Orange County
Board of Commissioners

Agenda

Reception Recognizing Commissioners Service
6:00 – 7:00 p.m.

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

Regular Meeting (Immediately Following Reception)
November 20, 2012
7:00 p.m.
Southern Human Services Center
2501 Homestead Road
Chapel Hill, NC 27514

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.

Resolution of Commendation for Commissioner Valerie Foushee
Resolution of Commendation for Commissioner Pam Hemminger
Resolution of Commendation for Commissioner Steve Yuhasz

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. Presentation of Comprehensive Annual Financial Report FYE 6/30/2012
b. Government Finance Officers' Association (GFOA) Certificate of Achievement Award
c. Proclamation – Emancipation Proclamation 150th Anniversary

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/Refunds
d. Applications for Property Tax Exemption/Exclusion
e. Approval of Formation of Community Giving Fund for Orange County
f. Fiscal Year 2012-13 Budget Amendment #4
g. Application for North Carolina Education Lottery Proceeds for Orange County Schools (OCS) and Contingent Approval of Budget Amendment #4-A Related to OCS Capital Project Ordinances
h. Proposal to Upgrade the Audio Visual Equipment at Southern Human Services Center, and Approval of Budget Amendment #4-B
i. Authorization and Issuance of Up to $20,000,000 General Obligation Refunding Bonds
j. Proposed Land Donation by Dennis and Linda Brooks
k. Terradotta, LLC Lease Renewal – 501 W. Franklin Street; Suites 105 and 106
l. Buckhorn Mebane Utilities Phase 2 Project Easements
m. Housing Bond Program – Rusch Hollow
n. Senior Care of Orange County, Inc. – Revised By-Laws and Lease Agreement
o. Amending the County Manager's Employment Contract

6. Public Hearings

a. Smoke Free Public Places
b. Class A Special Use Permit Major Subdivision – Dunhill (Weekly Homes LLC) – Public Hearing Closure and Action (No Additional Comments from the Public or Applicant Accepted)
c. Zoning Atlas Amendment – Darrell Chandler Conditional Zoning to REDA-CZ-1 – Public Hearing Closure and Action (No Additional Comments from the Public or Applicant Accepted)

7. Regular Agenda

a. Comprehensive Assessment of Emergency Medical Services and 911/ Communications Center Operations Study
b. Implementation Strategy from the Emergency Services Workgroup on Recommendations from the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study, and Approval of Budget Amendment #4-C
c. Establishment of a Community Loan Fund for the Water and Sewer Connections for Efland and Rogers Roads Residents, and Approval of Budget Amendment #4-D
d. Recommended Uses of General Fund Unassigned Fund Balance, as of June 30, 2012

e. Review of Draft Recommendations from the Historic Rogers Road Neighborhood Task Force

8. Reports

9. County Manager's Report

10. County Attorney's Report

11. Appointments

a. Human Relations Commission – Appointment

12. Board Comments (Three Minute Limit Per Commissioner)

13. Information Items

- November 8, 2012 BOCC Meeting Follow-up Actions List
- Tax Collector's Report for Period Ending November 1, 2012
- Solid Waste Convenience Center Salvage Shed Policy Revision
- Eno Economic Development District Engineering Progress Update
- BOCC Chair Letter Regarding Request from Commissioner Gordon – Proposed Letter to Chancellor Holden Thorpe Thanking UNC for Land Allocation to NC Botanical Gardens
- BOCC Chair Letter to UNC Chancellor Holden Thorpe Expressing Gratitude for Land Allocation to NC Botanical Gardens Mason Farm Biological Reserve
- BOCC Chair Letter Regarding Request from Commissioner Barry Jacobs - BOCC Recognitions at Meetings to Honor Local Residents and their Contributions
- BOCC Chair Letter Regarding Two Requests from Commissioner Barry Jacobs - Elections Report and Veterans Recognition

14. Closed Session

15. Adjournment

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

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

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda
Item No. 4-a

SUBJECT: Presentation of Comprehensive Annual Financial Report FYE 6/30/2012

DEPARTMENT: Financial Services **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
To be provided under separate cover:
Comprehensive Annual Financial Report, FYE June 30, 2012
2012 Management Letter

INFORMATION CONTACT:

Clarence G. Grier, 919-245-2453

PURPOSE: To receive the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2012.

BACKGROUND: The CAFR reports on all financial activity of the County for the fiscal year July 1, 2011 through June 30, 2012. The financial statements have been audited by Martin Starnes and Associates, a firm of Certified Public Accountants. The financial statement and audit are required by Chapter 159-34 of the North Carolina General Statutes. The County prepares a Comprehensive Annual Financial Report (CAFR) that meets the standards set by the Government Finance Officers Association (GFOA). The CAFR is submitted to the GFOA in order to be awarded the Certificate of Achievement for Excellence in Financial Reporting. The County's CAFR has received this award for twenty-nine consecutive fiscal years. The financial report for the Orange County SportsPlex, required under the management contract, is included in the County's CAFR.

The audit results for the fiscal year show that Orange County has a strong financial position. The County received an unqualified (good) audit opinion on the financial statements received from the audit. The Financial Services Director and representatives of Martin Starnes will cover highlights of the report and will be available to answer questions.

FINANCIAL IMPACT: The financial report shows a continued strong financial position for Orange County. The unassigned fund balance of the County's General Fund is 20.77% of expenditures and transfers out at the end of the fiscal year. The goal is to have the unassigned fund balance reach 17% of expenditures and transfers out. This indicates a sound financial position from which Orange County will be able to weather financial uncertainties going forward.

RECOMMENDATION(S): The Manager recommends that the Board receive this Report as information.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 4-b

SUBJECT: Government Finance Officers' Association (GFOA) Certificate of Achievement Award

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Attachment 1. GFOA Announcement Letter to Orange County
Attachment 2. GFOA Press Release
Attachment 3. Paper Copy of GFOA Plaque

INFORMATION CONTACT:
Clarence Grier, 919-245-2453

PURPOSE: To recognize the Financial Services staff of the Orange County Finance and Administrative Services Department for earning the Government Finance Officers' Association (GFOA) Certificate of Achievement for the June 30, 2011 Comprehensive Annual Financial Report (CAFR).

BACKGROUND: GFOA is an internationally recognized organization that offers guidance and support to local and state government budget and finance professionals throughout the United States and Canada. The GFOA Certificate of Achievement is the highest form of recognition a government can receive in the areas of governmental accounting and financial reporting. The attainment of the award represents a significant achievement by a government and its management. In order to receive this award, the County must publish an easily readable and efficiently organized CAFR. Additionally, the County's CAFR must undergo a stringent program of review to assess if the County has proficiently applied governmental accounting and financial reporting for the fiscal year under review. The Report must satisfy both generally accepted accounting principles and applicable legal requirements.

This year marks the thirtieth year that Orange County has received the GFOA Certificate of Achievement. A Certificate of Achievement is valid for a period of one year only. Eligibility standards, reviews, and expectations for the award have become more complex, demanding and stringent each year. County staff believes that the CAFR for the fiscal year ended June 30, 2012 will meet the Certificate of Achievement Program requirements and will be submitting it to the GFOA.

FINANCIAL IMPACT: There is not a financial impact of accepting this award.

RECOMMENDATION(S): The Manager recommends that the Board recognize the Financial Services Director and staff for receipt of the GFOA Certificate of Achievement and present the GFOA plaque to them.

Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

June 29, 2012

Clarence G. Grier, CPA, CITP
Director of Financial Services
Orange County
PO Box 8181
Hillsborough NC 27278-8181

Dear Mr. Grier:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2011, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management

Each entity submitting a report to the Certificate of Achievement review process is provided with a "Summary of Grading" form and a confidential list of comments and suggestions for possible improvements in its financial reporting techniques. Your list has been enclosed. You are strongly encouraged to implement the recommended improvements into the next report and submit it to the program. If it is unclear what must be done to implement a comment or if there appears to be a discrepancy between the comment and the information in the CAFR, please contact the Technical Services Center (312) 977-9700 and ask to speak with a Certificate of Achievement Program in-house reviewer.

Certificate of Achievement program policy requires that written responses to the comments and suggestions for improvement accompany the next fiscal year's submission. Your written responses should provide detail about how you choose to address each item that is contained within this report. These responses will be provided to those Special Review Committee members participating in the review.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. As the designated individual we have enclosed your AFRA.

Your Certificate of Achievement plaque will be shipped to you under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release has been enclosed. We suggest that you provide copies of it to local newspapers, radio stations and television stations. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org .

A current holder of a Certificate of Achievement may include a reproduction of the award in its immediately subsequent CAFR. A camera ready copy of your Certificate is enclosed for that purpose. If you reproduce your Certificate in your next report, please refer to the enclosed instructions. A Certificate of Achievement is valid for a period of one year. To continue to participate in the Certificate of Achievement Program it will be necessary for you to submit your next CAFR to our review process.

In order to expedite your submission we have enclosed a Certificate of Achievement Program application form to facilitate a timely submission of your next report. This form should be completed and sent (postmarked) with three copies of your report, three copies of your application, three copies of your written responses to the program's comments and suggestions for improvement from the prior year, and any other pertinent material with the appropriate fee by December 31, 2012.

Your continued interest in and support of the Certificate of Achievement Program is most appreciated. If we may be of any further assistance, please contact Delores Smith (dsmith@gfoa.org or (312) 578-5454).

Sincerely,
Government Finance Officers Association

Stephen J. Gauthier

Stephen J. Gauthier, Director
Technical Services Center

SJG/ds

Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

06/29/2012

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Orange County** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Clarence G. Grier, CPA, CITP, Director of Financial Services

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.

Certificate of Achievement for Excellence in Financial Reporting

Presented to

Orange County North Carolina

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended
June 30, 2011

A Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.

President

Executive Director

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 4-c

SUBJECT: Proclamation – Emancipation Proclamation 150th Anniversary

DEPARTMENT: Housing, Human Rights, and Community Development

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Proclamation
Preliminary Schedule of Events

INFORMATION CONTACT:
Tara L. Fikes, 245-2490

PURPOSE: To approve a proclamation officially commemorating the 150th anniversary of the Emancipation Proclamation.

BACKGROUND: On September 22, 1862 President Abraham Lincoln signed the Emancipation Proclamation declaring that slaves across America "shall be then, thenceforward, and forever free" by the following New Year's Day in 1863. Thus, New Year's Day in 2013 will mark the 150th anniversary of this important milestone in US History.

Because of the significance of the Emancipation Proclamation, the Human Relations Commission is asking the Board of County Commissioners to recognize the 150th Anniversary by considering approval of a Proclamation acknowledging this event. Additionally, the Human Relations Commission has planned a series of events through 2013 to commemorate this historic document.

The Proclamation and a Preliminary Calendar of Events through June 2013 is attached to this abstract.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the proclamation.

RECOMMENDATION(S): The Manager recommends that the Board adopt the Proclamation and authorize the Chair to sign on behalf of the Board.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

150TH Anniversary of the EMANCIPATION PROCLAMATION

WHEREAS, the Orange County Human Relations Commission is committed to promoting equal treatment, opportunity and understanding throughout the community; and

WHEREAS, January 1, 2013 will mark the 150th Anniversary of the issuance of the Emancipation Proclamation by President Abraham Lincoln that declared "that all persons held as slaves" within the rebellious states "are, and henceforward shall be free"; and

WHEREAS, by this act, thousands of enslaved African men, women and children were set free from the degradation of human slavery; and

WHEREAS, this Anniversary commemoration recognizes an important period in our country's history and "provides an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation"; and

WHEREAS, the Orange County Human Relations Commission encourages Orange County residents to "celebrate in accordance with the spirit, strength, and legacy of freedom, justice, and equality for all people of America"; and

WHEREAS, Orange County is committed to preserving the progress made in the area of equality during the last 150 years since the issuance of the Emancipation Proclamation;

NOW, THEREFORE, We, the Orange County Board of Commissioners, do hereby acknowledge the 150th Anniversary of the Emancipation Proclamation on January 1, 2013 and encourage and challenge all County residents to learn more about this historic document throughout the year.

This the 20th day of November 2012.

Bernadette Pelissier, Chair
Orange County Board of Commissioners

Orange County Human Relations Commission
150th Anniversary of the Emancipation Proclamation
Preliminary Calendar of Events
(Draft)

OCTOBER 2012

Community READ Book Selection Announcement
The Emancipation: An Act of Justice by John Hope Franklin

NOVEMBER 2012

Proclamation of 150th Anniversary Celebration – Year 2013
Community READ

DECEMBER 2012

Community READ

JANUARY 2013

Human Relations Month Forum – Sunday, January 27, 2013
Topic: Emancipation Proclamation

FEBRUARY 2013

Orange County Library Presentation: "The Life of Frederick Douglas"
Wednesday, February 20, 2013
Pauli Murray Awards Celebration – Sunday, February 24, 2013

MARCH 2013

Community READ Gathering
Orange County Library Presentation:
"Race – The Power of Illusion" – Part I

APRIL 2013

Alliance for Historic Hillsborough Presentation
Orange County Library Presentation:
"Race – The Power of Illusion" – Part II

MAY 2013

Dramatic Presentation
Orange County Library Presentation:
"Race – The Power of Illusion" – Part III

JUNE 2013

Stagville Plantation Presentation on Juneteenth
Emancipation Proclamation Original Document in Raleigh - Field Trip?

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 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	September 18, 2012	BOCC Regular Meeting
Attachment 2	October 2, 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
REGULAR MEETING
September 18, 2012
7:00 p.m.

The Orange County Board of Commissioners met in regular session on Tuesday, September 18, 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 Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT: Commissioner Foushee
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton, Assistant County Managers Gwen Harvey, Clarence Grier, Michael Talbert, and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

1. Additions or Changes to the Agenda

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

- White sheets – guidelines for items 6-a and 6-b, Rezoning and Class A Special Use Permit Modification – Spence Dickinson; and Class A Special Use Permit – Public Utility Station (Solar Array)
- One blue sheet and two white sheets from Commissioner Gordon regarding item 7-c - Transit Interlocal Implementation Agreement

Chair Pelissier introduced Frank Clifton who then introduced Carla Banks, the new Public Affairs Officer.

Carla Banks thanked the County Commissioners for bringing her on board.

PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

2. Public Comments (Limited to One Hour)

a. Matters not on the Printed Agenda

Don O'Leary spoke on the County's act of high treason by forming an alliance with International Council on Local Environmental Initiatives. He said that the County was using Agenda 21 and terms like "sustainable development". He made reference to the Mountains to Sea Trail and said that the trail follows the waterways and aquifers so perfectly and one might assume that it is deliberate. He said that if the County has enough control of easements and waterways, then it could disallow grazing or fertilizing anywhere near it, taking away the property owners' rights of their own land use. He said that the County refuses to obey the laws of the Constitution.

Chair Pelissier said that she forgot to mention that Commissioner Foushee could not attend this meeting.

b. Matters on the Printed Agenda

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

3. Petitions by Board Members

Commissioner Hemminger asked that the BOCC write a letter in support of Holden Thorpe to encouraging him to stay in leadership at UNC.

Chair Pelissier said that this would be referred to the Agenda Review Team.

4. Proclamations/ Resolutions/ Special Presentations

a. Orange County Arts Grant Recipients

The Board presented checks to local artists and nonprofit organizations receiving Spring 2012 Orange County Arts Grants.

Martha Shannon, staff support for the Orange County Arts Commission, presented these awards. In the Spring 2012, the Arts Commission received a total of $52,546 in grant requests. The awards total $40,482 in Grassroots Program Funds from the Retrolina Arts Council.

Spring, 2012 Grant Recipients:	**Attendees:**
ArtsCenter -	**Tracy Thomas**
Chapel Hill Carrboro Children's Museum – dba Kidzu Children's Museum	**NOT AVAILABLE TONIGHT**
Chapel Hill Carrboro Public School Foundation -	**NOT AVAILABLE TONIGHT**
Deep Dish Theater Company -	**Not AVAILABLE TONIGHT**
Door to Door of UNC Health Care -	**Joy Javits**
Ephesus Elementary School PTA -	**Nicole Kushner**
Estes Hills Elementary School -	**Christine Cohn**
Franklin Street Arts Collective dba FRANK Gallery –	**Barbara Tyroler**
Glenwood Elementary School PTA -	**Kate Underhill**
Grady A. Brown Elementary School PTA -	**Tracy Thomas**
Hillsborough Arts Council -	**Heather Delisle**
McDougle Elementary School PTA -	**Michelle Melet**
McDougle Middle School PTA -	**Michele Melet**
North Carolina Symphony -	**Bob & Connie Eby**
Orange County Artists Guild -	**Sandy Beeman**

Town of Carrboro Recreation & Parks - **Gerry Williams** (Carrboro Music Festival)

5. Consent Agenda

- **Removal of Any Items from Consent Agenda**

- **Approval of Remaining Consent Agenda**

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

Shown below:

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

d. 2012 Property Tax Releases

The Board considered adoption of a resolution to release property values related to one hundred eighty-three (183) requests for property tax release in accordance with North Carolina General Statute 105-381.

Commissioner Hemminger said that this is a big number and she asked if this affects the budget.

Tax Administrator Duane Brinson said that this corresponds to the annual billing process. Last year the number was twice as much.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to approve the adoption of a resolution, which is incorporated by reference, to release property values related to one hundred eighty-three (183) requests for property tax release in accordance with North Carolina General Statute 105-381.
VOTE: UNANIMOUS

a. Minutes

The Board approved the minutes from June 7, 14 and August 21, 2012 as submitted by the Clerk to the Board.

b. Motor Vehicle Property Tax Release/Refunds

The Board adopted of a release/refund resolution, which is incorporated by reference, related to thirty-five (35) requests for motor vehicle property tax releases or refunds, in accordance with the NCGS.

c. Property Tax Releases and/or Refunds

The Board adopted a resolution, which is incorporated by reference, to release property values related to forty (40) requests for property tax release and/or refund in accordance with North Carolina General Statute 105-381.

d. 2012 Property Tax Releases

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

e. Fiscal Year 2012-13 Budget Amendment #2

The Board approved budget, grant, and capital project ordinance amendments for fiscal year 2012-13 for Department of Social Services, Health Department, Board of Elections, Planning/Inspections and Orange Public Transportation, and the Department of Environment, Agriculture, Parks and Recreation.

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

The Board approved a request from Efland Volunteer Fire Company, Inc. to enter into a financing arrangement to purchase a fire truck for $45,000 from the Company's unassigned fund balance; and authorized the Board of County Commissioners' Chair to sign the appropriate documents related to the financing arrangement.

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

The Board approved 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.

h. Amendment to Hobbs, Upchurch & Associates Contract: Buckhorn-Mebane EDD Water and Sewer Extension Project – Phase 2

The Board approved 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 and authorized the Chair and Manager to sign; and authorized 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.

i. Trustee Appointments to the Orange New Hope Firemen's Local Relief Fund Board

The Board appointed Eddie Walker and Brian Blalock to the Orange New Hope Firemen's Local Relief Fund Board.

j. Trustee Appointment to the Central Orange Firemen's Local Relief Fund Board

The Board appointed Jim Fuller to the Central Orange Firemen's Local Relief Fund Board.

k. Bid Award – Front End Loading Garbage Truck

The Board awarded a bid at a total cost of $252,720 for the purchase of a new Front End Loading Garbage Truck from Carolina Environmental Systems, Inc. (CES) of Kernersville, NC, and authorized the Finance Director to execute the appropriate paperwork.

6. Public Hearings

a. Rezoning and Class A Special Use Permit Modification – Spence Dickinson

The Board received the Planning Board recommendation, closed the public hearing, and considered 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.

Chair Pelissier explained the purpose of the item is to receive the Planning Board recommendation for Spence Dickinson.

Michael Harvey: Good evening. Tonight's request is to receive the Planning Board recommendation, close the public hearing, make a decision on the request submitted by Mr. Spence Dickinson to rezone an approximately four-acre parcel of property; to rezone the parcel of property from Rural Buffer to Planned Development Housing and remove this parcel from the confines of the existing Class A Special Use Permit for the Parkwood at Blackwood Mountain subdivision. As part of the attachments for the siting, you have the July 11, 2012 Planning Board abstract, the excerpt from the approved May 29th Quarterly Public Hearing notes; an excerpt from the approved July 11, 2012 Planning Board regular minutes; responses from the applicant regarding conditions associated with this project. In Attachment 5, the Planning Board recommended the Findings of Fact. Attachment 6 is an Ordinance Amending the Orange County Zoning Atlas. Attachment 7 is an Ordinance Denying an Amendment to the Orange County Zoning Atlas. Attachment 8 is a Resolution of Consistency for the 2030

Comprehensive Plan. Attachment 9 is a Resolution of Inconsistency for the 2030 Comprehensive Plan.

Chair Pelissier declared the public hearing re-convened and asked staff to make their presentation.

Michael Harvey: You also have a script that was produced by staff, providing you with an outline of the actions that staff will be taking this evening and to aid you in making your motions. Please remember that this is a two-sphered process. You're going to be taking action of modification to a Class A Special Use Permit, specifically removing this lot as shown on the overhead projector from the confines of an existing Class A Special Use Permit. The second action you're going to take this evening is a legislative action to rezone the subject property to Rural Buffer. As you will remember from meetings past, we have had a new procedure that we had to follow as a result of the State Supreme Court decision on rezoning. Previously, we had combined Statements of Consistency with the Comprehensive Plan for the Ordinance Amending the Zoning Atlas. According to a recent State Supreme Court case, we can no longer do that, which is why you now have two attachments. In this case, I am referring to Attachment 6 and Attachment 8. Attachment 8 states that you are adopting outlining how this project is consistent with the 2030 Comprehensive Plan. Please remember that previous to this, or previous to the last meeting when we looked at the Eno Economic Development District, we put this information in one central resolution. We now have to split it out. The cadence for adoption is also specified by the State Supreme Court and that you must adopt an ordinance amending the Orange County Zoning Atlas first, and then adopt a Statement of Consistency to the Comprehensive Plan.

Having said that, what I would like to do this evening is briefly review with you the actions of the Planning Board. As you will note from Attachment 5 of your abstract packet, the Planning Board went through the Findings of Fact and determined that the applicant had met his burden with respect to compliance with the individual requirements of the Orange County Unified Development Ordinance for the approval of this request. They also made specific Findings of Fact on the compliance with Section 5.3.2 (8) 2 a, b, and c, with respect to this project's compliance with the Comprehensive Plan, with respect to this proposed amendment would not have a negative impact on adjacent property, and last but not least, the applicant had met his burden of proof that the proposal was consistent with surrounding land use. The Planning Board is recommending unanimous approval of this process and of the proposed rezoning. The applicant specifically in Attachment 4 has indicated his support for the conditions with one exception – the applicant requests that that the Board not impose a condition about the wooded access from this lot of the Pathway Court. As you will recall from the Quarterly Public Hearing, and this is detailed within Attachment 2 of your abstract packet, concerns were expressed by adjacent property owners about the potential for a road or a drive access from this property and ultimately the existing camp property to the east operated by Mr. Dickinson onto Pathway Court. Staff recommended the imposition of the condition at that time. Staff still recommends the imposition of this condition. The applicant respectfully requested in writing that you not impose it. Unless you have any questions, that is the end of my presentation at this time.

Commissioner Jacobs: To the point he just made, do you feel that adequately addressed the concerns of Mr. Lamb that are on page 33 of our packet regarding the impact on the Heartwood development?

Michael Harvey: I feel it does and with all due respect to Mr. Dickinson, I take a different viewpoint of why the condition was imposed. As this parcel of property is being removed from the confines of the Heartwood at Blackwood Special Use Permit and is not subject to the conditions of the Special Use Permit or the imposition of fees or other actions by the Heartwood Homeowners Association that is responsible for maintaining Pathway Court, it is my considered opinion that it would not be reasonable for us to allow there to be access onto Pathway Court by the adjacent camp, even though the property has frontage on it and even though there are other lots that were approved after the issuance of the Special Use Permit that have access on Pathway as well. I would argue that the County in hindsight, should have required an amendment to the Special Use Permit to allow for further subdivision activity to occur in the 80's and early 90's, which it did not. We do not need to perpetuate the same mistake, as this property has been removed from the confines and SUP and not subject to the local homeowners control and purview, it is my considered opinion that it should not be allowed to have access on a street that is maintained by that homeowners association.

Commissioner Jacobs: Just in reading what Mr. Lamb said, I thought he was concerned that the parcel be restricted for use for the septic field and it says, "and no other activities or services or hindrances along the border of the community."

Michael Harvey: As I articulated that evening and spoke with Mr. Lamb later, it is my position that Mr. Dickinson does have the right to go back to the Orange County Board of Adjustment, which is his plan, in seeking expansion of existing camp retreat center that this property has the ability to utilize for other purposes than just a septic system, allowing for expansion of the existing camp retreat center, and I don't feel it necessary at this special use permit process hinder that ability with the imposition of additional conditions on the use of this parcel. The Board of Adjustment is going to go through a similar public hearing process where adjacent property owners would be notified and allowed to present the case on why that specific land uses should not be allowed. I also don't think there's been any evidence submitted into the record at the Quarterly Public Hearing or at the Planning Board meeting that #1, any proposed redevelopment of this will have a negative impact on adjacent lots, and #2, even if there was it would not germane to this request as this request is intended to solely amend the existing Heartwood SUP to remove this lot. I don't believe it's essential for this Board to impose any additional restrictions other than what the ordinance would impose as part of what's customary.

Chair Pelissier: As I understand it, the only other person who would speak would be Spence Dickinson.

John Roberts: If I can address that. This portion of the hearing, the specific purpose, if you allow Mr. Dickinson to speak, you cannot consider what he says as part of your decision making. I recommend that he not be permitted. What his position is has been put in the record

by Mr. Harvey, but if you allow him to speak to this subject now, what you are in effect doing is accepting additional testimony in a quasi-judicial hearing, which could open the Board's decision up to be overturned in the event of an appeal to Superior Court.

Chair Pelissier: Are they any other questions of staff? Once we close the public hearing, we can no longer ask any questions of staff. I just want to make sure there are no other questions.

Commissioner Gordon: I just want to make sure we understood the status of the condition that staff recommended that Mr. Dickinson would like removed. Is it your contention and do I understand it that we impose this condition even though he doesn't agree?

Michael Harvey: Yes ma'am. The condition is designed to address a community concern as well as preserving the integrity of the SUP process without allowing for additional use of the roadway that was never envisioned in the SUP as originally approved by this Board. And I'm talking about the Heartwood Special Use Permit.

Commissioner Gordon: So he does not have to agree. There are other situations in which the person would have to agree, but not this one.

Michael Harvey: Correct.

Commissioner Yuhasz: Do I understand this correctly that if we impose this condition we are then creating a landlocked parcel?

Michael Harvey: No sir. As articulated and testified during the Quarterly Public Hearing, Mr. Dickinson is going to be recombining this parcel with a parcel to the east, this camp retreat center property, which has access on Millhouse Road. It will become one large parcel of property designed to support and promote the continued operation of a legally permitted camp retreat center that is operating under the current Class B Special Use Permit issued under the Orange County Board of Adjustment.

Commissioner Yuhasz: I understand that's the intent, but that won't happen until after this decision is made.

Michael Harvey: That is also a correct statement.

Commissioner Yuhasz: And what we are doing, just to be clear, we are imposing a condition not on this property, but on the Special Use Permit that – essentially we are imposing a condition on the remainder of the lots, not on this lot.

Michael Harvey: What you're essentially doing is caused the existing Special Use Permit to be modified to remove this lot from the confines and regulatory requirement of that permit. You are also stipulating that this particular parcel of property, as it currently exists and as it will exist when recombined with the parcel to the east, will not be allowed to have any drive access onto Pathway Court.

Commissioner Yuhasz: I just want to be clear on where we are imposing that condition. I don't know whether, in a general rezoning, we are allowed to impose conditions like that.

Michael Harvey: You're not imposing as part of the general rezoning, you're imposing as part of the special use permit line.

Commissioner Yuhasz: I just want to be clear, we're imposing it on the special use permit that sits on the rest of the lots and not on this particular one.

Michael Harvey: Correct.

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to close the public hearing. NOTE – once this is done staff cannot answer questions or provide additional detail.

VOTE: UNANIMOUS

The BOCC then took action on the Special Use Permit findings of fact. The findings of fact have been organized per relevant UDO section to aid in making motions to approve or deny. The cadence on taking action was as follows:

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to affirm the recommendation of the Planning Board concerning the application's compliance with the provisions of Section(s) 2.2 and 2.7.3 of the Orange County Unified Development Ordinance, as detailed on pages 39 through 41 of the abstract package.

VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to affirm the recommendation of the Planning Board concerning the application's compliance with the provisions of Section 2.7.5 of the Orange County Unified Development Ordinance, as detailed on page 42 of the abstract package.

VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to affirm the recommendation of the Planning Board concerning the application's compliance with the provisions of Section(s) 3.3 and 6.3 of the Orange County Unified Development Ordinance, as detailed on pages 43 through 46 of the abstract package.

VOTE: UNANIMOUS

A motion was made by Commissioner McKee, seconded by Commissioner Hemminger to affirm the recommendation of the Planning Board concerning the application's compliance with the provisions of Section 5.3.2 of the Orange County Unified Development Ordinance, as detailed on pages 47 through 48 of the abstract package.

VOTE: UNANIMOUS

A motion was made by Commissioner McKee, seconded by Commissioner Hemminger that there is sufficient evidence in the record that complies with Section 5.3.2 (A) (2) of the Ordinance in that the use will maintain and promote the public health, safety, and general welfare if located where proposed in the development and operated as the plan is submitted.

VOTE: UNANIMOUS

A motion was made by Commissioner, McKee seconded by Commissioner Yuhasz finding there is sufficient evidence in the record the project complies with Section 5.3.2 (A) (2) (a) of the UDO in that the use **will** maintain and promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.

This motion is based on competent material and evidence entered into the record of these proceedings, including:

- 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.

VOTE: UNANIMOUS

A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger finding there is sufficient evidence in the record that the project complies with Section 5.3.2 (A) (2) (b) of the UDO in that the use **will** maintain the value of contiguous property.

This motion is based on competent material and evidence entered into the record of these proceedings, including:

- 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.

VOTE: UNANIMOUS

A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger finding that there is sufficient evidence in the record the project complies with Section 5.3.2 (A) (2) (c) of the UDO in that the use **is** 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 and in the Comprehensive Plan.

This motion is based on competent material and evidence entered into the record of these proceedings, including:

- 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.

VOTE: UNANIMOUS

A motion was made by Commissioner Jacobs, seconded by Commissioner Gordon to approve the Special Use Permit imposing recommended 4 conditions as detailed on page(s) 51 through 52 of the abstract package.

VOTE: UNANIMOUS

The Board then took action on the ordinance amending the zoning atlas (Attachment 6) and the resolution concerning comprehensive plan consistency (Attachment 8).

As you may recall, a recent State Supreme Court decision impacted how zoning atlas amendments are processed and acted upon. In the past, staff has produced an Ordinance amending the zoning atlas containing a statement detailing how the amendment is consistent with the goals and policies of the Comprehensive Plan and is in the public interest.

Now, we are required to take 2 separate actions when dealing with a zoning atlas amendment, specifically:

- Adoption of an Ordinance approving or rejecting the proposed atlas amendment, and
- Adoption of a separate statement denoting the atlas amendment complies with an adopted comprehensive plan. This statement must describe whether the action is: '*consistent with any controlling comprehensive plan and explain why the action is reasonable and in the public interest*'.

It should be noted that according to North Carolina General Statute, this statement is not subject to judicial review.

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to adopt the Ordinance Amending the Orange County Zoning Atlas as contained within Attachment 6 of the abstract package.

VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to adopt the Resolution of Comprehensive Plan Consistency as contained within Attachment 8 of the abstract package.

VOTE: UNANIMOUS

b. Class A Special Use Permit – Public Utility Station (Solar Array)

The Board considered receiving the Planning Board recommendation, closing the public hearing, and making 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')

Chair Pelissier explained that the purpose of this item was to receive the Planning Board recommendation. For Strata Solar the purpose of the meeting is as follows:

To receive the Planning Board recommendation, close the public hearing, and make a decision on a Class A Special Use Permit request submitted by Strata Solar and the Bradshaw Family Partnership proposing the development of a public utility station, specifically solar array, on a 53 acre portion of a 122 acre parcel of property in accordance with the provisions of the Unified Development Ordinance

Chair Pelissier declared the public hearing re-convened and asked staff to make their presentation.

Michael Harvey: Good evening, once again, Michael Harvey, Orange County Planning, here to present the Planning Board recommendation concerning the issuance of a Class A Special Use Permit to allow for the development of public utilities, specifically the solar array on a 53-acre portion of a 122-acre parcel of property off of White Cross Road in Orange County. As part of this item, you have Attachment 1, which is the July 11, 2012 Planning Board abstract. Attachment 2 is additional information supplied by the applicant at the July 11, 2012 Planning

Board meeting. Attachment 3 is the excerpts from the May 29, 2012 Quarterly Public Hearing. Attachment 4 is the excerpts of the approved July 11, 2012 Planning Board Regular Meeting Minutes. Attachment 5 is a letter from the applicant accepting the recommended conditions. Attachment 6 is the Planning Board recommended Findings of Fact. You also have at your place a script to assist you in making the required motions associated with this project.

As you will recall, this item was presented at the May 29th Quarterly Public Hearing. There were certain questions asked during the hearing, which we have included in Attachment 1, the Planning Board abstract for your review. You will note that the Planning Board at their July 11th regular meeting found unanimously that the applicant had met their burden with respect to all facets with respect to the project and various standards of the UDO. As we articulated in the script, as well as articulated in Attachment 6, there are specific references with compliance Section 2.2 and 2.7(3) UDO Class A Special Use permit application submittal requirements. Section 2.7.5 indicating that all applicable notification criteria has been adhered to, Sections 3.3 and 6.3 of the Unified Development Ordinance had been adhered to. As a result the application was deemed to be compliant with respect to UDO submittal requirements. Compliance with Sections 5.9 and 6.8.6, the specific land use regulations governing the development of utilities and development of land use buffers on the property, compliance with the specific findings of fact contained in Section 5.3.2. The Planning Board also made affirmative findings on Sections 5.3.2 (A) (2), a, b, and c; all of which is contained within your packet. The Planning Board recommended approval of this project. The Planning staff also supports the issuance of the Special Use Permit. There are going to be a total of six conditions as part of this project. The applicant is technically meeting all of those conditions and we believe there is sufficient evidence articulating this fact already present within the record. I'd be more than happy to answer any questions that you have at this time.

Commissioner Hemminger: Isn't it possible to put one of these on the screen and group them that way.

John Roberts: There has to be a record in case it's appealed. Unlike your normal minutes, a quasi-judicial hearing has to be verbatim, so there has to be something for a judge to read if a case is appealed to Superior Court. Putting it up on the screen I don't think transfers very well to a transcript.

Commissioner Hemminger: It would be helpful, though, I think, for the public to see what we're reading off instead of just reading off very quickly, to be able to see what we're actually doing, because with the dates and times and subsections and numbers, no one is going to be able to track that in the audience.

John Roberts: I misunderstood what you were saying, I thought you were saying put it up on the screen and vote on what you see.

Commissioner Hemminger: I would still prefer to have it on the screen so that they know what we are doing.

Chair Pelissier: I know that it is our plan to arrange to be able to do that for all of our motions.

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

VOTE: UNANIMOUS

The BOCC will first need to take action on the Special Use Permit findings of fact. The findings of fact have been organized per relevant UDO section to aid in making motions to approve or deny. The cadence on taking action should be as follows

> (NOTE – This script has been written based on the belief the permit will be approved. If not, the Motion from the BOCC would be to reject the Planning Board's recommendation and make a finding the applicant **had not** met their burden. Please bear in mind if this is the case, there will need to be evidence provided indicating how the BOCC member making the motion arrives at the conclusion the applicant has not met their burden):

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to affirm the recommendation of the Planning Board concerning the application's compliance with the provisions of Section(s) 2.2 and 2.7.3 of the Orange County Unified Development Ordinance, as detailed on pages 85 through 87 of the abstract package.

VOTE: UNANIMOUS

A motion was made by Commissioner McKee, seconded by Commissioner Yuhasz to affirm the recommendation of the Planning Board concerning the application's compliance with the provisions of Section 2.7.5 of the Orange County Unified Development Ordinance, as detailed on page 88 of the abstract package.

VOTE: UNANIMOUS

A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger to affirm the recommendation of the Planning Board concerning the application's compliance with the provisions of Section(s) 3.3 and 6.3 of the Orange County Unified Development Ordinance, as detailed on pages 89 through 90 of the abstract package.

VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to affirm the recommendation of the Planning Board concerning the application's compliance with

the provisions of Section 5.9 and 6.8.6 of the Orange County Unified Development Ordinance, as detailed on pages 91 through 93 of the abstract package.

VOTE: UNANIMOUS

A motion was made by Commissioner McKee, seconded by Commissioner Hemminger to affirm the recommendation of the Planning Board concerning the application's compliance with the provisions of Section 5.3.2 of the Orange County Unified Development Ordinance, as detailed on pages 94 through 95 of the abstract package.

VOTE: UNANIMOUS

A motion was made by Commissioner Yuhasz, seconded by Commissioner McKee that there is sufficient evidence in the record that the project complies with Section 5.3.2 (A) (2) of the Ordinance as follows:

- finding there is sufficient evidence in the record the project complies with Section 5.3.2 (A) (2) (a) of the UDO in that the use **will** maintain and promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.

  This motion is based on competent material and evidence entered into the record of these proceedings, including:

  - 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,
  - Additional information supplied to the Planning Board by the applicant at its July 11, 2012 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.

VOTE: UNANIMOUS

- A motion was made by Commissioner Hemminger, seconded by Commissioner McKee finding there is sufficient evidence in the record the project complies with Section 5.3.2 (A) (2) (b) of the UDO in that the use **will** maintain the value of contiguous property.

This motion is based on competent material and evidence entered into the record of these proceedings, including:

- 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.

VOTE: UNANIMOUS

- A motion was made by Commissioner McKee, seconded by Commissioner Hemminger finding there is sufficient evidence in the record the project complies with Section 5.3.2 (A) (2) (c) of the UDO in that the use **is** 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 and in the Comprehensive Plan.

This motion is based on competent material and evidence entered into the record of these proceedings, including:

- 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.

VOTE: UNANIMOUS

A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to approve the Special Use Permit imposing recommended 6 conditions as detailed on page 98 of the abstract package.

VOTE: UNANIMOUS

c. Continued Public Hearing on Zoning Atlas Amendment – Darrell Chandler Conditional Zoning – REDA-CZ-1

The Board continued 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.

Michael Harvey said that this is a continuation of a public hearing. He said that at the August 27th Quarterly Public Hearing, several questions and concerns were raised about the site plan and the project. It was determined that the Board wanted additional review opportunity and requested additional information from the applicant and staff. The Board adjourned the hearing until tonight to solicit additional comment and to have staff address some additional issues. This is slated to go to the Planning Board at the October regular meeting. The Planning Board is asking for additional guidance. The abstract includes responses from the applicant on various issues. He made reference to page 4 of the abstract and the concerns related to transportation and access management issues. He said that the applicant has addressed Transportation Planning staff concerns over turn radiuses around the building of the site plan. Regarding the installation of a well, the applicant will do it if it is required and is investigating this with the Orange County Health Department. He continued to go through the table with the concerns and responses.

The applicant is still showing a retail area, which will be offices. It will be limited to the self-storage facility and will consist of storage materials. There is no desire to sell general retail items and the staff recommends that this be a condition that this facility cannot be used as a general retail outlet.

Commissioner Hemminger said that she wanted this project to succeed but she does not understand about the water issue and why there would not be a well there.

Michael Harvey asked the applicant's representative to respond.

Chad Abbott with Summit Consulting said that the applicant does not feel that there is a need for a well. There is a cost issue. He said that a well would have to go across the road and there would have to be an encroachment from DOT. He said that the applicant would rather not have a well.

Commissioner Hemminger expressed concern about not having an active water system.

Commissioner McKee said that he is wholly supportive of this project, but without water he has a problem. He said that every business has expenses, but he considers water availability as a problem.

Chad Abbott said that the applicant does not want to cancel this project just because of a well.

Commissioner Hemminger asked how much a well would cost and Michael Harvey said that he will try and get a number for the next Planning Board meeting and before this comes back to the Board on November 20th.

Michael Harvey clarified that any conditions imposed have to be mutually agreed upon by both parties.

Chair Pelissier said that all County Commissioners have concerns about the water and she suggested giving direction to the Planning Board on how to deliberate on this.

Michael Harvey said that it would be good to state for the record what the County Commissioners would like to see regarding documentation from Orange County Environmental Health, Tom Konsler, and others in order to give the Planning Board an idea.

Commissioner Yuhasz said that he would be willing to listen to a phased approach and the Board agreed.

Commissioner Gordon said to ask the Planning Board to consider a phased approach and not necessarily direct it.

Commissioner Jacobs said that the Board is supportive of this project and they recognize that Mr. Chandler has limited resources, but since this is an entranceway to Orange County, there should be standards in rural areas as in other areas. He asked staff to provide some pictures of other storage units in Orange County that have buffers or clustered buffers so that they can see what it will look like before making a decision.

Commissioner Gordon supported this.

There was continued discussion about the buffers.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to 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, with specific additional attention on the water issue as well as other issues discussed; and adjourn the public hearing until **November 20, 2012** in order to receive the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

7. Regular Agenda

a. Siting Criteria for Southern Branch Library – Final Recommendation

The Board considered approving the siting and locational criteria governing the review and site selection process for the southern branch of the Orange County library.

Library Services Director Lucinda Munger said that this is the updated criteria for the Southern Branch Library and staff has included modifications based on feedback from the work session and from the Carrboro Board of Aldermen in March. The staff has incorporated modifications to the criteria. The first modification is combining the previous Phases 1 and 2 into the 1st phase entitled Preliminary Phase, Technical Review, and Assessment. The physical attributes of a site, including environmental factors, various modules of public transportation and access, alignment with planning tools, location, costs, and availability will be taken into account. This phase will be done by internal Orange County staff and is estimated to take anywhere from four to eight weeks, depending on the number of properties under review. Many items can be done simultaneously.

Phase 3 in a previous version is now the 2nd phase entitled Primary Phase, Public Input, and Assessment. The Board will put before the community a top site choice or choices after the completion of the technical review and analysis. This portion would involve significant input from residents of the surrounding communities. Estimated time for this phase would be anywhere from three to five months.

On August 30th, staff along with Assistant County Manager Michael Talbert, met with Carrboro Manager David Andrews and some of his staff to review the criteria and answer any questions. Mr. Talbert also indicated that this would be brought back at the September meeting. As noted in the agenda, the Town of Carrboro has already begun its own internal process of evaluating sites based on compliance with local development regulations and other processes.

The change from the original title – Southern Branch from Southwestern Branch was done after a request from the Board at the June work session expressing the desire to see a clear visual representation as to what constituted Southwest. The map was prepared by Mr. Harvey in Planning. The primary reason for the change from the longstanding title of Southwest is that they wanted to more accurately reflect the area that this library will serve, making sure that it will be seen as an inclusive place to serve the needs of all the surrounding community.

Michael Harvey explained why the name was changed from Southwestern to Southern.

Chair Pelissier said that when this was discussed in June the Board agreed in concept, but this is for final approval.

Commissioner Gordon asked if the Town of Carrboro was in agreement with the criteria.

Lucinda Munger said that the Town Manager would prefer that the Board of County Commissioners vote on this first, but staff has not heard of any problems or objections.

Commissioner Jacobs made reference to a grammatical change on page 4. He suggested referring to vision plans instead of planning tools.

Commissioner Jacobs made reference to "site conditions, allowances, and constraints" and said to write out what C and A mean.

The Board agreed with the suggested changes.

Commissioner Gordon said that she does not feel the need to add brown field vs. green field and Commissioner Jacobs said that in his mind it means that the County is weighing those two values as one of the decision points.

Commissioner Gordon said that it would be all right.

A motion was made by Commissioner Hemminger seconded by Commissioner Jacobs to:
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, with changes 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.

Commissioner Gordon said that there is nothing about costs of construction. It might cost more to construct something on a brown field. She suggested saying something about costs.

Frank Clifton suggested adding the words "cost per site acquisition and construction." Commissioner Gordon agreed.

Commissioner Hemminger and Commissioner Jacobs agreed with this amendment.
VOTE: UNANIMOUS

Chair Pelissier suggested that the letter ask Carrboro how to share costs for permits and expediting rezoning. She suggested including this in the correspondence to Carrboro. She would also like the correspondence to provide some explanation of the responses to the suggestions. This is a way to acknowledge that the County understood the comments and the concerns are going to be addressed.

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to accept the friendly amendment made by Chair Pelissier.
VOTE: UNANIMOUS

b. Burlington-Graham and Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Boundaries

The Board considered receiving information, providing direction, and/or a recommendation on Metropolitan Planning Organization Boundaries within Orange County pending the September 20, 2012 discussion with the City of Mebane.

Comprehensive Planning Supervisor Tom Altieri introduced Abigaile Pittman, Transportation and Land Use Planner. He made reference to the background information in the agenda packet. The overview of MPOs and RPOs began on page 8 of the packet. He then

showed maps of the boundaries of the MPOs. There have been many staff meetings and discussions over the last 8-9 months regarding various boundary options. Staff believes that the recommended boundaries will meet the needs of both MPOs. He made reference to a summary of why Option 4 has been recommended and has been determined to be ideal. It meets all of the federal criteria and standards, including all of the urbanized areas.

Staff is asking for Board action in support of Option 4 as it has been presented. As indicated in the Manager's Recommendation, if there is support from the Board for Option 4, it should be contingent on agreement from the City of Mebane.

Commissioner Gordon said that this is a good proposal and as long as the City of Mebane concurs, then Option 4 is a good choice. She generally supports Option 4.

Commissioner Jacobs said that Option 4 is a proposal that Mebane is comfortable with. He made reference to the bottom of page 2 and said that Attachment 5 says that it is an overview of the advantages and disadvantages of Option 4, but he did not get any analysis of these advantages and disadvantages. He wanted to have this for the Board of County Commissioners' consideration.

A motion was made by Commissioner Gordon, seconded by Commissioner Jacobs to approve the recommendation which stated that the BOCC is in agreement with Option 4 (attachment 3) and contingent on the City of Mebane discussion and support on September 20, 2012 authorizes the MPOs to proceed with its implementation.

VOTE: UNANIMOUS

c. Transit Interlocal Implementation Agreement

The Board discussed various aspects of the Interlocal Implementation Agreement of the Orange County Bus and Rail Investment Plan (IIA/OCBRIP) and provided decisions regarding aspects to be incorporated into the final draft.

Chair Pelissier said that at the last MPO meeting, she asked staff to come and respond to questions at this meeting.

John Roberts said that this Implementation Agreement is referred to in Article 43 of Chapter 105 of the North Carolina General Statutes as the Implementation Agreement. The purpose of this agreement is to provide that the Bus and Rail Investment Plan in Orange County may be reviewed or revised from time to time. There are still several items of disagreement. The biggest disagreement is between Orange County staff and TTA on whether or not the MPO should be a party to the agreement, since the staff believes it should be a two party agreement. It is a decision that the Board of County Commissioners can make whether or not to include the MPO as a party to the agreement. Should the Board choose not to include the MPO as a party, the MPO still will have a significant role in dealing with the plan. It will come down to a decision by the Board of whether to include that organization as a party. The MPO has expressed the desire to be included as a party.

Planning Director Craig Benedict said that in June of this year, the Orange County Bus and Rail Investment Plan was approved with conditions, and it will tell how the ½-cent sales tax will be spent if it is approved in November. The Implementation Agreement contains 14 sections. He reviewed each section.

Chair Pelissier said that she would like to speak on the signatories on the documents and the letter in the packet from the MPO. She said that since the Board has not yet responded to the MPO, it would be good to at least decide who the parties will be to the agreement.

Commissioner Gordon said that she wanted to introduce this item and to explain the handouts she put at their places. She first reviewed the motion concerning the Bus and Rail Investment Plan which the BOCC had approved.

Motion from June 5th, 2012 approving the Bus and Rail Investment Plan

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

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

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

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

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

   REVISION: Change the last bullet, which references the borrowing of $25 million, into a Note.

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

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

ATTACHMENTS (to be included with the cost sharing agreement):
LRT Reference Map (Cost Sharing)
Rail Investment Cost Sharing Agreement Charts

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

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

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

Commissioner Gordon then went through some background information that she had distributed to the County Commissioners.

Background Information for Item 7c on the BOCC September 18, 2012 agenda: Transit Interlocal Implementation Agreement

The following information on the funding process, and on revenues and costs for the Orange County Bus and Rail Investment Plan (BRI Plan), is provided as background information for the discussion on transit.

I. Funding Process

A. Federal Funding of Light Rail Transit - Three Critical Points in the New Starts Process

At the September 12, 2012 meeting of the DCHC MPO Transportation Advisory Committee, the TAC received a description of three critical points (benchmarks) in the federal funding process for Light Rail Transit.

Description of the Phase of Development	Time Needed to Accomplish That Phase
Enter into Preliminary Engineering ("get into the pipeline")	2 to 3 years
Receive Record of Decision (complete Preliminary Engineering)	2 to 3 years
Receive Full Funding Grant Agreement (FFGA)	3 to 4 years

You will note that the total period is about 7 to 10 years. This information should be helpful when the BOCC discusses sections 8 and 10 (the second number 10) of the Implementation Agreement.

The BRI Plan (page 26) states that the FTA typically considers the FFGA during Final Design. That information might be helpful when the BOCC discusses section 12 (B).

B. State Funding of Light Rail Transit

The TAC also learned that during the Preliminary Engineering phase would be the time to start contacting the state about funding, with the ultimate goal of receiving a State Full Funding Grant Agreement.

II. Summary of Revenues and Costs in the Orange County BRI Plan

Appendix A of the BRI Plan includes a page with three pie charts which give a summary of total revenues, total costs, and Orange County costs.

That page is given in the attachment for your review. This information should be helpful when the BOCC discusses sections 8, 12, and 13.

Chair Pelissier introduced Jim Ward from the Chapel Hill Town Council.

PUBLIC COMMENT:

Jim Ward, Chairman Chapel Hill Transit Public Transit Committee, said that he would not read the resolution that he just distributed, but he would just go through the gist of it. He said that Chapel Hill Transit is supportive of the process and of the Bus and Rail Investment Plan, but the Public Transit Committee cannot support the current proposed implementation agreement, which unnecessarily restricts Chapel Hill Transit's ability to operate the transit system in a manner responsive and responsible to the interests and needs of the riders and citizens of the community. He said that the current draft of the Implementation Agreement establishes a baseline of the number of hours of route service provided in 2010. The agreement prohibits funds from the local sales tax from being used to support operating costs below this floor. He said that the legislation requires that new funds do not supplant or replace existing funds, not existing hours of service. The latter interpretation could result in their not being able to support new or expanded service. He said that the current language of the agreement does not allow for any funds to be used for relief in the event of state or federal funds should they be reduced. This could force service cuts on established routes, but providing funding for introduction of new service. He said that they would not advocate support for this referendum with the current Implementation Agreement.

The resolution is shown below:

A RESOLUTION FROM THE PUBLIC TRANSIT COMIMTTEE REGARDING THE IMPLEMENTATION AGREEMENT FOR THE BUS AND RAIL INVESTMENT PLAN IN ORANGE COUNTY

WHEREAS, Chapel Hill Transit is a public transit provider in Orange County funded by the communities of Chapel Hill, Carrboro, and the campus of the University of North Carolina at Chapel Hill, and

WHEREAS, Chapel Hill Transit serves the Orange County communities of Chapel Hill, Carrboro, and the University of North Carolina at Chapel Hill, as well as scores of rural Orange County families who work in our communities, and

WHEREAS, Chapel Hill Transit serves a population of over 90,000 persons and provides 7 million rides annually, and

WHEREAS, Chapel Hill Transit and its supporting partners have supported the legislation to provide local option tax, and

WHEREAS, Chapel Hill Transit and its partners participated in the development of the Bus and Rail Investment Plan in Orange County, and

WHEREAS, the Public Transit Committee of Chapel Hill Transit consists of representatives of the Town of Chapel Hill, the Town of Carrboro and the University of North Carolina at Chapel Hill;

NOW THEREFORE BE IT RESOLVED

The Public Transit Committee of Chapel Hill Transit has endorsed the Bus and Rail Investment Plan in Orange County and the allocation of funds recommended in that plan;

The Public Transit Committee cannot support an Implementation Agreement that unnecessarily restricts Chapel Hill Transit's ability to operate the transit system in a manner responsive and responsible to the interests and needs of the riders and citizens of our community.

The Public Transit Committee encourages the development of an implementation agreement that is consistent with the Bus and Rail Investment Plan in Orange County and includes appropriate representation from all entities affected by the Bus and Rail Investment Plan and the associated referendum.

This the 18th day of September, 2012.

Commissioner Jacobs made reference to item #1 in the draft implementation plan and said that he believes the Burlington-Graham MPO is not interested in being a part of this implementation agreement.

Craig Benedict said that this is correct.

Commissioner Hemminger asked Wib Gulley to come forward and said that she would be ok with having the MPO as a third party if there were stipulations that two groups could not outvote the third group. All three have to be in agreement or the process does not go forward or a change does not happen. She said that it is implied that this is true in Section 11, but not really.

Wib Gulley said that the intent is that unless each and every party agreed on a change, then there would be no change. This language can be clarified in item 12 to say that each and every party would have to approve of a change.

Commissioner McKee said that in section 12, the statement limits this agreement to a two-party agreement. He thinks that the MPO needs to have an advisory role.

Wib Gulley said that it now reads as a two-party agreement. If the MPO were added, it would say three entities.

John Roberts said that he is comfortable that, regardless of how many parties there are, the current language makes it have to be all three parties or both parties to make effective any material changes. He said that he agrees with Wib Gulley.

Commissioner Gordon said that she had expected that there would be language in this agreement to specify a role for the MPO, and that the MPO should have an important role. She said that she had written down some roles that the MPO could play, and also some other suggestions concerning the Implementation Agreement. The suggestions are given in her handout shown below:

Suggested Changes to the Implementation Agreement
Alice Gordon - September 18, 2012

The suggestions given below are the ones that are the most complex. I may also have other comments which I will state at the meeting.

I. MPO Role

The MPO on June 13, 2012 requested that the BOCC specify a "role" for the MPO in the agreement. Here are some suggestions for specifying what the MPO role would be, instead of being a "party."

A. After the first paragraph, add the following language (after deleting the letters "DCHC" in the first paragraph):

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"), will have a significant role, as delineated in the provisions and procedures of this agreement.

B. Add a new paragraph, after section 9 (or another place, as appropriate).

The first sentence would be:
The important role of DCHC in planning for the Durham-Chapel Hill-Carrboro urban area is recognized.

The rest of this paragraph would then need to be developed.

The paragraph would indicate that the MPO staff would participate in all meetings of the SWG.

The remainder of this paragraph would then use, as starting point, the language in the side notes made by John Roberts on the last page of the agreement.

II. Assessment of progress in getting federal and state funding

Here is suggested language, adding benchmarks and also adding state funding to the assessment process.

10. (second number 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. The rate of progress will be measured by the following benchmarks and timelines: (1) whether the project has already been allowed to enter Preliminary Engineering (2 to 3 years after submission of the New Starts application), whether the project has already been issued a Record of Decision (additional 2 to 3 years), and the rate of progress being made toward receiving a Full Funding Grant Agreement (additional 3 to 4 years after receiving the Record of Decision). 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.

At the same time, there will be a similar assessment of whether the project is making reasonable progress toward receiving a State Full Funding Grant Agreement. If not, the Parties also agree to work collaboratively to develop an Alternative Bus and Rail Plan, as specified above for federal funding.

III. Definition of "material" change.

In section 12 of the agreement, definitions of material changes are given for several categories of revenues or costs. These definitions are given as percentages.

The pie charts in Appendix A of the BRI Plan show the dollar amounts for costs and revenues.

A comparison of section 12 with Appendix A appears to show that the dollar amounts for a material change could vary between $300,000 and almost $42 million. It would be prudent to recognize dollar amounts, or at least use smaller percentages for large dollar amounts.

Here are the rough estimates for the five categories, along with total dollar amounts. Also given are the amounts that would be defined as a material change, given the percentages that are specified. All of these numbers would need to be verified by staff, and are given here for illustrative purposes.

(A) Total revenues = $706.0 million 5% = $35.3 million

(B) LRT capital cost = $418.3 million 10% = $41.8 million, 5% = $20.9 million

(C) LRT operating cost = $59.1 million 5% = about $3 million ($2.955 million)

(D) Overall funds for bus service. This would appear to combine the costs for several categories: MLK bus lanes ($24.5 million), bus operations ($106.8 million), buses ($17.6 million), and bus capital projects ($6.7 million).
The total amount is $155.6 million. If that total is correct, 5% = $7.78 million
If the MLK project is considered separately, then 5% = about $1.23 million.

(E) Funds provided to bus operators = 5% or $300,000, whichever is greater, but it is not obvious where this amount would be in the summary information.

Also in Appendix A there is $19.2 million for debt service. Presumably a lot of that would be for financing the LRT project. In addition, it is not obvious how the $8.9 million for the Hillsborough train station would be handled.

The handout ends here.

Commissioner Yuhasz asked what would happen with the revenue if there was a material change warranted and the three parties did not agree.

Wib Gulley said that the monies would be put in escrow until an agreement would be reached.

Frank Clifton said that the issue for him is that all of the costs and projections and revenues should not be allocated or spent without the Board's approval.

Wib Gulley said that he agrees with the Manager, but the decision about how to spend the funds needs to have the support of the majority of the Board of County Commissioners before any decision is made.

Chair Pelissier said that it is crucial to have the MPO as a signatory. She said that if the plan is not in the MPO Plan, it cannot be eligible for federal funds. She said that it is vital that everything in the plan also be part of the MPO's plans. She said that this is a regional plan and the towns of Carrboro and Hillsborough do not have representation on other transportation

boards, but do have representation on the MPO. Therefore, the MPO should be part of this agreement.

Commissioner McKee said that he does not believe the MPO should be a party to this agreement as a signatory because the Board of County Commissioners was elected by the citizens of Orange County and Triangle Transit is the transportation authority, so these two entities are the two responsible agencies. He said that he needs someone to explain to him how not having the MPO as a signatory to this agreement will cause this plan to crash and burn.

Mark Ahrendsen, staff from the Durham-Chapel Hill-Carrboro MPO and Chair of the Technical Coordinating Committee, said that the legislation called for the development of a plan to be approved by three parties – the MPO, Triangle Transit Authority, and the Board of County Commissioners.

Commissioner McKee asked what would happen if the MPO were not a signatory.

Mark Ahrendsen said that basically two parties could change the plan that three parties approved. This is the fundamental reason.

Commissioner Jacobs said that he is in favor of having the MPO to be a part of this plan.

Commissioner Jacobs asked Jim Ward about the underlying issues on the agreement and item #7. He asked if the disagreement had to do with supplantation or the ability to access additional funds beyond what is currently committed to Chapel Hill Transit as part of the plan.

Jim Ward said that the level of funding will be maintained and the Town of Chapel Hill is not asking to supplant any funds with these new revenues. The issue is that there are a number of elements within the Implementation Agreement which are above and beyond what is legally required. The main issue is keeping the floor at the current level of service that was added in 2010.

Steve Spade, Chapel Hill Transit Director, made reference to supplantation and hopefully increasing the amount of funds and said that Chapel Hill Transit has supported the cost allocation recommendations in the plan that break out the percentages of the funding that would go to the bus systems after paying for rent. The concern is how to use the funds that the plan allows them to have. Chapel Hill Transit is in support of adding new services, but there are also needs to continue the current operation. He said that they are not out to get more money.

Commissioner Jacobs clarified with Steve Spade that it is an issue of reallocating funds within a pool of funds.

A motion was made by Chair Pelissier, seconded by Commissioner Jacobs to direct staff to include the MPO as a signatory and to include the appropriate language.
VOTE: Ayes, 5; No, 1 (Commissioner McKee)

Frank Clifton clarified that this vote means that all three parties will have to agree before changes are made.

John Roberts said that the signatories to the agreement were the main sticking point between Orange County staff and Triangle Transit, and since that has been resolved they can bring the other smaller details back later.

Chair Pelissier said that at the Triangle Transit Operation and Finance Committee meeting there was some discussion on this issue and there is a difference between making a legal determination on the definition of supplantation versus a policy decision on supplantation. She said that there was grave concern at this meeting that if Orange County allowed the use of the ½-cent sales tax that it would probably stop Wake County from ever doing anything and putting it on a ballot. There is a lot of mistrust of government and if the County sells a plan as

new services and then turns around and uses it for existing services, then the County will lose all credibility of the public.

Commissioner Jacobs thanked Commissioner Gordon for her discussion of the MPO role.

Commissioner Jacobs said that he would entertain an attempt from Chapel Hill Transit to provide a definition of the change in the document and then ask staff to analyze it. He thinks that the plan will serve people throughout the County. He thinks that most of the staff and elected officials have worked really hard to make sure that there is increased service throughout the County. As long as this basic premise is not being threatened, he is open to a proposal.

Commissioner McKee said that this is becoming political. He is not sure that there are a dozen people in Orange County that could give a legally binding definition of supplantation. He does not even understand it fully. He has a real concern that this is a move away from what the County Commissioners should really be doing for the citizens.

Commissioner Yuhasz said that 60% of the budget comes from the University and the scenario that the Board has heard is that the University is now putting satellite facilities out and may not need the same kind of services. Unless there is a commitment from the University to maintain their level of funding, there could be a significant drop in the funding to Chapel Hill Transit. He asked if Chapel Hill Transit would make up that significant amount of money from the ½-cent sales tax, or if Chapel Hill Transit could meet its obligation to maintain the level of funding, much less the level of service. He is not opposed to working something out.

Commissioner Hemminger suggested sitting down with both parties and specifying where all of the funds are coming from.

Commissioner Gordon said that she thinks they should try and find a way to work with their partners to accommodate the case for changes in the agreement that Chapel Hill Transit has put forward.

Chair Pelissier said that her concern is that UNC is not making any contribution to the transit plan but contributes 60% to Chapel Hill Transit. She does not want Orange County subsidizing UNC. She asked Steve Spade if there was any formal agreement about a continued commitment by UNC that does not put Chapel Hill Transit in jeopardy.

Steve Spade said that there are a couple of agreements in place. One is that there is an annual agreement that is contractual with a cost allocation formula that determines how each of the partners pay. There are also requirements that UNC will be a member of the partnership as long as there will be development in Carolina North.

Discussion ensued between the County Commissioners and Steve Spade.

Commissioner McKee noted that the University's ability to fund at any particular level is contingent upon the legislature.

Chair Pelissier said that what she hears is that there is no specific direction on this issue, but the parties will continue to work on this issue and see what kind of recommendations will come back.

Commissioner Jacobs said that he would like to be more specific and invite a proposal from Chapel Hill Transit in consultation with other partners to include in the Implementation Agreement that would address the concerns that Chapel Hill Transit has raised without straying beyond the parameters that are already within the agreement.

A motion was made by Chair Pelissier, seconded by Commissioner Hemminger to continue the meeting past 10:30 p.m.
VOTE: UNANIMOUS

Commissioner Gordon then went through the language on item II of her suggested changes, as shown below:

II. Assessment of progress in getting federal and state funding

Here is suggested language, adding benchmarks and also adding state funding to the assessment process.

10. (second number 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. The rate of progress will be measured by the following benchmarks and timelines: (1) whether the project has already been allowed to enter Preliminary Engineering (2 to 3 years after submission of the New Starts application), whether the project has already been issued a Record of Decision (additional 2 to 3 years), and the rate of progress being made toward receiving a Full Funding Grant Agreement (additional 3 to 4 years after receiving the Record of Decision). 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.

At the same time, there will be a similar assessment of whether the project is making reasonable progress toward receiving a State Full Funding Grant Agreement. If not, the Parties also agree to work collaboratively to develop an Alternative Bus and Rail Plan, as specified above for federal funding.

Commissioner Hemminger made reference to section 8 that says that every four years the plan is reviewed by the parties. She thinks that the entities will review all aspects and she does not feel the need to put in benchmarks right now that might be significantly different four years from now.

Chair Pelissier concurred with Commissioner Hemminger.

Commissioner Jacobs agreed that it may not be appropriate to set benchmarks at this point but they should be built into the process.

Commissioner Yuhasz said that the idea of some kind of benchmarks is a good idea, and he suggested taking this back to the technical people for some regional benchmarks.

Frank Clifton suggested amending the paragraph indicating that the three entities will come back with a set of benchmarks in four years for further determination.

The Board agreed.

Commissioner McKee made reference to the margin note, 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.” He thinks that in order to ensure that this Board can direct funds to local bus service that there needs to be a discretionary amount. He requested that this be included.

Commissioner Jacobs said that he is not interested in this and that it is a partnership. Chair Pelissier agreed.

Commissioner Gordon made reference to her item II on her sheet regarding State funding. She said that there should be something in the agreement about State funding.

Chair Pelissier said that when they spoke of benchmarks, she presumed that they were benchmarks in general and included federal and state.

Commissioner Gordon said that in #8 there should be some mention about securing state funding because it is not addressed.

Chair Pelissier said that the Board is giving general direction to staff and it will come back with appropriate language.

Commissioner Gordon made reference to item III on her sheet concerning the definition of “material” change and reviewed this.

III. Definition of "material" change.

In section 12 of the agreement, definitions of material changes are given for several categories of revenues or costs. These definitions are given as percentages.

The pie charts in Appendix A of the BRI Plan show the dollar amounts for costs and revenues.

A comparison of section 12 with Appendix A appears to show that the dollar amounts for a material change could vary between $300,000 and almost $42 million. It would be prudent to recognize dollar amounts, or at least use smaller percentages for large dollar amounts.

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The total amount is $155.6 million. If that total is correct, 5% = $7.78 million
If the MLK project is considered separately, then 5% = about $1.23 million.

(E) Funds provided to bus operators = 5% or $300,000, whichever is greater, but it is not obvious where this amount would be in the summary information.

Also in Appendix A there is $19.2 million for debt service. Presumably a lot of that would be for financing the LRT project. In addition, it is not obvious how the $8.9 million for the Hillsborough train station would be handled.

Commissioner Gordon noted that the amount of money in a “material” change varies greatly from one category to another.

Wib Gulley said that A, B, C, D, and E speak to different circumstances. He said that the logic is that you can bring every change to the plan and it has to be brought back to all three parties. Some changes are so small that the thought was to look at meaningful changes only to the plan.

Chair Pelissier suggested getting a revised copy at the next meeting and if there are questions, then the County Commissioners can submit those with comments to staff.

Commissioner Gordon said that the next TAC meeting of the Durham-Chapel Hill-Carrboro MPO is October 10th. She said that it is critical to have this Implementation Agreement finalized by October 10th before the referendum goes to the voters in November.

8. Reports

a. Update on the NC Mountains-to-Sea Trail – Orange County Section

The Board considered 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.

Director of the Department of Environment, Agriculture, Parks, and Recreation Dave Stancil made a PowerPoint presentation.

Land Conservation Manager Rich Shaw presented a portion of the PowerPoint presentation.

NC Mountains-to-Sea Trail

Orange County Section

NC Mountains-to-Sea Trail (MST)
What and Where is the MST?

- Concept in 1973 (proposed rustic trail thru 37 counties)
- Authorized by Gen. Assembly 2000 (NC Park System)
- 1,000-mile footpath (Great Smoky Mtns - Outer Banks)
- Nearly 530 miles open for use
  Eastern Piedmont section is challenging

NC Mountains-to-Sea Trail
thru Orange County

- Around 28 miles
- Eno River -> Hillsborough -> Seven Mile Creek -> Cane Creek
- Natural and cultural points of interest along the route

NC Mountains-to-Sea Trail
Segment thru Orange County
Partners

- State Trails Program (NCDENR & trust funds)
- Friends of the Mountains-to-Sea Trail
- Orange County
- Town of Hillsborough
- Eno River State Park
- OWASA
- Private landowners (voluntary)!

NC Mountains-to-Sea Trail
thru Orange County

How We Got Here

- State corridor planning sessions 2005-07
- State Parks approved Eastern Piedmont Corridor (2008)
- BOCC viewed planning corridor (2009)
- Review by advisory boards & town councils
- BOCC endorsed State's corridor (2010)
- Collaborating with Hillsborough
- 7-Mile Creek Preserve planning/acquisition

- Coordinating with OWASA

OWASA Cane Creek Reservoir Lands

- **OWASA BoD supports MST initiative (Dec 2009)**
  - Must be consistent with primary mission (providing safe & reliable drinking water)
  - No compromise of water quality
  - No expenditure of OWASA funds
- **Field reconnaissance (still underway)**
- **County/FMST report to OWASA staff (upcoming)**
- **Public input / involvement (upcoming)**
- **OWASA BoD consideration/approval (upcoming)**

Public Information Efforts to Date

- Neighborhood meetings & tours (spring/summer)
- MST Open House (August 13)
- Websites, Email updates, FAQs
- Public meetings (Q&A session)
- On-line questionnaire *(upcoming)*

Dave Stancil said that there would be a Q&A forum to allow residents an opportunity to ask their questions.

Chair Pelissier made note of the time and said that she would cut off public comments at 11:25. She said that any other members of the public that wish to make comments may submit them in writing.

PUBLIC COMMENT:

Martha Keating read a prepared statement:

- I am representing all homes who share a border with OWASA land on Thunder Mountain
  - Art and Martha Keating, 7508 Thunder Mountain
  - Harry Nelson, 7401 Thunder Mountain
  - Travis and Prity Kukovich, 7113 Thunder Mountain
  - Alex and Anne Gordon, 7101 Thunder Mountain
  - Greg and Linda Smith, 6701 Thunder Mountain
- We are the **only** residents on Thunder Mountain that share property borders with OWASA
- We do not represent the entire Thunder Mountain Community
- **Our 5 households do not oppose the MTS and embrace the potential of having public access to beautiful land that we have been fortunate enough to live near for many years**
- Our support for this proposed section of the MTS is contingent upon:
  - The location of the trail being placed on the agreed upon alternate routes (farthest from the houses) by the residents closest to the MTS.
  - MTS being used as a footpath hike-through section (no bicycles, motorized vehicles, horses, etc.)
  - MTS being open from dawn until dusk, with no overnight camping or fires permitted

- The county being able to provide a suitable location for parking at posted access points to divert anyone from parking or accessing the MTS from Thunder Mountain
- OWASA's commitment to preserve the scenic beauty of this land such that it is not subjected to timbering

- Done properly, we believe this segment of the MTS would have no significant adverse impact to the water quality of the Cane Creek Reservoir
- We believe this is a rare opportunity for the residents of this area of Orange County to work together to be part of a positive legacy for generations to come.

Joe Boyle said that there are supporters and those in opposition to this trail. He wants to learn about this issue. He said that there did not seem to be a market for this trail. He would like to know the original motive for this MTST.

Audrey Booth read a prepared statement.

"I am Audrey Booth. It is my pleasure to address the Orange County Commissioners in order to bring a ringing endorsement of the Mountains to Sea Trail and for the local link that we may offer to make it as seamless as possible.

We, in the Piedmont, are fortunate to be the beneficiaries of the vision of Western NC environmentalists and decades of fund raising and sweat equity.

It is the "Trickle Across NC Theory." We have an opportunity to help "pay it forward" with our region's public and scenic land to extend the trail. The Falls Lake trail and bridges, already paid for and built, await the link from Cane Creek.

I have understanding and respect for the uneasiness that some neighbors from the aera have even though the trail will not be on their personal property. I come from a farm background too and we lived far apart and privately, thanks to the land of others.

My 20 years in land conservation in Orange County and the Greenways Commission in Chapel Hill, further taught me the important of addressing that fear of invasion of privacy by fully answering all questions. I understand that has happened. Perhaps a visit to Falls Lake link or other western links in the trail would be reassuring to those who are still uneasy.

The Cane Creek trail link is a tiny but sparkling component in an ambitious and wonderful vision of a 930-mile trail from Pilot Mountain to Jockey's Ridge. I sincerely hope that we will contribute a small piece of our gem to "Trail Trickle" through the scenic Piedmont."

Carl Shy read a prepared statement.

"Re: Section of Mountains to Sea Trail Proposed for OWASA Property at Cane Creek

"My name is Carl Shy. I own property whose southern border is approximately 2,000 feet from the proposed MTS trail through OWASA property.

I am strongly in favor of the location of this section of the trail, which will pass through some of the most beautiful parts of Orange County, containing a dense and large variety of native trees and shrubs, rolling landscape and views of the Cane Creek Reservoir. At present most of this OWASA property, other than the waters of the reservoir, are not accessible for public use and enjoyment. I believe that my neighbors will value living close to and having the use of this wonderful recreational asset.

Three concerns are commonly raised by persons living near public trails: safety (including crime and trespassing), littering, and decline of property values.

Regarding safety, a number of studies have been published on the Internet. One study in particular, performed by the Rail-to-Trail Conservancy, received responses to survey questions from managers of 372 rail-to-trails throughout the U. S. Overall, the results showed that the rate of major crimes is extremely low on trails compared with rates in comparable

nearby urban, suburban and rural locations. Likewise, minor crimes such as trespassing and graffiti were similarly relatively rare and far less common then in comparable areas.

Littering of a minor nature was reported as occurring on only ¼ of the trails. A number of neighborhood groups near trails were organized to monitor sections of trails and to perform periodic clean up. Overall, littering was not considered to be a problem issue.

According to evaluations by real estate agents, proximity to trails had no negative effect on property values, and in some cases proximity to trails was considered an asset in the sale of a home.

Some recommendations have been proposed in the literature for minimizing potential problems with safety, littering and trespassing:

1) Do not allow motor vehicles on trails. Law enforcement officers say a potential criminal is often deterred from criminal action when he/she does not have the use of an escape vehicle.
2) Keep the trail clean and well maintained. This discourages littering and other types of trail abuses.
3) Foster the organization of volunteer community or neighborhood trail patrols to perform periodic inspection and clean up of trails. The majority of rail-to-trail locations have developed some type of patrol organizations."

Allan Green lives on the corner of Dairyland and Orange Grove Road. He said that he is an enthusiastic backpacker and he wished he lived on the MTST. He is the Bingham Township representative of the Parks and Recreation Board. He has also hiked the entire MTST section of Orange and Durham Counties. He is in favor of this section being in the OWASA corridor. He hopes that there would be an economic benefit from people using the trail with trail shops, etc.

Bonnie Hauser was speaking for Orange County Voice. She lives in Bingham Township and she lives on the swath of the MTST. She said that this is a connector project and connects existing green spaces throughout the state. In Orange County, the trail connects the Eno River State Park, the Occaneechi Speedway Trail, Ayr Mount, and Hillsborough's River Walk. The advantage of having the trail go this route is that the Hillsborough River Walk and Alamance's Haw River Trail get priority for grant funding. She supports the citizens that do not want the trail going through their property. Orange County Voice recommends that work on the Bingham segment of the trail be stopped until some things such as security and safety are clarified.

Christine Silva read a prepared statement:

Tuesday, September 18, 2012

Orange County Board of Commissioners Meeting

From Christine Silva, Thunder Mt., Efland, NC 27243

<u>Request to Orange County Board of Commissioners to Create A Motion to Eliminate the Mountain-to-Sea Trail Segment Through the Cane Creek Watershed</u>

Good evening and thank you for the opportunity to share my concerns over the proposed Mountain to Sea Trail (MST) through the Cane Creek watershed.

I respectfully request that my presentation this evening be part of the official record of this meeting.

It is commendable that through the years, from its creation to the present day, OWASA has steadfastly protected the Cane Creek Reservoir.

It is also commendable that Orange County has hundreds of miles of trails already in existence for hikers and continues to develop trails to keep our residents and visitors happy and fit.

Since there are hundreds of miles of trails already in existence in Orange County, the small segment of the proposed MST through the Cane Creek watershed offers no meaningful gain for the county and its citizens.

It does, however, present serious concerns and loss of privacy in a rural environment. Perhaps, those rural residents who support the Cane Creek segment can offer their driveways to hikers looking for a place to park so they can access the proposed MST Cane Creek segment!

In years to come, this segment could be detrimental to the peaceful rural Cane Creek community as this area of the township is literally placed on the map.

There is no controlled access to the Cane Creek segment of the trail. One modest fire and those who rely on the water provided from the Cane Creek Reservoir – Chapel Hill and Carrboro – will be asking questions to the government entities that permitted an unregulated trail through the reservoir. Of course OWASA will come under fire for permitting unregulated access to a trail within yards of the reservoir.

Furthermore, the area of land behind Thunder Mountain is small and narrow. If the trail is moved one way it is unacceptably close to private residences; and if the trail is moved the other way, it is placed literally on top of the reservoir.

Years ago, the decision to protect and secure the water supply showed great wisdom and insight into the future. The Orange County Commissioners would be serving the best interest of all who rely on the water today and for years to come, if they eliminate the proposed segment of the MST that goes through the Cane Creek watershed.

Thus, I want to put forth a request to our Commissioners that they make a motion and vote to eliminate the MST through the Cane Creek watershed.

Thank you,

Christine Silva

cc: Ed Holland (EHolland@owasa.org) OWASA
Bob Epting (bobepting@gmail.com) OWASA

NO MORE PUBLIC COMMENT –

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to enter into the public record all comments and to submit them to the Clerk, along with all emails.
VOTE: UNANIMOUS

b. Landfill Neighborhood Illegal Dumping Cleanup/Collection Update

The Board received an update on the landfill neighborhood cleanup activity authorized by the Board of Orange County Commissioners (BOCC) at its March 13, 2012 meeting.

9. County Manager's Report

DEFERRED

10. County Attorney's Report

DEFERRED

11. Appointments

a. Adult Care Home Community Advisory Committee – Appointment

The Board considered making an appointment to the Adult Care Home Community Advisory Committee.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to appoint Ms. Teri Driscoll to a one-year training term for the At-Large position with the one-year training term expiring 09/30/2013.
VOTE: UNANIMOUS

b. Advisory Board on Aging – Appointments

The Board considered making appointments to the Advisory Board on Aging.

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to appoint Mr. Richard White to a first full term for the At-large Position with the term ending 06/30/2015.
VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to appoint Mr. Daniel Hatley to a first full term, ending on 06/30/2015.
VOTE: UNANIMOUS

c. Orange County Arts Commission – Appointment

The Board considered making an appointment to the Orange County Arts Commission.

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to appoint Mr. Todd Neal to a partial first term expiring 03/31/2014.
VOTE: UNANIMOUS

d. Board of Health – Appointment

The Board considered making an appointment to the Board of Health.

A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger to appoint Mr. Alexander White to the Citizen/Commissioner position for a first full term expiring 06/30/2015.
VOTE: UNANIMOUS

e. Orange County Housing Authority Board – Appointments

The Board considered making appointments to the Orange County Housing Authority Board.

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to appoint Ms. Diane Beecham to a partial first term expiring 06/30/2014.
VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to appoint Mrs. Dee Jackola to a partial first term expiring 06/30/2014.
VOTE: UNANIMOUS

12. Board Comments

DEFERRED

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

DEFERRED

"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 motion was made by Commissioner Jacobs, seconded by Commissioner Hemminger to adjourn the meeting at 11:26 P.M.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT **Attachment 2**

MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
October 2, 2012
7:00 p.m.

The Orange County Board of Commissioners met in regular session on Tuesday, October 2, 2012 at 7:00 p.m. at the DSS offices, Hillsborough Commons, Hillsborough, N.C.

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

1. Additions or Changes to the Agenda

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

- White sheet PowerPoint for item 7-a, Employee Health Insurance and Other Benefits for 2013
- PowerPoint for item 7-d – Resolution to Submit Comments Regarding Alternatives for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization's 2040 Metropolitan Transportation Plan and Comprehensive Transportation Plan
- Rose sheet – from Commissioner Gordon regarding item 7-e, Transit Interlocal Implementation Agreement
- Pink sheet - from Orange County staff for item 7-e, Transit Interlocal Implementation Agreement
- Orange Sheet from Orange County Manager for item 7-e, Transit Interlocal Implementation Agreement

PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

2. Public Comments (Limited to One Hour)

a. Matters not on the Printed Agenda

Michael Muller read a prepared statement.

Orange County Commissioners and Staff:

As residents of Orange County we wholeheartedly approve of your efforts to improve the effectiveness and efficiency of emergency response agencies through better address identification.

We are 3 households living off Harmony Church Road on an unnamed driveway that was established at a time when there were no requirements for naming private roads.

Two of the households are occupied by former firefighters, one a former Chief and one a former Captain, each with over 20 years of service and experience with the Cedar Grove Fire Dept. We are well aware of the problems associated with locating a residence in an emergency both day and night. We know it is much easier to locate an address on a main road rather than to find a small drive with an additional name.

In our case, our 3 addresses are clearly labeled at the main road with official reflective number signs acquired from the Hillsborough Fire Dept. In addition, the same official house number signs are installed along the ¾ mile driveway at appropriate locations to further direct emergency personnel.

As former emergency responders we also know that the sequential numbering of addresses with properly sized, consistent, and reflective numbers along the roads is an important and effective way to find a house. Enforcing standard number signage on existing roads will better support your efforts to locate structures than adding many newly named small lanes with inconsistently located and sized signs for the many driveways throughout the county.

There are many different situations in the county and we do not believe that only one solution works in every case.

Therefore, instead of demanding compliance to a set of seemingly arbitrary rules we are appealing to your common sense in finding the best solution to the problems of locating a house along our many county roads. Why is the number of households set at 3 per drive? Why not 4? Why not 2?

Also, we are concerned that the tone of your notice, which mentions fines and compliance, even before explaining the ordinance does not actually encourage people to work towards the stated goal of making structures more easily located.

As you know, changing an address is no small matter and requires a significant amount of time, money, effort, and inconvenience. In the absence of moving to a new residence, this is not something that should be required without the clear and definite benefit of achieving the goal of such a requirement.

Therefore we ask you to consider our concerns, especially when the stated basis for the address change, i.e. better emergency response, will not be achieved in cases such as ours.

Attached are photographs of the number signage for our households.

We look forward to a sensible solution to this issue, Thank You,
Sincerely Yours

Michael Muller and Judy Frank
8750 Harmony Church Road
Joe and Ann Chockley
8740 Harmony Church Road>Steve and Joan Levitt
8770 Harmony Church Road

Jeff Charles, OUT Board member and advocate for bicycles, said that he is here for the Rural Road Safety Coalition. He said that he has noticed a significant increase in hostility and

frustration between motorists and cyclists over the last couple of years. This has led to dangerous situations on the roads. He said that this group of concerned cyclists and motorists have come together to prepare some common sense guidelines for motorists and cyclists. They are asking the County Commissioners to endorse these guidelines.

Jessica Gerry spoke on behalf of Carrboro Planning Board and announced a series of open dialogues for the public on October 15th, 24th, and 30th on affordable housing.

Don O'Leary read part of the United States Constitution. He said that Woodrow Wilson agreed to commit high treason and sign the Federal Reserve Act, creating an IRS. He said that the IRS has been in control of this nation ever since. He said that the IRS deliberately created the Great Depression. He said that there is a shift of the power to the United Nations. He said that the last hope is for the local governments to use sovereignty to dismantle out of the control of the government and start new.

b. Matters on the Printed Agenda

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

3. Petitions by Board Members

Commissioner Jacobs said that he would like to petition and set up an alternative sentencing work group to plan for a new jail. The judges, District Attorney, Public Defender, and other members of the criminal justice system should be a part of this work group. He said that the example of the Emergency Services Work Group is a good model.

Commissioner Yuhasz seconded Commissioner Jacobs' request.

4. Proclamations/ Resolutions/ Special Presentations

a. Ian Finley, 2012 Piedmont Laureate – National Arts & Humanities Month

The Board was introduced to dramatist Ian Finley, the 2012 Piedmont Laureate, and heard a brief selection from him for National Arts & Humanities Month (October).

Staff Support for the Arts Commission Martha Shannon said that October is National Arts and Humanities Month. She introduced Ian Finley, a dramatist, as the 2012 Piedmont Laureate.

Ian Finley said that he has had the chance to interact with many arts groups throughout Orange County. He is writing a new play, Up from the Ground, based on his interactions with these arts groups and explores the food waste of the piedmont. He said that he has spoken with Noah Rannells at the Processing Center, which has opened his eyes to the value and importance of food.

5. Consent Agenda

- **Removal of Any Items from Consent Agenda**

None

- **Approval of Remaining Consent Agenda**

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

a. Minutes – None

b. Motor Vehicle Property Tax Release/Refunds

The Board adopted a release/refund resolution, which is incorporated by reference, related to 35 requests for motor vehicle property tax releases or refunds in accordance with NCGS.

c. Property Tax Releases/Refunds

The Board adopted a release/refund resolution, which is incorporated by reference, related to sixty-four (64) requests for property tax release and/or refund in accordance with North Carolina General Statute 105-381.

d. 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.

e. Comprehensive Plan and Unified Development Ordinance Amendment Outline/Schedule for UDO Text Amendments Suggested by MuniCode

The Board approved the process components and schedule for minor "housekeeping" amendments to the Unified Development Ordinance (UDO) text, currently scheduled for the November 19, 2012 Quarterly Public Hearing and directed staff to proceed accordingly.

f. Floodplain Management Planning Activities within the County

The Board received information on the completion of an annual report to the Community Rating Service (CRS) regarding the County's Floodplain Management Program, acknowledged the recertification package has been submitted to CRS for processing, and informed the general public the recertification package as well as other pertinent floodplain mitigation documents are available for review.

g. Amendment to the Orange County Personnel Ordinance Regarding the Employee Performance Evaluation Process

The Board approved an amendment to the Orange Code of Ordinances Chapter 28 Personnel, Article VII, §§ 28-82 through 28-84 as provided in Attachment A, which would remove the operational aspects of the Employee Performance Evaluation Process from the Personnel Ordinance and to the Administrative Rules and Regulations promulgated by the County Manager and to allow an employee's performance evaluation date to remain the anniversary of the original date of appointment or the most recent promotion date, effective July 1, 2012.

h. Return of Funds to the County's Emergency Telephone Fund (911) for Funds Transferred to Establish an Emergency Services Capital Reserve within the General Fund and Approval of Budget Amendment # 2-A

The Board authorized staff to make the appropriate transfer from the General Fund to the 911 Fund to resolve the matter with the NC 911 Board, and approved Budget Amendment #2-A.

i. Efland Phase 2/Buckhorn Sanitary Sewer Scope Expansion Change Order Approval

The Board authorized the Manager to execute the attached change order in the amount of $219,257.78 related to the project scope expansion of the additional gravity sewer outfall connection between the new Brookhollow Road Lift Station and the end-of-life McGowan Creek Lift Station; and authorized the Manager to execute any future change orders for this project up to an amount not to exceed $250,000 in total upon County Attorney review and not to exceed the overall project budget.

j. Board of Commissioners Meeting Calendar for Year 2013

The Board approved the regular meeting schedule for the Board of County Commissioners for calendar year 2013.

k. Change in BOCC Regular Meeting Schedule for 2012

The Board amended its regular meeting calendar for 2012 by changing the location of the BOCC meeting scheduled for Thursday, November 8, 2012 FROM the DSS Offices, 113 Mayo Street, TO the Central Orange Senior Center (Adjoining Triangle Sportsplex), 103 Meadowlands Drive, Hillsborough, N. C.

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

6. Public Hearings - NONE

7. Regular Agenda

a. Employee Health Insurance and Other Benefits for 2013

The Board considered the County Manager's recommendations for employee health insurance and other benefits for the 2013 calendar year.

Nicole Clark, Human Resources Director, and Mark Browder from Mark III made this PowerPoint presentation:

Employee Health Insurance Options and Other Benefits for 2013

Background

- Orange County provides employees with a comprehensive benefits package
  - Health, dental, vision, life; flexible benefit compensation; employee assistance program; paid leave; contributions to the Local Government Employees' Retirement System and other supplemental retirement plans
- Effective January 1, 2012 UnitedHealthcare became the County's provider of health insurance
  - Point of Service and HDP
- Benefits information provided at previous meetings and work sessions during the month of June
  - FY 2012-13 budget includes funding for a 23% increase
  - Medical flexible spending account contribution is $2,500 as of 1/1/13
  - No significant changes to other benefits

Employee Feedback

- Prescriptions:
  - Brand names for certain acid reflux medications were not covered
  - Limited supplies for migraine and asthma medication
  - Members had to change prescriptions to get a lower co-pay
  - All generic prescriptions were not included in Tier I
  - Tier I co-pays increased from $0 to $8
- Services:
  - Office visit co-pays did not include diagnostic tests
  - Preventive versus non-preventive services were unclear
  - Elimination of the obesity surgery

Employee Survey

- 400 Employees responded
  - 73% POS plan participants

        - 96.6% of POS participants are very familiar or somewhat familiar
    - 23% HDP plan participants
        - 94.2% of HDP participants are very familiar or somewhat familiar
- 76% participated in the health assessment
- 95% would like to have $0 generic co-pays
- 29% would like to reduce prescription costs
- 22.8% would like plan improvements, if premiums remained the same or decreased
- 34.3% would require employees to improve or maintain good health through smoking cessation and setting weight loss goals

Renewal Observations:

- The UHC Renewal is very competitive, based on the County's claims.
- Looking to transition to another carrier will have a nominal financial impact.
- Self-funding doesn't provide the County with any savings.
- As noted, there are benefits additions that are being recommended.
- Adding the obesity coverage would increase rates by nearly 4%, while only a few would utilize the benefit.

Tables with specific amounts/rates are incorporated by reference.

Next Steps

- October 2nd: BOCC considers and approves the 2013 Employee Benefits Package
- October 9th: HR Staff begins education process for employees and retirees
- October 22nd – November 4th: Online Open Enrollment
- October 29th – November 2nd: Mark III and HR Staff conduct numerous open enrollment meetings
- December 2012: Educational and Focus Group Meetings Begin
    - UnitedHealthcare
    - Self-funded plan design
- 2013: Recommendation to the BOCC on plan design for 2014

Commissioner Jacobs thanked the staff for being responsive to the concerns of the staff. He made reference to the letter from Nicole Clark, Attachment C, and that United Healthcare will attend one focus group. He said that employees are dissatisfied with the

responsiveness of UHC. He asked if UHC could come for an employee town hall meeting so that it is not so controlled and employees can ask unscripted questions.

Nicole Clark said that she would take this to UHC and ask them.

Commissioner Yuhasz asked if the Board went with Option 1 if there would be an opportunity at the next renewal to look at obesity coverage and Mark Browder said yes.

Frank Clifton said that the employees he met with as part of the Employee Relations Committee were concerned about the cost of the obesity benefit. The employees would like the County to take steps to encourage these people to change their health habits and/or provide a wellness program before this benefit is implemented.

Commissioner Foushee asked if the personnel ordinance reflects what the law requires in terms of eligibility for County Commissioners for retiree health insurance. The employees have to have 20 years of service to be eligible and the County Commissioners only have to serve for eight years. This is not equitable in her opinion. The law requires a minimum of ten years of service before the County Commissioners are eligible. The ordinance should reflect this.

John Roberts said that there have been no modifications to the ordinance, but they are forthcoming. The statute states that it applies to any class of former officers and employees of the County.

Commissioner Yuhasz said that the Board should discuss the time requirement for Board of County Commissioners for eligibility. He thinks that the requirement should also be 20 years for the County Commissioners, just like it is for employees.

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger to approve a 20-year requirement for County Commissioners to be eligible for retiree health coverage.
VOTE: UNANIMOUS

A motion was made by Commissioner Hemminger, seconded by Commissioner Foushee to approve the renewal of the fully-insured health insurance plans with UnitedHealthcare, choosing Option 1, with an overall premium increase of 8.51%.
VOTE: UNANIMOUS

b. Approval of the Purchase of SunGard-OSSI E911 Computer Aided Dispatch System and Budget Amendment # 2-B

The Board considered approval of the purchase of the SunGard-OSSI E911 Computer Aided Dispatch system as recommended by the Emergency Services Workgroup; and approval of Budget Amendment #2-B and authorizing the Chair to sign.

Michael Talbert said that the current CAD system is now 20 years old and this equipment has been reviewed by the Emergency Services work group and the Emergency Services consultant. The CAD system that has been ordered will take about 12 months to implement. The initial budget was $640,000, but more money has been moved into the 911 fund, and the appropriation would will $485,478 from the E911 Fund for this equipment.

PUBLIC COMMENT:

Peter Hallenbeck read a prepared statement.

I'm wearing three hats tonight: Citizen Pete, 20 years with Efland Fire, Deputy Chief Pete, and PageTrack Pete.

What is PageTrack? A little over a year ago, I started a software company that has developed a real time tracking system for fire, EMS, and rescue responders. It's web based and runs on smart phones, iPads, and desktops.

It is currently being used by many departments in the county. Those departments can use the system for free forever.

I am submitting a document with my detailed questions and concerns about the OSSI path that the county is on. There is no easy way to summarize all the points.

The agenda for this meeting says that after the OSSI demonstration, "The system was well-received by the stakeholders." The problem is that an email was sent out on a Wednesday that gave Fire just two days to voice any concerns about the system. Many concerns that I had voice anywhere from 1 to 5 months ago had not been address by Emergency Services.

There's been talk of the strained relationship between ES and the fire departments, and the CC said that we all need to communicate better. Well, fire should have voiced any concerns they had, and ES should not have taken silence to be the same as approval. So we are on a path where this is a good chance there will be friction once again between the groups.

If the fire departments can't use PageTrack with OSSI, and have to switch to the OSSI A.V.L. system, they will lose capabilities they have now while spending as much as nine times as much money. So this lack of communications could cost the fire departments .5 million dollars at start up and $50,000 per year ongoing costs.

The scheduling of this vote is sad, since the CC will meet with the fire departments in just two days. A communications opportunity lost.

There's a lot of talk about all the stakeholders having a voice in the development of the system. It seems to me that after the purchase, those options go down substantially.

So please read my concerns. I want to avoid a situation where a year down the road everyone is yelling at each other because the system is not what they want or cost too much to implement. And even if you approve the purchase tonight, please work with Fire so that you can insure their concerns are met. Historically, Fire has not had much success convincing ES to change how they do things. Deploying this new CAD system is an opportunity to fix that problem and have better emergency service to people that are in trouble.

Commissioner McKee said that there was an opportunity for a demonstration of this at the Emergency Services work group. He said that he felt that the intention is to keep an open dialogue with the fire departments. He does not want to close the door to further dialogue.

Commissioner Jacobs asked if the contract could be signed after the meeting with the fire departments and rescue squad on Thursday.

Michael Talbert said that the County was offered a special deal to sign the contract before October 5th. He is not sure there is another clear alternative because this system is also used by the adjoining counties. It is the preferred system across the State.

Commissioner Jacobs said that he would like to sign this contract after the meeting because there may be further information regarding suggestions or modifications from the fire departments.

A motion was made by Commissioner McKee, seconded by Commissioner Jacobs to approve the purchase of the SunGard-OSSI E911 Computer Aided Dispatch system, authorize the Chair to sign the contract **(after the meeting on October 4th)**, and approve Budget Amendment #2-B.
VOTE: UNANIMOUS

c. Draft Town of Hillsborough Future Land Use Plan

The Board considered authorizing the Chair to submit a letter submitting preliminary comments to the Town of Hillsborough regarding its draft Future Land Use Plan and receive an update on the joint planning process that is to occur between the Town and County.

Comprehensive Planning Supervisor Tom Altieri made a PowerPoint presentation. He said that the Town of Hillsborough and Orange County have been coordinating planning efforts for several years. Current efforts towards joint planning originated in 2005 with a joint task force completing a report identifying principles of agreement as a guide to future planning efforts. In 2006, a Strategic Growth Plan report was completed calling for the preparation of an interlocal agreement, which was also adopted in 2009. The interlocal agreement provides for the adoption of the joint land use plan, adjustments to the Town's extraterritorial jurisdiction, and adoption of zoning and subdivision regulations for areas to be covered by the Joint Land Use Plan. The Town of Hillsborough is now taking the first step towards the Joint Land Use Plan and has prepared a draft for public review. The Town held the first of two outreach meetings on September 13th. The 2nd outreach meeting will occur tomorrow morning from 10:00 a.m. to 12:00 p.m., working towards a target public hearing date of October 18th, followed by a Planning Board recommendation in November and subsequent Board consideration in December.

The County's role is to offer preliminary comments to the Town on the draft Future Lane Use Plan as it moves into the public hearing process. The County will not be discussing specifics at this stage, so citizens are encouraged to attend the outreach session and the public hearing to hear the presentation. Planning staff has prepared a draft letter for the Board's consideration as preliminary input to the Town. This letter is in Attachment 4 in the packet on page 5.

Item 7.c.
October 2, 2012
BOCC Meeting

Hillsborough-Orange Joint Planning Background:
Hillsborough-Orange Urban Transition Area Task Force (2005)
Hillsborough-Orange Strategic Growth Plan, Phase I Report (2006)
Hillsborough-Orange Strategic Growth Plan, Phase II Agreement (2009)

Summary of Town of Hillsborough Next Steps:
Second Outreach Session – October 3rd, 10:00 AM – 12:00 PM at Town Barn
Public Hearing – October 18th, 7:00 P.M. at Town Barn
Planning Board – November
Town Board Consideration – December 2012

Town of Hillsborough Draft Future Land Use Plan

The Manager Recommends the Board:

1. Receive the update; and

2. Authorize the Chair to send the attached letter (Attachment 4) submitting preliminary comments to the Town of Hillsborough.

Commissioner Jacobs said that there should be some green space as a buffer around the urban areas much like there is a rural buffer between Hillsborough and Chapel Hill and Carrboro. He made reference to the third bullet – preference for non-residential uses – and suggested adding, "in an economic development area."

Commissioner Jacobs said that he thought the master plan for Waterstone had a hotel proposed there. He would hope to have this kind of plan with Mebane in the near future.

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to update the letter with suggestions and map attachment and authorize the Chair to send the attached letter (Attachment 4) submitting input to the Town of Hillsborough regarding its draft Future Land Use Plan.

The changes include: attach "area 5" to the next to the last bullet, add "in economic development districts" to the third bullet, and attach the map as suggested.

VOTE: UNANIMOUS

d. Resolution to Submit Comments Regarding Alternatives for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization's 2040 Metropolitan Transportation Plan and Comprehensive Transportation Plan

The Board received a presentation from Lead Planning Agency staff member Andy Henry (Attachment 1) and considered a resolution (Attachment 2) submitting comments to the Durham- Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) Transportation Advisory Committee (TAC) regarding the Alternatives Analysis of the 2040 Metropolitan Transportation Plan (MTP) and Comprehensive Transportation Plan (CTP).

Planning Director Craig Benedict introduced this item.

Andy Henry, Planner with the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, made a PowerPoint presentation.

2040 Metropolitan Transportation Plan (MTP) and
Comprehensive Transportation Plan (CTP)
Alternatives Analysis

What is DCHC MPO?
Durham-Chapel Hill Carrboro
Metropolitan Planning Organization

- Responsible for long range transportation planning in
  - Durham City and County, and
  - Parts of Orange County and Chatham County.
- Federal mandate – MPO must plan use of federal transportation funding
- Policy Board -- Transportation Advisory Committee (TAC) composed mostly of local elected officials.

What is 2040 MTP?

- Lists highway, transit and other transportation projects to address future transportation deficiencies through year 2040.
- Assumptions – based on future land use, population and employment.
- Fiscal Constraint – Anticipated revenues must cover anticipated project costs.
- Funding -- Projects must be in MTP to receive state and federal funding (via Transportation Improvement Program – TIP)

- Used for Planning
  - e.g., In development review, use MTP to reserve right-of-way for future highway and fixed guideway projects

What is Alternatives Analysis?

- What –

Proposed sets of projects/services to meet transportation deficiencies -- this is the 1st cut.

- Why –
  - Determine how project types and individual projects meet future transportation demand.
  - Understand public and local officials preferences.
- When –
  - Released August 17, 2012
  - Public input
    - Workshop at Hillsborough Town Barn, 9/13, 4-7pm
    - OUTboard

Highway Projects:
Moderate Network
Major Projects:

- I-85 widening
- I-40 widening
- Old NC 86 widening
- US 15-501/NC 54 bypass widening
- NC superstreets
- US 15-501/NC 54 interchange

Transit Services:
Moderate Network
Major Services:

- Light Rail Transit (Durham-CH)
- Bus service improvements
- Bus Rapid Transit in Chapel Hill

Transit Intensive Network
Major Services:

- Light Rail Transit extension
- Commuter Rail extension

2040 MTP
--Next Steps

- Develop the Preferred Option (release in October 2012)
- Get public feedback on the Preferred Option (October through December 2012)
- Approve draft 2040 MTP (December 2012)
- Adopt after Air Quality Conformity (April 2013)

Frank Clifton made reference to the population and employment projections and said that these projections seem high.

Chair Pelissier asked if these employment models could be modified.

Andy Henry said that they could look at other sources and make adjustments.

Discussion ensued concerning whether the population growth rate was accurate.

Frank Clifton suggested that the Orange County Planning staff and the Towns' Planning staffs get together and identify available building areas within the County and the towns, and then check for the accuracy of the projections for population and employment.

Chair Pelissier said that one of the comments should be to ask for a review of the population and employment projections in coordination with the towns.

Commissioner Gordon said that one of the comments should be to make the maps clearer by using colors with more contrast. These are the maps on pages 113-124 as well as maps on pages 19 and 130-135.

Commissioner Gordon made reference to attachment 4 on page 13 and said that she thought the "Southern Carrboro" area was north of Damascus Church Road and not south. She asked to flag this.

Commissioner Gordon made suggestions concerning comments to be submitted to the MPO. She referred to attachment 2 on page 11 and attachment 3 on page 12, which were attachments showing possible comments. She suggested using the OUTBoard comments given on page 12, and adding "environmental benefits" to the fifth bullet of the OUTBoard list. The next bullet would be Chair Pelissier's suggestion to ask about the population and employment estimates in collaboration with the towns. The last bullet would be the one about clearer maps, as stated above.

A motion was made by Commissioner Gordon, seconded by Commissioner Foushee to modify Attachment 2 on page 11 to add the verb "promote" to one of the statements of the resolution; and that the bullet points should be the ones from the OUTBoard shown on page 12, as amended to add the words "environmental benefits"; and with the additional bullets suggested above.
VOTE: UNANIMOUS

The approved motion is as follows:

Resolution # 2012-087

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

A RESOLUTION TO PROVIDE COMMENTS TO THE DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION TRANSPORTATION ADVISORY COMMITTEE REGARDING THE ALTERNATIVES ANALYSIS OF THE 2040 METROPOLITAN TRANSPORTATION PLAN AND COMPREHENSIVE TRANSPORTATION PLAN

WHEREAS, Orange County has participated in regional transportation planning as a member of the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization (MPO); and

WHEREAS, the Durham-Chapel Hill-Carrboro Transportation Advisory Committee has released the Alternatives Analysis of the Metropolitan Transportation Plan (MTP) and the Comprehensive Transportation Plan (CTP) for public comment; and

WHEREAS, Orange County seeks ample opportunities to review and comment on regional transportation plans and policies; and

WHEREAS, the Orange Unified Transportation Board has submitted comments regarding the Alternatives Analysis for the CTP and 2040 MTP;

NOW, THEREFORE BE IT RESOLVED that the Orange County Board of Commissioners recommends to the Transportation Advisory Committee that the 2040 Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Metropolitan Transportation Plan and Comprehensive Transportation Plan give priority to projects that promote alternatives modes of transportation, minimize impacts on the environment and foster economic development

BE IT FURTHER RESOLVED that the Orange County Board of Commissioners recommends that the 2040 Metropolitan Transportation Plan and Comprehensive Transportation Plan include/note/suggest/encourage the following:

- A focus on building a sustainable, economical and workable system that builds upon itself with capital investments to lay the groundwork for future innovation.

- The consideration of the larger effects of this plan and that there will be great economic benefits to some elements such as the public transportation projects.

- Inclusion of provisions for staggering implementation of services such that bus ridership can help build future rail ridership once the rail project is completed.

- Ongoing coordination between municipalities within the county and with other jurisdictions in the region on all elements of the regional efforts.

- Choosing a Preferred Option that provides a comprehensive multi-modal system which operates efficiently in the long term and provides the most significant economic, environmental, and societal benefits to the County and the region.

- Reviewing the population and employment projections in collaboration with the municipalities within the Metropolitan Planning Area in Orange County, and

- Clarifying the maps in the Plan by using colors that provide more contrast.

Commissioner Yuhasz asked that the results of the revised estimates be reflected in the alternative projections.

Andy Henry said that if the projections were changed, then the model would be run again.

e. Transit Interlocal Implementation Agreement

The Board considered adopting the Orange County Bus and Rail Investment Plan (OCBRIP) and associated Interlocal Implementation Agreement.

Chair Pelissier said that the County Commissioners have had many modifications to this draft document and it will be on the screen.

John Roberts said that everything in red in the agreement is new from the last meeting. There are some typographical corrections in numbering. In Section 16, subsection d, the annual increase was not included and this has been added.

Commissioner Gordon went through her document with suggestions for changes. This was the rose colored sheet.

Item 7e - Transit Interlocal Implementation Agreement - Paragraph 10
PROPOSED CLARIFICATION FROM COMMISSIONER GORDON

Tonight's meeting agenda includes item 7-e concerning the Transit Interlocal Implementation Agreement.

I will be proposing the addition of some clarifying language to Paragraph 10 which deals with benchmarks.

I have asked the County Attorney about this clarification and he told me the additional language was fine with him.

INFORMATION ON PARAGRAPH 10

Paragraph 10 states that benchmarks will be developed for inclusion in the transit plan, and when that will happen. However, it does not clearly state how and when the benchmarks will actually be used.

Therefore, tonight I propose that we add the following language to the end of paragraph 10:

"and to use these benchmarks and timeline in the reviews set out in paragraph 9 above and in paragraph 13 below."

(Paragraph 9 refers to the four year reviews and Paragraph 13 refers to the eight year review.)

PARAGRAPH 10 WOULD THEN READ AS FOLLOWS:

The Parties agree to develop appropriate benchmarks and timeline to evaluate progress in gaining federal and state financial support for the LRT project in the Plan during the four years following execution of the Agreement, to incorporate these benchmarks and timeline into the Plan during the first four year review, and to use these benchmarks and timeline in the reviews set out in paragraph 9 above and in paragraph 13 below.

A motion was made by Commissioner Gordon, seconded by Commissioner Yuhasz to approve the changes in the agreement as proposed above.
VOTE: UNANIMOUS

Frank Clifton made reference to paragraph 7 in the light pink handout. He said that Chapel Hill Transit has some concerns and these are included in the orange handout that he had prepared. The handout is shown below.

BUS SERVICE REVENUE SHARING PROPOSAL (New Services and Support for Existing Services)

October 2, 2012

Assumptions for clarification:

1. Prior agreement creates a sharing of revenues allocated for new bus services within the OC Transit Plan based upon a split = CHT 64%, TTA 24% and OPT 12%
2. Locally generated vehicle registration fees of $7/vehicle for Orange County = $800,000 in 2016
3. Projecting a full year generation of all revenues in 2016 produces a total of $7.1 Million in revenues of which $3,702,000 is dedicated for bus services
4. By agreement, TTA will forego any direct share of the $7 vehicle registration revenues for Orange County allowing OPT and CHT to share in those revenues for purposes of supporting existing services as outlined below
5. The allocation of the $7 vehicle registration fees in Orange County for 'optional' use to support either existing or new services will fall within the 64/24/12% bus revenue allocation formula as shown below
6. The split of the $7 vehicle registration fees for existing services in Orange County will be split by CHT and OPT based on the ratio of each system's local funding allocation from existing sources each fiscal year as a percentage of the total of the two systems dedicated local revenue allocations. (90 % CHT and 10% OPT (+/-) rounded for simplicity.)

Estimated Impacts: Total $ 3,702,000 available bus service revenues for 2016 –

- CHT would benefit by 64% of the available revenues = $ 2,369,280 of which up to $ 720,000 could be used to support existing services provided by CHT with $ 1,649,280 going to new services initiated after passage of the referendum.

- OPT would benefit by 12% of the available revenues = $ 444,240 of which up to $ 80,000 could be used to support existing services provided by OPT with $ 364,240 going to new services initiated after passage of the referendum

- TTA would benefit by 24% of the available revenues = $ 888,480 going to new services initiated after passage of the referendum.

SUMMARIZING:

CHT's $ 720,000 for existing services = 30% of its 64% share of total bus service revenues (2016) and 19.5% of the total bus service revenues (2016).

OPT's $ 80,000 for existing services can be allocated for support of existing or new services at the option of the County Commission.

TTA receives no revenues for existing bus service support for its Orange County operations.

Hand out ends here.

Frank Clifton said that the staff of all the parties concur that this is the best way to handle this agreement.

Commissioner Jacobs made reference to paragraph #7 and asked what would happen if a different Board of County Commissioners in the future wanted to be more aggressive with

bus service. He asked if it would be considered new and would come under #8 or if it would still be subject to the 64/24/12 split.

Frank Clifton said that right now it is set up as the 64/24/12 split.

Clarifying questions were answered by John Roberts and Wib Gulley.

Commissioner McKee said that he does not believe that all issues are worked out. He said that there have been changes all week long, but he is uncomfortable with making a decision on this tonight when he gets the feeling that everything is not worked out.

Frank Clifton said that he thinks that all parties have come to a reasonable methodology to produce something that would be acceptable, with the understanding that these issues will be addressed at a later date.

John Roberts said that the County Commissioners are being asked to accept the Manager's recommended changes (pink sheet), and once they agree to adopt it, he is going to ask the Board to authorize staff to get the wording correct and make non-substantive changes. The substantive parts of this he believes are agreed to.

Wib Gulley said that Triangle Transit is comfortable with the wording of services here versus hours.

Commissioner Hemminger said that everyone seems to like the wording of #7. She asked if the orange sheet could be an attachment at the end of the document.

John Roberts clarified that the orange sheet would be worked into Section 7, if the Commissioners wished to add that.

Commissioner Yuhasz said that he is not sure it is a good idea to include the orange sheet as part of the agreement. He thinks that it is an example, but if it is too specific and not real, then it will be confusing. He thinks that paragraph 7 is fine.

Commissioner McKee said that there is not enough transparency in this process. He said that this needs to come back and be approved in whole at one more meeting. He said that the County is asking the taxpayers of Orange County to obligate themselves, their children, and their grandchildren for a tax that is being put together piece meal in a rush. He wants to see this in black and white in an organized form.

Commissioner Foushee said that she is not sure where #7 is not clear. She thought that everything was clear.

Mr. Spade spoke about Chapel Hill Transit's perspective of paragraph #7. He said that over the past couple of weeks there have been numerous conversations with his staff, TTA, the MPO, and the County. He said that Chapel Hill Transit does support this. He thinks that all parties agree that there is a common understanding.

A motion was made by Commissioner Hemminger, seconded by Commissioner Foushee to approve paragraph 7 with the two changes on the pink sheet (take out the words "in place" since it is written twice and change the date to June 30th instead of June 31st.) The orange sheet will be an example to be recorded in the record for information only.
VOTE: Ayes, 6; No, 1 (Commissioner McKee)

The Board then discussed Paragraph 8.

Commissioner Gordon asked about the rationale for 50% of the bus funding to be used for existing services.

Frank Clifton said that the plan allocates each year a certain amount for bus services. This is on page 41 of the packet. The Board has already approved the plan that provides for a certain level of funding each year for bus services. The rest of the money goes to light rail.

Commissioner Yuhasz asked Wib Gulley about his legal opinion for the $7 vehicle registration fee and the County's use of this money. Wib Gulley said that his legal opinion is that the allocation of the funds that are distributed for bus service, a marker that indicates the

$7 could be used for existing service, is permitted because that piece of the legislation has no restriction on it.

Commissioner Yuhasz asked how what is in paragraph 8 is not already covered in the other parts of the agreement that allow a party to ask for a change in changing circumstances. He made reference to paragraph 11 and said that it should say, “as set out in paragraph 9 above,” and not “paragraph 7.” He said that it seems that what is being said in this section is already being said in the remaining portions of the agreement.

Wib Gulley said that there were some concerns expressed and the thought was to explicitly provide for these concerns in a separate paragraph.

Commissioner Yuhasz said that he would feel more comfortable if this particular provision was made subject to the approvals that exist later in the agreement.

Frank Clifton said that the statement “agreed to by the parties in the agreement” should include “all” throughout the agreement. He said that this could be misconstrued to mean a majority and not all of the parties.

Commissioner Jacobs said that he would like to minimize the amount to which the County commits itself to challenging the parameters of the law.

John Roberts said that the statute in this case specifically says that the net proceeds of the ½-cent sales tax revenue shall not be used to supplant or replace existing funds. There remains some disagreement. He does not think that this agreement is entirely defensible under the statute.

Commissioner McKee said that once again there is an issue that is not worked out. He said that these issues need to be worked out before voting.

Wib Gulley said that the concern about new services addressed in paragraph 7 is a higher standard than supplantation. Paragraph 7 states that the existing level of services must be kept in place.

Commissioner Jacobs said that the last sentence in Paragraph 8 is what makes him comfortable with it. He asked to keep that sentence or just add it to Paragraph 7.

Commissioner Gordon said that Section 8 should be in the agreement.

Discussion ensued on Section 8.

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to change the wording of the last sentence in Paragraph 8 to read as follows (and to delete the rest of Paragraph 8): Any change in use of bus service funds in the Plan from support of new services to support of existing services may be made on a temporary or permanent basis, must be agreed to by all of the Parties, and must comply with State law.

VOTE: Ayes, 4; Nays, 3 (Commissioner Gordon, Commissioner McKee, and Commissioner Yuhasz)

Commissioner Gordon voted against it because most of Paragraph 8 was eliminated without much consideration.

Commissioner Yuhasz said that this is allowing the opportunity to use all of the money to support existing services. He is not sure that this was the intent.

Commissioner Hemminger asked that the signatory page spell out all of the group names instead of using abbreviations.

Commissioner McKee suggested having this brought back as a clean copy at the next regular meeting to vote on it.

Commissioner Hemminger said that the clean copy will be put forth with the minutes.

Commissioner Gordon reminded the Board that the Bus and Rail Plan also needs to be approved.

A motion was made by Commissioner Hemminger, seconded by Commissioner Foushee to approve the amended implementation agreement as discussed in this meeting including all changes in red, with the exception of paragraph 8, which was greatly modified as follows: most of paragraph 8 was deleted except for the last sentence which now reads: Any change in use of bus service funds in the Plan from support of new services to support of existing services may be made on a temporary or permanent basis, must be agreed to by all of the Parties, and must comply with State law; add "annual" in the document in 16-D; and throughout the document add the word "all" to "parties" so it reads "all of the parties", where appropriate; include changes to paragraph 10, which would now read as follows:

"The Parties agree to develop appropriate benchmarks and timeline to evaluate progress in gaining federal and state financial support for the LRT project in the Plan during the four years following execution of the Agreement, to incorporate these benchmarks and timeline into the Plan during the first four year review, and to use these benchmarks and timeline in the reviews set out in paragraph 9 above and in paragraph 13 below";

And authorize staff to make non-substantive changes to the agreement.

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

The Implementation Agreement, in the form in which it was signed, is as follows:

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"), 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"), 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, strengthen human services transportation, support air quality goals, 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 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. All bus service providers receiving funding under the Plan will provide an annual financial report on existing bus services, their recommendations for new or continuing service priorities, their 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. The Plan provides that all funding for bus services will be appropriated on the basis of the following percentages: 64% of such funds to CHT, 24% of such funds to TTA, and 12% of such funds to OPT. The use of these bus service funds shall be limited to support of new bus services above and beyond the existing transit system services in place at the time of the adoption of the local option ½ cent sales tax in November, 2012. However, CHT and OPT may use a portion of the bus service funds provided in the Plan to pay for the increased cost of existing bus services during the duration of this Agreement in the manner described below.

The "CHT Share" shall be a percentage derived by dividing the CHT local expenditures for bus services each year by the total of local expenditures for bus services by both CHT and OPT in that year. The "OPT Share" shall be a percentage derived by dividing the OPT local expenditures for bus services each year by the total of local expenditures for bus services by both CHT and OPT in that year. The respective CHT and OPT local expenditures for bus services in any year shall be based initially upon the audited financial statements for the fiscal year ending June 30, 2011. Local bus services expenditures shall include assigned overhead without any consideration of federal or state financial assistance. The determination of the CHT Share and OPT Share will be made each year thereafter based upon the most recent audited annual local expenditures for bus service by both.

CHT may use a portion of the bus services funds provided in the Plan up to a maximum amount that equals the CHT Share percentage of the prior year total receipts from the Orange County local vehicle registration fee of $7.00 permitted by Article 52 of NCGS 105. OPT may use a portion of the bus services funds provided in the Plan up to a maximum amount that equals the OPT Share percentage of the prior year total receipts from the Orange County local vehicle registration fee of $7.00 permitted by Article 52 of NCGS 105.

8. Any change in use of bus service funds in the Plan from support of new services to support of existing services may be made on a temporary or permanent basis and must be agreed to by all the Parties and comply with state law.

9. 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, to success in securing state and federal financial support for the rail and bus projects in the Plan, 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.

10. The Parties agree to develop appropriate benchmarks and timeline to evaluate

progress in gaining federal and state financial support for the LRT project in the Plan during the four years following execution of this Agreement and to incorporate these benchmarks and timeline into the Plan during the first four year review and to use these benchmarks and timeline in the reviews set out in paragraph 9 above and in paragraph 13 below.

11. In preparation for the full Plan review set out in paragraph 9 above, TTA will convene a Staff Working Group ("SWG") made up of a voting member and an alternate member from each of the three Parties. The Orange County Manager shall designate the member and alternate from Orange, the Planning Manager of DCHC shall designate the member and alternate from DCHC, 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.

12. 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

13. 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 and whether the LRT project remains under consideration for state funding. If either funding opportunity is no longer available 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.

14. 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 three 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.

15. Any proposed material change to the Plan shall be effective only upon its approval by each and every Party to this Agreement, namely the Orange BOCC, the DCHC, and TTA.

16. Any proposed change to the Plan shall be deemed non-material unless it involves one of the following:

(A) An annual 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 annual 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
(C) An annual increase or decrease in the overall project operating costs of the LRT project in the Plan of over 5% or more; or
(D) An annual increase or decrease in the overall funds provided for bus service in the Plan of 5% or more; or
(E) An annual 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.

17. Any proposed change to the Plan that is deemed non-material shall be effective only upon its approval by the Orange County Manager, the Planning Manager of DCHC, and the General Manager of TTA. Any change whether material or non-material must be evidenced by a written document signed by all Parties.

18. 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 all Parties.

Understood and agreed to and effective as of the date written above, by:

Orange County

By: _____
Chair, Board of Commissioners

Attest:_____

Durham-Chapel Hill-Carrboro Metropolitan Planning Organization

By: _____

Attest: _____

Research Triangle Regional Public Transportation Authority,
By:

By: _____
David King, General Manager

Attest:_____

Approved as to legal form:

_____
Wib Gulley, General Council

Bus and Rail Investment Plan

Craig Benedict said that the changes were addressed from the June 5th motion and the latest version from last week.

Commissioner Gordon said that on page 21 of the agenda materials, there is something wrong with the map and it should be changed.

Commissioner Gordon made reference to page 27 of the agenda materials. To verify the dollar amounts for the financial data in the Plan, she read the following amounts and totals into the record. The dollar amounts are in "year of expenditure dollars".

The Light Rail Capital costs are $418.3 million and the Light Rail Operations costs are $59.1 million. The total for light rail is $477.4 million.

The cost for MLK Bus Lanes is $24.5 million.

Miscellaneous Bus Capital Projects will cost $6.7 million, the cost for Buses purchased is $17.6 million, and Bus Operations will cost $106.8 million. The total for these three bus investments is $131.1 million.

The Hillsborough Intercity Rail Station will cost $8.9 million.

Finally, the amount of debt service payments through 2035 will be $19.2 million, and most if not all of these payments will be used for light rail.

Commissioner Yuhasz said that he thinks that the investment in light rail is a mistake.

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to approve the bus and rail investment plan with the changes suggested in the latest document included with the agenda materials, and to authorize staff to make non-substantive changes.
VOTE: Ayes, 5; Nays, 2 (Commissioner McKee and Commissioner Yuhasz)

8. Reports- NONE

9. County Manager's Report

Frank Clifton said that the Council of State for N.C. approved the authorization between Orange County and the State of North Carolina's Department of Public Safety for the siting of a future jail along Old NC 86 next to the State prison. The legislative delegation and others assisted with this.

10. County Attorney's Report

NONE

11. Appointments-NONE

12. Board Comments

Commissioner Gordon – none
Commissioner Yuhasz – none
Commissioner McKee – none

Commissioner Hemminger said that Community Home Trust had the Open Doors event and raised $33,000. This is an increase from last year. Also, Triangle J Council of Governments is changing the way it does business to allow for more social interaction and exchanging of information and ideas.

Commissioner Foushee – none

Commissioner Jacobs pointed out to the public that the County is currently conducting three different surveys for citizens: library services, parks and recreation, and smoking. These surveys can be accessed on the County website.

Chair Pelissier asked for two volunteers to be on the Retreat Planning Committee. Commissioner McKee volunteered. Commissioner Jacobs and Commissioner Gordon also volunteered but since the committee only needs one more it was decided that these two commissioners would discuss/decide which one would serve and send that information to the Clerk by the end of the week. (BOCC Candidate Mark Dorosin has also volunteered to serve on this committee and Commissioner Jacobs was chosen to be the other Commissioner volunteer).

13. Information Items

- September 18, 2012 BOCC Meeting Follow-up Actions List

14. Closed Session -NONE

15. Adjournment

A motion was made by Commissioner Yuhasz, seconded by Commissioner Foushee to adjourn the meeting at 10:27 PM.
VOTE UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 5-b

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

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

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for thirty (30) taxpayer requests that will result in a reduction of revenue.

BACKGROUND: North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

(a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
(b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
(c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

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

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

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of $2,514.83 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2012-2013 is $25,071.89.

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

- Accept the report reflecting the motor vehicle property tax releases/refunds requested in accordance with the NCGS; and
- Approve of the attached refund resolution.

NORTH CAROLINA RES-2012-098

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 NOVEMBER 20, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Ahn, Bongkeun	978606	2012	17,270	15,816	(22.37)	High mileage (Appraisal appeal)
Befumo, David	1009688	2012	9,850	8,471	(22.56)	High mileage (Appraisal appeal)
Daniel, Samuel	996063	2011	4,700	0	(107.65)	Changed county to Buncombe (Illegal tax)
Daniel, Samuel	995793	2011	2,940	0	(78.57)	Changed county to Buncombe (Illegal tax)
Delahunty, Martha	1010303	2012	8,400	7,625	(11.94)	High mileage (Appraisal appeal)
Eakes, Thomas Coy	1007643	2012	2,120	1,060	(11.62)	Holds a totalloss title (Appraisal appeal)
Fowler, Glenda	1008392	2012	13,830	0	(126.42)	Changed county to Columbus (Illegal tax)
Greenblatt, Susan	941007	2012	8,424	6,156	(37.10)	Price paid (Appraisal appeal)
Hunter, Catherine	1011851	2012	24,880	19,500	(82.87)	Price paid (Appraisal appeal)
Jones, Rodney Cameron	590464	2012	7,140	4,855	(35.19)	High mileage (Appraisal appeal)
Khachatoorian, Haig	978897	2012	21,150	0	(355.80)	Changed county to Durham (Illegal tax)
McGhee, James	109001	2012	3,000	1,500	(13.71)	Repair estimate (Appraisal appeal)
Nicholson, Donnell Gillian Jr.	592109	2012	11,800	8,496	(37.15)	High mileage (Appraisal appeal)
Oxendine, Elizabeth	942142	2012	17,540	14,032	(31.73)	High mileage (Appraisal appeal)
Parks, William Land	979641	2012	20,380	18,342	(31.40)	High mileage (Appraisal appeal)
Pure Water Solutions	361084	2012	4,630	0	(82.89)	Changed county to Alamance (Illegal tax)
Pure Water Solutions	979491	2012	12,280	0	(198.86)	Changed county to Alamance (Illegal tax)
Pure Water Solutions	942090	2012	9,700	0	(159.19)	Changed county to Alamance (Illegal tax)
Seligman, Andrew Lee	943029	2012	11,280		(116.08)	Incorrect rate code (Clerical error)
Strayhorn, Michael	668784	2012	9,140	8,415	(10.72)	High mileage (Appraisal appeal)
Swart, Keith	668857	2012	10,760	7,317	(53.02)	High mileage (Appraisal appeal)
Upchurch, Ricky	1011045	2012	20,830	16,664	(38.24)	High mileage (Appraisal appeal)
Van Bourgondien, Mary	1010880	2012	16,110	0	(176.63)	Changed county to Chatham (Illegal tax)
Villagomez, Elias	1008071	2012	9,280	6,310	(45.74)	High mileage (Appraisal appeal)
Waterhouse, Benjamin	669646	2011	12,640		(87.91)	Incorrect rate code (Clerical error)
Waterhouse, Benjamin	669646	2012	10,940		(79.58)	Incorrect rate code (Clerical error)
Wilcox, Bruce Harold	979299	2012	16,983	0	(271.19)	Changed county to Alamance (Illegal tax)
Yin, Xiaohong	942335	2011	27,011	24,309	(44.19)	Incorrect value (Clerical error)
Yin, Xiaohong	942335	2012	27,011	21,878	(83.95)	Price paid (Appraisal appeal)
Zhou, Chunxiao	1010170	2012	24,570	20,639	(60.56)	High mileage (Appraisal appeal)
				Total	(2,514.83)	

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: November 20, 2012

Action Agenda
Item No. 5-c

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Resolution
Spreadsheet

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

PURPOSE: To consider adoption of a resolution to release property tax values for twenty-five (25) taxpayer requests that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received twenty-five (25) 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 $61,117.95 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. The total amount of this request is $181,670.87, but of this amount, $120,552.92 represents a keying error that was not included in the tax base calculations, and therefore has no financial impact. It should also be noted that staff identified this keying error internally and the taxpayer did not receive a bill for the incorrect amount.

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

NORTH CAROLINA RES-2012-099

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
NOVEMBER 20, 2012

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Crawford, Larry Joe Jr.	257101	2012-2007	189,047	66,166	(2,337.11)	Illegal Tax
First Citizens Leasing Dept	140562	2011	112,899	0	(2,057.26)	Double Billed (Clerical error)
Green, Pamelia Ann	959367	2012	1,950	0	(19.48)	Billed in Error (Clerical error)
Hurley, Jack	968481	2012	2,320	0	(2,320.00)	Double Billed (Clerical error)
Hurley, Jack	965652	2012	3,380	3,320	(0.60)	Illegal Tax
Jones, Nicole S/Magnum Fine Home	298013	2012-2010	795,688	676,335	(5,515.54)	Illegal Tax
Jones, Nicole S/Magnum Fine Home	298013	2012-2009	795,688	596,766	(7,966.89)	Illegal Tax
Liu, Chunlei	200449	2011	508,900	486,600	(343.51)	PTC appeal settled with taxpayer (Illegal tax)
Liu, Chunlei	200449	2012	508,900	486,600	(224.89)	PTC appeal settled with taxpayer (Illegal tax)
Lozier, Phillip J.	273603	2012-2010	392,442	389,502	(1,106.99)	Illegal Tax
Manjum, Matthew	316514	2011	5,282	0	(57.43)	Double Billed in error (Illegal tax)
Marshall, Travis	316518	2010	3,510	0	(37.94)	Double Billed (Illegal tax)
Marshall, Travis	316518	2011	3,335	0	(36.40)	Double Billed (Illegal tax)
Marshall, Travis	316518	2012	3,000	0	(30.29)	Double Billed (Illegal tax)
McCoy, R. Frederick Jr.	297894	2011	2,371,600	2,349,000	(256.71)	Clerical Error
Parker Louis, LLC	294511	2012	271,151	0	(739.25)	Double billed (Clerical error)
Parker Louis, LLC	304258	2012	1,801,200	0	(4,910.68)	Double billed (Clerical error)
Plantworks Nursery	1006977	2012	216,485	0	(1,945.33)	Double Billed (Clerical error)
Public Service Co. of NC, Inc.	35687	2012	8,916,488	0	(120,552.92)	Public Utility abstract keyed twice in error. Not counted in tax base calculations (Illegal tax).
Rosenberg, Richard C.	311360	2012-2010	1,427,055	1,284,350	(8,792.93)	Illegal Tax
Schneider, Nicholas	225049	2011	233,611	39,981	(1,751.58)	Illegal Tax
Snyder, Richard	100302	2012	1,351,362	364,700	(15,198.54)	Illegal Tax
University Directories, LLC	231519	2012	550,522	326,570	(3,449.76)	Listed in error (Clerical error)
Vilcom Properties, LLC	257495	2012	59,759	58,261	(23.08)	Over Assessed (Clerical error)
Vilcom, LLC	231524	2012	258,401	128,840	(1,995.76)	Listed in error (Clerical error)
				Total	(181,670.87)	

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 5-d

SUBJECT: Applications for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

INFORMATION CONTACT:
Dwane Brinson, Tax Administrator,
(919) 245-2735

PURPOSE: To consider seven (7) untimely applications for exemption/exclusion from ad valorem taxation for the 2012 tax year.

BACKGROUND: North Carolina General Statutes (NCGS) require applications for exemption to be filed during the normal listing period, which is during the month of January. Exclusion for Elderly/Disabled, Circuit Breaker, Disabled American Veterans and Agricultural, Horticultural and Forestland exclusion should be filed by June 1st of the tax year being applied. NCGS 105-282.1(a) (5) does allow some discretion. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the board of equalization and review, the board of county commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this subdivision applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

Five of the applicants are applying for homestead exclusion based on NCGS 105-277.1, which allows exclusion of the greater of twenty-five thousand dollars ($25,000) or fifty percent (50%) of the appraised value of the residence.

Two applicants are applying for agricultural, horticultural and forestland exclusion based on NCGS 105-277.3 which allows for tax relief based on the designated special classes of property under authority of Section 2(2) of Article V of the North Carolina Constitution. The Agricultural horticultural and forestland exclusion is a tax deferral program.

Based on the information supplied in the applications and the above referenced General Statutes, the applicants can be approved for 2012. The opinion of the Tax Administrator is the information provided to date satisfies the good cause requirement of NCGS 105-282.1(a)(5) and these properties should be approved for exclusion.

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of these exemption applications will result in a reduction of FY 2012/2013 taxes due to the County, municipalities, and special districts in the amount of $2,457.11.

RECOMMENDATION: The Manager recommends the Board approve the attached resolution for these applications for FY 2012/2013 exemption.

NORTH CAROLINA RES-2012-100

ORANGE COUNTY

EXEMPTION/EXCLUSION RESOLUTION

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

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

Whereas, the Tax Administrator has determined that the applicants could have been approved for 2012 had applications been timely.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the properties applying for exemption for 2012 are so approved as exempt.

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

Ayes: Commissioners _____

_____

Noes: _____

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

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

_____
Clerk to the Board of Commissioners

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

BOCC REPORT REAL/PERSONAL
NOVEMBER 20, 2012

NAME	ABSTRACT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Berry, Margaret S.	236652	2012	73,343	48,344	(232.88)	Late HE application
Brown, Danny Lee	146840	2012	22,312	0	(280.28)	Late HE application
Cobb, Gwender	3185	2012	51,984	25,992	(330.13)	Late HE application
Cook, James & Deborah	189365	2012	36,882	11,882	(232.00)	Late HE application
Daniels, Alvin	160262	2012	74,004	42,789	(387.07)	Late HE application
McBroom, Kevin T.	400986	2012	80,964	18,491	(571.07)	Late Present - Use Value Application
McBroom, Kevin T.	400987	2012	141,864	95,515	(423.68)	Late Present - Use Value Application
				Total	(2,457.11)	

FILED

OCT 22 2012

ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: Oct. 14, 2012

To Whom It May Concern:

I MARGARET S BERRY, **am applying for a late**
(PRINT NAME)

Homestead Exemption for the year 2012 **on parcel number**

(PIN) # 9868-55-0286.

The reason for my late request is:

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

____ **I just found out about the Property Tax Relief Program.**

____ **Other**

Thank you,

Margaret S. Berry
(Signature)

How did you find out about this exemption?

Call the Tax office about the amount of my taxes --

FILED

OCT 17 2012

ORANGE COUNTY
TAX ADMINISTRATION

Orange County 17 52 North Carolina

Request for Tax Relief
Late Application Filing

Date: 10-17-12

To Whom It May Concern:

I Danny Lee Brown **(PRINT NAME)**, **am applying for a late**

Homestead Exemption for the year 2012 **on parcel number**

(PIN) # 9883878338.

The reason for my late request is:

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

____ **I just found out about the Property Tax Relief Program.**

✓ **Other** (removed for failure to list)

Thank you,

Danny Lee Brown
(Signature)

How did you find out about this exemption?

_____

_____

Request for Tax Relief
Late Application Filing

Date: 10-09-12

To Whom It May Concern:

I Gwender Cobb, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2012 on parcel number
(PIN) # 9844-58-5199.

The reason for my late request is:

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

____ I just found out about the Property Tax Relief Program.

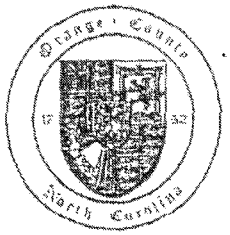
____ Other

Thank you,

Gwender M. Cobb
(Signature)

How did you find out about this exemption?

From Tax Clerk.



FILED

OCT 25 2012

ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 10-25-12

To Whom It May Concern:

I James Cook, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2012 on parcel number

(PIN) # 9728798924 L1.

The reason for my late request is:

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

____ I just found out about the Property Tax Relief Program.

____ Other

Thank you,

X James Cook
(Signature)

How did you find out about this exemption?

_____

_____

FILED

OCT 03 2012

ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 10-04-12

To Whom It May Concern:
Nancy P. Daniels

I ALVIN Daniels, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2012 on parcel number

(PIN) # 9836139471.

The reason for my late request is:

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

✓ I just found out about the Property Tax Relief Program.

____ Other

Thank you,

x Alvin Daniel
(Signature)

How did you find out about this exemption?

_____

_____

Sept 25, 2012

To Whom It May Concern:

Enclosed, please find my application for Forestry Present Use Value Assessment. I was unaware there was also an application requirement, in addition to my timber management plan which was submitted in January 2012. Please use this letter as my request to adjust my real property tax. If you have any questions or need additional information, please do not hesitate to call me at 919-280-4035 (cell) or 919-732-5151 (work).

Sincerely,

Kevin McBroom

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 5-e

SUBJECT: Approval of Formation of Community Giving Fund for Orange County

DEPARTMENT: County Manager

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

1) Triangle Community Foundation Orange County Agency Fund Management Agreement
2) Illustrative List of Gift Opportunities
3) Fund Opportunities Folder Cover

INFORMATION CONTACT:

Frank Clifton, Jr., County Manager, (919) 245-2306
Michael Talbert, Assistant County Manager, (919) 245-2308
Sahana Ayer, Staff Attorney, (919) 245-2319
Carla Banks, Public Affairs Director, (919) 245-2302
Colleen Bridger, MPH, PHD, Health Director, (919) 245-2412
Bob Marotto, Animal Services Director, (919) 968-2287

PURPOSE: To:

1) approve the formation of a Community Giving Fund for Orange County to raise and receive donations intended to enhance services and County-supported activities;
2) authorize the Chair to sign an agreement between Orange County and the Triangle Community Foundation to establish, manage and administer this Fund; and
3) receive some additional information about Fund operation.

BACKGROUND: Over the last year staff has, in coordination with the County Manager's Office and County Attorney, sought to outline the creation of an encompassing fund that would allow residents of Orange County (and others) to donate to specific pursuits across County government. The formation of a fund would provide a framework for receiving and holding substantial donations, whether they be cash, stocks and bonds or real property. All gifts would be tax deductible and earmarked according to wishes of the donor so that they are used for the purpose for which they are given and acknowledged as such.

A Community Giving Fund formalizes the present practice of Orange residents giving to the public services that they favor. As previously communicated at the October 9, 2012 Board Work Session, eight County departments currently receive monetary donations totaling approximately $100,000 per annum. As a rule, these donations are dedicated in some manner to a public service favored by the donor. They are not offered as a substitute for obligated funds for core services, but rather to enhance these services or support activities that it would otherwise not be possible to provide.

By forming a Community Giving Fund, it would be possible for Orange County to develop unified communication about dedicated giving to Orange County government. In doing so, it would become much more readily apparent that gifts are not routed to the County's General Fund, a longstanding concern of potential donors and arguably a powerful disincentive to giving.

Based on significant investigation and discussion, staff believes the best way to establish such a fund is by entering into an agreement with the Triangle Community Foundation (TCF), a well-regarded organization interested in expanding its own activities in the area of local government. Under the agreement, TCF would establish and manage one or more non-endowed Agency Funds for the purpose of receiving and holding tax-deductible donations made to Orange County's Community Giving Fund (see Attachment 1).

As discussed at the October 9, 2012 Work Session, a partnership is the preferred approach because TCF already has a framework in place for receiving and acknowledging tax-deductible donations and for managing and investing these funds in different ways depending upon client choices. Also, working with the foundation is expected to minimize the additional responsibilities placed on Financial Services staff to administer a Community Giving Fund.

In addition, TCF already conducts its own outreach for its clients to the estate planning community. The foundation is also capable of receiving, appraising and liquidating real property for clients through its own real estate foundation.

Since the Board's Work Session discussion, staff has continued its effort to develop an efficient, effective and accountable framework for the operation of a Community Giving Fund. Fundamental to this effort are the goals of achieving the most effective manner of coordination between the County and TCF, and ensuring that the Fund operates as part of established processes of budgeting, funding and governance in Orange County.

Some significant operational elements are provided in the statement of the rights and responsibilities of the parties are provided in the proposed agreement between TCF and Orange County. Others may be summarized as follows:

Fund Organization

- It will be managed by the County Manager and designees including involved department directors subject to budgetary and governance processes and procedures and the ultimate authority of the BOCC.
- Giving opportunities shall be delineated such that donations may be dedicated to a specific pursuit or project and "pass through" the fund as they reach a usable accrual level. Attachment 2 illustrates this approach.
- County staff will thank donors for their specific donations and may otherwise acknowledge their contributions.
- Management staff will prepare an annual report and it will be presented to the BOCC for feedback and direction during the first quarter of each new calendar year beginning in 2014.
- Donations shall only be used in accordance with their dedicated purpose and they shall not be used to supplant County funding obligations; and they may be declined if they are inconsistent with County obligations and commitments and/or create conflicts of interest.

Branding and Public Outreach

- The Community Giving Fund for Orange County will be identified as such and it will have a Hillsborough address to reinforce the important point that it is a homegrown endeavor.
- A portfolio presentational approach to giving opportunities is under development and an iteration of the portfolio cover appears in Attachment 3.
- The County's website is also expected to eventually feature the Fund both at the level of County government as a whole and with respect to individual departments.

TCF Partnership

- TCF will create and manage a non-endowed Agency Fund for the County's Community Giving Fund.
- TCF will coordinate with Financial Services to ensure detailed tracking of all donations, e.g., regarding the amount of a donation, its intended use and its expenditure.
- TCF will provide donors with a statement acknowledging their tax-deductible contributions, among other things.
- TCF will respond to requests from designated County personnel for fund withdrawals and distributions and these will be made to Financial Services for allocation by pursuit or project.
- TCF will include information about the County's Community Giving Fund in its communication with estate planners.

Staff plans to return to the BOCC to make a presentation about the Community Giving Fund. The presentation will coincide with the County's public launching of the fund and it should help to bring public attention to the fund. Integral to this board presentation will be a final listing of dedicated giving opportunities and an overview of the County's marketing effort for the giving fund. The latter is expected to include a Community Giving Fund webpage and also a completed portfolio of giving opportunities.

FINANCIAL IMPACT: The net impact over time is expected to be very positive since the formation of a branded and coordinated Community Giving Fund for Orange County should garner more substantial donations than individual departments presently receive on their own. In addition to branding itself and organized public outreach about giving opportunities, the arrangement with TCF enables the County to present a portfolio of giving opportunities to estate planners on a regular basis in Orange County and beyond.

In order to open an Agency Fund with TCF, Orange County must make a commitment of at least $10,000. Significantly, these remain Orange County funds, and they return to Orange County should the fund be closed under the terms of the agreement. Pending a decision to move forward with establishing the Fund, an appropriation of $10,000 for this purpose is included as part of the Budget Amendment #4, which is also on this November 20, 2012 meeting agenda.

Because of the recommended partnership with TCF, there are no projected staffing costs for the operation of an Orange County Community Giving Fund. However, operating costs for a branded marketing campaign may be requested as part of the FY 2013-2014 budget process. As these would be handled in-house, the County would experience considerable cost-savings compared with obtaining contracted services.

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

1) approve the formation of a Community Giving Fund for Orange County with the TCF; and
2) authorize the Chair to sign the agreement with TCF and associated documents for the purpose of creating and managing this Fund subject to final review and approval by staff and the County Attorney's Office.

FORM CREATING AN AGENCY FUND

Orange County, NC ("Donor") hereby transfers to Triangle Community Foundation ("Foundation") the sum of $10,000 for the purpose of establishing an Agency Fund ("Fund"). This Fund shall be known as the Orange County Community Giving Fund and shall be administered by the Foundation for the benefit of Orange County, NC ("Agency"). The Orange County Board of Commissioners ("BOCC") hereby authorizes the following the Community Fund Management Team to give instructions concerning the Fund as provided in the Concept Plan attached hereto and incorporated herein as Exhibit A.

AGENCY CONTACT INFO

ADDRESS	200 S. Cameron Street, P.O. Box 8181
CITY/STATE/ZIP	Hillsborough, NC 27278
PHONE	(919) 245-3306
EMAIL	fclifton@orangecountync.gov
WEBSITE	http://orangecountync.gov

The Fund shall be: ☐ Endowed X Nonendowed

For Endowed Funds: The Fund will be maintained by the Foundation as a permanent endowment as defined by the North Carolina Uniform Prudent Management of Institutional Funds Act (UPMIFA). A percentage of the Fund (currently 5%), as set forth in the Foundation's written spending policy, shall be available, not less frequently than annually, for charitable purposes subject to the policies and schedule of fees adopted by the Foundation for investing and administering the Fund as it may change from time to time. The percentage shall be distributed first from Fund net income and then, if necessary, from Fund principal. Unless otherwise directed below, the Foundation shall allow the quarterly spending allocation to accumulate until distributions are requested by the Donor(s). Distributions in excess of the Foundation's written spending policy may be made to the Agency only as determined by the Board of Directors of the Foundation in accordance with UPMIFA and applicable Foundation policy, upon request by the governing board of the Agency.
The Foundation is requested to apply the following treatment to the above-named fund's spendable balance:

1. ___ Allow quarterly spending allocation to accumulate (default)
2. ___ Reinvest quarterly spending allocation to principal balance
3. ___ Remit quarterly spending allocation directly to Agency (minimum $250 grant)
4. ___ Other: _____

For Nonendowed Funds: Net income and principal shall be available for charitable purposes, subject to the policies and schedule of fees adopted by the Foundation for investing and administering the Fund as it may change from time to time.

The Fund will be administered for charitable purposes in accordance with the "Policies Governing Agency Funds," a copy of which has been provided to the undersigned and is incorporated by reference into this agreement. Gifts may be added to the Fund at any time by Donor or others. The Board of Directors of the

Foundation has complete legal and fiduciary control of assets of the Fund, including, but not limited to, full authority and discretion as to the investment and reinvestment of the assets. The Foundation shall manage and invest the Fund as provided in the Orange County-Triangle Commmunity Foundation Agency Fund Management Agreement attached hereto and incorporated herein as Exhibit B.

The Fund and all funds therein shall be administered by the Foundation subject to its Charter and Bylaws, including the power contained therein for the Board of Directors of the Foundation to modify any restrictions or conditions if in their sole judgment (without the approval of any trustee, custodian, or agent) such restriction becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the area served by the Foundation.

The Fund shall be a component part of the Foundation and that nothing in this document shall affect the status of the Foundation as an entity which is a qualified charitable organization. It is further understood and agreed that in the event there are liabilities associated with assets given to this Fund, such liabilities become liabilities of this Fund only and not of the Foundation or of any other component Fund. This document shall be interpreted in a manner consistent with the foregoing intention and so as to conform with the requirements of the Internal Revenue Code and any regulations issued pursuant thereto applicable to the intended status of the Foundation.

Triangle Community Foundation

_____

Name of Authorized Staff Date

_____

Title

Agency

_____

Chair, Board of County Commisioners Date

Print name: Bernadette Pelissier

NOTE*: These instructions shall remain in effect until superseded by a written request to Triangle Community Foundation and signed by a person authorized above.*

EXHIBIT – A
ORANGE COUNTY COMMUNITY GIVING FUND
CONCEPT PLAN

1. Objective: The Concept Plan for the County's Community Giving Fund (the "Fund") reflects the County's experience to date with donations. They are typically smaller and focused (or "earmarked") rather than general in nature and totaling tens of thousands of dollars. The Fund is designed to receive, record and routes these funds, while affording Orange County the opportunity to encourage giving to public services in a holistic way.

2. Community Giving Fund Management Team:
    a. Triangle Community ("TCF") Foundation shall be responsible for managing and investing the Fund and its assets.
    b. Distributions from the Fund will be managed for Orange County by the Community Fund Management Team (the "Team") consisting of the County Manager, the County's Chief Financial Officer, the County's Director of Public Affairs, and two Department Directors appointed by the County Manager.
    c. The Team will be chaired by the County Manager or by a member of the team designated by the County Manager.

3. Team Responsibilities:
    a. The Team will provide general oversight for the agency fund or funds administered for the County by TCF.
    b. The Team shall ensure that the funds are withdrawn and distributed from the Fund in accordance with accepted County processes and procedures regarding budgeting and governance.
    c. The Team will communicate and coordinate with the TCF.
    d. As a member of the Team, the Public Affairs Director will coordinate with TCF with regard to marketing efforts and materials and assure conformity with the terms of the Agency Fund Management Agreement attached as Exhibit B to the Agency Fund Agreement.

4. Fund Distributions:
    a. Donated monies will be managed through the County's established budgetary process and procedures. Specifically, funds will be moved from the agency fund managed by TCF into the specific line items within various departmental budgets through the standard procedures for amending a budget.
    b. The movement of monies shall be governed by the County Financial Services and personnel, subject to recommendation of the County Manager and the final approval of the Board of County Commissioners ("BOCC").
    c. Department Directors shall be responsible for identifying services and activities for dedicated giving. Department Directors may recommend specific giving targets to the County Manager who, in turn, recommends these to the BOCC through the established agenda process. Department Directors may make recommendations for fund distribution on an as needed basis.

d. Donations may be made to general county services and/or specific services or projects. Only approved targets would be included in the County's listing of giving targets. The Team would review these donations to make informed and appropriate recommendations for acceptance and use to the BOCC.

5. Reporting:
    a. The Team will prepare an annual report and submit an annual to the BOCC. Among other things, the annual report will show the total amount of giving; the breakdown of gifts among giving targets and general county services; and the balance of funds overall and within specific categories of giving. The report will be presented to the BOCC and also made available in other ways to ensure that the Fund is operating in a transparent and accountable manner.
    b. On the basis of the review of activities over the last year and input from the Team and Department Directors, the Manager may recommend the addition or subtraction of specific targets, to keeping these relevant and up-to-date and to ensure that they mirror the dynamic public services provided by Orange County.

6. Donor Recognition:
    a. At the time of presentation of the annual report to the BOCC, the County may recognize donors for their gifts. In the context of the annual report, donors can be more publically thanked for their generosity and support of specific services.
    b. The County may also acknowledge the generosity and concern of residents and others concerned with the quality of life in Orange County to increase about the Orange County's Community Giving Fund, thereby enhancing community support.

7. Amendments:
    a. This Concept Plan may be reviewed and updated as needed by the County Manager and the Community Fund Management Team.

