordinance that would do so is attached in the Board's packets under Attachment 2.

There were no public comments.

Commissioner Jacobs said he had questions regarding local commercial and neighborhood commercial. He referenced page 3-20 and 3-22 and said it noted the setbacks adjacent to residentially zoned land shall be equal to the required side or rear setbacks in the adjacent residential district. He does not know what those are but for local commercial, which is typically a neighborhood or rural area, and where they're increasing the height of the building, a 35 foot high building is as tall as the tree line. He is concerned if it is at the back of a property adjoining residences it will be like a wall that blocks them off from whatever they have in their neighborhood that they may have wanted to be part of.

Ms. Holtz stated she did not have all the setback requirements for all the residential zoning districts with her but most are at least 20 feet. There are not many side and/or rear setback requirements in residential zoning more than that.

Commissioner Jacobs said he would not oppose this but suggested they have some drawing demonstrating what a 35 foot high building would look like against a 20 foot setback with a normal residence so they can get an idea of what the impact would be. Ms. Holtz said they could provide that.

Commissioner Gordon said she wanted to understand the rationale. When they went through the first ones like LC-1 and NC-2 and CC-3, looking at the column approximately halfway down, they keep a distinction between RCU and NRCU. However, when they get to GC4, it appears they get rid of the NRCU. She understands this was done because it's no longer necessary to differentiate between those categories and it is okay to have one number. Ms. Holtz referred the Board to the zoning matrix in the comprehensive

plan on page 30 of their packets. She said LC-1 and NC-2 zoning districts are allowed in a rural community and rural community activity node whereas GC-3 and CC-4 are not. Therefore, these are treated differently in the dimensional standards. Commissioner Gordon thanked her for the clarification.

A motion was made by Commissioner McKee, seconded by Commissioner Hemminger, to close the public hearing and adopt the ordinance contained in Attachment 2 which authorizes the text amendments.
VOTE: UNANIMOUS

d. <u>Zoning Atlas Amendment – Woods Rezoning</u>

Michael Harvey with the Orange County Planning Department stated their request was to change the zoning on a parcel on Highway 70 owned by the Woods from Rural Residential (R1) to Neighborhood Commercial (NC2). He referenced a map on the overhead which was also a part of Attachment 2 in the packets. This showed the abstract of the area to be rezoned. This item was presented at the May 29th public hearing where the Staff informed them the property is currently in a split zone with some zoned Rural Residential and some zoned NC-2. The problem this creates for the property owner is that technically, setback landscape buffer requirements, parking requirements, and septic setback requirements, are all taken from the zoning lot line. The huge problem is having these two properties conform to applicable setback and development standards. As was articulated at the quarterly public hearing, this was done based on an interpretation of former County Attorney and former Staff to only zone those areas of property technically utilized to support commercial activities. The installation use of septic systems, the preservation buffer, and also the parking, are components of the commercial activity, and the entire property should be zoned appropriately to insure the protection of the preservation required buffers. It would also insure adequate land areas to support the development consistent with the parameters of the UDO.

Mr. Harvey indicated the applicant and engineer consultant were present for questions.

Mr. Harvey also stated a couple of comments were made at the quarterly public hearing concerning this item and that information was on page 2 of the abstract. The Planning Board reviewed this item at their June 6th meeting and voted unanimously to recommend approval. The Planning Department finds it consistent with the comprehensive plan and believes it's consistent with the goals and policies as articulated by this Board for trying to address similar issues. He noted they have had numerous rezoning cases to address this and will probably have several more.

Mr. Harvey reiterated the Board was being asked to receive the Planning Board's recommendation, discuss the matter if any discussion is necessary, to close the public hearing, and to approve the zoning request as articulated in the ordinance in Attachment 3.

Frank Clifton, Orange County Manager, said he'd had discussions with the owners of this property. The issue is trying to get the line straightened up with the property boundaries versus the zoning boundaries and related issues. It has been an expensive process for the owners due to having to have the entire property surveyed and the Orange County processing fees. Mr. Clifton suggested they challenge the Staff to look at areas where the zoning boundary and property boundary are off by some amount and initiate rezoning of those properties to correctly fix this type of situation and to help landowners avoid the expense and time involved in correcting these types of problems in the future.

Chair Pelissier said they discussed this in agenda review and she was also concerned about these costs and the length of time of the process given there are a number of other properties. After making a motion for this, she said she would entertain a motion from the Board to direct the Manager to do what he is suggesting.

A motion was made by Commissioner McKee, seconded by Commissioner Foushee, to close the public hearing and receive the Planning Board's recommendation, and to approve an owner-initiated Zoning Atlas Amendment to rezone approximately 0.58 acres of land on two parcels of property from Rural Residential (R1) to Neighborhood Commercial (NC2) in accordance with the provisions of the Unified Development Ordinance (UDO) as contained in Attachment 3.
VOTE: UNANIMOUS

Commissioner Jacobs said he would support the idea the Manager articulated. He suggested, however, that before Staff identifies specific parcels, they come back to the Board with parameters of what the parcels are and what they're going to be doing. Anytime someone gets a notice the County will be messing with something on their property, even if it's to help them, they need to be in agreement on what that is and what will be required because in many cases the property owner will still need a survey. He said they did not want to mislead or alarm people but does believe they should be proactive.

A motion was made by Commissioner Jacobs seconded by Commissioner Hemminger to direct the Manager and Staff to review similar properties to this item for amendment and to come back with parameters for expediting and simplifying the process that may be more closely conformed to the simplest zoning and land use that relates to their property.
VOTE: UNANIMOUS

Commissioner Gordon reiterated it was very important they come back with the overall parameters without coming back with properties at the same time.

e. <u>Zoning Atlas Amendment – Merritt Rezoning</u>

Glen Bowles with the Planning Department stated Merritt Rezoning is very similar to the Woods matter. It's a split zone with the two parcels directly to the west. They also join the utility easement to the north and a convenience store to the west which is also zoned NC2. He requested the Board consider the Planning Director's and Staff's recommendation, the recommendation of the Planning Board from their June 6th meeting, they close this public hearing, and take the appropriate action to approve this.

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee, to close the public hearing and approve the Planning Director's and Staff's recommendation, and approve an owner-initiated Zoning Atlas Amendment to rezone approximately 0.83 acres of land on 2 parcels of property from Rural Residential (R1) to Neighborhood Commercial (NC2) in accordance with the provisions of the Unified Development Ordinance (UDO) as contained in Attachment 3.
VOTE: UNANIMOUS

f. <u>Zoning Atlas Amendment – Application of Special Flood Hazard Overlay District to Parcels Associated with the Orange-Alamance County Line Adjustment</u>

Glen Bowles said because of the shifting in and out of the line along the common border with Alamance County, some flood hazard areas came into the county and some went out into Alamance County. They had to rezone and place the flood hazard overlay district upon that. They have three areas of the county involved and although there was not very much land involved, they still had to go through the process of rezoning them. He asked the Board to consider the recommendation for approval by the Planning Staff and Planning Board, close this public hearing, and take appropriate action.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz, to close the public hearing and approve a Planning Director initiated Zoning Atlas Amendment to apply the Special Flood Hazard Area (SFHA) Overlay District designation on parcels associated with the revised Orange-Alamance County line as contained in Attachment 3.
VOTE: UNANIMOUS

7. <u>Regular Agenda</u>

a. <u>Conservation Easement for Thompson Farm</u>

Rich Shaw, Land Conservation Manager with the Department of Environment, Agriculture, Parks and Recreation (DEAPR) stated that Mr. Thompson could not be present. However, Mr. Thompson's attorney, Andrew Brannon, was present.

Mr. Shaw told the Board Orange County is collaborating with other property owners to complete an agricultural conservation easement on the Thompson farm. The Thompson farm is 57 acres and is located in the northwestern part of Orange County in the Cedar Grove community on Allie Mae Road. He displayed an aerial view of the property. This showed a variety of crop land and impoundments used to raise fresh water prawns.

Mr. Shaw displayed a photograph of Joe Thompson who was recognized as Small Farmer of the Year two years ago. Mr. Thompson is a member of the Agricultural Preservation Board and his farm is enrolled in the voluntary agricultural district program. For 20 years, he and his wife, Geraldine, raised tobacco on this farm but have converted the farm to raise fresh water prawns and have been very successful. Mr. Shaw displayed various photo views of the farm, some of the infrastructure. The Thompsons not only raise the prawns, they also grow the ingredient for the feeds that go into the prawns. He displayed additional photos of the property and a photo of Mr. Thompson giving a tour of the facility during one of the recent agricultural summits Orange County holds each year. Mr. Shaw also displayed a photograph of a prawn.

Mr. Shaw showed the Board the site plan showing the 40 acres (outlined in red) that would be part of the conservation easement. The heart of the farm is going to be affected by this permanent conservation easement. The site plan also showed the different prawn ponds on the western side of the property adjacent to the flood plains of Back Creek. Most of the yellow area shown was crop land and open area associated with the growing of feed for the prawns. The tan or brown areas are excluded from the conservation easement.

Mr. Shaw explained this is a perpetual conservation easement. The landowners retain the right to privacy, the rights to farm, and the rights to construct agricultural buildings to support their enterprises. There is one existing residence on the property which may be maintained and enlarged on the same site but there's no future subdivision allowed on this property. It is to be retained for agricultural purposes. There are some areas excluded from the easement that could be used for other uses, non-agricultural or otherwise, but they're not affected by this action.

There are a number of funding partners for this project although Orange County will not be the holder of this easement. This is unusual compared to some of the other lands brought before the Board through the Land's Legacy Program. They did apply for grant funds from both state and federal agencies they normally work with on conservation easements and were turned down. The Black Family Land Trust was successful, however, so they've been working with them, with Mr. Thompson, and with the granting agencies like the USDA and the North Carolina Agriculture Farm Land Development and Trust Fund. Orange County is playing a secondary role. Because they're proposing to invest some money, the County will hold some interest in the property by virtue of being a backup easement holder. Mr. Shaw explained that should the Black Family Land Trust ever cease to exist, or if they could no longer fulfill the role as an easement holder monitoring and overseeing this conservation easement, Orange County is listed in the conservation easement as a potential backup holder. Because of this, there is a portion of the easement the County would sign off on.

The following is the PowerPoint presentation by Mr. Shaw:

Agricultural Conservation Easement
Thompson Farm
Orange County Legacy Program
Black Family Land Trust
NC Department of Agriculture & Consumer Services
US Department of Agriculture

Site Plan of Thompson Conservation Easement

Conservation Easement
Thompson Farm
+/- 57 acres
Back Creek watershed

Tobacco → Prawn Farm
Cropland

Photograph of Farm, Facilities, Mr. Thompson, Prawn (6)

Exhibit C-1: Easement Area Description Map

Agricultural Conservation Easement
Thompson Farm
Perpetual Easement (40 acres)
Rights of privacy
Right to farm
Agricultural buildings/structures
Existing residence
No future subdivision

Agricultural Conservation Easement
Thompson Farm
Funding Partners:
USDA Farm & Ranchland Protection Program
NC ADFP Trust Fund
Orange County
Landowner donation
Black Family Land Trust

Agricultural Conservation Easement
Thompson Farm
Grantees: Joe and Geraldine Thompson
Grantor: Black Family Land Trust
Back-up Grantor: Orange County

Commissioner McKee asked if Orange County was exposed to any liability or responsibility by being the secondary easement holder. John Roberts said no. Commissioner McKee then asked what would be left in the fund after the expenditure of the $36,000. Mr. Shaw replied they had exhausted the funds allocated for conservation easement purposes so this is coming out of the larger Land's Legacy Fund that is for multiple uses including conservation easements. Dave Stancil commented the residual balance would be roughly $1,583,000 in the total Land's Legacy Fund.

Commissioner Hemminger said she's always excited about a conservation easement. She asked when they have any hope of getting the Back Creek portion which is going up for a separate funding. She stated the Clean Water Trust Fund hasn't had much money allocated and that seems like a piece of property they want to protect watershed wise. Mr. Shaw replied there is nothing in the horizon and there is a lot less funding available through the Clean Water Management Trust Fund. They split that part off hoping three or four years ago this would be an opportunity because they knew funds were limited for farm land protection itself. He does not foresee any time in the near future having funds for that other flood plain portion of the property. Commissioner Hemminger asked if that would stay in the hopper of possibilities for the Land's Legacy Program and Mr. Shaw said yes.

The buffer requirements were then discussed and Mr. Shaw said they did not have any type of fencing requirements built into this because the nature of that part of the farm is for prawn production and there's no pasture there. They didn't foresee that need in this particular project but it's still something to consider and explore with further protection of that waterway because it does flow into the Mebane water supply.

Commissioner Jacobs thanked and congratulated the Thompsons. He added they have another Small Farmer of the Year, Mr. Hughes, who might benefit from working with the Black Family Land Trust and asked Mr. Shaw if they had been doing that or made any progress. Mr. Shaw said there is no active

project for that farm at this time. Commissioner Jacobs said if Mr. Hughes is still interested, he would suggest this alternative approach might be worth trying. Mr. Shaw said he would look into that.

Commissioner Foushee commended the Staff for their diligence in working with the Thompsons over the last three years to get this accomplished.

A motion was made by Commissioner Foushee, seconded by Commissioner Gordon, to authorize Orange County's contribution of funds of $36,000 toward the purchase of a permanent conservation easement for the Thompson Farm in Cedar Grove and authorize the Chair and Clerk to sign the conservation easement pending final approval by the Staff and County Attorney with a closing and liquidation of the document expected to occur by September 30, 2012.
VOTE: UNANIMOUS

b. <u>Professional Services Agreement – Community Geothermal Analysis, Design, Bid Management, and Construction Administration</u>

Jeff Thompson, with Asset Management Services, reminded the Board that the Link Government Services Center joined the Justice Facility as the second Orange County facility conditioned by a closed loop geothermal heating and cooling system. The Board authorized this efficient sustainable technology which has drastically reduced the heating and cooling energy for these facilities. Staff continues to plan for a 30% average in reduction but unofficially, the Justice facility's numbers were north of 40% for 2012 in energy savings on a per square foot basis. With the Link facility, which has been online since the spring, they've had a 30% reduction thus far.

Mr. Thompson said the next phase of the design is the Community Geothermal System Project that incorporates the jail, district attorney facility, historic courthouse, Court Street annex, and the units with the Battle courtroom. This plan is in the FY 2012/2013 Capital Investment Plan as approved. They also requested a qualifications process for a designer for both the Link and Community Geothermal facility. That was engaged with Reece, Noland & McElrath Engineers, Inc. Steve Kaufman, who is the principal engineer, was present at the meeting.

Mr. Thompson told the Board they were asking permission to move forward with the design of the Community Geothermal System and if approved, the design will start and should be finished by the end of the calendar year. They can then move into bidding in the winter and construction through the spring and next year with this Board's approval.

Commissioner McKee said he received a communication regarding possible water loss where geothermal wells were being used in Orange County. He asked for confirmation that there was no water loss. Mr. Thompson replied this is a completely closed loop system so there's no interface between the ground water and the water within the tubing that's circulating through the earth's crust.

Commissioner McKee told the Board his neighbor has had a geothermal system for more than 30 years and is overwhelmingly pleased with it. His heating and cooling costs are significantly lower. He does have some water loss but it is used to water cattle. The concern Commissioner McKee had received was regarding what is called pump and dump in which the water is brought up, run through a unit, and then dumped. He would have concern with that but understood this one was not that style.

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee, to approve awarding a professional services agreement to Reece, Noland & McElrath Engineers, Inc. of Waynesville, North Carolina, in the amount not to exceed $175,625 for the analysis, design, bid management, and construction administration of the Community Geothermal and HVAC Capital Project #30018, and authorize the Chair to execute the Agreement upon final review by the County Attorney.
VOTE: UNANIMOUS

c. <u>Southern Orange County Government Services Campus Master Plan Update, BOCC Recommendation of Concept Master Plan</u>

Jeff Thompson said in the spring of this year, the Board authorized the engagement of Clarion Associates of Chapel Hill to work with Orange County towards a master plan for the 34 acres southern

Orange County Government Services campus. This campus currently houses the Southern Human Services Center, the Robert and Pearl Seymour Center, and Project Home Start. Staff and consultants have worked through the summer on this endeavor and will provide an update on its progress.

The goal of this process and eventual master plan is to provide Orange County with the utmost flexibility in its future development needs as well as lengthening that flexibility over the longest period of time which in this case is 25 years. The master plan will serve as the foundation for Orange County's efforts in securing a special use permit modification with the town of Chapel Hill upon approval of the final master plan.

Mr. Thompson said the intent of his presentation is to show the work to date and discuss alternative concepts to master plans for the Board's guidance towards the October plan adoption. Mr. Thompson then introduced Roger Waldon, the principal of Clarion Associates, to begin the discussion.

Roger Waldon said they are working with Staff, advisory boards, and some of the stake holders on this property to learn as much as they can about the property and its history. They want to put Orange County in the best possible position to make full use of this property to provide services to the citizens of Orange County.

Mr. Waldon introduced Ken Redfoot to walk them through a couple of concepts they've put together and they hoped to follow that with discussion and get direction from the Board on where they would like this to go.

Following is the PowerPoint presentation as reviewed by Mr. Walden:

Southern Orange County
Government Services Campus Master Plan
Background Information and Draft Concept Plans
August 21, 2012
Orange County Board of County Commissioners

Presentation Objectives

- Project Fundamentals
- Background and Existing Information for Site
- Concept Plan Options
- BOCC Discussion and Direction
- Project Fundamentals:

Purpose

- Develop and Adopt Master Plan
    - Supportive of County government services
        - In Southern Orange County
        - Centralized, convenient, accessible, co-located
    - Phased Plan
    - Design Guidelines

Obtain Development Approval from TOCH

- Special Use Permit Modification

Project Fundamentals:

Schedule

- Tonight: Presentation of Project, Principles, Options
- September 4: Public Information Meeting
- ~~September 12~~: Chapel Hill Town Council Discussion (TBD)
- October 16: BOCC meeting, approval of Master Plan
- October, 2012: Start Chapel Hill Process - Concept Plan Review Application
- November, 2013: Target for approval of Special Use Permit-Modification

Background and Existing Information for Site:
Area Map

Background and Existing Information for Site:
Regulatory History of Site

- 1992: County Purchased Site
  Consolidation of human services in southern Orange County
- 1994: Special Use Permit (SUP) Approved by Chapel Hill
  Orange County Southern Human Services Center
- 1995: SUP Modification Approved by Chapel Hill
  Project Home Start facility
- 2005: SUP Modification Approved by Chapel Hill
  Robert and Pearl Seymour Senior Center
- 2007: County Adoption of Concept Plan
  For Internal Staff Working Purposes
  Several assessments: cultural, archaeological, environmental

Background and Existing Information for Site:
Site Conditions and Constraints

Background and Existing Information for Site:
Carolina North

Concept Plan Options:
Key Factors to Consider in Concept Plan

- General Policy Objectives
- Site Design Objectives
- Maximize Buildable Area within Policy context
- Maximize Floor Area for Flexibility
- Provide for Undisturbed Areas
- Use of Existing Stormwater Ponds
- Minimize Infrastructure Cost
- Minimize Impact to Hardwoods in Southwest Corner
- Minimize Need for Future Land Acquisition
- Minimize Operational Costs
- Potential for Accommodating County's Future Needs

Key Definitions for Concept Plan
What "Development Area" means - A place for:

- Buildings
- Parking
- Landscaping, Open Space
- Roads, Paths
- Infrastructure (e.g., stormwater facilities)

What "Undisturbed Area" means:

- No land disturbance, protected during/after construction

Definition of Development Area
Option A
Option B

Evaluation

Chapel Hill Process

Concept Plan Application
Community Design Commission Review
Town Council Review
SUP-Modification Application
Staff Review, Advisory Board Review
Town Council Public Hearing, Subsequent Action
Estimated Time Frame: January 2013 - November 2013
Individual Buildings Application
Subsequent to SUP-M Approval. Estimate 6-months for each.
May include most of site infrastructure with first building
Estimated Application Fees

~~September 12 Briefing to Town Council~~
Discussion
Board Feedback on Plan Alternatives
Take to Public Information Meeting September 4
Develop into Full Master Plan with Design Guidelines to Present October 16

(End of PowerPoint)

After reviewing and discussing the above items, Mr. Walden displayed a map stating their approach to doing this Concept Plan is to look at the road network and how the roads might go, how they might be served, look at the existing buildings, and then define what they're going to call development areas. The map indicated an area that could be developed versus one that couldn't be meaning it's undisturbed. A lot of things will go in the development area such as individual buildings, storm water management facilities, infrastructure, landscaping, and some open space parks. The development area does not mean it's a building footprint but means some land disturbance might occur. They may also want to preserve a particular stance of trees in a development area.

Ken Redfoot continued with the PowerPoint presentation and said the graphic description on the first slide is not meant to be a design but only to show what Mr. Walden had described in words. It's a building, associated parking, landscaping, roadway connections, actual storm water facilities including utility connections and utility corridors. All those could happen within the development area.

Mr. Redfoot described the two options in which there are similarities. One is the use of the dedicated right of way. That access point allows for a second means of entrance and egress from the properties which they feel is a strong necessity as they redevelop and it increases the square footage on the site.

Mr. Redfoot said in working on and receiving comprehensive input from Staff, they learned the road that presently has a main entrance on Homestead coming onto the site is curvy and has led to some difficulty in access for buses and vehicles and some safety concerns. In Option A (on slide), they tried to minimize what they are doing over the entire site but make important safety moves as in straightening out the road. This would allow the entrance to come in a straight angle all the way to the parking lot at the Southern Human Services building. It also clarifies the road connections so they can start looking at where they can develop new building square footage, parking, etc.. Mr. Redfoot pointed out this was the tan area on the map. He also pointed out a cross connection where they were proposing to tie the new road into the road in the dedicated right of way. This area is approximately 135,000 square feet on one side of the road and in the second area shown approximately 85,000 square feet for a total of approximately 220,000 square feet of development area on Option A.

Mr. Redfoot explained Option A and B also include the potential for an addition to the Seymour Center and to the Southern Human Services although they don't know the size or location at this time. In both options, they are calling for preserving the hardwoods in the southwest corner of the site.

Mr. Redfoot then moved on to Option B (slide) and said it did a much larger job in terms of addressing the main entrance. They could use a major intersection and entrance change there to clarify getting into the site, more of a straight intersection, a T intersection into Homestead Road. The road would come straight into the Seymour Center and parking lot giving a clear identifiable parking lot and traffic access to that center. Then, coming off into another clear T intersection, they would swing the road all the way through the site, connect it with the Southern Human Services Center, bring it all the way through and connect it back to the roadway in the dedicated right of way. This will accomplish a much larger development area of approximately 390,000 square feet. On this option, the storm water management would take place in the tan areas shown.

Mr. Redfoot then reviewed the contrasts between Option A and Option B as outlined below.

Concept Plan Variable	Concept Plan A	Concept Plan B
Distinguishing Characteristics	• Improved road alignment • Maintain existing stormwater ponds	• Improved entrance intersection and internal circulation • Largest area of development
Common to Both	• Improved traffic circulation for vehicles and pedestrians • Proposed road along east side of site (dedicated right of way) • Additions to existing buildings with associated parking • Maintain undisturbed southwest area • An additional 350,000 square feet of floor area available per Town's ordinance	
Development Area	220,000 sf	390,000 sf
Undisturbed Area	7 acres	10 acres
Ponds Relocated	No	Yes
Infrastructure Cost	Moderate	High
Impact Hardwoods in Southwest Corner	No	No
Future Land Acquisition	Good potential for meeting future space needs on this site, without additional land acquisition	Highest potential for eliminating need for future land acquisition
Operational Costs	Multiple buildings on multiple sites increases operational costs	Co-located, centralized buildings potentially lowers operational costs
Potential for Accomodating County's Future Needs	High	Highest

Mr. Waldon said in the Chapel Hill process, they're aiming for a modification of the special use permit which will take nine to twelve months. The mandatory first step is concept plan review. The application fee for the concept plan is modest but the special use application fee is based on square footage. They do not know the exact amount yet but they anticipate it being approximately $80,000.

Mr. Waldon told the Board they were seeking their feedback on Options A and B, direction on what they would like them to take forward to the public information meeting on September 4th, and guidance into turning that into a full blown master plan they would bring back to the Board on October 16th.

Commissioner Gordon asked them to explain what the Town Council wishes to do. Chair Pelissier replied they had received a letter today from the Town of Chapel Hill Mayor Kleinschmidt saying it would be preferable to wait until they have their joint meeting or perhaps schedule an additional meeting to discuss it.

Commissioner Gordon then referred to page 4 (the bottom slide) and asked them to explain the purpose and rationale. She said she had taken the bullet points that they had given, and had written a statement to clarify the importance of pursuing a plan at this time. She read, "Orange County has the opportunity now and in the future to co-locate county services on one campus which is centrally located, convenient, accessible to the residents of southern Orange County, and located on the public transit line." She felt that kind of statement, placed in this context, is important. Commissioner Gordon stated their having the 34 acre campus gives them an unprecedented opportunity to locate their county services in one

place. If they're smart about it, and she believes they are trying to be, and make plans for now into the future for 25 years, they can have something they don't have in Hillsborough. People have to go all over town in Hillsborough for these services. She feels it goes beyond the cost of buying land someplace else. Also land in the future is going to be expensive and harder to find the best spot. It also goes beyond that to the heart of why it's so important to plan for this campus now because they can co-locate all the services and with a destination like that, there are symbiotic relationships. There is one place to go to, the buses are already going there, and they could run the bus line more often. She said they were lucky to get this 34 acre campus because they weren't necessarily looking for it. It's a great opportunity not only to save their money by not buying additional land but it's irreplaceable by locating all the county services at one destination. She feels putting this type of overarching framework before the Town Council sets a context of why it's so important for them to move forward and plan now for delivering these services.

Commissioner Jacobs asked the difference between the paved surfaces in square feet in A versus B not counting the development areas. Mr. Redfoot replied he did not have that information but could get it. Commissioner Jacobs said Chapel Hill Transit has complained for years about the road going into that property but a curving road has a traffic calming effect. He asked what they would do to calm traffic versus having a straight shot into that parking lot. Mr. Redfoot replied there are certain things they can do as pedestrian safety is a concern. As they locate more uses and more people coming onto the site, it will become more of an issue, and as buses are coming through the site, they need to take that into consideration. He explained when the buses come through the site, they have to cross over the line and have a difficult time maneuvering through the site. They are trying to make it safer and they can do things like raised crosswalks and try to slow people down. He believes once they get a certain mass of people there, and hopefully flows of pedestrians, it would be a good source of natural traffic calming as well. It is a difficult balance to accommodate buses and not allow the vehicles.

Mr. Waldon added that the master plan they're going to bring back to the Board in October will have a map that shows the geography of the site but will also be accompanied by a set of design guidelines which will include instruction for how to design the infrastructure and the individual buildings. It will have the standards for storm water management. Now they will also address traffic calming, pedestrian safety, and vehicle speed. Mr. Waldon added these are still very conceptual and while they may appear as a straight line on the map, there could be a meandering to it that would have softer curves than what is currently shown.

Commissioner Gordon referred to the developed area where they showed the amount of floor area ratio in Option A versus B. She wanted to make clear the floor ratio area in the developed area is different and said it's important to highlight that. There is 390,000 square feet of development area in Option B but Chapel Hill happens to have 350,000 square feet of floor area ratio. She had emailed that question and got a definition back which may be good to put in so people reading won't think Chapel Hill only allows 350,000 and this has 390,000.

Commissioner Gordon also stated with regard to which plan, it is important to get as much as they can while still adhering to their principles. They want to preserve the natural areas, respect the site, but develop what makes sense. To her, Option B is the best option, or some version of it, and it would allow them to co-locate the services in this area. She has walked the site and most or all of Option B has areas that are developable. She also said it's important to note that developable area is not just buildings but includes everything such as landscaping. If this is the site into the foreseeable future, as long as they can be true to their environmental principles, they should develop this campus on all the land that is truly developable which to her is Option B.

Chair Pelissier expressed her support of Option B, not just because of the greater development area, but she likes the traffic flow as it appears it will be much smoother. It is a much clearer plan and they need to take into account they have no idea exactly how many buildings they will actually need. She would like the greatest amount of flexibility possible which she feels is Option B.

Commissioner McKee agreed with Chair Pelissier on the flexibility of the plan but thinks they do not need to get bogged down in square footage or paved surface area or anything else at this point. They have to remember this is 25 years or more out. Things can change and be adapted. He added that while they're looking at 390,000 square feet of developable area, that doesn't necessarily mean a large or small footprint or impervious surface. Commissioner McKee said he supports Option B primarily because they spent a lot of time talking about moving towards higher density, more urban style development, particularly in the

urban areas, for the advantage of walkability, transportation needs, and accessibility to services. This past June, they passed and placed on the ballot a half cent sales tax in a referendum for transportation plan that focuses on higher, more urban, style development. They've been talking the talk and this gives them the chance to walk the walk.

Commissioner Foushee echoed Commissioner McKee and added that Option B allows them to centralize county services onto one campus for southern Orange County.

Commissioner Yuhasz agreed they need to keep in mind they don't know how much space they're going to need. If they need all the space available in Option B and they don't have Option B, then they will have to look for another place within Chapel Hill to provide those same services. That would take property away from potentially taxable property which would then become non-taxable. Commissioner Yuhasz felt if they maximize the opportunity to develop this property, they won't have to look for other properties. This is important to Orange County as well as the Chapel Hill community.

Commissioner Jacobs asked what the height restrictions were by Chapel Hill for this property. Mr. Waldon said 60 feet which typically translates into four stories. Commissioner Jacobs said theoretically the square footage they want can go on smaller footprints. He asked if they were anticipating four story buildings. Mr. Waldon said it was hard to know what to anticipate but the intent in drawing these concepts in these development areas is there would be some vertical element to it so these would not be one story buildings. It certainly increases the capacity to go higher.

Commissioner Jacobs suggested the design guidelines specifically indicate these will be multi-story buildings because if they're working in an urban setting, they should abandon one story buildings if at all possible. That would allay some of his concerns about what they're going to do to the property and possibly some of the concerns of the Chapel Hill Town Council about suburban style development in an urban setting.

Commissioner Jacobs commented that Option B had 50,000 square feet of additional development to the southeast of Southern Human Services Center. He asked why this was not in option A. He added there is some indication it was a difficult site to build on but they're comfortable now that's a doable thing. Mr. Redfoot said it was a choice and there was no compelling reason to do that. They felt the development area needed to be more intense on B and there is some topography they have to deal with. It tails off as it goes towards the dedicated right of way but they learned through using different levels in the building, they can have parking below and building above. He agreed, however, with Commissioner Jacobs in that it could be a development area and A could go into that same location.

Commissioner Jacobs also requested that sometime between the September 4th meeting and the October 16th meeting, or when the Board of Commissioners are given a formal plan, that there be a guided tour of the property so they could invite the public.

Commissioner Jacobs added that in talking about minimizing impact to hardwoods on the southwest corner (on page 006), he would like for it to also say, "and other significant hardwoods on the property." He said they glossed over the existing pond and the storm water management pond is an amenity that was on the property when they bought it. It was developed with trails by the Americorp volunteers and could easily plug into the greenway system. As they tweak the property in the future, Commissioner Jacobs feels it's possible they can still build buildings where they're put around the pond and it's actually an amenity. He said one reason that road curved was because there used to be a house site there and the hardwoods there are just as mature as the ones in the southwest corner. Commissioner Jacobs said as long as they somehow take special note they want to build those into the design, he can live with B versus A, at least at the gross level.

Commissioner Hemminger said she likes Option B for many of the reasons already stated but her main like is that it flows much better so people don't get trapped in the Southern Human Services parking lot. She also wants to make sure they are mindful of bus access in and out of each one of the proposed development areas because a lot of the citizens that use these services have to come by bus. As of now, you can take the bus to the front of the two buildings which is especially helpful to people who need assistance. She does not prefer the paved road going out the back but knows that may be necessary for the flow of traffic. She also likes the preservation of the hardwoods.

Chair Pelissier said since everyone expressed a preference for Option B, in the recommendation to talk about the merits of an alternative concept plan design, she believes they all endorse having a master concept plan design. It appears Option B is where they need to go but she doesn't think they need an

official motion. She told Mr. Waldon she hoped they had provided sufficient feedback for them to take to the public input session.

Commissioner Jacobs said he would still like to know the difference of the paved area. Mr. Waldon told him they would get that information.

Commissioner McKee responded to Commissioner Jacobs' concept of working around some of the structures and trees. He feels it's something they should consider because he sees this in commercial development all the time where they incorporate existing structures, existing ponds, and existing buildings, into their new commercial or residential development. As they're working on this, they should at least allow for the option of including the old trees around the house site and some of the other amenities that would make this a more attractive project in the end.

To address those specific comments, County Manager Clifton stated that each time they get ready to build there, they'll go through a site plan analysis, a tree survey, and they'll make decisions on moving buildings. The issue of this concept plan is to take a look at these development areas and say when they get ready to build, they're going to build X number of square feet. Each of the issues and all the elements the Board has talked about will be reviewed by the Board on each building they bring forth and then they present that site plan to the Town of Chapel Hill. He does not believe the Board has laid anything out tonight that would not be included in their review of the buildings they're going to do there.

Chair Pelissier thanked the Manager and Staff for bringing this to the Board. It causes them to realize how lucky they are to have this piece of property so they can consolidate and meet the future needs of Orange County citizens.

Commissioner Gordon asked if they could make it so the statement she wrote out about the purpose would be included. Chair Pelissier said it would be in the record.

d. <u>Discussion Regarding Parking Provisions for the Eno River Parking Deck</u>

John Roberts with the County Attorney's office said the County was previously involved in litigation over differences of how the administration of the parking deck was impacting Orange County customers, employees, and residents of Orange County who needed to use it. The County had a lease agreement with the deck owners that provided access and that ultimately resulted in litigation. The litigation was settled earlier this year and in the outcome, the County acquired ownership of the parking deck. The Manager then established some administrative guidelines attached to the agenda that say how the deck is going to be run until this Board decides how it will be run. Up for consideration or discussion tonight is whether to leave the current structure in place, whether to make the parking deck a pay to park area, or whether to leave it a free parking zone.

Mr. Clifton told the Board if they want to proceed with some type of pay to park, they should look at all the spaces Orange County owns and deal with it. Otherwise, they're reverting back to where they were before. The deck has gotten them significantly greater use from the public which has also increased the availability of parking in other Orange County owned locations. Mr. Clifton said this was not to rule out paying for parking at some point in the future. Necessity is not there right now but the deck was acquired during the summer break for the Board. They initiated the plan provided and have restrictions such that the County employees park on the upper level and the lower level is gated. The public uses the other levels. This has worked very well especially for the library and office building use.

Commissioner Yuhasz said he has been pleased to see the number of people parking in the deck. He feels they should keep it free until there's a greater demand for parking. He asked if it was necessary to still have the arm there when people come into the deck. Mr. Clifton replied it slows people down as they're entering the parking deck and there's no separate walkway for pedestrians as that walk through that gated area. Commissioner McKee said the arm gives the impression it is still a paid deck. He suggested they put the arm in a raised position until they see if they have a problem at which time they can lower the arm again.

Mr. Clifton suggested they put a speed bump if they are going to raise the arm. He is concerned about waiting until they have a problem as it would involve a pedestrian. Commissioner McKee asked that they do look at other alternatives as he does not feel they need to have a fee for parking at this time.

Commissioner Jacobs agreed and suggested they have bold signage saying free parking and possibly telling people to stop at gate. People who are conditioned to think there will be a charge will still

have that impression if the arm is down. He said this is an indirect economic development boost for downtown Hillsborough and feels they need to make it as clear as possible that someone can get in and out at no charge. Mr. Clifton confirmed that all the pay machines were gone so no one could pay if they wanted to. He agreed they would put up more signage about the parking being free.

Chair Pelissier agreed more signage was necessary as safety is of the utmost importance. The fact the deck is being used more indicates a fair amount of the public does understand that it is free.

Commissioner Hemminger stated she liked the free parking and the arm. She feels when the arm is down, pedestrians feel safer that no one is coming through to hit them. She suggested they write free parking on the arm. She also asked what was in place for monitoring the deck and referred to the notation that someone would tow cars that were left overnight. She asked if the $22,000 per year quoted included someone walking through and checking that type of thing in the deck. Mr. Clifton replied that their Staff periodically maintains the deck now although it used to be contracted out. He said they may want to consider security cameras in the future.

Commissioner Gordon agreed they should have the arm but with signage explaining the parking is free. With regard to the fee structure, she understands going with the guidelines they have for now. The Manager reiterated to her, however, that any fee structure change would require a comprehensive look at all the parking provided by the County in downtown Hillsborough. She believes they should do that because on heavy court days there are prime parking spots near the courthouse and there is some parking that could be charged for whether it be in the deck or some other prime parking spaces. Commissioner Gordon added they don't have good evidence for changing the policies they have now, but they should look at a fee structure perhaps in the context of the next budget to see if it makes sense to charge for prime parking areas.

Commissioner Yuhasz said there had been some discussion about improving the sidewalks at the Weaver Street crossing and to improve access to the courthouse from the parking deck. He feels they should not make any changes to the parking until that is completed.

Chair Pelissier said she did not want to charge fees right now. She does not believe Hillsborough is of the size or ready for that. She believes some of the pressures they had by the courthouse was because there was a fee in the parking deck and people were avoiding it. Now that it's free, they need to wait and see.

Commissioner Jacobs said he would like to know how much the parking deck is actually being used. Long term, there will be more and more parking, but if it's half used, for example, they may want to consider closing off the upper deck after the Staff leaves for community events or some other use besides empty parking spaces after 5:00. The art community may want to use it for events. He suggested some type of usage flow study as to what's going on in the deck and then revisit that.

Chair Pelissier said she did not hear a majority of Board member saying they wanted to look at a fee structure at this point so they directed the Manager not to look at fees for the time being.

e. <u>Interlocal Agreement with Town of Chapel Hill in Support of Business Incubator</u>

Steve Brantley, with Orange County Economic Development, said his office had prepared the abstract summary regarding the interlocal agreement with the Town of Chapel Hill in support of a business incubator. The draft agreement provided to the Board advances Orange County's effort over the past year to establish a long desired innovation center in the community and serve entrepreneurial start up businesses. The goal is to nurture the entrepreneurial spirit locally and provide for an attractive and suitable environment in which to retain promising home grown firms for the long term.

Mr. Brantley said Orange County and the Economic Development office contracted in 2011 with the University of North Carolina to conduct a commercial real estate study of the county with a specific focus on ways to support the growth and retention of entrepreneurial companies. This consultant study conducted by Dr. Emil Malizia, who chairs the UNC Department of City & Regional Planning, determined that many of their community's budding start ups originate with the university. However, even if those entrepreneurs do find a convenient and affordable initial location here for their business, the great majority such as IT and software design startups eventually relocate outside of Orange County. They are drawn, for example, to Durham, and now Wake County and Raleigh have announced their new incubator facility.

Mr. Brantley said they have surveyed potential office space that can potentially offer unique types of working environments generally desired by start-ups. This would also be the kind of space which offers an attractive lease rate that can be reasonably considered by a small firm on a budget with limited initial financial resources. The County has also explored partnering with various other supporting organizations as a means to either reduce their associated costs or which could add special expertise in the daily management of an incubator operation.

In March of this year, an ideal property located at 321 West Rosemary Street was identified as a new candidate location. Its 4,000 square feet and urban location are ideal as well as the current upfit that is already designed for IT purposes. Orange County's opportunity to establish an innovation center at this location is strengthened by a proposed 50/50 partnership with the Town of Chapel Hill and direct consultant support to be given by the university. UNC already reports overwhelming interest and a waiting list by the university start ups eager to move in and get established. UNC will offer those entrepreneurial firms mentoring in the areas of financing, writing a business plan, and related counseling. The Town is also arranging for the day to day operation to be managed by the Chapel Hill Downtown Partnership.

Mr. Brantley said their summary of this potential incubator partnership was first introduced to the Board's attention in April 2012. On May 30th, the Chapel Hill Town Council voted unanimously to partner with Orange County. In July, the County Attorney's office prepared the draft interlocal agreement for this Board's review. The draft agreement outlines a co-chair with the Town of Chapel Hill and provides for lease payments at 321 West Rosemary Street over the next three and a half years. Over that 42 months, Orange County would provide $10,000 in quarterly payments or $140,000. The payment could be funded via the recently approved quarter cents sales tax referendum and sales tax proceeds.

Chair Pelissier said she wanted it to be clear to the public that this would, not could, come from the quarter cents sale tax. Mr. Brantley agreed.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz, to approve an interlocal agreement to support the growth of Orange County's entrepreneurial development goals and also form an economic development tie with the Town of Chapel Hill regarding the creation of an innovation center located at 321 West Rosemary Street in Chapel Hill.
VOTE: UNANIMOUS

8. <u>Reports: NONE</u>

9. <u>County Manager's Report:</u> There was no report by the County Manager.

10. <u>County Attorney's Report</u>

John Roberts updated the Board on the status of the implementation agreement with Triangle Transit. He and Craig Benedict, and one of his staff members, have been meeting with members of TTA and MPO in an effort to work out differences. The biggest difference between the County Staff's position and TTA's position is whether the MPO needs to be involved as a party to the agreement and that is up to the Board. At the second meeting in September, Mr. Roberts said they're planning on presenting the Board with two documents, one of which will be their view of what the agreement should be, and one that may be a consensus between TTA, the MPO, and Orange County Staff of what the agreement should look like if the Board decides to include the MPO as a party to the agreement.

Mr. Roberts said the codification status of the UDO is the Municode legal staff has completed their review of the document. They recommended a number of changes to the existing document to make it comply with North Carolina law. He is going to review those recommended changes with Michael Harvey and other attorneys in his office to see if they can agree on whether or not they agree with Municode's attorneys. If they do, they will have to bring forward suggested amendments to the UDO and once that happens, the codification will proceed as a publication by Municode which will take three to four months.

11. <u>Appointments</u>

a. <u>Human Relations Commission (HRC– Appointment</u>

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger, to appoint Preston Scott Phillips to the Human Relations Commission.
VOTE: UNANIMOUS

Commissioner Jacobs said there are two vacant at large positions and rather than make appointments like they've done in the past and then find out the person is no longer interested or doesn't live in Orange County, he suggested they appoint people to those positions if the HRC doesn't do so by the next meeting.

Chair Pelissier said this Commission has 24 members because they merged it with the Commission for Women. They were to come back with a plan to reduce the membership and look at the functioning of that Commission. It's been some time and they have not done that. She is not enthusiastic about having to fill all the positions in the even there will be the reduction in membership

A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz, for Staff of HRC to come back with a plan by the end of the calendar year to reduce the size of the HRC Board.
VOTE: UNANIMOUS

b. <u>Orange County Planning Board – Appointment</u>

A motion was made by Commissioner Jacobs, seconded by Commissioner Gordon, to appoint Jae Furman to the Orange County Planning Board.
VOTE: UNANIMOUS

12. <u>Board Comments</u> <u>(Three Minute Limit Per Commissioner)</u>

Commissioner McKee did not have any comments.

Commissioner Foushee said she attended NCACC conference and is honored the NCACC past President, Kenneth Edge, chose her to head up his 2011/2012 Initiative for Healthy Living Task Force. It's a wonderful opportunity for her and they think the counties will benefit from the results of their work. They have produced the Well County Guide to Employee Wellness Initiatives for all North Carolina counties. It is a tool kit to assist all 100 counties in designing wellness programs to fit their budgets and their needs. Each county was presented this guide at the conference and the guide is accessible online. Commissioner Foushee passed the guide to the Chair to determine how the County will use it. She also thanked the Board for their support and offered special thanks to Donna Baker, Clerk, who facilitated two of those meetings in Orange County. They had County Commissioners come in from all over the state and they were pleased with what they found here. She also acknowledged Nidhi Sachdeva who works with the health department and who was on the task force. She worked very hard on Orange County's portion of the guide and it made them proud.

Commissioner Foushee said at the NCACC Board of Directors meeting, they decided to endorse the incoming President's initiative to start a county management fellowship program. The program will deal with the fact that the number of young professionals entering careers into the public sector is declining. The purpose of the program is to foster and promote careers in county management and to provide professional manager mentors to qualify masters' level graduates. She hopes with those incentives to bring in an intern for a year that Orange County would also participate.

Commissioner Foushee had a copy of the Handbook on the Legislative Goals process for this year which she passed to the Chair.

Commissioner Hemminger said she and Commissioner Foushee would be coming back to the Board with updates on the Rogers Road Task Force. There has been media coverage on this and some has been accurate while some has not. They're meeting tomorrow for an agenda process and they will get more information.

Commissioner Jacobs said he attended the Burlington-Graham MPO meeting, along with Staff, and there have been a number of discussions about where the boundary will be between the Durham-Chapel Hill MPO and the Burlington-Graham MPO. He displayed a map and said it seems the Staffs have agreed to leave things the way they are which was not what they had been thinking previously. Commissioner Jacobs spoke with a member of the Mebane City Council who assured him this was fine with Mebane and that they didn't care if they had any of the MPO in Orange County. Commissioner Jacobs suggested at the MPO meeting they would first have discussions as a Board and, since they are meeting jointly with Mebane shortly after the 20th, that they have a conversation of the two elected Boards. Ed Hooks of Mebane and he would then come back to the next MPO meeting and report on whether the two Boards that are most affected are willing to sign off.

Commissioner Jacobs said Commissioner Foushee and he attended the NACo Convention in Pittsburgh. He said he would write a report of what he learned or was exposed to. Two of the most interesting things were regarding using employee wellness tools to create a self-insurance program and alternatives to incarceration for misdemeanors. He said as they talk about building a jail, there's a tremendous amount of energy and information on alternatives to incarcerating people for misdemeanors. Fifty-one percent of families are now single parented and they heard examples of single mothers who were jailed because they couldn't make $500 bail because they lost their jobs and their children had to go into foster care. He said if they're going to try to build a jail and make the best use of their resources, there are a tremendous amount of alternatives to making sure what they're doing is keeping people in society who can function in it, and separating out the ones who can't in a way that is best suited for our resources and our needs.

Lastly, Commissioner Jacobs said he was serious about asking the recreation staff to look at whether there are uses for the upper deck after 5:00 whether it is mobile baskets for people playing basketball, or shuffleboard. It's a big open space after the Staff goes home in the middle of Hillsborough that could actually be a resource. He offered to do this as a petition at the next meeting if necessary. Chair Pelissier suggested a petition at the next meeting.

Commissioner Gordon asked to confirm that the Burlington-Graham MPO did not take a vote on the boundary. Commissioner Jacobs confirmed that was correct. Commissioner Gordon asked if it was a consensus that they leave the boundary as it is on the map distributed. Commissioner Jacobs explained there was a change up to Frazier Road that they indicated Mebane was including. It's a very small portion north of the current area where it extends into Orange County. He's not sure that is what Mebane thinks which is why he suggested they would have a discussion with Mebane and then hopefully have a unified opinion. Commissioner Gordon verified that the green area on the map is the MPO boundary and she pointed out the area that is the Burlington-Graham MPO and the area they may be interested in.

Commissioner Gordon said she had emailed the Board regarding the Durham-Chapel Hill-Carrboro MPO meeting. They talked about the boundary issue at the meeting. They asked that the two MPOs discuss this, that they get input from the local Boards involved which are the BOCC and the Mebane Town Board, before they make any decision and that they would work something out. She said they respectfully asked the vote be delayed until today so it appears that worked itself out.

Commissioner Yuhasz did not have any comments.

Chair Pelissier said they had originally asked that something be brought to this meeting regarding the implementation agreement. A lot of Staff was on vacation and they will not be getting it until the end of September. She wants to be sure they get it without further delay because they do have the transit tax on the ballot and they approved the plan contingent on an implementation agreement.

Chair Pelissier also attended the NCACC conference and attended a joint meeting of the environmental steering committee and agricultural. They had a presentation on water and resilient communities and she learned that western states have a lot of water laws; we do not. The presenter suggested in the future there is going to be a debate on riparian water laws. Another interesting thing noted in the presentation was that many communities do not charge the actual cost of water but charge a lot less. This is why there are a lot of infrastructure problems although not the case in this community.

Chair Pelissier said Orange County was selected to present its Master Aging Plan (MAP). They had Janice Tyler, Director of the Department on Aging as well as Heather Altman, Chair of the Advisory Board on Aging. Chair Pelissier was a moderator. She said this was an honor that shows Orange County did a stupendous MAP. She also asked people there how many of them were aware that there was a master aging plan in their county and most of them were not. This was a consciousness raising and went along with some of the major sessions where there were discussions of major demographic changes happening nationwide, one of them being what's called Silver Tsunami. Both she and Commissioner Foushee went to a session on economic development and the presenter said it's not about quality of life, it's about quality of place. There were a number of ideas thrown around about changing perspective about how to look at economic development.

13. <u>Information Items</u>

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

14. <u>Closed Session</u>

15. <u>Adjournment</u>

A motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger, to adjourn the meeting at 9:45 p.m.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna Baker, CMC
Clerk to the Board

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 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 thirty-five (35) 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 later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of $4,577.45 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2012-2013 is $15,251.24.

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

- Accept the report reflecting the thirty-five (35) motor vehicle property tax release/refunds requested in accordance with the NCGS; and
- Approve of the attached refund resolution.

NORTH CAROLINA RES-2012-079

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 18, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	CLERK	DATE
Ayers, Patricia Jane	969781	2012	6,640		(6.34)	Incorrect rate code (Clerical error)	DMM	8/20/2012
Beckelheimer, Deborah Kay	586791	2011	9,240	0	(188.00)	Change county to Alamance (Illegal tax)	DMM	8/22/2012
Blackburn, Phillip	989350	2011	8,300	0	(168.08)	County changed to Granville (Illegal tax)	JMM	8/23/2012
Blackburn, Phillip	962991	2011	28,230	0	(489.86)	County changed to Granville (Illegal tax)	JMM	8/23/2012
Blackburn, Phillip	964583	2011	1,199	0	(21.06)	County changed to Granville (Illegal tax)	JMM	8/23/2012
Blackburn, Phillip	980713	2011	16,070	0	(302.92)	County changed to Granville (Illegal tax)	JMM	8/23/2012
Bordeaux, Diane	1003328	2012	2,490	0	(22.85)	Change county to Durham (Illegal tax)	DMM	8/21/2012
Buenviaje, Bekki	1004237	2012	16,110	8,055	(131.77)	1/2 off co-owner military home of record TX (Illegal tax)	JMM	8/20/2012
Buenviaje, Bekki	1004216	2012	15,730	7,865	(128.66)	1/2 off co-owner military home of record TX (Illegal tax)	JMM	8/20/2012
Canon, David	654384	2012	5,607	3,745	(28.68)	High mileage and damage (Appraisal appeal)	JMM	8/23/2012
Canon, David	654383	2012	3,430	2,930	(7.70)	Repair estimate (Apprasial appeal)	JMM	8/20/2012
Capalbo, Louis Michael	1002851	2012	7,930	0	(152.15)	Change county to Durham (Illegal tax)	DMM	8/20/2012
Capalbo, Louis Michael	1002851	2012	4,480	0	(99.01)	Change county to Durham (Illegal tax)	DMM	8/20/2012
Cates, Claude Gerald	1003622	2012	28,860	0	(261.07)	Change county to Alamance (Illegal tax)	DMM	8/23/2012
Cates, Gordon	961544	2010	800	0	(12.19)	Double billed (Ilegal tax)	JMM	8/22/2012
Corum, Lee Lovell	615735	2011	1,230	0	(50.47)	Change county to Randolph (Illegal tax)	DMM	8/24/2012
Deaton, Kim	1000504	2012	8,970	7,072	(17.34)	High mileage (Appraisal appeal)	JMM	8/24/2012
Deaton, Kim	1002944	2012	2,200	941	(11.51)	Price paid (Appraisal appeal)	JMM	8/24/2012
Deneve, Raymond Leslie	1002702	2012	3,000	1,500	(16.44)	Condition (Appraisal appeal)	DMM	8/21/2012
Dodson, Pansy Ferrell	1003107	2012	6,460		(72.89)	Incorrect rate code (Clerical error)	DMM	8/22/2012
Edwards, Stepney	1004790	2012	14,980	0	(164.24)	County changed to Chatham (Illegal tax)	JMM	8/27/2012
Fultz, William	970469	2012	16,750	15,075	(15.32)	High mileage (Appraisal appeal)	JMM	8/20/2012
Jones, Jaqueline	656900	2012	12,120	10,666	(21.49)	High mileage (Appraisal appeal)	JMM	8/16/2012
Lorenz, Matthew	1003951	2012	42,658	32,097	(162.69)	Price paid (Appraisal appeal)	JMM	8/23/2012
Mcclintock, Peter James	997357	2012	28,100	0	(325.81)	Change county to Chatham (Illegal tax)	DMM	8/16/2012
Miller, Carolyn Cimarelli	1004924	2012	15,670	0	(271.38)	Change county to Granville (Illegal tax)	DMM	8/27/2012
Mize, Joseph Samson Jr.	1004919	2012	22,960	0	(206.37)	Change county to Durham (Illegal tax)	DMM	8/20/2012
NC United Methodist Camp and Retreat Ministries	685822	2012	4,860	0	(104.87)	Property exempt (Illegal tax)	DMM	8/28/2012
NC United Methodist Camp and Retreat Ministries	960982	2011	3,030	0	(29.19)	Property exempt (Illegal tax)	DMM	8/28/2012
Parham, Patricia Ann	970091	2012	23,935	0	(215.08)	Change county to Durham (Illegal tax)	DMM	8/21/2012
Parker, John Patrick	658738	2012	15,360	0	(266.61)	Change county to Durham (Illegal tax)	DMM	8/28/2012
Phinney, Robert Kyle	1004425	2012	22,120	0	(242.52)	Change county to Chatham (Illegal tax)	DMM	8/20/2012
Sale, James Lee	1005608	2012	17,890	15,637	(29.92)	Price Paid (Appraisal appeal)	DMM	8/20/2012
Smith, James Alexander	1003678	2012	11,480	0	(206.84)	DMV error (Illegal tax)	DMM	8/27/2012
Watson, Yvonne	1006943	2012	6,240	0	(126.13)	Change county to Durham (Illegal tax)	DMM	8/21/2012
					$ (4,577.45)			

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 18, 2012

Action Agenda
Item No. 5-c

SUBJECT: Property Tax Releases and/or Refunds

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Resolution
Spreadsheet

INFORMATION CONTACT:
Dwane Brinson, Tax Administrator,
(919) 245-2109

PURPOSE: To consider adoption of a resolution to release property values related to forty (40) requests for property tax release and/or refund.

BACKGROUND: The Tax Administration Office has received forty (40) 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 $13,662.40 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-2012-080

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

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

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____day of _____, 2012.

_____
Clerk to the Board of Commissioners

Releases/refund both clerical errors illegal tax - GS 105-381

BOCC REPORT- REAL/ PERSONAL
SEPTEMBER 18, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Acker, G. Norman	201737	2011	3,180	0	(53.28)	Not in Orange County January 1st (Illegal tax)
Azzu, Joseph N	216581	2012	268,274	195,000	(662.84)	PTC appeal settled with taxpayer (Illegal tax)
Azzu, Joseph N	216581	2011	268,274	195,000	(662.84)	PTC appeal settled with taxpayer (Illegal tax)
Azzu, Joseph N	216581	2010	268,274	195,000	(662.84)	PTC appeal settled with taxpayer (Illegal tax)
Chapel Hill Opthamology	34004	2011	359,986	204,932	(2,373.05)	Property listed in error (Illegal tax)
Daniel Boone Shell	10158	2012	62,156	1,139	(938.44)	Over listed- TMA error (Clerical error)
Fashion Tailors	286468	2012	13,990	890	(214.28)	Over listed- TMA error (Clerical error)
First Citizens Bank Leasing	317840	2011	43,688	5,499	(651.45)	Double billed (Ilegal tax)
First Citizens Leasing Dept.	140562	2011	212,368	112,899	(2,077.34)	Double billed (Ilegal tax)
Fowler, Norman	242187	2012	363,800	350,900	(198.71)	Double billed (Ilegal tax)
Fre and Mel Inc American Hero	289464	2012	40,913	0	(629.24)	Business sold 2011-TMA error (Clerical error)
Jenkins, Michael	316718	2011	810	0	(10.52)	Not in Orange County (Illegal tax)
Matt Phillips State Farm	297314	2011	61,680	16,484	(763.86)	Over listed- TMA error (Clerical error)
Matt Phillips State Farm	297314	2012	39,827	10,746	(447.96)	Over listed- TMA error (Clerical error)
Movie Cube, Inc.	979997	2011	19,973	0	(358.94)	Not in Orange County (Illegal tax)
Panaderia Y Pasteleria Pahuatlan #3	319106	2011	59,830	1	(1,104.69)	Double billed (Ilegal tax)
Ryan Michael G. PDK	195475	2012	6,158	4,649	(23.24)	Expempt items (Clerical error)
Saleswip, LLC	983101	2011	9,595	0	(88.30)	Not in Orange County (Illegal tax)
Stephens, Clifton	310786	2012	45,700	32,900	(117.00)	PTC appeal settled with taxpayer (Illegal tax)
Stephens, Clifton	310786	2011	45,700	32,900	(117.00)	PTC appeal settled with taxpayer (Illegal tax)
TCP Leasing, Inc.	265402	2012	31,576	0	(486.40)	Processed in error-TMA error (Clerical error)
Travis, Jimmy	248468	2012	349,410	343,300	(55.27)	Deck listed in error (Illegal tax)
Travis, Jimmy	248468	2011	345,097	343,300	(16.25)	Additional value reduction due to miscalculation (Clerical error)
Travis, Jimmy	248468	2010	345,097	343,300	(16.25)	Additional value reduction due to miscalculation (Clerical error)
Travis, Jimmy	248468	2009	345,097	343,300	(16.25)	Additional value reduction due to miscalculation (Clerical error)
Underwood, James L.	1005532	2012	950	0	(8.54)	Billed on incorrect abstract (Illegal tax)
Underwoods Tree and Landscaping Service	222705	2011	43,989	34,089	(128.25)	Over listed- TMA error (Clerical error)
Wade, Jonathan D.	205794	2012	131,243	1,187	(118.72)	Late list penalty incorrectly assessed (Illegal tax)
Ward, William Craig	992978	2012	1,680	500	(22.24)	Over assessed (Clerical error)
Wavoka, Inc.	975252	2011	4,135	0	(44.96)	Not in Orange County (Illegal tax)
White, Larry William Jr	202415	2012	9,595	959	(74.94)	Keyed wrong value (Clerical error)
Woods, Robert	320608	2012	4,020	0	(36.75)	Double billed (Ilegal tax)
Woods, Robert T.	303403	2012	5,160	0	(55.55)	Double billed (Ilegal tax)
Woods, Robert T.	303403	2012	4,020	0	(36.75)	Mobile home sold (Illegal tax)
Zogs Pool	957217	2011	3,750	0	(1.38)	Double billed (Ilegal tax)
Zogs Pool	957217	2010	3,000	0	(62.22)	Double billed (Ilegal tax)
Zogs Pool	957217	2009	3,000	0	(67.41)	Double billed (Ilegal tax)
Zogs Pool	957217	2008	3,000	0	(85.54)	Double billed (Ilegal tax)
Zogs Pool	957217	2007	3,000	0	(85.21)	Double billed (Ilegal tax)
Zogs Pool	957217	2006	3,000	0	(87.70)	Double billed (Ilegal tax)
				Total	$ (13,662.40)	

August 16, 2012 thru August 28, 2012

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 5-d

SUBJECT: 2012 Property Tax Releases

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Resolution
Spreadsheet

INFORMATION CONTACT:
Dwane Brinson, Tax Administrator,
(919) 245-2109

PURPOSE: To consider adoption of a resolution to release property values related to one hundred eighty-three (183) requests for property tax release.

BACKGROUND: The Tax Administration Office has found one hundred eighty-three (183) tax notices which require a release or refund of property taxes for the current fiscal year.

There were several factors that caused these errors during the annual billing process. Fifty-nine of the erroneous bills were created on closed or inactive parcels. Fifty-eight of these corrections are due to system errors that created bills on exempt properties. Twenty-six of the bills were created based on values that reverted back to previously used values due to system error. Twenty-seven were errors on business personal property listing issues. Thirteen of the bills were not in Orange County jurisdiction.

These incorrect bills and values were not expected and thus were not included in budget projections. After the annual billing of taxes, counties make corrections, according to law, to notices generated by clerical errors. 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 and refunds for the current and four previous fiscal years.

FINANCIAL IMPACT: Since the tax amounts on these notices were not budgeted, the approval of this change will not result in a reduction of expected revenues. The total reduction in this un-anticipated revenue is $343,602.38 for the County, municipalities, and special districts.

RECOMMENDATION(S): The Manager recommends the Board approve the attached resolution approving these property tax release and refund requests in accordance with North Carolina General Statute 105-381.

NORTH CAROLINA RES-2012-081

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 18, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
ACS, A Xerox Company	317907	2012	3,093	0	(26.54)	Assessed in error (Illegal tax)
Aiwin LLC	306925	2012	5,863,550	0	(52,746.86)	Parcel inactive/closed (Illegal tax)
Aluma Systems Concrete Construction	311690	2012	191,669	0	(2,952.46)	Double Billed (Illegal tax)
Amareld, Robert W. Jr	296619	2012	302,964	290,200	(196.61)	System error- value not updated from assessment to billing (Clerical error)
Apple, Marvin Lee	152887	2012	18,138	0	(164.69)	Assessed in error (Illegal tax)
Berger, Bryan D	271843	2012	427,348	420,000	(120.20)	System error- value reverted to previous amount (Clerical error)
Blackwell, Eva	254122	2012	189,548	137,985	(480.36)	System Error- HE granted 6/1/201 but not reflected on account (Clerical error)
Bloomberg LP	151596	2012	4,368	0	(67.29)	Assessed in error (Illegal tax)
Boyle, Joseph Hugh	312872	2012	150,049	0	(1,397.86)	Parcel inactive/closed (Illegal tax)
Brooks, David D	239565	2012	37,744	0	(408.65)	Parcel inactive/closed (Illegal tax)
Brown, Jo Anna W etal	301231	2012	131,876	0	(1,305.49)	Parcel inactive/closed (Illegal tax)
Brown, Lynwood J. Sr	279094	2012	129,426	122,600	(104.98)	System error- value reverted to previous amount (Clerical error)
Brown, Lynwood J. Sr	279090	2012	107,708	94,500	(203.13)	System error- value reverted to previous amount (Clerical error)
Brown, Lynwood J. Sr	279091	2012	40,808	31,000	(150.84)	System error- value reverted to previous amount (Clerical error)
Browne, Katherine Andrews Revocable Trust	320894	2012	730,806	725,900	(75.58)	System error- value not updated from assessment to billing (Clerical error)
Brownell, Charles A	275703	2012	1,013,340	959,200	(604.42)	System error- value reverted to previous amount (Clerical error)
Bunker, Henry H	190593	2012	77,807	59,300	(168.05)	System error- value reverted to previous amount (Clerical error)
Calderon, Debbie	312475	2012	14,854	0	(127.45)	Parcel inactive/closed (Illegal tax)
Caron, Keith	289139	2012	28,388	0	(263.44)	Parcel inactive/closed (Illegal tax)
Centex Homes Raleigh Division	295679	2012	686,858	0	(5,893.24)	Parcel inactive/closed (Illegal tax)
Centex Homes Raleigh Division	1005273	2012	15,200	0	(187.42)	Property not located in Orange County (Illegal tax)
Centex Homes Raleigh Division	1005272	2012	16,000	0	(194.28)	Property not located in Orange County (Illegal tax)
Centex Homes Raleigh Division	1005264	2012	20,300	0	(231.17)	Property not located in Orange County (Illegal tax)
Centex Homes Raleigh Division	1005271	2012	900	0	(64.72)	Property not located in Orange County (Illegal tax)
Centex Homes Raleigh Division	1005269	2012	16,000	0	(194.28)	Property not located in Orange County (Illegal tax)
Centex Homes Raleigh Division	1005279	2012	16,000	0	(194.28)	Property not located in Orange County (Illegal tax)
Centex Homes Raleigh Division	1005277	2012	16,400	0	(189.13)	Property not located in Orange County (Illegal tax)
Centex Homes Raleigh Division	1005266	2012	17,000	0	(202.86)	Property not located in Orange County (Illegal tax)
Centex Homes Raleigh Division	1005275	2012	16,000	0	(194.28)	Property not located in Orange County (Illegal tax)
Charles House Association	317314	2012	337,600	0	(3,892.67)	Exempt property billed in error (Clerical error)
Church of God	50759	2012	235,691	0	(2,154.45)	Exempt property billed in error (Clerical error)
Church of God of Prophesy	101063	2012	110,665	0	(1,011.59)	Exempt property billed in error (Clerical error)

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BOCC REPORT- REAL/ PERSONAL
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CIT Technology Financing Services Inc	969094	2012	21,452	0	(196.91)	Assessed in error (Illegal tax)
Clayton, Lynwood D	496592	2012	71,790	0	(702.11)	Parcel inactive/closed (Illegal tax)
Clements, Linda V	301055	2012	113,815	0	(1,022.74)	Parcel inactive/closed (Illegal tax)
COECO OF RALEIGH	162375	2012	2,682	0	(41.31)	Assessed in error (Illegal tax)
Cohn, Johnathan A	284252	2012	942,045	879,800	(958.82)	System error- value reverted to previous amount (Clerical error)
Compton, Andrew M	310024	2012	113,067	79,200	(307.50)	System error- value reverted to previous amount (Clerical error)
Compton, Andrew M	313596	2012	99,545	89,600	(90.30)	System error- value reverted to previous amount (Clerical error)
Compton, Oscar	249332	2012	34,148	0	(318.12)	Parcel inactive/closed (Illegal tax)
Crabtree Bane LLC	277133	2012	1,010,891	0	(9,315.96)	Parcel inactive/closed (Illegal tax)
Crabtree Bane LLC	263867	2012	256,249	0	(2,820.11)	Parcel inactive/closed (Illegal tax)
Crabtree Bane LLC	263866	2012	821,710	0	(8,010.47)	Parcel inactive/closed (Illegal tax)
Crabtree, Julius Thompson Jr	206276	2012	173,005	0	(2,060.16)	Parcel inactive/closed (Illegal tax)
Department of Transportation	319313	2012	105,000	0	(1,617.42)	Exempt property billed in error (Clerical error)
Dickerson Chapel	50780	2012	280,835	0	(4,282.24)	Exempt property billed in error (Clerical error)
Durham, Hoyt Alton Jr	186611	2012	151,819	0	(1,408.88)	Parcel inactive/closed (Illegal tax)
Empowerment Inc	322991	2012	130,141	0	(2,142.70)	Exempt property billed in error (Clerical error)
Extraordinary Ventures	979991	2011	176,820	0	(3,177.60)	Exempt property billed in error (Clerical error)
Extraordinary Ventures	979991	2012	167,599	0	(2,839.19)	Exempt property billed in error (Clerical error)
Fasano, Suzanne F.	104301	2012	28,132	0	(257.15)	Double Billed (Illegal tax)
Forrest, Joseph T	305750	2012	82,890	0	(749.83)	Parcel inactive/closed (Illegal tax)
Freeland, J J Hrs	6937	2012	157,522	0	(2,459.69)	Parcel inactive/closed (Illegal tax)
Fuller, Ron Marie	270058	2012	226,927	0	(2,109.78)	Parcel inactive/closed (Illegal tax)
GE Capital Information Tech Solutions Incec	968959	2012	3,925	0	(44.58)	Assessed in error (Illegal tax)
Grant, Gloria B etal	272943	2012	75,843	0	(763.55)	Parcel inactive/closed (Illegal tax)
Great America Leasing Corporation	968694	2012	8,873	0	(79.73)	Assessed in error (Illegal tax)
Great America Leasing Corporation	968695	2012	8,261	0	(74.73)	Assessed in error (Illegal tax)
GW Services Inc Glacier Water	317659	2012	15,255	13,501	(27.02)	Over assessed (Illegal tax)
Habiat for Humanity Orange County NC Inc	316857	2012	14,800	0	(168.11)	Exempt property billed in error (Clerical error)
Habitat for Humanity Orange County Inc	311672	2012	151,011	0	(1,366.04)	Exempt property billed in error (Clerical error)
Habitat for Humanity Orange County Inc	296285	2012	41,212	0	(468.12)	Exempt property billed in error (Clerical error)
Haile, Bizuwork B	2005274	2012	16,500	0	(198.57)	Property not located in Orange County (Illegal tax)
Hall, Mark A	236336	2012	2,150	0	(19.66)	Parcel inactive/closed (Illegal tax)
Harry Walker Family Partnership	138512	2012	5,040	0	(46.26)	Parcel inactive/closed (Illegal tax)
Harry Walker Family Partnership	138511	2012	9,855	0	(90.46)	Parcel inactive/closed (Illegal tax)
Hector, Erik G	298179	2012	150,896	0	(1,457.32)	Parcel inactive/closed (Illegal tax)
Hill, Danny A Jr	267865	2012	412,729	379,800	(301.00)	System error- value not updated from assessment to billing (Clerical error)
Hines, Bernita	266175	2012	36,894	0	(415.02)	Parcel inactive/closed (Illegal tax)
Hollowell, Susan Garrett	160540	2012	235,411	0	(2,172.41)	Parcel inactive/closed (Illegal tax)
Horne, Stuart N	207759	2012	244,368	0	(2,290.77)	Parcel inactive/closed (Illegal tax)

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Horne, Stuart N	308849	2012	7,990	0	(73.03)	Parcel inactive/closed (Illegal tax)
Hunt, Susan G	304132	2012	99,284	0	(949.17)	Parcel inactive/closed (Illegal tax)
Insight Financial Corporation	968935	2012	559	0	(8.60)	Listed in error (Clerical error)
Jewel Investments Inc	306887	2012	73,542	0	(660.85)	Parcel inactive/closed (Illegal tax)
Jones Grove Missionary Baptist Church	290744	2012	30,896	0	(282.42)	Exempt property billed in error (Clerical error)
Kennison, Douglas H	297305	2012	369,013	337,600	(288.34)	System error- value reverted to previous amount (Clerical error)
King, Bradley W	1005270	2012	900	0	(64.72)	Property not located in Orange County (Illegal tax)
KKN Properties LLC	279067	2012	1,294,800	1,279,164	(240.86)	System error- value reverted to previous amount (Clerical error)
Klopfer, Peter H	303958	2012	44,763	0	(410.88)	Parcel inactive/closed (Illegal tax)
Klopfer, Peter H	254845	2012	197,742	0	(1,910.08)	Parcel inactive/closed (Illegal tax)
KPS Financial Inc DBA Sushi Yoshi Restaurant	299572	2012	20,100	0	(309.62)	Assessed in error (Illegal tax)
Lacock, Forrest Wayne	293749	2012	38,340	0	(583.29)	Parcel inactive/closed (Illegal tax)
Laughead, Stephen M	1005265	2012	220,100	0	(1,945.46)	Property not located in Orange County (Illegal tax)
Lloyd, Carl Brady	238292	2012	56,798	0	(527.09)	Parcel inactive/closed (Illegal tax)
Long, W Lunsford	193421	2012	363,514	360,000	(54.13)	System error- value reverted to previous amount (Clerical error)
McKee, Kathleen P Hrs	987895	2012	11,312	0	(101.65)	Parcel inactive/closed (Illegal tax)
McPherson, Charles F	98737	2012	132,436	0	(1,286.01)	Parcel inactive/closed (Illegal tax)
Moch, Kenneth I	317061	2012	682,200	568,300	(1,754.52)	System error- value reverted to previous amount (Clerical error)
Morrison, Sue W Trustee	305732	2012	133,371	0	(1,299.48)	Parcel inactive/closed (Illegal tax)
National Entertainment Network Inc	968800	2012	1,965	0	(30.22)	Assessed in error (Illegal tax)
NC United Methodist Camp & Retreat Ministries Inc	280004	2012	238,251	0	(2,155.21)	Exempt property billed in error (Clerical error)
NC United Methodist Camp & Retreat Ministries Inc	280005	2012	1,000,050	0	(9,046.45)	Exempt property billed in error (Clerical error)
NC United Methodist Camp & Retreat Ministries Inc	280006	2012	1,302,048	0	(11,778.32)	Exempt property billed in error (Clerical error)
NCMIC Finance Corporation	317562	2012	9,646	0	(148.58)	Assessed in error (Illegal tax)
Nissman, Erika F Tr	284186	2012	339,532	0	(3,207.85)	Parcel inactive/closed (Illegal tax)
Nissman, Erika F Trustee	311324	2012	48,651	0	(451.49)	Parcel inactive/closed (Illegal tax)
NM Chapel Watch Village LLC	301923	2012	370,067	0	(4,298.59)	Parcel inactive/closed (Illegal tax)
NM Chapel Watch Village LLC	301922	2012	319,381	0	(3,722.85)	Parcel inactive/closed (Illegal tax)
NM Chapel Watch Village LLC	301924	2012	411,070	0	(4,669.35)	Parcel inactive/closed (Illegal tax)
North Carolina Department Of Transportation	303851	2012	62,900	0	(968.91)	Exempt property billed in error (Clerical error)
Orange County	34909	2012	4,973	0	(76.61)	Exempt property billed in error (Clerical error)
Orange Tennis Shop, LLC	968846	2012	1,680	0	(25.83)	Assessed in error (Illegal tax)
Orange Water & Sewer Authority	50258	2012	62,468	0	(567.18)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	74708	2012	13,181	0	(119.68)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	76538	2012	75,573	0	(686.21)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	76539	2012	75,573	0	(686.21)	Exempt property billed in error (Clerical error)

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Orange Water & Sewer Authority	77753	2012	94,960	0	(861.33)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	80811	2012	70,634	0	(641.36)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	85579	2012	604,195	0	(5,486.09)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	86044	2012	85,706	0	(778.21)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	86159	2012	86,031	0	(781.17)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	87167	2012	248,293	0	(2,254.50)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	87862	2012	313,424	0	(2,845.89)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	88141	2012	299,884	0	(2,722.94)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	89279	2012	166,931	0	(1,515.74)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	106577	2012	239,515	0	(2,174.80)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	114434	2012	27,192	0	(246.91)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	114696	2012	156,349	0	(1,419.64)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	126524	2012	251,196	0	(3,869.42)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	144853	2012	105,562	0	(958.50)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	144920	2012	105,562	0	(958.50)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	159307	2012	33,670	0	(305.73)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	169477	2012	289,876	0	(2,632.08)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	171166	2012	104,937	0	(952.83)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	171778	2012	167,471	0	(1,520.64)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	176029	2012	7,600	0	(69.01)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	177317	2012	171,843	0	(1,560.33)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	189635	2012	512,216	0	(4,650.92)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	189636	2012	362,228	0	(3,289.03)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	196759	2012	189,244	0	(2,128.81)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	199666	2012	326,340	0	(2,963.17)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	202027	2012	286,790	0	(2,661.41)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	208165	2012	317,495	0	(2,882.86)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	238515	2012	222,913	0	(2,024.05)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	242365	2012	306,138	0	(2,779.73)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	242932	2012	221,727	0	(2,013.28)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	242934	2012	1,670	0	(15.17)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	242936	2012	75,251	0	(683.28)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	255562	2012	975,106	0	(8,853.96)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	268594	2012	94,938	0	(881.03)	Exempt property billed in error (Clerical error)
Orange Water & Sewer Authority	268595	2012	481,749	0	(5,419.20)	Exempt property billed in error (Clerical error)
PELCO Enterprises LLC	297174	2012	260,257	250,500	(89.19)	System error- value not updated from assessment to billing (Clerical error)
PELCO Enterprises LLC	297176	2012	258,058	247,500	(96.51)	System error- value not updated from assessment to billing (Clerical error)
Piersma, Harry L	241179	2012	438,300	412,500	(235.84)	System error- value reverted to previous amount (Clerical error)
Pine Field Farm LLC	305410	2012	12,051	0	(132.13)	Assessed in error (Illegal tax)
Pope, Pauline P	208435	2012	209,156	0	(2,062.50)	Parcel inactive/closed (Illegal tax)

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Restaurant Liquid Services LLC	968996	2012	705	0	(6.47)	Assessed in error (Illegal tax)
Rogers, William Larry	78531	2012	40,635	0	(378.56)	Parcel inactive/closed (Illegal tax)
Rogers, William Larry	162319	2012	116,164	0	(1,139.19)	Parcel inactive/closed (Illegal tax)
Rosse, Wendell F	136605	2012	353,006	0	(4,066.79)	Parcel inactive/closed (Illegal tax)
Rosse, Wendell F	136591	2012	107,171	0	(1,292.36)	Parcel inactive/closed (Illegal tax)
Sallie Holt Heirs	306588	2012	67,900	58,900	(81.41)	System error- value not updated from assessment to billing (Clerical error)
Scarlett, John A	249944	2012	67,783	0	(799.10)	Parcel inactive/closed (Illegal tax)
Siemens Healthcare Diagnostics Inc	306111	2012	49,620	0	(764.34)	Assessed in error (Illegal tax)
Smith, Christopher	284662	2012	796,519	649,000	(2,272.38)	System error- value reverted to previous amount (Clerical error)
Spectrasite Communications Inc	249990	2012	66,387	0	(600.54)	Assessed in error (Illegal tax)
Spectrasite Communications Inc	249993	2012	61,305	0	(580.87)	Assessed in error (Illegal tax)
Spectrasite Communications Inc	250001	2012	60,516	0	(555.48)	Assessed in error (Illegal tax)
Steinbicker, Eric David	312504	2012	41,400	0	(375.91)	Parcel inactive/closed (Illegal tax)
Strayhorn, Kenneth E Hrs	321674	2012	332,312	0	(3,243.66)	Parcel inactive/closed (Illegal tax)
Strayhorn, Robert E	952847	2012	2,875	0	(27.24)	Parcel inactive/closed (Illegal tax)
Strayhorn, Robert E	952848	2012	102,017	0	(966.62)	Parcel inactive/closed (Illegal tax)
Tar Heel Sertoma Club of CH-Carrboro Inc	50881	2012	265,519	0	(2,410.91)	Exempt property billed in error (Clerical error)
The New Bakery Company of Ohio Inc	317531	2012	4,369	0	(67.20)	Assessed in error (Illegal tax)
Timepayment Corp	317584	2012	7,566	0	(69.16)	Assessed in error (Illegal tax)
Todd, Leon	186091	2012	500,700	480,000	(231.09)	System error- value reverted to previous amount (Clerical error)
Twin Branch Farms Inc	113866	2012	27,746	0	(251.93)	Parcel inactive/closed (Illegal tax)
TYCO Electronics (AMP)	199574	2012	1,698	1,268	(6.62)	Over assessed (Illegal tax)
Victory Harvest Church Inc	267717	2012	830,662	0	(12,795.48)	Exempt property billed in error (Clerical error)
Ward, Dennis M	183781	2012	13,480	0	(125.58)	Parcel inactive/closed (Illegal tax)
Weingarth Group Inc	280324	2012	2,066	0	(18.97)	Property not located in Orange County (Illegal tax)
Wells Fargo Financial Leasing DBA Wells FSF	250663	2012	8,159	0	(74.89)	Assessed in error (Illegal tax)
White Cross Volunteer Fire Department	202027	2012	286,790	0	(2,661.41)	Exempt property billed in error (System error)
Wilhelm, Markus	302192	2012	1,990,664	1,870,000	(1,332.96)	System error- value reverted to previous amount (Clerical error)
Woods, James Earl Trustee	1005508	2012	3,587,200	34,550	(33,096.49)	System error- value not updated from assessment to billing (Clerical error)
Woods, James Earl Trustee	988825	2012	90,300	2,953	(813.72)	System error- value not updated from assessment to billing (Clerical error)
Woods, Joseph H	288667	2012	89,054	0	(871.04)	Parcel inactive/closed (Illegal tax)
Woods, Ormond	209767	2012	95,304	0	(944.85)	Parcel inactive/closed (Illegal tax)
Wynn, Joseph R	226189	2012	256,595	0	(2,416.16)	Parcel inactive/closed (Illegal tax)
Wynn, Walter T Jr	285468	2012	116,135	0	(1,050.56)	Parcel inactive/closed (Illegal tax)
Xerox Corporation	317903	2012	20,797	0	(197.05)	Assessed in error (Illegal tax)
Zachary, Alfred G	213149	2012	17,925	0	(166.35)	Parcel inactive/closed (Illegal tax)
				Total	**(343,602.38)**	

ORD-2012-038

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 5-e

SUBJECT: Fiscal Year 2012-13 Budget Amendment # 2

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Attachment 1. Budget as Amended Spreadsheet
Attachment 2. Year-To-Date Budget Summary

INFORMATION CONTACT:
Clarence Grier, (919) 245-2453

PURPOSE: To approve budget, grant, and capital project ordinance amendments for fiscal year 2012-13.

BACKGROUND:

Department of Social Services

1. The Department of Social Services has received additional revenue for the following programs:

   - **Child Day Care** – receipt of $1,313,804 to provide childcare services and subsidies to low-income families, as well as an allocation of $50,535 to cover administration costs. The total additional revenue received is $1,364,339. The FY 2012-13 Approved Budget included Child Day Care funds of $1,283,804 for the period of July through September 2012, with the anticipation that the State would start administering this program effective October 1, 2012. The receipt of these additional funds will cover costs through December 31, 2012, with anticipation that the State will start administering the program on January 1, 2013.
   - **Orange County Community Response Program** – At its August 21, 2012 meeting, the Board of County Commissioners accepted grant funds totaling $45,000, for the Orange County Community Response Program, from the Orange County Partnership for Young Children.
   - **Smart Start Enhancement Program** – receipt of $255,000 to continue administering the Smart Start Subsidized Child Care program, which the department began effective February 1, 2011. These enhancement funds will be paid directly to child care providers.

This budget amendment provides for the receipt of the above mentioned funds. *(See Attachment 1, column 1)*

- **General Assistance Donations** – receipt of $726, given by Orange County citizens, for the special needs of clients, including seniors, throughout the year. These funds are budgeted in a special Adoption Enhancement Fund, outside of the General Fund.

Health Department

2. The Health Department has received notification from the State of an additional $1,500 in Aid to County funds for Diabetes Capacity Building. These funds will be used for expenses related to the American Diabetes Association standards of care for diabetes self-management programs, including travel expenses, continuing education, and educational supplies. This budget amendment provides for the receipt of these additional funds. *(See Attachment 1, column 2)*

3. The Health Department has received State notification of reduced FY 2012-13 funding, totaling $11,229, for the Orange County Reducing Health Disparities Grant. The Board of County Commissioners originally approved a grant project ordinance in an anticipated award amount of $76,996 at its February 21, 2012 meeting. This budget amendment provides for the reduction of State funding, and amends the Grant Project Ordinance as follows: *(See Attachment 1, column 3)*

Orange County Reducing Health Disparities Grant: (Project #71125)

Revenues for this project:

	FY 2012-13 Current Budget	FY 2012-13 Amendment	FY 2012-13 Revised
Health Disparities Award	$78,996	$(11,229)	$67,767
Total Project Funding	**$78,996**	**$(11,229)**	**$67,767**

Appropriated for this project:

	FY 2012-13 Current Budget	FY 2012-13 Amendment	FY 2012-13 Revised
Health Disparities Grant	$78,996	$(11,229)	$67,767
Total Costs	**$78,996**	**$(11,229)**	**$67,767**

4. The Health Department has received notification of its FY 2010-11 Medicaid Maximization Cost Settlement funds totaling $1,062,033. The Board of County Commissioners established a Medicaid Maximization Capital Project Ordinance in 1998 to allow for the receipt and use of these funds. The intent was to save and utilize the funds for renovation, capital building, equipment, and furnishings as needed by health and dental programs, thereby assisting the County in meeting service obligations to residents. In accordance with Federal and State regulations, these funds must be

budgeted and expended to further the objectives of the program that generates the funds.

Related to the Medicaid Maximization funds, the Health Department requests the use of a portion of these funds ($22,700) for the following two departmental projects:

- **Innovations Project ($20,000)** – this project, established by the Board of Health as a result of the 2011 Community Health Assessment, will fund innovative projects and activities to address priority health issues in the community, such as Access to Care, Childhood and Family Obesity, and Substance Abuse/Mental Health.
- **Accreditation Project ($2,700)** – the department will be seeking re-accreditation this fiscal year. Although funding for accreditation was eliminated by the State this year, it is still a required standard for all health departments. These funds will be used to cover the re-accreditation fee no longer covered by the State.

Both of these projects qualify for the use of Medicaid Maximization funds as stated above. This budget amendment provides for the receipt of the additional funds, allows for the use of a portion of Medicaid Maximization funds for two departmental projects within the General Fund, and amends the Capital Project Ordinance as follows: *(See Attachment 1, column 4)*

Medicaid Maximization: (Project #30012)

Revenues for this project:

	FY 2012-13 Current Budget	FY 2012-13 Amendment	FY 2012-13 Amendment	FY 2012-13 Revised
Medicaid Maximization Funds	$2,884,809	$1,062,033	($22,700)	$3,924,142
Total Project Funding	**$2,884,809**	**$1,062,033**	**($22,700)**	**$3,924,142**

Appropriated for this project:

	FY 2012-13 Current Budget	FY 2012-13 Amendment	FY 2012-13 Amendment	FY 2012-13 Revised
Medicaid Maximization Project	$2,884,809	$1,062,033	($22,700)	$3,924,142
Total Costs	**$2,884,809**	**$1,062,033**	**($22,700)**	**$3,924,142**

Board of Elections

5. The Orange County Board of Elections has received notification of grant funds totaling $12,012, from the NC State Board of Elections, to make all polling locations accessible to voters with disabilities. The department will use the funds for infrastructure modifications (e.g. ramps, devices to alert curbside voters, handrails), per the proposal in their grant application. This budget amendment provides for the receipt of these grant funds for the above stated purpose. *(See Attachment 1, column 5)*

Planning/Inspections & Orange Public Transportation

6. At its August 21, 2012 meeting, the Board of County Commissioners directed staff to bring back an amendment to the Orange Public Transportation (OPT) budget for the receipt of additional North Carolina Department of Transportation Rural Operating Assistance Program (ROAP) funds of $12,713 for FY 2012-13. In reviewing the approved budgets in OPT for FY 2012-13, staff has determined that the amount of additional ROAP funds should instead be $52,274. Funding was awarded to Orange County through a formula allocation to support the temporary personnel and operational expenses incurred in providing medical transportation to the elderly and disabled residents and rural public ridership. This budget amendment provides for the receipt of these additional funds. *(See Attachment 1, column 6)*

7. On December 6, 2010, the Board of County Commissioners approved an updated Interlocal Agreement for implementation of the National Pollutant Discharge Elimination System (NPDES) program for the Town of Hillsborough. In accordance with this agreement, the County provides services to develop and implement the Town's stormwater program in return for monetary compensation. This budget amendment provides for the receipt of the 1st - 3rd Quarter installment payments, totaling $60,525, for the period October 1, 2011 – June 30, 2012, and amends the current NPDES Grant Project Ordinance as follows: *(See Attachment 1, column 7)*

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Town of Hillsborough	$394,000	$60,525	$454,525
Total Project Funding	**$394,000**	**$60,525**	**$454,525**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
NPDES Program	$394,000	$60,525	$454,525
Total Costs	**$394,000**	**$60,525**	**$454,525**

The Department of Environment, Agriculture, Parks and Recreation (DEAPR)

8. On June 30, 2012, the Department of Environment, Agriculture, Parks and Recreation (DEAPR) had unspent facility rental fees, totaling $2.100, generated from the caretaker's residence at Little River Park. During FY 2011-12, these funds were earmarked as deferred revenue, for use in FY 2012-13, for equipment repairs to the residence. In FY 2012-13, DEAPR has also received additional rental revenue, totaling $800, for repairs to the residence. This budget amendment provides for the receipt and budgeting of these funds, totaling $2,900, in FY 2012-13. *(See Attachment 1, column 8)*

FINANCIAL IMPACT: Financial impacts are included in the background information above.

RECOMMENDATION(S): The Manager recommends the Board approve budget, grant, and capital project ordinance amendments for fiscal year 2012-13.

Attachment 1. Orange County Proposed 2012-13 Budget Amendment

The 2012-13 Orange County Budget Ordinance is amended as follows:

	Original Budget	Encumbrance Carry Forwards	Budget as Amended Through BOA #1	#1 Receipt of State funds for Child Day Care Services ($1,313,804), Day Care Administration costs ($50,535), grant funds for the Orange County Community Response Program ($45,000), and additional Smart Start Enhancement funds ($255,000)	#2 Receipt of additional Health Department revenue, from the State, for Diabetes Capcaity Building ($1,500)	#3 Notification of reduced Health Department revenues for the Orange County Health Disparities Grant ($11,229)	#4 Use of Medicaid Maximization funds for two Health Department projects: Innovations Project ($20,000) and Accreditation Project ($2,700)	#5 Receipt of State funds, by the Board of Elections, for increased accessibility at polling locations ($12,012)	#6 Additional Rural Operating Assistance Program (ROAP) funds for transportation assistance ($52,274)	#7 Receipt of Planning Department revenue from the County's interlocal, stormwater agreement, with the Town of Hillsborough ($60, 525)	#8 Deferred DEAPR revenue fees, from FY 2011-12 and additional rental revenue, in FY 2012-13, for repairs to Little River Park's caretaker residence ($2,900).	Budget as Amended Through BOA #2
General Fund												
Revenue												
Property Taxes	$ 136,928,193	$ -	$ 136,928,193	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 136,928,193
Sales Taxes	$ 15,742,304	$ -	$ 15,742,304	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 15,742,304
License and Permits	$ 313,000	$ -	$ 313,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 313,000
Intergovernmental	$ 13,595,810	$ -	$ 13,682,475	$ 1,664,339	$ 1,500	$ -	$ -	$ 12,012	$ 52,274	$ -	$ -	$ 15,412,600
Charges for Service	$ 9,292,257	$ -	$ 9,292,257	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,900	$ 9,295,157
Investment Earnings	$ 105,000		$ 105,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 105,000
Miscellaneous	$ 798,340		$ 826,612									$ 826,612
Transfers from Other Funds	$ 1,040,000		$ 1,040,000				$ 22,700					$ 1,062,700
Fund Balance	$ 2,187,872		$ 2,287,296									$ 2,287,296
Total General Fund Revenues	$ 180,002,776	$ -	$ 180,217,137	$ 1,664,339	$ 1,500	$ -	$ 22,700	$ 12,012	$ 52,274	$ -	$ 2,900	$ 181,972,862
Expenditures												
Governing & Management	$ 15,339,623	$ -	$ 15,316,376	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 15,316,374
General Services	$ 17,910,408	$ -	$ 17,959,735	$ -	$ -	$ -	$ -	$ 12,012	$ -	$ -	$ -	$ 17,971,747
Community & Environment	$ 5,851,987	$ -	$ 5,851,987	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,900	$ 5,854,887
Human Services	$ 30,711,556	$ -	$ 30,874,337	$ 1,664,339	$ 1,500	$ -	$ 22,700	$ -	$ 52,274	$ -	$ -	$ 32,615,152
Public Safety	$ 20,121,532	$ -	$ 20,147,032	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 20,147,032
Culture & Recreation	$ 2,332,405	$ -	$ 2,332,405	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,332,405
Education	$ 82,300,134		$ 82,300,134	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 82,300,134
Transfers Out	$ 5,435,131		$ 5,435,131	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 5,435,131
Total General Fund Appropriation	$ 180,002,776	$ -	$ 180,217,137	$ 1,664,339	$ 1,500	$ -	$ 22,700	$ 12,012	$ 52,274	$ -	$ 2,900	$ 181,972,862
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

Attachment 1. Orange County Proposed 2012-13 Budget Amendment

The 2012-13 Orange County Budget Ordinance is amended as follows:

	Original Budget	Encumbrance Carry Forwards	Budget as Amended Through BOA #1	#1 Receipt of State funds for Child Day Care Services ($1,313,804), Day Care Administration costs ($50,535), grant funds for the Orange County Community Response Program ($45,000), and additional Smart Start Enhancement funds ($255,000)	#2 Receipt of additional Health Department revenue, from the State, for Diabetes Capcaity Building ($1,500)	#3 Notification of reduced Health Department revenues for the Orange County Health Disparities Grant ($11,229)	#4 Use of Medicaid Maximization funds for two Health Department projects: Innovations Project ($20,000) and Accreditation Project ($2,700)	#5 Receipt of State funds, by the Board of Elections, for increased accessibility at polling locations ($12,012)	#6 Additional Rural Operating Assistance Program (ROAP) funds for transportation assistance ($52,274)	#7 Receipt of Planning Department revenue from the County's interlocal, stormwater agreement, with the Town of Hillsborough ($60, 525)	#8 Deferred DEAPR revenue fees, from FY 2011-12 and additional rental revenue, in FY 2012-13, for repairs to Little River Park's caretaker residence ($2,900).	Budget as Amended Through BOA #2
Grant Project Fund												
Revenues												
Intergovernmental	**$ 175,584**		**$ 176,992**			**$ (11,229)**				**$ 60,525**		**$ 226,288**
Charges for Services	**$ 24,000**		**$ 24,000**									**$ 24,000**
Transfer from General Fund	**$ 71,214**		**$ 71,214**									**$ 71,214**
Miscellaneous	**$ -**		**$ -**									**$ -**
Transfer from Other Funds	**$ -**		**$ -**									**$ -**
Appropriated Fund Balance	**$ -**		**$ -**									**$ -**
Total Revenues	**$ 270,798**	**$ -**	**$ 272,206**	**$ -**	**$ -**	**$ (11,229)**	**$ -**	**$ -**	**$ -**	**$ 60,525**	**$ -**	**$ 321,502**
Expenditures												
NCACC Employee Wellness Grant			$ -									$ -
Governing and Management	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
NPDES Grant (Multi-year)		**$ -**	$ -							**$ 60,525**		$ 60,525
NC Tomorrow CDBG (Multi-year)		**$ -**	$ -									$ -
Growing New Farmers Grant			$ -									$ -
Community and Environment	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 60,525**	**$ -**	**$ 60,525**
Child Care Health - Smart Start	$ 63,588		$ 64,996									$ 64,996
Scattered Site Housing Grant			$ -									$ -
Carrboro Growing Healthy Kids Grant			$ -									$ -
Healthy Carolinians			$ -									$ -
Health & Wellness Trust Grant			$ -									$ -
Senior Citizen Health Promotion(Wellness)	$ 98,604		$ 98,604									$ 98,604
Dental Health - Smart Start			$ -									$ -
Intensive Home Visiting			$ -									$ -
Human Rights & Relations HUD Grant			$ -									$ -
Senior Citizen Health Promotion (Multi-Yr)			$ -									$ -
SeniorNet Program (Multi-Year)			$ -									$ -
Enhanced Child Services Coord -SS			$ -									$ -
Diabetes Education Program (Multi-Year)			$ -									$ -
Specialty Crops Grant			$ -									$ -
Local Food Initiatives Grant			$ -									$ -
Reducing Health Disparities Grant (Multi-Y	**$ 78,996**		$ 78,996			(11,229)						$ 67,767
FY 2009 Recovery Act HPRP			$ -									$ -
Human Services	**$ 241,188**	**$ -**	**$ 242,596**	**$ -**	**$ -**	**$ (11,229)**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 231,367**
Criminal Justice Partnership Program	$ 29,610		$ 29,610									$ 29,610
Hazard Mitigation Generator Project			$ -									$ -
Buffer Zone Protection Program			$ -									$ -
800 MHz Communications Transition			$ -									$ -
Secure Our Schools - OCS Grant			$ -									$ -
Citizen Corps Council Grant			$ -									$ -
COPS 2008 Technology Program			$ -									$ -
COPS 2009 Technology Program			$ -									$ -
EM Performance Grant			$ -									$ -
2010 Homeland Security Grant - ES			$ -									$ -
2011 Homeland Security Grant - ES			$ -									$ -
Justice Assitance Act (JAG) Program			$ -									$ -
Public Safety	**$ 29,610**	**$ -**	**$ 29,610**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 29,610**
Total Expenditures	**$ 270,798**	**$ -**	**$ 272,206**	**$ -**	**$ -**	**$ (11,229)**	**$ -**	**$ -**	**$ -**	**$ 60,525**	**$ -**	**$ 321,502**

Year-To-Date Budget Summary

Attachment 2

Fiscal Year 2012-13

General Fund Budget Summary

Original General Fund Budget	$180,002,776
Additional Revenue Received Through Budget Amendment #2 (September 18, 2012)	
Grant Funds	$99,012
Non Grant Funds	$1,771,650
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	
General Fund - Fund Balance Appropriated to Cover Unanticipated Expenditures	$99,424
Total Amended General Fund Budget	**$181,972,862**
Dollar Change in 2012-13 Approved General Fund Budget	$1,970,086
% Change in 2012-13 Approved General Fund Budget	1.09%

Paul Laughton:
$24,597 to cover remaining costs of Pay and Class Study allocation; $49,327 to cover 2nd Primary Election costs (BOA #1); $25,500 to cover Sheriff Office vehicle purchase (BOA #1)

Authorized Full Time Equivalent Positions

Original Approved General Fund Full Time Equivalent Positions	801.425
Original Approved Other Funds Full Time Equivalent Positions	86.750
Position Reductions during Mid-Year	
Additional Positions Approved Mid-Year	
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2012-13	**888.175**

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 5-f

SUBJECT: Approval of Financing Arrangement for Efland Volunteer Fire Company, Inc. to Purchase a Fire Engine Truck

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

Attachment 1. Letter from Efland Volunteers Fire Company, Inc. Board of Directors Chair

Attachment 2. August 16, 2012 Public Hearing Notice

Attachment 3. Notes from the August 16, 2012 Public Meeting

Attachment 4. Fire Service Agreement

Attachment 5. Certificate of Approval

INFORMATION CONTACT:
Clarence Grier, (919) 245-2453

PURPOSE: To approve a request from Efland Volunteer Fire Company, Inc. to enter into a financing arrangement to purchase a fire truck and authorize the Board of County Commissioners' Chair to sign the appropriate documents related to the financing arrangement.

