Orange County
Board of Commissioners

Agenda

Regular Meeting
January 24, 2013
7:00 p.m.
Department of Social Services
Hillsborough Commons
113 Mayo Street
Hillsborough, NC 27278

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

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

1. Additions or Changes to the Agenda

PUBLIC CHARGE

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

2. Public Comments (Limited to One Hour)

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

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

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

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

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

4. Proclamations/ Resolutions/ Special Presentations

a. Proclamation Recognizing UNC Women's Soccer 2012 NCAA Championship

b. Proclamation Recognizing East Chapel Hill High School Field Hockey Team 2012 State Championship
c. Alcoholic Beverage Control (ABC) Board Update Presentation
d. Affordable Housing Performance Report
e. Human Relations Month Proclamation
f. Voluntary Agricultural District Designation for Multiple Farms – Rogers (Three Farms/Landowners); Shambley; and Lackey
g. Captain John S. Pope Farm National Register Nomination

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 Releases/Refunds
c. Property Tax Releases/Refunds
d. Applications for Property Tax Exemption/Exclusion
e. Adjustment to Salary Range Minimums
f. Position Establishment Request - .50 Medical Office Assistant Position
g. Performance Agreement with Town of Chapel Hill and Visitors Bureau
h. Fiscal Year 2012-13 Budget Amendment #6
i. Proposal for 9-1-1 Recorder Replacement / Upgrade and Approval of Budget Amendment #6-A
j. Extension of Audit Services and Contract with Martin Starnes & Associates, CPAs, P.A.
k. NC State Firemen's and Rescue Squad Annual Certification Roster
l. Changes in BOCC Regular Meeting Schedule for 2013
m. Emergency Solutions Grant Program Award
n. Nicotine Replacement Therapy
o. McGowan Creek Interceptor Project – Engineering Contract Award

6. Public Hearings

a. Draft Orange County Comprehensive Transportation Plan
b. North Carolina Community Transportation Program Administrative and Capital Grant Application for FY 2013/2014
c. Amendments to Unified Development Ordinance Text – Incorporate Changes Suggested by MuniCode (UDO/Zoning 2012-15) - Public Hearing Closure and Action (No Additional Comments Accepted)
d. Unified Development Ordinance Text Amendments – Outdoor Lighting (UDO/Zoning 2012-014) - Public Hearing Closure and Action (No Additional Comments Accepted)

7. Regular Agenda

a. Review of the Historic Rogers Road Neighborhood Task Force

8. Reports

9. County Manager's Report

10. County Attorney's Report

11. Appointments

a. Advisory Board on Aging – Appointment
b. Agricultural Preservation Board – Appointment
c. Orange County Parks and Recreation Council – Appointment

12. Board Comments (Three Minute Limit Per Commissioner)

13. Information Items

- December 11, 2012 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measures of Enforced Collections
- BOCC Chair Letter Regarding December 11, 2012 Board Member Petitions
- Memorandum – Proposed New Greater Chapel Hill Fire Service District

14. Closed Session

"Pursuant to G.S. § 143-318.11(a)(3) "to consult with an attorney retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board."

"To discuss matters related to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations," NCGS § 143-318.11(a)(4).

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.orangecountync.gov

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 4-a

SUBJECT: Proclamation Recognizing UNC Women's Soccer 2012 NCAA Championship

DEPARTMENT: BOCC

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
- Proclamation

INFORMATION CONTACT:

Donna Baker, Clerk to the Orange County Board of Commissioners, 919-245-2130

PURPOSE: To consider a proclamation recognizing the UNC women's soccer team for winning the 2012 NCAA Division I Women's Soccer National Championship.

BACKGROUND: On December 2, 2012 the University of North Carolina women's soccer team captured the 2012 NCAA Division I National Championship.

The Tar Heels completed the season with 15 wins to finish with a 15-5-3 record. Under the guidance of Head Coach Anson Dorrance, UNC earned its 21st NCAA title, 22nd overall since 1981.

Women's soccer at UNC has an unparalleled stretch of domination with no comparison at the collegiate or pro level, in any sport.

The legend carries on as UNC women's soccer continues to inspire youth across the nation through their dedication, teamwork and athletic prowess.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the attached proclamation recognizing the UNC Women's Soccer Team.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION OF RECOGNITION ON UNC WOMEN'S SOCCER TEAM WINNING THE 2012 NCAA SOCCER NATIONAL CHAMPIONSHIP

WHEREAS, on December 2, 2012, the University of North Carolina women's soccer team captured the NCAA Division I Women's Soccer National Championship; and,

WHEREAS, under the guidance of Head Coach Anson Dorrance, a member of the National Soccer Hall of Fame, UNC earned its 21st NCAA title, its 22nd national title overall since 1981; and,

WHEREAS, the top-ranked Tar Heels completed the season undefeated in their final six games to finish with a 15-5-3 record; and,

WHEREAS, by this 2012 victory, in a time when collegiate soccer has reached parity, UNC women's soccer continues to perform at the forefront of the sport; and,

WHEREAS, UNC women's soccer has become legendary in the world of soccer, with many of its graduates representing the United States in the Olympics since women's soccer became an Olympic sport in 1996; and,

WHEREAS, through hard work, dedication, teamwork, and commitment, the Tar Heels have brought honor upon themselves, the University of North Carolina, Orange County and the State of North Carolina;

NOW, THEREFORE, be it proclaimed that the Orange County Board of Commissioners expresses its sincere appreciation and respect for the University of North Carolina women's soccer team, for the Tar Heels' outstanding achievement, and for their inspiration to youth across the nation through their dedication, teamwork, and athletic prowess.

This the twenty-fourth day of January 2013.

_____
Barry Jacobs, Chair
Orange County Board of Commissioners

_____
Donna Baker, Clerk to the Board

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda
Item No. 4-b

SUBJECT: Proclamation Recognizing East Chapel Hill High School Field Hockey Team 2012 State Championship

DEPARTMENT: BOCC

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
- Proclamation

INFORMATION CONTACT:

Donna Baker, Clerk to the Orange County Board of Commissioners, (919) 245-2130

PURPOSE: To consider a proclamation recognizing the East Chapel Hill High School's Field Hockey Team winning the 2012 State Championship.

BACKGROUND: On November 10, 2012 the East Chapel Hill High School's Field Hockey Team captured the N. C. High School Field Hockey Association's State Championship.

The Wildcats completed the season without a loss to finish with a 19-0-1 record. Under the guidance of Head Coach Susan Taylor, the East Chapel Hill High School's Field Hockey Team earned its fifth consecutive state title.

The players and coaching staff provide inspiration to youth across the State through their athletic leadership and teamwork.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the attached proclamation recognizing the East Chapel Hill High School's Field Hockey Team and coaching staff.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION OF RECOGNITION ON EAST CHAPEL HILL HIGH SCHOOL'S FIELD HOCKEY TEAM WINNING THE 2012 STATE CHAMPIONSHIP

WHEREAS, on November 10, 2012, the East Chapel Hill High School's Field Hockey Team captured the N. C. High School Field Hockey Association's State Championship; and,

WHEREAS, under the guidance of Head Coach Susan Taylor, the East Chapel Hill High School's Field Hockey Team earned its fifth consecutive state title; and,

WHEREAS, the Wildcats completed the season without a loss, finishing with a 19-0-1 record; and,

WHEREAS, through hard work, dedication, teamwork, and commitment, the Wildcats have brought honor upon themselves, East Chapel Hill High School, the Chapel Hill / Carrboro School District and Orange County;

NOW, THEREFORE, be it proclaimed that the Orange County Board of Commissioners expresses its sincere appreciation and respect for the East Chapel Hill High School Field Hockey Team, for the Wildcats' outstanding achievement, and their inspiration to youth across North Carolina through their dedication, teamwork, and athletic prowess.

This the twenty-fourth day of January 2013.

_____
Barry Jacobs, Chair
Orange County Board of Commissioners

_____
Donna Baker, Clerk to the Board

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda
Item No. 4-c

SUBJECT: Alcoholic Beverage Control (ABC) Board Update Presentation

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
1/1/13 Letter from ABC General Manager Tony Dubois

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To receive a brief presentation from Tony DuBois, General Manager of the Orange County Alcoholic Beverage Control (ABC) Board, and to provide any feedback or questions.

BACKGROUND: The ABC Board provides an annual update to the Board of Commissioners at the beginning of each calendar year. Tony DuBois, General Manager of the Orange County Alcoholic Beverage Control (ABC) Board, will provide a brief presentation on ABC Board activities and operations and will respond to any questions

FINANCIAL IMPACT: There is no financial impact associated with receiving the presentation.

RECOMMENDATION(S): The Manager recommends that the Board receive the presentation and provide any questions or comments to Mr. DuBois.

COUNTY OF ORANGE
ALCOHOLIC BEVERAGE CONTROL BOARD
122 HIGHWAY 70 EAST
HILLSBOROUGH, NORTH CAROLINA 27278
919-732-3432
FAX: 919-732-5829
ocabc@mindspring.com

KEITH COOK, Chair
JOHN LINK, Vice Chair
TONY DUBOIS, General Manager

Board Members
WILLIAM CROWTHER
ROSA TILLEY
LISA STUCKEY

January 1, 2013

Barry Jacobs Chair
Orange County Board of County Commissioners
PO Box 8181
Hillsborough NC, 27278

In this fiscal year a distribution of $400,000 will be made to the Orange County General fund. Distributions are made the last month of each quarter (September, December, March and June) in the amount of $100,000. The board also set aside $91,851 to contribute to the Board Retiree Health Care Plan. We increased the distribution to Alcohol Law Enforcement agencies by $5000 for a total of $125,000. The board also increased the amount available for Alcohol Rehabilitation and Education grants for schools and local community organizations by $25,000 for a total of $130,000. The board funded the Orange County drug court for $10,000 this year as a new grantee. The total amount of distributions to the county and community is up 8% over last year.

Alcohol Law Enforcement	Amount
Hillsborough Police Department	$4,500
Carrboro Police Department	$13,300
Chapel Hill Police Department	$18,436
Orange County Sheriff's Department	$88,746
Total Alcohol Law Enforcement	$125,000

Alcohol Education and Rehabilitation Grants	Amount
Mental Health America-Orange Partnership	$8000
Orange County Drug Court	$10,000
Carpe Diem	$11,000
El Futero	$28,000
Orange County Schools	$35,000
Chapel Hill-Carrboro city Schools	$38,000
Total Alcohol Education and Rehabilitation	$130,000

Sincerely,

Tony DuBois
Orange County ABC
General Manager
919-732-3432 ext. 22
ocabc@mindspring.com

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 4-d

SUBJECT: Affordable Housing Performance Report

DEPARTMENT: Housing, Human Rights and Community Development

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

INFORMATION CONTACT:
Tara L. Fikes, 245-2490

PURPOSE: To receive the Annual Affordable Housing Performance Report from the Orange County Affordable Housing Advisory Board.

BACKGROUND: The Orange County Affordable Housing Advisory Board (AHAB) was created in 2001 as the official advisory body on affordable housing to the Orange County Board of Commissioners. One of the activities of this Board is to provide information regarding the affordable housing accomplishments in the County. Patsy Barbee, AHAB Chair, will present the Annual Performance Report for 2012.

FINANCIAL IMPACT: There is no financial impact with receiving the Report.

RECOMMENDATION (S): The Manager recommends that the Board receive the presentation of the Affordable Housing Performance Report as information.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda
Item No. 4-e

SUBJECT: Human Relations Month Proclamation

DEPARTMENT: Housing/Comm. Development **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:
Tara L. Fikes, (919) 245-2490
Colin Austin, HRC Chair

PURPOSE: To officially proclaim the month of February as "Human Relations Month" in Orange County.

BACKGROUND: The Governor annually proclaims the month of February as "Human Relations Month" in North Carolina. The Board of County Commissioners also annually proclaims February as "Human Relations Month" in Orange County.

To kick-off Human Relations Month activities on Sunday, January 27, 2013, the HRC will host the Human Relations Month Forum 2013 at The Carrboro Century Center from 2:30 PM to 5:00PM. The forum will be a panel discussion with the topic: "*The Emancipation Proclamation and Equality Today".* The panelists are Dr. Freddie L. Parker, Professor of History at North Carolina Central University and Rev. Lavisha Williams, Pastor of the St. Joseph CME Church in Chapel Hill. The moderator is Orange County District Court Judge Beverly Scarlett. Entertainment will be provided by local artists, Lynn and the Monarchs, and refreshments will be provided.

Other activities during the month include the 2012 Pauli Murray Awards Ceremony on Sunday, February 24, 2013 at Central Orange Senior Center in Hillsborough. The Pauli Murray Award is presented annually by the Orange County Human Relations Commission to an Orange County youth, an Orange County adult, and an Orange County business that have served the community with distinction in the pursuit of equality, justice, and human rights for all residents.

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

RECOMMENDATION (S): The Manager recommends that the Board adopt the Human Relations Month Proclamation and authorize the Chair to sign.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

HUMAN RELATIONS MONTH

WHEREAS, the Orange County Human Relations Commission believes that in order to achieve justice and equal opportunity for all Orange County residents, we must all strive to create an atmosphere where people are valued and accepted rather than merely tolerated, and therefore continue to promote the ideal of social justice for all***;*** and

WHEREAS, the Orange County Human Relations Commission has diligently served Orange County since 1995 and remains committed to promoting equal treatment, opportunity and understanding throughout the community; and

WHEREAS, the Orange County Human Relations Commission enforces the County's Civil Rights Ordinance which specifically prohibits discrimination based on an individual's race, color, creed, religion, national origin, sex, disability, age, veteran status and familial status; and

WHEREAS, the Orange County Human Relations Commission encourages Orange County residents, as individuals, to take a stand against social injustice and continue to work together to make freedom, justice, and equal opportunity available for all; and

WHEREAS, Orange County is committed to preserving the progress made thus far towards equality and leading the challenge for equal opportunity using all the means at our disposal;

NOW, THEREFORE, We, the Orange County Board of Commissioners, do hereby proclaim February 2013 as **"HUMAN RELATIONS MONTH"** in Orange County and challenge our residents to promote the ideology of social justice for all by celebrating and encouraging multiculturalism in the County and encouraging all residents to embrace diversity in Orange County.

This the 24th day of January, 2013.

Barry Jacobs, Chair
Orange County Board of County Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 4-f

SUBJECT: Voluntary Agricultural District Designation for Multiple Farms – Rogers (Three Farms/Landowners); Shambley; and Lackey

DEPARTMENT: Environment, Agriculture, Parks and Recreation; Soil & Water Conservation

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
1) Applications and Maps
2) Certifications from NRCS/Soil and Water; Soils Evaluation
3) Certifications from Tax Office
4) Draft Agricultural Preservation Board (APB) Minutes - November 28, 2012
5) Conservation Agreement (sample)
6) VAD Brochure

INFORMATION CONTACTS:

David Stancil, 245-2510
Gail M. Hughes, 245-2753

PURPOSE: To consider applications from multiple landowners/farms to certify qualifying farmland within the Cedar Grove, Buckhorn, and Caldwell voluntary agricultural district, and enroll the lands in the Orange County Voluntary Agricultural District (VAD) program.

BACKGROUND: As the Board may recall, Orange County has had a Voluntary Farmland Preservation Program since 1992. To date, 17 farms have enrolled in the Voluntary Agricultural District (VAD) program, totaling 3,249 acres within the seven districts comprising the non-urban portions of the County.

The County's Voluntary Farmland Protection Ordinance (VFPO) outlines a procedure for the Agricultural Preservation Board to review and approve applications for qualifying farmland, and to make recommendations to the Board of Commissioners concerning the establishment and modification of agricultural districts. Section VII of the VFPO contains the requirements for inclusion in a voluntary agricultural district. To be certified as qualifying farmland, a farm must:

1. Consist of the minimum number of contiguous acres to participate in the present-use-value taxation program (20 acres for forestry, 10 for agriculture and 5 for horticulture);

2. Be participating in the farm present-use-value taxation program established by N.C.G.S. §105-277.2 through §105-277.7, or is otherwise determined by the county to meet all the qualifications of this program set forth in G.S. 105-277.3;

3. Be certified by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture as being a farm on which at least two-thirds of the land is composed of soils that:

    a. Are best suited for providing food, seed, fiber, forage, timber, forestry products, horticultural crops and oil seed crops;
    b. Have good soil qualities;
    c. Are favorable for all major crops common to the county where the land is located;
    d. Have a favorable growing season; and
    e. Receive the available moisture needed to produce high yields for an average of eight out of ten years;

    OR at least two-thirds of the land has been actively used in agricultural, horticultural or forestry operations as defined by N.C.G.S. §105-277.2 (1, 2, 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies;

4. Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; and

5. Be the subject of a non-binding conservation agreement, as defined in N.C.G.S. §121-35, between the County and the owner that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable County zoning and subdivision regulations.

On November 28, 2012, the Agricultural Preservation Board reviewed the findings of the staff assessments and voted unanimously to recommend approval of the certification for the five farms and 1,103.57 acres of farmland and its inclusion in the Voluntary Agricultural District program. The farms are described briefly below:

Brief Farm Descriptions:

1) Owners of the William L. Rogers farm have submitted an application to enroll six (6) parcels of their farm totaling 386.56 acres located in the Carr Community on Corbett Ridge Road and Highway 49 as qualifying farmland for the Voluntary Agricultural District (VAD) program (Cedar Grove District). The farm is very diverse; including poultry and beef cattle operations, and the cropland is used to grow soybeans, grain crops, and hay/grass. The farm also includes pastures and managed forestry/woodland acres. The William L. and Yvonne P. Rogers Farm have been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

2) Owners of the Linwood “LJ” J. Rogers farm have submitted an application to enroll four (4) parcels of their farm totaling 376.46 acres located in the Carr Community on Corbett Ridge Road and Highway 49 as qualifying farmland for the Voluntary Agricultural District (VAD) program (Cedar Grove District). The farm is very diverse, and the cropland is used to grow soybeans, grain crops, tobacco and hay/grass. The farm also includes pastures and managed forestry/woodland acres. The Linwood “LJ” J. and Nancy R. Rogers Farm has been evaluated

against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

3) Owners of the William (Billy) Forrest Rogers farm have submitted an application to enroll one (1) parcel of their farm totaling 18.67 acres located in the Carr Community on Corbett Ridge Road as qualifying farmland for the Voluntary Agricultural District (VAD) program (Cedar Grove District). The farm is very diverse, and the cropland is used to grow soybeans and grain crops. The Farm joins the larger tracts, owned by his father, William L. Rogers, and is part of the larger family farm. The William (Billy) Forrest and Sonya B. Rogers Farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

4) Owners of the Morris Shambley and Inez Shambley (son/mother) farm have submitted an application to enroll three (3) parcels of their farm totaling 260.58 acres located in the Buckhorn Community on Mt. Willing, Buckhorn, and Bushy Cook Roads as qualifying farmland for the Voluntary Agricultural District (VAD) program (Buckhorn District). The farm is very diverse, including a beef cattle operation, and the cropland is used to grow soybeans, corn, grain crops, and hay/grass. The farm also includes pastures and managed forestry/woodland acres. The Morris and Inez Shambley Farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

5) Owners of the Beaver Creek Farm - Mike and Robin Lackey - have submitted an application to enroll two (2) parcels of their farm totaling 61.3 acres located in the Caldwell Community on Breeze Road as qualifying farmland for the Voluntary Agricultural District (VAD) program (Caldwell District). The farm is very diverse, including swine and beef cattle operations, and the cropland is used to hay/grass. The farm also includes pastures and managed forestry/woodland acres. The Beaver Creek Farm owned by Mike and Robin Lackey has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

To be formally designated as part of a voluntary agricultural district, the Board of Commissioners must approve that the farm(s) meets the certification requirements as per the APB's findings.

FINANCIAL IMPACT: There is no fiscal impact associated with this item. Voluntary agricultural districts are non-monetary and non-binding conservation agreements.

RECOMMENDATION(S): The Manager recommends that the Board certify the five farm properties noted above totaling 1,103.57 acres as denoted in the attached documentation as qualifying farmland, designate them as a Voluntary Agricultural District farms within the Cedar Grove, Buckhorn, and Caldwell Agricultural Districts, and authorize the Chair to sign the associated documents.

Orange County Agricultural Preservation Board ***Attachment 1***

APPLICATION FOR CERTIFICATION AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT / ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS: Before completing the application, please review the provisions of the Orange County Voluntary Farmland Preservation Program Ordinance, and fill out the form as accurately and completely as possible. Please sign and date the form, and return it to the **Department of Environment, Agriculture, Parks and Recreation**
Soil and Water Conservation District Division
PO Box 8181 – 306 Revere Road, Hillsborough, NC 27278

APPLICANT:

Name: William L. Rogers and Yvonne P. Rogers

Address: 5500 Corbett Ridge Rd.

City: Mebane State: NC Zip Code: 27302

Phone Number (Day): 336-260-0396 (Evening) 336-562-5120

E-Mail: wlr194@aol.com

PROPERTY INFORMATION:

Property Location/Address: 5500 Corbett Ridge Rd. and Hwy. 49 area
Township: Cedar Grove township

Parcel Identification Number (PIN): 9839277278 Parcel Identification Number (PIN): 9839198150
Parcel Identification Number (PIN): 9839354775 Parcel Identification Number (PIN): 9839452624
Parcel Identification Number (PIN): 9829955233 Parcel Identification Number (PIN): 9839466329
Parcel Identification Number (PIN): 9839284634 Parcel Identification Number (PIN): _____
Parcel Identification Number (PIN): _____ Parcel Identification Number (PIN): _____

Number of Acres: 386.56 Deed Book: _____ Page: _____

Does this land have a plan on file with the Natural Resources Conservation Service or NC Forest Service?
Yes: XX No: _____ If "No", please complete back of form

Is this land listed for Present Use taxation with the Orange County Tax Office?
Yes: _____ No: _____ If "No", please complete back of form

I [WE] ARE SEEKING DESIGNATION AS A **VOLUNTARY AGRICULTURAL DISTRICT** ____

I [WE] ARE SEEKING DESIGNATION AS AN **ENHANCED VOLUNTARY AGRICULTURAL DISTRICT** ____

Voluntary Agricultural District (VAD) conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the County.

Enhanced Voluntary Agricultural District (EVAD) conservation agreements are for a period of ten years, but cannot be revoked during the term of the agreement. EVAD enrollment, however, offers landowners additional benefits such as a higher percentage of cost-share funds under the Agricultural Cost Share Program.

OWNER[S] CERTIFICATION:

I [We], the applicant[s] and landowner(s), hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

SUPPLEMENTARY INFORMATION:

Please complete this information for general information about your farm:
Must Complete this section:

- ***If you are NOT participating in the farm present use taxation program; OR***
- ***If you do NOT have a plan on file with the Natural Resources Conservation Service or the NC Forest Service.***

1. How long have you owned your farm? _____years
2. How long have you lived on your farm? _____years
3. Has your farm exceeded $1,000 in gross income in each of the past three years?

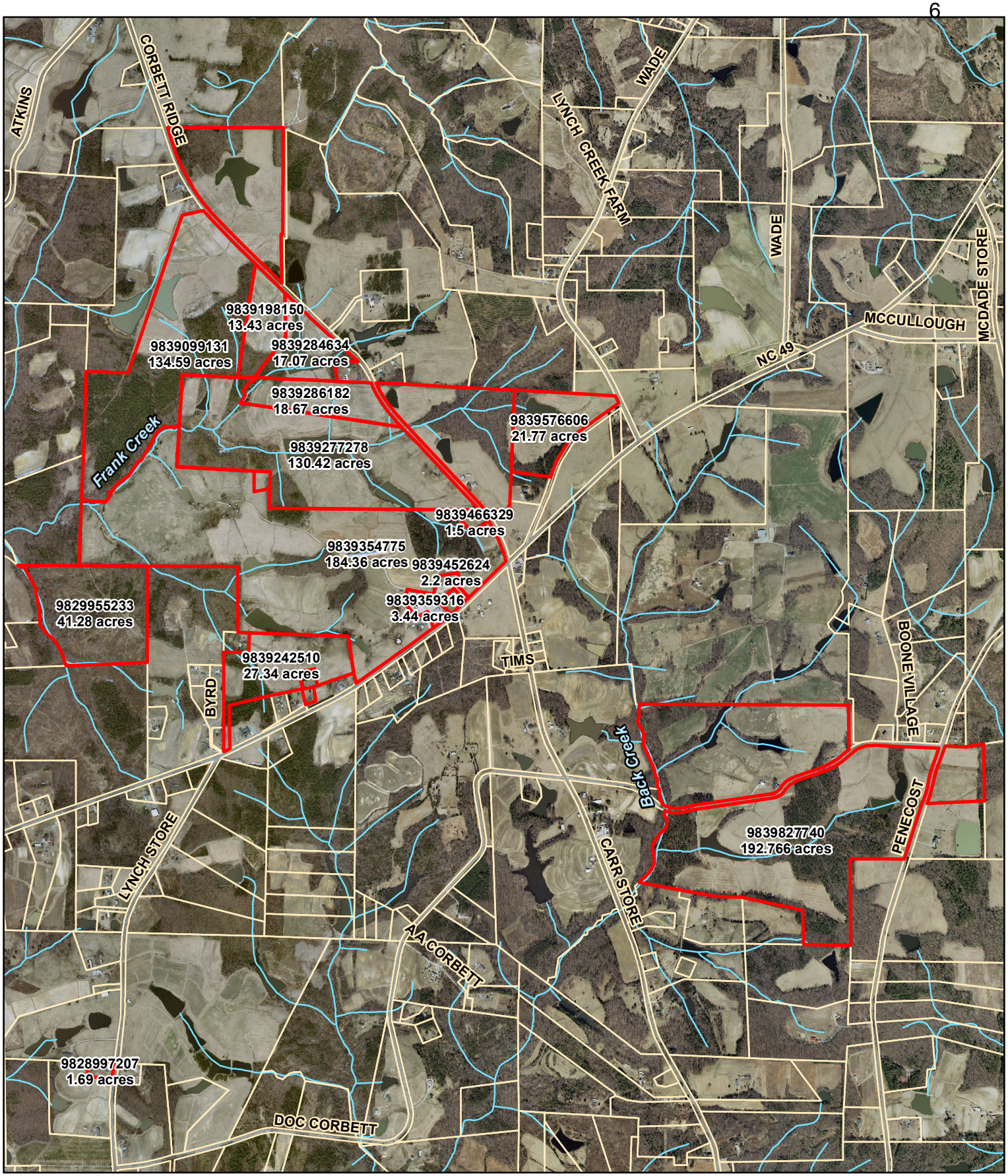
   Yes_____ No_____
4. How many acres on your farm are under cultivation? _____Acres (estimated)
5. What are the major crops that you plant each year?

   _____

   _____

   _____
6. How many acres on your farm are used for pasture? _____Acres (estimated)

For questions or more information, please contact:
Gail M. Hughes
Orange County Department of Environment, Agriculture, Parks and Recreation
Soil and Water Conservation Division
P.O. Box 8181 -306 Revere Road
Hillsborough, NC 27278
(919) 245-2753 Office
(919) 644-3351 (fax)



Rogers Farm
Proposed Voluntary Agricultural District
Location Map

RogersFarmland
Parcel boundary
Streams
2010 orthophoto

1 inch = 1,650 feet

Department of Environment, Agriculture, Parks and Recreation
Map prepared by IT-GIS Division
7/25/2012 <O:\gishome\gisproject\land_resource\VAD_Rogers.mxd

Orange County Agricultural Preservation Board

APPLICATION FOR CERTIFICATION AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT / ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS: Before completing the application, please review the provisions of the Orange County Voluntary Farmland Preservation Program Ordinance, and fill out the form as accurately and completely as possible. Please sign and date the form, and return it to the **Department of Environment, Agriculture, Parks and Recreation**
Soil and Water Conservation District Division
PO Box 8181 – 306 Revere Road, Hillsborough, NC 27278

APPLICANT:

Name: Linwood "LJ" J. Rogers Jr., and Nancy R. Rogers

Address: 7912 Hwy 49

City: Mebane State: NC Zip Code: 27302

Phone Number (Day):_____ (Evening)_____

E-Mail:_____

PROPERTY INFORMATION:

Property Location/Address: Doc. Corbett Rd,, Corbett Ridge Rd., Hwy 4, Wade Loop Rd.,
Township : Cedar Grove Township

Parcel Identification Number (PIN): 9839827740 =192.76 Parcel Identification Number (PIN): 9839242510=27.34
Parcel Identification Number (PIN): 9839576606 = 21.77 Parcel Identification Number (PIN): 9839099131 = 134.59
Parcel Identification Number (PIN): _____ Parcel Identification Number (PIN):_____
Parcel Identification Number (PIN): 9839359316 (farmstead) Parcel Identification Number (PIN):_____
Parcel Identification Number (PIN): 9839452379 (home) Parcel Identification Number (PIN):_____

Number of Acres: 356.73 Deed Book: 4293/381 Page:_____

Does this land have a plan on file with the Natural Resources Conservation Service or NC Forest Service?
Yes: XX No:_____ If "No", please complete back of form

Is this land listed for Present Use taxation with the Orange County Tax Office?
Yes:_____ No:_____ If "No", please complete back of form

I [WE] ARE SEEKING DESIGNATION AS A **VOLUNTARY AGRICULTURAL DISTRICT** ____

I [WE] ARE SEEKING DESIGNATION AS AN **ENHANCED VOLUNTARY AGRICULTURAL DISTRICT** ____

Voluntary Agricultural District (VAD) conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the County.

Enhanced Voluntary Agricultural District (EVAD) conservation agreements are for a period of ten years, but cannot be revoked during the term of the agreement. EVAD enrollment, however, offers landowners additional benefits such as a higher percentage of cost-share funds under the Agricultural Cost Share Program.

OWNER[S] CERTIFICATION:

I [We], the applicant[s] and landowner(s), hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

SUPPLEMENTARY INFORMATION:

Please complete this information for general information about your farm:
Must Complete this section:

- ***If you are NOT participating in the farm present use taxation program; OR***
- ***If you do NOT have a plan on file with the Natural Resources Conservation Service or the NC Forest Service.***

1. How long have you owned your farm? _____years
2. How long have you lived on your farm? _____years
3. Has your farm exceeded $1,000 in gross income in each of the past three years?

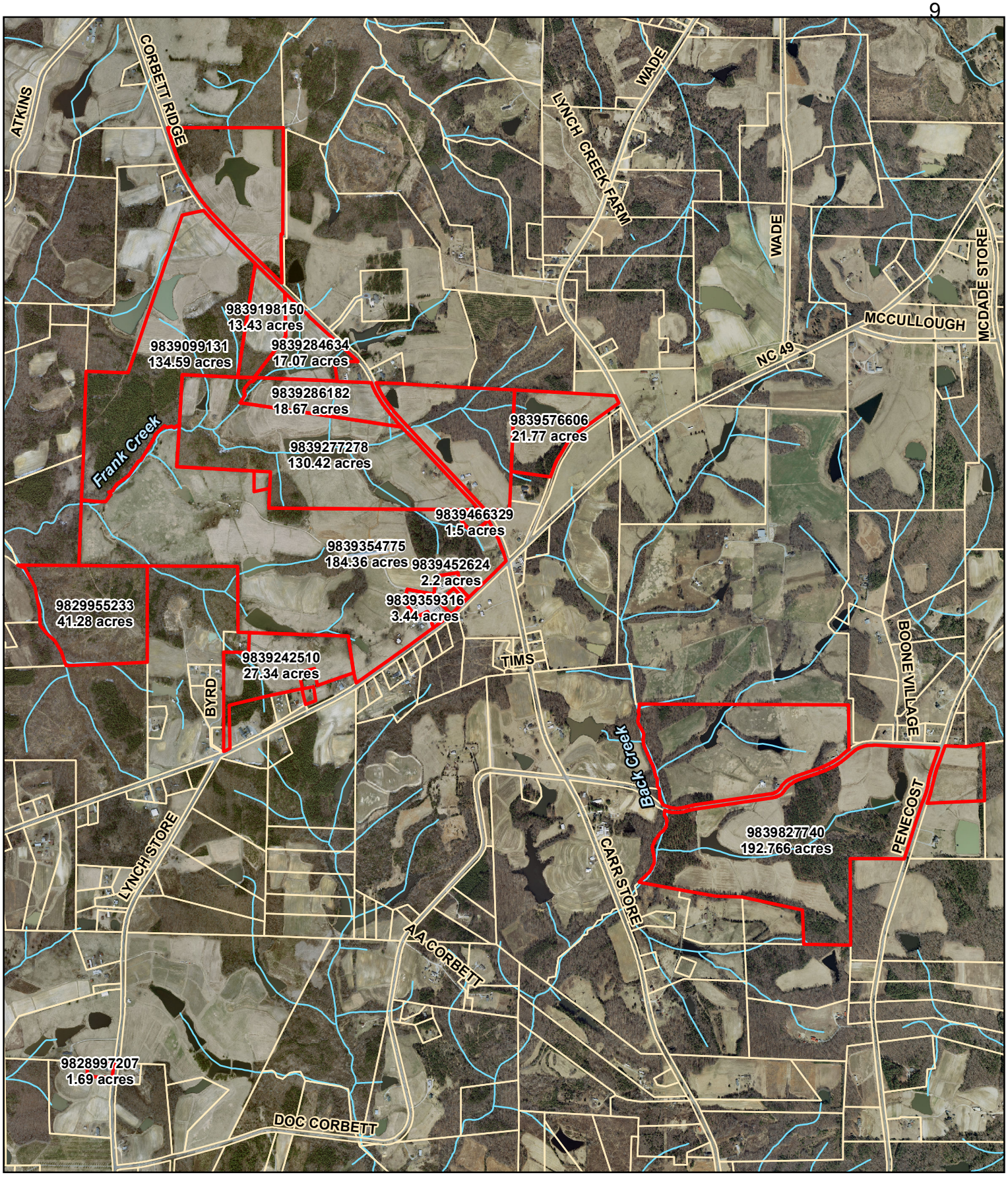
   Yes_____ No_____
4. How many acres on your farm are under cultivation? _____Acres (estimated)
5. What are the major crops that you plant each year?

   _____

   _____

   _____
6. How many acres on your farm are used for pasture? _____Acres (estimated)

For questions or more information, please contact:
Gail M. Hughes
Orange County Department of Environment, Agriculture, Parks and Recreation
Soil and Water Conservation Division
P.O. Box 8181 -306 Revere Road
Hillsborough, NC 27278
(919) 245-2753 Office
(919) 644-3351 (fax)



Rogers Farm
Proposed Voluntary Agricultural District
Location Map

RogersFarmland
Parcel boundary
Streams
2010 orthophoto

1 inch = 1,650 feet

Department of Environment, Agriculture, Parks and Recreation
Map prepared by IT-GIS Division
7/25/2012 <O:\gishome\gisproject\land_resource\VAD_Rogers.mxd

Orange County Agricultural Preservation Board

APPLICATION FOR CERTIFICATION AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT / ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS: Before completing the application, please review the provisions of the Orange County Voluntary Farmland Preservation Program Ordinance, and fill out the form as accurately and completely as possible. Please sign and date the form, and return it to the **Department of Environment, Agriculture, Parks and Recreation**
Soil and Water Conservation District Division
PO Box 8181 – 306 Revere Road, Hillsborough, NC 27278

APPLICANT:

Name: William (Billy) Forrest Rogers and Sonya B. Rogers

Address: 7818 N NC Hwy 49

City: Mebane State: NC Zip Code: 27302

Phone Number (Day):_____ (Evening)_____

E-Mail:_____

PROPERTY INFORMATION:

Property Location/Address: Hwy 49 and Corbett Ridge Rd. area
Township: Cedar Grove Township

Parcel Identification Number (PIN): 9839286182 =18.67 Parcel Identification Number (PIN): 9828997207- home
Parcel Identification Number (PIN):_____ Parcel Identification Number (PIN):_____
Parcel Identification Number (PIN):_____ Parcel Identification Number (PIN):_____
Parcel Identification Number (PIN):_____ Parcel Identification Number (PIN):_____
Parcel Identification Number (PIN):_____ Parcel Identification Number (PIN):_____

Number of Acres: 20.36 Deed Book: 5128/150 Page:_____

Does this land have a plan on file with the Natural Resources Conservation Service or NC Forest Service?
Yes: XX No:_____ If "No", please complete back of form

Is this land listed for Present Use taxation with the Orange County Tax Office?
Yes:_____ No:_____ If "No", please complete back of form

I [WE] ARE SEEKING DESIGNATION AS A **VOLUNTARY AGRICULTURAL DISTRICT** __XX__

I [WE] ARE SEEKING DESIGNATION AS AN **ENHANCED VOLUNTARY AGRICULTURAL DISTRICT** ____

Voluntary Agricultural District (VAD) conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the County.

Enhanced Voluntary Agricultural District (EVAD) conservation agreements are for a period of ten years, but cannot be revoked during the term of the agreement. EVAD enrollment, however, offers landowners additional benefits such as a higher percentage of cost-share funds under the Agricultural Cost Share Program.

OWNER[S] CERTIFICATION:

I [We], the applicant[s] and landowner(s), hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

SUPPLEMENTARY INFORMATION:

Please complete this information for general information about your farm:
Must Complete this section:

- ***If you are NOT participating in the farm present use taxation program; OR***
- ***If you do NOT have a plan on file with the Natural Resources Conservation Service or the NC Forest Service.***

1. How long have you owned your farm? _____years
2. How long have you lived on your farm? _____years
3. Has your farm exceeded $1,000 in gross income in each of the past three years?

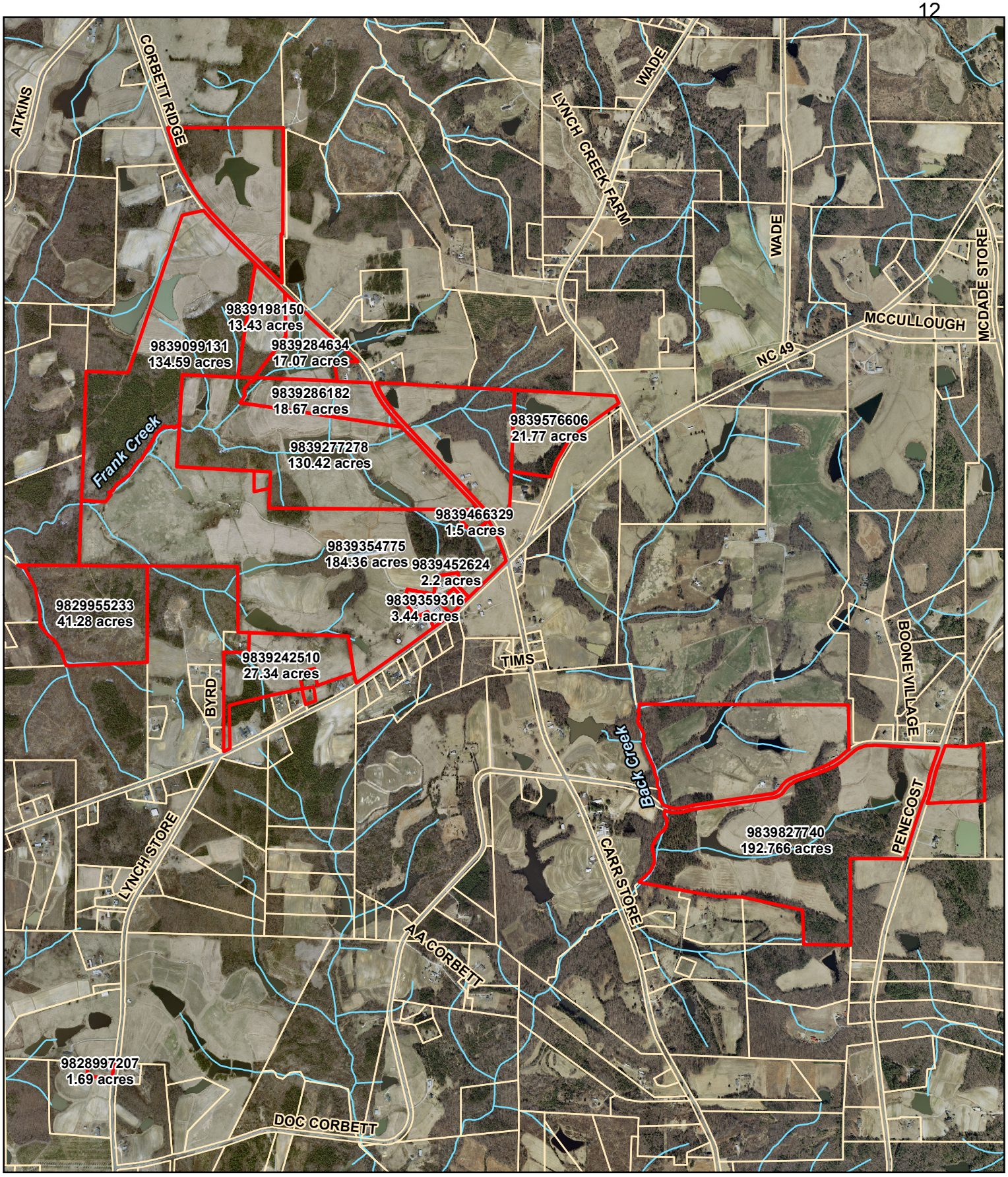
   Yes_____ No_____
4. How many acres on your farm are under cultivation? _____Acres (estimated)
5. What are the major crops that you plant each year?

   _____

   _____

   _____
6. How many acres on your farm are used for pasture? _____Acres (estimated)

For questions or more information, please contact:
Gail M. Hughes
Orange County Department of Environment, Agriculture, Parks and Recreation
Soil and Water Conservation Division
P.O. Box 8181 -306 Revere Road
Hillsborough, NC 27278
(919) 245-2753 Office
(919) 644-3351 (fax)



Rogers Farm
Proposed Voluntary Agricultural District
Location Map

RogersFarmland
Parcel boundary
Streams
2010 orthophoto

1 inch = 1,650 feet

Department of Environment, Agriculture, Parks and Recreation
Map prepared by IT-GIS Division
7/25/2012 <O:\gishome\gisproject\land_resource\VAD_Rogers.mxd

Orange County Agricultural Preservation Board

APPLICATION FOR CERTIFICATION AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT / ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS: Before completing the application, please review the provisions of the Orange County Voluntary Farmland Preservation Program Ordinance, and fill out the form as accurately and completely as possible. Please sign and date the form, and return it to the **Department of Environment, Agriculture, Parks and Recreation**
Soil and Water Conservation District Division
PO Box 8181 – 306 Revere Road, Hillsborough, NC 27278

APPLICANT:

Name: Morris Shambley- Shambley Farm

Address: 2609 Mt. Willing Rd.

City: Efland State: NC Zip Code: 27243

Phone Number (Day): 336-2608283 (Evening)

E-Mail: shambleyfarm@mebtel.net

PROPERTY INFORMATION:

Property Location/Address: 2609 and 2809 Mt. Willing Rd., Efland
Township : Cheeks -- Buckhorn

Parcel Identification Number (PIN): 9833457577 = 21.75 ac. Parcel Identification Number (PIN):
Parcel Identification Number (PIN): 9834704379 =49.03 ac. Parcel Identification Number (PIN):
Parcel Identification Number (PIN): 9833950877 = 195.64 ac. Parcel Identification Number (PIN):
Parcel Identification Number (PIN): Parcel Identification Number (PIN):
Parcel Identification Number (PIN): Parcel Identification Number (PIN):

Number of Acres: ~256 acs. Deed Book: Page:

Does this land have a plan on file with the Natural Resources Conservation Service or NC Forest Service?
Yes: XX No: If "No", please complete back of form

Is this land listed for Present Use taxation with the Orange County Tax Office?
Yes: xx No: If "No", please complete back of form

I [WE] ARE SEEKING DESIGNATION AS A **VOLUNTARY AGRICULTURAL DISTRICT** __xx__

I [WE] ARE SEEKING DESIGNATION AS AN **ENHANCED VOLUNTARY AGRICULTURAL DISTRICT** ____

Voluntary Agricultural District (VAD) conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the County.

Enhanced Voluntary Agricultural District (EVAD) conservation agreements are for a period of ten years, but cannot be revoked during the term of the agreement. EVAD enrollment, however, offers landowners additional benefits such as a higher percentage of cost-share funds under the Agricultural Cost Share Program.

OWNER[S] CERTIFICATION:

I [We], the applicant[s] and landowner(s), hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

SUPPLEMENTARY INFORMATION:

Please complete this information for general information about your farm:
Must Complete this section:

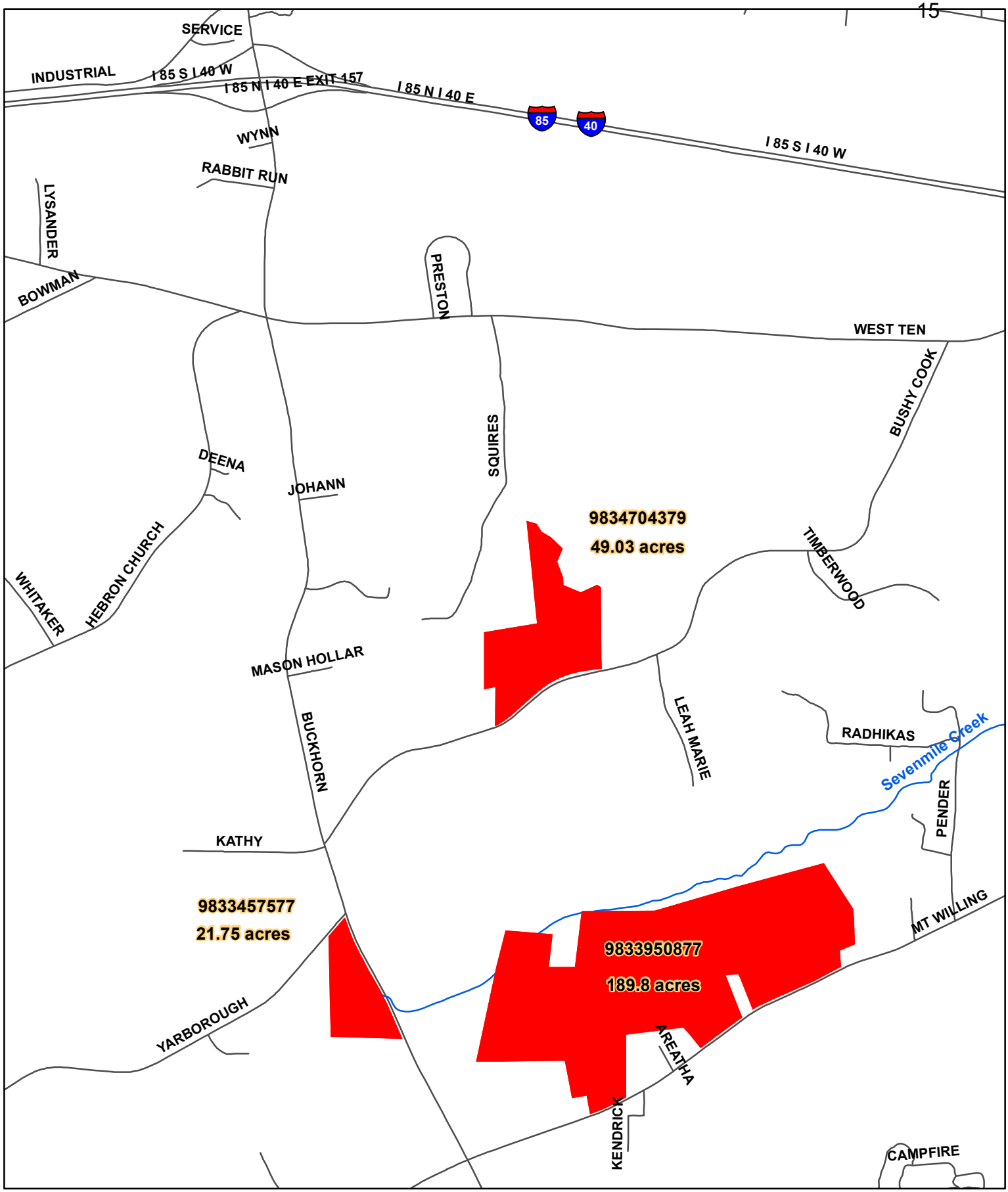
- ***If you are NOT participating in the farm present use taxation program; OR***
- ***If you do NOT have a plan on file with the Natural Resources Conservation Service or the NC Forest Service.***

1. How long have you owned your farm? _____years
2. How long have you lived on your farm? _____years
3. Has your farm exceeded $1,000 in gross income in each of the past three years?

   Yes_____ No_____
4. How many acres on your farm are under cultivation? _____Acres (estimated)
5. What are the major crops that you plant each year?

   _____
   _____
   _____
6. How many acres on your farm are used for pasture? _____Acres (estimated)

For questions or more information, please contact:
Gail M. Hughes
Orange County Department of Environment, Agriculture, Parks and Recreation
Soil and Water Conservation Division
P.O. Box 8181 -306 Revere Road
Hillsborough, NC 27278
(919) 245-2753 Office
(919) 644-3351 (fax) updated July 2012



Shambley Farm - Voluntary Agricultural District Location Map

ShambleyFarm

Major streams

Streets

1 inch = 1,700 feet

Dept. of Environment, Agriculture, Parks and Recreation Map prepared by IT - GIS Division M Jones 10/17/2012 <O:\gishome\gisprojects\land_resource VAD_MorrisShambley.mxd

Orange County Agricultural Preservation Board

APPLICATION FOR CERTIFICATION AS QUALIFYING FARMLAND AND DESIGNATION AS AN ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT / ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

INSTRUCTIONS: Before completing the application, please review the provisions of the Orange County Voluntary Farmland Preservation Program Ordinance, and fill out the form as accurately and completely as possible. Please sign and date the form, and return it to the **Department of Environment, Agriculture, Parks and Recreation**
Soil and Water Conservation District Division
PO Box 8181 – 306 Revere Road, Hillsborough, NC 27278

APPLICANT:

Name: Mike and Robin Lackey

Address: 2425 Breeze Rd.

City: Hurdle Mills State: NC Zip Code: 27541

Phone Number (Day): 919-245-3179 (Evening)_____

E-Mail:_____

PROPERTY INFORMATION:

Property Location/Address: 2425 Breeze Rd.
Township: Caldwell

Parcel Identification Number (PIN): 9980134041 = 45.5 Parcel Identification Number (PIN):_____
Parcel Identification Number (PIN): 9980142817 = 15.8 Parcel Identification Number (PIN):_____
Parcel Identification Number (PIN):_____ Parcel Identification Number (PIN):_____
Parcel Identification Number (PIN):_____ Parcel Identification Number (PIN):_____
Parcel Identification Number (PIN):_____ Parcel Identification Number (PIN):_____

Number of Acres: 61.3 Deed Book:_____ Page:_____

Does this land have a plan on file with the Natural Resources Conservation Service or NC Forest Service?
Yes:_____ No:_____ If "No", please complete back of form

Is this land listed for Present Use taxation with the Orange County Tax Office?
Yes: x No:_____ If "No", please complete back of form

I [WE] ARE SEEKING DESIGNATION AS A **VOLUNTARY AGRICULTURAL DISTRICT** __x__

I [WE] ARE SEEKING DESIGNATION AS AN **ENHANCED VOLUNTARY AGRICULTURAL DISTRICT** ____

Voluntary Agricultural District (VAD) conservation agreements are for a period of ten years. The landowner may revoke the agreement through a written request to the County.

Enhanced Voluntary Agricultural District (EVAD) conservation agreements are for a period of ten years, but cannot be revoked during the term of the agreement. EVAD enrollment, however, offers landowners additional benefits such as a higher percentage of cost-share funds under the Agricultural Cost Share Program.

OWNER[S] CERTIFICATION:

I [We], the applicant[s] and landowner(s), hereby certify that, to the best of my [our] knowledge, the foregoing application is complete and accurate.

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

Signature:_____Date:_____

SUPPLEMENTARY INFORMATION:

Please complete this information for general information about your farm:
Must Complete this section:

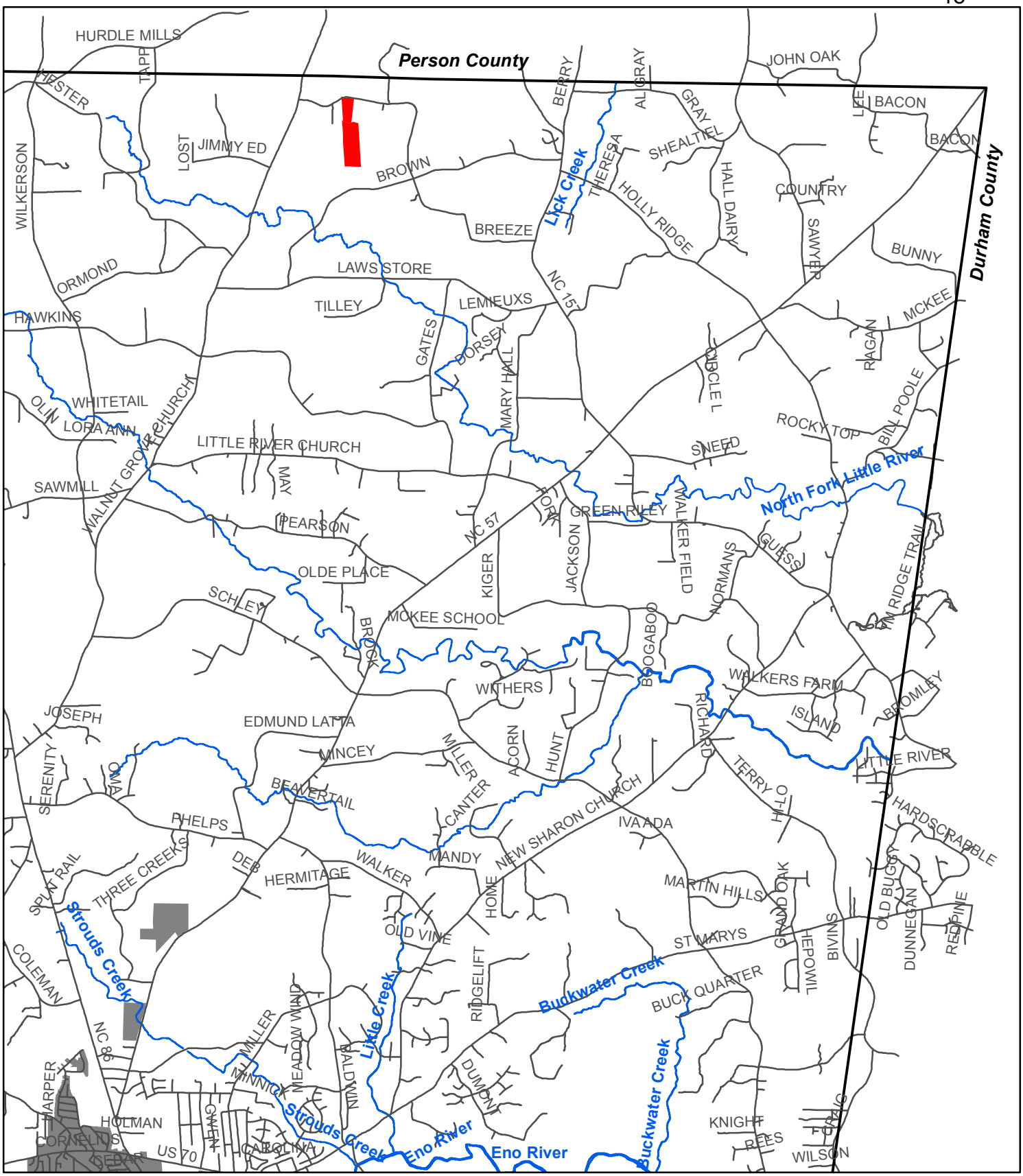
- ***If you are NOT participating in the farm present use taxation program; OR***
- ***If you do NOT have a plan on file with the Natural Resources Conservation Service or the NC Forest Service.***

1. How long have you owned your farm? 13____years
2. How long have you lived on your farm? 13____years
3. Has your farm exceeded $1,000 in gross income in each of the past three years?

   Yes___xx_____ No_____
4. How many acres on your farm are under cultivation? 0_____Acres (estimated)
5. What are the major crops that you plant each year?

   _____
   _____
   _____
6. How many acres on your farm are used for pasture? 25____Acres (estimated)

For questions or more information, please contact:
Gail M. Hughes
Orange County Department of Environment, Agriculture, Parks and Recreation
Soil and Water Conservation Division
P.O. Box 8181 -306 Revere Road
Hillsborough, NC 27278
(919) 245-2753 Office
(919) 644-3351 (fax) updated July 2012



Lackey Farm
Proposed Voluntary Agricultural District
PIN 9980134041 & 9980142817
Location Map

- Lackey Farm- 61.3 acres
- County boundary
- Major streams
- Hillsborough town limits

1 in = 1 miles

Dept. of Environment, Agriculture, Parks and Recreation Map prepared by IT - GIS Division M Jones 10/18/2012 <O:\gishome\gisprojects\land_resource VAD_ShambleyBerryLackey.mxd

SOIL & WATER
Yours For Life !
CONSERVATION

USDA

Attachment 2

Orange Soil & Water
Conservation District
Phone: 919-245- 2750

Natural Resources
Conservation Service
Phone: 919-644-1079, Ext. 3

P.O. Box 8181, 306 Revere Rd., Hillsborough, NC 27278

This report serves to document how the proposed farm qualifies for acceptance into the Voluntary Agricultural Districts (VAD) or the Enhanced Voluntary Agricultural Districts (EVAD) in Orange County.

Applicant: _____William Larry and Yvonne Rogers_____

1. Two-thirds of the soils on the farm must:

a. Be suited for providing food, seed, fiber, forage, timber, and oil seed crops.

YES ___XX__ % ___85%_____

NO _____ % _____

Comments:

b. Have good soil qualities: (based on USDA designated Prime and Important Farmland Soils)

YES _XX_____ NO _____

Breakdown of soil classes in percent:

Class I	__85%_	Classes I, II, III are primarily used for cropland
Class II	_____	
Class III	__7_%	Classes III-VI are generally best suited for pasture
Class IV	_____	or woodland.
Class V	_____	
Class VI	_____	
Class VIII	__8_%__	Class VIII generally unsuited for agricultural use.

Comments: Approx. 6.5 acres are ponds or water bodies on the farm.

c. Be favorable for all major crops common to Orange County. Major crops are corn, tobacco, small grain, pasture, and loblolly pines.

__99___ % favorable _____ % unfavorable

d. Have favorable growing season. –**YES***

The growing season for Orange County is approximately 200 days. It begins in approximately the second week of April and runs until about the last week in October. This response will be consistent for all farms in Orange County.

e. Receive the available moisture needed to produce high yields for an average of 8 to 10 years. **–YES***

*Orange County receives approximately 42-45 inches of rainfall annually. This response will be consistent for all farms in Orange County.

OR

- At least two-thirds of the land has been actively used in agriculture, horticulture or forestry operations as defined in the NC General Statutes, Section 105-277.2 (1,2, and 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies.

Acres in cropland ___213 __
Acres in forestland _ _172__
Acres in homestead, farmstead or other
farm related use ____3.0_____

Total TRACT acres ____388_____(tax acres) *

Greater than two-thirds in designated uses.

Yes __XX___ % _99____
No _____ % _____

Comments: * small difference in acreage from tax acres (388) vs. land record acres. (386) and soil map acres (382)

2. Farm must be managed, if highly erodible land exists on the farm, in accordance with the USDA Natural Resources Conservation Service (NRCS) defined erosion-control practices as specified in the 1985 Food Security Act as amended.

Plan on file in NRCS Office YES __XX___ NO _____

If NO, plan will be required before acceptance into the Voluntary Agricultural Districts Program.

Staff Comments:

Tract is currently in cropland, pasture land, or woodland. Large percentage of the farmland is considered prime or important farmland soils. The farm has a conservation plan and actively implements the plan according to NRCS standards and specifications.

Application for VAD /EVAD acceptance: _XX____ Qualifies _____ Does Not Qualify

Certified by: _Gail M. Hughes , Soil Conservationist –Orange SWCD __ Date __10-22-12_____

Orange Soil & Water
Conservation District
Phone: 919-245- 2750

Natural Resources
Conservation Service
Phone: 919-644-1079, Ext. 3

P.O. Box 8181, 306 Revere Rd., Hillsborough, NC 27278

This report serves to document how the proposed farm qualifies for acceptance into the Voluntary Agricultural Districts (VAD) or the Enhanced Voluntary Agricultural Districts (EVAD) in Orange County.

Applicant: __Linwood "LJ" and Nancy Rogers _____

1. Two-thirds of the soils on the farm must:

a. Be suited for providing food, seed, fiber, forage, timber, and oil seed crops.

YES __XX___ % ___93%_____

NO _____ % _____

Comments:

b. Have good soil qualities: (based on USDA designated Prime and Important Farmland Soils)

YES ___XX___ NO _____

Breakdown of soil classes in percent:

Class I	__93%__	Classes I, II, III are primarily used for cropland
Class II	_____	
Class III	___5%__	Classes III-VI are generally best suited for pasture
Class IV	_____	or woodland.
Class V	_____	
Class VI	_____	
Class VIII	_____	Class VIII generally unsuited for agricultural use.

Comments: *2% in water/ponds –

c. Be favorable for all major crops common to Orange County. Major crops are corn, tobacco, small grain, pasture, and loblolly pines.

__93%___ % favorable _____ % unfavorable

d. Have favorable growing season. –**YES***

The growing season for Orange County is approximately 200 days. It begins in approximately the second week of April and runs until about the last week in October. This response will be consistent for all farms in Orange County.

e. Receive the available moisture needed to produce high yields for an average of 8 to 10 years. **–YES***

*Orange County receives approximately 42-45 inches of rainfall annually. This response will be consistent for all farms in Orange County.

OR

- At least two-thirds of the land has been actively used in agriculture, horticulture or forestry operations as defined in the NC General Statutes, Section 105-277.2 (1,2, and 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies.

Acres in cropland ____199_____
Acres in forestland ____175_____
Acres in homestead, farmstead or other
farm related use ___2.0_____

Total TRACT acres ____376*_____

Greater than two-thirds in designated uses.

Yes __XX___ % __99___
No _____ % _____

Comments: * acres varies slightly from soils map/tax acres/land records.

2. Farm must be managed, if highly erodible land exists on the farm, in accordance with the USDA Natural Resources Conservation Service (NRCS) defined erosion-control practices as specified in the 1985 Food Security Act as amended.

Plan on file in NRCS Office YES _XX____ NO _____

If NO, plan will be required before acceptance into the Voluntary Agricultural Districts Program.

Staff Comments:

Tract is currently in cropland, pasture land, or woodland. Large percentage of the farmland is considered prime or important farmland soils. The farm has a conservation plan and actively implements the plan according to NRCS standards and specifications.

Application for VAD /EVAD acceptance: _XX____ Qualifies _____ Does Not Qualify

Certified by: Gail M. Hughes ,Soil Conservationist /Orange SWCD__ Date _10-20-12_____

Orange Soil & Water
Conservation District
Phone: 919-245- 2750

Natural Resources
Conservation Service
Phone: 919-644-1079, Ext. 3

P.O. Box 8181, 306 Revere Rd., Hillsborough, NC 27278

This report serves to document how the proposed farm qualifies for acceptance into the Voluntary Agricultural Districts (VAD) or the Enhanced Voluntary Agricultural Districts (EVAD) in Orange County.

Applicant: ___William F. (Billy) and Sonya _Rogers _____

1. Two-thirds of the soils on the farm must:

a. Be suited for providing food, seed, fiber, forage, timber, and oil seed crops.

YES __XX____ % ___100%_____

NO _____ % _____

Comments:

b. Have good soil qualities: (based on USDA designated Prime and Important Farmland Soils)

YES ___XX___ NO _____

Breakdown of soil classes in percent:

Class I	___100%__	Classes I, II, III are primarily used for cropland
Class II	_____	
Class III	_____	Classes III-VI are generally best suited for pasture
Class IV	_____	or woodland.
Class V	_____	
Class VI	_____	
Class VIII	_____	Class VIII generally unsuited for agricultural use.

Comments:

c. Be favorable for all major crops common to Orange County. Major crops are corn, tobacco, small grain, pasture, and loblolly pines.

_100%____ % favorable _____ % unfavorable

d. Have favorable growing season. –**YES***

The growing season for Orange County is approximately 200 days. It begins in approximately the second week of April and runs until about the last week in October. This response will be consistent for all farms in Orange County.

e. Receive the available moisture needed to produce high yields for an average of 8 to 10 years. **–YES***

*Orange County receives approximately 42-45 inches of rainfall annually. This response will be consistent for all farms in Orange County.

OR

- At least two-thirds of the land has been actively used in agriculture, horticulture or forestry operations as defined in the NC General Statutes, Section 105-277.2 (1,2, and 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies.

Acres in cropland __17.28 _____
Acres in forestland ___1.39_____
Acres in homestead, farmstead or other
farm related use _____

Total TRACT acres ___18.67_____

Greater than two-thirds in designated uses.

Yes __XX___ % __100%___
No _____ % _____

Comments:

2. Farm must be managed, if highly erodible land exists on the farm, in accordance with the USDA Natural Resources Conservation Service (NRCS) defined erosion-control practices as specified in the 1985 Food Security Act as amended.

Plan on file in NRCS Office YES __XX___ NO _____

If NO, plan will be required before acceptance into the Voluntary Agricultural Districts Program.

Staff Comments:
Entire tract is currently in cropland or woodland. All farmland is considered prime farmland soils. The farm has a conservation plan and actively implements the plan according to NRCS standards and specifications.

Application for VAD /EVAD acceptance: ___XX____ Qualifies _____ Does Not Qualify

Certified by: ____Gail M. Hughes , Soil Conservationist /Orange SWCD __ Date _10/22/12_____

SOIL & WATER
Yours For Life !
CONSERVATION

USDA

Orange Soil & Water
Conservation District
Phone: 919-245- 2750

Natural Resources
Conservation Service
Phone: 919-644-1079, Ext. 3

P.O. Box 8181, 306 Revere Rd., Hillsborough, NC 27278

This report serves to document how the proposed farm qualifies for acceptance into the Voluntary Agricultural Districts (VAD) or the Enhanced Voluntary Agricultural Districts (EVAD) in Orange County.

Applicant: _Morris Shambley and Inez Shambley (mother) _____

1. Two-thirds of the soils on the farm must:

a. Be suited for providing food, seed, fiber, forage, timber, and oil seed crops.

YES ___XX___ % __96__**

NO _____ % _____

Comments: ** for all 3 tracts –average of 96% of soils are prime or important soils

b. Have good soil qualities: (based on USDA designated Prime and Important Farmland Soils)

YES __XX____ NO _____

Breakdown of soil classes in percent:

Class I	__94%__	Classes I, II, III are primarily used for cropland
Class II	_____	
Class III	__2%___	Classes III-VI are generally best suited for pasture or woodland.
Class IV	_____	
Class V	_____	
Class VI	_____	
Class VIII	_4%___	Class VIII generally unsuited for agricultural use.

Comments:

c. Be favorable for all major crops common to Orange County. Major crops are corn, tobacco, small grain, pasture, and loblolly pines.

__96%__ % favorable _____ % unfavorable

d. Have favorable growing season. –**YES***

The growing season for Orange County is approximately 200 days. It begins in approximately the second week of April and runs until about the last week in October. This response will be consistent for all farms in Orange County.

e. Receive the available moisture needed to produce high yields for an average of 8 to 10 years. **–YES***

*Orange County receives approximately 42-45 inches of rainfall annually. This response will be consistent for all farms in Orange County.

OR

- At least two-thirds of the land has been actively used in agriculture, horticulture or forestry operations as defined in the NC General Statutes, Section 105-277.2 (1,2, and 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies.

Acres in cropland	___168.12 ___
Acres in forestland	___86.46____
Acres in homestead, farmstead or other farm related use	___6.0_____
Total TRACT acres	___260.58___

Greater than two-thirds in designated uses.

Yes __XX___ % __99+___
No _____ % _____

Comments:

2. Farm must be managed, if highly erodible land exists on the farm, in accordance with the USDA Natural Resources Conservation Service (NRCS) defined erosion-control practices as specified in the 1985 Food Security Act as amended.

Plan on file in NRCS Office YES __XX___ NO _____

If NO, plan will be required before acceptance into the Voluntary Agricultural Districts Program.

Staff Comments: **All tracts in the application have an active conservation Farm plan on the farm, prime or important farmland, and the farm follows their plan. In early 2000's, the Shambley Family Farm was selected as the Orange County Outstanding Conservation Farm family and was the NC Conservation Farm of the Year through the Soil and Water Conservation District based on the excellent conservation practices and stewards of the farmland.**

Application for VAD /EVAD acceptance: _XX____ Qualifies _____ Does Not Qualify

Certified by: _Gail M. Hughes ; Soil Conservationist _____ Date ___11-1-12_____

SOIL & WATER
Yours For Life !
CONSERVATION

USDA

Orange Soil & Water
Conservation District
Phone: 919-245- 2750

Natural Resources
Conservation Service
Phone: 919-644-1079, Ext. 3

P.O. Box 8181, 306 Revere Rd., Hillsborough, NC 27278

This report serves to document how the proposed farm qualifies for acceptance into the Voluntary Agricultural Districts (VAD) or the Enhanced Voluntary Agricultural Districts (EVAD) in Orange County.

Applicant: __Mike and Robin Lackey _____

1. Two-thirds of the soils on the farm must:

a. Be suited for providing food, seed, fiber, forage, timber, and oil seed crops.

YES __XX____ % ____86____

NO _____ % _____

Comments: 14% of land is in fresh water ponds or waste storage ponds.

b. Have good soil qualities: (based on USDA designated Prime and Important Farmland Soils)

YES __XX____ NO _____

Breakdown of soil classes in percent:

Class I	__85%__	Classes I, II, III are primarily used for cropland
Class II	_____	
Class III	__1%__	Classes III-VI are generally best suited for pasture
Class IV	_____	or woodland.
Class V	_____	
Class VI	_____	
Class VIII	_14%_**	Class VIII generally unsuited for agricultural use.

Comments: ** 14% of land use is in fresh water ponds or waste storage ponds.

c. Be favorable for all major crops common to Orange County. Major crops are corn, tobacco, small grain, pasture, and loblolly pines.

_86%____ % favorable _____ % unfavorable

d. Have favorable growing season. –**YES***

The growing season for Orange County is approximately 200 days. It begins in approximately the second week of April and runs until about the last week in October. This response will be consistent for all farms in Orange County.

e. Receive the available moisture needed to produce high yields for an average of 8 to 10 years. **–YES***

*Orange County receives approximately 42-45 inches of rainfall annually. This response will be consistent for all farms in Orange County.

OR

- At least two-thirds of the land has been actively used in agriculture, horticulture or forestry operations as defined in the NC General Statutes, Section 105-277.2 (1,2, and 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies.

Acres in cropland ___35_____
Acres in forestland ___27.34__
Acres in homestead, farmstead or other
farm related use ____1.0____

Total TRACT acres ____63.34_____

Greater than two-thirds in designated uses.

Yes _XX__ % __99__
No _____ % _____

Comments: include ponds/water into agricultural use.

2. Farm must be managed, if highly erodible land exists on the farm, in accordance with the USDA Natural Resources Conservation Service (NRCS) defined erosion-control practices as specified in the 1985 Food Security Act as amended.

Plan on file in NRCS Office YES _XX____ NO _____

If NO, plan will be required before acceptance into the Voluntary Agricultural Districts Program.

Staff Comments: Farm has an active conservation plan, and farmer is following the plan. Has worked with the Soil and Water Conservation District/USDA-NRCS to improve conditions on the farm, and meets all state guidelines required for their animal operation (swine).

Application for VAD /EVAD acceptance: __XX_____ Qualifies _____ Does Not Qualify

Certified by: __Gail M. Hughes; Soil Conservationist _____ Date ___11-1-12_____

Attachment 3

ORANGE COUNTY TAX ADMINISTRATION
ASSESSMENT DIVISION
228 S CHURTON STREET, SUITE 200
PO BOX 8181
HILLSBOROUGH, NORTH CAROLINA 27278
Telephone (919) 245-2100 **Fax (**919) 644-3091

November 5, 2012

Gail M. Hughes, Soil Conservationist, Orange Soil and Water Conservation
Orange County Department of Environment, Agriculture, Parks and Recreation
P O Box 8181
Hillsborough, NC 27278

Dear Gail:

I am in response to your request for information on land owned by William Larry and Yvonne Rogers . The parcels referenced are PIN 9839277278 (130.42 acres), 9839198150 (13.43acres), 9839354775 (184.36 acres), 9839452624 (2.2 acres), 9839284634 (17.07 acres) and 9829955233 (41.28 acres), all of these parcels participate in the present-use value taxation program as agricultural classification. There are 213.13 acres of cleared land, 172.63 acres of wood land, and 3 acres for homes. The only PIN not participating in the program is PIN 9839466329 with 1.5 acres with a home on it.

Please contact me if I can be of assistance.
Sincerely,

Teresa Moore
Present Use Value
Program Director

ORANGE COUNTY TAX ADMINISTRATION
ASSESSMENT DIVISION
228 S CHURTON STREET, SUITE 200
PO BOX 8181
HILLSBOROUGH, NORTH CAROLINA 27278
Telephone (919) 245-2100 **Fax (**919) 644-3091

November 5, 2012

Gail M. Hughes, Soil Conservationist, Orange Soil and Water Conservation
Orange County Department of Environment, Agriculture, Parks and Recreation
P O Box 8181
Hillsborough, NC 27278

Dear Gail:

I am in response to your request for information on land owned by Linwood J. JR and Nancy R. Rogers . The parcels referenced are PIN 9839827740 (192.76 acres), 9839242510 (27.34 acres), 9839576606 (21.77 acres), 9839099131 (134.59 acres), all of these parcels participate in the present-use value taxation program as agricultural classification. There are 199.39 acres of cleared land, 175.07 acres of wood land, and 2 acres for homes. The only PINs not participating in the program are PIN 9839359316 with 3.44 acres with farm buildings on it, and PIN 9839452379 with 1.51 acres with a home on it.

Please contact me if I can be of assistance.
Sincerely,

Teresa Moore
Present Use Value
Program Director

.

ORANGE COUNTY TAX ADMINISTRATION
ASSESSMENT DIVISION
228 S CHURTON STREET, SUITE 200
PO BOX 8181
HILLSBOROUGH, NORTH CAROLINA 27278
Telephone (919) 245-2100 **Fax (**919) 644-3091

October 30, 2012

Gail M. Hughes, Soil Conservationist, Orange Soil and Water Conservation
Orange County Department of Environment, Agriculture, Parks and Recreation
P O Box 8181
Hillsborough, NC 27278

Dear Gail:

I am in response to your request for information on land owned by William and Sonya Rogers referenced by PIN 9839286182 for 18.67 acres. This land participates in the present-use value taxation program as agricultural classification with 17.28 acres of cleared land and 1.39 acres of woodland.

Please contact me if I can be of assistance.
Sincerely,

Teresa Moore
Present Use Value
Program Director

.

ORANGE COUNTY TAX ADMINISTRATION
ASSESSMENT DIVISION
228 S CHURTON STREET, SUITE 200
PO BOX 8181
HILLSBOROUGH, NORTH CAROLINA 27278
Telephone (919) 245-2100 **Fax (**919) 644-3091

October 30, 2012

Gail M. Hughes, Soil Conservationist, Orange Soil and Water Conservation
Orange County Department of Environment, Agriculture, Parks and Recreation
P O Box 8181
Hillsborough, NC 27278

Dear Gail:

I am in response to your request for information on land owned by Morris Lee and Inez Shambley. The parcels referenced are PIN 9833457577 (21.75 acres), 9834704379 (49.03) and 9833950877 (189.8 acres),all of these parcels participate in the present-use value taxation program as agricultural classification. There are 168.12 acres of cleared land, 86.46 acres of wood land, and 6 acres for homes.

Please contact me if I can be of assistance.
Sincerely,

Teresa Moore
Present Use Value
Program Director

.

ORANGE COUNTY TAX ADMINISTRATION
ASSESSMENT DIVISION
228 S CHURTON STREET, SUITE 200
PO BOX 8181
HILLSBOROUGH, NORTH CAROLINA 27278
Telephone (919) 245-2100 **Fax (**919) 644-3091

October 30, 2012

Gail M. Hughes, Soil Conservationist, Orange Soil and Water Conservation
Orange County Department of Environment, Agriculture, Parks and Recreation
P O Box 8181
Hillsborough, NC 27278

Dear Gail:

I am in response to your request for information on land owned by Robert M. and Robin M. Lackey and referenced by PIN 9980134041for 47.33 acres and PIN 9980142817 for 16.01 acres. These two tracts of land participate in the present-use value taxation program as agricultural classification with 35 acres of cleared land, 27.34 acres of woodland and 1 acre for their home.

Please contact me if I can be of assistance.
Sincerely,

Teresa Moore
Present Use Value
Program Director

.

Attachment 4

ORANGE COUNTY
AGRICULTURAL PRESERVATION BOARD

DRAFT MEETING SUMMARY
November 28, 2012

Environment & Agricultural Center – Conference Room
306 Revere Road, Hillsborough, NC
7:30 p.m.

MEMBERS PRESENT: Allan Green, Howard McAdams, Kim Woods, Patrick McGarry, Joe Thompson, Elizabeth Walters

MEMBERS ABSENT/EXCUSED: Roland Walters, Spence Dickinson, Renee McPherson, Lynette Batt, Louise Tate

STAFF: David Stancil, Director, Department of Environment, Agriculture, Parks & Recreation (DEAPR)
Gail Hughes, Soil Conservationist, DEAPR - Orange Soil & Water Conservation District
Peter Sandbeck, Cultural Resources Coordinator, DEAPR-Natural & Cultural Resources Division

---

1. **Call to Order:** Co-Chair, Howard McAdams, called the meeting to order. David Stancil introduced and the board welcomed Peter Sandbeck, DEAPR Cultural Resources Coordinator.

2. **Co-Chair Comments:** None

3. **Consideration of Additions to Agenda:** None

4. **Meeting Summary / Minutes – September 19, 2012:** Kim Woods made a motion to accept the minutes. Allan Green seconded. Motion carried.

5. **Items for Decision:**

   Gail Hughes introduced the pending applications for Voluntary Agricultural Districts (VAD), and raised a question about the process for renewal of VADs. Staff asked the County Attorney if VAD's had to be renewed or do the property owners have to fill out some type of form to renew their VAD designations? Answer: No –renewal should be automatic unless the property owners decide to pull out of the program.

Renewal of Enhanced Voluntary Agricultural Districts (EVAD) was also discussed. Staff believes it is most likely necessary for owners to renew that designation but will confirm this. Staff will follow up to check our ordinance and the state statute to confirm the renewal process for both types.

Hughes presented each VAD application as per the agenda, then opened the floor for discussion and approval:

a. Billy and Sonya Rogers VAD Application – Motion to approve application made by Woods, second by Elizabeth Walters. Motion passed 6-0
b. Larry and Yvonne Rogers VAD Application – Motion to approve application made by Woods, second by Green. Motion passed 6-0
c. L.J. and Nancy Rogers VAD Application – Motion to approve application made by Joe Thompson, second by Woods. Motion passed 6-0
d. Morris Shambley VAD Application – Motion to approve application made by Green, second by Thompson. Motion passed 6-0
e. Beaver Creek Farm (Lackey) VAD application – Motion to approve by Thompson, second Woods. Motion passed 6-0
f. Berry / Smith VAD –

    Hughes explained that this this farm was now owned by new owners, and that it met all the criteria except for present use—the property is not currently part of the present use tax valuation program. It appears that they will have to reapply for present use and go through that process.

    Discussion followed about the VAD program's stipulation that requires participation in present use. The state loosened the requirements and present use is no longer a state requirement for VAD provided the subject farm is a bona fide farm. Stancil noted that as it is now worded, if you file schedule F you can usually claim to be a bona fide farm.

    Members generally agreed that we may need to do an educational effort to let folks know when they are buying a farm to check on present use issues and take steps to avoid having it lapse so that they will continue to be eligible for the present use program and potentially for VAD.

    Hughes clarified that according to Teresa Moore the previous owner did not participate in present use value program, so that explains why the new owners were not already in present use. Hughes added that the Berry/Smiths meet qualifications in all other respects and asked if the board wanted to table this at this time or discuss if they want to continue or change "present-use" policy.

The Board discussed the need to review the state enabling legislation and then determine if changes need to be made to the local ordinance before accepting the Berry/Smith application.

Green made a motion to table the Berry/Smith VAD application. Some discussion followed and it was noted that the new owners were serious about farming. The motion was seconded by Woods. Motion carried.

Hughes presented Nelson and Clay Parker VAD for final signature by chair of the APB. This signature must be notarized. Hughes will move forward on getting signatures and the Parker Farm and Vineyard to the Register of Deeds office.

Hughes gave updates on new VAD applications

1. Green presented Hughes a VAD application for his farm.
2. A landowner would like to apply for a 150 acre tract in Caldwell District—the Randall Ward farm; in January he will receive present-use value; the farm has 50 acres in hay and 100 acres in forest.
3. Another landowner (tentative) who participates in the Healthy Forest program; ENO & TLC helped obtain a grant to help pay for developing forest stewardship plans; this property is about 100 acres.

Current VAD applications: will present at the Jan. 24th BOCC Meeting; will invite all property owners that were approved tonight.

Hughes: At the last meeting we had a discussion about state law changes and another question about VAD recording vs. not recording. This is like present-use value. We can keep the requirement to record VAD. Hughes spoke to Dewitt Hardee, ADFP-NC DA, who says that present use value & recording of VAD agreements are both optional.

Question: Staff asked the board how much material they want sent to them for future VADs. Discussion followed, with general agreement that a copy of the application and a map would be sufficient. Staff agreed to try a system to consolidate the future applications as one group pdf file so that members could just open and download one file. Staff offered to provide several full packets that could be passed around during the meeting if anyone needed to see more detail.

g. 2012 Annual Report and 2013 Work Plan (for BOCC): Stancil reported that he was working on the annual report and would send it around as soon as he finished it.
h. Meeting Calendar for 2013: the Board endorsed the calendar attached to the minutes.

6. **Items for Discussion**

a. APB Board-Specific Policy: Stancil explained the new policy implemented by the BOCC as an overall umbrella policy covering all boards, with standard ordinance language along with specific language for each board's specific needs.

7. **Informational Items / Future Agenda Items**
    a. Ag Summit 2013: we need a representative from the APB to help with the planning. Allen Green volunteered but could only meet after normal working hours.
    b. January: (VFPPO Revisions, Proposed Community garden at Blackwood farm Park update, 10% Campaign, Farmers Market Pavilion Lease)

8. **Adjorned** – 9:07 pm
    a. Next Meeting – January 16, 2013

SAMPLE AGREEMENT **Attachment 5**

NORTH CAROLINA CONSERVATION AGREEMENT FOR ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT PROGRAM

Orange County and the undersigned real property owners ("Owner") enter into this Conservation Agreement for a Voluntary Agriculture District covering the property identified as xxxxxx Farm with multiple parcel identification numbers of the property: PIN xxxxxxxxxxxx, PIN xxxxxxxxxx, as shown on the attached maps labeled Exhibit A and Exhibit B.

The parties understand and agree that this Agreement is being entered into to protect farmland, horticultural land and/or forestland in Orange County as contemplated by North Carolina General Statutes Article 61 Chapter 106, and the Orange County Code of Ordinances Chapter 48, the "Voluntary Farmland Protection Ordinance, adopted on April 1, 1992 and last amended on June 23, 2005 (hereinafter the "Ordinance"), and to permit such property to qualify for the benefits granted by these laws and ordinances.

Owner acknowledges that Owner has the read the laws and the Ordinance and during the term of this Agreement, Owner agrees to prohibit non-farm use of Owner's property subject to this Agreement except as permitted by the above mentioned laws and the Ordinance.

This Agreement shall extend for a period of ten (10) years from the date of its execution and is automatically renewed if not terminated for an additional ten (10) years. The Agreement may be revoked by Owner at any time, with thirty (30) days written notice to the Agricultural Preservation Board, or its designee, or the Orange County Clerk. Orange County may revoke this Agreement if the Owner is noncompliant with this Agreement or the applicable laws and ordinances.

[The rest of this page was left blank intentionally. Signature pages to follow.]

IN WITNESS, the parties have signed this Agreement on the dates indicated in the signature acknowledgments.

ORANGE COUNTY

_____
Chair, Agricultural Preservation Board

_____
Barry Jacobs, Chair,
Orange County Board of County Commissioners

ATTEST:

By: _____
Donna Baker, Clerk to the
Board of Commissioners

OWNERS

_____
Landowner

_____
Landowner

ACKNOWLEDGEMENTS

OWNERS

NORTH CAROLINA
COUNTY OF ORANGE

_____ personally appeared before me this day _____, who acknowledged the due execution of the foregoing Conservation Agreement for an Orange County Enhanced Voluntary Agricultural District for the purposes therein expressed.

WITNESS my hand and notarial seal, this _____ day of _____, 2012.

_____
Notary Public
My Commission Expires: _____

NORTH CAROLINA
COUNTY OF ORANGE

_____ personally appeared before me this day _____, who acknowledged the due execution of the foregoing Conservation Agreement for an Orange County Enhanced Voluntary Agricultural District for the purposes therein expressed.

WITNESS my hand and notarial seal, this _____ day of _____, 2012.

_____
Notary Public
My Commission Expires: _____

ORANGE COUNTY

NORTH CAROLINA
COUNTY OF ORANGE

I, _____ a Notary Public, for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that he/she is Chair, Agricultural Preservation Board and acknowledged on behalf of the Orange County Agricultural Preservation Board the due execution of the foregoing Conservation Agreement.

This ____ day of _____, 2012.

_____
Notary Public
My Commission Expires: _____

NORTH CAROLINA
COUNTY OF ORANGE

I, _____ a Notary Public of Orange County, North Carolina do hereby certify that Donna Baker personally appeared before me this day and acknowledged that she is Clerk to the Board of Commissioners for Orange County, North Carolina and that by authority duly given and as the act of Orange County, North Carolina the foregoing instrument was signed in its name by the Chair of the Orange County Board of Commissioners, and attested by her as Clerk to said Board of Commissioners.

This ____ day of _____, 2012.

_____
Notary Public
My Commission Expires: _____

PUBLIC BENEFITS

Public Benefits of Agricultural Districts
In addition to providing direct benefits to landowners, Voluntary Agricultural Districts offer the following advantages for the general public:

- Providing a voluntary way to support the conservation of rural communities
- Conserving rural lands without adding significant expenses to local government or impacting the tax base
- Supporting each community's rural heritage and economy, and providing local jobs and tax income
- Maintaining scenic views and tourism-based economic activity
- Providing fresh food, flowers, and other local farm products for residents and visitors
- Supporting clean air and water
- Providing wildlife habitat
- Maintaining lower levels of traffic and noise
- Minimizing the infrastructure burden on County and municipal government

Voluntary Agricultural Districts are one way for farmers to preserve their land, and can provide a stepping stone to more permanent means of limiting development such as conservation easements. For additional information on other farmland protection tools see the Orange County Agricultural Development and Farmland Protection Plan.

CONTACT INFORMATION

FOR MORE INFORMATION

Orange County Department of Environment, Agriculture, Parks & Recreation

www.co.orange.nc.us/deapr/nat_cul_resources.asp

Voluntary Agricultural Districts - VADs & EVADs
David Stancil, Director
PO Box 8181—306 Revere Road
Hillsborough, NC 27278
(919) 245-2510 dstancil@co.orange.nc.us

Gail Hughes, Soil Conservationist
Orange Soil and Water Conservation District
(919) 245-2750 ghughes@co.orange.nc.us

Agricultural Conservation Easements
Rich Shaw, Land Conservation Manager
(919) 245-2514 rshaw@co.orange.nc.us

VAD and **EVAD** applications for eligible farms are reviewed by the Agricultural Preservation Board (APB) for recommendation to the Board of County Commissioners (BOCC).

The APB consists of seven at large members plus one member from each of the seven agricultural districts. Members are appointed by the BOCC to advise Orange County government on a broad range of agricultural topics.

ORANGE COUNTY VOLUNTARY AGRICULTURAL DISTRICT PROGRAM

Agriculture is North Carolina's number one industry, worth more than $70 billion annually. In recent years, however, North Carolina has led the nation in loss of farms. Orange County has followed the national trend with a shift toward smaller farms. The number of individual farms is increasing but the amount of acreage under cultivation is decreasing. Orange County is losing active farmland.

Orange County recognizes that agriculture is a vital part of its economy and that farmland provides the rural character that makes this part of our community such an attractive place to live and visit.

The Voluntary Agricultural District Program (VADs and EVADs) provides a way for farmers to preserve their land voluntarily and protect active farmland from non-farm development.

VOLUNTARY AGRICULTURAL DISTRICTS (VAD)

Eligibility
Farmland, forestland, and horticultural lands must meet the following criteria:

- The land must be eligible for the present-use value taxation program; and
- The land must be managed in accordance with USDA Natural Resources Conservation Service guidelines with respect to highly erodible land.

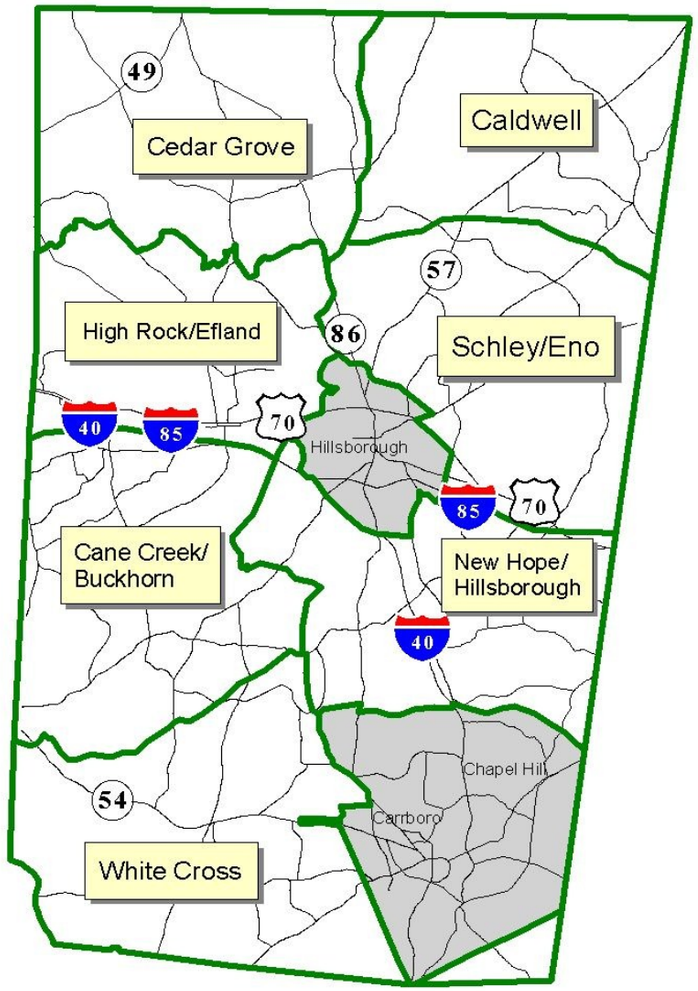
Benefits

- Signage to publicize the land's enrollment in the VAD program.
- Greater public awareness of the local agricultural community and increased pride in the farming way of life.
- Increased protection from nuisance lawsuits if notice is provided through county land records systems.
- Public hearings for proposed condemnation of VAD land.
- Suspension on waiver of water and sewer assessments if the VAD land is not connected to the utility in question.
- Possible flexibility in the Orange County Unified Development Ordinance (UDO) related to farming operations.

Requirements
According to NCGS 106-737, the land must be subject to a conservation agreement between the landowner and the County that prohibits non-farm development for a period of at least 10 years, except for the creation of not more than three lots that meet applicable County subdivision regulations.

- This agreement may be revoked by the landowner at any time. Ending the agreement will result in the property no longer qualifying for the VAD program and its benefits.

AGRICULTURAL DISTRICTS



The County is divided into Seven Districts

- Each district has one or more Certified Qualifying Farms enrolled as VADs or EVADs, and
- East district has a representative on the Agricultural Preservation Board.

ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS (EVAD)

Eligibility
Same eligibility requirements as VAD.

Benefits
Same eligibility requirements as VAD, plus:

- Landowners are eligible to receive a higher percent of cost-share funds under the Agricultural Cost Share Program—as high as 90% assistance.
- State agencies, departments, and institutions that award grants to farmers are encouraged to give priority considerations to landowners participating in Enhanced Voluntary Agricultural Districts (EVAD).
- All utility assessments may be suspended or waived if the land is in EVAD but not connected to the utility in question.
- The farm may receive up to 25% of gross sales from the sale on non-farm products and still maintain its zoning exemption as a bona fide farm.
- Landowners <u>may</u> experience fewer unsolicited requests from developers to sell the land, due to the 10-year irrevocable conservation agreement.
- Landowners can stabilize the use of their land while considering longer-term options, such as permanent agricultural conservation easements.

Requirements
Same conservation agreement required as VAD, except that the agreement may not be revoked during the term of the agreement.

At the end of its 10-year term, the EVAD conservation agreement automatically renews for 3 more years, unless the landowner provides a timely written notice to the County. Should the landowner end the conservation agreement, the property is no longer eligible for the EVAD program benefits.

For more information about VADs and EVADs see
<u>www.ncadfp.org</u>

ORANGE COUNTY
BOARD OF COMMISSIONERS

AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda
Item No. 4-g

SUBJECT: Captain John S. Pope Farm National Register Nomination

DEPARTMENT: Environment, Agriculture, Parks and Recreation (DEAPR)

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
1) Vicinity Map
2) Letter from State Historic Preservation Office
3) Elected Official Comment Letter
4) Public Hearing Notice
5) National Register Nomination (excerpt)
6) Photos of the Pope Farm

INFORMATION CONTACT:
Rich Shaw, 245-2514
Peter Sandbeck, 245-2517

PURPOSE: To consider the Orange County Historic Preservation Commission's recommendation that the Captain John S. Pope Farm be submitted for listing in the National Register of Historic Places.

BACKGROUND: The National Register process requires that the Board of County Commissioners offer an opinion recommending for or against the listing of a particular property within its jurisdiction. The owner of the subject farm, Robert Pope, initiated the National Register Nomination for his property to provide this honorary designation as part of his long-term effort to protect and preserve this historic agricultural property. The process has been undertaken in consultation with the Historic Preservation Commission, which endorses this Nomination. A vicinity map of the property is provided as Attachment #1.

On December 14, 2012, DEAPR's historic preservation staff received a letter from the State Historic Preservation Officer (Attachment #2) enclosing a National Register Nomination for the Captain John S. Pope Farm, located in the Cedar Grove community. An excerpt of the Nomination is provided (Attachment #5) along with photographs (Attachment #6).

As a Certified Local Government (CLG), Orange County has sixty (60) days from the date of submission of a National Register nomination to make comments on the proposal. If the County does not comment on the proposed nomination by February 14, 2013, the County's approval is assumed. (The County's status as a CLG allows it to apply for and receive federal grant funds through the State Historic Preservation Office for local historic preservation projects.)

In accordance with CLG guidelines, the Historic Preservation Commission (HPC) is required to provide an opportunity for public comment during the 60-day period. To meet this requirement, the HPC will hold a public hearing at its regular meeting on January 23, 2013. A Notice of

Public Hearing was published in accordance with the Historic Preservation Ordinance and letters of notification were sent to all property owners within 500 feet of the subject property. (Attachment #4)

The National Register of Historic Places was created through the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archaeological resources. The program offers honorary status to historic properties through a formal designation process. Listing on the National Register also entitles owners to apply for state and federal tax credits available upon completion of qualified restoration and rehabilitation work.

Eligibility for the National Register is determined by a thorough evaluation of the historic qualities and significance of the site, structure, or area. National Register nominations are evaluated based on the following criteria:

A. Property is associated with events that have made a significant contribution to the broad patterns of our history;
B. Property is associated with the lives of persons significant to our past;
C. Property embodies the distinctive characteristics of a type, period, method of construction or represent the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction;
D. Property has yielded, or is likely to yield information important in prehistory or history.

The Captain John S. Pope Farm is being nominated to the National Register under Criteria A for its association with agriculture, and Criteria C for its distinctive architecture.

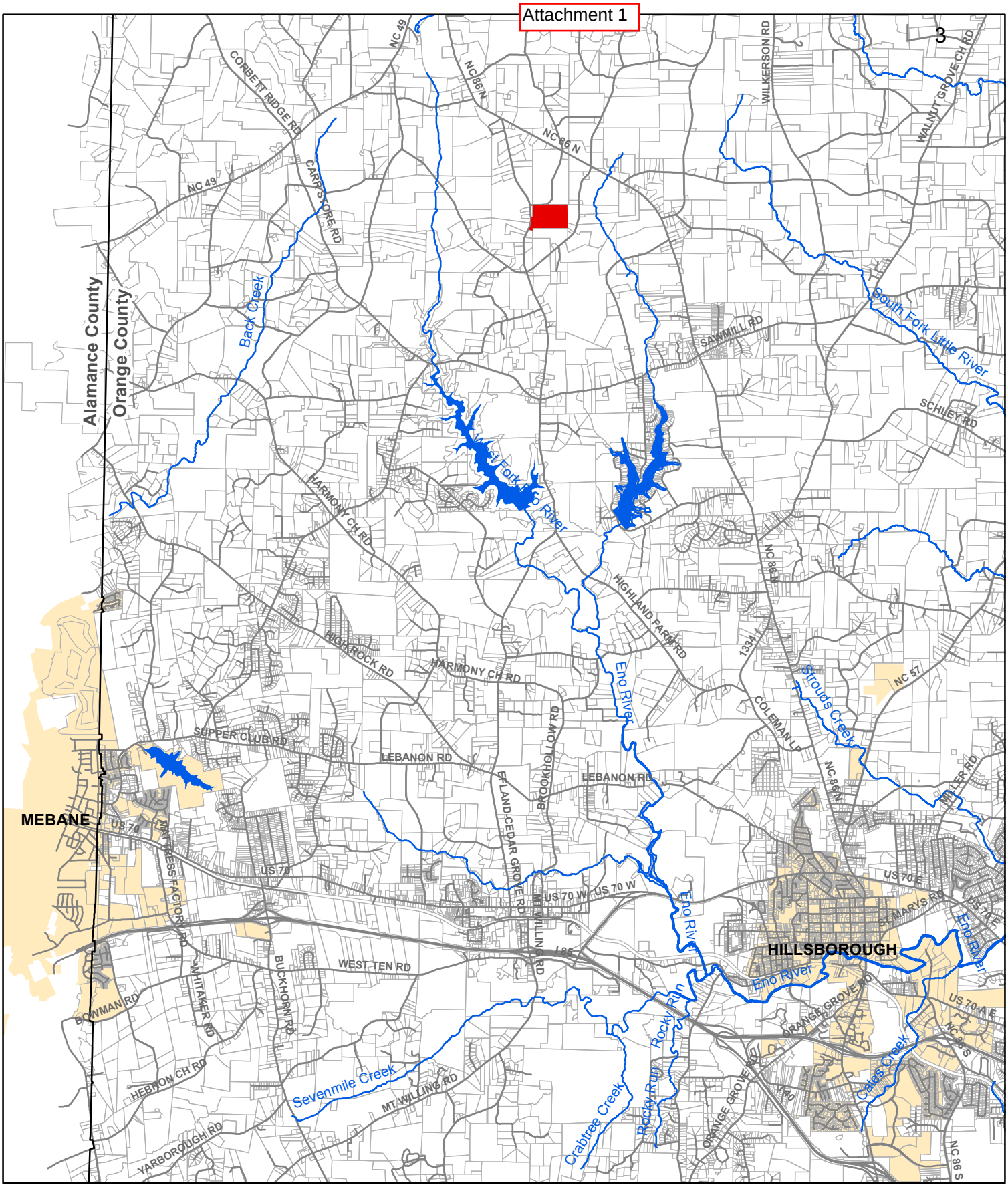
The Pope Farm is one of the best-preserved historic agricultural complexes still surviving in northern Orange County, exemplifying a mid-sized tobacco farm of the type that prospered here from the late 19th century until the 1960s. The farm complex consists of the original two-story farmhouse, built 1870-74 for Captain John S. Pope, and twenty outbuildings dating from the 1870s to the 1960s. The farm has remained in continuous operation by the Pope family and retains the original property acreage as well as the historic pattern of fields and forests.

The Historic Preservation Commission (HPC) has already endorsed the concept of the proposed National Register Nomination of the Captain John S. Pope Farm and will vote formally to support the nomination at its regular meeting on January 23, 2013.

The HPC is also considering an application for this same farm to be designated a local historic landmark through Orange County's Local Landmark Program. If the HPC determines that the property is eligible for designation, it will make such a recommendation to the BOCC at a future meeting.

FINANCIAL IMPACT: There is no financial impact associated with the National Register nomination.

RECOMMENDATION(S): The Manager recommends that the Board, based on the findings of the Orange County Historic Preservation Commission, recommend approval of the National Register Nomination of the Captain John S. Pope Farm and authorize the Chair to sign the Elected Official Comment Letter (Attachment 3).



Captain John S. Pope Farm - 6909 Efland-Cedar Grove Road
National Register Candidate
Vicinity Map

Pope Farm
Reservoirs & lakes
Major streams
Streets
Parcel boundary
Municipal boundary

0 0.4 0.8 1.6 Miles

Map prepared by IT/GIS Division
M Jones <OC220K O:\gishome\gisproj
\land_resource\HistPres2.mxd> 12/28/2012

North Carolina Department of Cultural Resources

State Historic Preservation Office

Ramona M. Bartos, Administrator

Beverly Eaves Perdue, Governor
Linda A. Carlisle, Secretary
Kevin Cherry, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

December 13, 2012

Mr. Peter Sandbeck
Orange County Historic Preservation Commission
P O Box 8181
Hillsborough NC 27278

RE: Captain John S. Pope Farm, Cedar Grove vicinity, Orange County

Dear Mr. Sandbeck:

Enclosed is a copy of the nomination for the Captain John S. Pope Farm, which is scheduled for presentation to the North Carolina National Register Advisory Committee on February 14, 2013. A copy of the notification letter sent to the property owner is enclosed for your information.

As a Certified Local Government, you normally have sixty (60) days in which to comment on the proposed nomination. If you do not respond by February 14, 2013 on the proposed nomination, approval of it will be assumed. Please note that **Orange County** is to provide an opportunity for public comment on this nomination according to the terms specified in the certification agreement the **County** signed with this office. A copy of your notice to the public should be forwarded to our office along with any comments you wish to make on the nomination to satisfy federal and state requirements. Please use the enclosed comment forms to send us your response.

If you have any questions concerning this nomination, we will be happy to help.

Sincerely,

Kevin Cherry

Kevin Cherry
State Historic Preservation Officer

KC/jct: Enclosures

cc: The Honorable Barry Jacobs, Chair, Board of County Commissioners

ATTACHMENT #3: Pope Farm National Register Nomination

Recommended Text for Elected Official Comment Letter for Pope Farm National Register Nomination (to be copied onto BOCC letterhead)

January 24, 2013

Ms. Ann Swallow
National Register Coordinator
State Historic Preservation Office
Office of Archives and History
Department of Cultural Resources
4617 Mail Service Center
Raleigh, NC 27699-4617

RE: Captain John S. Pope Farm, Cedar Grove vicinity, Orange County

Dear Ms. Swallow:

This is to inform you that the Orange County Board of Commissioners have reviewed the National Register nomination for the Captain John S. Pope Farm and find that the property meets the criteria for listing in the National Register of Historic Places as stated in Section 8 of the nomination report. We therefore recommend that the property be submitted for listing in the Register.