EXHIBIT - B
ORANGE COUNTY AGENCY FUND
MANAGEMENT AGREEMENT

This Agency Fund Management Agreement ("Agreement") made and entered into this the _____ day of _____, 2012 ("Effective Date") by and between Orange County, North Carolina a body politic and corporate of the State of North Carolina (the "County") and Triangle Community Foundation (the " Foundation"). In consideration of the representations, warranties, covenants and agreements herein, the parties agree as follows:

A. Purpose

The purpose of this Agreement is to describe and set forth the terms and conditions pursuant to which THE FOUNDATION will provide investment management and other services with respect to the agency fund created by the County.

B. Agency Fund Creation

County shall establish a Non-Endowed Agency Fund known as the Orange County Community Giving Fund (the "Fund") for the benefit of the County and its Departments providing services to the residents of the County (the "Charitable Designees"). The County shall make an initial contribution in the amount of Ten Thousand Dollars ($10,000) to create the Fund. The County may make additional contributions to the Fund from time to time or create additional agency funds in its sole discretion and upon written notice to the Foundation. Gifts may be added to the Fund at any time by others interested in supporting the various community projects and services provided by the County ("Donors"). Any and all of the assets contributed by the County or its donors and all accretions thereto shall become the assets of the Foundation for the benefit of the County and its Charitable Designees.

C. The Foundation's Responsibilities

1. Acknowledgment and Receipt of Fund Contributions: The Foundation shall acknowledge all contributions to the Fund from the County and Donors whether in the form of real or personal property including cash, checks, online contributions, stocks and bonds. The Foundation shall review and make a determination on all potential gifts before acceptance or rejection. The Foundation shall provide each Donor a tax acknowledgement verifying that no goods or services were provided in exchange for the contribution to the Fund. The Foundation shall inform the County about any contribution designations made by the Donors while contributing to the Fund. To the extent the Foundation has capacity to do so, the Foundation shall note in its records any donor designated tax-exempt purpose of the contribution.

2. Management of Fund Assets and Standard of Care: the Foundation shall maintain the Fund as a Non-Endowed Agency Fund. The Foundation's Board of Directors shall have full authority and discretion as to the investment and reinvestment of the assets of the Fund. During the term of this Agreement, the Foundation shall have the power to sell, transfer or otherwise dispose of the Fund assets, and may invest and reinvest the Fund assets in securities, investment

pools, investment trusts and other investment vehicles. It is understood and agreed that the Fund and all assets therein shall be administered by the Foundation subject to its Charter, Bylaws and policies, including the power contained therein of the Board of Directors of the Foundation to modify any restrictions or conditions if in their sole judgment (without the approval of any trustee, custodian, or agent) such restriction becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the area served by the Foundation

3. Fees: the Foundation shall assess the Fund an annual administration fee of one percent (1.0%) of the Fund balance, with a minimum annual fee of three hundred Dollars ($300.00). The Fund shall also be charged investment management fees separate from the Foundation's administrative fee. Investment management fees include custodial, consulting, and asset manager fees depending on the investment portfolio. Investment management fees are embedded in all portfolio returns; investment performance is reported net of investment manager fees.

4. Fund Distributions: The net income and principal of the Fund, after deducting the expenses of investing and administering the Fund shall be available for withdrawal upon request by the County. Withdrawals from the Fund can only be effectuated by a letter of application signed by the Chair of the Community Fund Management Team.

5. Limitations: The Foundation will not accept gifts if, in the opinion of the Foundation such gifts are made to influence, or have the appearance of attempting to influence, the Directors of the Foundation, the members of the Community Fund Management Team or the Board of County Commissioners, or are not of a philanthropic nature. To this end the Foundation may request that donors disclose any business they have with the members of the Community Fund Management Team or the Board of County Commissioners before accepting the gift. The Foundation shall keep this information confidential and will only be used to determine the acceptability of a potential gift. The County understands and acknowledges that the Foundation cannot raise funds directly for this or any other Fund created in the Foundation. However, the Foundation shall be available to provide technical assistance to effectuate a contribution of complex assets once a potential donor has been identified by the County.

6. Accounting and Reporting: The Foundation shall provide the County with a record of the contributions, investments, and transactions in the Fund through a quarterly mailed fund statement. The County will have access to an online, password protected portal to check fund activity on a daily basis.

D. The County's Responsibilities

1. Branding and Marketing: The County shall be responsible for branding and marketing the Fund and soliciting donors. The County shall plan and execute a recognition policy and program for donors. In order to comply with the Foundation's policies and standards, the County will submit to the Foundation for review and approval all public relations materials (including but not limited to brochures, press releases, promotional materials, inserts, commercials for radio or television) associated with the Fund. All volunteer or professional fundraisers hired by the County and associated with the Fund will meet with the Foundation for an orientation on the Triangle Community Foundation and the Fund before soliciting funds.

2. Use of Fund Distributions: The County shall ensure that Fund distributions are authorized by the Community Fund Management Team through the County's budget amendment process or other procedures authorized by the Board of County Commissioners. The County shall utilize grants from the Fund for the donor designated tax-exempt purpose only. Grants will not be diverted or borrowed for other tax-exempt or non-tax exempt uses within the County. Proceeds from the Fund shall not be used to replace or supplant local tax-supported governmental funding.

3. Conflicts of Interest: Each County employee whose duties relate to the Fund shall keep a clear "arms length" relationship with the Fund and potential donors to avoid any appearance of impropriety or conflict of interest which could result in personal gain in any disbursement from the Fund. The County reserves the right to reject any gifts that may present a conflict of interest or appear to influence a party or entity affiliated with the Fund that is not philanthropic in nature.

4. Additional Funds: The County may create additional-funds which may be designated for a particular tax-exempt purpose.

E. Standard of Care

The Foundation acknowledges that this Agreement places it in a fiduciary relationship with the County. As a fiduciary, the Foundation shall discharge each of its duties and exercise each of its powers under this Agreement with the competence, care, skill, prudence and diligence under the circumstances then prevailing and that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims. In addition, it is understood and agreed that the fund shall be administered in accordance with all applicable state laws and tax legislation.

F. Fund Termination

The County may terminate the Fund at any time with written notice to the Foundation. In the event of termination, the Foundation shall distribute to the County 90 percent of the total fund balance immediately and the remainder upon the close of the next immediate financial period. Upon the complete delivery of all the Fund property to the County, the Foundation shall have no further responsibility to perform further investment management or other services described in this Agreement. In the event the Foundation loses it 501(c)(3) tax exempt status, the Fund and all assets in the Fund shall automatically transfer to an organization that can accomplish the charitable purpose of the Foundation, unless terminated by the County.

G. Additional Provisions

1. Amendments: This Agreement may be amended or modified in whole or in part only by an instrument signed by the authorized representative of the County and the Foundation.

2. Governing Law: This Agreement and the rights and obligations of the parties hereunder shall be governed and construed in accordance with the laws of the State of North Carolina. It is intended that he Fund shall be a component part of the Foundation and that nothing in this Agreement shall affect the status of the Foundation as an entity which is a qualified charitable organization. This Agreement shall be interpreted in a manner consistent with the foregoing intention and so as to conform with the requirement of the Internal Revenue Code and any regulations issued pursuant thereto applicable to the intended status of the Foundation.

3. Assignment: This agreement cannot be assigned.

4. Confidentiality: All information furnished by the County to the Foundation shall be treated as confidential and shall not be disclosed to third parties, unless generally known or otherwise publicly available and except as required by regulatory agencies or otherwise by law.

5. Term, Termination: This Agreement shall become effective upon the creation of the agency fund contemplated by the County and as of the Effective Date listed above, whichever is later, and shall remain in effect until the fund is closed pursuant to the Foundation's policies.

6. Relationship of the Parties: This Agreement does not create a partnership, joint venture or similar relationship between the parties. Neither party may bind the other to third parties. The parties will not contend otherwise or try to enforce any contrary intention.

7. Notices: Required communication to the other party must be in writing and addressed to the following person(s):

If to the County:
Frank Clifton
County Manager
200 S. Cameron Street
P.O. Box 8181
Hillsborough, NC 27278

If to the Foundation:
Lori O'Keefe
Chief Operating Officer
324 Blackwell Street, Suite 1220
Durham, NC 27701

8. Benefit: This Agreement is for the benefit of the parties and only parties may enforce this Agreement.

9. Waiver: The failure of either party to exercise any right, power or remedy provided under this Agreement or otherwise available at law or in equity, or to insist on compliance by the other party with its obligations hereunder, any custom or practice at variance with the terms of the this Agreement, shall not constitute a waiver by such party of its rights or remedies pursuant to this Agreement. Any of the terms or conditions of this Agreement may be waived in writing at any time by the party that is entitled to the benefits thereof.

10. Construction and Severability: whenever possible each provision or portion of any provision of this Agreement shall be construed in such a manner as to be effective and valid

under applicable law. 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.

11. 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.

12. Entire Agreement. The terms of this Agreement shall be subject to the Foundation's Charter**,** Bylaws and policies which are specifically incorporated herein. This Agreement with the attachments and exhibits represents the entire and integrated agreement between the County and the Foundation and supersedes all prior negotiations, representations or agreements, either written or oral.

IN WITNESS WHEREOF, the parties through their duly authorized officers have executed this Agreement as of the date first written above.

ORANGE COUNTY:	TRIANGLE COMMUNITY FOUNDATION:
By: _____	By: _____
Bernadette Pelissier, Chair	Lori O'Keefe
Orange County Board of Commissioners	Chief Operating Officer

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

_____

Office of the Finance Director

Attachment 2

Combined Giving Fund for Orange County

Orange County welcomes the public and its residents to make charitable donations and gifts to support favored efforts and County-sponsored activities. These tax-deductible gifts would help Orange County to carry out many of its vital services as a supplement to the annual budget.

There are many ways to give to Orange County and a variety of areas for dedicated donations. Below are specific giving opportunities that different departments have identified as part of their ongoing public service. Some are project-based in the sense that they will be completed when a certain funding level is reached and the project may be brought to completion. Others are more permanent and support initiatives and activities organized on an ongoing basis to serve our community.

Donors may also choose to make a general contribution to Orange County. Gifts of this kind will be allocated for use under the general direction of the County Manager subject to the approval of the County's Board of Commissioners.

AGING

- General Senior Center Programs
- Sponsorship: Seymour Fitness Center
- Sponsorship: Annual RSVP 55+ Volunteer Recognition Event
- Sponsorship: Volunteer Income Tax Assistance (VITA) Program
- Sponsorship: Seymour Center and Central Orange Senior Center Garden
- The Frail Elderly Fund
- Sponsorship: Annual Community Resource Guide
- Sponsorship: In Praise of Age- Weekly TV Show

ANIMAL SERVICES

- Community Spay/Neuter Fund
- Advertising Materials for Adoptable Animals
- Cat Sheltering Enhancements
- Dog Exercise Area Fund

EMERGENCY SERVICES

- Public Outreach
  - Welcome to the World (Newborn/Parental Training and Safety Support)
  - Elder Fall Prevention (UNC/Aging Partnership)
  - Community Emergency Response Team Training Support

HOUSING, HUMAN RIGHTS & COMMUNITY DEVELOPMENT

- Project Connect- Homelessness Initiative

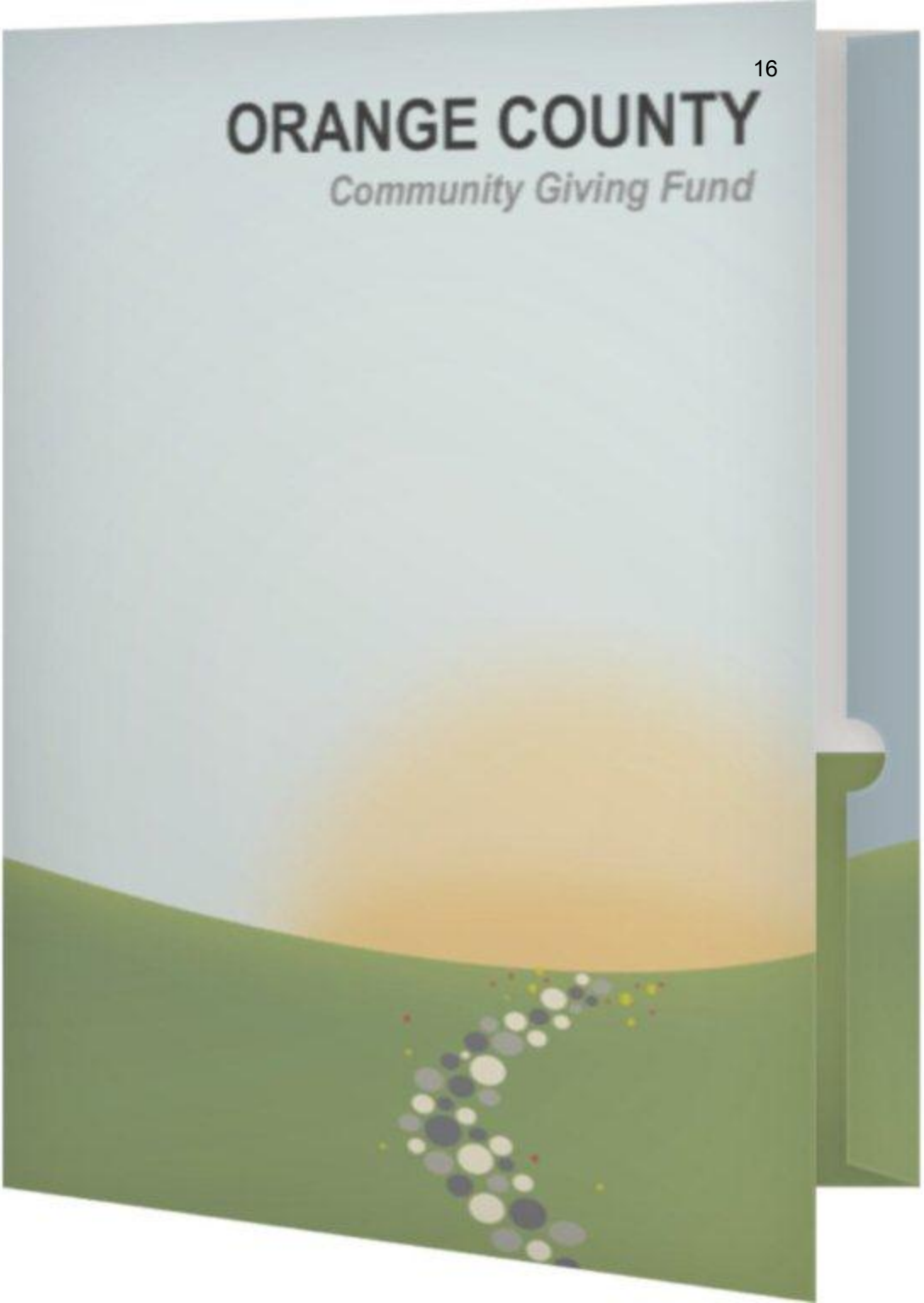
COOPERATIVE EXTENSION

- 4-H Youth Development
- Local Food / W.C. Breeze Farm Agricultural Extension and Research Center

GENERAL COUNTY CONTRIBUTIONS

ORANGE COUNTY

Community Giving Fund



ORD-2012-051

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 5-f

SUBJECT: Fiscal Year 2012-13 Budget Amendment # 4

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Attachment 1. Budget as Amended Spreadsheet
Attachment 2. Year-To-Date Budget Summary
Attachment 3. New Hope Fire Department Letter of Request

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

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

BACKGROUND:

Department on Aging

1. The Department on Aging has received the following additional funds:

- **State Senior Center General Purpose funds** – North Carolina Division on Aging funds of $7,834 for temporary workers, departmental supplies, and activities, at the Seymour and Central Orange Senior Centers.
- **Health Promotion and Disease Prevention funds** – additional funds of $2,792 to provide evidence-based classes and activities at both senior centers, from the Triangle J Area Agency on Aging and North Carolina Division on Aging.
- **Public Television** – a $2,500 donation, from UNC Health Care, in support of "In Praise of Age," a weekly talk show about senior issues, on Channel 8.
- **Senior Health Insurance Information Program (SHIIP)** – funds of $3,000 from the N. C. Department of Insurance for the successful completion of the SHIIP basic training program. Staff will use funds to implement the Master Aging Plan 2012-2017 updates.

- **Retired Senior Volunteer Program (RSVP)** – individual and business donations, totaling $5,000, for the annual RSVP recognition event, at the Seymour Center.
- **Class Fees** – based on current year collections, the department anticipates $30,000 in additional class fees, which will fund contract instructors and related costs, at both senior centers.
- **Sponsorship Funds** – advertising revenue totaling $5,000 for the spring 2013 edition of the Aging Transitions Community Resource Guide.
- **Volunteer Income Tax Assistance (VITA) Program** – receipt of $7,633 from the Internal Revenue Service for the VITA program, which provides free tax services for low-to-moderate-income residents who cannot prepare their own tax returns. Funds will procure program supplies, technology equipment, and volunteer mileage reimbursements. If necessary, staff can reallocate technology funds for additional nonpermanent staff at tax preparation sites.

2. Based on current year collections, the department anticipates an additional $36,000 in class fees related to the Wellness Grant Program. The department will use these funds to offset costs of wellness and fitness course instructors and program supplies. This budget amendment provides for the receipt of these revenues and amends the current Senior Citizen Health Promotion Grant Project Ordinance as follows:

Senior Citizen Health Promotion Wellness Grant ($36,000) - Project # 294303

Revenues for this project:

	Current FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
Senior Citizen Wellness Funds	$104,604	$36,000	$140,604
Total Project Funding	**$104,604**	**$36,000**	**$140,604**

Appropriated for this project:

	Current FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
Senior Citizen Wellness Grant	$104,604	$36,000	$140,604
Total Costs	**$104,604**	**$36,000**	**$140,604**

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

Non-Departmental

3. At its October 16, 2012 meeting, the Board of County Commissioners approved increased funding to Pretrial Services in the amount of $40,000 for FY 2012-13, and directed staff to bring back a budget amendment to appropriate the increased allocation. This budget amendment provides for a fund balance appropriation of $40,000 from the General Fund to cover this increased allocation. *(See Attachment 1, column #2)*

Emergency Services

4. At its June 5, 2012 meeting, the Board of County Commissioners approved the recommendation from the Emergency Services Workgroup to have a Needs Assessment conducted for the VIPER (Voice Interoperability Plan for Emergency Responders) System to improve County-wide coverage, and appropriate the necessary funds, not to exceed $50,000, from the General Fund's Fund Balance. This budget amendment provides for a fund balance appropriation of $50,000 from the General Fund to cover the cost of the Needs Assessment. *(See Attachment 1, column #3)*

New Hope Fire Department

5. The New Hope Volunteer Fire Department of Orange County, Inc. has requested a portion of their district's available fund balance ($7,400) to cover the costs of unanticipated costs due to the replacement of central air conditioning units at both Stations 1 and 2. Due to the age of the units, replacement was more cost effective than repairs. With this appropriation, approximately $30,000 remains in the district's unassigned fund balance. This budget amendment provides for the appropriation of $7,400 from the district's fund balance for the above stated purpose. *(See Attachment 1, column #4 and Attachment 3)*

Sheriff Department

6. The Sheriff Department has been awarded funds from the U.S. Department of Justice FY 2012 State Criminal Alien Assistance Program (SCAAP) in the amount of $40,702. In June 2000, the Sheriff Department entered into an agreement with Justice Benefits, Inc. (JBI) to secure appropriate Federal financial assistance in recovering federal funds that are due to counties who house federal inmates. Based on their work, Orange County will receive $40,702 from the U.S. Department of Justice for the current fiscal year. This budget amendment provides for the receipt of these funds. *(See Attachment 1, column #5)*

Carry Forwards

7. On June 30 of each year, there are instances where approved funding for certain Board approved initiatives is not fully expended at the end of the fiscal year, and the unexpended monies revert to the County's fund balance. In order for the County to fulfill financial obligations related to these appropriations, the Board must re-appropriate fund balance in the next fiscal year for these planned expenditures. For FY 2012-13, the General Fund Balance appropriation request is $19,350. These carry forwards consist of the following: (1) $5,100 in NC Matching Grant funds within the Soil and Water division; and (2) $14,250 in donations to the Little River Park for the purchase of new park equipment.

   In order to carry funds forward and authorize their expenditure in fiscal year 2012-13, it is necessary for the Board to appropriate $19,350 from the General Fund's fund balance. *(See Attachment 1, column #6)*

Animal Services

8. Orange County Animal Services has received two designated donations to be used at the animal shelter in the amounts of $1,500 and $749. The $1,500 is to be used 50% toward signage in the adoption areas, and 50% for veterinary services and food. The $749 donation is to be used for furnishings at the shelter. This budget amendment provides for the receipt of these funds for the above stated purposes. *(See Attachment 1, column #7)*

Library

9. Orange County Library Services has received a donation of $3,000, from the Carrboro Friends of the Library. These funds will be used to enhance the materials at the Carrboro McDougle branch. This budget amendment provides for the receipt of these donated funds. *(See Attachment 1, column #8)*

Community Giving Fund of Orange County

10. On October 9, 2012, the BOCC approved the establishment of the Community Fund of Orange County (The Fund) to raise and receive donations intended to support, enhance, and extend County services and County Supported Activities. The Fund will be administered by the Triangle Community Foundation. A minimum deposit of $10,000 will be required to establish the Fund. This budget amendment provides for the establishment of the fund with the General Fund's unassigned fund balance appropriation of $10,000. *(See Attachment 1, column #9)*

Historic Rogers Road Neighborhood Community Center

11. At its November 8, 2012 meeting, the Board of County Commissioners approved an additional $150,000 for the construction of a Rogers Road Community Center. The project is contingent on both an Interlocal Agreeement with the Towns of Chapel Hill & Carrboro, and the approval of a contract with Habitat for Humanity for the construction and operation of the Community Center. This budget amendment provides for the appropriation of $150,000 from the General Fund's unassigned fund balance, and amends the capital project ordinance as follows: *(See Attachment 1, column #10)*

Historic Rogers Road Community Center ($150,000) Project #10054

Revenues for this project:

	Current FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
Transfer from General Fund	$500,000	$150,000	$650,000
Total Project Funding	**$500,000**	**$150,000**	**$650,000**

Appropriated for this project:

	Current FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
Contribution to Habitat	$500,000	$150,000	$650,000
Total Costs	**$500,000**	**$150,000**	**$650,000**

School Capital Projects

12. The FY 2012-13 Approved Budget included a total amount of pay-as-you-go (PAYG) funding of $3,724,849 to the School systems, but did not reflect the allocation to each of their prioritized projects. At its August 21, 2012 meeting, the Board of Commissioners approved the Chapel Hill-Carrboro City Schools PAYG allocation of $2,290,782. This budget amendment provides for the FY 2012-13 PAYG funding allocation of $1,434,067 to the Orange County Schools and amends the capital project ordinances as follows:

Orange County Schools ($1,434,067):

Technology Plan ($500,000) Project #51011

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$1,422,668	$500,000	$1,922,668
Total Project Funding	**$1,422,668**	**$500,000**	**$1,922,668**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Technology	$1,422,668	$500,000	$1,922,668
Total Costs	**$1,422,668**	**$500,000**	**$1,922,668**

Fire/Safety Upgrades *($15,000) Project #51024*

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$318,569	$15,000	$333,569
Total Project Funding	**$318,569**	**$15,000**	**$333,569**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Emergency/Security	$318,569	$15,000	$333,569
Total Costs	**$318,569**	**$15,000**	**$333,569**

Classroom/Building Improvements ($148,067) Project #51025

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$3,769,440	$148,067	$3,917,507
Total Project Funding	**$3,769,440**	**$148,067**	**$3,917,507**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Construction	$3,769,440	$148,067	$3,917,507
Total Costs	**$3,769,440**	**$148,067**	**$3,917,507**

Athletic Facilities ($323,000) Project #51027

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$195,322	$323,000	$518,322
Total Project Funding	**$195,322**	**$323,000**	**$518,322**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
General Renovations	$195,322	$323,000	$518,322
Total Costs	**$195,322**	**$323,000**	**$518,322**

Electrical Service Upgrades ($33,000) Project #51002

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$0	$33,000	$33,000
Total Project Funding	**$0**	**$33,000**	**$33,000**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Electrical Systems	$0	$33.000	$33,000
Total Costs	**$0**	**$33,000**	**$33,000**

Indoor Air Quality ($15,000) Project #51019

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$0	$15,000	$15,000
Total Project Funding	**$0**	**$15,000**	**$15,000**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Construction	$0	$15,000	$15,000
Total Costs	**$0**	**$15,000**	**$15,000**

Window Replacements ($45,000) Project #51026

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$195,322	$45,000	$240,322
Total Project Funding	**$195,322**	**$45,000**	**$240,322**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Construction	$195,322	$45,000	$240,322
Total Costs	**$195,322**	**$45,000**	**$240,322**

Mechanical Systems ($15,000) New Project #51029

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$0	$40,000	$40,000
Total Project Funding	**$0**	**$40,000**	**$40,000**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Construction	$0	$40,000	$40,000
Total Costs	**$0**	**$40,000**	**$40,000**

Paving/Parking Lot Improvements ($40,000) New Project # 51030

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$0	$40,000	$40,000
Total Project Funding	**$0**	**$40,000**	**$40,000**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Construction	$0	$40,000	$40,000
Total Costs	**$0**	**$40,000**	**$40,000**

Elementary #8 ($300,000) New Project # 50011

Revenues for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Sales Tax	$0	$300,000	$300,000
Total Project Funding	**$0**	**$300,000**	**$300,000**

Appropriated for this project:

	Through FY 2011-12	FY 2012-13 Amendment	FY 2012-13 Revised
Professional Services	$0	$300,000	$300,000
Total Costs	**$0**	**$300,000**	**$300,000**

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 #3-B	#1 The Department on Aging receipt of intergovernmental, fee-related, grant project, and sponsorship revenues totaling $99,759.	#2 Fund Balance appropriation of $40,000 from the General Fund for increased funding to Pretrial Services	#3 Fund Balance appropriation of $50,000 from the General Fund to cover the cost of a Needs Assessment for the VIPER system	#4 BOCC approved fund balance appropriation of $7,400 from the New Hope fire district's County-held unassigned fund balance to cover the replacement costs of central air conditioning units at Stations 1 and 2	#5 Sheriff Department's receipt from Justice Benefits, Inc. of FY 2012 State Criminal Alien Assistance Program (SCAAP) funds in the amount of $40,702	#6 Fund Balance appropriation of $19,350 from the General Fund related to carry forward funds received, but not expended, by DEAPR during FY 2011-12	#7 Animal Services receipt of designated donations totaling $2,249 to be used at the Orange County Animal Shelter	#8 Library receipt of $3,000 in donations, from the Carrboro Friends of the Library, to materials for the Carrboro McDougle branch.	#9Community Giving Fund of Orange County	#10 Appropriation of General Fund's unassigned fund balance of $150,000 towards the construction of a Rogers Road Community Center	Budget as Amended Through BOA #4
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	$ -	$ 15,803,241	$ 23,759	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 15,827,000
Charges for Service	$ 9,292,257	$ -	$ 9,295,157	$ 35,000	$ -	$ -	$ -	$ 40,702	$ -	$ -	$ -	$ -	$ -	$ 9,370,859
Investment Earnings	$ 105,000		$ 105,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 105,000
Miscellaneous	$ 798,340		$ 842,880	$ 5,000						$ 2,249	$ 3,000	$ -	$ -	$ 853,129
Transfers from Other Funds	$ 1,040,000		$ 1,087,700									$ -	$ -	$ 1,087,700
Fund Balance	$ 2,187,872		$ 3,719,370		$ 40,000	$ 50,000			$ 19,350			$ 10,000	$ 150,000	$ 3,988,720
Total General Fund Revenues	$ 180,002,776	$ -	$ 183,836,845	$ 63,759	$ 40,000	$ 50,000	$ -	$ 40,702	$ 19,350	$ 2,249	$ 3,000	$ 10,000	$ 150,000	$ 184,215,905
Expenditures														
Governing & Management	$ 15,339,623	$ -	$ 15,196,376	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,249	$ -	$ 10,000	$ -	$ 15,208,625
General Services	$ 17,910,408	$ -	$ 18,015,057	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 18,015,057
Community & Environment	$ 5,851,987	$ -	$ 5,866,403	$ -	$ -	$ -	$ -	$ -	$ 19,350	$ -	$ -	$ -	$ -	$ 5,885,753
Human Services	$ 30,711,556	$ -	$ 32,647,869	$ 63,759	$ 40,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 32,751,628
Public Safety	$ 20,121,532	$ -	$ 20,147,032	$ -	$ -	$ 50,000	$ -	$ 40,702	$ -	$ -	$ -	$ -	$ -	$ 20,237,734
Culture & Recreation	$ 2,332,405	$ -	$ 2,337,157	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,000	$ -	$ -	$ 2,340,157
Education	$ 82,300,134		$ 82,300,134	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 82,300,134
Transfers Out	$ 5,435,131		$ 7,326,817									$ -	$ 150,000	$ 7,476,817
Total General Fund Appropriation	$ 180,002,776	$ -	$ 183,836,845	$ 63,759	$ 40,000	$ 50,000	$ -	$ 40,702	$ 19,350	$ 2,249	$ 3,000	$ 10,000	$ 150,000	$ 184,215,905
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Fire District Funds														
Revenues														
Property Tax	$ 3,608,643		$ 3,608,643											$ 3,608,643
Intergovernmental	$ -		$ 25,000											$ 25,000
Investment Earnings	$ -		$ -											$ -
Appropriated Fund Balance	$ 10,911		$ 55,911				$ 7,400							$ 63,311
Total Fire Districts Fund Revenue	$ 3,619,554	$ -	$ 3,689,554	$ -	$ -	$ -	$ 7,400	$ -	$ -	$ -	$ -			$ 3,696,954
Expenditures														
Remittance to Fire Districts	$ 3,619,554		$ 3,689,554				$ 7,400							$ 3,696,954

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 #3-B	#1 The Department on Aging receipt of intergovernmental, fee-related, grant project, and sponsorship revenues totaling $99,759.	#2 Fund Balance appropriation of $40,000 from the General Fund for increased funding to Pretrial Services	#3 Fund Balance appropriation of $50,000 from the General Fund to cover the cost of a Needs Assessment for the VIPER system	#4 BOCC approved fund balance appropriation of $7,400 from the New Hope fire district's County-held unassigned fund balance to cover the replacement costs of central air conditioning units at Stations 1 and 2	#5 Sheriff Department's receipt from Justice Benefits, Inc. of FY 2012 State Criminal Alien Assistance Program (SCAAP) funds in the amount of $40,702	#6 Fund Balance appropriation of $19,350 from the General Fund related to carry forward funds received, but not expended, by DEAPR during FY 2011-12	#7 Animal Services receipt of designated donations totaling $2,249 to be used at the Orange County Animal Shelter	#8 Library receipt of $3,000 in donations, from the Carrboro Friends of the Library, to materials for the Carrboro McDougle branch.	#9Community Giving Fund of Orange County	#10 Appropriation of General Fund's unassigned fund balance of $150,000 towards the construction of a Rogers Road Community Center	Budget as Amended Through BOA #4
Grant Project Fund														
Revenues														
Intergovernmental	$ 175,584		$ 226,288											$ 226,288
Charges for Services	$ 24,000		$ 30,000	$ 36,000										$ 66,000
Transfer from General Fund	$ 71,214		$ 71,214											$ 71,214
Miscellaneous	$ -		$ -											$ -
Transfer from Other Funds	$ -		$ -											$ -
Appropriated Fund Balance	$ -		$ -											$ -
Total Revenues	$ 270,798	$ -	$ 327,502	$ 36,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -			$ 363,502
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		$ 104,604	$ 36,000										$ 140,604
Dental Health - Smart Start			$ -											$ -
Intensive Home Visiting			$ -											$ -
Human Rights & Relations HUD Grant			$ -											$ -
Senior Citizen Health Promotion (Multi-Yr)			$ -											$ -
SeniorNet Program (Multi-Year)			$ -											$ -
Enhanced Child Services Coord -SS			$ -											$ -
Diabetes Education Program (Multi-Year)			$ -											$ -
Specialty Crops Grant			$ -											$ -
Local Food Initiatives Grant			$ -											$ -
Reducing Health Disparities Grant (Multi-Yr	$ 78,996		$ 67,767											$ 67,767
FY 2009 Recovery Act HPRP			$ -											$ -
Human Services	$ 241,188	$ -	$ 237,367	$ 36,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -			$ 273,367
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 Assistance Act (JAG) Program			$ -											$ -
Public Safety	$ 29,610	$ -	$ 29,610	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -			$ 29,610
Total Expenditures	$ 270,798	$ -	$ 327,502	$ 36,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -			$ 363,502

Year-To-Date Budget Summary

Fiscal Year 2012-13

General Fund Budget Summary

Original General Fund Budget	$180,002,776
Additional Revenue Received Through Budget Amendment #4 (November 20, 2012)	
Grant Funds	$104,012
Non Grant Funds	$2,308,269
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	
General Fund - Fund Balance Appropriated to Cover Unanticipated Expenditures	$1,800,848
Total Amended General Fund Budget	**$184,215,905**
Dollar Change in 2012-13 Approved General Fund Budget	$4,213,129
% Change in 2012-13 Approved General Fund Budget	2.34%

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); $904,367 to resolve matter with NC 911 Board regarding past use of E911 Funds (BOA #2-A); $104,397 to help with purchase of OSSI-CAD system (BOA #2-B);$43,310 to cover additional hours and days of early voting period (BOA #3); $380,000 to establish a Historic Rogers Road Community Center Capital Project (BOA #3-B); $40,000 for an increased allocation to Pretrial Services (BOA #4); $50,000 for a Needs Assessment for the VIPER system (BOA #4); $19,350 for carry forward budgeted funds from FY 11-12 (BOA #4),$10,000 to establish the Community Giving Fund of Orange County; $150,000 for construction of Rogers Road Community Center (BOA #4)

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	(3.000)
Additional Positions Approved Mid-Year	
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2012-13	**885.175**

Paul Laughton:
3 Time-limited Grant positions within the DSS Homelessness Grant expired on 9/30/12

Street Address (Station 1):
4012 Whitfield Road
Chapel Hill, NC 27514
Phone: (919) 493 -1001
Fax: (919) 419-0241

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

New Hope Volunteer Fire Department of Orange County, Inc.

September 24, 2012

Mr. Paul Laughton
Orange County Financial Services
P.O. Box 8181
Hillsborough, NC 27278

Paul,
In July 2012, we had to replace the central air conditioning units at both station 1 and station 2 because of mechanical failures. Due to the age of the units, replacement was more cost effective than repairs. We solicited price quotes from three local vendors and the job was awarded to mechanical Comfort, LLC, Efland, NC. The cost to replace the unit at station 1 was $3800 and the cost to replace the unit at station 2 was $3600.

We are requesting that the County allocate $7400 from our fund balance to cover the costs of these unanticipated replacement expenditures. Please contact us if you have questions or need additional information. Thank you for your time and assistance with this project.

Regards,

Howard Pratt

Howard Pratt, President

Mike Tapp

Mike Tapp, Fire Chief

ORD-2012-052

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 5-g

SUBJECT: Application for North Carolina Education Lottery Proceeds for Orange County Schools (OCS) and Contingent Approval of Budget Amendment #4-A Related to OCS Capital Project Ordinances

DEPARTMENT: Financial Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Attachment 1. Orange County Schools – Lottery Proceeds Application

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

PURPOSE: To approve an application to the North Carolina Department of Public Instruction (NCDPI) to release funds from the NC Education Lottery account related to FY 2012-13 debt service payments for Orange County Schools, and to approve Budget Amendment #4-A (amended School Capital Project Ordinances) contingent on the State's approval of the application.

BACKGROUND: Both School Systems have previously presented approved resolutions from their respective Boards requesting that the County modify its Capital Funding Policy by applying accumulated lottery funds for debt service payments and permitting current year withdrawals immediately after the State's quarterly lottery fund allocations. This expedites both the application process and the receipt of funds for the school systems.

Currently, the accumulated available lottery funds for Orange County Schools (OCS) is $237,735. The attached application requests the State to release lottery funds of $230,000 to cover debt service for the Orange County Schools system.

Budget Amendment #4-A provides for the receipt of the Lottery Funds, contingent on State approval of the application, and substitutes the amount of Lottery Funds approved for debt service as additional Pay-As-You-Go (PAYG) funds for FY 2012-13 for OCS capital needs and projects, and amends the budgets for the following OCS capital projects:

Orange County Schools ($230,000):

Classroom/Building Improvements ($225,000) – Project # 51025

Revenues for this project:

	Current FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
From General Fund (PAYG)	$3,769,440	$225,000	$3,994,440
Total Project Funding	**$3,769,440**	**$225,000**	**$3,994,440**

Appropriated for this project:

	Current FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
Construction/Renovations	$3,769,440	$225,000	$3,994,440
Total Costs	**$3,769,440**	**$225,000**	**$3,994,440**

Partnership Academy ($5,000) – Project # 50009

Revenues for this project:

	Current FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
From General Fund (PAYG)	$356,720	$5,000	$361,720
Total Project Funding	**$356,720**	**$5,000**	**$361,720**

Appropriated for this project:

	Current FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
Construction	$356,720	$5,000	$361,720
Total Costs	**$356,720**	**$5,000**	**$361,720**

FINANCIAL IMPACT: The total Lottery Fund amounts requested from the State for Orange County Schools is $230,000.

RECOMMENDATION(S): The Manager recommends the Board approve and authorize the Chair to sign the application for NC Education Lottery Proceeds; and approve Budget Amendment #4-A receiving the Lottery Funds and the amended OCS Capital Project Ordinances, contingent on the State's approval of the application.

APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY

Approved: _____

Date: _____

County: Orange County

LEA: Orange County Schools

Address: P.O. Box 8181, Hillsborough, NC

Contact Person: Clarence Grier

Title: Assistant County Mgr, CFO

Phone: (919) 245-2453

Project Title: FY 2012-13 Debt Service (G.O. Bonds)

Location: ____

Type of Facility: _____

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

(3) No county shall have to provide matching funds...

(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.

(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. ***Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.***

Short description of Construction Project: Debt Service associated with G.O. Bonds issued Fall 2005 for Orange County Schools Gravelly Hill MIddle School

Estimated Costs:

Purchase of Land	$	
Planning and Design Services		
New Construction		
Additions / Renovations		
Repair		
Debt Payment / Bond Payment		230,000.00
TOTAL	$	230,000.00

Estimated Project Beginning Date: July 2012

Est. Project Completion Date: June 2013

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of $ 230,000.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

_____

(Signature — Chair, County Commissioners) (Date)

_____

(Signature — Chair, Board of Education) (Date)

ORD-2012-053

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 5-h

SUBJECT: Proposal to Upgrade Audio Visual Equipment at Southern Human Services Center, and Approval of Budget Amendment #4-B

DEPARTMENT: Clerk, Information Technologies, Financial Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Sound Advice of Eastern NC, Inc. Proposals for Replacement of Audio\Visual Equipment at Southern Human Services Board Meeting Room

INFORMATION CONTACT:
Donna Baker, 919-245-2130
Clarence Grier, 919-245-2453
Carla Banks, 919-245-2302
Jim Northrup, 919-245-2276

PURPOSE: To receive information on the need to upgrade existing audio/visual (AV) equipment at the Southern Human Services Center Meeting Room in Chapel Hill; to approve a proposal by Sound Advice of Eastern NC, Inc. to upgrade AV equipment; and to approve Budget Amendment #4-B.

BACKGROUND: As part of the FY2012-13 Approved Budget, South Advice of Eastern NC, Inc. was hired to operate the AV equipment for all regular Board meetings and work sessions. Additionally, Sound Advice has been evaluating the County's AV equipment and has recommended the upgrading of a large portion of the AV equipment used for meetings.

Over the past 5 years, the AV equipment in the Southern Human Services Center (SHSC) Meeting Room has required repair and/or replacement. The current AV equipment in the meeting room is out of date and too costly to repair. Several components of the AV equipment are also obsolete, out of date, and/or at a critical point of failure. Sound Advice has recommended that the County upgrade existing AV equipment as soon as possible.

The recommended options to upgrade the equipment are:

1) Upgrading the projection system at SHSC – This would include the full replacement of all the display equipment, including projector, wiring for the podium, LCD panels and necessary interconnections. This would bring everything up to a high quality, HDMI based standard. The total estimated cost is $46,260.62

2) Implementing a video server that supports live streaming from two locations – This would include a video server and necessary equipment for managing programming for the

Public, Educational, Governmental (PEG) channel and supporting live streaming (with a two minute delay) of meetings at either SHSC or the Department of Social Services Meeting Room at Hillsborough Commons in Hillsborough. The total estimated cost is $29,000.54.

Total estimated cost to upgrade the proposed AV equipment at SHSC would be $75,261.16. The estimated timeframe for installation of the proposed equipment upgrades is approximately two to three weeks.

FINANCIAL IMPACT: The financial impact is expected to be $75,261.16. Budget Amendment #4-B approves an appropriation of $75,261 from the General Fund's unassigned fund balance for the above mentioned AV equipment costs.

RECOMMENDATION(S): The Manager recommends that the Board approve the proposal by Sound Advice, Inc. to upgrade the proposed AV equipment at SHSC, and approve Budget Amendment #4-B.

Sound Advice of Eastern NC Inc
657-B Worthington Road
PO Box 270
Winterville, NC 28590
252 355-1111
www.saenc.com

PROPOSAL

DATE	QUOTATION ...
9/28/2012	4600

NAME / ADDRESS
Orange County PO Box 8181 131 W. Margaret Lane Hillsborough, NC 27278

TERMS	REP	PROJECT
Due on receipt	DER	4600 Projector u...

QTY	ITEM	DESCRIPTION	COST	Total
1	112-204	E-Vision WXGA 7000 (NO LENS)	5,875.80	5,875.80T
1	112-501	E-Vision Lens (1.72 - 2.27:1)	1,361.10	1,361.10T
1	SA82	8 amp surge protection for monitors and projectors	240.50	240.50T
1	111-182	E-Vision Adjustable Ceiling Mount Kit	451.10	451.10T
1	MISC	Hardware to mount projector	170.00	170.00T
3	PN-E602	60" LCD Display, 1080P, RS232	3,760.90	11,282.70T
3	SA82	8 amp surge protection for monitors and projectors	240.50	721.50T
3	RLT2	Large universal Tilt Mount	116.10	348.30T
1	DM-MD8x8	DM Series Switcher	2,795.00	2,795.00T
2	DMC-C	DigitalMedia 8G + input card for DM Switchers	715.00	1,430.00T
1	DMCO-55	4 DM 8G+ w/2 HDMI Output Cards	1,820.00	1,820.00T
4	DM-RMC-SCALE...	DigitalMedia 8G + Receiver & Room Controller with Scaler	910.00	3,640.00T
1	VP-438	Scaler/Switcher 4 HDMI 2 PC (Rack Mount)	925.60	925.60T
1	MC3	Master w/2-RS232, 5-IR, IP & Wireless	1,120.00	1,120.00T
1	DM-TX-201-C	DigitalMedia 8G+ Transmitter 201	845.00	845.00T
1	DM-TX-200-C-2G...	Wall Plate DigitalMedia 8G + Transmitter 200, black textured, includes 2407WUL	910.00	910.00T
2	TSW-750-B-S	7" Surface mount TP Core3, Black (POE)	980.00	1,960.00T
1	MISC	HDMI to Composite video converter	450.00	450.00T

Thank you for the opportunity to quote

Sales Tax (7.0%)

The information herein constitutes a design. Any unauthorized use or dissemination of the contents is prohibited.

Total

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PROPOSAL

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TERMS	REP	PROJECT
Due on receipt	DER	4600 Projector u...

QTY	ITEM	DESCRIPTION	COST	Total
1	CEN-SW-POE-5	5 Port PoE Switch	260.00	260.00T
4	CBL-HD-3	HDMI 3' Certified 1080p 16bit	30.00	120.00T
1	CBL-HD-6	HDMI 6' Certified 1080p 16bit	37.50	37.50T
1	SX-AX15	1 RU, 8 Outlet, 15A w/IP Control	1,207.70	1,207.70T
1	ERK-2725	27 Space Economy rack 25" deep with rear door	502.31	502.31T
1	DM-CBL-8G-P-SP...	DM 8G Cable Plenum (500')	420.00	420.00T
0.1	DM-8G-CONN-100	DM 8G Cable Connector (100)	375.00	37.50T
1	W & C	Wire and connectors	350.00	350.00T
1	SHIP/HAND	Shipping charges	311.65	311.65T
1	LABOR	Labor to install projection, displays and control. Program control *** NOTE - While this sytem fully supports HDCP content protection, this feature will be disabled so signal can pass to the video switcher for recording. When the video system gets upgraded, we can turn this feature back on which will allow full blu-ray and content protection sources to be available everywhere. Sent 9-28-12 DBE	3,895.83	3,895.83

Thank you for the opportunity to quote

Sales Tax (7.0%)	$2,771.53
Total	**$46,260.62**

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PROPOSAL

DATE	QUOTATION ...
10/9/2012	4608

NAME / ADDRESS
Orange County PO Box 8181 131 W. Margaret Lane Hillsborough, NC 27278

TERMS	REP	PROJECT
Due on receipt	DER	

QTY	ITEM	DESCRIPTION	COST	Total
		LEIGHTRONICS HEAD END		
1	UltraNexus	2 Channel Video Player with Internet Streaming Encoder	12,701.98	12,701.98T
2	LGX-1TBR-D	1 Terabyte USB RAID External Hard Disc Array (Rack Mountable) for Use with NEXUS, UltraNEXUS, UltraNEXUS-SDI, and EMINENCE-HD2	999.00	1,998.00T
1	DV-D01U	1-rackspace DVD Player w/RS-232 Control Port • Defeatable on-screen guide icons • HDMI Out • Optical out	558.99	558.99T
1	LGX-DVply	Interface cable for Tascam DV-DO1U	58.50	58.50T
1	Total Info	Video Content Service Annual Fee (Included free of Charge 1st year)	0.00	0.00T
1	W & C	Wire and connectors	250.00	250.00T
1	LABOR	Installation	1,926.67	1,926.67
1	LABOR	Training & Programming	1,341.21	1,341.21
1	SHIP/HAND	Shipping charges	250.00	250.00T
		Subtotal of above:		19,085.35

	Sales Tax (7.0%)
	Total

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PROPOSAL

DATE	QUOTATION ...
10/9/2012	4608

NAME / ADDRESS
Orange County PO Box 8181 131 W. Margaret Lane Hillsborough, NC 27278

TERMS	REP	PROJECT
Due on receipt	DER	

QTY	ITEM	DESCRIPTION	COST	Total
		OPTIONAL PROGRAMMING		
1	Total Info	Video Content Service Annual Fee	995.00	995.00T
		STREAMING ON DEMAND		
1	Peg Central	Streaming VOD Service Annual Fee	2,988.00	2,988.00T
		REMOTE RECORDER / TRANSFERRED TO ULTRANEXUS AS LIVE....with 2 minute delay		
1	PEGvaultSD	Digital Video Encoder (Requires 6-10 MBPS) This device would be installed at Hillsboro Commons to allow "near live" feed from there back to UltraNexus unit at Southern Human Services Head End. The PegVault has a 1 minute buffer and the UltraNexus has a 1 minute delay which combine in an effort to avoid transmission delays causing interruption of programming.	3,407.63	3,407.63T
1	LABOR	Installation and Programming	900.00	900.00

Sales Tax (7.0%)	$1,624.56
Total	**$29,000.54**

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ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 5-i

SUBJECT: Authorization and Issuance of Up to $20,000,000 in General Obligation Refunding Bonds

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Attachment 1. Resolution for the Sale of Up to $20,000,000 General Obligation Refunding Bonds
Attachment 2: Preliminary Refunding Bond Information

INFORMATION CONTACT:
Frank Clifton, (919) 245-2300
Clarence G. Grier, (919) 245-2453
Bob Jessup, Bond Counsel, (919) 933-9891

PURPOSE: To adopt a resolution authorizing the issuance of general obligation refunding bonds in the maximum amount of $20,000,000 to refinance existing County bonds.

BACKGROUND: This item represents a new round of bond refinancing designed to save the County money on debt service expenditures by taking advantage of low borrowing rates currently available to the County.

In 2011, the Board of County Commissioners authorized the issuance of up to $47,000,000 of the County's general obligation bonds to refund public improvement bonds previously issued in 2004 and 2005. Market conditions at the time enabled the County to refund a substantial amount, but not all, of those prior bonds. As interest rates have remained very low, it appears it is now possible for the County to refund more of the old bonds.

Current estimates show potential savings to the County through this refunding of over $850,000. The savings estimates will change as market conditions vary between now and when the refunding bonds are sold.

The attached resolution provides authorization from the Board for the County to proceed with the refunding bond sale. The attached resolution, as prepared by bond counsel, provides the following authorizations and approvals:

1. Formally authorizes the sale of up to $20,000,000 in refunding bonds;

2. Formally pledges the County's taxing power to provide for payment on the bonds;

3. Approves the proposed form of the bonds themselves;

4. Authorizes staff to prepare a formal disclosure document providing information on the County to prospective bond purchasers, in a form consistent with previous County disclosure documents of a similar nature;

5. States the County's agreement to comply with the relevant provisions of federal tax law and the rules for continuing disclosure to the securities markets; and

6. Authorizes County staff to complete the process of issuing the bonds.

FINANCIAL IMPACT: The financial impact of proceeding with the refunding is that the County will achieve savings of future debt service costs. The total amount of savings will be determined as the County moves closer to the issuance of the bonds.

RECOMMENDATION(S): The Manager recommends that the Board adopt the attached resolution for the sale of up to $20,000,000 of general obligation refunding bonds.

RES-2012-101 Attachment 1

Resolution for the Sale of Up to $20,000,000 of County General Obligation Refunding Bonds

WHEREAS --

In 2011 the Board of Commissioners authorized the issuance of up to $47,000,000 in County general obligation refunding bonds to refinance public improvement bonds that the County originally issued back in 2004 and 2005.

The County then issued $24,400,000 of those refunding bonds. The Board has now determined that the County should issue up to $20,000,000 of the remaining authorized but unissued refunding bonds to refinance more outstanding County bonds from 2004 and 2005.

This resolution provides for the issuance of these refunding bonds and takes related action, such as approving the form of the disclosure document that will be used in connection with the offering and sale of the bonds.

BE IT THEREFORE RESOLVED by the Board of Commissioners of Orange County, North Carolina, as follows:

1. Determination To Sell Refunding Bonds - The County will issue and sell up to $20,000,000 of the unissued refunding bonds (referred to as the "Bonds" or the "Refunding Bonds" in this resolution) for their authorized purpose.

2. Payment Provisions. The Bonds will bear interest at the rates determined by the Local Government Commission (the "LGC") at the time of its sale of the Bonds (currently scheduled for December 5). The principal of the Bonds will be payable in installments as the Finance Officer may determine after consultation with the LGC, provided that the Refunding Bonds must mature not later than April 1, 2024 (which is the current final maturity of the bonds being refunded).

3. Pledge of Faith, Credit and Taxing Power -- The County's full faith and credit are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the County will levy and collect an annual ad valorem tax, without restriction as to rate or amount, on all locally taxable property in the County sufficient to pay the principal of and interest on the Bonds as the same become due.

4. Approval of Official Statement for Offering - The Board directs the Finance Officer to prepare, in collaboration with the LGC staff and other County representatives, an official statement (the "Official Statement") relating to the Bonds

designed to provide appropriate information about the County and the financing to prospective investors in the Bonds.

The Official Statement must be in substantially the same form as that used on other recent County financings (such as the County's 2011 refunding bonds and its 2012 limited obligation bonds), with appropriate supplemental and updated information as approved by the Finance Officer. The Board ratifies the prior actions of the Finance Officer and other County representatives in preparing the Official Statement.

The Board acknowledges that it is the County's responsibility, and ultimately the Board's responsibility, to ensure that the Official Statement in its final form neither contains an untrue statement of a material fact nor omits to state a material fact required to be included therein for the purpose for which the Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading. By the adoption of this resolution, the Board members acknowledge and accept their own responsibility for causing the County to fulfill these responsibilities for the Official Statement.

The Board approves the LGC's distribution of the Official Statement to prospective purchasers of the Bonds. The County deems the Official Statement as distributed by the LGC to be a "final official statement" within the meaning of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended ("Rule 15c-12"), except for the omission of certain final bond pricing and other information that Rule 15c2-12 allows to be omitted.

5. Redemption Provisions -- The Finance Officer, upon advice from the LGC, is directed to determine the terms and conditions under which the Bonds will be subject to redemption prior to maturity, if at all. The Finance Officer must execute a certificate prior to the initial delivery of the Bonds designating redemption terms and conditions. This certificate will be conclusive evidence of the Finance Officer's approval and determination of these terms and conditions.

6. Form of Bonds; Payment Details -- The Refunding Bonds will be designated "General Obligation Refunding Bonds, Series 2012." The Bonds will be in substantially the form set out in Exhibit A. The Bonds will be dated the date of their initial issuance, will be in fully registered form, will be in denominations of $5,000 and integral multiples thereof, and will be numbered for identification from R-1 upward.

The Bonds must be signed by the manual or facsimile signature of the Board's Chairman or the County Manager, and the County's seal must be affixed to the Bonds (or a facsimile thereof printed thereon) and attested by the manual or facsimile signature of the Clerk to this Board or any Deputy or Assistant Clerk. No Bond will be valid unless at least one of the signatures appearing on the Bond (which may be the signature of the LGC's representative required by law) is manually applied or until the Bond has been

authenticated by the manual signature of an authorized officer or employee of a bond registrar selected by the Finance Officer.

Interest on each Bond will be payable semiannually (a) from its date, if it is authenticated prior to the first interest payment date, or (b) otherwise from the interest payment date that is, or immediately precedes, the date on which it is authenticated (unless payment of interest is in default, in which case such Bond will bear interest from the date to which interest has been paid). Principal and interest will be payable in lawful money of the United States of America.

The Finance Officer must execute a certificate prior to the initial delivery of the Bonds designating the final aggregate principal amount of the Bonds (up to the maximum authorized amount of $20,000,000), the final principal payment schedule and the interest payment dates for the Bonds. This certificate will be conclusive evidence of the Finance Officer's approval and determination of such matters.

7. Finance Officer as Registrar; Payments to Registered Owners -- The Finance Officer is appointed Registrar for the Bonds. As Registrar, the Finance Officer will maintain appropriate books and records of the ownership of the Bonds. The County will treat the registered owner of each Bond as the person exclusively entitled to payment of principal and interest and the exercise of all rights and powers of the owner, except that the County will make payments to the person shown as owner on the registration books at the end of the calendar day on the 15th day of the month (whether or not a business day) preceding each payment date.

8. Advertising Bonds for Sale -- The Finance Officer, in collaboration with the LGC, is directed to take all proper steps to advertise the Bonds for sale in accordance with standard LGC procedures, including through the use of a "Notice of Sale" document in the LGC's customary form and in substantially the same form as used for prior County bond sales. The Finance Officer is directed to review and approve a form of Notice of Sale as such officer may determine to be in the County's best interest.

9. LGC To Sell Bonds; Provision for Delayed Sale – (a) The County asks the LGC to sell the Bonds, to receive and evaluate bids and to award the Bonds on the basis of the best bid received.

(b) If market conditions at the time of the proposed sale of the Bonds do not allow the Bonds to be sold at interest rates and prices that make the refunding of all or any portion of the prior bonds economical, as determined by the Finance Officer, the Finance Officer is authorized to decline the sale of the Bonds, in whole or in part. The Finance Officer is further authorized to provide for additional attempts to sell the Bonds, or any portion of the Bonds, if such officer determines that market conditions have changed such that a successful sale of the Bonds (or any portion) may be possible. The Finance Officer may provide for one or more additional sales until March 31, 2013, without further advance approval from the Board. These additional sales may make use

of the previously-approved Official Statement, with the Finance Officer's approval, and may proceed pursuant to such advertisement for sale as the Finance Officer may approve.

10. Completing Official Statement after Sale – After bids have been received and the LGC has awarded the Bonds to the successful bidder, the Finance Officer is directed to prepare, in collaboration with the LGC, a final Official Statement within the meaning of Rule 15c2-12. The Finance Officer is authorized to approve the final form of the document as such a final official statement. The County, together with the LGC, will arrange for the delivery within seven business days of the date the Bonds are sold of a reasonable number of copies of the final Official Statement to the successful bidder on the Bonds for delivery to each potential investor requesting a copy of the final Official Statement and to each entity to which such bidder and members of the bidding group initially sell the Bonds.

11. County Officers To Complete Closing - After the sale of the Bonds, the Finance Officer and all other County officers and employees are authorized to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the purchaser upon payment for the Bonds, and to take all other proper steps to complete the issuance of the Bonds.

The Finance Officer is authorized to hold the executed Bonds, and any other documents authorized or permitted by this resolution, in escrow on the County's behalf until the conditions for the delivery of the Bonds and other documents have been completed to the Finance Officer's satisfaction, and then to release the executed Bonds and other documents for delivery to the appropriate persons or organizations.

Without limiting the generality of the foregoing, this authorization is specifically extended to authorize the Finance Officer (a) to approve and enter into agreements to carry out the refunding contemplated by this resolution, including agreements for the custody of Bond proceeds and agreements for appropriate professional services, and (b) to approve changes to any documents previously signed by County officers or employees, provided that the Bonds must be in substantially the form approved by this resolution and that any such changes must not substantially alter the intent of such documents from that expressed in the forms originally executed. The Finance Officer's authorization of the release of any document for delivery will constitute conclusive evidence of such officer's approval of any such changes.

In addition, the Finance Officer is authorized to take all appropriate steps for the efficient and convenient carrying out of the County's on-going responsibilities with respect to the Bonds. This authorization includes, without limitation, contracting with third parties for reports and calculations that may be required under the Bonds, this resolution or otherwise with respect to the Bonds.

12. Undertaking for Continuing Disclosure -- The County undertakes, for the benefit of the beneficial owners of the Bonds, to provide continuing disclosure with respect to the Bonds as described in Exhibit B.

The Board designates the Finance Officer as the County officer to be primarily responsible for the County's compliance with its undertakings for continuing disclosure provided for in this resolution. The Finance Officer will provide for the filings and reports (including the reports of material events) constituting the continuing disclosure provided for in this resolution.

13. Resolutions As To Tax Matters -- The County will not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds," within the meaning of Section 148 of the "Code" (as defined below), or "private activity bonds" within the meaning of Code Section 141, or otherwise cause interest on the Bonds to be includable in gross income for federal income tax purposes. Without limiting the generality of the foregoing, the County will comply with any Code provision that may require the County at any time to pay to the United States any part of the earnings derived from the investment of the proceeds of the Bonds, and the County will pay any such required rebate from its general funds. For this paragraph, "Code" means the United States Internal Revenue Code of 1986, as amended, including applicable Treasury regulations.

14. Book-Entry System for Bond Registration -- The Bonds will be issued by means of a book-entry system, with one bond certificate for each maturity immobilized at The Depository Trust Company, New York, New York ("DTC"), and not available for distribution to the public. The book-entry system for registration will operate as described in the Official Statement. Therefore, so long as the book-entry system of registration with DTC is in effect, (a) the County will pay principal and interest on the Bonds only to DTC or its nominee as registered owner of the Bonds, (b) the County will not be responsible or liable for any transfer of payments to parties other than DTC or for maintaining, supervising or reviewing the records maintained by DTC or any other person related to the Bonds, and (c) the County will not send redemption notices (or any other notices related to the Bonds) to anyone other than DTC or its nominee. The Board, by resolution, may elect to discontinue the County's book-entry system with DTC. The Finance Officer is authorized to enter into any agreements such officer deems appropriate to put into place and carry out the book-entry system with DTC.

15. Ratification of Professionals - The Board confirms the selection (a) of Robert M. Jessup Jr. of Sanford Holshouser LLP to serve as the County's bond counsel with respect to the Bonds, and (b) of Davenport & Co. LLC to serve as the County's financial advisor with respect to the refunding.

16. Call of Prior Bonds for Redemption - The Board directs the Finance Officer to make, on the County's behalf, an irrevocable call for redemption of such of the County's Public Improvement Bonds with Series designations 2004A, 2004B and 2005A

as the Finance Officer (after consultation with the LGC) deems beneficial to the County. The Finance Officer will make this call for redemption by the execution and delivery of an appropriate certificate in connection with the original delivery of the Bonds.

17. Finding as to Term of the Bonds – In accordance with Section 159-122 of the General Statutes, the Board finds and determines that the term of the Refunding Bonds will be the shortest period in which the debt to be refunded can be finally paid without making it unduly burdensome on the County's taxpayers, and will be within the remaining period of usefulness of the projects financed with the proceeds of the prior bonds.

18. Miscellaneous Provisions -- All County officers and employees are authorized to take all such further action as they may consider necessary or desirable in connection with the furtherance of the purposes of this resolution. All such prior actions of County officers and employees are ratified. Upon the absence, unavailability or refusal to act of the Chairman, the County Manager or the Finance Officer, any of such officers may assume any responsibility or carry out any function assigned to another officer in this resolution. In addition, upon the unavailability of the Chairman or the Clerk, respectively, any of the rights or responsibilities directed to such officers may be carried out or exercised by the Vice Chairman or any Deputy or Assistant Clerk. All other resolutions, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

EXHIBIT A - Form of Bonds

REGISTERED **REGISTERED**

Number R-X

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA

ORANGE COUNTY

General Obligation Refunding Bond, Series 2012

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
_____ %	April 1, ____	December 20, 2012	684 609 XXX

REGISTERED OWNER:***CEDE & CO.*****

PRINCIPAL AMOUNT: ** _____ THOUSAND DOLLARS**
($_____,000)***

ORANGE COUNTY, NORTH CAROLINA (the "County"), for value received, promises to pay to the registered owner of this Bond, or registered assigns or legal representative, the principal amount stated above on the maturity date stated above, subject to prior redemption as described herein, and to pay interest on this Bond semiannually on each April 1 and October 1, beginning April 1, 2013, at the annual rate stated above. Interest is payable (a) from the dated date stated above, if this Bond is authenticated prior to April 1, 2013, or (b) otherwise from the April 1 or October 1 that is, or immediately precedes, the date on which this Bond is authenticated (unless payment of interest on this Bond is in default, in which case this Bond will bear interest from the date to which interest has been paid). Principal and interest are payable in lawful money of the United States of America.

This Bond is one of an issue of the County's $20,000,000 General Obligation Refunding Bonds, Series 2012 (the "Bonds"), of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity. The Bonds are issued pursuant to a resolution adopted by the County's governing Board of Commissioners on November 20, 2012, and the Constitution and laws of the State of North Carolina, including the Local Government Bond Act.

The County's full faith and credit are pledged for the payment of principal of and interest on this Bond.

The Bonds are issued by means of a book-entry system, with one bond certificate for each maturity immobilized at The Depository Trust Company, New York, New York ("DTC"), and not available for distribution to the public. Transfer of beneficial ownership interests in the Bonds in the principal amount of $5,000 or any integral multiple thereof will be effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Principal and interest on the Bonds are payable by the County to DTC or its nominee as registered owner of the Bonds. The County is not responsible or liable for such transfer of ownership or payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

Bonds maturing prior to April 1, 2022, are not subject to redemption prior to maturity. Bonds maturing on April 1, 2023, and thereafter are redeemable, at the County's option, from any moneys that may be made available for such purpose, in whole or in part on any date not earlier than April 1, 2022, at a redemption price of 100% of the principal amount to be redeemed, plus interest accrued to the redemption date, without premium.

If less than all of the Bonds stated to mature on different dates are called for redemption, the Bonds to be redeemed will be selected in such manner as the County may determine. If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed will be selected by lot in such manner as the County in its discretion may determine; provided, however, that the portion of each Bond to be redeemed will be in the principal amount of $5,000 or some integral multiple thereof, and that, in selecting Bonds for redemption, each Bond will be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by $5,000. Notwithstanding the foregoing, so long as a book-entry system with DTC is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC and its participants will determine which of the Bonds within any such maturity are to be redeemed. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

The County will send notice of redemption to DTC or its nominee as the registered owner of the Bonds in such manner as may be provided for under DTC’s then-current operating procedures. The County will send this notice not more than 60 days and not less than 30 days prior to the date fixed for redemption. The County is not responsible for sending redemption notices to anyone other than DTC or its nominee.

If (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the County so elects, the County will discontinue the book-entry system with DTC. If the County does not identify another qualified securities depository to replace DTC, the County will deliver replacement Bonds in the form of fully-registered certificates.

The County Finance Officer has been appointed Registrar for the Bonds. As Registrar, the Finance Officer will maintain appropriate books and records indicating ownership of the Bonds. The County will treat the registered owner of this Bond as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner, except that payments will be made to the person shown as owner on the County's registration books at the end of the calendar day on the 15th day of the month (whether or not a business day) preceding each payment date.

The County intends that North Carolina law will govern the interpretation of the terms of the Bonds.

All acts, conditions and things required by the Constitution and laws of the State of North Carolina to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed, and the issue of Bonds of which this Bond is one, together will all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the State of North Carolina.

IN WITNESS WHEREOF, Orange County, North Carolina, has caused this Bond to signed by its County Manager, its seal to be affixed hereto and attested by the Clerk to its Board of Commissioners, and this Bond to be dated December 20, 2012.

(SEAL)

ATTEST:

[Sample only - do not sign]	*[Sample only - do not sign]*
Clerk, Board of Commissioners	County Manager
Orange County, North Carolina	Orange County, North Carolina

The Bonds have been approved by the North Carolina
Local Government Commission in accordance with the
Local Government Bond Act.

[Sample only - do not sign]
T. Vance Holloman
Secretary, Local Government Commission

[Orange County, North Carolina
$20,000,000 General Obligation Refunding Bonds, Series 2012]

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s) unto

_____

(Please print or type transferee's name and address, including zip code)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OR TRANSFEREE:

the within bond and all rights thereunder, hereby irrevocably constituting and appointing _____, Attorney, to transfer said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____ NOTICE: Signature(s) must be guaranteed by a participant in the Securities Transfer Agent Medallion Program ("STAMP") or similar program	_____ (Signature of Registered Owner) NOTICE: The signature above must correspond with the name of the registered owner as it appears on the front of this bond in every particular without alteration or enlargement or any change whatsoever.

[Orange County, North Carolina
$20,000,000 General Obligation Refunding Bonds, Series 2012]

Exhibit B -- Undertaking for Continuing Disclosure

The County undertakes, for the benefit of the beneficial owners of the Bonds, to provide the following items and information to the Municipal Securities Rulemaking Board (the "MSRB"):

(a) by not later than seven months from the end of each of the County's fiscal years, audited County financial statements for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements are not available by seven months from the end of any fiscal year, unaudited County financial statements for such fiscal year, to be replaced subsequently by audited County financial statements to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each of the County's fiscal years, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year (which data will be prepared at least annually, will specify the date as to which such information was prepared and will be delivered with any subsequent material events notices specified in subparagraph (c) below) for the type of information included under heading "The County - Debt Information" and "- Tax Information" in the final Official Statement (excluding any information on overlapping or underlying units), and (ii) the combined budget of the County for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, not in excess of ten business days after the occurrence of the event notice of any of the following events with respect to the Bonds:

(1) principal and interest payment delinquencies;

(2) non-payment related defaults;

(3) unscheduled draws on debt service reserves reflecting financial difficulties;

(4) unscheduled draws on any credit enhancements reflecting financial difficulties;

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the 2010 Bonds, or other material events affecting the tax status of the Bonds;

(7) modifications to rights of the beneficial owners of the Bonds, if material;

(8) calls for redemption of the Bonds (other than calls pursuant to sinking fund redemption), if material, and tender offers;

(9) defeasances;

(10) release, substitution or sale of any property securing repayment of the Bonds; and

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar proceedings related to the County or any other person or entity that may at any time become legally obligated to make payments on the Bonds (collectively, the "Obligated Persons");

(13) the consummation of a merger, consolidation, or acquisition involving an Obligated Person or the sale of all or substantially all of the assets of the Obligated Person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(14) Appointment of a successor or additional trustee or the change of name of a trustee, if material; and

(d) in a timely manner, notice of a failure of the County to provide required annual financial information described in (a) or (b) above on or before the date specified.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occurs: the appointment of a receiver, fiscal agent or similar officer for an Obligated Person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Obligated Person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Obligated Person.

If the County fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking will not be an event of default and will not result in any acceleration of payment of the Bonds. All actions will

be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The County shall provide the documents and other information referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The County may discharge its undertaking as set forth in this resolution by providing such information in any manner that the United States Securities and Exchange Commission subsequently authorizes in lieu of the manner described above.

The County reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the County's judgment, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the County;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 as of the date of the final Official Statement, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the County or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of the bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the effect of the change in the type of operating data or financial information being provided.

SOURCES AND USES OF FUNDS

Orange County, North Carolina
Refunding of General Obligation Bonds
Market Rates as of October 24, 2012 ~ Subject to Change

Dated Date	01/16/2013
Delivery Date	01/16/2013

Sources:	Refunding of the 2004A Bonds	Refunding of the 2004B Bonds	Refunding of the 2005A Bonds	Total
Bond Proceeds:				
Par Amount	155,000.00	771,000.00	12,395,000.00	13,321,000.00
Premium	4,727.06	23,525.28	1,622,516.35	1,650,768.69
	159,727.06	794,525.28	14,017,516.35	14,971,768.69
Other Sources of Funds:				
Budgeted Interest	3,187.50	15,000.00	264,878.13	283,065.63
	162,914.56	809,525.28	14,282,394.48	15,254,834.32

Uses:	Refunding of the 2004A Bonds	Refunding of the 2004B Bonds	Refunding of the 2005A Bonds	Total
Refunding Escrow Deposits:				
Cash Deposit	0.79	0.02	0.35	1.16
SLGS Purchases	159,256.00	793,474.00	14,021,255.00	14,973,985.00
	159,256.79	793,474.02	14,021,255.35	14,973,986.16
Delivery Date Expenses:				
Cost of Issuance	2,327.15	11,575.71	186,097.14	200,000.00
Underwriter's Discount	930.00	4,626.00	74,370.00	79,926.00
	3,257.15	16,201.71	260,467.14	279,926.00
Other Uses of Funds:				
Additional Proceeds	400.62	-150.45	671.99	922.16
	162,914.56	809,525.28	14,282,394.48	15,254,834.32

Notes:
This analysis makes general assumptions which will need to be confirmed with the County:
~Assumes the County elects to make a contribution, at closing, in the amount of the budgeted interest.
~Assumes the escrow is invested in SLG securities.

BOND SUMMARY STATISTICS

Orange County, North Carolina
Refunding of General Obligation Bonds
Market Rates as of October 24, 2012 ~ Subject to Change

Dated Date	01/16/2013
Delivery Date	01/16/2013
Last Maturity	04/01/2024
Arbitrage Yield	1.792262%
True Interest Cost (TIC)	1.913478%
Net Interest Cost (NIC)	2.068114%
All-In TIC	2.107656%
Average Coupon	3.565078%
Average Life (years)	7.877
Duration of Issue (years)	7.043
Par Amount	13,321,000.00
Bond Proceeds	14,971,768.69
Total Interest	3,741,022.50
Net Interest	2,170,179.81
Total Debt Service	17,062,022.50
Maximum Annual Debt Service	4,154,720.00
Average Annual Debt Service	1,522,262.23
Underwriter's Fees (per $1000)	
Average Takedown	
Other Fee	6.000000
Total Underwriter's Discount	6.000000
Bid Price	111.792228

Bond Component	Par Value	Price	Average Coupon	Average Life	PV of 1 bp change
Serial Bond	13,321,000.00	112.392	3.565%	7.877	10,095.26
	13,321,000.00			7.877	10,095.26

	TIC	All-In TIC	Arbitrage Yield
Par Value	13,321,000.00	13,321,000.00	13,321,000.00
+ Accrued Interest			
+ Premium (Discount)	1,650,768.69	1,650,768.69	1,650,768.69
- Underwriter's Discount	-79,926.00	-79,926.00	
- Cost of Issuance Expense		-200,000.00	
- Other Amounts			
Target Value	14,891,842.69	14,691,842.69	14,971,768.69
Target Date	01/16/2013	01/16/2013	01/16/2013
Yield	1.913478%	2.107656%	1.792262%

BOND DEBT SERVICE

Orange County, North Carolina
Refunding of General Obligation Bonds
Market Rates as of October 24, 2012 ~ Subject to Change

Dated Date	01/16/2013
Delivery Date	01/16/2013

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
10/01/2013			308,422.50	308,422.50	
04/01/2014	11,000	2.000%	217,710.00	228,710.00	
06/30/2014					537,132.50
10/01/2014			217,600.00	217,600.00	
04/01/2015	915,000	2.000%	217,600.00	1,132,600.00	
06/30/2015					1,350,200.00
10/01/2015			208,450.00	208,450.00	
04/01/2016	992,000	2.000%	208,450.00	1,200,450.00	
06/30/2016					1,408,900.00
10/01/2016			198,530.00	198,530.00	
04/01/2017	971,000	2.000%	198,530.00	1,169,530.00	
06/30/2017					1,368,060.00
10/01/2017			188,820.00	188,820.00	
04/01/2018			188,820.00	188,820.00	
06/30/2018					377,640.00
10/01/2018			188,820.00	188,820.00	
04/01/2019	1,541,000	3.000%	188,820.00	1,729,820.00	
06/30/2019					1,918,640.00
10/01/2019			165,705.00	165,705.00	
04/01/2020	2,423,000	3.000%	165,705.00	2,588,705.00	
06/30/2020					2,754,410.00
10/01/2020			129,360.00	129,360.00	
04/01/2021			129,360.00	129,360.00	
06/30/2021					258,720.00
10/01/2021			129,360.00	129,360.00	
04/01/2022			129,360.00	129,360.00	
06/30/2022					258,720.00
10/01/2022			129,360.00	129,360.00	
04/01/2023	3,896,000	4.000%	129,360.00	4,025,360.00	
06/30/2023					4,154,720.00
10/01/2023			51,440.00	51,440.00	
04/01/2024	2,572,000	4.000%	51,440.00	2,623,440.00	
06/30/2024					2,674,880.00
	13,321,000		3,741,022.50	17,062,022.50	17,062,022.50

SUMMARY OF REFUNDING RESULTS

Orange County, North Carolina
Refunding of General Obligation Bonds
Market Rates as of October 24, 2012 ~ Subject to Change

Dated Date	01/16/2013
Delivery Date	01/16/2013
Arbitrage yield	1.792262%
Escrow yield	0.293224%
Bond Par Amount	13,321,000.00
True Interest Cost	1.913478%
Net Interest Cost	2.068114%
Average Coupon	3.565078%
Average Life	7.877
Par amount of refunded bonds	13,685,000.00
Average coupon of refunded bonds	4.121614%
Average life of refunded bonds	7.902
PV of prior debt to 01/16/2013 @ 1.792262%	16,173,026.27
Net PV Savings	872,415.23
Percentage savings of refunded bonds	6.374974%

SAVINGS

Orange County, North Carolina
Refunding of General Obligation Bonds
Market Rates as of October 24, 2012 ~ Subject to Change

Date	Prior Debt Service	Prior Receipts	Prior Net Cash Flow	Refunding Debt Service	Savings	Present Value to 01/16/2013 @ 1.7922616%
06/30/2013	283,065.63	283,065.63				-996.31
06/30/2014	566,131.26		566,131.26	537,132.50	28,998.76	28,264.35
06/30/2015	1,466,131.26		1,466,131.26	1,350,200.00	115,931.26	114,697.51
06/30/2016	1,529,756.26		1,529,756.26	1,408,900.00	120,856.26	114,609.61
06/30/2017	1,489,756.26		1,489,756.26	1,368,060.00	121,696.26	113,278.23
06/30/2018	439,756.26		439,756.26	377,640.00	62,116.26	56,857.45
06/30/2019	2,039,756.26		2,039,756.26	1,918,640.00	121,116.26	108,665.27
06/30/2020	2,875,756.26		2,875,756.26	2,754,410.00	121,346.26	106,875.81
06/30/2021	275,756.26		275,756.26	258,720.00	17,036.26	14,781.19
06/30/2022	275,756.26		275,756.26	258,720.00	17,036.26	14,519.79
06/30/2023	4,275,756.26		4,275,756.26	4,154,720.00	121,036.26	100,944.97
06/30/2024	2,795,756.26		2,795,756.26	2,674,880.00	120,876.26	98,995.20
	18,313,134.49	283,065.63	18,030,068.86	17,062,022.50	968,046.36	871,493.06

Savings Summary

PV of savings from cash flow	871,493.06
Plus: Refunding funds on hand	922.16
Net PV Savings	872,415.22

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 5-j

SUBJECT: Proposed Land Donation by Dennis and Linda Brooks

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

PUBLIC HEARING: (Y/N) No

ATTACHMENT
Location Map

INFORMATION CONTACT:
David Stancil, 245-2510
Rich Shaw, 245-2514
John Roberts, 245-2318

PURPOSE: To consider accepting the donation of a 1.07-acre parcel in Cheeks Township from Dennis and Linda Brooks for open space and recreation purposes.

BACKGROUND: In March 2012 Orange County accepted a permanent conservation easement on farmland owned by Dennis and Linda Brooks. The Brooks farm is located south of Ben Johnston Road and west of Hillsborough (Cheeks Township).

The conservation easement excludes a small portion of the property that was severed from the farm by the construction of Interstate 85 several decades ago. The 1.07-acre parcel is shown on the attached map.

The Brooks intend to donate this property to Orange County for open space and recreation purposes. The property is located in the critical area of Upper Eno Protected Watershed, a priority watershed for land conservation. The land is entirely forested and includes a section of a stream (Rocky Run) that flows under the interstate highway and drains to the Eno River and Lake Ben Johnston, a drinking water intake for the Town of Hillsborough. The land is also within the proposed NC Mountains-to-Sea Trail planning corridor, and this parcel might be suitable for the planned trail.

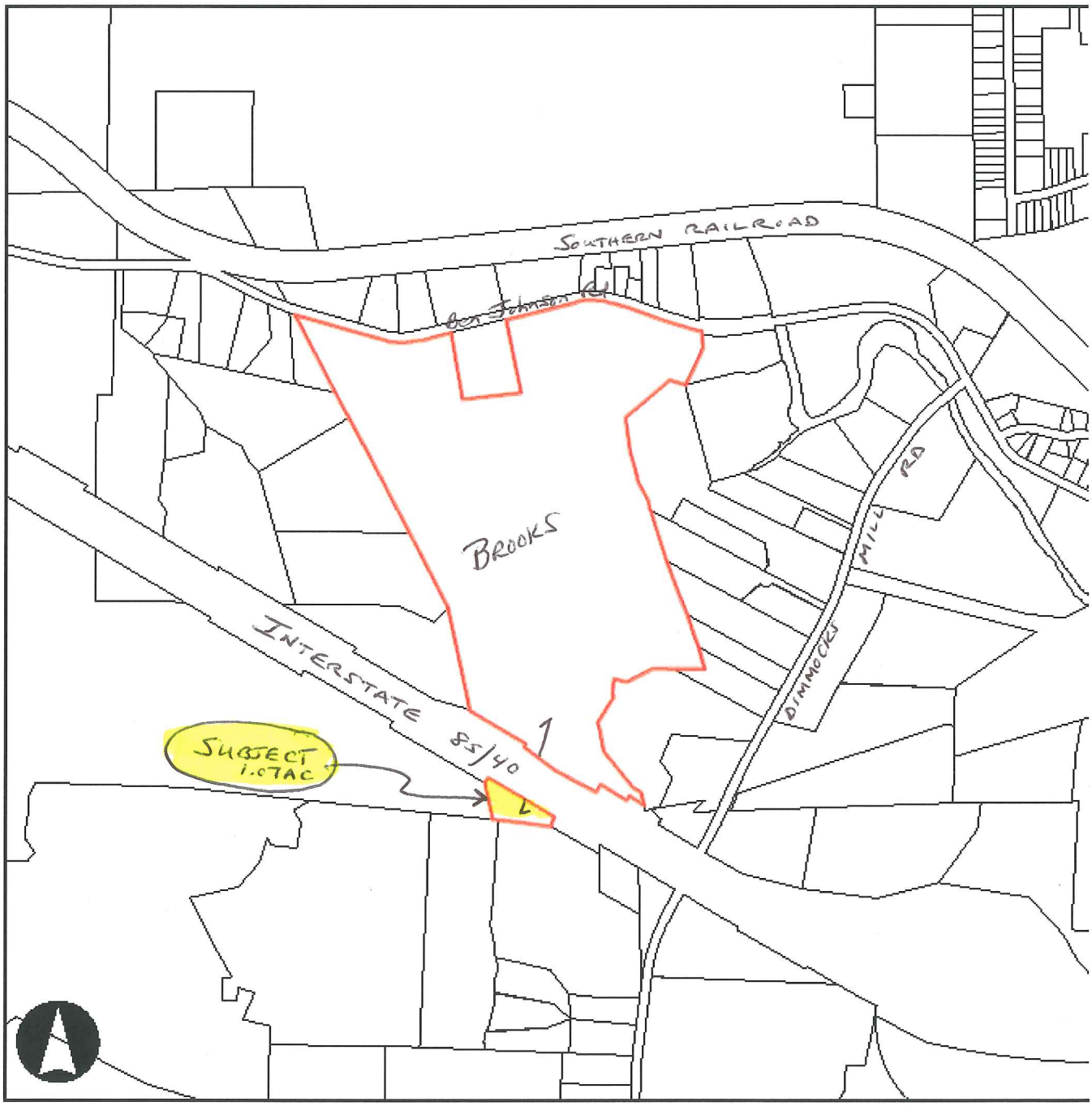
FINANCIAL IMPACT: The anticipated County cost to acquire the property is approximately $2,000 for transaction/closing costs. County funds for this transaction would come from the Lands Legacy Fund. Existing staff and resources would be used to monitor and manage the property as part of its normal duties and responsibilities for stewardship of the nearby County-owned Seven Mile Creek Preserve.

The subject property is enrolled in the Present Use Value taxation program, so the land donation would not significantly lessen the amount of property taxes paid to the County.

RECOMMENDATION(S): The Manager recommends that the Board approve of this land donation and authorize DEAPR staff to work with Dennis and Linda Brooks and the County Attorney to prepare a deed for the transfer of the subject property to Orange County.

Orange County, NC GIS

Brooks land donation (1.07 acre)



1 inch = 1000 feet
Created on 11/13/2012. Orange County, North Carolina.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda
Item No. 5-k

SUBJECT: Terradotta, LLC Lease Renewal – 501 W. Franklin Street; Suites 105 and 106

DEPARTMENT: County Attorney,
Asset Management Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Lease Renewals

INFORMATION CONTACT:
John Roberts, 919-245-2318
Jeff Thompson, 919-245-2658

PURPOSE: To consider renewing a lease with Terradotta, LLC for Suites 105 and 106 at 501 West Franklin Street through December 2, 2013.

BACKGROUND: Terradotta, LLC, a software consulting firm, has leased Suite 105 at 501 W. Franklin Street since December 2, 2002 and Suite 106 since January, 2010. The tenant wishes to renew the leases for one additional year.

All terms and conditions of the original lease will continue with the exception of the term, which would be effective December 3, 2012 through December 2, 2013, and the lease rate, which would increase by 3%.

FINANCIAL IMPACT: The County would receive a total of $17,160 for rental of the two suites – $10,728 for Suite 105 and $6,432 for Suite 106. The lease rate is approximately $11.65 per square foot.

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

- Approve the lease renewals as presented for Terradotta, LLC for the term December 3, 2012 through December 2, 2013 at the following lease rates:
    - Suite 105 – $10,728 per year
    - Suite 106 – $ 6,432 per year; and
- Authorize the Chair to sign lease renewal documents on behalf of the Board.

STATE OF NORTH CAROLINA

COUNTY OF ORANGE LEASE AGREEMENT RENEWAL

THIS LEASE AGREEMENT RENEWAL made on the 20th day of November, 2012 by and between Terradotta, LLC., 501 West Franklin Street, Bentley Building Suite 105, Chapel Hill, North Carolina, hereinafter referred to as "Tenant" and Orange County, a politic subdivision of the State of North Carolina, Post Office Box 8181, Hillsborough, North Carolina, hereinafter referred to as "County".

WITNESSETH:

WHEREAS, a lease agreement was made and entered into as of the 2nd day of December, 2002, a copy of which is attached as Exhibit A, between the County and Tenant;

WHEREAS, County and Tenant desire to renew the lease agreement to the following:

1. Section 3 of Exhibit A shall be modified to read:
    a. This lease renewal shall commence on December 3, 2012 and shall continue for a term of one year, which ends on December 2, 2013, both dates inclusive, unless sooner terminated as herein provided.

    c. The Tenant agrees to pay the County without demand at its office, or at such other place or places as County may from time to time designate in writing, the sum of $894 per month ($10,728 per annum).

2. All other terms and conditions of Exhibit A shall remain the same.

This the _____ day of _____, 2012.

Terra Dotta, LLC
By:_____

Witness:
_____

Orange County
By:_____
Chair
Board of County Commissioners

Attest:
_____
Donna S. Baker, Clerk to the Board

NORTH CAROLINA

ORANGE COUNTY

I, _____, a Notary Public for said County and State,

certify that _____ personally came before me this day and acknowledged that she is Clerk to the Board of Commissioners of Orange County, and that by authority duly given and as the act of Orange County, the foregoing instrument was signed in its name by _____, Chair, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the _____ day of _____, 2012.

_____
Notary Public

My commission expires: _____

NORTH CAROLINA

ORANGE COUNTY

I, _____, a Notary Public for said County and State,

certify that _____ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 2012.

_____
Notary Public

My commission expires: _____

EXHIBIT A

COPY #
DIST: BOCC

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

LEASE

THIS LEASE, made and entered into as of the 2nd day of December, 2002, by and between The County of Orange, hereinafter referred to as "County," and Terra Dotta LLC., hereinafter referred to as "Tenant;"

WITNESSETH:

THAT FOR and in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do hereby agree as follows:

1. Premises. County does hereby lease and let unto Tenant and Tenant does hereby accept as Tenant those certain premises designated as Suite #105 of the Bentley Building, 501 Franklin Street, Chapel Hill, Orange County, North Carolina, as more particularly shown on EXHIBIT A appended hereto. In addition to the premises assigned adjacent to the Bentley Building in common with other tenants of the Building. The Bentley Building is a smoke free building and does not permit tobacco use inside of the building.

2. Acceptance of Premises. The Tenant represents that the lease property, the sidewalks and structures adjoining the same, any subsurface conditions thereof, and the present uses and non-uses thereof have been examined by the Tenant. The Tenant accepts the same in the condition in which they now are without representation or warranty, express or implied, in fact or by law, by the County, the nature, condition or usability thereof, or the uses to which the leased property may be put. Provided, County shall be responsible for insuring that the heating/air-conditioning system is in good operating condition; the exterior walls and roof, the lighting system (excluding such additions as may be required for Tenant's particular business operation) and the parking area and sidewalks are in good repair on the date of commencement of the lease term. County represents and warrants to Tenant that it holds unencumbered fee title to the lease premises. The County shall not be responsible for any latent defect or change of condition in such building, improvements and personality, and the rent hereunder shall in no case be withheld or diminished on account of any defect in such property, any change in the condition thereof, any damage occurring thereto or the existence with respect thereof of any violations of the laws or regulations of any governmental authority, except as hereinafter provided.

3. Term and Rental.

(a) This lease shall commence on December 3, 2002 and shall continue for a term of One (1) year, which ends on December 2, 2003, both dates inclusive, unless sooner terminated as herein provided.

(b) Tenant shall deliver to County a deposit in the amount of $650, which is the equivalent to one-month rent. Deposit shall be held as a security deposit against claims for damages. This money may be deposited for the exclusive use of Orange

County and will be returned to the tenant at the end of the lease within 30 days providing that there has been no damage to the leased premises.

(c) The Tenant agrees to pay the County without demand at its office, or at such other place or places as County may from time to time designate in writing, the sum of $650 per month ($7,800 per annum),

(d) The extension of time for the payment of any installment of rent, or the acceptance by the County of any money other than of the kind herein specified, shall not be a waiver of the right of the County to insist on having all other payments of rent made in the manner and at the time herein specified.

(e) If any installment of rent is not received by the fifth (5th) day of any month it is due, Tenant shall pay as additional rent a late payment fee of Fifty Dollars ($50.00). This additional rent shall be due immediately without demand therefore and shall be added to and paid as a part of the installment payment of rent with respect to which it is incurred.

4. Holdover . If the Tenant shall remain in possession of the leased property after the expiration of the original or renewal period as set out above, such possession shall be as a month-to-month tenant. During such month-to-month tenancy, rent shall be payable at the same rate plus 50% as that in effect during the last month of the term immediately preceding, and the provisions of this lease shall be applicable.

5. Insurance. The County shall keep in force insurance to provide for property damage to the building for replacement cost purposes. Provided, however, Tenant shall be responsible for and pay to County any increase in County's insurance premium occasioned by the nature of the Tenant's business.

The Tenant shall maintain fire and casualty insurance covering the Tenant's fixtures, equipment and other property located in the demised premises.

Tenant shall keep the leased property insured, at its sole cost and expense, against claims for personal injury or property damage under a policy of general public liability insurance, with limits of at least $1,000,000 for bodily injury and $100,000 for property damage. Such policies shall name the County as additional named insured under the policy.

The Tenant shall provide the County certificates of such insurance at or prior to the commencement of the term of this lease, and thereafter within ten (10) days prior to the expiration of such policies. Such policies shall provide that the same may not be canceled without at least ten-(10) days prior written notice to County.

6. Rental Adjustment. In addition to the base rental, the Tenant shall assume and pay any additional fire insurance premium, hazard insurance premium, or other extended coverage insurance premium required as a result of any particular operation

or use of said premises over and above the insurance premium required to be paid by County in the absence of said operation or use.

7. Signs. The County will place and maintain in and about the leased property at appropriately designated places, such neat and appropriate signs advertising the Tenant as such. Any special Tenant sign will be at the sole cost of the tenant but in the same styling, provided, however, that County shall not unreasonably withhold approval of such signs as Tenant may desire. Upon the termination of this lease the Tenant shall remove all signs and repair any damage to the leased property caused by the erection, maintenance or removal of such signs.

8. Repairs. The County shall maintain the roof and exterior walls of the demised property including exterior paint, provided that in the event Tenant desires to alter the interior color scheme, said alteration must be approved by County and shall be at the Tenant's expense. In addition, County shall maintain the paved parking area and front entry to the building. The Tenant shall not cause or permit any waste, damage or injury to the leased property. The Tenant, at its sole expense, shall keep the leased property as clean and in good condition (reasonable wear and tear excepted), and shall make all repairs, replacements and renewals, whether ordinary or extraordinary, seen or unforeseen, including all structural repairs, necessary to maintain the interior of the leased property. All repairs, replacements and renewals shall be at least equal in quality of materials and workmanship to that originally existing in the leased property. The County shall be responsible for repairs and maintenance of the roof and outside walls and other structural member, including the foundation of the leased premises. The County shall be responsible for maintenance of the heating plant and air-conditioning systems in such condition as existed at the commencement of this lease, which County warrants to be in good working condition as of the date of this lease. The County shall be responsible for the removal of snow (in a timely manner) from the parking lot and the walkways. The County shall in no event be required to make any repair, alteration or improvement to the interior of the leased property. Any equipment replaced by the Tenant shall belong to the Tenant, save equipment replaced in connection with Tenant's obligation to maintain the premises in the same condition as exists at the commencement of this lease, and all proceeds from the disposition thereof may be retained by the Tenant. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, suits, fines, penalties, claims and demands including responsible counsel fees, because of Tenant's failure to comply with the foregoing. Maintenance of the paved parking area shall be defined as and limited to maintaining and keeping the parking area in good condition with a hardtop surface pavement and proper striping.

9. Improvements. No substantial alteration, addition or improvement to the leased property shall be made by the Tenant without the written consent of the County. Any alteration, addition or improvement made by the Tenant after such consent shall have been given and any fixtures permanently installed as part thereof, shall at the County's option, become the property of the County upon expiration of or other sooner termination of this lease; provided however, that the County shall have the right to

require the Tenant to remove such fixtures at the Tenant's cost upon such termination. This clause shall not preclude Tenant from decorating the interior of the leased premises from time to time in Tenant's discretion.

10. Liens for Improvements by Tenant. The Tenant shall not permit any mechanic's lien to be filed against the fee of the property by reason of work, labor, services or materials supplied or claimed to have been supplied, whether prior or subsequent to the commencement of the term hereof, to the Tenant or anyone holding the leased property, through or under the Tenant. If any such mechanic's lien shall at any time be filed against the leased property, the Tenant shall, within 30 days after notice of the filing thereof, cause such lien to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction, or otherwise. If the Tenant shall fail to cause such lien to be discharged within such 30 day period, then, in addition to any other right or remedy of the County, the County may, but shall not be obligated to, discharge such lien either by paying the amount claimed to be due or by procuring the discharge of such lien by deposit or by bonding proceedings, and in any such event the County shall be entitled, if the County so elects, to compel the prosecution of an action for the foreclosure of such mechanic's lien by the lienor and to pay the amount of the judgment for and in favor of the lienor, with interest, costs and all other allowances. Any amount paid by the County for any such purposes, with interest thereon at the rate of 6% per annum from the date of payment, shall be repaid by the Tenant to the County on demand, and if unpaid may be treated as additional rent as provided for elsewhere in this lease. Nothing in this lease shall be construed in any way as constituting the consent or request of the County, express or implied, by inference or otherwise, to any contractor, subcontractor, laborer or materialmen for the performance of any labor or the furnishing of any materials for any property or as giving the Tenant the right, power of authority to contract for or permit the rendering of any service or the furnishing of any material that would give rise to the filing of any mechanic's lien against the fee of the leased property.

11: Tenant's Warranty of Non-Disturbance. Tenant hereby expressly covenants and agrees that the Tenant shall be responsible for controlling the noise level emanating from the Tenant's use of the demised premises in such a way that other occupants of the building of which the demised premises are a part shall not be disturbed. Tenant shall be responsible for and pay for the installation of any special padding for other noise suppression devices that may be required for control of the level of sound emanating from the demised premises.

12. Tenants Obligation to Comply Applicable Laws and Compliance with Requirements of Insurance Policies. The Tenant shall throughout the term of this lease, at its sole expense, promptly comply with all laws and regulations of all federal, state and municipal governments and appropriate departments, commissions, boards and officers thereof, and the orders and regulations of the National Board of Fire Underwriters, or any other body now or hereafter exercising similar function, which may be applicable to the leased property, the fixtures, and equipment therein, and the sidewalks and curbs adjoining the leased property. The Tenant shall comply with the

requirements of all policies of public liability, fire and all other types of insurance at any time in force with respect to the building and other improvements on the leased property.

13. Utilities. The Tenant shall pay charges for gas, electricity, light and power used, rendered or supplied upon or in connection with the leased property. The County shall be responsible for the payment of all charges related to the supply of water to the leased property.

14. Condition of Premises. The Tenant shall, during the term of this lease and any renewal or extension hereof, at its sole expense, cause the leased property to by kept clean and in a manner satisfactory to the County.

15. Surrender in Same Good Order and Condition. The Tenant shall vacate the leased property in the good order and repair in which such property now is, ordinary wear and excepted, and shall remove all its property therefrom so that the County can repossess the leased property no later than Noon on the day upon which this lease ends, whether upon notice or by holdover or otherwise. The County shall have the same rights to enforce this covenant by ejectment and for damages or otherwise as for the breach of any other condition or covenant of this lease. Tenant may at any time prior to or upon the termination of this lease or any renewal or extension thereof remove from the leased property all materials, equipment, and property of every other sort or nature installed by the Tenant thereon, provided that such property is removed without substantial injury to the leased property. No injury shall be considered substantial if it is promptly corrected by restoration to the condition prior to the installation of such property, if so requested by the County. Any such property not removed shall become the property of the County.

16. Prohibition Against Unlawful or Extrahazardous Use-Enforcement Against Subtenants. The Tenant may use and occupy the leased property for general office uses and for no other purpose without the prior written consent of County. Tenant shall not use or occupy nor permit the leased property or any part thereof to be used or occupied for any unlawful business, use or purpose, nor for any business, use , or purpose deemed extrahazardous, nor for any purpose or in any manner which is in violation of any present or future governmental laws or regulations. The Tenant shall promptly after the discovery of any such unlawful or extrahazardous use take all necessary steps, legal and equitable, to compel the discontinuance of such use and to oust and remove any subtenants, occupants, or other persons guilty of such unlawful or extrahazardous use. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, injunctions, suits, fines, penalties, claims and demands, including reasonable counsel fees, arising out of any violation of or default in these covenants.

17. County's Right to Cause Expiration upon Listed Defaults

A. The occurrence of any of the following shall constitute an event of default:

1. Delinquency in the due and punctual payment of any rent or additional rent payable under this lease when such rent shall become payable, for a period of five days after the due date.

2. Delinquency by the Tenant in the performance of or compliance with any of the conditions contained in this lease other than those referred to in the foregoing subparagraph 1, for a period of 30 days after written notice thereof from the County to the Tenant, except for any default not susceptible of being cured within such 30-day period, in which event the time permitted to the Tenant to cure such default shall be extended for as long as shall be necessary to cure such default, provided the Tenant commences promptly and proceeds diligently to cure such default, and provided further that such period of time shall not be so extended as to jeopardize the interest of the County in this lease or so as to subject the County to any civil or criminal liabilities.

3. Filing by the Tenant in any court pursuant to any statute, either of the United States or any state, or a petition in bankruptcy or insolvency or for reorganization, or for the appointment of a receiver or trustee of all or a portion of the Tenant's property, or an assignment by the Tenant for the benefit of creditors.

4. Filing against the Tenant in any court pursuant to any statute, either of the United States or of any state, of a petition in bankruptcy or insolvency, or for reorganization, or for appointment of a receiver or trustee of all or a portion of the Tenant's property, if within 180 days after the commencement of any such proceeding against the Tenant such petition shall not have been dismissed.

B. Upon the expiration or termination of this lease, the Tenant shall peacefully surrender the leased property to the County, and the County, upon or at any time after such expiration or termination may, without further notice, reenter the leased property and repossess it by force, summary proceedings, ejectment, or otherwise, and may dispossess the Tenant and remove the Tenant and all other persons and property from the leased property and the right to receive all rental income therefrom.

C. At any time after such expiration, the County may relet the leased property or any part thereof, in the name of the County or otherwise, for such term (which may be greater or less than the period which would otherwise have constituted the balance of the term of this lease) and on such conditions (which may include concessions or free rent) as the County, in its uncontrolled discretion, may determine, and may collect and receive the rent thereof.

D. No such expiration of this lease shall relieve the Tenant of its liability or obligations under this lease, and such liability and obligations shall survive any such expiration. In the event of any such expiration, whether or not the leased property or any part any part thereof shall have been relet, the Tenant shall pay to the County the rent and additional rent required to be paid by the Tenant up to the time of such expiration, and thereafter the Tenant, until the end of what would have been the term of this lease in the absence of such expiration, shall be liable to the County for, and shall pay to the County, as and for liquidated and agreed current damages for the Tenant's default:

1. The equivalent of the amount of the rent and additional rent which would be payable under this lease by the Tenant if this lease were still in effect, less

2. The greater of:

(a) The fair rental value of the leased property for the remaining term of the lease, after deducting all the County's reasonable expenses in connection with such reletting, including, without limitation, all repossession costs, brokerage Commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such reletting.

(b) The net proceeds of any reletting effected pursuant to the provisions of paragraph d. of this article, after deducting all the County's reasonable expenses in connection with such reletting, including, without limitation, all repossession costs, brokerage commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such reletting.

E. The Tenant shall pay such current damages (herein called "deficiency") to the County monthly on the days on which the rent and additional rent would have been payable under this lease if this lease were still in effect, and the County shall be entitled to recover from the Tenant each monthly deficiency as such deficiency shall arise. At any time after any such expiration, whether or not the County shall have collected any monthly deficiency, the County shall be entitled to recover from the Tenant, and the Tenant shall pay to the County, on demand, as and for liquidated and agreed final damages for the Tenant's default, an amount equal to the difference between the rent and additional rent reserved hereunder for the expired portion of the lease of the leased property for the same period. In the computation of such damages the difference between any installment of rent becoming due hereunder after the date of termination and the fair and reasonable rental value of the leased property for the period for which such installment was payable shall be discontinued to the date of termination at the rate of four percent per annum.

F. The terms "enter", "reenter", "entry", or "reentry" as used in this lease are not restricted to their technical meaning.

18. Lien on Tenant's Improvements and Personal Property. The County shall have first lien paramount to all others on every right and interest of the Tenant in and to this lease, and on any building or improvement on or hereafter placed on the leased property, and on any furnishings, equipment, fixtures, or other personal property of any kind belonging to the Tenant, or the equity of the Tenant therein, on the leased property. Such lien is granted for the purpose of covenanted to be paid by the Tenant, and for the purpose of securing the performance of all of the Tenant's obligations under this lease. Such liens shall be in addition to all rights of the County given under statutes of this state, which are now or shall hereinafter be in effect. The provisions of this paragraph shall not be applicable to liens existing at the commencement of this lease.

Provided, that County may, at his option, agree to subordinate this lien to liens arising in connection with purchased of equipment or leasehold improvement financing by Tenant, which agreement County covenants not to unreasonably withhold.

19. County's Right to Receiver upon Tenant's Default. In addition to any other security for the performance of this lease, the Tenant hereby assigns to the County all of the rents and profits which might otherwise accrue to the Tenant from the use, enjoyment, and operation of the leased property, such assignment to become effective, however, only after default by the Tenant in the performance of its obligations under this lease. If the County, upon default of the Tenant, elects to file a suit in equity to enforce the lease and protect the County's right hereunder, the County may upon notice to the Tenant, as ancillary to such suit, apply to any court having jurisdiction for the appointment of a receiver of the leased property, the improvements and buildings located thereon, the personal property located therein, and thereupon the court may forthwith appoint a receiver with the usual powers and duties of receivers in like cases. Such appointment shall be made by such court as a matter of strict right to the County and without consideration of the adequacy of the value of the Tenant's interest in the lease, or of the value of the property, or the commission of waste thereon, or the deterioration thereof. Nothing herein shall prevent the enforcement of the County's lien for rent in any court or by proceeding authorized to the laws of this state, or the institution by the County of a separate proceeding in equity for the appointment of a receiver as an ancillary remedy to protect the rights and interest of the County. Any and all remedies or proceedings are considered cumulative and not exclusive.

20. Waiver of County's Rights Only by Written Instrument. No failure by the County to insist upon the strict performance of any item or condition of this lease or to exercise any right or remedy available on a breach thereof, and no acceptance of full or partial rent during the continuance of any such breach shall constitute a waiver of any breach or of any such term or condition. No term or condition of this lease required to be performed by the Tenant, and no breach thereof, shall be waived, altered or modified, except by a written instrument executed by the County. No waiver of any breach shall affect or alter any term or condition in this lease, and each such term or condition shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

21. Performance of Tenant's Obligations - Unpaid Insurance Premiums

A. If the Tenant shall at any time fail to pay any amount in accordance with the provisions of this lease, or shall fail to take out, keep in force, or shall fail to perform any f its other obligations under this lease, then the County, after 15 days notice to the Tenant (or without notice in case of an emergency) and without waiving or releasing the Tenant from any obligation of the Tenant contained in this lease, may (but shall be under no obligation to) pay any amount payable by the Tenant hereunder, and perform any other act required to be performed by the Tenant hereunder. The County may enter upon the leased property for such purposes and take any action necessary therefore.

B. All sums so paid by the County and all costs and expenses incurred by the County in connection with the performance of any such act, together with interest thereon at the rate of 6% per annum from the respective dates of each such payment and such costs and expenses, shall constitute additional rent payable by the Tenant under this lease and shall be paid by the Tenant to the County on demand.

C. Notwithstanding anything in this lease to the contrary, the County shall not be limited, in the proof any damages which the County may claim against the Tenant by reason of the Tenant's failure to provide and keep insurance in force, to the amount of the insurance premiums not paid or incurred by the Tenant. The County shall also be entitled to recover as damages for such breach the uninsured amount of any loss, together with damages, costs, and expenses of any suit offered or incurred by reason of damage to the leased property occurring during any period when the Tenant shall have failed to provide and keep such insurance in force.

22. Performance of Tenant's Obligations-Taxes.

If the Tenant shall default in the performance of any obligation under this lease, the County after 30 days notice to the Tenant specifying such default, or without notice if any emergency exists, may perform such obligation for the account and at the expense (including reasonable counsel fees) of the Tenant. The amount of any payment made or expense incurred by the County for such purpose, with interest thereon at the rate of 6% per annum, shall be deemed additional rent and forthwith shall be repaid by the Tenant to the County, or, at the County's election, may be added to any subsequent installment of rent due and payable under this lease. When no emergency exists, the provisions of this subparagraph shall be inapplicable, if within 30 days after such notice by the County, the Tenant shall have cured such default, or shall have commenced and shall be proceeding diligently to cure such a default. Nothing herein contained shall be deemed to waive any right of the County to sue for and recover by action at law any sums of which the County may have incurred under the provisions of this subparagraph. The provisions of this paragraph shall survive the termination of this lease.

23. Right of Entry. The County or his agent shall with twenty-four (24) hours notice have the right to enter the leased property at reasonable times in order to examine it, to show it to prospective purchasers or lessees, or to make such decorations, repairs, alterations, improvements or additions as the County may deem necessary or desirable. The County shall be allowed to take all material into and upon the leased property that may be required therefore without the same constituting an eviction of the Tenant in whole or in part. The rent reserved shall not abate while decorations, repairs, alterations, improvements, or additions are being made, whether by reason of loss or interruption of the business of the Tenant or otherwise. During the last month prior to the expiration of the term of this lease, the County may place upon the leased property the usual notices "To Let" or "For Sale", which notices the Tenant shall permit to remain thereon without molestation. If during the last month of the term the Tenant shall have removed all or substantially all of the Tenant's property

therefrom, the County may, with the Tenant's permission, immediately enter and later, renovate and redecorate the leased property without elimination of abatement of rent and without liability to the Tenant for any compensation, and such acts shall have no effect upon this lease. If the Tenant or its employees shall not be personally present to permit entry at any time when an entry therein shall be immediately necessary, as herein provided, the County may enter the premises by such means as may be appropriate, including forcible entry, without rendering the County or such agents liable therefore (if during such entry the County or his agents shall accord reasonable care to the Tenant's property), and without in any manner affecting the obligations and covenants of this lease. The County's right of reentry shall not be deemed to impose upon the County any obligation, responsibility or liability for the care, supervision or repair of the leased property other than as herein provided. In the event that it becomes necessary for County to replace or repair any major component or any structural or other system in the leased premises, the County shall have full and unrestricted access to the building and the leased property. The County reserves the right temporarily to interrupt, curtail, stop or suspend air-conditioning and heating service, and all other utility or other services, because of accident or emergency or for repairs, alterations, additions, or improvements, or because of the County's inability to obtain, or difficulty or delay in obtaining, labor or materials necessary therefore or compliance with governmental restrictions in connection therewith, or because of any other cause beyond the County's reasonable control, provided that, except in cases of emergency, the County will use its best efforts to limit such stoppage to after-business hours, will notify the Tenant in advance, if possible, of any such stoppage, and, if ascertainable, its estimated duration, and will proceed diligently with the work necessary to resume such service as promptly as possible and in a manner and at times as will not materially interfere with or impair the Tenant's use of the leased property. No diminution or abatement of fixed rent or other compensation shall be claimed by the Tenant, nor shall this lease or any of the obligations of the Tenant hereunder be affected or reduced by reason of such interruption, stoppage, or curtailment, nor shall the same give rise to a claim in the Tenant's favor that such failure constitutes total or partial eviction from the leased property, provided that if the leased property shall be unreasonably untenantable for a continuous period of more than four business days by reason of any such stoppage, the fixed rent payable by the Tenant shall abate until the Tenant shall be again able to use the leased property.

24. Destruction by Fire or Other Casualty. In the event the premises or any substantial portion thereof are destroyed by fire or other casualty during the term of this lease, it is understood and agreed that County shall have no obligation to rebuild, and , at the election of County or Tenant the lease may be terminated

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25. Condemnation. If the whole of the leased property, or such portion thereof as will make the leased property unsuitable for the purposes herein leased, is condemned for any public use or purpose by any legally constituted authority, then in either of such events this lease shall cease from the time when possession is taken by such public authority and rental shall be accounted for between the County and the Tenant as of the date of the surrender of possession. Such termination shall be

without prejudice to the rights of either the County or the Tenant to recover compensation from the condemning authority for any loss or damage caused by such condemnation. Neither the County nor the Tenant shall have any rights in or to any award made to the other by the condemning authority.

26. Assignment of Lease. The Tenant shall not assign, mortgage, or encumber this lease, nor sublet or permit the leased property or any part thereof to be used by others, without the prior written consent of the County in each instance. If this lease is assigned, or if the leased property or any part thereof, is sublet, or occupied by anybody other than the Tenant, the County may, after an event of default, as hereinabove defined, by the Tenant, collect rent for the assignee, subtenant, or occupant and apply the net amount collected to the rent herein reserved. No such assignment, subletting, occupancy or collection shall be deemed a waiver of this covenant, or the acceptance of this assignee, subtenant, or occupant as tenant, or a release of covenants in this lease. The consent by the County to an assignment or subletting shall not be construed to relieve the Tenant from obtaining the consent in writing of the County to any further assignment or subletting. Provided, further, County shall not unreasonably withhold consent to assignment.

27. Assignment of Interest in Rents. The County shall have the right, without selling its fee interest in the leased property or assigning its interest in this lease, to assign from time to time the whole of the net rent at any time payable hereunder to persons, firms, corporations, trusts or other entities designated by the County in a written notice to the Tenant, and in any such case the Tenant shall pay the net rent, subject to the terms of this lease, to the County's designee at the address mentioned in any such notice for the period covered by such assignment.

28. Exoneration from Liability. The County shall not be liable for any personal injury to the Tenant or to its officers, agents and employees, or to any other occupant of any part of the leased property, irrespective of how such injury or damage may be caused, whether from action of the elements or acts of negligence of the occupants of adjacent properties, or any other persons; provided that nothing contained herein shall relieve the County of the consequences of his own negligence.

29. Reimbursement of Expenses. The Tenant shall pay and indemnify the County against all legal costs and charges, including counsel fees lawfully and reasonably incurred, in obtaining possession of the leased premises after default of the Tenant or after the Tenant's default in surrendering possession upon the expiration or earlier termination of the term of the lease or enforcing any covenant of the Tenant herein contained. The Tenant further covenants that in case the County shall be made party to any litigation commenced against the Tenant, due to act or omission on the part of the Tenant alone, then the Tenant shall pay all expenses, costs, and reasonable attorney's fees incurred by or imposed on the County in connection with such litigation, and such expenses, costs, and attorney's fees shall be additional rent due on the last day after services of notice of such payment or payments, together with interest at a rate of 9% per annum from the date of payment, and shall be collected as any other

rent specifically reserved herein. Provided that this claim shall not be applicable where the County shall be made a party by reason of any independent liability of the County caused by some act or omission on the part of the County or resulting from any act or omission on the part of both Tenant and County.

30. Smoke Free Facility. Tenant acknowledges that County Buildings are smoke-free. Tenant shall ensure that employees, customers or invitees of the Tenant abide by the County's ordinances, which prohibit smoking.

31. Weapons Prohibited. Tenant acknowledges that a County ordinance has been approved by the Board of Commissioners that prohibits weapons in County facilities, except in limited situations Tenant will ensure that employees, customers or invitees of the Tenant abide by the County's ordinance that prohibits weapons in the facility.

32 Notice by Registered or Certified Mail. Any notice under this lease must be in writing and must be sent by registered or certified mail to the last address of the party to whom the notice is to be given, as designated by such party in writing. The County hereby designates its address as:

County of Orange
Attn: Director of Purchasing and Central Services
PO Box 8181
Hillsborough, NC 27278

The Tenant hereby designates his address as:

Mr. Brandon S. Lee
d/b/a Terra Dotta, LLC
105 Bentley Building
501 West Franklin Street
Chapel Hill, NC 27514

33 Grammatical Usage. In construing this lease, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, and plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.

34. Entire Agreement. This lease contains the entire agreement between the parties, and any executory agreement hereafter made shall be ineffective to change, modify, or discharge it in whole or in part, unless such executory agreement is in writing and signed by the party against whom enforcement of the change, modification or discharge is sought.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

COUNTY:

BY: _____
Barry Jacobs, Chair

ATTEST:

_____
Donna S. Baker, Clerk to the Board

TENANT:

_____
Brandon S. Lee

WITNESS:

_____

STATE OF NORTH CAROLINA

ORANGE COUNTY

I, Evelyn M Ceil, a Notary Public for said County and State, do hereby certify that Donna S. Baker personally appeared before me this date and acknowledged that she is the Clerk to the Board of Commissioners of Orange County, and that by authority duly given and as the act of Orange County, the foregoing instrument was signed in its name by Barry Jacobs, Chair, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the 11 day of December, 2002.

Evelyn M Ceil
Notary Public

My Commission expires:

_____

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, Jennifer A Strong, a Notary Public, do hereby certify that Brandon S Lee, personally appeared before me this day and acknowledged the due execution of the foregoing Lease Agreement.

WITNESS my hand and official seal this the 20 day of December, 2002.

_____
Notary Public

My commission expires:

06/08/2005

STATE OF NORTH CAROLINA

COUNTY OF ORANGE LEASE AGREEMENT RENEWAL

THIS LEASE AGREEMENT RENEWAL made on the 20th day of November, 2012 by and between Terradotta, LLC., 501 West Franklin Street, Bentley Building Suite 106, Chapel Hill, North Carolina, hereinafter referred to as "Tenant" and Orange County, a politic subdivision of the State of North Carolina, Post Office Box 8181, Hillsborough, North Carolina, hereinafter referred to as "County".

WITNESSETH:

WHEREAS, a lease agreement was made and entered into as of the 1st day of January, 2010, a copy of which is attached as Exhibit A, between the County and Tenant;

WHEREAS, County and Tenant desire to renew the lease agreement to the following:

1. Section 3 of Exhibit A shall be modified to read:
    a. This lease renewal shall commence on December 3, 2012 and shall continue for a term of one year, which ends on December 2, 2013, both dates inclusive, unless sooner terminated as herein provided.

    c. The Tenant agrees to pay the County without demand at its office, or at such other place or places as County may from time to time designate in writing, the sum of $536 per month ($6,432 per annum).

2. All other terms and conditions of Exhibit A shall remain the same.

This the _____ day of _____, 2012.

Terra Dotta, LLC
By:_____

Witness:
_____

Orange County
By:_____
Chair
Board of County Commissioners

Attest:
_____
Donna S. Baker, Clerk to the Board

NORTH CAROLINA

ORANGE COUNTY

I, _____, a Notary Public for said County and State,

certify that _____ personally came before me this day and acknowledged that she is Clerk to the Board of Commissioners of Orange County, and that by authority duly given and as the act of Orange County, the foregoing instrument was signed in its name by _____, Chair, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the _____ day of _____, 2012.

_____
Notary Public

My commission expires: _____

NORTH CAROLINA

ORANGE COUNTY

I, _____, a Notary Public for said County and State,

certify that _____ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 2012.

_____
Notary Public

My commission expires: _____

EXHIBIT A

STATE OF NORTH CAROLINA
COUNTY OF ORANGE LEASE

THIS LEASE, made and entered into as of the 1st day of January, 2010, by and between The County of Orange, hereinafter referred to as "County," and Terra Dotta LLC., hereinafter referred to as "Tenant;"

WITNESSETH:

THAT FOR and in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do hereby agree as follows:

1. Premises. County does hereby lease and let unto Tenant and Tenant does hereby accept as Tenant those certain premises designated as Suite #106 of the Bentley Building, 501 Franklin Street, Chapel Hill, Orange County, North Carolina, as more particularly shown on EXHIBIT A appended hereto. In addition to the premises assigned adjacent to the Bentley Building in common with other tenants of the Building.

2. Acceptance of Premises. The Tenant represents that the lease property, the sidewalks and structures adjoining the same, any subsurface conditions thereof, and the present uses and non-uses thereof have been examined by the Tenant. The Tenant accepts the same in the condition in which they now are without representation or warranty, express or implied, in fact or by law, by the County, the nature, condition or usability thereof, or the uses to which the leased property may be put. Provided, County shall be responsible for ensuring that the heating/air-conditioning system is in good operating condition; the exterior walls and roof, the lighting system (excluding such additions as may be required for Tenant's particular business operation) and the parking area and sidewalks are in good repair on the date of commencement of the lease term. County represents and warrants to Tenant that it holds unencumbered fee title to the lease premises.. The County shall not be responsible for any latent defect or change of condition in such building, improvements and personalty, and the rent hereunder shall in no case be withheld or diminished on account of any defect in such property, any change in the condition thereof, any damage occurring thereto or the existence with respect thereof of any violations of the laws or regulations of any governmental authority, except as hereinafter provided. In addition, Tenant acknowledges that the Bentley Building is a smoke free building and does not permit tobacco use inside of the building.

3. Term and Rental.

(a) This lease shall commence on January 1, 2010, and to coincide with the expiration of an adjacent suite, Suite 105, leased by Tenant from the County, shall continue for a term of eleven (11) months, ending on November 30, 2010, both dates inclusive, unless sooner terminated as herein provided.

(b) Tenant shall deliver to County a deposit in the amount of $495, which is the equivalent to the rent for one (1) month. Deposit shall be held as a security deposit against claims for damages. This money may be deposited for the exclusive use of Orange County and will be returned to Tenant at the end of the lease within 30 days provided that there has been no damage to the leased premises.

(c) The Tenant agrees to pay the County without demand at its office, or at such other place or places as County may from time to time designate in writing, the sum of $495 per month ($5,445 for 11-month lease term), on or before the fifth day of the month.

(d) The extension of time for the payment of any installment of rent, or the acceptance by the County of any money other than of the kind herein specified, shall not be a waiver of the right of the County to insist on having all other payments of rent made in the manner and at the time herein specified.

(e) If any installment of rent is not received by the fifth (5th) day of any month it is due, Tenant shall pay as additional rent a late payment fee of Fifty Dollars ($50.00). This additional rent shall be due immediately without demand therefore and shall be added to and paid as a part of the installment payment of rent with respect to which it is incurred.

4. Holdover. If the Tenant shall remain in possession of the leased property after the expiration of the original or renewal period as set out above, such possession shall be as a month-to-month tenant. During such month-to-month tenancy, rent shall be the rent in effect during the last month of the term immediately preceding plus an additional 50%.

5. Insurance. The County shall keep in force insurance to provide for property damage to the building for replacement cost purposes. Provided, however, Tenant shall be responsible for and pay to County any increase in County's insurance premium occasioned by the nature of the Tenant's business.

The Tenant shall maintain fire and casualty insurance covering the Tenant's fixtures, equipment and other property located in the demised premises.

Tenant shall keep the leased property insured, at its sole cost and expense, against claims for personal injury or property damage under a policy of general public liability insurance, with limits of at least $1,000,000 for bodily injury and $100,000 for property damage. Such policies shall name the County as additional named insured under the policy.

The Tenant shall provide the County certificates of such insurance at or prior to the commencement of the term of this lease, and thereafter within ten (10) days prior to the expiration of such policies. Such policies shall provide that the same may not be canceled without at least ten (10) days prior written notice to County.

6. Rental Adjustment. In addition to the base rental, the Tenant shall assume and pay any additional fire insurance premium, hazard insurance premium, or other extended coverage insurance premium required as a result of any particular operation or use of said premises over and above the insurance premium required to be paid by County in the absence of said operation or use.

7. Signs. The County will place and maintain in and about the leased property at appropriately designated places, such neat and appropriate signs advertising the Tenant as such. Any special Tenant sign will be at the sole cost of the tenant but in the same styling, provided, however, that County shall not unreasonably withhold approval of such signs as Tenant may desire. Upon the termination of this lease the Tenant shall remove all signs and repair any damage to the leased property caused by the erection, maintenance or removal of such signs.

8. Repairs. The County shall maintain the roof and exterior walls of the demised property including exterior paint, provided that in the event Tenant desires to alter the interior color scheme, said alteration must be approved by County and shall be at the Tenant's

expense. In addition, County shall maintain the paved parking area and front entry to the building. The Tenant shall not cause or permit any waste, damage or injury to the leased property. The Tenant, at its sole expense, shall keep the leased property as clean and in good condition (reasonable wear and tear excepted), and shall make all repairs, replacements and renewals, whether ordinary or extraordinary, seen or unforeseen, including all structural repairs, necessary to maintain the interior of the leased property. All repairs, replacements and renewals shall be at least equal in quality of materials and workmanship to that originally existing in the leased property. The County shall be responsible for repairs and maintenance of the roof and outside walls and other external structural members, including the foundation of the leased premises. The County shall be responsible for maintenance of the heating plant and air-conditioning systems in such condition as existed at the commencement of this lease, which County warrants to be in good working condition as of the date of this lease. The County shall be responsible for the removal of snow (in a timely manner) from the parking lot and the walkways. The County shall in no event be required to make any repair, alteration or improvement to the interior of the leased property. Any equipment replaced by the Tenant shall belong to the Tenant, save equipment replaced in connection with Tenant's obligation to maintain the premises in the same condition as exists at the commencement of this lease, and all proceeds from the disposition thereof may be retained by the Tenant. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, suits, fines, penalties, claims and demands including responsible counsel fees, because of Tenant's failure to comply with the foregoing. Maintenance of the paved parking area shall be defined as and limited to maintaining and keeping the parking area in good condition with a hardtop surface pavement and proper striping.

9. Improvements. No substantial alteration, addition or improvement to the leased property shall be made by the Tenant without the written consent of the County. Any alteration, addition or improvement made by the Tenant after such consent shall have been given and any fixtures permanently installed as part thereof, shall at the County's option, become the property of the County upon expiration of or other sooner termination of this lease; provided however, that the County shall have the right to require the Tenant to remove such fixtures at the Tenant's cost upon such termination. This clause shall not preclude Tenant from decorating the interior of the leased premises from time to time in Tenant's discretion.

10. Liens for Improvements by Tenant. The Tenant shall not permit any mechanic's lien to be filed against the fee of the property by reason of work, labor, services or materials supplied or claimed to have been supplied, whether prior or subsequent to the commencement of the term hereof, to the Tenant or anyone holding the leased property, through or under the Tenant. If any such mechanic's lien shall at any time be filed against the leased property, the Tenant shall, within 30 days after notice of the filing thereof, cause such lien to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction, or otherwise. If the Tenant shall fail to cause such lien to be discharged within such 30 day period, then, in addition to any other right or remedy of the County, the County may, but shall not be obligated to, discharge such lien either by paying the amount claimed to be due or by procuring the discharge of such lien by deposit or by bonding proceedings, and in any such event the County shall be entitled, if the County so elects, to compel the prosecution of an action for the foreclosure of such mechanic's lien by the lienor and to pay the amount of the judgment for and in favor of the lienor, with interest, costs and all other allowances. Any amount paid by the County for any such purposes, shall be repaid by the Tenant to the County on demand, with interest thereon at the rate of 6% per annum from the date of payment, and if unpaid may be treated as additional rent as provided for elsewhere in this lease. Nothing in this lease shall be construed in any way as constituting the consent or request of the County,

express or implied, by inference or otherwise, to any contractor, subcontractor, laborer or materialmen for the performance of any labor or the furnishing of any materials for any property or as giving the Tenant the right, power of authority to contract for or permit the rendering of any service or the furnishing of any material that would give rise to the filing of any mechanic's lien against the fee of the leased property.

11. Tenant's Warranty of Non-Disturbance. Tenant hereby expressly covenants and agrees that the Tenant shall be responsible for controlling the noise level emanating from the Tenant's use of the demised premises in such a way that other occupants of the building of which the demised premises are a part shall not be disturbed. Tenant shall be responsible for and pay for the installation of any special padding for other noise suppression devices that may be required for control of the level of sound emanating from the demised premises.

12. Tenants Obligation to Comply Applicable Laws and Compliance with Requirements of Insurance Policies. The Tenant shall throughout the term of this lease, at its sole expense, promptly comply with all laws and regulations of all federal, state and municipal governments and appropriate departments, commissions, boards and officers thereof, and the orders and regulations of the National Board of Fire Underwriters, or any other body now or hereafter exercising similar function, which may be applicable to the leased property, the fixtures, and equipment therein, and the sidewalks and curbs adjoining the leased property. The Tenant shall comply with the requirements of all policies of public liability, fire and all other types of insurance at any time in force with respect to the building and other improvements on the leased property.

13. Utilities. The Tenant shall pay charges for gas, electricity, light and power used, rendered or supplied upon or in connection with the leased property. The County shall be responsible for the payment of all charges related to the supply of water to the leased property.

14. Condition of Premises. The Tenant shall, during the term of this lease and any renewal or extension hereof, at its sole expense, cause the leased property to be kept clean and in a manner satisfactory to the County.

15. Surrender in Same Good Order and Condition. The Tenant shall vacate the leased property in the good order and repair in which such property now is, ordinary wear and excepted, and shall remove all its property therefrom so that the County can repossess the leased property no later than Noon on the day upon which this lease ends, whether upon notice or by holdover or otherwise. The County shall have the same rights to enforce this covenant by ejectment and for damages or otherwise as for the breach of any other condition or covenant of this lease. Tenant may at any time prior to or upon the termination of this lease or any renewal or extension thereof remove from the leased property all materials, equipment, and property of every other sort or nature installed by the Tenant thereon, provided that such property is removed without substantial injury to the leased property. No injury shall be considered substantial if it is promptly corrected by restoration to the condition prior to the installation of such property, if so requested by the County. Any such property not removed shall become the property of the County.

16. Prohibition Against Unlawful or Extrahazardous Use-Enforcement Against Subtenants. The Tenant may use and occupy the leased property for general office uses and for no other purpose without the prior written consent of County. Tenant shall not use or occupy nor permit the leased property or any part thereof to be used or occupied for any unlawful business, use or purpose, nor for any business, use , or purpose deemed

extrahazardous, nor for any purpose or in any manner which is in violation of any present or future governmental laws or regulations. The Tenant shall promptly after the discovery of any such unlawful or extrahazardous use take all necessary steps, legal and equitable, to compel the discontinuance of such use and to oust and remove any subtenants, occupants, or other persons guilty of such unlawful or extrahazardous use. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, injunctions, suits, fines, penalties, claims and demands, including reasonable counsel fees, arising out of any violation of or default in these covenants.

17. County's Right to Cause Expiration or Termination upon Listed Defaults

(a) The occurrence of any of the following shall constitute an event of default:

1. Delinquency in the punctual payment of any rent or additional rent payable under this lease when such rent shall become payable. Should such rent payment not be made when due then upon the expiration of five days after the due date, such rent payment shall be delinquent.

2. Delinquency by the Tenant in the performance of or compliance with any of the conditions contained in this lease other than those referred to in the foregoing subparagraph 1, for a period of 30 days after written notice thereof from the County to the Tenant. In the event, Tenant is incapable of curing the default within such thirty (30) day period, the County may in its discretion extend the time for as long as the County deems necessary to cure such default. Provided, however, the Tenant shall promptly and diligently commence action to cure such default and provide County with evidence of Tenant's intent to cure the default. Any additional period of time beyond thirty (30) days granted to Tenant to cure any default shall not be as extended as to jeopardize the interest of the County in this lease or so as to subject the County to any civil or criminal liabilities.

3. Filing by the Tenant in any court pursuant to any statute, either of the United States or any state, or a petition in bankruptcy or insolvency or for reorganization, or for the appointment of a receiver or trustee of all or a portion of the Tenant's property, or an assignment by the Tenant for the benefit of creditors.

4. Filing against the Tenant in any court pursuant to any statute, either of the United States or of any state, of a petition in bankruptcy or insolvency, or for reorganization, or for appointment of a receiver or trustee of all or a portion of the Tenant's property, if within 180 days after the commencement of any such proceeding against the Tenant such petition shall not have been dismissed.

(b) Upon the expiration or termination of this lease, the Tenant shall peacefully surrender the leased property to the County, and the County, upon or at any time after such expiration or termination, County may, without further notice, reenter the leased property and repossess it by force, summary proceedings, ejectment, or otherwise, and may dispossess the Tenant and remove the Tenant and all other persons and property from the leased property and the right to receive all rental income therefrom.

(c) At any time after such expiration, the County may relet the leased property or any part thereof, in the name of the County or otherwise, for such term (which may be greater or less than the period which would otherwise have constituted the balance of the term of this lease) and on such conditions (which may include concessions or free rent) as the County, in its uncontrolled discretion, may determine, and may collect and receive the rent thereof.

(d) No such expiration or termination of this lease shall relieve the Tenant of its liability or obligations under this lease, and such liability and obligations shall survive any such expiration or termination. In the event of any such expiration or termination, whether or not the leased property or any part any part thereof shall have been relet, the Tenant shall pay to the County the rent and additional rent required to be paid by the Tenant up to the time of such expiration, and thereafter the Tenant, until the end of what would have been the term of this lease in the absence of such expiration, shall be liable to the County for, and shall pay to the County, as and for liquidated and agreed current damages for the Tenant's default:

1. The equivalent of the amount of the rent and additional rent which would be payable under this lease by the Tenant if this lease were still in effect, less

2. The greater of:

(a) The fair rental value of the leased property for the remaining term of the lease, after deducting all the County's reasonable expenses in connection with such reletting, including, without limitation, all repossession costs, brokerage Commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such reletting.

(b) The net proceeds of any reletting effected pursuant to the provisions of paragraph d. of this article, after deducting the entire County's reasonable expenses in connection with such reletting, including, without limitation, all repossession costs, brokerage commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such reletting.

(e) The Tenant shall pay such current damages (herein called "deficiency") to the County monthly on the days on which the rent and additional rent would have been payable under this lease if this lease were still in effect, and the County shall be entitled to recover from the Tenant each monthly deficiency as such deficiency shall arise. At any time after any such expiration, whether or not the County shall have collected any monthly deficiency, the County shall be entitled to recover from the Tenant, and the Tenant shall pay to the County, on demand, as and for liquidated and agreed final damages for the Tenant's default, an amount equal to the difference between the rent and additional rent reserved hereunder for the expired portion of the lease of the leased property for the same period. In the computation of such damages the difference between any installment of rent becoming due hereunder after the date of termination and the fair and reasonable rental value of the leased property for the period for which such installment was payable shall be discontinued to the date of termination at the rate of four percent per annum.

(f) The terms "enter", "reenter", "entry", or "reentry" as used in this lease are not restricted to their technical meaning.

18. Lien on Tenant's Improvements and Personal Property. The County shall have first lien paramount to all others on every right and interest of the Tenant in and to this lease, and on any building or improvement on or hereafter placed on the leased property, and on any furnishings, equipment, fixtures, or other personal property of any kind belonging to the Tenant, or the equity of the Tenant therein, on the leased property. Such lien is granted for the purpose of covenanted to be paid by the Tenant, and for the purpose of securing the performance of all of the Tenant's obligations under this lease. Such liens shall be in addition to all rights of the County given under statutes of this state, which are now or shall hereinafter be

in effect. The provisions of this paragraph shall not be applicable to liens existing at the commencement of this lease.

Provided, that County may, at his option, agree to subordinate this lien to liens arising in connection with purchased of equipment or leasehold improvement financing by Tenant, which agreement County covenants not to unreasonably withhold.

19. County's Right to Receiver upon Tenant's Default. In addition to any other security for the performance of this lease, the Tenant hereby assigns to the County all of the rents and profits which might otherwise accrue to the Tenant from the use, enjoyment, and operation of the leased property, such assignment to become effective, however, only after default by the Tenant in the performance of its obligations under this lease. If the County, upon default of the Tenant, elects to file a suit in equity to enforce the lease and protect the County's right hereunder, the County may upon notice to the Tenant, as ancillary to such suit, apply to any court having jurisdiction for the appointment of a receiver of the leased property, the improvements and buildings located thereon, the personal property located therein, and thereupon the court may forthwith appoint a receiver with the usual powers and duties of receivers in like cases. Such appointment shall be made by such court as a matter of strict right to the County and without consideration of the adequacy of the value of the Tenant's interest in the lease, or of the value of the property, or the commission of waste thereon, or the deterioration thereof. Nothing herein shall prevent the enforcement of the County's lien for rent in any court or by proceeding authorized to the laws of this state, or the institution by the County of a separate proceeding in equity for the appointment of a receiver as an ancillary remedy to protect the rights and interest of the County. Any and all remedies or proceedings are considered cumulative and not exclusive.

20. Waiver of County's Rights Only by Written Instrument. No failure by the County to insist upon the strict performance of any item or condition of this lease or to exercise any right or remedy available on a breach thereof, and no acceptance of full or partial rent during the continuance of any such breach shall constitute a waiver of any breach or of any such term or condition. No term or condition of this lease required to be performed by the Tenant, and no breach thereof, shall be waived, altered or modified, except by a written instrument executed by the County. No waiver of any breach shall affect or alter any term or condition in this lease, and each such term or condition shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

21. Performance of Tenant's Obligations - Unpaid Insurance Premiums

(a) If the Tenant shall at any time fail to pay any amount in accordance with the provisions of this lease, or shall fail to take out, keep in force, or shall fail to perform any of its other obligations under this lease, then the County may after notice and opportunity to cure in accordance with the provisions of Section 17(a)2, or without notice if any emergency exists, and without releasing the Tenant from any obligation of the Tenant contained in this lease, may (but shall be under no obligation to) pay any amount payable by the Tenant hereunder, and perform any other act required to be performed by the Tenant hereunder. The County may enter upon the leased property for such purposes and take any action necessary therefore.

(b) All sums so paid by the County and all costs and expenses incurred by the County in connection with the performance of any such act, together with interest thereon at the rate of 6% per annum from the respective dates of each such payment and such costs and expenses, shall constitute additional rent payable by the Tenant under this lease and shall be paid by the Tenant to the County on demand.

(c) Notwithstanding anything in this lease to the contrary, the County shall not be limited, in the proof any damages which the County may claim against the Tenant by reason of the Tenant's failure to provide and keep insurance in force, to the amount of the insurance premiums not paid or incurred by the Tenant. The County shall also be entitled to recover as damages for such breach the uninsured amount of any loss, together with damages, costs, and expenses of any suit offered or incurred by reason of damage to the leased property occurring during any period when the Tenant shall have failed to provide and keep such insurance in force.

22. Performance of Tenant's Obligations-Taxes. If the Tenant shall default in the performance of any obligation under this lease, the County may, after notice and opportunity to cure in accordance with Section 17(a) 2 or without notice if any emergency exists, perform such obligation for the account and at the expense (including reasonable counsel fees) of the Tenant. The amount of any payment made or expense incurred by the County for such purpose, with interest thereon at the rate of 6% per annum, shall be deemed additional rent and forthwith shall be repaid by the Tenant to the County, or, at the County's election, may be added to any subsequent installment of rent due and payable under this lease. Nothing herein contained shall be deemed to waive any right of the County to sue for and recover by action at law any sums of which the County may have incurred under the provisions of this subparagraph. The provisions of this paragraph shall survive the termination of this lease.

23. Right of Entry. The County or its agent shall within twenty-four (24) hours notice have the right to enter the leased property at reasonable times in order to examine it, to show it to prospective purchasers or lessees, or to make such decorations, repairs, alterations, improvements or additions as the County may deem necessary or desirable. The County shall be allowed to take all material into and upon the leased property that may be required therefore without the same constituting an eviction of the Tenant in whole or in part. The rent reserved shall not abate while decorations, repairs, alterations, improvements, or additions are being made, whether by reason of loss or interruption of the business of the Tenant or otherwise. During the last month prior to the expiration of the term of this lease, the County may place upon the leased property the usual notices "To Let" or "For Sale", which notices the Tenant shall permit to remain thereon without molestation. If during the last month of the term the Tenant shall have removed all or substantially all of the Tenant's property therefrom, the County may, with the Tenant's permission, immediately enter and later, renovate and redecorate the leased property without elimination of abatement of rent and without liability to the Tenant for any compensation, and such acts shall have no effect upon this lease. If the Tenant or its employees shall not be personally present to permit entry at any time when an entry therein shall be immediately necessary, as herein provided, the County may enter the premises by such means as may be appropriate, including forcible entry, without rendering the County or such agents liable therefore (if during such entry the County or his agents shall accord reasonable care to the Tenant's property), and without in any manner affecting the obligations and covenants of this lease. The County's right of reentry shall not be deemed to impose upon the County any obligation, responsibility or liability for the care, supervision or repair of the leased property other than as herein provided. In the event that it becomes necessary for County to replace or repair any major component or any structural or other system in the leased premises, the County shall have full and unrestricted access to the building and the leased property. The County reserves the right temporarily to interrupt, curtail, stop or suspend air-conditioning and heating service, and all other utility or other services, because of accident or emergency or for repairs, alterations, additions, or improvements, or because of the County's inability to obtain, or difficulty or delay in obtaining, labor or materials necessary therefore or compliance with governmental restrictions in connection therewith, or because of any other

cause beyond the County's reasonable control, provided that, except in cases of emergency, the County will use its best efforts to limit such stoppage to after-business hours, will notify the Tenant in advance, if possible, of any such stoppage, and, if ascertainable, its estimated duration, and will proceed diligently with the work necessary to resume such service as promptly as possible and in a manner and at times as will not materially interfere with or impair the Tenant's use of the leased property. No diminution or abatement of fixed rent or other compensation shall be claimed by the Tenant, nor shall this lease or any of the obligations of the Tenant hereunder be affected or reduced by reason of such interruption, stoppage, or curtailment, nor shall the same give rise to a claim in the Tenant's favor that such failure constitutes total or partial eviction from the leased property, provided that if the leased property shall be unreasonably untenantable for a continuous period of more than four business days by reason of any such stoppage, the fixed rent payable by the Tenant shall abate until the Tenant shall be again able to use the leased property.

24. Destruction by Fire or Other Casualty. In the event the premises or any substantial portion thereof are destroyed by fire or other casualty during the term of this lease, it is understood and agreed that County shall have no obligation to rebuild, and, at the election of County or Tenant the lease may be terminated

25. Condemnation. If the whole of the leased property, or such portion thereof as will make the leased property unsuitable for the purposes herein leased, is condemned for any public use or purpose by any legally constituted authority, then in either of such events this lease shall cease from the time when possession is taken by such public authority and rental shall be accounted for between the County and the Tenant as of the date of the surrender of possession. Such termination shall be without prejudice to the rights of either the County or the Tenant to recover compensation from the condemning authority for any loss or damage caused by such condemnation. Neither the County nor the Tenant shall have any rights in or to any award made to the other by the condemning authority.

26. Assignment of Lease. The Tenant shall not assign, mortgage, or encumber this lease, nor sublet or permit the leased property or any part thereof to be used by others, without the prior written consent of the County in each instance. If this lease is assigned, or if the leased property or any part thereof, is sublet, or occupied by anybody other than the Tenant, the County may, after an event of default, as hereinabove defined, by the Tenant, collect rent for the assignee, subtenant, or occupant and apply the net amount collected to the rent herein reserved. No such assignment, subletting, occupancy or collection shall be deemed a waiver of this covenant, or the acceptance of this assignee, subtenant, or occupant as tenant, or a release of covenants in this lease. The consent by the County to an assignment or subletting shall not be construed to relieve the Tenant from obtaining the consent in writing of the County to any further assignment or subletting. Provided, further, County shall not unreasonably withhold consent to assignment.

27. Assignment of Interest in Rents. The County shall have the right, without selling its fee interest in the leased property or assigning its interest in this lease, to assign from time to time the whole of the net rent at any time payable hereunder to persons, firms, corporations, trusts or other entities designated by the County in a written notice to the Tenant, and in any such case the Tenant shall pay the net rent, subject to the terms of this lease, to the County's designee at the address mentioned in any such notice for the period covered by such assignment.

28. Exoneration from Liability. The County shall not be liable for any personal injury to the Tenant or to its officers, agents and employees, or to any other occupant of any part of the leased property, irrespective of how such injury or damage may be caused, whether from action of the elements or acts of negligence of the occupants of adjacent properties, or any other persons; provided that nothing contained herein shall relieve the County of the consequences of his own negligence.

29. Reimbursement of Expenses. The Tenant shall pay and indemnify the County against all legal costs and charges, including counsel fees lawfully and reasonably incurred, in obtaining possession of the leased premises after default of the Tenant or after the Tenant's default in surrendering possession upon the expiration or earlier termination of the term of the lease or enforcing any covenant of the Tenant herein contained. The Tenant further covenants that in case the County shall be made party to any litigation commenced against the Tenant, due to act or omission on the part of the Tenant alone, then the Tenant shall pay all expenses, costs, and reasonable attorney's fees incurred by or imposed on the County in connection with such litigation, and such expenses, costs, and attorney's fees shall be additional rent due on the last day after services of notice of such payment or payments, together with interest at a rate of 9% per annum from the date of payment, and shall be collected as any other rent specifically reserved herein. Provided that this claim shall not be applicable where the County shall be made a party by reason of any independent liability of the County caused by some act or omission on the part of the County or resulting from any act or omission on the part of both Tenant and County.

30. Smoke Free Facility. Tenant acknowledges that County buildings are smoke-free. Tenant shall ensure that employees, customers or invitees of the Tenant abide by the County's ordinances, which prohibit smoking.

31. Weapons Prohibited. Tenant acknowledges that a County ordinance has been approved by the Board of Commissioners that prohibits weapons in County facilities, except in limited situations Tenant will ensure that employees, customers or invitees of the Tenant abide by the County's ordinance that prohibits weapons in the facility.

32 Notice by Registered or Certified Mail. Any notice under this lease must be in writing and must be sent by registered or certified mail to the last address of the party to whom the notice is to be given, as designated by such party in writing. The County hereby designates its address as:

County of Orange
Attn: Director of Asset Management and Purchasing Services
131 West Margaret Lane; Suite 301
PO Box 8181
Hillsborough, NC 27278

The Tenant hereby designates his address as:

Mr. Brandon S. Lee
d/b/a Terra Dotta, LLC
105 Bentley Building
501 West Franklin Street
Chapel Hill, NC 27514

33. Grammatical Usage. In construing this lease, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, and plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.

34. Entire Agreement. This lease contains the entire agreement between the parties, and any executory agreement hereafter made shall be ineffective to change, modify, or discharge it in whole or in part, unless such executory agreement is in writing and signed by the party against whom enforcement of the change, modification or discharge is sought.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

COUNTY: ATTEST:

BY: _____ _____

Valerie P. Foushee, Chair Donna S. Baker, Clerk to the Board

TENANT: WITNESS:

_____ _____

~~Brandon S. Lee~~
Garrett J. Christian, CTO

STATE OF NORTH CAROLINA
ORANGE COUNTY

I, Angela Thompson-Rockett, a Notary Public for said County and State, do hereby certify that Donna S. Baker personally appeared before me this date and acknowledged that she is the Clerk to the Board of Commissioners of Orange County, and that by authority duly given and as the act of Orange County, the foregoing instrument was signed in its name by Valerie P. Foushee, Chair, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the 22nd day of January, 2010.

_____
Notary Public

My Commission expires: 1-1-2013

ANGELA [redacted]PSON-ROCKETT
[redacted] PUBLIC
[redacted] County
[redacted] Carolina
My Commission [redacted]es 1-1-2013

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, _____, a Notary Public, do hereby certify that Garrett Christian, personally appeared before me this day and acknowledged the due execution of the foregoing Lease Agreement.

WITNESS my hand and official seal this 14th day of January, 2010.

_____
Notary Public

My commission expires: Nov 12 2012

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 5-l

SUBJECT: Buckhorn Mebane Utilities Phase 2 Project Easements

DEPARTMENT: Planning

PUBLIC HEARING: (Y/N) N

ATTACHMENT(S):
Map Showing Scope of Project as Approved

INFORMATION CONTACT:
Craig Benedict, Planning Director, 245-2592
Kevin Lindley, PE, Staff Engineer, 245-2583
John Roberts, County Attorney, 245-2318

PURPOSE: To consider authorizing County Staff to accept and acquire the private easements required to construct and maintain the Buckhorn Mebane Utilities Phase 2 Project by negotiation, purchase or other legal means, if necessary.

BACKGROUND: The County has recently received bids and approved a contract for the construction of the Buckhorn Mebane Utilities Phase 2 Project. The County has obtained all permits, except for the Army Corps of Engineers Nationwide Water Quality permit, which is pending. Consistent with this phase of the project, easements must be finalized for the water and sewer lines that need to be installed now that the State has primarily approved the alignment.

Orange County staff has contacted each property owner from whom easements are needed by letter to let them know why the County needs the easement, where the easement will be located on their property, how much the County is offering them for the easement and the value of the infrastructure being installed on their property. Over the last two months, County staff has been answering any questions property owners have and negotiating for voluntary acquisition of the needed easements. Many property owners are in favor of the project and several have already granted the easements. However, it is anticipated that approximately one-fourth of the 42 necessary easements may need to be processed through legal acquisition proceedings.

It is important to note that the easements are for temporary construction and later, maintenance access to the water and sewer lines. The easements do not take up the entire property, initially allowing the County's contractor the right to construct the line and ultimately providing the City of Mebane the right to enter and maintain the water and sewer lines. All areas disturbed during construction will be reseeded and vegetation re-established once construction in that area is complete. The attached map shows the entire project area and scope. In general, there will be

a 20-40 foot wide easement, centered on the water or sewer line, respectively, for all lines shown crossing parcels. When the line is constructed along an existing North Carolina Department of Transportation (NCDOT) road, the easement, if needed, will only be the portion of the necessary construction or maintenance corridor which falls outside of the NCDOT road right-of-way.

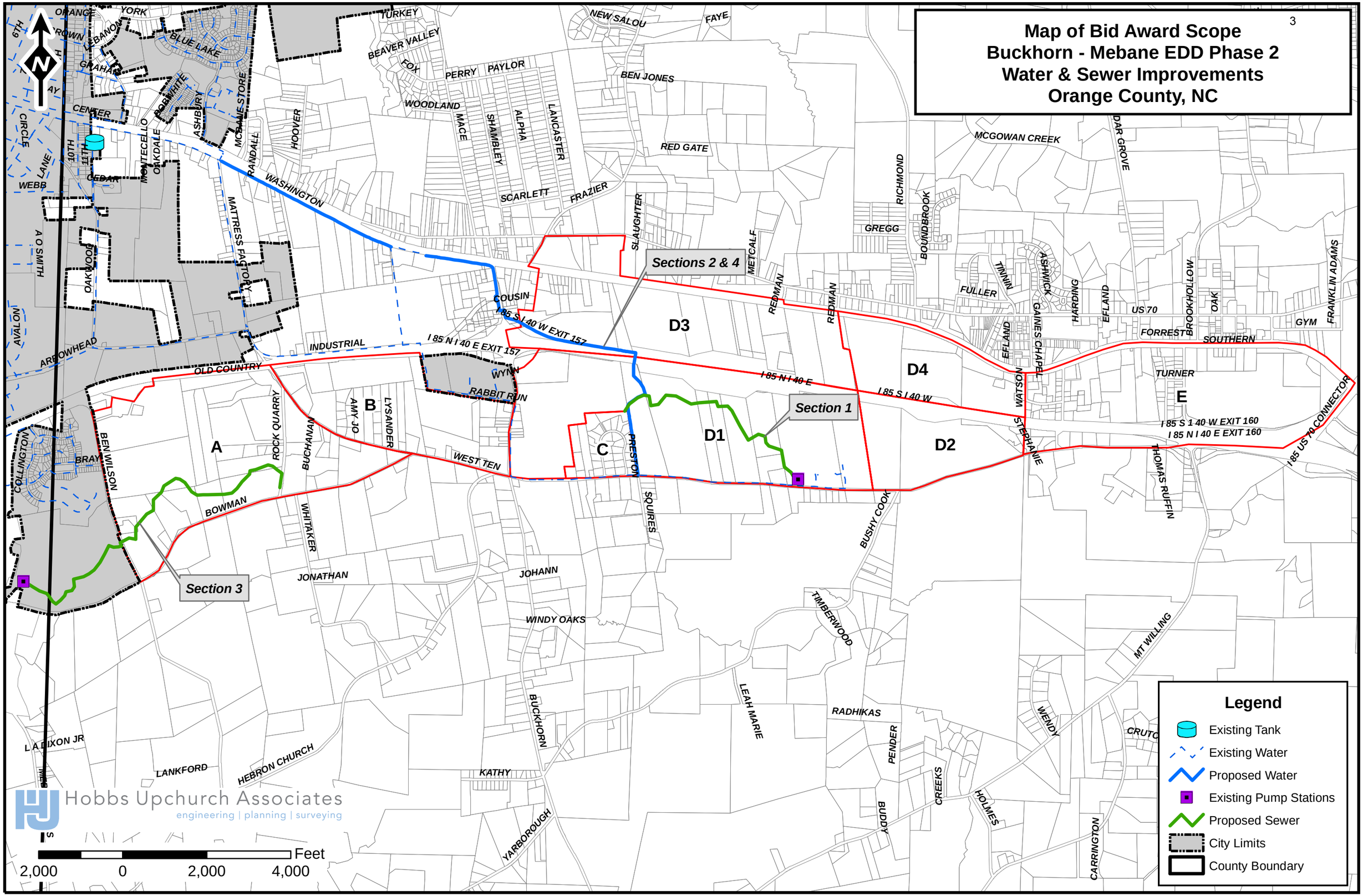
To complete the acquisition of the easements, the easement documents must be signed by the County (receipt of interest in property) and recorded. In most cases, the individual easement land area is only a fraction of an acre. The easement sizes range from approximately 0.01 acres to 3 acres in size and the compensation offered ranges from $22 to approximately $5,000. Any easements that must proceed to legal means will require a deposit with the court of the appraised value of the easement. County staff will coordinate easement appraisals as needed with Hobbs, Upchurch Associates, the project's engineering consultant, on an as needed basis.