BACKGROUND: In the attached letter (Attachment 1) addressed to the Orange County Budget Office, Ronnie McAdams, Chairman of the Efland Volunteer Fire Company, Inc. indicated the Company's intent to purchase a new fire truck. Mr. McAdams confirmed that the Company went through a competitive bid process and awarded the bid to Ferrara Fire Apparatus, Inc. in Holden, Louisiana. Projected delivery date of the truck is November 2012.

According to Attachment 1, the purchase price of the truck totals $408,941. The Company's Board of Directors agreed to borrow $250,000 from Branch Banking and Trust Company (BB&T), and to pay the remaining $158,941 from the Company's capital reserves as well as $45,000 from its County-held fund balance. With this appropriation, approximately $5,000 remains in its County-held fund balance.

Section 147 of the Internal Revenue Code of 1986 outlines specific steps that must occur when a tax supported fire department enters into a financing arrangement.

- **Conduct a public hearing** – On August 16, 2012, the department held a public hearing regarding the purchase. The Department advertised the hearing in the News of Orange (Attachment 2 of this abstract). Per the Attachment 3 of this abstract, no residents were present at the hearing and the Department did not receive any written comments from residents of the district.

- **Obtain approval of the "applicable elected representatives"** – In accordance with Section 147, the Board of County Commissioners must approve the District's plan to enter into the debt arrangement. This approval does not create liability on the part of Orange County nor does it make the County responsible for the repayment of any debt assumed by the fire district. The approval provides a mechanism for the Commissioners to acknowledge that, through this financing arrangement, Efland Volunteer Fire Company, Inc. is pledging use of the District's tax dollars to repay the loan. In order to comply with this IRS requirement, the Chair of the Board of Commissioners must sign the Fire Service Agreement (Attachment 4) and Certificate of Approval (Attachment 5).

FINANCIAL IMPACT: The interest rate for the 5-year note with BB&T is 2.33 percent with annual payments of $53,548.65. The total repayment, including principal and interest, equals $267,743.25. These figures may vary slightly depending upon the actual loan closing date.

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

1. Approve Efland Volunteer Fire Company, Inc.'s purchase of a fire truck;
2. Appropriate $45,000 from the Company's unassigned fund balance; and
3. Approve and authorize the Board of Commissioners' Chair to sign the appropriate documents related to the financing arrangement.

Attachment 1

July 19, 2012

Efland Volunteer Fire Co., Inc
PO Box 39
Efland, NC 27243

Orange County Budget Office
PO Box 8181
Hillsborough, NC 27278

Re: Accumulated Fund Balance

As Chairman of the Board of Directors of the Efland Volunteer Fire co, Inc. I am requesting that all of the June 30, 2012 fund balance be released to our fire department as soon as possible. This money will be used to offset the cost of a new rescue/pumper which we are in the process of ordering. We expect to take delivery sometime in October of 2012. This truck has a contract price of $408,941.00 which we plan to pay for with the fund balance, accumulated reserves and a loan for the balance of $250,000. This truck will supplement our truck inventory keeping it up to date and enhance our ability to perform vehicle rescue operations.

Because the well being of the citizens of Efland fire district and the safety of the fire fighters are of the utmost importance to the Board of Directors, we respectfully request the fund balance for the purchase of the rescue/pumper. Be receiving the fund balance, the amount of the loan necessary to pay for the balance of the truck will be reduced. This will enable the department to continue to run on a solid financial base with their regular operating budget.

Thank you in advance for your time in this matter.

Sincerely, Ron L McAdams Sr

Ronnie L. McAdams, Sr
Chairman, Board of Directors
Efland volunteer Fire Co, Inc.

Attachment 2

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the Efland Volunteer Fire Company, Inc. will meet on Thursday, August 16 2012 at the Volunteer Fire Department located at 3900 U.S. 70 West, Efland, NC., 27243 at 7:00 p.m., in a public hearing pursuant to the requirements of section 147(f) of the Internal Revenue Code of 1986, as amended, on a proposal that the Lessee enter into a Lease-Purchase agreement under the "Code" in order to finance the acquisition of equipment. The equipment to be financed consists of a Fire Engine (the "Equipment") and will be located at the firehouse in Efland, NC. To finance the costs of such equipment and to pay costs and expenses incidental to the financing, the Lessee proposes to enter into the Lease-Purchase agreement in the maximum aggregate principal amount of $250,000.00. The Lessee will be required to pay all expenses of the operating, maintaining, and insuring the Project and to pay all taxes on the Equipment. The rental payments due pursuant to the Lease-purchase agreement will be payable and secured by a security interest lien on the Equipment above here mentioned. All persons interested may appear and be at said time and place or may file written comments with the department prior to the hearing set forth herein above, 8/16/12.

By order of the Efland Volunteer Fire Company, Inc

July 19, 2012.

Attachment 3

Aug 17, 2012

Efland Volunteer Fire Co., Inc.
PO Box 39, Efland NC 27243

Public Notice Meeting
August 16, 2012

Attending: Peter D. Hallenbeck, Assistant Chief

Call to Order: P. Hallenbeck, 7:00 PM

Public meeting to discuss the purchase of a new Engine. There were no other people present.

Adjourned at 7:30 PM

Peter D. Hallenbeck
Deputy Chief
Efland Volunteer Fire Co, Inc.

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, Marsha H. Efland, Notary Public of the aforesaid County and Sate, do hereby certify that Peter D. Hallenbeck, personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and seal, this 17th day of August, ~~2007~~ 2012

MARSHA H. EFLAND NOTARY PUBLIC ORANGE COUNTY, NC

Marsha H. Efland
NOTARY PUBLIC

Marsha H. Efland
PRINT OR TYPE NAME OF NOTARY

My commission expires: 10-18-2013

Attachment 4

Fire Service Agreement

This agreement, dated this ____ day of _____, 20____, by and between Efland Volunteer Fire Company, Inc., a body corporate organized under the Laws of the State of North Carolina, the ("Fire Department"), and Orange County, a body politic, the ("Political Subdivision").

WHEREAS, Fire Department is a not for profit organization duly authorized for the purpose of providing firefighting services in an area within the jurisdiction of the Political Subdivision; and,

WHEREAS, the parties wish to enter into an agreement setting forth the area and duties of the Fire Department.

NOW THEREFORE, the Fire Department and Political Subdivision do hereby agree as follow:

1. Political Subdivision recognizes that Fire Department provides firefighting services to the hereafter generally described area or areas:
2. The area in which Fire Department has primary firefighting responsibilities (area of responsibility) is Efland Fire District.
3. Political Subdivision shall not be liable or responsible for the conduct and activities of Fire Department.

IN WITNESS WHEREOF, the parties have had this agreement executed by duly authorized representatives thereof.

Efland Volunteer Fire Company, Inc.

By _____

Name _____

Title _____

Orange County

By _____

Name _____

Title _____

Attachment 5

Certificate of Approval

Approval of Chief Elected Official of Orange County

I, _____ chair of the Board of County Commissioners of Orange County, pursuant to the Internal Revenue Code of 1986, as amended (the “Code”) hereby approve, authorize the entering into by Efland Volunteer Fire Company, Inc. a commercial loan by Branch Banking and Trust Company (BB&T) for the amount of $250,000 to finance a fire engine truck to be located in Efland, NC 27243.

Execution of this document in no way creates liability on the part of Orange County and Orange County is not responsible for the repayment of any loan pursuant hereto.

By: _____

Title _____

Date _____

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 5-g

SUBJECT: Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendment Schedule for November 2012 Joint Quarterly Public Hearing – Outdoor Lighting

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

1. Comprehensive Plan and Unified Development Ordinance Amendment Outline Form (Zoning 2012-014)

INFORMATION CONTACT:

Michael D. Harvey, Planner III, 245-2597
Craig Benedict, Director, 245-2575

PURPOSE: To consider and approve the process components and schedule for a Planning Director initiated Unified Development Ordinance (UDO) text amendment for the November 19, 2012 Quarterly Public Hearing regarding amendments to existing outdoor lighting regulations.

BACKGROUND: During the initial development phase of the UDO, several suggested modifications were received from Planning Board and BOCC members on possible changes to existing outdoor lighting regulations. These suggestions were tabled and incorporated into the UDO Implementation Bridge for future consideration. Staff believes the County has reached a point where these amendments can be incorporated into the UDO. Please refer to Section B.1 of Attachment 1 for additional information.

FINANCIAL IMPACT: Please refer to Section C.3 of Attachment 1.

RECOMMENDATION(S): The Manager recommends the Board approve the attached Amendment Outline form contained within Attachment 1 and direct staff to proceed accordingly.

COMPREHENSIVE PLAN/ FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTOUTLINE

UDO / Zoning-2012-014

Amendment(s) addressing outdoor lighting

A. AMENDMENT TYPE

Map Amendments

☐ Land Use Element Map:
From: ---
To: ---

☐ Zoning Map:
From:- --
To:---

☐ Other:

Text Amendments

☐ Comprehensive Plan Text:
Section(s):

☒ UDO Text:

☐ UDO General Text Changes
☒ UDO Development Standards
☐ UDO Development Approval Processes

Section(s):
1. Section 6.11 – *Outdoor Lighting;* and
2. Article 10 – *Definitions*

☐ Other:

B. RATIONALE

1. **Purpose/Mission**

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated a text amendment to modify existing language relating to the regulation of

outdoor lighting fixtures within the county.

Revisions to outdoor lighting regulations had been authorized for inclusion into the initial UDO development. However, due to time constraints, staff was unable to incorporate some of the recommended revisions into the adopted UDO. Staff has now been able to complete these revisions.

While several modifications to existing lighting standards were made as part of the initial UDO, several key areas of concern were slated for additional study and future consideration.

These areas of concern, as detailed within the UDO Implementation Bridge, were intended to be addressed during a future UDO amendment process. At this time, staff believes there is an opportunity to address the majority of these comments and make recommended revisions.

Through this process, staff is proposing to modify the UDO to:

1. Modify and clarify existing regulations to address inconsistencies identified by the Planning Board at its October 7, 2009 regular meeting and as contained within the UDO Implementation Bridge.

2. Add new definitions of light trespass, mercury vapor luminaire, light pollution, etc. to Article 10.

2. Analysis

As required under Section 2.8.5 of the Orange County Unified Development Ordinance, the Planning Director is required to: '*cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners'*.

The required analysis will be completed before the public hearing and will be part of the quarterly public hearing materials.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

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.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

September 18, 2012

b. Quarterly Public Hearing

November 19, 2012

c. BOCC Updates/Checkpoints

September 5, 2012 - BOCC members receive materials to be reviewed by the Planning Board's Ordinance Advisory Committee (ORC) as part of the Planning Board packets sent to all BOCC members each month
October 16, 2012 – Approval of legal ad
January 2013 – receive Planning Board recommendation

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

a. Planning Board Review:

September 5, 2012 – Ordinance Review Committee (ORC).

December 5, 2012 - January 2, 2013 (recommendation)

b. Advisory Boards:

c. Local Government Review:

Courtesy Review – Town(s) of Chapel Hill, Carrboro, Hillsborough, City of Mebane

d. Notice Requirements

Legal advertisement will be published on.

e. Outreach:

- ☐ General Public:
- ☐ Small Area Plan Workgroup:
- ☐ Other:

3. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2012-13 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

The amendments are in response to previously identified and suggested modifications to outdoor lighting regulations that were not incorporated into the initial UDO development project.

The purpose of the proposed amendments is to further identify and define limits of outdoor lighting to address the inherent conflict created by the need to illuminate a property for commerce, public safety and security purposes against the need to protect adjacent property owners from unnecessary impact.

The anticipated result of the amendments if to provide greater opportunity to address light pollution throughout the County and incorporate suggested revisions made during the initial UDO development phase.

E. SPECIFIC AMENDMENT LANGUAGE

Available as part of public hearing materials.

Primary Staff Contact:
Michael D. Harvey

Planning

(919) 245-2597

mharvey@co.orange.nc.us

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 5-h

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, including Amendment #1
2. Contract Amendment #3
   a. Original Buckhorn-Mebane Bidding and Construction Management Proposal
   b. Revised Construction Management and Inspection Costs
3. Map 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 Contract Amendment #3 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: This amendment will add construction-phase engineering management, contract administration and inspection to the original contract. 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).

On August 3, 2012, HUA sent Orange County a proposal for bid coordination, construction management and inspection for the Buckhorn-Mebane Phase 2 Utilities project (Attachment 2a included to describe the scope of work proposed). The BOCC approved Contract Amendment #2.1 to add the bid coordination portion of this proposal to HUA's original contract at the September 6, 2012 regular meeting. At that time, County staff was still in negotiation regarding the construction administration and inspection portion of the HUA proposal. The result of this negotiation was a reduced anticipated construction administration cost, which is shown in Attachment 2b, and will replace the amounts shown in Attachment 2a for construction administration and inspection.

As a summary, the following is the list of amendments and amounts for this contract to date:

Original contract (11/2010)	$192,000
Gravity design option	$ 8,000

Amendment #1 (6/2012) – Easement Plats & Coordination	$ 30,500
Amendment #2.1 (9/6/2012) – Bid documents and coordination	$ 16,000
Amendment #2.2 (9/6/2012) – Efland flow to Mebane design	$151,600
Amendment #3 (Pending) – Construction inspection and admin.	$193,000

The difference between the original cost proposal for Contract Amendment #3 and the revised cost proposal is a reduced engineering inspection presence from HUA. The contract administration elements of the project are largely unchanged. Staff believes that the nature of the project and the availability of both County staff and City of Mebane staff to provide construction oversight warranted the reduction in oversight by HUA.

At this time it is anticipated that all phases of the project listed in the cost proposal will be constructed as part of the same project, which would make the amendment cost for these services $193,000 as shown on Attachment 2b. The project is currently out for bid. Once the actual construction costs for the project are known, the total scope of the project may have to change depending on the low bid's comparison with the project construction budget. If the project scope changes significantly, the proposed cost for construction oversight may need to be renegotiated at that point.

FINANCIAL IMPACT: Approval of Contract Amendment #3 will add $193,000, or less than 4% of the project construction estimate, to the existing contract. As noted above, this amount could change depending on the construction bids the County receives for this project. Funds are allocated within the 2012-2013 Capital Investment Plan (CIP) and funded through one-quarter cent (1/4¢) sales tax revenue.

RECOMMENDATION(S): The Manager recommends the Board:

1. Approve Contract Amendment #3;
2. Authorize the Chair to sign on behalf of Orange County; and
3. Authorize the Manager to negotiate and sign any changes to the cost of this amendment that may arise once the actual construction cost and scope are known.

Attachment 1

[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)

Task	Milestone Date		
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 Risk Manager 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:

By: _____, Chair
Orange County Board of Commissioners

Attest: _____
Donna Baker, Clerk to the Board

[SEAL]

PROVIDER:

By: _____
Printed Name and Title
Bill Lester, Jr., PE
Governmental Division Manager

_____
Fred M. Hobbs, P.E., President

HOBBS, UPCHURCH & ASSOCIATES, P.A. 1983 SEAL N.C.

This instrument has been approved as to technical content.

_____
Planning and Inspections, Department Director

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Office of the Finance Director

This instrument has been approved as to form and legal sufficiency.

_____
Office of the County Attorney

NORTH CAROLINA

CONTRACT AMENDMENT #1

ORANGE COUNTY

This Contract Amendment ("Amendment") is made and entered into by and between Orange County (the "County") and Hobbs, Upchurch, & Associates, P.A. (the "Provider") together (the "Parties").

WITNESSETH

WHEREAS, the County and Provider entered into a contract dated November 4, 2010, the Buckhorn-Mebane EDD Water and Sewer Extension Project-Phase II (hereinafter the "Original Agreement"); and

WHEREAS, pursuant to section 5(b) the Board of County Commissioners voted to pursue the gravity sewer design modification and the Provider has submitted a revised cost estimate which keeps the Original Agreement contract price of $200,000; and

WHEREAS, the County and Provider desire to amend the Original Agreement, while keeping in effect all terms and conditions of the Original Agreement not inconsistent with the terms and conditions set forth below.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements made herein, the parties agree to amend the Original Agreement as follows:

Section 3(a)(ii) is modified as follows:

Task 8. Submit Final Design for Permitting Agency Approval	6/30/2012
Task 9. Finalize Project – Receive Permitting Approvals from State	9/30/2012
Task 11. Easement Mapping and Acquisition Coordination	9/30/2012

Section 1(a) is modified to add a new sub-section v as follows:

v) Provider has submitted a proposal to provide additional services on this project related to easement identification, surveying, mapping and coordination of easement acquisition (Collectively referred to as Easement Mapping and Acquisition Coordination) to include owner contact, negotiation and easement appraisal services. Their letter of proposal, dated January 13, 2012, is attached and is incorporated into this Amendment. The additional costs associated with these services are as follows:

Easement Maps and Descriptions:	$18,500
Easement Negotiations:	$12,000

Easement Appraisals:	Reimbursement to Provider for direct costs.

Except for the changes made herein, the Original Agreement shall remain in full force and effect to the extent it is not inconsistent with this Amendment. In the event that there is a conflict between the terms of the Original Agreement and the terms of this Amendment, this Amendment shall control.

IN WITNESS WHEREOF, the Parties, by and through their authorized agents, have hereunder set their hands and seal, all as of the day and year first above written.

ORANGE COUNTY:

By: _____
~~Bernadette Pelissier~~ Pam Hemminger
Vice Chair Orange County Board of Commissioners

PROVIDER:

By: _____
Fred M. Hobbs, PE, President
Printed Name and Title

Attest: _____
Donna Baker, Clerk to the Board

[SEAL]

This instrument has been approved as to technical content.

_____
Craig Benedict, Department Director

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Office of the Finance Director

This instrument has been approved as to form and legal sufficiency.

_____
Office of the County Attorney

Hobbs Upchurch Associates
engineering | planning | surveying

January 13, 2012

Mr. Craig Benedict
Orange County Planning & Inspection
131 W. Margaret Lane
Hillsborough, NC 27278

RE: Buckhorn-Mebane BDD
Easement Plats/Acquisitions

Dear Mr. Benedict:

Per your request, Hobbs, Upchurch & Associates, P.A. (HUA) is pleased to offer our services to Orange County for preparing all easements and assisting in the procurement of the required easements for construction. We offer our services to Orange County as follows:

- **Easement Maps and Descriptions**
  HUA will provide all necessary field surveying, deed research, mapping and technical services for the completion of detailed maps and legal description for each property. For each property, HUA will provide an easement map to scale on legal size paper along with a certified legal description for use in preparing the easement. HUA will provide these services for all of the properties required to complete the above referenced project for a fee of EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS ($18,500.00).

- **Easement Negotiations**
  HUA staff will provide coordination and assist Orange County in delivery, explanation and coordination for obtaining all easements on the project. These services will include group meetings and individual meetings as required in coordination with the County Attorney for obtaining the easements. HUA proposes to do this work for a lump sum amount estimated to be TWELVE THOUSAND DOLLARS ($12,000.00).

  If any properties should require additional meetings or extra coordination, HUA will complete that work at our hourly rates.

- **Appraisals**
  Upon determination of how many properties Orange County will require appraisals for; HUA will coordinate the appraisal services and a cost for same to the County. Appraisals on certain properties may require varying amounts of detail and review, including review appraisals. The actual cost of appraisals will be forthcoming based on the actual need and further discussions with potential appraisers.

HUA would like to thank Orange County for this opportunity to continue to provide services for this project and we look forward to working toward this next phase of this project.

If you have any questions, please do not hesitate to contact this office.

Sincerely,
HOBBS, UPCHURCH & ASSOCIATES, P.A.

Bill Lester, Jr., P.E.

Hobbs Upchurch Associates
engineering | planning | surveying

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 entirely, or in segments. As such, if the project should be constructed in its entirely 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

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.

8.3.12

NORTH CAROLINA PROFESSIONAL SEAL 17651 ENGINEER BILL LESTER, JR.

RECEIVED
AUG 08 2012
BY:

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

Item Description	Quantity	Unit	Unit Price	Extended Price
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
Subtotal Construction Cost				$1,363,580.00
Construction Contingency				$137,000.00
Construction Administration / Inspection				$82,000.00
Total Project Cost				**$1,582,580.00**

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

Description of Item	Quantity	Unit	Unit Price	Extended Price
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
Subtotal Construction Cost				$1,358,965.00
Construction Contingency				$136,000.00
Construction Administration / Inspection				$82,000.00
Total Project Cost				**$1,576,965.00**

Buckhorn - Mebane EDD Sewer Improvements Phase 2
Orange County, NC
Preliminary Cost Estimates (Revised 8-2-12)

Sewer Improvements Segment 2: Line S-3

Description of Item	Quantity	Unit	Unit Price	Extended Price
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
Subtotal Construction Cost				$1,433,575.00
Construction Contingency				$144,000.00
Construction Administration / Inspection				$87,000.00
Total Project Cost				**$1,664,575.00**

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

Description of Item	Quantity	Unit	Unit Price	Extended Price
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
Subtotal Construction Cost				$862,922.00
Construction Contingency				$87,000.00
Construction Administration / Inspection				$52,000.00
Total Project Cost				**$1,001,922.00**

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, PA

Bill Lester, Jr., P.E.
8-3-12

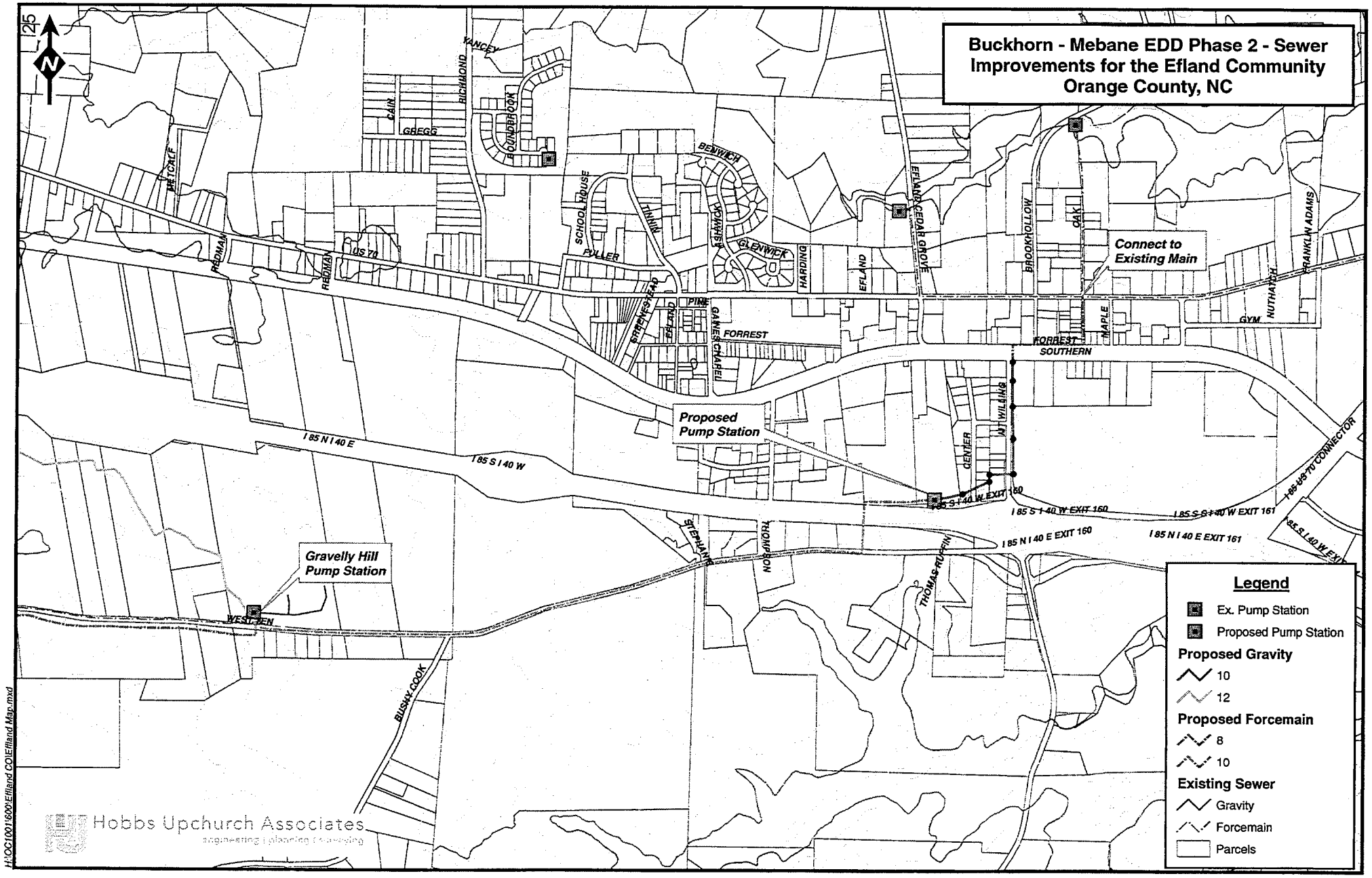
NORTH CAROLINA PROFESSIONAL SEAL 17651 ENGINEER BILL LESTER, JR.

Hobbs Upchurch Associates
engineering | planning | surveying

Buckhorn-Mebane EDD Phase 2
Sewer Improvements to serve the Efland Community
Orange County, NC

Preliminary Cost Estimate

Item	Quantity		Unit Price	Extended Cost
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
Total Estimated Construction Cost:				$1,781,450.00
Construction Contingency:				$178,145.00
Survey:				$18,000.00
Engineering Design:				$133,600.00
Construction Administration & Inspection:				$115,800.00
R/R Encroachment				$25,000.00
Easement Acquisition				$10,000.00
Permits				$2,000.00
Total Estimated Project Cost:				**$2,263,995.00**


Buckhorn - Mebane EDD Phase 2 - Sewer Improvements for the Efland Community Orange County, NC
N
Connect to Existing Main
Proposed Pump Station
Gravelly Hill Pump Station
YANCEY
RICHMOND
GREGG
BOUNDBROOK
BENWICH
SCHOOL HOUSE
FULLER
GLENWICK
HARDING
EFLAND
EFLAND CEDAR GROVE
BROOKHOLLOW
OAK
FRANKLIN ADAMS
NUTHATCH
GYM
MAPLE
FORREST
FORREST SOUTHERN
GANES CHAPEL
BRENES HEAD
PINE
REDMAN
US 70
I 85 N I 40 E
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I 85 US 70 CONNECTOR
CENTER
STEPHANIE
THOMPSON
THOMAS RUFFIN
WESTBEN
BUSHY COOK
Legend
Ex. Pump Station
Proposed Pump Station
Proposed Gravity
10
12
Proposed Forcemain
8
10
Existing Sewer
Gravity
Forcemain
Parcels
Hobbs Upchurch Associates
engineering | planning | surveying
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Attachment 2B

Buckhorn - Mebane EDD - Phase 2 Water & Sewer Improvements
Orange County, NC

Manhour Estimate for Construction Management & Inspection

Lines S1 & S2 (19 Week Construction Time)			
	Hours	Rate	Fee
Engineer	152	130	$19,760.00
Construction Manager	380	80	$30,400.00
Designer	40	90	$3,600.00
Administrator	40	60	$2,400.00
Subtotal:	**612**	**360**	**$56,160.00**

Lines W1, W2, & W3 (19 Week Construction Time)			
	Hours	Rate	Fee
Engineer	152	130	$19,760.00
Construction Manager	380	80	$30,400.00
Designer	40	90	$3,600.00
Administrator	40	60	$2,400.00
Subtotal:	**612**	**360**	**$56,160.00**

Line S3 (22 Week Construction Time)			
	Hours	Rate	Fee
Engineer	176	130	$22,880.00
Construction Manager	440	80	$35,200.00
Designer	60	90	$5,400.00
Administrator	60	60	$3,600.00
Subtotal:	**736**	**360**	**$67,080.00**

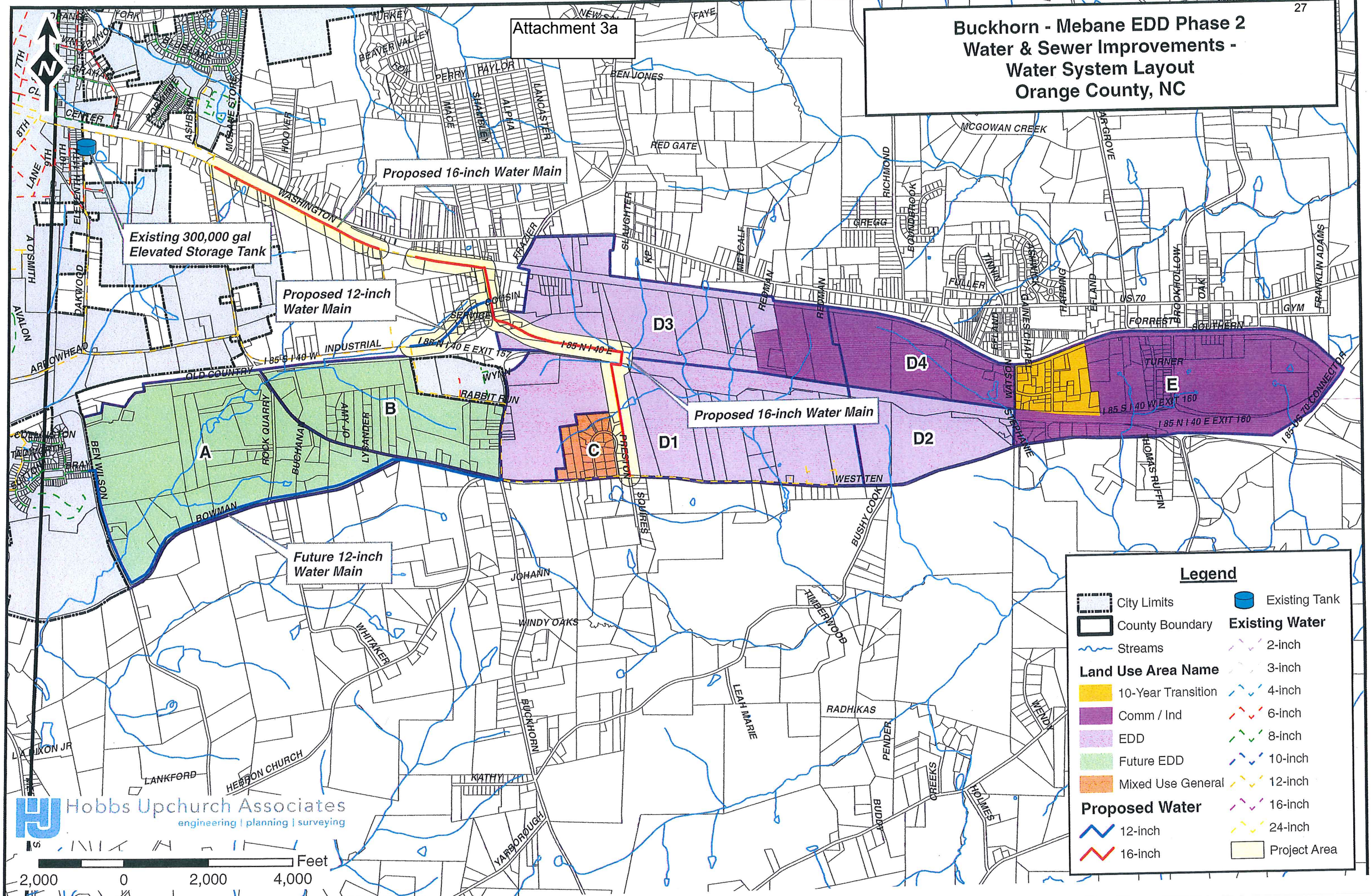
PS & FM (12 Week Construction Time)			
	Hours	Rate	Fee
Engineer	96	130	$12,480.00
Construction Manager	240	80	$19,200.00
Designer	40	90	$3,600.00
Administrator	40	60	$2,400.00
Subtotal:	**416**	**360**	**$37,680.00**

Total:	**$217,080.00**

Total if all sections are constructed concurrently	**$193,000.00**

Attachment 3a

Buckhorn - Mebane EDD Phase 2 Water & Sewer Improvements - Water System Layout Orange County, NC



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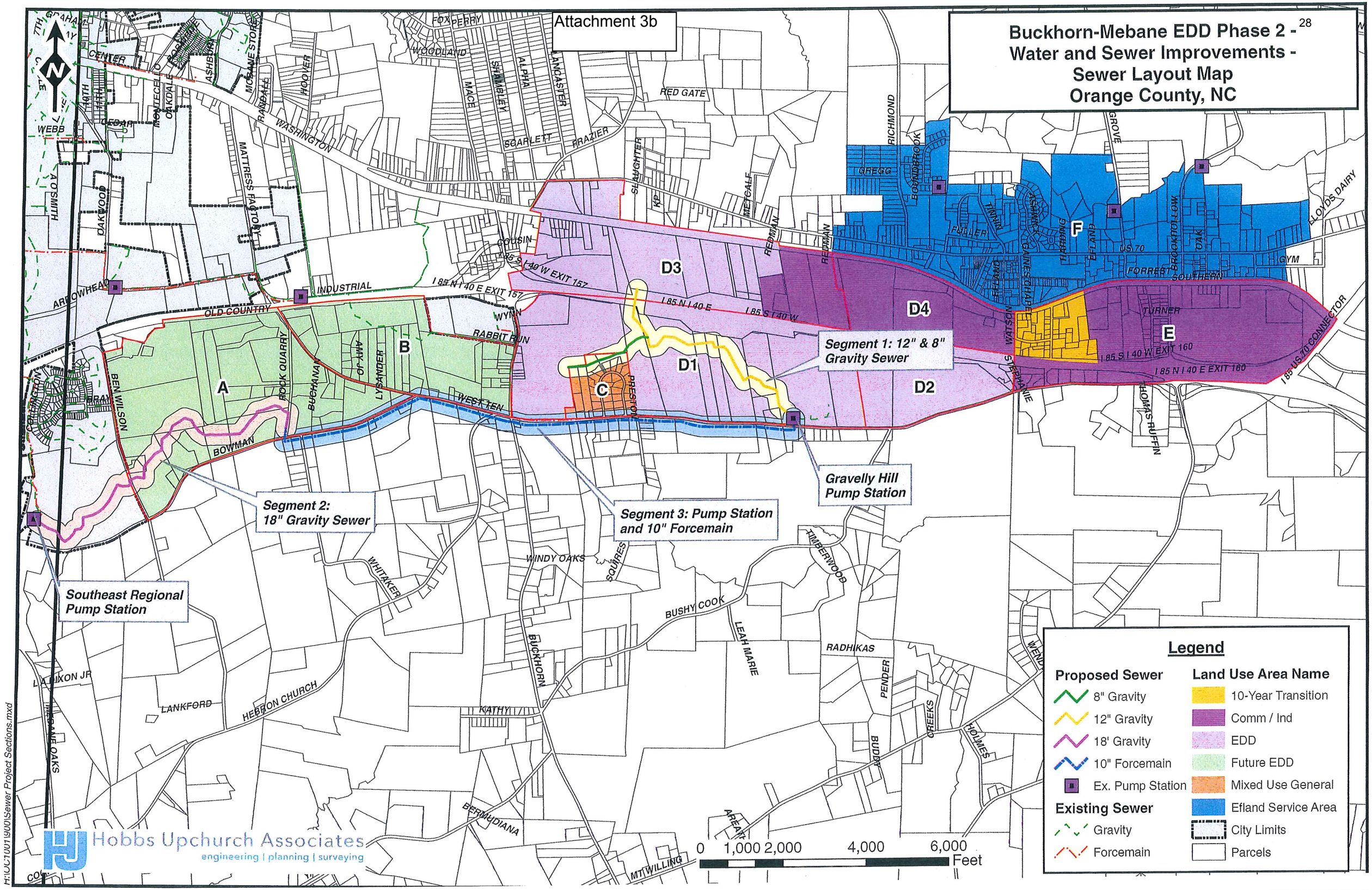
Attachment 3b

Buckhorn-Mebane EDD Phase 2 - Water and Sewer Improvements - Sewer Layout Map Orange County, NC



ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 5-i

SUBJECT: Trustee Appointments to the Orange New Hope Firemen's Local Relief Fund Board

DEPARTMENT: Emergency Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Request Letter from New Hope Fire Chief

INFORMATION CONTACT:
David Sykes, 919-245-6125
F. R. Montes de Oca, 919-245-6140

PURPOSE: To appoint two (2) Trustees to the Orange New Hope Firemen's Local Relief Fund Board.

BACKGROUND: North Carolina General Statutes Chapter 58 provides for certain benefits to be provided to firefighters. Rural fire districts serviced by an organized fire department may be eligible to receive funds to support the local firemen's relief fund. All insurance companies that write fire insurance premiums in North Carolina finance this program. The monies are distributed to the State Firemen's Association and local relief fund boards by the North Carolina Department of Insurance in accordance with N.C. General Statute 58-84-25. Local relief fund boards are eligible to receive monies derived from fire insurance premiums collected for respective fire districts.

In each fire district, a five member board of trustees administers the relief fund in accordance with General Statute 58-84-35. Two trustees are elected by the membership of the fire department, two trustees are appointed by the Board of County Commissioners upon recommendation by the fire department, and one trustee is appointed by the North Carolina Insurance Commissioner based upon a recommendation by the fire chief. The trustees may make disbursements of local relief fund monies for specified purposes including the following:

- to safeguard firefighters in active service from financial loss caused by sickness or injury received in the performance of official duties;
- to support the dependents of firefighters who may lose their lives;
- to assist any destitute firefighter who has served for a period of at least five years and provide insurance benefits for qualified firefighters.

Two members of the Orange New Hope Firemen's Local Relief Fund Board of Trustees can no longer serve, leaving vacant the two positions that are appointed by the Board of Commissioners. New Hope Fire Chief Mike Tapp has requested in the attached letter that the

Board of Commissioners appoint Mr. Eddie Walker and Mr. Brian Blalock to fill the vacant positions on the Orange New Hope Firemen's Local Relief Fund Board. Mr. Walker and Mr. Blalock both reside in the fire district.

FINANCIAL IMPACT: These appointments will have no financial impact on the County, as the Orange New Hope Firemen's Local Relief Fund Board administers the relief fund.

RECOMMENDATION(S): The Manager recommends that the Board appoint Mr. Eddie Walker and Mr. Brian Blalock to the Orange New Hope Firemen's Local Relief Fund Board.

Street Address (Station 1):
4012 Whitfield Road
Chapel Hill, NC 27514
(919) 493 -1001

Mailing Address:
P.O. Box 16484
Chapel Hill, NC 27516

New Hope Volunteer Fire Department of Orange County, Inc.

August 22, 2012

Mr. David Sykes
Assistant Fire Marshal
Orange County Emergency Services
P.O. Box 8181
Hillsborough, NC 27278

Dear David,

The New Hope Fire Department is in the process of appointing members to serve on the firemen's relief fund board, as several members can no longer serve in that capacity. Two members of the local board must be appointed by the County Commissioners in accordance with North Carolina General Statute 58-84-30. We are requesting that the Commissioners appoint Mr. Eddie Walker and Mr. Brian Blalock as Trustees to the New Hope Fire Department Local Relief Fund Board. Mr. Walker and Mr. Blalock reside in the fire district

Thank you for your assistance with this project, please contact me if you need additional information.

Regards,

Mike Tapp

Mike Tapp, Fire Chief

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda
Item No. 5-j

SUBJECT: Trustee Appointment to the Central Orange Firemen's Local Relief Fund Board

DEPARTMENT: Emergency Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Orange Rural Fire Chief Letter of Request

INFORMATION CONTACT:
David Sykes, 919-245-6125
F.R. Montes de Oca, 919-245-6140

PURPOSE: To appoint a Trustee to the Central Orange Firemen's Local Relief Fund Board.

BACKGROUND: North Carolina General Statutes Chapter 58 provides for certain benefits to be provided to firefighters. Rural fire districts serviced by an organized fire department may be eligible to receive funds to support the local firemen's relief fund. All insurance companies that write fire insurance premiums in North Carolina finance this program. The monies are distributed to the State Firemen's Association and local relief fund boards by the North Carolina Department of Insurance in accordance with N.C. General Statute 58-84-25. Local relief fund boards are eligible to receive monies derived from fire insurance premiums collected for respective fire districts.

In each fire district, a five member board of trustees administers the relief fund in accordance with General Statute 58-84-35. Two trustees are elected by the membership of the fire department, two trustees are appointed by the Board of County Commissioners upon recommendation by the fire department, and one trustee is appointed by the North Carolina Insurance Commissioner upon a recommendation by the fire chief. The trustees may make disbursements of local relief fund monies for specified purposes including the following:

- to safeguard firefighters in active service from financial loss caused by sickness or injury received in the performance of official duties;
- to support the dependents of firefighters who may lose their lives;
- to assist any destitute firefighter who has served for a period of at least five years and provide insurance benefits for qualified firefighters.

A member of the Central Orange Firemen's Local Relief Fund Board of Trustees can no longer serve, leaving vacant one of the positions appointed by the Board of Commissioners. Orange Rural Fire Chief Jeff Cabe has requested in the attached letter that the Board of Commissioners appoint Mr. Jim Fuller to fill the vacant position on the Central Orange Firemen's Local Relief Fund Board. Mr. Fuller resides in the fire district.

FINANCIAL IMPACT: The appointment will have no financial impact on the County, as the Central Orange Firemen's Local Relief Fund Board administers the relief fund.

RECOMMENDATION(S): The Manager recommends that the Board appoint Mr. Jim Fuller to the Central Orange Firemen's Local Relief Fund Board.

Orange Rural Fire Department
P.O. Box 1511 • Hillsborough, NC 27278
919-732-7911 • www.orfd.org

Orange County Board of County Commissioners
200 South Cameron Street
PO Box 8181
Hillsborough, NC 27278

August 24, 2012

To Whom It May Concern:

On behalf of the Orange Rural Fire Department, we request you approve the change of one of our Trustees on our Firefighter's Relief Fund Board that was appointed by the County Commissioners. Mr. Chandler Cates will be going off of the Firefighter's Relief Fund Board and we wish to replace that person with Mr. Jim Fuller of 105 Lafayette Drive in Hillsborough, NC.

Thank you for your attention to this matter.

Sincerely,

Jeff Cabe/ pdr

Jeff Cabe
Fire Chief
Orange Rural Fire Department Board

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 5-k

SUBJECT: Bid Award – Front End Loading Garbage Truck

DEPARTMENT: Solid Waste Management, Financial Services, Asset Management Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
1) NJPA RFP #060612
2) NJPA Contract Award #060612
3) Carolina Environmental Systems, Inc. Quote

INFORMATION CONTACT:
Gayle Wilson, (919) 968-2885
Clarence Grier, (919) 245-2453
Michael Talbert, (919) 245-2308
David Cannell, (919) 245-2651

PURPOSE: To consider awarding a bid for the purchase of a new Front End Loading Garbage Truck from Carolina Environmental Systems, Inc. (CES) of Kernersville, NC.

BACKGROUND: The purchase of a Front End Loading Garbage Truck (FEL) was included in the 2012-2013 Solid Waste Management budget to replace an existing 2005 FEL with over 90,000 miles. This vehicle is used to collect household garbage from all convenience centers that utilize open top containers in addition to all County government buildings and county schools.

North Carolina General Statute (NCGS) 143-129(e)(3) allows local governments to make purchases through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies. The National Joint Powers Alliance (NJPA) is a cooperative purchasing group that meets the requirements of NCGS 143-129(e)(3). The specific contract is Number 060612-ESG, Solid Waste and Recycling Collection Equipment with Related Equipment, Accessories and Supplies. The terms of the contract call for items to be sold and serviced through a local dealer. Since this item is two separate bids, the County requires one (1) responsible dealer to be the “seller” of the combined units. CES has previously been the recommended dealer for this combination and has provided documentation accepting responsibility for the combination of the units under this bid.

Staff compiled a list of specifications that meet the County’s needs and compared these specifications to information within the Request for Proposals (RFP). There were no noted deficiencies and staff determined that all specifications met the County’s needs.

The recommended unit consists of a 2013 Peterbilt Model 320 Cab and Chassis with a Heil half pack 28 cubic yard body with full eject system at a total cost of $252,720.

FINANCIAL IMPACT: The purchase price of the Front End Loader along with recommended options is $252,720. Sufficient funds were allocated in the adopted FY 2012-2013 Solid Waste budget to purchase the equipment.

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

1.) Approve the purchase of the unit through NJPA RFP #060612 from Carolina Environmental Systems, Inc. at a total cost of $252,720; and
2.) Authorize the Finance and Administrative Services Director to execute the necessary paperwork.

Attachment 1

NJPA
National Joint Powers Alliance
200 First Street NE • Staples MN, 56479
888-894-1930 • www.njpacoop.org

COMMENT AND REVIEW
To the
REQUEST FOR PROPOSAL (RFP) #060612
Entitled
SOLID WASTE AND RECYCLING COLLECTION EQUIPMENT WITH RELATED EQUIPMENT, ACCESSORIES AND SUPPLIES

The following advertisement was placed in the Star Tribune on April 19, 2012 and April 26, 2012 and the Daily Journal of Commerce on April 19, 2012 through April 25, 2012 and on the NJPA website www.njpacoop.org, and on noticetobidders.com website:

> The National Joint Powers Alliance® (NJPA), on behalf of NJPA and its current and potential Member agencies to include all Government, Higher Education, K12 Education, Non-Profit, and Public Agencies located nationally in all fifty states and potentially internationally, issues this Request For Proposal (RFP) to result in a national contract solution for the procurement of Solid Waste & Recycling Equipment with Related Equipment, Accessories and Supplies. Details of this RFP are available beginning April 19, 2012 and continuing until May 17, 2012. Details may be obtained by letter of request to Gregg Meierhofer, NJPA, 202 12th Street Northeast P.O. Box 219, Staples, MN 56479, or by e-mail at RFP@njpacoop.org. Proposals will be received until June 5, 2012 at 4:30 p.m. Central Time at the above address and opened June 6, 2012 at 8:00AM Central Time.

RFP's were requested from and distributed to:

Peach State Freightliner
Cascade Engineering, Inc.
DoppstadtUS
Falcon Road Maintenance Equipment
Ingram Equipment Co., LLC
Ken's Truck Repair, Inc.
Labria
Maren Engineering
Municipal Equipment, Inc.
Old Dominion Brush Company
Rehrig Pacific Company
RMW Inc.
Sanitation Products, Inc.
Titan Machinery
Wastequip Mfg. Co., LLC
Windsor Barrel Works – Kettle Creek Corporation
Action Truck Center
Clean River
Epax Systems, Inc.
Environmental Solutions Group
JV Mfg. Inc./Cram-a-lot
Kessler Consulting, Inc.
LoadMaster Corp.
Mid-Iowa Solid Waste Equipment Co., Inc.
Northern Truck Equipment Corp.
Pressure Services, Inc.
Republic Services
Sandia Nat'l Labs
Scranton MFG/NEWWAY
Waste Industries

NJPA
National Joint Powers Alliance
200 First Street NE • Staples MN, 56479
888-894-1930 • www.njpacoop.org

Late requests were received from:
Bailing Wire.com
Busch Systems

Bids were opened on June 13, 2012 at the offices of NJPA offices 202 12th Street Northeast in Staples, Minnesota 56479. All bids received were deemed responsive. Bids were received from the following:

Labrie Enviroquip Group
Old Dominion Bruch, Inc.
Falcon Road Maintenance Equipment, Inc.
Doppstadt US
Environmental Solutions Group
Rehrig Pacific Company
Cascade Engineering, Inc.
Wastequip, Inc.

Bids were reviewed by the Bid Review committee consisting of:
Ginger Line, Contract Specialist
Gregg Meierhofer, Bids and Contracts Officer
Tracy Plinske, Contract Specialist
Keith Hanson, Accounting Manager, CPA
Maureen Knight, Contracts and Marketing Specialist

The findings of the Bid Review Committee are summarized as follows:

The Bid Evaluation Committee found the bid responses to be generally well put together and offering a wide array of products and services. We feel that Environmental Solutions Group can serve our clients' needs and give them their wide range of products and services in the refuse collection services. Old Dominion Brush Co. Inc. can service our members with their unique vacuum debris collector series. Finally, Wastequip, Inc. has excellent container and compaction equipment that will round out this bid category. The Committee also found the bids to be within a "Competitive Range".

For these reasons the NJPA Evaluation Team recommends award of NJPA #060612 to

Environmental Solutions Group	060612-ESG
Old Dominion Brush Co. Inc.	060612-ODB
Wastequip, Inc.	060612-WQI

Attachment 2

Contract Award
RFP #060612

FORM D

SOLID WASTE AND RECYCLING COLLECTION EQUIPMENT WITH RELATED EQUIPMENT, ACCESSORIES AND SUPPLIES,

Proposal Offering (To be completed Only by Proposer)

In compliance with the Request for proposal (RFP) for "SOLID WASTE AND RECYCLING COLLECTION EQUIPMENT WITH RELATED EQUIPMENT, ACCESSORIES AND SUPPLIES", the undersigned warrants that I/we have examined this RFP and, being familiar with all of the instructions, terms and conditions, general specifications, expectations, technical specifications, service expectations and any special terms, do hereby offer and agree to furnish the defined equipment/products and services and services in compliance with all terms, conditions of this RFP, any applicable amendments of this RFP, and all Proposer's Response documentation. Proposer further understands they are the sole offeror herein and that the performance of any sub-contractors employed by the Proposer in fulfillment of this offer is the sole responsibility of the Proposer.

Company Name: Environmental Solutions Group Date: June 10, 2012

Company Address: 2030 Hamilton Place Boulevard, Suite 200

City: Chattanooga State: TN Zip: 37421

Contact Person: Randy R. Brown Title: Vice President, Sales & Marketing

Authorized Signature (ink only): Randy R. Brown RANDY R. BROWN
(Name printed or typed)

Contract Acceptance and Award (To be completed only by NJPA)

Your proposal offering is hereby accepted and awarded. As an awarded Proposer, you are now bound to provide the defined goods and services contained in your proposal offering according to all terms, conditions, and pricing set forth in this RFP, any amendments to this RFP, and the Proposer's Response. The effective date of the Contract be July 17, 2012 and continue for four years thereafter AND which is subject to annual renewal at the option of both parties.

National Joint Powers Alliance® (NJPA)

NJPA Authorized signature: Todd Lyscio TODD LYSCIO
(Name printed or typed)

Title: Executive Director NJPA

Awarded this 17TH day of JULY **Contract Number # 060612-ESG**

NJPA Authorized signature: Jane D Waldeck
(Name printed or typed)

Title: Board Clerk

Executed this 17th day of July 2012 **Contract Number # 060612-ESG**

NJPA
National Joint Powers Alliance
200 First Street NE • Staples MN, 56479
888-894-1930 • www.njpacoop.org

Ginger Line, Contracts Specialist	7-3-12 Date
Gregg Meiemhofer, Bids and Contracts Officer	7-3-12 Date
Tracy Plinske, Contracts Specialist	7.3.12 Date
Keith Hanson, Accounting Manager, CPA	7-3-12 Date
Maureen Knight, Contracts & Marketing Specialist	7-3-12 Date

Attachment 3

Carolina Environmental Systems, Inc.

2750 Highway 66 South, Kernersville, NC 27284
(336) 869-9900

8-22-12

To: Orange County, NC

Ref: NJPA new front end loader

Quote:

Body One new Heil half pack Front end loader 28 cu yd full eject with Peterson LED smart light system, all LED body lights, dual LED side body backing assist lights, all LED body lights, tool box, dual LED cab shield container work lights, special paint, caution decals, freight and all other standard items as per attached.	**$ 91,929.00**
Mounting	**4,536.00**
Hydraulic cab shield tilt with in cab controls	4,608.00
BFPE fire suppression system	7,200.00
Silent drive model 1533 auxiliary air lift axle and two 70R 255 x 22.5 tires and rims, 11,000 lbs rating with low pro tires	6,800.00
Third eye dual camera system, with split screen monitor	2,000.00
One spare rim	160.00

Warranty: 1 year

Chassis One new 2013 Peterbilt model 320 cab over Cummins model ISX12, 350 HP,1450 ft lbs torque@ 1200 RPM Allison model 4500 RDS-P -6 WR transmission 20,000 lbs front axle with 23,000 lbs suspension 46,000 " rear axle, 4.78 ratio 46,000 " rear suspension Hendickson Haulmaax HMX460 Refuse special brakes 7" front, 8.6" rear Front tires: 315/80R x 22.5 20 ply, aluminum rim Rear tires: 11R x 22.5 16 ply, steel rims	$ 128,397.26

Base warranty 1 year
Engine warranty
Allison warranty
2 sets shop and service manuals

Other: double rail frame, FEPTO, battery disconnect, air dryer, 80 gallon fuel tank, DEF tank, air ride drivers seat, tilt steering wheel, motorized/heated mirrors, LED marker lights,

Base price $ 245,630.00.00

Extended warranties:

Allison full five year	$ 850.00
Cummins 5 year 150,000 miles	1,200.00
Rear ends 5 year N/A	

Options to consider:

1. Roof top retaining teeth $ 854.40
2. 5 year cylinder warranty (4 additional) 12,500 hours 5,040.00
3. Air weigh suspension based scale system (overweight fines) 4,500.00

Total price	$ 245,630
Allison Full 5yr	850
Cummins 5/yr 150,000	1200
5yr cylinder (Total)	5040
Total	$ 252,720

We appreciate the opportunity to submit this information and I look forward to your response.

MATT KEEBLE

Matt Keeble, mob 704-239-8471, email

Distributors for:
Heil, Schwarze, Schaefer, Pac-Mac, Pak-Rat, Busch, SwapLoader, Pioneer, O'Brian, Load Lugger, Galbreath

Carolina Environmental Systems, Inc.
2750 Highway 66 South, Kernersville, NC 27284
(336) 869-9900

8-21-12

Heil Front Loader

Equipment now standard on all FEL bodies

Single hopper work light
Mud flaps ahead of tandems
One year warranty
LED body lights
Lower tailgate mounted strobe light
Shovel bracket on packer panel
Severe duty wear bar kit on packer blade
3" sump drain valves
Remote lube lines to rear of packer cylinders
Body undercoating
One 20 lbs fire extinguisher mounted on side of body
Remote tailgate lube lines to rear door hinge pins

Visibility package option includes: Peterson LED Smart Light system, dual LED backing assist lights on side of body.

We appreciate the opportunity to submit this information and I look forward to your response.

Matt Keeble

Matt Keeble, mob 704-239-8471, email mattkeeble@bellsouth.net

Distributors for:
Heil, Schwarze, Schaefer, Pac-Mac, Pak-Rat, Busch, SwapLoader, Pioneer, O'Brian, Load Lugger, Galbreath

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 6-a

SUBJECT: Rezoning and Class A Special Use Permit Modification – Spence Dickinson

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N) Yes

ATTACHMENT(S):

1. July 11, 2012 Planning Board Abstract
2. Excerpt of Approved May 29, 2012 Quarterly Public Hearing Minutes
3. Excerpt of Approved July 11, 2012 Planning Board Regular Meeting Minutes
4. Response from Applicant Regarding Conditions
5. Planning Board Recommended Findings of Fact
6. An Ordinance Amending the Orange County Zoning Atlas
7. An Ordinance Denying an Amendment to the Orange County Zoning Atlas
8. Resolution of Consistency with the 2030 Comprehensive Plan
9. Resolution of Inconsistency with the 2030 Comprehensive Plan

INFORMATION CONTACT:

Michael D. Harvey, Planner III, 245-2597
Craig Benedict, Director, 245-2575

PURPOSE: To receive the Planning Board recommendation, close the public hearing, and make a decision on a request submitted by Mr. Spence Dickinson to rezone a 4.003 acre parcel of property to Rural Buffer and modify an existing Class A Special Use Permit (hereafter 'SUP') for the Heartwood at Blackwood Mountain Planned Development by removing the subject property from its provisions.

BACKGROUND: This item was presented at the May 29, 2012 Quarterly Public Hearing. A summary of comments received during the hearing are contained within Attachment 1, the abstract from the July 11, 2012 Planning Board regular meeting. Staff will be introducing this document, and all attachments, into the record at the re-convened public hearing for the BOCC to consider as part of its deliberations.

Planning Board Recommendation: At its July 11, 2012 regular meeting, the Planning Board voted unanimously to recommend **approval** of the project finding that:

1. The application was complete in accordance with the requirements of Section 2.7 and 2.8 of the Unified Development Ordinance (UDO),
2. The property is of sufficient size to be rezoned RB,

3. The request will not invalidate existing conditions imposed as part of the original Heartwood at Blackwood Mountain Class A Special Use Permit Planned Development approval,
4. Comments received from various County agencies (i.e. Sheriff, Fire Marshal, DEAPR, Orange County Health) indicate there are no concerns associated with the request,
5. The proposal is consistent with the various goals outlined within the Comprehensive Plan concerning development, including:
    a. 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.*
    b. Land Use Goal 2: *Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.*
    c. Land Use Goal 3: *A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.*
6. Based on staff's determination the proposed Zoning Atlas Amendment, and SUP modification, are consistent with the provisions and goals of the Joint Planning Land Use Plan and Joint Planning Agreement,
7. The submission of evidence demonstrating compliance with the provisions of Section 5.3.2 (A) *Special Uses – General Standards* of the UDO, and
8. A lack of competent material and substantial evidence entered into the record demonstrating the request was not incompliance with the various provisions of the UDO.

Please refer to Attachment 5 for additional detail. It should be noted that in rendering its decision, the Planning Board recommended the imposition of four (4) conditions. The applicant has agreed to the imposition of these conditions in writing with the exception for condition 4 (Note: The applicant inadvertently notes condition 5 in Attachment 4 rather than condition 4). Please refer to Attachment 4 for additional detail.

Planning Director's Recommendation: In accordance with the provisions of Section 2.7.4 and 2.8.5 of the UDO, the Planning Director recommends **approval** of the rezoning request and SUP modification with all recommended conditions, subject to the following:

- Approval of the recommended findings of fact associated with the approval of the Class A Special Use Permit modification as detailed within Attachment 5,
- Approval of a Resolution of Rezoning Approval authorizing the change in zoning of the property (Attachment 6),
- Approval of a Resolution of Consistency with the 2030 Comprehensive Plan as detailed within Attachment 8,
- The imposition of the recommended conditions (Attachment 5),
- Based on the BOCC's ability to make an affirmative finding on the general and specific standards outlined within Section 5.3.2 (A) and (B) of the UDO.

Joint Planning Area (JPA) Review: In accordance with the Joint Planning Area Agreement, this project was sent to the Town of Chapel Hill and the Town of Carrboro for review and comment on April 18, 2012. To date no comments have been received.

Public Hearing Procedural Information: In accordance with Section 2.7.8 (A) (3) and 2.8.8 (B) of the UDO, the BOCC has requested that the Planning Board recommendation be made available in time for the September 18, 2012 BOCC regular meeting. As a procedural note, additional comments on the application should be submitted in writing prior to the Planning Board meeting in order to become part of the official record of these proceedings.

FINANCIAL IMPACT: This request has been reviewed by various County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the Planning Board recommendation;
2. If necessary, deliberate further on the application;
3. Close the public hearing; and
4. Take action on the request by:
    a. Review and approval of the Special Use Permit Findings of Fact Sheet contained within Attachment 5 of this abstract and make the appropriate findings that the application complies with the various sections of the UDO, including the general findings as denoted within Section 5.3.2 (A) (2).
    b. Approving the Ordinance Amending the Orange County Zoning Atlas as contained within Attachment 6 of the abstract; and
    c. Approving the Resolution Concerning Statement of Consistency as contained within Attachment 8 of the abstract certifying that the approved zoning atlas amendment is consistent with the goals and policies of the adopted 2030 Comprehensive Plan.

Attachment 1

ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT
Meeting Date: July 11, 2012

Action Agenda Item No. 8

SUBJECT: Rezoning and Class A Special Use Permit Modification – Spence Dickinson

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** Yes

ATTACHMENT(S):

1. Property and Vicinity Map
2. Resolution of Rezoning Approval
3. Resolution of Rezoning Denial
4. Special Use Permit Findings of Fact
5. Draft May 29, 2012 Quarterly Public Hearing Minutes
6. Ratio Explanations

INFORMATION CONTACT:

Michael D. Harvey, Planner III 245-2597
Craig Benedict, Director 245-2575

PURPOSE: To make a recommendation to the BOCC on a general use rezoning petition and Class A Special Use Permit (hereafter 'SUP') modification submitted by Mr. Spence Dickinson in accordance with the provisions of the Unified Development Ordinance (hereafter 'UDO').

BACKGROUND: This item was presented at the May 29, 2012 Quarterly Public Hearing where staff indicated the purpose of the request was to rezone a 4.003 acre parcel of property (PIN 9871-54-9182):

From: Rural Buffer (RB) and Planned Development Housing Rural Residential (PD-H-R1)

To: Rural Buffer (RB)

and remove the property from the provisions of a previously recorded SUP. The property in question is north of intersection of Blackwood Mountain Road (SR 2258) and Pathway Court, a private road maintained by the local homeowners association (please refer to Attachment 1).

During the hearing, Mr. Dickinson indicated he was requesting the rezoning and SUP modification to remove the subject parcel from the development and zoning restrictions of the Heartwood SUP in an effort to address existing septic issues on an adjacent parcel of property.

Public Hearing: During the hearing, the following comments/questions were posed concerning the application:

- An adjacent property owner, Mr. Charles Lamb, indicated he had no problem with the request but wanted assurances that once the subject parcel was recombined with the adjacent property (i.e. the camp) there would be no vehicular access from that property onto Pathway Court and that the property would remain in a vegetated, undeveloped, state.

  STAFF COMMENT: Vehicular access would not be allowed as Pathway Court is a private road subject to the provisions of the Heartwood SUP. Only property encumbered by the Heartwood SUP can access the roadway.

Mr. Dickinson has indicated a desire to erect additional structures on this property to support the camp/retreat center. Mr. Dickinson will have to go before the Orange County Board of Adjustment to seek a modification of the existing Class B Special Use Permit to allow for the re-development of this lot.

- A BOCC member requested that Mr. Lamb be notified of the Board of Adjustment hearing where any modification to the camp involving this property would be reviewed.
- A BOCC commented with the submittal of the request, the applicant appeared to be trying to address a long-standing septic issue on an adjacent property.

Within the public hearing abstract, staff identified the various dimensional ratios governing the development of the Heartwood subdivision (i.e. floor area ratio, minimum recreation space, etc.). Staff indicated the proposal would not create a conflict.

As the result of additional review, however, staff has determined that an error occurred during the original review of the development, specifically concerning the minimum required recreation space. The approved SUP and site plan erroneously referenced a minimum recreation space ratio of 0.019. The correct ratio was, and still is, 0.031. The corrected information is as follows:

ORIGINAL REQUIRED MINIMUM STANDARDS: **(Per Orange County Regulations)**	**REVISED REQUIRED MINIMUM STANDARDS:** **(Removing the 2 acre lot from the Planned Development)**	**PROPOSED STANDARDS FOR PROJECT:** **(As proposed by the applicant)**
Minimum Required Recreation Space – 0.031 or 47,546 sq. ft	Minimum Required Recreation Space – 0.031 or 44,845 sq. ft.	Required Recreation Space for project - 96,000 sq. ft (2.2 acres)

The request will still not invalidate required ratios for the Heartwood development but staff will have to correct the error as we move forward with the review of Mr. Dickinson's request.

<u>Staff Analysis:</u> At the public hearing, staff indicated the project complied with the various provisions of the UDO, including:

1. The application has been deemed complete in accordance with the requirements of Section 2.7 and 2.8 of the Unified Development Ordinance (UDO).
2. Staff has determined that the property is of sufficient size to be rezoned to the RB zoning designation.
3. The request will not invalidate existing conditions imposed as part of the Heartwood at Blackwood Mountain approval.
4. Comments received from various County agencies (i.e. Sheriff, Fire Marshal, DEAPR, Orange County Health) indicate there are no concerns associated with the request.
5. The proposal appeared consistent with the various goals outlined within the Comprehensive Plan concerning development, including:
    a. 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.*

b. Land Use Goal 2: *Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.*

c. Land Use Goal 3: *A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.*

6. Staff has determined that the proposed Zoning Atlas Amendment, and SUP modification, are consistent with the provisions and goals of the Joint Planning Land Use Plan and Joint Planning Agreement.

JPA Review: In accordance with the Joint Planning Area Agreement, this project was sent to the Town of Chapel Hill and the Town of Carrboro for review and comment on April 18, 2012. To date no comments have been received.

Public Hearing Procedural Information: In accordance with Section 2.7.8 (A) (3) and 2.8.8 (B) of the UDO, the BOCC has requested that the Planning Board recommendation be made available in time for the September 18, 2012 BOCC regular meeting. As a procedural note, additional comments on the application should be submitted in writing to the Planning Board in order to become part of the official record of these proceedings.

Planning Director's Recommendation: In accordance with the provisions of Section 2.7.4 and 2.8.5 of the UDO, the Planning Director recommends **approval** of the rezoning request and SUP modification, subject to the following:

- Approval of a Resolution of Rezoning approval authorizing the change in zoning of the property (Attachment 2),
- The recommended findings of fact associated with the approval of the Class A Special Use Permit modification as detailed within Attachment 4,
- The imposition of the recommended conditions (Attachment 4),
- Based on the BOCC's ability to make an affirmative finding on the general and specific standards outlined within Section 5.3.2 (A) and (B) of the UDO.

FINANCIAL IMPACT: This request has been reviewed by various County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

RECOMMENDATION(S): The Planning Director recommends that the Board:

1. Deliberate on the petition,
2. Consider the Planning Director's recommendation to:
   a. Approve the Resolution of Rezoning Approval contained within Attachment 2, and
   b. Make the necessary findings relating to the approval of the SUP modification as detailed within Attachment 4.
3. Make a recommendation to the BOCC on the General Use Rezoning petition and SUP modification in time for the **September 18, 2012** BOCC regular meeting.

Planning Board July 11, 2012 regular meeting
Attachment 1

Planning Board July 11, 2012 regular meeting
Attachment 2

AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Spence Dickinson has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), to rezone a parcel of undeveloped real property, approximately 4 acres in area, located north of intersection of Blackwood Mountain Road (SR 2258) and Pathway Court:

From: Rural Buffer (RB) and Planned Development Housing Rural Residential (PD-H-R1)

To: Rural Buffer (RB)

and,

WHEREAS, the parcels are further identified through the following legal description:

BEGINNING:

at an iron pipe, the north west corner of the Common Land, Heartwood at Blackwood Mtn., Phase I as recorded in Plat Book 58 Page 151, Orange County Registry, said point being also in the center line of Pathway Court, a 50' private road right-of-way as recorded in Plat Book 53 Page 172, OCR; thence with the center line of Pathway Court, a curve to the left with a radius of 192.00', a length of 132.14' to an iron pipe; thence a curve to the left with a radius of 125.00', a length of 71.99' to a point; thence North 74 degrees, 01 minutes, 56 seconds West 53.29' to an iron pipe in the center line of Pathway Court and in the center line of a 20' septic easement as shown on a plat recorded in Plat Book 90 Page 181, OCR; thence with the center line of said easement, North 08 degrees, 38 minutes, 57 seconds East 147.30' to an iron pipe; thence North 23 degrees, 01 minutes, 18 seconds West 107.40' to an iron pipe; thence North 78 degrees, 01 minutes, 27 seconds East 219.70' to an iron pipe; thence North 78 degrees, 00 minutes, 32 seconds West 89.00' to an iron pipe in the east right-of-way of the aforementioned Pathway Court; thence North 06 degrees, 48 minutes, 34 seconds East 160.00' to an iron pipe; thence South 78 degrees, 00 minutes, 56 seconds East 157.88' to an iron pipe; thence North 06 degrees, 48 minutes, 34 seconds East 241.88' to an iron pipe in the line of the Waldorf Educational Association of North Carolina; thence with the Waldorf property South 83 degrees, 11 minutes, 31 seconds East 200.00' to an iron pipe; thence with Waldorf property South 06 degrees, 48 minutes, 34 seconds West 419.97' to an iron pipe; thence South 83 degrees, 11 minutes, 26 seconds East 116.40' to an iron pipe; thence North 69 degrees 38 minutes 10 seconds East 102.48' to an iron pipe in the Waldorf line, the north west corner of the Spence Dickinson property as recorded in Plat Book 61 Page 123, OCR; thence with the Dickinson property South 05 degrees, 02 minutes, 44 seconds West 440.11' to an iron pipe in the north line of the aforementioned Common Land, Heartwood at Blackwood Mtn., Phase I; thence North 78 degrees, 11 minutes, 22 seconds West 44.45' to the point and place of beginning and being all of Lot 31, Heartwood at Blackwood Mtn., Phase II as recorded in Plat Book 90 Page 181, and containing 4.003 Acres, more or less.

and

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, pursuant to Sections 1.1.5, 1.1.7, and 2.9.1 (E) of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the applicant has submitted sufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

a. The Land Use Element Map.

b. 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. ***Land Use Goal 1***: Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.
3. ***Land Use Goal 2***: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.
4. ***Land Use Goal 3****: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.*

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 parcel to **RURAL BUFFER (RB)** consistent with the applicant's request.

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

Planning Board July 11, 2012 regular meeting
Attachment 3

AN ORDINANCE DENYING AN AMENDMENT REQUEST TO THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Spence Dickinson has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), to rezone a parcel of undeveloped real property, approximately 4 acres in area, located north of intersection of Blackwood Mountain Road (SR 2258) and Pathway Court:

From: Rural Buffer (RB) and Planned Development Housing Rural Residential (PD-H-R1)

To: Rural Buffer (RB)

and,

WHEREAS, the parcels are further identified through the following legal description:

BEGINNING

at an iron pipe, the north west corner of the Common Land, Heartwood at Blackwood Mtn., Phase I as recorded in Plat Book 58 Page 151, Orange County Registry, said point being also in the center line of Pathway Court, a 50' private road right-of-way as recorded in Plat Book 53 Page 172, OCR; thence with the center line of Pathway Court, a curve to the left with a radius of 192.00', a length of 132.14' to an iron pipe; thence a curve to the left with a radius of 125.00', a length of 71.99' to a point; thence North 74 degrees, 01 minutes, 56 seconds West 53.29' to an iron pipe in the center line of Pathway Court and in the center line of a 20' septic easement as shown on a plat recorded in Plat Book 90 Page 181, OCR; thence with the center line of said easement, North 08 degrees, 38 minutes, 57 seconds East 147.30' to an iron pipe; thence North 23 degrees, 01 minutes, 18 seconds West 107.40' to an iron pipe; thence North 78 degrees, 01 minutes, 27 seconds East 219.70' to an iron pipe; thence North 78 degrees, 00 minutes, 32 seconds West 89.00' to an iron pipe in the east right-of-way of the aforementioned Pathway Court; thence North 06 degrees, 48 minutes, 34 seconds East 160.00' to an iron pipe; thence South 78 degrees, 00 minutes, 56 seconds East 157.88' to an iron pipe; thence North 06 degrees, 48 minutes, 34 seconds East 241.88' to an iron pipe in the line of the Waldorf Educational Association of North Carolina; thence with the Waldorf property South 83 degrees, 11 minutes, 31 seconds East 200.00' to an iron pipe; thence with Waldorf property South 06 degrees, 48 minutes, 34 seconds West 419.97' to an iron pipe; thence South 83 degrees, 11 minutes, 26 seconds East 116.40' to an iron pipe; thence North 69 degrees 38 minutes 10 seconds East 102.48' to an iron pipe in the Waldorf line, the north west corner of the Spence Dickinson property as recorded in Plat Book 61 Page 123, OCR; thence with the Dickinson property South 05 degrees, 02 minutes, 44 seconds West 440.11' to an iron pipe in the north line of the aforementioned Common Land, Heartwood at Blackwood Mtn., Phase I; thence North 78 degrees, 11 minutes, 22 seconds West 44.45' to the point and place of beginning and being all of Lot 31, Heartwood at Blackwood Mtn., Phase II as recorded in Plat Book 90 Page 181, and containing 4.003 Acres, more or less.

and

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) **have not** been adhered to, and

WHEREAS, pursuant to Sections 1.1.5, 1.1.7, and 2.9.1 (E) of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the applicant has submitted insufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the 2030 Comprehensive Plan or part thereof. and

WHEREAS, the Board has found the proposed zoning atlas amendment will not promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County hereby **denies** the applicants request to amend the Orange County Zoning Atlas to rezone the aforementioned parcels to **RURAL BUFFER (RB).**

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

CASE NUMBER: SU-A-1-12

**FINDINGS OF THE ORANGE COUNTY PLANNING STAFF
PERTAINING TO A REQUEST SUBMITTED BY
SPENCE DICINSON
REQUESTING A SPECIAL USE PERMIT MODIFICATION
TO REMOVE A 4 ACRE PARCEL (PIN 9871-54-9182)
FROM THE HEARTWOOD AND BLACKWOOD MOUNTAIN PLANNED DEVELOPMENT**

As required under Section 2.7.14 of the Orange County Unified Development Ordinance (UDO), modifications to previously approved Class A Special Use Permits are processed in accordance with the provisions of Section 2.7 of the UDO.

This request must comply with general and specific standards as set forth in Section 5.3.2 (A) and (B) of the UDO.

The Board shall make findings certifying that the application is complaint with the following specific standards:

(1) Specific standards for the submission of Special Use Permit applications as outlined within Section(s) 2.2 and 2.7 of the UDO,

(2) Dimensional requirements as detailed within Section(s) 3.3 and 6.3 of the UDO including dimensional requirements approved as part of the original Heartwood at Blackwood Mountain Class A Special Use Permit,

(3) Section 5.3.2 (B) relating to the method and adequacy of the provision of:

   a. Sewage disposal facilities,
   b. The adequacy of police, fire, and rescue squad protection, and
   c. The adequacy of vehicular access to the site and traffic conditions around the site

(4) The general findings outlined within Section 5.3.2 (A) (2).

Listed below are the findings of the Orange County Planning Department regarding the application in question. The findings have been presented by Article and requirement to assist in deliberations.

SECTION 2.2 AND 2.7.3 *CLASS A SPECIAL USE PERMIT APPLICATION COMPONENTS* ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
Section 2.2 The application for a Class A Special Use Permit shall be on forms provided by the Planning Department.	**X** Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the completed application for the request.	___Yes ____No
2.2.4 (D) Applications must be accompanied by the fee amount that has been established by Board of County Commissioners. Application fees are nonrefundable.	**X** Yes ____No	Staff indicated during the Quarterly Public Hearing that the applicant had paid all applicable fees as required by the adopted fee schedule.	___Yes ____No
2.7.3 (B) (1) A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.	**X** Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained a detailed narrative outlining the nature of the request.	___Yes ____No
2.7.3 (B) (2) The names and addresses of the owners of the property	**X** Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the required information	___Yes ____No

Ordinance Requirements	**PLANNING STAFF RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**PLANNING BOARD FINDINGS**
2.7.3 (B) (3) Relevant information needed to show compliance with the general and specific standards governing the Special Use	**X**__Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the required detail including a site plan denoting the boundary of the property. Public Hearing abstract contained a breakdown of the minimum dimensional requirements for the Heartwood subdivision demonstrating that the proposed revision will not invalidate the previous approval.	___Yes ____No
2.7.3 (B) (4) Twenty-six (26) copies of the site plan prepared by a registered N.C. land surveyor, architect, or engineer.	**X**__Yes ____No	Required copies of the site plan, prepared by Holland Surveying were submitted and part of the May 29, 2012 Quarterly Public Hearing abstract for this item	___Yes ____No
2.7.3 (B) (5) If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.14 shall be provided.	_X__ Not applicable	The Project does not involve a preliminary subdivision application.	__ Not applicable
2.7.3 (B) (6) A list of all parcels located within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.	**X**__Yes ____No	The applicant provided staff with the required list of adjacent property owners	___Yes ____No

Ordinance Requirements	**PLANNING STAFF RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**PLANNING BOARD FINDINGS**
2.7.3 (B) (7) Elevations of all structures proposed to be used in the development.	_X__ Not applicable	The Project does not involve the development of any structures. As such this requirement is not applicable.	__ Not applicable
2.7.3 (B) (8) 26 copies of an Environmental Assessment or Environmental Impact Statement as required by Section 6.16 of the UDO	_X__ Not applicable	The Project will not result in any disturbance requiring the submission of an Environmental Assessment per Section 6.18 of the UDO. As such this requirement is not applicable.	__ Not applicable
2.7.3 (B) (9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.	_X__ Not applicable	The proposal will not involve the development of the subject property. As such this requirement is not applicable.	__ Not applicable
2.7.3 (B) (10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.	_X__ Not applicable	The proposal will not involve the development of the subject property. As such this requirement is not applicable.	__ Not applicable
2.7.3 (B) (11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum)	X Not applicable	The applicant is not requesting vesting of the project.	___Not applicable

SECTION 2.7.5 *CLASS A SPECIAL NOTIFICATION REQUIREMENTS* ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
A. The Planning Director shall give public notice of the date, time and place of the public hearing	_X Yes ____No	Public Notice was sent certified mail on May 14, 2012 for a May 29, 2012 Public Hearing.	___Yes ____No
B. Such notice shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten days not more than we days prior to the date of the hearing.	_X Yes ____No	The legal ad was published in the News of Orange and the Chapel Hill Herald on May 16, 2012 and again on May 23, 2012.	__Yes ___No
C. The Planning Director shall post on the affected property a notice of the public hearing at lest ten days prior to the date of said hearing.	_X Yes ____No	The property was posted on May 18, 2012.	___Yes ____No
D. Written notice shall be sent by certified mail to all adjacent property owners not less than 15 days before the hearing date. Adjacent property owners are those whose property lies within five hundred feet of the affected property and whose manes and addresses are currently listed in the Orange County tax records.	_X Yes ____No	As previously indicated public notice was sent via certified mail on May 14, 2012. Attachment 6 of the May 29, 2012 Quarterly Public Hearing abstract contained staff's mail out certification, a copy of the notification letter, and the mailing labels as provided by the applicant for all property owners within 500 feet	___Yes ____No

Section 3.3 *Base Zoning Districts – Rural Buffer* ; Section 6.3 *Land Use Intensity Measures* ; Dimensional standards approved as part of the original Heartwood at Blackwood Mountain Class A Special Use Permit (<u>"Yes" indicates compliance; "No" indicates non-compliance)</u>

	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
Section 3.3 and Section 6.3 establishes land use intensity measures. The approved Class A Special Use Permit for the Heartwood project established minimum dimensional standards for the project as a whole. Total area of the original project, as defined within the application was **1,533,747 sq. ft. (35.21 acres)**			
Per previously approved SUP, site plan and Section 3.3 *Base Zoning Districts – Rural Buffer Conditional Use district* (staff note – this is what was required for the project when it was classified as a Planned Development) Floor Area Ratio (FAR) Maximum allowed – 0.058 of the total project area or 88,957 sq.ft.	**X**__Yes ____No	The May 29, 2012 Quarterly Public Hearing abstract provided the required breakdown. The narrative and site plan for the Heartwood project proposed a total floor area of 82,000 sq. ft. (1.88 acres). Removal of the 2 acre portion of the parcel zoned PD-H-R1 will reduce the allowable floor area ratio to 83,905 sq. ft. Applicant was still proposing less overall floor area for the project. A condition of approval for this request is that a revised plat be prepared denoting the revised boundary of the Special Use Permit along with the revised dimensional standards impacting development for the project as a whole.	___Yes ____No

Per previously approved SUP and site plan and Section 3.3 *Base Zoning Districts – Rural Buffer Conditional Use district* (staff note – this is what was required for the project when it was classified as a Planned Development) Minimum Required Open Space Ratio - 0.84 of the total project area or 1,288,348 sq.ft (29.5 acres)	**X**__Yes ____No	The May 29, 2012 Quarterly Public Hearing abstract provided the required breakdown. The narrative and site plan for the Heartwood project proposed a total minimum open space area of 1,451,747 sq. ft. (33.32 acres) for the entire development. Removal of the 2 acre portion of the parcel zoned PD-H-R1 will reduce the minimum open space requirement for the project to approximately 1,215,166 sq.ft. (27.8 acres). The original application proposed more open space than originally required for the approval of the Special Use Permit. This lot was not part of the required open space area. Its removal from the project will not impact available open space. Proposed modification will not reduce required open space ratio below the required ratio for the project as defined on the plat and within the UDO. A condition of approval for this request is that a revised plat be prepared denoting the revised boundary of the Special Use Permit along with the revised dimensional standards impacting development for the project as a whole	___Yes ____No

Per previously approved SUP and site plan and Section 3.3 *Base Zoning Districts – Rural Buffer Conditional Use district* (staff note – this is what was required for the project when it was classified as a Planned Development) Minimum Required Livability Space Ratio – 0.75 of the total project area or 1,150,310 sq.ft. (26.4 acres)	**X** Yes ____No	The May 29, 2012 Quarterly Public Hearing abstract provided a breakdown of the dimensional standards for the project. The narrative and site plan for the Heartwood project proposed a total minimum livability space of 1,280,147 sq.ft (29.3 acres)for the entire development. Removal of the 2 acre portion of the parcel zoned PD-H-R1 will reduce the minimum required livability space to approximately 1,084,970 sq.ft. (24.9 acres) The applicant has not proposed modifying the anticipated livability space ratio for the project. Proposed modification will not invalidate or alter previous approvals. A condition of approval for this request is that a revised plat be prepared denoting the revised boundary of the Special Use Permit along with the revised dimensional standards impacting development for the project as a whole

Per previously approved SUP and site plan and Section 3.3 *Base Zoning Districts – Rural Buffer Conditional Use district* (staff note – this is what was required for the project when it was classified as a Planned Development) Minimum Required Recreation Space Ratio – 0.019 or 29,141 sq.ft. (staff note – the required minimum recreation space ratio enforced at the time this project was adopted was, in fact, **0.031** or **47,546 sq. ft,. not the .019 referenced in staff's findings from 1986)**	**X** Yes ____No	The May 29, 2012 Quarterly Public Hearing abstract provided the required breakdown, which has since been revised within this document to reflect the actual required ratio (i.e. .031 rather than .019) The narrative and site plan for the Heartwood project proposed a total minimum recreation space of 96,000 sq.ft (2.2 acres) for the entire development. Removal of the 2 acre portion of the parcel zoned PD-H-R1 will reduce the minimum required recreation space to approximately 44,845 sq.ft. This lot was not proposed for recreational use so it removal does not eliminate identified recreation area. A condition of approval for this request is that a revised plat be prepared denoting the revised boundary of the Special Use Permit along with the revised dimensional standards impacting development for the project as a whole

Section 5.3.2 (B) Special Use – Specific Standards CLASS A SPECIAL ("Yes" indicates compliance; "No" indicates non-compliance)

	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
Section 5.3.2 (B) In addition to the general standards the following specific standards shall be addressed by the applicant before the issuance of a Special Use Permit			
Section 5.3.2 (B) (1) Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	**X** Yes ____No	Sewage is disposed of via private septic systems on individual lots. Water is provided through a community well maintained by a 3rd party. The removal of this lot from the Heartwood subdivision will not create septic or well issues for the remaining lots in the development as this lot was slated for development as part of the creative learning center and duplex residences. Attachment 3 of the May 29, 2012 Quarterly Public Hearing abstract contained a memo from Orange County Health indicating they had no problem with the proposal as submitted or the removal of the lot from the provisions of the previously approved Special Use Permit.	___Yes ____No

Section 5.3.2 (B) (2) Method and adequacy of police, fire and rescue squad protection.	**X**__Yes	____No	Fire protection will be provided by the New Hope Fire Department, rescue service by the Orange County Emergency Management, and police protection by the Orange County Sheriff's Department. Attachment 3 of the May 29, 2012 Quarterly Public Hearing abstract contain memos from the EMS Director and the Fire Marshal indicating they had no problem with the proposal as submitted. No concerns have been expressed by the Sheriff's office.	___Yes	____No
Section 5.3.2 (B) (3) Method and adequacy of vehicle access to the site and traffic conditions around the site.	_X_Yes	___No	The removal of this lot will not impact traffic use on Pathway Court. The removal of this lot does not impact the original traffic impact analysis completed by Phil Post and Associates and submitted as part of the project's original approval. The removal of this lot, in fact, will reduce traffic along Pathway Court. A drive cut from the farm will not be allowed as testified by staff at the May 29, 2012 Quarterly Public Hearing.	___Yes	____No

Section 5.3.2 (A) (2) Special Use – General Standards CLASS A SPECIAL ("Yes" indicates compliance; "No" indicates non-compliance)

	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS	
In accordance with Section 5.3.2 (A) (2), the Board of Commissioners shall also consider the following general conditions before the application for a Special Use can be approved:	** NOTE – staff does not make specific recommendations with respect to these findings **			
Section 5.3.2 (A) (2) (a) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.		Based on evidence presented at the hearing.	___Will	__Will Not
Section 5.3.2 (A) (2) (b) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property).		Based on evidence presented at the hearing.	___Will	__Will Not
Section 5.3.2 (A) (2) (c) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.		Based on evidence presented at the hearing.	____Is	__ Is Not

RECOMMENDATION:

Staff has not received any information that would establish grounds for making a negative finding on the general standards. These standards include maintaining or promoting the public health, safety, and general welfare, maintaining or enhancing the value of contiguous property, and the use being in compliance with the general plan for the physical development of the County.

Staff has reviewed the application, the site plan, and all supporting documentation and has found that the applicant **complies** with the specific standards and required regulations as outlined within the UDO.

Provided the Planning Board and the Board of County Commissioners finds in the affirmative on the specific and general standards, the Board could make a positive finding on this application. In the event that the Board of County Commissioners makes the determination that the permit can be issued, Planning Staff recommends the attachment of the following conditions to the Special Use Permit:

1. That an Ordinance approving the rezoning of the subject parcels as requested by the applicant as part of the application submittal process be approved by the Board of County Commissioners;
2. Condition 17 of the Original Special Use Permit, approved on September 2, 1986 and recorded within the Registrar of Deeds office within Book 725 at Page 306, required that the developer produce: '*a final boundary survey of the Planned Development* (i.e. Heartwood)'. As part of this revision the applicant shall, within 180 days from the approval of this modification, cause the production of a revised boundary survey for the Heartwood and Blackwood Mountain Planned Development denoting the new boundary line and submit it to the Orange County Planning Department for approval. This survey, prepared and sealed by a licensed land surveyor, shall also denote the revised dimensional standards for the project as follows:

ORIGINAL REQUIRED MINIMUM STANDARDS: **(Per Orange County Regulations)**	**REVISED REQUIRED MINIMUM STANDARDS:** **(Removing the 2 acre lot from the Planned Development)**	**PROPOSED STANDARDS FOR PROJECT:** **(As proposed by the applicant)**
Floor Area Ratio (FAR) Maximum allowed – 0.058 or 88,957 sq.ft.	Floor Area Ratio (FAR) Maximum allowed – 0.058 or 83,905 sq. ft.	Maximum Allowable Floor Area Ratio for project - 82,000 sq. ft. (1.88 acres)
Minimum Required Open Space – 0.84 or 1,288,348 sq.ft (29.5 acres)	Minimum Required Open Space – 0.84 or 1,215,166 sq.ft. (27.8 acres)	Minimum Proposed Open Space for project - 1,445,147 sq. ft. (33.17 acres)
Minimum Required Livability Space – 0.75 or 1,150,310 sq.ft. (26.4 acres)	Minimum Required Livability Space – 0.75 or 1,084,970 sq.ft. (24.9 acres)	Proposed Livability Space for project - 1,280,147 sq.ft (29.3 acres)
Minimum Required Recreation Space – 0.031 or 47,546 sq. ft	Minimum Required Recreation Space – 0.031 or 44,845 sq. ft.	Required Recreation Space for project - 96,000 sq. ft (2.2 acres)

The boundary survey shall be recorded within the Orange County Registrar of Deeds within 30 days of being approved by the County Planning Department.

3. The applicant shall, within 180 days from the approval of this modification, cause the production of a recombination plat legally recombining the subject property with an adjacent parcel, identified with the Parcel Identification Number of 9871-63-4523, consistent with the submitted application and the applicant's testimony.

4. Vehicular and/or pedestrian access from this property, or the adjacent camp/retreat center identified with the Parcel Identification Number of 9871-63-4523, onto Pathway Court shall be prohibited.

Planning Board July 11, 2012 regular meeting
Attachment 5
Excerpt of Quarterly Public Hearing Minutes

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
May 29, 2012
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Tuesday, May 29, 2012 at 7:00 p.m. at DSS Offices, Hillsborough Commons, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier, and Commissioners Alice Gordon, Barry Jacobs, Valerie Foushee, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Manager Michael Talbert, and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT:, Vice Chair Larry Wright, Pete Hallenbeck, Mark Marcoplos, H.T. "Buddy Hartley", Andrea Rohrbacher, Lisa Stuckey, Maxecine Mitchell, and Tony Blake

PLANNING BOARD MEMBERS ABSENT: Chair Brian L. Crawford, Rachel Phelps Hawkins, Alan Campbell, and Johnny Randall

Chair Pelissier called the meeting to order at 7:04:05 PM.

****

C. PUBLIC HEARING ITEMS

Planning Board Vice Chair Larry Wright introduced this item.

1. **Zoning Atlas Amendment and Class A Special Use Permit Modification** - To review an application to modify an existing Class A Special Use Permit governing the development of the Heartwood at Blackwood Mountain Planned Development by removing a parcel from the project and rezoning it from PD-H-R1 (Planned Development Housing Rural Residential) and RB (Rural Buffer) to RB (Rural Buffer). The property is located off of Pathway Court, a private road.

Michael Harvey: This is a special use permit. At this time, all individuals that are seeking to provide testimony have to be sworn.

Those who were speaking to this item were then sworn in.

Michael Harvey: I have been sworn. This item involves a request to review a modification to an existing special use permit and the review of a general use rezoning application for lot 31R in the Heartwood at Blackwood Mountain Planned Development. As you will note, in attachment 2

in your packets, Mr. Spence Dickinson is the owner of this property property that is currently split-zoned Rural Buffer and Planned Development Housing rural Residential. I would like to remind the Board that you have a copy of the PowerPoint presentation at your places for your review. As indicated in the abstract, the property is currently split zoned and approximately two acres is located within the boundary of the special use permit. The Heartwood at Blackwood Mountain project is zoned Planned Development Housing Rural Residential and is directly adjacent to existing camp/retreat center, also owned and operated by Mr. Dickenson. The other portion of this property, which is two acres in area is to the north zoned Rural Buffer. It is not and was not part of the original Heartwood at Blackwood Mountain Planned Development. As you will note from the abstract provided to you, at some point, Mr. Dickenson recombined this tract of land (staff identified the portion of property zoned Planned Development) with this tract of land (staff identified the portion of property zoned Rural Buffer), which technically constituted a special use permit modification and should have been approved by the County at the time the recombination occurred. This was done in the mid-90's. This proposal will correct that problem. Ultimately, what Mr. Dickenson is requesting is lot 31R in its entirety, this two-acre portion currently zoned Rural Buffer, and this two-acre portion currently zoned PD-H-R1, be rezoned totally to Rural Buffer and removed from the provisions of the Heartwood special use permit. You will find a copy of the application in Attachment 1 of your abstract packet. As we indicated in our abstract, as Mr. Dickenson argues the request is an attempt to address existing and long-standing septic and development issues at the creative learning center, specifically the camp retreat center operating to the east. Mr. Dickenson has been working with the current Planning staff for several years to bring this particular parcel of property into compliance with the provisions of the code. He is currently operating the retreat center on the property in accordance with a previously issued Class B special use permit, issued by the Board of Adjustment in 2008.

As indicated in the application and in this PowerPoint, the applicant only intends to recombine the separate parcel with the adjacent camp property and construct the required septic system and repair area for compliance not only with the special use permit, but the Orange County Health Department.

This is a two-tiered process. The application involves a rezoning request changing the property from PD-H-R1 and Rural Buffer to just Rural Buffer. That is a legislative decision. I will call the Board's attention to Attachment 4 of your packet where staff has provided a chart outlining the differences between legislative and a quasi-judicial, which is a special use permit process. We also are looking at a modification of a Class A Special Use Permit in accordance with Section 2.7 inclusive of the Unified Development Ordinance. What Mr. Dickenson is modifying would be to remove lot 31R as it's currently shown on this map (staff identified the property on a map) from the provisions and requirements of the special use permit. The decision on this modification is rendered and based on the sworn testimony from the applicant, any supporters, any detractors. The applicant still bears the burden of proof in order to determine whether or not the request complies with the provisions of the code, the previously approved special use permit and the required findings of fact. You will note from the abstract that staff's initial findings are that the applicant has submitted all required documentation with this proposal, the request does not appear to invalidate previously issued conditions or dimensional standards associated with the Heartwood subdivision.

I will call your attention specifically to pages 2, 3 and 4 of your abstract where staff breaks down the various provisions associated with the Heartwood special use permit. The removal of this tract does not invalidate existing ratio standards or proposals for land use that Mr. Dickenson had originally proposed for the Heartwoods project as approved by the County in the mid to late

80's. Finally, I will say that there are policies within the Comprehensive Plan lending credence to the viability of this proposal.

What you are being asked to do tonight is receive the application, conduct the public hearing, accept County Commissioner and Planning Board comments, refer the matter to the Planning Board with a request that a recommendation be referred to the County Board of Commissioners in time for your September 18th meeting, and that you adjourn the public hearing until this date and time certain in order to receive the Planning Board recommendation. Mr. Dickenson, the applicant is here this evening. If you have any other questions, I'd be more than happy to answer them.

There were no questions from the Planning Board or the Board of County Commissioners.

Spence Dickenson: I have been sworn in. I have owned Spence's Farm since 1984, and I've worked with over 10,000 children at the farm. I've made a significant difference in the people that have been there for 15 years and even worked for me at this point. At some point we looked at what to do to have the farm be legal, in compliance with everything. As a farm, it was exempt from the Planning zoning. We have been trying to bring it all into compliance. The only thing left at this point is the septic system. I have been turned down by the Health Department as far as being able to find any septic system on Spence's Farm proper. I own the adjacent land. Michael Harvey is of the mind that we couldn't go across the PDD to put it where we were going to put it on the upper piece until we took it out of the special use.

Chris Lamb: My name is Chris Lamb, and I have been duly sworn in. I live in the Heartwood community and know Spence well and drive by his farm every day. I do support resolving the issue around the septic system. It's been going on for too long, it needs to be resolved. My main concern with this change this piece of property will no longer be subject to our existing covenants as well as the provisions of the special use permit. In the plans I see here and potential interpretations of the special use permit and whoever may own that piece of property in the future, I do not see enough protections of my property value rights. This property will now extend that farm/camp/retreat into the Heartwood community. And while Spence has done a lot to improve appearances of the farm with Heartwood, recently that's not been the history and it might not be the history of future owners of that property. So I would like to see some sort of protection where this piece of property can only be used for that septic field and no other activities or services or hindrances into the farm so that we could still have this border that protects the Heartwood community and the value of our properties for the many activities on the farm. I think this plan really opens up a whole host of interpretations of what could be run on that piece of property right next to our Heartwood homeowners and our pond. I would like to see some type of extra specification be put in that it could be only be used for that septic system and no other services or buildings or structures.