Sincerely,

Barry Jacobs, Chair

cc: Mr. Robert Pope
608 Polk Street
Raleigh, NC 27604

Attachment 4

NOTICE OF PUBLIC HEARING
BEFORE THE
HISTORIC PRESERVATION COMMISSION
OF
ORANGE COUNTY, NORTH CAROLINA

Pursuant to the requirements of the Certification Agreement for Local Governments between Orange County and the North Carolina Department of Cultural Resources, Office of Archives and History, State Historic Preservation Office and in accordance with Article 4.3 of the Ordinance Creating the Orange County Historic Preservation Commission, notice is hereby given that a public hearing will be held before the Orange County Historic Preservation Commission in **Conference Room A200, 306 Revere Road, Hillsborough, North Carolina, on Wednesday, January 23, at 7:00 p.m.** to receive citizen comment on the following nomination to the National Register of Historic Places:

Captain John S. Pope Farm, 6909 Efland-Cedar Grove Road, Cedar Grove Township
(PIN: 9849-82-8366)

The Pope Farm is eligible for listing in the National Register of Historic Places under two criteria: Criteria A—the property is associated with events that have made a significant contribution to the broad patterns of our history, and Criteria C—it embodies distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.

The Pope Farm is one of the best-preserved historic agricultural complexes still surviving in northern Orange County, exemplifying a mid-sized tobacco farm of the type that prospered from the late 19th century until the 1960s. The complex consists of the original two-story farmhouse built 1870-74 for Captain John S. Pope, along with twenty outbuildings dating from the 1870s to the 1960s. The original acreage of the farm has remained in continuous operation by the Pope family.

The National Register of Historic Places is the nation's official list of buildings, structures, objects, sites, and districts worthy of preservation for their significance in American history, architecture, archaeology, and culture. The listing of a property in the National Register places no obligation or restriction on a private owner using private resources to maintain or alter the property.

All interested citizens are invited to attend the public hearing and be heard.

Questions regarding the meeting may be directed to the Orange County Department of Environment, Agriculture, Parks and Recreation located at 306 Revere Road, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call 245-2517 for more information.

Peter Sandbeck, Cultural Resources Specialist

January 9, 2013

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Pope, Captain John S., Farm

other names/site number

2. Location

Street & number 6909 Efland-Cedar Grove Road N/A ☐ not for publication

city or town Cedar Grove ☒ vicinity

State North Carolina code NC county Orange code 135 zip code 27231

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this ☒ nomination ☐ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set for in 36 CFR Part 60. In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. I recommend that this property be considered significant
☐ nationally ☐ statewide ☒ locally. (See continuation sheet for additional comments.)

Signature of certifying official/Title Date

State or Federal agency and bureau

In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. (☐ See Continuation sheet for additional comments.)

Signature of certifying official/Title Date

State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that the property is:

	Signature of the Keeper	Date of Action
☐ entered in the National Register. ☐ See continuation sheet		
☐ determined eligible for the National Register. ☐ See continuation sheet		
☐ determined not eligible for the National Register.		
☐ removed from the National Register.		
☐ other (explain:)		

5. Classification

Ownership of Property
(Check as many boxes as apply)

- ☒ private
- ☐ public-local
- ☐ public-State
- ☐ public-Federal

Category of Property
(Check only one box)

- ☒ building(s)
- ☐ district
- ☐ site
- ☐ structure
- ☐ object

Number of Resources within Property
(Do not include previously listed resources in count.)

Contributing	Noncontributing	
20	3	buildings
1	0	sites
1	1	structures
1	0	objects
23	4	Total

Name of related multiple property listing
(Enter "N/A" if property is not part of a multiple property listing.)

N/A

Number of Contributing resources previously listed in the National Register

N/A

6. Function or Use

Historic Functions
(Enter categories from instructions)

Domestic: single dwelling
Domestic: secondary structure
Agriculture/Subsistence: processing
Agriculture/Subsistence: storage
Agriculture/Subsistence: agricultural outbuilding
Agriculture/Subsistence: agricultural field

Current Functions
(Enter categories from instructions)

Domestic: single dwelling
Domestic: secondary structure
Agriculture/Subsistence: storage
Agriculture/Subsistence: agricultural outbuilding
Agriculture/Subsistence: agricultural field

7. Description

Architectural Classification
(Enter categories from instructions)

Other: I-house

Materials
(Enter categories from instructions)

foundation Stone
walls Wood: weatherboard
Wood: log
roof Metal
other Brick
Asphalt

Narrative Description
(Describe the historic and current condition of the property on one or more continuation sheets.)

8. Statement of Significance

Applicable National Register Criteria
(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- ☒ **A** Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ **B** Property is associated with the lives of persons significant in our past.
- ☒ **C** Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ **D** Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations
(Mark "x" in all the boxes that apply.)

Property is:

- ☐ **A** owned by a religious institution or used for religious purposes.
- ☐ **B** removed from its original location.
- ☐ **C** moved from its original location.
- ☐ **D** a cemetery.
- ☐ **E** a reconstructed building, object, or structure.
- ☐ **F** a commemorative property
- ☐ **G** less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance
(Enter categories from instructions)

Agriculture
Architecture

Period of Significance
c. 1870-1963

Significant Dates

Significant Person
(Complete if Criterion B is marked)
N/A

Cultural Affiliation
N/A

Architect/Builder
unknown

Narrative Statement of Significance
(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography
(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):

- ☐ preliminary determination of individual listing (36 CFR 67) has been requested
- ☐ previously listed in the National Register
- ☐ Previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey #
- ☐ recorded by Historic American Engineering Record #

Primary location of additional data:

- ☒ State Historic Preservation Office
- ☐ Other State Agency
- ☐ Federal Agency
- ☐ Local Government
- ☐ University
- ☐ Other

Name of repository:

10. Geographical Data

Acreage of Property 73.05 acres

UTM References
(Place additional UTM references on a continuation sheet.)

	Zone	Easting	Northing
1	17	664580	4007540
2	17	665220	4007540
3	17	665220	4007130
4	17	665580	4007130

☒ See continuation sheet

Verbal Boundary Description
(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification
(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

Name/title Heather M. Wagner
organization hmwPreservation date August 1, 2012
Street & number P. O. Box 355 telephone 336.207.1502
city or town Durham state NC zip code 27702

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A **USGS map** (7.5 or 15 minute series) indicating the property's location

A **Sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs

Representative **black and white photographs** of the property.

Additional items
(Check with the SHPO or FPO for any additional items.)

Property Owner

(Complete this item at the request of SHPO or FPO.)

Name Robert Pope
Street & number 608 Polk Street telephone 919.621.1150
city or town Raleigh state NC zip code 27604

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listing. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 *et seq.*)

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P. O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Projects (1024-0018), Washington, DC 20303.

Section 8: Statement of Significance

Narrative Statement of Significance:

The Captain John S. Pope Farm meets National Register Criterion A for agriculture for its role in the history of tobacco farming in Orange County. The farm is a well-preserved example of a mid-sized tobacco farm, typical of those that existed throughout northern Orange County in the late nineteenth and early twentieth century. The farm has remained in continuous operation by the Pope family since at least 1870 and retains the 1874 acreage as well as its historic arrangement of fields and forests.

The property also meets National Register Criterion C for architecture. The two-story, triple-A-roofed I-house is one of the earliest extant and most intact examples of this rural house form, which was found throughout Orange County in the mid- to late nineteenth century. The property retains one of the largest collections of agricultural outbuildings in Orange County with buildings dating from c.1870-1874 through 2008, illustrating typical rural North Carolina building practices of the nineteenth and twentieth centuries. The house and its collection of twenty contributing outbuildings illustrate the property's continued use as a tobacco farm from the 1870s through the early 1960s.

The locally significant Captain John S. Pope Farm remains one of the best-preserved rural complexes in northern Orange County with a period of significance extending from c.1870 to 1963, during which the complex achieved its current appearance. The house was constructed c.1870-1874 and the majority of contributing buildings were erected from c.1870-1880, 1900-1930, and 1945-1960. While the property remained in continuous operation as a tobacco farm into the twenty-first century, there is no basis for a claim of exceptional significance for the later use of the farm and for those buildings less than fifty years old.

History of the Captain John S. Pope Farm

The 73.05-acre Captain John S. Pope Farm is a portion of the larger John Alphonse McDade (1807-1869) farm in northwest Orange County. McDade acquired the land in 1806 and lived nearby, but it is not known if he farmed the 73-acre tract. McDade had five children before his wife Nancy M. Woods McDade's death in 1845. At the time of her death their youngest daughter, Josephine, was only two years old and may have left the farm to live with other family. By 1850, the federal census lists McDade as a farmer in the "Northwest Division" of Orange County with the oldest four of the couple's five children still living on the farm: John M. (1831-1893), William Woods (1833-1862), Mary Jane (1835-1917), and Henry Lee (1838-1913).

On May 8, 1859, Mary Jane McDade married John Saunders Pope. Born in 1836, Pope was the sixth child of Thomas P. and Mary Wheeley Pope, also listed as farmers in the Northwest Division of Orange County in the 1850 federal census. Shortly after their marriage, on October 6, 1861, Pope enlisted as a private with the North Carolina 31st Infantry Regiment and fought in the Civil War. He had reached the rank of captain when he mustered out of the military on April 26th, 1865, after the surrender at Bennett Place in Durham.

Family legend holds that John and Mary Jane Pope began construction of their house shortly after their wedding on land given them by her father, but the construction was interrupted by the war. When John left for the war, Mary was seven months pregnant; she lived nearby with her father for the duration of the war. The couple legally acquired the land in 1869 when, after his death, John Alphonse McDade's 183-acre tract of land was divided among his five children with each child receiving approximately 36.6 acres.[1] The house was likely still incomplete in 1870, as the federal census lists John S. Pope as a farm laborer living with Mary and their two eldest children (Thomas and Josephine) in Heightown Township, near Prospect Hill, in Caswell County. Mary's grandfather, William Woods, lived in the Corbett community just west of Prospect Hill and the family was likely living with him until the house on Efland-Cedar Grove Road was completed.

The house was likely complete by 1874. That same year, Mary's brother Henry Lee McDade transferred his inherited portion of the land to Mary to create an approximately 72.8-acre tract.[2] By 1880, the federal census lists John S. Pope as a farmer in Cedar Grove Township in Orange County. Pope is listed with his wife, his three children (Thomas, Josephine, and Carl), and an unrelated African American servant, William Thompson, occupying the property. According to family legend, shortly after the construction of the house, Pope learned that the house had actually been constructed on the west property line, the front of the house resting on a narrow strip of land between the Pope property and Efland-Cedar Grove Road that was owned by David and Mary Wells. An 1879 deed records the transfer of one-half acre of land along Efland-Cedar Grove Road (then Hillsborough Road), and adjoining John Pope's tract, from Wells to Pope, confirming this belief and creating the distinctly-shaped 73.05-acre parcel that remains today.

Pope's youngest son, Carl McDade Pope, married Lindia Lee Harris in 1892 and the couple initially lived on a farm on nearby Lees Chapel Road. Captain John S. Pope died in June 1895 just after the birth of Carl and Lindia's second child. In the 1900 census, Mary Jane Pope was sharing the house with her son Carl, and his growing family, which included daughters Lottie May, Jodie Ruffin, and Mary Lee. Carl did not sell his property on Lees Chapel Road until 1904, when Mary Jane completed

[1] William Woods McDade and his wife Frances Murphey McDade both died of illness in 1862, leaving a son, William H. McDade, who was raised by his uncle Henry L. McDade, to whom his father's portion of the inheritance passed.
[2] It is unclear from deeds whether this was Henry Lee McDade's portion or the portion passed to William H. McDade when he became of age.

her will leaving the farm to Carl. In 1909, Carl leased a portion of the farm from Mary Jane Pope "for the purposed of running a government distillery." In February 1910, Mary Jane Pope formally deeded the 73.05-acre property, known as the John S. Pope Homeplace, to her son Carl McDade Pope. That same year, federal census records show Carl and Lindia and their seven children (Lottie, Jodie, Mary, John, Thelma, Lacy, and Inez) living on the property with Mary Jane Pope, then in her 70s. Mary Jane Pope died in 1917.

Carl and Lindia raised a large family on the farm. Robert Harris Pope, the couple's youngest child was born in 1914, giving the couple a total of eight surviving children.[3] Additionally, with the death of his older brother, Thomas, around 1914, Carl's four nephews also moved onto the farm. Carl, who owned a sawmill, was responsible for several alterations to the house including renovations around the turn of the twentieth century that included the replacement of the original Greek Revival-style front porch with a shed-roofed porch on turned posts with sawnwork details and the addition of a decorative front gable to give the house a Queen Anne-style exterior. At this time, Carl also erected an addition to the garage, which in the 1920s, housed a truck Carl had purchased to haul lumber to and from his sawmill.

Carl McDade Pope died in 1927 and Lindia Lee Harris Pope remained in the house with her three sons running the farm. In the early 1930s, the current front porch and a small wing on the south side of the rear ell were erected by Carl's youngest child, Robert Harris Pope. Robert Pope married Janie Sue Hester in 1936, and they lived in the house, electrifying it in 1937, the same year his son, Robert Harris Pope Jr. was born. Water and plumbing were run to the house in 1943-1944, relieving the need for heating water in the nearby washhouse. Shortly thereafter, a one-story wing was added to the north side of the rear ell. (Both rear wings were removed in stages from 2002 to 2007.)

In 1947, Lindia Lee Harris Pope died and the house and farm went to auction, from which Jodie, John, and Robert Harris Pope acquired the property in 1948. Robert continued to farm the land and in 1952, purchased an additional 1.46 acres from the heirs of David Wells on which he constructed a tenant house with its own well house. By 1967, he had purchased an additional .75 acres from the Wells heirs, adjacent to the 1952 parcel, and erected a garage for the second home. By 1980, both John and Jodie had died and Robert Harris Pope took full ownership of the property. He farmed the land, raising tobacco, just as his father and grandfather had, until the Fair and Equitable Tobacco Reform Act of 2004.

In 2006, Robert Pope deeded both the original 73.05-acre tract and the 2.28-acre tract that he had acquired in 1952 and 1967 to his son, Robert Harris Pope Jr. Robert Jr., the great-grandson of Captain John S. Pope, uses the land to pasture-graze meat lambs and proudly holds farm tours of the property and farm dinners in the house. He removed the wings added to the rear ell, constructed a new bathroom

[3] Carl and Lindia Pope had a ninth child who died in infancy in 1908.

in a portion of the enclosed rear porch, and maintains the property and outbuildings so that they can be interpreted by tour-goers. The 1952 and 1967 additions to the property were combined into the main parcel, but are not included within the National Register boundary.

Agricultural Context: Tobacco Farming in Orange County

Agriculture has long played an important role in the history and economy of Orange County. The topography of the county is predominantly gently rolling hills and flatland with a combination of sand, silt, and clay soils over an underlying base of rock. The sandy loam, which provides the drainage necessary for tobacco farming, are located throughout the county, but larger concentrations of the soil are found in the northern part of the county, making tobacco farming more successful there. With the popularity of brightleaf tobacco in the years leading up to and following the Civil War, the economy of northern Orange County came to rely heavily on tobacco cultivation. The number of county farms tending the brightleaf soared from 10.8 percent to 40.7 percent from 1850 to 1860 and the quantity of tobacco grown rose five-fold, exceeding a million pounds.[4] While wheat and corn continued to be grown in all parts of the county, by 1860 seventy-five percent of tobacco growth in the county occurred in its northern section.[5]

Tobacco remained the major cash crop in northern Orange County from the mid-nineteenth century through the early twenty-first century and was grown by small and large farmers alike. In 1850, three-quarters of the county's farms contained less than 100 acres, while just a handful had more than 500 acres. The average size of farms dropped from 285 acres to 198 acres between 1860 and 1870, in part because of the lack of slave labor to work the fields, and the value of farms fell by half during the same period.[6] However, the expanding tobacco markets in nearby Durham made tobacco increasingly more profitable at the same time. The 1870 United States federal census listed tobacco production at 530,442 pounds (though those figures included Durham County, which was still a part of Orange County).[7]

Like many mid-sized farms in northern Orange County, tobacco was the primary cash crop cultivated on the Captain John S. Pope Farm. It was a labor-intensive crop requiring leaves to be picked and strung by hand, so the Pope family employed a farm laborer as early as 1880, when the federal census lists an unrelated African American servant, William Thompson, living on the property with the family. A log building at the rear of the property housed the laborer, who likely took meals with the family and

---

[4] Mattson, Richard L. "History and Architecture of Orange County, North Carolina," Unpublished manuscript. Hillsborough, NC: Orange County Planning and Development Department, 1996, pg. 20.
[5] Carter, Jody, and Todd Peck. "Historic Resources of Orange County." Unpublished manuscript. Hillsborough, NC: Orange County Planning and Preservation Department, 1993.
[6] Mattson, pg. 36.
[7] Lefler, Hugh. Orange County 1752-1952. Chapel Hill: The Orange Printshop, 1953, pg. 122.

used the small building only to sleep. The current owner remembers a farmhand living in the small log building as late as the late 1940s and the farm census records from 1925 and 1945 indicate that the cultivated acreage was worked not by the owner (C. M. Pope and later his widow), but by a tenant.[8]

In 1930, sixty-five percent of the acreage in Orange County that was dedicated to tobacco was located in Cedar Grove Township.[9] In addition to cultivating tobacco, the Pope family and its tenant farmers also planted grains and small quantities of vegetables and managed livestock. In 1925, twenty acres were dedicated to tobacco, ten acres to corn, and seven acres to soybeans for hay. Additionally, there was a small family garden, twenty-five laying hens, and three milk cows.[10] The 1935 census indicates a similar distribution of cropland with nineteen acres of tobacco, ten acres of corn, four acres of wheat, and three acres of rye. Additionally, the family had thirty fruit trees, four workhorses or mules, and four milk cows.[11] By 1945 the land use had shifted slightly with fourteen and a half acres of tobacco, seventeen acres of corn, and seven acres of hays, and the family had invested in poultry, selling 1000 broilers and fryers in 1945, and raised hogs and sheep on the land.[12]

Orange County remained predominantly rural well into the twentieth century, even as areas to the east were more fully developed. As late as 1952, seventy percent of the 254,729 acres that make up Orange County were considered farmland, one-third of county residents lived on farms, and twenty percent of the workforce was employed in agriculture.[13] By the mid-twentieth century, the dominant farm size in Orange County was a small one. According to the 1950 United States federal census, there were 2,038 farms in Orange County and the average size was 87.9 acres. Eighty percent of farms contained between ten and 179 acres with those farms less than ten acres representing small vegetable patches and the farms larger than 180 acres utilizing mechanized farming practices.[14]

However, the amount of acreage contained on a farm was not necessarily a direct correlation to the amount of harvested acres. In 1952, seventy-percent of Orange County was considered farmland, yet the total acreage in cultivation was only 48,958 acres.[15] In addition to harvested cropland, total farm acreage included pastured cropland, unharvested and unpastured cropland, open pasture, and

---

[8] Department of Agriculture, Statistics Division. 1925, 1935, and 1945 Farm Census Reports, Orange County. North Carolina State Archives, Raleigh.
[9] Department of Agriculture, Statistics Division. 1930 Farm Census Report, County Summaries, Orange County. North Carolina State Archives, Raleigh.
[10] Department of Agriculture, Statistics Division. 1925 Farm Census Report, Orange County.
[11] Department of Agriculture, Statistics Division. 1935 Farm Census Report, Orange County.
[12] Department of Agriculture, Statistics Division. 1945 Farm Census Report, Orange County.
[13] Lefler, pgs. 228-229.
[14] Lefler, pg. 231. 180 farms under 10 acres, 667 farms b/t 10-49 acres, 557 farms b/t 50-99 acres, and 405 farms b/t 100-179 acres, 132 farms b/t 180-259, 79 farms b/t 260-499, and 18 farms over 500 acres.
[15] Lefler, pg. 229.

unpastured woodlands, which alone comprised forty-six percent of farmland.[16] Additionally, the production of tobacco, which required much hand labor and was grown on approximately one-half of the farms in Orange County, contributed to the relatively small number of harvested acres. Thus only about twenty percent of farmland was being actively cultivated and harvested in the mid-twentieth century.

The historic landscape of the Captain John S. Pope Farm is typical of a mid-sized farm in Cedar Grove Township with field patterns dictated by the type of soil and changing little, if at all, in the early twentieth century and a majority of the land remaining wooded or undeveloped. Farm census records from 1925 indicate that only thirty-nine acres of the ninety-three acres held by Carl M. Pope (twenty acres were part of a non-contiguous parcel) were cultivated with fifteen acres cleared but not tilled and thirty-nine acres being "woods, waste, pasture, etc."[17] By 1935 and 1945, forty-four acres were in cultivation with thirty-nine acres remaining unimproved.[18] Much of the unimproved land was located near the spring and its resulting stream, just south of where the farm road turns; this low-lying ground is not suitable for row crops and remained forested. Additionally, fields nearest the house were seasonally used as small garden plots but were used predominantly for the grazing of livestock. The fields at the north and east ends of the property were used to cultivate row crops, including tobacco, corn, and other grains based on the type of soil that dominated each field. The farm census records indicate little change in the number of acres dedicated to each crop and aerial photographs taken by the United States Department of Agriculture in 1938, 1955, 1966, and 1972 show little change to the field and forest pattern of the farm in the twentieth century. While the farm no longer cultivates row crops, the shift from cultivated fields to pasture has minimal visual impact on the landscape.

Tobacco remained the prominent cash crop in Orange County through the early years of the twenty-first century. Four generations of the Pope family grew tobacco on the property from the 1870s through 2005. While the farm is no longer viable as a tobacco farm, the land remains in use, its open fields used to pasture-graze meat lambs for sale at local markets and restaurants. The family is proud to have the farm recognized as a Century Farm by the North Carolina Department of Agriculture for its continued agricultural use by a single family and is seeking a conservation easement to ensure its continued agricultural use.

[16] Lefler, pg. 231.
[17] Department of Agriculture, Statistics Division. 1925 Farm Census Report, Orange County.
[18] Department of Agriculture, Statistics Division. 1935 and 1945 Farm Census Reports, Orange County.

Captain John S. Pope Farm: overall view of farm (above) and 19th century log house (below), one of 20 historic outbuildings

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

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	October 16, 2012	BOCC Regular Meeting
Attachment 2	October 25, 2012	BOCC Work Session
Attachment 3	November 19, 2012	BOCC Quarterly Public Hearing

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
October 16, 2012
7:00 p.m.

The Orange County Board of Commissioners met in regular session on Tuesday, October 16, 2012 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, NC.

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

1. Additions or Changes to the Agenda

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

- Pink sheet- Additional Information for item 7c- Pretrial Services for Chatham and Orange Counties, Inc. Request for Additional Funding for FY2012-13
- White sheet- PowerPoint for Item 7-d - North Carolina State Clearinghouse Request for Intergovernmental Review of Proposed Private Crossing Closures with the North Carolina Railroad (NCRR)/Norfolk Southern (NS) Railway

Orange County Library Director Lucinda Munger announced to the public that the Orange County Library is conducting a community needs assessment for their strategic plan. The Orange County Public Library (OCPL) is holding public forums, offering an online survey, and mailing out survey postcards during the month of October. These activities are the first steps toward developing a strategic plan for the library's future, and the library is actively seeking input from County residents. It is called "Deep Roots- New Growth: Creating a Customer Focused Library". The planning process will assess the community's needs on library services and form the basis of a three-year plan for Orange County libraries.

All County residents are encouraged to respond to the online survey either from home or at the library. Participation is voluntary and all responses are confidential. The survey will be posted on the library's Web site at www.orangecountync.gov/library.

The next forum is taking place on Thursday, October 18 at the Century Center in Carrboro and the Maple View Education Center on Dairyland Road. Community forums are open to all ages and everyone is encouraged to attend to share their thoughts and visions for libraries in Orange County.

Complete information is on the library's website and all Orange County Library locations.

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 said that he started an observation that took place on September 18th at the last meeting. He said that the way in which the County Commissioners conduct meetings is appalling. He said that the County Commissioners waste time constantly repeating themselves. He said that many people wanted to speak about their property and not enough time was given for them to speak but plenty of time was given to the presentation. He spoke about the County's involvement in ICLEI and stated that it was evil.

Ann Charles read a prepared statement:

"I'm Ann Charles. I own the property adjacent to Cane Creek Reservoir and OWASA property at the top of Mt. Mitchell Road. Cane Creek community is disappointed with our neighbor, OWASA, who failed to notify us of flagging their property lines in the interest of working with MST staff in placing trails. We had NO IDEA.

I personally knew the creator of the Mountains to Sea Trail (MTST), Dr. Allen DeHart. An amazing naturalist, Allen DeHart surely wanted this state to be seen for all its beauty. However, it would not be his intention for any part of the MTST to be inflicted on anyone nor on their community.

Having been raised in the Quaker tradition, I try to see things from a broad perspective. I can fairly state: I have two minds about this issue:

1) First, I would like to see the MTST totally eliminated from every passing through the Cane Creek Watershed and its surrounding rural neighborhoods.

Why, because we purchased our property in this location for the quiet and remoteness it affords. We pay our property taxes and feel no obligation to provide those who do not live here with the very thing which hastened us to choose this location and lifestyle.

But then my other mind says….

2) I believe in a win-win solution being found for the MTST as I too think the trail is 'good' in the **proper location**. I suggest the County work with Bingham Township to create a rural park to allow for an outdoor/rural experience versus putting trails through a PRIVATE COMMUNITY with its own covenants for care.

My deepest concern is for safety and privacy. There'll be increased threats and increased insurance fees from fire with no 'real' way to manage fire out on the trail when hikers decide to start a little fire for fun/ambiance or goodness knows maybe smoking a cigarette. There'll be increased threats from break-ins to homes and vehicles because of its easy access from the trail. Cane Creek, Thunder Mountain homeowners won't know who has just wandered off the trail or who's scoping their place out to hit now or later. Homeowners' schedules can be determined more easily. Having the trail near homes presents a problem or folks' privacy due to 'peeping' into homes through uncovered windows because we have no reason to block them. Goodness knows, I wouldn't let my grandson play in the yard unsupervised with a trail there. Problems arise for hikers when injury, robbery, personal assault and/or rape occur on the trail…who's responsible? This is a secluded area that takes time for police, fire, or rescue officials to reach much less do something about it when they respond to a call. How can they police a trail? How can

they get fire trucks in a 3-foot path or injured out? This area needs protection from folks just drifting in and out on foot.

Since August 1, 2012, I've found six articles alone regarding trail safety in Durham, NC. I have copies for the Board, but will quote just a couple here from the News and Observer.

8/4/2012 – Man attached on American Tobacco Trail: a female jogger reported that a man jumped from behind a bush and grabbed her. Man was charged with misdemeanor sexual battery. "Police have suggested that people visit the trail in groups, stay in well-lit areas, and avoid strangers, among other precautions."

8/19/2012 – Residents to Rally for Trail Safety in Durham:

1) "Since January 2011, the Durham Police Department has recorded 23 incidents on the trail, including robberies, assaults, and indecent exposures."
2) "Residents in the neighborhoods the trail passes are asking the city to help secure the path."
3) "Sadly, I no longer use the ATT," Chris McLaughlin wrote, "Last December was one of four people mugged over two weeks, all in the middle of bright, sunny days."
4) "Police records show four attacks – two robberies and two simple assaults – occurred over 12 days in May."
5) "A similar pattern – five attacks in eight days – took place in December."

8/23/2012 – Another Assault on Tobacco Trail:

1) "Police announce sixth crime reported on the trail since May 14."
2) "Residents in the neighborhoods the trail passes are asking the city to help secure the path."
3) "Some neighbors believe recent break-ins of some neighborhood homes that border the ATT may have been result of easy criminal access from the ATT, Cotton wrote."
4) "When it's starting to get dark, it's not a time to be on any trail in the United States," per Police Chief Jose L. Lopez.

8/30/2012 – Chapel Hill Area Crime Report from Sergeant Butch Clark (included in articles presented)

So you see, I choose to urge you to postpone any further planning for the MTST – Bingham section (including all exploratory trail routing) until all options are explored with the input from the community residents targeted.

I want to thank each Commissioner for devoting thoughtful time to this item. The Cane Creek community see themselves as caretakers of not only the watershed but each other. It's a small piece of the planet, but what happens here is the model for others to follow."

Chris Silva was representing Jeff Stephens and read a prepared statement:

"Dear Commissioners,

In 2001 I purchased 10 acres of land bordering a portion of Cane Creek and in in 2003 built my house and have lived here ever since. This will be the last place I ever plan to live.

I was attracted to this land for several reasons: Its beauty, the privacy it afforded, and the existing environmental easement which was already in place at the time of purchase. Because of this easement which protects my land in perpetuity, I cannot develop, clear, or despoil in any way almost half of my 10 acres and I would not have it any other way. When I walk on this protected area of my land I do so with much respect. I tread very lightly and use the utmost care not to harm either flora or fauna--not breaking branches or trampling on the forest understory of plants; not harming or harassing spiders, snakes, or other living creatures; not compromising the banks of the creek by careless walking or other activity.

Could I trust total strangers to take the same care? Would they value my land the same way I do? We all know the answer to this is "No". I do not want to see even one plastic bottle, even one stray piece of paper, or one of anything else discarded or even inadvertently dropped into this pristine environment. That would inevitably happen if other people, even well intentioned ones, were granted free access to my land and that is unacceptable to me.

I am highly opposed to having my property become a part of this trail system and will fight hard against that happening. Please do not put me and many others in the position of having to do so. Find another path."

Respectfully,

Jeff Stephens
4515 Mystic Lane
Hillsborough NC 27278
ujams@mindspring.com

Geoff Hegedes said that the Mountains to Sea Trail should not be placed where it is currently proposed. He has a lot of experience hiking all over the U. S. in very remote places. He said that trails that have easy access points to the public tend to attract an undesirable crowd. One example is the Tobacco Trail, which has had 30 incidences this year, which were near access points. He said that the Mountains to Sea Trail does have easy access points and this is worrisome. Secondly, he is concerned about the fire hazard because of no fire roads being built into the area.

Jim O'Connor read a prepared statement:

"I'm puzzled. Aren't you the same people, along with the OWASA members and various citizens, who worked as a team to do an excellent job of protecting Cane Creek Reservoir for its original purpose till now?

And here we are now talking about uncontrolled access, uncontrolled hours for who knows who traipsing at will for 365 days a year for who knows what besides simply hiking.

This land wasn't set aside as multi-purpose land. What happened to our regard for the initial purpose of the reservoir and adjacent property owners?

Why spoil this now?

- Till now, all access has been limited to one Gated Controlled Entry
- Sections most likely to be breached have 8 ft chain link fence
- Teer Road has been gated to stop the proliferation of accumulated trash and uncontrolled parties.
- "No Trespassing" signs virtually surround the entire perimeter
- Furthermore, hunters and a rowers' club who wanted access 365 days a year were denied their requests.

So why would we now even consider opening a "door" for all to follow?

Are we thinking that those who have been denied other such freedoms of access will not be feeling unfairly treated?

If we go ahead with this MTS trail through Cane Creek, shouldn't we expect others already denied to vigorously renew their efforts?

Shouldn't we expect yet others to insist on who-can-tell what encroachments and cry foul if they don't get them?

Moreover, the MTS already has an existing trail elsewhere that has been already satisfactorily traversed from one end to the other.

In any case, is MTS now to be given liberties others were denied? Please, let's deny them, one and all!

If you are unwilling to do so, can we at a minimum count on:

1. Strict Controlled Access – as with Eno State Park's five controlled access points
2. Daylight hours only
3. NO camping and no fires whatsoever
4. Regular surveillance and strict enforcement

Are we absolutely committed to these and other constraints?

Why? Four reasons:

1. We're protecting a primo drinking water source reservoir.
2. It has 19 miles of shore line surrounded by mostly forested roadless land which has been drought stricken more than once lately, and there are no fire roads!
3. We're talking about many long range hikers not necessarily adverse to overnight camping or smoking en route, (and not just cigarettes).
4. With uncontrolled access, just far enough out of sight and sound, we can expect those with intentions other than a great hike from the mountains to the sea to find their way to ideal nooks, crannies, and coves – and once there to have some uncontrolled parties.

And we're talking about a contiguous habitat for rare and skittish species found few other places in the Piedmont, if any. The exceptionally rare eagles, bobcats, snowy egrets, coyotes and such will have to head elsewhere, some no doubt ending up as roadkill.

And we're talking about what our children will think of our not being mindful that the Creator surely wanted us to care for every living thing and part of the creation, that is, for every kind of being to have a place to live and procreate under the sun!

In conclusion, let's say YES to a MTS trail as originally planned – or elsewhere; but, let's decidedly say NO to an invasion of the reservoir.

In other words, I'm for us not letting this MTS trail through OWASA's Cane Creek Reservoir.

Speaking in defense of rare and disappearing wildlife and their precious habitat, the: Jewel of the Piedmont."

John Silva read a prepared statement:

STATEMENT TO BOARD OF ORANGE COUNTY COMMISSIONERS

OCTOBER 16, 2012

Good evening, my name is John Silva, a resident of Cane Creek in Bingham Township.

I would like to thank the Orange County Board of County Commissioners (OC BOCC) for the opportunity to address ongoing concerns regarding the proposed segment of the Mountain to Sea Trail (MST) in the Cane Creek (CC) watershed and the surrounding CC community.

I would like to have the written statement I am about to read recorded in tonight's minutes.

Cane Creek residents have communicated with the OC BOCC, OWASA, Orange County Land Management, OC Administrators, the NC State Trails Manager, and representatives of the Friends of the Mountain to Sea Trail regarding the fatal flaws in the CC segment of the MST.

It is important to reinforce that the CC segment of the MST runs within yards of rural residences, presents unacceptable and unnecessary risks to Cane Creek residents, compromises the security of the Cane Creek Reservoir, and threatens to compromise the water quality of a main water supply for Chapel Hill and Carrboro.

The Orange Grove Fire Chief has provided a written memo of concern to OWASA, Orange County, and FMST. He has publically stated that bulldozers would be needed to fight a fire in the CC segment of the proposed trail. What would that do to the water quality of the Cane Creek Reservoir?

The Orange County Sheriff has publically stated that special vehicles would be needed to access the trail in an emergency. There will be slow response time to any incident on this remote section of trail with no access points.

The CC segment is an unnecessary embellishment of the MST project given that the MST already spans the entire state as noted in public statements by FMST and as noted in Raleigh-Durham TV news coverage this spring (2012) of a woman who ran the entire MST.

OWASA has protected the CC watershed since the planning stages of the reservoir.

It is concerning that OWASA would consider opening up the Cane Creek reservoir for unrestricted access. Once maps of this trail segment are publicized in the social media unrestricted access will come from vehicles using our rural roads which are only a couple of minutes off the proposed trail.

OWASA can save the county taxpayers money and the county commissioner's valuable time by withdrawing the use a small remote segment of their land for the MST.

The convenience of a public trail only yards from one's home has to be weighed against greater community concerns related to security, loss of privacy, increased traffic on private rural roads, the concern with fire and the breach of water quality in the reservoir.

Delaying the identification of an alternate trial route that will replace the proposed CC segment will simply prolong this matter, wasting more taxpayer money and county government resources.

CC residents have been told several times by Rich Shaw of OCLM that he was pursuing the “path of least resistance” in establishing the MST. To many CC residents this statement now lacks credibility given that CC residents have opposed the CC segment for well over a year.

We respectfully ask that the OC BOCC request that Rich Shaw and OCLM to use the fall season to explore viable alternatives for a recreational trail that does not pass through the OWASA/Cane Creek communities as presently proposed in the MST plan.

We are united in our resolve to remove the proposed MST trail from the Cane Creek community and have the resources and community support to pursue other actions if necessary.

Thank you. John M. Silva jmscms67@gmail.com

Chris Weaver read a prepared statement:

“I have no issue with trails especially when they already exist. But these additional trails force many questions that need to definitively answered rather than be allowed to proceed by the “appearance” of cohesion by a portion of the community.

The Open House Information format for the MTST was not a proper Hearing which the county deserves.

The Questions that were written down and submitted by the public were lost and I have not heard if they were recovered, and I have not heard any follow up on the proposed “survey” from Mr. Shaw in my email correspondence with him.

We have two possibilities on the MTS Trail. It is either a benign Public Access idea that the Non Jurisdictional, Non-Profit, Promotional MTS group wishes to expand into people’s back yards with the blessing of the State and our local planners. Or it is a mechanism to aid the County to achieve benchmarks and goals to control property and water set forth in 2000 Final Shaping Orange Plan and the precursor 1999 Measuring Sustainability Index.

Either way the trail presents some clear problems.

1. The use is unregulated as far as operating times.
2. The liability issues are huge and as yet there is no offer for indemnity to the landowners by the State or MTST
3. Emergency services have great concerns about limited access to narrow trails for rescue and fire response.
4. Citizens along the route are concerned with their privacy and property
5. What will happen to hikes during hunting season?
6. At what point will Eminent Domain be considered?

I would much rather see the energy and effort being applied to this new future alternate routes but put into the existing trail as it stands now and I would support a motion to eliminate the entire southern proposed route along the Cane Creek water shed.”

Kathy Andrews read a prepared statement:

"Fellow Citizens and Commissioners,

"We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness –" The Pursuit of Happiness – the word, happiness, in the 1700's came from the word 'happenstance' which simply meant the traits or abilities, or 'gifts', if you will, each of us are born with. So the Pursuit of Happiness translates more accurately to the use of your talents to make your way in life.

Knowing this, all people have talents to offer that make our country the unique and prosperous identity it is. We are not oppressed by dictators or rulers, czars or shahs, who force their will upon us. We stand to occasions and find answers. Unfortunately, we have public servants here in Orange County that see this view differently.

Seemingly, everyone has heard of UN Agenda 21, Sustainable Development. It is presented to us as a good and wholesome idea for our future. In fact, that is quite the opposite. Agenda 21 seeks to remove the right to own property as well as to control every aspect of our lives. It is happening under our own watchful eyes by calling it something else. Something beautiful. Conjuring idyllic dreams. A mask, if you will. Right here, in Orange County and many other North Carolina cities the program is well underway.

The Mountains to Sea Trail is the portion of Agenda 21 to control the water. When water and food production are controlled, we become slaves to the controller. Are you aware that when the county takes control of the water on private property you are banned from using it? It is most often fenced off from you and all that might want to purchase it in the future. Are you aware brokers have approached private citizens to purchase their streams in Northern Orange County? Why that area for the trail? Are you aware farmers have been presented options to purchase the right to the water on their land, which then allows the county to control all uses of the land? The first step in this water control is happening right before us in the name of 'Sustainable Development'.

The reality is loss of personal property. Property owners are forced to care for that land, as dictated by the commissioners, with fines being imposed for non-compliance. Imagine, fining you for not doing work on the land they now control. These fines typically end in default and acquisition of the rest of the property as the owner sells a portion because of monetary need. Within a matter of years the county will own the land. Property rights are gone. The Mountain to Sea Trail is a green mask, the 'wolf in sheep's clothing'. The wolf does not remove the costume until he captures the sheep.

Though I am not directly affected by a waterway on my property, I am affected, as is every citizen of Orange County by the water restrictions to be imposed in the future and the goals this project sets for our future way of life. Please wake up.

Kathleen Andrews, resident of Orange County"

Mary Carter is a resident of Hillsborough. She said that the citizens are dealing with a lack of transparency. She said that this is charging forward regardless of the cost or inconvenience to the citizens. She said that there are many unanswered concerns about the trail, and she listed them:

- What exists for private landowners who have trail users enter on private property?

- Are the entities allowed a rebate on property taxes by the County for the land granted for easement, or does the County still wish to secure revenue for the grantor?
- What proposals are in place to assure security on the trail?

She said that it seems that the County Commissioners seem to promote what they like over the rule of the people in general. She said that there are more concerns, but the County Commissioners need to figure out a way to collaboratively share the information with the population.

Bill Charles read a prepared statement:

"My name is Bill Charles and I wish to speak on the behalf of a group that has not yet been here, all the Orange County property owners and citizens that may be directly affected by the proposed Mountain to Sea Trail (MST).

The MST organization has proposed the trail to be somewhere in a mile wide swath or corridor passing from the Haw River, North along Cane Creek, through the OWASA lands, then North-East to the Eno River. (Primarily in Bingham Township). The possibly affected parties are not just the property owners inside the corridor, but also citizens with property boundaries contiguous to its East and West borders. The final route may not be centered in the corridor, but may pass close to its fringes and affect these outside properties. The total affected parties may well number in the hundreds.

We have heard many questions and seen much opposition to the MST from the citizens opposed to the OWASA trail routing. What part of this opposition was caused by lack of communication by OWASA, and the citizens who only became aware of the trail plans by flags being placed along their properties? This lack of involvement has fueled some rancor.

I ask that the same lack of communication not be applied to the much greater sections of the trail proposed North and South of the reservoir. All of these Orange County property owners deserve to be informed about the MST planning in their areas. We believe that the board can take a leadership role and inform and involve citizens as partners in the decisions that will possibly affect them.

So, in the interest of transparency and public interest, we, once again, ask that the Mountains to Sea Trail be placed on an upcoming regular agenda for public discussion. Given the problems with prior meetings, we ask that the topic be placed first on the agenda. We hope to cover the following topics:

- First – how to create a process to directly and formally notify all property holders who could potentially host the trail. These are property holders in the one mile swath and the contiguous properties. These property holders must be informed on issues such as: parking, trail development and maintenance, liability risks to property owners, safety, security and fire response. Also, what are the standard terms of permanent easements that might be placed on their property.
- Second, where might the access points be located and how will they be secured and managed? Every known park or trail access point in Orange County is a secured public location that is actively managed. Bingham has no managed access points. Even the few homes in the Thunder Mountain community that support the trail have insisted that there be no access points in their community.
- Third, what are the rules and expectations between the County and OWASA, given OWASA's recent comments that the Bingham routes be set before a trail is routed on land near the reservoir.

We believe that once your board is updated, you will agree that work in Bingham and OWASA is premature and should be discontinued until the county has engaged impacted property holders. The trail should be invited into our neighborhood, not mandated upon our neighborhood because it fits the larger goal of an organization that does not even reside in Orange County.

This issue is important to us – and without a real dialog, attitudes will degrade and community leaders will begin to solidify opposition to what should otherwise be a positive project.

Please start a meaningful public discussion on the Mountains to Sea trail, and place the topic at the start of your agenda.

Thank you."

Chair Pelissier said that this item was put on an earlier agenda as a report even though there was a petition to put it on an agenda. The response has been that it is a report item and that it will not come up until the staff has come up with more definitive information. She said that this is not a project of the County per se, but it is a project of the Mountains to Sea Trail.

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 McKee said that he would like a status report on the request to have more meetings on the MTST and Chair Pelissier said that Kate Dixon at the state MTST would be organizing a meeting in the near future.

Commissioner Gordon petitioned the board to send a letter to Chancellor Thorp to thank him and the University of North Carolina for adding 107.6 acres of environmentally sensitive land to the Mason Farm Biological Reserve. This is a part of the Parker Property, a 126.5 acre tract conveyed to UNC at Chapel Hill by William and Athena Parker in 1976. She made reference to her handout. She said that the Parker family gave this land to the University with the hope that it would be preserved. The 107.6 acres will be administered and managed by the N.C. Botanical Garden as part of the Mason Farm Biological Reserve. The remaining 18.9 acres of the Parker property will be left undeveloped for the next 25 years.

Commissioner Jacobs petitioned the Board to do more formal recognitions of community residents such as Chapel Hill Creamery that just won an award for its cheese, the anonymous Boy Scout that raised money for Department of Environment, Agriculture, Parks and Recreation (DEAPR), etc. He said that the County should honor these residents that are achieving in their realms.

4. Proclamations/ Resolutions/ Special Presentations

a. Resolution of Recognition for Volunteer Fire Departments in Orange County for Reducing Homeowners' Fire Insurance Costs

The Board considered adopting a resolution to recognize the Volunteer Fire Departments in Orange County for their diligent efforts in reducing homeowners' fire insurance costs.

Commissioner McKee read the resolution:

Res. 2012-88

ORANGE COUNTY BOARD OF COMMISSIONERS
RESOLUTION OF RECOGNITION FOR VOLUNTEER FIRE DEPARTMENTS IN ORANGE COUNTY FOR
REDUCING HOMEOWNERS' FIRE INSURANCE COSTS

WHEREAS, fire insurance for homeowners and businesses is impacted by the capabilities of the local fire department covering the structures, including the distance from the fire station; and

WHEREAS, in recent years, insurance companies have used new mapping technology to determine a more exact distance from a fire station to an insured structure causing a rise in premiums for some homeowners; and

WHEREAS, insurance premiums for both residential and commercial structures can be impacted by multiple variables, including the ISO (Insurance Services Office) rating of the primary fire department covering a home or business; and

WHEREAS, many fire departments in Orange County have aggressively worked to reduce fire insurance costs for home and property owners by improving ISO ratings and/or building new stations to cover structures that were previously beyond six (6) miles from a station; and

WHEREAS, the ISO inspection, conducted by officials with the North Carolina Department of Insurance, Office of State Fire Marshal, looks for proper documentation and/or demonstration for staffing levels, sufficient firefighting equipment, proper maintenance of equipment, 9-1-1 communications capabilities and availability of water sources; and

WHEREAS, fire departments, through mutual aid agreements, assist each other, including working together to demonstrate water haul capabilities during ISO evaluation; and

WHEREAS, Orange County is covered by 12 fire departments – Efland, Eno, New Hope, Orange Grove, Cedar Grove, Caldwell, and White Cross fire departments cover rural districts; Orange Rural (Hillsborough), Chapel Hill and Carrboro fire departments cover municipal and rural areas; and Mebane and North Chatham fire departments are located outside of Orange County, but cover areas within Orange County;

NOW, THEREFORE, be it resolved that the Orange County Board of Commissioners does hereby acknowledge the support Orange County fire departments have displayed in reducing insurance expenses for property owners in Orange County.

This the 16th day of October 2012.

Bernadette Pelissier, Chair
Orange County Board of Commissioners

Caldwell Fire Chief Brad Allison accepted the resolution on behalf of the Fire Chiefs Council and all of the volunteer fire departments in Orange County.

A motion was made by Commissioner Jacobs, seconded by Commissioner Gordon to approve the resolution to recognize the Volunteer Fire Departments in Orange County for their diligent efforts in reducing homeowners' fire insurance costs.
VOTE: UNANIMOUS

5. Consent Agenda

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

5-f – FY 2012-2013 Purchase of Vehicles through Vehicle Replacement Internal Service Fund

5-g – Legal Advertisement for Quarterly Public Hearing – November 19, 2012

- **Approval of Remaining Consent Agenda**

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

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

f. FY 2012-2013 Purchase of Vehicles through Vehicle Replacement Internal Service Fund

The Board considered approving the final list of County vehicles to be purchased through the Vehicle Replacement Internal Service Fund established with the FY2012-13 Budget and authorize staff to purchase.

Commissioner McKee said that in almost all of the categories they have funds to re-purpose vehicles but in two departments – Department of Environment, Agriculture, Parks and Recreation and Social Services - are getting replacement vehicles. He asked if the vehicles were being replaced specific to the requests or if they were just replacing vehicles. His concern is that Parks would need specific types of vehicles, etc. He would like to buy the specific vehicle to match the department.

Jeff Thompson said that staff meets with departments to talk about the needs.

A motion was made by Commissioner McKee, seconded by Commissioner Jacobs to approve the final list of County vehicles to be purchased through the Vehicle Replacement Internal Service Fund established with the FY2012-13 Budget and authorize staff to purchase.
VOTE: UNANIMOUS

g. Legal Advertisement for Quarterly Public Hearing – November 19, 2012

The Board considered the legal advertisement for items to be presented at the joint Board of County Commissioners/Planning Board Quarterly Public Hearing scheduled for November 19, 2012.

Commissioner Gordon made reference to page 5, #4 and said that she sent a question to the Planning Department and there was a revised notice #4 (lavender sheet), which is shown below:

4. Educational Facilities Impact Fee Ordinance Amendments: Amendments to Chapter 30, Article 2 of the Orange County Code of Ordinances have been proposed by Orange County. This section of the code is commonly referred to as the "Educational Facilities Impact Fee Ordinance." Section 30-34 Public school impact fee exceptions is proposed to be amended in order to **exempt from the required impact fee the relocation of an existing stick built, modular, or mobile home used for residential purposes onto a previously undeveloped parcel in certain circumstances.**

A motion was made by Commissioner Gordon, seconded by Commissioner Hemminger to approve the revised legal advertisement for items to be presented at the joint Board of County Commissioners/Planning Board Quarterly Public Hearing scheduled for November 19, 2012.

VOTE: UNANIMOUS

a. Minutes

The Board approved the minutes from August 17, 30 and September 11, 2012 as submitted by the Clerk to the Board.

b. Motor Vehicle Property Tax Release/Refunds

The Board adopted a release/refund resolution, which is incorporated by reference, related to 24 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 thirty-six (36) requests for property tax release and/or refund in accordance with North Carolina General Statute 105-381.

d. Fiscal Year 2012-13 Budget Amendment #3

The Board approved budget, grant, and capital project ordinance amendments for fiscal year 2012-13 for Library Services; Department of Environment, Agriculture, Parks and Recreation; County Capital Project Ordinances; Department on Aging; Board of Elections; School Capital Project Ordinance; Health Department; and Efland Volunteer Fire Company, Inc.

e. Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #3-A Related to CHCCS Capital Project Ordinances

The Board approved 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 Chapel Hill – Carrboro City Schools, and to approve Budget Amendment #3-A (amended School Capital Project Ordinances), contingent on the State's approval of the Application and authorize the Chair to sign.

f. FY 2012-2013 Purchase of Vehicles through Vehicle Replacement Internal Service Fund

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

g. Legal Advertisement for Quarterly Public Hearing – November 19, 2012

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

h. Interlocal Agreement between Town of Hillsborough and Orange County for Erosion Control Services

The Board approved an updated Interlocal Agreement to continue implementation of the erosion control program for the Town of Hillsborough by Planning & Inspections' Erosion Control Division.

i. Retiree Health Insurance Eligibility for County Commissioners

The Board approved the resolution, which is incorporated by reference, (Attachment 3) reflecting the Board's decision to make Commissioner eligibility for retiree health insurance commensurate with the eligibility requirements for Orange County employees effective October 2, 2012.

j. Electronic Medical Record/Practice Management System Replacement

The Board approved the replacement of the Health Department's Electronic Medical Record/Practice Management System with the purchase of the Patagonia Health Electronic Medical Record/Practice Management System with existing Medicaid Cost Settlement funds.

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 Quarterly Public Hearing meeting scheduled for Monday, November 19, 2012 at 7:00 p.m. FROM the DSS Offices, 113 Mayo Street, TO the Central Orange Senior Center (Adjoining Triangle Sportsplex), 103 Meadowlands Drive, Hillsborough, N. C. (Dinner meeting with the Planning Board at 5:30 p.m. will remain at Link Government Services Center).

6. Public Hearings-NONE

7. Regular Agenda

a. Southern Orange County Government Services Campus Master Plan Adoption

The Board received and considered adopting a Master Plan for the Southern Orange County Government Services Campus; authorizing the Manager to submit the necessary application and fees to the Town of Chapel Hill for the Special Use Permit ("SUP") Modification process for this project; authorizing the Chair to execute an amendment to the Clarion Associates Agreement dated May 15, 2012 in the amount not to exceed $37,500 for potential additional services related to the SUP process; and considered authorizing the Chair to contact the Town of Chapel Hill regarding adjusting the SUP modification process and related fees for this project.

Engineer in Asset Management Services Jeff Thompson said that in August this year, the Board of County Commissioners authorized the staff to move forward with a concept plan and staff has been available for walking tours of the property. Staff is preparing to submit a special use permit to the Town of Chapel Hill. The intention of this meeting is to formally adopt the Master Plan and associated guidelines.

Roger Waldon from Clarion and Associates made a PowerPoint presentation.

Southern Orange County
Government Services Campus Master Plan
October 16, 2012
Orange County Board of County Commissioners

Presentation Objectives

- Activity Since Last Status Report
- Design Guidelines
- Adjustments to Master Plan
- Draft Plan
- Update on Approval Process / Fees

Activity Since Last Status Report

- Presentation to BOCC on August 21
- Public Information Meetings on September 4
- Meetings with Stakeholders and Town Staff
- Revisions to Map Based on Additional Information
- Development of Design Guidelines

Design Guidelines

- Orange County 2030 Comprehensive Plan
- Chapel Hill 2020 Plan
- Chapel Hill Design Guidelines
- TJCOG High Performance Guidelines for Triangle Region Public Facilities
- Planning Best Practices
- Site Planning
- Infrastructure
- Undisturbed Areas
- Sustainability
- Buildings

Adjustments to Master Plan

- Based on Concept "B" from August 21 Meeting
- Added Connection to Carolina North Greenway / Bikeway
- Added Homestead Road Improvements
- Clarified Language Regarding Expansion of Existing Buildings
- Clarified Buffer and Setback Lines

Update on Approval Process/Fees

- Process
    - 12 month timeframe
    - Two steps: Concept Plan, Special Use Permit
    - Up to 17 meetings
    - Recommended adjustment to project budget

- Application Fees
    - Concept Plan & Special Use Permit Modification estimate $110,000

Next Steps

- BOCC Approval of Master Plan
- Submission of Concept Plan Application to Town of Chapel Hill
- Submission of Special Use Permit Modification to Town of Chapel Hill

Roger Waldon said that they are ready to submit to Chapel Hill the concept plan and they can do it tomorrow since it is one of Chapel Hill's deadline dates for concept plans.

Frank Clifton said that the last bullet has the Chair talking with the Mayor about the fees for this process. Also, this topic will be one of the items to discuss at the joint meeting with the Town of Chapel Hill in 2013.

Commissioner Gordon asked what was included in the Master Plan that will be given to the Town. Roger Waldon said that the concept plan application to the Town has the application form and the map of the plan and existing conditions. The plan is to take the text in the abstract and the design guidelines with a cover letter.

Commissioner Gordon suggested that this be sent to the Board of County Commissioners as well and Roger Waldon said that he would.

Commissioner Jacobs asked Roger Waldon about the greenway next to the property and the experience with crime on greenways in Chapel Hill.

Roger Waldon said that the experience in Chapel Hill has been favorable and crime has not been occurring.

Chair Pelissier said that this would be a good to present at the Assembly of Governments meeting.

A motion was made by Commissioner Foushee, seconded by Commissioner Hemminger to adopt a Master Plan for the Southern Orange County Government Services Campus; authorize the Manager to submit the necessary application and fees to the Town of Chapel Hill for the Special Use Permit ("SUP") Modification process for this project; authorize the Chair to execute an amendment to the Clarion Associates Agreement dated May 15, 2012 in the amount not to exceed $37,500 for potential additional services related to the SUP process; and authorize the Chair to contact the Town of Chapel Hill regarding adjusting the SUP modification process and related fees for this project.
VOTE: UNANIMOUS

b. Historic Rogers Road Neighborhood Community Center and Budget Amendment #3-B

The Board considered establishing a County Capital Project for the construction of a Rogers Road Neighborhood Community Center and approving Budget Amendment #3-B and authorizing the Manager to draft an Interlocal Agreement.

Assistant County Manager Michael Talbert said that the most recent discussion on this issue was on September 6th and the Board of County Commissioners approved moving forward, as follows:

- move forward with a new "green" community center;
- to ask the Manager to find $380,000 more to move into the fund already established with $120,000;
- to work with RENA and Habitat for Humanity on the design and implementation of this community center;
- to ask the towns to contribute computers, supplies, permitting costs, connection costs and the first 12 months of utilities towards this project;
- to ask the towns to expedite the permitting process; and
- to be able to start immediately to bring this project back to the BOCC October meeting to finalize going forward.

On September 18, 2012 the Carrboro Board of Aldermen reviewed the Interim Report from the Historic Rogers Road Neighborhood Task Force and approved the following motion:

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN

LAVELLE THAT THE TOWN OF CARRBORO HAS THE INTENTION OF CONTRIBUTING NOT MORE THAN $900,000 FOR THE TOWN'S PORTION OF THE COMMUNITY CENTER AND COST OF THE SEWER PROJECT. THE TOWN MANAGER SHALL RESEARCH FUNDING SOURCES. TOWN STAFF SHALL ALSO INVESTIGATE HOW THE TOWN CAN RECOUP THE SEWER LINE INVESTMENT COSTS FROM DEVELOPERS. THE BOARD EXPRESSES ITS APPRECIATION TO THE COUNTY FOR THEIR COMMITMENT TO THE PROJECT AND REQUESTS THAT THE TOWN OF CHAPEL HILL CONSIDER THEIR SHARE OF THE CONTRIBUTION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (COLEMAN)

On September 28, 2012 the County and Town Managers met and developed the attached recommendations:

> Recommendation 1.c. is to investigate a contractual agreement with Habitat for Humanity to construct a Rogers Road Neighborhood Community Center that would serve the residents of the Rogers Road Neighborhood. The center would be owned by Habitat and leased to Rogers Eubanks Neighborhood Association (RENA) for $1 per year.

A contract between the County and Habitat would be approved by the Board before any funds would be available for the construction of a Rogers Road Neighborhood Community Center.

On October 3, 2012 the Historic Rogers Road Neighborhood Task Force met and discussed the attached recommendations from the County and Town Managers. Based on the draft Meeting Summary the Task Force reinforced support for both the Community Center and Sewer in the Historic Rogers Road Community, by the recommending the following:

1. That the Managers meet and report back to the Task Force at the October 24, 2012 meeting, specifically to study how the local governments can cost-share sewer improvements and a community center.
2. That the Managers consider the attached "Carrboro" cost sharing option.
3. That the Task Force move forward with the Community Center and continue discussions as to how sewer is implemented.

Michael Talbert said that the Historic Rogers Road Neighborhood Task Force is scheduled to present its final report to the Assembly of Governments on December 6, 2012. The County's intention is to make a one-time capital contribution ($500,000) toward the construction of a Community Center and negotiate a master lease agreement with Habitat that will authorize the use of the Community Center for public purposes. A sublease could be negotiated with RENA to use this facility for their programs. Many details still have to be worked out before a Community Center could be constructed.

Michael Talbert said that the financial impact for this project would be for the Community Center costs which are estimated to be $500,000. The Board agrees to establish a Capital Project for the construction of a Community Center and advance the funding for a Community Center of up to $500,000. The establishment of an Interlocal Agreement, with the Towns to repay the County beginning in Fiscal Year 2013/14 for their share of the Community Center at the same costs sharing percentages outlined in the 1972 Landfill Agreement (43% Orange County, 43% Town of Chapel Hill and 14% Town of Carrboro), is necessary for the County to receive reimbursement from the Towns. The Towns have not yet approved funding a Rogers Road Neighborhood Community Center.

Michael Talbert said that Budget Amendment #3-B approves funding of $380,000 that will be appropriated from the General Fund's Fund Balance, combined with the Fiscal Year 2012/13 approved reserve budget of $120,000 for a Community Center. Budget Amendment #3-B transfers $500,000 from the General Fund to the County Capital Fund for this project. The project is contingent on both an Interlocal Agreement with the Towns of Chapel Hill & Carrboro and the approval of a contract with Habitat for Humanity for the construction and operation of a Rogers Road Neighborhood.

The Manager's recommendation is to approve the creation of a County Capital Project of $500,000 for a Historic Rogers Road Neighborhood Community Center, authorize the Manager to draft an Interlocal Agreement with the Towns and habitat to share the costs of a Community Center, and approve Budget Amendment #3-B.

Frank Clifton said that he and the managers met about this today and there is an understanding that the Towns support the cost-sharing and the Community Center.

Commissioner Hemminger said that she is excited that they can make this work and there are details to be worked out. She is proud of the County and she is pleased that the Towns want to be part of the cost-sharing.

Commissioner Foushee thanked the Board for its commitment to this project. She said that she is grateful to her colleagues for righting an injustice to a neighborhood for 40 years.

A motion was made by Commissioner Hemminger, seconded by Commissioner Foushee to establish a County Capital Project for $500,000 for the construction of a Rogers Road Neighborhood Community Center, authorize the Manager to draft an Interlocal Agreement with the Towns of Chapel Hill and Carrboro and Habitat for Humanity to share the cost of the community center, and approve Budget Amendment #3-B..
VOTE: UNANIMOUS

c. Pretrial Services for Chatham and Orange Counties, Inc. Request for Additional Funding for FY2012-13

The Board considered a request from Pretrial Services for Chatham and Orange Counties, Inc. to increase its original FY2012-13 funding allocation by $40,000.

Assistant County Manager Gwen Harvey said that the off-site agency application process was held during the budget cycle in the spring. The Board of County Commissioners made an appropriation of $70,000 to Pretrial Services. There was an additional request to have a grand total of $110,000 to support the operations through the rest of the fiscal year. She recognized Joyce Kuhn, Pretrial Administrator. She said that this is a very valuable function for Orange County.

Joyce Kuhn spoke about the services that Pretrial provides to Orange County.

Frank Clifton said that one point of clarification is that the legislature has helped fund this service in the past but no longer wants to do that, which is why this is coming forth now. He said that he and Judge Buckner talked about the possibility about some sort of fee structure for this service for the future but for now they are asking the County to fund this service. He would also like to talk to Chatham County about increasing its cost-sharing.

Commissioner Jacobs said that he had petitioned that the County look at alternatives in a holistic context. He urged the Board that the timeline for dealing with the people programs occurs no later than the planning of the structure so that there can be a fair and effective criminal justice system.

Commissioner Gordon made reference to #3 in the recommendation, "Direct staff to review and strengthen subsequent performance agreements to ensure Orange County investment is strictly applied to Orange County outcomes and consider alternative options to current operations to help offset local costs associated with these services." She asked about

the information in Attachment 1 from the Budget and Management Analyst. She read from the last paragraph, "Therefore, at the current funding level, Orange County is essentially subsidizing the Chatham County cases, albeit indirectly." She said that it sounds like this program is administered for the two counties and asked how this would happen if Chatham County does not provide enough funds.

Joyce Kuhn said that program activity is how they form their request for funding - 30% for Chatham and 70% for Orange County.

Frank Clifton suggested having an MOU with Orange County and Chatham County.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to approve an increased funding to Pretrial Services in the amount of $40,000 for FY2012-13; direct staff to bring back a budget amendment to appropriate the increased allocation; and direct staff to review and strengthen subsequent performance agreements to ensure Orange County investment is strictly applied to Orange County outcomes and consider alternative options to current operations to help offset local costs associated with these services.
VOTE: UNANIMOUS

Commissioner Jacobs asked about the improvements in the Battle Courtroom.

District Attorney Jim Woodall said that they are in the process of working on this and they are at the point of looking at audiovisual equipment for the courtroom.

Michael Talbert said that the main thing for the courtroom is to update it electronically. This will cost about $90,000.

Commissioner Yuhasz asked about the status of wi-fi at the courthouse and Assistant County Manager Clarence Grier said that the County just signed a contract to provide wi-fi to the courthouse two weeks ago.

d. North Carolina State Clearinghouse Request for Intergovernmental Review of Proposed Private Crossing Closures with the North Carolina Railroad (NCRR)/Norfolk Southern (NS) Railway

The Board received information on the North Carolina Department of Transportation (NCDOT) proposal to close private North Carolina Railroad (NCRR)/Norfolk Southern (NS) Railway crossings at Gordon Thomas Drive, Greenbriar Drive and Byrdsville Road in Orange County, and considered a letter submitting scoping comments related to the project.

Transportation Land Use Planner Abigail Pittman introduced this item. She said that the Planning Department has received a solicitation for comments from NCDOT with regard to three proposed private crossing closures at Gordon Thomas Drive, Greenbriar Drive, and Byrdsville Road. This is part of the Southeast High Speed Rail Corridor. These are safety improvements to close private crossings where feasible. The projects are to be performed during the State's FY 2012-FY2016 Work Program and funded with Stimulus High Speed rail Funds.

Proposed Gordon Thomas Drive Crossing Closure:

- 5-6 lots currently accessing crossing
- Paschall Dr. a 30' wide graveled private easement
- Two ends of Paschall Dr. not connected
- New road down Paschall Dr. would have to be built to the public NCDOT public road standards
- Non-conformities may be created
- Staff encourages a reevaluation of the cost-benefit analysis and other alternatives for this closure as there are so few properties receiving access from the crossing vs. the significant impact to this private community

Proposed Greenbriar Road Crossing Closure:

- 8 lots currently accessing crossing north of the RR track
- Rename one end of the Greenbriar Dr.
- NCDOT option crosses from Whispering Pines Subdivision over to Greenbriar Dr.
- Greenbriar Dr. not to NCDOT public road standards
- NCDOT option could have nonresidential traffic accessing residential areas
- Potential crossings of Rhodes Creek
- Location within County Eno EDD
- Location south of I-85 interchange
- Adopted Eno EDD Small Area Plan supports an enhanced service road and access system in the area
- Explore alternatives that consider larger context of area's access issues, environmental constraints, and Eno EDD development efforts and Small Area Plan

Proposed Byrdsville Road Crossing Closure:

- Approximately 70 homes currently accessing crossing
- Approximately 95 homes directly impacted by NCDOT option
- None of the existing roads are to NCDOT standards
- Route utilizes private access drive on Piedmont Electric's property
- Route crosses over Duke Forest property along rear of home sites
- Access 'block' to east may be unnecessary due to existing alternate access to west
- Access to NC 86 at an unsafe angle
- Traffic concerns created along 86 that will require a traffic study
- Access to Jasper Lane barricaded
- Potential significant impacts to large number of residents in this area
- Recommend NCDOT explore additional access alternatives

General Comments:

- Staff had insufficient time to coordinate its review with other County departments and the Town of Hillsborough.
- Police, Fire, and EMS departments have not been consulted by Planning staff.
- Majority of existing roads and easements in study areas have substandard widths, many are graveled, storm drainage pipes are rare and in poor condition, and there are few if any side drainage ditches.
- Many utility poles throughout study areas would require relocation.
- County UDO limits the number of lots allowed from private access.
- County UDO would require new roads to be NCDOT public streets.
- Additional right-of-way would be acquired by fee simple purchase or condemnation.

Staff Recommended Revision to Comment Letter:

After the agenda packet was prepared, staff identified the following recommended revision to Comment #5 regarding the Greenbriar Drive proposed private road crossing closure. The comment is being revised to specifically reference the adopted Eno EDD Small Area Plan:

5. Planning staff requests that more viable alternatives other than the current proposal be explored. This location is part of a County designated and zoned Eno Economic Development District, and is also immediately south of an interchange with I-85 which is planned for improvements. The adopted Eno EDD Small Area Plan supports an enhanced service road and access system in the area, and includes an

approved Transportation Access Management Concept Plan (copy enclosed for reference).

The Manager recommends that the Board:

1) Receive the information on the NCDOT proposal to close private NCRR/NS Railway crossings at Gordon Thomas Drive, Greenbriar Drive, and Byrdsville Road in Orange County; and

2) Provide any additional comments that Board may have to be added to the letter (Attachment 2) submitting scoping comments for the Environmental Assessment (EA) to NCDOT.

Commissioner Gordon made reference to the public input process and asked what provisions will be made by NCDOT to notify property owners.

Abigail Pittman said that she does not know the procedure but she would find out. She has called the representative from NCDOT two times, but he has not returned her call.

Commissioner Gordon encouraged staff to follow up.

Commissioner Jacobs asked if DOT has just picked a few crossings because he knows of more. Abigail Pittman said that these three are on the TIP program.

John Roberts said that he could provide the Board with a list of criteria for candidates for closures.

Commissioner Jacobs said that staff did a great job but the County should not rely on DOT to be the conduit for the concerns. He suggested being proactive and putting this on the County's website and telling DOT what the Board wants.

Chair Pelissier asked Clerk to the Board Donna Baker to schedule another quarterly meeting with DOT.

Craig Benedict said that the County can add comments between now and November 7th.

Chair Pelissier pointed out other comments that the Board wants to direct staff to make modifications that DOT should build access roads on their own easements, and make sure there is a robust public information and comment process.

The Board agreed.

8. Reports

a. Environmental Responsibility in Orange County Goals Update with Performance Report

The Board received a report regarding "Environmental Responsibility in County Government Goals" progress, and performance "scorecard" results for recent fiscal years

Jeff Thompson introduced this annual report and made a PowerPoint presentation.

Environmental Responsibility in Orange County Government

Annual Update

Board of County Commissioners

October 16, 2012

Purpose

- Establish Annual Report on "Environmental Responsibility Goal" accomplishments
- Report on performance

- Current and future year initiatives
- Response to Commissioner requests from June 2011 Utility and Fuel report

Background

- November 2004 – Environmental Responsibility Goals brainstorming session.
- December 2005 - Board adopted goals and policies:
  - Environmental Responsibility in County Government Goal
  - Energy Policy
  - Water Policy
  - Fuel Policy
- February 2006 – Environmental Stewardship Action Committee (ESAC) established
- November 2009/May 2010 – Environmental Responsibility Goal (ERG) status report
- June 2011 – Inaugural Utility and Fuel Conservation Report

Department of Environment, Agriculture, Parks and Recreation (DEAPR) *Director Dave Stancil continued with the presentation at this point.*

Department of Environment, Agriculture, Parks and Recreation (DEAPR) - Objectives

- No Net Loss of Woodlands / Roadside Habitat
- Orange WellNet / Groundwater Guardian
- Energy Efficiency and Renewable Energy Options at Parks, Rec Centers (new)
- Action Committee / ERG Working Team?

DEAPR – Current Initiatives

- ESAC Initiatives
  - Best Workplaces for Commuters
  - ERG Action Strategies – Prioritization
  - Determine Viability of Qualitative Scorecard
- DELTA Intern - GHG Inventory and Forecast Next Steps
- Environmental Education Efforts

DEAPR – Results

- Groundwater Guardian Program – 10th Year
- GWG Green Sites – 2 Parks
- Roadside Habitat Proposal Presented
- Implemented:
  - Forest Management Policy (No Net Loss of Woodlands +)
  - Forest Management Plans / Wildlife Enhancement Project
- Added 4 wells to Orange WellNet (lost 1)
- Properly-abandoned Old Wells - Future Parks
- Stream corridor protection at future Northeast Park (state grant)
- Stormwater and Water Reuse – Stanford Middle School (saving $100,000/year)

DEAPR – New Initiatives

- New Water Reuse and Conservation Projects
- Renewable Energy Options for Parks report
- Create New Forest Management Plans
- The "10% Campaign" (with EDC, CES)
- New Environmental Education Efforts
- Expand Paperless Agendas (CFE, PRC)

DEAPR – Horizon

- State of the Environment 2013 (Jan 2014)
    - Environment or Sustainability Report Card?
    - Pursue Groundwater Guardian Green Sites for Additional Parks / "Green Map"
- Continue to Grow Orange WellNet
- New S&W Water Reuse Project with School?
- Determine GHG Next Steps (outreach)

Blair Pollock from Solid Waste continued with the presentation.

Solid Waste Objectives

- Reduce Waste Landfilled by 61% per capita
- Maximize recycling and waste reduction opportunities in Orange County
- Continued exploration of alternatives to landfilling of waste

Solid Waste Goal & Results

FY 2010/11	**State**	**Orange County**
Reduction Goal	40%	61%
Reduction achieved (1991-92 baseline)	-8%	56%
Curbside recyclables /hh (lbs)	249	416
Recycling per capita (lbs)	80	268

Solid Waste Current Initiatives

- Conversion to single stream recycling
- Cart based recycling ~ 1/3 of rural customers - 2012-13
- Walnut Grove Ch. Rd. solid waste convenience center - 2012-13
- Concept plan for second convenience center - 2013
- Closure of lined landfill - June 30, 2013
- Municipal solid waste to Durham Transfer Station for 2013-14
- Establish additional internal goals for waste reduction/recycling for 2013

Solid Waste Future Initiatives

- Urban curbside to roll carts in 2013-14
- Next ~ 1/3 of rural curbside recycling to carts 2014
- Continue modernization of Solid Waste Convenience Centers

- Consider alternatives to Durham City Transfer Station
- Evaluate commercial recycling expansion 2013-14
- Develop 'buy recycled' policy; paper use reduction goal for County government
- Achieve 61% waste reduction goal and set new higher goal.

Sustainability Manager of Asset Management Services Wayne Fenton continued the presentation.

Objectives

- Presentation
  - Revisiting Department Objectives
  - Response to Commissioner requests
  - Utility and Fuel Scorecard FY 11 and FY 12
  - Current and Future Initiatives
- Department
  - Monitoring utility use
  - Continuously managing efficiency
  - Communicating results
  - FY 12-13 Initiatives; 5 year horizon

Energy Scorecard (table)

Water Scorecard (table)

Fuel Scorecard (table)

Current Year Initiatives

- Continued growth in geo-thermal – downtown Hillsborough
- Building control improvements
- Continued lighting improvements
- Sale/retirement of older facilities
- Asset improvements (roofs, doors, windows, solar film, vehicles)
- Employee education and outreach

For More Information:

Orange County Utility and Fuel Use and Conservation Initiatives -Inaugural Report located at:

http://orangecountync.gov/AssetMgmt/documents/AttachmentA-Conservation_Report-final.pdf

Commissioner Gordon suggested doing a press release that highlights important things in each of these areas for solid waste, especially the solid waste reduction achieved by Orange County.

Commissioner Jacobs made reference to page 33 and the new forest management plans. He asked Dave Stancil about this.

Dave Stancil said that there is a land management team that drives how to handle forest management.

Commissioner Jacobs made reference to asset improvement and addressing handicapped accessibility. He said that the Link Center is not handicapped accessible and he does not know how much more will be done to improve this building. He asked if there was an aggressive plan.

Frank Clifton said that there was going to be a meeting space in the Link Center but now there is not. In each capital project, there are different priorities.

Commissioner Jacobs said that the Link Center is a priority.

Commissioner Jacobs said that it would be good to share the solid waste goals and results at the Assembly of Governments meeting.

Commissioner Hemminger made reference to asset management and asked if the County could put in low flow toilets in all facilities.

Jeff Thompson said that when they renovate buildings, they will be putting in low flow toilets.

Chair Pelissier asked about a sustainability report and suggested putting it online and an abbreviated version to the media.

b. Tax Collector's Monthly Report

The Board received a monthly report showing the amount collected on each year's taxes charged during settlement, remaining uncollected, and steps being taken to collect the uncollected amount.

Tax Administrator Dwane Brinson said that this is the first time they have given this report. He said that this is an internal report. He walked the Board of County Commissioners through the report. For subsequent meetings, this item will be under Information Items.

Commissioner Hemminger suggested on the second part of the report to have the title and the year.

Chair Pelissier said that it would be helpful to include how many wage garnishments there were in years before compared to this year.

9. County Manager's Report

Frank Clifton made reference to the railroad crossing closures and said that a lot of them were identified nine years ago and then it was updated in 2009. The copy of the report is online.

He said that DOT has notified that it will be doing some work on the bridge on Churton Street in Hillsborough.

10. County Attorney's Report

NONE

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 Gordon to appoint Dr. Anthony John Voight to the Adult Care Home Community Advisory Committee in an At – Large position with a term ending 10/30/13.

VOTE: UNANIMOUS

b. Affordable Housing Advisory Board – Appointments

The Board considered making appointments to the Affordable Housing Advisory Board.

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to appoint Teri Driscoll (with a term ending 9/30/13), and Andrew Shannon, Jr., Dee Jackola, and Christopher Wehrman to the Affordable Housing Advisory Board with terms ending 6/30/15.

VOTE: UNANIMOUS

c. Hillsborough Planning Board – Appointment

The Board considered making an appointment to the Hillsborough Planning Board.

A motion was made by Commissioner Hemminger, seconded by Commissioner Gordon to appoint John Bemis to a second term to the Hillsborough Planning Board, with a term ending 10/31/2015.

VOTE: UNANIMOUS

Commissioner Jacobs said that he has brought this up before but he would like to have some sort of annual written report/comments from our appointee to this board and to other governmental boards like this one so that the County Commissioners can know what the appointee is doing and what the important issues are.

d. Orange County Parks and Recreation Council – Appointment

The Board considered making an appointment to the Orange County Parks and Recreation Council.

A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to appoint Ms. Betty Kahn to the Cedar Grove Township position to the Orange County Parks and Recreation Council with a term ending 3/31/2015.

VOTE: UNANIMOUS

e. Upper Neuse River Basin Association

The Board considered making an appointment to the Upper Neuse River Basin Association.

Commissioner Hemminger stated that, if another Commissioner wished to be appointed to the Association at a later date, she would step down from the position.

Commissioner Hemminger recused herself from voting on this item.

A motion was made by Commissioner Foushee, seconded by Commissioner Gordon to appoint Commissioner Hemminger to the Upper Neuse River Basin Association for a three-year term.

VOTE: UNANIMOUS

12. Board Comments

Commissioner Gordon said that the Orange County Implementation Agreement and Bus and Rail Investment (BRI) Plan were discussed at the October 10 MPO Transportation Advisory Committee (TAC) meeting. She said that she brought the Implementation Agreement and the BRI Plan forward for approval and both were approved unanimously. The Triangle Transit Board of Trustees is the only remaining board that still needs to approve the plan. She explained what the Bus and Rail Investment Plan included.

Commissioner Gordon said that the Draft 2014-2020 Transportation Improvement Program was also discussed at the TAC meeting. The TAC has released this for comment. The scheduled public hearing is at the November TAC meeting.

Commissioner Gordon said that the Intergovernmental Parks Work Group met and discussed the Mountains to Sea Trail. Four people from the public came to comment on this.

Commissioner Yuhasz said that the Board of Health is considering a "Smoke Free Public Places" rule. There will be a meeting tomorrow at 8:30 and a public hearing at the main library office at 7:00 p.m. next Wednesday.

Commissioner Foushee said that she was invited along with Pam McCall, Director of Nursing at the Health Department and three officials from UNC Hospitals to the Latino Health Initiative. They spent some time in Mexico and visited several medical facilities. She said that the goal is to improve health services to Latino citizens.

Commissioner Hemminger said that the St. Paul's Church project is going to save the Hogan historic house and move it to another location on the property. They are receiving private donations to have the house restored.

Commissioner McKee said that the New of Orange is doing an insert on the volunteer fire departments. He said that there is a report in the information items regarding the EMS station on the UNC campus. This station has helped reduce response times in that area. It has been located there as a collaborative effort between the County and UNC for approximately one year.

Chair Pelissier said that she participated in Project Connect last week and she saw more mothers with babies this year. She said that she attended the NCACC Environmental Steering Committee meeting and most of the goals were submitted by Orange County. She said that she will be serving on the Legislative Goals Committee next year.

13. Information Items

- October 2, 2012 BOCC Meeting Follow-up Actions List
- Buckhorn Mebane Utilities Phase 2 Preliminary Bid Information Memo
- Orange County Emergency Services - UNC Campus Station Report 2012
- Comprehensive Parks and Recreation Master Plan – Update
- Memorandum Regarding Ban the Box for Employment Applications

14. Closed Session

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to go into closed session at 10:35 p.m. for the purposes of**:**

"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).

Approval of Closed Session Minutes

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION

A motion was made by Commissioner Hemminger, seconded by Commissioner Gordon to go back into regular session at 11:20 p.m.
VOTE: UNANIMOUS

15. Adjournment

A motion was made by Commissioner Hemminger, seconded by Commissioner Gordon to adjourn the meeting at 11:20 p.m.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT **Attachment 2**

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
WORK SESSION
October 25, 2012
7:00pm

The Orange County Board of Commissioners met for a Work Session on Thursday, October 25, 2012 at 7:00 p.m. at the Southern Human Services Center, in Chapel Hill, N.C.

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

1. Northern Human Services Center Project Update

Department of Environment, Agriculture, Parks and Recreation Dave Stancil said that staff wanted to share with the Board the results of a year-long process about the future of the Northern Human Services Center. The goal has been to engage the community in the process. He made reference to the memo in the packet. He said that in the previous CIPs there was $250,000 funding for deconstruction, etc. of the existing facility with the expectation that there would be something built in its place. The new CIP has $2 million for 2014-15 for the construction of a new facility or renovation of the existing facility. On March 19th, there was a discussion about this. Some of the thoughts are to have a community room that could be used for things like family reunions, meetings, classes, a stage, etc. There was a subsequent community meeting in September and staff met to review these findings.

Staff came up with two options for uses at the Northern Human Services Center. Jeff Thompson made a PowerPoint presentation.

Northern Human Services Center

- Project Update
- October 25, 2012

Background
CIP Allocations
Public Process to Date

- **Option 1**
- 10,000 square foot community center
  - New construction, after de-constructing existing facility
  - Pre-engineered, metal building with masonry accents
  - Standard Upfit
  - Option 1-Example

- **Option 1**
  - Estimated Cost:
    - $182 - $210 per **square foot**
  - Advantages:
    - More building for the money
    - Maximum Design Flexibility
    - Maximum Programming/Use Flexibility
    - New Construction
    - Fewer Unknowns
- **Option 1**
  - Estimated Cost:
    - $182 - $210 per **square foot**
  - Disadvantages:
    - No presence of existing facility
    - Loss of Historically and Culturally Significant Facility
- **Option 2**
  - 10,000 square foot community center
    - Adaptive re-use of existing central portion of facility
    - De-construct classroom wings
    - New Roof
    - New Building Systems (Plumbing, Electrical, Mechanical)
    - Standard Upfit
  - Estimated Cost:
    - $185 - $217 per **square foot**
  - Advantages:
    - Preservation of Cultural and Historical Significance
    - Embodied Energy in Existing Facility re-use
    - Reasonable Cost
    - Elements of Existing Building to Remain
- **Option 2**
  - Estimated Cost:
    - $185 - $217 per **square foot**
  - Disadvantages:
    - Significant Unknowns
    - Restricted Design Flexibility
    - Restricted Use and Programming Flexibility
- **Next Steps**
  - Discussion
  - Preferences
  - Timeline
  - Design Professional Engagement (RFQ)
  - Informal Resident Advisory Group

Commissioner Yuhasz asked about the septic system that would be required for this structure and if the funding reflects the septic system required.

Frank Clifton said that the septic field determined what size facility they could build. It was a limitation.

Commissioner Yuhasz asked if the same people showed up at both meetings.

Dave Stancil said that about 75% were repeat attenders and also staff brought visual presentations to the second meeting, which was important to the community.

Commissioner Jacobs asked if this was going to be a green building. There was a discussion in the past about using solar panels. He asked if the figures included some kinds of green aspects or alternative construction.

Jeff Thompson said that this would definitely be a part of the construction.

Frank Clifton said that there are no plans to use geothermal wells.

Commissioner Jacobs asked about the process after tonight and Dave Stancil said that it would come back to the Board of County Commissioners as early as November 8th.

Commissioner Jacobs suggested inviting all community residents to these meetings where this is being discussed. He said that some of the money the County got from Congressman David Price years ago was supposed to be used for the septic site at Northern Human Services Center, and money was borrowed from this fund to fund other things in the past.

Chair Pelissier said that the community was amenable to have an EMS station there. She asked how this would affect the septic system. Jeff Thompson said that an EMS use would not affect the overall system.

Commissioner Gordon said that she likes the option of adapting the current building. She feels uncomfortable doing this outside of the budget process.

Frank Clifton said that the design work still has to be done, which will take 9-12 months. After that, the County Commissioners can then decide whether or not to build the facility itself.

Dave Stancil said that one of the biggest concerns at the meeting was that the community feared the deconstruction would take place and then nothing would happen after that.

Commissioner Foushee said that she prefers the adaptive reuse option. She said that the community also prefers this option.

Commissioner McKee said that he does not want to make promises and not follow through like with the Rogers Road area.

Commissioner Yuhasz suggested moving forward at least with the design for option 2 at a minimum.

Commissioner Jacobs agreed that option 2 is the preferred option, but he would like the public to have an opportunity to voice their opinion before the Board acts.

Commissioner Jacobs asked about the process about naming this building.

Dave Stancil said that this question will be addressed as this is moved forward.

Commissioner Jacobs suggested that if there is an advisory board then it needs to be given a copy of the naming policy to refer to.

Chair Pelissier said that she preferred option 2. She wants to honor the County's commitment to the community. As for naming the facility, she would like to ask the advisory group for suggestions for names.

Commissioner Gordon said that this is part of the naming policy.

2. Potential License Agreement – Hillsborough Youth Athletic Association

Chair Pelissier made reference to the correspondence from HYAA (yellow sheet).

Dave Stancil said that the Board asked staff during the budget work sessions to reengage HYAA. There have been conversations in the past about the use of ball fields, etc.

since 2010. One of the stumbling blocks was the usage fees for the fields and to look at the cost and benefits. Staff did reengage with HYAA and created a draft agreement, which is based on the farmer's market agreement.

The basics of the agreement include a lease of three fields at Northern Human Services Center, limited use of the one field at Fairview Park, and usage time and dates. He said that there is some opt out verbiage. The discussion did not include field lighting, which would be billed per usage. There is a memo from HYAA about this. Regarding concessions, it would cost the County more to operate concessions than the revenue made, so a third party vendor is being considered. The proposed agreement is for $3,000 a year. The HYAA proposal was for $1,000. The agreement is for one year to start and the renewal process could begin in the summer.

Dave Stancil continued to review provisions within the agreement.

Dave Stancil said that there is a staff memo in the packet after the agreement to review the pros and cons of an agreement with HYAA. The fields need to be used and this provides a public good. He said that this would not compete with any existing County programs.

Dave Stancil said that they would like to develop an evaluation template for this agreement and for future agreements.

Commissioner McKee said that this organization serves many kids (around 900) and that provides a service that the County no longer provides. He thanked Dave Stancil for working toward an agreement with HYAA.

Commissioner Jacobs suggested giving the HYAA representatives a chance to address the points. Chair Pelissier said that she would allow it.

Jessica Adams, President of HYAA, said that from their perspective they have had an organization since the 1970's and every year they are turning kids away. They do not pay anything for the town's fields or the exchange club or Schley fields. They now need more fields because of the number of kids that want to play ball and they do not want to turn anyone away for being unable to pay. HYAA gives over $3,000 in scholarships a year. No child is ever told that they cannot play ball. She said that this would be a great collaboration.

Jessica Adams reiterated that HYAA is a non-profit organization.

Frank Clifton said that there is a scholarship fund through DSS for kids that may not be able to pay.

Jessica Adams said that it is their understanding that the process is too lengthy for these funds and thus it is easier for the kids to come to HYAA for a scholarship.

Frank Clifton said that he would follow up on this.

Commissioner Jacobs asked Frank Clifton or Dave Stancil to arrange a meeting with DSS and HYAA officials to address the scholarship issue.

Commissioner Gordon asked why the fields are not being used now.

Dave Stancil said that the County stopped running little league two years ago because of the low numbers to support the programs. He said that when the County in 2005 jumped in and started doing baseball, that was competition with HYAA.

Commissioner Gordon asked if people could use the fields for pickup games and Dave Stancil said yes.

Commissioner Gordon asked about the equity issue with other non-profits that want to use the County's facilities. She said that this is basically subsidizing HYAA for $10,000.

Commissioner McKee said that they should remember that these fields were built with taxpayer funds and the fields should be available for anyone regardless. He supports the fee schedule, but one reason the fields in Cedar Grove Park are not used that much is because of the County's fee schedule.

Commissioner Yuhasz said that these are baseball fields that only are used for baseball, so it puts them in a different situation than some of the other facilities that the County has. It may not be precedent setting in this respect.

Commissioner Jacobs said that staff has said that it would review any inequities, and the agreement is only for one year. Everyone is on notice to see if this works. He said that there is not a competitor to use these fields. He said that this is kind of like the Triangle Sportplex, and he is ok with this.

Chair Pelissier said that the County Commissioners should look at this as giving to a non-profit and not as eliminating a fee charge.

Commissioner McKee encouraged HYAA and staff to continue to work out the details of this agreement and to work with a third party for concessions or let HYAA run it.

Chair Pelissier said that it is very important to have concessions in some form.

3. Specific Policies for Board of County Commissioner Advisory Boards

Chair Pelissier made reference to the handouts – a memo from the Human Relations Commission and a copy of the general advisory board policy.

Advisory Board on Aging:

Commissioner Gordon made reference to page 2 and said that the word “elderly” should be changed to “older adults”.

The representative from the board agreed to change the wording to “older adults.”

Commissioner Gordon asked about the 12 voting members and that seven were to be over “60”. Staff currently has these positions as At-Large positions and always has. She asked that this be noted on the template for “special representation.”

Clerk to the Board Donna Baker said that it has always been an at-large designation.

Commissioner Gordon made reference to Section V, Orientation, and said that there needs to be a committees section.

Chair Pelissier made reference to the membership and said that there are positions for people from all three towns but not from the rural areas. She asked to add this to the policy.

Commissioner Yuhasz suggested designating two people from the unincorporated parts of the County.

John Roberts asked to move the Human Relations Commission and the Affordable Housing Advisory Board to the end because Tara Fikes was running late.

Arts Commission:

Chair Pelissier made reference to Goals and Objectives to suggested indicating something about the relationship to economic development.

Commissioner Gordon made reference to page 6 and accepting gifts or donations. She asked if this was any way related to the community foundation.

Martha Shannon said that this is a combination of the recent resolution and the by-laws. She said that she took the parts of these two and fitted them in this new template and it is the same wording it has been in the past.

Commissioner Gordon suggested leaving it and flagging it for future discussion. If the County ever decides to come up with the foundation, it could be considered.

County Attorney John Roberts said that this is fine.

Commissioner Gordon made reference to page 7, section 3, membership, and where the files shall be lodged.

Martha Shannon said that this came from the original resolution.

Commissioner Yuhasz said to end the sentence after “County Manager.”

Historic Preservation Commission:

Chair Pelissier said to submit any typos or grammatical errors to John Roberts.

Human Relations Commission:

Chair Pelissier said that the memo at their places says that the HRC did comply with the BOCC request to reduce the number of positions on this board, and the HRC did this by eliminating six positions. The membership has been reduced to 18 from 24 and to also add a member from the immigrant population.

Commissioner Gordon said that membership does not mention any kind of diversity. She said that there should be some diversity since it is the Human Relations Commission.

John Roberts said that the general advisory board policy addresses this.

Chair Pelissier said that she would like to make sure the immigrant population is represented because of the nature of the work of this board.

Commissioner Gordon questioned this.

Commissioner Yuhasz said that usually groups are identified as geographical areas and not ethnicity. He said that the Board of County Commissioners will always keep this in mind.

The Board agreed to leave the membership as is, except for the 18 members.

Commissioner Jacobs said that they could try and recruit immigrant volunteers.

Commissioner Jacobs said that it is difficult to get two representatives from the municipalities and suggested having only one position from each municipality and the rest at-large.

The Board agreed to have one representative from each of the Towns and the rest of the positions at-large.

Affordable Housing Advisory Board:

No comments.

Nursing Home Community Advisory Committee:

Commissioner Hemminger asked to change “elderly” to “older adults” throughout this policy.

Chair Pelissier made reference to reimbursement for expenses on page 17 and asked what this was. It was answered that it is probably only mileage, though it is not currently in use.

John Roberts said that the Adult Care Home Community Advisory Committee was not included in the packets. It is similar to this committee. He asked if this could be submitted at the same time as the others tonight, since it is so similar. The Board agreed.

Parks and Recreation Council:

Commissioner Gordon made reference to page 21, item b, which deals with the Authority to establish the Council, and suggested combining #2 and #4 in the same bullet.

Personnel Hearing Board:

This board meets as needed.

Commissioner Gordon made reference to page 25, item b, #2. She suggested deleting “members shall include.”

Commissioner McKee said that this may not need to be a standing committee since it has only met once in 20 years.

Chair Pelissier said that there was a discussion in the past and the Board of Commissioners wanted to keep it.

Commissioner Yuhasz suggested appointing as needed.

John Roberts said that in other counties there are three senior personnel that come in that do not report to the Manager and there is not a standing advisory board. He said that this is a possibility and the County Commissioners can think about this and let him know.

Commissioner Jacobs said for John Roberts to come back with an alternative structure. He would stipulate that the individuals not report to the Manager.

John Roberts said that since this board has no members and is not needed now, he could bring back an amendment to the ordinance and take this off the advisory board listing.

A motion was made by Commissioner Jacobs, seconded by Commissioner McKee to adjourn the meeting at 9:12 PM.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna S. Baker, CMC
Clerk to the Board

DRAFT **Attachment 3**

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
November 19, 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, November 19, 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, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT: Pam Hemminger
COUNTY ATTORNEY PRESENT: Sahana Ayer
COUNTY STAFF PRESENT: County Manager Frank Clifton 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, Johnny Randall, H.T. "Buddy" Hartley, Lisa Stuckey and Herman Staats
PLANNING BOARD MEMBERS ABSENT: Dawn Brezina

Chair Pelissier called the meeting to order at 6:59PM.

A. OPENING REMARKS FROM THE CHAIR

Planning Board Chair Larry Wright said that the agenda items 1-3 will be joint items of the Planning Board and the Board of County Commissioners. Following item 3, the County Commissioners will be discussing educational facilities and ordinance amendments and the Planning Board will not be part of that discussion.

B. PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

C. PUBLIC HEARING ITEMS

1. **2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments and Zoning Atlas Amendments** - To review government-initiated amendments to the text of the Comprehensive Plan and UDO and to the Zoning Atlas in order to establish two new zoning overlay districts in the Efland area.

Planner Perdita Holtz introduced this item and made a PowerPoint presentation.

Comprehensive Plan Text, Unified Development Ordinance Text, and Zoning Atlas Amendments for Two New Zoning Overlay Districts in the Efland Area
Quarterly Public Hearing

November 19, 2012
Item C.1

Basic Charge

- Implement recommendations in the adopted Efland-Mebane Small Area Plan to establish design and site planning standards for this area of the county served by public (or quasi-public) water and sewer systems.
- Amend plans and regulations as necessary in order to establish two new zoning overlay districts in the Efland area.

What is a zoning overlay district?

- Regulatory tools that create a special zoning district, placed over the existing base zones, which identifies special provisions in addition to, or in lieu of, those in the underlying base zone.
- Purpose is to guide development within the specified area.
- Overlay district regulations can be more restrictive or less restrictive than the regulations that apply to the underlying base zones.

Zoning Atlas Amendment – map

Future Land Use Map – map

Relationship to Existing Efland-Cheeks Overlay District – map

UDO Text Amendments

- Amendments to several sections necessary to implement the new zoning overlay districts
- Intent of the new districts:
    - Allow for a more urban style of development in the Efland Interstate Overlay District
    - Allow for an urban village style of development in the Efland Village Overlay District

Why Necessary?

- Different development regulations necessary in order to reflect the reality of smaller sized lots (both existing and anticipated) served by water and sewer.
- Encourage high quality growth in an area of the county proposed for additional growth while protecting existing development and community character.
- Ensure good planning practices related to site design, transportation, and architecture are achieved.

General Information

- Many of the proposed changes in the amendment packet contain footnotes explaining the reason/rationale for the proposed change.
- Website contains more information
    - Questions and Answers
    - Synopsis of Proposed New Regulations and/or Differences from Existing Regulations
    - (Orange County, Planning Department, “Current Interest Projects”)

Exceptions and Existing Uses

- Single-family detached residences (both existing and new) are not subject to the requirements of the overlay districts.
- Other existing land uses are not required to come into conformance with the new regulations so long as the property continues to be used as it is currently being used.
- The requirements of the Major Transportation Corridor (MTC) Overlay District are not being altered.

Synopsis of Changes
(Applicable to Both Districts)

- Side and rear setback can be less
    - Intent is to allow required buffer and minimum setback to be the same
- Smaller (less wide) buffer between lots
    - In keeping with those required in the existing Efland Cheeks Overlay District along highway 70
- No more than 1 entrance/exit point, unless justified
- Must provide intra-site accessibility
- Requirements for driveways and shared access
    - Shared access only applicable if fronting on Mount Willing Road or Highway 70

Synopsis of Changes
(Efland Interstate Overlay District only)

- Site Planning must take into account need for connecting roadways shown on the adopted Access Management Plan for the area
- Large projects must provide an internal pedestrian circulation system
- Requires that national prototype architectural styles of chain businesses be altered as necessary to complement the surrounding area

Synopsis of Changes
(Efland Village Overlay District only)

- Changes in front yard setback requirements
    - Minimum of 30-feet along Highway 70
    - If not along Highway 70: front setback in keeping with adjoining uses
- No fences in front yards unless a demonstrated need can be shown
- No chain link or similar fencing
- No outside storage of materials
- Allows up to 15% of parking to be located in the front yard (setback area)
- Encourages shared parking and puts a cap on parking
- Limits signage to monument style signs that do not exceed 6-feet in height and prohibits pole signs
- Does not permit modern corporate franchise building design
- Principal building must face fronting street and have a functional doorway
- Requires that buildings be designed to contribute to a “human scale”
- Prohibits drive-throughs and mirrored glass

Public Notification

- Completed in accordance with Section 2.8.7 of the UDO
    - Newspaper legal ads for 2 successive weeks
    - Mailed notices to affected property owners

- Mailed notices to property owners within 500-feet of affected properties
- Posted 25 signs in strategic areas of the affected area

Public Information Meeting

- Held on November 14 at the Efland-Cheeks Community Center.

Advisory Board Involvement

- EMSAP Implementation Focus Group met on August 29 to review the proposal.
- (Other meetings had taken place in early 2010)

Recommendation

- Receive the proposal to amend the Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas.
- Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
- 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 **February 5, 2013** BOCC regular meeting.
- Adjourn the public hearing until **February 5, 2013** in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Commissioner Jacobs asked about the Efland Cheeks Overlay District and the overall effort and who participated. This is on the eastern portion of a larger effort, and some people may not be aware of this.

Perdita Holtz said that the overlay district is an effort to allow for the conversion of single-family homes along the highway to low-impact uses such as professional offices or beauty/barber shops. This is the green area. In the pink area, there is pre-designated commercial area, which is at the corner of Frazier Road and US 70 and westward. This allows for a bit more commercial use than what is being contemplated along US 70. The Efland-Mebane Small Area Plan Implementation Focus Group was involved in this effort.

Tony Blake arrived at 7:20 PM.

Perdita Holtz said that the group was made up of community members who were appointed by the Board of County Commissioners. There is also a representative from the Planning Board, Pete Hallenbeck.

Commissioner Yuhasz asked if the Economic Development Director reviewed the architectural design standards in this overlay.

Perdita Holtz said that the EDC department was included in the peer review effort.

Chair Pelissier asked what it means that businesses "have to be altered to fit in with surrounding areas."

Perdita Holtz said that it would be on a case by case basis through the site review process that if a national chain were to come in, that it would have to stay in keeping with the area.

Andrea Rohrbacher left at 7:26 PM.

Commissioner Gordon made reference to the "zoning district and the land use classification matrix." She wants to make sure that the 20-year transition means that it would not be urbanized for 20 years.

Perdita Holtz said that the 20-year transition area has been in existence since 1981. The land use categories were not changed when the Comprehensive Plan was updated in 2008.

Commissioner McKee said that he has some reservations on several aspects of this, such as the prohibition on drive-throughs.

Commissioner Jacobs said that there was a discussion on sidewalks and he wants to make it clear that this is a place where there could be higher density residential. He does not want to have higher density residential without sidewalks.

Pete Hallenbeck said that the focus group was in total agreement that north of the railroad tracks they did not want fast food restaurants. There was agreement that south of the railroad tracks could have some things like that, with some limitations on the architecture. He said that when this comes to the Planning Board, he will address these concerns by the Board of County Commissioners.

Johnny Randall made reference to the synopsis of changes and bullet number 5. He read, "allows up to 15% of parking to be located in the front yard." He asked if this means in a designated parking space or parking in the grass of the front yard of an establishment.

Perdita Holtz said that it means in the required parking area, which is not grass. It would have to be a parking lot.

Public Comment:

Rita Needham asked if anything was going to happen north of McGowan Creek.

Perdita Holtz said that nothing is being proposed north of McGowan Creek as part of this action. The Efland-Mebane Small Area Plan does contemplate more development in the planning area, which is all the way up to Lebanon Road. At this time, there is nothing happening in this area.

Commissioner McKee said that his concern is that this action will cause buildings that are currently conforming uses to become non-conforming.

Perdita Holtz said that this could potentially happen.

There was more public comment.

Ben Lloyd said that he lives in Efland on US 70. He said that there was the opening of the Efland-Cheeks Community Center and ten people showed up. He said that the people of Efland do not understand how this proposal will benefit the people of that area. He said that if there was more information and if some of the planners came to the Ruritan Club, people will come out to hear and ask questions. He said that he has some reservations about a lot of this proposal. He does not think it is in the best interest of the people of Efland.

Warren Shankle lives in Efland along the interstate. He has 2 ½ acres there. He said that he has water and sewer and there are no problems with it. He asked why it would benefit to put sewer here when there are no problems right now.

Patricia Gattis lives in Efland on Greg Street off of Richmond Road, and her daughter has a shop near the fire station. She asked if this plan would affect that area.

Perdita Holtz said that it does not appear that this property is in the overlay area. She is not sure which lot this is. She will look it up.

Commissioner Jacobs asked that after the meeting that Perdita Holtz give Ms. Gattis a definitive answer.

A motion was made by Commissioner Gordon, seconded by Commissioner Foushee to 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 February 5, 2013 BOCC regular meeting and adjourn the public hearing until February 5, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

2. **Unified Development Ordinance (UDO) Text Amendment** – To review government-initiated amendments to the text of the UDO in order to modify and clarify existing regulations and definitions associated with the erection and use of outdoor lighting facilities.

Michael Harvey presented this item and made a PowerPoint presentation.

NOVEMBER 19, 2012
QUARTERLY PUBLIC HEARING
AGENDA ITEM:C2
UDO TEXT AMENDMENT – OUTDOOR LIGHTING

BACKGROUND:

- During the initial development of UDO, several suggested modifications were received on changes to existing outdoor lighting regulations.
- These suggestions were tabled for future consideration. Staff believes we have reached a point where these amendments can be incorporated into the UDO.
- This amendment also seeks to address concern over height limitations on athletic field lights. Some believe existing height limits are too restrictive and create additional light pollution on adjoining properties rather than eliminate it.

WHAT THIS PROPOSAL DOES:

- Clarify existing regulations, including:
  - Modify Section 6.11.1 *Purpose and Intent* to include language referencing the County's interest is promoting nighttime visibility and curtailing light pollution.
  - Modify Section 6.11.1 (E) to include language identifying the County's intent to regulate outdoor lighting in an effort to 'restore natural light cycles'.
  - Incorporate new formatting changes to ensure the regulations are consistent with the organizational rules of the UDO.

- Eliminate references to ‘watts’ of a light fixture and ensure proper use of terminology through the Section.

WHAT THIS PROPOSAL DOES:

- Add new definitions of *light trespass*, *mercury vapor luminaire*, *light pollution*, etc. to Article 10 as recommended during Phase 1 of the UDO.
- Eliminate multiple definitions of the same term within Article 10 of the UDO. For example we currently have ‘lamp’ defined twice within the UDO. There is no need for this duplication.
- Address concerns expressed by Orange County Department of Environment Agriculture Parks and Recreation (DEAPR) over height restrictions for athletic field lights.

ATHLETIC FIELD LIGHT ISSUE:

- 2 poles aimed at same aiming point but note difference in impact of spill and glare on adjacent properties. Restricting mounting height aggravate, not improve, the impact of spill and glare light

ORC COMMENTS:

- Ordinance Review Committee (ORC) meets to review this item on September 5, 2012.
- Made several recommendations with respect to modifying draft amendment package.
- Modifications were incorporated into draft text amendment by staff.
- ORC expressed concern over increasing outdoor athletic field light height limit but understood the problem. Asked BOCC and staff for guidance.