FINANCIAL IMPACT: County staff has offered a standard monetary amount for each easement. Approximately $37,000 has been set aside in the project budget to cover these costs. In the event of acquisition through legal means, the County will have the easement appraised and deposit an amount equal to the appraised value with the Court upon filing of the condemnation complaint. If the amount is higher than the initial offer, the funds will be taken from project contingency funds approved at the Board's November 8, 2012 regular meeting.

RECOMMENDATION(S): The Manager recommends the Board:

1. Authorize the Chair to sign easement documents on behalf of the Board;
2. Authorize the payment of negotiated easement value to individual property owners; and
3. Authorize the County Attorney's office to proceed with legal acquisition of utility easements with court filings, as necessary.

Map of Bid Award Scope
Buckhorn - Mebane EDD Phase 2
Water & Sewer Improvements
Orange County, NC



ATTACHMENT 5

H:\OC10011900\Project Award Map.mxd

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda
Item No. 5-m

SUBJECT: Housing Bond Program – Rusch Hollow

DEPARTMENT: Housing, Human Rights, and Community Development

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Floorplan and Budget
Housing Bond Program Update

INFORMATION CONTACT:
Tara L. Fikes, 245-2490

PURPOSE: To consider awarding housing bond funds in the amount of $144,304 to Habitat for Humanity for the construction of a rental duplex in the Rusch Hollow subdivision.

BACKGROUND: In January 2008, the Board of County Commissioners awarded $130,000 in housing bond funding to the Chrysalis Foundation to assist with the construction of five attached rental units in the Rusch Hollow subdivision developed by Habitat for Humanity of Orange County (Habitat). Unfortunately, in the following year, 2009, the Chrysalis Foundation ceased operations due to financial constraints and this proposed project has since been stalled.

In order to provide rental housing in this neighborhood as originally planned, Habitat proposes using the remaining uncommitted bond funds ($144,304) to build a duplex on one of the original lots slated for rental housing. The duplex would be built using Habitat's sweat equity model. At completion, the Town of Chapel Hill Housing Department would take ownership of the units and rent them to low income, elderly tenants. The project floorplan and budget are attached.

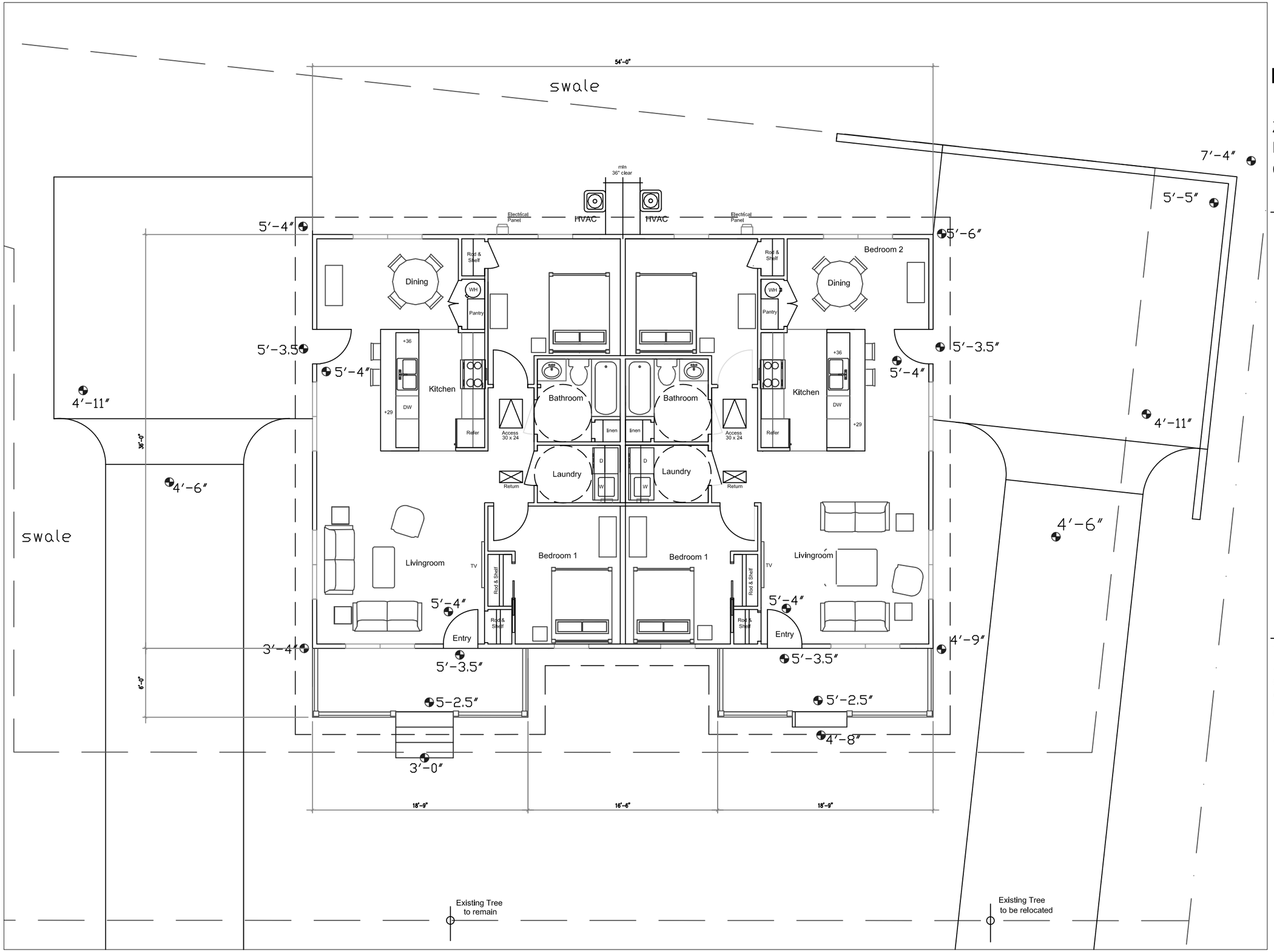
The Affordable Housing Advisory Board has reviewed this proposal and recommends approval.

FINANCIAL IMPACT: Commitment of the remaining $144,304 in housing bond funds will complete the allocation of all available bond funds. A Housing Bond Program Update is attached as additional information.

RECOMMENDATION(S): The Manager recommends that the Board approve awarding housing bond funds in the amount of $144,304 to Habitat for Humanity for the construction of a rental duplex in the Rusch Hollow subdivision.

Habitat Duplex

Zeiger Lane
Lot 3A- Rusch Hollow
Chapel Hill, NC



SCHEMATIC

***Turner Selkirk** Design*
212 Glade St.
Chapel Hill, NC 27516
919-619-4603
cindyselkirk@nc.rr.com

08.14.2012

A2

Habitat for Humanity of Orange County

Proposed Budget for Construction of Rusch Hollow Duplex

Appliances	$	2,000
Porch/Deck	$	1,300
Electrical	$	5,950
Equipment Rental	$	1,300
Framing, Siding, Windows, Roofing	$	33,500
Floor Covering	$	6,400
Foundation (materials and labor)	$	3,250
Grading/Footing	$	12,500
HVAC	$	10,200
Insulation	$	6,400
Interior Trim & Cabinets	$	5,250
Misc.	$	1,000
Paint	$	750
Permits and Fees	$	13,220
Plumbing	$	11,250
Sewer, Water Line & Tap-On Fees	$	8,546
Sheetrock	$	6,750
Utilities	$	1,350
Yard & Landscape	$	1,500
Driveway	$	4,750
Total Direct Costs	**$**	**137,166**
Insurance-Bldrs.Risk	$	1,100
Survey Closing Costs	$	1,500
Adminstration/overhead @5% of direct cost	$	6,858
Total Cost	**$**	**146,624**

Project Name	Sponsor	Commitment Date	Commitment Amount	Expenditures	Remaining Funds
Completed Non-Landbanking Projects					
Rental Property Acquisition	Chrysalis Foundation	6/17/2003	$260,000	$260,000	
Orange County, NC					
Rental Property Acquisition	Weaver Comm Housing Assoc	6/17/2003	$220,000	$220,000	
Carrboro, NC					
New Construction Rusch Hollow	Habitat for Humanity	5/20/2003	$170,000	$170,000	
Chapel Hill, NC					
Property Acquisition - Milton Avenue	OCHLT	5/1/2008	$100,000	$100,000	
Chapel Hill, NC					
Property Acquisition - Rental	CASA, Inc	3/18/2008	$632,300	$632,300	
Chapel Hill, NC	Pritchard Avenue Apartments				
New Construction - Sykes Street Project	EmPOWERment, Inc	5/20/2003	$90,000	$90,000	
Chapel Hill, NC					
Rental Property Acquisition	Affordable Rentals	6/17/2003	$272,716	$272,716	
Orange County, NC					
Second Mortgage Assistance - N. Fairview	Habitat for Humanity	5/1/2008	$180,000	$ 180,000	
Hillsborough, NC					
New Construction - Rental	Banks Law Firm	6/5/2008	$1,000,000	$1,000,000	
Hillsborough, NC	Eno Haven				
		Subtotals	**$2,925,016**	**$ 2,925,016**	
Completed Projects – Land Banking					
Property Acquisition	EmPOWERment, Inc	11/3/2005	$131,243	$129,930	$1,313
Chapel Hill, NC					
Property Acquisition	Habitat for Humanity	12/19/2005	$205,000	$205,000	
Chapel Hill, NC					
Property Acquisition	Habitat for Humanity	6/26/2006	$116,250	$116,250	
Hillsborough, NC					
Property Acquisition - N. Fairview	Habitat for Humanity	5/1/2008	$182,000	$182,000	
Hillsborough, NC					
Sub-total		**Subtotals**	**$634,493**	**$633,180**	**$1,313**
Incomplete Projects					
New Construction – Phoenix Place	Habitat for Humanity	4/24/2007	$450,000	$ 215,095	$234,905
Chapel Hill, NC					
New Construction - Rental	*Chrysalis Foundation*	*1/15/2008*	*$130,000*	*$0*	*$130,000*
Chapel Hill, NC	*Rusch Hollow*				
Second Mortgage Assistance	Community Home Trust	5/1/2008	$200,000	$0	$200,000
Orange County, NC					
		Subtotals	**$780,000**	**$ 215,095**	**$564,905**
Total Commitments			$4,339,509	$3,773,291	
Total Commitments - Undisbursed					**$566,218**
Bond Funds Available	Total 2001 Housing Bonds	$4,000,000			
	Unallocated 1997 Housing Bonds	$352,500			
	TOTAL	**$4,352,500**			
	less Total Commitments	$4,339,509			
	Remaining Housing Bond funds	**$12,991**			
	Deobligation - Chrsyalis Foundation	**$130,000**			
	Deobligation - EmPOWERment, Inc	**$1,313**			
	TOTAL Remaining Housing Bond Funds	**$144,304**			

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 5-n

SUBJECT: Senior Care of Orange County, Inc. – Revised By-Laws and Lease Agreement

DEPARTMENT: County Manager, County Attorney

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Revised Senior Care of Orange County By-Laws
Resolution Approving Lease to Senior Care of Orange County
Lease Agreement with Senior Care of Orange County

INFORMATION CONTACT:
Gwen Harvey, Assistant County Manager, 919-245-2307
Janice Tyler, Aging, 919-968-2071
John Roberts, County Attorney, 919-245-2318
Jeff Thompson, Asset Management Services, 919-245-2658

PURPOSE: To consider two actions concerning Senior Care of Orange County, Inc. (SC of OC, Inc.):

- Approval of revised by-laws for SC of OC, Inc.; and
- Approval of a resolution authorizing a lease agreement with SC of OC, Inc.

BACKGROUND: SC of OC, Inc. administers adult day care services, known as the Florence G. Soltys Program, designed for the welfare of maturing residents, particularly within central and northern Orange, to maintain each participant's independence and capacity for self-care and to promote his/her social, physical and emotional well-being, with the aim of preventing inappropriate or premature institutionalization.

The Master Aging Plan (MAP) approved by the BOCC in March 2001 identified an adult day health program as one of its top priorities. The BOCC approved the adult day health initiative and set aside $40,000 for the planning and implementation of adult day health center, under the guidance and direction of the Aging Department, in November 2001. From the beginning it was agreed the initiative would be a community partnership and not an on-going County program. The adult day health center opened its doors in March 2003.

By-Laws: The BOCC approved by-laws for a new nonprofit in December 2003, and the center was incorporated in January 2004 to assume governance and operation under the name Senior Care of Orange County, Inc. (SC of OC, Inc.). The County Attorney advises the by-laws approved by the BOCC in 2003 for SC of OC, Inc. need revision to clarify its relationship to Orange County government and distinguish its independence as a community-based private nonprofit. Revisions have been made to Article IV, Board of Directors, and Article IX, General

Provisions. The BOCC must approve the revised by-laws because existing by-laws, as written, can only be modified by action of the BOCC.

Once the revised by-laws as attached are approved, the SC of OC, Inc. Board will be able to make modifications as it elects under statutes pertaining to incorporation as a private nonprofit. The Board of SC of OC, Inc. participated in the review, development, and discussion of the revised by-laws, and voted at its meeting in June 2012 for County Management, Aging and Legal to submit to the BOCC for approval.

Lease Agreement: The adult care facility from inception was co-located with the central Orange County Senior Center in the Meadowlands office park. When the senior center moved into new space built adjacent with the SportPlex, SC of OC, Inc. moved too within the overall capital project to maintain coordination of senior services. Orange County has not had a formal lease agreement with SC of OC, Inc. at either physical location.

SC of OC, Inc. occupies approximately 3,550 of rentable, conditioned square feet with a 750 square foot exterior secure patio. The current market lease for this space would fall between $11 and $13 per square foot, per year, with the tenant paying for its own utilities and janitorial, resulting in an annual lease payment to the County of $39,048 - $46,152.

County Management and the County Attorney advise that a formal lease agreement with SC of OC, Inc. needs to be approved by the BOCC to clarify its relationship to Orange County government and distinguish its independence as a community-based private nonprofit. An annual lease payment of $1 is recommended in light of SC of OC., Inc.'s limited financial resources with written understanding Orange County can re-evaluate the lease payment amount should the nonprofit's economic circumstances change and/or the rental space discontinue public purpose use. The lease is renewable for a period of five years.

FINANCIAL IMPACT: There is no financial impact associated with BOCC adoption of the revised by-laws for, and minimal impact with approval of a lease agreement for SC of OC Inc.

RECOMMENDATION(S): The Manager recommends the Board approve the revised by-laws, approve the resolution authorizing the lease to Senior Care of Orange County, Inc., and authorize the Chair to sign the resolution and the lease agreement.

BYLAWS

OF

SENIOR CARE OF ORANGE COUNTY, INC.

ARTICLE I

OFFICES

Section 1. Principal Office. The principal office of the corporation shall be located at 105 Meadowland Drive, Hillsborough, North Carolina 27278.

Section 2. Registered Office. The initial registered office of the corporation shall be identical with the principal office of the corporation. The registered office of the corporation required by law to be maintained in the State of North Carolina may be, but need not be, identical with the principal office, and shall be designated from time to time by the Board of Directors.

ARTICLE II

MEMBERS

Section 1. Membership. The corporation shall not have members.

ARTICLE III

PURPOSE AND POWERS

Section 1. Purpose. This shall be a non-profit organization, organized exclusively for charitable, educational and scientific purposes, and operated for the purposes of:

1. Establishing services for frail or disabled older adults in Orange County, North Carolina, in an effort to supplement the similar efforts of public agencies and other non-profit organizations;
2. Advocating for services to frail or disabled older adults in community settings that support personal independence and promote social, physical, emotional and spiritual well being;
3. Operating or supporting programs to provide services designed to enable aging frail, disabled or handicapped adults to remain in their own homes or to return to their own homes;
4. Developing an employment pool for Certified Nursing Assistants for service to frail or disabled older adults in Orange County, North Carolina;
5. Educating the general public about the needs of the frail or disabled older adult population;
6. Receiving financial or other support from the general public, private businesses, foundations and educational or governmental entities; and,

7. Distributing resources, in the regular course of business, to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code or a corresponding section of any future federal tax code.

Section 2. Powers. The Corporation shall have all the powers granted non-profit corporations under the laws of the State of North Carolina. Notwithstanding anything herein to the contrary, the Corporation shall exercise only such powers as are in furtherance of the exempt purposes of organizations set forth in the sub-section of the Internal Revenue Code under which the Corporation chooses to qualify for exemption, as the same exists at the time of such qualification, or as it may be amended from time to time.

ARTICLE IV

BOARD OF DIRECTORS

Section 1. General Management. The business and affairs of the corporation shall be managed by its Board of Directors.

Section 2. Number. The number of Directors constituting the Board of Directors shall be no less than 9 (nine) and no more than 18 (eighteen), and initially shall consist of 9 (nine). The initial directors shall be identified and instated at an organizational meeting of the incorporators identified in the Articles of Incorporation. At the organizational meeting of the initial directors or at any subsequent annual or special meeting of the directors, the Board of Directors may increase its members by increments of 3 (three), up to the maximum of 18 (eighteen), provided, increases in the number of Directors may not exceed 3 (three) in any twelve month period.

Section 3. Qualification.

The Board shall consist of two appointed positions, to be filled as follows:

A. One director shall be appointed by the Board of Directors of Carol Woods Retirement Community in Chapel Hill, North Carolina.

B. One director shall be appointed by the President and Chief Executive Officer of the University of North Carolina Hospitals in Chapel Hill, North Carolina.

The remaining Directors shall be designated herein as “at large” and shall be nominated and instated as provided herein. A majority of Directors must be residents of Orange County, North Carolina. Nominees for at large Director positions will be recruited from the Carol Woods Retirement Community, The Friends of the Senior Center, Inc. and the general Orange County public. In order to carry out the work of the board, the Directors “at large” should represent a variety of disciplines with expertise in gerontology, finance, marketing, personnel and law.

Section 4. Term. By casting of lots, The initial Directors shall be divided into three (3) classes of three directors each, to serve in the first instance for terms of one, two and three years, respectively. Thereafter the successors in each class of directors shall be elected to serve for terms of three (3) years and until their successors shall be appointed and shall qualify. There shall be no limit on the terms of designated or appointed Directors. At Large Directors may serve two successive three (3) year terms. Thereafter, such a Director again shall become eligible for Board membership after one year from the actual termination of his or her prior membership to the Board. In the event of death, resignation, retirement, removal or disqualification of a Director during his or her elected term of office, his or her successor shall be elected to serve until the expiration of the term of his or her predecessor. Notwithstanding the stated terms of the directors, each director shall hold office until his or her successor shall have been elected and qualified, or his or her death, resignation, retirement, removal or disqualification.

Section 5. Removal. A designated Director may be removed by an amendment to these Bylaws, as provided herein, deleting or changing the provisions of this Article containing the designation. . An at large Director may be removed at any time for cause or for the good of the corporation by a vote of two-thirds of the Directors eligible to vote. If any such at large directors are so removed, new at large directors may be elected at the same meeting.

Section 5. Vacancies. Any vacancy occurring in designated or appointed Director positions shall be filled as provided in Section 3 of this Article. Any vacancy occurring among the at large Director positions may be filled by the affirmative vote of a majority of the remaining Directors of the corporation (even though less than a quorum) or by the sole remaining Director.

A Committee on Nominations appointed by the Chair of the Board shall present a slate of at large Directors prior to the Annual Meeting. The proposed slate shall be included with the Notice mailed prior to such meeting. Nominations may be made from the floor, provided the nominee has been consulted.

A Director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office. Any Directorship to be filled by reason of an expired term or an increase in the authorized number of Directors shall be filled only by election at an annual meeting or at a special meeting of the members called for that purpose.

Section 6. Chair of the Board. The President of the corporation shall be the Chair of the Board of Directors. The Chair shall preside at all meetings of the Board of Directors and perform such other duties as may be directed by the Board.

Section 7. Committees of the Board. The Board of Directors, by resolution adopted by a majority of the number of Directors fixed by these Bylaws, may designate the officers of the Corporation as an Executive Committee and may designate standing committees, each of which shall have and may exercise the authority of the Board of

Directors to the extent authorized by law and provided in such Resolution. The designation of any committee and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any member thereof, of any responsibility or liability imposed upon it or him or her by law.

In addition to any such Standing Committees of the Board, there may be such other committees and/or task forces as the President and Board of Directors shall appoint annually to carry out the work of the corporation.

ARTICLE V

MEETINGS OF DIRECTORS

Section 1. Location of Meetings. All meetings of the Board of Directors shall be held at the principal office of the corporation or at such other place as shall be designated by the Notice of the meeting, or as agreed upon by the Board. All meetings shall be open to the general public and make provision for public comment.

Section 2. Annual Meeting. The Directors shall hold an Annual Meeting in January of each year for the purpose of adopting the budget for the following calendar year and transacting other business to come before the Board. Annual Reports shall be presented at the meeting by the President, Secretary and Treasurer, and by the Chairpersons of any Standing Committees; provided that presentation of the Treasurer's report may be delayed until a regular meeting of the Board to be held in March to allow time for its preparation after the end of the fiscal year.

Section 3. Regular Meetings. In addition to the Annual Meeting, the Board of Directors may provide, by resolution, the time and place for the holding of additional regular meetings.

Section 4. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the President or any two Directors. Such a meeting may be held as fixed by the person or persons calling the meeting.

Section 5. Notice of Meetings. Regular meetings of the Board of Directors may be held without notice. The person or persons calling a special meeting of the Board of Directors shall, at least fourteen (14) days before the meeting, give notice thereof by any usual means of communication. Such notice shall specify the purpose for which the meeting is called.

Section 6. Waiver of Notice. Any Director may waive notice of any meeting. The attendance by a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 7. Quorum. A majority of the number of Directors fixed by these Bylaws shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.

Section 8. Manner of Acting. Except as otherwise provided in these Bylaws, the act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Section 9. Action Without Meeting. In circumstances where a lack of action would cause prejudice or hardship to the Corporation and circumstances dictate that action be taken before a meeting of the Board can be called, an action to be taken at a Board of Directors' meeting may be taken without a meeting if the action is taken by all members of the Board. The action shall be evidenced by one or more written consents signed by each Director before or after such action, describing the action taken, and included in the minutes or filed with the corporate records reflecting the action taken. The action taken under this section is effective when the last Director signs the consent, unless the consent specifies a different effective date. A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

Section 10. Limited Liability. Any person serving as a Director of the corporation shall be immune, individually, from civil liability for monetary damages (except to the extent that the same are covered by insurance) for any act or failure to act arising out of his or her services as a Director unless such action or inaction falls within the list of exceptions to such immunity set forth in N.C.G.S. 55A-8-60. In addition, Directors may be indemnified from personal liability as provided generally in N.C.G.S. 55A, Article 8, Part 5, and Directors shall be indemnified from personal liability as provided in N.C.G.S. 55A-8-52.

Section 11. Presumption of Assent. A Director of the corporation who is present at a meeting of the Board of Directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his or her contrary vote is recorded or his or her dissent is otherwise entered in the Minutes of the Meeting or unless he or she shall file a written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered

mail to the Secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Director who voted in favor of such action.

ARTICLE VI

OFFICERS

Section 1. Officer-Directors. The officers of the corporation shall consist of a President, a Vice-President, a Secretary, a Treasurer, an Assistant Treasurer and such other Vice Presidents, Assistant Secretaries, Assistant Treasurers, and other officers as the Board of Directors may from time to time elect. All Officers shall be members of the Board of Directors.

Section 2. Election and Term. The officers of the corporation shall be elected by the Board of Directors at the Annual Meeting and

each officer shall hold office for one year or until his or her successor shall have been elected and qualified.

A Committee on Nominations appointed by the Chair of the Board shall present a slate of Officers prior to the Annual Meeting. The proposed slate shall be included with the Notice mailed prior to such meeting. Nominations may be made from the floor, provided the nominee has been consulted.

Vacancies occurring during the term of office shall be filled by a vote of the Board at a Regular or Special Meeting upon nominations submitted by a Committee on Nominations. Nominations may be made from the floor, provided the nominee has been consulted.

Section 3. Removal. Any officer may be removed from his or her post as officer by majority vote of the Board whenever in its judgment the best interests of the corporation will be served thereby. Such person may request rehearing by the Board of Directors if at least one Director who voted for removal at the next regular meeting of the Board of Directors moves for reconsideration and such motion is seconded and carried by majority vote of the Board.

Section 4. Bonds. The Board of Directors may by resolution require any officer, agent, or employee of the corporation to give bond to the corporation, with sufficient sureties, conditioned on the faithful performance of the duties of his or her respective office or position, and to comply with such other conditions as may from time to time be required by the Board of Directors.

Section 5. President. The President shall preside at all meetings of the Board of Directors; shall represent the corporation to the general public, shall serve as ex-officio member of all committees (except the Committee on Nominations), and shall present an annual report. He or she shall sign, with the Secretary, or any other proper officer of the corporation thereunto authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated to some other officer or agent of the

corporation, or shall be required by law to be otherwise signed or executed; and in general he or she shall perform all duties incident to the office of the President and such other duties as may be prescribed by the Board of Directors from time to time.

Section 6. Vice President. In the absence of the President or in the event of his or her death or inability to act, a duly elected Vice President may perform the duties of the President, and when so acting shall have all of the powers of and be subject to all of the restrictions upon the President. Such a Vice President may perform such other duties as from time to time may be assigned to him or her by the President or the Board of Directors.

Section 7. Secretary. The Secretary shall: (a) keep the Minutes of the meetings of the Board of Directors; (b) see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; (c) be custodian of the minutes of all committees (in one or more books provided for that purpose) and of other corporate records and of the seal of the corporation and see

that the seal of the corporation is affixed to all documents the execution of which on behalf of the corporation under its seal is duly authorized; (d) keep a register of the post office address of each director which shall be furnished to the Secretary by such director; and (e) in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors.

Section 8. Treasurer. The Treasurer shall, if practical, be a bookkeeper/accountant and shall: (a) have charge and custody of and be responsible for all funds and securities of the corporation; receive an give receipts for moneys due and payable to the corporation from any source whatsoever, and deposit all such moneys in the name of the corporation in such depositories as shall be selected in accordance with the provisions of Section 4 of Article VII of these Bylaws; (b) prepare, or cause to be prepared, monthly reports to be given at each meeting of the Board of Directors, and a true statement of the corporation's assets and liabilities as of the close of each fiscal year, all in reasonable detail, which statement shall be made and filed at the corporation's registered office or principal place of business in the State of North Carolina within four (4) months after the end of such fiscal year and kept available there for a period of at least ten years; (c) in conjunction with the staff and/or a Committee on Finance appointed by the Board, prepare the annual budget; and (d) in general perform all of the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors, or by these Bylaws.

Section 9. Assistant Treasurer. The Assistant Treasurer shall serve at the direction of the Treasurer and assist the same with the fulfillment of his or her duties.

Section 10. Limited Liability. Officers may be indemnified from personal liability as provided generally in N.C.G.S. 55A, Article 8, Part 5, and Officers shall be indemnified from personal liability as provided in N.C.G.S. 55A-8-52.

ARTICLE VII

STAFF

The staff may consist of an Executive Director or Coordinator and such other staff as may be necessary to carry out the functions of the corporation, as the Board of Directors shall determine from time to time. The Corporation shall be authorized and empowered to pay reasonable compensation for services rendered in furtherance of the purposes set forth herein. The Board of Directors shall have the authority to review and set the compensation for any staff member. The Executive Director or Coordinator shall be responsible to the Board of Directors. All other paid staff shall be responsible to the Executive Director or Coordinator.

ARTICLE VIII

CONTRACTS, LOANS, CHECKS, AND DEPOSITS

Section 1. Contracts. The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances. All such contracts shall be in accordance with the annual budget approved by the Board of Directors at its Annual Meeting.

Section 2. Loans. No loans shall be contracted on behalf of the corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

Section 3. Checks and Drafts. All checks, drafts or other orders for the payment of money, issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

Section 4. Deposits. All funds of the corporation not otherwise employed shall be deposited from time to time to the credit of the corporation in such depositories as the Board of Directors may select.

ARTICLE IX

GENERAL PROVISIONS

Section 1. Seal. The corporate seal of the corporation shall consist of two concentric circles between which is the name of the corporation and in the center of which is inscribed SEAL; and such seal, as impressed on the margin hereof, is hereby adopted as the corporate seal of the corporation.

Section 2. Waiver of Notice. Whenever any notice is required to be given to any Director by law, by the charter or by these Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

Section 3. Fiscal Year. The fiscal year of the corporation shall be the calendar year, from January 1st to December 31st.

Section 4. Amendments. After thirty (30) days written notice to all Directors, and subject to the approval requirement stated herein, these Bylaws may be amended or repealed and new Bylaws may be adopted by the affirmative vote of a two-thirds majority of the Board of Directors present and voting at any Regular, Annual or Special Meeting duly and properly called. The notice of any such meeting shall include notice that a vote to amend or repeal the Bylaws (as the case may be) shall be taken at such meeting and a copy of the proposed change. Provided further, amendment of this paragraph and amendment of provisions stated in these Bylaws regarding: (I) the management of the Corporation; (ii) the qualification of directors; (iii) merger; (iv) acquisition; (v) sale of assets; (vi) purchase of assets; and (vii) the distribution of assets upon dissolution shall require the unanimous vote of all directors in office at the time such amendment is undertaken.

Section 5. Parliamentary Authority. Roberts Rules of Order, Newly Revised, shall govern in all cases where they do not conflict with the Bylaws.

Section 6. Objectives of Corporation. This corporation has been organized for the purposes set forth in the Articles of Incorporation and these Bylaws. No substantial part of the activities of the corporation shall be carrying on of propaganda, or otherwise attempting to influence legislation and the Corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provisions of these Bylaws, the Corporation shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code or a corresponding provision of any future Federal tax code, or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding provision of any future Federal tax code.

Section 7. Non Profit Corporation. No part of the net earnings shall inure to the benefit of or be distributable to its officers, directors or other persons in similar positions except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein.

Section 8. Merger, Acquisition, Sale of Assets and Purchase of Assets. The Corporation may not effect a merger with any other corporation or entity, or acquire another corporation or entity, or consent to the acquisition of the Corporation by any other corporation, entity or individual, or allow the sale of all, or

substantially all, of the Corporation’s assets to any other corporation, entity or individual, or purchase all or substantially all of another corporation or entities assets, without the unanimous vote of all directors in office at the time such action is undertaken.

Section 9. Liquidation of Assets. In the event of dissolution of the Corporation, by merger, acquisition or sale of assets, the Board of Directors for said purpose shall, after paying or making provision for the payment of all the liabilities and obligations of the Corporation, transfer and convey all remaining assets of the Corporation to an organization with an exempt purpose within the meaning of section 501(c)(3) of the Internal Revenue Code (or a corresponding section of any future Federal tax code) which is also a purpose similar to that of the Corporation. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas (known in the State of North Carolina as the Superior Court) of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Approved April 5, 2004; Amended _____.

RES-2012-104

ORANGE COUNTY BOARD OF COMMISSIONERS
RESOLUTION LEASING PROPERTY

Whereas, Orange County owns the Adult Day Health Center located at the Central Orange Senior Center, 103 Meadowlands Drive, Hillsborough, NC 27278, comprising approximately 3,550 conditioned square feet and approximately 750 square feet of patio space (the "Premises"); and

Whereas, Senior Care of Orange County, Incorporated, a North Carolina Nonprofit Corporation, desires to lease the Premises; and

Whereas, Senior Care of Orange County, Incorporated provides valuable services to the citizens and residents of Orange County; and

Whereas, North Carolina General Statute 160A-272 authorizes the lease of county-owned properties; and

Whereas, in consideration of the valuable services provided to the citizens and residents of Orange County by Senior Care of Orange County, Incorporated, the Board of Commissioners of Orange County desires to lease the Premises to Senior Care of Orange County, Incorporated.

THEREFORE BE IT RESOLVED, that Board of County Commissioners hereby approves the lease of the county property described above to Senior Care of Orange County, Incorporated and directs the execution of all necessary instruments accordingly.

This the 20th Day of November 2012.

_____
Bernadette Pelissier, Chair
Orange County Board of Commissioners

STATE OF NORTH CAROLINA
COUNTY OF ORANGE **LEASE**

THIS LEASE, made and entered into as of the 1st day of December, 2012, by and between Orange County, a political subdivision of the State of North Carolina, hereinafter referred to as "County," and Senior Care of Orange County, Inc., a North Carolina Nonprofit Corporation, hereinafter referred to as "Tenant;"

WITNESSETH:

THAT FOR and in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do hereby agree as follows:

1. Premises. County does hereby lease and let unto Tenant and Tenant does hereby accept as Tenant those certain premises designated as the Adult Day Health Center located at the Central Orange Senior Center 103 Meadowlands Drive, Hillsborough, NC 27278, comprising approximately 3,550 conditioned square feet and approximately 750 square feet of patio space (the “Leased Premises”).

2. Acceptance of Premises. The Tenant represents that the Leased Premises, the sidewalks and structures adjoining the same, any subsurface conditions thereof, and the present uses and non-uses thereof have been examined by the Tenant. The Tenant accepts the same in the condition in which they now are without representation or warranty, express or implied, in fact or by law, by the County, the nature, condition or usability thereof, or the uses to which the Leased Premises may be put. Provided, County shall be responsible for ensuring that the heating/air-conditioning system is in good operating condition; the exterior walls and roof, the lighting system (excluding such additions as may be required for Tenant's particular business operation) and the parking area and sidewalks are in good repair on the date of commencement of the lease term. County represents and warrants to Tenant that it holds fee title to the Leased Premises. The County shall not be responsible for any latent defect or change of condition in such building, improvements and personalty, and the rent hereunder shall in no case be withheld or diminished on account of any defect in such property, any change in the condition thereof, any damage occurring thereto or the existence with respect thereof of any violations of the laws or regulations of any governmental authority, except as hereinafter provided. In addition, Tenant acknowledges that the Leased Premises is a smoke free building and does not permit tobacco use inside of the building.

3. Term and Rental.

(a) This lease shall commence on December 1, 2012, and shall continue for a term of one year ending on December 1, 2013, unless sooner terminated as herein provided.

(b) Tenant and County agree that the fair market lease rate for the Leased Premises is $13.00 per square foot for the conditioned space for a total monthly lease value of $3846.00. Tenant and County agree and acknowledge that the Tenant provides valuable services to the residents of Orange County which services amount to an in-kind payment toward that monthly lease value equaling $3846.00 per month.

(c) The Tenant agrees to pay the County without demand at its office, or at such other place or places as County may from time to time designate in writing, the sum of $1.00 for

the one year lease term on or before the fifteenth day of the lease term. Tenant acknowledges this rental rate is discounted in an effort to assist Tenant in providing a public benefit that being adult day care and services and that any renewal of this Lease shall be subject to an increased rental rate as determined by County.

(d) This Lease may be renewed for up to five one-year terms.

4. Holdover. If the Tenant shall remain in possession of the Leased Premises after the expiration of the original or renewal period as set out above, such possession shall be as a month-to-month tenant. During such holdover month-to-month tenancy Tenant shall pay rent at the fair market rental value.

5. Insurance. The County shall keep in force insurance to provide for property damage to the building for replacement cost purposes. Provided, however, Tenant shall be responsible for and pay to County any increase in County's insurance premium occasioned by the nature of the Tenant's business.

The Tenant shall maintain fire and casualty insurance covering the Tenant's fixtures, equipment and other property located in the Leased Premises.

Tenant shall keep the Leased Premises insured, at its sole cost and expense, against claims for personal injury or property damage under a policy of general public liability insurance, with limits of at least $1,000,000 for bodily injury and $100,000 for property damage. Such policies shall name the County as additional named insured under the policy.

Tenant shall additionally insure the Leased Premises, at its sole cost and expense, against claims for personal injury or property damage under a food and/or beverage preparation and/or distribution or other relevant liability insurance policy with appropriate limits for bodily injury, sickness, or death. Such policy shall name the County as additional named insured under the policy.

The Tenant shall provide the County certificates of such insurance at or prior to the commencement of the term of this lease, and thereafter within ten (10) days prior to the expiration of such policies. Such policies shall provide that the same may not be canceled without at least ten (10) days prior written notice to County.

6. Rental Adjustment. In addition to the base rental, the Tenant shall assume and pay any additional fire insurance premium, hazard insurance premium, or other extended coverage insurance premium required as a result of any particular operation or use of said premises over and above the insurance premium required to be paid by County in the absence of said operation or use.

7. Signs. The Tenant will place and maintain in and about the Leased Premises at appropriately designated places, such neat and appropriate signs advertising the Tenant as such. Any special Tenant sign will be at the sole cost of the tenant but in the same styling, provided, however, that County shall not unreasonably withhold approval of such signs as Tenant may desire. Upon the termination of this lease the Tenant shall remove all signs and repair any damage to the Leased Premises caused by the erection, maintenance or removal of such signs.

8. Repairs. The County shall maintain the roof and exterior walls of the Leased Premises including exterior paint, provided that in the event Tenant desires to alter the interior color scheme, said alteration must be approved by County and shall be at the Tenant's expense. In addition, County shall maintain the paved parking area and front entry to the building. The Tenant shall not cause or permit any waste, damage or injury to the Leased Premises. The Tenant, at its sole expense, shall keep the Leased Premises clean and in good condition (reasonable wear and tear excepted), and shall make all repairs, replacements and renewals, whether ordinary or extraordinary, seen or unforeseen, including all structural repairs, necessary to maintain the interior of the Leased Premises. All repairs, replacements and renewals shall be at least equal in quality of materials and workmanship to that originally existing in the Leased Premises. The County shall be responsible for repairs and maintenance of the roof and outside walls and other external structural members, including the foundation of the Leased Premises. The County shall be responsible for maintenance of the heating plant and air-conditioning systems in such condition as existed at the commencement of this lease, which County warrants to be in good working condition as of the date of this lease. The County shall be responsible for the removal of snow (in a timely manner) from the parking lot and the walkways. The County shall in no event be required to make any repair, alteration or improvement to the interior of the Leased Premises. Any equipment replaced by the Tenant shall belong to the Tenant, save equipment replaced in connection with Tenant's obligation to maintain the premises in the same condition as exists at the commencement of this lease, and all proceeds from the disposition thereof may be retained by the Tenant. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, suits, fines, penalties, claims and demands including reasonable attorneys' fees, because of Tenant's failure to comply with the foregoing. Maintenance of the paved parking area shall be defined as and limited to maintaining and keeping the parking area in good condition.

9. Improvements. No substantial alteration, addition or improvement to the Leased Premises shall be made by the Tenant without the written consent of the County. Any alteration, addition or improvement made by the Tenant after such consent shall have been given and any fixtures permanently installed as part thereof, shall at the County's option, become the property of the County upon expiration of or other sooner termination of this lease; provided however, that the County shall have the right to require the Tenant to remove such fixtures at the Tenant's cost upon such termination. This clause shall not preclude Tenant from decorating the interior of the leased premises from time to time in Tenant's discretion. Tenant shall not remove or alter any vegetation on the exterior of the Leased Premises without the prior written approval of County.

10. Liens for Improvements by Tenant. The Tenant shall not permit any mechanic's lien to be filed against the fee of the property by reason of work, labor, services or materials supplied or claimed to have been supplied, whether prior or subsequent to the commencement of the term hereof, to the Tenant or anyone holding the Leased Premises, through or under the Tenant. If any such mechanic's lien shall at any time be filed against the Leased Premises, the Tenant shall, within 30 days after notice of the filing thereof, cause such lien to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction, or otherwise. If the Tenant shall fail to cause such lien to be discharged within such 30 day period, then, in addition to any other right or remedy of the County, the County may, but shall not be obligated to, discharge such lien either by paying the amount claimed to be due or by procuring the discharge of such lien by deposit or by bonding proceedings, and in any such event the County shall be entitled, if the County so elects, to compel the prosecution of an action for the foreclosure of such mechanic's lien by the lienor and to pay the amount of the judgment for and in favor of the lienor, with interest, costs and all other allowances. Any

amount paid by the County for any such purposes, shall be repaid by the Tenant to the County on demand, with interest thereon at the rate of 6% per annum from the date of payment, and if unpaid may be treated as additional rent as provided for elsewhere in this lease. Nothing in this lease shall be construed in any way as constituting the consent or request of the County, express or implied, by inference or otherwise, to any contractor, subcontractor, laborer or materialmen for the performance of any labor or the furnishing of any materials for any property or as giving the Tenant the right, power of authority to contract for or permit the rendering of any service or the furnishing of any material that would give rise to the filing of any mechanic's lien against the fee of the Leased Premises.

11. Tenant's Warranty of Non-Disturbance. Tenant hereby expressly covenants and agrees that the Tenant shall be responsible for controlling the noise level emanating from the Tenant's use of the Leased Premises. Tenant shall be responsible for and pay for the installation of any special padding for other noise suppression devices that may be required for control of the level of sound emanating from the Leased Premises.

12. Tenant’s Obligation to Comply with Applicable Laws and Compliance with Requirements of Insurance Policies. The Tenant shall throughout the term of this lease, at its sole expense, promptly comply with all laws and regulations of all federal, state and municipal governments and appropriate departments, commissions, boards and officers thereof, and the orders and regulations of the National Board of Fire Underwriters, or any other body now or hereafter exercising similar function, which may be applicable to the Leased Premises, the fixtures, and equipment therein, and the sidewalks and curbs adjoining the Leased Premises. The Tenant shall comply with the requirements of all policies of public liability, fire and all other types of insurance at any time in force with respect to the building and other improvements on the Leased Premises.

13. Utilities. County currently pays approximately $8,460 annually for utilities (electricity, gas, and water) and $564 for grounds care. Tenant and County agree and acknowledge that the Tenant provides valuable services to the residents of Orange County which services amount to an in-kind payment toward the costs of utilities and grounds care equaling $752.00 per month.

14. Condition of Premises. The Tenant shall, during the term of this lease and any renewal or extension hereof, at its sole expense, cause the Leased Premises to be kept clean and in a manner satisfactory to the County.

15. Surrender in Same Good Order and Condition. The Tenant shall vacate the Leased Premises in the good order and repair in which such property now is, ordinary wear and excepted, and shall remove all its property therefrom so that the County can repossess the Leased Premises no later than Noon on the day upon which this lease ends, whether upon notice or by holdover or otherwise. The County shall have the same rights to enforce this covenant by ejectment and for damages or otherwise as for the breach of any other condition or covenant of this lease. Tenant may at any time prior to or upon the termination of this lease or any renewal or extension thereof remove from the leased property all materials, equipment, and property of every other sort or nature installed by the Tenant thereon, provided that such property is removed without substantial injury to the leased property. No injury shall be considered substantial if it is promptly corrected by restoration to the condition prior to the installation of such property, if so requested by the County. Any such property not removed shall become the property of the County.

16. Prohibition Against Unlawful or Extra-hazardous Use-Enforcement Against Subtenants. The Tenant may use and occupy the Leased Premises for adult day care and office uses and for no other purpose without the prior written consent of County. Tenant shall not use or occupy nor permit the Leased Premises or any part thereof to be used or occupied for any unlawful business, use or purpose, nor for any business, use , or purpose deemed extra-hazardous, nor for any purpose or in any manner which is in violation of any present or future governmental laws or regulations. The Tenant shall promptly after the discovery of any such unlawful or extra-hazardous use take all necessary steps, legal and equitable, to compel the discontinuance of such use and to oust and remove any subtenants, occupants, or other persons guilty of such unlawful or extra-hazardous use. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, injunctions, suits, fines, penalties, claims and demands, including reasonable counsel fees, arising out of any violation of or default in these covenants.

17. County's Right to Cause Expiration or Termination upon Listed Defaults

(a) The occurrence of any of the following shall constitute an event of default:

1. Delinquency in the punctual payment of any rent or additional rent payable under this lease when such rent shall become payable. Should such rent payment not be made when due then upon the expiration of five days after the due date, such rent payment shall be delinquent.

2. Delinquency by the Tenant in the performance of or compliance with any of the conditions contained in this lease other than those referred to in the foregoing subparagraph 1, for a period of 30 days after written notice thereof from the County to the Tenant. In the event, Tenant is incapable of curing the default within such thirty (30) day period, the County may in its discretion extend the time for as long as the County deems necessary to cure such default. Provided, however, the Tenant shall promptly and diligently commence action to cure such default and provide County with evidence of Tenant’s intent to cure the default. Any additional period of time beyond thirty (30) days granted to Tenant to cure any default shall not be so extended as to jeopardize the interest of the County in this lease or so as to subject the County to any civil or criminal liabilities.

3. Filing by the Tenant in any court pursuant to any statute, either of the United States or any state, or a petition in bankruptcy or insolvency or for reorganization, or for the appointment of a receiver or trustee of all or a portion of the Tenant's property, or an assignment by the Tenant for the benefit of creditors.

4. Filing against the Tenant in any court pursuant to any statute, either of the United States or of any state, of a petition in bankruptcy or insolvency, or for reorganization, or for appointment of a receiver or trustee of all or a portion of the Tenant's property, if within 180 days after the commencement of any such proceeding against the Tenant such petition shall not have been dismissed.

(b) Upon the expiration or termination of this lease, the Tenant shall peacefully surrender the Leased Premises to the County, and the County, upon or at any time after such expiration or termination, County may, without further notice, reenter the Leased Premises and repossess it by force, summary proceedings, ejectment, or otherwise, and may dispossess the Tenant and remove the Tenant and all other persons and property from the Leased Premises and the right to receive all rental income therefrom.

(c) At any time after such expiration, the County may re-let the Leased Premises or any part thereof, in the name of the County or otherwise, for such term (which may be greater or less than the period which would otherwise have constituted the balance of the term of this lease) and on such conditions (which may include concessions or free rent) as the County, in its uncontrolled discretion, may determine, and may collect and receive the rent thereof.

(d) No such expiration or termination of this lease shall relieve the Tenant of its liability or obligations under this lease, and such liability and obligations shall survive any such expiration or termination. In the event of any such expiration or termination, whether or not the Leased Premises or any part any part thereof shall have been re-let, the Tenant shall pay to the County the rent and additional rent required to be paid by the Tenant up to the time of such expiration, and thereafter the Tenant, until the end of what would have been the term of this lease in the absence of such expiration, shall be liable to the County for, and shall pay to the County, as and for liquidated and agreed current damages for the Tenant's default:

1. The equivalent of the amount of the rent and additional rent which would be payable under this lease by the Tenant if this lease were still in effect, less

2. The greater of:

(a) The fair rental value of the Leased Premises for the remaining term of the lease, after deducting all the County's reasonable expenses in connection with such re-letting, including, without limitation, all repossession costs, brokerage Commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such re-letting.

(b) The net proceeds of any re-letting effected pursuant to the provisions of paragraph d. of this article, after deducting all the County's reasonable expenses in connection with such re-letting, including, without limitation, all repossession costs, brokerage commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such re-letting.

(e) The Tenant shall pay such current damages (herein called "deficiency") to the County monthly on the days on which the rent and additional rent would have been payable under this lease if this lease were still in effect, and the County shall be entitled to recover from the Tenant each monthly deficiency as such deficiency shall arise. At any time after any such expiration, whether or not the County shall have collected any monthly deficiency, the County shall be entitled to recover from the Tenant, and the Tenant shall pay to the County, on demand, as and for liquidated and agreed final damages for the Tenant's default, an amount equal to the difference between the rent and additional rent reserved hereunder for the expired portion of the lease of the Leased Premises for the same period. In the computation of such damages the difference between any installment of rent becoming due hereunder after the date of termination and the fair and reasonable rental value of the Leased Premises for the period for which such installment was payable shall be discontinued to the date of termination at the rate of four percent per annum.

(f) The terms "enter", "reenter", "entry", or "reentry" as used in this lease are not restricted to their technical meaning.

18. <u>Lien on Tenant's Improvements and Personal Property</u>. The County shall have first lien paramount to all others on every right and interest of the Tenant in and to this

lease, and on any building or improvement on or hereafter placed on the Leased Premises, and on any furnishings, equipment, fixtures, or other personal property of any kind belonging to the Tenant, or the equity of the Tenant therein, on the Leased Premises. Such lien is granted for the purpose of covenanted to be paid by the Tenant, and for the purpose of securing the performance of all of the Tenant's obligations under this lease. Such liens shall be in addition to all rights of the County given under statutes of this state, which are now or shall hereinafter be in effect. The provisions of this paragraph shall not be applicable to liens existing at the commencement of this lease.

Provided, that County may, at his option, agree to subordinate this lien to liens arising in connection with purchased of equipment or leasehold improvement financing by Tenant, which agreement County covenants not to unreasonably withhold.

19. County's Right to Receiver upon Tenant's Default. In addition to any other security for the performance of this lease, the Tenant hereby assigns to the County all of the rents and profits which might otherwise accrue to the Tenant from the use, enjoyment, and operation of the Leased Premises, such assignment to become effective, however, only after default by the Tenant in the performance of its obligations under this lease. If the County, upon default of the Tenant, elects to file a suit in equity to enforce the lease and protect the County's right hereunder, the County may upon notice to the Tenant, as ancillary to such suit, apply to any court having jurisdiction for the appointment of a receiver of the Leased Premises, the improvements and buildings located thereon, the personal property located therein, and thereupon the court may forthwith appoint a receiver with the usual powers and duties of receivers in like cases. Such appointment shall be made by such court as a matter of strict right to the County and without consideration of the adequacy of the value of the Tenant's interest in the lease, or of the value of the property, or the commission of waste thereon, or the deterioration thereof. Nothing herein shall prevent the enforcement of the County's lien for rent in any court or by proceeding authorized to the laws of this state, or the institution by the County of a separate proceeding in equity for the appointment of a receiver as an ancillary remedy to protect the rights and interest of the County. Any and all remedies or proceedings are considered cumulative and not exclusive.

20. Waiver of County's Rights Only by Written Instrument. No failure by the County to insist upon the strict performance of any item or condition of this lease or to exercise any right or remedy available on a breach thereof, and no acceptance of full or partial rent during the continuance of any such breach shall constitute a waiver of any breach or of any such term or condition. No term or condition of this lease required to be performed by the Tenant, and no breach thereof, shall be waived, altered or modified, except by a written instrument executed by the County. No waiver of any breach shall affect or alter any term or condition in this lease, and each such term or condition shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

21. Performance of Tenant's Obligations - Unpaid Insurance Premiums

(a) If the Tenant shall at any time fail to pay any amount in accordance with the provisions of this lease, or shall fail to take out, keep in force, or shall fail to perform any of its other obligations under this lease, then the County may after notice and opportunity to cure in accordance with the provisions of Section 17(a)2, or without notice if any emergency exists, and without releasing the Tenant from any obligation of the Tenant contained in this lease, may (but shall be under no obligation to) pay any amount payable by the Tenant hereunder, and perform any other act required to be performed by the Tenant hereunder. The County may enter upon the Leased Premises for such purposes and take any action necessary therefore.

(b) All sums so paid by the County and all costs and expenses incurred by the County in connection with the performance of any such act, together with interest thereon at the rate of 6% per annum from the respective dates of each such payment and such costs and expenses, shall constitute additional rent payable by the Tenant under this lease and shall be paid by the Tenant to the County on demand.

(c) Notwithstanding anything in this lease to the contrary, the County shall not be limited, in the proof any damages which the County may claim against the Tenant by reason of the Tenant's failure to provide and keep insurance in force, to the amount of the insurance premiums not paid or incurred by the Tenant. The County shall also be entitled to recover as damages for such breach the uninsured amount of any loss, together with damages, costs, and expenses of any suit offered or incurred by reason of damage to the Leased Premises occurring during any period when the Tenant shall have failed to provide and keep such insurance in force.

22. Performance of Tenant's Obligations-Taxes. If the Tenant shall default in the performance of any obligation under this lease, the County may, after notice and opportunity to cure in accordance with Section 17(a)2 or without notice if any emergency exists, perform such obligation for the account and at the expense (including reasonable counsel fees) of the Tenant. The amount of any payment made or expense incurred by the County for such purpose, with interest thereon at the rate of 6% per annum, shall be deemed additional rent and forthwith shall be repaid by the Tenant to the County, or, at the County's election, may be added to any subsequent installment of rent due and payable under this lease. Nothing herein contained shall be deemed to waive any right of the County to sue for and recover by action at law any sums of which the County may have incurred under the provisions of this subparagraph. The provisions of this paragraph shall survive the termination of this lease.

23. Right of Entry. The County or its agent shall with twenty-four (24) hours notice have the right to enter the Leased Premises at reasonable times in order to examine it, to show it to prospective purchasers or lessees, or to make such decorations, repairs, alterations, improvements or additions as the County may deem necessary or desirable. The County shall be allowed to take all material into and upon the Leased Premises that may be required therefore without the same constituting an eviction of the Tenant in whole or in part. The rent reserved shall not abate while decorations, repairs, alterations, improvements, or additions are being made, whether by reason of loss or interruption of the business of the Tenant or otherwise. During the last month prior to the expiration of the term of this lease, the County may place upon the Leased Premises the usual notices "To Let" or "For Sale", which notices the Tenant shall permit to remain thereon without molestation. If during the last month of the term the Tenant shall have removed all or substantially all of the Tenant's property therefrom, the County may, with the Tenant's permission, immediately enter and later, renovate and redecorate the Leased Premises without elimination of abatement of rent and without liability to the Tenant for any compensation, and such acts shall have no effect upon this lease. If the Tenant or its employees shall not be personally present to permit entry at any time when an entry therein shall be immediately necessary, as herein provided, the County may enter the premises by such means as may be appropriate, including forcible entry, without rendering the County or such agents liable therefore (if during such entry the County or his agents shall accord reasonable care to the Tenant's property), and without in any manner affecting the obligations and covenants of this lease. The County's right of reentry shall not be deemed to impose upon the County any obligation, responsibility or liability for the care, supervision or repair of the Leased Premises other than as herein provided. In the event that it becomes necessary for County to replace or repair any major component or any structural or other

system in the leased premises, the County shall have full and unrestricted access to the building and the Leased Premises. The County reserves the right temporarily to interrupt, curtail, stop or suspend air-conditioning and heating service, and all other utility or other services, because of accident or emergency or for repairs, alterations, additions, or improvements, or because of the County's inability to obtain, or difficulty or delay in obtaining, labor or materials necessary therefore or compliance with governmental restrictions in connection therewith, or because of any other cause beyond the County's reasonable control, provided that, except in cases of emergency, the County will use its best efforts to limit such stoppage to after-business hours, will notify the Tenant in advance, if possible, of any such stoppage, and, if ascertainable, its estimated duration, and will proceed diligently with the work necessary to resume such service as promptly as possible and in a manner and at times as will not materially interfere with or impair the Tenant's use of the Leased Premises. No diminution or abatement of fixed rent or other compensation shall be claimed by the Tenant, nor shall this lease or any of the obligations of the Tenant hereunder be affected or reduced by reason of such interruption, stoppage, or curtailment, nor shall the same give rise to a claim in the Tenant's favor that such failure constitutes total or partial eviction from the Leased Premises, provided that if the Leased Premises shall be unreasonably unoccupiable for a continuous period of more than five business days by reason of any such stoppage, the fixed rent payable by the Tenant shall abate until the Tenant shall be again able to use the Leased Premises.

24. Destruction by Fire or Other Casualty. In the event the premises or any substantial portion thereof are destroyed by fire or other casualty during the term of this lease, it is understood and agreed that County shall have no obligation to rebuild, and, at the election of County or Tenant the lease may be terminated

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25. Condemnation. If the whole of the Leased Premises, or such portion thereof as will make the Leased Premises unsuitable for the purposes herein leased, is condemned for any public use or purpose by any legally constituted authority, then in either of such events this lease shall cease from the time when possession is taken by such public authority and rental shall be accounted for between the County and the Tenant as of the date of the surrender of possession. Such termination shall be without prejudice to the rights of either the County or the Tenant to recover compensation from the condemning authority for any loss or damage caused by such condemnation. Neither the County nor the Tenant shall have any rights in or to any award made to the other by the condemning authority.

26. Assignment of Lease. The Tenant shall not assign, mortgage, or encumber this lease, nor sublet or permit the Leased Premises or any part thereof to be used by others, save and except direct clients of Tenant with whom Tenant has contractual agreements, without the prior written consent of the County in each instance. If this lease is assigned, or if the Leased Premises or any part thereof, is sublet, or occupied by anybody other than the Tenant except as stated above, the County may, after an event of default, as hereinabove defined, by the Tenant, collect rent for the assignee, subtenant, or occupant and apply the net amount collected to the rent herein reserved. No such assignment, subletting, occupancy or collection shall be deemed a waiver of this covenant, or the acceptance of this assignee, subtenant, or occupant as tenant, or a release of covenants in this lease. The consent by the County to an assignment or subletting shall not be construed to relieve the Tenant from obtaining the consent in writing of the County to any further assignment or subletting. Provided, further, County shall not unreasonably withhold consent to assignment.

27. Assignment of Interest in Rents. The County shall have the right, without selling its fee interest in the leased property or assigning its interest in this lease, to

assign from time to time the whole of the net rent at any time payable hereunder to persons, firms, corporations, trusts or other entities designated by the County in a written notice to the Tenant, and in any such case the Tenant shall pay the net rent, subject to the terms of this lease, to the County's designee at the address mentioned in any such notice for the period covered by such assignment.

28. Exoneration from Liability. The County shall not be liable for any personal injury to the Tenant or to its officers, agents and employees, or to any other occupant of any part of the Leased Premises, irrespective of how such injury or damage may be caused, whether from action of the elements or acts of negligence of the occupants of adjacent properties, or any other persons; provided that nothing contained herein shall relieve the County of the consequences of his own negligence. The Tenant agrees to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Tenant's lease, use, sublease, or occupation of the facility and arising from bodily injury including death or property damage to any person or persons caused in whole or in part by the negligence or misconduct of the Tenant except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this provision to require the Tenant to indemnify the County to the fullest extent permitted under North Carolina law.

29. Reimbursement of Expenses. The Tenant shall pay and indemnify the County against all legal costs and charges, including counsel fees lawfully and reasonably incurred, in obtaining possession of the leased premises after default of the Tenant or after the Tenant's default in surrendering possession upon the expiration or earlier termination of the term of the lease or enforcing any covenant of the Tenant herein contained. The Tenant further covenants that in case the County shall be made party to any litigation commenced against the Tenant, due to act or omission on the part of the Tenant alone, then the Tenant shall pay all expenses, costs, and reasonable attorney's fees incurred by or imposed on the County in connection with such litigation, and such expenses, costs, and attorney's fees shall be additional rent due on the last day after services of notice of such payment or payments, together with interest at a rate of 9% per annum from the date of payment, and shall be collected as any other rent specifically reserved herein. Provided that this claim shall not be applicable where the County shall be made a party by reason of any independent liability of the County caused by some act or omission on the part of the County or resulting from any act or omission on the part of both Tenant and County.

30. Smoke Free Facility. Tenant acknowledges that County-owned buildings are smoke-free. Tenant shall ensure that employees, customers or invitees of the Tenant abide by the County's ordinances, which prohibit smoking.

31. Weapons Prohibited. Tenant acknowledges that a County ordinance has been approved by the Board of Commissioners that prohibits weapons in County facilities, except in limited situations Tenant will ensure that employees, customers or invitees of the Tenant abide by the County's ordinance that prohibits weapons in the facility.

32 Notice by Registered or Certified Mail. Any notice under this lease must be in writing and must be sent by registered or certified mail to the last address of the party to whom the notice is to be given, as designated by such party in writing. The County hereby designates its address as:

County of Orange
Attn: County Manager
200 South Cameron Street
PO Box 8181
Hillsborough, NC 27278

The Tenant hereby designates its address as:

Senior Care of Orange County, Inc.
Attn: Executive Director
103 Meadowlands Drive
Hillsborough, NC 27278

33. Grammatical Usage. In construing this lease, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, and plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.

34. Entire Agreement. This lease contains the entire agreement between the parties, and any executory agreement hereafter made shall be ineffective to change, modify, or discharge it in whole or in part, unless such executory agreement is in writing and signed by the party against whom enforcement of the change, modification or discharge is sought.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

[SIGNATURE PAGE TO FOLLOW]

COUNTY: ATTEST:

BY:_____ _____
Bernadette Pelissier, Chair Donna S. Baker, Clerk to the Board

TENANT: WITNESS:

_____ _____
Senior Care of Orange County, Inc.

STATE OF NORTH CAROLINA
ORANGE COUNTY

I, _____, a Notary Public for said County and State, do hereby certify that Donna S. Baker personally appeared before me this date and acknowledged that she is the Clerk to the Board of Commissioners of Orange County, and that by authority duly given and as the act of Orange County, the foregoing instrument was signed in its name by Bernadette Pelissier, Chair, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the _____ day of _____, 2012

_____
Notary Public

My Commission expires:_____

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, _____, a Notary Public, do hereby certify that _____, personally appeared before me this day and acknowledged the due execution of the foregoing Lease Agreement.

WITNESS my hand and official seal this the _____day of _____, 2012.

_____
Notary Public

My commission expires: _____

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 5-o

SUBJECT: Amending the County Manager's Employment Contract

DEPARTMENT: County Attorney

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

Third Employment Agreement Amendment

INFORMATION CONTACT:
John Roberts, 245-2318

PURPOSE: To amend the County Manager's employment contract to allow for an amended hire date and a travel allowance.

BACKGROUND: The County Manager's annual review was conducted by the Board of County Commissioners on October 23, 2012. The attached amendment to the Manager's employment agreement reflects the changes requested by Board of Commissioners. Those changes involve granting the Manager an annual travel allowance of $6,000 and amending the Manager's hire date to June 15, 2009.

FINANCIAL IMPACT: $6,000 annually for the travel allowance.

RECOMMENDATION(S): The Attorney recommends the Board approve the amended contract.

ORANGE COUNTY

THIRD EMPLOYMENT AGREEMENT AMENDMENT

NORTH CAROLINA

THIS AMENDMENT, made and entered into this the 20th day of November, 2012, by and between the County of Orange, a body politic and corporate of the State of North Carolina, hereinafter called "County", party of the first part, and Frank W. Clifton Jr. hereinafter called "Employee", party of the second part:

WITNESSETH:

WHEREAS, the County and Employee entered into an Employment Agreement dated October 6, 2009, for the management of the general operations of the County government; and

WHEREAS, the Employment Agreement was first Amended on the 19th day of October, 2010 (hereinafter "Amended Agreement"); and

WHEREAS, the Amended Agreement was again amended on the 5th day of December 2011; and

WHEREAS, the County and Employee (the "Parties") desire to amend the Amended Agreement a third time, while keeping in effect all terms and conditions of the Amended 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 Amended Agreement as follows:

SECTION 2: TERM
Section 2 is amended by adding the following sentence to Subsection A:

For retirement purposes Employee's date of full-time employment is amended to reflect a hire date of June 15, 2009.

SECTION 10: OTHER BENEFITS
Section 10 is amended by adding the following sentence:

Employee shall receive a travel allowance of $500.00 per month.

Except for the changes made to Sections 2A and 10 herein, the Amended Agreement shall remain in full force and effect to the extent it is not inconsistent with this Amendment. In the event there is a conflict between the terms of the Amended Agreement and the terms of this Amendment, this Amendment shall control.

[SIGNATURE PAGE TO FOLLOW]

IN TESTIMONY WHEREOF, this Amendment has been executed by the parties hereto, as of the date first above written.

SIGNATURE PAGE TO FOLLOW

COUNTY

BY:_____
Bernadette Pellissier
Chair, Board of County Commissioners

EMPLOYEE

_____
Frank W. Clifton Jr.

ATTEST:
CLERK:_____
Donna Baker

[SEAL]

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

_____
Finance Director

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 6-a

SUBJECT: Smoke Free Public Places

DEPARTMENT: Health

PUBLIC HEARING: (Y/N) Yes

ATTACHMENT(S):
1) Board of Health Rule – Smoke Free Public Places
2) Smoke Free Public Places Frequently Asked Questions (FAQ)
3) Fact Sheet
4) Community Leaders Survey Results
5) Community Survey Results
6) Draft Minutes from the October 24, 2012 Board of Health Public Hearing
7) Excerpt from Draft October 22, 2012 Town of Hillsborough Board of Commissioners Workshop Minutes
8) Ordinance Approving an Orange County Board of Health Rule Prohibiting Smoking in County and Town Buildings, Grounds, Vehicles, and Public Places

INFORMATION CONTACT:
Colleen Bridger, Health Director, 245-2400

PURPOSE: To conduct a public hearing to receive comments from the public regarding smoke free public places and to consider approval, by Ordinance, of the Orange County Board of Health's Smoke Free Public Places Rule adopted by the Board of Health on October 24, 2012.

BACKGROUND: In 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke and that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers. Also, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity such as those sitting beside someone on a park bench or children accompanying a smoking parent or guardian.

Given this and other information regarding the adverse health effects from secondhand smoke, and extensive input from municipal leaders and residents, the Orange County Board of Health voted to adopt a Smoke Free Public Places Rule. The details of this Rule are included in the attachments. Essentially, under this Rule, smoking would be banned: 1) in all indoor areas where the public is invited or allowed (including County and Municipal-owned vehicles) and 2) all County or Municipal-owned, maintained or controlled outdoor areas such as parks, parking

lots and sidewalks. There are some state-mandated exceptions such as the University of North Carolina-Chapel Hill campus and tobacco/smoke shops.

The Board of Health began consideration of this Rule two years ago when the North Carolina General Assembly approved House Bill 2, a law that banned smoking in restaurants and bars and allowed local Boards of Health, in collaboration with local Boards of County Commissioners, the authority to pass more restrictive rules banning smoking in public places. Consideration of this Rule is in the Board of Health's strategic plan for 2012-2014. The draft Rule was shared with community leaders via email; survey and forum. It was modified based on input and then shared with the general public. The Board of Health received feedback from over 750 residents through: 1) an on-line survey; 2) email/regular mail; 3) a telephone hotline; and 4) a public hearing. General support for Smoke Free Public Places was high among both community leaders and the public.

The Rule would go into effect January 1, 2013 for a "soft implementation" period of 6 months during which community education would begin, signage would be erected, and no citations would be issued for violations. Effective July 1, 2013, the Rule would go into full effect and local law enforcement could, if deemed appropriate, issue a $25 citation for failure to comply with the Rule.

FINANCIAL IMPACT: The signs to notify the public of this change are the most expensive component. To date the Health Department has received approximately $30,000 from Federal grants to pay for signage and is actively seeking additional funding to help the Municipalities with sign purchases.

RECOMMENDATION(S): The Manager recommends that the Board conduct the public hearing, approve by Ordinance the Orange County Board of Health's Smoke Free Public Places Rule, and authorize the Chair to sign the Ordinance.

ORANGE COUNTY BOARD OF HEALTH RULE

A RULE TO PROHIBIT SMOKING IN COUNTY AND TOWN BUILDINGS, VEHICLES AND GROUNDS AND IN PUBLIC PLACES IN THE COUNTY OF ORANGE, THE TOWNS OF CARRBORO, CHAPEL HILL, HILLSBOROUGH AND THOSE PARTS OF MEBANE IN ORANGE COUNTY

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), Tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation;[1] and

WHEREAS, in 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke and that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers;[2] and

WHEREAS, the CDC advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking;[3] and

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity (such as those sitting beside someone on a park bench or children accompanying a smoking parent or guardian)[4]; and

WHEREAS, in air quality tests, concentrations of secondhand smoke in vehicles have been found to be far greater than in any other micro-environments tested, including smoke-free homes, smokers' homes, smoke-filled bars, and outdoor air- even with a vehicle's windows open and its fan set on high[5]; and

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[1] Centers for Disease Control and Prevention, Smoking and Tobacco Use Fast Facts, http://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/#toll (last visited Oct. 7, 2010).

[2] U.S. DEP'TOFHEALTH & HUMAN SERVS., THE HEALTH CONSEQUENCES OF INVOLUNTARY EXPOSURE TO TOBACCO SMOKE: A REPORT OF THE SURGEON GENERAL 11, 14-16 (2006), http://www. surgeon general. gov/1ibrary/secondhandsmoke/report/index.html.

[3] *See id.* at 15; Centers for Disease Control and Prevention, Smoking and Tobacco Use Health Effects of Secondhand Smoke, http://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm (last visited March 25, 2011).

[4] Neil E. Klepeis, Wayne R. Ott, and Paul Switzer, *Real-time Measurement of Outdoor Tobacco Smoke Particles,* 57 J. AIR & WASTE MGMT. Ass 'N 522, 522 (2007); Neil E. Klepeis, Etienne B. Gabel, Wayne R. Ott, and Paul Switzer, *Outdoor Air Pollution in Close Proximity to a Continuous Point Source,* 43 ATMOSPHERICENV'T 3155, 3165 (2009).

[5] Wayne Ott, Neil Klepeis & Paul Switzer, *Air Change Rates of Motor Vehicles and In-Vehicle Pollutant Concentrations from Secondhand Smoke*, 18 J. EXPOSURE SCI. AND EVNTL. EPIDEMIOLOGY 312, 312 (2007), *available at* http://tobaccosmoke.exposurescience.org/pub/reprints/Ott_CarStudy.pdf; *see also* Ontario Medical Ass'n, Backgrounder -Tobacco Smoke Concentration in Cars, https://www.oma.org/Resources/Documents/fTobaccoSmokeConcentrationsInCars.pdf (last visited March 30,

WHEREAS, on January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment," Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;" and

WHEREAS, pursuant to N.C. Gen. Stat. 130A-39(a), local boards of health have the responsibility to protect and promote the public's health and to adopt rules necessary for that purpose; and

WHEREAS, the Orange County Board of Health is committed to providing a safe and healthy workplace in all County and Town facilities for County and Town employees and a safe and healthy environment for the visiting public; and

WHEREAS, the Orange County Board of Health finds and declares that, in order to protect the public health and welfare, it is in the best interests of the citizens of Orange County to adopt a Rule prohibiting smoking in County and Town buildings, vehicles and grounds and all public places in Orange County; and

WHEREAS, the Orange County of Board of Health provides support to employees and residents who want to quit smoking and also encourages them to talk to their health care provider about quitting, ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer, and to use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669); and

WHEREAS, the Orange County Board of Health wishes to minimize the harmful effects of smoking among Orange County and Town employees and eliminate secondhand smoke exposure for employees and the public in public places and in those buildings, vehicles, and grounds controlled by Orange County and the Towns of Carrboro, Chapel Hill, Hillsborough and those parts of Mebane in Orange County; and

WHEREAS, the Orange County Board of Health finds and declares that, in order to protect the public health and welfare, it is in the best interests of the citizens of Orange County to adopt a Rule prohibiting smoking in public places and in County and Town buildings, grounds, and vehicles.

NOW, THEREFORE, THE ORANGE COUNTY BOARD OF HEALTH ADOPTS THE FOLLOWING RULES:

Section 1. Authority

This Rule is enacted pursuant to N.C. Gen. Stat. 130A-498 and 130A-39(a).

Section 2. Definitions

2011).

The following definitions are applicable to this Rule.

1) "Town" or "Towns". The Towns of Carrboro, Chapel Hill, Hillsborough and those parts of Mebane that are within Orange County.

2) "Town Building". A building owned, leased as lessor, or the area leased as lessee and occupied by the Towns of Carrboro, Chapel Hill, Hillsborough and those parts of Mebane in Orange County

3) "Town Grounds". An unenclosed area owned, leased or occupied by the Towns of Carrboro, Chapel Hill, Hillsborough and those parts of Mebane in Orange County.

4) "Town Vehicle". A passenger-carrying vehicle owned, leased, or otherwise controlled by the Towns of Carrboro, Chapel Hill, Hillsborough and those parts of Mebane in Orange County and assigned permanently or temporarily to their employees, agencies, institutions, or facilities for official Town business.

5) "Bus Stop". A designated area, whether enclosed or unenclosed, where buses stop for passengers to board or exit a bus. This term shall include areas at bus stops and shelters, beginning at the bus stop sign and extending for a radius of one hundred (100) feet around the bus stop sign. This area expressly excludes any private property that may fall within the one hundred foot radius of the bus stop sign or any area exempt by this Rule.

6) "County Building". A building owned, leased as lessor, or the area leased as lessee and occupied by Orange County.

7) "County Grounds". An unenclosed area owned, leased or occupied by Orange County.

8) "County Vehicle". A passenger-carrying vehicle owned, leased, or otherwise controlled by Orange County and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official County business.

9) "Employee". A person who is employed by the County of Orange or by the Towns of Carrboro, Chapel Hill, Hillsborough and those parts of Mebane in Orange County; or who contracts with the County or Towns; a third person who performs services for the County or Towns; or who otherwise performs services for the County or Towns with or without compensation.

10) "Local Health Department". The Orange County Health Department, the jurisdiction of which includes Orange County and the Towns of Carrboro, Chapel Hill, Hillsborough and those parts of Mebane in Orange County.

11) "Local health director". Administrative head of the Orange County Health Department appointed pursuant to N.C. Gen. Stat. Chapter 130A.

12) "Sidewalk". Any sidewalk that is owned, leased, or occupied by the County or Towns, including those maintained or controlled by the County and Towns and those that abut the County, Town and public school grounds.

13) "Smoking". The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

13) "International 'No Smoking' symbol". Symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.

14) "Cigar bar". An establishment with a permit to sell alcoholic beverages pursuant to subdivision (1), (3), (5), or (10) of N.C. Gen. Stat. 18B-1001 that satisfies all of the following:

    a. Generates sixty percent (60%) or more of its quarterly gross revenue from the sale of alcoholic beverages and twenty-five percent (25%) or more of its quarterly gross revenue from the sale of cigars;

    b. Has a humidor on the premises; and

    c. Does not allow individuals under the age of 21 to enter the premises.

    d. Revenue generated from other tobacco sales, including cigarette vending machines, shall not be used to determine whether an establishment satisfies the definition of cigar bar.

15) "Enclosed area". An area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.

16) "Lodging establishment". An establishment that provides lodging for pay to the public.

17) "Private club". A country club or an organization that maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest, and is either incorporated as a nonprofit corporation in accordance with Chapter 55A of the General Statutes or is exempt from federal income tax under the Internal Revenue Code as defined in N.C. Gen. Stat. 105-130.2(1). For the purposes of this Rule, private club includes country club.

18) "Private residence". A private dwelling that is not a child care facility, as defined in N.C. Gen. Stat. 110-86(3), and not a long-term care facility, as defined in N.C. Gen. Stat. 131E-114.3(a)(1).

19) "Private vehicle". A privately owned vehicle that is not used for commercial or employment purposes.

20) "Public place". An enclosed area to which the public is invited or in which the public is permitted.

21) "Tobacco shop". A business establishment, the main purpose of which is the sale of tobacco, tobacco products, and accessories for such products, that receives no less than seventy-five percent (75%) of its total annual revenues from the sale of tobacco, tobacco products, and accessories for such products, and does not serve food or alcohol on its premises.

Section 3. Areas in Which Smoking is Prohibited

1) Smoking is prohibited in all of the following:

   a. In any County building and Town building.

   b. In any County vehicle and Town vehicle.

   c. On any County grounds and Town grounds.

   d. All other County and Town property including, but not limited to:

      i. County and Town Parks Systems including playgrounds and athletic fields;

      ii. County and Town Bus Stops;

      iii. Sidewalks;

      iv. Public Transportation;

      v. County and Town Trails and Parks; and

      vi. Polling Places

2) Smoking is prohibited in County buildings and Town buildings and grounds being used for private events.

3) Except as provided in Section 4 of this Rule, smoking shall be prohibited in all public places within the County and Towns, including but not limited to:

a. Child Care Facilities;

b. Shopping Malls;

c. Elevators;

d. Polling Places;

e. Public Restrooms;

f. Restaurants;

g. Bars;

h. Retail Stores;

i. Galleries, Libraries and Museums;

j. Entertainment and Sports Arenas;

k. Gaming facilities including, but not limited to, Internet Sweepstakes and Video Poker;

l. Lobbies, Hallways and other Common Areas in Apartment Buildings, Condominiums, Retirement Facilities, Nursing Homes and other Multi-Unit Residential Facilities; and

m. Office and Other Commercial Establishments Where the Public is invited, or permitted.

Section 4. Exceptions: Where Smoking is Not Regulated By This Rule

1) In accordance with N.C. Gen. Stat. 130A-498(b1), smoking is not prohibited by this Rule in the following places:

a. A private residence.

b. A private vehicle.

c. A tobacco shop if smoke from the business does not migrate into an enclosed area where smoking is prohibited pursuant Article 23 of the North Carolina General Statutes. A tobacco shop that begins operation after July 1, 2009, may only allow smoking if it is located in a freestanding structure occupied solely by the tobacco shop and smoke from the shop does not migrate into an enclosed area where smoking is prohibited pursuant to Article 23 of the North Carolina General Statutes.

d. All of the premises, facilities, and vehicles owned, operated, or leased by any tobacco products processor or manufacturer, or any tobacco leaf grower, processor, or dealer.

e. A designated smoking guest room in a lodging establishment. No greater than twenty percent (20%) of a lodging establishment's guest rooms may be designated smoking guest rooms.

f. A cigar bar if smoke from the cigar bar does not migrate into an enclosed public place where smoking is prohibited pursuant to Article 23 of the North Carolina General Statutes. A cigar bar that begins operation after July 1, 2009, may only allow smoking if it is located in a freestanding structure occupied solely by the cigar bar and smoke from the cigar bar does not migrate into an enclosed area where smoking is prohibited pursuant to Article 23 of the North Carolina General Statutes.

g. A private club.

h. A motion picture, television, theater, or other live production set. This exemption applies only to the actor or performer portraying the use of tobacco products during the production.

(2) This Rule does not apply to any property owned, leased, or maintained by the State of North Carolina.

Section 5. Implementation Requirements

(1) The Implementation period shall be January 1, 2013 to June 30, 2013.

(2) During the Implementation period the County and the Towns where smoking is prohibited by the Rule shall:

a. Post signs that meet all the requirements in Section 6 of this Rule.

b. Remove all indoor ashtrays and other smoking receptacles from the area in which smoking is prohibited, except for ashtrays and receptacles for sale and not intended for use on the premises.

c. Direct a person who is smoking or using a tobacco product in a prohibited area to extinguish the lighted tobacco product and, if the person does not comply, ask the person to leave the premises.

d. If a person in violation refuses to leave the premises, contact the

County sheriff department or the police department in the Towns in which the violation occurred. An oral or written notice shall be provided to the person.

e. Engage in public education as provided in Section 8 below.

(3) During the implementation period a person who manages, operates, or controls a public place in which smoking is prohibited by this Rule shall:

a. Post signs that meet all the requirements in Section 6 of this Rule.

b. Remove all indoor ashtrays and other smoking receptacles from the area in which smoking is prohibited, except for ashtrays and receptacles for sale and not intended for use on the premises.

c. Direct a person who is smoking in a prohibited area to extinguish the lighted tobacco product and, if the person does not comply, ask the person to leave the premises.

d. If a person in violation refuses to leave the premises, contact the County sheriff department or the police department in the Town in which the violation occurred. An oral or written notice shall be provided to the person.

Section 6. Signage

(1) The County and the Towns where smoking is prohibited by the Rule shall post signs as required by Section 5 that must:

a. State in English and Spanish that smoking is prohibited and include the universal "No Smoking" symbol.

b. Be of sufficient size to be clearly legible to a person of normal vision, and be conspicuously posted.

c. Be posted at each entrance to a County and Town building and in other locations within the buildings reasonably calculated to inform employees and the public of the prohibition.

d. Be posted on County grounds and Town grounds in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.

(2) The County or Towns where smoking is prohibited by the Rule may in

their discretion post a sign that either states "No Smoking" or contains the International "No Smoking" symbol in County or Town vehicles in an area visible to passengers, provided that their placement does not interfere with the safe operation of the vehicle. If the vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle.

(3) A person who manages, operates, or controls a public place in which smoking is prohibited by this Rule shall post signs required to be posted in enclosed areas of public places that must:

a. Clearly state in English and Spanish that smoking is prohibited and include the International "No Smoking" symbol.

b. Be conspicuously posted at each entrance to the public place.

c. Be at least 24 square inches in size.

d. Be at least 16 point font size.

Section 7. Enforcement and Penalties

(1) Violations by persons smoking in prohibited areas. Failure to cease smoking in a prohibited area constitutes an infraction punishable by a fine of twenty-five dollars ($25.00). A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.

(2) Sanctions for employees. In addition to any penalty under subsection (1), employees of Orange County and employees of the Towns who violate this Rule shall be subject to disciplinary action consistent with their respective employer's personnel ordinances or policies.

(3) Violations by persons who manage, operate, or control a public place. The Orange County health director may take the following actions and may impose the following administrative penalty on a person who manages, operates, or controls a public place and fails to comply with the provisions of this Rule:

a. First violation. Written notice of the person's first violation and notification of action to be taken in the event of subsequent violations.

b. Second violation- Written notice of the person's second violation and

notification of administrative penalties to be imposed for subsequent violations.

c. Third and subsequent violations- Impose an administrative penalty of not more than two hundred dollars ($200.00).

Each day on which a violation of this Rule occurs may be considered a separate and distinct violation.

Section 8. Public Education

The County and the Towns shall engage in an ongoing program to explain and clarify the purposes and requirements of this Rule to citizens affected by it, and to guide operators and managers in their compliance with it. In doing so, the County and Towns may rely upon materials and information provided by the local health department. The County and Towns shall:

(1) Educate the public about the rule and the reasons for the new rule prior to its implementation date through the news media, website and educational media. This education shall include information on resources for quitting smoking or tobacco use including information about the free quitting support services of the North Carolina Tobacco use Quitline 1-800 QUIT NOW (1-800-784-8669).

(2) Educate County and Town employees at covered facilities, about the Rule and how they can assist with compliance with the Rule.

(3) Provide County and Town employees with information on cessation of smoking, including information about the free quitting support services of the North Carolina Tobacco use Quitline 1-800 QUIT NOW (1-800-784-8669).

(4) Post notices at each entrance to a County or Town building and in other locations within the buildings reasonably calculated to inform employees and the public of the prohibition.

Section 10. Effective Date

These Rules become effective January 1, 2013 following adoption by the Orange County Board of Health and approval of these Rules by an Ordinance adopted by the Orange County Board of Commissioners pursuant to N.C. Gen. Stat. 153A-121(a). There shall be an implementation period from January 1 through June 30, 2013 where enforcement shall be limited to Section 5 of the Rule. On July 1, 2013 and thereafter the Ordinance shall be enforced as provided in Section 7 of this Rule.

Section 11. *Abrogation*

This Rule is not intended to repeal, abrogate or impair any greater restriction imposed by any other state law or local government ordinance. Wherever the provisions of any other law, ordinance, regulation or restriction impose higher standards than are required by the provisions of this Rule, this Rule does not prohibit enforcement of any such law, ordinance, regulation or restriction.

Adopted this the 24 day of October, 2012.

_____

_____, Chair
Orange County Board of Health

ATTEST:

_____
Secretary to the Orange County Board of Health

Approved as to form: _____
Office of the County Attorney

Orange County Board of Health Smoke-Free Public Places Rule
Frequently Asked Questions

Q. Why is the Orange County Board of Health (BOH) considering a Smoke-Free Public Places Rule?

Health impacts

- Everyone has the right to breathe clean air in public places.
- According to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation.
- There are solutions to the health and environmental impacts of smoking. After restaurants and bars became smoke-free in NC, average weekly emergency room visits by people experiencing heart attacks decreased by 21%.

Dangers of secondhand smoke

- Secondhand smoke contains more than 7,000 chemicals, hundreds of which are toxic (such as formaldehyde, arsenic and lead) and about 70 can cause cancer.
- In 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that **there is no risk-free level of exposure to secondhand smoke** and that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers.
- The CDC advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking.

Healthy Orange

- As the **2nd healthiest county in North Carolina**, the Board of Health feels it is in the best interest of our citizens and those who visit Orange County to be provided with a healthy and smoke-free environment.

Q. Why is the BOH considering smoke-free outdoor areas?

Impact of secondhand smoke outdoors

- Research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity (such as those sitting beside someone on a park bench).
- The 2006 U.S. Surgeon General's report states that "Breathing even a little secondhand smoke can be harmful."
- The Surgeon General has concluded that the only way to fully protect yourself and your loved ones from the dangers of secondhand smoke is through 100% smoke-free environments.

Cleaner environment

- Cigarette butts are the most commonly littered item in America.
- Outdoor smoke-free policies have been shown to decrease litter and therefore, reduce clean-up costs at outdoor areas.

It's good for our youth

- Creating smoke-free environments reduces opportunities for youth to learn the behavior of smoking.

Q. How does the proposed new rule differ from existing laws and ordinances?

- The proposed rule would broaden what is currently in effect to include places such as government grounds, parks, recreational facilities and any enclosed facility where the public is invited such as lobbies and other common areas.

Q. Why is this Orange County's responsibility? Isn't smoking a personal choice?

- Local boards of health have the responsibility to protect and promote the public's health and to adopt rules necessary for that purpose (N.C. Gen. Stat. 130A-39(a)).
- The Orange County Board of Health wishes to minimize the harmful effects of smoking and eliminate secondhand smoke exposure for its citizens and the visiting public.
- Smoke-free laws help the seven out of every ten smokers who want to quit smoking by providing them with public environments free from any pressure or temptation to smoke.
- There is support for people who want to quit smoking. Smokers can talk to their health care provider about quitting and ask about appropriate medications available through their health insurance plan or employee's insurer. They can also use the free quitting support services of QuitlineNC at 1-800-QUIT-NOW (1-800-784-8669) or www.QuitlineNC.com.

Q. How will this rule be implemented and enforced?

- Starting January 1, 2013, implementation would include six months of public education about the new rule and reasons for it, posting signs and removing ashtrays and smoking receptacles. Fines would go into effect on July 1, 2013.
- Most outdoor policies depend upon the cooperation of the public – generally those who frequent the areas. Since most people will refrain from smoking if they know a smoke-free policy is in place, the best way to enhance enforcement is to educate the public and local businesses about the policy early and often in the implementation process.
- According to the NC Tobacco Prevention and Control Branch the State is currently receiving only 10 complaints per month about the Smoke-Free Restaurants and Bars Law. High compliance is based on education and clear communication.

Q. Where can I find additional information?

- Secondhand Smoke Exposure (Source: NC Division of Health and Human Services): www.tobaccopreventionandcontrol.ncdhhs.gov/shs/index.htm
- Smoking and Health Effects (Source: Centers for Disease Control and Prevention) http://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm
- For help quitting tobacco use, call toll free 1-800-QUIT-NOW or visit www.QuitlineNC.com

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References:

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11. Campaign for Tobacco-free Kids, Smoke-free laws do not harm business at restaurants and bars, 2011.
12. Tobacco Control Legal Consortium, Regulating Smoking Outdoors: Tips and Tools, http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-guide-smokingoutdoors-2010.pdf.

Orange County Board of Health Smoke-Free Public Places Rule

A Summary for Orange County and the Towns of Carrboro, Chapel Hill, Hillsborough and those parts of Mebane in Orange County

Overview

Where would smoking be prohibited by this rule?

- County and Town buildings and grounds
- County and Town vehicles
- County and Town Parks Systems including playgrounds, trails, and athletic fields
- Bus Stops
- Sidewalks that are maintained by the County or Town including those connected to a public school
- Public Transportation
- Polling Places
- Child Care Facilities
- Shopping Malls
- Elevators
- Public Restrooms
- Retail Stores
- Galleries, Libraries and Museums
- Entertainment and Sports Arenas
- Gaming facilities including Internet Sweepstakes and Video Poker
- Lobbies, Hallways and other Common Areas in Apartment Buildings, Condominiums, Retirement Facilities, Nursing Homes and other Multi-Unit Residential Facilities
- Office and Other Commercial Establishments where the public is invited, or permitted

Where would smoking not be regulated by this rule?

- Private residences
- Private vehicles
- Tobacco shops
- Tobacco manufacturers, growers, processors
- Designated smoking guest rooms in lodging establishments. No greater than twenty percent (20%) of a lodging establishment's guest rooms may be designated smoking guest rooms
- Cigar bars
- Private clubs
- Motion picture, television, theater, or other live production sets. This exemption applies only to the actor or performer portraying the use of tobacco products during the production
- UNC Chapel Hill (Existing University policy will remain in effect)

Implementation Requirements

Education and preparation period would begin on January 1, 2013 and include:

- Educating the public about the rule and the reasons for the new rule
- Educating County and Town employees of facilities covered under this rule
- Posting signs that meet all local sign requirements
- Removing all ashtrays and smoking receptacles
- Directing smokers to cease using products in prohibited areas
- Contacting law enforcement in cases of non-compliance to issue warnings

Legal Authority

The 2010 NC Smoke-free Restaurants and Bars Law (N.C. Gen. Stat. 130A-498) allows local governments to adopt and enforce smoke-free ordinances that are more comprehensive than State law in local government buildings, grounds, vehicles, or in public places.

300 West Tryon Street
Hillsborough, NC 27278

919.245.2400

orangecountync.gov/health/

Smoke-Free Public Places Rule - Continued

Enforcement and Penalties - Effective date of July 1, 2013

Citizens - Failure to cease smoking in a prohibited area following warning constitutes an infraction punishable by a fine of $25 issued by law enforcement. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.

Employees - In addition to any penalty above, employees of Orange County and employees of the Towns who violate this Rule shall be subject to disciplinary action consistent with their respective employer's personnel ordinances or policies.

Persons who manage or operate a public place - The Orange County Health Director may take the following actions and may impose the following administrative penalty on a person who manages, operates, or controls a public place and fails to comply with the provisions of this Rule:

- First violation. Written notice of the person's first violation and notification of action to be taken in the event of subsequent violations.
- Second violation. Written notice of the person's second violation and notification of administrative penalties to be imposed for subsequent violations.
- Third and subsequent violations. Health Director may impose an administrative penalty of not more than $200.

Signage Requirements

- State in English and Spanish that smoking is prohibited and includes the universal "No Smoking" symbol.
- Be of sufficient size to be clearly legible to a person of normal vision.
- Post at each entrance to a County or Town and in other locations within the buildings reasonably calculated to inform employees and the public of the prohibition.
- Post on County grounds and Town grounds including the Parks System in locations and at intervals reasonably calculated to inform the employees and the public of the prohibition.
- Post in each County vehicle and each Town vehicle in areas visible to passengers. If the vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle.
- Post on County and Town sidewalks at intervals so as to reasonably inform the public of the prohibition.
- Post at bus stops in areas visible to the public.
- A person who manages, operates, or controls a public place in which smoking is prohibited by this Rule shall post signs required to be posted in enclosed areas.

Public Education

The County and the Towns will engage in ongoing public education to explain and clarify the purposes and requirements of this Rule to citizens, and to guide operators and managers in their compliance. The Health Department will provide information and technical assistance for this purpose to:

- Educate the public on the new rule and reasons for it through news media, websites and educational materials.
- Promote resources for quitting tobacco - QuitlineNC, toll-free 1-800-QUIT-NOW, www.QuitlineNC.com.
- Work with County and Town human resource staff to educate employees about the Rule and how they can assist with compliance.
- Provide tobacco cessation information to employees.

300 West Tryon Street
Hillsborough, NC 27278

919.245.2400

orangecountync.gov/health/

Orange County's Proposed Smoke-Free Public Places Survey Responses

On Tuesday, September 18, 2012 a survey was sent out to 57 elected officials and key stakeholders across Orange County. The survey closed at 2:00 p.m. on Tuesday, September 25, 2012 with a total of 88 responses. Based on the professional titles reported, it appears that the survey was shared outside the original intended audience.

Respondents:

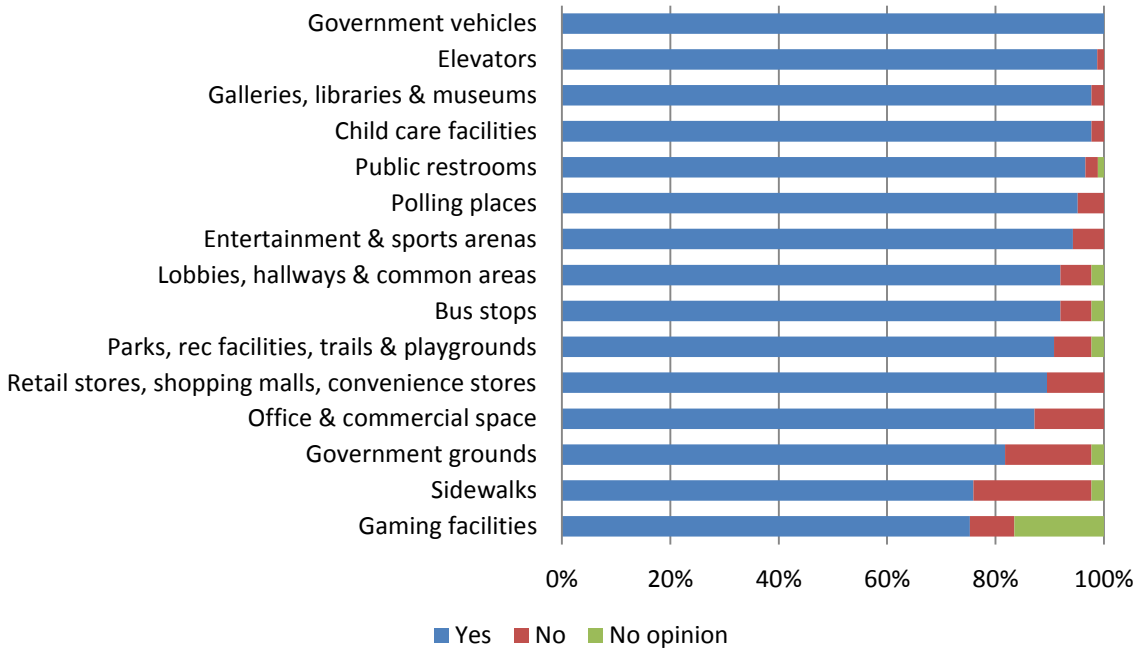
- 4 reported being current smokers, 10 former smokers and 72 non-smokers
- 50 live and/or work in Hillsborough
- 26 live and/or work in Chapel Hill
- 9 live and/or work in Carrboro
- 1 lives and/or works in Mebane
- 1 lives and/or works in Bingham
- 1 lives and/or works in Efland

Professional Titles of Respondents:

Project Coordinator; Alderman; VP; Director, Lobbying Compliance Division; Student; Graduate Student; Director of Non-Profit Program; MSW Student; Human Resources Director; Economic Development Director; Retired/Volunteer; Mediator; MSW; Retired; Director of Hospital Police; Environmental Engineer; Retired Director; Guardian ad Litem; Tobacco Treatment Specialist; Teacher; Research Assistant; Tobacco Treatment Specialist; Social Research Associate; Public Health Survey Researcher; CPA, Chapel Hill-Carrboro City Schools Health Coordinator; Police Officer; Landscape Ecologist; Farmer; Admin; Associate Director; Town Employee; Director; Commissioner; Town Council Member- Chapel Hill; Pharmacist; Coordinator; Research Health Analyst; Chef; Town Commissioner; Commissioner; Farmer; Independent Clinical Research Consultant; Home Owner; Writer; Scientist; Preschool Teacher; R.N.; R.N.; HR Manager; Administrative Specialist; VP, Enterprise Sourcing Governance; SAHM; Teacher Assistant; Homemaker/Homeschool Teacher; Stay at Home Mom; Director, Discovery Biology; Pharmacist; Project Manager; Director; Store Manager; Executive Assistant; Pharmacist; Retired Educator; Clinical Applications Coordinator; Software Engineer; Retired Public Safety Director/ Chief of Police; Home School Mom; R.N.; Software Engineer; Self-Employed Contract Writer/Personal Property Appraiser; Mom and Piano Teacher; GIS Coordinator; Project Manager; Land Conservation Manager; Environmental Health and Safety Director; Planning Director; Pharmacist; Town Manager; Human Resources Director; Senior Financial Analyst; Mayor; Town Clerk

Results

Q. Would you support the following places being smoke-free? (Smoke-free includes prohibiting the use of lighted cigarettes, lighted cigars, lighted pipes, or any other lighted tobacco products.)



	Yes	No	No opinion
Gaming facilities	75.3%	8.2%	16.5%
Sidewalks	75.9%	21.8%	2.3%
Government grounds	81.8%	15.9%	2.3%
Office & commercial space	87.2%	12.8%	0%
Retail stores, shopping malls, convenience stores	89.5%	10.5%	0%
Parks, rec facilities, trails & playgrounds	90.8%	6.9%	2.3%
Bus stops	92%	5.7%	2.3%
Lobbies, hallways & common areas	92%	5.7%	2.3%
Entertainment & sports arenas	94.3%	5.7%	0%
Polling places	95.2%	4.8%	0%
Public restrooms	96.6%	2.3%	1.1%
Child care facilities	97.7%	2.3%	0%
Galleries, libraries & museums	97.7%	2.3%	0%
Elevators	98.8%	1.2%	0%
Government vehicles	100%	0%	0%

Q. What do you believe are the most significant benefits of a smoke-free public places rule?

Improved General Health	Avoiding Second Hand Smoke	Encourages People to Quit and/or Not Start	Improved Air Quality	Less Litter	Reduction in Chronic Disease & Medical Expenses	Healthy Environments for Everyone	Economic Benefits of People Coming Because we are Smoke-Free
29	28	17	14	13	8	3	2

Q. What do you believe are the biggest drawbacks of a smoke-free public places rule?

No Drawbacks	Enforcement	Personal Freedoms/ Overreach of Government	Angry People	Humiliation/Oppression of Smokers	Rights of Business Owners
25	15	14	8	8	5

Q. What would make you more supportive of a smoke-free public places rule in Orange County and its Towns?

I am already supportive	Not Being so Extensive	Effective Enforcement	Having Designated Smoking Areas	I am Not Supportive	Businesses Should have the Right to Decide for Themselves	Additional Resources to Help People Quit
27	8	7	5	5	4	3

Q. Are there any additional comments you would like to share?

I personally appreciate this issue being looked into. Thank you.

Reasonable regulations in specific areas are fine. What is being considered is over reaching. The county should not be making town law.

I'm an evangelical ex-smoker who realizes the health benefits of a smoke-free environment. I also think it will help others quit smoking if the spaces where they can smoke are highly restricted.

I hope this is successful.

This is a step in changing the culture and I support it.

Thanks for working on this!!

Thanks for your work in proposing this legislation.

Cont'd…Q. ***Are there any additional comments you would like to share?***

Banning smoking at bus stops and sidewalks is too restrictive and will have unforeseen consequences such as causing those smokers to smoke in their cars with children present. If all workplaces, park and ride lots, public parking, etc. ban smoking, smokers will have to smoke somewhere and that might negatively affect the children of these smokers. They need to be helped because they are part of the "public'' in public health, not looked down upon or ostracized. Smoking is very addictive and most stop smoking aids are not that effective.

CHCCS already have tough no-smoking policy that works.

Thank you.

All public facilities and vehicles that are government owned should absolutely be smoke free. Places like sidewalks (not in front of businesses) would be overkill, though, in my opinion.

Prior to living in Orange County, my family and I lived on the west coast for over 10 years where restaurants became smoke-free, then public places, and finally beaches. We love Orange County, however we miss having a totally smoke-free environment. Tobacco smoke is a carcinogen and we should not have to breathe it in when we are out at the park or walking down the sidewalk. I think that it's great Orange County is considering this!

Balanced approach is the key with logical reasoning. Please include smokers in the conversation, not just rabid anti-smokers. I don't like smoking and I choose not to, but if done considerately, I believe it should be allowed.

I'm just grateful that this is being considered.

Careful, careful, careful.....let's not allow governmental intrusion into our lives when not necessary, but at the whim of some individuals.

Better for the health of the community

Thank you for considering this issue

Thank you for taking the time to conduct this survey.

This is a great effort that I am happy to support.

I consider this expansion of non-smoking areas to be paramount to public health and safety. Non-smoking in child care facilities is a no brainer. The children have no means of avoiding it, even if they wanted to.

An incremental approach might be best. Start with all indoor work areas with ten or more employees, bus stops, arenas, parks. Progress to other areas as acceptance grows.

Still need to ensure that there are outside public places that people can smoke, but which will not unduly impact non-smokers.

Thanks for the survey!

Thanks for asking.....

Cont'd…Q. ***Are there any additional comments you would like to share?***

There is no evidence that I know of that smokers in open-air public places endanger the health of others. If we are going to disallow all bad habits in public places there are number that are higher on my list. How about prohibiting rap music on beaches and in malls? Or piercings? And, especially, wearing your pants around your knees so your underwear shoes. These are a lot more annoying than smoking. If it isn't making me inhale their second-hand smoke, let people smoke, if they want to, for God's sake!

Citizens have the right to smoke if they so choose; however, habits that have a negative effect upon other should be publicly banned.

The Town of Hillsborough already has a no smoking- smoke-free policy in place.

My family has been in tobacco farming for 300 years, and I grew up in that environment. I am not a smoker, but I believe smokers have a right to smoke in certain locations - outside, and in their private residence.

Study history....did we not learn anything from Prohibition? I personally do not like smoking and would prefer more areas to be smoke free. That being said, I feel it's a mistake, an intrusion of government, and counterproductive to overly restrict smoking. The proposed rules go too far.

Keep up the great work!

Orange County: Smoke-Free Public Places

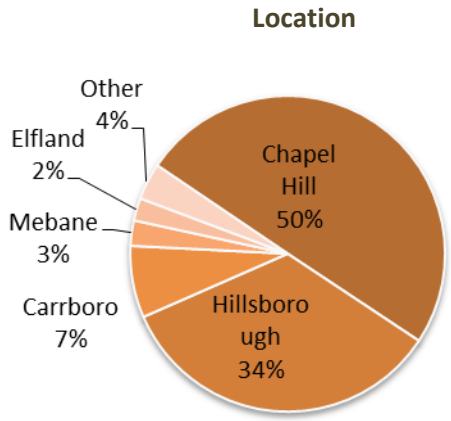
Public Survey Response Summary

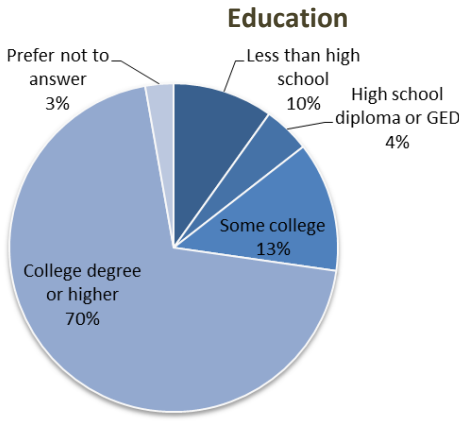
As part of the Board of Health process of consideration of the Smoke-Free Public Places Rule, public input was sought during the time period beginning on September 27, 2012 and concluding on October 24, 2012 with a public hearing. Community members were given five (5) ways to provide input on the proposed rule, all with English and Spanish options: online survey, e-mail, voicemail, US mail, and public hearing. Response prior to the October 24, 2012 public hearing included: 735 completed online surveys, 11 e-mail responses, five voicemail messages, and one letter via US mail. Survey responses were largely supportive. When combining responses of *Yes* and *No Opinion*, all but Government Grounds (79.1%) and Sidewalks (71.2%) received 80% support or greater. Comments received by email, voicemail, US mail also showed more support than opposition to the proposed ban.

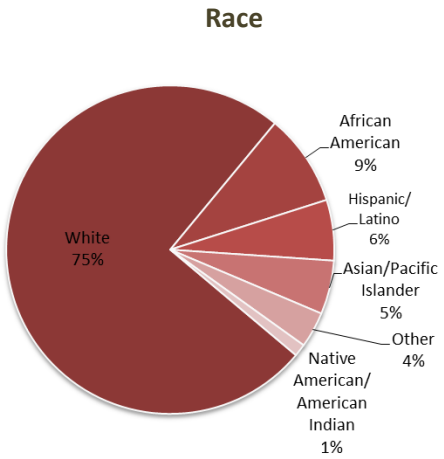
Survey respondents' demographics were comparable to the County over all, with two notable exceptions: The survey over-sampled to include more high school student opinions and opinions of citizens with less education than County averages. The race breakdown is roughly comparable to County census data. Income data was difficult to compare given the question format and with a substantial number leaving that question blank

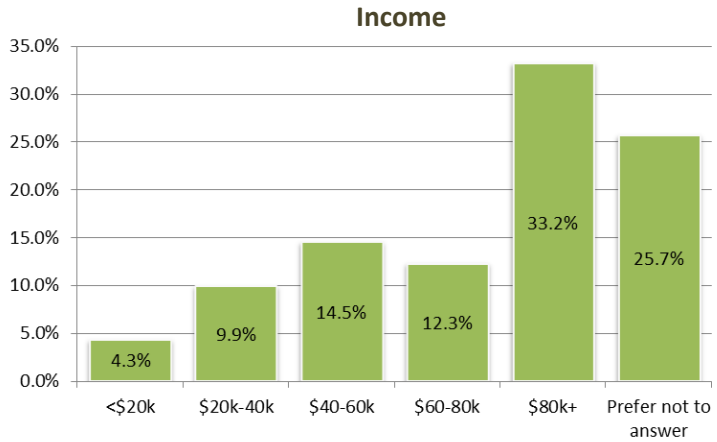
This report is an overview of the public input we received.

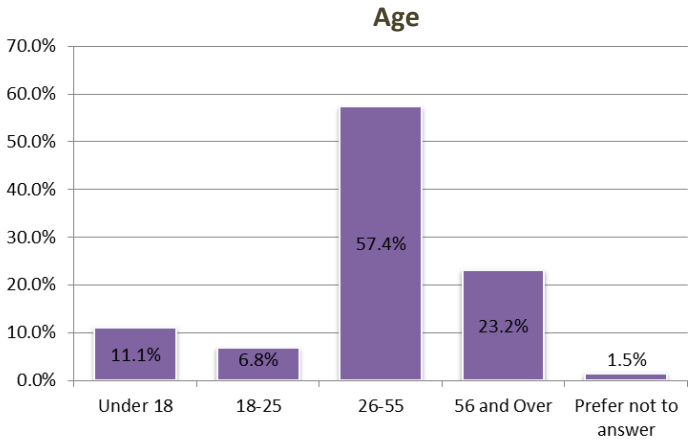
Survey Demographics

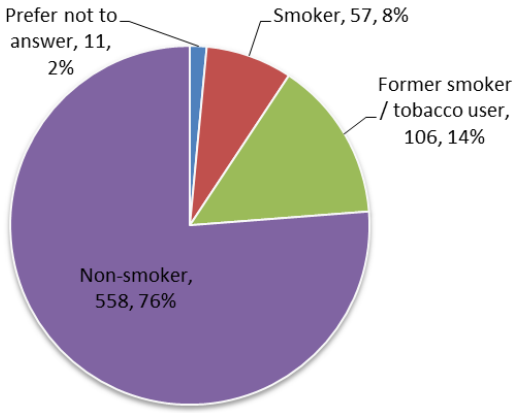










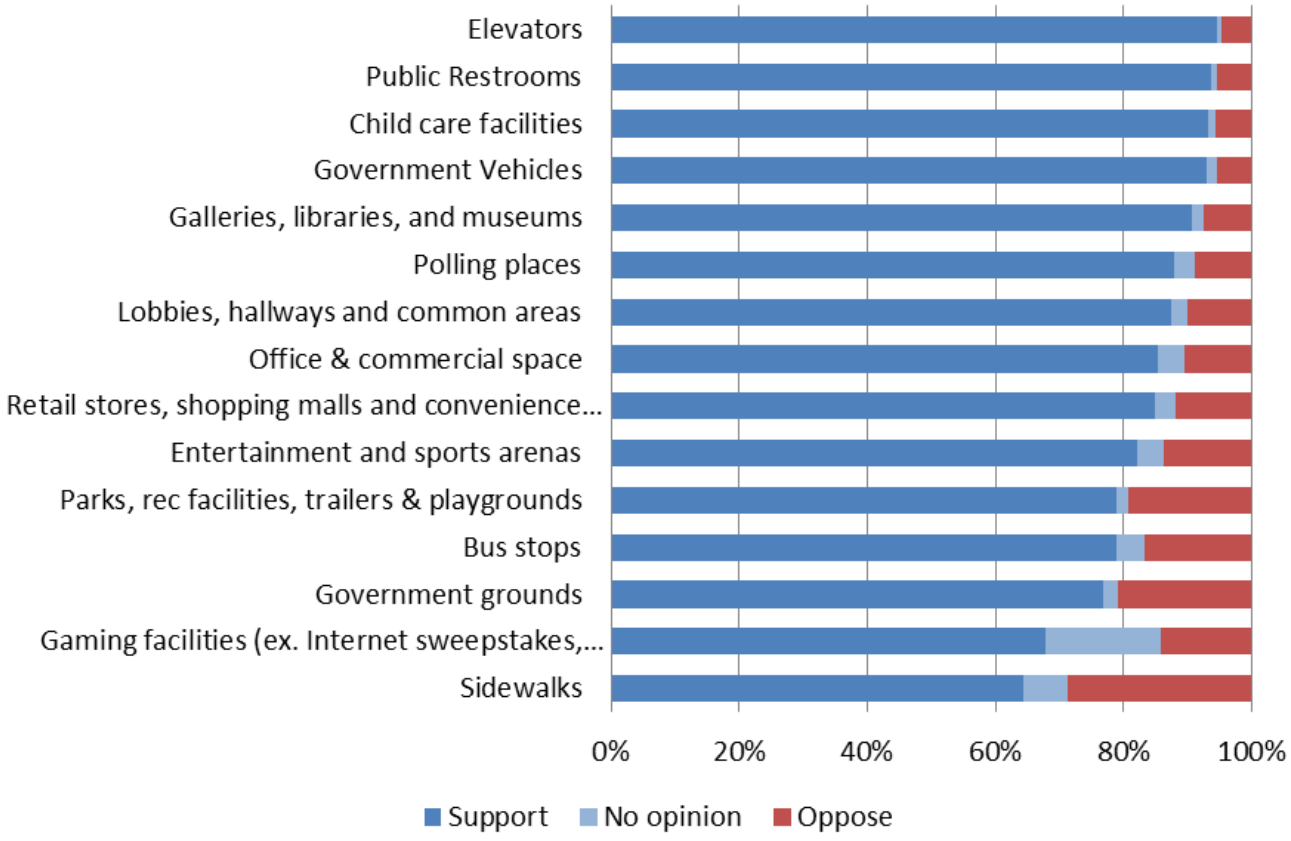


Smoking Habits

- Non-smokers supported 87.8% of the 15 locations listed.
- Former smokers supported 79.0% of the locations listed.
- Smokers & “Prefer not to answer” supported 54.3% and 53.3% of the listed locations respectively.

Public Support By Smoking Location

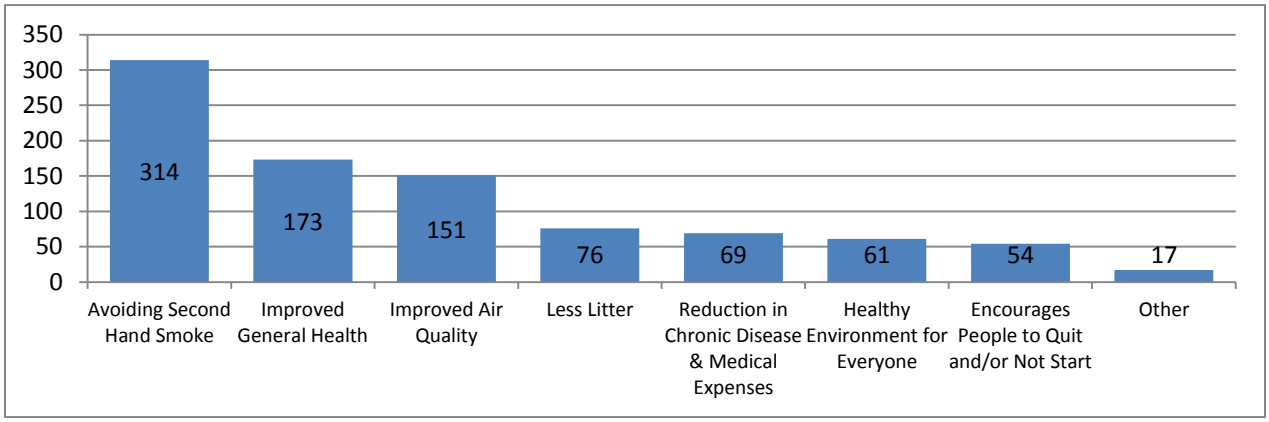
Overall, all locations received clear support significantly beyond a majority. All but government grounds and sidewalks received 80% support or greater, with many receiving 90% support.



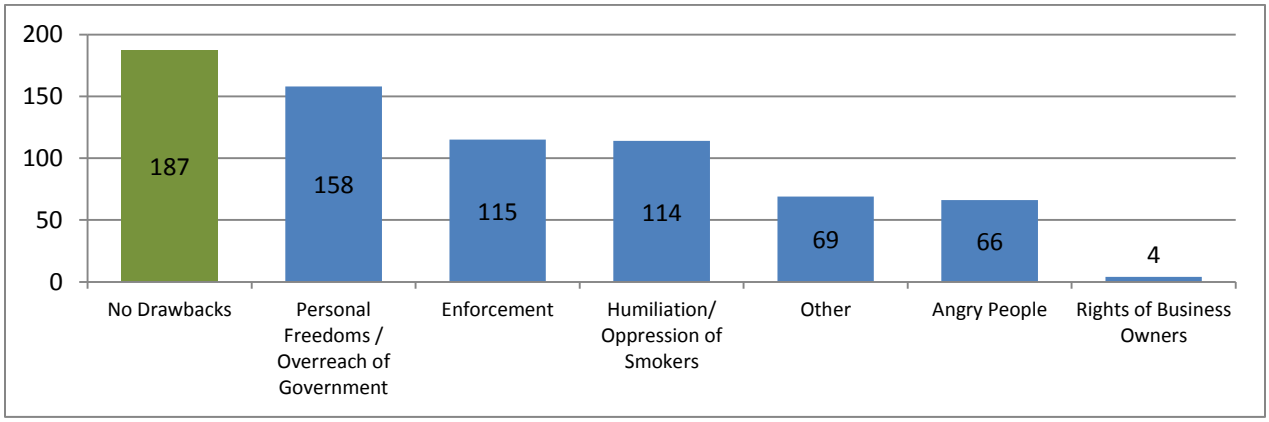
	Yes	No	No opinion
Elevators	94.7%	4.7%	0.7%
Public Restrooms	93.6%	5.5%	1.0%
Child care facilities	93.2%	5.6%	1.2%
Government Vehicles	92.9%	5.5%	1.6%
Galleries, libraries, and museums	90.6%	7.4%	1.9%
Polling places	87.8%	8.7%	3.4%
Lobbies, hallways and common areas	87.4%	9.9%	2.6%
Office & commercial space	85.3%	10.5%	4.3%
Retail stores, shopping malls and convenience stores	84.9%	11.8%	3.3%
Entertainment and sports arenas	82.1%	13.6%	4.3%
Bus stops	79.0%	16.8%	4.3%
Parks, rec facilities, trailers & playgrounds	78.9%	19.2%	1.9%
Government grounds	76.9%	20.9%	2.2%
Gaming facilities (ex. Internet sweepstakes, video poker)	67.9%	14.2%	17.9%
Sidewalks	64.4%	28.8%	6.8%

Open Ended Summary Question Analysis

Q: What do you believe are the most significant benefits of a smoke-free public places rule?

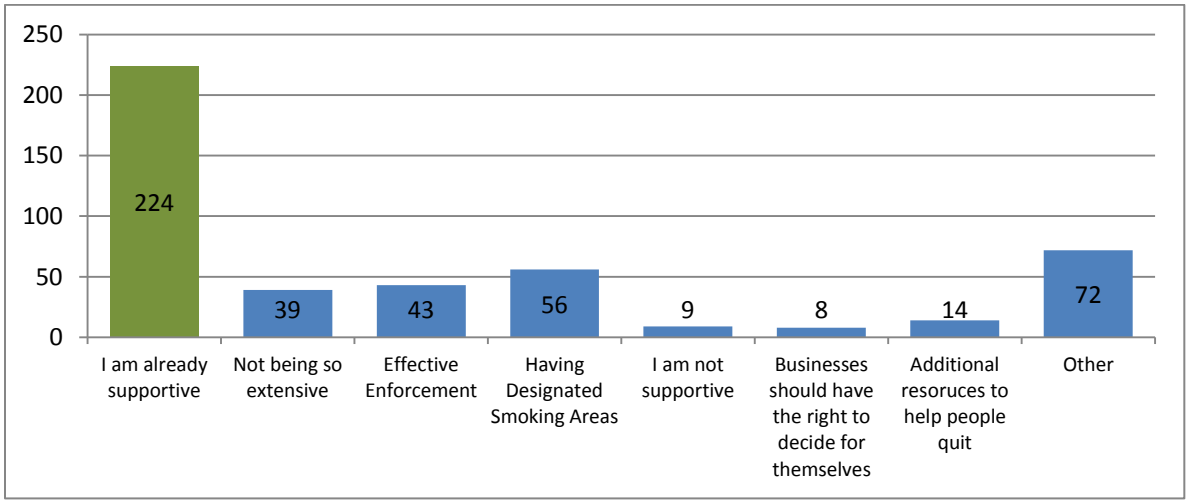


Q: What do you believe are the biggest drawbacks of a smoke-free public places rule?



Large Other Write-in: *Almost half of other represented concerns with the economic impact on businesses with fewer visitors to these places and smokers feeling less welcome.*

Q: What would make you more supportive of a smoke-free public places rule in Orange County and its towns?



Large Other Write-in: *The bulk of the "other" category included requesting adequate advertisements and signage of new regulations and increased information/education on the risks of 2nd hand smoke and studies of the ban's impact.*

Summary of "Why No Support?" Open Ended Comments by Location

Sorted by lowest % of approval.

NOTE: This section is a summary of the oppositional minority, not the average response. Average response was positive even for locations with the "least" amount of support.

Sidewalks (64.4% Support, 28.8% Against, 6.8% No opinion): The majority of responses against banning smoking on sidewalks made references to the fact that sidewalks are outside, in open air and not in enclosed spaces, and transient spaces—people are usually passing by and not exposed to smoke for long. Sidewalks are described as too broad of an area and therefore difficult to enforce. Other big concerns are 1) general government intrusion on personal liberties/rights/freedoms and 2) smokers not having anywhere else to go if smoking is banned on sidewalks. To a smaller degree, the potential effect on businesses with outdoor dining spaces was mentioned as well.

Gaming Facilities (67.9% Support, 14.2% Against, 17.9% No opinion): The vast majority of responses against banning smoking at gaming facilities said that the decision to allow smoking should be left up to the private business owner. Others said there should be a designated area for smoking within the facility. Some said that smoking was part of the atmosphere. Some comments reinforced the idea of government intrusion and infringement of personal liberties. A number of comments were dismissive of the health of gamblers and therefore also the smokers that frequent this type of establishment.

Government Grounds (76.9% Support, 20.9% Against): Most respondents spoke to open air/space not being a problem for smoke that would 'dissipate'. As in the other questions, government intrusion, civil rights, freedom of choice, personal rights and rights of tax payers to engage in a legal activity was discussed. Many respondents stated parking lots and designated smoking areas away from building entrances should allow for smoking by employees as well as residents using county/municipal building/facilities. Without designated areas employees and clients would be forced to walk away from their service sites or smoke in visible areas (street out front) . A few comments addressed the complexity of smoking behavior-addiction, stress relief, and the ability to quit. One mentioned the "Tyranny of the majority" suggesting it was easy for non-smokers to move away from smokers.

Parks, rec facilities, trailers & playgrounds (78.9% Support, 19.2% Against): Most respondents agreed no smoking around children, playgrounds, shelters, and indoor rec facilities made sense. Banning smoking in outdoor/open air areas like trails and more open spaces did not. Comments about open air/outdoor spaces were similar to other questions. Government intrusion, civil rights, personal choice and freedom, taxpayer rights and over-regulation were stated as reasons not to ban smoking in Parks, rec facilities, trails and play grounds. Many respondents felt designated areas away from children and gathering places (shelters, playground, etc.) should be provided to allow for smoking. Smokers reminded surveyors that "they paid taxes too." Several comments mentioned litter and enforcing those regulations as a way to address smoking.

Bus Stops (79.0% Support, 16.8% Against): A majority of respondents stated that people should be allowed to smoke outdoors, second hand smoke was only deemed problematic if the bus stops were enclosed/shelter or there was not adequate distance or space between smokers or non-smokers. Several respondents spoke to the need of designated areas for smoking and demonstrating common sense and courtesy to those that <u>do</u> and <u>do not smoke</u>—do not smoke if it bothers others, move away from smokers if you are bothered. Generally, second hand smoke in an outdoor environment was not considered a problem under any circumstances for those against the ban. As reflected elsewhere, respondents spoke to government intrusion, civil rights, public taxpayer places, and the freedom of choice.

Entertainment & Sports Arenas (82.1% Support, 13.6% Against): Of those opposed to regulating a Smoke-Free Public Places Rule in Entertainment and Sports Arenas, the majority state that if the venue is an outdoor facility, it shouldn't be regulated. The general theme seems to reflect the belief that smoking outdoors is not dangerous to those around. However, there was also significant support to provide designated smoking areas that are outside and removed from nonsmoking patrons. The other overarching theme was that business owners should be able to dictate whether or not their facility allows smoking.

Attachment 6

MINUTES
ORANGE COUNTY BOARD OF HEALTH
October 24, 2012

ORANGE COUNTY HEALTH DEPARTMENT MISSION STATEMENT: *To enhance the quality of life, promote the health, and preserve the environment for all people in the Orange County community.*

THE ORANGE COUNTY BOARD OF HEALTH MET ON October 24, 2012, at the Orange County Library, 131 West Margaret Lane, Hillsborough, NC.

BOARD OF HEALTH MEMBERS PRESENT: Tony Whitaker, Chair; Matthew Kelm, Vice Chair; Commissioner Steve Yuhasz; Corey Davis; Paul Chelminski; Susan Elmore; Carol Haggerty; Michael Wood; Liska Lackey; Mike Carstens; Alexander White

BOARD OF HEALTH MEMBERS ABSENT:

STAFF PRESENT: Colleen Bridger, Health Director; Pam McCall, Nursing Director; Christy Bradsher, Finance and Administrative Services Director; Donna King, Health Promotions and Education Director; Kathleen Goodhand, Home Visiting Services Supervisor; Carla Julian, Dental Clinic Manager; Lisa Smith, Administrative Assistant; Sue Young, Nursing Supervisor; Stacy Shelp, Communications Manager; Nidhi Sachdeva, Senior Public Health Educator; Pam Diggs, Senior Public Health Educator

GUESTS PRESENT: Annette Moore, County Attorney; Carla Banks, Orange County Public Relations Director

I. Smoke Free Public Places Public Places Hearing

Tony Whitaker, Chair, called the meeting to order at 7:03 p.m. Chair Whitaker reminded guest speakers of the 3 minute limit to address the board of any comments related to the proposed smoking ban.

Dr. Adam Goldstein, Public Health Researcher at UNC, thanked the board for their consideration of the proposed smoking ban and is in full support.

Ariel Smith, a senior at East Chapel Hill High and a member of TRU, emphasized the need for the ban to allow nonsmokers to enjoy the outdoors without the second hand smoking hazards. She is in full support of the proposed smoking ban.

Brinklee Bailey, a senior at East Chapel Hill High and a member of TRU, brought with her 2 visual aids as part of her statement to the board. Members of TRU had collected two bulk sized jars filled with cigarette butts in a couple of hours on Franklin Street in Chapel Hill. She feels everyone can benefit from smoke free public places which will make public spaces and the air cleaner for everyone to breathe. She is in full support of the proposed smoking ban.

Laura Parkinson, Representative from the American Cancer Society, wanted to offer her support of the proposed smoking ban.

Terri Tyson, Chapel Hill mother and nonsmoker, spoke out against the Rule at the hearing. She thought the Rule was rather extensive and severe. In her opinion smokers will be forced to smoke in their cars where children could be present, and a bit of smoke on a remote sidewalk is much less harmful than a child ingesting it in a car.

Dr. Rosemary Summers, Orange County resident and former Health Director, is in full support of the proposed smoking ban and is disappointed that it did not include smokeless tobacco products.

Motion to close the public hearing was made by Steve Yuhasz, seconded by Carol Haggerty and carried without dissent.

II. Approval of October 24, 2012 Agenda

Motion to approve the Agenda of October 24, 2012 was made by Matthew Kelm, seconded by Susan Elmore, and carried without dissent.

III. Public Comment for Items NOT on Printed Agenda: none

IV. Action Items (Consent)

A. Minutes approval of September 26, 2012 meeting

B. Operating Procedures Annual Policy

Susan Elmore requested the minutes of the September 26, 2012 meeting be removed from the consent agenda for corrections.

Motion to remove Item A. Meeting Minutes from the Consent Action Items and approve Action Item B. Operating Procedures Annual Policy was made by Steve Yuhasz, seconded by Matthew Kelm, and carried without dissent

Susan Elmore requested an addition to the minutes on the CD Report discussion to address why the number of rabies exposures was up since 2004.

Motion to approve the Consent Action Item A. Meeting Minutes with the addition to the minutes as requested by Susan Elmore was made by Susan Elmore, seconded by Liska Lackey, and carried without dissent.

V. Action Items

A. Smoke Free Public Place
   a. Results of survey/public comment
   b. Review of Community Leaders Forum
   c. Deliberation and Vote

Board members reviewed and discussed data gathered from the public input period and discussed nuances of the Rule.

Board member Michael Wood opposed the Rule, citing concerns about the portion of the Rule that bans smoking on sidewalks.

Board member Matthew Kelm, who works in Durham, said he has seen the effects of Durham's Smoke Free Public Places Rule after several of his staff quit smoking following the ban. He has seen the benefits in his workplace from the smoking ban.

If the Board of Health votes in favor of the Rule, the next step would be for the Rule to be discussed by the Board of County Commissioners at its November 20, 2012 meeting. There will be an additional public hearing at that time prior to the Board of County Commissioners deciding to vote on whether to approve the Rule.

If the Board of County Commissioners supports the Rule, it will go into effect with an educational period beginning on January 1, 2013. Full enforcement of the Rule would go into effect beginning on July 1, 2013.

Motion to accept the Rule to adopt the Smoke Free Public Places as written was made by Susan Elmore, seconded by Carol Haggerty. The motion passed 10 to 1 in favor with Michael Wood voting against.

VI. Reports and Discussion with Possible Action

A. Health Director Annual Review

The Health Director's Annual Review is due to the County by November 30. The proposal from the Chair is to complete a 360 degree feedback-style evaluation. This will include soliciting feedback from: 1) *All Direct Reports* (Tom Konsler, Pam McCall, Carla Julian, Michael Day, Donna King, Stacy Shelp and Christy Bradsher); 2) *10 randomly selected Health Department Employees* (~10%); 3) *County Management* (County Manager, Assistant County Manager); 4) *Board of Health members* and 5) *Co-Workers* (HR Director, DSS Director, Finance Director, Emergency Management Director, Dale Pratt-Wilson - Executive Director of Chapel Hill/Carrboro Drug and Alcohol Free Partnership, and Brian Toomey – CEO Piedmont Health Services.)

A feedback tool will be developed and emailed to the list above. County Management will also be given the opportunity to discuss thoughts/concerns in person.

The Chair will review the results with the full Board during the November Board of Health meeting in a closed session. The Board will then vote on the rating for the Health Director (needs improvement, proficient, exceptional). The Chair will share the results with the Health Director after the meeting. The minutes will reflect the rating and the completed forms will be sent to HR no later than 11-30-12.

B. Informational Items

a. Health Director's Report

See attached Health Director's Report

VII. Board Comments

VIII. Adjournment

Motion to adjourn the meeting at 8:30 p.m. was made by Alex White, seconded by Steve Yuhasz, and carried without dissent.

The next Board of Health Meeting will be held November 28, 2012 at the Orange County Health Department, 300 West Tryon Street, Hillsborough, NC at 7:00 p.m.

Respectfully submitted,

Colleen Bridger, MPH, PhD.
Health Director
Secretary to the Board

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ATTACHMENT 7 **EXCERPT** from Draft October 22, 2012 Hillsborough Board of Commissioners Workshop Minutes

TOWN OF HILLSBOROUGH

MINUTES
Board of Commissioners Monthly Workshop
Monday, October 22, 2012 – 7:00 p.m.
Town Barn

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PRESENT: Mayor Tom Stevens, Mike Gering, L. Eric Hallman, Brian Lowen, and Evelyn Lloyd

EXCUSED ABSENCE: Commissioner Frances Dancy

STAFF PRESENT: Town Manager Eric Peterson, Town Clerk/Director of Administration and Human Resources Donna Armbrister, Planning Director Margaret Hauth, Public Works Director Ken Hines, Finance Director Greg Siler, and Town Attorney Bob Hornik

1. Open the Workshop

7:01:43 PM Mayor Tom Stevens called the Workshop to order. He stated they would be having a Public Hearing and asked each person who wanted to speak to sign up. He added that they did not have the public charge tonight but he did ask that anyone speaking be brief, to the point, and respectful. Decisions are not usually made at these meetings so it's more of a time to listen.

2. Agenda Changes & Agenda Approval

7:02:51 PM Town Manager Eric Peterson added a Resolution to appoint two volunteers to the Orange County Human Relations Commission as Item 6.A. Commissioner Mike Gering moved to approve the adding of this item. Commissioner Brian Lowen seconded. Upon a unanimous vote of 4-0, the motion was carried.

3. Committee Updates and Reports

7:03:34 PM There were none.

4. Public Hearing on the proposed canoe/kayak or non-motorized boat launch in Kings Highway Park as part of the Lake Ben Johnston dredging project.

7:03:39 PM Mayor Stevens opened the Public Hearing. Ms. Hauth said Kings Highway Park is on the banks of the Eno where it is called Lake Ben Johnston. As the damn located there across the river and the town's water intake is just above that, the utilities department has a dredging utilities project in place to clear out the sediment behind the damn to improve the quality of the water going into the water treatment plant. As they own the land that surrounds it, the intent is to take out that sediment and deposit it in a depressed area within Kings Highway Park. Part of the environmental permitting for that process involves stabilizing a portion of the bank

gets recorded in the Register of Deeds the logic of their thought process. That might be unnecessary but she could still provide other documentation for them that can get read into the record when they're making the decision.

7:33:11 PM Commissioner Hallman moved to close the Public Hearing. Commissioner Lloyd seconded. Upon a unanimous vote of 4-0, the Public Hearing was closed.

6. Discussion and comments regarding Orange County Board of Health's proposed "Smoke Free Public Places Rule"

7:34:15 PM Tony Whitaker, Chair of the Orange County Health Department, came forward. Colleen Bridger, Orange County Health Director, came forward as well.

7:34:38 PM Commissioner Gering said they probably needed to discuss the jurisdiction these guests would have for Hillsborough. He said Mr. Hornik's analysis raises some serious questions about whether County policies can apply without the Board's approval. Mr. Hornik referred to NCGS 130A-498 which is the statute under which they're operating. At the lack of case law for the statute, the question remains to him whether the County or the County Board of Health can adopt this particular regulation and make it effective in Hillsborough and on Hillsborough Town property or for Town vehicles without the Town Board saying okay.

Mr. Hornik said this whole section of the law was adopted in 2007 and gave different and special authority to local governments, including Town Boards, to adopt regulations banning or limiting smoking in public places. The way the statute is written, it's not clear to him that the County Board of Health or the County could make prohibition effective in the Town without the Board adopting a resolution saying they're okay with it. That is NCGS 153A-122. This is referred to in the section under which these County employees are operating. It generally says that in order for a County ordinance to be effective within the jurisdictional limits of the town, the Town has to adopt a resolution saying they're okay with it. He doesn't know whether the Board is okay or not okay with all or part of what is being proposed but having looked at it, there's a question he has and there doesn't seem to be a clear definitive answer.

7:37:12 PM Ms. Bridger agreed and said if this were a county ordinance it could not apply to the municipalities. Boards of Health have authority to pass rules that encompass the entire area of the county where they serve. Mr. Hornik replied, however, there are special statutory authorities on smoking prohibitions which are different. Ms. Bridger said those are the two worlds they're dealing with. Commissioners can't; Board of Health can. There was a hybrid rule of law that was created when House Bill 2 passed and Boards of Health were given back the authority to enact smoking prohibitions but only with the agreement of the County Board of Commissioners. Mr. Hornik said the statute specifically refers to the County Board of Commissioners adoption of the ordinance approving the rule. Ms. Bridger replied Hillsborough would be the second county to be doing this as Durham has already passed a rule that was "adopted by ordinance" which was what the School of Government recommended in order for the rule to apply to the entire county. The guidance they've been given by the School of Government is if a Board of Health rule is "adopted by ordinance" and it's not a separate ordinance adopted by the Board of Commissioners, then it does indeed apply to the entire county and all the municipalities. That is what they applied in the Durham County example. She told Mr. Hornik Jill Moore would be the contact person at the School of Government.

7:39:23 PM Ms. Bridger added they've discussed this with the School of Government to make sure they do it correctly. At the legal conference in April, there was an entire session about this, and very clearly, the guidance was if the Commissioners "adopt by ordinance," then it is a Board of Health rule which does apply to the entire county.

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7:39:58 PM Commissioner Gering asked if state rights of way were considered under this. Ms. Bridger said no. Nothing owned by the state is covered by this. Commissioner Gering asked then if the establishments along Churton Street downtown that allow smoking outdoors at the restaurants would not be covered. Ms. Bridger replied that in the definition of the rule, they specifically talk about sidewalks and the definition of a sidewalk is if it is owned, maintained, or controlled by the county or a municipality. In her mind, the question is, if there's a problem with that area in front of the storefronts on Churton, who pays to repair it. Commissioner Gering said that would be a question for Staff to provide guidance on. Mr. Peterson added that historically any repairs that have been necessary on Churton, for example, the Town has paid for. They've spent tens of thousands of dollars on maintenance costs in the last couple of years but that doesn't mean that's correct.

7:41:16 PM Commissioner Gering asked Mr. Hornik if he agreed this would be covered by that qualification. Mr. Hornik replied that he's not sure. They maintain it as far as repairs but he doesn't know whether that's by arrangement or just by them deciding it's in the best interest of the town to do so. Commissioner Gering said he brings this up because it seems like an equity issue for them to consider what businesses in Hillsborough would be affected or if it would be applied evenly to everyone or to no one.

7:42:15 PM Mr. Whitaker stated the situation along Franklin Street in Chapel Hill was the same as Churton Street. The state DOT right of way essentially goes to the storefronts so the entire sidewalk along the frontage of Churton and Franklin, while in the DOT right of way, is a municipally controlled sidewalk for practical purposes.

Mr. Whitaker added by way of clarification with regard to the equity issue that any dining area or area that's outdoors on private property, or private dining patio that is not on the public sidewalk, would not be covered by this rule. If they're enclosed, however, it's covered by the restaurant law.

7:43:48 PM Commissioner Lowen said it just seems counterproductive to walk down the street through town and smoke. He asked if they were not subject to police enforcement since they are on town property. He asked if he would be breaking the law if he stood in the right of way that is fifteen feet from his house and smoked a cigarette.

7:44:37 PM Ms. Bridger said the analogy they like to use there is the open container law. If he's standing in the front area of his home that is actually owned by the town and he's drinking a beer, he is technically in violation of the open containers law. However, no one is going to come enforce that. The same analogy applies with the enforcement of the smoke-free public places rule.

Ms. Bridger said they are pulling together the Chiefs of local law enforcement and the Sheriff to talk about consistency in enforcement of this rule if it does pass. Like a lot of other laws, the police have discretion in how they enforce it and if a simple reminder from someone that an area is smoke-free is sufficient, that person can move away, and the other person who doesn't want to breathe the smoke is good. There's no need to involve law enforcement. She believes it will be a rare situation.

Ms. Bridger stated the example they have is with the implementation of House Bill 2. There was a lot of concern about enforcement of this with the smoke-free restaurants and bars. In that law, the local Health Director enforces violation of that law. She's been the local Health Director since before it was implemented and never once has had to go to restaurant or a bar and enforce it. It was enough for there to be that law for the owner to say there is no smoking. They've heard the enforcement concerns and that is why they are bringing the local law enforcement leaders together to make sure they're consistent across the county. They have other

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precedents they can look to, however, to say it's probably not going to be as much of an enforcement issue as it is going to be an educational issue.

7:46:58 PM Mr. Whitaker clarified within the rights of way, it is only on the sidewalk or at bus stops that this rule could apply within a state right of way. Otherwise, there's no applicability in the right of way. Many places don't have a sidewalk in the right of way so there will be no area there that this would even cover.

7:47:30 PM Commissioner Hallman said he's very much in favor of the effort. With regard to the open container law, any night of the week, someone could be cited for that if you walk down Churton Street. They see that all the time. He personally hates cigarette smoke, especially when he's eating, but people are all concerned about that one stretch of downtown Churton where people seem to respect each other. As it gets later in the evening, however, more smokers do come out. He added that they have enacted the smoke-free parks so they have it pretty much everywhere else in town but they're all focused on what happens on the sidewalk.

7:49:05 PM Mayor Stevens said his biggest concern is the sidewalk as well and that's probably an area of discussion where they could really have a debate because of this. He's thinking about when they are just walking down the sidewalk and seeing it and he doesn't like it either.

7:50:04 PM Commissioner Gering said this is an example where local jurisdiction should have more control and not be covered under a single umbrella for the whole county. He thinks they should tell people they can smoke on the sidewalk because he does not believe, despite what the Surgeon General says about second hand smoke, that the public will not be affected by someone walking down the street passing by smoking. He has a problem with that. Also, the County has a history of not abiding by the Town's ordinances and it annoys him that the County seems to want to apply this standard, this ordinance, to the Town when there's still a question about whether they have the authority to do so. He would like to understand that better and thinks it would be bad for Hillsborough to accede this jurisdiction to the County without discussing whether the County is going to abide by the Town's ordinances or whether the Town lives by theirs.

Commissioner Gering said he also read the requirement regarding signage and asked who would pay for that and decide where it would go. Ms. Bridger replied they've identified $30,000 to pay for the signage but they can't implement it without the vote in their favor. Regardless, they've been softly planning a meeting with some of the Planning Directors and Parks & Rec Directors to talk about how they can equitably distribute the signs they have money to purchase. Places like Hillsborough Park, which is already smoke-free, don't need signs. Their plan is to do a thorough assessment of areas where signage needs to be placed, figure out where that signage already exists or where there are already plans for that signage, and then come up with a needs list and using that $30,000, divide up the signs and actively seek additional funding. Ms. Bridger said she was also in a meeting this week and heard about another $48,000 that they may be eligible to receive which they could use towards the purchase of signs. It's their intention to work with the County and the municipalities to provide those signs as much as possible. Commissioner Gering said it is then not Hillsborough's expense. Ms. Bridger replied not necessarily. She said they would work with everyone affected and divide up that money as much as they can.

Commissioner Gering asked Ms. Bridger if her department decided there needed to be a sign on Churton Street and they didn't have the money to pay for it, if the Town would be obligated to buy one. Ms. Bridger said technically yes. Again, they're going to work with the Town and do this in a friendly way. Commissioner Gering said he just wants to understand where the boundaries are and he's not implying they won't. He wants to understand who is responsible for implementing everything.

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7:53:55 PM Mr. Whitaker said he is in the habit of respecting jurisdictional boundaries. He makes those distinctions daily so it's easy for him to make a mistake of equating that to the Board of Health. From the Board of Health's jurisdictional perspective and strategic and objective approach to public health, Hillsborough is as much a part of Orange County as Cedar Grove or White Cross. There is not distinction jurisdictionally between public health issues covered by Board of Health matters.

7:54:45 PM Commissioner Gering said he agreed with that but the only difference is in this case, the County Commissioners would have to adopt by ordinance so in his mind, they're subject to the County Commissioners when they adopt that ordinance. That's why he questions the jurisdictional issue because without their approval, this couldn't be done.

7:55:21 PM Mr. Hornik said the power they're trying to exercise right now is not the same power they usually have. This is not the power they have under NCGS 138A-39. This is separate statutory power that is conveyed to all of governance. The Town of Hillsborough could do it under NCGS 138-498 so this is a different kind of power with different rules that are not clear. He added that it's so new, in the Durham example, Jill Moore said it should be a certain way but she's not on the Supreme Court. This is a different animal. This animal has certain rules that the legislature wrote in 2007 and 2009 and one of those is that in order for this to be effective, the County Commissioners have to approve it. In the same section of the law, there's a provision that says in order for an ordinance adopted by the County Commissioners to be effective in the Town, the Town has to adopt a resolution agreeing to it. He's not sure with respect to this particular rule how those all work together. They have the Durham model but that isn't necessarily what the law is. It's what the parties in Durham agreed to.

7:57:22 PM Commissioner Gering commented they could wind up in court with the County. Ms. Bridger said she hoped they would contact Jill Moore and get her legal opinion on it. The Institute of Government has said this is how they interpret the law so this is not the County attorney saying how she interprets the law.

7:57:47 PM Mr. Hornik said there are courts which have disagreed with the Institute of Government. Ms. Bridger said there are courts that have disagreed with other courts. That's what lawyers do. She didn't want them to think this was just based on the opinion of the County.

7:58:04 PM Commissioner Lowen said he'd heard Durham mentioned a couple of times and feels like this is unique. In Durham, they have the city, the county, and no other entity. If the two of them agree, it's a done deal. Orange County has Chapel Hill, Carrboro, Hillsborough, and the County. As a town, they do a good job already not allowing smoking in the parks or vehicles or on town property. He doesn't see them having a problem right now that this additional enforcement would be an issue.

7:59:30 PM Commissioner Gering asked if smokeless tobacco products were covered. Ms. Bridger said no.

7:59:42 PM Commissioner Lloyd said she didn't think any of the Board smokes but they're not arguing for themselves.

8:00:12 PM Mr. Whitaker said he identified two issues, one being the jurisdictional issue, and the second is a more intense concern about sidewalks. If the jurisdictional question didn't exist, there would still be a concern about sidewalks.

8:01:00 PM Mayor Stevens said he thinks it's pushing the regulation and he worries about it becoming counterproductive. If the sidewalk were removed from this, it's close to what they already have. The sidewalk issue seems like it's a bit too much.

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8:01:56 PM Ms. Bridger replied they've been trying to get public input as well as community leader input. She hoped the Board had seen the results of the survey from the community leaders but they're also about to send out the results of the residents survey. They had close to 750 responses to that survey through email and hotline and so forth and there's overwhelming support in the community for smoke-free public places. The lowest support is on the sidewalk issue but 65% of people still support it. She believes there was another 4% who didn't have an opinion. That's pushing 70% of residents who responded to the survey who are supportive of regulating smoking on the sidewalks. She doesn't know if that makes them feel better or not.

8:03:18 PM Commissioner Gering asked if those were all Hillsborough residents. Ms. Bridger said it is county wide. Commissioner Gering replied that didn't mean much to him. Ms. Bridger told him she could break it out by Hillsborough. Commissioner Gering said there may well be a difference between the responses from Chapel Hill and Carrboro versus Hillsborough. Ms. Bridger told him she would do that and send it to him. Commissioner Gering said they would like to see that information.

8:03:44 PM Commissioner Lowen agreed. He said to keep in mind they've had this discussion several times and Hillsborough goes as far out as St. Mary's Road. If they had to put something to their constituents, it's much smaller. Ms. Bridger said she lives off Walker Road in Hillsborough so she hopes they're not referring to the fact she's not a legitimate resident. Commissioner Lowen responded she's not a Hillsborough tax payer as she doesn't live within the city limits. She couldn't vote for anyone on the Board and they couldn't write their smoking law that would affect her on Walker Road. When they look at the decisions they have to make, they have to consider first the residents they affect. Ms. Bridger said she can't break it out by those numbers.

8:04:43 PM Mayor Stevens said he understands there are limits to the data and they have to live with that. Ms. Bridger replied she does feel good about the survey. She asked how many surveys they've sent out and gotten that big of a response to. She feels people were very interested in responding to the survey.

8:05:05 PM Mr. Peterson said their surveys have ranged within 23% and 31% return which anything over 20% is good.

8:05:37 PM Commissioner Gering said one useful thing might be for them to offer the County Commissioners a local opt-in option for municipalities. Ms. Bridger said she did not think they were allowed to do that. Mr. Hornik stated he would find out.

6.A. ADDED ITEM: Consideration of a Resolution asking the Board of Orange County Commissioners to appoint Mr. Gerald Ponder and Dr. Li-Chen Chin as Hillsborough's Representatives on the Orange County Human Relations Commission

8:07:14 PM Commissioner Lowen moved to make this appointment. Commissioner Lloyd seconded the motion. Upon a unanimous vote of 4-0, the appointment was approved.

7. **Consider request from Stratford Development to adopt a resolution to authorize (a) proceeding with the Waterstone Special Assessment District, (b) application to the Local Government Commission for approval, and (c) subsequent sale of up to approximately $5.0 million in bonds to pay for Phase 3 infrastructure (primarily Cates Creek Drive extension to Old NC 86), reimburse the developer for existing Waterstone infrastructure, and pay down part of Stratford's loan obligation to Bank of America**

DRAFT

ORD-2012-054 Attachment 8

AN ORDINANCE APPROVING AN ORANGE COUNTY BOARD OF HEALTH RULE PROHIBITING SMOKING IN COUNTY AND TOWN BUILDINGS, GROUNDS, VEHICLES, AND PUBLIC PLACES

WHEREAS, in 2009 the North Carolina General Assembly enacted Session Law 2009-27, which authorized local governments and local boards of health to prohibit smoking in certain areas; and

WHEREAS, rules adopted by local boards of health are generally applicable throughout the county of adoption including within town jurisdictions; and

WHEREAS, on October 24, 2012 the Orange County Board of Health adopted a rule (Attached hereto as Exhibit 1) prohibiting smoking in County and Town buildings, grounds, vehicles, and public places; and

WHEREAS, the Commissioners of Orange County, believing it to be in the best interest of the citizens and residents of Orange County, have determined that the rule by the Orange County Board of Health prohibiting smoking throughout Orange County is approved.

NOW THEREFORE BE IT ORDAINED, by the Orange County Board of Commissioners that the Orange County Board of Health Rule prohibiting smoking in county and town buildings, grounds, vehicles, and public places is approved.

Adopted by the Orange County Board of Commissioners this _____ day of _____, 2012.

By: Attest:

_____ _____

Bernadette Pelissier, Chair
Orange County Board of Commissioners

Donna Baker, Clerk to the Board

[SEAL]

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 6-b

SUBJECT: Class A Special Use Permit Major Subdivision – Dunhill (Weekly Homes LLC) – Public Hearing Closure and Action (No Additional Comments from the Public or Applicant Accepted)

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

ATTACHMENT(S):

1. October 3, 2012 Planning Board Abstract Package
2. Additional Information Supplied to the Planning Board at the October 3, 2012 Meeting.
3. Excerpt from August 27, 2012 Quarterly Public Hearing Minutes
4. Excerpt from Approved October 3, 2012 Planning Board Regular Meeting Minutes
5. Letter from Applicant Accepting Recommended Conditions
6. Planning Board Recommended Findings of Fact
7. Script for Acting on 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 application submitted by David Weekly Homes LLC proposing a 26 lot single-family residential development off of Mt Sinai Road in accordance with the provisions of Section(s) 2.7 and 5.15.6 of the Unified Development Ordinance (hereafter 'UDO').