Michael Harvey: I will speak the best that I can to that. What the Board is essentially being asked to do this evening is allow lot 31R to be removed from the existing special use permit and have it rezoned to Rural Buffer. Mr. Dickenson is not going to be able to develop the septic system on the property until it goes back to the Orange County Board of Adjustment and combines this parcel with the existing special use permit, where it will have to be reviewed and approved at a public hearing. Mr. Dickenson will have to allow the Board of Adjustment to develop findings of fact making the determination that the request is consistent with the various general standards detailed within Section 2.7 as well as 5.3.2 of the Unified Development Ordinance. He will also be required to maintain buffers as required by the ordinance in terms of separation, the natural buffer separating this particular parcel of property from the Heartwood

development. There will be limitations imposed by the Board of Adjustment through that process relating to the developability and use of the property consistent with existing standards within the Ordinance. I think the concerns expressed this evening are more appropriately addressed through the Class B Special Use Permitting review process, as Mr. Dickenson will have to prove compliance with the various applicable standards including the required landscaping separation buffers at that time. I will also state for the record here this evening, Planning staff would not allow for a connector onto Pathway Court from the campy property. The reason being is that this is a private road governed by a special use permit for the Heartwood planned development. There is no guarantee of access from the farm because it is not governed by the Heartwood special use permit and such an action would invalidate a required buffer.

Commissioner Jacobs: I just want to ask Mr. Harvey if he could please make sure that Mr. Lamb gets a notification of the Board of Adjustment meeting.

Michael Harvey: He will certainly, because he is within the 500 feet of the property boundary, and as you know, we are required and obligated to send letters to everyone within 500 feet, so he will be notified.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to receive the application, refer the matter to the Planning Board with a request that a recommendation be returned to the Board of Commissioners for the September 18th regular meeting, and adjourn the public hearing until September 18th in order to receive and accept the Planning Board's recommendation and any submitted written comments.
VOTE: UNANIMOUS

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RATIO EXPLANATIONS:

- **Floor Area Ratio**:
  - Definition (Article 10 UDO): The maximum floor area permitted for each square foot of land area.
  - Includes allowable floor area for single and multiple story buildings
  - Permits are reviewed for compliance with the overall floor area ratio limit for the specific zoning district or as part of an overall project.

- **Open Space Ratio**:
  - Definition (Article 10 UDO): The minimum square footage of open space required for each square foot of gross land area. This area includes parking and vehicular access areas and it can also include balconies, and roofs improved for recreation
  - Open space, from a land use intensity standpoint, includes the total horizontal area of uncovered open space plus half the total horizontal area of covered open space subject to specific limitations detailed within the UDO.

- **Livability Space Ratio**:
  - Definition (Article 10 UDO): The minimum square footage of non-vehicular outdoor space required for each square foot of land area in residential development.
  - Livability space is intended to be open space used for people, planting and visual appeal and does not include vehicular parking and access areas.
  - The ratio identifies areas on a parcel of property or within a development project that are part of total open space improved for residents use and for aesthetic appeal. This would include lawns/landscaped areas, walkways, paved terraces and sitting areas, outdoor recreational areas, and landscaped portions of street rights-of-way.

- **Recreation Space Ratio**:
  - Definition (Article 10 UDO): Minimum square footage of open space in residential areas, suitable by location, size, shape, access and improvements, required for each square foot of gross land area. This area is a public or private exterior area improved for recreation of all residents, having a least dimension of 50 feet, and average dimension of 100 feet and a minimum area of 10,000 square feet.
  - The ratio identifies exterior area on a parcel of property or within a development project improved for common recreational use.
  - This ratio identifies property that is a portion of the total Livability Space Ratio calculation.

Attachment 2

EXCERPT OF MINUTES

APPROVED 8/21/2012

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
May 29, 2012
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Tuesday, May 29, 2012 at 7:00 p.m. at DSS Offices, Hillsborough Commons, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier, and Commissioners Alice Gordon, Barry Jacobs, Valerie Foushee, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Manager Michael Talbert, and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT:, Vice Chair Larry Wright, Pete Hallenbeck, Mark Marcoplos, H.T. "Buddy Hartley", Andrea Rohrbacher, Lisa Stuckey, Maxecine Mitchell, and Tony Blake

PLANNING BOARD MEMBERS ABSENT: Chair Brian L. Crawford, Rachel Phelps Hawkins, Alan Campbell, and Johnny Randall

Chair Pelissier called the meeting to order at 7:04:05 PM.

A. PUBLIC HEARING ITEMS

Planning Board Vice Chair Larry Wright introduced this item.

1. **Zoning Atlas Amendment and Class A Special Use Permit Modification** - To review an application to modify an existing Class A Special Use Permit governing the development of the Heartwood at Blackwood Mountain Planned Development by removing a parcel from the project and rezoning it from PD-H-R1 (Planned Development Housing Rural Residential) and RB (Rural Buffer) to RB (Rural Buffer). The property is located off of Pathway Court, a private road.

Michael Harvey: This is a special use permit. At this time, all individuals that are seeking to provide testimony have to be sworn.

Those who were speaking to this item were then sworn in.

Michael Harvey: I have been sworn. This item involves a request to review a modification to an existing special use permit and the review of a general use rezoning application for lot 31R in the Heartwood at Blackwood Mountain Planned Development. As you will note, in attachment 2 in your packets, Mr. Spence Dickinson is the owner of this property property that is currently split-zoned Rural Buffer and Planned Development Housing rural Residential. I would like to remind the Board that you have a copy of the PowerPoint presentation at your places for your review. As indicated in the abstract, the property is currently split zoned and approximately two acres is located within the boundary of the special use permit. The Heartwood at Blackwood Mountain project is zoned Planned Development Housing Rural Residential and is directly adjacent to existing camp/retreat center, also owned and operated by Mr. Dickenson. The other portion of this property, which is two acres in area is to the north zoned Rural Buffer. It is not and was not part of the original Heartwood at Blackwood Mountain Planned Development. As you will note from the abstract provided to you, at some point, Mr. Dickenson recombined this tract of land (staff identified the portion of property zoned Planned Development) with this tract of land (staff identified the portion of property zoned Rural Buffer), which technically constituted a special use permit modification and should have been approved by the County at the time the recombination occurred. This was done in the mid-90's. This proposal will correct that problem. Ultimately, what Mr. Dickenson is requesting is lot 31R in its entirety, this two-acre portion currently zoned Rural Buffer, and this two-acre portion currently zoned PD-H-R1, be rezoned totally to Rural Buffer and removed from the provisions of the Heartwood special use permit. You will find a copy of the application in Attachment 1 of your abstract packet. As we indicated in our abstract, as Mr. Dickenson argues the request is an attempt to address existing and long-standing septic and development issues at the creative learning center, specifically the camp retreat center operating to the east. Mr. Dickenson has been working with the current Planning staff for several years to bring this particular parcel of property into compliance with the provisions of the code. He is currently operating the retreat center on the property in accordance with a previously issued Class B special use permit, issued by the Board of Adjustment in 2008.

As indicated in the application and in this PowerPoint, the applicant only intends to recombine the separate parcel with the adjacent camp property and construct the required septic system and repair area for compliance not only with the special use permit, but the Orange County Health Department.

This is a two-tiered process. The application involves a rezoning request changing the property from PD-H-R1 and Rural Buffer to just Rural Buffer. That is a legislative decision. I will call the Board's attention to Attachment 4 of your packet where staff has provided a chart outlining the differences between legislative and a quasi-judicial, which is a special use permit process. We also are looking at a modification of a Class A Special Use Permit in accordance with Section 2.7 inclusive of the Unified Development Ordinance. What Mr. Dickenson is modifying would be to remove lot 31R as it's currently shown on this map (staff identified the property on a map) from the provisions and requirements of the special use permit. The decision on this modification is rendered and based on the sworn testimony from the applicant, any supporters, any detractors. The applicant still bears the burden of proof in order to determine whether or not the request complies with the provisions of the code, the previously approved special use permit and the required findings of fact. You will note from the abstract that staff's initial findings are that the applicant has submitted all required documentation with this proposal, the request does not appear to invalidate previously issued conditions or dimensional standards associated with the Heartwood subdivision.

I will call your attention specifically to pages 2, 3 and 4 of your abstract where staff breaks down the various provisions associated with the Heartwood special use permit. The removal of this tract does not invalidate existing ratio standards or proposals for land use that Mr. Dickenson had originally proposed for the Heartwoods project as approved by the County in the mid to late 80's. Finally, I will say that there are policies within the Comprehensive Plan lending credence to the viability of this proposal.

What you are being asked to do tonight is receive the application, conduct the public hearing, accept County Commissioner and Planning Board comments, refer the matter to the Planning Board with a request that a recommendation be referred to the County Board of Commissioners in time for your September 18th meeting, and that you adjourn the public hearing until this date and time certain in order to receive the Planning Board recommendation. Mr. Dickenson, the applicant is here this evening. If you have any other questions, I'd be more than happy to answer them.

There were no questions from the Planning Board or the Board of County Commissioners.

Spence Dickenson: I have been sworn in. I have owned Spence's Farm since 1984, and I've worked with over 10,000 children at the farm. I've made a significant difference in the people that have been there for 15 years and even worked for me at this point. At some point we looked at what to do to have the farm be legal, in compliance with everything. As a farm, it was exempt from the Planning zoning. We have been trying to bring it all into compliance. The only thing left at this point is the septic system. I have been turned down by the Health Department as far as being able to find any septic system on Spence's Farm proper. I own the adjacent land. Michael Harvey is of the mind that we couldn't go across the PDD to put it where we were going to put it on the upper piece until we took it out of the special use.

Chris Lamb: My name is Chris Lamb, and I have been duly sworn in. I live in the Heartwood community and know Spence well and drive by his farm every day. I do support resolving the issue around the septic system. It's been going on for too long, it needs to be resolved. My main concern with this change this piece of property will no longer be subject to our existing covenants as well as the provisions of the special use permit. In the plans I see here and potential interpretations of the special use permit and whoever may own that piece of property in the future, I do not see enough protections of my property value rights. This property will now extend that farm/camp/retreat into the Heartwood community. And while Spence has done a lot to improve appearances of the farm with Heartwood, recently that's not been the history and it might not be the history of future owners of that property. So I would like to see some sort of protection where this piece of property can only be used for that septic field and no other activities or services or hindrances into the farm so that we could still have this border that protects the Heartwood community and the value of our properties for the many activities on the farm. I think this plan really opens up a whole host of interpretations of what could be run on that piece of property right next to our Heartwood homeowners and our pond. I would like to see some type of extra specification be put in that it could be only be used for that septic system and no other services or buildings or structures.

Michael Harvey: I will speak the best that I can to that. What the Board is essentially being asked to do this evening is allow lot 31R to be removed from the existing special use permit and have it rezoned to Rural Buffer. Mr. Dickenson is not going to be able to develop the septic system on the property until it goes back to the Orange County Board of Adjustment and combines this parcel with the existing special use permit, where it will have to be reviewed and approved at a public hearing. Mr. Dickenson will have to allow the Board of Adjustment to

develop findings of fact making the determination that the request is consistent with the various general standards detailed within Section 2.7 as well as 5.3.2 of the Unified Development Ordinance. He will also be required to maintain buffers as required by the ordinance in terms of separation, the natural buffer separating this particular parcel of property from the Heartwood development. There will be limitations imposed by the Board of Adjustment through that process relating to the developability and use of the property consistent with existing standards within the Ordinance. I think the concerns expressed this evening are more appropriately addressed through the Class B Special Use Permitting review process, as Mr. Dickenson will have to prove compliance with the various applicable standards including the required landscaping separation buffers at that time. I will also state for the record here this evening, Planning staff would not allow for a connector onto Pathway Court from the campy property. The reason being is that this is a private road governed by a special use permit for the Heartwood planned development. There is no guarantee of access from the farm because it is not governed by the Heartwood special use permit and such an action would invalidate a required buffer.

Commissioner Jacobs: I just want to ask Mr. Harvey if he could please make sure that Mr. Lamb gets a notification of the Board of Adjustment meeting.

Michael Harvey: He will certainly, because he is within the 500 feet of the property boundary, and as you know, we are required and obligated to send letters to everyone within 500 feet, so he will be notified.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to receive the application, refer the matter to the Planning Board with a request that a recommendation be returned to the Board of Commissioners for the September 18th regular meeting, and adjourn the public hearing until September 18th in order to receive and accept the Planning Board's recommendation and any submitted written comments.
VOTE: UNANIMOUS

Attachment 3

EXCERPT OF MINUTES

APPROVED AUGUST 1, 2012

MINUTES
ORANGE COUNTY PLANNING BOARD
JULY 11, 2012
REGULAR MEETING

MEMBERS PRESENT: Larry Wright (Chair), At-Large, Cedar Grove Township; Peter Hallenbeck (Vice-chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Rachel Hawkins, Hillsborough Township Representative; Tony Blake, Bingham Township Representative;

MEMBERS ABSENT: Dawn Brezina, Eno Township Representative; Johnny Randall, At-Large Chapel Hill Township; Mark Marcoplos, At-Large, Bingham Township; Andrea Rohrbacher, At-Large Chapel Hill Township;

STAFF PRESENT: Michael Harvey, Current Planning Supervisor; Perdita Holtz, Planning Systems Coordinator; Tina Love, Administrative Assistant II

OTHERS PRESENT: Beth Trahos, Richard Kirkland, Lance Williams, Tim Smith, John McGuire, Joe Griffin

Items handed out to the Planning Board Members at meeting: Purchased Power Agreement between Duke Energy Carolinas and White Cross Farm, LLC; Duke Energy Purchase Agreement Rate Structure

AGENDA ITEM 8: Zoning Atlas Amendment and Class A Special Use Permit Modification - To make a recommendation to the BOCC on an application to modify an existing Class A Special Use Permit governing the development of the Heartwood at Blackwood Mountain Planned Development by removing a parcel from the project and rezoning it from PD-H-R1 (Planned Development Housing Rural Residential) and RB (Rural Buffer) to RB (Rural Buffer). The property is located off of Pathway Court, a private road. This item was heard at the May 29, 2012 quarterly public hearing.
Presenter: Michael Harvey, Current Planning Supervisor

Larry Wright: I am on the Board of Adjustment and this ultimately can go to the Board of Adjustment which is quasi-judicial. I ask Michael heretofore if I should recuse myself. Should I recuse myself from item 8?

Michael Harvey: You do not need to recuse yourself. Reviewed abstract and staff findings/recommendations.

Larry Wright: Any questions from members of the Board.

Lisa Stuckey: Will there be vegetation between that property and Pathway Court?

Michael Harvey: There is a requirement that all camp retreat centers have to observe a buffer along properties including their perimeter. Also as this lot is now being removed from the confines of the Heartwood Special Use Permit there is no longer any legal right of access to Pathway Court from the property.

Motion made by Lisa Stuckey to approve Sections 2.2 and Section 2.7.3 and accept staff's recommendation. Seconded by Maxecine Mitchell.
Vote: Unanimous

Motion made by Tony Blake to accept staff's recommendation for Section 2.7.5 Class A Special Notification Requirement. Seconded by Buddy Hartley.
Vote: Unanimous

Motion made by Lisa Stuckey to approve Sections 2.2 and Section 2.7.3 and accept staff's recommendation. Seconded by Maxecine Mitchell.
Vote: Unanimous

Motion made by Rachel Hawkins to approve Section 3.3 Base Zoning Districts and Section 6.3 Land Use Intensity Measures: Dimensional standards approved as part of the original Heartwood and Blackwood Mountain Class A Special Use Permit and take staff's recommendation. Seconded by Tony Blake.
Vote: Unanimous

Motion made by Lisa Stuckey to approve Section 5.3.2(B) Special Use – Specific Standards Class A Special Use and accept staff's recommendation. Seconded by Maxecine Mitchell.
Vote: Unanimous

Motion made by Alan Campbell to approve Sections 5.3.2(A)(2)(a) that the use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted based on correspondence from staff that there are no problems along these lines and evidence presented at other hearings and also entered into the record from the applicant as summarized earlier in our hearing by Mr. Harvey. Seconded by Tony Blake.
Vote: Unanimous

Motion made by Alan Campbell to approve Section 5.3.2(A)(2)(b) that the use of the project will maintain and enhance the value of the contiguous property which is based on the applicant's testimony at the public hearing and materials submitted in the record. Seconded Buddy Hartley.
Vote: Unanimous

Motion made by Alan Campbell to approve Section 5.3.2(A)(2)(c) that for this project, the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the BOCC all pursuant to the testimony presented by the applicant at the hearing or otherwise submitted. Seconded Tony Blake.
Vote: Unanimous

Motion made by Alan Campbell to approve the recommendations of staff for this entire project as outlined on page 50 and page 51. Seconded Buddy Hartley.
Vote: Unanimous

Motion made by Alan Campbell to approve the resolution of the rezoning. Seconded Lisa Stuckey.
Vote: Unanimous

Attachment 4

Michael Harvey

From: Spence Dickinson <spencetm@aol.com>
Sent: Monday, September 10, 2012 1:22 PM
To: Michael Harvey
Cc: Spence's Farm
Subject: Acceptance of Conditions on permit

I am sending this email per conversation with Michael Harvey on the application I submitted to remove lot 32 Heartwood for the PUD.

I understand there will be some conditions. I have read them and accept them, except condition 5. After I developed Heartwood I developed the subdivision of DeerRidge which Lot 8 DeerRidge is accessed by Pathway Court. I request that the requirement to deny access to Lot 32 from Pathway Court would create a undue hardship and the limited use would not impact the remaining uses and owners of land on Pathway Court.

I hope this is sufficient for what is needed and my request to maintain access to Pathway Court would not be denied.

Thank You Michael Harvey and the commissioners for your help in settling this matter.

Spence Dickinson
spencetm@aol.com

Attachment 5

CASE NUMBER: SU-A-1-12

**FINDINGS OF THE ORANGE COUNTY PLANNING STAFF
PERTAINING TO A REQUEST SUBMITTED BY
SPENCE DICINSON
REQUESTING A SPECIAL USE PERMIT MODIFICATION
TO REMOVE A 4 ACRE PARCEL (PIN 9871-54-9182)
FROM THE HEARTWOOD AND BLACKWOOD MOUNTAIN PLANNED DEVELOPMENT**

As required under Section 2.7.14 of the Orange County Unified Development Ordinance (UDO), modifications to previously approved Class A Special Use Permits are processed in accordance with the provisions of Section 2.7 of the UDO.

This request must comply with general and specific standards as set forth in Section 5.3.2 (A) and (B) of the UDO.

The Board shall make findings certifying that the application is complaint with the following specific standards:

(1) Specific standards for the submission of Special Use Permit applications as outlined within Section(s) 2.2 and 2.7 of the UDO,

(2) Dimensional requirements as detailed within Section(s) 3.3 and 6.3 of the UDO including dimensional requirements approved as part of the original Heartwood at Blackwood Mountain Class A Special Use Permit,

(3) Section 5.3.2 (B) relating to the method and adequacy of the provision of:

   a. Sewage disposal facilities,
   b. The adequacy of police, fire, and rescue squad protection, and
   c. The adequacy of vehicular access to the site and traffic conditions around the site

(4) The general findings outlined within Section 5.3.2 (A) (2).

Listed below are the findings of the Orange County Planning Department regarding the application in question. The findings have been presented by Article and requirement to assist in deliberations.

SECTION 2.2 AND 2.7.3 *CLASS A SPECIAL USE PERMIT APPLICATION COMPONENTS* ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements	PLANNING BOARD RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOCC FINDINGS
Section 2.2 The application for a Class A Special Use Permit shall be on forms provided by the Planning Department.	**X** Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the completed application for the request.	___Yes ____No
2.2.4 (D) Applications must be accompanied by the fee amount that has been established by Board of County Commissioners. Application fees are nonrefundable.	**X** Yes ____No	Staff testimony during the Quarterly Public Hearing that the applicant had paid all applicable fees as required by the adopted fee schedule.	___Yes ____No
2.7.3 (B) (1) A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.	**X** Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained a detailed narrative outlining the nature of the request.	___Yes ____No
2.7.3 (B) (2) The names and addresses of the owners of the property	**X** Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the required information	___Yes ____No

Ordinance Requirements	**PLANNING BOARD RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**BOCC FINDINGS**
2.7.3 (B) (3) Relevant information needed to show compliance with the general and specific standards governing the Special Use	**X**__Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the required detail including a site plan denoting the boundary of the property. The Public Hearing abstract, as entered into the record by staff, contained a breakdown of the minimum dimensional requirements for the Heartwood subdivision demonstrating that the proposed revision will not invalidate the previous approval.	___Yes ____No
2.7.3 (B) (4) Twenty-six (26) copies of the site plan prepared by a registered N.C. land surveyor, architect, or engineer.	**X**__Yes ____No	Required copies of the site plan, prepared by Holland Surveying were submitted and part of the May 29, 2012 Quarterly Public Hearing abstract for this item	___Yes ____No
2.7.3 (B) (5) If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.14 shall be provided.	_X__ Not applicable	The Project does not involve a preliminary subdivision application.	__ Not applicable
2.7.3 (B) (6) A list of all parcels located within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.	**X**__Yes ____No	The applicant provided staff with the required list of adjacent property owners	___Yes ____No

Ordinance Requirements	**PLANNING BOARD RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**BOCC FINDINGS**
2.7.3 (B) (7) Elevations of all structures proposed to be used in the development.	_X__ Not applicable	The Project does not involve the development of any structures. As such this requirement is not applicable.	__ Not applicable
2.7.3 (B) (8) 26 copies of an Environmental Assessment or Environmental Impact Statement as required by Section 6.16 of the UDO	_X__ Not applicable	The Project will not result in any disturbance requiring the submission of an Environmental Assessment per Section 6.18 of the UDO. As such this requirement is not applicable.	__ Not applicable
2.7.3 (B) (9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.	_X__ Not applicable	The proposal will not involve the development of the subject property. As such this requirement is not applicable.	__ Not applicable
2.7.3 (B) (10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.	_X__ Not applicable	The proposal will not involve the development of the subject property. As such this requirement is not applicable.	__ Not applicable
2.7.3 (B) (11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum)	X Not applicable	The applicant is not requesting vesting of the project.	___Not applicable

SECTION 2.7.5 *CLASS A SPECIAL NOTIFICATION REQUIREMENTS* ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements	PLANNING BOARD RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOCC FINDINGS
A. The Planning Director shall give public notice of the date, time and place of the public hearing	_X Yes ____No	As detailed within the Public Hearing package, notice was sent certified mail on May 14, 2012 for a May 29, 2012 Public Hearing.	___Yes ____No
B. Such notice shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten days not more than we days prior to the date of the hearing.	_X Yes ____No	The legal ad was published in the News of Orange and the Chapel Hill Herald on May 16, 2012 and again on May 23, 2012.	__Yes ___No
C. The Planning Director shall post on the affected property a notice of the public hearing at lest ten days prior to the date of said hearing.	_X Yes ____No	The property was posted on May 18, 2012.	___Yes ____No
D. Written notice shall be sent by certified mail to all adjacent property owners not less than 15 days before the hearing date. Adjacent property owners are those whose property lies within five hundred feet of the affected property and whose manes and addresses are currently listed in the Orange County tax records.	_X Yes ____No	As previously indicated public notice was sent via certified mail on May 14, 2012. Attachment 6 of the May 29, 2012 Quarterly Public Hearing abstract contained staff's mail out certification, a copy of the notification letter, and the mailing labels as provided by the applicant for all property owners within 500 feet	___Yes ____No

Section 3.3 *Base Zoning Districts – Rural Buffer* ; Section 6.3 *Land Use Intensity Measures* ; Dimensional standards approved as part of the original Heartwood at Blackwood Mountain Class A Special Use Permit (<u>"Yes" indicates compliance; "No" indicates non-compliance)</u>

	PLANNING BOARD RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOCC FINDINGS
Section 3.3 and Section 6.3 establishes land use intensity measures. The approved Class A Special Use Permit for the Heartwood project established minimum dimensional standards for the project as a whole. Total area of the original project, as defined within the application was **1,533,747 sq. ft. (35.21 acres)**			
Per previously approved SUP, site plan and Section 3.3 *Base Zoning Districts – Rural Buffer Conditional Use district* (staff note – this is what was required for the project when it was classified as a Planned Development) Floor Area Ratio (FAR) Maximum allowed – 0.058 of the total project area or 88,957 sq.ft.	**<u>X</u>**__Yes ____No	The May 29, 2012 Quarterly Public Hearing abstract and the July 11, 2012 Planning Board packet provided the required breakdown. The narrative and site plan for the Heartwood project proposed a total floor area of 82,000 sq. ft. (1.88 acres). Removal of the 2 acre portion of the parcel zoned PD-H-R1 will reduce the allowable floor area ratio to 83,905 sq. ft. Applicant was still proposing less overall floor area for the project. A condition of approval for this request is that a revised plat be prepared denoting the revised boundary of the Special Use Permit along with the revised dimensional standards impacting development for the project as a whole.	___Yes ____No

Per previously approved SUP and site plan and Section 3.3 *Base Zoning Districts – Rural Buffer Conditional Use district* (staff note – this is what was required for the project when it was classified as a Planned Development) Minimum Required Open Space Ratio - 0.84 of the total project area or 1,288,348 sq.ft (29.5 acres)	**X**__Yes ____No	The May 29, 2012 Quarterly Public Hearing abstract provided the required breakdown. The narrative and site plan for the Heartwood project proposed a total minimum open space area of 1,451,747 sq. ft. (33.32 acres) for the entire development. Removal of the 2 acre portion of the parcel zoned PD-H-R1 will reduce the minimum open space requirement for the project to approximately 1,215,166 sq.ft. (27.8 acres). The original application proposed more open space than originally required for the approval of the Special Use Permit. This lot was not part of the required open space area. Its removal from the project will not impact available open space. Proposed modification will not reduce required open space ratio below the required ratio for the project as defined on the plat and within the UDO. A condition of approval for this request is that a revised plat be prepared denoting the revised boundary of the Special Use Permit along with the revised dimensional standards impacting development for the project as a whole	___Yes ____No

Per previously approved SUP and site plan and Section 3.3 *Base Zoning Districts – Rural Buffer Conditional Use district* (staff note – this is what was required for the project when it was classified as a Planned Development) Minimum Required Livability Space Ratio – 0.75 of the total project area or 1,150,310 sq.ft. (26.4 acres)	**X** Yes ____No	The May 29, 2012 Quarterly Public Hearing abstract provided a breakdown of the dimensional standards for the project. The narrative and site plan for the Heartwood project proposed a total minimum livability space of 1,280,147 sq.ft (29.3 acres)for the entire development. Removal of the 2 acre portion of the parcel zoned PD-H-R1 will reduce the minimum required livability space to approximately 1,084,970 sq.ft. (24.9 acres) The applicant has not proposed modifying the anticipated livability space ratio for the project. Proposed modification will not invalidate or alter previous approvals. A condition of approval for this request is that a revised plat be prepared denoting the revised boundary of the Special Use Permit along with the revised dimensional standards impacting development for the project as a whole

Per previously approved SUP and site plan and Section 3.3 *Base Zoning Districts – Rural Buffer Conditional Use district* (staff note – this is what was required for the project when it was classified as a Planned Development) Minimum Required Recreation Space Ratio – 0.019 or 29,141 sq.ft. (staff note – the required minimum recreation space ratio enforced at the time this project was adopted was, in fact, **0.031** or **47,546 sq. ft,. not the .019 referenced in staff's findings from 1986)**	**X** Yes ____No	The May 29, 2012 Quarterly Public Hearing abstract provided the required breakdown, which has since been revised within this document to reflect the actual required ratio (i.e. .031 rather than .019) The narrative and site plan for the Heartwood project proposed a total minimum recreation space of 96,000 sq.ft (2.2 acres) for the entire development. Removal of the 2 acre portion of the parcel zoned PD-H-R1 will reduce the minimum required recreation space to approximately 44,845 sq.ft. This lot was not proposed for recreational use so it removal does not eliminate identified recreation area. A condition of approval for this request is that a revised plat be prepared denoting the revised boundary of the Special Use Permit along with the revised dimensional standards impacting development for the project as a whole

Section 5.3.2 (B) Special Use – Specific Standards CLASS A SPECIAL ("Yes" indicates compliance; "No" indicates non-compliance)

	PLANNING BOARD RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOCC FINDINGS
Section 5.3.2 (B) In addition to the general standards the following specific standards shall be addressed by the applicant before the issuance of a Special Use Permit			
Section 5.3.2 (B) (1) Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	**X** Yes ____No	Sewage is disposed of via private septic systems on individual lots. Water is provided through a community well maintained by a 3rd party. The removal of this lot from the Heartwood subdivision will not create septic or well issues for the remaining lots in the development as this lot was slated for development as part of the creative learning center and duplex residences. Attachment 3 of the May 29, 2012 Quarterly Public Hearing abstract contained a memo from Orange County Health indicating they had no problem with the proposal as submitted or the removal of the lot from the provisions of the previously approved Special Use Permit.	___Yes ____No

Section 5.3.2 (B) (2) Method and adequacy of police, fire and rescue squad protection.	**X**__Yes	____No	Fire protection will be provided by the New Hope Fire Department, rescue service by the Orange County Emergency Management, and police protection by the Orange County Sheriff's Department. Attachment 3 of the May 29, 2012 Quarterly Public Hearing abstract contain memos from the EMS Director and the Fire Marshal indicating they had no problem with the proposal as submitted. No concerns have been expressed by the Sheriff's office.	___Yes	____No
Section 5.3.2 (B) (3) Method and adequacy of vehicle access to the site and traffic conditions around the site.	_X_Yes	___No	The removal of this lot will not impact traffic use on Pathway Court. The removal of this lot does not impact the original traffic impact analysis completed by Phil Post and Associates and submitted as part of the project's original approval. The removal of this lot, in fact, will reduce traffic along Pathway Court. A drive cut from the farm will not be allowed as testified by staff at the May 29, 2012 Quarterly Public Hearing and the July 11, 2012 Planning Board meeting.	___Yes	____No

Section 5.3.2 (A) (2) Special Use – General Standards CLASS A SPECIAL ("Yes" indicates compliance; "No" indicates non-compliance)

	PLANNING BOARD RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOCC FINDINGS	
In accordance with Section 5.3.2 (A) (2), the Board of Commissioners shall also consider the following general conditions before the application for a Special Use can be approved:					
Section 5.3.2 (A) (2) (a) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.	_X_ Will	__ Will not	Attachment 1, the application, of the public hearing abstract, Staff and applicant testimony from the Public Hearing, Abstracts from the May 29, 2012 Quarterly Public Hearing and July 11, 2012 Planning Board, Staff findings as discussed during the July 11, 2012 Planning Board regular meeting, and A lack of competent material and substantial evidence in the form of testimony, exhibits, documents, plans, or other materials entered into the record indicating the applicant had not met their burden in accordance with Section 5.3.2 (A) of the UDO.	___Will	__Will Not

Section 5.3.2 (A) (2) (b) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property).	_X_Will	__ Will not	Applicant testimony from the Public Hearing, Abstracts from the May 29, 2012 Quarterly Public Hearing and July 11, 2012 Planning Board, and A lack of competent material and substantial evidence in the form of testimony, exhibits, documents, plans, or other materials entered into the record indicating the applicant had not met their burden in accordance with Section 5.3.2 (A) of the UDO.	___Will	__Will Not
Section 5.3.2 (A) (2) (c) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.	__X___Is	__ Is Not	Attachment 1, the application, of the public hearing abstract, Staff and applicant testimony from the Public Hearing, Abstracts from the May 29, 2012 Quarterly Public Hearing and July 11, 2012 Planning Board, Staff findings as discussed during the July 11, 2012 Planning Board regular meeting, and A lack of competent material and substantial evidence in the form of testimony, exhibits, documents, plans, or other materials entered into the record indicating the applicant had not met their burden in accordance with Section 5.3.2 (A) of the UDO.	____Is	__ Is Not

RECOMMENDATION:

Staff and the Planning Board have not received any information that would establish grounds for making a negative finding on the general standards. These standards include maintaining or promoting the public health, safety, and general welfare, maintaining or enhancing the value of contiguous property, and the use being in compliance with the general plan for the physical development of the County.

The Planning Board has reviewed the application, the site plan, and all supporting documentation and has found that the applicant **complies** with the specific standards and required regulations as outlined within the UDO.

Provided the Board of County Commissioners finds in the affirmative on the specific and general standards, the Board could make a positive finding on this application. In the event that the Board of County Commissioners makes the determination that the permit can be issued, the Planning Board recommends the attachment of the following conditions to the Special Use Permit:

1. An Ordinance approving the rezoning of the subject parcels as requested by the applicant as part of the application submittal process be approved by the Board of County Commissioners;
2. Condition 17 of the Original Special Use Permit, approved on September 2, 1986 and recorded within the Registrar of Deeds office within Book 725 at Page 306, required that the developer produce: '*a final boundary survey of the Planned Development* (i.e. Heartwood)'. As part of this revision the applicant shall, within 180 days from the approval of this modification, cause the production of a revised boundary survey for the Heartwood and Blackwood Mountain Planned Development denoting the new boundary line and submit it to the Orange County Planning Department for approval. This survey, prepared and sealed by a licensed land surveyor, shall also denote the revised dimensional standards for the project as follows:

ORIGINAL REQUIRED MINIMUM STANDARDS: **(Per Orange County Regulations)**	**REVISED REQUIRED MINIMUM STANDARDS:** **(Removing the 2 acre lot from the Planned Development)**	**PROPOSED STANDARDS FOR PROJECT:** **(As proposed by the applicant)**
Floor Area Ratio (FAR) Maximum allowed – 0.058 or 88,957 sq.ft.	Floor Area Ratio (FAR) Maximum allowed – 0.058 or 83,905 sq. ft.	Maximum Allowable Floor Area Ratio for project - 82,000 sq. ft. (1.88 acres)
Minimum Required Open Space – 0.84 or 1,288,348 sq.ft (29.5 acres)	Minimum Required Open Space – 0.84 or 1,215,166 sq.ft. (27.8 acres)	Minimum Proposed Open Space for project - 1,445,147 sq. ft. (33.17 acres)
Minimum Required Livability Space – 0.75 or 1,150,310 sq.ft. (26.4 acres)	Minimum Required Livability Space – 0.75 or 1,084,970 sq.ft. (24.9 acres)	Proposed Livability Space for project - 1,280,147 sq.ft (29.3 acres)
Minimum Required Recreation Space – 0.031 or 47,546 sq. ft	Minimum Required Recreation Space – 0.031 or 44,845 sq. ft.	Required Recreation Space for project - 96,000 sq. ft (2.2 acres)

The boundary survey shall be recorded within the Orange County Registrar of Deeds within 30 days of being approved by the County Planning Department.

3. The applicant shall, within 180 days from the approval of this modification, cause the production of a recombination plat legally recombining the subject property with an adjacent parcel, identified with the Parcel Identification Number of 9871-63-4523, consistent with the submitted application and the applicant's testimony.

4. A note shall be placed on this recombination plan indicating vehicular and/or pedestrian access from this property, or the adjacent camp/retreat center identified with the Parcel Identification Number of 9871-63-4523, onto Pathway Court shall be prohibited.

Ordinance #: ORD-2012-039

Attachment 6

AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Spence Dickinson has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), to rezone a parcel of undeveloped real property, approximately 4 acres in area, located north of intersection of Blackwood Mountain Road (SR 2258) and Pathway Court:

From: Rural Buffer (RB) and Planned Development Housing Rural Residential (PD-H-R1)

To: Rural Buffer (RB)

and,

WHEREAS, the parcels are further identified through the following legal description:

BEGINNING:

at an iron pipe, the north west corner of the Common Land, Heartwood at Blackwood Mtn., Phase I as recorded in Plat Book 58 Page 151, Orange County Registry, said point being also in the center line of Pathway Court, a 50' private road right-of-way as recorded in Plat Book 53 Page 172, OCR; thence with the center line of Pathway Court, a curve to the left with a radius of 192.00', a length of 132.14' to an iron pipe; thence a curve to the left with a radius of 125.00', a length of 71.99' to a point; thence North 74 degrees, 01 minutes, 56 seconds West 53.29' to an iron pipe in the center line of Pathway Court and in the center line of a 20' septic easement as shown on a plat recorded in Plat Book 90 Page 181, OCR; thence with the center line of said easement, North 08 degrees, 38 minutes, 57 seconds East 147.30' to an iron pipe; thence North 23 degrees, 01 minutes, 18 seconds West 107.40' to an iron pipe; thence North 78 degrees, 01 minutes, 27 seconds East 219.70' to an iron pipe; thence North 78 degrees, 00 minutes, 32 seconds West 89.00' to an iron pipe in the east right-of-way of the aforementioned Pathway Court; thence North 06 degrees, 48 minutes, 34 seconds East 160.00' to an iron pipe; thence South 78 degrees, 00 minutes, 56 seconds East 157.88' to an iron pipe; thence North 06 degrees, 48 minutes, 34 seconds East 241.88' to an iron pipe in the line of the Waldorf Educational Association of North Carolina; thence with the Waldorf property South 83 degrees, 11 minutes, 31 seconds East 200.00' to an iron pipe; thence with Waldorf property South 06 degrees, 48 minutes, 34 seconds West 419.97' to an iron pipe; thence South 83 degrees, 11 minutes, 26 seconds East 116.40' to an iron pipe; thence North 69 degrees 38 minutes 10 seconds East 102.48' to an iron pipe in the Waldorf line, the north west corner of the Spence Dickinson property as recorded in Plat Book 61 Page 123, OCR; thence with the Dickinson property South 05 degrees, 02 minutes, 44 seconds West 440.11' to an iron pipe in the north line of the aforementioned Common Land, Heartwood at Blackwood Mtn., Phase I; thence North 78 degrees, 11 minutes, 22 seconds West 44.45' to the point and place of beginning and being all of Lot 31, Heartwood at Blackwood

Mtn., Phase II as recorded in Plat Book 90 Page 181, and containing 4.003 Acres, more or less.

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 parcel to Rural Buffer (RB) consistent with the applicant's request.

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-2012-040

Attachment 7

AN ORDINANCE DENYING AN AMENDMENT REQUEST TO THE ORANGE COUNTY ZONING ATLAS AN ORDINANCE AMENDING THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Spence Dickinson has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), to rezone a parcel of undeveloped real property, approximately 4 acres in area, located north of intersection of Blackwood Mountain Road (SR 2258) and Pathway Court:

From: Rural Buffer (RB) and Planned Development Housing Rural Residential (PD-H-R1)

To: Rural Buffer (RB)

and,

WHEREAS, the parcels are further identified through the following legal description:

BEGINNING:

at an iron pipe, the north west corner of the Common Land, Heartwood at Blackwood Mtn., Phase I as recorded in Plat Book 58 Page 151, Orange County Registry, said point being also in the center line of Pathway Court, a 50' private road right-of-way as recorded in Plat Book 53 Page 172, OCR; thence with the center line of Pathway Court, a curve to the left with a radius of 192.00', a length of 132.14' to an iron pipe; thence a curve to the left with a radius of 125.00', a length of 71.99' to a point; thence North 74 degrees, 01 minutes, 56 seconds West 53.29' to an iron pipe in the center line of Pathway Court and in the center line of a 20' septic easement as shown on a plat recorded in Plat Book 90 Page 181, OCR; thence with the center line of said easement, North 08 degrees, 38 minutes, 57 seconds East 147.30' to an iron pipe; thence North 23 degrees, 01 minutes, 18 seconds West 107.40' to an iron pipe; thence North 78 degrees, 01 minutes, 27 seconds East 219.70' to an iron pipe; thence North 78 degrees, 00 minutes, 32 seconds West 89.00' to an iron pipe in the east right-of-way of the aforementioned Pathway Court; thence North 06 degrees, 48 minutes, 34 seconds East 160.00' to an iron pipe; thence South 78 degrees, 00 minutes, 56 seconds East 157.88' to an iron pipe; thence North 06 degrees, 48 minutes, 34 seconds East 241.88' to an iron pipe in the line of the Waldorf Educational Association of North Carolina; thence with the Waldorf property South 83 degrees, 11 minutes, 31 seconds East 200.00' to an iron pipe; thence with Waldorf property South 06 degrees, 48 minutes, 34 seconds West 419.97' to an iron pipe; thence South 83 degrees, 11 minutes, 26 seconds East 116.40' to an iron pipe; thence North 69 degrees 38 minutes 10 seconds East 102.48' to an iron pipe in the Waldorf line, the north west corner of the Spence Dickinson property as recorded in Plat Book 61 Page 123, OCR; thence with the Dickinson property South 05 degrees, 02 minutes, 44 seconds West 440.11' to an iron pipe in the north line of the aforementioned Common Land, Heartwood at Blackwood

Mtn., Phase I; thence North 78 degrees, 11 minutes, 22 seconds West 44.45' to the point and place of beginning and being all of Lot 31, Heartwood at Blackwood Mtn., Phase II as recorded in Plat Book 90 Page 181, and containing 4.003 Acres, more or less.

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 that the applicant has submitted insufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereo,. and

WHEREAS, the Board has found the proposed zoning atlas amendment will not promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County hereby denies the applicant's request to amend the Orange County Zoning Atlas to rezone the aforementioned parcels to Rural Buffer (RB).

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2012.

SEAL

_____
Clerk to the Board of Commissioners

Attachment 8

RES-2012-082

RESOLUTION CONCERNING STATEMENT OF CONSISTENCY OF A PROPOSED ZONING ATLAS AMENDMENT WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN

WHEREAS, Spence Dickinson has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), to rezone a parcel of undeveloped real property, approximately 4 acres in area, located north of intersection of Blackwood Mountain Road (SR 2258) and Pathway Court:

From: Rural Buffer (RB) and Planned Development Housing Rural Residential (PD-H-R1)

To: Rural Buffer (RB)

and,

WHEREAS, the parcels are further identified through the following legal description:

BEGINNING:

at an iron pipe, the north west corner of the Common Land, Heartwood at Blackwood Mtn., Phase I as recorded in Plat Book 58 Page 151, Orange County Registry, said point being also in the center line of Pathway Court, a 50' private road right-of-way as recorded in Plat Book 53 Page 172, OCR; thence with the center line of Pathway Court, a curve to the left with a radius of 192.00', a length of 132.14' to an iron pipe; thence a curve to the left with a radius of 125.00', a length of 71.99' to a point; thence North 74 degrees, 01 minutes, 56 seconds West 53.29' to an iron pipe in the center line of Pathway Court and in the center line of a 20' septic easement as shown on a plat recorded in Plat Book 90 Page 181, OCR; thence with the center line of said easement, North 08 degrees, 38 minutes, 57 seconds East 147.30' to an iron pipe; thence North 23 degrees, 01 minutes, 18 seconds West 107.40' to an iron pipe; thence North 78 degrees, 01 minutes, 27 seconds East 219.70' to an iron pipe; thence North 78 degrees, 00 minutes, 32 seconds West 89.00' to an iron pipe in the east right-of-way of the aforementioned Pathway Court; thence North 06 degrees, 48 minutes, 34 seconds East 160.00' to an iron pipe; thence South 78 degrees, 00 minutes, 56 seconds East 157.88' to an iron pipe; thence North 06 degrees, 48 minutes, 34 seconds East 241.88' to an iron pipe in the line of the Waldorf Educational Association of North Carolina; thence with the Waldorf property South 83 degrees, 11 minutes, 31 seconds East 200.00' to an iron pipe; thence with Waldorf property South 06 degrees, 48 minutes, 34 seconds West 419.97' to an iron pipe; thence South 83 degrees, 11 minutes, 26 seconds East 116.40' to an iron pipe; thence North 69 degrees 38 minutes 10 seconds East 102.48' to an iron pipe in the Waldorf line, the north west corner of the Spence Dickinson property as recorded in Plat Book 61 Page 123, OCR; thence with the Dickinson

property South 05 degrees, 02 minutes, 44 seconds West 440.11' to an iron pipe in the north line of the aforementioned Common Land, Heartwood at Blackwood Mtn., Phase I; thence North 78 degrees, 11 minutes, 22 seconds West 44.45' to the point and place of beginning and being all of Lot 31, Heartwood at Blackwood Mtn., Phase II as recorded in Plat Book 90 Page 181, and containing 4.003 Acres, more or less.

and

WHEREAS, pursuant to Sections 1.1.5, 1.1.7, and 2.9.1 (E) of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the applicant has submitted sufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

a. The Future Land Use Map.

b. 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. ***Land Use Goal 1***: Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.
3. ***Land Use Goal 2***: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.
4. ***Land Use Goal 3****: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.*

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

Attachment 9

RES-2012-083

RESOLUTION CONCERNING STATEMENT OF INCONSISTENCY OF A PROPOSED ZONING ATLAS AMENDMENT WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN

WHEREAS, Spence Dickinson has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), to rezone a parcel of undeveloped real property, approximately 4 acres in area, located north of intersection of Blackwood Mountain Road (SR 2258) and Pathway Court:

From: Rural Buffer (RB) and Planned Development Housing Rural Residential (PD-H-R1)

To: Rural Buffer (RB)

and,

WHEREAS, the parcels are further identified through the following legal description:

BEGINNING:

at an iron pipe, the north west corner of the Common Land, Heartwood at Blackwood Mtn., Phase I as recorded in Plat Book 58 Page 151, Orange County Registry, said point being also in the center line of Pathway Court, a 50' private road right-of-way as recorded in Plat Book 53 Page 172, OCR; thence with the center line of Pathway Court, a curve to the left with a radius of 192.00', a length of 132.14' to an iron pipe; thence a curve to the left with a radius of 125.00', a length of 71.99' to a point; thence North 74 degrees, 01 minutes, 56 seconds West 53.29' to an iron pipe in the center line of Pathway Court and in the center line of a 20' septic easement as shown on a plat recorded in Plat Book 90 Page 181, OCR; thence with the center line of said easement, North 08 degrees, 38 minutes, 57 seconds East 147.30' to an iron pipe; thence North 23 degrees, 01 minutes, 18 seconds West 107.40' to an iron pipe; thence North 78 degrees, 01 minutes, 27 seconds East 219.70' to an iron pipe; thence North 78 degrees, 00 minutes, 32 seconds West 89.00' to an iron pipe in the east right-of-way of the aforementioned Pathway Court; thence North 06 degrees, 48 minutes, 34 seconds East 160.00' to an iron pipe; thence South 78 degrees, 00 minutes, 56 seconds East 157.88' to an iron pipe; thence North 06 degrees, 48 minutes, 34 seconds East 241.88' to an iron pipe in the line of the Waldorf Educational Association of North Carolina; thence with the Waldorf property South 83 degrees, 11 minutes, 31 seconds East 200.00' to an iron pipe; thence with Waldorf property South 06 degrees, 48 minutes, 34 seconds West 419.97' to an iron pipe; thence South 83 degrees, 11 minutes, 26 seconds East 116.40' to an iron pipe; thence North 69 degrees 38 minutes 10 seconds East 102.48' to an iron pipe in the Waldorf line, the north west corner of the Spence Dickinson property as recorded in Plat Book 61 Page 123, OCR; thence with the Dickinson

property South 05 degrees, 02 minutes, 44 seconds West 440.11' to an iron pipe in the north line of the aforementioned Common Land, Heartwood at Blackwood Mtn., Phase I; thence North 78 degrees, 11 minutes, 22 seconds West 44.45' to the point and place of beginning and being all of Lot 31, Heartwood at Blackwood Mtn., Phase II as recorded in Plat Book 90 Page 181, and containing 4.003 Acres, more or less.

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, 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 in the public interest, and will not promote the public health, safety, and general welfare, 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 18, 2012

Action Agenda Item No. 6-b

SUBJECT: Class A Special Use Permit – Public Utility Station (Solar Array)

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N) Yes

ATTACHMENT(S):

1. July 11, 2012 Planning Board Abstract Package
2. Additional Information Supplied by the Applicant at the July 11, 2012 Planning Board Meeting
3. Excerpts of Approved May 29, 2012 Quarterly Public Hearing Minutes
4. Excerpts of Approved July 11, 2012 Planning Board Regular Meeting Minutes
5. Letter from Applicant Accepting Recommended Conditions
6. Planning Board Recommended Findings of Fact

INFORMATION CONTACT:

Michael D. Harvey, Planner III, 245-2597
Craig Benedict, Director, 245-2575

PURPOSE: To receive the Planning Board recommendation, close the public hearing, and make a decision on a Class A Special Use Permit (SUP) request submitted by Strata Solar and the Bradshaw Family Partnership proposing the development of a public utility station, solar array, on a 53 acre portion of a 122 acre parcel of property in accordance with the provisions of the Unified Development Ordinance (hereafter 'UDO').

BACKGROUND: This item was presented at the May 29, 2012 Quarterly Public Hearing. A summary of comments received during the hearing are contained within Attachment 1, the abstract from the July 11, 2012 Planning Board regular meeting. Staff will be introducing this document, and all attachments, into the record at the re-convened public hearing for the BOCC to consider as part of its deliberations.

Planning Board Recommendation: At its July 11, 2012 regular meeting, the Planning Board voted unanimously to recommend **approval** of the project finding that:

1. The application has been deemed complete in accordance with the requirements of Section 2.7 of the Unified Development Ordinance (UDO).
2. The leased area of the property is of sufficient size to support the proposed solar array.
3. The proposed land use buffer complies with the provisions of Section 6.8 of the UDO.

4. Comments received from various County agencies (i.e. Sheriff, Fire Marshal, Department of Environment, Agriculture, Parks and Recreation (DEAPR), Orange County Health, State Clearing House) indicate there are no concerns associated with the request.
5. Staff's determination that a formal Environmental Impact Statement would not be required per Section 6.18 of the UDO.
6. The applicant had submitted sufficient documentation denoting compliance with specific development standards for a public utility as detailed within Section 5.9.3 of the UDO.
7. The proposal is consistent with the various goals outlined within the Comprehensive Plan concerning development, including:
    a. 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.
    b. Objective AE-15: Foster participation in green energy programs such as installation incentives for solar hot water/solar generation/solar tempering in residential or commercial construction. The County should develop programs that will link citizens and businesses with options for alternative and sustainable energy sources.
    c. Objective AG-8: Encourage the use and production of natural fuel alternatives to petroleum based products and pursue new types of energy sources.
8. The submission of evidence demonstrating compliance with the provisions of Section 5.3.2 (A) *Special Uses – General Standards* of the UDO, and
9. A lack of competent material and substantial evidence entered into the record demonstrating the request was not incompliance with the various provisions of the UDO.

Please refer to Attachment 6 for additional detail. It should be noted that in rendering its decision, the Planning Board recommended the imposition of six (6) conditions. The applicant has agreed to the imposition of these conditions in writing. Please refer to Attachment 5 for additional detail.

Planning Director's Recommendation: In accordance with the provisions of Section 2.7.4 of the UDO, the Planning Director recommends **approval** of the SUP application, subject to the following:

- Approval of the recommended findings of fact associated with the Class A Special Use Permit as detailed within Attachment 6,
- The imposition of the recommended conditions (Attachment 6), and
- Based on the BOCC's ability to make an affirmative finding on the general and specific standards outlined within Section 5.3.2 (A) and (B) of the UDO.

Public Hearing Procedural Information: In accordance with Section 2.7.8 (A) (3) of the UDO, the BOCC has requested the Planning Board recommendation be made available in time for the September 18, 2012 BOCC regular meeting. As a procedural note, additional comments on the application should be submitted in writing prior to the Planning Board meeting in order to become part of the official record of these proceedings.

FINANCIAL IMPACT: This request has been reviewed by various County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the Planning Board recommendation;
2. If necessary, deliberate further on the application;
3. Close the public hearing; and
4. Take action on the request by:
    a. Review and approval of the Special Use Permit Findings of Fact contained within Attachment 6 of this abstract and make the appropriate findings that the application complies with the various sections of the UDO, including the general findings as denoted within Section 5.3.2 (A) (2).

Attachment 1

ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT
Meeting Date: July 11, 2012

Action Agenda Item No. 9

SUBJECT: Class A Special Use Permit – Public Utility Station (Solar Array)

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** Yes

ATTACHMENT(S):

1. Property and Vicinity Map
2. Applicant's Written Response to Questions
3. Findings of Fact
4. Draft May 29, 2012 Quarterly Public Hearing Minutes
5. Copies of Affidavits Presented at May 29, 2012 Quarterly Public Hearing

INFORMATION CONTACT:

Michael D. Harvey, Planner III 245-2597
Craig Benedict, Director 245-2575

PURPOSE: To make a recommendation to the BOCC on a Class A Special Use Permit (hereafter 'SUP') application submitted by Strata Solar and the Bradshaw Family Partnership proposing the development of a public utility station in accordance with the provisions of the Unified Development Ordinance (hereafter 'UDO').

BACKGROUND: This item was presented at the May 29, 2012 Quarterly Public Hearing. The applicant is proposing the development of a public utility facility, specifically a 5 megawatt (AC) (6.83 megawatt DC) solar array, on a 53 acre portion of a 122 acre parcel of property (PIN 9748-34-9639) owned by the John Bradshaw Family Limited Partnership off White Cross Road (please refer to Attachment 1).

Public Hearing: During the hearing, the following comments/questions were posed concerning the application:

- A BOCC member asked for additional information on the power lines erected on the property, their proximity to the existing mobile home park, and where the array would connect into the power grid.

  RESPONSE: The applicant's engineer, Mr. Phil Post of Phil Post and Associates, said there is a Duke Power substation to the north of the property where the array will connect into the power grid.

  Individual arrays would be connected through underground utility lines and feed into a central underground line to the north of the proposed array, south of the mobile home park, feeding directly into an existing Duke Power line and the aforementioned substation.

- A BOCC member asked if the array could be seen from the road.

RESPONSE: Both staff and the applicant's engineer indicated that the array should not be visible from White Cross Road as the only clearing initiated along the roadway would be the proposed driveway access.

Mr. Post indicated the individual arrays would only be approximately 7 to 10 feet in height from ground elevation and should be obstructed from view by the vegetation as denoted on the site plan.

- A Planning Board member said he was unsure if it was truly undesirable to see a solar array from the road or from adjacent properties.
- A Planning Board member asked staff to discuss the required landscape buffer for the project.

  RESPONSE: Staff has determined that the applicant is required, per Section 6.8.6 of the UDO, to adhere to a Type F 75 foot landscaped buffer around the perimeter of the utility site.

- A Planning Board member asked what would happen if Duke Power, who would be receiving the power generated from the array, was acquired by a third party who did not want to purchase the power generated from the array or if the array fell into disrepair what would happen.

  RESPONSE: Both Mr. Lance Williams, with Strata Solar, and Ms. Elizabeth Trahos, attorney for the applicant, indicated there is a long term agreement with Duke Power related to the purchase of power from this site. This agreement would be transferable and bind future utility companies, who may acquire Duke, to honor the contract.

  Mr. Williams further indicated that this solar facility is a regulated power facility as defined by the State and there were requirements that local utility providers had an obligation to purchase the power produced from such facilities.

  Both individuals indicated the array would be maintained, as required by the UDO and certain provisions of State law, in an operational condition. If the array was no longer operable it would have to be removed.

- A BOCC member asked what the proven life of a solar panel was.

  RESPONSE: Mr. Williams indicated that the anticipated life span of a panel was approximately 50 to 60 years. The manufacturer of the panels indicates the panel will still generate approximately 85% of its capacity after 25 years of use.

  Mr. Williams said these panels would be fixed and not move (i.e. track the sun) meaning less opportunity for operational issues.

- A Planning Board member asked the applicant to clarify the actual number of arrays and individual solar panels on the property.

  RESPONSE: Mr. Williams indicated that there may be approximately 960 'solar array panels' on the property as indicated within staff's abstract but that these arrays would be composed of smaller, individual, solar panels. Mr. Williams indicated that there would be approximately 27,000 solar panels generating approximately 240 watts of power per panel. These individual solar panels would be clustered into the aforementioned 960 'solar array panels' as denoted on the site plan.

- A Planning Board member asked how the grass underneath the array would be maintained.

RESPONSE: Mr. Williams indicated it is possible farm animals may be allowed to graze on the property to address the height of the grass. Otherwise grass would be mowed and maintained by Strata Solar to keep the grass down.

- A Planning Board member expressed concern over statements contained on the site plan, and comments made by Mr. Post, relating to the project utilizing a single phase utility line to tie into existing Duke Power lines. It was believed that the use of a single phase line would not be adequate.

  RESPONSE: Mr. Williams said Strata Solar staff met with Duke Power officials on site on May 29, 2012 to review development of the array and that an existing three phased power line along White Cross Road would be used to tie the project into an adjacent substation.

  Please refer to Attachment 2 for additional information.

- A representative of the Chapel Hill/Carrboro Chamber of Commerce spoke in favor of the project.

Staff Analysis: At the public hearing, staff indicated the project complied with the various provisions of the UDO, including:

1. The application has been deemed complete in accordance with the requirements of Section 2.7 of the Unified Development Ordinance (UDO).
2. Staff has determined that the leased area of the property is of sufficient size to support the proposed solar array.
3. Staff is satisfied that the proposed landscaping complies with the provisions of Section 6.8 of the UDO.
4. Comments received from various County agencies (i.e. Sheriff, Fire Marshal, DEAPR, Orange County Health, State Clearing House) indicate there are no concerns associated with the request.
5. Staff made the determination that a formal Environmental Impact Statement would not be required per Section 6.18 of the UDO.
6. The applicant had submitted sufficient documentation denoting compliance with specific development standards for a public utility as detailed within Section 5.9.3 of the UDO.
7. The proposal is consistent with the various goals outlined within the Comprehensive Plan concerning development, including:
   a. 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.

   b. Objective AE-15: Foster participation in green energy programs such as installation incentives for solar hot water/solar generation/solar tempering in residential or commercial construction. The County should develop programs that will link citizens and businesses with options for alternative and sustainable energy sources.

   c. Objective AG-8: Encourage the use and production of natural fuel alternatives to petroleum based products and pursue new types of energy sources.

Public Hearing Procedural Information: In accordance with Section 2.7.8 (A) (3) of the UDO, the BOCC has requested that the Planning Board recommendation be made available in time for the September 18, 2012 BOCC regular meeting. As a procedural note, additional comments on the application should be submitted in writing to the Planning Board in order to become part of the official record of these proceedings.

Planning Director's Recommendation: In accordance with the provisions of Section 2.7.4 of the UDO, the Planning Director recommends **approval** of the SUP application, subject to the following:

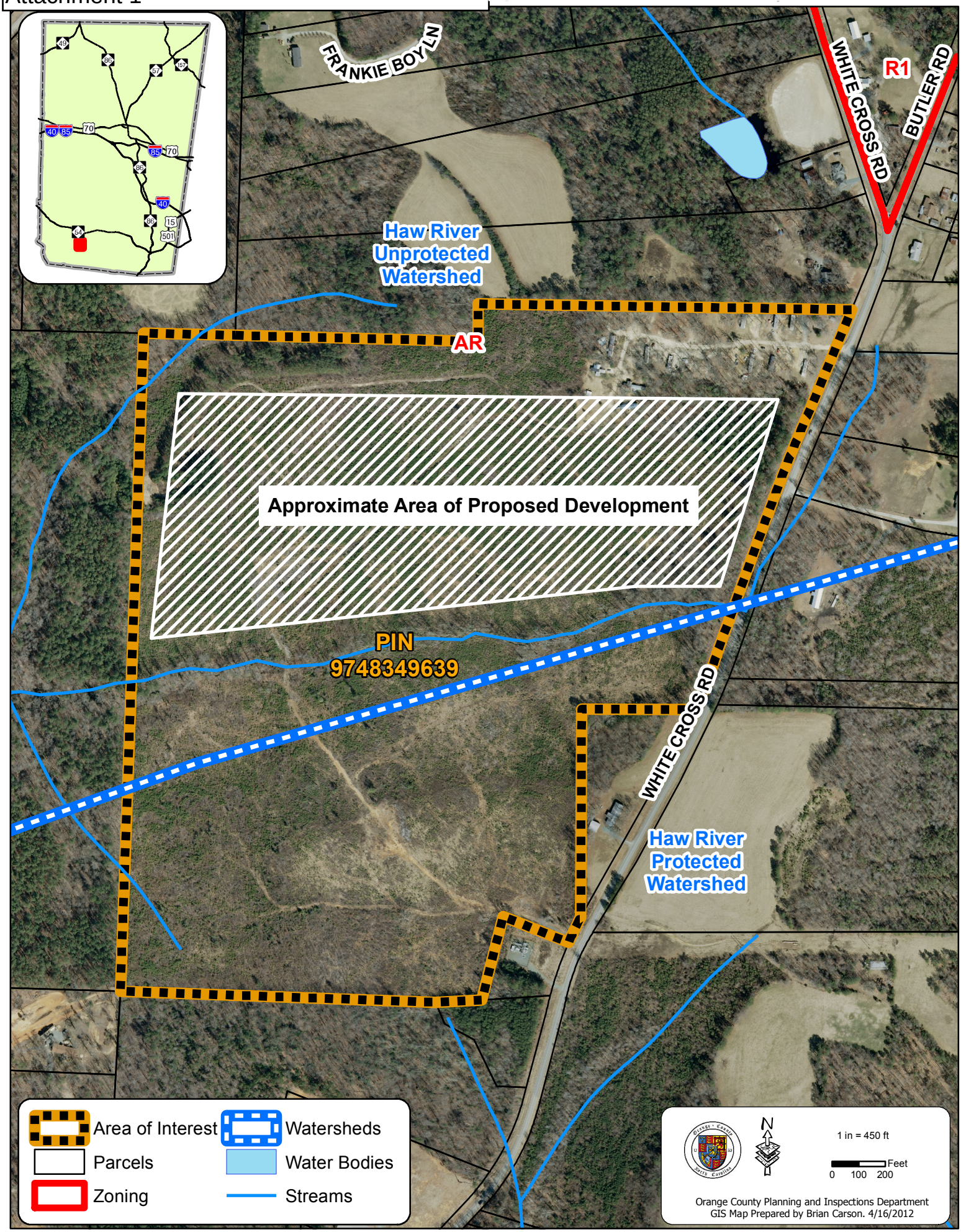
- The recommended findings of fact associated with the approval of the Class A Special Use Permit as detailed within Attachment 3,
- The imposition of the recommended conditions (Attachment 3), and
- Based on the BOCC's ability to make an affirmative finding on the general and specific standards outlined within Section 5.3.2 (A) and (B) of the UDO.

FINANCIAL IMPACT: This request has been reviewed by various County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

RECOMMENDATION(S): The Planning Director recommends that the Board:

1. Deliberate on the petition,
2. Consider the Planning Director's recommendation(s) with respect to the necessary findings of fact relating to the approval of the SUP application as detailed within Attachment 3.
3. Make a recommendation to the BOCC to approve the SUP request in time for the **September 18, 2012** BOCC regular meeting.

Planning Board July 11, 2012 regular meeting
Attachment 1



Planning Board July 11, 2012 regular meeting
Attachment 2

SMITH MOORE LEATHERWOOD

June 22, 2012

Michael D. Harvey AICP, CFO, CZO
Current Planning Supervisor – Planner III
Orange County Planning Department
P. O. Box 8181
Hillsborough, NC 27278

Re: Strata Solar Special Use Permit Application- White Cross Road Property

Dear Michael:

We write to provide clarification regarding the electrical connection to the power grid. The array ties into the Duke power grid through a 3-phase power lines, and not single phase line, running along the north property line. The only Duke lines that are on the site run along the utility easement to the east of the site. There are no Duke lines running across the North property line.

We thank you for the time and effort you have spent on this project. Do not hesitate to contact me with questions.

Best regards,

SMITH MOORE LEATHERWOOD LLP

Beth Trahos

Elizabeth C. Trahos

Elizabeth C. Trahos | Direct 919.755.8760 | Fax 919.838.3167 | beth.trahos@smithmoorelaw.com
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Atlanta, GA ▪ Charleston, SC ▪ Charlotte, NC ▪ Greensboro, NC ▪ Greenville, SC ▪ Raleigh, NC ▪ Wilmington, NC

CASE NUMBER: SU-A-2-12

**FINDINGS OF THE ORANGE COUNTY PLANNING STAFF
PERTAINING TO A REQUEST SUBMITTED BY
STRATA SOLAR AND THE BRADSHAW FAMILY PARTNERSHIP
REQUESTING A CLASS A SPECIAL USE PERMIT
TO CONSTRUCT A PUBLIC UTILITY – SOLAR ARRAY
ON A PARCEL OF PROPERTY OFF OF WHITE CROSS ROAD
PIN 9748-34-9639.**

Applications for a PUBLIC UTILITY are required to demonstrate compliance with general and specific standards as set forth in Section(s) 5.3.2 (A) and (B) as well as 5.9 of the Orange County Unified Development Ordinance (UDO).

Section 5.3.2 (A) (2) of the UDO requires written findings certifying compliance with the following:

(1) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;

(2) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and

(3) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners;

In addition, the Board shall make findings certifying that the application is complaint with the following specific standards:

(1) Specific standards for the submission of Special Use Permit applications as outlined within Section(s) 2.2 and 2.7 of the UDO,

(2) Applicable provisions of Article 3 (Dimensional Requirements) and Article 6 (Application of Dimensional Requirements) of the UDO,

(3) Applicable landscape provisions detailed within Section(S) 5.9 and 6.8.6 of the UDO,

(4) Specific regulations governing the development of individual Special Uses, in this case regulations detailed within Section 5.9.3 of the UDO,

(5) Section 5.3.2 (B) relating to the method and adequacy of the provision of:

a. Sewage disposal facilities,
b. The adequacy of police, fire, and rescue squad protection, and
c. The adequacy of vehicular access to the site and traffic conditions around the site

(6) The aforementioned general findings outlined within Section 5.3.2 (A) (2).

Listed below are the findings of the Orange County Planning Department regarding the application in question. The findings have been presented by Article and requirement to assist in deliberations.

SECTION 2.2 AND 2.7.3 *CLASS A SPECIAL USE PERMIT APPLICATION COMPONENTS* ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements	**PLANNING STAFF RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**PLANNING BOARD FINDINGS**
Section 2.2 The application for a Class A Special Use Permit shall be on forms provided by the Planning Department.	**X**__Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the completed application for the request.	___Yes ____No
2.2.4 (D) Applications must be accompanied by the fee amount that has been established by Board of County Commissioners. Application fees are nonrefundable.	**X**__Yes ____No	Staff indicated during the Quarterly Public Hearing that the applicant had paid all applicable fees as required by the adopted fee schedule.	___Yes ____No
2.7.3 (B) (1) A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.	**X**__Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained a detailed narrative outlining the nature of the request.	___Yes ____No
2.7.3 (B) (2) The names and addresses of the owners of the property	**X**__Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the required information	___Yes ____No

Ordinance Requirements	**PLANNING STAFF RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**PLANNING BOARD FINDINGS**
2.7.3 (B) (3) Relevant information needed to show compliance with the general and specific standards governing the Special Use	**X**__Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the required detail including a site plan denoting the boundary of the property.	___Yes ____No
2.7.3 (B) (4) Twenty-six (26) copies of the site plan prepared by a registered N.C. land surveyor, architect, or engineer.	**X**__Yes ____No	Required copies of the site plan, prepared by Strata Solar and sealed by Mr. Timothy Smith License Number 030517 were submitted and part of the May 29, 2012 Quarterly Public Hearing abstract for this item	___Yes ____No
2.7.3 (B) (5) If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.14 shall be provided.	_X__ Not applicable	The Project does not involve a preliminary subdivision application. The leased area shall be subdivided through the exempt plat process if approved. This will become a condition of approval.	__ Not applicable
2.7.3 (B) (6) A list of all parcels located within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.	**X**__Yes ____No	The applicant provided staff with the required list of adjacent property owners	___Yes ____No
2.7.3 (B) (7) Elevations of all structures proposed to be used in the development.	**X**__Yes ____No	While no buildings are proposed for the site, Sheet PV 1 of the site plan contains elevations of the proposed solar arrays.	___Yes ____No

Ordinance Requirements	**PLANNING STAFF RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**PLANNING BOARD FINDINGS**
2.7.3 (B) (8) 26 copies of an Environmental Assessment or Environmental Impact Statement as required by Section 6.16 of the UDO	_X__ Not applicable	The Project will not result in any disturbance requiring the submission of an Environmental Assessment per Section 6.18 of the UDO. As such this requirement is not applicable.	__ Not applicable
2.7.3 (B) (9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.	__X_ Yes ___ No	The site plan contains a note indicating that the project will comply with applicable County Zoning and Solid Waste Management regulations governing the disposal of generated waste	___ Yes ___ No
2.7.3 (B) (10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.	__X_ Yes ___ No	The applicant testified during the May 29, 2012 Quarterly Public Hearing that the project would be completed within a year	___ Yes ___ No
2.7.3 (B) (11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum)	X Not applicable	The applicant is not requesting vesting of the project.	___Not applicable

SECTION 2.7.5 *CLASS A SPECIAL NOTIFICATION REQUIREMENTS* ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
A. The Planning Director shall give public notice of the date, time and place of the public hearing	_X Yes ____No	Public Notice was sent certified mail on May 14, 2012 for a May 29, 2012 Public Hearing.	___Yes ____No
B. Such notice shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten days not more than we days prior to the date of the hearing.	_X Yes ____No	The legal ad was published in the News of Orange and the Chapel Hill Herald on May 16, 2012 and again on May 23, 2012.	__Yes ___No
C. The Planning Director shall post on the affected property a notice of the public hearing at lest ten days prior to the date of said hearing.	_X Yes ____No	The property was posted on May 18, 2012.	___Yes ____No
D. Written notice shall be sent by certified mail to all adjacent property owners not less than 15 days before the hearing date. Adjacent property owners are those whose property lies within five hundred feet of the affected property and whose manes and addresses are currently listed in the Orange County tax records.	_X Yes ____No	As previously indicated public notice was sent via certified mail on May 14, 2012. Attachment 4 of the May 29, 2012 Quarterly Public Hearing abstract contained staff's mail out certification, a copy of the notification letter, and the mailing labels as provided by the applicant for all property owners within 500 feet	___Yes ____No

SECTION(S) 3.3 *BASE ZONING DISTRICT – AGRICULTURAL RESIDENTIAL* AND 6.3 *LAND USE INTENSITY MEASURES* ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements	**PLANNING STAFF RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**PLANNING BOARD FINDINGS**
Section 3.3 and 6.3 of the UDO provides the land use intensity measures governing the development of projects within the County. The applicant has applied for a Special Use Permit within the Agricultural Residential (AR) general use zoning district. The dimensional and ratio standards associated with the AR zoning district are as follows:			
Minimum lot size – 40, 000 square feet	**X** Yes ____No	Sheet PV 2 of the site plan indicates the lot will be 53.31 acres in area	___Yes ____No
Minimum lot width – 150 feet	**X** Yes ____No	Sheet PV 2 of the site plan indicates the lot will have over 1,000 feet of frontage along White Cross Road (SR 1951)	___Yes ____No
Required front yard setback – 40 feet	**X** Yes ____No	Sheet PV 2 of the site plan indicates the arrays will be setback approximately 150 feet from White Cross Road (SR 1951)	___Yes ____No
Required side yard setback – 20 feet	**X** Yes ____No	Sheet PV 2 of the site plan indicates the arrays will be setback approximately 20 feet respectively from identified buffer areas located along the side property lines	___Yes ____No
Required rear yard setback – 20 feet	**X** Yes ____No	Sheet PV 2 of the site plan indicates the arrays will be 20 feet from proposed buffer areas	___Yes ____No

Floor Area Ratio - .088 sq. ft. or 203,163 sq. ft.	_X__ Not applicable	Sheet PV 2 of the site plan indicates no buildings are being proposed for the property	____ Not Applicable
Minimum gross land area	_X__ Not applicable	Not applicable – This proposed project is not subject to the minimum gross land area requirement as detailed within Section 3.3 of the UDO	____ Not Applicable
Required Open Space - .84 or 1,939,296 sq. ft. (44.78 acres)	_X_ Yes ___No	Sheet PV 2 of the site plan indicates there will be approximately 48 acres (2,090,880 sq. ft.) of open space on the property	___Yes ___ No
Required Livability Space	_X__ Not applicable	Not applicable – This proposed project is not subject to the minimum required livability space as detailed within Section 3.3 of the UDO	____ Not Applicable
Required Recreation Space	_X__ Not applicable	Not applicable – This proposed project is not subject to the minimum required livability space as detailed within Section 3.3 of the UDO	____ Not Applicable
Required Pedestrian/landscape ratio - .21 or 484,824 sq.ft. (11 acres)	_X_ Yes ___No	While Sheet PV 2 of the site plan indicates there will be no pedestrian/landscape ratio area there will be. Staff has determined the project will comply given the area encumbered by proposed buffers and the proposed walkways to access the individual arrays. A condition of approval will be that the site plan be modified to reference Compliance.	___Yes ___ No

SECTION(S) 5.9 *STANDARDS FOR UTILITIES* AND 6.8.6 *LANDSCAPE USE BUFFERS* (<u>"Yes" indicates compliance; "No" indicates non-compliance)</u>

Ordinance Requirements	**PLANNING STAFF RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**PLANNING BOARD FINDINGS**
In accordance with the provisions of Section 5.9 *Standards for Utilities* of the UDO, staff has determined the project is required to adhere to a Type E land use buffer as established within Section 6.8.6 of the UDO			
6.8.6 – Type E Land Use Buffer – 75 foot land use buffer installed per Option 4 (Overhead Utility option) composed of deciduous and evergreen understory trees and shrubs	**X** Yes ____No	Sheet PV 2 of the site plan contains various notes denoting the applicants intent to comply with the provisions of Section 6.8.6 utilizing existing, natural, foliage supplemented with the planting of additional trees. The applicant has recommended the project be approved with the condition that the final landscape/buffer management plan be prepared for review and approval prior to the commencement of earth disturbing activity. Staff recommends this become a condition of approval.	___Yes ____No

SECTION 5.9.3 *PUBLIC UTILITY STATIONS AND SUBSTATIONS* (<u>"Yes" indicates compliance; "No" indicates non-compliance)</u>

Ordinance Requirements	**PLANNING STAFF RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**PLANNING BOARD FINDINGS**
Section 5.9.3 of the UDO establishes additional submittal requirements and standards of evaluation for a public utility			
5.9.3 (A) (1) In addition to the information required by Section 2.7, the following shall be submitted as part of the application:			
5.9.3 (A) (1) (a) A site plan showing all existing or proposed buildings, storage areas, parking and access areas, topography, any officially designated floodplains or alluvial soils.	**X**__Yes ____No	A site plan was submitted as required. Sheet PV 2 of the site plan contains the required information	___Yes ____No
5.9.3 (A) (1) (b) Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials	**X**__Yes ____No	The submitted site plan, specifically Sheet PV1, contains the elevations of the proposed arrays. Sheet PV 2 indicated no buildings are proposed for the site	___Yes ____No
5.9.3 (A) (1) (c) Landscape Plan, at the same scale as the site plan, showing existing and proposed trees, shrubs, ground cover and other landscape materials.	**X**__Yes ____No	The submitted site plan, specifically Sheet PV2, contains some of the required information focusing primarily on the existing foliage. Staff recommends a condition of approval be the submission of a formal landscape plan prior to the commencement of earth disturbing activities.	___Yes ____No

Ordinance Requirements Section 5.9.3 (A) (2) S*tandards of Evaluation*	**PLANNING STAFF RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**PLANNING BOARD FINDINGS**
5.9.3 (A) (2) (a) Where a building is involved and it is proposed to be located in a residentially zoned district, it shall have the appearance suitable for a residential district or it shall be screened from adjacent residential land.	_X__ Not applicable	Sheet PV 2 of the site plan indicates no buildings are being proposed for the property	____ Not Applicable
5.9.3 (A) (2) (b) Where buildings are setback from road rights of way or from private property lines by a distance of 200 feet, screening will not be required.	_X__ Not applicable	Sheet PV 2 of the site plan indicates no buildings are being proposed for the property	____ Not Applicable
5.9.3 (A) (2) (c) All outside storage areas are fenced and screened from adjacent residential development	**X**__Yes ____No	The submitted site plan, specifically Sheet PV2, denotes compliance	___Yes ____No
5.9.3 (A) (2) (d) The site is adequate size for the sewage disposal systems proposed and for the proposed use	_X__ Not applicable	The submitted site plan and project narrative indicate that there will be no septic system installed on this property	____ Not Applicable

Section 5.3.2 (B) SPECIAL USE – SPECIFIC STANDARDS CLASS A SPECIAL ("Yes" indicates compliance; "No" indicates non-compliance)

	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
Section 5.3.2 (B) In addition to the general standards the following specific standards shall be addressed by the applicant before the issuance of a Special Use Permit			
Section 5.3.2 (B) (1) Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	**X**__Yes ____No	No sewage system or well is proposed. Waste will be disposed of by a private contractor. Orange County Solid Waste has indicated they have no concerns associated with the project.	___Yes ____No
Section 5.3.2 (B) (2) Method and adequacy of police, fire and rescue squad protection.	**X**__Yes ____No	Fire protection will be provided by the White Fire Department, rescue service by the Orange County Emergency Management, and police protection by the Orange County Sheriff's Department. Attachment 3 of the May 29, 2012 Quarterly Public Hearing abstract contain memos from the EMS Director and the Fire Marshal indicating they had no problem with the proposal as submitted. No concerns have been expressed by the Sheriff's office.	___Yes ____No

Section 5.3.2 (B) (3) Method and adequacy of vehicle access to the site and traffic conditions around the site.	_X_Yes	___No	NC DOT has indicated they have no concerns over the project. A condition of approval is Strata Solar shall obtain a NC DOT driveway permit prior to the commencement of land disturbing activity associated with the project.	___Yes	____No

Section 5.3.2 (A) (2) SPECIAL USE – GENERAL STANDARDS CLASS A SPECIAL ("Yes" indicates compliance; "No" indicates non-compliance)

	PLANNING STAFF RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	PLANNING BOARD FINDINGS
In accordance with Section 5.3.2 (A) (2), the Board of Commissioners shall also consider the following general conditions before the application for a Special Use can be approved:	** NOTE – staff does not make specific recommendations with respect to these findings **		
Section 5.3.2 (A) (2) (a) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.		Based on evidence presented at the hearing.	___Will __Will Not
Section 5.3.2 (A) (2) (b) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property).		Based on evidence presented at the hearing.	___Will __Will Not
Section 5.3.2 (A) (2) (c) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.		Based on evidence presented at the hearing.	____Is __ Is Not

RECOMMENDATION:

Staff has not received any information that would establish grounds for making a negative finding on the general standards. These standards include maintaining or promoting the public health, safety, and general welfare, maintaining or enhancing the value of contiguous property, and the use being in compliance with the general plan for the physical development of the County.

Staff has reviewed the application, the site plan, and all supporting documentation and has found that the applicant **complies** with the specific standards and required regulations as outlined within the UDO.

Provided the Planning Board and the Board of County Commissioners finds in the affirmative on the specific and general standards, the Board could make a positive finding on this application. In the event that the Planning Board makes the determination that the permit can be issued, Planning Staff recommends the attachment of the following conditions to the Special Use Permit:

(1) An exempt subdivision plat formally creating the boundaries of the utility site shall be submitted for the approval of the Planning Department and recorded within the Orange County Registrar of Deeds office within 180 days from the approval of the Special Use Permit.

(2) As denoted on Sheet PV 2 of the approved site plan, the applicant shall cause a formal and detailed landscape and tree preservation plan shall be submitted and approved by the Orange County Planning Department within 180 days from the approval of the Special Use Permit.

(3) A revised Sheet PV 2 shall be submitted denoting the required Pedestrian/Landscape Ratio for the project as required under Section 3.3 of the UDO. This revised sheet shall be submitted within 180 days from the approval of the Special Use Permit.

(4) That the applicant complete and submit a formal application to the Orange County Inspections Department requesting authorization to commence construction of the proposed solar array. The application, including all applicable fees, shall be submitted within 180 days from the approval of the Special Use Permit.

(5) That the Orange County Fire Marshal's office shall review and approve the final site plan, as part of the normal building permit review process, and that any and all modifications be made to address fire code issues and access prior to the issuance of the permit authorizing the commencement of land disturbing activities,

(6) That prior to the commencement of land disturbing activity the applicant shall submit all necessary stormwater, grading plans, and erosion control applications to the Orange County Erosion Control Department for review and processing. These applications shall be submitted within 180 days from the issuance of the SUP.

(7) That the applicant shall submit the approved site plan to NC DOT for review and comment. In the event it is determined that the applicant is required to apply for, and receive a, driveway permit from NC DOT to allow for the project to be developed, the applicant shall submit all necessary applications as required by NC DOT within 180 days from the issuance of the SUP and provide planning staff with a copy of the issued permit.

Planning Board July 11, 2012 regular meeting
Attachment 1
Excerpt Draft Minutes

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
May 29, 2012
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Tuesday, May 29, 2012 at 7:00 p.m. at DSS Offices, Hillsborough Commons, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier, and Commissioners Alice Gordon, Barry Jacobs, Valerie Foushee, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Manager Michael Talbert, and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT:, Vice Chair Larry Wright, Pete Hallenbeck, Mark Marcoplos, H.T. "Buddy Hartley", Andrea Rohrbacher, Lisa Stuckey, Maxecine Mitchell, and Tony Blake

PLANNING BOARD MEMBERS ABSENT: Chair Brian L. Crawford, Rachel Phelps Hawkins, Alan Campbell, and Johnny Randall

Chair Pelissier called the meeting to order at 7:04:05 PM.

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C. PUBLIC HEARING ITEMS

1. 4. Class A Special Use Permit - To review and application for a Class A Special Use Permit to develop a solar array/public utility station on 46 acres of a 122 acre parcel of property located off of White Cross Road.

Michael Harvey presented this item.

The Deputy Clerk to the Board David Hunt swore in all of the parties that would speak to this item.

CLASS A SPECIAL USE PERMIT
DEVELOPMENT OF A PUBLIC UTILITY – SOLAR ARRAY

PROPERTY INFORMATION

- **PIN(s)**: 9748-34-9639.
- **Size**: 122 acres. Strata Solar is proposing to lease approximately 53 acres of the property.

- **Zoning** : Agricultural Residential (AR). A portion of the property, is located within the Haw River Protected Watershed Overlay District.
- **Future Land Use Map Designation**: Agricultural Residential
- **Growth Management System Designation**: Rural

Michael Harvey: The portion of the property north of the proposed development is not located in a protected or critical watershed overlay district, meaning that there are no impervious surface requirements. However, the applicant will be required to maintain identified and protected stream buffers and will be required to submit a detailed erosion control and stormwater management plans as currently required by the Unified Development Ordinance and State law.

REQUEST:

- Erect approximately 960 individual solar array panels on a 53 acre portion of the subject property.
- Typical array is 7 feet in height, with approximately 2 feet of ground clearance, and 47 feet in length.
- Arrays will be screened by existing vegetation and a 6 foot high chain link security fence, topped with 3 strand barbed wire, shall enclose the perimeter of the array to prevent access.
- Gravel paths/drives will be installed around these arrays in order to permit access by Strata Solar technicians to service the panels. In certain areas there will be natural, grass, paths depending on soil.
- Vehicular access to the site is restricted by a 24 foot access gate off of White Cross Road.
- An overhead, medium voltage, power line will be installed on the north of the identified leased area, adjacent to the existing mobile home park, allowing the proposed facility to tie into the power grid.

Michael Harvey: This is the copy of the site plan. Very quickly what I would like to do is sort of identify, here are the individual arrays that we talked about (staff identified the arrays on a map). This is an existing identified stream, and you will note from your abstract, Attachment 3, under staff comments, we do have what is known as a Surface Water Identification where Orange County Erosion Control staff have gone out and verified the location of the stream. Strata Solar personnel have gone out and verified the location of the stream on the site plan, and the site plan denotes the required stream buffer as detailed within Article 6 of our zoning, excuse me our Unified Development Ordinance that will have to be left in a natural state. You will also note that the site plan delineates required landscaped areas per the Unified Development Ordinance. They are using what we is defined within Article 6 known as the Overhead Utility Option landscape standard that would allow smaller trees in order to ensure that a taller tree would not cast a shadow on the array, rendering it virtually useless. The site will be buffered, however, so that it will not be visible from White Cross Road, but the trees will be managed so that they don't interfere with the natural operation of the proposed array.

REQUIRED REVIEW:

Project involves the review of a Class A Special Use Permit in accordance with the provisions of Section 2.7 of the UDO.

- Decision is based on sworn testimony from applicant, supporters, and detractors
- Applicant bears the burden of proving compliance with the UDO
- Those in opposition to the project are required to submit evidence demonstrating project does not comply.

STAFF INITIAL REVIEW:

- Applicant has submitted all documentation required for the review of a proposed utility (i.e. required by Section 5.9.3)
- Applicant has submitted required documentation for a Class A Special Use Permit (i.e. required by Section 2.7.3)
- There are policies within the Comprehensive Plan lending credence to the viability of the proposal

RECOMMENDATION:

1. Receive the application,
2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comments.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the County Board of Commissioners in time for the **September 18, 2012** BOCC regular meeting.
4. Adjourn the public hearing until **September 18, 2012** in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Beth Trehos: Manager and members of the County Commissioners, Mr. Vice Chair and members of the Planning Board, my name is Beth Trehos, I'm the Attorney with Smith, Moore, and Leatherwood. My address is 434 Fayetteville St., Raleigh, N. C. I am here today on behalf of Strata Solar, who is the contract tenant of the project. As you've heard, they would like to construct a solar array on 53 acres out of the 112-acre farm. As has been explained to you, your process is a quasi-judicial one, which requires that we provide expert testimony to indicate that we have met the findings of fact that are set out in your Unified Development Ordinance. In the interest of not taking up too much of your time, we have put together affidavits of the experts that we have brought to testify before you tonight. They will summarize the testimony provided in those affidavits for you and of course answer any questions that you might have.

I must apologize to you, I misunderstood and thought that this initial hearing was just the Board of County Commissioners and I thought I was arriving with an ample number of affidavits, and I find now that I don't have quite enough and I apologize to you. Mr. Harvey has indicated that he would be happy to include those in the Planning Board packet so that everybody can have a copy. I do apologize.

Here with me tonight is engineer Phil Post of Philip Post and Associates, real estate appraiser Rich Kirkland, and Lance Williams of Strata Solar, as well as Beth Bradshaw, who is a representative of the family who owns the property. I will ask each of them to come forward and share their testimony with you. I wonder if it might be appropriate at this time to pass up the affidavits that we have and to ask that they be included in the record. I would of course ask that

the staff report and associated attachments be incorporated into the record. Is that acceptable to the Board? *It was answered yes.* Thank you very much. So at this time I'll call Phil Post, our engineer.

Phillip Post: Members of the Commissioners and members of the Planning Board, my name is Phil Post. I reside in Chapel Hill. I've been properly sworn. I've been an engineer in Chapel Hill for over 33 years. I'm really happy to be associated with the Bradshaw property, and particularly this element of the development property. This is White Cross Road here. The entire parcel is 122 acres. The Strata project will occupy about 53 acres. The Bradshaw Mobile Acres is here, that will continue to operate as it has for residential purposes. The array will be in this area. The stream buffers, these hashed areas represent the area of the stream buffer that the County and we agree is the protected stream buffer area. The other piece that we have on this is the Type E 75-foot buffer that we're proposing around the entire perimeter of the project. It doesn't include of course the right-of-way. It does not include the power line; it's in addition to that. I'll just point out a few features of our proposed plan here. There is one part of the Bradshaw Mobile Acres; most of it is really heavy, nice, old hardwood. There is one area that is sort of a lawn area, so we're going to have an alternative buffer right here. That's why there's a discontinuation. We'll still have a Type E buffer, but it will be planted in a slightly different way and a little more intense and narrow buffer.

Our proposed driveway is here. It will be a gravel drive directly opposite to the existing gravel residential driveway on the opposite side of White Cross. There will be a small gravel area here where the array materials and construction materials will be deposited as it's being erected. That will be a permanent sort of parking area with the gate right here. As Michael has told you, the array really rests off the ground, so underneath the array would be grass. It will really be a grass field with the raised arrays on it. The only feature that is kind of different about it, is the little square places right here, and I think there's five of them. There will be sort of some electrical equipment that will gather the electricity that is generated by these solar panels so that it can be converted from DC power to AC power, and then distributed back to Duke Power. I'm really pleased to be associated with a project of this type because I think it provides so many benefits to our County and particularly in advancing the environmental goals, not only of the Board, but of the County Comprehensive Plan. There are many citizens in Orange County that would like to see us be less dependent on fossil fuel and more dependent on sustainable renewable energy. This is a project that will produce electricity and be able to support about 750 homes. My colleagues will explain a little bit more about the exact benefits that are derived from this. I just want to point out that it will be a tremendous investment in the County and will provide very little pressure or new addition to the County services. In other words, there won't be any new school children, there won't be any new school buses, there's no new traffic, there's no water needs, there's no sewer needs, there's no additional refuse removal, there's no need for any emergency services. It provides a nice investment in the County with virtually no impact on any County services. So I'd like to point that out as being not only an advancing our environmental goals but also just being a nice positive addition to our County.

This application we believe meets all of the requirements of Section 2.7 of the UDO. We therefore ask for your support. We further note the objective, the specific objectives in the County Comprehensive Plan regarding sustainable energy and reduction of carbon footprint. We believe that this project will take some giant steps in those directions. I'll stop there and answer any questions.

Chair Pelissier: Yes, could you tell us a little bit more about the power line that would be installed there and where are the other power lines that it's going to hook up to?

Phillip Post: Let me start with the power lines that it will hook up to. As you know, White Cross Road municipal Duke Power lines are on the west side right here, along the edge of the right-of-way. So that's the existing power line, the Duke Power line that's been there for many years. The collection line that will be much, much smaller and it will be tied into these five west points here that I've pointed out to you, will be underground wires that run to an overhead line that will be right on our fence line. So it will not be in the green area, but it will be right along this area here and it will tie into a Duke Power pole right there. So, it's inside the 75-foot type E buffer, and it's inside our fence. It will be basically what we call single-phase lines where it will just have two wires on a short pole. It will be fed by underground lines and feed into the Duke Power line.

Commissioner Gordon: I just want to have you explain again about the trees along the road that you're saying you cannot see.

Phillip Post: The 75-foot type E buffer will be composed of the existing vegetation. The only penetration will be just our one single driveway right here. Otherwise, there will be no disturbance of the 75-foot buffer. We believe that the buffer, which is composed of large trees, we believe that the spacing of the vegetation will keep the arrays unseeable. It's much shorter than even the shortest amount of vegetation.

Mark Marcoplos: Speaking about the issue of the view, it sounds like it is considered undesirable to see.

Phillip Post: I haven't considered that. It's happens at our houses and our businesses and they're pretty innocuous. These are low to the ground, seven feet high at the most, so they're not gigantic things. They absorb the sunlight, so they don't reflect anything. Being very innocuous, they don't create any noise or any humming. They are only working when the sun is shining, and of course when the sun is down, there is absolutely nothing going on there.

Mark Marcoplos: It seems like there might even be some benefits for being able to see it a little bit, for public education.

Phillip Post: I think that's true. I think it's an advantage for folks to know about what's happening in the County.

Rich Kirland: My name is Rich Kirkland, I've been duly sworn in. I've been appraising in the Triangle area for the last 16 years and grew up in the area. What I have found is that there is no information out there that suggests any kind of negative impact. The standard criteria would be any kind of noise, site detriment, any kind of odor, and there's nothing along those lines on any of these properties associated with solar power. As far as the site goes, even if you could see it, it looks remarkably similar to greenhouse type of uses, which don't have a negative impact. To that end, around this property the uses are either agricultural, vacant land, and a mobile home park.

Andrea Rohrbacher: I'm not sure if this is the appropriate time to ask this question, but the plan talks about the power generator being sold to Duke Power. What if there were a future purchase or acquisition with respect to Duke Power company and the new owner was no longer interested in purchasing this power? What would happen?

Beth Trehos: One of the reasons that green energy like solar power is so attractive in this area is that there are state law requirements that the energy companies contract with providers, so there is an incentive for a company that would buy Duke Power to continue on. Also, we are actively involved in the negotiations of a contract which would bind that.

Lance Williams: Hi, my name is Lance Williams, I'm in site development for Strata Solar. We have a regulated power industry. There are regulations that require power companies to buy power. We sell our power at a competitive rate of other sources of power. This model is to sign a power purchase agreement for a 15-year term.

The construction process, I'll just tell you a little bit about that. We look for sites that don't have more than a 7% grade. So basically, we come into the site and we install fence posts. They go six to ten feet in the ground. Then we attach the solar panels. Then the wires run together and we attach them into the power grid. So it is a very nonintrusive piece of the land. We're not normally reshaping the way that the work goes off the property. Many people find this a very compatible use to rural agricultural land. As mentioned before, they don't create a lot of noise. There is not a lot of traffic. If there is a problem with the array, then we send someone to check it out, so the amount of traffic we're creating is less than what would be created for a single house. It is encouraged by the Comprehensive Plan and it is also considered a public good by both the state and the federal government. This site creates enough energy for about 748 houses. This equates to about the same as 2.8 million miles of vehicular traffic the amount of savings in greenhouse emissions that is created by one solar panel.

Construction takes about 14 weeks, so, we're not intrusive to neighbors other than during the construction period. Once again, we're not causing a large increase in cost to the County. Thank you very much. We look forward to building a solar farm in Orange County. Since Orange County is our home, we have strong ties to the site and I think this use fits very well into the surrounding community.

Commissioner Jacobs: What is the life of one of these panels?

Lance Williams: Well, we haven't quite lived that long yet. The best guess is 50 to 60 years. At the end of 25 years, the panel is at 85% capacity. The panels do not have moving parts, they are not trackers, so they don't follow the sun. So it is a fairly old technology adopted in the 70's, with silicone as the base material, which is some glass and basically dirt, so there's not a whole lot there that could go wrong. The upkeep for one of these farms is small in comparison to other utility projects.

Pete Hollenbeck: Do I understand this correctly that you're saying it is roughly a 6.3 megawatts setup.

Lance Williams: Yes, 6.38 megawatts is DC. Most people speak in terms of AC. This is 5 megawatts AC.

Pete Hollenbeck: And there are 960 individual solar panels. That would mean about 6.8 kilowatts per panel? Is that clusters of panels?

Lance Williams: An array is made up of individual panels. While there may be 960 arrays there are somewhere between 26,000 and 27,000 panels. The panels are typically between 235-240 watts.

Pete Hollenbeck: So the 960 individual solar array panels means 960 clusters of groups of individual panels?

Lance Williams: Yes. And the individual panel is about the size of a piece of plywood.

Pete Hollenbeck: And you mentioned that there would be grass underneath. How is that maintained?

Lance Williams: That is sort of a work in progress. The story that we like to say and it's not true in all seasons, is that normally there are sheep on farms, so during growing season there are sheep grazing there. We do allow the shepherd to use the property to help keep the grass down. We would work with the various grass types to figure out what the best low-growth grass is for the area.

Pete Hollenbeck: The key concept here is that one way or another it is getting cut and the plan is not to let it grow wild.

Lance Williams: That's the plan and the less we need out there, the less chance of somebody damaging it.

Pete Hollenbeck: One last question. You said it's a single-phase power connection to Duke Power? I have some issues with this and I think it would be very acceptable to come back to the Planning Board after talking to Duke with greater detail. For 190 amps going into a single-phase feed, I was surprised you could take that much in an imbalanced feed.

Lance Williams: We met with Duke on site today. We normally look for areas that have three-phase lines. There's a three-phase line at the street and the substation is within a couple hundred feet of the end of the property. So both three-phase lines are close to a substation to help with those issues. I can't really answer whether the line coming off the array is single or three-phased. Duke actually wants a 90-degree angle off the wire coming into the site, I think they said about 120 feet.

Beth Trehos: In conclusion, we believe that we have met the burden of proof that is required of us and we have provided substantial material to accomplish our task in demonstration compliance with the findings of fact we were required to make. Thank you for your time.

Christen Smith: Good evening, my name is Christen Smith and I've been duly sworn. I am the Director of Public Policy at the Chapel Hill-Carrboro Chamber of Commerce. We wanted to enthusiastically express our support for this project. We have a chance for economic development, community improvement, and reputation building that comports with our community's values and commitment to the environment and sustainability. This is a local company that has put down roots here and has a great reputation at quality work throughout the state and in the southeast. You have a great partner. Strata Solar won the 2012 Business of the Year Award and has the Chamber's full trust and confidence. We are happy to comment and encourage you to support this project. This is a local company creating local green jobs with an economic impact and an increased use of renewables, showing again Orange County's commitment to sustainability. This is also a movement towards developing solar as a potential cluster??? in our economic development strategy. It is consistent with our expressed values of our commitment to the environment, our commitment to people and jobs, and our commitment to the economy. We are very excited to support this project.

Michael Harvey: I have a couple of closing remarks. I want to call the Board's attention to Attachment 3, which contains various memorandum from departments indicating that they have no issues or concerns with the proposed development. We also have a memorandum from Orange County Health Department saying they have done reviews and have no issues. We have not received any concerns from the Sheriff's Department, the fire department concerning this site. Obviously, there will not be facilities, so again, there is no septic or well.