STAFF COMMENTS:

- Proposed amendments make existing regulations easier to follow.
- Proposal addresses those items identified during initial development of the UDO.
- Staff sees compromise with respect to increasing height limits of athletic field lights

RECOMMENDATION:

1. Receive the proposed amendments.
2. Conduct the public hearing and accept public, BOCC, and Planning Board comment on the proposed amendments.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the January 24, 2013 BOCC regular meeting.

4. Adjourn the public hearing until January 24, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Michael Harvey said that there was in-depth discussion when added height limits were considered originally. There was an understanding that there might be some non-conformities created that were legal at the time because there was not a height limit until two years ago. He thinks that the height limit should be reexamined and increased.

Andrea Rohrbacher returned at 8:04 PM.

Commissioner Jacobs said that he respects the Department of Environment, Agriculture, Parks and Recreation (DEAPR) staff analysis of the heights, but a simple way to eliminate the subject would be to consult several neighboring jurisdictions about lighting standards. He suggested looking at Durham and Chapel Hill's lighting standards to see if there is some consistency. He suggested that if and when the Board approves whatever it is going to approve, that staff communicate to the power companies that when bare bulb security lights are replaced that the County ordinances will encourage shielded fixtures.

Commissioner Gordon made reference to pages 59-60. She said that she would be hesitant to increase the pole height. She is concerned about the effect of the light rural areas. She would like to see more empirical evidence presented in the information supporting the recommendations.

Lisa Stuckey made reference to page 69 and the initial lumen. She asked why the light level after it is warmed up would not be used.

Michael Harvey said that the initial lumen is an industry standard.

There was no public comment.

A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the January 24, 2013 BOCC regular meeting and adjourn the public hearing until January 24, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

3. **Unified Development Ordinance (UDO) Text Amendment(s) -** To review government-initiated amendments to the text of the UDO in order to make minor changes that have been suggested by the County's code vendor (MuniCode) as a result of MuniCode's legal review.

Perdita Holtz introduced this item and made a PowerPoint presentation.

Commissioner Foushee left at 8:14 PM.

Maxicene Mitchel left at 8:14 PM.

Unified Development Ordinance Text Amendments
Resulting from MuniCode's Legal Review

Quarterly Public Hearing
November 19, 2012
Item C.3

Purpose

- Incorporate changes to references to State Statutes/Rules as a result of MuniCode's legal review
- Ensure requirements of the UDO are consistent with State Statutes

Proposed Amendments

- Numerous sections in Articles 1, 2, 4, 5, 6, 9, and 10.
- Packet includes the proposed amendments in "track changes" format with explanatory footnotes as needed.
- In Section 6.16.4 (Environmental Impact Statements), language will clarify that the County may require an applicant to produce a copy of the EIS submitted to a Federal or State agency.

Public Notification

- Completed in accordance with Section 2.8.7 of the UDO
    - Newspaper legal ads for 2 successive weeks

Recommendation

- Receive the proposal to amend the Unified Development Ordinance.
- Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
- 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 **January 24, 2013** BOCC regular meeting.
- Adjourn the public hearing until **January 24, 2013** in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Commissioner Yuhasz said that when the County Attorney first told the Board about these proposed changes, he said that he was not in complete agreement with Muni-code. He asked if this represented all of the changes that had been suggested or if there were still negotiations.

Perdita Holtz said that Planning and Legal staff met and only the changes agreed upon are being included, which is not all of the Muni-code changes.

Commissioner Jacobs said that the Inventory of Natural Areas and the Orange County Environmental Impact Statement were both generated by the Planning Board in the 1980's and not by the staff.

A motion was made by Commissioner Gordon, seconded by Commissioner McKee to refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the January 24, 2013 BOCC regular meeting and adjourn the public hearing until January 24, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

At this time, the Planning Board members left the meeting.

4. **Educational Facilities Impact Fee Ordinance Amendments** - To review government-initiated amendments to the Educational Facilities Impact Fee Ordinance in order to exempt from the required impact fee the relocation of an existing stick built, modular, or mobile home used for residential purposes onto a previously undeveloped parcel in certain circumstances.

Staff Attorney Sahana Ayer introduced this item. In 2011 the BOCC directed the Attorney's office to investigate the feasibility of modifying the existing school impact fee ordinance to provide an exemption for residences relocated onto previously undeveloped property from having to pay an impact fee. After completing a review of existing language, and based on direction from the BOCC, the Attorney's office recommends adding language to the impact fee ordinance allowing for the waiving of school impact fees for a relocated residential structure in instances where:

- The property where the structure is moved from is either:
  - Rezoned to a non-residential zoning designation where the development of a residential land use is prohibited or
  - The property is made voluntarily undevelopable for any use by other means including, but not limited to: recordation of a conservation easement, dedication of the property as permanent open space, etc.
- The properties where the structure is moved from and to are located within the same school district
- Movement of the structure is in compliance with the standards of the Orange County Unified Development Ordinance (UDO)

Commissioner Yuhasz said that he is troubled with this. He thought that the purpose was to provide that if someone moves a house from one lot to another lot that the impact fee would NOT be imposed. This says that the impact fee would not be imposed if the lot which is vacated is rendered unbuildable. He does not think that this was the intent. He does not think that this meets the County Commissioners' request.

Discussion ensued on the impact fee from a relocated house.

Michael Harvey said that the impact fee is a land use, land based ordinance. The ordinance is based on the notion of land use activity and it is not based on a structure.

Planning Director Craig Benedict said that the impact stays with the existing lot. The request from the County Commissioners is to say that the impact goes with the house. The question is what happens with the vacated lot. He thinks that the solution is that the new house that comes onto the vacated lot would have to pay an impact fee.

Chair Pelissier said that she thinks this was the intent when this came forward the first time.

Commissioner Gordon said that the Board needs to understand the intricacies of this ordinance.

Commissioner McKee said that this forces a previously developed piece of property to be undevelopable. He has a problem with this.

Commissioner Jacobs said that this was initiated by someone who wanted to deconstruct a house and move it somewhere else on the road. He appreciates that the Attorney's office is trying to fix this issue within the laws. He thinks that logically it does not compute that he cannot move a building from one place to another and have to pay another impact fee and distinguish the development rights.

Commissioner Jacobs suggested just cleaning up some of the language and he sent an email to this effect.

Commissioner Gordon said that she would might send in something too.

This item was deferred.

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

D. ADJOURNMENT OF PUBLIC HEARING

A motion was made by Commissioner Jacobs, seconded by Commissioner Gordon to adjourn the meeting at 8:40 p.m.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

David Hunt
Deputy Clerk to the Board

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

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 seventy-eight (78) 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 $6,691.33 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2012-2013 is $36,329.90.

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 the attached refund resolution.

NORTH CAROLINA RES-2013-001

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 _____, 2013.

_____
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 JANUARY 24, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Al-Talib, Tanya	1014359	2012	11,890	11,565	(5.01)	High mileage (Appraisal appeal)
Andrews, Addison Williams	595722	2012	11,860	9,251	(23.85)	High mileage (Appraisal appeal)
Babadjanov, Djavlan	984207	2012	14,950	12,259	(44.03)	High mileage (Appraisal appeal)
Babchenko, Volodymyr	595889	2012	2,490	1,992	(6.61)	High mileage (Appraisal appeal)
Bae, Sungmin	1019598	2012	17,380	13,904	(53.53)	High mileage (Appraisal appeal)
Berger, Elliott	596193	2012	14,700	12,054	(43.28)	High mileage (Appraisal appeal)
Brown, Courtney	1014364	2012	15,850	0	(274.15)	County changed to Mecklenburg (Illegal tax)
Chabad of Durham, Inc.	1014877	2012	16,840	12,125	(72.64)	High mileage (Appraisal appeal)
Choi, Jongmin	1013699	2012	9,360	7,488	(28.83)	High mileage (Appraisal appeal)
Christo, Katie Marie	979614	2012	10,660	10,660*	(76.51)	Incorrect situs address (Clerical Error)
Cox, David	1014757	2012	17,620	15,506	(32.57)	High mileage (Appraisal appeal)
Dalton, Charles Henry V	1008405	2012	30,320	0	(550.78)	County changed to Guilford (Illegal tax)
Darran, Jeffrey	607715	2012	3,230	2,630	(9.82)	High mileage (Appraisal appeal)
Davis, Sarah	607783	2012	11,960	10,760	(18.46)	High mileage and damage (Appraisal appeal)
Dupont, Debra	981014	2012	7,510	6,459	(9.51)	High mileage (Appraisal appeal)
Durbin, John Gordon	950184	2012	16,020	0	(276.77)	County changed to Pender (Illegal tax)
Durka-Manese, Colleen	1013114	2012	10,590	8,896	(15.22)	High mileage (Appraisal appeal)
Dutton, Mark	974482	2012	5,140	4,890	(0.76)	High mileage (Appraisal appeal)
Ellis, Roy II	1009917	2012	1,720	1,176	(16.76)	High mileage and damage (Appraisal appeal)
Financial Services Vehicle Trust	978839	2012	54,070	40,550	(208.26)	Incorrect model (Appraisal appeal)
Fox, Lynn	598650	2012	18,590	18,140	(7.35)	High mileage (Appraisal appeal)
Gahagan, Stacey Marlise	1013158	2012	16,180	16,180*	(110.88)	Incorrect situs address (Clerical Error)
Gao, Bai	103086	2012	18,050	16,295	(27.04)	Price paid (Appraisal appeal)
He, Lihua,	981316	2012	19,450	17,505	(29.96)	Damage estimate (Appraisal appeal)
Hicks, Jack Bolen III	1014399	2012	6,080	3,040	(46.83)	Damage estimate (Appraisal appeal)
Hill, James	1015051	2012	13,940	0	(244.73)	County changed to Mecklenburg (Illegal tax)
Hinton, Christian	982828	2012	11,120	8,896	(34.25)	High mileage (Appraisal appeal)
Howard, Radeyah Daaiyah	609518	2012	13,440	8,320	(78.87)	High mileage and damage (Appraisal appeal)
Howard, William	609519	2012	13,120	13,120*	(88.25)	Incorrect situs address (Clerical Error)
Howell, Matthew Curtis	985450	2012	29,270	28,795	(4.35)	High mileage (Appraisal appeal)
Huff, Gayleen	590145	2012	10,750	8,000	(42.30)	Incorrect model and condition (Appraisal appeal)
Jeong, Vonseok	1018581	2012	15,510	14,760	(8.52)	High mileage (Appraisal appeal)
Kleinschmidt, Mark	949832	2012	17,070	16,532	(8.29)	Price paid (Appraisal appeal)

*On this request value is not changed, but rate code is being corrected, which changes the tax bill amount.

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 JANUARY 24, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Knoerzer, Judith	966169	2012	12,220	10,500	(22.84)	High mileage and damage (Appraisal appeal)
Kreimer, David	998343	2012	9,360	5,164	(64.53)	High mileage and damage (Appraisal appeal)
Leonard, Braden	657502	2012	710	710*	(35.34)	Incorrect situs address (Clerical Error)
Leonard, Braden	967832	2012	15,010	15,010*	(136.24)	Incorrect situs address (Clerical Error)
Lutz, David Graham	978724	2012	16,610	12,624	(36.59)	High mileage (Appraisal appeal)
Mainland, Catherine	984689	2012	10,360	0	(189.59)	County changed to Wake (Illegal tax)
McFarland, Nelan	947903	2012	6,890	4,000	(26.15)	High mileage and damage (Appraisal appeal)
Merlau, Eric	981973	2012	15,850	13,948	(31.61)	High mileage (Appraisal appeal)
Merritt, Michael	601668	2012	6,660	5,032	(25.08)	High mileage (Appraisal appeal)
Monroe, Andrew Martin	984167	2012	4,000	3,600	(6.17)	Incorrect model (Appraisal appeal)
Morrison, Vilai	950217	2012	18,340	18,340*	(123.70)	Incorrect situs address (Clerical Error)
Nenninger, Paul	611311	2012	14,430	13,480	(15.54)	High mileage (Appraisal appeal)
Opesso, Matthew	1018564	2012	12,600	0	(224.09)	County changed to Durham (Illegal tax)
Parker, John Patrick	583037	2012	8,410	0	(159.55)	County changed to Durham (Illegal tax)
Parratt Wolff Inc.	602455	2012	14,400	12,672	(26.57)	High mileage (Appraisal appeal)
Parratt Wolff Inc.	602456	2012	18,420	15,473	(45.32)	High mileage (Appraisal appeal)
Pavlecich, Lisa	1019697	2012	23,310	0	(411.31)	County changed to Chatham (Illegal tax)
Pinnell, John	611839	2012	4,731	3,785	(8.67)	High mileage (Appraisal appeal)
Polito, Gregory	602737	2012	5,221	4,243	(8.80)	High mileage (Appraisal appeal)
Purcell, Pamela	1014805	2012	11,260	6,756	(69.27)	High mileage (Appraisal appeal)
Puser, Robert Leon	950491	2012	21,880	18,379	(46.50)	High mileage (Appraisal appeal)
Ragan, Donna Morris	941862	2012	13,090	11,257	(17.06)	High mileage (Appraisal appeal)
Rainbow Water Service Inc.	602931	2012	10,820	7,790	(49.56)	High mileage (Appraisal appeal)
Reitnauer, Pamela	947808	2012	32,820	32,395	(4.66)	High mileage (Appraisal appeal)
Riggsbee,Elizabeth	1014058	2012	8,020	0	(153.54)	County changed to Durham (Illegal tax)
Robbins, Jennifer	1018237	2012	5,540	0	(115.34)	County changed to Alamance (Illegal tax)
Rubish, Christopher	949679	2012	6,920	6,920*	(78.99)	Incorrect situs address (Clerical Error)
Rudd, Andrew	947418	2011	39,650	0	(640.77)	County changed to Durham (Illegal tax)
Rudd, Andrew	947418	2012	36,610	0	(593.93)	County changed to Durham (Illegal tax)
Samoshkin, Alexander	1011016	2012	34,800	30,695	(63.23)	Price paid (Appraisal appeal)
Sips, David Charles	612779	2012	10,080	6,854	(42.85)	High mileage (Appraisal appeal)
Smith, Pamela	1018557	2012	8,190	0	(70.27)	County changed to Durham (Illegal tax)

*On this request value is not changed, but rate code is being corrected, which changes the tax bill amount.

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 JANUARY 24, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Spinarski, Carson	1013171	2012	3,320	2,324	(30.68)	Holds a total loss title (Appraisal appeal)
Stearns, Carolyn	604163	2012	6,870	5,359	(23.24)	High mileage (Appraisal appeal)
Sykes, Jennifer	984886	2012	17,610	14,899	(41.70)	Damage estimate (Appraisal appeal)
Thomas, Michael Bradley	604520	2012	13,880	10,826	(27.92)	High mileage (Appraisal appeal)
Tidoe, Winston	1012767	2012	3,010	0	(39.98)	County changed to Alamance (Illegal tax)
Turner, Tracey	948153	2012	13,980	11,841	(32.95)	High mileage and damage (Appraisal appeal)
Twomey, Alyce	1019004	2012	12,520	0	(114.44)	County changed to Chatham (Illegal tax)
Weiner, Alison	942862	2012	8,620	7,408	(19.83)	High mileage and damage (Appraisal appeal)
Weller, Paul	1015047	2012	12,470	0	(112.05)	Double billing (Illegal tax)
Werpoler, Idan	1015050	2012	21,060	19,842	(13.36)	Price paid (Appraisal appeal)
Werpoler, Idan	1015048	2012	37,930	25,958	(131.27)	Price paid (Appraisal appeal)
Whitlock, James	942274	2012	19,140	14,164	(45.48)	High mileage (Appraisal appeal)
Young, James Edward	614274	2012	6,906	5,880	(15.80)	High mileage (Appraisal appeal)
				Total	(6,691.33)	

November 22, 2012 thru January 2, 2013

*On this request value is not changed, but rate code is being corrected, which changes the tax bill amount.

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: January 24, 2013

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 eighty-three (83) taxpayer requests that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received eighty-three (83) taxpayer requests for release or refund of property taxes. 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 $146,348.41 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

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

NORTH CAROLINA RES-2013-002

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 _____, 2013.

_____
Clerk to the Board of Commissioners

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

BOCC REPORT- REAL/ PERSONAL JANUARY 24, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Absolute Construction and Development	1019969	2012	3,708	0	(34.41)	Not in county (Illegal tax)
Alvis, John R. Etal	153101	2012	110,900	74,200	(331.98)	Assessed in error (Clerical error)
Botanical Garden Foundation	231880	2012	171,567	0	(1,881.05)	Exempt property (Clerical error)
Browning, William R.	224333	2011	230,300	172,600	(527.44)	Manufactured home removed from property (Illegal tax)
Browning, William R.	224333	2012	332,000	274,300	(527.44)	Manufactured home removed from property (Illegal tax)
Castillo, Salvador E.	316449	2012	3,700	0	(62.70)	Double billed (Clerical error)
CCBCC Operations, LLC	297689	2010	4,593	4,003	(5.33)	Over assessed (Clerical error)
CCBCC Operations, LLC	151769	2010	12,904	9,687	(52.63)	Over assessed (Clerical error)
CCBCC Operations, LLC	270985	2010	14,486	12,878	(24.77)	Over assessed (Clerical error)
CCBCC Operations, LLC	57654	2010	63,048	55,371	(113.47)	Over assessed (Clerical error)
CCBCC Operations, LLC	969079	2011	2,373	2,077	(3.33)	Over assessed (Clerical error)
CCBCC Operations, LLC	969078	2011	13,653	12,773	(8.04)	Over assessed (Clerical error)
CCBCC Operations, LLC	151769	2011	12,501	9,609	(47.30)	Over assessed (Clerical error)
CCBCC Operations, LLC	969077	2011	7,983	6,536	(12.41)	Over assessed (Clerical error)
CCBCC Operations, LLC	297689	2011	8,564	7,714	(7.52)	Over assessed (Clerical error)
CCBCC Operations, LLC	57654	2011	45,893	39,586	(93.22)	Over assessed (Clerical error)
CCBCC Operations, LLC	969079	2012	2,442	2,084	(4.02)	Over assessed (Clerical error)
CCBCC Operations, LLC	969078	2012	13,223	12,496	(6.64)	Over assessed (Clerical error)
CCBCC Operations, LLC	297689	2012	12,431	10,787	(14.87)	Over assessed (Clerical error)
CCBCC Operations, LLC	969077	2012	1,698	1,258	(3.78)	Over assessed (Clerical error)
CCBCC Operations, LLC	969075	2012	2,490	2,459	(0.28)	Over assessed (Clerical error)
CCBCC Operations, LLC	151769	2012	11,936	9,158	(45.44)	Over assessed (Clerical error)
CCBCC Operations, LLC	57654	2012	47,333	38,906	(129.61)	Over assessed (Clerical error)
CIT Communications Finance Corp.	969098	2012	35,015	19,573	(252.60)	Listed in error (Clerical error)
CIT Communications Finance Corp.	257942	2012	72,839	44,815	(431.02)	Listed in error (Clerical error)
CIT Technology Financing Services Inc.	257951	2012	169,651	141,013	(441.15)	Listed in error (Clerical error)
CIT Technology Financing Services Inc.	983089	2012	32,251	0	(276.71)	Listed in error (Clerical error)
CIT Technology Financing Services Inc.	1002425	2012	1,484	0	(14.69)	Double billed (Clerical error)
CIT Technology Financing Services Inc.	1002427	2012	77,397	0	(730.48)	Double billed (Clerical error)
Citrine Salon, LLC	318065	2010	171,201	56,259	(1,770.56)	Over listed (Clerical error)
Citrine Salon, LLC	318065	2011	182,607	50,821	(2,030.03)	Over listed (Clerical error)
Community Housing Corp. of Triangle	176137	2012	8,258	0	(90.54)	Exempt property (Illegal tax)
Council, Mary Elaine	82223	2012	1,640	0	(16.38)	Double billed (Clerical error)
D & L Farms Inc.	121245	2012	18,675	0	(169.57)	Double billed (Clerical error)

November 22, 2012 thru
January 2, 2013

*PTC = North Carolina Property Tax Commission

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

BOCC REPORT- REAL/ PERSONAL JANUARY 24, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
D&L Farms Inc.	1005137	2012	29,370	29,370	(27.26)	Removed LLP (Illegal tax)
Dodson, Amanda	400907	2012	138,600	7,030	(1,225.71)	Over assessed (Clerical error)
Dolan, Randolph L.	988835	2012	500	0	(8.47)	Assessed in error (Clerical error)
Durham, Ruth R. Petty Hrs.	12139	2012	11,476	0	(104.90)	Parcel inactive/closed (Illegal Tax)
First Baptist Church of Hillsborough Inc.	988739	2012	2,066,200	0	(31,815.16)	Exempt property (Illegal tax)
First Baptist Church of Hillsborough Inc.	988738	2012	397,600	0	(6,214.09)	Exempt property (Illegal tax)
Flexcell International Corp.	211660	2012	288,230	276,424	(181.57)	Change of county (Illegal tax)
Florence, Judy Kimbro	139303	2011	10,789	0	(106.86)	Double billed (Clerical error)
Hawks, V. Emmett	943058	2012	637	0	(5.94)	Double billed (Clerical error)
Horton, Randy T.	279753	2009	294,894	264,646	(494.80)	Per final decision - PTC* appeal (Illegal tax)
Horton, Randy T.	279753	2010	294,894	264,646	(494.80)	Per final decision - PTC* appeal (Illegal tax)
Horton, Randy T.	279753	2011	294,894	264,646	(494.80)	Per final decision - PTC* appeal (Illegal tax)
Horton, Randy T.	279753	2012	294,894	264,646	(494.80)	Per final decision - PTC* appeal (Illegal tax)
Horton, Randy T.	42615	2009	296,118	216,219	(1,306.98)	Per final decision - PTC* appeal (Illegal tax)
Horton, Randy T.	42615	2010	296,118	216,219	(1,306.98)	Per final decision - PTC* appeal (Illegal tax)
Horton, Randy T.	42615	2011	296,118	216,219	(1,306.98)	Per final decision - PTC* appeal (Illegal tax)
Horton, Randy T.	42615	2012	296,118	216,219	(1,306.98)	Per final decision - PTC* appeal (Illegal tax)
Horton, Randy T.	230056	2009	219,774	193,145	(435.59)	Per final decision - PTC* appeal (Illegal tax)
Horton, Randy T.	230056	2010	219,774	193,145	(435.59)	Per final decision - PTC* appeal (Illegal tax)
Horton, Randy T.	230056	2011	219,774	193,145	(435.59)	Per final decision - PTC* appeal (Illegal tax)
Horton, Randy T.	230056	2012	219,774	193,145	(435.59)	Per final decision - PTC* appeal (Illegal tax)
IBM Corp.	34553	2012	97,505	434	(1,564.20)	Over assessed (Clerical error)
IBM Corp.	968952	2012	96,291	433	(1,624.93)	Over assessed (Clerical error)
Jordan, James W. Etal	988767	2012	289,500	11,823	(2,445.24)	Over assessed (Clerical error)
Jordan, James W. Etal	988768	2012	322,300	56,507	(2,476.38)	Over assessed (Clerical error)
Kennedy, Lisa	303358	2008	1,000	0	(16.19)	Double billed (Clerical error)
Kennedy, Lisa	303358	2009	1,000	0	(12.91)	Double billed (Clerical error)
Kennedy, Lisa	303358	2010	1,000	0	(11.07)	Double billed (Clerical error)
Kennedy, Lisa	303358	2011	950	0	(10.83)	Double billed (Clerical error)
Kennedy, Lisa	303358	2012	950	0	(9.91)	Double billed (Clerical error)
Lever, John	263383	2008	3,390	0	(51.07)	Not the owner (Clerical error)
Lopez, Ricardo	298572	2010	2,850	0	(31.32)	Double billed (Clerical error)
McChesney, Duncan G.	209853	2011	325	0	(6.01)	Not the owner (Clerical error)
Mitchell, Hulin Detroi	955303	2012	4,090	0	(41.91)	Double billed (Clerical error)

November 22, 2012 thru
January 2, 2013

*PTC = North Carolina Property Tax Commission

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

BOCC REPORT- REAL/ PERSONAL JANUARY 24, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Neal's Deli	316503	2012	72,769	67,082	(1,097.33)	Over assessed (Clerical error)
Parker, Donald	294932	2010	2,510	0	(27.59)	Double billed (Clerical error)
Pasley, D. Scott	952641	2012	254,600	0	(2,360.11)	Parcel inactive/closed (Illegal Tax)
Select Physical Therapy #41145	1002553	2012	456	456	(0.75)	Penalty in error (Clerical error)
Timberlyne TC Properties, LLC	952949	2011	13,944,100	12,000,000	(29,946.91)	PTC* appeal settled with taxpayer (Illegal tax)
Timberlyne TC Properties, LLC	988833	2012	13,922,900	11,981,800	(29,900.70)	PTC* appeal settled with taxpayer (Illegal tax)
Town of Chapel Hill	988313	2012	393,629	0	(6,558.95)	Exempt property (Illegal tax)
Town of Chapel Hill	988312	2012	340,003	0	(5,595.81)	Exempt property (Illegal tax)
US Bank National Association	313459	2012	23,752	23,655	(1.55)	Over assessed (Clerical error)
Wade Parrish	28078	2012	1,877,600	1,829,400	(454.80)	Assessed in error (Clerical error)
Wagoner, Deborah	135731	2012	43,214	869	(380.51)	Over assessed (Clerical error)
Whitfield, James	987642	2012	153,771	4,381	(1,351.38)	Over assessed (Clerical error)
Whitfield, James	987643	2012	60,156	2,391	(522.54)	Over assessed (Clerical error)
Whitfield, James	987644	2012	56,137	4,119	(470.55)	Over assessed (Clerical error)
Wray, Robert E.	269475	2011	519,400	482,000	(576.11)	Exempt item (Illegal tax)
				Total	(146,348.41)	

November 22, 2012 thru
January 2, 2013

*PTC = North Carolina Property Tax Commission

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

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 sixteen (16) untimely applications for exemption/exclusion from ad valorem taxation for the 2012 tax year.

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

Nine 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.

One applicant is applying for Circuit Breaker exclusion based on NCGS 105-277.1B which allows for tax relief based on income. The Circuit Breaker exclusion is a tax deferral program.

One of the applicants is applying for exclusion based on NCGS 105-277.1C, which allows for an exclusion of $45,000 for an honorably discharged Disabled American Veteran.

Four 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.

One applicant is applying for historic property exclusion based on NCGS 105-278 which allows for tax relief based on the designated special classes of property under authority of Article V, of the North Carolina Constitution. The Historic property exclusion taxes the true value of the property at fifty percent (50%).

Based on the information supplied in the applications and the above referenced General Statutes, the applicants may be approved by the Board of County Commissioners. NCGS 105-282.1(a)(5) permits approval of such applications if good cause is demonstrated by the taxpayer.

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 $33,732.08.

RECOMMENDATION(S): The Manager recommends the Board approve the attached resolution for the above listed applications for FY 2012/2013 exemption.

NORTH CAROLINA RES-2013-003

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 _____, 2013.

_____
Clerk to the Board of Commissioners

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

BOCC REPORT REAL/PERSONAL JANUARY 24, 2013

NAME	ABSTRACT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Chavis, Jennie B.	132371	2012	145,304	72,652	(1,049.81)	Late application for HE
Cheek, Evelyn	160940	2012	142,690	71,345	(782.23)	Late application for HE
Clark, Dolores H.	988490	2012	319,800	159,900	(1,615.63)	Late application for HE
Coudriet, Nancy & Larry	310769	2012	376,763	376,763	(4,062.05)	Late application for CB
Econopouly, Riva	20211	2012	335,563	167,782	(2,744.56)	Late application for HE
Graham, Norman	302907	2012	246,753	201,753	(386.10)	Late application for VE
Harry Walker Family Partnership	1005207	2012	212,300	153,720	(5,377.06)	Late application for Present Use Value
Harry Walker Family Partnership	1005206	2012	904,700	43,696	(7,903.16)	Late application for Present Use Value
Hollowell, Susan G.	1005547	2012	306,734	155,574	(1,358.32)	Late application for Present Use Value
Hollowell, Susan G.	1005546	2012	78,300	11,977	(595.98)	Late application for Present Use Value
Johnson, Joyce S.	157862	2012	212,853	106,427	(1,639.38)	Late application for HE
Jones, Hazen Oval Jr.	201657	2012	47,243	22,243	(232.89)	Late application for HE
King, Helen	296518	2012	229,554	114,777	(1,768.02)	Late application for HE
Maupin, Melanie	260012	2012	272,947	136,474	(1,252.69)	Late application for HE
Miller, Jesse	306924	2012	606,301	308,100	(2,737.19)	Late application for Historical Landmark
Shambley, Martha Ann	305733	2012	63,106	38,106	(227.01)	Late application for HE
				Total	(33,732.08)	

November 22, 2012 thru
January 2, 2012

HE = Homestead Exemption
CB = Circuit Breaker
VE = Veterans Exclusion

FILED

NOV 30 2012

ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 11/29/12

To Whom It May Concern:

I Jennie B. Chavis **(PRINT NAME)**, **am applying for a late**

Property Tax Relief Exemption or Exclusion for the year 2012 **on parcel number (PIN) #** 9788034881.

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,

Jennie B. Chavis
(Signature)

How did you find out about this exemption?

Received it in previous years, but was dropped from the computer for this year

Request for Tax Relief
Late Application Filing

FILED
NOV 27 2012
ORANGE CO TAX OFFICE

Date: 11-27-12

To Whom It May Concern:

I Evelyn Cheek, am applying for a late
(PRINT NAME)

Property Tax Relief Exemption or Exclusion for the year 2012 on parcel number (PIN) # 9860033262.

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,

Evelyn S. Cheek
(Signature)

How did you find out about this exemption?

Information from tax office.

FILED

DEC 05 2012

ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 12/5/12

To Whom It May Concern:

I Dolores Clark, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2012 on parcel number

(PIN) # 9778754876.

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,

Dolores Clark
(Signature)

How did you find out about this exemption?

Senior paper

FILED

OCT 05 2012

ORANGE COUNTY
TAX ADMINISTRATION

Orange County 1752 North Carolina

Request for Tax Relief
Late Application Filing

Date: 26 Nov 2012

To Whom It May Concern:

I Larry Condrit, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2012 on parcel number

(PIN) # 9789766591.

The reason for my late request is:

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

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

____ Other

Thank you,

(Signature)

How did you find out about this exemption?

From the back of the tax bill

FILED

NOV 2 0 2012

ORANGE COUNTY
TAX ADMINISTRATION

FILED

OCT 2 2 2012

ORANGE COUNTY
TAX ADMINISTRATION

Orange County 17 52 North Carolina

Request for Tax Relief
Late Application Filing

Date: _____

To Whom It May Concern:

I Riva Econopouly, **am applying for a late**
(PRINT NAME)

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

(PIN) # 9778-76-5710.

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** - I did not know that I had to reapply.

Thank you,

Riva Econopouly
(Signature)

How did you find out about this exemption?

_____

_____

FILED

DEC 21 2012

ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 12.21.12

To Whom It May Concern:

I Norman Graham **, am applying for a late**
(PRINT NAME)

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

(PIN) # 9825631551 **.**

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,

Norman Graham
(Signature)

How did you find out about this exemption?

_____

_____

December 19, 2012

Ms. Theresa Moore
Orange County Tax Administration
P.O. Box 8181
Hillsborough, NC 27278

Dear Ms. Moore,

Please accept this late application for the Forestry Present-Use Value Assessment from the Harry Walker Family Partnership. (Partners: Cynthia A. Walker, Harriet Walker Buss & Jo Anna Walker Brown)

Our parents established this property as a Pine Tree Farm in 1959, just a few months before our father's death. It has continued to be a certified Pine Tree Farm since the fields were first planted in 1959.

The Pine Tree Farm included land in the family partnership as well as two tracts (20 acres & 10 acres) in our mother's name (Eleanor B. Walker). Since her death in March of 2007, the two tracts have been owned by her daughters (Cynthia A. Walker, Harriet Walker Buss & Jo Anna Walker Brown). On December 20, 2012 these two tracts were deeded to the Harry Walker Family Partnership so as to have all of the Pine Tree Farm in the family partnership. We were not aware that we should fill out this application since the owners of the land and partnership are the same.

Thank you for your consideration.

Jo Anna Walker

Jo Anna Walker Brown
Managing Partner
Harry Walker Family Partnership

12-20-12

I did not realize I needed to update the changes in the land use values. I raise a few cattle + grow alittle hay on this acerage. Please accept this late application.

Thank you
Frank Hollowell

Request for Tax Relief
Late Application Filing

FILED
AUG 20 2012
ORANGE CO TAX OFFICE

Date: 8/12/12

To Whom It May Concern:

I Joyce S. Johnson, **am applying for a late**
(PRINT NAME)

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

(PIN) # 9890301062.

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** I requested the application (February 2012) but it was not sent to me

Thank you,

Joyce S Johnson
(Signature)

How did you find out about this exemption?

Orange County Tax Form sent to me in mail

Request for Tax Relief
Late Application Filing

Date: 11.27.12

To Whom It May Concern:

I Hazen O Jones Jr **, am applying for a late**
(PRINT NAME)

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

(PIN) # 9940858986.

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,

Hazen O Jones
(Signature)

How did you find out about this exemption?

_____

_____

FILED

DEC 14 2012

ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 12/14/2012

To Whom It May Concern:

I HELEN H KING, **am applying for a late**
(PRINT NAME)

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

(PIN) # 9890605507.039.

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,

Helen H King
(Signature)

How did you find out about this exemption?

Senior Times

FILED

DEC 06 2012

ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 12/7/12

To Whom It May Concern:

I Melanie J Maupin **(PRINT NAME)**, **am applying for a late Property Tax Relief Exemption or Exclusion for the year** 2012 **on parcel number (PIN) #** 9881380749.

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,

Melanie Maupin
(Signature)

How did you find out about this exemption?

Bill

Please accept my late application to be taxed as an historical exemption for the property at 3717 Murphey School Rd, PIN # 989259445. I came in to the office in 2011 to check on this but was told the tax would not change until 2012. I was not aware there was an application that needed to be filled out

The ordinance was approved in April of 2011 as an historical landmark.

General Statute 105-278-(B)

12-10-12

FILED

DEC 14 2012

ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 12/14/2012

To Whom It May Concern:

I Martha Ann Shambley, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2012 on parcel number

(PIN) # 9834-21-3943.

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,

Martha A. Shambley
(Signature)

How did you find out about this exemption?

pamphlet

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda
Item No. 5-e

SUBJECT: Adjustment to Salary Range Minimums

DEPARTMENT: Human Resources

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

INFORMATION CONTACT:
Nicole Clark, Human Resources Director, (919) 245-2552

PURPOSE: To consider approving a two percent (2%) increase in all salary range minimums to correspond to the two percent (2%) Cost of Living Adjustment (COLA) increase authorized in the approved FY 2012-13 budget effective July 1, 2012.

BACKGROUND: The County maintains a Salary Schedule, defined as a schedule of salary ranges systematized into sequential rates including minimum and maximum salaries for each class assigned to any given salary range. Every County position has been studied at least once during the past three years, and the findings indicate that the County's salary ranges remain competitive with the labor market.

Effective July 1, 2012, the Board approved a 2% Cost of Living Adjustment (COLA) for permanent employees, with no adjustment to salary minimums or salary maximums. On August 21, 2012, the Board approved a 2% increase to the salary maximums to allow a select number of employees at the salary range maximum to receive the COLA. The salary minimums were not adjusted. Historically, when a COLA is applied, the salary minimums and maximums are also adjusted. When the COLA was approved by the Board, it was assumed that the salary minimums would also increase by 2%.

There are approximately 34 employees whose salaries will require adjustments resulting from the new minimums. Adjustments will be retroactive to the effective date.

FINANCIAL IMPACT: Funds have been budgeted in FY 2012-13 to provide a 2% adjustment to the minimum salary ranges.

RECOMMENDATION(S): The Manager recommends that the Board increase the salary range minimums by two percent (2%). This is an administrative action to correct salary ranges for the adjustments authorized by the Board for the FY 2012-13 budget.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda
Item No. 5-f

SUBJECT: Position Establishment Request - .50 Medical Office Assistant Position

DEPARTMENT: Health

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

INFORMATION CONTACT:
Dr. Colleen Bridger, Health Director

PURPOSE: To consider the reclassification of a vacant 1.0 full time equivalent (FTE) Public Health Nurse II (PHN II) position into 1.5 FTE Medical Office Assistant (MOA) positions, allowing the 1.5 FTE MOA positions to provide improved front desk and clinic support in handling increased patients and help promote more efficient service delivery.

BACKGROUND: This request represents some division reorganization as the decision was made not to fill the PHN II position in the care management program. The staff members in the new program have become more efficient and the duties of this PHN II have been divided among existing staff. Health Department staff believes that converting the 1.0 FTE PHN II position into 1.5 FTE medical office support staff positions is critical for realizing the goal of increasing clinic capacity, access and excellent customer service for clients. The County Manager has the authority to redirect the existing 1.0 FTE PHN II position for the 1.0 FTE MOA position. However, authorization for the additional .50 MOA position is needed for the full conversion, and the Health Department is requesting approval from the Board of County Commissioners to create the .50 MOA position as required by the Orange County Personnel Ordinance.

The MOA position performs routine clerical and customer service duties in support of efficient office operations. Work involves pulling and preparing charts; answering multi-line telephone; providing customer service; receiving laboratory results; data entry and filing; processing incoming/outgoing medical records; recording information; copying medical records and forms as required; scanning medical records for entry into Electronic Health Records; preparing courier mail; and cross-training for front desk receptionist, medical record assistant, and financial interviewing.

The medical clinics provide critical services for the community including communicable disease control as well as preventive health services for women and children. Access to care has been identified as a problem in Orange County for those without health insurance. The Health

Department plays a critical role in serving as a safety net medical provider in the County. Expanding access to services has been identified as a priority in the Community Health Assessment and by the Board of Health.

FINANCIAL IMPACT: The reallocation of funds budgeted for the 1.0 FTE vacant PHN II position will not only increase efficiency in providing clinic services to the public, but will provide an annual cost savings of $2,930 to the County. The vacant PHN II position has a combined annual salary and benefits budget of $65,843. With reclassifying the position, the total combined annual salaries and benefits budget for the 1.5 Medical Office Assistant positions would be $62,913, resulting in a $2,930 annual cost savings for the County.

Converting the 1.0 PHN II position into 1.5 FTE Medical Office Assistant positions will allow for sufficient office support in handling increased service capacity and help promote more efficient service delivery. For the purpose of creating efficiencies while reducing costs, the Health Department is requesting to establish the additional .50 MOA position to complete the conversion of 1 FTE position into 1.5 FTE positions.

RECOMMENDATION(S): The Manager recommends that the Board, as part of the reallocation of personnel resources and existing budgeted funds, approve the creation of a new .50 FTE Medical Office Assistant position. This is a shift of full-time positions to modify individual responsibilities to better fit staffing needs.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 5-g

SUBJECT: Performance Agreement with Town of Chapel Hill and Visitors Bureau

DEPARTMENT: Chapel Hill/Orange County Visitors Bureau

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
2012-2013 Performance Agreement Between Town of Chapel Hill and the Chapel Hill/Orange County Visitors Bureau

INFORMATION CONTACT:
Laurie Paolicelli, 919- 968-2060

PURPOSE: To consider approval of the 2012-2013 performance agreement between the Town of Chapel Hill and the Visitors Bureau.

BACKGROUND: The Visitors Bureau, since FY1994-95, has received an annual grant allocation from the Town of Chapel Hill, ranging from $58,625 to the most recent support of $150,000 for 2011-2012. For Fiscal Year 2012-2013, the Town of Chapel Hill has allocated $175,000 to the Visitors Bureau as indicated in the attached performance agreement.

FINANCIAL IMPACT: The Chapel Hill/Orange County Visitors Bureau will receive $175,000 from the Town of Chapel Hill as part of the performance agreement.

RECOMMENDATION(S): The Manager recommends that the Board approve the performance agreement between the Town of Chapel Hill and the Visitors Bureau, with the Manager to sign the agreement on behalf of the County.

NORTH CAROLINA

PERFORMANCE AGREEMENT

ORANGE COUNTY

THIS AGREEMENT made and entered into the by and between the TOWN OF CHAPEL HILL, a North Carolina Municipal Corporation, 405 Martin Luther King Jr. Boulevard, Chapel Hill, North Carolina 27514, hereinafter referred to as "Town" and Chapel Hill/Orange County Visitors Bureau, 501 West Franklin Street, Suite 104, Chapel Hill, NC 27516, herein "Contractor" for services hereinafter described for the Town of Chapel Hill. This contract is for a comprehensive visitor services program targeted toward providing services to potential visitors to Chapel Hill and Orange County for FY 2012-13.

WHEREAS, Contractor agrees to provide a comprehensive visitor services program targeted toward providing services to potential visitors to Chapel Hill and Orange County; and

WHEREAS, the Contractor shall use Town funds for general operational support and to provide visitor services; and

WHEREAS, it is in the interest of the Town that said program be assisted by the Town and thereby be available to the residents and visitors of the Town;

WITNESSETH

NOW, THEREFORE, in consideration of the above and the mutual covenants and conditions hereinafter set forth, the Town and Contractor agree as follows:

1. Town Support: Contractor agrees to provide the services described in the Work Statement of this Agreement. By resolution 2012-06-25/O-6.1 the Town appropriated the sum of One Hundred Seventy Five Thousand Dollars ($175,000) to the Contractor for the fiscal year 2012-2013. The Town will also pay the Contractor 50% of any additional revenues collected in the event that hotel/motel occupancy receipts exceed the budgeted amount of $950,000. The Town does not obligate itself to provide any other support to Contractor this fiscal year or in succeeding years.

2. Hold Harmless: Contractor agrees to indemnify and hold harmless the Town of Chapel Hill and its officers, agents and employees from all loss, liability, claims or expense (including reasonable attorneys' fees) arising from bodily injury, including death or property damage to any person or persons caused in whole or in part by the negligence or willful misconduct of the Contractor except to the extent same are caused by the negligence or misconduct of the Town.

3. Non-Discrimination: The Contractor shall administer all functions without discrimination because of race, creed, sex, national origin, age, economic status, sexual orientation, gender identity or gender expression.

4. Payment and Documentation: Contract amount not to exceed $175,000, unless Town

occupancy receipts exceed $950,000 (See paragraph 1). Payments of $43,750 each will be made on or after the following dates: July 1, 2012; October 1, 2012; January 1, 2013; and April 1, 2013. The Town's obligation to make each payment is contingent upon receiving satisfactory documentation and accounting of expenditures as detailed in the attached Work Statement.

5. Insurance Provisions: The Town requires evidence of Contractor's current valid insurance (if applicable) during the duration of the named project and further requires that the Town be named as an additional insured.

6. Financial Records: Contractor agrees to allow the Town to inspect its financial books and records upon reasonable notice during normal working hours.

7. Work Statement: Contractor agrees to provide those services described in the Work Statement attached hereto and incorporated herein by reference, to residents and visitors of Chapel Hill and to maintain a high level of professionalism in the provision of these services.

8. Termination for Cause: In the event that Contractor shall cease to exist as an organization or shall enter bankruptcy proceedings, or be declared insolvent, or liquidate all or substantially all of its assets, or shall significantly reduce its services or accessibility to Chapel Hill residents during the term of this Agreement; or in the event that Contractor shall fail to render a satisfactory accounting as provided herein, then and in that event the Town may terminate this Agreement and Contractor will return all payments already made to it by the Town for services which have not been provided or for which no satisfactory accounting has been rendered.

9. Billing and Payment: The Contractor shall submit a bill to the Town for work performed under the terms of this Agreement. The Contractor shall bill the Town and the Town shall pay the rates set forth therein. Payment will be made by the Town within thirty (30) days of the receipt of an accurate invoice approved by the contact person or his/her designee.

10. Federal and State Legal Compliance: The Contractor must be in full compliance with all federal and state laws, including those on immigration.

11. Amendment: This Agreement may be amended in writing by mutual agreement of the Town and Contractor.

12. Interpretation: This Agreement shall be construed and enforced under the laws of the State of North Carolina. In the event of any dispute between the parties, venue is proper in Orange County, North Carolina.

13. Severability: The parties intend and agree that if any provision of this contract or any portion thereof shall be held to be void or otherwise unenforceable, all other portions of this contract shall remain in full force and effect.

14. Assignment: This Agreement shall not be assigned without the prior written consent of the parties.

15. Entire Agreement: This Agreement together with the exhibits and attachments shall constitute the entire agreement of the parties and no other warranties, inducement, considerations, promises or interpretation shall be implied or impressed upon this Agreement that are not expressly addressed herein. All prior agreement, understandings and discussions, except as amended by this Agreement, are hereby superseded by this Agreement.

16. Term: This Agreement, unless amended as provided herein, shall be in effect until June 30, 2013.

SIGNATURES ON THE FOLLOWING PAGE

This Contract is between the Town of Chapel Hill and Orange County by and for its Chapel Hill/Orange County Visitor's Bureau.

IN WITNESS WHEREOF, the parties hereunto cause this agreement to be executed in their respective names.

ORANGE COUNTY by and for its CHAPEL HILL/ORANGE COUNTY VISITOR'S BUREAU

_____
COUNTY MANAGER

ATTEST: _____ORANGE COUNTY SEAL
COUNTY CLERK

County Clerk attests date this the _____day of_____, 20__.

TOWN OF CHAPEL HILL

_____
DEPUTY/TOWN MANAGER

ATTEST BY TOWN CLERK:

_____
TOWN CLERK TOWN SEAL

Town Clerk attests date this the_____day of_____, 20__.

Approved as to Form and Authorization

_____
TOWN ATTORNEY

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

_____
FINANCE OFFICER

_____
PARKS AND RECREATION DIRECTOR

Attached to that certain PERFORMANCE AGREEMENT dated_____, 201__, between the Town of Chapel Hill and the Chapel Hill/Orange County Visitor's Bureau:

WORK STATEMENT

For the Contractor, hereinafter referred to as “Contractor":

I. Contractor provides a comprehensive visitor services program targeted toward providing services to potential visitors to Chapel Hill and Orange County.

II. The Contractor will participate in discussions with the Town’s Economic Development Committee to define the appropriate roles and responsibilities of the Contractor in the Town’s economic development strategy in consideration of this payment.

III. Town funds may be utilized for office supplies, postage, telephone, training materials, advertising, printing and duplicating, staff time, and marketing.

IV. Contractor will provide the Town with a final financial report which should be directed to Bill Webster, Assistant Director of Parks and Recreation. The report will include a budget breakdown showing expenditures of Town appropriations. The Report is due on August 1, 2013.

V. Contractor will provide an annual report of activities supported by the funding provided under this performance agreement including specific program outcomes. This report should be submitted with the financial report.

ORD-2013-001

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 5-h

SUBJECT: Fiscal Year 2012-13 Budget Amendment #6

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N) No

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

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

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

BACKGROUND:

Visitors Bureau

1. The Orange County Visitors Bureau requests a $25,000 fund balance appropriation from the Visitor's Bureau fund for a research study that will measure the effectiveness of its marketing campaign, which launched in June. The study will look at the targeted visitors' current attitudes, awareness, usage and willingness to recommend the area, to others. The study will also measure how Orange County's brand and advertising affect the area. This budget amendment provides for a fund balance appropriation of $25,000 from the Visitor's Bureau Fund for the above stated purpose. After this appropriation of fund balance, the unassigned fund balance of the Visitors Bureau Fund will be $310,329. *(See Attachment 1, column 1)*

Library

2. The Orange County Library has received notification of a Library Services and Technology Act (LSTA) grant, totaling $15,010, from the State Library of North Carolina. With the grant, staff will implement the fall 2012 Community Needs Assessment, which includes strategic plan creation (currently planned for completion in May 2013) by consultant Dr. Anthony Chow from UNC at Greensboro, and fund office and postage related project needs. This budget amendment provides for the receipt of these reimbursable grant funds. *(See Attachment 1, column 2)*

Emergency Services

3. The Orange County Emergency Services Department has received notification of a $2,000 Community Emergency Response Team (CERT) reimbursable grant award from the N.C. Department of Public Safety. These U. S. Department of Homeland Security grant funds, passed through by the State, are provided to conduct training activities to improve preparedness, response and recovery to natural disasters, acts of terrorism, and other man-made disasters, and to purchase helmet-mounted lights, high frequency radios, and tabletop "set up" simulator and exercise props that will enable the County to prepare for all hazard events. This budget amendment provides for the receipt of these reimbursable grant funds. *(See Attachment 1, column 3)*

Department on Aging

4. Based on current year collections, the Department on Aging anticipates a revenue increase of $12,000, related to its Wellness Grant Program. The department projects an additional $6,000 from the senior centers' Fit Feet service, which will procure medical supplies and nursing support. UNC Hospitals has donated $6,000 to the University Mall Walk program, which will purchase breakfasts for the monthly walks. 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 ($12,000) - Project # 294303

Revenues for this project:

	Current FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
Senior Citizen Wellness Funds	$150,244	$12,000	$162,244
Total Project Funding	**$150,244**	**$12,000**	**$162,244**

Appropriated for this project:

	Current FY 2012-13	FY 2012-13 Amendment	FY 2012-13 Revised
Senior Citizen Wellness Grant	$150,244	$12,000	$162,244
Total Costs	**$150,244**	**$12,000**	**$162,244**

This budget amendment provides for the receipt of these additional funds. *(See Attachment 1, column 4)*

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

5. DEAPR anticipates an additional $4,320 from concession sales revenue, at the EuroSport Soccer Center. After the FY 2012-13 budget process, the department scheduled several fall tournaments, which led to increased concession sales. Staff will use the funds to purchase additional concession supplies. This budget amendment provides for the receipt of these additional funds for the above stated purpose. *(See Attachment 1, column 5)*

Social Services

6. The Department of Social Services has received the following funds:

   - **Energy Assistance** – receipt of revenue totaling $150,706 in Low-Income Home Energy Assistance Program (LIEAP) funds. The block grant program has awarded an additional $105,634 for crisis-related, heating needs of Orange County residents. The department has also received $45,072 in administrative funds for personnel and program supply needs.
   - **Crisis Intervention** – receipt of $239,141 to provide for crisis-related heating needs, of Orange County residents.

   This budget amendment provides for the receipt of these additional funds. *(See Attachment 1, column 6)*

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

RECOMMENDATION(S): The Manager recommends the Board approve budget and grant 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:

Note: reflects encumbrance carry forwards as authorized by the annual budget ordinance

	Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #5-A	#1 Visitors Bureau fund balance appropriation of $25,000 for a research study that will measure the effectiveness of its marketing campaign, which launched in June.	#2 Library Services receipt of an LSTA grant of $15,010 to implement the fall 2010 Community Needs Assessment.	#3 Emergency Services receipt of a $2,000 CERT reimbursable grant award from the N.C. Department of Public Safety	#4 Department on Aging receipt of $12,000 for Fit Feet services ($6,000) and UNC Hospitals donation ($6,000) for Wellness Grant Program.	#5 DEAPR receipt of $4,320 in additional concession sales revenue.	#6 Social Services receipt of $389,847 related to crisis-related heating needs, of Orange County residents.	Budget as Amended Through BOA #6
General Fund											
Revenue											
Property Taxes	$ 136,928,193	$ -	$ 136,928,193	$ 136,928,193	$ -	$ -	$ -	$ -	$ -	$ -	$ 136,928,193
Sales Taxes	$ 15,742,304	$ -	$ 15,742,304	$ 15,742,304	$ -	$ -	$ -	$ -	$ -	$ -	$ 15,742,304
License and Permits	$ 313,000	$ -	$ 313,000	$ 313,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 313,000
Intergovernmental	$ 13,595,810	$ -	$ 13,595,810	$ 17,638,887	$ -	$ 15,010	$ 2,000	$ -	$ -	$ 389,847	$ 18,045,744
Charges for Service	$ 9,292,257	$ -	$ 9,292,257	$ 9,370,859	$ -	$ -	$ -	$ -	$ 4,320	$ -	$ 9,375,179
Investment Earnings	$ 105,000		$ 105,000	$ 105,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 105,000
Miscellaneous	$ 798,340		$ 798,340	$ 853,129							$ 853,129
Transfers from Other Funds	$ 1,040,000		$ 1,040,000	$ 1,087,700							$ 1,087,700
Fund Balance	$ 2,187,872	$ 781,630	$ 2,969,502	$ 8,092,611							$ 8,092,611
Total General Fund Revenues	$ 180,002,776	$ 781,630	$ 180,784,406	$ 190,131,683	$ -	$ 15,010	$ 2,000	$ -	$ 4,320	$ 389,847	$ 190,542,860
Expenditures											
Governing & Management	$ 15,339,623	$ 231,691	$ 15,571,314	$ 15,615,577	$ -	$ -	$ -	$ -	$ -	$ -	$ 15,615,577
General Services	$ 17,910,408	$ 120,317	$ 18,030,725	$ 18,135,374	$ -	$ -	$ -	$ -	$ -	$ -	$ 18,135,374
Community & Environment	$ 5,851,987	$ 67,971	$ 5,919,958	$ 5,956,474	$ -	$ -	$ -	$ -	$ 4,320	$ -	$ 5,960,794
Human Services	$ 30,711,556	$ 160,216	$ 30,871,772	$ 34,272,379	$ -	$ -	$ -	$ -	$ -	$ 389,847	$ 34,662,226
Public Safety	$ 20,121,532	$ 201,435	$ 20,322,967	$ 20,586,169	$ -	$ -	$ 2,000	$ -	$ -	$ -	$ 20,588,169
Culture & Recreation	$ 2,332,405	$ -	$ 2,332,405	$ 2,340,157	$ -	$ 15,010	$ -	$ -	$ -	$ -	$ 2,355,167
Education	$ 82,300,134		$ 82,300,134	$ 82,300,134	$ -	$ -	$ -	$ -	$ -	$ -	$ 82,300,134
Transfers Out	$ 5,435,131		$ 5,435,131	$ 10,925,419							$ 10,925,419
Total General Fund Appropriation	$ 180,002,776	$ 781,630	$ 180,784,406	$ 190,131,683	$ -	$ 15,010	$ 2,000	$ -	$ 4,320	$ 389,847	$ 190,542,860
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Visitors Bureau Fund											
Revenues											
Occupancy Tax	$ 959,518		$ 959,518	$ 959,518							$ 959,518
Sales and Fees	$ 1,000		$ 1,000	$ 1,000							$ 1,000
Intergovernmental	$ 180,482		$ 180,482	$ 180,482							$ 180,482
Investment Earnings	$ 500		$ 500	$ 500							$ 500
Appropriated Fund Balance	$ 150,000		$ 150,000	$ 150,000	$ 25,000						$ 175,000
Total Revenues	$ 1,291,500	$ -	$ 1,291,500	$ 1,291,500	$ 25,000	$ -	$ -	$ -	$ -	$ -	$ 1,316,500
Expenditures											
Community and Environment	$ 1,291,500		$ 1,291,500	$ 1,291,500	$ 25,000						$ 1,316,500

Attachment 1. Orange County Proposed 2012-13 Budget Amendment

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

Note: reflects encumbrance carry forwards as authorized by the annual budget ordinance

	Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #5-A	#1 Visitors Bureau fund balance appropriation of $25,000 for a research study that will measure the effectiveness of its marketing campaign, which launched in June.	#2 Library Services receipt of an LSTA grant of $15,010 to implement the fall 2010 Community Needs Assessment.	#3 Emergency Services receipt of a $2,000 CERT reimbursable grant award from the N.C. Department of Public Safety	#4 Department on Aging receipt of $12,000 for Fit Feet services ($6,000) and UNC Hospitals donation ($6,000) for Wellness Grant Program.	#5 DEAPR receipt of $4,320 in additional concession sales revenue.	#6 Social Services receipt of $389,847 related to crisis-related heating needs, of Orange County residents.	Budget as Amended Through BOA #6
Grant Project Fund											
Revenues											
Intergovernmental	$ 175,584		$ 175,584	$ 275,038							$ 275,038
Charges for Services	$ 24,000		$ 24,000	$ 66,000				$ 6,000			$ 72,000
Transfer from General Fund	$ 71,214		$ 71,214	$ 71,214							$ 71,214
Miscellaneous	$ -		$ -	$ -				$ 6,000			$ 6,000
Transfer from Other Funds	$ -		$ -	$ -							$ -
Appropriated Fund Balance	$ -	$ 30,595	$ 30,595	$ 30,595							$ 30,595
Total Revenues	$ 270,798	$ 30,595	$ 301,393	$ 442,847	$ -	$ -	$ -	$ 12,000	$ -	$ -	$ 454,847
Expenditures											
NCACC Employee Wellness Grant			$ -	$ -							$ -
Electric Vehicle Charging Stations		$ 20,955	$ 20,955	$ 20,955							$ 20,955
Governing and Management	$ -	$ 20,955	$ 20,955	$ 20,955	$ -	$ -	$ -	$ -	$ -	$ -	$ 20,955
NPDES Grant (Multi-year)		$ -	$ -	$ 60,525							$ 60,525
NC Tomorrow CDBG (Multi-year)		$ -	$ -	$ -							$ -
Jordan Lake Watershed Nutrient Grant		$ -		$ 13,750							$ 13,750
Growing New Farmers Grant			$ -	$ -							$ -
Community and Environment	$ -	$ -	$ -	$ 74,275	$ -	$ -	$ -	$ -	$ -	$ -	$ 74,275
Child Care Health - Smart Start	$ 63,588		$ 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	$ 9,640	$ 108,244	$ 150,244				$ 12,000			$ 162,244
Dental Health - Smart Start			$ -	$ -							$ -
Intensive Home Visiting			$ -	$ -							$ -
Human Rights & Relations HUD Grant			$ -	$ -							$ -
Senior Citizen Health Promotion (Multi-Yr)			$ -	$ -							$ -
SeniorNet Program (Multi-Year)			$ -	$ -							$ -
Enhanced Child Services Coord -SS			$ -	$ -							$ -
Diabetes Education Program (Multi-Year)			$ -	$ -							$ -
Specialty Crops Grant			$ -	$ -							$ -
Local Food Initiatives Grant			$ -	$ -							$ -
Reducing Health Disparities Grant (Multi-Y	$ 78,996		$ 78,996	$ 67,767							$ 67,767
FY 2009 Recovery Act HPRP			$ -	$ -							$ -
Human Services	$ 241,188	$ 9,640	$ 250,828	$ 283,007	$ -	$ -	$ -	$ 12,000	$ -	$ -	$ 295,007
Criminal Justice Partnership Program	$ 29,610		$ 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			$ -	$ 35,000							$ 35,000
2010 Homeland Security Grant - ES			$ -	$ -							$ -
2011 Homeland Security Grant - ES			$ -	$ -							$ -
Justice Assistance Act (JAG) Program			$ -	$ -							$ -
Public Safety	$ 29,610	$ -	$ 29,610	$ 64,610	$ -	$ -	$ -	$ -	$ -	$ -	$ 64,610
Total Expenditures	$ 270,798	$ 30,595	$ 301,393	$ 442,847	$ -	$ -	$ -	$ 12,000	$ -	$ -	$ 454,847

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 #6 (January 24, 2013)	
Grant Funds	$119,022
Non Grant Funds	$4,516,323
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	$781,630
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	$5,123,109
Total Amended General Fund Budget	**$190,542,860**
Dollar Change in 2012-13 Approved General Fund Budget	$10,540,084
% Change in 2012-13 Approved General Fund Budget	5.86%

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); $75,261 to upgrade AV equipment at SHSC (BOA #4-B); $147,000 to hire 2 new staff in Emergency Services (BOA #4-C); $100,000 to establish a Community Loan Fund for water/sewer connections (BOA #4-D); $3,000,000 for OPEB funding (BOA #4-E)

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

ORD-2013-002

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 5-i

SUBJECT: Proposal for 9-1-1 Recorder Replacement / Upgrade and Approval of Budget Amendment #6-A

DEPARTMENT: Emergency Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

1) Recorder Quote
2) Eligibility Confirmation Letter from North Carolina 911 Board

INFORMATION CONTACT:
Craig Blackwood, 245-6100
Dinah L. Jeffries, 245-6100
F. Rojas Montes de Oca, 245-6100

PURPOSE: To approve the replacement of the current 9-1-1 recorder, and approve Budget Amendment #6-A.

BACKGROUND: The current 9-1-1 recorder captures all telephone and radio traffic. It has been in use for over 4 years and does not meet the Next Generation 9-1-1 and APCO P25 standards. There is risk of hardware failure due to the 24/7/365 use over the 4 year period. The new recorder will record telephone and radio traffic and will be compatible with Next Generation 9-1-1 using IP (internet protocol), allow screen capture from the new CAD system, and utilize the APCO-25 (Association of Public Safety Communications Officials – Project 25) standard. The P25 feature will interface with North Carolina's Voice Interoperability Plan for Emergency Responders (VIPER) radio system for recording radio traffic directly from the Orange County 9-1-1 Communications Center system. The new recorder also includes a smaller back-up recorder to provide a redundant recording of critical channels.

NOTE: The APCO P25 standard is an open standard for digital radio developed in North America under state, local and federal representatives and Telecommunications Industry Association (TIA) governance. The standard was developed to foster the development and progress of the art of public safety communications.

FINANCIAL IMPACT: The cost to replace the current recorder is $154,240 which includes an upgrade allowance of $12,600 if purchased by January 31, 2013. The quote has been approved by the NC 9-1-1 Board and can be purchased using Emergency Telephone Funds. Budget Amendment #6-A approves an appropriation of $154,240 from the Emergency Telephone Funds' unassigned fund balance to cover the above-mentioned costs. The current unassigned fund balance of the Emergency Telephone Fund is $1,483,440.

RECOMMENDATION(S): The Manager recommends that the Board approve the replacement / upgrade of the 9-1-1 Recorder, and approve Budget Amendment #6-A.

Carolina Recording Systems, Inc.
PO Box 3065
Mooresville, NC 28117

QUOTE

FOR: 144-Channel Communications Recording System - GSA Contract

Date	12-3-2012
Valid Through	1-31-2013

Orange County Emergency Services
510 Meadowlands Drive
Hillsborough, NC 27278
(919) 245-6130
Capt. Craig Blackwood
cblackwood@co.orange.nc.us

Estimated Delivery	Terms	Shipping Terms	Quote Number
4 Weeks	NET 30	FOB- Destination, Freight- Prepaid and Add	CRSQ1161-01

Line	Qty	Model	Description	Unit Price	Ext. Price
1			144 Channel Communications Recording Solution ********** The Eventide NexLog 840 recording server will be configured with 80 Analog Recording Channels and 32 VoIP (P25) Recording Channels, and expandable to 240 recording Channels. This 4U rack-mount recording chassis contains 3TB of RAID5 Storage and Linux Operating System. The Eventide NexLog740 recording system (backup system) will be configured with 32 Analog Recording channels expandable to 96 Recording Channels. Recording Solution Includes: - 1-Click CD Creation - Central Storage of Incidents - Redaction - Real-Time Monitor - Comprehensive Search - Contact Closure Detection		
2	1	NexLog840	Eventide NexLog 840 Communications Recording System *See Page 3 for Itemized Breakdown	$59,195.00	$59,195.00
3	1	M-P25	P25 Integration with Motorola AIS *See Pages 2 for Itemized Breakdown	$72,995.00	$72,995.00
4	1	NexLog740	Eventide NexLog 740 Communications Recording System (Backup) *See Page 4 for Itemized Breakdown	$18,050.00	$18,050.00
5	1	XXXX	Professional Services: Includes Pre-installation site survey, Installation, Configuration, Testing, and Training.	$4,000.00	$4,000.00
6			Solution List Price:		$154,240.00

Steve Lomax
Phone: 1-888-776-0202
Fax:--: 1-888-776-0201
E-mail: sales@crsnc.com
Help Desk : (888) 661-0202

Installation Notes:
Customer's radio and telephone vendors should provide the proper inputs, identified and terminated within 6 feet of the recorder's physical location.

Warranty Notes:
System Upgrade covered under existing service agreement with 24/7 on-site service response.

Carolina Recording Systems, Inc.
PO Box 3065
Mooresville, NC 28117
CRS

QUOTE

FOR: 144-Channel Communications Recording System - GSA Contract

Date	12-3-2012
Valid Through	1-31-2013

Orange County Emergency Services
510 Meadowlands Drive
Hillsborough, NC 27278
(919) 245-6130
Capt. Craig Blackwood
cblackwood@co.orange.nc.us

Estimated Delivery	Terms	Shipping Terms	Quote Number
4 Weeks	NET 30	FOB- Destination, Freight- Prepaid and Add	CRSQ1161-01

Line	Qty	Model	Description	Unit Price	Ext. Price
7			GSA Discount (based on GSA contract No GS-35F-0415V):		-$10,837.50
8	-1		Upgrade Allowance ($175 / Channel):	$12,600.00	-$12,600.00
9			TOTAL:		$130,802.50
10			P25 Radio Integration Breakdown		
11	1	271084	Integration to P25 system via Customer-Supplied Archive Information Server (AIS)	$8,995.00	$8,995.00
12	1	271085	License Fee: MCC7500 SDK for initial ASTRO 25 System Release (Pass-Through Charge to Motorola) *	$37,000.00	$37,000.00
13	1	271052	Internal IP Recorder w/ 8 G.711 Ch. Licenses (Per Talk Path)	$4,250.00	$4,250.00
14	3	271035	8 Additional Channel Licenses for VoIP (Per Talk Path)	$1,150.00	$3,450.00
15	1	1173-000	P25 4-Concurrent Replay Decoder for P25	$10,000.00	$10,000.00
16	1	XXXX	Professional Services: Includes Installation, Configuration, Testing, and Training of P25 Integration.	$9,300.00	$9,300.00
17			*For all P25 implementations, this license fee (Line 21) requires PRE-PAYMENT up front as it is a pass-through licensing charge to Motorola Solutions for use of the integration's Software Development Kit (SDK).		

Continued On Next Page ...

Steve Lomax
Phone: 1-888-776-0202
Fax:--: 1-888-776-0201
E-mail: sales@crsnc.com
Help Desk : (888) 661-0202

Installation Notes:
Customer's radio and telephone vendors should provide the proper inputs, identified and terminated within 6 feet of the recorder's physical location.

Warranty Notes:
System Upgrade covered under existing service agreement with 24/7 on-site service response.

Item#1 – 80 Channel NexLog840 Recording Server (Based on GSA CONTRACT NO. GS-35F-0415V)							
Part Number	**Description**	**Quantity**	**List Price (Each)**	**List Price (Extended)**		**GSA Price (Each)**	**GSA Price (Extended)**
NexLog840	NexLog 840 base system: 4U rack-mount, Intel Core2 Quad CPU, Dual NIC, Dual Hot-Swap Power Supplies, Embedded Linux, NexLog base software, web-based configuration manager. **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$15,995.00	$15,995.00		$13,595.75	$ 13,595.75
105343	Upgrade to 4 x 1TB Hot Swap h/w-RAID1 = 3TB storage **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$2,880.00	$2,880.00		$2,448.00	$2,448.00
105284-024	24-Channel Analog Card, 24 Ch. Licenses **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	3	$6,000.00	$18,000.00		$5,100.00	$15,300.00
105284-008	8-Channel Analog Card, 8 Ch. Licenses **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$2,700.00	$2,700.00		$2,295.00	$2,295.00
271079	Call Evaluation base-level software (60 Agents, 6 Evaluators **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$4,485.00	$4,485.00		$3,812.25	$3,812.25
108112	Rack Mount Slides - 4 Post, 4U **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$360.00	$360.00		$306.00	$306.00
271007	MediaWorks Client License Pack for 8 PC Access **SIN: 132-33, FSC CLASS: 7010**	1	$995.00	$995.00		$845.75	$845.75
271083	MediaWorks Express (Web) Client License Pack for 8 Concurrent Users **SIN: 132-33, FSC CLASS: 7010**	1	$995.00	$995.00		$845.75	$845.75
271072	Screen Recording system license w/ 15 PC licenses **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$3,500.00	$3,500.00		$2,975.00	$2,975.00
324387	24 port GPIO PCI Card (non-isolated) (Contact Closure) **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$795.00	$795.00		$675.75	$675.75
209029	NENA ANI/ALI CAD Spill Integration or SMDR **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$3,495.00	$3,495.00		$2,970.75	$2,970.75
NAS-4TB	Network Attached Storage (NAS) **(Open Market Item)** Includes 4 X 1 TB SATA Hard Drives configured for 3TB RAID-5 Storage. Includes Quad Core Xeon Processor, 2GB RAM.	1	$4,995.00	$4,995.00		-	-
	Item#1 PRODUCT SUB-TOTAL			**$59,195.00**			**$46,070.00**

GSA Discount = $ 8,130.00

Item#3 – 32 Channel NexLog740 Recording Server (Based on GSA CONTRACT NO. GS-35F-0415V)							
Part Number	**Description**	**Quantity**	**List Price (Each)**	**List Price (Extended)**		**GSA Price (Each)**	**GSA Price (Extended)**
NexLog740	NexLog 740 base system: 3U rack-mount, Intel Core2 Quad CPU, Dual NIC, Dual Hot-Swap Power Supplies, Embedded Linux, NexLog base software, web-based configuration manager. **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$7,995.00	$7,995.00		$6,795.75	$6,795.75
105284-024	24-Channel Analog Card, 24 Ch. Licenses **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$6,000.00	$6,000.00		$5,100.00	$5,100.00
105284-008	8-Channel Analog Card, 8 Ch. Licenses **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$2,700.00	$2,700.00		$2,295.00	$2,295.00
324430	Rack Mount Slides - 3 Post, 3U **SIN: 132-8, FSC CLASS: 7010, FSC CLASS 7025**	1	$360.00	$360.00		$306.00	$306.00
271007	MediaWorks Client License Pack for 8 PC Access **SIN: 132-33, FSC CLASS: 7010**	1	$995.00	$995.00		$845.75	$845.75
	Item#3 PRODUCT SUB-TOTAL			**$18,050.00**			**$15,342.50**

GSA Discount = $ 2,707.50

North Carolina 911 Board

George Bakolia, Chair

Dave Corn, Vice Chair

January 9, 2013

Craig Blackwood, Capt.
Data Manager
Orange Co. Emergency Services
PO BOX 8181
Hillsborough, NC 27278-8181

Dear Capt. Blackwood,

Per the request from Orange County, this letter is to confirm our email discussion as it relates to the quote from Carolina Recording System (CRSQ1161-01). The 144 Channel Communication Recording Solution, as noted in quote, is eligible for purchase from the Emergency Telephone System Fund. If you have questions or concerns, please feel free to call or email.

Best regards,

Marsha Tapler
Financial Analyst

www.nc911.nc.gov
P.O. Box 17209 • Raleigh, North Carolina 27619-7209
Tel: (919) 754-6344 • Fax: (919) 981-2548 • marsha.tapler@nc.gov
An Equal Opportunity/Affirmative Action Employer

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 5-j

SUBJECT: Extension of Audit Services and Contract with Martin Starnes & Associates, CPAs, P.A.

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Audit Engagement Letter

INFORMATION CONTACT:
Clarence Grier, 919-245-2453

PURPOSE: To approve an extension of contract services to perform the annual County audit for the fiscal years ending June 30, 2013, 2014, and 2015.

BACKGROUND: By North Carolina General Statute, Orange County is required to have an independent audit conducted. For the past three fiscal years, Martin Starnes & Associates, CPAs, P.A. (Martin Starnes) has performed the County's annual audit. Martin Starnes has been instrumental in assisting the County in resolving financial and accounting issues, and has assisted in the upgrade of the County's credit ratings by performing the audit in a timely and efficient manner.

Martin Starnes proposes the following fees for the audit for the next three fiscal years:

Fiscal Year	Amount
2013	$ 85,800
2014	$ 88,300
2015	$ 88,300

The fee for FY 2013 will remain the same as FY 2012.

In recent years the following firms have performed the County's audit services:

- Cherry, Bekaert and Holland , LLP — FY2001-2006
- McGladrey and Pullen, LLP — FY2007-2009
- Martin Starnes & Associates, CPAs — FY2010-2012

Due the changes in financial and auditing standards, federal and state regulations, and reduction in the number of firms performing audits of governmental entities, governmental entities are maintaining their auditing firms for longer periods of time.

FINANCIAL IMPACT: The total amount of this contract, if approved by the Board, is $85,800 for FY 2013, and $176,600 for the next two fiscal years. Funds were budgeted in the 2012-2013 Financial and Administrative Services budget to cover the current fiscal year expenditure.

RECOMMENDATION(S): The Manager recommends that the Board approve the extension of the contract with Martin Starnes & Associates, CPAs, P.A. of Hickory, North Carolina to conduct auditing services for Orange County in the amount of $85,800, and authorize the Manager to sign the contract on behalf of the Board pending staff and Attorney review.

MARTIN ♦ STARNES
& ASSOCIATES, CPAs, P.A.

"A Professional Association of Certified Public Accountants and Management Consultants"

September 24, 2012

Orange County
Attn: Clarence Grier
John Link Government Services Center
200 South Cameron Street
Hillsborough, NC 27278

Dear Mr. Grier,

It has been a pleasure to provide audit services to Orange County for the past several years. We are looking forward to a long relationship with the County that will allow us to become more efficient in our procedures and offer even better management suggestions as a result of our knowledge of the County's operations.

The audit relationship is much more than a commodity product, therefore, the Local Government Commission does not require the services to be re-bid at the end of a service agreement. We are proud of the level of service we offer and believe that to be the reason we have a near 100% renewal rate with our government clients. We would rather negotiate an extension of our agreement rather than subject the relationship to the bidding process. If the County is pleased with the service, then fees are the only variable, and I am certain we can come to terms as it relates to fees.

Recently, much talk has been made about mandatory auditor rotations. According to the Government Finance Officers' Association, "the high level of specialized expertise needed to perform a quality audit of a state or local government often limits competition, which means that a requirement to change audit firms at the end of the audit contract could have the unintended effect of forcing a government to engage the services of a less qualified audit firm. Many of the advantages suggested for auditor rotation (such as obtaining a fresh perspective) often can be achieved by rotating staff within the same firm."

We are required by our auditing standards to maintain our independence, and we can assure the County that Martin Starnes & Associates takes compliance with the independence standard seriously. We rotate our audit teams as a normal course of business due to staff growth. We reinvent the audit process each year during the planning stage to make sure we are addressing the pertinent risk areas of the County's audit. Therefore, a long audit relationship, if managed properly, is a great benefit to the County.

730 13th Avenue Drive SE ♦ Hickory, North Carolina 28602 ♦ Phone 828-327-2727 ♦ Fax 828-328-2324
13 South Center Street ♦ Taylorsville, North Carolina 28681 ♦ Phone 828-632-9025 ♦ Fax 828-632-9085
Toll Free Both Locations 1-800-948-0585 ♦ Website: www.martinstarnes.com

Our fees for the fiscal years ending June 30, 2013 - 2015 are proposed as follows:

2013	$ 85,800
2014	$ 88,300
2015	$ 88,300

I am looking forward to your acceptance of our service extension agreement. Feel free to call me with questions or concerns.

Sincerely,

Paula P. Hodges

Paula P. Hodges, CPA
Partner

If you agree with the service extension agreement above, please sign the enclosed copy of this letter in the space indicated and return it to our office.

Accepted by: _____

Title: _____ Date: _____

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda
Item No. 5-k

SUBJECT: NC State Firemen's and Rescue Squad Annual Certification Roster

DEPARTMENT: Emergency Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Certification Form
Roster
Training Records Database (2)

INFORMATION CONTACT:

Frank Montes de Oca, 919-245-6100
David Sykes, 919-245-6100

PURPOSE: To approve the certification requirements for the Assistant Fire Marshals to participate in the North Carolina State Firemen's Association for the year 2013.

BACKGROUND: The NC State Firemen's Association requires eligible members to attend thirty-six hours of training in each calendar year. The Assistant Fire Marshals received 78 hours and 207 hours of training respectively in fire/arson investigations, NC Fire Prevention Code updates, fire behavior, emergency medical services, and communications. The training received is required to maintain various certifications held by staff. A training records database of hours and training topics is attached.

North Carolina General Statute 58-86-25 requires submission of a complete and certified roster of eligible staff annually. As the governing body, the Board of County Commissioners must certify the annual certification roster. The certified roster and minimum training requirements determine eligibility for benefits through the Association, including line of duty death benefits, accidental death and dismemberment benefits and participation in the pension fund. The certification roster is attached and lists two individuals. Individual County fire districts submit their own certification rosters based on approval by their respective boards of directors and signature of approval by the board's president.

FINANCIAL IMPACT: The County provides funding for the costs associated with County staff attending various training classes to maintain certifications and membership in the NC State Firemen's Association. The cost to attend classes for certification for the Assistant Fire Marshals was approximately $557.

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

North Carolina State Firemen's Association
323 West Jones Street, Suite 401
Raleigh, NC 27603
1-800-253-4733

2012
ANNUAL CERTIFICATION OF FIREFIGHTERS
This form MUST be filled out and sent in for your Roster Renewal to be complete

North Carolina General Statute 58-86-25 requires that all certified fire departments submit a complete roster of its eligible firemen annually. **This certified list determines eligibility for the $50,000 line-of-duty death benefit as well as eligibility for Pension Fund credit. Failure to accurately and promptly report this information is violation of G.S. 58-86-25 and will automatically result in a loss or reduction of benefits.**

REPORT BY FIRE DEPARTMENT CHIEF

As Fire Department Chief, I have determined that the attached roster is a valid and accurate list of all eligible firemen, within the definition contained in North Carolina General Statute 58-86-25.

Name of Fire Department Orange County Life Safety Management

Fire Department Mailing Address 510 Meadowlands Drive

City Hillsborough State NC. Zip Code 27278

Name of Fire Chief David Sykes
(Please print or type)

Signature of Fire Chief David Sykes

Date 1/7/13 Daytime Telephone (919) 245-6100

County Orange

CERTIFICATION BY GOVERNING BODY
Pursuant to G.S. 58-86-25, the governing body of a fire department operated by (i) a county is the county board of commissioners, (ii) a city is the city council, (iii) a sanitary district is the sanitary district board, (iv) a corporation, whether profit or nonprofit, is the corporation's board of directors and (v) any other entity is that group designated by the board. Therefore, in our capacity as the governing body of the above-named fire department, we certify and find that the attached roster is a valid and accurate list of all eligible firemen in accordance with G.S. 58-86-25.

Name of Governing Body_____

Name of Governing Body Official _____
(Please print or type)

Authorized Signature_____ Title_____

Date _____ Daytime Telephone_(____)_____

NCSFA
North Carolina State Firemen's Association

2013 Department Roster Renewal

NCSFA
323 W. Jones St, Ste 401
Raleigh, NC 27603
800-253-4733 Phone
membership@ncsfa.com
919-821-9382 Fax

Life Safety Management Fire Department
Chief Thomas David Sykes
510 Meadowlands Drive
Hillsborough, NC 27278

Department Information Roster Last Updated: **01/31/2011 | 06:41 pm**

Dept ID	100783	**Paid Thru:**	12/31/2012
Type:	FDP / Fire Dept Paid	**Work:**	(919) 245-6100
Chief:	Thomas David Sykes	**Fax:**	
County:	Orange	**E-Mail:**	dsykes@~~orange.nc.us~~ orangecountync.gov

Payment Information **Department Summary**

Paid: 2
Volunteer: 0
Retired: 0

#	SSN / ID	Full Name / DOB	Address	Phone #/ Email	GEN	MAR	P/V/R	CERT? (circle one)
1		Elizabeth F. Gregory		(919) 245-6100 egregory@~~co.orange.nc.us~~ orangecountync.gov	F		P	Y / N
2		Thomas David Sykes		(919) 245-6100 dsykes@~~co.orange.nc.us~~ orangecountync.gov	M		P	Y / N

Life Safety Management Fire Department **Paid: 2** **Vol: 0** **Retired: 0**

NOTE(s):
Please find a blank invoice enclosed with your packet.

Emergency Services

Training Attendance by Staff

Class Date Between {01/01/2012} And {12/20/2012} and Staff ID = "SYKE01"

Date	Time	Category - Class Description	CEU	Hours	Hrs Pd	Points	Obj?
SYKE01 Sykes, David							
01/16/2012	19:00	EMS04 Cardiovascular Emergencies		3.00	3.00	0.00	Y
02/07/2012	09:00	FC40 Strategic and Tactical Operations		3.00	3.00	0.00	Y
04/28/2012	08:00	FV01 General Fire Investigation		12.00	12.00	0.00	Y
05/07/2012	08:00	IAAI IAAI Conference		32.00	32.00	0.00	Y
07/10/2012	08:30	EL01 Electrical Safety		8.00	8.00	0.00	Y
08/08/2012	09:00	FV29 Arson Methods and Motives		2.00	2.00	0.00	Y
10/13/2012	08:00	FV01 General Fire Investigation		12.00	12.00	0.00	Y
12/05/2012	09:00	FI71 Fire Inspections Upgrade		6.00	6.00	0.00	Y
		Totals for Staff Member:		**78.00**	**78.00**	**0.00**	

*=Unexcused Absence X=Excused Absence

Emergency Services

Training Attendance by Staff

Class Date Between {01/01/2012} And {12/20/2012} and Staff ID = "5600"

Date	Time	Category - Class Description	CEU	Hours	Hrs Pd	Points	Obj?
5600 Gregory, Elizabeth							
02/06/2012	08:00	FI01 Fire Inspections		40.00	40.00	0.00	Y
02/07/2012	09:00	FC40 Strategic and Tactical Operations		3.00	3.00	0.00	Y
02/21/2012	09:00	IS-120 An Orientation to Community Disaster Exercises - An Orientation to Community Disaster Exe		8.00	8.00	1.00	Y
02/23/2012	09:00	FI73 Commercial Hood Systems		2.00	2.00	0.00	Y
03/13/2012	09:00	FA11 Fire Rescue-Class/Certification		24.00	24.00	0.00	Y
03/24/2012	08:00	DT02 Emergency Vehicle Training		9.00	9.00	0.00	Y
03/29/2012	13:00	EMS 104 Infection Control Update		4.00	4.00	0.00	Y
03/30/2012	09:00	IS-011 Animals in Disaster, Community Planning		3.00	3.00	1.00	Y
04/16/2012	08:00	FI01 Fire Inspections		32.00	32.00	0.00	Y
05/07/2012	08:00	IAAI IAAI Conference		32.00	32.00	0.00	Y
07/10/2012	08:30	EL01 Electrical Safety		8.00	8.00	0.00	Y
07/25/2012	08:00	CERT Cert Review		16.00	16.00	0.00	Y
08/06/2012	18:00	GANG Gang Awareness		2.00	2.00	0.00	Y
11/07/2012	08:00	CON09 Firehouse Software		24.00	24.00	0.00	Y
		Totals for Staff Member:		**207.00**	**207.00**	**2.00**	

*=Unexcused Absence X=Excused Absence

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 24, 2013

Action Agenda Item No. 5-l

SUBJECT: Changes in BOCC Regular Meeting Schedule for 2013

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

ATTACHMENT (S):

INFORMATION CONTACT:
Donna Baker, 245-2130
Clerk to the Board

PURPOSE: To consider three changes in the County Commissioners' regular meeting calendar for 2013.

BACKGROUND: Pursuant to North Carolina General Statute 153A-40, the Board of County Commissioners must fix the time and place of its meetings or provide a notice of any change in the Regular Meeting Schedule by:

- Changing the BOCC Regular meeting from December 17, 2013 **TO** December 10, 2013, and this meeting will be held at the Southern Human Services Center, 2501 Homestead Road, Chapel Hill, N.C.

- Changing the location of the February 12, 2013 BOCC Work Session **FROM** Southern Human Services Center **TO** the Link Government Services Center, 200 South Cameron St., Hillsborough.

  Staff is requesting this change because the agenda for the Work Session will include the discussion of four County facilities located in Hillsborough. First, the opportunity to renovate the Whitted Building for a Board Meeting Room/Arts Performance Place. Second, the possibility of a stand-alone BOCC meeting facility at the current Government Services Annex location. Third, the possible relocation of the Board of Elections to the Link Government Services Center. Fourth, planned maintenance and repair expenditures for Fiscal Year 2013/2014 at the Environment & Agriculture Center and alternatives for the highest and best use of the facility. All Board members have not likely seen all of these facilities. Asset Management Services would like to provide the opportunity for a tour of the facilities before the scheduled work session for new or current Board members that would like to see these facilities before the Work Session. Decisions regarding the future uses of these facilities will impact the 2013-18 Capital Investment Plan.

- Changing the March 12, 2013 BOCC Work Session **FROM** Link Government Services Center **TO** Southern Human Services Center, 2501 Homestead Road, Chapel Hill (since the February 12, 2013 Work Session would be moved from Southern Human Services Center to Link Government Services Center and staff tries to balance the number of meetings between Chapel Hill and Hillsborough).

RECOMMENDATION (S): The Manager recommends the Board amend its regular meeting calendar for 2013 by:

- Changing the BOCC Regular meeting from December 17, 2013 **TO** December 10, 2013, and this meeting will be held at the Southern Human Services Center, 2501 Homestead Road, Chapel Hill, N.C.

- Changing the location of the February 12, 2013 BOCC work session **FROM** Southern Human Services Center **TO** the Link Government Services Center, 200 South Cameron St., Hillsborough

  Staff is requesting this change because the agenda for the Work Session will include the discussion of four County facilities located in Hillsborough. First, the opportunity to renovate the Whitted Building for a Board Meeting Room/Arts Performance Place. Second, the possibility of a stand-alone BOCC meeting facility at the current Government Services Annex location. Third, the possible relocation of the Board of Elections to the Link Government Services Center. Fourth, planned maintenance and repair expenditures for Fiscal Year 2013/2014 at the Environment & Agriculture Center and alternatives for the highest and best use of the facility. All Board members have not likely seen all of these facilities. Asset Management Services would like to provide the opportunity for a tour of the facilities before the scheduled work session for new or current Board members that would like to see these facilities before the Work Session. Decisions regarding the future uses of these facilities will impact the 2013-18 Capital Investment Plan.

- Changing the March 12, 2013 BOCC Work Session **FROM** Link Government Services Center **TO** Southern Human Services Center, 2501 Homestead Road, Chapel Hill (since the February 12, 2013 Work Session would be moved from Southern Human Services Center to Link Government Services Center and staff tries to balance the number of meetings between Chapel Hill and Hillsborough).

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 5-m

SUBJECT: Emergency Solutions Grant Program Award

DEPARTMENT: Social Services, Housing, Human Rights and Community Development

PUBLIC HEARING: (Y/N) N

ATTACHMENT(S):

Program Summary
State Contract

INFORMATION CONTACT:
Nancy Coston, 919-245-2800
Tara L Fikes, 919-245-2490

PURPOSE: To accept an Emergency Solutions Grant award of $162,673 from the State of North Carolina, and authorize the execution of the associated State Contract and a sub-recipient contract with the Inter-Faith Council for Social Service by the County Manager upon contract review and approval by the County Attorney's Office.

BACKGROUND: In July 2012 the North Carolina Department of Health and Human Services (DHHS) announced a Request for Applications for funding under the Emergency Solutions Grant (ESG) Program. The purpose of ESG Program is to provide homelessness prevention assistance to households who are at risk of homelessness and assist with emergency shelter operation as well as provide assistance to rapidly re-house persons who are homeless.

In response to the Request for Applications, Orange County was the applicant for a project team comprised of the Orange County Department of Social Services (DSS), Orange County Housing, Human Rights and Community Development Department and the Inter-Faith Council for Social Service – a local non-profit organization. The ESG application was submitted on August 13, 2012 for $162,673 to provide both homelessness prevention and rapid re-housing assistance in Orange County for a year. In mid-October, the County was notified of the award of $162,673 for this program. A program summary is attached. The Department of Social Services will serve as the Administrator for this grant.

To receive this funding, the County must enter into a Contract with the N.C. Department of Health and Human Services. The contract document has been reviewed and approved by the County Attorney's Office and a copy is attached. Additionally, the County will need to enter into a sub-recipient contract with the Inter-Faith Council for Social Service which will provide emergency shelter and prevention services as funded by the grant. The total of that contract should not exceed $60,590. The County Attorney's office will review and approve that document as well.

FINANCIAL IMPACT: This grant award represents a $162,673 investment in local efforts to prevent homelessness in the community.

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

1) Accept the Emergency Solutions Grant award of $162,673 from the State of North Carolina; and
2) Approve the execution of the associated State Contract and a Sub-recipient contract with Inter-Faith Council for Social Service by the County Manager upon contract review and approval by the County Attorney's Office.

Orange County's Emergency Solutions Grant (ESG) Award

Orange County applied to the North Carolina Department of Health and Human Services (DHHS) in August 2012 for the Emergency Solutions Grant (ESG) Program in collaboration with partners - Orange County Department of Social Services (DSS) and the Inter-Faith Council for Social Service (IFC). The purpose of the ESG Program is to:

- Provide assistance to rapidly re-house persons who are currently homeless;
- Provide homeless prevention assistance to households who are at risk of becoming homeless;
- Assist in meeting the costs of operating emergency shelters;
- Restrict the increase of homelessness through the provision of preventive programs and activities.

Eligible ESG program participants must have incomes below 30% of area median income and either be experiencing or at imminent risk of homelessness.

Orange County was awarded $162,673 in ESG funding and Orange County DSS will administer the grant. Additionally, the county will serve as "Fiscal Sponsor" for the grant which includes the following responsibilities:

- Contracting with the State;
- Sub-contracting with and distributing funds to IFC;
- Submitting reimbursement requests to the State; and
- Acting as the central point of contact for all reporting requirements.

Grant Program Activities

Orange County DSS	$102,083
Housing Stability Services (also known as Rapid Re-Housing)	
Inter-Faith Council	$ 60,590
Emergency Shelter Operations	

It should be noted that Rapid Re-Housing (RRH) programs assist people soon after they become homeless to overcome their barriers to housing (criminal, credit and housing histories, financial resources, etc.) and help them obtain and stabilize in housing with services including case management, housing search and placement, legal services, credit repair, childcare, transportation, and mental health, substance abuse and health care services. Assistance is tailored to people's needs and can be provided for up to two (2) years.

Emergency Shelter Operations funding will assist in the operation of the Community House Men's Shelter in Chapel Hill and Project Homestart in Chapel Hill.

GENERAL CONTRACT COVER

This contract is hereby entered into by and between the North Carolina Department of Health and Human Services, Division of Aging and Adult Services (the "Division") and Orange County (the "Contractor") (referred to collectively as the "Parties").

1. **Contract Documents:**
This contract consists of the following documents, which are incorporated herein by reference:

(a) This contract cover
(b) The General Terms and Conditions
(c) Scope of Work
(d) Performance Measures Chart
(e) The Line Item Budget
(f) Federal Certifications
(g) State Certification

Incorporated By Reference
The following documents are reference materials and are available by going to the following website, Open Window (http://dhhsopenwindow.nc.gov/index.aspx?pid=doc_ReferenceDocuments).

(a) Executive Order No. 24
(b) Travel: Policies Governing Travel Related Expenses for Contractors
(c) General Statutes G.S.143C6 NonState Entities Receiving State Funds
(d) Subchapter 03M Uniform Administration of State Grants

These documents constitute the entire agreement between the Parties and supersede all prior oral or written statements or agreements.

2. **Precedence Among Contract Documents:**
In the event of a conflict between or among the terms of the Contract Documents, the terms in the Contract Document with the highest relative precedence shall prevail. The order of precedence shall be the order of documents as listed in the contract document section, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple contract amendments, the most recent amendment shall have the highest precedence and the oldest amendment shall have the lowest precedence.

3. **Effective Period:**
This contract shall be effective on 10/1/2012 and shall terminate on 9/30/2013, with the option to extend, if mutually agreed upon, through a written amendment as provided for in the General Terms and Conditions.

4. **Contractor's Duties:**
The Contractor shall provide the services as described in the scope of work and in accordance with the approved budget.

5. **Division's Duties:**
The Division shall pay the Contractor in the manner and in the amounts specified in the contract documents. The total amount paid by the Division to the Contractor under this contract shall not exceed $168,467. This amount consists of $0 in State funds, $0 in Local funds, $0 in Other funds and $168,467 in Federal funds.

The Contractor's matching requirement is $168,467.

~~The contributions from the Contractor shall be sourced from non-federal funds.~~ DWS

The total contract amount is $336,934.

6. **Conflict of Interest Policy:**
The Division has determined that this contract is a financial assistance contract. The Contractor shall file with the Division, a copy of the Contractor's policy addressing conflicts of interest that may arise involving the Contractor's management employees and the members of its board of directors or other governing body. The policy shall address situations in which any of these individuals may directly or indirectly benefit, except as the Contractor's employees or members of its board or other governing body, from the Contractor's disbursing of state funds and shall include actions to be taken by the Contractor or the individual, or both to avoid conflicts of interest and the appearance of impropriety. The policy shall be filed before the Division may disburse the grant funds. (N.C.G.S. 143C-6-23(b)(2007))

7. **Statement of No Overdue Tax Debts:**
Contractor's sworn written statement pursuant to N.C.G.S. 143C-6-23(c), stating that the Contractor does not have any overdue tax debts, as defined by G.S. 105-243.1, at the federal, state, or local level. The Contractor acknowledges that the written statement must be filed before Division may disburse the grant funds.

8. **Grants:**
The Contractor/Grantee has the responsibility to ensure that all sub-grantees, if any, provide all information necessary to permit the Contractor/Grantee to comply with the standards set forth in this contract.

9. **Reporting Requirements:**
The Division has determined that this is a contract for financial assistance with a Public Entity. Local governmental agencies subject to N.C.G.S. § 159-34, annual independent audit; rules and regulations, OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and N.C.G.S. § 143C-6-22, use of state funds by non state entities. If subgranting is allowable, a nongovernmental subgrantee is subject to the reporting requirements described on the Notice of Certain Reporting and Audit Requirements. Regulations and Reporting Requirements of N.C. General Statute 143C-6.23 can be found at ncgrants.gov.

10. **Payment Provisions:**
Upon execution of this contract, the Contractor shall submit to the Division Contract Administrator, a monthly reimbursement request for services rendered the previous month by the 10th of each month and, upon approval by the Division, receive payment within 30 days. Monthly payment shall be made based on actual expenditures made in accordance with the approved budget on file with both parties and reported on the monthly expenditure report submitted by the Contractor. If this contract is terminated, the Contractor shall complete a final accounting report and return any unearned funds to the Division within 30 days of the contract termination date. The Division shall have no obligation for payments based on expenditure reports submitted later than 30 days after termination or expiration of the contract period. All payments are contingent upon fund availability.
Payment shall be made in accordance with the contract documents as described in the scope of work.

11. **Contract Administrators:**

All notices permitted or required to be given by one Party to the other and all questions about the contract from one Party to the other shall be addressed and delivered to the other Party's contract administrator. The name, post office address, street address, telephone number, fax number, and email address of the Parties' respective initial contract administrators are set out below. Either Party may change the name, post office address, street address, telephone number, fax number, or email address of its contract administrator by giving timely written notice to the other Party.

For the Division:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Michael Leach, Homeless Programs Coordinator Division of Aging and Adult Services 2101 Mail Service Center Raleigh, NC 27699-2101 **Telephone :** (919)-855-4991 **Fax:** ()-- **Email:** Michael.Leach@dhhs.nc.gov	Michael Leach, Homeless Programs Coordinator Division of Aging and Adult Services 2101 Mail Service Center Raleigh, NC 27699-2101

For the Contractor:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Jamie Rohe, Homeless Program Coordinator Orange County PO Box 8181 Hillsborough, NC 27278 **Telephone:** (919)-245-2490 **Fax:** ()-- **Email:** jrohe@orangecountync.gov	Jamie Rohe, Homeless Program Coordinator Orange County PO Box 8181 Hillsborough, NC 27278

12. Supplementation of Expenditure of Public Funds:
The Contractor assures that funds received pursuant to this contract shall be used only to supplement, not to supplant, the total amount of federal, state and local public funds that the Contractor otherwise expends for contract services and related programs. Funds received under this contract shall be used to provide additional public funding for such services; the funds shall not be used to reduce the Contractor's total expenditure of other public funds for such services.

13. Disbursements:
As a condition of this contract, the Contractor acknowledges and agrees to make disbursements in accordance with the following requirements:

(a) Implement adequate internal controls over disbursements;
(b) Pre-audit all vouchers presented for payment to determine:
- Validity and accuracy of payment
- Payment due date
- Adequacy of documentation supporting payment
- Legality of disbursement

(c) Assure adequate control of signature stamps/plates;
(d) Assure adequate control of negotiable instruments; and
(e) Implement procedures to insure that account balance is solvent and reconcile the account monthly.

14. Outsourcing to Other Countries:
The Contractor certifies that it has identified to the Division all jobs related to the contract that have been outsourced to other countries, if any. The Contractor further agrees that it will not outsource any such jobs during the term of this contract without providing notice to the Division.

15. Signature Warranty:
The undersigned represent and warrant that they are authorized to bind their principals to the terms of this agreement.

16. Federal Certifications:
Individuals and Organizations receiving federal funds must ensure compliance with certain certifications required by federal laws and regulations. The contractor is hereby complying with Certifications regarding Nondiscrimination, Drug-Free Workplace Requirements, Environmental Tobacco Smoke, Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions, and Lobbying. These assurances and certifications are accompanied by a signature page and can be found in the Contractor's Managed Documents section of DHHS Open Window. The signature page is to be signed by the contractor's authorized representative.

Signatures follow on next page

In Witness Whereof, the Contractor and the Division have executed this contract in duplicate originals, with one original being retained by each party.

Orange County

Signature	Date
Frank Clifton Printed Name	County Manager Title

WITNESS

Signature	Date
Printed Name	Title

Division of Aging and Adult Services, North Carolina Department of Health and Human Services

Signature Joseph M. Pierce	12/13/12 Date
obo Dennis Streets Printed Name	Division Director Title

GENERAL TERMS AND CONDITIONS

Relationships of the Parties

Independent Contractor: The Contractor is and shall be deemed to be an independent contractor in the performance of this contract and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Contractor represents that it has, or shall secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with, the Division.

Subcontracting: The Contractor shall not subcontract any of the work contemplated under this contract without prior written approval from the Division. Any approved subcontract shall be subject to all conditions of this contract. Only the subcontractors specified in the contract documents are to be considered approved upon award of the contract. The Division shall not be obligated to pay for any work performed by any unapproved subcontractor. The Contractor shall be responsible for the performance of all of its subcontractors.

Assignment: No assignment of the Contractor's obligations or the Contractor's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority, the State may:

(a) Forward the Contractor's payment check(s) directly to any person or entity designated by the Contractor, or
(b) Include any person or entity designated by Contractor as a joint payee on the Contractor's payment check(s).

In no event shall such approval and action obligate the State to anyone other than the Contractor and the Contractor shall remain responsible for fulfillment of all contract obligations.

Beneficiaries: Except as herein specifically provided otherwise, this contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors. It is expressly understood and agreed that the enforcement of the terms and conditions of this contract, and all rights of action relating to such enforcement, shall be strictly reserved to the Division and the named Contractor. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Division and Contractor that any such person or entity, other than the Division or the Contractor, receiving services or benefits under this contract shall be deemed an incidental beneficiary only.

Indemnity and Insurance

Indemnification: The Contractor agrees to indemnify and hold harmless the Division, the State of North Carolina, and any of their officers, agents and employees, from any claims of third parties arising out of any act or omission of the Contractor in connection with the performance of this contract to the extent permitted by law.

Default and Termination

Termination Without Cause: The Division may terminate this contract without cause by giving 30 days written notice to the Contractor.

Termination for Cause: If, through any cause, the Contractor shall fail to fulfill its obligations under this contract in a timely and proper manner, the Division shall have the right to terminate this contract by giving written notice to the Contractor and specifying the effective date thereof. In that event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall, at the option of the Division, become its property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials, minus any payment or compensation previously made. Notwithstanding the foregoing provision, the Contractor shall not be relieved of liability to the Division for damages sustained by the Division by virtue of the Contractor's breach of this agreement, and the Division may withhold any payment due the Contractor for the purpose of setoff until such time as the exact amount of damages due the Division from such breach can be determined. In case of default by the Contractor, without limiting any other remedies for breach available to it, the Division may procure the contract services from other sources and hold the Contractor responsible for any excess cost occasioned thereby. The filing of a petition for bankruptcy by the Contractor shall be an act of default under this contract.

Waiver of Default: Waiver by the Division of any default or breach in compliance with the terms of this contract by the Contractor shall not be deemed a waiver of any subsequent default or breach and shall not be construed to be modification of the terms of this contract unless stated to be such in writing, signed by an authorized representative of the Department and the Contractor and attached to the contract.

Availability of Funds: The parties to this contract agree and understand that the payment of the sums specified in this contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the Division.

Force Majeure: Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot,

strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Survival of Promises: All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable Federal or State statutes of limitation.

Intellectual Property Rights

Copyrights and Ownership of Deliverables: All deliverable items produced pursuant to this contract are the exclusive property of the Division. The Contractor shall not assert a claim of copyright or other property interest in such deliverables.

Compliance with Applicable Laws

Compliance with Laws: The Contractor shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

Equal Employment Opportunity: The Contractor shall comply with all federal and State laws relating to equal employment opportunity.

Health Insurance Portability and Accountability Act (HIPAA): The Contractor agrees that, if the Division determines that some or all of the activities within the scope of this contract are subject to the Health Insurance Portability and Accountability Act of 1996, P.L. 104-91, as amended ("HIPAA"), or its implementing regulations, it will comply with the HIPAA requirements and will execute such agreements and practices as the Division may require to ensure compliance.

Executive Order # 24: It is unlawful for any vendor, contractor, subcontractor or supplier of the state to make gifts or to give favors to any state employee. For additional information regarding the specific requirements and exemptions, contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Confidentiality

Confidentiality: Any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Contractor under this agreement shall be kept as confidential and not divulged or made available to any individual or organization without the prior written approval of the Division. The Contractor acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this contract.

Oversight

Access to Persons and Records: The State Auditor shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7. Additionally, as the State funding authority, the Department of Health and Human Services shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions.

Record Retention: Records shall not be destroyed, purged or disposed of without the express written consent of the Division. State basic records retention policy requires all grant records to be retained for a minimum of five years or until all audit exceptions have been resolved, whichever is longer. If the contract is subject to Federal policy and regulations, record retention may be longer than five years since records must be retained for a period of three years following submission of the final Federal Financial Status Report, if applicable, or three years following the submission of a revised final Federal Financial Status Report. Also, if any litigation, claim, negotiation, audit, disallowance action, or other action involving this Contract has been started before expiration of the five-year retention period described above, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular five-year period described above, whichever is later.

Miscellaneous

Choice of Law: The validity of this contract and any of its terms or provisions, as well as the rights and duties of the parties to this contract, are governed by the laws of North Carolina. The Contractor, by signing this contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this contract and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Amendment: This contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the Division and the Contractor. The Purchase and Contract Divisions of the NC Department of Administration and the NC Department of Health and Human Services shall give prior approval to any amendment to a contract awarded through those offices.

Severability: In the event that a court of competent jurisdiction holds that a provision or requirement of this contract violates any applicable law, each such provision or requirement shall continue to be enforced to the

extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this contract shall remain in full force and effect.