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the August 27, 2012 Quarterly Public Hearing. This hearing is not intended to solicit additional input from the public or the applicant. While the BOCC may ask staff questions related to the review of a given item, comments from the public or the applicant shall not be solicited.

BACKGROUND: This item was presented at the August 27, 2012 Quarterly Public Hearing. Materials from the public hearing can be found using the following link: http://orangecountync.gov/OCCLERKS/120827.htm

A summary of comments received during the hearing are contained within Attachment 1, the abstract from the October 3, 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 October 3, 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 property is of sufficient size to support the proposed development and the proposed density is consistent with the provisions of the 2030 Comprehensive Plan and the Joint Planning Area Land Use Plan.
3. The proposed land use buffer complies with the provisions 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. A formal Environmental Impact Statement is not required per Section 6.18 of the UDO.
6. The applicant has submitted sufficient documentation denoting compliance with specific development standards as detailed within Section(s) 5.15.6 and Article 7 of the UDO.
7. 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.*
8. The applicant has submitted sufficient documentation denoting compliance with Section 5.3.2 (A) *Special Uses – General Standards* of the UDO.
9. The lack of competent material and substantial evidence in the record demonstrating the request is not in compliance with the various provisions of the UDO.

The Planning Board voted unanimously to not recommend the applicant be required to install a trail connecting to the Triangle Land Conservancy (TLC) property to the east. Further, the Board modified a recommended condition relating to the development of geothermal wells. The Board unanimously recommended prohibiting 'open loop' geothermal wells from being developed within the subdivision rather than an outright ban on all geothermal well systems. The Planning Board concluded that an outright ban was too restrictive.

Please refer to Attachment 6 for additional detail. It should be noted that in rendering its decision, the Planning Board recommended the imposition of several 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 as detailed within 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 November 20, 2012 BOCC regular meeting. As a procedural note, additional comments on the application must 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;
4. Take action on the request by:
    a. Utilizing the script contained within Attachment 7, review and approve the 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); and
    b. Approve the Special Use Permit imposing those recommended conditions contained within Attachment 6.

Attachment 1
October 3, 2012 Planning Board Abstract

COPY

ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 3, 2012

Action Agenda Item No. 7

SUBJECT: Class A Special Use Permit Major Subdivision – Dunhill (Weekly Homes LLC)

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

ATTACHMENTS:

1. Property and Vicinity Map
2. Staff Generated Correspondence
3. Applicant Responses to Questions
4. Findings of Fact Worksheet

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 David Weekly Homes LLC proposing a 26 lot single-family residential development off of Mt Sinai Road in accordance with the provisions of Section(s) 2.7 and 5.15.6 of the Unified Development Ordinance (hereafter 'UDO').

BACKGROUND: This item was presented at the August 27, 2012 Quarterly Public Hearing. Materials from the public hearing can be found using the following link: http://orangecountync.gov/OCCLERKS/120827.htm

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

- An adjoining property owner expressed concern over the proposed community well and potential impacts on adjacent property owners.

  A BOCC member expanded on this comment and expressed concern over well recharge rates in the area and inquired about the anticipated completion of a comprehensive ground water study for the County.

  Staff Comment: There is no evidence in the record indicating the proposed community well will impact adjacent wells or have any greater impact than 26 individual wells located on each proposed parcel.

  The development of the community well would be in accordance with applicable State regulations. Orange County Environmental Health will only issue a well permit, authorizing development of the aforementioned well, once a copy of the State's approval is received.

  According to Mr. Tom Davis, of Orange County Department of Environment, Agriculture, Parks, and Recreation (DEAPR) there is a groundwater observation well located near Millhouse Road that is included in the County's Orange Well Net (OWN) groundwater observation well network. The primary use of the well network is drought monitoring.

Information related to the OWN groundwater observation well network can be found at the following link: http://orangecountync.gov/ercd/h2orange/index.asp

- A citizen expressed concern over the use of geothermal wells throughout the County, especially 'pump and dump' systems. This individual went on to state given the regions propensity for droughts, and the reliance on local wells for drinking water, geothermal wells should be banned.

  A BOCC member asked staff to explain the difference in the different types of geothermal wells. Another BOCC member stated he thought 'pump and dump' systems would not be permitted in Orange County based on previous comments made by Orange County Environmental Health staff.

  Staff Comment: The project does not involve the development of a geothermal well of any type. There is no reference on the site plan or within the application narrative to the development of a geothermal well being developed to serve the anticipated 26 single-family residential lots.

  Staff has received a memorandum from Mr. Tom Konsler of Orange County Environmental Health related to the permitting of geothermal wells in the County (Please refer to Attachment 2).

  At the hearing, the applicant voluntarily agreed to the imposition of a condition prohibiting the development of geothermal wells of any type within the project.

- A Planning Board member asked how much draw (i.e. gallons per unit per minute during peak usage) the proposed community well would have and what potential impact there would be on adjacent property owners.

  Staff Comment: Mr. Chad Abbott of Summit Engineering indicated they did not have recharge rate data or peak usage data available but would work to formulate a response. Please refer to Attachment 3 for the applicant's responses.

- BOCC and Planning Board members asked what would happen in the event the proposed stormwater feature was breached, specifically where would the water go.

  Staff Comment: Mr. Abbott indicated in the event of a breach, water would flow into the adjoining stream and onto adjacent property. Mr. Abbott stated a breach was highly unlikely and even in such an event, major flooding should not result given the identified water infiltration rate detailed on the submitted site plan.

- A BOCC member asked about the possibility of requiring a trail through the Dunhill project to connect to an adjacent parcel owned by the Triangle Land Conservancy (TLC). Further, this BOCC member inquired about why a memo from DEAPR was not included within the quarterly public hearing agenda packet.

  Staff Comment: TLC provided a written response (see Attachment 2) on September 26, 2012 outlining the various conditions associated with development of a trail. The applicant did not have sufficient time to review or formulate a response. This will be a discussion item at the meeting. In reviewing the response, it would appear the development of a trail is plausible and should be considered as a condition.

  With respect to the submission of the DEAPR memo, Planning staff did not receive the document until August 16, 2012 after the public hearing package had been completed and mailed to BOCC and Planning Board members.

- BOCC and Planning Board members expressed concern over the sample homeowners association (HOA) documents and asked the developer to provide specific HOA documents for this project. Board members identified specific examples of the sample document contradicting applicant testimony.

  A BOCC member expressed concern over a HOA requirement for a minimum building size for a single-family residence.

  Staff Comment: Submission of HOA documents is not a required component of the application. The sample document was submitted so BOCC and Planning Board members could have an understanding of how the applicant manages their projects and obtain an understanding on some of the limitations and standards normally incorporated into a Weekly Homes LLC project.

- BOCC and Planning Board members asked if the applicant would prohibit the location of solar arrays within the project. A BOCC member cited specific language within the submitted HOA documents indicating solar arrays would not be permitted.

  Staff Comment: The applicant indicated it was not there intent to limit the development of a solar array on any of the proposed parcels. The County Attorney indicated recent modifications to State law prohibits a local HOA from adopting such a limitation.

- A BOCC member inquired about the transfer of mineral rights for the proposed lots.

  Staff Comment: The applicant indicated they were not intending to transfer or sell mineral rights to third parties for development purposes.

- BOCC and Planning Board members requested the site plan and HOA documents be revised to require local, indigenous, drought tolerant vegetation throughout the project were landscaping is required.

  Staff Comment: The applicant indicated the modification would be made.

- BOCC members requested additional information on the operational parameters of the off-site septic field. Specifically the question was asked would remote pumps be used and who would be responsible for property maintenance and upkeep.

  Staff Comment: The applicant indicated the HOA would be responsible for mowing and maintaining the common septic area but that individual property owners would be responsible for maintaining their individual septic fields. With respect to the operation of the system, the applicant agreed to supply additional information.

- A local citizen stated the project was too dense and the applicant should increase average lot size to 5 acres per dwelling unit.

  Staff Comment: This proposal is in accordance with the anticipated densities for properties located within the Rural Buffer land use category as defined within the adopted Comprehensive Plan, Rural Designated area as denoted on the Growth Management Systems Map, and the requirements of the Joint Planning Land Use Plan.

  The 2030 Comprehensive Plan can be viewed using the following link:
  http://orangecountync.gov/planning/compre_cpupdate.asp

  The Joint Planning Land Use Plan can be viewed by using the following link: http://orangecountync.gov/planning/documents/JPALUPDocument.pdf

- A local citizen said lots 23 through 26 should be eliminated and turned into open space.
- A BOCC member asked about flexible development projects within the Rural Buffer zoning district.

  Staff Comment: The flexible development subdivision option involves the preservation of a minimum 33% of the total tract's land area as protected open space. Development of individual lots is allowed consistent with 3 'flexible development' subdivision classifications, namely:

  - Estate Lot Option: Characterized with lots having a minimum area of 4 acres where the building envelope does not exceed 50% of the total lot area,
  - Conservation Cluster Option: Characterized by lots clustered together with a potential minimum lot area of 40,000 square feet. Allowable density is based on compliance with provisions of the UDO,
  - Village Option: Allows for mixed use development including various residential options (i.e. single-family, multi-family, townhome, etc.) as well as public/civic areas and non-residential development. This option is expressly prohibited within the RB zoning district as detailed within Section 7.13.2 (C) of the UDO.

  The clustering of lots down to 40,000 square feet in the RB zoning district is not permitted based on language contained within the UDO and the Joint Planning Land Use Plan requiring lots '2 acres in size or greater' (i.e. Section 6 – Future Use – Joint Planning Area).

  While it is true the applicant could cluster lots, with a minimum 2 acre lot size, and provide the required 33% open space typically associated with the flexible development process, there is no incentive for the developer to do so. As a result they chose to abide by the conventional subdivision design standards and present the project as is.
- A BOCC member expressed support over a potential re-assessment of the Joint Land Use Plan seeking to revise language clarifying the ability to have flexible development subdivisions on property located within the Rural Buffer-Rural Residential Joint Plan land use category.

  Another BOCC member indicated she felt the aforementioned re-assessment was not in order.
- A BOCC member expressed frustration over requiring subdivisions to go through a land use development process and suggested the UDO be revised to not require a Class A Special Use Permit for subdivisions proposing more than 20 lots.
- A BOCC member asked staff to separate explanation, discussion, or review of land use buffers and open space areas in future memorandum on this and all other similar projects.

<u>Analysis</u>: As required under Section 2.7.4 of the UDO, the Planning Director is required to: '*cause an analysis to be made of the application'* and pass that analysis on to the reviewing body. In analyzing this request, the Planning Director offers the following:

1. The application has been deemed complete in accordance with the requirements of Section 2.7 and Section 5.15.6 of the UDO.
2. Staff has determined that the property is of sufficient size to support the proposed subdivision.

3. The proposal appears 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.*
4. Staff has determined that the proposed subdivision is 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 for review and comment on July 20, 2012. As of this date staff has not received any comments.

Public Hearing Procedural Information: In accordance with Sections 2.7.8 (A) (3) of the UDO, the BOCC has requested that the Planning Board recommendation be made available in time for the **November 20, 2012** BOCC regular meeting. As a procedural note, additional comments on the application should be submitted in writing to the Planning Board, prior to its meeting, 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 application subject to:

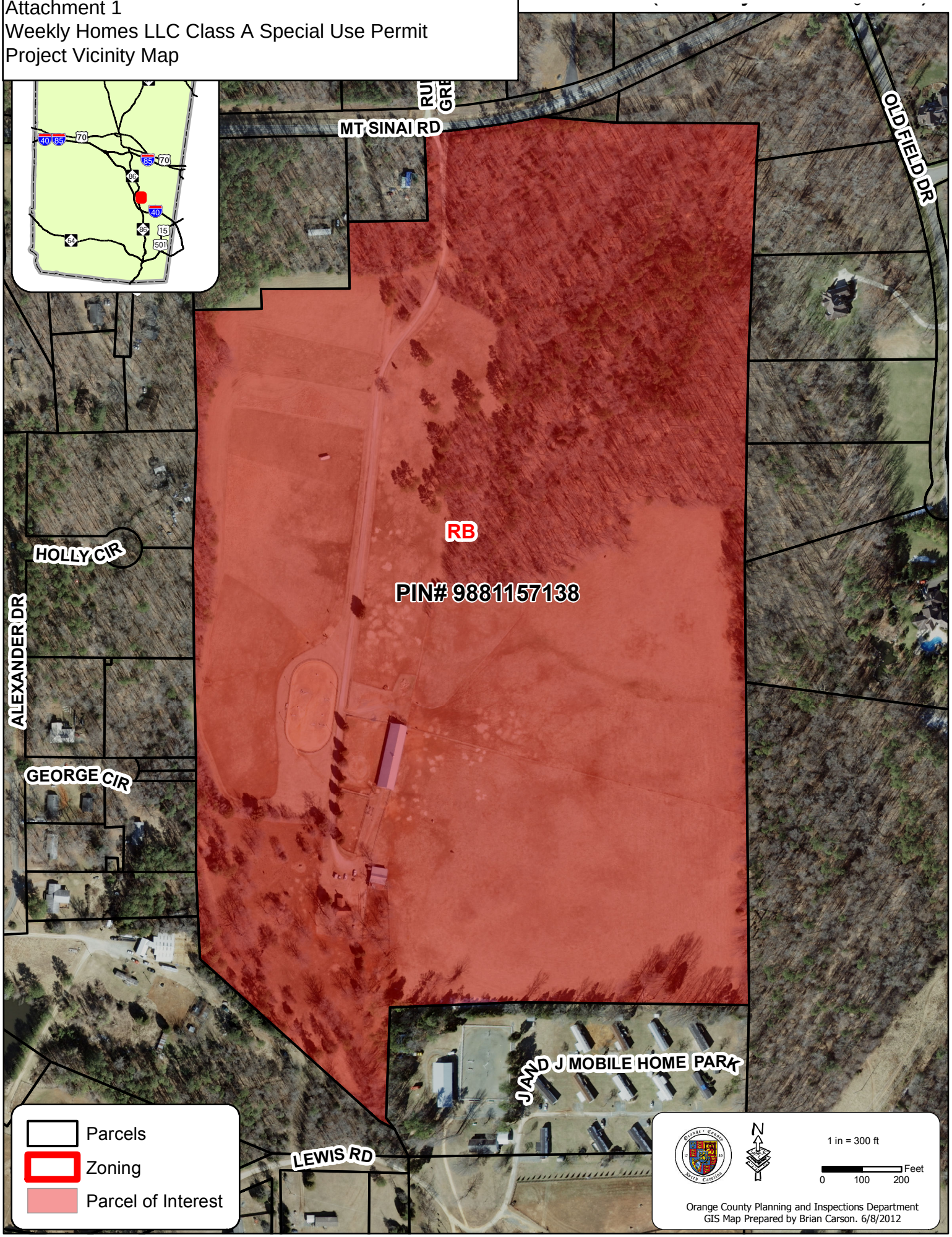
- Approval of the recommended Findings of Fact as detailed within Attachment 4,
- The imposition of the recommended conditions detailed within Attachment 4, and
- The BOCC's ability to make an affirmative finding on the general standards outlined within Section 5.3.4 of the UDO.

FINANCIAL IMPACT: Staff has determined the project would not require augmentation of County budgetary outlays to support services and that anticipated revenues from property taxes should supplement increases in cost.

RECOMMENDATION: The Planning Director recommends the Board:

1. Deliberate as necessary,
2. Review the Findings of Fact and Conditions of Approval as contained in Attachment 4,
3. If deemed necessary, suggest additional conditions or modifications to the site plan, and
4. Make an affirmative recommendation to the BOCC regarding the Findings of Fact and Conditions of Approval as detailed within Attachment 4.

PLANNING BOARD - October 3, 2012 MEETING
Attachment 1
Weekly Homes LLC Class A Special Use Permit
Project Vicinity Map



alth Department

Colleen Bridger, MPH, PhD
Health Director

Prevent • Promote • Protect
Partnering for the Public's Health

Memorandum

To: Michael Harvey, Current Planning Supervisor

CC: Dr. Colleen Bridger

From: Tom Konsler, Environmental Health Director TK

Date: September 6, 2012

Re: Geothermal Well Permitting

This memo is in response to your questions regarding concerns about geothermal wells. There are many types of geothermal wells which can be classified as open or as closed-loop exchange. Construction and permitting of all types of wells are covered under the rules adopted by the Orange County Board of Health and administered through the Health Department. The vast majority of other counties regulate only drinking water wells. The state also has an approval process for geothermal wells, most of which are "deemed permitted" with minimal site review.

By far the most common geothermal wells in this area are closed-loop and direct exchange systems. While these systems do require the construction of wells, water is not withdrawn from them. They are constructed to provide bore-holes into which watertight or gastight pipe loops are inserted for thermal exchange with the deep groundwater.

Your questions were concerning the open exchange wells, commonly referred to as "pump-and-dump" systems. In these systems water is withdrawn from a conventional deep-bore well, and piped into the HVAC exchange unit. After the water runs through the unit, the water is either discharged back into the same well, discharged into a second well that is approved for injection, or discharged onto the ground, or into a creek or pond. I assume that the concerns were expressed about this third type of system as all of the other systems described would have no impact on groundwater reserves.

The open discharge of geothermal water is not regulated by the state as it is not classified as wastewater. We rarely see permit requests for this type of well anymore. Our records indicate that the last one we issued a permit for was in 2009. It is my understanding that the open

systems are not as efficient or cost-effective as closed-loop and operational costs are high. The industry and consumer demand has moved toward the closed-loop well systems in our area.

We occasionally hear concerns from homeowners who perceive that these pump-and-dump wells could affect neighboring wells, causing them to run out of water. For that matter, we hear similar concerns about irrigation wells. In reality, we have no documented cases where a well (geothermal, irrigation, or other) has negatively impacted the productivity of a viable neighboring well. While this could in theory happen, the nature of our geology and the construction of fractured bedrock wells would likely preclude this. In the eastern part of our state, where wells may tap into a widespread aquifer with a common water table, effects can be more direct between wells. In the piedmont fractured bedrock wells, the groundwater reserves are stored in the saprolite (weathered rock) that overlies the bedrock. Drilled wells in our area draw water from fractures deep in the bedrock that get their water from the overlying saprolite.

The Board of Health rules and those of the state currently allow construction of open discharge geothermal wells and wells used for irrigation, carwashes, livestock, etc. For protection of the groundwater, these wells must meet the same siting and construction requirements as any other water supply well in the county. To date, there has been no movement by the board to prohibit construction of wells that otherwise meet the requirements of the rules.

Please let me know if I can answer any other questions you might have about this.

Michael Harvey

From: Jeff Masten <jmasten@tlc-nc.org>
Sent: Wednesday, September 26, 2012 8:34 AM
To: Michael Harvey
Subject: RE: Trail from Dunhill Subdivsion

Yes, here you go, a signed letter will be emailed later today. This language does not specify costs or expenses, but for the county's needs I believe it fits the intended goal of knowing whether TLC would allow a trail connection.

September 26, 2012
Michael D. Harvey
Current Planning Supervisor
Orange County Planning Department
P.O. Box 8181
131 West Margaret Lane
Hillsborough, NC 27278

RE: Dunhill Subdivision Trail Connection to Johnston Mill Nature Preserve

Dear Michael,

The Triangle Land Conservancy was recently approached by David Weekly Homes to consider a potential trail connection between the proposed Dunhill Subdivision located on Mt Sinai Road and the trail network located on TLC's Johnston Mill Nature Preserve. TLC has conducted an analysis of the suitability of such a trail connection.

Traditionally, TLC does not endorse the connection of singular social trails between individual properties and its nature preserves. The number of individual neighbors each having their own trails can get excessive and lead to a diminution of the property's conservation values. Limiting individual trails is a challenge to enforce. When presented with a potential subdivision being constructed on a neighboring property it behooves TLC to analyze the impact of the subdivision on the Nature Preserve including consideration of developing a singular approved access point to the Nature Preserve on a sustainable appropriately built trail.

In considering additional trail connections, TLC must consider the environmental impacts of increased use and trail alignment. It must consider the cost to maintain new trail and the stewardship obligations imposed on TLC staff in the future. And lastly, TLC must consider how the new trail fits with the organization's mission. TLC constructed and sustains the Johnston Mill Nature Preserve as a publically accessible amenity to further TLC's goals of connecting people with nature and educating the public about conservation, water quality and wildlife habitat.

Upon review of these and many more conditions, TLC has determined that Johnston Mill Nature Preserve does have the capacity to handle the anticipated foot traffic proposed by the Dunhill Subdivision trail connection.

TLC will entertain discussions about the construction of a trail between the Dunhill subdivision and Johnston Mill Nature Preserve dependent upon the following conditions and understandings:

a. Only a singular TLC approved trail connection may be constructed between the Dunhill Subdivision and Johnston Mill Nature Preserve. No trail connections are otherwise permitted between the Dunhill Subdivision and the Johnston Mill Nature Preserve.

b. Any trail built on TLC property must be built to TLC specifications and conditions, constructed by TLC chosen/managed means or contractors.

c. TLC will be compensated for its costs in facilitating the neighboring trail construction and signage.

d. TLC will require a one-time stewardship endowment contribution for future stewardship costs related to the maintenance of the trail. The trail connection and stewardship calculation is calibrated to the

population size of the subdivision and does not consider other users that enter from outside the subdivision.

e. TLC retains the right to reroute, close or alter any trail on the Johnston Mill Nature Preserve in the future that negatively impacts the health and vitality of the nature preserve.

f. Users of the trail are invited guests of TLC. Users must follow the TLC rules while on the Preserve. TLC reserves the right to change the rules related to the Preserve in the future, should the need arise. Violators can be excluded from the Preserve.

g. A minimum thirty foot buffer be vegetated and maintained on the Dunhill property at the TLC boundary.

h. TLC Land Manager and Dunhill Homeowner's association shall work to maintain communications to provide an outlet for issues, should they transpire, including off trail activities, dumping of yard waste and other issues deemed detrimental to the Preserve's conservation values or well being.

i. The connector trail should be built with natural surface materials, with a tread no wider than 6 feet. Timing for construction should be coordinated with TLC, but be constructed within 6 months of the completion of trail connector located on the Dunhill Subdivision property.

The Triangle Land Conservancy is open to consideration of the trail connection between the Dunhill Subdivision and Johnston Mill Nature Preserve subject to acceptable terms and remuneration.

Jeff Masten
Director of Conservation Strategies
Triangle Land Conservancy
(w) 919-833-3662 x103
jeff@triangleland.org

919.732.3883 SUMMIT-ENGINEER.COM
DESIGN AND ENGINEERING SERVICES
504 Meadowland Drive, Hillsborough, NC 27278

September 25, 2012

Mr. Michael Harvey
Orange County
Planning Department
PO Box 8181
Hillsborough, NC 27278

Re: Responses to Comments/Concerns Raised at Quarterly Public Hearing

Mr. Harvey:

On behalf of our client and the applicant, David Weekly Homes, 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 Public Hearing Comments will be in Bold Red Italics.

- A local citizen expressed concern over the proposed community well and potential impacts to adjoining property owners.

  A BOCC member expanded on this comment and expressed concern over well recharge rates in the area and inquired about the anticipated completion of a comprehensive ground water study for the County.

  Staff Comment: Staff understands the concerns over potential impacts to existing wells by the development of any project in the area. Unfortunately there is no evidence in the record indicating the proposed community well will have any greater impact than 26 individual wells located on each proposed parcel of property.

  The development of the community well would be in accordance with applicable State regulations. Orange County Environmental Health will only issue a well permit, authorizing development of the aforementioned well, once a copy of the State's approval is received.

  According to Mr. Tom Davis, of Orange County Department of Environment, Agriculture, Parks, and Recreation (DEAPR) there is an observation well along Millhouse Road as part of the County's observation well network. The use of the well network is strictly for drought monitoring.

  Information related to the drought monitoring program can be found at: http://orangecountync.gov/ercd/h2orange/index.asp

No further comment necessary, the applicant concurs with the responses providing by the Planning Staff and is of the opinion that the initial comment has been adequately addressed. Additionally, please find attached as "Attachment #1", additional documentation from Mr. Tom Konsler regarding the local geography and ground water.

- A local citizen expressed concern over the use of geothermal wells throughout the County, especially 'pump and dump' systems. This individual went on to state given the regions propensity for droughts, and the reliance on local wells for drinking water, geothermal wells should be banned.

  A BOCC member asked staff to explain the difference in the different types of geothermal wells. Another BOCC member stated he thought 'pump and dump' systems would not be permitted in Orange County based on previous comments made by Orange County Environmental Health staff.

  Staff Comment: As stated by staff during the hearing the applicant is not proposing a geothermal well as part of the project. There is no reference on the site plan or within the application narrative to the development of a geothermal well of any type being developed to serve the anticipated 26 single-family residential lots.

  Staff has received a memorandum from Mr. Tom Konsler of Orange County Environmental Health related to the permitting of geothermal wells in the County (Please refer to Attachment 2).

  At the hearing, the applicant voluntarily agreed to the imposition of a condition prohibiting the development of geothermal wells of any type within the project.

No further comment necessary, the applicant concurs with the responses providing by the Planning Staff and is of the opinion that the initial comment has been adequately addressed. Additionally, please find attached as"Attachment #1", additional documentation from Mr. Tom Konsler regarding the local geography, ground water and the use of Geo-thermal wells.

- A Planning Board member asked how much draw (i.e. gallons per unit per minute during peak usage) the proposed community well would have and what potential impact there would be on adjacent property owners.

  Staff Comment: The applicant indicated they did not have recharge rate data or peak usage data available but would work to formulate a response.

  The applicant indicated he recently had spoken with Mr. Tom Konsler of Orange County Environmental Health with respect to well issues in this area of the county.

  According to the applicant, Mr. Konsler indicated the geography of the area did not lend itself to there being a negative impact on adjacent well recharge rates as the direct result of the proposed development. Further, Mr. Konsler indicated other community wells operating throughout the area had not appeared to impact adjacent property as feared by local residents.

This level of data related to an un-drilled well is not easily calculated and is still something that the applicant can not define at this time. The requested figure would depend on the pump that is used, how deep the well is, and other items. Again, see "Attachment 1".

- BOCC and Planning Board members asked what would happen in the event the proposed stormwater feature was breached, specifically where would the water go.

  Staff Comment: The applicant indicated the water would flow into the adjoining stream and onto adjacent property. They did not anticipate major flooding, however, resulting from a stormwater breach given the anticipated filtration rate for the feature as detailed on the submitted site plan.

The BMP or SCM will be designed in accordance to and subsequently be permitted by Orange Count'sy Stormwater Division under Planning and Inspections Dept. Currently, BMP's/SCM's are designed to accommodate a certain storm, typically 1yr-24hr storm in Orange County. All other storms that exceed this runoff amount will utilize an "Emergency Spillway" as is typical on all treatment facilities. Depending upon the type and location of the final designed BMP/SCM a level spreader may or may not be warranted per current county and state regulations.

- A BOCC member asked about the possibility of requiring a trail through the Dunhill project to connect to an adjacent parcel owned by the Triangle Land Conservancy (TLC). Further, this BOCC member inquired about why a memo from DEAPR was not included within the quarterly public hearing agenda packet.

  Staff Comment: Staff has received correspondence from TLC indicating their desire not to have a trail from Dunhill connecting to their property. The concern is over liability issues as well as encouraging access to an existing trail system utilizing existing access points.

With respect to the submission of the memo, Planning staff did not receive the document until August 16, 2012 after the public hearing package had been completed and mailed to BOCC and Planning Board members.

No further comment necessary, the applicant concurs with the responses providing by the Planning Staff and is of the opinion that the initial comment has been adequately addressed.

- BOCC and Planning Board members expressed concern over the sample homeowners association (HOA) documents and asked the developer to provide specific HOA documents for this project. Board members identified specific examples of the sample document contradicting applicant testimony.

  A BOCC member expressed concern over a HOA requirement for a minimum building size for a single-family residence.

  Staff Comment: Submission of HOA documents is not a required component of the application.

  The sample document was submitted so BOCC and Planning Board members could have an understanding of how the applicant manages their projects and obtain an understanding on some of the limitations and standards normally incorporated into a Weekly Homes LLC project.

The applicant concurs with the responses providing by the Planning Staff and is of the opinion that the initial comment has been adequately addressed. Additionally, please note that the documents provided were neither all inclusive nor exhaustive and will adhere to all current local and state laws.

- BOCC and Planning Board members asked if the applicant would prohibit the location of solar arrays within the project. A BOCC member cited specific language within the submitted HOA documents indicating solar arrays would not be permitted.

  Staff Comment: The County Attorney indicated during the meeting recent modifications to State law prohibits a local HOA from adopting such a limitation. The applicant indicated this was not there intent and would ensure the final HOA document(s) associated with the subdivision would allow for the location of solar arrays.

No further comment necessary, the applicant concurs with the responses providing by the Planning Staff and is of the opinion that the initial comment has been adequately addressed.

- A BOCC member inquired about the transfer of mineral rights for the proposed lots.

  Staff Comment: The applicant indicated they were not intending to transfer or sell mineral rights to third parties for development purposes.

No further comment necessary, the applicant concurs with the responses providing by the Planning Staff and is of the opinion that the initial comment has been adequately addressed.

- BOCC and Planning Board members requested the site plan and HOA documents be revised to require local, indigenous, drought tolerant vegetation throughout the project were landscaping is required.

The applicant will provide all required vegetation in accordance with the request above as well as include in the HOA documents to encourage homeowners to use local, indigenous, drought tolerant vegetation.

- BOCC members requested additional information on the operational parameters of the off-site septic field. Specifically the question was asked would remote pumps be used and who would be responsible for property maintenance and upkeep.

  Staff Comment: The applicant indicated the HOA would be responsible for mowing and maintaining the common septic area but that individual property owners would be responsible for maintaining their individual septic fields. With respect to the operation of the system, the applicant agreed to supply additional information.

The individual septic systems will pump the septic systems most likely using a low pressure system often utilized and approved by the state offices. The applicant is proposing the force main within the street ROW until the point that it reaches the easement to outlet at conventional septic fields. As stated at the meeting, the subsurface and operational elements of the system will be the responsibility of the individual owners and will be subject to yearly maintenance inspections as required by the state. The actual septic field and surficial elements will be maintained as open space by the HOA.

- A local citizen stated the project was too dense and the applicant should increase average lot size to 5 acres per dwelling unit.

  Staff Comment: This proposal is in accordance with the anticipated densities for properties located within the Rural Buffer land use category as defined within the adopted Comprehensive Plan, Rural Designated area as denoted on the Growth Management Systems Map, and the requirements of the Joint Planning Land Use Plan.

  The 2030 Comprehensive Plan can be viewed using the following link: http://orangecountync.gov/planning/compre_cpupdate.asp

  The Joint Planning Land Use Plan can be viewed by using the following link: http://orangecountync.gov/planning/documents/JPALUPDocument.pdf

No further comment necessary, the applicant concurs with the responses providing by the Planning Staff and is of the opinion that the initial comment has been adequately addressed.

- A local citizen said lots 23 through 26 should be eliminated and turned into open space.

This request is not viable and is not warranted as the inclusion of lots 23-26 do not affect the proposed developments abilities to meet the required findings of fact. The lots as proposed are generally deep lots further contributing the required 30' buffer already shown.

- A BOCC member asked about flexible development projects within the Rural Buffer zoning district.

  Staff Comment: As staff indicated during the public hearing the flexible development subdivision option involves the preservation of a minimum 33% of the total tract's land area as protected open space. Development of individual lots is allowed consistent with 3 'flexible development' subdivision classifications, namely:

  - Estate Lot Option: Characterized with lots having a minimum area of 4 acres where the building envelope does not exceed 50% of the total lot area,
  - Conservation Cluster Option: Characterized by lots clustered together with a potential minimum lot area of 40,000 square feet. Allowable lot yield is based on compliance with density limits denoted within Section 4.2.4 of the UDO or as required by the underlying zoning district,
  - Village Option: Allows for mixed use development including various residential options (i.e. single-family, multi-family, townhome, etc.) as well as public/civic areas and non-residential development. This option is expressly prohibited within the RB zoning district as detailed within Section 7.13.2 (C) of the UDO.

  The clustering of lots down to 40,000 square feet in not permitted on this property based on language contained within the UDO and the Joint Planning Land Use Plan requiring lots '2 acres in size or greater' (i.e. Section 6 – Future Use – Joint Planning Area). While it is true the applicant could cluster lots, with a minimum 2 acre lot size, and provide the required 33% open space typically associated with the flexible development process, there is no incentive for the developer to do so. As a result they chose to abide by the conventional subdivision design standards.

  No further comment necessary, the applicant concurs with the responses providing by the Planning Staff and is of the opinion that the initial comment has been adequately addressed.

- A BOCC member expressed support over a potential re-assessment of the Joint Land Use Plan seeking to revise language clarifying the ability to have flexible development subdivisions on property located within the Rural Buffer-Rural Residential Joint Plan land use category.

  Another BOCC member indicated she felt the aforementioned re-assessment was not in order.

  No further comment necessary.

- A BOCC member expressed frustration over requiring subdivisions to go through a land use development process and suggested the UDO be revised to not require a Class A Special Use Permit for subdivisions proposing more than 20 lots.

  No further comment necessary.

- A BOCC member asked staff to separate explanation, discussion, or review of land use buffers and open space areas in future memorandum on this and all other similar projects. ***No further comment necessary.***

Attachment #1

Orange County Health Department

Colleen Bridger, MPH, PhD
Health Director

Prevent • Promote • Protect
Partnering for the Public's Health

Memorandum

To: Michael Harvey, Current Planning Supervisor

CC: Dr. Colleen Bridger

From: Tom Konsler, Environmental Health Director TK

Date: September 6, 2012

Re: Geothermal Well Permitting

This memo is in response to your questions regarding concerns about geothermal wells. There are many types of geothermal wells which can be classified as open or as closed-loop exchange. Construction and permitting of all types of wells are covered under the rules adopted by the Orange County Board of Health and administered through the Health Department. The vast majority of other counties regulate only drinking water wells. The state also has an approval process for geothermal wells, most of which are "deemed permitted" with minimal site review.

By far the most common geothermal wells in this area are closed-loop and direct exchange systems. While these systems do require the construction of wells, water is not withdrawn from them. They are constructed to provide bore-holes into which watertight or gastight pipe loops are inserted for thermal exchange with the deep groundwater.

Your questions were concerning the open exchange wells, commonly referred to as "pump-and-dump" systems. In these systems water is withdrawn from a conventional deep-bore well, and piped into the HVAC exchange unit. After the water runs through the unit, the water is either discharged back into the same well, discharged into a second well that is approved for injection, or discharged onto the ground, or into a creek or pond. I assume that the concerns were expressed about this third type of system as all of the other systems described would have no impact on groundwater reserves.

The open discharge of geothermal water is not regulated by the state as it is not classified as wastewater. We rarely see permit requests for this type of well anymore. Our records indicate that the last one we issued a permit for was in 2009. It is my understanding that the open

Environmental Health Services
131 W. Margaret Lane, Suite 100 • Hillsborough, NC 27278
Phone: (919) 245-2360 | Fax: (919) 644-3006
www.orangecountync.gov/envhlth

systems are not as efficient or cost-effective as closed-loop and operational costs are high. The industry and consumer demand has moved toward the closed-loop well systems in our area.

We occasionally hear concerns from homeowners who perceive that these pump-and-dump wells could affect neighboring wells, causing them to run out of water. For that matter, we hear similar concerns about irrigation wells. In reality, we have no documented cases where a well (geothermal, irrigation, or other) has negatively impacted the productivity of a viable neighboring well. While this could in theory happen, the nature of our geology and the construction of fractured bedrock wells would likely preclude this. In the eastern part of our state, where wells may tap into a widespread aquifer with a common water table, effects can be more direct between wells. In the piedmont fractured bedrock wells, the groundwater reserves are stored in the saprolite (weathered rock) that overlies the bedrock. Drilled wells in our area draw water from fractures deep in the bedrock that get their water from the overlying saprolite.

The Board of Health rules and those of the state currently allow construction of open discharge geothermal wells and wells used for irrigation, carwashes, livestock, etc. For protection of the groundwater, these wells must meet the same siting and construction requirements as any other water supply well in the county. To date, there has been no movement by the board to prohibit construction of wells that otherwise meet the requirements of the rules.

Please let me know if I can answer any other questions you might have about this.

B3. Groundwater

Data

Private wells account for the water supply for approximately 40 percent of the population in Orange County.[1] Approximately 350 new drinking water wells are constructed every year in Orange County.

The Orange County Board of Health adopted the state's first local well construction programs in North Carolina in 1980. The scope of this program has since expanded to encompass groundwater protection. The well construction standards exceed those of the state's 2C Well Construction Regulations with respect to the type and amount of casing required in new well construction and have more stringent well siting criteria. In 2008, the groundwater protection program in Orange County will be expanded to require more inspections of wells during construction and will require sampling of all new wells.

Potential sources of ground water contamination include leaky storage tanks, septic systems, hazardous waste sites, and landfills.

Documented groundwater contamination events in Orange County are illustrated below. Most of these contamination events are due to leaking underground storage tanks for home heating oil and petroleum products.

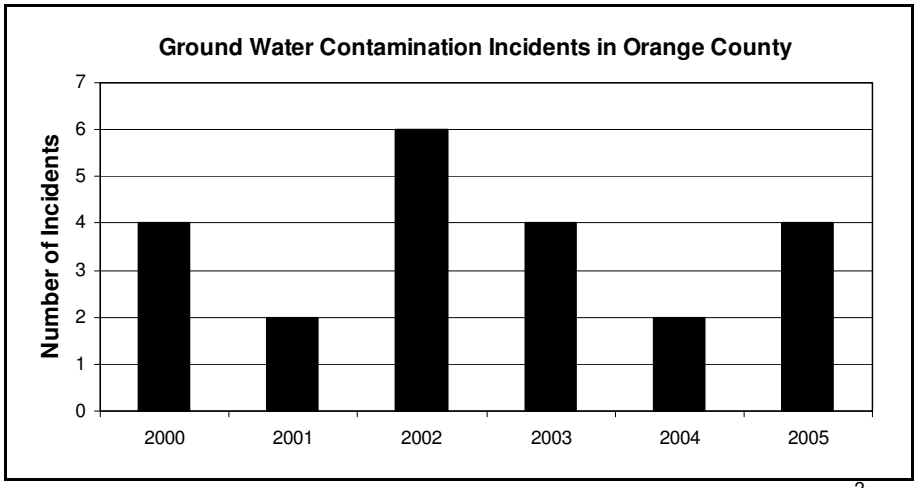


Figure 12, B3-1: Ground water contamination incidences in Orange County[2]

Well Water Quality

The Orange County Health Department provides sampling of private wells to assist homeowners in assessing the safety and quality of their drinking water. Samples are analyzed at the State Laboratory of Public Health and results are reported to the well owners. The following paragraphs represent the results of private well sampling from 2002 to 2005.

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[1] Investigation of Groundwater Availability and Quality in Orange County, North Carolina. U.S Geological Survey Available at: http://nc.water.usgs.gov/reports/wri004286/pdf/report.pdf

[2] North Carolina Department of Environment and Natural Resources. Division of Water Quality. Groundwater Section. Available at: http://its.enr.state.nc.us/gwi/. (Accessed May 2007)

Coliform Bacteria is a standard indicator of drinking water quality used to indicate whether a well is properly protected from biological contaminants. Total coliform and fecal coliform are associated with the intestinal tract of warm-blooded animals and are not considered to be harmful, but are used by the labs as indicator bacteria for the presence of other, harmful bacteria. The presence of coliform bacteria indicates that surface water contamination is present in a well, either through a shallow, unprotected vein of water (generally less than 60 feet from the ground surface), or from an inadequate length of casing or other well construction deficiency. Current Orange County well construction standards require at least 63 feet of casing on all new drilled wells. Since enacting this requirement, there has been a marked decrease in the instances of fecal coliform contamination of new wells.[3]

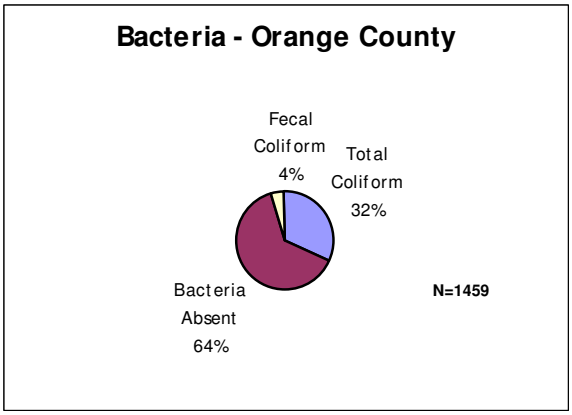

Figure 12, B3-2: Presence of bacteria in Orange County wells

Because coliform is used as an indicator of contamination, a well with persistent coliform bacteria or with fecal coliform present should be considered an unsafe source of drinking water. The presence of coliform indicates that conditions are favorable for the presence of other bacteria that can cause health problems such as diarrhea, upset stomach, cramps, and vomiting.[4]

Arsenic is a naturally occurring element in the soil and rock formations that can leach into the groundwater. It can also be associated with agricultural activities and various industrial processes. Arsenic found in the groundwater of Orange County is considered to be naturally occurring as there are few industrial sources of arsenic in the county.[5]

The EPA recommended drinking water limit for Arsenic is 0.01 mg/l, however the NC Department of Environment and Natural Resources recommends a limit of 0.00002 mg/l. The lowest level of Arsenic that the state public health laboratory can detect is 0.001 mg/l

[3] Orange County Health Department. Cancer Prevalence Assessment Water Quality Assessment Mill Creek Road Area.
[4] Ibid
[5] Ibid

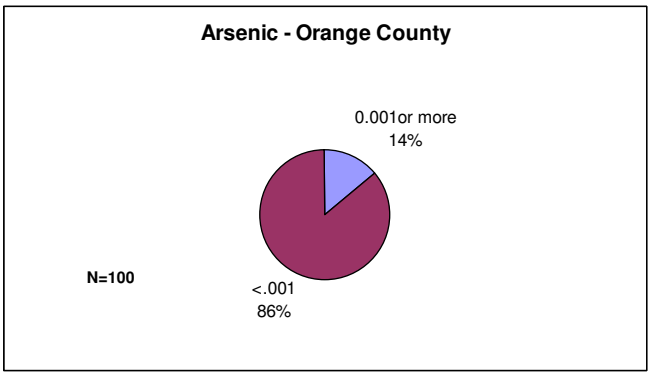

Figure 12, B3-3: Presence of Arsenic in Orange County

Several studies have shown that long-term exposure to inorganic arsenic can increase the risk of lung cancer, skin cancer, bladder cancer, liver cancer, kidney cancer, and prostate cancer. Long-term exposure is defined as the consumption of two liters of water each day over a period of 70 years.[6]

Other common groundwater contaminants:

Iron occurs naturally in groundwater and is the most common source of nuisance problems with well water in Orange County. While not considered a health risk, levels of iron above 0.3 mg/l can cause the water to have a red or brown muddy appearance and can stain white plumbing fixtures and clothes. Of 1,208 recent well water samples collected by the Health Department, 47% of the samples had iron levels exceeding the recommended EPA limit for drinking water of 0.3 mg/l.[7]

Manganese is an element that dissolves in water from the natural rock formations. Manganese levels above 0.05 mg/l can turn well water black or brown and stains plumbing fixtures and clothes. Of 1,208 recently sampled wells, 27% were in excess of the recommended level for manganese.[8]

pH is a measure of how basic or acidic water is. With a pH below 6.5, the water is considered acidic and there could be concerns about corrosion of plumbing components resulting in lead leaching into the water from soldered joints. Water with a low pH can also react with copper pipes to cause blue-green stains and a metallic taste. Approximately 14% of the wells tested in Orange County have a pH below the recommended limit while less than 4% have elevated copper or lead levels.[9]

Radon is a naturally occurring radioactive gas found in most of NC's groundwater, especially in the Piedmont area where granite is common. Direct exposure of radon in water is of little concern for health effects, however once aerosolized in the air, it can contribute to an increase risk for lung cancer. Remedies include proper ventilation of bathrooms and kitchen areas where water may aerosolize.

The recommended drinking water limit for radon is:

- 300 PicoCuries per Liter (pCi/L) for states that have no EPA approved radon in indoor air program,

[6] Ibid
[7] Orange County Health Department. Sampling results and records.
[8] Ibid
[9] Ibid

- 4000 PicoCuries per Liter (pCi/L) for states that have a radon in indoor air program.

Orange County does not have a radon indoor air program. Of 142 wells tested for radon in Orange County, 41% contained radon levels in excess of 300 pCi/L.[10]

[10] Ibid

Chad Abbott

Subject: FW: Mt. Sinai Rd. Subdivision
Attachments: Groundwater Quality in OC from CHA.pdf; geo mh.pdf

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From: Tom Konsler [mailto:tkonsler@orangecountync.gov]
Sent: Monday, September 10, 2012 1:15 PM
To: Joe Lyle
Cc: Jackson, Ryan
Subject: RE: Mt. Sinai Rd. Subdivision

Hello Joe & Ryan,
In response to your request, I thought it may be most direct for me to give you a copy of an interoffice memo to the Planning Department in which I have addressed some of these concerns.

1. During our public meeting some neighbors were concerned that wells on the proposed subdivision could cause their well to run dry. You responded that the geography in Orange County does not lend itself to wells negatively impacting adjacent wells in terms of yield or quality.

- See memo

2. When a asked how the water quality was in the area around this proposed subdivision you mentioned that approximately 20% of the wells in the county had high levels of manganese and iron and low ph levels. You also mentioned that these levels could be easily treated and very rarely cause a well to be abandoned.

- Refer to the second attachment which is an excerpt from an earlier Community Health Assessment. You will find the more accurate percentages in this publication.

3. I mentioned that if we proceed with a community well it would be turned over to Aqua. I asked if you have had any problems with the Aqua company. You responded that you have not had any pervasive problems with Aqua and that you thought they were one of the largest water system providers in NC.

- Correct, I am not aware of problems with AQUA, although most complaints with public water supplies that they operate would be handled by The Public Water Supply Section (PWS) of the Division of Water Quality at the state. You may be able to check with them as well. (919-791-4200)

4. When asked about the approval of community wells, you mentioned that it involves both the county and state. You said that both are involved in the pre-drilling inspection and that we should allow about 2-3 weeks to schedule an inspection. You also mentioned that your role regarding community wells would mostly be involve permitting and location and that the state would be involved in long-term monitoring.

- That is correct. Our office would issue a well construction permit that also considers the proposed location that is approved by the state. We would also conduct construction inspections of the well, and do a completion inspection and approval of the well. The PWS would impose the sampling, monitoring, and operational requirements for the well once it is approved for use.

Please let me know if you have any other questions.
Tom

From: Joe Lyle [mailto:jjl@millridgeco.com]
Sent: Wednesday, August 29, 2012 4:08 PM
To: Tom Konsler
Cc: 'Ryan Jackson'
Subject: RE: Mt. Sinai Rd. Subdivision

8-29-12

Tom Konsler,
During the public meeting the county attorney asked us for a written statement from you regarding our conversation. Could you please draft something in your own language in response to the questions below? Please also copy Ryan Jackson (cc'd above) with your response

Thank you!
Joe Lyle

Subject: Mt. Sinai Rd. Subdivision

8-27-12

Orange County Health Dept.

Tom Konsler,

I wanted to make sure I had accurate notes from our earlier conversation.

1. During our public meeting some neighbors were concerned that wells on the proposed subdivision could cause their well to run dry. You responded that the geography in Orange County does not lend itself to wells negatively impacting adjacent wells in terms of yield or quality.

2. When a asked how the water quality was in the area around this proposed subdivision you mentioned that approximately 20% of the wells in the county had high levels of manganese and iron and low ph levels. You also mentioned that these levels could be easily treated and very rarely cause a well to be abandoned.

3. I mentioned that if we proceed with a community well it would be turned over to Aqua. I asked if you have had any problems with the Aqua company. You responded that you have not had any pervasive problems with Aqua and that you thought they were one of the largest water system providers in NC.

4. When asked about the approval of community wells, you mentioned that it involves both the county and state. You said that both are involved in the pre-drilling inspection and that we should allow about 2-3 weeks to schedule an inspection. You also mentioned that your role regarding community wells would mostly be involve permitting and location and that the state would be involved in long-term monitoring.

Please let me know if this is an accurate representation of our conversation or if any changes are needed.

Thank you

Joe Lyle

FINDINGS OF THE ORANGE COUNTY PLANNING BOARD
PERTAINING TO A REQUEST SUBMITTED BY
DAVID WEEKLY HOMES LLC
REQUESTING A CLASS A SPECIAL USE PERMIT APPROVAL
FOR A 26 LOT MAJOR SINGLE-FAMILY RESIDENTIAL SUBDIVSION
AT 2301 Mt. Sinai Road (**PIN**: **9881-15-7138**)

As required under Section 7.2.3 (A) of the Orange County Unified Development Ordinance (UDO), a Class A Special Use Permit is required for a major subdivision in the Rural Designated area of the Growth Management System map proposing between 21 and 40 lots in accordance with the provisions of Section 2.7 of the UDO. Such permits shall comply with general and specific standards as set forth in Section 5.3.2 and 5.15.6 of the 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) Specific regulations governing the development of Major Subdivisions as set forth in Section(s) 5.15.6 and 7.14.6 of the UDO,

(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 and Planning Board regarding the application in question. The findings have been presented by Article and requirement to assist the Planning Board in its deliberations.

SECTION 2.2 AND 2.7.3 CLASS A SPECIAL USE PERMIT APPLICATION COMPONENTS ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED 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 August 27, 2012 Quarterly Public Hearing packet contains a complete application for the project.		___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		As staff denoted during the August 27, 2012 Quarterly Public Hearing, the applicant paid the required fee.		___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 August 27, 2012 Quarterly Public Hearing packet contains the required narrative detailing the nature of the proposed project.		___Yes	____No
2.7.3 (B) (2) The names and addresses of the owners of the property		X__Yes	____No		Attachment 1 of the August 27, 2012 Quarterly Public Hearing packet contains the owner(s) names as required.		___Yes	____No

SECTION 2.2 AND 2.7.3 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED 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 August 27, 2012 Quarterly Public Hearing packet contains various documents, including a site plan, containing the necessary information establishing compliance with the provisions of the Ordinance.		___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		Twenty-six (26) copies of the site plan, prepared by Summit Engineering have been submitted.		___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_Yes	___ No		The submitted site plan contains the necessary information denoting the proposed preliminary subdivision plat.		__ Yes	___ No
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		Attachment 1 of the August 27, 2012 Quarterly Public Hearing packet, the applicant has provided 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		Attachment 1 of the August 27, 2012 Quarterly Public Hearing packet contains renderings of proposed structures.		___Yes	____No

SECTION 2.2 AND 2.7.3 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED 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 Yes	___ No		Attachment 1 of the August 27, 2012 Quarterly Public Hearing packet contains a: 1. Detailed soils assessment and wetland delineation, completed by Soils Services PLLC, 2. A Surface Water Identification (SWID) form completed by Orange County Erosion Control, 3. The site plan contains a site analysis map Staff has determined that a formal Environmental Impact Statement is not required for the project and has issued a Finding of No Significant Impact (FONSI) for the project.		__ Yes	___ No
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 any construction or land clearing debris generated on-site will be disposed of in accordance with the County's Solid Waste Management Ordinance.		___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		Attachment 1 of the August 27, 2012 Quarterly Public Hearing packet contains a narrative indicating construction would commence in 2014. Housing would take 2 to 3 years to complete.		___Yes	____No

SECTION 2.2 AND 2.7.3 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**		**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**
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. The applicant, however, has provided a detailed timeline for the development of necessary infrastructure, utility extensions, and the construction of single-family residences.		__ Not Applicable

SECTION 2.7.5 CLASS A SPECIAL NOTIFICATION REQUIREMENTS ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		STAFF FINDINGS			EVIDENCE SUBMITTED TO SUPPORT FINDINGS		PLANNING BOARD RECOMMENDED FINDINGS	
Section 2.7.5 (a) The Planning Director shall give public notice of the date, time and place of the public hearing		_X Yes	____No		The Abstract and Attachment 7 of the August 27, 2012 Quarterly Public Hearing package indicates staff complied with this requirement.		___Yes	____No
2.7.5 (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 August 15, 2012 and again on August 22, 2012.		___Yes	____No
2.7.5 (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 Abstract and Attachment 7 of the August 27, 2012 Quarterly Public Hearing package indicates on August 16, 2011 staff posted a sign on the property providing a notice of the date, time, and location of the public hearing.		___Yes	____No
2.7.5 (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		The Abstract and Attachment 7 of the August 27, 2012 Quarterly Public Hearing package indicates on August 10, 2012 staff sent written notice by certified mail to all adjacent property owners located within 500 feet of the subject property as required.		___Yes	____No

SECTION 7.14.2 (B) – MAJOR SUBDIVISIONS __ Preliminary Plat
("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 7.14 (2) (B) (1) In General								
a. The Preliminary Plat shall be prepared by a North Carolina registered land surveyor, professional engineer or registered architect or landscape architect.		X_ Yes	___No		According to information detailed on the site plan, the plan was created by Summit Engineering professional land surveyors.		__Yes	____No
b. The Preliminary Plat shall be drawn in black ink or pencil at a scale of not less than 200 feet to the inch nor more than 20 feet to the inch. The scale chose shall be large enough to show all required detail clearly and legibly.		X_ Yes	___No		According to information detailed on the site plan, the submitted plat was drawn at a scale of 1' = 100".		__Yes	____No
c. Approximate dimensions and locations are acceptable provided that on the Final Plat all information shall be based on an actual field survey		X_ Yes	___No		The submitted preliminary plat contains the basic information that will be formalized on the final submittal.		__Yes	____No
d. The sheets shall be numbered in sequence if more than one sheet is used		X_ Yes	___No		The submitted document contains 3 individually numbered sheets containing the required information.		__Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 7.14 (2) (B) (2) Title Block: The title block shall contain the following information:								
a. The proposed name of the subdivision, preceded by the words "Preliminary Plan of _____", which shall not duplicate not closely approximate, phonetically or in spelling, the name of any other subdivision in Orange County		X Yes	___No		The title block located on the submitted site plan contains the required information.		___Yes	____No
b. The scale, approximate north arrow, date of preparation and any other pertinent legend data:		X Yes	___No		The site plan and title block contain the required information.		___Yes	____No
c. County and township location; Parent Parcel Identification		X Yes	___No		The site plan and title block contain the required information.		___Yes	____No
d. The name and address of the owner(s) of the land to be subdivided, the name and address of the subdivider if other than the owner, and the name, address, registration number and seal of the registered land surveyor, professional engineer or registered architect or landscape architect responsible for preparation of the plat.		X Yes	___No		The site plan and title block contain the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 7.14 (2) (B) (3) Vicinity Map								
a. A vicinity map showing the general location of the subdivision in relation to the surrounding area shall be placed on the plat		X_ Yes	___No		The site plan contains the required information.		___Yes	____No
b. The vicinity map shall be shown at a sufficient size to show the relationship of the tract to the existing street or highway system and readily recognized Orange County landmarks		X_ Yes	___No		The vicinity map is of sufficient size as required by the UDO.		___Yes	____No
c. Street and roads shall be identified by State road number and name		X_ Yes	___No		The site plan contains the required information for the surrounding streets.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 7.14 (2) (B) (4) **Existing Site Data**: Information on existing conditions shall be shown as noted below								
a. Boundary lines								
i. The approximate or survey location, including distances and bearings for boundary lines		X Yes	___No		The site plan contains the required information.		__Yes	____No
ii. The location, width and purpose of all recorded easements		X Yes	___No		The site plan contains the required information.		__Yes	____No
iii. The approximate location of boundary lines, which abut the tract shall be shown as dashed lines		X Yes	___No		The site plan contains the required information.		__Yes	____No
iv. The approximate location of corporate limit lines, township boundaries, and county lines		X Not Applicable			The property is within Chapel Hill Township and is not near township boundary lines, corporate limits of a town, or the County line		_ Not Applicable	
v. The names of owners of adjacent un-subdivided land		X Yes	___No		The site plan contains the required information.		__Yes	____No
vi. For adjacent subdivided land, the subdivision plat name, plat book and page number, and perimeter lot numbers abutting the tract to be subdivided		X Yes	___No		The site plan contains the required information.		__Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 7.14 (2) (B) (4) b. Streets and Transportation Systems								
i. The location, name and right of way width of streets, roads and railroads abutting the tract.		X__Yes	____No		The site plan contains a the location of existing and proposed streets.		___Yes	____No
ii. Surface material and width of travel ways		X_ Yes	____No		The site plan contains the required information.		___Yes	____No
iii. The location of any existing curbs, gutters and culverts. These features shall also be shown in cross section.		X_ Yes	____No		The site plan contains the required information.		___Yes	____No
iv. The location and width of alleys, sidewalks, bike lanes, transit systems, and bus stops.		X_ Yes	____No		The site plan contains the required information.		___Yes	____No
Section 7.14 (2) (B) (4) c. Utility Systems								
i. The location and size of all above ground installations of major electric, CATV and telephone transmission lines, underground gas transmission mains, underground water mains and sanitary sewer lines, and important storm sewer systems on or abutting the tract shall be shown.		X_ Yes	____No		The site plan contains the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 7.14 (2) (B) (4) d. Contour information								
i. Existing contours on the tract shall be shown at vertical intervals of not more than ten feet.		X_ Yes	____No		The site plan contains the required information.		___Yes	____No
ii. Contours shall be referenced to mean sea level datum as obtained from the latest applicable USGS topographic map or other geodetic benchmark.		X_ Yes	____No		The site plan contains the required information.		___Yes	____No
iii. Where a field topographic survey of the tract has been performed, contours shall be referenced to a permanent identifiable benchmark.		X_ Yes	____No		The site plan contains the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 7.14 (2) (B) (4) e. Other Conditions								
i. Streams and rivers, ponds, or lakes, swamps or marshes, and natural areas identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portion of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina.		X Yes	____No		The site plan contains the required information. Attachment 1 of the August 27, 2012 Quarterly Hearing Packet contains additional information on streams and natural areas contained on the property.		___Yes	____No
ii. Manmade features including houses, barns, and known or identified cemeteries shall be shown in their approximate location.		X Yes	____No		The site plan contains the required information.		___Yes	____No
iii. The zoning of the subject tract and adjacent properties shall be noted.		X Yes	____No		The site plan contains the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 7.14 (2) (B) (5) Subdivision Layout Data: Information on the proposed development shall be shown as noted below:								
(a) Site calculations shall be shown as follows: (i) Acreage in tract to be subdivided; (ii) Lineal feet of road centerlines and approximate acreage within new street rights of ways; (iii) Acreage in recreational areas and other non-residential uses; and (iv) Total number of lots or parcels created.		X Yes	____No		The site plan contains the required information.		___Yes	____No
(b) Lot Arrangement (i) Proposed lot lines, lot and block numbers and the approximate dimensions and area of each proposed lot shall be shown on the plat. (ii) Lot areas exclusive of road right of way shall be shown. (iii) Blocks shall be consecutively numbered or lettered in alphabetical order and all lots in each block shall be consecutively numbered. (iv) Required building setback lines shall be shown for each lot or noted on the plat.		X Yes	___ No		The site plan contains the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 7.14 (2) (B) (5) continued								
(c) Dedications, Reservations, and Easements (i) The location and approximate dimensions of all property to be set aside for recreational use or other public or private dedications, reservations or easements shall be shown. (ii) The purpose and conditions of the dedication, reservation or easements shall be noted. (iii) For recreation areas with improvements, a separate sheet shall be provided showing the proposed site dimension and improvements drawn at a scale of not less than 50 feet to the inch, or at a different scale if approved by the Planning Director.		X Yes	____No		The site plan contains the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 7.14 (2) (B) (5) continued								
(d) Streets and Transportation Systems (i) The location, dimensions and classification (public or private) of all proposed streets, easements, alleys and other right of ways shall be shown on the plat. (ii) The location and dimensions of proposed pedestrian paths and sidewalks, bike lanes or paths, and bus stops shall also be shown. (iii) Proposed streets, pavement or travelway widths shall be denoted as well as typical roadway cross sections. The approximate centerline radius shall be shown on all proposed streets. (iv) Proposed street names shall be indicated on the plat. Such names shall not duplicate or approximate the name of any other street in Orange County except where a proposed street is the continuation or extension of an existing street.		X Yes	____No		The site plan contains the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 7.14 (2) (B) (6) **Utility and Drainage Data**								
a. Proposed utility systems shall be shown on the plat, including but not limited to (i) Public or private community water supply systems (ii) Public or private community sewage disposal systems, and (iii) Storm drainage facilities including existing and proposed drainageways and channels		X__Yes	____No		The site plan contains the required information.		___Yes	____No
b. Any easements associated with such utility systems shall also be denoted and the purpose for the easements designated on the plat.		X__Yes	____No		The site plan contains the required information.		___Yes	____No
Section 7.14 (2) (B) (7) **Landscaping and Buffer Data**: The following information shall be denoted on the Preliminary Plat to demonstrate compliance with the provisions of Section 6.8 of this Ordinance: (a) Existing trees and/or vegetation to be preserved and proposed trees and/or landscape materials to be installed. (b) Required buffers.		X__Yes	____No		The site plan contains the required information. The site plan denotes anticipated plantings of in-between lot and street trees to comply with established landscaping, buffer, and tree protection standards as detailed within Section 6.8 of the UDO.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**		**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**
Section 7.14 (2) (B) (8) **Special Flood Hazard Area (SFHA) Standards**						
a. The boundary of the Special Flood Hazard Area zoning overlay district shall be designated and labeled on the plat as required by this Ordinance.		_X_ Not applicable		The property has no identified floodplains and is not located within the SFHA Overlay District		__ Not applicable
b. For subdivisions located within a Watershed Protection Overlay District, as identified on the Orange County Zoning Atlas, the following information shall be designated and labeled on the plat: (i) Impervious surface data as required by Section 4.2 of this Ordinance; (ii) Stream buffers as required by Section 6.13 of this Ordinance; and (iii) Stormwater detention and/or retention sites and undisturbed areas for infiltration purposes as required by the Section 6.14 of this Ordinance.		_X_ Not applicable		The property is not located within a Watershed Protection Overlay District.		__ Not applicable

SECTION 5.15.6 – MAJOR SUBDIVISION CLASS A SPECIAL USE (RURAL DESIGNATED OR URBAN DESIGNATED) SPECIFIC STANDARDS
("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 5.15.6 (A) (1) Submittal Requirements In addition to the information required in Section 2.7, the following shall be submitted as part of the application								
a. Stamped envelopes addressed to each owner of property within 500 feet of the property proposed for subdivision. The names and addresses of property owners shall be based on the current listing as shown in the Orange County Land Records system		_____X Yes	___No		The applicant supplied the necessary stamped envelopes as required by the UDO.		___Yes	___No
b. A statement, from the applicant, indicating the anticipated development schedule for the build out of the project.		_____X Yes	___No		Attachment 1 of the August 27, 2012 Quarterly Hearing Packet contains a narrative denoting the required development schedule for the project.		___Yes	____No
c. Water and Wastewater		_X_Yes	___No		Attachment 1 of the August 27, 2012 Quarterly Hearing Packet contains a narrative denoting proposed water and wastewater services. The site plan also provides required information.		__Yes	___No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 5.15.6 (A) (1) continued								
d. Open Space Connectivity A map that demonstrates that the open space composition, accessibility, shape and size requirements as set forth in Section 7.13 of this Ordinance are to be met.		_____X Yes	___No		The site plan contains the required information demonstrating compliance with the UDO		___Yes	___No
e. Natural & Human-Made Resources A written and graphic site analysis illustrating soils, depth to water table, slope, hydrology, vegetation, natural areas and habitats of special concern, infrastructure and other constructed features, historic and archaeological sites, and visual analysis of views into and from the site.		_X_Yes	___No		Attachment 1 of the August 27, 2012 Quarterly Hearing Packet contains a narrative denoting required information. The site plan contains a sheet providing a detailed site analysis map denoting the required information as well. Staff has determined there are no significant environmental features on the property.		___Yes	___No

Ordinance Requirements		**STAFF FINDINGS**		**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**	**PLANNING BOARD RECOMMENDED FINDINGS**		
f. Pedestrian / Bicycle Plan (i) If the subdivision is located in a Transition Area designated as such on the Land Use Element of the Comprehensive Plan, a plan for sidewalks or pedestrian/bike lanes as part of the public roads using, where appropriate, alternative North Carolina Department of Transportation design guidelines that include pedestrian/bike lanes as part of the public road system. (ii) For proposals not located in a transition area an off-road, pedestrian plan shall be submitted.		_____X Yes	___No	The project is not located within a transition area. The submitted site plan denoted the location of access walkways to proposed open space areas located on the southwest portion of the property.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 5.15.6 (A) (1) continued								
g. Landscape Plan Details A landscape and tree preservation plan that shows the following: (i) The proposed locations, and types of, plantings, (ii) The existing natural landscape with existing topography, (iii) The width of roadside and perimeter buffers to be left undisturbed, (iv) The open space (proposed undisturbed and proposed improved) as well as type of ownership.		_X_Yes	___No		The site plan contains the proposed landscaped plan and land use buffer preservation plan. A condition of approval is that the final landscape plan shall be approved prior to the commencement of earth disturbing activities and the applicant shall physically identify those trees slated for preservation during construction in accordance with the provisions of the UDO.		___Yes	___No
Section 5.15.6 (2) Additional Submittal Requirements - For all applications of over 40 lots		_X Not applicable			This project is not proposing over 40 lots. As a result the requirements of Section 5.15.6 (2) are not applicable		__ Not applicable	

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
5.15.6 (A) (3) Standards of Evaluation								
A. The project meets all applicable design standards and other requirements of this Ordinance		_X_Yes	___No		The application package contains the necessary information demonstrating compliance.		___Yes	____No
B. The project meets all service provision criteria as set forth below:								
1. Fire – identifies the primary and secondary responders and the source(s) of water.		_X_Yes	____No		Fire Marshall has indicated the New Hope Fire Department is primary responder.		___Yes	____No
2. Police – identifies the primary and secondary responders.		_X_Yes	____No		The Sheriff's office is the primary responder. State police will be secondary for certain types of issues.		___Yes	____No
3. Rescue Services – identifies the primary and secondary responders.		_X_Yes	____No		Primary – New Hope Secondary – Orange County and Town of Chapel Hill (Mutual aid)		___Yes	____No
4. Water Supply – source and capacity of water supply.		_X_Yes	____No		Community well		___Yes	____No
5. Wastewater Treatment Methods – provider and capacity of wastewater treatment source.		_X_Yes	____No		Individual septic systems permitted by Orange County Environmental Health.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
C. Habitats shall be identified and evaluated in the Biological Inventory required by Section 5.14.6(A)(2)(b) and are subject to the following:								
i. An undisturbed buffer is required around the boundary of habitats of rare, threatened, or endangered species as shown on the biological inventory. Buffer width shall be determined by site evaluation in consultation with the applicant's biologist and County staff		_X_ Yes	____No		Attachment 1 of the August 27, 2012 Quarterly Public Hearing package contains required information. No buffers are required as no habitats were identified on the property.		___Yes	____No
ii. Habitat enhancements as described in the biological inventory shall be made for a broad range of species to help mitigate the loss of wildlife habitat during construction.		_X_ Yes	____No		Attachment 1 of the August 27, 2012 Quarterly Public Hearing package contains required information. No mitigation is required as no habitats were identified.		___Yes	____No
iii. Conservation easements or other acceptable means such as dedication to a public agency, conservancy or a similar agency are required to protect wetlands and other habitats while insuring proper long-term maintenance; and		_X_ Yes	____No		No wetlands areas were denoted. Streams and other water bodies are located in either a dedicated open space parcel or within landscape buffers and shall be maintained and managed by the Home Owners Association.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
iv. Provide barriers or fencing, and signage at the edge of habitat buffers to prohibit vehicular and pedestrian access. Limited access may be allowed if proposed in a sensitive manner for environmental education purposes.		_X_ Not Applicable			No habitat buffers are proposed as there were no habitat areas identified on the property.		___ Not Applicable	
D. Landscaping and Buffers								
i. Existing vegetation shall be preserved as indicated on the approved landscape plan in accordance with the provisions of Section 6.8		_X_Yes	____No		The site plan denotes areas where existing vegetation will be preserved.		___Yes	____No
ii. Tree protection measures shall be installed and maintained between all areas of disturbance and trees to be retained as shown on the approved landscape plan. A detail of the tree protection barrier proposed shall be included as part of the landscape plan submitted with the application;		_X_Yes	____No		Notes contained on the site plan indicate the clear cutting of individual lots and mass grading are prohibited. Protected areas on individual lots shall be fenced off during construction.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
iii. Corridors connecting habitats identified in the biological inventory shall be preserved along streams, buffers, or other wooded areas. If destroyed during construction, such connections shall be restored using appropriate plant materials;		_X_ Not Applicable			No habitat buffers are proposed as there were no habitat areas identified on the property.		___ Not Applicable	
iv. Trees and stumps cleared for roads and building construction shall either be used for timber purposes or shredded for landscape mulch, composted, buried or otherwise disposed of BUT NOT BURNED.		_X_Yes	____No		The submitted site plan, the project narrative states that no burning of construction debris will occur.		___Yes	____No
v. Berms, fences and landscaping walls may be used with plant materials for screening, provided such features are designed and located in harmony with other site features and functions.		__X Not applicable			No berms, fencing, or walls are noted to be necessary.		___ Not applicable	
vi. To minimize visual impact by blending architecture into the surrounding landscape, foundation plantings are required at all freestanding entrance signs.		_X_Yes	____No				___Yes	____No
i. Use of xeriscaping principles.		_X_Yes	____No		Preservation is the top priority in the landscaping plan. Suitable plant materials will be used.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
E. Stormwater Management								
i. A stormwater management plan shall be prepared and reviewed in accordance with the provisions of Section 6.14;		_X_Yes	____No		Initial review of calculations by Orange County Erosion Control indicates there will be no issues. A condition of approval is that the formal stormwater management plan shall be reviewed and approved prior to earth disturbing activity.		___Yes	____No
ii. All drainage structures will be installed and maintained according to the approved Stormwater Management Plan.		_X_Yes	____No		According to the applicant, equivalent devices in accordance with NC DENR stormwater manual will be used. A condition of approval is that the formal stormwater management plan shall be reviewed and approved prior to earth disturbing activity		___Yes	___No
iii. Subdivisions that include structural stormwater measures shall comply with the requirements in Section 6.14.		_X_Yes	____No		A condition of approval is that the formal stormwater management plan shall be reviewed and approved prior to earth disturbing activity		___Yes	____No

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
F Grading and Erosion Control								
i. Plans for grading and erosion control comply with standards contained in the Orange County Erosion and Sediment Control Manual and this Ordinance;		_____X Yes	____No		Initial review of grading plans by Orange County Erosion Control indicates there will be no issues. A condition of approval is that the formal grading and erosion control plan shall be reviewed and approved prior to earth disturbing activity.		___Yes	____No
ii. Construction is phased to the extent practical to minimize disturbance and sedimentation;		_____X Yes	____No		Staff has determined that the project will comply.		___Yes	____No
iii. Sediment control measures will be properly installed to filter sediment from runoff during construction and maintained until grading is complete and a permanent vegetative cover has been established and all slopes stabilized; and		_____X Yes	____No		Detention basins to handle silt and turbidity will be installed prior to any grading. Conversion of the devices will occur as stabilization occurs in the sub basins. A condition of approval is that the formal grading and erosion control plan shall be reviewed and approved prior to earth disturbing activity.		___Yes	____No
iv. Permanent landscaping, groundcover, mulch, etc. will be installed as soon as practical after construction activities for each phase are completed.		_____X Yes	____No		A condition of approval is that the formal grading and erosion control plan shall be reviewed and approved prior to earth disturbing activity.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
G. A solid waste management plan, submitted as part of the Resources Management Plan, shall include the method(s) of disposal and recycling of construction debris.		_____X Yes	____No		The preliminary plan and narrative contain the required information		___Yes	____No
H. Irrigation		_X_Not applicable			Provisions dealing with irrigation are not applicable as the applicant is not proposing to install such systems.		__ Not applicable	
I. Habitat Maintenance								
i. Habitats identified in the biological inventory and habitats created through mitigation shall be maintained in accordance with the Resources Management Plan and/or a conservation easement agreement; and		_____X Yes	____No		As denoted on the site plan a large area along the southwestern portion of the property is to be left in protected landscaped space due to the presence of identified stream buffers		___Yes	____No
ii. Maintenance of habitats shall be minimal, consisting primarily of maintaining buffers and enhancements, removal of exotic (non-native) plant species, and keeping drainage ways functioning properly.		_____X Yes	____No		Open space areas will be left undisturbed except for the installation of utilities and stormwater devices.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
J Access to the subdivision and access to lots within the subdivision to existing public roads shall conform to and be in compliance with any public road access management plan adopted by Orange County.		_x_Yes	____No		According to the submitted site plan the project will have access off of Mt. Sinai Road (SR 1718) Local roads shall be developed to State NC DOT standards.		___Yes	____No
K. Maintenance of Improvements								
i. All site improvements such as roads, utilities (including irrigation and drainage structures), habitat enhancements, recreational amenities, signage, landscaping, open space, etc. will be maintained in function and appearance		_x_Yes	____No		All maintenance will be incorporated into the Homeowner's Association documents with the exception of the public streets.		___Yes	____No
ii. Maintenance specifications, if any, for on-going site management (including provisions for handling of storm debris in open space areas) shall be submitted as part of the Resources Management Plan and incorporated into Homeowners' Association documents.		_x_Yes	____No		All maintenance (trails, stormwater devices) and ongoing private expenses (lights, mowing, etc.) will be incorporated into the Homeowner's Association documents with the exception of the public streets.		___Yes	____No

SECTION 5.3.2 (B) Special Uses – Specific Standards ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED FINDINGS**	
Section 5.3.2 (B) **Specific Standards**:___In addition to the general standards stated in Section 5.3.2 (A) 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		Attachment 3 of the August 27, 2012 Quarterly Public Hearing packet contains a memorandum from Orange County Environmental Health indicating the proposed septic systems are acceptable. A condition of approval is recommending requiring easement language allowing for the proposed off-site septic development shall be reviewed and approved by the County Attorney's office and Environmental Health prior to the recordation of the final plat.		___Yes	____No

SECTION 5.3.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

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 Volunteer Fire Department, rescue service by the Orange County Emergency Management, and police protection by the Orange County Sheriff's Department. Attachment 3 of the October 3, 2012 Planning Board packet contains a memo from Mr. David Sykes of Orange County Emergency Management concerning approval of the project.		___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 submitted site plan shows the required access points and denotes that the roads serving the site shall be development to NC DOT standards. A recommended condition of approval is the applicant secure a NC DOT drive permit allowing for the project to be accessed via Mt. Sinai Road. Further, a recommended condition of approval is road names shall be submitted and approved by Orange County GIS prior to the recordation of the final plat.		___Yes	____No

SECTION 5.3.2 (A) Special Uses – General Standards ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**STAFF FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**PLANNING BOARD RECOMMENDED 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 a recommendation on these items.						
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.		_Will	_Will Not				___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).		__Will	_Will Not				___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.		___ Is	__ Is Not				____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 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 a recommendation to issue the permit, Planning Staff recommends the attachment of the following conditions:

A. Development of off-site septic fields:

1. Only lots 23 through 26 shall be served through an off-site septic system developed on the parcel denoted on the approved site plan.

2. Lots 23 through 26 shall have an individual septic systems and repair area on the designated lot serving as the joint septic area within the project. A combined system shall not be developed.

3. The property housing the off-site septic systems shall be maintained by the HOA. Each individual septic system shall be maintained by the homeowner. Language governing the maintenance of the lot, as well as the maintenance responsibility for each septic system, shall be contained within the deeds restrictions and covenants for the development.

   This document shall be reviewed and approved by the County Attorney's office, Orange County Environmental Health, and the Planning Director prior to recordation.

4. The applicant shall develop an agreement outlining the use, maintenance responsibility, and liability issues for a proposed easement transferring waste from lots 23 through 26 to the off-site septic lot. This easement agreement shall be reviewed and approved by the County Attorney's office, Orange County Environmental Health, and the Planning Director prior to the recordation of the final plat.

5. The applicant shall execute a utility extension and installation agreement consistent with the aforementioned easement agreement covering the extension of sewer lines from lots 23 through 26 to the off-site septic lot. This agreement shall be prepared by the applicant and reviewed by the Orange County Staff Engineer in consultation with the Planning Director, County Attorney, Orange County Health, and other essential County personal involved with the process.

6. Orange County Environmental Health and the staff engineer shall approve the off-site septic line construction drawings, including stubbed out service lines for lots

23 through 26, prior to any clearing or grading on the site. No sewer lines shall be placed underneath paved or concreted areas with the exception of perpendicular crossings.

7. Signed encroachment agreements, if required by North Carolina Department of Transportation (NCDOT), shall be executed for all sewer lines that are placed within public right-of-ways serving lots 23 through 26. Copies of signed encroachment documents shall be provided to the Planning Department and the County Staff Engineer prior to Planning signatures on the Final Plat.

B. Provision of Water Services

C. Roads and Access

1. Proposed roads shall be designed and constructed to standards of the NCDOT Subdivision Road manual, dated January 2011, within a fifty (50) foot right-of-way as denoted on the approved plan.

2. Erosion control plans for construction of the proposed roads shall be submitted to, and approved by, the Erosion Control Division prior to any clearing or land disturbance.

3. Approved double-bladed street name signs shall be erected at all street intersections shown on the Final Plat prior to issuance of any building permit if road construction is not completed prior to recording of the final plat.

4. Prior to any construction or alteration of any existing access within the platted rights-of-way, the owner/applicant shall secure a driveway permit from the NCDOT District Office. The owner/applicant shall submit a copy of the NCDOT-approved permit and NCDOT approval letter to the Planning Department prior to or at the same time as the request for a grading permit is made, or before Planning Department signatures are affixed on the Final Plat, whichever is first.

5. Sight triangles with dimensions of ten (10) feet by seventy (70) feet shall be shown and labeled at all street intersections as depicted on the Final Plat. These areas are to remain clear of plantings, fences, vehicles, and all structures.

6. Dedicate, in fee simple, a fifty (50) foot wide right-of-way, centered on the existing right-of-way of Tinnin Road, to the northern property line. Said dedication shall meet local residential road right-of-way standards as required in Section 7.8.2 of the Unified Development Ordinance (UDO).

D. Land Use Buffers and Landscaping

1. Landscaping shall be preserved as indicated on the approved preliminary plan and Resources Management Plan that show the typical building envelopes/open space areas and shall be inspected and approved by the Planning and Inspections Department prior to signatures on Final Plat. No part of the landscaping shall encroach into the 10’ x 70’ sight triangles at the intersection.

OR

Guaranteed financially through a letter of credit or escrow agreement submitted to secure required landscape installation and preservation. An estimate of the cost for required preservation, plantings and their installation must be provided. The financial guarantee shall reflect 110% of the estimate and be issued by an accredited financial institution licensed to do business in North Carolina in a form approved by the County Attorney.

2. Provisions for protection of existing trees as shown on the approved site plan shall be included in a document describing development restrictions and requirements to be prepared by Planning Staff and recorded concurrently with the Final Plat. No clear cutting on individual lots or mass grading is permitted pursuant to Section 6.8 of the UDO.

3. The applicant shall retain and maintain existing plantings within the Typical Building Setbacks as indicated on the Site Plan.

4. A minimum of thirty (30) foot buffer shall be maintained (i.e. left undisturbed) along the subdivision perimeter. Language shall be provided in the Homeowners Association documents to the effect that clearing within the thirty (30) foot buffer shall not be permitted.

5. Stream buffers shall be maintained around an identified water feature denoted on the approved site plan in accordance with the provisions of the UDO.

6. No mass grading of the site shall occur. Lots shall be graded only after lot specific plans showing the extent of grading are submitted to the Planning Department and approved at the time of building permit applications.

7. Common area landscaping trees and shrubs shall be of a native species and drought tolerant.

E. Storm Drainage

1. Drainage easements shall be located on the Final Plat as required following review and approval of the Erosion Control Plan by County staff.

2. All structural stormwater Best Management Practices (BMP's), as defined in the North Carolina Department of Environment and Natural Resources Stormwater BMP Manual shall be within stormwater easements and shown on the Final Plat. A stormwater maintenance agreement shall be recorded along with the Final Plat. The agreement shall designate the responsible party for maintenance. Public access to the BMP devices shall be provided.

3. Drainage culverts shall be sized and located appropriately by a licensed North Carolina Professional Engineer as required by NCDOT and Orange County Erosion Control.

4. The site runoff for the one (1)-year twenty-four (24)-hour storm shall be the same

post- development as pre-development regardless of the BMP option chosen.

5. The Jordan Lake (Cape Fear Basin) nutrient reduction rules apply to this site.

6. Sediment and erosion control measures shall be installed prior to and during any land clearing or construction.

F. Parkland and Recreation

1. Lawful currency of the United States in the amount of $10,972.00 ($422 x 26 lots) shall be paid to Orange County as payment-in-lieu of parkland dedication at the time of recordation of the Final Plat.

2. The applicant shall incorporate provisions into the declaration of restrictive covenants that effectively restricts and maintains the common area open space. These protected areas shall be shown and labeled accordingly on the Final Plat. All maintenance responsibilities for the open space shall be with the Homeowner's Association.

3. Section 7.11.2 of the UDO requires a minimum recreation space based on the following:

   a. 1/57 of an acre dedicated for each dwelling unit (i.e. individual lot). This translates to .456 acres or 19,863 square feet (26/57 = .456 acres).

   b. Section 3.3 Base Zoning Districts – Rural Buffer of the UDO establishes a recreation space ratio of 0.028 square feet of space per land area dedicated to residential use. For this project approximately 1.92 acres or 83,635 shall be required as denoted on the approved site plan (0.028 * 68.51 acres = 1.92 acres, or 83,635 square feet).

   According to Section 7.11.2 of the UDO in those cases where there is a difference in these 2 ratios, the difference shall be established as private recreation space for the residents of the development. In this case the applicant is required to maintain approximately 1.46 acres of private recreation space for the use of the residents of the development.

4. The applicant shall provide and maintain the proposed 1.48 acre recreation and open space lot as denoted on the approved site plan for use as a community picnic and park area. Further, the applicant shall provide and maintain a 3.62 acre open space recreation area, including a 25 foot wide pedestrian open space access (POSA) area, as identified on the approved site plan.

G. Construction Waste

1. Per the Orange County Solid Waste Ordinance, clean wood waste, scrap metal, corrugated cardboard, and all present construction waste shall be recycled.

2. All haulers of construction waste shall be properly licensed. The applicant shall confirm that hauling contractors are licensed to haul waste in Orange County.

3. Prior to any demolition or construction activity on the site the applicant shall arrange for a pre-demolition / construction conference with Orange County Solid Waste staff. This may be the same meeting held with other county officials.

H. Miscellaneous

1. The Final Plat shall contain a title block and vicinity map in accordance with Section 7.14.3 of the UDO.

2. The Homeowner's Association (hereafter 'Association') shall be incorporated and a deed conveying the open space into the Association shall be submitted along with the Final Plat for review and approval by the County Attorney's office. Planning Department signatures will be affixed to the Final Plat after attorney review is complete. The County Attorney shall approve the declaration of restrictive covenants applicable to the property.

3. Tree cutting in the roadside open space is prohibited except for necessary maintenance purposes that have been approved by County staff prior to any such tree cutting taking place.

4. All street lighting shall conform to the Outdoor Lighting Standards as set forth in Section 6.11 of the UDO. The light fixture shall be submitted to the Planning Department for review and approval prior to entering into a contract or sales agreement or purchase of lighting fixtures from the utility provider.

5. A sign permit shall be obtained from Orange County for the subdivision sign located at or near the entrance of the subdivision prior to beginning construction. Any lighting for the sign shall be approved by the Planning Department prior to purchase or installation.

6. Methods of disposal of trees, limbs, stumps, and construction debris associated with construction activity shall be by some method other than open burning as required in the Orange County Unified Development Ordinance.

7. Parcel Identification Numbers for the existing lots shall be shown on the Final Plat.

8. The maximum number of lots approved is twenty-six (26); the final number of platted lots shall be determined after compliance with all ordinances, regulations or conditions of approval. No ordinance, regulation or condition of approval shall be relaxed in order to accommodate more than twenty-six (26) lots.

9. The owner shall file, with the Planning Department and record with the Final Plat, a declaration of covenants and restrictions, articles of incorporation, where required, and/or by-laws, all as approved by the County Attorney, that will govern the maintenance and control of the improvements as set forth in Section 7.14.3 of the UDO.

   Said documents shall provide for ownership of open space and the dedication of easements to access open space, common area POSA's, drainage easements and buffers, for maintenance. The Owner has agreed that said documents shall not restrict the use of energy efficient measures, including but not limited to

clotheslines by the lot owners, nor shall said documents require any lot owner to engage in water intensive lawn maintenance.

10. No geothermal wells shall be developed within the project for any purpose.

I. Certifications

1. All Certificates and Endorsements as set forth Section 7.14.3 of the UDO signed by the landowner, developer and appropriate staff persons shall be on the face of the plat and included in a document describing development restrictions to be recorded concurrently with the Final Plat.

2. Certificate of Improvements as set forth in Section 7.14.3 of the UDO signed by the County Manager shall be on the face of the Final Plat.

3. Orange County Environmental Health shall certify on the Final Plat that perk sites have been approved for all lots and the off-site septic area has also been approved in accordance with applicable standards.

4. The NCDOT shall certify that the platted portions of the proposed roads have been entirely constructed to State standards or that construction plans have been approved with a letter of credit or cash bond security posted prior to Planning Department signatures on Final Plat.

Attachment 2

September 26, 2012

Michael D. Harvey
Current Planning Supervisor
Orange County Planning Department
P.O. Box 8181
131 West Margaret Lane
Hillsborough, NC 27278

RE: Dunhill Subdivision Trail Connection to Johnston Mill Nature Preserve

Dear Michael,

The Triangle Land Conservancy was recently approached by David Weekly Homes to consider a potential trail connection between the proposed Dunhill Subdivision located on Mt Sinai Road and the trail network located on TLC's Johnston Mill Nature Preserve. TLC has conducted an analysis of the suitability of such a trail connection. Upon careful review, TLC has determined that Johnston Mill Nature Preserve can accommodate an additional foot trail to the proposed Dunhill Subdivision .

Traditionally, TLC does not endorse the connection of singular social trails between individual properties and its nature preserves. The number of individual neighbors each having their own trails can get excessive and lead to a diminution of the property's conservation values. Limiting individual trails is a challenge to enforce. When presented with a potential subdivision being constructed on a neighboring property it behooves TLC to analyze the impact of the subdivision on the Nature Preserve including consideration of developing a singular approved access point to the Nature Preserve on a sustainable appropriately built trail.

In considering additional trail connections, TLC must consider the environmental impacts of increased use and trail alignment. It must consider the cost to maintain new trail and the stewardship obligations imposed on TLC staff in the future. And lastly, TLC must consider how the new trail fits with the organization's mission. TLC constructed and sustains the Johnston Mill Nature Preserve as a publically accessible amenity to further TLC's goals of connecting people with nature and educating the public about conservation, water quality and wildlife habitat.

Upon review of these and many more conditions, TLC has determined that Johnston Mill Nature Preserve does have the capacity to handle the anticipated foot traffic proposed by the Dunhill Subdivision trail connection.

TLC will entertain discussions about the construction of a trail between the Dunhill Subdivision and Johnston Mill Nature Preserve dependent upon the following conditions and understandings:

a. Only a singular TLC approved trail connection may be constructed between the Dunhill Subdivision and Johnston Mill Nature Preserve. No trail connections are otherwise permitted between the Dunhill Subdivision and the Johnston Mill Nature Preserve.
b. Any trail built on TLC property must be built to TLC specifications and conditions, constructed by TLC chosen/managed means or contractors.
c. TLC will be compensated for its costs in facilitating the neighboring trail construction and signage.
d. TLC will require a one-time stewardship endowment contribution for future stewardship costs related to the maintenance of the trail. The trail connection and stewardship calculation is calibrated to the population size of the subdivision and does not consider other users that enter from outside the subdivision.
e. TLC retains the right to reroute, close or alter any trail on the Johnston Mill Nature Preserve in the future that negatively impacts the health and vitality of the nature preserve.
f. Users of the trail are invited guests of TLC. Users must follow the TLC rules while on the Preserve. TLC reserves the right to change the rules related to the Preserve in the future, should the need arise. Violators can be excluded from the Preserve.
g. A minimum thirty foot buffer be vegetated and maintained on the Dunhill property at the TLC boundary.
h. TLC Land Manager and Dunhill Homeowner's association shall work to maintain communications to provide an outlet for issues, should they transpire, including off trail activities, dumping of yard waste and other issues deemed detrimental to the Preserve's conservation values or well being.
i. The connector trail should be built with natural surface materials, with a tread no wider than 6 feet. Timing for construction should be coordinated with TLC, but be constructed within 6 months of the completion of trail connector located on the Dunhill Subdivision property.

The Triangle Land Conservancy is open to consideration of the trail connection between the Dunhill Subdivision and Johnston Mill Nature Preserve subject to acceptable terms and remuneration.

Sincerely,

Tom McGuire

Tom McGuire
Interim Director

SUMMIT
DESIGN AND ENGINEERING SERVICES
919.732.3883 SUMMIT-ENGINEER.COM
504 Meadowland Drive, Hillsborough, NC 27278

October 1, 2012

Mr. Michael Harvey
Orange County
Planning Department
PO Box 8181
Hillsborough, NC 27278

Re: Responses to Trail Connection to TLC – Johnston Mill Nature Preserve Trail

Mr. Harvey:

On behalf of our client and the applicant, David Weekly Homes, Summit Design and Engineering Services is providing responses to email correspondence issued by TLC to the County Planning Staff and subsequently forwarded to Summit on Wednesday, September 26, 2012.

The applicant has express concerns over a trail connection to the Nature Preserve and at this time is not inclined to make this connection for several reasons as stated below:

- Cost – It is very clear that the TLC has many requirements related to the construction, quality and future maintenance of any trail connection. These are additional cost that the applicant has not considered in the overall budget of the project and are cost that have no current real value as what the construction cost would be as well as the one-time endowment contribution have not been assessed and could preclude improvements proposed that would otherwise be feasible.
- Safety – A distinct trail connection to the Dunhill Neighborhood would allow unmanaged foot traffic access to the proposed residential properties and could result in motorists using the shoulders and cul-de-sac of the sub-division as additional parking areas for trail access. This could also encourage the use of the Sub-Division road as an outlet to Mt. Sinai road where trail users would then be encouraged to proceed up Mt. Sinai road to the nearby parking area near Cascade Drive.
- Findings of Fact – There have been no findings of fact required of the applicant that would necessitate a trail connection.

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

APPROVED 10/16/2012

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
August 27, 2012
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Monday, August 27, 2012 at 7:00 p.m. at the Central Orange Senior Center, 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: Chair Larry Wright, and Planning Board members Pete Hallenbeck, Andrea Rohrbacher, Maxecine Mitchell, Tony Blake, Rachel Phelps Hawkins, Alan Campbell, and Johnny Randall
PLANNING BOARD MEMBERS ABSENT: H.T. "Buddy" Hartley, Lisa Stuckey, Dawn Brezina

Chair Pelissier called the meeting to order at 7:01PM. She asked for a motion to add a closed session at the end of the meeting.

A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger to add closed sessions after the public hearing:

1. **Per N.C.G.S. 143-318.11(a)(3):** To Consult with the Attorney to protect the attorney-client privilege.
2. **Per [N.C.G.S. 143-318.11(a)(5)]** To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property
3. **Per [N.C.G.S. 143-318.11(a)(4)]:** To discuss matters relating to the location or expansion of business in the area served by this body.
4. **Per [N.C.G.S. 143-318.11(a)(6)] :** To consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee.

VOTE: UNANIMOUS

OPENING REMARKS FROM THE CHAIR

A. PUBLIC CHARGE
The Chair dispensed with the reading of the public charge.

B. PUBLIC HEARING ITEMS

1. Class A Special Use Permit - To review an application for a Class A Special Use Permit for a proposed 26 lot single-family residential Major Subdivision on a 68.51 acre parcel of property off of Mt. Sinai Road (SR 1718).

Michael Harvey: I will remind the Board that you are dealing with a Class A Special Use Permit, which by definition is a quasi-judicial hearing. If you are speaking either for or against the application – that includes the applicant and the applicant's engineer and staff – you need to be sworn. Mr. Chairman, if you will swear in all interested parties in for this hearing.

Larry Wright: All parties approach the bench, and while they're doing so, I'd like to inform everyone that additional testimony can be accepted in written format to the Planning Department to be submitted prior to the Planning Board meeting. It will be part of the Planning Board deliberations, and this will offer the opportunity for the Board of County Commissioners to have material where they can consider this in their deliberations thereafter.

All interested parties were sworn in at this time.

Michael Harvey: You have a rather lengthy agenda item here this evening, and I'm going to try to go through it as methodically and as quickly as possible and allow the applicant and citizens the opportunity to speak. As the Chair has already articulated, we have a major single-family residential subdivision of 26 lots being proposed on a parcel of property off of Mt. Sinai Road. We have two additional pieces of information concerning this project, which I'd like to call your attention to. The first item is a printout of a PowerPoint presentation so that the Board members can follow along. The second is a salmon-colored piece of paper, which contains correspondence from Orange County's DEAPR department as well as State review documents. We also have an email sent by Mr. David Sykes of Orange County Emergency Services on Thursday, August 16th for your consideration on this item. Unfortunately, this information was received after we had distributed the packets so we were not able to include it.

Attachment 1 is the application packet, and very briefly, I just want to run down what that entails. The application packet begins on page 11 with a detailed narrative statement from the applicant demonstrating compliance from their standpoint with the various provisions of County code and the Comprehensive Plan with respect to this project.

Page 27 provides pictures of existing structures on the property. Page 28 is the Soil Service report for this property. Page 60 is a Surface Water Identification completed by Orange County Erosion Control with respect to the streams that are located on this property. Page 64 is a Water Utility Agreement concerning the proposed community well. Page 81 is the adjacent property owner list. Page 83 contains letters submitted to the applicant from the State Department of Cultural Resources concerning this project. Page 87 is the Agreement of Purchase and Sale of this property. Page 89 is the proposed draft Declaration of Covenants, Conditions, and Restrictions for this property. Page 129 begins a property information data sheet submitted by the applicant's expert in an attempt to demonstrate compliance with various provisions of the Unified Development Ordinance, specifically that this project will maintain or enhance the value of adjacent property. Page 133, you will note there are sample elevations of the houses proposed for this project. On page 144 you have some additional maps showing environmental features.

Attachment 2, which is a vicinity map created by staff is on page 150. Attachment 3 contains staff memorandum from Orange County Solid Waste and Orange County Health Department. Attachment 4 is a fiscal analysis that we produced outlining the anticipated costs to service the proposed neighborhood and what monies the County could expect to receive from this project and if it is developed. Attachment 5 is notes of the neighborhood information meeting, which we are going to discuss in the general abstract. Attachment 6 is the Finding of No Significant Environmental Impact statement completed after County staff determined the project would not have any significant impacts on this and surrounding property. Finally we have the notification certification that we typically provide for these types of projects outlining our compliance with established notification requirements.

As detailed on pages 4 and 5 of your abstract, the applicant is proposing a conventional subdivision on a parcel of property located in the Rural Buffer Zoning District. As we articulate in our abstract, this particular parcel of property is located in the rural portion of the County that is defined on our Growth Management System Map, and it is located within the Rural Buffer Rural Residential area as defined and noted within the Joint Land Use Plan that we have with the Towns of Chapel Hill and Carrboro.

The next slide is a vicinity map with the location of the property as well as a brief overview of surrounding development. As you will note, on the map that we have provided we have a mobile home park to the south, the J&J Mobile Home Park. To the east of this property, we have Triangle Land Conservancy property. This area denoted in green is a conservation easement. You also have to the north a major subdivision with lots ranging from 2-3 acres in area. You have to the southwest of this property the Green Valley subdivision with lots ranging from 40,000 square feet to two acres in size. To the west you have lots essentially one acre in area. Across the road is the Blackwood Forest subdivision with lots approximately two acres in area.

The project as we identified in the abstract, the applicant is proposing lots with a minimum of two acres in area. The overall density for this project is one dwelling unit for every two acres. The proposed roads for this project will be built to DOT standards, and it's the applicant's desire to turn the roads over to NCDOT for maintenance at the appropriate time.

According to the site plan lots 1-22 are going to be served by on-site septic systems. The applicant is proposing that lots 23-26 be served by an off-site septic area. The site plan denotes that there will be a utility easement transferring the affluent just outside of the NCDOT right-of-way to the proposed off-site septic area. There will be individual septic sites for each of these lots and there will not be one giant septic system. The rationale for that is to ensure that all four lots don't expect problems if the septic system fails. There will be a 30-foot land use buffer around the perimeter of this project and there will also be a 75-foot land use buffer along Mt Sinai Road as required by the code. The applicant is proposing at this point in time to service the project with a community well. This is going to be located on a proposed open space lot. There is also proposed to be picnic, recreational center, for use by all of the residents.

This slide denotes the site plan. You will note the land use buffer here, the 30-foot land use buffer around the perimeter of the property. Lots 23-26 will be served by off-site septic, which is in this general area of the project. We have two open space lots here, which is where the community well is proposed to be located. This area down in here where there is an existing stream, as I previously articulated to you, the County completed what we call a surface water identification inspection to not only verify the location of this stream, which is shown buffered on the site plan, but verify that the stream actually will have to be buffered in accordance with Article 6 of our land use standards. The applicant is showing a potential storm water basin in this general area that will have the storm water for the project. The storm water system has been designed for a 6,000 gallon detention basin.

Within the site plan, the applicant is also showing the proposed street system that will have to be installed along the project. They have also identified areas where foliage will be installed in between proposed lots. Interior lot plantings will have to be planted in order to bring the project into compliance with Article 6 of our Unified Development Ordinance. As you will all remember, the UDO does require in between lot planting designed to preserve the aesthetic of the area. The applicant has already the trees that they are going to try and preserve to meet this requirement, and they have also identified the planting of approximately 60-70 trees that will be planted in between various lots in order to ensure compliance with the code.

Our comments, which are contained throughout pages 5-11 of the abstract is that the project's density is consistent with the Comprehensive Plan of the Joint Planning Land Use Plan; i.e., one unit for every two acres of property. As contained within Attachment 3, Orange County Erosion Control has already tentatively approved the proposed storm water plan and grading plan. Final approval will not be received until the formal Erosion Control and Grading Plan is submitted for review.

We also have the memorandum from Orange County Environmental Health within Attachment 3 articulating that they have found suitable soils supporting septic system development in each of the lots of these 1-22 and that the main lot to serve as the central depository for lots 23-26 appears to be sufficiently sized. They also stipulate that the community well that is currently proposed will have to be reviewed and approved by the State.

We held a neighborhood information meeting on this project on August 6th. We had good attendance from local residents and the concerns can be summarized as follows. There was a lot of concern on the community well and whether or not that would have a negative impact on adjacent property. Although not mentioned here, I believe you have a copy of a letter sent to Commissioner Pelissier outlining a local residents' concern over the use and installation of geothermal wells that utilize the pump and dump system. That concern is not necessarily associated to this project, it is a countywide concern. The concerned resident has asked that the County begin a comprehensive review on whether or not there should be limits or outright bans on the use of geothermal wells, specifically focusing on pump and dump and geothermal wells in general. Given the fact that Orange County does not had a true aquifer, that most of our water resources are taken from fractures within the ground, and that by eliminating geothermal wells would help to alleviate some of the identified concerns over ensuring the availability of adequate water supply for personal use and not for the heating or cooling of a residence.

Statements and comments were made over concerns about this development causing taxes for existing residents to rise as property values would improve. There were concerns over off-site related traffic impacts that could be generated by the project, specifically to Alexander Drive, Mt. Sinai, and NC 86. There was a concern over the protection of the existing stream in the southwest corner of the property. It was suggested by some of the residents in attendance that the applicant provide a plan to have a density of one dwelling unit for every five acres as well.

Staff's recommendation is articulated on page 10 of your abstract:

1) Receive the SUP application,
2) Conduct the Public Hearing and accept public, Planning Board, and BOCC sworn testimony on the application,
3) Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the November 20, 2012 BOCC regular meeting, and
4) Adjourn the public hearing until November 20, 2012 in order to receive the Planning Board's recommendation and any submitted written comments.

Unless there are any specific questions of me at this time, I'd like to turn it over to the applicant and allow them to provide additional detail on this project. There are a few residents signed up to speak.

Larry Wright: Do the Commissioners have any questions of Mr. Harvey? Members of the Planning Board?

Chad Abbott: I'm Chad Abbott, with Summit Consulting. I have been duly sworn. I'm here on behalf of Weekley Homes. Mr. Jeff Akin and his staff are here to answer any questions related to the details of how the subdivision will be built, the geothermal comments, as well as the individual septic comments. I am here to answer any technical questions you may have related to the 26-lot subdivision proposed.

Commissioner Hemminger: Concerning the general well situation, the neighbors of this property have identified concerns over their wells going dry, do you know how deep their wells are and how deep this one is supposed to be?

Chad Abbott: I do not think a survey has been conducted on the adjacent wells.

Diana Walstad: Mine is 250 feet.

Commissioner Hemminger: How deep is this one supposed to be?

Chad Abbott: The exact depth, you would have to run it until it hit the water that would meet the demands of the subdivision. Individual wells would be allowed and would be in compliance with any other standards for a subdivision. That is an option they have.

Commissioner Hemminger: For the four lots that have septic that runs all the way underneath all the other lots, that's a long run, how does that technically work? It's pretty far away.

Chad Abbott: The technical design of that has not been done either way. If it cannot be a gravity feed, there will be a pump to disperse the waste in that area.

Commissioner McKee: In reference to the pump and dump geothermal, could you elaborate a little bit more on the specifics of that type of system versus what the County is using as a geothermal system.

Chad Abbott: I'm not an expert at geothermal. We can get some more information on that and provide it to you.

Commissioner Yuhasz: I'm just wondering, looking at the remote septic system, was any thought given to a design that would provide that same kind of remote system somewhat less remotely from the lots being served? It's probably in here and I've missed it, but who is going to own the property that the septic systems actually are on?

Jeff Akin: My name is Jeff Akin and I'm with Weekley Homes and I have been sworn. Those will basically be extensions of the individual lots. They will be owned by the individuals. It is not really a remote system, it is actually just an extension of their lot that is connected at the end of the easement. They will more than likely be force mains. We have done systems like this before and we have never had any problems with them. It's just trying to access the available soils in a different location. It's part of the lot that is owned by the individual, there is no combination of systems. It's pretty much standard.

Commissioner Yuhasz: I'm familiar with those kinds of systems and I've actually been involved with one that could pump as much as 6,000 feet, so I know it's possible. But I'm also aware that part of what is important for a septic system is that there will be regular inspection of the field by someone to make sure that there is not any obvious signs of failure. I just want to make sure that in this case, that kind of inspection will occur. With this being owned by individuals who are several thousand feet away, there is a concern with it being owned individually that those will not get that kind of inspection.

Jeff Akin: I believe they are required to be inspected periodically. Joe Lyle is our expert in this area.

Joe Lyle: Joe Lyle and I have been sworn. There will be an operation maintenance agreement in place by a certified septic system operator for each of the remote systems. And they will be inspected on a regular basis.

Jeff Akin: And the second item is we intend in the homeowner's documents to add a provision where that is maintained by the HOA just so we don't have an issue with someone who doesn't go down and maintain that area. I think it would be worthwhile to have that included in the maintenance contract. It won't be unsightly and it will be inspected.

Michael Harvey: I think I can add a little more information to that, if you refer to the documentation provided to you with respect to Environmental Health comments, they asked us that we include the off-site wastewater system procedures provision. There are numerous regulatory requirements associated with the development of off-site septic areas including a requirement for annual certification and inspection. There are inspection requirements and certainly you do have the authority, as this is a special use permit, as you've done with a few projects in the past - most recent memory is Carolina Friends School – you required annual inspections to ensure the operation of the system. I would encourage you, if you have that concern to ask the applicant to consider the imposition of such a condition.

Commissioner Gordon: One of the comments made here was a question about the geothermal well. The person who answered said he wasn't an expert. Is there any expert here that could speak to that concern? If there is not and there is additional information, then I would ask the Attorney how one handles that.

John Roberts: If the additional information is not to be presented at this hearing, it could be submitted as a written comment to the Board prior to either the Planning Board's hearing, or prior to the final hearing on this, which is scheduled for November.

Michael Harvey: November 20th is the County Commissioners' reconvening of the public hearing. The October regular meeting is the Planning Board issue.

John Roberts: The reason it has to be written comment is that, traditionally and usually when this Board continues or adjourns these public hearings, it adjourns them solely for the purpose of accepting the Planning Board recommendation and written comments.

Commissioner Gordon: Is it the case then that there is not an expert or someone from the developer that wishes to testify and therefore it would be a written comment?

Michael Harvey: I'll let the applicant speak to that specifically. The subject of geothermal wells only came up as a result of a neighbor concern on the general use of such a system. There is no pump and dump geothermal well proposed for this site, in fact, it doesn't appear anywhere in the narrative of the application that there will be such systems on the project. It is fair to recognize that you've had a citizen that has asked the Board to begin a comprehensive assessment on the installation and use of such systems. The applicant indicated at the neighborhood information meeting that it was not their intent to promote or encourage the installation of geothermal wells with a pump and dump system. I think the issue here is two-fold. You have a concern that transcends this particular project, but the County Commissioners need to give us some direction on it. But you also have a situation where you have an applicant that has not proposed the installation of such systems on the property in the first place. I do not feel qualified to provide any kind of detail of the benefits of the various types of geothermal wells.

Commissioner Gordon: Well, if there could be a definitive statement that there would be no geothermal wells on this property, then there would be a more general question and not specific.

Jeff Akin: We will consider that to see if that's likely a request from a homeowner, but we were not anticipating the use or installation of geothermal well systems. The comment that was made was directed at water usage and the concern was water usage on an individual lot in an area with wells. We're trying to find an answer to that question, and it would probably be best to submit a written response just so we respond accurately to that person's comment.

Commissioner Gordon: Just so it is definitive when we have to make a definitive decision.

Jeff Akin: It should be. I don't think it's a major issue, so a resolution should be reached.

Chair Pelissier: What is our role vis`-a-vis` the draft of the covenants? I have some questions about that.

Michael Harvey: I think it's perfectly appropriate for the County Commissioners to address those comments and concerns to the applicant so that they can begin to take notice of whether they need to modify. These are draft covenants that they are proposing for this project. I think it is perfectly reasonable for you all, if you have concerns or you would like specific answers to specific questions that they can provide that to you.

Chair Pelissier: I do have a couple of comments and questions. One is just an inconsistency with the presentation. The covenants say on page 97 that there will be 14 lots served by off-lot septic area and I understand it's only 13.

Jeff Akin: These are not draft covenants for this project. These are actually just sample covenants from a project that is somewhat similar. We have not gone through the draft covenants process, but we took a neighborhood that was similar as far as having septic and other things. All inconsistencies like that are going to be addressed will be done so to ensure the standards are specific for this site.

Chair Pelissier: The other comments I had were on page 103 where it talks about that you can't have any structure for providing alternative sources of energy unless you have permission from the architectural review committee. I did have concerns about that because with a lot of people wanting solar panels and other things for alternative energy, I just don't like to see restrictions for that.

Jeff Akin: These are general restrictions, we generally want to make sure that those panels are located in the least visible area and still be functional. We want to make sure that they're not reflecting or doing anything to inhibit someone's use of their personal property. We don't generally restrict anything like that. We want to encourage that, but if we don't have them come through the process of architectural review, we may end up with two parties having a discrepancy over the locations. In all of our history we have never had an issue where we were not able to work out a location acceptable for an alternative use. So, we're very open to that. There is an appeal process if someone gets denied. Basically, you couldn't deny them without due process, without a purpose for denying.

Chair Pelissier: Maybe it could be written a little clearer. I also did want to have some discussion about the off-site wastewater treatment and that the homeowner's association would be responsible. I just want to stress that I have some concerns about that, because the people that would be responsible are not the property owners. I don't know if there would be any problems with maintenance because they would be assessing the charges for the repairs to the actual owners of specific properties with off-site. I don't have an answer to it except that it is just a concern of whether that actually works since the people who are responsible are not the homeowners.

Jeff Akin: Everyone deals with their own maintenance in the maintenance for the HOA. The system, the repair field, anything to do with the pumps will remain individually the homeowner's responsibility. So there is going to be no separation. It will simply just be an obligation for the grounds maintenance.

Chair Pelissier: The last question I had was about the water, I was just curious, why were the individual wells not considered? As I understand it, maybe I misread it, that the old property owners will have to pay the company for their well. Normally, when we have individual wells, property owners only have to pay if there is a problem with the pump.

Jeff Akin: I understand that the concern over a community system and difficulty in finding the necessary amount of water. We're leaving options open for the use of individual wells on each property if we cannot get sufficient water yield with the community system in accordance with State law. We've met with a couple of drill companies in that area. Our hope would be to drill deep and provide a large water supply for the community system, and therefore there would be no concern with tapping. We're still investigating that. If that's not the case and it's not the best avenue to go, we'll go back to the individual wells. If we're running into a situation where we'll have to put a lot of wells in and not a lot of power and have the potential of wells running dry, we'd much rather put the expense in. Typically, because of the issue that came up with the last one convinced us that we really should try to go that route first. We're still in the process with it.

Commissioner McKee: In an adjoining county, an issue of mineral rights has come up and I wonder if that has been addressed. I might ask that the Attorney address this concern.

John Roberts: I would be unable to answer that at this time.

Jeff Akin: We have never made any attempt to retain mineral rights on any lots whatsoever. Basically, the laws of the local jurisdiction, state laws, would apply to the individual rights. I would assume that it's their rights to the minerals.

Larry Wright: Any more questions from the County Commissioners? The Planning Board?

Johnny Randall: I just wanted a clarification on the geothermal wells in that there should be perhaps a question about the use and operational characteristics of pump and dump and the closed loop system. I assume a closed loop system does not require any more water than it does to build up pipes. The closed loop does not use groundwater, so that should be encouraged, and the pump and dump should be discouraged.

Commissioner Yuhasz: I don't remember the details, but at the last Board of Health meeting, which was last week, this subject did come up and Tom Konsler, the Environmental Health Director did say that the pump and dump system is not one that's generally used or approved in Orange County and that he would anticipate that any geothermal system that was approved in Orange County would not be a pump and dump variety.

Larry Wright: For the general well, the communal well, how many gallons per unit timed would you estimate that it would take in peak hours? Part b to that question is how would that influence, if any, neighboring wells from adjacent neighbors?

Joe Lyle: Let me address the second part of that question first. My Name is Joe Lyle and I have been sworn. I've had several discussions with Tom Konsler. Tom has issued the following statements to me regarding this well or any proposed wells. I know there was concern from neighbors that maybe a community well could impact their existing wells. The statements made by Mr. Konsler is that the geography of the area does not lend itself to drying or reducing the peak gallons per minute of neighboring wells, to speak to the geography and the fracture in this part of the county. I also asked him about the sampling limits and what his experience has been, and he said that they have done extensive sampling in the County. The contamination as well as yields, and also assured that this has not been the case. He did not see an issue with that. We also spoke with a company that would eventually take over the operation of a community well system, one of the largest bore utility providers here in the state. They have not had any problems with their other community well systems in the County impacting neighboring wells. It's our thought, based on that information, that it should not be an issue, based on the geography here.

Larry Wright: So this is independent of a water table.

Joe Lyle: The way it was put to me, is that there are not individual aquifers that would spread, that these are pockets of water underneath the particular piece of land. Your neighbor next door could have 100 gallons a minute and you could end up with 2 gallons a minute, and they are completely different water sources. That's the way that Tom explained it to me.

Larry Wright: My second question is maybe for somebody else to answer. With the 6,000-gallon retention pond, you have homes coming in here with lawns that have a high runoff coefficient and then you have roads and then you have these deep ditches and they take water rapidly to this 6,000-gallon retention pond. It's my understanding, I could be wrong. If it happens that this retention pond overflows, where does that overflow go?

Jeff Akin: I'm not sure if we're at that level yet. We're not at the point that we have designed the stormwater conveyance system, the ditches that you're talking about. It would be our belief and hopes that water would not be quickly conveyed off of individual property homeowners to that pond. Most of that 6,000 gallons would be used for the road construction on a temporary basis as well as some of the roadside ditches. The way that this property drains, it doesn't all drain to that spot. Some of it drains naturally off to the side.

Larry Wright: My concern here is with neighboring properties.

Jeff Akin: I understand. We're simply not at the engineering level right now to be able to comment on how that system would really be designed. There may end up being two storm water ponds.

John Roberts: There was a response to Mr. Wright's first question regarding community wells. I believe your response was based on a conversation you had with Tom Konsler?

Joe Lyle: That's correct.

John Roberts: Heresay testimony is generally not allowed for this type of hearing. I recommend that you respond to the Board in writing to that question.

Joe Lyle: I would be glad to. I have requested that in writing from Mr. Konsler.

Michael Harvey: I just want to make a statement concerning the storm water. If you can refer to page 163-164 of your packet. You do have a memorandum that has been produced by Mr. Terry Hackett, our Storm Water Resources Officer, who indicates that based on the preliminary assessment, a 6,000-gallon depression area seems sufficient. But obviously, a formal storm water plan is going to be required. That is going to be a required and mandated condition for approval of this if we get to that point. If the Planning Board can make an affirmative recommendation, staff will recommend a formal storm water plan. But at least as it has been sized currently, Mr. Hackett does not see an issue with it complying with local or state storm water or nutrient issues.

Commissioner McKee: If I might point out one thing. This abstract on page 164 refers to a 6,000-square foot potential storm water treatment area. That is entirely different than a 6,000-gallon. I'm sitting here thinking that 6,000 gallons is approximately one tractor trailer. This would be smaller than a child's wading pool

Michael Harvey: I apologize for the misuse of the term and for the confusion it has created.

John Roberts: I have a comment with regard to the Chair's question regarding the restrictive covenant document. This document actually predates a General Assembly law in 2009 that made it illegal for these types of covenants to outright ban solar reflectors on homes. They are still allowed to regulate the location. That's just for your information on that question.

Johnny Randall: Shouldn't the retention pond be measured in cubic feet and not square feet?

Larry Wright: It would seem so.

Commissioner Gordon: It just strikes me that there are a number of questions that have been unanswered that are going to be answered by written comments. If they are not answered, then I would strongly urge us, if it is approved, that any development that is here have any conditions so that if something is missing and not definite, that before it is built, that there be a condition that would specify. There have been a number of questions that we have asked that haven't been answered that would be deferred to written comments. I would just urge that at the Planning Board level and at the County Commissioners level that there be conditions that address anything that's important that's not definitively addressed.

Michael Harvey: I'll just remind everyone here the applicant has an obligation to respond to any and all questions in writing that will be presented to the Planning Board and also to the County Commissioners. I would dare say that if staff does not feel those questions have been adequately addressed or answered, we have never been shy to recommend conditions for the applicant to have to adhere to. But the applicant also runs the risk if they don't submit the necessary information and get a negative finding by the County Planning Board, the County Planning staff will ultimately deny the project. So, obviously, it is in their best interest to address those comments, and we will work with them in order to make sure that the comments and questions will be addressed by the Planning Board meeting.

Larry Wright: Any more questions by the Planning Board or Commissioners? Any more presentations from the applicant? At this time, I'd like to entertain any testimony from the public. I have Mary Jo Fife for item 1. Would you please come to the podium, state your name, and that you've been duly sworn.

PUBLIC COMMENT:

Mary Jo Fife: Hi, I'm Mary Jo Fife, and my husband and I own 3 acres of land that back up into this development just exactly east. Myself and one other person have wells on that land. Our projected idea is to build homes on those 3 acres for land for families. The well that we have is directly east of what is proposed to be built. This well that we have, although it serves only one person and has for the last 10 or 12 years, has gone dry and we've had to have it re-drilled again. That is only sufficient for one person right now. We know there's going to be problems. There is a family with two or three kids next door, juxtaposition to this one, and I'm not sure what their position is on their well. If there is an excessive well use on a well that is very close and juxtaposition to this well, I'm looking at the land and I think it's maybe 300 feet or so from that, and I think that it could have an effect upon our well. We do not want it to go dry, just because it's a new housing development. That's our major concern.

After the comments, it was discovered that Ms. Fife had not been sworn in. She was then sworn in and repeated her comments.

John Roberts: Ms. Fife, you need to repeat your comments since you were just sworn in. You need to repeat, if you can, the essence of what you just testified to.

Mary Jo Fife: We have three acres of land. Two acres that bridge back up to this development. There's only one other person in that area that has property and has a well on it. Our well from my best observation, from having attended the first meeting, I think it was August 6th, is in close proximity to the area where the well is going to be put for this development. My concern is, that because our well has gone dry and we had to have it drilled again about ten years ago, plus the fact that the well has only been serving one person for the last 10-12 years, that there may be a problem with the well given if this huge well is put in close juxtaposition to our well.

Diana Walstad: My name is Diana Walstad, and I was the one that wrote the letter about the pump and dump system. I would just like to say, though I wrote it in the letter, in 2002 my well went dry and one of the neighbors next door in a ritzy development had a pump and dump system and it was running continuously, the well was pumping out water into the creek. Meanwhile, my well was almost dry and I couldn't take a shower. These rich people were using the water, pumping it out, for their house. I thought it was outrageous. If you want people to support this, then people like myself need to be protected. I'm all for a re-circulating system, that's fine, but pump and dump is just a terrible waste of groundwater. I live in a lot adjoining lot #25.

Jeff Akin: I'd like to respond to Ms. Walstad. The applicant would be willing at this time to officially agree that we would restrict pump and dump systems on this site. We would be more than happy to restrict that.

Donna Jean Benson: I've lived on a lot that neighbors this proposed development for 33 years. I have been duly sworn. I'm not particularly opposed to this new development. I guess my biggest concern is wells, because my neighbor, at the same time her well went dry, mine was pretty close to getting dry. I've talked to other people in the neighborhood who aren't here tonight but were at the first meeting that had a real strong concern about the same thing. That was the main thing at the last meeting was the water. There is a development, a new clean place that Diane was talking about with a pump and dump and it borders lots 1-10, that area on that side, I think. I think the Planner was describing that they were two and three-acre lots, but there's at least one that's ten and I think there's one that's sixteen, and they have a community well there that's enormous. Then there was one guy that had pond and he's the one that had the pump and dump thing. The pond was like a waterfall that ran into the creek, the woods, etc., and that was during the serious drought when everybody in our neighborhood was going to the Laundromat and using the dishwater to water the plants and stuff like that. I guess my biggest concern is about the wells. I'm also excited because this area has the rural buffer zone. I'm kind of wondering what's the point of a rural buffer if it seems like this whole area is turning into subdivisions. It just seems like it's a little too dense. Another thing, I keep thinking if I was going out into this rural buffer area and buying land and they came in and said, "your land doesn't perk, you can't put septic here," they're probably not going to allow me to build a house there. I'm thinking that one proposal might be for this developer to take lots 23, 24, 25, and 26 that can't take septic and maybe make that open space or maybe even a park for his development. It would cut the density down a little bit and solve the problem of this remote septic system, which might cause problems for the adjacent property owners. Plus, there's a real cute, nice trailer park over there. I know people don't like trailers, but it's a very nice, clean, nice families that live there, and I know they don't want a nasty septic field for four other remote lots in their backyard. That might make it a little easier to swallow. You know, tone it down a little bit, maybe not so dense, maybe a nice park, and get rid of that remote septic field.

Commissioner Jacobs: First, whatever the size of the retention pond is, there's a comment on page 8 from the Fire Marshal. Is there a response to that regarding having a source of water for fighting fires?

Michael Harvey: Not at this time, the applicant is working on a response.

Commissioner Jacobs: So, we could make a comment about it in this public hearing that they have to address that.

Michael Harvey: That's right.

Commissioner Jacobs: There's a comment from, in this document, about having a trail that connects with the Johnson trail on the adjacent Triangle Land Conservancy property. Do we have a response to that?

Michael Harvey: The applicant has not provided a response and we have not heard from TLC as to whether or not they would even allow a trail from this neighborhood to connect to their property.

Commissioner Jacobs: I'd like to see a response before I vote on this.

Joe Lyle: On Friday one of the consultants, Michelle Kimpenski, spoke with Jeff Masten with the Triangle Land Conservancy. There was a question about trail access through this property. This is the statement that was made, if they certainly prefer one point of an access into the Triangle Land Conservancy property, so that they can not only control that point of access but also control the hours of when that access is, and if there was a second point of access, they would listen to that opportunity, but they don't prefer that opportunity.

Commissioner Jacobs: So, it's the situation that the Attorney mentioned before, if you could get that in writing.

Michael Harvey: The TLC property is this property right here (pointed out on the map).

Commissioner Jacobs: I also had a question about the 25-foot access easement. This is between 16 and 18, and that's specifically to allow members of the community to get to the open space areas, is that why it's there?

Michael Harvey: Correct, yes sir.

Commissioner Jacobs: And the homeowner's association is supposed to maintain that, is that correct?

Michael Harvey: The homeowner's association will be maintaining it. That information that was not provided will have to be provided. Unfortunately, the previous engineer with Summit, who was working on this project, is no longer part of the company so there has been some information lost in the transition.

Commissioner Jacobs: Let me go back to a question that Commissioner Pelissier had. I'm very uncomfortable with the homeowner's association agreement that's been provided that doesn't specifically respond to this development. Let me give you two specifics. We've had these issues before with homeowner's association agreements. One is on page 102 at the bottom, Waste. It sounds to me that you can't have a compost bin on your property, based on this scripture. On page 103, #13, Landscaping, it sounds like you have to put in sod. We are, believe it or not, in a period where the climate is changing, and we don't have as much water and there are some grasses that are actually more drought resistant than others. I would hate to see us require people to put in grasses that are not drought resistant. We need to understand that the developer may be phased out of the decision-making process. So, what's in these documents……and we have seen in the legislature that one of the big issues in homeowner's associations is that people can be pretty intolerant of difference. I just don't want to keep bringing that into Orange County neighborhoods at the same time that we're trying to promote certain kinds of energy conservation and natural resource preservation.

Michael Harvey: Commissioner Jacobs, can I just interject and say that Article 6 of our Unified Development Ordinance, the land use buffer, the street and interior lot landscaping, existing regulations require the installation of drought-resistant indigenous foliage and grass. Individual lot owners would be addressing this requirement with the builder in terms of the installation of required foliage. There needs to be some modifications to this document to make it specific as it has been submitted but will remind all here the ordinance does not require the submission of the documents in the first place. I believe the applicant wanted to provide the Board with a feel for the types of local development limitations they typically impose on their projects.

Commissioner Jacobs: I have concerns about the remote septic area, and I didn't think Commissioner Yuhasz actually got an answer to his question. His specific question was did you consider something different than a pump system having to pump affluent over a great distance, that question wasn't answered. The answer that was given was based on the legality of the system and the approval process. That's not the same as saying what Ms. Benson was asking. The question was whether the remote septic area is the optimal alternative for the people who live there and the people who live around there. I didn't think that Commissioner Yuhasz got a direct answer to that question. I will say I know what the concern is with that type system. I think the concern was trying to have it more proximate to the houses which would be responsible for maintaining it.

Jeff Akin: That's the maintenance issue with the HOA. We felt like this was a good land use plan for this particular site. We thought that it was going to be a nice transition area there. That's not going to be an unsightly area, it's going to be a beautiful mowed meadow. All of the system is below ground. It's going to make a nice green buffer and a transition to the adjoining mobile home park. So we thought it was a really good land use. As far as this tract of land and the testimony about the area in that development, we looked at many properties in this area that are unsuitable for development. There's a tremendous amount of that area that does not work. There are tributaries, the New Hope Watershed, and there are a lot of properties that are not developable. This is really one of the few nice developable tracts. It is mostly not treed. We designed the entire project to have minimal impact on that land. Obviously, economics require us to try to put the maximum allowable number of lots in the project, but we try and meet the code another way. We've put these systems in and there are absolutely no problems with them. They function well. Pumps are absolutely nothing new, they're part of the large percentage of septic systems. They function exactly the same. We'd be happy to address any concerns that come up through the process, but we think this is good land planning and we think we've optimized the site to preserve the trees, to stay away from the creeks, and to have a nice looking neighborhood. We'll make adjustments if we need to.

Michael Harvey: We had asked the applicant to provide a sample and they did exactly what we told them to do. There are a few unresolved issues, unfortunately some of which were precipitated by the lateness of which the comments came in from other County departments and other agencies. The Department of Transportation had submitted initial comments. The applicant will provide written responses as they're required to do.

Commissioner Yuhasz: I just have to make one comment, and since I probably won't have the opportunity to address this in the future, there is nothing special about a subdivision and I think it's inappropriate for a subdivision to have to go through the time and the expense of this kind of special use permit process, whether it's 20 lots, 24 lots, or 30 lots. It's still just a subdivision. It's still just a body of land to use for development process. I just wanted to raise my objection to this process.

Commissioner Jacobs: I have two comments that I'd like to direct to staff and the Planning Board. One is on page 7, just the way in which the material was presented. I would think it would be more clear to separate out land use buffers from open space in cases like this because it confuses what is open space. I think you're saying there is specifically designated open space in the subdivision, then there is space set aside that is required based on our buffer standards. Is that correct?

Michael Harvey: Yes sir. It should be remembered that there is technically no independent open space area required for a conventional subdivision, although the applicant is providing some.

Commissioner Jacobs: So, it would just be easier for me, and probably for others. To the point though, and Ms. Benson made it as well, and staff made it on page 5 in the next to the last paragraph. When we adopted the Joint Planning Agreement, and there were many objections from property owners in the rural buffer about the restriction on their property, one of the things we discussed is we would revisit the two-acre minimum. Over time, the two-acre minimum produces exactly what Ms. Benson said, just a two-acre parcel property, unless the land can't perk. Staff mentions that you're going to be working on something that actually looks at creating a true flexible development option for lots in the rural buffer area as to a subdivision in a band around Chapel Hill and Carrboro. I would hope that we see that in the near future as opposed to the distant future. The other thing has to do with what all the neighbors were talking about, which is groundwater. I don't remember the name of the subdivision, it was probably about five years ago, the one on Arthur Minnis Road, where it goes from pavement to dirt. The neighbors were very concerned about the effect of the subdivision on their groundwater, on their wells. One of our responses was to hire a staff person full-time to study groundwater in Orange County. And here we are, I don't see that we've made any progress in providing any report or methodology for reviewing development impacts on well usage, maybe there is no update to provide. Maybe that's the answer. We do have places where we have policies in place if there are impacts from a commercial use or from something we did. I just don't think we have adequately addressed the concerns that people in rural areas have about subdivisions that go in next to them in a time when water is becoming more scarce. Basically, I feel like I sit up here and I listen and I empathize, but I'm not sure we're doing anything to help people. I would hope that we can do something a little more proactive, whatever it may be.

Commissioner Gordon: I am not anxious to revisit the rural buffer. I think we've done reasonably well in the rural buffer. There are a lot of other things that I think take priority. Maybe we'll eventually get to reconsidering it, and I think it's worked well and I don't think we should rush to reevaluate it.

Chair Pelissier: There is one item in the covenant that I forgot to express my concern. I'm not sure I support the square foot size of the house of 3,000 square feet. I know it's a boilerplate, but I don't know if that's the intention here. I'd also like to just say something to what Commissioner Jacobs had said about water. I was on the Commission for the Environment some years ago when we did have a geophysicist on the board who had actually done studies in Orange County. And one of the lessons I learned from him was, as one of the presenters said tonight, that there are little pockets and this fractured rock. He said that the most important thing to do and that some counties do it is to zone your land according to the recharge rate for that area. There is a study that tells us about the water recharge rate, and that is something that can give you guidance. That would require looking at zoning according to the water for that area of the county. I don't know if we're ready to go there, but that's what was mentioned. We need to assure citizens that they have water for the development there.

Commissioner McKee: In response to the last comment, I want to make sure that we're very careful that we don't micromanage ourselves into a taking of property.

Chair Pelissier: I'd like to entertain a motion to "refer the matter to the Planning Board with a request that a recommendation be returned in time for the November 20, 2012 BOCC regular meeting, and

Adjourn the public hearing until November 20, 2012 in order to receive the Planning Board's recommendation and any submitted written comments."

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to

refer the matter to the Planning Board with a request that a recommendation be returned in time for the November 20, 2012 BOCC regular meeting, and adjourn the public hearing until November 20, 2012 in order to receive the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

2. Zoning Atlas Amendment – To review an application to rezone approximately 14 acres of a 36 acre parcel of property located at 9925 NC Highway 57 from Agricultural Residential (AR) to NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1) for the purpose of developing an enclosed mini self-storage facility with accompanying accessory uses including office space, a retail office selling boxes and packing supplies, and a truck rental area.

Michael Harvey made reference to the PowerPoint presentation. This is near the go-cart track on NC 57, which is currently for sale. The Orange County Speedway is also nearby. This proposed use is consistent with the land uses that are anticipated within the adopted NC 57 Speedway Area Small Area Plan that was adopted in 2007 by the County Commissioners. This land use is listed as a permitted use. The applicant is in a position where he needs some guidance from the County Commissioners before moving forward. The abstract identifies the concerns related to this project and the staff needs direction from the Board. There will be approximately 400 individual storage lockers. The applicant is proposing the installation of a land use buffer. There is also some transportation planning concerns. Staff is asking the Board to give necessary feedback on this issue.

STAFF COMMENTS:

- Land use consistent with recent REDA-CZ-1 district amendment
- Approved Small Area Plan envisioned this as an acceptable land use in the area
- Staff is concerned over the lack of well for the site and recommends the applicant revisit this matter
- Erosion Control has expressed concern over proposed storm water plan
- Transportation planning comments will need to be addressed
- Staff will need direction on the proposed land use buffer modifications

Commissioner Yuhasz informed the Board and the public that he did represent Mr. Chandler during the time of the development of the NC 57 Small Area Plan and that representation ended when he became a County Commissioner. He has no interest in this particular project.

Commissioner Foushee made reference to toilet facilities and that the applicant has been made aware of this condition and expressed reservations. She asked what needed to be done so that this does not continue to be a concern.

Approved 11/7/12

Attachment 4

EXCERPT OF PLANNING BOARD MINUTES

MINUTES
ORANGE COUNTY PLANNING BOARD
OCTOBER 3, 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; Rachel Hawkins, Hillsborough Township Representative; Dawn Brezina, Eno Township Representative; Tony Blake, Bingham Township Representative

MEMBERS ABSENT: Lisa Stuckey, Chapel Hill Township Representative; Johnny Randall, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz; Special Projects Coordinator; Abigaile Pittman, Land Use/Transportation Planner II; Tom Altieri, Comprehensive Planning Supervisor; Jennifer Phillips, Property Development Specialist; Tina Love, Administrative Assistant II

OTHERS PRESENT: Paul Baker, Ryan M. Jackson, Jeff Akin, Chad Abbott

Agenda Item 7: Class A Special Use Permit - To make a recommendation to the BOCC on an application for a Class A Special Use Permit for a proposed 26 lot single-family residential Major Subdivision on a 68.51 acre parcel of property off of Mt. Sinai Road (SR 1718). This item was heard at the August 27, 2012 quarterly public hearing
Presenter: Michael Harvey, Current Planning Supervisor

Alan Campbell recused himself because he may represent the owner on this project in the future if approved and left the table to sit in the audience.

Michael Harvey: Reviewed abstract.

Larry Wright: Is this in the rural buffer?

Michael Harvey: Yes.

Larry Wright: Can you tell me how this conforms to the Comprehensive Plan?

Michael Harvey: The minimum lot size is two acres, this is not located in a protected or critical watershed overlay, there is no density limit, it conforms to the rural buffer in that it is proposing a level of development consistent with the definition of the rural buffer, it is rural in nature that it is going to be making use of utilities in order to serve its needs, it will be preserving natural buffers, it is consistent with existing development in the rural buffer.

Larry Wright: On page 5-11 of the Comprehensive Plan it states that the rural buffer serves as a low density; would you say these lot sizes are low density?

Michael Harvey: Yes. As defined by the Orange County Zoning Ordinance or Unified Development Ordinance which stipulates you have a minimum lot size of two acres for development of this property.

Approved 11/7/12

Craig Benedict: If the BOCC, in conjunction with Chapel Hill-Carrboro since this is the rural buffer's part of the joint planning area, had any intent of having lower density, we would have had to vote that in back in 1987 when they put these rules into effect. At that time, rural was classified as two acres density.

Maxecine Mitchell: I remember one of the residences had asked who was going to maintain this well.

Michael Harvey: There are two issues with maintenance. One is the joint septic field and the other is the proposed community well. With respect to the maintenance of this joint septic area, the applicant testified that the homeowners association will be responsible for mowing and maintain foliage on the property but that each individual property owner will be responsible for maintaining their individual septic area. With respect to the community well, that will be turned over to a private utility contractor and the HOA would have maintenance responsibilities of the property itself.

Tony Blake: What if there is damage by the HOA to someone's septic system as there may be a public health issue.

Michael Harvey: If the HOA damages the septic system, in my opinion they would be liable for replacing the system in the designated repair area for that lot. From a health department standpoint, if the system doesn't function properly, it would be incumbent for the property owner to apply for a permit to install a new septic system in the area.

Rachel Hawkins: Why did they choose to go way over to the corner to lots 23 to 26?

Michael Harvey: The applicants choose that as the most desirable location for them to pump the septic.

Rachel Hawkins: Won't that have to have a lot of pipe?

Michael Harvey: Yes and they are going to be maintaining an easement that is outside the proposed right-of-way and the HOA and property development people will be responsible for maintaining that easement. Each property owner will be responsible for maintaining their own connection to that easement.

Peter Hallenbeck: The geothermal wells, on page 21, the applicant voluntarily agreed to the imposition prohibiting the development of geothermal wells of any type, then look at attachment 1 and they talk about two types of geothermal wells. It would make more sense for the applicant to ban pump and dump and allow the closed loop well. The geothermal heating systems are more efficient and use less energy.

Michael Harvey: I don't disagree at all. On page 73, we have the recommended condition under miscellaneous that no geothermal walls be developed in the project for that purpose as testified to during the hearing.

Tony Blake: This particularly relates to drought conditions?

Michael Harvey: The concern expressed at the quarterly public hearing was these systems robbed water that supported individual wells. There was a concern this heightens the failure of wells.

Larry Wright: You also have the runoff.

Peter Hallenbeck: My main comment is that it seems as long as this is a closed lid system that everyone's concern should be that we don't have to ascertain that pump and dump.

Larry Wright: On page 50, Section 7.14 (B)(5)(d)(ii), pedestrian paths and bike lanes has been met and then on page 55, item F, this has been met, and where is that met?

Michael Harvey: Section 7.14.2 (B)(5) requires that you provide different items but does not necessarily mandate that you have provide bike lanes or paths, etc. On page 55, they show the pathways and the narrative specifically states they will not provide individual bike lanes but they could utilize existing road way to walk as well as ride.

Approved 11/7/12

Larry Wright: It disgusts me that this board repeatedly hears applications for cul-de sac communities, all residents go in and out on the same road, there is one access so the only place anyone can walk or children play is on the street and the Comprehensive Plan encourages sidewalks. It seems we are consistently approving these with no sidewalks. Does not the check list indicate sidewalk requisites have been met?

Michael Harvey: On page 55, what the controlling language is that if the subdivision is located in a transition area, then you have to provide X, Y and Z and this is not located in the transition area.

Larry Wright: For the record, please define Transition Area.

Michael Harvey: Transition areas are areas as delineated and defined in the Comprehensive Plan where you are going to have more urban densities and provision of services. Primarily, the largest transition area Orange County has is along highway 70. The Efland-Buckhorn area, the Eno, the Durham area and the area surrounding Hillsborough.

Larry Wright: Thank you. Now, let's go to the applicant.

Chad Abbott: I would like to enter into the record a response to the letter we received last Wednesday from Triangle Land Conservancy. These are just a couple of items relating to the development of a trail that caused immediate concern for us. First would be the cost, there was a condition imposed by TLC that the trail could be closed at any moment TLC determines it necessary but we are still responsible for the construction cost and a one-time payment to the TLC stewardship fund that would be nonrefundable. Then there are concerns over the perpetual costs of maintaining the trails, etc. These are costs we did not anticipate. Another item was the safety, environmental issues. These are the reasons we would not like to provide trail access. If you read the email, this is not like they say yes to everyone who wants a trail connection. Also a main concern of the applicant is if the trail becomes a condition of approval, and TLC requires the trail to be closed, we are technically in violation of a SUP condition that could impact the overall project.

Larry Wright: The applicant doesn't want to provide access to the trail because they feel there would be traffic and possibly parking in the cul-de-sac?

Chad Abbott: There is a concern that people may use our subdivision for parking and access to this trail location yes.

Larry Wright: Why aren't they doing that now?

Chad Abbott: There will be no direct connection to our subdivision road.

Tony Blake: There is no reason HOA can't open this issue later?

Chad Abbott: I think it should be left up to the homeowners.

Buddy Hartley: I don't think we need to open that. The homeowner's association will be responsible for taking care of those. When you open it up to people, the safety factor would be a problem.

Larry Wright: This is not on staff's recommendation, correct?

Michael Harvey: Yes.

Larry Wright: I have a question about the well. Part of this would be there should be adequate water to the residences. How do we know there will be adequate if we don't know how much can be pumped out of that soil?

Chad Abbott: We did explore that. That number is a hard number to quantify. Since it is a permit from the state, they will be required to pump the well at so many hours for so long and then gauge gallons per minute. This is a permit issue to the state.

Larry Wright: You have a base layer of rock, then soil, then pockets with water and there is not an aquifer that flows but there are pockets. You have all these septic systems.

Approved 11/7/12

Chad Abbott: That is the reason there are required setbacks for wells. There is a required distance by the state that you have X amount of feet between the well. Once it goes from any horizon where the septic system is located into the well, the state has deemed that distance appropriate.

Larry Wright: I am a quarter of a mile from where there was a leaking underground storage and people around it had to have water brought in.

Chad Abbott: That tank was spilling chemicals versus affluent flows from a house.

Michael Harvey: On page 33, Mr. Konsler expresses a lack of concern over the potential for a community well to impact adjacent wells. Also, data in his response on pages 27-32 on well contamination.

Craig Benedict: The discussion of what type of hydrology we can put on another meeting. There is not the typical type of aquifer type of program in Orange County. We will provide more information by USGS to give you an idea of why it is difficult to make definitive determinations of water flow.

Tony Blake: Utility is restricted to this subdivision, right?

Chad Abbott: I would let the applicant speak to that.

Jeff Akin: Aqua requires you to find a surplus on your property. Basically this issue is our risk of what happens with this project. We will have studies done.

Rachel Hawkins: At what point will we know? Will we vote on this tonight?

Chad Abbott: He is speaking to the amount of water we can provide to the residents in our subdivision. In Mr. Konsler's letter, he anticipates no impact from any wells drilled whether it be a community well or individual wells.

Jeff Akin: My issue is that if you cannot get the flow for a community well, we will have to abandon that process.

Peter Hallenbeck: What is the location of the well?

Chad Abbott: In the center.

Peter Hallenbeck: With that one well feeding all the houses from the center, if there is uniformity under is indeed as if each house had it owns well. With the caveat that if you had to choose ground water behavior and economic behavior, the wise person would not say a word.

Michael Harvey: Reviewed findings of fact

MOTION made by Maxecine Mitchell to accept staff findings regarding the projects compliance with Sections 2.2, 2.73 and 2.75 of the UDO (page 36-40 of the abstract package). Tony Blake seconded.
VOTE: UNANIMOUS

MOTION made by Maxecine Mitchell to accept staff findings regarding the projects compliance with Section 7.14.2(b) of the UDO (pages 41-52 of the abstract package). Tony Blake seconded.
VOTE: UNANIMOUS

MOTION made by Maxecine Mitchell to accept staff findings regarding the projects compliance with Section 5.16.6 of the UDO (page 53 of the abstract package). Tony Blake seconded.
VOTE: UNANIMOUS

Approved 11/7/12

MOTION made by Maxecine Mitchell to accept staff findings regarding the projects compliance with Sections 5.3.2(b) of the UDO (page 65-66 of the abstract package). Tony Blake seconded.
VOTE: UNANIMOUS

Larry Wright: Let's move to page 67.

MOTION made by Peter Hallenbeck: to find in the affirmative the project complies with the provisions of Section 5.3.2(a) of the UDO in that the use will maintain and promote public health safety and general welfare if located where prosed an developed and the project complies with the provisions of Section 5.3.2 (b) in that the project will maintain or enhance the value of contiguous property and finally the project is consistent with the requirements of Section 5.3.2 (c) specifically the location and character of the proposed use is in harmony 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 and the Comprehensive Plan adopted by the BOCC and there is no evidence entered into the record to the contrary. Maxecine Mitchell seconded.
VOTE: UNANIMOUS

Michael Harvey: With respect to these findings, you are required to include evidence contained within the record justifying your actions, which can include the letter from Joe Lyle, the broker, the environmental report contained in the narrative, the applicant's attachment 1, letters from State Department of Cultural Resources memorandum from Health, Orange County Solid Waste, Transportation Planning, Orange County Erosion Control, Orange County Fire Marshall as well as the Physical Impact Analysis prepared by staff and entered the record.

Larry Wright: Now we move to the recommendations.

Michael Harvey: On page 73, the board would like to make a statement concerning the connection to the TLC property.

Peter Hallenbeck: On page 73 of the application, number 10, I would like to suggest that the change to "no open loop" geothermal shall be developed within the property for any purpose rather than banning all geothermal wells outright.

Larry Wright: Are there any recommendations about the trail?

MOTION made by Buddy Hartley that the applicant is not required having a trail that connects to the Johnson Mill Nature Trail and that the recommended condition related to the prohibition of geothermal wells be modified per Pete Hallenbeck's suggestion. Maxecine Mitchell seconded.
VOTE: UNANIMOUS

Larry Wright: Given these two caveats listed from page 68-73, do I have a motion relative to staff's recommendations?

MOTION made by Maxecine Mitchell to accept the recommendations with the changes.
Tony Blake seconded.
VOTE: UNANIMOUS

Attachment 5

Raleigh
15401 Weston Parkway, Suite 175
Cary, NC 27513
919-659-1500
FAX: 919-677-7874

David Weekley Homes

November 08, 2012

Michael D. Harvey
Current Planning Supervisor – Planner III
Orange County Planning Department
131 West Margaret Lane
PO Box 8181
Hillsborough, NC 27278

Mr. Harvey,

David Weekley Homes acknowledges and accepts the proposed conditions revised and received on November 8, 2012 from Orange County Planning Staff for the proposed Dunhill subdivision.