I'd like to remind the Board, as we have identified in your abstract, specifically on page 2, this property is in a forest management plan. Meaning there is tree harvesting and replacing trees throughout the property. Our goal at the Planning department is to continue to allow the family to adequately farm their property while working with Strata Solar to preserve sufficient landscape buffers. On page 3 of our abstract, we have outlined the various development requirements associated with a Class A Special Use Permit. You will note specifically with respect to Section 5.9.3 of the UDO we have found this project to be complaint. As I already talked about, there will be a 75-foot managed landscape buffer and the trees will be managed properly so that they don't create an adverse impact on the array but they still provide the necessary visual obstruction. I'll conclude my remarks by saying the County staff has not been provided any documents or comments or concerns from the adjacent property owners indicating their lack of support for the project. The Planning Director's recommendation is to receive the application, conduct the hearing, refer the matter to the Planning Board for their review and comment, that you adjourn this public hearing to September 18th for a recommendation.

Commissioner Jacobs: On page 39, the letter from the North Carolina Wildlife Resources Commission, their recommendation is a 100 foot vegetative stream buffer on the property. I don't recall what he said about the buffer on the stream.

Michael Harvey: It's going to observe the appropriate stream buffer as defined within Article 6 of our Unified Development Ordinance. You're going to have a 65-80-foot buffer depending on the slope. So if I could call your attention to that too. This slide, Commissioner Jacobs, the protected stream buffer is consistent with what is required within Article 6. The edge of the leased area essentially is the center of the stream. The stream buffer is going to be preserved and maintained. We would allow under the current guidelines for it to be maintained and to replace the existing dead vegetation so that it does not cast a shadow on the array. Even the forest management plan that the Bradshaw family is operating under falls under the preservation and protection of the stream, so there will be trees necessarily harvested from the stream buffer.

Commissioner Jacobs: So, this is what the Wildlife Resources Commission recommended?

Michael Harvey: Correct. And you will note, if I could call your attention to page 33, you have the letter offered by Mr. Wesley Poole delineating the stream as part of the stream buffer.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to receive the application, refer the matter to the Planning Board to come back with a recommendation for the September 18th meeting, and adjourn the public hearing until September 18th in order to receive and accept the Planning Board recommendation.
VOTE: UNANIMOUS

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Planning Board July 11, 2012 regular meeting
Attachment 5

STATE OF NORTH CAROLINA

BEFORE THE BOARD OF COMMISSIONERS AND PLANNING BOARD

COUNTY OF ORANGE

IN RE: Strata Solar- Solar Farm Use
Orange County PIN: a portion of 9748-34-9639
Address: 2314 White Cross Road, Chapel Hill, North Carolina

STATEMENT OF JUSTIFICATION IN SUPPORT OF THE SPECIAL USE PERMIT APPLICATION

NOW COMES THE PETITIONER, by and through counsel of record, and respectfully requests approval of their application for a special use permit to operate a solar farm. In support of this request, Petitioner provides the following information:

I. Introduction

Strata Solar proposes to construct a solar farm on 53.31± acres of land owned by the John Bradshaw Family Limited Partnership. The property is located on White Cross Road near its intersection with Butler Road. The property is currently zoned Agricultural Residential (AR) within the Haw River Protected Watershed Overlay District. Adjacent properties are developed as homes, a mobile home park and farms. Adjacent properties are also zoned Agricultural Residential (AR) within the Haw River Protected Watershed Overlay District.

An overarching theme of the Orange County Comprehensive Plan is a desire to create a sustainable future. In Chapter 1, the Plan Overview, the Orange County Comprehensive Plan states that ". . .we must seek to develop a community that meets the needs of the present generation without compromising the ability of future generations to meet their needs." This solar farm fulfills the County's goal to reduce dependence on fossil fuels and nuclear power and turn to a sustainable form of energy generation.

The solar farm will contain rows of Photovoltaic (PV) cells mounted on posts set in the ground by hand. The posts are set individually in effort to minimize the amount of grading on site. These rows of PV cells are referred to as "solar arrays." The solar arrays will be fixed in place facing south in order to receive the maximum amount of solar energy. This configuration contains no moving parts. The power generated from the solar farm will be sold to Duke Power Company for use by Orange County and consumers in place of power produced by non-sustainable means.

II. Statement in Support of Application

A. The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according the plan as submitted.

The proposed solar farm will not materially affect the public health or safety. Access to the site will be from an existing private gravel drive onto White Cross Road. The site will generate virtually no traffic. The solar facility will not be staffed daily. Employees are expected to visit the property weekly or less frequently to check and maintain the equipment, mow the grass and make repairs. Two gravel parking spaces will be provided for employee use. The active area of the solar farm will be enclosed by a six foot (6') high fence and gated for security purposes. Access codes to the gate will be provided to local emergency service providers. Vehicular access to the site is adequate for the use proposed and for emergency services.

There will be no buildings or employees on the property so there is no need for sewage disposal facilities or water on the site.

The proposed solar farm will protect against soil erosion and sedimentation. Care is taken to minimize grading on the site by hand setting poles to support the solar cells. The areas beneath the solar panels will be planted with grass or alfalfa to stabilize the site. During construction, erosion control measures will be maintained in accordance with the County regulations and the site will comply with County stormwater regulations. All environmental buffers will be maintained and respected.

B. The use will maintain and enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property).

The proposed use will maintain and enhance the value of contiguous properties. Solar farms are virtually silent. The solar arrays proposed have no moving parts. The only sound is the quiet hum of electrical transformers, invertors and substation that deliver the solar power to the power grid. Similar facilities are located in neighborhoods to deliver power to homes. At night, when the sun is not available, there is no energy being created and no noise on the site. Solar farms generate far fewer vehicles trips than one average single-family home. Employees visit the site once a week or even less frequently. Solar panels are designed to absorb light, rather than reflect it.

Solar energy is a public necessity. Demand for electricity has increased exponentially in recent years and our society is dependent upon conventional sources of power such as coal, gas, nuclear and hydro energy. Conventional sources of electricity are expensive, finite resources that require significant environmental disruption and public safety risk to maintain or extract. Solar energy is a clean, cheap, unlimited resource with little

environmental impact. The demand for power will not decline. We must embrace renewable means of power generation.

C. The location of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

The proposed solar farm is consistent with the residential and agricultural land use pattern that exists in the area today. The site of the proposed solar farm is somewhat isolated from adjacent properties. It is separated from adjacent properties to the south by a stream buffer; and immediately adjacent properties to the north and west are owned by the same property owner as the subject property. In addition, a 75' Type E Land Use buffer, overhead utility option, will be provided in accordance with Orange County Code in order to provide a transition between adjacent properties and the proposed solar arrays.

The proposed solar farm is consistent with the Orange County Land Use Plan. Throughout the Orange County Land Use Plan references are made to the County's desire to encourage locally-generated alternative energy resources and to promote alternative and sustainable fuels. The Greenhouse Gas Emission Inventory and Reduction Action Plan initiated by Orange County in 2006 suggested that private alternative energy production be encouraged in the County. Further, the Orange County Comprehensive Plan encourages preservation of the rural land use pattern. Maintaining large tracts of land is necessary to maintain rural character. The site of the proposed solar farm totals 53.31± acres of land. Allowing the subject property to develop as a solar farm provides an opportunity for locally generated energy resources in Orange County and creates income for the property owner and tax base for the County that does not result in another suburban-style residential subdivision.

The proposed solar farm will consume practically no county services: no seats in county schools or on school buses, virtually no refuse or recycling needs, no special sheriff protection, no light pollution, no emissions of any kind, no demand for water from depleted aquifers and no sewage disposal.

D. The proposed Special Use Permit is for a Public Utility Station subject to the requirements of Section 5.9.3 as follows:

1. Where a building is involved and it is proposed to be located in a residentially zoned district, it shall have the appearance suitable for a residential district, or it shall be screened from adjacent residential land.

   No building is proposed on this property.

2. Where buildings are setback from road rights of way or from private property lines by a distance of 200 feet, screening will not be required.

No building is proposed on this property.

3. All outside storage areas are fenced and screened from adjacent residentially developed areas.

No outdoor storage is proposed on this property.

4. The site is of adequate size for sewage disposal systems proposed and for the proposed use.

No building or employees will be located on this site so no sewage disposal system is needed. The size of the site is adequate for the proposed use. The site provides for significant buffers on all sides.

STATE OF NORTH CAROLINA

BEFORE THE BOARD OF COMMISSIONERS AND PLANNING BOARD

COUNTY OF ORANGE

SPECIAL USE PERMIT	)	
APPLICATION FOR A	)	**AFFIDAVIT OF**
SOLAR FARM	)	**RICHARD C. KIRKLAND, MAI**

NOW COMES the undersigned Affiant, who, being first duly sworn deposes and says:

1. I am over eighteen (18) years of age and competent to testify to the matters set forth in this Affidavit.

2. I am a licensed North Carolina real estate appraiser with an MAI Designation, actively practicing in this area for 13 years. A copy of my report and qualifications is attached to this affidavit as Exhibit A.

3. The property owner proposes to construct a solar farm on 53.31± acres of the 121.21± acres that comprise the greater property. The solar farm will consist of fixed solar panels that generate no noise, no smell and less traffic than one typical residential dwelling. The solar panels will be approximately seven feet (7') in height, much lower than the typical house.

4. I inspected the property and the immediate neighborhood as a part of my evaluation. The portion of the property proposed for the solar farm is currently vacant and used for agricultural purposes. A small portion of the larger tract is used for a mobile home park, and the remainder of tract is vacant and used for agricultural purposes. The owner intends to continue the mobile home use and expects no negative impacts.

5. As a part of my study, I conducted research through the Appraisal Institute and other sources regarding the impact of a solar farm on adjacent properties. I found nothing to suggest a negative impact.

6. I visited a solar farm constructed by Strata Solar south of the Governor's Club on Farrington Point Road in Chatham County, North Carolina. I found the property attractive. The view of the solar farm was not generally visible from the road. What could be seen reminded me of a shorter greenhouse without the associated odor of fertilizer normally accompanying greenhouses.

7. I looked at the specific adjacent parcels of land surrounding this proposed solar farm. The property is surrounded by farm land, mobile homes and single-family residences, which, I believe are compatible uses.

8. Further, I note that the property owner will continue to own 67.9± acres immediately adjacent to the subject property and zoned for residential use.

9. Based upon the detailed information contained in my report, **I conclude that the proposed solar farm will not substantially injure the value of adjoining property.**

Further the Affiant Sayeth Not.

[Remainder of Page Intentionally Left Blank]

This the 21 day of May, 2012.

RICHARD C. KIRKLAND

ACKNOWLEDGMENT

WAKE COUNTY, NORTH CAROLINA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: ~~Craig T. Johnson~~. CJ.
Richard C. Kirkland

Date: May 21, 2012

Craig T. Johnson
[Notary's signature as name appears on seal]

Craig T. Johnson, Notary Public
[Notary's printed name as name appears on seal]

CRAIG T. JOHNSON
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 7-19-2012.

(SEAL)

My commission expires: July 19, 2012

Kirkland Appraisals

Richard C. Kirkland, Jr., MAI
3540 Layton Ridge Road
Apex, North Carolina 27539
Phone (919) 771-2202
FAX (919) 771-2201
rkirkland2@nc.rr.com
www.kirklandappraisals.com

April 11, 2012

Mr. Lance Williams
StrataSolar
Suite 101
1119 US 15-501 Hwy South
Chapel Hill, North Carolina 27517

Dear Mr. Williams:

At your request, I have considered the likely impact of a solar farm to be located on a portion of a 121.21-acre site at 2159 White Cross Road, Chapel Hill, North Carolina.

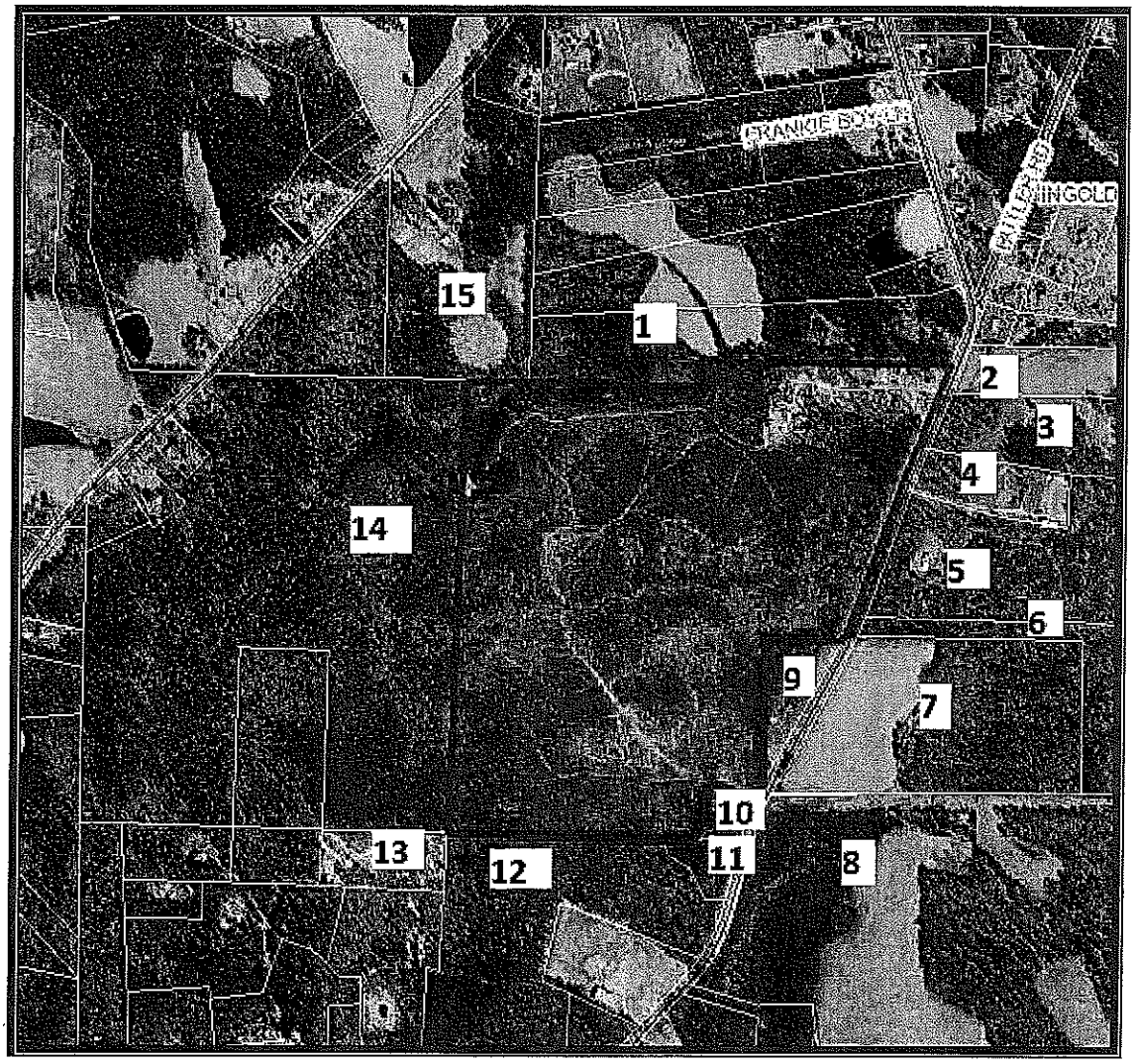
The scope of this assignment is to address the likely impact this may have on adjoining properties. To this end I have researched and visited existing solar farms, researched articles through the Appraisal Institute, and discussed the likely impact with other real estate professionals. I have not been asked to assign any value to any specific property.

This letter is a limited report of a real property appraisal consulting assignment and subject to the limiting conditions attached to this letter. My client is StrataSolar represented to me by Mr. Lance Williams. The intended use is to assist in the Special Use Permit application. The effective date of this consultation is March 26, 2012, the date I inspected the property.

The property is located on the west side of White Cross Road north of Old Greensboro Road and includes approximately 45.00 acres being surveyed out of a larger 121.21-acre tract of land currently owned by John Thomas Bradshaw Family LP. The property is currently vacant and used for a mobile home park and agricultural use. The intent is to place the solar farm north of the creek that runs through the middle of the tract and south of the mobile home park. The owner intends to continue the mobile home park and subdivide out the acreage for the solar farm. The owner expects no negative impact from the solar farm on the mobile home park or other adjoining agricultural land.

The property has fifteen parcels that adjoin the parent tract, but only the parcels numbered 1, 3, 4, 5, 14, and 15 will adjoin the proposed 45-acre solar farm once it is subdivided out. I have identified all of these parcels on the following aerial map along with a list of the adjoining parcels and uses.

#	Parcel ID	Owner	Acres	Use
1	9748456955	Cheek	19.88	Residential/Agriculture
2	9748652607	Tripp	8.96	Residential
3	9748656467	Rich	31.76	Residential/Agriculture
4	9748557159	Cecil	5.52	Residential
5	9748642712	Cecil	34.69	Residential/Agriculture
6	9748734645	Barber	143.7	Agriculture
7	9748535992	Hackney	28.31	Agriculture
8	9748620795	Hackney	110.62	Agriculture
9	9748446160	Hackney	3.95	Residential
10	9748432369	Duke Energy	1.55	Substation
11	9748431180	Hackney	2.01	Vacant
12	9748320786	Byron	35.8	Residential/Agriculture
13	9748233155	Goodman	4.95	Residential
14	9748242720	Bradshaw	95.47	Residential/Agriculture
15	9748267381	Cecil	27.24	Residential/Agriculture



The solar farm will consist of fixed solar panels that will generate no noise, no smell, and less traffic than a residential subdivision. The appearance will all be panels that have less height than a typical residential dwelling and the appearance is not associated with anything offensive or considered likely to impact residential, agricultural uses in the vicinity. I note that the owner of the land still intends to maintain the mobile home park on the adjoining acreage as well as additional acreage of agricultural/residential land with no concern over any impact this solar farm might have on property value.

Another proposed solar farm project to be located in Willow Springs on Old Store Road that I inspected will have a 45-acre solar farm adjoining land proposed for a residential subdivision. Both the solar farm and the residential subdivision are to be developed by the same owner with no concern over any negative impact from the solar farm on the potential residential subdivision.

Visiting the StrataSolar solar farm located just south of Governor's Club on Farrington Point Road I note that the panels are not visible from the road and entirely obscured by the slope away from the road and the fencing. The visual impact of the solar panels is somewhat similar to greenhouses, but generally cleaner and without the associated odor from fertilizers.

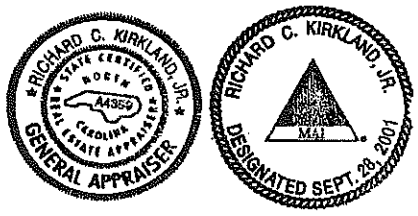
Searching for comparable sales on LoopNet, I identified a number of residential and agricultural tracts of land being marketed as good locations for solar farms, which strongly suggests the markets expectation of this as a complimentary use for these areas, especially given the slowdown in the residential market.

Research on solar farms through the Appraisal Institute and general online searches have identified no research suggesting proximity to a solar farm has any impact on adjoining parcels.

Given the lack of any known basis for an impact on value from adjacency to a solar farm (such as noise, traffic, or odor) and the lack of any information or research suggesting a trend for a negative impact, I conclude that there is none. This is much like answering the question of whether or not a residential dwelling has a negative impact on adjoining land. There is no reason to suspect that there is a negative impact and no data to suggest it. Therefore a reasonable consideration of the information indicates no negative impact to adjoining properties from the development of a solar farm.

If you have any further questions please call me any time.

Sincerely,



Richard C. Kirkland, Jr., MAI
State Certified General Appraiser

Limiting Conditions and Assumptions

Acceptance of and/or use of this report constitutes acceptance of the following limiting conditions and assumptions; these can only be modified by written documents executed by both parties.

- The basic limitation of this and any appraisal is that the appraisal is an opinion of value, and is, therefore, not a guarantee that the property would sell at exactly the appraised value. The market price may differ from the market value, depending upon the motivation and knowledge of the buyer and/or seller, and may, therefore, be higher or lower than the market value. The market value, as defined herein, is an opinion of the probable price that is obtainable in a market free of abnormal influences.

- I do not assume any responsibility for the legal description provided or for matters pertaining to legal or title considerations. I assume that the title to the property is good and marketable unless otherwise stated.

- I am appraising the property as though free and clear of any and all liens or encumbrances unless otherwise stated.

- I assume that the property is under responsible ownership and competent property management.

- I believe the information furnished by others is reliable, but I give no warranty for its accuracy.

- I have made no survey or engineering study of the property and assume no responsibility for such matters. All engineering studies prepared by others are assumed to be correct. The plot plans, surveys, sketches and any other illustrative material in this report are included only to help the reader visualize the property. The illustrative material should not be considered to be scaled accurately for size.

- I assume that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. I take no responsibility for such conditions or for obtaining the engineering studies that may be required to discover them.

- I assume that the property is in full compliance with all applicable federal, state, and local laws, including environmental regulations, unless the lack of compliance is stated, described, and considered in this appraisal report.

- I assume that the property conforms to all applicable zoning and use regulations and restrictions unless nonconformity has been identified, described and considered in this appraisal report.

- I assume that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

- I assume that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in this report.

- I am not qualified to detect the presence of floodplain or wetlands. Any information presented in this report related to these characteristics is for this analysis only. The presence of floodplain or wetlands may affect the value of the property. If the presence of floodplain or wetlands is suspected the property owner would be advised to seek professional engineering assistance.

- For this appraisal, I assume that no hazardous substances or conditions are present in or on the property. Such substances or conditions could include but are not limited to asbestos, urea-formaldehyde foam insulation, polychlorinated biphenyls (PCBs), petroleum leakage or underground storage tanks, electromagnetic fields, or agricultural chemicals. I have no knowledge of any such materials or conditions unless otherwise stated. I make no claim of technical knowledge with regard to testing for or identifying such hazardous materials or

conditions. The presence of such materials, substances or conditions could affect the value of the property. However, the values estimated in this report are predicated on the assumption that there are no such materials or conditions in, on or in close enough proximity to the property to cause a loss in value. The client is urged to retain an expert in this field, if desired.

- Unless otherwise stated in this report the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act (effective 1/26/92). The presence of architectural and/or communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.

- Any allocation of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

- Possession of this report, or a copy thereof, does not carry with it the right of publication.

- I have no obligation, by reason of this appraisal, to give further consultation or testimony or to be in attendance in court with reference to the property in question unless further arrangements have been made regarding compensation to Kirkland Appraisals, LLC.

- Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of Kirkland Appraisals, LLC, and then only with proper qualifications.

- Any value estimates provided in this report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value estimate, unless such proration or division of interests has been set forth in the report.

- Any income and expenses estimated in this report are for the purposes of this analysis only and should not be considered predictions of future operating results.

- This report is not intended to include an estimate of any personal property contained in or on the property, unless otherwise state.

- This report is subject to the Code of Professional Ethics of the Appraisal Institute and complies with the requirements of the State of North Carolina for State Certified General Appraisers. This report is subject to the certification, definitions, and assumptions and limiting conditions set forth herein.

- The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).

- This is a Real Property Appraisal Consulting Assignment as identified in Standard 4 of USPAP and reported following Standard 5 of USPAP.

Certification – Richard C. Kirkland, Jr., MAI

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct;

2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;

3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved;

4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;

5. My engagement in this assignment was not contingent upon developing or reporting predetermined results;

6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal;

7. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute;

8. The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.

9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;

10. I have made a personal inspection of the property that is the subject of this report, and;

11. No one provided significant real property appraisal assistance to the person signing this certification.

12. As of the date of this report I have completed the requirements of the continuing education program of the Appraisal Institute;

13. I have not appraised this property within the last three years.

Disclosure of the contents of this appraisal report is governed by the bylaws and regulations of the Appraisal Institute and the National Association of Realtors.

Neither all nor any part of the contents of this appraisal report shall be disseminated to the public through advertising media, public relations media, news media, or any other public means of communications without the prior written consent and approval of the undersigned.

Richard C. Kirkland, Jr., MAI
State Certified General Appraiser

STATE OF NORTH CAROLINA	BEFORE THE BOARD OF COMMISSIONERS AND PLANNING BOARD
COUNTY OF ORANGE	
SPECIAL USE PERMIT APPLICATION FOR A SOLAR FARM	))) **AFFIDAVIT OF PHILIP N. POST, PE, PLS**

NOW COMES the undersigned Affiant, who, being first duly sworn, deposes and says:

1. I am over eighteen (18) years of age and competent to testify to the matters set forth in this Affidavit.

2. I am a licensed North Carolina professional engineer. I am a principal with the engineering firm of Philip Post & Associates, Inc.

3. The property owner proposes to construct a solar farm on 53.31± acres of a 122± acre parcel owned by the Bradshaw Family Partnership. I am familiar with the proposed solar farm use, including the special use permit request. I have personally toured the property and specifically inspected the location of the proposed project.

4. The solar farm will contain rows of Photovoltaic cell set in the ground by hand to minimize grading. The site will be constructed in one phase. The solar cell configuration contains no moving parts.

5. It is my professional opinion that the proposed solar farm will not materially affect the public health or safety. Access to the site will be from a new private gravel drive onto White Cross Road, an NCDOT maintained public road. The proposed solar farm will generate almost no traffic. The solar farm will not be staffed daily. Employees will visit the site weekly or less frequently to check and maintain the equipment. I am familiar with the principles of traffic engineering. The Institute of Transportation Engineers Trip Generation manual 8th Edition reports that the average single-family housing unit will produce an average of 9.57 trips on a weekday. The proposed solar farm will generate far fewer daily trips than one average single-family detached home.

7. The creation of solar energy is virtually silent. The only sound is the quiet hum of equipment converting and conveying electricity to the power grid during daylight hours. Similar facilities are already located in residential neighborhoods to deliver power to homes. Solar panels are designed to absorb rather than reflect light.

6. The area beneath the solar panels will be planted with grass or alfalfa to stabilize the soil. The active area of the solar farm will be enclosed by a six foot (6') high fence topped with a three strand barbed wire to prevent unauthorized access to the site.

7. The proposed solar farm will be in harmony with the area in which it is located. The proposed solar farm is consistent with the residential and agricultural land uses that exist in the area today. All properties immediately adjacent on the north, south and west sides of the solar farm site are owned by the same property owner as the proposed solar farm, the Bradshaw Family Partnership. A 75' foot Type E vegetation buffer will be established around the entire perimeter of the property.

8. The proposed solar farm will be consistent with the Orange County Comprehensive Plan. In Chapter 1, the Plan Overview, the Orange County Comprehensive Plan states that ". . .we must seek to develop a community that meets the needs of the present generation without compromising the ability of future generations to meet their needs." The Comprehensive Plan goes own to encourage green energy, like solar energy, in Natural and Cultural Systems Goal 1, Objective AE-15 and Objective AG-8.

9. The proposed solar farm is classified as a *Public Utility Station and Substation* under Section 5.9.3 of the Unified Development Ordinance, and it meets all the requirements of that section. No building is proposed as a part of the proposed solar farm so no sewage system will be required. The site is of adequate size for the proposed solar farm.

10. The site is appropriately located to be served by fire, police and emergency services, if needed.

11. It is my professional opinion that the proposed solar farm meets all of the requirements for issuance of a Special Use Permit for a Public Utility Station and Substation use.

Further the Affiant Sayeth Not.

[Remainder of Page Intentionally Left Blank.]

This the 29th day of May, 2012.

PHILIP N. POST

NORTH CAROLINA PROFESSIONAL SEAL 7635 5-29-2012 ENGINEER PHILIP N. POST

ACKNOWLEDGMENT
ORANGE
~~WAKE~~ **COUNTY, NORTH CAROLINA**

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Philip N. Post.

Date: May 29th, 2012

Kathleen A. Jordan
[Notary's signature as name appears on seal]

Kathleen A. Jordan, Notary Public
[Notary's printed name as name appears on seal]

(SEAL)

KATHLEEN A. JORDAN NOTARY PUBLIC ORANGE COUNTY, NC

My commission expires: May 17, 2017.

PURCHASED POWER AGREEMENT

between

DUKE ENERGY CAROLINAS, LLC

and

WHITE CROSS FARM, LLC

"White Cross Farm PV Installation"

Contract Number: 2012-18

Contract Date: May 8, 2012

Initial Delivery Date: _____

PURCHASED POWER AGREEMENT

THIS PURCHASED POWER AGREEMENT ("Agreement") is made this 8th day of May, 2012, by and between

DUKE ENERGY CAROLINAS, LLC,

a North Carolina Limited Liability Company ("Company"), and

WHITE CROSS FARM, LLC,

("Supplier" or "Customer"), for the

"White Cross Farm PV Installation",

which is or will be a qualifying facility as defined by the Federal Energy Regulatory Commission ("FERC") pursuant to Section 210 of the Public Utility Regulatory Policies Act of 1978, consisting of five (5) - 1,276.8 kilowatt DC Astronergy photovoltaic arrays (6,384 kilowatts DC total) and ten (10) SMA SC500U grid-tie inverters, (the "Facility"), located at 2159 White Cross Road, Chapel Hill, NC 27516.

(Hereinafter, the parties are also referred to individually as "Party" and collectively as "Parties").

In consideration of the mutual covenants herein contained, the Parties hereto, for themselves, their successors and assigns, do hereby agree to the following:

1. Service Requirements.

1.1 The Supplier shall sell and deliver exclusively to the Company all of the electric power generated by the Facility, net of the Facility's own auxiliary electrical requirements, and the Company shall purchase, receive, use and pay for the same, subject to the conditions contained in this Agreement. If the Supplier will receive back-up and maintenance power for the Facility's auxiliary electrical requirements from the Company, such power shall be provided to Supplier pursuant to a separate electric service agreement under the Company's rate schedule appropriate for such service.

1.2 The electric power to be delivered hereunder shall be three (3) phase, alternating, at a frequency of approximately sixty (60) hertz, and at approximately 12,470/7,200 volts.

1.3 Delivery of said power shall be made in Orange County at or near Chapel Hill, North Carolina at a delivery point described as follows: At the solar farm located at 2159 White Cross Road, Chapel Hill, NC 27516, where the Customer's conductors connect to the Company's installed tap line conductors.

1.4 (a) The Nameplate Capacity of the Supplier's generating facilities, as defined in the attached Schedule PP-N(NC) is 5,000 kilowatts, consisting of five (5) - 1,276.8 kilowatt DC

IN WITNESS WHEREOF, on the day and year first above written, the Parties hereto have caused their official names to be hereunto subscribed by their respective Presidents, Vice Presidents or Authorized Representatives. Executed in Duplicate.

DUKE ENERGY CAROLINAS, LLC

By Donna Rothchild
Managing Director

WHITE CROSS FARM, LLC

By M. Wilhelm

Print Markus Wilhelm

Title Member

Staff Note - the applicant did not provide pages 2 through 11 to the Planning Board. Staff assumes the information may be proprietary in nature. The purpose of the document, however, is to denote there is an agreement in place with Duke Power to purchase power generated at the facility

Duke Energy

OFFICIAL COPY

Kendrick C. Fentress
Associate General Counsel

Duke Energy Corporation
3700 Glenwood Avenue
Suite 330
Raleigh, NC 27612

Tel 919.784.8454
Fax 919.784.5240

August 16, 2011

FILED
AUG 16 2011
Clerk's Office
N.C. Utilities Commission

Ms. Renné C. Vance
Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

Re: Duke Energy Carolinas Avoided Cost Rates
Schedule PP(N), Schedule PP(H), and Standard Contract
Docket No. E-100, Sub 127

Dear Ms. Vance:

Pursuant to the North Carolina Utilities Commission's *Order Establishing Standard Rates and Contract Terms for Qualifying Facilities*, issued July 27, 2011, in the above-captioned docket, Duke Energy Carolinas, LLC encloses 1 original and 31 copies of Schedule PP(N), Schedule PP(H) and its Standard Purchased Power Agreement for filing in the above-referenced docket.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Kendrick C. Fentress

Kendrick C. Fentress
Associate General Counsel

Enclosures

HM
AG
Tomm
Watson
Green
hoover
wite
hilburn
Jones
sessoms
ericson
hodge
Gruber
2 PSECO
3 PS Legal
3 PS ACCTS
4 PS elect.

Duke Energy Carolinas, LLC

Electricity No. 4
North Carolina Tenth Revised Leaf No. 91
Superseding North Carolina Ninth Revised Leaf No. 91

FILED
AUG 16 2011
Clerk's Office
N.C. Utilities Commission

SCHEDULE PP-N (NC)
NON-HYDROELECTRIC QUALIFYING FACILITIES
PURCHASED POWER

AVAILABILITY (North Carolina only)

Available only to establishments located in the Company's North Carolina service territory which have non-hydroelectric qualifying facilities fueled by trash or methane derived from landfills, hog waste, poultry waste, solar, wind, and non-animal forms of biomass contracting to sell generating capacity and energy not in excess of five (5) megawatts, or other non-hydroelectric generating facilities contracting to sell generating capacity and energy not in excess of three (3) megawatts, which are interconnected directly with the Company's system and which are qualifying facilities as defined by the Federal Energy Regulatory Commission pursuant to Section 210 of the Public Utility Regulatory Policies Act of 1978.

The Fixed Long-Term Rates on this Schedule are available only to Customers under contract with the Company on or before November 1, 2012 for delivery of power beginning on or before the earlier of thirty (30) months from the date of execution of the contract or May 1, 2015.

Notwithstanding the above, all qualifying facilities have the option to sell energy to the Company on an "as available" basis and receive energy credits only calculated using the Variable Rates identified in this Schedule for the delivered energy.

This Schedule is not applicable to a qualifying facility owned by a Customer, or affiliate or partner of a Customer, who sells power to the Company from another facility within one-half mile.

Service necessary for the delivery of the Customer's Net Power into the Company's system under this Schedule shall be furnished solely to the individual contracting Customer in a single enterprise, located entirely on a single, contiguous premise. Service hereunder shall be restricted to the Net Capacity of the Customer's generating facilities which may be operated in parallel with the Company's system. Service necessary to supply the Customer's total load requirements other than Auxiliary Load, and service necessary to supply the Customer's Auxiliary Load when the Customer's generating facilities are not operating, shall be billed on the applicable schedule(s) of the Company. Net Power delivered to the Company under this Schedule shall not offset or be substituted for power contracted for or which may be contracted for under any other schedule of the Company, except at the option of the Company under special terms and conditions expressed in writing in the contract with the Customer.

The obligations of the Company in regard to service under this Schedule are dependent upon its securing and retaining all necessary rights-of-way, privileges, franchises and permits for such service and the Company shall not be liable to any customer or applicant for power in the event it is delayed in, or is prevented from purchasing power by its failure to secure and retain such rights-of-way, rights, privileges, franchises and permits.

TYPE OF SERVICE

Company will furnish 60 Hertz service through one metering point, at one delivery point, at one of the following approximate voltages, where available, upon mutual agreement:

Single-phase, 120/240 volts; or
3-phase, 3-wire, 240, 480, 4160, 12470, or 24940 volts, or
3-phase voltages other than the foregoing, but only at the Company's option, and provided that the size of the Customer's contract warrants a substation solely to serve that Customer, and further provided that the Customer furnish suitable outdoor space on the premises to accommodate a ground-type transformer installation, or substation, or a transformer vault built in accordance with the Company's specifications.

The type of service under this Schedule shall be determined by the Company. Prospective customers shall ascertain the available voltage by written inquiry of the Company before purchasing equipment.

RATE * (One of the following two Rate options shall apply):

Option A

Administrative Charge	$ 8.17 per month
Facilities Charge (if applicable – See Interconnection Facilities Charge)	$ 8.03 per month

Interconnected to Distribution System:

		Fixed Long-Term Rate (a)			
I. Capacity Credit	Variable Rate	5 Years	10 Years (b)	15 Years (b)
a. All On-Peak Energy per On-Peak Month per kWh:	2.76 ¢	2.85 ¢	2.99 ¢	3.12 ¢
b. All On-Peak Energy per Off-Peak Month per kWh:	0.55 ¢	0.56 ¢	0.59 ¢	0.62 ¢

SCHEDULE PP-N (NC)
NON-HYDROELECTRIC QUALIFYING FACILITIES
PURCHASED POWER

	Variable Rate	5 Years	10 Years (b)	15 Years (b)
II. Energy Credit				
a. All On-Peak Energy per Month per kWh:	5.11 ¢	5.30 ¢	6.11 ¢	6.50 ¢
b. All Off-Peak Energy per Month per kWh:	3.98 ¢	4.07 ¢	4.46 ¢	4.67 ¢

Interconnected to Transmission System:

		Fixed Long-Term Rate (a)		
I. Capacity Credit	Variable Rate	5 Years	10 Years (b)	15 Years (b)
a. All On-Peak Energy per On-Peak Month per kWh:	2.69 ¢	2.78 ¢	2.92 ¢	3.04 ¢
b. All On-Peak Energy per Off-Peak Month per kWh:	0.53 ¢	0.55 ¢	0.58 ¢	0.60 ¢
II. Energy Credit				
a. All On-Peak Energy per Month per kWh:	4.98 ¢	5.17 ¢	5.95 ¢	6.33 ¢
b. All Off-Peak Energy per Month per kWh:	3.89 ¢	3.98 ¢	4.36 ¢	4.56 ¢

Option B

Administrative Charge	$ 8.17 per month
Facilities Charge (if applicable – See Interconnection Facilities Charge)	$ 8.03 per month

Interconnected to Distribution System:

		Fixed Long-Term Rate (a)		
I. Capacity Credit	Variable Rate	5 Years	10 Years (b)	15 Years (b)
a. All On-Peak Energy per Summer Month per kWh:	9.70 ¢	10.01 ¢	10.51 ¢	10.97 ¢
b. All On-Peak Energy per Non-Summer Month per kWh:	1.50 ¢	1.55 ¢	1.63 ¢	1.70 ¢
II. Energy Credit				
a. All On-Peak Energy per Month per kWh:	5.37 ¢	5.54 ¢	6.36 ¢	6.78 ¢
b. All Off-Peak Energy per Month per kWh:	4.29 ¢	4.40 ¢	4.94 ¢	5.20 ¢

Interconnected to Transmission System:

		Fixed Long-Term Rate (a)		
I. Capacity Credit	Variable Rate	5 Years	10 Years (b)	15 Years (b)
a. All On-Peak Energy per Summer Month per kWh:	9.45 ¢	9.76 ¢	10.25 ¢	10.70 ¢
b. All On-Peak Energy per Non-Summer Month per kWh:	1.46 ¢	1.51 ¢	1.58 ¢	1.66 ¢
II. Energy Credit				
a. All On-Peak Energy per Month per kWh:	5.24 ¢	5.40 ¢	6.20 ¢	6.61 ¢
b. All Off-Peak Energy per Month per kWh:	4.19 ¢	4.30 ¢	4.83 ¢	5.08 ¢

Notes: (a) The 10-Year and 15-Year Fixed Long-Term Rates are applicable only to those qualifying facilities which are non-hydroelectric qualifying facilities fueled by trash or methane derived from landfills, hog waste, poultry waste, solar, wind, and non-animal forms of biomass contracting to sell capacity and energy not in excess of five (5) megawatts.

(b) Contracts for the 10-Year and 15-Year Fixed Long-Term Rates are subject to a provision making the contract renewable for subsequent term(s) at the option of the Company on substantially the same terms and provisions and at a rate either (1) mutually agreed upon by the parties negotiating in good faith and taking into consideration the Company's then avoided cost rates and other relevant factors, or (2) set by arbitration.

* Unless otherwise specified in the Company's contract with the Customer, payment of credits under this Schedule do not convey to the Company the right to renewable energy credits (RECs) associated with the energy delivered to the Company by the Customer.

SCHEDULE PP-N (NC)
NON-HYDROELECTRIC QUALIFYING FACILITIES
PURCHASED POWER

DEFINITIONS

Nameplate Capacity: The term "Nameplate Capacity" shall mean the maximum continuous electrical output capability of the generator(s) at any time at a power factor of ninety percent (90%).

Net Capacity: The term "Net Capacity" shall mean the Nameplate Capacity of the Customer's generating facilities, less the portion of that capacity needed to serve the generating facilities' Auxiliary Load.

Auxiliary Load: The term "Auxiliary Load" shall mean power used to operate auxiliary equipment in the facility necessary for power generation (such as pumps, blowers, fuel preparation machinery, and exciters).

Net Power: The term "Net Power" shall mean the total amount of electric power produced by the Customer's generating facilities less the portion of that power used to supply the generating facilities' Auxiliary Load.

Month: The term "Month" as used in this Schedule means the period intervening between meter readings for the purposes of monthly billing, such readings being taken once per month.

For Option A Rates, the On-Peak Months shall be the billing Months of June through September and December through March. The Off-Peak Months shall be the billing Months of April, May, October and November.

For Option B Rates, the Summer Months are the period from June 1 through September 30. The Non-Summer Months are the period from October 1 through May 31.

DETERMINATION OF ON-PEAK AND OFF-PEAK ENERGY

On-Peak Energy shall be energy, in kilowatt-hours, which is supplied to the Company during On-Peak Period Hours. Off-Peak Energy shall be energy, in kilowatt-hours, which is supplied to the Company during the Off-Peak Period Hours.

For Option A Rates, the On-Peak Period Hours shall be those hours, Monday through Friday, beginning at 7 A.M. and ending at 11 P.M. The Off-Peak Period Hours shall be all other weekday hours and all Saturday and Sunday hours.

For Option B Rates, the On-Peak Period Hours shall be those hours, Monday through Friday, beginning at 1 P.M. and ending at 9 P.M. during Summer Months, and beginning at 6 A.M. and ending at 1 P.M. during Non-Summer Months. The Off-Peak Period Hours shall be all other weekday hours and all Saturday and Sunday hours. All hours for the following holidays shall be considered as Off-Peak: New Year's Day, Memorial Day, Good Friday, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.

SAFETY, INTERCONNECTION AND INSPECTION REQUIREMENTS

This Schedule is only applicable for installed generation systems and equipment that comply with the provisions outlined in the North Carolina Interconnection Procedures, Forms, and Agreements for State-Jurisdictional Generator Interconnections (hereinafter "Interconnection Procedures") as approved by the North Carolina Utilities Commission.

The Customer must submit an Interconnection Request, which must be accepted by the Company, pay an application fee, comply with the liability insurance requirements of the Interconnection Procedures and enter into a specific contract providing for interconnection to the Company's system.

In order to ensure protection of the Company's system, the Company reserves the right, at its discretion, to inspect the Customer's generation system and equipment at any time upon reasonable notice to the Customer in an effort to ensure compliance with the Interconnection Procedures The Company reserves the right to disconnect electric service to the premises if the Company determines that the Customer's generation system and equipment is not in compliance with the Interconnection Procedures and is being operated in parallel with the Company's system.

INTERCONNECTION FACILITIES CHARGE

The Customer shall be responsible for providing suitable control and protective devices on his equipment to assure no disturbance to other customers of the Company or to the Company itself, and to protect the Customer's facilities from all loss or damage which could result from operation with the Company's system.

SCHEDULE PP-N (NC)
NON-HYDROELECTRIC QUALIFYING FACILITIES
PURCHASED POWER

The Company will furnish, install, own, and maintain interconnection facilities as necessary for service under this Schedule including: suitable control and protective devices installed on Company equipment to allow operation of the Customer's generating facilities; metering facilities equipped to prevent reverse registration for the measurement of service under this Schedule; and any other modifications to its system required to serve the Customer under this Schedule as determined by the Company.

All such facilities shall be subject to a monthly charge under the Extra Facilities provisions of the Company's Service Regulations provided, however, that the minimum Extra Facilities charge shall not apply. The Company reserves the right to install at any time facilities necessary for the appropriate measurement of service under this Schedule and to adjust the Interconnection Facilities Charge accordingly, solely at the option of the Company.

When the installed generating system complies with the North Carolina Interconnection Procedures and no additional interconnection facilities are required, the Facilities Charge shown in the Rate above will be applied to cover the cost of the Company's metering and installation.

DETERMINATION OF CAPACITY CREDITS
Capacity Credits will be based on the energy, in kilowatt-hours, which is supplied to the Company during the On-Peak Period Hours of the Month and will be applied to the Customer's bill in the appropriate Month.

Capacity Credits are available only to qualifying facilities classified as "new capacity" in accordance with the Federal Energy Regulatory Commission's Order No. 69 in Docket No. RM79-55 and in accordance with the North Carolina Utilities Commission's Order dated September 21, 1981 in Docket No. E-100, Sub 41.

POWER FACTOR CORRECTION
When the average Monthly power factor of the power supplied by the Customer to the Company is less than 90 percent or greater than 97 percent, the Company may correct the energy, in kilowatt-hours, as appropriate. The Company reserves the right to install facilities necessary for the measurement of power factor and to adjust the Interconnection Facilities Charge accordingly, solely at the option of the Company.

PAYMENTS
Credit billings to the Customer shall be payable to the Customer within fifteen (15) days of the date of the bill.

Bills under this Schedule are due and payable on the date of the bill at the office of the Company. Bills are past due and delinquent on the fifteenth day after the date of the bill. If any bill is not so paid, the Company has the right to suspend service. In addition, all bills not paid by the twenty-fifth day after the date of the bill shall be subject to a one percent (1%) late payment charge on the unpaid amount. This late payment charge shall be rendered on the following month's bill and it shall become part of and be due and payable with the bill on which it is rendered.

CONTRACT PERIOD
Each Customer shall enter into a contract which shall specify the amount of capacity committed for delivery throughout the term of the contract and shall specify one of the following as the initial term and associated rate: variable rate for five (5) years or fixed long-term rate for five (5), ten (10) or fifteen (15) years. Following the initial term, the Variable Rate as from time to time amended by the North Carolina Utilities Commission shall apply to all power purchased by the Company until superseded by a new contract.

The Company reserves the right to terminate the Customer's contract under this Schedule at any time upon written notice to the Customer in the event that the Customer violates any of the terms or conditions of this Schedule or operates its generating facilities in a manner which is detrimental to the Company or any of its Customers or fails to deliver energy to the Company for six (6) consecutive Months. In the event of early termination of a contract under this Schedule, the Customer will be required to pay the Company for costs due to such early termination.

SCHEDULE PP-H (NC)
HYDROELECTRIC QUALIFYING FACILITIES
PURCHASED POWER

AVAILABILITY (North Carolina only)

Available only to establishments located in the Company's North Carolina service territory which have hydroelectric generating facilities owned or operated by small power producers as defined in G.S. 62-3 (27a) contracting to sell generating capacity and energy not in excess of five (5) megawatts which are interconnected directly with the Company's system and which are qualifying facilities as defined by the Federal Energy Regulatory Commission pursuant to Section 210 of the Public Utility Regulatory Policies Act of 1978.

The Fixed Long-Term Rates on this Schedule are available only to Customers under contract with the Company on or before November 1, 2012, for delivery of power beginning on or before the earlier of thirty (30) months from the date of execution of the contract or May 1, 2015.

Notwithstanding the above, all qualifying facilities have the option to sell energy to the Company on an "as available" basis and receive energy credits only calculated using the Variable Rates identified in this Schedule for the delivered energy.

This Schedule is not applicable to a qualifying facility owned by a Customer, or affiliate or partner of a Customer, who sells power to the Company from another facility within one-half mile.

Service necessary for the delivery of the Customer's Net Power into the Company's system under this Schedule shall be furnished solely to the individual contracting Customer in a single enterprise, located entirely on a single, contiguous premise. Service hereunder shall be restricted to the Net Capacity of the Customer's generating facilities which may be operated in parallel with the Company's system. Service necessary to supply the Customer's total load requirements other than Auxiliary Load, and service necessary to supply the Customer's Auxiliary Load when the Customer's generating facilities are not operating, shall be billed on the applicable schedule(s) of the Company. Net Power delivered to the Company under this Schedule shall not offset or be substituted for power contracted for or which may be contracted for under any other schedule of the Company, except at the option of the Company under special terms and conditions expressed in writing in the contract with the Customer.

The obligations of the Company in regard to service under this Schedule are dependent upon its securing and retaining all necessary rights-of-way, privileges, franchises and permits for such service and the Company shall not be liable to any customer or applicant for power in the event it is delayed in, or is prevented from purchasing power by its failure to secure and retain such rights-of-way, rights, privileges, franchises and permits.

TYPE OF SERVICE

Company will furnish 60 Hertz service through one metering point, at one delivery point, at one of the following approximate voltages, where available, upon mutual agreement:

Single-phase, 120/240 volts; or
3-phase, 3-wire, 240, 480, 4160, 12470, or 24940 volts, or
3-phase voltages other than the foregoing, but only at the Company's option, and provided that the size of the Customer's contract warrants a substation solely to serve that Customer, and further provided that the Customer furnish suitable outdoor space on the premises to accommodate a ground-type transformer installation, or substation, or a transformer vault built in accordance with the Company's specifications

The type of service under this Schedule shall be determined by the Company. Prospective customers shall ascertain the available voltage by written inquiry of the Company before purchasing equipment.

RATE * (One of the following two Rate options shall apply):

Option A

Administrative Charge	$ 8.17	per month
Facilities Charge (if applicable – See Interconnection Facilities Charge)	$ 8.03	per month

Interconnected to Distribution System:		Fixed Long-Term Rate (a)		
I. Capacity Credit	Variable Rate	5 Years	10 Years (a)	15 Years (a)
a. All On-Peak Energy per On-Peak Month per kWh:				
i. Hydroelectric facilities with no storage capability and no other type generation	4.60 ¢	4.75 ¢	4.98 ¢	5.20 ¢
ii. for all other hydroelectric facilities	2.76 ¢	2.85 ¢	2.99 ¢	3.12 ¢

SCHEDULE PP-H (NC)
HYDROELECTRIC QUALIFYING FACILITIES
PURCHASED POWER

	Variable Rate	5 Years	10 Years (a)	15 Years (a)
b. All On-Peak Energy per Off-Peak Month per kWh:				
i. Hydroelectric facilities with no storage capability and no other type generation	0.91 ¢	0.94 ¢	0.99 ¢	1.03 ¢
ii. for all other hydroelectric facilities	0.55 ¢	0.56 ¢	0.59 ¢	0.62 ¢
II. Energy Credit				
a. All On-Peak Energy per Month per kWh:	5.11 ¢	5.30 ¢	6.11 ¢	6.50 ¢
b. All Off-Peak Energy per Month per kWh:	3.98 ¢	4.07 ¢	4.46 ¢	4.67 ¢

Interconnected to Transmission System:

		Fixed Long-Term Rate (a)		
I. Capacity Credit	Variable Rate	5 Years	10 Years (a)	15 Years (a)
a. All On-Peak Energy per On-Peak Month per kWh:				
i. Hydroelectric facilities with no storage capability and no other type generation	4.48 ¢	4.63 ¢	4.86 ¢	5.07 ¢
ii. for all other hydroelectric facilities	2.69 ¢	2.78 ¢	2.92 ¢	3.04 ¢
b. All On-Peak Energy per Off-Peak Month per kWh:				
i. Hydroelectric facilities with no storage capability and no other type generation	0.89 ¢	0.91 ¢	0.96 ¢	1.00 ¢
ii. for all other hydroelectric facilities	0.53 ¢	0.55 ¢	0.58 ¢	0.60 ¢
II. Energy Credit				
a. All On-Peak Energy per Month per kWh:	4.98 ¢	5.17 ¢	5.95 ¢	6.33 ¢
b. All Off-Peak Energy per Month per kWh:	3.89 ¢	3.98 ¢	4.36 ¢	4.56 ¢

Option B

Administrative Charge	$ 8.17 per month
Facilities Charge (if applicable – See Interconnection Facilities Charge)	$ 8.03 per month

Interconnected to Distribution System:

		Fixed Long-Term Rate (a)		
I. Capacity Credit	Variable Rate	5 Years	10 Years (a)	15 Years (a)
a. All On-Peak Energy per Summer Month per kWh:				
i. Hydroelectric facilities with no storage capability and no other type generation	16.16 ¢	16.68 ¢	17.51 ¢	18.28 ¢
ii. for all other hydroelectric facilities	9.70 ¢	10.01 ¢	10.51 ¢	10.97 ¢
b. All On-Peak Energy per Non-Summer Month per kWh:				
i. Hydroelectric facilities with no storage capability and no other type generation	2.50 ¢	2.58 ¢	2.71 ¢	2.83 ¢
ii. for all other hydroelectric facilities	1.50 ¢	1.55 ¢	1.63 ¢	1.70 ¢
II. Energy Credit				
a. All On-Peak Energy per Month per kWh:	5.37 ¢	5.54 ¢	6.36 ¢	6.78 ¢
b. All Off-Peak Energy per Month per kWh:	4.29¢	4.40 ¢	4.94 ¢	5.20 ¢

Interconnected to Transmission System:

		Fixed Long-Term Rate (a)		
I. Capacity Credit	Variable Rate	5 Years	10 Years (a)	15 Years (a)
a. All On-Peak Energy per Month per kWh:				
i. Hydroelectric facilities with no storage capability and no other type generation	15.76 ¢	16.26 ¢	17.07 ¢	17.83 ¢
ii. for all other hydroelectric facilities	9.45 ¢	9.76 ¢	10.25 ¢	10.70 ¢
b. All On-Peak Energy per Non-Summer Month per kWh:				
i. Hydroelectric facilities with no storage capability and no other type generation	2.44 ¢	2.52 ¢	2.64 ¢	2.76 ¢
ii. for all other hydroelectric facilities	1.46 ¢	1.51 ¢	1.58 ¢	1.66 ¢

SCHEDULE PP-H (NC)
HYDROELECTRIC QUALIFYING FACILITIES
PURCHASED POWER

II. Energy Credit	Variable Rate	5 Years	10 Years (a)	15 Years (a)
a. All On-Peak Energy per Month per kWh:	5.24 ¢	5.40 ¢	6.20 ¢	6.61 ¢
b. All Off-Peak Energy per Month per kWh:	4.19 ¢	4.30 ¢	4.83 ¢	5.08 ¢

Notes: (a) Contracts for the 10-Year and 15-Year Fixed Long-Term Rates are subject to a provision making the contract renewable for subsequent term(s) at the option of the Company on substantially the same terms and provisions and at a rate either (1) mutually agreed upon by the parties negotiating in good faith and taking into consideration the Company's then avoided cost rates and other relevant factors, or (2) set by arbitration.

* Unless otherwise specified in the Company's contract with the Customer, payment of credits under this Schedule do not convey to the Company the right to renewable energy credits (RECs) associated with the energy delivered to the Company by the Customer.

DEFINITIONS

Nameplate Capacity: The term "Nameplate Capacity" shall mean the maximum continuous electrical output capability of the generator(s) at any time at a power factor of ninety percent (90%).

Net Capacity: The term "Net Capacity" shall mean the Nameplate Capacity of the Customer's generating facilities, less the portion of that capacity needed to serve the generating facilities' Auxiliary Load.

Auxiliary Load: The term "Auxiliary Load" shall mean power used to operate auxiliary equipment in the facility necessary for power generation (such as pumps, blowers, fuel preparation machinery, and exciters).

Net Power: The term "Net Power" shall mean the total amount of electric power produced by the Customer's generating facilities less the portion of that power used to supply the generating facilities' Auxiliary Load.

Month: The term "Month" as used in this Schedule means the period intervening between meter readings for the purposes of monthly billing, such readings being taken once per month.

For Option A Rates, the On-Peak Months shall be the billing Months of June through September and December through March. The Off-Peak Months shall be the billing Months of April, May, October and November.

For Option B Rates, the Summer Months are the period from June 1 through September 30. The Non-Summer Months are the period from October 1 through May 31.

DETERMINATION OF ON-PEAK AND OFF-PEAK ENERGY

On-Peak Energy shall be energy, in kilowatt-hours, which is supplied to the Company during On-Peak Period Hours. Off-Peak Energy shall be energy, in kilowatt-hours, which is supplied to the Company during the Off-Peak Period Hours.

For Option A Rates, the On-Peak Period Hours shall be those hours, Monday through Friday, beginning at 7 A.M. and ending at 11 P.M. The Off-Peak Period Hours shall be all other weekday hours and all Saturday and Sunday hours.

For Option B Rates, the On-Peak Period Hours shall be those hours, Monday through Friday, beginning at 1 P.M. and ending at 9 P.M. during Summer Months, and beginning at 6 A.M. and ending at 1 P.M. during Non-Summer Months. The Off-Peak Period Hours shall be all other weekday hours and all Saturday and Sunday hours. All hours for the following holidays shall be considered as Off-Peak: New Year's Day, Memorial Day, Good Friday, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.

SAFETY, INTERCONNECTION AND INSPECTION REQUIREMENTS

This Schedule is only applicable for installed generation systems and equipment that comply with the provisions outlined in the North Carolina Interconnection Procedures, Forms, and Agreements for State-Jurisdictional Generator Interconnections (hereinafter "Interconnection Procedures") as approved by the North Carolina Utilities Commission.

The Customer must submit an Interconnection Request, which must be accepted by the Company, pay an application fee, comply with the liability insurance requirements of the Interconnection Procedures and enter into a specific contract providing for interconnection to the Company's system.

In order to ensure protection of the Company's system, the Company reserves the right, at its discretion, to inspect the Customer's generation system and equipment at any time upon reasonable notice to the Customer in an effort to ensure compliance with the

SCHEDULE PP-H (NC)
HYDROELECTRIC QUALIFYING FACILITIES
PURCHASED POWER

Interconnection Procedures. The Company reserves the right to disconnect electric service to the premises if the Company determines that the Customer's generation system and equipment is not in compliance with the Interconnection Procedures and is being operated in parallel with the Company's system.

INTERCONNECTION FACILITIES CHARGE

The Customer shall be responsible for providing suitable control and protective devices on his equipment to assure no disturbance to other customers of the Company or to the Company itself, and to protect the Customer's facilities from all loss or damage which could result from operation with the Company's system.

The Company will furnish, install, own, and maintain interconnection facilities as necessary for service under this Schedule including: suitable control and protective devices installed on Company equipment to allow operation of the Customer's generating facilities (see exception below); metering facilities equipped to prevent reverse registration for the measurement of service under this Schedule; and any other modifications to its system required to serve the Customer under this Schedule as determined by the Company.

All such facilities shall be subject to a monthly charge under the Extra Facilities provisions of the Company's Service Regulations, provided, however, that the minimum Extra Facilities charge shall not apply. The Company reserves the right to install at any time facilities necessary for the appropriate measurement of service under this Schedule and to adjust the Interconnection Facilities Charge accordingly, solely at the option of the Company.

When the installed generating system complies with the North Carolina Interconnection Procedures and no additional interconnection facilities are required, the Facilities Charge shown in the Rate above will be applied to cover the cost of the Company's metering and installation.

DETERMINATION OF CAPACITY CREDITS

Capacity Credits will be based on the energy, in kilowatt-hours, which is supplied to the Company during the On-Peak Period Hours of the Month and will be applied to the Customer's bill in the appropriate Month.

Capacity Credits are available only to qualifying facilities classified as "new capacity" in accordance with the Federal Energy Regulatory Commission's Order No. 69 in Docket No. RM79-55 and in accordance with the North Carolina Utilities Commission's Order dated September 21, 1981 in Docket No. E-100, Sub 41.

POWER FACTOR CORRECTION

When the average Monthly power factor of the power supplied by the Customer to the Company is less than 90 percent or greater than 97 percent, the Company may correct the energy, in kilowatt-hours, as appropriate. The Company reserves the right to install facilities necessary for the measurement of power factor and to adjust the Interconnection Facilities Charge accordingly, solely at the option of the Company.

PAYMENTS

Credit billings to the Customer shall be payable to the Customer within fifteen (15) days of the date of the bill.

Bills under this Schedule are due and payable on the date of the bill at the office of the Company. Bills are past due and delinquent on the fifteenth day after the date of the bill. If any bill is not so paid, the Company has the right to suspend service. In addition, all bills not paid by the twenty-fifth day after the date of the bill shall be subject to a one percent (1%) late payment charge on the unpaid amount. This late payment charge shall be rendered on the following month's bill and it shall become part of and be due and payable with the bill on which it is rendered.

CONTRACT PERIOD

Each Customer shall enter into a contract which shall specify the amount of capacity committed for delivery throughout the term of the contract and shall specify one of the following as the initial term and associated rate: variable rate for five (5) years or fixed long-term rate for five (5), ten (10) or fifteen (15) years. Following the initial term, the Variable Rate as from time to time amended by the North Carolina Utilities Commission shall apply to all power purchased by the Company until superseded by a new contract.

The Company reserves the right to terminate the Customer's contract under this Schedule at any time upon written notice to the Customer in the event that the Customer violates any of the terms or conditions of this Schedule or operates its generating facilities in a manner which is detrimental to the Company or any of its Customers or fails to deliver energy to the Company for six (6) consecutive months. In the event of early termination of a contract under this Schedule, the Customer will be required to pay the Company for costs due to such early termination.

PURCHASED POWER AGREEMENT

between

DUKE ENERGY CAROLINAS, LLC

and

SUPPLIER NAME

"Facility Name"

Contract Number: _____

Contract Date: _____

Initial Delivery Date: _____

PURCHASED POWER AGREEMENT

THIS PURCHASED POWER AGREEMENT ("Agreement") is made this ____th day of _____, 20___, by and between

DUKE ENERGY CAROLINAS, LLC,

a North Carolina Limited Liability Company ("Company"), and

SUPPLIER NAME,

("Supplier" or "Customer"), for the

"Facility Name,"

which is or will be a qualifying facility as defined by the Federal Energy Regulatory Commission ("FERC") pursuant to Section 210 of the Public Utility Regulatory Policies Act of 1978, consisting of _____, (the "Facility"), located at _____.

(Hereinafter, the parties are also referred to individually as "Party" and collectively as "Parties").

In consideration of the mutual covenants herein contained, the Parties hereto, for themselves, their successors and assigns, do hereby agree to the following:

1. Service Requirements.

1.1 The Supplier shall sell and deliver exclusively to the Company all of the electric power generated by the Facility, net of the Facility's own auxiliary electrical requirements, and the Company shall purchase, receive, use and pay for the same, subject to the conditions contained in this Agreement. If the Supplier will receive back-up and maintenance power for the Facility's auxiliary electrical requirements from the Company, such power shall be provided to Supplier pursuant to a separate electric service agreement under the Company's rate schedule appropriate for such service.

1.2 The electric power to be delivered hereunder shall be _____ phase, alternating, at a frequency of approximately sixty (60) hertz, and at approximately _____ volts.

1.3 Delivery of said power shall be made in _____ County at or near _____, North Carolina at a delivery point described as follows: _____ _____.

1.4 (a) The Nameplate Capacity of the Supplier's generating facilities, as defined in the attached Schedule PP-__(NC) is _____ kilowatts, consisting of _____.

(b) The Supplier shall deliver to the Company throughout the term of the Agreement approximately _____ kilowatts during On-Peak Periods as its "Capacity Commitment" as defined in Paragraph 1.4(c) below.

(c) The "Capacity Commitment" shall be the average capacity in kilowatts the Supplier commits to deliver to the Company during On-Peak Periods through the term of the Agreement taking into account scheduled and forced outages, fuel availability, steam requirements and any other conditions which might impact the average capacity during On-Peak Hours.

(d) The maximum amount of electric power to be delivered by Supplier to the Company under this Agreement shall be _____ kilowatts.

1.5 The Company will install and own such meter(s) as shall be necessary to measure and record the electrical energy and demand(s) delivered and received in accordance with the terms and conditions of this Agreement, such meter(s) to be located: _____ _____.

1.6 Supplier shall provide to the Company, on a monthly basis within ten (10) days of the meter reading date and in form to be mutually agreed upon by the Parties, information on the Facility's fuel costs (coal, oil natural gas, supplemental firing, etc.), if any, for the power delivered to the Company during the preceding month's billing period.

1.7 Supplier shall operate its Facility in compliance with all applicable operating guidelines established by the North American Electric Reliability Council ("NERC") and the Southeastern Electric Reliability Council ("SERC") or any successor thereto.

1.8 In the event the Company determines, based on calculations, studies, analyses, monitoring, measurement or observation, that the output of the Facility will cause or is causing the Company to be unable to provide proper voltage levels to its customers, the Supplier shall be required to comply with a voltage schedule and/or reactive power output schedule as prescribed by the Company. In the event such schedules are required by the Company, the POWER FACTOR CORRECTION paragraph of Schedule PP-N(NC) attached hereto shall not apply to service under this Agreement. .If the Supplier fails to comply with such schedule(s), the Company shall have the right to discontinue service and suspend purchases until the Supplier is in compliance.

2. Rate Schedule and Service Regulations. The sale, delivery, and use of electric power hereunder, and all services of whatever type to be rendered or performed in connection therewith, shall in all respects be subject to and in accordance with all the terms and conditions of the Company's **Rate Schedule PP-__, Electricity No. 4, North Carolina ____ Revised Leaf No. [91][92], Option [A][B], [Distribution][Transmission] Interconnection, [Variable][5,10,or 15 Year Fixed]Rate,** ("Rate Schedule") and its Service Regulations, both

of which are now on file with the North Carolina Utilities Commission ("Commission"), and are hereby incorporated by reference and made a part hereof as though fully set forth herein. Said Rate Schedule and Service Regulations are subject to change, revision, alteration or substitution, either in whole or in part, upon order of said Commission or any other regulatory authority having jurisdiction, and any such change, revision, alteration or substitution shall immediately be made a part hereof as though fully written herein, and shall nullify any prior provision in conflict therewith.

3. Initial Delivery Date.

3.1 The Initial Delivery Date shall be the first date upon which energy is generated by the Facility and delivered to the Company, and such energy is metered by the Company. The Initial Delivery Date under this Agreement is _____, 20___.

3.2 Subject to the provisions of Paragraph 3.4 hereof, if the Initial Delivery Date does not occur within thirty (30) months from the date of execution of this Agreement, then the Company may at any time thereafter terminate this Agreement immediately upon written notice to Supplier.

3.3 The initial delivery of electric power is dependent upon the Company securing from the manufacturers all necessary apparatus, equipment and material for the delivery of said power, and the Company shall not be required to receive said power until it shall have secured and installed such equipment, apparatus and material.

3.4 If either Party shall be delayed or prevented from delivering or receiving electric power on the Initial Delivery Date by reason of an event or condition of force majeure as defined in Paragraph 7 hereof, then the Initial Delivery Date and the beginning of Supplier's obligation to pay Interconnection Facilities Charges pursuant to Paragraph 5.3 hereof shall be extended for a period proportionate to such delay or prevention.

4. Term. The term of this Agreement shall be ____ years beginning with the Initial Delivery Date, continuing thereafter until terminated by either Party upon giving at least ninety (90) days' prior written notice of such termination. The Company shall have the right of termination provided in the attached Rate Schedule. In the event of early termination of this agreement, the Supplier shall be required to pay the Company for costs due to such early termination.

(Continuation of Paragraph 4 applicable to all contracts on 10 and 15-year rates only.)
This Agreement shall be renewable for subsequent term(s) at the option of the Company on substantially the same terms and provisions, and at a rate either (1) mutually agreed upon by the Parties negotiating in good faith and taking into consideration the Company's then avoided cost rate and other relevant factors, or (2) set by arbitration.

(Continuation of Paragraph 4 applicable to all contracts on 5, 10 and 15 year rates.)

In the event that this contract is terminated by either Party prior to the expiration of the initial term the Supplier will reimburse the Company for the total energy and capacity credits received in excess of that which would have been received under variable rates, plus interest at the rate of _____ % per annum until repaid.

5. Interconnection Facilities Charge.

5.1 (a) In accordance with the provisions of the attached Rate Schedule, the Company will furnish, install, own and maintain Interconnection Facilities, including protective devices, metering equipment, etc. to permit parallel operation of the Supplier's facilities with the Company's system. The Interconnection Facilities Charge, calculated in accordance with the Extra Facilities Provisions of the Company's Service Regulations, to be paid by the Supplier each month shall be $ _____, which is 1.7% of the installed cost of said Interconnection Facilities, which amount is $ _____. [Metering shall be provided using the separately stated Facilities Charge on Rate Schedule PP-__(NC)].

(b) The costs and charges set forth above shall be determined no later than twelve (12) months prior to the installation of the Interconnection Facilities to reflect then current costs, conditions, and service requirements.

5.2 The monthly charge for the Interconnection Facilities to be provided under this Agreement is subject to the rates, Service Regulations and conditions of the Company as the same are now on file with the Commission and may be changed or modified from time to time upon approval by the Commission. Any such changes or modifications, including those which may result in increased charges for the Interconnection Facilities to be provided by the Company, shall be made a part of this Agreement to the same effect as if fully set forth herein.

5.3 The Company shall furnish and install the Interconnection Facilities no later than the date requested by Supplier for such installation. Supplier's obligation to pay the Interconnection Facilities charges shall begin on the date that such Interconnection Facilities become operational, except as provided in Paragraph 3.4 hereof, and such charges shall apply at all times thereafter during the term of this Agreement, whether or not Supplier is actually supplying electric power to the Company.

5.4 The Interconnection Facilities under this agreement are only applicable for systems that comply with the *North Carolina Interconnection Procedures, Forms, And Agreements For State-Jurisdictional Generator Interconnections* (Interconnection Standard), which include requirements for compliance with the following:

1. The Institute of Electrical and Electronics Engineers (IEEE) P929 – "Recommended Practice for Utility Interface of Photovoltaic Systems" (latest edition); and IEEE 1547 "Standard for Interconnecting Distributed Resources with Electric Power Systems", latest published edition.

2. Underwriters Laboratories (UL) 1741 – "Standard for Static Inverters and Charge Controllers for use in Photovoltaic Power Systems." (latest edition)

3. NFPA70 – National Electrical Code (NEC), and all applicable local codes (latest editions) In order to ensure protection of the Company's system, the Company reserves the right, at its discretion, to inspect the Customer's photovoltaic system at any time upon reasonable notice to the Customer in an effort to ensure compliance with the Interconnection Standard. The Company reserves the right to disconnect electric service to any premises if the Company determines that the photovoltaic system is not in compliance with the Interconnection Standard and is being operated in parallel with the Company's system.

The Customer must submit an *Interconnection Request* which must be accepted by the Company. The Customer shall be responsible for providing suitable control and protective devices on its equipment to assure no disturbance to other customers of the Company or to the Company itself, and to protect the Customer's facilities and the Company's facilities from all loss or damage which could result from operation in parallel with the Company's system. The Customer shall be responsible for any costs incurred by the Company pursuant to the Interconnection Standard. The Company reserves the right to require additional interconnection facilities, furnished, installed, owned and maintained by the Company, at the Customer's expense, if the Customer's photovoltaic system, despite compliance with the Interconnection Standard, causes safety, reliability or power quality problems.

The Customer shall obtain and retain, for as long as the photovoltaic system is interconnected with the Company's system, a [homeowner's][comprehensive general liability] insurance policy with liability coverage in the amount of at least [$100,000][$300,000] per occurrence which protects the Customer from claims for bodily injury and / or property damage. This insurance shall be primary for all purposes. The Customer shall provide certificates evidencing this coverage as required by the Company. The Company reserves the right to refuse to establish, or continue the interconnection of the Customer's photovoltaic system with the Company's system, if such insurance is not in effect.

6. Service Interruptions. The Parties do not guarantee continuous service. They shall use reasonable diligence at all times to provide satisfactory service, and to remove the cause or causes in the event of failure, interruption, reduction or suspension of service, but neither Party shall be liable for any loss or damage resulting from such failure, interruption, reduction or suspension of service, nor shall same be a default hereunder, when due to any of the following:

(a) An emergency action due to an adverse condition or disturbance on the system of the Company, or on any other system directly or indirectly interconnected with it, which requires automatic or manual interruption of the supply of electricity to some customers or areas in order to limit the extent or damage of the adverse condition or disturbance, or to prevent damage to generating or transmission facilities, or to expedite restoration of service, or to effect a reduction in service to compensate for an emergency condition on an interconnected system.

(b) An event or condition of force majeure as defined in Paragraph 7 hereof.

(c) Making necessary adjustments to, changes in, or repairs on Company lines, substations, and facilities, and in cases where, in its opinion, the continuance of service from Supplier's premises would endanger persons or property.

7. Force Majeure.

(a) Circumstances beyond the reasonable control of a Party which solely cause that Party to experience delay or failure in delivering or receiving electricity or in providing continuous service hereunder, including: acts of God; unusually severe weather conditions; earthquake; strikes or other labor difficulties; war; riots; fire; requirements, actions or failures to act on the part of governmental authorities (including the adoption or change in any rule or regulation or environmental constraints lawfully imposed by federal, state or local government bodies), but only if such requirements, actions or failures to act prevent or delay performance; or transportation delays or accidents shall be deemed to be "events or conditions of force majeure". Events or conditions of force majeure do not include such circumstances which merely affect the cost of operating the Facility.

(b) Neither Party shall be responsible nor liable for any delay or failure in its performance hereunder due solely to events or conditions of force majeure, provided that:

(i) The affected Party gives the other Party written notice describing the particulars of the event or condition of force majeure, such notice to be provided within forty-eight (48) hours of the determination by the affected Party that an event or condition of force majeure has occurred, but in no event later than thirty (30) days from the date of the occurrence of the event or condition of force majeure;

(ii) The delay or failure of performance is of no longer duration and of no greater scope than is required by the event or condition of force majeure, provided that in no event shall such delay or failure of performance extend beyond a period of twelve (12) months;

(iii) The affected Party uses its best efforts to remedy its inability to perform;

(iv) When the affected Party is able to resume performance of its obligations under this Agreement, that Party shall give the other Party prompt written notice to that effect; and,

(v) The event or condition of force majeure was not caused by or connected with any negligent or intentional acts, errors, or omissions, or failure to comply with any law, rule, regulation, order or ordinance, or any breach or default of this Agreement.

8. Offset For Charges Due to Company. The Company reserves the right to set off against any amounts due from the Company to Supplier, any amounts which are due from Supplier to the Company, including, but not limited to, unpaid charges for Interconnection Facilities or past due balances on any accounts Supplier has with the Company for other services.

9. Records. In addition to the regular meter readings to be taken once each month for billing purposes, the Company may require additional meter readings, records, transfer of information, etc. as may be agreed upon by the Parties. The Company reserves the right to

provide to the Commission or the FERC or any other regulatory body, upon request, information pertaining to this Agreement, including but not limited to: records of the Facility's generation output and the Company's purchases thereof (including copies of monthly statements of power purchases and data from load recorders and telemetering installed at the Facility); copies of this Agreement; and information regarding the Interconnection Facilities, as set forth in Paragraph 5 hereof. The Company will not provide any information developed solely by Supplier and designated by Supplier in writing to be "proprietary" unless required to do so by order of the Commission or the FERC or any other regulatory body or court, in which event, the Company will notify Supplier prior to supplying the proprietary information.

10. Waiver. The failure of either Party to enforce or insist upon compliance with any of the terms or conditions of this Agreement shall not constitute a waiver or relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect.

11. Assignment. The rights and obligations accruing to the Supplier under this Agreement may be assigned to another person, partnership, or corporation, subject to the Company's prior approval of the assignment of said person, firm, or corporation; which approval shall not be unreasonably or arbitrarily withheld. However, before such rights and obligations are assigned, the assignee must first obtain necessary approval from all regulatory bodies including, but not limited to, the Commission.

12. Notification of Assignment, Transfer or Sale. In the event of an assignment of the rights and obligations accruing to the Supplier under this Agreement pursuant to Paragraph 11 hereof, or in the event of any contemplated sale, transfer or assignment of the Facility or the Certificate of Public Convenience and Necessity, the Supplier shall, in addition to obtaining the approvals required by Paragraph 13 hereof, advise the Company and the Commission of any plans for such an assignment, sale or transfer, or of any accompanying significant changes in the information required by Commission Rules R8-64 and R8-65, all as more fully set forth in Commission Rules R8-64 and R8-65, as amended, which are incorporated by reference herein.

13. Regulatory Approval. This entire Agreement is contingent upon the Supplier's obtaining required approval from all regulatory bodies including, but not limited to, a Certificate of Public Convenience and Necessity or its equivalent from the Commission. The Parties hereto agree that performance under this Agreement shall not commence unless and until such approvals are obtained. If at any time during the term of this Agreement any of such required approvals expire, are withdrawn, are revoked or for any reason become invalid, the Company shall allow the Supplier a reasonable period to cure the problem before giving notice of termination of this Agreement.

(Continued on page 12)

(Insert Purchase Power Schedule Here)

Staff Note - the applicant did not provide pages 9 or 10 to the Planning Board.

IN WITNESS WHEREOF, on the day and year first above written, the Parties hereto have caused their official names to be hereunto subscribed by their respective Presidents, Vice Presidents or Authorized Representatives. Executed in Duplicate.

DUKE ENERGY CAROLINAS, LLC

By _____
Vice President

SUPPLIER NAME

By _____

Print _____

Tax Id Number _____

NOT FOR SIGNATURE

CERTIFICATE OF SERVICE

I certify that a copy of Duke Energy Carolinas, LLC's Schedule PP(N), PP(H), and Standard Contract in Docket No. E-100, Sub 127 has been served by electronic mail (e-mail), hand delivery or by depositing a copy in the United States Mail, first class postage prepaid, properly addressed to parties of record.

This the 16th day of August, 2011.

Kendrick Fentress
Associate General Counsel
Duke Energy Carolinas, LLC
3700 Glenwood Ave, Suite 330
Raleigh, NC 27612
919.784.8453
Kendrick.fentress@duke-energy.com

Attachment 3

EXCERPTS OF MINUTES
APPROVED 8/21/2012

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
May 29, 2012
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Tuesday, May 29, 2012 at 7:00 p.m. at DSS Offices, Hillsborough Commons, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier, and Commissioners Alice Gordon, Barry Jacobs, Valerie Foushee, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Manager Michael Talbert, and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT:, Vice Chair Larry Wright, Pete Hallenbeck, Mark Marcoplos, H.T. "Buddy Hartley", Andrea Rohrbacher, Lisa Stuckey, Maxecine Mitchell, and Tony Blake

PLANNING BOARD MEMBERS ABSENT: Chair Brian L. Crawford, Rachel Phelps Hawkins, Alan Campbell, and Johnny Randall

Chair Pelissier called the meeting to order at 7:04:05 PM.

4. Class A Special Use Permit - To review and application for a Class A Special Use Permit to develop a solar array/public utility station on 46 acres of a 122 acre parcel of property located off of White Cross Road.

Michael Harvey presented this item.

The Deputy Clerk to the Board David Hunt swore in all of the parties that would speak to this item.

CLASS A SPECIAL USE PERMIT
DEVELOPMENT OF A PUBLIC UTILITY – SOLAR ARRAY

PROPERTY INFORMATION

- **PIN(s)**: 9748-34-9639.
- **Size**: 122 acres. Strata Solar is proposing to lease approximately 53 acres of the property.
- **Zoning** : Agricultural Residential (AR). A portion of the property, is located within the Haw River Protected Watershed Overlay District.

- **Future Land Use Map Designation**: Agricultural Residential
- **Growth Management System Designation**: Rural

Michael Harvey: The portion of the property north of the proposed development is not located in a protected or critical watershed overlay district, meaning that there are no impervious surface requirements. However, the applicant will be required to maintain identified and protected stream buffers and will be required to submit a detailed erosion control and stormwater management plans as currently required by the Unified Development Ordinance and State law.

REQUEST:

- Erect approximately 960 individual solar array panels on a 53 acre portion of the subject property.
- Typical array is 7 feet in height, with approximately 2 feet of ground clearance, and 47 feet in length.
- Arrays will be screened by existing vegetation and a 6 foot high chain link security fence, topped with 3 strand barbed wire, shall enclose the perimeter of the array to prevent access.
- Gravel paths/drives will be installed around these arrays in order to permit access by Strata Solar technicians to service the panels. In certain areas there will be natural, grass, paths depending on soil.
- Vehicular access to the site is restricted by a 24 foot access gate off of White Cross Road.
- An overhead, medium voltage, power line will be installed on the north of the identified leased area, adjacent to the existing mobile home park, allowing the proposed facility to tie into the power grid.

SITE PLAN:

Michael Harvey: This is the copy of the site plan. Very quickly what I would like to do is sort of identify, here are the individual arrays that we talked about (staff identified the arrays on a map). This is an existing identified stream, and you will note from your abstract, Attachment 3, under staff comments, we do have what is known as a Surface Water Identification where Orange County Erosion Control staff have gone out and verified the location of the stream. Strata Solar personnel have gone out and verified the location of the stream on the site plan, and the site plan denotes the required stream buffer as detailed within Article 6 of our zoning, excuse me our Unified Development Ordinance that will have to be left in a natural state. You will also note that the site plan delineates required landscaped areas per the Unified Development Ordinance. They are using what we is defined within Article 6 known as the Overhead Utility Option landscape standard that would allow smaller trees in order to ensure that a taller tree would not cast a shadow on the array, rendering it virtually useless. The site will be buffered, however, so that it will not be visible from White Cross Road, but the trees will be managed so that they don't interfere with the natural operation of the proposed array.

REQUIRED REVIEW:
Project involves the review of a Class A Special Use Permit in accordance with the provisions of Section 2.7 of the UDO.

- Decision is based on sworn testimony from applicant, supporters, and detractors
- Applicant bears the burden of proving compliance with the UDO
- Those in opposition to the project are required to submit evidence demonstrating project does not comply.

STAFF INITIAL REVIEW:

- Applicant has submitted all documentation required for the review of a proposed utility (i.e. required by Section 5.9.3)
- Applicant has submitted required documentation for a Class A Special Use Permit (i.e. required by Section 2.7.3)
- There are policies within the Comprehensive Plan lending credence to the viability of the proposal

RECOMMENDATION:

1. Receive the application,
2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comments.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the County Board of Commissioners in time for the **September 18, 2012** BOCC regular meeting.
4. Adjourn the public hearing until **September 18, 2012** in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Beth Trehos: Manager and members of the County Commissioners, Mr. Vice Chair and members of the Planning Board, my name is Beth Trehos, I'm the Attorney with Smith, Moore, and Leatherwood. My address is 434 Fayetteville St., Raleigh, N. C. I am here today on behalf of Strata Solar, who is the contract tenant of the project. As you've heard, they would like to construct a solar array on 53 acres out of the 112-acre farm. As has been explained to you, your process is a quasi-judicial one, which requires that we provide expert testimony to indicate that we have met the findings of fact that are set out in your Unified Development Ordinance. In the interest of not taking up too much of your time, we have put together affidavits of the experts that we have brought to testify before you tonight. They will summarize the testimony provided in those affidavits for you and of course answer any questions that you might have.

I must apologize to you, I misunderstood and thought that this initial hearing was just the Board of County Commissioners and I thought I was arriving with an ample number of affidavits, and I find now that I don't have quite enough and I apologize to you. Mr. Harvey has indicated that he would be happy to include those in the Planning Board packet so that everybody can have a copy. I do apologize.

Here with me tonight is engineer Phil Post of Philip Post and Associates, real estate appraiser Rich Kirkland, and Lance Williams of Strata Solar, as well as Beth Bradshaw, who is a representative of the family who owns the property. I will ask each of them to come forward and share their testimony with you. I wonder if it might be appropriate at this time to pass up the affidavits that we have and to ask that they be included in the record. I would of course ask that

the staff report and associated attachments be incorporated into the record. Is that acceptable to the Board? *It was answered yes.* Thank you very much. So at this time I'll call Phil Post, our engineer.

Phillip Post: Members of the Commissioners and members of the Planning Board, my name is Phil Post. I reside in Chapel Hill. I've been properly sworn. I've been an engineer in Chapel Hill for over 33 years. I'm really happy to be associated with the Bradshaw property, and particularly this element of the development property. This is White Cross Road here. The entire parcel is 122 acres. The Strata project will occupy about 53 acres. The Bradshaw Mobile Acres is here, that will continue to operate as it has for residential purposes. The array will be in this area. The stream buffers, these hashed areas represent the area of the stream buffer that the County and we agree is the protected stream buffer area. The other piece that we have on this is the Type E 75-foot buffer that we're proposing around the entire perimeter of the project. It doesn't include of course the right-of-way. It does not include the power line; it's in addition to that. I'll just point out a few features of our proposed plan here. There is one part of the Bradshaw Mobile Acres; most of it is really heavy, nice, old hardwood. There is one area that is sort of a lawn area, so we're going to have an alternative buffer right here. That's why there's a discontinuation. We'll still have a Type E buffer, but it will be planted in a slightly different way and a little more intense and narrow buffer.

Our proposed driveway is here. It will be a gravel drive directly opposite to the existing gravel residential driveway on the opposite side of White Cross. There will be a small gravel area here where the array materials and construction materials will be deposited as it's being erected. That will be a permanent sort of parking area with the gate right here. As Michael has told you, the array really rests off the ground, so underneath the array would be grass. It will really be a grass field with the raised arrays on it. The only feature that is kind of different about it, is the little square places right here, and I think there's five of them. There will be sort of some electrical equipment that will gather the electricity that is generated by these solar panels so that it can be converted from DC power to AC power, and then distributed back to Duke Power. I'm really pleased to be associated with a project of this type because I think it provides so many benefits to our County and particularly in advancing the environmental goals, not only of the Board, but of the County Comprehensive Plan. There are many citizens in Orange County that would like to see us be less dependent on fossil fuel and more dependent on sustainable renewable energy. This is a project that will produce electricity and be able to support about 750 homes. My colleagues will explain a little bit more about the exact benefits that are derived from this. I just want to point out that it will be a tremendous investment in the County and will provide very little pressure or new addition to the County services. In other words, there won't be any new school children, there won't be any new school buses, there's no new traffic, there's no water needs, there's no sewer needs, there's no additional refuse removal, there's no need for any emergency services. It provides a nice investment in the County with virtually no impact on any County services. So I'd like to point that out as being not only an advancing our environmental goals but also just being a nice positive addition to our County.

This application we believe meets all of the requirements of Section 2.7 of the UDO. We therefore ask for your support. We further note the objective, the specific objectives in the County Comprehensive Plan regarding sustainable energy and reduction of carbon footprint. We believe that this project will take some giant steps in those directions. I'll stop there and answer any questions.

Chair Pelissier: Yes, could you tell us a little bit more about the power line that would be installed there and where are the other power lines that it's going to hook up to?

Phillip Post: Let me start with the power lines that it will hook up to. As you know, White Cross Road municipal Duke Power lines are on the west side right here, along the edge of the right-of-way. So that's the existing power line, the Duke Power line that's been there for many years. The collection line that will be much, much smaller and it will be tied into these five west points here that I've pointed out to you, will be underground wires that run to an overhead line that will be right on our fence line. So it will not be in the green area, but it will be right along this area here and it will tie into a Duke Power pole right there. So, it's inside the 75-foot type E buffer, and it's inside our fence. It will be basically what we call single-phase lines where it will just have two wires on a short pole. It will be fed by underground lines and feed into the Duke Power line.

Commissioner Gordon: I just want to have you explain again about the trees along the road that you're saying you cannot see.

Phillip Post: The 75-foot type E buffer will be composed of the existing vegetation. The only penetration will be just our one single driveway right here. Otherwise, there will be no disturbance of the 75-foot buffer. We believe that the buffer, which is composed of large trees, we believe that the spacing of the vegetation will keep the arrays unseeable. It's much shorter than even the shortest amount of vegetation.

Mark Marcoplos: Speaking about the issue of the view, it sounds like it is considered undesirable to see.

Phillip Post: I haven't considered that. It's happens at our houses and our businesses and they're pretty innocuous. These are low to the ground, seven feet high at the most, so they're not gigantic things. They absorb the sunlight, so they don't reflect anything. Being very innocuous, they don't create any noise or any humming. They are only working when the sun is shining, and of course when the sun is down, there is absolutely nothing going on there.

Mark Marcoplos: It seems like there might even be some benefits for being able to see it a little bit, for public education.

Phillip Post: I think that's true. I think it's an advantage for folks to know about what's happening in the County.

Rich Kirland: My name is Rich Kirkland, I've been duly sworn in. I've been appraising in the Triangle area for the last 16 years and grew up in the area. What I have found is that there is no information out there that suggests any kind of negative impact. The standard criteria would be any kind of noise, site detriment, any kind of odor, and there's nothing along those lines on any of these properties associated with solar power. As far as the site goes, even if you could see it, it looks remarkably similar to greenhouse type of uses, which don't have a negative impact. To that end, around this property the uses are either agricultural, vacant land, and a mobile home park.

Andrea Rohrbacher: I'm not sure if this is the appropriate time to ask this question, but the plan talks about the power generator being sold to Duke Power. What if there were a future purchase or acquisition with respect to Duke Power company and the new owner was no longer interested in purchasing this power? What would happen?

Beth Trehos: One of the reasons that green energy like solar power is so attractive in this area is that there are state law requirements that the energy companies contract with providers, so there is an incentive for a company that would buy Duke Power to continue on. Also, we are actively involved in the negotiations of a contract which would bind that.

Lance Williams: Hi, my name is Lance Williams, I'm in site development for Strata Solar. We have a regulated power industry. There are regulations that require power companies to buy power. We sell our power at a competitive rate of other sources of power. This model is to sign a power purchase agreement for a 15-year term.

The construction process, I'll just tell you a little bit about that. We look for sites that don't have more than a 7% grade. So basically, we come into the site and we install fence posts. They go six to ten feet in the ground. Then we attach the solar panels. Then the wires run together and we attach them into the power grid. So it is a very nonintrusive piece of the land. We're not normally reshaping the way that the work goes off the property. Many people find this a very compatible use to rural agricultural land. As mentioned before, they don't create a lot of noise. There is not a lot of traffic. If there is a problem with the array, then we send someone to check it out, so the amount of traffic we're creating is less than what would be created for a single house. It is encouraged by the Comprehensive Plan and it is also considered a public good by both the state and the federal government. This site creates enough energy for about 748 houses. This equates to about the same as 2.8 million miles of vehicular traffic the amount of savings in greenhouse emissions that is created by one solar panel.

Construction takes about 14 weeks, so, we're not intrusive to neighbors other than during the construction period. Once again, we're not causing a large increase in cost to the County. Thank you very much. We look forward to building a solar farm in Orange County. Since Orange County is our home, we have strong ties to the site and I think this use fits very well into the surrounding community.

Commissioner Jacobs: What is the life of one of these panels?

Lance Williams: Well, we haven't quite lived that long yet. The best guess is 50 to 60 years. At the end of 25 years, the panel is at 85% capacity. The panels do not have moving parts, they are not trackers, so they don't follow the sun. So it is a fairly old technology adopted in the 70's, with silicone as the base material, which is some glass and basically dirt, so there's not a whole lot there that could go wrong. The upkeep for one of these farms is small in comparison to other utility projects.

Pete Hollenbeck: Do I understand this correctly that you're saying it is roughly a 6.3 megawatts setup.

Lance Williams: Yes, 6.38 megawatts is DC. Most people speak in terms of AC. This is 5 megawatts AC.

Pete Hollenbeck: And there are 960 individual solar panels. That would mean about 6.8 kilowatts per panel? Is that clusters of panels?

Lance Williams: An array is made up of individual panels. While there may be 960 arrays there are somewhere between 26,000 and 27,000 panels. The panels are typically between 235-240 watts.

Pete Hollenbeck: So the 960 individual solar array panels means 960 clusters of groups of individual panels?

Lance Williams: Yes. And the individual panel is about the size of a piece of plywood.

Pete Hollenbeck: And you mentioned that there would be grass underneath. How is that maintained?

Lance Williams: That is sort of a work in progress. The story that we like to say and it's not true in all seasons, is that normally there are sheep on farms, so during growing season there are sheep grazing there. We do allow the shepherd to use the property to help keep the grass down. We would work with the various grass types to figure out what the best low-growth grass is for the area.

Pete Hollenbeck: The key concept here is that one way or another it is getting cut and the plan is not to let it grow wild.

Lance Williams: That's the plan and the less we need out there, the less chance of somebody damaging it.

Pete Hollenbeck: One last question. You said it's a single-phase power connection to Duke Power? I have some issues with this and I think it would be very acceptable to come back to the Planning Board after talking to Duke with greater detail. For 190 amps going into a single-phase feed, I was surprised you could take that much in an imbalanced feed.

Lance Williams: We met with Duke on site today. We normally look for areas that have three-phase lines. There's a three-phase line at the street and the substation is within a couple hundred feet of the end of the property. So both three-phase lines are close to a substation to help with those issues. I can't really answer whether the line coming off the array is single or three-phased. Duke actually wants a 90-degree angle off the wire coming into the site, I think they said about 120 feet.

Beth Trehos: In conclusion, we believe that we have met the burden of proof that is required of us and we have provided substantial material to accomplish our task in demonstration compliance with the findings of fact we were required to make. Thank you for your time.

Christen Smith: Good evening, my name is Christen Smith and I've been duly sworn. I am the Director of Public Policy at the Chapel Hill-Carrboro Chamber of Commerce. We wanted to enthusiastically express our support for this project. We have a chance for economic development, community improvement, and reputation building that comports with our community's values and commitment to the environment and sustainability. This is a local company that has put down roots here and has a great reputation at quality work throughout the state and in the southeast. You have a great partner. Strata Solar won the 2012 Business of the Year Award and has the Chamber's full trust and confidence. We are happy to comment and encourage you to support this project. This is a local company creating local green jobs with an economic impact and an increased use of renewables, showing again Orange County's commitment to sustainability. This is also a movement towards developing solar as a potential cluster??? in our economic development strategy. It is consistent with our expressed values of our commitment to the environment, our commitment to people and jobs, and our commitment to the economy. We are very excited to support this project.

Michael Harvey: I have a couple of closing remarks. I want to call the Board's attention to Attachment 3, which contains various memorandum from departments indicating that they have no issues or concerns with the proposed development. We also have a memorandum from Orange County Health Department saying they have done reviews and have no issues. We have not received any concerns from the Sheriff's Department, the fire department concerning this site. Obviously, there will not be facilities, so again, there is no septic or well.

I'd like to remind the Board, as we have identified in your abstract, specifically on page 2, this property is in a forest management plan. Meaning there is tree harvesting and replacing trees throughout the property. Our goal at the Planning department is to continue to allow the family to adequately farm their property while working with Strata Solar to preserve sufficient landscape buffers. On page 3 of our abstract, we have outlined the various development requirements associated with a Class A Special Use Permit. You will note specifically with respect to Section 5.9.3 of the UDO we have found this project to be complaint. As I already talked about, there will be a 75-foot managed landscape buffer and the trees will be managed properly so that they don't create an adverse impact on the array but they still provide the necessary visual obstruction. I'll conclude my remarks by saying the County staff has not been provided any documents or comments or concerns from the adjacent property owners indicating their lack of support for the project. The Planning Director's recommendation is to receive the application, conduct the hearing, refer the matter to the Planning Board for their review and comment, that you adjourn this public hearing to September 18th for a recommendation.

Commissioner Jacobs: On page 39, the letter from the North Carolina Wildlife Resources Commission, their recommendation is a 100 foot vegetative stream buffer on the property. I don't recall what he said about the buffer on the stream.

Michael Harvey: It's going to observe the appropriate stream buffer as defined within Article 6 of our Unified Development Ordinance. You're going to have a 65-80-foot buffer depending on the slope. So if I could call your attention to that too. This slide, Commissioner Jacobs, the protected stream buffer is consistent with what is required within Article 6. The edge of the leased area essentially is the center of the stream. The stream buffer is going to be preserved and maintained. We would allow under the current guidelines for it to be maintained and to replace the existing dead vegetation so that it does not cast a shadow on the array. Even the forest management plan that the Bradshaw family is operating under falls under the preservation and protection of the stream, so there will be trees necessarily harvested from the stream buffer.

Commissioner Jacobs: So, this is what the Wildlife Resources Commission recommended?

Michael Harvey: Correct. And you will note, if I could call your attention to page 33, you have the letter offered by Mr. Wesley Poole delineating the stream as part of the stream buffer.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to receive the application, refer the matter to the Planning Board to come back with a recommendation for the September 18th meeting, and adjourn the public hearing until September 18th in order to receive and accept the Planning Board recommendation.
VOTE: UNANIMOUS

Attachment 4

EXCERPT OF MINUTES
APPROVED 8/1/2012

MINUTES
ORANGE COUNTY PLANNING BOARD
JULY 11, 2012
REGULAR MEETING

MEMBERS PRESENT: Larry Wright (Chair), At-Large, Cedar Grove Township; Peter Hallenbeck (Vice-chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Rachel Hawkins, Hillsborough Township Representative; Tony Blake, Bingham Township Representative;

MEMBERS ABSENT: Dawn Brezina, Eno Township Representative; Johnny Randall, At-Large Chapel Hill Township; Mark Marcoplos, At-Large, Bingham Township; Andrea Rohrbacher, At-Large Chapel Hill Township;

STAFF PRESENT: Michael Harvey, Current Planning Supervisor; Perdita Holtz, Planning Systems Coordinator; Tina Love, Administrative Assistant II

OTHERS PRESENT: Beth Trahos, Richard Kirkland, Lance Williams, Tim Smith, John McGuire, Joe Griffin

Items handed out to the Planning Board Members at meeting: Purchased Power Agreement between Duke Energy Carolinas and White Cross Farm, LLC; Duke Energy Purchase Agreement Rate Structure

Agenda Item 9: Class A Special Use Permit - To make a recommendation to the BOCC on an application for a Class A Special Use Permit to develop a solar array/public utility station on 46 acres of a 122 acre parcel of property located off of White Cross Road. This item was heard at the May 29, 2012 quarterly public hearing.
Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey: Reviewed Abstract.