Headings: The Section and Paragraph headings in these General Terms and Conditions are not material parts of the agreement and should not be used to construe the meaning thereof.

Time of the Essence: Time is of the essence in the performance of this contract.

Key Personnel: The Contractor shall not replace any of the key personnel assigned to the performance of this contract without the prior written approval of the Division. The term "key personnel" includes any and all persons identified as such in the contract documents and any other persons subsequently identified as key personnel by the written agreement of the parties.

Care of Property: The Contractor agrees that it shall be responsible for the proper custody and care of any property furnished to it for use in connection with the performance of this contract and will reimburse the Division for loss of, or damage to, such property. At the termination of this contract, the Contractor shall contact the Division for instructions as to the disposition of such property and shall comply with these instructions.

Travel Expenses: Reimbursement to the Contractor for travel mileage, meals, lodging and other travel expenses incurred in the performance of this contract shall not exceed the rates published in the applicable State rules or approved local government travel policy. International travel shall not be reimbursed under this contract.

Sales/Use Tax Refunds: If eligible, the Contractor and all subcontractors shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this contract, pursuant to G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their reimbursement reports.

Advertising: The Contractor shall not use the award of this contract as a part of any news release or commercial advertising.

Attachment B

North Carolina ESG State Sub-recipient Scope of Work

BACKGROUND:
The Housing and Homelessness Unit within the Division of Aging and Adult Services is responsible for encouraging access to housing resources by all persons served by the Department of Health and Human Services. One specific program of the Housing and Homeless Unit is the Emergency Solutions Grant. The Emergency Solutions Grant (ESG) was created in the HEARTH Act by combining the previous Emergency Shelter Grant and the previous Homelessness Prevention and Rapid Re-Housing programs. The ESG program is intended to assist people in preventing or ending their homelessness through its support of homeless emergency services (primarily homeless shelters) and community housing stability programs. The program is designed to emphasize placement in permanent housing as the desired outcome. On any given night in North Carolina there are over 10,000 homeless people eligible for this assistance.

PURPOSE:
ESG Grantees are responsible for completing tasks from a menu of federally eligible services. The ESG grant will support

- Operating expenses for homeless shelters, including but not limited to case management, insurance, facility rent and utility payments
- Housing Stability expenses aimed at preventing homelessness, or assisting a homeless household to become stably housed through housing stability case management and/or providing flexible cash assistance for deposits, rent, utilities and/or past due rent and utilities.

Grantees may provide one or both of these services.

SCOPE OF WORK

As a regional fiscal sponsor, the recipient is responsible for ensuring that the following occur:

I. Training
All core ESG project staff, including housing stability managers, case management supervisors, grant managers, Emergency Services case managers, CHIN data entry, and financial processors must attend ESG training provided by the State within 45 days of contract execution.

Type of Position	Type of Required Training
Housing Stability Case Manager and Supervisors	Face to Face
Grant Managers	Webinar/Conference Call
CHIN data entry	Face to Face
Financial Processing/Fiscal	Webinar/Conference Call
Emergency Services Case Manager	Webinar/Conference Call

Documentation: Copy of certificate of training completion or training sign-in sheets.

II. Eligibility Screening and Intake

For Emergency Response Programs:

Sub-recipient will engage in ESG intake and eligibility process to comply with U.S. Department of Housing and Urban Development (HUD) and state guidance documenting all federally required eligibility criteria, including but not limited to homeless status. Sub-recipient will only provide ESG funded services to eligible participants. If sub-recipient provides services to ineligible participants using ESG funds or ESG matching funds the sub-recipient will reimburse the State for those funds from a non-ESG funding source.

For Housing Stability Programs:

Sub-recipient will engage in ESG intake and re-certification that will comply with federal and state guidance about documenting all HUD eligibility criteria, including but not limited to using forms documenting housing status, income eligibility, and financial and social supports available to prevent homelessness. Sub-recipient will only provide ESG funded services to eligible participants. If sub-recipient provides services to ineligible participants using ESG funds or ESG matching funds the sub-recipient will reimburse the State for those funds from a non-ESG funding source.

Documentation: Participant files and appropriate data entered into CHIN

III. Case Management

For Housing Stability Programs:

Sub-recipient will have 3.5 months from execution of contract to ramp-up to full case loads. By February 2013 grantee caseloads should be a minimum of 12 households per full-time rapid re-housing caseworker or 22 households per full-time prevention caseworker for an agency serving multiple counties. The caseload should be a minimum of 15 households per full-time rapid re-housing caseworker or 25 households per full-time prevention for an agency serving one county. Case workers will be responsible for financial assistance eligibility determination as well as for assisting the program participant to develop and implement a Housing Stabilization Action Plan.

Documentation: CHIN Reports and Timesheets

IV. Financial Assistance Documentation

For Housing Stability Programs

Sub-recipient will be responsible for all required documentation for financial assistance. Such documents include, but are not limited to, housing assistance payment agreements, leases, utility payment receipts, documentation of utilities in the recipients name, unit inspection, and assurance of tenancy.

Documentation: Participant file and Reimbursement Requests

V. Recertification

For Housing Stability Programs

Sub-recipient will be responsible for recertification of any prevention household that is to receive more than 3 months of services. Sub-recipient will be responsible for recertification of any rapid re-housing household that is to receive more than 12 months of services. Recertification will include all steps prescribed by HUD to verify that the household still meets the eligibility criteria, including but not limited to income certification.

Documentation: CHIN Reports

VI. Carolina Homeless Information Network (CHIN)

Sub-recipient will be responsible for ensuring that all staff involved in CHIN data entry or CHIN data monitoring shall participate in ESG CHIN training. Staff responsible for CHIN data entry or monitoring is expected to take advantage of available technical assistance in an assertive, proactive manner to ensure their ability to meet the requirements for accurate data entry. Sub-recipients will input, regularly review, and correct, if necessary, 100% of required data fields into CHIN within two weeks of client contact and/or service. Data fields include, but are not limited to: Eligibility, demographic, and risk factor data for participant households, services provided to households, Financial Assistance (dollar amounts per individual) and salaried staff time spent directly on work with ESG households. In addition, CHIN will provide monthly data quality reports to sub-recipients and the Housing and Homelessness Unit.

Domestic Violence programs are prohibited from entering data into CHIN. They are required, however, to collect all of the same data in a separate system and to report aggregate information to the State as needed for State and federal reports.

Documentation: CHIN reports, Participant files

VII. Eligible Expenditures

For Emergency Response Programs (only for programs that received Emergency Services funding)

1. Street Outreach
    i. Engagement
    ii. Case management
    iii. Emergency health services
    iv. Emergency mental health services
    v. Transportation
    vi. Services for special populations including: homeless youth, victim services, and persons with HIV/AIDS
2. Emergency Shelter
    i. Case management
    ii. Child care
    iii. Education services
    iv. Employment assistance and job training
    v. Outpatient health services
    vi. Legal services
    vii. Life skills training
    viii. Mental health services
    ix. Substance abuse treatment services
    x. Transportation
    xi. Services for special populations including: homeless youth, victim services, and persons with HIV/AIDS
    xii. Shelter operations
        1. Maintenance
        2. Rent
        3. Security
        4. Fuel
        5. Equipment
        6. Insurance
        7. Utilities
        8. Food
        9. Furnishings
        10. Supplies necessary for the operation of the emergency shelter

For Housing Stability Programs (only for programs receiving Housing Stability funds)

1. Financial assistance
    a. Rental application fees
    b. Security deposits
    c. Last month's rent
    d. Utility deposits
    e. Utility payments
    f. Moving costs

2. Services
    a. Housing search and placement
    b. Housing stability case management
    c. Mediation
    d. Legal services
    e. Credit repair
3. Rent assistance

Systems Coordination
4. Coordinated Intake
5. HMIS
    a. Staffing
    b. Equipment

Please Note: Funds can only be spent on prevention if a sub-recipient applied specifically for prevention dollars in its application.

PERFORMANCE MONITORING/QUALITY ASSURANCE PLAN

I. Spending Rates

A. Sub-recipients must expend 100% of funds and 100% of the matching funds by September 30, 2013.
B. Sub-recipients are allowed to spend 100% of funds before June 30, 2013.

Documentation: Fiscal reports

II. Monitoring

For Housing Stability Programs:
Sub-recipient will make electronic or paper copies of intake forms and eligibility screening criteria for a minimum of the first 5 cases enrolled and first 3 cases not enrolled into the ESG Housing Stability program. Copies will be made with names and social security numbers blacked out. Paper copies will be sent to Housing and Homelessness – DAAS – DHHS; 2101 MSC, Raleigh, NC 27699-2101. Copies of additional files may be requested.

For All Programs:
Sub-recipient will participate in all monitoring activities, programmatic and/or fiscal, state and/or federal, field and/or desk monitoring (materials mailed/emailed in to the state offices).

a. At a minimum, participant file monitoring will include review of households that were not enrolled into the program, households that are currently enrolled in the program, and households that have exited the program (unless no households have yet exited)

i. Fiscal monitoring will include monitoring of fiscal processes, financial documentation of expenses, and eligibility documentation in client files.
ii. Programmatic monitoring will also include review of CHIN data entry and monitoring practices.

For Housing Stability Programs Only:

iii. Participant file monitoring will include, but is not limited to, eligibility determination and recertification, Housing Stabilization Action Plans, financial assistance determination, financial assistance documentation, referral and follow up documentation, and CHIN consent forms.

Frequency of monitoring visits may be based on performance as documented in CHIN and additional risk factors as identified in previous grantee performance, grant application forms, and monitoring reports from other state and federal agencies.

Documentation: Monitoring reports and participant files

III. Reporting

A. Sub-recipients will be responsible for accurate and complete CHIN data entry (comparable data for Domestic Violence programs) and reimbursement requests. All CHIN data entry for the quarter must be entered into CHIN by the end of the third month of the quarter
B. Sub-recipients will be responsible for all other information required for federal reporting. Sub-recipients will be notified of these reporting requirements as federal guidance is provided.
C. Sub-recipients will be responsible for submission of semi-annual reports to the State.

Documentation: CHIN Reports; Annual reports, Semi-Annual reports

REIMBURSEMENTS

I. Reimbursement

A. Sub-recipient will submit reimbursement requests to the N.C. Department of Health and Human Services – Housing and Homelessness Unit using forms supplied by the State with required documentation/proof of payment and maintaining additional required documentation in household (participant) files and in the CHIN system. Reimbursement requests may be verified against data in CHIN before payment is made.

When reimbursements request are made in a timely and complete manner:

a. Emergency Services reimbursements will be paid on a monthly basis.
b. Staff cost will be paid on a monthly basis.
c. Flexible cash assistance may be paid twice a month.

B. Reimbursements for sub-recipient staff will require timesheets or documentation of indirect cost rates.

C. Reimbursement for any activities for which the sub-recipient sub-contracts will require a paid invoice for reimbursement from the state. Sub-recipient will be responsible for all funds allocated to a sub-contractor. If funds are misused by a sub-contractor the sub-recipient will reimburse the state with another funding source.

Documentation: Reimbursement forms, reimbursement documentation, CHIN reports, participant files, timesheets or documentation of indirect cost rates, cost allocation plans and paid invoices.

PERFORMANCE MEASURES CHART

The Department of Health and Human Services uses performance measures rubrics as a tool to determine the success of a project and how well services and products are being delivered. Together they enable the Department to gauge efficiency, determine progress toward desired results and assess whether the Department is on track with meeting its goals. The contractor shall adhere to all of the performance requirements/standards in the scope of work, including performance measures in the performance measures chart below.

Measure Type	Outcome		**Frequency**	Semi-annual
Measure	Increase the percentage of households that exit to permanent housing			
	Year	2013	**Preferred Trend**	Increase
	Target Value	30%		
	Data Source	CHIN, the statewide homeless management information system		
	Collection Process and Calculation	Staff enter data into the CHIN system		
	Collection Frequency	Daily		
Measure Type	Quality		**Frequency**	Semi-annual
Measure	Maintain HMIS bed coverage for the region			
	Year	2013	**Preferred Trend**	Maintain
	Target Value	90-100%		
	Data Source	The HUD required EHIC, electronic housing inventory chart		
	Collection Process and Calculation	CoC Lead Agency enters data into the EHIC		
	Collection Frequency	Annually		
Measure Type	Quality		**Frequency**	Semi-annual
Measure	Decrease percentage of households that exit to unknown destination			
	Year	2013	**Preferred Trend**	Decrease
	Target Value	50%		

Data Source	CHIN, the statewide homeless management information system
Collection Process and Calculation	Staff enter client level data into the CHIN system
Collection Frequency	Daily

LINE ITEM BUDGET

This begins the line item budget for year 2013

Budget Detail - Year 2013			
Category	**Item**	**Narrative**	**Amount**
Salary\Wages		1. $4,344 for ESG Administrator salary	$4,344.00
Fringe Benefits			$0.00
Other			$0.00
Repair and Maintenance			$0.00
Staff Development			$0.00
Dues and Subscriptions			$0.00
Subcontracts and Grants			$122,003.00
Match		Must be spent during contract period on eligible ESG sctivities	$126,347.00
Cost Per Service			$0.00

Budget Detail - Year 2013			
Category	**Item**	**Narrative**	**Amount**
		Sub Total	$252,694.00
Indirect Cost			$0.00
		Total Budget	$252,694.00

Subcontracting and Grants Budget Detail - Year 2013			
Category	**Item**	**Narrative**	**Amount**
Salary\Wages		Orange County DSS: Housing Stability Case Manager	$18,384.00
Fringe Benefits			$0.00
Other			$0.00
Repair and Maintenance			$0.00
Staff Development			$0.00
Dues and Subscriptions			$0.00
			$0.00

Subcontracting and Grants Budget Detail - Year 2013			
Category	**Item**	**Narrative**	**Amount**
Subcontracts and Grants			$0.00
Cost Per Service			$0.00
Operational Other	Not Otherwise Classified	IFC: Emergency shelter rent	$11,177.00
Operational Other	Not Otherwise Classified	IFC: Emergency shelter utilities	$11,177.00
Operational Other	Not Otherwise Classified	IFC: Emergency shelter supplies	$22,354.00
Operational Other	Not Otherwise Classified	Orange County DSS: Deposits and utilities paid on behalf of rapid re-housing clients	$28,968.00
Operational Other	Not Otherwise Classified	Orange County DSS: Rent paid on behalf of rapid re-housing clients	$28,968.00
Operational Other	Not Otherwise Classified	Orange County DSS: $244 for CHIN related expenses IFC: $731 for CHIN related expenses	$975.00
		Sub Total	$122,003.00

Salaries - Year 2013

Persons	Position or Title	Annual Salary	Hourly Rate	Months	Work %	Fringe Amount Total	Fringe Percent Total	Total
0		$0.00	0.0000	0	0%	$0.00	$0.00	$0.00
1	ESG Administrator	$45,000.00	0.0000	9	12.87%	$0.00	$0.00	$4,344.00

This begins the line item budget for year 2014

Budget Detail - Year 2014			
Category	**Item**	**Narrative**	**Amount**
Salary\Wages		1. $1,448 for ESG Administrator salary	$1,448.00
Fringe Benefits			$0.00
Other			$0.00
Repair and Maintenance			$0.00
Staff Development			$0.00
Dues and Subscriptions			$0.00
Subcontracts and Grants			$40,672.00

Budget Detail - Year 2014			
Category	**Item**	**Narrative**	**Amount**
Match		Must be spent during contract period on eligible ESG activities	$42,120.00
Cost Per Service			$0.00
		Sub Total	$84,240.00
Indirect Cost			$0.00
		Total Budget	$84,240.00

Subcontracting and Grants Budget Detail - Year 2014			
Category	**Item**	**Narrative**	**Amount**
Salary\Wages		Orange County DSS: Housing Stability Case Manager salary	$6,128.00
Fringe Benefits			$0.00
Other			$0.00
Repair and Maintenance			$0.00
Staff Development			$0.00

Subcontracting and Grants Budget Detail - Year 2014			
Category	**Item**	**Narrative**	**Amount**
Dues and Subscriptions			$0.00
			$0.00
Subcontracts and Grants			$0.00
Cost Per Service			$0.00
Operational Other	Not Otherwise Classified	IFC: Emergency shelter rent	$3,725.00
Operational Other	Not Otherwise Classified	IFC: Emergency shelter utilities	$3,725.00
Operational Other	Not Otherwise Classified	Orange County DSS: $81.00 for CHIN related expenses IFC: $244 for CHIN related expenses	$325.00
Operational Other	Not Otherwise Classified	IFC: Emergency shelter supplies	$7,452.00
Operational Other	Not Otherwise Classified	Orange County DSS: Utilities and deposits paid on behalf of rapid re-housing clients	$9,658.00
Operational Other	Not Otherwise Classified	Orange County DSS: Rent paid on behalf of rapid re-housing	$9,659.00

Subcontracting and Grants Budget Detail - Year 2014			
Category	**Item**	**Narrative**	**Amount**
		clients	
		Sub Total	$40,672.00

Salaries - Year 2014								
Persons	**Position or Title**	**Annual Salary**	**Hourly Rate**	**Months**	**Work %**	**Fringe Amount Total**	**Fringe Percent Total**	**Total**
0		$0.00	0.0000	0	0%	$0.00	$0.00	$0.00
1	ESG Administrator	$45,000.00	0.0000	3	12.87%	$0.00	$0.00	$1,448.00

FEDERAL CERTIFICATIONS

The undersigned states that:

1 He or she is the duly authorized representative of the Provider named below;

2. He or she is authorized to make, and does hereby make, the following certifications on behalf of the Provider, as set out herein:

   a. The Certification Regarding Nondiscrimination;
   b. The Certification Regarding Drug-Free Workplace Requirements;
   c The Certification Regarding Environmental Tobacco Smoke;
   d. The Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions; and
   e. The Certification Regarding Lobbying;

3 He or she has completed the Certification Regarding Drug-Free Workplace Requirements by providing the addresses at which the contract work will be performed;

4 [Check the applicable statement]

[ ] He or she **has completed** the attached **Disclosure Of Lobbying Activities** because the Provider **has made, or has an agreement to make**, a payment to a lobbying entity for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action;

OR

[X] He or she **has not completed** the attached **Disclosure Of Lobbying Activities** because the Provider **has not made**, and **has no agreement to make**, any payment to any lobbying entity for influencing or attempting to influence any officer or employee of any agency, any Member of Congress, any officer or employee of Congress, or any employee of a Member of Congress in connection with a covered Federal action.

5. The Provider shall require its subcontractors, if any, to make the same certifications and disclosure.

Signature	County Mgr **Title**
Orange County, NC **Provider Name**	FW CLIFTON 6-11-12 **Date**

[This Certification Must be Signed by the Same Individual Who Signed the Proposal Execution Page]

I. Certification Regarding Nondiscrimination

The Provider certifies that it will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U S.C §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Title VIII of the Civil Rights Act of 1968 (42 U.S C §§3601 et seq), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (h) the Food Stamp Act and USDA policy, which prohibit discrimination on the basis of religion and political beliefs; and (i) the requirements of any other nondiscrimination statutes which may apply to this Agreement

II. Certification Regarding Drug-Free Workplace Requirements

1 The Provider certifies that it will provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Provider's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

b Establishing a drug-free awareness program to inform employees about:

i. The dangers of drug abuse in the workplace;

ii The Provider's policy of maintaining a drug-free workplace;

iii Any available drug counseling, rehabilitation, and employee assistance programs; and

iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

c. Making it a requirement that each employee be engaged in the performance of the agreement be given a copy of the statement required by paragraph (a);

d Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the agreement, the employee will:

i Abide by the terms of the statement; and

ii. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

e Notifying the Department within ten days after receiving notice under subparagraph (d)(ii) from an employee or otherwise receiving actual notice of such conviction;

f Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(ii), with respect to any employee who is so convicted:

i Taking appropriate personnel action against such an employee, up to and including termination; or

ii Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f)

2. The sites for the performance of work done in connection with the specific agreement are listed below (list all sites; add additional pages if necessary):

Address

Street 200 S. Cameron Street

City, State, Zip Code Hillsborough, NC 27278

Street 300 W Tryon Street

City, State, Zip Code Hillsborough, NC 27278

Street 2501 Homestead Road

City, State, Zip Code Chapel Hill, NC 27514

Street 113 S. Mayo Street

City, State, Zip Code Hillsborough, NC 27278

Street 100 W. Rosemary Street

City, State, Zip Code Chapel Hill, NC 27514

Street 110 W. Main Street

City, State, Zip Code Carrboro, NC 27510

Street 2505 Homestead Road

City, State, Zip Code Chapel Hill, NC 27514

3 Provider will inform the Department of any additional sites for performance of work under this agreement

4. False certification or violation of the certification may be grounds for suspension of payment, suspension or termination of grants, or government-wide Federal suspension or debarment. 45 C F.R. 82 510

III. Certification Regarding Environmental Tobacco Smoke

Public Law 103-227, Part C-Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1,000.00 per day and/or the imposition of an administrative compliance order on the responsible entity.

The Provider certifies that it will comply with the requirements of the Act. The Provider further agrees that it will require the language of this certification be included in any subawards that contain provisions for children's services and that all subgrantees shall certify accordingly.

IV. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions

Instructions

[The phrase "prospective lower tier participant" means the Provider.]

1. By signing and submitting this document, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of the fact upon which reliance was placed when this transaction was entered into If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originate may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant will provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549, 45 CFR Part 76. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter any lower tier covered transaction with a person who is debarred, suspended, determined ineligible or voluntarily excluded from participation in this covered transaction unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this document that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized in paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension, and/or debarment

Certification

1. **The prospective lower tier participant certifies,** by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

V. Certification Regarding Lobbying

The Provider certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federally funded contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form SF-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award document for subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) who receive federal funds of $100,000.00 or more and that all subrecipients shall certify and disclose accordingly

4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000.00 and not more than $100,000 00 for each such failure

VI. Disclosure Of Lobbying Activities

Instructions

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352 The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action

2. Identify the status of the covered Federal action

3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred Enter the date of the last previously submitted report by this reporting entity for this covered Federal action

4. Enter the full name, address, city, state and zip code of the reporting entity Include Congressional District, if known Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or sub-award recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier Subawards include but are not limited to subcontracts, subgrants and contract awards under grants

5. If the organization filing the report in Item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment Include at least one organizational level below agency name, if known For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (Item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8 Enter the most appropriate Federal Identifying number available for the Federal action identified in Item 1 (e g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant, or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e g , "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in Item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in Item 4 to influence the covered Federal action

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name and Middle Initial (MI)

11 Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned) Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made

12 Check the appropriate boxes. Check all boxes that apply If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment

13 Check the appropriate boxes. Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16 The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D. C. 20503

Disclosure Of Lobbying Activities
(Approved by OMB 0344-0046)

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

1. Type of Federal Action:	2 Status of Federal Action:	3 Report Type:
☐ a. contract ☐ b. grant ☐ c. cooperative agreement ☐ d loan ☐ e. loan guarantee ☐ f. loan insurance	☐ a. Bid/offer/application ☐ b Initial Award ☐ c Post-Award	☐ a. initial filing ☐ b. material change **For Material Change Only:** Year_____ Quarter_____ Date Of Last Report:_____

4 Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier (if known) _____ Congressional District (if known) _____	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District (if known) _____
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number (if applicable) _____
8 Federal Action Number (if known)	9. Award Amount (if known) $
10. a. Name and Address of Lobbying Entity (*if individual, last name, first name, MI*): (*attach Continuation Sheet(s) SF-LLL-A, if necessary*)	b. Individuals Performing Services (*including address if different from No 10a*) (*last name, first name, MI*): (*attach Continuation Sheet(s) SF-LLL-A, if necessary*)
11. Amount of Payment (*check all that apply*): $ _____ actual planned	13. Type of Payment (*check all that apply*): ☐ a. retainer ☐ b one-time fee ☐ c commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12 Form of Payment (*check all that apply*): ☐ a cash ☐ b. In-kind; specify: Nature _____ Value _____	

14 Brief Description of Services Performed or to be Performed and Date(s) of Services, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11(*attach Continuation Sheet(s) SF-LLL-A, if necessary*):

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U. S. C section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U. S C. 1352 This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form - LLL

Contractor Certifications Required by North Carolina Law

Instructions

The person who signs this document should read the text of the statutes cited herein and consult with counsel and other knowledgeable persons before signing. The text of G.S. 143-59.1 can be found online at:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143/GS_143-59.1.pdf

The text of G.S. 143-59.2 can be found online at:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143/GS_143-59.2.pdf

The text of G.S 105-164.8(b) can be found online at:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_105/GS_105-164.8.pdf

Certifications

(1) **Pursuant to G.S. 143-59.1(b)**, the undersigned hereby certifies that the Contractor named below is not an "ineligible Contractor" as set forth in G.S. 143-59.1(a) because:

(a) Neither the Contractor nor any of its affiliates has refused to collect the use tax levied under Article 5 of Chapter 105 of the General Statutes on its sales delivered to North Carolina when the sales met one or more of the conditions of G.S. 105-164.8(b); **and**

(b) [check **one** of the following boxes]

☒ Neither the Contractor nor any of its affiliates has incorporated or reincorporated in a "tax haven country" as set forth in G.S. 143-59.1(c)(2) after December 31, 2001; **or**

☐ The Contractor or one of its affiliates **has** incorporated or reincorporated in a "tax haven country" as set forth in G.S. 143-59.1(c)(2) after December 31, 2001 **but** the United States is not the principal market for the public trading of the stock of the corporation incorporated in the tax haven country.

(2) **Pursuant to G.S. 143-59.2(b)**, the undersigned hereby certifies that none of the Contractor's officers, directors, or owners (if the Contractor is an unincorporated business entity) has been convicted of any violation of Chapter 78A of the General Statutes or the Securities Act of 1933 or the Securities Exchange Act of 1934 within 10 years immediately prior to the date of the bid solicitation.

(3) The Contractor shall require its subcontractors, if any, to make the same certifications before they perform any work under the contract.

(4) The undersigned hereby certifies further that:

(a) He or she is a duly authorized representative of the Contractor named below;

(b) He or she is authorized to make, and does hereby make, the foregoing certifications on behalf of the Contractor; and

(c) He or she understands that any person who knowingly submits a false certification shall be guilty of a Class I felony.

Orange County, NC

Contractor's Name

11-1-12

Signature of Contractor's Authorized Agent — Date

FW CLIFTON Jr — Co Mgr

Printed Name of Contractor's Authorized Agent — Title

Clerk to the Board

Signature of Witness — Title

Donna S. Baker — 11/1/12

Printed Name of Witness — Date

The witness should be present when the Contractor's Authorized Agent signs this certification and should sign and date this document immediately thereafter

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 5-n

SUBJECT: Nicotine Replacement Therapy

DEPARTMENT: Health

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

INFORMATION CONTACT:
Colleen Bridger, 245-2412

PURPOSE: To develop a pilot program to assess the effectiveness of providing free Nicotine Replacement Therapy (NRT) for Orange County residents who want to quit smoking.

BACKGROUND: According to the U.S. Department of Health and Human Services (US DHHS):

- Tobacco is the single greatest cause of disease and premature death in America today, and is responsible for more than 435,000 deaths annually;
- About 16% of Orange County Adults report being current smokers;
- Societal costs of tobacco-related death and disease approach $96 billion annually in medical expenses and $97 billion in lost productivity, or an average of $4,260 per adult smoker;
- Seventy percent (70%) of all current smokers have expressed a desire to quit;
- Though tobacco dependence is a chronic disease that often requires repeated intervention and multiple attempts to quit, research shows that effective treatments for tobacco users exist and that delivering such treatments is cost-effective; and
- Research also shows that supplementing counseling with Nicotine Replacement Therapy is more effective at helping smokers quit than just counseling alone.

On October 24, 2012 the Orange County Board of Health adopted a Smoke-free Public Places Rule, and on November 20, 2012 the Orange County Board of Commissioners approved that Rule by Ordinance.

Since many smokers want to quit and the Smoke-free Public Places Rule creates additional incentives for smokers to do so, the Health Department is developing a pilot project to assess if providing free NRT can significantly increase the number of smokers who quit in Orange County.

There are approximately 15,000 adults who smoke in Orange County. If all of them wanted NRT, the cost would be approximately $1.5 million – though health care and lost productivity savings would be well over $50 million. For a five-month pilot program, however, staff is estimating that 260 Orange County residents will participate at a cost of $25,000 (based on a course of NRT given over a 4-8 week period, up to $96 per person). This estimated cost of $96 per person is based on an aggregate of average costs from various state and local smoking

cessation programs. At the end of 3 months, staff will evaluate the program to compare participation and quit rates with national averages and determine if this is a beneficial, cost-effective service to offer. If data indicates it is effective, the Health Department will request additional NRT funding through the Health Department's regular budget process to continue the program into and throughout Fiscal Year 2013-2014.

To qualify for the free NRT pilot program, a person must be a smoker participating in a smoking cessation program (NC Quitline, a local Fresh Start program or the UNC Nicotine Dependence Program), live in Orange County and be willing to share pertinent demographic information such as age, income level, and smoking status six months after finishing the program.

FINANCIAL IMPACT: It is proposed that the Board appropriate $25,000 from the County's unassigned General Fund fund balance to support the five-month pilot program.

RECOMMENDATION(S): The Manager recommends that the Board approve the appropriation of $25,000 from the County's unassigned General Fund fund balance to support this five-month pilot project, with the understanding that staff will evaluate results from the pilot program and determine if additional funding to support the program in FY 2013-2014 is warranted. If approved, staff will present a budget amendment to appropriate the funds at an upcoming Board meeting.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 5-o

SUBJECT: McGowan Creek Interceptor Project – Engineering Contract Award

DEPARTMENT: Planning, Asset Management **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
1) McGill Associates Engineering Contract
2) Map Showing Location of McGowan Creek Interceptor Project

INFORMATION CONTACT:
Craig Benedict, Planning (919) 245-2592
Kevin Lindley, Planning (919) 245-2583
Jeff Thompson, AMS (919) 245-2658

PURPOSE: To consider:

- Awarding the engineering contract to McGill Associates of Hickory, NC in the amount of $94,200 for the design, permitting, bid management and construction phase management of the McGowan Creek Interceptor project;
- Approve funding the project's design costs and other costs within budget out of County funds until the State Revolving Fund (SRF) Loan process is finalized; and
- Authorize the Chair to sign the contract on behalf of the Board of County Commissioners, subject to final review by the County Attorney.

BACKGROUND: On August 23, 2011, the BOCC approved proceeding with this project as part of the Central Efland/North Buckhorn Sewer project. The project consists of decommissioning the 25 year old McGowan Creek PS (pump station), installing approximately 2,500 feet of 12 inch gravity sewer line between the existing McGowan Creek PS on Efland-Cedar Grove Road and the newly constructed Brookhollow PS on Brookhollow Road, rerouting all the flow that had come to the McGowan Creek PS into the new 12 inch sewer line, and connecting the new 12 inch sewer line into the Brookhollow PS. This project will allow the County to eliminate the McGowan Creek PS from the Efland System, saving the capital cost of rehabilitating the 25 year old McGowan Creek PS as well as the yearly maintenance and repair costs.

Eliminating the McGowan Creek PS will improve the Efland System's capital asset integrity and bring the County one step closer to the transition of the Efland System operation to the City of Mebane. The pipeline which will connect the Efland Sewer system to the City of Mebane sewer system (separate project) is currently under design. Once complete, the City of Mebane will take over operation of the Efland Sewer System thereby saving the County approximately $100,000 per year which is currently used to cover operating expenses for the Efland Sewer System. Because the Efland system will be turned over to the City of Mebane, this McGowan Creek Interceptor and other extensions to the existing Efland system will be designed according

to City of Mebane specifications and in consultation with the Mebane's engineer and public works staff.

When the project was approved, it was to be funded using the Central Efland/North Buckhorn SRF loan. The bids for that project were significantly lower than projected, which left room in the total loan amount to finance this project. In discussions with the State Infrastructure Finance Division regarding adding this project to the Central Efland project, the State requested that the County instead apply for a separate SRF loan to fund this project. Work was done to this end, and the BOCC approved a Resolution on March 13, 2012 requesting a separate SRF loan for the McGowan Creek Interceptor project. Since that time, the loan has been approved and the value of the project ($755,450) has been added to the County's approved Capital Investment Plan (CIP). This amount includes engineering, easement acquisition and construction costs.

Loan Timeline: The SRF Loan program has a specific timeline which includes several milestones. The County is well situated to meet all the milestones, but the loan money will not become available until the State approves the construction contract for this project. This is a reimbursement loan, so the money spent on the project between now and the approval of the contract can be reimbursed once the loan funds are released. However, there will be expenses incurred before then, most notably this engineering contract. These expenses will have to be paid from the County General Fund until the SRF Loan funds are released.

The following timeline represents the State SRF required project delivery and completion milestones:

TASK	END BY DATE
BOCC Action: McGowan Creek Interceptor Engineering Contract Approved	**1/24/13**
Construction Drawings and Specifications submitted to State	6/3/13
Construction Drawings/Specifications/Permits approved by State	9/2/13
Advertise, Bid, Receive Bids and Receive State Authority to Award	12/2/13
BOCC Action: Award Contract for Construction	12/10/13
Execute Construction Contracts	1/2/2014

It is anticipated that the project will proceed more rapidly than these required deadlines and be ready to award earlier than the milestone date shown above, but these dates represent the worst case scenario. Missing any of these State SRF deadlines will result in forfeiture of the SRF loan funding. The actual construction time is expected to be 6-7 months, depending on the weather and the subsurface conditions encountered.

FINANCIAL IMPACT: The full project cost of $755,450 has been included in the FY2012-13 Capital Improvement Project budget. The CIP budget has a line item of $75,000 for Professional Services, which was an initial estimate of the engineering costs when the CIP project was created. This will need to be increased to cover the $94,200 for this engineering contract for McGill Associates. However, the estimated Construction cost of $630,450 for this project in the CIP included some Construction Phase engineering services, so reducing the Construction line item by $19,200 and transferring this amount to the Professional Services line item would be appropriate as part of the upcoming 2013-14 CIP process. As noted above, the SRF loan funds will not be available until the construction contract has been signed, so any

expenses incurred between now and then would need to be covered by the County's General Fund or debt financing.

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

1.) Award the engineering contract to McGill Associates of Hickory, NC in the amount of $94,200 for the design, permitting, bid management and construction phase management of the McGowan Creek Interceptor project;
2.) Approve paying for this project's engineering costs and other incurred costs out of County funds until the State Revolving Fund (SRF) Loan process is finalized; and
3.) Authorize the Chair to sign the contract on behalf of the Board of County Commissioners, subject to final review by the County Attorney.

[Departmental Use Only]
TITLE McGowan Creek

FY 2013

Interceptor Engineering

NORTH CAROLINA

SERVICES AGREEMENT OVER $90,000.00
RFP – NO REIMBURSABLE EXPENSES

ORANGE COUNTY

This Services Agreement (hereinafter "Agreement"), made and entered into this 24th day of January, 2013, ("Effective Date") by and between Orange County, North Carolina a body politic and corporate of the State of North Carolina (hereinafter, the "County") andMcGill Associates, (hereinafter, the "Provider").

WITNESSETH:

That the County and Provider, for the consideration herein named, do hereby agree as follows:

1. Services

a. Scope of Work.

i) This Services Agreement ("Agreement") is for professional services to be rendered by Provider to County with respect to (*insert type of project*): Engineering Services for the McGowan Creek Interceptor project as described in the Letter Proposal for Engineering Services from McGill Associates dated December 17, 2012, hereby incorporated by reference into this contract.

ii) By executing this Agreement, the Provider represents and agrees that Provider is qualified to perform and fully capable of performing and providing the services required or necessary under this Agreement in a fully competent, professional and timely manner.

iii) Time is of the essence with respect to this Agreement.

iv) The services to be performed under this Agreement consist of Basic Services, as described and designated in Section 3 hereof. Compensation to the Provider for Basic Services under this Agreement shall be as set forth herein.

2. Responsibilities of the Provider

a. Services to be provided. The Provider shall provide the County with all services required in Section 3 to satisfactorily complete the Project within the time limitations set forth herein and in accordance with the highest professional standards.

b. Standard of Care.

i) The Provider shall exercise reasonable care and diligence in performing services under this Agreement in accordance with the highest generally accepted standards of this type of Provider practice throughout the United States and in accordance with applicable federal, state and local laws and regulations applicable to the performance of these services. Provider is solely responsible for the professional quality, accuracy and timely completion and/or submission of all work related to the Basic Services.

ii) Provider shall be responsible for all errors or omissions, in the performance of the Agreement. Provider shall correct any and all errors, omissions, discrepancies, ambiguities, mistakes or conflicts at no additional cost to the County.

iii) The Provider shall not, except as otherwise provided for in this Agreement, subcontract the performance of any work under this Agreement without prior written permission of the County. No permission for subcontracting shall create, between the County and the subcontractor, any contract or any other relationship.

iv) Provider is an independent contractor of County. Any and all employees of the Provider engaged by the Provider in the performance of any work or services required of the Provider under this Agreement, shall be considered employees or agents of the Provider only and not of the County, and any and all claims that may or might arise under any workers compensation or other law or contract on behalf of said employees while so engaged shall be the sole obligation and responsibility of the Provider.

v) Provider agrees that Provider, its employees, agents and its subcontractors, if any, shall be required to comply with all federal, state and local antidiscrimination laws, regulations and policies that relate to the performance of Provider's services under this Agreement.

vi) If activities related to the performance of this Agreement require specific licenses, certifications, or related credentials Provider represents that it and/or its employees, agents and subcontractors engaged in such activities possess such licenses, certifications, or credentials and that such licenses certifications, or credentials are current, active, and not in a state of suspension or revocation.

3. Basic Services

a. Basic Services.

i) The Provider shall perform as Basic Services the work and services described herein and in the Provider's proposal, which are fully incorporated and integrated herein by reference. In the event a term or condition in any document or attachment conflicts with a term or condition of this Agreement the term or condition in this Agreement shall control. Should such conflict arise the priority of documents shall be as follows: This Agreement, Provider's Proposal together with attachments, if any.

ii) The Basic Services will be performed by the Provider in accordance with the following schedule: (Insert task list and milestone dates)

Task	Milestone Date
1. Complete Project Area Survey	2/15/2013
2. Complete Sewer Routing and Preliminary Design	3/1/2013
3. Easement Map Preparation	3/15/2013
4. Complete Design	4/26/2013
5. Plans Submitted for Permitting	4/30/2013
6. Permits Approved	7/31/2013
7. Bidding Phase Complete	10/15/2013
8. Construction Phase Begins	12/1/2013
9. Construction Phase Ends	8/1/2014
10. Project Closeout, As-Builts and Final Certification	9/1/2014

iii) Should County reasonably determine that Provider has not met the Milestone Dates established in Section 3(a)(ii), County shall notify Provider of the failure to meet the Milestone Date. The County, at its discretion may provide the Provider seven (7) days to cure the breach. County may withhold the accompanying payment without penalty until such time as Provider cures the breach. In the alternative, upon Provider's failure to meet any Milestone Date the County may modify the Milestone Date schedule. Should Provider or its representatives fail to cure the breach within seven (7) days, or fail to reasonably agree to such modified schedule, County may immediately terminate this Agreement in writing, without penalty or incurring further obligation to Provider. This section shall not be interpreted to limit the definition of breach to the failure to meet Milestone Dates.

4. Duration of Services

a. Term. The term of this Agreement shall be from January 24, 2013 to September 1, 2014.

b. Scheduling of Services

i) The Provider shall schedule and perform his activities in a timely manner so as to meet the Milestone Dates listed in Section 3.

ii) Should the County determine that the Provider is behind schedule, it may require the Provider to expedite and accelerate his efforts, including providing additional resources and working overtime, as necessary, to perform his services in accordance with the approved project schedule at no additional cost to the County.

iii) The Commencement Date for the Provider's Basic Services shall be January 24, 2013.

5. Compensation

a. Compensation for Basic Services. Compensation for Basic Services shall include all compensation due the Provider from the County for all services under this Agreement. The maximum amount payable for Basic Services is Ninety Four Thousand, Two Hundred Dollars ($94,200.00). In the event the amount stated on an invoice is disputed by the County, the County may withhold payment of all or a portion of the amount stated on an invoice until the parties resolve the dispute. Payment for Basic Services shall become due and payable in direct proportion to satisfactory services performed and work accomplished. Payments will be made as percentages of the whole as Project milestones as set out in Section 3(a)(ii) are achieved. (*For example, if there are 10 Project Tasks with Milestone Dates then Provider may invoice for the first 10% of the whole upon County's acknowledgement of the satisfactory completion of Task one. Upon the County's acknowledgement that the second Task has been satisfactorily completed Provider may invoice for the next 10% of the whole.*)

b. Additional Services. County shall not be responsible for costs related to any services in addition to the Basic Services performed by Provider unless County requests such additional services in writing and such additional services are evidenced by a written amendment to this Agreement.

6. Responsibilities of the County

a. Cooperation and Coordination. The County has designated the (*County Staff Engineer*) to act as the County's representative with respect to the Project and shall have the authority to render decisions within guidelines established by the County Manager and/or the County Board of Commissioners and shall be available during working hours as often as may be reasonably required to render decisions and to furnish information.

7. Insurance

a. General Requirements. The Provider shall purchase and maintain and shall cause each of his subcontractors to purchase and maintain, during the period of performance of this Agreement:

i) Worker's Compensation Insurance for protection from claims under workers' or workmen's compensation acts;

ii) Comprehensive General Liability Insurance covering claims arising out of or relating to bodily injury, including bodily injury, sickness, disease or death of any of the Provider's employees or any other person and to real and personal property including loss of use resulting thereof;

iii) Comprehensive Automobile Liability Insurance, including hired and non-owned vehicles, if any, covering personal injury or death, and property damage; and

iv) Professional Liability Insurance, covering personal injury, bodily injury and property damage and claims arising out of or related to the performance under this Agreement by the Provider or his agents, Providers and employees.

b. Insurance Rating. The minimum insurance rating for any company insuring the Provider shall be Best's A. If the Provider does not meet the insurance requirements the County's Risk Manager must be consulted prior to finalizing this Agreement.

c. Limits of Coverage. Minimum limits of insurance coverage shall be as follows:

INSURANCE DESCRIPTION	MINIMUM REQUIRED COVERAGE
• Worker's Compensation	Limits for Coverage A - Statutory State of N.C. Coverage B - Employers Liability $500,000 each accident and policy limit and disease each employee
• Commercial General Liability	$1,000,000 Each Occurrence; $2,000,000 Aggregate.
• Automobile Liability	Combined Single Limit $500,000
• Professional Liability	NOTE: Insert coverage limits required by Risk Manager if applicable.

d. Additional Insured. All insurance policies (with the exception of Worker's Compensation and Professional Liability) required under this Agreement shall name the County as an additional insured party. Evidence of such insurance shall be furnished to the County, together with evidence that each policy provides the County with not less than thirty (30) days prior written notice of any cancellation, non-renewal or reduction of coverage.

8. Indemnity

a. Indemnity. The Provider agrees to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Project and arising from bodily injury including death or property damage to any person or persons caused in whole or in part by the negligence or misconduct of the Provider except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this provision to require the Provider to indemnify the County to the fullest extent permitted under North Carolina law.

9. Amendments to the Agreement

a. Changes in Basic Services. Changes in the Basic Services and entitlement to additional compensation or a change in duration of this Agreement shall be made by a written Amendment to this Agreement executed by the County and the Provider. The Provider shall proceed to perform the Services required by the Amendment only after receiving a fully executed Amendment from the County.

10. Termination

a. Termination for Convenience of the County. This Agreement may be terminated without cause by the County and for its convenience upon seven (7) days prior written notice to the Provider.

b. Other Termination. The Provider may terminate this Agreement based upon the County's material breach of this Agreement; provided, the County has not taken all reasonable actions to remedy the breach. The Provider shall give the County seven (7) days' prior written notice of its intent to terminate this Agreement for cause.

c. Compensation After Termination.

i) In the event of termination, the Provider shall be paid that portion of the fees and expenses that it has earned to the date of termination, less any costs or expenses incurred or anticipated to be incurred by the County due to errors or omissions of the Provider.

ii) Should this Agreement be terminated, the Provider shall deliver to the County within seven (7) days, at no additional cost, all deliverables including any electronic data or files relating to the Project.

d. Waiver. The payment of any sums by the County under this Agreement or the failure of the County to require compliance by the Provider with any provisions of this Agreement or the waiver by the County of any breach of this Agreement shall not constitute a waiver of any claim for damages by the County for any breach of this Agreement or a waiver of any other required compliance with this Agreement.

11. Additional Provisions

a. Limitation and Assignment. The County and the Provider each bind themselves, their successors, assigns and legal representatives to the terms of this Agreement. Neither the County nor the Provider shall assign or transfer its interest in this Agreement without the written consent of the other.

b. Governing Law. This Agreement and the duties, responsibilities, obligations and rights of respective parties hereunder shall be governed by the laws of the State of North Carolina.

c. Dispute Resolution. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or non-performance of, this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Orange County, North Carolina. It is agreed by the parties that no other court shall have jurisdiction or venue with respect to such suits or actions. The Parties may agree to nonbinding mediation of any dispute prior to the bringing of such suit or action.

d. Entire Agreement. This Agreement, together with the RFP and its attachments and the Proposal and its attachments, represents the entire and integrated agreement between the County and the Provider and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written

instrument signed by both parties. Modifications may be evidenced by facsimile signatures.

e. Severability. If any provision of this Agreement is held as a matter of law to be unenforceable, the remainder of this Agreement shall be valid and binding upon the Parties.

f. Ownership of Work Product. Should Provider's performance of this Agreement generate documents, items or things that are specific to this Project such documents, items or things shall become the property of the County and may be used on any other project without additional compensation to the Provider. The use of the documents, items or things by the County or by any person or entity for any purpose other than the Project as set forth in this Agreement shall be at the full risk of the County.

g. Non-Appropriation. Provider acknowledges that County is a governmental entity, and the validity of this Agreement is based upon the availability of public funding under the authority of its statutory mandate.

In the event that public funds are unavailable and not appropriated for the performance of County's obligations under this Agreement, then this Agreement shall automatically expire without penalty to County immediately upon written notice to Provider of the unavailability and non-appropriation of public funds. It is expressly agreed that County shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Agreement, but only as an emergency fiscal measure during a substantial fiscal crisis.

In the event of a change in the County's statutory authority, mandate and/or mandated functions, by state and/or federal legislative or regulatory action, which adversely affects County's authority to continue its obligations under this Agreement, then this Agreement shall automatically terminate without penalty to County upon written notice to Provider of such limitation or change in County's legal authority.

h. Notices. Any notice required by this Agreement shall be in writing and delivered by certified or registered mail, return receipt requested to the following:

Orange County
Attention: Kevin Lindley, PE
Planning Department
P.O. Box 8181
Hillsborough, NC 27278

Provider's Name & Address
Mr. Douglas Chapman, PE
Senior Project Manager
McGill Associates, P.A.
1236 19th Street, Lane NW
Hickory, NC 28601

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

ORANGE COUNTY:

By: _____
Barry Jacobs, Chair
Orange County Board of Commissioners

Attest: _____
Donna Baker, Clerk to the Board

[SEAL]

PROVIDER:

By: _____

_____
Printed Name and Title

This instrument has been approved as to technical content.

_____
Craig Benedict, Planning and Inspections Department Director

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

_____
Office of the Finance Director

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

_____
Office of the County Attorney

McGill
ASSOCIATES

December 17, 2012

Mr. Jeff Thompson
Orange County
200 South Cameron Street
Hillsborough, North Carolina 27278

RE: Proposal for Engineering Services
McGowan Creek Interceptor
Orange County, North Carolina

Dear Mr. Thompson:

Pursuant to your request, we are pleased to provide you with this proposal for engineering services for the McGowan Creek Interceptor Project. We understand that the project will be funded by NCDENR Infrastructure Finance Section. We further understand that the project generally consists of the construction of approximately 2,420 linear feet of 12-inch gravity sewer along McGowan Creek from Cedar Grove Efland Road to the Brookhollow Pump Station and abandonment of the existing McGowan Pump Station, all in the Efland area of Orange County.

We anticipate providing the following **Scope of Services**:

Design and Permitting Phase

- Consult with the OWNER to fully determine their requirements for the project and to discuss the possible phasing, coordination, approvals and other preliminary matters.
- Coordinate and conduct coordination meetings with the OWNER as needed to establish communication lines, meet with project team members, define project schedules and gather initial data and information from the OWNER.
- Coordinate the provision of any subsurface investigation by others, if any, including assisting with solicitations and preparing site maps identifying locations for testing.
- Prepare complete bid documents, contract documents, technical specifications and construction drawings to detail the character and scope of the work of the Project as determined in the Engineering Report.

McGill Associates, P.A. • P.O. Box 1136, Hickory, NC 28603 • 1240 19th St. Lane NW, Hickory, NC 28601
Office: 828-328-2024 • Fax: 828-328-3870

- Review design documents described above with the OWNER for comments and approval at milestones throughout the design phase of the project.

- Perform an internal quality control and constructability review of the project.

- Prepare opinion of probable cost upon submission of plans and specifications to NCDENR Infrastructure Finance Section, and advise the OWNER of any adjustment of the Project cost caused by changes in scope, design requirements or construction costs.

- Furnish two (2) hard copies and one (1) electronic copy of the final design documents to the OWNER.

- Prepare and submit permit application and supporting documents to NCDENR Infrastructure Finance Section on or before June 3, 2013, to obtain the construction approval.

- Prepare and submit permit application, supporting documents, and permit fees to NCDENR Land Quality Section to obtain the erosion and sediment control approval.

- Prepare and submit Encroachment Agreement and supporting documents to NCDOT to obtain said Agreement.

- Prepare and submit 401 and 404 permit applications and supporting documents to NCDENR Division of Water Quality and/or US Army Corps of Engineers for stream crossings and impacts, if required.

- Respond to review agency comments and modify documents as necessary to achieve permit approval

Easement Acquisition Phase

- Prepare survey maps for approximately five (5) parcels for use in acquisition of easements for construction of the project.

Bidding and Award Phase

- Assist the OWNER with outreach to Disadvantaged Business Enterprise (DBE) contractors in accordance with SB 914.

- Assist the OWNER in advertising, receiving, opening and evaluating bids.

- Schedule a Pre-Bid Conference with the all prospective bidders and the OWNER to address any bidding questions.

- Consult with, and advise the OWNER as to the acceptability of contractors and subcontractors and make recommendations as to the lowest, responsive, responsible bidder.

- Coordinate funding, DBE, and award documentation with NCDENR Infrastructure Finance Section.

- Assist the OWNER in the final preparation and execution of construction contracts and in checking Performance and Payment Bonds and Insurance Certificates for compliance.

- Schedule a Pre-Construction Conference with the OWNER, Contractor, ENGINEER and all other applicable parties to assure discussion of all matters related to the Project. Prepare and distribute minutes of the Pre-Construction Conference to all parties.

Construction Phase

- Provide General Administration of Construction Contract. Consult with OWNER and act as OWNER's representative as provided in the General Conditions. The extent and limitations of the duties, responsibilities, and authority of ENGINEER as assigned in the General Conditions shall not be modified, except as ENGINEER may otherwise agree in writing. All of OWNER's instructions to Contractor will be issued through ENGINEER, which shall have authority to act on behalf of OWNER in dealings with Contractor to the extent provided in this Agreement and the General Conditions except as otherwise provided in writing. ENGINEER shall not be responsible for the acts or omissions of any Contractor, or of any subcontractors, suppliers, or other individuals or entities performing or furnishing any of the Work. ENGINEER shall not be responsible for the failure of any Contractor to perform or furnish the Work in accordance with the Contract Documents.

- Provide a Construction Field Representative (CFR) to periodically observe the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the Contract Documents. During such visits and on the basis of on-site observations as an experienced and qualified design professional, keep the OWNER informed of the progress of the work, and endeavor to guard the OWNER against defects and deficiencies in the work of the Contractor.

- The purpose of ENGINEER's visits and the representation by the Construction Field Representative, (CFR), will be to enable ENGINEER to better carry out the duties and responsibilities assigned to and undertaken by ENGINEER during the Construction Phase, and,

in addition, by the exercise of ENGINEER's efforts as an experienced and qualified design professional, to provide for OWNER a greater degree of confidence that the completed Work will conform in general to the Contract Documents and that Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. ENGINEER shall not, during such visits or as a result of such observations of Contractor's Work in progress, supervise, direct, or have control over Contractor's Work, nor shall ENGINEER have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by Contractor, for security or safety, for safety precautions and programs incident to Contractor's Work, nor for any failure of Contractor to comply with Laws and Regulations applicable to Contractor's furnishing and performing the Work. Accordingly, ENGINEER neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform the Work in accordance with the Contract Documents. However, ENGINEER shall give prompt notice to the OWNER whenever ENGINEER observes or otherwise becomes aware of any defect in the Project or of any material deviation of Contractor's work from the Contract Documents.

- Based on ENGINEER's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:

  - Determine the amounts that ENGINEER recommends Contractor be paid. Such recommendations of payment will be in writing and will constitute ENGINEER's representation to OWNER, based on such observations and review, that, to the best of ENGINEER's knowledge, information and belief, Contractor's Work has progressed to the point indicated, the quality of such Work is generally in accordance with the Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents, and to any other qualifications stated in the recommendation), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is ENGINEER's responsibility to observe Contractor's Work. In the case of unit price work, ENGINEER's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to any subsequent adjustments allowed by the Contract Documents).

  - By recommending any payment, ENGINEER shall not thereby be deemed to have represented that observations made by ENGINEER to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to ENGINEER in this Agreement and the Contract Documents. Neither ENGINEER's review of Contractor's Work for the purposes of recommending payments nor

ENGINEER's recommendation of any payment including final payment will impose on ENGINEER responsibility to supervise, direct, or control Contractor's Work in progress or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work. It will also not impose responsibility on ENGINEER to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any portion of the Work in progress, materials, or equipment has passed to OWNER free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between OWNER and Contractor that might affect the amount that should be paid.

- Recommend to OWNER that Contractor's Work be rejected while it is in progress if, on the basis of ENGINEER's observations, ENGINEER believes that such Work will not produce a completed Project that conforms generally to the Contract Documents or that it will threaten the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents.

- The total construction contract time is assumed to be five (5) months. As part of this contract, field observation will be provided by a CFR on a limited, part-time basis during active work. Additional requested CFR time will be considered Additional Services under Section 3 of this Agreement.

- Recommend Change Orders and Work Change Directives to Owner, as appropriate, and prepare Change Orders and Work Change Directives as required.

- Review and take action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Contract Documents. Such reviews and any approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. Review of Shop Drawings and Samples identified as frivolous in the General Conditions of the construction contract documents, or review of substitute materials as defined in the same, shall be deemed as Additional Services.

- Promptly after notice that Contractor considers the entire Work ready for its intended use, in company with OWNER, Infrastructure Finance Services, and Contractor, conduct a pre-final observation visit to determine if the Work is substantially complete. If after considering any objections of OWNER, ENGINEER considers the Work substantially complete, ENGINEER

shall deliver a certificate of Substantial Completion to OWNER, Infrastructure Finance Services, and Contractor.

- In company with OWNER's and Infrastructure Finance Services' representative, conduct a final observation visit to determine if the completed Work of Contractor is acceptable so that ENGINEER may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, ENGINEER shall also provide a notice that the Work is acceptable to the best of ENGINEER's knowledge, information, and belief and based on the extent of the services provided by ENGINEER under this Agreement.

- Schedule monthly construction progress meetings during active work periods with the OWNER, Infrastructure Finance Services, Contractor, ENGINEER and all other applicable parties discuss matters related to the Project. Prepare and distribute minutes of the meeting to all parties.

- Issue instructions to the Contractor from the OWNER as to interpretations and clarifications to the project design plans, specifications and contract documents.

- Render formal written decisions on all duly submitted issues relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the execution, performance, or progress of Contractor's Work; review each duly submitted Claim by OWNER or Contractor, and in writing either deny such Claim in whole or in part, approve such Claim, or decline to resolve such Claim if ENGINEER in its discretion concludes that to do so would be inappropriate. In rendering such decisions, ENGINEER shall be fair and not show partiality to OWNER or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

- Prepare information required to resolve problems due to actual field conditions and to respond to Requests for Information (RFI) from the Contractor.

- Coordinate and track the testing of pipelines and placing same into service for the project. Additional visits required due to work not being ready for testing, retesting, or Contractor scheduling conflicts shall be considered Additional Services.

- Review the Contractor's final application for payment and make recommendation as to approval once all issues with the project final observation site visit have been completed and resolved.

- Assist the OWNER in the selection and coordination of an independent geotechnical and materials testing laboratory to be provided at the OWNER's expense.

- Require such testing of Contractor's work as deemed reasonably necessary, and receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Contract Documents. ENGINEER's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. ENGINEER shall be entitled to rely on the results of such tests.

- Review and determine the acceptability of any schedules that Contractor is required to submit to ENGINEER, including Progress Schedule, Schedule of Submittals and Schedule of Values.

- Prepare for the OWNER a set of record drawings showing those changes made during the construction process, based on the marked-up prints, drawings and other data furnished.

- Provide or make available all Project files and information to effect project closeout.

BASIS OF COMPENSATION

We anticipate performing the scope of services for the following **lump sum fees:**

1. Design and Permitting Phase

   Engineering Fee: $35,000.00

2. Easement Acquisition Phase

   Engineering Fee: $4,000.00

3. Bidding and Award Phase

   Engineering Fee: $9,200.00

4. Construction Phase

   Engineering Fee: $46,000.00

   Total Fixed Fee: $94,200.00

   Payment shall be made monthly as work progresses.

The above fee does not include the following additional services. Should these services be needed, we will furnish or obtain from others additional services of the following types, which are not considered Basic Services under this proposal, and will be completed in accordance with our regular fee schedule, upon your authorization.

- Additional services resulting from significant changes in general scope of the Project or its design including, but not limited to, changes in size, complexity, OWNER's schedule, or character of construction.

- Revising previously approved studies, reports, design documents, drawings or specifications, when such revisions are due to causes beyond the control of the ENGINEER.

- Provide engineering design services related to change orders, work directives and field orders resulting in a change in the Contractor's scope of work or contract amount, or modifications to the contract documents that require engineering design, permitting and other engineering services

- Additional or extended services during construction occurring beyond the original completion timeframe and date if such delay is due to prolongation of the construction contract or default by the Contractor.

- Contacting or meeting with property owners regarding easements, or assisting with acquisition beyond preparing easement maps.

- Providing any geotechnical and subsurface investigations, and any other environmental site surveys necessary for the construction of the project.

- Preparing to serve or serving as a witness for the OWNER in any litigation, condemnation or other legal or administrative proceeding involving the Project.

- Additional services in connection with administering project funding.

- Providing engineering or other professional services as required for changes or modifications to the project design plans, specifications and contract documents.

This proposal assumes that the following items will be provided by the OWNER:

- Provide full information as to the requirements for the Project.

- Assist the ENGINEER by placing at his disposal in a timely manner all available information pertinent to the Project including previous documents and any other data relative to the evaluation, design, and construction of the Project.

- Designate a person to act as OWNER's representative with respect to the work to be performed under this Agreement; and such person shall have complete authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions pertinent to the services in this Agreement.

- Examine all documents presented by the ENGINEER and render decisions and comments pertaining thereto within a reasonable time so as not to delay the services of the ENGINEER.

- Obtain any subsurface geotechnical investigations, materials testing, or other types of testing and analysis needed for the Project.

- Provide such legal, accounting and insurance counseling services as may be required for the Project, and such auditing services as may be required to ascertain how or for what purpose any Contractor has used the monies paid to him under the construction contract.

- Give prompt notice to the ENGINEER whenever the OWNER observes or otherwise becomes aware of any defect in the Project.

- Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.

- Direct the ENGINEER to provide necessary Additional Services or other services as required.

- Bear all costs incidental to compliance with the requirements of the OWNER's responsibilities.

Thank you for the opportunity to provide this proposal for this important project. If you find this proposal acceptable, please send an executed copy of this proposal to our office as your authorization to proceed.

Sincerely,
McGILL ASSOCIATES, P.A.

DOUGLAS CHAPMAN, P.E.
Senior Project Manager

Attachments: Basic Rate Schedule

Accepted by:

ORANGE COUNTY

_____
Mr.Frank Clifton, County Manager

_____
Date

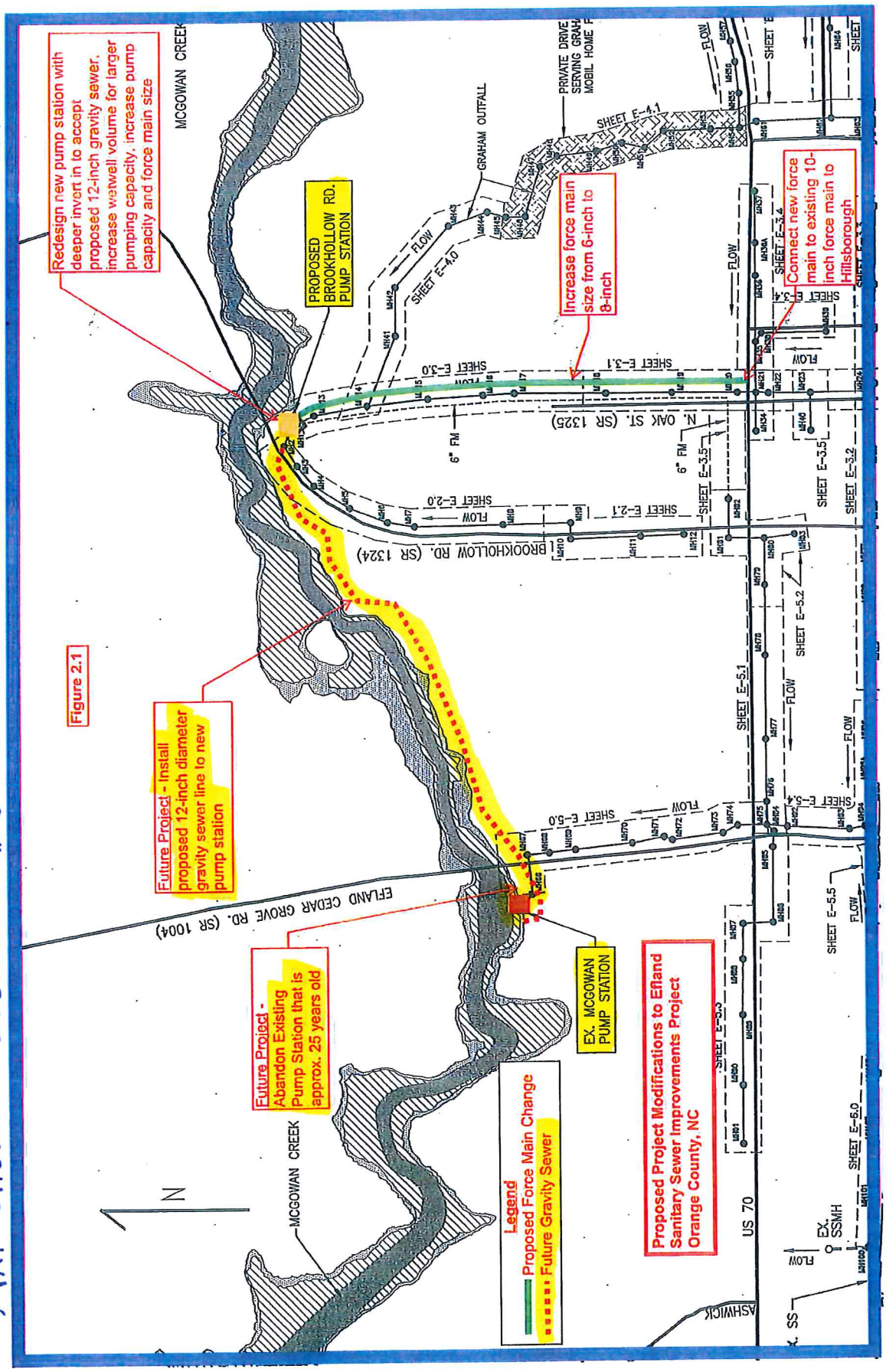
BASIC FEE SCHEDULE

PROFESSIONAL FEES	Hourly Rate
Senior Project Manager	$155.00
Project Manager	$135.00
Project Specialist	$135.00
Financial Analyst	$100.00
Senior Project Engineer	$120.00
Project Engineer	$105.00
Engineering Associate	$ 85.00
Senior Engineering Technician	$ 90.00
Engineering Technician	$ 75.00
Senior Planner	$100.00
Associate Planner	$ 85.00
Property Specialist	$ 65.00
Planner	$ 70.00
Construction Services Manager	$125.00
Senior Construction Administrator	$100.00
Construction Administrator	$ 80.00
Construction Document Coordinator	$ 60.00
Administrative Assistant	$ 60.00
Senior Construction Field Representative	$ 75.00
Construction Field Representative	$ 65.00
Surveying Services Manager	$155.00
Survey Manager	$105.00
Project Surveyor	$ 90.00
Surveying Associate	$ 75.00
Senior Survey Technician	$ 65.00
Survey/GIS Technician	$ 55.00
Survey Rodman	$ 45.00
Electrical Services Manager	$155.00
Firm Principal	$180.00
Finance Officer	$ 90.00
Senior CADD Operator	$ 75.00
CADD Operator	$ 65.00
Clerical	$ 50.00

I. **EXPENSES**
   A. Mileage - $0.55/mile
   B. Robotics/GPS Equipment - $25/hr.
   C. Telephone, reproduction, postage, lodging, and other incidentals shall be a direct charge per receipt.

II. **ASSOCIATED SERVICES** - Associated services required by the project such as soil analysis, materials testing, etc., shall be at cost plus ten (10) percent.

Map showing location and extent of McGowan Creek Interceptor (highlighted)



ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda
Item No. 6-a

SUBJECT: Draft Orange County Comprehensive Transportation Plan

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

ATTACHMENT(S):
1. Minutes Excerpt from October 18, 2011 BOCC Meeting
2. Legal Advertisement
3. NCDOT PowerPoint Presentation

UNDER SEPARATE COVER
4. *Draft CTP (113 pages)*
5. *Adoption Sheet and Four Maps*

INFORMATION CONTACT:
Tom Altieri, 245-2579
Abigaile Pittman, 245-2567
Craig Benedict, 245-2592

PURPOSE: To hold a public hearing on the draft Comprehensive Transportation Plan (CTP) for Orange County's rural areas.

BACKGROUND: Orange County approved a resolution in June 2009 endorsing completion of a CTP for rural Orange County. The study is being completed through a coordinated effort among the Orange Unified Transportation Board (OUTBoard), Orange County planning staff, Triangle Area Rural Planning Organization (TARPO), Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO), and the North Carolina Department of Transportation (NCDOT). NCDOT Staff will attend the meeting to present the draft CTP and provide a summary of the planning process.

WHAT IS THE CTP?: The CTP consists of a technical report and four maps: 1) Highway; 2) Public Transportation; 3) Bicycle; and 4) Pedestrian. It is not fiscally constrained and incorporates local interests, community goals, and statewide needs in a common multi-modal plan.

WHAT AREA DOES THE CTP COVER?: The draft Comprehensive Transportation Plan (CTP) covers the rural portions of the County, generally defined as the area outside of Carrboro, Chapel Hill, Hillsborough, and Mebane (See attached maps for specifics).

PROCESS: A Comprehensive Transportation Plan (CTP) Steering Committee, comprised of representatives of those groups, has coordinated to complete the draft. The following tasks have been completed:

- Held a public workshop to kick off the process (September 2009)

- Conducted an on-line public survey (October – November 2009); Collected current traffic data and projected future traffic (August 2010 – October 2010)
- Analyzed traffic growth rates to use in final data projections (November 2010)
- Prepared a highway deficiency analysis (November – December 2010)
- Held a public input meeting on the deficiency analysis (February 2011)
- Developed alternatives and draft recommendations for all modes (March-August 2011)
- Held public drop in session and collected County advisory board input (September 2011)
- Board of County Commissioners (BOCC) received draft CTP maps and provided input (October 2011)
- Project delayed to rectify boundaries between the Burlington-Graham and Durham-Chapel Hill-Carrboro Metropolitan Planning Organizations (January 2012 – November 2012.
- **Orange County Planning staff reviewed a rough draft of the CTP report and provided comments to NCDOT Transportation Planning Branch staff** (December 2012).
- NCDOT Transportation Planning Branch staff revised draft Plan for public hearing (January 2013).

OCTOBER 18, 2011 BOCC MEETING – The Orange County BOCC last discussed the CTP at its meeting on October 18, 2011. All comments provided by the BOCC at that time have been acknowledged and addressed in some manner by the draft CTP. Staff will include a brief summary of how these items have been addressed during tonight's presentation. Minutes from this meeting are provided as Attachment 1.

NEXT STEPS – Following tonight's public hearing on the 113 page CTP (Attachment 4), Orange County will consider adoption in two parts:

Part 1 - adoption of Sheets 1-5 (4 Maps), as provided in Attachment 5; and

Part 2 - adoption of the technical report (Attachment 4). *It should be noted that Sheets 1-5 (Attachment 5) can also be found within the technical report (Attachment 4), albeit at a smaller, 8.5 x 11 page size.*

Following is the anticipated schedule and sequence of events:

1. **Public Hearing (January 2013)**;
2. Orange Unified Transportation Board formal recommendations (February 2012);
3. **BOCC consideration of Part 1 (March 2013)**;
4. TARPO endorsement of Part 1 (Spring 2013);
5. NCDOT Transportation Planning Branch staff recommendation of Part 1 to NCDOT Board of Transportation (Spring 2013);
6. NCDOT Board of Transportation adopts only Part 1 (Spring 2013);
7. NCDOT Transportation Planning Branch distributes the technical report for external review by other staff within NCDOT (local contacts and modal contacts), a designated member of NCDOT Board of Transportation, TARPO, and Orange County (any comments collected are to be forwarded to the BOCC);
8. NCDOT Transportation Planning Branch staff finalizes the report and distributes the final document including previously adopted Map Sheets; and
9. **BOCC consideration of Part 2 (May-June 2013)**.

ADDITIONAL INFORMATION: Additional information about the CTP can be found online at: http://www.ncdot.org/~tpb/planning/orangecounty.html

FINANCIAL IMPACT: Other than the cost of legal advertisement and staff time, there is no financial impact associated with receiving the draft CTP and conducting the public hearing. This work is being completed by existing Planning staff in the Department's Comprehensive Planning Division with assistance from the NCDOT Transportation Planning Branch. Although the Comprehensive Planning Division, which includes the County's primary Transportation Planner, has undergone some turnover, a request to re-hire is in process.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the draft Comprehensive Transportation Plan (Attachment 4);
2. Conduct the public hearing and accept public and BOCC comment on the proposed Plan;
3. Refer the matter to the OUTBoard with a request that a recommendation be returned to the BOCC in time for the March 7, 2013 BOCC regular meeting; and
4. Adjourn the public hearing until March 7, 2013 in order to receive and accept the OUTBoard's recommendation and any submitted written comments.

APPROVED 12/5/2011

MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
October 18, 2011
7:00 p.m.

The Orange County Board of Commissioners met in regular session on Tuesday, October 18, 2011 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, NC.

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

Chair Pelissier said that Commissioner Gordon is unable to attend tonight's meeting because she is out of town.

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

1. Additions or Changes to the Agenda

The lavender sheet was additional information for item 7-a, North Carolina Tomorrow Comprehensive Economic Development Strategy (CEDS) for Orange County as Part of the Seven County Triangle J council of Governments.

There was also a letter related to item 7-b, Orange-Alamance Boundary Line '9%' Adjustment Action.

PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

2. Public Comments

a. Matters not on the Printed Agenda (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

~~THEREFORE, THE ORANGE COUNTY BOARD OF COMMISSIONERS REQUESTS THAT THE TOWN OF HILLSBOROUGH BOARD OF COMMISSIONERS:~~

~~1) Accept a preservation easement that protects the historical integrity of properties at 112 N. Churton Street and 118 N. Churton Street, Hillsborough NC and indefinitely delays demolition of the facilities; and~~

~~2) Authorize the Town Attorney to develop a suitable easement in concert with the Orange County Attorney for final approval by the Town Commissioners; said easement to be recorded with the Orange County Register of Deeds and attached to the properties in perpetuity.~~

~~Adopted this 18th day of October, 2011.~~

b. Orange County Comprehensive Transportation Plan

The Board received a presentation from North Carolina Department of Transportation staff and provided Board input prior to a public hearing on the draft Comprehensive Transportation Plan.

Comprehensive Planning Supervisor Tom Altieri introduced Sarah Lee from NCDOT Engineer, who presented the draft Orange County Comprehensive Transportation Plan.

Sarah Lee made a PowerPoint presentation.

Overview

- What is a Comprehensive Transportation Plan?
- What has been accomplished so far?
  - Goal: get your input on the recommendations
- What are the next steps?

MPO / RPO Areas

- TARPO = Triangle Area Rural Planning Organization

Reminder:

- This plan is for RPO area
- Encompasses no municipalities (simple compared to most CTPs)

What is a CTP?

(Comprehensive Transportation Plan)

- **4 maps with supporting documentation**
- Long-range (25-30 years), multi-modal, fiscally unconstrained (no funding or priorities)
  - Highway, Public Transportation, Rail, Bicycle, Pedestrian
- Replaces previous thoroughfare plans
- Provides a "needs list" for year 2035 (high-level planning)
- Developed by steering committee with representation from NCDOT, Orange County planning, OUTBoard, and Triangle Area RPO
  - Coordination with surrounding MPOs and counties
- Designed to be easily updated in order to remain relevant

Rural Area

- NCDOT Transportation Planning Branch
- October 18, 2011
- CTP Progress

Input So Far

- Planning Board, September 7
  - Make bicycle recommendations connect to Park and Ride lots on Public Transp. map
  - Discussion of County's Bicycle Map being more recreation based, vs. commuter based – possibility of adding recommendations to NC 54 and NC 86 (and Coleman Loop Rd)
- Public drop-in session, September 14
  - Questions about the type of bicycle improvements in the County's plan
  - Idea for an on-demand or constant minivan transit service for rural areas, could be public-private partnership, possibly using a taxi service
- Public comment website, open through September 26
  - Nothing so far
- Committee meeting, September 21
  - Decided not to display Highway and Public Transp. in MPO area (will have BGMPO map on hand and provide link)
  - Discussion of bicycle recommendation on Old 86, but decided not to based on information from bicycle advocates that the terrain is not suitable for bicyclists

Next Steps

- Get your input on the recommendations
- CTP committee will review all input on the draft recommendations for incorporation into the CTP
- Adoptions will begin in early 2012
- Coordinating with DCHC MPO
  - Possibility for county-wide plan to be readopted down the road when DCHC CTP is finished
- Thank you! Questions?

Orange County CTP Website:

http://www.ncdot.org/~tpb/planning/orangecounty.html

Sarah E. Lee
Transportation Engineer
NCDOT TPB
(919) 707-0946
selee@ncdot.gov

Scott Walston
Triangle Unit Supervisor
NCDOT TPB
(919) 707-0941
swalston@ncdot.gov

Tom Altieri
Comprehensive Planning Supervisor`
Orange County
(919) 245-2579
taltieri@co.orange.nc.us

Other committee contacts:
Paul Guthrie
Randy Marshall
Nancy Baker
Tina Love
Matt Day

More info at www.ncdot.org/~tpb

Additional Information...

- Highway Categories...

Freeway Facility

- High mobility, low access
- 55mph or greater
- Cross section: minimum 4 lanes with median
- Connections provided only at interchanges; all cross streets are grade-separated
- Driveways not allowed
- Traffic signals not allowed
- Examples: I-40, I-95, US 64 from Rocky Mount to Williamston, US 1 from Raleigh to Sanford

Expressway Facility

- High mobility, low access
- 45 to 60 mph
- Cross section: minimum 4 lanes with median
- Connections at interchanges (major cross streets) and at-grade intersections (minor cross streets)
- Driveways limited in location and number, right-in/right-out only
- Traffic signals not allowed
- Examples: US 117 north of I-40, US 74 just east of I-277 in Charlotte

Boulevard Facility

- Moderate mobility, moderate access
- 30 to 55mph
- Cross section: minimum 2 lanes with median
- Connections are at-grade intersections for most major and minor cross streets
- Driveways allowed – primarily right-in/right-out; consolidation and sharing access is encouraged
- Traffic signals allowed
- Examples: US 1 in Raleigh, NC 55 (Holly Springs Bypass), US 70 from Clayton to Garner

Major/Minor Thoroughfares

- Balanced mobility and access
- 25 to 55mph
- Cross section: minimum 2 lanes, no median; includes facilities with a continuous left turn lane
- Connections are at-grade intersections
- Driveways allowed with full movements; consolidate and share access when possible
- Traffic signals allowed
- Examples: NC 86 north of Hillsborough, US 64 in Siler City, US 70 in Kinston, NC 168 in Currituck County

Strategic Highways

- Strategic Highway Corridors Plan
  - Ultimate vision for maintaining statewide mobility - specifically identifies the desired facility type for each corridor
  - Impact on our study area:
    - NC 86 – Upgrade to Expressway

Why Develop a CTP?

- It's the law – GS 136-66.2
- Recommendations address future **travel demand** – not just for vehicles, but for all modes
  - Ensures that data and projections are in place to **support projects**
  - Informs future land use planning and corridor protection
- Documentation is customer-friendly and easy to update
- A well-informed **public**
  - Public workshops are included
  - Local officials are regularly updated
  - Plans available on NCDOT website

Commissioner Yuhasz asked if there was a narrative about the pedestrian lanes and some of the bicycle lanes. Sarah Lee said that she would check on this. She said that she reflected on what was on the pedestrian plan in the County as being developed.

Commissioner Jacobs made reference to recreation-based versus community-based bike routes that was mentioned. Sarah Lee said that the bicycle map reflects the County's bicycle plan and the discussion was primarily about whether it should be recreation-based or more commuter-based. Visibly, it is more of a recreational plan. The discussion was adding some more commuter-based routes. The concern is the amount of traffic and the safety.

Commissioner Jacobs encouraged NCDOT to accent the recreational component. The plan from the late 90's was a commuter plan, but that is really not feasible now.

Commissioner Jacobs said that he would have trouble adopting this not knowing when the MPO will adopt it. Sarah Lee said that she would make sure to coordinate this.

Chair Pelissier made reference to the park and ride lots and asked for an idea of the traffic analysis and how many parking spaces there would be. Also, she said that it is hard to know how the bus routes on this plan mesh with the draft transit plan, which still has not been formulated.

No action needed tonight.

9. Reports-NONE

10. County Manager's Report-NONE

11. County Attorney's Report

John Roberts said that all of the edits to Municode have been submitted and there should be an introductory presentation in early November. The second meeting in November there will be adoption of the ordinance. This is not the UDO and there are no substantive changes.

12. Appointments

a. Carrboro Northern Transition Area Advisory Committee – Appointment

The Board considered making an appointment to the Carrboro Northern Transition Area Advisory Committee.

A motion was made by Commissioner Hemminger, seconded by Commissioner McKee to appoint Brian Decker to the Carrboro Northern Transition Area Advisory Committee to a partial first term expiring January 31, 2012.

VOTE: UNANIMOUS

NOTICE OF PUBLIC HEARING
ORANGE COUNTY BOARD OF COMMISSIONERS

A public hearing will be held at the Orange County Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Thursday, January 24, 2013 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following item:

Orange County Comprehensive Transportation Plan: A Comprehensive Transportation Plan (CTP) has been developed for the rural area of Orange County outside the Metropolitan Planning Organization boundaries, which include the Towns of Chapel Hill, Carrboro, Hillsborough and the City of Mebane. Modes of transportation evaluated as part of this rural plan include: highway, public transportation, bicycle, and pedestrian. Findings included in this CTP were based on an analysis of the transportation system, environmental screening, and public input. Implementation of the plan is the responsibility of Orange County and the North Carolina Department of Transportation (NCDOT). This plan, which can be amended when needed, is intended to produce a long-range document that will guide transportation decisions through the year 2035.

This plan is a cooperative effort among Orange County, the Orange Unified Transportation Board (OUTBoard), the Triangle Area Rural Planning Organization, Metropolitan Planning Organizations, and the NCDOT.

The Draft Orange County Comprehensive Transportation Plan is available on the NCDOT website at:
http://www.ncdot.gov/doh/preconstruct/tpb/planning/orangecounty.html

Additional supporting documentation will be posted online by the County by or shortly after 5:00 PM on January 18, 2013 at www.co.orange.nc.us under "Meeting Agendas."

Questions may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 or (919) 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH:	The Herald Sun	News of Orange
	January 9, 2013	January 9, 2013
	January 16, 2013	January 16, 2013

Orange County Draft Comprehensive Transportation Plan

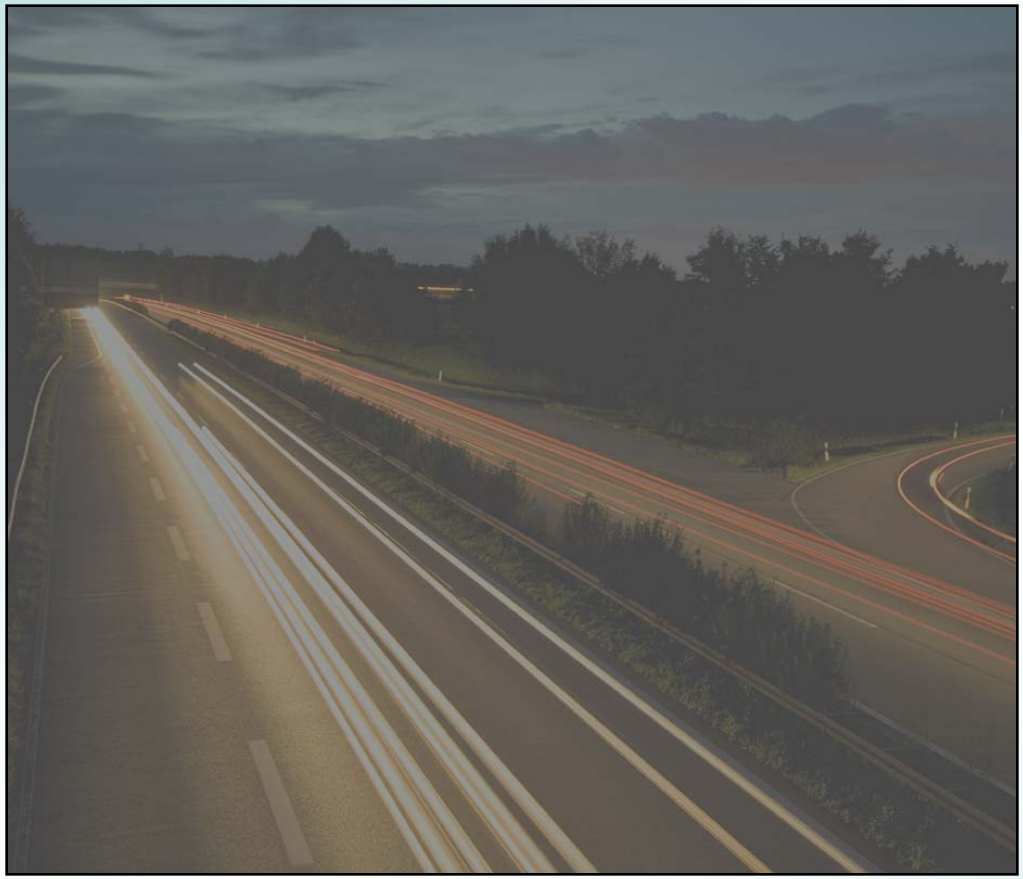
Rural Area

NCDOT Transportation Planning Branch

January 24, 2013

Public Hearing

Overview



- Review of a Comprehensive Transportation Plan
- Draft maps and recommendations
- Input provided and next steps

MPO / RPO Areas

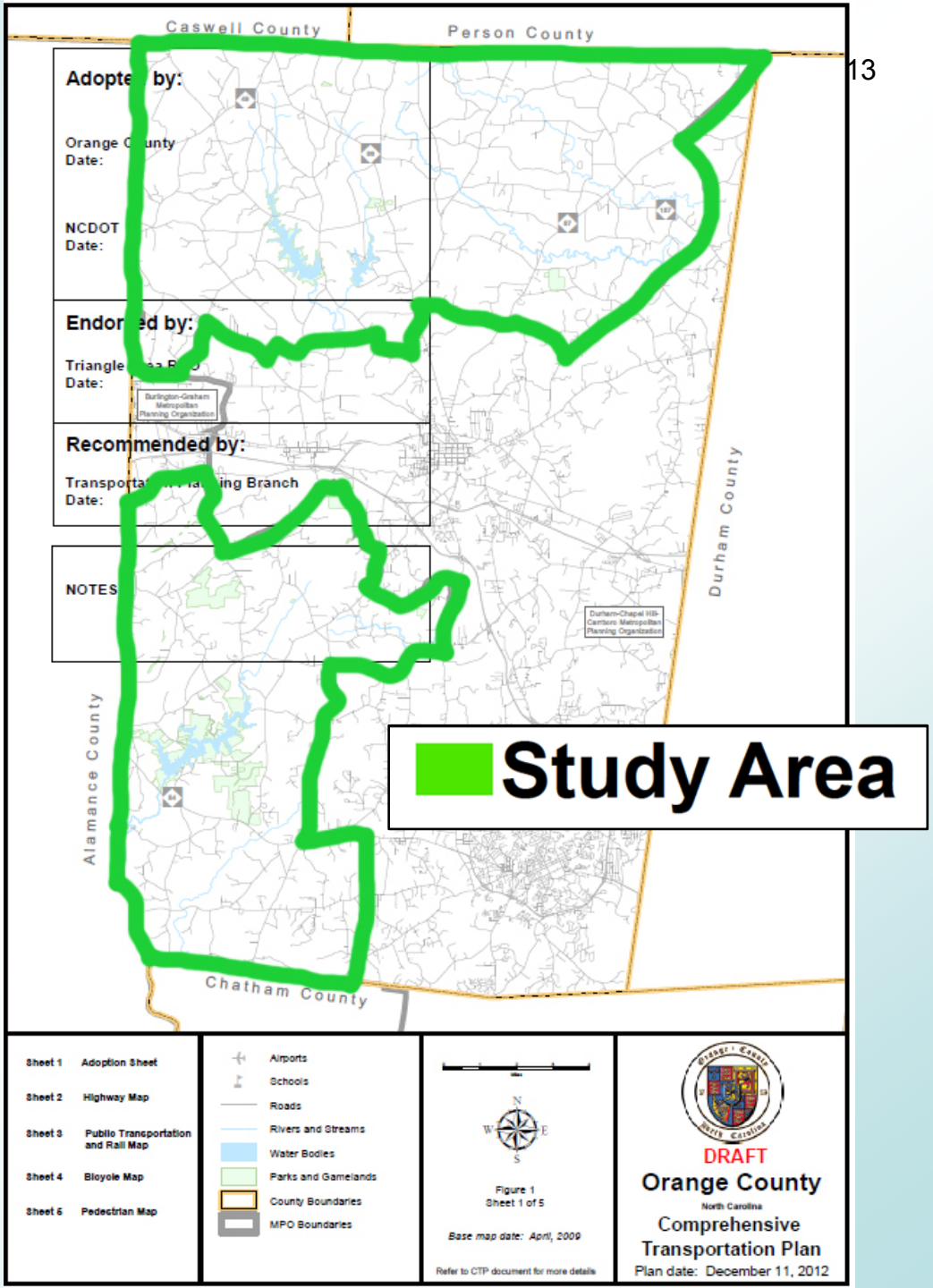
TARPO =
Triangle Area Rural
Planning Organization

MPO boundaries not updated

www.tarpo.org

Reminder:

- This plan is for RPO area
- Encompasses no municipalities



What is a CTP?

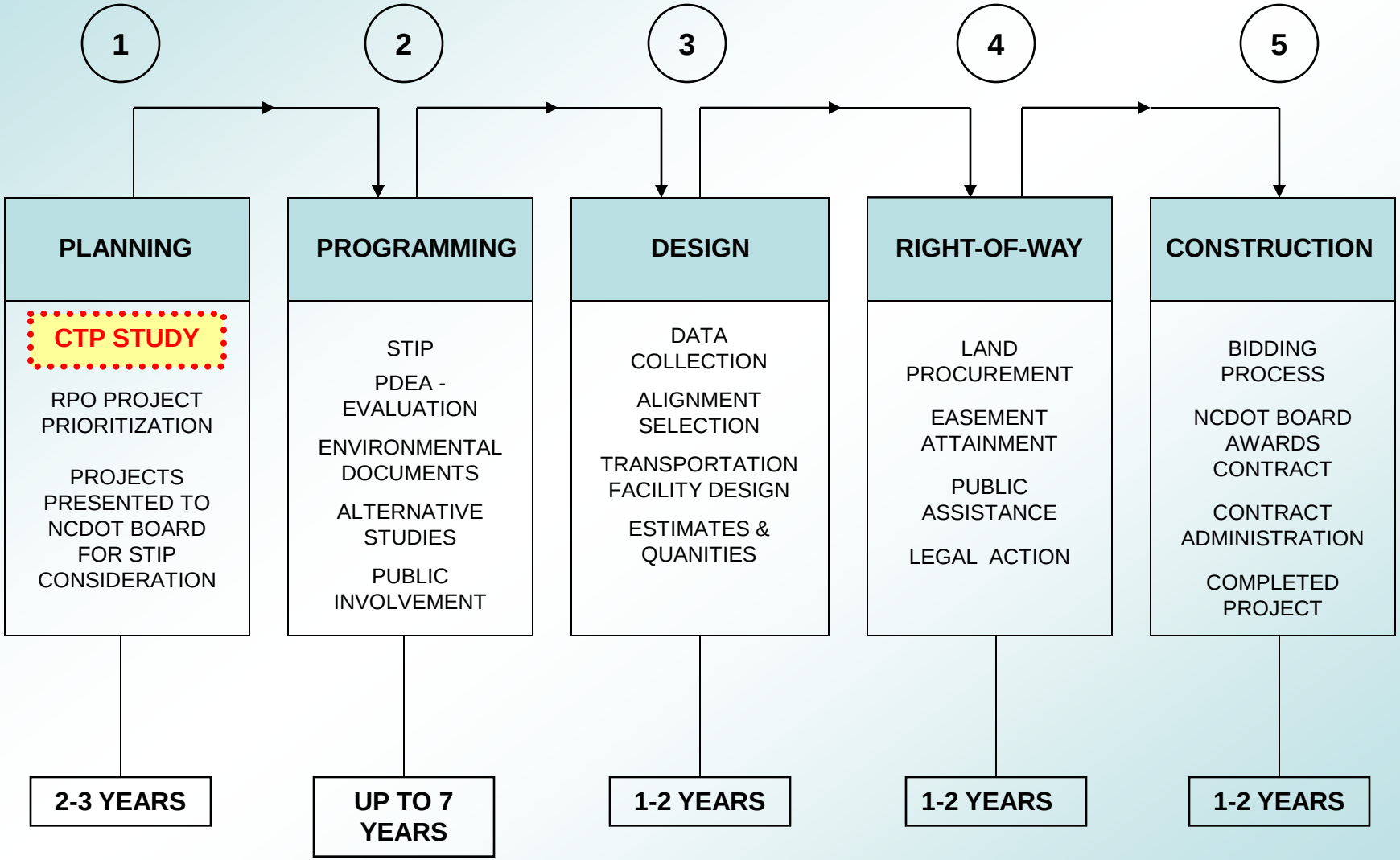
(**C**omprehensive **T**ransportation **P**lan)

- **4 maps and cover sheet with supporting documentation**
- Long-range (25-30 years), multi-modal, fiscally unconstrained (no funding or priorities)
  - Highway, Public Transportation, Rail, Bicycle, Pedestrian
- Replaces previous thoroughfare plans
- Provides a “needs list” for year 2035 (high-level planning)
- Developed by steering committee with representation from NCDOT, Orange County planning, OUTBoard, and Triangle Area RPO
  - Coordination with surrounding MPOs and counties
- Designed to be easily updated in order to remain relevant

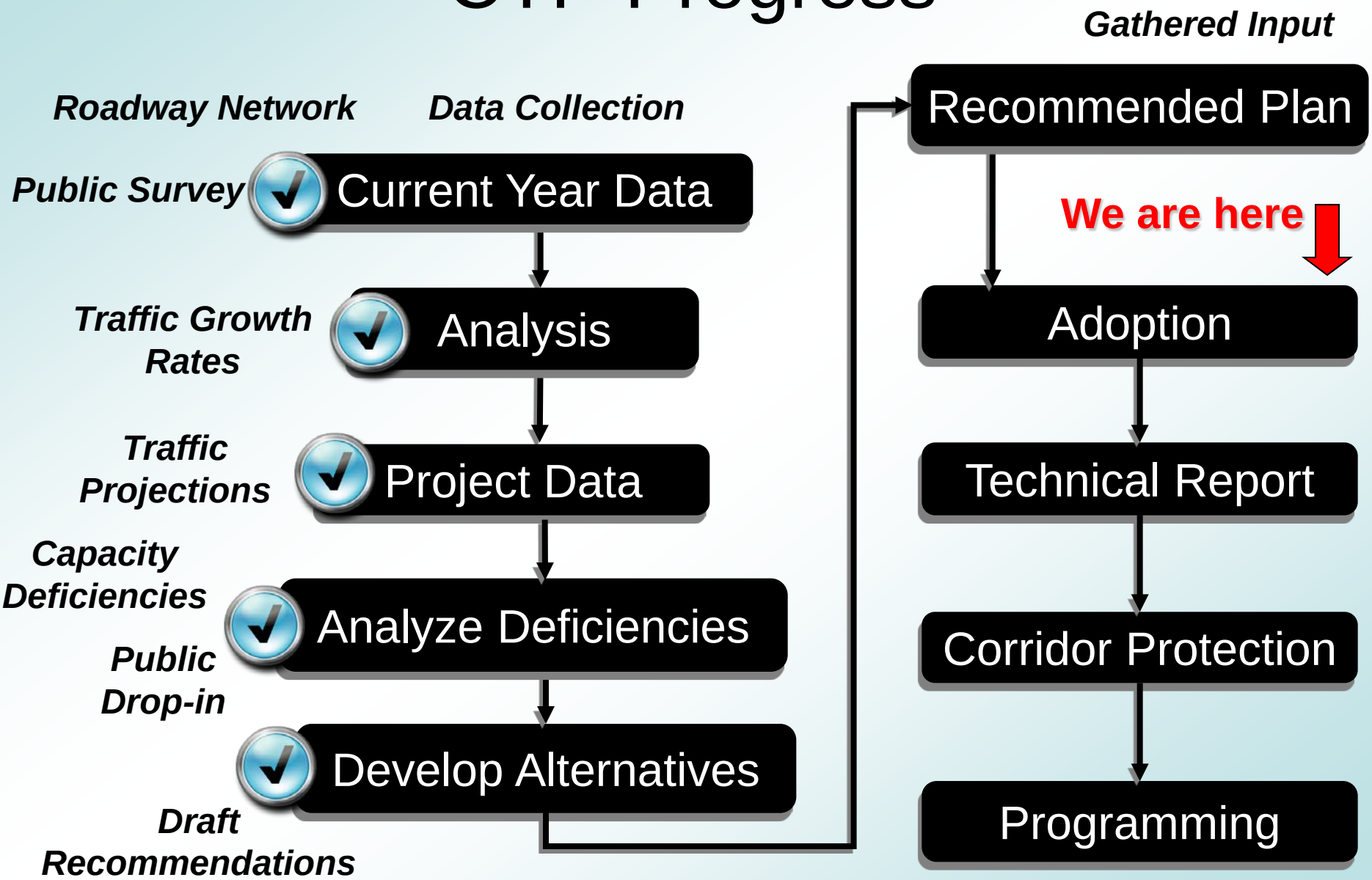
Why Develop a CTP?