Thank you,

Ryan M. Jackson
David Weekley Homes
Land Manager

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Attachment 6

FINDINGS OF THE ORANGE COUNTY BOARD OF COMMISSIONERS
PERTAINING TO A REQUEST SUBMITTED BY
DAVID WEEKLY HOMES LLC
REQUESTING A CLASS A SPECIAL USE PERMIT APPROVAL
FOR A 26 LOT MAJOR SINGLE-FAMILY RESIDENTIAL SUBDIVSION
AT 2301 Mt. Sinai Road (**PIN**: **9881-15-7138**)

As required under Section 7.2.3 (A) of the Orange County Unified Development Ordinance (UDO), a Class A Special Use Permit is required for a major subdivision in the Rural Designated area of the Growth Management System map proposing between 21 and 40 lots in accordance with the provisions of Section 2.7 of the UDO. Such permits shall comply with general and specific standards as set forth in Section 5.3.2 and 5.15.6 of the 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) Specific regulations governing the development of Major Subdivisions as set forth in Section(s) 5.15.6 and 7.14.6 of the UDO,

(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 Planning Board regarding the application in question. The findings have been presented by Article and requirement to assist the Board of County Commissioners in its 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 August 27, 2012 Quarterly Public Hearing packet contains a complete application for the project.		___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 August 27, 2012 Quarterly Public Hearing, indicating the applicant paid the required fee.		___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 August 27, 2012 Quarterly Public Hearing packet contains the required narrative detailing the nature of the proposed project.		___Yes	____No
2.7.3 (B) (2) The names and addresses of the owners of the property		X__Yes	____No		Attachment 1 of the August 27, 2012 Quarterly Public Hearing packet contains the owner(s) names as required.		___Yes	____No

SECTION 2.2 AND 2.7.3 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

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 August 27, 2012 Quarterly Public Hearing packet contains various documents, including a site plan, containing the necessary information establishing compliance with the provisions of the Ordinance.		___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		Twenty-six (26) copies of the site plan, prepared by Summit Engineering have been submitted.		___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_Yes	___ No		The submitted site plan contains the necessary information denoting the proposed preliminary subdivision plat.		__ Yes	___ No
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		Attachment 1 of the August 27, 2012 Quarterly Public Hearing packet, the applicant has provided 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		Attachment 1 of the August 27, 2012 Quarterly Public Hearing packet contains renderings of proposed structures.		___Yes	____No

SECTION 2.2 AND 2.7.3 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

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 Yes	___ No		Attachment 1 of the August 27, 2012 Quarterly Public Hearing packet contains a: 1. Detailed soils assessment and wetland delineation, completed by Soils Services PLLC, 2. A Surface Water Identification (SWID) form completed by Orange County Erosion Control, 3. The site plan contains a site analysis map Staff testified during the hearing they had determined that a formal Environmental Impact Statement is not required for the project and has issued a Finding of No Significant Impact (FONSI) for the project.		__ Yes	___ No
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 any construction or land clearing debris generated on-site will be disposed of in accordance with the County's Solid Waste Management Ordinance.		___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		Attachment 1 of the August 27, 2012 Quarterly Public Hearing packet contains a narrative indicating construction would commence in 2014. Housing would take 2 to 3 years to complete.		___Yes	____No

SECTION 2.2 AND 2.7.3 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**		**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**
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. The applicant, however, has provided a detailed timeline for the development of necessary infrastructure, utility extensions, and the construction of single-family residences.		__ 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	
Section 2.7.5 (a) The Planning Director shall give public notice of the date, time and place of the public hearing		_X Yes	____No		The Abstract and Attachment 7 of the August 27, 2012 Quarterly Public Hearing package indicates staff complied with this requirement.		___Yes	____No
2.7.5 (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 August 15, 2012 and again on August 22, 2012.		___Yes	____No
2.7.5 (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 Abstract and Attachment 7 of the August 27, 2012 Quarterly Public Hearing package indicates on August 16, 2011 staff posted a sign on the property providing a notice of the date, time, and location of the public hearing.		___Yes	____No
2.7.5 (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		The Abstract and Attachment 7 of the August 27, 2012 Quarterly Public Hearing package indicates on August 10, 2012 staff sent written notice by certified mail to all adjacent property owners located within 500 feet of the subject property as required.		___Yes	____No

SECTION 7.14.2 (B) – MAJOR SUBDIVISIONS __ Preliminary Plat
("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (1) In General								
a. The Preliminary Plat shall be prepared by a North Carolina registered land surveyor, professional engineer or registered architect or landscape architect.		X_ Yes	___No		According to information detailed on the site plan, the plan was created by Summit Engineering professional land surveyors.		__Yes	____No
b. The Preliminary Plat shall be drawn in black ink or pencil at a scale of not less than 200 feet to the inch nor more than 20 feet to the inch. The scale chose shall be large enough to show all required detail clearly and legibly.		X_ Yes	___No		According to information detailed on the site plan, the submitted plat was drawn at a scale of 1' = 100".		__Yes	____No
c. Approximate dimensions and locations are acceptable provided that on the Final Plat all information shall be based on an actual field survey		X_ Yes	___No		The submitted preliminary plat contains the basic information that will be formalized on the final submittal.		__Yes	____No
d. The sheets shall be numbered in sequence if more than one sheet is used		X_ Yes	___No		The submitted document contains 3 individually numbered sheets containing the required information.		__Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (2) Title Block: The title block shall contain the following information:								
a. The proposed name of the subdivision, preceded by the words "Preliminary Plan of _____", which shall not duplicate not closely approximate, phonetically or in spelling, the name of any other subdivision in Orange County		X Yes	___No		The title block located on the submitted site plan contains the required information.		___Yes	____No
b. The scale, approximate north arrow, date of preparation and any other pertinent legend data:		X Yes	___No		The site plan and title block contain the required information.		___Yes	____No
c. County and township location; Parent Parcel Identification		X Yes	___No		The site plan and title block contain the required information.		___Yes	____No
d. The name and address of the owner(s) of the land to be subdivided, the name and address of the subdivider if other than the owner, and the name, address, registration number and seal of the registered land surveyor, professional engineer or registered architect or landscape architect responsible for preparation of the plat.		X Yes	___No		The site plan and title block contain the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (3) Vicinity Map								
a. A vicinity map showing the general location of the subdivision in relation to the surrounding area shall be placed on the plat		X_ Yes	___No		The site plan contains the required information.		___Yes	____No
b. The vicinity map shall be shown at a sufficient size to show the relationship of the tract to the existing street or highway system and readily recognized Orange County landmarks		X_ Yes	___No		The vicinity map is of sufficient size as required by the UDO.		___Yes	____No
c. Street and roads shall be identified by State road number and name		X_ Yes	___No		The site plan contains the required information for the surrounding streets.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (4) **Existing Site Data**: Information on existing conditions shall be shown as noted below								
a. Boundary lines								
i. The approximate or survey location, including distances and bearings for boundary lines		X Yes	___No		The site plan contains the required information.		__Yes	____No
ii. The location, width and purpose of all recorded easements		X Yes	___No		The site plan contains the required information.		__Yes	____No
iii. The approximate location of boundary lines, which abut the tract shall be shown as dashed lines		X Yes	___No		The site plan contains the required information.		__Yes	____No
iv. The approximate location of corporate limit lines, township boundaries, and county lines		X Not Applicable			The property is within Chapel Hill Township and is not near township boundary lines, corporate limits of a town, or the County line		_ Not Applicable	
v. The names of owners of adjacent un-subdivided land		X Yes	___No		The site plan contains the required information.		__Yes	____No
vi. For adjacent subdivided land, the subdivision plat name, plat book and page number, and perimeter lot numbers abutting the tract to be subdivided		X Yes	___No		The site plan contains the required information.		__Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (4) b. Streets and Transportation Systems								
i. The location, name and right of way width of streets, roads and railroads abutting the tract.		X__Yes	____No		The site plan contains a the location of existing and proposed streets.		___Yes	_____No
ii. Surface material and width of travel ways		X_ Yes	____No		The site plan contains the required information.		___Yes	_____No
iii. The location of any existing curbs, gutters and culverts. These features shall also be shown in cross section.		X_ Yes	____No		The site plan contains the required information.		___Yes	_____No
iv. The location and width of alleys, sidewalks, bike lanes, transit systems, and bus stops.		X_ Yes	____No		The site plan contains the required information.		___Yes	_____No
Section 7.14 (2) (B) (4) c. Utility Systems								
i. The location and size of all above ground installations of major electric, CATV and telephone transmission lines, underground gas transmission mains, underground water mains and sanitary sewer lines, and important storm sewer systems on or abutting the tract shall be shown.		X_ Yes	____No		The site plan contains the required information.		___Yes	_____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (4) d. Contour information								
i. Existing contours on the tract shall be shown at vertical intervals of not more than ten feet.		X_ Yes	____No		The site plan contains the required information.		___Yes	____No
ii. Contours shall be referenced to mean sea level datum as obtained from the latest applicable USGS topographic map or other geodetic benchmark.		X_ Yes	____No		The site plan contains the required information.		___Yes	____No
iii. Where a field topographic survey of the tract has been performed, contours shall be referenced to a permanent identifiable benchmark.		X_ Yes	____No		The site plan contains the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (4) e. Other Conditions								
i. Streams and rivers, ponds, or lakes, swamps or marshes, and natural areas identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portion of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina.		X Yes	____No		The site plan contains the required information. Attachment 1 of the August 27, 2012 Quarterly Hearing Packet contains additional information on streams and natural areas contained on the property.		___Yes	____No
ii. Manmade features including houses, barns, and known or identified cemeteries shall be shown in their approximate location.		X Yes	____No		The site plan contains the required information.		___Yes	____No
iii. The zoning of the subject tract and adjacent properties shall be noted.		X Yes	____No		The site plan contains the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (5) Subdivision Layout Data: Information on the proposed development shall be shown as noted below:								
(a) Site calculations shall be shown as follows: (i) Acreage in tract to be subdivided; (ii) Lineal feet of road centerlines and approximate acreage within new street rights of ways; (iii) Acreage in recreational areas and other non-residential uses; and (iv) Total number of lots or parcels created.		X Yes	____No		The site plan contains the required information.		___Yes	____No
(b) Lot Arrangement (i) Proposed lot lines, lot and block numbers and the approximate dimensions and area of each proposed lot shall be shown on the plat. (ii) Lot areas exclusive of road right of way shall be shown. (iii) Blocks shall be consecutively numbered or lettered in alphabetical order and all lots in each block shall be consecutively numbered. (iv) Required building setback lines shall be shown for each lot or noted on the plat.		X Yes	___ No		The site plan contains the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (5) continued								
(c) Dedications, Reservations, and Easements (i) The location and approximate dimensions of all property to be set aside for recreational use or other public or private dedications, reservations or easements shall be shown. (ii) The purpose and conditions of the dedication, reservation or easements shall be noted. (iii) For recreation areas with improvements, a separate sheet shall be provided showing the proposed site dimension and improvements drawn at a scale of not less than 50 feet to the inch, or at a different scale if approved by the Planning Director.		X Yes	____No		The site plan contains the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (5) continued								
(d) Streets and Transportation Systems (i) The location, dimensions and classification (public or private) of all proposed streets, easements, alleys and other right of ways shall be shown on the plat. (ii) The location and dimensions of proposed pedestrian paths and sidewalks, bike lanes or paths, and bus stops shall also be shown. (iii) Proposed streets, pavement or travelway widths shall be denoted as well as typical roadway cross sections. The approximate centerline radius shall be shown on all proposed streets. (iv) Proposed street names shall be indicated on the plat. Such names shall not duplicate or approximate the name of any other street in Orange County except where a proposed street is the continuation or extension of an existing street.		X Yes	____No		The site plan contains the required information.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (6) **Utility and Drainage Data**								
a. Proposed utility systems shall be shown on the plat, including but not limited to (i) Public or private community water supply systems (ii) Public or private community sewage disposal systems, and (iii) Storm drainage facilities including existing and proposed drainageways and channels		X Yes	____No		The site plan contains the required information.		___Yes	____No
b. Any easements associated with such utility systems shall also be denoted and the purpose for the easements designated on the plat.		X Yes	____No		The site plan contains the required information.		___Yes	____No
Section 7.14 (2) (B) (7) **Landscaping and Buffer Data**: The following information shall be denoted on the Preliminary Plat to demonstrate compliance with the provisions of Section 6.8 of this Ordinance: (a) Existing trees and/or vegetation to be preserved and proposed trees and/or landscape materials to be installed. (b) Required buffers.		X Yes	____No		The site plan contains the required information. The site plan denotes anticipated plantings of in-between lot and street trees to comply with established landscaping, buffer, and tree protection standards as detailed within Section 6.8 of the UDO.		___Yes	____No

SECTION 7.14.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**		**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 7.14 (2) (B) (8) **Special Flood Hazard Area (SFHA) Standards**							
a. The boundary of the Special Flood Hazard Area zoning overlay district shall be designated and labeled on the plat as required by this Ordinance.		_X_ Not applicable		The property has no identified floodplains and is not located within the SFHA Overlay District		__ Not applicable	
b. For subdivisions located within a Watershed Protection Overlay District, as identified on the Orange County Zoning Atlas, the following information shall be designated and labeled on the plat: (i) Impervious surface data as required by Section 4.2 of this Ordinance; (ii) Stream buffers as required by Section 6.13 of this Ordinance; and (iii) Stormwater detention and/or retention sites and undisturbed areas for infiltration purposes as required by the Section 6.14 of this Ordinance.		_X_ Not applicable		The property is not located within a Watershed Protection Overlay District.		__ Not applicable	

SECTION 5.15.6 – MAJOR SUBDIVISION CLASS A SPECIAL USE (RURAL DESIGNATED OR URBAN DESIGNATED) SPECIFIC STANDARDS
("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.15.6 (A) (1) Submittal Requirements In addition to the information required in Section 2.7, the following shall be submitted as part of the application								
a. Stamped envelopes addressed to each owner of property within 500 feet of the property proposed for subdivision. The names and addresses of property owners shall be based on the current listing as shown in the Orange County Land Records system		_____X Yes	___No		Staff testimony during the August 27, 2012 public hearing indicating the applicant supplied the necessary stamped envelopes as required by the UDO.		___Yes	___No
b. A statement, from the applicant, indicating the anticipated development schedule for the build out of the project.		_____X Yes	___No		Attachment 1 of the August 27, 2012 Quarterly Hearing Packet contains a narrative denoting the required development schedule for the project.		___Yes	____No
c. Water and Wastewater		_X_Yes	___No		Attachment 1 of the August 27, 2012 Quarterly Hearing Packet contains a narrative denoting proposed water and wastewater services. The site plan also provides required information.		__Yes	___No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.15.6 (A) (1) continued								
d. Open Space Connectivity A map that demonstrates that the open space composition, accessibility, shape and size requirements as set forth in Section 7.13 of this Ordinance are to be met.		_____X Yes	___No		The site plan contains the required information demonstrating compliance with the UDO		___Yes	___No
e. Natural & Human-Made Resources A written and graphic site analysis illustrating soils, depth to water table, slope, hydrology, vegetation, natural areas and habitats of special concern, infrastructure and other constructed features, historic and archaeological sites, and visual analysis of views into and from the site.		_X_Yes	___No		Attachment 1 of the August 27, 2012 Quarterly Hearing Packet contains a narrative denoting required information. The site plan contains a sheet providing a detailed site analysis map denoting the required information as well. Staff had indicating during the August 27, 2012 public hearing there were no significant environmental features on the property other than the identified streams.		___Yes	___No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**		**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
f. Pedestrian / Bicycle Plan (i) If the subdivision is located in a Transition Area designated as such on the Land Use Element of the Comprehensive Plan, a plan for sidewalks or pedestrian/bike lanes as part of the public roads using, where appropriate, alternative North Carolina Department of Transportation design guidelines that include pedestrian/bike lanes as part of the public road system. (ii) For proposals not located in a transition area an off-road, pedestrian plan shall be submitted.		_____X Yes	___No	The project is not located within a transition area and, therefore, a pedestrian plan is not required. The submitted site plan denoted the location of access walkways to proposed open space areas located on the southwest portion of the property.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.15.6 (A) (1) continued								
g. Landscape Plan Details A landscape and tree preservation plan that shows the following: (i) The proposed locations, and types of, plantings, (ii) The existing natural landscape with existing topography, (iii) The width of roadside and perimeter buffers to be left undisturbed, (iv) The open space (proposed undisturbed and proposed improved) as well as type of ownership.		_X_Yes	___No		The site plan contains the proposed landscaped plan and land use buffer preservation plan. A condition of approval is that the final landscape plan shall be approved prior to the commencement of earth disturbing activities and the applicant shall physically identify those trees slated for preservation during construction in accordance with the provisions of the UDO.		___Yes	___No
Section 5.15.6 (2) Additional Submittal Requirements - For all applications of over 40 lots		_X Not applicable			This project is not proposing over 40 lots. As a result the requirements of Section 5.15.6 (2) are not applicable		__ Not applicable	

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
5.15.6 (A) (3) Standards of Evaluation								
A. The project meets all applicable design standards and other requirements of this Ordinance		_X_Yes	___No		The application package contains the necessary information demonstrating compliance.		___Yes	____No
B. The project meets all service provision criteria as set forth below:								
1. Fire – identifies the primary and secondary responders and the source(s) of water.		_X_Yes	____No		Fire Marshall has indicated the New Hope Fire Department is primary responder.		___Yes	____No
2. Police – identifies the primary and secondary responders.		_X_Yes	____No		The Sheriff's office is the primary responder. State police will be secondary for certain types of issues.		___Yes	____No
3. Rescue Services – identifies the primary and secondary responders.		_X_Yes	____No		Primary – New Hope Secondary – Orange County and Town of Chapel Hill (Mutual aid)		___Yes	____No
4. Water Supply – source and capacity of water supply.		_X_Yes	____No		Community well		___Yes	____No
5. Wastewater Treatment Methods – provider and capacity of wastewater treatment source.		_X_Yes	____No		Individual septic systems permitted by Orange County Environmental Health.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
C. Habitats shall be identified and evaluated in the Biological Inventory required by Section 5.14.6(A)(2)(b) and are subject to the following:								
i. An undisturbed buffer is required around the boundary of habitats of rare, threatened, or endangered species as shown on the biological inventory. Buffer width shall be determined by site evaluation in consultation with the applicant's biologist and County staff		_X_ Yes	____No		Attachment 1 of the August 27, 2012 Quarterly Public Hearing package contains required information. No buffers are required as no habitats were identified on the property.		___Yes	____No
ii. Habitat enhancements as described in the biological inventory shall be made for a broad range of species to help mitigate the loss of wildlife habitat during construction.		_X_ Yes	____No		Attachment 1 of the August 27, 2012 Quarterly Public Hearing package contains required information. No mitigation is required as no habitats were identified.		___Yes	____No
iii. Conservation easements or other acceptable means such as dedication to a public agency, conservancy or a similar agency are required to protect wetlands and other habitats while insuring proper long-term maintenance; and		_X_ Yes	____No		No wetlands areas were denoted. Streams and other water bodies are located in either a dedicated open space parcel or within landscape buffers and shall be maintained and managed by the Home Owners Association.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
iv. Provide barriers or fencing, and signage at the edge of habitat buffers to prohibit vehicular and pedestrian access. Limited access may be allowed if proposed in a sensitive manner for environmental education purposes.		_X_ Not Applicable			No habitat buffers are proposed as there were no habitat areas identified on the property.		___ Not Applicable	
D. Landscaping and Buffers								
i. Existing vegetation shall be preserved as indicated on the approved landscape plan in accordance with the provisions of Section 6.8		_X_Yes	____No		The site plan denotes areas where existing vegetation will be preserved.		___Yes	____No
ii. Tree protection measures shall be installed and maintained between all areas of disturbance and trees to be retained as shown on the approved landscape plan. A detail of the tree protection barrier proposed shall be included as part of the landscape plan submitted with the application;		_X_Yes	____No		Notes contained on the site plan indicate the clear cutting of individual lots and mass grading are prohibited. Protected areas on individual lots shall be fenced off during construction.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
iii. Corridors connecting habitats identified in the biological inventory shall be preserved along streams, buffers, or other wooded areas. If destroyed during construction, such connections shall be restored using appropriate plant materials;		_X_ Not Applicable			No habitat buffers are proposed as there were no habitat areas identified on the property.		___ Not Applicable	
iv. Trees and stumps cleared for roads and building construction shall either be used for timber purposes or shredded for landscape mulch, composted, buried or otherwise disposed of BUT NOT BURNED.		_X_Yes	____No		The submitted site plan, the project narrative states that no burning of construction debris will occur.		___Yes	____No
v. Berms, fences and landscaping walls may be used with plant materials for screening, provided such features are designed and located in harmony with other site features and functions.		__X Not applicable			No berms, fencing, or walls are noted to be necessary.		___ Not applicable	
vi. To minimize visual impact by blending architecture into the surrounding landscape, foundation plantings are required at all freestanding entrance signs.		_X_Yes	____No		The site plan contains notes indicating foundation planting shall be required.		___Yes	____No
i. Use of xeriscaping principles.		_X_Yes	____No		Preservation is the top priority in the landscaping plan. Suitable plant materials will be used.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
E. Stormwater Management								
i. A stormwater management plan shall be prepared and reviewed in accordance with the provisions of Section 6.14;		_X_Yes	____No		Initial review of calculations by Orange County Erosion Control indicates there will be no issues. A condition of approval is that the formal stormwater management plan shall be reviewed and approved prior to earth disturbing activity.		___Yes	____No
ii. All drainage structures will be installed and maintained according to the approved Stormwater Management Plan.		_X_Yes	____No		According to the applicant, equivalent devices in accordance with NC DENR stormwater manual will be used. A condition of approval is that the formal stormwater management plan shall be reviewed and approved prior to earth disturbing activity		___Yes	___No
iii. Subdivisions that include structural stormwater measures shall comply with the requirements in Section 6.14.		_X_Yes	____No		A condition of approval is that the formal stormwater management plan shall be reviewed and approved prior to earth disturbing activity		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
F Grading and Erosion Control								
i. Plans for grading and erosion control comply with standards contained in the Orange County Erosion and Sediment Control Manual and this Ordinance;		_____X Yes	____No		Initial review of grading plans by Orange County Erosion Control indicates there will be no issues. A condition of approval is that the formal grading and erosion control plan shall be reviewed and approved prior to earth disturbing activity.		___Yes	____No
ii. Construction is phased to the extent practical to minimize disturbance and sedimentation;		_____X Yes	____No		Staff has determined that the project will comply.		___Yes	____No
iii. Sediment control measures will be properly installed to filter sediment from runoff during construction and maintained until grading is complete and a permanent vegetative cover has been established and all slopes stabilized; and		_____X Yes	____No		Detention basins to handle silt and turbidity will be installed prior to any grading. Conversion of the devices will occur as stabilization occurs in the sub basins. A condition of approval is that the formal grading and erosion control plan shall be reviewed and approved prior to earth disturbing activity.		___Yes	____No
iv. Permanent landscaping, groundcover, mulch, etc. will be installed as soon as practical after construction activities for each phase are completed.		_____X Yes	____No		A condition of approval is that the formal grading and erosion control plan shall be reviewed and approved prior to earth disturbing activity.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
G. A solid waste management plan, submitted as part of the Resources Management Plan, shall include the method(s) of disposal and recycling of construction debris.		_____X Yes	____No		The preliminary plan and narrative contain the required information		___Yes	____No
H. Irrigation		_X_Not applicable			Provisions dealing with irrigation are not applicable as the applicant is not proposing to install such systems.		__ Not applicable	
I. Habitat Maintenance								
i. Habitats identified in the biological inventory and habitats created through mitigation shall be maintained in accordance with the Resources Management Plan and/or a conservation easement agreement; and		_____X Yes	____No		As denoted on the site plan a large area along the southwestern portion of the property is to be left in protected landscaped space due to the presence of identified stream buffers		___Yes	____No
ii. Maintenance of habitats shall be minimal, consisting primarily of maintaining buffers and enhancements, removal of exotic (non-native) plant species, and keeping drainage ways functioning properly.		_____X Yes	____No		Open space areas will be left undisturbed except for the installation of utilities and stormwater devices.		___Yes	____No

SECTION 5.15.6 CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.15.6 (A) (3) Standards of Evaluation continued								
J Access to the subdivision and access to lots within the subdivision to existing public roads shall conform to and be in compliance with any public road access management plan adopted by Orange County.		_x_Yes	____No		According to the submitted site plan the project will have access off of Mt. Sinai Road (SR 1718) Local roads shall be developed to State NC DOT standards.		___Yes	____No
K. Maintenance of Improvements								
i. All site improvements such as roads, utilities (including irrigation and drainage structures), habitat enhancements, recreational amenities, signage, landscaping, open space, etc. will be maintained in function and appearance		_x_Yes	____No		All maintenance will be incorporated into the Homeowner's Association documents with the exception of the public streets.		___Yes	____No
ii. Maintenance specifications, if any, for on-going site management (including provisions for handling of storm debris in open space areas) shall be submitted as part of the Resources Management Plan and incorporated into Homeowners' Association documents.		_x_Yes	____No		All maintenance (trails, stormwater devices) and ongoing private expenses (lights, mowing, etc.) will be incorporated into the Homeowner's Association documents with the exception of the public streets.		___Yes	____No

SECTION 5.3.2 (B) Special Uses – Specific Standards ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.3.2 (B) **Specific Standards**:___In addition to the general standards stated in Section 5.3.2 (A) 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		Attachment 3 of the August 27, 2012 Quarterly Public Hearing packet contains a memorandum from Orange County Environmental Health indicating the proposed septic systems are acceptable. A condition of approval is recommending requiring easement language allowing for the proposed off-site septic development shall be reviewed and approved by the County Attorney's office and Environmental Health prior to the recordation of the final plat.		___Yes	____No

SECTION 5.3.2 (B) CONTINUED ("Yes" indicates compliance; "No" indicates non-compliance)

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 Volunteer Fire Department, rescue service by the Orange County Emergency Management, and police protection by the Orange County Sheriff's Department. Attachment 3 of the October 3, 2012 Planning Board packet contains a memo from Mr. David Sykes of Orange County Emergency Management concerning approval of the project.		___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 submitted site plan shows the required access points and denotes that the roads serving the site shall be development to NC DOT standards. A recommended condition of approval is the applicant secure a NC DOT drive permit allowing for the project to be accessed via Mt. Sinai Road. Further, a recommended condition of approval is road names shall be submitted and approved by Orange County GIS prior to the recordation of the final plat.		___Yes	____No

SECTION 5.3.2 (A) Special Uses – General Standards ("Yes" indicates compliance; "No" indicates non-compliance)

Ordinance Requirements		**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		The August 27, 2012 Quarterly Public Hearing agenda packet and the October 3, 2012 Planning Board agenda packet containing the following information: • The application package and project narrative contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package. • A letter from Joe Lyle, real estate broker, indicating the project will not impact the value of adjacent property contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package. • The environmental report contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package		___Will	_Will Not

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
Section 5.3.2 (A) (2) (a) Continued					• Various letters from the State Department of Cultural Resources indicating no significant impact as the result of the proposed development contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package. • Staff memorandum contained within Attachment 3 of the August 27, 2012 Quarterly Public Hearing package. • Applicant, engineer, and staff testimony from the August 27, 2012 Quarterly Public Hearing and the October 3, 2012 Planning Board meeting. • The applicants letters, dated September 25, 2012 and October 2, 2012, addressing questions about the project. and • A lack of competent material and substantial evidence entered into the record demonstrating the project's lack of compliance with established standards.			

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
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		The August 27, 2012 Quarterly Public Hearing agenda packet and the October 3, 2012 Planning Board agenda packet containing the following information: • The application package and project narrative contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package. • A letter from Joe Lyle, real estate broker, indicating the project will not impact the value of adjacent property contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package. • Applicant testimony from the August 27, 2012 Quarterly Public Hearing and the October 3, 2012 Planning Board meeting. and • A lack of competent material and substantial evidence entered into the record demonstrating the project's lack of compliance with established standards.		___Will	_Will Not

Ordinance Requirements		**PLANNING BOARD RECOMMENDED FINDINGS**			**EVIDENCE SUBMITTED TO SUPPORT FINDINGS**		**BOCC FINDINGS**	
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.		___ Is	__ Is Not		The August 27, 2012 Quarterly Public Hearing agenda packet and the October 3, 2012 Planning Board agenda packet containing the following information: • The application package and project narrative contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package. • Applicant, engineer, and staff testimony from the August 27, 2012 Quarterly Public Hearing and the October 3, 2012 Planning Board meeting. • The applicants letters, dated September 25, 2012 and October 2, 2012, addressing questions about the project. and • A lack of competent material and substantial evidence entered into the record demonstrating the project's lack of compliance with established standards.		____Is	__ Is Not

RECOMMENDATION:

Staff and the Planning Board 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.

Both staff and the Planning Board have 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 makes a recommendation to issue the permit, the Planning Board recommends the attachment of the following conditions:

A. Development of off-site septic fields:

1. Only lots 23 through 26 shall be served through an off-site septic system developed on the parcel denoted on the approved site plan.

2. Lots 23 through 26 shall have an individual septic systems and repair area on the designated lot serving as the joint septic area within the project. A combined system shall not be developed.

3. The property housing the off-site septic systems shall be maintained by the HOA. Each individual septic system shall be maintained by the homeowner. Language governing the maintenance of the lot, as well as the maintenance responsibility for each septic system, shall be contained within the deeds restrictions and covenants for the development.

   This document shall be reviewed and approved by the County Attorney's office, Orange County Environmental Health, and the Planning Director prior to recordation.

4. The applicant shall develop an agreement outlining the use, maintenance responsibility, and liability issues for a proposed easement transferring waste from lots 23 through 26 to the off-site septic lot. This easement agreement shall be reviewed and approved by the County Attorney's office, Orange County Environmental Health, and the Planning Director prior to the recordation of the final plat.

5. Orange County Environmental Health and the staff engineer shall approve the off-site septic line construction drawings, including stubbed out service lines for lots 23 through 26, prior to any clearing or grading on the site. No sewer lines shall be placed underneath paved or concreted areas with the exception of perpendicular crossings.

6. Signed encroachment agreements, if required by North Carolina Department of Transportation (NCDOT), shall be executed for all sewer lines that are placed within public right-of-ways serving lots 23 through 26. Copies of signed

encroachment documents shall be provided to the Planning Department and the County Staff Engineer prior to Planning signatures on the Final Plat.

B. Provision of Water Services

1. The applicant shall adhere to established submittal and permit requirements for the proposed community well as required by the State. Copies of all permit applications and approvals, related to the community well, shall be submitted to Orange County Planning and Environmental Health.

2. The applicant shall copy Orange County Planning and Environmental Health on the results of all tests completed with respect to the development of a community well. This includes water yields, recharge rates, and other relevant items.

3. In the event the applicant determines not to pursue a community well for the project, they shall adhere to established application submittal requirements for the development of individual wells on each lot as established by Orange County Environmental Health.

C. Roads and Access

1. Proposed roads shall be designed and constructed to standards of the NCDOT Subdivision Road manual, dated January 2011, within a fifty (50) foot right-of-way as denoted on the approved plan.

2. Erosion control plans for construction of the proposed roads shall be submitted to, and approved by, the Erosion Control Division prior to any clearing or land disturbance.

3. All street names shall be submitted to the Orange County Address Administrator for review and approval prior to the recordation of the final subdivision plat.

4. Approved double-bladed street name signs shall be erected at all street intersections shown on the Final Plat prior to issuance of any building permit if road construction is not completed prior to recording of the final plat.

5. Prior to any construction or alteration of any existing access within the platted rights-of-way, the owner/applicant shall secure a driveway permit from the NCDOT District Office. The owner/applicant shall submit a copy of the NCDOT-approved permit and NCDOT approval letter to the Planning Department prior to or at the same time as the request for a grading permit is made, or before Planning Department signatures are affixed on the Final Plat, whichever is first.

6. Sight triangles with dimensions of ten (10) feet by seventy (70) feet shall be shown and labeled at all street intersections as depicted on the Final Plat. These areas are to remain clear of plantings, fences, vehicles, and all structures.

D. Land Use Buffers and Landscaping

1. Landscaping shall be preserved as indicated on the approved preliminary plan and Resources Management Plan that show the typical building envelopes/open

space areas and shall be inspected and approved by the Planning and Inspections Department prior to signatures on Final Plat. No part of the landscaping/plantings shall encroach into the 10' x 70' sight triangles at the intersection.

OR

Guaranteed financially through a letter of credit or escrow agreement submitted to secure required landscape installation and preservation. An estimate of the cost for required preservation, plantings and their installation must be provided. The financial guarantee shall reflect 110% of the estimate and be issued by an accredited financial institution licensed to do business in North Carolina in a form approved by the County Attorney.

2. Provisions for protection of existing trees as shown on the approved site plan shall be included in a document describing development restrictions and requirements to be prepared by Planning Staff and recorded concurrently with the Final Plat. No clear cutting on individual lots or mass grading is permitted pursuant to Section 6.8 of the UDO.

3. The applicant shall retain and maintain existing plantings within the Typical Building Setbacks as indicated on the Site Plan.

4. A minimum of thirty (30) foot buffer shall be maintained (i.e. left undisturbed) along the subdivision perimeter. Language shall be provided in the Homeowners Association documents to the effect that clearing within the thirty (30) foot buffer shall not be permitted.

5. Stream buffers shall be maintained around an identified water feature denoted on the approved site plan in accordance with the provisions of the UDO consistent with the Surface Water Identification (SWID) completed by Orange County Erosion Control as detailed in a June 8, 2012 letter to the applicant as contained within their application package.

6. No mass grading of the site shall occur. Lots shall be graded only after lot specific plans showing the extent of grading are submitted to the Planning Department and approved at the time of building permit applications.

7. Common area landscaping trees and shrubs shall be of a native species and drought tolerant.

E. Storm Drainage

1. Drainage easements shall be located on the Final Plat as required following review and approval of the Erosion Control Plan by County staff.

2. All structural stormwater Best Management Practices (BMP's), as defined in the North Carolina Department of Environment and Natural Resources Stormwater BMP Manual shall be within stormwater easements and shown on the Final Plat.

A stormwater maintenance agreement shall be recorded along with the Final Plat. The agreement shall designate the responsible party for maintenance. Public access to the BMP devices shall be provided.

3. Drainage culverts shall be sized and located appropriately by a licensed North Carolina Professional Engineer as required by NCDOT and Orange County Erosion Control.

4. The site runoff for the one (1)-year twenty-four (24)-hour storm shall be the same post- development as pre-development regardless of the BMP option chosen.

5. The Jordan Lake (Cape Fear Basin) nutrient reduction rules apply to this site.

6. Sediment and erosion control measures shall be installed prior to and during any land clearing or construction.

F. Parkland and Recreation

1. Lawful currency of the United States in the amount of $10,972.00 ($422 x 26 lots) shall be paid to Orange County as payment-in-lieu of parkland dedication at the time of recordation of the Final Plat.

2. The applicant shall incorporate provisions into the declaration of restrictive covenants that effectively restricts and maintains the common area open space. These protected areas shall be shown and labeled accordingly on the Final Plat. All maintenance responsibilities for the open space shall be with the Homeowner's Association.

3. Section 7.11.2 of the UDO requires a minimum recreation space based on the following:

   a. 1/57 of an acre dedicated for each dwelling unit (i.e. individual lot). This translates to .456 acres or 19,863 square feet (26/57 = .456 acres).

   b. Section 3.3 Base Zoning Districts – Rural Buffer of the UDO establishes a recreation space ratio of 0.028 square feet of space per land area dedicated to residential use. For this project approximately 1.92 acres or 83,635 shall be required as denoted on the approved site plan (0.028 * 68.51 acres = 1.92 acres, or 83,635 square feet).

   According to Section 7.11.2 of the UDO in those cases where there is a difference in these 2 ratios, the difference shall be established as private recreation space for the residents of the development. In this case the applicant is required to maintain approximately 1.46 acres of private recreation space for the use of the residents of the development.

4. The applicant shall provide and maintain the proposed 1.48 acre recreation and open space lot as denoted on the approved site plan for use as a community picnic and park area. Further, the applicant shall provide and maintain a 3.62 acre open space recreation area, including a 25 foot wide pedestrian open space access (POSA) area, as identified on the approved site plan.

G. Construction Waste

1. Per the Orange County Solid Waste Ordinance, clean wood waste, scrap metal, corrugated cardboard, and all present construction waste shall be recycled.

2. All haulers of construction waste shall be properly licensed. The applicant shall confirm that hauling contractors are licensed to haul waste in Orange County.

3. Prior to any demolition or construction activity on the site the applicant shall arrange for a pre-demolition / construction conference with Orange County Solid Waste staff. This may be the same meeting held with other county officials.

H. Miscellaneous

1. The Final Plat shall contain a title block and vicinity map in accordance with Section 7.14.3 of the UDO.

2. The Homeowner's Association (hereafter 'Association') shall be incorporated and a deed conveying the open space into the Association shall be submitted along with the Final Plat for review and approval by the County Attorney's office. Planning Department signatures will be affixed to the Final Plat after attorney review is complete. The County Attorney shall approve the declaration of restrictive covenants applicable to the property.

3. Tree cutting in the roadside open space is prohibited except for necessary maintenance purposes that have been approved by County staff prior to any such tree cutting taking place.

4. All street lighting shall conform to the Outdoor Lighting Standards as set forth in Section 6.11 of the UDO. The light fixture shall be submitted to the Planning Department for review and approval prior to entering into a contract or sales agreement or purchase of lighting fixtures from the utility provider.

5. A sign permit shall be obtained from Orange County for the subdivision sign located at or near the entrance of the subdivision prior to beginning construction. Any lighting for the sign shall be approved by the Planning Department prior to purchase or installation.

6. Methods of disposal of trees, limbs, stumps, and construction debris associated with construction activity shall be by some method other than open burning as required in the Orange County Unified Development Ordinance.

7. Parcel Identification Numbers for the existing lots shall be shown on the Final Plat.

8. The maximum number of lots approved is twenty-six (26); the final number of platted lots shall be determined after compliance with all ordinances, regulations or conditions of approval. No ordinance, regulation or condition of approval shall be relaxed in order to accommodate more than twenty-six (26) lots.

9. The owner shall file, with the Planning Department and record with the Final Plat, a declaration of covenants and restrictions, articles of incorporation, where

required, and/or by-laws, all as approved by the County Attorney, that will govern the maintenance and control of the improvements as set forth in Section 7.14.3 of the UDO.

Said documents shall provide for ownership of open space and the dedication of easements to access open space, common area POSA's, drainage easements and buffers, for maintenance. The Owner has agreed that said documents shall not restrict the use of energy efficient measures nor shall said documents require any lot owner to engage in water intensive lawn maintenance.

10. No 'open loop' geothermal wells shall be developed within the project for any purpose.

I. Certifications

1. All Certificates and Endorsements as set forth Section 7.14.3 of the UDO signed by the landowner, developer and appropriate staff persons shall be on the face of the plat and included in a document describing development restrictions to be recorded concurrently with the Final Plat.

2. Certificate of Improvements as set forth in Section 7.14.3 of the UDO signed by the County Manager shall be on the face of the Final Plat.

3. Orange County Environmental Health shall certify on the Final Plat that perk sites have been approved for all lots and the off-site septic area has also been approved in accordance with applicable standards.

4. Appropriate certificates shall be included on the Final Plat denoting the existing of individual well sites for each lot or the approval of a community well to serve the development.

5. The NCDOT shall certify that the platted portions of the proposed roads have been entirely constructed to State standards or that construction plans have been approved with a letter of credit or cash bond security posted prior to Planning Department signatures on Final Plat.

SCRIPT FOR ACTING ON DUNHILL – DAVID WEEKLY HOMES LLC

CLASS A SPECIAL USE PERMIT APPLICATION:

November 20, 2012 BOCC meeting

NOTE – Blue text denotes BOCC Chair/Member required action

1. Chair will explain the purpose of the item is to receive the Planning Board recommendation.

   For the Dunhill project, the purpose of the meeting is as follows:

   To receive the Planning Board recommendation, close the public hearing, and make a decision on a Class A Special Use Permit application submitted by David Weekly Homes LLC proposing a 26 lot single-family residential development off of Mt Sinai Road in accordance with the provisions of Section(s) 2.7 and 5.15.6 of the Unified Development Ordinance (hereafter 'UDO').

2. Chair will declare the public hearing re-convened for the purpose of receiving the Planning Board recommendation and ask staff to make their presentation.

   NOTE – The re-convening of a hearing is solely for the purpose of receiving the Planning Board recommendation and allowing any new information, previously submitted in writing, to be entered into the record. The hearing is not intended to solicit additional input from the public or the applicant.

   While the BOCC may ask staff questions related to the review of a given item, comments from the public or the applicant shall not be solicited. The accepting additional public comments at this stage of the review (i.e. the reconvened hearing) would constitute a violation of the UDO.

3. Staff will review the abstract and ask it be entered into the record. Staff will review the Findings of Fact (Attachment 6) for the Special Use component of the project.

4. Questions will be asked of staff.

5. A motion will need to be made to close the public hearing.

   NOTE – once this is done staff cannot answer questions or provide additional detail.

6. The BOCC will first need to take action on the Special Use Permit findings of fact. The findings of fact have been organized per relevant UDO section to aid in making motions to approve or deny. The cadence on taking action should be as follows

a. A motion to either **affirm** or **reject** the recommendation of the Planning Board concerning the application's compliance with the provisions of Section(s) 2.2 and 2.7.3 of the Orange County Unified Development Ordinance as detailed within Attachment 6 of the abstract package. Second. Vote.

   NOTE – if the motion is to reject, meaning the BOCC does not agree the applicant has demonstrated compliance with the specific provision of the UDO, the individual making the motion will need to provide some explanation justifying the finding that the applicant has not established, through competent material and substantial evidence, the project is in compliance with the UDO.

b. A motion to either **affirm** or **reject** the recommendation of the Planning Board concerning the application's compliance with the provisions of Section 2.7.5 of the Orange County Unified Development Ordinance as detailed within Attachment 6 of the abstract package. Second. Vote.

   NOTE – if the motion is to reject, meaning the BOCC does not agree the applicant has demonstrated compliance with the specific provision of the UDO, the individual making the motion will need to provide some explanation justifying the finding that the applicant has not established, through competent material and substantial evidence, the project is in compliance with the UDO.

c. A motion to either **affirm** or **reject** the recommendation of the Planning Board concerning the application's compliance with the provisions of 7.14.2 (B) of the Orange County Unified Development Ordinance as detailed within Attachment 6 of the abstract package. Second. Vote.

   NOTE – if the motion is to reject, meaning the BOCC does not agree the applicant has demonstrated compliance with the specific provision of the UDO, the individual making the motion will need to provide some explanation justifying the finding that the applicant has not established, through competent material and substantial evidence, the project is in compliance with the UDO.

d. A motion to either **affirm** or **reject** the recommendation of the Planning Board concerning the application's compliance with the provisions of 5.15.6 of the Orange County Unified Development Ordinance as detailed within Attachment 6 of the abstract package. Second. Vote.

NOTE – if the motion is to reject, meaning the BOCC does not agree the applicant has demonstrated compliance with the specific provision of the UDO, the individual making the motion will need to provide some explanation justifying the finding that the applicant has not established, through competent material and substantial evidence, the project is in compliance with the UDO.

e. A motion to either **affirm** or **reject** the recommendation of the Planning Board concerning the application's compliance with the provisions of Section 5.3.2 of the Orange County Unified Development Ordinance as detailed within Attachment 6 of the abstract package. Second. Vote.

NOTE – if the motion is to reject, meaning the BOCC does not agree the applicant has demonstrated compliance with the specific provision of the UDO, the individual making the motion will need to provide some explanation justifying the finding that the applicant has not established, through competent material and substantial evidence, the project is in compliance with the UDO.

f. A motion will need to be made regarding compliance with Section 5.3.2 (A) (2) of the Ordinance as follows

(NOTE – Whomever makes the motion will have to cite the 'evidence' in the record utilized justifying the motion to approve or deny. Attachment 6 contains the recommendations of the Planning Board including the evidence utilized to reach the conclusion. This 'evidence' must be spelled out explicitly by the Commissioner making the motion.

If the motion is to deny then the Commissioner making the motion will have to spell out explicitly the evidence within the record utilized to justify a negative finding):

i. Motion finding either there **is** or **is not** sufficient evidence in the record the project complies with Section 5.3.2 (A) (2) (a) of the UDO in that the use will maintain and promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.

This motion is based on competent material and evidence entered into the record of these proceedings, including:

NOTE – the following represents the findings of the Planning Board. If the motion is to find there is sufficient evidence in the record to find compliance with Section 5.3.2 (A) (2) (a) this list must be read verbatim so it is in the record.

- The August 27, 2012 Quarterly Public Hearing agenda packet and the October 3, 2012 Planning Board agenda packet containing the following information:
- The application package and project narrative contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
- A letter from Joe Lyle, real estate broker, indicating the project will not impact the value of adjacent property contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
- The environmental report contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package
- Various letters from the State Department of Cultural Resources indicating no significant impact as the result of the proposed development contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
- Staff memorandum contained within Attachment 3 of the August 27, 2012 Quarterly Public Hearing package.
- Applicant, engineer, and staff testimony from the August 27, 2012 Quarterly Public Hearing and the October 3, 2012 Planning Board meeting.
- The applicants letters, dated September 25, 2012 and October 2, 2012, addressing questions about the project.

and

- A lack of competent material and substantial evidence entered into the record demonstrating the project's lack of compliance with established standards.

If the motion is to find there is insufficient evidence in the record to find the project is in compliance with Section 5.3.2 (A) (2) (a), the Commissioner making the motion will have to specifically denote what is absent and explain what, if any, evidence is in the record disputing the claims of the applicant that they are in compliance with Section 5.3.2 (A) (2) (a).

ii. Motion finding there **is** or there **is not** sufficient evidence in the record the project complies with Section 5.3.2 (A) (2) (b) of the UDO in that the use will maintain the value of contiguous property.

This motion is based on competent material and evidence entered into the record of these proceedings, including:

NOTE – the following represents the findings of the Planning Board. If the motion is to find there is sufficient evidence in the record to find compliance with Section 5.3.2 (A) (2) (b) this list must be read verbatim so it is in the record.

- The application package and project narrative contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
- A letter from Joe Lyle, real estate broker, indicating the project will not impact the value of adjacent property contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
- Applicant testimony from the August 27, 2012 Quarterly Public Hearing and the October 3, 2012 Planning Board meeting.

and

- A lack of competent material and substantial evidence entered into the record demonstrating the project's lack of compliance with established standards.

If the motion is to find there is insufficient evidence in the record to find the project is in compliance with Section 5.3.2 (A) (2) (b), the Commissioner making the motion will have to specifically denote what is absent and explain what, if any, evidence is in the record disputing the claims of the applicant that they are in compliance with Section 5.3.2 (A) (2) (b).

iii. Motion finding there **is** or **is not** sufficient evidence in the record the project complies with Section 5.3.2 (A) (2) (c) of the UDO in that the use is 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 and in the Comprehensive Plan.

This motion is based on competent material and evidence entered into the record of these proceedings, including:

NOTE – the following represents the findings of the Planning Board. If the motion is to find there is sufficient evidence in the record to find compliance with Section 5.3.2 (A) (2) (c) this list must be read verbatim so it is in the record.

- The application package and project narrative contained within Attachment 1 of the August 27, 2012 Quarterly Public Hearing package.
- Applicant, engineer, and staff testimony from the August 27, 2012 Quarterly Public Hearing and the October 3, 2012 Planning Board meeting.
- The applicants letters, dated September 25, 2012 and October 2, 2012, addressing questions about the project.

and

- A lack of competent material and substantial evidence entered into the record demonstrating the project's lack of compliance with established standards.

If the motion is to find there is insufficient evidence in the record to find the project is in compliance with Section 5.3.2 (A) (2) (c), the Commissioner making the motion will have to specifically denote what is absent and explain what, if any, evidence is in the record disputing the claims of the applicant that they are in compliance with Section 5.3.2 (A) (2) (c).

7. Motion to either **approve** or **deny** the Special Use Permit

If the motion is to approve the Special Use Permit, this motion would also need to include language indicating the BOCC imposes the recommended conditions as detailed within Attachment 6 of the abstract package. Second. Vote

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 6-c

SUBJECT: Zoning Atlas Amendment – Darrell Chandler Conditional Zoning to REDA-CZ-1 – Public Hearing Closure and Action (No Additional Comments from the Public or Applicant Accepted)

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

ATTACHMENT(S):

1. October 3, 2012 Planning Board Abstract Package
2. Additional Information Supplied to the Planning Board at the October 3, 2012 Meeting
3. Additional Staff Comments
4. Table of Concerns with Planning Board Responses
5. Excerpt from August 27, 2012 Quarterly Public Hearing Minutes
6. Excerpt from Approved October 3, 2012 Planning Board Regular Meeting Minutes
7. Correspondence from Applicant Accepting Recommended Conditions
8. Ordinance Amending the Orange County Zoning Atlas
9. Ordinance Denying the Amendment of the Orange County Zoning Atlas
10. Resolution Statement of Consistency with the Comprehensive Plan
11. Resolution Statement of Inconsistency with the 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 Zoning Atlas amendment 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.

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the August 27, 2012 Quarterly Public Hearing. This hearing is not intended to solicit additional input from the public or the applicant. While the BOCC may ask staff questions related to the review of a given item, comments from the public or the applicant shall not be solicited.

BACKGROUND: This item was presented at the August 27, 2012 Quarterly Public Hearing. Materials from the public hearing can be found using the following link: http://orangecountync.gov/OCCLERKS/120827.htm

A summary of comments received during the hearing are contained within Attachment 1, the abstract from the October 3, 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 Review: The Planning Board reviewed this item at its October 3, 2012 regular meeting. During the meeting the Board made the following decisions with regard to several outstanding development issues, specifically:

I. Land Use Buffers: 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 (PIN 0910-32-2905).

During the public hearing and the September 18, 2012 BOCC work session, staff indicated typical land use buffers for a self-storage facility in comparable general use zoning districts were:

- Type F buffer, 100 feet in width, along adjacent property lines abutting AR zoned property, and
- Type B buffer, 30 feet in width, abutting adjacent road rights-of-way.

With respect to the land use buffers, the Planning Board determined:

a. The proposed land use buffer along Mile Branch and NC Highway 57 is acceptable as proposed by the applicant, specifically the 20 Foot Type A buffer.
b. There is no need for a land use buffer along the southern property boundary with the concrete plant (PIN 0910-32-2905).
c. The proposed land use buffer along the Wilson property (PIN 0910-22-6989) is sufficient, specifically the 10 foot buffer.

BOCC members could offer an alternative suggestion to the applicant with respect to an acceptable land use buffer. Per Section 2.9.1 (F) (2), conditions must be mutually agreed upon by the County and the applicant.

II. Installation of a well:

a. The Board agreed with the BOCC that a well is necessary to ensure proper care for required vegetation as well as the cleaning of rental units.
b. The Board recommended the imposition of a condition requiring the development of the well when Phase 2 of the project is developed.

Please refer to Attachment 4 for additional information. The Planning Board voted unanimously to recommend **approval** of the rezoning request, the submitted site plan, and the imposition of conditions for the project consistent with the attached Ordinance (Attachment 8).

Planning Director's Recommendation: The Planning Director recommends **approval** of this rezoning based on the following:

A. The rezoning is consistent with the adopted Comprehensive Plan and NC Highway 57 Speedway Area Small Area Plan.
B. The application has been deemed complete in accordance with the requirements of Section 2.8 and 2.9.2 of the Unified Development Ordinance (UDO).
C. The proposed use is consistent with Section 5.2.3 Table of Permitted Uses of the UDO.
D. Comments received from various County agencies (i.e. Sheriff, Fire Marshal, Environment, Agriculture, Parks and Recreation (DEAPR), Orange County Health, State Clearing House) indicate there are no concerns associated with the request.
E. The property is of sufficient size to support the proposed development.

It should be noted the Planning Board and staff are recommending the imposition of several conditions. The applicant has agreed to the imposition of these conditions in writing. Please refer to Attachment 7 for additional detail.

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 November 20, 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. Approving the Ordinance Amending the Orange County Zoning Atlas, including the imposition of recommended conditions, as contained within Attachment 8; and
    b. Approving the Resolution Concerning Statement of Consistency with the Comprehensive Plan as contained within Attachment 10.

Attachment 1
October 3, 2012 Planning Board agenda packet

COPY

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 3, 2012

Action Agenda Item No. 8

SUBJECT: Zoning Atlas Amendment: Darrell Chandler Conditional Zoning – REDA-CZ-1

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

ATTACHMENTS:

1. Table Outlining Areas of Concern
2. Applicant's Written Response
3. Additional Staff Comments Received after August 27, 2012 Public Hearing
4. Ordinance Amending the Orange County Zoning Atlas
5. Ordinance Denying the Amendment of the Orange County Zoning Atlas
6. Resolution Statement of Consistency with the Comprehensive Plan
7. Resolution Statement of Inconsistency with the Comprehensive Plan

INFORMATION CONTACT:

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

PURPOSE: To make a recommendation to the BOCC 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, which was continued to the September 18, 2012 BOCC regular meeting in order to allow the applicant to address specific concerns relating to the development of the project.

Materials from the public hearing can be found using the following link: http://orangecountync.gov/OCCLERKS/120827.htm. Materials for the September 18, 2012 meeting can be found using the following link: http://orangecountync.gov/OCCLERKS/120918.pdf

During the September 18, 2012 BOCC meeting, the applicant addressed a majority concerns from the public hearing, a summary of which are as follows:

a. Planning staff and BOCC members determined access management issues had been sufficiently addressed.

b. The stormwater management plan had been revised and tentatively approved by Orange County Erosion Control (please refer to Attachment 3 for e-mail from Erosion Control). A recommended condition of approval is the applicant secure an Erosion Control and Stormwater permit prior to the commencement of earth disturbing activity.

c. A dumpster had been located on the property in accordance with applicable UDO standards.). A recommended condition of approval is the applicant secure final approval for dumpster location from Orange County Solid Waste prior to the commencement of earth disturbing activity.

d. Spacing between individual storage units, as well as the width of access lanes, had been widened to address concerns expressed by Orange County Emergency Services and Planning staff (please refer to Attachment 3 for e-mail from Mr. David Sykes of Orange County Emergency Services).

e. Impervious surface issues had been addressed. Staff had determined a development permit would be recorded in the Registrar of Deeds office specifically identifying impervious surface limits for the REDA-CZ-1 district and Mr. Chandler's remaining property. This permit will be recorded prior to the commencement of earth disturbing activity.

The BOCC provided additional direction to the Planning Board on the following issues:

- Land Use Buffer:

  i. BOCC members asked for pictures to be taken of the surrounding area and other self-storage facilities in the County to aid the Planning Board in its deliberations. Utilizing these pictures, the BOCC has asked the Planning Board to determine the appropriateness of the proposed land use buffer(s).

     Please note the applicant has provided some pictures on the submitted site plan and within their written response contained within Attachment 2 of this abstract.

  ii. The majority of the Board indicated the proposed land use buffer along the southern property line and Mile Branch was sufficient.

  iii. There was not consensus on the proposed land use buffer along NC Highway 57. While a majority of the Board expressed satisfaction with the applicant's proposal, others indicated a more intense buffer would be appropriate.

- Installation of a well:

  i. BOCC members continued to express their desire for a well to be installed, specifically providing a 'hose bib' for building and landscape maintenance.

     During the meeting the applicant's engineer, Mr. Chad Abbott of Summit Engineering, indicated installing a well for anything other than landscape maintenance and/or cleaning of storage units (i.e. hand washing) might not be possible. If a sink were installed to allow for employees to 'wash their hands' discharge from the sink would have to go into a septic system for treatment. The main issue being there is no soil on the property to install a septic system.

     The BOCC indicated they understood and suggested the applicant could address 'hand washing' through alternative means.

  ii. Mr. Abbot indicated the installation of a well could be cost prohibitive.

     The BOCC requested staff obtain a memorandum from Mr. Tom Konsler of Orange County Environmental Health outlining costs associated with installing a well (please refer to Attachment 3)

iii. The BOCC indicated it might be feasible to discuss the imposition of a condition requiring installation of a well only when the second phase of the project was developed.

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 how they address 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 your review in an 11" x 17" format. Attachment 3 contains additional documentation from various County staff members reviewing the project received after the public hearing.

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 how 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 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 is so staff can verify all imposed conditions are adhered to and allow 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.

We are 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 we continue 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.

Planning Director's Recommendation: The Planning Director can recommend **approval** of the proposed site plan based and the zoning atlas amendment based on the following:

1. The project is consistent with the goals of the adopted NC Highway 57 Speedway Area Small Area Plan,
2. The proposed land use complies with the provisions of Section 5.2.3 of the Orange County Unified Development Ordinance,
3. The rezoning is consistent with various Principles, Goals, and Objectives of the adopted Comprehensive Plan.
4. Based on the acceptance of design alternatives denoted on the site plan by the Planning Board and the BOCC, specifically on allowable land use buffers and the installation of a well on the property, and

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: The Planning Director recommends the Board:

1. Deliberate as necessary,
2. Consider the Planning Director's recommendation to:
    a. Approve the site plan recommending the imposition of conditions
    b. Approve the Ordinance Amending the Orange County Zoning Atlas as contained within Attachment 4, and
    c. Approve the Resolution of Consistency with the Comprehensive Plan as contained within Attachment 6.
3. Make a recommendation to the BOCC on the proposal in time for its **November 20, 2012** regular meeting.

October 3, 2012 Planning Board agenda packet - Attachment 1

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:**	**BOCC 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.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications.
	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.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications.

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:	BOCC RESPONSE
TRANSPORTATION Continued	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.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications.
	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.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications.
	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** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications.
	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.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications. .

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:	BOCC RESPONSE
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.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC asked for correspondence from Environmental Health on well permitting procedures and costs (Attachment 3)

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:	BOCC 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** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the revision and supported the development of a landscape island to aid in traffic management.
	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.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the proposed solid waste disposal methodology.

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:	BOCC RESPONSE
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.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications. Please refer to Attachment 3 for an e-mail from David Sykes, orange County Emergency Management, approving the revised site plan.
	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.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications. Please refer to Attachment 3 for an e-mail from David Sykes, orange County Emergency Management, approving the revised site plan.

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:	BOCC RESPONSE
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. There was a lack of consensus over the appropriateness of proposed land use buffer widths along adjacent roadways and residentially zoned properties.	Please refer to response contained within Attachment 2	**BOCC** – A summary of the direction supplied by the BOCC is contained in the abstract.

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:	BOCC RESPONSE
LAND USE BUFFER Continued	The applicant proposed the following: • 20 Foot Type A clustered 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	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated the following: 1. Proposed land use buffer along Mile Branch and adjoining residential lot may be acceptable. 2. There was a lack on consensus for land use buffer along NC Highway 57 with some advocating for a continuous buffer. Staff directed to take pictures of area as a visual aid for Planning Board to determine appropriateness of proposed land use buffer

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:	BOCC 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.	**Refer to previous response**
STORMWATER	BOCC members wanted additional explanation from the applicant on the proposed stormwater management system. 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 has been revised to denote the proposed stormwater management system. This system has been deemed adequate by County Erosion Control staff.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications. Please refer to Attachment 3 for an e-mail from Terry Hackett of Orange County Erosion Control tentatively approving the revised stormwater management 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:	BOCC 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.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the staff's proposal to record a master document outlining development of the property in the event the request was approved
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.	**BOCC** – At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the explanation.

919.732.3883 SUMMIT-ENGINEER.COM
DESIGN AND ENGINEERING SERVICES
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

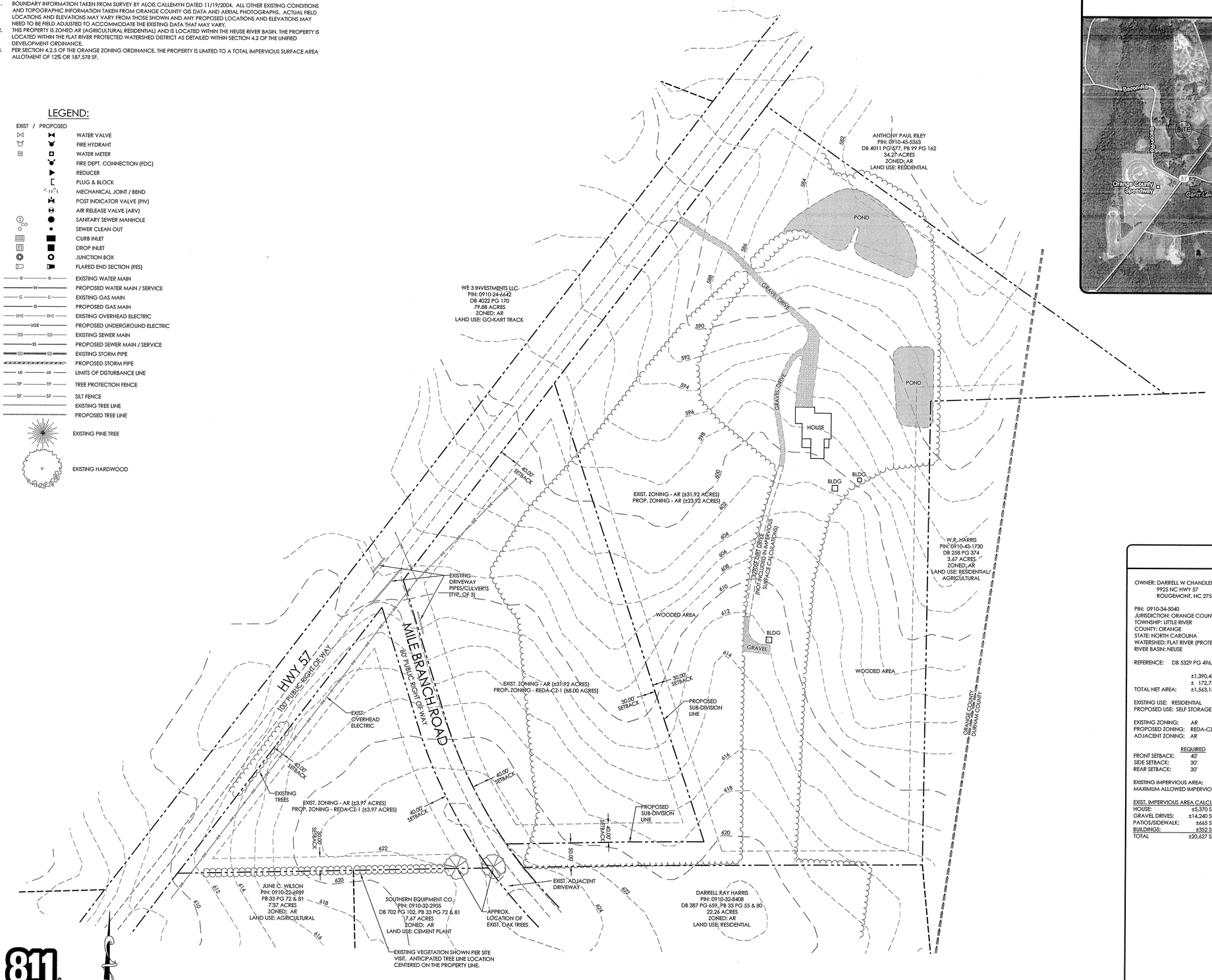
GENERAL NOTES:

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)
- W — W — EXISTING WATER MAIN
- W — PROPOSED WATER MAIN / SERVICE
- G — G — EXISTING GAS MAIN
- G — PROPOSED GAS MAIN
- OHE — OHE — EXISTING OVERHEAD ELECTRIC
- UGE — PROPOSED UNDERGROUND ELECTRIC
- SS — SS — EXISTING SEWER MAIN
- SS — PROPOSED SEWER MAIN / SERVICE
- SD — SD — EXISTING STORM PIPE
- PROPOSED STORM PIPE
- LD — LD — LIMITS OF DISTURBANCE LINE
- TP — TP — TREE PROTECTION FENCE
- SF — SF — SILT FENCE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- EXISTING PINE TREE
- EXISTING HARDWOOD



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%)

811 Know what's below. Call before you dig.

7									
6									
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							REVISIONS	DATE	BY

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CEA
PROJECT MANAGER
CEA
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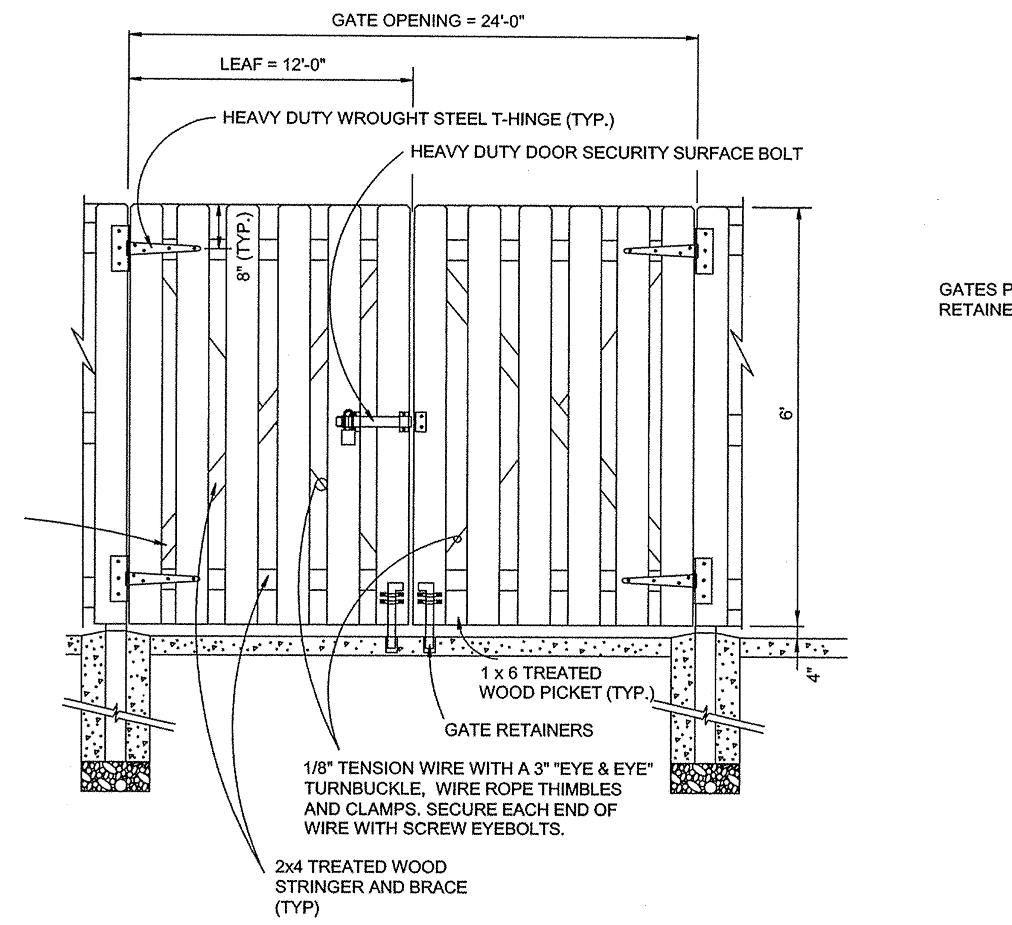
AFFORDABLE ROUGEMONT SELF-STORAGE - SITE PLANS

MILE BRANCH ROAD - ORANGE COUNTY, NORTH CAROLINA

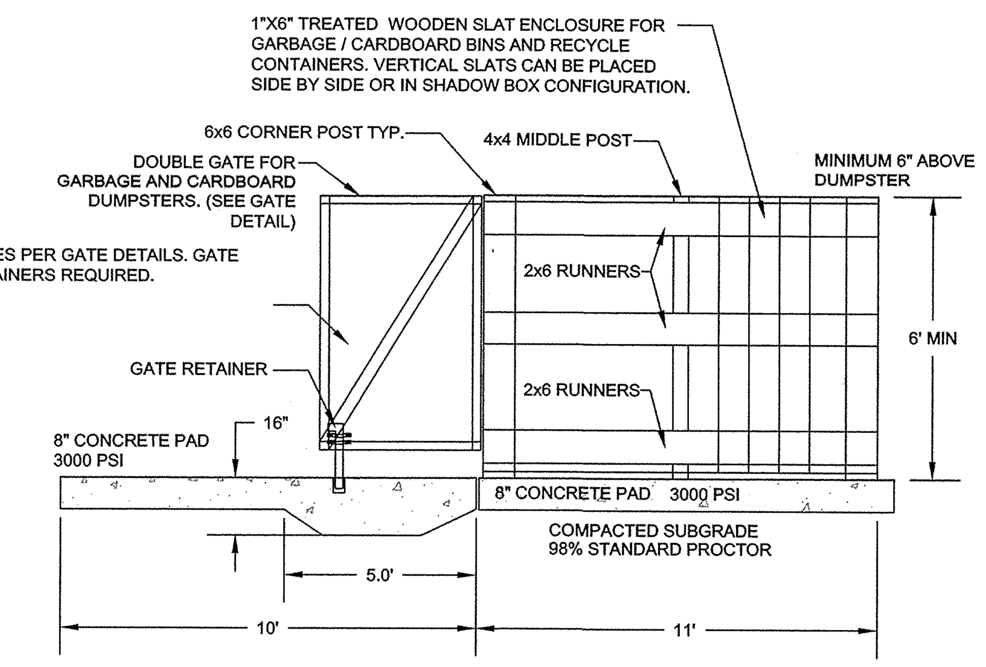
EXISTING CONDITIONS PLAN

PROJECT NO.
12-0191
DRAWING NAME:
12-0191 EX-1
SHEET NO.
C-1

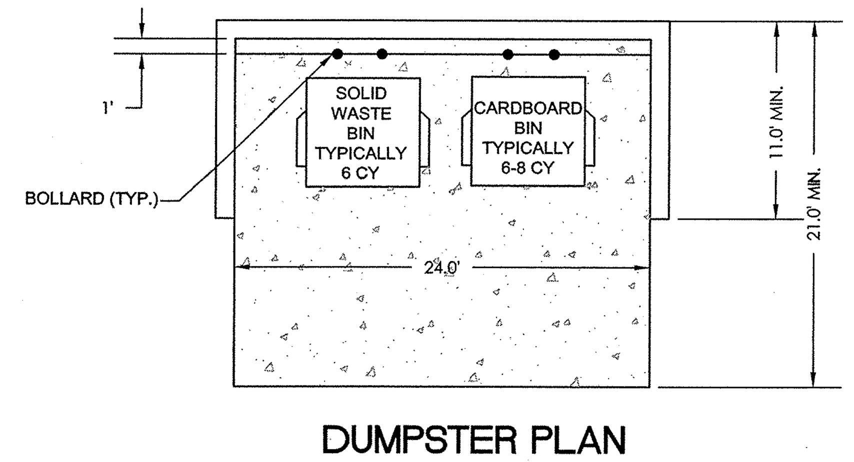


NOTES:
1. ALL POST TO BE MIN. 18" IN GROUND w/ MIN 4" CONCRETE AROUND ALL SIDES. USE 4" SOLID CMU BLOCK ON BOTTOM OF POST.
2. CONCRETE PAD TO EXTEND 4" BEYOND EDGE OF ENCLOSURE WALLS
3. 1" x 6" PANELS TO BE LEVEL WITH TOP OF POST. TOP AND BOTTOM RUNNERS TO BE 4" FROM TOP AND BOTTOM OF PANELS.

WOODEN DUMPSTER ENCLOSURE AND GATE DETAIL



WOODEN DUMPSTER ENCLOSURE DETAIL



DUMPSTER PLAN

TYPICAL DOUBLE WITH ROLLOUT CARTS

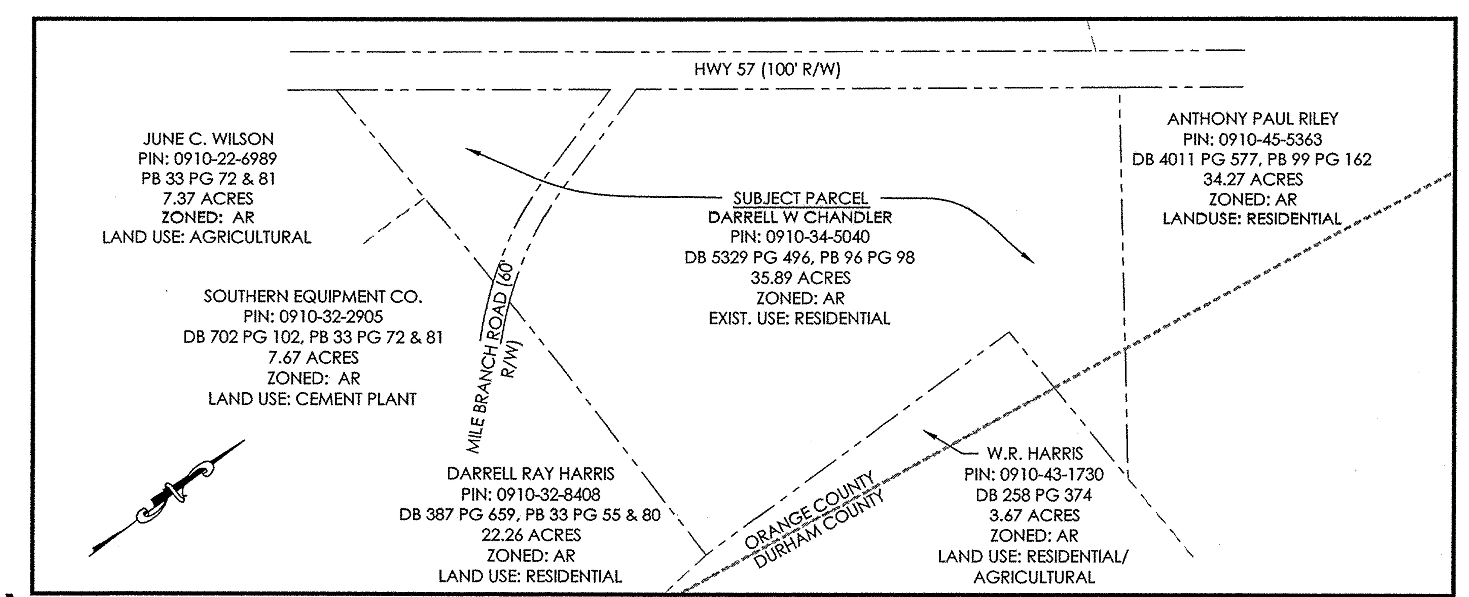


EXHIBIT A

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

GENERAL NOTES:

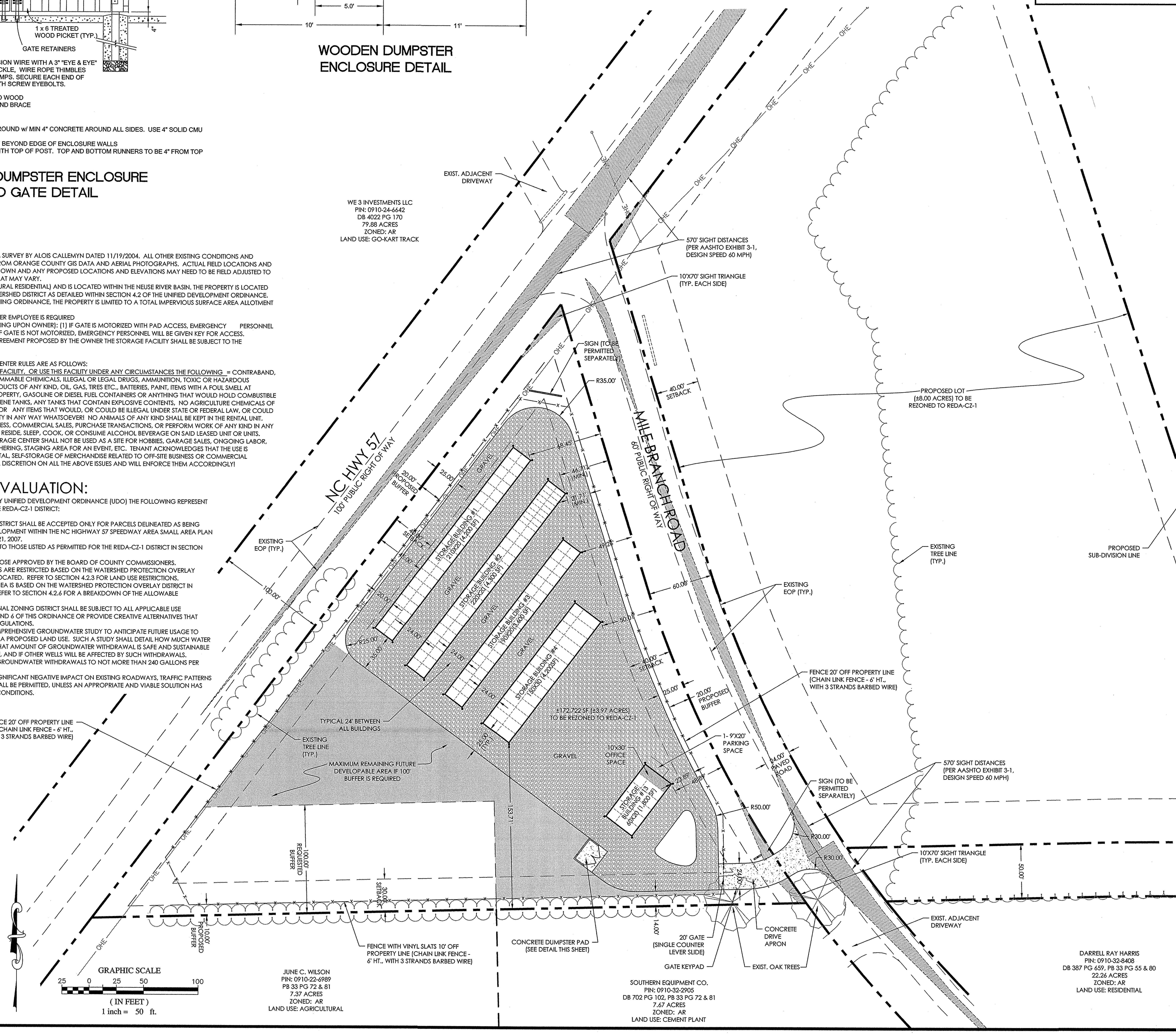
1. BOUNDARY INFORMATION TAKEN FROM SURVEY BY ALOIS CALLEMYN DATED 11/19/2004. ALL OTHER EXISTING CONDITIONS AND TOPOGRAPHIC INFORMATION TAKEN FROM ORANGE COUNTY GIS DATA AND AERIAL PHOTOGRAPHS. ACTUAL FIELD LOCATIONS AND ELEVATIONS MAY VARY FROM THOSE SHOWN AND ANY PROPOSED LOCATIONS AND ELEVATIONS MAY 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:
   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.



Know what's below. Call before you dig.

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

REVISIONS | DATE | BY

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PROJECT ENGINEER/ARCHITECT: CEA
PROJECT MANAGER: CEA
DRAWN BY: KSW
SCALE: 1" = 50'

NOT FOR CONSTRUCTION

SEAL 036242 CHAD E. ABBOTT

SUMMIT DESIGN AND ENGINEERING SERVICES

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:

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:
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
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- TREE PROTECTION FENCE
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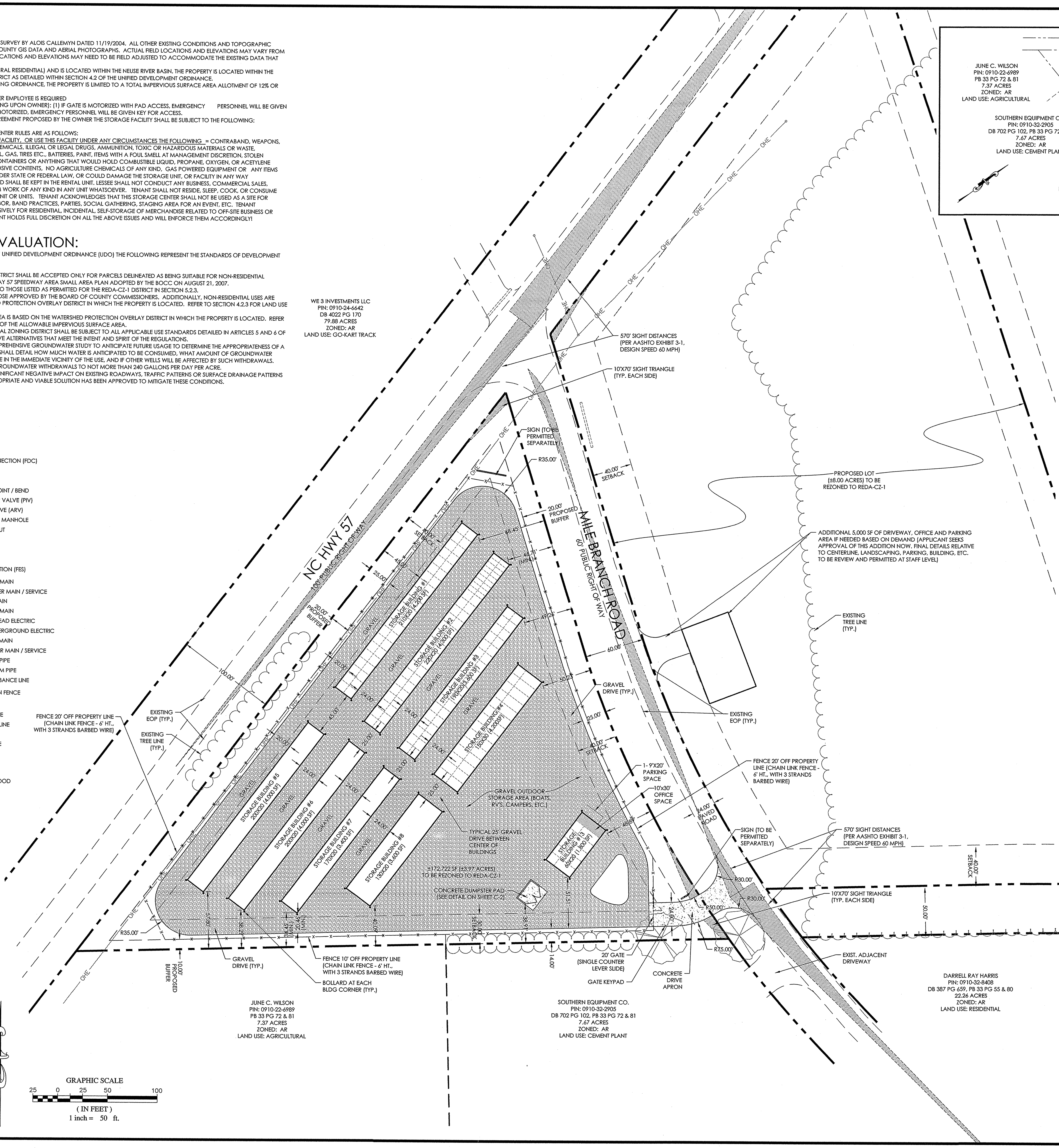
- EXISTING TREE LINE
- PROPOSED TREE LINE
- EXISTING PINE TREE
- EXISTING HARDWOOD



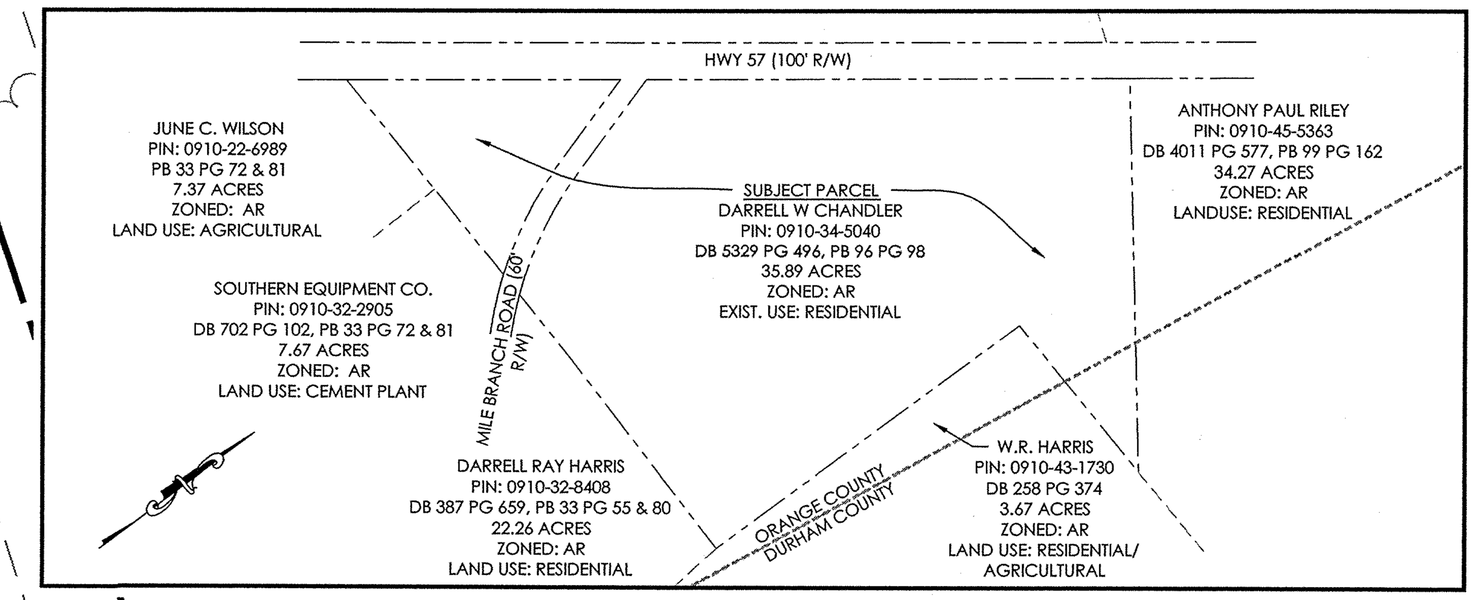


EXHIBIT A
SCALE: 1"=250'

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

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

Know what's below. Call before you dig.

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DRAWING ALTERATION
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF LICENSED ARCHITECT, PROFESSIONAL ENGINEER, LANDSCAPE ARCHITECT, OR LAND SURVEYOR TO ALTER ANY ITEM ON THIS DOCUMENT IN ANY WAY. ANY LICENSEE WHO ALTERS THIS DOCUMENT IS REQUIRED BY LAW TO AFFIX HIS OR HER SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE AND SPECIFIC DESCRIPTION OF THE ALTERATIONS.

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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www.summit-engineer.com

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:

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LEGEND:

EXIST / PROPOSED

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- WATER METER
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- PLUG & BLOCK
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- AIR RELEASE VALVE (ARV)
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- SEWER CLEAN OUT
- CURB INLET
- DROP INLET
- JUNCTION BOX
- FLARED END SECTION (FES)
- EXISTING WATER MAIN
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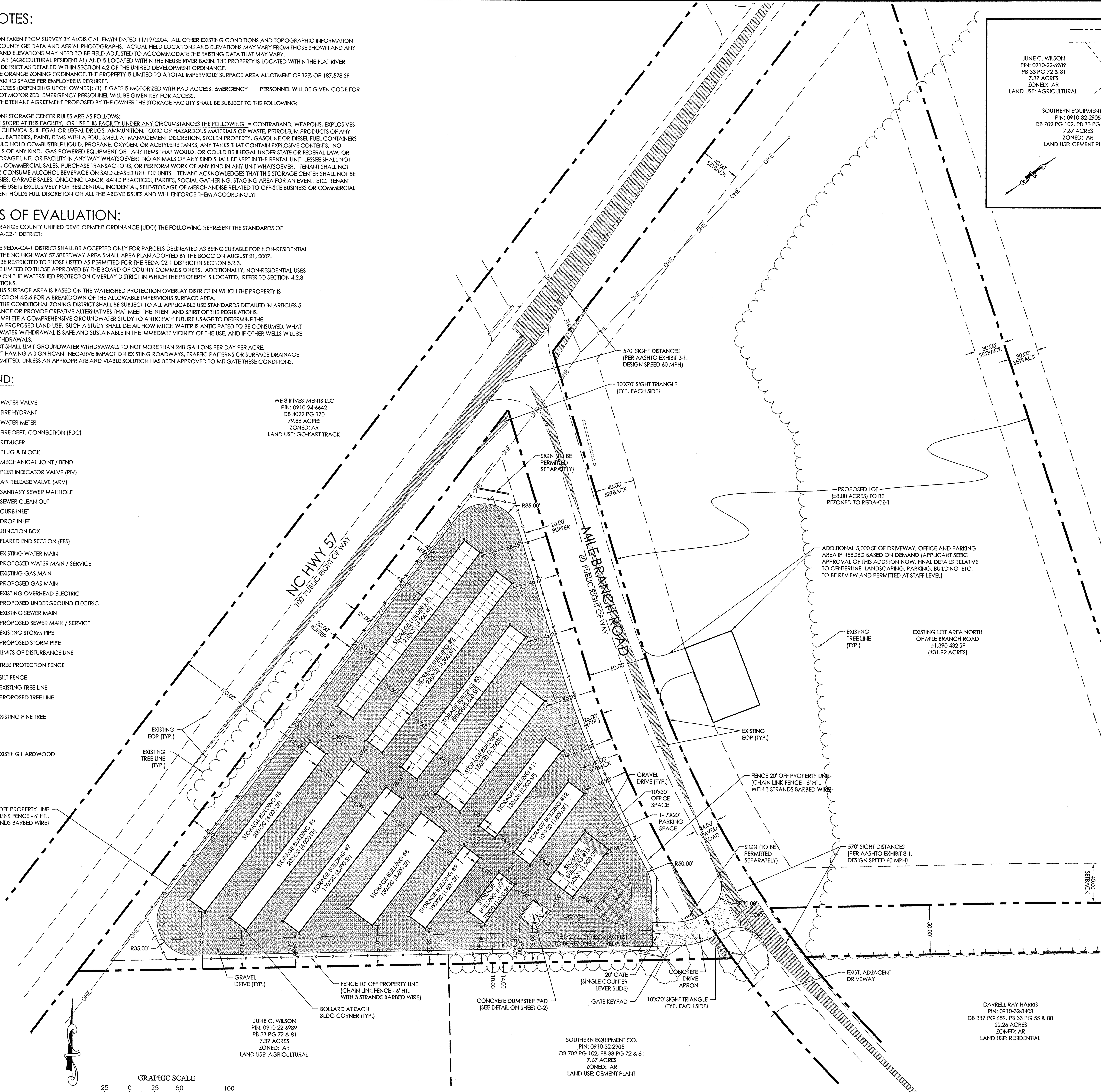
- LD — LIMITS OF DISTURBANCE LINE
- TREE PROTECTION FENCE
- SILT FENCE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- EXISTING PINE TREE
- EXISTING HARDWOOD



Know what's below. Call before you dig.

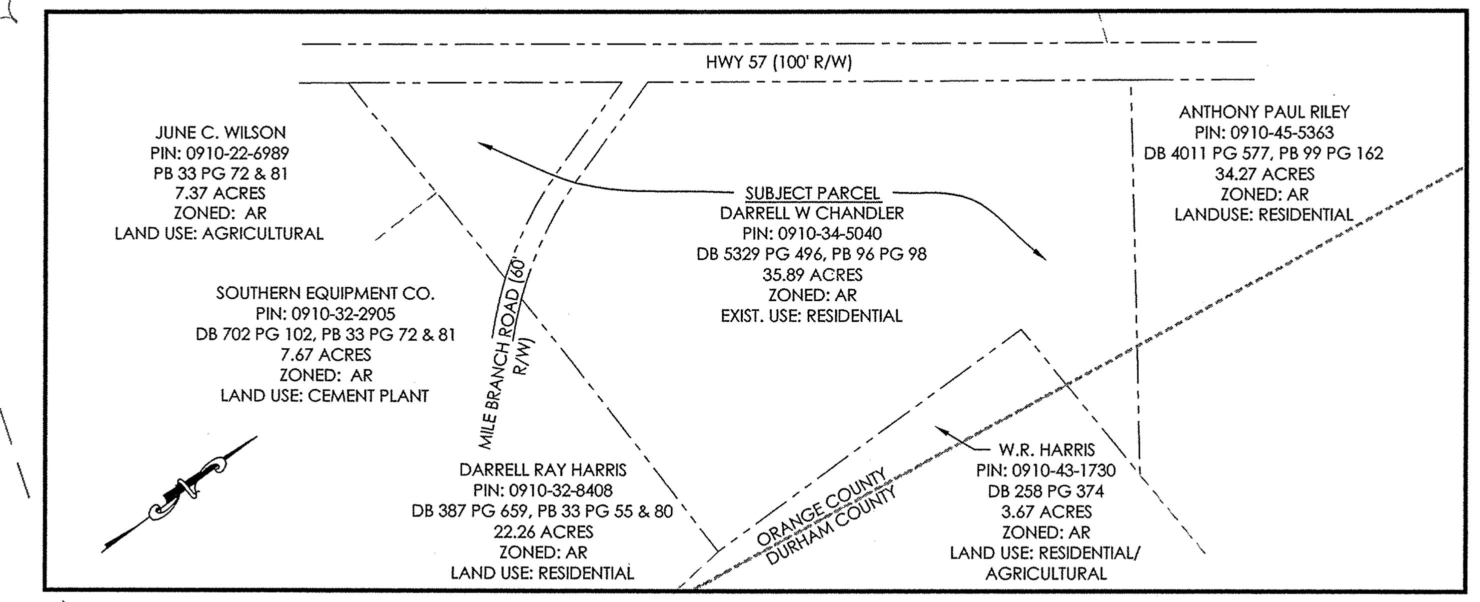


EXHIBIT A
SCALE: 1"=250'

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:	40'	45.00' (MIN.)
SIDE SETBACK:	30'	34.46' (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 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:	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

REVISIONS | DATE | BY

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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

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Hillsborough, NC 27278
www.summit-engineer.com

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.

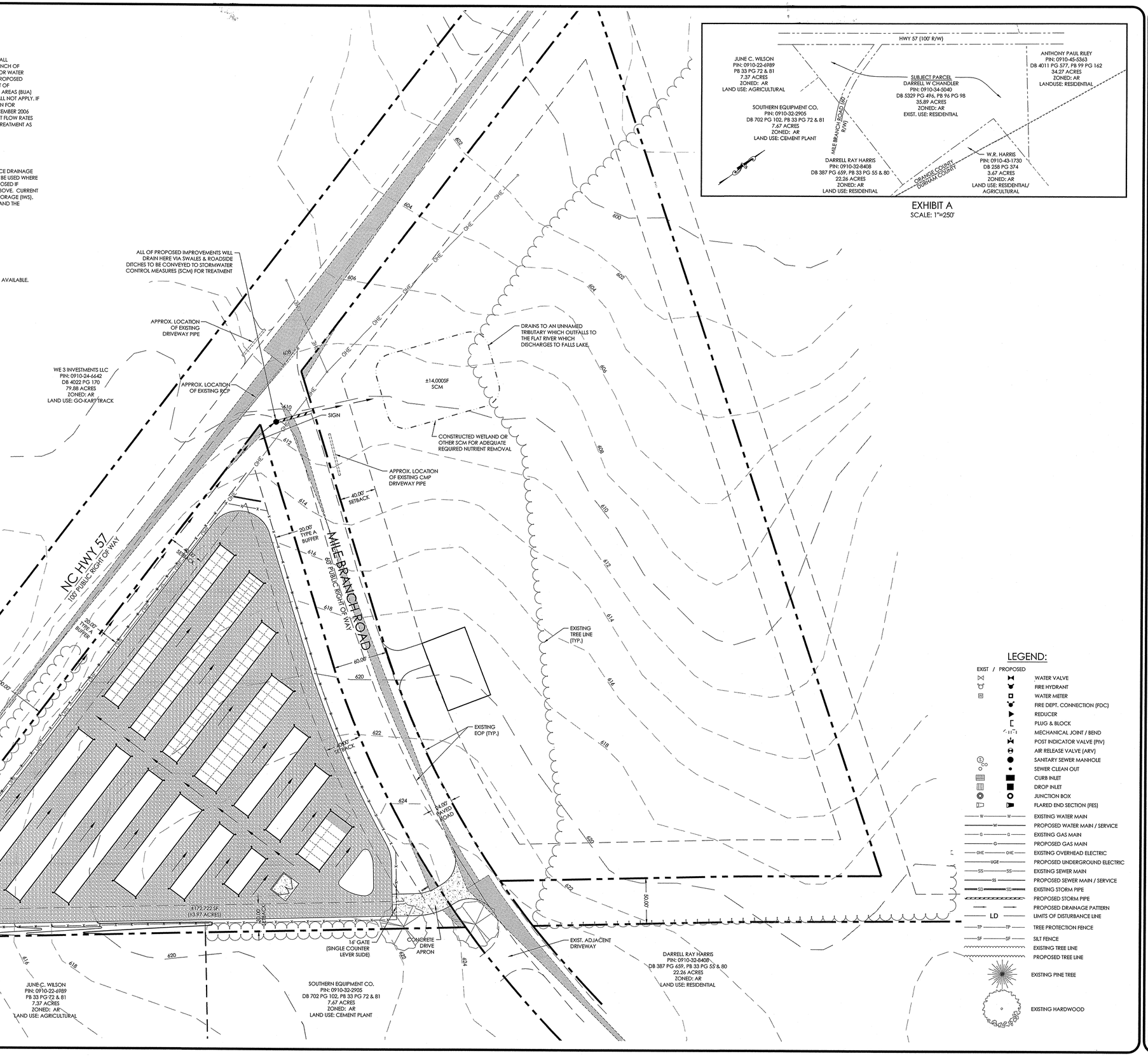

EXHIBIT A
SCALE: 1"=250'

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
- PROPOSED DRAINAGE PATTERN
- LIMITS OF DISTURBANCE LINE
- TREE PROTECTION FENCE
- SILT FENCE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- EXISTING PINE TREE
- EXISTING HARDWOOD

	DATE	BY
7		
6		
5		
4		
3		
2	...	...
1	...	...

REVISIONS

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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

GRADING & STORM DRAINAGE PLAN

PROJECT NO.
12-0191
DRAWING NAME:
12-0191 G-1
SHEET NO.
C-5

TREE PLANTING AND STAKING

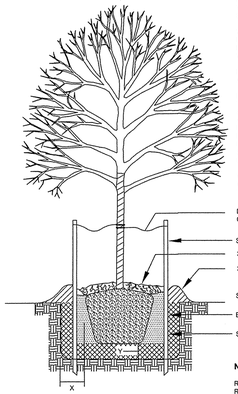
STAKING - TREES WILL BECOME STRONGER FASTER WHEN THE TOP 2/3 OF THE TREE IS FREE TO SWAY. TIE THE TRUNK LOOSELY WITH WIDE STRIPS OF RUBBER OR CLOTH ABOUT 1/3 UP THE TRUNK AND TIE TO THREE STAKES POSITIONED EVENLY AROUND THE TRUNK. STAKES SHOULD BE DRIVEN DEEPLY INTO THE GROUND TO PREVENT DISLODGING. 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"

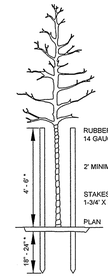
NOTES

REMOVE BURLAP FROM TOP OF ROOT BALL BEFORE BACKFILLING AROUND BALL IS COMPLETED

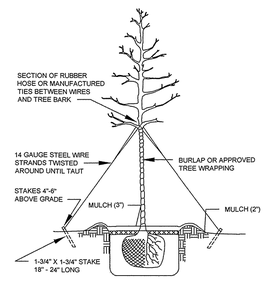
ALL TREES WHICH ARE SMOOTH BARKED AT THE TIME OF PLANTING AND HAVE MORE THAN 2" OF CLEAR TRUNK SHALL BE WRAPPED

ALL TREE WRAPPING SHALL EXTEND FROM THE TOP OF THE BACKFILL TO THE LOWERMOST TREE BRANCHES

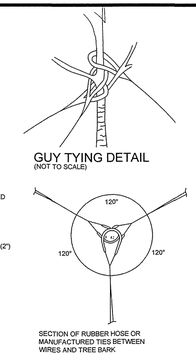
TREE PLANTING AND STAKING DETAIL



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:

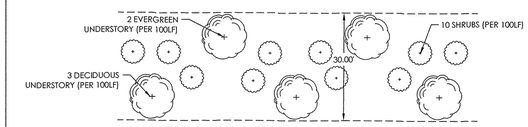
1. A 20' TYPE A MODIFIED BUFFER IS PROPOSED ALONG NC HWY 57 & MILE BRANCH RD.
2. A 10' EVERGREEN BUFFER IS PROPOSED ALONG JUNE C. WILSON PROPERTY.
3. LIGHTS WILL OPERATE DURING NORMAL BUSINESS HOURS:
   8 AM - 9 PM 7 DAYS / WEEK
   SATURDAY NIGHTS DURING RACE SEASON OPEN UNTIL 12 MIDNIGHT
4. PROPOSED 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:

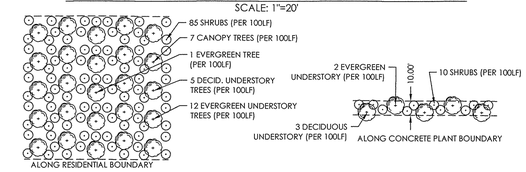
ROAD BUFFERS:
30' WIDE TYPE B BUFFER
3 DECIDUOUS UNDERSTORY TREES PER 100LF OF FRONTAGE
2 EVERGREEN UNDERSTORY TREES PER 100LF OF FRONTAGE
10 SHRUBS PER 100 LF OF FRONTAGE
HWY 57: 711 LF / 100 = 21 DECIDUOUS TREES, 14 EVERGREEN TREES & 71 SHRUBS
MILE BRANCH: 601 LF / 100 = 18 DECIDUOUS TREES, 12 EVERGREEN 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'

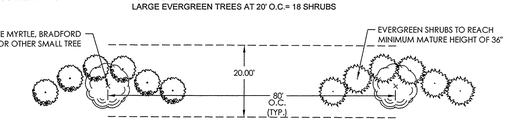


TYP. ORANGE COUNTY REQUESTED BUFFER PLANTING PLAN FOR SOUTHERN PROPERTY BOUNDARY
SCALE: 1"=50'

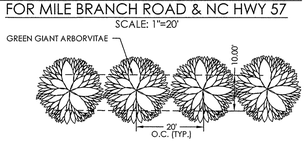
PROPOSED BUFFERS (AS SHOWN):

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

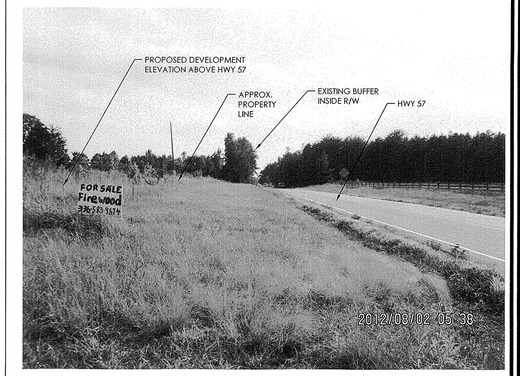
SOUTHERN PROPERTY LINE:
10' WIDE BUFFER
LARGE EVERGREEN TREES AT 20' O.C.= 18 SHRUBS



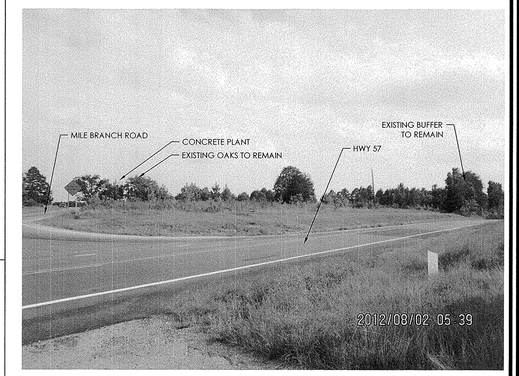
TYP. PROPOSED 20' BUFFER PLANTING PLAN FOR MILE BRANCH ROAD & NC HWY 57
SCALE: 1"=20'



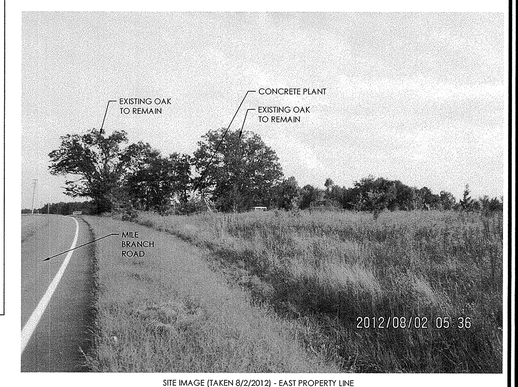
TYP. PROPOSED 10' BUFFER PLANTING PLAN FOR SOUTHERN RESIDENTIAL BOUNDARY
SCALE: 1"=20'



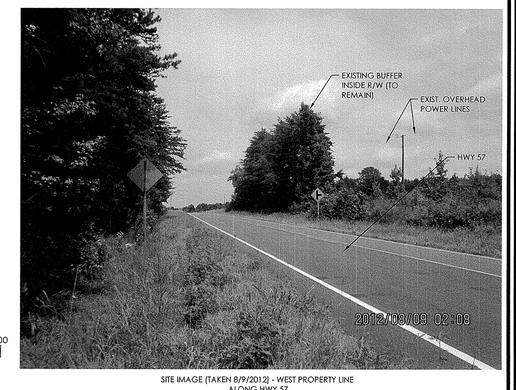
SITE IMAGE (TAKEN 8/2/2012) - NORTH PROPERTY CORNER



SITE IMAGE (TAKEN 8/2/2012) - NORTH PROPERTY CORNER



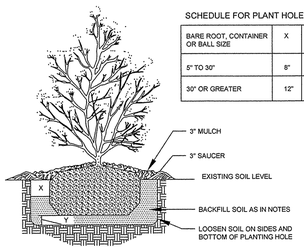
SITE IMAGE (TAKEN 8/2/2012) - EAST PROPERTY LINE ALONG MILE BRANCH ROAD



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

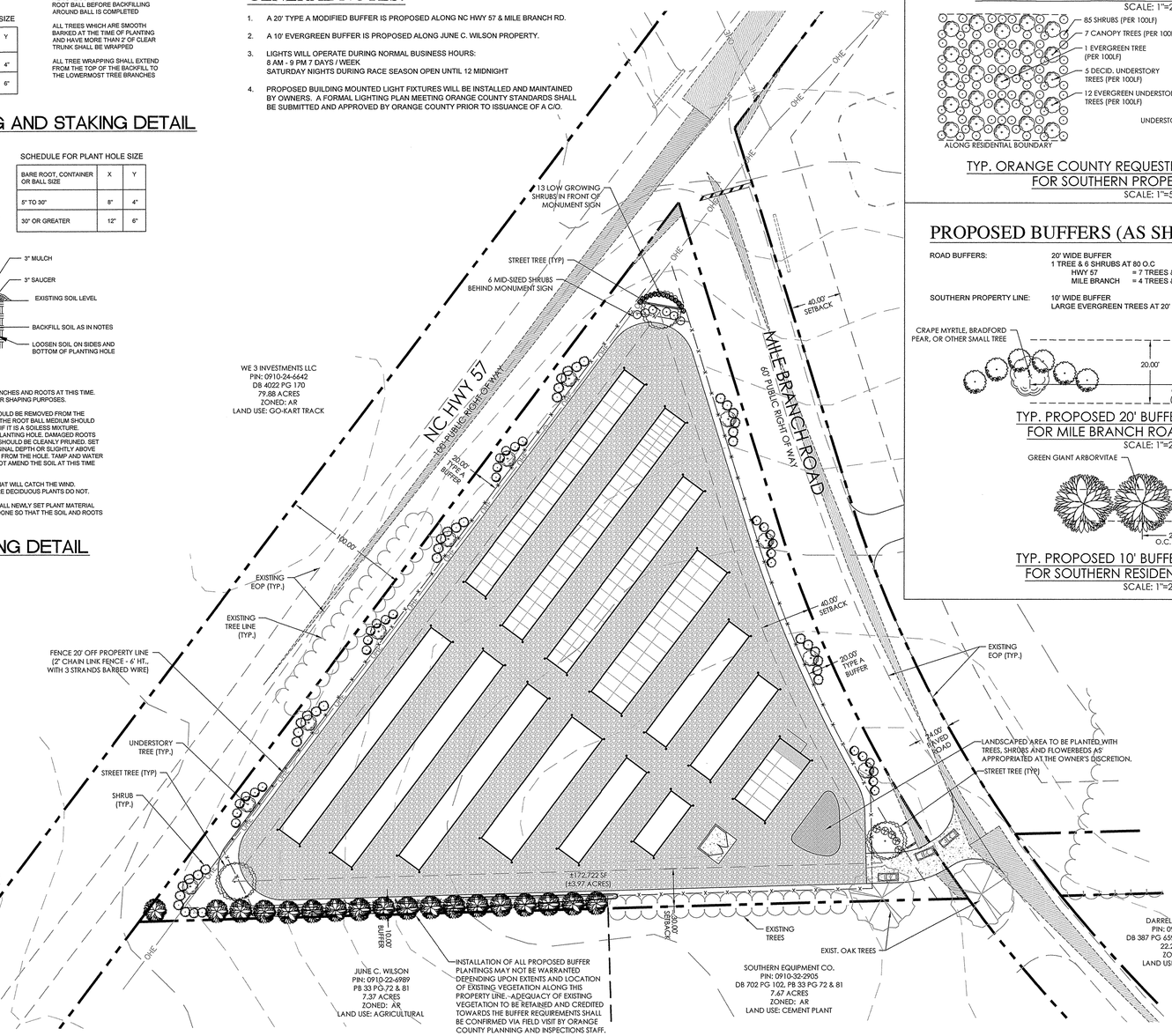
PRUNING - CLEANLY PRUNE DAMAGED BRANCHES AND ROOTS AT THIS TIME. ADDITIONAL PRUNING SHOULD BE ONLY FOR SHAPING PURPOSES.

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
Know what's below.
Call before you dig.

7	6	5	4	3	2	1	REVISIONS	DATE	BY

39

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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
08/31/12

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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

A:\SITE2_Projects\12012_Cole-Bowman\12-0191\Cole\Concept Drawings\12-0191 L1.dwg, 8/31/2012 2:31:23 PM, kelliyaw-woods, 1:1

Michael Harvey

From: Tom Konsler
Sent: Wednesday, September 19, 2012 4:47 PM
To: Michael Harvey
Subject: Well Procedure in Orange County

Hi Michael,
Here is a quick rundown of the process for constructing a well in Orange County.

The applicant submits an application and a site plan to our office.
The cost is $430.

Staff will meet the applicant on site. The property lines and proposed buildings will need to be staked on site for this visit. Staff will make a determination that the well can be located on the property while meeting all of the setback distance requirements. Provided the site is acceptable, staff returns to the office and issues the well permit along with an attached site plan. The permit packet is emailed to the applicant.
Elapsed time is approximately 2.5 weeks from time of application.

The applicant contacts a well contractor and gives them a copy of the permit. The driller constructs the well, calls the health department for a grouting inspection which is provided the same day as requested. The driller (or his subcontractor, or a subcontractor of the owner) completes the well and installs the pump, wiring, seal, etc. Once the well head is completed the contractor contacts the health department for a final well head inspection. Staff visits the site, assures that all components of the well are present and acceptable. They will issue a certificate of completion.
Elapsed time is dependent on factors controlled by the owner or contractor. It could be as quick as 2 days from the well permit issuance date.
Based on average well depths and construction requirements. The range of cost for a turn-key project is $6,000 to $8,000.

Within 30 days of the completion of the well, our staff will return and collect water samples. The cost of this sampling is covered in the well permit cost.

This is a description of a normal water supply well. For geothermal wells and monitoring wells, there are a few other steps in the process that involve state review and approval along the way.

This may be more detail than you wanted, but I hope this information helps.
Tom

Tom Konsler, R.S.
Environmental Health Director
Orange County Health Department
PO Box 8181
Hillsborough, NC 27278
tkonsler@co.orange.nc.us

Please tell us how we are doing by taking this very quick survey. We appreciate your comments.

http://www.surveymonkey.com/s/CQRLSJR

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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

*Ordinance #:*_____

AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition seeks to rezone 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 for the purpose of developing a self-storage facility.

WHEREAS, This petition has been submitted in concert with a formal site plan in accordance with the provisions of Section 2.9.2 (C) of the UDO, and

WHEREAS, the portions of property to be rezoned are identified further as follows:

(PENDING FROM APPLICANT)

and,

WHEREAS, the requirements of Section 2.8 and 2.9.2 of the 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 12 acre portion of the aforementioned parcel to NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1) Conditional Zoning district.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

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

SEAL

_____
Clerk to the Board of Commissioners

*Ordinance #:*_____

AN ORDINANCE DENYING AMENDMENT TO THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition seeks to rezone 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 for the purpose of developing a self-storage facility.

WHEREAS, This petition has been submitted in concert with a formal site plan in accordance with the provisions of Section 2.9.2 (C) of the UDO, and

WHEREAS, the portions of property to be rezoned are identified further as follows:

(PENDING FROM APPLICANT)

and,

WHEREAS, the requirements of Section 2.8 and 2.9.2 of the UDO have been deemed to have not been complied with, and

WHEREAS, pursuant to Sections 1.1.5, 1.1.7, and 2.8 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds there is insufficient documentation within the record supporting the proposed atlas amendment or that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof. and

BE IT ORDAINED by the Board of Commissioners of Orange County that the proposed Orange County Zoning Atlas, as detailed herein, is denied.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

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

SEAL

_____
Clerk to the Board of Commissioners

October 3, 2012 Planning Board agenda packet - Attachment 6

RESOLUTION CONCERNING STATEMENT OF CONSISTENCY OF A PROPOSED ZONING ATLAS AMENDMENT WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN

WHEREAS*,* Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition seeks to rezone 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 for the purpose of developing a self-storage facility.

WHEREAS, This petition has been submitted in concert with a formal site plan in accordance with the provisions of Section 2.9.2 (C) of the UDO, and

WHEREAS, the portions of property to be rezoned are identified further as follows:

(PENDING FROM APPLICANT)

and,

WHEREAS, the requirements of Section 2.8 AND 2.9.2 of the UDO have been deemed complete, and

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

a. The Land Use Element Map.
b. Chapter 3 – Economic Development
c. 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
d. The NC Highway 57 Speedway Area Small Area Plan adopted by the Board of County Commissioners on August 27, 2007.

and,

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonable and in the public interest as it promotes public health, safety, and general welfare by adopting the goals and purposes of the 2030 Comprehensive Plan or part thereof,

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be consistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

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

SEAL

_____
Clerk to the Board of Commissioners

**RESOLUTION CONCERNING STATEMENT OF
INCONSISTENCY OF A PROPOSED ZONING ATLAS AMENDMENT
WITH THE ADOPTED
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition seeks to rezone 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 for the purpose of developing a self-storage facility.

WHEREAS, the portions of property to be rezoned are identified further as follows:

(PENDING FROM APPLICANT)

and,

WHEREAS, the requirements of Section 2.8 AND 2.9.2 of the UDO have not been complied with, and

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

WHEREAS, the Board has found the proposed zoning atlas amendment is not reasonable and is not in the public interest as it will not promote public health, safety, and general welfare,

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be inconsistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan, is not reasonable, and is not in the public interest as it will not promote the public health, safety, and general welfare, and the BOCC hereby adopts this statement of inconsistency signifying same.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

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

SEAL

_____
Clerk to the Board of Commissioners

Attachment 2
Additional Information Supplied to the
Planning Board on October 3, 2012

ADDITIONAL INFORMATION – ITEM 8

ZONING ATLAS AMENDMENT – DARRELL CHANDLER

- Pictures of ‘other’ self-storage operations within the county
- Pictures from Chandler property of adjacent parcels

Self-storage facility - NC Highway 86
Zoned General Commercial (GC-4) and Rural Residential (R1)

- 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

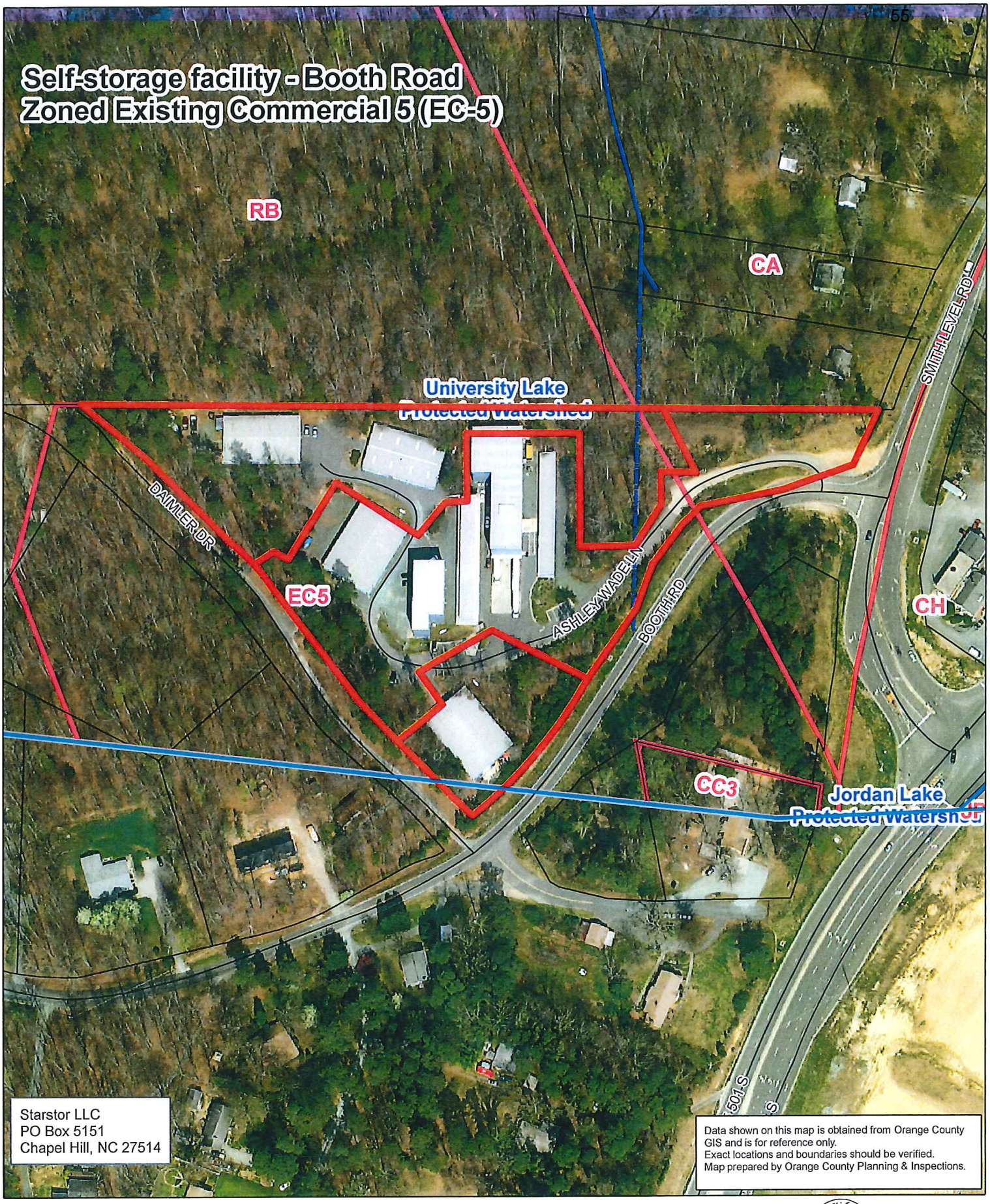
1 inch = 111.85 feet

0 40 80 160 Feet

SELF-STORAGE – WOODS BROTHERS - NC HIGHWAY 86 – GC4 ZONING

View from NC Highway 86 – front yard

Self-storage facility - Booth Road
Zoned Existing Commercial 5 (EC-5)



Starstor LLC
PO Box 5151
Chapel Hill, NC 27514

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
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- 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 = 166.667 feet

0 65 130 260 Feet

SELF STORAGE FACILITY – STAR POINT STORAGE - BOOTH ROAD – EC5 ZONING

View from Booth Road – side yard land use buffer

Self-storage facility - Old Greensboro Road
Zoned Existing Commercial 5 (EC-5) and Rural Buffer (RB)

PIN#: 9758424098
THOMAS S LAWTON

2616 OLD GREENSBORO RD
CHAPEL HILL, NC 275169025

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
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- 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 = 169.446 feet

0 65 130 260 Feet

SELF STORAGE FACILITY – OLD GREENSBORO HIGHWAY – EC5 ZONING

View from Ferguson Road

View from Old Greensboro Highway – front yard land use buffer

View from Old Greensboro Highway – front yard land use buffer

Self-storage facility - Jones Ferry Road
Town of Carrboro Planning Jurisdiction

PIN#: 9778553176
EMILY M BIRGEL

21 REDWOOD ST
WARREN, PA 16365

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
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- Floodway (Effective 02/02/07)
- 500 YR Floodplain (Effective 02/02/07)
- Buildings
- Water and Sewer Boundary

N

1 inch = 175.292 feet

0 70 140 280 Feet

SELF STORAGE FACILITY – TOWN OF CARRBORO JURISDICTION – JONES FERRY ROAD

View from Jones Ferry Road – front yard land use buffer

Pictures of Darrell Chandler property – view from portion of lot housing storage facility:

Picture(s) 1 and 2: NC Highway 57 – view of We 3 Investors property (go-kart property)

Picture 3: Intersection of NC Highway 57 and Mile Branch Road

Picture 4: View Chandler property across from Mile Branch

Picture(s) 5 and 6: View of cement plant – southern property line

Picture(s) 5 and 6: View of adjacent undeveloped property – southern property line

Michael Harvey

From: Tom Konsler
Sent: Wednesday, September 19, 2012 4:47 PM
To: Michael Harvey
Subject: Well Procedure in Orange County

Hi Michael,
Here is a quick rundown of the process for constructing a well in Orange County.

The applicant submits an application and a site plan to our office.
The cost is $430.

Staff will meet the applicant on site. The property lines and proposed buildings will need to be staked on site for this visit. Staff will make a determination that the well can be located on the property while meeting all of the setback distance requirements. Provided the site is acceptable, staff returns to the office and issues the well permit along with an attached site plan. The permit packet is emailed to the applicant.
Elapsed time is approximately 2.5 weeks from time of application.

The applicant contacts a well contractor and gives them a copy of the permit. The driller constructs the well, calls the health department for a grouting inspection which is provided the same day as requested. The driller (or his subcontractor, or a subcontractor of the owner) completes the well and installs the pump, wiring, seal, etc. Once the well head is completed the contractor contacts the health department for a final well head inspection. Staff visits the site, assures that all components of the well are present and acceptable. They will issue a certificate of completion.
Elapsed time is dependent on factors controlled by the owner or contractor. It could be as quick as 2 days from the well permit issuance date.
Based on average well depths and construction requirements. The range of cost for a turn-key project is $6,000 to $8,000.

Within 30 days of the completion of the well, our staff will return and collect water samples. The cost of this sampling is covered in the well permit cost.

This is a description of a normal water supply well. For geothermal wells and monitoring wells, there are a few other steps in the process that involve state review and approval along the way.

This may be more detail than you wanted, but I hope this information helps.
Tom

Tom Konsler, R.S.
Environmental Health Director
Orange County Health Department
PO Box 8181
Hillsborough, NC 27278
tkonsler@co.orange.nc.us

Please tell us how we are doing by taking this very quick survey. We appreciate your comments.

http://www.surveymonkey.com/s/CQRLSJR

CONFIDENTIALITY NOTICE: All email messages, including any attachments, generated from or received by this site are the property of Orange County Government and as such are considered public domain and are subject to the North Carolina Public Record Law. The Orange County Health Department does not transmit client/patient medical information via email. Certain other confidential information may be transmitted, however, and any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and

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

Attachment 4

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:	BOCC RESPONSE:	PLANNING BOARD 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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications.	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the modifications.
	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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications.	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the modifications.

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:	BOCC RESPONSE:	PLANNING BOARD RESPONSE:
TRANSPORTATION Continued	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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications.	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the modifications.
	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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications.	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the modifications.
	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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications.	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the modifications.

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:	BOCC RESPONSE:	PLANNING BOARD RESPONSE:
TRANSPORTATION Continued	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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications. .	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the modifications.
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 1 of the November 20, 2012 packet for additional detail.		At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the information provided by the applicant.
	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 1.	At its September 18, 2012 regular meeting, the BOCC asked for correspondence from Environmental Health on well permitting procedures and costs.	At its October 3, 2012 regular meeting, the Planning Board voted unanimously to recommend the imposition of a condition requiring the installation of a well prior to the commencement of Phase 2 construction

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:	BOCC RESPONSE:	PLANNING BOARD 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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the revision and supported the development of a landscape island to aid in traffic management.	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the modifications and the placement of the dumpster. The Board also indicated approval for the new landscape island shown on the revised plans.
	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		At its October 3, 2012 regular meeting, the Planning Board voted unanimously to recommend the imposition of a condition requiring final approval of the site plan by Solid Waste prior to earth disturbing activity.
	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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the proposed solid waste disposal methodology.	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the information provided by the applicant.

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:	BOCC RESPONSE:	PLANNING BOARD RESPONSE:
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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications. .	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the modifications to address EM staff concerns.
	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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications.	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the modifications to address EM staff concerns.

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:	BOCC RESPONSE:	PLANNING BOARD RESPONSE:
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. There was a lack of consensus over the appropriateness of proposed land use buffer widths along adjacent roadways and residentially zoned properties.	Please refer to response contained within Attachment 1	BOCC members asked for pictures to be taken of the surrounding area and other self-storage facilities in the County to aid the Planning Board in its deliberations. Utilizing these pictures, the BOCC has asked the Planning Board to determine the appropriateness of the proposed land use buffer(s). Please refer to Attachment 2 for the photos A majority of the BOCC indicated satisfaction with the proposed land use buffer along Mile Branch Road. There was no consensus on the proposed buffer along NC Highway 57 with some members requesting a more intense buffer.	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the proposed land use buffers as denoted on the plan and did not recommend the imposition of a condition requiring additional vegetation along NC Highway 57.

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:	BOCC RESPONSE:	PLANNING BOARD 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	BOCC members wanted additional explanation from the applicant on the proposed stormwater management system. 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 has been revised to denote the proposed stormwater management system. This system has been deemed adequate by County Erosion Control staff.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the modifications. Please refer to Attachment 3 for an e-mail from Terry Hackett of Orange County Erosion Control tentatively approving the revised stormwater management system.	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with Mr. Hackett's 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:	BOCC RESPONSE:	PLANNING BOARD 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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the staff's proposal to record a master document outlining development of the property in the event the request was approved	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the impervious surface limits and with staff's proposal to record a master document outlining development of the property.
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.	At its September 18, 2012 regular meeting, the BOCC indicated they were satisfied with the explanation.	At its October 3, 2012 regular meeting, the Planning Board indicated they were satisfied with the information.

APPROVED 10/16/2012

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
August 27, 2012
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Monday, August 27, 2012 at 7:00 p.m. at the Central Orange Senior Center, 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: Chair Larry Wright, and Planning Board members Pete Hallenbeck, Andrea Rohrbacher, Maxecine Mitchell, Tony Blake, Rachel Phelps Hawkins, Alan Campbell, and Johnny Randall
PLANNING BOARD MEMBERS ABSENT: H.T. "Buddy" Hartley, Lisa Stuckey, Dawn Brezina

Chair Pelissier called the meeting to order at 7:01PM. She asked for a motion to add a closed session at the end of the meeting.

A motion was made by Commissioner Yuhasz, seconded by Commissioner Hemminger to add closed sessions after the public hearing:

1. **Per N.C.G.S. 143-318.11(a)(3):** To Consult with the Attorney to protect the attorney-client privilege.
2. **Per [N.C.G.S. 143-318.11(a)(5)]** To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property
3. **Per [N.C.G.S. 143-318.11(a)(4)]:** To discuss matters relating to the location or expansion of business in the area served by this body.
4. **Per [N.C.G.S. 143-318.11(a)(6)] :** To consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee.

VOTE: UNANIMOUS

OPENING REMARKS FROM THE CHAIR

A. PUBLIC CHARGE
The Chair dispensed with the reading of the public charge.

B. PUBLIC HEARING ITEMS

2. Zoning Atlas Amendment – To review an application to rezone approximately 14 acres of a 36 acre parcel of property located at 9925 NC Highway 57 from Agricultural Residential (AR) to NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1) for the purpose of developing an enclosed mini self-storage facility with accompanying accessory uses including office space, a retail office selling boxes and packing supplies, and a truck rental area.

Michael Harvey made reference to the PowerPoint presentation. This is near the go-cart track on NC 57, which is currently for sale. The Orange County Speedway is also nearby. This proposed use is consistent with the land uses that are anticipated within the adopted NC 57 Speedway Area Small Area Plan that was adopted in 2007 by the County Commissioners. This land use is listed as a permitted use. The applicant is in a position where he needs some guidance from the County Commissioners before moving forward. The abstract identifies the concerns related to this project and the staff needs direction from the Board. There will be approximately 400 individual storage lockers. The applicant is proposing the installation of a land use buffer. There is also some transportation planning concerns. Staff is asking the Board to give necessary feedback on this issue.

STAFF COMMENTS:

- Land use consistent with recent REDA-CZ-1 district amendment
- Approved Small Area Plan envisioned this as an acceptable land use in the area
- Staff is concerned over the lack of well for the site and recommends the applicant revisit this matter
- Erosion Control has expressed concern over proposed storm water plan
- Transportation planning comments will need to be addressed
- Staff will need direction on the proposed land use buffer modifications

Commissioner Yuhasz informed the Board and the public that he did represent Mr. Chandler during the time of the development of the NC 57 Small Area Plan and that representation ended when he became a County Commissioner. He has no interest in this particular project.

Commissioner Foushee made reference to toilet facilities and that the applicant has been made aware of this condition and expressed reservations. She asked what needed to be done so that this does not continue to be a concern.

Michael Harvey said that Orange County Environmental Health will review the proposal, and staff can provide additional information once it becomes available. He understands that it will not be an issue to have toilet facilities just for staff use and not for the public. The resolution of this issue will be provided in writing.

Commissioner McKee said that his only concern is the lack of well water and adequate bathroom facilities.

Chad Abbott, with Summit Consulting, said that the applicant and staff will reevaluate this issue and will ask Planning staff to work with him to secure the necessary written responses.

Commissioner Yuhasz said that part of the property is on the northeast side of Mile Branch and asked if there has been any investigation of a well/septic system in that 12 acres.

Chad Abbott said that the land does not perk, but there are alternative systems.

Commissioner Hemminger said that she has a lot of concern about the storm water. She asked what was being proposed.

Michael Harvey said that the initial review of the site plan with Erosion Control did not turn a favorable response in terms of storm water. The water runoff will be significant.

Chad Abbott said that there has not been time to design the storm water control yet. He made reference to sheet c-5, which has storm water calculations. He said that the runoff is proposed to be caught at Mile Branch and NC 57.

Commissioner Hemminger said that she has concerns about needing a well, not just for bathrooms, but maintaining the aesthetics of the facility, as well as the safety.

Commissioner Gordon requested some additional materials. She made reference to access to the facility and the turn radius. She has concerns about this.

Commissioner Yuhasz made reference to the buffer and the adjoining property. He said that the property to the southwest has the same soil characteristics, presumably. He said that this suggests to him that this property will never be developed as a residential property. He thinks that it is not necessary to provide this kind of buffer against property that is not actually going to need it. He suggested showing some flexibility with regard to the buffer requirements.

Commissioner McKee said that the Board should keep in mind that this is an economic development area. He does not see any issues that cannot be overcome. He agrees with Commissioner Yuhasz about the buffers. This is not a general use area. He said that the soil is not very amenable to perking. This property will probably not be used for any use if not this type of use. His said that this is a proposal for low-impact economic development and it is the type of business that he would like to attract to these areas.

Commissioner Foushee echoed Commissioner McKee's comments.

Andrea Rohrbacher said that storage areas generate a lot of waste and there needs to be some mechanism to dispose of things on-site. Secondly, she echoed Commissioner Hemminger's concerns over the water. She said that units need to be hosed out from time to time. There should be a mechanism for this and she does not think that a pressure washer is viable for this.

Larry Wright said that he would like for the applicant to consider looking at an area for solid waste disposal. He also supports Commissioner McKee's viewpoint.

Chad Abbott made reference to the transportation comments and said that he would like to see how DOT would respond to some of these comments. He said that it would be best to push back the entrance as far away from the intersection of NC 57 as possible because of the potential truck traffic. He will provide written responses to the comments from staff.

He said that this use fits this site because the soil does not perk and not many other uses could be placed here.

Commissioner Hemminger said that she wants this project to succeed, but there are many issues that were not covered in the documentation the Board received (i.e., traffic, storm water runoff, etc.). She just wants it to be the best possible project and have it succeed. She feels like the application is disjointed.

Michael Harvey said that this was supposed to be a negotiable site development process. There are several concerns of staff and there are issues that need to be addressed. He said that the applicant is seeking the Board's guidance on what should come next and he thinks it would be perfectly reasonable for the Board to ask and provide direct guidance on what should occur next and allow the Planning Board to continue this review at the October meeting.

Commissioner Jacobs said that he is glad this proposal is coming forward. He said that the next presentation should have the staff concerns and the responses from the applicant. He is more interested in having buffers along NC 57 than on other parts of the property because these facilities are not very attractive. He suggested having some bullet points come back to the Board.

Chad Abbott said that he is certain that the applicant has addressed the storm water and the traffic/fire and turn radius issues. The big item is the buffer, and he needs guidance on this. He said that the applicant will put in a well if needed. He said that the staff-requested buffer is very expensive.

Commissioner Jacobs said that all of this needs to be put in writing.

Michael Harvey said that the Board has some options - identify areas the applicant needs to address, adjourn the public hearing to a date and time certain asking the applicant to submit written responses to the issues, asking the Planning Board to review the project, and asking the Planning Board to continue the dialogue at the October meeting. He said that there is information that is lacking and everyone is frustrated with that.

Chair Pelissier said that she has heard that the Board really does want a well on this site. Regarding the buffers, she thinks that there should be some flexibility. She said that all of the storage facilities that she has seen around here do not have buffers. She would not want to put restrictions on this project when other similar projects did not have the same restrictions.

Commissioner Hemminger said that she would like to keep this process on track and come back at a September meeting.

Larry Wright asked the Board to provide some options for the buffer for the Planning Board to discuss.

Commissioner Yuhasz said that he would support the small buffer on the perimeter as shown, as well as the clustered buffer.

Chair Pelissier said that the Board is happy with the proposed buffer.

Commissioner Gordon said that she does not agree with the proposed buffers. She said that she would still like to see the Planning Board comments. She would like to see a summary come back on September 18th.

A motion was made by Commissioner Jacobs, seconded by Commissioner Gordon to seek further clarity, get responses back in writing and come back at the September 18th meeting, and to use that meeting to provide further direction to the applicant and Planning Board regarding the Commissioners' preferences on the items that have been identified as areas of concern and that are addressed in writing by the applicant and by appropriate agencies; and to adjourn the public hearing until September 18th to allow staff and the applicant to bring forward the written requests and information as required by this meeting.

Commissioner Yuhasz said that this process and the need to get feedback from the County Commissioners points to the possibility that they may not want to limit conditional use applications to the Quarterly Public Hearings. If there is going to be this kind of month-to-month bringing something back, it might be more appropriate to accept conditional use applications on a more frequent basis.

Commissioner Gordon said that she objects to that suggested change.

VOTE: UNANIMOUS

A motion was made by Commissioner Foushee, seconded by Commissioner McKee to target a November 20th decision point and to have a recommendation by the Planning Board.

VOTE: UNANIMOUS

Attachment 6

Approved 11/7/12

EXCERPT – APPROVED PLANNING BOARD MINUTES

MINUTES
ORANGE COUNTY PLANNING BOARD
OCTOBER 3, 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; Rachel Hawkins, Hillsborough Township Representative; Dawn Brezina, Eno Township Representative; Tony Blake, Bingham Township Representative

MEMBERS ABSENT: Lisa Stuckey, Chapel Hill Township Representative; Johnny Randall, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz; Special Projects Coordinator; Abigaile Pittman, Land Use/Transportation Planner II; Tom Altieri, Comprehensive Planning Supervisor; Jennifer Phillips, Property Development Specialist; Tina Love, Administrative Assistant II

OTHERS PRESENT: Paul Baker, Ryan M. Jackson, Jeff Akin, Chad Abbott

Agenda Item 8: Zoning Atlas Amendment – To make a recommendation to the BOCC on an application to rezone approximately 14 acres of a 36 acre parcel of property located at 9925 NC Highway 57 from Agricultural Residential (AR) to NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1). This item was heard at the August 27, 2012 quarterly public hearing
Presenter: Michael Harvey, Current Planning Supervisor

Alan Campbell returned to the table and rejoined the Planning Board Meeting

Michael Harvey: Reviewed abstract.

Michael Harvey: Mr. Chandler has requested that if a well is required that it be installed in Phase 2 and he understands he is responsible for bringing in water to clean and maintain the landscape until Phase 2 is built.

Larry Wright: Where will he put that water?

Michael Harvey: Into water plants and clean buildings with a pressure washer.

Larry Wright: To get emergency vehicles around this water that is stored.

Michael Harvey: It would not be permanent but be brought in a vehicle or truck for watering the plants or cleaning the facilities.

Buddy Hartley: Why does he need to wait until Phase 2?

Approved 11/7/12

Michael Harvey: His concern is the cost of the well. We have documentation provided by Mr. Konsler providing information on the cost of the well in attachment 3.

Alan Campbell: What is the time frame for Phase 2?

Michael Harvey: Mr. Abbott would be the best person to speak to that issue.

Maxecine Mitchell: How many units will be in the first phase?

Michael Harvey: Essentially five buildings. A couple hundred units based on market conditions.

Chad Abbott: Those units are a minimum of 10 by 10 and can be expanded up to 10 by 20.
About 144 units perhaps.

Alan Campbell: Are there any other type of uses of operations that is fairly standard not to have any water at all.

Michael Harvey: The argument by the applicant is since there will not be restroom or other retail facilities, he doesn't believe he should be required to have a well or even a septic system. Part of my answer is that if Orange County Environment Health says it does not require a well or well service, then there is no obligation from a planning standpoint to say you have to provide a well. One point Mr. Abbott provided at the BOCC meeting was that if you provide well water for use of washing hands or other purposes, you have to have a septic system to treat that water. You can recommend to the BOCC that the well be installed now or the applicant's that the well be installed in Phase 2. I don't see why a well can't be installed now.

Larry Wright: When we start discussing buffers and the wells, are we discussing Phase 1 and Phase 2 together or just Phase 1?

Michael Harvey: You are discussing the project being built out.

Michael Harvey: Reviewed the buffers.

Larry Wright: Mr. Abbott, would you please review the photos and tell us which of those buildings and sites best match this projected one.

Maxecine Mitchell: Because it is such a rural area, I probably won't realize there is storage shed there with an interrupted buffer especially over time. I think it will work out fine.

Michael Harvey: There are two issues the planning board is charged with; make a decision on the proposed buffer and make a recommendation on the well issue. The remaining issues have been addressed. If you can make those affirmative findings, you can approve the ordinance amending the Orange County Zoning Atlas in Attachment 4 and approve the resolution statement consistency or make a recommendation for the resolution statement and recommend conditions.

Chad Abbott: What benefit versus cost does the applicant receive from the well? The buffer is required buffer and is required to be maintained. If we take out the landscaping, what is the purpose of the well? If we look at how often this well will be used, I am not sure it matches. My client would like to see if he is making enough money to expand his facility then a well would not be a big impact.

Alan Campbell: Is there a secondary process for Phase 2?

Michael Harvey: The condition would be once the commencement of Phase 2 which requires any compliance and building permit, he would have to build a well.

Approved 11/7/12

Peter Hallenbeck: I am good with the shrubbery but it sounds like the BOCC will have fun discussing that on their own. On fire, this thing is about 4.7 miles from the Caldwell Station. By the time someone gets there, a garden hose will not do anything for you. I like the idea of letting them do the four buildings without a well and would like some assurance he won't use the rest of the area for bulk storage. If he puts in a well, he will need to bury about 1,400 feet of pipe. My overall take is that is some economic development. It fits in with the race track and concrete plan fine. Give it a chance.

Michael Harvey: Five buildings.

MOTION made Alan Campbell to accept this as on the map submitted by the applicant and not require a well until the development of phase 2. Tony Blake seconded.
VOTE: UNANIMOUS

MOTION made by Alan Campbell to adopt Attachment 4 as presented. Dawn Brezina seconded.
VOTE: UNANIMOUS

MOTION made by Peter Hallenbeck to approve Attachment 6 as provided in the document. Tony Blake seconded.
VOTE: UNANIMOUS

MOTION made by Peter Hallenbeck to make a recommendation that the additional property is not used for storage beyond the five buildings until the well is on site. Tony Blake seconded.
VOTE: UNANIMOUS

Tony Blake: Is there a different process for exterior or is that permitted by use or right?

Michael Harvey: The applicant has proposed and submitted the application with external storage.

Michael Harvey

From: darrellwchandler@aol.com
Sent: Thursday, November 08, 2012 10:56 AM
To: Michael Harvey
Cc: Michael Harvey
Subject: Acceptance Letter for Affortable Rougemont Self Storage Center

The conditions that has been talked about and set forth by the Planning Department are agreeable. I have forwarded the Storage Centers Customer Contract to the Planning Dept. (Mike Harvey) that the customer must sign and obey and I believe it covers any concerns the County may have. If I can be of more assistants, please contact me!

Sincerely,
Darrell Chandler
919-698-9748

AFFORDABLE ROUGEMONT SELF STORAGE CENTER
RENTAL & STORAGE AGREEMENT
8927 MILE BRANCH ROAD
ROUGEMONT, NC 27572

CUSTOMER CONTRACT

CONTRACT#_____DATE OF EXECUTION____/____/_____
BUILDING & UNIT NUMBER(S)_____
(_____) is hereinafter referred to as TENANT(S) and AFFORDABLE ROUGEMONT SELF STORAGE CENTER is hereinafter referred to as MANANGEMENT OR OWNER!

TENANT NAME AND ADDRESS:
NAME_____
STREET_____
CITY_____
STATE_____ZIP CODE_____
HOME PHONE_____
CELL PHONE_____
WORK PHONE_____

ALTERNATE PERSON INFORMATION:
NAME_____
RELATIONSHIP_____
STREET_____
CITY_____
STATE_____ZIP CODE_____
HOME PHONE_____
CELL PHONE_____

DRIVERS LICENSE# _____
VEHICLE MAKE_____MODEL_____TAG_____

IT IS TENANT(S) RESPONSIBILITY TO IMMEDIATELY NOTIFY MANAGEMENT OF ANY CHANGE OF ADDRESS!

SPECIAL OFFER= 6 MONTH CONTRACTS = 50% OFF ON THEIR LAST (6TH) MONTH.
SPECIAL OFFER= 12 MONTH CONTRACTS RECEIVES THE LAST MONTH FREE.
THIS IS A MONTHLY LEASE_____ SIX MONTH _____ TWELVE MONTH _____
LEASE FOR THE STORAGE BEGINNING___/___/_____. ENDS-____/_____/_____
OTHER THAN SIGNED LEASES, LEASE PRICES CAN CHANGE ANYTIME AT MANAGEMENT DESCRETION!

MONTHLY RENT PAYMENTS IS HEREBY DUE ENTIRELY ON THE FIRST DAY OF EACH MONTH! LATE PAYMENT CHARGE APPLIES FIVE DAYS AFTER DUE DATE = $ 15%
AFTER DELENQUENT 15 DAYS OF DUE DATE AN ADDITIONAL $ 5.00
RETURN CHECK CHARGE = $ 25.00
(CERITIFIED MAIL & BANK CHARGES EXTRA) = $ _____
CHARGE FOR REMOVING LOCK (PER NC STATUE 44A) TO OPEN UNIT = $ 20.00
MANAGER FEE FOR SENDING STATUTORY NOTICE = $ 10.00

PERFORMANCE DEPOSIT, REFUNDABLE IF LESSOR COMPLIES TOO ALL RULES AND PAYS RENT ON TIME AND LEAVES UNIT CLEAN AND UNDAMAGED $ 25.00
ADMINISTRATIVE CHARGE = ONE TIME CHARGE NON- REFUNDABLE $ 5.00
FIRST MONTH PRO-RATED CHARGE = $ _____
SPACE/UNIT NO(S)_____BLDG._____RENTAL RATE = PER MONTH $_____
TOTAL DUE= $_____

NO REFUND ON PREPAID RENT.
TENANT(S) agrees to give MANAGEMENT a minimum 15 days written notice with the intent to vacate the leased unit or space. This will avoid TENANT(S) responsibility for the following month's rent. The TENANT(S) must have all personal possessions out of the unit and the unit clean and broom swept!

***MANGEMENT DOES NOT SEND OUT BILLING FOR MONTHLY RENTAL CHARGES. IT IS TENANTS SOLE RESPONSIBILITY TO MAKE RENTAL PAYMENTS ON THE 1ST OF EACH MONTH WITHOUT DEMAND*!**

1. MANAGEMENT OPERATES THIS FACILITY IN ACCORDANCE WITH N. C. GENERAL STATUE 44A, ARTICLE 4 ENTITLED SELF-STORAGE FACILLITIES.

2. No special provisions exist unless set forth below or attached as an addendum or rules and signed by both OWNER MANAGEMENT and TENANT(S) which will prevail over this form.

3. INSURANCE= TENANT(S) is strongly encourage to insure all stored property against all possible losses (theft, wind, water, flood, fire, lightning, etc. TENANT(S) acknowledges that MANANGEMENT has no obligation to provide insurance coverage on personal property under any condition. TENANT(S) leases and stores property at on risk and releases MANAGEMENT of any responsibility occurring from such loss or damage.

4. RELEASE OF LIABILITY /INDEMNIFICATION AND HOLD HARMLESS /WAIVER OF SUBROGATION = TENANT(S) expressly releases MANAGEMENT from any damages or losses to said property caused by theft, unlawful entry, criminal trespass, act of others, fire, smoke, fumes, water, rainstorms, leaks, steam, explosions of any kind, chemicals, petroleum products, rodents, insects, tornado, earthquakes, wind, electricity, power failure, land vehicles, airplane crashes, ATV's, riot, civil disturbances, sonic boom, explosions, bombs, negligence of another tenant, act of god, etc. whatsoever! TENANT(S) agrees that property stored is at sole risk of the TENANT(S)! TENANT(S) agrees to waive its rights and the rights of its insurance company for any damages or loss against MANANGEMENT. TENANT(S) shall indemnify and hold MANAGEMENT harmless from all claims, suits, attorney fees for losses, fines, injuries, or damages to person or property directly or indirectly arising from this agreement and or the use of facility from TENANT(S) or TENANT(S) associates, whoever they might be! TENANT(S) agrees *NOT TO BRING FORTH OR PARTICIPATE* in any class-action lawsuit brought against MANANGEMENT.

5. ATTORNEY 'S FEE= TENANT(S) agrees if any action is instituted, or any proceedings taken to enforce any covenant herein to recover any rent due or to recover possession of the premises for any breach or default of this agreement, any damage to the facility by the TENANT(S), OR ASSOCIATES OF THE TENANT(S) shall pay Management attorney fees, expense, and cost!

6. AFFORDABLE ROUGEMONT STORAGE CENTER RULES ARE AS FOLLOWS: TENANT(S) 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. TENANT(S) shall not conduct any business, commercial sales, purchase transactions, or perform work of any kind in any unit whatsoever. TENANT(S) shall not reside, sleep, cook, or consume alcohol beverage on said leased unit or units. TENANT(S) 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(S) 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!

7. PRIMESES RULES= Must not litter. Dumpster shall not be used for off-site refuse of any kind whatsoever. Dumpster shall not be used for unwanted stored goods. TENANT(S) shall remove from the facility all items that are not stored in the TENANT'S unit. No vehicles, boats, trucks, cars, trailers, campers, etc. shall be stored overnight, without a fee and MANANGEMENT'S consent and discretion. Items mentioned in the previous sentence can be towed at TENANT(S) expense. No working on vehicles, changing oil or fluids, etc.

8. ALTERATIONS AND DAMAGES= TENANT(S) shall not install shelves, install hangers from walls, put holes in walls, ceilings, floors, alter, paint, deface units or doors. No alarm systems can be installed. Any damage to this facility, doors, springs, walls, fence, gate, or any damage to the facility from contents stored or any damage whatsoever to Affordable Rougemont Self Storage Center shall be reported to the MANAGEMENT *IMMEDIATELY*. TENANT(S) is liable for any damage to any and all parts of this facility whether, negligence, accidental, reckless, or intentional from the TENANT(S) and or the TENANT'S Associates. Failure to report any damages by the TENANT(S) could resort in CRIMINAL CHARGES, and loss of storage privileges!

9. POLICES= TENANT(S) acknowledges that MANANGEMENT has the right to force entry any unit if there is a reasonable belief that there is a health hazard or imminent danger to the facility or other units because of forbidden storage or activities. If forbidden storage or activities are discovered, MANANGEMENT has the discretion to terminate the lease and any cost that may occur from the forbidden activities will be the responsibility of the TENANT(S). Forced entry will also apply when Law Enforcement or Government Officials have search warrant to enter the leased space. TENANT(S) acknowledge that MANANGEMENT will not be held liable for any of the above.

10. UNIT SIZE= TENANT understands that unit sizes are approximate, and may me smaller or larger than listed. The space is not rented by square foot, but by unit!

11. OUTSIDE STORAGE= Outside storage TENANT(S) shall not be permitted to store more than one RV, Camper, Trailer, Vehicle of any type, Boat, etc. per assigned space! Temporary awnings/covers or prohibited in the open position! The storage premises shall not be used as a site for mechanical repair, ongoing labor, etc. RV's, Campers, Trailers, shall not be used to stay in, hang out, sleep in, or any other use but storing!

12. ENFORCEMENT OF LIEN UNDER NC GENERAL STATUE 44A-43 states= If the rent and other charges for which the lien is claimed under this Article remain unpaid or unsatisfied for 15 days following the maturity of the obligation to pay rent, MANANGEMENT may enforce the lien by a public sale or other disposition of the property as provided in this section. The MANAGEMENT may bring an action to collect rent and other charges in any court of competent jurisdiction at any time following the maturity of the obligation to pay the rent!

13. LOCKS= TENANT(S) is to provide their own lock for each unit leased. TENANT(S) should use heavy- duty locks. MANANGEMENT has heavy duty locks that can be bought at the office but does guarantee it against theft. There are two holes in each unit for a pad locks. TENANT(S) is only allowed to use one hole and one pad lock to secure the unit. The other hole will be used for MANAGEMENT to lock out Tenant(S) for nonpayment. If TENANT(S) decides to put pad lock on second hole, TENANT(S) will be in violation of Storage Center rules and one lock will be cut off immediately, and TENANT(S) could have their lease terminated at the discretion of MANANGEMENT!

14. SEVERABILITY= If any of the provisions or portions of this storage agreement is held to be void, illegal, invalid, non-enforceable by a Court of Law, the legality, validity, and enforcement of the remaining portions of this storage agreement shall not be affected or impaired whatsoever!

15. TENANT acknowledges that TENANT has read and agrees with all 4 pages of this agreement and TENANT agrees to be bound by the Terms of this agreement!

_____ _____

TENANT SIGNITURE **DATE**

_____ _____

CO-TENANT SIGNITURE **DATE**

_____ _____

MANAGEMENT OR REPRESENTIVE **DATE**

AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition seeks to rezone 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 for the purpose of developing a self-storage facility.

WHEREAS, This petition has been submitted in concert with a formal site plan in accordance with the provisions of Section 2.9.2 (C) of the UDO, and

WHEREAS, the portions of property to be rezoned are identified further as follows:

PIN 0910-34-5040. Darrell W. Chandler. Deed Book 5329, page 496, Lot A Plat Book 96, page 98, Orange County Registry.

Description by William H. McCarthy, Jr., Professional Land Surveyor, License Number L-3248, Summit Design and Engineering Services , 504 Meadowland Drive, Hillsborough, NC 27278-8551. The following description is based on Plat Book 96, page 98 and does not represent an actual field survey. Summit project 12-0191.

Physical descriptions of corners shown in parenthesis are for information only and are taken from Plat Book 96, page 98 and have not been recovered or verified. Location of right of way and centerline of Mile Branch Road taken from site plan “Affordable Rougemont Self-Storage-Site Plans” Sheet No. C-2, Summit Design and Engineering Services Project 12-0191, and does not represent an actual survey or location of Mile Branch Road.