Beth Trahos: I am an attorney on behalf of Strata Solar. We have a team of experts here that testified as part of our presentation in the joint public hearing process. We have Richard Kirkland, Lance Williams, and Tim Smith. We are happy to answer questions and we would ask for support of this project.

Larry Wright: Are there any questions?

John McGuire: I have two points. One: Is this really the long term planning for Orange County for White Cross community - turning farmland into industrial? The other thing is all the talk about solar energy is great. What we are talking about is solely changing the zoning requirements from farmland to industrial. It could be anything besides solar. Once you make a decision to change that is that really the long term plan for Orange County? The overall general planning for these types of solar arrays, so the County protects itself, protects the business and homeowners, in laying out requirements what happens if, for whatever reasons, there is no energy a year or two years, what is the requirements for reverting back to the original zoning?

Beth Trahos: This Special Use Permit process is different than the ordinary process so I want to clarify how the process is handled at the Planning Board level. That at the BOCC level, my understanding is that the testimony is sworn and there has to be a showing of a special impact by a person who would speak on the project. I wasn't sure if those rules were enforced at the Planning Board level and if they are not, I want to note it.

Larry Wright: Your point is well taken but I am going to address it in a different way.

Beth Trahos: The process requires that we either object or lose our opportunity to do so.

John McGuire: These are all the things I would hope the Board has considered. You know the rules better than I do. I would hope the forethought goes into it is just not this piece of property that is going forward but what happens, when the requirements are in place to protect not only the landowner but the business owner. Does the landowner know what if nothing happens, and it reverts back, are they responsible for the fixtures on the property? Who takes care of that? The planning commission defines what those requirements are and so if you don't know the answer to those questions, I would think you would have to pass on this proposal until the definitions are in place.

Larry Wright: I have served on this Planning Board a long time and I've helped in drafting the Comprehensive Plan and a lot of your concerns are addressed in there and I think there is a lot more protection than you realize in many of the concerns that you have. What I would like to do is, Mr. Harvey has a very strong command of all the ordinances and what can be done and what cannot be done and I think a lot of that would address your concerns. I think they are valid. It would be good to talk to Mr. Harvey.

Michael Harvey: I would encourage Mr. McGuire to submit these concerns in writing in order to be compliant with Section 2.7.8(3) of the UDO. They have to be in writing to be part of the record. This will not be industrial use of property; this will be a public utility use of property as defined by our Unified Development Ordinance. This type of activity is a permitted use of property within all the zoning districts throughout the County subject to the review and approval of this Special Use Permit. There are standards they have to abide by concerning the use of this property. If this facility becomes defunct, the requirements of the ordinance are that the Special Use Permit is vacated. If the activity ceases, they would have to eliminate the use. Obviously the Bradshaw family partnership is informed because they have submitted documentation as part of the quarterly public hearing packet and they have agreed to allow the development to move forward on their property. I understand the concern but ultimately you are looking at, by definition, a permitted use in this area subject to review and approval of this permit through this very process. There is no rezoning taking place. This property will continue to be zoned Agricultural Residential. This activity is permitted. It is not considered an industrial use. This is a permitted use in this district subject to the issuance of this permit. If this permit doesn't get issued this use can't be developed.

John McGuire: The purpose of defining planning requirements for the County should go beyond whoever is on the BOCC or the Planning Board. It should set guidelines for the direction the County is going to go and not based on the whims of whoever is in charge.

Larry Wright: I think you really need to talk to Michael and we do have a 2030 Comprehensive Plan that we worked on for a few years and this does project where the County wants to go up to 2030 and so I think that it would be good for you to make an appointment with Michael and I encourage you to put your concerns in writing so that can go before the BOCC, all we do here is make recommendations. We are not a commission, we are a planning board.

Tony Blake: Are you a resident of the community in the White Cross area?

John McGuire: Yes, in the White Cross area.

Larry Wright: Other questions?

Beth Trahos: I would like to tender our objection as part of the record to the statements made by Mr. McGuire.

Motion made by Tony Blake to accept staff's finding in the evidence submitted to support findings in Section 2.2 and Section 2.7.3. Seconded Alan Campbell.
Vote: Unanimous

Motion made by Lisa Stuckey to approve Section 2.7.5 Class A Special Notification Requirements and accept staff's recommendations. Seconded Tony Blake
Vote: Unanimous

Motion made by Tony Blake to accept staff's finding in the evidence submitted to support findings in Section 2.2 and Section 2.7.3. Seconded Peter Hallenbeck.
Vote: Unanimous

Motion made by Lisa Stuckey to approve Section 2.7.5 Class A Special Notification Requirements and accept staff's recommendations. Seconded Peter Hallenbeck.
Vote: Unanimous

Motion made by Tony Blake to approve Section 3.3 and 6.3 Land Use. Seconded Alan Campbell.
Vote: Unanimous

Motion made by Lisa Stuckey to approval of Section 5.9 Standards for Utilities and 6.8.6 Landscape Use Buffers and we accept the recommendations of the planning staff. Seconded Peter Hallenbeck.
Vote: Unanimous

Motion made by Tony Blake to accept Section 5.9.3 and the evidence submitted toward findings. Seconded Alan Campbell.
Vote: Unanimous

Motion made by Tony Blake to accept Section 5.3.2 (B) Special Use – Specific Standards Class A Special Use and the evidence submitted. Seconded Lisa Stuckey.
Vote: Unanimous

Motion made by Alan Campbell to accept Section 5.3.2 (A)(2)(a) be adopted as a finding of fact that the use of this project will maintain or promote public health, safety and general welfare if located where proposed all based on the evidence submitted by the applicant in the record or at the public hearing. Seconded Tony Blake.
Vote: Unanimous

Motion made by Alan Campbell to accept Section 5.3.2 (A)(2)(b) that the use will maintain or enhance the value of the contiguous property based on the evidence submitted by the applicant at the public hearing. Seconded Lisa Stuckey.
Vote: Unanimous

Motion made by Tony Blake to accept Section 5.3.2 (A)(2)(c) as fact the location and character of the use if developed according to the plan submitted will be in harmony with the area in in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in the regulations or in the Comprehensive Plan, or portion thereof, adopted by the BOCC based on evidence presented at the hearing and findings of staff. Seconded Buddy Hartley.
Vote: Unanimous

Motion made by Alan Campbell to adopt the recommendations made by staff for this project on page 76, items 1 - 7. Seconded Tony Blake.
Vote: Unanimous

Attachment 5

SMITH MOORE LEATHERWOOD

September 6, 2012

Michael D. Harvey AICP, CFO, CZO
Current Planning Supervisor
Orange County Planning Department
P. O. Box 8181
Hillsborough, NC 27278

Re: Special Use Permit Conditions – Strata Solar -White Cross Road Property

Dear Michael:

Thank you for sharing the draft special use permit conditions. The conditions set out below are acceptable to Strata Solar:

(1) An exempt subdivision plat formally creating the boundaries of the utility site shall be submitted for the approval of the Planning Department and recorded within the Orange County Register of Deeds office within 180 days from the approval of the Special Use Permit.

(2) As denoted on Sheet PV 2 of the approved site plan, the applicant shall cause a formal and detailed landscape and tree preservation plan to be submitted and approved by the Orange County Planning Department within 180 days from the approval of the Special Use Permit.

(3) A revised Sheet PV 2 shall be submitted denoting the required _____ for the project as required under Section 3.3 of the UDO. This revised sheet shall be submitted within 180 days from the approval of the Special Use Permit.

(4) That the applicant complete and submit a formal application to the Orange County Inspections Department requesting authorization to commence construction of the proposed solar array. The application, including all applicable fees, shall be submitted within 180 days from the approval of the Special Use Permit.

(5) That the Orange County Fire Marshal's office shall review and approve the final site plan as part of the normal building permit review process, and that any and all modifications be made to address fire code issues and access prior to the issuance of the permit authorizing the commencement of land disturbing activities.

Elizabeth C. Trahos | Direct 919.755.8760 | Fax 919.838.3167 | beth.trahos@smithmoorelaw.com
Smith Moore Leatherwood LLP ▪ Attorneys at Law ▪ www.smithmoorelaw.com
434 Fayetteville Street Two Hannover Square Suite 2800 PO Box 27525 (27611) Raleigh, NC 27601 ▪ 919.755.8700
Atlanta, GA ▪ Charleston, SC ▪ Charlotte, NC ▪ Greensboro, NC ▪ Greenville, SC ▪ Raleigh, NC ▪ Wilmington, NC

(6) That prior to the commencement of land disturbing activity the applicant shall submit all necessary stormwater, grading plans, and erosion control applications to the Orange County Erosion Control Department for review and processing. These applications shall be submitted within 180 days from the issuance of the SUP.

(7) That the applicant shall submit the approved site plan to NC DOT for review and comment. In the event it is determined that the applicant is required to apply for and receive a driveway permit from NC DOT to allow for the project to be developed, the applicant shall submit all necessary applications as required by NC DOT within 180 days from the issuance of the SUP and provide planning staff with a copy of the issued permit.

Please do not hesitate to contact me if you have any questions.

Sincerely,

SMITH MOORE LEATHERWOOD LLP

Elizabeth C. Trahos

ECT/msc

Attachment 6

CASE NUMBER: SU-A-2-12

FINDINGS OF THE ORANGE COUNTY PLANNING STAFF PERTAINING TO A REQUEST SUBMITTED BY STRATA SOLAR AND THE BRADSHAW FAMILY PARTNERSHIP REQUESTING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A PUBLIC UTILITY – SOLAR ARRAY ON A PARCEL OF PROPERTY OFF OF WHITE CROSS ROAD PIN 9748-34-9639.

Applications for a PUBLIC UTILITY are required to demonstrate compliance with general and specific standards as set forth in Section(s) 5.3.2 (A) and (B) as well as 5.9 of the Orange County Unified Development Ordinance (UDO).

Section 5.3.2 (A) (2) of the UDO requires written findings certifying compliance with the following:

(1) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;

(2) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and

(3) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners;

In addition, the Board shall make findings certifying that the application is complaint with the following specific standards:

(1) Specific standards for the submission of Special Use Permit applications as outlined within Section(s) 2.2 and 2.7 of the UDO,

(2) Applicable provisions of Article 3 (Dimensional Requirements) and Article 6 (Application of Dimensional Requirements) of the UDO,

(3) Applicable landscape provisions detailed within Section(S) 5.9 and 6.8.6 of the UDO,

(4) Specific regulations governing the development of individual Special Uses, in this case regulations detailed within Section 5.9.3 of the UDO,

(5) Section 5.3.2 (B) relating to the method and adequacy of the provision of:

a. Sewage disposal facilities,
b. The adequacy of police, fire, and rescue squad protection, and
c. The adequacy of vehicular access to the site and traffic conditions around the site

(6) The aforementioned general findings outlined within Section 5.3.2 (A) (2).

Listed below are the findings of the Orange County Planning Department regarding the application in question. The findings have been presented by Article and requirement to assist in deliberations.

SECTION 2.2 AND 2.7.3 *CLASS A SPECIAL USE PERMIT APPLICATION COMPONENTS* ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements	PLANNING BOARD RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOCC FINDINGS
Section 2.2 The application for a Class A Special Use Permit shall be on forms provided by the Planning Department.	**X**__Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the completed application for the request.	___Yes ____No
2.2.4 (D) Applications must be accompanied by the fee amount that has been established by Board of County Commissioners. Application fees are nonrefundable.	**X**__Yes ____No	Staff indicated during the Quarterly Public Hearing that the applicant had paid all applicable fees as required by the adopted fee schedule.	___Yes ____No
2.7.3 (B) (1) A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.	**X**__Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained a detailed narrative outlining the nature of the request.	___Yes ____No
2.7.3 (B) (2) The names and addresses of the owners of the property	**X**__Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the required information	___Yes ____No

Ordinance Requirements	**PLANNING BOARD RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**BOCC FINDINGS**
2.7.3 (B) (3) Relevant information needed to show compliance with the general and specific standards governing the Special Use	**X**__Yes ____No	Attachment 1 of the May 29, 2012 Quarterly Public Hearing packet contained the required detail including a site plan denoting the boundary of the property.	___Yes ____No
2.7.3 (B) (4) Twenty-six (26) copies of the site plan prepared by a registered N.C. land surveyor, architect, or engineer.	**X**__Yes ____No	Required copies of the site plan, prepared by Strata Solar and sealed by Mr. Timothy Smith License Number 030517 were submitted and part of the May 29, 2012 Quarterly Public Hearing abstract for this item	___Yes ____No
2.7.3 (B) (5) If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.14 shall be provided.	_X__ Not applicable	The Project does not involve a preliminary subdivision application. The leased area shall be subdivided through the exempt plat process if approved. This will become a condition of approval.	__ Not applicable
2.7.3 (B) (6) A list of all parcels located within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.	**X**__Yes ____No	The applicant provided staff with the required list of adjacent property owners	___Yes ____No
2.7.3 (B) (7) Elevations of all structures proposed to be used in the development.	**X**__Yes ____No	While no buildings are proposed for the site, Sheet PV 1 of the site plan contains elevations of the proposed solar arrays.	___Yes ____No

Ordinance Requirements	**PLANNING BOARD RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**BOCC FINDINGS**
2.7.3 (B) (8) 26 copies of an Environmental Assessment or Environmental Impact Statement as required by Section 6.16 of the UDO	_X__ Not applicable	The Project will not result in any disturbance requiring the submission of an Environmental Assessment per Section 6.18 of the UDO. As such this requirement is not applicable.	__ Not applicable
2.7.3 (B) (9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.	__X_ Yes ___ No	The site plan contains a note indicating that the project will comply with applicable County Zoning and Solid Waste Management regulations governing the disposal of generated waste	___ Yes ___ No
2.7.3 (B) (10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.	__X_ Yes ___ No	The applicant testified during the May 29, 2012 Quarterly Public Hearing that the project would be completed within a year	___ Yes ___ No
2.7.3 (B) (11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum)	X Not applicable	The applicant is not requesting vesting of the project.	___Not applicable

SECTION 2.7.5 *CLASS A SPECIAL NOTIFICATION REQUIREMENTS* ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements	PLANNING BOARD RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOCC FINDINGS
A. The Planning Director shall give public notice of the date, time and place of the public hearing	_X Yes ____No	Public Notice was sent certified mail on May 14, 2012 for a May 29, 2012 Public Hearing.	___Yes ____No
B. Such notice shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten days not more than we days prior to the date of the hearing.	_X Yes ____No	The legal ad was published in the News of Orange and the Chapel Hill Herald on May 16, 2012 and again on May 23, 2012.	__Yes ___No
C. The Planning Director shall post on the affected property a notice of the public hearing at lest ten days prior to the date of said hearing.	_X Yes ____No	The property was posted on May 18, 2012.	___Yes ____No
D. Written notice shall be sent by certified mail to all adjacent property owners not less than 15 days before the hearing date. Adjacent property owners are those whose property lies within five hundred feet of the affected property and whose manes and addresses are currently listed in the Orange County tax records.	_X Yes ____No	As previously indicated public notice was sent via certified mail on May 14, 2012. Attachment 4 of the May 29, 2012 Quarterly Public Hearing abstract contained staff's mail out certification, a copy of the notification letter, and the mailing labels as provided by the applicant for all property owners within 500 feet	___Yes ____No

SECTION(S) 3.3 *BASE ZONING DISTRICT – AGRICULTURAL RESIDENTIAL* AND 6.3 *LAND USE INTENSITY MEASURES* ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements	**PLANNING BOARD RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**BOCC FINDINGS**
Section 3.3 and 6.3 of the UDO provides the land use intensity measures governing the development of projects within the County. The applicant has applied for a Special Use Permit within the Agricultural Residential (AR) general use zoning district. The dimensional and ratio standards associated with the AR zoning district are as follows:			
Minimum lot size – 40, 000 square feet	**X** Yes ____No	Sheet PV 2 of the site plan indicates the lot will be 53.31 acres in area	___Yes ____No
Minimum lot width – 150 feet	**X** Yes ____No	Sheet PV 2 of the site plan indicates the lot will have over 1,000 feet of frontage along White Cross Road (SR 1951)	___Yes ____No
Required front yard setback – 40 feet	**X** Yes ____No	Sheet PV 2 of the site plan indicates the arrays will be setback approximately 150 feet from White Cross Road (SR 1951)	___Yes ____No
Required side yard setback – 20 feet	**X** Yes ____No	Sheet PV 2 of the site plan indicates the arrays will be setback approximately 20 feet respectively from identified buffer areas located along the side property lines	___Yes ____No
Required rear yard setback – 20 feet	**X** Yes ____No	Sheet PV 2 of the site plan indicates the arrays will be 20 feet from proposed buffer areas	___Yes ____No

Floor Area Ratio - .088 sq. ft. or 203,163 sq. ft.	_X__ Not applicable	Sheet PV 2 of the site plan indicates no buildings are being proposed for the property	____ Not Applicable
Minimum gross land area	_X__ Not applicable	Not applicable – This proposed project is not subject to the minimum gross land area requirement as detailed within Section 3.3 of the UDO	____ Not Applicable
Required Open Space - .84 or 1,939,296 sq. ft. (44.78 acres)	_X_ Yes ___No	Sheet PV 2 of the site plan indicates there will be approximately 48 acres (2,090,880 sq. ft.) of open space on the property	___Yes ___ No
Required Livability Space	_X__ Not applicable	Not applicable – This proposed project is not subject to the minimum required livability space as detailed within Section 3.3 of the UDO	____ Not Applicable
Required Recreation Space	_X__ Not applicable	Not applicable – This proposed project is not subject to the minimum required livability space as detailed within Section 3.3 of the UDO	____ Not Applicable
Required Pedestrian/landscape ratio - .21 or 484,824 sq.ft. (11 acres)	_X_ Yes ___No	While Sheet PV 2 of the site plan indicates there will be no pedestrian/landscape ratio area there will be. Staff has determined the project will comply given the area encumbered by proposed buffers and the proposed walkways to access the individual arrays. A condition of approval will be that the site plan be modified to reference Compliance.	___Yes ___ No

SECTION(S) 5.9 *STANDARDS FOR UTILITIES* AND 6.8.6 *LANDSCAPE USE BUFFERS* (<u>"Yes" indicates compliance; "No" indicates non-compliance)</u>

Ordinance Requirements	**PLANNING BOARD RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**BOCC FINDINGS**
In accordance with the provisions of Section 5.9 *Standards for Utilities* of the UDO, staff has determined the project is required to adhere to a Type E land use buffer as established within Section 6.8.6 of the UDO			
6.8.6 – Type E Land Use Buffer – 75 foot land use buffer installed per Option 4 (Overhead Utility option) composed of deciduous and evergreen understory trees and shrubs	**X** Yes ____No	Sheet PV 2 of the site plan contains various notes denoting the applicants intent to comply with the provisions of Section 6.8.6 utilizing existing, natural, foliage supplemented with the planting of additional trees. The applicant has recommended the project be approved with the condition that the final landscape/buffer management plan be prepared for review and approval prior to the commencement of earth disturbing activity. Staff recommends this become a condition of approval.	___Yes ____No

SECTION 5.9.3 *PUBLIC UTILITY STATIONS AND SUBSTATIONS* (<u>"Yes" indicates compliance; "No" indicates non-compliance)</u>

Ordinance Requirements	**PLANNING BOARD RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**BOCC FINDINGS**
Section 5.9.3 of the UDO establishes additional submittal requirements and standards of evaluation for a public utility			
5.9.3 (A) (1) In addition to the information required by Section 2.7, the following shall be submitted as part of the application:			
5.9.3 (A) (1) (a) A site plan showing all existing or proposed buildings, storage areas, parking and access areas, topography, any officially designated floodplains or alluvial soils.	**X**__Yes ____No	A site plan was submitted as required. Sheet PV 2 of the site plan contains the required information	___Yes ____No
5.9.3 (A) (1) (b) Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials	**X**__Yes ____No	The submitted site plan, specifically Sheet PV1, contains the elevations of the proposed arrays. Sheet PV 2 indicated no buildings are proposed for the site	___Yes ____No
5.9.3 (A) (1) (c) Landscape Plan, at the same scale as the site plan, showing existing and proposed trees, shrubs, ground cover and other landscape materials.	**X**__Yes ____No	The submitted site plan, specifically Sheet PV2, contains some of the required information focusing primarily on the existing foliage. Staff recommends a condition of approval be the submission of a formal landscape plan prior to the commencement of earth disturbing activities.	___Yes ____No

Ordinance Requirements Section 5.9.3 (A) (2) S*tandards of Evaluation*	**PLANNING BOARD RECOMMENDED FINDINGS**	**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**BOCC FINDINGS**
5.9.3 (A) (2) (a) Where a building is involved and it is proposed to be located in a residentially zoned district, it shall have the appearance suitable for a residential district or it shall be screened from adjacent residential land.	_X__ Not applicable	Sheet PV 2 of the site plan indicates no buildings are being proposed for the property	____ Not Applicable
5.9.3 (A) (2) (b) Where buildings are setback from road rights of way or from private property lines by a distance of 200 feet, screening will not be required.	_X__ Not applicable	Sheet PV 2 of the site plan indicates no buildings are being proposed for the property	____ Not Applicable
5.9.3 (A) (2) (c) All outside storage areas are fenced and screened from adjacent residential development	**X**__Yes ____No	The submitted site plan, specifically Sheet PV2, denotes compliance	___Yes ____No
5.9.3 (A) (2) (d) The site is adequate size for the sewage disposal systems proposed and for the proposed use	_X__ Not applicable	The submitted site plan and project narrative indicate that there will be no septic system installed on this property	____ Not Applicable

Section 5.3.2 (B) SPECIAL USE – SPECIFIC STANDARDS CLASS A SPECIAL ("Yes" indicates compliance; "No" indicates non-compliance)

	PLANNING BOARD RECOMMENDED FINDINGS	EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOCC FINDINGS
Section 5.3.2 (B) In addition to the general standards the following specific standards shall be addressed by the applicant before the issuance of a Special Use Permit			
Section 5.3.2 (B) (1) Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	**X**__Yes ____No	No sewage system or well is proposed. Waste will be disposed of by a private contractor. Orange County Solid Waste has indicated they have no concerns associated with the project.	___Yes ____No
Section 5.3.2 (B) (2) Method and adequacy of police, fire and rescue squad protection.	**X**__Yes ____No	Fire protection will be provided by the White Fire Department, rescue service by the Orange County Emergency Management, and police protection by the Orange County Sheriff's Department. Attachment 3 of the May 29, 2012 Quarterly Public Hearing abstract contain memos from the EMS Director and the Fire Marshal indicating they had no problem with the proposal as submitted. No concerns have been expressed by the Sheriff's office.	___Yes ____No

Section 5.3.2 (B) (3) Method and adequacy of vehicle access to the site and traffic conditions around the site.	_X_Yes	___No	NC DOT has indicated they have no concerns over the project. A condition of approval is Strata Solar shall obtain a NC DOT driveway permit prior to the commencement of land disturbing activity associated with the project.	___Yes	____No

Section 5.3.2 (A) (2) SPECIAL USE – GENERAL STANDARDS CLASS A SPECIAL ("Yes" indicates compliance; "No" indicates non-compliance)

	PLANNING BOARD RECOMMENDED FINDINGS		EVIDENCE SUBMITTED TO SUPPORT FINDINGS	BOCC FINDINGS	
In accordance with Section 5.3.2 (A) (2), the Board of Commissioners shall also consider the following general conditions before the application for a Special Use can be approved:					
Section 5.3.2 (A) (2) (a) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.	__X Will	__Will Not	Attachment 1, the application, of the public hearing abstract, Staff and applicant testimony from the Public Hearing, Abstracts from the May 29, 2012 Quarterly Public Hearing and July 11, 2012 Planning Board, Additional information supplied to the Planning Board by the applicant at its July 11, 2012 regular meeting Staff findings as discussed during the July 11, 2012 Planning Board regular meeting, and A lack of competent material and substantial evidence in the form of testimony, exhibits, documents, plans, or other materials entered into the record indicating the applicant had not met their burden in accordance with Section 5.3.2 (A) of the UDO.	___Will	__Will Not

Section 5.3.2 (A) (2) (b) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property).	__X Will	__Will Not	Applicant testimony from the Public Hearing, Abstracts from the May 29, 2012 Quarterly Public Hearing and July 11, 2012 Planning Board, Testimony from Mr. Richard Kirkland at the May 29, 2012 Quarterly Public Hearing relating to the use maintaining and enhancing the value of adjacent property, and A lack of competent material and substantial evidence in the form of testimony, exhibits, documents, plans, or other materials entered into the record indicating the applicant had not met their burden in accordance with Section 5.3.2 (A) of the UDO.	___Will	__Will Not
Section 5.3.2 (A) (2) (c) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.	_X___Is	__ Is Not	Attachment 1, the application, of the public hearing abstract, Staff and applicant testimony from the Public Hearing, Abstracts from the May 29, 2012 Quarterly Public Hearing and July 11, 2012 Planning Board, Staff findings as discussed during the July 11, 2012 Planning Board regular meeting, and A lack of competent material and substantial evidence in the form of testimony, exhibits, documents, plans, or other materials entered into the record indicating the applicant had not met their burden in accordance with Section 5.3.2 (A) of the UDO.	____Is	__ Is Not

RECOMMENDATION:

Staff and the Planning Board have not received any information that would establish grounds for making a negative finding on the general standards. These standards include maintaining or promoting the public health, safety, and general welfare, maintaining or enhancing the value of contiguous property, and the use being in compliance with the general plan for the physical development of the County.

The Planning Board has reviewed the application, the site plan, and all supporting documentation and has found that the applicant **complies** with the specific standards and required regulations as outlined within the UDO.

Provided the Board of County Commissioners finds in the affirmative on the specific and general standards, the Board could make a positive finding on this application. In the event that the Board of County Commissioners makes the determination that the permit can be issued, the Planning Board recommends the attachment of the following conditions to the Special Use Permit:

(1) An exempt subdivision plat formally creating the boundaries of the utility site shall be submitted for the approval of the Planning Department and recorded within the Orange County Registrar of Deeds office within 180 days from the approval of the Special Use Permit.

(2) As denoted on Sheet PV 2 of the approved site plan, the applicant shall cause a formal and detailed landscape and tree preservation plan shall be submitted and approved by the Orange County Planning Department within 180 days from the approval of the Special Use Permit.

(3) That the applicant complete and submit a formal application to the Orange County Inspections Department requesting authorization to commence construction of the proposed solar array. The application, including all applicable fees, shall be submitted within 180 days from the approval of the Special Use Permit.

(4) That the Orange County Fire Marshal's office shall review and approve the final site plan, as part of the normal building permit review process, and that any and all modifications be made to address fire code issues and access prior to the issuance of the permit authorizing the commencement of land disturbing activities,

(5) That prior to the commencement of land disturbing activity the applicant shall submit all necessary stormwater, grading plans, and erosion control applications to the Orange County Erosion Control Department for review and processing. These applications shall be submitted within 180 days from the issuance of the SUP.

(6) That the applicant shall submit the approved site plan to NC DOT for review and comment. In the event it is determined that the applicant is required to apply for, and receive a, driveway permit from NC DOT to allow for the project to be developed, the applicant shall submit all necessary applications as required by NC DOT within 180 days from the issuance of the SUP and provide planning staff with a copy of the issued permit.

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 6-c

SUBJECT: Continued Public Hearing on Zoning Atlas Amendment – Darrell Chandler Conditional Zoning – REDA-CZ-1

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** Yes

ATTACHMENTS:

1. Table Outlining Areas of Concern
2. Applicant's Written Response
3. Additional Staff Comments Received after August 27, 2012 Public Hearing

INFORMATION CONTACT:

Michael D. Harvey, Planner III, 245-2597
Craig Benedict, Director, 245-2575

PURPOSE: To continue a public hearing on a request submitted by Mr. Darrell Chandler to rezone a 12 acre portion of a 35.8 acre parcel of property (PIN 0910-34-5040) to NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1) Conditional Zoning and receive site plan approval for a proposed self-storage facility.

BACKGROUND: This item was presented at the August 27, 2012 Quarterly Public Hearing. During the hearing BOCC and Planning Board members requested additional feedback from the applicant on numerous concerns relating to the development of the project including, but not limited to:

1. Access management and internal traffic circulation concerns identified by Planning staff,
2. The lack of a proposed well and septic system for the property,
3. Concerns expressed by Orange County Erosion Control over the proposed stormwater management system for the project
4. A lack of detail relating to the disposal of solid waste generated on the property,
5. Requested modifications to identified land use buffer requirements along NC Highway 57 and an adjoining AR zoned property,
6. Proposed impervious surface levels for the project.

Planning Board members requested additional direction from the BOCC on the appropriateness of several aspects of the project to aid the Planning Board in its review, including the proposed land use buffers.

The BOCC requested the applicant respond to these concerns in writing. The Board decided to continue the public hearing at the September 18, 2012 meeting to allow the applicant time to respond to the various comments and provide the BOCC an opportunity to provide additional feedback and guidance on the project.

Attachment 1 includes a table outlining the various comments/concerns identified as part of the initial review of the project as well as those made during the August 27, 2012 public hearing. Materials for the public hearing are available on-line at http://orangecountync.gov/OCCLERKS/120827c2.pdf.

The table provides the applicant's suggestions on addressing these various concerns.

Attachment 2 contains the applicant's written responses to the questions and comments from the public hearing. The applicant has provided a copy of the revised site plan for review in an 11" x 17" format. Attachment 3 contains additional documentation from various County staff members reviewing the project.

Conditional Zoning (CZ) Process: As articulated during the hearing, the CZ process involves the approval of a rezoning petition and a site plan to allow for the development of a specific land use on a parcel of property. Decisions on the viability of the proposal are based on the BOCC's determination that the project is consistent with the intent of the Comprehensive Plan.

The normal cadence of review is as follows:

- CZ applications are reviewed during one of the four joint Quarterly Public Hearings held by the Planning Board and the BOCC;
- The applicant is required to demonstrate that the project is consistent with the provisions of the adopted Comprehensive Plan, is appropriate for the area in which it is located, and embodies the overall spirit and intent of the various provisions of the Unified Development Ordinance (UDO);
- The item will be forwarded to the Planning Board for a recommendation;
- The BOCC will receive the Planning Board recommendation and make a final determination on the merits of the request.

  Per Section 2.9.2 (F) (3) of the UDO, conditions can be imposed as part this process **only** if they address:

  1. The compatibility of the proposed development with surrounding property,
  2. Proposed support facilities (i.e. roadways and access points, parking, pedestrian and vehicular circulation systems, screening and buffer areas, etc.) and/or
  3. All other matters the County may find appropriate or the petitioner may propose.

  It should be noted all conditions must be agreed upon by the County and the applicant. The applicant must agree in writing to the imposition of all conditions.

- If approved, the Zoning Atlas is amended and the zoning designation of the property shall become REDA-CZ-1.
- The applicant shall be required to submit a final site plan in accordance within Section 2.5 of the UDO. This ensures that staff can verify all imposed conditions are adhered to and allows for final peer review by members of the Development Advisory Committee (DAC) as detailed within Section 1.9 of the UDO. There is, however, no additional site plan review fee assessed to the applicant.

This is a somewhat unique and new process for the County. The CZ process is intended to allow open dialogue and negotiation between the applicant and the County on the viability of the proposed land use and the overall design of a given project.

The County is now, technically, in the negotiation phase of the project as the applicant is seeking to modify existing development criteria staff has determined apply to the project, most notably land use buffers. Through this negotiation process, additional conditions and recommendations can be made to address various concerns and finalize the site plan.

As the County continues this review, staff will take note of potential procedural modifications designed to streamline the process, allow for additional opportunity for dialogue amongst the BOCC and the applicant on the project, and make the process more user friendly for all parties.

FINANCIAL IMPACT: This request has been reviewed by various County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

RECOMMENDATION(S): The Manager recommends the Board:

1. Continue deliberation on the application and provide additional feedback on the project;
2. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of Commissioners in time for the **November 20, 2012** BOCC regular meeting; and
3. Adjourn the public hearing until **November 20, 2012** in order to receive the Planning Board's recommendation and any submitted written comments.

Attachment 1

Synopsis of review comments/concerns related to Darrell Chandler project - request to rezone a 12 acre portion of a 35.8 acre parcel of property to the NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1) Conditional Zoning district.

AREA OF CONCERN:	**COMMENTS:** **Includes comments made during, and staff comments identified within the abstract for, the August 27, 2012 Quarterly Public Hearing**	**APPLICANT RESPONSE:**
TRANSPORTATION County Planning staff comments were outlined at August 27, 2012 public hearing	The turn radius for the access drive to the site is not adequate for turning movements of larger vehicles, vehicles with trailers or emergency vehicles.	Turn radius has been increased to address this concern. Orange County staff met with the applicant on September 7, 2012 to review a revised plan calling for the increase in turn radius around proposed storage buildings as well as the reduction in size of proposed buildings to ensure adequate travel way for vehicles.
	Drive-aisle, including those areas in between proposed units, are insufficient to allow for two-way traffic. One-way traffic is recommended around the proposed storage units.	Drive-aisle width has been increased to 24 feet. The central drive-aisle has been increased to 25 feet to accommodate Planning and Emergency Management staff recommendations.
	The current location of the entrance/exit is extremely close to the adjacent entrance for the cement plant and existing foliage may obstruct drivers' view of on-coming traffic.	After reviewing pictures of the area where the proposed driveway shall be located (Refer to Attachment 2) Planning staff determined during the September 7, 2012 meeting the drive location was acceptable.
	There appears to be insufficient stacking space for vehicles attempting to access the site.	The applicant has widened the driveway entrance and increased the turn radius to accommodate additional stacking based on staff comments.

AREA OF CONCERN:	COMMENTS: Includes comments made during, and staff comments identified within the abstract for, the August 27, 2012 Quarterly Public Hearing	APPLICANT RESPONSE:
TRANSPORTATION Continued	Concerns were expressed over proposed sign locations. Staff wanted additional detail to ensure proposed signs were not located within established site triangles.	Sign locations have been modified to ensure they are located outside of established site triangles.
	BOCC members expressed concerns over existing, mature, foliage near the proposed entrance and asked for clarification if the existing trees would block visibility or create a hazard for large vehicles attempting to access the site.	After reviewing pictures of the area where the proposed driveway shall be located (Refer to Attachment 2) Planning staff determined during the September 7, 2012 meeting the drive location was acceptable and the foliage should not be an issue.
UTILITY SERVICE County Planning staff comments were outlined at August 27, 2012 public hearing	BOCC members requested written documentation from Orange County Health and Building Inspections that a chemical or other toilet system could be used to support the proposed office use.	Please refer to Attachment 2 for additional detail.
	BOCC and Planning Board members expressed reservations over the applicants desire not to develop a well on the property. Several comments were made over the need for a well to provide water for staff, to clean the facility, and to address emergencies.	The applicant is making the necessary application to the Orange County Health Department to investigate the placement of a well on the property. Additional information concerning this item is contained within Attachment 2.

AREA OF CONCERN:	COMMENTS: Includes comments made during, and staff comments identified within the abstract for, the August 27, 2012 Quarterly Public Hearing	APPLICANT RESPONSE:
SOLID WASTE County Planning staff indicated given the numerous revisions to the site plan, Orange County Solid Waste had been unable to finalize their comments in time for the August 27, 2012 public hearing given the ever evolving nature of the project	BOCC and Planning Board members indicated the applicant should provide a dumpster area to allow for the orderly collection and disposal of solid waste generated on the property.	**August 29, 2012**: Applicant informed staff the plan would be revised to denote the location of a dumpster and general use recycling bin on the property. The dumpster would be screened with a fence in accordance with the provisions of the UDO.
	BOCC members wanted written comments from Orange County Solid Waste on the applicant's revised site plan with respect to the adequacy of any dumpster located on-site.	Pending
	A Planning Board member wanted additional comment from the applicant on how he intended to address the disposal of large items left on the property by former tenants.	According to the applicant large waste will be disposed of by a private contractor hired to haul away waste. Waste will be disposed of in accordance with the Orange County Solid Waste Management Ordinance.
EMERGENCY MANAGEMENT	Emergency Management staff (EM) indicated the need for 20 feet of space in between each building and a minimum of 20 of drive-aisle width to allow for the passage of emergency vehicles.	The site plan was modified to address this concern. Drive-aisles and spaces in-between storage buildings have been increased to 24 feet to ensure proper separation to facilitate emergency vehicle access.

AREA OF CONCERN:	COMMENTS: Includes comments made during, and staff comments identified within the abstract for, the August 27, 2012 Quarterly Public Hearing	APPLICANT RESPONSE:
EMERGENCY MANAGEMENT Continued	EM expressed concern over turn radiuses at the north-western portions of the project, along NC Highway 57, as it would be difficult to get emergency vehicles through the area.	The Turn radius has been increased to address this concern.
LAND USE BUFFER	BOCC members expressed concern over the proposed clustering of foliage along NC Highway 57 and Mile Branch Road rather than a continuous land use buffer. It was recommended that a continuous vegetative buffer be provided consistent with County standards.	Please refer to response contained within Attachment 2

AREA OF CONCERN:	COMMENTS: **Includes comments made during, and staff comments identified within the abstract for, the August 27, 2012 Quarterly Public Hearing**	APPLICANT RESPONSE:
LAND USE BUFFER Continued	There was a lack of consensus over the appropriateness of proposed land use buffer widths along adjacent roadways and residentially zoned properties. The applicant proposed the following: • 20 Foot Type A buffer along NC 57 and Mile Branch Road, • 10 foot buffer along the southern property line adjacent to the Wilson property (PIN 0910-22-6989) • No land use buffer along the portion of property abutting the existing concrete plant. Staff indicated typical land use buffers for a self-storage facility in comparable general use zoning districts were: 1. Type F buffer, 100 feet in width, along adjacent property lines abutting AR zoned property, and 2. Type B buffer, 30 feet in width, abutting adjacent road rights-of-way. Staff and Planning Board members asked for direction from the BOCC on this issue.	Please refer to response contained within Attachment 2

AREA OF CONCERN:	COMMENTS: Includes comments made during, and staff comments identified within the abstract for, the August 27, 2012 Quarterly Public Hearing	APPLICANT RESPONSE:
LAND USE BUFFER Continued	BOCC members asked staff to complete a field survey on an adjoining residentially zoned property to verify if it was undeveloped at this time.	Staff completed a site visit on September 7, 2012 and determined the property is undeveloped.
STORMWATER Continued	BOCC members wanted additional explanation from the applicant on the proposed stormwater management system.	The site plan has been revised to denote the proposed stormwater management system. This system has been deemed adequate by County Erosion Control staff.
	BOCC and Planning Board members requested additional detail on the site plan denoting drainage points on the property. This request was made after the project engineer indicated the property would actually drain from multiple locations due to existing and proposed topography.	The site plan was revised to include this detail.
	BOCC members wanted additional written comments from Orange County Erosion Control on the proposed stormwater system and the appropriateness of runoff draining into existing ponds on the property, north of Mile Branch Road.	Attachment 3 contains an e-mail from Terry Hacket, Orange County Erosion Control, signifying his review and preliminary approval of the system.

AREA OF CONCERN:	COMMENTS: Includes comments made during, and staff comments identified within the abstract for, the August 27, 2012 Quarterly Public Hearing	APPLICANT RESPONSE:
IMPERVIOUS SURFACE AREA	BOCC members requested additional comments from the applicant on the intended means of restricting impervious surface area on the property.	Please refer to Attachment 2. From staff's perspective there will be a permit/declaration of restrictions recorded in the Orange County Registrar of Deeds office if this request is approved denoting allowable levels of impervious surface area for the project.
	A BOCC member indicated concern over placing so much impervious surface area on the 4 acre portion of the property west of Mile Branch.	
LAND USE	There was consensus that the proposed use was acceptable.	
	BOCC members asked for clarification from the application on the extent of retail operations. The Board want to be sure all retail would be connected to the self-storage operation.	Notes were added to the site plan. Retail operations would be limited to packaging materials (i.e. boxes, tape, etc.) necessary to support the self-storage operation. There would not be additional sale of items (i.e. drinks, food, snacks, etc.) not necessary to support the proposed land use.

Attachment 2

SUMMIT
DESIGN AND ENGINEERING SERVICES
919.732.3883 SUMMIT-ENGINEER.COM
504 Meadowland Drive, Hillsborough, NC 27278

September 11, 2012

Mr. Michael Harvey
Orange County
Planning Department
PO Box 8181
Hillsborough, NC 27278

Re: Responses to Comments/Concerns

Mr. Harvey:

On behalf of our client and the applicant, Mr. Darrell Chandler, Summit Design and Engineering Services is providing responses to all comments/concerns discussed at the August 27, 2012 Quarterly Public Hearing and as noted from staff in subsequent meetings.

Summit Design and Engineering Services will be more than happy to address and provide any clarification needed on the attached responses and looks forward to discussing these matters with you or the respective review agencies and boards further.

Sincerely,

SUMMIT DESIGN AND ENGINEERING SERVICES

Chad E. Abbott, P.E.
Project Engineer

Responses to Emergency Services will be in Bold Red Italics.

1. Emergency Management Staff (EM) indicated the need for 20 feet of space between each building and a minimum of 20 of drive-aisle width to allow for the passage of emergency vehicles.

   Per Discussions w/ Mr. David Sykes at 11:00 a.m. on September 5, 2012, this was discussed and noted as an informational comment as all drawings that have been submitted meet this criteria.

2. EM expressed concern over turn radiuses at the north-western portions of the project, along NC Highway 57, as it would be difficult to get emergency vehicles through the area.

   At the referenced meeting, we reviewed the plans issued to the BOCC and discussed at the August 27, 2012 Quarterly Public Hearing. These plans provide for 50' radii at all corners of the site and implement a 25' center isle separating dissecting the overall length of the proposed storage units. The plans that generated the comment above consisted of a solid row of storage buildings that had no breaks mid site and also extended to maintain only the requested 20' drive width at the corners. The new radii as shown resulted in the removal of several end units on the outermost rows where there are acute angles. Mr. Sykes indicated his concurrence with the revised plans that the BOCC has reviewed and will be providing written confirmation to the county planning dept.

Responses to Transportation will be in Bold Blue Italics.

1. The turn radius for the access drive to the site is not adequate for turning movements of larger vehicles, vehicles with trailers or emergency vehicles.

   The drive has been widened and a 30' Radii provided. Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, this is acceptable to address the comment above.

2. Drive-aisle, including those areas in between proposed units, are insufficient to allow for two-way traffic. One-way traffic is recommended around the proposed storage units.

   The interior drive isles between buildings have been widened to 24' and the exterior loop around the buildings has been left at 20'. Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, this is acceptable to address the comment above and allow for two-way traffic movements to be allowed on site.

3. The current location of the entrance/exit is extremely close to the adjacent entrance for the cement plant and existing foliage may obstruct drivers' view of on-coming traffic.

   Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, pictures of the field conditions were provided and the entrance was reviewed in detail. Upon review, staff determined that the location of the driveway was acceptable with respect to the adjacent drive and the existing vegetation.

4. There appears to be insufficient stacking space for vehicles attempting to access the site.

   The drive has been widened and a 30' Radii provided. Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, this is acceptable to address the comment above.

5. Proposed storage buildings are too close to property lines to allow for an adequate drive aisle.

   The buildings as shown of the current plan and the plans submitted to the BOCC and Planning Board both show a reduction in end units to allow for adequate drive isles and turning movements. A center drive isle of 25' was also added in response to these comments prior to submitting to the BOCC and Planning Board. Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, this is acceptable to address the comment above.

6. Concerns were expressed over proposed sign locations. Staff wanted additional detail to ensure proposed signs were not located within established site triangles.

   Signs will not be allowed in the proposed site triangles in accordance with the approval and permitting of the driveway by NCDOT. Per the proposed locations, signs are located out of the site triangles and AASHTO Site Lines. Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, this is acceptable to address the comment above.

7. BOCC members expressed concerns over existing, mature, foliage near the proposed entrance and asked for clarification if the existing trees would block visibility or create a hazard for large vehicles attempting to access the site.

   The applicant does not recall extensive discussions on the existing foliage by the BOCC members other than those comments already issued by the transportation planner. A packet of site pictures are attached to assist the BOCC and Planning Board members in getting a realization of the existing vegetation. As indicated at the meeting on August 27, access at the Right of Way will be regulated by NCDOT, however all site inspections and reviews of the existing site conditions do not reveal major concerns for Summit Design and Engineering, especially since the existing vegetation will have to be removed if deemed a hazard prior to receiving a driveway permit from NCDOT.

   Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, pictures of the field conditions were provided and the entrance was reviewed in detail. Upon review, staff determined that the location of the driveway was acceptable with respect to the adjacent drive and the existing vegetation.

Responses to Utility Service will be in Bold Orange Italics.

1. BOCC members requested written documentation from Orange County Health and Building Inspection that a chemical or other toilet system could be used to support the proposed office use.

   The requested documentation is attached.

2. BOCC and Planning Board members expressed reservations over the applicants desire not to develop a well on the property. Several comments were made over the need for a well to provide water for staff, to clean the facility, and to address emergencies.

   The applicant is checking on the suitability and availability of a well location on the site to meet this request. If this is not possible, then the applicant will be the one who will have the cost and time burden of using a power washer etc to clean out the units. Water supply at a Storage facility is not mandated by regulatory review agencies and if this item is not feasible, the applicant doesn't feel that it should be an overriding criteria related to the application for rezoning the property. If the units are left dirty as members of the BOCC indicated is often the case, and the applicant cannot adequately clean them up, then it is the applicant/owner that will suffer as no potential lessee will rent a storage unit that is dirty. Therefore it is in the applicant's best interest to keep the units clean whether it be by using an on-site well or by a portable pressure washing operation.

Responses to Solid Waste will be in Bold Green Italics.

1. BOCC and Planning Board members indicated the applicant should provide a dumpster area to allow for the orderly collection and disposal of solid waste generated on the property.

   The Plans have been revised to show a proposed dumpster location as requested.

2. BOCC members wanted written comments from Orange County Solid Waste on the applicant's revised site plan with respect to the adequacy of any dumpster located on-site.

   Noted. At the time these responses were required to be submitted, the applicant was awaiting comments from Orange County Solid Waste on the revised site plan, however the location proposed is the most optimal and accessible on-site and has been discussed w/ Planning Staff with no negative feedback.

3. A Planning Board member wanted additional comment from the applicant on how he intended to address the disposal of large items left on the property by former tenants.

   Per the applicant the customer contract clearly states that there be no unwanted storage items left at the facility. If any are left, they will be taken to the landfill site in Mt. Tirzah, Person County which is approx. 15 miles from the subject property.

Responses to Planning will be in Bold Purple Italics.

1. BOCC members expressed concern over the proposed clustering of foliage along NC Highway 57 and Mile Branch Road rather than a continuous land use buffer. It was recommended that a continuous vegetative buffer be provided consistent with County standards.

   It was noted at the meeting that there was one member that specifically indicated concern over the clustered buffer and landscaping along Mile Branch Road and NC Hwy 57. As stated in the response to the BOCC member, the clustering will allow visibility of the proposed use, but will also provide a visual break up to reduce the monotony of the storage building façade, especially along NC 57. It was noted at the BOCC meeting that in general, the buffers proposed on Sheet C-6 were amenable to most of the Commissioners and this is still the direction that the applicant would like to move in considering the ability to propose/provide buffers fitting the use and intent in this zoning district with the lack of specific standards.

2. There was a lack of consensus over the appropriateness of proposed land use buffer widths along adjacent roadways and residentially zoned properties.

   The applicant proposed the following:

   - 20 Foot Type A buffer along NC 57 and Mile Branch Road,
   - 10 foot buffer along the southern property line adjacent to the Wilson property (PIN 0910-22-6989)
   - No land use buffer along the portion of property abutting the existing concrete plant.
   - Staff indicated typical land use buffers for a self-storage facility in comparable general use zoning districts were:

   I. Type F buffer, 100 feet in width, along adjacent property lines abutting AR zoned property, and
   II. Type B buffer, 30 feet in width, abutting adjacent road rights-of-way.

   Staff and Planning Board members asked for direction from the BOCC on this issue.

   Coming away from the BOCC meeting, the applicant felt that there was general consensus that the buffers proposed were appropriate and that minor modifications or requests may be made in relation to the buffers at the next meeting. However with the ordinance for the REDA-CZ-1 zoning being lenient on the required buffers and setbacks, the applicant feels that the buffers proposed will achieve the intent of the benefits that a buffer would provide in this area, given the use and location. As stated above, the applicant is open to direction from the BOCC if it is a general consensus that the BOCC was not satisfied with the proposed buffers. The applicant would like to state that it does not seem fitting that this use would provide a buffer equivalent to those in the general use districts, otherwise why would the buffer requirements be so flexible and not list this as the minimum requirements?

3. BOCC members asked staff to complete a field survey on an adjoining residentially zoned property to verify if it was undeveloped at this time.

Awaiting Staff input, however all other sources indicated that it is currently un-occupied and un-developed.

Responses to Stormwater will be in Bold Magenta Italics.

1. BOCC members wanted additional explanation from the applicant on the proposed stormwater management system.

   Details of the stormwater management, treatment and overall system concept were discussed at the BOCC hearing. Additional questions and comments can be addressed at the next meeting, however the current plans have been reviewed and received concurrence from Mr. Terry Hackett with respect to the ability to meet current stormwater standards.

2. BOCC and Planning Board members requested additional detail on the site plan denoting drainage points on the property. This request was made after the project engineer indicated the property would actually drain from multiple locations due to existing and proposed topography.

   Drainage arrows are shown and indicate typical flow patterns of the onsite stormwater. Drainage points and additional flow arrows have been provided in addition to the topography which reveals the actual drainage patterns.

3. BOCC members wanted additional written comments from Orange County Erosion Control on the proposed stormwater system and the appropriateness of runoff draining into existing ponds on the property, north of Mile Branch Road.

   Mr. Terry Hackett has indicated that the proposed facilities would meet the County standards which regulate both quantity and quality of water. The runoff will be restricted per these regulations. The fact that the runoff enters an existing pond is not integral to the proposed development and is an existing hydrological condition.

Responses to Quarterly Public Hearing General Comments will be in Bold Cyan Italics.

1. BOCC members requested additional comments from the applicant on the intended means of restricting impervious surface area on the property.
   The applicant did not recall this request, however, the plats associated with the property will be restrictive related to the allowed increases or limits for impervious area for each property. This property is subject to the same laws and regulations for inspections and reviews as any other properties located in restrictive watersheds. Perhaps the County Staff can provide the BOCC with SOP on ensuring land owners comply with the allowable impervious surface.

2. A BOCC member indicated concern over placing so much impervious surface area on the 4 acre portion of the property west of Mile Branch.
   The intensity of the impervious area is not regulated as long as the treatment of such areas meets the regulations. From a planning and engineering standpoint, it is better to have it all located in one spot to maintain more existing natural areas and allow for easier collection and treatment efforts.

3. There was consensus that the proposed use was acceptable.

Noted.

4. BOCC members asked for clarification from the application on the extent of retail operations. The Board want to be sure all retail would be connected to the self-storage operation.

   Anticipated retail operations are related to materials needed for storage and operating a storage business such as tape, boxes, padding, etc.

Responses to Additional Comments received via email from staff on 9/6/2012 will be in Bold Orange Italics.

1. Driveway location along the eastern property line, adjacent to the concrete property, is still a major concern for staff. There appears to be potential for vehicular conflicts due to the presence of existing large trees in the area impeding sight visibility. While it is difficult to ascertain the exact distance, the driveways appears to be 25 feet apart.

   Traffic attempting to turn left from the storage facility will be unable to see traffic emerging and turning left from the concrete plant. Also the existing driveway and turn radius are not conducive to allowing for 2 way traffic entering and exiting from the site.

   There will be a bottle neck with large vehicles attempting to enter and leave the site at the same time. Staff would recommend the following:

   a. Move the driveway approximately 220 feet north and locate it directly across from the proposed driveway for the office/retail area north of Mile Branch as noted on sheet(s) C-3 and C-4.
   b. Widen the driveway to approximately 35 feet to allow for adequate spacing for cars – 2 way traffic entering and exiting the site.
   c. Internal circulation will have to be modified in order to accommodate proper stacking and turn radius for vehicles

      As an alternative, you could do the following:

   d. Have a dedicated, separate, entrance and exit points for the property. The entrance could be adjacent to the concrete plant property (in fact if this option is chosen this will be the mandated entrance only point). If this option is selected the driveway radius will have to be widened to accommodate large vehicles entering the site.
   e. Dedicated exit would be directly across from the proposed driveway for the office/retail area north of Mile Branch as noted on sheet(s) C-3 and C-4.
   f. Staff would recommend the placement of landscape islands in the drive area under this scenario to further regulate traffic flow.

   Either way staff is concerned the proposed means if ingress and egress will not address turn internal turn radius issues or allow for proper staging of

vehicles attempting to enter and leave the site. Staff also does not believe current drive location is adequate given site visibility issues.

Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, the revisions to the entrance width, drive isle width and corner radii shown on the current plans are sufficient to address the comments above.

2. Turn radius around buildings need to be at a minimum of 35 to 40 feet (You show 35 feet at the intersection of Mile Branch and NC Hwy 57 which is good but it appears tight throughout the rest of the site).

   Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, the revisions to the corner radii shown on the current plans are sufficient to address the comments above. It should be noted that it is not the corner clearance that would dictate the allowable turning movement, but the inside radii adjacent to the buildings. The revisions to these corner radii were not in efforts to address this comment, but to save wasted gravel and associated impacts to the impervious areas.

3. You will need to designate one-way traffic flow on the site plan to provide staff with a notion on the intended internal traffic flow You will need to add signage internally throughout the site directing traffic flow. Please note anticipated locations for this signage.

   Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, the revisions to the entrance width, drive isle width and corner radii shown on the current plans are sufficient to address the comments above. Two-way traffic is still proposed. Signage locations remain on the plans in the same locations as previously shown.

4. We need and will require a 25 foot distance between buildings.

   Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, the revisions to the entrance width, drive isle width and corner radii shown on the current plans are sufficient to address the comments above. A 24' interior drive isle between buildings has been discussed and proposed on the revised plans.

5. Staff strongly recommends elimination of approximately 60 individual storage units so that building sizes can be reduced to eliminate traffic flow problems. Building locations and orientations will need to be modified to address internal access concerns.

   Per discussion w/ Mr. Tom Altieri, Ms. Darcy Zorio and Mr. Harvey at Orange County offices on September 7, 2012, the revisions to the entrance width, drive isle width and corner radii shown on the current plans are sufficient to address the comments above. Units have been adjusted as needed to allow access and site maneuverability as needed to address all previous comments.

Other issues

6. Provide a note on the site plan denoting no storage units can be used for habitation or used to store flammable materials on site.

   See note #6 on Sheets C-2 through C-4 for details and restrictions on the use of the units. This is language that has been provided by the applicant as part of the tenant agreement that will be in place with all Lessees.

7. Provide a note on the site plan indicating storage units cannot be used as repair garages or to support commercial operations inconsistent with the self-storage facility.

   See note #6 on Sheets C-2 through C-4 for details and restrictions on the use of the units. This is language that has been provided by the applicant as part of the tenant agreement that will be in place with all Lessees.

ATTACHMENT 1

South of Mile Branch Road Looking East towards Concrete Plant
& Proposed Drive Entrance to the site

South of Mile Branch Road Looking East towards Concrete Plant

North of Mile Branch Road Looking South-East towards Concrete Plant
& Proposed Drive Entrance to the site by Existing Oak Trees

West of HWY 57 Looking East towards Site (*Note vertical curve/blind spot along Mile Branch Road, on the left hand side of this photo, in regards to driveway location)

ATTACHMENT 2

Existing Treeline along Southern Property Line

Existing Treeline along Southern Property Line

Existing Treeline along Southern Property Line

Existing Treeline along Southern Property Line

ATTACHMENT 3

Orange County Health Department

Colleen Bridger, MPH, PhD
Health Director

Prevent • Promote • Protect
Partnering for the Public's Health

M E M O R A N D U M

To: Michael Harvey AICP, CFIM, CZO
Current Planning Supervisor
Orange County Planning

From: Alan Clapp REHS, LSS
Soil Scientist
Orange County Health Department

Date: August 17, 2012

RE: 0910-34-5040
Darrell Chandler rezoning request
Mile Branch Road and NC 57

A site plan review was recently completed on the proposed rezoning request. The following items were noted.

1. Water Supply – No well is proposed

2. Sewage Disposal – No septic system is proposed. Incinerating toilet can be used if no public restrooms are required per NC Plumbing Code. Building Inspections would be the permitting agency for this type toilet.

No Environmental Health issues were identified on this site since well and septic systems will not be required for permitting.

Please feel free to contact me directly by phone at (919)245-2360, or by my e-mail aclapp@co.orange.nc.us if you have any questions, or I may be of further service.

Environmental Health Services
131 W. Margaret Lane, Suite 100 • Hillsborough, NC 27278
Phone: (919) 245-2360 | Fax: (919) 644-3006
www.orangecountync.gov/envhlth

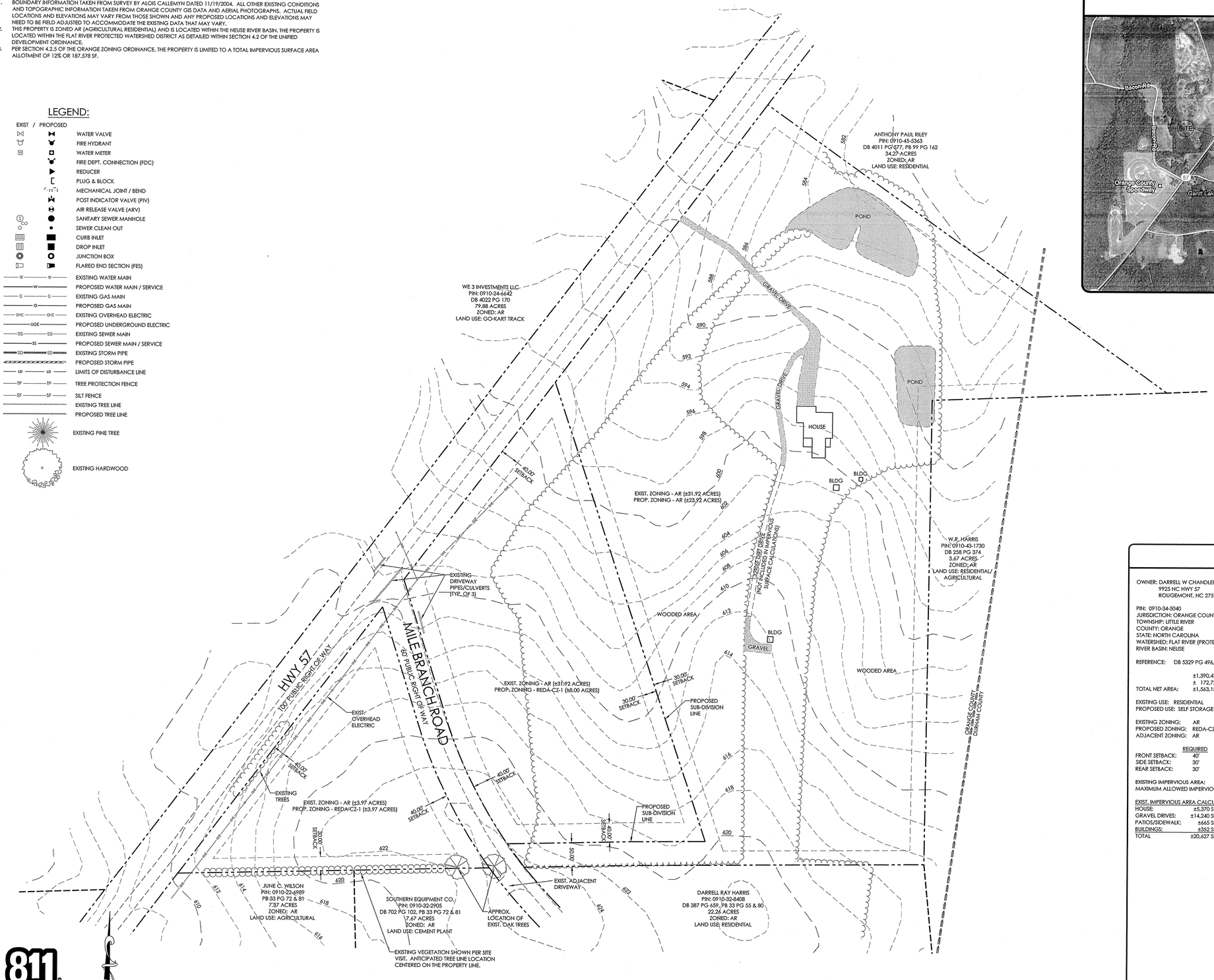
GENERAL NOTES:

1. BOUNDARY INFORMATION TAKEN FROM SURVEY BY ALOIS CALLEMYN DATED 11/19/2004. ALL OTHER EXISTING CONDITIONS AND TOPOGRAPHIC INFORMATION TAKEN FROM ORANGE COUNTY GIS DATA AND AERIAL PHOTOGRAPHS. ACTUAL FIELD LOCATIONS AND ELEVATIONS MAY VARY FROM THOSE SHOWN AND ANY PROPOSED LOCATIONS AND ELEVATIONS MAY NEED TO BE FIELD ADJUSTED TO ACCOMMODATE THE EXISTING DATA THAT MAY VARY.
2. THIS PROPERTY IS ZONED AR (AGRICULTURAL RESIDENTIAL) AND IS LOCATED WITHIN THE NEUSE RIVER BASIN. THE PROPERTY IS LOCATED WITHIN THE FLAT RIVER PROTECTED WATERSHED DISTRICT AS DETAILED WITHIN SECTION 4.2 OF THE UNIFIED DEVELOPMENT ORDINANCE.
3. PER SECTION 4.2.5 OF THE ORANGE ZONING ORDINANCE, THE PROPERTY IS LIMITED TO A TOTAL IMPERVIOUS SURFACE AREA ALLOTMENT OF 12% OR 187,578 SF.

LEGEND:

EXIST / PROPOSED

- WATER VALVE
- FIRE HYDRANT
- WATER METER
- FIRE DEPT. CONNECTION (FDC)
- REDUCER
- PLUG & BLOCK
- MECHANICAL JOINT / BEND
- POST INDICATOR VALVE (PIV)
- AIR RELEASE VALVE (ARV)
- SANITARY SEWER MANHOLE
- SEWER CLEAN OUT
- CURB INLET
- DROP INLET
- JUNCTION BOX
- FLARED END SECTION (FES)
- EXISTING WATER MAIN
- PROPOSED WATER MAIN / SERVICE
- EXISTING GAS MAIN
- PROPOSED GAS MAIN
- EXISTING OVERHEAD ELECTRIC
- PROPOSED UNDERGROUND ELECTRIC
- EXISTING SEWER MAIN
- PROPOSED SEWER MAIN / SERVICE
- EXISTING STORM PIPE
- PROPOSED STORM PIPE
- LIMITS OF DISTURBANCE LINE
- TREE PROTECTION FENCE
- SILT FENCE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- EXISTING PINE TREE
- EXISTING HARDWOOD



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VICINITY MAP

NOT TO SCALE

SITE INFORMATION

OWNER: DARRELL W CHANDLER
9925 NC HWY 57
ROUGEMONT, NC 27572

PIN: 0910-34-5040
JURISDICTION: ORANGE COUNTY
TOWNSHIP: LITTLE RIVER
COUNTY: ORANGE
STATE: NORTH CAROLINA
WATERSHED: FLAT RIVER (PROTECTED)
RIVER BASIN: NEUSE

REFERENCE: DB 5329 PG 496, PB 96 PG 98

±1,390,432 SF (±31.92 AC) - LOT AREA NORTH OF MILE BRANCH ROAD)
± 172,722 SF (±3.97 AC) - LOT AREA SOUTH OF MILE BRANCH ROAD)
TOTAL NET AREA: ±1,563,154 SF (±35.89 AC)

EXISTING USE: RESIDENTIAL
PROPOSED USE: SELF STORAGE

EXISTING ZONING: AR
PROPOSED ZONING: REDA-CZ-1 & AR
ADJACENT ZONING: AR

	REQUIRED
FRONT SETBACK:	40'
SIDE SETBACK:	30'
REAR SETBACK:	30'

EXISTING IMPERVIOUS AREA:	±20,627 SF	(1.3%)
MAXIMUM ALLOWED IMPERVIOUS:	187,578 SF	(12.0%)

EXIST. IMPERVIOUS AREA CALCULATIONS:

HOUSE:	±5,370 SF	(±0.3%)
GRAVEL DRIVES:	±14,240 SF	(±0.9%)
PATIOS/SIDEWALK:	±665 SF	(±0.0%)
BUILDINGS:	±352 SF	(±0.0%)
TOTAL	±20,627 SF	(±1.3%)

REVISIONS		
7		
6		
5		
4		
3		
2	...	...
1	...	...
	DATE	BY

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CEA
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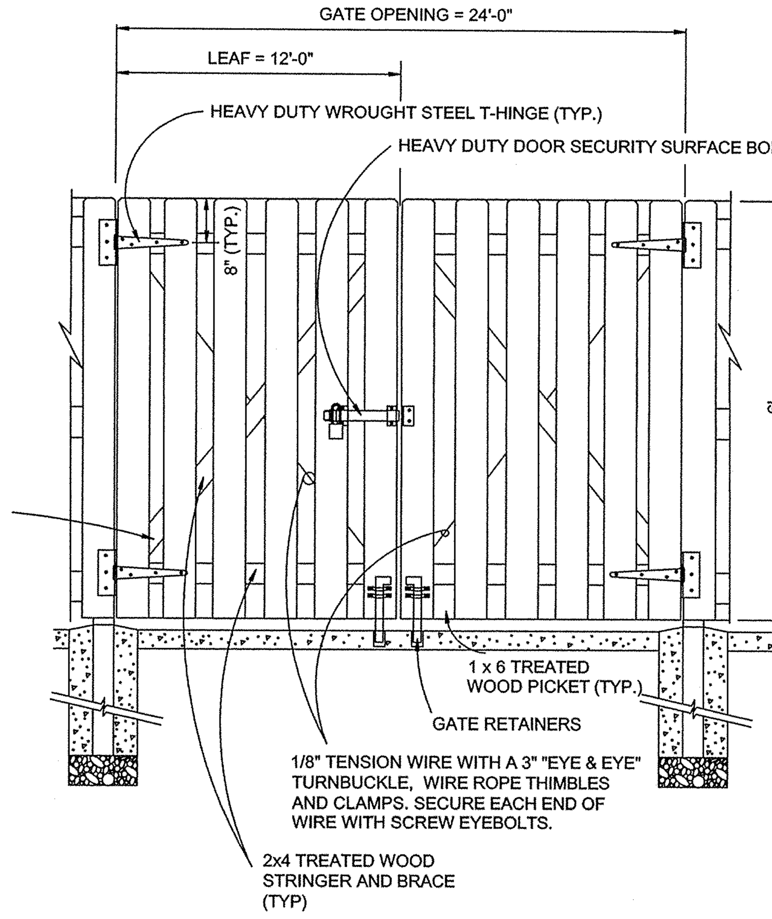
AFFORDABLE ROUGEMONT SELF-STORAGE - SITE PLANS

MILE BRANCH ROAD - ORANGE COUNTY, NORTH CAROLINA

EXISTING CONDITIONS PLAN

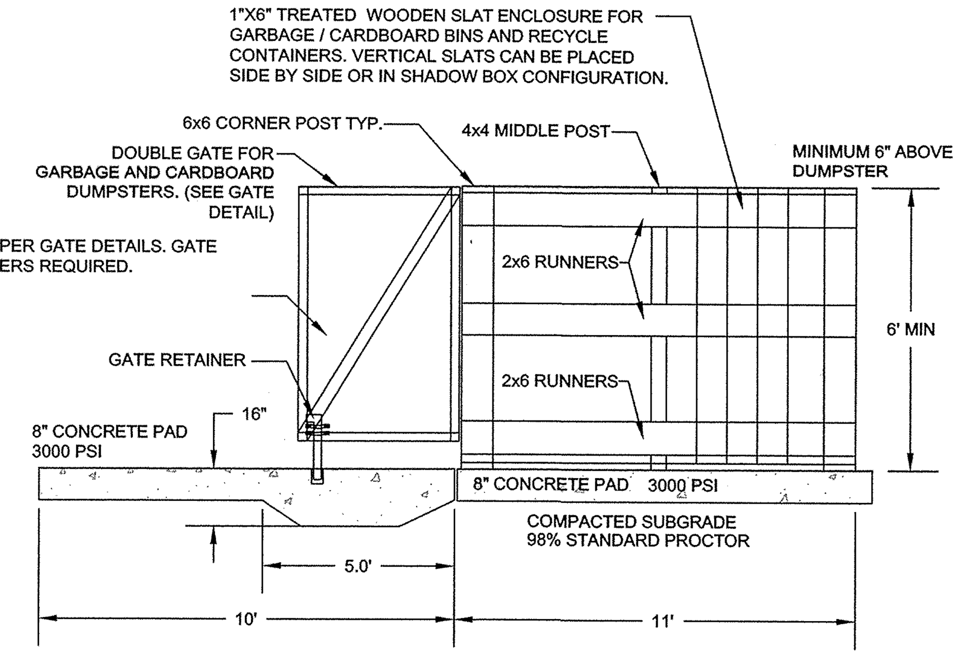
PROJECT NO.
12-0191
DRAWING NAME:
12-0191 EX-1
SHEET NO.
C-1



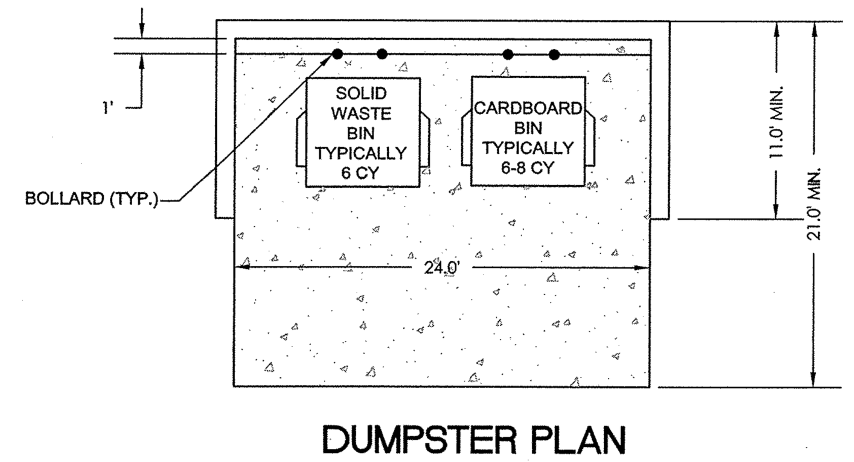
NOTES:

1. ALL POST TO BE MIN. 18" IN GROUND w/ MIN 4" CONCRETE AROUND ALL SIDES. USE 4" SOLID CMU BLOCK ON BOTTOM OF POST.
2. CONCRETE PAD TO EXTEND 4" BEYOND EDGE OF ENCLOSURE WALLS
3. 1" x 6" PANELS TO BE LEVEL WITH TOP OF POST. TOP AND BOTTOM RUNNERS TO BE 4" FROM TOP AND BOTTOM OF PANELS.

WOODEN DUMPSTER ENCLOSURE AND GATE DETAIL



WOODEN DUMPSTER ENCLOSURE DETAIL



DUMPSTER PLAN

TYPICAL DOUBLE WITH ROLLOUT CARTS

GENERAL NOTES:

1. BOUNDARY INFORMATION TAKEN FROM SURVEY BY ALOIS CALLEMYN DATED 11/19/2004. ALL OTHER EXISTING CONDITIONS AND TOPOGRAPHIC INFORMATION TAKEN FROM ORANGE COUNTY GIS DATA AND AERIAL PHOTOGRAPHS. ACTUAL FIELD LOCATIONS AND ELEVATIONS MAY VARY FROM THOSE SHOWN AND ANY PROPOSED LOCATIONS AND ELEVATIONS MAY NEED TO BE FIELD ADJUSTED TO ACCOMMODATE THE EXISTING DATA THAT MAY VARY.
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3. PER SECTION 4.2.5 OF THE ORANGE ZONING ORDINANCE, THE PROPERTY IS LIMITED TO A TOTAL IMPERVIOUS SURFACE AREA ALLOTMENT OF 12% OR 187,578 SF.
4. PER SECTION 6.9.7 - 1 PARKING SPACE PER EMPLOYEE IS REQUIRED
5. EMERGENCY VEHICLE ACCESS (DEPENDING UPON OWNER): (1) IF GATE IS MOTORIZED WITH PAD ACCESS, EMERGENCY PERSONNEL WILL BE GIVEN CODE FOR ACCESS. (2) IF GATE IS NOT MOTORIZED, EMERGENCY PERSONNEL WILL BE GIVEN KEY FOR ACCESS.
6. IN ACCORDANCE WITH THE TENANT AGREEMENT PROPOSED BY THE OWNER THE STORAGE FACILITY SHALL BE SUBJECT TO THE FOLLOWING:

   AFFORDABLE ROUGEMONT STORAGE CENTER RULES ARE AS FOLLOWS:
   TENANT/LESSEE MAY NOT STORE AT THIS FACILITY, OR USE THIS FACILITY UNDER ANY CIRCUMSTANCES THE FOLLOWING = CONTRABAND, WEAPONS, EXPLOSIVES FIREWORKS, FLAMMABLE CHEMICALS, ILLEGAL OR LEGAL DRUGS, AMMUNITION, TOXIC OR HAZARDOUS MATERIALS OR WASTE, PETROLEUM PRODUCTS OF ANY KIND, OIL, GAS, TIRES ETC., BATTERIES, PAINT, ITEMS WITH A FOUL SMELL AT MANAGEMENT DISCRETION, STOLEN PROPERTY, GASOLINE OR DIESEL FUEL CONTAINERS OR ANYTHING THAT WOULD HOLD COMBUSTIBLE LIQUID, PROPANE, OXYGEN, OR ACETYLENE TANKS, ANY TANKS THAT CONTAIN EXPLOSIVE CONTENTS, NO AGRICULTURE CHEMICALS OF ANY KIND, GAS POWERED EQUIPMENT OR ANY ITEMS THAT WOULD, OR COULD BE ILLEGAL UNDER STATE OR FEDERAL LAW, OR COULD DAMAGE THE STORAGE UNIT, OR FACILITY IN ANY WAY WHATSOEVER! NO ANIMALS OF ANY KIND SHALL BE KEPT IN THE RENTAL UNIT. LESSEE SHALL NOT CONDUCT ANY BUSINESS, COMMERCIAL SALES, PURCHASE TRANSACTIONS, OR PERFORM WORK OF ANY KIND IN ANY UNIT WHATSOEVER. TENANT SHALL NOT RESIDE, SLEEP, COOK, OR CONSUME ALCOHOL BEVERAGE ON SAID LEASED UNIT OR UNITS. TENANT ACKNOWLEDGES THAT THIS STORAGE CENTER SHALL NOT BE USED AS A SITE FOR HOBBIES, GARAGE SALES, ONGOING LABOR, BAND PRACTICES, PARTIES, SOCIAL GATHERING, STAGING AREA FOR AN EVENT, ETC. TENANT ACKNOWLEDGES THAT THE USE IS EXCLUSIVELY FOR RESIDENTIAL, INCIDENTAL, SELF-STORAGE OF MERCHANDISE RELATED TO OFF-SITE BUSINESS OR COMMERCIAL ENTERPRISE. MANAGEMENT HOLDS FULL DISCRETION ON ALL THE ABOVE ISSUES AND WILL ENFORCE THEM ACCORDINGLY!

STANDARDS OF EVALUATION:

PER SECTION 3.8.3 OF THE ORANGE COUNTY UNIFIED DEVELOPMENT ORDINANCE (UDO) THE FOLLOWING REPRESENT THE STANDARDS OF DEVELOPMENT FOR THE REDA-CZ-1 DISTRICT:

1. APPLICATIONS FOR THE REDA-CA-1 DISTRICT SHALL BE ACCEPTED ONLY FOR PARCELS DELINEATED AS BEING SUITABLE FOR NON-RESIDENTIAL DEVELOPMENT WITHIN THE NC HIGHWAY 57 SPEEDWAY AREA SMALL AREA PLAN ADOPTED BY THE BOCC ON AUGUST 21, 2007.
2. POTENTIAL USES SHALL BE RESTRICTED TO THOSE LISTED AS PERMITTED FOR THE REDA-CZ-1 DISTRICT IN SECTION 5.2.3.
3. SPECIFIC USES SHALL BE LIMITED TO THOSE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS. ADDITIONALLY, NON-RESIDENTIAL USES ARE RESTRICTED BASED ON THE WATERSHED PROTECTION OVERLAY DISTRICT IN WHICH THE PROPERTY IS LOCATED. REFER TO SECTION 4.2.3 FOR LAND USE RESTRICTIONS.
4. ALLOWABLE IMPERVIOUS SURFACE AREA IS BASED ON THE WATERSHED PROTECTION OVERLAY DISTRICT IN WHICH THE PROPERTY IS LOCATED. REFER TO SECTION 4.2.6 FOR A BREAKDOWN OF THE ALLOWABLE IMPERVIOUS SURFACE AREA.
5. DEVELOPMENT WITHIN THE CONDITIONAL ZONING DISTRICT SHALL BE SUBJECT TO ALL APPLICABLE USE STANDARDS DETAILED IN ARTICLES 5 AND 6 OF THIS ORDINANCE OR PROVIDE CREATIVE ALTERNATIVES THAT MEET THE INTENT AND SPIRIT OF THE REGULATIONS.
6. APPLICANTS SHALL COMPLETE A COMPREHENSIVE GROUNDWATER STUDY TO ANTICIPATE FUTURE USAGE TO DETERMINE THE APPROPRIATENESS OF A PROPOSED LAND USE. SUCH A STUDY SHALL DETAIL HOW MUCH WATER IS ANTICIPATED TO BE CONSUMED, WHAT AMOUNT OF GROUNDWATER WITHDRAWAL IS SAFE AND SUSTAINABLE IN THE IMMEDIATE VICINITY OF THE USE, AND IF OTHER WELLS WILL BE AFFECTED BY SUCH WITHDRAWALS.
7. ALL NEW DEVELOPMENT SHALL LIMIT GROUNDWATER WITHDRAWALS TO NOT MORE THAN 240 GALLONS PER DAY PER ACRE.
8. NO NEW DEVELOPMENT HAVING A SIGNIFICANT NEGATIVE IMPACT ON EXISTING ROADWAYS, TRAFFIC PATTERNS OR SURFACE DRAINAGE PATTERNS SHALL BE PERMITTED, UNLESS AN APPROPRIATE AND VIABLE SOLUTION HAS BEEN APPROVED TO MITIGATE THESE CONDITIONS.

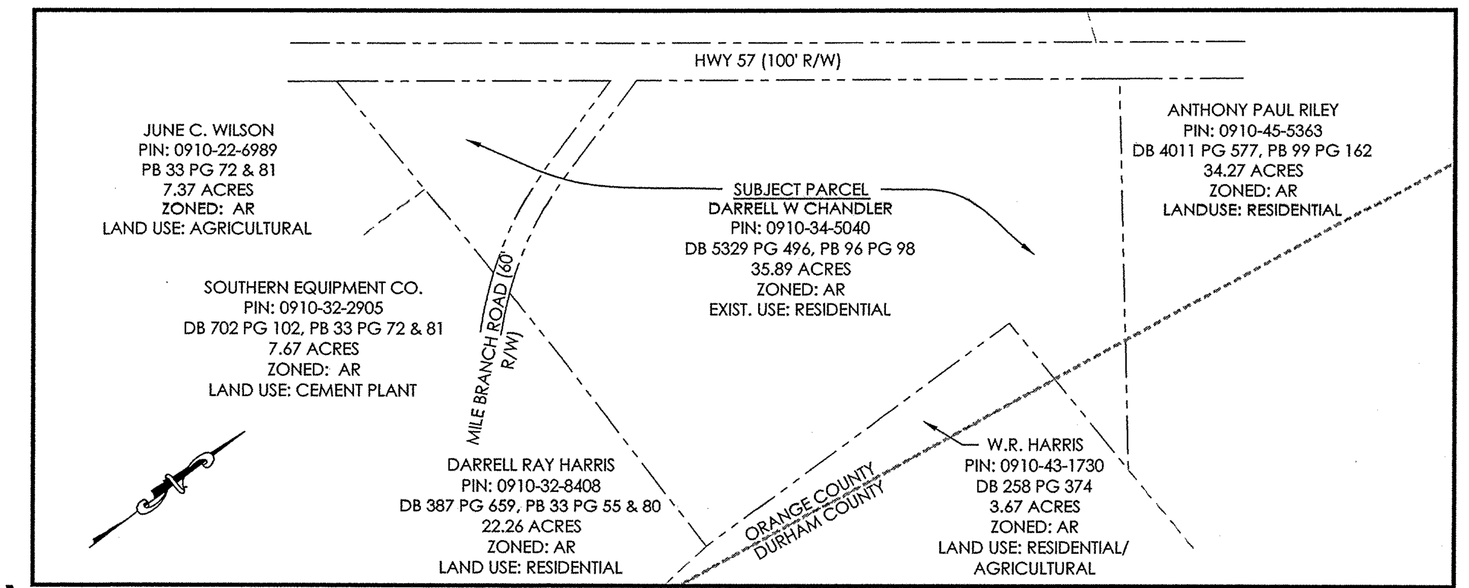


EXHIBIT A

SCALE: 1"=250'

SITE INFORMATION

OWNER: DARRELL W CHANDLER
9925 NC HWY 57
ROUGEMONT, NC 27572

PIN: 0910-34-5040
JURISDICTION: ORANGE COUNTY
TOWNSHIP: LITTLE RIVER
COUNTY: ORANGE
STATE: NORTH CAROLINA
WATERSHED: FLAT RIVER (PROTECTED)
RIVER BASIN: NEUSE

REFERENCE: DB 5329 PG 496, PB 96 PG 98

±1,390,432 SF (±31.92 AC) - LOT AREA NORTH OF MILE BRANCH ROAD)
± 172,722 SF (±3.97 AC) - LOT AREA SOUTH OF MILE BRANCH ROAD)
TOTAL NET AREA: ±1,563,154 SF (±35.89 AC)

EXISTING USE: RESIDENTIAL
PROPOSED USE: SELF STORAGE

EXISTING ZONING: AR (35.89 AC.)
PROPOSED ZONING: REDA-CZ-1 (11.97 AC) RESIDENTIAL PROPERTY (23.92AC - AR)
ADJACENT ZONING: AR

	REQUIRED	PROPOSED
FRONT SETBACK:	30'	45' MIN.
SIDE SETBACK:	30'	161' MIN.
REAR SETBACK:	30'	N/A

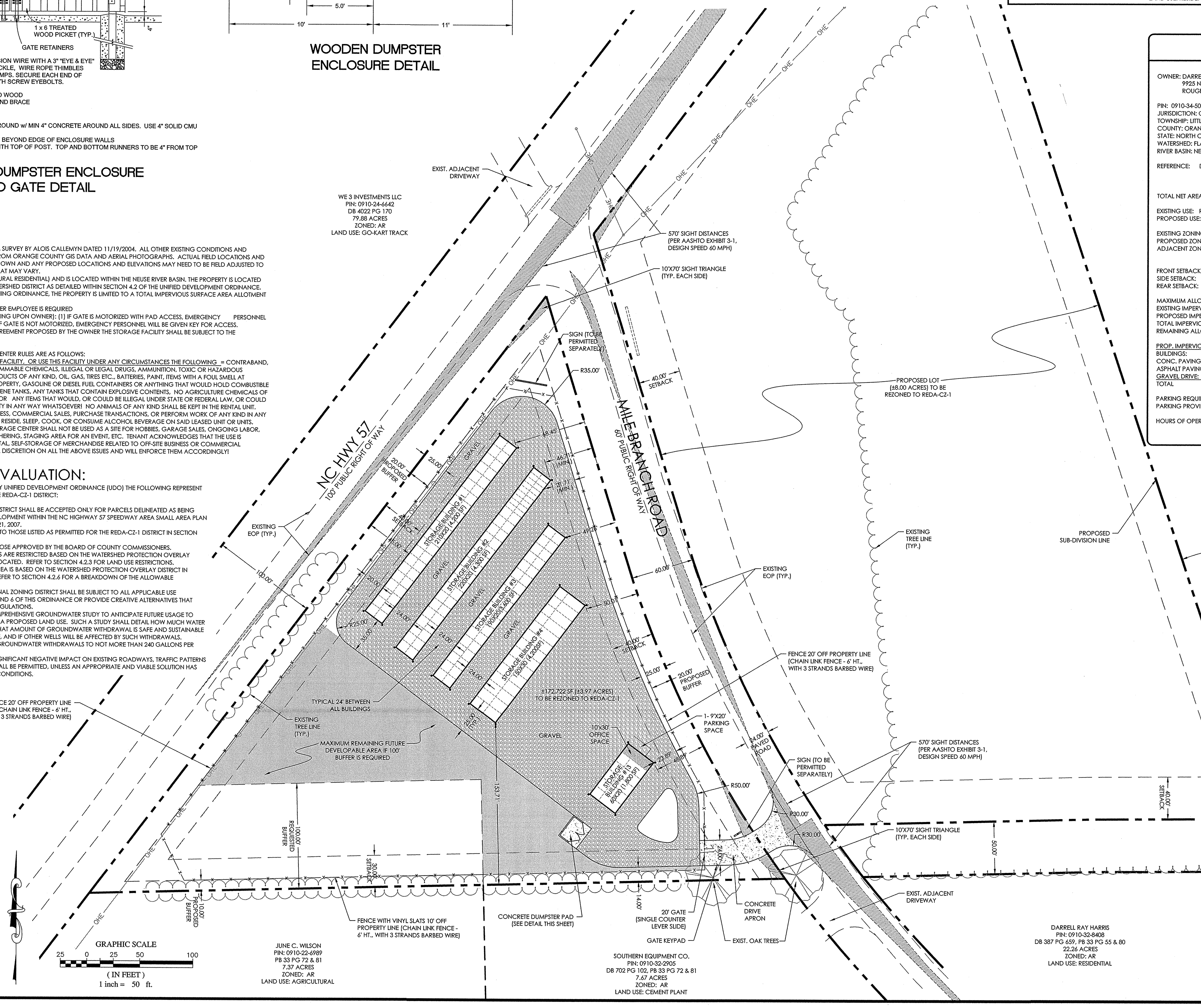
MAXIMUM ALLOWED IMPERVIOUS:	187,578 SF	(12.0%)
EXISTING IMPERVIOUS AREA:	±20,627 SF	(1.32%)
PROPOSED IMPERVIOUS AREA:	76,555 SF	(4.90%)
TOTAL IMPERVIOUS AREA:	97,182 SF	(6.22%)
REMAINING ALLOWED IMPERVIOUS:	90,396 SF	(5.78%)

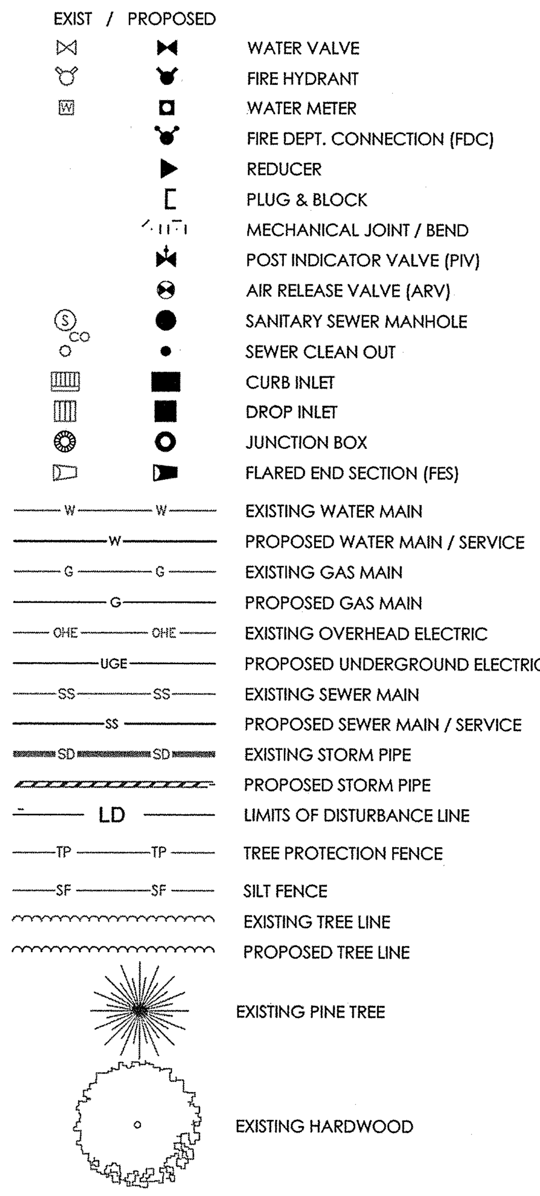
PROP. IMPERVIOUS AREA CALCULATIONS:

BUILDINGS:	18,400 SF	(1.18%)
CONC. PAVING:	1,932 SF	(0.12%)
ASPHALT PAVING:	0 SF	(0.0%)
GRAVEL DRIVE:	56,223 SF	(3.60%)
TOTAL	76,555 SF	(4.90%)

PARKING REQUIRED: 1 SPACE PER EMPLOYEE (PER SECTION 6.9.7)
PARKING PROVIDED: 1 SPACE

HOURS OF OPERATION: 8:00AM - 9:00PM (7 DAYS A WEEK)
SATURDAYS DURING RACE SEASON: 8:00AM - 12:00 MIDNIGHT





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PROJECT MANAGER: CEA
DRAWN BY: KSW
SCALE: 1" = 50'

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NORTH CAROLINA PROFESSIONAL SEAL 036242 ENGINEER CHAD E. ABBOTT 07/11/12

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AFFORDABLE ROUGEMONT SELF-STORAGE - SITE PLANS
MILE BRANCH ROAD - ORANGE COUNTY, NORTH CAROLINA

SITE PLAN - PHASE I

PROJECT NO. 12-0191
DRAWING NAME: 12-0191 S-1
SHEET NO. C-2

GENERAL NOTES:

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6. IN ACCORDANCE WITH THE TENANT AGREEMENT PROPOSED BY THE OWNER THE STORAGE FACILITY SHALL BE SUBJECT TO THE FOLLOWING:

   AFFORDABLE ROUGEMONT STORAGE CENTER RULES ARE AS FOLLOWS:
   TENANT/LESSEE MAY NOT STORE AT THIS FACILITY, OR USE THIS FACILITY UNDER ANY CIRCUMSTANCES THE FOLLOWING = CONTRABAND, WEAPONS, EXPLOSIVES FIREWORKS, FLAMMABLE CHEMICALS, ILLEGAL OR LEGAL DRUGS, AMMUNITION, TOXIC OR HAZARDOUS MATERIALS OR WASTE, PETROLEUM PRODUCTS OF ANY KIND, OIL, GAS, TIRES ETC., BATTERIES, PAINT, ITEMS WITH A FOUL SMELL AT MANAGEMENT DISCRETION, STOLEN PROPERTY, GASOLINE OR DIESEL FUEL CONTAINERS OR ANYTHING THAT WOULD HOLD COMBUSTIBLE LIQUID, PROPANE, OXYGEN, OR ACETYLENE TANKS, ANY TANKS THAT CONTAIN EXPLOSIVE CONTENTS, NO AGRICULTURE CHEMICALS OF ANY KIND, GAS POWERED EQUIPMENT OR ANY ITEMS THAT WOULD, OR COULD BE ILLEGAL UNDER STATE OR FEDERAL LAW, OR COULD DAMAGE THE STORAGE UNIT, OR FACILITY IN ANY WAY WHATSOEVER! NO ANIMALS OF ANY KIND SHALL BE KEPT IN THE RENTAL UNIT. LESSEE SHALL NOT CONDUCT ANY BUSINESS, COMMERCIAL SALES, PURCHASE TRANSACTIONS, OR PERFORM WORK OF ANY KIND IN ANY UNIT WHATSOEVER. TENANT SHALL NOT RESIDE, SLEEP, COOK, OR CONSUME ALCOHOL BEVERAGE ON SAID LEASED UNIT OR UNITS. TENANT ACKNOWLEDGES THAT THIS STORAGE CENTER SHALL NOT BE USED AS A SITE FOR HOBBIES, GARAGE SALES, ONGOING LABOR, BAND PRACTICES, PARTIES, SOCIAL GATHERING, STAGING AREA FOR AN EVENT, ETC. TENANT ACKNOWLEDGES THAT THE USE IS EXCLUSIVELY FOR RESIDENTIAL, INCIDENTAL, SELF-STORAGE OF MERCHANDISE RELATED TO OFF-SITE BUSINESS OR COMMERCIAL ENTERPRISE. MANAGEMENT HOLDS FULL DISCRETION ON ALL THE ABOVE ISSUES AND WILL ENFORCE THEM ACCORDINGLY!

STANDARDS OF EVALUATION:

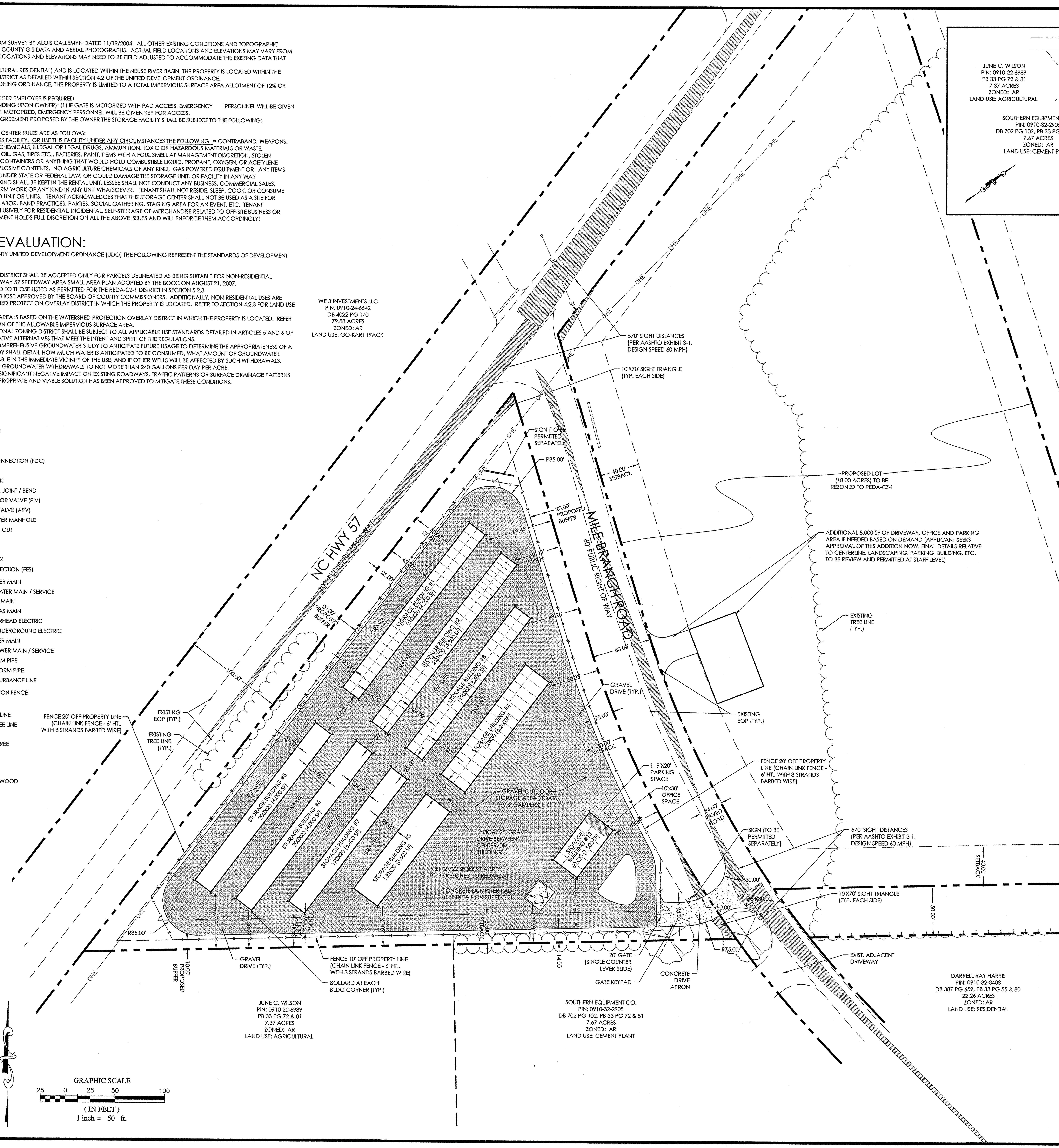
PER SECTION 3.8.3 OF THE ORANGE COUNTY UNIFIED DEVELOPMENT ORDINANCE (UDO) THE FOLLOWING REPRESENT THE STANDARDS OF DEVELOPMENT FOR THE REDA-CZ-1 DISTRICT:

1. APPLICATIONS FOR THE REDA-CA-1 DISTRICT SHALL BE ACCEPTED ONLY FOR PARCELS DELINEATED AS BEING SUITABLE FOR NON-RESIDENTIAL DEVELOPMENT WITHIN THE NC HIGHWAY 57 SPEEDWAY AREA SMALL AREA PLAN ADOPTED BY THE BOCC ON AUGUST 21, 2007.
2. POTENTIAL USES SHALL BE RESTRICTED TO THOSE LISTED AS PERMITTED FOR THE REDA-CZ-1 DISTRICT IN SECTION 5.2.3.
3. SPECIFIC USES SHALL BE LIMITED TO THOSE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS. ADDITIONALLY, NON-RESIDENTIAL USES ARE RESTRICTED BASED ON THE WATERSHED PROTECTION OVERLAY DISTRICT IN WHICH THE PROPERTY IS LOCATED. REFER TO SECTION 4.2.3 FOR LAND USE RESTRICTIONS.
4. ALLOWABLE IMPERVIOUS SURFACE AREA IS BASED ON THE WATERSHED PROTECTION OVERLAY DISTRICT IN WHICH THE PROPERTY IS LOCATED. REFER TO SECTION 4.2.6 FOR A BREAKDOWN OF THE ALLOWABLE IMPERVIOUS SURFACE AREA.
5. DEVELOPMENT WITHIN THE CONDITIONAL ZONING DISTRICT SHALL BE SUBJECT TO ALL APPLICABLE USE STANDARDS DETAILED IN ARTICLES 5 AND 6 OF THIS ORDINANCE OR PROVIDE CREATIVE ALTERNATIVES THAT MEET THE INTENT AND SPIRIT OF THE REGULATIONS.
6. APPLICANTS SHALL COMPLETE A COMPREHENSIVE GROUNDWATER STUDY TO ANTICIPATE FUTURE USAGE TO DETERMINE THE APPROPRIATENESS OF A PROPOSED LAND USE. SUCH A STUDY SHALL DETAIL HOW MUCH WATER IS ANTICIPATED TO BE CONSUMED, WHAT AMOUNT OF GROUNDWATER WITHDRAWAL IS SAFE AND SUSTAINABLE IN THE IMMEDIATE VICINITY OF THE USE, AND IF OTHER WELLS WILL BE AFFECTED BY SUCH WITHDRAWALS.
7. ALL NEW DEVELOPMENT SHALL LIMIT GROUNDWATER WITHDRAWALS TO NOT MORE THAN 240 GALLONS PER DAY PER ACRE.
8. NO NEW DEVELOPMENT HAVING A SIGNIFICANT NEGATIVE IMPACT ON EXISTING ROADWAYS, TRAFFIC PATTERNS OR SURFACE DRAINAGE PATTERNS SHALL BE PERMITTED, UNLESS AN APPROPRIATE AND VIABLE SOLUTION HAS BEEN APPROVED TO MITIGATE THESE CONDITIONS.