- It's the law – GS 136-66.2
- Recommendations address future **travel demand** – not just for vehicles, but for all modes
  - Ensures that data and projections are in place to **support projects**
  - Informs future land use planning and corridor protection
- Documentation is customer-friendly and easy to update
- A well-informed **public**
  - Public workshops are included
  - Local officials are regularly updated
  - Plans available on NCDOT website

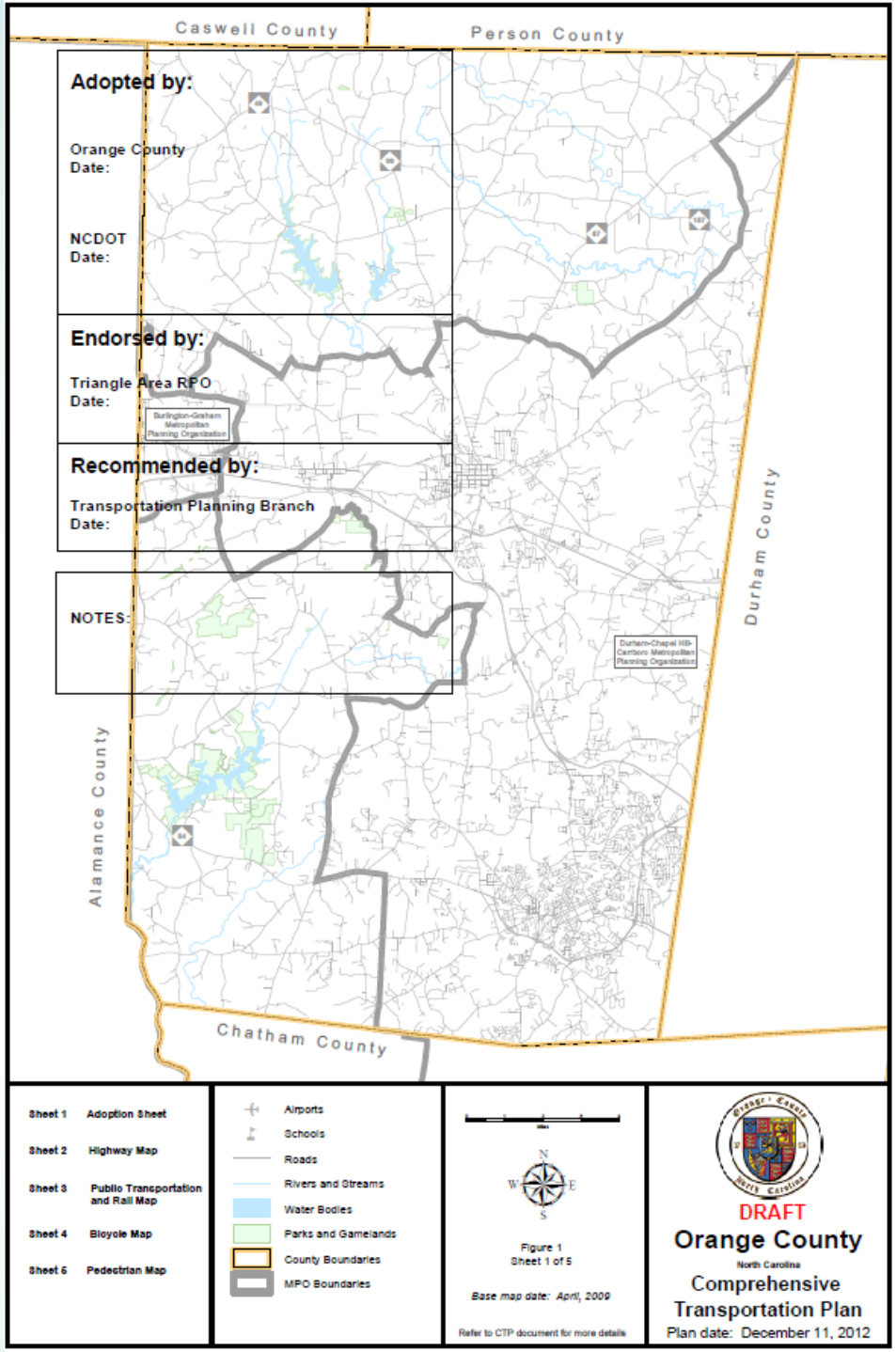
Typical Sequence of NCDOT Project Development



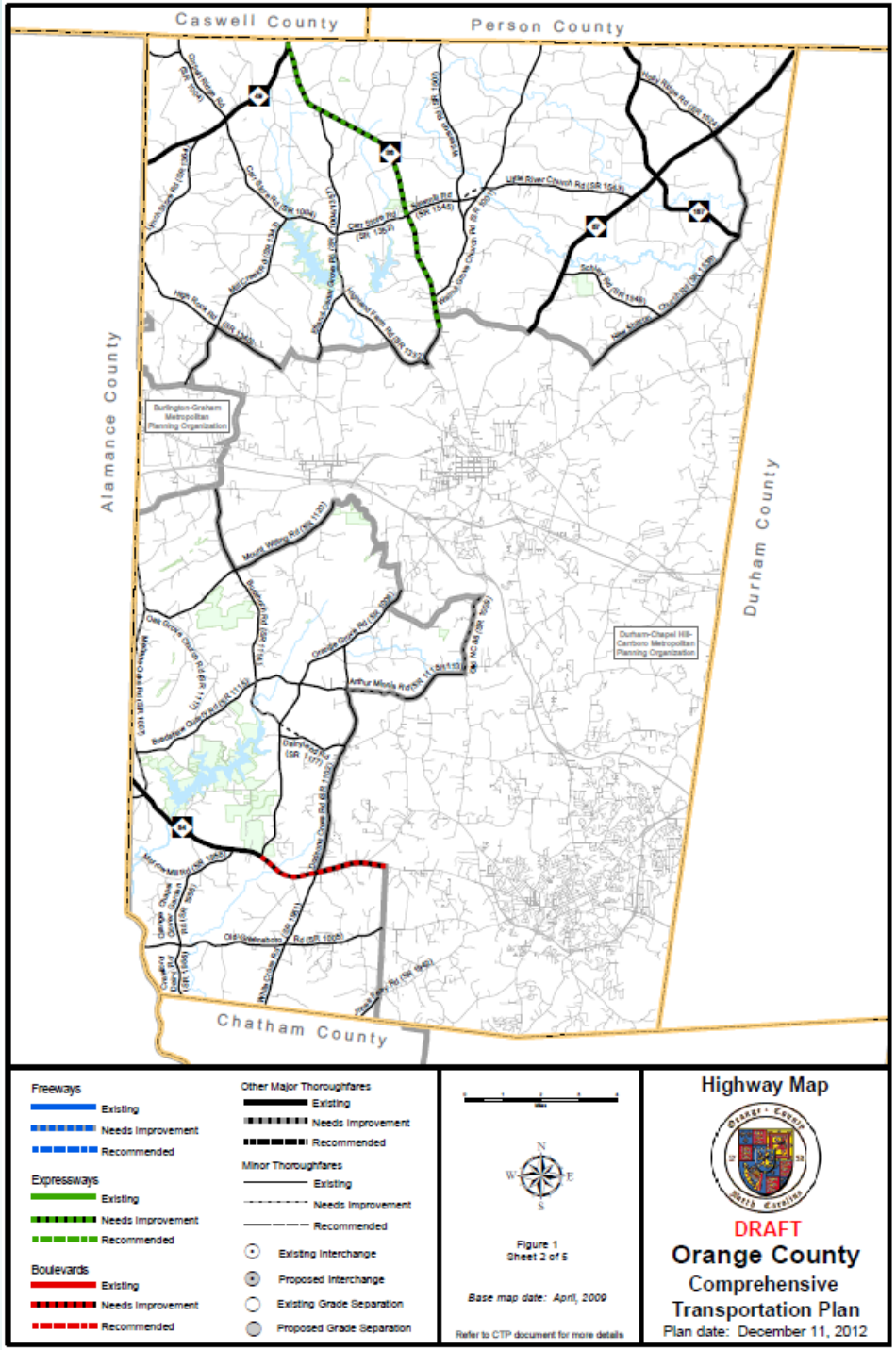
CTP Progress



Adoption Sheet

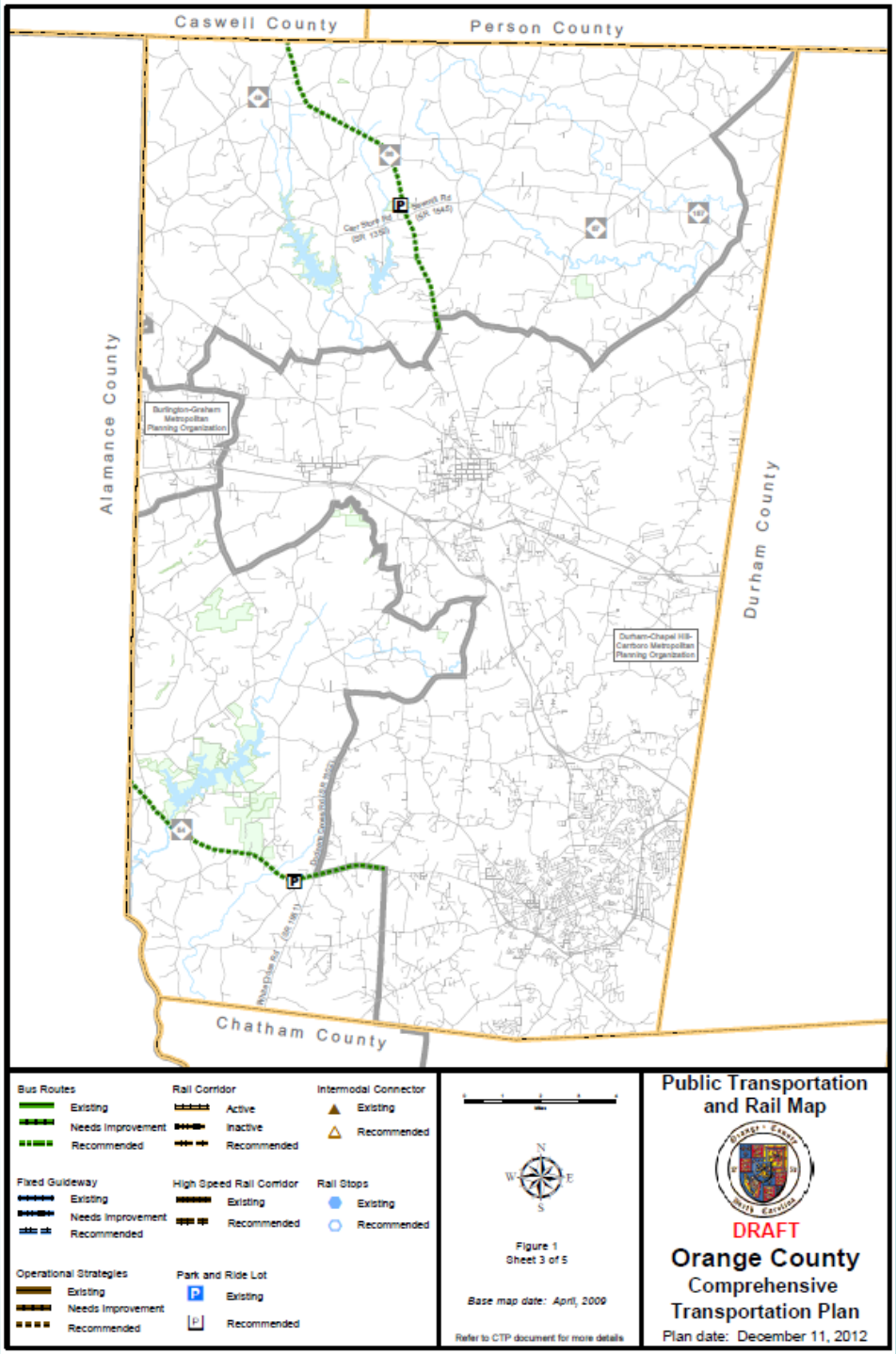


Highway Map


Caswell County
Person County
Alamance County
Durham County
Chatham County
Burlington-Graham Metropolitan Planning Organization
Durham-Chapel Hill-Carrboro Metropolitan Planning Organization
Freeways
Existing
Needs Improvement
Recommended
Expressways
Existing
Needs Improvement
Recommended
Boulevards
Existing
Needs Improvement
Recommended
Other Major Thoroughfares
Existing
Needs Improvement
Recommended
Minor Thoroughfares
Existing
Needs Improvement
Recommended
Existing Interchange
Proposed Interchange
Existing Grade Separation
Proposed Grade Separation
N
W
E
S
Figure 1
Sheet 2 of 5
Base map date: April, 2009
Refer to CTP document for more details
Highway Map
DRAFT
Orange County
Comprehensive
Transportation Plan
Plan date: December 11, 2012

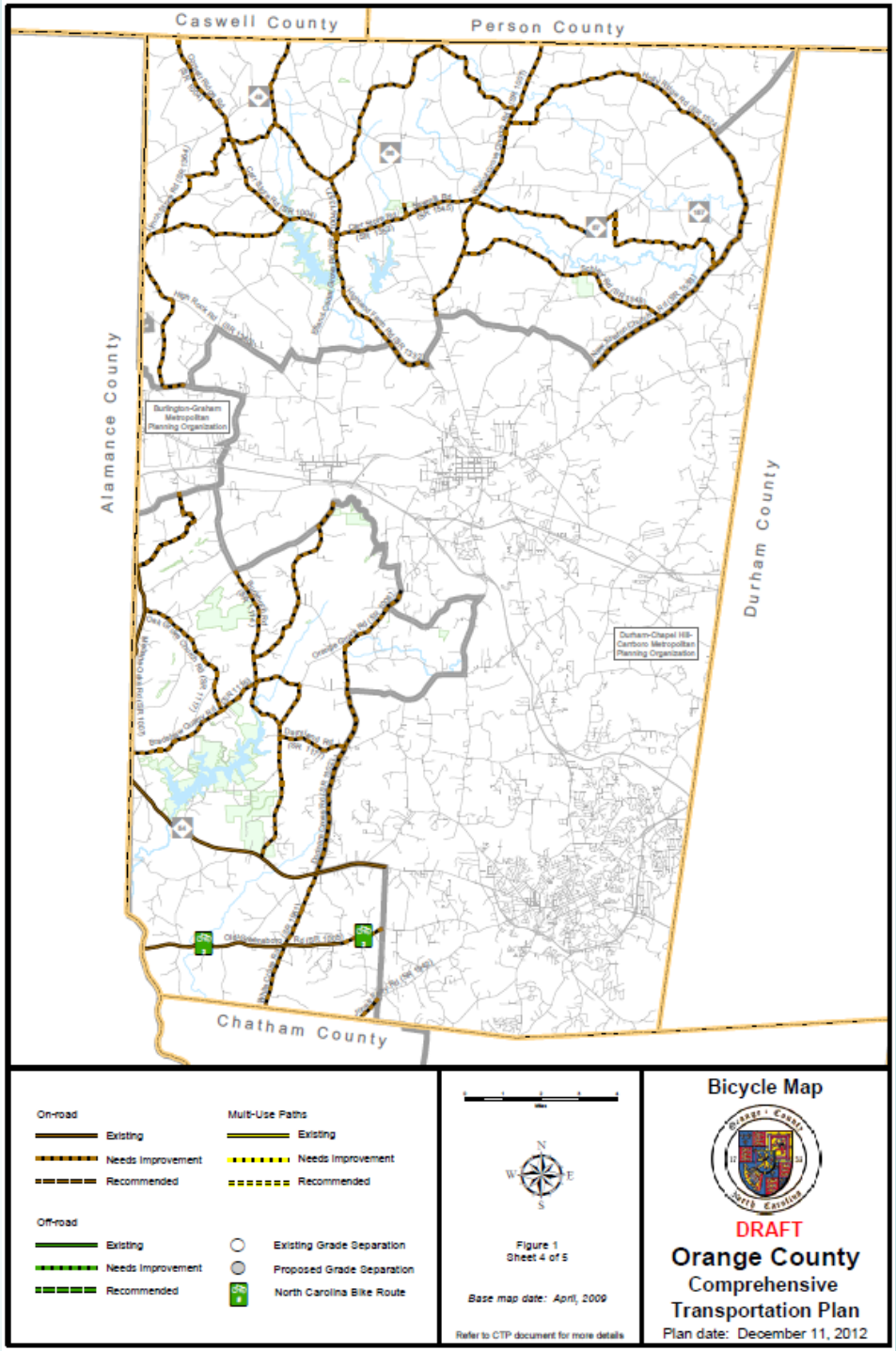
Public Transportation & Rail Map

- References “The Bus and Rail Investment Plan in Orange County”
- Intended to be updated



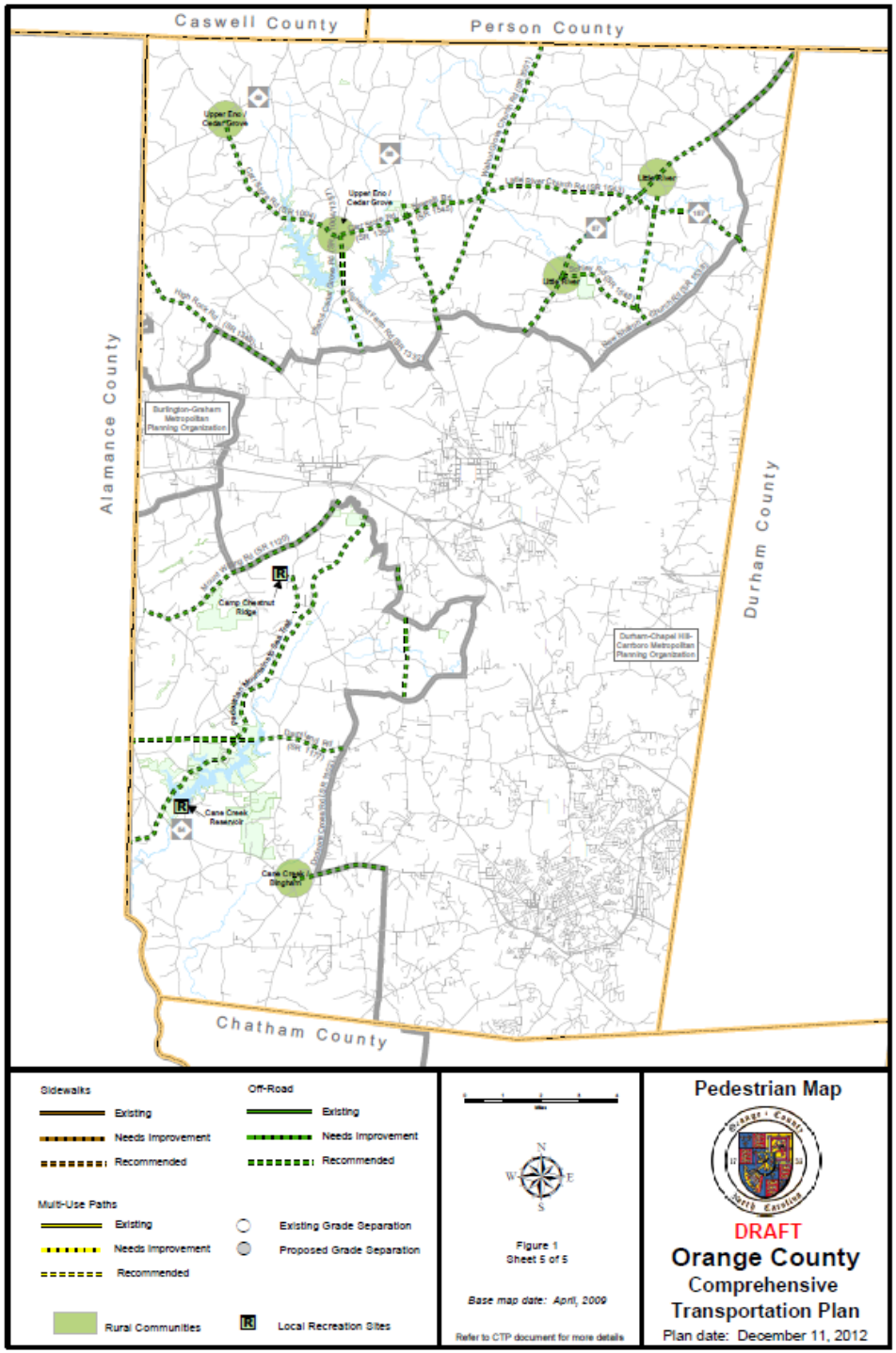
Bicycle Map

- Incorporates County's bicycle plan and connections to DCHC recommendations
- Includes SPOT projects



Pedestrian Map

- Incorporates County pedestrian plan that is currently under development



Previous Input on Recommendations

- Planning Board, September 2011
- Public drop-in session, September 2011
- Public comment website, open through September 26
- Committee meeting, September 21
  - Reviewed input and finalized draft recommendations for presentation to BOCC in October 2011
- Orange County Planning staff review of Technical Report and edits incorporated by NCDOT staff, December 2012

Addressing Input on Recommendations October 2011 BOCC

- Discussion of county bicycle plan being recreational, and adding more commuter-based routes, while being mindful of traffic and safety
  - Coordination by Orange County staff with draft DCHC MPO 2040 Metropolitan Transportation Plan (MTP) resulted in minor deletions and additions to CTP bicycle recommendations
  - Verbiage added to Chapter 1 (p. I-15) of report to reflect combined recreational and commuting opportunities
- Discussion of park and ride lots regarding traffic analysis and specifics for the lots
  - Verbiage added to Chapter 2 (p. II-6) of report to clarify that specific information would be developed at a later date, and that the CTP identifies the general areas of anticipated need
- Verbiage added to report in Chapter 2 (P. II-1 and II-3/4) to reflect NCDOT project implementation process and elaborate on project proposal details with regards to NC 86 expressway recommendation

Next Steps

- OUTBoard recommendation in February
- Adoption of 5 maps by Orange County in March
- Endorsement of 5 maps by TARPO
- Adoption of 5 maps by NCDOT
- Technical report review by external contacts
  - Orange County, multiple NCDOT contacts, TARPO
- Technical report finalized by NCDOT and distributed
  - Consideration of entire report by Orange County <u>if desired</u>

Thank you! Questions?

Orange County CTP Website:
http://www.ncdot.org/~tpb/planning/orangecounty.html

Sarah E. Lee
Transportation Engineer
NCDOT TPB
(919) 707-0946
selee@ncdot.gov

Scott Walston
Triangle Unit Supervisor
NCDOT TPB
(919) 707-0941
swalston@ncdot.gov

Tom Altieri
Comprehensive Planning Supervisor
Orange County
(919) 245-2579
taltieri@co.orange.nc.us

Matt Day
Senior Planner
Triangle Area RPO
(919) 558-9397
mday@tjcog.org

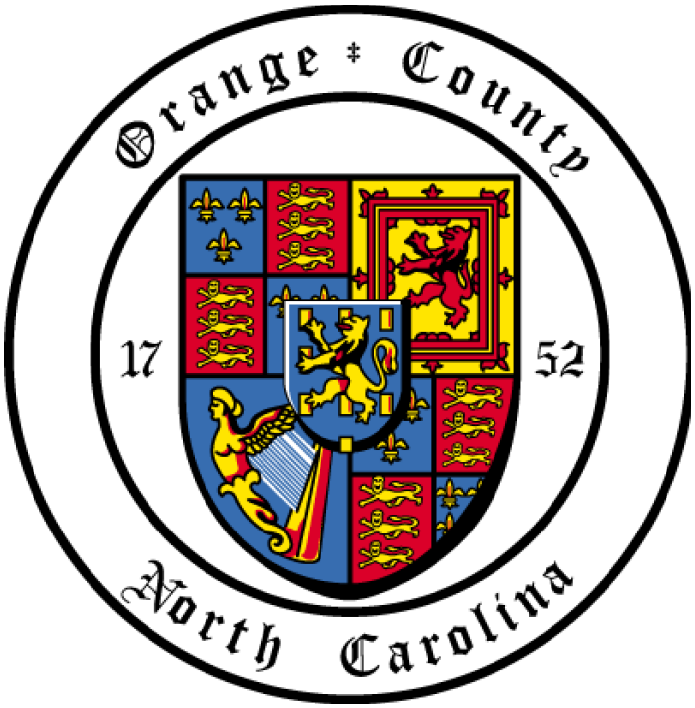
More info at www.ncdot.org/~tpb

Manager Recommendation

1. Receive the draft Comprehensive Transportation Plan.
2. Conduct the public hearing and accept public and BOCC comment on the proposed Plan.
3. Refer the matter to the OUTBoard with a request that a recommendation be returned to the BOCC in time for the March 7, 2013 BOCC regular meeting.
4. Adjourn the public hearing until March 7, 2013 in order to receive and accept the OUTBoard's recommendation and any submitted written comments.

DRAFT

Comprehensive Transportation Plan



Orange County

Month, 2012

Comprehensive Transportation Plan

Orange County

Prepared by: Sarah Lee, EI, Project Engineer
Scott Walston, PE, Triangle Planning Group Supervisor
Transportation Planning Branch
N.C. Department of Transportation

In Cooperation with: Orange County
Triangle Area Rural Planning Organization
Durham-Chapel Hill-Carrboro Metropolitan Planning Organization
Burlington Graham Metropolitan Planning Organization

Month, 2012

_____

Scott Walston, PE
Triangle Planning Group Supervisor

Table of Contents

Executive Summary i

I. Analysis of the Existing and Future Transportation System I-1
- Analysis Methodology and Data Requirements I-1
  - Roadway System Analysis I-1
    - Traffic Crash Analysis I-3
    - Bridge Deficiency Assessment I-3
  - Public Transportation and Rail I-13
    - Public Transportation I-13
    - Rail I-14
  - Bicycles and Pedestrians I-14
  - Land Use I-15
- Consideration of the Natural and Human Environment I-19
- Public Involvement I-27

II. Recommendations II-1
- Implementation II-1
- Problem Statements II-2
  - Highway II-2
  - Public Transportation and Rail II-5
  - Bicycle II-6
  - Pedestrian II-8

Appendices

Appendix A: Resources and Contacts A-1
Appendix B: Comprehensive Transportation Plan Definitions B-1
Appendix C: CTP Inventory and Recommendations C-1
Appendix D: Typical Cross-Sections D-1
Appendix E: Level of Service Definitions E-1
Appendix F: Traffic Crash Analysis F-1
Appendix G: Bridge Deficiency Assessment G-1
Appendix H: Public Involvement H-1
Appendix I: Existing Transportation Plans I-1

DRAFT

List of Figures

Figure 1 Comprehensive Transportation Plan iii
Figure 2 Growth Rates Map.....I-5
Figure 3 Future (2035) Roadway Deficiency Map.....I-7
Figure 4 Crash Locations Map I-9
Figure 5 Deficient Bridges Map I-11
Figure 6 Land Use Element of the Orange County Comprehensive Plan I-17
Figure 7 Environmental Features Map 1 .....I-21
Figure 8 Environmental Features Map 2 .....I-23
Figure 9 Environmental Features Map 3 .....I-25
Figure 10 Typical Cross Sections D-2
Figure 11 Level of Service Illustrations E-2

List of Tables

Table 1 Environmental Features I-19
Table 2 Restricted Environmental Features I-20
Table 3 CTP Inventory and Recommendations C-2
Table 4 Crash Locations F-1
Table 5 Deficient Bridges G-2

DRAFT

Executive Summary

In March of 2009, the Transportation Planning Branch of the North Carolina Department of Transportation and Orange County initiated a study to cooperatively develop the Orange County Comprehensive Transportation Plan (CTP), which includes only the rural areas of the county (no municipalities) not included in an MPO. The planning area is the Triangle Area Rural Planning Organization (TARPO) area of Orange County, outside the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) and the Burlington Graham Metropolitan Planning Organization (BGMPO). This is a long range multi-modal transportation plan that covers transportation needs through the year 2035. Modes of transportation evaluated as part of this plan include: highway, public transportation and rail, bicycle, and pedestrian. This plan does not cover routine maintenance or minor operations issues. Refer to Appendix A for contact information on these types of issues.

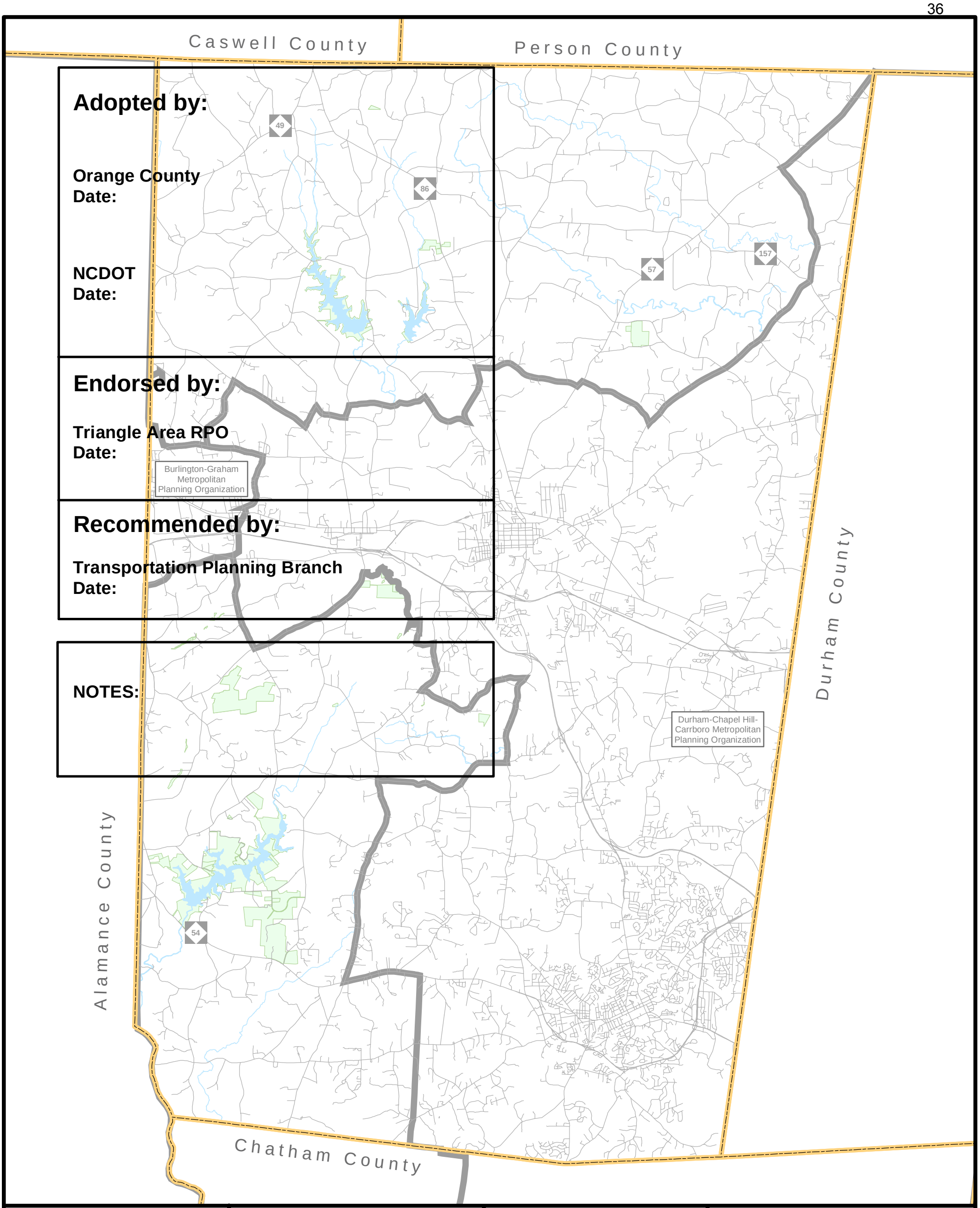
Findings of this CTP study were based on an analysis of the transportation system, environmental screening, and public input. Refer to Figure 1 for the CTP maps, which were mutually endorsed/adopted in YEAR. Implementation of the plan is the responsibility of Orange County and NCDOT. Refer to Chapter 2 for information on the implementation process.

This report documents the recommendations for improvements that are included in the Orange County CTP. More detailed information can be found in Chapter 2.

DRAFT

This page intentionally left blank.

DRAFT



Adopted by:

Orange County
Date:

NCDOT
Date:

Endorsed by:

Triangle Area RPO
Date:

Recommended by:

Transportation Planning Branch
Date:

NOTES:

Sheet 1	**Adoption Sheet**
Sheet 2	**Highway Map**
Sheet 3	**Public Transportation and Rail Map**
Sheet 4	**Bicycle Map**
Sheet 5	**Pedestrian Map**

- Airports
- Schools
- Roads
- Rivers and Streams
- Water Bodies
- Parks and Gamelands
- County Boundaries
- MPO Boundaries

0 1 2 3 4
Miles

N W E S

Figure 1
Sheet 1 of 5

Base map date: April, 2009

Refer to CTP document for more details

DRAFT

Orange County

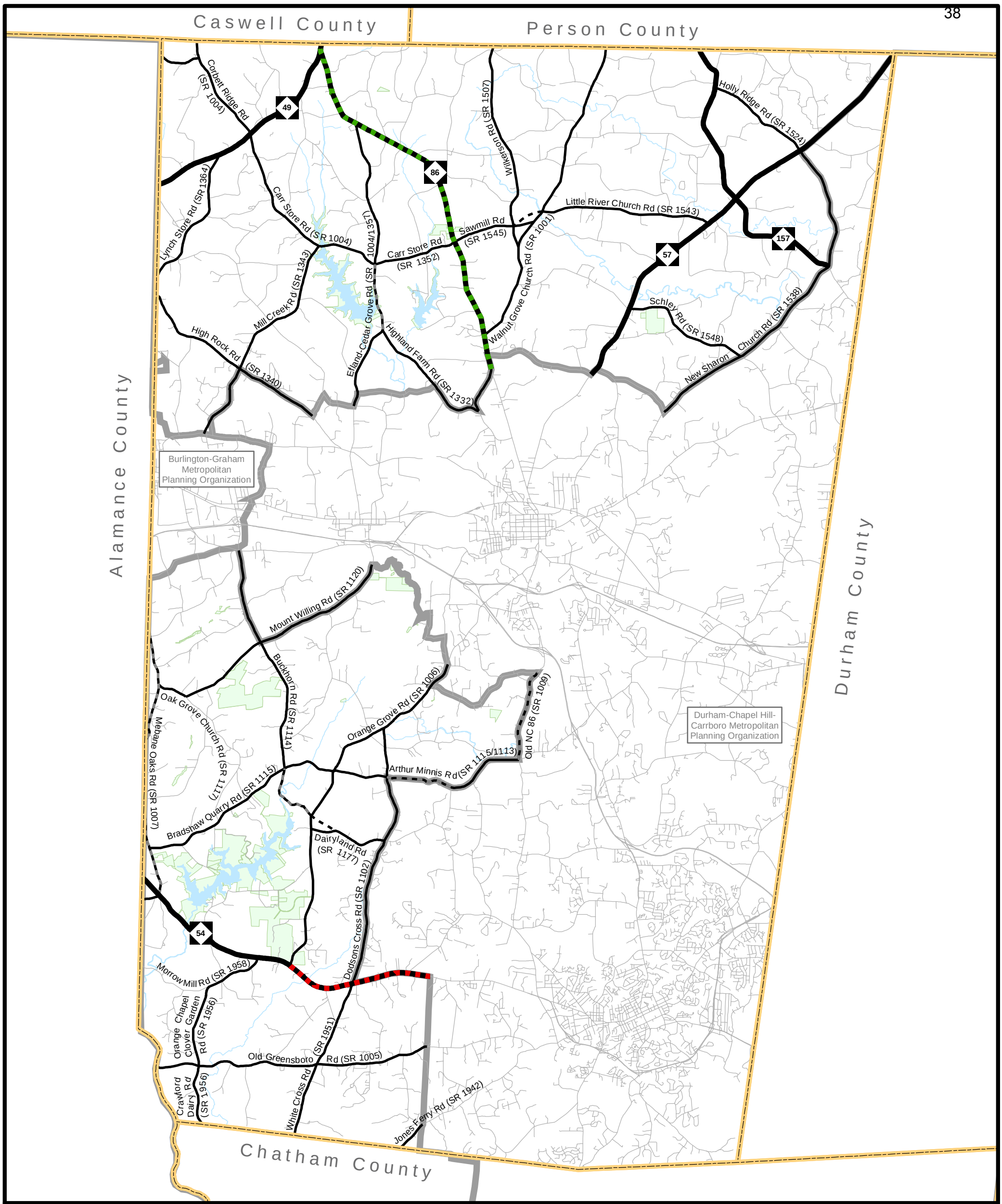
North Carolina

Comprehensive Transportation Plan

Plan date: December 11, 2012

Back of Figure

DRAFT



Freeways
- Existing
- Needs Improvement
- Recommended

Expressways
- Existing
- Needs Improvement
- Recommended

Boulevards
- Existing
- Needs Improvement
- Recommended

Other Major Thoroughfares
- Existing
- Needs Improvement
- Recommended

Minor Thoroughfares
- Existing
- Needs Improvement
- Recommended

- Existing Interchange
- Proposed Interchange
- Existing Grade Separation
- Proposed Grade Separation

0 1 2 3 4
Miles

N W E S

Figure 1
Sheet 2 of 5

Base map date: April, 2009

Refer to CTP document for more details

Highway Map

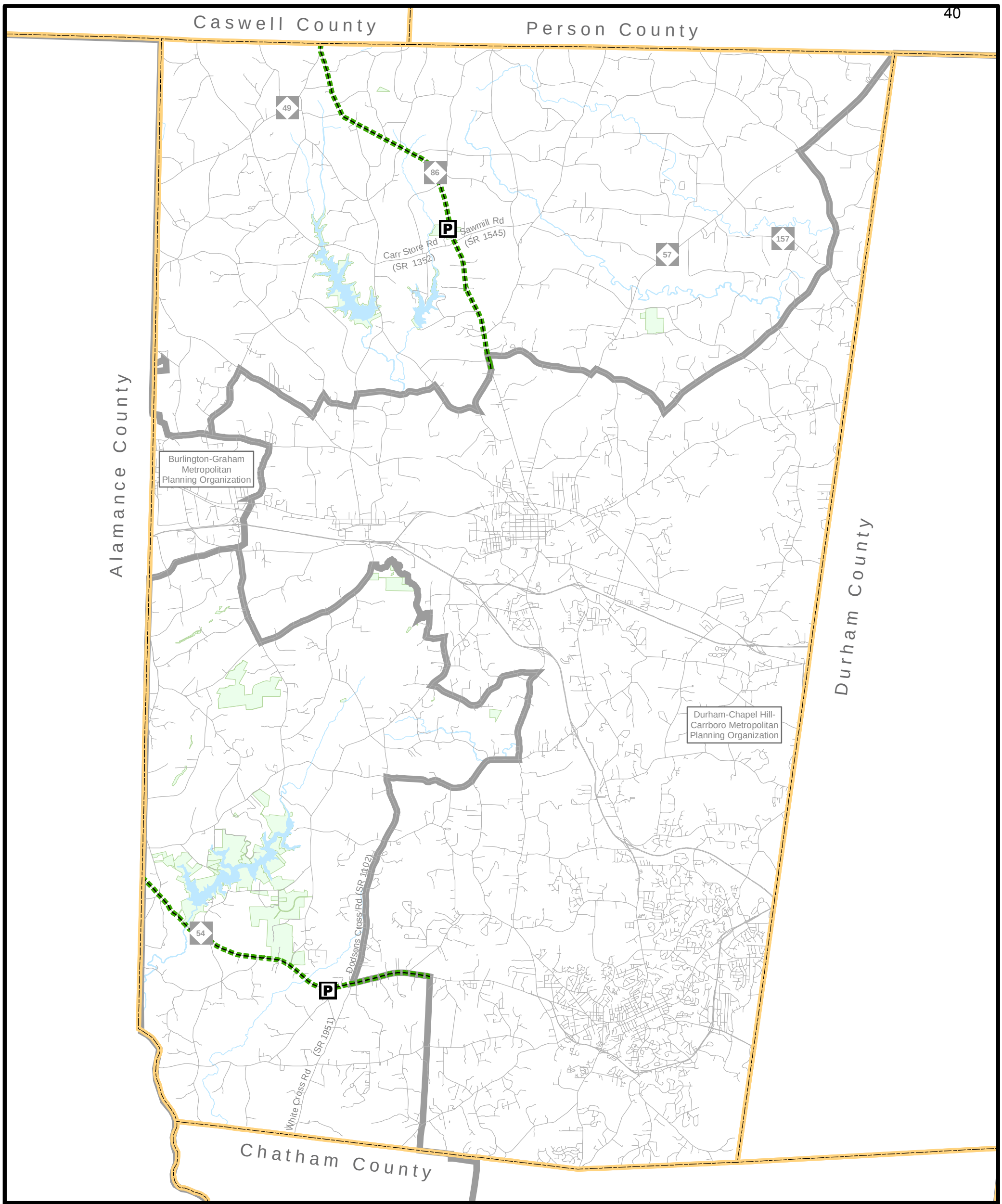
DRAFT

Orange County
Comprehensive Transportation Plan

Plan date: December 11, 2012

Back of Figure

DRAFT



Bus Routes
- Existing
- Needs Improvement
- Recommended

Rail Corridor
- Active
- Inactive
- Recommended

Intermodal Connector
- Existing
- Recommended

Fixed Guideway
- Existing
- Needs Improvement
- Recommended

High Speed Rail Corridor
- Existing
- Recommended

Rail Stops
- Existing
- Recommended

Operational Strategies
- Existing
- Needs Improvement
- Recommended

Park and Ride Lot
- Existing
- Recommended

0 1 2 3 4
Miles

N
W E
S

Figure 1
Sheet 3 of 5

Base map date: April, 2009

Refer to CTP document for more details

Public Transportation and Rail Map

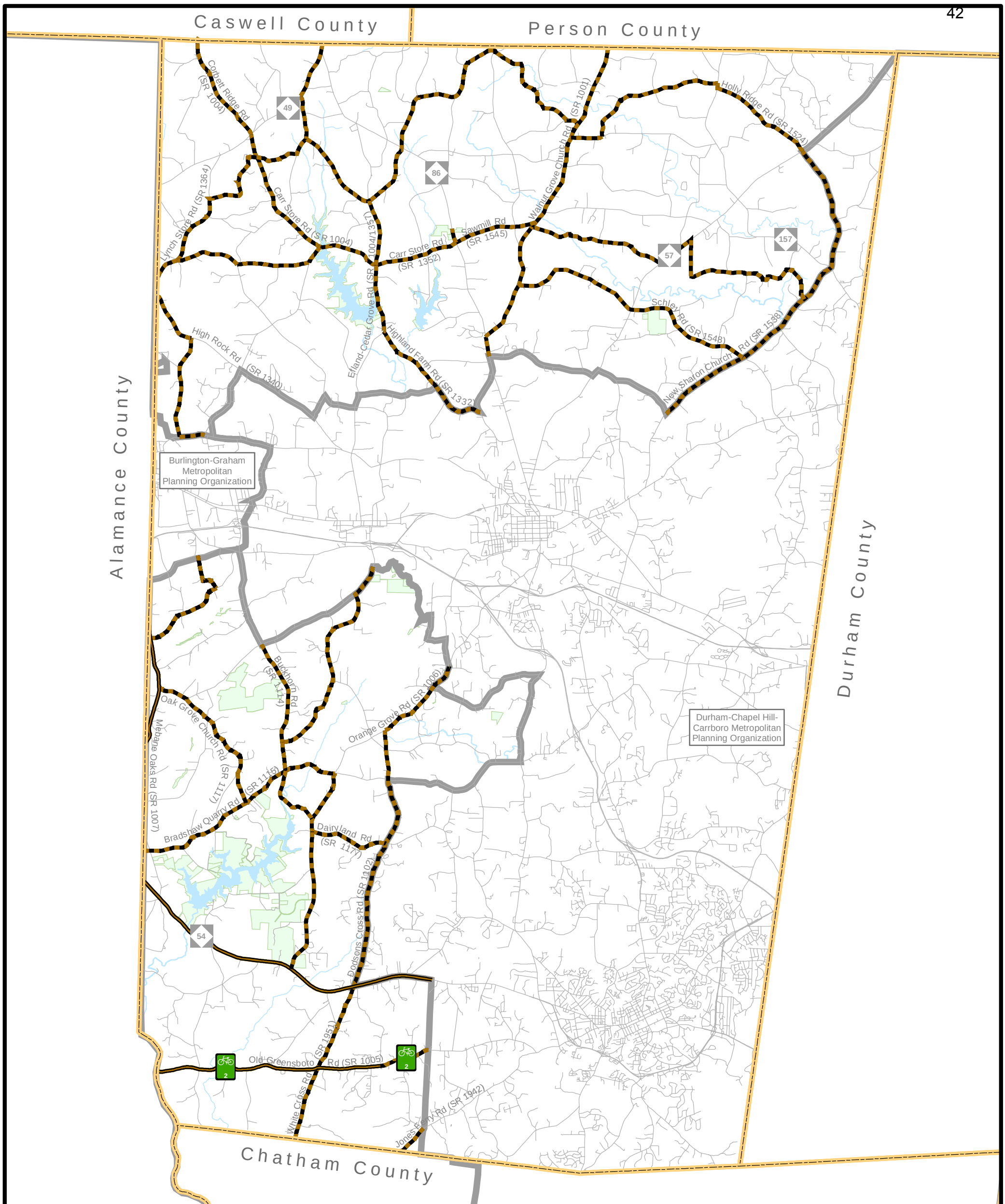
DRAFT

Orange County
Comprehensive Transportation Plan

Plan date: December 11, 2012

Back of Figure

DRAFT



On-road

- Existing
- Needs Improvement
- Recommended

Multi-Use Paths

- Existing
- Needs Improvement
- Recommended

Off-road

- Existing
- Needs Improvement
- Recommended

- Existing Grade Separation
- Proposed Grade Separation
- North Carolina Bike Route

0 1 2 3 4
Miles

N W E S

Figure 1
Sheet 4 of 5

Base map date: April, 2009

Refer to CTP document for more details

Bicycle Map

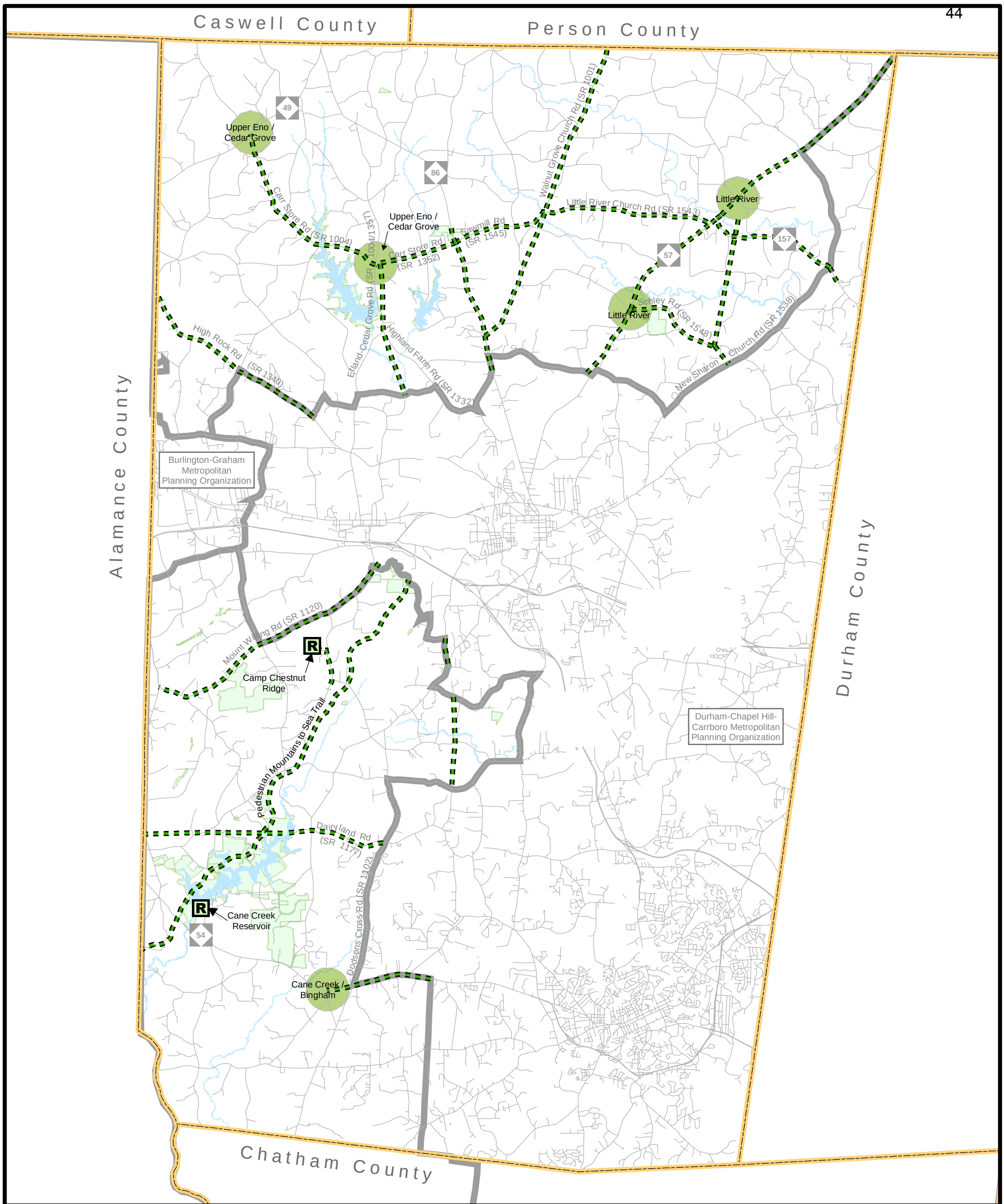
DRAFT

Orange County
Comprehensive Transportation Plan

Plan date: December 11, 2012

Back of Figure

DRAFT



Sidewalks

- Existing
- Needs Improvement
- Recommended

Off-Road

- Existing
- Needs Improvement
- Recommended

Multi-Use Paths

- Existing
- Needs Improvement
- Recommended

- Existing Grade Separation
- Proposed Grade Separation

- Rural Communities
- Local Recreation Sites

0 1 2 3 4
Miles

N
W E
S

Figure 1
Sheet 5 of 5

Base map date: April, 2009

Refer to CTP document for more details

Pedestrian Map

DRAFT

Orange County
Comprehensive Transportation Plan

Plan date: December 11, 2012

Back of Figure

DRAFT

I. Analysis of the Existing and Future Transportation System

A Comprehensive Transportation Plan (CTP) is developed to ensure that the progressively developed transportation system will meet the needs of the region for the planning period. The CTP serves as an official guide to providing a well-coordinated, efficient, and economical transportation system for the future of the region. This document should be utilized by the local officials to ensure that planned transportation facilities reflect the needs of the public, while minimizing the disruption to local residents, businesses and environmental resources.

In order to develop a CTP, the following are considered:

- Analysis of the transportation system, including any local and statewide initiatives;
- Impacts to the natural and human environment, including natural resources, historic resources, homes, and businesses;
- Public input, including community vision and goals and objectives.

Analysis Methodology and Data Requirements

Reliable forecasts of future travel patterns must be estimated in order to analyze the ability of the transportation system to meet future travel demand. These forecasts depend on careful analysis of the character and intensity of existing and future land use and travel patterns.

An analysis of the transportation system looks at both current and future travel patterns and identifies existing and anticipated deficiencies. This is usually accomplished through a capacity deficiency analysis, a traffic crash analysis, and a system deficiency analysis. This information, along with population growth, economic development potential, and land use trends, is used to determine the potential impacts on the future transportation system.

Roadway System Analysis

An important stage in the development of a CTP is the analysis of the existing transportation system and its ability to serve the area's travel desires. Emphasis is placed not only on detecting the existing deficiencies, but also on understanding the causes of these deficiencies. Roadway deficiencies may result from inadequacies such as pavement widths, intersection geometry, and intersection controls; or system problems, such as the need to construct missing travel links, bypass routes, loop facilities, additional radial routes or infrastructure improvements to meet statewide initiatives.

One of those statewide initiatives is the Strategic Highway Corridor (SHC) Vision Plan adopted by the Board of Transportation on September 2, 2004 and last revised on July

10, 2008. The SHC Vision Plan represents a timely initiative to protect and maximize the mobility and connectivity on a core set of highway corridors throughout North Carolina, while promoting environmental stewardship through maximizing the use of existing facilities to the extent possible, and fostering economic prosperity through the quick and efficient movement of people and goods.

The primary purpose of the SHC Vision Plan is to provide a network of high-speed, safe, reliable highways throughout North Carolina. The primary goal to support this purpose is to create a greater consensus towards the development of a genuine vision for each corridor – specifically towards the identification of a desired facility type (Freeway, Expressway, Boulevard, or Thoroughfare) for each corridor. Individual Comprehensive Transportation Plans shall incorporate the long-term vision of each corridor. Refer to Appendix A for contact information.

In the development of this plan, travel demand was projected from 2007 to 2035 by two methods. The first method was a trendline analysis based on Annual Average Daily Traffic (AADT) from 1990 to 2007. AADT data from 2008 and 2009 was available, but due to high gasoline prices and less travel during these years, the data did not match past growth trends. In order to avoid underestimating future travel demand in 2035, data from 2007 was used for projections instead.

In addition, local land use plans and growth expectations were used to further refine future growth rates and patterns. The second projection method used the Triangle Regional Model ("TRM V4-2008," Official Adopted Triangle Regional Model) as a comparison to the growth patterns of the trendline analysis. The Triangle Regional Model (TRM) is a tool that was developed for understanding how future growth in the region impacts transportation facilities and services. The TRM can help identify the location and scale of future transportation problems, and proposed solutions to those problems can be tested using the TRM. The projections of the TRM utilized for this comparison were found to be consistent with the trendline AADT data projections.

The above two methods were used to establish growth rates for studied roadways, ranging between 1.0% and 3.0%. The final growth rates were used to project 2007 AADT data to the 2035 horizon year, and this data was endorsed by the Orange County Board of Commissioners on May 17, 2011. Refer to Figure 2 for the Growth Rate Map.

Existing and future travel demand is compared to existing roadway capacities. Capacity deficiencies occur when the traffic volume of a roadway exceeds the roadway's capacity. Roadways are considered near capacity when the traffic volume is at least eighty percent of the capacity. The planning area contained no capacity deficiencies in the existing conditions. Refer to Figure 3 for future capacity deficiencies.

Capacity is the maximum number of vehicles which have a "reasonable expectation" of passing over a given section of roadway, during a given time period under prevailing roadway and traffic conditions. Many factors contribute to the capacity of a roadway including the following:

- Geometry of the road (including number of lanes), horizontal and vertical alignment, and proximity of perceived obstructions to safe travel along the road;
- Typical users of the road, such as commuters, recreational travelers, and truck traffic;
- Access control, including streets and driveways, or lack thereof, along the roadway;
- Development along the road, including residential, commercial, agricultural, and industrial developments;
- Number of traffic signals along the route;
- Peaking characteristics of the traffic on the road;
- Characteristics of side-roads feeding into the road; and
- Directional split of traffic or the percentages of vehicles traveling in each direction along a road at any given time.

The relationship of travel demand compared to the roadway capacity determines the level of service (LOS) of a roadway. Six levels of service identify the range of possible conditions. Designations range from LOS A, which represents the best operating conditions, to LOS F, which represents the worst operating conditions.

LOS D indicates "practical capacity" of a roadway, or the capacity at which the public begins to express dissatisfaction. The practical capacity for each roadway was developed based on the 2000 Highway Capacity Manual using the NCLOS program. Recommended improvements and overall design of the transportation plan were based upon achieving a minimum LOS D on existing facilities and a LOS C for new facilities. Refer to Appendix E for detailed information on LOS.

Traffic Crash Analysis

Traffic crashes are often used as an indicator for locating congestion and roadway problems. Crash patterns obtained from an analysis of crash data can lead to the identification of improvements that will reduce the number of crashes. A crash analysis was performed for the Orange County CTP for crashes occurring in the planning area between January 1, 2007 and December 31, 2009. During this period, a total of 2 intersections were identified as having a high number of crashes as illustrated in Figure 4. Refer to Appendix F for a detailed crash analysis.

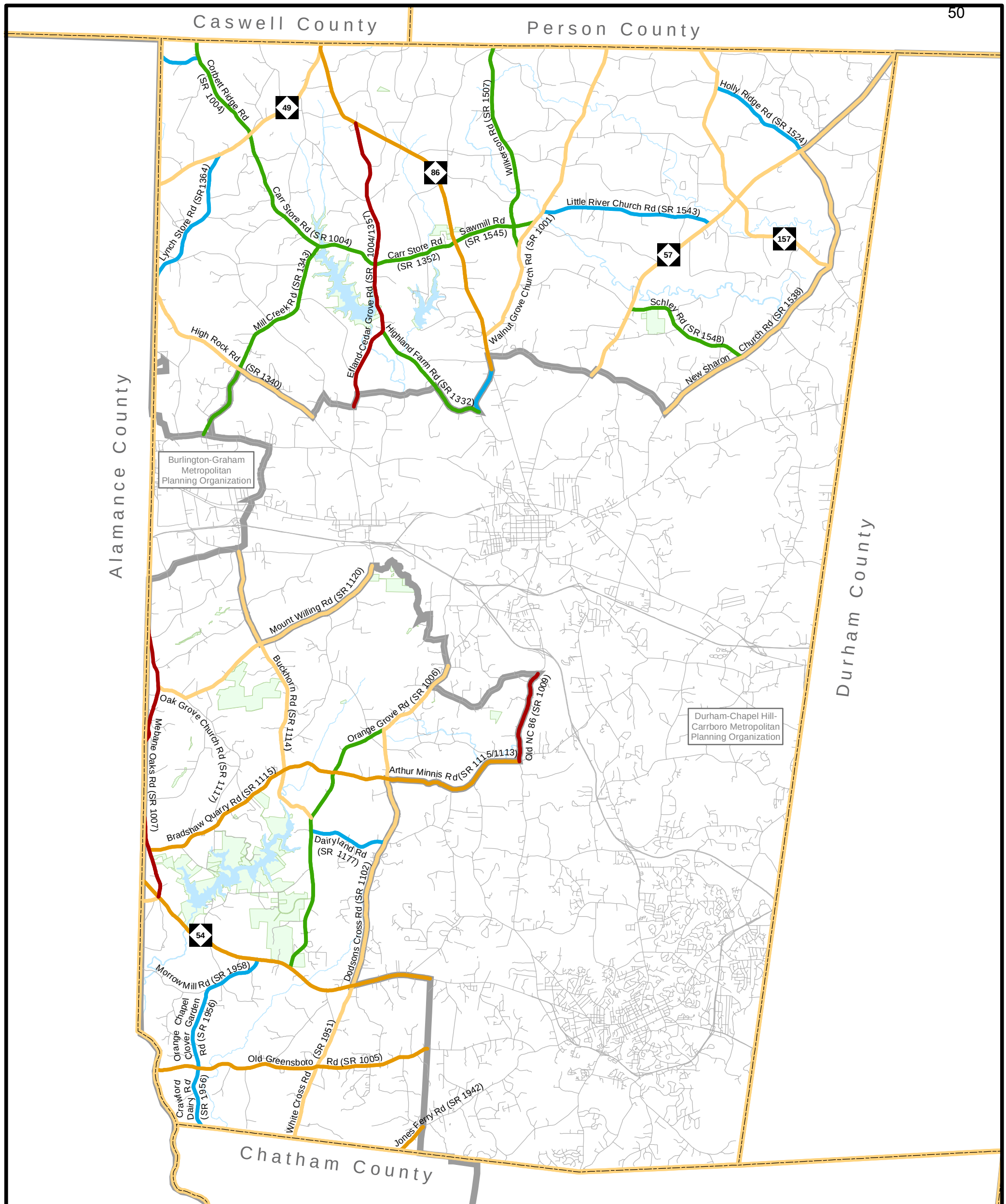
Bridge Deficiency Assessment

Bridges are a vital and unique element of a highway system. First, they represent the highest unit investment of all elements of the system. Second, any inadequacy or deficiency in a bridge reduces the value of the total investment. Third, a bridge presents the greatest opportunity of all potential highway failures for disruption of

community welfare. Finally, and most importantly, a bridge represents the greatest opportunity of all highway failures for loss of life. For these reasons, it is imperative that bridges be constructed to the same design standards as the system of which they are a part.

The NCDOT Structures Management Unit inspects all bridges in North Carolina at least once every two years. Bridges having the highest priority are replaced as Federal and State funds become available. Six (6) deficient bridges were identified within the planning area and are illustrated in Figure 5. Refer to Appendix G for more detailed information.

DRAFT



Growth Rate (%)

- 1.0
- 1.5
- 2.0
- 2.5
- 3.0

0 0.5 1 2 3 4
Miles

N
W E
S

Figure 2

Base map date: April, 2009

Refer to CTP document for more details

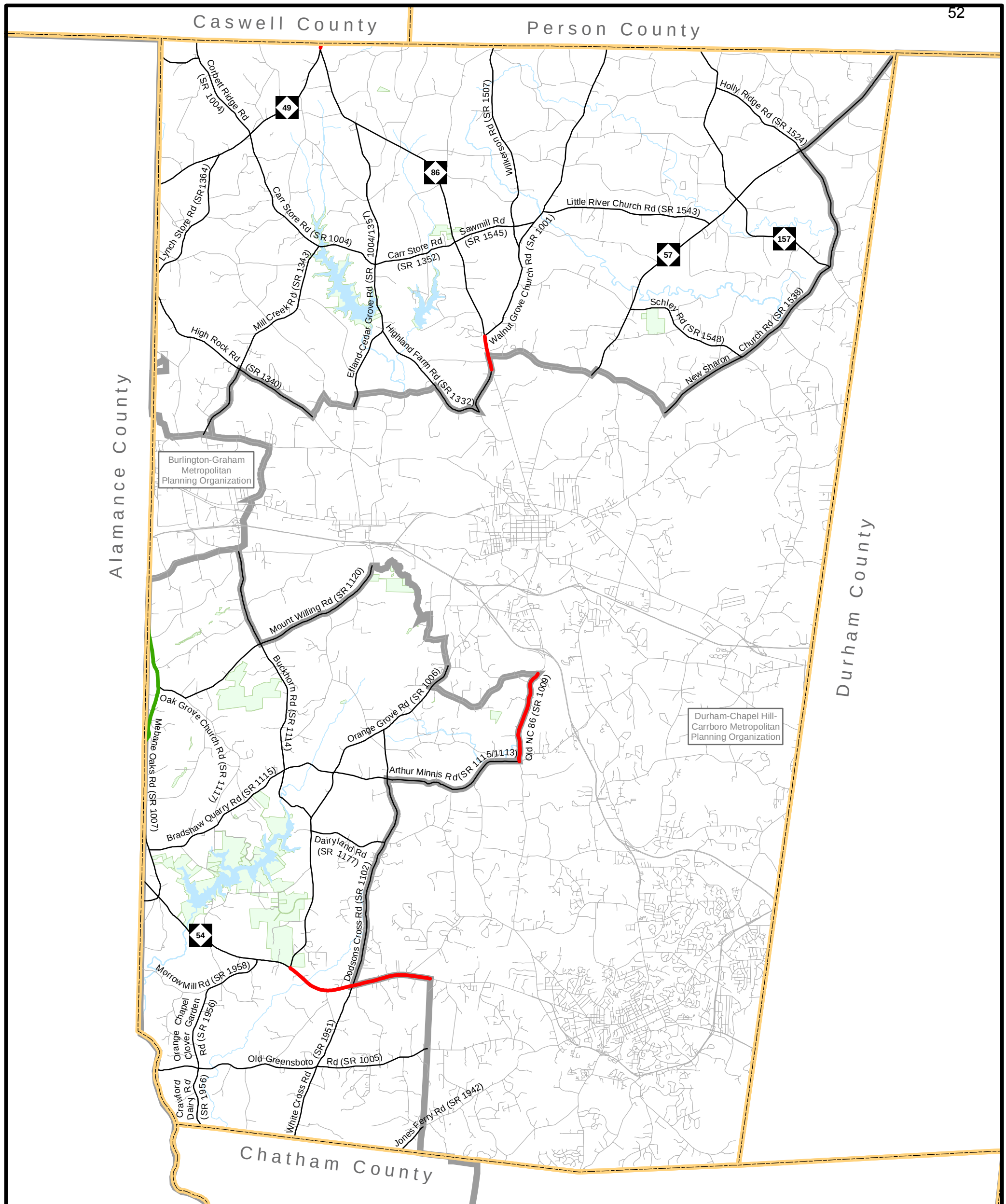
Growth Rates Map

Orange County

Comprehensive Transportation Plan

Back of Figure

DRAFT



Roadway Deficiency (Volume/Capacity Ratio)

- Under Capacity (0 - 0.7)
- Near Capacity (0.8 - 0.9)
- Over Capacity (1.0+)

0 0.5 1 2 3 4
Miles

N
W E
S

Figure 3

Base map date: April, 2009

Refer to CTP document for more details

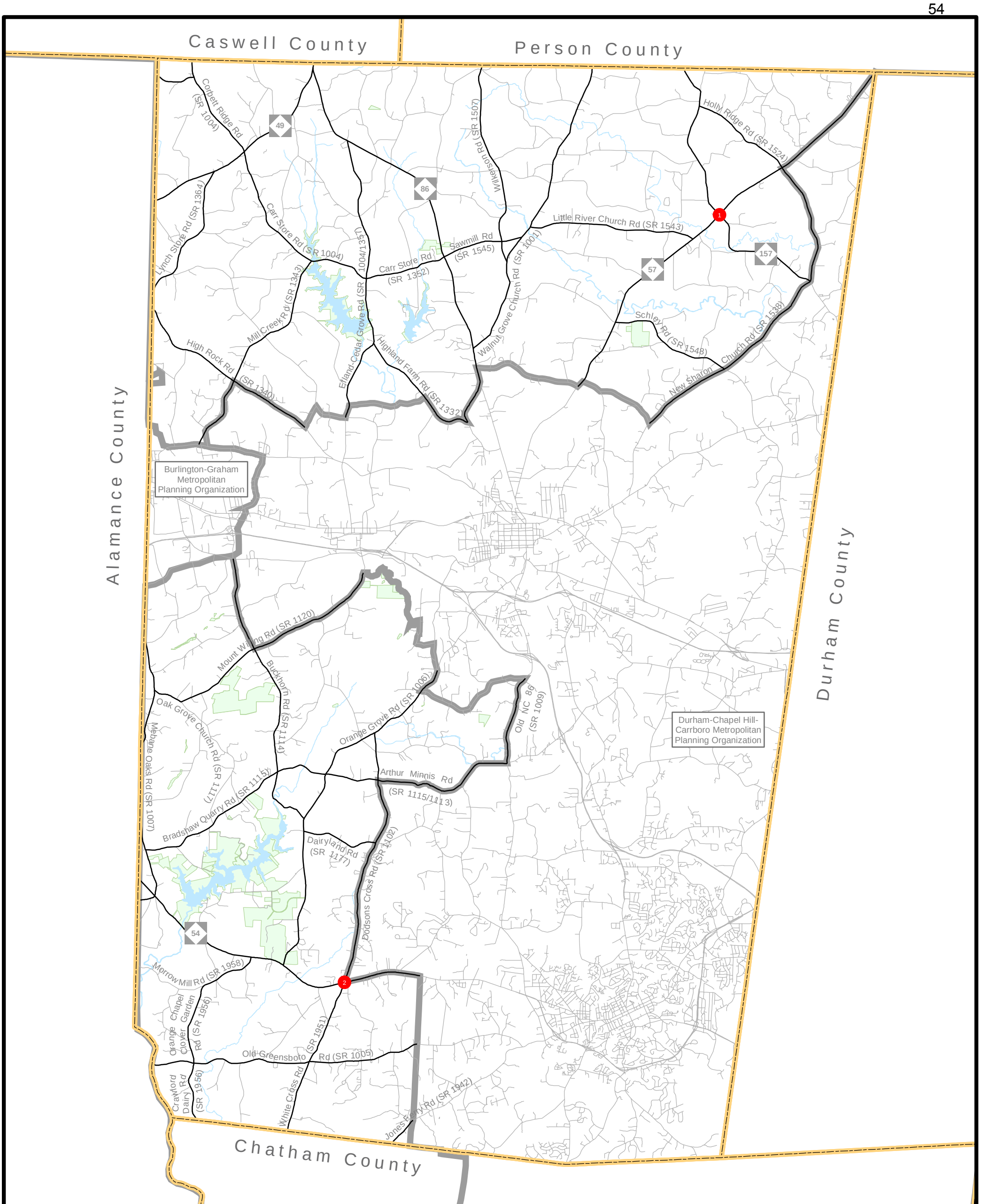
Future (2035) Roadway Deficiency Map

Orange County

Comprehensive Transportation Plan

Back of Figure

DRAFT



Crash Locations (# Map Index)

CTP Road Network

Roads

Rivers and Streams

Water Bodies

Parks and Gamelands

County Boundaries

MPO Boundaries

0 1 2 3 4
Miles

N
W E
S

Figure 4

Base map date: April, 2009

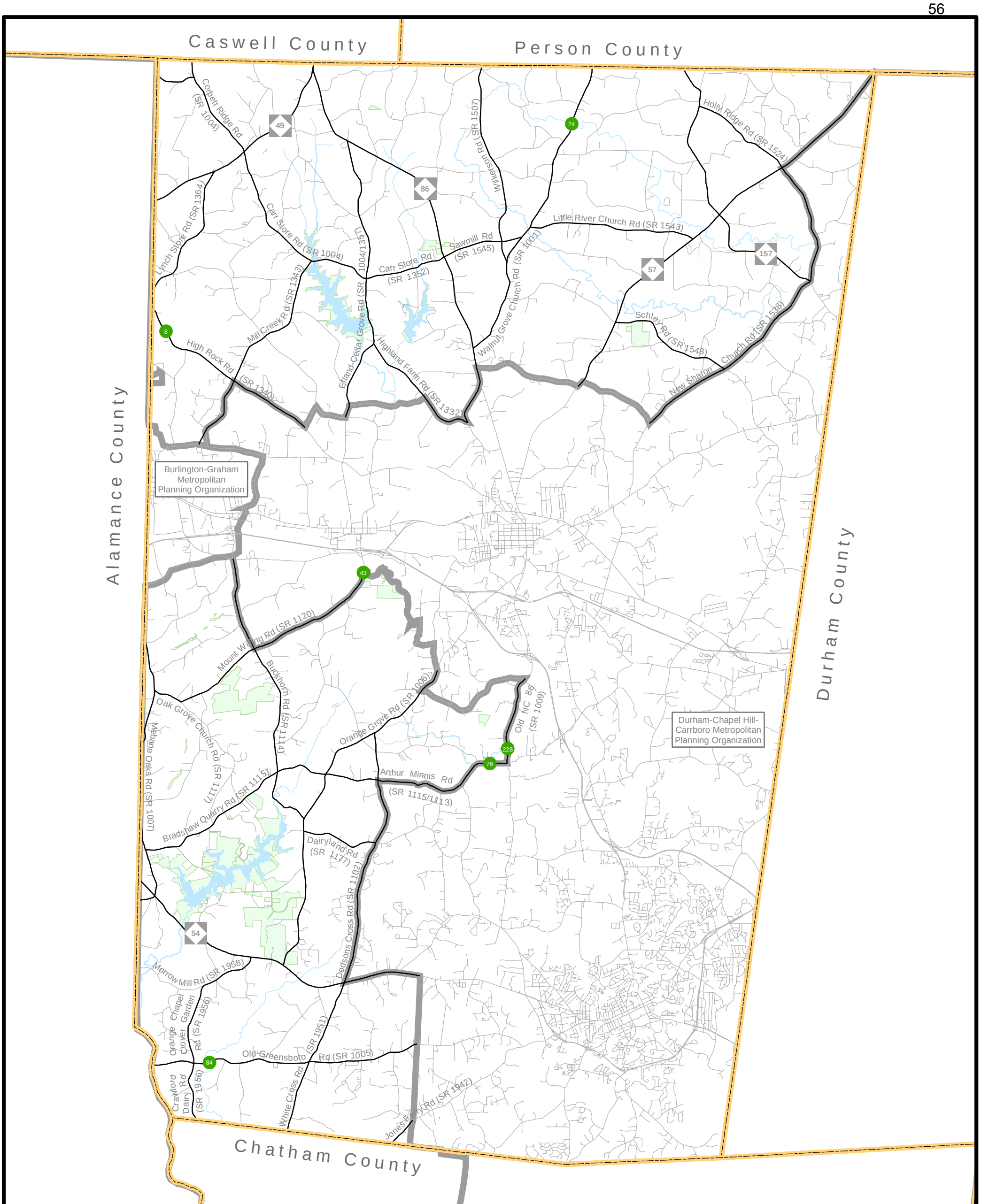
Refer to CTP document for more details

Crash Locations Map

Orange County
Comprehensive Transportation Plan

Back of Figure

DRAFT



Deficient Bridges (# Bridge Number)

CTP Road Network

Roads

Rivers and Streams

Water Bodies

Parks and Gamelands

County Boundaries

MPO Boundaries

0 1 2 3 4
Miles

N
W E
S

Figure 5

Base map date: April, 2009

Refer to CTP document for more details

Deficient Bridges Map

Orange County North Carolina 1752

Orange County
Comprehensive Transportation Plan

Back of Figure

DRAFT

Public Transportation and Rail

Public transportation and rail are vital modes of transportation that give alternative options for transporting people and goods from one place to another.

Public Transportation

North Carolina's public transportation systems serve more than 50 million passengers each year. Five categories define North Carolina's public transportation system: community, regional community, urban, regional urban and intercity.

- Community Transportation - Local transportation efforts formerly centered on assisting clients of human service agencies. Today, the vast majority of rural systems serve the general public as well as those clients.

- Regional Community Transportation - Regional community transportation systems are composed of two or more contiguous counties providing coordinated / consolidated service. Although such systems are not new, the NCDOT Board of Transportation is encouraging single-county systems to consider mergers to form more regional systems.

- Urban Transportation – There are currently nineteen urban transit systems operating in North Carolina, from locations such as Asheville and Hendersonville in the west to Jacksonville and Wilmington in the east. In addition, small urban systems are at work in three areas of the state. Consolidated urban-community transportation exists in five areas of the state. In those systems, one transportation system provides both urban and rural transportation within the county.

- Regional Urban Transportation - Regional urban transit systems currently operate in three areas of the state. These systems connect multiple municipalities and counties.

- Intercity Transportation - Intercity bus service is one of a few remaining examples of privately owned and operated public transportation in North Carolina. Intercity buses serve many cities and towns throughout the state and provide connections to locations in neighboring states and throughout the United States and Canada. Greyhound/Carolina Trailways operates in North Carolina. However, community, urban and regional transportation systems are providing increasing intercity service in North Carolina.

An inventory of existing and planned fixed public transportation routes for the planning area is presented on Sheet 3 of Figure 1. Although the areas of Hillsborough and Chapel Hill have public transportation services in place, there are currently no fixed or scheduled services that serve the Orange County CTP area (the rural areas of the county). Orange Public Transit (OPT) offers transportation for the elderly or disabled to medical care, shopping, nutrition sites, and senior centers; however, these services are provided on the basis of individual qualifications and requests, so they were not included in the CTP inventory of existing routes.

The Triangle Regional Transit Plan (TRTP), which is in progress, contains a bus element for Orange County, which was utilized in the development of the public transportation element of the CTP. All recommendations for public transportation were coordinated with the local government and the Public Transportation Division of NCDOT. Refer to Appendix A for contact information.

Rail

Today North Carolina has 3,684 miles of railroad tracks throughout the state. There are two types of trains that operate in the state, passenger trains and freight trains.

The North Carolina Department of Transportation sponsors two passenger trains, the Carolinian and Piedmont. The Carolinian runs between Charlotte and New York City, while the Piedmont train carries passengers from Raleigh to Charlotte and back everyday. Combined, the Carolinian and Piedmont carry more than 200,000 passengers each year.

There are two major freight railroad companies that operate in North Carolina – CSX Transportation and Norfolk Southern Corporation. Also, there are more than 20 smaller freight railroads, known as shortlines.

There are currently no existing rail facilities within the CTP planning area; Orange County's existing rail lines are contained within the MPO areas. Refer to Appendix A for contact information for the Rail Division of NCDOT.

Bicycles & Pedestrians

Bicyclists and pedestrians are a growing part of the transportation equation in North Carolina. Many communities are working to improve mobility for both cyclists and pedestrians.

NCDOT's Bicycle Policy, updated in 1991, clarifies responsibilities regarding the provision of bicycle facilities upon and along the 77,000-mile state-maintained highway system. The policy details guidelines for planning, design, construction, maintenance, and operations pertaining to bicycle facilities and accommodations. All bicycle improvements undertaken by the NCDOT are based upon this policy.

The 2000 NCDOT Pedestrian Policy Guidelines specifies that NCDOT will participate with localities in the construction of sidewalks as incidental features of highway improvement projects. At the request of a locality, state funds for a sidewalk are made available if matched by the requesting locality, using a sliding scale based on population.

NCDOT's administrative guidelines, adopted in 1994, ensure that greenways and greenway crossings are considered during the highway planning process. This policy was incorporated so that critical corridors which have been adopted by localities for future greenways will not be severed by highway construction.

The 1999 Orange County Bicycle Transportation Plan was utilized in the development of the bicycle element of the CTP. Orange County currently contains the Mountains to Sea Trail, also known as NC Bike Route 2, which runs along Old Greensboro Road (SR 1005) within the planning area. Although much of the bicycling that presently occurs in Orange County is for recreational purposes, the proposed network of bicycle recommendations in the CTP, when combined with connections recommended in neighboring plans by Durham-Chapel Hill-Carrboro (DCHC) MPO and Burlington Graham MPO, will present additional commuting opportunities as well. Detailed coordination was specifically performed with the draft DCHC MPO 2040 Metropolitan Transportation Plan (MTP) and CTP as it was under development, to ensure consistent connections across planning boundaries throughout the county.

Orange County also has a pedestrian plan in progress that was utilized in the development of the pedestrian element of the CTP.

Inventories of existing and planned bicycle and pedestrian facilities for the planning area are presented on Sheets 4 and 5 of Figure 1. All recommendations for bicycle and pedestrian facilities were coordinated with the local governments and the NCDOT Division of Bicycle and Pedestrian Transportation. Refer to Appendix A for contact information.

Land Use

G.S. §136-66.2 requires that local areas have a current (less than five years old) land development plan prior to adoption of the CTP. For this CTP, the 2030 Orange County Comprehensive Plan, adopted in 2008, was used to meet this requirement and is illustrated in Figure 6.

Land use refers to the physical patterns of activities and functions within an area. Traffic demand in a given area is, in part, attributed to adjacent land use. For example, a large shopping center typically generates higher traffic volumes than a residential area. The spatial distribution of different types of land uses is a predominant determinant of when, where, and to what extent traffic congestion occurs. The travel demand between different land uses and the resulting impact on traffic conditions varies depending on the size, type, intensity, and spatial separation of development. Additionally, traffic volumes have different peaks based on the time of day and the day of the week. For transportation planning purposes, land use is divided into the following categories:

- Residential: Land devoted to the housing of people, with the exception of hotels and motels which are considered commercial.
- Commercial: Land devoted to retail trade including consumer and business services and their offices; this may be further stratified into retail and special retail classifications. Special retail would include high-traffic establishments,

such as fast food restaurants and service stations; all other commercial establishments would be considered retail.

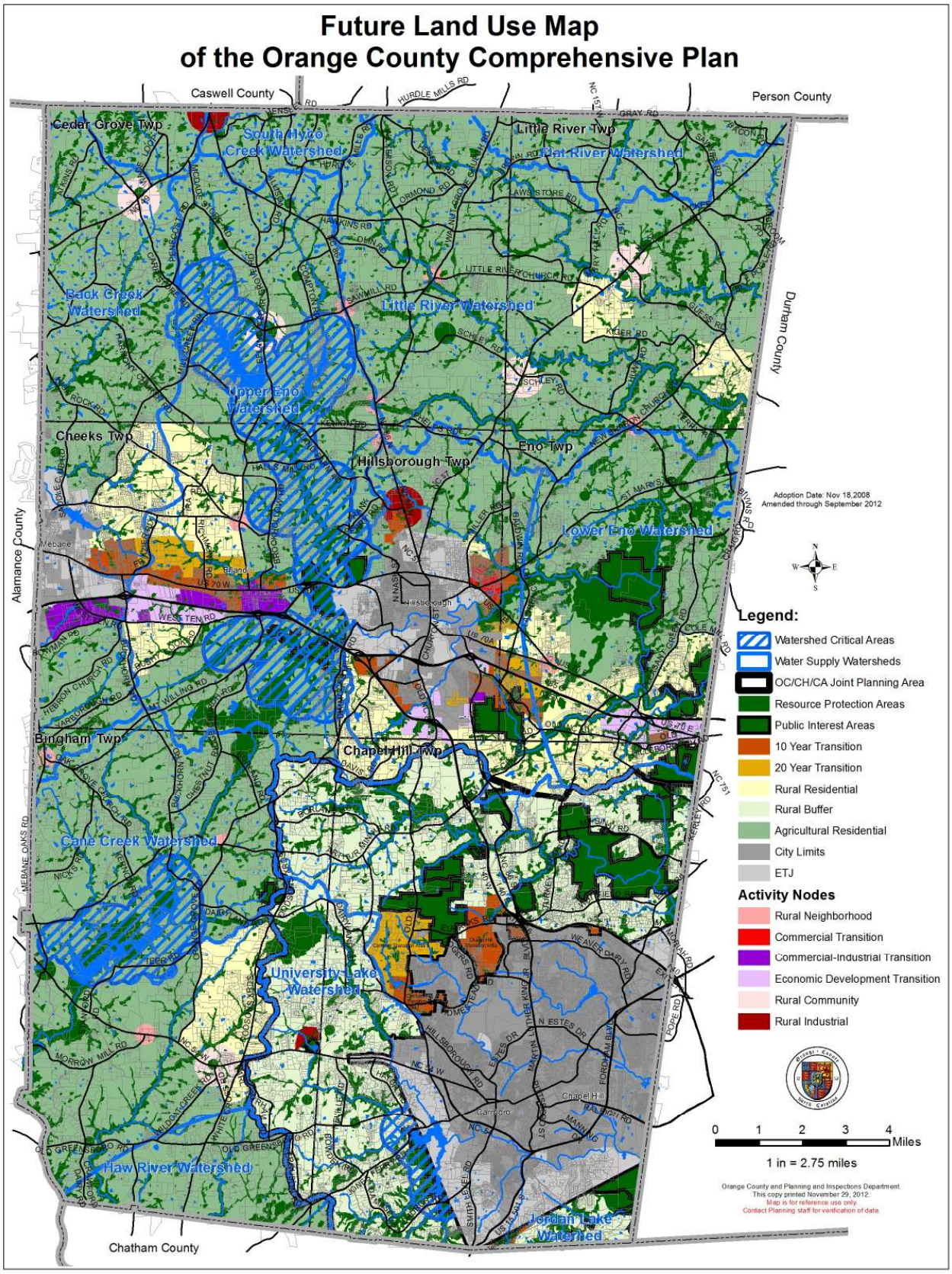
- Industrial: Land devoted to the manufacturing, storage, warehousing, and transportation of products.
- Public: Land devoted to social, religious, educational, cultural, and political activities; this would include the office and service employment establishments.
- Agricultural: Land devoted to the use of buildings or structures for the raising of non-domestic animals and/or growing of plants for food and other production.
- Mixed Use: Land devoted to a combination of any of the categories above.

Anticipated future land development is, in general, a logical extension of the present spatial land use distribution. Locations and types of expected growth within the planning area help to determine the location and type of proposed transportation improvements.

Orange County anticipates the CTP planning area, which covers the rural areas of the county outside of the MPOs and municipalities, to remain primarily rural. The county's 2030 Comprehensive Plan reflects predominantly low-density residential development on private wells and septic systems and agricultural land uses for the future (See Figure 6). There are five Rural Community Nodes, located at key intersections along the more heavily traveled routes, and relatively smaller Rural Neighborhood Nodes at other less traveled intersections. One Rural Industrial Node, intended for small scale industrial uses not requiring urban services, is located at the northwest boundary of the planning area at the intersection of NC 86 and NC 49. Small portions of the Rural Buffer, an area that is jointly planned among Orange County, Chapel Hill, and Carrboro, are also located within the planning area. The Rural Buffer is intended to protect rural character and is to remain rural, containing very low-density residential uses, and not require urban services. In general, the county's plan focuses the majority of the growth in and around the municipalities, which fall inside the MPO areas.

DRAFT

Figure 6


Future Land Use Map
of the Orange County Comprehensive Plan
Caswell County
Person County
Durham County
Alamance County
Chatham County
Cedar Grove Twp
Little River Twp
Cheeks Twp
Hillsborough Twp
Eno Twp
Bingham Twp
Chapel Hill Twp
South Hyco Creek Watershed
Cobb River Watershed
Back Creek Watershed
Little River Watershed
Upper Eno Watershed
Lower Eno Watershed
Cane Creek Watershed
University Lake Watershed
Haw River Watershed
Jordan Lake Watershed
Adoption Date: Nov 18,2008
Amended through September 2012
Legend:
Watershed Critical Areas
Water Supply Watersheds
OC/CH/CA Joint Planning Area
Resource Protection Areas
Public Interest Areas
10 Year Transition
20 Year Transition
Rural Residential
Rural Buffer
Agricultural Residential
City Limits
ETJ
Activity Nodes
Rural Neighborhood
Commercial Transition
Commercial-Industrial Transition
Economic Development Transition
Rural Community
Rural Industrial
0 1 2 3 4 Miles
1 in = 2.75 miles
Orange County and Planning and Inspections Department.
This copy printed November 29, 2012.
Map is for reference use only.
Contact Planning staff for verification of data.

Back of Figure

DRAFT

Consideration of Natural and Human Environment

Environmental features are a key consideration in the transportation planning process. Section 102 of the National Environmental Policy Act (NEPA) requires consideration of impacts on wetlands, wildlife, water quality, historic properties, and public lands. While a full NEPA evaluation was not conducted as part of the CTP, potential impacts to these resources were identified as a part of the project recommendations in Chapter 2 of this report. Prior to implementing transportation recommendations of the CTP, a more detailed environmental study would need to be completed in cooperation with the appropriate environmental resource agencies.

A full listing of environmental features that were examined as a part of this study is shown in the following tables utilizing the best available data. Environmental features occurring within Orange County are shown in Figure(s) 7, 8, and 9.

Table 1 – Environmental Features

- Airport Boundaries
- Anadromous Fish Spawning Areas
- Beach Access Sites
- Bike Routes (NCDOT)
- Coastal Marinas
- Colleges and Universities
- Conservation Tax Credit Properties
- Emergency Operation Centers
- Federal Land Ownership
- Fisheries Nursery Areas
- Geology (including Dikes and Faults)
- Hazardous Substance Disposal Sites
- Hazardous Waste Facilities
- High Quality Water and Outstanding Resource Water Management Zones
- Hospital Locations
- Hydrography (1:24,000 scale)
- Land Trust Priority Areas
- National Heritage Element Occurrences
- National Wetlands Inventory
- North Carolina Coastal Region Evaluation of Wetland Significance (NC-CREWS)
- Paddle Trails – Coastal Plain
- Railroads (1:24,000 scale)
- Recreation Projects – Land and Water Conservation Fund
- Sanitary Sewer Systems – Discharges, Land Application Areas, Pipes, Pumps and Treatment Plants
- Schools – Public and Non-Public
- Shellfish Strata
- Significant Natural Heritage Areas
- State Parks
- Submersed Rooted Vasculars
- Target Local Watersheds - EEP
- Trout Streams (DWQ)
- Trout Waters (WRC)
- Water Distribution Systems – Pipes, Pumps, Tanks, Treatment Plants, and Wells
- Water Supply Watersheds
- Wild and Scenic Rivers

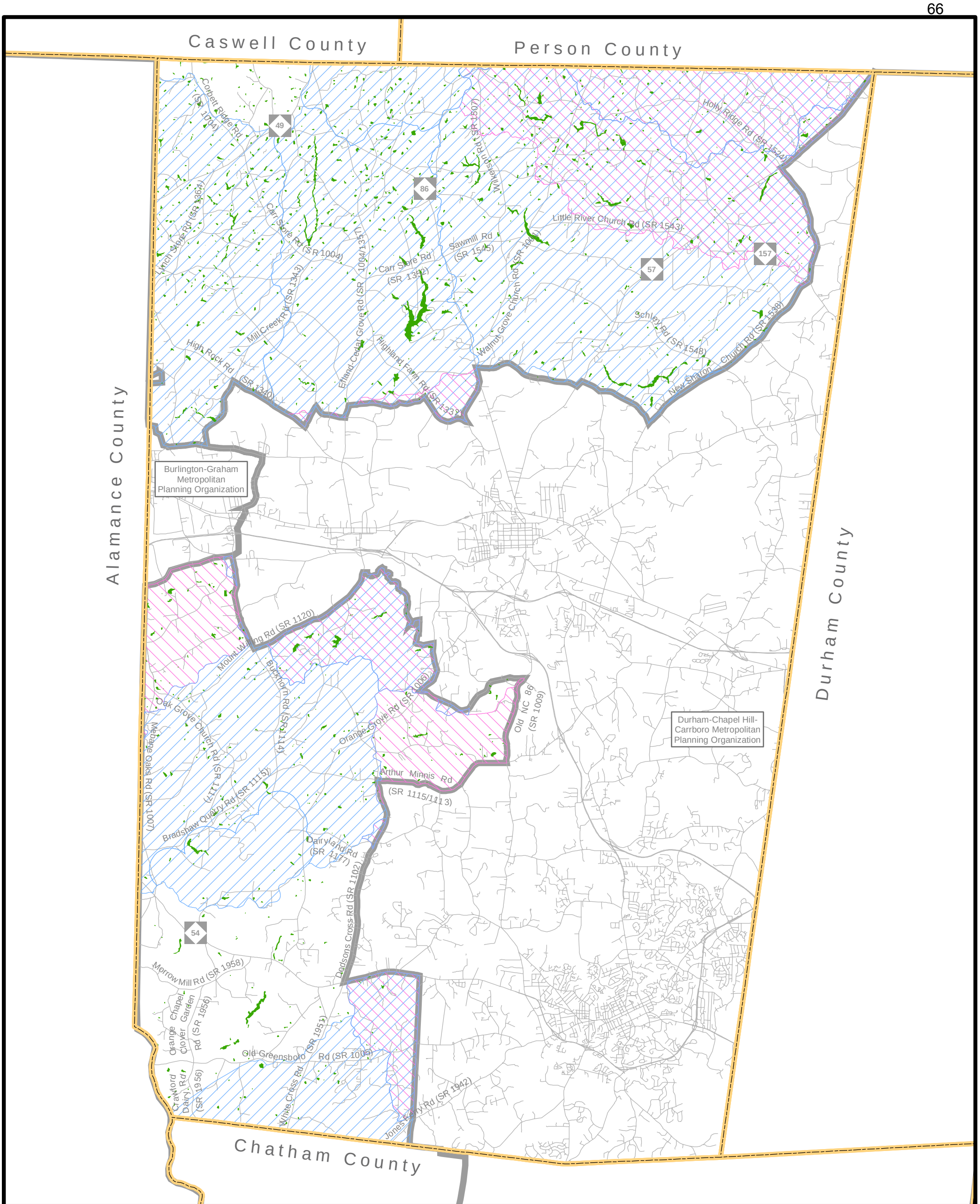
DRAFT

Additionally, the following environmental features were considered but are not mapped due to restrictions associated with the sensitivity of the data.

Table 2 – Restricted Environmental Features

- Archaeological Sites
- Historic National Register Districts
- Historic National Register Structures
- Macrosite Boundaries
- Managed Areas
- Megasite Boundaries

DRAFT



National Wetlands Inventory

Water Supply Watersheds

Target Local Watersheds

Roads

County Boundaries

MPO Boundaries

0 1 2 3 4
Miles

N
W E
S

Figure 7

Base map date: April, 2009

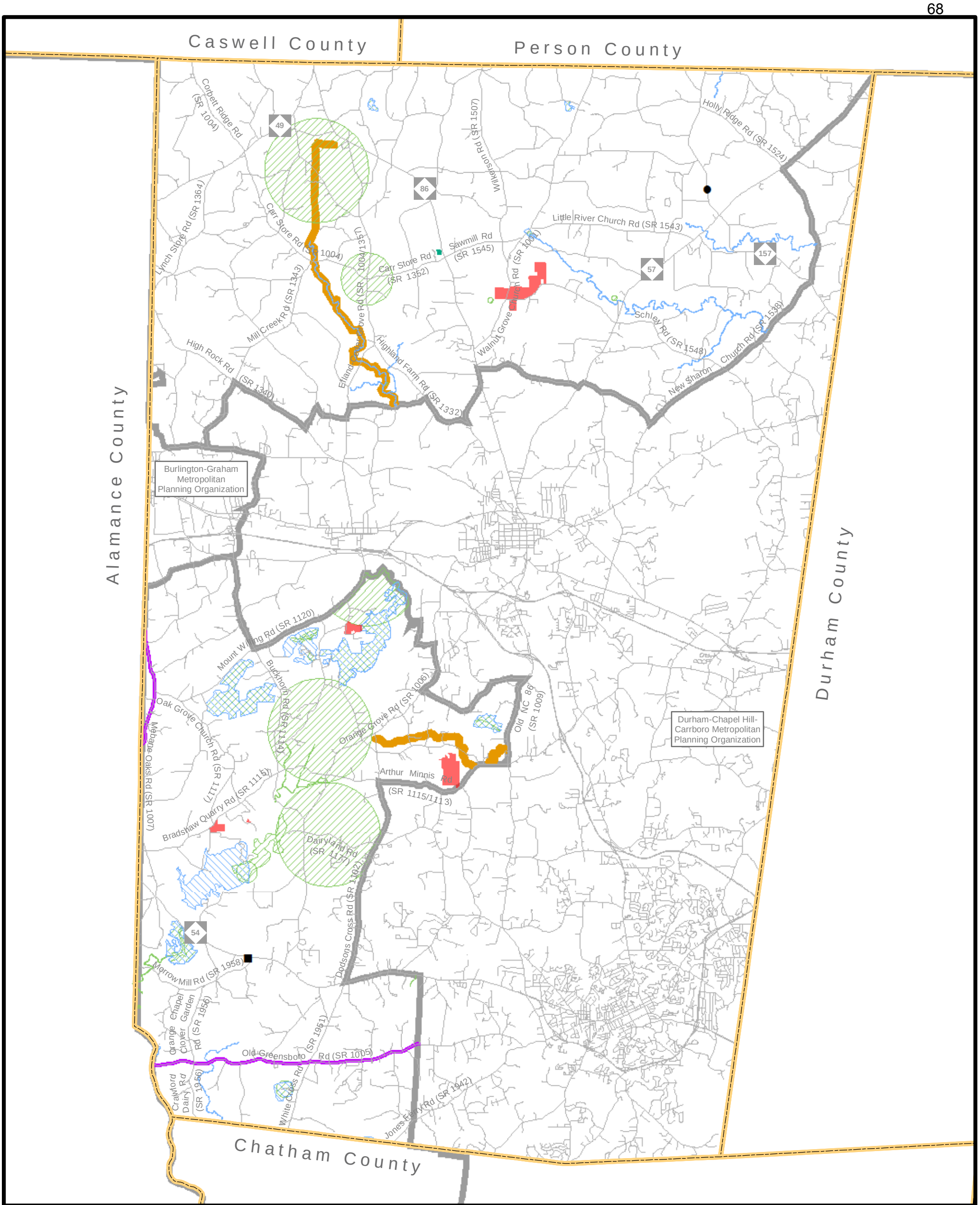
Refer to CTP document for more details

Environmental Features Map 1

Orange County
Comprehensive Transportation Plan

Back of Figure

DRAFT



- Hazardous Waste Disposal Sites
- Inactive Hazardous Sites
- Recreation Projects - Land and Water Conservation Fund
- Conservation Tax Credit Properties
- Significant Natural Heritage Areas
- Natural Heritage Element Occurrences
- Land Trust Priority Areas
- NCDOT Bike Routes
- Roads
- County Boundaries
- MPO Boundaries

0 1 2 3 4
Miles

N W E S

Figure 8

Base map date: April, 2009

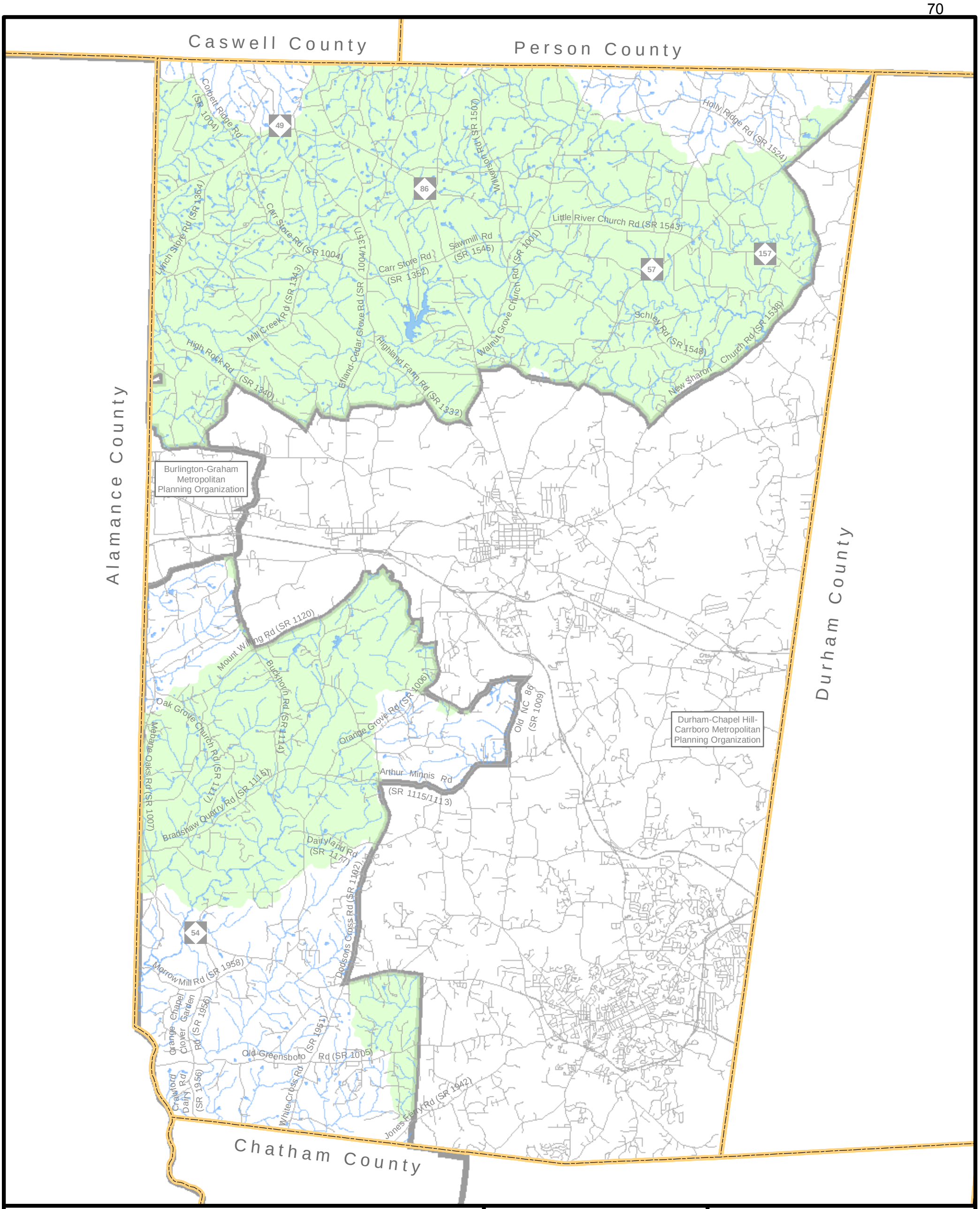
Refer to CTP document for more details

Environmental Features Map 2

Orange County Comprehensive Transportation Plan

Back of Figure

DRAFT



Hydrography (1:24k scale)

High Quality Water Outstanding Resource Water Management Zones

Roads

County Boundaries

MPO Boundaries

0 1 2 3 4
Miles

N
W E
S

Figure 9

Base map date: April, 2009

Refer to CTP document for more details

Environmental Features Map 3

Orange County
Comprehensive Transportation Plan

Back of Figure

DRAFT

Public Involvement

Public involvement is a key element in the transportation planning process. Adequate documentation of this process is essential for a seamless transfer of information from systems planning to project planning and design.

A meeting was held with the Orange County Board of Commissioners in September, 2009 to provide an overview of the transportation planning process and to gather input on area transportation needs.

Throughout the course of the study, the Transportation Planning Branch cooperatively worked with the CTP committee, which included representatives from the Orange County planning staff, the Orange Unified Transportation Board (OUTBoard), Triangle Area RPO, and Durham-Chapel Hill-Carrboro MPO, and NCDOT Division 7. The committee worked to provide information on current local plans, to develop transportation vision and goals, to discuss population and employment projections, and to develop proposed CTP recommendations. A representative from Burlington Graham MPO was also routinely updated on the CTP status and data from the committee. Refer to Appendix H for detailed information on the Statement of the CTP Vision and Goals & Objectives, the public survey, and a listing of committee members.

The Orange Unified Transportation Board (OUTBoard) is a local volunteer advisory board that reports to the Orange County Board of Commissioners and provides information on transportation projects and issues. This board served as a key element for input throughout the CTP study. Three OUTBoard members served on the CTP committee, and they were responsible for updating the entire OUTBoard of the CTP status at its regularly scheduled meetings. Presentations were also given to the OUTBoard by the Transportation Planning Branch at various steps throughout the planning process.

In addition to the OUTBoard, the County Planning Board is another volunteer advisory board, comprised of members appointed by the County Board of Commissioners. The focus of this group is to determine objectives in the development of the County, and make recommendations to the Board of Commissioners. The Planning Board was routinely updated on the status of the CTP by Orange County planning staff, and a presentation was also given by the Transportation Planning Branch on the draft recommendations.

The public involvement process included holding three public drop-in sessions in Orange County to present the proposed CTP to the public and solicit comments. The first was a public awareness session, held on September 29, 2009 from 5:00pm to 9:00pm at the Efland Ruritan Club, with the purpose of informing citizens of the plan that was under development and gaining their input on areas in need of study. The second meeting was a public drop-in session for the growth data, traffic projections, and preliminary recommendations, held on February 7, 2011 from 4:30pm to 7:30pm at the Orange County Public Library. The third meeting was a public drop-in session for the draft recommendations, held on September 14, 2011 from 4:30pm to 7:30pm at the Link

Government Services Center. Each public session was publicized in the local newspaper, on local government websites, in local blogs and advisory websites, on local radio shows, through email lists, and on flyers in various locations around the county.

One comment form was submitted during the session held on February 7, 2011, and one comment form was submitted during the session held on September 14, 2011. An online comment website was also created for the duration of the study, but no comment submissions were received via that format.

The public involvement process also included a public survey, which was created with input from the Transportation Planning Branch, Triangle Area RPO, Durham-Chapel Hill-Carrboro MPO, Orange Unified Transportation Board, and Orange County Board of Commissioners. It was released to the public on September 23, 2009, and closed on November 2, 2009. A total 491 surveys were completed (including both online and paper submissions).

In January of 2011, it was discovered that there was an overlap of boundaries between Durham-Chapel Hill-Carrboro MPO and Burlington Graham MPO in Orange County. Staff discussions on options for adjusting boundaries were held between the fall of 2011 and the fall of 2012, with a final option being approved by Orange County and the MPOs in the fall of 2012. Due to these developments, after the Orange County CTP recommendations were finalized by the committee in the spring of 2012, adoption of the CTP was postponed until approval of the MPO boundary adjustments.

A public hearing was held on FUTURE DATE during the Orange County Board of Commissioners meeting. The purpose of this meeting was to discuss the plan recommendations and to solicit further input from the public. The CTP was adopted at the meeting held on FUTURE DATE.

The Triangle Area RPO endorsed the CTP on FUTURE DATE. The North Carolina Board of Transportation voted to mutually adopt the Orange County CTP on FUTURE DATE.

DRAFT

II. Recommendations

This report documents the development of the YEAR Orange County CTP as shown in Figure 1. This chapter presents recommendations for each mode of transportation in the County.

Implementation

The CTP is based on the projected growth for the planning area. It is possible that actual growth patterns will differ from those logically anticipated. As a result, it may be necessary to accelerate or delay the implementation of some recommendations found within this plan. Some portions of the plan may require revisions in order to accommodate unexpected changes in development. Therefore, any changes made to one element of the CTP should be consistent with the other elements.

Initiative for implementing the CTP rests predominately with the policy boards and citizens of the County, as well as NCDOT. As transportation needs throughout the State exceed available funding, it is imperative that the local planning area aggressively pursue funding for priority projects. Refer to Appendix A for contact information on funding. Projects should be prioritized locally and submitted to the Triangle Area RPO for regional prioritization and submittal to NCDOT via a formalized process. Projects can only move into the project development phase after first being ranked in NCDOT's Prioritization Process and programmed into the State Transportation Improvement Program (STIP), which requires coordination with local MPOs and RPOs. Once programmed, the MPOs and RPOs play a significant role (as a concurring member on the team that oversees the project development and permitting process) in the location and design of projects as they move through the process. These projects must be in compliance with local plans and undergo additional public involvement efforts. Orange County is a member of the Triangle Area RPO and thus represented by the RPO throughout this process.

Local governments may use the CTP to guide development and protect corridors for the recommended projects. It is critical that NCDOT and local government coordinate on relevant land development reviews and all transportation projects to ensure proper implementation of the CTP. Local governments and NCDOT share the responsibility for access management and the planning, design and construction of the recommended projects.

Prior to implementing projects from the CTP, additional analysis will be necessary to meet the National Environmental Policy Act (NEPA) or the North Carolina (or State) Environmental Policy Act (SEPA). This CTP may be used to provide information in the NEPA/SEPA process.

DRAFT

The following pages contain problem statements for each recommendation, organized by CTP modal element.

DRAFT

Problem Statements

Multi-Modal Plan Aspects

A complete inventory of studied facilities and recommendations for the CTP is provided in Appendix C. Several facilities contain recommendations for multiple modes of transportation. These additional modes are referenced in the final column entitled "Other Modes" in the table in Appendix C.

HIGHWAY

Refer to Figure 1, Sheet 2 for the Highway CTP map.

NC 54 (Orange Grove Road to Neville Road/DCHC MPO), Local ID ORAN0002-H

NC 54 from Orange Grove Road (SR 1006) to Neville Road (SR 1945) (the DCHC MPO boundary) is projected to exceed Level of Service (LOS) D by 2035. Improvements are needed in order to relieve anticipated congestion and to maintain a minimum LOS D on the existing facility. This section of NC 54 is currently a 2-lane, 24-foot undivided cross section, with a continuous center turn lane in some segments.

The CTP project proposal is to provide a 4-lane divided cross section for this facility. The addition of a median will allow for better access control, thereby providing higher mobility for the facility.

NC 86 (Coleman Loop Road/DCHC MPO to Caswell County), Local ID ORAN0001-H

NC 86 from Coleman Loop Road (SR 1334) (the DCHC MPO boundary) to Walnut Grove Church Road (SR 1001) is projected to exceed Level of Service (LOS) D by 2035. Improvements are needed in order to relieve anticipated congestion and to maintain a minimum LOS D on the existing facility.

In addition, NC 86 throughout northern Orange County is identified as a recommended expressway on the Strategic Highway Corridor Vision Plan, in order to maintain regional and statewide mobility and connectivity. This section of NC 86 is currently a 2-lane, 24-foot undivided cross section.

The CTP project proposal is to provide a 4-lane divided expressway cross section for this facility from Coleman Loop Road (SR 1334) (the DCHC MPO boundary) to Caswell County. This includes the section of NC 86 that is concurrent with NC 49. The conversion to an expressway is consistent with the Strategic Highway Corridors Vision Plan. Refer to the draft DCHC MPO 2040 Metropolitan Transportation Plan (MTP) and

CTP for the preferred concept for NC 86, which will connect this CTP project segment to I-40 with a consistent expressway cross section around the Town of Hillsborough.

The CTP was temporarily delayed in the spring of 2010 due to local concerns with this project proposal and the Strategic Highway Corridors designation. However, while traffic on NC 86 is still projected to exceed capacity, CTP traffic projections to 2035 do not warrant a full expressway cross section within the planning horizon of this CTP. Ultimately, it was decided to move forward with the CTP, including this project proposal, with the understanding that the proposed cross section is ultimately driven by vision and not yet by traffic. NC 86 will be improved as needed, with the ultimate vision of an expressway. As with all projects, any improvements to NC 86 must also be submitted and programmed through NCDOT's Project Prioritization process in order to enter project development.

This project proposal overlaps with NCDOT project W-5318 to provide geometric improvements, paved shoulders, and rumble strips to NC 86 from NC 57 (inside the DCHC MPO) to the Caswell County line. NCDOT project W-5318 is scheduled to begin right-of-way in January, 2012 and construction in January, 2013.

Buckhorn Road Extension, Local ID ORAN0008-H

Buckhorn Road (SR 1114) and Dairyland Road (SR 1177) are currently primary choices for travel in southwest Orange County. However, the two roadways are discontinuous at their shared intersection with Orange Grove Road (SR 1006), another primary carrier throughout the area. The CTP project proposal is to provide a new location 2-lane cross section at Orange Grove Road (SR 1006) to extend Buckhorn Road (SR 1114) (ORAN0004-H) into Dairyland Road (SR 1177). This will provide better connectivity and improve traffic flow for this area of the county.

Little River Church Road Extension, Local ID ORAN0005-H

Northern Orange County contains very few options for continuous east-west travel beyond the primary route along Carr Store Road (SR 1004 / SR 1352), Sawmill Road (SR 1545), and Little River Church Road (SR 1543). However, Sawmill Road (SR 1545) and Little River Church Road (SR 1543) are discontinuous at their shared intersection with Walnut Grove Church Road (SR 1001). The CTP project proposal is to provide a new location 2-lane cross section at Walnut Grove Church Road (SR 1001) to extend Little River Church Road (SR 1543) into Sawmill Road (SR 1545). This will provide better east-west continuity and connectivity for this area of the county.

Minor Improvements

Not all of the following facilities are projected to exceed Level of Service (LOS) D by 2035, but improvements such as turn lanes, minor widening, and/or surfacing are ideal for better mobility and more streamlined facilities as growth occurs.