BEGINNING at a point (“Control Corner”, “Pipe”) at the southwest corner of Lot A Plat Book 96, page 98 referenced above in the southeast right of way of NC Highway 57; thence along and with the southeast right of way of NC Highway 57 N. 41˚ 00’ 38” E. 711.84’ to a mathematical point in the west right of way of Mile Branch Road; thence continuing along the southeast right of way of NC Highway with the north right of way line of Mile Branch Road along two (2) courses as follows: (1) N. 41˚ 00’ 38” E. 69.34’ to a point (“Pipe”) and (2) N. 41˚ 00’ 35” E. 4.72’ to a mathematical point in the east right of way of Mile Branch Road; thence leaving the right of way of Mile Branch Road and continuing along and with the southeast right of way of NC Highway 57 N. 41˚ 00’ 35” E. 526.17’ to a mathematical point; thence leaving the right of way of NC Highway 57 along five (5) new zoning lines with Darrell W. Chandler as follows: (1) S. 14˚ 16’ 38” E. 1025.32’ to a mathematical point, (2) N. 86˚ 24’ 18” W. 165.61’ to a mathematical point, (3) N. 87˚ 21’ 13” W. 252.13’ to a mathematical point in the east right of way of Mile Branch Road, (4) N. 87˚ 21’ 13” W. 35.68’ to a mathematical point in the centerline of Mile Branch Road and (5) with the centerline of Mile Branch

Road along a curve to the left having a radius of 1022.33' an arc length of 60.55' (chord bearing S. 31˚ 17' 04" E., chord distance 60.54') to a mathematical point in the south line of Lot A Plat Book 96, page 98 referenced above; thence with the south line of Lot A Plat Book 96, page 98 along five (5) courses as follows: (1) N. 87˚ 29' 47" W. 3.59' to a point ("PK"), (2) N. 87˚ 11' 02" W. 33.13' to a mathematical point in the west right of way of Mile Branch Road, (3) leaving the right of way of Mile Branch Road N. 87˚ 11' 02" W. 9.13' to a point ("Pipe"), (4) N. 87˚ 23' 21" W. 280.09' to a point ("Pipe") and (5) N. 87˚ 24' 05" W. 367.27 to a point ("Control Corner", "Pipe") at the southwest corner of Lot A Plat Book 96, page 98 referenced above in the southeast right of way of NC Highway 57, the place and POINT OF BEGINNING and being all of an area to be re-zoned from Orange County Zone AR to Orange County Zone REDA-CZ-1 containing 12.80 Acres.

and,

WHEREAS, the requirements of Section 2.8 and 2.9.2 of the 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 12 acre portion of the aforementioned parcel to NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1) Conditional Zoning district.

BE IT FURTHER ORDAINED THAT in accordance with Section 2.9.2 (F) of the UDO the approval of this Conditional Zoning applicant is subject to the following mutually agreed to conditions:

1. The property shall be utilized only as a self-storage facility developed consistent with the submitted site plan.
2. Staff shall prepare a 'Declaration of Development Restrictions and Requirements' outlining all conditions and development limitations associated with this project that the applicant shall record within the Orange County Registrar of Deeds office within 12 months of approval.

   This document shall include an explanation of the allotment of impervious surface limits supporting the development of the proposed self-storage facility as well as the applicant's remaining property.
3. The proposal calls for the development of the project is 2 phases. Prior to the commencement of earth disturbing activity for Phase 2 of the project, the applicant shall apply for and install a well in accordance with applicable Orange County Health Department requirements.
4. Retail sales from the proposed rental office shall be limited to packing supplies (i.e. boxes, table, packing materials, etc.) and shall not involve the sale of general retail items such as food, drinks, or other similar items not consistent with the use of the property as a self-storage facility.

5. The applicant shall be required to obtain final approval for the proposed dumpster pad location from Orange County Solid Waste prior to the commencement of earth disturbing activity.
6. The applicant shall be required to obtain stormwater and erosion control permits from Orange County Erosion Control prior to the commencement of earth disturbing activity.
7. The applicant shall be required to obtain a driveway permit from the North Carolina Department of Transportation prior to the commencement of earth disturbing activity.

   The applicant shall provide the Orange County Planning Department with a copy of this permit.
8. The applicant shall be required to obtain building permits from the Orange County Inspections Department prior to the commencement of construction activity.
9. The applicant shall be required to obtain sign permits from the Planning Department in accordance with the provisions of the Orange County Unified Development Ordinance.
10. The applicant shall be required to maintain all required land use buffers in perpetuity in accordance with the requirements of Section 6.8 of the Orange County Unified Development Ordinance.
11. No ancillary commercial or residential use of individual storage facilities shall be permitted. This includes the use of storage facilities for automotive repair or retail sales.

    The applicant shall include this prohibition within storage unit lease documents informing clients of the prohibition.
12. No hazardous materials shall be stored on the property.

    The applicant shall include this prohibition within storage unit lease documents informing clients of the prohibition.
13. All required landscaping, as denoted on the site plan, shall be installed prior to the issuance of a Certificate of Occupancy allowing for the units to be rented/occupied.
14. The applicant shall contract with a private solid waste contractor to remove trash from the site consistent with the submitted site plan and in accordance with the Orange County Solid Waste Management Ordinance.

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-2012-056

AN ORDINANCE DENYING AMENDMENT TO THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition seeks to rezone 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 for the purpose of developing a self-storage facility.

WHEREAS, This petition has been submitted in concert with a formal site plan in accordance with the provisions of Section 2.9.2 (C) of the UDO, and

WHEREAS, the portions of property to be rezoned are identified further as follows:

PIN 0910-34-5040. Darrell W. Chandler. Deed Book 5329, page 496, Lot A Plat Book 96, page 98, Orange County Registry.

Description by William H. McCarthy, Jr., Professional Land Surveyor, License Number L-3248, Summit Design and Engineering Services , 504 Meadowland Drive, Hillsborough, NC 27278-8551. The following description is based on Plat Book 96, page 98 and does not represent an actual field survey. Summit project 12-0191.

Physical descriptions of corners shown in parenthesis are for information only and are taken from Plat Book 96, page 98 and have not been recovered or verified. Location of right of way and centerline of Mile Branch Road taken from site plan “Affordable Rougemont Self-Storage-Site Plans” Sheet No. C-2, Summit Design and Engineering Services Project 12-0191, and does not represent an actual survey or location of Mile Branch Road.

BEGINNING at a point (“Control Corner”, “Pipe”) at the southwest corner of Lot A Plat Book 96, page 98 referenced above in the southeast right of way of NC Highway 57; thence along and with the southeast right of way of NC Highway 57 N. 41˚ 00’ 38” E. 711.84’ to a mathematical point in the west right of way of Mile Branch Road; thence continuing along the southeast right of way of NC Highway with the north right of way line of Mile Branch Road along two (2) courses as follows: (1) N. 41˚ 00’ 38” E. 69.34’ to a point (“Pipe”) and (2) N. 41˚ 00’ 35” E. 4.72’ to a mathematical point in the east right of way of Mile Branch Road; thence leaving the right of way of Mile Branch Road and continuing along and with the southeast right of way of NC Highway 57 N. 41˚ 00’ 35” E. 526.17’ to a mathematical point; thence leaving the right of way of NC Highway 57 along five (5) new zoning lines with Darrell W. Chandler as follows: (1) S. 14˚ 16’ 38” E. 1025.32’ to a mathematical point, (2) N. 86˚ 24’ 18” W. 165.61’ to a mathematical point, (3) N. 87˚ 21’ 13” W. 252.13’ to a mathematical point in the east right of way of Mile Branch Road, (4) N. 87˚ 21’ 13” W. 35.68’ to a mathematical point in the centerline of Mile Branch Road and (5) with the centerline of Mile Branch

Road along a curve to the left having a radius of 1022.33' an arc length of 60.55' (chord bearing S. 31˚ 17' 04" E., chord distance 60.54') to a mathematical point in the south line of Lot A Plat Book 96, page 98 referenced above; thence with the south line of Lot A Plat Book 96, page 98 along five (5) courses as follows: (1) N. 87˚ 29' 47" W. 3.59' to a point ("PK"), (2) N. 87˚ 11' 02" W. 33.13' to a mathematical point in the west right of way of Mile Branch Road, (3) leaving the right of way of Mile Branch Road N. 87˚ 11' 02" W. 9.13' to a point ("Pipe"), (4) N. 87˚ 23' 21" W. 280.09' to a point ("Pipe") and (5) N. 87˚ 24' 05" W. 367.27 to a point ("Control Corner", "Pipe") at the southwest corner of Lot A Plat Book 96, page 98 referenced above in the southeast right of way of NC Highway 57, the place and POINT OF BEGINNING and being all of an area to be re-zoned from Orange County Zone AR to Orange County Zone REDA-CZ-1 containing 12.80 Acres.

and,

WHEREAS, the requirements of Section 2.8 and 2.9.2 of the UDO have been deemed to have not been complied with, and

WHEREAS, pursuant to Sections 1.1.5, 1.1.7, and 2.8 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds there is insufficient documentation within the record supporting the proposed atlas amendment or that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof. and

BE IT ORDAINED by the Board of Commissioners of Orange County that the proposed Orange County Zoning Atlas, as detailed herein, is denied.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

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

SEAL

_____
Clerk to the Board of Commissioners

Attachment 10

RESOLUTION CONCERNING
STATEMENT OF CONSISTENCY
OF A PROPOSED ZONING ATLAS AMENDMENT
WITH THE ADOPTED
ORANGE COUNTY 2030 COMPREHENSIVE PLAN

WHEREAS*,* Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, this petition seeks to rezone 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 for the purpose of developing a self-storage facility, and

WHEREAS, this petition has been submitted in concert with a formal site plan in accordance with the provisions of Section 2.9.2 (C) of the UDO, and

WHEREAS, the portions of property to be rezoned are identified further as follows:

PIN 0910-34-5040. Darrell W. Chandler. Deed Book 5329, page 496, Lot A Plat Book 96, page 98, Orange County Registry.

Description by William H. McCarthy, Jr., Professional Land Surveyor, License Number L-3248, Summit Design and Engineering Services , 504 Meadowland Drive, Hillsborough, NC 27278-8551. The following description is based on Plat Book 96, page 98 and does not represent an actual field survey. Summit project 12-0191.

Physical descriptions of corners shown in parenthesis are for information only and are taken from Plat Book 96, page 98 and have not been recovered or verified. Location of right of way and centerline of Mile Branch Road taken from site plan “Affordable Rougemont Self-Storage-Site Plans” Sheet No. C-2, Summit Design and Engineering Services Project 12-0191, and does not represent an actual survey or location of Mile Branch Road.

BEGINNING at a point (“Control Corner”, “Pipe”) at the southwest corner of Lot A Plat Book 96, page 98 referenced above in the southeast right of way of NC Highway 57; thence along and with the southeast right of way of NC Highway 57 N. 41˚ 00’ 38” E. 711.84’ to a mathematical point in the west right of way of Mile Branch Road; thence continuing along the southeast right of way of NC Highway with the north right of way line of Mile Branch Road along two (2) courses as follows: (1) N. 41˚ 00’ 38” E. 69.34’ to a point (“Pipe”) and (2) N. 41˚ 00’ 35” E. 4.72’ to a mathematical point in the east right of way of Mile Branch Road; thence leaving the right of way of Mile Branch Road and continuing along and with the southeast right of way of NC Highway 57 N. 41˚ 00’ 35” E. 526.17’ to a mathematical point; thence leaving the right of way of NC Highway 57 along five (5) new zoning lines with Darrell W. Chandler as follows: (1) S. 14˚ 16’ 38” E.

1025.32' to a mathematical point, (2) N. 86˚ 24' 18" W. 165.61' to a mathematical point, (3) N. 87˚ 21' 13" W. 252.13' to a mathematical point in the east right of way of Mile Branch Road, (4) N. 87˚ 21' 13" W. 35.68' to a mathematical point in the centerline of Mile Branch Road and (5) with the centerline of Mile Branch Road along a curve to the left having a radius of 1022.33' an arc length of 60.55' (chord bearing S. 31˚ 17' 04" E., chord distance 60.54') to a mathematical point in the south line of Lot A Plat Book 96, page 98 referenced above; thence with the south line of Lot A Plat Book 96, page 98 along five (5) courses as follows: (1) N. 87˚ 29' 47" W. 3.59' to a point ("PK"), (2) N. 87˚ 11' 02" W. 33.13' to a mathematical point in the west right of way of Mile Branch Road, (3) leaving the right of way of Mile Branch Road N. 87˚ 11' 02" W. 9.13' to a point ("Pipe"), (4) N. 87˚ 23' 21" W. 280.09' to a point ("Pipe") and (5) N. 87˚ 24' 05" W. 367.27 to a point ("Control Corner", "Pipe") at the southwest corner of Lot A Plat Book 96, page 98 referenced above in the southeast right of way of NC Highway 57, the place and POINT OF BEGINNING and being all of an area to be re-zoned from Orange County Zone AR to Orange County Zone REDA-CZ-1 containing 12.80 Acres.

and,

WHEREAS, the requirements of Section 2.8 and 2.9.2 of the UDO have been deemed complete, and

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

a. The Land Use Element Map.
b. Chapter 3 – Economic Development
c. 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
d. The NC Highway 57 Speedway Area Small Area Plan adopted by the Board of County Commissioners on August 27, 2007.

and,

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonable and in the public interest as it promotes public health, safety, and general welfare by adopting the goals and purposes of the 2030 Comprehensive Plan or part thereof,

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be consistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2012 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

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

SEAL

_____
Clerk to the Board of Commissioners

Attachment 11

RESOLUTION CONCERNING STATEMENT OF INCONSISTENCY OF A PROPOSED ZONING ATLAS AMENDMENT WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, this petition seeks to rezone 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 for the purpose of developing a self-storage facility, and

WHEREAS, the portions of property to be rezoned are identified further as follows:

PIN 0910-34-5040. Darrell W. Chandler. Deed Book 5329, page 496, Lot A Plat Book 96, page 98, Orange County Registry.

Description by William H. McCarthy, Jr., Professional Land Surveyor, License Number L-3248, Summit Design and Engineering Services , 504 Meadowland Drive, Hillsborough, NC 27278-8551. The following description is based on Plat Book 96, page 98 and does not represent an actual field survey. Summit project 12-0191.

Physical descriptions of corners shown in parenthesis are for information only and are taken from Plat Book 96, page 98 and have not been recovered or verified. Location of right of way and centerline of Mile Branch Road taken from site plan “Affordable Rougemont Self-Storage-Site Plans” Sheet No. C-2, Summit Design and Engineering Services Project 12-0191, and does not represent an actual survey or location of Mile Branch Road.

BEGINNING at a point (“Control Corner”, “Pipe”) at the southwest corner of Lot A Plat Book 96, page 98 referenced above in the southeast right of way of NC Highway 57; thence along and with the southeast right of way of NC Highway 57 N. 41˚ 00’ 38” E. 711.84’ to a mathematical point in the west right of way of Mile Branch Road; thence continuing along the southeast right of way of NC Highway with the north right of way line of Mile Branch Road along two (2) courses as follows: (1) N. 41˚ 00’ 38” E. 69.34’ to a point (“Pipe”) and (2) N. 41˚ 00’ 35” E. 4.72’ to a mathematical point in the east right of way of Mile Branch Road; thence leaving the right of way of Mile Branch Road and continuing along and with the southeast right of way of NC Highway 57 N. 41˚ 00’ 35” E. 526.17’ to a mathematical point; thence leaving the right of way of NC Highway 57 along five (5) new zoning lines with Darrell W. Chandler as follows: (1) S. 14˚ 16’ 38” E. 1025.32’ to a mathematical point, (2) N. 86˚ 24’ 18” W. 165.61’ to a mathematical point, (3) N. 87˚ 21’ 13” W. 252.13’ to a mathematical point in the east right of

way of Mile Branch Road, (4) N. 87˚ 21' 13" W. 35.68' to a mathematical point in the centerline of Mile Branch Road and (5) with the centerline of Mile Branch Road along a curve to the left having a radius of 1022.33' an arc length of 60.55' (chord bearing S. 31˚ 17' 04" E., chord distance 60.54') to a mathematical point in the south line of Lot A Plat Book 96, page 98 referenced above; thence with the south line of Lot A Plat Book 96, page 98 along five (5) courses as follows: (1) N. 87˚ 29' 47" W. 3.59' to a point ("PK"), (2) N. 87˚ 11' 02" W. 33.13' to a mathematical point in the west right of way of Mile Branch Road, (3) leaving the right of way of Mile Branch Road N. 87˚ 11' 02" W. 9.13' to a point ("Pipe"), (4) N. 87˚ 23' 21" W. 280.09' to a point ("Pipe") and (5) N. 87˚ 24' 05" W. 367.27 to a point ("Control Corner", "Pipe") at the southwest corner of Lot A Plat Book 96, page 98 referenced above in the southeast right of way of NC Highway 57, the place and POINT OF BEGINNING and being all of an area to be re-zoned from Orange County Zone AR to Orange County Zone REDA-CZ-1 containing 12.80 Acres.

and,

WHEREAS, the requirements of Section 2.8 AND 2.9.2 of the UDO have not been complied with, and

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

WHEREAS, the Board has found the proposed zoning atlas amendment is not reasonable and is not in the public interest as it will not promote public health, safety, and general welfare,

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be inconsistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan, is not reasonable, and is not in the public interest as it will not promote the public health, safety, and general welfare, and the BOCC hereby adopts this statement of inconsistency signifying same.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2012.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO

HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said

Board at a meeting held on _____, 2012 as relates in any way to the

adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

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

SEAL

_____
Clerk to the Board of Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 7-a

SUBJECT: Comprehensive Assessment of Emergency Medical Services and 911/ Communications Center Operations Study

DEPARTMENT: Emergency Services

PUBLIC HEARING: (Y/N) No

ATTACHMENTS: (UNDER SEPARATE COVER)
Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study

INFORMATION CONTACT:
F. R. Montes de Oca, 919-245-6100
Michael Talbert, 919-245-2153

PURPOSE: To accept the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study dated October 2012, which has been reviewed and evaluated by the Emergency Services Workgroup (ESW) along with input from stakeholders.

BACKGROUND: The Orange County Emergency Medical Services (EMS) provides pre-hospital care and transport to residents and visitors throughout the County. Originated from volunteer services, Orange County EMS began providing advanced life support ambulances in the 1980's. EMS is a branch of the Orange County Emergency Services Department and is staffed by dedicated paramedics and Emergency Medical Technicians around the clock. The EMS branch is the largest and highest-profile group within the department providing emergency response, patient care and patient transport from 400 square miles covering densely-populated urban settings to rural areas throughout the County. In addition to responding to 10,700 calls annually, EMS must be able to address extraordinary events such as multi-casualty incidents, large sporting events, stock car races and mass gatherings, assist at fires, evacuations and other disaster situations affecting public safety.

The Orange County 911 Center is the public safety answering point for residents to access emergency services agencies. It originated in the former Orange County Sheriff's Office at Columbia and Rosemary Streets in Chapel Hill. It is a branch of Orange County Emergency Services and is staffed by dedicated professionals around the clock.

On December 13, 2011 the Board discussed the Emergency Medical System Delivery and E911 Communications Center improvements. There was consensus that the County needed to develop a strategic plan to improve the County's Emergency Management Services Delivery

System and E911 Communications Center. The Charge for the ESW included reviewing alternatives and making recommendations for the following:

> System improvements for EMS Ambulance response times including but not limited to equipment, staffing, facilities and/or a strategic plan, to define data elements for meaningful analytical data as related to ambulance response time and to discuss and review that data.
>
> Improvements for the E911 Communications Center including but not limited to technology, equipment, staffing, training and/or a strategic plan.

On March 22, 2012 the Board approved a contract with Solutions for Local Government, Inc. to develop a multi-year strategic plan addressing Emergency Medical Services System and E911 Communications Center needs.

At the August 30, 2012 Board Work Session, Mr. Steve Allan presented the final draft of the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study. Mr. Allan held meetings with stakeholders, presented and discussed the Report, answered questions and solicited input. There was also one meeting for the general public on September 27, 2012. The Final Report is presented for the Board to accept.

FINANCIAL IMPACT: There is no financial impact to accepting the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study. Recommendations from the Emergency Services Workgroup were incorporated in the Fiscal 2012-13 Annual Budget and Capital Investment Plan. Additional recommendations, from the Emergency Service Workgroup, will be presented to the Board regarding the implementation of recommendations included in the Study.

RECOMMENDATION(S): The Manager recommends that the Board accept the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study dated October 2012.

Orange County, North Carolina

FINAL REPORT

Comprehensive Assessment of Emergency Medical Services
&
911/Communications Center Operations Assessment

October 2012

Prepared by:
Solutions for Local Government, Inc.

TABLE OF CONTENTS

Section/Subsection	Page
SECTION 1-INTRODUCTION	3
SECTION 2-EMERGENCY MEDICAL SERVICES	5
2.1 Historical & Statutory References	5
2.2 Existing Conditions	7
2.3 Performance & Costs	20
2.4 Issues of Concern	25
2.5 Recommendations	50
SECTION 3-COUNTY POPULATION	55
SECTION 4-911/COMMUNICATIONS CENTER	59
4.1 Historical & Statutory References	59
4.2 Existing Conditions	61
4.3 Performance & Costs	70
4.4 Issues of Concern	76
4.5 Recommendations	81
SECTION 5-PROBABLE COSTS	83
SECTION 6-IMPLEMENTATION SCHEDULE	88
SECTION 7-APPENDIX	90

A. 10A NCAC 13P .0201
B. County Grid Map
C. County EMS Agency Survey
D. PSAP Operating Standards
E. 911 Process Maps
F. NFPA 450-6; Essential (Communications System Analysis Components

SECTION 1-INTRODUCTION

STUDY SCOPE

During November 2011, Orange County representatives met with and subsequently requested a proposal from Solutions for Local Government, Inc. to study and produce, as a single report:

- A Comprehensive Assessment of Emergency Medical Services; and
- A 911 Communications Center Operations Study

The proposal was presented to the Board of County Commissioners in late December 2011 and forwarded to the "Emergency Services Work Group" (an advisory committee) for review and further study. It was forwarded to the Board and approved March 22, 2012; wherein the first project related meeting took place the next day.

With regards to the Emergency Medical Services (EMS) portion of the study, the County requested that it address at least the following topics:

- Call volume(s)
- Call distribution & demographics
- Unit response times & workload
- Base locations & conditions
- Level of service being provided
- Rural vs. urban characteristics impacting service delivery
- First response capabilities
- Staffing
- Performance criteria
- Annual operating costs
- Annual billings & revenue
- Fleet & equipment condition

In turn, the study of the County's 911/Communications Center was to focus on the following topics:

- Center staffing
- Performance & workload
- Data availability
- Dispatch costs
- Existing CAD capabilities and/or shortcomings

THE PROCESS

The County's Emergency Services Department was of course central to the study. EMS and Communications Division chiefs as well as numerous staff and administrative personnel provided volumes in terms of information and reports and many hours of their time attending meetings regarding the many topics that were ultimately addressed. Significant also were the meetings held with and/or presentations provided to various stakeholder groups wherein input and comments were solicited and discussed regarding the County's EMS and 911/Communications Center operations. These groups included representatives from the Carrboro, Chapel Hill and Hillsborough municipal Police Departments, The Carrboro, Chapel Hill and Hillsborough/Orange Rural Fire Departments, The Orange County Fire Chiefs Association; which included the volunteer departments discussed in this report, and the general public.

The Emergency Services Work Group and its appointed membership, together with various public visitors who attended the meetings, made significant contributions during six separate meetings in which the study, study progress, and draft report findings were discussed. These contributions, particularly during the June, July and August extended meetings involved some very substantive comments and suggestions regarding requests for additional information, formatting of presentation

materials, and data clarification. Many, if not all of these suggestions were ultimately addressed in the report that follows and, frankly, made the report better for it.

Following the initial draft reviews by the Work Group, the changes called for were addressed and represented by the consultant. A final draft was prepared by the consultant and copies provided to the members of the Board of County Commissioners. Following which, at their August 30th meeting, they were presented with a formal presentation of the study's findings, recommendations, and probable costs.

Finally, through announcements via local media outlets, the general public was invited to an open meeting where they could receive and comment on the same findings, recommendations, and costs presented previously to the Board. This meeting was held the evening of September 27th

REPORT ORGANIZATION

The narrative and accompanying graphics and illustrations that make up this document are organized into seven (7) major report sections as follows:

Section 1-Introduction
Section2-Emergency Medical Services (EMS)
Section 3-County Population
Section 4-911/Communications Center
Section 5-Probable Costs
Section 6-Implementation Schedule
Section 7-Appendix

Of course the majority of the almost 100 pages that follow are comprised of discussions regarding Emergency Medical Services (Section 2) and the 911/ Communications Center (Section 3}. Subsequently, these two Sections are organized similarly and include the following sub-section headings:

- Historical & Statutory References
- Existing Conditions
- Performance & Costs
- Issues of Concern
- Recommendations

SUMMARY OBSERVATIONS

The *Issues of Concern* identified and addressed for both EMS and the Communications Center are in fact "existing problems" that are impacting the level of service offered the Public Safety community and ultimately the citizens of the County, every day. They did not develop overnight.

Hopefully, however, the work begun by the Emergency Services Work Group has perpetuated a more serious look at these issues. Hopefully as well, this report has begun to identify specific priorities that the County will now begin to address; "begin" is the key. While numerous recommendations are offered, together with a plan for implementation, neither can be said to be "etched in stone", nor should they be. These recommendations will inevitably (as they should) be massaged, word-smithed, and perhaps re-prioritized. The challenge the County faces now-*is to act,* and do so as expeditiously as possible.

SECTION 2-EMERGENCY MEDICAL SERVICES (EMS)

2.1 HISTORICAL & STATUTORY REFERENCES

As a means of introduction to the information and issues discussed in this report section, the references that follow are provided for context and background. They are excerpted from several sources; including the North Carolina General Statutes

EMS

In 1971 the General Assembly directed the Legislative Research Commission to study emergency medical care in North Carolina. The Commission's study resulted in the Emergency Medical Services Act of 1973 (G.S. 143, Article 56). The Act established the State's Emergency Medical Services (EMS) Program within the State Department of Human Resources (now the Department of Health and Human Services). The Office of Emergency Medical Services administers the State's EMS program, which is placed in the Division of Facility Services of the Department of Health and Human Services (G.S. 143-508). Two state agencies regulate the program. The North Carolina Medical Care Commission adopts the rules and standards that govern ambulance licensure and basic life support services, and the North Carolina Medical Board adopts rules and standards governing advanced life support services.[1]

The Office of Emergency Medical Services (OEMS) is responsible for ensuring that emergency treatment centers are available throughout the state, inspecting and permitting ambulances, licensing ambulance service providers, certifying ambulance personnel, designating trauma centers and a state poison-control center, and assisting in the development of a statewide EMS communications system. Neither the State nor the regional EMS offices are engaged in the actual delivery of emergency medical services in North Carolina. That responsibility is taken on by agencies and organizations at the local level, the principal being County government.

G.S. 153A-250 identifies County responsibilities and authority in this regard. Counties may franchise ambulance services via adopted ordinance(s), or operate its ambulance services directly.

The following North Carolina Administrative Code subsections provide the most current definition and explanation of EMS *System* Requirements.

.0102(25) EMS System- a coordinated arrangement of local resources under the authority of the county government (including all agencies, personnel, equipment, and facilities) organized to respond to medical emergencies and integrated with other health care providers and networks including public health, community health monitoring activities, and special needs populations.

G.S. 143-517 Each county shall ensure that emergency medical services are provided to its citizens.

10A NCAC 13P .0201 EMS SYSTEM REQUIREMENTS
.0201(a) County governments shall establish EMS Systems. Each EMS System shall have:

- A defined geographical service area for the EMS System.
- The minimum service area for an EMS System shall be one county.
- There may be multiple EMS Provider service areas within the service area of an EMS System.
- The highest level of care offered within any EMS Provider service area must be available to the citizens within that service area 24 hours per day.

[1] A. Fleming Bell and Warren Jake Wicker; County Government in North Carolina; Inst. of Government, UNC at Chapel Hill; 1998.

The actual operation of local services is financed entirely at the local level. If the County operates an ambulance service as a line department, it may establish rates, fees, and charges to be collected by the service and it may appropriate County funds to the service (G.S. 153A-250).

By statute, all ambulance service providers in North Carolina must be licensed by the State (G.S. 131E-151.1), each vehicle that is operated as an ambulance must be permitted by the State (G.S. 131E-156), and all assigned ambulance personnel must be certified by the State (G.S. 151E-158).

Medical Direction

"Medical Oversight" refers to the responsibility for the management and accountability of the medical care aspects of an EMS System. Medical Oversight includes physician direction of the initial education and continuing education of EMS personnel or medical (responder) crew members; development and monitoring of both operational and treatment protocols; evaluation of the medical care rendered by EMS personnel or medical (responder) crew members; participation in system or program evaluation; and directing, by two-way voice communications, the medical care rendered by the EMS personnel or medical (responder) crew members. Subsequently, the County's "Medical Director" is the physician responsible for the medical aspects of the management of an EMS System, or Trauma Center.

Subsequently, the Medical Director in Orange County is a licensed, practicing physician whose responsibilities with regards to the County's EMS operation ultimately include certification, medical control, and the continuing education of its employees.

Level of Care

"Level of Care" refers to the level of training and legal certification held by the caregiver or responder. Individuals are certified based on their highest completed level of training. 10 NCAC 3D and 21 NCAC 32H are quite specific with regards to the type of care, procedures, and medications that can be administered by individuals at each level of certification. In North Carolina there are four (4) levels of certification assigned to EMS providers. The brief descriptions provided below are those defined by the North Carolina Office of Emergency Medical Services (NCOEMS). *The Medical Responder (MR) and Emergency Medical Technician-Basic (EMT-B) levels are referred to as "Basic Life Support", or BLS. The remaining levels of care; EMT-I, and EMT-P, are referred to as "Advanced Life Support", or ALS.*

Medical Responder (MR): Assists pre-hospital technicians in providing basic life support (BLS) care; follows training guidelines of first responders per USDOT.

Emergency Medical Technician-Basic (EMT-B): Second level of BLS; individuals trained in advanced first aid, measuring vital signs, CPR, oxygen therapy, etc. intended to take advantage of automatic and semi-automatic external cardiac defibrillators for on-scene defibrillation of patients risking sudden death from ventricular defibrillation; additional training includes advanced airway and administration of epinephrine.

Emergency Medical Technician-Intermediate (EMT-I): Allowed to use advanced airway devices, provide intravenous fluid replacement, administer various medications used to correct diabetic, narcotic overdose, respiratory emergency, allergic reactions, and use of automatic and semi-automatic defibrillators.

Emergency Medical Technician-Paramedic (EMT-P): In addition to all previous skills, trained in techniques of cricothyrotomy, needle chest decompression, urinary catheter insertion and nasal intubations; in addition to administration of a broad range of medications.

2.2 EXISTING CONDITIONS

Organizationally, Emergency Medical Services (EMS) in Orange County is provided as a major division within the Orange County Emergency Services Department. Subsequently, the EMS "system" designation as registered with the North Carolina Office of Emergency Medical Services (OEMS) is "Orange County".

The requirements that must be met to become certified as an "EMS System" in North Carolina are identified in Administrative Code Section 10 NCAC 13P .0201; which is included in the Appendix section of this report.

The system response area consists of the 398 square miles (US Census Bureau) that lie within and comprise the boundaries of Orange County. According to the North Carolina Office of Management and Budget, the estimated July 2012 County population was 137,760 residents.

EMS services, per statute, are available 24 hours per day, 365 days per year. The EMS Division is managed on a day-to-day basis by an Operations Manager, with the rank of Captain, who currently reports directly to the Emergency Services Department Director. Additional full-time administrative personnel include a Training Officer, and a Staff Operations Officer. Technical support within the department is provided as needed by personnel currently assigned to the Planning & Logistics Unit.

Operations personnel include four (4) Shift Supervisors, 36 certified Paramedics and 23 certified Emergency Medical Technicians (EMT's); including the Division Manager, the Operations Officer, and the Training Officer, a total of 66 full-time employees at the present time. In addition, EMS also has access to a small contingent of certified part-time employees that are able to fill in during staff vacations, absences, or when position vacancies occur.

Orange County EMS is certified as a "Paramedic" level agency by the State, which designates them as an advanced life support (ALS) provider. This system certification level requires that any time an ambulance responds to a medical emergency, it must have at least one (1) certified Paramedic level EMT on board.

The County is a single EMS district which comprises the referenced 398 square miles of the County. The County's current EMS Plan on file with the State OEMS, states that a minimum of five (5) EMT-Paramedic ambulances, will be staffed and available within the County 24 hours per day.

Currently, the highest concentration of population within the County, and subsequently the highest percentage of EMS calls occur within and proximate to the adjacent, south county municipalities of Carrboro and Chapel Hill.

Personnel & Vehicle Deployment

During the period of this study, EMS employees worked either 24-hour or 12-hour shifts. The 24-hour schedule includes one (1) 24-hour shift followed by 72 hours off plus mandatory call-back duty 1-2 times per month. The 12-hour schedule utilizes an alternating two and three day sequence of days worked and days off; i.e. 2-days work, 2-days off, 3-days work, 3-days off, 2 days work, etc. And, as stated, each on-duty ambulance must be staffed with no less than two (2) certified EMT's-at least one of which must be certified at the Paramedic level. **NOTE: The EMS Division, effective July 27th, is transitioning to all 12-hour shifts.**

Shift Supervisors, are certified EMT-Paramedics, and are on duty during every shift. And, although having numerous administrative, oversight, and quality assurance responsibilities as the senior member of the shift, they are also, by virtue of the vehicle that they are assigned, able to respond to any medical emergency if needed. Their vehicle, while not OEMS certified as a *transport vehicle*, is equipped with the necessary equipment, medications, and supplies to enable the responding Paramedic Supervisor to initiate treatment in any incident to which they may be called

The ambulances assigned to EMS shift personnel are referred to by their "unit" designation; for example, "Medic 1". Medic 1, Medic 2, Medic 3, and Medic 4 are currently designated as 24 hour units, while Medic 5 (6am-6pm) and Medic 8 (6pm-6am) combine to provide the fifth 24-hour ambulance referenced in the EMS System Plan. In addition, two (2) "prime-time" ambulances; Medic 6 (9am-9pm) and Medic 7 (12 noon-midnight) are assigned to the Chapel Hill and Carrboro area seven days per week.

Figure 1
EMS Unit Assignments

Unit	Hours		Location	
Medic 1	24/7		Revere Rd.	Hillsborough
Medic 2	24/7		Roberson St.	Carrboro
Medic 3	24/7		Mason Farm Rd.	Chapel Hill
Medic 4	24/7		Mt. Willing Rd.	Efland
Medic 5	12/7	6am-6pm	**[Phelps Rd. Location Pending]**	N. Orange Co.
Medic 6	12/7	9am-9pm	Eubanks Rd.	Chapel Hill
Medic 7	12/7	12pm-12 am	TBD	Chapel Hill
Medic 8	12/7	6pm-6am	Roberson St.	Carrboro

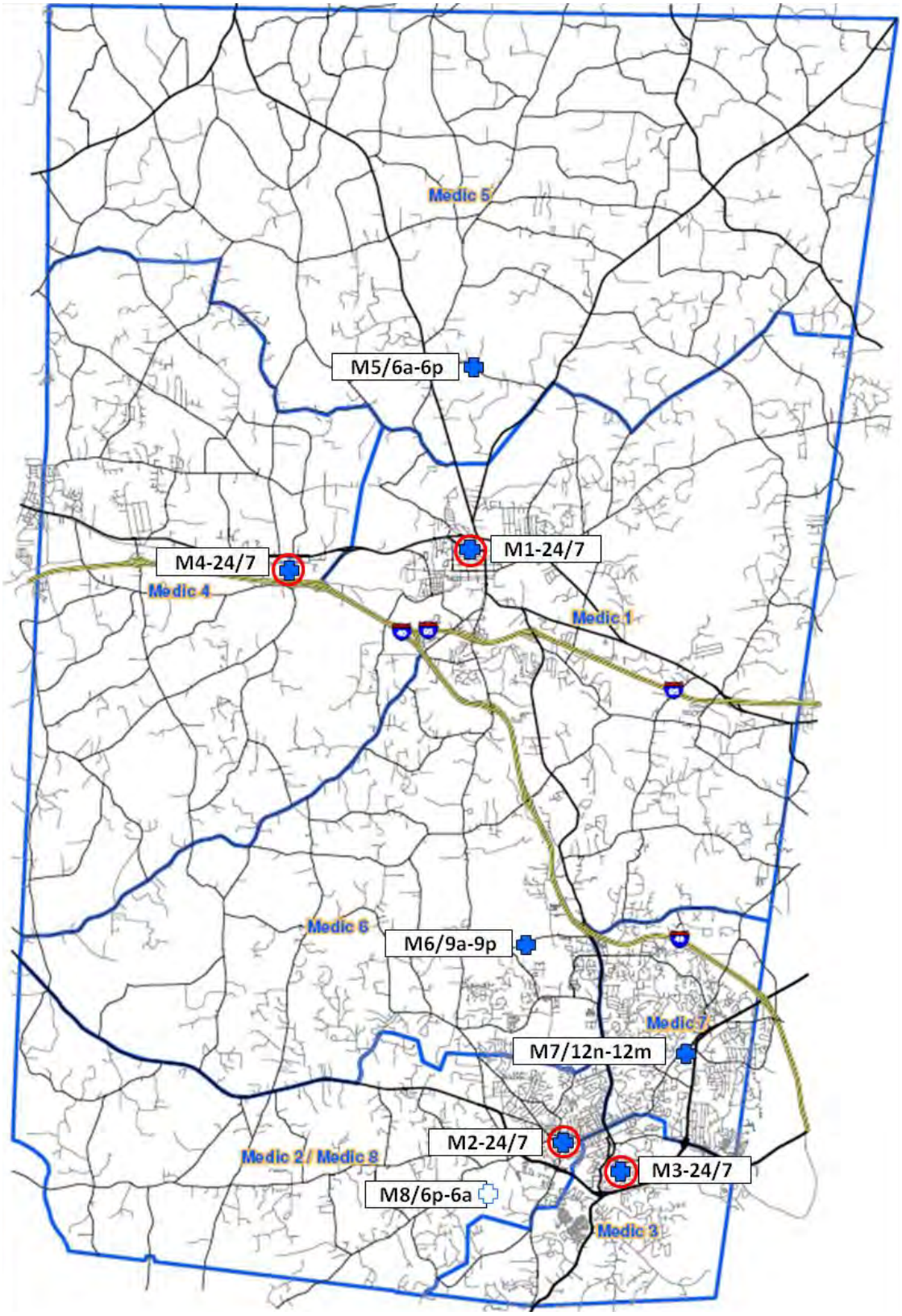
EMS Response Zones
The diagram that follows identifies the currently designated EMS District boundaries within Orange County as well as the vehicle and staff staging locations referenced above.

As the County has grown in population and the corresponding EMS annual call volume has grown with it, EMS has evolved, out of necessity, from a traditional "static" model of ambulance location and deployment to a modified "system status" model of vehicle deployment in an effort to keep pace with call demand as well as citizen expectations of providing timely response.

It is not unusual during the busiest hours of the day, however, for EMS to be down to one (1) or "no" ambulances available to respond to the next incoming 911 call requesting emergency medical assistance somewhere in the County. For example, referring to the County EMS map that follows, say that Medic 1, 6, and 7 are each on scene at three separate emergencies, Medic 4 and 8 are each at different hospitals with recently transported victims, Medic 2 is enroute to a hospital with a victim, and Medic 3 has just been dispatched to a highway accident with injuries. At this point, Medic 5, normally staged in the northern area of the County, would be directed to "move-up" to either the Hillsborough or the Hampton Point area to be closer to the center of the County and in turn more readily available to respond in any direction if called; at least until another ambulance becomes available.

Medic Units were directed to "move-up" to address ambulance shortages 2,360 times in 2011.

Figure 2
Existing EMS Districts & Staging Locations



Training & Certification

In North Carolina, the successful completion of established minimum training requirements must occur before an individual can be certified to work as a Medical Responder (MR), Emergency Medical Technician (EMT), or Paramedic. This applies to both volunteer and paid/career participants.

The current training hours that must be successfully completed to receive certification at either level are as follows:

Figure 3
Minimum Training Hours Required per Level of Certification

Certification Level	Hours
Medical Responder	**69**
EMT-Basic	**169**
EMT-Intermediate; ***in addition to "Basic" hours***	**256**
EMT-Paramedic; ***in addition to all "Basic" & "Intermediate" hours***	**1,096**

In addition to the minimum hours required for certification, continuing education is also required of all Department field personnel. The current *minimum* requirement is 36 hours per year, per employee.

While EMS is not currently allocated designated Field Training Officer (FTO) positions, newly hired employees, particularly trainees, are assigned to work with a senior Paramedic who will serve as such for at least the employee's orientation and/or initial probationary period.

The EMS Division Training Officer is responsible for organizing, implementing, certification, oversight and documentation of all training activities within EMS as directed by the EMS Operations Supervisor. In addition to direct training responsibilities for department personnel, the Training Officer is also responsible for re-credentialing (per state requirements) all personnel every four (4) years, providing continuing education annually to each certified fire department or rescue squad medical first responder, as well as serving as the principal contact and liaison with the State Office of Emergency Medical Services (NCOEMS) with regards to medical protocols, agency and individual licensures, and the receipt and implementation of new/updated EMS practice policy as it is issued by the State. The Training Officer will also work closely and coordinate activities with the Medical Director.

Communications & Dispatch

While the emergency medical operations discussed in this report section address predominately those activities that require the movement of personnel with special vehicles, skills, and equipment to the scene of the emergency reported, it is the actual ***reporting*** of that emergency which gets everything started.

In this instance, the County's 911/Communications Center is also an operational division of the Orange County Emergency Services Department. It is located on the second level of the Emergency Services Administration building at 510 Meadowlands Drive in Hillsborough. In the professional terminology of the communications industry, the Communications Center is the designated *public safety answering point*, or PSAP, for emergency communications in Orange County.

The Center operates 24 hours per day and is continuously staffed by Telecommunicators who receive and dispatch calls for not only EMS, but Fire, Rescue, and Law Enforcement throughout the County.

In the case of EMS calls, once the Dispatcher (Telecommunicator) receiving the 911 call is able to verify the location of the incident being reported, he/she will notify (dispatch) the EMS team/station that is responsible for responding to that call's location.

"Emergency Medical Dispatch" (EMD) is a level of certification that enables Telecommunicators that answer 911 medical emergency calls to, while simultaneously dispatching an ambulance, offer the caller instructions in first aid; e.g. CPR, compression/abatement of serious bleeding, making the victim comfortable, etc; while also obtaining information from the caller as to circumstances and medical indications that then can be communicated to the EMS responders on their way.

These procedures require the activation of medical protocols that must be approved by the County's Medical Director and must be reviewed per State requirements for quality assurance on a regular basis. In a County the size of Orange with EMS response times as they are, these capabilities can and often do prove valuable at the very least in initiating patient care.

The Communications Center also maintains call log reports, on every call received and dispatched which include the type of incident being reported, the agency(s) dispatched, location of the incident, and dispatch and response activity interval times.

First Response

In general terms EMS Division employees are considered "first responders" to any emergency to which they are dispatched; as are fire, specialized rescue, and law enforcement personnel. Realistically, however, an EMS ambulance may in fact ***not*** be the first unit or service on the scene of a medical emergency.

In Orange County's case, a "first responder" in medical emergencies could best be described as; *The first EMS, Rescue, Fire service person to arrive at the scene, with or without an ambulance, and initiate medical assistance in an effort to stabilize the patient until advanced life support capabilities arrive to administer additional aid and/or transport.*

Of course under the County's EMS System Plan and State regulations the individual responding in these instances and the agency the individual represents must be certified as Medical Responders.

In Orange County, the identified first responders to medical emergencies include the ten (10) volunteer or combination paid/volunteer fire departments within the County, the two career/municipal fire departments and South Orange Rescue Squad.

- Caldwell Fire Department
- City of Carrboro Fire Department
- Cedar Grove Fire Department
- City of Chapel Hill Fire Department
- Efland Fire Department
- Eno Fire Department
- Hillsborough/Orange Rural Fire Department
- Mebane Fire Department
- New Hope Fire Department
- North Chatham Fire Department
- Orange Grove Fire Department
- White Cross Fire Department

Currently Carrboro Fire Department is certified at the EMT level while the remaining departments are certified at the Medical Responder (MR) level.

In addition to these identified Fire Departments, the South Orange Rescue Squad (SORS) is also available for dispatch to medical emergencies and is certified at the EMT level. The Squad shares a unique relationship with Orange County EMS both in that 36 of its 57 certified members are also listed on the Orange County EMS roster on file with the NCOEMS and, that members share duties with EMS employees on Medic Unit 8 on an alternating 3-4-3 day schedule which also includes the use of SORS' 2 BLS ambulances.

Two significant factors necessitate the need for agencies, *in addition to EMS*, to provide medical first response;

- First, the obvious; time is critical in medical emergencies; and,
- Second, during peak daytime hours there may be seven (7) staffed ambulances with transport capabilities based at but five (5) designated staging locations throughout the County's 398 square mile area.

Compare this with the combined (potential) capabilities of the 12 Fire departments and one Rescue Squad that are (or could be) available to respond from 22 additional station locations within the same 398 square miles as EMS. It becomes an issue of proximity if nothing else.

Subsequently, in as much as time is critical, first responders with basic skills, once on the scene can offer significantly to the stabilization of the victim until paramedic level responders arrive; i.e. . . ., "get there fast and stabilize the victim until advanced life support assistance arrives". [2]

Dispatchers as First Responders

In significant medical emergencies, the Telecommunicator (Dispatcher) handling the call will simultaneously answer the call, solicit vital information, alert and dispatch the appropriate EMS unit, maintain communications with the caller ***and*** initiate medical instructions, all while *also* maintaining ongoing communications with the EMS unit responding. Typically, in a serious emergency situation, this communication with the caller/victim will continue until the responding EMT's (paramedics) have communicated that they are on the scene and have assumed patient care.

"Emergency Medical Dispatch" (EMD) certification is required before a Telecommunicator can issue treatment instructions of any kind to a victim or caller. This is a significant designation which requires that a specific set of protocols be followed when receiving and handling emergency medical calls.

In calls involving medical emergencies, a significant responsibility of the Telecommunicator relates specifically to these EMD protocols. In this instance the Telecommunicator will remain on the line with the caller to obtain as much additional patient/victim information as possible since they must simultaneously and continuously communicate with the responding Paramedics as to the patient's condition, physical characteristics, scene circumstances, etc.; *and* to provide actual medical/first aid instructions to the caller in an effort to help the victim; i.e., *emergency medical dispatch* (EMD).

In most people's eyes, once the Telecommunicator alerts the appropriate law enforcement agency, EMS unit, or fire station of an emergency and provides dispatch information and general instructions their job is over. Not so in the case of medical emergencies. In many instances, Telecommunicators continue to monitor and support the call and the responding service unit by maintaining on-going

[2] A. Fleming Bell, and Warren Jake Wicker; County Government in North Carolina; Institute of Government, University of North Carolina at Chapel Hill; 1998.

communications and following the efforts of those responder(s) enroute to the incident and throughout the on-site incident activities that follow. (More detailed discussion will be provided in Section 4 of this report, The 911/Communications Center).

Mutual Aid As stated in the County's EMS System Plan; *Orange County Emergency Medical Services is party to the North Carolina* Statewide Emergency Management Mutual Aid and Assistance Agreement.

Reports & Reporting

The record keeping system for EMS providers in North Carolina is "PreMIS", the *Pre-Hospital Medical Information System.* Under the North Carolina EMS Rules and Regulations, every EMS System *is required* to collect and submit (electronically) EMS data based on the North Carolina College of Emergency Physician's Standards for Medical Oversight and Data Collection.[3]

PreMIS provides a method for each EMS provider in North Carolina to enter patient care data into a central database. Other components of PreMIS include: billing export capabilities, technician and provider tracking, and an extensive quality management toolkit.[4]

Orange County EMS personnel currently input Patient Care Reports (PCR's) into individually issued laptop computers. Data is transferred to PreMIS as soon as possible and no less than on a daily basis except during weekends after which data is transmitted the following Monday.

EMS Facilities

Currently the four (4) 24-hour Medic Units and four (4) 12-hour Medic Units and their assigned 2-person Paramedic Teams operate from five (5) designated staging locations within the County. Note that the term "staging locations" is used versus the more common "EMS Base" because in reality none of the staging "areas"; i.e. facilities available; were originally built or intended to accommodate EMS operations. Space has essentially been found, donated for use or assumed for use as the space became available. Furthermore, none of the current staging areas; i.e. facilities; can accommodate a Medic Unit; i.e. ambulance, in a temperature controlled, enclosed and securable environment.

Figure 4
EMS Unit Staging Locations

Unit	Location	
Medic 1	Revere Rd.	Hillsborough
Medic 2	Roberson St.	Carrboro
Medic 3	Mason Farm Rd.	Chapel Hill
Medic 4	Mt. Willing Rd.	Efland
Medic 5	**[Phelps Rd. Location Pending]**	N. Orange Co.
Medic 6	Eubanks Rd.	Chapel Hill
Medic 7	TBD	Chapel Hill
Medic 8	Roberson St.	Carrboro

[3] Pratt, Drexdal; "Required EMS Patient Care Reporting"; NCOEMS Memorandum; 2004
[4] North Carolina EMS Performance Improvement Center website; 2007

EMS Vehicles

EMS currently maintains an inventory of 11 transport vehicles; eight (8) of which are in service 12-24 hours per day. The remaining three (3) transport vehicles, not currently assigned, are reserve back-up units for use when a vehicle is down for repairs or service or otherwise unavailable for use. EMS Division management personnel and the designated in-field Shift Supervisors drive either sedan or SUV type vehicles up-fitted to accommodate their respective assigned responsibilities.

As noted in Figure 5 recent year ambulance purchases signify a significant shift to the Freightliner M2, medium duty type ambulance from Ford F-450, light duty ambulance that was prominent in the past and of which several are still in service. While the cost of the newer ambulances were considerably more than the previous models; $94,575 in 2005 & 2007 for the Ford vs. $186,900 in 2012 for the Freightliner; the decision was not made in haste.

Available documentation indicates that the issue was researched and studied jointly by personnel representing Emergency Services, Asset Management Services, and Fleet Management and determined that the new units provided a number of advantages over the current fleet vehicles:

- Cheaper to operate; first-year mileage of medium duty @ 9 miles/gallon vs. light duty @ 8.6 miles/gallon; first year service cost of light duty @ 8.92 cents/mile vs. medium duty @ 5.98 cents/mile;
- Better survivability in an accident; illustrated during/after actual rollover experienced in 2010;
- Better field of vision- safer scene approach and driver visibility during both emergency response and normal driving conditions;
- Better internal vehicle systems; braking, cooling, transmissions, chassis, electrical;
- Overall dimensions offer better internal maneuverability and patient access
- On-going maintenance advantages cited included serviceability, reliability, and quality of design and construction.

Figure 5
EMS Fleet Vehicles*

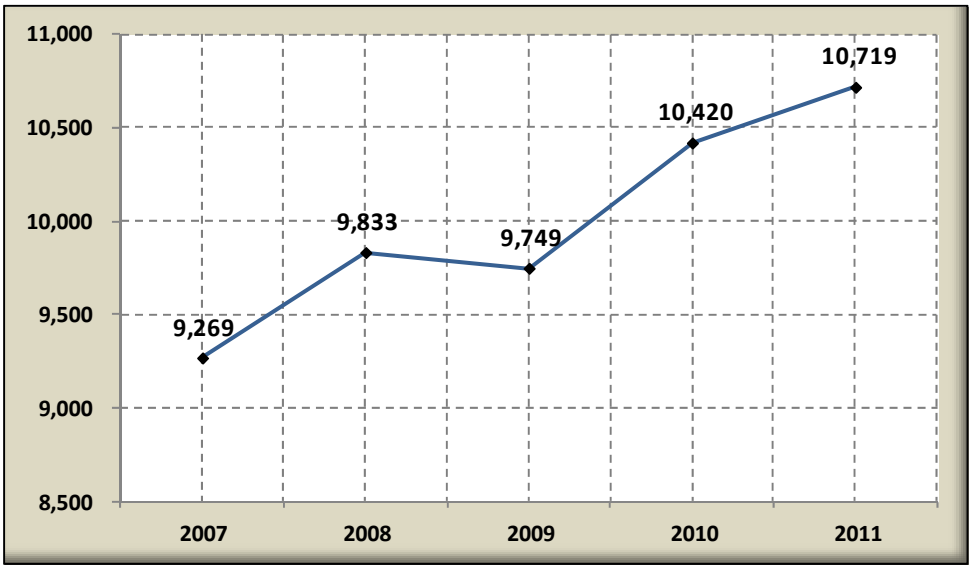
Vehicle Number	Model Year	Model	Maufacturer
633	2005	Ford F-450 XLT Super Duty Ambulance	Wheeled Coach
634	2005	Ford F-450 XLT Super Duty Ambulance	Wheeled Coach
714	2007	Ford F-450 XLT Super Duty Ambulance	Wheeled Coach
715	2007	Ford F-450 XLT Super Duty Ambulance	Wheeled Coach
793	2011	Freightliner M2 Ambulance	Excellance
794	2011	Freightliner M2 Ambulance	Excellance
813	2011	Freightliner M2 Ambulance	Excellance
840	2012	Freightliner M2 Ambulance	Excellance
842	2012	Freightliner M2 Ambulance	Excellance
843	2012	Freightliner M2 Ambulance	Excellance
845	2012	Freightliner M2 Ambulance	Excellance

*The Emergency Services Department is anticipating the replacement of Vehicles 633 and 714 during FY 2012-2013 and 2013-2014. Engines were replaced in Units 634 and 715 in 2011; each are expected to remain in the fleet for several more years.

Call Volume

During calendar year 2011, Orange County EMS units were dispatched a total of 10,719 times. In addition to these incidents, Medic Units were ordered into "move-up" status 2,360 times.

Figure 6
EMS Annual Call Volume



"Move-ups" occur when the number of ambulances available to respond to a call is down to one (1) and that ambulance, regardless of where it is normally assigned, will be directed to "move-up" to a location generally towards the center of the County to be accessible to respond in any direction.

If there comes a point that "no" ambulances are available (which does occur) South Orange Rescue and/or one or more of the County Fire Departments will be alerted to stand-by or, if available, to "move-up" to a specific staging location.

It is a practice common in the industry often referred to as "*modified* system status management" as it provides a means of spreading thin resources strategically in an effort to provide the greatest range of coverage during peak call periods.

Type of Call

The type of calls to which EMS is dispatched will of course vary. A review of those calls dispatched during 2011 identified more than twenty call classifications. Of the 10,719 calls dispatched during 2011, almost 90 percent were listed in one of the 18 categories identified in Figure 7 which, as noted, included any call type representing more than one percent of the total.

And, while they are not emergency dispatches per se, 2,360 "move-ups" were directed for strategic purposes; primarily to enhance coverage when the number of available ambulances to respond to an emergency was down to one (1). While the NCOEMS and the Performance Improvement Center have recommended that any EMS Unit activity be recorded in PreMIS in order that unit hour utilization rates can be (eventually) accurately determined, they are not included in this table or in the previous Call Volume table as emergency dispatches.

Figure 7
Ems Calls by Type

Condition	Code	Frequency	Percent
Sick Person	SICK	1322	**12.3%**
Fall	FALL	1117	**10.4%**
Transfer Interfacility Palliative Care	TIPC	1111	**10.4%**
Breathing Difficulty	BREA	795	**7.4%**
Unconscious	UNCO	747	**7.0%**
Chest Pain	CHES	716	**6.7%**
Accident w/Personal Injury	ACPI	713	**6.7%**
Convulsion	CONV	472	**4.4%**
Hemorrhage	HEMO	376	**3.5%**
Trauma	TRAU	354	**3.3%**
Overdose	OVER	336	**3.1%**
Abdominal Pain	ABDO	322	**3.0%**
Unknown	UNKN	292	**2.7%**
Stroke	STRO	245	**2.3%**
Diabetes	DIAB	209	**1.9%**
Allergy/Allergic Reaction	ALLE	172	**1.6%**
Assault	ASLT	158	**1.5%**
Heart Problem	HEPR	147	**1.4%**
		9,604	**89.6%**
		10,719	100%

Call Distribution
The green dots on the map that follows represent the more than 30,000 calls to which EMS units were dispatched during 2009, 2010, and 2011.

As stated previously, the most significant clusters of calls were in the Carrboro and Chapel Hill areas. Smaller, yet still significant call clusters were also noted in and around Hillsborough and a number of the County's major roadways; i.e. I-85, SR 70, and 86, etc.

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Figure 8
2009-2011 Cumulative EMS Call Distribution

Calls Dispatched per Hour

Among the significant County concerns presented to the consultant as an impetus for this study was the apparent increasing frequency during which EMS units were often out of service; albeit on an active call; or out of the County transporting a victim to a medical facility when emergency calls from within the County continued to be received and dispatched.

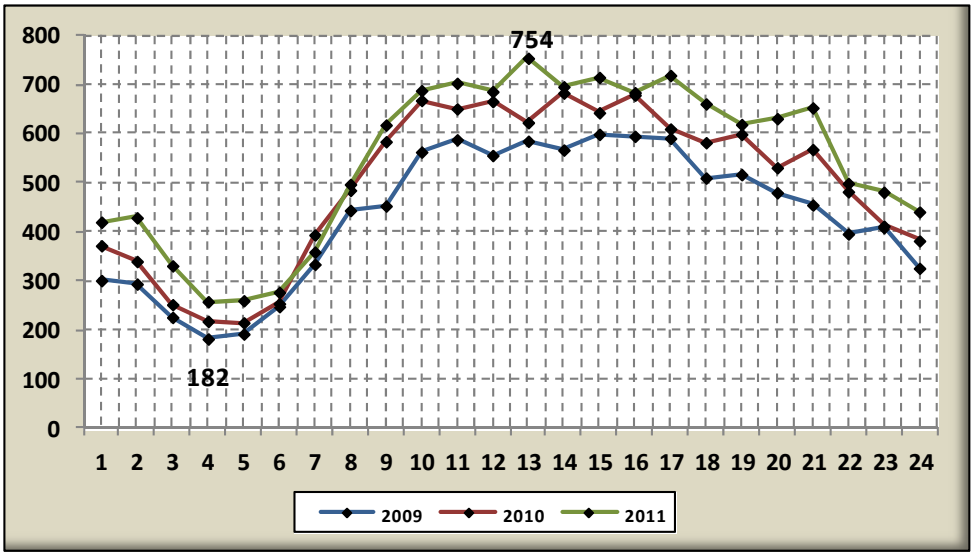
Subsequently, a look at the "calls received per hour", plotted for an entire year, will identify both the peak and approximate time frame of the busiest call periods during any given day and of course the times when EMS personnel are most likely to be needed.

In order to ascertain whether these periods of activity were unique or consistent in their occurrence, the most recent three (3) years of data was reviewed and plotted. The results, illustrated in Figure 9 for 2009, 2010, and 2011 were very consistent

Based on the illustration, the busiest hour of the day during 2011 was between noon and 1:00 pm wherein 754 calls were received. The least busy hour of the day, based on this illustration appears to be between 3:00 am and 4:00 am and is generally consistent for the years studied.

Subsequently, the daily "prime-time" hours; the busiest 12 hour period of the day (give or take); appears to be between 9:00 am and 9:00 pm or, between the numbers 9 and 21 on the horizontal axis. This of course then will be the time period when EMS ambulance units will be in greatest demand.

Figure 9
EMS Calls per Hour/Year



Note: the number '1' on the horizontal axis represents 1:00 am; the number 12 represents noon, the number 18, 6:00 pm, etc.

Emergency vs. Non-Emergency Response

When the average citizen calls 911-it ***IS*** an emergency. Medical dispatch protocols have been developed, however, that dictate, based on the condition identified, how the response is to be coded; i.e. Alpha-least serious, non-emergent through Echo-most serious, emergent. In turn, the response code identified and broadcast to responding units will dictate the "status" of their response; i.e. "lights and sirens", or "no lights and sirens".

For the most part these response codes are universal and well known to emergency medical and first responder agency personnel.

The table that follows identifies the medical dispatch response codes, the condition identified and associated with that code, the agency/unit dispatched and the level (status) at which they are expected to respond.

Figure 10
Medical Dispatch Response Codes

Response Code	Condition Identified	Agency/Unit Dispatched	Response Status
ALPHA	Non-life threatening, low priority assessed	Ambulance only	Non-Emergency
BRAVO	Non-life threatening, but more serious	Ambulance only	Emergency
CHARLIE	Potentially life threatening	First Responders Ambulance	Emergency Non-Emergency
DELTA	Life threatening	All Units	Emergency
ECHO	Circling the drain	All Units; including Law Enforcement	Emergency

The distribution of emergency to non-emergency medical calls has changed significantly since 2009 when the "response determinants" were adjusted to reflect more closely those recommended by the National Academy of Emergency Medical Dispatch (NAEMD). The distribution of emergency and non-emergency medical calls dispatched during 2011 is illustrated in Figure 11. This issue will also be addressed further in *Section 4-911/Communications Center.*

Figure 11
Medical Call Response Levels-2011

Respnse Level	Number of Responses	Percent of Total
Initial Lights & Sirens, Downgraded to No Lights or Sirens	330	3.1%
Initial No Lights or Sirens, Upgraded to Lights & Sirens	111	1.1%
Lights & Sirens	3,577	34.1%
No Lights & Sirens	6,476	61.7%
Total Responses	**10,494**	

The non-emergency to emergency call ratio of 2-to-1 is not unusual among North Carolina EMS agencies. In fact, it could be expected to remain close to these percentages for the near future.

The first two Response Level categories listed in Figure 11 may result as the EMD (Emergency Medical Dispatcher) continues their questioning of the 911 caller following the actual dispatch of the response units. As such, the patient's condition may worsen from that initially reported; i.e. "Initial No Lights or Sirens, Upgraded to Lights & Sirens"; or, improve or through further questioning be determined to not be as serious as initially reported; i.e. "Initial Lights & Sirens to No Lights or Sirens".

Emergency Transports

Tracking the number of emergency victims transported, together with the number of emergency incidents to which ambulances are dispatched, becomes important when later analyzing average call duration together with call volume during "prime-time" hours to determine the basis for ambulance availability.

Patients transported by EMS are billed for the service, which in recent years has generated considerable revenue to offset the County's operating costs.

With the exception of 2009, the ratio of EMS patient transports to total EMS calls dispatched has shown to be increasing at a relatively steady rate between 2007 and 2011. The 5-year average ratio of transports to total EMS calls is just under 70% at 69.92.

Figure 12
Annual Emergency Transports

Year	EMS Calls Dispatched	Number Transported	Percentage
2007	9269	6171	**66.6%**
2008	9833	6631	**67.4%**
2009	9749	7330	**75.2%**
2010	10420	7284	**69.9%**
2011	10719	7562	**70.5%**

Transport Destinations

There were a total of 10 transport destinations listed on the NCOEMS/CIS website for Orange County EMS during calendar year 2011. Of the 7,562 transports made, 87.6% were to the first five destinations identified in this table.

It is significant to note that of the state's six (6) certified Level I Trauma Centers, two (2); UNC Hospitals and Duke University Hospital; are within minutes of most areas of Orange County. As well, a third Level I Trauma Center: Wake Med; can generally be reached within 40-50 minutes depending upon the point of origin within Orange County.

Figure 13
EMS Transport Destinations

Facility	Number	Percent
UNC Hospital	4,875	64.5%
Duke Univ. Medical Center	1,125	14.9%
Durham Regional Hospital	438	5.8%
Alamance Reg. Medical Center	129	1.7%
Durham VA Medical Center	61	0.8%
	6,628	**87.6%**
UNC Healthcare Chapel Hill UNC Heart Center UNC Student Health Carillon Assisted living Carol Woods Retirement Comm.	934	12.4%
	7,562	**100%**

2.3 PERFORMANCE & COSTS

Response Time

An EMS Ambulance/Unit's response time is: *the time from the initial alert or announcement by the Communications Center (also called "tone", "page", or "dispatch") of the reported emergency, to the time that the service vehicle and appropriate personnel arrive on the scene.*

Why is time so important? According to the National Emergency Number Association (NENA), "The most elementary explanation of why time is important in a medical emergency has to do with the obvious; ". . . it may mean the difference between life and death".[5]

[5] NENA; "911 System Survey and Resource Guide"; 2002

Factors impacting response time include of course the distance that must be covered, but also specific and/or unique area characteristics such as road conditions, geography, and development density.

Factors influencing the *quality* of the response have to do with not only the time it takes to get to the scene of the emergency but also the information communicated to the responding service unit, the skill of the personnel responding, and the availability of the proper equipment to adequately address the emergency at hand. Of course, the emergency service agency *must* be prepared to address the most serious emergency *every time* that they are dispatched.

Call data for the years 2007-2011 were extracted from the Communications Center's CAD system for both the "Turn-Out" and "Travel Time" intervals. For purposes of this report the terms Turn-Out Time and Travel Time are described as follows:

- Turn-Out Time-represents the time from when the radio announcement and request for assistance is received at the EMS Unit "start" location by the EMT's on duty, until the wheels on that response vehicle (ambulance) are moving; i.e. and is announced as enroute.
- Travel Time-is the time interval between that when the ambulance's wheels are moving with EMT's on board, to the time it arrives on the scene and the vehicle's wheels have stopped; i.e. "travel time".

The numbers listed represent the ***average*** times, in minutes and seconds, of all calls dispatched during each of the corresponding years. As previously described, the Total (average) Response Time for each year, is the sum of the average Turn-Out and the average Travel Time for that year.

Figure 14
EMS Interval & Total Average Response Times/2007-2011

Year	Total Units Dispatched	Turn-Out Time	Travel Time	Total Resp. Time
2007	**9,269**	1:41	7:41	**9:26**
2008	**9,833**	1:38	8:15	**9:56**
2009	**9,749**	1:29	9:15	**10:49**
2010	**10,420**	1:27	9:47	**11:14**
2011	**10,719**	1:16	9:30	**10:47**
5 Year Average:		0:01:30	0:08:53	**0:10:26**

Subsequently, the average Turn-Out Time for the years studied was 1 ½ minutes. The average Travel Time was just under nine (9) minutes. And, the average Total Response Time for the five years studied was 10 minutes and 26 seconds. As illustrated, although the Total Response Time average for 2011 decreased (improved) by 27 seconds over that documented for 2010, the trend is definitely "upward" and appears to be increasing.

Prominent industry standard setting organizations, such as NFPA, NCOEMS/PreMIS and others, in recent years have emphasized and defined new standards for measuring response time performance that no longer consider *average* times but rather *"fractile"* times as a percentage of all calls for response performance measurement. For example, *"that 90% of all calls dispatched be responded to in "x" minutes or less".*

Historically response times have been the most readily measured performance indicator for EMS and that measurement has been the *"average"*. This method however results in highlighting the problem of inequity of service because, theoretically, 50% of the patients experienced response times *longer* than average. To ensure more equitable service to all areas of the community; i.e. County; fractile response time measurement was introduced and is now commonly used by EMS systems throughout the Country.[6]

Figure 15
Average vs. Fractile Time Intervals

Interval	# Calls	Average	90%
Turnout Time	3,517	0:00:55	0:02:00
Travel Time	3,445	0:08:31	0:15:00

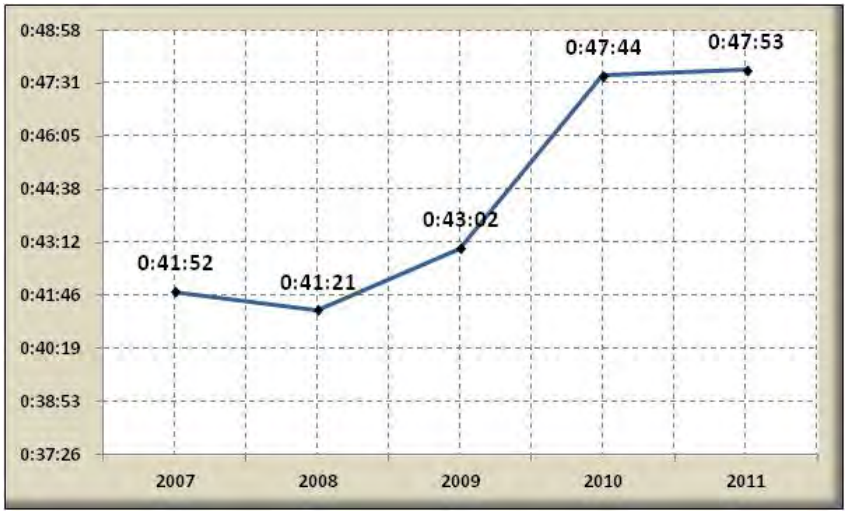
The previously referenced NCOEMS Performance Improvement Center runs periodic "performance toolkits" based on actual samples of an individual EMS system's call data. The Center, in addition to "average" times also runs the calculations based on the 90% fractile suggested by NFPA for Fire and EMS systems. The Orange County EMS calls identified in this table (Figure 15) were selected from 2011 call data and run for average and 90% fractile times for both Turn-Out Time and Travel Time. Of course, analysis of the average and 90% fractile times identified do little more than prove the point already stated; 50% of the patients experienced response times that took *longer* than the "average".

This will continue to be the case until the paradigm is changed which, in this case, will be the performance standard regarding response time(s) and the manner by which these response times are measured and assessed.

Total Event Duration

The total event duration is the time from the initial announcement of the call (dispatch) for service to the time the EMS Unit that responded to that dispatch is back in service and available to take another call. While the Turn-Out Time and Travel Time are the first two time intervals of consequence in this regard, the time on scene with the patient, transport time to the appropriate medical facility, and time at the medical facility until release, are significant as well. Cumulatively they combine to result in the total event duration time.

Figure 16
Total Average Event Duration
2007-2011



EMS Operations and Medical personnel familiar with EMS operations that were queried indicated that travel distance; i.e. *travel time,* as well as the number and rate of admissions to the emergency rooms of the destination hospitals are have-ing an impact these times.

Note: Preliminary numbers from the first quarter of 2012 indicate that the total average event duration times have again increased by several minutes.

[6] American College of Emergency Physicians; *Principals of EMS Systems*; 2006

Expenses & Revenue

Orange County EMS is funded with General Fund (tax) dollars within the County Budget. The table below illustrates the total annual expenditures approved for EMS for the fiscal years 2008-2009 through 2011-2012.

Figure 17
Annual EMS Budget Allocations/FY 2008-2011

Account	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals
PERSONNEL SERVICES				
PERM SALS	$ 1,714,386	$ 1,707,256	$ 1,777,621	$ 2,125,380
OT	$ 488,184	$ 441,054	$ 407,296	$ 411,056
TEMP	$ 267,873	$ 78,615	$ 131,519	$ 111,068
HOLIDAY	$ 92,905	$ 92,336	$ 98,924	$ 124,305
SOC SEC	$ 157,258	$ 138,261	$ 145,180	$ 163,856
MEDICARE	$ 36,778	$ 32,413	$ 33,953	$ 38,321
MED INS	$ 322,839	$ 329,134	$ 346,366	$ 455,629
RETIRE	$ 113,483	$ 108,953	$ 147,524	$ 184,889
PERS-OTHER	$ 56,655	$ 21,401	$ 38,226	$ 88,791
SUBTOTAL-PERSONNEL SERVICES	**$ 3,250,362**	**$ 2,949,423**	**$ 3,126,609**	**$ 3,703,295**
OPERATIONS				
TRAINING	$ 4,971	$ 1,325	$ 1,410	$ 980
CERT&LICSN	$ (252)	$ 359	$ 810	$ 1,527
TELEPHONE	$ 30,017	$ 19,858	$ -	$ 3,323
VEH MAINT	$ 110,466	$ 131,932	$ -	$ -
GAS & OIL	$ 4,973	$ 99	$ -	$ -
MOTOR POOL	$ 77,866	$ 37,438	$ -	$ -
EQUIP RPR	$ 35,662	$ 28,947	$ 33,518	$ 43,735
EQUP RENT	$ 46,438	$ 12,600	$ 12,600	$ 12,600
DUES	$ 750	$ 690	$ 1,080	$ 1,032
SUBS	$ 215	$ 259	$ 269	$ 269
MED SUPS	$ 170,600	$ 176,139	$ 214,356	$ 251,644
CONT SVS	$ 50,609	$ 54,462	$ 58,970	$ 63,747
ELECTRICIT	$ 24,150	$ 12,600	$ 12,600	$ 12,600
SUP-ED, OFF, DEP, OTH	$ 8,989	$ 10,024	$ 2,362	$ 3,700
OP-OTHER	$ 26,449	$ 26,650	$ 4,235	$ 285
SUBTOTAL-OPERATIONS	**$ 591,903**	**$ 513,381**	**$ 342,210**	**$ 395,442**
RECURRING CAPITAL				
EQUIPMNT	$ 5,130	$ -	$ -	$ -
IT EQUIP	$ 1,197	$ -	$ -	$ -
VEHICLES	$ -	$ -	$ -	$ 612,946
SUBTOTAL-RECURRING CAPITAL	**$ 6,327**	**$ -**	**$ -**	**$ 612,946**
TOTAL: EMERGENCY MEDICAL SERVICES	**$ 3,848,591**	**$ 3,462,804**	**$ 3,468,819**	**$ 4,711,683**

The largest expense category is of course personnel. Although major capital expenditures, in this case typically vehicles, may alter the percentage somewhat from year to year; the average annual costs of personnel as a percentage of the total budget for the years studied was 84.5%.

It is significant to note, and should signal concern, that the expense category "Training" averaged but 3/10ths of one percent per year, of the total annual budget allocations, for the past three years.

Revenue

Orange County EMS is able to generate revenue to offset its operating costs by billing the recipients of the services delivered. Most often Medicaid, Medicare and private insurance will pay for significant portions of the amounts billed. The more significant charges are of course assessed and subsequently collected for patients that are "transported" typically to a designated medical facility. The current list of fees charged by the Orange County EMS includes the following:

Figure 18
EMS Fee Schedule

Activity/Response	Charge
Basic Life Support (Non-Emergency)	$ 300
Basic life Support (Emergency)	$ 375
Advanced life Support (Non-Emergency)	$ 400
Advanced Life Support (Emergency)	$ 475
Advanced Life Support (Non-Transport)	$ 150
Mileage	$7.50/mile

Billing & Collections

Since January of 2010, the County has contracted with a private firm that specializes in providing EMS billing services. Prior to that time the County (Tax Office) handled EMS billing and collections responsibilities. Although the billing contractor handles the bulk of the monthly EMS billing, collections and required legal bookkeeping, the County continues to monitor and pursue collection of delinquent accounts.

Figure 19
FY EMS Budget & Collections (Revenue)

Fiscal Year	Annual Budget	Collections	Collections (Revenue) as % of Budget
FY 08-09	$ 3,848,591	**1,862,114**	**48.4%**
FY 09-10	$ 3,462,804	**2,001,204**	**57.8%**
FY 10-11	$ 3,468,819	**2,246,517**	**64.8%**
FY 11-12	$ 4,711,683	***2,266,940***	***48.1%***

For calendar years 2010 and 2011 the percentage of net collections to total billings was 65.7% and 59.6% respectively. Note also, however, that FY 2011-2012 *Collections* (*Revenue) as % of Budget* are incomplete. That is, they will continue to increase as payment of bills that have recently been sent out, as well as those as long as a year or more in arrears are paid.

2.4 ISSUES OF CONCERN

This section discusses the significant EMS issues of concern identified during the analyses of the various data collected, the visual study of conditions found to exist, and numerous conversations and formal interviews conducted over the course of the study.

The determination of whether or not an "issue" was identified as such was based on the assessment of current operations and performance discussed in subsections 2.2 and 2.3.

The issues identified as being of significant concern with regards to EMS involved the following topics:

- Availability of ALS Ambulances
- Response Times
- EMS Facilities

Issue: Availability of Ambulances

During 2011 ambulances were directed to "MOVE" 2,360 times from their identified staging area or location to another point in the County because;

a. The number of ambulances immediately available was down to one (1) and the subject remaining ambulance was directed to move to a location typically near the center of the County in anticipation of being able to respond in any direction the next call may direct; or,

b. In tracking the status of multiple ambulances, the Communications Center and/or EMS Supervisor(s) noted significant area gaps in coverage and redirected movement of ambulance(s) accordingly.

The practice itself is not uncommon and is referred to as system status management; locating/moving ambulances to address the current level of coverage or lack thereof.

The risk, however, of being down to one (or "no") ambulances is that the next emergency medical call that comes in to the Communications Center may not have an ambulance available to respond.

Granted first responders fill a significant and vital role at this point, however, without an ambulance available there is likely no ALS level of service available and in turn no means of transport available.

EMS Call Scenarios

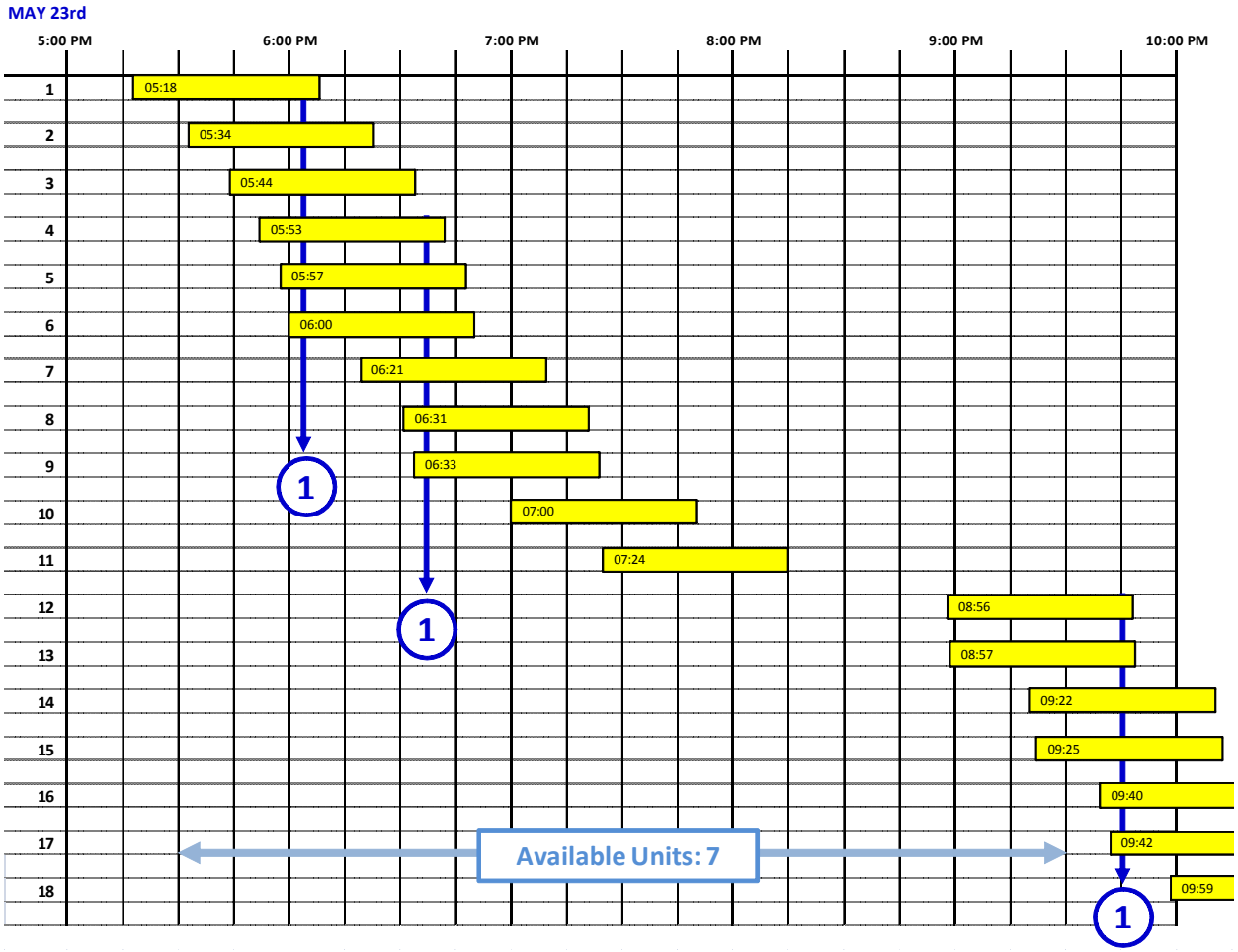
While monitoring EMS radio traffic during onsite time in the County over the months during which this study occurred, the actual announcement that "we are out of ambulances", or "we have one ambulance left" was heard numerous times.

In an effort to understand the specific circumstances that were resulting in such conditions, EMS call logs were reviewed over several months during 2011 to identify the specific conditions that occurred and the circumstances that contributed to them.

On several occasions, typically during the busiest hours of the day previously noted, a closely bunched series of calls could be identified, each call was reviewed individually, and the "dispatch" and "available" (back in service) times were documented, as was the type of call; i.e. Chest Pains, Diabetic, Fall, etc.

For purposes of the diagram that follows, the *average* call duration calculated for 2011 (48 minutes) was used for each call recorded.

Figure 20
Actual Ambulance Demand Profile-23 May 2011



The five (5) hour period depicted includes the actual calls and the times that they were dispatched. The duration of the individual calls varied from 18 minutes to 1-hour and 44 minutes, and for all 18 calls noted the average duration was 51 minutes. The "Available Units: 7" notation is the number of Medic Units on duty during the referenced 5-hour time frame.

Note that during this five hour period there were three (3) instances where 6 of the 7 on duty ambulances were in service simultaneously; resulting in the circled number "1" referring to the last available ambulance. Subsequently, the remaining ambulance was in all likelihood directed to "move" to a location that would permit the most flexible response should another call come in before another ambulance was available.

This scenario was found to occur many times during the review of the 2011 EMS call records.

Issue: Response Time

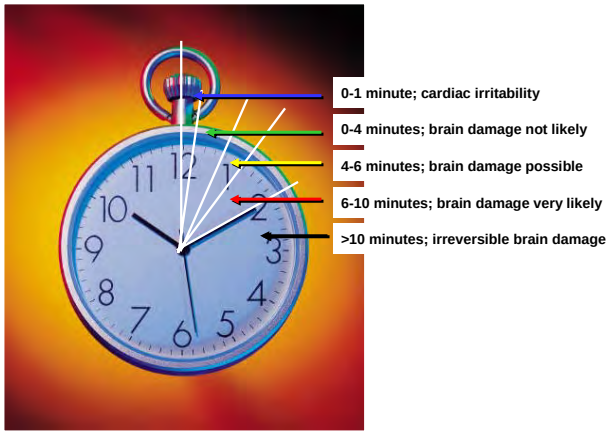
For the purposes of this report and as referenced in Subsection 2.3, EMS ambulance response time is:
The time from the initial alert or announcement by the Communications Center (also called "tone", "page", or "dispatch") of the reported emergency, to the time that the service vehicle and appropriate personnel arrive on the scene.

The factors that most commonly impact response time include:

- The time required to access and engage the vehicle,
- The speed at which the emergency vehicle is able to travel,
- The distance that must be covered to the incident dispatched, and
- Under what conditions.

Consequently, the basis upon which pre-hospital emergency medical response criteria has been established is medical case history data regarding the body's need for oxygen. Simply, the human body needs oxygen to survive. While some cells may tolerate short periods without oxygen, most require a constant supply of oxygen to survive. Figure 21 illustrates the significance of time in this equation.

Figure 21



Concerns and subsequent standards regarding emergency medical response times are based on the findings of various significant medical organizations and professional associations. Among these, the American College of Emergency Physicians (ACEP) and the American Heart Association has each similarly stated:

"The most important factor in successfully resuscitating a patient in cardiac arrest is the speed of response. The survival rate from untreated ventricular fibrillation decreases up to 10% for every minute that passes and definitive care is not provided."

The American Heart Association, ACEP, and other respected organizations recommend that EMS vehicles should respond to deliver BLS (basic life support) skills within 3 to 4 minutes, with ALS (advanced life support) skills available within 6 to 8 minutes. The ALS-within-8-minute concept was developed from research that showed the survival rate of cardiac arrest victims decreases significantly with each passing minute, and that optimal probabilities for survival increase when BLS has been provided within 4 minutes followed by ALS within 8 minutes." [7]
In addition,

- The American Association of Orthopedic Surgeons (source of Figure 21) suggests that "in an incident involving lack of oxygen, brain damage is very likely at 6 to 8 minutes; irreversible after 10 minutes."
- The National Fire Protection Association states in NFPA 1710 that AED (BLS) capabilities must arrive within a 4-minute response time to 90% of the incidents; and that ALS capabilities shall be deployed to arrive within an 8-minute response time to 90% of the incidents.

[7] American College of Emergency Physicians; "Principles of EMS Systems"; 2006

Ultimately then, *someone* with *at least* basic life-saving skills (BLS) ***needs to be on the scene of the emergency within 4 minutes;*** and, someone with *advanced* life-saving skills (ALS); i.e. Orange County EMS; ***within 8 minutes***. And, according to NFPA, those response times are to be achieved in at least 90% of all calls dispatched.

The *concern* in this regard is that the years of data gathered and analyzed for this report showed that the total average response time intervals, both turn-out time and travel time, for Orange County EMS exceeded the time standards recommended; consistently.

Figure 22
EMS System Annual Average Response Times

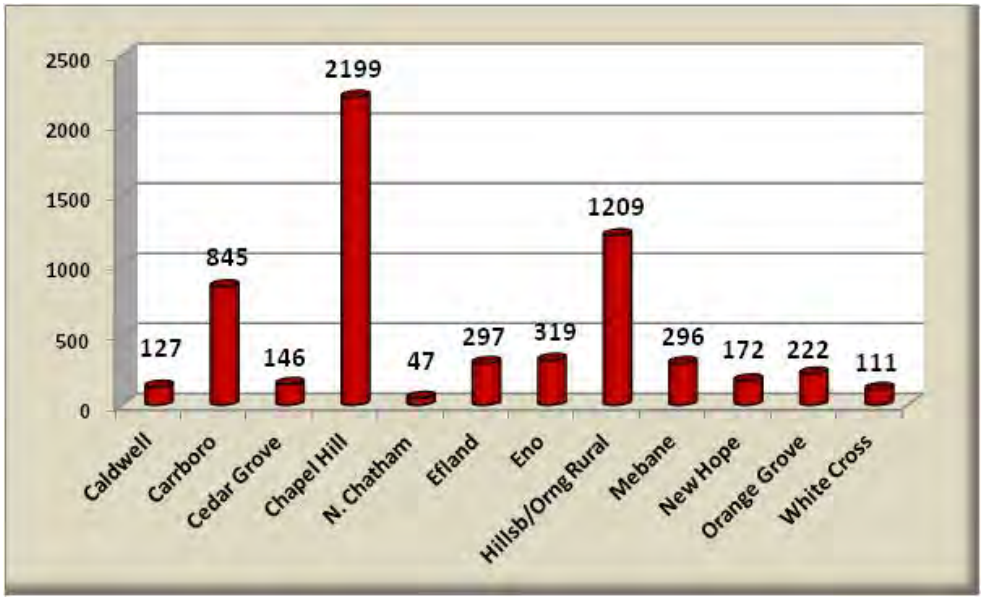
Year	Total Units Dispatched	Turn-Out Time	Travel Time	Total Resp. Time
2007	**9,269**	1:41	7:41	**9:26**
2008	**9,833**	1:38	8:15	**9:56**
2009	**10,614**	1:29	9:15	**10:49**
2010	**11,893**	1:27	9:47	**11:14**
2011	**13,079**	1:16	9:30	**10:47**
5 Year Average:		0:01:30	0:08:53	**0:10:26**

As illustrated, the 5-year average turn-out time of 1 minute-30 seconds exceeds the recommended standard of "no more than one (1) minute"[8]; as well, the 5-year average Total Response Time, of 10 minutes-30 seconds exceeds the recommended standard by almost 2 ½ minutes.

Turn-out time is an issue that must be studied internally and specifically, often times by studying the patterns of individual crews. The focus of the discussion that follows focuses on First Responder and EMS Total Response Time.

As stated, standards also suggest that basic life support (BLS) capabilities; i.e. "first responders"; arrive on scene in no less than four (4) minutes. As previously addressed, the Orange County EMS System Plan filed with the State identifies 12 Fire Departments within the County that support EMS as Medical First Responders. In 2011 the medical calls recorded to which these Fire departments responded were as follows:

Figure 23
Fire Department Medical Call Responses-2011



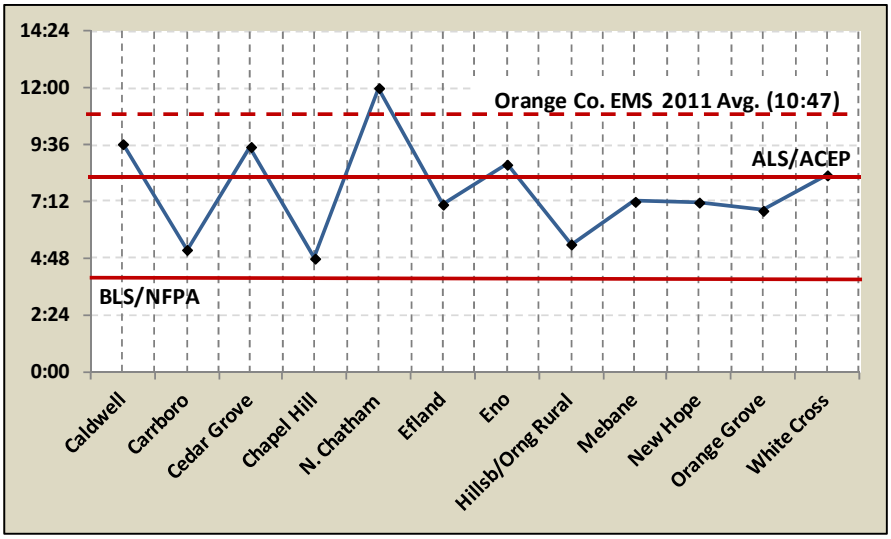
[8] NFPA 450 Guide for Emergency Medical Services and Systems; Subsection 5.6.8 Turnout (Activation) Interval

The total medical calls to which the Fire Departments responded was 5,990; which represents approximately 56% of the emergency calls to which EMS was dispatched. The concern, however, with regards to the response time standards cited is illustrated here:

Figure 24
Fire Dept. Average Response Times to Emergency Medical Calls

Department	Avg. RT
Caldwell	9:38
Carrboro	5:10
CedarGrove	9:31
Chapel Hill	4:48
N. Chatham	12:00
Efland	7:05
Eno	8:46
Hillsb/Orng. Rural	5:24
Mebane	7:12
New Hope	7:10
Orange Grove	6:49
White Cross	8:19

Figure 25
EMS & Fire Average Response Times vs. AECP & NFPA Standards



Moving upward from the horizontal axis in Figure 25 the first horizontal red line represents four (4) minutes; the second horizontal red line represents eight (8) minutes. The horizontal red-dashed line represents the total average response time for EMS in 2011.

Based upon the response time standards cited, at the very least the Fire Department/BLS response times should be *below* the 4-minute line and the EMS/ALS response times should be below the 8-minute line. On the basis of the numbers and times illustrated, none of the Fire Departments who serve as BLS level medical first responders meet the 4:00 minute BLS response time standard called for; albeit several are very close and several certainly meet the criteria much of the time assuming that +/- 50% of the "average" responses are in fact less than the average.

At the same time, the 2011 EMS average response time is nearly 3:00 minutes greater than the 8:00 minutes suggested for ALS response.

NOTE: This issue is about EMS "response time", and as an issue it very much needs to be addressed. However, *time* of response is not the only factor that ultimately will determine the quality if the response.

The role of the Communications Center in Medical emergencies is extremely important; in fact vital, if the "correct" response to a medical emergency is going to occur. The efforts to adequately triage a call based on the NAED and EMD protocols can many times provide valuable advise and/or verbal assistance in initiating basic care for the patient; can identify the specific conditions and/or symptoms to determine the level of response to be dispatched and can keep responders informed of any changes in the patient's condition or scene circumstances as they are enroute.

The medical dispatch response codes used by Communications Center Telecommunicators (see Figure 10, page 18) will identify for first responders and EMS Medic personnel the initially identified condition identified and the Response Code as well as the Response Status recommended; i.e. "DELTA" = "life threatening", First Responders respond Emergency Status; i.e. "lights & siren".

Proper triaging of an emergency medical call is vital and can go a long way to assuring the responder dos not run over a pedestrian at a crosswalk on the way to an incident that is not an emergency.

This said; response "time" in Orange County must still be addressed. The professional organizations that have spoken to and suggested the time standards referenced have identified their basis for doing so. In many discussions of the topic with local EMS professionals in North Carolina, ALS response objectives are typically established at between 8:00-9:00 minutes.

On the basis if the organizations that have endorsed this standard it merits attention and until the North Carolina Medical Board which is responsible for adopting the rules and standards governing advanced life support services says otherwise, the standard; albeit its potential consequences, need to be considered seriously.

Vehicle Speed & Distance to Incident Location

For reference, the following formula can be used to calculate the average travel time, particularly for major emergency vehicle; i.e. ambulances and Fire trucks; between two points; (NFPA 1720-A.4.3.2):

1.7 x Distance + 0.65 = Travel Time

For example, if the distance to the scene of an incident is known to be five (5) miles;

(1.7 x 5) + .65 = 9.15; a Travel Time of 9 minutes and 12 seconds

This travel time equates to an *average* speed of 33-34 miles per hour, which actually ***is not*** unusual for fire, rescue, and EMS vehicles for this distance considering acceleration, deceleration, time of day, road conditions, other traffic, etc.

Reversing this formula, using the 2011 EMS average Travel Time of 09:30, and converting the 32 seconds to hundredths of a minute, would result in the following:

9.50 minutes Travel Time = 1.7 times Distance "x" + .65
or
(7.53 - .65)/1.7 = 4.2 miles traveled

This being the case, the distance that Medic Units could travel and still meet the objective of an 8:00 minute total response time is 4.2 miles.

However, ***were*** this to be the case; i.e. ALS ambulances never responding to incidents further than 4.2 miles from their assigned base-in order to meet the 8:00 minute Total Response Time objective; the area within which the existing EMS units could effectively travel would leave the majority of the County essentially "uncovered".

The pages that follow include a sequence of County maps that illustrate the concern associated with this issue.

Map #1 is that previously shown on page 8; it identifies the existing EMS district boundaries and the staging locations of the current EMS Medic units.

Map #2 outlines in various colors the 4-mile/8-minute drive time road-based limits from each Medic location. Note that the boundaries for Medic 1, Medic 4, and the temporary location of Medic 5 overlap one another somewhat. Also, the south County locations identified for Medic 2, 3, 6, 7, and 8 overlap to such an extent that the outermost distances of each were used and combined in order to determine the extent of area covered.

Map # 3 shows the same 4-mile/8-minute road-based boundaries as Map #2, however, this time overlain onto the map illustrating the county-wide distribution of EMS call locations over the past three years; 2009-2011.

Map #4 includes shading over the areas of the County that currently lay *outside* the limits of the 4-mile/8-minute ALS response perimeter(s).

Map #5 is a duplicate of Map #4, however, this time it also includes red dots at the approximate locations of each of the 20 Fire Department stations within the County; and as is the case with Mebane and North Chatham Fire Departments-very near; the County.

Comments re: Maps

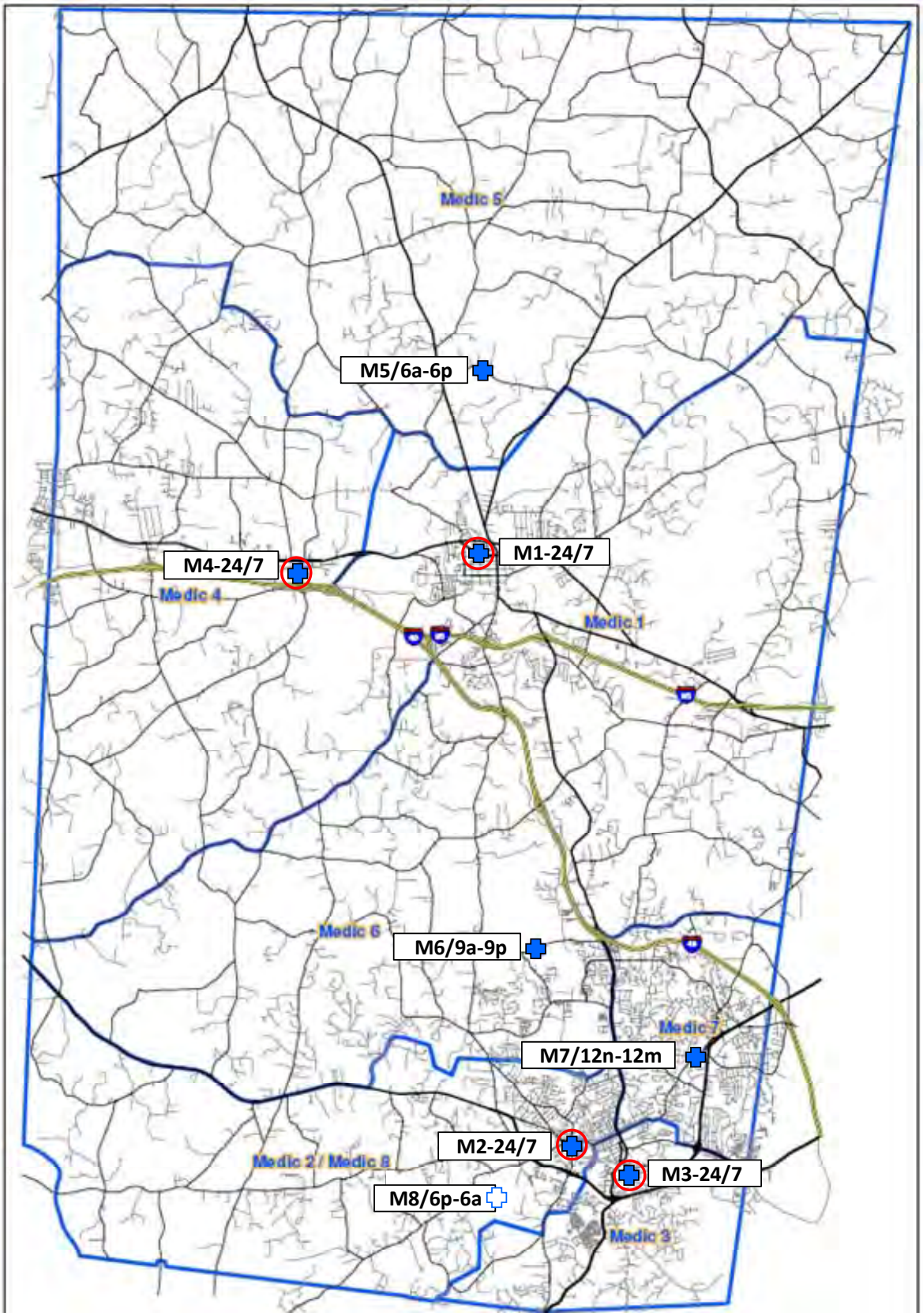
- While the maps emphasize significant characteristics impacting ALS response time, they (collectively) also exacerbate somewhat the previous issue having to do with ambulance availability.

- The areas of the County identified wherein ALS Medic Units should be able to travel within the 4-mile/8-minute time standard are, in fact centered within the more populated areas of the County and, for the most part, proximate the major highways corridors. However, there are still many hundreds of EMS calls that have been dispatched beyond these areas of coverage over the past three years that *have not* received the same level of response.

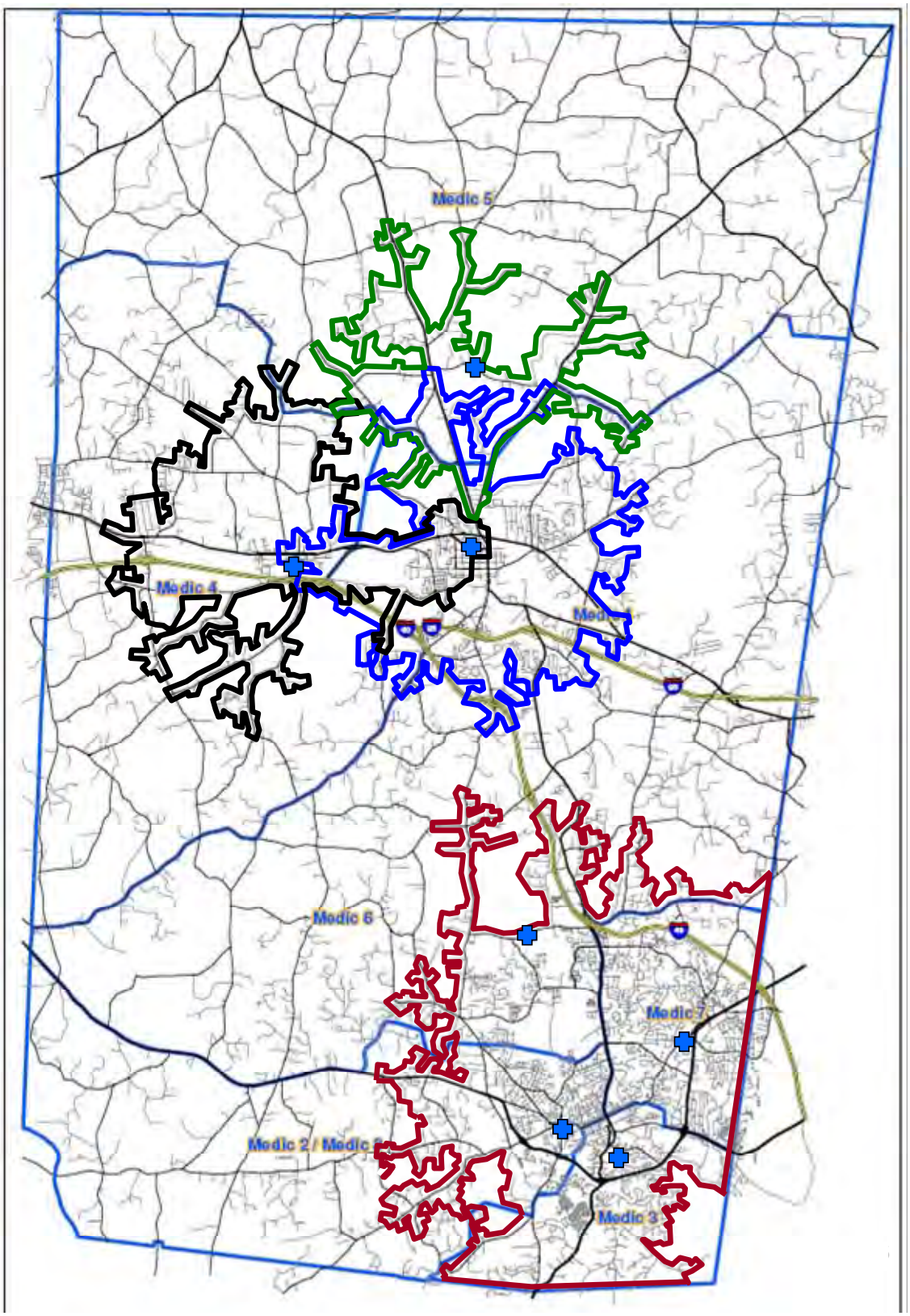
- A visual estimate of the shaded area noted in Map #4 would suggest that as much as 55-60% of the County is outside the 4-mile/8-minute ALS response perimeter.

- As previously stated, the combined (potential) capabilities of the 12 Fire Departments that are available to respond from 22 additional station locations ***could*** provide some assurance to areas of the County that take longer than 8 minutes for EMS/ALS Units to access; however, to get to the incident scene within the 4-minutes suggested for a BLS response, would mean a 2-mile/4-minute Total Response Time. A response time that, as an overall or individual department average, has yet to be accomplished.

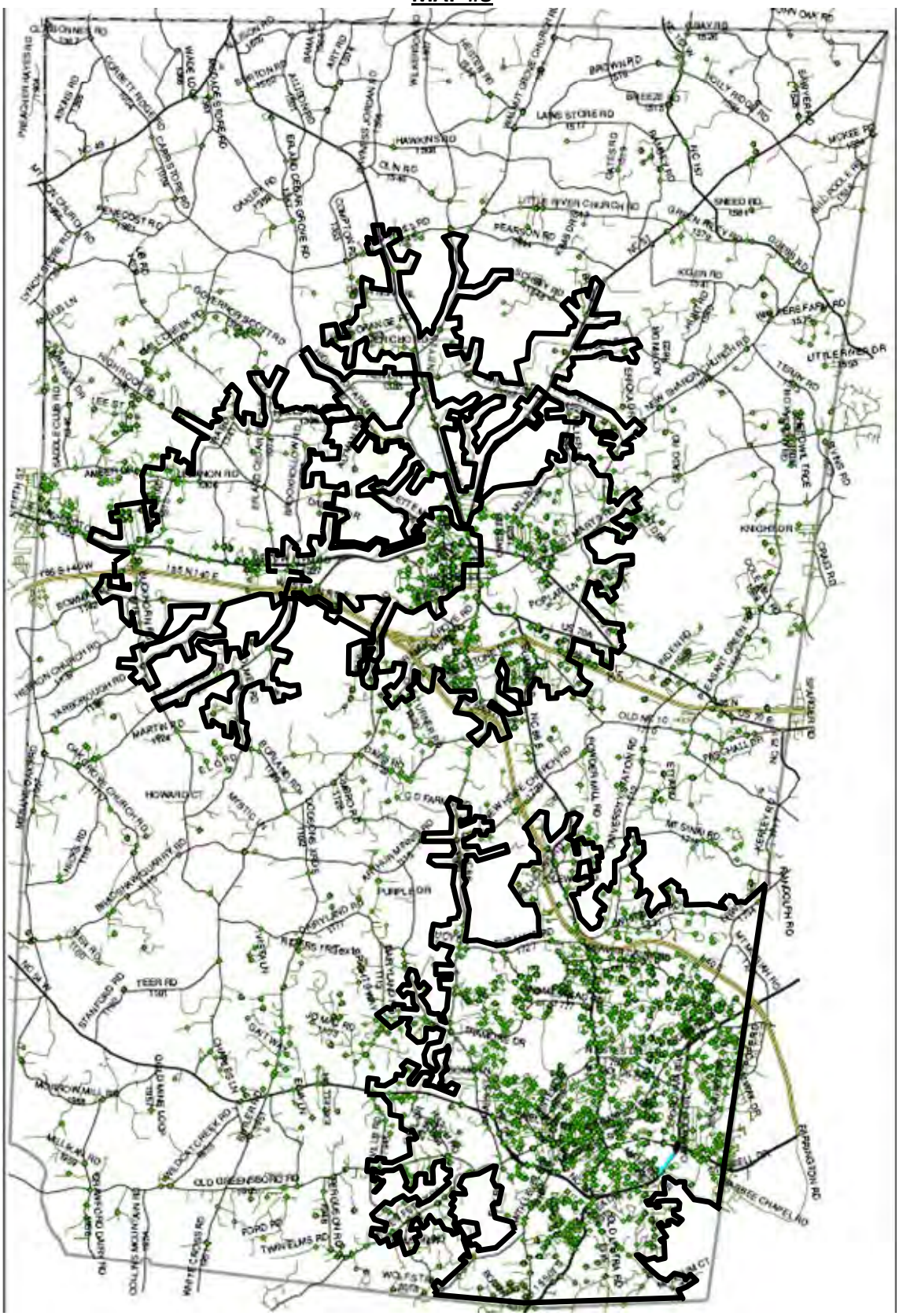
MAP #1


Medic 5
M5/6a-6p
M1-24/7
M4-24/7
Medic 4
Medic 1
Medic 6
M6/9a-9p
Medic 7
M7/12n-12m
M2-24/7
Medic 2 / Medic 8
M3-24/7
M8/6p-6a
Medic 3

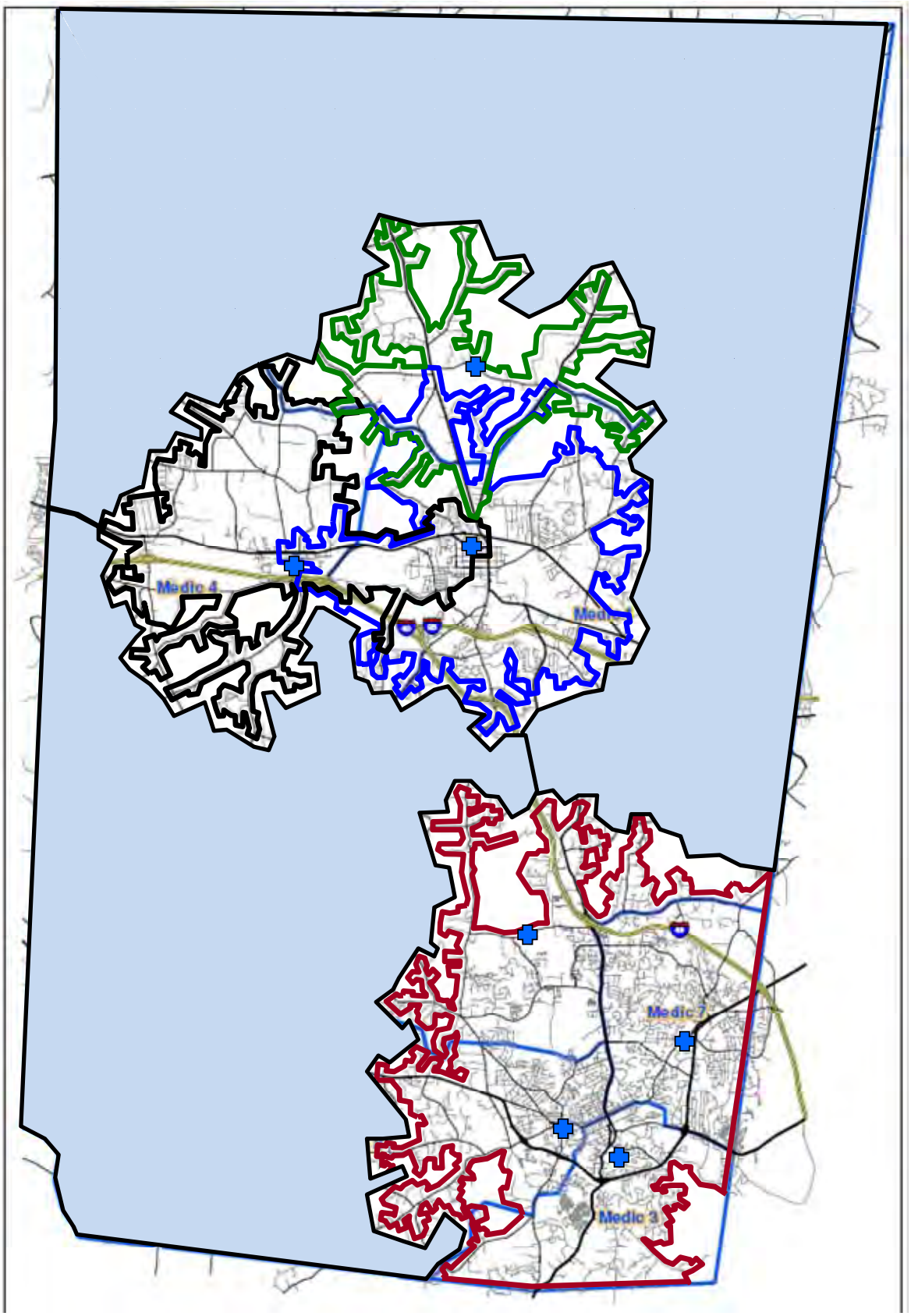
MAP #2



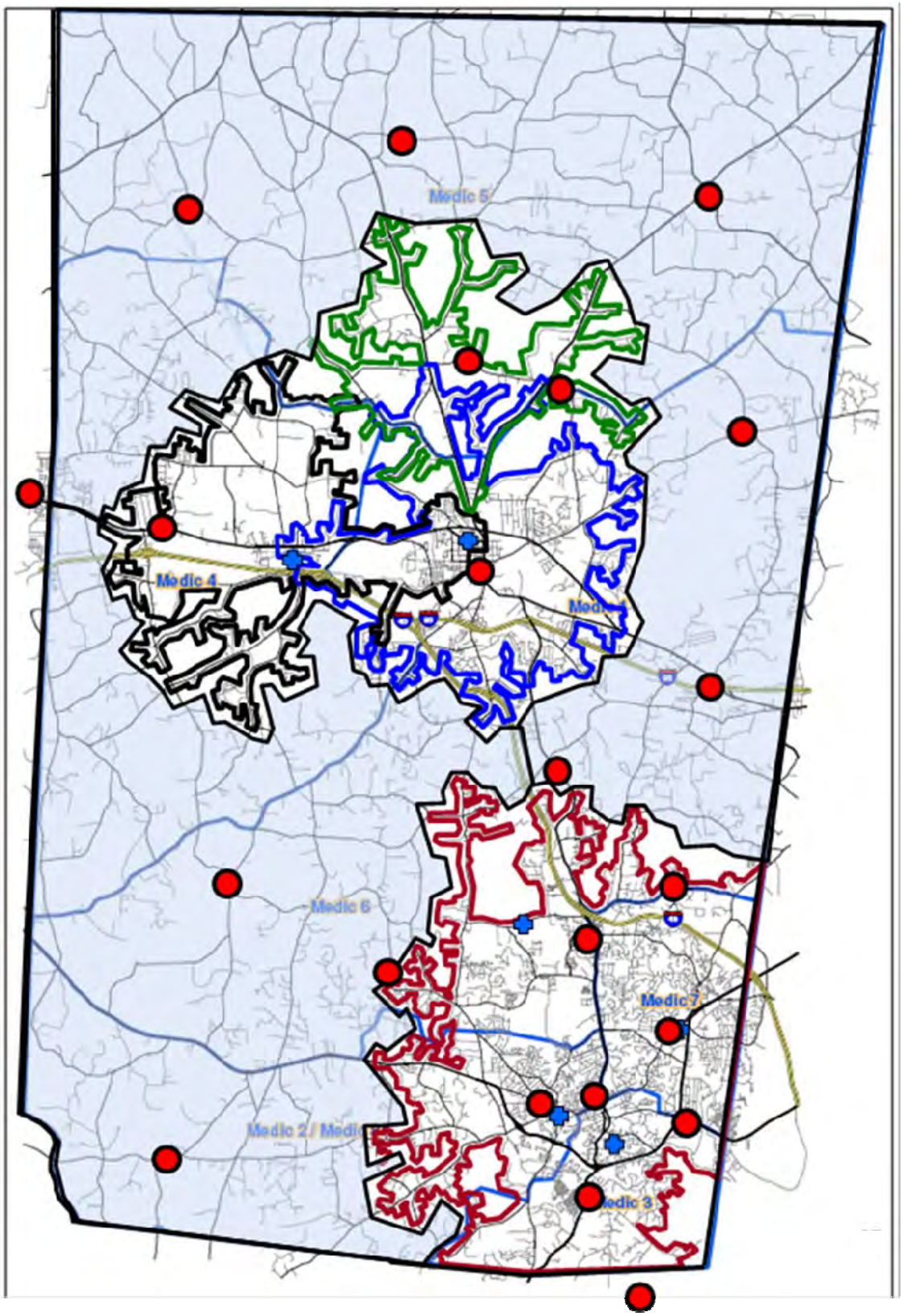
MAP #3



MAP #4



MAP #5



Average vs. Fractile Response Time Performance Criteria

It is has been a common practice in the past to report response times by using *averages.* This is an easy-to-understand methodology that calculates response times by adding all individual call response times together and then dividing the total number of minutes by the total number of responses to come up with an average.

Unfortunately, measuring and reporting *average* response times is inadvisable because one-half of the patients may receive the required response time, while the other half will not. Given what has been discussed about the need for an eight-minute response to maximize survivability from cardiac arrest, an *average* eight-minute response, by definition, means that one-half, or more, of the service's patients are not reached within that critical time.

Many high-performance emergency ambulance services use a different methodology to measure response times to ensure service equality to all patients: *fractile distribution; in most instances as suggested by NFPA and others,* reported at the 90th percentile.

This methodology places each response within the minute it is achieved and stacks the minutes in ascending order to establish a fractile response-time distribution. The point at which the fractile response time crosses the percentile measures the point of the service's response-time reliability.

For example; the current Orange County EMS response time objectives, as published in the Orange County EMS System Plan on file with the State Office of EMS, states that:

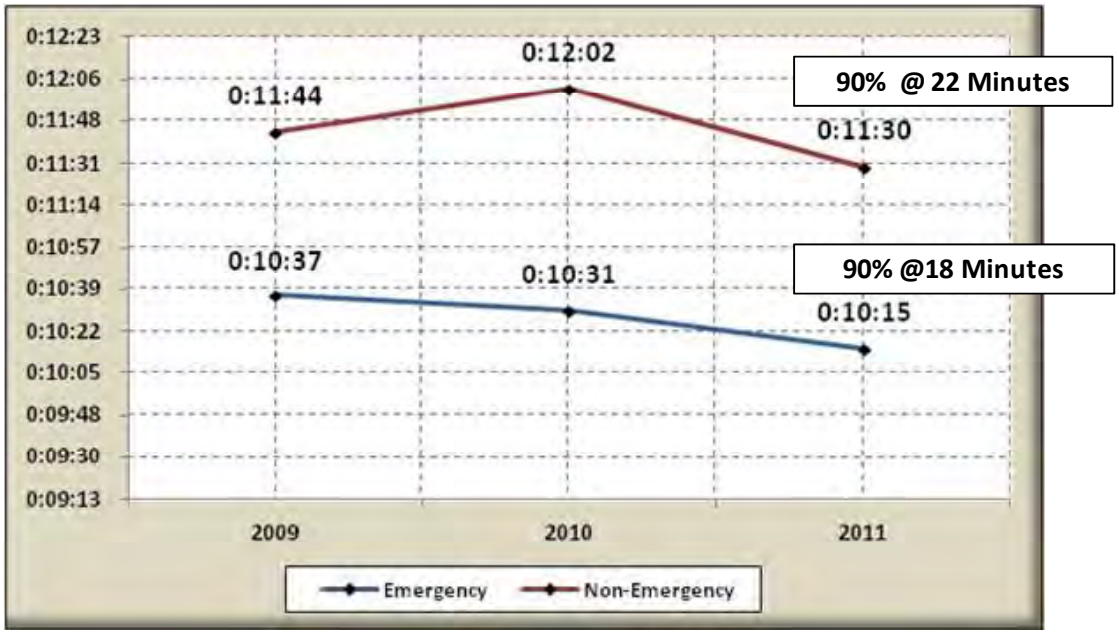
For Emergency Responses;

. . . . . A Paramedic be on scene within 12 minutes 90% of the time

For Non-Emergency Responses;

. . . . . A Paramedic be on scene within 15 minutes 90% of the time

Figure 26
Annual Average Response Time-Emergency vs. Non-Emergency-All Calls 2009-2011
90% Fractile Times-Emergency vs. Non-Emergency-All Calls 2011



Highlighting the 2011 numbers; while the emergency and non-emergency ***average*** response times were less than the 12-minute and 15-minute objectives established for each; the *90% fractile response* for the non-emergency calls was *22 minutes* vs. the *15 minute* objective , and the *90% fractile response* for the emergency calls was *18 minutes* vs. the *12 minute* objective.

Response Time by Area of the County

During the initial presentation of study findings to the Emergency Services Work Group it was suggested that it had long been the perception within the County that rural areas did not receive as rapid a response as the more urban and populated areas of the County. And, that it would be helpful to see and assess what those actual call numbers and corresponding EMS response times actually were.

In doing so, a second series of County maps follows.

Map #6-is again a map of Orange County; in this instance, divided into 2-mile square, numbered grids. The map was developed by Emergency Services Department personnel.

Map #7-color codes each grid on the basis of the average EMS response times recorded for the calls responded to within it during calendar year 2011. The number of calls per grid ranged from '0' to 1,505. The color key located at the bottom of the page provides an explanation of the colors used:

- The average response time into red grid squares was greater than 20 minutes
- The average response time into green grid squares was between 16-20 minutes
- The average response time into blue grid squares was between 12-16 minutes
- The average response time into orange grid squares was between 8-12 minutes
- There were no EMS calls dispatched during 2011 into those grids that were left white

Note also that the Appendix Section of this report includes a larger scale County Grid Map (Map #6) together with the number of EMS calls dispatched into each grid and the average response time for those calls; for the years 2009-2011.

Map #8-identifies the boundaries (in blue) of the existing designated EMS districts. Within each district there are notations that indicate the number of EMS calls and the average response time to those calls for the calendar year 2011. District 5 appears to be the largest in land area followed by District 4 and District 1. District 7 is the smallest.

Map #9-divides the County into hypothetical "zones' based upon the study of EMS call volume, response time, area accessibility, and population. Then, calculating the number of calls and corresponding average response times that occurred within each zone to provide a look at the response time issue from another perspective. For example EMS District 2, in Map 8 showed 2,400 calls with an average response time of 08:37 to all calls. When dividing that District and considering the grid characteristics of "Zone 8" , which includes the western half of District 2, there is a dramatic decrease in the number of calls and significant increase in the average response time.

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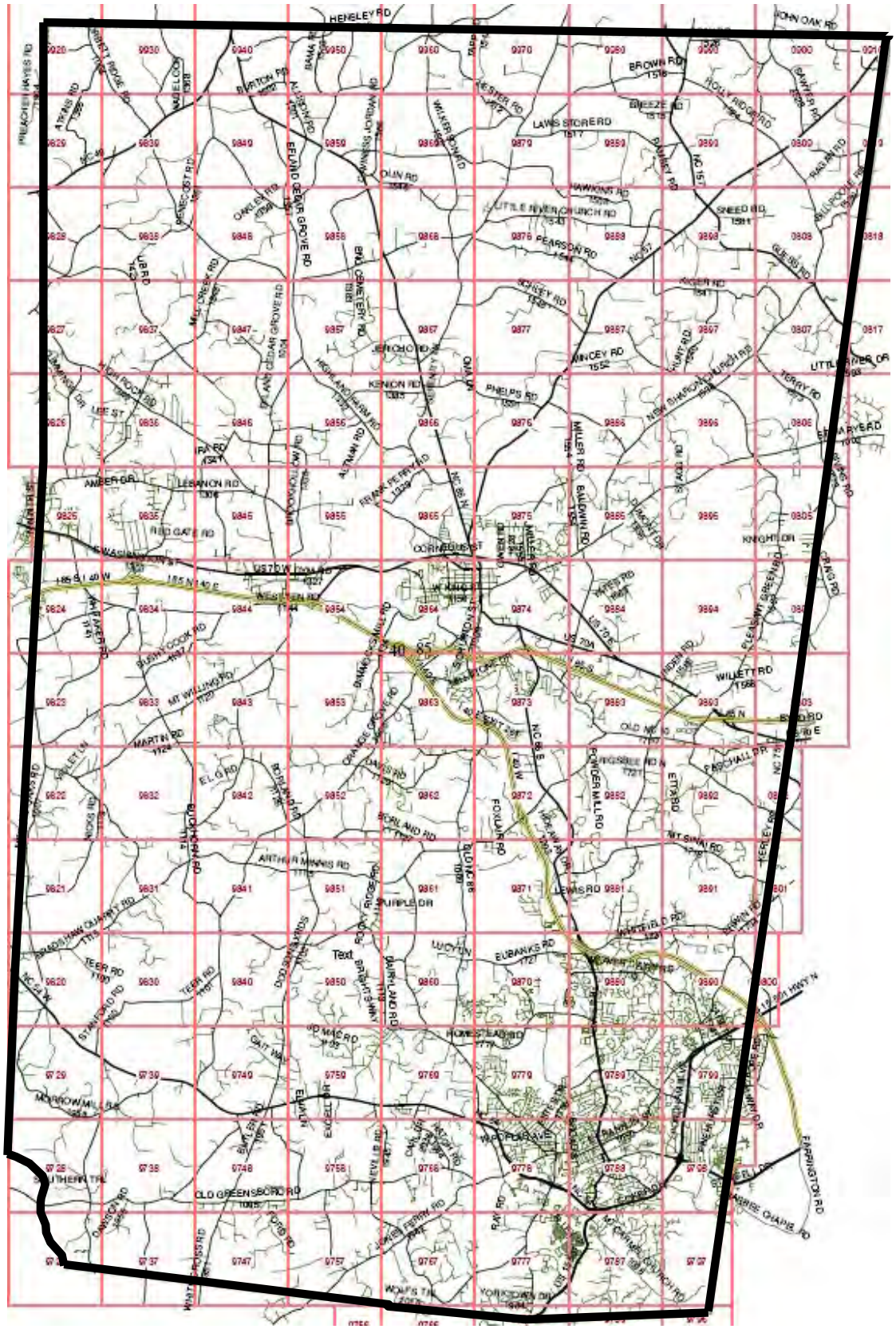
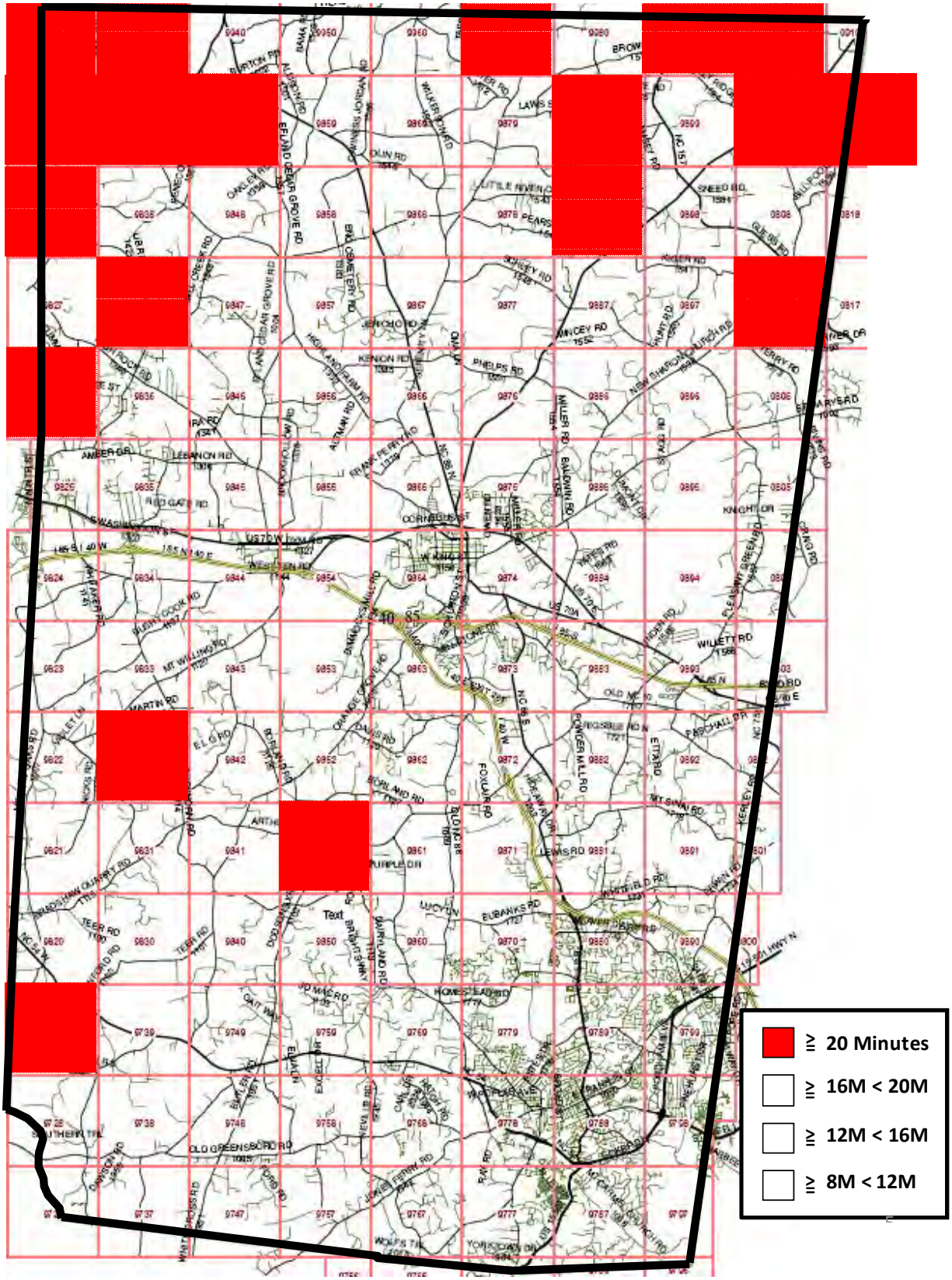
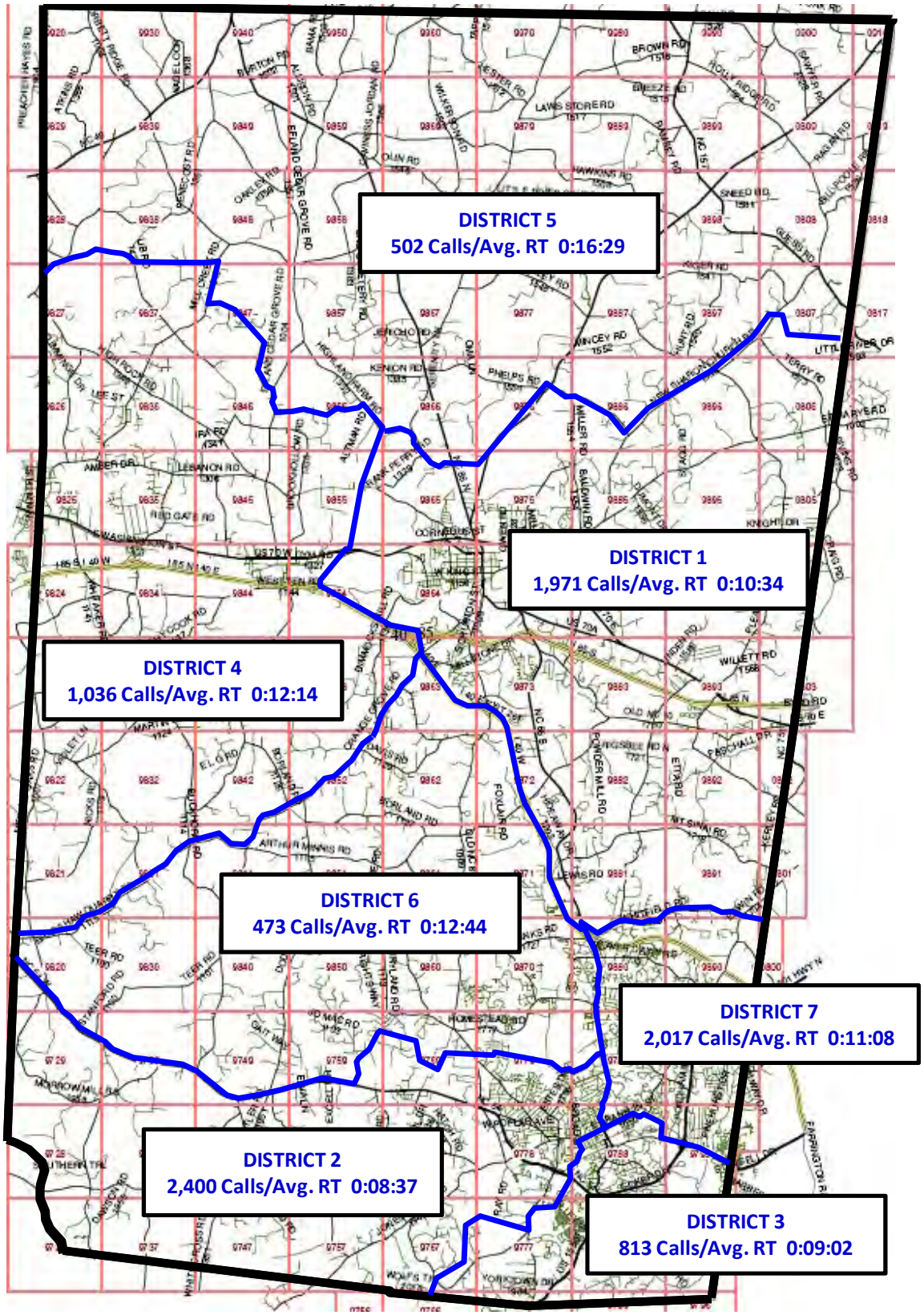
MAP #6


HENELEY RD
BROWN RD
LAWS STORE RD
DUN RD
HAWKINS RD
PEARSON RD
KENION RD
PHELPS RD
MILLER RD
WILLETT RD
MT WILLING RD
MARTIN RD
ARTHUR MANNS RD
LEWIS RD
EUBANKS RD
HOMESTEAD RD
OLD GREENSBORO RD
FARRINGTON RD
Text

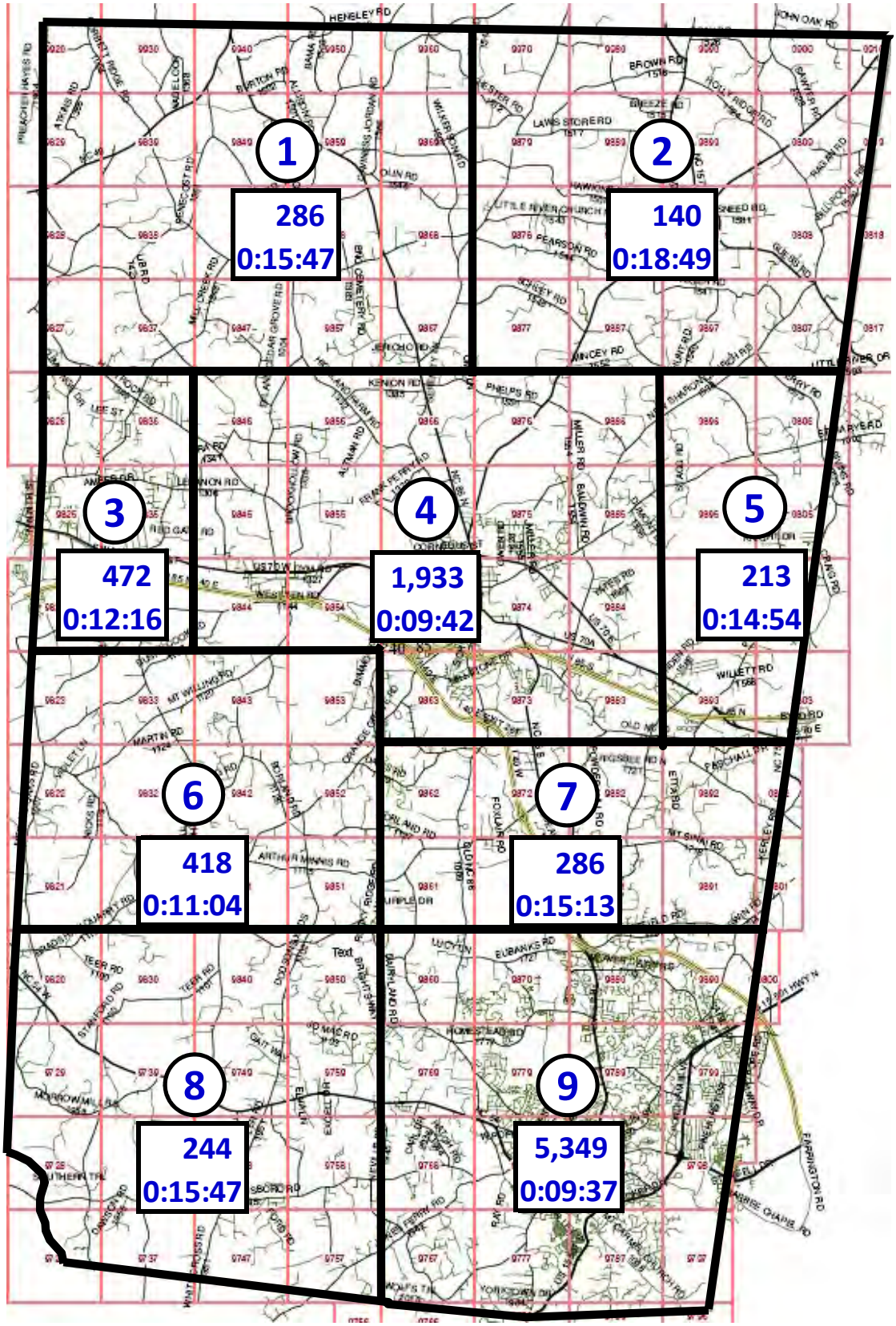
MAP #7



MAP #8


DISTRICT 5
502 Calls/Avg. RT 0:16:29
DISTRICT 1
1,971 Calls/Avg. RT 0:10:34
DISTRICT 4
1,036 Calls/Avg. RT 0:12:14
DISTRICT 6
473 Calls/Avg. RT 0:12:44
DISTRICT 7
2,017 Calls/Avg. RT 0:11:08
DISTRICT 2
2,400 Calls/Avg. RT 0:08:37
DISTRICT 3
813 Calls/Avg. RT 0:09:02

MAP #9


1
286
0:15:47
2
140
0:18:49
3
472
0:12:16
4
1,933
0:09:42
5
213
0:14:54
6
418
0:11:04
7
286
0:15:13
8
244
0:15:47
9
5,349
0:09:37

The responsibility for determining *what* the EMS system response time objective(s) should be is clearly the County's, in that it is the County that must define the level of care that it intends to provide.

10A NCAC 13P .0201 EMS SYSTEM REQUIREMENTS
.0201(a) County governments shall establish EMS Systems. Each EMS System shall have:

- *A defined geographical service area for the EMS System.*
- *The minimum service area for an EMS System shall be one county.*
- *There may be multiple EMS Provider service areas within the service area of an EMS System.*
- ***The highest level of care offered within any EMS Provider service area must be available to the citizens within that service area 24 hours per day.***

Issue: EMS Base Facilities

When conducting space needs assessments to determine the requirements for an EMS building that is to house and secure an ambulance or ambulances and provide for the needs of the personnel assigned to them, one must begin by considering and discussing at least: the size of the vehicles to be housed, the type of support spaces required, the policy and legal requirements that will dictate specific utilitarian, safety, health, hazard prevention and decontamination procedures, the adjacency of and circulation between the individual spaces to be provided, and the overall security requirements of the facility. After which, the architectural details will follow.

The Existing Conditions sub-section did not alluded to physical EMS "bases" or "stations". Rather it referred to EMS "staging"locations. This is because there ***are no*** EMS bases or stations; at least none that are in buildings that were ever planned, built or intended for the purpose of accommodating EMS ambulances or EMS personnel.

Of significant concern, particularly in view of their cost, is that none of the staging locations available now can offer or assure EMS that it can house an assigned and equipped ambulance inside a code compliant, temperature controlled, securable building as suggested by NCOEMS guidelines.

Staff *may* have seating and work areas available to them but not always adequate restroom, meal preparation, respite, or specifically required OSHA and/or OEMS decontamination facilities.

The ambulance staging areas currently assigned have essentially come to EMS by default. There is no evidence that current staging area locations were strategically planned, but simply that space that was available via recent vacation or not otherwise being used, was offered as a location, for the most part, near the more populated areas of the County. There are currently areas of the County essentially uncovered and without any visible evidence that Orange County EMS has a presence in the area or community.

Orange County EMS, like Law Enforcement is an on-going and at times almost continuous service that functions 24 hours a day throughout the entire County. Its services are far from occurring on a casual "periodic" or "sporadic" basis. This concern must be addressed as a *long term* issue. And, it must (in the long term) dovetail with the Response Time and Ambulance Availability issues previously addressed.

EMS area base facilities, built to accommodate the needs of personnel, daily operations, equipment and vehicles, adequately staffed, and strategically located within the County, can significantly impact the response time concerns addressed.

An EMS facility must include, *at the very least*, the following type of space:

- Indoor, temperature controlled vehicle bays with exhaust ventilation and recharging stations
- Secure equipment, materials and medication storage
- Special storage for certain narcotics and refrigerated medical supplies
- Decontamination showers for personnel
- Decontamination/wash areas for equipment
- Space for air drying decontaminated equipment
- Storage accommodations for contaminated clothing, waste, sharps, etc.
- Accommodations for the handling of medical gases (oxygen)
- Laundry facilities
- Food preparation and dining space
- Common/dayroom space
- Multipurpose storage space
- Staff restrooms
- Technology to permit wireless internet capabilities, phone, radio, and pager communications
- Public entrance and space to accommodate visitors

There have been those quick to suggest that EMS should "share space" with the Fire Departments. And there are those that have been just as quick to suggest that, "no, it would never work-Fire and EMS could never get along". The fact is, Fire and EMS personnel work together throughout the County every day . . . and get along just fine.

The actual issue of Fire and EMS "sharing" facilities is more complex:

- The ultimate purpose (mission) of each is different
- Fire Department service areas are specific and limited
- EMS' service area is the entire County
- The schedules of each are different
- EMS may run continuously for extended periods of time
- Fire will more often respond to "periodic" incidents
- The work habits of each are different
- The facility requirements of each are different
- Fire Departments are visible within their respective communities; few know where EMS is.
- Existing Fire station locations are not strategically located to adequately address the deployment of EMS vehicles; to continue to push the "sharing" of these facilities with their respective requirements so different, would simply continue a practice; i.e. discussion; that has worn out its welcome several times over.

EMS Base Location Scenarios

Again, prompted by discussions during presentations to the Emergency Services Work Group regarding EMS response times and the lack currently of adequate EMS base facilities, two (2) hypothetical facility location scenarios were developed to enable a more in-depth discussion and subsequent assessment of options that might be available to the County.

As noted previously, prominent national organizations have suggested that an ALS ambulance be on the scene of a medical emergency within eight (8) minutes of being dispatched. In turn, Orange County EMS has established a response time objective of 12-minutes, to 90% of all emergency calls dispatched.

Therefore, utilizing a "blank slate" approach and looking at a map of the County without regard to existing EMS district boundaries or existing ambulance staging locations; measurements were taken and calculations run to determine the number of EMS base facilities that would be required, together with their respective (approximate) locations, that would be able to provide:

1. An OCEMS ambulance on scene *anywhere* in the County **within eight (8:00) minutes**.
2. An OCEMS ambulance on scene *anywhere* in the County **within twelve (12:00) minutes**.

In reality it took the development (and redevelopment) of many trial-and-error partial scenarios to eventually achieve the objective set for each; the fewest number of EMS stations that would provide the maximum possible coverage. The results are illustrated on the maps that follow.

- **MAP #10-8:00 Minute Response Time (RT) Coverage Scenario-A**; identifies 19 EMS station locations
- **MAP #11-8:00 Minute Response Time (RT) Coverage Scenario-B**; identifies (in red) remaining "pockets" of land not accessible within the 8:00 minute response time limitation
- **MAP #12-12:00 Minute Response Time (RT) Coverage Scenario-A**; identifies nine (9) EMS station locations
- **MAP #13-12:00 Minute Response Time (RT) Coverage Scenario-B**; identifies (in red) remaining "pockets" of land not accessible within the 12:00 minute response time limitation

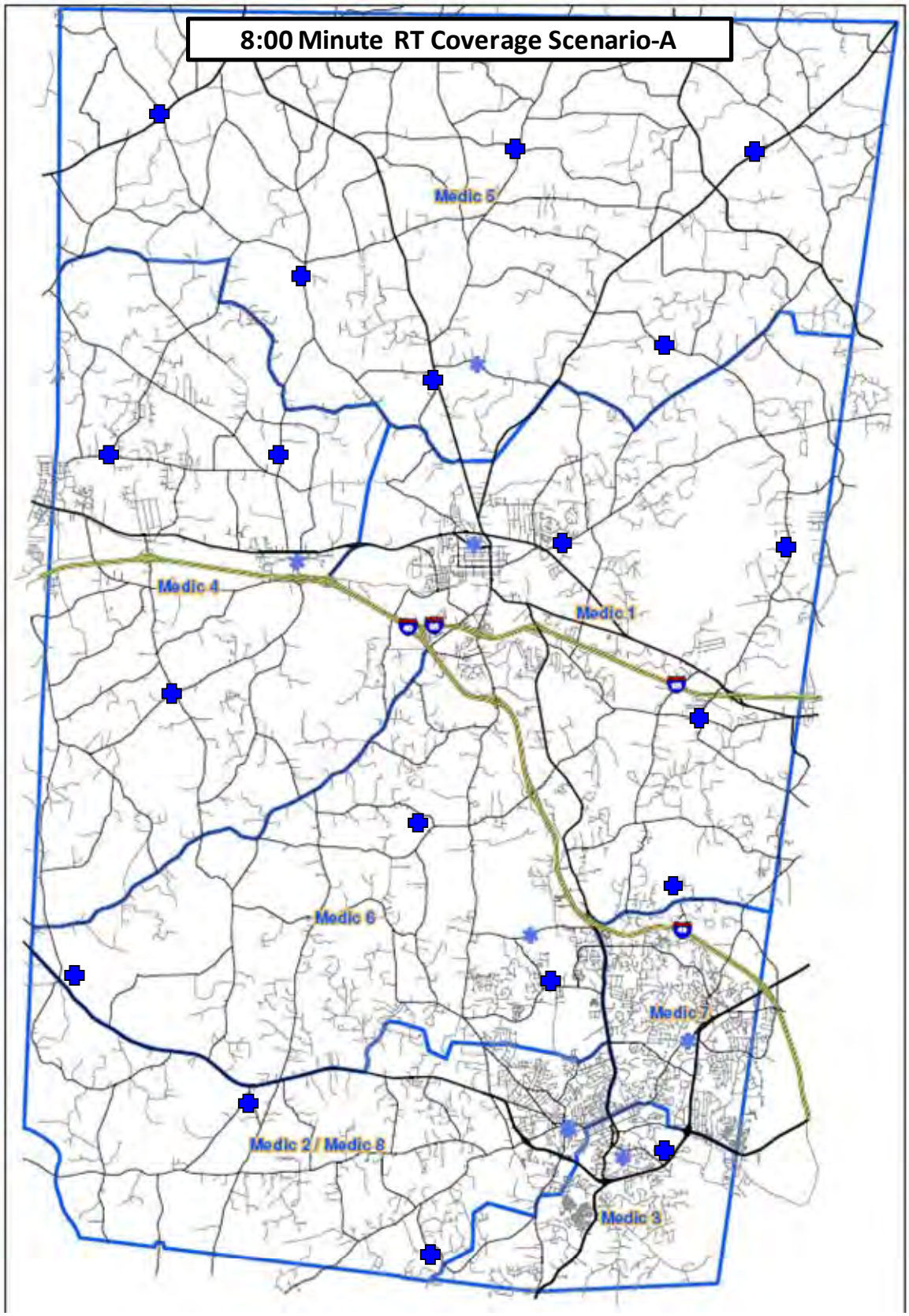
Scenario Personnel Costs

As a means of comparison, the number of stations and the corresponding number of FTE's required to staff a single 24 hour ambulance in each proposed station, and the estimated personnel costs of each coverage scenario were assessed against existing FY 2011-2012 budget figures.