LEGEND:

EXIST / PROPOSED

- WATER VALVE
- FIRE HYDRANT
- WATER METER
- FIRE DEPT. CONNECTION (FDC)
- REDUCER
- PLUG & BLOCK
- MECHANICAL JOINT / BEND
- POST INDICATOR VALVE (PIV)
- AIR RELEASE VALVE (ARV)
- SANITARY SEWER MANHOLE
- SEWER CLEAN OUT
- CURB INLET
- DROP INLET
- JUNCTION BOX
- FLARED END SECTION (FES)
- EXISTING WATER MAIN
- PROPOSED WATER MAIN / SERVICE
- EXISTING GAS MAIN
- PROPOSED GAS MAIN
- EXISTING OVERHEAD ELECTRIC
- PROPOSED UNDERGROUND ELECTRIC
- EXISTING SEWER MAIN
- PROPOSED SEWER MAIN / SERVICE
- EXISTING STORM PIPE
- PROPOSED STORM PIPE
- LIMITS OF DISTURBANCE LINE
- TREE PROTECTION FENCE
- SILT FENCE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- EXISTING PINE TREE
- EXISTING HARDWOOD



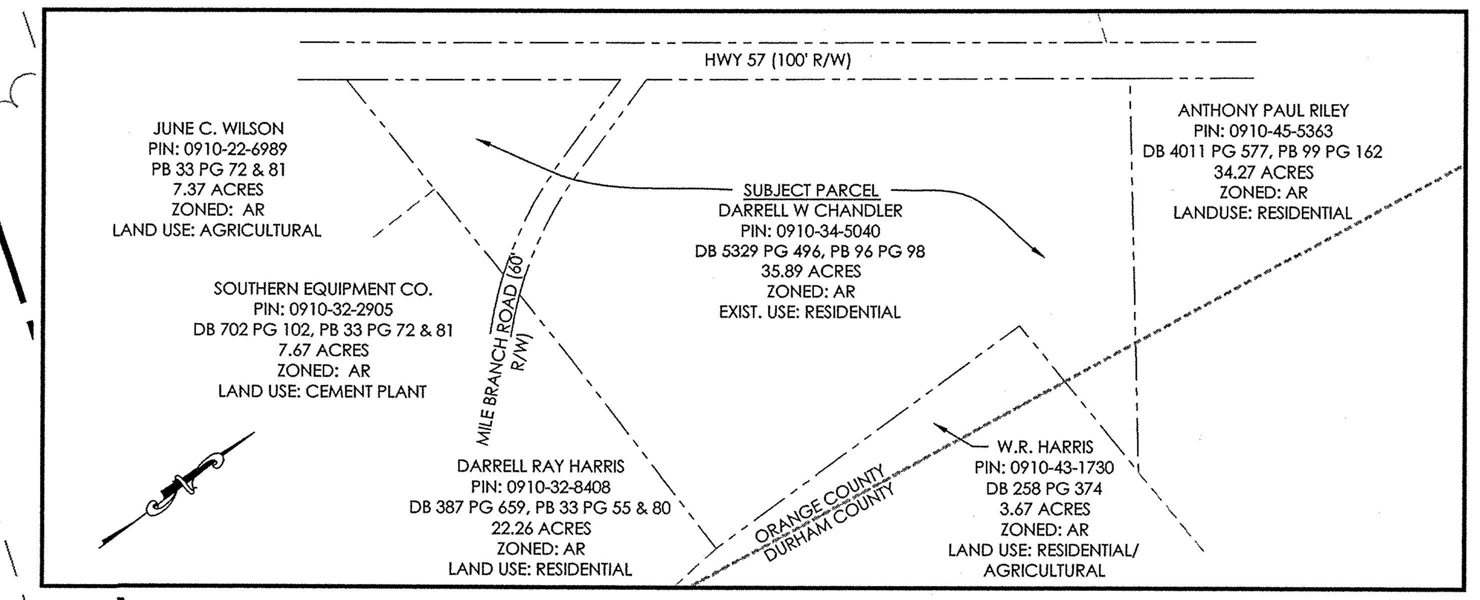


EXHIBIT A
SCALE: 1"=250'

SITE INFORMATION

OWNER: DARRELL W CHANDLER
9925 NC HWY 57
ROUGEMONT, NC 27572

PIN: 0910-34-5040
JURISDICTION: ORANGE COUNTY
TOWNSHIP: LITTLE RIVER
COUNTY: ORANGE
STATE: NORTH CAROLINA
WATERSHED: FLAT RIVER (PROTECTED)
RIVER BASIN: NEUSE

REFERENCE: DB 5329 PG 496, PB 96 PG 98

±1,390,432 SF (±31.92 AC) - LOT AREA NORTH OF MILE BRANCH ROAD)
± 172,722 SF (±3.97 AC) - LOT AREA SOUTH OF MILE BRANCH ROAD)
TOTAL NET AREA: ±1,563,154 SF (±35.89 AC)

EXISTING USE: RESIDENTIAL
PROPOSED USE: SELF STORAGE

EXISTING ZONING: AR (35.89 AC.)
PROPOSED ZONING: REDA-CZ-1 (11.97 AC) RESIDENTIAL PROPERTY (23.92 AC - AR)
ADJACENT ZONING: AR

	REQUIRED	PROPOSED
FRONT SETBACK:	40'	45.00'
SIDE SETBACK:	30'	34.45'
REAR SETBACK:	30'	N/A

MAXIMUM ALLOWED IMPERVIOUS:	187,578 SF	(12.0%)
EXISTING IMPERVIOUS AREA:	20,627 SF	(1.32%)
PROPOSED IMPERVIOUS AREA PHI-A:	136,133 SF	(8.71%)
CURRENT TOTAL IMPERVIOUS AREA:	156,760 SF	(10.03%)
REMAINING ALLOWED IMPERVIOUS:	30,818 SF	(1.97%)

PROP. IMPERVIOUS AREA CALCULATIONS:

BUILDINGS:	33,100 SF	(2.12%)
CONC. PAVING:	1,428 SF	(0.09%)
CONC. DUMPSTER PAD:	504 SF	(0.03%)
GRAVEL DRIVE:	96,101 SF	(6.15%)
ADDITIONAL OFFICE/DRIVE:	5,000SF	(0.32%)
TOTAL	136,133 SF	(8.71%)

PARKING REQUIRED: 1 SPACE PER EMPLOYEE (PER SECTION 6.9.7)
PARKING PROVIDED: 1 SPACE

HOURS OF OPERATION: 8:00AM - 9:00PM (7 DAYS A WEEK)
SATURDAYS DURING RACE SEASON: 8:00AM - 12:00 MIDNIGHT

811
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PROJECT ENGINEER/ARCHITECT: CEA
PROJECT MANAGER: CEA
DRAWN BY: KSW
SCALE: 1" = 50'

NOT FOR CONSTRUCTION
NORTH CAROLINA PROFESSIONAL SEAL 036242 ENGINEER CHAD E. ABBOTT 09/11/12

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AFFORDABLE ROUGEMONT SELF-STORAGE - SITE PLANS

MILE BRANCH ROAD - ORANGE COUNTY, NORTH CAROLINA

SITE PLAN - PHASE I-A

PROJECT NO.: 12-0191
DRAWING NAME: 12-0191 S-1
SHEET NO.: C-3

GENERAL NOTES:

1. BOUNDARY INFORMATION TAKEN FROM SURVEY BY ALOIS CALLEMYN DATED 11/19/2004. ALL OTHER EXISTING CONDITIONS AND TOPOGRAPHIC INFORMATION TAKEN FROM ORANGE COUNTY GIS DATA AND AERIAL PHOTOGRAPHS. ACTUAL FIELD LOCATIONS AND ELEVATIONS MAY VARY FROM THOSE SHOWN AND ANY PROPOSED LOCATIONS AND ELEVATIONS MAY NEED TO BE FIELD ADJUSTED TO ACCOMMODATE THE EXISTING DATA THAT MAY VARY.
2. THIS PROPERTY IS ZONED AR (AGRICULTURAL RESIDENTIAL) AND IS LOCATED WITHIN THE NEUSE RIVER BASIN. THE PROPERTY IS LOCATED WITHIN THE FLAT RIVER PROTECTED WATERSHED DISTRICT AS DETAILED WITHIN SECTION 4.2 OF THE UNIFIED DEVELOPMENT ORDINANCE.
3. PER SECTION 4.2.5 OF THE ORANGE ZONING ORDINANCE, THE PROPERTY IS LIMITED TO A TOTAL IMPERVIOUS SURFACE AREA ALLOTMENT OF 12% OR 187,578 SF.
4. PER SECTION 6.9.7 - 1 PARKING SPACE PER EMPLOYEE IS REQUIRED
5. EMERGENCY VEHICLE ACCESS (DEPENDING UPON OWNER): (1) IF GATE IS MOTORIZED WITH PAD ACCESS, EMERGENCY PERSONNEL WILL BE GIVEN CODE FOR ACCESS. (2) IF GATE IS NOT MOTORIZED, EMERGENCY PERSONNEL WILL BE GIVEN KEY FOR ACCESS.
6. IN ACCORDANCE WITH THE TENANT AGREEMENT PROPOSED BY THE OWNER THE STORAGE FACILITY SHALL BE SUBJECT TO THE FOLLOWING:

   AFFORDABLE ROUGEMONT STORAGE CENTER RULES ARE AS FOLLOWS:
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LEGEND:

EXIST / PROPOSED

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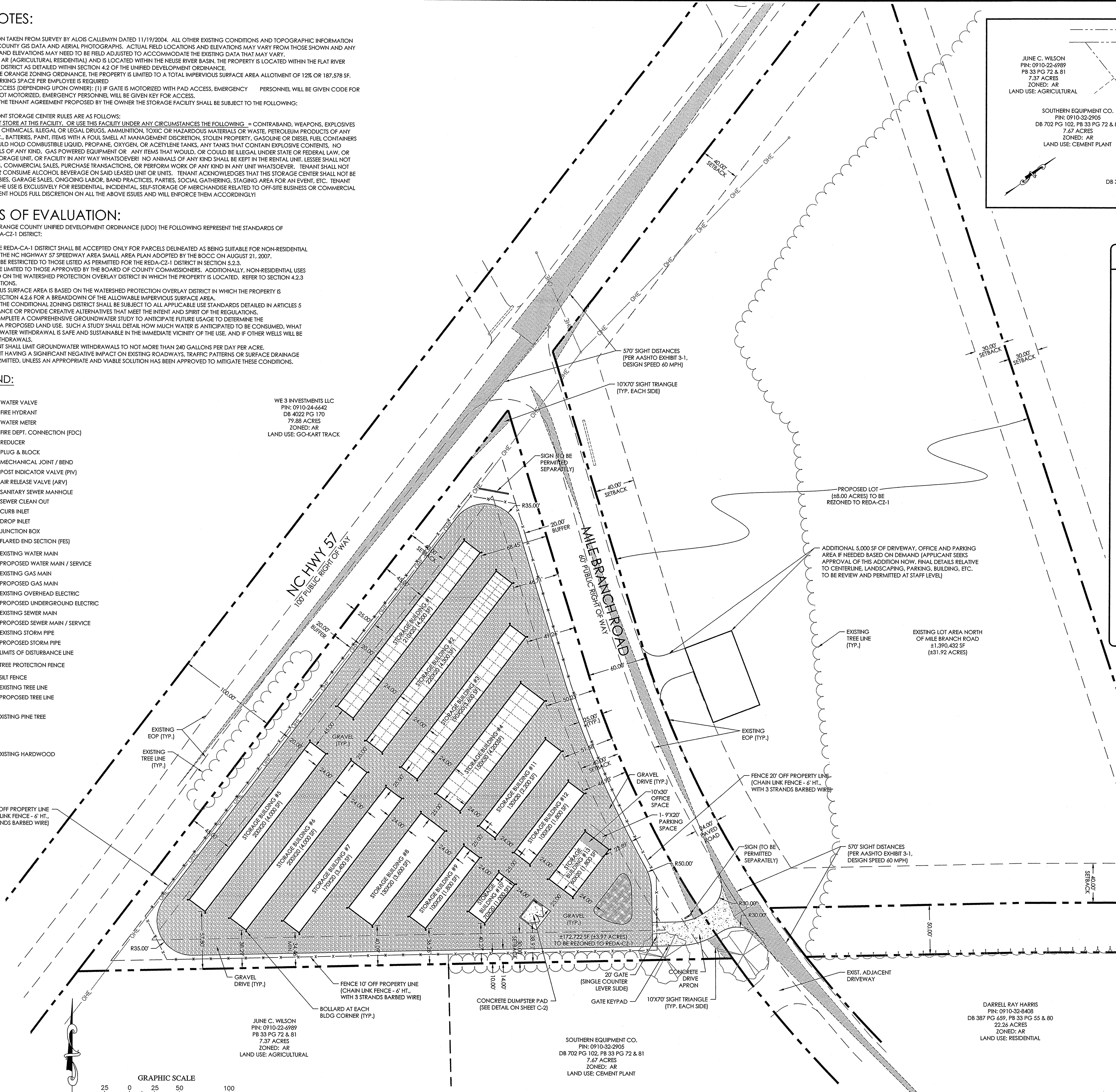
- REDUCER
- PLUG & BLOCK
- MECHANICAL JOINT / BEND
- POST INDICATOR VALVE (PIV)
- AIR RELEASE VALVE (ARV)
- SANITARY SEWER MANHOLE
- SEWER CLEAN OUT
- CURB INLET
- DROP INLET
- JUNCTION BOX
- FLARED END SECTION (FES)
- EXISTING WATER MAIN
- PROPOSED WATER MAIN / SERVICE
- EXISTING GAS MAIN
- PROPOSED GAS MAIN
- EXISTING OVERHEAD ELECTRIC
- PROPOSED UNDERGROUND ELECTRIC
- EXISTING SEWER MAIN
- PROPOSED SEWER MAIN / SERVICE
- EXISTING STORM PIPE
- PROPOSED STORM PIPE
- LD — LIMITS OF DISTURBANCE LINE
- TREE PROTECTION FENCE
- SILT FENCE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- EXISTING PINE TREE
- EXISTING HARDWOOD



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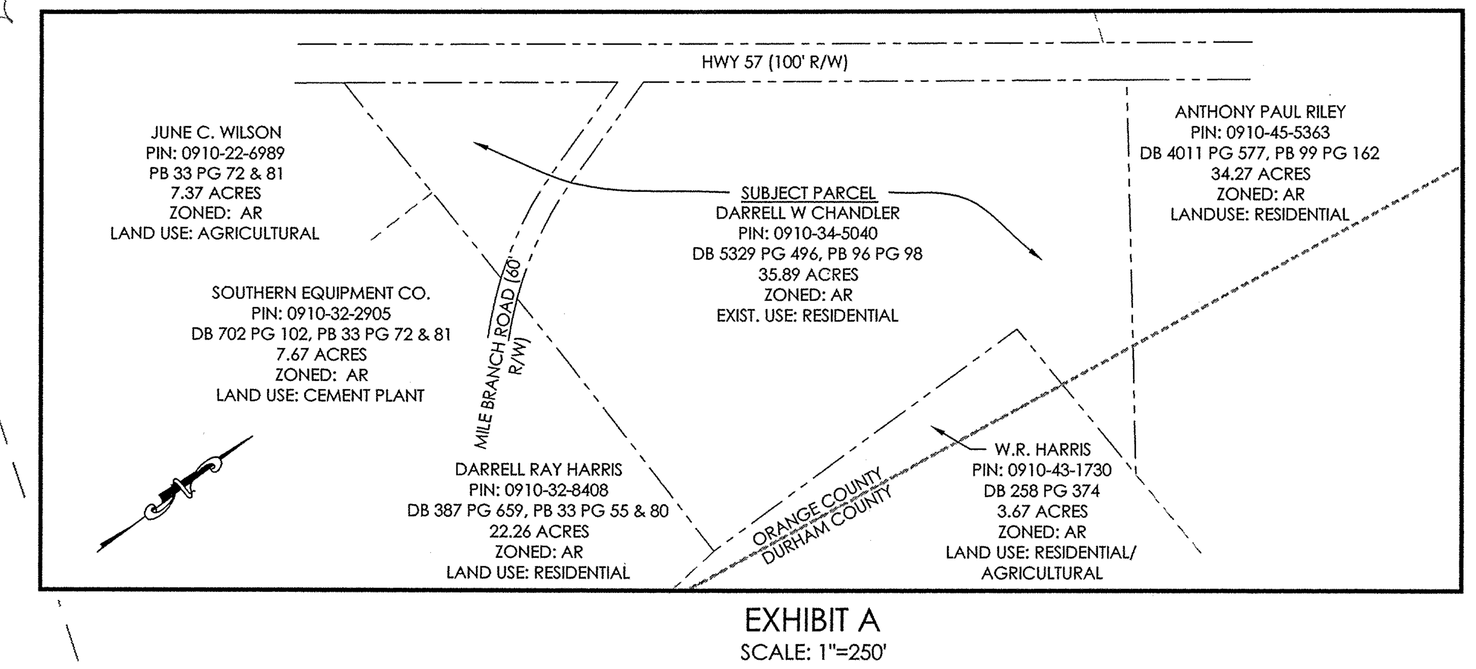

EXHIBIT A
SCALE: 1"=250'

SITE INFORMATION

OWNER: DARRELL W CHANDLER
9925 NC HWY 57
ROUGEMONT, NC 27572

PIN: 0910-34-5040
JURISDICTION: ORANGE COUNTY
TOWNSHIP: LITTLE RIVER
COUNTY: ORANGE
STATE: NORTH CAROLINA
WATERSHED: FLAT RIVER (PROTECTED)
RIVER BASIN: NEUSE

REFERENCE: DB 5329 PG 496, PB 96 PG 98

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± 172,722 SF (±3.97 AC) - LOT AREA SOUTH OF MILE BRANCH ROAD)
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PROPOSED ZONING: REDA-CZ-1 (11.97 AC) RESIDENTIAL PROPERTY (23.92AC - AR)
ADJACENT ZONING: AR

	REQUIRED	PROPOSED
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SIDE SETBACK:	30'	34.46' (MIN.)
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EXISTING IMPERVIOUS AREA:	20,627 SF	(1.32%)
PROPOSED IMPERVIOUS AREA PHI-A:	136,133 SF	(8.71%)
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REMAINING ALLOWED IMPERVIOUS:	30,818 SF	(1.97%)

PROP. IMPERVIOUS AREA CALCULATIONS:		
BUILDINGS:	39,900 SF	(2.55%)
CONC. PAVING:	1,428 SF	(0.09%)
CONC. DUMPSTER PAD:	504 SF	(0.03%)
GRAVEL DRIVE:	89,301 SF	(5.71%)
ADDITIONAL OFFICE/DRIVE:	5,000SF	(0.32%)
TOTAL	136,133 SF	(8.71%)

PARKING REQUIRED: 1 SPACE PER EMPLOYEE (PER SECTION 6.9.7)
PARKING PROVIDED:

HOURS OF OPERATION: 8:00AM - 9:00PM (7 DAYS A WEEK)
SATURDAYS DURING RACE SEASON: 8:00AM - 12:00 MIDNIGHT

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PROJECT ENGINEER/ARCHITECT: CEA
PROJECT MANAGER: CEA
DRAWN BY: KSW
SCALE: 1" = 50'

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AFFORDABLE ROUGEMONT SELF-STORAGE - SITE PLANS

MILE BRANCH ROAD - ORANGE COUNTY, NORTH CAROLINA

SITE PLAN - PHASE II

PROJECT NO.: 12-0191
DRAWING NAME: 12-0191 S-1
SHEET NO.: C-4

GENERAL NOTES:

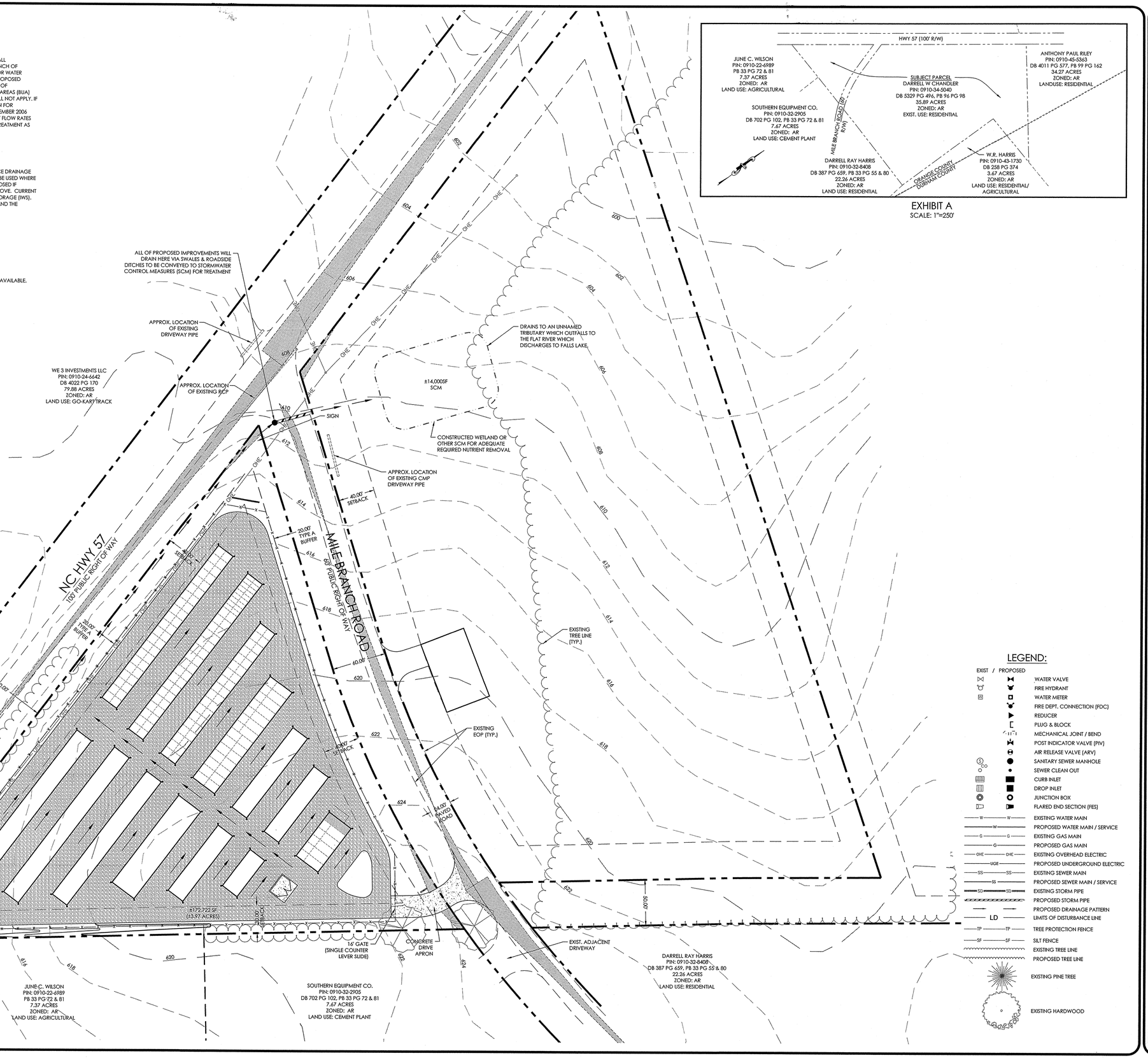
THE SUBJECT PARCEL IS LOCATED WITHIN THE FLAT RIVER PROTECTED WATERSHED AND THE NEUSE RIVER BASIN.
STORMWATER REQUIREMENTS:
CURRENT ORANGE COUNTY STANDARDS REFLECT THE GOALS OF 15A NCAC 02B.0277 AND REQUIRE ALL COMMERCIAL SITES WITH DISTURBANCE OVER 12,000SF FOR IMPERVIOUS SURFACES TO TREAT THE 1ST INCH OF STORMWATER RUNOFF FOR NITROGEN AND PHOSPHORUS TO 2.2 AND 0.3 LBS/AC/YR RESPECTIVELY FOR WATER QUALITY PURPOSES. PRIOR TO USING A LAND BANK OR DONOR PARCEL, A MINIMUM OF 30-50% OF PROPOSED INCREASE IN NUTRIENT EXPORTS SHALL BE TREATED ON-SITE VIA SCM'S DEPENDING UPON THE AMOUNT OF DISTURBANCE. HOWEVER, IF THE PROPOSED IMPERVIOUS SURFACES EXPAND OR REPLACE BUILT UPON AREAS (BUA) THAT EXISTING PRIOR TO DECEMBER 2006 AND IS WITH OUT A NET INCREASE THESE REQUIREMENTS SHALL NOT APPLY. IF A NET INCREASE IS REALIZED, THEN THE DEVELOPMENT CAN OPT TO ACHIEVE 40% AND 77% REDUCTION FOR NITROGEN AND PHOSPHORUS RESPECTIVELY FROM THE INCREASE IN NUTRIENT EXPORT FROM THE DECEMBER 2006 BASELINE EXPORTS. FOR WATER QUANTITY, THE 1 YEAR STORM WILL BE REDUCED TO PRE-DEVELOPMENT FLOW RATES AS REQUIRED BY THE ORANGE COUNTY STORMWATER REGULATIONS IF THE DEVELOPMENT REQUIRES TREATMENT AS LISTED ABOVE.

STORMWATER MANAGEMENT PROVISIONS:

ROOF AND SURFACE DRAINAGE WILL BE CONVEYED TO THE EAST AND NORTH AS SHOWN ON THE PLANS. SURFACE DRAINAGE WILL BE USED TO CONVEYED ALL STORMWATER TO THE GREATEST EXTENT POSSIBLE. SUBSURFACE DRAINAGE WILL BE USED WHERE WARRANTED. EXISTING PIPE AT NC HWY 57 WILL BE ANALYZED FOR CAPACITY AND A REPLACEMENT PIPE IS PROPOSED IF NECESSARY TO CONVEY STORMWATER TO SCM FOR TREATMENT IN ACCORDANCE WITH REQUIREMENTS LISTED ABOVE. CURRENT NUTRIENT REDUCTION VALUES ARE BASED ON A 14,000SF MINIMUM BIORETENTION BASIN WITH INTERNAL WATER STORAGE (IWS). A WETLAND IS PREFERABLE, HOWEVER CREDITS FOR NUTRIENT REMOVAL MAY NOT MEET CURRENT TARGET RATES AND THE BIORETENTION WITH IWS MAY BE THE MOST FEASIBLE OPTION TO PREVENT THE USE OF MULTIPLE SCM'S IN SERIES.

	PRE	POST	TREATED POST
IMPERVIOUS AREAS (SF)	23,810	159,802	135,492
1 YEAR STORM	35.2	46.11	≤35.20*
NITROGEN	1.35	2.53	2.08**
PHOSPHORUS	0.26	0.54	0.41

*DEPENDING UPON FINAL APPROVAL OF SCM'S (STORMWATER CONTROL MEASURES) HOWEVER THE CAPACITY IS AVAILABLE.
**IF ALL OF NEW DEVELOPMENT & ROW DRAINING TO SCM (WETLAND) IS TREATED.



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AFFORDABLE ROUGEMONT SELF-STORAGE - SITE PLANS

MILE BRANCH ROAD - ORANGE COUNTY, NORTH CAROLINA

GRADING & STORM DRAINAGE PLAN

PROJECT NO.
12-0191
DRAWING NAME:
12-0191 G-1
SHEET NO.
C-5

TREE PLANTING AND STAKING

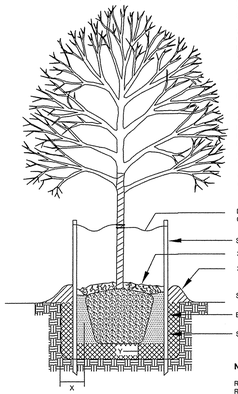
STAKING - TREES WILL BECOME STRONGER FASTER WHEN THE TOP 2/3 OF THE TREE IS FREE TO SWAY. TIE THE TRUNK LOOSELY WITH WIDE STRIPS OF RUBBER OR CLOTH ABOUT 1/3 UP THE TRUNK AND TIE TO THREE STAKES POSITIONED EVENLY AROUND THE TRUNK. STAKES SHOULD BE DRIVEN DEEPLY INTO THE GROUND TO PREVENT DISLODGING. CHECK AT LEAST EVERY THREE MONTHS FOR BINDING OR OTHER PROBLEMS. STAKES AND TIES SHOULD BE REMOVED SIX MONTHS TO ONE YEAR AFTER PLANTING.

WRAPPING - WRAP ONLY THIN BARKED TREES IF THEY HAVE BEEN REMOVED FROM SHADE TO WHERE THE TRUNK IS EXPOSED TO DIRECT SUNLIGHT DURING THE DAY. WRAPPING SHOULD BEGIN AT THE BOTTOM AND WORK UP. WRAPPING MATERIAL SHOULD NOT TRAP OR HOLD WATER.

PRUNING - CLEANLY PRUNE DAMAGED BRANCHES AND ROOTS AT THIS TIME. ADDITIONAL PRUNING SHOULD BE ONLY FOR SHAPING PURPOSES.

PLANTING - ALL SYNTHETIC MATERIALS SHALL BE CLEARED FROM THE ROOTS, TRUNK AND CROWN OF THE PLANT. THE ROOT BALL MEDIUM SHOULD BE SHAKEN GENTLY FROM THE ROOT BALL IF IT IS A SOILESS MIXTURE. LOOSEN AND SPREAD THE ROOTS IN THE PLANTING HOLE. DAMAGED ROOTS AND ROOTS WHICH ENCIRCLE THE TRUNK SHOULD BE CLEANLY PRUNED. SET THE PLANT SO THAT IT WILL BE AT ITS ORIGINAL DEPTH OR SLIGHTLY ABOVE EXISTING GRADE. BACKFILL WITH SOIL FROM THE HOLE. TAMP AND WATER THE SOIL TO PREVENT AIR POCKETS. DO NOT AMEND THE SOIL AT THIS POINT EXCEPT TO AMEND THE PH.

WATERING - THE BACKFILL AND ROOTS OF ALL NEWLY SET PLANTS SHOULD BE WATERED AS BACKFILLING IS BEING DONE SO THAT THE SOIL AND ROOTS ARE THOROUGHLY SOAKED.



SCHEDULE FOR PLANT HOLE SIZE

BARE ROOT, CONTAINER OR BALL SIZE	X	Y
5" TO 30"	8"	4"
30" OR GREATER	12"	6"

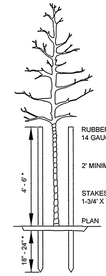
NOTES

REMOVE BURLAP FROM TOP OF ROOT BALL BEFORE BACKFILLING AROUND BALL IS COMPLETED

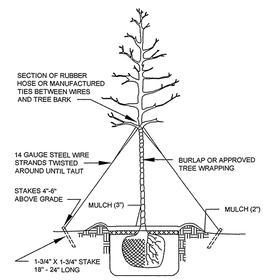
ALL TREES WHICH ARE SMOOTH BARKED AT THE TIME OF PLANTING AND HAVE MORE THAN 2" OF CLEAR TRUNK SHALL BE WRAPPED

ALL TREE WRAPPING SHALL EXTEND FROM THE TOP OF THE BACKFILL TO THE LOWERMOST TREE BRANCHES

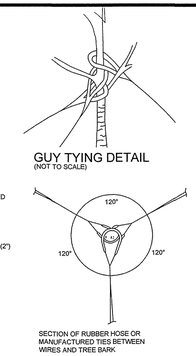
TREE PLANTING AND STAKING DETAIL



STAKING DIAGRAM
FOR TREES 6' TO 10' LARGER
(NOT TO SCALE)



TREE GUYING DIAGRAM
FOR TREES 10' OR LARGER
(NOT TO SCALE)



GUY SPACING DETAIL
(NOT TO SCALE)

GENERAL NOTES:

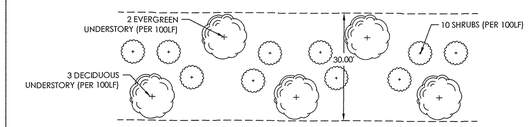
1. A 20' TYPE A MODIFIED BUFFER IS PROPOSED ALONG NC HWY 57 & MILE BRANCH RD.
2. A 10' EVERGREEN BUFFER IS PROPOSED ALONG JUNE C. WILSON PROPERTY.
3. LIGHTS WILL OPERATE DURING NORMAL BUSINESS HOURS:
   8 AM - 9 PM 7 DAYS / WEEK
   SATURDAY NIGHTS DURING RACE SEASON OPEN UNTIL 12 MIDNIGHT
4. PROPOSED BUILDING MOUNTED LIGHT FIXTURES WILL BE INSTALLED AND MAINTAINED BY OWNERS. A FORMAL LIGHTING PLAN MEETING ORANGE COUNTY STANDARDS SHALL BE SUBMITTED AND APPROVED BY ORANGE COUNTY PRIOR TO ISSUANCE OF A C/O.

REQUESTED BUFFERS:

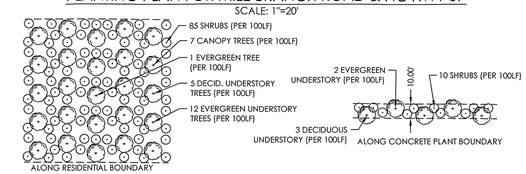
ROAD BUFFERS:
30' WIDE TYPE B BUFFER
3 DECIDUOUS UNDERSTORY TREES PER 100LF OF FRONTAGE
2 EVERGREEN UNDERSTORY TREES PER 100LF OF FRONTAGE
10 SHRUBS PER 100 LF OF FRONTAGE
HWY 57: 711 LF / 100 = 21 DECIDUOUS TREES, 14 EVERGREEN TREES & 71 SHRUBS
MILE BRANCH: 601 LF / 100 = 18 DECIDUOUS TREES, 12 EVERGREEN TREES & 60 SHRUBS

SOUTHERN PROPERTY LINE:
100' WIDE TYPE F BUFFER (ALONG RESIDENTIAL PROPERTY BOUNDARY)
7 CANOPY TREES PER 100 LF OF FRONTAGE
1 EVERGREEN TREES PER 100LF OF FRONTAGE
5 DECIDUOUS UNDERSTORY TREES PER 100LF OF FRONTAGE
12 EVERGREEN UNDERSTORY TREES PER 100 LF OF FRONTAGE
85 SHRUBS PER 100 LF OF FRONTAGE
371 LF / 100 = 26 CANOPY TREES, 4 EVERGREEN TREES, 18 DECIDUOUS UNDERSTORY TREES, 44 EVERGREEN UNDERSTORY TREES, 315 SHRUBS

SOUTHERN PROPERTY LINE:
10' WIDE TYPE B BUFFER
3 DECIDUOUS UNDERSTORY TREES PER 100LF OF FRONTAGE
2 EVERGREEN UNDERSTORY TREES PER 100LF OF FRONTAGE
10 SHRUBS PER 100 LF OF FRONTAGE
285 LF / 100 = 8 DECIDUOUS TREES, 6 EVERGREEN TREES & 85 SHRUBS



TYP. ORANGE COUNTY REQUESTED 30' TYPE B BUFFER PLANTING PLAN FOR MILE BRANCH ROAD & NC HWY 57
SCALE: 1"=20'

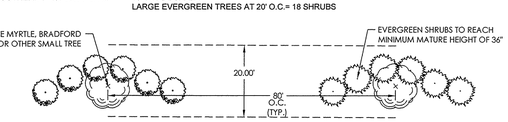


TYP. ORANGE COUNTY REQUESTED BUFFER PLANTING PLAN FOR SOUTHERN PROPERTY BOUNDARY
SCALE: 1"=50'

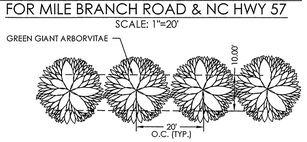
PROPOSED BUFFERS (AS SHOWN):

ROAD BUFFERS:
20' WIDE BUFFER
1 TREE & 6 SHRUBS AT 80 O.C
HWY 57 = 7 TREES & 45 SHRUBS
MILE BRANCH = 4 TREES & 24 SHRUBS

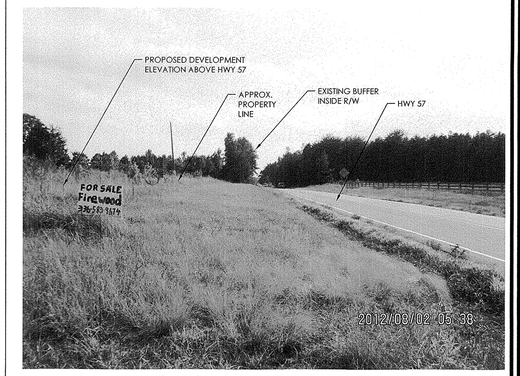
SOUTHERN PROPERTY LINE:
10' WIDE BUFFER
LARGE EVERGREEN TREES AT 20' O.C.= 18 SHRUBS



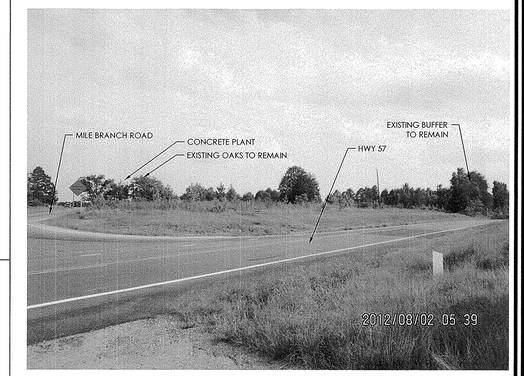
TYP. PROPOSED 20' BUFFER PLANTING PLAN FOR MILE BRANCH ROAD & NC HWY 57
SCALE: 1"=20'



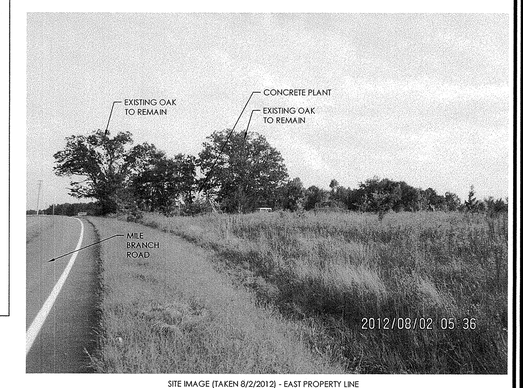
TYP. PROPOSED 10' BUFFER PLANTING PLAN FOR SOUTHERN RESIDENTIAL BOUNDARY
SCALE: 1"=20'



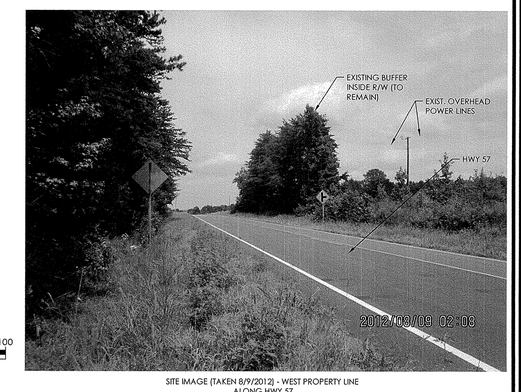
SITE IMAGE (TAKEN 8/2/2012) - NORTH PROPERTY CORNER



SITE IMAGE (TAKEN 8/2/2012) - NORTH PROPERTY CORNER



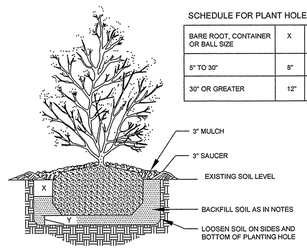
SITE IMAGE (TAKEN 8/2/2012) - EAST PROPERTY LINE ALONG MILE BRANCH ROAD



SITE IMAGE (TAKEN 8/9/2012) - WEST PROPERTY LINE ALONG HWY 57

SCHEDULE FOR PLANT HOLE SIZE

BARE ROOT, CONTAINER OR BALL SIZE	X	Y
5" TO 30"	8"	4"
30" OR GREATER	12"	6"



SHRUB PLANTING NOTES

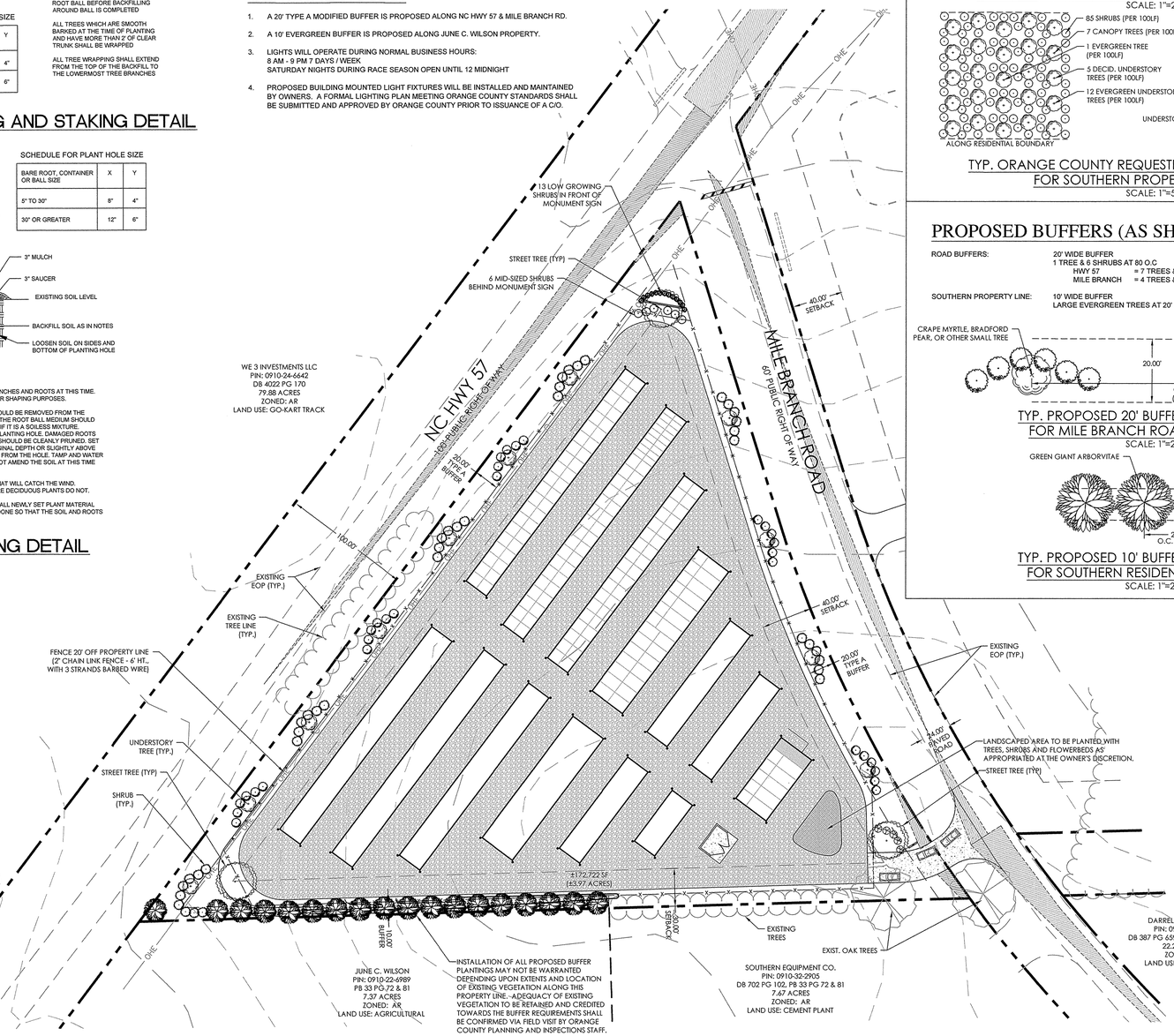
PRUNING - CLEANLY PRUNE DAMAGED BRANCHES AND ROOTS AT THIS TIME. ADDITIONAL PRUNING SHOULD BE ONLY FOR SHAPING PURPOSES.

PLANTING - ALL SYNTHETIC MATERIALS SHOULD BE REMOVED FROM THE ROOTS, TRUNK OR CROWN OF THE PLANT. THE ROOT BALL MEDIUM SHOULD BE SHAKEN GENTLY FROM THE ROOT BALL IF IT IS A SOILESS MIXTURE. LOOSEN AND SPREAD THE ROOTS IN THE PLANTING HOLE. DAMAGED ROOTS AND ROOTS WHICH ENCIRCLE THE TRUNK SHOULD BE CLEANLY PRUNED. SET THE PLANT SO THAT IT WILL BE AT ITS ORIGINAL DEPTH OR SLIGHTLY ABOVE THE EXISTING GRADE. BACKFILL WITH SOIL FROM THE HOLE. TAMP AND WATER THE SOIL TO PREVENT AIR POCKETS. DO NOT AMEND THE SOIL AT THIS TIME EXCEPT TO ADJUST THE PH.

STAKING - STAKE ONLY LARGER PLANTS THAT WILL CATCH THE WIND. EVERGREENS MAY NEED ATTENTION WHERE DECIDUOUS PLANTS DO NOT.

WATERING - THE BACKFILL AND ROOTS OF ALL NEWLY SET PLANT MATERIAL SHOULD BE WATERED AS BACKFILLING IS DONE SO THAT THE SOIL AND ROOTS ARE THOROUGHLY SOAKED.

SHRUB PLANTING DETAIL



811
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Call before you dig.

7	6	5	4	3	2	1	REVISIONS	DATE	BY

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PROJECT MANAGER
CEA
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AFFORDABLE ROUGEMONT SELF-STORAGE - SITE PLANS
MILE BRANCH ROAD - ORANGE COUNTY, NORTH CAROLINA

LANDSCAPING PLAN

PROJECT NO.
12-0191
DRAWING NAME:
12-0191 L-1
SHEET NO.
C-6

Michael Harvey

From: Terry Hackett
Sent: Wednesday, September 05, 2012 9:20 AM
To: 'Kelly Sue Woody'; Michael Harvey
Cc: Chad Abbott
Subject: RE: 12-0191 Affordable Rougemont Self Storage

Kelly,

Thank you for your updated submittal for the proposed Affordable Rougement Self Storage project. Based on this updated submittal, the project is proposing to convey stormwater from the proposed self-storage buildings and other impervious surfaces underneath Mile Branch Road to a proposed engineered stormwater control device or "best management practice" (BMP). The proposed BMP is a 10,000 square foot bioretention cell with internal water storage.

Your submittal also included preliminary nutrient calculations. With the addition of the bioretention it appears that stormwater nutrient loadings will be met. The bioretention should also meet the peak flow and total suspended solid reduction requirements. Therefore, I believe the updated proposal will meet Orange County's stormwater requirements as outlined in Section 6.14 of our Unified Development Ordinance.

However, please understand that this is a preliminary review. A detailed stormwater management plan, as well as an erosion control plan submittal will be required once the project has been finalized. At that time county erosion control/stormwater staff will complete a detailed review.

We look forward to working on this project with you as things progress. If you need any additional information from me, please let me know.

Thanks,

Terry

Terry L. Hackett
Stormwater Resource Officer
Erosion Control Divsion
Orange County Planning & Inspections Department
131 W. Margaret Lane
Hillsborough, NC 27278
919-245-2588

From: Kelly Sue Woody [mailto:kellysue.woody@summit-engineer.com]
Sent: Friday, August 31, 2012 2:40 PM
To: Terry Hackett
Cc: Chad Abbott
Subject: 12-0191 Affordable Rougemont Self Storage

Terry,

Attached is the Grading & Storm Drainage plan for "Affordable Rougemont Self Storage". Please note that the plan has been revised since your last issued comments. Let us know if you have any new comments otherwise please provide a revised memo noting that all comments have been addressed to Mr. Harvey. We will be happy to discuss continued concerns with you if needed.

Thanks for your help,

Kelly Sue Woody
Civil Designer, Land Development Branch
Phone: (919) 732-3883
Fax: (919) 732-6676

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Michael Harvey

From: David Sykes
Sent: Wednesday, September 12, 2012 9:21 AM
To: Michael Harvey
Subject: chandler self storage

Michael,
I have reviewed the latest plan for the Chandler storage facility. The access roads throughout the property meet the width requirements that are required by the fire code. The revised plan does include an increase in turning radius for the access road around the outside of the storage facility. I have also been advised there will be a key pad at the gate for 24 hour access to the facility. All questions regarding emergency response and access have answered to my satisfaction. Thanks.

David Sykes
Assistant Fire Marshal
Orange County Emergency Services
510 Meadowlands Drive
Hillsborough, NC 27278

Office: (919)245-6125
Cell: (919)537-2148
Fax: (919)732-8130
Email: dsykes@co.orange.nc.us

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 7-a

SUBJECT: Siting Criteria for Southern Branch Library – Final Recommendation

DEPARTMENT: Asset Management Services (AMS), Library

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

Southern Branch Library Locational Criteria
Map Denoting Southwestern Orange County

INFORMATION CONTACT:

Lucinda Munger, (919) 245-2528
Michael Harvey, (919) 245-2597
Michael Talbert, (919) 245-2308

PURPOSE: To approve the siting and locational criteria governing the review and site selection process for the southern branch of the Orange County library.

BACKGROUND: At the June 14, 2012 BOCC work session, staff presented the DRAFT copy of the siting criteria for the southern branch library for review and discussion. During this meeting, the BOCC reviewed and discussed comments from the Carrboro Board of Aldermen and subsequent staff suggested modifications. The attached criteria incorporate(s) these revisions.

It should be noted that in a recent article printed within *The Chapel Hill News*, dated Sept 5, 2012, the Town of Carrboro has already begun an internal process of evaluating possible sites for the library based on compliance with local development regulations and processes.

Designation of library: In past memoranda, staff has consistently referred to this project as the 'southwestern branch of the Orange County library'. The term was coined in the 2004 Library Task Force Report where the Carrboro Library Workgroup recommended a '*southwest regional branch library*' be established by combining existing services and staff into a new library '*centered in the Town of Carrboro*'.

At the June 14, 2012 BOCC work session, staff was tasked with defining what 'southwest' Orange County referred to in the context of this project. In reviewing the matter, staff determined the 'southwest' quadrant of the County did not necessarily correspond to the highest concentration of population density in the area and did not properly identify all County residents intended to be served by the project.

Staff suggests it would be more appropriate to refer to this project, in current and future discussion and correspondence, as the 'southern branch of the Orange County library'. The

change in nomenclature is intended to properly identify the population base the project will serve and eliminate confusion over the anticipated location of the facility.

FINANCIAL IMPACT: There are no financial impacts associated with the adoption of the library siting criteria. The review of potential library locations, within Phase 1, would be conducted by County staff within adopted budgetary parameters.

Phase 2 of the process may require a financial investment to secure development rights for selected properties. Funds for the previously considered 210 Hillsborough Street properties in Carrboro were allocated from the $215,000 set aside for future property acquisition. The County invested approximately $60,000 for examination of the 210 Hillsborough Road site in Carrboro. This included $25,000 in earnest money and $10,000 for the 120 day extension (Note: The County received the $25,000 in earnest money back). Any further 'investment' will vary depending on the individual property. The remaining balance of $436,000 would be debt financed. There is funding totaling $7,525,000 in the 2016-17 Capital Investment Plan (CIP) (page 21) for building construction and design services. This phase may also include the need for the County to incur 'initial due diligence' costs to ensure the viability of selected properties.

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

1. Approve the attached Southern Branch Library Locational Criteria; and
2. Authorize the Chair to send a letter to the Town of Carrboro that:
    a. Transmits the Board-approved locational and site selection criteria to the Town, and
    b. Requests that the Town initiate public solicitation and review of properties for the southern branch of the Orange County library property based on the approved criteria.

ORANGE COUNTY SOUTHERN BRANCH LIBRARY LOCATIONAL CRITERIA

Guiding Principles

When selecting a site for a new or expanded library, the Library system takes into account three fundamental factors:

- The Library System recognizes that as a regional service provider, the location of libraries must provide for optimal service to the most number of residents within the entire System service area. This takes precedence over political boundaries or undeveloped neighborhoods.
- The Board is committed to providing an equitable level of service throughout the entire County.
- The placement of a library in a manner that maximizes its use will be more valuable over the long term than the original investment made in land or building. Typically, the original cost of a new building is exceeded in just three years by its cumulative operating costs.

*** As amended by the BOCC at its June 14, 2012 work session*

PRELIMINARY PHASE–TECHNICAL SITE REVIEW AND ASSESSMENT

Visibility:

- Visible from the street
- Classification of street where property will be accessed from (i.e. private, local, arterial, collector, major thoroughfare, etc.).
- Visual appeal

Site Capacity:

- Able to provide comprehensive library services to all the residents of southern Orange County.
- Meets minimum acreage (urban services vs. rural services)
- Space for building and on-site parking
- Adequate utilities and availability
- Space for future expansion (building to allow for additional library services, parking, etc.) to serve all the residents of southern Orange County.
- Space to accommodate the necessary setbacks, road expansions and other site amenities.

Access:

- Accessibility for pedestrians

- Accessibility for vehicles
- Accessibility for public transportation
- Design capacity and existing traffic load of roadway proposed to access site.

Alignment with Planning Tools (Comprehensive Plan):

Alignment with planning tools applicable for the subject property (County Comprehensive Plan, adopted Small Area Plans, Strategic Plans, etc.)

Lease versus Purchase:

- Analysis of the long term viability of the site
- Availability of property for lease

Centrality of Location:

- Existing and potential future population in a given area
- Growth and development opportunities/constraints in a given area (i.e. what is future development, as embodied in applicable plans, going to look like and how will it impact the proposed library)
- Proximity to schools
- Proximity to retail
- Proximity to other libraries

Site Conditions, Allowances, and Constraints:

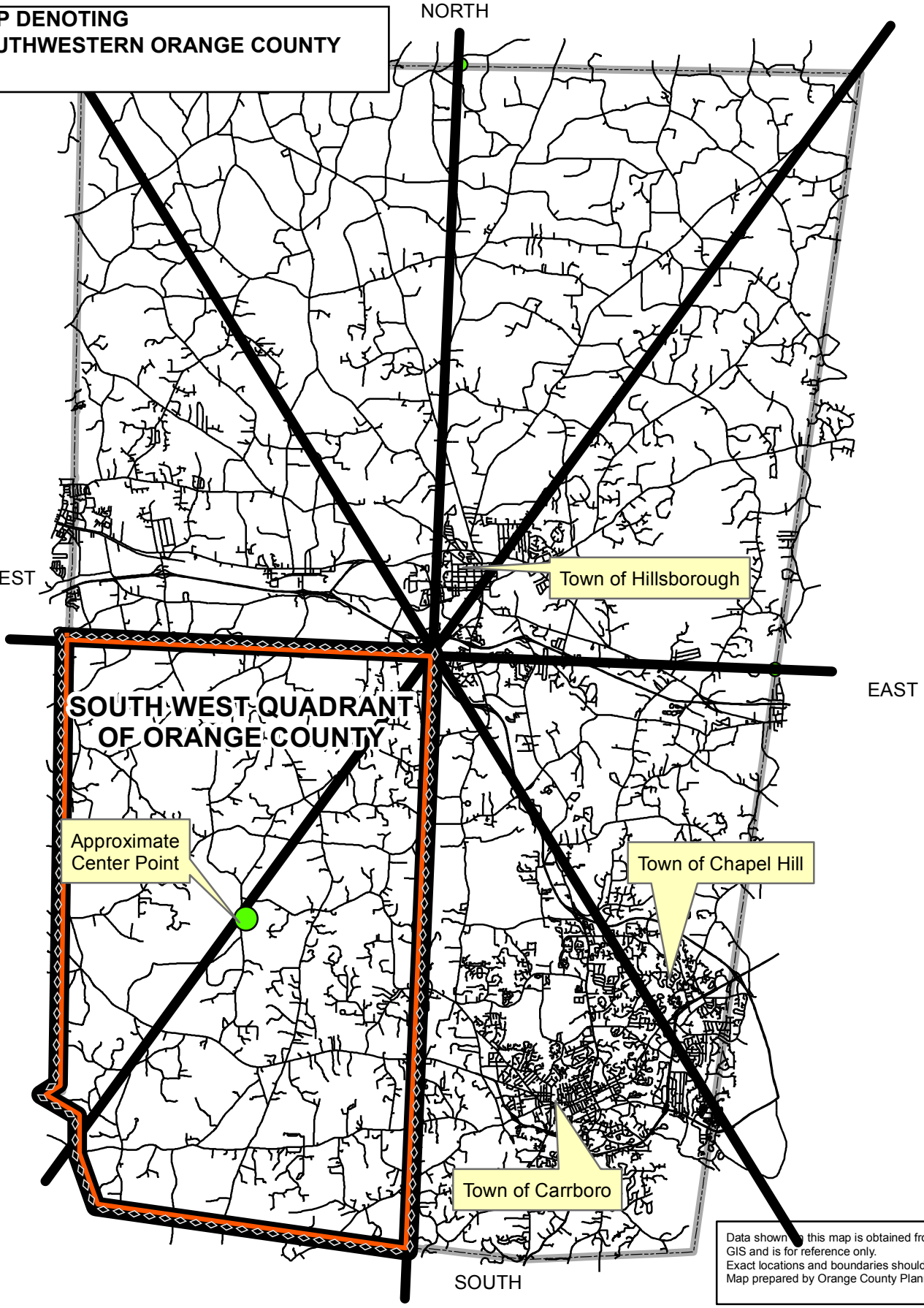
- The cost-benefit conclusions of physical, legal, and land-use allowances/constraints
- Technical and environmental assessments (planning/zoning, jurisdictional processes, etc.)
- Environmentally sustainable (C&A, storm water mgt, buffers, energy “net zero” capacity)
- Operationally sustainable
- Defeats obsolescence

Cost and Availability:

- Cost for site acquisition
- Availability of property for lease
- Analysis of long term viability of site
- Timeframe for development of the site
- Terms for site control necessary for development process

ORANGE COUNTY SOUTHERN BRANCH LIBRARY LOCATIONAL CRITERIA: ** As amended by the BOCC at its June 14, 2012 work session PRIMARY PHASE –PUBLIC INPUT AND ASSESSMENT
Community Preference • Input from elected officials • Input from a board cross-section of the area to be served • Orange County & Carrboro Friends of the Library
Partnerships • Co-location with other private or public entity • Mutually beneficial joint development • Enhances service possibilities

MAP DENOTING SOUTHWESTERN ORANGE COUNTY



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
- Soils Survey Water Feature
- OC Updated Water Feature
- Water Body
- River Basins
- Watershed
- Parcels
- Township
- School System Boundary
- Contours
- County Boundary
- Soils
- Zoning
- City Limits
- ETJ
- Conservation Easements Held by Others
- Orange County Conservation Easements
- 100 YR Floodplain (Effective 02/02/07)
- Floodway (Effective 02/02/07)
- 500 YR Floodplain (Effective 02/02/07)
- Buildings
- Water and Sewer Boundary

N

1 inch = 16,299.149 feet

0 6,500 13,000 26,000 Feet

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda
Item No. 7-b

SUBJECT: Burlington-Graham and Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Boundaries

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
1. Map of Existing DCHC MPO Boundary in Orange County
2. Maps of Previous Draft Options 1, 2 and 3 (for background purposes)
3. Current Draft Option 4 with Summary Page
4. Overview of MPOs and RPOs
5. Considerations for MPO Boundary Decision for Option 4

INFORMATION CONTACT:
Craig Benedict, 245-2592
Tom Altieri, 245-2579
Abigaile Pittman, 245-2567

PURPOSE: To receive information, provide direction, and/or a recommendation on Metropolitan Planning Organization Boundaries within Orange County pending the September 20, 2012 discussion with the City of Mebane.

BACKGROUND: The Metropolitan Area Boundary (MAB) of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) was expanded in February 2010 in western Orange County along the I-40/I-85 corridor. Federal legislation requires that an MPO's MAB contain, at a minimum, the entire Urbanized Area (UZA), as defined by the U.S. Census, and the contiguous geographic area(s) likely to become urbanized within the twenty year forecast period covered by the transportation plan for the region.

The MPO's boundary was expanded at that time because the MPO was beginning the process of developing its 2040 Long Range Transportation Plan (LRTP) that included the highway, transit, fixed-guideway, bicycle and other transportation services and facilities planned for construction. In January, 2011 the North Carolina Department of Transportation (NCDOT) discovered that there was an overlap of boundaries between the two MPOs in Orange County. Attachment 1 depicts the current Burlington-Graham Metropolitan Planning Organization (BG MPO) and the DCHC MPO boundaries in Orange County, including the area of overlap.

Staff discussions on options for adjusting the BG MPO and DCHC MPO boundaries were initiated in the Fall of 2011, which addressed deleting the area of overlap from the DCHC MPO as well as expansion of the BG MPO (at that time) pursuant to anticipated 2010 Census revised UZA boundaries. Staff representing all parties were involved in discussions: BG MPO, DCHC MPO, Mebane, Orange County, and NCDOT. Attachment 2 provides a history of the various options discussed by staff during the process. None of the first three options considered by staff are being recommended at this time.

What is the Current Status of the Boundary Discussions? Based on a careful review of the urbanized areas in Mebane and western Orange County (Efland-Cheeks corridor), and BG MPO limited capabilities for assuming the financial responsibilities of an expanded MAB boundary, the BG MPO, DCHC MPO and Orange County staffs have proposed a 4th Option depicted in Attachment 3. This option would:

- Retain the overlap area in BG MPO;
- add two areas (Areas 1 and 2) on the north and northeast sides of Mebane to the BG MPO area;
- return the southwestern 'leg' (Area 6) of the DCHC MPO boundary to the Triangle Area Rural Planning Organization (TARPO);
- add a small area (Area 5) near Frazier Rd./US-70 to the DCHC MPO area; and
- retain the Efland portion of the BG MPO urbanized area in the DCHC MPO boundary (Areas 3 and 4).

DCHC would accommodate the portions of the Burlington urbanized area within its boundaries through a Memorandum of Agreement (MOA) between the two MPOs affirming that the DCHC MPO will provide transportation planning services for this area (similar agreements exist between DCHC MPO and the Capital Area Metropolitan Planning Organization (CAMPO) and between BG MPO and the Greensboro Metropolitan Planning Organization (GMPO)). Planning staff would provide a copy of this MOA to the BOCC when it is available. **Option 4 is mutually agreeable by the two MPOs staffs, the BG MPO Technical Coordinating Committee (TCC) and Technical Advisory Committee (TAC), and Orange County Planning staff.**

What Information Should be Considered in Supporting MPO Boundaries and Membership? To assist the BOCC with its review of this evolving discussion of MPO boundaries and membership, staff has provided Attachment 4, an Overview of MPOs and RPOs. Attachment 4 provides reference material on the governing legislation, administrative structure, rules for boundary development, core duties, funding sources, and standard documents for MPOs and RPOs.

Planning staff has also prepared Attachment 5, Considerations for Option 4 MPO Boundary Decision. Attachment 5 provides a condensed overview of the advantages and disadvantages for Option 4 (provided in Attachment 3).

What is the Status of Orange County's Membership in BG MPO? The BG MPO has amended its Memorandum of Understanding (MOU) to include Orange County. The amended MOU was approved on August 21, 2012 by its Technical Coordinating Committee (TCC) and Technical Advisory Committee (TAC). The MOU must now be circulated and signed by the Mayors or County Commission Chairs of all member jurisdictions (including Orange County), the NC Secretary of Transportation, the NC Assistant Attorney General, and the Federal Highway Administration (FHA) Division Administrator. BG MPO staff has requested permission from NCDOT planning staff to allow this process to occur simultaneously rather than consecutively. A simultaneous process could be completed within about two months, while a consecutive process would take substantially longer. NCDOT has not yet given its final word on this matter of process.

Summary of Proposed Next Steps:

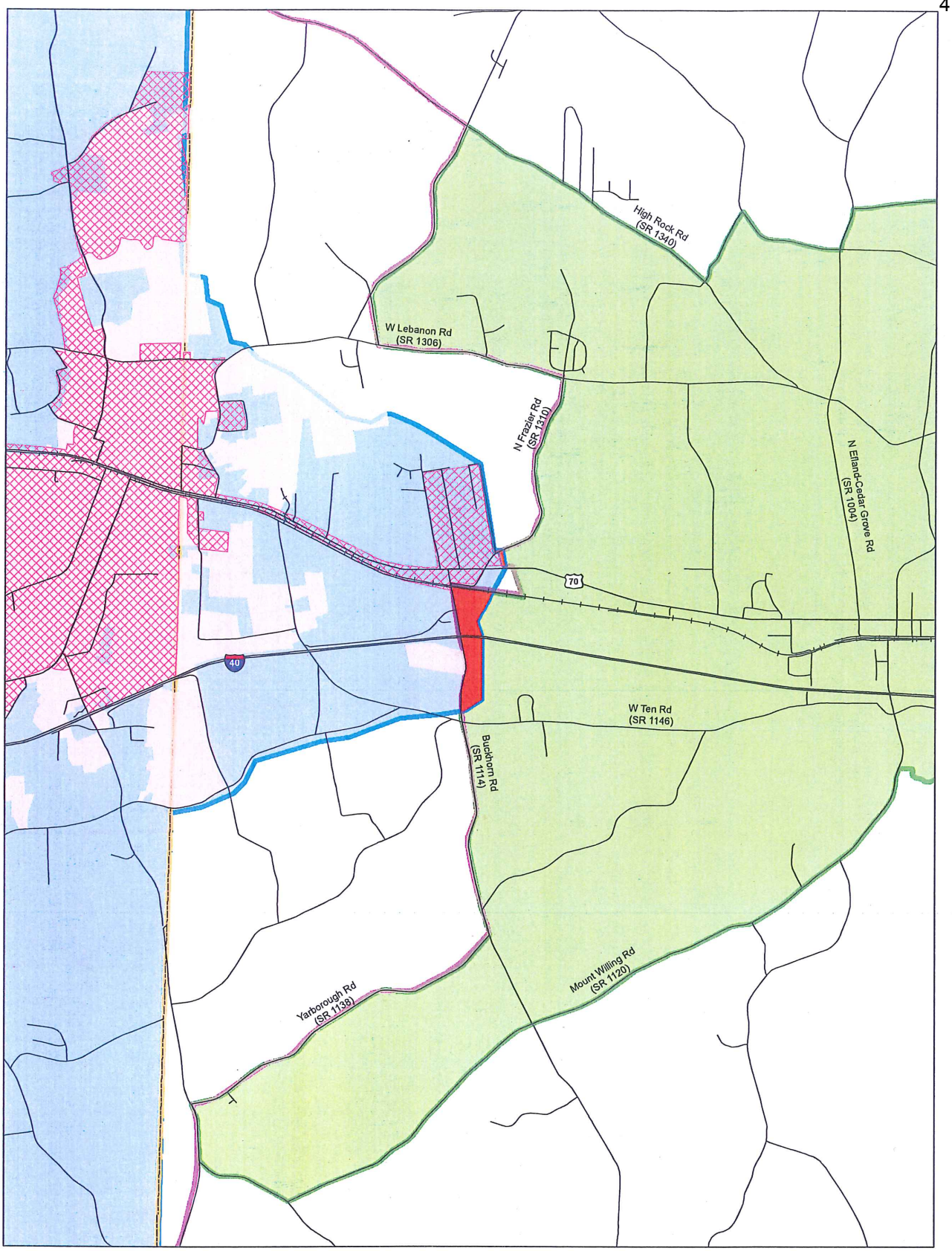
1. Orange County BOCC feedback at this meeting or recommendation supporting Option 4 (Attachment 3)
2. Orange County and City of Mebane joint meeting on September 20, 2012*
3. DCHC MPO TCC/TAC recommendation and approval
4. BG MPO TCC/TAC recommendation and approval

* *If a new option other than Option 4 evolves at this meeting or at the joint meeting with the City of Mebane, joint staffs would need to meet again and this item would need to return to the BOCC before proceeding to next steps.*

RECOMMENDATION(S): The Manager recommends the Board:

1. Provide Planning staff with any feedback it may have.
2. If the BOCC is in agreement with Option 4 (Attachment 3), and contingent on City of Mebane discussion and support on September 20, 2012 authorize the MPOs to proceed with its implementation.
3. If the BOCC is not ready to support Option 4, direct staff as appropriate, work with all parties, and return to the BOCC at a subsequent meeting.

ATTACHMENT 1



Burlington-Graham & Durham-Chapel Hill-Carrboro MPO Boundaries

Map Date: July 11, 2011

Revised Map Date: July 20, 2011

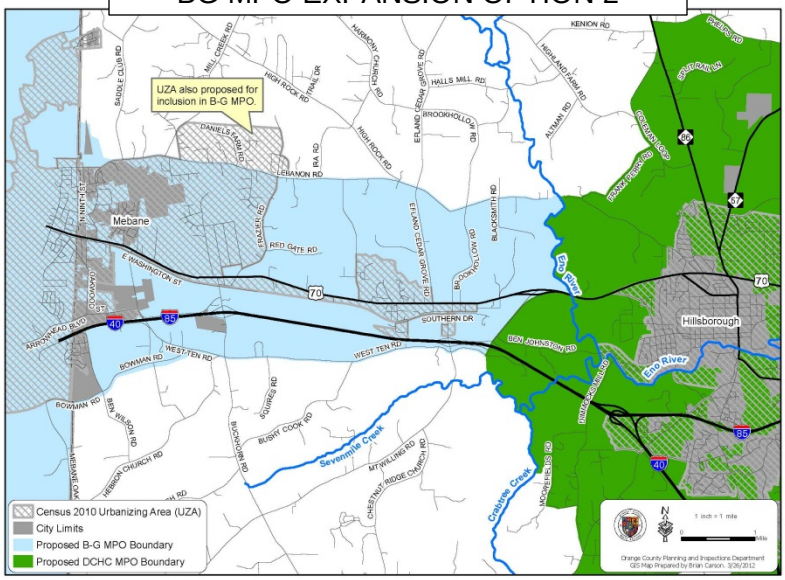
Legend

- Railroad
- Roads
- County Boundaries
- Municipal Boundaries
- Urbanized Area
- Overlap Area
- Incorrect Boundary
- DCHC MPO
- Burlington-Graham MPO

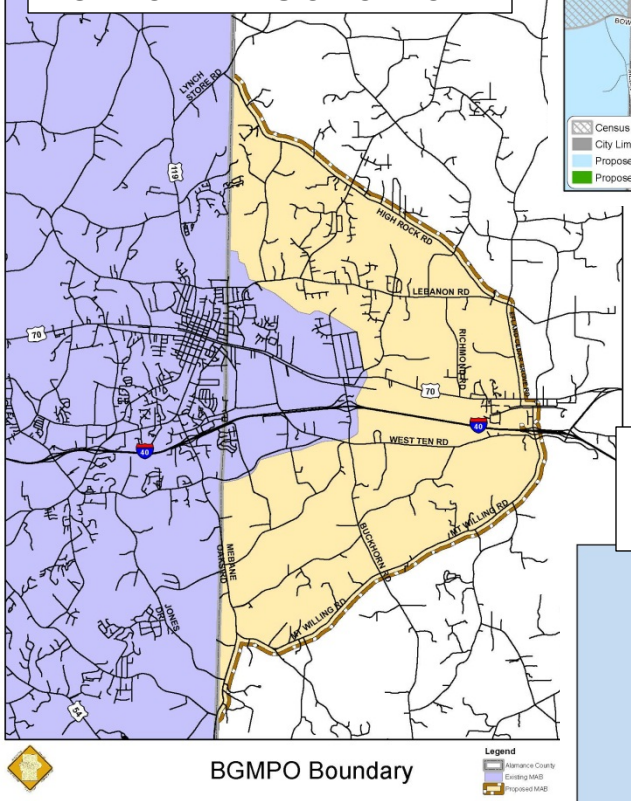
ATTACHMENT 2

PREVIOUS DRAFT OPTIONS 1, 2 AND 3 (for background purposes)

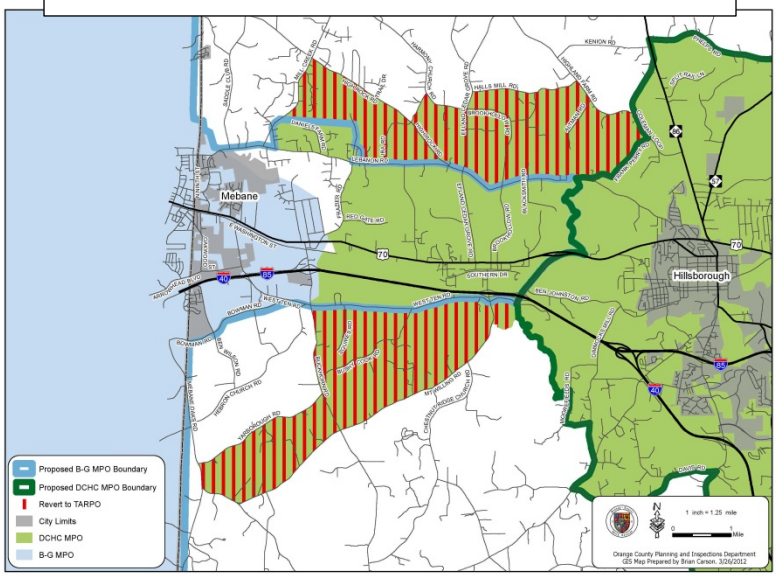
BG MPO EXPANSION OPTION 2



BG MPO EXPANSION OPTION 1

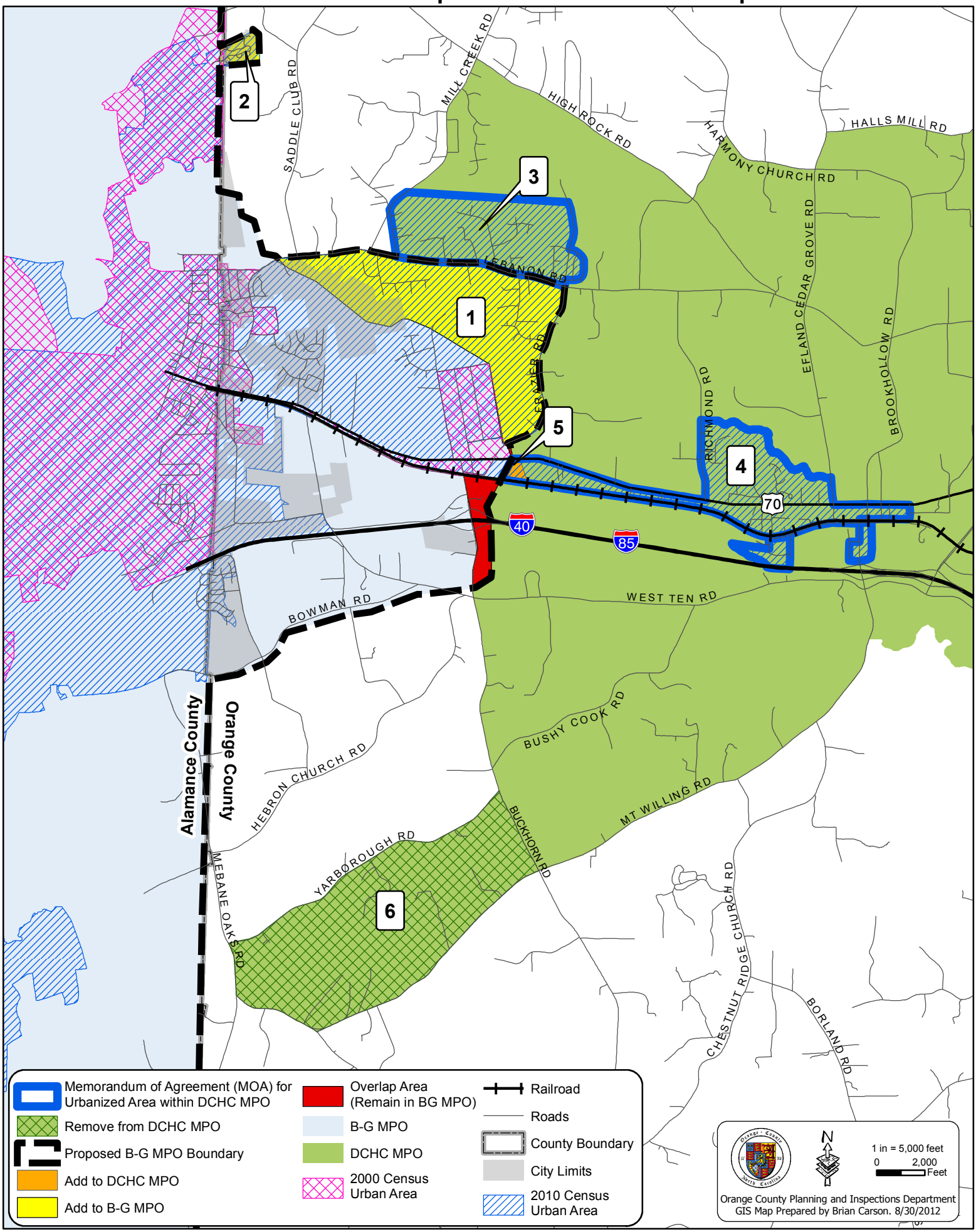


OPTION 3
Composite Showing Option 2
and MPO Areas to Revert to RPO



ATTACHMENT 3

Current B-G & DCHC Proposed MPO Boundaries - Option 4



SUMMARY PAGE FOR OPTION 4 MAP

- AREAS 1 & 2 – 2010 Census Urbanized Areas (UZAs) that the BG MPO will expand into. These areas include properties within Mebane's jurisdiction.

- AREA 3 – 2010 Census Urbanized Area (UZA) that the DCHC MPO will retain. This area does not include properties within Mebane's jurisdiction.

- AREA 4 – 2010 Census Urbanized Area (UZA) in Efland and along Hwy. 70 that the DCHC MPO will retain.

- AREA 5 – 2010 Census Urbanized Area (UZA) along Hwy. 70 that the DCHC will expand into so that the MPO designation along the east side of Frazier Road will be consistent.

- AREAS 3, 4, & 5 are areas the DCHC will oversee by virtue of an Memorandum of Agreement (MOA) with the BG MPO

- AREA 6 – Deletion of an area from the DCHC MPO boundary. This area will return to TARPO.

ATTACHMENT 4

OVERVIEW OF Metropolitan Planning Organizations (MPOs) and Rural Planning Organizations (RPOs)

The North Carolina Department of Transportation (NC DOT), MPOs, and RPOs have an established framework for collaboration, the purpose of which is to achieve a seamless transportation system for North Carolina. The general responsibilities of the NC DOT in this partnership are to:

- Administer Planning Funds to RPOs and MPOs
- Review annual work programs and performance reports to ensure tasks are being performed
- Provide guidance on State and Federal policies to the RPOs and MPOs
- Assist RPOs and MPOs with special studies and project review
- Develop and coordinate the development of travel demand models for appropriate areas
- Perform air quality analysis and review conformity reports
- Assist with project prioritization and Transportation Improvement Plan (TIP) development
- Provide and/or assist with the planning process, including assisting with Long Range Transportation Plan (LRTP, for MPOs)
- Communicate consistently with MPOs and RPOs
- Coordinate with other branches and divisions within NC DOT (Highway, Public Transportation, Rail Division, PDEA, Construction)
- Coordinate on the Statewide Transportation Plan

Orange County's MPO and RPO Memberships

- Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO) (Since 2004)
- Burlington-Graham Metropolitan Planning Organization (MPO) (pending final agreement endorsement by all member jurisdictions, NC DOT, Atty. General, and FHWA)
- Triangle Area Rural Planning Organization (RPO) (Since 2002)

What is a Metropolitan Planning Organization (MPO)?

MPOs were formed in 1962 when Congress enacted the Federal aid highway act that initiated a requirement that a continuing cooperative, and comprehensive (3-C) transportation planning process be established for all urban areas over 50,000 in population in order to qualify for Federal transportation funds. Statewide and metropolitan transportation planning processes are governed by Federal law (23 USC 134 and 135). Applicable State and local laws are required if Federal highway or transit funds are used for transportation investments. Federal planning regulations are codified in 23 CFR 450. NC General Statute 136-66 provides additional transportation planning requirements and is consistent with Federal law. Subsequent Federal Aid

reauthorizations have added to the planning requirements of the MPOs. There are 17 MPOs in North Carolina.

The MPO administrative structure has three main components:

1. Lead Planning Agency (LPA) – provides staff support to the MPO. The LPA develops the draft documents, prepares TCC and TAC meeting materials, schedules meetings, administers the distribution of federal transportation planning funds to member governments, and carries out the directives of the TCC and TAC. The City of Durham Transportation Division serves as the LPA for the DCHC MPO. The City of Burlington Transportation Division serves as the LPA for the BG MPO.

2. Technical Coordinating Committee (TCC) – is comprised of staff representatives of the various member governments, NC DOT, FHWA (non-voting), and other agencies such as Triangle Transit (TTA), local universities, etc. The TCC has the responsibility of supervising and coordinating the comprehensive transportation planning process, and for making recommendations to the Technical Advisory Committee (TAC) and respective local and State agencies pertaining to that process.

3. Technical Advisory Committee (TAC) – is the governing policy board for an MPO. The TAC's membership includes elected officials representing)and appointed by) each local government, the area's representative on the NC Board of Transportation, advisory non-voting member representing FHWA and TTA, and other members as may be authorized in the Memorandum of Understanding (MOU). The TAC provides policy direction for the planning process, facilitates communication and coordination between the member jurisdictions, and guides the development of a coordinated, multimodal transportation program for the planning areas. The TAC directs the planning process through its annual review and approval of an MPO's Unified Planning Work Program (UPWP) and the MPO's Transportation Improvement Program (TIP) and through review and approval of changes to the Long Range Transportation Plan (LRTP) and Comprehensive Transportation Plan (CTP).

How is the Boundary of a MPO Developed?

Pursuant to Federal law (C.F.R. Title 23 PART 450.308) the metropolitan planning area boundary shall, as a minimum, cover the urban areas (UZAs) defined by the most recent Census and the contiguous geographic area(s) likely to become urbanized within the twenty year forecast period covered by the transportation plan for the region. C.F.R. Title 23 PART 450.308(e) states that, to the extent possible, only one MPO shall be designated for each UZA or group of UZAs. More than one MPO may be designated within an UZA only if the Governor and the existing MPO determines that the size and complexity of the UZA makes designation of more than one MPO appropriate. In those cases where two or more MPOs serve the same urbanized area, the MPOs shall establish official, written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among the MPOs. An MPO may

utilize the staff resources of other agencies, non-profit organizations, or contractors to carry out selected elements of the metropolitan transportation planning process.

For geographic areas designated as nonattainment or maintenance areas (as created by the Clean Air Act Amendments of 1990 (CAAA) for transportation related pollutants under the CAA, the boundaries of the metropolitan planning area encourages including at least the boundaries of the nonattainment or maintenance areas, except as otherwise provided by agreement between the MPO and the Governor under specified procedures. However, in the case of the Triangle area, the State does not require having a single MPO serve all of the non-attainment area, or that the MPOs and RPOs combine. The State sub-allocates a portion of CMAQ fund to both MPOs and RPOs on a per-capita basis and based on non-attainment severity. Therefore, there is no difference in the amount of CMAQ funds coming to the region based on where an MPOs Metropolitan Area Boundary (MAB) is established.

Metropolitan planning area boundaries are reviewed after each Census. An existing MPO may be redesignated only by agreement between the Governor and units of general purpose local government (i.e., elected officials) that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

The DCHC MPO MAB was expanded in February, 2010 in western Orange County along the I-40/I-85 corridor. In January, 2011 the NC DOT discovered that there was an overlap of boundaries between the two MPOs in Orange County. Staff discussions for options for adjusting the two MPO boundaries were initiated in the Fall of 2011 and have yet to be finally resolved. These discussions have addressed the area of overlap, as well as expanding the BG MPO (at that time) pursuant to anticipated 2010 Census revised UZA boundaries. Staff representing all parties was involved in these discussions: BG MPO, DCHC MPO, Mebane, Orange County, and NC DOT. Multiple expansion options for the BG MPO have been considered – from the Alamance County line to the Eno River. Many of these options have lacked agreement from staff of the involved parties; were found to not satisfy the intent of governing legislation; split the Mebane between two MPOs; or the responsibilities of a greatly increased MAB placed too great a financial burden on the BG MPO. Although the retreat of BG MPO to the Alamance County line would result in some efficiencies for Orange County staff, it is a less preferred option and is an option that has not been discussed by all parties. Only the current Option 4 has the full support of the staff of all parties.

<u>What are the Core Duties of a MPO?</u>

- Conduct a continuing cooperative, and comprehensive (3C) transportation planning process
- Meet Federal transportation planning requirements for MPOs, with additional requirements and responsibilities for Transportation Management Areas (TMAs are >200,000)
- Develop and prioritize projects the organization believes should be included in the State's Transportation Improvement Program
- Represent communities and regions in transportation planning and project delivery

- Coordinate regional issues between contiguous MPOs, RPOs and other regional organizations
- Provide the primary forum for public participation
- Facilitate integration of local plans, priorities, and community involvement into the area-wide transportation planning process
- Develop and approve long range and comprehensive transportation plans (LCTPs and CTPs)
- Develop and approve metropolitan transportation improvement programs (MTIPs)
- Direct resources as available to MPO priority projects
- Coordinate local project development and funding capabilities and State and Federal resource opportunities as appropriate

Funding for MPOs

MPO staff and planning activities are currently funded by the Federal government. Orange County currently pays no fees as a MPO member government. In the case of the DCHC MPO and BG MPO, Durham and Burlington, respectively, pay the local matching funds for the Lead Planning Agency (LPA) planning activities. Some MPOs charge member governments fees. DCHC MPO's LPA staff recently developed a proposal to require that their member governments share in providing matching funds for LPA planning activities, based on population. Based on 2010 Census data, Orange County's .09% match would be approximately $21,260. Linked to this match, the proposal provides that Surface Transportation Program Direct Allocation (STP-DA) funds would be allocated to the MPO agencies. The Surface Transportation Program is a Federal-aid highway funding program that supports a broad range of surface transportation capital needs, including many roads, transit, vanpool, bike, and pedestrian facilities. Orange County's allocation under this share of the Surface Transportation Planning Direct Allocation (STP-DA) funds under this proposal would be approximately $25,735. DCHC MPO would use these funds to perform Work Program activities such as data inventories, GIS mapping, geo-spatial analysis, TIP, UPWP, LRTP, etc. DCHC MPO's intent is for this proposal to be considered for the FY 2012 Unified Planning Work Program (UPWP).

Many of the Federal funding sources used for MPO activities require 20% local matches for use of their funds. The local matches are typically provided by the member government that requested the project.

Currently, Federal law apportions Federal funds to MPOs for transportation planning and transportation improvements based on the MPOs' current Urbanized Area (UZA) population. If the UZA has not changed, then expanding the coverage of the MPO does not result in increased Federal funding. The current NC DOT policy for distributing Federal transportation planning funds to MPOs is also partially based on the latest Census defined UZA population. Thus, MPO expansion does result in increased funding from the state unless the UZA has increased in population.

Standard Documents Produced by or Involving an MPO

	Who Develops?	Who Approves?	Time Horizon	Content	Update Requirements
Memorandum of Understanding (MOU)	MPO	MPO and all Member Governments	Valid Until Revised	Establishes Membership, Bylaws, Responsibilities, and Voting Structure	Upon Changes in Membership or Terms of Agreement
Unified Planning Work Progam (UPWP)	MPO	MPO	1 or 2 Years	Planning Studies and Tasks	Annually
Comprehensive Transportation Plan (CTP) or Long-range Comprehensive Transportation Plan (LCTP)	MPO	MPO & NC DOT	20-30+ Years	Future Goals, Strategies, and Projects (not fiscally constrained)	With Adoption by MPO & NC DOT
Metropolitan Transportation Plan (MTP)	MPO, NC DOT, and Public Transit Operators	MPO	20 Years+	Official Multimodal Transportation Plan with Future Goals, Strategies, Projects, and Financial Plan	Every 5 Years; 4 Years for Nonattainment and Maintenance Areas
Collector Street Plan (CSP)	MPO	MPO	20-30+ Years	Existing and Planned Facilities	Not Specified
Metropolitan Transportation Improvement Program (MTIP)	MPO or local jurisdiction in cooperation with the NC DOT	MPO/ Governor	4 Years	Transportation Investments consistent with Long Range Transportation Plans	MTIP created biennially simultaneous with the State TIP (STIP) process.
Long-Range Statewide Transportation Plan (LRSTP)	NC DOT, in cooperation with the MPO	NC DOT	20 Years	Official Statewide Multimodal Transportation Plan with Future Goals, Strategies, and Projects	Not Specified
Statewide Transportation Improvement Program (STIP)	NC DOT, in cooperation with MPO	US DOT	4 Years	Transportation Investments	Every 4 Years

What is a Rural Planning Organization (RPO)?

RPOs are a counterpart to the MPOs. In July, 2000, Senate Bill 1195 became part of Article 17 General Statute 136-210 through 213, which instructed the NC DOT to develop a plan to establish RPOs. The purpose of these organizations is to work cooperatively with NC DOT to develop Comprehensive Transportation Plans (CTP) in non-metropolitan areas and assist the Department in carrying out other transportation planning activities. RPOs consist of groups of counties, between 3-15 counties, and must have at least 50,000 in population. MPOs cannot be a member of RPOs. Not all municipalities in an RPO must be a member, but the county must be a member. There are currently 20 RPOs in North Carolina.

The RPO administrative structure has three main components:

1. Lead Planning Agency (LPA) – The LPA serves as the administrative entity for an RPO. Eligible administrative entities include a regional council of governments, regional economic development agencies, chambers of commerce and local governments. The LPA receives and expends funds on behalf of the RPO. The LPA provides at least one full time equivalent professional staff member to carry out the duties of the RPO within the context of an adopted plan of work. The LPA is defined within the adopted Memorandum of Understanding (MOU), and may be changed based on the agreement of the RPO member governments and NC DOT. The LPA for the Triangle Area RPO (TARPO) is the Triangle J Council of Governments (TCOG).

2. Rural Technical Coordinating Committee (RTCC) – The RTCC is responsible for the general review, guidance and coordination of the transportation planning process for the RPO and for making recommendations to the respective local, state, and federal governmental agencies and the Rural Transportation Advisory Committee (RTAC) regarding any necessary actions relating to the continuing transportation planning process. RTCC responsibilities include developing, reviewing and recommending the Transportation Planning Work Program for the RPO; developing reviewing and recommending the RPO Transportation Improvement Plan (TIP); and revisions to the RPO TIP.

3. Rural Technical Advisory Committee (RTAC) – The RTAC is responsible for keeping the policy boards informed of the status and requirements of the transportation planning process; assisting in the dissemination and clarification of the decisions, inclinations, and policies of the policy boards; and helping to ensure meaningful public participation in the transportation planning process. RTAC responsibilities include establishing goals and objectives for the transportation planning process; review and recommending changes to adopted transportation plans within the RPO planning area; reviewing and recommending a work program for transportation planning which defines work tasks and responsibilities for the various agencies participating in the RPO; and reviewing and recommending transportation improvement projects which support and enhance transportation within the RPO planning area.

What are the Core Duties of an RPO?

- Develop in cooperation with NC DOT, Comprehensive Transportation Plans (CTPs)
- Provide a forum for public participation in the transportation planning process
- Develop and prioritize suggestions for projects to be included into the State TIP
- Provide transportation related information to local governments and other interested organizations and persons

How is the Boundary of an RPO Developed?

RPO areas consist of the areas not already included in a MPO, and include representatives from contiguous areas in three to fifteen counties, with a total population of the entire area being at least 50,000 persons according to the latest population estimate of the Office of State Planning. The TARPO Planning Area includes the Orange County area outside the boundaries of the DCHC BG MPOs.

Funding for RPOs

Planning funds for RPOs currently comes from State funds, not Federal funds for which they are currently ineligible. The RPO program is currently funded on a reimbursement basis using Federal State Planning and Research Funds (SPR), with a 20% local match required. Allocations vary based on population and number of counties in the RPO. An RPO's allocation is based on the non-urban population in the counties that it governs, as defined by the Census every 10 years. So, regardless of where the MPOs establish their boundaries, an RPO's funding will be based on the population outside the Census-defined UZA boundaries.

Each year, the four counties that are members of the Triangle Area Rural Planning Organization (TARPO), including Orange County, each contribute $7,500 toward the organization, for a total annual local amount of $30,000. The County's contribution amount was not impacted by the loss in area to DCHC MPO in 2009. This amount is greater than the minimum 20% local match funding required to receive RPO funding from the State. TARPO maintains these additional funds separately from their General Fund, and has the ability to carry balances from year to year and reprogram unused funds from previous years. For the 2012-2013 Fiscal Year, TARPO will use these additional funds to cover additional expenses not eligible to be paid using State RPO funding and/or the 20% local match, including equipment or supplies for use on TARPO projects, food for TARPO meetings, Work Program Tasks requiring additional funding, and special work tasks requested by TARPO members.

For the 2012-2013 Fiscal Year, NC DOT will reimburse TARPO for eligible expenses up to $89,951. The required local match for this State funding will be $22,488. The difference between this and the $30,000 provided by the TARPO member counties will be $7,512. The total budget for TARPO, including that which is programmed within the standard Planning Work Program and these additional funds will be $119,951.

The following information was obtained from Matthew Day, Senior Planner with TARPO.

TARPO staff provided RPO funding information in a recent email to Planning staff. He stated that over the years, the amount of RPO funding went up and down based on the total amount NC DOT had available to spend per RPOs that year, peaking at around $96,000 in 2007 (currently it is $89,951). The amount added or cut each year for each RPO was proportional to its total funding, so the relative change for each RPO stays proportional. So, as long as NC DOT keeps its same procedure for calculating funding and just updates the population figures, it really shouldn't matter where the MPOs place their boundaries because the RPOs' funding will be based on the Census-designated boundary, not the MPO-designated boundary. The only thing that appears like it would make a major difference in TARPO's funding would be if Orange County chose to withdraw from TARPO and go all-in with one of the MPOs.