- **Arthur Minnis Road (SR 1115), Local ID ORAN0003-H:** Arthur Minnis Road (SR 1115) from Dodsons Cross Road (SR 1102) to Rocky Ridge Road / Arthur Minnis Road (SR 1113) is currently an unsurfaced, 20-foot cross section. The CTP project proposal is to provide a surfaced, 24-foot cross section suitable for public traffic use. The CTP committee identified the importance of this facility for east-west connectivity in this area of the county.
- **Buckhorn Road (SR 1114), Local ID ORAN0004-H:** Buckhorn Road (SR 1114) from Orange Grove Road (SR 1006) to Bradshaw Quarry Road (SR 1115) is currently an unsurfaced, 20-foot cross section. The CTP project proposal is to provide a surfaced, 24-foot cross section suitable for public traffic use. The CTP committee identified the importance of this facility for north-south connectivity in this area of the county.
- **(North) Efland-Cedar Grove Road (SR 1004), SPOT ID # 559:** Efland-Cedar Grove Road (SR 1004) from Highland Farm Road (SR 1332) to Carr Store Road (SR 1004 / SR 1352) is currently a 2-lane, 20-foot cross section. The CTP project proposal is to provide a 24-foot cross section with improvements to turn lanes and straightening of the roadway where needed. This project proposal overlaps with NCDOT project W-5143 to improve the horizontal alignment of the curve on Efland-Cedar Grove Road (SR 1004) north of the intersection with Highland Farm Road (SR 1332). NCDOT project W-5143 is scheduled to begin right-of-way in April, 2013 and construction in April, 2014.
- **Mebane Oaks Road (SR 1007), Local ID ORAN0006-H:** Mebane Oaks Road (SR 1007) from NC 54 to Alamance County is currently a 2-lane, 22-foot cross section. The CTP project proposal is to provide a 24-foot cross section with wide shoulders and turn lanes where needed.
- **Old NC 86 (SR 1009), Local ID ORAN0007-H:** Old NC 86 (SR 1009) from Arthur Minnis Road (SR 1113) (the DCHC MPO boundary) to Davis Road (SR 1129) (the DCHC MPO boundary) is currently a 2-lane, 22-foot cross section. The CTP project proposal is to provide a 24-foot cross section with wide shoulders and turn lanes where needed.

DRAFT

PUBLIC TRANSPORTATION & RAIL

Refer to Figure 1, Sheet 3 for the Public Transportation & Rail CTP map.

There are currently no existing rail facilities or recommendations within the CTP planning area; Orange County's existing rail lines are contained within the MPO areas.

Bus Routes

"The Bus and Rail Investment Plan in Orange County", adopted by the Orange County Board of County Commissioners on October 2, 2012, was utilized in the development of the bus element of the Orange County CTP. The CTP bus recommendations are listed below. More detailed information regarding "The Bus and Rail Investment Plan in Orange County" is available through Orange County.

- **Local ID ORAN0001-T:** Bus route along NC 54 from Alamance County to Neville Road (SR 1945) (the DCHC MPO boundary). The draft DCHC MPO 2040 Metropolitan Transportation Plan (MTP) and CTP identifies this recommendation as Express Bus projects B6a and B6b.
- **Local ID ORAN0002-T:** Bus route along NC 86 from Coleman Loop Road (SR 1334) (the DCHC MPO boundary) to Caswell County.

Park-and-Ride Lots

The CTP proposes the following potential park-and-ride lots to provide access to the proposed bus routes (ORAN0001-T and ORAN0002-T). All locations are based on current available information and are subject to change based on further study in the future. In addition, specific information such as number of spaces, surface of lot, and additional amenities would be developed at a later date. The CTP recommendation identifies general areas where lots are anticipated to be needed, with the intent of initially small lots with relatively minor amenities that grow as ridership increases.

- **Local ID ORAN0003-T:** The CTP project proposal is to provide a park-and-ride lot at the intersection of NC 54 and White Cross Road (SR 1951). This project would provide access to the bus route along NC 54 (ORAN0001-T), for users of both vehicles and bicycles.
- **Local ID ORAN0004-T:** The CTP project proposal is to provide a park-and-ride lot at the Cedar Grove Park on NC 86. This project would provide access to the bus route along NC 86, for users of both vehicles and bicycles (ORAN0001-B).

BICYCLE

Refer to Figure 1, Sheet 4 for the Bicycle CTP map.

The Orange County Bicycle Transportation Plan was adopted in 1999 and was intended to develop transportation facilities and programs for bicyclists in Orange County. These recommendations were incorporated into the Orange County CTP. The 1999 Orange County Bicycle Transportation Plan and detailed information regarding its recommendations are available through Orange County.

Minor additions to the CTP recommendations beyond the 1999 Orange County Bicycle Transportation Plan are listed below. As previously mentioned, the network of CTP recommendations provides a combination of recreational and commuting opportunities.

- **Local ID ORAN0001-B:** NC 86 from Carr Store Road (SR 1352) / Sawmill Road W (SR 1545) to proposed park-and-ride lot at Cedar Grove Park (ORAN0004-T). This recommendation was added in order to provide users on the recommended bicycle facility along Carr Store Road (SR 1352) / Sawmill Road W (SR 1545) with access to public transportation services via the proposed park-and-ride lot (ORAN0004-T). This is currently an on-road recommendation for more immediate improvements, but the ultimate 4-lane expressway cross section for NC 86 in the future could require an off-road facility to maintain this connection for bicycles.
- **Local ID ORAN0002-B:** NC Bike Route 2 / Mountains to Sea Trail along Old Greensboro Road (SR 1005) from Carl Durham Road (SR 1950) to Bowden Road (SR 1946) (the DCHC MPO boundary). Although this facility is already designated as NC Bike Route 2, this section is in need of upgrades, such as wider lanes or shoulders, in order to accommodate bicycles. (The section from Alamance County to Carl Durham Road (SR 1950) has recently been widened and resurfaced.)
- **Local ID ORAN0003-B**: Jones Ferry Road (SR 1942) from Chatham County to Ferguson Road (SR 1948) (the DCHC MPO boundary). This project was included in order to ensure connectivity with the 2035 DCHC MPO Long Range Transportation Plan recommendations and the draft DCHC MPO 2040 Metropolitan Transportation Plan (MTP) and CTP recommendations.
- **Local ID ORAN0004-B**: NC 86 from Phelps Rd (SR 1551) to Walnut Grove Church Rd (SR 1001). This project was included in order to provide connectivity with recommendations in the draft DCHC MPO 2040 Metropolitan Transportation Plan (MTP) and CTP recommendations.
- **Local ID ORAN0005-B**: Walnut Grove Church Rd (SR 1001) from NC 86 to Pearson Rd (SR 1544). This project was included in order to provide connectivity with recommendations in the draft DCHC MPO 2040 Metropolitan Transportation Plan (MTP) and CTP recommendations.
- **Local ID ORAN0006-B**: Schley Rd (SR 1548) from Walnut Grove Church Rd (SR 1001) to New Sharon Church Rd (SR 1538) (the DCHC MPO boundary).

This project was included in order to provide connectivity with recommendations in the draft DCHC MPO 2040 Metropolitan Transportation Plan (MTP) and CTP recommendations.

- **Local ID ORAN0007-B**: Efland-Cedar Grove Rd (SR 1357) from Carr Store Rd (SR 1004/1352) to McDade Store Rd (SR 1358/1354). This project was included in order to provide further connectivity between recommendations included from the 1999 Orange County Bicycle Transportation Plan.
- **Local ID ORAN0008-B**: McDade Store Rd (SR 1361) from Pentecost Rd (SR 1361) / McDade Store Rd (SR 1358) to NC 49. This project was included in order to provide further connectivity between recommendations included from the 1999 Orange County Bicycle Transportation Plan.
- **Local ID ORAN0009-B**: NC 49 from McDade Store Rd (SR 1361) to Caswell County. This project was included in order to provide further connectivity between recommendations included from the 1999 Orange County Bicycle Transportation Plan.
- **Local ID ORAN0010-B**: W Lebanon Rd (SR 1306) from Saddle Club Rd (SR 1346) to Mill Creek Rd (SR 1345). This project was included in order to provide connectivity with recommendations in the draft DCHC MPO 2040 Metropolitan Transportation Plan (MTP) and CTP recommendations.
- **SPOT ID 1160:** Orange Grove Road (SR 1006) and Buckhorn Road (SR 1114) from Dairyland Road (SR 1177) to West Ten Road (SR 1146). This project was submitted by the Triangle Area RPO to the NCDOT Strategic Planning Office of Transportation (SPOT) as part of the Prioritization 2.0 Process in 2011. This project overlaps with a section of NCDOT project EB-5520 on Orange Grove Road (SR 1006) between Dairyland Road (SR 1177) and Buckhorn Road (SR 1114).
- **Local ID EB-5520:** NCDOT project EB-5520 is to add 4-foot shoulders to Orange Grove Road (SR 1006) from NC 54 to Arthur Minnis Road (SR 1115). There is currently no right-of-way or construction date scheduled. This project overlaps with the Orange Grove Road (SR 1006) section of SPOT ID 1160 between Dairyland Road (SR 1177) and Buckhorn Road (SR 1114).

The projects below were also submitted by the Triangle Area RPO to the NCDOT Strategic Planning Office of Transportation (SPOT) as part of the Prioritization 2.0 Process in 2011, but were already included in the CTP recommendations taken from the 1999 Orange County Bicycle Transportation Plan.

- **SPOT ID 1095:** Dairyland Road (SR 1177) from Union Grove Church Road (SR 1111) to Orange Grove Road (SR 1006).
- **SPOT ID 958:** Orange Grove Road (SR 1006) and Dodsons Cross Road (SR 1102) from I-40 to Dairyland Road (SR 1177).
- **SPOT ID 559:** Efland-Cedar Grove Road (SR 1004) from Highland Farm Road (SR 1332) to Carr Store Road (SR 1004 / SR 1352).

PEDESTRIAN

Refer to Figure 1, Sheet 5 for the Pedestrian CTP map.

Orange County currently has a pedestrian plan under development for off-road pedestrian facilities throughout the county. Existing recommendations from this plan were incorporated into the Orange County CTP. The county's pedestrian plan and detailed information regarding its recommendations are available through Orange County.

DRAFT

This page intentionally left blank.

DRAFT

APPENDICES

Appendix A
Resources and Contacts

North Carolina Department of Transportation

Customer Service Office

Contact information for other units within the NCDOT that are not listed in this appendix is available by calling the Customer Service Office or by visiting the NCDOT homepage:

1-877-DOT-4YOU
(1-877-368-4968)
https://apps.dot.state.nc.us/dot/directory/authenticated/ToC.aspx

Secretary of Transportation

Eugene A. Conti, Jr., Ph.D.
1501 Mail Service Center
Raleigh, NC 27699-1501
(919) 733-2520
gconti@ncdot.gov
http://www.ncdot.org/about/leadership/secretary.html

Board of Transportation Member

Mr. Michael S. Fox
Post Office Box 2888
Greensboro, NC 27402
(336) 334-3192
mikefox@ncdot.gov
http://www.ncdot.gov/about/board/

Highway Division Engineer

Contact the Division Engineer with general questions concerning NCDOT activities within each Division and for information on Small Urban Funds.

Mr. Mike Mills, PE
PO Box 14996 (mail)
1584 Yanceyville Street (office)
Greensboro, NC 27415-4996
(336) 334-3192
http://www.ncdot.gov/doh/operations/division7/

DRAFT

Division Project Manager

Contact the Division Project Manager with questions concerning transportation projects within each Division.

Mr. John Hunsinger
PO Box 14996 (mail)
1584 Yanceyville Street (office)
Greensboro, NC 27415-4996
(336) 334-3192
jhunsinger@ncdot.gov

Division Construction Engineer

Contact the Division Construction Engineer for information concerning major roadway improvements under construction.

Ms. Patty Eason, PE
PO Box 14996 (mail)
1584 Yanceyville Street (office)
Greensboro, NC 27415-4996
(336) 334-3192
peason@ncdot.gov

Division Traffic Engineer

Contact the Division Traffic Engineer for information concerning traffic signals, highway signs, pavement markings and crash history.

Ms. Dawn McPherson
PO Box 14996 (mail)
1584 Yanceyville Street (office)
Greensboro, NC 27415-4996
(336) 334-3192
dmcpherson@ncdot.gov

Division Operations Engineer

Contact the Division Operations Engineer for information concerning facility operations.

Mr. Pat Wilson, PE
PO Box 14996 (mail)
1584 Yanceyville Street (office)
Greensboro, NC 27415-4996
(336) 334-3192
pwilson@ncdot.gov

DRAFT

Division Maintenance Engineer

Contact the Division Maintenance Engineer information regarding maintenance of all state roadways, improvement of secondary roads and other small improvement projects. The Division Maintenance Engineer also oversees the District Offices, the Bridge Maintenance Unit and the Equipment Unit.

Mr. Brad Wall, PE
PO Box 14996 (mail)
1584 Yanceyville Street (office)
Greensboro, NC 27415-4996
(336) 334-3192
bwall@ncdot.gov

District Engineer

Contact the District Engineer for information on outdoor advertising, junkyard control, driveway permits, road additions, subdivision review and approval, Adopt A Highway program, encroachments on highway right of way, issuance of oversize/overwidth permits, paving priorities, secondary road construction program and road maintenance.

Mr. C. N. (Chuck) Edwards, PE
PO Box 766 (mail)
127 East Crescent Square Dr. (office)
Graham, NC 27253
(336) 570-6833
cnedwards@ncdot.gov

Transportation Planning Branch (TPB)

Contact the Transportation Planning Branch for information on long-range multi-modal planning services, including Strategic Highway Corridors.

1554 Mail Service Center
Raleigh, NC 27699-1554
(919) 707-0900
http://www.ncdot.gov/doh/preconstruct/tpb/

Triangle Area Rural Planning Organization (RPO)

Contact the RPO for information on long-range multi-modal planning services.

Mr. Matthew Day, AICP
PO Box 12276
Research Triangle Park, NC 27709
919-558-9397
mday@tjcog.org
www.tarpo.org (www.tjcog.org)

DRAFT

Strategic Planning Office

Contact the Strategic Planning Office for information concerning prioritization of transportation projects.

Mr. Don Voelker
1501 Mail Service Center
Raleigh, NC 27699-1501
(919) 707-4740
djvoelker@ncdot.gov
https://apps.dot.state.nc.us/dot/directory/authenticated/UnitPage.aspx?id=11054

Project Development & Environmental Branch (PDEA)

Contact PDEA for information on environmental studies for projects that are included in the TIP.

1548 Mail Service Center
Raleigh, NC 27699-1548
(919) 707-6000
http://www.ncdot.gov/doh/preconstruct/pe/

Secondary Roads Office

Contact the Secondary Roads Office for information regarding the status for unpaved roads to be paved, additions and deletions of roads to the State maintained system and the Industrial Access Funds program.

1535 Mail Service Center
Raleigh, NC 27699-1535
(919) 707-2500
http://www.ncdot.gov/doh/operations/secondaryroads/

Program Development Branch

Contact the Program Development Branch for information concerning Roadway Official Corridor Maps, Feasibility Studies and the Transportation Improvement Program (TIP).

1534 Mail Service Center
Raleigh, NC 27699-1534
(919) 707-4610
http://www.ncdot.org/planning/development/

Public Transportation Division

Contact the Public Transportation Division for information public transit systems.

1550 Mail Service Center
Raleigh, NC 27699-1550
(919) 707-4670
http://www.ncdot.gov/nctransit/

Rail Division

Contact the Rail Division for rail information throughout the state.

1553 Mail Service Center
Raleigh, NC 27699-1553
(919) 707-4700
http://www.bytrain.org/

Division of Bicycle and Pedestrian Transportation

Contact this Division for bicycle and pedestrian transportation information throughout the state.

1552 Mail Service Center
Raleigh, NC 27699-1552
(919) 707-2600
http://www.ncdot.gov/bikeped/

Structure Management Unit

Contact the Bridge Maintenance Unit for information on bridge management throughout the state.

1565 Mail Service Center
Raleigh, NC 27699-1565
(919) 707-6400
http://www.ncdot.gov/projects/ncbridges/

Highway Design Branch

The Highway Design Branch consists of the Roadway Design, Structure Design, Photogrammetry, Location & Surveys, Geotechnical, and Hydraulics Units. Contact the Highway Design Branch for information regarding design plans and proposals for road and bridge projects throughout the state.

1584 Mail Service Center
Raleigh, NC 27699-1584
(919) 707-6200
http://www.ncdot.gov/doh/preconstruct/highway/

Other State Government Offices

Department of Commerce – Division of Community Assistance

Contact the Department of Commerce for resources and services to help realize economic prosperity, plan for new growth and address community needs.

http://www.nccommerce.com/en/CommunityServices/

This page intentionally left blank.

DRAFT

Appendix B
Comprehensive Transportation Plan Definitions

Highway Map

For visual depiction of facility types for the following CTP classification, visit http://www.ncdot.gov/doh/preconstruct/tpb/SHC/facility/.

Facility Type Definitions

- **Freeways**
  - Functional purpose – high mobility, high volume, high speed
  - Posted speed – 55 mph or greater
  - Cross section – minimum four lanes with continuous median
  - Multi-modal elements – High Occupancy Vehicles (HOV)/High Occupancy Transit (HOT) lanes, busways, truck lanes, park-and-ride facilities at/near interchanges, adjacent shared use paths (separate from roadway and outside ROW)
  - Type of access control – full control of access
  - Access management – interchange spacing (urban – one mile; non-urban – three miles); at interchanges on the intersecting roadway, full control of access for 1,000ft or for 350ft plus 650ft island or median; use of frontage roads, rear service roads
  - Intersecting facilities – interchange or grade separation (no signals or at-grade intersections)
  - Driveways – not allowed

- **Expressways**
  - Functional purpose – high mobility, high volume, medium-high speed
  - Posted speed – 45 to 60 mph
  - Cross section – minimum four lanes with median
  - Multi-modal elements – HOV lanes, busways, very wide paved shoulders (rural), shared use paths (separate from roadway but within ROW)
  - Type of access control – limited or partial control of access;
  - Access management – minimum interchange/intersection spacing 2,000ft; median breaks only at intersections with minor roadways or to permit U-turns; use of frontage roads, rear service roads; driveways limited in location and number; use of acceleration/deceleration or right turning lanes
  - Intersecting facilities – interchange; at-grade intersection for minor roadways; right-in/right-out and/or left-over or grade separation (no signalization for through traffic)
  - Driveways – right-in/right-out only; direct driveway access via service roads or other alternate connections

DRAFT

- **Boulevards**
  - Functional purpose – moderate mobility; moderate access, moderate volume, medium speed
  - Posted speed – 30 to 55 mph
  - Cross section – two or more lanes with median (median breaks allowed for U-turns per current NCDOT *Driveway Manual*
  - Multi-modal elements – bus stops, bike lanes (urban) or wide paved shoulders (rural), sidewalks (urban - local government option)
  - Type of access control – limited control of access, partial control of access, or no control of access
  - Access management – two lane facilities may have medians with crossovers, medians with turning pockets or turning lanes; use of acceleration/deceleration or right turning lanes is optional; for abutting properties, use of shared driveways, internal out parcel access and cross-connectivity between adjacent properties is strongly encouraged
  - Intersecting facilities – at grade intersections and driveways; interchanges at special locations with high volumes
  - Driveways – primarily right-in/right-out, some right-in/right-out in combination with median leftovers; major driveways may be full movement when access is not possible using an alternate roadway

- **Other Major Thoroughfares**
  - Functional purpose – balanced mobility and access, moderate volume, low to medium speed
  - Posted speed – 25 to 55 mph
  - Cross section – four or more lanes without median *(US and NC routes may have less than four lanes)*
  - Multi-modal elements – bus stops, bike lanes/wide outer lane (urban) or wide paved shoulder (rural), sidewalks (urban)
  - Type of access control – no control of access
  - Access management – continuous left turn lanes; for abutting properties, use of shared driveways, internal out parcel access and cross-connectivity between adjacent properties is strongly encouraged
  - Intersecting facilities – intersections and driveways
  - Driveways – full movement on two lane roadway with center turn lane as permitted by the current NCDOT *Driveway Manual*

- **Minor Thoroughfares**
  - Functional purpose – balanced mobility and access, moderate volume, low to medium speed
  - Posted speed – 25 to 55 mph
  - Cross section – ultimately three lanes (no more than one lane per direction) or less without median
  - Multi-modal elements – bus stops, bike lanes/wide outer lane (urban) or wide paved shoulder (rural), sidewalks (urban)
  - ROW – no control of access

DRAFT

- Access management – continuous left turn lanes; for abutting properties, use of shared driveways, internal out parcel access and cross-connectivity between adjacent properties is strongly encouraged
- Intersecting facilities – intersections and driveways
- Driveways – full movement on two lane with center turn lane as permitted by the current NCDOT *Driveway Manual*

Other Highway Map Definitions

- **Existing** – Roadway facilities that are not recommended to be improved.
- **Needs Improvement** – Roadway facilities that need to be improved for capacity, safety, or system continuity. The improvement to the facility may be widening, other operational strategies, increasing the level of access control along the facility, or a combination of improvements and strategies. *"Needs improvement" does not refer to the maintenance needs of existing facilities.*
- **Recommended** – Roadway facilities on new location that are needed in the future.
- **Interchange** – Through movement on intersecting roads is separated by a structure. Turning movement area accommodated by on/off ramps and loops.
- **Grade Separation** – Through movement on intersecting roads is separated by a structure. There is no direct access between the facilities.
- **Full Control of Access** – Connections to a facility provided only via ramps at interchanges. No private driveway connections allowed.
- **Limited Control of Access** – Connections to a facility provided only via ramps at interchanges (major crossings) and at-grade intersections (minor crossings and service roads). No private driveway connections allowed.
- **Partial Control of Access** – Connections to a facility provided via ramps at interchanges, at-grade intersections, and private driveways. Private driveway connections shall be defined as a maximum of one connection per parcel. One connection is defined as one ingress and one egress point. These may be combined to form a two-way driveway (most common) or separated to allow for better traffic flow through the parcel. The use of shared or consolidated connections is highly encouraged.
- **No Control of Access** – Connections to a facility provided via ramps at interchanges, at-grade intersections, and private driveways.

Public Transportation and Rail Map

- **Bus Routes** – The primary fixed route bus system for the area. Does not include demand response systems.
- **Fixed Guideway** – Any transit service that uses exclusive or controlled rights-of-way or rails, entirely or in part. The term includes heavy rail, commuter rail, light rail, monorail, trolleybus, aerial tramway, included plane, cable car, automated guideway transit, and ferryboats.

DRAFT

- **Operational Strategies** – Plans geared toward the non-single occupant vehicle. This includes but is not limited to HOV lanes or express bus service.
- **Rail Corridor** – Locations of railroad tracks that are either active or inactive tracks. These tracks were used for either freight or passenger service.
  - Active – rail service is currently provided in the corridor; may include freight and/or passenger service
  - Inactive – right of way exists; however, there is no service currently provided; tracks may or may not exist
  - Recommended – It is desirable for future rail to be considered to serve an area.
- **High Speed Rail Corridor** – Corridor designated by the U.S. Department of Transportation as a potential high speed rail corridor.
  - Existing – Corridor where high speed rail service is provided (there are currently no existing high speed corridor in North Carolina).
  - Recommended – Proposed corridor for high speed rail service.
- **Rail Stop** – A railroad station or stop along the railroad tracks.
- **Intermodal Connector** – A location where more than one mode of transportation meet such as where light rail and a bus route come together in one location or a bus station.
- **Park and Ride Lot** – A strategically located parking lot that is free of charge to anyone who parks a vehicle and commutes by transit or in a carpool.
- **Existing Grade Separation** – Locations where existing rail facilities and are physically separated from existing highways or other transportation facilities. These may be bridges, culverts, or other structures.
- **Proposed Grade Separation** – Locations where rail facilities are recommended to be physically separated from existing or recommended highways or other transportation facilities. These may be bridges, culverts, or other structures.

Bicycle Map

- **On Road-Existing** – Conditions for bicycling on the highway facility are adequate to safely accommodate cyclists.
- **On Road-Needs Improvement** – At the systems level, it is desirable for **an existing** highway facility to accommodate bicycle transportation; however, highway improvements are necessary to create safe travel conditions for the cyclists.
- **On Road-Recommended** – At the systems level, it is desirable for **a recommended** highway facility to accommodate bicycle transportation. The highway should be designed and built to safely accommodate cyclists.

DRAFT

- **Off Road-Existing** – A facility that accommodates only bicycle transportation and is physically separated from a highway facility either within the right-of-way or within an independent right-of-way.
- **Off Road-Needs Improvement** – A facility that accommodates only bicycle transportation and is physically separated from a highway facility either within the right-of-way or within an independent right-of-way that will not adequately serve future bicycle needs. Improvements may include but are not limited to, widening, paving (not re-paving or other maintenance activities), and improved horizontal or vertical alignment.
- **Off Road-Recommended** – A facility needed to accommodate only bicycle transportation and is physically separated from a highway facility either within the right-of-way or within an independent right-of-way.
- **Multi-use Path-Existing** – An existing facility physically separated from motor vehicle traffic that is either within the highway right-of-way or on an independent right-of-way that serves bicycle and pedestrian traffic. Sidewalks should not be designated as a multi-use path.
- **Multi-use Path-Needs Improvement** – An existing facility physically separated from motor vehicle traffic that is either within the highway right-of-way or on an independent right-of-way that serves bicycle and pedestrian traffic that will not adequately serve future needs. Improvements may include but are not limited to, widening, paving (not re-paving or other maintenance activities), and improved horizontal or vertical alignment. Sidewalks should not be designated as a multi-use path.
- **Multi-use Path-Recommended** – A facility physically separated from motor vehicle traffic that is either within the highway right-of-way or on an independent right-of-way that is needed to serve bicycle and pedestrian traffic. Sidewalks should not be designated as a multi-use path.
- **Existing Grade Separation** – Locations where existing “Off Road” facilities and “Multi-use Paths” are physically separated from existing highways, railroads, or other transportation facilities. These may be bridges, culverts, or other structures.
- **Proposed Grade Separation** – Locations where “Off Road” facilities and “Multi-use Paths” are recommended to be physically separated from existing or recommended highways, railroads, or other transportation facilities. These may be bridges, culverts, or other structures.

Pedestrian Map

- **Sidewalk-Existing** – Paved paths (including but not limited to concrete, asphalt, brick, stone, or wood) on both sides of a highway facility and within the highway right-of-way that are adequate to safely accommodate pedestrian traffic.

DRAFT

- **Sidewalk-Needs Improvement** – Improvements are needed to provide paved paths on both sides of a highway facility. The highway facility may or may not need improvements. Improvements do not include re-paving or other maintenance activities but may include: filling in gaps, widening sidewalks, or meeting ADA (Americans with Disabilities Act) requirements.
- **Sidewalk-Recommended** – At the systems level, it is desirable for a recommended highway facility to accommodate pedestrian transportation **or** to add sidewalks on an existing facility where no sidewalks currently exist. The highway should be designed and built to safely accommodate pedestrian traffic.
- **Off Road-Existing** – A facility that accommodates only pedestrian traffic and is physically separated from a highway facility usually within an independent right-of-way.
- **Off Road-Needs Improvement** – A facility that accommodates only pedestrian traffic and is physically separated from a highway facility usually within an independent right-of-way that will not adequately serve future pedestrian needs. Improvements may include but are not limited to, widening, paving (not re-paving or other maintenance activities), improved horizontal or vertical alignment, and meeting ADA requirements.
- **Off Road-Recommended** – A facility needed to accommodate only pedestrian traffic and is physically separated from a highway facility usually within an independent right-of-way.
- **Multi-use Path-Existing** – An existing facility physically separated from motor vehicle traffic that is either within the highway right-of-way or on an independent right-of-way that serves bicycle and pedestrian traffic. Sidewalks should not be designated as a multi-use path.
- **Multi-use Path-Needs Improvement** – An existing facility physically separated from motor vehicle traffic that is either within the highway right-of-way or on an independent right-of-way that serves bicycle and pedestrian traffic that will not adequately serve future needs. Improvements may include but are not limited to, widening, paving (not re-paving or other maintenance activities), and improved horizontal or vertical alignment. Sidewalks should not be designated as a multi-use path.
- **Multi-use Path-Recommended** – A facility physically separated from motor vehicle traffic that is either within the highway right-of-way or on an independent right-of-way that is needed to serve bicycle and pedestrian traffic. Sidewalks should not be designated as a multi-use path.
- **Existing Grade Separation** – Locations where existing “Off Road” facilities and “Multi-use Paths” are physically separated from existing highways, railroads, or other transportation facilities. These may be bridges, culverts, or other structures.

DRAFT

- **Proposed Grade Separation** – Locations where “Off Road” facilities and “Multi-use Paths” are recommended to be physically separated from existing or recommended highways, railroads, or other transportation facilities. These may be bridges, culverts, or other structures.

DRAFT

This page intentionally left blank.

Appendix C
CTP Inventory and Recommendations

Assumptions/ Notes:

- **Local ID:** This Local ID is the same as the one used for the Prioritization Project Submittal Tool. If a TIP project number exists it is listed as the ID. Otherwise, the following system is used to create a code for each recommended improvement: the first 4 letters of the county name is combined with a 4 digit unique numerical code followed by '-H' for highway, '-T' for public transportation, '-R' for rail, '-B' for bicycle, '-M' for multi-use paths, or '-P' for pedestrian modes. If a different code is used along a route it indicates separate projects will probably be requested. Also, upper case alphabetic characters (i.e. 'A', 'B', or 'C') are included after the numeric portion of the code if it is anticipated that project segmentation or phasing will be recommended.

- **Jurisdiction:** Jurisdictions listed are based on municipal limits, county boundaries, and MPO Metropolitan Planning Area Boundaries (MAB), as applicable.

- **Existing Cross-Section:** Listed under '(ft)' is the approximate width of the roadway from edge of pavement to edge of pavement. Listed under 'lanes' is the total number of lanes, with the letter 'D' if the facility is divided.

- **Existing ROW:** The estimated existing right-of-way is based on the Road Characteristics shapefile from the NCDOT GIS Unit. These right-of-way amounts are approximate and may vary.

- **Existing and Proposed Capacity:** The estimated capacities are given in vehicles per day (vpd) based on LOS D for existing facilities and LOS C for new facilities. These capacity estimates were developed using the NCLOS program, as documented in Chapter I.

- **Existing and Proposed AADT** (Annual Average Daily Traffic) volumes, given in vehicles per day (vpd), are estimates only based on a systems-level analysis. The '2035 AADT with CTP' is an estimate of the volume in 2035 with all proposed CTP improvements assumed to be in place. The '2035 AADT with CTP' is shown in bold if it exceeds the proposed capacity, indicating an unmet need. For additional information about the assumptions and techniques used to develop the AADT volume estimates, refer to Chapter I.

- **Proposed Cross-section:** The CTP recommended cross-sections are listed by code; for depiction of the cross-section, refer to Appendix D. An entry of 'ADQ' indicates the existing facility is adequate and there are no improvements recommended as part of the CTP.

- **CTP Classification:** The CTP classification is listed, as shown on the adopted CTP Maps (see Figure 1). Abbreviations are F= freeway, E= expressway, B= boulevard, Maj= other major thoroughfare, Min= minor thoroughfare.

- **Tier:** Tiers are defined as part of the North Carolina Mulitmodal Investment Network (NCMIN). Abbreviations are Sta= statewide tier, Reg= regional tier, Sub= subregional tier.

- **Other Modes:** If there is an improvement recommended for another mode of transportation that relates to the given recommendation, it is indicated by an alphabetic code (H=highway, T= public transportation, R= rail, B= bicycle, and P= pedestrian).

DRAFT

CTP INVENTORY AND RECOMMENDATIONS

HIGHWAY																	
					2007 Existing System						2035 Proposed System						
Local ID	Facility	Section (From - To)	Jurisdiction	Dist. (mi)	Cross-Section (ft)	Cross-Section lanes	ROW (ft)	Speed Limit (mph)	Existing Capacity (vpd)	2007 (2006*) AADT	2035 AADT with CTP	Proposed Capacity (vpd)	Cross-Section	ROW (ft)	CTP Classifi-cation	Tier	Other Modes
-	NC 49	Alamance Co - Lynch Store Rd (SR 1364)	Orange County	1.7	24	2	60	55	12,000	2,600	4,100	-	ADQ	-	Maj	Reg	-
-	NC 49	Lynch Store Rd (SR 1364) - Carr Store Rd / Corbett Ridge Rd (SR 1004)	Orange County	0.8	24	2	60	55	12,000	3,300	5,100	-	ADQ	-	Maj	Reg	-
-	NC 49	Carr Store Rd / Corbett Ridge Rd (SR 1004) - NC 86	Orange County	2.7	24	2	60	55	12,000	2,900	4,500	-	ADQ	-	Maj	Reg	-
ORAN0001-H / W-5318	NC 49	NC 86 - Caswell Co	Orange County	0.1	24	2	60	55	12,000	7,100	12,100	15,000	4B	150	Maj	Reg	T
-	NC 54	Alamance Co - Mebane Oaks Rd (SR 1007)	Orange County	0.6	24	2	120	55	12,000	5,400	9,200	-	ADQ	-	Maj	Reg	-
-	NC 54	Mebane Oaks Rd (SR 1007) - Morrow Mill Rd (SR 1958)	Orange County	2.8	24	2	120	55	12,000	5,400	9,200	-	ADQ	-	Maj	Reg	-
-	NC 54	Morrow Mill Rd (SR 1958) - Orange Grove Rd (SR 1006)	Orange County	0.8	24	2	120	55	12,000	5,400	9,200	-	ADQ	-	Maj	Reg	-
ORAN0002-H	NC 54	Orange Grove Rd (SR 1006) - Butler Rd (SR 1951) / Dodsons Cross Rd (SR 1102)	Orange County	1.6	24	2	120	55	12,000	8,700	14,800	15,000	4B	150	B	Reg	T
ORAN0002-H	NC 54	Butler Rd (SR 1951) / Dodsons Cross Rd (SR 1102) - Neville Rd (SR 1945) / Inside DCHC	Orange County	2.2	24	2	120	55	12,000	12,000	20,400	15,000	4B	150	B	Reg	T

HIGHWAY																	
					2007 Existing System						2035 Proposed System						
Local ID	Facility	Section (From - To)	Jurisdiction	Dist. (mi)	Cross-Section (ft)	Cross-Section lanes	ROW (ft)	Speed Limit (mph)	Existing Capacity (vpd)	2007 (2006*) AADT	2035 AADT with CTP	Proposed Capacity (vpd)	Cross-Section	ROW (ft)	CTP Classifi-cation	Tier	Other Modes
-	NC 57	Phelps Rd (SR 1550) / DCHC - Schley Rd (SR 1548)	Orange County	1.8	20	2	100	55	12,000	4,900	7,600	-	ADQ	-	Maj	Reg	-
-	NC 57	Schley Rd (SR 1548) - Little River Church Rd (SR 1543)	Orange County	2.8	20	2	100	55	12,000	4,900	7,600	-	ADQ	-	Maj	Reg	-
-	NC 57	Little River Church Rd (SR 1543) - NC 157 (Guess Rd)	Orange County	0.8	20	2	100	55	12,000	3,700	5,800	-	ADQ	-	Maj	Reg	-
-	NC 57	NC 157 (Guess Rd) - Holly Ridge Rd (SR 1524) / New Sharon Church Rd (SR 1538)	Orange County	1.8	20	2	100	55	12,000	2,700	4,200	-	ADQ	-	Maj	Reg	-
-	NC 57	Holly Ridge Rd (SR 1524) / New Sharon Church Rd (SR 1538) - Person Co	Orange County	3.2	20	2	100	55	12,000	1,800	2,800	-	ADQ	-	Maj	Reg	-
ORAN0001-H / W-5318	NC 86	Coleman Loop Rd (SR 1334) / DCHC - Walnut Grove Church Rd (SR 1001)	Orange County	0.8	24	2	100	55	12,000	8300*	14,300	15,000	4B	150	E	Sta	T, B
ORAN0001-H / W-5318	NC 86	Walnut Grove Church Rd (SR 1001) - Carr Store Rd (SR 1352) / Sawmill Rd (SR 1545)	Orange County	2.3	24	2	100	55	12,000	4,800	8,200	15,000	4B	150	E	Sta	T
ORAN0001-H / W-5318	NC 86	Carr Store Rd (SR 1352) / Sawmill Rd (SR 1545) - Caviness Jordan Rd (SR 1506) / AADT Change	Orange County	1.6	24	2	60	55	12,000	4,800	8,200	15,000	4B	150	E	Sta	T, B
ORAN0001-H / W-5318	NC 86	Caviness Jordan Rd (SR 1506) / AADT Change - Efland-Cedar Grove Rd (SR 1357)	Orange County	2.3	24	2	60	55	12,000	4,200	7,100	15,000	4B	150	E	Sta	T
ORAN0001-H / W-5318	NC 86	Efland-Cedar Grove Rd (SR 1357) - NC 49	Orange County	1.9	24	2	60	55	12,000	4,400	7,500	15,000	4B	150	E	Sta	T
-	NC 86	NC 49 - Caswell Co	*Concurrent with NC 49*														

HIGHWAY																	
					2007 Existing System						2035 Proposed System						
Local ID	Facility	Section (From - To)	Jurisdiction	Dist. (mi)	Cross-Section (ft)	Cross-Section lanes	ROW (ft)	Speed Limit (mph)	Existing Capacity (vpd)	2007 (2006*) AADT	2035 AADT with CTP	Proposed Capacity (vpd)	Cross-Section	ROW (ft)	CTP Classifi-cation	Tier	Other Modes
-	NC 157 (Guess Rd)	New Sharon Church Rd (SR 1538) / DCHC - Green Riley Rd (SR 1579) / AADT Change	Orange County	2.0	20	2	60	55	12,000	2,200	3,400	-	ADQ	-	Maj	Reg	-
-	NC 157 (Guess Rd)	Green Riley Rd (SR 1579) / AADT Change - NC 57	Orange County	1.0	20	2	60	55	12,000	2,100	3,300	-	ADQ	-	Maj	Reg	-
-	NC 157 (Guess Rd)	NC 57 - Holly Ridge Rd (SR 1524)	Orange County	2.8	20	2	60	55	12,000	2,400	3,700	-	ADQ	-	Maj	Reg	-
-	NC 157 (Guess Rd)	Holly Ridge Rd (SR 1524) - Person Co	Orange County	1.1	20	2	60	55	12,000	2,400	3,700	-	ADQ	-	Maj	Reg	-
-	Arthur Minnis Rd (SR 1115)	Orange Grove Rd (SR 1006) - Dodsons Cross Rd (SR 1102)	Orange County	1.2	22	2	60	55	12,000	380*	700	-	ADQ	-	Min	Sub	-
ORAN0003-H	Arthur Minnis Rd (SR 1115)	Dodsons Cross Rd (SR 1102) - Rocky Ridge Rd / Arthur Minnis Rd (SR 1113)	Orange County	1.6	20	2	60	55	unsurf-aced	2,300	3,900	12,000	2A	60	Min	Sub	-
-	Arthur Minnis Rd (SR 1113)	Rocky Ridge Rd (SR 1113) / Arthur Minnis Rd (SR 1115) - Old NC 86 (SR 1009) / DCHC	Orange County	1.8	20	2	60	50	10,300	2,300	3,900	-	ADQ	-	Min	Sub	-
-	Bradshaw Quarry Rd (SR 1100)	Mebane Oaks (SR 1007) - Teer Rd (SR 1100) / Bradshaw Quarry Rd (SR 1115)	Orange County	0.7	20	2	60	55	12,000	500*	900	-	ADQ	-	Min	Sub	-
-	Bradshaw Quarry Rd (SR 1115)	Teer Rd / Bradshaw Quarry Rd (SR 1100) - Buckhorn Rd (SR 1114)	Orange County	3.1	20	2	60	55	12,000	500*	900	-	ADQ	-	Min	Sub	-
-	Bradshaw Quarry Rd (SR 1115)	Buckhorn Rd (SR 1114) - Orange Grove Rd (SR 1006)	Orange County	1.2	24	2	60	55	12,000	990	1,700	-	ADQ	-	Min	Sub	-

HIGHWAY																	
					2007 Existing System						2035 Proposed System						
Local ID	Facility	Section (From - To)	Jurisdiction	Dist. (mi)	Cross-Section (ft)	Cross-Section lanes	ROW (ft)	Speed Limit (mph)	Existing Capacity (vpd)	2007 (2006*) AADT	2035 AADT with CTP	Proposed Capacity (vpd)	Cross-Section	ROW (ft)	CTP Classifi-cation	Tier	Other Modes
ORAN0004-H	Buckhorn Rd (SR 1114)	Orange Grove Rd (SR 1006) - Bradshaw Quarry Rd (SR 1115)	Orange County	1.6	20	2	-	55	unsurf-aced	750	1,200	12,000	2A	60	Min	Sub	B
-	Buckhorn Rd (SR 1114)	Bradshaw Quarry Rd (SR 1115) - Mount Willing Rd (SR 1120)	Orange County	3.2	20	2	-	55	12,000	750	1,200	-	ADQ	-	Min	Sub	-
-	Buckhorn Rd (SR 1114)	Mount Willing Rd (SR 1120) - W Ten Rd (SR 1146)	Orange County	2.2	20	2	-	55	12,000	1,500	2,100	-	ADQ	-	Min	Sub	-
ORAN0008-H	Buckhorn Rd Extension	Orange Grove Rd (SR 1006) - Dairyland Rd (SR 1177)	Orange County	0.7	*New location*						-	12,000	2A	60	Min	Sub	-
-	Butler Rd (SR 1951)	White Cross Rd (SR 1952) - NC 54	Orange County	1.0	20	2	60	55	12,000	940	1,500	-	ADQ	-	Min	Sub	-
-	Carr Store Rd (SR 1004)	NC 49 - Pentecost Rd (SR 1361) / AADT Change	Orange County	2.1	20	2	-	55	12,000	800	1,100	-	ADQ	-	Min	Sub	-
-	Carr Store Rd (SR 1004)	Pentecost Rd (SR 1361) / AADT Change - Mill Creek Rd (SR 1343)	Orange County	1.1	20	2	-	55	12,000	830*	1,200	-	ADQ	-	Min	Sub	-
-	Carr Store Rd (SR 1004)	Mill Creek Rd (SR 1343) - Speed Limit Change	Orange County	1.1	20	2	-	55	12,000	1,100	1,600	-	ADQ	-	Min	Sub	-
-	Carr Store Rd (SR 1004)	Speed Limit Change - Efland-Cedar Grove Rd (SR 1004 / SR 1357) / Carr Store Rd (SR 1352)	Orange County	0.3	20	2	-	45	6,200	1,100	1,600	-	ADQ	-	Min	Sub	-
-	Carr Store Rd (SR 1352)	Efland-Cedar Grove Rd (SR 1004 / SR 1357) / Carr Store Rd (SR 1004) - NC 86	Orange County	2.0	20	2	-	45	6,200	1300*	1,900	-	ADQ	-	Min	Sub	-
-	Claibornes Rd (SR 1367)	Alamance Co - Corbett Ridge Rd (SR 1004)	Orange County	1.0	20	2	60	55	12,000	650*	800	-	ADQ	-	Min	Sub	-

HIGHWAY																	
					2007 Existing System						2035 Proposed System						
Local ID	Facility	Section (From - To)	Jurisdiction	Dist. (mi)	Cross-Section (ft)	Cross-Section lanes	ROW (ft)	Speed Limit (mph)	Existing Capacity (vpd)	2007 (2006*) AADT	2035 AADT with CTP	Proposed Capacity (vpd)	Cross-Section	ROW (ft)	CTP Classifi-cation	Tier	Other Modes
-	Coleman Loop Rd (SR 1334)	Highland Farm Rd / Coleman Loop Rd (SR 1332) - NC 86	Orange County	1.1	20	2	60	45	6,200	390	500	-	ADQ	-	Min	Sub	-
-	Corbett Ridge Rd (SR 1004)	Caswell Co - Claibornes Rd (SR 1367)	Orange County	0.4	18	2	-	55	10,900	650*	900	-	ADQ	-	Min	Sub	-
-	Corbett Ridge Rd (SR 1004)	Claibornes Rd (SR 1367) - NC 49	Orange County	2.2	18	2	-	55	10,900	650*	900	-	ADQ	-	Min	Sub	-
-	Crawford Dairy Rd (SR 1956)	Chatham Co - Old Greensboro Rd (SR 1005)	Orange County	1.5	20	2	60	55	12,000	600*	800	-	ADQ	-	Min	Sub	-
-	Dairyland Rd (SR 1177)	Orange Grove Rd (SR 1006) - Dodsons Cross Rd (SR 1102)	Orange County	1.9	24	2	100	50	12,000	810	1,000	-	ADQ	-	Min	Sub	-
-	Dodsons Cross Rd (SR 1102)	NC 54 - Speed Limit Change	Orange County	2.7	22	2	60	55	12,000	1800*	2,800	-	ADQ	-	Min	Sub	-
-	Dodsons Cross Rd (SR 1102)	Speed Limit Change - Dairlyland Rd (SR 1177)	Orange County	0.7	22	2	60	45	6,200	1800*	2,800	-	ADQ	-	Min	Sub	-
-	Dodsons Cross Rd (SR 1102)	Dairlyland Rd (SR 1177) - Arthur Minnis Rd (SR 1115)	Orange County	1.6	20	2	-	45	6,200	1800*	2,800	-	ADQ	-	Min	Sub	-
-	Dodsons Cross Rd (SR 1102)	Arthur Minnis Rd (SR 1115) - Orange Grove Rd (SR 1006)	Orange County	1.2	20	2	-	45	6,200	770*	1,200	-	ADQ	-	Min	Sub	-

HIGHWAY																	
					2007 Existing System						2035 Proposed System						
Local ID	Facility	Section (From - To)	Jurisdiction	Dist. (mi)	Cross-Section (ft)	Cross-Section lanes	ROW (ft)	Speed Limit (mph)	Existing Capacity (vpd)	2007 (2006*) AADT	2035 AADT with CTP	Proposed Capacity (vpd)	Cross-Section	ROW (ft)	CTP Classifi-cation	Tier	Other Modes
-	(N) Efland-Cedar Grove Rd (SR 1004)	Harmony Church Rd (SR 1339) / Brookhollow Rd (SR 1338) / DCHC - Highland Farm Rd (SR 1332)	Orange County	2.0	20	2	-	55	12,000	1900*	3,600	-	ADQ	-	Min	Sub	-
SPOT ID # 559 / W-5143	(N) Efland-Cedar Grove Rd (SR 1004)	Highland Farm Rd (SR 1332) - Speed Limit Change	Orange County	1.4	20	2	-	55	12,000	2100*	3,900	12,000	2A [1]	60	Min	Sub	B
SPOT ID # 559 / W-5143	(N) Efland-Cedar Grove Rd (SR 1004)	Speed Limit Change - Carr Store Rd (SR 1004 / SR 1352)	Orange County	0.1	20	2	-	45	6,200	2100*	3,900	6,200	2B [1]	60	Min	Sub	B
-	Efland-Cedar Grove Rd (SR 1357)	Carr Store Rd (SR 1004 / SR 1352) - Speed Limit Change	Orange County	0.3	20	2	-	45	6,200	980*	1,800	-	ADQ	-	Min	Sub	-
-	Efland-Cedar Grove Rd (SR 1357)	Speed Limit Change - NC 86	Orange County	3.1	20	2	-	55	12,000	980*	1,800	-	ADQ	-	Min	Sub	-
-	High Rock Rd (SR 1340)	Alamance Co - Mill Creek Rd (SR 1343)	Orange County	2.7	20	2	60	55	12,000	740*	1,200	-	ADQ	-	Min	Sub	-
-	High Rock Rd (SR 1340)	Mill Creek Rd (SR 1343) - Ira Rd (SR 1341) / DCHC	Orange County	2.0	20	2	60	55	12,000	740*	1,200	-	ADQ	-	Min	Sub	-
-	Highland Farm Rd (SR 1332)	Efland-Cedar Grove Rd (SR 1004) - Coleman Loop Rd (SR 1334)	Orange County	3.1	20	2	60	55	12,000	680*	1,000	-	ADQ	-	Min	Sub	-
-	Holly Ridge Rd (SR 1524)	NC 57 - Hall Dairy Rd (SR 1525) / AADT Change	Orange County	0.8	20	2	60	55	12,000	460*	600	-	ADQ	-	Min	Sub	-
-	Holly Ridge Rd (SR 1524)	Hall Dairy Rd (SR 1525) / AADT Change - NC 157 (Guess Rd)	Orange County	1.7	20	2	60	55	12,000	610	800	-	ADQ	-	Min	Sub	-
-	Jones Ferry Rd (SR 1942)	Chatham Co - Ferguson Rd (SR 1948) / DCHC	Orange County	0.9	24	2	-	55	12,000	3,500	6,000	-	ADQ	-	Min	Sub	-

HIGHWAY																	
					2007 Existing System						2035 Proposed System						
Local ID	Facility	Section (From - To)	Jurisdiction	Dist. (mi)	Cross-Section (ft)	Cross-Section lanes	ROW (ft)	Speed Limit (mph)	Existing Capacity (vpd)	2007 (2006*) AADT	2035 AADT with CTP	Proposed Capacity (vpd)	Cross-Section	ROW (ft)	CTP Classifi-cation	Tier	Other Modes
-	Little River Church Rd (SR 1543)	Walnut Grove Church Rd (SR 1001) - Hawkins Rd (SR 1508) / AADT Change	Orange County	3.0	18	2	-	55	10,900	610	800	-	ADQ	-	Min	Sub	-
-	Little River Church Rd (SR 1543)	Hawkins Rd (SR 1508) / AADT Change - NC 57	Orange County	1.0	18	2	-	55	10,900	580*	700	-	ADQ	-	Min	Sub	-
ORAN0005-H	Little River Church Rd Extension	Walnut Grove Church Rd (SR 1001) - Sawmill Rd E (SR 1545)	Orange County	0.8	*New location*						-	12,000	2A	60	Min	Sub	-
-	Lynch Store Rd (SR 1364)	Alamance Co - NC 49	Orange County	3.5	20	2	-	55	12,000	690*	900	-	ADQ	-	Min	Sub	-
ORAN0006-H	Mebane Oaks Rd (SR 1007)	NC 54 - Bradshaw Quarry Rd (SR 1100)	Orange County	1.1	22	2	60	45	6,200	2,300	4,200	6,200	2B [1]	60	Min	Sub	-
ORAN0006-H	Mebane Oaks Rd (SR 1007)	Bradshaw Quarry Rd (SR 1100) - Alamance Co	Orange County	0.8	22	2	60	45	6,200	2,300	4,200	6,200	2B [1]	60	Min	Sub	-
ORAN0006-H	Mebane Oaks Rd (SR 1007)	Alamance Co - Oak Grove Church Rd (SR 1117)	Orange County	1.4	22	2	60	45	6,200	3000*	5,500	6,200	2B [1]	60	Min	Sub	-
ORAN0006-H	Mebane Oaks Rd (SR 1007)	Oak Grove Church Rd (SR 1117) - Alamance Co	Orange County	1.5	22	2	60	45	6,200	3,900	5,500	6,200	2B [1]	60	Min	Sub	-
-	Mill Creek Rd (SR 1343)	W Lebanon Rd (SR 1306) / DCHC - Doe Run Rd (SR 1343/1344)	Orange County	0.3	20	2	-	55	12,000	1800*	2,600	-	ADQ	-	Min	Sub	-
-	Mill Creek Rd (SR 1343)	Doe Run Rd (SR 1343/1344) - High Rock Rd (SR 1340)	Orange County	1.5	20	2	60	55	12,000	1800*	2,600	-	ADQ	-	Min	Sub	-
-	Mill Creek Rd (SR 1343)	High Rock Rd (SR 1340) - Harmony Church Rd (SR 1341) / AADT Change	Orange County	1.4	20	2	60	55	12,000	1,700	2,400	-	ADQ	-	Min	Sub	-
-	Mill Creek Rd (SR 1343)	Harmony Church Rd (SR 1341) / AADT Change - Carr Store Rd (SR 1004)	Orange County	2.3	20	2	60	55	12,000	730*	1,000	-	ADQ	-	Min	Sub	-

HIGHWAY																	
					2007 Existing System						2035 Proposed System						
Local ID	Facility	Section (From - To)	Jurisdiction	Dist. (mi)	Cross-Section (ft)	Cross-Section lanes	ROW (ft)	Speed Limit (mph)	Existing Capacity (vpd)	2007 (2006*) AADT	2035 AADT with CTP	Proposed Capacity (vpd)	Cross-Section	ROW (ft)	CTP Classifi-cation	Tier	Other Modes
-	Morrow Mill Rd (SR 1958)	Orange Chapel Clover Garden Rd (SR 1956) - NC 54	Orange County	1.4	20	2	60	55	12,000	1,200	1,500	-	ADQ	-	Min	Sub	-
-	Mount Willing Rd (SR 1120)	Oak Grove Church Rd (SR 1117) - Holly Hill Rd / AADT Change	Orange County	0.5	20	2	-	55	12,000	590*	900	-	ADQ	-	Min	Sub	-
-	Mount Willing Rd (SR 1120)	Holly Hill Rd / AADT Change - Buckhorn Rd (SR 1114)	Orange County	1.7	20	2	-	55	12,000	630*	1,000	-	ADQ	-	Min	Sub	-
-	Mount Willing Rd (SR 1120)	Buckhorn Rd (SR 1114) - Speed Limit Change	Orange County	2.9	20	2	-	55	12,000	900	1,400	-	ADQ	-	Min	Sub	-
-	Mount Willing Rd (SR 1120)	Speed Limit Change - W Ten Rd (SR 1146) / Inside DCHC	Orange County	0.8	20	2	-	45	6,200	1900*	3,000	-	ADQ	-	Min	Sub	-
-	New Sharon Church Rd (SR 1538)	Walker Rd (SR 1553) / DCHC - Schley Rd (SR 1548)	Orange County	2.2	20	2	60	55	12,000	1600*	2,500	-	ADQ	-	Min	Sub	-
-	New Sharon Church Rd (SR 1538)	Schley Rd (SR 1548) - Terry Rd (SR 1573) / AADT Change	Orange County	1.1	20	2	60	55	12,000	1,600	2,500	-	ADQ	-	Min	Sub	-
-	New Sharon Church Rd (SR 1538)	Terry Rd (SR 1573) / AADT Change - NC 157 (Guess Rd)	Orange County	1.9	20	2	60 - 110	55	12,000	1400*	2,200	-	ADQ	-	Min	Sub	-
-	New Sharon Church Rd (SR 1538)	NC 157 (Guess Rd) - NC 57	Orange County	3.0	20	2	60	55	12,000	1800*	2,800	-	ADQ	-	Min	Sub	-
-	Oak Grove Church Rd (SR 1117)	Mebane Oaks Rd (SR 1007) / DCHC - Mount Willis Rd (SR 1120)	Orange County	0.6	20	2	60	55	12,000	1,100	1,700	-	ADQ	-	Min	Sub	-

HIGHWAY																	
					2007 Existing System						2035 Proposed System						
Local ID	Facility	Section (From - To)	Jurisdiction	Dist. (mi)	Cross-Section (ft)	Cross-Section lanes	ROW (ft)	Speed Limit (mph)	Existing Capacity (vpd)	2007 (2006*) AADT	2035 AADT with CTP	Proposed Capacity (vpd)	Cross-Section	ROW (ft)	CTP Classifi-cation	Tier	Other Modes
-	Old Greensboro Rd (SR 1005)	Alamance Co - Crawford Dairy Rd / Orange Chapel Clover Garden Rd (SR 1956)	Orange County	0.9	24	2	-	55	12,000	2800*	4,800	-	ADQ	-	Min	Sub	-
-	Old Greensboro Rd (SR 1005)	Crawford Dairy Rd / Orange Chapel Clover Garden Rd (SR 1956) - Wildcat Creek Rd (SR 1953) / AADT Change	Orange County	1.7	24	2	-	55	12,000	2800*	4,800	-	ADQ	-	Min	Sub	-
-	Old Greensboro Rd (SR 1005)	Wildcat Creek Rd (SR 1953) / AADT Change - White Cross Rd (SR 1951)	Orange County	1.1	24	2	-	55	12,000	2,400	4,100	-	ADQ	-	Min	Sub	-
-	Old Greensboro Rd (SR 1005)	White Cross Rd (SR 1951) - Carl Durham Rd (SR 1950) / AADT Change	Orange County	1.4	24	2	-	55	12,000	2900*	5,000	-	ADQ	-	Min	Sub	-
-	Old Greensboro Rd (SR 1005)	Carl Durham Rd (SR 1950) / AADT Change - Bowden Rd (SR 1946) / Inside DCHC	Orange County	1.6	20	2	-	55	12,000	4,000	6,800	-	ADQ	-	Min	Sub	-
ORAN0007-H	Old NC 86 (SR 1009)	Arthur Minnis Rd (SR 1113) / DCHC - Davis Rd (SR 1129) / DCHC	Orange County	2.1	22	2	60	45	6,200	3,500	6,400	6,200	2B [1]	60	Min	Sub	-
-	Orange Chapel Clover Garden Rd (SR 1956)	Old Greensboro Rd (SR 1005) - Morrow Mill Rd (SR 1958)	Orange County	2.0	20	2	-	55	12,000	820	1,000	-	ADQ	-	Min	Sub	-

HIGHWAY																	
					2007 Existing System						2035 Proposed System						
Local ID	Facility	Section (From - To)	Jurisdiction	Dist. (mi)	Cross-Section (ft)	Cross-Section lanes	ROW (ft)	Speed Limit (mph)	Existing Capacity (vpd)	2007 (2006*) AADT	2035 AADT with CTP	Proposed Capacity (vpd)	Cross-Section	ROW (ft)	CTP Classifi-cation	Tier	Other Modes
-	Orange Grove Rd (SR 1006)	NC 54 - Teer Rd (SR 1101) / AADT Change	Orange County	2.5	22	2	-	55	12,000	1300*	1,900	-	ADQ	-	Min	Sub	-
-	Orange Grove Rd (SR 1006)	Teer Rd (SR 1101) / AADT Change - Dairlyland Rd (SR 1177)	Orange County	0.9	22	2	-	55	12,000	980*	1,400	-	ADQ	-	Min	Sub	-
-	Orange Grove Rd (SR 1006)	Dairlyland Rd (SR 1177) - Buckhorn Rd (SR 1114)	Orange County	0.2	22	2	-	55	12,000	980*	1,400	-	ADQ	-	Min	Sub	-
-	Orange Grove Rd (SR 1006)	Buckhorn Rd (SR 1114) - Speed Limit Change	Orange County	0.8	22	2	-	55	12,000	980*	1,400	-	ADQ	-	Min	Sub	-
-	Orange Grove Rd (SR 1006)	Speed Limit Change - Arthur Minnis Rd / Bradshaw Quarry Rd (SR 1115)	Orange County	0.4	22	2	-	45	6,200	980*	1,400	-	ADQ	-	Min	Sub	-
-	Orange Grove Rd (SR 1006)	Arthur Minnis Rd / Bradshaw Quarry Rd (SR 1115) - Dodsons Cross Rd (SR 1102)	Orange County	1.6	22	2	-	45	6,200	980*	1,400	-	ADQ	-	Min	Sub	-
-	Orange Grove Rd (SR 1006)	Dodsons Cross Rd (SR 1102) - Dimmicks Mill Rd (SR 1134) / DCHC	Orange County	2.1	20	2	-	45	6,200	2,400	3,700	-	ADQ	-	Min	Sub	-
-	Sawmill Rd E (SR 1545)	Wilkerson Rd (SR 1507) - Walnut Grove Church Rd (SR 1001)	Orange County	0.4	20	2	-	55	12,000	1,200	1,700	-	ADQ	-	Min	Sub	-
-	Sawmill Rd W (SR 1545)	NC 86 - Speed Limit Change	Orange County	0.7	20	2	-	45	6,200	1,200	1,700	-	ADQ	-	Min	Sub	-
-	Sawmill Rd W (SR 1545)	Speed Limit Change - Wilkerson Rd (SR 1507)	Orange County	0.6	20	2	-	55	12,000	1,200	1,700	-	ADQ	-	Min	Sub	-
-	Saxapahaw Rd (SR 1961)	Alamance Co - NC 54	Orange County	0.4	20	2	-	45	6,200	2,000	3,100	-	ADQ	-	Min	Sub	-
-	Schley Rd (SR 1548)	NC 57 - New Sharon Church Rd (SR 1538)	Orange County	3.1	18	2	-	55	12,000	1100*	1,600	-	ADQ	-	Min	Sub	-

HIGHWAY																	
					2007 Existing System						2035 Proposed System						
Local ID	Facility	Section (From - To)	Jurisdiction	Dist. (mi)	Cross-Section (ft)	Cross-Section lanes	ROW (ft)	Speed Limit (mph)	Existing Capacity (vpd)	2007 (2006*) AADT	2035 AADT with CTP	Proposed Capacity (vpd)	Cross-Section	ROW (ft)	CTP Classifi-cation	Tier	Other Modes
-	Walnut Grove Church Rd (SR 1001)	NC 86 - Wilkerson Rd (SR 1507)	Orange County	2.4	20	2	-	55	12,000	2,600	4,100	-	ADQ	-	Min	Sub	B
-	Walnut Grove Church Rd (SR 1001)	Wilkerson Rd (SR 1507) - Sawmill Rd (SR 1545)	Orange County	0.6	20	2	-	55	12,000	2,600	4,100	-	ADQ	-	Min	Sub	B
-	Walnut Grove Church Rd (SR 1001)	Sawmill Rd (SR 1545) - Little River Church Rd (SR 1543)	Orange County	0.3	20	2	-	55	12,000	1600*	2,500	-	ADQ	-	Min	Sub	B
-	Walnut Grove Church Rd (SR 1001)	Little River Church Rd (SR 1543) - Person Co	Orange County	4.2	20	2	-	55	12,000	1,200	1,900	-	ADQ	-	Min	Sub	B
-	White Cross Rd (SR 1951)	Chatham Co - Old Greensboro Rd (SR 1005)	Orange County	1.8	20	2	60	55	12,000	1200*	1,900	-	ADQ	-	Min	Sub	-
-	White Cross Rd (SR 1951)	Old Greensboro Rd (SR 1005) - Butler Rd (SR 1951)	Orange County	1.0	20	2	60	55	12,000	1200*	1,900	-	ADQ	-	Min	Sub	-
-	Wilkerson Rd (SR 1507)	Walnut Grove Church Rd (SR 1001) - Sawmill Rd (SR 1545)	Orange County	0.5	20	2	60	55	12,000	640	900	-	ADQ	-	Min	Sub	-
-	Wilkerson Rd (SR 1507)	Sawmill Rd (SR 1545) - Hurdle Mills Rd (SR 1506)	Orange County	1.3	20	2	60	55	12,000	550	800	-	ADQ	-	Min	Sub	-
-	Wilkerson Rd (SR 1507)	Hurdle Mills Rd (SR 1506) - Person Co	Orange County	0.1	18	2	60	55	12,000	550	800	-	ADQ	-	Min	Sub	-

[1] Add turn lanes where needed.

PUBLIC TRANSPORTATION AND RAIL

PUBLIC TRANSPORTATION							
					Existing System	Proposed System	
Local ID	Facility/ Route	Section (From - To)	Speed Limit (mph)	Distance (mi)	Type	Type	Other Modes
ORAN0001-T	NC 54 [1]	Alamance Co - Neville Rd (SR 1945) / Inside DCHC	55	8.0	None	Bus	H
ORAN0002-T	NC 86 [2] and NC 49/86	Coleman Loop Rd (SR 1334) / DCHC - Caswell Co	55	8.9	None	Bus	H, B

[1] Park-and-ride lot (ORAN0003-T) proposed on NC 54 at White Cross Rd (SR 1951).

[2] Park-and-ride lot (ORAN0004-T) proposed on NC 86 at Cedar Grove Park.

BICYCLE AND PEDESTRIAN

BICYCLE [1]								
				Existing System		Proposed System		
				Cross-Section				
Local ID	Facility/ Route	Section (From - To)	Distance (mi)	(ft)	lanes	Type	Cross-Section	Other Modes
-	NC Bike Route 2 / Mountains to Sea Trail (along Old Greensboro Rd (SR 1005))	Alamance Co - Carl Durham Rd (SR 1950)	5.3	24	2	ADQ	ADQ	-
ORAN0002-B	NC Bike Route 2 / Mountains to Sea Trail (along Old Greensboro Rd (SR 1005))	Carl Durham Rd (SR 1950) - Bowden Rd (SR 1946) / Inside DCHC	1.6	20	2	On Road	2A	-
ORAN0009-B	NC 49	McDade Store Rd (SR 1361) - Caswell Co	1.3	24	2	On Road	2A	H, T
-	NC 54	Alamance Co - Neville Rd (SR 1945) / Inside DCHC	8.0	24	2	ADQ	ADQ	-
ORAN0001-B	NC 86	Carr Store Rd (SR 1352) / Sawmill Rd W (SR 1545) - Park and Ride lot at Cedar Grove Park	0.3	24	2	On Road [2]	2A [2]	H, T
ORAN0004-B	NC 86	Phelps Rd (SR 1551) - Walnut Grove Church Rd (SR 1001)	0.5	24	2	On Road [2]	2A [2]	H, T
ORAN0007-B	Efland-Cedar Grove Rd (SR 1357)	Carr Store Rd (SR 1004/1352) - McDade Store Rd (SR 1358/1354)	1.5	20	2	On Road	2A	-
ORAN0003-B	Jones Ferry Rd (SR 1942)	Chatham Co - Ferguson Rd (SR 1948) / DCHC	0.9	24	2	On Road	2A	-
ORAN0010-B	W Lebanon Rd (SR 1306)	Saddle Club Rd (SR 1346) - Mill Creek Rd (SR 1345)	0.6	24	2	On Road	2A	-
-	Mebane Oaks Rd (SR 1007) / Alamance County Bicycle Route	Alamance Co - Alamance Co	1.4	22	2	ADQ	ADQ	-
ORAN0008-B	McDade Store Rd (SR 1361)	Pentecost Rd (SR 1361) / McDade Store Rd (SR 1358) - NC 49	1.0	24	2	On Road	2A	-
SPOT ID # 1160 [3]	Orange Grove Road (SR 1006) / Buckhorn Road (SR 1114)	Dairyland Road (SR 1177) to West Ten Road (SR 1146) / Inside DCHC	7.3	20 - 22	2	On Road	2A	-
EB-5520 [3]	Orange Grove Road (SR 1006)	NC 54 - Arthur Minnis Road (SR 1115)	4.9	20 - 22	2	On Road	2A	-
ORAN0006-B	Schley Rd (SR 1548)	Walnut Grove Church Rd (SR 1001) - New Sharon Church Rd (SR 1538) / DCHC	6.2	18	2	On Road	2A	-
ORAN0005-B	Walnut Grove Church Rd (SR 1001)	NC 86 - Pearson Rd (SR 1544)	3.0	20	2	On Road	2A	-

[1] For all other CTP bicycle recommendations, see the 1999 Orange County Bicycle Transportation Plan.

[2] Cross section 2A will suffice for more immediate improvements, but the ultimate 4-lane expressway cross section for NC 86 in the future could require an off-road facility to maintain this connection for bicycles.

[3] These projects include a small portion of overlap on Orange Grove Road.

PEDESTRIAN [4]

[4] For all CTP pedestrian recommendations, see the pedestrian plan under development by Orange County.

Appendix D
Typical Cross Sections

Cross section requirements for roadways vary according to the capacity and level of service to be provided. Universal standards in the design of roadways are not practical. Each roadway section must be individually analyzed and its cross section determined based on the volume and type of projected traffic, existing capacity, desired level of service, and available right-of-way. These cross sections are typical for facilities on new location and where right-of-way constraints are not critical. For widening projects and urban projects with limited right-of-way, special cross sections should be developed that meet the needs of the project.

The typical cross sections were updated on December 7, 2010 to support the Department's "Complete Streets" policy that was adopted in July 2009. This guidance established design elements that emphasize safety, mobility, and accessibility for multiple modes of travel. These "typical" cross sections should be used as preliminary guidelines for comprehensive transportation planning, project planning and project design activities. The specific and final cross section details and right of way limits for projects will be established through the preparation of the National Environmental Policy Act (NEPA) documentation and through final plan preparation.

On all existing and proposed roadways delineated on the CTP, adequate right-of-way should be protected or acquired for the recommended cross sections. In addition to cross section and right-of-way recommendations for improvements, Appendix C may recommend ultimate needed right-of-way for the following situations:

- roadways which may require widening after the current planning period,
- roadways which are borderline adequate and accelerated traffic growth could render them deficient, and
- roadways where an urban curb and gutter cross section may be locally desirable because of urban development or redevelopment.
- roadways which may need to accommodate an additional transportation mode

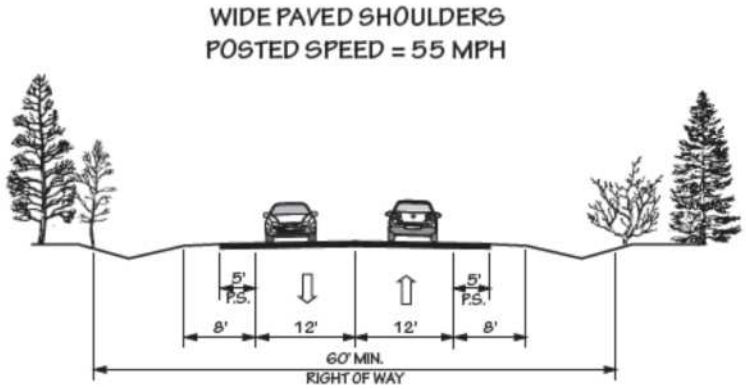
DRAFT

Figure 10

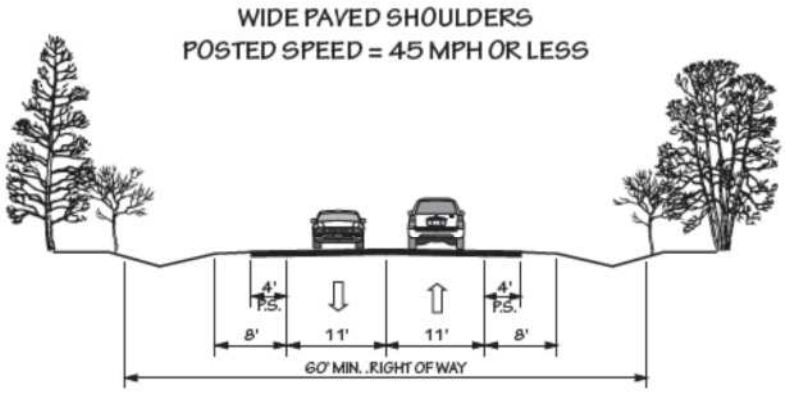
TYPICAL HIGHWAY CROSS SECTIONS

2 LANES

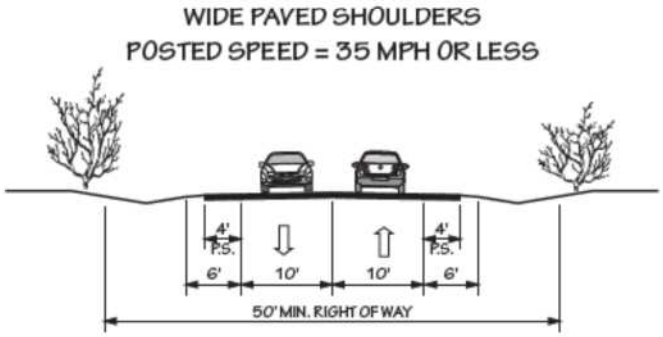
2 A



2 B



2 C



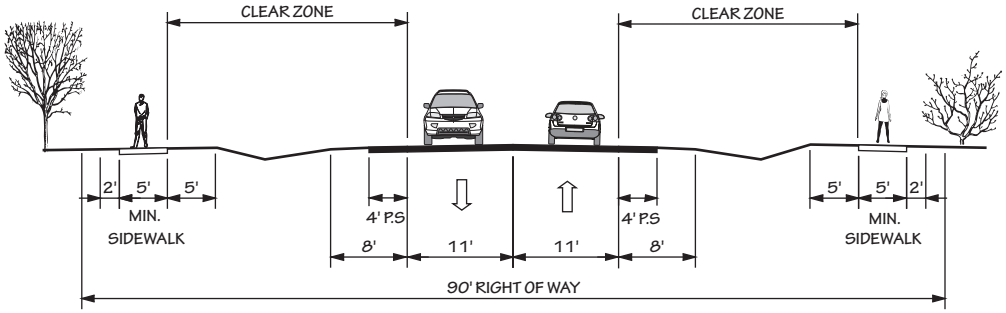
Revised 12/07/2010

TYPICAL HIGHWAY CROSS SECTIONS

2 LANES

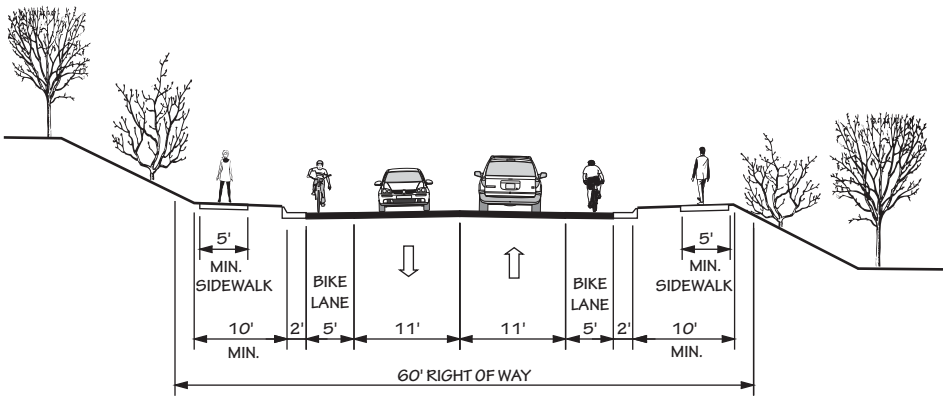
2 D

SIDEWALK PLACEMENT BEHIND A ROADWAY DITCH



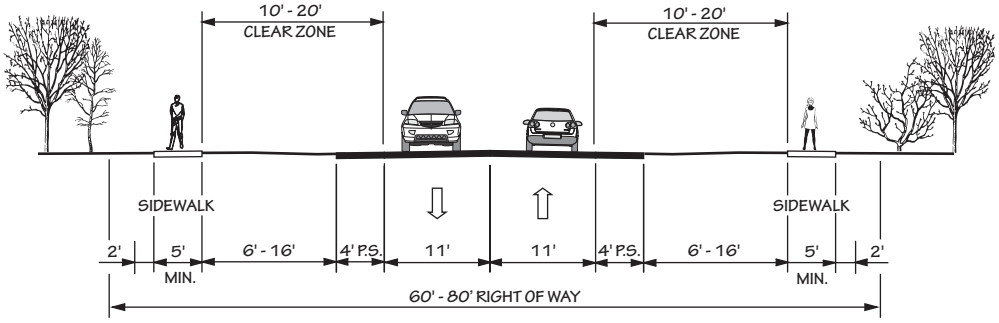
2 E

CURB AND GUTTER
WITH BIKE LANES AND SIDEWALKS



2 F

BUFFERS AND SIDEWALKS WITHOUT A ROADWAY DITCH
(20 MPH TO 45 MPH)
(TYPICALLY COASTAL AREA MANAGEMENT ACT COUNTIES)

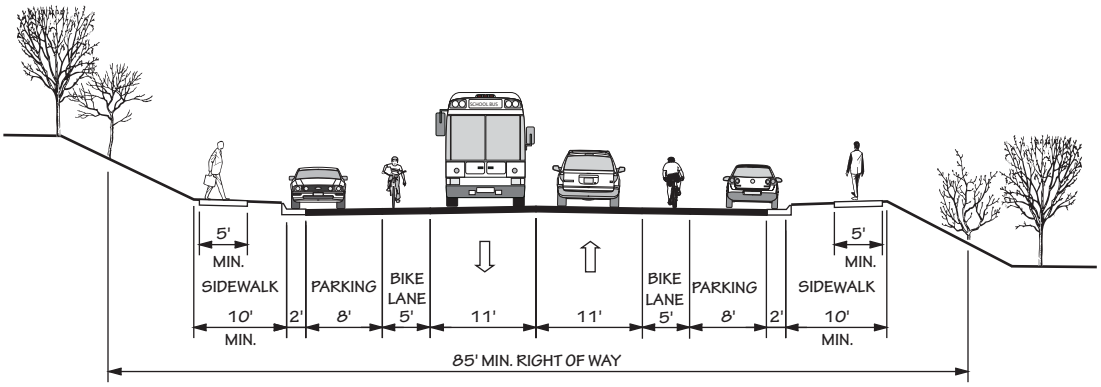


TYPICAL HIGHWAY CROSS SECTIONS

2 LANES

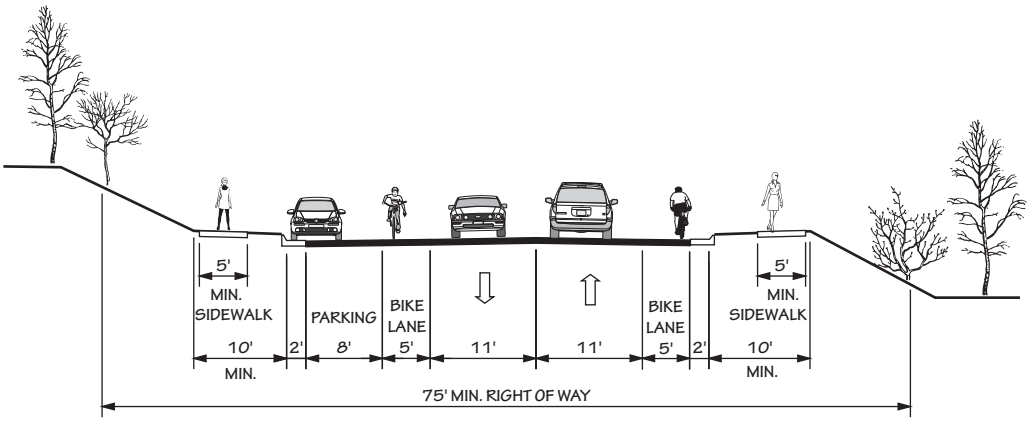
2 G

CURB & GUTTER - PARKING ON EACH SIDE



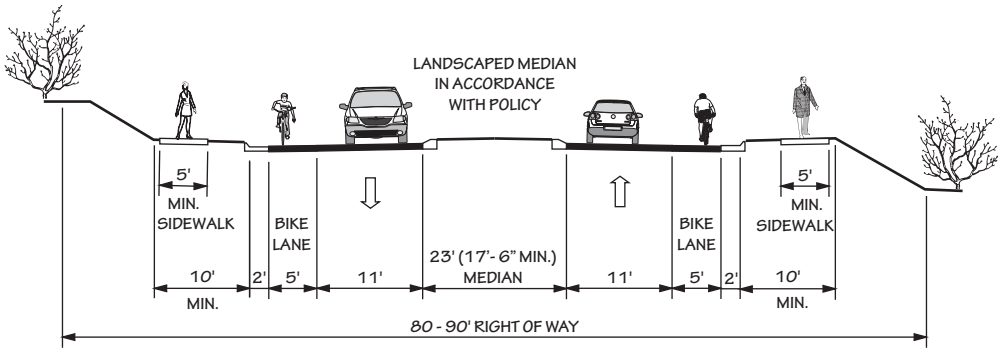
2 H

CURB & GUTTER - PARKING ON ONE SIDE



2 I

RAISED MEDIAN WITH CURB & GUTTER

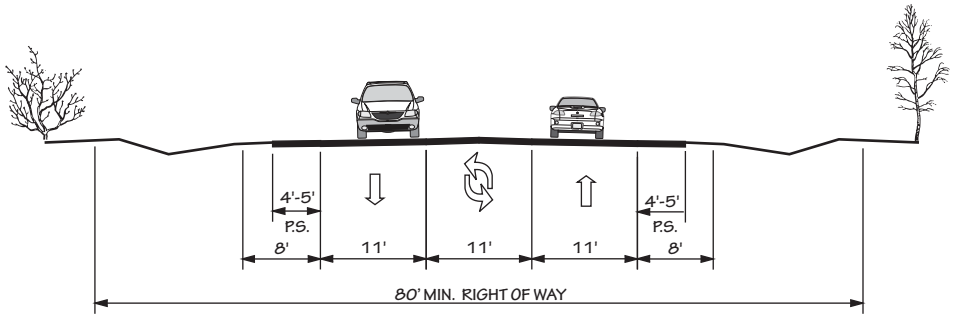


TYPICAL HIGHWAY CROSS SECTIONS

3 LANES

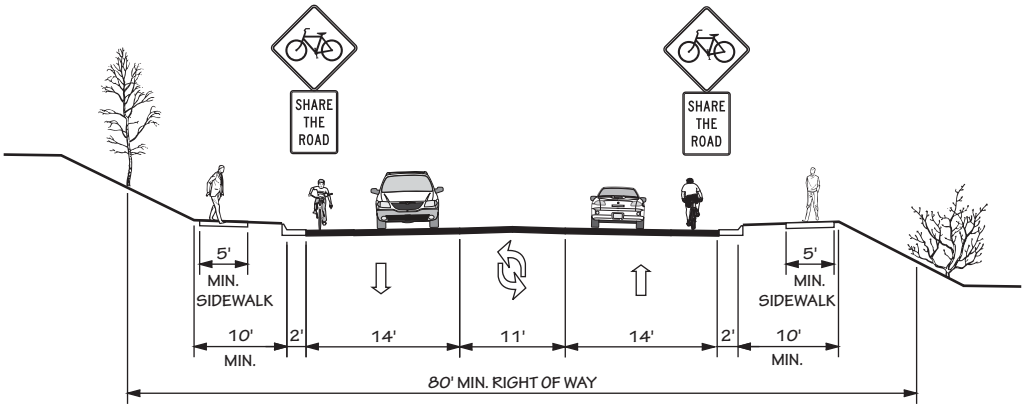
3 A

WIDE PAVED SHOULDERS



3 B

CURB & GUTTER WITH WIDE OUTSIDE LANES AND SIDEWALKS

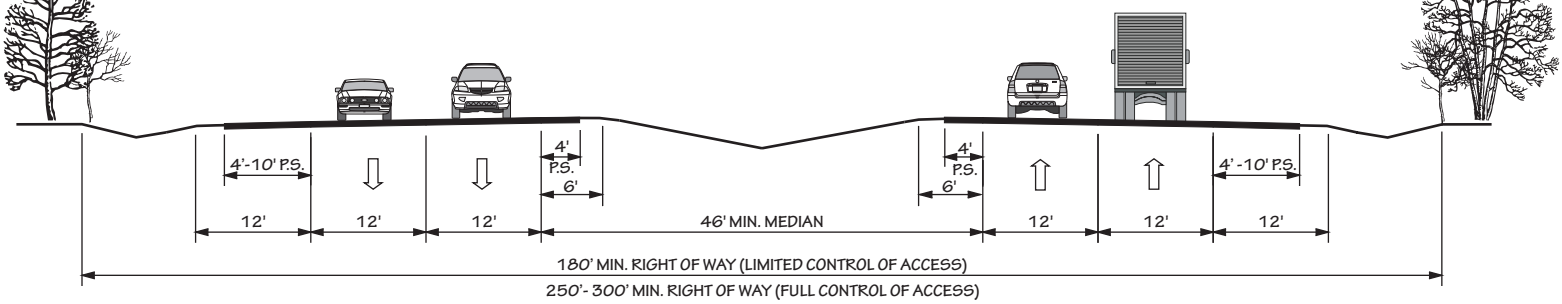


TYPICAL HIGHWAY CROSS SECTIONS

4 LANES

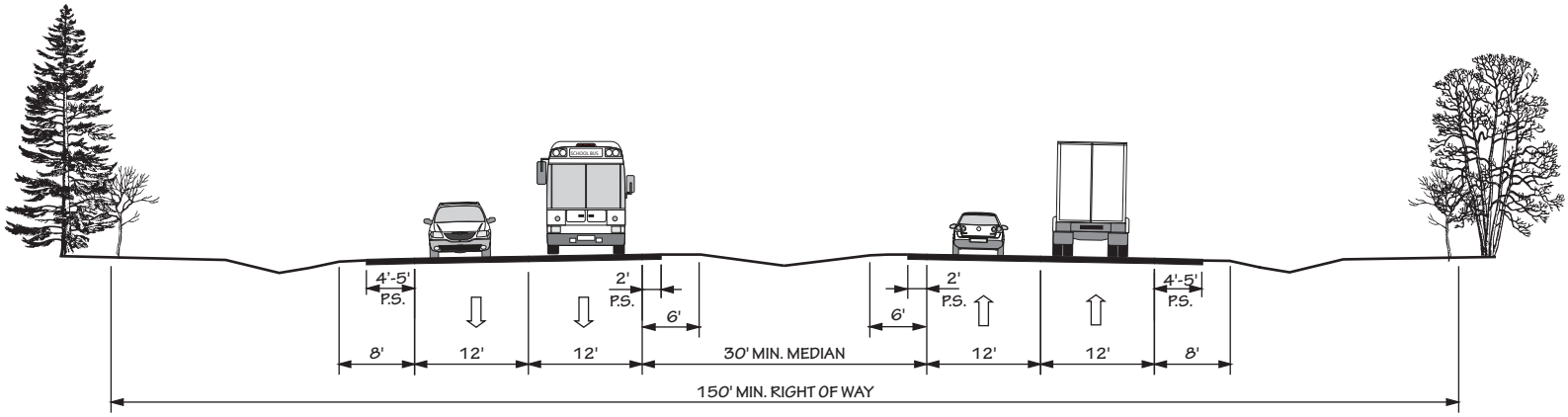
4 A

DIVIDED WITH MEDIAN
FULL OR LIMITED CONTROL OF ACCESS



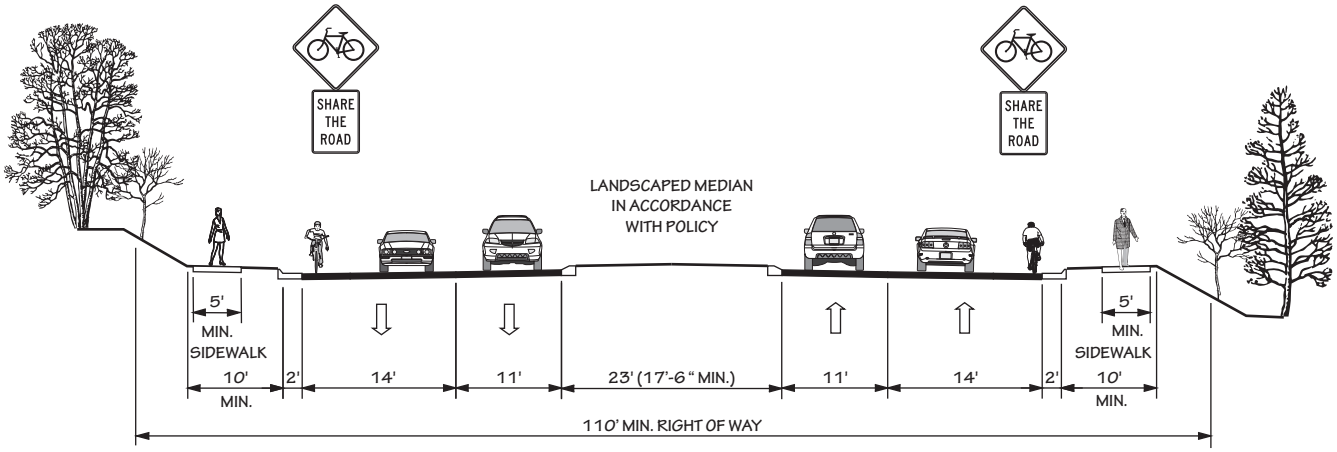
4 B

DIVIDED WITH MEDIAN - NO CURB & GUTTER
PARTIAL CONTROL OF ACCESS



4 C

RAISED MEDIAN WITH WIDE OUTSIDE LANES AND SIDEWALKS

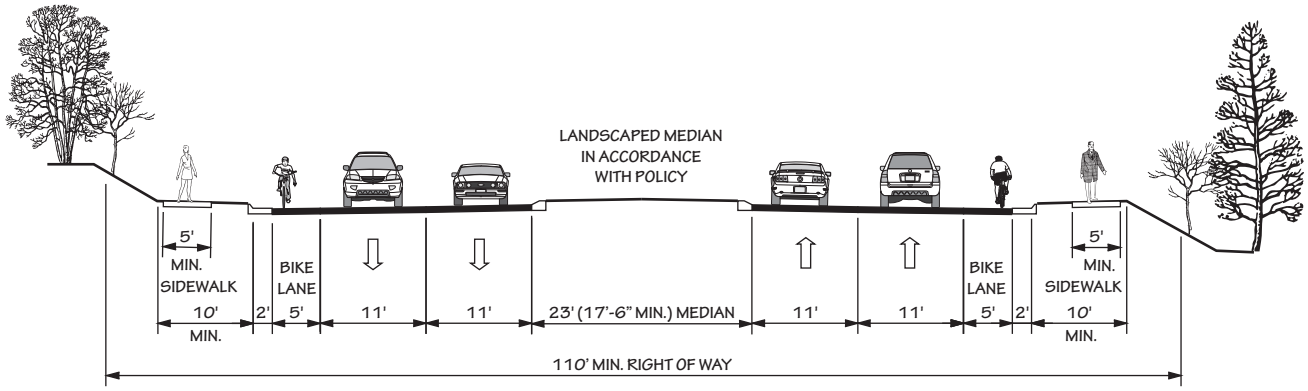


TYPICAL HIGHWAY CROSS SECTIONS

4 LANES

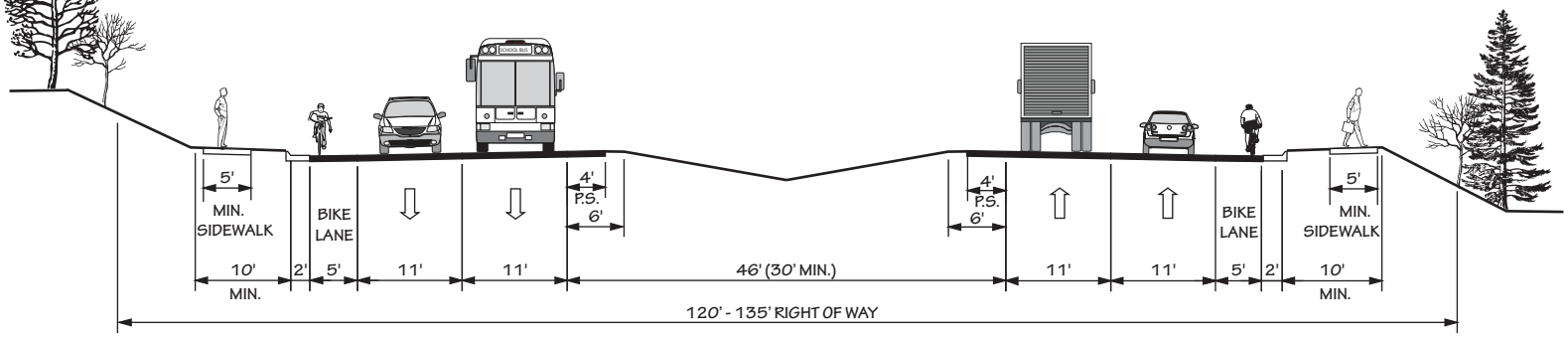
4 D

RAISED MEDIAN - CURB & GUTTER WITH BIKE LANES AND SIDEWALKS



4 E

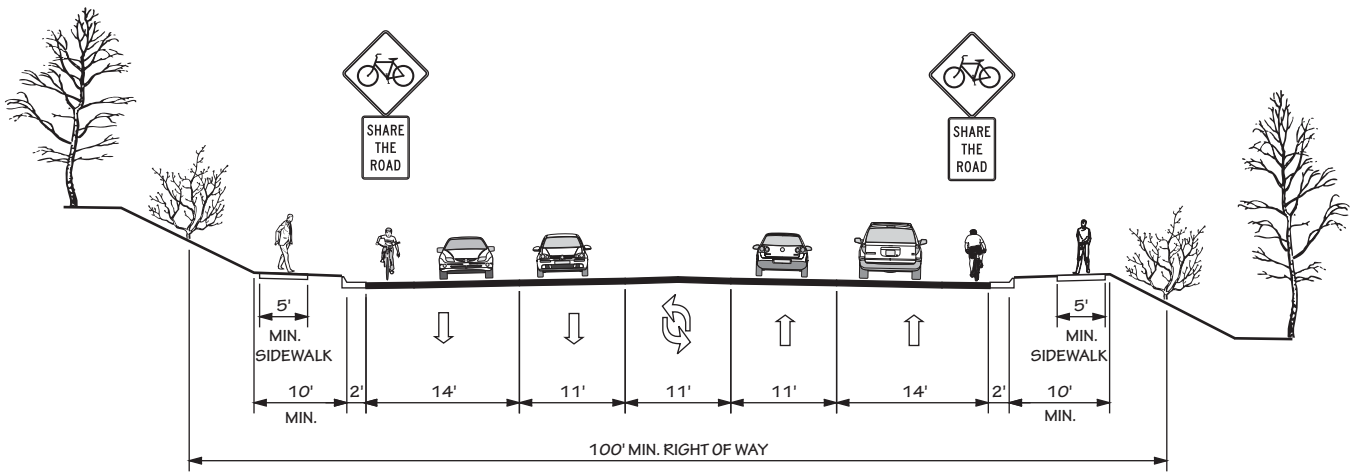
GRASS MEDIAN WITH BIKE LANES AND SIDEWALKS



5 LANES

5 A

WIDE OUTSIDE LANES

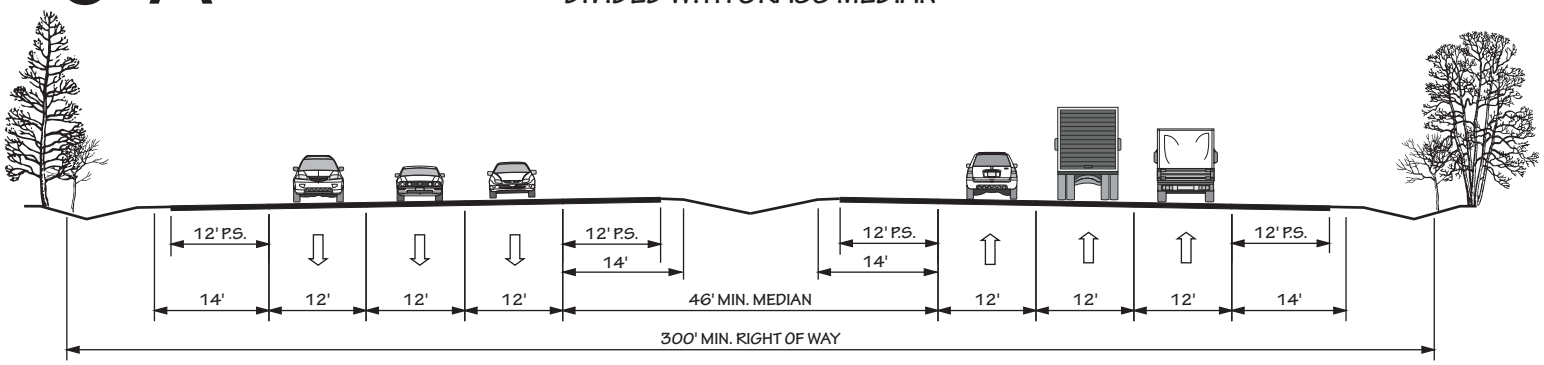


TYPICAL HIGHWAY CROSS SECTIONS

6 LANES

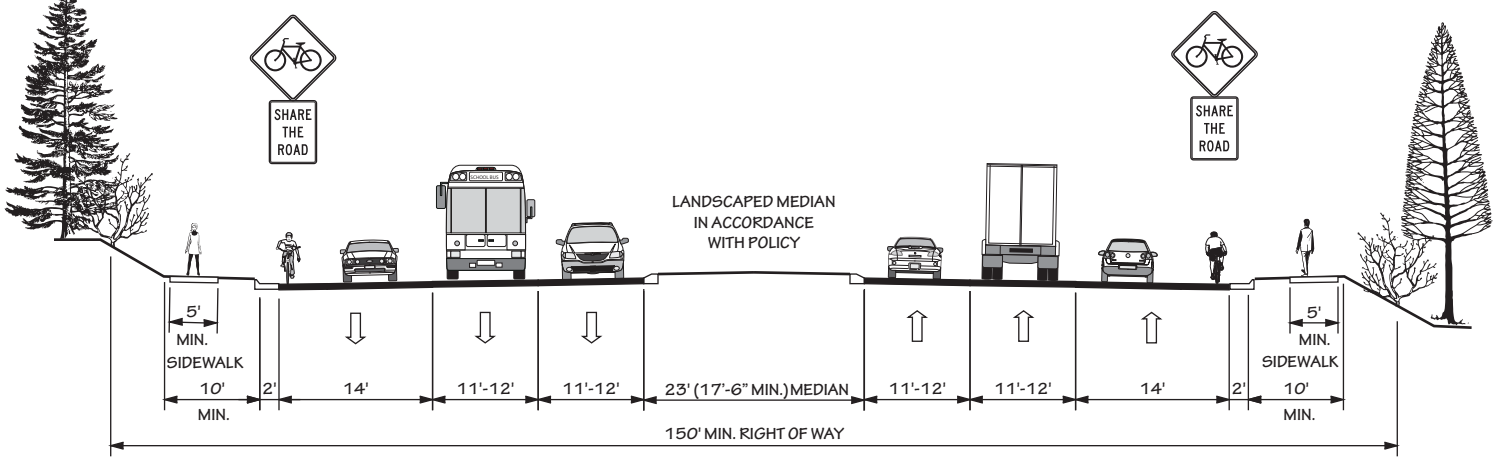
6 A

DIVIDED WITH GRASS MEDIAN



6 B

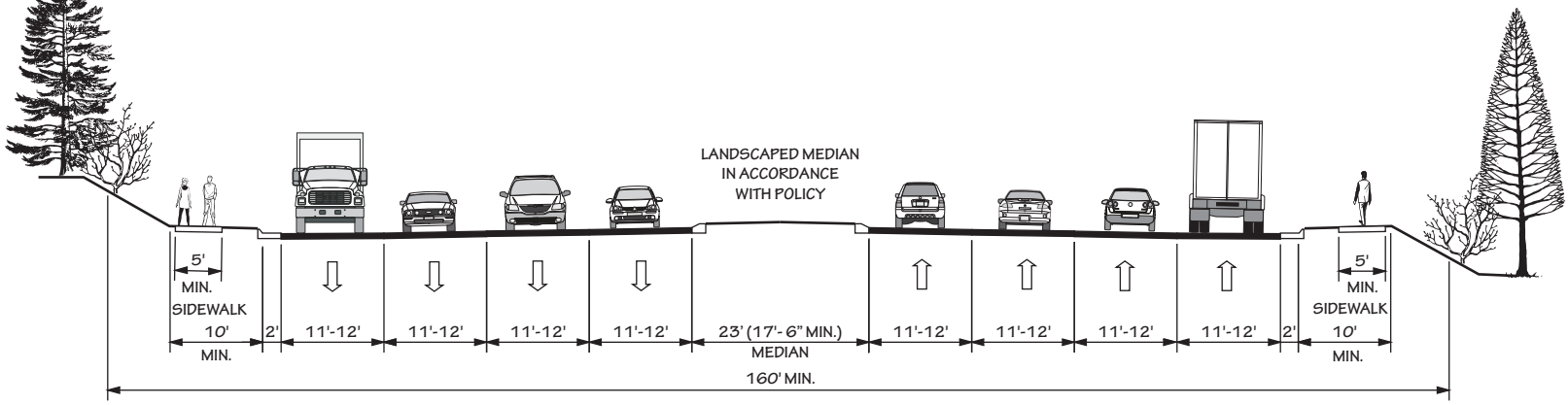
RAISED MEDIAN - CURB & GUTTER WITH WIDE OUTSIDE LANES AND SIDEWALKS



8 LANES

8 A

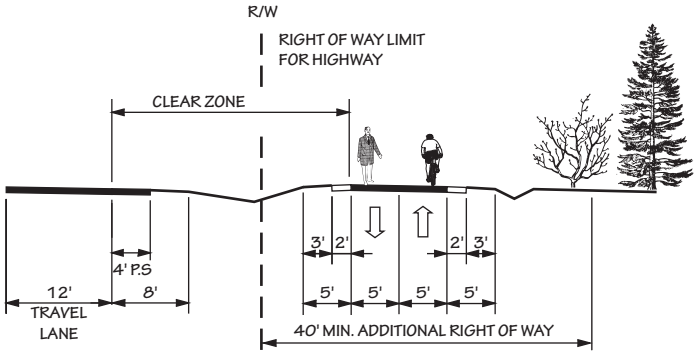
RAISED MEDIAN - CURB & GUTTER WITH SIDEWALKS



TYPICAL MULTI - USE PATH

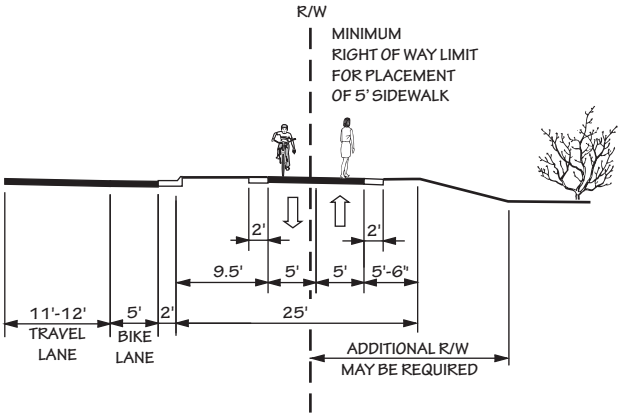
MULTI - USE PATH
ADJACENT TO RIGHT OF WAY OR SEPARATE PATHWAY

M A



MULTI - USE PATH ADJACENT TO CURB AND GUTTER

M B



This page intentionally left blank.

Appendix E
Level of Service Definitions

The relationship of travel demand compared to the roadway capacity determines the level of service (LOS) of a roadway. Six levels of service identify the range of possible conditions. Designations range from LOS A, which represents the best operating conditions, to LOS F, which represents the worst operating conditions.

Design requirements for roadways vary according to the desired capacity and level of service. LOS D indicates "practical capacity" of a roadway, or the capacity at which the public begins to express dissatisfaction. Recommended improvements and overall design of the transportation plan were based upon achieving a minimum LOS D on existing facilities and a LOS C on new facilities. The six levels of service are described below and illustrated in Figure 11.

- **LOS A**: Describes primarily free flow conditions. The motorist experiences a high level of physical and psychological comfort. The effects of minor incidents of breakdown are easily absorbed. Even at the maximum density, the average spacing between vehicles is about 528 ft, or 26 car lengths.
- **LOS B**: Represents reasonably free flow conditions. The ability to maneuver within the traffic stream is only slightly restricted. The lowest average spacing between vehicles is about 330 ft, or 18 car lengths.
- **LOS C**: Provides for stable operations, but flows approach the range in which small increases will cause substantial deterioration in service. Freedom to maneuver is noticeably restricted. Minor incidents may still be absorbed, but the local decline in service will be great. Queues may be expected to form behind any significant blockage. Minimum average spacing is in the range of 220 ft, or 11 car lengths.
- **LOS D**: Borders on unstable flow. Density begins to deteriorate somewhat more quickly with increasing flow. Small increases in flow can cause substantial deterioration in service. Freedom to maneuver is severely limited, and the driver experiences drastically reduced comfort levels. Minor incidents can be expected to create substantial queuing. At the limit, vehicles are spaced at about 165 ft, or 9 car lengths.
- **LOS E**: Describes operation at capacity. Operations at this level are extremely unstable, because there are virtually no usable gaps in the traffic stream. Any disruption to the traffic stream, such as a vehicle entering from a ramp, or changing lanes, requires the following vehicles to give way to admit the vehicle. This can establish a disruption wave that propagates through the upstream traffic flow. At capacity, the traffic stream has no ability to dissipate any disruption. Any incident can be expected to produce a serious breakdown with extensive queuing. Vehicles are spaced at approximately 6 car lengths, leaving little room to maneuver.