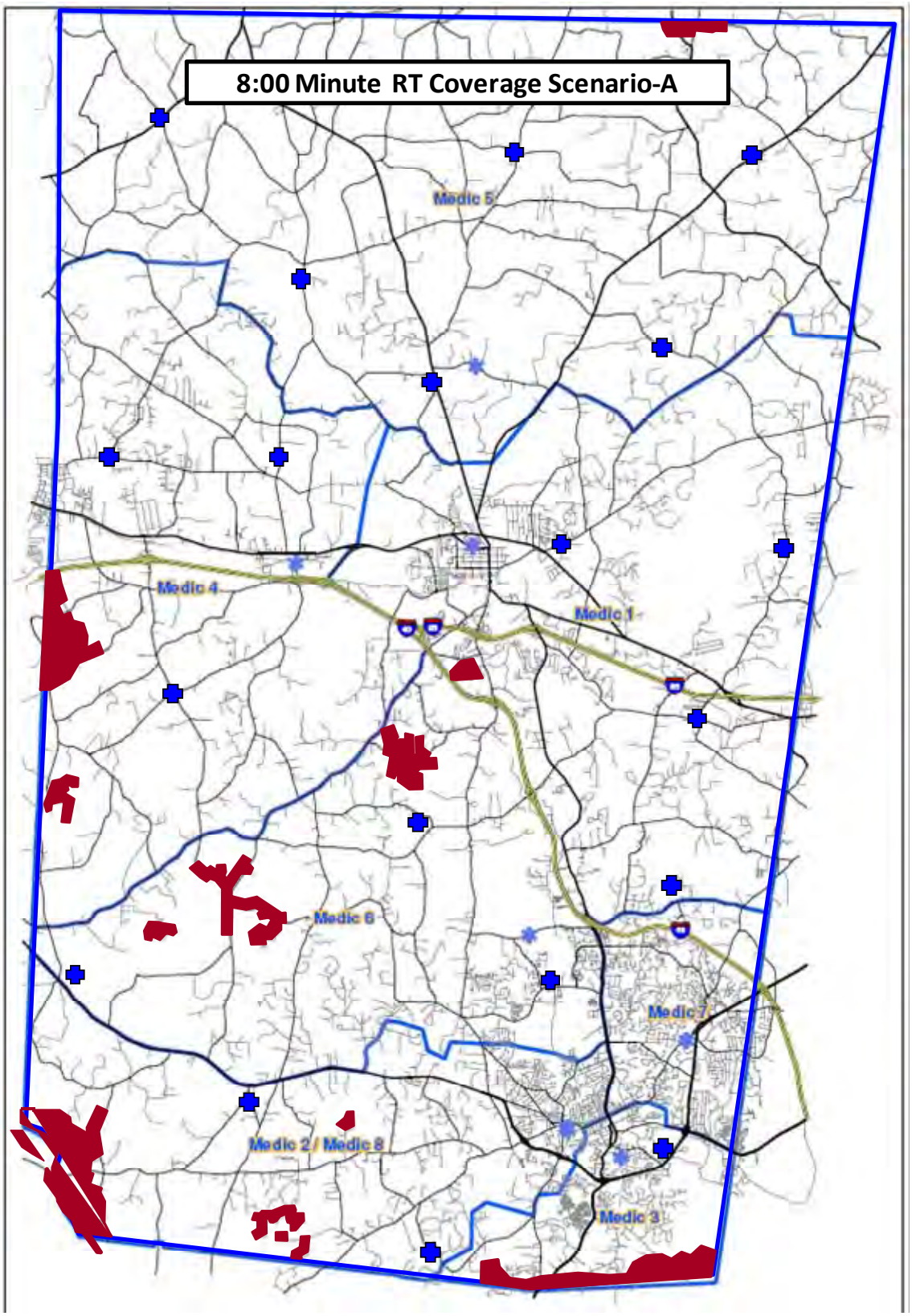
12:00 Minute Response Time Coverage		
19 Stations		204 FTE's
	versus	
6 Locations		63 FTE's
Total Personnel Cost	**$**	**10,135,976**
Less Existing Budget Pers. Cost	$	(3,703,295)
Less Est. Overtime Savings [1/2]	$	(200,000)
Total Net Cost Addt'l. Personnel	**$**	**6,232,681**

8:00 Minute Response Time Coverage		
9 Stations		97 FTE's
	versus	
6 Locations		63 FTE's
Total Personnel Cost	**$**	**4,818,233**
Less Existing Budget Pers. Cost	$	(3,703,295)
Less Est. Overtime Savings [1/2]	$	(200,000)
Total Net Cost Addt'l. Personnel	**$**	**914,938**

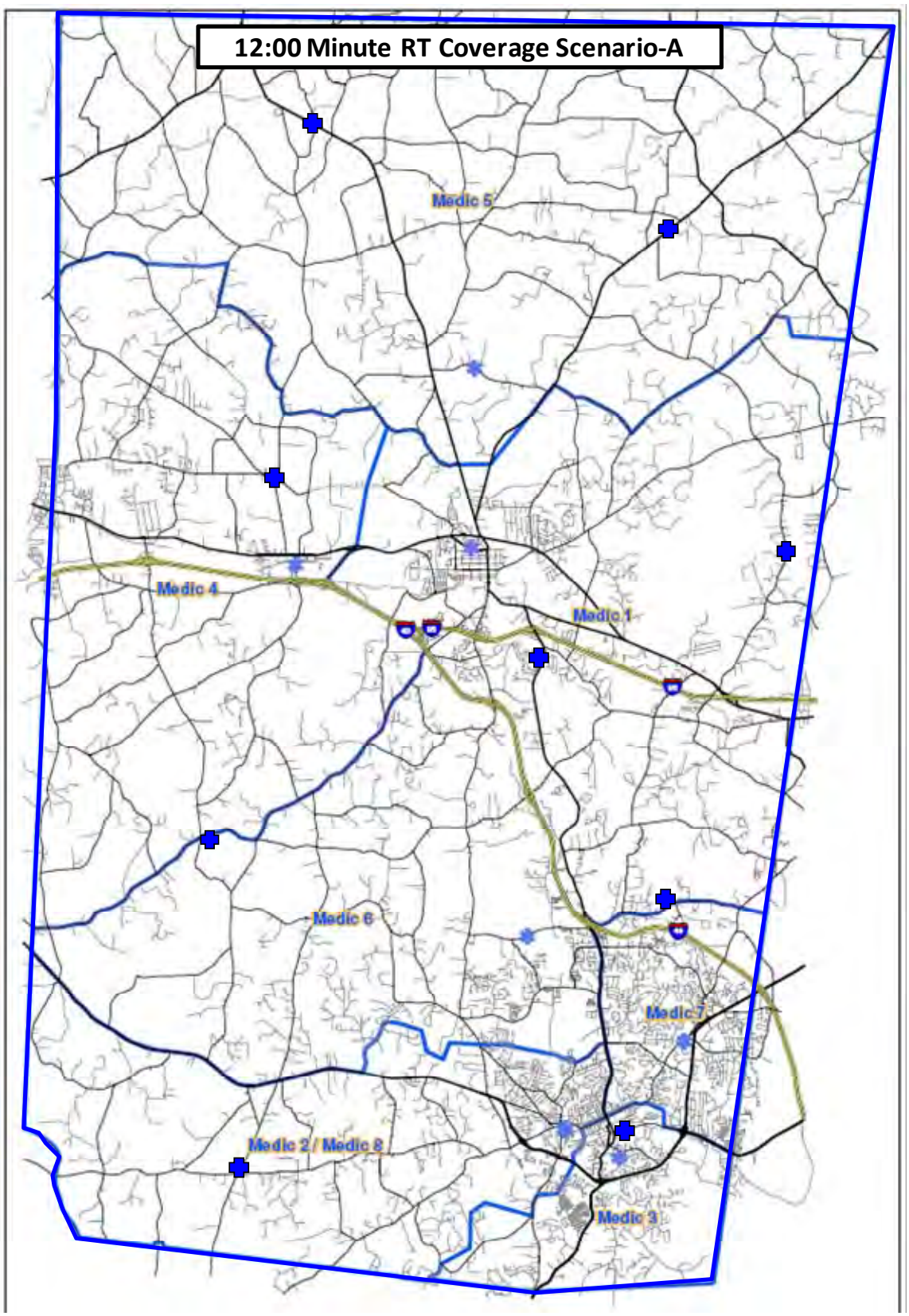
MAP #10


8:00 Minute RT Coverage Scenario-A
Medic 5
Medic 4
Medic 1
Medic 6
Medic 7
Medic 2 / Medic 8
Medic 3

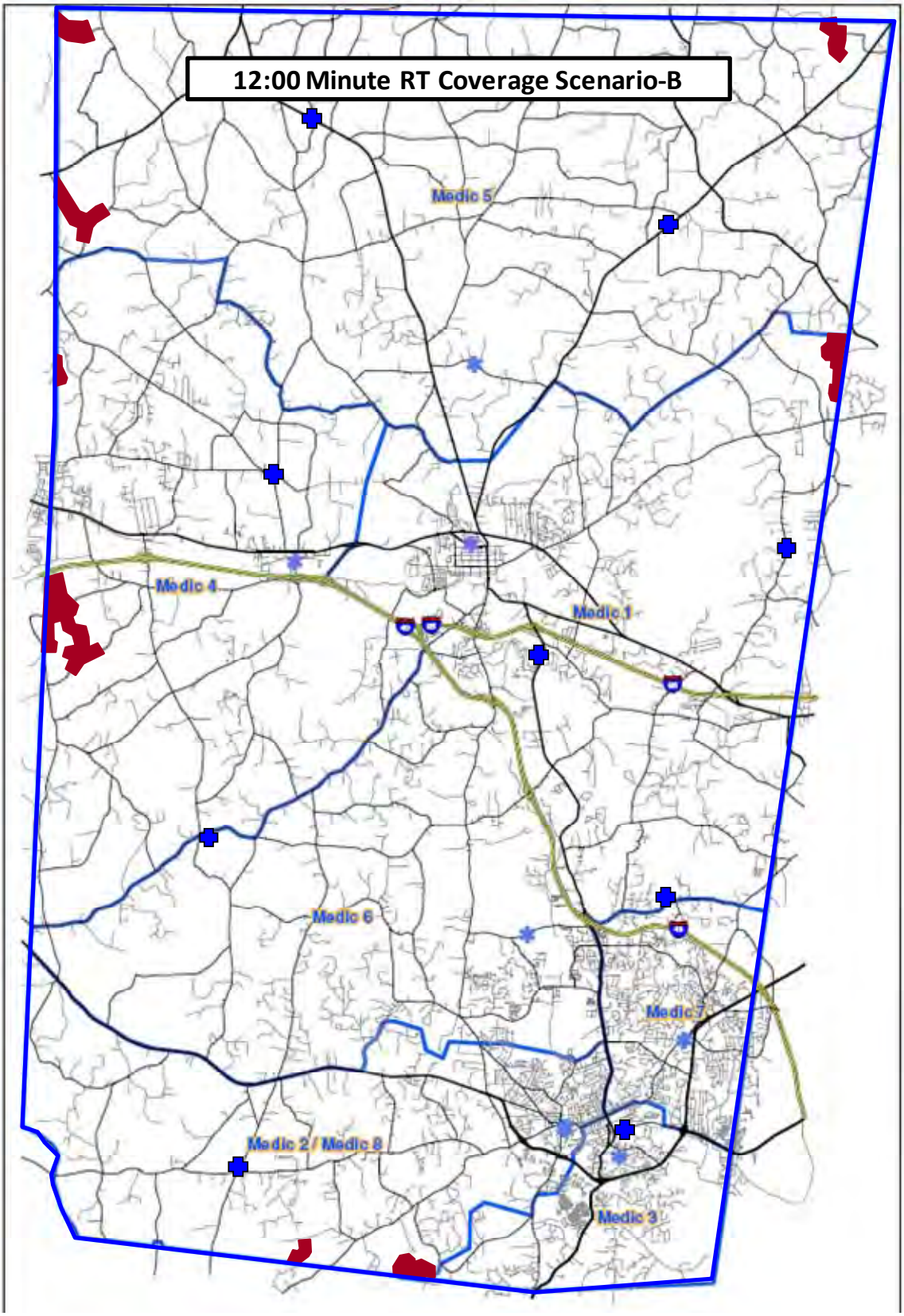
MAP #11


8:00 Minute RT Coverage Scenario-A
Medic 5
Medic 4
Medic 1
Medic 6
Medic 7
Medic 2 / Medic 8
Medic 3

MAP #12


12:00 Minute RT Coverage Scenario-A
Medic 5
Medic 4
Medic 1
Medic 6
Medic 7
Medic 2 / Medic 8
Medic 3

MAP #13


12:00 Minute RT Coverage Scenario-B
Medic 5
Medic 4
Medic 1
Medic 6
Medic 7
Medic 2 / Medic 8
Medic 3

2.5 RECOMMENDATIONS

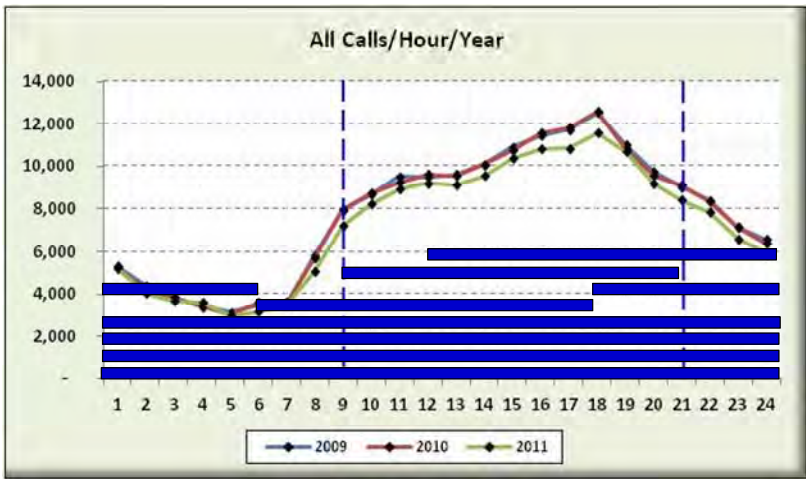
Issue: Availability of Ambulances
Recommendations:

R-1. OCEMS should adjust Medic 5 and Medic 8 coverage hours.
As an initial but immediate response to improve ambulance availability, adjust the assigned hours of available ambulances to more heavily load the prime time block of hours from 9:00 am-9:00 pm when many of the "move-ups" occur. Specifically:

- Move Medic 5 from 6:00 am-6:00 pm to 9:00 am-9:00 pm
- Move Medic 8 from 6:00 pm-6:00 am to 12:00 noon-12:00 midnight

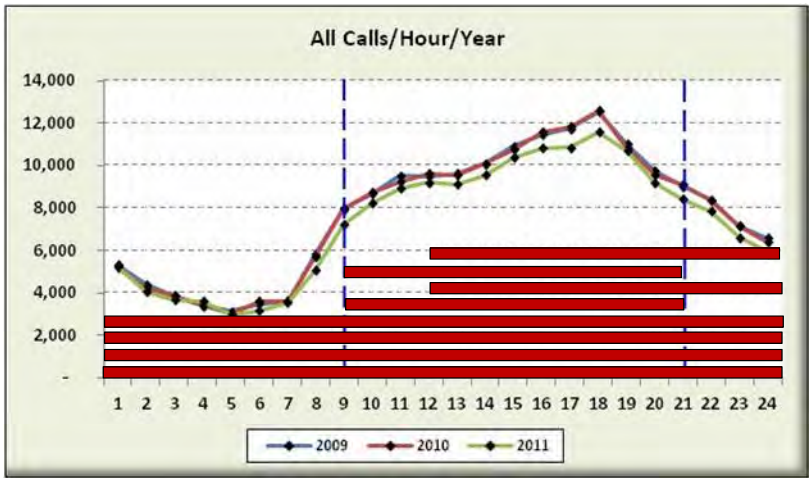
The blue bars in Figure 27 represent the eight (8) Medic Units and their currently assigned shift hours.

Figure 27
Current Deployment of Ambulances



The red bars in Figure 28 represent the coverage of the eight Medic Units once the changes to Medic 5 and * have been made.

Figure 28
Recommended Deployment of Ambulances



The objective of course in adjusting the coverage hours of Medic 5 and 8 is to increase the availability of ambulances and decrease the number of "move-ups' that must be ordered on a daily basis. Call data and corresponding move-up information will need to be closely monitored in order to assess the effectiveness of the shift adjustments.

The data collected will need to include information specific to each individual Medic Unit. The minimum information collected, collated and distributed for review on at least a monthly basis should include at least:

- The number of calls dispatched per day, week, and month
- The total event time of each call
- The number of times "move-ups" were ordered per day, week, and month
- The time of day that each move-up was ordered and its duration

Monthly summary reports of Medic Unit activities should be reviewed by at least the EMS Operations Director, the Medical Director, and the Emergency Services Director. A comprehensive assessment of the progress made towards improving ambulance availability should occur no later than the end of the 6th month to determined if the coverage adjustments are having effect.

R-2. OCEMS should add an additional ALS Ambulance 9:00 am-9:00 pm, 12 hours/day, 7 days/week.
Adjusting the coverage hours of two Medic Units will certainly help reduce the number of "move-ups"; i.e. the number of times per day that available ambulances are down to one (1) or "no" ambulances. If, however, after no more than six (6) months of the enhanced prime-time coverage the number of "move-ups has not been reduced by at least two-thirds (from an average of 6.5/day to no more than 2/day) efforts should be made to immediately bring on-line a fully staffed and equipped ALS ambulance assigned to the 9:00 am-9:00 pm hours, 7 days/week.

R-3a. Utilize available SORS/BLS ambulance for non-emergency patient transports.
R-3b. OCEMS should bring on line and staff a BLS ambulance to provide non-emergency patient transports.
The concept suggested by this recommendation utilizes a BLS staffed ambulance to provide patient transportation (via ambulance) in non-life threatening circumstances. The basis being that ALS Medic Units would of course respond to all calls dispatched, however, rather than then having to transport the patient; i.e. travel to the hospital with the patient, and spend time at the hospital until released, they could return to "in-service" status and be available to respond to another call much sooner.

The reason for there being a "part a" and a "part b" to this recommendation is that they represent two options to accomplish this time saving effort to increase ambulance availability. If South Orange Rescue Squad (SORS), which is essentially a volunteer organization, cannot provide an ambulance and certified EMT personnel, and the concept is considered viable by the County, OCEMS should provide the ambulance and personnel to do so.

Note that while not addressed specifically in the wording of the recommendation it is assumed that the referenced prime-time hours would be the target time this BLS unit would be assigned. However, should EMS recognize that factors such as call time, call volume or other noticeable trends regarding patient transports vary from those hours, it should be able to assign and schedule the unit(s) accordingly.

Issue: Response Time
Recommendations:

R-4. Assess Fire Department capabilities to meet BLS First Responder response time objectives.
This recommendation calls for an independent, objective assessment of existing Fire Department capabilities and the actions, procedures, and associated costs-if any, to address the Medical First Responder response time objectives not yet established by the County.

The information to be reviewed and assessed for each department will include at least, but not be limited to the following:

- Department roster/membership
- Number of paid vs. volunteer personnel
- Available vehicles & relevant equipment
- Station location(s)
- Recent year call volume & type
- Past call locations
- Included map grids
- Existing funding
- Anticipated performance requirements

R-5a. Schedule and implement Fire Department MFR initiative which includes performance objectives.
R-5b. Staff and equip four (4) EMS Quick Response Vehicles (QRV's) for assignment, initially, 12 hours/day, 7 days/week with shift start/end times to be determined by EMS.
Should the findings and recommendations identified in the Assessment of Fire Department Capabilities recommended in R-4 be approved by the County, R-5a the implementation of the individual and collective Fire Department initiatives should take place as soon as possible following approval. Granted all actions and recommendations approved may not be able to occur at the same time for various reasons; i.e. logistics, funding, availability of personnel, etc.

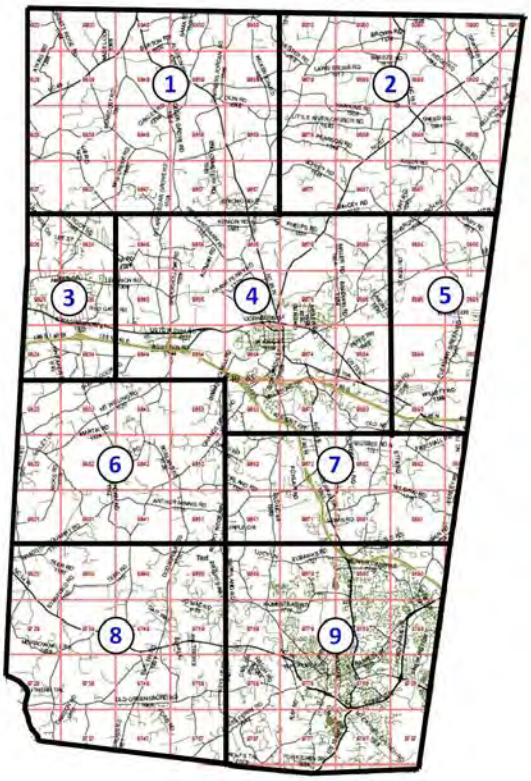
Note that specific performance objectives, particularly with regards to response time, have not been defined at this time. This issue should be addressed during the Assessment (R-4) process, with every Fire Chief individually and with every Department having an opportunity to provide input.

In the event that the findings and recommendations identified in the Assessment of Fire Department Capabilities recommended in R-4 ***not*** be acceptable to the County, an alternative means of providing a medically trained and certified first responders on the scene of a medical emergency "fast"; i.e. *much* faster than the EMS average response times recorded in recent years; *is critical*.

Subsequently, the alternative recommendation in this case is that stated in R-5b. While not as widespread as 12 fire departments, four (4) single-person ALS Quick Response Vehicles (QRV's), appropriately deployed and monitored with regards to directing placement, can go a long way towards improving the initial first response to medical emergencies which is currently averaging 2-3 times that established by NFPA and others as the recommended standard for medical emergencies.

Note that this concept does not take an EMT out of an ambulance and put them in a car instead. It places an EMT in a vehicle with the single purpose of improving the Medical First Responder times to medical emergencies . . . "get there fast, assess the situation, stabilize/treat the patient, communicate the conditions found and await an ALS Medic Unit to arrive to transport the patient if necessary". The EMT ***does not*** leave his/her vehicle to ride in the ambulance. Once control is assumed by the Medic Unit, the assigned EMT will be "in service" and resume the duties assigned.

R-6. Staff & equip six (6) 12 hour/7 day ALS ambulances at appropriate staging/base facility locations within (1) Zones 1 & 2, (2) Zones 7 & 5, and (3) Zones 6 & 8.



If Orange County intends to work towards addressing its statutory responsibility of providing the same level of EMS care to all areas of the County 24 hours per day, this recommendation, once acted upon, will demonstrate a significant step in that direction.

And, while the EMS Base Facilities issue will be addressed specifically in recommendations R-8 through R-12, the strategic placement of those facilities will need to coincide closely with this recommendation. Ultimately, it will be recommended that the County provide no less than nine (9) EMS base station facilities, preferably one within each of the nine zones identified in this map and in larger scale on page 41.

The basis for suggesting that the additional ambulances along with accompanying personnel and equipment be provided within each of 3 "pairs" of two zones each included that:

- Each of the total of six zones identified have among *if not the* slowest EMS response times in the County.
- Each of the "paired" zones is adjacent to one another.
- The location of an EMS station within one of the two adjacent zones *initially,* will improve response times to incidents in both zones, (although perhaps only "somewhat" improved in the zone without the station).
- As will be noted in *Section 6-Implementation Schedule*, the development of the EMS stations will require careful study as to location as well as scheduling of the capital and operating costs identified; these initially "shared" EMS base stations will permit the County to phase the development of future stations.

R-7. Hire a Paramedic Level Shift Supervisor @ 24/7.

The additional EMS personnel to be hired that correspond with the recommendations presented thus far, to address the Availability of Ambulances and Response Time issues discussed, will warrant an additional 24 hour/7 day Shift Supervisor position by Year 4 as identified in the *Implementation Schedule* provided in Section 6.

The relief factor calculations in Subsection 4.4, page 76, identified a multiplier of 5.1 per 24 hour position to enable 8,760 hours of coverage 24/7/365. In addition to personnel, a vehicle (typically SUV) up-fitted to provide two-way radio and computer communications with the Communications Center and on-duty Medic Units in the field, and GPS and AVL equipment will be required as well.

Issue: EMS Base Facilities
Recommendations:

R-8. Prepare a detailed Space Needs Assessment that addresses the essential building and site requirements to accommodate a stand-alone, functional, code compliant EMS base facility that can serve as a prototype for all future facilities.
The recommendation suggests that the County contract for professional services, working directly with the County and EMS personnel, to detail and document the space and site requirements for an EMS Base facility.

Once the essential space needs are identified various options can be refined based upon the specific type(s) of facilities needed; for example a station that would accommodate a single ambulance, a station that would accommodate multiple ambulances, etc.

The benefit of such an assessment and the documentation of the specific space and site requirements could serve the County in multiple ways;

- As a conceptual "pattern" it could be utilized as the prototype facility concept to be built at multiple locations.
- As a "test template", were a building identified in a strategic location, the information detailed with this document could be utilized to evaluate the building in question as to its applicability for reuse as an EMS facility.

R-9. Identify a minimum of nine (9) strategic locations, preferably no less than one (1) location within each major zone previously identified, for the potential location in each of a future EMS base.
The criticality of the location of EMS base facilities in an area as large, and as varied as Orange County *cannot* be over emphasized. As alluded to in R-8 above, while the "ideal" situation would be available property on which a "build-to-suit" *new* building could be located, the eventual option that presents itself may in fact be an existing building that may be appropriate for reuse as an EMS facility.

Regardless of the approach, the previous EMS discussion of issues made clear the need for these facilities in locations in addition to ***only*** the most concentrated areas of population in the County.

R 10. The County should purchase/obtain identified sites (and/or buildings) for development.
The completed Space Needs Assessment suggested in R-8 should provide the criteria for evaluating the potential of any site or building considered.

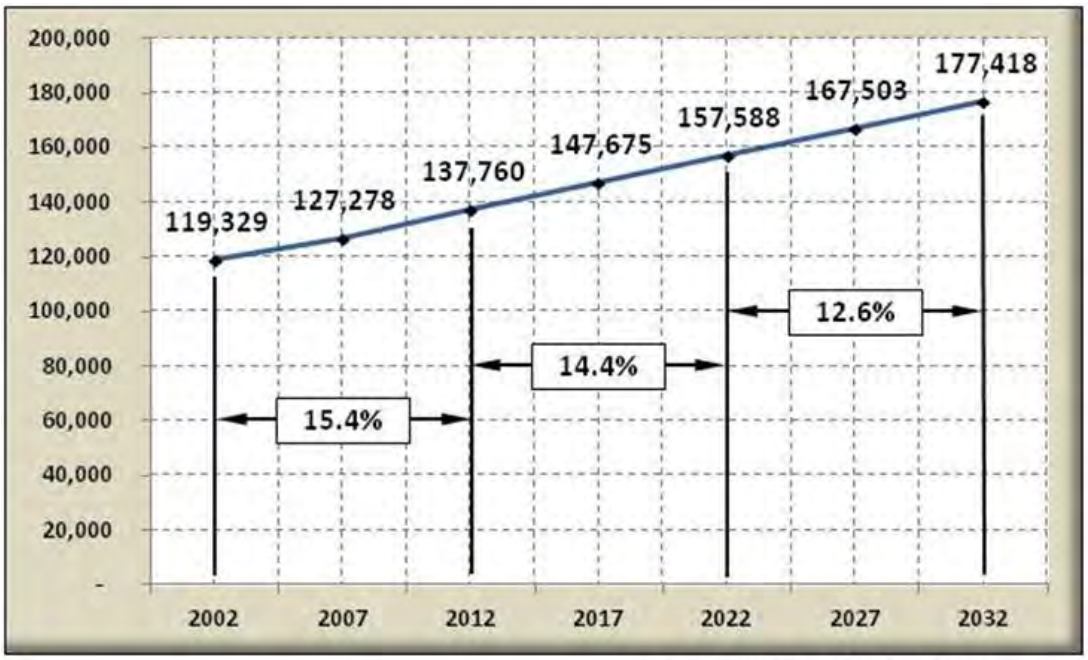
R 11. Procure EMS base planning and design services.
Depending upon the level of detail provided in the referenced Space Needs Assessment, planning and design of a single EMS base facility could take 4-6 months, particularly considering the various regulatory requirements imposed on "public building" projects.

R 12. Advertise, bid, and commence construction on designated EMS base facilities.
Once the design is completed and approved, the bidding and construction of this type of building could take 6-8 months depending upon whether it is to be new construction on a "clean" site or renovation and a building addition to an existing structure. Of course any number of additional options (and benefits) could be realized if for example, a single contractor (or designer) was selected to do more than one facility at a time; i.e. a "package deal".

SECTION 3-COUNTY POPULATION

This section briefly examines Orange County's recent past and projected future populations. The relevance of the County's resident population to the future demand for EMS services will be considered in an effort to project future demands and in turn needs of both operations. The source of the material presented in this section is the North Carolina Office of Budget and Management (NCOBM).

Figure 29
Orange County Experienced & Projected Populations



Source: NC Office of Budget & Management

These figures indicate that over the past 10 years the County's population has increased 15.4 %. The projected July 2012 resident population is 137,760. Over the next decade the County's population is projected to increase by just under 20,000 residents; 14.4%. The following decade, 2022-2032, although increasing at a lower percentage; i.e. 12.6%; will still experience an increase in population of yet another 20,000 residents.

In turn, as a means of comparison, the counties adjacent to Orange are expected to experience the following in terms of growth over the next 20 years:

Figure 30
Adjacent County Projected Populations/2012-2032

County	Jul-12	Jul-22	% Change	Jul-32	% Change	Total % Change
Alamance	**153,498**	163,168	6.30%	172,841	5.93%	12.23%
Caswell	**23,727**	23,733	0.03%	23,756	0.10%	0.12%
Chatham	**65,814**	78,411	19.1%	91,011	16.1%	35.21%
Durham	**275,946**	312,265	13.2%	348,584	11.6%	24.79%
Orange	**137,760**	**157,588**	**14.4%**	**177,418**	**12.6%**	**26.98%**
Person	**40,247**	45,010	11.8%	49,776	10.6%	22.42%

The experienced EMS call volumes and the corresponding EMS calls per 1,000 resident population has been identified for the years 2000-2011 and will provide the basis for future year call volume projections.

Figure 31
Experienced EMS Call Volume/2000-2011

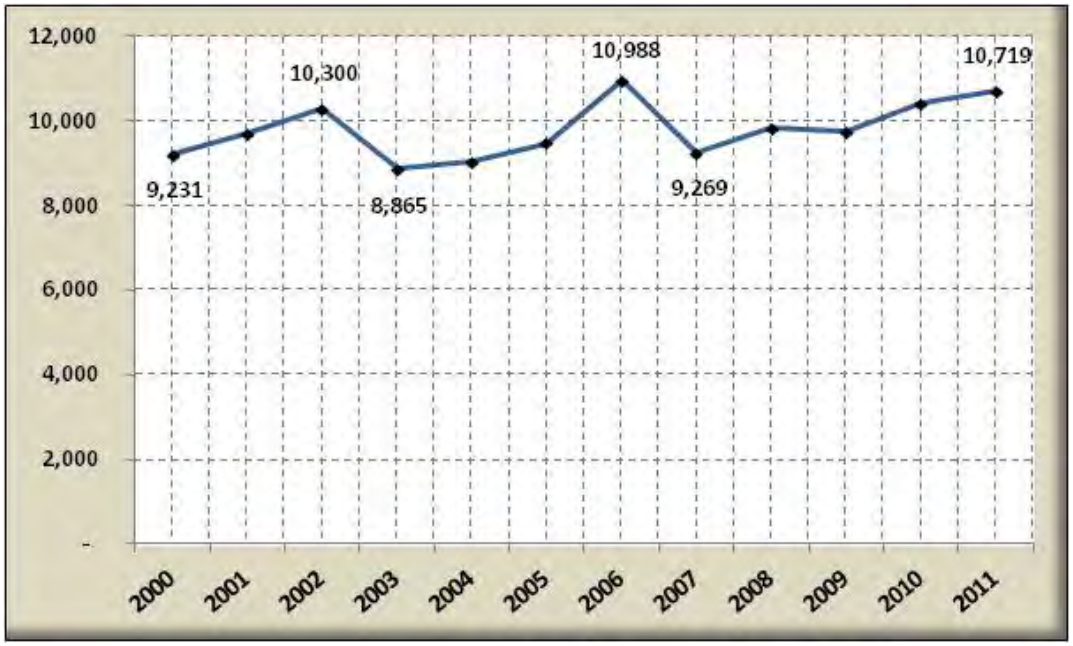
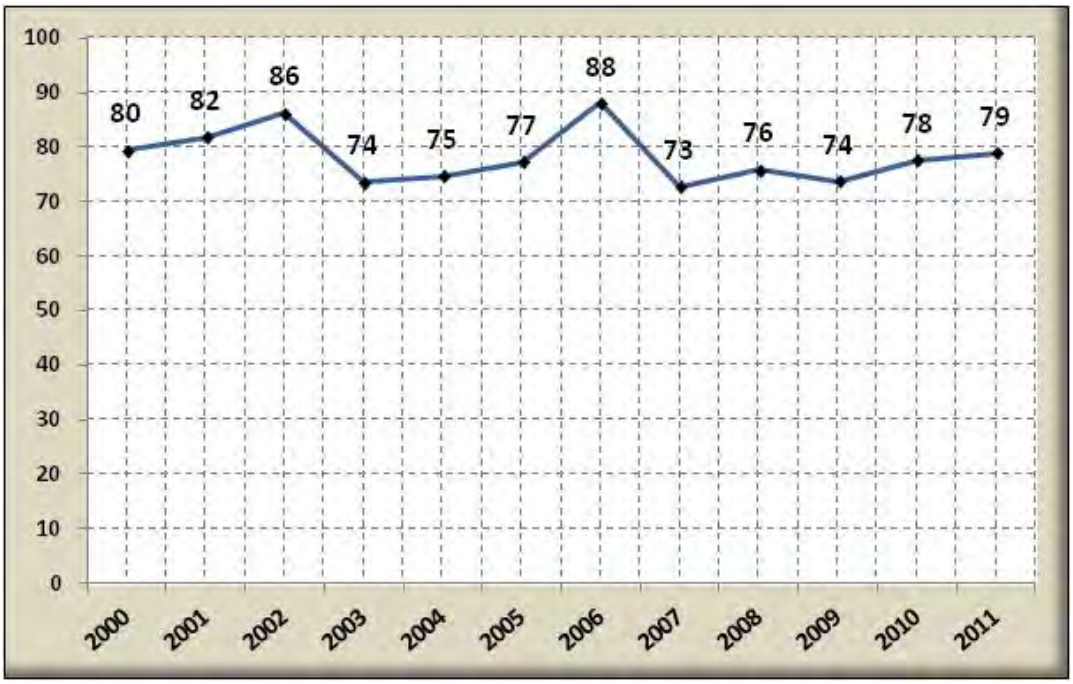


Figure 32
Annual EMS Calls per 1,000 Population/2000-2011



The methodologies used to project future needs; whether people, workload, or in this instance EMS call volume; will typically involve an examination of recent year trends of those same characteristics. Today of course the application of technology and various software programs are available as well; all of which also, however, will typically require historical data to feed their formulas.

Subsequently, the starting point for these calculations will be the experienced (known) annual EMS call volumes for 2000-2011 and noted in Figure 31, together with the annual County populations as documented by the North Carolina Office of Budget & Management for the same years.

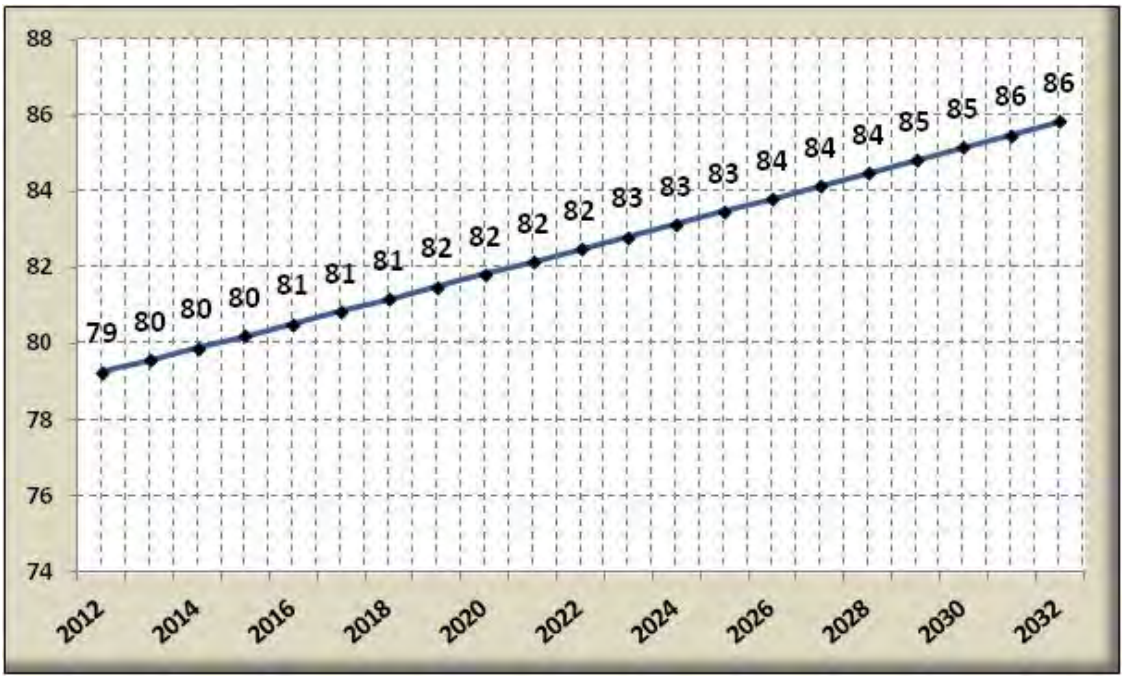
Between 2000 (116,106) and 2011 (135,776) the County's population increased 16.9 percent.

Between 2000 (9,231) and 2011 (10,719) the County's annual EMS call volume increased 16.1 percent.

While the County's total annual population figures are important, the correlation of the number of EMS calls per *unit of population served*; in this case the number of calls per 1,000 residents; is the variable that will be incorporated into the calculations of future annual EMS call volumes; Figure 34.

As illustrated in Figure 32 the number of EMS calls per 1,000 residents of course varied from year-to-year. The ratio increased during eight (8) different years and decreased during three (3) different years. In this case the *average annual change* in the ratio of EMS calls/1,000 was + 3/10ths of 1%. This ratio was the applied to the projected future annual populations, the results of which are identified here.

Figure 33
Projected Annual EMS Calls/1,000 County Population/2012-2032



Now, of course, knowing the future year EMS call/1,000 population ratios and the projected annual County populations for 2012-2032 per Figure 29; future year EMS call volumes can be calculated. The results are as follows:

Figure 34
Projected Annual EMS Call Volumes/2012-2032

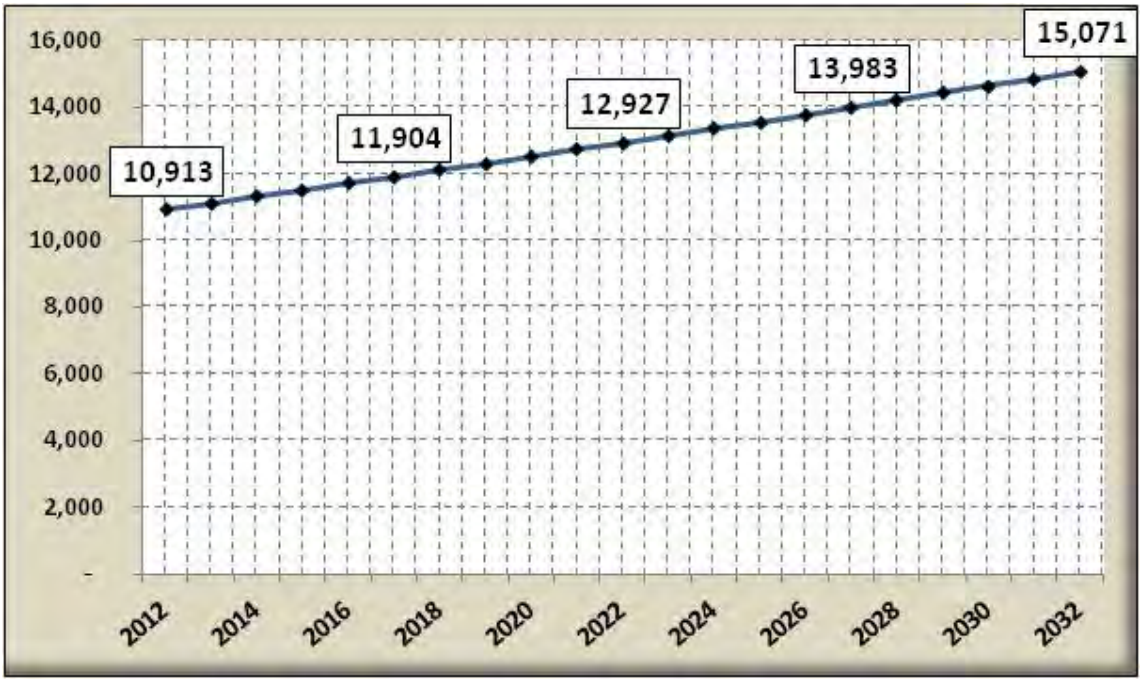


Figure 35
Projection Summary

Factor	2012	% Change	2022	% Change	2032
Co. Population	**137,760**	**14.4%**	**157,588**	**12.6%**	**177,418**
EMS Calls	**10,913**	**18.5%**	**12,927**	**16.6%**	**15,071**

When tracked over the years to come the numbers certainly will not fall into a straight line and at times may vary considerably. In all likelihood, however, the most significant indicator in the years ahead will be the County's general population and its subsequent demographic sub-groups.

As an example, one of those demographic subgroups very likely to have an impact are those in the age group bracket of 65 and over. According to the North Carolina Office of Budget & Management's demographics section the projected numbers are as follows:

Age Group 65 yrs. & older-2012	10.6% of County's Population
Age Group 65 yrs. & older-2032	18.2% of County's Population
Age Group's Total Increase:	**121%**

SECTION 4-911/COMMUNICATIONS CENTER

4.1 HISTORICAL & STATUTORY REFERENCES

Emergency communications in the mind of both citizens and public safety professionals is synonymous with "911"; the number dialed in an emergency. Since this concept deals essentially with telephone communications, the federal government, particularly the Federal Communications Commission (FCC) has played a significant role in its development.

In 1967 the President's Commission on Law Enforcement and the Administration of Justice recommended that a "single number" be established for nationwide use to report emergency situations. On March 22, 1974, the Office of Telecommunications Policy issued National Policy Bulletin Number 73-1, the *National Policy for Emergency Telephone Number 911*". This policy stated that:

1. It is the place of the Federal Government to encourage local authorities to adopt and establish 911 emergency telephone services in all metropolitan areas, and throughout the United States.
2. Responsibility for the establishment of 911 services should reside with the local government.
3. The cost for basic 911 service should not be a deterrent to its establishment [Paragraph 3(c)]

By 1996 cellular and commercial mobile telephone service had become so popular and widespread that the FCC issued a report (CC Docket No. 94-102; July 26, 1996) calling for the requirement that 911 service be available to wireless phone users in two phases; phase I would provide calling party's number and cell tower location; phase II would provide calling party's number and location of the mobile phone by latitude and longitude. The *Wireless Communications and Public Safety Act of 1999* was subsequently signed by the President on October 26th, of that year.

North Carolina Public Safety Telephone Act

In 1989 the North Carolina General Assembly passed the Public Safety Telephone Act recognizing 911 as a toll free number through which an individual in the State can gain rapid, direct access to public safety aid. The Act became law as North Carolina General Statute Chapter 62A. Local governments were to set a rate and collect a 911 service fee to pay eligible costs associated with providing that direct access to Public Safety Answering Points (PSAP).

When wireless phones became popular, they did not fit the wireline model for providing location information, so in 1998 the Legislature adopted NC Senate Bill 1242 providing for a 911 Wireless Fund and creation of the Wireless 911 Board. This bill defined the composition of the fund and the requirements for participation. It became law as Article 2 of §62A.

During the 2007 legislative session House Bill 1755 was introduced "to modernize and improve the administration of the State's 911 system through a statewide 911 Board by ensuring that all voice services contribute to the 911 system and by providing parity in the quality of service and the level of 911 charges across voice communications service providers." The bill was passed as Session Law 2007-383, and took effect January 1, 2008. It requires all voice communications service providers to collect a single rate 911 service fee and remit collections to the State 911 Board rather than to the local governments. The State 911 Board distributes funds to the PSAPs based upon criteria set forth in the new law.

The duties and responsibilities of the 911 Board are significant. While GS 62A-42 appears to emphasize the Board's duties regarding the collection, management and distribution of 911 funds, an additional, long overdue, and very important responsibility of the Board is the establishment of performance, reporting, operational, and technical capability standards for all certified Communications Centers (PSAP's) throughout the State. At this time, the standards are expected to go into effect in January 2014. A draft of those standards as they currently exist is included in the Appendix of this report.

As well, a major initiative, underway since February 2012, is the provision to each County and established PSAP in the State, the installation of "Emergency Call Tracking System" (ECaTS)" capabilities which is expected to greatly enhance , make uniform, and formalize the complex tasks of collecting, reporting and managing 911 call statistics.

2.1.2 62A-42. Powers and duties of the 911 Board.

(a) Duties. – The 911 Board has the following powers and duties:

(1) To develop the 911 State Plan. In developing and updating the plan, the 911 Board must monitor trends in voice communications service technology and in enhanced 911 service technology, investigate and incorporate GIS mapping and other resources into the plan, and formulate strategies for the efficient and effective delivery of enhanced 911 service.

(2) To administer the 911 Fund and the monthly 911 service charge authorized by G.S. 62A-43.

(3) To distribute revenue in the 911 Fund to CMRS providers and PSAPs in accordance with this Article and advise CMRS providers and PSAPs of the requirements for receiving a distribution from the 911 Fund.

(4) *To establish policies and procedures to fund advisory services and training for PSAPs, to set operating standards for PSAPs, and to provide funds in accordance with these policies, procedures, and standards.*

(5) To investigate the revenues and expenditures associated with the operation of a PSAP to ensure compliance with restrictions on the use of amounts distributed from the 911 Fund.

(6) To make and enter into contracts and agreements necessary or incidental to the performance of its powers and duties under this Article and to use revenue available to the 911 Board under G.S. 62A-44 for administrative expenses to pay its obligations under the contracts and agreements.

(6a) To use funds available to the 911 Board under G.S. 62-47 to pay its obligations incurred for statewide 911 projects.

(7) To accept gifts, grants, or other money for the 911 Fund.

(8) To undertake its duties in a manner that is competitively and technologically neutral as to all voice communications service providers.

(8a) To design, create, or acquire printed or web based public education materials regarding the proper use of 911.

(9) To adopt rules to implement this Article. This authority does not include the regulation of any enhanced 911 service, such as the establishment of technical standards for telecommunications service providers to deliver 911 voice and data.

(10) To take other necessary and proper action to implement the provisions of this Article.

4.2 EXISTING CONDITIONS

Orange County's emergency services network, which includes virtually all of the public safety agencies operating in the County, could not exist; i.e. could not *begin* to approach the general public's expectations of it, without a sophisticated emergency communications system.

While there is no doubt that much credit is due the many Fire, Rescue, EMS, and Law Enforcement personnel that respond with special vehicles, skills, and equipment to the scenes of countless reported emergencies, it is the actual ***reporting*** of those emergencies which gets everything started.

In this instance, the County's Communications Center; or "911 Center" as it is often called; is an operational component of the Orange County Emergency Services Department. It is located on the upper level of the Department's headquarters facility at 510 Meadowlands Drive in Hillsborough, together with the offices of the Emergency Services Director, EMS Administration, Planning & Logistics, and Life Safety Divisions of the Emergency Serviced Department. The personnel who work in the Center are of course employees of the County.

In the professional terminology of the communications industry, the Communications Center is referred to as the primary ***public safety answering point***, or **PSAP**, for emergency communications in Orange County.

On duty personnel receive, handle and dispatch calls for Fire, Rescue, Emergency Medical Services (EMS), and Law Enforcement throughout Orange County.

While generally referred to as "dispatchers" the position classification of the employees who work within the Center answering and dispatching calls is "Telecommunicator". During the period of the study, the Center was staffed with four (4) 12-hour shifts, each having five (5) assigned Telecommunicators. The variance in the number of staff on duty at one time, and the Center having to frequently work "short" was most frequently due to staff illness, vacation, approved personal leave, off-site training, or position vacancies.

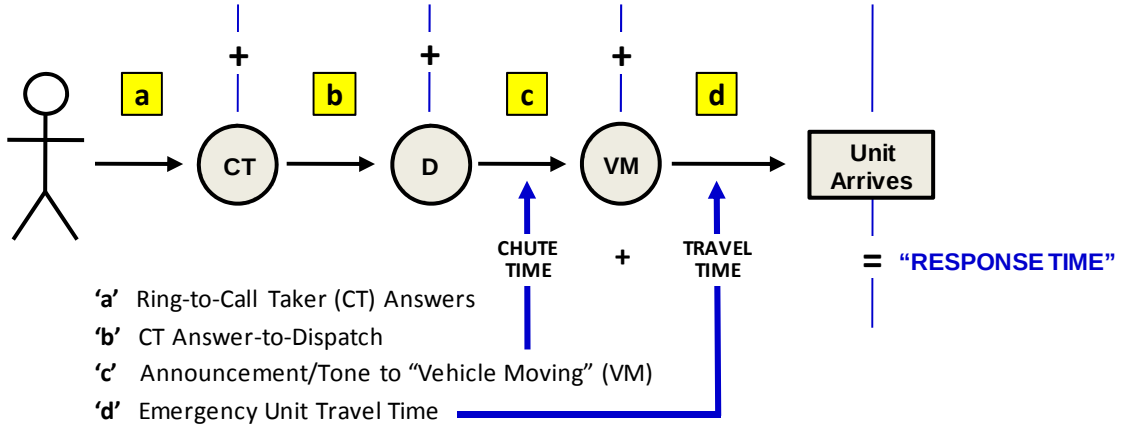
The Process

The essential functions involved in the emergency communications process are illustrated in the diagram that follows (Figure 36). The time intervals identified as 'a', 'b', 'c', and 'd' represent significant activity periods identified for the purposes of this study, particularly with regards to performance. In real life these activities will vary somewhat from call to call and certainly from service to service.

The involvement of Communications Center staff will also vary depending upon the type of call or emergency initially reported and the number of units or agencies dispatched. In some instances, the Telecommunicator may terminate the call when the dispatched agency has been notified, or when they respond via radio "on-scene", in others they will continue to monitor and communicate as necessary with some or all of the units/agencies responding to the emergency for the duration of the call; i.e. until the responding units are "back in service".

The diagram will be repeated later in the report with additional information regarding the Center's performance relative the specific time intervals.

Figure 36
The Emergency Communications Process



The significant activities illustrated and undertaken by Communications Center staff include:

1. **The telephone is answered in the Communications Center (now) by a Telecommunicator who:**

- Follows initial question protocols; verification of address, phone number, immediate circumstances, etc. and either;
- Determines that the emergency is a significant event requiring that a Fire, Rescue, EMS, or law enforcement agency or unit be dispatched,

Or

- Determines that the call is not an emergency, is a duplicate call, or is one describing an incident already reported, and terminates call.

2. **The call is dispatched**

- The dispatch is official once the "tone" or page has been sent and the announcement has been made via radio in the station or vehicle of the service agency to be assigned the call; this announcement of course will include the initial incident description, victim information, reported status/condition, and address.
- A Telecommunicator may maintain communications with units dispatched and responding to the reported incident via radio (versus telephone) oftentimes for indeterminate periods until the full extent and nature of the incident can be personally observed by the responders and the need for additional resources, personnel or information is determined.

3. **During calls involving medical emergencies** a significant responsibility of the Telecommunicator continues after the call has been dispatched, and relates specifically to "emergency medical dispatch" (EMD) protocols. In this instance the Telecommunicator will remain on the line with the caller to obtain as much additional patient/victim information as possible as they will then (oftentimes) simultaneously and continuously alert the responding Paramedics as to patient condition, physical characteristics, scene circumstances, etc.; *and* as appropriate provide First-aid instructions to the caller in an effort to help the victim; i.e., "emergency medical dispatch".

Emergency Medical Dispatch (EMD)

Orange County is a licensee of the National Academies of Emergency Dispatch (NAED) "ProQA" automated emergency medical dispatch program. NAED's EMD standard medical protocols are the accepted national standard for EMD providers.

EMD is based on the premise that a fire engine or ambulance does not have to be the first unit on the scene of a medical emergency. Once a caller reaches a Telecommunicator, that Telecommunicator can, almost immediately, begin providing medical information and pre-arrival instructions via phone. Subsequently, EMD consists of three key components:

> **First,** is triaging the in-coming call request for medical assistance to determine the level of response required; i.e., no response, non-emergency transport, emergency transport.
>
> **Second**, is providing pre-arrival instructions so the caller can immediately help the victim. The level of telephone assistance can vary from just simple advice to complete instructions for CPR. This is the most visible component of EMD and, in the eyes of some, its most valuable feature in that it can very well save a life.
>
> Pre-arrival instructions are based on the concept that Telecommunicators are the victim's first medical contact and can provide basic first-aid via telephone, by asking specific questions and giving the caller instructions. The questions and instructions-"protocols" in medical parlance-are predetermined, given in a structured sequence, and specially designed to be effective when given to a third party over the telephone. The intended result is a dramatic decrease in the time it takes to begin administering emergency care.
>
> **Third,** and perhaps the most critical feature of EMD, is quality assurance. *State law requires that each EMD program-and each aspect of the EMD protocol-must be reviewed, revised as needed and approved by the local or regional EMS agency*; in Orange County, that authority is the Medical Director; a licensed physician. This ensures that the information and procedures being given by the dispatchers is correct, and appropriate for the incident. In addition, there must be an on-going review of the use of EMD protocols by Communications Center Telecommunicators to ensure that the protocols are continually followed correctly, and that application of the protocols contributes to a positive patient outcome.

Call Codes

In their communications regarding medical emergencies, Telecommunicators will utilize call codes in radio communications with responding agencies to indicate both the severity of the situation reported and the associated level of response; i.e. emergency, or non-emergency.

The codes utilized are those approved by the National Academy of Emergency Medical Dispatch (NAEMD) and range from the least severe; i.e. not life threatening: ALPHA; to the most severe; i.e. "circling the drain": ECHO, which calls for an "all units" emergency status response.

The table that follows identifies the Condition Identified, Agency/Unit, and Response Status protocols for each of the five Response Codes.

Figure 37
Medical Dispatch Response Codes

Response Code	Condition Identified	Agency/Unit Dispatched	Response Status
ALPHA	Non-life threatening, low priority assessed	Ambulance only	Non-Emergency
BRAVO	Non-life threatening, but more serious	Ambulance only	Emergency
CHARLIE	Potentially life threatening	First Responders Ambulance	Emergency Non-Emergency*
DELTA	Life threatening	All Units	Emergency
ECHO	Circling the drain	All Units; including Law Enforcement	Emergency

Note the asterisk (*) next to "Non-Emergency" in the Response Status column in the CHARLIE row. In a potentially life threatening emergency, First Responders (typically the closest Fire Department) will be dispatched to respond with lights & siren; i.e. emergency status; while the ambulance (Medic Unit) will be dispatched at the same time, however, in non-emergency status…*initially*. The assumption being that First Responders, assumedly first on the scene, will be able to assess and confirm (or not) the level of severity of the patient's condition. If First Responders in fact confirm the condition to be life threatening, the Medic Unit will (typically) immediately upgrade to emergency status and respond accordingly. Should the condition be determined to not in fact be life threatening, the Medic Unit will, in most cases, continue on to the scene to confirm the condition of the patient and if necessary provide transportation to a medical facility.

Note Regarding the Communications Process
The above narrative explanation of Response Codes focuses on medical emergencies and EMS response; albeit the stated focus of this study. Of course Communications Center personnel must also deal with Fire and Law Enforcement emergencies on a daily basis as well. Subsequently, the Appendix of this report includes process maps outlining examples of the call processing, dispatch, and ongoing communications activities that will typically occur not only with EMS, but with Fire and Law Enforcement as well.

Communications Center Staff
The individuals who occupy the workstations or "consoles" in the County's Communications Center are classified as "Telecommunicators". At present there is one (1) Shift Supervisor (Lieutenant), one (1) Lead Telecommunicator/Assistant Shift Supervisor (Sergeant), one (1) Communications Training Officer, and two (2) Telecommunicators assigned to each shift.

While the designated Supervisors will carry additional responsibilities, they are expected to handle them *in addition to* receiving, dispatching and monitoring 911 emergency and administrative calls received as the call volume dictates.

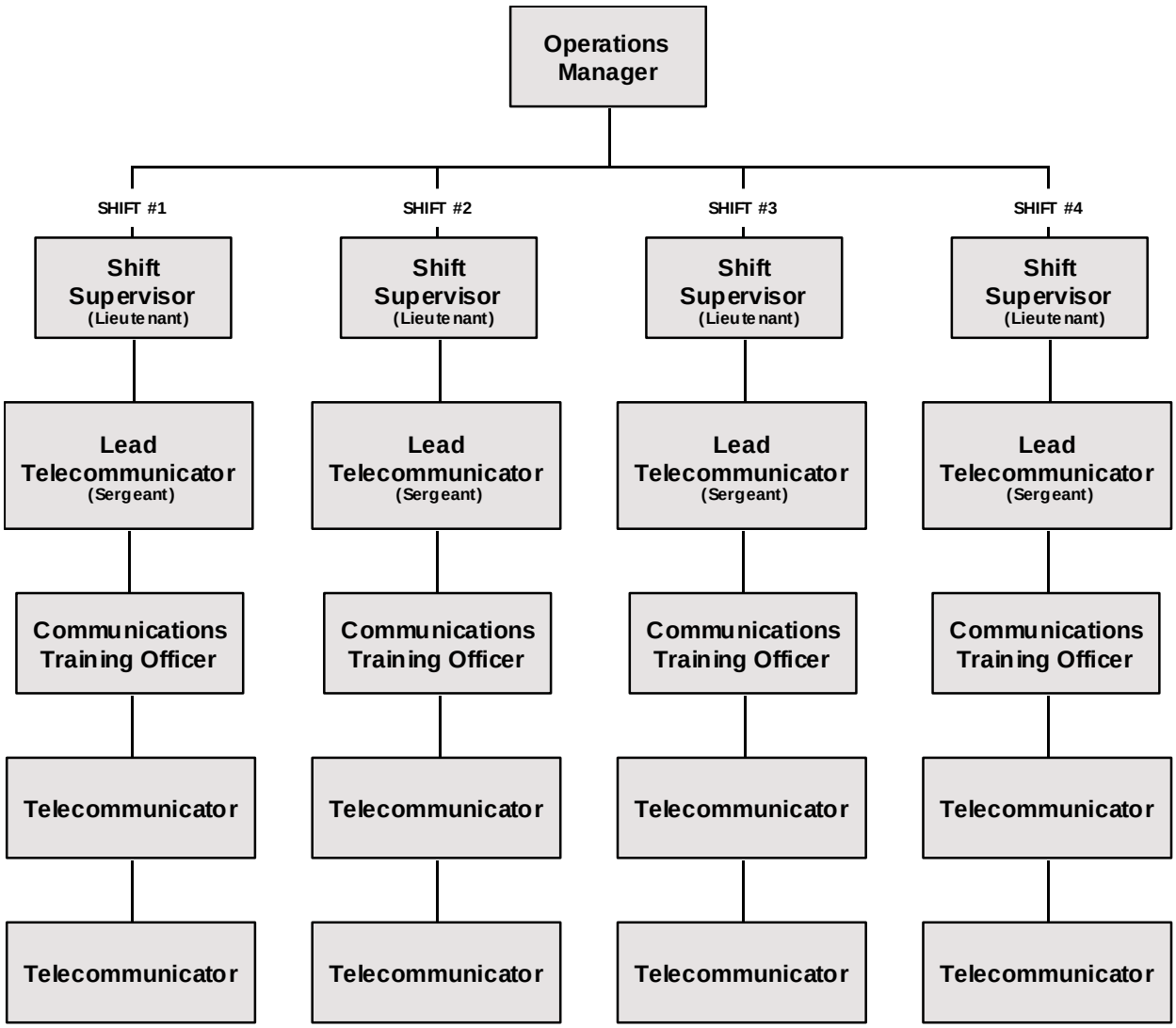
In this and similar County facilities, the principal activities occurring on the call center floor are those directly involved with the processing of calls received. In this regard, while the position title "Telecommunicator" is totally appropriate, the *functional* responsibilities of the position may vary

somewhat between "call-taking" and "dispatching", depending on the call volume occurring or whether the Communications Center is working "short".

- A *Calltaker's* primary responsibility is answering 911 and administrative calls coming into the Center, recording essential information in the computer aided dispatch (CAD) system, and (ideally) transmitting that information to a Telecommunicator.
- A *Telecommunicator's* primary responsibility is to dispatch the call to the appropriate agency and handle on-going responding agency communications and radio traffic.

In Orange County all Telecommunicators have been trained and are certified as "Emergency Medical Dispatchers" or EMD's. During the course of this study, the Communications Center was operating with a total *allocation* of 30 full-time positions, plus the Communications Center Operations Manager. However, it should be noted that during that time eight of those positions were either vacant (4) or in training (4) and therefore unavailable for duty. Figure 38 illustrates the current organization and position designations.

Figure 38
Orange County Communications Center Organization



Shift Schedules
Communications Center employees currently work 12 hour shifts on a rotating "2-days on, 2-off, 3-on, 2-0ff, 2-on, 3-off" schedule. In addition to permanent employee salaries, annual budget allocations are also included for overtime and part-time employees to assure continuous coverage of the Center.

Training & Certification
The current formal classroom hours that an employee candidate must complete to work as a Telecommunicator include the following:

Figure 39
Telecommunicator Minimum Classroom Training Hours for Certification

Certification/Training	Hours
North Carolina Sheriff's Training Standards Certification	47
North Carolina State Bureau of Investigation DCI Certification	24
Emergency Medical Dispatch (EMD) Certification	32
Communications Center Operations	160

Following successful completion of the training classes referenced, the candidate will begin work in the Communications Center under the supervision of the shift Communications Training Officer to whom they are assigned for a minimum of three (3) months before they are released to work independently.

In addition to their initial certification, Telecommunicators must maintain their certifications by participating in continuing education classes each year. For example; : NC Sheriff's Training & Standards @ 16 hours per year; NAED/EMD @ 24 hours every 2 years; and recently, the NC 911 Board has passed mandatory training of 16 hours per year for any agency that receives 911 funding. It is also mandated by Title II ADA 28 C.F.R. Part 35, that Centers (PSAP's) train on TTY/TDD calls twice a year.

Call Volume & Distribution
For the calendar years 2009-2011, Communications Center records reflect that a total of 746,037 calls of all types were received; an average of 248,679 calls per year; on average, approximately 681 calls per day. These call totals are *not* all 911/emergency calls, however. The total call numbers include what are referred to as *Administrative* calls as well as 911/Emergency calls.

Depending upon a jurisdiction's population, the number of service agencies and the geographic area served, Communications Centers such as Orange County's will generally find that anywhere from 55-65 percent of all calls received are administrative calls; while 35-45 percent are 911/emergency calls.

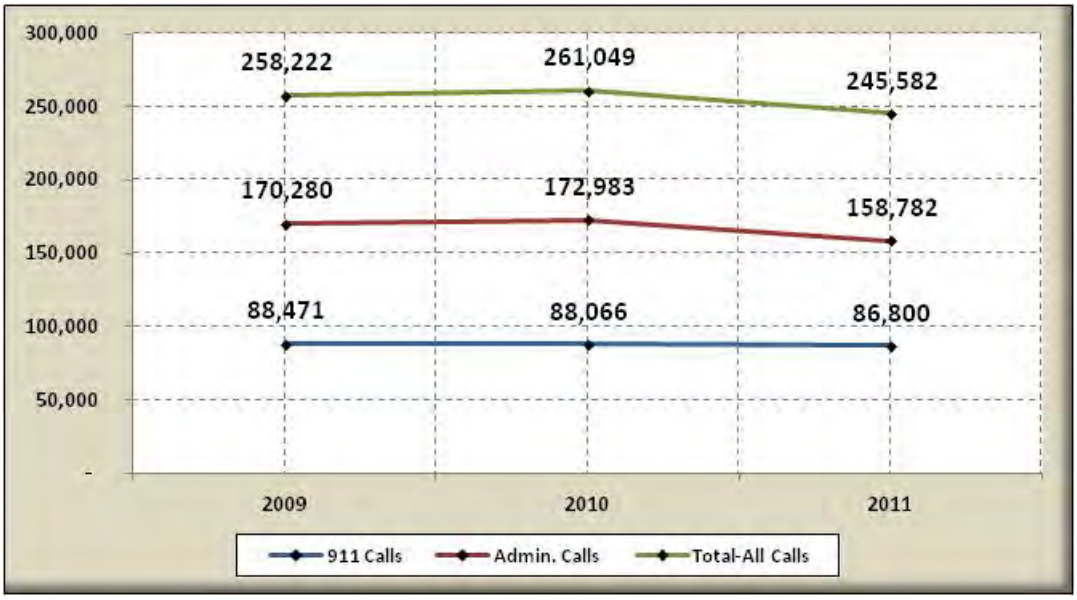
It must be recognized that administrative calls are a very important responsibility of the Telecommunicators assigned to the Communications Center. While the calls may not be emergencies per se, they may be calls from law enforcement or first responders asking for back-up, assistance, or other information relevant their immediate incident or emergency. Of course from time to time calls are received that are duplicate calls or calls that have nothing to do with an emergency. The determination of a call's status alone is a significant responsibility. Examples of incoming "administrative" calls will include:

- License tag checks
- Inquiries regarding outstanding warrants
- Request for information; directions, phone numbers, names, etc.

- Requests for assistance at a crime or accident scene
- Duplicate calls
- Nefarious or misplaced calls
- Incoming administrative calls:
- Alarms; i.e. fire, burglar, medical lifelines, etc.
- Operator transferred calls (they can't connect calls to 911 - only to a ten digit number.)
- Non-emergency calls which a citizen did not want to report on a 911 line.

The following table identifies the total 911/emergency and administrative calls received for each of the years 2009-2011.

Figure 40
Total Calls Received by Type
2009-2011



For the 3-year period addressed, the average annual 911 calls received was 88,186 and the average annual administrative calls received was 167,933; 34% and 66% respectively.

Agencies Dispatched

The agencies currently dispatched by the Orange County Communications Center include:

Law Enforcement

Orange County Sheriff's Department
Chapel Hill Police Department
Carrboro Police Department
Hillsborough Police Department

Medical

Orange County EMS

Rescue

South Orange Rescue Squad

Fire Departments

Caldwell Fire Department
Carrboro Fire Department
Chapel Hill Fire Department
City of Carrboro Fire Department
Cedar Grove Fire Department
City of Chapel Hill Fire Department
Efland Fire Department
Eno Fire Department
Hillsborough/Orange Rural Fire Department
Mebane Fire Department
New Hope Fire Department
North Chatham Fire Department
Orange Grove Fire Department
White Cross Fire Department

"Other" agencies that are listed to receive after-hour call-outs:

NC Department of Transportation
Animal Control
Utility Companies
Orange County Public Works
Orange County Probation/Parole
OCDSS/Child & Adult Services

Distribution of Calls by Agency/Service Type

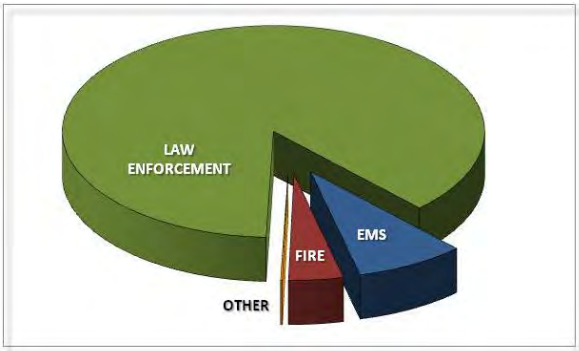
Collecting, organizing, and assessing incoming call data received at the Communications Center becomes very important to not only the Communications Center but also to the various responding agencies and, ultimately the entities that are responsible for funding both the Communications Center as well as the various emergency services and public safety response agencies.

For example, for responding fire, rescue, medical, and law enforcement agencies keeping track of where the calls came from and being able to plot or track the "patterns" of those high (and low) call areas can aid agency managers significantly when planning for the deployment of personnel and equipment throughout their respective jurisdictions and throughout the County generally. The total calls per year, by agency type; i.e. Law Enforcement, EMS, Fire and Other; were collected for the calendar years 2009-2011 and averaged. The chart that follows illustrates the average annual distribution of these calls for the referenced 3-year period.

The breakdown of these calls is clear from the illustration. The actual percentages by agency type are as follows:

Law Enforcement	**87.3%**
EMS	**8.4%**
Fire	**4.2%**
Other	**.14%**

Figure 41
Call Distribution by Agency



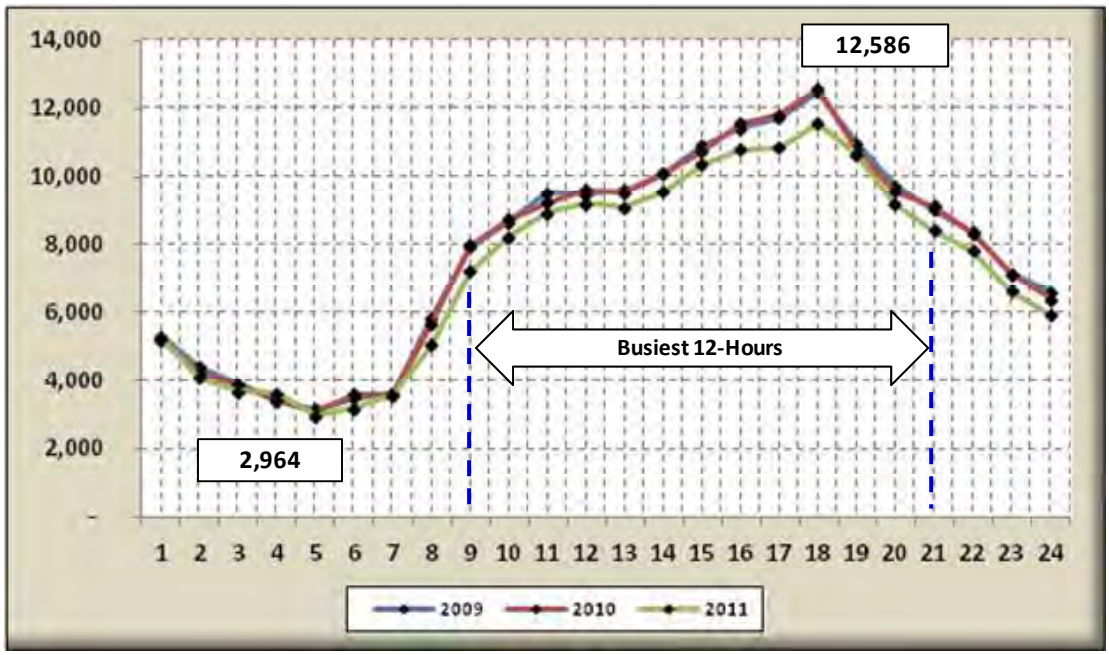
Distribution of Calls by Hour of Day

When considering staffing requirements and the assignment of personnel, it is the call data itself and the processing of that data that becomes important. In this case, the distribution of incoming calls by "Hour of Day" is quite significant.

The tracking of incoming calls by *hour of day per year* becomes critical when anticipating staff assignments ultimately not only to make sure that all emergency calls for assistance get answered, but that they also get answered quickly.

Figure 42 illustrates the total calls received by hour of day for the calendar years 2009-2011.

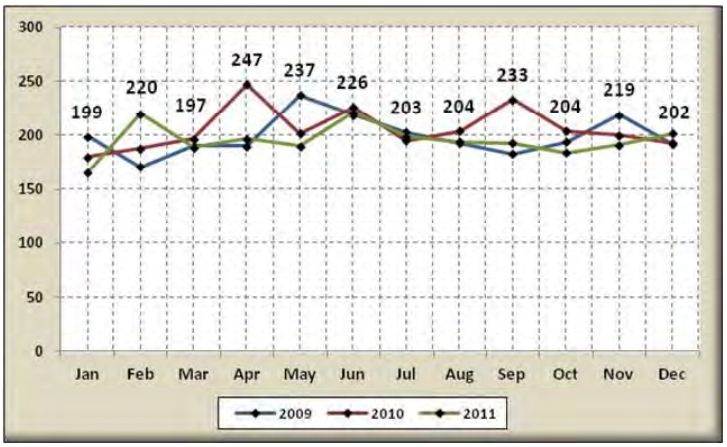
Figure 42
Call Rate per Hour of Day/Year



The "hour of day" is indicated along the bottom of the graph by the numbers "1" through "24". As an example, all calls received between 11:00 pm and Midnight are indicated on the vertical axis extending upward from "24".

Based on these findings the lowest call volume per hour/year has consistently been between 4:00 am-5:00 am (2,964 in 2011). The highest call volume per hour has consistently been between 5:00 pm-6:00 pm (12,586 in 2009 and 2010). Not surprisingly, the busiest 12-hours of the day for the Communications Center is the same as that identified for EMS; 9:00 am-9:00 pm. For all 3 of the years considered, the call volume between 9:00 am-9:00 pm was never less than 8,000 calls per hour.

Figure 43
Peak Hour Call Load/Month



Peak Hour Call Load

Again, an important variable in calculating eventual staffing and subsequent work-load requirements is the total number of calls *received* during the busiest hour of the day.

While the *average* peak call load per hour over the past three (3) years has been 200 calls or 3.3 calls/minute; the peak hour call load for the 36 months studied was 247 calls, a rate of 4.1 calls per minute.

4.3 PERFORMANCE & COSTS

Ask the average citizen what they expect when they call 911 and they will inevitably say "they want help. . . FAST"! Ask them to think about it a minute or two and they might add that they want, "q*ualified personnel*, *with the proper equipment*. . . FAST!"

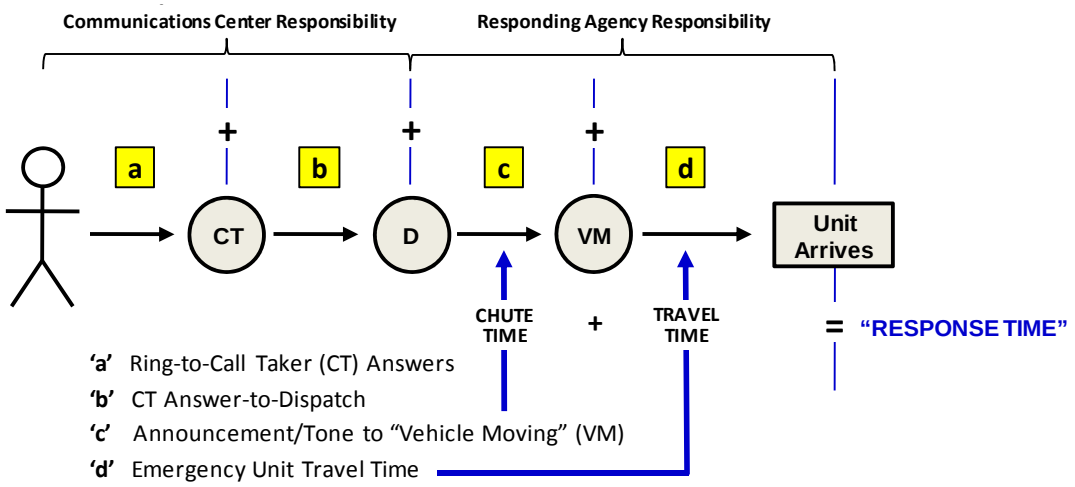
In either case, it is the end result; i.e., the arrival on scene and the effectiveness of the action taken that is what the average citizen will be most concerned with, and for obvious reasons. How well informed those actually responding to the incident are with regards to what to expect at the scene, or how effectively the emergency response process was implemented are less frequently considered outside of professional circles. A number of professional organizations offer significant commentary and/or specific, documented performance standards in which emergency communications plays some role. They include:

- National Academy of Emergency Dispatch (NAED)
- Association of Public-Safety Communications Officials (APCO)
- National Emergency Number Association (NENA)
- National Fire Protection Association (NFPA)
- Insurance Services Organization (ISO)
- Federal Communications Commission (FCC)
- Federal Emergency Management Agency (FEMA)
- Commission on Accreditation for Law Enforcement Agencies (CALEA)

While the citizen is immediately concerned with how long it takes from the time they call 911 to the time the responding agency vehicle arrives on the scene, the emergency responder(s) will be concerned with the steps it will take to mobilize once they have received the dispatch, and the time it will take to travel to the scene of the emergency. Thus, making the process of answering the 911 call, obtaining the necessary information needed to initiate dispatch, and activating the dispatch itself as promptly and efficiently as possible, extremely important.

Figure 44 is essentially the same as Figure 36, previously shown. In this case, however, with added emphasis as to who bears the responsibility for the various critical time intervals.

Figure 44
Critical Emergency Communications & Response Intervals



Time Interval 'a' = the time from first ring to answer

Time Interval 'b' = the time from answer to dispatch

Time Interval 'a' + 'b' = The Communication Center's principal call taking and dispatch responsibilities, except:

- When the responding agency requests that additional units, ambulances, or engine companies be dispatched to assist at a scene or, for assistance enroute with directions, for example, to the location of the incident. In these instances, communications with the Center will continue and be via radio versus the telephone; **or,**

- A 911 call that is a medical emergency wherein the certified EMD Telecommunicator will stay on the telephone with the caller *after* they have dispatched the ambulance to ask the caller a series of "medical condition" questions, based on established medical protocols, to identify the extent and circumstances of the injury or condition, that they in turn then can communicate to the EMS responders enroute while also proceeding to offer instructions to the caller to assist the victim; for example, CPR, "continue to apply pressure to the wound", "keep them warm and still", etc. In this instance the Telecommunicators total "call time" may in fact include time intervals 'a' + 'b' + 'c' + 'd'

From the responding service agency's perspective the critical time interval for them becomes 'b'; based on the premise that they cannot *begin* to respond until they are notified of the incident.

Why time is important

The most elementary explanation of why time is important in a police, fire, or medical emergency has to do with the obvious; serious injury and/or the potential of loss of life and property. Of course not all 911 calls are going to be that serious. Also, the variety, type, and circumstances faced with a single service agency will vary considerably from call to call; even more so between those calls placed to police, fire, and emergency medical services. Of course too, the agency or service *must be* prepared to address the most serious scenario each time they are dispatched.

Critical of course, and a factor that neither dispatchers nor responders can do anything about, is the time between when an event actually "begins" and the time it is reported or 911 is dialed. For example, the time between the fire actually starting and the time it is discovered and reported, the length of time an individual had not been breathing before being discovered, or the delay between a crime occurring and it being discovered and reported.

Additional factors that can impact the time it takes the call-taker between answering the call and dispatching it include:

- The state of mind or hysteria of the caller
- A "silent" call-wherein TTY/TDD is attempted, however questioning can only begin if there is a response
- Non-English speaking or speech impaired calls

Police
While a great deal has been written with regards to law enforcement response times there is no identifiable time standard with which to judge performance or efficiency using only time as a basis. Urban or rural setting, nature of the offense, method of notification and personnel and equipment availability only begin to describe the variables that will inevitably effect police response time to an emergency situation to which they are called.

"Ideally, if the police are notified as a crime is in progress, they have a good chance to arrive before the perpetrators leave the scene. If police do not arrive at the scene within a few minutes, but still arrive while witnesses remain and are able to talk with them while the crime is still fresh in their memory, then they have a high probability of being able to solve the crime". (NENA; *911 System Survey and Resource Guide*; 2002)

Fire
The National Fire Protection Agency (NFPA) states that if a fire is not suppressed in eight to 10 minutes from the time of ignition, it will flashover, spreading outside the initial area or room of origin.

"As a rule of thumb, first responders should arrive on the scene in less than five minutes, 90% of the time." (National Institutes of Health)

"The fire department shall establish a response time objective . . . of four minutes or less for the arrival of the first arriving engine company at a fire suppression incident, for not less than 90% of all incidents" [NFPA Standard 1710 for the Organization and Deployment of Fire Suppression Operations; Section 4.1.3.1.1.]. Note that "response time" in this standard is expressed as the time from "wheels are rolling" to "wheels stopped" at the scene.

Medical
The same NFPA Standard (1710) also states that "deployment objectives for the first responder/AED level to arrive within four minutes for 90% of all calls".

"For cardiac arrest, the highest hospital discharge rate has been achieved in patients for whom CPR was initiated within 4 minutes of arrest and advanced cardiac life support within 8 minutes". (American Heart Association)

In an incident involving lack of oxygen, brain damage is very likely at 6-10 minutes; irreversible after 10 minutes. (American Association of Orthopedic Surgeons)

Emergency Communications
The aforementioned NENA publication, *911 System Survey and Resource Guide* states that:

"An important unit of measurement for primary public safety answering points (PSAP's) is ***average call length***. Calltakers and dispatchers must try to minimize call length while at the same time processing all of the information required to dispatch a call."

The study found that the average call length decreased as PSAP size increased. Average call length was 91 seconds for emergency calls in small PSAP's, 74 seconds for medium PSAP's and 66 seconds for large PSAP's, as defined in the survey.

The National Fire Protection Association's (NFPA) Standard 1221, Section 7.4.1 states; ***"Ninety-five percent of alarms (911 calls) received on emergency lines shall be answered within 15 seconds, and 99 percent of alarms shall be answered within 40 seconds"***. Further, NFPA Standard 1221, Section 7.4.2 states; ***"Ninety-five percent of emergency call processing and dispatching shall be completed within 60 seconds, and 99 percent of call processing and dispatching shall be completed within 90 seconds".***

Based upon the time standards suggested, and with reference to the time intervals identified in the Call Process diagram, the most important performance criteria were determined to be "first ring-to-answer" (time interval 'a'), "answer-to-dispatch" (time interval 'b') and the total Communications Center "response time" which was the combination of time interval 'a' plus time interval 'b'. The results of these analyses are included in the tables that follow.

The Communications Center's telephone vendor allows access to the active data base which records and stores all incoming call times, first ring-to answer, and call duration.

The first report generated, "Call Count per Range", identified the range in seconds from first ring to call answer for all incoming 911 calls. Figure 45 identifies the number of 911 calls received per month during 2011 and the range of time in seconds it took to answer those calls. Subsequently, 94.8% of all incoming calls were answered within 7 seconds and 99.5% of all calls were answered within 14 seconds not only compatible but well within the referenced NFPA standards.

Figure 45
First Ring-to-Answer Times/Annual 911 Calls (2011)

Month	#911	0-7 sec.	7-14 sec.	< 15 sec.
January	6,472	90.3%	8.6%	**98.9%**
February	6,376	88.8%	9.8%	**98.6%**
March	6,989	95.9%	3.8%	**99.7%**
April	7,343	96.0%	3.6%	**99.6%**
May	7,507	96.2%	3.7%	**99.9%**
June	7,261	95.3%	4.2%	**99.5%**
July	7,275	96.1%	3.6%	**99.7%**
August	7,714	96.0%	3.7%	**99.7%**
September	7,586	96.2%	3.5%	**99.7%**
October	7,750	95.6%	4.1%	**99.7%**
November	7,376	95.6%	4.0%	**99.6%**
December	7,201	96.1%	3.7%	**99.8%**
Total Answered	**86,850**		**Total Avg. @**	**99.5%**

The same data base was able to provide individual monthly average Call Answer-to-Call Termination times for all incoming 911 calls.

Figure 46
Average Call Answer-to-Call Termination/Month & Year-2009-2011

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann. Avg.
2009	0:01:43	0:01:44	0:01:44	0:01:48	0:01:44	0:01:44	0:01:40	0:01:39	0:01:42	0:01:40	0:01:45	0:01:47	**0:01:43**
2010	0:01:40	0:01:44	0:01:42	0:01:43	0:01:42	0:01:41	0:01:46	0:01:42	0:01:42	0:01:46	0:01:48	0:01:47	**0:01:44**
2011	0:01:49	0:01:41	0:01:41	0:01:38	0:01:33	0:01:38	0:01:37	0:01:35	0:01:37	0:01:35	0:01:37	0:01:35	**0:01:38**

The average annual Call Answer-to-Call Termination times ranged from a low of 01:38 (98 seconds) in 2011 to a high of 01:44 (104 seconds) during 2010.

Keep in mind; however, this is *telephone* Call Answer-to-Call Termination time with the 911 caller. It *is not* the *Call Answer-to-Dispatch* time referenced for which time interval standards have been established. Emergency response agencies are dispatched via *radio*, *not* by telephone. Subsequently as is often the case, the Telecommunicator may in fact dispatch the response agency while on the phone with the caller before, or sometimes well before, they terminate the conversation with the caller; in which case the call answer-to-dispatch time *may be* less than the Call Answer-to-Call Termination time; which then *might* suggest that the Call Answer-to-Dispatch interval objectives suggested were achieved.

Call Answer-to-Call Dispatch

The sub-section that follows briefly addresses the data issues encountered during the conduct of this study. Despite repeated efforts by Emergency Services personnel, this specific time interval (Call Answer-to-Dispatch) proved the most elusive in terms of the data available and its reliability; i.e. lack of reliability. This table represents the latest effort to retrieve this data. Not only are the times excessive, they are 2-2 1/2 times what the referenced performance standards suggest that they should be.

Figure 47
Call Answer-to-Dispatch Times

Year	50%	90%
2009	0:00:55	0:03:00
2010	0:00:56	0:02:54
2011	0:00:53	0:02:42

In lay terms, the problem appears to be an issue of how the incoming calls are coded and the current CAD system's capabilities to (or not) sort 911 calls from *all* calls. Many hours of monitoring Communications Center activity via radio and in the Center itself has demonstrated repeatedly that 911 calls ***are*** being dispatched in far less than the 2-3 minutes indicated in Figure 47. Considering the County's recent approval to purchase new CAD system software, and its (hopefully) expedient arrival and installation, it was determined that further efforts by staff to assess this issue would be non-productive.

The Data

The availability of and accessibility to useable data from the Communications Centers CAD system was a concern expressed from the very outset of this study by the County itself.

Typically a jurisdiction's 911 Center's Computer Aided Dispatch (CAD) data base serves as the foundation of useable emergency call and response data for any and all emergency service agencies, and system managers and is the basis upon which they base performance assessments, resource deployment, staffing, and budget decisions. The data must be easily accessible, up to date, user (especially service agency) friendly, and its accuracy; i.e. reliability; assured.

This was not found to be the case in Orange County. Why? For one, the CAD system currently in place was originally purchased and installed in 1992. Many "patches" and "parts" have reportedly been added since that time. The fact remains that the technology used for collecting and analyzing emergency services call and incident response data is twenty (20) years old!

While Emergency Services staff labored repeatedly to access, reformat if necessary, interpret and make countless runs of data fields to get to the information required for this study, the efforts should not have had to take the time it did had the system been even modestly up to date.

The good news is that the County has recently (June 2012) approved the purchase of new Communications Center CAD technology and accompanying software which, by all reports, will offer a vast improvement for not only the Communications Center but also the emergency services agencies that respond to the emergency alarms to which they are called.

Expenses & Revenue

Figure 48 identifies the total ("actual") annual budgets of the Communications Center for fiscal years 2008-2009 through 2011-2012. Not, unexpectedly, the major percentage of the total Communications budget for these years was personnel; which averaged 91.3% of the total annual budget.

It is significant to note, and should signal concern, that the expense category "Training" averaged but 9/10ths of one percent per year, of the total annual budget allocations, for the past three years.

Figure 48
Annual Communications Expenditures/FY 2008-2011

Account	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals
PERSONNEL SERVICES				
PERM SALS	$ 1,162,148	$ 1,137,277	$ 1,041,197	$ 1,039,840
OT	$ 121,819	$ 117,000	$ 76,995	$ 130,883
TEMP	$ 11,420	$ 22,128	$ 32,816	$ 13,237
HOLIDAY	$ 54,001	$ 52,718	$ 52,657	$ 56,482
SOC SEC	$ 82,788	$ 80,994	$ 73,487	$ 75,903
MEDICARE	$ 19,362	$ 18,942	$ 17,187	$ 17,751
MED INS	$ 178,809	$ 177,453	$ 173,620	$ 186,475
RETIRE	$ 66,426	$ 63,044	$ 76,783	$ 86,729
PERS-OTHER	$ 51,590	$ 32,004	$ 33,444	$ 55,574
SUBTOTAL-PERSONNEL SERVICES	**$ 1,748,363**	**$ 1,701,560**	**$ 1,578,187**	**$ 1,662,873**
OPERATIONS				
TRAINING	$ 584	$ 2,100	$ 764	$ 1,950
CERT&LICSN	$ 700	$ 1,520	$ 1,452	$ 918
TELEPHONE	$ 96,519	$ 108,722	$ 69,714	$ 59,477
MOTOR POOL	$ 158	$ 450	$ -	$ -
EQUIP RPR	$ 54,127	$ 34,285	$ 35,003	$ 39,644
EQUP RENT	$ 6,039	$ 13,997	$ 2,151	$ 5,400
DUPLICATIN	$ 423	$ 423	$ -	$ -
DUES	$ 1,685	$ 1,012	$ 2,074	$ 1,575
CONT SVS	$ 2,021	$ 22,210	$ 587	$ 1,230
SUP-DEPT,ED,OFF,COMP,OTH	$ 5,315	$ 4,067	$ 24,096	$ 5,216
OP-OTHER	$ 5,422	$ 5,819	$ (10)	$ (190)
SUBTOTAL-OPERATIONS	**$ 172,993**	**$ 194,605**	**$ 135,831**	**$ 115,219**
RECURRING CAPITAL				
EQUIPMNT	$ 19,068	$ -	$ -	$ -
IT EQUIP	$ -	$ -	$ -	$ -
FURNISH	$ -	$ 2,658	$ -	$ -
SUBTOTAL-RECURRING CAPITAL	$ 19,068	$ 2,658	$ -	$ -
TOTAL: COMMUNICATIONS	**$ 1,940,423**	**$ 1,898,823**	**$ 1,714,018**	**$ 1,778,092**

In North Carolina owners of cellular and land-line telephones are assessed a monthly "911 Service Fee". These funds are collected by the State and /redistributed to the 128 certified PSAP's (Communications s Centers) in the State for specifically designated (allowable) purposes; i.e. typically technical or phone system equipment or upgrades *within the Communications Center*. The amounts received by Orange County as identified in the published annual budget summaries for FY 2008-09 through 2011-12 are identified here.

Figure 49
Annual Budget & Surcharge Revenue Summary

Fiscal Year	Annual Budget	Surcharge Revenue	Collections (Revenue) as % of Budget
FY 08-09	$ 1,940,423	**$ 659,799**	**34.0%**
FY 09-10	$ 1,898,823	**$ 658,184**	**34.7%**
FY 10-11	$ 1,714,018	**$ 657,050**	**38.3%**
FY 11-12	$ 1,778,092	**$ 506,348**	**28.5%**

4.4 ISSUES OF CONCERN

This section discusses the significant Communications Center issues of concern identified during the analyses of the various data collected, the visual study of conditions found to exist, and numerous conversations and formal interviews conducted over the course of the study.

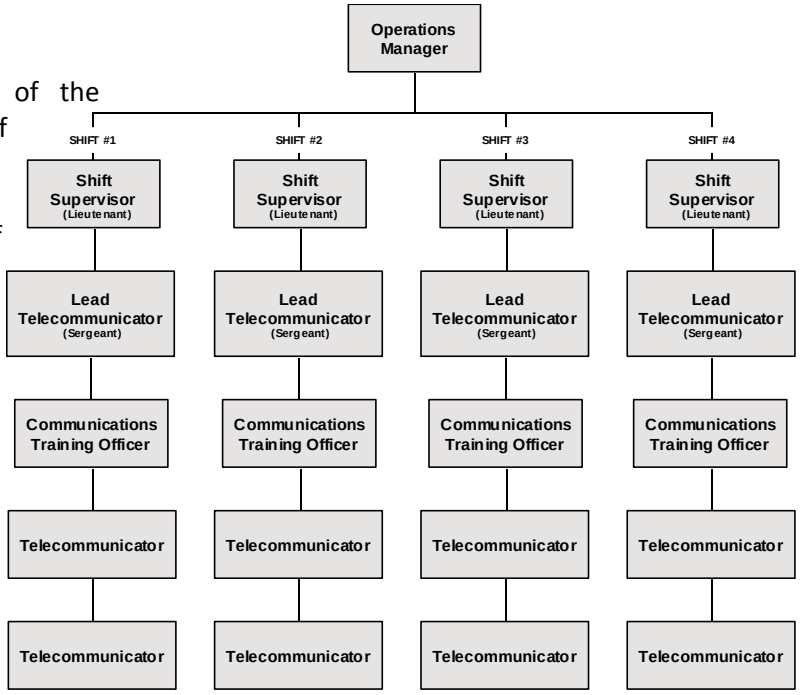
The determination of whether or not an "issue" was identified as such was based on the assessment of current operations and performance in discussed in Subsections 4.2 and 4.3

The issues identified as being of significant concern with regards to EMS involved the following topics;

- Staffing
- Data

Issue: Staffing

The current staffing configuration of the Communications Center consists of the Operations Manager and four (4) shifts of five (5) positions each; the 5th position (Telecommunicator) as of this writing is and has been in training for several weeks. Obviously, with the exception of the Operations Manager, each position currently is expected to be occupied 24 hours per day, 365 days per year by appropriately certified personnel.



Relief Factor

Since the Communications Center requires continuous coverage of

each designated post position, it is important that the number of people required to man each position be accurately determined. These coverage requirements are generally calculated using what is called a "Relief Factor".

The Relief Factor is the ratio between the number of hours a position is "open"; i.e., needs to be covered; and the number of hours of employee time required to fill that position during those open hours. Since the position must be filled each hour that it is open, additional employee time, or "relief" time, must be considered in order to cover for sick leave, vacation schedules, and time away from the position for such things as legal holidays and required training. Theoretically, a position that is open 24 hours per day, 7 days per week will require 8,760 hours of coverage per year.

Communications Center personnel currently work 12 hour shifts. Which, in actuality, based upon their rotation schedule, amounts to a total time assigned of fourteen, 12.2 hour shifts every 28 days; or 2,226.5 total hours assigned per year.

From this total must be subtracted annual holidays, vacation time, sick leave, and required training time spent "out of position" in order to determine the total hours a single staff member *is available* to cover a given position. Figure 50 identifies the calculations used to determine an individual Telecommunicator's annual availability in hours.

Figure 50
Annual Available Hours per Officer

a. Total Assigned Hours/Year **2,226.5**

	No. Days Allowed/Year	Hours/Year	Hours/day	Hrs. Deducted From Hrs. Assigned
b.	**Sick**	12.0	12.2	**146.4**
c.	**Annual**	15.7	12.2	**191.5**
d.	**Holidays**	11.0	12.2	**134.2**
e.	**Training**	3.0	12.2	**36.6**

Total Available Hours/Year; a-(b+c+d+e) **1,717.8**

Note that the Hours/Year are based on the accrual rate of second year employees, per Human Services, at the rate of 3.7 hours/pay period for sick leave (12 days/year), and 4.84 hours/pay period for annual leave (15.7 days/year).

The Relief factor for a 24 hour per day position, open 365 days per year would be 8,760 hours (number of hours position is open) divided by 1,717.8 hours (the number of hours an individual is available per year); the result being, the **Relief Factor = 5.10.**

Figure 51 illustrates the subsequent calculations for both 24 hour and 12 hour shift positions.

Figure 51
Shift Relief Factor Calculations

Position Coverage	Annual Hours Required/Position	Hours Avaiable/Yr. Per Employee	Relief Factor
24 Hrs./7 Days	8,760	1,718	**5.10**
12 Hrs./7 Days	4,380	1,718	**2.50**

Determination of Communications Center Staff Requirements
First, the obvious; what the above calculations just shown illustrate is that four (4) Shift Supervisors, four (4) Lead Telecommunicators/Assistant Shift Supervisors, and four (4) Communications Training Officers cannot cover their respective positions 24/7/365 without some or all of them working *a lot* of overtime or, working short staffed, or a combination of the two; i.e. it takes 5.10 bodies to cover one 24/7/365 position, there are currently four (4) assigned to each position.

Subsequently, in this instance staffing requirements will be calculated two ways:

The first method will include a calculation of the requirements on the basis of the staffing configuration currently ***in place***. Note that *"in place"* is emphasized here in that the basis for the number of positions and in turn the number of personnel filling those positions is essentially, based on "history" versus the calculation of needs based on call data or work load.

The second method, which will utilize the Relief Factor calculations identified in the first method, will calculate the Communications Center staffing requirements based on an industry accepted formula matrix that is based on the County's peak call volume and call duration data identified during this study.

In-Place Position Requirements
Once the current Telecommunicator trainees have completed their training the Communications Center will be able to provide an additional Telecommunicator to each existing shift; bringing the total positions assigned per shift to six (6).

With existing Staffing Configuration, at six (6) positions per shift, the minimum number of personnel required to cover each position 24 hours/day, 365 days/year would be:

Position Title	# Positions Per Shift	Relief Factor	# Required per Position
Shift Supervisor	1	5.10	**5.10**
Lead Telecommunicator	1	5.10	**5.10**
Communications Training Officer	1	5.10	**5.10**
Telecommunicator	3	5.10	**15.30**
	6		**30.60**

This number (30.6) corresponds very closely to the number of employees currently allocated to the Communications Center (30), not including the Operations Manager, there are still five (5) vacant positions including, *most critically*, an Assistant Shift Supervisor and a Shift Communications Training Officer. Also, this staff requirement is based on the number of positions "in place" versus the number *calculated* as "needed".

Determination of Positions Needed
The methodology used to determine the level of staffing required for a primary PSAP such as Orange County's was one initially developed by the U.S. Department of Justice, and since utilized by agencies and organizations such as FEMA, the National Emergency Number Association (NENA), and the Association of Public Safety Communications Officials (APCO).

It utilizes a matrix format that considers two principal criteria:

- The average call-taker "busy time" in seconds; i.e., average call duration, and
- The peak call rate per hour.

The average telephone call duration was calculated using the three years of call-processing data previously referenced for 2009-2011. Call duration information is recorded automatically for every call received. While the computer printouts and call data reviewed for this purpose did not indicate the type of call or specific emergency service requested, it was generally assumed that total call durations of two minutes or more involved an EMD response.

Call data analyzed identified that ***the average call duration was 102 seconds.*** This was the average of the entire sample studied; from the one-ring, 6-second hang-up to the 13 minute medical emergency, EMD response.

Based on the numbers illustrated in Figure 42, on page 68, the busiest hour of the day with regards to call volume for each of the calendar years reviewed was consistently between the 5:00 pm and 6:00 pm. Logically, it was found that the peak call rate did indeed come from this hour of the day. ***The average peak rate per hour identified for the three years studied was 236 calls; 3.9 calls per minute.***

Applying these numbers to the nearest like numbers on the staffing matrix, illustrated in the Figure below, identifies '100' as the number closest to the Communications Center's average busy time of *102 seconds* along the top line. The number 230 in the column (below the number 100) is the closest to the Center's *peak call rate per hour of 236* Now, following the line of numbers to the left from the number 230, results in the number of *"required call-takers" required;* in this case, ten (10).

Figure 52
Staffing Matrix

Average Call Duration @ 102 seconds

Required Call-Takers	Average Call-Taker Busy Time, In Seconds																		
	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100	105	110	115	120
1	16	13	11	9	8	7	6	6	5	5	5	4	4	4	4	3	3	3	3
2	77	64	54	47	42	37	34	31	28	26	24	23	21	20	19	18	17	16	16
3	157	131	112	98	87	78	70	64	59	55	51	48	45	42	40	38	36	34	33
4	247	206	177	154	137	123	111	102	94	87	81	76	71	67	64	60	57	55	52
5	343	287	248	215	191	171	156	142	131	122	113	106	100	94	89	85	80	77	73
6	443	371	318	278	247	222	202	185	170	158	147	138	130	122	116	110	105	100	95
7	545	457	393	344	306	275	250	229	211	196	182	171	161	154	152	136	130	124	214
8	650	545	469	411	365	329	299	274	252	234	218	205	192	182	172	163	155	148	142
9	756	635	546	479	426	384	349	319	295	273	265	239	225	212	201	191	181	173	165
10	864	726	625	548	488	439	399	366	338	313	292	274	258	243	230	219	208	199	190
11	973	818	705	618	550	496	451	413	381	354	330	309	291	275	260	247	235	224	214
12	1082	911	785	689	614	553	503	461	425	395	368	345	325	307	290	278	262	250	239
13	1193	1005	866	761	678	611	555	509	470	436	407	382	359	339	321	305	290	277	265
14	1304	1099	948	833	742	669	608	558	515	478	446	418	393	371	352	334	318	303	290

Peak Call Rate @ 236/hour

Staffing Matrix Source: U.S. Department of Justice

Applying the Relief Factor to these findings; ten (10) Telecommunicator positions at 5.10 "bodies" per position, equals 51 personnel; considerably higher than what the Center is working with currently. More importantly, four (4) *more positions* than the Communications Center is operating with now.

And, not surprisingly, during various audits of the Communications Center activities, both day and evening shifts, it was noted that staff did not take actual meal breaks, but ate at their work stations while continuing to answer calls. As well, they were not taking any noticeable form of breaks; for example, getting up from their workstation, leaving the call center area and going somewhere for a legitimate and restful "break"; both of which are addressed in FLSA literature for shift work hours of this duration.

Finally, the most blatant "gap" observed in the staffing configuration of the Communications Center, particularly for a Center with the call volume and *current* number of positions, was the absence of an assigned, dedicated, full-time Data System Manager, a dedicated Quality Assurance Officer, and a full-time Training Officer.

These are ***critical*** needs. And, while data/technical support is available on an as needed basis from the Planning & Logistics Unit of the Emergency Services Department this *is not* an adequate substitute for permanently assigned personnel; particularly, considering the Communications Center's position at the very center of the Emergency Services and Public Safety entities in operation in Orange County.

Issue: Data

As discussed briefly in Subsection 4.3, the availability of easily accessed, workable, reliable, and user friendly data, which would normally be available in the Communication Center's CAD system, was not. The information was there! However, it was found many times that it was neither easy to find or access nor in a user friendly format when it was finally obtained; albeit, requiring more work to make it so. A major reason, also previously addressed, was that the technology is 20 years old.

During the early phases of this study, interviews and meetings were conducted with Fire Department, Law Enforcement, and Emergency Services personnel. Though "opinions" flowed freely, and occasional personality "differences" were volunteered in often less than subtle terms, little actual, specific criticism of the Communications Center (or EMS) were offered. The one consistent and oft repeated "concern" had to do with "the call numbers", or the manner in which service agencies were dispatched (or not), the timing of the agency's "page" or dispatch versus the time the call was originally recorded; in other words the data, and the data system capabilities.

The Communication Center's; i.e. the County's technical capabilities were not up to speed, nor apparently have they been up to speed with the expectations of the various agencies served. Much of this will (hopefully) be resolved with County having recently, after many months, finally approved the purchase of new CAD software for the Communications Center; although completion of installation and access to its on-line capabilities remains several months away. It represents the proverbial light at the end of the tunnel.

This combined with the NC 911 Board's installation of their new **ECatS** (Emergency Call Tracking System) data access and reporting system in Orange County and the other 127 PSAP locations in the State. A year from now, the *Data Issue* will hopefully have "gone away".

The essential remaining effort to be undertaken will involve the methodology used by Communications Center and Emergency Services personnel in the orientation and training of the County's Emergency Service users as to the new software's capabilities and the reports it can be expected to provide for those agencies.

4.5 RECOMMENDATIONS

Issue: Staffing
Recommendations:

R-13. Hire a full-time, dedicated Data System Manager to be located as close as possible, preferably adjacent to the Communications Center, and answerable first to the Communications Center Operations Manager.
This position is a priority and efforts to identify and place a qualified person in this role should begin immediately. In turn, the coordination, installation and implementation of the new CAD system software should be at the very top of this individual's 'to-do" list.

R-14. Hire a full-time, dedicated Training/Quality Assurance Officer to be located as close as possible, preferably adjacent to the Communications Center, and answerable first to the Communications center Operations Manager.
This position is as important as that of the Data System Manager in that *accountability* and the adherence to EMD protocols is vital to an effective emergency Communications operation.

R-15. Anticipating increasing responsibilities due to the number of new personnel forthcoming, hire an additional full-time Training/Quality Assurance Officer no later than the end of year-3.
This recommendation anticipates that by the end of year-3 of the Implementation Schedule identified in Section 6 that the combined Training/Quality Assurance Officer position will evolve with the addition of personnel and require a transition to a full-time Training Officer and a full-time Quality Assurance officer.

R-16. Prepare a schedule for the hiring and training of the identified Telecommunicator positions and identify the date to begin solicitation and acceptance of applications.
The Communications Center is currently deficient of resources; i.e. personnel, in key positions; subsequently it will be important to have The Data System Manager and the Training/Quality Assurance Officer in place prior to the hiring of the personnel to fill the recommended Telecommunicator positions. Subsequently, the designated Telecommunicator positions, *particularly* the vacant Assistant Shift Supervisor and Communications Training Officer positions will be critical to an effective and efficient hiring timeline. Delays will prolong and exponentially prolong the problem of lack of staff.

R-17. Hire 17 new, full-time Telecommunicators.
The Implementation Schedule suggested in Section 6 identifies a suggested timeline for hiring of these positions. It is important to recall that hiring a "position" in the Communications Center means providing the responsibilities of that position 24 hours/day, 365 days/year. Subsequently, that "position" will require *five (5) bodies* to fill it. Therefore the sequence for hiring suggests that these Telecommunicators be hired in groups of no less than five (5) at one time; versus, for example, approving funding for two (2) people, "one in July and one (1) in January", which is *very* inefficient.

Issue: Data

Recommendations:

R-18. Purchase necessary AVL vehicle hardware for each new EMS vehicle purchased to enable compatibility with newly purchased CAD software and existing AVL system hardware.

Automatic Vehicle Location (AVL) hardware has already been purchased and is installed in current EMS vehicles. The equipment is compatible with the newly purchased CAD system software and the AVL "package" that is included within it. This recommendation is simply to continue with the purchase and installation of this important hardware into each new EMS vehicle as it comes on line.

R 19. Following the installation of recently purchased Communications Center software and the training of in-house personnel; organize and provide informational meetings to emergency service system members, particularly Fire Departments and Law Enforcement, with regards to the system's capabilities and the information that will be available to them for their use.

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SECTION 5-PROBABLE COSTS

EMERGENCY MEDICAL SERVICES

Issue: Availability of Ambulances

RECOMMENDATIONS	
1	Adjust Medic 5 and Medic 8 coverage hours
2	Add ALS ambulance 9a-9p @12 hrs/7 days
3a	Utilize available BLS ambulance(s) for non-emergency transports
3b	Staff BLS ambulance for non-emergency transport @ 12 hrs/7 days

REC	Personnel	Equipment	Prof. Services	Construction	Other	Total
1	n/a	n/a	n/a	n/a	n/a	$ -
2	$ 224,100	$ 228,400	n/a	TBD	TBD	$ 452,500
3a	n/a	n/a	$ 300,000	n/a	$ 105,000	$ 405,000
3b	$ 205,876	(existing)	n/a	TBD	TBD	$ 205,876

Notes:

Rec 2. Personnel-Includes equivalent of one (1) Paramedic "position" and one (1) EMT "position" @ 12 hours/7 days each = 2.5 FTE Paramedics + 2.5 FTE EMT's.

Rec 2. Equipment-Includes estimated cost of one (1) M2 Ambulance, plus equipment, plus first year medical supply costs.

Rec 3a. Prof. Services-if SORS/BLS option is implemented, costs identified assume payment for transportation services billed @ OCEMS rates for estimated 1,000 patient transports/year.

Rec 3a. Other-If SORS/BLS option is implemented, costs identified assume payment of mileage charges @ OCEMS rates/mile x estimated 14,000 miles/year.

Rec 3b. Personnel-Includes equivalent of two (2) EMT "positions" @ 12 hours/7 days each = 5 FTE's to staff BLS ambulance if Rec 3a. cannot be implemented; assumes OEMS will have a vehicle available.

SECTION 5-PROBABLE COSTS

EMERGENCY MEDICAL SERVICES

RECOMMENDATIONS	
4	Assess FD capabilities necssary to meet MFR-RT requirements
5a	Implement FD/MFR initiative w/performance objectives
5b	Add four (4) QRV's @ 12 hrs/7 days
6	Add six (6) 12 hr/7 day ALS ambulances; Zones 1/2, 7/5, 6/8
7	Hire Shift Supervisor; ALS @ 24/7

REC	Personnel	Equipment	Prof. Services	Construction	Other	Total
4	n/a	n/a	$ 8,000	n/a	n/a	$ 8,000
5a	TBD	TBD	n/a	n/a	TBD	TBD
5b	$ 484,650	$ 220,000	n/a	TBD	TBD	$ 704,650
6	$ 1,344,600	$ 1,370,400	n/a	TBD	TBD	$ 2,715,000
7	$ 321,300	$ 45,000	n/a	n/a	TBD	$ 366,300

Notes:

Rec 4. Prof. Services-Estimated contracted cost to provide independent assessment of existing Fire Department capabilities and needs to accomplish Medical First Responder response time objectives.

Rec 5a. Assumes needs identified and response time objectives resulting from Rec 4 are accepted by the County and Fire Departments respectively and implementation of the initiative is approved.

Rec 5b. Personnel-Assumes Rec 5a is *not* implemented; OCEMS to address critical MFR issue via hire of personnel to staff four (4) Quick Response Vehicles to be staged throughout the County; costs identified to cover one (1) Paramedic "position" per QRV-12hours/7 days-@ 2.5 FTE's per QRV x four (4) vehicles.

Rec 5 b. Equipment-Estimated cost of four (4) SUV type vehicles, including up-fit of communications systems and equipment.

Rec 6. Personnel-Assumes one (1) Paramedic "position" and one (1) EMT "position" per 12 hour/7 day ambulance = 2.5 Paramedic FTE's + 2.5 EMT FTE's per ambulance x six (6) ambulances; implemented over first eight (8) years.

Rec 6. Equipment- Includes estimated cost of six (6) M2 Ambulances, plus equipment, plus first year medical supply costs for each.

Rec 7. Personnel-Includes one (1) EMS Paramedic level Shift Supervisor "position" 24/7/365 @ 5 FTE's.

Rec 7. Equipment-Estimated cost of one (1) SUV type vehicle, including up-fit of communications systems and equipment.

SECTION 5-PROBABLE COSTS

EMERGENCY MEDICAL SERVICES

Issue: EMS Base Facilities

RECOMMENDATIONS	
8	Conduct detailed Space Needs Assessment
9	Identify minimum of nine (9) strategic locations
10	Purchase identified site and/or building
11	Procure base design & construction services
12	Construction; nine (9) EMS Bases

REC	Personnel	Equipment	Prof. Services	Construction	Other	Total
8	n/a	n/a	$ 12,000	n/a	TBD	$ 12,000
9	n/a	n/a	n/a	n/a	n/a	$ -
10	n/a	n/a	n/a	n/a	TBD	TBD
11	n/a	TBD	$ 1,620,000	n/a	TBD	$ 1,620,000
12	n/a	TBD	n/a	$ 8,064,000	n/a	$ 8,064,000

Notes:

Rec 8. Prof. Services- Estimated contracted cost to provide a Space Needs Assessment to address and document building and site requirements for an EMS base facility.

Rec 11. Professional Services-Estimated total cost for planning & design services for nine (9) EMS base facilities; assumes design for each facility is contracted for as a *single* project.

Rec 12. Construction- Estimated cost of construction for nine (9) EMS base facilities bid and contracted for as nine (9) separate projects; single facility construction cost based on a current NC County project in final stages of design @ 5,000 square feet x $180/square foot for pre-engineered steel building.

SECTION 5-PROBABLE COSTS

COMMUNICATIONS CENTER

Issue: Staffing

RECOMMENDATIONS	
13	Hire Full-time Data System Manager
14	Hire full-time Training/Quality Assurance Officer
15	Hire full-time Training/Quality Assurance Officer
16	Prepare schedule for hiring/training of new Telecommunicators
17	Hire 17 full-time Telecommunicators

REC	Personnel	Equipment	Prof. Services	Construction	Other	Total
13	$ 74,250	n/a	n/a	n/a	n/a	$ 74,250
14	$ 64,800	$ 8,000	n/a	TBD	TBD	$ 72,800
15	$ 64,800	$ 8,000	n/a	TBD	TBD	$ 72,800
16	n/a	n/a	n/a	n/a	n/a	$ -
17	$ 784,890	TBD	n/a	n/a	TBD	$ 784,890

Notes:

Rec 13. Personnel-Estimated annual salary + 35 % matching costs for Data System Manager.

Rec 14. Personnel-Estimated annual salary + 35 % matching costs for Training/Quality Assurance Officer.

Rec 14. Equipment-Estimated first year costs for necessary quality assessment and training materials.

Rec 15. Personnel-Estimated annual salary + 35 % matching costs for Training/Quality Assurance Officer.

Rec 15. Equipment-Estimated first year costs for necessary quality assessment and training materials.

Rec 17. Estimated annual salary + 35% matching costs for one (1) full-time Telecommunicator x 17.

SECTION 5-PROBABLE COSTS

COMMUNICATIONS CENTER

Issue: Data

RECOMMENDATIONS	
18	Purchase AVL hardware-new vehicles
19	LE & FD Software Orientation

REC	Personnel	Equipment	Prof. Services	Construction	Other	Total
18	n/a	$ 60,000	n/a	n/a	n/a	$ 60,000
19	n/a	TBD	n/a	n/a	n/a	TBD

Notes:

Rec 18. Equipment-Estimated cost for vehicle hardware necessary to synchronize with CAD system Automatic Vehicle Location (AVL) software for tracking of EMS vehicles; costs identified are based on estimated cost of AVL hardware per vehicle x number of new vehicles (12) projected for purchase during 10-year plan implementation time line.

SECTION 6-IMPLEMENTATION SCHEDULE

YEAR 1-5

No.	Recommendation	Year 1	Year 2	Year 3	Year 4	Year 5	5-Year Total
1	Adjust Medic 5 & 8 coverage	$ -	$ -	$ -	$ -	$ -	$ -
2	Add 9a-9p @12/7 ALS	$ -	$ 452,500	$ -	$ -	$ -	$ 452,500
3a	BLS for Non-Em transports @ 12/7	$ -	$ -	$ 405,000	$ -	$ -	$ 405,000
3b	Staff BLS for NE transports @ 12/7	$ -	$ -	$ 205,876	$ -	$ -	$ 205,876
4	Assess FD- MFR/RT requirements	$ 8,000	$ -	$ -	$ -	$ -	$ 8,000
5a	Implement FD/MFR initiative	TBD	$ -	$ -	$ -	$ -	$ -
5b	Add four (4) QRV's @ 12/7	$ -	$ 704,650	$ -	$ -	$ -	$ 704,650
6	Add six (6) ALS Ambulances @ 12/7	$ -	$ -	$ -	$ 1,357,500	$ -	$ 1,357,500
7	Hire Shift Supervisor; ALS @ 24/7	$ -	$ -	$ -	$ 366,300	$ -	$ 366,300
8	Space Needs Assessment	$ 16,000	$ -	$ -	$ -	$ -	$ 16,000
9	Identify nine (9) base locations	$ -	$ -	$ -	$ -	$ -	$ -
10	Purchase sites/buildings	$ -	TBD	TBD	TBD	TBD	$ -
11	Design services- nine (9) bases	$ -	$ -	$ -	$ 540,000	$ -	$ 540,000
12	Construction/Renovation-9 bases	$ -	$ -	$ -	$ -	$ 2,688,000	$ 2,688,000
12	Hire Data System Manager	$ 74,250	$ -	$ -	$ -	$ -	$ 74,250
14	Hire Training/QA Officer	$ 72,800	$ -	$ -	$ -	$ -	$ 72,800
15	Hire T/QA Officer	$ -	$ -	$ 72,800	$ -	$ -	$ 72,800
16	Schedule hiring/training for ne TC's	$ -	$ -	$ -	$ -	$ -	$ -
17	Hire 17 new Telecommunicators	$ -	$ 230,850	$ -		$ 230,850	$ 461,700
18	AVL hardware-new vehicles	$ -	$ 40,000		$ 20,000	$ -	$ 60,000
19	LE & FD Software Orientation	$ -	TBD	$ -	$ -	$ -	$ -
		$ 171,050	$ 1,428,000	$ 683,676	$ 2,283,800	$ 2,918,850	$ 7,485,376
	Capital/One-Time Cost	$ 24,000	$ 488,400	$ -	$ 993,600	$ 2,688,000	$ 4,194,000
	Operating Cost	$ 147,050	$ 939,600	$ 683,676	$ 1,290,200	$ 230,850	$ 3,291,376

SECTION 6-IMPLEMENTATION SCHEDULE

YEAR 6-10

No.	Recommendation	Year 6	Year 7	Year 8	Year 9	Year10	5-Year Total
1	Adjust Medic 5 & 8 coverage	$ -	$ -	$ -	$ -	$ -	$ -
2	Add 9a-9p @12/7 ALS	$ -	$ -	$ -	$ -	$ -	$ -
3a	BLS for Non-Em transports @ 12/7	$ -	$ -	$ -	$ -	$ -	$ -
3b	Staff BLS for NE transports @ 12/7	$ -	$ -	$ -	$ -	$ -	$ -
4	Assess FD- MFR/RT requirements	$ -	$ -	$ -	$ -	$ -	$ -
5a	Implement FD/MFR initiative	$ -	$ -	$ -	$ -	$ -	$ -
5b	Add four (4) QRV's @ 12/7	$ -	$ -	$ -	$ -	$ -	$ -
6	Add six (6) ALS Ambulances @ 12/7		$ -	$ 1,357,500	$ -	$ -	$ 1,357,500
7	Hire Shift Supervisor; ALS @ 24/7	$ -	$ -	$ -	$ -	$ -	$ -
8	Space Needs Assessment	$ -	$ -	$ -	$ -	$ -	$ -
9	Identify nine (9) base locations	$ -	$ -	$ -	$ -	$ -	$ -
10	Purchase sites/buildings	$ -	$ -	$ -	$ -	$ -	$ -
11	Design services- nine (9) bases	$ 540,000	$ -	$ -	$ 540,000	$ -	$ 1,080,000
12	Construction/Renovation	$ -	$ 2,688,000	$ -	$ -	$ 2,688,000	$ 5,376,000
12	Hire Data System Manager	$ -	$ -	$ -	$ -	$ -	$ -
14	Hire Training/QA Officer	$ -	$ -	$ -	$ -	$ -	$ -
15	Hire T/QA Officer	$ -	$ -	$ -	$ -	$ -	$ -
16	Schedule hiring/training for ne TC's	$ -	$ -	$ -	$ -	$ -	$ -
17	Hire 17 new Telecommunicators		$ 323,190	$ -	$ -	$ -	$ 323,190
18	AVL hardware-new vehicles	$ -	$ -	$ -	$ -	$ -	$ -
19	LE & FD Software Orientation	$ -	$ -	$ -	$ -	$ -	$ -
		$ 540,000	**$ 3,011,190**	**$ 1,357,500**	**$ 540,000**	**$ 2,688,000**	**$ 8,136,690**
	Capital/One-Time Cost	**$ 540,000**	**$ 2,688,000**	**$ 685,200**	**$ 540,000**	**$ 2,688,000**	**$ 7,141,200**
	Operating Cost	**$ -**	**$ 323,190**	**$ 672,300**	**$ -**	**$ -**	**$ 995,490**

SECTION 7-APPENDIX

Emergency Medical Services (EMS)

- **10A NCAC 13P .0201; EMS System Requirements**
- **Orange County Grid Map; w/Number of EMS Calls & Average Response Times per Grid;**
  a. **Calendar years 2009-2011**
- **County EMS Agency Comparison Survey**

911/Communications Center

- **Carolina 911 Board PSAP Operating Standards**
- **911/Communications Center Response, Dispatch & Communications Process Maps:**
  - **Emergency Medical Dispatch (EMS)**
  - **Structure Fire (Fire Departments)**
  - **Domestic Violence/Disturbance (Law Enforcement)**
- **NFPA 450 Excerpt: Essential (Communications Center) System Analysis Components**

APPENDIX A

10A NCAC 13P .0201; EMS System Requirements

APPENDIX B

Orange County Grid Map; w/Number of EMS Calls & Average Response Times per Grid; Calendar years 2009-2011

APPENDIX C

County EMS Agency Comparison Survey

APPENDIX D

North Carolina 911 Board PSAP Operating Standards

APPENDIX E

911/Communications Center Response, Dispatch & Communications Process Maps:

- **Emergency Medical Dispatch (EMS)**
- **Structure Fire (Fire Departments)**
- **Domestic Violence/Disturbance (Law Enforcement)**

Note that the call process illustrations that follow are EXAMPLES. Of the many hundreds of emergency calls reviewed and/or audited, no two-even of the same category of call-were ever exactly alike. Should an error or omission be noted, it is due to the consultant's interpretation of the call process described and *should not* be interpreted as an error or omission by the Communications Center or its personnel.

APPENDIX F

NFPA 450 Excerpt: Essential (Communications Center) System Analysis Component

SECTION .0200 – EMS SYSTEMS

10A NCAC 13P .0201 EMS SYSTEM REQUIREMENTS

(a) County governments shall establish EMS Systems. Each EMS System shall have:

(1) a defined geographical service area for the EMS System. The minimum service area for an EMS System shall be one county. There may be multiple EMS Provider service areas within the service area of an EMS System. The highest level of care offered within any EMS Provider service area must be available to the citizens within that service area 24 hours per day;

(2) a defined scope of practice for all EMS personnel, functioning in the EMS System, within the parameters set forth by the North Carolina Medical Board pursuant to G.S. 143-514;

(3) written policies and procedures describing the dispatch, coordination and oversight of all responders that provide EMS care, specialty patient care skills and procedures as defined in Rule .0301(a)(4) of this Subchapter, and ambulance transport within the system;

(4) at least one licensed EMS Provider;

(5) a listing of permitted ambulances to provide coverage to the service area 24 hours per day;

(6) personnel credentialed to perform within the scope of practice of the system and to staff the ambulance vehicles as required by G.S. 131E-158. There shall be a written plan for the use of credentialed EMS personnel for all practice settings used within the system;

(7) written policies and procedures specific to the utilization of the EMS System's EMS Care data for the daily and on-going management of all EMS System resources;

(8) a written Infectious Disease Control Policy as defined in Rule .0102(33) of this Subchapter and written procedures which are approved by the EMS System medical director that address the cleansing and disinfecting of vehicles and equipment that are used to treat or transport patients;

(9) a listing of facilities that will provide online medical direction for all EMS Providers operating within the EMS System;

(10) an EMS communication system that provides for:

(A) public access using the emergency telephone number 9-1-1 within the public dial telephone network as the primary method for the public to request emergency assistance. This number shall be connected to the emergency communications center or PSAP with immediate assistance available such that no caller will be instructed to hang up the telephone and dial another telephone number. A person calling for emergency assistance shall not be required to speak with more than two persons to request emergency medical assistance;

(B) an emergency communications system operated by public safety telecommunicators with training in the management of calls for medical assistance available 24 hours per day;

(C) dispatch of the most appropriate emergency medical response unit or units to any caller's request for assistance. The dispatch of all response vehicles shall be in accordance with a written EMS System plan for the management and deployment of response vehicles including requests for mutual aid; and

(D) two-way radio voice communications from within the defined service area to the emergency communications center or PSAP and to facilities where patients are routinely transported. The emergency communications system shall maintain all required FCC radio licenses or authorizations;

(11) written policies and procedures for addressing the use of SCTP and Air Medical Programs within the system;

(12) a written continuing education program for all credentialed EMS personnel, under the direction of a System Continuing Education Coordinator, developed and modified based on feedback from system EMS Care data, review, and evaluation of patient outcomes and quality management peer reviews, that follows the guidelines of the:

(A) "US DOT NHTSA First Responder Refresher: National Standard Curriculum" for MR personnel;

(B) "US DOT NHTSA EMT-Basic Refresher: National Standard Curriculum" for EMT personnel;

(C) "EMT-P and EMT-I Continuing Education National Guidelines" for EMT-I and EMT-P personnel; and

(D) "US DOT NHTSA Emergency Medical Dispatcher: National Standard Curriculum" for EMD personnel.

These documents are incorporated by reference in accordance with G.S. 150B-21.6, including subsequent amendments and additions. These documents are available from NHTSA, 400 7th Street, SW, Washington, D.C. 20590, at no cost;

(13) written policies and procedures to address management of the EMS System that includes:

(A) triage and transport of all acutely ill and injured patients with time-dependent or other specialized care issues including trauma, stroke, STEMI, burn, and pediatric patients that may require the by-pass of other licensed health care facilities and which are based upon the expanded clinical capabilities of the selected healthcare facilities;

(B) triage and transport of patients to facilities outside of the system;

(C) arrangements for transporting patients to appropriate facilities when diversion or bypass plans are activated;

(D) reporting, monitoring, and establishing standards for system response times using data provided by the OEMS;

(E) weekly updating of the SMARTT EMS Provider information;

(F) a disaster plan; and

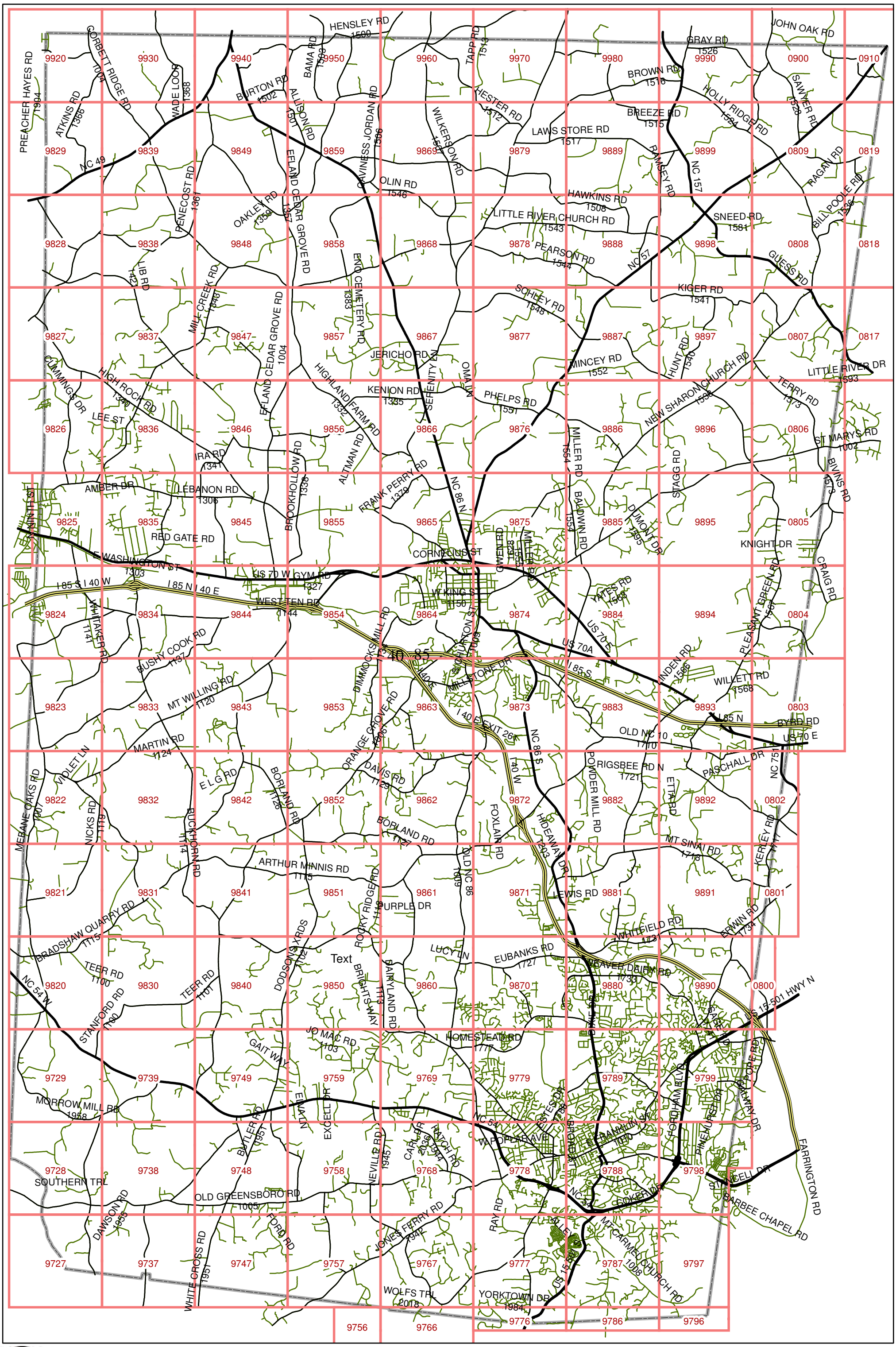
(G) a mass-gathering plan;

(14) affiliation as defined in Rule .0102(4) of this Subchapter with the trauma RAC as required by Rule .1101(b) of this Subchapter; and

(15) medical oversight as required by Section .0400 of this Subchapter.

(b) An application to establish an EMS System shall be submitted by the county to the OEMS for review. When the system is comprised of more than one county, only one application shall be submitted. The proposal shall demonstrate that the system meets the requirements in Paragraph (a) of this Rule. System approval shall be granted for a period of six years. Systems shall apply to OEMS for reapproval.

History Note: *Authority G.S. 131E-155(1), (6), (8), (9), (15);143-508(b), (d)(1), (d)(2), (d)(3), (d)(5), (d)(8), (d)(9), (d)(10), (d)(13); 143-509(1), (3), (4), (5);143-517; 143-518;*
Temporary Adoption Eff. January 1, 2002;
Eff. August 1, 2004;
Amended Eff. January 1, 2009.



Orange County Boundaries
w/ Municipality Boundaries

2009 Mean response times by Grid

Report

ResponseMinutes

MapGrid	Mean	N	Std. Deviation
803	16.0719	16	5.39154
804	9.7167	7	5.28292
805	17.0563	8	4.99263
806	22.7697	11	7.95000
807	18.5979	16	5.12286
808	23.9611	3	1.80849
809	16.4200	5	9.60452
817	27.5000	1	.
818	26.9833	1	.
819	28.6500	2	3.37054
900	27.7583	6	5.29741
9727	19.2500	6	3.66736
9728	18.7405	7	6.30104
9729	19.8250	2	2.18025
9737	18.4917	2	1.30815
9738	18.8286	7	2.64023
9739	16.0870	9	3.67727
9747	15.0514	23	3.72016
9748	15.0278	9	3.15293
9749	15.0413	23	4.24234
9757	11.7630	9	3.74574
9758	13.2075	20	4.17752
9759	12.1222	36	3.44612
9766	12.0000	1	.
9767	12.1438	72	6.34648
9768	8.1548	328	5.47947
9769	10.8480	59	4.30562
9776	11.6917	2	2.46309
9777	7.8960	279	4.34889
9778	8.6486	488	5.29302
9779	7.7175	221	4.50145
9787	10.6132	116	5.10491
9788	8.6034	1510	5.63910
9789	10.7184	246	4.01976
9797	12.4833	1	.
9798	10.0880	379	5.00715
9799	11.9254	701	4.76070

9820	16.9526	13	4.07751
9821	24.1167	4	5.22375
9822	15.2171	37	9.16496
9823	10.2000	1	.
9824	16.8119	7	4.71907
9825	12.4429	236	5.86314
9826	17.0949	13	4.41859
9827	16.9833	4	4.85945
9828	22.9833	3	11.76599
9829	33.0806	6	12.46327
9831	17.4083	8	4.02304
9833	13.9633	5	2.55863
9834	13.4532	57	4.44941
9835	14.1671	106	5.64373
9836	17.1123	72	7.77060
9837	18.0907	9	9.94517
9838	16.3471	23	6.36859
9839	18.8367	5	9.55172
9840	18.2274	14	3.88354
9841	11.5703	249	5.06813
9842	20.4056	15	13.70796
9843	14.1190	7	2.73909
9844	9.2255	49	4.58229
9845	14.6884	43	5.76702
9846	15.6565	18	4.43101
9847	19.3817	20	6.65924
9849	19.6384	23	5.24896
9850	15.1132	29	4.66458
9851	9.7778	3	7.07700
9852	13.8458	16	5.35346
9853	12.0417	4	9.03221
9854	11.2393	61	4.88971
9855	22.3917	4	13.01462
9856	11.3500	2	2.89914
9857	22.1592	20	16.07132
9858	21.4233	5	9.11617
9859	18.7083	6	4.33333
9860	11.2174	24	4.98070
9861	10.1397	63	3.82431
9862	13.1792	16	4.93714
9863	9.8274	342	3.92876
9864	11.3687	465	5.16009
9865	14.0020	289	5.66860
9866	17.6599	27	4.35622

9867	18.2167	1	.
9868	19.0754	23	6.21317
9869	12.9167	2	16.42845
9870	12.6811	59	5.73348
9871	8.3108	31	4.63862
9872	5.5754	19	3.72764
9873	8.4441	127	4.37947
9874	10.2832	352	4.46731
9875	13.5070	107	4.80491
9876	16.8292	12	5.27800
9877	16.0232	28	4.64288
9878	22.0816	19	6.65777
9879	20.2256	28	6.95287
9880	9.6294	452	4.55767
9881	12.5944	21	4.31822
9882	9.3989	30	3.21580
9883	10.8731	49	3.35630
9884	12.8583	32	3.72818
9885	16.3119	14	3.32453
9886	18.9537	9	3.51674
9887	14.9950	10	6.91733
9888	14.5667	1	.
9889	27.1233	5	5.91679
9890	13.3353	213	5.20610
9891	16.5182	22	6.39389
9892	12.9205	48	3.83938
9893	10.7229	117	5.70260
9894	18.8750	4	6.25705
9896	18.2611	18	7.79201
9897	19.7389	3	3.33218
9898	21.8583	2	.20035
9899	17.1756	13	5.41925
9920	24.1758	11	3.14239
9930	21.0627	17	7.03374
9940	12.8463	112	5.78734
9950	11.2833	7	7.47855
9970	26.0133	5	10.94525
9990	17.6513	13	20.02915
Total	11.0420	9091	6.03687

2010 Mean Response Times by Grid

Report

ResponseMinutes

MapGrid	Mean	N	Std. Deviation
803	17.9544	15	6.57934
804	13.6542	12	4.48102
805	19.0795	13	5.44293
806	21.3869	14	4.95512
807	19.2385	13	8.47563
808	25.7833	1	.
809	22.1650	10	7.41286
819	21.9833	1	.
900	32.8778	12	24.18399
9727	24.9611	3	10.81029
9728	18.5417	6	5.52112
9729	22.2000	1	.
9737	16.6722	3	7.16396
9738	16.8250	6	2.74671
9739	18.9095	7	4.72876
9747	15.9364	22	3.99475
9748	14.7924	11	3.29011
9749	15.4292	12	6.92996
9757	16.8593	9	13.57322
9758	12.7220	25	4.22902
9759	13.7381	28	5.53460
9767	10.8858	55	5.61815
9768	8.2350	358	5.32306
9769	12.8326	44	5.50949
9776	11.5667	1	.
9777	8.4145	342	5.03896
9778	8.4312	482	5.88911
9779	8.5348	206	4.88165
9787	10.6969	98	4.52535
9788	8.7870	1376	4.81225
9789	11.9938	206	6.57951
9797	12.7667	1	.
9798	10.6633	491	5.89673
9799	12.6503	608	5.55325
9820	15.2867	25	6.22534
9821	25.9667	1	.
9822	12.7109	64	9.36907
9823	15.8593	9	10.47963
9824	13.9067	5	2.41737

9825	12.0662	234	5.90506
9826	16.4061	11	4.29686
9828	22.5222	9	6.05673
9829	24.3071	7	3.32522
9831	20.5897	13	9.12561
9833	14.9611	3	5.89393
9834	12.7324	37	3.74730
9835	12.6305	105	4.93297
9836	15.3060	58	4.18527
9837	15.8347	12	6.42262
9838	16.9433	15	6.82931
9839	24.7967	10	8.12394
9840	15.6889	3	1.37642
9841	10.2671	289	4.78971
9842	13.7078	15	5.42814
9843	14.3222	9	4.96514
9844	10.7271	35	3.73901
9845	12.9590	37	5.65251
9846	16.8333	28	4.76289
9847	22.0900	10	7.09730
9849	22.2933	15	5.12088
9850	14.4000	26	4.43267
9851	17.7024	7	4.78605
9852	17.1467	5	3.94327
9853	13.5067	5	.74457
9854	10.6215	73	5.19454
9855	13.8548	7	5.48095
9856	10.2639	6	2.11973
9857	15.0107	14	8.07952
9858	15.5917	2	5.62150
9859	23.6000	5	8.16488
9860	12.3868	24	1.99704
9861	9.5037	45	4.25942
9862	13.5431	12	6.43246
9863	10.4093	312	4.34488
9864	10.2254	495	5.27758
9865	11.2183	234	6.03463
9866	13.5632	24	4.80884
9867	18.0367	5	5.30011
9868	21.1977	29	10.30323
9869	18.5000	6	4.23404
9870	13.5080	69	3.45151
9871	14.0299	24	5.37480
9872	9.6500	14	4.46447

9873	10.6246	122	4.44535
9874	10.0170	339	4.68080
9875	11.3263	107	5.88940
9876	12.9233	5	3.04034
9877	17.6100	25	5.62420
9878	19.1397	26	4.70647
9879	19.3286	32	6.08849
9880	10.5671	482	4.88582
9881	13.5032	26	5.19197
9882	12.3888	49	5.15962
9883	11.7798	62	4.70309
9884	12.8573	16	3.55339
9885	16.8731	13	5.94369
9886	14.5875	8	4.41157
9887	13.9271	8	4.84486
9888	19.9556	3	4.41356
9889	23.3833	2	1.15494
9890	14.4460	276	5.35359
9891	16.9447	25	6.82240
9892	14.3059	45	5.44770
9893	12.8536	134	4.61916
9894	15.8000	1	.
9896	17.6410	26	6.25187
9898	20.5104	8	5.59862
9899	16.3778	12	5.07598
9920	21.6985	11	4.72393
9930	19.9600	5	1.63612
9940	11.7456	122	5.55307
9950	13.6700	10	4.46909
9960	34.5833	1	.
9970	18.4333	5	4.25194
9990	25.4617	10	7.35015
Total	11.1346	9010	6.06769

2011 Mean Response times by Grid

Report

ResponseMinutes

MapGrid	Mean	N	Std. Deviation
802	9.8833	1	.
803	17.1111	6	3.42188
804	15.1778	9	3.14792
805	18.8979	8	1.79811
806	19.9304	17	3.02739
807	21.5711	19	6.10744
808	15.6000	1	.
809	21.0130	9	3.09744
819	22.2111	3	2.48581
900	22.6306	6	4.52338
9727	17.1889	3	2.83438
9728	14.6611	3	7.46608
9729	24.4667	1	.
9737	15.2500	2	1.24922
9738	16.4650	10	3.52648
9739	15.6381	7	3.85317
9747	18.1988	14	6.97762
9748	15.4058	23	4.50103
9749	15.5710	23	5.35658
9757	13.9683	20	7.61800
9758	12.8375	36	5.04287
9759	14.1924	35	4.46488
9766	12.2222	3	.94286
9767	9.6217	76	5.36166
9768	8.2320	280	5.67263
9769	12.4742	40	4.27730
9776	10.5000	1	.
9777	8.0785	398	4.61277
9778	7.8832	543	4.80890
9779	9.6535	218	4.71622
9787	9.9786	123	4.08503
9788	8.2977	1505	4.78933
9789	10.7878	245	5.13426
9796	13.3833	1	.
9798	10.0108	424	4.94952
9799	11.6270	557	5.11450
9820	18.7691	34	5.37513
9821	17.4444	3	4.16444
9822	10.3950	50	6.96993

9823	17.2630	9	10.24150
9824	14.0600	10	7.86517
9825	11.1713	228	5.08586
9826	20.7852	9	6.27824
9828	20.8458	4	4.78441
9829	28.4667	4	6.66337
9830	17.6472	6	4.60731
9831	18.5908	20	4.39228
9832	20.5167	1	.
9833	13.7958	4	4.13578
9834	10.9923	37	2.99008
9835	12.4015	131	4.58979
9836	15.4237	57	5.94102
9837	20.4028	6	9.71019
9838	16.3657	18	2.60228
9839	21.5896	8	3.77362
9840	19.6621	11	3.88036
9841	9.6755	274	4.09217
9842	16.5295	13	4.78332
9843	12.3825	20	3.17408
9844	10.2844	49	5.57963
9845	10.2672	29	5.39754
9846	15.6231	26	5.00397
9847	16.2333	13	5.01226
9848	19.5533	5	3.72009
9849	20.0155	14	5.74735
9850	16.1708	16	3.64709
9851	20.3600	5	4.48271
9852	11.1139	6	2.97871
9853	13.0513	13	3.35217
9854	11.1720	69	5.49381
9855	11.9450	10	6.68903
9856	14.6333	7	8.94046
9857	18.3833	15	7.19376
9858	16.4889	6	1.68406
9859	18.3267	5	4.09269
9860	13.2914	31	4.35442
9861	10.9511	45	4.75521
9862	13.6014	12	3.12351
9863	9.2247	280	4.32368
9864	9.0440	431	4.85488
9865	8.9562	267	4.80534
9866	11.6730	21	6.97388
9867	14.0850	10	3.88674

9868	17.3543	39	6.10225
9869	18.7056	3	4.07984
9870	12.7240	50	4.30114
9871	15.9212	51	4.70769
9872	12.9046	18	4.76630
9873	10.6670	153	4.37199
9874	8.9363	375	4.98699
9875	10.1649	93	5.47788
9876	13.5247	25	3.77994
9877	17.8389	15	12.44244
9878	18.6107	28	4.90477
9879	14.8516	21	5.30634
9880	10.8427	571	5.01346
9881	15.1306	31	3.93494
9882	14.8471	34	5.90992
9883	10.8388	52	5.30661
9884	12.2333	19	2.69820
9885	13.8481	18	4.32574
9886	13.7907	9	3.69808
9887	15.5318	11	3.67117
9888	23.6542	4	12.95470
9889	27.2250	2	4.13657
9890	13.8344	288	5.14901
9891	19.8876	43	5.11612
9892	15.9458	51	5.15671
9893	13.5598	135	4.48104
9894	13.5000	1	.
9896	16.2820	37	8.76052
9897	18.5000	1	.
9898	19.9071	7	7.82109
9899	18.7167	14	5.97971
9920	23.0125	4	5.89545
9930	24.6067	5	5.82607
9940	12.2642	120	6.95795
9950	16.3762	7	5.16883
9970	21.8567	5	3.75057
9990	21.3218	13	4.79486
Total	10.6357	9365	5.72339

County EMS Comparisons-Summer 2012

County	Number of Ambulances	No. QRV's	Number of Stations	Response Time Goal
Alamance	7-24/7 ALS 2-12/5 BLS; Prime Time	3-24/7 ALS	6	Avg. 8 min.
Durham	10-24/7 ALS 1-12/7 ALS; Prime Time	None	9	0:8:59 @ 90%
Orange	4-24/7 ALS; 4-12/7 ALS	None	6*	EM 12 min @ 90% Non-EM 15 min. or less

County	Population	2011 Ems Calls	FY 11-12 Budget Allocation	EMS Calls per 1,000	Personnel	
					FT	PT
Alamance	152,531	28,000**	$ 5,705,568	184	84	40
Durham	272,314	27,648	$ 8,537,913	102	94	36
Orange	135,776	10,719	$ 4,711,683	79	66	8

** Alamance County's call numbers include non-emergency/convalescent BLS transports.

EMS: County Comparisons-Spring 2011

County	Population	EMS Disp/Yr	Personnel		No. Stations
			FT	PT	
Cleveland	98,628	21,000	63	40	9
Nash	95,804	22,000	68	45	8
Rockingham	91,878	23,000	45	38	5
Burke	89,653	13,000	49	30	6
Moore	86,945	13,000	51	30	8

County	Number of Ambulances	No. QRV's	Response Time Goal
Cleveland	9-24/ALS	2-24/7 ALS	8 min. or less @ 90%
Nash	8-24/7 ALS; 4-12/7 Prime Time ALS	2-24/7 ALS	Avg. of 9 min. or Less
Rockingham	6-24/7 ALS; 1-10/7 BLS	2-24/7 ALS	Less than 8:59
Burke	5-24/7ALS; 2-9/7 Prime Time ALS	2-24/7 ALS	9 min. or less
Moore	6-24/7 ALS; 2-12/7 Prime Time ALS	4-24/7 ALS	9 min. or less @ 90%

Section 1 Administration

1.1 Scope.

1.1.1 These standards shall cover the installation, performance, operation, and maintenance of Public Safety Answering Points and the associated emergency communication systems.

1.1.2 These standards shall not be used as a design specification manual or an instruction manual.

1.1.3 Unless specified otherwise herein compliance with these standards is required by July 1, 2012.

1.2 Purpose.

The purpose of these standards shall be as follows:

1.2.1 To specify operations, facilities, and communications systems that receive emergency calls from the public.

1.2.2 To provide requirements for the retransmission of such emergency calls to the appropriate emergency response agencies.

1.2.3 To provide requirements for dispatching of appropriate emergency response personnel.

1.2.4 To establish the required levels of performance and quality of installations of emergency services communications systems.

1.3 Application.

These standards shall apply to emergency 911 systems that include, but are not limited to, dispatching systems, telephone systems, and public reporting systems that provide the following functions:

1.3.1 Communication between the public and emergency response agencies.

1.3.2 Communication within the emergency response agency under emergency and non-emergency conditions.

1.3.3 Communication among emergency response agencies.

1.4 Equivalency.

Nothing in these standards is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by these standards.

1.4.1 Technical documentation shall be submitted to the local authority having jurisdiction to demonstrate equivalency.

1.4.2 The system, method, or device shall be approved for the intended purpose by the authority having jurisdiction.

Section 2 Definitions

2.1 General.

The definitions contained in this Section shall apply to the terms used in these standards. Where a term is not defined in this Section or another Section within these standards, it shall have the definition provided in the N.C. 911 Board Statutes. Where a term is also not defined by the N.C. 911 Board Statutes, it shall be defined using its' ordinarily accepted meaning within the context in which it is used. Merriam-Webster's Collegiate Dictionary, 11th edition, shall be the source for the ordinarily accepted meaning.

2.2 Official Definitions.

2.2.1 Public Safety Answering Point (PSAP). As defined in GS 62A-40(18): The Public Safety Agency that receives an incoming 911 call and dispatches appropriate Public Safety Agencies to respond to the call. See 47 CFR 20.18(b) for basic 911 services, defined as:

> Basic 911 Service. CMRS providers subject to this section must transmit all wireless 911 calls without respect to their call validation process to a Public Safety Answering Point, or, where no Public Safety Answering Point has been designated, to a designated statewide default answering point or appropriate local emergency authority pursuant to § 64.3001 of this chapter, provided that "all wireless 911 calls" is defined as "any call initiated by a wireless user dialing 911 on a phone using a compliant radio frequency protocol of the serving carrier."

> See GS 62A-40(9), Enhanced 911 Service, defined as:
> Directing a 911 call to an appropriate Public Safety Answering Point by selective routing or other means based on the geographical location from which the call originated and providing information defining the approximate geographic location and the telephone number of a 911 caller, in accordance with the FCC Order.

2.3 General Definitions.

2.3.1 Backup Public Safety Answering Point. A structure used to house a part of the control equipment of an emergency reporting system or communications system; also, a normally unattended facility that is remote from the Public Safety Answering Point and is used to house equipment necessary for the functioning of an emergency communications system.

2.3.2 Circuit. The conductor or radio channel and associated equipment that are used to perform a specific function in connection with an emergency call system.

2.3.4 Communications System. A combination of links or networks that serves a general function such as a system made up of command, tactical, logistical, and administrative networks supporting the operations of an individual PSAP.

2.3.5 Comprehensive Emergency Management Plan (CEMP). A disaster recovery plan that conforms to guidelines established by the Public Safety Answering Point and is designed to address natural, technological, and man-made disasters.

2.3.6 Computer-Aided Dispatch (CAD). A combination of hardware and software that provides data entry, makes resource recommendations, and notifies and tracks those resources before, during, and after emergency calls, preserving records of those emergency calls and status changes for later analysis.

2.3.7 Computer Aided Dispatch (CAD) Terminal. An electronic device that combines a keyboard and a display screen to allow exchange of information between a Telecommunicator and one or more computers in the system/network.

2.3.8 Control Console. A wall-mounted or desktop panel or cabinet containing controls to operate communications equipment.

2.3.9 Coordinated Universal Time. A coordinated time scale, maintained by the Bureau International des Poids et Measures (BIPM), which forms the basis of a coordinated dissemination of standard frequencies and time signals.

2.3.10 Dispatch Circuit. A circuit over which a signal is transmitted from the Public Safety Answering Point to an emergency response facility (ERF) or emergency response unit (ERU) to notify the emergency response unit to respond to an emergency.

2.3.11 Emergency Call Processing/Dispatching. A process by which an emergency call answered at the Public Safety Answering Point is transmitted to emergency response facilities (ERFs) or to emergency response units (ERU) in the field.

2.3.12 Emergency Response Unit (ERU). A first responder to include but not limited to a police vehicle, a fire truck, and an ambulance.

2.3.13 Logging Voice Recorder. A device that records voice conversations and automatically logs the time and date of such conversations; normally, a multichannel device that keeps a semi-permanent record of operations.

2.3.14 Notification. The time at which an emergency call is received and acknowledged at a Public Safety Answering Point.