Regarding CMAQ funds, TARPO staff reported that with the most recent round of project submittals NC DOT did not give TARPO an actual funding allocation but told it to assume that funding would be "around the same levels" as it had been in the most recent previous round (which was around $215,000 to $220,000 per year for the years 2013-2015). So TARPO staff believes that the change in population due to DCHC's boundary change probably did not have an impact on CMAQ funding – as yet. However, he felt that it is pretty safe to assume that since all the MPOs and RPOs around the state are in the process of reviewing and changing their boundaries right now (due to the new Census urbanized area boundaries) that the State will probably give everyone allocations based on those new population numbers for the next round of CMAQ). Between the changes in MPO/RPO boundaries statewide and the changes in the way CMAQ funding will be handled through the new federal legislation, a lot is currently up in the air.

The non-MPO portion of Orange (based on the current DCHC and BG boundaries) has a 2010 population of 14,910, and the non-MPO portion of Chatham that is in the non-attainment area has a 2010 population of 14,936 - so it's about a 50/50 split between the population in Orange and the population in Chatham. So with the current boundary, Orange County would potentially be eligible for about half of whatever CMAQ funding TARPO does receive (assuming TARPO chooses to maintain a county-population-based split in terms of where that money gets spent).

Right now, aside from CMAQ, the only other TARPO money that would be affected by the population within the RPO is the money TARPO receives for conducting planning and administering the RPO. The population-based part of that formula is a relatively minor element, and the difference in population in Orange County is unlikely to have a major impact (if any). In the future, there is the potential that "transportation alternatives" funding (for things like bike/pedestrian) may end up being sub-allocated to MPOs and RPOs as a result of the new federal legislation, but it's way too early to tell how (or if/when) that would end up happening.

Standard Documents Produced by or Involving an RPO

	Who Develops?	Who Approves?	Time Horizon	Content	Update Requirements
Memorandum of Understanding (MOU)	RPO	RPO and all Member Governments	Valid Until Revised	Establishes Membership, Bylaws, Responsibilities, and Voting Structure	Upon Changes in Membership or Terms of Agreement
Planning Work Progam (PWP)	RPO	RPO	1 or 2 Years	Planning Studies and Tasks	Annually
Funding Agreement Between RPO and NC DOT	RPO	RPO & N CDOT	1 Year	Rules for Disbursement and Accounting of RPO Grant Funds	Annually
Prospectus	RPO	RPO	1 Year	Detailed Description of Planning Work Program Elements	Not Specified (TARPO's was done in 2003, NC DOT's was done in 2002)
Five Year Planning Calendar	RPO	RPO	1 Year	Document Connecting Short-term Goals of the PWP to the Long-term RPO Goals and Priorities	Annually
Comprehensive Transportation Plan (CTP)	MPO	MPO & NC DOT	20+ Years	Future Goals, Strategies, and Projects (not fiscally constrained)	With Adoption by MPO & NC DOT
Transportation Improvement Program (TIP) Project Proposals & Prioritization	RPO, in cooperation with the NC DOT and local jurisdictions	RPO/ Governor	4 Years	Transportation Investments	Every 2 Years
Statewide Transportation Improvement Program (STIP)	NC DOT, in cooperation with the RPO	US DOT	4 Years	Transportation Investments	Every 4 Years

ATTACHMENT 5

CONSIDERATIONS for MPO BOUNDARY DECISION for OPTION 4

CRITERIA / CONSIDERATIONS	MET?
Mebane in one MPO	Yes
Addresses Urbanized Area (UZA) Requirements	Yes
Consistent with current air quality conformity plans and requirements	Yes
Requires Memorandum of Agreement (MOA)	Yes
Expands BG MPO	Yes (minimally)
Reduces BG MPO	No
Expands DC MPO	No, not overall
Reduces DC MPO	Yes, overall it does
Reflects regional community patterns	Yes
Orange County connected to DCHC via Triangle air quality conformity, employment, economic development, & transit plans, although coordinated planning is clearly due to bi-directional commuter patterns	Yes
DCHC has adequate staff to assume responsibility for transportation planning and programming projects in western Orange County	Yes
Option 4 maintains TARPO membership and transportation planning for the rural areas of the County, where an RPO perspective is more attuned to maintaining the integrity and character of the County's rural areas	Yes
Respects Orange County's request to join BG MPO	Yes
Discussed among Staffs	Yes
Supported by Staffs	Yes

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 7-c

SUBJECT: Transit Interlocal Implementation Agreement

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):

1. Draft Interlocal Implementation Agreement
2. June 25, 2012 Letter to BOCC Chair from DCHC MPO TAC Chair
3. September 12, 2012 Memo from DCHC MPO Lead Planning Agency to DCHC MPO TAC

INFORMATION CONTACT:

John Roberts, Orange Co. Attorney, 919-245-2318
Wib Gulley, General Counsel, TTA, 919-485-7418
Frank Clifton, Orange Co. Manager, 919-245-2300
Craig Benedict, Planning Director, 919-245-2575

PURPOSE: To discuss various aspects of the Interlocal Implementation Agreement of the Orange County Bus and Rail Investment Plan (IIA/OCBRIP) and provide decisions regarding aspects to be incorporated into the final draft.

BACKGROUND: Orange, Durham and Wake counties were given the authority to impose a one-half (½) cent sales tax for public transit in July 2009. As a pre-requisite to a referendum (scheduled in Orange County for November 6, 2012), the local county must approve an 'Orange County Bus and Rail Investment Plan (OCBRIP)' that describes how possible monies would be spent. Orange County approved the OCBRIP in June of this year.

Triangle Transit staff, specifically General Counsel Wib Gulley, have provided a draft of this agreement (Attachment 1) that has been reviewed and commented upon by County Attorney John Roberts, County Manager Frank Clifton, and Planning Director Craig Benedict. Staff has had several meetings to refine the document and determined this was an appropriate time to bring a draft forward to the Board. Issues of disagreement/continued discussion are identified to the side of the document as comments.

As a corollary, the BOCC also requested the development of a more operational and explanatory agreement to be known as an Interlocal Implementation Agreement (IIA/OCBRIP) to provide aspects such as:

1. Parties to the Agreement and respective roles,
2. Reference to 'Levy of Transit Sales Tax Agreement',
3. Orange County/Durham County Cost Share Agreement related to rail and bus,
4. Progress Reports,
5. Distribution of funds for bus services,
6. Bus service documentation,
7. Non-Supplantation Language

8. 4-year review of OCBRIP as it relates to Metropolitan Transportation Plan (MTP) formerly Long Range Transportation Plan (LRTP)
9. a. Creation of a Transit Staff Working Group (SWG) to monitor plan progress,
   b. Invitation of other stakeholders as necessary
10. Evaluation of LRT New Starts Application and development of Alternate OCBRIP if necessary,
11. Amendments to the OCBRIP,
12. Thresholds of material change to the OCBRIP in terms of:
    a. Revenues
    b. Operating and Capital costs
    c. Bus Services
    d. Funding levels to transit providers
13. Material changes in writing and approved by managers or other,
14. Term of Agreement.

The substantial parts of the agreement and where guidance could be offered include areas 1, 7, and 12. Staff is continuing work to use examples to show what various percentages mean in relation to real numbers specifically used in Section 12. Other sections will be related to the findings within those sections.

FINANCIAL IMPACT: None at this time.

RECOMMENDATION(S): The Manager recommends the Board review the attached Draft Interlocal Implementation Agreement, provide comments and ask staff to forward those comments to Triangle Transit, and direct staff to bring the agreement back to the Board for adoption.

Attachment 1

INTERLOCAL IMPLEMENTATION AGREEMENT
FOR
ORANGE COUNTY BUS AND RAIL INVESTMENT PLAN

This Interlocal Agreement **(**"Agreement") dated _____, 2012 is entered into by and among **Orange County**, a political subdivision of the State or North Carolina ("Orange") and the **Research Triangle Regional Public Transportation Authority**, d/b/a Triangle Transit, a regional public transportation authority under NCGS 160A ("TTA"). Orange, DCHC, and TTA may be referred to individually as "Party" and collectively as "Parties". This Agreement is made pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes.

The Parties each desire to provide for the future transportation needs of Orange County and the surrounding region, understanding that enhanced mobility options will support a high quality of life, strengthen economic development, and enhance sustainability; and

In accord with NCGS 105-508 et seq. ("Intermodal Act"), TTA developed a financial plan denoted as the Orange County Bus and Rail Investment Plan ("Plan") to set forth certain transit investments over the next twenty-three years. This Plan has been reviewed and approved by the Orange County Board of County Commissioners ("BOCC") subject to the approval by the BOCC of a satisfactory Interlocal Implementation Agreement, approved in a similar fashion by the TTA Board of Trustees, and approved in concept subject to a satisfactory Implementation Agreement by the Durham Chapel Hill Carrboro Metropolitan Planning Organization ("DCHC"). In order to provide for effective implementation of the Plan, the Parties hereby agree to the following provisions and procedures:

1. The Orange County Bus and Rail Investment Plan is incorporated into this Agreement in full and as it may be amended from time to time by reference. Except as otherwise provided in this Agreement the Plan shall govern the allocation of funding, cost parameters and timetables for delivery of projects and transit services, and the respective roles of the Parties and transit agencies in provision of the projects and services called for therein.

2. Pursuant to the Levy of Transit Sales Tax Agreement between Orange and TTA dated May 29, 2012, TTA reaffirms its commitment not to levy the ½ cent transit sales tax until the Orange BOCC adopts a resolution requesting TTA to take such action.

3. Orange, Durham County ("Durham"), and TTA have previously executed an agreement dated May 15, 2012 which allocates the shares of capital and operating expenses for the LRT rail project set forth in the Plan, and that Cost Sharing agreement is incorporated into this Agreement in full and as it may be amended from time to time by reference.

4. TTA agrees to provide reports to Orange and DCHC on the progress achieved

Comment [JR1]: The primary points of contention in this agreement are listed as comments. Should the BOCC determine the MPO is to be a party to the agreement appropriate language is set out below .

Comment [PS2]: PS reflects comments added by Planning Staff.

Comment [JR3]: , the **Durham-Chapel Hill-Carrboro Metropolitan Planning Organization**, the regional transportation planning agency for the Durham-Chapel Hill-Carrboro urban area pursuant to US DOT regulation CFR Part 450 and 49 Part 613 ("DCHC"),

Comment [PS4]: Should DCHC MPO be added as a Party to the Agreement, staff Implementation Agreement Work Group to discuss role of Burlington-Graham MPO.

Comment [PS5]: Staff Implementation Agreement Work Group to discuss adding support of air quality goals and human service needs.

toward implementation of the Plan and any substantial developments in revenues received, project or service cost experienced, or other pertinent factors under the Plan on an annual basis on or before November 1st of each year and as otherwise reasonably requested.

5. TTA shall work with the Chapel Hill Transit (CHT), Orange Public Transit ("OPT"), and any other Orange County bus transit service provider named in the Plan to develop the process for distribution of funds for bus services each year on a quarterly basis or as otherwise agreed. For purposes of this Agreement the term "bus services" shall include both fixed route and demand response services. As is consistent with the revenues received and the other transit priorities under the Plan, TTA will provide estimated quarterly payments to the bus service providers for service provided with a reconciliation based upon actual expenses incurred by each provider on a subsequent quarterly basis or as otherwise agreed to.

6. Bus service providers will provide recommended new or continuing service priorities, actual or expected costs and ridership information as reasonably requested to TTA on an annual basis or as otherwise agreed to. It shall be the responsibility of TTA to provide oversight of the new, enhanced or sustained bus services under the Plan to insure compliance with the Intermodal Act requirements. All other legal requirements under federal and state law shall be the responsibility of the respective bus service provider. TTA shall include a full descriptive report on bus services delivered under the Plan as a part of its annual reports to Orange and DCHC.

7. In accordance with the non-supplantation mandate set out in NCGS 105-510, the Parties agree that each provider of bus services receiving funds under the Plan, as a precondition to receipt of such funds, shall continue to provide funding from other non-Plan sources the amount of annual revenue hours of fixed route bus service that it provided in the July 1st 2010 through June 30th 2011 fiscal year as verified by NTD or comparable reporting data. This precondition shall not apply to the annual grant of $582,000 in the Plan to CHT for support of existing local bus services. Through separate agreement TTA shall require Chapel Hill Transit and Orange Public Transit to provide an annual financial report which documents the bus service for this precondition. All such annual reports will be provided to each Party.

Comment [JR6]: Chapel Hill Transit objects to this section 7. Language for this section still being negotiated by staff. Disagreements remain.

Comment [PS7]: National Transit Database.

Comment [PS8]: Equal to 6,000 bus hours.

8. Every four years in a manner that coordinates with DCHC's preparation of a new Metropolitan Transportation Plan, and more frequently as reasonably requested by a Party, the full Plan shall be reviewed in detail and assessed for any significant changes to the estimated revenues, to the estimated project or service delivery costs, to project or service priorities therein, to state or federal transit programs or regulations, or any other significant change of circumstance impacting the Plan. This review which shall be conducted as set forth below, and recommended changes to the Plan may be advanced as deemed necessary.

Comment [PS9]: Staff Implementation Agreement Work Group to discuss adding additional reference to Comprehensive Transportation Plan (CTP).

9. In preparation for the full Plan review set out in paragraph 7 above, TTA will convene a Staff Working Group ("SWG") made up of a voting member and an alternate member from each of the Parties. The Orange County Manager shall designate the member and alternate

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from Orange and the TTA General Manager shall designate the member and alternate from TTA. These SWG members and alternates shall work collaboratively in developing and preparing the respective report to the Parties. The SWG may also meet from time to time as they deem useful to discuss developments and status of the various transit projects and services under the Plan and to give TTA comments and feedback on the draft annual reports referenced in paragraph 4 above.

Comment [JR10]: , the Planning Manager of DCHC shall designate the member and alternate from DCHC,

10. If any meeting of the SWG has local urban, rural or regional bus service in Orange County as a part of its agenda, then representatives from CHT, OPT, other bus transit providers in Orange County, and from the towns of Hillsborough and Mebane shall be invited to participate in the meeting. The SWG members shall work openly and collaboratively with these other parties in considering the status and impacts of possible bus service changes to the Plan. The SWG members and the other parties shall strive to reach consensus recommendations for any changes in bus services provided under the Plan in light of their shared interest in maximizing the effective use of scarce transit funding

10. Eight years after the date of execution of this Agreement, the Parties agree to assess if the New Starts application for the LRT project in the Plan is still in the federal pipeline for New Starts rail projects and making reasonable progress to receive federal funding. If not, the Parties agree to work collaboratively to develop an Alternative Bus and Rail Investment Plan which reflects this fact and sets out revised funding for transit projects and services.

11. Recommendations for change to the Plan may be made by a Party to this Agreement or by any Orange County resident, group or organization. Recommendations for a change or revision shall be submitted to the General Manager of TTA, who shall forward the recommendation to the SWG for its review, consideration and advice. The SWG shall fully consider any recommendation for change in the Plan and report back to the Parties. The report of the SWG shall include its opinion on the recommended change along with the recommendation itself. In the event that the SWG voting members cannot agree on a shared opinion of any recommended change, then both majority and minority perspectives on the recommended change may be provided to the Parties. Additionally, any citizen or group may submit its opinion on the recommended change to the Parties as well.

Comment [JR11]: three

12. Any proposed material change to the Plan shall be effective only upon its approval by the Orange BOCC and TTA. All changes to the Plan shall be deemed non-material unless they involve one of the following:

Comment [JR12]: , the DCHC,

Comment [JR13]: The manager proposes a new subsection to be added, which requires any increase in tax revenues above those forecast to be allocated within the sole discretion of Orange County.

(A) An increase or decrease in total revenues from the Plan revenues (sales tax revenues, vehicle registration fee revenues, and rental vehicle tax revenues) of 5% or more; or
(B) An increase or decrease in the project capital cost (including financing) of the LRT project in the Plan of 10% or more prior to entering final design and 5% or more thereafter; or

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(C) An increase or decrease in the overall project operating costs of the LRT project in the Plan of over 5% or more; or
(D) An increase or decrease in the overall funds provided for bus service in the Plan of 5% or more; or
(E) An increase or decrease in the funds provided to Orange, the Chapel Hill/Carrboro/UNC Partnership, or TTA for bus service of more than 5% of the amount provided in the Plan or more than $300,000, whichever is greater.

A proposed elimination or addition of any fixed guideway capital project shall be considered a material change to the Plan.

13. Any proposed change to the Plan that is deemed non-material shall be effective only upon its approval by the Orange County Manager and the General Manager of TTA. Any change whether material or non-material must be evidenced by a written document signed by both Parties.

14. The term of this Agreement shall be from the date first above recorded to and including June 30, 2035. Upon its expiration the Agreement may be renewed upon mutual agreement of the Parties. The Agreement may be modified as needed upon mutual agreement of the Parties and may be terminated upon mutual agreement of the Parties or by either of the Parties upon a material breach by the other Party. Any modification must be in the form of a written agreement signed by both Parties.

Understood and agreed to and effective as of the date written above, by:

_____
Orange County

_____
TTA

Comment [PS14]: Represents +-$108,310 for CHT; +-$39,770 for TTA; and +-$19,972 for OPT.

Comment [PS15]: The typical bus used by CHT and TTA costs approximately $400,000. Vehicles used by OPT cost approximately $85,000.

Comment [JR16]: Should the MPO not be added as a party it should still make recommendations on material changes to the Plan.

Comment [JR17]: , the Planning Manager of DCHC,

Comment [JR18]: Should the MPO not be added as a party the MPO would still have a necessary role such as the following:

In addition to proposed material changes to the Plan the Parties shall refer to and seek recommendations from DCHC for any of the following:
(A) Goals and objectives for the LRT planning process; and
(B) Optimal use of existing transportation facilities; and
(C) Consistency of LRT planning with the availability of Federal, State and Local funding; and
(D) Land use and transportation plan interplay; and
(E) Urban and rural route connectivity; and
(F) Preservation of Rights of Way for future transporation needs; and
(G) Social, economic, energy, and environmental impacts of LRT planning; and
(H) Congestion mitigation.

Comment [JR19]: Signature line for DCHC if included as a party
_____
DCHC

DRAFT

DCHC

DURHAM - CHAPEL HILL - CARRBORO
METROPOLITAN PLANNING ORGANIZATION

Member Organizations: Town of Carrboro • Town of Chapel Hill • County of Chatham • City of Durham
Durham County • Town of Hillsborough • NC Department of Transportation • Orange County

June 25, 2012

Bernadette Pelissier
Chair
Orange County Board of Commissioners
4516 Mystic Lane
Hillsborough, NC 27278

Dear ~~Ms. Pelissier~~: Bernadette:

As you know, on June 13, 2012, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) Transportation Advisory Committee (TAC) approved the Orange County Bus and Rail Investment Plan in concept, stating that the MPO must have a role in the Implementation Agreement. While the TAC is supportive of the Bus and Rail Investment Plan and Orange County's decision to hold the sales tax referendum this fall, the TAC deferred final approval of the plan until there is clarification of the MPO's role in the Implementation Agreement. We directed MPO staff to work with Orange County and Triangle Transit to bring the agreement and final plan back to the TAC as soon as possible.

As the alternate member for Orange County on the TAC, you participated in the TAC's discussion on this matter. MPO staff and every TAC member who spoke recommended that the MPO be a party to the agreement. You were supportive of this concern as well. You will recall that the motion that was passed was a compromise to the opinion expressed by Alice Gordon (Orange County's member on the TAC) that the MPO not be a party to the agreement. Other than this issue, no TAC members expressed any objections to adopting the plan.

There are overwhelming, compelling reasons why the MPO should be a party to this agreement. It should first be noted that the Bus and Rail Investment Plan speaks to this very important issue. It states that the Implementation Agreement will detail the following areas:

> "(a) Annual review presentations of the activities and progress made in implementation of the Plan by Triangle Transit to the County and the MPO;
> (b) The process for review and vote by the County, the MPO and Triangle Transit's Board of Trustees or the role of the operating agency regarding any significant or substantial revisions to the Plan required by changes experienced in revenues received, capital costs, operating expenses, or other substantial issues affecting the Plan;
> (c) A recognition and preservation of decision making responsibilities of the operating agencies;

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(d) Responsibility of Triangle Transit for direct disbursement of funds from the revenues received per Section V (above) to the public agency responsible for implementing the bus services set forth in the Plan; and
(e) Other necessary provisions regarding implementation of this Plan as agreed to by the County, the MPO, and Triangle Transit."

Items a, b, and e directly affect the MPO and items c and d are critical to the implementation of the plan and the MPO's Long Range Transportation Plan (LRTP). The DCHC MPO is clearly affected by the agreement, and therefore we believe it should be a full party to the agreement.

Of primary concern to the MPO is the process for review and vote by the County, MPO, and Triangle Transit on any changes to the plan. The Durham-Orange rail transit corridor project is the most costly single project in the MPO's LRTP, and it cannot be implemented without the local, state, and federal funding as outlined in the Orange County Bus and Rail Investment Plan. Further, the Bus and Rail Investment Plan also includes funding for future local and regional bus services that are commitments in our LRTP, important to the MPO's member agencies, and critical to the success of the rail system. The MPO has a high degree of interest in making sure that these bus and rail projects are implemented. Any changes to the Bus and Rail Investment Plan must be approved by the MPO, must be consistent with our LRTP, and must also be included in the MPO's Transportation Improvement Program (TIP) as they are funded. As such, the MPO must be a part of developing the language in the Implementation Agreement that describes the process for changing the plan and this language must require Orange County and Triangle Transit to coordinate with the MPO. In short, we believe that the DCHC MPO needs to be a full party to the Implementation Agreement for the Orange County Bus and Rail Investment Plan. This would best ensure that the MPO's interests are protected.

We understand that Orange County has concerns that if the MPO were a party to the agreement, the MPO may be able to change the Bus and Rail Investment Plan without Orange County's approval. This is not the case. *The Congestion Relief and Intermodal Transport Fund Act (HB 148) requires that the plan be approved by the County, Triangle Transit, and the MPO. None of the parties can adopt or change the plan unilaterally. North Carolina House Bill 148 required approval by all three because each has an important role in transit planning and implementation.* We believe that the development of the plan has benefitted from close collaboration between the three parties and we believe that continuing this close collaboration will only serve to improve the plan and successfully implement the bus and rail projects in the plan.

We are competing with other regions across the country for limited federal transit funding. *It is critical to be able to demonstrate to the federal government that our plan was developed collaboratively and is supported by local jurisdictions and transit operators.* The DCHC MPO TAC is a forum for regional collaboration between counties, municipalities, Triangle Transit, and state and federal agencies. We have had a history of collegial discussion on issues of regional importance at TAC meetings. Including the DCHC MPO as a party to the Implementation Agreement will help continue the successful regional

collaboration we have had on transit planning issues and demonstrate to the federal government that we are unified in our support for the rail and bus projects in the plan.

You mentioned at the TAC meeting on June 13 that perhaps the Orange County Board of Commissioners needed to have a better understanding of exactly how the MPO operates. In this letter, we have attempted to explain how very important it is that the MPO be a full party to this agreement. Based on the discussion at our June meeting and in accordance with the aforementioned comments, a majority of the TAC members may insist that the MPO be a party to the agreement as a condition of approving the plan. If you need further explanation from any of us about why we believe this is necessary, please do not hesitate to ask.

As stated, we have directed MPO staff to work with Orange County and Triangle Transit staff on the Implementation Agreement and to bring back a recommendation to the TAC later this summer. At that time, we will also consider final approval of the Orange County Bus and Rail Investment Plan. The TAC will carefully consider how the Implementation Agreement accommodates the MPO's interests when we consider final approval of the plan. TAC members and MPO staff look forward to working with Orange County and Triangle Transit on developing an Implementation Agreement that satisfactorily protects the interests of the County, Triangle Transit, and the MPO. Again, please feel free to contact me or DCHC MPO staff with any questions you have on the MPO's position.

Sincerely,

Lydia E. Lavelle

Lydia Lavelle, Chair
Transportation Advisory Committee

CC: DCHC MPO TAC
Orange County Commissioners
Frank Clifton, Orange County
John Roberts, Orange County
Craig Benedict, Orange County
David King, Triangle Transit
Wib Gulley, Triangle Transit
Damien Graham, Triangle Transit
Patrick McDonough, Triangle Transit
Mark Ahrendsen, City of Durham/TCC Chair

Attachment 3

MEMORANDUM

To: Transportation Advisory Committee
DCHC MPO

From: DCHC MPO Lead Planning Agency

Date: September 12, 2012

Subject: **Orange County Implementation Agreement**

The Orange County Transit Plan must be adopted by the county, DCHC MPO, Burlington-Graham MPO, and Triangle Transit. The BG MPO approved the plan at their August 21, 2012 meeting. At the June TAC meeting, the TAC's action was to approve the plan in concept and state that the MPO must have a role in the Implementation Agreement. The TAC Chair sent a letter describing the TAC's position after the meeting (Attachment 7). LPA, Orange County, and Triangle Transit staffs have met several times to discuss the Implementation Agreement over the past few months. A summary of the Implementation Agreement and an outline of the three outstanding issues to be resolved are below. The TAC action is to receive this update and provide feedback as needed on the agreement.

Summary
The working draft of the Implementation Agreement puts forth a process for providing annual updates to the TTA Board, Orange Board of County Commissioners, and DCHC MPO TAC on progress towards implementing the Orange County Transit Plan, a process for reviewing the full plan in detail every four years in coordination with the development of the DCHC MPO's MTP, a process for reviewing the plan if the New Starts application is not successful, and a process for receiving recommendations for changes or revisions to the plan. The agreement distinguishes between material changes that require approval by the executive boards of the parties to the agreement and non-material changes that will require approval by a staff working group made up of staff representatives of the parties to the agreement.

Outstanding Issues
The three outstanding issues that are still being discussed by staff are: defining who is a party to the agreement; defining the amount of funding from the plan that can be used to support existing transit services; and defining which board will have the authority to decide how sales tax revenue that exceeds projections by more than five percent will be spent.

As described in the letter the TAC Chair sent, the MPO has many reasons why it should be a party to the agreement. Orange County staff has continued to advocate for a two party agreement, excluding the MPO, to be consistent with the Orange County board's previous action. If the agreement is a two party agreement, the TAC would not be required to approve any material changes to the plan. MPO staff would also not be included in the staff working group to approve any non-material changes. Instead, it has been suggested that the MPO could be asked to review changes and provide advice to the other two boards.

The draft Orange County Transit Plan includes the allocation of 6,000 annual bus hours, or $582,000, to Chapel Hill Transit to support existing transit service. Chapel Hill Transit is concerned about the potentially escalating cost to run the current system and would like to have flexibility to use revenue from the Plan to respond to decreases in federal or state funding for transit or unanticipated increases in cost to run the current bus system. Understandably, Chapel Hill Transit wants to avoid a situation where increasing costs or decreasing revenues forces them to cut back on bus service while revenues from the Plan are only allowed to be spent on new services (which may not serve as many people or be as effective as services that are simultaneously being cut). However, others believe that the intention of the Congestion Relief Intermodal Transit legislation was to expand transit services, and, while it may be legally defensible, supporting existing services is not in the spirit of the legislation. In addition there is concern that the inflation of costs to run the current Chapel Hill Transit system could potentially affect the funding available to other transit operators and the funding available for the Durham-Orange light rail project if revenue is used to support existing services

Orange County staff has suggested that if sales tax revenues exceed expectations by more than five percent that the Orange Board of County Commissioners would alone have the authority to decide what to do with the additional revenues. It would be solely their decision regardless if the agreement is a two party or three party agreement.

TAC Action: Receive update and provide feedback as needed.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 8-a

SUBJECT: Update on the NC Mountains-to-Sea Trail – Orange County Section

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

PUBLIC HEARING: (Y/N) No

ATTACHMENTS:
1. Statewide MST Corridor Map
2. Eastern Piedmont MST Corridor Map
3. Orange County MST Corridor Map
4. Key Questions and Decision Points (2009)
5. OWASA Letter of Support (2009)
6. BOCC Resolution (April 2010)
7. Questions from 8/13/12 Open House
8. Frequently Asked Questions
9. Typical Views of the MST

INFORMATION CONTACTS:
David Stancil, 245-2510
Rich Shaw, 245-2514

PURPOSE: To provide an update on the progress of establishing a section of the NC Mountains-to-Sea State Trail through Orange County, as directed by the Board in June.

BACKGROUND: The NC Mountains-to-Sea Trail is a planned 1,000-mile trail that will traverse the state from the Great Smoky Mountains in western North Carolina to Jockey's Ridge State Park on the Outer Banks (Attachment 1). About 530 miles of the MST is completed and open for hiking, including recently opened segments of the trail along the Haw River in Alamance County and at Falls Lake in Durham and Wake counties.

In 2000 the North Carolina General Assembly authorized the Mountains-to-Sea Trail (MST) as part of the North Carolina Parks System. From 2005-2007, the NC Division of Parks and Recreation held stakeholder meetings to identify a suitable trail planning corridor through Alamance, Orange and Durham counties. Preliminary findings were reported to the BOCC in February 2006. Those meetings resulted in a map of the State's preferred trail planning corridor through the "Eastern Piedmont" (Attachment 2).

The MST planning corridor through Orange County (Attachment 3) begins at the Haw River in the far southwest corner, then parallels Cane Creek northeast through Orange Water & Sewer Authority's (OWASA) Cane Creek Reservoir lands, and then northeast through the Seven Mile Creek Preserve and Occoneechee Mountain State Natural Area. From Occoneechee Mountain the trail will follow the Eno River along Hillsborough's Riverwalk and through land owned by Classical American Homes Preservation Trust and Eno River State Park into Durham County.

In October 2009 DEAPR staff presented the proposed MST trail corridor to the BOCC and received feedback on a number of key decision points (Attachment 4), including where staff should focus initial efforts and when to collaborate with potential partners - OWASA and Town of Hillsborough. The Board directed staff to take the MST trail plan to three of its advisory boards (Intergovernmental Parks Work Group, Parks and Recreation Council, Commission for the Environment) for their consideration and recommendations.

The BOCC asked DEAPR to meet with OWASA staff to discuss locating portions of the MST through OWASA's Cane Creek Reservoir lands. In December 2009 the OWASA Board of Directors offered its support of the project and directed OWASA staff to begin working with Orange County to identify a specific route for a trail through the OWASA property, provided there would be no compromise of water quality, no expenditure of OWASA funds, and that steps are taken to minimize any additional security risks associated with inviting hikers to use the property around the reservoir (Attachment 5).

DEAPR staff reported back to the BOCC in April 2010. The Intergovernmental Parks Work Group recommended approval of the State's preferred MST trail corridor, but with the additional of three trail "links" from Chapel Hill and Carrboro to one of the proposed secondary (or "alternative") trail routes (Attachment 3). The Towns of Chapel Hill, Carrboro, and Hillsborough had also formerly endorsed the MST plan.

On April 20, 2010 the Board adopted a resolution endorsing the State's preferred MST trail corridor through Orange County (Attachment 6). The adjoining counties (Alamance and Durham) had already endorsed the same plan through their jurisdictions and were working with the State Trails Program, Friends of the Mountains-to-Sea Trail (FMST) and other partners to acquire land (and trail easements) and construct the trail.

Since 2010 DEAPR staff has followed up on the direction from the BOCC, including many days of fieldwork to identify a suitable MST trail route through the County's Seven Mile Creek Preserve, through OWASA's Cane Creek Reservoir property, and other privately-owned lands where willing landowners authorized trail reconnaissance.

In the Seven Mile Creek Preserve area, staff is collaborating with State Parks, FMST, and the Eno River Association on locating the trail route on County lands and through some adjacent properties. Negotiations are currently underway to extend the trail on three other properties. Staff has also met with Town of Hillsborough and State Parks staff to consider potential trail links between Occoneechee Mountain and Seven Mile Creek.

In southwestern Orange County, staff is collaborating with OWASA and FMST on locating a viable trail route through the OWASA Cane Creek Reservoir lands. Over the past 18 months, the field team has walked the land, flagged potential routes, explored alternatives, and re-flagged some areas. In spring 2012 some neighboring landowners observed signs of the reconnaissance work and began asking questions. DEAPR staff responded to questions and met with individuals and neighborhood groups to explain the process of identifying a potential trail route. Some neighbors continue to object to a potential trail segment through the OWASA property. Other neighbors are supportive and some await further information resulting from the trail reconnaissance, the identification of trail access points, and the development of rules for trail oversight and

operation. More fieldwork by the team is required before it can report its findings and recommendations to the OWASA staff and OWASA Board of Directors.

Neighboring jurisdictions are also working with State Parks and FMST to extend the MST. For example:

- In Durham and Wake counties trail partners recently completed 46 miles of the MST around Falls Lake.
- In 2011 Alamance County received a $375,000 grant through the N.C. Parks and Recreation Trust Fund (PARTF) to help purchase land for a section of the MST along the Haw River in the southern part of the county. Alamance was previously awarded $400,000 from PARTF to develop the trail. Currently, over 10 miles of the trail exist or are in construction, including Swepsonville River Park and a new segment at Glencoe.
- In June 2012 the Town of Hillsborough was awarded $425,000 from PARTF to continue work on Hillsborough's Riverwalk, which will be part of the MST. Hillsborough previously received over $900,000 for other sections of the project.
- In November 2011 the City of Raleigh opened the first 6.5 miles of what will soon be a 28-mile Neuse River greenway trail and part of the NC MST.

On August 13, 2012, DEAPR, along with State Parks and FMST, held an Open House for the public to learn more about the planned sections of the MST in Orange County and the process of identifying and constructing the trail. A summary of the questions raised at the August 13 Open House is included at Attachment 7.

On September 7, 2012 staff met with representatives of a group that has expressed concerns about a portion of the MST near Cane Creek in Bingham Township. The group is concerned that initial planning occurred without community involvement and has questions concerning the safety and security of homeowners adjacent to the future trail.

Enclosed are responses to "Frequently Asked Questions" about the MST (Attachment 8), and some typical examples of photographs taken along the MST (Attachment 9). In response to a Board member petition, the BOCC Chair has asked the Friends of the Mountains-to-Sea Trail to host another meeting this fall that will include a question and answer session and will involve County staff. Future public information meetings will be held as progress on MST planning continues.

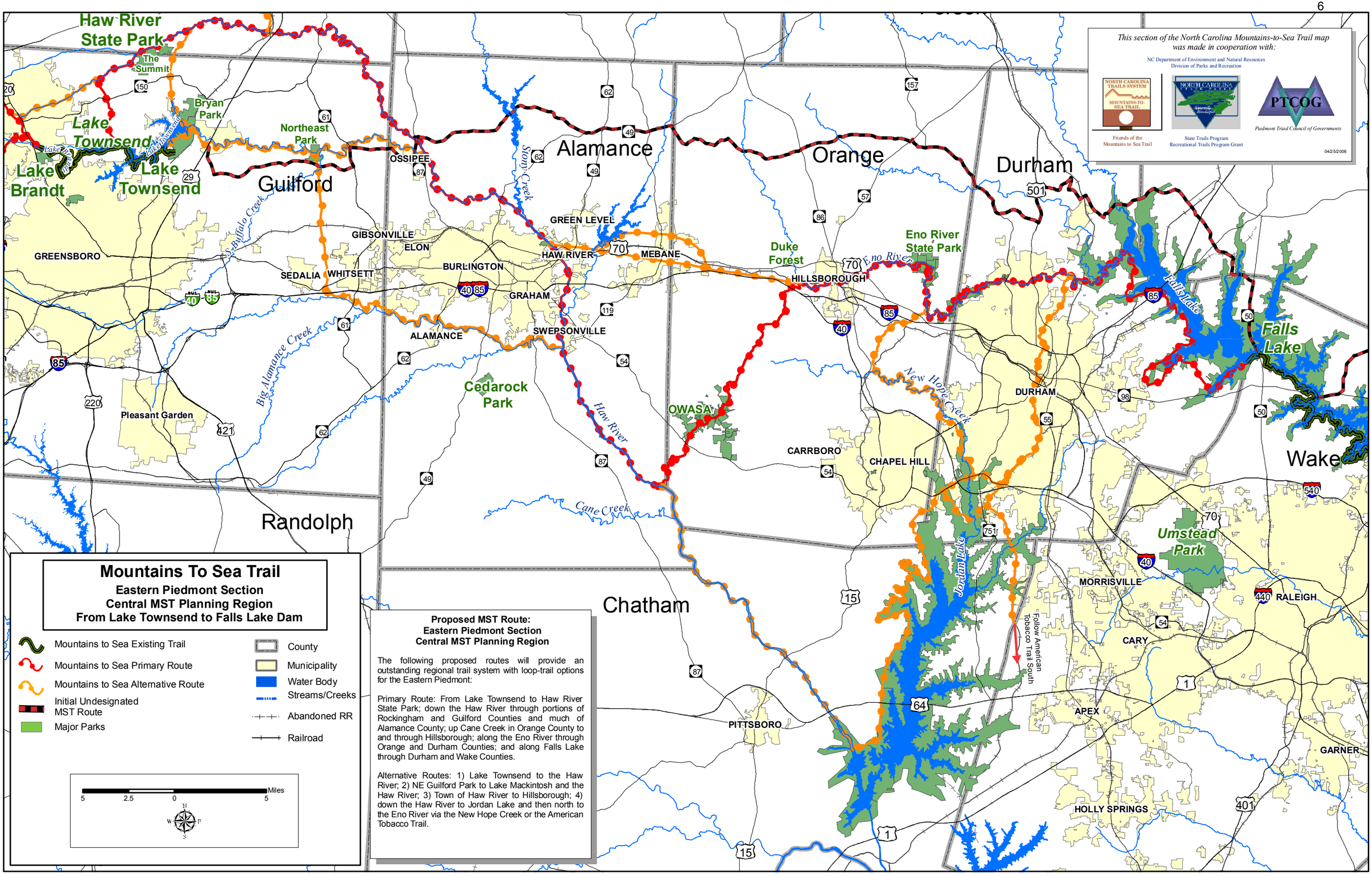
FINANCIAL IMPACT: There is no impact associated with this item. Several follow-up actions, if pursued, would have financial implications. There is no current funding for the MST trail construction. The adopted 2012-17 Capital Investment Plan (CIP) includes potential funding in FY 2013-14 through FY 2016-17 for the trail. These funds would need to be approved as part of future budget deliberations.

The costs of developing and maintaining the NC Mountains-to-Sea Trail through Orange County will be shared among various public and interested private landowners (including Orange County), along with volunteer assistance coordinated by the Friends of the Mountains-to-Sea Trail. Partners include the Town of Hillsborough, the State of North Carolina, and Classical American Homes Preservation Trust. Once the exact trail route is determined, negotiations with landowners along the route would be conducted, with participation on a strictly voluntary basis. State grant funds for land acquisition and trail construction is a high priority for the NC Parks and Recreation Trust Fund (PARTF), with

additional funding from the State Recreational Trail Grant Program and the NC Clean Water Management Trust Fund also possible.

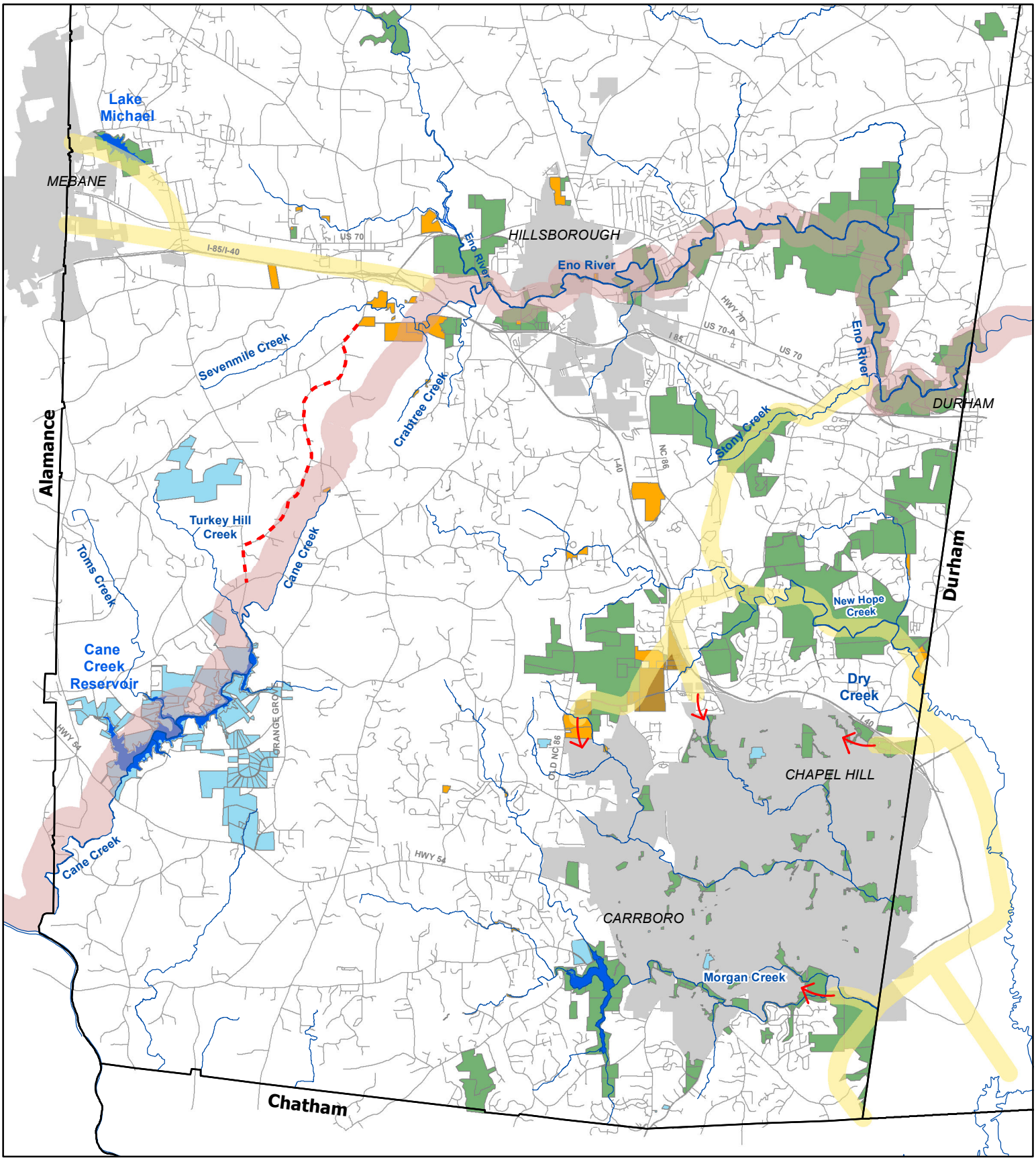
RECOMMENDATION(S): The Manager recommends that the Board receive this information and provide staff feedback and guidance as desired.

North Carolina's Mountains-to-Sea Trail


This section of the North Carolina Mountains-to-Sea Trail map was made in cooperation with:
NC Department of Environment and Natural Resources
Division of Parks and Recreation
Friends of the Mountains to Sea Trail
State Trails Program
Recreational Trails Program Grant
Piedmont Triad Council of Governments
04/25/2006
Haw River State Park
The Summit
Bryan Park
Lake Townsend
Lake Brandt
Northeast Park
Guilford
Alamance
Orange
Durham
Randolph
Chatham
Wake
Duke Forest
Eno River State Park
Falls Lake
Cedarock Park
OWASA
Umstead Park
GREENSBORO
OSSIPEE
GIBSONVILLE
ELON
GREEN LEVEL
HAW RIVER
MEBANE
BURLINGTON
SEDALIA
WHITSETT
GRAHAM
SWEPSONVILLE
ALAMANCE
HILLSBOROUGH
DURHAM
CARRBORO
CHAPEL HILL
Pleasant Garden
PITTSBORO
MORRISVILLE
RALEIGH
CARY
APEX
GARNER
HOLLY SPRINGS
Stony Creek
S. Buffalo Creek
Big Alamance Creek
Haw River
Cane Creek
Eno River
New Hope Creek
Falls Lake
Jordan Lake
Follow American Tobacco Trail South
Mountains To Sea Trail
Eastern Piedmont Section
Central MST Planning Region
From Lake Townsend to Falls Lake Dam
Mountains to Sea Existing Trail
Mountains to Sea Primary Route
Mountains to Sea Alternative Route
Initial Undesignated MST Route
Major Parks
County
Municipality
Water Body
Streams/Creeks
Abandoned RR
Railroad
Miles
5 2.5 0 5
Proposed MST Route:
Eastern Piedmont Section
Central MST Planning Region
The following proposed routes will provide an outstanding regional trail system with loop-trail options for the Eastern Piedmont:
Primary Route: From Lake Townsend to Haw River State Park; down the Haw River through portions of Rockingham and Guilford Counties and much of Alamance County; up Cane Creek in Orange County to and through Hillsborough; along the Eno River through Orange and Durham Counties; and along Falls Lake through Durham and Wake Counties.
Alternative Routes: 1) Lake Townsend to the Haw River; 2) NE Guilford Park to Lake Mackintosh and the Haw River; 3) Town of Haw River to Hillsborough; 4) down the Haw River to Jordan Lake and then north to the Eno River via the New Hope Creek or the American Tobacco Trail.

NC Mountains-to-Sea Trail Corridor

Orange County Section



NC Mountains-to-Sea Trail (MST)

- MST Primary route
- MST Alternative route
- Linkage to town greenway system
- Proposed roadside alternative route
- Towns
- Streets
- OWASA land
- Non-county parkland & open space
- Orange County parkland & open space
- Other public land
- Reservoirs
- Major Streams

0 0.5 1 2 Miles

Orange County
Dept. of Environment,
Agriculture, Parks and Recreation
M Jones IT/GIS Division 6/20/2012
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October 13, 2009 **Attachment 4**

NC Mountains-to-Sea Trail Corridor through Orange County

Key Questions and Decision Points

Background
The North Carolina Mountains-to-Sea Trail (MST) is a planned 1,000-mile trail that will traverse the state from the Great Smoky Mountains in western North Carolina to the Outer Banks on the Atlantic coast (Attachment 2). The MST trail corridor has been defined in the eastern and western parts of the state for some time now, but the route through the more-populous eastern Piedmont had not been identified until recent years.

In 2007, the State Parks office approved a proposed corridor for the "Eastern Piedmont" section of the MST as shown on the map (Attachment 3). The primary trail route would connect Haw River State Park north of Greensboro to Falls Lake in Wake County. In Alamance County the trail would follow the Haw River to the Alamance/Orange county line. The trail would then turn northeast along Cane Creek through OWASA-owned land at Cane Creek Reservoir, and then continue northeast through the County's Seven Mile Creek Preserve to Occoneechee Mountain State Natural Area. From Occoneechee Mountain the trail would follow the Eno River along Hillsborough's Riverwalk and through Eno River State Park into Durham County. The general route for the MST corridor through Orange County is shown on Attachment 4.

The proposed MST from Hillsborough east is largely through public lands and private conservation lands along the Eno River. Eno River State Park has already identified a specific MST route through the park. West and south of Hillsborough, however, the specific trail route is uncertain and complicated by the fact that more land is in private ownership.

It is important to point out that all MST trail segments are considered "planned" or "proposed" routes until the trail is <u>already constructed</u> and formally designated part of the State Trail system. A government agency must submit a formal application for designation. Alamance County had one section of trail designated MST in 2008 and another section that is pending.

Although discussed in previous years, Orange County has not yet endorsed the State's planned MST trail route through the county. Toward that end, Staff has identified the following decision points for Board discussion and feedback:

1) **Is the Board ready to endorse the general alignment of the planned MST corridor through Orange County?**

   The State's preferred route was identified in 2007 following a two-year stakeholder process that included involving Orange County staff, OWASA staff, land trusts, Friends of the Mountains-to-Sea Trail, and the staff from neighboring jurisdictions.

   The two points where the MST would enter Orange County from its western and eastern boundaries have been endorsed by the neighboring jurisdictions. Durham County approved the route as part of its City-County Greenways Plan adopted in

2001. Alamance County approved of the route in 2006 as part of its adoption of the Haw River Trail. Both counties are now working with the NC Division of Parks and Recreation, Friends of the Mountains-to-Sea Trail and other partners to establish the trail in those jurisdictions. Alamance County received a 2008 grant from the NC Parks and Recreation Trust Fund to acquire MST trail segments, and has been acquiring land and trail easements on private land at the rate of two miles per year. Durham County signed a memorandum of agreement with other partners in 2006 to complete the Falls Lake portion of the trail (46 miles).

The Town of Hillsborough adopted a resolution in 2005 recommending that the selected route of the MST incorporate the Hillsborough Riverwalk from downtown Hillsborough to Occoneechee Mountain. Phase I of the trail was completed with the recent opening of Gold Park and Phase II is now underway with land acquisition for the rest of the trail completed earlier this year.

Other jurisdictions have adopted resolutions to endorse or adopt the MST corridor and an example is provided here, for the Board's consideration for action at a future meeting (Attachment 5). <u>If the Board approves the general MST trail corridor, Staff will incorporate the planned trail in the Orange County Comprehensive Plan, the existing Parks and Recreation Master Plan, and include it in an update to the County's parks master plan envisioned for 2010-2011</u>. This action will enable the reservation or acquisition of trail corridor as future development occurs and as conservation opportunities arise along the planned MST route.

2) How should the County coordinate with OWASA on the MST trail alignment?

The proposed MST trail would pass through lands owned and managed by Orange Water and Sewer Authority (OWASA). OWASA staff participated in the stakeholder meetings held by State Parks in 2005-2007 to identify the best trail corridor. Since then ERCD has met twice with the OWASA staff to discuss the proposed route.

<u>OWASA staff prefers to wait until the BOCC has given its preliminary approval of the proposed trail route before taking it to the OWASA board for consideration and approval</u>. If the Board indicates its endorsement and takes subsequent action to this effect, staff could convey this to OWASA via a letter from the Chair.

3) May Staff collaborate with the Town of Hillsborough on identifying the MST trail link to the Town's Riverwalk?

Hillsborough staff also participated in the stakeholder meetings held by the NC Division of Parks and Recreation to identify the best trail corridor. The Town adopted a resolution in 2005 recommending that the MST incorporate the Eno Riverwalk from downtown Hillsborough to Occoneechee Mountain.

Since then, ERCD has participated in two informal meetings with Town staff and the Eno River Association to discuss the potential extension of the Riverwalk, including a proposed "Phase III" of the Riverwalk into the Town's extraterritorial jurisdiction.

<u>If the Board concurs, ERCD could work with the Town and others to identify potential trail routes to expand the Riverwalk west to connect Occoneechee Mountain with the</u>

Seven Mile Creek Preserve, and east to connect the County's River Park with Eno River State Park.

4) How aggressively should ERCD prioritize MST land acquisition through the Lands Legacy program?

ERCD is prepared to include MST corridor planning and acquisition in the 2010-12 Lands Legacy Action Plan, as has been the case in previous two-year plans, but guidance from the Board would be useful in determining how to prioritize this project among the other Lands Legacy projects.

State grant funds for land acquisition and trail construction is available from the NC Parks and Recreation Trust Fund (the MST is now a top priority for PARTF grants), the State Recreational Trail Grant Program, and the NC Clean Water Management Trust Fund. State Parks staff has indicated State funds for land acquisition will be earmarked for Orange County (once the state budget situation improves) as part of the State's interest in "jumpstarting" the MST in the Eastern Piedmont section.

The adopted CIP allocates $1.26 million for land acquisition for Lands Legacy/ Mountains-to-Sea Trail, beginning in 2013-14 and continuing to 2016-17. There is also $2.8 million remaining from the voter-approved 2001 Parks and Open Space bond (Lands Legacy portion) that is or will be available for acquisition of public accessible parks and open space lands.

At this point, Board direction on whether to consider this a high, medium or low priority will be useful, as staff is developing the draft 2010-2012 Lands Legacy Action Plan. *A listing of other priorities that have been identified to date is available at the Board's places.* This draft plan is slated to come to the Board in early 2010, after receiving comments and thoughts from advisory boards.

State grant funds are available for acquisition and construction of the MST, but the long-term operation and management of trail segments is a local responsibility. Although large portions of the MST through Orange County will be in Eno River State Park and the Hillsborough Riverwalk, most of the future trail would need to be operated and maintained by Orange County and/or partner entities.

The **Friends of the Mountains-to-Sea Trail** (FMST) is a non-profit organization whose mission is *to bring together communities and volunteers to build the Mountains-to-Sea Trail, a simple footpath connecting the state's natural treasures for the enjoyment and education of people*.

According to Kate Dixon, Executive Director for the FMST, volunteers now maintain over 480 miles of existing trail. ERCD has met with Kate Dixon to learn how the FMST could assist Orange County in the construction and maintenance of the MST using a systematic approach used across the state. See the letter from Kate Dixon provided as Attachment 6.

5) Does the Board agree with focusing initial efforts in the vicinity of the County's Seven Mile Creek Preserve?

If the Board sees the MST as a priority, staff feels that the Seven Mile Creek Preserve may be a fitting place to start. Focusing initial attention on the MST segment in the Seven Mile Creek portion of the Upper Eno Watershed is suggested for several reasons:

a) The County already owns nearly 300 acres for the Seven Mile Creek Preserve, and the planned MST corridor would travel through that property.

b) ERCD is in contact with four landowners who are interested in selling or donating land for the Preserve. Three are key properties adjacent to County-owned land, and one of these priorities has been negotiated and is planned for the October 20 Board agenda.

c) State funds for land acquisition are likely to be earmarked for Orange County once the state budget situation improves. State Parks staff has indicated a preference for the Seven Mile Creek area because the County has already acquired land in that area and is within reach of other public lands.

d) As noted in the budget service reduction materials from last spring, while a lull in park master planning is anticipated during 2009-10, staff did anticipate the need to begin at least internal efforts toward developing a master plan for Seven Mile Creek Preserve, which would identify recommended future boundaries, access points, recreation sites, natural and historical points of interest, and the future MST corridor.

Finally, as has been noted in previous Lands Legacy Action Plans, the Seven Mile Creek Preserve, when viewed in the larger context of preservation in the Neuse (Falls Lake) basin, offers an opportunity as a gateway for linking conservation areas to the north, potentially expanding the formal conservation of land northward along the Eno River to include several existing permanent conservation "nodes."

ERCD staff will be available to answer questions and to provide additional information about these issues at the October 13 work session.

Attachment 5

ORANGE WATER AND SEWER AUTHORITY

A public, non-profit agency providing water, sewer and reclaimed water services to the Carrboro-Chapel Hill community.

December 10, 2009

Valarie Foushee, Chair
Orange County Board of Commissioners
Post Office Box 8181
Hillsborough, NC 27278

SUBJECT: MOUNTAINS-TO-SEA TRAIL

Dear Chair Foushee:

I'm writing to express OWASA's support for the Mountains-to-Sea Trail (MST) initiative. We have met with Kate Dixon, Executive Director of the Friends of the MST, and we are confident that we can make the necessary arrangements that will allow use of OWASA's property in the vicinity of the Cane Creek Reservoir, consistent with our primary mission of providing safe and reliable drinking water for our customers. As such, conditional upon the Orange County Board of County Commissioner' approval of the initiative, our Board has directed OWASA staff to immediately begin working with Orange County Staff and the Friends of the MST to develop the necessary agreements and arrangements that will allow use of our property providing there is no compromise of water quality, no expenditure of OWASA funds and we are able to make the arrangements necessary to minimize any additional security risks associated with inviting hikers to use the property around the reservoir.

Additionally, although it is not a condition of our support for the trail, OWASA has a long history of notifying and receiving feedback from the public before finalizing any changes to recreational activities at the Cane Creek Reservoir, and we are hopeful that the County's process would include some level of public involvement prior to finalizing the plans for the trail.

We look forward to participating in this initiative and believe the MST will be a tremendous asset for all citizens of Orange County.

Best regards,

Randy Kabrick, P.E., Chair

c: Mr. Frank Clifton, Manager, Orange County
Mr. Roger L. Stancil, Manager, Town of Chapel Hill
Mr. Steven Stewart, Manager, Town of Carrboro
OWASA Board of Directors
Ed Kerwin, Executive Director

400 Jones Ferry Road
Carrboro, NC 27510-2001

Equal Opportunity Employer
Printed on Recycled Paper

Voice (919) 968-4421
www.owasa.org

Attachment 6

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION SUPPORTING THE NORTH CAROLINA MOUNTAINS-TO-SEA TRAIL THROUGH ORANGE COUNTY, NC

WHEREAS, the Mountains-to-Sea Trail is planned to provide a major cross-state transportation, recreation and tourism resource for all North Carolinians; and

WHEREAS, the Trail is planned to cover nearly 1,000 miles of the State when all spurs and connectors are included; and

WHEREAS, the Trail will highlight a wide variety of historic and natural resources across the State and within Orange County; and

WHEREAS, the Trail would contribute towards improved quality of life and provide economic benefits from the associated recreation and tourism; and

WHEREAS, the proposed Trail corridor is a recommended project from the Orange County Recreation and Parks Advisory Council, the Orange County Commission for the Environment, and the Intergovernmental Parks Work Group; and

WHEREAS, the creation of the Trail is a joint venture among the North Carolina Department of Environment and Natural Resources, Friends of the Mountains-to-Sea Trail, Orange Water and Sewer Authority (OWASA), the Town of Hillsborough, the Eno River Association, Classical American Homes Preservation Trust, and Orange County; and

WHEREAS, the proposed segments of the Trail in Orange County include existing and planned trails at Eno River State Park, the Historic Occoneechee Speedway Trail, Poet's Walk at Historic Ayr Mount, Hillsborough's Riverwalk and Kings Highway Park, Occoneechee Mountain State Natural Area, Orange County's Seven Mile Creek Preserve, and OWASA's Cane Creek watershed protection lands;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Commissioners endorses the Mountains-to-Sea Trail plan, with its primary and alternate trail routes, as delineated on the attached map.

This the 20th day of April, 2010.

Valerie Foushee, Chair
Orange County Board of Commissioners

Donna Baker, Clerk to the Board

Attachment 7

Questions and Concerns

The following are a list of questions and concerns that were raised by some of the people who attended the August 13 Open House. Staff has grouped them into four broader categories.

Why MST and Why Now?

- Is it wise to spend public funds on this project during this poor economic period? Will this increase my taxes?
- Do we need more trails? What are the benefits of trails?
- Will the trail affect the value of my property positively or negatively?
- Who will pay for this trail, including land acquisition, construction, maintenance and management?

Where is the MST to be located in Orange County?

- What is Orange County's specific MST plan?
- Please share the plan with the public!
- Please share the plan with the landowners within the one-mile planning corridor!
- How wide a corridor is needed/desired for this trail?
- Why does the planning corridor follow waterways? Why does the County want to acquire land bordering our waterways?
- We want to know what landowners will be approached!
- The planned county-wide survey about the MST is a waste of time and tax payer money

Legal Issues

- Will the County use eminent domain to acquire the public use rights to land for this trail?
- Will I need additional liability and property insurance to protect my property – trail on my property – or on adjacent property – concern here is liability for trail users trespassing, and causing property damage?
- If I sell or give public use rights to my land for the MST – will the county hold me harmless from all legal actions – liability and property?
- What agency will respond to concerns for trespass, vandalism?
- How will the trail affect landowners' access to surface waters (i.e., streams) if the trail is constructed along or near streams?
- Will the presence of the trail (or trail easement) require farmers on neighboring property have to fence their livestock out of waterways?

Management and Responsibility

- Who will hold the public interest in property acquired for this segment of the MST?
- Who is responsible for the construction and management of this trail?
- Who is responsible for law enforcement on the trail?
- What are the plans for facility development – including parking areas and/or trail heads planned – and restrooms planned?
- Will there be toilet facilities for people using the trail?
- What happens during hunting season? Will gun rights be restricted in areas with trails?

September 2012 **Attachment 8**

NC Mountains-to-Sea Trail through Orange County
Frequently Asked Questions

What is the NC Mountains-to-Sea Trail?
The NC Mountains-to-Sea Trail (MST) is a 1,000-mile trail that will traverse the state from the Great Smoky Mountains in western North Carolina to Jockey's Ridge State Park on the Outer Banks. Partners across the state are helping to plan and build the trail that will link communities and serve as the backbone of a growing system of land and water trails in North Carolina.

In 2000 the NC General Assembly authorized the MST as unit of the North Carolina Parks System.

A map showing the Mountains-to-Sea State Trail across North Carolina is available at:
http://orangecountync.gov/deapr/nat_cul_resources/mst.asp

How many miles of the NC Mountains-to-Sea Trail are finished?
About 530 miles of dedicated trail — roughly half the planned length— has been completed to date and is open for hiking. A series of interim roadway connectors (bicycle routes and back roads) have been identified by the Friends of the Mountains-to-Sea Trail organization that knit together the completed sections of the MST across the state.

Some examples of completed trail in this area include the following:

- In Durham and Wake counties there are 60 miles of completed trail around Falls Lake
- In Alamance County there are 10 miles of the trail open or under construction, including Swepsonville River Park and a new trail segment at Glencoe
- Raleigh recently opened the first 6.5 miles of what will soon be a 28-mile Neuse River greenway trail and part of the NC Mountains-to-Sea Trail

Where will the Trail go through Orange County?
The MST planning corridor through Orange County (from west to east) begins at the Haw River in the far southwest corner of the county, then parallels Cane Creek to the northeast through OWASA's Cane Creek Reservoir lands, then further northeast through the Seven Mile Creek Preserve and Occoneechee Mountain State Natural Area. From Occoneechee Mountain the trail will follow the Eno River along Hillsborough's Riverwalk and through land owned by Classical American Homes Preservation Trust and Eno River State Park into Durham County.

A map of the MST planning corridor across Orange County is available at:
http://orangecountync.gov/deapr/nat_cul_resources/mst.asp

How was the planned Trail corridor chosen?
From 2005-2007, the NC Division of Parks and Recreation held stakeholder meetings to identify a suitable MST planning corridor through Alamance, Orange and Durham counties. Trail planners began by identifying existing trails on public lands and connected them to key natural features across the region. The result of that effort was a MST Trail Planning Corridor for consideration by local governments. The Orange County Board of Commissioners endorsed the MST Planning Corridor in April 2010 following review by advisory boards (Intergovernmental Parks Work Group, Parks and Recreation Council, Commission for the Environment) and town boards of Hillsborough, Chapel Hill and Carrboro.

County staff are working in collaboration with the State Trails Program (a section of the NC Division of Parks and Recreation), Eno River State Park, the Town of Hillsborough, the Friends of Mountains-to-Sea Trail (FMST), and others to develop specific plans for the MST in Orange County—thereby transitioning the trail planning corridor to an actual "trail alignment." The initial focus has been on determining the trail alignment through the County's Seven Mile Creek Preserve and linking the Preserve with Occoneechee Mountain and the Hillsborough Riverwalk. A secondary focus is working with the Orange Water and Sewer Authority (OWASA) to identify a potential trail alignment through OWASA's Cane Creek Reservoir lands in the southwestern part of the county, and then linking the Reservoir lands with the Alamance County section of the MST along the Haw River.

Are there any sections of the MST already completed and open in Orange County?
Yes. Sections of the MST are open in Hillsborough within River Park and Gold Park. East of Hillsborough, there are designated sections of the MST open in Eno River State Park. Finally, a section of the MST was also recently completed (although not yet dedicated) east of the Historic Occoneechee Speedway Trail on lands owned by Classical American Homes Preservation Trust.

Will the Trail be located on public or private property?
Several initial sections of the MST in Orange County will be constructed on public land, including Eno River State Park, Occoneechee Mountain State Natural Area, Hillsborough's Riverwalk, and Orange County's Seven Mile Creek Preserve. Other sections may be on privately-owned land where the owner has granted a trail easement. For example, a section of MST near Hillsborough was constructed on a trail easement granted by Classical American Homes Preservation Trust to State of North Carolina.

Is it true that trail planners trespassed on private property while marking the future Trail?
No. Trail planners have been very careful to stay off all private property unless invited by the landowners. Earlier, some people said they had found survey flagging on their property, but they have since agreed that the flagging was on the adjacent property or along their property boundary. If persons were on private lands for MST purposes, it was unauthorized and unknown to any of the MST partners.

Will there be any condemnation (or "taking") of private land for the Trail?
No. All lands for the future MST in Orange County will be acquired through voluntary means.

Who will build the Trail?
In Orange County, the MST will be planned, constructed, managed and maintain by partnerships involving local governments, land trusts, private landowners, local citizens, the NC Division of Parks and Recreation, and Friends of the Mountains-to-Sea Trail.

Overall, the MST is an official part of the State Parks system, however due to its statewide expanse, many segments of the trail are managed by different agencies and local governments. Local communities help connect the trail through links to greenways and urban trails. Land trusts and other interested parties help acquire land using a combination of public and private funds. The Friends of the Mountains-to-Sea Trail organization provides volunteers, public support, and serves as a clearinghouse for trail information.

How is the Trail marked?
The blaze designating the NC Mountains-to-Sea Trail is a white circle approximately three inches in diameter. This mark is sometimes used in conjunction with other trail blazes if the trails overlap.

What will I see as I walk the Trail?
The MST will pass through a variety of landscapes in Orange County. Depending on the section of the trail, you may see rolling Piedmont farms, weathered tobacco barns, the Hillsborough historic district, a former textile village, country churches, flowing streams, hardwood and pine forests, and lake views.

Who will use the Trail? Will it be for hikers only, or will it be open for biking and horseback riding?
The MST is intended primarily for backcountry hiking, but the landowner or land management agency responsible for a particular section of trail will decide on the types of uses that are allowed. The vast majority of the MST will be natural surface trail with only a three-foot-wide tread and to 6-8 feet of clearance through forested areas. In some places, the MST will pass through urban areas (including Hillsborough) where the trail is a paved greenway used by walkers, runners, cyclists, strollers and people in wheelchairs.

How will people access the Trail?
There will be legal, managed access points along the trail, which will provide parking and trail information. Thus far there are formal access points in Eno River State Park and at River Park (downtown Hillsborough), Gold Park (West Hillsborough), and Occoneechee Mountain State Natural Area. Another access point will be developed at Seven Mile Creek Preserve (adjacent to historic Moorefields). Additional locations in southwestern Orange County will be identified and secured as the actual trail route (the MST "trail alignment") is determined through that area.

How can I learn more about the NC Mountains-to-Sea Trail in Orange County and across the state?

- Orange County Dept. of Environment, Agriculture, Parks and Recreation
  Rich Shaw, Land Conservation Manager
  rshaw@co.orange.nc.us or 919-245-2514
  http://orangecountync.gov/deapr/nat_cul_resources/mst.asp

- N.C. Division of Parks and Recreation – State Trails Program
  Darrell McBane, State Trails Program Manager
  darrell.mcbane@ncdenr.gov or 919-707-9315
  http://www.ncparks.gov/About/trails_mst.php

- Friends of the Mountains-to-Sea Trail
  Kate Dixon, Executive Director
  kdixon@ncmst.org or 919-698-9024
  http://www.ncmst.org/

How can I find the Trail?
For information on the NC Mountains-To-Sea State Trail, please see the NC Division of Parks and Recreation website at http://www.ncparks.gov/About/trails_mst.php

The Friends of the Mountains-to-Sea Trail website (http://www.ncmst.org/) has general descriptions of trail sections with mileage and information about available guidebooks.

When will the entire Mountains-to-Sea Trail be completed?
The NC Mountains-to-Sea Trail remains a work in progress. With the help of more volunteers, the pace of progress has picked up in recent years. More than 24 miles were completed in 2009. Land along some sections of the trail corridor remains privately owned, and acquisition or easements will be needed to extend the trail. The goal is a 1,000-mile trail from Clingmans Dome to Jockey's Ridge.

How can I get involved?

- An online survey is being developed and will be available in late August 2012 at: http://orangecountync.gov/deapr/nat_cul_resources/mst.asp

- You can volunteer to build trail by contacting the Friends of the Mountains-to-Sea Trail at http://www.ncmst.org/ or contact Rich Shaw, Land Conservation Manager with Orange County DEAPR at <rshaw@orangecountync.gov>

- You can sign up for the Friends of the Mountains-to-Sea Trail (FMST) e-mail newsletter to keep informed of progress and opportunities to get involved. You can also become a member of the FMST—a non-profit organization that promotes the trail, coordinates trail building activities and serves as a clearinghouse for information.

Attachment 9
Typical views of the Mountains-to-Sea Trail

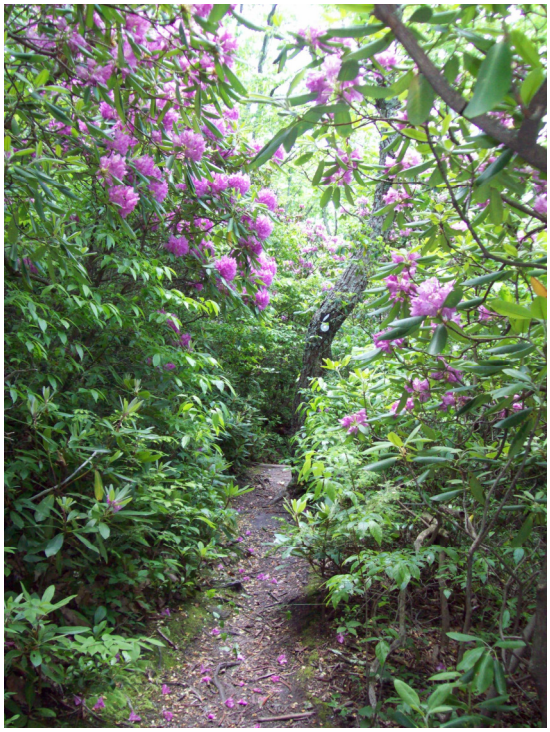

Photo by James Marquardt Leach

Photo by Sharon Meeker

Photo by Miranda Knox

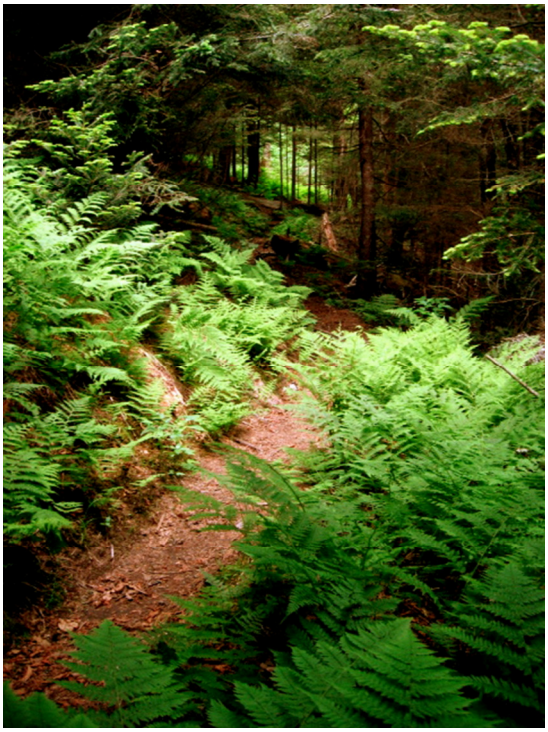

Photo by Eric Rogers

Photo by Allmuth Purzel

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 8-b

SUBJECT: Landfill Neighborhood Illegal Dumping Cleanup/Collection Update

DEPARTMENT: Solid Waste Management **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):

INFORMATION CONTACT:

Gayle Wilson, 919-968-2885
Michael Talbert, 919-245-2308

PURPOSE: To receive an update on the landfill neighborhood cleanup activity authorized by the Board of Orange County Commissioners (BOCC) at its March 13, 2012 meeting.

BACKGROUND: The BOCC adopted a one-time neighborhood cleanup plan in March 2012 for properties located within three-fourths of one mile of the landfill boundary, at no cost to the individual property owners. The BOCC excluded the two large illegal dump sites from consideration for this special cleanup project.

In April staff sent notices by registered mail regarding the cleanup program availability to all property owners in the ¾ mile radius of the landfill. Five hundred and two (502) properties were identified in the target area, resulting in 422 notices being mailed (some recipients owned multiple properties). The notices provided for 90 days to respond. In order to qualify for the cleanup, property owners were required to sign property access authorization and liability waivers. Staff received numerous inquiries base on the notices, and the owners of twenty-two parcels formally requested the cleanup service.

Staff executed a request for proposals (RFP) in order to obtain a contractor to conduct cleanup activities. Cecil Holcomb Renovations, Inc. of Raleigh, North Carolina was awarded the contract, and work began on August 8, 2012. Cleanup of all twenty-two properties was completed by August 24, 2012. The following materials were collected and delivered to the Orange County Landfill for disposal or recycling:

Brush/Vegetative Waste	23.31 tons
Metal/White Goods	6.15 tons
Tires	3.24 tons
Mixed Garbage/Trash	33.56 tons
Household Hazardous Waste	.46 tons
Total Tons	**67.72 tons**

Staff has completed a very successful cleanup and believes participating property owners were pleased with the services received. Property owners and residents were very cooperative and appreciative.

FINANCIAL IMPACT: Funds for the cleanup program were authorized in the Fiscal Year 2012/13 budget. The Rogers Road Remediation Fund, established by the $5 per ton tipping fee surcharge, was the source of funding for this program. The cleanup contract was authorized at a cost not-to-exceed $89,000. Actual contract expense was $22,598.89. The value of waived tipping fees was $3,190.10.

RECOMMENDATION(S): The Manager recommends that the Board receive the neighborhood cleanup final report and offer any further guidance or questions as necessary.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda
Item No. 11-a

SUBJECT: Adult Care Home Community Advisory Committee – Appointment

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

ATTACHMENT(S): Under Separate Cover
Membership Roster
Letter Of Recommendation
Application(s)/Resume(s) of Person(s) for Consideration
Applicant 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 Adult Care Home Community Advisory Committee.

BACKGROUND: The following appointment is for Board consideration:

- Appointment to a one-year training term for Ms. Teri Driscoll. If appointed Ms. Driscoll will be serving a one-year training term expiring 09/30/2013

Position Number	Special Representation	Expiration Date
10 Ms. Teri Driscoll	At-Large	09/30/2013

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Board will consider making a new appointment to the Adult Care Home Community Advisory Committee.

Board and Commission Members

And Vacant Positions

Adult Care Home Community Advisory Committee

Meeting Times: 3:30 p.m. - 5:00 p.m. Bi-monthly | Terms: 3 | Contact Person: Charlotte Terwilliger

Meeting Place: Adult | Positions: 12 | Length: 2 years | Contact Phone: 919-558-9401

Description: Members are appointed by the Board of Commissioners to at-large positions. There is an initial one-year training term with subsequent eligibility for three additional two-year terms. This committee works to maintain the intent of the Adult Care Home Residents' Bill of Rights for those residing in licensed adult care homes. The members of this committee also promote community involvement and cooperation with these homes to ensure quality care for the elderly and disabled adults.

1

Dr. Mario Battigelli

1307 Wildwood Drive
Chapel Hill NC 27514

Day Phone: 919-942-5756
Evening Phone:
FAX:
E-mail: mcbattigelli@gmail.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 04/19/2011
Current Appointment: 03/22/2012
Expiration: 03/31/2014
Number of Terms: 1

2

Mr. Daniel Hatley

317 W. University
Chapel Hill NC 27516

Day Phone: 919-200-0822
Evening Phone: 309-252-1169
FAX: 888-514-4878
E-mail: dan@hatleylawoffice.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 08/17/2010
Current Appointment: 08/23/2011
Expiration: 10/31/2013
Number of Terms: 1

3

Ms. Deborah Rider

2314 Red Oak CT.
Hillsborough NC 27278

Day Phone: 919-818-6489
Evening Phone: 919-732-9476
FAX:
E-mail: drider1736@gmail.com

Sex: Female
Race: Caucasian
Township: Hillsborough
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 06/19/2012
Current Appointment: 06/19/2012
Expiration: 06/30/2013
Number of Terms:

4

Mr. Max Mason

821 Tinkerbell Rd.
Chapel Hill NC 27517

Day Phone: 9196497937
Evening Phone:
FAX:
E-mail: maxomason@yahoo.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 06/07/2011
Current Appointment: 06/19/2012
Expiration: 06/30/2015
Number of Terms: 1

5

VACANT

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: At-Large
Special Repr:

First Appointed:
Current Appointment:
Expiration: 10/30/2013
Number of Terms:

Board and Commission Members

And Vacant Positions

Adult Care Home Community Advisory Committee

Meeting Times: 3:30 p.m. - 5:00 p.m. Bi-monthly | Terms: 3 | Contact Person: Charlotte Terwilliger

Meeting Place: Adult | Positions: 12 | Length: 2 years | Contact Phone: 919-558-9401

Description: Members are appointed by the Board of Commissioners to at-large positions. There is an initial one-year training term with subsequent eligibility for three additional two-year terms. This committee works to maintain the intent of the Adult Care Home Residents' Bill of Rights for those residing in licensed adult care homes. The members of this committee also promote community involvement and cooperation with these homes to ensure quality care for the elderly and disabled adults.

6	Mr Richard Gross 3006 Joshua Dr Hillsborough NC 27278	Day Phone: 644-0157 Evening Phone: same FAX: na E-mail: na	Sex: Male Race: Caucasian Township: Eno Resid/Spec Req: At-Large Special Repr:	First Appointed: 10/06/2009 Current Appointment: 08/23/2011 Expiration: 10/30/2013 Number of Terms: 2		
7	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr:	First Appointed: Current Appointment: Expiration: 10/30/2011 Number of Terms:		
8	Dr. Mary Fraser Chair 1901 N. Hawick Ct. Chapel Hill NC 27516	Day Phone: 919-942-1657 Evening Phone: 919-942-1657 FAX: E-mail: mefraser@unc.edu	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 03/16/2010 Current Appointment: 04/19/2011 Expiration: 03/31/2013 Number of Terms: 1		
9	Ms. T. L. Crews 4921 Guess Rd Rougmeont NC 27572	Day Phone: 919 732-6974 Evening Phone: 919 732-6974 FAX: E-mail: crewsez@aol.com	Sex: Female Race: African American Township: Little River Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 03/22/2012 Current Appointment: 03/22/2012 Expiration: 03/31/2013 Number of Terms:		
10	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: Current Appointment: Expiration: 09/30/2013 Number of Terms:		

Board and Commission Members

And Vacant Positions

Adult Care Home Community Advisory Committee

Meeting Times: 3:30 p.m. - 5:00 p.m. Bi-monthly | Terms: 3 | Contact Person: Charlotte Terwilliger

Meeting Place: Adult | Positions: 12 | Length: 2 years | Contact Phone: 919-558-9401

Description: Members are appointed by the Board of Commissioners to at-large positions. There is an initial one-year training term with subsequent eligibility for three additional two-year terms. This committee works to maintain the intent of the Adult Care Home Residents' Bill of Rights for those residing in licensed adult care homes. The members of this committee also promote community involvement and cooperation with these homes to ensure quality care for the elderly and disabled adults.

11	VACANT	Day Phone:	Sex:	First Appointed:	
		Evening Phone:	Race:	Current Appointment:	
		FAX:	Township:	Expiration:	12/31/2007
		E-mail:	Resid/Spec Req: At-Large	Number of Terms:	
			Special Repr: At-Large		
12	VACANT	Day Phone:	Sex:	First Appointed:	
		Evening Phone:	Race:	Current Appointment:	
		FAX:	Township:	Expiration:	03/31/2011
		E-mail:	Resid/Spec Req: At-Large	Number of Terms:	
			Special Repr: At-Large		

Jeanette Jones

From: Charlotte Terwilliger <cterwilliger@tjcog.org>
Sent: Tuesday, September 04, 2012 7:41 AM
To: Jeanette Jones
Subject: Recommendation to the Adult Care Home Community Advisory Committee

Dear Jeanette,
The Adult Care Home Community Advisory Committee would like to recommend Ms. Teri Driscoll for a one year training term. Ms. Driscoll's background includes working in the management office of an assisted living facility in the High Point area for over 25 years so she is very familiar with this level of care. She is also an active volunteer with hospice.

Ms. Driscoll has a strong interest in improving the quality of life for Orange County residents living in long term care facilities and she would be a valuable addition to the work of this committee.

Please let me know if you need additional information to move Ms. Driscoll's appointment recommendation forward. Thank you.

Sincerely,
Charlotte

Charlotte Terwilliger
Ombudsman – Orange and Chatham Counties
Area Agency on Aging
Triangle J Council of Governments
PO Box 12276 / RTP, NC 27709
(o) 919-558-9401 / (f) 919-998-8101
cterwilliger@tjcog.org / www.tjcog.org

Street Address:
4307 Emperor Blvd., Suite 110, Durham, NC 27703

E-Mail correspondence to and from this address is subject to the North Carolina Public Records Act and may be disclosed to third parties unless made confidential under applicable law.

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Teri J. Driscoll
Name Called:	
Home Address:	815 US Hwy 70A East, Apt. 323 Hillsborough NC 27278
Phone: (Day)	919-245-1127
Phone: (Evening)	
Fax:	
Email:	teristarr@centurylink.net
Place of Employment:	Retired
Job Title:	
Year of OC Residence:	2012
Township of Residence:	Hillsborough
Zone of Residence:	
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Adult Care Home Community Advisory Committee

Affordable Housing Advisory Board

Work Experience:

Legal Secretary - 22 years; Brookdale Sr. Living/High Point Place - Office Manager - 5 years.

Volunteer Experience:

Duke Hospice, Orange Co. RSVP; Piedmong of the Triad Hospice, Winston-Salem Hospice, 18 years volunteering in public schools and holding various offices - fundraising.

Education:

High School, Secretarial School, Activity Director Certification for Assisted Living Communities, Notary Public in NC.

Other Comments:

As Business Office Manager of AL Community I had contact with many adult home care volunteers and thought I would like to do this when I retired; also, I live at Eno Haven, an affordable senior housing complex. I am interested in becoming more involved with issues pertaining to Orange County. STAF COMMENTS: Applied for Adult Care Home Community Advisory Council and Affordable Housing Advisory Board 07/29/2012. ADDRESS VERIFICATION: 815 US Hwy 70A East, Apt. 323 is Hillsborough Jurisdiction and Hillsborough Town Limits.

This application was current on: 7/29/2012 **Date Printed:** 9/5/2012

Applicant Interest Listing

by Board Name and by Applicant Name

Adult Care Home Community Advisory Committee

Contact Person: Charlotte Terwilliger
Contact Phone: 919-558-9401

Ms Linda Bareham
201 westbrook dr B1
carrboro NC 27510

Day Phone: 919-259-1078
Evening Phone: 919-923-9263
Cell Phone:
E-mail: lindaanntoll@gmail.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 03/25/2011

Skills:
Also Serves On:

Ms. Teri J. Driscoll
815 US Hwy 70A East, Apt. 323
Hillsborough NC 27278

Day Phone: 919-245-1127
Evening Phone:
Cell Phone:
E-mail: teristarr@centurylink.net

Sex: Female
Race: Caucasian
Township: Hillsborough
Date Applied: 07/29/2012

Skills: Office Manager
Also Serves On:
Skills: Secretary
Also Serves On:

Ms Joyce Jefferies
4820 NC Hwy 54 West
Chapel Hill NC 27516

Day Phone: (919)425-3597
Evening Phone: (919)720-6115
Cell Phone:
E-mail: joyce_jefferies@dentistry.unc.edu

Sex: Female
Race: African American
Township: Chapel Hill
Date Applied: 11/03/2010

Skills:
Also Serves On:
Skills: Administrative Assistant
Also Serves On:

Ms Sarah Lowman
316 Standish Drive
Chapel Hill NC 27517

Day Phone: 919-259-0053
Evening Phone: same
Cell Phone:
E-mail: lowmanster@gmail.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 11/05/2009

Skills: Community Educator
Also Serves On: Nursing Home Community Advisory Committee
Skills: Crisis Line Advocate
Skills: Hospital Counselor

Miss Danielle Mosley
476 Melanie Court
Chapel Hill NC 27514

Day Phone: 919-309-5685
Evening Phone:
Cell Phone:
E-mail: Dlynnm26@gmail.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 06/26/2012

Skills: Club Nova
Also Serves On:

Applicant Interest Listing

by Board Name and by Applicant Name

Adult Care Home Community Advisory Committee

Contact Person: Charlotte Terwilliger
Contact Phone: 919-558-9401

Dr. Anthony John Vogt

713 W. Barbee Chapel Road
Chapel Hill NC 27517

Day Phone: 919-929-8646
Evening Phone: 919-929-8646
Cell Phone:
E-mail: ajvogt@earthlink.net

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 08/20/2012

Skills: Budget Analysis
Also Serves On:

Skills: Professor
Also Serves On:

Ms. Tiki Windley

119 Cynthia Drive
Chapel Hill NC 27514

Day Phone: 919-969-8583
Evening Phone: 919-942-4392
Cell Phone:
E-mail: tiki_windley@yahoo.com

Sex: Female
Race: African American
Township: Chapel Hill
Date Applied: 05/27/2010

Skills: Financial Advisor
Also Serves On:

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms Linda Bareham
Name Called:	
Home Address:	201 westbrook dr B1 carrboro NC 27510
Phone: (Day)	919-259-1078
Phone: (Evening)	
Fax:	
Email:	lindaanntoll@gmail.com
Place of Employment:	Prescription Music
Job Title:	asst. director
Year of OC Residence:	2009
Township of Residence:	Chapel Hill
Zone of Residence:	Does not apply
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Adult Care Home Community Advisory Committee

Work Experience:

I have been working with seniors at all levels of health for the past twelve years.

Volunteer Experience:

Education:

BA, professional certifications

Other Comments:

STAFF COMMENTS: Originally applied for Adult Care Home Community Advisory Committee, 3/25/2011. ADDRESS VERIFICATION: 201 Westbrook Dr., B1 is in Carrboro Jurisdication, Chapel Hill Township.

This application was current on: 3/25/2011 2:19:20 PM **Date Printed:** 9/5/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms Joyce Jefferies
Name Called:
Home Address: 4820 NC Hwy 54 West
Chapel Hill NC 27516
Phone: (Day) (919)425-3597
Phone: (Evening)
Fax: (919)425-3529
Email: joyce_jefferies@dentistry.unc.edu

Place of Employment: UNC School of Dentistry
Job Title: Administrative Assistant
Year of OC Residence:
Township of Residence: Chapel Hill
Zone of Residence: Does not apply
Sex: Female
Ethnic Background: African American

Boards/Commissions applied for:

Adult Care Home Community Advisory Committee

Work Experience:

Employed by UNC Hospitals and UNC-Chapel Hill since 1973 first as a dietary assistant now an Administrative Assistant in Dentistry where I perform a variety of functions including accounting, billing, preparing check requests to pay bills, arranging travel, coordinating meetings, preparing meeting agendas, ordering supplies, budgeting, preparing reports, drafting letters, etc. I would like to serve on the Advisory Boards because I am experiencing first-hand, in regards to my elderly mother, in trying to find an affordable assisted-living facility in good standard that really uphold the care and the best interest of their residents. Also the assurance of knowing that these facilities are being governed by guidelines, rules and regulations that they have to adhere to and that there are committees to visit these faciliteis to ensure that these guidelines are being carry out. It is difficult enough to have to place our elderly family members in a facility but having the reassurance in knowing that they are being well taken care of makes this transition a lot more bearable.

Volunteer Experience:

I volunteer at my church, Hospitality- serving guests of the Pastor and greeting members as they enter the church, Sisters of Jubilee- visiting the Women prisons in Raleigh, organizing birthday parties, prayer and fellowship, visiting the sick and shut in.

Education:

I received my GED from Durham Technical Institute and enrolled in the Business Administration Associate Degree Program, also at Durham Tech.

Other Comments:

I feel that I am at the place in my life mentally, physically and spiritually where I have a lot to offer in reaching out and assisting others through community involvement, etc. I look at volunteering as a personal committment just as rewarding to me as to the area that I am volunteering in. I get a joy in being able to be a contributor and not just to try and make a difference. I enjoy working with others in like causes and like minds, even though having different approaches but seeking to reach the same goal. STAFF COMMENTS: Originally applied 11-3-2010 for Adult Care Home Community Advisory Committee, Nursing Home Community Advisory Committee, Advisory Board on Aging. ADDRESS VERIFICATION: 4820 NC Highway 54 West is in Bingham Township and Orange County Jurisdiction.

This application was current on: 11/3/2010 2:36:29 PM **Date Printed:** 9/5/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms Sarah Lowman
Name Called:	
Home Address:	316 Standish Drive Chapel Hill NC 27517
Phone: (Day)	919-259-0053
Phone: (Evening)	
Fax:	
Email:	lowmanster@gmail.com
Place of Employment:	UNC Chapel Hill, School of Medicine
Job Title:	Project Coordinator
Year of OC Residence:	1994
Township of Residence:	Chapel Hill
Zone of Residence:	. . .
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Advisory Board on Aging

Adult Care Home Community Advisory Committee

Work Experience:

2006- : Project Coordinator, UNC Center for Aging & Health

2003-2005: Editor, Kyiv Post newspaper, Kyiv, Ukraine

Volunteer Experience:

2005-2006: Crisis Line Advocate, Hospital Counselor and Community Educator - Durham Crisis Response Center

Education:

MPH, UNC-CH, Dept of Health Behavior & Health Education, 2008

BA, Vassar College

Other Comments:

I have worked in aging research, education and program planning for nearly five years. Through that work, I have collaborated on projects focused on community-dwelling and institutionalized older adults. Now, I would be honored to utilize my skills and knowledge to serve nursing home residents, and their families, in my community. STAFF COMMENTS: Originally applied for Nursing Home Community Advisory Committee, Advisory Board on Aging & Adult Care Home Community Advisory Committee 11/5/09. ADDRESS VERIFICATION: 316 Standish Drive, Chapel Hill, NC is Chapel Hill township,

CH jurisdiction.

This application was current on: 11/5/2009 9:53:25 PM **Date Printed:** 9/5/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Miss Danielle Mosley
Name Called:	
Home Address:	476 Melanie Court Chapel Hill NC 27514
Phone: (Day)	919-309-5685
Phone: (Evening)	
Fax:	
Email:	Dlynnm26@gmail.com
Place of Employment:	
Job Title:	
Year of OC Residence:	2011
Township of Residence:	Chapel Hill
Zone of Residence:	C.H. City Limits
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Adult Care Home Community Advisory Committee

Board of Health

Agricultural Preservation Board

Work Experience:

Club Nova

Volunteer Experience:

Club Nova

Education:

Attending school for ged

Other Comments:

STAFF COMMENTS: Applied for Adult Care Home Community Advisory Committee, Board of Health, and Agricultural preservation Board on 06/26/2012. ADDRESS VERIFICATION: Melanie Court is Chapel Hill Township, Chapel Hill Town Limits.

This application was current on: 6/26/2012 11:06:45 AM **Date Printed:** 9/5/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Dr. Anthony John Vogt
Name Called:
Home Address: 713 W. Barbee Chapel Road
Chapel Hill NC 27517
Phone: (Day) 919-929-8646
Phone: (Evening)
Fax: NA
Email: ajvogt@earthlink.net

Place of Employment: Retired -School of Government, UNC-CH
Job Title: Adjunct Professor
Year of OC Residence: 1973
Township of Residence: Chapel Hill
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:
Adult Care Home Community Advisory Committee

Work Experience:
I currently serve on the Human Relations Commission and wish to continue serving on that Commission. I've been on the HRC for several years now and feel I'm making a contribution. I've recently retired to Adjunct Professor status at the School of Government of UNC. Because of this, I have more time to devote to volunteer work and can serve on a second county committee. In the past, I served on the Nursing Home Committee, found the experience to be rewarding, and feel that I made a valuable contribution. I would like to serve on either the Adult Care Home Committee or return to the Nursing Home Committee. My first choice is the Adcult Care Home committee. It has more vacancies, and there is less regulation than for nursing homes; this makes service on the adult care home committee to be potentially useful. 08/20/2012 UPDATE: Faculty, School of Government, UNC-CH 1973 - 2009; Budget Analyst, State Budget Office, Wisconsin 1968-1972

Volunteer Experience:
Nursing Home Community Advisory Committee (2000-2006). Served about five years, including as chair of the committee for one year or so. Human Relations Commission: (2006-2012). UNC Health Care, ACC, (2011-2012); Kindred Nursing Home (2011-2012)

Education:
Ph.D., Cornell University, 1973; Court work at Cornell l968-1970
MPIA, University of Pittsburgh, 1965
B. S., Georgetown University, 1963

Other Comments:

The residents of adult care and nursing homes are too often neglected. Care in such facilities too often falls short of acceptable standards. Since leaving the Nursing Home Advisory Committee several years ago, I have continued to visit one or two friends. 08/20/2012: I have interest that is strong in care for elderly. Served as Chair of Nursing Home Committee for a year or two. STAFF COMMENTS: Reapplied 7/3/2005 for HRC Adult Care Home Community Advisory Committee and OPC Area Board. App. 1/12/2000 for Innovation and Efficiency Committee; REAOPPLIED FOR ADULT CARE COME COMMUNITY ADVISORY COMMITTEE 08/20/2012. ADDRESS VERIFICATION: 713 W. Barbee Chapel Road is Chapel Hill Jurisdiction; Chapel Hill Town Limits. Previous address-402 Yorktown Drive Chapel Hill.

This application was current on: 8/20/2012 **Date Printed:** 9/5/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Tiki Windley
Name Called:
Home Address: 119 Cynthia Drive
Chapel Hill NC 27514
Phone: (Day) 919-969-8583
Phone: (Evening)
Fax:
Email: tiki_windley@yahoo.com

Place of Employment: MDC, inc.
Job Title: Program Manager
Year of OC Residence: 2007
Township of Residence: Chapel Hill
Zone of Residence: . . .
Sex: Female
Ethnic Background: African American

Boards/Commissions applied for:

Board of Social Services

Nursing Home Community Advisory Committee

Adult Care Home Community Advisory Committee

Human Relations Commission

Work Experience:

MDC, Inc. 2006 to Present Program Manager whose duties include meeting facilitation, training, free tax preparation, asset-building and making presentations. Prior experience includes teaching financial literacy to high school students and their families, housing counseling, working with ex-offenders and community engagement and organization. Current experience includes meeting facilitation, training, oral presentations, community engagement and organization.

Prior experience includes teaching financial literacy to high school students, asset education, free tax preparation an housing counseling.

Volunteer Experience:

Meeting facilitation, event planning, volunteer supervision Site coordinator for free tax preparation site
Escort for Project Homeless Connect (Orange County)
Smith Middle School School Improvement Team
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Initiative Task Force

NC Indian Economic Development Initiative Project G-7
Steering Committee
Assets Educator: Community Success Initiative
NC Second Chance Alliance Escort, Project Homeless Connect (Orange County) 2009
Chairman, Guest Outreach, Project Homeless Connect, 2010
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Task Force Initiative
Assets educator, Community Success Initiative
Project G-7 Steering Committee, NC Indian Economic Development
NC Second Chance Alliance
NC Assets Alliance Escort, Project Homeless Connect (Orange County) 2009
Chairman, Guest Outreach, Project Homeless Connect, 2010
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Task Force Initiative
Assets educator, Community Success Initiative
Project G-7 Steering Committee, NC Indian Economic Development
NC Second Chance Alliance
NC Assets Alliance

Escort, Project Homeless Connect (Orange County) 2009
Chairman, Guest Outreach, Project Homeless Connect, 2010
Triangle United Way Orange Accountability Committee
Triangle United Way Regional Task Force Initiative
Assets educator, Community Success Initiative
Project G-7 Steering Committee, NC Indian Economic Development
NC Second Chance Alliance
NC Assets Alliance

Education:

Bachelor of Science, Elizabeth City State University 1997
Master of Public Administration, NC Central University, 2010
Elizabeth City State University, 1997

Master in Public Administration
NC Central University, December 2010

Other Comments:

I would like to provide a voice for those citizens who feel they are unheard in our community. STAFF COMMENTS: Originally applied for Commission for Women, Board of Social Services & Adult Care Home Community Advisory Committee 10/6/09. Applied for Human Relations Commission, Board of Social Services, & Nursing Home Community Advisory Committee 05/27/2010. ADDRESS VERIFICATION: 119 Cynthia Drive, Chapel Hill is Chapel Hill township, CH jurisdiction.

This application was current on: 5/27/2010 **Date Printed:** 9/5/2012

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 11-b

SUBJECT: Advisory Board on Aging—Appointments

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Letter of Recommendation
Application(s)/Resume(s) of Person(s) Recommended
Interest List
Application(s)/Resume(s) of Person(s) on the Interest List

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making appointments to the Advisory Board on Aging.

BACKGROUND: The following appointments are for Board consideration:

- Appointment to a first term for Mr. Richard White. If appointed Ms. Altman will be serving a first full term ending 06/30/2015.
- Appointment to a first term for Mr. Daniel Hatley. If appointed Mr. Hatley will be serving a first full term ending 06/30/2015.