- **<u>LOS F</u>**: Describes forced or breakdown flow. Such conditions generally exist within queues forming behind breakdown points.

Figure 11 - Level of Service Illustrations

Source: 2000 Highway Capacity Manual

Appendix F
Traffic Crash Analysis

A crash analysis performed for the Orange County CTP factored crash frequency, crash type, and crash severity. Crash frequency is the total number of reported crashes and contributes to the ranking of the most problematic intersections. Crash type provides a general description of the crash and allows the identification of any trends that may be correctable through roadway or intersection improvements. Crash severity is the crash rate based upon injuries and property damage incurred.

The severity of every crash is measured with a series of weighting factors developed by the NCDOT Division of Highways (DOH). These factors define a fatal or incapacitating crash as 47.7 times more severe than one involving only property damage and a crash resulting in minor injury is 11.8 times more severe than one with only property damage. In general, a higher severity index indicates more severe accidents. Listed below are levels of severity for various severity index ranges.

Severity	Severity Index
low	< 6.0
average	6.0 to 7.0
moderate	7.0 to 14.0
high	14.0 to 20.0
very high	> 20.0

Table 4 depicts a summary of the crashes occurring in the planning area between January 1, 2007 and December 31, 2009. The data represents locations with 10 or more crashes and/or a severity average greater than that of the state's 4.56 index. The "Total" column indicates the total number of crashes reported within 150-ft of the intersection during the study period. The severity listed is the average crash severity for that location.

Table 4 - Crash Locations

Map Index	Intersection	Average Severity	Total Crashes
1	NC 57 and NC 157	16.86	19
2	NC 54 and Dodsons Cross Road (SR 1102)	2.48	10

The NCDOT is actively involved with investigating and improving many of these locations. To request a more detailed analysis for any of the locations listed in Table 4, or other intersections of concern, contact the Division Traffic Engineer. Contact information for the Division Traffic Engineer is included in Appendix A.

DRAFT

This page intentionally left blank.

DRAFT

Appendix G
Bridge Deficiency Assessment

The Transportation Improvement Program (TIP) development process for bridge projects involves consideration of several evaluation methods in order to prioritize needed improvements. A sufficiency index is used to determine whether a bridge is sufficient to remain in service, or to what extent it is deficient. The index is a percentage in which 100 percent represents an entirely sufficient bridge and zero represents an entirely insufficient or deficient bridge. Factors evaluated in calculating the index are listed below.

- structural adequacy and safety
- serviceability and functional obsolescence
- essentiality for public use
- type of structure
- traffic safety features

The NCDOT Bridge Maintenance Unit inspects all bridges in North Carolina at least once every two years. A sufficiency rating for each bridge is calculated and establishes the eligibility and priority for replacement. Bridges having the highest priority are replaced as Federal and State funds become available.

A bridge is considered deficient if it is either structurally deficient or functionally obsolete. Structurally deficient means there are elements of the bridge that need to be monitored and/or repaired. The fact that a bridge is "structurally deficient" does not imply that it is likely to collapse or that it is unsafe. It means the bridge must be monitored, inspected and repaired/replaced at an appropriate time to maintain its structural integrity. A functionally obsolete bridge is one that was built to standards that are not used today. These bridges are not automatically rated as structurally deficient, nor are they inherently unsafe. Functionally obsolete bridges are those that do not have adequate lane widths, shoulder widths, or vertical clearances to serve current traffic demand or to meet the current geometric standards, or those that may be occasionally flooded.

A bridge must be classified as deficient in order to quality for Federal replacement funds. Additionally, the sufficiency rating must be less than 50% to qualify for replacement or less than 80% to qualify for rehabilitation under federal funding. Deficient bridges within the planning area are listed in Table 5.

DRAFT

Table 5 - Deficient Bridges

Bridge Number	Facility	Feature	Condition	Local ID
8	High Rock Rd (SR 1340)	Unnamed Creek	Structurally Deficient	-
24	Walnut Grove Church Rd (SR 1001)	North Fork Little River	Functionally Obsolete	-
43	Mount Willing Rd (SR 1120)	Seven Mile Creek	Structurally Deficient	-
76	Arthur Minnis Rd (SR 1113)	New Hope Creek	Functionally Obsolete	-
84	Old Greensboro Rd (SR 1005)	Collins Creek	Structurally Deficient	-
228	Old NC 86 (SR 1009)	New Hope Creek	Functionally Obsolete	ORAN0007-H

DRAFT

Appendix H
Public Involvement

Includes:

- Listing of committee members;
- Statement of CTP Vision and Goals & Objectives;
- Public survey description and summary of results; and
- Summary of public involvement sessions.

DRAFT

Orange County CTP Committee List

Name	Organization
Tom Altieri (formerly Karen Lincoln)	Orange County Planning
Paul Guthrie	Orange Unified Transportation Board
Randy Marshall	Orange Unified Transportation Board
Nancy Baker	Orange Unified Transportation Board
Tina Love	Orange County Planning
Matthew Day (formerly Paul Black)	Triangle Area RPO
Sarah Lee	NCDOT Transportation Planning Branch
Scott Walston	NCDOT Transportation Planning Branch
Andy Henry	Durham-Chapel Hill-Carrboro MPO

DRAFT

ORANGE COUNTY CTP

Vision Statement Goals and Objectives

The goals of the 2030 Orange County Comprehensive Plan were used as a guide when creating the following document for the CTP.

Vision:

To provide an efficient and balanced transportation system that uses multiple motorized and nonmotorized modes of transportation and for which the planning, design, and implementation will be guided by the following overarching qualities:

A. Protects air quality, water quality and quantity, soil quality, and biological resources
B. Promotes public health and safety
C. Encourages sustainable economic development
D. Provides equal access to all users
E. Is highly modally and inter-modally integrated and connected
F. Fosters sustainable and efficient use of resources, including financial and natural resources
G. Protects the County's natural and cultural heritage
H. Uses creative and well-designed infrastructure
I. Is attractive, user-friendly, and easy to understand because of factors such as signage, brochures, and web pages
J. Respects privacy and citizen rights.

Goals and Objectives:

Goal 1. An efficient and integrated multi-modal transportation system that protects the natural environment and community character.

Objectives:

1-1. Increase the occupancy of automobiles through ridesharing and other means; and expand the use of public transit (including bus and rail), walking, and biking as primary modes of travel.
1-2. Facilitate the overall development and use of a transportation system that is more energy-efficient, reduces carbon emissions, and reduces the use of fossil fuels while promoting the use of local renewable and sustainable fuels.
1-3. Develop new transportation facilities in a manner that has a positive impact or avoids negative impacts on the natural environment, including air quality, water resources, biological resources, and wildlife habitat.
1-4. Develop new transportation facilities in a manner that has a positive impact or avoids negative impacts on the community, including historical or cultural assets, existing neighborhoods, schools and recreational facilities, and the overall rural character in Orange County.
1-5. Identify prime view sheds along major transportation corridors and protect these areas for their scenic and natural resource values.
1-6. Expand the availability and use of public transportation (including bus and rail) throughout the County to provide better connections between employment centers, shopping and service locations, and other key points of interest in both

DRAFT

urban and rural areas, particularly for the County's senior and disabled populations and others without access to automobiles.

Goal 2: A multi-modal transportation system that is affordable, available, and accessible to all users and that promotes public health and safety

Objectives:

2-1. Increase the provision of bikeways and walkways, and also increase supportive facilities such as bicycle parking zones.
2-2. Evaluate and serve special transportation needs of the senior population, youth, the economically disadvantaged and the disabled, including both everyday needs and disaster transit provision.
2-3. Increase countywide access for emergency vehicles, including ways to improve response times, both for existing and new developments.
2-4. Improve the provision of public transit facilities and services, and also increase supportive facilities for transit, such as park and ride lots.
2-5. Improve public education and advertising of existing transit services.
2-6. Increase safety awareness between car drivers and bicycle riders, and increase safety for pedestrians.
2-7. Construct bicycle facilities in Orange County that will make cycling safer, more convenient, and more efficient.

Goal 3: Integrated land use planning and transportation planning that serves existing development, supports future development, and is consistent with the County's land use plans which include provisions for preserving the natural environment and community character.

Objectives:

3-1. Improve the County's transportation system by first enhancing existing facilities as opposed to developing new facilities.
3-2. Create and implement an Orange County Comprehensive Transportation Plan that provides the framework for a comprehensive and connected transportation system supporting a mix of all transportation modes, including sidewalks and bicycle facilities, bus and rail transit facilities, and highways.
3-3. The plan should be coordinated with the goals and objectives of this Comprehensive Plan and seek to maintain and enhance community character and the natural environment
3-4. Determine the policies to guide connectivity within and between residential developments based on their impact on neighborhood character.
3-5. Direct development to higher density mixed-use districts along transit corridors and make necessary multi-modal transportation improvements to service lands that are slated for future intense development, such as Economic Development Districts.
3-6. Use innovative techniques to increase mobility and reduce rush hour congestion.

DRAFT

ORANGE COUNTY CTP

Vision Statement Goals and Objectives

Goal 4: A countywide and regionally-integrated, multi-modal transportation planning process that is comprehensive, creative and effective.

Objectives

4-1. Work with nearby jurisdictions to integrate the County's transportation plans with those of other transportation planning agencies and service providers in Orange County and the Triangle region. The resulting intermodal transportation system should reflect regional goals and objectives to meet projected travel demand and to reduce congestion and reliance on single occupancy vehicles.

4-2. Plan and integrate the County's multi-modal transportation routes and services with regional transportation agencies and transit service providers, agencies and transit providers in neighboring counties, the North Carolina Department of Transportation, Amtrak, and the North Carolina Railroad.

4-3. Revive rail transportation in Orange County and the Triangle region.

DRAFT

Orange County CTP Public Survey

The public survey was open from September 23, 2009 to November 2, 2009, and a total of 491 surveys were completed (including both online and paper submissions).

The following sheets contain a short summary of the information garnered from the survey results.

Other documents pertaining to the public survey, including:

- The blank survey that was distributed to the public,
- The overall results of the survey (not including open-ended answers), and
- A full response set of the survey results, including all open-ended responses, pie charts, and graphs,

can be viewed on the Orange County CTP website at http://www.ncdot.org/doh/preconstruct/tpb/planning/orangecounty.html.

DRAFT

Survey Results

Important Transportation Issues

Top picks...

- Increased walking and biking choices
- Service for low income, elderly, and disabled residents
- Preserving the community/rural character and heritage
- Protecting the natural environment, such as air and water quality
- Sustainable and efficient use of natural and financial resources

How to Improve a Road

Top rated...

- Build additional travel lanes
- Provide an alternative means of transportation, such as bus, train, bicycle, or park-n-ride

Lowest rated...

- Control the access of driveways and cross streets
- Use less frequent traffic signals

Comments...

- Stop building additional roads
- Promote public transportation/transit
- Bike lanes on roads that don't have them
    - Estes
    - Carrboro to Hillsborough
    - Old NC 86
- Separate bike paths
- Bypass around Hillsborough
- Enforce traffic laws with bicyclists
- Connector roads between neighborhoods
- Light rail from Chapel Hill / Durham / Raleigh to RDU and RTP
- Better signal timing and synchronization
- Sidewalks and greenways in other areas of county besides the main towns
- Information Technology
- Multi-use land-use and zoning - live and work close together

Roads to Focus Improvements

Top rated...

- US 70 Bypass
- New NC 86
- NC 15-501

Lowest rated...

- I-85/40
- NC 49
- NC 57
- NC 157

Comments...

- Sidewalks, bike routes, and public transportation connecting Efland with Hillsborough
- Old NC 86
- Bike lanes
    - Between Orange County schools in the county and population centers like Hillsborough
    - New Hope Church Rd
    - NC 10
    - Erwin Rd (commute to Durham)
    - Extend existing in Carrboro on Greensboro St/Hillsborough Rd to Calvander on SR 1009
    - Across the bypass from 15-501 up Columbia St toward campus and town

    - New NC 86
    - Old NC 86
    - NC 15-501
    - NC 54
- NC 86 bypass of Hillsborough
- NC 86 connector to I-85
- Sidewalks and bike lanes on Smith Level from high school to NC 54
- Reopen bus service from Hillsborough to Durham - to Duke East Campus, down Main St to downtown

Congested Routes
Comments... (all in MPO)

Economic Development Districts
Comments... (all 3 mentioned, all in MPO)

Safety/Crash Problems
Comments...
- Bicyclists on Old Greensboro Rd
- Dodson's Crossroads at NC 54

Safe and Convenient Bike Routes
Important - 79%
Comments...
- Dairyland
- Orange Grove
- Dodson's Crossroads
- Bradshaw Quarry
- NC 86
- Old NC 86
- Off-road greenways
- Jones Ferry
- Old Greensboro
- where there are schools (ex. Cameron Park)
- New Sharon Church Rd
- Schley
- NC 57
- NC 157
- NC 54

Safe and Convenient Walking Routes
Important - 78%
Comments...
- NC 86
- Dairyland

Destinations for Taxi, Bus, or Van Service
Top picks...
- RDU Airport
- Downtown Durham
- UNC and Duke hospitals

Comments...
- Efland
- Shopping - Southpoint, Crabtree

- Alamance Community College
- Pittsboro

Any Other Transportation Issues
Comments...
- Improving Efland-Cedar Grove Rd, due to traffic using it from Virginia to I-40/85
- Transportation service in rural areas for not only elderly but disabled as well
- Want bike routes and sidewalks to the schools
- Preserve rural peace and quiet

General observations...
- Lots of concern for bicycling - many wanting better facilities
    - Also many drivers frustrated at the safety issues bicycles present, as well as bicyclists not obeying traffic laws, and the fact that they must share the road but are not registered or taxed
- Generally don't want more roads - instead want more public transit, as well as more mixed use development and consolidated growth
- There is interest in rail service to connect the Triangle
- Got a few comments that they appreciated the survey and it had good questions

*****Most summaries here only list answers from the RPO areas for purpose of the CTP study. There are many more answers regarding the MPO area within the survey results.

*****Questions not included in this summary...
- NC 86 / Strategic Highways
- Traffic in downtown Hillsborough
- Demographic section

Summary of Public Involvement Sessions

Three total sessions were held for members of the public to attend to learn about the Orange County CTP and provide input. Common information presented at all sessions included the basic definition of a CTP, the typical CTP process, a description of the Strategic Highway Vision Plan and its corridors in Orange County, and the definitions and examples of highway facility types.

Below is information specific to each public session.

September 29, 2009
Public Awareness Session
5:00pm to 9:00pm
Efland Ruritan Club, 3106 Highway 70 West, Efland
Purpose / information presented: informing locals of the CTP study that was in its early stages, gaining their input on areas in need of study
Number of attendees: 2 (not including NCDOT and county staff)

February 7, 2011
Public Drop-in Session
4:30pm to 7:30pm
Orange County Public Library, 137 W. Margaret Lane, Hillsborough
Purpose / information presented: growth data, traffic projections, and preliminary recommendations
Number of attendees: 13 (not including NCDOT and county staff)

September 14, 2011
Public Drop-in Session
4:30pm to 7:30pm
Link Government Services Center, 200 S. Cameron Street, Hillsborough
Purpose / information presented: draft recommendations
Number of attendees: 9 (not including NCDOT and county staff)

DRAFT

Appendix I
Existing Transportation Plans

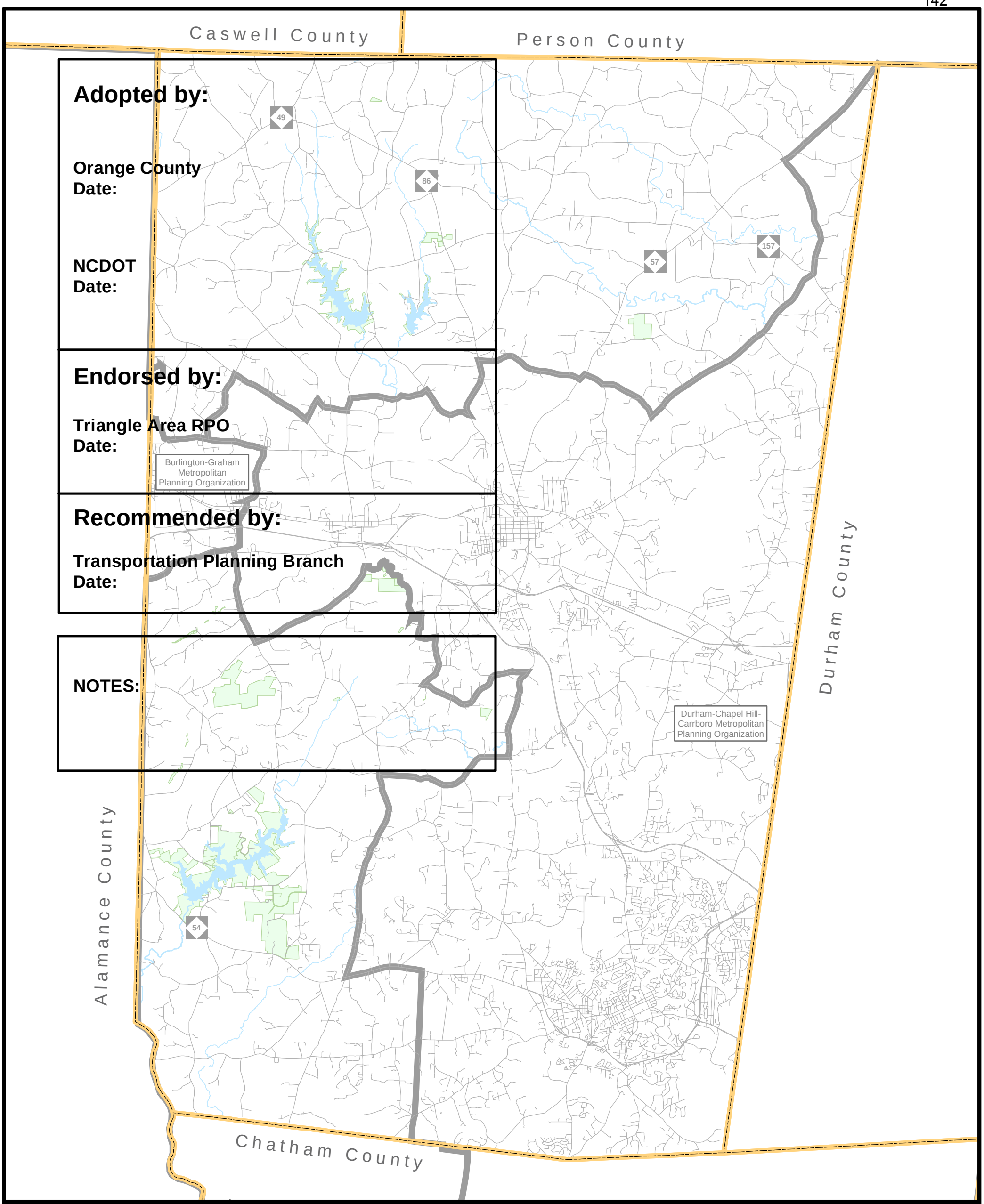
The following CTPs or Thoroughfare Plans for areas within the County that are not included as a part of this plan are listed below and depicted in this appendix.

- Durham-Chapel Hill-Carrboro Metropolitan Planning Organization
  - 2035 Long Range Transportation Plan (2009): see http://www.dchcmpo.org/index.php?option=com_content&task=view&id=65&Itemid=35
  - Draft 2040 Metropolitan Transportation Plan (MTP) and CTP
  - Extensive coordination was conducted to ensure connectivity with recommendations
- Burlington Graham Metropolitan Planning Organization 2030 Comprehensive Transportation Plan (2010)
  - See http://www.ncdot.org/doh/preconstruct/tpb/planning/BGMPOCTP.html
  - Coordination was conducted to ensure connectivity with recommendations
- 1990 Orange County Thoroughfare Plan (not adopted)

DRAFT

This page intentionally left blank.

DRAFT



Adopted by:

Orange County
Date:

NCDOT
Date:

Endorsed by:

Triangle Area RPO
Date:

Recommended by:

Transportation Planning Branch
Date:

NOTES:

Sheet 1	**Adoption Sheet**
Sheet 2	**Highway Map**
Sheet 3	**Public Transportation and Rail Map**
Sheet 4	**Bicycle Map**
Sheet 5	**Pedestrian Map**

- Airports
- Schools
- Roads
- Rivers and Streams
- Water Bodies
- Parks and Gamelands
- County Boundaries
- MPO Boundaries

0 1 2 3 4
Miles

N W E S

Figure 1
Sheet 1 of 5

Base map date: April, 2009

Refer to CTP document for more details

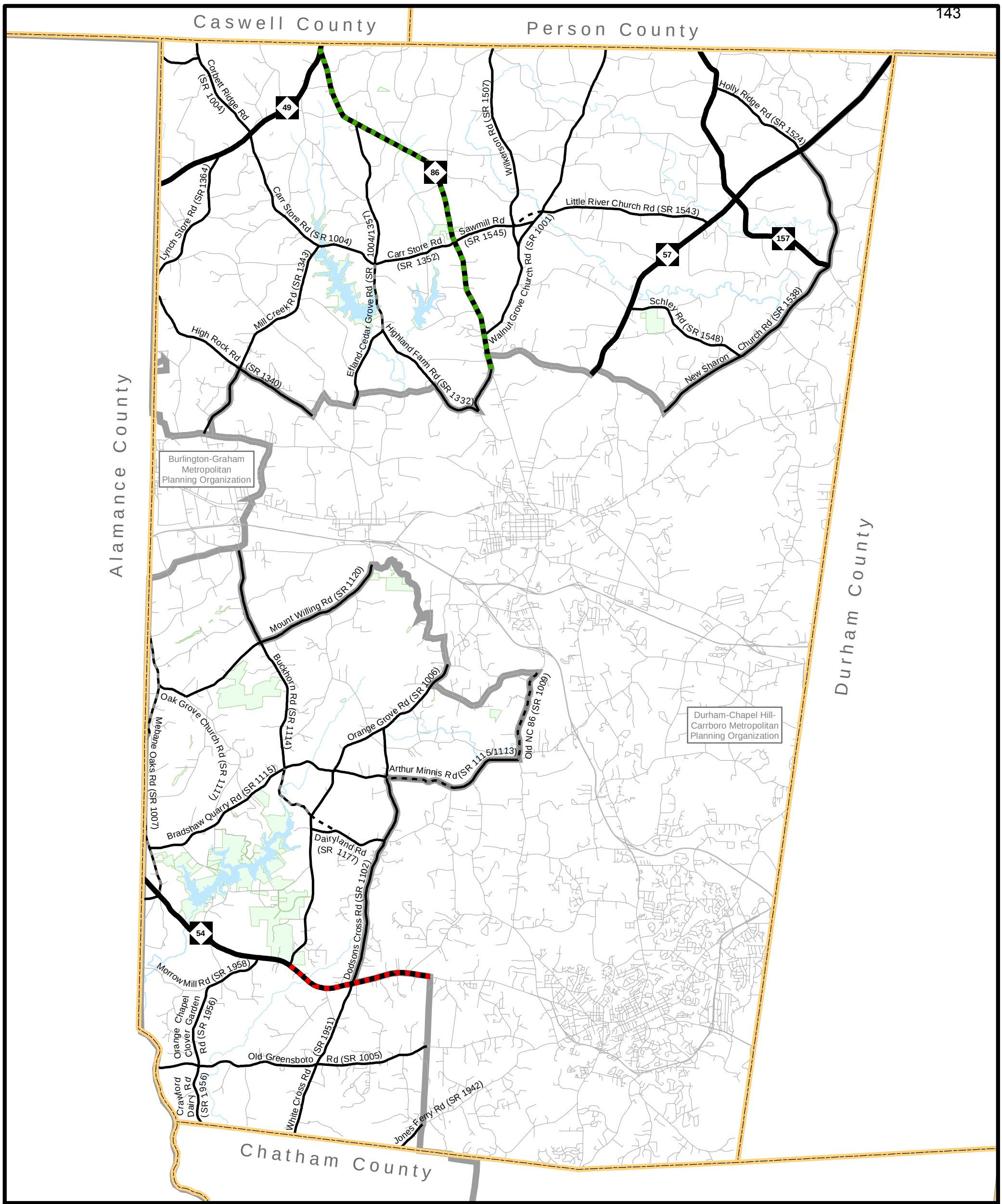
DRAFT

Orange County

North Carolina

Comprehensive Transportation Plan

Plan date: December 11, 2012



Freeways
- Existing
- Needs Improvement
- Recommended

Expressways
- Existing
- Needs Improvement
- Recommended

Boulevards
- Existing
- Needs Improvement
- Recommended

Other Major Thoroughfares
- Existing
- Needs Improvement
- Recommended

Minor Thoroughfares
- Existing
- Needs Improvement
- Recommended

- Existing Interchange
- Proposed Interchange
- Existing Grade Separation
- Proposed Grade Separation

0 1 2 3 4
Miles

N W E S

Figure 1
Sheet 2 of 5

Base map date: April, 2009

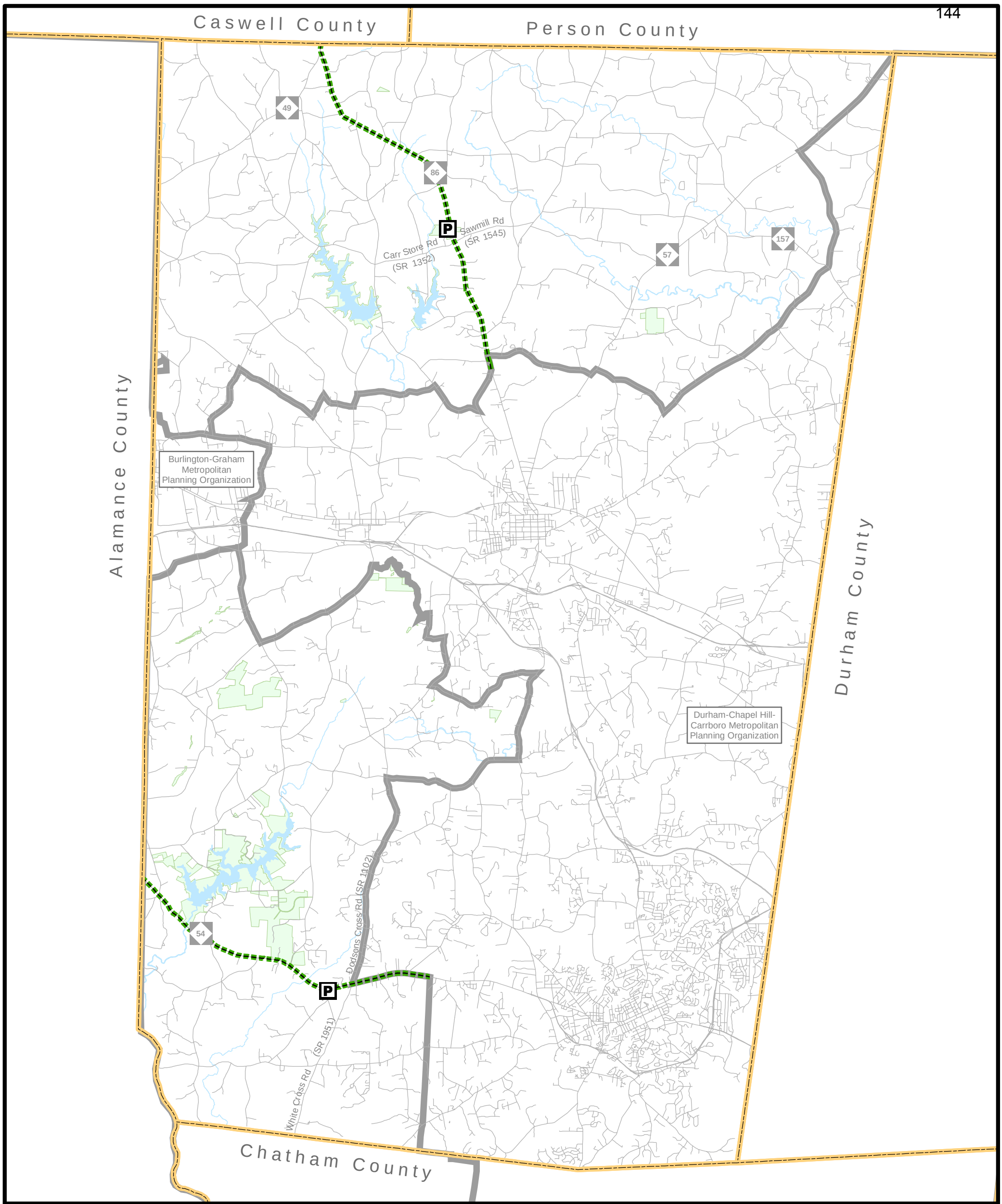
Refer to CTP document for more details

Highway Map

DRAFT

Orange County
Comprehensive Transportation Plan

Plan date: December 11, 2012



Bus Routes
- Existing
- Needs Improvement
- Recommended

Rail Corridor
- Active
- Inactive
- Recommended

Intermodal Connector
- Existing
- Recommended

Fixed Guideway
- Existing
- Needs Improvement
- Recommended

High Speed Rail Corridor
- Existing
- Recommended

Rail Stops
- Existing
- Recommended

Operational Strategies
- Existing
- Needs Improvement
- Recommended

Park and Ride Lot
- Existing
- Recommended

0 1 2 3 4
Miles

N
W E
S

Figure 1
Sheet 3 of 5

Base map date: April, 2009

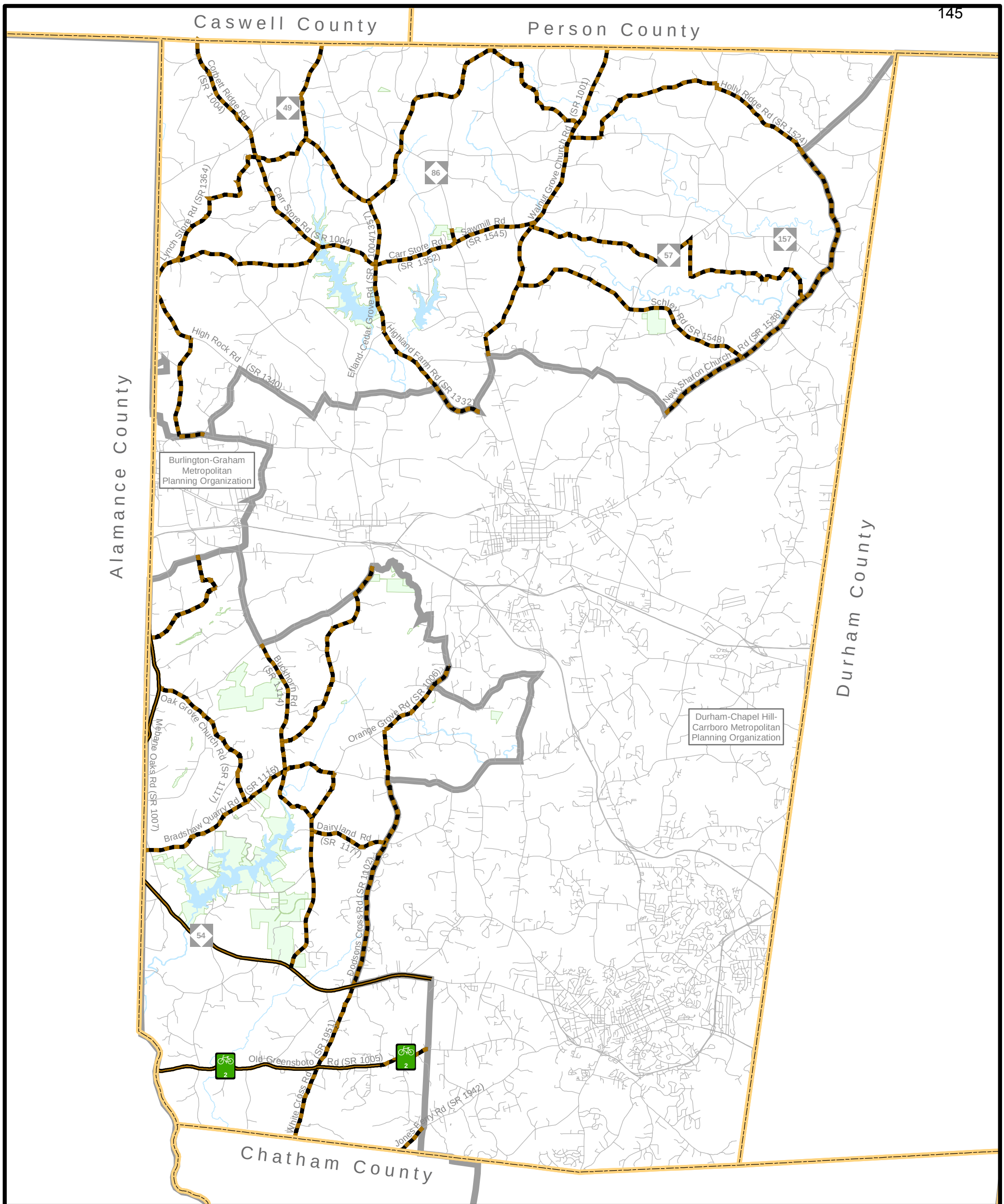
Refer to CTP document for more details

Public Transportation and Rail Map

DRAFT

Orange County
Comprehensive Transportation Plan

Plan date: December 11, 2012



On-road

- Existing
- Needs Improvement
- Recommended

Multi-Use Paths

- Existing
- Needs Improvement
- Recommended

Off-road

- Existing
- Needs Improvement
- Recommended

- Existing Grade Separation
- Proposed Grade Separation
- North Carolina Bike Route

0 1 2 3 4
Miles

N W E S

Figure 1
Sheet 4 of 5

Base map date: April, 2009

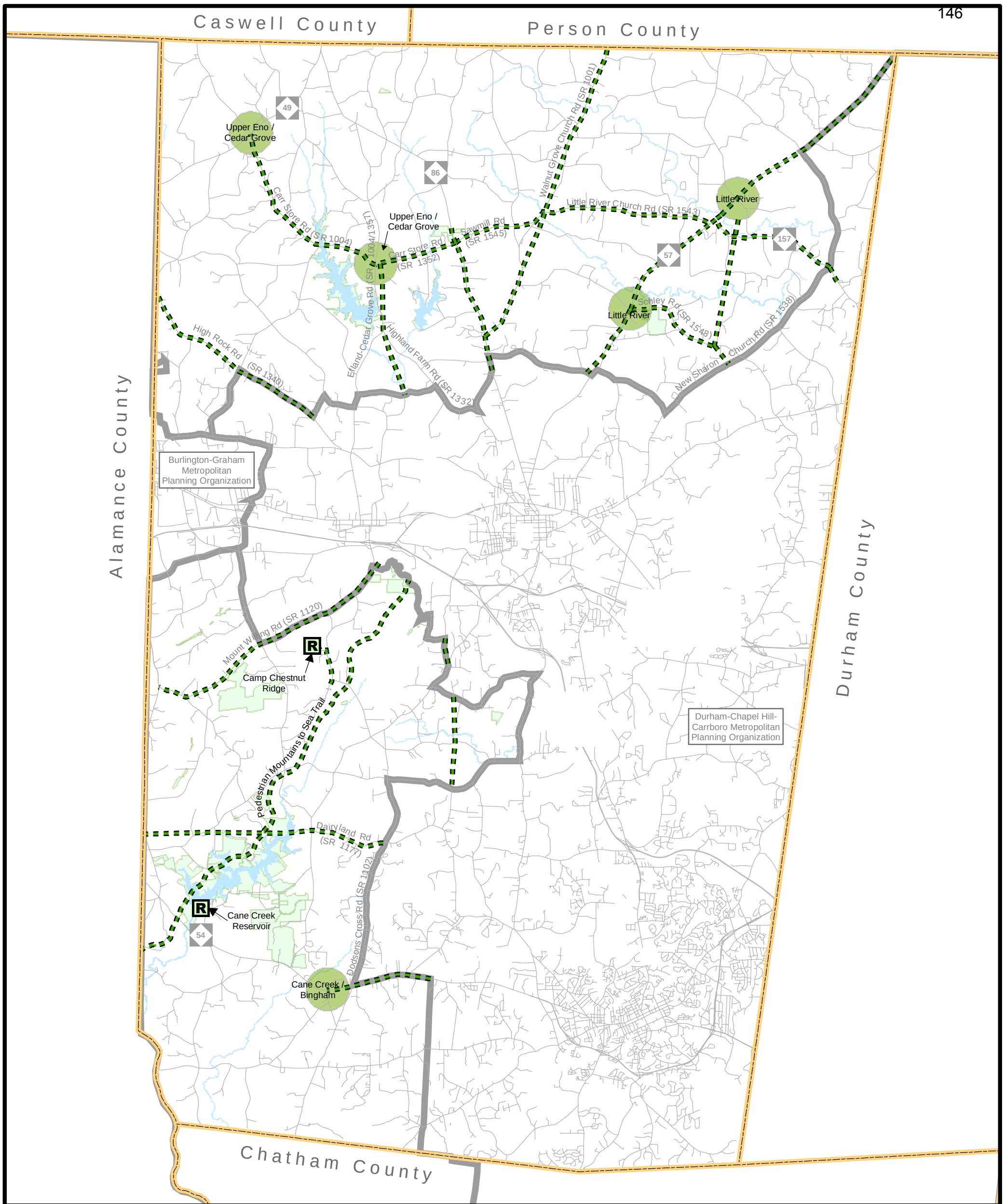
Refer to CTP document for more details

Bicycle Map

DRAFT

Orange County
Comprehensive Transportation Plan

Plan date: December 11, 2012



Sidewalks
- Existing
- Needs Improvement
- Recommended

Off-Road
- Existing
- Needs Improvement
- Recommended

Multi-Use Paths
- Existing
- Needs Improvement
- Recommended

- Existing Grade Separation
- Proposed Grade Separation

- Rural Communities
- Local Recreation Sites

0 1 2 3 4 Miles

N W E S

Figure 1
Sheet 5 of 5

Base map date: April, 2009

Refer to CTP document for more details

Pedestrian Map

DRAFT

Orange County Comprehensive Transportation Plan

Plan date: December 11, 2012

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 6-b

SUBJECT: North Carolina Community Transportation Program Administrative and Capital Grant Application for FY 2013/2014

DEPARTMENT: Transportation/Planning

PUBLIC HEARING: (Y/N) Yes

ATTACHMENT(S):
Resolution and Public Hearing Notice, Including Proposed Administrative/ Capital Budget Summary

INFORMATION CONTACT:

Al Terry 919-245-2008
Craig Benedict 919-245-2575

PURPOSE: To:

1) Conduct an annual public hearing on the North Carolina Community Transportation Program (CTP) grant application by Orange Public Transportation for FY 2013-2014;
2) Approve the grant application that includes adopting a resolution authorizing the applicant to enter into an agreement with North Carolina Department of Transportation; and
3) Authorize the County Attorney to complete the necessary certifications and assurances.

BACKGROUND: Each year, the North Carolina Department of Transportation (NCDOT), Public Transportation Division, accepts requests for administrative and capital needs for county operated community transportation programs. Orange Public Transportation (OPT) is eligible to make application for both administrative and capital funding. The current year, FY 2012-2013 approved application includes $185,525 in administrative funding.

The **total CTP funding request for FY 2013-2014 is $185,605** for administration and no additional funds for capital items.

Administrative funds will continue to be used to support overall transit systems management and continue to promote general ridership. A public hearing is requested with the opportunity for public discussion and comment before the Board takes action on the resolution.

FINANCIAL IMPACT: The NCDOT Community Transportation Program Grant requires a 15% local match ($27,841) for administrative funding. The total County match is $27,841 which will be requested in the upcoming FY 2013-14 County budget.

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

1. Conduct a public hearing to receive public comments on the proposed grant application;
2. Approve the Community Transportation Program Grant application for FY 2013-2014 in the total amount of $185,605, with a local match of $27,841;
3. Authorize the County Attorney to complete the necessary certifications and assurances which have been requested from NCDOT;
4. Approve and authorize the Chair to sign the Community Transportation Program Resolution, and sign the annual certified statements of participation when they are completed; and
5. Accept and budget the receipt of the CTP grant once awarded.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

Section 5311
FY 2014 RESOLUTION

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by (*Board Member's Name*) _____ and seconded by (*Board Member's Name or N/A, if not required*) _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, (*Legal Name of Applicant*) Orange County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*)* Chair of (*Name of Applicant's Governing Body*) Orange County Board of County Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I (*Certifying Official's Name*)* Mr. Barry Jacobs (*Certifying Official's Title*) *Chair, Board of Orange County Commissioners* do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) Orange County Board of Commissioners duly held on the 24 day of January, 2013.

_____
Signature of Certifying Official

Note that the authorized official, certifying official, and notary public should be three separate individuals.

Seal Subscribed and sworn to me (*date*) _____

_____
Notary Public *

_____

_____
Printed Name and Address

My commission expires (*date*) _____

Affix Notary Seal Here

PUBLIC HEARING NOTICE

This is to inform the public that a public hearing will be held on the proposed Orange County Community Transportation Program Application to be submitted to the North Carolina Department of Transportation no later than January 25, 2013. The public hearing will be held on January 24, 2013 at Orange County Department of Social Services, 113 Mayo Street, Hillsborough, N.C. before the Orange County Board of County Commissioners**.**

Those interested in attending the public hearing and needing either auxiliary aids and services under the Americans with Disabilities Act (ADA) or a language translator should contact Al Terry on or before January 23, 2013, at telephone number 919-245-2008 or via email at aterry@co.orange.nc.us.

The Community Transportation Program provides assistance to coordinate existing transportation programs operating in Orange County as well as provides transportation options and services for the communities within this service area. These services are currently provided using fixed, demand response, deviated fixed, and subscription routes. Services are rendered by Orange Public Transportation.

The total estimated amount requested for the period ***July 1, 2013 through June 30, 2014***

Project	Total Amount	Local Share	
Administrative	**$** 185,605	**$** 27,841	**(15%)**
Capital (Vehicles & Other)	**$** 0	**$** 0	**(10%)**
Operating (Small fixed-route, regional, and consolidated urban-rural systems only)	**$** 0	**$** 0	***(50%)** or more *Note: Small Fixed Route systems must contribute more than 50%
TOTAL PROJECT	**$** 185,605	**$** 27,841	
	Total Funding Request	**Total Local Share**	

This application may be inspected at 600 Highway 86 North, Hillsborough, N.C. 27278 from 8:00 - 5:00 p.m., Monday through Friday. Written comments should be directed to Al Terry, Transportation Division Manager before January 23, 2013.

End of Notice

Note: AN ORIGINAL COPY of the published Public Hearing Notice must be attached to a signed Affidavit of Publication. **Both the Public Hearing Notice and the Affidavit of Publication** must be submitted with the CTP grant application.

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 6-c

SUBJECT: Amendments to Unified Development Ordinance Text – Incorporate Changes Suggested by MuniCode (UDO/Zoning 2012-15) - Public Hearing Closure and Action (No Additional Comments Accepted)

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

ATTACHMENT(S):

1. Comprehensive Plan/Future Land Use Map and Unified Development Ordinance (UDO) Amendment Outline Form (UDO/Zoning-2012-15)
2. Ordinance Approving Amendment
3. Excerpt of Draft Minutes - November 19, 2012 Quarterly Public Hearing
4. Excerpt of Draft Minutes – December 5, 2012 Planning Board Meeting

INFORMATION CONTACT:

Perdita Holtz, Planner III, 919-245-2578
John Roberts, County Attorney, 919-245-2318
Craig Benedict, Planning Director, 919-245-2592

PURPOSE: To receive the Planning Board's recommendation, close the public hearing, and make a decision on Planning Director initiated text amendments to the Unified Development Ordinance (UDO) to incorporate changes suggested by MuniCode, a corporation retained by Orange County to codify the County's ordinances.

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the November 19, 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 shall not be solicited.

BACKGROUND: As part of the codification process for all Orange County Ordinances, MuniCode has completed a legal review of the UDO. As a result, MuniCode has suggested a number of corrections/updates to State statute/rule references. Except for the change suggested in Section 6.16.4, the changes are not substantive, but the text amendments must go through the normal amendment process since the UDO does not allow for manifest errors to be corrected without a formal amendment.

The language change suggested in Section 6.16.4 in regards to the requirement for an environmental impact statement is being proposed because §113A-8(b) of the North Carolina General Statutes states that major development projects for which an environmental impact statement (EIS) is required by a Federal or State agency shall be exempt from EIS submittal requirements of a local government. However, since the local government can require that the applicant submit a copy of the EIS submitted to the Federal or State agency, staff is suggesting that said EIS may be required.

Attachment 1 contains additional information and analysis on these amendments and Attachment 2 contains the ordinance approving the proposed amendments along with the amendments in "track changes" format (red text for proposed text and red ~~strikethrough~~ for proposed deletions). Unless otherwise noted on a page, only pages with proposed changes are included.

Public Hearing

The proposed UDO amendments were heard at the November 19, 2012 joint public hearing (see draft Minutes in Attachment 3). No members of the public spoke on the proposed UDO amendments and no substantive questions were asked.

Procedural Information

In accordance with Section 2.8.8 of the Unified Development Ordinance, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

Planning Director's Recommendation

The Planning Director recommends **approval** of the proposed UDO amendments based on the following:

- These amendments are necessary in order to ensure the correct State statutes/rules are referenced in the UDO and to ensure the requirements of the UDO are consistent with State statutes.

Planning Board Recommendation

The Planning Board considered this item at its December 5, 2012 meeting. The Planning Board **unanimously voted to recommend approval** of this item. The Planning Board drat minutes are included in Attachment 4.

FINANCIAL IMPACT: See Section C.3 of Attachment 1.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the Planning Board's recommendation of approval;
2. Close the public hearing; and
3. Decide accordingly and/or adopt the ordinance contained in Attachment 2 which authorizes the text amendments.

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

UDO / Zoning-2012-15

Amendments incorporating changes suggested by MuniCode

A. AMENDMENT TYPE

Map Amendments

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

☐ Zoning Map:
From:- --
To:---

☐ Other:

Text Amendments

☐ Comprehensive Plan Text:
Section(s):

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

Section(s): Numerous sections in Articles 1, 2, 4, 5, 6, 9, and 10 to incorporate State Statute/Rule reference changes and a language change regarding Environmental Impact Statements in Section 6.16.4 suggested by MuniCode.

☐ Other:

B. RATIONALE

1. **Purpose/Mission**

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated text amendments to incorporate changes to references to State

Statutes/Rules. The changes have been suggested by MuniCode, a corporation retained by Orange County to codify the County's ordinances, and are a result of MuniCode's legal review of the County's UDO. The legal review was completed in order to prepare the ordinance for codification. The changes are not substantive but the text amendment must go through the normal amendment process since the County's UDO does not allow for manifest errors to be corrected without a formal amendment.

2. Analysis

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

These amendments are being proposed in order to ensure the correct State statutes/rules are referenced in the UDO and to ensure the requirements of the UDO are consistent with State statutes.

The change to the language in Section 6.16.4 is being proposed because §113A-8(b) of the North Carolina General Statutes states that major development projects for which an environmental impact statement (EIS) is required by a Federal or State agency shall be exempt from EIS submittal requirements of a local government. However, since the local government can require that the applicant submit a copy of the EIS submitted to the Federal or State agency, staff is suggesting that said EIS may be required.

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

No direct linkage to the Principles, Goals, and Objectives of the Comprehensive Plan. This amendment is proposed in order to engage in "good housekeeping" by correcting reference errors in the UDO and ensuring the requirements of the UDO are consistent with State statutes.

4. New Statutes and Rules

Some of the proposed corrections are attributable to changes made over the years in the numbering system used by the State.

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

October 2, 2012

b. Quarterly Public Hearing

November 19, 2012

c. BOCC Updates/Checkpoints

October 16, 2012 – Approval of legal ad
January 24, 2013 – receive Planning Board recommendation

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

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

a. Planning Board Review:

December 5, 2012 (recommendation)

b. Advisory Boards:

N/A

c. Local Government Review:

N/A

d. Notice Requirements

Legal advertisement was published on November 4 and 11 in the Chapel Hill Herald and on November 7 and 14 in the News of Orange.

e. Outreach:

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

3. FISCAL IMPACT

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

D. AMENDMENT IMPLICATIONS

No substantive implications. The proposed amendments are solely a 'housekeeping' item resulting from MuniCode's legal review of the ordinance.

E. SPECIFIC AMENDMENT LANGUAGE

Please see Attachment 2. Proposed additions are shown in red text and proposed deletions are shown in red ~~strikethrough~~ text.

Primary Staff Contact:
Perdita Holtz

Planning Department

(919) 245-2578

pholtz@orangecountync.gov

Ordinance #: ____ORD-2013-003____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY

Whereas, MuniCode, a corporation retained by Orange County to codify its ordinances, has completed a review of the Unified Development Ordinance for consistency with State Statutes and Rules, and

Whereas, as a result of said review, MuniCode identified necessary amendments to the Unified Development Ordinance to correctly reference State Statutes and Rules and to correct some manifest errors, and

Whereas*,* the requirements of Section 2.8 of the Unified Development Ordinance have been deemed complete, and

Whereas*,* the County has found the proposed text amendments to be reasonably necessary to ensure local regulations are compliant with State Statues and Rules and to correct manifest errors, and

Whereas*,* the County has held the required public hearing and has found the proposed text amendment is consistent with the adopted Comprehensive Plan.

Be it ordained by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted in the attached pages.

Be it further ordained that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

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 _____, 2013 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 _____, 2013.

SEAL

_____
Clerk to the Board of Commissioners

ARTICLE 1: ADMINISTRATION

SECTION 1.1: GENERAL PROVISIONS

1.1.1 Title

The official title of this document is 'Unified Development Ordinance of Orange County, North Carolina'. For convenience, it shall be referred to throughout this document as 'this Ordinance', 'the Ordinance', ' the/this Unified Development Ordinance' or 'the/this UDO'.

1.1.2 Authority

This Ordinance is adopted pursuant to the statutory authority provided in the North Carolina General Statues (NCGS), specifically the provisions of:

(A) Chapter 153A, Article 18,

(B) Chapter 4,

(C) Chapter 160A, Article 19,

(D) Chapter 39, Article~~s 5 and 5(a)~~ 5A, and

(E) ~~Chapter 47, Article 2, Section 30~~ §47-30

(F) §143-214.5.

For the purpose of establishing comprehensive development regulations for designated portions of Orange County and providing for administration, enforcement and amendment thereof in accord with the aforementioned provisions.

1.1.3 Flood Damage Prevention Authority

(A) The Legislature of the State of North Carolina has delegated authority to county governments to adopt regulations to promote the public health, safety, and general welfare of its citizenry in the following sections of the North Carolina General Statutes:

(1) Part 6, Article 21 of Chapter 143,

(2) Parts 2, 3 and 4 of Article 18 of Chapter 153A, and

(3) § 153A-121 ~~Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes~~.

(B) Flood Insurance Rate Maps (FIRM), specifically FIRM Map Index 37135 CINDOC with an effective date of May 16, 2008 as well as all FIRM panels contained therein, developed by FEMA under a Cooperating Technical State agreement with the State of North Carolina and the Flood Insurance Study are hereby established as shown on the Official Zoning Atlas as the Special Flood Hazard Area Overlay Zoning District, and

(C) The Board of Adjustment as established by Orange County shall hear and decide requests for variances from the requirements of the Orange County Special Flood Hazard Area Overlay Zoning District.

1.1.4 Purpose and Intent

(A) In order to protect and promote the health, safety and general welfare of the County and its residents, this Ordinance is hereby adopted by the Orange County Board of Commissioners.

(B) The purpose of the regulations set out in this Ordinance shall be to accomplish compatible development of the land within Orange County in a manner which will best promote the health, safety, and general welfare, as well as to:

(1) Provide for efficiency and economy in the process of development;

(B) The enforcement, interpretation, and application of the standards contained herein shall be consistent with the goals and policies of the Comprehensive Plan and shall not create a situation that is inconsistent with the goals and policies contained therein.

1.1.8 Regulation of Farming and Bona Fide Farm Activities

The provisions of this Ordinance which are adopted under Chapter 153A, Article 18, Part 3 do not apply to property used for bona fide farm purposes, as defined within North Carolina General Statutes, except as follows:

(A) Any non-farm use of farm property,

(B) Compliance with all regulations required to be imposed by the Federal Emergency Management Agency (FEMA) through the National Flood Insurance Program including all applicable Flood Insurance Rate Maps (FIRM), and

(C) Compliance with the Orange County Special Flood Hazard Area Overlay Zoning District as detailed within this Ordinance.

1.1.9 Relationship with Other Laws, Covenant, or Deed Restrictions

(A) If the provisions of this Ordinance are inconsistent with those of state and/or federal law, the more restrictive provision governs, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

(B) If the provisions of this Ordinance are inconsistent or conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

(C) In accordance with this Ordinance, a property owner may be required to record deed restrictions, covenants, or other legal documentation outlining development limitations or imposing regulatory standards on the perpetual development and/or use of property. While the County may require such legal documents to be recorded as part of the normal development review process, the County has no enforcement authority over private covenants or deed restrictions that are not based on development limitations imposed by this Ordinance. This Ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. Orange County does not enforce private agreements.

(D) Town of Chapel Hill Land Development Standards: The regulations governing the use of land and structures as contained in the Town of Chapel Hill Land Development Ordinance are hereby adopted by reference as fully as though set forth herein. The regulations shall be applicable to that portion of the Transition Area located within the Chapel Hill Joint Development Review Area as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map.

(E) Town of Carrboro Land Development Standards: The regulations governing the use of land and structures as contained in the Town of Carrboro Land Use Ordinance are hereby adopted by reference as fully as though set forth herein. The regulations shall be applicable to that portion of the Transition Area located within the Carrboro Joint Development Review Area as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map.

(F) The Jordan Water Supply Nutrient Strategy Rules and riparian buffer protection rules (Jordan Lake Rules) of 15A NCAC 02B .0265, .0267 and .0268, Section 3.(d) of Session Law 2009-216, and Section 6.(g) of Session Law 2009-216, found in Section 7.(b) of Session Law 2009-484 apply to all lands within the Jordan Lake Watershed portion of Orange County. Wherever standards of the Jordan Lake Rules and the standards listed in this ordinance differ, the more restrictive provisions shall apply.

(G) The Neuse River Basin Nutrient Sensitive Waters Management Strategy rules and the riparian buffer protection rules (Neuse Rules) of 15ANCAC 02B .0235, .0240, .0233,

SECTION 1.4: PLANNING DIRECTOR

1.4.1 Responsibilities

(A) The Planning Director, or his/her designee, shall have the responsibility for the administration, interpretation, and enforcement of this Ordinance.

(B) Within this Ordinance, 'Planning Director' is synonymous with the individual actually serving in that capacity or a designated employee unless otherwise specified.

(C) The Planning Director is an employee of the County hired by and reporting to the County Manager and shall have the following duties in respect to this Ordinance:

(1) Administering all provisions of this Ordinance for which administrative responsibilities are not otherwise expressly assigned;

(2) Making interpretations of the provisions of this Ordinance;

(3) Reviewing all applications submitted in accordance with the requirements of this Ordinance to ensure compliance with the provisions of this Ordinance;

(4) Coordinating County staff's compliance with duties and responsibilities specified in this Ordinance;

(5) Preparing reports for, submitting recommendations to, and seeking input from, the Planning Board for all matters for which this Ordinance requires review and approval by the Planning Board;

(6) Maintaining records of the Planning Board's meetings and actions;

(7) ~~Amending~~ Ensuring the text of this Ordinance and the zoning atlas are modified to reflect any amendments approved by the Board of County Commissioners and maintaining up-to-date originals and copies of these documents;

(8) Conducting on-going regular reviews of the text of this Ordinance and proposing amendments necessary to implement and ensure consistency with the policy objectives of the County;

(9) Maintaining records of the Board of Adjustment's meetings and actions;

(10) Reporting any variances or interpretations of the location of the boundary of an area of special flood hazard area to the Federal Insurance Administration upon request; and

(11) Granting Zoning Compliance Permits, making inspections of buildings or premises, revoking permits, and any other procedures necessary to carry out the enforcement of this Ordinance.

1.4.2 Conditions on Authority

When rendering decisions on the approval of development projects, the interpretation of this Ordinance, or the issuance of permits, the Planning Director shall determine if the application is consistent with the requirements of this Ordinance and issue all appropriate permits or other approvals. The following limitations apply:

(A) Issuance of a permit authorizing the excavation, construction, moving, alteration, or use of land shall in no case be construed as waiving any provision of this Ordinance.

(B) Under no circumstances is the Planning Director permitted to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either building, structures or land.

(C) Under no circumstances is the Planning Director permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out assigned duties.

(E) Advise the Board of County Commissioners concerning the use and amendment of means for carrying out plans;

(F) Exercise such functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;

(G) Perform other related duties that the Board of County Commissioners may direct;

(H) Approve and recommend for adoption by the Board of County Commissioners a Comprehensive Plan for the development of the county, as well as amendments thereto; and

(I) The Planning Board, working with the Planning Director, shall from time to time, at intervals of not more than five years, examine the provisions of this Ordinance and the location of Zoning District boundary lines and shall submit a report to the Board of County Commissioners recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare, mindful of the intent expressed in Subsection 1.1.5.

1.6.4 Staffing

(A) The Planning Director, under the direction of the County Manager or his/her designee, shall serve as the professional staff to the Planning Board and shall be primarily responsible for completing any work product necessary to assist the Board in carrying out its duties.

(B) The Board of County Commissioners must approve all work assignments or projects requested by the Planning Board outside of work product associated with this Ordinance prior to the commencement of work.

1.6.5 Rules of Procedure

The Planning Board shall adopt rules of procedure for the conduct of its affairs. The rules shall be maintained in the office of the Planning Director. Except as otherwise expressly stated in this Ordinance, the rules adopted by the Planning Board shall provide for:

(A) Selection of officers, specifically a Chair and Vice Chair, whose term of office shall be one year, with eligibility for re-election.

(B) Attendance requirements.

(C) Establishment of a quorum, which shall be a majority of the appointed members, to allow the Board to conduct business.

(D) Establishment of a monthly, at a minimum, date and time for a regular meeting.

(E) A procedure for calling special meetings as the need of the Board requires.

1.6.6 Notification of Meetings

All meetings shall be open to the public. The Planning Director shall cause notices to be given as required under:

(A) Article ~~33-C~~ 33C, Chapter 143 of the North Carolina General Statutes;

(B) 143-318.11 of the North Carolina General Statutes; and

(C) Article 2 of this Ordinance.

1.6.7 Meeting Minutes

The Planning Board shall cause minutes of its meetings to be maintained as a permanent public record. Such minutes shall record the attendance of its members, its findings, recommendations, and a summary of information, data and comments presented to it.

In preparation and adoption of a plan element, area plan or other similar document, the Board of Commissioners shall ever be mindful of the need to balance the public interest with the needs of private interests, particularly in the conservation of surface and underground water resources, soil resources, and natural growth resources of the county and the efficient use of the renewable and non-renewable sources of energy.

SECTION 1.8: BOARD OF ADJUSTMENT

1.8.1 Establishment

(A) The Orange County Board of Commissioners under the authority of ~~Chapter 153A, Article 18, Part 1~~ § 153A-345 of the General Statutes of North Carolina, as amended, for the purposes and advantages described herein creates a Board of Adjustment.

(B) The Board shall consist of five members and two alternates who shall be residents of Orange County's Planning Jurisdiction. Members shall serve without compensation except for incidental expenses incurred in connection with official duties as approved by the Board of County Commissioners.

(C) The Board of County Commissioners may by resolution establish rules related to the requirements for volunteer service on the Board of Adjustment, appointment and removal of Board of Adjustment members, and rules of procedure.

1.8.2 Tenure and Membership

(A) The members shall be appointed by the Board of County Commissioners for terms of three years. A member whose term has expired shall continue to serve on the Board until his/her respective successor has been appointed and qualified.

(B) Members' terms shall be staggered so that all terms will not expire simultaneously.

(C) In cases where an individual is appointed to serve the unexpired portion of a Board member's term, the appointment shall be for the time period of the unexpired term only and shall not be counted as a regular term for that member.

(D) A member may be appointed for a second successive term, but after two consecutive terms a member shall be ineligible for reappointment until one calendar year has elapsed from the date of completion of the second term.

(E) An alternate member shall only vote in the absence of a regular member.

1.8.3 Duties

The Board of Adjustment shall have the following duties:

(A) Hear, review, and decide appeals of any order requirement, decision, or determination made by the Planning Director in the performance of official duties.

(B) Hear and decide applications for the approval of Class B Special Use permit applications in accordance with the rules and conditions laid down in this Ordinance.

(C) Hear and decide appeals for variances from the dimensional regulations of this Ordinance in accordance with provisions detailed herein. Nothing in this Ordinance shall be construed to authorize the Board of Adjustment to permit a use in a district where that use is neither a Permitted Use nor a Special Use.

(D) Pass upon, decide or determine such other matters as may be required by this Ordinance.

1.8.4 Rules of Procedure

The Board shall adopt Rules of Procedure and Regulations for the conduct of its affairs. The rules shall be maintained in the office of the Planning Director. Except as otherwise expressly stated in this Ordinance, the rules adopted by the Board of Adjustment shall provide for:

(A) Selection of officers, specifically a Chair and Vice-Chair, whose term of office shall be one year, with eligibility for re-election.

(B) Attendance requirements.

(C) Establishment of a quorum, which shall be a majority of the appointed members, to allow the Board to conduct business.

(D) Establishment of a date and time for a regular meeting.

(E) A procedure for calling special meetings as the need of the Board requires.

1.8.5 Conduct and Notification of Meetings

All meetings of the Board shall be conducted in compliance with:

(A) ~~The North Carolina Open Meetings Law,~~ [1]

(B) North Carolina General Statutes ~~G.S. 143.318.9 et seq.~~ Chapter 143, Article 33C,

(C) This Ordinance

The Planning Director shall give notice of Board meetings as provided in ~~the Open Meetings Law~~ NCGS Chapter 143, Article 33C. Notice of meetings shall be given to Board of Adjustment members as provided in the Rules of Procedure adopted by the Board as well as the provisions of this Ordinance.

1.8.6 Record of Meetings

The Planning Director shall keep a record of Board meetings to be maintained as a permanent public record. This record shall include minutes from each meeting including the vote of each member on every question, the Board's findings on required items, recommendations, and a complete summary of the evidence submitted to the Board including all documents, data, and testimony presented.

SECTION 1.9: DEVELOPMENT ADVISORY COMMITTEE

1.9.1 Establishment and Intent

(A) Establishment

There is hereby established a Development Advisory Committee (DAC) to assist the Planning Department in the execution of its functions with respect to processing applications submitted in accordance with the provisions of this Ordinance.

(B) Intent

The DAC is an informal advisory committee to allow various entities to review and discuss issues associated with a submitted application in order to assist with the development of a formal recommendation as to the disposition of the request by the Planning Department.

1.9.2 Duties and Responsibilities

The Development Advisory Committee has the following duties and responsibilities. The Committee shall:

(A) Review proposed text and atlas amendments, Conditional Districts, Special Use permits, rezonings, subdivisions or other similar technical issues that may be referred to the Committee.

[1] Although NCGS chapter 143, article 33C is sometimes referred to as the "Open Meetings Law", there is nothing actually in the law that refers to it this way. MuniCode is suggesting the County adhere to the actual statute references.

(G) For amendments to the Special Flood Hazard Area Overlay District, pertaining to a Letter of Map Amendment:

(1) An elevation certificate with either an MT-1, MT-2, or MT-EZ (forms available through FEMA), or

(2) A "No-Impact" analysis for a Letter of Map Revision.

(H) All other circumstances, factors and reasons that the applicant offers in support of the proposed Zoning Atlas and/or Unified Development Ordinance text amendment.

2.8.4 Applications for Amendment – Joint Planning Area

Applications for amendments to the Orange County Unified Development Ordinance and Zoning Atlas for the purpose of incorporating the provisions of the Chapel Hill Land Development Ordinance (and Zoning Maps) and/or the Carrboro Land Use Ordinance (and Zoning Maps) shall be processed as specified herein and as specified in the Joint Planning Agreement adopted November 2, 1987, and as amended from time to time.

Any text amendments adopted by Orange County shall be adopted by reference as though fully set forth herein. Any map amendments adopted by Orange County shall be officially denoted on the County Zoning Atlas. Where there is inconsistency between the amendment procedures contained herein and those contained in the Joint Planning Agreement, the provisions of the Joint Planning Agreement shall apply.

2.8.5 Analysis and Recommendation

The Planning Director shall cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners.

2.8.6 Public Hearing Required

A public hearing shall be held before adoption of any proposed Zoning Atlas Amendment and/or text amendment to this Ordinance. The Board of County Commissioners and the Planning Board shall hear applications and receive public comment for Zoning Atlas amendments and/or text amendments to this Ordinance in a Quarterly Public Hearing.

2.8.7 Notice of Public Hearings

(A) Notice of the public hearing to review the application and receive public comment shall be published at least twice in a newspaper of general circulation in the county, stating the time and place of the hearing and the substance of the proposed amendment.

(B) Said notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than ten days nor more than 25 days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

(C) In the case of amendments to the zoning atlas, the Planning Director shall post on the affected property a notice of the public hearing at least ten days prior to the date of said hearing.

(D) In the case of amendments to the Zoning Atlas, written notice shall be sent by certified mail to the affected property owner and all adjacent property owners ~~not less than~~ at least 15 days, but not more than 25 days, before the public hearing date. Adjacent property owners are those whose names and addresses are currently listed in the Orange County tax records and whose property lies within 500 feet of the affected property. [2]

[2] State Statutes require at least 10 days but not more than 25 days. Orange County chooses to require more time than statutes require, but the County needs to make it clear that 25 days is the outer limit (per statute). Additionally,

There are no changes on this page. It is included because the footnote from the previous page automatically "spilled over" onto this page.

(E) If amendments to the Zoning Atlas are proposed by the County, notice shall be sent by first class mail to all affected property owners and to all adjacent property owners within 500 feet as provided in (D) above.

(F) The Planning Director shall certify the mailing of all notices to the Board of County Commissioners.

2.8.8 Planning Board Review

(A) Following the public hearing, all proposed amendments shall be referred to the Planning Board for consideration and recommendation.

(B) The Board of County Commissioners may direct the Planning Board to provide a recommendation by a date certain. If the Board of County Commissioners does not so direct, the Planning Board shall make its recommendation within three regularly scheduled Planning Board meetings.

(C) If the Planning Board fails to make a recommendation within the time allotted in subsection (B) above, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.

(D) Amendments initiated by Orange County shall not be subject to time limitations other than those specified by the Board of County Commissioners during the public hearing process.

(E) Evidence not presented at the public hearing may be submitted in writing to the Planning Board for consideration prior to the Planning Board's recommendation to the Board of County Commissioners. The Planning Board may consider additional oral evidence only if it is for the purpose of presenting information also submitted in writing.

2.8.9 Action by Board of County Commissioners

(A) The Board of County Commissioners shall not consider enactment of the proposed amendment until the Planning Board either makes its recommendation or takes no action on the application as prescribed in Section 2.8.8(C).

(B) In making its decision, the Board of Commissioners shall consider all relevant evidence presented at the public hearing and any submitted written evidence that was considered by the Planning Board in making its recommendation.

2.8.10 Text Revisions Pertaining to Soil Erosion and Sedimentation Control Provisions

(A) The Erosion Control Officer shall review all of the North Carolina Sedimentation Control Commission's revisions to the State's Model Soil Erosions and Sedimentation Control Ordinance and, within 90 days of receipt of the recommended revisions, submit draft amendments to the North Carolina Sedimentation Control Commission for its consideration and comments.

(B) Within 150 days after receipt of the North Carolina Sedimentation Control Commission's comments, Orange County shall formally consider proposed amendments and, to the extent deemed necessary by the Board of County Commissioners, incorporate the amendments into this Ordinance.

(C) Text amendments to this Ordinance for soil erosion and sedimentation control provisions shall comply with the requirements in effect for any other text amendment.

2.8.11 Text Revisions Pertaining to Stormwater Provisions

(A) The Erosion Control Officer shall review all of the State Environmental Management Commission's revisions to the State's Model Stormwater Ordinance and, within 90 days

statutes require that notice be mailed via first-class mail while Orange County requires that notices for non-County initiated amendments be mailed via certified mail.

(B) The permit letter must be signed by the applicant to indicate his/her willingness to operate the home occupation in conformance with the requirements and conditions set forth in the permit letter.

(C) Each permit letter shall be kept on file by the Planning Director and shall constitute the Home Occupation Permit for the particular use in question.

(D) The home occupation may be operated by the applicant as long as it is operated in conformance with the requirements and conditions set forth in the permit letter.

2.22.4 Application Denial

If the application is denied, the Planning Director shall notify the applicant of the denial and shall state the reasons for denial in writing.

2.22.5 Appeals

The applicant may appeal the decision of the Planning Director to the Board of Adjustment as set forth in Section ~~2.24~~ 2.25.

SECTION 2.23: DAY CARE CENTER IN A RESIDENCE

2.23.1 Application Requirements

(A) An application for a day care center in a residence for 3 to 12 children shall be filed with the Planning Director on forms provided by the Planning Department.

(B) Application forms shall be prepared so that when completed a full and accurate description of the proposed use, including its location, appearance, and operational characteristics are disclosed.

(C) An application shall include a plot plan that adheres to the requirements of Sections 2.4.3 and 5.8.1.

2.23.2 Application Review

Upon a determination that the application is complete, the Planning Director shall cause a review of the application to be made. The review shall determine if the proposed day care center in a residence for 3 to 12 children conforms with all requirements of this Ordinance. Based on the review, the application will be approved, approved with conditions, or denied.

2.23.3 Conditions of Approval

(A) If conditions are attached to the approval, they may address deficiencies in meeting specific chapter requirements or they may address specific impacts which result from the operation of the day care center in a residence for 3 to 12 children.

(B) If conditions address specific impacts which result from the operation of the home occupation, the conditions may include, but not be limited to the following limitations:

(1) Hours of operation;

(2) Location of play area;

(3) Number of vehicles to be parked on the premises;

(4) The location of a storage area or parking on the property.

(C) The Planning Director may require greater setbacks and/or additional landscaping or screening to adequately screen the day care center in a residence for 3 to 12 children from adjoining properties.

2.23.4 Application Approval

(A) If the application is approved, either with or without conditions, the Planning Director shall send the applicant a letter informing him or her of the approval and of the requirements of this Ordinance that apply to the day care center in a residence for 3 to 12 children

(B) The letter must be signed by the applicant to indicate his or her willingness to operate the day care center in a residence for 3 to 12 children in conformance with the requirements and conditions set forth in the letter.

(C) Each letter shall be kept on file by the Planning Director and shall constitute the approval for the day care center in a residence for 3 to 12 children in question.

2.23.5 Application Denial

If the application is denied, the Planning Director shall notify the applicant of the denial and shall state the reasons for denial in writing.

2.23.6 Annual Review

Each day care center in a residence for 3 to 12 children approved by the Planning Director shall be reviewed annually by the Planning Director to assure compliance with the standards of evaluation for such facilities.

2.23.7 Minor Changes to Approval

The Planning Director is authorized to approve minor changes in the approved day care center in a residence for 3 to 12 children, provided that the changes are in harmony with the action of the original approval and provided that any change in the operation complies with the standards of evaluation as specified in Section 5.8.1.

2.23.8 Changes in Operation

Any change in the operation of the day care center in a residence for 3 to 12 children that does not comply with the standards for evaluation as specified in Section 5.8.1 shall constitute a modification and shall require the approval of a Class B Special Use Permit by the Board of Adjustment under the provisions of Section 2.7 of this Ordinance.

2.23.9 Appeals

The applicant may appeal the decision of the Planning Director to the Board of Adjustment as set forth in Section ~~2.24~~ 2.25.

SECTION 2.24: REVIEW OF ENVIRONMENTAL DOCUMENTS

2.24.1 Environmental Assessment

(A) Generally

An Environmental Assessment ("EA" in this section) may be submitted prior to submittal of the development application to determine if an Environmental Impact Statement ("EIS" in this section) may be required, provided that:

(1) All information necessary to perform the Assessment is provided, and

(2) The project application, when submitted, is consistent with the project described in the Assessment.

(B) Review Process

(1) The Planning Department shall review the EA for completeness within 5 calendar days of the date of submittal.

(2) If the EA is found to be incomplete, it shall be returned to the applicant with notification of its deficiencies.

(3) Upon acceptance of a complete EA, the applicant shall submit 10 copies to the Planning Department. Additional copies may be required if needed. The EA will be distributed by the Planning Department to other appropriate departments and agencies for review and comment.

(4) Final Action on the EA shall occur within 14 days from the date of acceptance, or such longer time as agreed to in writing by the applicant.

(5) If the EA reveals no “significant environmental impacts", as that term is defined in this Ordinance, the Planning Department shall issue a Finding of No Significant Impact (FONSI).

(6) If significant impacts are identified, the Planning Department shall issue a Finding of Significant Impact and shall require that an Environmental Impact Statement be prepared. The decision of the Planning Department shall be reviewed by the County Manager upon request of the applicant or Planning Department.

(7) The applicant shall be notified if the Planning Department learns of any additional state or local permits which may be required to conduct the proposed activity.

(8) Agencies the Planning Department has knowledge of potentially requiring additional permits shall be notified of the proposed activity by the Planning Department and shall have an opportunity to provide comments.

2.24.2 Environmental Impact Statements

(A) Review Process

(1) The Planning Department shall review the EIS for completeness within 5 working days of submittal.

(2) If the EIS is found to be incomplete, it shall be returned to the applicant with notification of its deficiencies.

(3) Upon acceptance of a complete EIS, the applicant shall submit 10 copies to the Planning Department. Additional copies may be required if needed. The EIS will be distributed by the Planning Department to other appropriate departments and agencies for review and comment.

(4) A notice shall be placed by the Planning Department in a newspaper of general circulation, stating that the EIS will be available for public review at the Planning Department for a period of at least 15 days.

(5) If the proposed activity requires a Mining Permit from the State of North Carolina, or involves the storage of hazardous materials, the EIS shall also be sent to the State Clearinghouse for distribution and review pursuant to Title I, Chapter 25, ~~.0100 et seq.~~ Section .0200 of the North Carolina Administrative Code.

(6) If an EIS prepared for a State or Federal agency has completed the Federal or State Environmental Review process, including publication in the "Environmental Bulletin" then the EIS and any required addendum thereto shall be advertised as available for public review at the Planning Department, but need not be re-circulated through the State Clearinghouse.

(7) Upon Completion of the advertised 15-day review period, and upon receipt of comments from the State Clearinghouse when applicable, all comments will be compiled and summarized by Planning Staff.

(B) Public Hearing Required

(1) The EIS, along with all comments received during the review period, shall be presented for public hearing concurrently with the development project.

(1) The disapproval of, modification of, or conditions of approval attached to any proposed Erosion Control Plan by the Erosion Control Officer shall entitle the person submitting the plan to an appeal of the decision to the Orange County Planning Director.

(2) If the Planning Director upholds the decision, the person shall be entitled to a public hearing if such person submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.

(B) Hearings

(1) Orange County

(a) This sub-subsection pertains to appeals for land-disturbing activities occurring outside the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.

(b) Hearings held pursuant to this sub-subsection shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand, as provided for in (A)(2) above.

(c) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing on such Erosion Control Plan.

(d) The Board of County Commissioners will render its final decision on any Erosion Control Plan appeal within 30 days of receipt of the Planning Board recommendation.

(2) Other than Orange County

(a) This sub-subsection pertains to appeals for land-disturbing activities occurring within the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.

(b) Hearings held pursuant to this sub-subsection shall be conducted by a designated agency of the appropriate town or city board within 30 days after receipt of written demand, as provided for in (A)(2) above.

(c) The said designated agency shall make recommendations to the appropriate town or city board within 30 days after the date of the hearing on such Erosion Control Plan.

(d) The said appropriate town or city board will render its final decision on any Erosion Control Plan appeal within 30 days of the receipt of the recommendations from the said designated agency conducting the hearing.

(C) Appeal from Local Government's Decision

If the local governing body upholds the disapproval, modification, or conditions of approval of a proposed Erosion Control Plan following the public hearing, the applicant shall be entitled to appeal the local government's action to the North Carolina Sedimentation Control Commission as provided in Section 113A-61(c) of the General Statutes and Title 15A NCAC ~~4B.0018(b)~~ 4B.0118.

(D) Appeal of Erosion Control Plan if Disapproval Based on Applicant's Past Performance

The applicant may appeal disapprovals issued under the provisions of Section 2.19.11 of this Ordinance directly to the North Carolina Sedimentation Control Commission.

(E) Appeal of Land-Disturbing Stop Work Order

ARTICLE 4: OVERLAY ZONING DISTRICTS

SECTION 4.1: GENERALLY

4.1.1 Description, Standards, and Conflicts

(A) Overlay districts are supplemental to general zoning district classifications and are applied in combination to address special situations or to accomplish specific planning and land use goals.

(B) Unless otherwise expressly stated, all applicable regulations of the underlying district apply to property in an overlay district.

(C) Unless otherwise stated, all applicable standards of this Ordinance apply to property in an overlay district.

(D) When overlay district standards conflict with standards that otherwise apply in the underlying district, the regulations of the overlay district always govern.

SECTION 4.2: WATERSHED PROTECTION

4.2.1 Purpose and Intent

(A) The purpose of the Watershed Protection Overlay Districts is to prevent significant future water quality deterioration in existing or potential future drinking water reservoirs which receive stormwater runoff from land within Orange County.

(1) Protection of all water supplies within the State in accordance with minimum standards was mandated by ~~the Watersupply Watershed Protection Act passed by the General Assembly in 1989~~ NCGS § 143-214.5.

(2) The quality of water in drinking water reservoirs can be affected by human activities including farming, construction of highways and roads, subdivision development, industrial development, and other land-disturbing activities. Types of water pollutants resulting from these activities include sediment, bacterial contamination, heavy metals, synthetic organic compounds and low-level radioactivity.

(B) The intent of the Watershed Protection Overlay Districts is to apply a set of regulations involving land use and, in some cases, structural best management practices which protect the watersheds by reducing the pollution from future development which enters drinking water supplies.

(1) Land use management practices involve minimum lot size and impervious surface restrictions, since impervious surfaces such as roads, roof tops and driveways are a major source of pollution.

(2) Structural best management practices allow for more intensive land use by providing for temporary detention of stormwater runoff so that pollutants may settle.

4.2.2 Applicability

(A) The Watershed Protection Overlay Districts as established herein overlay other zoning districts established in this Ordinance. The new use of any land or new structure within any Watershed Protection Overlay District shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the applicable Watershed Protection Overlay District.

(B) A Watershed Protection Overlay District shall be applied to the Orange County portion of watersheds which have been classified as WS-II, WS-III or WS-IV watersheds by the North Carolina Environmental Management Commission in its implementation of ~~the~~

~~Watersupply Watershed Protection Act of 1989~~ NCGS § 143-214.5. In accordance with the State Mandate, 13 Watershed Protection District Overlays, as listed in the table in subsection (D), are hereby established.

(C) Areas designated as "Critical Area" under the Orange County designation are hereby established using the following criteria:

(1) The land area in the Upper Eno watershed (straight line distance) within one-half mile of the normal pool elevation (NPE), or nearest available contour line used for the calculation, of an existing Class I or Class II reservoir or proposed water supply reservoir designated for protection, or the ridgeline of the sub-watershed, whichever is less; and

(2) The land area within one-half mile on each side for an upstream distance of 2.5 miles (straight line distance) of any fifth order or higher stream flowing into a Class I reservoir, or the ridgeline of the sub-watershed, whichever is less; and

(3) The land area within one-half mile on each side of a fourth order or higher stream flowing between any Class II and Class I reservoir; and

(4) The land area within one-half mile on each side for an upstream distance of 1.5 miles (straight line distance) of a third or fourth order stream flowing directly into any Class I reservoir; and

(5) The land area within one-half mile on each side for an upstream distance of 1.0 mile (straight line distance) of a third or fourth order stream flowing into a fourth order or higher stream that is within 1.0 miles (straight line distance) of a Class I reservoir; and

(6) Any isolated areas within the overall critical area boundary that drain into any of the streams listed above.

(7) Areas designated as Transition Areas on the Land Use Element Map of the Orange County Comprehensive Plan are excluded from designation as a Critical Area, except for land areas located within one-half mile from the normal pool elevation of a Class I reservoir.

(8) The land area north of the centerline of West Ten Road and west of the centerline of the Interstate 85/U.S. 70 Connector is excluded from designation as a Critical Area, except for land areas located within one-half mile from the normal pool elevation of a Class I reservoir.

(D) The designation of "Protected" applies to areas of watersheds classified as WS-II, WSIII, or WS-IV outside of areas designated as "Critical Area."

(E) General Locations of Watershed Protection Overlay Districts

TABLE 4.2.2.E: WATERSHED PROTECTION OVERLAY DISTRICTS

DISTRICT		GENERAL LOCATION
UNIV-CA	University Lake Critical Area	One-half mile from the normal pool elevation of University Lake, or to the ridgeline of the watershed, whichever is less.
UNIV-PW	University Lake Protected Watershed Overlay District	The portion of the drainage basin of University Lake not covered by UNIV-CA.
CANE-CA	Cane Creek Critical Area Overlay District	One-half mile from the normal pool elevation of Cane Creek Reservoir, or to the ridgeline of the watershed, whichever is less.
CANE-PW	Cane Creek Protected Watershed Overlay District	The portion of the drainage basin of Cane Creek Reservoir not covered by CANE-CA.
U-ENO-CA	Upper Eno Critical Area Overlay District	One-half mile from the normal pool elevation, or to the ridgeline of the watershed, whichever is less, of the following Class I reservoirs: Corporation Lake (538' actual NPE, 540' contour line used) and Lake Ben Johnson (515' NPE and contour line used). One-half mile (straight line measurement) from the normal pool elevation, or to the ridgeline

SECTION 5.3: APPLICATION OF USE STANDARDS

5.3.1 In General

In addition to the general standards applied to uses in each zoning district and in accordance with the Table of Permitted Uses, Sections 5.4 through ~~5.14~~ 5.15 establish additional standards for specific Permitted Uses, Special Uses, Conditional Uses, and uses permitted in Conditional Zoning Districts.

5.3.2 Special Uses

(A) General Standards

Before any application for a Special Use Permit shall be approved:

(1) The applicant shall have the burden of establishing, by competent material and substantial evidence, in the form of testimony, exhibits, documents, models, plans and other materials, that the application meets the requirements for approval of a Special Use; and

(2) The Board of County Commissioners or Board of Adjustment shall make written findings certifying compliance with the specific rules governing such individual Special Use and that the use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards including the following general conditions:

(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;

(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); and

(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.

(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:

(1) Method and adequacy of provision of sewage disposal facilities, solid waste, and water.

(2) Method and adequacy of police, fire and rescue squad protection.

(3) Method and adequacy of vehicular access to the site and traffic conditions around the site.

(4) Other use specific standards as set forth herein.

(C) Specific Standards for Class A Special Use Permits Within Hillsborough EDD

In addition to the general and specific standards for all Special Use Permits, the following standards shall be addressed by the applicant before the issuance of a Class A Special Use Permit within the Hillsborough Economic Development District:

(1) General Provisions

(d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and any other landscape materials.

(e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment.

(f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.

(g) Copy of the organization By Laws and/or Articles of Incorporation.

(h) A detailed description of the organization, its staff, membership, affiliations and activities.

(2) Standards of Evaluation

(a) The site plan submitted meets all requirements specified in Subsections 2.7.3 and 5.8.3(A)(1).

(b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.

(c) The site has frontage and access on to a paved State maintained road. The developer must show that the existing facilities have the capacity to handle the additional traffic generated by the use or has an agreement with NCDOT to upgrade the facility to accommodate expanded needs.

(d) Internal vehicular and pedestrian circulation is designed to encourage smooth traffic flow and reduce hazards.

(e) All access roads and employee/visitor parking areas shall be paved.

(f) Development of the site as proposed would have no adverse impact beyond the building, except for appropriate parking facilities.

(g) The floor area of a building or group of buildings housing a Non- Profit Educational Cooperative shall not exceed the maximum floor area ratio as permitted in Article 3 of this Ordinance.

(h) All buildings associated with the operation of the cooperative shall be designed to be harmonious with the character of the zoning district and neighborhoods in which it is proposed to be located.

(i) The applicant must demonstrate its compliance with the definition of "Non-Profit Educational Cooperative" as contained in Article 10 of this Ordinance.

5.8.4 Schools: Elementary, Middle and Secondary

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

In addition to the information required in Sections ~~2.73~~ 2.7.3 and 5.3.2, the following information shall be submitted as part of the application:

(a) 26 copies of the site plan prepared in accordance with Section 2.7.3 of this Ordinance and with the following additional information shown on the plan:

(i) Total student capacity of school as designed;

(ii) Total number of employees at time of greatest shift;

(iii) Number and dimensions of designated parking spaces for school buses;

(iv) Number of designated parking spaces for employees;

(v) Number of visitor parking spaces;

(vi) Number of student parking spaces;

(vii) Location of student drop off points with stacking spaces identified;

(viii) Location of all proposed and future athletic fields and structures, including:

a. Total number of seats for spectators, and
b. Location of concession stands, if any anticipated;

(ix) Proposed public roadway improvements; and

(x) Existing and proposed infrastructure improvements (water and sewer).

(b) 26 copies of a Landscape and Tree Preservation Plan prepared in accordance with Section 6.8 of this Ordinance.

(c) 26 copies of photometric plans prepared in accordance with Section 6.11 of this Ordinance.

(d) Estimated water usage for structures, landscaping and athletic fields.

(e) A Traffic Impact Study, as required by Section 6.17 of this Ordinance.

(f) A Biological Inventory, prepared in accordance with Section ~~5.14.6(A)(2)(b)~~ 5.15.6(A)(2)(b) of this Ordinance.

(g) A Resources Management Plan, prepared in accordance with the Resources Management Plan definition in Article 10 of this Ordinance.

(2) Standards of Evaluation Within Economic Development Districts (EDD)

If located within an EDD, the application must meet the EDD design standards established in Article 6 of this Ordinance.

(3) Standards of Evaluation in Zoning Districts other than an Economic Development Districts (EDD)

If located within a zoning district other than an EDD, the applicant must meet the following Standards of Evaluation:

(a) The project meets all applicable design standards and other requirements of this Ordinance.

(b) The project meets all service provision criteria as set forth below:

(i) Fire – identifies the primary and secondary responders and the source(s) of water.

(ii) Police – identifies the primary and secondary responders.

(iii) Rescue services – identifies the primary and secondary responders.

(iv) Water Supply – identification of public or private utility source and capacity of water supply or identification of water source through a water resource study.

(v) Wastewater Treatment Methods – provider and capacity of wastewater treatment source.

(vi) Solid Waste—as specified in subsection (h) below.

(v) A plan showing how the site will be protected from impacts by human and unwanted animal intrusion, alternate plant species and construction methods that could be used in the event adjustments or substitutions are needed until the mitigation area is established; and

(vi) A financial guarantee is required for the total cost of the mitigation project. Once the installation is complete, 30% of the amount of the letter of credit or escrow will be held for 12 months or until the site is established, whichever is greater.

(d) Traffic Study

(i) A traffic impact study is required with all applications for the following:

a. Subdivisions with more than 40 lots outside of transition areas, and
b. Subdivisions with more than 80 lots within transition areas.

(ii) The study shall include an analysis of the need for public road improvements, including pedestrian-oriented enhancements, for on-site and off-site improvements as said improvements relate to the level of service impacted by the development.

(iii) The traffic impact study shall be prepared in accordance with the requirements of Section 6.17.

(3) Standards of Evaluation

(a) The project meets all applicable design standards and other requirements of this Ordinance.

(b) The project meets all service provision criteria as set forth below:

(i) Fire – identifies the primary and secondary responders and the source(s) of water.

(ii) Police – identifies the primary and secondary responders.

(iii) Rescue services – identifies the primary and secondary responders.

(iv) Water Supply – source and capacity of water supply.

(v) Wastewater Treatment Methods – provider and capacity of wastewater treatment source.

(c) Habitats shall be identified and evaluated in the biological inventory required by Section ~~5.14.6(A)(2)(b)~~ 5.15.6(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;

(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. Examples include:

a. Preserving, planting, and maintaining a variety of native vegetation (also dead trees and snags);

(1) Minimum lot area, lot width, and setback requirements as specified in Article 3 of this Ordinance may be reduced for lots created as part of a Flexible Development subdivision as provided in Section 7.13 of this Ordinance.

(C) Flag Lots

(1) Flag lots as defined in Article 10 are accommodated for as provided in Section 7.7 of this Ordinance.

6.2.3 Clustering

(A) UNIV-CA & UNIV – PW Watershed Protection Overlay Districts

(1) Clustering of residential lots is permitted in accordance with Section 7.12 of this Ordinance.

(2) Each lot shall contain a minimum of one acre.

(B) All Other Overlay Districts

Clustering of residential lots is permitted in accordance with Section 7.13 of this Ordinance.

6.2.4 Irregular Lots

Any irregular lot of record at the time these regulations became effective may be subdivided in compliance with applicable subdivision regulations and improvement requirements, to create additional regular lots, provided that such lots meet all requirements of the district and that no residual substandard lots remain as a result of such action.

6.2.5 Principal Uses

There shall be no more than one principal use on any zoning lot except where:

(A) Permitted as a CU District or CZ District; or

(B) The parcel is located within an Economic Development District, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Neighborhood Activity Node, or Rural Community Activity Node, as designated by the Comprehensive Plan; or

(C) The parcel is less than 2 acres in size, and non-residential multiple uses are proposed within a single principal structure; or

(D) One of the uses is an unstaffed telecommunications tower subject to a year-to-year or other short term lease

6.2.6 Principal Structures

(A) Residential

(1) There shall be no more than one principal structure permitted on any residential zoning lot, with the exception of the following:

(a) Multi-family developments which have received approval as a CU District or CZ District, or

(b) Temporary use of mobile homes for custodial care approved in accordance with the provisions of Section ~~5.4.4(b)~~ 5.4.4(B), or

(c) During the installation or construction of a permanent unit on the same lot, as provided in Section 5.4.4 of this Ordinance, or

(d) Duplexes, on lots that have twice the required lot area of the zoning district.

Sediment Control Manual. Copies of the Manual are available from the Erosion Control Division of the Orange County Planning & Inspections Department.

(B) Revisions to the Standards

Corrections, revisions, and amendments to the Soil Erosion and Sediment Control Manual shall be made upon recommendation of the Erosion Control Officer and approval by the Orange County Board of Commissioners.

(C) Consistency Between Ordinance and Standards

Nothing in this Section shall be construed to allow approval of a plan which is inconsistent with the mandatory standards set forth in Section 6.15.7(B) of this Ordinance or any other provision of this Ordinance.

6.15.4 Exclusions

The regulations established within this Section shall not apply to the following land - disturbing activities:

(A) Agriculture

Activities undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:

(1) Forages and sod crops, grains and feed crops, tobacco, cotton and peanuts;

(2) Dairy animals and dairy products;

(3) Poultry and poultry products;

(4) Livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals;

(5) Bees and apiary products; and

(6) Fur producing animals.

(B) Forestland

(1) Activities undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality as adopted by the Department.

(2) If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions of this Ordinance shall apply to such activity and any related land disturbing activity on the tract.

(C) Mining

Activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statues.

(D) State Jurisdiction

Those land-disturbing activities over which the State by statute (G.S. 113A-56(a)) has exclusive regulatory jurisdiction, which are activities:

(1) Conducted by the State,

(2) Conducted by the United States,

(3) Conducted by persons having the power of eminent domain,

(4) Conducted by local governments, or

(5) Funded in whole or in part by the State or the United States.

(9) Contain lands with slopes in excess of 25% outside of drainage easements or stream buffers, as determined by USGS Topographic maps, at a contour interval of ten feet.

(B) Requirements of an Environmental Assessment

The Environmental Assessment (EA) shall consist of a document supplied by the Planning Department to address issues of environmental concern to the County, and completed by the applicant. Those issues include:

(1) Topography of site and slopes;

(2) Drainage issues, such as on-site streams or easements and location relative to water supply watersheds, water quality critical areas and special flood hazard areas;

(3) Natural or Cultural Resources;

(4) Mining of Earth products;

(5) Generation or storage of hazardous or toxic wastes;

(6) Wastewater treatment methods and sludge disposal; and

(7) Water usage.

6.16.4 Environmental Impact Statement

(A) Applicability

(1) For projects which require submittal of an Environmental Assessment, an Environmental Impact Statement (EIS) will also be required if the project has a significant environmental impact. A project has a significant environmental impact when it:

(a) Involves surface or subsurface extraction activity requiring a Mining Permit issued by the State; and/or

(b) Involves long-term storage or disposal of hazardous wastes; and/or

(c) Requires an EIS by a Federal or State agency [see (3) below]; and/or

(d) Fails to adequately protect (as described in Section 7.6.3(F)(2) of this Ordinance) sites identified in “Inventory of Sites of Cultural, Historic, Recreational, Biological, & Geological Significance in the Unincorporated Portions of Orange County" and the "Orange County Inventory of Natural Areas"; and/or

(e) Involves a land surface application wastewater treatment system, within the Water Quality Critical Area of Water Supply Watersheds as defined by the Orange County Comprehensive Land Use Plan.

(2) Orange County reserves the right to require preparation of an EIS pursuant to Section 6.16.4(A)(1), notwithstanding a Finding of No Significant Impact on the part of Federal or State agencies.

(3) Pursuant to §113A-8(b) of the North Carolina General Statutes, major development projects for which an EIS is required by a Federal or State agency shall be exempt from the EIS submittal requirement in Section 6.16.4(A)(1). The County may require the applicant to produce a copy of the EIS submitted to the Federal or State agency as proof of compliance.[3]

(B) Requirements for an EIS

(1) General Requirements

[3] This language is necessary in order to be in compliance with the referenced Section of the NCGS.

(b) State the actions necessary to correct the violation,

(c) Specify a reasonable time period in which the violation must be corrected,

(d) State the remedies and penalties authorized herein that the Planning Director may pursue if the violation is not corrected within the specified time limit,

(e) Invite the alleged violator to meet with the Planning Director to discuss the violation and how it may be corrected, and

(f) Contain a statement indicating that the decision referenced within the notice can be appealed to the Orange County Board of Adjustment as detailed within this Ordinance. This statement shall include language indicating that the appeal must be filled within 30 days from the date of the initial notice and shall provide the deadline for the submittal of the appeal application.

9.5.4 Appeals

(A) Any person aggrieved by the Planning Director's determination of a violation or a correction order may appeal that determination or order to the Board of Adjustment in accord with the provisions of Section ~~2.24~~ 2.25 of this Ordinance, including payment of the appropriate fee.

(B) Except as provided in Section ~~2.24~~ 2.25, an appeal generally stays all further actions to enforce a notice of violation, correction order, or Stop Work Order, until the Board of Adjustment has made a decision concerning the appeal.

(C) Civil Penalty Citations subsequent to the initial notice of violation may not be appealed to the Board of Adjustment.

(D) As detailed within Sections 2.12 and ~~2.24~~ 2.25, the Board of Adjustment shall hear the appeal and may affirm, modify, or revoke the Planning Director's determination of a violation.

(E) If there is no appeal, the Planning Director's determination of the nature and degree of the violation are final.

9.5.5 Timeline for Abatement

The time allotted to abate an identified violation shall be at the sole discretion of the Planning Director and shall be based upon what is deemed a reasonable amount of time to abate the identified violation. The following standards shall apply"

(A) Within 30 days of receipt of an initial notice of violation, correction order, or Stop Work Order, the owner of the property on which the violation occurs may submit to the Planning Director a written request for extension of the specified time limit for correction of the violation.

(B) The Planning Director shall assist individuals in the preparation of the written request for extension in cases where an individual(s) is/are unable to prepare a written request.

(C) The Planning Director shall determine whether the time limit should be extended based on the information contained in the written request for extension. The Planning Director may extend the time limit as reasonably necessary to allow timely correction of the violation.

(D) In cases where an appeal of the notice of violation has been properly filed with the Board of Adjustment, as provided in Section 9.5.4, the 30 day period shall commence upon receipt of the notice of the Board of Adjustment decision concerning the violation or correction order.

(E) Following the time limit for correction of the violation, including any stay or extension thereof, the Planning Director shall determine whether the violation has been corrected.

There are no changes on this page – it is included to make the changes on the next page more understandable.

ed 90 days or by a fine not to exceed $5,000, or by both, at the discretion of the court.

9.8.3 Injunctive Relief

(A) Civil Action in Superior Court

(1) Whenever the governing body of the Town or County has reasonable cause to believe that any person is violating or threatening to violate the soil erosion and sedimentation control provisions of this Ordinance or any rule or order adopted or issued pursuant to these regulations, or any term, condition, or provision of an approved Erosion Control Plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the town or county for injunctive relief to restrain the violation or threatened violation.

(2) The action shall be brought in the Superior Court of Orange County.

(B) Order to Cease Violation

(1) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation.

(2) The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of the soil erosion and sedimentation control provisions of this Ordinance.

9.8.4 Restoration of Areas Affected by Failure to Comply

(A) The County may require a person who is engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by N.C.G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

(B) This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

9.8.5 Revocation of Land Disturbing Permit

(A) Whenever a person conducting a land-disturbing activity is not complying with the soil erosion and sedimentation control provisions of this Ordinance, the Land Disturbing Permit, the Approved Erosion Control Plan or any amendments to the Erosion Control Plan, the Erosion Control Officer may revoke the Land Disturbing Permit for the site.

(B) Notice of Revocation shall be sent by registered or certified mail to the person conducting the land-disturbing activity. In the event delivery cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in Rule 4 (j) of the North Carolina Rules of Civil Procedure.

(C) Upon receipt of the Revocation Notice, the person responsible must immediately order all land-disturbing activities to cease except those which are specifically directed towards bringing the site into compliance with the soil erosion and sedimentation control provisions of this Ordinance.

(D) Once the site has been inspected and remedial work approved by the Erosion Control Officer, the responsible party may reapply for a Land Disturbing Permit and pay the appropriate fee.

(E) Resumption of land disturbing activities other than those necessary to bring the site back into compliance with the soil erosion and sedimentation control provisions of this Ordinance before the reissuance of the Land Disturbing Permit shall constitute a violation of the Ordinance.

(F) The person conducting the land-disturbing activity may appeal the revocation of a Land Disturbing Permit following procedures set out in Section ~~2.24~~ 2.25 of this Ordinance.

SECTION 9.9: STORMWATER MANAGEMENT

9.9.1 Inspections and Investigations

(A) Site Inspections

(1) Agents, officials, or other qualified persons authorized by the County will periodically inspect on-site BMPs and illegal discharges to ensure:

(a) Compliance with the North Carolina Sedimentation Pollution Control Act of 1973 ("Act" in this Section), this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance;

(b) The measures required in the Stormwater Management plan being constructed in accordance with the approved plan.

(c) The permanent BMPs are not in need of any maintenance including, but not limited to, the following:

(i) Mowing of vegetation,

(ii) Vegetation re-establishment,

(iii) Tree removal (especially from wet detention ponds),

(iv) Stabilization of any eroding areas, and

(v) Structural (pipe, riser, dam, etc) repair.

(2) Notice of the right to inspect shall be included in the letter of approval of each Stormwater Management Plan.

(B) Authority to Enter Property and Conduct Investigations and Inspections

(1) No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of Orange County, while that person is inspecting or attempting to inspect a required on-site BMP.

(2) The Erosion Control Officer shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any required on-site BMP.

(3) No person shall refuse entry or access to any authorized representative or agent of the County who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.

(C) Notice of Violation

(1) If it is determined that a person responsible for construction or maintenance of any permanent on-site BMP, or removal of any Illegal Discharge has failed to comply with the Act, this Ordinance, or rules, or orders adopted or issued pursuant to this Ordinance, a notice of violation shall be served upon that person.

(2) The notice may be served by any means authorized under N.C.G.S. 1A-1, rule 4.

(3) The notice shall specify a date by which the person must comply with the Act, or this Ordinance or rules, or orders adopted pursuant to this Ordinance, and inform the person of the actions that need to be taken to comply with the Act, this Ordinance, or rules or orders adopted pursuant to this Ordinance.

(4) No time period for compliance need be given for encroaching on the riparian buffer or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out their official duties.

(a) The Board of County Commissioners shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty.

(b) The notice of assessment shall be served by any means authorized under Section 9.9.1 of this Ordinance, and shall direct the violator to either pay the assessment or contest the assessment, within 30 days after the receipt of the notice of assessment, by written demand for a hearing.

(c) If payment is not received within 30 days after demand for payment is made, the Erosion Control Officer may institute a civil action to recover the amount of the assessment.

(d) The civil action may be brought in the Superior Court of the county where the violation occurred, or in the county where the violator's residence or principal place of business is located.

(e) Such civil actions must be filed within three years of the date the assessment was due.

(f) An assessment that is not contested is due when the violator is served with a notice of assessment.

(g) An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

(3) Credit of Civil Penalties

(a) Civil penalties collected pursuant to this Section of the Ordinance shall be credited to the ~~Civil Penalty and Forfeiture Fund~~ Orange County general fund as nontax revenue[4].

(B) Criminal Penalties

Any person who knowingly or willingly violates any stormwater management provision of this Ordinance or rule or order adopted or issued pursuant to these regulations, or who knowingly or willfully initiates or continues a development activity for which a Stormwater Management Plan is required except in accordance with the terms, conditions, and provisions of an approved plan shall be guilty of a misdemeanor punishable by imprisonment not to exceed 90 days or by a fine not to exceed $5,000, or by both, at the discretion of the court.

9.9.3 Injunctive Relief

(A) Civil Action in Superior Court

(1) Whenever the Board of County Commissioners has reasonable cause to believe that any person is violating or threatening to violate the stormwater management provisions of this Ordinance or any rule or order adopted or issued pursuant to these regulations, or any term, condition, or provision of an approved Stormwater Management Plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the county for injunctive relief to restrain the violation or threatened violation.

(2) The action shall be brought in the Superior Court of Orange County.

(B) Order to Cease Violation

[4] NCGS §113A-64(a)(5) states that penalties collected by State agencies under §113A shall be credited to the Civil Penalty and Forfeiture Fund while penalties collected by local governments are credited to the local government's general fund as nontax revenue.

There are no changes on this page – it is included to make the changes on the next page more understandable.

Building Height
The vertical distance measured from the mean elevation of the proposed or completed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Measurement Definitions
(See Building Height, Story, Residential Floor Area, Length of Wall.)

Built-Upon Area
That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts) etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Building Wall
Any vertical surface of a building or structure (other than a pitched roof) that is integral to and could reasonably be constructed as part of the architecture of the building when a sign(s) are not being contemplated. Examples of building walls include but are not limited to: awnings, canopies, marquees, the vertical portion of gable roofs, parapets, mechanical penthouses, etc.

Camp
A recreation use which may include locations for tents, cabins, or other recreational sleeping structures, but would not include mobile homes or recreation vehicles. A camp may be owned by a profit or not-for-profit corporation.

Canal
See “Ditch.”

Canopy, Service Station
A structure made of metal, aluminum, or other material intended to be free standing or affixed to a building that serves as an overhang intended to shield persons from the elements while using the service station.