2.3.15 Operations Room. The room in the Public Safety Answering Point where emergency calls are received and processed and communications with emergency response personnel are conducted.

2.3.16 Public Safety Agency. An organization that provides law enforcement, emergency medical, fire, rescue, communications, or related support services.

2.3.17 Security Vestibule. A compartment provided with two or more doors where the intended purpose is to prevent continuous and unobstructed passage by allowing the release of only one door at a time.

2.3.18 Standard Operating Procedures (SOPs). Written organizational directives that establish or prescribe specific operational or administrative methods that are to be followed routinely for the performance of designated operations or actions.

2.3.19 Stored Emergency Power Supply System (SEPSS). A system consisting of a UPS, or a motor generator, powered by a stored electrical energy source, together with a transfer switch designed to

monitor preferred and alternate load power source and provide desired switching of the load, and all necessary control equipment to make the system functional.

2.3.20 TDD/TTY. A device that is used in conjunction with a telephone to communicate with persons who are deaf, who are hard of hearing, or who have speech impairments, by typing and reading text.

2.3.21 Telecommunicator. A Telecommunicator shall mean any person engaged in or employed as a full time or part time 911 communications center call taker (emergency communications specialist, emergency dispatcher, etc.) and is engaged in the act of processing a 911 call for emergency assistance by a Primary PUBLIC SAFETY ANSWERING POINT, including the use of 911 system equipment, call classification, location of a caller, determination of the appropriate response level for emergency responders, and dispatching 911 call information to the appropriate responder and 911 System.

2.3.22 Uninterruptible Power Supply (UPS). A system designed to provide power, without delay or transients, during any period when the primary power source is incapable of performing.

2.3.23 Voice Communication Channel. A single path for communication by spoken word that is distinct from other parallel paths.

Section 3 Public Safety Answering Point (PSAP)

3.1 General.

3.1.1 Any Primary Public Safety Answering Point, Backup Public Safety Answering Point, or Secondary Public Safety Answering Point that receives funding from the NC 911 Board is required to comply with all NC 911 Board Standards.

3.1.2 All equipment, software, and services used in the daily operation of the Public Safety Answering Point shall be kept in working order at all times.

3.1.3 The Public Safety Answering Point shall be provided with an alternate means of communication that is compatible with the alternate means of communication provided at the Emergency Response Facilities (ERFs).

3.1.3.1 The alternate means shall be readily available to the Telecommunicators in the event of failure of the primary communications system.

3.1.3.2 The Telecommunicators shall be trained and capable of using the alternate means in the event of failure of the primary communications system.

3.1.4 Each Public Safety Answering Point shall maintain a Backup Public Safety Answering Point or have an arrangement for backup provided by another Public Safety Answering Point. Agencies are encouraged to pool resources and create regional backup centers.

3.1.4.1 The Backup Public Safety Answering Point shall be capable, when staffed, of performing the emergency functions performed at the primary Public Safety Answering Point.

3.1.4.2 The Backup Public Safety Answering Point shall be separated geographically from the primary Public Safety Answering Point at a distance that ensures the survivability of the alternate center.

3.1.4.3 Each Public Safety Answering Point shall develop a formal plan to maintain and operate the Backup Public Safety Answering Point or if backup is provided by another Public Safety Answering Point a formal plan that defines the duties and responsibilities of the alternate Public Safety Answering Point.

3.1.4.3.1 The plan shall include the ability to reroute incoming emergency call traffic to the backup center and to process and dispatch emergency calls at that backup center.

3.1.4.3.2 The plan shall be included in the Comprehensive Emergency Management Plan (CEMP).

3.1.5 The Public Safety Answering Point shall be capable of continuous operation long enough to enable the transfer of operations to the Backup Public Safety Answering Point in the event of an emergency in the Public Safety Answering Point or in the building that houses the Public Safety Answering Point.

3.1.6 Systems that are essential to the operation of the Public Safety Answering Point shall be designed to accommodate peak workloads.

3.1.7 Public Safety Answering Points shall be designed to accommodate the staffing level necessary to operate the center as required by the Standards set herein.

3.1.8 The design of the Public Safety Answering Point shall be based on the number of personnel needed to handle peak workloads as required by the Standards set herein.

3.1.9 Each Public Safety Answering Point shall have a written Comprehensive Emergency Management Plan (CEMP).

3.1.9.1 Emergency Fire Plan. There shall be a local management approved, written, dated, and annually tested emergency fire plan that is part of the CEMP.

3.1.9.2 Damage Control Plan. There shall be a local management approved, written, dated, and annually tested damage control plan that is part of the CEMP.

3.1.9.3 Backup Plan. There shall be a local management approved, written, dated, and annually tested backup Public Saftey Answering Point plan that is part of the CEMP and approved by the NC 911 Board.

3.1.10 Penetrations into the Public Safety Answering Point shall be limited to those necessary for the operation of the center.

Section 4 Power

4.5.1 At least two independent and reliable power sources shall be provided, one primary and one secondary, each of which shall be of adequate capacity for operation of the Public Safety Answering Point.

4.5.2. Power sources shall be monitored for integrity, with annunciation provided in the operations room.

4.5.3 Primary Power Source. One of the following shall supply primary power:

4.5.3.1 A feed from a commercial utility distribution system

4.5.3.2 An engine-driven generator installation or equivalent designed for continuous operation, where a person specifically trained in its operation is on duty at all times

4.5.3.3 An engine-driven generator installation or equivalent arranged for cogeneration with commercial light and power, where a person specifically trained in its operation is on duty or available at all times.

4.5.4 Secondary Power Source.

4.5.4.1 The secondary power source shall consist of one or more standby engine-driven generators.

4.5.4.2 Upon failure of primary power, transfer to the standby source shall be automatic.

4.5.5 Stored Emergency Power Supply System (SEPSS) shall be provided for telecommunications equipment, two-way radio systems, computer systems, and other electronic equipment determined to be essential to the operation of the Public Safety Answering Point.

4.5.5.1 The SEPSS shall be of a class that is able to maintain essential operations long enough to implement the formal Comprehensive Emergency Management Plan.

4.5.5.2 The instrumentation required to monitor power shall be remotely annunciated in the operations room.

4.5.6 Power circuits shall include their associated motors, generators, rectifiers, transformers, fuses, and controlling devices.

4.5.6.1 The power circuit disconnecting means shall be installed so that it is accessible only to authorized personnel.

4.5.6.2 Surge Arresters otherwise known as Transient Voltage Surge Suppression ('IVSS) shall be provided for protection of telecommunications equipment, two-way radio systems, computers, and other electronic equipment determined to be essential to the operation of the Public Safety Answering Point.

4.5.7 Isolated Grounding System. Telecommunications equipment, two-way radio systems, computers, and other electronic equipment determined to be essential to the operation of the Public Safety Answering Point shall be connected to an isolated grounding system.

4.5.8 Engine-driven generators shall be sized to supply power for the operation of all functions of the Public Safety Answering Point.

4.5.8.1 When installed indoors, engine-driven generators shall be located in a ventilated and secured area that is separated from the Public Safety Answering Point by fire barriers having a fire resistance rating of 2 hours or better.

4.5.8.2 When installed outdoors, engine-driven generators shall be located in a secure enclosure.

4.5.8.3 The area that houses an engine-driven generator shall not be used for storage other than spare parts or equipment related to the generator system.

4.5.8.4 Fuel to operate the engine-driven generator for a minimum of 24 hours at full load shall be available on site.

4.5.8.5 Equipment essential to the operation of the generator shall be supplied with standby power from the generator.

4.5.8.6 Generators shall not use the public water supply for engine cooling.

4.5.9 Uninterruptible Power Supply (UPS) and Battery Systems. A UPS and battery system shall be installed and be sufficient to prevent power surges from damaging equipment in the 911 Emergency Center as well as provide power for all essential 911 Emergency Center operations until the backup power source can be fully activated.

4.5.9.1 Each UPS shall be provided with a bypass switch that maintains the power connection during switch over and that is capable of isolating all UPS components while allowing power to flow from the source to the load.

4.5.9.2 The following UPS conditions shall be annunciated in the operations room:

(1) Source power failure, overvoltage, and under-voltage

(2) High and low battery voltage

(3) UPS in bypass mode.

Section 5 Construction

5.1 General

As a condition for receipt of a grant from the North Carolina 9-1-1 Board for any type of new construction or for a renovation of an existing structure and/or facility incorporated into the construction agreement(s) shall be the following requirements.

5.1.1 The requirements in Section 4 Construction, shall apply only to new construction and construction renovations funded by the North Carolina 911 Board. Existing Public Safety Answering Point facilities are encouraged to meet these standards, but are not required to meet these standards.

5.2 HVAC.

5.2.1. HVAC systems shall be designed to maintain temperature and relative humidity within limits specified by the manufacturer of the equipment critical to the operation of the Public Safety Answering Point.

5.2.2 HVAC systems shall be independent systems that serve only the Public Safety Answering Point.

5.2.3 HVAC system intakes for fresh air shall be arranged to minimize smoke intake from a fire inside or outside the building and to resist intentional introduction of irritating, noxious, toxic, or poisonous substances into the HVAC system.

5.2.4 HVAC emergency controls shall be provided in the operations room to permit closing of outside air intakes.

5.2.5 Backup HVAC systems shall be provided for the operations room and other spaces housing electronic equipment essential to the operation of the Public Safety Answering Point.

5.2.6 HVAC systems shall be designed so that the Public Safety Answering Point is capable of uninterrupted operation with the largest single HVAC unit or component out of service.

5.3 Fire Protection.

5.3.1 The Public Safety Answering Point and spaces adjoining the Public Safety Answering Point shall be provided with an automatic fire detection, alarm, and notification system.

5.3.2 The alarm system shall be monitored in the operations room.

5.3.3 Operation of notification appliances shall not interfere with communications operations.

5.3.4 Electronic computer and data processing equipment shall be protected in accordance with the manufacturer's recommended specifications, and common business practices.

5.4 Security.

5.4.1 The Public Safety Answering Point and other buildings that house essential operating equipment shall be protected against damage from vandalism, terrorism, and civil disturbances.

5.4.2 Entry to the Public Safety Answering Point shall be restricted to authorized persons.

5.4.3 Entryways to the Public Safety Answering Point that lead directly from the exterior shall be protected by a security vestibule.

5.4.4 Door openings shall be protected by listed, self-closing fire doors that have a fire resistance rating of not less than 1 hour.

5.4.5 Where a Public Safety Answering Point has windows, the following requirements shall apply:

5.4.5.1 Windows shall be a minimum of 4 ft (1.2 m) above floor level.

5.4.5.2 Windows shall be rated for bullet resistance to Level 4 as defined in UL 752, Standard for Safety Bullet-Resistant Equipment.

5.4.5.3 Windows that are not bullet resistant shall be permitted provided that they face an area that cannot be accessed or viewed by the general public.

5.4.5.4 Windows that are required to be bullet resistant shall be configured so that they cannot be opened.

5.4.5.5 Walls with bullet-resistant windows shall be required to provide the same level of protection as the window.

5.4.6 Means shall be provided to prevent unauthorized vehicles from approaching the building housing the Public Safety Answering Point to a distance of no less than 82 ft (25 m).

5.4.7 As an alternative to prevent unauthorized vehicles, unauthorized vehicles shall be permitted to approach closer than 82 ft (25 m) if the building has been designed to be blast resistant.

5.6 Lighting.

5.6.1 Artificial lighting shall be provided to enable personnel to perform their assigned duties.

5.6.2 Emergency Lighting. The Public Safety Answering Point shall be equipped with emergency lighting that shall illuminate automatically immediately upon failure of normal lighting power.

5.6.3 Illumination levels shall be sufficient to allow all essential operations.

5.7 Circuit Construction and Arrangement.

5.7.1 As built drawings shall be provided.

5.7.2 Circuits shall not pass over, pass under, pass through, or be attached to buildings or property that is not owned by, or under the control of, the PSAP or the entity that is responsible for maintaining the system.

5.7.3 Emergency call instruments installed in buildings not under control of the PSAP shall be on separate dedicated circuits.

5.7.4 The combination of public emergency services communication and signaling (C&S) circuits in the same cable with other circuits shall comply with the following:

5.7.4.1 Other municipally controlled C&S circuits shall be permitted.

5.7.4.2 Circuits of private signaling organizations shall be permitted only by permission of the PSAP.

5.8 Underground Cables.

5.8.1 Underground communication and signal cables shall be brought above ground only at points where the PSAP has determined there is no potential for mechanical damage or damage from fires in adjacent buildings.

5.8.2 All cables that are installed in manholes, vaults, and other enclosures intended for personnel entry shall be racked and marked for identification.

5.8.3 Cable splices, taps, and terminal connections shall be located only where accessible for maintenance and inspection and where no potential for damage to the cable due to falling structures or building operations exists.

5.8.4 Cable splices, taps, and terminal connections shall be made to provide and maintain levels of conductivity, insulation, and protection that are at least equivalent to those afforded by the cables that are joined.

5.9 Aerial Cables and Wires.

5.9.1 Protection shall be provided where cables and wires pass through trees, under bridges, and over railroads, and at other locations where damage or deterioration is possible.

5.10 Wiring Inside Buildings.

5.10.1 Conductors at the Public Safety Answering Point shall extend to the operations room in conduits, ducts, shafts, raceways, or overhead racks and troughs of a construction type that protects against fire and mechanical damage.

5.10.2 Cables or wiring exposed to fire hazards shall be protected from the hazard.

5.10.3 At the Public Safety Answering Point, cable terminals and cross connecting facilities shall be located either in or adjacent to the operations room.

5.10.4 All wired dispatch circuit devices and instruments whose failure can adversely affect the operation of the system shall be mounted in accordance with the following:

(1) On noncombustible bases, pedestals, switchboards, panels, or cabinets

(2) With mounting designed and constructed so that all components are readily accessible

5.11 Circuit Protection.

5.11.1 All surge arresters shall be connected to earth ground.

5.11.2 All protective devices shall be accessible for maintenance and inspection.

5.11.3 Surge arresters shall be designed and listed for the specific application.

5.11.4 Each conductor that enters a Public Safety Answering Point from a partially or entirely aerial line shall be protected by a surge arrester.

5.12 Grounding.

5.12.1 Sensitive electronic equipment determined by the PSAP to be essential to the operation of telecommunications and dispatching systems shall be grounded.

5.12.2 Listed isolated ground receptacles shall be provided for all cord-and-plug-connected essential and sensitive electronic equipment.

5.12.3 Unused wire or cable pairs shall be grounded.

5.12.4 Ground connection for surge suppressors shall be made to the isolated grounding system.

5.13 Access.

5.13.1 All equipment shall be accessible for the purpose of maintenance.

Section 6 Operations

6.1 Management.

6.1.1 All systems shall be under the control of a responsible employee or employees of the PSAP served by the systems.

6.1.2 The Public Safety Answering Point Emergency services dispatching entities shall have trained and qualified technical assistance available for trouble analysis and repair by in-house personnel or by authorized outside contract maintenance services.

6.1.3 Where maintenance is provided by an organization or person other than an employee of the PSAP complete written records of all installation, maintenance, test, and extension of the system shall be forwarded to the responsible employee of the PSAP.

6.1.3.1 Maintenance performed by an organization or person other than an employee of the Public Safety Answering Point shall be by written contract that contains a guarantee of performance.

6.1.5 The Public Safety Answering Point shall have a written local management approved access control plan.

6.1.4.1 Maintenance personnel other than an employee of the Public Safety Answering Point shall be approved by the Public Safety Answering Point pursuant to the approved access control plan as offering no threat to the security of the facility or the employees and equipment within it.

6.1.5 All equipment shall be accessible to the PSAP for the purpose of maintenance.

6.1.6 At least one supervisor or lead with Telecommunicator certification shall be available to respond immediately at all times 24 hours per day, 7 days per week, 52 weeks per year.

6.2 Telecommunicator and Supervisor Qualifications and Training.

6.2.1 Telecommunicators and Supervisors shall be certified in the knowledge, skills, and abilities related to their job function.

6.2.2 Telecommunicators and Supervisors shall have knowledge of the function of all communications equipment and systems in the Public Safety Answering Point.

6.2.3 Telecommunicators and Supervisors shall know the rules and regulations that relate to equipment use, including those of the Federal Communications Commission that pertain to emergency service radio use.

6.2.4 Telecommunicators and Supervisors shall be capable of operating and testing the communications equipment they are assigned to operate.

6.2.5 Telecommunicators and Supervisors shall receive training to maintain the skill level appropriate to their position.

6.2.6 Telecommunicators and Supervisors shall be trained in TDD/TTY procedures, with training provided at a minimum of once per year as part of the Annual Training.

6.3 Staffing.

6.3.1 There shall be sufficient Telecommunicators available to affect the prompt receipt and processing of emergency calls needed to meet the requirements as specified herein.

6.3.2 After January 1, 2013 a minimum of two (2) Telecommunicators must be available at all times 24 hours per day, 7 days per week, 52 weeks per year to immediately receive and process emergency calls.

6.3.3 Where communications systems, computer systems, staff, or facilities are used for both emergency and non-emergency functions, the non-emergency use shall not degrade or delay emergency use of those resources.

6.3.3.1 A Public Safety Answering Point shall handle emergency calls for service and dispatching in preference to nonemergency activities.

6.3.4 The PSAP and emergency response agencies shall develop standard operating procedures that identify when a dedicated Telecommunicator is required to be assigned to an emergency incident.

6.3.5 Telecommunicators shall not be assigned any duties prohibiting them from immediately receiving and processing emergency calls for service in accordance with the time frame specified in the Operating Procedures.

6.4 Operating Procedures.

6.4.1 Ninety (90) percent of emergency calls received on emergency lines shall be answered within ten (10) seconds, and ninety-five (95) percent of emergency calls received on emergency lines shall be answered within twenty (20) seconds.

6.4.1.1 Compliance with 5.4.1 shall be evaluated monthly using data from the previous month.

6.4.2 The Public Safety Answering Point is required to provide pre-arrival medical protocols as set forth by the North Carolina Office of Emergency Services, Health and Human Services in the initial call reception or by the responsible EMS provider on behalf of the primary answering point.

6.4.3 For law enforcement purposes, the Public Safety Answering Point shall determine time frames allowed for completion of dispatch.

6.4.4 When emergency calls need to be transferred to another PSAP, the Telecommunicator will transfer the call without delay. The Telecommunicator will advise the caller: “Please do not hang up; I am connecting you with (name of the agency).” The Telecommunicator should stay on the line until the connection is complete and verified.

6.4.4.1 The Public Safety Answering Point shall transfer calls for services as follows:

(1) The call for service shall be transferred directly to the Telecommunicator.

(2) The answering transferring agency shall remain on the line until it is certain that the transfer is affected.

(3) The transfer procedure shall be used on emergency 9-1-1 calls.

6.4.5 All calls for service, including requests for additional resources, shall be transmitted to the identified emergency response units over the required dispatch systems.

6.4.6 An indication of the status of all emergency response units shall be available to appropriate Telecommunicators at all times.

6.4.7 Records of the dispatch of emergency response units to call for services shall be maintained and shall identify the following:

(1) Unit designation for each emergency response unit dispatched

(2) Time of dispatch acknowledgment by each emergency response unit responding

(3) Enroute time of each emergency response unit

(4) Time of arrival of each emergency response unit at the scene

(5) Time of patient contact, if applicable

(6) Time each emergency response unit is returned to service

6.4.8 All emergency response agencies shall use common terminology and integrated incident communications.

6.4.9 When the device monitoring the system for integrity indicates that trouble has occurred, the Telecommunicator shall act as follows:

(1) Take appropriate steps to repair the fault.

(2) Isolate the fault and notify the official responsible for maintenance if repair is not possible.

6.4.10 Standard operating procedures shall include but not be limited to the following:

(1) All standardized procedures that the Telecommunicator is expected to perform without direct supervision

(2) Implementation plan that meets the requirements of a formal plan to maintain and operate the Backup Public Safety Answering Point.

(3) Procedures related to the CEMP.

(4) Emergency response personnel emergencies.

(5) Activation of an emergency distress function.

(6) Assignment of incident radio communications plan.

(7) Time limit for acknowledgment by units that have been dispatched.

6.4.11 Every Public Safety Answering Point shall have a comprehensive regional emergency communications plan as part of the CEMP.

6.4.11.1 The emergency communications plan shall provide for real-time communications between organizations responding to the same emergency incident.

6.4.11.2 This emergency communications plan shall be exercised at least once a year.

6.4.12 In the event that an emergency response unit(s) has not acknowledged its dispatch/response within the time limits established by the Public Safety Answering Point, the Telecommunicator shall perform one or more of the following:

(1) Attempt to contact the emergency response unit (s) by radio.

(2) Re-dispatch the emergency response unit(s) using the primary dispatch system.

(3) Dispatch the emergency response unit(s) using the secondary dispatch system.

(4) Initiate two-way communication with the emergency response unit's supervisor.

6.4.13 The Public Safety Answering point shall develop and implement standard operating procedures for responding to and processing TDD /TTY calls.

6.4.14 Calls received as an open-line or "silent call" shall be queried as a TDD/TTY call if no acknowledgment is received by voice.

6.4.15. A Public Safety Answering Point must have a written procedure for handling 911 hang-up calls.

6.5 Time.

6.5.1 The clock for the main recordkeeping device in the Public Safety Answering Point shall be synchronized to Coordinated Universal Time.

6.5.2 All timekeeping devices in the Public Safety Answering Point shall be maintained within ±5 seconds of the main recordkeeping device clock.

6.6 Recording.

6.6.1 Public Safety Answering Points shall have a logging voice recorder with one channel for each of the following:

(1) Each transmitted or received emergency radio channel or talk group.

(2) Each voice dispatch call for service circuit.

(3) Each Telecommunicator telephone that receives emergency calls for service.

6.6.2 Each Telecommunicator position shall have the ability to instantly recall telephone and radio recordings from that position as applicable.

6.6.3 Emergency calls that are transmitted over the required dispatch circuit(s) shall be automatically recorded, including the dates and times of transmission.

6.7 Quality Assurance

6.7.1 Public Safety Answering Points shall establish a quality assurance/improvement program to ensure the consistency and effectiveness of emergency call processing.

6.7.2 Statistical analysis of emergency call and dispatch performance measurements shall be completed monthly and compiled over a one (1) year period.

Section 7 Telephones

7.1 Telephone Receiving Equipment.

The provisions of this Section shall apply to facilities and equipment that receive emergency calls transmitted by public use of commercial telephone systems, cellular or personal communications services systems, and voice over Internet protocol (VoIP).

7.2 Equipment and Operations.

7.2.1 Telephone lines shall be provided as follows:

(1) A minimum of two 911 emergency telephone lines and 911 emergency telephone devices shall be assigned exclusively for receipt of emergency calls. These lines shall appear on at least two telephone devices within the Public Safety Answering Point.

(2) Additional 911 emergency telephone lines and 911 emergency telephone devices shall be provided as required for the volume of calls handled.

(3) Additional telephone lines and telephone devices shall be provided for the normal business (non-emergency) use as needed.

(4) At least one outgoing-only telephone line and telephone device shall be provided.

7.2.2 911 emergency lines and emergency telephone devices will be answered prior to non-emergency telephone lines and non-emergency telephone devices.

7.2.3 When all 911 emergency telephone lines and emergency telephone devices are in use, emergency calls shall hunt to other predetermined telephone lines and telephone devices that are approved by the Public Safety Answering Point.

7.2.4 Calls to the business number shall not hunt to the designated emergency lines.

7.2.5 When a Public Safety Answering Point receives an emergency call for a location or an agency that is not in its jurisdiction, the Public Safety Answering Point shall transfer the call directly to the responsible Public Safety Answering Point. When possible the call data will be transferred with the emergency call. If the call transfer method is not possible, call information shall be relayed by the Telecommunicator.

7.2.5.1 The Telecommunicator shall remain on the line until it is certain that the transfer has been made and the originating Telecommunicator verifies the transfer has been successfully completed by hearing both parties speaking to each other.

7.2.6 All 911 emergency calls shall be recorded.

7.3 Circuits/Trunks.

7.3.1 At least two 911 call delivery paths with diverse routes arranged so that no single incident interrupts both routes shall be provided to each Public Safety Answering Point.

7.3.2 Where multiple Public Safety Answering Points that serve a jurisdiction are not located in a common facility, at least two circuits with diverse routes, arranged so that no singular incident interrupts both routes, shall be provided between Public Safety Answering Points.

7.3.3 The Public Safety Answering Point shall have sufficient 911 emergency trunk capacity to receive 99.9% of all calls during the busiest hour of the average week of the busiest month of the year.

7.4 911 Emergency Number Alternative Routing.

7.4.1 Public Safety Answering Points shall maintain a written plan as part of the Comprehensive Emergency Management Plan (CEMP) for rerouting incoming calls on 911 emergency lines when the center is unable to accept such calls.

7.4.1.1 The Public Safety Answering Point shall practice this plan at least once annually.

7.4.2 Where overflow calls to 911 emergency telephone lines and emergency telephone devices are routed to alternative telephone lines and alternative telephone devices within the Public Safety Answering Point, the alternative telephone lines and alternative telephone devices shall be monitored for integrity and recorded as required by these standards.

Section 8 Dispatching Systems

8.1 Fundamental Requirements of Emergency Call Dispatching Systems.

8.1.1 An emergency call dispatching system shall be designed, installed, operated, and maintained to provide for the receipt and retransmission of calls.

8.2 Telecommunicators that receive emergency calls shall have redundant means within the PSAP premises to dispatch calls.

(1) The failure of any component of one dispatching means shall not affect the operation of the alternative dispatching means and vice versa.

8.3 Primary dispatch paths and devices upon which transmission and receipt of emergency calls depend shall be monitored constantly for integrity to provide prompt warning of trouble that impacts operation.

8.3.1 Trouble signals shall actuate an audible device and a visual signal located at a constantly attended location.

8.3.2 The audible alert trouble signals from the fault and failure monitoring mechanism shall be distinct from the audible alert emergency alarm signals.

8.3.3 The audible trouble signal shall be permitted to be common to several monitored circuits and devices.

8.3.4 A switch for silencing the audible trouble signal shall be permitted if the visual signal continues to operate until the silencing switch is restored to the designated normal position.

8.3.5 Where dispatch systems use computer diagnostic software, monitoring of the primary dispatch circuit components shall be routed to a dedicated terminal(s) that meets the following requirements:

(2) It shall be located within the communications center.

(3) It shall not be used for routine dispatch activities.

8.4 The radio communications system shall be monitored in the following ways:

(1) Monitoring for integrity shall detect faults and failures in the radio communications system.

(2) Detected faults and failures in the radio communications system shall cause audible or visual indications to be provided within the Public Safety Answering Point.

Section 9 Computer-Aided Dispatching (CAD) Systems

9.1 General.

9.1.1 PSAPs shall use Computer-Aided Dispatch (CAD) systems. These systems shall conform to the items outlined in this Section.

9.1.2 The CAD system shall contain all hardware and software components necessary for interface with the 9-1-1 system.

9.2 Secondary Method.

9.2.1 A secondary method shall be provided and shall be available for use in the event of a failure of the CAD system.

9.3 Security.

9.3.1 CAD systems shall utilize different levels of security to restrict unauthorized access to sensitive and critical information, programs, and operating system functions.

9.3.2 The PSAP shall have the ability to control user and supervisor access to the various security levels.

9.3.3 Physical access to the CAD system hardware shall be limited to authorized personnel as determined by the PSAP.

9.3.4 Operation of the CAD system software shall be limited to authorized personnel by log-on/password control, workstation limitations, or other means as required by the PSAP.

9.3.5 The CAD system shall provide network isolation necessary to preserve bandwidth for the efficient operation of the system and processing of emergency calls.

9.3.5.1 The CAD system shall provide measures to prevent denial-of-service attacks and any other undesired access to the CAD portion of the network.

9.3.5.2 The CAD system shall employ antivirus software where necessary to protect the system from infection.

9.4 Emergency Call Data Exchange.

9.4.1 The CAD system should have the capability to allow emergency call data exchange between the CAD system and other CAD systems.

9.4.2 The CAD system should have the capability to allow data exchange between the CAD system and other systems.

9.5 CAD Capabilities.

9.5.1 The installation of a CAD system in emergency service dispatching shall not negate the requirements for a secondary dispatch circuit.

9.5.2 Software that is a part of the CAD system shall provide data entry; provide resource recommendations, notification, and tracking; store records relating to all emergency calls and all other calls for service and status changes; and track those resources before, during, and after emergency calls, preserving records of those emergency calls and status changes for later analysis.

9.5.2.1 The Public Safety Answering Point shall put in place safeguards to preserve the operation, sustainability, and maintainability of all elements of the CAD system in the event of the demise or default of the CAD supplier.

9.5.2.2 The system applications shall function under the overall control of a standard operating system that includes support functions and features as required by the Public Safety Answering Point

9.6 Computer Aided Dispatch (CAD) Performance.

9.6.2 The Computer Aided Dispatch system shall recommend units for assignment to calls.

9.6.2.1 The Computer Aided Dispatch system shall ensure that the optimum response units are selected.

9.6.2.2 The Computer Aided Dispatch system shall allow the Telecommunicator to override the CAD recommendation for unit assignment.

9.6.2.3 The Computer Aided Dispatch system shall have the ability to prioritize all system processes so that emergency operations take precedence.

9.6.3 The Computer Aided Dispatch system shall detect errors and/or faults and failures.

9.6.3.1 The Computer Aided Dispatch system shall automatically perform all required reconfiguration as a result of the faults or failures.

9.6.3.2 The Computer Aided Dispatch system should queue a notification message to the supervisor and any designated Telecommunicator positions.

9.6.4 Under all conditions, the Computer Aided Dispatch system response time should not exceed 2 seconds, measured from the time a Telecommunicator completes a keyboard entry to the time of full display of the system response at any position where a response is required.

9.6.5 The Computer Aided Dispatch system shall be available and fully functional 99.95 percent of the time, excluding planned maintenance.

9.6.6 The Computer Aided Dispatch system shall include automatic power-fail recovery capability.

9.7 Backup.

9.7.1 The Computer Aided Dispatch system shall include a data backup system, utilizing either removable media or independent disk storage arrays dedicated to the backup task.

9.8 Redundancy.

9.8.1 The failure of any single component shall not disable the entire system.

9.8.1.1 The Computer Aided Dispatch system shall provide switchover in case of failure of the required system component(s).

9.8.1.2 Manual intervention by Telecommunicators or others shall not be required.

9.8.1.3 Notwithstanding automatic switchover, the Computer Aided Dispatch system shall provide the capability to manually initiate switchover.

9.8.1.4 Computer Aided Dispatch Systems that utilize server and workstation configuration shall accomplish automatic switch over by having a duplicate server available with access to all the data necessary and required to restart at the point where the primary server stopped.

9.8.1.5 Computer Aided Dispatch Systems that utilize distributed processing, with workstations in the operations room also providing the call processing functions, shall be considered to meet the requirements

of automatic switchover, as long as all such workstations are continually sharing data and all data necessary to pick up at the point where the failed workstation stopped are available to all other designated dispatch workstations.

9.8.2 Monitoring for Integrity.

9.8.2.1 The system shall continuously monitor the Computer Aided Dispatch interfaces for equipment failures, device exceptions, and time-outs.

9.8.2.2 The system shall, upon detection of faults or failures, send an appropriate message consisting of visual and audible indications.

9.8.3 The system shall provide a log of system messages and transactions.

9.8.4 At least one spare display screen, pointing device, and keyboard shall be available in the Public Safety Answering Point for immediate change-out.

Section 10 Testing

10.1 General.

10.1.1 Tests and inspections of all systems shall be made at the regular intervals.

10.1.2 All equipment shall be restored to operating condition after each test or emergency call for which the equipment functioned.

10.1.3 Where tests indicate that trouble has occurred anywhere on the system, one of the following shall be required:

(1) The Telecommunicator shall take appropriate steps within their scope of training to repair the fault.

(2) If repair is not possible, action shall be taken to isolate the fault and to notify the official responsible for maintenance.

10.1.4 Procedures that are required by other parties and that exceed the requirements of these standards shall be permitted.

10.1.5 The requirements of this Section shall apply to both new and existing systems.

10.2 Acceptance Testing.

10.2.1 New equipment shall be provided with operation manuals that cover all operations and testing procedures.

10.2.2 All functions of new equipment shall be tested in accordance with the manufacturers' specifications and accepted Public Safety Answering Point practices before being placed in service.

10.3 Power.

10.3.1 Emergency and standby power systems shall be tested in accordance with the manufacturer's specifications and accepted business practices.

Section 11 Records

11.1 General.

11.1.1 Complete records to ensure operational capability of all 911 system functions shall be maintained for a minimum of three years.

11.1.2 Compliance with the requirements in this section shall begin with the purchase or lease of all equipment and services after June 30, 2011.

11.2 Acceptance Test Records and As-Built Drawings.

After completion of acceptance tests, the following shall be provided:

(1) A set of reproducible, as-built installation drawings.

(2) Operation and maintenance manuals.

(3) Written sequence of operation.

(4) Results of all operational tests and values at the time of installation.

11.3 Electronic Records

11.3.1 For software-based systems, access to site-specific software shall be provided to the PSAP.

11.3.2 The PSAP shall be responsible for maintaining the records for the life of the system.

11.3.3 Paper or electronic media shall be permitted.

11.4 Training Records.

11.4.1 Training records shall be maintained for each employee as required by the PSAP.

11.5 Operational Records.

11.5.1 Call and dispatch performance statistics shall be compiled and maintained.

11.5.2 Statistical analysis of emergency call and dispatch performance measurements shall be done monthly and compiled over a one (1) year period.

11.5.2.1 A management information system (MIS) program shall track incoming emergency calls and dispatched emergency calls and provide real-time information and strategic management reports.

11.5.3 Records of the following, including the corresponding dates and times, shall be kept:

(1) Test, emergency call, and dispatch signals

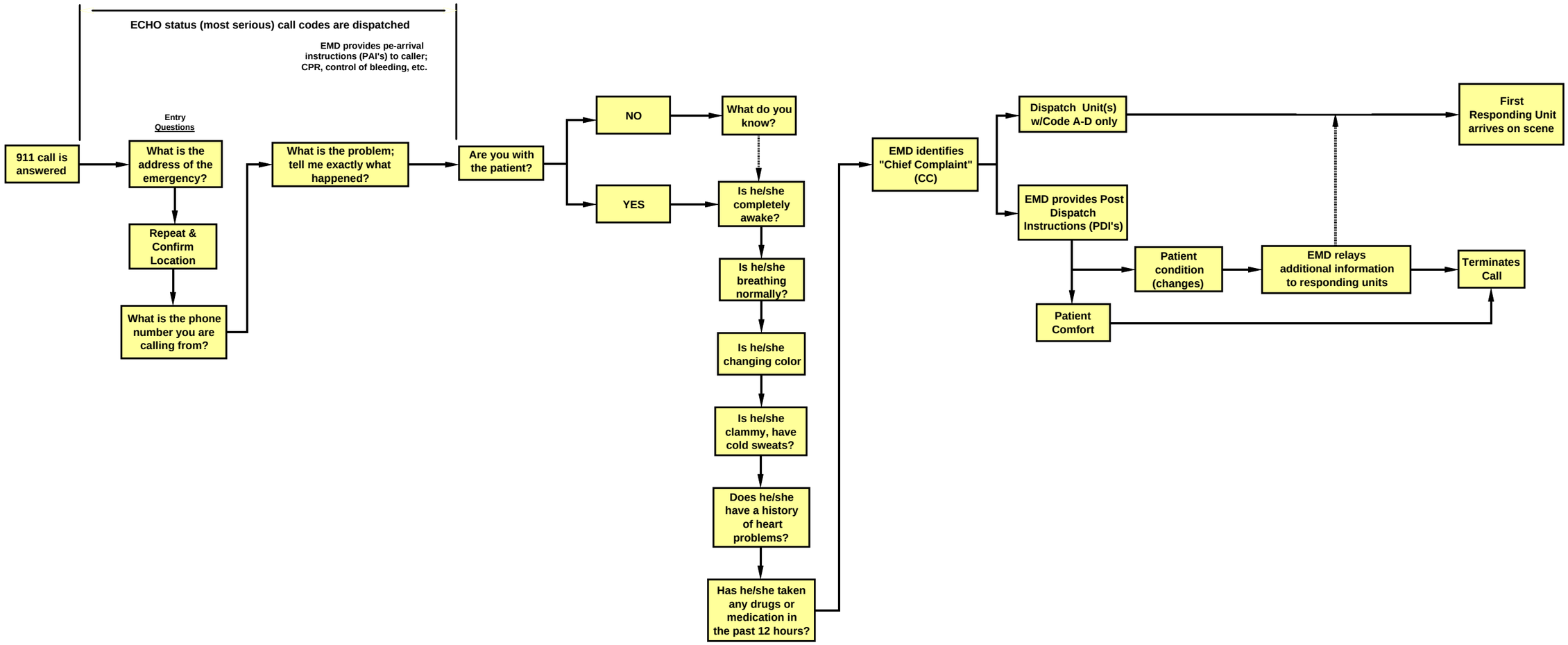
(2) Circuit interruptions and observations or reports of equipment failures

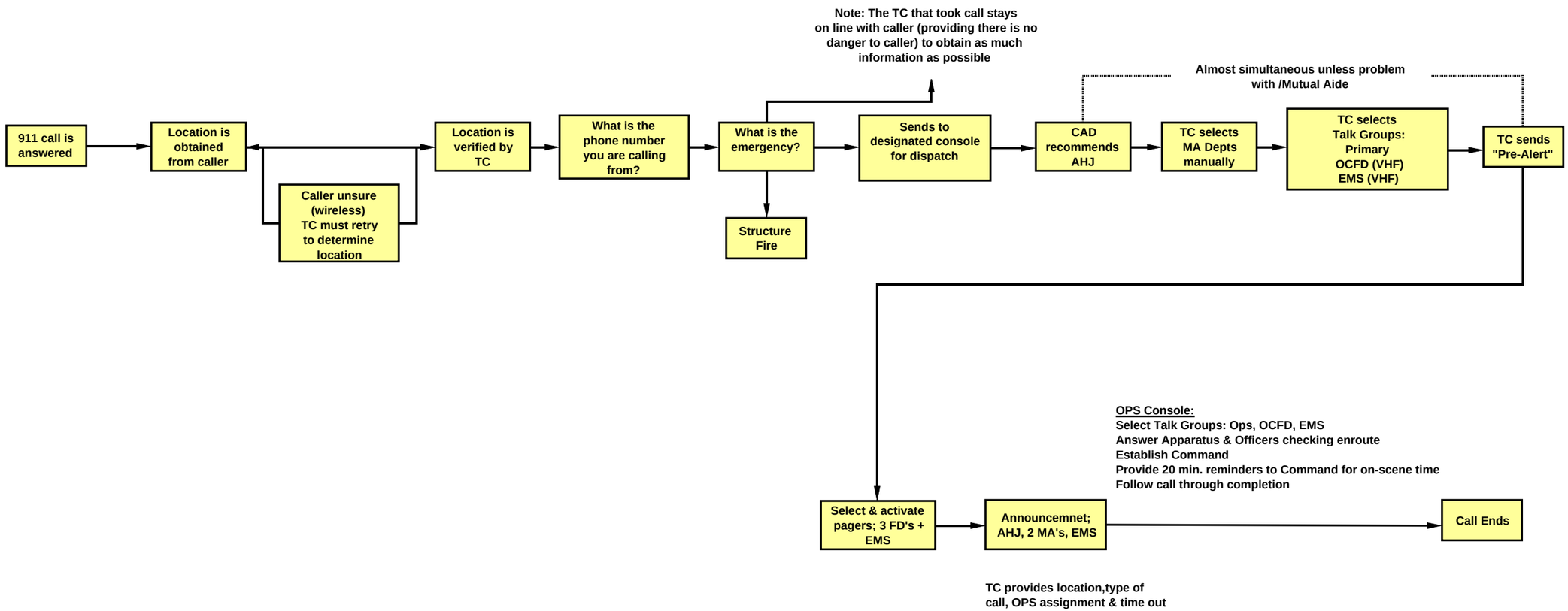
(3) Abnormal or defective circuit conditions indicated by test or inspection

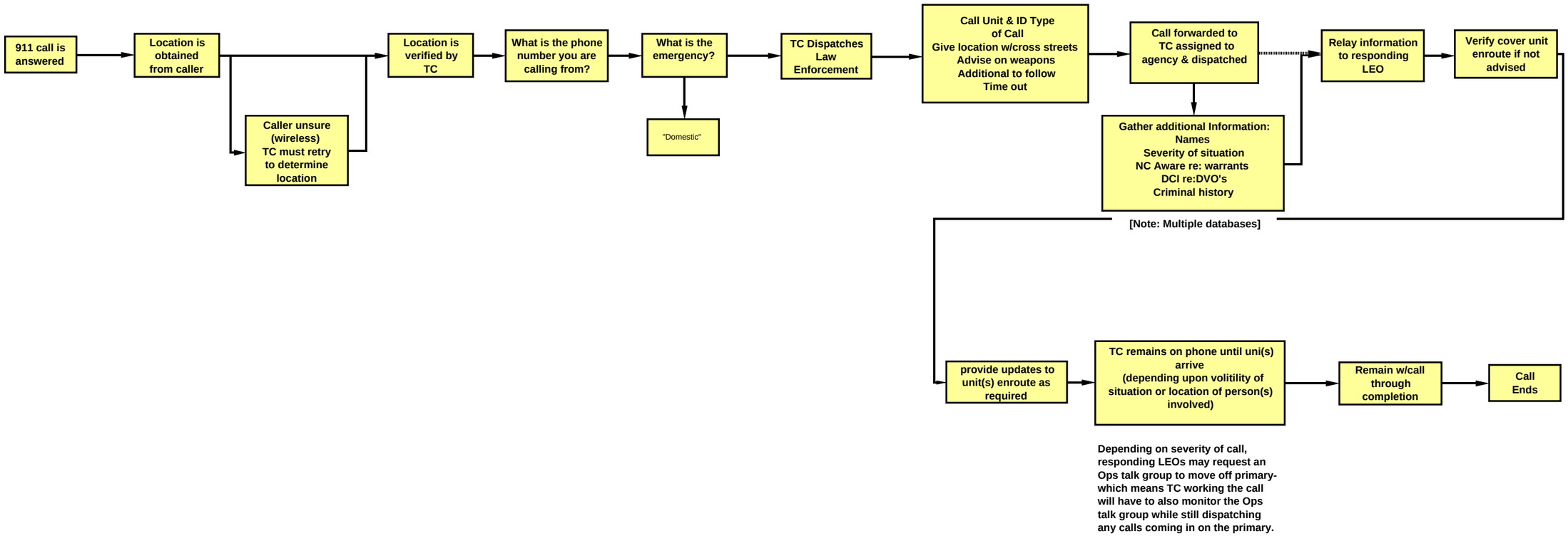
11.6 Maintenance Records.

11.6.1 Records of maintenance, both routine and emergency, shall be kept for all emergency call receiving equipment and emergency call dispatching equipment.

11.6.2 All maintenance records shall include the date, time, nature of maintenance, and repairer's name and affiliation.


ECHO status (most serious) call codes are dispatched
EMD provides pe-arrival instructions (PAI's) to caller; CPR, control of bleeding, etc.
Entry Questions
911 call is answered
What is the address of the emergency?
Repeat & Confirm Location
What is the phone number you are calling from?
What is the problem; tell me exactly what happened?
Are you with the patient?
NO
YES
What do you know?
Is he/she completely awake?
Is he/she breathing normally?
Is he/she changing color
Is he/she clammy, have cold sweats?
Does he/she have a history of heart problems?
Has he/she taken any drugs or medication in the past 12 hours?
EMD identifies "Chief Complaint" (CC)
Dispatch Unit(s) w/Code A-D only
EMD provides Post Dispatch Instructions (PDI's)
Patient condition (changes)
EMD relays additional information to responding units
Terminates Call
Patient Comfort
First Responding Unit arrives on scene


Note: The TC that took call stays on line with caller (providing there is no danger to caller) to obtain as much information as possible
Almost simultaneous unless problem with /Mutual Aide
911 call is answered
Location is obtained from caller
Caller unsure (wireless) TC must retry to determine location
Location is verified by TC
What is the phone number you are calling from?
What is the emergency?
Structure Fire
Sends to designated console for dispatch
CAD recommends AHJ
TC selects MA Depts manually
TC selects Talk Groups: Primary OCFD (VHF) EMS (VHF)
TC sends "Pre-Alert"
OPS Console:
Select Talk Groups: Ops, OCFD, EMS
Answer Apparatus & Officers checking enroute
Establish Command
Provide 20 min. reminders to Command for on-scene time
Follow call through completion
Select & activate pagers; 3 FD's + EMS
Announcemnet; AHJ, 2 MA's, EMS
Call Ends
TC provides location,type of call, OPS assignment & time out


911 call is answered
Location is obtained from caller
Caller unsure (wireless) TC must retry to determine location
Location is verified by TC
What is the phone number you are calling from?
What is the emergency?
"Domestic"
TC Dispatches Law Enforcement
Call Unit & ID Type of Call
Give location w/cross streets
Advise on weapons
Additional to follow
Time out
Call forwarded to TC assigned to agency & dispatched
Gather additional Information:
Names
Severity of situation
NC Aware re: warrants
DCI re:DVO's
Criminal history
[Note: Multiple databases]
Relay information to responding LEO
Verify cover unit enroute if not advised
provide updates to unit(s) enroute as required
TC remains on phone until uni(s) arrive (depending upon volitility of situation or location of person(s) involved)
Remain w/call through completion
Call Ends
Depending on severity of call, responding LEOs may request an Ops talk group to move off primary- which means TC working the call will have to also monitor the Ops talk group while still dispatching any calls coming in on the primary.

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(10) *Extrication capability measure.* Percentage of calls requiring an extrication tool having one delivered to the scene within 8 minutes of call dispatch.
(11) *Employee illness and injury measure.* Percentage of employees acquiring an illness or injury as a result of participating in an EMS call.
(12) *Employee turnover measure.* Percentage turnover of EMS-trained employees per year.
(13) *Quality program measure.* Determination of whether an overall quality program, as described in (1) through (12), exists within the EMS system.
(14) *System user opinion measure.* Mail/phone survey to assess the satisfaction of system users with the system's performance.
(15) *Multicasualty event response plan measure.* An established plan to mitigate a multiple casualty disaster while maintaining sufficient resources to respond to the normal volume of emergency calls within the jurisdiction.

5.5.3.2.2 NHTSA. The National Highway Traffic Safety Administration (NHTSA) has published the document *EMS Performance Measures: Recommended Measures for System and Service Performance* using a consensus process to develop performance measures for EMS. The document contains indicators and attributes that EMS practitioners identified as critical for performance measurement and evaluation of any emergency medical services system. This resource describes the sources of required data, the formulas or questions necessary to examine critical components as well as other evaluation criteria parameters.

5.5.3.2.3 Other Measurement Methods. Accrediting bodies such as the Commission on Fire Accreditation International, the Commission on Accreditation of Ambulance Services, and others have published measurements and criteria for EMS systems.

5.6 Essential System Analysis Components. The nature of time presents a classic problem in semantics: The same term can have different meanings to different people. Additionally, tradition and unique EMS system design have created a language of time incomparability. The NFPA 450 EMS time template, shown in Table 5.6, is an attempt to solve this problem with consensus terms. The key to this time template is to differentiate clearly between discrete points versus intervals of time. Column A represents discrete points in time or time stamps that occur during an EMS call. Columns B and C label uniquely the elapsed time or intervals between the time stamps.

5.6.1 The lists in Table 5.6 are not exhaustive but represent typical core points in time and common operational situations. It is not expected that every time stamp be reported. Depending on the EMS system's complexity and level of technology, it is understood that a function interval may be long or instantaneous. However, when reporting EMS system performance, these consensus terms should be used.

5.6.2 Discrete Time Stamp. The term *time stamp* refers to the historical tradition in EMS during which call events were recorded by stamping a card that printed the hour and minute that was displayed at that moment on that clock. Today, times are often recorded automatically by computerized dispatch systems in hours, minutes, and seconds and are synchronized using the U.S. Naval Observatory's atomic clock. These time stamps define discrete moments at which certain events occur, recorded in hour:minute:second [hh:mm:ss] format. Discrete time stamps, collected in this way, allow the user to measure the interval between events. The system must have the ability to capture time stamps in a reliable, consistent, and accurate manner. Not all time stamps are available or collectible, while others are reported with varying degrees of accuracy. Sharing time stamp data across system components and synchronizing time recording devices are critical to establishing an accurate and reliable measurement process.

5.6.2.1 Function Intervals. An interval is the elapsed time between two discrete time stamps. Function intervals are the intervals between consecutive time stamps. The function interval describes the activity occurring at the task level of a single call. Function intervals allow analysis of each function that is taking place throughout the continuum of the event. Certain groups of consecutive functions describe processes.

5.6.2.2 Process Intervals. A process interval is made up of multiple, consecutive function intervals. A process interval is used to describe the elapsed time required to complete the agency's or system's objective. The process interval allows decision makers to establish baselines, monitor changes, benchmark to other systems, and create long-term plans.

5.6.3 Reporting System Data. When decision makers compare systems to benchmark performance, they must use consistent language to describe the function and process intervals. For example, the term *response time* is commonly used but not commonly defined. Therefore caution must be exercised to ensure that the term describes the identical functions or processes. Yet even when common definitions are used, response times may not be accurately compared. For example, some systems report "average" response times, which fail to adequately describe performance. Comparisons should therefore be based on "fractile" reporting, which, for example, may describe time performance with 90 percent reliability.

5.6.4 The terms defined in 5.6.4.1 through 5.6.4.3 are used in Table 5.6.

5.6.4.1 Column A Definitions.

(1) *Incident or onset time.* The time the incident occurred or the time that the symptoms developed.
(2) *Time of discovery of event.* The time that a third party or the patient becomes aware of the need for assistance.
(3) *Call for help.* The time that a third party or the patient first attempts to contact outside assistance.
(4) *First PSAP call time.* The time the telephone begins to ring in the first public safety answering point (or other designated entity).
(5) *Phone "off-hook" (answered in first PSAP).* The time that the telephone is answered in the first PSAP center.
(6) *Secondary dispatch phone rings — secondary PSAP (if appropriate).* The time the telephone begins to ring in the second public safety answering point (or the call screener). Many systems will not use secondary dispatch centers.
(7) *Secondary dispatch phone "off-hook" answered (if appropriate).* The time that the second PSAP or second dispatcher answers the phone, begins the interview, collects caller data, begins prearrival instructions.
(8) *Interview ends.* The time that the PSAP telecommunicator completes the interview with the caller. This time stamp may occur before or after resources are identified, or before or after units arrive on the scene.
(9) *Response resources are identified.* The time that the PSAP telecommunicator, through computer-aided dispatch or other means, identifies the appropriate resources to send to the scene of the emergency. For example, the telecommunicator may identify ambulance, fire apparatus, quick-response vehicles, police vehicles, specialty vehicles, or other appropriate resources.

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Table 5.6 Essential System Analysis Components

Column A Discrete Time Stamps	Column B Functional Intervals	Column C Process Intervals
(1) Incident or onset time	(1) Recognition interval (1 to 2)	(1) Event activation (1 to 4)
(2) Time of discovery of event	(2) System access interval (2 to 3)	(2) Citizen reaction (2 to 4)
(3) Call for help	(3) Switching interval (3 to 4)	(3) Call processing (4 to 11)
(4) First PSAP call time	(4) Answer interval "A" (4 to 5)	(4) System response (4 to 14)
(5) Phone "off-hook" (answered in first PSAP)	(5) Routing interval (5 to 6)	(5) Unit response (11 to 14)
(6) Secondary dispatch phone rings — secondary (PSAP) (if appropriate)	(6) Answer interval "B" (6 to 7)	(6) Patient management (14 to 19)
(7) Secondary dispatch phone "off-hook" answered (if appropriate)	(7) Interrogation interval (5 or 7 to 8)	(7) Event to treatment (1 to 15)
(8) Interview ends	(8) Resource selection interval (8 to 9)	(8) Scene management (13 to 17)
(9) Response resources are identified	(9) Alert interval (9 to 10)	(9) Unit cycle (11 to 20)
(10) Dispatch time	(10) Acknowledgment interval (10 to 11)	
(11) Unit acknowledgment	(11) Turn-out interval (11 to 12)	
(12) Unit en route	(12) Travel interval (12 to 13)	
(13) Unit arrived on scene (wheels stopped)	(13) Patient access interval (13 to 14)	
(14) Patient contact	(14) Initial treatment interval (14 to 15)	
(15) First intervention time	(15) Initial result interval (15 to 16)	
(16) Time of result of first intervention	(16) On-scene patient care interval (16 to 17)	
(17) Unit left scene (wheels turning)	(17) Transport interval (17 to 18)	
(18) Arrived at destination	(18) Care transfer interval (18 to 19)	
(19) Transfer of care	(19) Unit-ready interval (19 to 20)	
(20) Available for service		

(10) *Dispatch time.* The time the responding unit was notified by the telecommunicator.

(11) *Unit acknowledgment.* The time that the response unit(s) acknowledged that they have received the notification.

(12) *Unit en route.* The time that the vehicle first begins moving toward the scene.

(13) *Unit arrived on scene.* The time that the vehicle comes to a complete stop at the scene.

(14) *Patient contact.* The time that responding personnel first arrived at the patient's side.

(15) *First intervention time.* The time that the first intervention, such as an IV, defibrillation, CPR, extrication, and so on, is begun.

(16) *Time of result of first intervention.* The time that the responder first identifies results of the first intervention. For example, when extrication occurred, when return of spontaneous circulation occurred, and so forth.

(17) *Unit left scene.* The time that the vehicle first begins moving from the scene.

(18) *Arrived at destination.* The time that the responding unit arrived at the hospital or transfer point.

(19) *Transfer of care.* The time that responsibility for treatment was transferred from a prehospital provider to another — when the hospital personnel physically take over care of the patient.

(20) *Available for service.* The time the unit was available for response.

5.6.4.2 Column B Definitions.

(1) *Recognition interval (1 to 2).* The elapsed period starting with (1), Incident or onset time, and ending at (2), Time of discovery of event.

(2) *System access interval (2 to 3).* The elapsed period starting with (2), Time of discovery of event, and ending at (3), Call for help.

(3) *Switching interval (3 to 4).* The elapsed period starting with (3), Call for help, and ending at (4), First PSAP call time.

(4) *Answer interval "A" (4 to 5).* The elapsed period starting with (4), First PSAP call time, and ending at (5), Phone "off-hook" (answered in first PSAP).

(5) *Routing interval (5 to 6).* The elapsed period starting with (5), Phone "off-hook" (answered in first PSAP), and ending at (6), Secondary dispatch phone rings.

(6) *Answer interval "B" (6 to 7).* The elapsed period starting with (6), Secondary dispatch phone rings, and ending with (7), Secondary dispatch phone "off hook" answered.

(7) *Interrogation interval (5 or 7 to 8).* The elapsed period starting with Phone "off-hook" answered in primary or secondary PSAP and ending with (8), Interview ends.

(8) *Resource selection interval (8 to 9).* The elapsed period starting with (8), Interview ends, and ending with (9), Response resources are identified.

(9) *Alert interval (9 to 10).* The elapsed period starting with (9), Response resources are identified, and ending with (10), Dispatch time.

(10) *Acknowledgment interval (10 to 11).* The elapsed period starting with (10), Dispatch time, and ending with (11), Unit acknowledgment.

(11) *Turn-out interval (11 to 12).* The elapsed period starting with (11), Unit acknowledgment, and ending with (12), Unit en route.

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(12) *Travel interval (12 to 13).* The elapsed period starting with (12), Unit en route, and ending with (13), Unit arrived on scene (wheels stopped).

(13) *Patient access interval (13 to 14).* The elapsed period starting with (13), Unit arrived on scene (wheels stopped), and ending with (14), Patient contact.

(14) *Initial treatment interval (14 to 15).* The elapsed period starting with (14), Patient contact, and ending with (15), First intervention time.

(15) *Initial result interval (15 to 16).* The elapsed period starting with (15), First intervention time, and ending with (16), Time of result of first intervention.

(16) *On-scene patient care interval (16 to 17).* The elapsed period starting with (16), Time of result of first intervention, and ending with (17), Unit left scene (wheels turning).

(17) *Transport interval (17 to 18).* The elapsed period starting with (17), Unit left scene (wheels turning), and ending with (18), Arrived at destination.

(18) *Care transfer interval (18 to 19).* The elapsed period starting with (18), Arrived at destination, and ending with (19), Transfer of care.

(19) *Unit-ready interval (19 to 20).* The elapsed period starting with (19), Transfer of care, and ending with (20), Available for service.

5.6.4.3 Column C Definitions.

(1) *Event activation (1 to 4).* The elapsed time between the event and when the telephone first rings in the first PSAP. This process includes the recognition interval, the system access interval, and the switching interval, and is intended to measure a system's ability — using education, technology, or other means — to recognize that an emergency exists and to take immediate steps to access assistance.

(2) *Citizen reaction (2 to 4).* The citizen reaction process begins when an event is first discovered and ends when the telephone rings in the first PSAP. The citizen reaction process is intended to measure the system access interval and the switching interval. The process measures the system's ability to reinforce certain citizen behaviors and provides the means for those citizens to make appropriate access.

(3) *Call processing (4 to 11).* The call processing interval is the process that begins when the telephone first rings at the first PSAP and ends when responding units acknowledge that they are aware of the event. The processing interval includes the time required to appropriately answer the telephone in the PSAP, triage and route the call, interview the caller, provide instructions, identify and alert resources, and recognize that the alert has been received. This interval is intended to measure the system's ability to quickly process a request for assistance and notify the appropriate responding units.

(4) *System response (4 to 14).* The system response interval is the process that begins when the telephone first rings at the first PSAP and ends when the responders arrive at the patient's side. The system response interval is intended to measure the system's performance in responding to a call for assistance by considering the call processing interval, as well as the turnout, travel, and patient access intervals.

(5) *Unit response (11 to 14).* The unit response interval is the process that begins when the individual unit acknowledges that a response is required and ends with patient contact. The unit response interval is intended to measure an individual unit's performance in responding to a call for assistance by considering the turnout, travel, and patient access intervals.

(6) *Patient management (14 to 19).* The patient management interval is the process that begins when responders first make contact with the patient and ends when responsibility for the patient is transferred to another medical provider. The patient management interval is intended to measure the time committed by the system to meet the needs of the patient and reflects the system's ability to manage and monitor resources.

(7) *Event to treatment (1 to 15).* The event to treatment interval is intended to measure the system's ability to initiate treatment once an event exists. This interval is intended to measure the process that begins when the event occurs and ends when the first treatment is provided. This process may measure the time that responders, dispatchers, citizens, or others intervene as part of an organized EMS system design.

(8) *Scene management (13 to 17).* The scene management interval begins when the first vehicle stops at the scene of an event, and ends when the last patient leaves the scene. The interval is intended to measure the time required to manage the logistics of accessing the patient, providing initial treatment, packaging for transport, and leaving the scene.

(9) *Unit cycle (11 to 20).* The unit cycle process reflects the cycle time of an individual unit from activation to availability. The unit cycle process measures the time that a unit is assigned to an event and unavailable for other assignments.

5.6.5 Call Processing. System analysis considers call processing the manner in which calls are processed, as well as evaluation of the intervals required to complete the call and notify appropriate providers.

5.6.6 Call Processing Method. Community needs should dictate the way that resources are assigned and prioritized.

5.6.7 Call Processing Time Interval Standards. Call processing performance objectives should comply with existing standards. For example, NFPA 1221, *Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems*, has established a standard that 95 percent of all emergency calls must be answered in 30 seconds. Dispatch of emergency response aid should be made within 60 seconds of the completed receipt of an emergency alarm.

5.6.8 Turnout (Activation) Interval. Turnout interval performance objectives should comply with existing standards. System analysis should consider the provider turnout interval, or the interval from response unit notification to movement of that unit to the location of the incident. For example, NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*, establishes turnout time objectives of no more than 60 seconds.

5.6.9 Geography. System analysis should consider geography and the implications of local geography on service delivery.

5.6.9.1 Geographic Response Tools. A geographic information system (GIS) may be used as a tool to model existing service delivery for each EMS system component, such as first response, BLS or ALS care, or patient transportation services. Response capabilities for each mobile system component based on desired travel intervals can be modeled using a GIS system, identifying underserved areas of a jurisdiction, for either current or planned system designs.

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5.6.9.2 Travel Interval. Travel interval objectives examined by a GIS analysis should parallel standards as established by the lead agency.

5.6.9.3 First Response. The community should establish response intervals for first responders that are appropriate for that community. The standards should be suitable for the local demographics, resources, medical needs, and geography. The intervals should be systematically monitored for compliance with the local standard.

5.6.9.4 Advanced Life Support. The community should establish response intervals for advanced life support, where available, that are appropriate for the community. The standards should be suitable for the local demographics, resources, medical needs, and geography. The intervals should be systematically monitored for compliance with the local standard.

5.6.10 Geographic Barriers. A GIS model may also identify potential barriers to delivery of care (for example, interruption of the road network by construction, flooding, or railroad crossings).

5.6.11 Distribution of Demand. A GIS may also identify the distribution of calls in a community and areas undergoing development that would require the expansion of services in the future.

5.6.12 Demographics. The system analysis should consider local demographics and the implications of those demographics on service requirements for a range of constituency groups.

5.6.12.1 Age. Age-related injuries and illnesses (for example, pediatric, adolescent, or geriatric) should be considered.

5.6.12.2 Socioeconomics. A community's socioeconomic structure and its associated injuries and illnesses (e.g., violent crime, lack of prenatal care, or neglect) should be considered.

5.6.12.3 Gender. Gender-related injuries and illnesses (e.g., disease rates and treatment plans) should be considered.

5.6.12.4 Culture and Ethnicity. Language, cultural diversity, and ethno-specific disease processes should be considered.

5.6.12.5 Local Industry. Industrial area injuries and illnesses (e.g., exposure to hazardous materials, injuries from machinery) should be considered.

5.6.13 Regulatory Environment. The EMS system should monitor the political and regulatory environments to analyze impacts on operations, funding, and personnel.

5.6.14 Additional System Needs. The system analysis should consider other features unique to the system, such as special hazards, needs, and conditions that will affect service delivery.

5.6.15 Disasters. The potential for disasters as a function of unique jurisdictional features, characteristics, and risks should be considered.

5.6.16 Medical Center Resources. The system analysis should consider resources available through local hospitals (e.g., frequency of hospital "diversion" status, resource hospital training, resupply of disposables and medications, ALS quality assurance).

5.7 EMS System Planning. Based on the comprehensive system analysis and the identified system priorities, the system should develop a plan for ongoing system design and improvements. Plan development should include the components specified in 5.7.1 through 5.7.7.5.

5.7.1 Roles. Identification should be made of the roles and responsibilities of each position type needed for the EMS system to function, based on the needs and wants of the community.

5.7.2 Financing. Annual operating budgets and capital budgets consistent with generally accepted accounting principles should be established.

5.7.3 Resource Allotment. Resources should be allocated appropriately between agencies in the system.

5.7.4 Master Planning/Forecasting. A master plan should be available that ensures that the necessary resources are available to the system and will meet the needs of future system requirements.

5.7.5 Disaster/Catastrophe Planning. The system should ensure that a plan is available to manage overwhelming or catastrophic events, including coordinating activities between and among providers.

5.7.6 Public Education and Injury/Illness Prevention. The system plan should include components required to prevent the need for emergency responses.

5.7.6.1 Traditional Programs. Traditional illness and injury prevention programs such as CPR and "Stop, Drop, and Roll" should be available and regularly provided to citizens in the system.

5.7.6.2 Other Programs. The prevention and public education plan should include analysis of the environment and an analysis of the need for special prevention programs such as water/cold safety, immunization, and basic emergency care.

5.7.6.3 Disaster Preparedness. The system should coordinate with emergency management programs to ensure that citizens are prepared.

5.7.7 Provider Support. The system plan should address and consider methods to support individual providers in the system.

5.7.7.1 Provider Training. Provider training and support programs should ensure that providers receive training sufficient to meet local needs and support to ensure their continued participation.

5.7.7.2 Provider Safety. The following provider safety programs should be in place to reduce the amount and severity of injuries incurred by providers:

(1) Equipment
(2) Training
(3) Accountability systems

5.7.7.3 CISM. Critical incident stress management (CISM) programs designed to reduce acute and chronic effects of stress related to job functions should be established.

5.7.7.4 Wellness. Health and wellness programs should be in place to monitor and support the overall wellness of providers.

5.7.7.5 Emergency Management. Disaster preparedness programs should be in place to meet the unique needs of providers during catastrophic events.

5.8 Continual Risk Assessment and Planning. The system should have in place a comprehensive process, articulated in a risk assessment plan and overall system design that provides continual analysis and mitigation of risk. The primary risk management processes include risk assessment (internal and external), risk elimination, risk avoidance and prevention, risk control, and loss control.

ORD-2012-057

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 7-b

SUBJECT: Implementation Strategy from the Emergency Services Workgroup on Recommendations from the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study, and Approval of Budget Amendment #4-C

DEPARTMENT: Emergency Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

INFORMATION CONTACT:
F. R. Montes de Oca, 245-6100
Michael Talbert, 245-2308

PURPOSE: To receive an implementation strategy from the Emergency Services Workgroup regarding recommendations included in the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study, approve Budget Amendment #4-C for $414,500 in the current fiscal year, and incorporate the recommendations into the Budget & Capital Investment Plan (CIP) process for Fiscal Year 2013-14.

BACKGROUND: The Orange County Emergency Medical Services (EMS) provides pre-hospital care and transport to residents and visitors throughout the County. Originated from volunteer services, Orange County EMS began providing advanced life support ambulances in the 1980's. EMS is a branch of the Orange County Emergency Services Department and is staffed by dedicated paramedics and Emergency Medical Technicians around the clock. The EMS branch is the largest and highest-profile group within the department providing emergency response, patient care and patient transport from 400 square miles covering densely-populated urban settings to rural areas throughout the County. In addition to responding to 10,700 calls annually, EMS must be able to address extraordinary events such as multi-casualty incidents, large sporting events, stock car races and mass gatherings, assist at fires, evacuations and other disaster situations affecting public safety.

The Orange County 911 Center is the public safety answering point for residents to access emergency services agencies. It originated in the former Orange County Sheriff's Office at Columbia and Rosemary Streets in Chapel Hill. It is a branch of Orange County Emergency Services and is staffed by dedicated professionals around the clock.

On December 13, 2011 the Board discussed the Emergency Medical System Delivery and E911 Communications Center improvements. There was consensus that the County needed to develop a strategic plan to improve the County's Emergency Management Services Delivery System and E911 Communications Center. The Charge for the ESW included reviewing alternatives and making recommendations for the following:

System improvements for EMS Ambulance response times including but not limited to equipment, staffing, facility's and/or a strategic plan, to define data elements for meaningful analytical data as related to ambulance response time and to discuss and review that data.

Improvements for the E911 Communications Center including but not limited to technology, equipment, staffing, training and/or a strategic plan.

On March 22, 2012 the Board approved a contract with Solutions for Local Government, Inc. to develop a multi-year strategic plan addressing Emergency Medical Services System and E911 Communications Center needs.

At the August 30, 2012 Board Work Session, Mr. Steve Allan presented the final draft of the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study. Mr. Allan held meetings with stakeholders, presented and discussed his report, answered questions and solicited input. This included one meeting for the general public that was held on September 27, 2012.

Emergency Services Workgroup is recommending the following implementation strategy from the recommendations included in Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study.

R-1. OCEMS should adjust Medic 5 and Medic 8 coverage hours.

The Workgroup recommends keeping 5 ambulances operational around the clock and add new 12 hour peak load ambulances as new ambulances are staffed and placed in service.

R-2. OCEMS should add an additional ALS Ambulance 9:00 am-9:00 pm, 12 hours/day, 7 days/week.

The Workgroup recommends a new 9am – 9-pm peak load ambulance and evaluate after 6 months to verify that the new ambulance has helped bring down the average number of move ups. This ambulance was approved in Fiscal 2012/2013 and will be placed in service as soon as new staff is trained and the new unit is available.

R-3a. Utilize available SORS/BLS ambulance for non-emergency patient transports.

R-3b. OCEMS should bring on line and staff a BLS ambulance to provide non-emergency patient transports.

The Workgroup recommends combining R-3 & R-3b into one recommendation. County staff and SORS are directed to collect & analyze additional call volume data bring back a recommendation to the Emergency Services Workgroup by January, 2013.

R-4. Assess Fire Department capabilities to meet BLS First Responder response time objectives.

R-5a. Schedule and implement Fire Department, Medical First Responder initiative which includes performance objectives.

R-5b. Staff and equip four (4) EMS Quick Response Vehicles (QRV's) for assignment, initially, 12hours/day, 7 days/week with shift start/end times to be determined by EMS.

The Workgroup recommends combining R-4, R-5a, and 5b into one recommendation. A working group, comprise of Emergency Services staff, representatives from Chief's Council, representatives from South Orange Rescue Squad and the County Medical Director is directed to discuss these issues and bring back a recommendation to the Emergency Services Workgroup by January, 2013.

R-6. Staff & equip six (3) 12 hour/7 day ALS ambulances at appropriate staging/base facility locations within (1) Zones 1 & 2, (2) Zones 7 & 5, and (3) Zones 6 & 8.

The Workgroup recommends that EMS staff and the County's Medical Director prepare a detailed 5 year implementation schedule for recommendation R-6 and brings back a recommendation to the Emergency Services Workgroup by December 11, 2012.

R-7. Hire a Paramedic Level Shift Supervisor @ 24/7.

The Workgroup recommends hiring 4 new Paramedic Level Shift Supervisor positions immediately. The Study recommends 5.1 position for a 24/7 Shift Supervisor, but Emergency Services staff recommended only 4 position. This is recommended to be funded in the current fiscal year, at an estimated annual cost of $267,500.

R-8. Prepare a detailed Space Needs Assessment that addresses the essential building and site requirements to accommodate a stand-alone, functional, code compliant EMS base facility that can serve as a prototype for all future facilities.

R-9. Identify a minimum of nine (9) strategic locations, preferably no less than one (1) location within each major zone previously identified, for the potential location in each of a future EMS base.

R 10. The County should purchase/obtain identified sites (and/or buildings) for development.

R 11. Procure EMS base planning and design services.

R 12. Advertise, bid, and commence construction on designated EMS base facilities.

The Workgroup recommends tabling recommendations R-8, R-9, R-10, R-11 and R-12. EMS staff is directed to proceed with a space needs assessment while simultaneously exploring the

option of co-locating EMS Ambulances at fire departments. Staff is to bring back a recommendation to the Emergency Services Workgroup by January, 2013.

R-13. Hire a full-time, dedicated Data System Manager to be located as close as possible, preferably adjacent to the Communications Center, and answerable first to the Communications Center Operations Manager.

The Workgroup recommends hiring a dedicated full-time Data System Manager immediately in the current fiscal year, at an estimated annual cost of $74,250.

R-14. Hire a full-time, dedicated Training/Quality Assurance Officer to be located as close as possible, preferably adjacent to the Communications Center, and answerable first to the Communications center Operations Manager.

The Workgroup recommends hiring a dedicated full-time Training/Quality Assurance Officer immediately in the current fiscal year, at an estimated annual cost of $72,800.

R-15. Anticipating increasing responsibilities due to the number of new personnel forthcoming, hire an additional full-time Training/Quality Assurance Officer no later than the end of year-3.

The Workgroup recommends hiring an additional dedicated full-time Training/Quality Assurance Officer during year-2 or Fiscal 2014/2015, at an estimated annual cost of $72,800.

R-16. Prepare a schedule for the hiring and training of the identified Telecommunicator positions and identify the date to begin solicitation and acceptance of applications.

R-17. Hire 17 new, full-time Telecommunicators.

The Workgroup recommends combining R-16 and R-17 into one recommendation. The Fiscal 2012/13 Budget includes 4 new full-time Telecommunicators, which are included with the total of 17 recommended by the Study. The Workgroup recommends combining R-16 & R-17 to hire and train 13 new full-time Telecommunicators over 3 Fiscal Years. Recommending that 4 full-time Telecommunicators be added in Fiscal 2013/14, 4 additional Telecommunicators in Fiscal 2014/15, and 5 Telecommunicators in added in Fiscal 2015/16. The total position added over 3 years will be 13 Telecommunicators, with the estimated total cost of $585,000.

R-18. Purchase necessary AVL vehicle hardware for each new EMS vehicle purchased to enable compatibility with newly purchased CAD software and existing AVL system hardware.

Necessary AVL vehicle hardware already in place, no action needed.

R 19. Following the installation of recently purchased Communications Center software and the training of in-house personnel; organize and provide informational meetings to emergency service system members, particularly Fire Departments and Law Enforcement, with regards to the system's capabilities and the information that will be available to them for their use.

OSSI Software has been purchased and the 12 month installation process has started. The Workgroup recommends that the 911 Users Group be resurrected to meet at least 6 times per year and provide input for the 911 Communications installation and setup of the OSSI system.

R 20. From the Workgroup:

The Workgroup recommends that Page Track software, currently in use by the Fire Departments, be incorporated into the OSSI system if possible and utilized by 911 Communications. If Page Track remains a standalone system, it is recommended that 911 Communications use the system to support OSSI when possible.

FINANCIAL IMPACT: The Workgroup recommends funding $414,500 as outlined in the recommendations background in the current fiscal year and incorporate the remaining recommendations into the Fiscal Year 2013-14 Annual Budget & CIP process.

RECOMMENDATION(S): The Manager recommends that the Board receive the implementation strategy from the Emergency Services Workgroup regarding recommendations included in the Comprehensive Assessment of Emergency Medical Services & 911/Communications Center Operations Study, approve Budget Amendment #4-C for $414,500 in the current fiscal year, and incorporate the recommendations into the Budget & Capital Investment Plan (CIP) process for Fiscal Year 2013-14.

ORD-2012-058

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 7-c

SUBJECT: Establishment of a Community Loan Fund for the Water and Sewer Connections for Efland and Rogers Roads Residents, and Approval of Budget Amendment #4-D

DEPARTMENT: Financial and Administrative Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

Sample Loan Agreement

INFORMATION CONTACT:
Frank Clifton, 919-245-2300
Clarence Grier, 919-245-2453
John Roberts, 919-245-2318

PURPOSE: To approve the establishment of a Community Loan Fund for water and sewer connections for residents of the Efland and Rogers Road areas of Orange County, and approve Budget Amendment #4-D.

BACKGROUND: In previous meetings, some members of the BOCC have requested staff investigate the establishment of a small loan fund to assist residents of the County in connecting to water and sewer lines within certain geographical areas of the County. Currently the County is investing in water and sewer infrastructure in the Efland area of the County to foster economic development within this area of the County and to address some long-standing agreements with residents of the area.

Additionally, as part of the closing of the landfill and part of the related actions taken by the BOCC to mitigate long-standing problems experienced by residents of the Rogers Road area involving the landfill, the BOCC established a mitigation fund to assist residents of the Rogers Road area to hookup to water and sewer.

Some residents in both areas have approached the County in regards to wanting to connect to the water and sewer services provided, but do not have the financial resources to do so. Therefore, the establishment of a community loan fund is proposed for such purposes.

It is recommended that the Community Loan Fund be established with a $100,000 appropriation from the General Fund available fund balance. All loans would range from $3,500 to a max of $10,000, and carry a low interest rate of 1 to 2 percent over a maximum period of 10 years. A .25% administrative fee would be added on each loan to cover the administration of the loan.

All loans will have a legally binding agreement with a lien against the property that would expire once the loan is repaid. The loan would be billed annually with the resident's property tax bill for the property.

FINANCIAL IMPACT: Budget Amendment #4-D constitutes a one-time appropriation of the General Fund available fund balance of $100,000 to administer the fund.

RECOMMENDATION(S): The Manager recommends that the Board approve the establishment of the Community Loan Fund, and approve Budget Amendment #4-D, an appropriation of General Fund available fund balance of $100,000.

SAMPLE LOAN AGREEMENT

(ORANGE COUNTY)
(NORTH CAROLINA)

PUBLIC IMPROVEMENT
LOAN AGREEMENT and PROMISSORY NOTE

THIS AGREEMENT, made this 22nd day of November, 2012 by and between the **ORANGE COUNTY,** a North Carolina Corporation (hereinafter referred to as "County"), and **JOHN DOE ,** (hereinafter referred to as "Borrower"), for value received, the receipt of which is hereby acknowledged, the Borrower promises to pay to the County the principal sum of **Five Thousand and No/100 Dollars ($5,000.00)** at the rate of **Two and 00/100 percent (2.00%) per annum simple interest.**

WITNESSETH:

WHEREAS, the County shall provide funds for the installation of water and sewer connection infrastructure, as determined to be an eligible activity in accordance with 24 CFR 570.201 (c), located at 201 Cameron Street, Hillsborough, North Carolina, by Borrower, and

NOW, THEREFORE, in consideration of the premises, the County and Borrower do hereby agree as follows:

4) Statement of Work and Loan Budget

a) The County shall make a Public Improvement (infrastructure) Loan to the Borrower, that will be incrementally disbursed upon receipt, review and approval of evidence of work completed, in the amount not to exceed **Five thousand dollars and zero cents ($5,000)** for a **ten (10) year** term at an interest rate of 2% with the initial principal and interest payments to begin January 1, 2013. The loan will be secured by this Promissory Note and a Deed of Trust upon the terms and conditions set forth herein. Borrower will also provide title insurance of the amount loaned showing the County as having third lien on the property.

b) All expenditures will be subject to review and approval by the Department of Finance and Administrative Services, in accordance with applicable federal, state and local laws.

c) Said funds shall be disbursed by check payable to the Borrower.

5) **Loan Terms**

a) County agrees to lend the Borrower the sum of **Five Thousand and zero cents ($5,000.00)** at an interest rate of **two percent (2%)**. The loan repayment terms shall be a twenty (20) year period to commence **on January 1, 2013.** Borrower shall make consecutive monthly payments including principal and interest at the previously mentioned rate to the County of **$46.01** per month until paid in full.

b) The loan shall be evidenced by this Promissory Note and secured by a County Deed of Trust of even date herewith with respect to the real property owned by John Doe, LLC executed and duly recorded in the office of the Register of Deeds of Orange County, North Carolina, and UCC-1 financing statements duly recorded in the office of the Register of Deeds of Orange County, North Carolina and the Office of the Secretary of State of North Carolina on the property of John Doe, LLC.

c) Borrower shall make a final payment to County of all principal and interest then due and owing on that date (the "Maturity Date") which is the earlier to occur of the following events:

i) Upon the sale, ground lease or other transfer of all or any portion of the Project or an interest therein (except for a lease of individual units in the Project with a term of less than three years); or

ii) Upon any default (or if a cure period is allowable, upon the expiration of any allowable period of cure) hereunder or under the County Deed of Trust, the terms of which are incorporated herein by reference, as more particularly provided herein below.

d) All payments hereunder shall be applied first to amounts advanced by County to protect the security hereof, then to interest on the unpaid principal balance and then to reduction of principal.

e) The indebtedness evidenced by this Promissory Note (hereinafter referred to as "Note") may be prepaid, in whole or in part, at any time without penalty.

f) Upon any default hereunder, or under the County Deed of Trust, County shall have the right at its option and election, to accelerate the indebtedness evidenced by this Note and declare the entire principal balance immediately due and payable in full. Upon such acceleration by County, Borrower promises to pay the full principal amount unpaid hereunder in accordance with the terms of the County Loan Documents, together with all costs and expenses incurred in connection with the collection or attempted collection hereof and the protection of the security thereof, including reasonable attorney's fees, whether or not suit is instituted.

g) Borrower agrees to pay all principal and interest and in addition to pay all costs of collection, including reasonable attorneys' fees and all costs of suit, when the unpaid principal sum of this Note or any payment of principal or interest is not paid when due, or when it becomes necessary to protect the security for the indebtedness evidenced hereby, or for the foreclosure instituted by County or other holder under the County Deed of Trust or other County Loan Documents or when County or other holder is made party to or affected by any litigation because of the existence of the indebtedness evidenced by this Note, or because of the existence of any of the County Loan Documents, or when the property which is security for this Note becomes subject to the jurisdiction of a bankruptcy court. This obligation shall exist regardless of whether or not suit is actually commenced.

h) The parties hereto have intended in good faith to comply with all applicable usury laws. Notwithstanding anything to the contrary contained in this Note or any other of the County Loan Documents, Borrower shall not be obligated or required to pay interest at a rate, which would subject County to either criminal or civil liability. If, by the terms of this Note, Borrower at any time is required or obligated to pay interest on the principal made available to Borrower in an amount or at a rate in excess of the applicable legal maximum, the interest due to County shall be immediately and automatically reduced to such maximum, the interest payable shall be computed at such maximum rate, and all prior interest payments in excess of such lawful maximum shall be immediately and automatically applied, and shall be deemed to have been treated as having been applied at the time of receipt, in reduction of the principal balance due under this Note.

i) No delays on the part of County in exercising any right hereunder or under any of the County Loan Documents shall operate as a waiver thereof or preclude the exercise thereof at any time during the continuance of any default or during the continuance of any subsequent default.

j) Notwithstanding anything to the contrary contained herein or in any other County Loan Documents, this County Note is intended to be non-recourse with the liabilities of Borrower under this County Note being limited to the collateral pledged to secure this Note (which includes without limitation the Project), and other than with respect to the collateral pledged to secure this Note, no other assets shall be available to satisfy any liabilities arising out of, or in

connection with this loan and, further no deficiency or other judgment shall be rendered or entered against Borrower or any of its members by County, it being acknowledged by County that it shall look solely to the collateral pledged to secure this Note with respect to any recoveries for Borrower liabilities under this County Note. It is the intention of the parties that this shall be a non-recourse loan.

k) This Note may not be modified or terminated orally.

3. **Closing**

The parties shall execute all documents required under this Agreement at the Orange County law offices 200 S Cameron Street, Hillsborough, NC 27278.

4. **Miscellaneous**

a) *Entire Agreement, Superseding Effect and Modification.* This Agreement supercedes all prior oral or written agreements, if any, between the parties relating to the subject matter of this Agreement and constitutes the entire agreement between the parties. The provisions of this Agreement may not be amended, deleted, or modified in whole or in part without the express written consent of both parties.

b) *Governing Law.* This Agreement will be governed by the laws of the State of North Carolina, without respect to the principles of choice of law or the conflict of laws.

c) *Headings.* The headings in this Agreement are included for convenience only.

d) *Severability.* In the event any provision of this Agreement is determined to be void, invalid, or unenforceable, the remaining provisions of this Agreement will continue in full force and effect.

e) *Waiver of Breach.* The waiver by any party to this Agreement of a breach by any other party of any of the provisions of this Agreement will not operate or be constructed as a waiver of any subsequent breach by the party.

f) *Counterparts.* This Agreement may be executed in two (2) or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

g) *Parties in Interest.* This Agreement will be binding upon and inure to the benefit of the parties, their respective heirs, representatives, successors and assigns.

(the remainder of this page is intentionally left blank)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed in duplicate, the day and year first above written.

By:_____
Signature

Typed or Printed:_____

Title:_____

Witnessed by:_____
Signature

Title:_____

ORANGE COUNTY

By:_____
Signature

Typed or Printed:_____

Title:_____County Manager_____

Witnessed by:_____
Signature

Title:_____County Clerk_____

STATE OF NORTH CAROLINA
ORANGE COUNTY

I, _____, a Notary Public for aforesaid State and Orange County, hereby certify that _____ personally came before me this date and acknowledged that she is the County Clerk of the Orange County, a municipal corporation, and that by authority duly given and as the fact of said corporation, the aforementioned instrument was signed in its name by _____, its County Manager, sealed with its corporate seal and attested by herself as its County Clerk.

_____
Notary

My commission expires:_____

CERTIFICATE OF COUNTY'S ATTORNEY

I, the undersigned, John T. Carter Jr., the duly authorized and acting legal representative of THE COUNTY OF JACKSONVILLE, NORTH CAROLINA, do hereby certify as follows:

I have examined the attached Public Improvement Loan Agreement submitted by EAST CAROLINA COMMUNITY DEVELOPMENT, INC, and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legal binding obligations upon the parties executing the same in accordance with terms, conditions, and provisions thereof.

_____
Signature

_____
Date

APPROVAL BY COUNTY FINANCE OFFICER

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

_____
Signature

_____
Date

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda Item No. 7-d

SUBJECT: Recommended Uses of General Fund Unassigned Fund Balance, as of June 30, 2012

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Attachment 1. BOCC Fund Balance Management Policy
Attachment 2. Schedule of General Fund Balance Available for Appropriation
Attachment 3. Chart and Schedule of Changes in Fund Balance since FY2008

INFORMATION CONTACT:
Frank Clifton, 919-245-2300
Clarence G. Grier, 919-245-2453

PURPOSE: To provide the Board of County Commissioners (BOCC) with recommendations for the use of the General Fund unassigned Fund Balance in excess of the BOCC's fund balance policy.

BACKGROUND: On April 5, 2011, the BOCC adopted a fund balance policy that states:

> *The County will strive to maintain an unassigned fund balance in the General Fund of 17% percent of budgeted general fund operating expenditures each fiscal year. The amount of unassigned fund balance maintained during each fiscal year should not fall below 8% percent of budgeted general fund operating expenditures, as recommended by the North Carolina Local Government Commission (Attachment 1).*

Over time, the County's financial reserves grew. On June 30, 2012, the general fund's unassigned fund balance totaled $39.6 million (Attachment 2). Of this amount, $3.2 million was appropriated, prior to the end of the fiscal year. After these appropriations, the general fund's unassigned fund balance was $36.4 million, which illustrated a 125% increase in the unassigned fund balance since June 30, 2009 (Attachment 3). Additionally, this represented 20.77% of budgeted general fund operating expenditures or $6.6 million, as of June 30, 2012.

For the current fiscal year, the County has appropriated $4.8 million of the excess fund balance. The $3 million appropriated to establish and fund the Other Post Employment Benefit (OPEB) Trust was a Manager recommendation as part of the fiscal year June 30, 2013 Operating Budget to fully fund the total required OPEB contribution for the current fiscal year. It has been recommended by the Local Government Commission (LGC) and the Bond Rating Agencies that the County addresses the funding of its OPEB liability. Without addressing this growing liability, which currently totals $64 million, the LGC and the Bond Rating agencies have informed staff that the County's ability issue debt in the future could be limited. Additionally staff recommends that the BOCC consider the suggested uses of the $1.86 million available unassigned balance outlined in Attachment 2.

FINANCIAL IMPACT: The financial impact is the use of $6.6 million of General Fund Balance that is in excess of the established fund balance policy of 17%.

RECOMMENDATION(S): The Manager recommends that the Board approve the suggested uses of General Fund available fund balance and provide direction and feedback to staff on other uses of available fund balance.

ORANGE COUNTY BOARD OF COMMISSIONERS
FUND BALANCE MANAGEMENT POLICY

The Fund Balance Management Policy is intended to address the needs of Orange County (County), in the event of unanticipated and unavoidable occurrences which could adversely affect the financial condition of the County and thereby jeopardize the continuation of necessary public services. This policy will ensure the County maintains adequate fund balance and reserves in the County's **Governmental Funds** to provide the capacity to:

1. Provide sufficient cash flow for daily financial needs,
2. Secure and maintain investment grade bond ratings,
3. Offset significant economic downturns or revenue shortfalls, and
4. Provide funds for unforeseen expenditures related to emergencies.

Fund Balance for the County's **Governmental Funds** will be comprised of the following categories:

1. Nonspendable - amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

2. Restricted – amounts externally imposed by creditors (debt covenants), grantors, contributors, laws, or regulations of other governments.

3. Committed – amounts used for a specific purpose pursuant to constraints imposed by formal action of the government's highest level of decision-making authority.

    a. Amounts set aside based on self-imposed limitations established and set in place prior to year-end, but can be calculated after year end.
    b. Limitation imposed at highest level and requires same action to remove or modify
    c. Ordinances that lapse at year-end

4. Assigned - amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed.
5. Unassigned – amounts that are not reported in any other classification.

The General Fund will be the only fund that will have an unassigned fund balance. The Special Revenue Funds and Capital Project funds will consist of only nonspendable, restricted, committed and assigned categories of fund balance.

Unassigned Fund Balance – General Fund

Orange County has adopted a fiscal policy that provides for capital projects to be financed with debt and pay-as-you-go funding. In order to obtain the best possible financing, the County has adopted policies designed to maintain bond ratings at or better than AAA (Fitch), Aa2 (Moody's Investor Services) and AA+ (Standard & Poor's). Part of the County's fiscal health is maintaining a fund balance position that rating agencies feel is adequate to meet the County's needs and challenges.

Orange County has therefore adopted a policy that requires management to maintain an **unassigned balance** as follows:

1. The County will strive to maintain an **unassigned** fund balance in the General Fund of 17% percent of budgeted general fund operating expenditures each fiscal year. The amount of **unassigned** fund balance maintained during each fiscal year should not fall below 8% percent of budgeted general fund operating expenditures, as recommended by the North Carolina Local Government Commission.

2. To the extent that the General Fund **unassigned** fund balance exceeds 17% percent, the balances may be utilized to fund capital expenditures or pay down outstanding County debt.

3. **The County's budget and revenue spending policy provides for programs with multiple revenue sources. The Financial Services Director will use resources in the following hierarchy: bond proceeds, Federal funds, State funds, local non-county funds, county funds. For purposes of fund balance classification, expenditures are to be spent from restricted fund balance first, followed in-order by committed fund balance, assigned fund balance, and lastly, unassigned fund balance. The Financial Services Director has the authority to deviate from this policy if it is in the best interest of the County with Board of County Commissioner's approval.**

4. **Management is expected to manage the budget so that revenue shortfalls and expenditure increases do not impact the County's total unassigned fund balance. If a catastrophic economic event occurs that requires a 10% or more deviation from total budgeted revenues or expenditures, then unassigned fund balance can be reduced by action from the Board of County Commissioners; the Board also will adopt a plan of action to return spendable fund balance to the required level.**

Enterprise Funds - (Solid Waste, Efland Sewer, and the Orange County Sportsplex) – The County will strive to maintain unrestricted net assets greater than 8% of total operating revenues at fiscal year-end, net of any donated assets recognized, to provide reserves for operations and future capital improvements.

Restrictions, reservations, and designations of Net Assets for Enterprise Funds

For external reporting purposes, net assets will be reported as restricted or unrestricted in accordance with GAAP. For internal purposes, net assets will be reserved or designated as follows:

1. Encumbered balances to continue existing projects are designated.

2. Designations for funding of planned projects in a future period to reduce the financial demands placed upon a subsequent budget.

Internal Service Funds – Dental Insurance Fund - total net assets shall maintain a positive balance to illustrate the internal nature of recovery fees for services performed in self-insuring employees of the County. Additionally, the net assets of the fund will demonstrate adequate funding for incurred, but not reported claims.

Rescission

This policy supersedes any policy in place prior to this date.

April 5, 2011

Attachment 2
6

General Fund Balance Available for Appropriation
As of October 31, 2012

				Totals
Fund Balance Available for Appropriation (A), June 30, 2012			$	39,564,649
Fund Balance, Assigned				
FY2012-2013 Budget	$	2,187,872		
Parking Deck Purchase		1,025,000		
Total Assigned Fund Balance (B)				3,212,872
Fund Balance Unassigned (A less B), June 30, 2012			$	36,351,777
General Fund Expenditures for the year ended June 30, 2012			$	175,010,446
General Fund Unassigned Fund Balance as of June 30, 2012				
As a Percentage of General Fund Expenditures				20.77%
BOCC Fund Balance Policy - 17 %				17.00%
General Fund Unassigned Fund Balance as of June 30, 2012				
In excess of the Board's policy			$	6,600,001
Less: Emergency Telephone Fund				(904,367)
Less: OPEB Funding				**(3,000,000)**
Less: Rogers Road Community Center				(650,000)
Less: CY Appropriation of Fund Balance				(247,131)
Less: November 20th budget Amendment Appropriations				(709,111)
Additional Unassigned Fund Balance Available for Appropriation				
As of October 31, 2012			$	1,089,392
Suggested Current Year uses of the Additional Fund Balance				
Fund Vehicle Replacement Fund Purchases to avoid financing cost				$640,503
Balance Pay as Go Capital Projects - General Fund Projects				$419,300
Employee Bonus				$500,000
Fund the Design and Planning of the Whitted Building Meeting Room				$295,000
* 17% Fund Balance totals……			$	29,751,776

Change in General Fund Available Fund Balance Since FY2008

1	2	3	2÷3
Fiscal Year	Unassigned Fund Balance	General Fund Expenditures	Unassigned Fund Balance %
2008	$ 22,094,158	$ 171,030,903	12.92%
2009	$ 16,989,028	$ 184,068,172	9.23%
2010	$ 21,097,621	$ 178,967,629	11.79%
2011	$ 27,782,007	$ 176,421,147	15.75%
2012	$ 36,351,777	$ 175,010,446	20.77%
Change Since FY2008			125.05%

Note: Available Fund Balance for FY2008 and FY was reduced by the following budget carryforwards:

FY2008	$ 1,709,166
FY2009	$ 1,988,442

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 20, 2012

Action Agenda
Item No. 7-e

SUBJECT: Review of the Draft Recommendations from the Historic Rogers Road Neighborhood Task Force

DEPARTMENT: Solid Waste Management **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
Draft Recommendations from the Historic Rogers Road Neighborhood Task Force

INFORMATION CONTACT:
Frank Clifton,
County Manager, 245-2300
Michael Talbert,
Assistant County Manager, 245-2308

PURPOSE: To review the draft recommendations from the Historic Rogers Road Neighborhood Task Force and provide guidance to the Task Force and the Assembly of Governments.

BACKGROUND: Beginning in 1972 the landfill was opened by the Town of Chapel Hill and in 1999 Orange County assumed ownership and operation of the Eubanks Road Landfill. The Historic Rogers Road Community has lived with the Orange County Landfill for 40 years. The Community is geographically split by the Towns of Chapel Hill and Carrboro. Orange County as the current owner/operator of the Landfill is taking the lead to make remediation improvement to the Historic Rogers Road Community.

On May 17, 2011 the Board received a plan from the Rogers-Eubanks Neighborhood Association (RENA) recommending actions to mitigate the long and short term impacts of Orange County's Landfill and Solid Waste operations on the health, safety and welfare of the Historic Rogers Road – Eubanks Road Community.

On January 26, 2012 the Board and the Town Boards discussed the extension of sewer service and a community center for the Historic Rogers Road Community. County and Town Attorneys have concluded that utilization of Solid Waste reserves to extend sewer service to the Historic Rogers Road Community is not consistent with North Carolina General Statutes and would subject the local governments to legal challenges. Therefore, funding for either the extension of sewer services and/or a community center will have to come from the County's and Towns' other general revenue sources.

On February 21, 2012 the Orange County Board of Commissioners authorized the creation of a new Historic Rogers Road Neighborhood Task Force to address sewer service and a community center and approved the Task Force's charge. The composition of the Task Force was to include two members appointed by each Town (Chapel Hill and Carrboro); two members appointed from

the County; and two members appointed from Rogers Eubanks Neighborhood Association (RENA).

Appointed Task Force Members:

David Caldwell:	RENA
Robert Campbell:	RENA
Valerie Foushee:	Orange County
Pam Hemminger:	Orange County
Michelle Johnson:	Carrboro
Sammy Slade:	Carrboro
Penny Rich:	Chapel Hill
James Ward:	Chapel Hill

Charge of the Historic Rogers Road Neighborhood Task Force

The Charge for the Historic Rogers Road Neighborhood Task Force is to investigate and make recommendations to the Board of County Commissioners, the Chapel Hill Town Council and the Carrboro Board of Alderman for neighborhood improvements including funding sources and the financial impact to the County & Towns, for the following:

1. Sewer Service to the Historic Rogers Road Neighborhood as defined by the previously approved public water connections in the area.

2. A Neighborhood Community Center.

The Task force is also directed to:

a. Submit an Interim Report back to the County and the Towns by the end of August, 2012 and;

b. Submit a Final Report to the Assembly of Governments on December 6, 2012.

On September 6, 2012 the Board reviewed the Interim Report from the Historic Rogers Road Neighborhood Task Force. The Historic Road Neighborhood Task Force is scheduled to make a final report to the Assembly of Governments on December 6, 2012. The Task Force met on November 14, 2012 and determined that their work was not finished. The Task Force is recommending that they continue to meet, to address the Charge of the Task Force, for an additional 6 months with the original composition of the Task Force. The Task Force recommends that the Assembly of Governments discuss this issue on December 6, 2012.

Attached are the Draft Recommendations from the Task Force meeting held on November 14, 2012. An Interim Report will be presented to the Assembly of Governments on December 6, 2012.

FINANCIAL IMPACT: The financial impact of funding improvements recommended by the Historic Rogers Road Neighborhood Task Force is uncertain until its final report to the Assembly of Governments on December 6, 2012. The Board of Commissioners has approved a capital project of $650,000 for the construction of a New Rogers Road Community Center.

RECOMMENDATION(S): The Manager recommends that the Board review the draft recommendations from the Historic Rogers Road Neighborhood Task Force and provide guidance to the Task Force and the Assembly of Governments.

DRAFT

Recommendations to the Assembly of Governments
Historic Rogers Road Neighborhood Task Force
November 14, 2012

Recommendations:

1. That the Task Force continue to meet, to address the Charge of the Task Force, for an additional 6 months with the original composition of the Task Force.

2. That the costs of both a New Community Center and Sewer Improvements be shared by the local governments, at the same costs sharing percentages as outlined in the 1972 Landfill Agreement, 43% for Orange County, 43% for The Town of Chapel Hill and 14% for The Town of Carrboro.

3. That the governing boards continue to appropriate funds, originally budgeted to reimburse the Solid Waste fund for the purchase of the Greene Tract, for both a New Community Center and Sewer Improvements. Funds budgeted in Fiscal 2012/2013 for the Greene Tract are as follows; $90,549 for Orange County, $90,549 for The Town of Chapel Hill and $29,524 for The Town of Carrboro. The governing boards are also encouraged to locate other funding sources for a New Community Center and Sewer Improvements.

Rogers Road Neighborhood Community Center:

1. That the Hogan-Rogers House no longer be considered as an option for a Neighborhood Community Center. The St Paul's AME Church is working with the Chapel Hill Preservation Society to save the structure.

2. That the Managers recommend to the Task Force a contract between Habitat, Orange County, the Town of Carrboro, and the Town of Chapel Hill for the construction of a new Rogers Road Community Center with a budget not to exceed $700,000 that is in compliance with North Carolina public bidding requirements and is approved by County and Towns Attorneys.

3. That the County creates long-term agreements, as need, with Habitat and the Rogers Eubanks Neighborhood Association. The agreement(s) shall provide for the construction, operation, and maintenance of a new Rogers Road Neighborhood Community Center. Additional agreements, if needed, shall provide for services, programs & activities to be provided in the Center. All agreements will be reviewed and approved by County Attorney.

DRAFT

County Sewer District:

1. That the Managers explore the creation of a County Sewer District for all property owners in the Historic Rogers Road Neighborhood that are not currently served by a municipal sewer system and would benefit from the installation of sewer infrastructure to serve the Rogers Road Neighborhood.

    a. That the towns participate with the possible creation of a County Sewer District, which could overlap town boundaries, by resolution to such inclusion.

    b. That a County Sewer District would make special assessments against benefited property within the district to cover the costs of constructing, extending or improving sewage disposal system. The basis of any special assessment would be determined at a later date after investigating development potential and the number of possible dwelling units. A special assessment would share the costs of the sewer system with current benefited property (homeowners) and undeveloped land for future development.

    c. That the Managers work with the Attorneys to create criteria that would enable homeowners, that have lived in the Historic Rogers Road Neighborhood since 1972, to connect from the sewer system free of charge and recommend a sliding scale fee structure for homeowners that move to the Neighborhood between 1972 and 2012.

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 20, 2012

Action Agenda Item No. 11-a

SUBJECT: Human Relations Commission – Appointment

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Resolution
Application(s)/Resume(s) of Person(s) for Consideration
Applicant Interest Listing
Applications of Persons on Interest Listing

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making an appointment to the Human Relations Commission.

BACKGROUND: The following appointment is for Board consideration.

- Appointment to a partial term for Mr. Matthew Prentice. If appointed Mr. Prentice will be serving a first partial term expiring 06/30/2014 as a representative of Carrboro.

Position Number	Special Representation	Expiration Date
18 Mr. Matthew Prentice	Town of Carrboro	06/30/2014

FINANCIAL IMPACT: None.

RECOMMENDATION(S): Consider making an appointment to the Human Relations Commission.

Board and Commission Members

And Vacant Positions

Human Relations Commission

Meeting Times: 6:30 p.m. second Monday of each month | Terms: 2 | Contact Person: Tara Fikes

Meeting Place: Community Room of the Animal Services Facility | Positions: 18 | Length: 3 years | Contact Phone: 919-245-2492

Description: The Board of Commissioners appoints all eighteen members. The Towns of Chapel Hill, Carrboro and Hillsborough each nominate at least one member. This commission seeks to prevent and/or eliminate bias and discrimination by means of education, persuasion, conciliation and enforcement. It also advises the Board of County Commissioners on these matters, receives discrimination complaints, and conducts the corresponding investigation of such complaints. To learn more, visit this web address: www.co.orange.nc.us/hrr/hrc.asp

1	Dr. Christine Kelly-Kleese Vice-Chair 9512 Greenfield Road Chapel Hill NC 27516	Day Phone: 536-7231 Evening Phone: 929-5900 FAX: 686-3396 E-mail: kleesec@durhamtech.edu	Sex: Female Race: Caucasian Township: Bingham Resid/Spec Req: At-Large Special Repr:	First Appointed: 01/20/2011 Current Appointment: 06/19/2012 Expiration: 06/30/2015 Number of Terms: 1		
2	Ms. Tiki Windley 119 Cynthia Drive Chapel Hill NC 27514	Day Phone: 919-969-8583 Evening Phone: 919-942-4392 FAX: E-mail: tiki_windley@yahoo.com	Sex: Female Race: African American Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 11/08/2012 Current Appointment: 11/08/2012 Expiration: 09/30/2015 Number of Terms: 1		
3	Dr. Robert Ireland 721 Mary E. Cook Rd. Hillsborough NC 27278	Day Phone: 732-7538 Evening Phone: 732-7538 FAX: E-mail: ireland.bob@gmail.com	Sex: Male Race: Caucasian Township: Eno Resid/Spec Req: At-Large Special Repr:	First Appointed: 11/08/2012 Current Appointment: 11/08/2012 Expiration: 09/30/2015 Number of Terms: 1		
4	Mr. Colin Austin Chair 124 Stateside Drive Chapel Hill NC 27514	Day Phone: 968-4531 Evening Phone: 370-3284 FAX: E-mail: colinaus@gmail.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: Chapel Hill Special Repr: Town of Chapel Hill	First Appointed: 09/19/2007 Current Appointment: 08/23/2011 Expiration: 06/30/2014 Number of Terms: 2		
5	Mr. James O. Anderson 1209 Phils Ridge Road Chapel Hill NC 27516	Day Phone: 919-360-2357 Evening Phone: 919-967-3058 FAX: 919-967-5626 E-mail: janderson027@nc.rr.com	Sex: Male Race: African American Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 05/19/2009 Current Appointment: 08/23/2011 Expiration: 06/30/2014 Number of Terms: 2		

Board and Commission Members

And Vacant Positions

Human Relations Commission

Meeting Times: 6:30 p.m. second Monday of each month | Terms: 2 | Contact Person: Tara Fikes

Meeting Place: Community Room of the Animal Services Facility | Positions: 18 | Length: 3 years | Contact Phone: 919-245-2492

Description: The Board of Commissioners appoints all eighteen members. The Towns of Chapel Hill, Carrboro and Hillsborough each nominate at least one member. This commission seeks to prevent and/or eliminate bias and discrimination by means of education, persuasion, conciliation and enforcement. It also advises the Board of County Commissioners on these matters, receives discrimination complaints, and conducts the corresponding investigation of such complaints. To learn more, visit this web address: www.co.orange.nc.us/hrr/hrc.asp

6 **Ms. Shannon Jackson**
530 Hoover Road
Mebane NC 27302

Day Phone: 9192253966
Evening Phone: 9192253966
FAX:
E-mail: shannonejackson@netzero.com

Sex: Female
Race: Caucasian
Township: Cheeks
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. Joyce Christine Preslar**
9417 Bethel-Hickory Grove Ch Rd
Chapel Hill NC 27516

Day Phone: 919-967-0367
Evening Phone: 919-357-6198
FAX: 919-967-0367
E-mail: jpreslar@email.unc.edu

Sex: Female
Race: Caucasian
Township: Bingham
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 08/23/2011
Current Appointment: 08/23/2011
Expiration: 06/30/2013
Number of Terms: 1

8 **Mr. Matthew Hughes**
1845 Washington Drive, PO Box 1406
Hillsborough NC 27278

Day Phone: 919-928-4480
Evening Phone:
FAX:
E-mail: matt.hughes90@yahoo.com

Sex: Male
Race: Caucasian
Township: Eno
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 01/20/2011
Current Appointment: 08/23/2011
Expiration: 06/30/2014
Number of Terms: 1

9 **Dr. Preston Scott Phillips**
116 Hampton Court
Chapel Hill NC 27514

Day Phone: 919-370-0742
Evening Phone:
FAX:
E-mail: prestonscottphillips@yahoo.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: Chapel Hill
Special Repr: Town of Chapel Hill

First Appointed: 08/21/2012
Current Appointment: 08/21/2012
Expiration: 06/30/2013
Number of Terms: 1

10 **VACANT**

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: Carrboro
Special Repr: Town of Carrboro

First Appointed:
Current Appointment:
Expiration: 06/30/2013
Number of Terms:

Board and Commission Members

And Vacant Positions

Human Relations Commission

Meeting Times: 6:30 p.m. second Monday of each month | Terms: 2 | Contact Person: Tara Fikes

Meeting Place: Community Room of the Animal Services Facility | Positions: 18 | Length: 3 years | Contact Phone: 919-245-2492

Description: The Board of Commissioners appoints all eighteen members. The Towns of Chapel Hill, Carrboro and Hillsborough each nominate at least one member. This commission seeks to prevent and/or eliminate bias and discrimination by means of education, persuasion, conciliation and enforcement. It also advises the Board of County Commissioners on these matters, receives discrimination complaints, and conducts the corresponding investigation of such complaints. To learn more, visit this web address: www.co.orange.nc.us/hrr/hrc.asp

11 **Dr. Li-Chen Chin**
2212 Becketts Ridge Drive
Hillsborough NC 27278

Day Phone: 919-684-5480
Evening Phone:
FAX:
E-mail: hsiaofufu@hotmail.com

Sex: Female
Race: Asian American
Township: Hillsborough
Resid/Spec Req: Hillsborough
Special Repr: Town of Hillsborough

First Appointed: 11/08/2012
Current Appointment: 11/08/2012
Expiration: 06/30/2015
Number of Terms: 1

12 **Dr. Cynthia Stubbs**
213 Enstone Court
Hillsborough NC 27278

Day Phone: 9197324032
Evening Phone: 9197324032
FAX: 9197324032
E-mail: pmfcjs@aol.com

Sex: Female
Race: Caucasian
Township: Eno
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 08/23/2011
Current Appointment: 08/23/2011
Expiration: 06/30/2013
Number of Terms:

13 **Mr. Gerald Ponder**
2 Winnawa Walk
Hillsborough NC 27278

Day Phone: 919.732.8576
Evening Phone: 919.732.8576
FAX:
E-mail: Gaponder@gmail.com

Sex: Male
Race: Caucasian
Township: Hillsborough
Resid/Spec Req: Hillsborough
Special Repr: Town of Hillsborough

First Appointed: 11/08/2012
Current Appointment: 11/08/2012
Expiration: 06/30/2014
Number of Terms: 1

14 **Mr. Joseph Polich**
733 Raleigh Road
Chapel Hill NC 27514

Day Phone: 919.593.9481
Evening Phone:
FAX:
E-mail: joepolich@gmail.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 08/23/2011
Current Appointment: 11/08/2012
Expiration: 09/30/2015
Number of Terms: 1

15 **Dr Lori Schweickert**
3904 Teer Rd
Chapel Hill NC 27516

Day Phone: 9196770101
Evening Phone: 9199673143
FAX: 9196770113
E-mail: lori@intrex.net

Sex: Female
Race: Caucasian
Township: Bingham
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 05/19/2009
Current Appointment: 11/04/2010
Expiration: 06/30/2013
Number of Terms: 1

Board and Commission Members

And Vacant Positions

Human Relations Commission

Meeting Times: 6:30 p.m. second Monday of each month | Terms: 2 | Contact Person: Tara Fikes

Meeting Place: Community Room of the Animal Services Facility | Positions: 18 | Length: 3 years | Contact Phone: 919-245-2492

Description: The Board of Commissioners appoints all eighteen members. The Towns of Chapel Hill, Carrboro and Hillsborough each nominate at least one member. This commission seeks to prevent and/or eliminate bias and discrimination by means of education, persuasion, conciliation and enforcement. It also advises the Board of County Commissioners on these matters, receives discrimination complaints, and conducts the corresponding investigation of such complaints. To learn more, visit this web address: www.co.orange.nc.us/hrr/hrc.asp

16 **Rev. Rollin Russell**

202 Saponi Drive
Hillsborough NC 27278

Day Phone: 919-644-0869
Evening Phone: same
FAX:
E-mail: rollinrussell@nc.rr.com

Sex: Male
Race: Caucasian
Township: Hillsborough
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 08/23/2011
Current Appointment: 06/19/2012
Expiration: 06/30/2015
Number of Terms: 1

17 **VACANT**

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: At-Large
Special Repr:

First Appointed:
Current Appointment:
Expiration: 06/30/2014
Number of Terms:

18 **VACANT**

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: Carrboro
Special Repr: Town of Carrboro

First Appointed:
Current Appointment:
Expiration: 06/30/2014
Number of Terms:

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Jamie Paulen
Name Called:	
Home Address:	5500 Spring House Lane Chapel Hill NC 27516
Phone (Day):	216-965-5095
Phone (Evening):	
Phone (Cell):	
Email:	jamiepaulen@gmail.com
Place of Employment:	Smith Moore Leatherwood LLP
Job Title:	Attorney
Year of OC Residence:	2010
Township of Residence:	Chapel Hill
Zone of Residence:	Orange County
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Economic Development Advisory Board

I am an attorney who represents businesses and have an interest in bringing more business to Orange County. I can bring that experience to the advisory board.

Human Relations Commission

I am an attorney specializing in employment law. I have volunteered with the Pennsylvania Human Relations Commission and am dedicated to prevention of discrimination. I would bring that background to the board. I have experience as an employment attorney that would be relevant. I also sit on the personnel committee for the Orange County Rape Crisis Center.

Orange County Planning Board

I am an attorney with experience representing municipal clients. I can bring that experience to the advisory board.

Orange County Parks and Recreation Council

I have a yound child who uses the parks in the county, so I am often a visitor. In addition, my background representing municipalities as an attorney could be beneficial.

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

None

Other Comments:

STAFF COMMENTS: Originally applied for Economic Development Advisory Board; Human Relations Commission, and Orange County Planning Board 09/17/2012;RE-APPLIED 10/15/2012 FOR HUMAN RELATIONS COMMISSION, PERSONNEL HEARING BOARD, AND ORANGE COUNTY PARKS AND RECREATION COUNCIL. . ADDRESS VERIFICATION: 5500 Spring House Lane is Chapel Hill Township, Orange County Jurisdiction, Rural Buffer.

This application was current on: 10/15/2012 **Date Printed:** 11/14/2012

Jeanette Jones

From: Catherine Wilson <CWilson@townofcarrboro.org>
Sent: Tuesday, November 13, 2012 9:47 PM
To: Jeanette Jones
Subject: Resolution

Jeanette,

The Board passed the following resolution tonight:

The following resolution was introduced by Alderman Gist and seconded by Alderman Coleman:

A RESOLUTION RECOMMENDING AN APPOINTMENT TO THE ORANGE COUNTY HUMAN SERVICES COMMISSION
Resolution No. 34/2012-13

WHEREAS, the Town of Carrboro has two seats on the Orange County Human Services Commission; and

WHEREAS, Matthew Prentice has submitted an application expressing interest in serving as a Carrboro representative on the Orange County Human Services Commission.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO HEREBY RESOLVES:

Section 1. The Board of Aldermen hereby recommends that the Orange County Board of Commissioners appoint Matthew Prentice as a Carrboro representative on the Orange County Human Services Commission.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 13th day of November 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Matthew Prentice
Name Called:
Home Address: 180 BPW Club Rd, L10
Carrboro NC 27510
Phone (Day): 919-548-4146
Phone (Evening):
Phone (Cell):
Email: infjspirit@hotmail.com

Place of Employment: N/A
Job Title: Social Worker
Year of OC Residence: 2008
Township of Residence: Chapel Hill
Zone of Residence: Does not apply
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:

Human Relations Commission

Animal Services Advisory Board

Board of Social Services

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: RESPITE COUNSELOR, Easter Seals UCP NC, April 2009-December 2011. Assisted individuals with daily activities, personal care, behavioral health needs and leisure activities. Established rapport with guests with intellectual disabilities and challenging behaviors. Monitored individuals for any mental health or behavioral symptoms and provided crisis prevention, intervention and de-escalation supports. Participated in development and implementation of persons cross system crisis prevention plan. Planed, structured and prompted social and leisure time activities, including activities that build skills for behavior management, stress management, communication, adaptive living and daily living. Maintained timely documentation, progress notes and other data including incident reports. Responded to safety needs including reporting significant changes in behavior and health. Performed housekeeping duties and meal preparation. Assisted with discharge planning. Participated in multi-disciplinary team meetings. Provided education regarding medications and diagnoses. SOCIAL WORK INTERN, Easter Seals UCP NC, June 2008-April 2009. Evaluated the quality of mental health service programs (ACT, MST, Intensive In-home, and IDDT)

provided by Easter Seals UCP NC for eastern and central North Carolina. SOCIAL WORK INTERN, Mountain Youth Academy, Mountain City, TN, January 2008-April 2008. Participated in assessments, therapeutic interventions and recreational program development for children ages 7-17. who exhibited behavioral and psychological challenges. Co-facilitated Life Skills education classes. Developed and managed a Student Council program.
Created and published weekly student-driven newspaper. OVERNIGHT ASSISTANT, Hospitality House, Boone, NC, September 2006-January 2008. Provided group and individual counseling services, as well as, referrals for homeless individuals and families. Monitored safety and well-being of guests. Developed and implemented daily programming as well as preparations for transitional living.

Volunteer Experience: Delegate to the Delegate Assembly of the National Association of Social Workers (NASW), 2009-2011; Social Capital Committee, Easter Seals UCP NC, Winter 2008; Committee member, NASW-NC Fall Conference Planning Committee, August 2008- May 2009. Committee member, NASW-NC Legislative Committee, August 2008- May 2009. Committee member, NASW-NC Membership Committee, August 2008- May 2009. Committee member, NASW-NC Recognition and Awards Committee, August 2008- May 2009. Committee member, NASW-NC Toby Brown Committee, August 2008- May 2009. Graduate Student Representative, NASW-NC Board of Directors, July 2008-May 2009. Director of Student Council at Mountain Youth Academy, Spring 2008. Counseling developmentally disabled and cognitively impaired children ages 7-17, Spring 2008. Co-chair of Housing and Homeless Council sponsored by NASW-NC, Spring 2008. National Association of Social Workers Fall Conference, November 2006, November 2007. Keystone Senior Leadership Seminar, Fall 2007. Member, North Carolina Housing Coalition, February 2007-February 2009. Advocacy for Housing in NC, Spring 2007. National Association of Social Workers Legislative Advocacy Day, March 2007. Food Delivery, Samaritan Christian Ministries, Spring 2007. National Association of Social Workers, Student Planning Committee, December 2006-Present. National Association of Social Workers, December 2006-Present. Student Association of Social Workers, Fall 2006-Present. NC-ACTS!, Fall 2006-Spring 2007, Spring 2008. Hurricane Katrina Relief Volunteer, Nazarene Church, 2005. Leukemia and Lymphoma Society of America, Volunteer and Team in Training member, 2005. Multiple Sclerosis Association, Volunteer, 2003-2004. NAACP, Member, 2003-2004. Sergeant of Arms, Kitrell Job Corps Center, 2003-2004. Residential Dorm Officer, Kitrell Job Corps Center, 2003-2004

Education: UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, Chapel Hill, NC May 2008-May 2009. Masters of Social Work degree (Advanced Standing). Management and Community Practice tract, Health and Mental Health with Children and Families concentration. APPALACHIAN STATE UNIVERSITY, Boone, NC May 2006-May 2008. Bachelor of Social Work, Minors in Psychology and Sociology. Social Work GPA: 3.87. Overall GPA: 3.41. TREVECCA NAZARENE UNIVERSITY, Nashville, TN August 2005-May 2006. Overall GPA: 3.75. VANCE-GRANVILLE COMMUNITY COLLEGE, Henderson, NC May 2004-May 2005
Overall GPA: 3.78. KITTRELL JOB CORPS CENTER, Kittrell, NC January 2004-May 2004. Culinary Arts Certification from US Department of Education.

Other Comments:

HONORS AND AWARDS- SOCIAL JUSTICE ANNUAL SCHOLARSHIP Spring 2008. CHANCELLORS LIST Fall 2007; DEANS LIST Spring 2007; Fall 2007SISTER BARBARA SULLIVAN AWARD- May 2007, North Carolina Housing Coalition for advocacy work related to the NC Housing Trust Fund NATIONAL DEANS LISTMay 2004-Present. PHI THETA KAPPA 2005-Present . TRAININGS ; Client/Patient Rights training, October 2011, Therapeutic Boundaries training, October 2011Cultural Diversity, October 2011, Confidentiality and HIPPA training, October 2011Blood-borne Pathogens training, November 2010, 2011NC CAP Competencies (2008) training, October 2009 Self Care Skills training, July 2009 NC Interventions certification (Prevention, Core and Core +), June 2009, 2010, 2011Sexual Harassment safety course, May 2009 Driving Safety training, May 2009 Workplace Blood-borne Pathogens, OSHA, May 2009, 2010, 2011 Medication Administration training, May 2009, 2010, 2011 Genetic Syndromes in Developmental Disabilities certification, April 2009 Positive Behavioral Support and functional Assessment certification, April 2009 Understanding Autism Spectrum Disorder: Support Strategies certification, April 2009 CPR and First Aid certification, American Red Cross, April 2009, 2011Community organizing for a Change: Applying Community Practice Models, Strategies and Skills to Agency Competency, continuing education, January 2009. Assessment Workshop on Personal Outcome Measures, The Council on Quality and Leadership, Fall 2008 Person Centered Planning and Assessment For Qualified Professionals, NC Training Help, PLLC, Fall 2008 Collaborative Institutional Training Initiative Ethics training, completed June 2008 Crisis Prevention Institute, Nonviolent Crisis Intervention Training, completed January 2008 SKILLS Proficiency in Microsoft Office Basic proficiency in Spanish. STAFF COMMENTS: Originally applied for Human Relations Commission, Animal Services Advisory Board and Board of Social Services 1/4/2012. ADDRESS VERIFICATION: BPW Club Rd., L!0 is Carrboro Jurisdiction, Carrboro City Tax, Chapel Hill Township.

Applicant Interest Listing

by Board Name and by Applicant Name

Human Relations Commission

Contact Person: Tara Fikes
Contact Phone: 919-245-2492

Dr. Patrick Akos
5 Deerwood Ct
Chapel Hill NC 27517

Day Phone: 919-259-6251
Evening Phone:
Cell Phone:
E-mail: akos49@gmail.com
Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 03/09/2012

Skills: Professor
Also Serves On:

Ms Tiffany Boley
321 Stephanie Lane
Efland NC 27243

Day Phone: 3362121803
Evening Phone:
Cell Phone:
E-mail: boleyt4870@connect.durhamtech.edu
Sex: Female
Race: Caucasian
Township: Hillsborough
Date Applied: 03/10/2012

Skills: Advising Asst, DTCC
Also Serves On:

Ms. T. L. Crews
4921 Guess Rd
Rougmeont NC 27572

Day Phone: 919 732-6974
Evening Phone: 919 732-6974
Cell Phone:
E-mail: crewsez@aol.com
Sex: Female
Race: African American
Township: Little River
Date Applied: 08/21/2011

Skills: School Principal
Skills: Tutor
Also Serves On: Adult Care Home Community Advisory Committee

Rev Susie Enoch
4002 McGowan Creek Road
Efland NC 27243

Day Phone: 336-260-7694
Evening Phone: 336-260-7694
Cell Phone:
E-mail: enochts@aol.com
Sex: Female
Race: African American
Township: Cheeks
Date Applied: 05/15/2012

Skills: Human Resources Director
Skills: Human Resources Manager
Skills: Pastoral Services
Also Serves On: Orange Unified Transportation Board

Mr Joseph A. Marro
101 Kelly Court
Chapel Hill NC 27516

Day Phone: 919-240-7880
Evening Phone: same
Cell Phone:
E-mail: jamarro@nc.rr.com
Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 08/14/2011

Skills: Parole Officer
Also Serves On: Arts Commission

Applicant Interest Listing

by Board Name and by Applicant Name

Human Relations Commission

Contact Person: Tara Fikes
Contact Phone: 919-245-2492

Ms. Jamie Paulen
5500 Spring House Lane
Chapel Hill NC 27516

Day Phone: 216-965-5095
Evening Phone:
Cell Phone:
E-mail: jamiepaulen@gmail.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 10/15/2012

Skills:
Also Serves On:

Skills: Attorney
Also Serves On:

Mr. Matthew Prentice
180 BPW Club Rd, L10
Carrboro NC 27510

Day Phone: 919-548-4146
Evening Phone:
Cell Phone:
E-mail: infjspirit@hotmail.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 01/04/2012

Skills: Social Work
Also Serves On:

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Dr. Patrick Akos
Name Called:	
Home Address:	5 Deerwood Ct Chapel Hill NC 27517
Phone (Day):	919-259-6251
Phone (Evening):	
Phone (Cell):	
Email:	akos49@gmail.com
Place of Employment:	UNC-CH
Job Title:	Professor
Year of OC Residence:	2008
Township of Residence:	Chapel Hill
Zone of Residence:	Does not apply
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Orange County Emergency Services Work Group (CURRENTLY NOT A

Chapel Hill Parks and Recreation Commission

Human Relations Commission

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: teach group work at the university; engaged in social services as it relates to youth and families; interest in first responders, and maximizing services for Orange Co. UNC School of Education, School counseling Program Coordinator, Faculty 2001 - current.

Volunteer Experience: Mostly in schools, some youth oriented agencies

Education: Ph.D. in Counselor education; masters in higher ed, undergrad degree in human and org development and teacher ed; B.S. Vanderbilt, M.A. Morehead State University; Ph.D. University of Virginia.

Other Comments:

thank you for consideration. please let me know if I can provide more information. Excited to serve. STAFF COMMENTS: Updated application 03/09/2012 for OC Emergency Services Work Group; Chapel Hill Parks & Recreation Commission and Human Relations Commission. Originally applied for Orange County Emergency

Services Work Group 1/4/2012. ADDRESS VERIFICATION: Deerwood Court is CH Jurisdiction, CH City Tax, CH Township.

This application was current on: 3/9/2012 **Date Printed:** 11/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms Tiffany Boley
Name Called:
Home Address: 321 Stephanie Lane
Efland NC 27243
Phone (Day): 3362121803
Phone (Evening):
Phone (Cell):
Email: boleyt4870@connect.durhamtech.edu
Place of Employment:
Job Title:
Year of OC Residence:
Township of Residence: Hillsborough
Zone of Residence: -
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Human Relations Commission

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: I have worked for Durham Technical Community College. I was the Advising Assistant. I worked with students to plan out their classes and engaged them in civility chats.

Volunteer Experience: I am currently the Durham Tech Student Senate President where I have helped them coordinate civility chats, MLK events, and green projects. I also serve as the Spectrum President which is the club on campus that represents the Lesbian,Gay,Bi,Transgender,Queer and Allied community on campus. I have been able to put together a conference called Color NC With Pride which is the only of it's kind in a community college setting that brings students both college and highschool, and administration from all over North Carolina together to talk about issues that LGBTQ students face. I was also nominated for the Governor Robert W. Scott award for my outstanding leadership on campus as well as the Eddie Myers Advocate award for my work with MLK events and the LGBTQ community on campus. I have also been working on a resolution to get passed by the Durham Tech Student Senate as well as the North Carolina Comprehensive Community College Student Government Association (N4CSGA)regarding Amendment One.

Education: I will graduate from Durham Technical Community College with a Associates Degree in May of 2012.

Other Comments:

I feel like from the experience that I have gained as a college student over the past two years and the diverse communitys I have been able to serve I would be a great choice to be a part of the Human Relations Commission. I would like to further serve many diverse communitys after college and this would give me the chance to do so. I also would like to serve the community in which I live in and give back to it all the many lessons and memorys that it has given me. STAFF COMMENTS: Originally Applied (03/10/12) for Human Relations Commission. ADDRESS VERIFICATION: Stephanie Lane is Orange County Jurisdiction, Efland Fire Tax, and Cheeks Township.

This application was current on: 3/10/2012 1:20:04 AM **Date Printed:** 11/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. T. L. Crews
Name Called:	
Home Address:	4921 Guess Rd Rougmeont NC 27572
Phone (Day):	919 732-6974
Phone (Evening):	919 732-6974
Phone (Cell):	
Email:	crewsez@aol.com
Place of Employment:	Retired Public School Adminstrator
Job Title:	Senior Director Programs for Exceptional Children
Year of OC Residence:	1996
Township of Residence:	Little River
Zone of Residence:	-
Sex:	Female
Ethnic Background:	African American

Boards/Commissions applied for:

Human Relations Commission

Nursing Home Community Advisory Committee

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Currently serving as Executive Director for the Little River Community Complex
Durham Public Schools worked in adminstrative leadership in the Exceptional Children's Program. Retired in 2005 as Director of the system's Exceptional Children's Program; at the request of the superintendent I returned to provide training and assistance to the new Director when appointed.

Volunteer Experience: Worked with children in placement through Durham Social Services and court system. I reviewed files and collected relevant data for attorneys to use in court custody and placement hearings

Tutored young adults and children

Volunteered in a university sponsored child development center

Currently Executive Director of Little River Community Complex

Education: M.ED in Special Education
BA in history with minor in education
Hold Principal Certification
State Licensed in areas of LD/BED/DD

Other Comments:

I have spent most of my life working to better provide assistance to infants, children, young adults, those at risk, and senior citizens. As a result of spending days and nights in several nursing homes sitting with elderly parents and relatives, I've gained a deeper understanding and compassion for elderly residents and workers in nursing facilities. STAFF COMMENTS: 08/23/2011 Applied to serve on Human Relations Commission, Adult Care Home Community Advisory Committee, and Nursing Home Community Advisory Committee. ADDRESS VERIFICATION: 4921 Guess Road is in Little River Township, Orange County Jurisdiction.

This application was current on: 8/21/2011 11:48:53 AM **Date Printed:** 11/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mrs Susie Enoch
Name Called:
Home Address: 4002 McGowan Creek Road
Efland NC 27243
Phone (Day): 336-260-7694
Phone (Evening): 336-260-7694
Phone (Cell):
Email: enochts@aol.com
Place of Employment: unemployed at this time
Job Title:
Year of OC Residence:
Township of Residence: Cheeks
Zone of Residence: Does not apply
Sex: Female
Ethnic Background: Other

Boards/Commissions applied for:

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: WrightCare Alternatives Services, Hillsborough, NC [Mar 2008 â€“ May 2011]
Human Resource Director
Served in a pivotal role as a member of the senior leadership team, while providing organizational leadership for the alignment of WCASâ€™s workforce with the mission and vision. Worked closely with the Program Director and key clinical team to develop and implement HR strategies, functions and systems to facilitate the achievement of WCASâ€™s strategic directions and initiatives. Served as the staff advisor and liaison within various Committees of WCAS Board of Directors, as needed.
âˆ’Promoted and facilitated the mission and vision of the organization. Maintained the staff needed for client care.
âˆ’Created, directed, and implemented development strategies to solidify and expand the organization's employee and employer relationship.
âˆ’Developed a sound HR dept which allowed for effective delivery of excellent services while achieving the financial goals set for the organization.
âˆ’Oversaw all operations including hiring and supervising of staff, training, and developing and implementing organizational policies and procedures.

Qualified Professional
âˆ’Served as Qualified Professional responsible for providing an array of case coordination and mental health services for MH/DD/SA clients.

âˆ’Determined the extent of each individualâ€™s mental health or crisis situations as well as the appropriate measures to be taken in each case.
âˆ’Upheld agency goals to meet the educational, vocational, residential, mental health treatment, financial, social and other non-treatment needs of the recipient.
âˆ’Managed the arrangement, and linkage or integration of multiple services as needed as it related to programs and other outside agencies.
âˆ’Assessed and reassessed recipientâ€™s needs for case management services; informed the recipient about benefits, community resources, and services.

Duke University Medical Center (Pastoral Services), Durham, NC [May 2010 â€“ May 2011]
Chaplain Resident
âˆ’Provided interfaith pastoral/spiritual care to patients, families, and staff in crisis situations.
âˆ’Evaluated emotional, social, spiritual and religious factors to determine the capacity to cope with illness and death through completed spiritual assessments outlining problems, goals and interventions.
âˆ’Served as a liaison with community pastoral care services, clergy and faith communities.
âˆ’Successfully educated patients, families, and staff, as well as participated in ethics consults.
âˆ’Developed sacerdotal functions, religious rituals, and services upon personal request of patients or their family members according to their, beliefs, and religious orientations; personally or in conjunction with community spiritual leaders.

Durham Technical Community College, Durham, NC [2004 â€“ 2005]
Continuing Education Instructor
âˆ’Taught classes in basic money marketing skills, customer service, healthcare, and teaching careers for c.e.uâ€™s certification, and associate/bachelor level degrees.
âˆ’Lead Job Fairs and provided classroom instruction in job assistance training [in both group/individual] settings. Successfully educted clients in job preparation through counseling, mock interviews and resume critique.

Bank of America (formerly NationsBank), Burlington, NC & Greensboro, NC [1998 â€“ 2000]
Assistant Branch Manager/ Consumer Banker
âˆ’Played a key role in developing sales programs that helped meet company goals.
âˆ’Maintained direct oversight of branch cash flow; resolved escalated issues and reported to management.
âˆ’Conducted monthly and quarterly branch audits, including security system tests.
âˆ’Open and closed the branch daily; supervised a staff of 12.

Great American Knitting Mills (Gold Toe), Burlington, NC [1995 â€“ 1998]
Credit/Account Analyst
âˆ’Worked with a team of three analyst/collectors. Ensured that staff members complied with FDCPA guidelines.

âˆ’Conducted some training and team development sessions.
âˆ’Recovered $750,000 in charged off collateral.
âˆ’Implemented a new goal oriented business plan detailing objectives, costs and accomplishments.
âˆ’Reduced delinquencies 20%

Volunteer Experience: New Covenant UHC (Burlington, NC)- Clothes Giveway Program

Education: Duke Univeristy Medical Center-Pastoral Services, Durham, NC â€“C.P.E. Residency, 3 Units- May 2011
Duke Univeristy Medical Center-Pastoral Services, Durham, NC â€“C.P.E. Internship, 1 Units- May 08-Aug 08
Duke University Duke Divinity School, Durham, NC â€” Master of Divinity, GPA: 2.89 - May 2009
Shaw University, Raleigh, NC â€” BA Religion/Philosophy; Summa Cum Laude, GPA:3.89 - Dec-2004

Other Comments:
Grant Writer

This application was current on: 8/29/2012 **Date Printed:** 11/14/2012

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr Joseph A. Marro
Name Called:	
Home Address:	101 Kelly Court Chapel Hill NC 27516
Phone (Day):	919-240-7880
Phone (Evening):	same
Phone (Cell):	
Email:	jamarro@nc.rr.com
Place of Employment:	retired
Job Title:	federal probation officer
Year of OC Residence:	2010
Township of Residence:	Chapel Hill
Zone of Residence:	-
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Jury Commission

Board of Social Services

Human Relations Commission

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Work has always been with people. (1) 3 years as a state parole officer, then 23 years as a federal parole officer. I frequently did investigations and reported back to the judicial branches, the military and US Bureau of Prisons. (2) When retired from government, became Director of purchasing at Christian Schmidt Brewery in Philadelphia until it was sold, 12 years.

Volunteer Experience: 3 years hospital volunteer in Pennsylvania hospital; Front desk person, Hillsborough Senior Center, UNC Cancer Hospital, Infusion Clinic, Orange County Arts Commission.

Education: BA double major in sociology and psychology with some graduate work in group dynamics; BA temple University, Psychology Major, Sociology Minor.

Other Comments:

I have had an interest in the arts all my life and have experienced first hand the impact that art can have on a person. As a newcomer to Orange County, I am interested in

being of value to the community in whatever capacity I can. As for art, I'm told I have an innate ability to draw details and enjoy working with pen and ink and stained glass. STAFF COMMENTS: 11/8/2010 applied for Arts Commission. ADDRESS VERIFICATION: 101 Kelly Court is in Chapel Hill Township and Carrboro Jurisdiction.STAFF COMMENTS: 08/14/2011, (Just interested in serving my community) UPDATED APPLICATION TO INCLUDE Jury Commission, Board of Social Services and Human Relations Commission.

This application was current on: 8/14/2011 **Date Printed:** 11/14/2012

DRAFT **INFORMATION ITEM** Date Prepared: 11/13/12
Date Revised: 11/15/12

BOCC Meeting Follow-up Actions

(Individuals with a * by their name are the lead facilitators for the group of individuals responsible for an item)

Meeting Date	Task	Target Date	Person(s) Responsible	Status
11/8/12	Review and consider request by Commissioner Jacobs that the Board receive a report from the Board of Elections on the November 2012 election, including information on turnout, any issues related to congressional races, etc.	12/3/2012	Chair/Vice Chair/Manager	**DONE** Letter Provided as Information Item; Elections Director currently preparing report to provide to the Board
11/8/12	Review and consider suggestion by Commissioner Jacobs that the County pursue ways to better recognize veterans as part of filling the current Veterans Services Officer vacancy or as part of annual activities	12/3/2012	Chair/Vice Chair/Manager	**DONE** Letter Provided as Information Item
11/8/12	Conform the schedule for Site Plan Review for Projects Requiring Stormwater Review based on changes suggested by Commissioner Gordon and approved by the Board	11/20/2012	Michael Harvey	To be conformed
11/8/12	Conform the Burlington Graham MPO MOU based on changes suggested by Commissioner Gordon and approved by the Board	11/20/2012	Craig Benedict Abigale Pittman	**DONE**
11/8/12	Conform the OUTBoard specific advisory board policy based on changes suggested by Commissioner Gordon and approved by the Board	12/6/2012	John Roberts	**DONE**
11/8/12	Include sustainable features in planning for NHSC renovation and new construction	1/24/2013	Jeff Thompson	To be included
11/8/12	Conform the Strategic Information Technology Plan based on revisions approved by the Board	11/25/2012	Jim Northup Clarence Grier	To be conformed
11/8/12	Move forward with efforts relative to IT governance as addressed in the Strategic Information Technology Plan and approved by the Board	1/1/2013	Jim Northup Clarence Grier	Efforts to move forward

DRAFT **INFORMATION ITEM** Date Prepared: 11/13/12
Date Revised: 11/15/12

Meeting Date	Task	Target Date	Person(s) Responsible	Status
11/8/12	Assist Dr. Tufts with developing and sharing information on options for sharing Board meetings with the public	1/1/2013	Jim Northup Clarence Grier	Staff to assist Dr. Tufts
11/8/12	Draft a letter for the Chair inviting OWASA to enter into a conversation on water and sewer provision for the Rogers Road area and inviting the OWASA Chair/staff/attorney to the December 6, 2012 Assembly of Governments meeting (carbon-copy the towns)	11/16/2012	Donna Baker	**DONE**
11/8/12	Conform the Orange County Code of Ordinances regarding Personnel based on suggested changes approved by the Board	12/1/2012	John Roberts	**DONE**

Effective Date of Report: November 1, 2012

Tax Year 2012	Amount Charged in FY 12 - 13	Amount Collected	Accounts Receivable*	Amount Budgeted in FY 12 - 13	Remaining Budget	% of Budget Collected
Current Year Taxes	$ 135,068,463.00	$ 28,318,288.58	$ 105,214,779.11	$ 135,068,463.00	$ 106,750,174.42	20.97%
Prior Year Taxes	$ 4,026,736.27	$ 938,161.53	$ 2,819,359.19	$ 994,130.00	$ 55,968.47	94.37%
Total	$ 139,095,199.27	$ 29,256,450.11	$ 108,034,138.30	$ 136,062,593.00	$ 106,806,142.89	**21.50%**

Tax Year 2011	Amount Charged in FY 11 - 12	Amount Collected	Accounts Receivable	Amount Budgeted in FY 12 - 13	Remaining Budget	% of Budget Collected
Current Year Taxes	$ 131,785,329.00	$ 25,547,056.88	$ 103,510,034.19	$ 131,785,329.00	$ 106,238,272.12	19.39%
Prior Year Taxes	$ 3,553,341.59	$ 706,733.73	$ 2,786,491.73	$ 843,846.00	$ 137,112.27	83.75%
Total	$ 135,338,670.59	$ 26,253,790.61	$ 106,296,525.92	$ 132,629,175.00	$ 106,375,384.39	**19.79%**

Current Year Overall Collection Percentage Tax Year 2012	21.43%
Current Year Overall Collection Percentage Tax Year 2011	19.93%

*Accounts Receivable will increase throughout the fiscal year due to discoveries, audits and remaining billings for registered motor vehicles

Effective Date of Report: October 31, 2012			
	September	October	YTD
Wage garnishments	51	16	198
Bank attachments	6	6	56
Certifications	3	2	5
Rent attachments	-		2
DMV blocks	6,475	1,366	15,777
Levies	40	4	44
Foreclosures initiated	3	1	13
NC Debt Setoff collections	$ -	$ 68.02	$ 634.38

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

The Tax Collector will update these figures once each month, after each month's reconciliation process

Information Item

Memorandum

To: Frank Clifton, County Manager

From: Gayle Wilson, Solid Waste Director

Subject: Convenience Center Salvage Shed Use Policy

Date: November 8, 2012

Convenience Center (SWCC) Salvage Sheds have historically been a very popular, and at least at our two larger centers (Eubanks Road and Walnut Church Grove Road), have been heavily used. Due to its size limitations, the Bradshaw Quarry Road SWCC has never been able to support a salvage shed.

Over past years the sheds have diverted tons of furniture, books, tools and various household items from the local landfill and in many cases have provided useful items to local residents. Staff believes these sheds can continue to provide a valuable service within the framework of county SWCC operations. However, based on recommendations of our convenience center operators we are proposing to modify our current rules involving salvage sheds use policy as follows:

Salvage Sheds

Salvage sheds are for Orange County residents only, and to provide them with an opportunity to re-use items in good condition.
Citizens are limited to 10 minutes once per day.

Users must wait for items to be placed into the Salvage Shed and not go to another user's vehicle and attempt to take items prior to placement in the Shed.
Only items in good condition may be placed within the Shed, with the following exceptions:
No mattresses or sleeper couches with mattress still in place allowed.
No clothing. Residents are encouraged to take used but usable clothing to local Thrift Shops.
No broken glass, mirrors, or lumber.
No hazardous household waste.
Center Operator has the authority to deem what is considered an acceptable item for the Shed.

Deleted: *5*

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Deleted: *One visit prior to 12 noon and one visit after 12 noon.*

Deleted: *Only one 15 minute visit is permitted on Saturday and one 15 minute visit on Sunday.*

Solid Waste staff is proposing modifications to this policy for two reasons:

- Salvage sheds are continually besieged by a small group of people who visit all sheds on an almost daily basis and frequently several times per day. They travel to each of the four salvage sheds and often stay longer than 15 minutes, having to be asked to move on by the center attendants. They "hang out" near the sheds approaching (sometimes aggressively) customers who come to drop off items, impeding traffic flow and parking space and occasionally confront customers who are often taken aback by their aggression. They also occasionally challenge or

resist center operator requests/instructions. Also these scavengers compete with each other and staff has observed scavengers becoming aggressive to each other. Other counties (Chatham) have had to disband their salvage shed operations due to aggressive salvage efforts of some of their visitors. Staff is recommending this additional modest limitation on these professional scavengers not only because they are blocking traffic and immediately taking any/all items in reasonably good condition, but as a stage one workplace violence prevention strategy.

- As the SWCC's are modernized and salvage shed services are expected to expand to include used dimensional lumber. We wish to modify the policy (and customer behavior) to prepare for this upcoming new aspect of our operations and the increased traffic this will create.

We are implementing these policy revisions to make the salvage sheds less of a vehicle for aggression and competition, safer and more functional/user friendly for our customers, effective January 1, 2013.

Other policy modifications will be necessary as the convenience center modernization process continues and new materials are added. Staff will propose additional revisions to Convenience Center Policies and Procedures once the Walnut Grove SWCC expansion is completed and we gain practical experience with new reusable materials that become available along with various changes to the receptacles and general site operations.

Information Item

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.co.orange.nc.us

131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278

MEMORANDUM

TO: Frank W. Clifton, Jr., Orange County Manager
Board of County Commissioners

FROM: Craig N. Benedict, AICP, Planning & Inspections Director

DATE: November 20, 2012

SUBJECT: Eno Economic Development District Engineering Progress Update

ATTACHMENT: Exhibit A – Draft Eno EDD Water & Sewer System Project
City of Durham – Scope of Work

This memo serves as an update of the utility engineering work in progress with the City of Durham in the Eno EDD area. The interlocal utility service agreement was adopted in January of this year. Monies funded from the ¼ cent sales tax became available as noted in the CIP and 2012-13 budget as of July 1, 2012.

A Request for Qualifications (RFQ) was distributed over the summer seeking qualified engineers. Top prospective firms were chosen and presentations were made in early fall.

The scope of work has been refined with the lead firm to include two phases; first, a master planning element to determine, area, capacity needs, detailed hydraulic analysis and best connections back to Durham infrastructure, and second, engineering design and permitting with other engineering services as necessary. Orange County Planning and Engineering Staff has been constantly involved in this process as outlined in the agreement. Durham City is the lead and will be bringing contracts forward to their council in December. After confirmation, we will further inform the Board of specifics including timeline and cost.

If you have questions in the interim, please call my office.

Thank you.

EXHIBIT A

DRAFT
Eno EDD Water and Sewer System Project
City of Durham, North Carolina
(Project No. _____)

Scope of Work

Introduction

The City of Durham is collaborating with Orange County to provide water and sewer service to the Eno Economic Development District (EDD) to support economic viability and sustainable growth in the area. Figure 1 shows the Eno EDD boundary included in this Scope of Work. The first phase will include development of a Master Plan. The second phase will include development of a more detailed hydraulic model of the downstream basins in Durham's system to assess the capacity improvements required in Durham's system considering other future flows and I/I as well. Design, permitting, construction, and closeout services will follow.

The overall project includes the following Phases:

1. Master Planning
    a. Kickoff Meeting and Data Collection
    b. Flow Projections
    c. Proposed Water and Wastewater Infrastructure within Eno EDD
    d. Force Main Discharge Alternatives
    e. Permit Agency Coordination
    f. Cost Estimates
    g. Master Plan Report
2. Detailed Hydraulic Analysis
    a. Data Collection
    b. Hydrologic Model Development
    c. Flow Projections
    d. Hydraulic Model Development
    e. Model Calibration
    f. Capacity Analysis
    g. Improvement Alternatives Analysis
    h. Draft and Final Reports
3. Design
4. Permitting
5. Construction Services/Inspection
6. Start-up, Testing, Record Drawings and Closeout

This initial Scope authorization includes Phases 1 and 2. At their conclusion, the City intends to amend this Agreement to authorize the Consultant to perform Phases 3, 4, 5, and 6.

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

October 30, 2012

Dear Commissioners,

At the Board's October 16, 2012 regular meeting, Commissioner Gordon brought forth a petition and it was reviewed by the Chair/Vice Chair/Manager at agenda review:

1) To ask the Chair to write a thank you letter to UNC Chancellor Thorpe, on behalf of the Board of Commissioners, commending and thanking UNC for allocating 107 acres to the N.C. Botanical Garden's Mason Farm Biological Reserve.

After review of this petition, the Chair/Vice Chair/Manager provided the following direction:

1) The BOCC Chair would write a letter to Chancellor Thorpe on behalf of the Board of Commissioners, commending and thanking UNC for allocating 107 acres to the N.C. Botanical Garden's Mason Farm Biological Reserve.

This letter will be provided as an Information Item on the November 20, 2012 agenda for public information.

Regards,

Bernadette Pelissier

Bernadette Pelissier, Chair
Board of County Commissioners

CC: Frank Clifton, County Manager

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

October 31, 2012

Chancellor Holden Thorpe
Office of the Chancellor
103 South Building
Campus Box 9100
Chapel Hill, NC 27599-9100

Dear Chancellor Thorpe,

On behalf of the Orange County Board of Commissioners, I want to express our gratitude for UNC for allocating 107.6 acres of environmentally sensitive land to be administered and managed by the North Carolina Botanical Garden as part of the Mason Farm Road Biological Reserve. We understand that this land is part of the Parker property that was conveyed to the University of North Carolina at Chapel Hill by William and Athena Parker in 1976.

This property is very valuable to our community and it will now be preserved in its undeveloped state but will still be able to be accessed and enjoyed by the students at UNC as well as interested residents of/visitors to, Orange County, for generations to come.

The Board of Commissioners recognizes the significance of this allocation of land to the Mason Farm Reserve and commends UNC for their foresight in this conservation effort and in preserving our environmental heritage.

Best Regards,

Bernadette Pelissier

Bernadette Pelissier, Chair
Orange County Board of Commissioners

CC: Board of Commissioners

Information Item

BERNADETTE PELISSIER, CHAIR
PAM HEMMINGER, VICE CHAIR
VALERIE P. FOUSHEE
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BARRY JACOBS
EARL MCKEE
STEVE YUHASZ

ORANGE COUNTY BOARD OF COMMISSIONERS
POST OFFICE BOX 8181
200 SOUTH CAMERON STREET
HILLSBOROUGH, NORTH CAROLINA 27278

October 30, 2012

Dear Commissioners,

At the Board's October 16, 2012 regular meeting, Commissioner Jacobs brought forth a petition and it was reviewed by the Chair/Vice Chair/Manager at agenda review:

1) To request that the Board take a more active role in making more formal recognitions at Board meetings and honoring local residents and their contributions and successes to the community.

After review of this petition, the Chair/Vice Chair/Manager provided the following direction:

1) Since it is too difficult to set out criteria for the various recognitions that may be brought forward, and since many individuals that have been brought forth in the past have already been recognized in their area of expertise, it is suggested that Board members use their Board comment time period to recognize, personally, individuals/businesses that they think have made a significant contribution to our community or to formally announce a recognition that may already have occurred.

This letter will be provided as an Information Item on the November 20, 2012 agenda for public information.

Regards,

Bernadette Pelissier

Bernadette Pelissier, Chair
Board of County Commissioners

CC: Frank Clifton, County Manager

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

November 13, 2012

Dear Commissioners,

At the Board's November 8, 2012 regular meeting, Commissioner Jacobs brought forth two petitions and they were reviewed by the Chair/Vice Chair/Manager at agenda review:

1) Requested a report/presentation from the Elections Director on the status of the election, and to ask that this report be provided after each election.

2) Asked what events were being planned by Orange County in honor of Veteran's Day and said he was aware that this position for Veteran's Affair director was currently vacant but that the county was advertising for this position.

After review of this petition, the Chair/Vice Chair/Manager provided the following:

1) The Elections Director will provide an information report to the Commissioners as part of the December 3rd agenda on this past election.

2) Events did occur in Orange County – both at UNC and the Town of Chapel Hill – in reference to Veteran's Day celebrations and that Orange County was actively pursuing a person for the position of Veteran's Affair Director to serve Orange County.

This letter will be provided as an Information Item on the November 20, 2012 agenda for public information.

Regards,

Bernadette Pelissier

Bernadette Pelissier, Chair
Board of County Commissioners

CC: Frank Clifton, County Manager