Position Number	Representation	Expiration Date
4 Mr. Richard White	At-Large	06/30/2015
8 Mr. Daniel Hatley	At-Large	06/30/2015

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Board will consider making appointments to the Advisory Board on Aging.

Board and Commission Members

And Vacant Positions

Advisory Board on Aging

Meeting Times: 3:30 p.m. second Tuesday | Terms: 2 | Contact Person: Janice Tyler

Meeting Place: Central Orange Senior Center&Seymour Center | Positions: 12 | Length: 3 years | Contact Phone: 919-245-2071

Description: These positions are filled by appointment of the Board of Commissioners with certain seats allocated to the Townships and Town of Chapel Hill, Hillsborough and Carrboro. This board suggests policy and makes recommendations to the Board of Commissioners and the Department on Aging while acting as the liaison between the older citizens of the County and the County government. It is charged with promoting needed services, programs and funding that impacts the older citizens.

1	Dr. Donna Prather 107-A Spring Valley Road Carrboro NC 27510	Day Phone:	919 929-3375	Sex:	Female	First Appointed:	05/15/2012
		Evening Phone:	919 929-3375	Race:	Caucasian	Current Appointment:	05/15/2012
		FAX:		Township:	Chapel Hill	Expiration:	06/30/2014
		E-mail:	dprather@bellsouth.net	Resid/Spec Req:	At-Large	Number of Terms:	1
				Special Repr:			
2	Mr. Leo Allison 4125 Marvin Lane Efland NC 27243	Day Phone:	919-563-9110	Sex:	Male	First Appointed:	09/09/2008
		Evening Phone:		Race:	African American	Current Appointment:	09/20/2011
		FAX:		Township:	Cheeks	Expiration:	06/30/2014
		E-mail:	lele2@mebtel.net	Resid/Spec Req:	At-Large	Number of Terms:	2
				Special Repr:			
3	Dr. Janice Wells 1212 Pinehurst Drive Chapel Hill NC 27517	Day Phone:	919-259-8693	Sex:	Female	First Appointed:	08/18/2009
		Evening Phone:	919-933-0162	Race:	Caucasian	Current Appointment:	10/19/2010
		FAX:	919-960-6112	Township:	Chapel Hill	Expiration:	06/30/2013
		E-mail:	janicewells128@gmail.com	Resid/Spec Req:	Chapel Hill	Number of Terms:	1
				Special Repr:			
4	VACANT	Day Phone:		Sex:		First Appointed:	
		Evening Phone:		Race:		Current Appointment:	
		FAX:		Township:		Expiration:	06/30/2012
		E-mail:		Resid/Spec Req:	Hillsborough	Number of Terms:	
				Special Repr:			
5	Ms. Heather Altman Chair 109 Sunset Ridge Lane Chapel Hill NC 27516	Day Phone:	919-918-2609	Sex:	Female	First Appointed:	01/27/2009
		Evening Phone:	919-928-9822	Race:	Caucasian	Current Appointment:	06/19/2012
		FAX:	919-969-2507	Township:	Chapel Hill	Expiration:	06/30/2015
		E-mail:	haltman@carolwoods.org	Resid/Spec Req:	Carrboro	Number of Terms:	2
				Special Repr:			

Board and Commission Members

And Vacant Positions

Advisory Board on Aging

Meeting Times: 3:30 p.m. second Tuesday | Terms: 2 | Contact Person: Janice Tyler

Meeting Place: Central Orange Senior Center&Seymour Center | Positions: 12 | Length: 3 years | Contact Phone: 919-245-2071

Description: These positions are filled by appointment of the Board of Commissioners with certain seats allocated to the Townships and Town of Chapel Hill, Hillsborough and Carrboro. This board suggests policy and makes recommendations to the Board of Commissioners and the Department on Aging while acting as the liaison between the older citizens of the County and the County government. It is charged with promoting needed services, programs and funding that impacts the older citizens.

6	Mr Elijah (Ed) Flowers, III 2813 Beckett's Ridge Drive Hillsborough NC 27278	Day Phone: 919-357-9256 Evening Phone: 919-357-9256 FAX: E-mail: ed_flowers@yahoo.com	Sex: Male Race: Caucasian Township: Hillsborough Resid/Spec Req: At-Large Special Repr:	First Appointed: 01/20/2011 Current Appointment: 01/20/2011 Expiration: 06/30/2013 Number of Terms: 1		
7	Ms. Thelma Perkins 750 Weaver Dairy Road #1315 Chapel Hill NC 27514	Day Phone: 919-918-3601 Evening Phone: FAX: E-mail:	Sex: Female Race: African American Township: Chapel Hill Resid/Spec Req: Chapel Hill Special Repr:	First Appointed: 09/09/2008 Current Appointment: 09/20/2011 Expiration: 06/30/2014 Number of Terms: 2		
8	Ms. Peggy Cohn Carol Woods Retirement Community 750 Weaver Dairy Rd #1313 Chapel Hill NC 27514	Day Phone: 919-489-6624 Evening Phone: same FAX: E-mail: peggycohn1@earthlink.net	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 10/17/2006 Current Appointment: 08/18/2009 Expiration: 06/30/2012 Number of Terms: 2		
9	Dr Michael Symons 405 Robin Road Chapel Hill NC 27516	Day Phone: 9199692561 Evening Phone: 9192604981 FAX: none E-mail: none	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 10/19/2010 Current Appointment: 10/19/2010 Expiration: 06/30/2012 Number of Terms: 1		
10	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr:	First Appointed: Current Appointment: Expiration: 06/30/2013 Number of Terms:		

Board and Commission Members

And Vacant Positions

Advisory Board on Aging

Meeting Times: 3:30 p.m. second Tuesday
Terms: 2
Contact Person: Janice Tyler
Meeting Place: Central Orange Senior Center&Seymour Center
Positions: 12
Length: 3 years
Contact Phone: 919-245-2071

Description: These positions are filled by appointment of the Board of Commissioners with certain seats allocated to the Townships and Town of Chapel Hill, Hillsborough and Carrboro. This board suggests policy and makes recommendations to the Board of Commissioners and the Department on Aging while acting as the liaison between the older citizens of the County and the County government. It is charged with promoting needed services, programs and funding that impacts the older citizens.

11 CDR Alexander Castro Jr
Vice-Chair
5915 Morrow Mill Road
Chapel Hill NC 27516

Day Phone: 919-619-1510
Evening Phone: 919-929-6368
FAX:
E-mail: alexcastrojr@hotmail.com

Sex: Male
Race: Caucasian
Township: Bingham
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 01/20/2011
Current Appointment: 01/20/2011
Expiration: 06/30/2013
Number of Terms: 1

12 Mr. Keith Cook
419 Calvary Court
Hillsborough NC 27278

Day Phone: 919-644-1886
Evening Phone: 919-644-1884
FAX:
E-mail: kdc52@aol.com

Sex: Male
Race: African American
Township: Cedar Grove
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 04/17/2012
Current Appointment: 04/17/2012
Expiration: 06/30/2014
Number of Terms:

Orange County
Advisory Board on Aging
2551 Homestead Road
Chapel Hill NC 27516

August 20, 2012

The Honorable Bernadette Pelissier
Orange County Board of Commissioners
P.O. Box 8181
Hillsborough, NC 27278

Dear Chair Pelissier:

Subject: Board Appointment

At its August 14 meeting the Orange County Advisory Board on Aging voted to recommend Mr. Daniel Hatley be appointed to fill vacancy #8.

Mr Hatley is a practicing attorney in Carrboro who is the current chair of the OC Adult Care Home Community Advisory Committee.

Mr. Hatley attended the August Advisory Board on Aging meeting and has expressed interest in becoming a member.

Thank you for your consideration of this recommendation.

Respectfully submitted,

Janice Tyler

Janice Tyler, Director
Orange County Department on Aging

Orange County
Advisory Board on Aging
2551 Homestead Road
Chapel Hill NC 27516

August 20, 2012

The Honorable Bernadette Pelissier
Orange County Board of Commissioners
P.O. Box 8181
Hillsborough, NC 27278

Dear Chair Pelissier:

Subject: Board Appointment

At its August 14 meeting the Orange County Advisory Board on Aging voted to recommend Mr. Richard White for appointment.

Mr. White is a retired Duke Faculty member and a resident of Little River Township who is interested in access to services for older persons in northern Orange County.

Mr. White attended the August Advisory Board on Aging meeting and has expressed interest in becoming a member.

Thank you for your consideration of this recommendation.

Respectfully submitted,

Janice Tyler

Janice Tyler, Director
Orange County Department on Aging

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. Daniel Hatley
Name Called:	
Home Address:	317 W. University Chapel Hill NC 27516
Phone: (Day)	919-200-0822
Phone: (Evening)	
Fax:	888-514-4878
Email:	dan@hatleylawoffice.com
Place of Employment:	Law Office of Daniel A. Hatley
Job Title:	Owner
Year of OC Residence:	
Township of Residence:	Chapel Hill
Zone of Residence:	-
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Work Experience:

Volunteer Experience:
Current Chair of the OC Adult Care Home CAC (member for last two+ years).

Education:
Bradley University - BA, 2005
UNC Chapel Hill - JD, 2008

Other Comments:

This application was current on: 7/13/2012 1:34:06 PM **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Dr. Richard White
Name Called:	
Home Address:	4901 Schley Rd Hillsborough NC 27278
Phone: (Day)	919 732 8527
Phone: (Evening)	
Fax:	
Email:	rwhite@duke.edu
Place of Employment:	Duke University (retired)
Job Title:	Professor of Biology (retired)
Year of OC Residence:	1974
Township of Residence:	Little River
Zone of Residence:	Orange County
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Advisory Board on Aging

Work Experience:

Duke Faculty member 1962-2005; retired

Volunteer Experience:

*Member Sister Cities of Durham 1995-; *Former President Sister Cities of Durham 2007-09; *Current member Durham (N.C.) Sister City; *Sarah P Duke Gardens..information desk

Education:

BA Temple University (Phila. Pa); MS Temple University; MS University of Michigan (Ann Arbor Mich.); PhD University of Michigan (1962)

Other Comments:

Interested particularly in focusing on older citizens of Orange County..especially in northern Orange Co. re:access to health care facilities and availability of meals on Wheels etc. STAFF COMMENTS: Aopplied for Advisory Board on Aging 08/10/2012. ADDRESS VERIFICATION: 4901 Schley Road is Orange County Jurisdiction, Little River Township and Agricultural Residential.

This application was current on: 8/10/2012 12:19:03 PM **Date Printed:** 8/28/2012

Applicant Interest Listing

by Board Name and by Applicant Name

Advisory Board on Aging

Contact Person: Janice Tyler
Contact Phone: 919-245-2071

Mr. Daniel Hatley

317 W. University
Chapel Hill NC 27516

Day Phone: 919-200-0822
Evening Phone: 309-252-1169
Cell Phone:
E-mail: dan@hatleylawoffice.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 07/13/2012

Skills: Lawyer
Also Serves On: Adult Care Home Community Advisory Committee

Ms Joyce Jefferies

4820 NC Hwy 54 West
Chapel Hill NC 27516

Day Phone: (919)425-3597
Evening Phone: (919)720-6115
Cell Phone:
E-mail: joyce_jefferies@dentistry.unc.edu

Sex: Female
Race: African American
Township: Chapel Hill
Date Applied: 11/03/2010

Skills: Administrative Assistant
Also Serves On:

Mrs Janice Laube

6826 Carol Lane
Hillsborough NC 27278

Day Phone: 919-219-4140
Evening Phone:
Cell Phone:
E-mail: jrlaube@embarqmail.com

Sex: Female
Race: Caucasian
Township: Little River
Date Applied: 02/14/2011

Skills: Farmer
Also Serves On:

Ms Sarah Lowman

316 Standish Drive
Chapel Hill NC 27517

Day Phone: 919-259-0053
Evening Phone: same
Cell Phone:
E-mail: lowmanster@gmail.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 11/05/2009

Skills: Community Educator
Skills: Crisis Line Advocate
Skills: Hospital Counselor
Also Serves On: Nursing Home Community Advisory Committee

Ms. Judy Miller

403 Jericho Rd.
Hillsborough NC 27278

Day Phone: 919-732-9969
Evening Phone: 919-241-3001
Cell Phone:
E-mail: jmiller221@hotmail.com

Sex: Female
Race: Caucasian
Township: Cedar Grove
Date Applied: 08/18/2011

Skills: Nurse
Skills: Research
Also Serves On: Animal Services Advisory Board

Applicant Interest Listing

by Board Name and by Applicant Name

Advisory Board on Aging

Contact Person: Janice Tyler
Contact Phone: 919-245-2071

Ms. Deborah Rider

2314 Red Oak CT.
Hillsborough NC 27278

Day Phone:	919-818-6489	Sex:	Female
Evening Phone:	919-732-9476	Race:	Caucasian
Cell Phone:		Township:	Hillsborough
E-mail:	drider1736@gmail.com	Date Applied:	04/26/2012
Also Serves On:	Adult Care Home Community Advisory Committee		

Skills: Care Provider
Skills: Community Planning
Skills: Social Work

Dr. Richard White

4901 Schley Rd
Hillsborough NC 27278

Day Phone:	919 732 8527	Sex:	Male
Evening Phone:		Race:	Caucasian
Cell Phone:		Township:	Little River
E-mail:	rwhite@duke.edu	Date Applied:	08/10/2012
Also Serves On:			
Also Serves On:			

Skills:
Skills: Biology Professor

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms Joyce Jefferies
Name Called:
Home Address: 4820 NC Hwy 54 West
Chapel Hill NC 27516
Phone: (Day) (919)425-3597
Phone: (Evening)
Fax: (919)425-3529
Email: joyce_jefferies@dentistry.unc.edu

Place of Employment: UNC School of Dentistry
Job Title: Administrative Assistant
Year of OC Residence:
Township of Residence: Chapel Hill
Zone of Residence: Does not apply
Sex: Female
Ethnic Background: African American

Boards/Commissions applied for:

Work Experience:
Employed by UNC Hospitals and UNC-Chapel Hill since 1973 first as a dietary assistant now an Administrative Assistant in Dentistry where I perform a variety of functions including accounting, billing, preparing check requests to pay bills, arranging travel, coordinating meetings, preparing meeting agendas, ordering supplies, budgeting, preparing reports, drafting letters, etc. I would like to serve on the Advisory Boards because I am experiencing first-hand, in regards to my elderly mother, in trying to find an affordable assisted-living facility in good standard that really uphold the care and the best interest of their residents. Also the assurance of knowing that these facilities are being governed by guidelines, rules and regulations that they have to adhere to and that there are committees to visit these faciliteis to ensure that these guidelines are being carry out. It is difficult enough to have to place our elderly family members in a facility but having the reassurance in knowing that they are being well taken care of makes this transition a lot more bearable.

Volunteer Experience:
I volunteer at my church, Hospitality- serving guests of the Pastor and greeting members as they enter the church, Sisters of Jubilee- visiting the Women prisons in Raleigh, organizing birthday parties, prayer and fellowship, visiting the sick and shut in.

Education:
I received my GED from Durham Technical Institute and enrolled in the Business Administration Associate Degree Program, also at Durham Tech.

Other Comments:

I feel that I am at the place in my life mentally, physically and spiritually where I have a lot to offer in reaching out and assisting others through community involvement, etc. I look at volunteering as a personal committment just as rewarding to me as to the area that I am volunteering in. I get a joy in being able to be a contributor and not just to try and make a difference. I enjoy working with others in like causes and like minds, even though having different approaches but seeking to reach the same goal. STAFF COMMENTS: Originally applied 11-3-2010 for Adult Care Home Community Advisory Committee, Nursing Home Community Advisory Committee, Advisory Board on Aging. ADDRESS VERIFICATION: 4820 NC Highway 54 West is in Bingham Township and Orange County Jurisdiction.

This application was current on: 11/3/2010 2:36:29 PM **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mrs Janice Laube
Name Called:	
Home Address:	6826 Carol Lane Hillsborough NC 27278
Phone: (Day)	919-219-4140
Phone: (Evening)	
Fax:	
Email:	jrlaube@embarqmail.com
Place of Employment:	Home
Job Title:	Owner - Horse Farm
Year of OC Residence:	2001
Township of Residence:	Little River
Zone of Residence:	-
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Animal Services Advisory Board

Advisory Board on Aging

Work Experience:

I own and work a horse farm including growing and cultivating hay for sale. Including my horses I also have 5 dogs. I would like to volunteer on a board to hopefully be a productive team member and to make a difference in this community that I love.

Volunteer Experience:

Education:

B.A. Theatre Arts SUNY Binghamton, NY

Other Comments:

STAFF COMMENTS: Originally applied for Animal Services Advisory Board and Advisory Board on Aging 02/14/2011. ADDRESS VERIFICATION: 6826 Carol Lane,Hillsborough, NC is in Orange County Jurisdiction, Little RiverTownship.

This application was current on: 2/14/2011 9:59:40 AM **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms Sarah Lowman
Name Called:
Home Address: 316 Standish Drive
Chapel Hill NC 27517
Phone: (Day) 919-259-0053
Phone: (Evening)
Fax:
Email: lowmanster@gmail.com

Place of Employment: UNC Chapel Hill, School of Medicine
Job Title: Project Coordinator
Year of OC Residence: 1994
Township of Residence: Chapel Hill
Zone of Residence: . . .
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Advisory Board on Aging

Adult Care Home Community Advisory Committee

Work Experience:

2006- : Project Coordinator, UNC Center for Aging & Health

2003-2005: Editor, Kyiv Post newspaper, Kyiv, Ukraine

Volunteer Experience:

2005-2006: Crisis Line Advocate, Hospital Counselor and Community Educator - Durham Crisis Response Center

Education:

MPH, UNC-CH, Dept of Health Behavior & Health Education, 2008

BA, Vassar College

Other Comments:

I have worked in aging research, education and program planning for nearly five years. Through that work, I have collaborated on projects focused on community-dwelling and institutionalized older adults. Now, I would be honored to utilize my skills and knowledge to serve nursing home residents, and their families, in my community. STAFF COMMENTS: Originally applied for Nursing Home Community Advisory Committee, Advisory Board on Aging & Adult Care Home Community Advisory Committee 11/5/09. ADDRESS VERIFICATION: 316 Standish Drive, Chapel Hill, NC is Chapel Hill township,

CH jurisdiction.

This application was current on: 11/5/2009 9:53:25 PM **Date Printed:** 8/29/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Judy Miller
Name Called:	
Home Address:	403 Jericho Rd. Hillsborough NC 27278
Phone: (Day)	919-732-9969
Phone: (Evening)	
Fax:	
Email:	jmiller221@hotmail.com
Place of Employment:	Hillsborough Veterinary Clinic
Job Title:	receptionist
Year of OC Residence:	2005
Township of Residence:	Cedar Grove
Zone of Residence:	-
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Advisory Board on Aging

Commission for the Environment

Work Experience:

I now have a job where I can give some back to the community as a board volunteer. I value deeply our older adults, animals and the environment. Which board to serve on is more a function of where I can best serve and meeting times.

Receptionist Hillsborough Veterinary Hospital, since 2006
Educational research consultant, UNC School of Nursing, Gerontological Nursing
Associate Dean, Duke University School of Nursing
Associate Dean, University of Portland, School of Nursing
Associate Professor, UNC School of Nursing
Board of Governors Award for Teaching Excellence, State of North Carolina
clinical nurse specialist, gerontological nursing
Director of Nursing, Assistant Director of Nursing - rehabilitation hospital and nursing home

Volunteer Experience:

special event volunteer - hog day, hillsborough clean up

Education:

PhD - gerontology, nursing. Oregon Health Sciences University, Portland Or.
MSN - nursing, post masters - education. Duke University
BS - nursing. Adelphi University, Garden City NY

Other Comments:

thank you for all you do!. I am available to serve anytime on Mondays, otherwise evenings after 6:30pm. STAFF COMMENTS: Originally applied for Animal Services Advisory Board, Advisory Board on Aging, and Commission for the Environment on 08/18/2011. ADDRESS VERIFICATION: 403 Jericho Road is Orange County Jurisdiction, Cedar Grove Township.

This application was current on: 8/18/2011 1:08:15 PM **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Deborah Rider
Name Called:	
Home Address:	2314 Red Oak CT. Hillsborough NC 27278
Phone: (Day)	919-818-6489
Phone: (Evening)	
Fax:	
Email:	drider1736@gmail.com
Place of Employment:	Home Care Assistance
Job Title:	Care Giver
Year of OC Residence:	2005
Township of Residence:	Hillsborough
Zone of Residence:	Hillsborough Town Limits
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Advisory Board on Aging

Board of Social Services

Work Experience:

30+ years with the state of Maryland from social services to policy analyzing, I did it all.

Volunteer Experience:

I have volunteered at various k-12 school functions for my daughter. Avid animal lover. Cared for my parents until their deaths in 2000 and 2011.

Education:

Dundalk High School 1967-1970 High School Diploma; University of Maryland Baltimore County 1970-1974 Bachelors in Social Work/Sociology; University of Maryland School of Social Work 1981-1983 Masters in Social Work and Community Planning

Other Comments:

STAFF COMMENTS: Applied 04/26/2012 for Advisory Board on Aging, Board of Social Services, Adult Care Home Community Advisory Committee. ADDRESS VERIFICATION: 2314 Red Oak Ct. is Hillsborough Township, Hillsborough Town Limits.

This application was current on: 4/26/2012 8:06:33 PM **Date Printed:** 8/28/2012

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT

Meeting Date: September 18, 2012

Action Agenda Item No. 11-c

SUBJECT: Orange County Arts Commission – Appointment

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Letter of Recommendation
Application(s)/Resume(s) of Person(s) for consideration
Applicant 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 Orange County Arts Commission.

BACKGROUND: The following appointment is for Board consideration:

- Appointment to a partial first term for Mr. Todd Neal. If appointed Mr. Neal will be serving a partial first term expiring 03/31/2014.

Position Number	Special Representative	Expiration Date
9 Mr. Todd Neal	At-Large	03/31/2014

FINANCIAL IMPACT: None

RECOMMENDATION(S): Consider making appointments to the Orange County Arts Commission.

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 p.m. second Monday of each month
Terms: 2
Contact Person: Martha Shannon
Meeting Place: alt.:EDC, Hillsborough; SHSC, CH
Positions: 15
Length: 3 years
Contact Phone: 919-968-2011

Description: The members of this commission are appointed by the Board of Commissioners. The Arts Commission is housed with the Economic Development Department. It recommends strategies to promote the artistic and cultural growth of Orange County, advises the Board of Commissioners on matters involving the arts, and acts as the granting panel for two annual funding programs available to individual artists and non-profit groups sponsoring arts projects in Orange County. To learn more, go to the following web address: www.artsorange.org/

1 **Ms. Katherine Dickson**
103B Todd Street
Carrboro NC 27510

Day Phone: 9192657122
Evening Phone:
FAX:
E-mail: dickson.katherine@gmail.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 05/03/2011
Current Appointment: 03/22/2012
Expiration: 03/31/2015
Number of Terms: 1

2 **Mrs Cher Tuskey**
808 Churchill Drive
Chapel Hill NC 27517

Day Phone: 919-942-9656
Evening Phone: 919-434-5604
FAX:
E-mail: ctuskey@aol.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 05/03/2011
Current Appointment: 03/22/2012
Expiration: 03/31/2015
Number of Terms: 1

3 **Ms. Rebecca Ray**
5617 Jomali Drive
Durham NC 27705

Day Phone: 919.383.0685
Evening Phone:
FAX:
E-mail: bbray@nc.rr.com

Sex: Female
Race: Caucasian
Township: Eno
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 03/03/2011
Current Appointment: 03/03/2011
Expiration: 03/31/2014
Number of Terms: 1

4 **Mrs. Audra Marotta**
114 Snowcrest Lane
Hillsborough NC 27278

Day Phone: 919-538-4404
Evening Phone: 919-538-4404
FAX: 919-680-0468
E-mail: audragmarotta@yahoo.com

Sex: Female
Race: Caucasian
Township: Eno
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 10/18/2011
Current Appointment: 10/18/2011
Expiration: 03/31/2014
Number of Terms: 1

5 **Mr. Gordon Jameson**
2608 Dairyland Rd
Hillsborough NC 27278

Day Phone: 919-932-3438
Evening Phone:
FAX:
E-mail: jame5916@bellsouth.net

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 04/15/2008
Current Appointment: 08/17/2010
Expiration: 03/31/2014
Number of Terms: 2

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 p.m. second Monday of each month | Terms: 2 | Contact Person: Martha Shannon

Meeting Place: alt.:EDC, Hillsborough; SHSC, CH | Positions: 15 | Length: 3 years | Contact Phone: 919-968-2011

Description: The members of this commission are appointed by the Board of Commissioners. The Arts Commission is housed with the Economic Development Department. It recommends strategies to promote the artistic and cultural growth of Orange County, advises the Board of Commissioners on matters involving the arts, and acts as the granting panel for two annual funding programs available to individual artists and non-profit groups sponsoring arts projects in Orange County. To learn more, go to the following web address: www.artsorange.org/

6	Ms. Leah K. Rade Chair 6018 Meadow Greer Rd. Chapel Hill NC 27516	Day Phone: 919-471-6443 Evening Phone: 919-357-5053 FAX: E-mail: leah.rade@gmail.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 03/27/2007 Current Appointment: 05/03/2011 Expiration: 03/31/2013 Number of Terms: 2		
7	Ms. Bronwyn Merritt 113 Creekview Circle Carrboro NC 27510	Day Phone: 919-923-1058 Evening Phone: 919-967-1486 FAX: E-mail: Bronwyn@BronwynMerritt.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 09/19/2006 Current Appointment: 08/17/2010 Expiration: 03/31/2013 Number of Terms: 3		
8	Dr. Alice Levinson 3604 Pasture Rd Hillsborough NC 27278	Day Phone: 932-5902 Evening Phone: 932-5902 FAX: E-mail: allevs@att.net	Sex: Female Race: Caucasian Township: Bingham Resid/Spec Req: At-Large Special Repr:	First Appointed: 08/23/2011 Current Appointment: 03/22/2012 Expiration: 03/31/2015 Number of Terms: 1		
9	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr:	First Appointed: Current Appointment: Expiration: 03/31/2014 Number of Terms:		
10	Mr Joseph A. Marro 101 Kelly Court Chapel Hill NC 27516	Day Phone: 919-240-7880 Evening Phone: same FAX: na E-mail: jamarro@nc.rr.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 03/03/2011 Current Appointment: 03/03/2011 Expiration: 03/31/2014 Number of Terms: 1		

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 p.m. second Monday of each month | Terms: 2 | Contact Person: Martha Shannon

Meeting Place: alt.:EDC, Hillsborough; SHSC, CH | Positions: 15 | Length: 3 years | Contact Phone: 919-968-2011

Description: The members of this commission are appointed by the Board of Commissioners. The Arts Commission is housed with the Economic Development Department. It recommends strategies to promote the artistic and cultural growth of Orange County, advises the Board of Commissioners on matters involving the arts, and acts as the granting panel for two annual funding programs available to individual artists and non-profit groups sponsoring arts projects in Orange County. To learn more, go to the following web address: www.artsorange.org/

11	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 Resid/Spec Req: At-Large Special Repr:	First Appointed: 01/24/2012 Current Appointment: 01/24/2012 Expiration: 03/31/2014 Number of Terms: 1		
12	Mrs Emily Lees 1516 Cumberland Rd Chapel Hill NC 27514	Day Phone: 919 960-3737 Evening Phone: FAX: E-mail: emilylees@bellsouth.net	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 04/21/2009 Current Appointment: 03/22/2012 Expiration: 03/31/2015 Number of Terms: 2		
13	Ms. Lindsey Alexander 2413 Wilson Road Chapel Hill NC 27516	Day Phone: 3474132381 Evening Phone: 3474132381 FAX: E-mail: lindsey.alexander@gmail.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 03/22/2012 Current Appointment: 03/22/2012 Expiration: 03/31/2015 Number of Terms: 1		
14	Mr. Charles Hochman Vice-Chair 108 Cross Creek Drive Chapel Hill NC 27514	Day Phone: 919-968-4092 Evening Phone: FAX: 919-933-6427 E-mail: HochmanCharles@yahoo.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 12/03/2007 Current Appointment: 05/03/2011 Expiration: 03/31/2013 Number of Terms: 2		
15	Mrs. Nedra Bradsher 500 Blue Lake Drive Mebane NC 27302	Day Phone: 919-680-5681 Evening Phone: 919-597-0174 FAX: E-mail: nedra_bradsher@yahoo.com	Sex: Female Race: African American Township: Cheeks Resid/Spec Req: At-Large Special Repr:	First Appointed: 09/15/2009 Current Appointment: 09/15/2009 Expiration: 03/31/2013 Number of Terms: 1		

Jeanette Jones

To: Jeanette Jones
Subject: FW: Still Interested in Serving on the Arts Commission Board?

From: Martha Shannon - Orange County Arts Commission
Sent: Friday, August 17, 2012 10:30 AM
To: Donna Baker; Jeanette Jones
Cc: leah@newhorizonchurch.tv; hochmancharles@yahoo.com; jame5916@bellsouth.net
Subject: FW: Still Interested in Serving on the Arts Commission Board?

Hi Donna & Jeanette,
The OCAC would like to suggest the name of volunteer applicant Todd Neal to replace Tamara Oxley (who has moved her residence to Durham Co.). See forwarded emails below.
Please let me know when his name will be on the BOCC's agenda for possible appointment.
Thanks so much!
Martha

From: todd11@aol.com [mailto:todd11@aol.com]
Sent: Friday, August 17, 2012 9:10 AM
To: Martha Shannon - Orange County Arts Commission
Subject: Re: Still Interested in Serving on the Arts Commission Board?

Hi Martha

Yes I am still interested in serving and would have no issue with the meeting day and time.

Kind regards,

TODD NEAL
Broker/Consultant,
Coldwell Banker HPW
919.358-3662
todd11@aol.com
www.toddneal.com
Facebook

-----Original Message-----
From: Martha Shannon - Orange County Arts Commission <mshannon@orangecountync.gov>
To: todd11 <todd11@aol.com>
Sent: Tue, Aug 14, 2012 7:33 pm
Subject: Still Interested in Serving on the Arts Commission Board?

Hi Todd,
Just checking to see if you are still interested in serving on the board of the Orange County Arts Commission. We meet on the 2nd Monday each month from 6-7:30 pm (no meeting in July). Also, in June and December we make grant allocations, and our board meetings in June and December can last until 9 pm (but no longer).
Let me know if you are available at these times and still interested in serving.
Thanks so much for your consideration.
Martha

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. Todd Neal
Name Called:	
Home Address:	628 Arlington Street Chapel Hill NC 27514
Phone: (Day)	919-358-3662
Phone: (Evening)	
Fax:	
Email:	todd11@aol.com
Place of Employment:	Coldwell Banker HPW
Job Title:	Broker
Year of OC Residence:	1998
Township of Residence:	Chapel Hill
Zone of Residence:	Does not apply
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Arts Commission

Work Experience:

Studio artist (painter) having had numerous group and solo exhibitions in New York, Washington DC and Chapel Hill. Management Consultant with Mercer Management Consulting, NYC Art Director for Decision Research, NYC Instructor at Parson School of Design, NYC CEO, Founder of Businessmodel.com, Chapel Hill Real Estate Investor focused on student rentals, Chapel Hill Real Estate Broker/Consultant with Coldwell Banker HPW, Chapel Hill.

Volunteer Experience:

Numerous capacities with the Chapel Hill schools Youth sports, school and club, management and coaching Habitat for Humanity Get Real and Heal

Education:

The Ohio State University Parsons School of Design, NYC Cooper Union, NYC

Other Comments:

I believe art is an essential part of family, culture, and business. STAFF COMMENTS: Applied 04/15,2012 for Arts Commission. ADDRESS VERIFICATION: 628 Arlington Street is Chapel Hill Township, Chapel Hill Town Limits.

This application was current on: 4/15/2012 11:58:55 AM **Date Printed:** 8/21/2012

Applicant Interest Listing

by Board Name and by Applicant Name

Arts Commission

Contact Person: Martha Shannon
Contact Phone: 919-968-2011

Ms. Wendy Calvin

623 William Hooper Circle
Hillsborough NC 27278

Day Phone: 919-630-1350
Evening Phone:
FAX:
E-mail: wcalvin@co.orange.nc.us

Sex: Female
Race: Caucasian
Township: Hillsborough
Date Applied: 09/06/2011

Skills: Orange County Employee
Also Serves On:

Mr. Todd Neal

628 Arlington Street
Chapel Hill NC 27514

Day Phone: 919-358-3662
Evening Phone:
FAX:
E-mail: todd11@aol.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 04/15/2012

Skills: Artist
Also Serves On:

Skills: Habitat for Humanity
Also Serves On:

Mr. Christopher Wehrman

2212 Becketts Ridge Drive
Hillsborough NC 27278

Day Phone: 215-806-8615
Evening Phone:
FAX:
E-mail: cwadesigns@nc.rr.com

Sex: Male
Race: Caucasian
Township: Hillsborough
Date Applied: 04/27/2012

Skills:
Also Serves On:

Skills: Architect
Also Serves On:

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Wendy Calvin
Name Called:	
Home Address:	623 William Hooper Circle Hillsborough NC 27278
Phone: (Day)	919-630-1350
Phone: (Evening)	
Fax:	
Email:	wcalvin@co.orange.nc.us
Place of Employment:	Orange County Animal Services
Job Title:	Office Assistant II
Year of OC Residence:	2011
Township of Residence:	Hillsborough
Zone of Residence:	Does not apply
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Arts Commission

Board of Health

Work Experience:

Public Service - library and health department.
Private Sector - Bookstores, retail managment.

Volunteer Experience:

Program Coordinator assistant at Nursing Homes.
Enviornmental Awareness club President.
Various Visual Arts programs.

Education:

Associates Degree
Bachelors Degree completion in 2012

Other Comments:

STAFF COMMENTS: 09/06 applied for Arts Commission, Animal Services Advisory Board, and Board of Health. ADDRESS VERIFICATION: 623 William Hooper Circle is Hillsborough Township ETJ.

This application was current on: 9/6/2011 4:43:01 PM **Date Printed:** 8/21/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. Christopher Wehrman
Name Called:	
Home Address:	2212 Becketts Ridge Drive Hillsborough NC 27278
Phone: (Day)	215-806-8615
Phone: (Evening)	
Fax:	
Email:	cwadesigns@nc.rr.com
Place of Employment:	Self-employed
Job Title:	
Year of OC Residence:	2011
Township of Residence:	Hillsborough
Zone of Residence:	Hillsborough Town Limits
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Affordable Housing Advisory Board

Arts Commission

Work Experience:

Over 25 years of experience in architectural designs, planning, and project management for health care, educational, residential, and mixed-use facilities.

Volunteer Experience:

Candlelight Home Tour, Hillsborough, NC, 2011.

Education:

Bachelor of Architecture, 2000
Drexel University, Philadelphia, PA

Other Comments:

I have enjoyed living in Hillsborough and everything it has to offer. I'd like to get more involved with the County and use my knowledge and skills to help enhance the quality of life for all residents. STAFF COMMENTS: Applied 04/27/2012 for Affordable Housing Advisory Board and Arts Commission. ADDRESS VERIFICATION: 2212 Becketts Ridge Drive is Hillsborough Township, Hillsborough Town Limits.

This application was current on: 4/27/2012 6:19:18 AM **Date Printed:** 8/21/2012

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT

Meeting Date: September 18, 2012

Action Agenda Item No. 11-d

SUBJECT: Board of Health - Appointment

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Recommendation/Attendance
Application(s)/Resume(s) of Person(s) for Consideration
Applicant Interest List
Application(s)/Resume(s) of Person(s) on Interest List

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making an appointment to the Board of Health.

BACKGROUND: The following appointment is for Board consideration.

- Appointment to a first term for Mr. Alexander White. If appointed Mr. White will be serving a first full term expiring 06/30/2015.

Position Number	Special Representation	Expiration Date
6 - Mr. Alexander White	Citizen/Commissioner Appointment	06/30/2015

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Board will consider making an appointment to the Board of Health.

Board and Commission Members

And Vacant Positions

Board of Health

Meeting Times: 7:00 p.m. fourth Wednesday of each month
Terms: 2
Contact Person: Lisa Smith
Meeting Place: locations in Chapel Hill and Hillsborough.
Positions: 11
Length: 3 years
Contact Phone: 919-245-2411
Description: The Board of Commissioners appoints representatives of specific health-related professions and the general public to this board. It makes policy and is charged with protecting and promoting the public health in Orange County. To learn more about this Board, go to the following web address: http://www.co.orange.nc.us/health/index.asp

1 **Dr. Susan Elmore**
308 Glenwood Drive
Chapel Hill NC 27514
Day Phone: 919-541-3474
Evening Phone: 919-967-4172
FAX:
E-mail: elmore@niehs.nih.gov
Sex: Female
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: Veterinarian
First Appointed: 09/21/2010
Current Appointment: 06/07/2011
Expiration: 06/30/2014
Number of Terms: 1

2 **Mr. Matthew Kelm**
Vice-Chair
103 Lorilane Dr.
Carrboro NC 27510
Day Phone: 919-668-5398
Evening Phone: 919-357-4349
FAX: 919-681-8187
E-mail: matthew.kelm@duke.edu
Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: Pharmacist
First Appointed: 06/15/2010
Current Appointment: 06/15/2010
Expiration: 06/30/2013
Number of Terms: 1

3 **Mr. Michael Wood**
620 Lee Fox Ln
Hillsborough NC 27278
Day Phone: 919-732-1300
Evening Phone: 919-732-7299
FAX: 919-732-1303
E-mail: mwood@thecatenagroup.com
Sex: Male
Race: Caucasian
Township: Eno
Resid/Spec Req: At-Large
Special Repr: Citizen/Commissioner Appointment
First Appointed: 10/28/2008
Current Appointment: 06/07/2011
Expiration: 06/30/2014
Number of Terms: 2

4 **Ms Liska Lackey**
507 Oak Ave
Carrboro NC 27510
Day Phone: 919-968-1450
Evening Phone:
FAX:
E-mail: liska.lackey@gmail.com
Sex: Female
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: Nurse
First Appointed: 06/07/2011
Current Appointment: 06/07/2011
Expiration: 06/30/2014
Number of Terms: 1

5 **Dr. Michael Carstens**
108 Carriage Circle
Chapel Hill NC 27514
Day Phone: 919-968-4774
Evening Phone: 857-498-1442
FAX: 919-942-5291
E-mail: carstensmike@hotmail.com
Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: Optometrist
First Appointed: 08/19/2009
Current Appointment: 05/15/2012
Expiration: 06/30/2015
Number of Terms: 2

Board and Commission Members

And Vacant Positions

Board of Health

Meeting Times: 7:00 p.m. fourth Wednesday of each month | Terms: 2 | Contact Person: Lisa Smith

Meeting Place: locations in Chapel Hill and Hillsborough. | Positions: 11 | Length: 3 years | Contact Phone: 919-245-2411

Description: The Board of Commissioners appoints representatives of specific health-related professions and the general public to this board. It makes policy and is charged with protecting and promoting the public health in Orange County. To learn more about this Board, go to the following web address: http://www.co.orange.nc.us/health/index.asp

6 **Mr. Corey Davis**
102 Barbee Court
Carrboro NC 27510

Day Phone: 919-968-6308
Evening Phone:
FAX:
E-mail: coreyd@gmail.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: Citizen/commissioner appointment

First Appointed: 12/13/2011
Current Appointment: 05/15/2012
Expiration: 06/30/2015
Number of Terms: 1

7 **Mr. Tony Whitaker**
Chair
3725 Quail Meadow Drive
Hillsborough NC 27278

Day Phone: 919-490-1645
Evening Phone: 919-321-2922
FAX: 919-403-0336
E-mail: tony.whitaker@civil-consultants.co

Sex: Male
Race: Caucasian
Township: Little River
Resid/Spec Req: At-Large
Special Repr: Professional Engineer

First Appointed: 08/19/2009
Current Appointment: 05/15/2012
Expiration: 06/30/2015
Number of Terms: 2

8 **Dr. Anissa Vines**
610 Orchard Place
Hillsborough NC 27278

Day Phone: 919-843-1210
Evening Phone: 919-644-0924
FAX:
E-mail: avines@email.unc.edu

Sex: Female
Race: African American
Township: Hillsborough
Resid/Spec Req: At-Large
Special Repr: Citizen/Commissioner Appointment

First Appointed: 05/16/2006
Current Appointment: 06/02/2009
Expiration: 06/30/2012
Number of Terms: 2

9 **Dr. Carol Haggerty DDS, MPH**
313 Berryhill Dr
Carrboro NC 27510

Day Phone: 919-966-7575
Evening Phone: 352-283-6330
FAX: 919-966-0705
E-mail: carol_haggerty@dentistry.unc.edu

Sex: Female
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: Dentist

First Appointed: 06/15/2010
Current Appointment: 06/15/2010
Expiration: 06/30/2013
Number of Terms: 1

10 **Dr. Paul Chelminski**
116 Watters Road
Carrboro NC 27510

Day Phone: 919-966-0471
Evening Phone: 919-932-1755
FAX: 919-966-4507
E-mail: paul_chelminski@med.unc.edu

Sex: Male
Race: Other
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: Physician

First Appointed: 08/19/2009
Current Appointment: 06/15/2010
Expiration: 06/30/2013
Number of Terms: 1

Board and Commission Members

And Vacant Positions

Board of Health

Meeting Times: 7:00 p.m. fourth Wednesday of each month
Terms: 2
Contact Person: Lisa Smith

Meeting Place: locations in Chapel Hill and Hillsborough.
Positions: 11
Length: 3 years
Contact Phone: 919-245-2411

Description: The Board of Commissioners appoints representatives of specific health-related professions and the general public to this board. It makes policy and is charged with protecting and promoting the public health in Orange County. To learn more about this Board, go to the following web address: http://www.co.orange.nc.us/health/index.asp

Mr. Steve Yuhasz

11

226 S. Churton Street
Hillsborough NC 27278

Day Phone: 732-6262
Evening Phone: 593-4887
FAX: 644-1177
E-mail: syuhasz@co.orange.nc.us

Sex: Male
Race: Caucasian
Township: Eno
Resid/Spec Req: At-Large
Special Repr: B.O.C.C.

First Appointed: 02/10/2009
Current Appointment: 02/07/2012
Expiration: 01/30/2013
Number of Terms:

Orange County Health Department

Colleen Bridger, MPH, PhD
Health Director

Prevent • Promote • Protect
Partnering for the Public's Health

Date: August 24, 2012

To: Orange County Board of Commissioners

From: Colleen Bridger, Secretary to the Board of Health

RE: Recommendation for Appointment to Vacant Position

At the Board of Health August 22, 2012 meeting, the Board of Health considered all current applicants for the current At-Large position that was vacated by Anissa Vines who full filled her term on June 30, 2012 and is forwarding the following recommendation for your consideration.

The Board is recommending Alex White for your consideration. Mr. White has a MPH, he is currently employed with the NC Division of Public Health as a Health Policy Specialist, and Mr. White has worked in the Office of Minority Health and Health Disparities as a Public Health Consultant.

Thank you for your consideration.

Richard E. Whitted Human Services Center
300 W. Tryon Street • Hillsborough, NC 27278
Phone: (919) 245-2400 | General Fax: (919) 644-3007 | Confidential Fax: (919) 919-644-3328
www.orangecountync.gov/health

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. Alexander White
Name Called:	
Home Address:	509 Highgrove Dr. Chapel Hill NC 27516
Phone: (Day)	919-619-0331
Phone: (Evening)	
Fax:	
Email:	whiteforsophe@gmail.com
Place of Employment:	NC DHHS
Job Title:	Policy Specialist
Year of OC Residence:	1993
Township of Residence:	Chapel Hill
Zone of Residence:	C.H. City Limits
Sex:	Male
Ethnic Background:	African American

Boards/Commissions applied for:

Board of Health

Work Experience:

NC Division of Public Health; NC Office of Minority Health nd Health Disparities; UNC School of Medicine

Volunteer Experience:

-Interfaith Council's Community House
-National Forum for Heart Disease and Stroke Prevention.
-NC DHHS Eliminating Health Disparities Committee, Chair.

Education:

-UNC-Chapel Hill School of Law
-Boston University School of Public Health
-City University of New York; Liberal Arts

Other Comments:

I wish to serve on the BOH because I have public health experience and expertise to offer my county of residence. This is a welcome opportunity to provide service to my extended community. STAFF COMMENTS: Applied for Board of Health 06/25/2012. ADDRESS VERIFICATION: 509 Highgrove Drive is Chapel Hill Township, Chapel Hill Town Limits.

This application was current on: 6/25/2012 9:40:24 PM **Date Printed:** 8/28/2012

Applicant Interest Listing

by Board Name and by Applicant Name

Board of Health

Contact Person: Lisa Smith
Contact Phone: 919-245-2411

Dr. Dawn Brezina
2601 Red Hill Lane
Hillsborough NC 27278

Day Phone: 252-315-4650
Evening Phone: 919-732-9030
Cell Phone:
E-mail: dawnbrezina@gmail.com
Sex: Female
Race: Caucasian
Township: Eno
Date Applied: 02/13/2012

Skills: Physician
Also Serves On: Orange County Board of Adjustment
Also Serves On: Orange County Planning Board

Ms. Wendy Calvin
623 William Hooper Circle
Hillsborough NC 27278

Day Phone: 919-630-1350
Evening Phone:
Cell Phone:
E-mail: wcalvin@co.orange.nc.us
Sex: Female
Race: Caucasian
Township: Hillsborough
Date Applied: 09/06/2011

Skills: Orange County Employee
Also Serves On:

Ms. Barbara Chavious
401 N Nash St
Hillsborough NC 27278

Day Phone: 919-732-3469
Evening Phone: 919-732-3469
Cell Phone:
E-mail: Barbara_Chavious@unc.edu
Sex: Female
Race: Caucasian
Township: Hillsborough
Date Applied: 06/16/2011

Skills: Public Health
Also Serves On:

Ms Tamara Dempsey-Tanner
9900 Leslie Dirve
Chapel Hill NC 27516

Day Phone: 919-560-5600
Evening Phone: 919-918-4086
Cell Phone:
E-mail: tamaradt@yahoo.com
Sex: Female
Race: Caucasian
Township: Bingham
Date Applied: 01/04/2012

Skills: Healthcare Consultant
Also Serves On:

Mr. Charles McMullen
108 Jones Avenue
Hillsborough NC 27278

Day Phone: 9197329083
Evening Phone: 9192603879
Cell Phone:
E-mail: cmcmullen1@nc.rr.com
Sex: Male
Race: Caucasian
Township: Hillsborough
Date Applied: 02/10/2011

Skills: Nursing Profession
Also Serves On:

Mr Ken Morgan
2720 Buckboard Drive
Hillsborough NC 27278

Day Phone: 919-218-8596
Evening Phone: 919-218-8596
Cell Phone:
E-mail: morgangk@juno.com
Sex: Male
Race: Caucasian
Township: Eno
Date Applied: 01/02/2012

Skills: American Heart Association
Also Serves On:
Skills: United Way Board of Directors
Also Serves On:

Applicant Interest Listing

by Board Name and by Applicant Name

Board of Health

Contact Person: Lisa Smith
Contact Phone: 919-245-2411

Mr Marshall Morris
4620 Timberwood Trail, Timberwood Farms
PO Box 165
Efland NC 27243
Skills: Cheeks Township

Day Phone: 919-824-0893
Evening Phone:
Cell Phone:
E-mail: poems@mebtel.net
Also Serves On:

Sex: Male
Race: Caucasian
Township: Cheeks
Date Applied: 04/30/2012

Miss Danielle Mosley
476 Melanie Court
Chapel Hill NC 27514
Skills: Club Nova

Day Phone: 919-309-5685
Evening Phone:
Cell Phone:
E-mail: Dlynnm26@gmail.com
Also Serves On:

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 06/26/2012

Mr. Vince Stevens
101 Camille Ct
Chapel Hill NC 27516
Skills:

Day Phone: 919-923-2561
Evening Phone: 919-933-3058
Cell Phone:
E-mail: vstevens@nc.rr.com
Also Serves On:

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 05/01/2012

Ms. Jaimee Watts
108C West Carr Street
Carrboro NC 27510
Skills: Nursing Profession

Day Phone: 828-381-6246
Evening Phone:
Cell Phone:
E-mail: jaimee.watts@gmail.com
Also Serves On:

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 05/16/2012

Mr. Alexander White
509 Highgrove Dr.
Chapel Hill NC 27516
Skills: Public Health

Day Phone: 919-619-0331
Evening Phone: 919-619-0331
Cell Phone:
E-mail: whiteforsophe@gmail.com
Also Serves On:

Sex: Male
Race: African American
Township: Chapel Hill
Date Applied: 06/25/2012

Dr. Dennis Williams
209 Lake Manor Road
Chapel Hill NC 27516
Skills:

Day Phone: 919-962-7122
Evening Phone: 919-933-5408
Cell Phone:
E-mail: dwilliams@unc.edu
Also Serves On:

Sex: Male
Race: Other
Township: Chapel Hill
Date Applied: 05/16/2012

Applicant Interest Listing

by Board Name and by Applicant Name

Board of Health

Contact Person: Lisa Smith
Contact Phone: 919-245-2411

Mrs. Megan Williams

205 Westside Drive
Chapel Hill NC 27516

Skills: Nursing Professor

Day Phone: 919-240-4455
Evening Phone:
Cell Phone:
E-mail: mpwilliams@unc.edu
Also Serves On:

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 05/04/2012

Dr. Lisa Woolman

716 Bayberry Drive
Chapel Hill NC 27517

Skills: Veterinarian

Day Phone: 919 559-7117
Evening Phone: 919 559-7117
Cell Phone:
E-mail: lisawoolman@gmail.com
Also Serves On:

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 08/20/2010

Dr. Tracey Yap

834 Providence Glen Drive
Chapel Hill NC 27514

Skills: Director
Skills: Nurse

Day Phone: 502.686.0016
Evening Phone: 919.240.4793
Cell Phone:
E-mail: tracey.yap@duke.edu
Also Serves On: Nursing Home Community Advisory Committee

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 09/20/2011

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Dr. Dawn Brezina
Name Called:
Home Address: 2601 Red Hill Lane
Hillsborough NC 27278
Phone: (Day) 252-315-4650
Phone: (Evening)
Fax:
Email: dawnbrezina@gmail.com

Place of Employment: Durham Regional Hospital
Job Title: Hospitalist
Year of OC Residence:
Township of Residence: Eno
Zone of Residence: At-Large
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:
Board of Health

Work Experience:
My employment has been as a physician in Internal Medicine. I have worked at academic/teaching institutions in North Carolina and in private practice. Presently I work as a hospital medicine physician for duke Health system at DRH.

Volunteer Experience:
I have participated on a variety of hospital committees and medicalmission trips. Over the years I have been president of the age-group swimming association and have sponsored foreigh exchange students. I also write a weekly health-education/advice column for the Wilson Daily Times (past 3-4 years).

Education:
Undergraduate, medical school, residency training in internal medicine (ABIM certification)

Other Comments:
My husband and I have lived in NC for 25 years and have been very busy during that time, working and raising four children (3 of the 4 now graduated from UNC-Chapel). I feel that I now have the opportunity (time) to make some contributions to community. STAFF COMMENTS: Reapplied 6/14/2006 for Arts Commission, Commission for Environment, Commission for Women. Originally applied for Orange County Planning Board, Board of Health, and Hillsborough Planning Board. UPDATED APPLICATION 10/28/2010 FOR OC PLANNING BOARD. UPDATED APPLICATION 02/13/2012 FOR

PLANNING BOARD.. ADDRESS VERIFICATION: 2601 Red Hil Lane is Orange County Jurisdiction, Eno Township.

This application was current on: 2/13/2012 **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Wendy Calvin
Name Called:	
Home Address:	623 William Hooper Circle Hillsborough NC 27278
Phone: (Day)	919-630-1350
Phone: (Evening)	
Fax:	
Email:	wcalvin@co.orange.nc.us
Place of Employment:	Orange County Animal Services
Job Title:	Office Assistant II
Year of OC Residence:	2011
Township of Residence:	Hillsborough
Zone of Residence:	Does not apply
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Arts Commission

Board of Health

Work Experience:

Public Service - library and health department.
Private Sector - Bookstores, retail managment.

Volunteer Experience:

Program Coordinator assistant at Nursing Homes.
Enviornmental Awareness club President.
Various Visual Arts programs.

Education:

Associates Degree
Bachelors Degree completion in 2012

Other Comments:

STAFF COMMENTS: 09/06 applied for Arts Commission, Animal Services Advisory Board, and Board of Health. ADDRESS VERIFICATION: 623 William Hooper Circle is Hillsborough Township ETJ.

This application was current on: 9/6/2011 4:43:01 PM **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Barbara Chavious
Name Called:
Home Address: 401 N Nash St
Hillsborough NC 27278
Phone: (Day) 919-732-3469
Phone: (Evening)
Fax:
Email: Barbara_Chavious@unc.edu

Place of Employment: Retired
Job Title:
Year of OC Residence: 1980
Township of Residence: Hillsborough
Zone of Residence:
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:
Board of Health

Work Experience:
34 years in public health in NC; 12 as a regional consultant for the State Health Department, working in 8 local health departments; 22 at The UNC School of Public Health as Associate Director of an off-campus MPH, program in Health Administration as the School's alumni Director; as a continuing education specialst; and with the development of the NC Local Health Department Accreditation Program.

Volunteer Experience:
Former member-at-large on the Orange County Board of Health (1992-2000); Orange County Human Relations Commission member; OCIM volunteer; NC Public Health Assoc (member for 30 plus years; various leadership positions; American Public Health Association - member 30 years and representative from NCPHA on APHA's Governing Council for 9 years.

Education:
1968 - BA - Psychology, Miami University, Oxford, Ohio; 1985 - MPH - Health Administration - UNC School of Public Health.

Other Comments:
I currently serve as a site visitor, representing Boards of Health for the NC Local Health Department Accreditation Program and during the past six years have served on over 15 site visit teams to other NC county Health Departments. STAFF COMMENTS: Updated application 06/16/2011. Applied for Board of Health. ADDRESS JURISDICTION: 401

Nash Street is HI Township.

This application was current on: 6/16/2011 **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms Tamara Dempsey-Tanner
Name Called:
Home Address: 9900 Leslie Dirve
Chapel Hill NC 27516
Phone: (Day) 919-560-5600
Phone: (Evening)
Fax: 919-560-5958
Email: tamaradt@yahoo.com

Place of Employment: Children's Developmental Services Agency
Job Title: Quality Assurance Coordinator
Year of OC Residence: 1994
Township of Residence: Bingham
Zone of Residence: Does not apply
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Orange County Emergency Services Work Group (

Board of Health

Board of Social Services

Work Experience:

Children's Developmental Services Agency 2004 to present
Orange Co. Partnership for Young Children, 1999-2004
Injury Prevention Branch, NCDHHS, 1997-1999
UNC-Dept of Community Pediatrics, 1995-1997
Catawba County Health Department, 1986-1993
additional applicable experiences:
Conducted over 200 presentations related to public health, injury prevention, early childhood education, program development/evaluation
Adjunct instructor & content specialist with FEMA/National Fire Protection Agency, 1992-1999
Public Information Officer (on-call) Emergency Management Department, Catawba County, 1988-1993
provided consultation on numerous early childhood education, injury prevention and public health related research efforts
PT instructor UNCG Dept of Health & Human Performance; Catawba Valley Community College (Health & Safety)

Volunteer Experience:

Orange County Toys for Tots, 2000-present
Orange Co. Partnership for Young Children, Allocations Committee, 2005 to present
Orange County Preschool Interagency Committee, 2010-present
NC Continuous Quality Improvement Committee (early intervention)
NC Partnership for Children Evaluation Committee
Triangle United Way Orange County (children and youth)
Orange County Healthy Carolinians
Orange County Safe Communities
NFPA 1035 Public Fire Educator Professional Qualifications Committee
Board Member: NC Public Health Association 1991-97

Education:

M.Ed.: Public Health Education, UNC-G
BS: Public Health Education, James Madison Univ.
certification: Infant Toddler Family Specialist

Other Comments:

The spirit of community service is an imbedded characteristic since I was raised in a home where my father modeled community service for >40 years with the county fire and rescue service. As one who has worked my entire career in health and human services, I am automatically drawn and driven to contribute to these efforts. As an Orange County resident, I am committed to supporting efforts that enhance the effectiveness and efficiency of health and human service resources within our county. I would appreciate and value to serve our community in this capacity. STAFF COMMENTS: Originally applied for Orange County Emergency Services Work Group, Board of Health, Board of Social Services 1/4/2012. ADDRESS VERIFICATION: Leslie Drive is OC Jurisdiction, Orange Grove Fire Tax, Bingham Township.

This application was current on: 1/4/2012 10:12:49 AM **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. Charles McMullen
Name Called:	
Home Address:	108 Jones Avenue Hillsborough NC 27278
Phone: (Day)	9197329083
Phone: (Evening)	
Fax:	
Email:	cmcmullen1@nc.rr.com
Place of Employment:	retired
Job Title:	
Year of OC Residence:	1993
Township of Residence:	Hillsborough
Zone of Residence:	Does not apply
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Nursing Home Community Advisory Committee

Board of Health

Work Experience:

Almost 50 yrs in various fields of nsg.

Volunteer Experience:

Education:

Other Comments:

STAFF COMMENTS: Originally applied for Nursing Home Community Advisory Committee, Adult Care Home Community Advisory Committee, and Board of Health 02/10/2011. ADDRESS VERIFICATION: 108 Jones Avenue is in Hillsborough Jurisdiction, Hillsborough Township.

This application was current on: 2/10/2011 10:59:02 AM **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr Ken Morgan
Name Called:	
Home Address:	2720 Buckboard Drive Hillsborough NC 27278
Phone: (Day)	919-218-8596
Phone: (Evening)	
Fax:	
Email:	morgangk@juno.com
Place of Employment:	NAIFA North Carolina
Job Title:	Executive Director
Year of OC Residence:	1982
Township of Residence:	Eno
Zone of Residence:	-
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Orange County Emergency Services Work Group (

Board of Health

Work Experience:

NAIFA North Carolina, 1995-present
American Heart Association, NC, 1982-1993

Volunteer Experience:

Past President, Virginia Association of Volunteer Rescue Squads; Member Hall of Fame and Life Member;
Chairman, Orange County United Way;
Board of Directors, Rotary International;
Personnel Advisory Committee, Orange County

Education:

M.Ed., Virginia Commonwealth University

Other Comments:

STAFF COMMENTS: Originally applied for Human Services Advisory Commission 7/20/2006. Applied for Board of Health 8/13/08. Updated application for Board of Health 05/05/2011. Applied for Orange County Emergency Services Work Group 01/02/2012. ADDRESS VERIFICATION: 2720 Buckboard Drive Hillsborough, NC 27278 is Eno Township, OCPL jurisdiction.

This application was current on: 1/2/2012 12:00:33 PM **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr Marshall Morris
Name Called:	
Home Address:	4620 Timberwood Trail, Timberwood Farms PO Box 165 Efland NC 27243
Phone: (Day)	919-824-0893
Phone: (Evening)	
Fax:	
Email:	poems@mebtel.net
Place of Employment:	Retired-US Navy Administrative Officer & Carolina
Job Title:	Building Facilities Maintenance
Year of OC Residence:	
Township of Residence:	Cheeks
Zone of Residence:	At-Large
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Board of Health

Animal Services Advisory Board

Work Experience:

I am a retired thirty year Navy Medical Admin. Officer and Vietnam Veteran. I formerly was employed at the Sportsplex for two years and now work partime at the Carolina Fitness Center in Carrboro.

Volunteer Experience:

I am a Member of the Orange County Advisory Group for the County Sportsplex in Hillsborough. Chiarman Barry Jacobs asked me to apply for this fine position on the Planning Board for Orange County.

Education:

Middletown, NY High School - "63 AA, Business Administration, Trenton, NJ '65 BA, Business Administration, Kent State, Kent, Ohio '73

Other Comments:

I was on the forefront in quietly assisting the County with the vast purchase of the Sportsplex by offering up heads up information to assure a smooth and reliable take over Ethan Vance (the Sellor) by the County for the population for our Orange County residents. I have some ideas that could increase the revenues cycle and we need to make our county resident aware of the facility with perhaps a county wide campaign. Thanks for considering my request to be on this most important County Board and I feel

that I would be of assistance to the other Board members and citizens of our Orange County.

STAFF COMMENTS: Originally applied for Sportsplex Community Advisory Committee 7/20/2006. Originally applied fo Orange County Planning Board and Board of Health 2/1/2008, UPDATED INTEREST FOR PLANNING BOARD 04/14/2011. UPDATED INTEREST FOR PLANNING BOARD
04/30/2012.

ADDRESS VERIFICATION: 4620 Timberwood Trail in Orange County in Cheeks Township, Agricultural Residential

This application was current on: 4/30/2012 **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Miss Danielle Mosley
Name Called:	
Home Address:	476 Melanie Court Chapel Hill NC 27514
Phone: (Day)	919-309-5685
Phone: (Evening)	
Fax:	
Email:	Dlynnm26@gmail.com
Place of Employment:	
Job Title:	
Year of OC Residence:	2011
Township of Residence:	Chapel Hill
Zone of Residence:	C.H. City Limits
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Adult Care Home Community Advisory Committee

Board of Health

Agricultural Preservation Board

Work Experience:

Club Nova

Volunteer Experience:

Club Nova

Education:

Attending school for ged

Other Comments:

STAFF COMMENTS: Applied for Adult Care Home Community Advisory Committee, Board of Health, and Agricultural preservation Board on 06/26/2012. ADDRESS VERIFICATION: Melanie Court is Chapel Hill Township, Chapel Hill Town Limits.

This application was current on: 6/26/2012 11:06:45 AM **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Vince Stevens
Name Called:
Home Address: 101 Camille Ct
Chapel Hill NC 27516
Phone: (Day) 919-923-2561
Phone: (Evening)
Fax:
Email: vstevens@nc.rr.com

Place of Employment: NC Office of Rural Health
Job Title: Business Officer - Retired
Year of OC Residence: 1989
Township of Residence: Chapel Hill
Zone of Residence:
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:

Board of Health

Work Experience:

Business Officer North Carolina Office of Rural Health and Community Care 2006 - 2010. Responsibilities include development, implementation and assessment of strategies for improving prescription drug access for North Carolina residents. Advisor on all pharmaceutical issues to assure financial and programmatic compliance with programs. Clinical Pharmacist, Team Lead for Point of Sale & Drug Rebate North Carolina Office of Medicaid Management Information Systems 2005 -2006. Responsibilities include Affiliated Computer Services RFP deliverable requirements, Design, Construction, System and Integration Testing, User Acceptance Testing, Readiness Testing, Implementation and Post Implementation. Strategic National Stockpile Coordinator North Carolina Public Health Preparedness and Response 2004 - 2005. Statewide responsibility for implementation of the Department of Homeland Security and the Centers for Disease Control and Prevention Strategic National Stockpile Program. Community Consultant NC Office of Rural Health, 2003 -2004. Administrative support for North Carolina Senior Care Program and Prescription Assistance Programs in partnership with County Health Departments and Senior Centers
Clinical Manager Advance PCS, Chapel Hill, NC 1997 -2003. Clinical and administrative support for Pharmacy Benefit Management clients. Successfully expanded sales to existing clients through relationship-building and demonstrating a thorough knowledge of products that gave credibility to product recommendations. Client base consisting of Managed Care, Employer groups, Government including Medicaid, and Blue Cross Blue Shield programs. Pharmacy Account Manager First Health Services Corporation -

Chapel Hill, NC 1995 - 1997. Administrative responsibility for North Carolina State Health Plan, North Carolina and Tennessee TennCare Medicaid Programs and Blue Cross of Northeastern Pennsylvania. District Manager - Revco Drug Stores Oklahoma, Michigan, North Carolina 1973 -1994. Responsibility for retail store operations including profit & loss responsibility, training sales staff in merchandising and sales strategies, advertising and inventory control, gross margin management, human resources and personnel issues. Supervised 240 employees and 68 pharmacist Middle Management Experience Pharmacy positions at Wal-Mart, and SuperX

Volunteer Experience:

Chapel Hill Crime Task Force (several years ago)

Education:

Bachelor of Science Pharmacy, The Ohio State University
Licensed Registered Pharmacist in: OH, NC

Other Comments:

Orig.app.11/17/99 for Board of Health, Pharmacist Position STAFF COMMENTS: Applied 5/7/2010 for Advisory Board on Aging, Adult Care Home Community Advisory Committee, Board of Health. ADDRESS VERIFICATION: 101 Camille Ct, Chapel Hill is in Chapel Hill Township, Chapel Hill Town Limits. UPDATED APPLICATION 05/02/2012 FOR BOARD OF HEALTH.

This application was current on: 5/1/2012 **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Jaimee Watts
Name Called:	
Home Address:	108C West Carr Street Carrboro NC 27510
Phone: (Day)	828-381-6246
Phone: (Evening)	
Fax:	
Email:	jaimee.watts@gmail.com
Place of Employment:	UNC Medical Center
Job Title:	RN, BSN, ICU Nurse
Year of OC Residence:	2009
Township of Residence:	Chapel Hill
Zone of Residence:	Carrboro City Limits
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Board of Health

Chapel Hill Parks and Recreation Commission

Carrboro Recreation and Parks Commission

Work Experience:

3 Years as a Nurse at UNC, tow in trauma and one in critical care (SICU)

Volunteer Experience:

Orange County Public Health Reserve Corps; CERT (Community Emergency Response Team) training; Carrboro Rec and Parks Committee, Healthy Carolinians

Education:

BSN in nursing with plans for a Masters in either Public Health Nursing or Nutrition

Other Comments:

STAFF COMMENTS: Applied 4/29/2010 for Board of Health, Chapel Hill Parks & Recreation Commission and Carrboro Recreation and Parks Commission. ADDRESS VERIFICATION: 108 C W Carr Street is Chapel Hill Township, Carrboro City Limits. UPDATED APPLICATION 04/30/2012 TO INCLUDE THE BOARD OF HEALTH. UPDATED APPLICATION 05/16/2012 TO INCLUDE BOARD OF HEALTH AND CHANGE OF ADDRESS.

This application was current on: 5/16/2012 **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Dr. Dennis Williams
Name Called:	
Home Address:	209 Lake Manor Road Chapel Hill NC 27516
Phone: (Day)	919-962-7122
Phone: (Evening)	
Fax:	919-962-0644
Email:	dwilliams@unc.edu
Place of Employment:	University of North Carolina
Job Title:	Associate
Year of OC Residence:	
Township of Residence:	Chapel Hill
Zone of Residence:	Carrboro City Limits
Sex:	Male
Ethnic Background:	Other

Boards/Commissions applied for:

Board of Health

Work Experience:

Volunteer Experience:

Education:

Other Comments:

STAFF COMMENTS: Applied 05/16/2012 for Board of Health. ADDRESS VERIFICATION: 269 Lake Manor Road is Chapel Hill Township, Carrboro City Limits.

This application was current on: 5/16/2012 9:33:52 PM **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mrs. Megan Williams
Name Called:	
Home Address:	205 Westside Drive Chapel Hill NC 27516
Phone: (Day)	919-240-4455
Phone: (Evening)	
Fax:	
Email:	mpwilliams@unc.edu
Place of Employment:	unc-ch school of nursing
Job Title:	clinical assistant professor
Year of OC Residence:	2009
Township of Residence:	Chapel Hill
Zone of Residence:	Does not apply
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Board of Health

Work Experience:

Clinical Assistant Professor UNC-Chapel Hill 2003-current
Nurse Practitioner MinuteClinic 2008-current
Nurse Practitioner DUMC 2002-2006

Volunteer Experience:

Association of Nursing Students faculty Advisor
North Carolina Nurses Association member 1998-current
North Carolina Nurses Association Triangle Region President

Education:

AS Peace College Raleigh, NC 1995
BSN UNCW Wilmington, NC 1998
MSN Duke University 2002

Other Comments:

STAFF COMMENTS: Originally appled for Board of Health 06/06/2010. ADDRESS VERIFICATION: 205 Westside Drive is in Chapel Hill Township, Chapel Hill Town Limits.. UPDATED APPLICATION 05/04/2012 For Board of Health.

This application was current on: 5/4/2012 **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Dr. Lisa Woolman
Name Called:	
Home Address:	716 Bayberry Drive Chapel Hill NC 27517
Phone: (Day)	919 559-7117
Phone: (Evening)	
Fax:	
Email:	lisawoolman@gmail.com
Place of Employment:	Self - Lighthouse Veterinary Imaging
Job Title:	Veterinary Radiologist
Year of OC Residence:	2008
Township of Residence:	Chapel Hill
Zone of Residence:	-
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Board of Health

Work Experience:

I am a small business owner of a mobile veterinary imaging company based in Chapel Hill. Prior to this position, I was a veterinary radiology resident at North Carolina State University.

Volunteer Experience:

I am currently a volunteer with Independent Animal Rescue, a group that provides foster care for adoptable dogs and cats. The group is also working on feral cat control measures.

Education:

I have a DVM degree from The University of Tennessee College of Veterinary Medicine. I completed a 1 year internship at the University of Pennsylvania. I also completed a 4 year residency at NCSU. I have a veterinary license in North Carolina and am a

Other Comments:

I am especially interested in continuing the Board's work to provide solutions to the regions pet overpopulation challenges. STAFF COMMENTS: Originally applied for Boad of Health and Animal Services Advisory Board 8/20/2010. ADDRESS VERIFICATION: 716 Bayberry Drive is in Chapel Hill Township and Chapel Hill ETJ.

This application was current on: 8/20/2010 12:11:43 AM **Date Printed:** 8/28/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Dr. Tracey Yap
Name Called:	
Home Address:	834 Providence Glen Drive Chapel Hill NC 27514
Phone: (Day)	502.686.0016
Phone: (Evening)	
Fax:	
Email:	tracey.yap@duke.edu
Place of Employment:	Duke University School of Nursing
Job Title:	Assistant Professor
Year of OC Residence:	2011
Township of Residence:	Chapel Hill
Zone of Residence:	-
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Board of Health

Work Experience:

Deputy-Director of Nursing for NIOSH sponsored Education and Research Center, University of Cincinnati
Funded research grants related to long-term care

Volunteer Experience:

Education:

RN, PhD

Other Comments:

STAFF COMMENTS: 09/20/2011 applied for Nursing Home Community Advisory Committee, Advisory Board on Aging, and Board of Health. ADDRESS JURISDICTION: 834 Providence Glen Drive is CH Township.

This application was current on: 9/20/2011 3:41:57 PM **Date Printed:** 8/28/2012

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: September 18, 2012

Action Agenda Item No. 11-e

SUBJECT: Orange County Housing Authority Board – Appointments

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

ATTACHMENT(S): Under Separate Cover
Membership Roster
Letter of Recommendation
Application(s)/Resume(s) of Person(s) for consideration
Applicant Interest List
Application(s)/Resume(s) of Person(s) on the Interest List

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making appointments to the Orange County Housing Authority Board.

BACKGROUND: The following appointments are for Board consideration:

- Appointment to a first term for Ms. Diane Beecham. If appointed Ms. Beecham will be serving a partial first term expiring 06/30/2014.
- Appointment to a first term for Mrs. Dee Jackola. If appointed Ms. Jackola will be serving a partial first term expiring 06/30/2014.

Position Number	Special Representation	Expiration Date
4 Ms. Diane Beecham	At-Large	06/30/2014
5 Mrs. Dee Jackola	At-Large	06/30/2014

FINANCIAL IMPACT: None

RECOMMENDATION(S): Consider making appointments to the Orange County Housing Authority Board.

Board and Commission Members

And Vacant Positions

Orange County Housing Authority

Meeting Times: TBD TBD
Terms: 2
Contact Person: Tara Fikes, Housing/CD Director
Meeting Place: TBD
Positions: 7
Length: 5 yrs beg 2009
Contact Phone: 919-245-2490

Description: All members are appointed by the Board of County commissioners. The goal of the Orange County Housing Authority board is to provide decent, safe, and sanitary housing for the low and moderate income families in the County.At least one member of the Board shall be a Section 8 voucher holder. Other board members may represent the following areas of interest: real estate; development; affordable housing; real estate and/or municipal law; and banking.

1	Mr. James O. Anderson Chair 1209 Phils Ridge Road Chapel Hill NC 27516	Day Phone: 919-360-2357 Evening Phone: 919-967-3058 FAX: 919-967-5626 E-mail: janderson027@nc.rr.com	Sex: Male Race: African American Township: Chapel Hill Resid/Spec Req: Special Repr:	First Appointed: 06/16/2009 Current Appointment: 06/16/2009 Expiration: 06/30/2014 Number of Terms: 1		
2	Ms. Jean Bolduc 5519 Hideaway Drive Chapel Hill NC 27516	Day Phone: 667-2107 Evening Phone: 933-5485 FAX: E-mail: jbolduc@dha-nc.org	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: Special Repr:	First Appointed: 06/16/2009 Current Appointment: 06/16/2009 Expiration: 06/30/2014 Number of Terms: 1		
3	Mr. Andrew Davenport 208-B Jay Street Chapel Hill NC 27514	Day Phone: 828 429 2295 Evening Phone: FAX: E-mail: ardavenp@email.unc.edu	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: Special Repr:	First Appointed: 06/16/2009 Current Appointment: 06/16/2009 Expiration: 06/30/2014 Number of Terms: 1		
4	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: Special Repr:	First Appointed: Current Appointment: Expiration: 06/30/2014 Number of Terms:		
5	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: Special Repr:	First Appointed: Current Appointment: Expiration: 06/30/2014 Number of Terms:		

Board and Commission Members

And Vacant Positions

Orange County Housing Authority

Meeting Times: TBD TBD
Terms: 2
Contact Person: Tara Fikes, Housing/CD Director

Meeting Place: TBD
Positions: 7
Length: 5 yrs beg 2009
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Description: All members are appointed by the Board of County commissioners. The goal of the Orange County Housing Authority board is to provide decent, safe, and sanitary housing for the low and moderate income families in the County.At least one member of the Board shall be a Section 8 voucher holder. Other board members may represent the following areas of interest: real estate; development; affordable housing; real estate and/or municipal law; and banking.

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6 **Ms. JonZetta Bailey-Pridham**

800 Pritchard Ave. Ext. Apt. A12
Chapel Hill NC 27516

Day Phone: 919-923-6931
Evening Phone: same as above
FAX: n/a
E-mail: zuguru02@yahoo.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: Resident Board Mem
Special Repr:

First Appointed: 10/18/2011
Current Appointment: 10/18/2011
Expiration: 06/30/2014
Number of Terms: 1

---

7 **Ms. Tara Fikes**

Housing Department
P. O. Box 8181
Hillsborough NC 27278

Day Phone: 919-245-2492
Evening Phone: 919-245-2492
FAX:
E-mail: tfikes@co.orange.nc.us

Sex: Female
Race: African American
Township:
Resid/Spec Req: Executive Director
Special Repr:

First Appointed: 06/16/2009
Current Appointment: 06/16/2009
Expiration: 06/30/2014
Number of Terms: 1

Jeanette Jones

From: Tara L. Fikes
Sent: Wednesday, September 05, 2012 2:09 PM
To: Donna Baker; Jeanette Jones
Subject: Housing Authority Board Members

Donna and Jeanette:

The Housing Authority Board would like to recommend to the BOCC the appointment of Diane Beecham and Dee Jackola to the Housing Authority Board. Can this be done in September?

Thanks, Tara

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Diane Beecham
Name Called:
Home Address: 218 Turtleback Crossing Drive
Chapel Hill NC 27516
Phone: (Day) 919-918-4075
Phone: (Evening) same
Fax:
Email: ddbeecham@gmail.com

Place of Employment: none
Job Title:
Year of OC Residence: 2008
Township of Residence: Chapel Hill
Zone of Residence: TA (Transition Area)
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:
Orange County Housing Authority

Work Experience:
TOWN PLANNER, TOWN OF WESTWOOD
WESTWOOD, MASSACHUSETTS DECEMBER 1996 - MARCH 2008
Assisted the Town in a multi-year effort to promote the development of a 134-acre, 4.5 million square foot mixed-use development project, including assisting with the preparation of the zoning and implementing rules and regulations; coordinating a pre-permitting public planning process; assisting the consultant team with the review of the urban design, transportation, environmental and fiscal impacts of the project; coordinating the project review public hearings; and assisting legal counsel in the drafting of the final permit decision; Completed a variety of planning projects and studies, including a Comprehensive Plan, Open Space and Recreation Plan, Commercial Center Study, Flood Hazard Mitigation Plan and Municipal Growth Planning Study. Responsibilities included data collection and analysis, proposal of recommendations, public participation strategies and assisting with the preparation of final reports; Responsible for the recommendations and preparation of draft decisions on subdivision, site plan and zoning applications; Responsible for the recommendations and preparation of proposed changes to zoning bylaws, subdivision, special permit and site plan rules and regulations; Secured $700,000 state grant to acquire a large parcel of land for conservation purposes; Served as staff to the planning board and liaison to various community and town boards and commissions.

RESEARCH/SPECIAL PROJECTS MANAGER, DOWNTOWN PARTNERSHIP

DES MOINES, IOWA MAY 1995 - OCTOBER 1996

Coordinated efforts to establish a downtown Des Moines business improvement district, including development of programs, budget, promotional materials and implementation strategies; Designed comprehensive relational database of downtown information, including collection and analysis of demographic and real estate data; Developed strategic plan to guide future policy and programmatic decisions of the organization.

STAFF ASSISTANT, OFFICE OF U.S. SENATOR TOM HARKIN
DES MOINES, IOWA JULY 1994 - APRIL 1995

Coordinated constituent requests for federal assistance for veteran and disability issues.

LEGISLATIVE DIRECTOR, GREATER WASHINGTON URBAN LEAGUE
WASHINGTON, DC OCTOBER 1992 - NOVEMBER 1993

Directed legislative and social advocacy initiatives, including formulating policy positions, monitoring legislation and preparing public hearing testimonies; Developed technical assistance manuals for a Federal Transit Administration program to assist minority and women-owned businesses compete for transit-related contracts.

SENIOR PLANNER, DC DOWNTOWN PARTNERSHIP
WASHINGTON, DC OCTOBER 1988 - JULY 1992

Assisted Executive Director in multi-year effort to establish a downtown Washington, DC business improvement district, including development of programs, budget, community outreach strategies, promotional materials and public hearing testimonies;
Worked with public-private working group of local government officials, property owners, developers, major tenants and other downtown stakeholders to develop and implement mandatory mixed-use zoning ordinance for the Washington, DC downtown East End area; Edited the Downtown Development Portfolio, a publication of downtown office and retail development data;
Awarded a $5,000 grant to develop and implement survey of downtown arts space needs for planned economic impact study;

LAND PLANNER, RAPPAHANNOCK AREA DEVELOPMENT COMMISSION
FREDERICKSBURG, VIRGINIA OCTOBER 1985 - AUGUST 1987

Awarded a $700,000 Community Development Block Grant for regional municipal infrastructure improvements; Prepared Comprehensive Plan for member community; Supervised regional ridesharing program for the heavily travelled Fredericksburg-Washington, DC Interstate 95 corridor, including budget preparation, marketing and software updates.

Volunteer Experience:

I have not had the opportunity to participate in volunteer opportunities until I moved to North Carolina. I have been involved in affordable housing issues during my tenure as a

city and regional planner.

Education:

University of North Carolina at Chapel Hill, Chapel Hill, North Carolina, Master of Regional Planning
Virginia Polytechnic Institute & State University, Blacksburg, Virginia, Bachelor of Arts, Urban Affairs

Other Comments:

STAFF COMMENTS: Originally applied for Affordable Housing Advisory Board & Orange County Housing Authority 01/14/2010. ADDRESS VERIFICATION: 218 Turtleback Crossing Drive, Chapel Hill is Chapel Hill township, CA jurisdiction.

This application was current on: 1/14/2010 10:02:50 AM **Date Printed:** 9/7/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mrs. Dee Jackola
Name Called:
Home Address: 3218 Gibbs Lane
Hillsborough NC 27278
Phone: (Day) 919-632-7091
Phone: (Evening) 919-241-4245
Fax: 919-595-3860
Email: djackola@fmrealty.com

Place of Employment: Fonville Morisey Realty
Job Title: Real Estate Broker
Year of OC Residence: 1988
Township of Residence: Eno
Zone of Residence: Orange County
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Affordable Housing Advisory Board

Orange County Housing Authority

Work Experience:

Fonville Morisey Realty 9/2005 - Present; REALTOR at Beazer Homes; 9/2004 - 5/2005 New Home Sales; BCBSNC 8/7/1989 - 10/31/2004 Methods & Standards Analyst, Business and Reporting Analyst; Orange Co. Temp; 1989 Clerical Personnel Dept.; Tecan US Temp 1989 Clerical; Pennsylvania House Furniture 12/1984 - 10/1988 Industrial Engineer; Comar Industries 11/1979 - 12/1984 Industrial Engineer.

Volunteer Experience:

PTO Cameron Park Elementary; Band Booster Parent Orange High; Athletic Booster Parent Orange High; Various volunteer experience at Abundant Life Church, Hillsborough over 20+ years.

Education:

Wingate University, Wingate, NC 1976 - 1979 B.S. Business Administration; UNCC Charlotte NC 1975-1976, 1983; Durham Technical College 1990, 2005 Real Estate Sales superior School of Real Estate, 2005 Real Estate Broker; Various Work-related Realt Estate Classes since 2004.

Other Comments:

Now that my 2 sons are in college, I need to give more to my community and since I'm already in real estate and really care about individuals and families having adequate housing that they can consider their home , this opportunity seems to be a good fit.

STAFF COMMENTS: Applied for Affordable Housing Advisory Baord and Orange County Housing Authority 08/2012. ADDRESS VERIFICATION: 3218 Gibbs Lane, Hillsborough is Orange County Jurisdiction, Agricultural Residential.

This application was current on: 8/3/2012 6:59:22 PM **Date Printed:** 9/7/2012

Applicant Interest Listing

by Board Name and by Applicant Name

Orange County Housing Authority

Contact Person: Tara Fikes, Housing/CD Directo
Contact Phone: 919-245-2490

Mr Alex Babbitt
109 Fraternity Ct
Chapel Hill NC 27516

Day Phone: 704-450-0333
Evening Phone:
Cell Phone:
E-mail: ababbitt@email.unc.edu
Skills:
Also Serves On:

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 07/20/2010

Ms. Diane Beecham
218 Turtleback Crossing Drive
Chapel Hill NC 27516

Day Phone: 919-918-4075
Evening Phone: same
Cell Phone:
E-mail: ddbeecham@gmail.com
Skills:
Also Serves On: Affordable Housing Advisory Board

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 01/14/2010

Mrs. Dee Jackola
3218 Gibbs Lane
Hillsborough NC 27278

Day Phone: 919-632-7091
Evening Phone: 919-241-4245
Cell Phone:
E-mail: djackola@fmrealty.com
Skills: Business Administration
Also Serves On:
Skills: Real Estate
Also Serves On:

Sex: Female
Race: Caucasian
Township: Eno
Date Applied: 08/03/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr Alex Babbitt
Name Called:	
Home Address:	109 Fraternity Ct Chapel Hill NC 27516
Phone: (Day)	704-450-0333
Phone: (Evening)	
Fax:	
Email:	ababbitt@email.unc.edu
Place of Employment:	
Job Title:	Student at the University of North Carolina at Cha
Year of OC Residence:	2009
Township of Residence:	Chapel Hill
Zone of Residence:	-
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Orange County Housing Authority

Joint Orange Chatham Community Action Agency

Work Experience:

Groundskeepers/Office Assistant for Carolina Family Investment
Carolina Family Investment is a company that owns 4 mobile home parks and several homes in Harnett County, NC

Volunteer Experience:

Chattanooga Area Food Bank
Chattanooga Soup Kitchen
Various Nursing Homes in Statesville, NC
Habitat for Humanity
Planned Barbecue Cook-off in Chapel Hill that raised $4500 for Cystic Fibrosis
7 Mission trips around the Southeast where I served in various ways from helping the homeless to providing supervision to underprivileged children

Education:

University of North Carolina, Class of 2013
Pre-Business Administration
Spanish

Other Comments:

I am currently entering my second year as a student at the University of North Carolina. I want to become involved with the county government. I am a very organized and hard working student that takes a lot of initiative with whatever I am involved with. STAFF COMMENTS: Originally applied for OC Housing Authority, Joint Orange Chatham Community Action Agency, Affordable Housing Advisory Board 7/29/2010. ADDRESS VERIFICATION: 109 Fraternity Court is in Chapel Hill Jurisdiction, Chapel Hill Township.

This application was current on: 7/20/2010 11:25:21 PM **Date Printed:** 9/7/2012

DRAFT INFORMATION ITEM Date Prepared: 09/13/12
Date Revised: 00/00/12

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
9/6/12	Based on Board approval/direction, move forward with project planning for a Rogers Road community center, including coordination with Habitat for Humanity for contracting, requesting expedited review/approval from the Town of Chapel Hill, and determining remaining funds to complete construction	11/1/2012	Michael Talbert, Jeff Thompson, John Roberts & Frank Clifton	Efforts to move forward
9/6/12	In addition to Rogers Road discussion at December 6, 2012 Assembly of Governments meeting, also plan for the Boards to discuss the Greene Tract	12/6/2012	Michael Talbert, Clarence Grier, Gayle Wilson & Craig Benedict	Staff to develop materials for discussion
9/6/12	Conform the resolution regarding recommendations on NCACC 2013-14 legislative goals based on Board approved addition and approval and send resolution and other materials to NCACC	9/14/2012	Greg Wilder Donna Baker	Resolution to be conformed and sent with other materials to NCACC
9/6/12	Draft a letter for the Chair to send to the Fire Chiefs' Council suggesting the Council work with its state leadership to address the wastewater system classification rules which currently classify a spray irrigation system such as one utilized by volunteer fire departments as "commercial".	10/1/2012	Donna Baker Chair	Letter has been drafted; To be sent to Fire Chiefs

Information Item

BERNADETTE PELISSIER, CHAIR
PAM HEMMINGER, VICE CHAIR
VALERIE P. FOUSHEE
ALICE M. GORDON
BARRY JACOBS
EARL MCKEE
STEVE YUHASZ

ORANGE COUNTY BOARD OF COMMISSIONERS
POST OFFICE BOX 8181
200 SOUTH CAMERON STREET
HILLSBOROUGH, NORTH CAROLINA 27278

August 29, 2012

Ms. Renee Price
PO Box 1486
Hillsborough, NC 27278

Dear Ms. Price,

At the Board's June 19, 2012 regular meeting, you brought forth a petition on behalf of the Commission for the Environment in the form of a resolution and it was reviewed by the Chair/Vice Chair/Manager at agenda review:

1) This resolution urged the Orange County Board of County Commissioners to set forth and enforce such measures and provisions that will protect public health and lands in the event that horizontal drilling and hydraulic fracturing activities are planned or conducted in or adjacent to Orange County,

After review of this petition, the Chair/Vice Chair/Manager have directed staff to do the following:

1) To share with Ms. Price, and ask her to share with the Commission for the Environment, the County Attorney's comment that anyone can send comments to the appropriate staff at NCACC in reference to 2012 Senate Bill 820 and that Orange County had already adopted a similar resolution.

This letter will be provided as an Information Item on the September 18, 2012 agenda for public information.

Regards,

Bernadette Pelissier

Bernadette Pelissier, Chair
Board of County Commissioners

CC: Board of Commissioners
Frank Clifton, County Manager
Dave Stancil, DEAPR Director

Information Item

BERNADETTE PELISSIER, CHAIR
PAM HEMMINGER, VICE CHAIR
VALERIE P. FOUSHEE
ALICE M. GORDON
BARRY JACOBS
EARL MCKEE
STEVE YUHASZ

ORANGE COUNTY BOARD OF COMMISSIONERS
POST OFFICE BOX 8181
200 SOUTH CAMERON STREET
HILLSBOROUGH, NORTH CAROLINA 27278

August 29, 2012

Dear Commissioners,

At the Board's August 21, 2012 regular meeting, Commissioner McKee brought forth a petition and it was reviewed by the Chair/Vice Chair/Manager at agenda review:

1) Review and consider request that the Board direct staff to schedule additional meeting(s) regarding the Mountain to Sea Trail (MTST) in Orange County to include the opportunity for a question and answer public session.

After review of this petition, the Chair/Vice Chair/Manager have provided the following direction:

1) Chair Pelissier will write a letter to Kate Dixon, asking her to please host a MTST public meeting with a question and answer session, to include Orange County staff in the coordination and participation of said meeting.

This letter will be provided as an Information Item on the September 18, 2012 agenda for public information.

Regards,

Bernadette Pelissier

Bernadette Pelissier, Chair
Board of County Commissioners

CC: Frank Clifton, County Manager
Dave Stancil, DEAPR Director

Information Item

BERNADETTE PELISSIER, CHAIR
PAM HEMMINGER, VICE CHAIR
VALERIE P. FOUSHEE
ALICE M. GORDON
BARRY JACOBS
EARL MCKEE
STEVE YUHASZ

ORANGE COUNTY BOARD OF COMMISSIONERS
POST OFFICE BOX 8181
200 SOUTH CAMERON STREET
HILLSBOROUGH, NORTH CAROLINA 27278

August 30, 2012

Kate Dixon
Executive Director
FMST
P.O. Box 10431
Raleigh, NC 27605

Dear Ms. Dixon,

On behalf of the Orange County Board Commissioners, I am writing to you in reference to a petition that one of our members, Commissioner McKee, brought forth to our Board on August 21st, requesting that the Board direct staff to schedule additional meeting(s) regarding the Mountain to Sea Trail (MTST) in Orange County to include the opportunity for a question and answer public session.

After review by our agenda review team, it was suggested that I contact you to ask if you would please host a MTST public meeting in Orange County with a question and answer session, and to include Orange County staff in the coordination and participation of said meeting.

We would greatly appreciate any assistance and involvement in this public process as it relates to the MTST issue and know that your extensive knowledge and expertise in this area would greatly enhance the meeting.

Sincerely,

Bernadette Pelissier

Bernadette Pelissier, Chair
Board of County Commissioners

cc: Board of County Commissioners
Frank Clifton, County Manager
David Stancil, DEAPR Director

Information Item

BERNADETTE PELISSIER, CHAIR
PAM HEMMINGER, VICE CHAIR
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ORANGE COUNTY BOARD OF COMMISSIONERS
POST OFFICE BOX 8181
200 SOUTH CAMERON STREET
HILLSBOROUGH, NORTH CAROLINA 27278

August 29, 2012

Dear Commissioners,

At the Board's August 21, 2012 regular meeting, Commissioner Jacobs brought forth a petition and it was reviewed by the Chair/Vice Chair/Manager at agenda review:

1) Review and consider a request to have the Board receive an update on issues, priorities, and options, related to the Burlington-Graham MPO, proposed MPO boundaries, etc.

After review of this petition, the Chair/Vice Chair/Manager have directed staff to do the following:

1) For Planning Board staff to provide a written report to the Board on the issues indicated by Commissioner Jacobs such as an update on issues, priorities, and options, related to the Burlington-Graham MPO, proposed MPO boundaries, etc.

This letter will be provided as an Information Item on the September 18, 2012 agenda for public information.

Regards,

Bernadette Pelissier

Bernadette Pelissier, Chair
Board of County Commissioners

CC: Frank Clifton, County Manager
Craig Benedict, Planning Director

Information Item

BERNADETTE PELISSIER, CHAIR
PAM HEMMINGER, VICE CHAIR
VALERIE P. FOUSHEE
ALICE M. GORDON
BARRY JACOBS
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ORANGE COUNTY BOARD OF COMMISSIONERS
POST OFFICE BOX 8181
200 SOUTH CAMERON STREET
HILLSBOROUGH, NORTH CAROLINA 27278

August 30, 2012

Jim Warren
Executive Director, NC WARN
P.O. Box 61051
Durham, N.C. 27715

Dear Mr. Warren:

On behalf of the Board of County Commissioners, I want to thank you for your letter of August 8, 2012 in reference to asking for support for the creation of an Alternative Energy Task Force.

Your request was reviewed by the Orange County Board of Commissioners' Chair/Vice Chair/Manager and it was decided to refer your request to our Commission for the Environment advisory board to work through these energy alternative issues.

We do appreciate your proactive approach for climate protection through clean and efficient energy sources.

Sincerely,

Bernadette Pelissier

Bernadette Pelissier, Chair
Board of County Commissioners

cc: Board of County Commissioners
Frank Clifton, County Manager
Dave Stancil, DEAPR Director

Information Item

BERNADETTE PELISSIER, CHAIR
PAM HEMMINGER, VICE CHAIR
VALERIE P. FOUSHEE
ALICE M. GORDON
BARRY JACOBS
EARL MCKEE
STEVE YUHASZ

Orange County Board of Commissioners
Post Office Box 8181
200 South Cameron Street
Hillsborough, North Carolina 27278

August 29, 2012

Ms. Margaret Heath
Chapel Hill, N.C.

Dear Ms. Heath,

On behalf of the Orange County Board of Commissioners, I am responding to your petition of August 14, 2012 in reference to concerns about the need for a stronger pet ID policy at Orange County Animal Services.

Your original petition was forwarded to the Animal Services Advisory Board (ASAB) after review by the Chair/Vice Chair/Manager. The ASAB reviewed your petition and submitted a recommendation back to the Board of Commissioners as requested, stating that they note that micro-chips and collars to all adoptable animals may become a priority for Animal Services if sufficient funds become available. It also stated that, as is always the case, one of the responsibilities of those involved with County Animal Services is to decide the best use of available resources based on dynamic needs and priorities; and it is only by doing so that Animal Services can continue to provide the very best service possible to the residents of Orange County.

The role of the Animal Services Advisory Board, as with all of our advisory boards, is to maintain awareness of their goals and objectives as those goals are related to the Orange County Board of Commissioners' adopted overall goals and objectives for Orange County. All actions or recommendations of an advisory board shall be communicated to the Orange County Board of Commissioners, which the ASAB did.

This letter will be provided as an Information Item on the September 18, 2012 BOCC agenda for public information.

Regards,

Bernadette Pelissier

Bernadette Pelissier, Chair
Board of County Commissioners

CC: Board of Commissioners
Frank Clifton, County Manager

Information Item

BERNADETTE PELISSIER, CHAIR
PAM HEMMINGER, VICE CHAIR
VALERIE P. FOUSHEE
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EARL MCKEE
STEVE YUHASZ

Orange County Board of Commissioners
Post Office Box 8181
200 South Cameron Street
Hillsborough, North Carolina 27278

August 29, 2012

Ms. Diane Walstad
2302 Mount Sinai Road
Chapel Hill, N.C. 27514

Dear Ms. Walstad,

On behalf of the Orange County Board of Commissioners, I am responding to your petition in asking Orange County to ban all wells that are not used for potable or fire department purposes.

Your petition was reviewed by the Chair/Vice Chair/Manager at agenda review and it was noted that you spoke at the August 27, 2012 Quarterly Public Hearing item under item C- which generated questions on geothermal use. Orange County staff stated that the item, "Class A Special Use Permit Major Subdivision – Dunhill (Weekley Homes LLC), was a hearing for a 26 lot development on Mt. Sinai Road. And by your letter and also by your testimony at the public hearing, you stated your concern about "pump and dump" geothermal cooling systems for the public record. At the meeting, Board members and staff stated that this is an old process that is not typically used in Orange County today. The applicant also stated they would be more than happy to restrict "pump and dump" geothermal systems on the development property.

I hope that this addressed your concerns.

This letter will be provided as an Information Item on the September 18, 2012 BOCC agenda for public information.

Regards,

Bernadette Pelissier

Bernadette Pelissier, Chair
Board of County Commissioners

CC: Board of Commissioners
Frank Clifton, County Manager
Craig Benedict, Planning Director

Information Item

BERNADETTE PELISSIER, CHAIR
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ORANGE COUNTY BOARD OF COMMISSIONERS
POST OFFICE BOX 8181
200 SOUTH CAMERON STREET
HILLSBOROUGH, NORTH CAROLINA 27278

September 11, 2012

Dear Commissioners,

At the Board's August 21, 2012 regular meeting, Commissioner McKee brought forth a petition and it was reviewed by the Chair/Vice Chair/Manager at agenda review:

1) Review and consider a request that the Board take action to formally recognize the volunteer fire departments for their services to Orange County and its residents.

After review of this petition, the Chair/Vice Chair/Manager decided:

1) That the Commissioners will verbally recognize the volunteer fire departments at their joint meeting on October 4th for their reduced ISO ratings; and will formally recognize, by proclamation, the volunteer fire departments and also include county-wide emergency service workers, who provide an invaluable service to all Orange County residents, at the BOCC regular meeting on October 16th.

This letter will be provided as an Information Item on the September 18, 2012 agenda for public information.

Regards,

Bernadette Pelissier, Chair
Board of County Commissioners

CC: Frank Clifton, County Manager