Center in a Residence for 3 to 12 Children
A residence in which child care is provided, which is located on a public state maintained road, and which provides child care for more than three but, no more than 12 children.

Cessation of Use
For purpose of this Ordinance the term shall mean the vacancy, discontinuation, or abandonment of the use of a structure or parcel of property. A use shall not be considered ceased if the use is being marketed for sale or other forms of conveyance and documentation of such activities is provided.

Channel
A natural water-carrying trough eroded vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.

Channel, Effluent
A discernable, confined, and discrete conveyance which is used for transporting treated wastewater to a receiving stream or other body of water.

Chemical storage facility
A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Child Care
A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours

per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

a) Arrangements operated in the home of any child receiving care if all the children in care are related to each other or no more than two additional children are in care;
b) Recreational programs operated for less than four consecutive months in a year;
c) Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
d) Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
e) Public schools;
f) Non-public schools described in Part 2 of Article 39 of Chapter 115C of the North Carolina Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined under Child Care Facility for less than six and one-half hours per day either on or off the school site;
g) Bible schools conducted during vacation periods;
h) Care provided by facilities licensed under ~~Article 2 of Chapter 112C~~ Chapter 110, Article 7 of the North Carolina General Statutes;
i) Cooperative arrangements among parents to provide care for their children as a convenience rather than for employment; and
j) Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

Child Care Facility

Includes child care centers, and any other child care arrangement not excluded by General Statute 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

a) A child care center is an arrangement where, at any one time, there are three or more pre-school children or nine or more school-aged children receiving child care.
b) A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but fewer than nine children, receive child care.

Church

A structure in which persons regularly assemble for religious worship, which is maintained and controlled by a religious body organized to sustain public worship.

Club or Lodge, Private

An establishment operated by a corporation or association of persons for social, recreational, fraternal or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

Cluster Development

A subdivision in which building lots are grouped together through a transfer of allowable density within the subdivided tract. Cluster development permits more efficient development by creating lots with gross land areas smaller than those required for conventional lot-by-lot development, yet maintains application of normal lot density standards to the subdivided tract as a whole by requiring that land area saved by lot size reductions be reserved as permanent open space and/or recreation space.

Commercial Feeder Operation

An intensive animal raising operation that takes place within a building. None of the feed is produced on the tract, and the processing is fully or partly automated.

Commercial-Industrial Transition Activity Node Land

Land near major transportation routes that could be provided with public water and wastewater services and is appropriate for retail and other commercial uses; manufacturing and other industrial uses; office

Excerpt of Draft Minutes

Attachment 3

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
November 19, 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, November 19, 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, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT: Pam Hemminger
COUNTY ATTORNEY PRESENT: Sahana Ayer
COUNTY STAFF PRESENT: County Manager Frank Clifton 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, Johnny Randall, H.T. "Buddy" Hartley, Lisa Stuckey and Herman Staats
PLANNING BOARD MEMBERS ABSENT: Dawn Brezina

Chair Pelissier called the meeting to order at 6:59PM.

A. OPENING REMARKS FROM THE CHAIR

Planning Board Chair Larry Wright said that the agenda items 1-3 will be joint items of the Planning Board and the Board of County Commissioners. Following item 3, the County Commissioners will be discussing educational facilities and ordinance amendments and the Planning Board will not be part of that discussion.

B. PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

C. PUBLIC HEARING ITEMS

1. **2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments and Zoning Atlas Amendments** - To review government-initiated amendments to the text of the Comprehensive Plan and UDO and to the Zoning Atlas in order to establish two new zoning overlay districts in the Efland area.

Planner Perdita Holtz introduced this item and made a PowerPoint presentation.

Comprehensive Plan Text, Unified Development Ordinance Text, and Zoning Atlas Amendments for Two New Zoning Overlay Districts in the Efland Area
Quarterly Public Hearing

4. Adjourn the public hearing until January 24, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Michael Harvey said that there was in-depth discussion when added height limits were considered originally. There was an understanding that there might be some non-conformities created that were legal at the time because there was not a height limit until two years ago. He thinks that the height limit should be reexamined and increased.

Andrea Rohrbacher returned at 8:04 PM.

Commissioner Jacobs said that he respects the DEAPR staff analysis of the heights, but a simple way to eliminate the subject would be to consult several neighboring jurisdictions about lighting standards. He suggested looking at Durham and Chapel Hill's lighting standards to see if there is some consistency. He suggested that if and when the Board approves whatever it is going to approve, that staff communicate to the power companies that when bare bulb security lights are replaced that the County ordinances will encourage shielded fixtures.

Commissioner Gordon made reference to pages 59-60. She said that she would be hesitant to increase the pole height. She is concerned about the rural areas. She would like to see more empirical evidence.

Lisa Stuckey made reference to page 69 and the initial lumen. She asked why the light level after it is warmed up would not be used.

Michael Harvey said that the initial lumen is an industry standard.

There was no public comment.

A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the January 24, 2013 BOCC regular meeting and adjourn the public hearing until January 24, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

3. **Unified Development Ordinance (UDO) Text Amendment(s) -** To review government-initiated amendments to the text of the UDO in order to make minor changes that have been suggested by the County's code vendor (MuniCode) as a result of MuniCode's legal review.

Perdita Holtz introduced this item and made a PowerPoint presentation.

Commissioner Foushee left at 8:14 PM.

Maxicene Mitchel left at 8:14 PM.

Unified Development Ordinance Text Amendments
Resulting from MuniCode's Legal Review
Quarterly Public Hearing
November 19, 2012

Item C.3

Purpose

- Incorporate changes to references to State Statutes/Rules as a result of MuniCode's legal review
- Ensure requirements of the UDO are consistent with State Statutes

Proposed Amendments

- Numerous sections in Articles 1, 2, 4, 5, 6, 9, and 10.
- Packet includes the proposed amendments in "track changes" format with explanatory footnotes as needed.
- In Section 6.16.4 (Environmental Impact Statements), language will clarify that the County may require an applicant to produce a copy of the EIS submitted to a Federal or State agency.

Public Notification

- Completed in accordance with Section 2.8.7 of the UDO
    - Newspaper legal ads for 2 successive weeks

Recommendation

- Receive the proposal to amend the Unified Development Ordinance.
- Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
- 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 **January 24, 2013** BOCC regular meeting.
- Adjourn the public hearing until **January 24, 2013** in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Commissioner Yuhasz said that when the County Attorney first told the Board about these proposed changes, he said that he was not in complete agreement with Muni-code. He asked if this represented all of the changes that had been suggested or if there were still negotiations.

Perdita Holtz said that Planning and Legal staff met and only the changes agreed upon are being included, which is not all of the Muni-code changes.

Commissioner Jacobs said that the Inventory of Natural Areas and the Orange County Environmental Impact Statement were both generated by the Planning Board in the 1980's and not by the staff.

A motion was made by Commissioner Gordon, seconded by Commissioner McKee to refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the January 24, 2013 BOCC regular meeting and adjourn the public hearing until January 24, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

At this time, the Planning Board members left the meeting.

Attachment 4

Excerpt of Draft Minutes

MINUTES
ORANGE COUNTY PLANNING BOARD
DECEMBER 5, 2012
REGULAR MEETING

MEMBERS PRESENT: Larry Wright (Chair), At-Large, Cedar Grove Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Johnny Randall, At-Large Chapel Hill Township; Dawn Brezina, Eno Township Representative; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; Herman Staats, At-Large Cedar Grove Township;

MEMBERS ABSENT: Peter Hallenbeck (Vice-chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; Rachel Hawkins, Hillsborough Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz; Special Projects Coordinator; Marabeth Carr, DEAPR; Tina Love, Administrative Assistant II

HANDOUTS GIVEN AT MEETING *Planning Board Rules of Procedure; Memo from DEAPR regarding outdoor lighting*

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

****

Agenda Item 9: Unified Development Ordinance (UDO) Text Amendment(s) - To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO in order to make minor changes that have been suggested by the County's code vendor (MuniCode) as a result of MuniCode's legal review. This item was heard at the November 19, 2013 quarterly public hearing
Presenter: Supervisor Perdita Holtz, Special Projects Coordinator

Perdita Holtz: Reviewed Abstract

Motion made by Lisa Stuckey to approve staff's recommendation to approve the UDO amendments contained in the attachment.
Seconded by Alan Campbell
Vote: Unanimous

****

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 6-d

SUBJECT: Unified Development Ordinance Text Amendments – Outdoor Lighting (UDO/Zoning 2012-014) - Public Hearing Closure and Action (No Additional Comments Accepted)

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

ATTACHMENT(S):

1. Comprehensive Plan and Unified Development Ordinance Amendment Outline Form (UDO/Zoning 2012-014)
2. Ordinance Approving Amendment
3. Excerpt from Draft November 19, 2012 Quarterly Public Hearing Minutes
4. Excerpt from Approved December 5, 2012 Planning Board Minutes
5. Memorandum from DEAPR to Planning Board

INFORMATION CONTACT:

Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director, (919) 245-2575

PURPOSE: To receive the Planning Board's recommendation, close the public hearing, and make a decision on Planning Director initiated text amendments to the Unified Development Ordinance (UDO) modifying outdoor lighting regulations.

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the November 19, 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 shall not be solicited.

BACKGROUND: This item was presented at the November 19, 2012 Quarterly Public Hearing where staff indicated the purpose of the amendment was to incorporate previously suggested modifications received from Planning Board and BOCC members during the initial phase of UDO development. The amendment also sought to address a long-standing concern expressed by Orange County Department of Environment, Agriculture, Parks and Recreation (DEAPR) staff over height limitations on athletic field lights. These concerns are summarized in a memorandum contained within Attachment 5.

Please refer to Section C.1(b) of Attachment 1 for a synopsis of comments made during the public hearing as well as Attachment 3.

Procedural Information: In accordance with Section 2.8.8 of the Unified Development Ordinance, any evidence not presented at the public hearing must be submitted in writing prior

to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

Planning Director's Recommendation: The Planning Director recommends **approval** of the proposed UDO amendments based on the following:

A. The UDO amendments are reasonably necessary to promote the public health, safety, and general welfare and to achieve the purposes of the adopted Comprehensive plan or part thereof; and,

B. The UDO amendments are consistent with the goals and policies of the adopted Comprehensive Plan.

Planning Board Recommendation: At its December 5, 2012 regular meeting the Planning Board voted:

1. Seven to two to recommend adoption of staff's proposal modifying the maximum allowable height for athletic field light fixtures.

   The two dissenting Board members indicated they felt the entire section ought to be deleted outright and there should be no height limit on athletic field lights. Please refer to Attachment 4 for additional detail.

2. The Board **unanimously voted to recommend approval** of the proposed amendment package as contained within Attachment 2.

FINANCIAL IMPACT: See Section C.3 of Attachment 1.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the Planning Board's recommendation;
2. Close the public hearing; and
3. Decide accordingly and/or adopt the ordinance contained in Attachment 2 which authorizes the text amendments.

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

UDO / Zoning-2012-014

Amendment(s) addressing outdoor lighting

A. AMENDMENT TYPE

Map Amendments

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

☐ Zoning Map:
From:- --
To:---

☐ Other:

Text Amendments

☐ Comprehensive Plan Text:
Section(s):

☒ UDO Text:

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

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

☐ Other:

B. RATIONALE

1. **Purpose/Mission**

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

relating to the regulation of outdoor lighting fixtures within the county.

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

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

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

The purpose of this amendment is to incorporate previously identified amendments to outdoor lighting standards, as detailed within the Implementation Bridge, into the UDO.

2. Analysis

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

The proposed text amendments are designed to complete modifications to existing outdoor lighting regulations to address long-standing concerns expressed by both BOCC and Planning Board members. This includes eliminating previously identified inconsistences, and to incorporate several revisions, identified during Phase 1 of the UDO development process.

Staff is proposing to modify the UDO to:

1. Clarify existing regulations to address inconsistencies identified by the Planning Board at its October 7, 2009 regular meeting and as contained within the UDO Implementation Bridge. Examples of the changes are:
    a. Modify Section 6.11.1 *Purpose and Intent* to include language referencing the County's interest is promoting nighttime visibility and curtailing light pollution.
    b. Modify Section 6.11.1 (E) to include language identifying the County's intent to regulate outdoor lighting in an effort to 'restore natural light cycles' and reduce unnecessary illumination of the night sky by requiring shielded fixtures.
    c. Incorporate new formatting changes to ensure the regulations are consistent with the organizational rules of the UDO.
    d. Eliminate references to 'watts' of a light fixture and ensure proper use of

terminology through the Section.

2. Add new definitions of light trespass, mercury vapor luminaire, light pollution, etc. to Article 10 as recommended during Phase 1 of the UDO.

3. Address concerns by Orange County Department of Environment Agriculture Parks and Recreation (DEAPR) over height restrictions for athletic field lights.

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

Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

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

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

September 18, 2012

b. Quarterly Public Hearing

November 19, 2012: This item was presented at the November 19, 2012 Quarterly Public hearing where the following comments were made:

1. A BOCC member asked what current County athletic field light limits were at.

   Staff Comment: The West Ten Soccer complex lights are at 90 feet and the lights at the Northern Human Services park are at 80 feet. These fixtures were installed prior to the adoption of current height limits.

2. A BOCC member indicated there was obviously a decision made at

some point and time that the athletic field lights would provide sufficient illumination of the playing field at these specific heights.

Staff Comment: The height of an athletic field light was only a portion of the regulatory standard that had to be complied with.

There were also foot-candle limits, light angle specifications, and other standards governing the viability of a proposal to erect outdoor lighting that had to be addressed prior to a permit being issued.

3. A BOCC member asked staff to clarify the proposed regulation detailed on page 54 of the packet (proposed amendment to Section 6.11.2 (C)) concerning a revised standard requiring a property owner to bring outdoor light fixtures into compliance with the UDO if the building/parking area is expanded.

   The member asked of the regulation would be based on a cumulative basis or on an individual permit basis.

   Staff Comment: Staff indicated this would be discussed at the December 5, 2012 Planning Board meeting.

   Staff recommended, and the Planning Board concurred, that compliance would be measured on a cumulative basis beginning on January 24, 2013, the anticipated adopted of the proposed amendments.

4. BOCC members asked if staff could provide additional context related to the proposed modification to the allowable height of athletic field lights, specifically providing detail on what surrounding municipalities and counties did.

   While several members indicated they understood the concerns of certain County staff over the current height limit, they indicated the BOCC deliberated on the proposed height limits and made a determination there was no interest in having tall light poles in the rural areas of the County.

   A second BOCC member indicated an unwillingness to raise height limits given the potential impacts of light trespass in rural areas of the County. He indicated the BOCC made a conscious decision to establish a height limit and felt what was in place was sufficient.

   Staff Comment: Athletic field lights are regulated as follows in surrounding jurisdictions:

Town/County	**Height limit for athletic field lights**
Chapel Hill	Regulations do not appear to establish a height limit.
Carrboro	60 foot height limit from finished grade unless the applicant receives authorization from the '*permit-issuing authority*' to erect a taller light fixture after '*receipt of substantial information justifying the need for additional*

	height'
Durham (City and County Planning)	Regulations do not appear to establish a height limit for athletic field lights so long as the actual light fixture is a minimum 100 feet from adjoining residentially zoned districts and foot-candle ratios are preserved.
Hillsborough	No specific limit. Regulations governing athletic field lights can be summarized as follows: *Lighting for sports and athletic fields must include glare control features and must be designed so that primary illumination is directed onto the play area and ancillary areas such as bleachers, stands, and similar areas. All lighting fixtures for sports fields must be equipped with a glare control package including louvers, shields, or similar devices. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.*
Mebane	No specific limit denoted within their UDO. There is language within the City of Mebane's UDO similar to Town of Hillsborough with respect to the regulation of athletic field lights.
Chatham County	80 foot height limit from finished grade.

Both staff and the Planning Board have concerns over increasing the height limit. Planning staff, however, will concede there is a valid concern over lower athletic field light fixtures contributing to the problem of light trespass on adjacent properties.

The Planning Board voted 7 to 2 to recommend an increase in the maximum allowable height for athletic field lights as proposed by staff. The 2 dissenting Board members indicated they believed there ought not be a height limit and wanted to see the regulation deleted in its entirety.

5. A BOCC member asked staff to transmit a copy of the lighting regulations to local power companies so they understand what our standards are and do not try and 'sell' incompatible light fixtures to local residents.
6. A Planning Board member asked staff to clarify why several definitions of lighting terms made reference to 'initial lumens'.

Staff Comment: This is an industry standard establishing the overall initial lumens of a light fixture. As the light source burns the overall effectiveness of the 'bulb' is diminished. Initial lumens refers to the operational characteristics of a light source at its peak efficiency.

c. BOCC Updates/Checkpoints

September 5, 2012 - BOCC members receive materials to be reviewed by the Planning Board's Ordinance Advisory Committee (ORC) as part of the Planning Board packets sent to all BOCC members each month
October 16, 2012 – Approval of legal ad
January 24, 2013 – receive Planning Board recommendation

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

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

a. Planning Board Review:

September 5, 2012 – Ordinance Review Committee (ORC). The ORC recommended several modifications to the proposed amendment package including:

a. Section 6.11.2 (C) to provide an exact threshold in cases where existing land uses are expanding to modify/update outdoor lighting features.

b. Sections 6.11.3 (A) 6.11.4 (A) to expand and properly define the types of luminaries prohibited for installation.

c. Section 6.11.3 (I) to add language allowing for the erection of 'celebratory lighting' versus 'holiday lighting' and establishing a lumen cap for such fixtures.

d. Revise existing language within Section 6.11.4 (A) to make it easier to understand.

e. Include a new sentence within Section 6.11.8 explaining the rationale for 'minimum' lighting levels within Economic Development Districts.

ORC members discussed comments received by Department of Environment, Agriculture, Parks, and Recreation (DEAPR) related to existing restrictions on the height of athletic field lights. Members were hesitant to recommend an increase in allowable pole heights but expressed an understanding of the issues. It was determined additional guidance on this issue was needed from the BOCC.

December 5, 2012 - In taking action on the proposed amendment, the Board

voted 7 to 2 on a motion to recommend approval of staff's proposal of increasing the overall height limit on athletic field lights as contained within Section 6.11 (c).

The 2 dissenting members indicated they felt there should be no height limit and wanted to delete the entire section. Board members indicated they felt existing regulations were sufficient in curbing light trespass and that limiting the height of athletic field lights was a solution in search of a problem.

The Board then voted unanimously to approve the amendment as proposed by staff.

Please refer to Attachment 4 for additional information.

b. Advisory Boards:

c. Local Government Review:

d. Notice Requirements

Legal advertisement was published on November 4 and 11 in the Chapel Hill Herald and on November 7 and 14 in the News of Orange.

e. Outreach:

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

<u>Courtesy Review – DEAPR:</u>

DEAPR staff would like the BOCC to consider increasing height limits as shorter poles will not yield sufficient illumination of a playing field without "excessive light spread" thereby potentially creating safety issues within the lighted facility and avoiding unnecessary light spill.

With the ability to direct light down rather than across by using taller poles, there will be a better 'spread' of light thereby ensuring appropriate levels of visibility.

Requiring shorter poles will also require 'more poles' to be installed to ensure proper illumination, creating additional light spill concerns as well as budgetary problems.

Staff has incorporated DEAPR's request into the proposed text amendment in an effort to seek guidance from the BOCC on the modification of allowable pole heights.

It should be remembered in 2009 the BOCC made the conscious decision to limit the height of athletic field light poles to address concerns from rural residents over tall, imposing lights and light trespass.

Please refer to Attachment 5 for additional information.

3. FISCAL IMPACT

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

D. AMENDMENT IMPLICATIONS

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

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

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

E. SPECIFIC AMENDMENT LANGUAGE

Please refer to Attachment 2.

Primary Staff Contact:
Michael D. Harvey

Planning

(919) 245-2597

mharvey@orangecountync.gov

Ordinance #: ____ORD-2013-004____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY

WHEREAS, during the development of the Unified Development Ordinance several modifications to existing lighting regulations were identified as being necessary, and

WHEREAS, several of these modifications, incorporated into the UDO Implementation Bridge, were put on hold for future consideration, and

WHEREAS, the County has determined these modifications to existing lighting regulations are now timely, and

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

WHEREAS, the County has found the proposed text amendments to be reasonably necessary to promote public health, safety and general welfare and to achieve the purposes of the adopted Comprehensive Plan, and

WHEREAS, pursuant to North Carolina General Statute 153A-341 and Section 1.1.7 of the Unified Development Ordinance, the Board of Commissioners of Orange County has found the proposed text amendments to be consistent with the goals and policies of the adopted Comprehensive Plan.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted in the attached pages.

BE IT FURTHER ORDAINED that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

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 _____, 2013 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 _____, 2013.

SEAL

_____
Clerk to the Board of Commissioners

UDO AMENDMENT PACKET NOTES:

The following packet details staff's proposed modifications to existing regulations governing the review and development of outdoor lighting facilities.

These amendments are based on comments/direction received by BOCC, Planning Board, and DEAPR staff since the November 19, 2012 Quarterly Public Hearing.

As the number of affected pages associated with this proposal is extensive, and substantial text is being modified, staff has divided the proposed amendments into the following color coded classifications:

- Red Underlined Text: Denotes new, proposed text, that staff is suggesting be added to the UDO
- Red Strikethrough Text: Denotes existing text that staff is proposing to delete
- Green Text: Denotes existing text that has modified based on BOCC and Planning Board member recommendations arising out the November 19, 2012 quarterly public hearing and the December 5, 2012 Planning Board meeting.

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet.

Staff has included footnotes within the amendment package to provide additional information/rationale concerning the proposed amendments to aid in your review.

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

(e) New collector and local streets, serving residential or commercial development, must meet the specifications and standards contained in Section 7.8 of this Ordinance and/or NCDOT Construction Standards for streets with curb and gutter section.

(f) On-street parking is not permitted on collector streets which will intersect with existing thoroughfares proposed as bicycle routes in the Regional Bicycle Plan.

(g) In lieu of on-street parking, four-foot bike lanes must be delineated on each side (curb) of the street.

(2) Pedestrian Circulation

(a) Walkways or sidewalks must be provided along all new collector and arterial streets.

(b) A minimum four-foot wide planting strip between sidewalk and curb shall be provided.

(c) In all cases, public sidewalks, and walkways on private property, must be at least four feet in width and clearly marked with paint or a contrasting surface material.

(d) In addition, barrier-free design must be incorporated into sidewalk and walkway systems for use by the handicapped.

(e) Buildings must be sited in ways which make their entries or intended use clear to approaching users and visitors. Clear pedestrian entries from the street and not just from adjacent parking areas are to be provided.

(f) Locate parking areas to the side or rear of buildings and relate building facades to the street, public sidewalks, and transit stops.

(g) In the area between the public realm of the street and the private realm of the residential complex or commercial building, provide a transition consisting of a well landscaped front yard, a low fence or wall, a recessed entry, a courtyard, or other device that promotes privacy but visibility from the street.

(3) Bicycle Circulation

(a) Development projects which abut a proposed bicycle route must make provision for bicycle parking/storage as part of the comprehensive site development plan.

(b) In addition, such facilities are to be provided in conjunction with designated transit stops.

(c) Bicycle parking and storage facilities, as well as the installation and/or delineation of bike lanes must be done in accordance with the standards contained in The Regional Bicycle Plan - Durham and Orange Counties North Carolina Bicycle Facilities Planning and Design Criteria.

(d) In each instance where bicycle parking/storage is provided, the number of bicycles for which space is provided must be appropriate to the location and expected clientele. Where such facilities are provided, safe and sheltered parking and storage is to be provided as close and convenient to building entrances as vehicular parking.

SECTION 6.11: OUTDOOR LIGHTING

6.11.1 Purpose and Intent

The purpose of outdoor lighting standards is to balance the public safety need for outdoor lighting fixtures that are used to enhance ~~the~~ lawful, permitted, nighttime use and enjoyment of ~~any~~ property while at the

same time promote nighttime vision, natural resource conservation, community values, and aesthetics by establishing standards for the designing, application, and use of outdoor lighting resources and fixtures.[1]

~~The specific regulatory objectives of the standards contained herein are as follows:~~ Accordingly, the specific regulatory objectives of these standards are as follows:

(A) Promote nighttime visibility by directing appropriate levels of illumination upon intended targets

~~(A)~~(B) Permit and promote the reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce,

~~(B)~~(C) Conserve energy and resources to the greatest extent possible,

~~(C)~~(D) Minimize adverse offsite impacts generated by outdoor lighting including, but not limited to,~~,~~ light trespass~~,~~ and obtrusive lighting.

~~(D)~~ ~~Promote nighttime visibility by directing appropriate levels of illumination upon the intended areas of a parcel of property,~~ [2]

(E) Curtail and limit light pollution and preserve the nighttime environment by:, ~~and~~

(1) Restoring the natural cycles of light and dark to the indigenous natural environment, and

(2) Darken the night sky by reducing unnecessary transmission of upward light both directly from an unshielded light source and indirectly from ground-level reflections of excess downward light. [3]

~~(E)~~ ~~Help protect the natural environment from the adverse effects of night lighting in an effort to restore the natural cycles of light of light and dark to the indigenous natural environment and darken the night sky by reducing unnecessary transmission of upward light both directly from an unshielded source and indirectly from ground-level reflections caused by excessive downward light.~~

6.11.2 Applicability

Except as described herein all outdoor lighting on public or private property, whether attached to structures, poles, the earth, or any other location including lighting installed by any third party, installed after the effective date of this Ordinance shall comply with these requirements including, but not limited to: [4]

(A) ~~Except as described herein, all outdoor lighting installed on public or private property after the effective date of this Ordinance shall comply with these requirements. This includes, but is not limited to~~, Newly installed outdoor lighting fixtures.

~~(A)~~(B) Replacement of existing outdoor lighting fixtures. ~~new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party~~.

~~(B)~~(C) Modifications to existing ~~Existing lighting shall be brought into compliance with all standards contained herein~~outdoor lighting fixtures in instances where additional structural or site improvements to a parcel of property result in added square footage of building area or an increase in parking on property greater than 25% of the existing building square footage or parking lot increase.[5] This shall be a cumulative impact based

[1] The modification was recommended at the October 7, 2009 Planning Board meeting.
[2] Moved to subsection (A) based on Planning Board recommendation made at its October 7, 2009 meeting.
[3] Modification recommended at the October 7, 2009 Planning Board meeting
[4] Formatting change made by staff to ensure section followed organizational rules of the UDO.
[5] As recommended at the September 5, 2012 Ordinance Review Committee (ORC) meeting

on property as it existed on January 24, 2012 with respect to determining compliance with this provision.[6]

~~(C)~~(D) In the event of a conflict between the outdoor lighting standards contained herein and any other section of this Ordinance, the more stringent requirement shall apply.

6.11.3 Exemptions

The following are exempt from the provisions of the outdoor lighting standards contained herein, but shall be implemented in a manner consistent with the overall purpose and intent of this Section:

(A) Single-family and duplex residential development on individual lots with the exception of the installation of ~~Mercury~~ metal vapor luminaries, including mercury and sodium vapor luminaries, which ~~is~~ are prohibited per Section 6.11.4.[7]

(B) All outdoor lighting lawfully installed prior to the effective date of the outdoor lighting standards contained herein, except the replacement of mercury or sodium vapor luminaires. Mercury and sodium vapor luminaires~~, except for single-family residences,~~ [8]must be replaced in conformity with the Outdoor Lighting Standards upon the earlier occurrence of the replacement of the fixture or the lamp.

(C) Any outdoor lighting, including mercury vapor, used for an individual single-family residence, where the residence is constructed as of the effective date of the outdoor lighting standards contained herein.

(D) Bona fide agricultural uses.

(E) Traffic control signals and devices.

(F) Temporary emergency lighting (i.e. fire, police, repair workers, highway maintenance and construction, etc.).

(G) Moving vehicle lights.

(H) Navigation lights (i.e. airports, heliports, radio/television towers, communication towers, etc.) as required by local, State, and Federal agencies for public safety purposes.

(I) Celebratory lighting for seasonal and ~~Holiday~~ holiday observances ~~decorations~~ using typical unshielded low-wattage ~~incandescent~~ lights, which are in place no longer than 60 days generating no more than 150 lumens.[9]

(J) Security lights that are controlled by a motion-sensor switch, which do not remain on longer than 12 minutes after activation, and do not exceed ~~150 watts (2200~~ 1800 lumens~~)~~ per individual light fixture.[10]

---

[6] The green text was added to address a concern expressed at the November 19, 2012 Quarterly Public Hearing on how the improvement would be calculated, specifically on a cumulative basis or on an individual permit basis. Staff is recommending a cumulative method of measurement as a property owner could propose modifications over a prolonged period of time, over separate permits, and not be required to bring lighting fixtures into compliance with the UDO.

[7] At the ORC meeting of the Planning Board on September 5, 2012 members suggested expanding the prohibition. Mr. Hallenbeck suggested there is virtually no difference between a sodium vapor or mercury vapor with respect to the generated light. If you ban one form you should ban all forms to be consistent.

[8] Modification of existing language consistent with ORC recommendation.

[9] As recommended at the October 7, 2009 Planning Board meeting. The term incandescent was removed to address a Planning Board member concern that current wording would technically prevent the use of LED lights for holiday decorations.

[10] As our regulations make specific reference to initial lumen output, it does not make sense to provide a regulatory standard based on the 'watt' of a bulb. This was suggested at the September 5, 2012 ORC meeting.

(K) Roadway lighting, installed as of the effective date of the outdoor lighting standards, as contained herein, within State maintained rights-of-way provided that the standards of Sections 6.11.5(B)(2)(h) and 6.11.6(H) are met, except for mercury vapor luminaires. Mercury vapor luminaires used for roadway lighting must be replaced in conformity with the outdoor lighting standards contained herein upon the earlier occurrence of the replacement of the fixture or the lamp.

(L) Temporary lighting for occasional or special events such as outdoor sporting contests, concerns, theater events, festivals, carnivals, social gatherings, celebrations, special promotions, or similar occasional events permitted in accordance with the provisions of this Ordinance.

6.11.4 Prohibitions

The following activities and/or use of lighting are specifically prohibited:

(A) ~~The use and/or installation of mercury vapor luminaries is prohibited. When existing mercury vapor luminaries burn out, they can only be replaced with an approved luminarie consistent with the standards contained herein,~~ The installation, use, repair, or replacement of a mercury and/or sodium vapor lighting fixture(s) generating 1200 lumens or more per individual bulb.[11]

(B) The use of searchlights, beacons, laser source light or any similar high intensity light for outdoor advertising or entertainment, ~~when projected above the horizon~~,

(C) The operation of searchlights for advertising purposes or to draw attention to an event or activity is specifically prohibited. This shall not include the use of searchlights in temporary emergency situations,

(D) Electrical illumination of off-premise commercial signs,

(E) Lights that are flashing, pulsing, moving, rotating, flickering, or that change in intensity or color, with the exception of emergency lighting, and

(F) Fixtures that are designed to resemble traffic control or other similar public safety devices ~~that are~~ used for advertising or other similar purposes.

6.11.5 Lighting Plan

(A) Purpose and Intent

The overall scope and purpose of the lighting plan is to allow staff to work with the property owner to prevent excessive and unnecessary lighting on the property prior to installation of the proposed fixtures avoiding potential costly compliance remedies upon completion of the project.

(B) Submittal Requirements

(1) With the exception of single-family and duplex residential plot plan submittals, a lighting plan shall be submitted with site plan, MPD-CZ Master Plan or preliminary plat approval documents when outdoor lighting fixtures are proposed.

Any development project proposing outdoor lighting shall not be permitted until the proposed lighting plan is approved in accordance with the provisions of this Ordinance.

(2) Lighting Plans shall comply with the following standards:

(a) Lighting plans shall be completed and sealed by a professional engineer and shall contain all required information as detailed herein,

[11] Incorporating comments made at the September 5, 2012 ORC meeting.

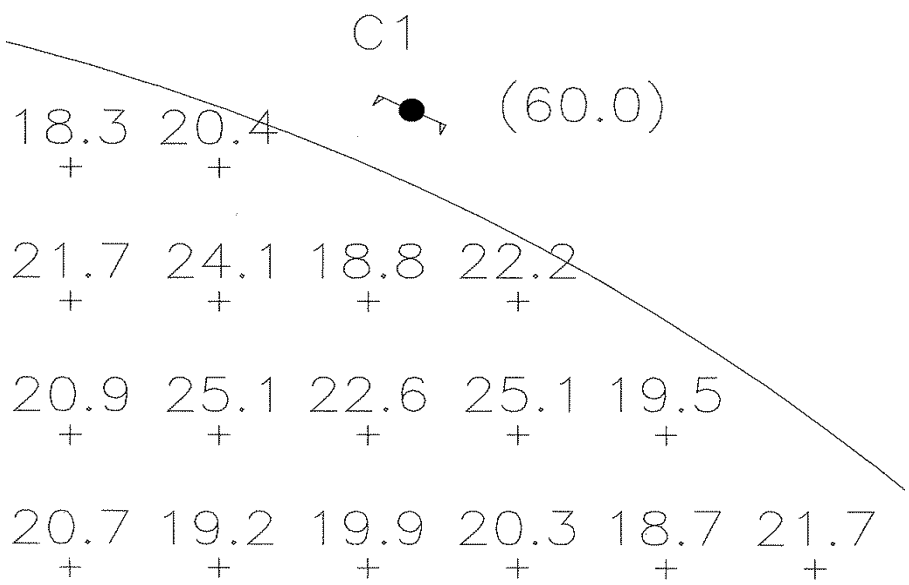
(b) Plans, drawn to a maximum scale of one inch equaling 40 feet, shall show the exact location, type, and height of all outdoor luminaries, existing and proposed, including building, pole and ground fixtures;

(c) The plan shall include a detailed description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations and product specifications from the manufacturer. As part of this requirement, all lighting plans shall contain inset drawings of all proposed lighting fixtures including any directional controls (i.e. shields, reflectors, refractors, etc.) that will aim and limit the angle of illumination. The lighting detail shall also show the vertical angle of illumination for all proposed fixtures that will be used to determine the required shielding angle;

(d) A lighting plan shall delineate the horizontal position of all lighting fixtures proposed for a parcel of property; and

(e) Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and lumen output shall be required. An example of a photometric plan is as follows:

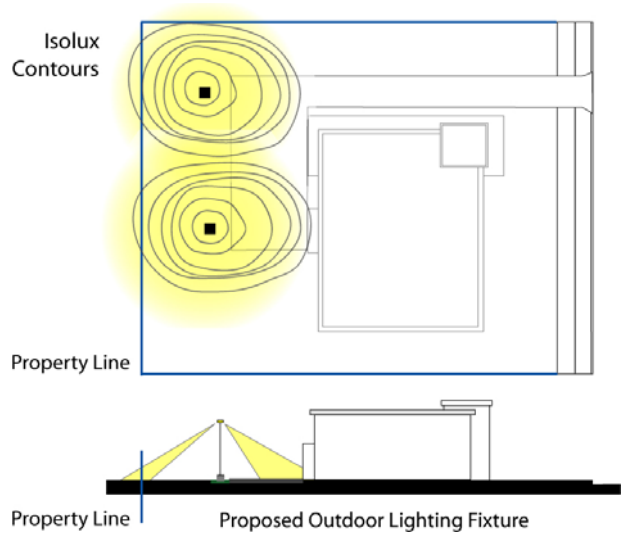
Figure 6.11.5.B.2.e: Lighting Plan Standards, Photometric Plan



In this example, the proposed light pole generates the specific lumen levels on the property. Staff will be responsible for utilizing this data to verify the compliance of the fixture within the provisions of this Ordinance.

(f) Foot-candle data shall also be required for all proposed outdoor lights. An example of the data necessary to comply with this requirement is as follows:

Figure 6.11.5.B.2.f: Lighting Plan Standards, Foot-candles



Along with location, type, and height of outdoor lighting fixtures, isolux contours must be provided to demonstrate foot-candle data. Staff will be responsible for utilizing this data to verify the compliance of the fixture within the provisions of the Ordinance.

(g) Additional information as may be required by the Planning Department in order to determine compliance with this Section.

(h) Roadway lighting installed on state maintained roads must meet ASSHTO requirements for light levels and uniformity. Roadway lighting submittal requirements can be obtained in the NCDOT publication titled "Policies and Procedures for Accommodating Utilities on Highway Rights-of-Way".

6.11.6 General Standards

(A) Urbanizing Areas

Within areas of the County designated as 'urbanizing', as delineated on the Growth Management Systems Map, or within Rural Community Activity Nodes, as delineated on the Orange County Land Use Element Map, the maximum light level permitted along common property lines shall be 0.5 foot-candles at any adjoining residential property line and/or 1.0 foot-candle at any adjoining non-residential property line.

(B) Rural Areas

Within areas of the County designated as 'rural', as delineated on the Growth Management Systems Map, or within Rural Neighborhood or Rural Industrial Nodes, as delineated on the Orange County Land Use Element Map, the maximum light level permitted along common property lines shall be 0.25 foot-candles at any adjoining residentially zoned property line and/or 0.5 foot-candle at any adjoining property line with a non-residential land use.

(C) Floodlights

(1) All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical, ~~or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield~~.

(2) Any facilities that require floodlighting may not arrange the light in such a way that it ~~will shine towards roadways~~produces light trespass ~~,~~ onto adjacent residential property or into the night sky.

(3) All flood lamps emitting greater than ~~1,000~~1,200 ~~or more~~ lumens shall be aimed at least 60 degrees down from the horizontal, or shielded such that the ~~main beam from the light source~~bulb is not visible from adjacent properties or the public street right-of-way.[12]

(D) All wall pack fixtures shall be full cutoff fixtures.

(E) All lights shall be shielded in such a way as to direct light towards the Earth's surface and away from reflective surfaces, except as expressly exempted from the provisions of these regulations.

(F) Temporary Outdoor Lighting

(1) Any temporary outdoor lighting that conforms to the requirements of this Section shall be permitted.

(2) Nonconforming temporary outdoor lighting may be permitted by the Planning Director after considering the following:

(a) The public and/or private benefits that will result from the temporary lighting,

(b) Any annoyance or safety problems that may result from the use of the temporary lighting, and

(c) The duration of the temporary nonconforming lighting.

(G) Subdivisions

(1) If any subdivision proposes street lights or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the outdoor lighting standards as contained in this Section will be adhered to.

(2) The required Lighting Plan and associated documents shall be submitted and approved by the Planning Department prior to installation of any regulated lighting.

(H) If any street will be taken over by NCDOT for maintenance, roadway lighting must meet AASHTO requirements, and must be installed and maintained according to the NCDOT publication titled "Policies and Procedures for Accommodating Utilities on Highway Rights-of-way".

(I) Upward flagpole lighting is permitted for national and state flags provided that the maximum lumen output is 1000 lumens per flagpole.

(J) Any interior-lighted signs may not be lit at night when the face of the sign is removed or damaged in such a way that the light may distract drivers or adjacent property owners.

(K) All outdoor lighting, with the exception of wall mounted security lighting, for non-residential uses shall be extinguished within 30 minutes from the close of business, as determined by the posted hours of operation, unless otherwise detailed herein. This shall not include security/motion sensor lighting designed to turn on when sensors detect movement and automatically turn off after 12 minutes.

6.11.7 Specific Standards

(A) Lighting in Parking Lots and Outdoor Areas

[12] Incorporating suggestions made by Planning Board members during Phase 1 of developing the UDO. The rationale for raising allowable lumens is to allow for, and encourage the use of, existing energy efficient light fixtures already on the market to be used as floodlights.

In addition to the general standards established in this Section, lighting in parking lots and outdoor areas shall comply with the following standards:

(1) Other than floodlights and flood lamps, all outdoor area and parking lot lighting fixtures shall be full cutoff fixtures.

(2) The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed 36 feet above finished grade.

(3) Any light fixture must be placed in such a manner that no lamp surface is visible from any residential area or public/private roadway.

(B) Lighting for Vehicular Canopies

In addition to the general standards established in this Section, lighting for vehicular canopies shall comply with the following standards:

(1) Areas under a vehicular canopy shall have a maximum point of horizontal illuminance of 24 maintained foot-candles (fc). Areas outside the vehicular canopy shall be regulated by Section 6.11.6.

(2) Acceptable lighting methods include one or more of the following:

(a) Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.

(b) Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself so that light is restrained to five degrees or more below the horizontal plane.

(c) Surface mounted fixture incorporating a flat glass that provides a semi-cutoff fixture or shielded light distribution.

(d) Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination if focused exclusively on the underside of the vehicular canopy.

(C) Outdoor Sports Field/Outdoor Performance Area:

(1) Purpose and Intent

Outdoor sports field/performance area lighting serves a unique and specific purpose. The goal of such lighting is to provide performers adequate light to engage in approved activities at night and provide sufficient light levels allowing spectators to witness the activity.

The goal of these regulations is to allow for reasonable development and use of such lighting fixtures while attempting to mitigate potential ancillary impacts on adjacent property owners.

(2) Standards

In addition to the general standards established in this Section, Outdoor Sports Field/Outdoor Performance Area lighting shall comply with the following standards:

(a) Outdoor Sports Field/Outdoor Performance Area lighting shall only be allowed for those principal and accessory uses needing such fixtures to properly function as intended during evening hours.

(b) Maximum Height

(i) Within the urbanizing areas of the County, as defined herein, there shall be a limit on the allowable height of such fixtures of ~~80~~ 100 feet.

(ii) In rural areas of the County as defined herein, there shall be a limit on the allowable height of such fixtures of ~~60~~ 90 feet.[13]

(c) All outdoor sports field and outdoor performance area lighting fixtures shall be full cutoff fixtures and shall be equipped with a glare control package (louvers, shields, or similar devices). If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers one.

(d) All fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.

(e) Hours of Operation

(i) Within urbanizing areas of the County, the hours of operation for the lighting system for any game or event shall be no later than 11:00 p.m., except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

(ii) Within rural areas of the County, all outdoor sports field/outdoor performance area lighting shall be extinguished by 10:00 p.m. except to conclude a scheduled event that was in progress before 10:00 p.m. and circumstances prevented concluding before 10:00 p.m. Under no circumstances may lighting for an event extend beyond 11:00 p.m. within the rural areas of the County.

(f) The maximum light level permitted along common property lines shall be consistent with the standard(s) contained within Section 6.11.6 of this Ordinance.

(D) Lighting of Outdoor Display Areas:

[13] Modification of height limits for athletic field lights in both the rural and urban areas of the County is requested by Department of Environment, Agriculture, Parks and Recreation (DEAPR) staff. The BOCC established the current limits to address issues of excessive light generated by tall light poles.

DEAPR staff would like the BOCC to consider increasing height limits as smaller poles will not yield sufficient illumination of a playing field thereby potentially creating safety issues. Taller poles will result in a better 'spread' of light thereby ensuring appropriate levels of visibility. Requiring smaller poles will also require 'more poles' to be installed to ensure proper illumination creating additional light trespass concerns as well as budgetary problems.

As an aside athletic field lights at the Eurosport soccer complex at 90 feet in height and lights at Fairview park are 70 feet. All were installed prior to the development of a existing height limits for athletic field lights.

Another concern expressed by DEAPR staff is there is a noticeable lack of vendors who can provide fixtures adhering to all established development requirements and abide by established height limits.

It should be noted the imposition of existing height limits was extensively discussed back in 2009 when the original ordinance amendment was proposed. ORC members acknowledged the concern of DEAPR staff but expressed reservation on modifying height limits. Staff believes there is merit in reviewing these limits in the context of ensuring proper illumination of an athletic field while protecting adjacent property owners from glare and light trespass.

The Planning Board voted 7 to 2 to recommend the modificaition as detailed herein. The 2 dissenting Board members indicated their preference for the entire section to be deleted and eliminate the height restriction outright.

(1) Top mounted fixtures are required for legally existing lighted signs. Lighting fixtures used to externally illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of this Section. Bottom mounted outdoor advertising shall not be used. Notwithstanding this provision, the lighting or re-lighting of a nonconforming advertising sign will not be permitted if the light results in the expansion of the nonconforming use, pursuant to this Ordinance.

(2) Outdoor advertising signs constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per sign shall not exceed 41 watts.

(E) Lighting of Buildings and Landscaping

Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building façade, plantings, and away from adjoining properties, public or private rights-of-way, and the night sky.

6.11.8 Additional Standards for Economic Development Districts

In addition to the outdoor lighting standards established in this Section, the following standards shall apply within the Economic Development Districts:

(A) All lighting must be shielded to confine light spread within the site boundaries and provide uniform illumination in compliance with the following minimum levels.

TABLE 6.11.8: ECONOMIC DEVELOPMENT DISTRICT MINIMUM OUTDOOR LIGHTING STANDARDS

LOCATION	MINIMUM FOOTCANDLES
Building Entrances	4.00
Sidewalks	1.00-3.00
Pedestrian Paths	1.00
Parking Lots	0.50

It is the intent of this section to require minimum light levels during established business hours or in those instances where members of the general public will be on-site to ensure public safety. [14]

(B) Pedestrian walkways and plazas must be lighted and fixtures mounted at a lower height for security and to create an inviting pedestrian environment.

(C) Accent lighting must also be provided to illuminate such key locations as building and driveway entries, and activity areas.

(D) Lighting for the purpose of illuminating landmarks and unique features of the site is also encouraged.

(E) All light fixtures are to be concealed source fixtures except for pedestrian-oriented accent lights.

[14] Added to address ORC comments made at its September 5, 2012 meeting. There was concern over the ambiguous nature of existing wording. Board members wanted clear explanation lights had to be on during those times when the general public would be on the property and need the light for public safety and security purposes.

(F) Security lighting fixtures or floodlights must not project over the fascia or roof line of the building(s).

(G) Parking area and driveway fixtures should be mounted at or below a maximum height of 25 feet above the surface of the parking area or driveway.

(H) The design of light fixtures and structural supports must be compatible with the architecture of the principal building(s) and identification signs.

(I) Where building faces are illuminated, lighting fixtures must be integrated within the architectural design of the buildings.

(J) Ground-mounted lighting fixtures must be weather-proof and vandal resistant.

(K) **Hillsborough EDD**

In addition to the standards established above, the following standards shall apply within the Hillsborough EDD:

(1) Lighting must be high efficiency lighting systems and lighting levels must be reduced during non-use hours to promote energy conservation.

(2) 12:1 minimum/maximum glare ratio.

(3) Maximum footcandles = 80

SECTION 6.12: SIGNS

6.12.1 Purpose and Intent

The purpose of this Section is to regulate the type, placement and physical dimensions of all signs in the interest of public health, safety and welfare, while recognizing the need for signs within the business community.

It is the intent of this section to regulate signs on a per lot basis in conjunction with the zoning designation of the lot as described on the current tax roll weather a sign is directly visible from a street right-of-way or not.

6.12.2 Outdoor Advertising

The provisions of this Article establish standards and review criteria relating to the location, erection, maintenance, lighting, setbacks, and use of signs. This includes regulations pertaining to outdoor advertising (i.e. Billboards).

The regulation and permitting of outdoor advertising is also subject to State requirements, including the State Outdoor Advertising Control Act, and Federal requirements. In cases where there is a conflict between County regulations and State or Federal regulations, relating to the location, erection, maintenance, lighting, setbacks and use of outdoor advertising signage, the corresponding State or Federal law shall take precedent.

In cases where there is no applicable State/Federal standard, then existing County regulations shall be enforced.

6.12.3 General Requirements

(A) No sign of any type nor any part thereof shall be erected, painted, posted, reposted, placed, replaced, or hung in any zoning district except in compliance with these regulations.

(B) No person shall erect or maintain a sign, and no property owner shall allow a sign to be erected or maintained on his property except in conformity with these regulations.

(C) A Zoning Compliance Permit approved in accordance with the provisions of this Ordinance shall be required prior to erecting a sign, unless otherwise permitted.

Flood Insurance Rate Map (FIRM)
An official, adopted Orange County map, issued by FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the county are delineated. These areas are incorporated within the official Zoning Atlas for Orange County as the Special Flood Hazard Area Overlay District.

Flood Insurance Study (FIS)
An examination, evaluation, and determination of flood hazard, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in Orange County issued by FEMA. The FIS report contains corresponding flood profiles, as well as FIRMs.

Flood Lamp
~~A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.~~See Outdoor Lighting, Flood Lamp.

Floodlight
~~A form of lighting designated to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.~~ See Outdoor Lighting, Floodlight.[15]

Floodplain or Flood Prone Area
Any land area susceptible to being inundated by water from any source and is interchangeable terms.

Floodplain Administrator
The individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit
A document required for any disturbance within a mapped special flood hazard area prior to the commencement of any development activity.

Floodplain Management
The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Regulations
This Ordinance, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power, which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Flood Proofing
Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

Floodway
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. This term may also be referred to as “regulatory floodway.”

Flood Zone

[15] Staff is eliminating multiple definitions of terms and providing a reference point to direct the reader where the term can be found within the UDO.

A geographical area shown on a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floor
See "Lowest Floor".

Floor Area Ratio
Floor Area Ratio (FAR) is the maximum floor area permitted for each square foot of land area.

Footcandle
~~A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface. Abbreviated "fc."~~ See Outdoor Lighting, Foot-candle.

Forest Plantation
An area of planted trees that may be conifers (pines) or hardwoods. On a plantation, the intended crop trees are planted rather than naturally regenerated from seed on the site, coppice (sprouting), or seed that is blown or carried into the site.

Forest Vegetation
The plants of an area which grow together in disturbed or undisturbed conditions in various wooded plant communities in any combination or trees, saplings, shrubs, vines, and herbaceous plants. This includes mature and successional forests as well as cutover stands.

Fraternity, Sorority House
A building occupied by and maintained exclusively for college or university students who are affiliated with a social, honorary or professional organization and which is recognized by the college, university or other institution of higher learning.

Freeboard
Height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood elevations.

Frontage, Building
The linear length of a building facing a public street right-of-way, exclusive of alleys; or the linear length of the street right-of-way that faces the building, whichever is smaller.

Frontage, Lot Line
The distance measured along the designated front lot line or public or private right-of-way or easement, as determined by the Planning Director, which affords vehicular access to the property between the points of intersection of the side lot lines with such right-of-way or easement. For the purposes of this definition, businesses have only one frontage.

Frontage, Tenant
Each lineal foot, or major portion thereof, measured along the main entry of a tenant space within a non-residential complex.

Full Cutoff Fixture
~~An outdoor lighting fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.~~ See Outdoor Lighting, Full-cutoff Fixture.

Functionally Dependent Facility
A facility, which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking, or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

a) The owning or keeping, for any purpose, of 20 or more animals
b) The selling and/or training of guard dogs or security dogs
c) The keeping of more than five animals at any given time for the purpose of breeding, boarding, or rehabilitation.

The operator of a Kennel (Class II) shall be allowed to reside on the property to ensure the continuous care of the animals kept on-site.

Lamp

~~The source of electric light; the bulb. To be distinguished from fixture and luminaire~~. See Outdoor Lighting, Lamp. [16]

Land Area Measurement Definitions

(See Lot Line, Lot Line Front, Lot Line Rear, Lot Line Side, Open Side, Open Space Front, Open Space Rear)

Land-Disturbing Activity

Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

Landfill

A site within which is deposited solid waste material, including trash, construction debris, stumps, branches and limbs, garbage and industrial waste.

Landfill, Discharging

A landfill facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream. Discharging landfills require a National Pollution System (NPDES) Permit from the North Carolina Division of Water Quality.

Land Use Intensity Definitions

(See Non-residential Land Area, Non-residential Floor Area, Residential Floor Area, Floor Area Ratio, Open Space, Open Space Ratio, Livability Space, Livability Space Ratio, Floor Area Ratio, Open Space, Open Space Ratio, Recreation Space, Recreation Space Ratio, Pedestrian/Landscaped Space, Pedestrian/Landscaped Space Ratio.)

Land Use Permit

A zoning permit, subdivision approval, building permit, site plan, special use permit, or conditional use permit.

Land Use Plan

A set of documents and maps that categorize existing patterns of land development and set guidelines for the desirable intensity, density, quantity, type, location and timing of future development based upon the goals and policies set forth in the Plan. The Land Use Plan can be found in the Land Use Element of the Comprehensive Plan.

Length of Wall

The horizontal distance from corner to corner. Where walls in continuous general frontage (as in the case of attached dwellings) are off-set by angles or setbacks of six feet or more, the length of each segment so set off shall be measured separately in establishing pertinent yard depth. Length of the wall of a circular building shall be construed as the diameter of the building.

Level of Service

[16] Staff is proposing to eliminate the unnecessary duplication of this definition and provide the reader with a reference where the term is properly defined.

A qualitative measure that describes the operational conditions or a road or intersection, as defined by the Highway Capacity Manual. The various service levels are defined by a range from A to F, with A representing free flow traffic conditions and F representing stop-and-go traffic.

Light, Flashing
A light that intermittently flashes on and off.

Light Source
The point of origin illumination emanates; usually a lamp. Please refer to the definition of Outdoor Lighting, Lamp for additional information.

Light Trespass
Intrusion of direct light projected from one property or roadway onto another property or roadway.

Livability Space
Livability space is part of total open space appropriately improved and located as outdoor living space for residents and for aesthetic appeal. Such spaces include lawns and other landscaped areas, walkways, paved terraces and sitting areas, outdoor recreational areas, and landscaped portions of street rights-of-way. Such space shall not be used for vehicles, except for incidental service, maintenance or emergency action.

Livability Space Ratio
Livability space ratio is the minimum square footage of non-vehicular outdoor space required for each square foot of land area in residential development. It is open space used for people, planting and visual appeal and does not include vehicular parking and access areas.

Lodgings
Living quarters which do not contain independent kitchen facilities, provided, however, that dwelling units occupied by transients on a rental or lease basis for periods of less than one week shall be considered lodging units even though they contain independent kitchen facilities.

Lodging Unit
A room or rooms connected together, constituting a separate lodging for one family only, physically separated from any other rooms or dwelling or lodging units. Where two or more rooms are connected by a doorway or doorways, and arranged, equipped and furnished in such a manner that they might reasonably be rented, leased or occupied, either individually or in combination, each room shall be construed as a lodging unit.

Logo
An established identifying symbol or mark associated with a business or business entity.

Lot
Land bounded by lines established for the purpose of property division. The term includes water areas included in the property so enclosed. As used in this Ordinance, unless the context indicates otherwise, the term refers to a zoning lot. (See Lot, Zoning).

Lot Definitions
(See Lot, Lot Zoning, Lot Non-Conforming, Lot Non-Legal for Zoning Purposes, Lot Area Net, Lot Area Gross, Lot Building Area Of, Gross Land Area of PD-H Districts, Setback, Lot Regular, Lot Irregular, Residential Land Area).

Lot, Flag
An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot.

Lot Area, Gross

at the distance prescribed for a rear setback from the apex of the angle. Adjacent to the remainder of such lot lines, side setback requirements shall apply.

C. Side setback on regular lots are setbacks running from the rear line of the front setback to the front line of the rear setback. Depth of side setbacks shall be measured perpendicular to the side lot line, so that the required setback is a strip of the minimum depth prescribed by district regulations.

Lot, Subdivision

A piece, parcel or plat of land created pursuant to the subdivision regulations contained within this Ordinance and shown as such on a recorded subdivision plat.

Lot, Usable

The portion of a zoning lot unencumbered by stream buffers, drainage easements, public and private rights-of-way, access easements, and transmission line easements. Lot, Usable also excludes all areas within lots having slopes greater than 20%, all bodies of water including, but not limited to, ponds, lakes, reservoirs and the area within wildlife corridors (as defined in the Land Use Element of the Orange County Comprehensive Plan) up to a maximum width of 150 feet total or the width of the stream buffer, whichever is greater.

Lot, Zoning

A. Residential: A lot which complies with the dimensional requirements for the land use intended for the zoning district in which it is to be located and which lot is either a lot of record, a subdivision lot, or a lot created by a recorded subdivision plat not requiring Orange County subdivision approval.

B. Non-Residential: A lot which complies with the dimensional requirements for the land use intended for the zoning district in which it is located.

C. When a zoning lot is divided by the recording of an approved subdivision plat or by the recording of a subdivision plat not requiring Orange County subdivision approval, each resulting lot is a zoning lot.

D. In cases where authorities empowered to exercise eminent domain, by purchase or condemnation, create residual lots of lesser area, width or a combination thereof than required in the district, such lots shall be treated as non-conforming lots and used as permitted in Article 8 of this Ordinance (Non-conformities).

Low-Density Option

One of two approaches available for development in watershed overlay districts. Generally, the low-density option relies on density and impervious surface limits to minimize the risk of water pollution.

Lowest adjacent grade (LAG)

The elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building.

Lowest floor

The sub floor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Lumen

~~A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen output values shall be the initial lumen output ratings of a lamp.~~See Outdoor Lighting, Lumen.

Luminaire

~~A complete lighting system that includes a lamp or lamps and a fixture.~~See Outdoor Lighting, Luminaire

Outdoor Lighting
Installation of lighting equipment, whether attached to poles, building structures, the earth, or any other location to allow for the illumination of a building and exterior area(s) within the confines of a defined property line. Included are open air spaces on a property, which are under a roof or other cover and not fully enclosed such as a canopy, pavilion, drive-through bay, or parking deck

Outdoor Lighting, Cutoff Fixture
A fixture shielded or constructed in such a manner that no more than 2 ½% of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

Outdoor Lighting, Direct Light
Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Outdoor Lighting, Fixture
The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Outdoor Lighting, Flood Lamp
A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Outdoor Lighting, Floodlight
A form of lighting designated to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

Outdoor Lighting, Foot-candle (fc)
A unit of measure denoting of the intensity or amount of light falling onto a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface. Abbreviated "fc."
~~The amount of light falling onto a surface.~~

Outdoor Lighting, Full Cutoff Fixture
A lighting fixture shielded or constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light-emitting part.
~~A fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.~~

~~Outdoor Lighting, Glare~~
~~Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see or to cause annoyance, and, in extreme cases, causing momentary blindness.~~ [17]

Outdoor Lighting, Holiday Decoration
Holiday displays, decorations and greetings, which relate to any federally designated holiday, legal holiday or religious holiday.

Outdoor Lighting, Lamp
The source of electric light: the bulb. To be distinguished from fixture and luminaire.

[17] Staff is proposing to eliminate this definition as the term 'Glare' is defined within the UDO already. The term glare now applies to additional development issues not involving 'outdoor lighting' or the regulation of lighting and, as such, should not be construed as only having an outdoor lighting connotation.

Outdoor Lighting, Lumen
A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the ~~INITIAL~~ initial lumen output ratings of a lamp.

Outdoor Lighting, Luminaire
~~A complete lighting system that includes a lamp or lamps and a fixture.~~ The complete lighting unit or fixture consisting of a lamp, or lamps and ballast(s) when applicable, together with the parts designed to distribute the light, including reflector, lens, or diffuser to position and protect the lamps, and to connect the lamps to the power supply. [18]

Outdoor Lighting - Mercury Vapor Luminaries
Lamps within which ultraviolet and yellowish-green to blue visible light is produced by an electric discharge through mercury vapor[19]

Outdoor Lighting, Semi-Cutoff Fixture
An outdoor fixture shielded or constructed in such a manner that it emits no more than 5% of its light above the horizontal plane of the fixture, and no more than 20% of its light ten degrees below the horizontal plane of the fixture.

Outdoor Lighting – Sodium Vapor Luminaries
Lamps within which ultraviolet and yellowish-orange visible light is produced by an electric charge through a small amount of sodium and neon gas. [20]

Outdoor Lighting, Tube Lighting
Gas-filled glass tube, excluding common fluorescent tube bulbs, that becomes luminescent in a color characteristic of the particular gas used, such as neon, argon, krypton, etc.[21]

Outdoor Lighting, Upward
Projection of light above the horizontal plane.

Overlay Zoning District; Overlay Zone
A special zoning district that applies supplemental standards in addition to the underlying zoning requirements.

Package Treatment Plant
Privately owned and operated sewage treatment facility. These plants are prefabricated by the manufacturer and delivered as completed units to the clients.

Parking Deck
A special structure of two or more levels designed to be used for the temporary storage of motor vehicles.

Pedestrian/Landscape Ratio
This is the minimum square footage of pedestrian access and landscaped areas in a non-residential development for each square foot of gross land area.

Pedestrian/Landscaped Space

[18] Staff modification to definition incorporating elements of from the Dark Sky model lighting ordinance as well as standards from the Illuminating Engineering Society of North America [IESNA]
[19] Staff had concerns over defining this specific classification of light source given we do not have definitions for all lighting sources/fixtures. The Planning Board recommended the inclusion of the definition given they are specifically prohibited from use within the UDO.
[20] Added to address comments made at the September 5, 2012 ORC Planning Board meeting.
[21] Definition recommended by the Planning Board at its October 7, 2009 regular meeting.

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD
QUARTERLY PUBLIC HEARING
November 19, 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, November 19, 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, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT: Pam Hemminger
COUNTY ATTORNEY PRESENT: Sahana Ayer
COUNTY STAFF PRESENT: County Manager Frank Clifton 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, Johnny Randall, H.T. "Buddy" Hartley, Lisa Stuckey and Herman Staats
PLANNING BOARD MEMBERS ABSENT: Dawn Brezina

Chair Pelissier called the meeting to order at 6:59PM.

A. OPENING REMARKS FROM THE CHAIR

Planning Board Chair Larry Wright said that the agenda items 1-3 will be joint items of the Planning Board and the Board of County Commissioners. Following item 3, the County Commissioners will be discussing educational facilities and ordinance amendments and the Planning Board will not be part of that discussion.

B. PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

C. PUBLIC HEARING ITEMS

1. **2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments and Zoning Atlas Amendments** - To review government-initiated amendments to the text of the Comprehensive Plan and UDO and to the Zoning Atlas in order to establish two new zoning overlay districts in the Efland area.

Planner Perdita Holtz introduced this item and made a PowerPoint presentation.

Comprehensive Plan Text, Unified Development Ordinance Text, and Zoning Atlas Amendments for Two New Zoning Overlay Districts in the Efland Area
Quarterly Public Hearing

Commissioner Jacobs asked that after the meeting that Perdita Holtz give Ms. Gattis a definitive answer.

A motion was made by Commissioner Gordon, seconded by Commissioner Foushee to 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 February 5, 2013 BOCC regular meeting and adjourn the public hearing until February 5, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

2. **Unified Development Ordinance (UDO) Text Amendment** – To review government-initiated amendments to the text of the UDO in order to modify and clarify existing regulations and definitions associated with the erection and use of outdoor lighting facilities.

Michael Harvey presented this item and made a PowerPoint presentation.

NOVEMBER 19, 2012
QUARTERLY PUBLIC HEARING
AGENDA ITEM:C2
UDO TEXT AMENDMENT – OUTDOOR LIGHTING

BACKGROUND:

- During the initial development of UDO, several suggested modifications were received on changes to existing outdoor lighting regulations.
- These suggestions were tabled for future consideration. Staff believes we have reached a point where these amendments can be incorporated into the UDO.
- This amendment also seeks to address concern over height limitations on athletic field lights. Some believe existing height limits are too restrictive and create additional light pollution on adjoining properties rather than eliminate it.

WHAT THIS PROPOSAL DOES:

- Clarify existing regulations, including:
  - Modify Section 6.11.1 *Purpose and Intent* to include language referencing the County's interest is promoting nighttime visibility and curtailing light pollution.
  - Modify Section 6.11.1 (E) to include language identifying the County's intent to regulate outdoor lighting in an effort to 'restore natural light cycles'.
  - Incorporate new formatting changes to ensure the regulations are consistent with the organizational rules of the UDO.

- Eliminate references to 'watts' of a light fixture and ensure proper use of terminology through the Section.

WHAT THIS PROPOSAL DOES:

- Add new definitions of *light trespass*, *mercury vapor luminaire*, *light pollution*, etc. to Article 10 as recommended during Phase 1 of the UDO.
- Eliminate multiple definitions of the same term within Article 10 of the UDO. For example we currently have 'lamp' defined twice within the UDO. There is no need for this duplication.
- Address concerns expressed by Orange County Department of Environment Agriculture Parks and Recreation (DEAPR) over height restrictions for athletic field lights.

ATHLETIC FIELD LIGHT ISSUE:

- 2 poles aimed at same aiming point but note difference in impact of spill and glare on adjacent properties. Restricting mounting height aggravate, not improve, the impact of spill and glare light

ORC COMMENTS:

- Ordinance Review Committee (ORC) meets to review this item on September 5, 2012.
- Made several recommendations with respect to modifying draft amendment package.
- Modifications were incorporated into draft text amendment by staff.
- ORC expressed concern over increasing outdoor athletic field light height limit but understood the problem. Asked BOCC and staff for guidance.

STAFF COMMENTS:

- Proposed amendments make existing regulations easier to follow.
- Proposal addresses those items identified during initial development of the UDO.
- Staff sees compromise with respect to increasing height limits of athletic field lights

RECOMMENDATION:

1. Receive the proposed amendments.
2. Conduct the public hearing and accept public, BOCC, and Planning Board comment on the proposed amendments.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the January 24, 2013 BOCC regular meeting.

4. Adjourn the public hearing until January 24, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Michael Harvey said that there was in-depth discussion when added height limits were considered originally. There was an understanding that there might be some non-conformities created that were legal at the time because there was not a height limit until two years ago. He thinks that the height limit should be reexamined and increased.

Andrea Rohrbacher returned at 8:04 PM.

Commissioner Jacobs said that he respects the DEAPR staff analysis of the heights, but a simple way to eliminate the subject would be to consult several neighboring jurisdictions about lighting standards. He suggested looking at Durham and Chapel Hill's lighting standards to see if there is some consistency. He suggested that if and when the Board approves whatever it is going to approve, that staff communicate to the power companies that when bare bulb security lights are replaced that the County ordinances will encourage shielded fixtures.

Commissioner Gordon made reference to pages 59-60. She said that she would be hesitant to increase the pole height. She is concerned about the rural areas. She would like to see more empirical evidence.

Lisa Stuckey made reference to page 69 and the initial lumen. She asked why the light level after it is warmed up would not be used.

Michael Harvey said that the initial lumen is an industry standard.

There was no public comment.

A motion was made by Commissioner Jacobs, seconded by Commissioner Yuhasz to refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the January 24, 2013 BOCC regular meeting and adjourn the public hearing until January 24, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

3. **Unified Development Ordinance (UDO) Text Amendment(s) -** To review government-initiated amendments to the text of the UDO in order to make minor changes that have been suggested by the County's code vendor (MuniCode) as a result of MuniCode's legal review.

Perdita Holtz introduced this item and made a PowerPoint presentation.

Commissioner Foushee left at 8:14 PM.

Maxicene Mitchel left at 8:14 PM.

Unified Development Ordinance Text Amendments
Resulting from MuniCode's Legal Review
Quarterly Public Hearing
November 19, 2012

Excerpt of Approved Minutes

Attachment 4

MINUTES
ORANGE COUNTY PLANNING BOARD
DECEMBER 5, 2012
REGULAR MEETING

MEMBERS PRESENT: Larry Wright (Chair), At-Large, Cedar Grove Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Johnny Randall, At-Large Chapel Hill Township; Dawn Brezina, Eno Township Representative; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; Herman Staats, At-Large Cedar Grove Township;

MEMBERS ABSENT: Peter Hallenbeck (Vice-chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; Rachel Hawkins, Hillsborough Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz; Special Projects Coordinator; Marabeth Carr, DEAPR; Tina Love, Administrative Assistant II

HANDOUTS GIVEN AT MEETING *Planning Board Rules of Procedure; Memo from DEAPR regarding outdoor lighting*

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Larry Wright introduced a new member, Herman Staats. He also reminded the Board of the attendance policy.

****

Agenda Item 8: Unified Development Ordinance (UDO) Text Amendment – To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO in order to modify and clarify existing regulations and definitions associated with the erection and use of outdoor lighting facilities. This item was heard at the November 19, 2013 quarterly public hearing
Presenter: Michael Harvey, Current Planning

Pete Hallenbeck submitted the following comments for the record:

Item 8: Outdoor Lighting

My only comment here is that perhaps the best description of the term "Initial Lumens" would be the lumens of output for a bulb as printed on the packaging for the bulb.

I would also note that I worked with Michael Harvey on these changes, and think they are acceptable.

Michael Harvey: Presented abstract for review.

Herman Staats: In this example was there light trespassing that could have been alleviated by aiming the lights or shielding them, etc.

Michael Harvey: The lights were shielded because the permit was issued in compliance with this code and they met all the applicable standards. If you are asking if the lights were taller, would it have addressed some of the trespass issues, maybe.

Lisa Stuckey: If we recommend no height limit, would the language you have developed about trespass, etc. be sufficient?

Michael Harvey: I would not have to amend this proposal other than to say the Planning Board is recommending deletion of height limit standards beginning on page 61, B2B in its entirety. I honestly have a little discomfort with that but you have the ability to recommend deletion of the existing height limits to the BOCC.

Lisa Stuckey: It doesn't seem the height is the issue. The issue is the spread of the light.

Michael Harvey: Height can be an issue for lots of reasons. The overall height and angel of a light source contributes to trespass.

Buddy Hartley: Would the 100 foot comply with the North Carolina High School Association.

Michael Harvey: 100 would be in line for what they recommend. Is it required, no.

Alan Campbell: The context with these heights in general, would this be typical with the special use permit at all or permitted by right?

Michael Harvey: If you have a use requiring a special use permit and you choose or propose to erect outdoor lights as part of the project, the light plan is reviewed and discussed at the time of permit review. In approving the request the appropriate board would be, in effect, approving the erection of the lights as part of the overall application. If the proposed land use is permitted by right then staff will be reviewing the request. There is no standard in the ordinance, and I am certainly not advocating for this, requiring a special use permit solely for the purpose of erecting outdoor lights or athletic field lights. It has been discussed previously at the elected official level the need to examine land uses from the standpoint of urban versus rural intensities in an effort to identify the appropriateness of a given land use for different areas of the County. There may be a need to investigate land uses as a whole, as well as the accessory components of these various land uses, that would cause for a level of intensity representing a more urbanesque amenity changing the overall impact of the land use on adjoining properties.

Larry Wright: I would like to make a comment for Pete "My only comment here is that perhaps the best description of the term "Initial Lumens" would be the lumens of output for a bulb as printed on the packaging for the bulb." What is he saying?

Michael Harvey: There was a comment by Lisa during the public hearing concerning the definition of lumens. Staff indicated we basically used industry standard definitions focusing on initial lumens, which is what Pete is referring to. I think what we have in the definition is adequate.

Larry Wright: What do we need to do?

Michael Harvey: I would like to make a recommendation on the package. There are two areas we have discussed. We have added some language to clarify when you have to make improvements to light fixtures, 6.11.2c. We also need comments on the athletic field light issue and if the motion is to approve staff's recommendation we need you to explain your rationale on why increasing the height of athletic field is reasonable or make a motion to modify what staff has written to propose your own height limit or even delete it in its entirety.

Larry Wright: What are the feelings regarding height?

Alan Campbell: I didn't pick up that much negative sentiment from the BOCC at the meeting. I like what is being proposed because it needs to address things we already have in place that aren't meeting the requirements. Also, I believe in and agree that the notion of having a higher pole with more direct light will decrease trespass.

Lisa Stuckey: I would suggest we delete on page 61, c2b, the whole maximum height issue because I think it is addressing the wrong issue.

Alan Campbell: I don't think you will get that approved. I'm all about getting something approved.

Lisa Stuckey: Should we do what we think they will do or what we think is right?

Alan Campbell: I don't want to see it bounced around for another year.

Tony Blake: 100 or 90 feet from ground?

Michael Harvey: It is intended to be from grade….

Johnny Randall: Is 100 feet high enough?

Michael Harvey: I believe so. We haven't had a height limit until two years ago so you aren't going to see anything consistent with this height limit.

Tony Blake: It's not really 100 feet in relation to the grade of the person that might complain. It is 100 feet from whatever the topography of the land is. I don't see how this is a consistent application.

Larry Wright: I would like to ask the question regarding Lisa's statement. I would like to hear the argument that the 100 feet does not address the issue. Let's say you have the 100 feet limit. What do we have that addresses the question?

Lisa Stuckey: The issue is light trespass.

Larry Wright: What in here takes care of the issue?

Michael Harvey: You still have to comply with the minimum foot candle at property line which we reduced three years ago. You still have other standards in here.

Larry Wright: Can I have a motion?

Herman Staats: I also agree that if the light trespass is addressed by the lumens, height is a separate issue that may or may not be related but I also agree that since this is there that the height is increased that is somewhat of a compromise.

Michael Harvey: This talks about outdoor sports fields, outdoor performance lighting.

Buddy Hartley: I agree that the 100 foot is for that purpose.

Alan Campbell: I know we didn't have a height restriction until a few years ago but during the daytime, I don't want to see a 200 foot whatever you could do right down the road from my house so I factor that in.

Johnny Randall: The number of lumens, the brightness of the bulb, has to be greater with a higher pole, right?

Michael Harvey: Not necessarily. The problem is that when you have a smaller pole, the light has to be at a much greater angle to spread on the property or you have to install potentially a higher spread.

MOTION by Alan Campbell to approve the height recommended by staff.
Seconded by Buddy Hartley
VOTE: Passed (7-2; Stuckey, Blake opposed)

Larry Wright: Dissenting opinions please.

Lisa Stuckey: I would have no limit. I think other language concerning the spread of light is sufficient and I can foresee the same issues arising but I get what Alan is saying as well. It seems the spread issue is more of a problem that the height issue. I think the real issue is whether the use would be permitted in the areas at all.

Tony Blake: I agree with Lisa and given the topography differences, 100 feet isn't necessarily 100 feet given where it might be located. I think it is a solution in search of a problem.

Larry Wright: Dissenting opinions are very important and I thank each of you very much.

MOTION by Johnny Randall to approve as submitted.
Seconded by Buddy Hartley.
VOTE: Unanimous

****

Department of Environment, Agriculture, Parks & Recreation

December 2, 2012

To: Craig Benedict, AICP, Planning and Inspections Director
Michael Harvey, AICP, Current Planning Supervisor

From: David Stancil, AICP, Director, Department of Environment, Agriculture, Parks & Recreation

Date: December 2, 2012

Re: Proposed UDO Changes Re Outdoor Lighting

Thank you for the opportunity to provide feedback on proposed changes to the Unified Development Ordinance related to outdoor lighting.

From our Commission for the Environment discussions several years ago, we certainly understand and support the goals of ensuring that outdoor lighting does not create light shields and unnecessary illumination of the night sky in our rural areas.

At the same time, however, our department also operates parks which include playing fields used by a wide variety of public and non-profit entities for athletic programs and sports play, and these fields have certain needs that may be negatively-impacted by a height limitation of 60-feet.

In keeping with field lighting and safety standards for sports activities, many of our parks include light standards that are 70 feet in height (90-100 feet at the Eurosport Soccer Center). New parks that are planned in rural under-served areas of the County would likely have lighted fields when constructed in coming years. A 60-feet height limitation, combined with footcandle value restrictions at the property line, would eliminate the possibility of the County installing lighting at these future parks. These fields would also be ineligible to host Little League or similar organization sanctioned play, as they would not meet their minimum pole standards. Other parks may have to be redesigned to accommodate extra lighting that would be necessary.

Orange County Department of Environment, Agriculture, Parks & Recreation
PO Box 8181
Hillsborough, NC 27278
Phone: (919) 245-2510
Fax: (919) 644-3351

In addition to the need for 70-100 feet of height to adequately light for sports standards, there is an associated safety concern – which is the primary reason for light level standards. Adequate lighting is necessary to ensure the safety of players who may not be able to see their target as well as they should, and to light corners of fields that are already challenging to light without raising the light levels even further all across the fields. A light pole of less than 70 feet will not meet many organization's minimum standards[1].

Lighting standards at locations like Eurosport Soccer Center and the future Millhouse Road Park requires some poles to be as high as 100-feet (on the championship field) and 90-feet. Soccer fields require higher footcandle levels due to the vision-critical play that occurs in the corners of the field. Soccer complexes provide economic development benefits as an attraction for tournaments and other events, and this ability would be lost with a lowered height restriction.

Finally, while we understand the intention of lowering pole height, and that this may seem to improve glare and light spillage, it actually may do more harm than good. As shown in the attached diagram, restricting the pole height would effectively increase glare and light spillage. The lower the pole, the farther the lights must shine horizontally to reach their target – increasing the spread of the light. Higher poles allow the light to be targeted downward reducing light spillage.

We would suggest that the Planning Board and Planning staff consider applying special standards in the UDO with the provision for higher light poles as described herein for public parks and schools. The proposed 60-feet height limit will create lighting inadequacies that make new fields unable to be lit for their planned needs, unusable for many sanctioned sports activities, and create safety issues for players on these facilities who may not have adequate visibility to safely conduct their games. This may pose risk management issues for the County were such a change to be implemented.

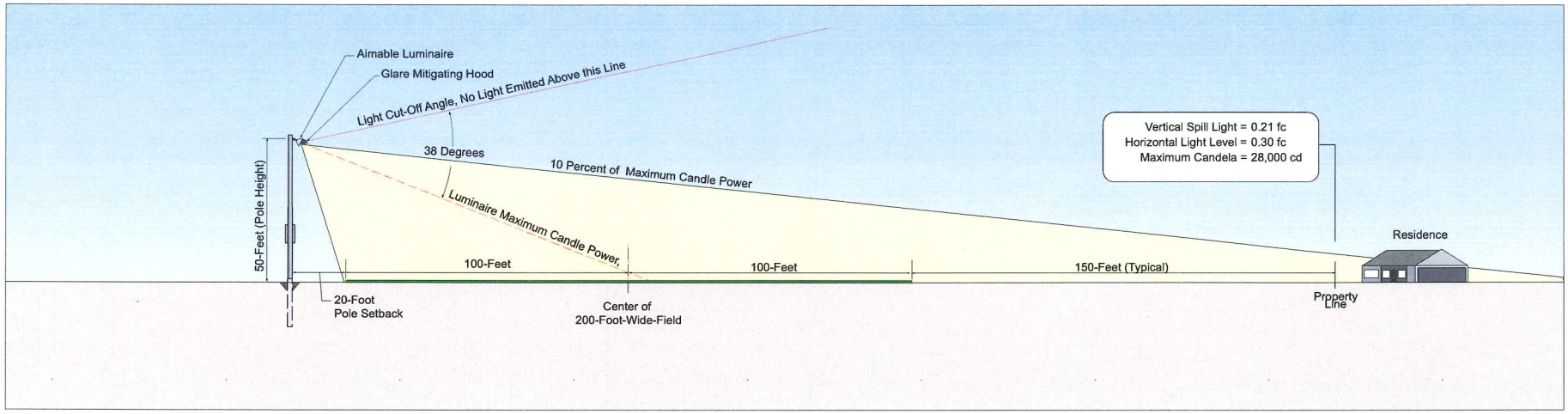
There are additional reports and studies in support of this recommendation. Please let me know if we may provide more information to this purpose.

Thank you.

Copies: Parks and Recreation Council
Commission for the Environment
Michael Talbert, Assistant County Manager

[1] This also may be an issue for the schools, as North Carolina High School Athletic Association also has lighting safety standards that member schools must adhere to. Depending on the proximity of fields to property lines, future schools may have difficulty meeting these standards.

Staff Note: These illustrations were provided to Planning staff after the December 5, 2012 Planning Board Meeting. The Planning Board did not review these illustrations



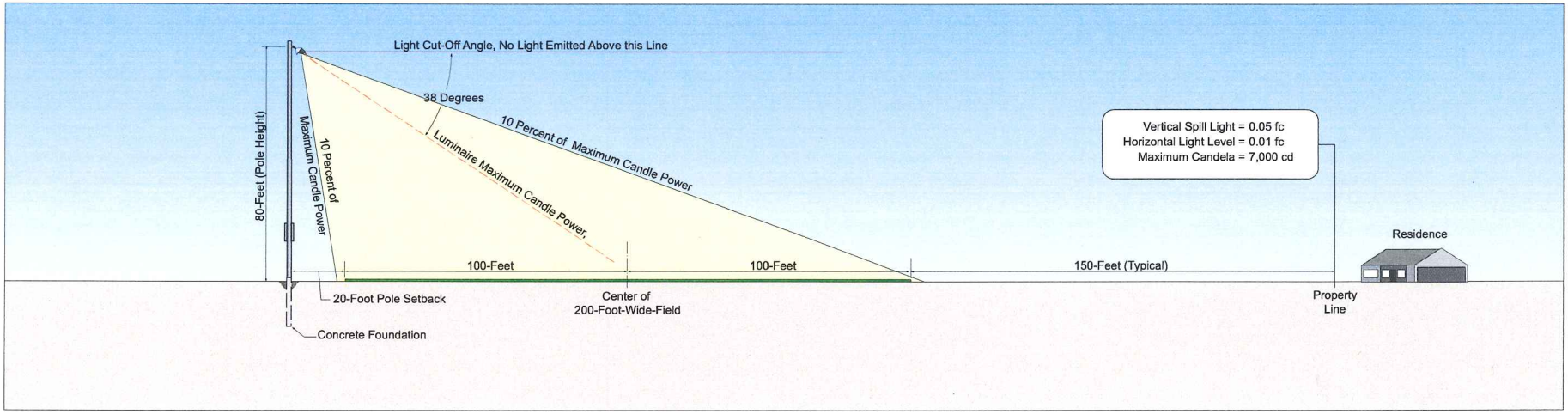


Figure 2-4 – Cutoff Comparison of Sports Lighting Fixture with Downward Aiming

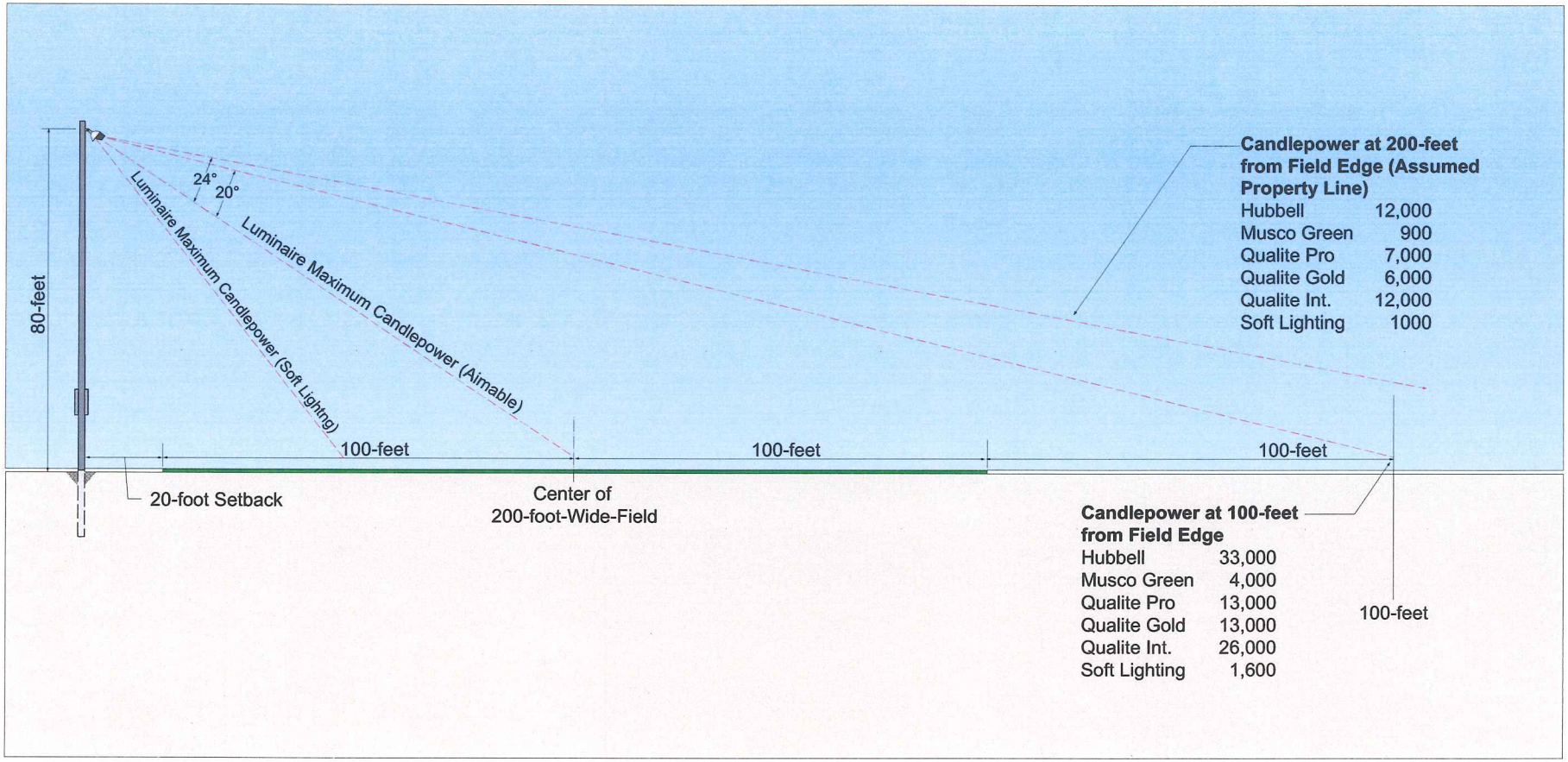


Figure 8-1 – Candlepower Analysis, NEMA 4 x 4 Fixtures

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 7-a

SUBJECT: Review of the Historic Rogers Road Neighborhood Task Force

DEPARTMENT: Solid Waste Management **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
1. December 6, 2012 Assembly of Governments Meeting Agenda Abstract - Review of the Interim Recommendations from the Historic Rogers Road Neighborhood Task Force
2. Excerpt from the Draft Minutes of the December 6, 2012 Assembly of Governments Meeting
3. January 16, 2013 Email with Responses from Former Commissioners

INFORMATION CONTACT:
Frank Clifton, County Manager, 245-2300
Gayle Wilson, Solid Waste Management Director, 968-2885
Michael Talbert, Assistant County Manager, 245-2308

PURPOSE: To review and discuss the outcomes from the Historic Rogers Road Neighborhood Task Force and the future of the Task Force.

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 continued to cope with the 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 request 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 could subject the local governments to legal challenges. Therefore, funding for either the extension of

sewer services and/or a community center will need 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 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 December 6, 2012 the Assembly of Governments received an interim report from the Historic Rogers Road Neighborhood Task Force and held a lengthy discussion on the accomplishments of the Task Force. One of the recommendations from the Task Force was that the Task Force continue to meet for an additional six months to address the Charge with the original composition of the Task Force. Attachment 2 is an excerpt from the Draft Minutes of the December 6, 2012 Assembly of Governments Meeting. Town Board Members and County Commissioners voiced their opinions concerning the continuations of the Task Force and the issues that are still unresolved. Since the meeting was a Work Session, no decisions were made and the future of the Task Force was referred back to the Board of Commissioners.

The Chair instructed staff to solicit input from former Commissioners Valerie Foushee and Pam Hemminger regarding the need for the Task Force to continue and their possible willingness to

continue to serve as a member of the Task Force. Both former Commissioners Foushee and Hemminger believe that the work of the Task Force is not complete as Charged and would urge the Board of Commissioners to continue the Task Force. Valerie Foushee does not think she could an effective member of the Task Force at this time, but would continue to support the Board in this effort in any way she can. Pam Hemminger indicated a willingness to continue service if asked.

Recommendations from the Task Force that have been acted on:

1. On September 6, 2012 Orange County approved the County's intent to moving forward with a new "green" community center, work with RENA and Habitat for Humanity on the design and implementation of the community center. Ask the town to contribute computers, supplies, permitting costs, connection costs and the first 12 months of utilities toward this project. Ask the towns to expedite the permitting process.
2. On September 18, 2012 the Town of Carrboro approved the Town's intention to contribute not more than $900,000 for the Town's portion of the Community Center and cost of the Sewer Project.
3. On October 16, 2013 the Board approved a Capital Project of $500,000 for a one-time capital contribution for the Construction of a Historic Rogers Road Neighborhood Community Center
4. On November 20, 2012 the Board approved a Budget Amendment of $150,000 of additional funding for the Historic Rogers Road Neighborhood Community Center, increasing the total project budget to $650,000.
5. There was consensus at the Assembly of Governments meeting on December 6, 2012 that the governing boards will continue to appropriate funds, as previously 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.
6. That the County and Town Managers continue to explore the creation of a County Utility District for all property owners in the Historic Rogers Road Neighborhood that are not currently served by a municipal water and sewer system and would benefit from the installation of sewer infrastructure to serve the Rogers Road Neighborhood.

FINANCIAL IMPACT: There is no financial impact associated with discussing the status of the Historic Rogers Road Neighborhood Task Force.

RECOMMENDATION(S): The Manager recommends that the Board discuss the outcomes of the Historic Rogers Road Neighborhood Task Force and more recent inputs from the Towns of Chapel Hill and Carrboro provided at the last Assembly of Governments meeting. The Board may need to consider the linked issues and find consensus:

1. Does the Task Force need to continue to function?

2. If so, who should be appointed to serve (several changes within the membership have occurred due to changes in elected positions of the former members)?
   Note: the Towns will also need to formalize their continued participation and representatives.

3. If the Task Force continues, does the Charge need to be modified and/or a definitive time line set for a final report from the Task Force.

4. Based upon recent input from legal Counsel from the Towns, does the Community Center Project move forward as a ‘County Only’ project or does the County await further input from the Towns?

COPY

ORANGE COUNTY
ASSEMBLY OF GOVERNMENTS

AGENDA ITEM ABSTRACT
Meeting Date: December 6, 2012

Action Agenda Item No. 2

SUBJECT: Review of the Draft Interim Recommendations from the Historic Rogers Road Neighborhood Task Force

DEPARTMENT: Solid Waste Management **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):

A) Historic Rogers Road Neighborhood Task Force Interim Report
B) Draft Recommendations to the Assembly of Governments from the Historic Rogers Road Neighborhood Task Force – November 14, 2012
C) Map of Rogers Road Parcels
D) Memorandum from John Roberts, County Attorney – Rogers Road Area Improvement Funding
E) Memorandum from Mike Brough, Carrboro Town Attorney – Rogers Road Proposals

INFORMATION CONTACT:
Frank Clifton, County Manager, 245-2300
Gayle Wilson, Solid Waste Management Director, 968-2885
Michael Talbert, Assistant County Manager, 245-2308

PURPOSE: To review and discuss the draft Interim Recommendations from the Historic Rogers Road Neighborhood Task Force dated November 14, 2012.

BACKGROUND: Beginning in 1972 the landfill was opened by the Town of Chapel Hill and in 1999 Orange County assumed ownership and operation of the Eubanks Road Landfill. The Historic Rogers Road Community has continued to cope with the 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 County Board of Commissioners received a request from 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 County Board of Commissioners 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 could subject the local governments to legal challenges. Therefore, funding for either the extension of sewer services and/or a community center will need 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 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.

Attachment A is the Historic Road Neighborhood Task Force Interim Report approved by the Task Force on August 22, 2012. Each governing board received and reviewed the Interim Report during September 2012. The Task Force has continued to meet and has made draft recommendations to the Assembly of Governments - see Attachment B.

The Task Force wishes to continue to meet, for an additional 6 months, to address the Charge with the original composition of the Task Force. The composition of the Task Force originally included 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).

Cost Sharing

The Task Force made significant progress to allocate and share the cost of improvements in Historic Rogers Road Neighborhood. Recommendation #1 is 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. Also, the individual governing boards are recommended to continue to appropriate funds, originally budgeted to reimburse the Solid Waste fund for the purchase of the Greene Tract, beyond Fiscal Year 2012/2013 to fund both a New Community Center and Sewer Improvements. Funds budgeted in Fiscal Year 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 identify other funding sources for a New Community Center and Sewer Improvements.

Neighborhood Community Center

The Task Force recommends that the Managers and Attorneys draft a Memorandum of Understanding between Habitat, Orange County, the Town of Carrboro, and the Town of Chapel Hill for the construction of a new Rogers Road Community Center. The budget for the Community Center will not exceed $700,000, and the project will be bid in compliance with North Carolina public bidding requirements. Orange County will finance the construction of the Community Center with reimbursement from the Towns as outlined in the cost sharing recommendation. Agreements for the operations of the Community Center with the County, Habitat, and the Rogers Eubanks Neighborhood Association have not yet been drafted, but the agreements shall provide for the operation & maintenance of a new Rogers Road Neighborhood Community Center including services, programs & activities to be provided in the Center.

Sewer Service

Sewer Service to the Historic Rogers Road Neighborhood, as defined by the previously approved public water connections in the area, has proven to be an expensive and complicated issue to resolve. Attachment C is an updated map of the Historic Rogers Road Neighborhood, identifying sewer availability, existing sewer customers, and the expressed desire of some homeowners to be connected to sewer.

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 is being investigated. Participation by the Towns in a Sewer District located outside of the Towns jurisdictions presents legal challenges for both the Town of Chapel Hill and Town of Carrboro. The Orange Water and Sewer Authority (OWASA) could be the service provider for the creation of a County Sewer District. Contract terms and policy standards for governmental projects would have to be discussed before a Sewer District could be established.

A County Sewer District could 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. It is also possible to establish criteria that would enable homeowners that have lived in the Historic Rogers Road Neighborhood before 1972 to connect to the sewer system free of charge and a sliding scale fee structure for homeowners that moved to the Neighborhood between 1972 and 2012. The County and Town Attorneys will be an integral part of any discussion concerning the possible creation of a County Sewer District.

The County Attorney met with the attorneys for Chapel Hill and Carrboro on November 6, 2012 to discuss various proposals to extend sanitary sewer lines into, and construction of a community center in, the Rogers Road Neighborhood. Attachments D and E outline legal concerns and funding issues raised by both John Roberts and Mike Brough.

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. The Board of County Commissioners approved a capital project of $650,000 for the construction of a Rogers Road Community Center.

RECOMMENDATION(S): The County Manager recommends that the Boards discuss these issues, consider reappointing the Task Force to complete the original charge, and provide guidance to staff and the Task Force.

Attachment A

Historic Rogers Road Neighborhood Task Force

Interim Report

August 22, 2012

TABLE OF CONTENTS

Introduction 1

Charge of the Historic Rogers Road Neighborhood Task Force 2

Boundaries of the Historic Rogers Road Neighborhood 3

Sewer Service

Assessment of Septic System Service in Rogers Road Neighborhood 4

OWASA Sewer Concept Plan 5

Grant Opportunities for Sewer Infrastructure 8

Neighborhood Community Center

Hogan-Rogers House 10

Construction of a New Facility 11

Financial Impact and Funding Options 15

Potential Next Steps 17

APPENDICES

A. Report of the Rogers-Eubanks Area Survey Well and Septic System Assessment
B. Hogan-Rogers House Preservation Project
C. Habitat for Humanity Letter dated May 14, 2012.

INTRODUCTION

In 1972, the north side of Eubanks Road became the site of a solid waste landfill operated by the Town of Chapel Hill. Orange County assumed operational control of the landfill as the result of an August 17, 1999 agreement between the Towns (Chapel Hill, Carrboro, and Hillsborough) and the County. The Historic Rogers Road Community has lived with this landfill for 40 years. Over many years, residents representing the Rogers Road area have voiced concerns about various operational elements associated with the landfill and the impact on the Rogers Road Neighborhood. The Neighborhood is geographically split by the Town of Chapel Hill Joint Planning Transition Area and Town of Carrboro. Orange County, as the current owner/operator of the landfill, is taking the lead to make remediation improvement to the Historic Rogers Road Community.

A number of local government initiatives have been implemented to improve the quality of life in the Rogers Road Community and they are as follows:

1. The Solid Waste Fund paid $650,000 to extend public water service by the Orange Water and Sewer Authority (OWASA) to the Rogers Road area.
2. Solid Waste installed gas flares to reduce odors.
3. The Town of Chapel Hill initiated bus service on Rogers Road.
4. Orange County initiated a no-fault well policy to deal with failing drinking water wells remaining in the adjoining neighborhoods.
5. The Orange County Board of Commissioners approved the appropriation of $750,000 from the Solid Waste Fund Balance in the Fiscal 2011/12 Annual Budget to establish a Rogers Road Remediation Reserve Fund and established a $5.00 tipping fee surcharge per ton as long as the landfill is operational to fund the Rogers Road Remediation Reserve Fund. The surcharge generated $216,462 for Fiscal 2011/12 and is estimated to create $222,500 for Fiscal 2012/13, which will bring the total amount available for the Rogers Road Remediation Reserve Fund to $1,188,962.
6. A partnership with Orange County and the University of North Carolina created a Landfill Gas to Energy Project that commenced operation on January 6, 2012 and will have an immediate and noticeable impact on the odor created by the operation of the landfill. The project will further provide a long-term renewable energy source to UNC, reducing dependence on increasingly expensive fossil fuels, and reduce carbon emissions.
7. On October 4, 2011 the Orange County Board of County Commissioners authorized staff to proceed with a “one-time” effort to clean-up illegal dump sites within three-fourths of one mile of the landfill boundary, at no cost to the individual property owners.

At the January 26, 2012 Assembly of Governments meeting, the Orange County Board of Commissioners and the Town Boards discussed the extension of sewer service and a community center for the Rogers Road Community. County and Town Attorneys have concluded that use of Solid Waste reserves to extend sewer service to the Rogers Road

Community is not consistent with North Carolina General Statutes and would subject the local governments to legal challenges. Funding for a community center does not have a relationship to Solid Waste and could not be funded from Solid Waste reserves. Therefore, funding for either the extension of sewer services and/or a community center will have to come from the County's and Towns' other general revenue sources. There was also significant discussion on January 26 regarding the creation of a task force to address the issues.

On February 21, 2012 the Orange County Board of Commissioners authorized the Creation of a new Historic Rogers Road Neighborhood Task Force to address sewer service and a community center. The composition of the Task Force was to include two members appointed by each Town (Chapel Hill and Carrboro); two members appointed from the County; and two members appointed from Rogers Eubanks Neighborhood Association (RENA).

Appointed Task Force Members:

David Caldwell:	RENA
Robert Campbell:	RENA
Valerie Foushee:	Orange County
Pam Hemminger:	Orange County
Michelle Johnson:	Carrboro
Sammy Slade:	Carrboro
Penny Rich:	Chapel Hill
James Ward:	Chapel Hill

Charge of the Historic Rogers Road Neighborhood Task Force:

The Charge for the Historic Rogers Road Neighborhood Task Force is to investigate and make recommendations to the Board of County Commissioners, the Chapel Hill Town Council and the Carrboro Board of Aldermen for neighborhood improvements including funding sources and the financial impact to the County & Towns, for the following:

1. Sewer Service to the Historic Rogers Road Neighborhood as defined by the previously approved public water connections in the area.

2. A Neighborhood Community Center.

The Task force is also directed to:

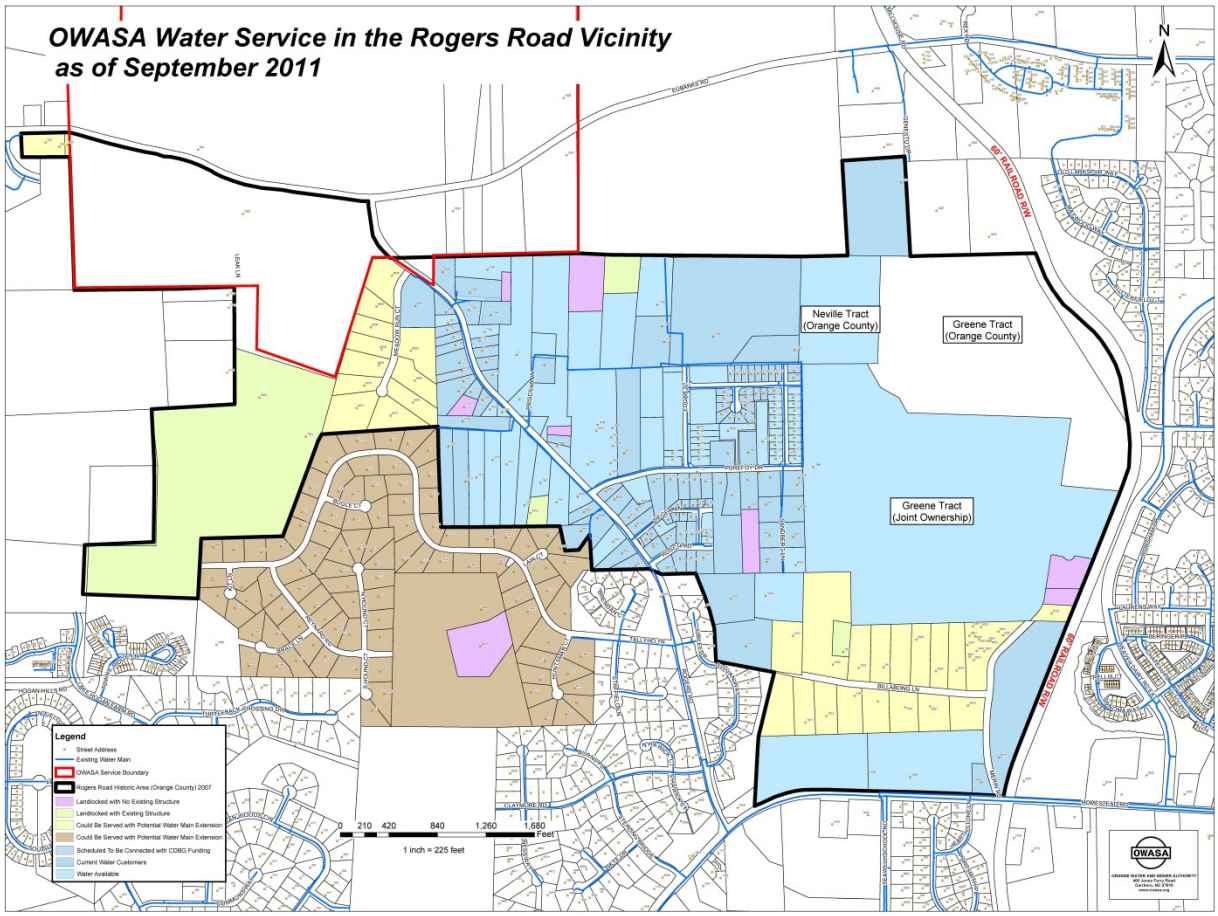
a. Submit an Interim Report back to the County and the Towns by the end of August, 2012 and;

b. Submit a Final Report to the Assembly of Governments on December 6, 2012.

Approved by the Board of County Commissioners on February 21, 2012

Boundaries of the Historic Rogers Road Neighborhood:

The Historic Rogers Road Neighborhood Task Force approved that the Neighborhood be defined as the area identified by the September, 2011 map identifying available water service and approved for water service improvements by the Orange County Board of Commissioners on October 4, 2011. ***See below, OWASA Water Service in Rogers Road Vicinity as of September, 2011 Map***.



SEWER SERVICE

The first charge of the Historic Rogers Road Neighborhood Task Force is to investigate the possibility of providing sewer service to the Historic Rogers Road Neighborhood as defined by the previously approved public water connections in the area.

Assessment of Septic System Service in the Rogers Road Neighborhood:

The County completed a survey of the Rogers Road Neighborhood in February, 2010. ***See Appendix A***. The Orange County Health Department, along with RENA, the UNC School of Public Health, and Engineers Without Borders, participated in a survey of wells and septic systems. There were forty-five (45) septic systems included in the survey, and twelve (12) were failing at that time. Of the twelve malfunctioning septic systems, seven (7) were further classified as maintenance-related failures, while five (5)

were found to be end-of-life failures. Further investigation revealed that for the five end-of-life failures, there was no suitable soil for an on-site repair.

The Environmental Health Department revisited the five properties and discovered that two of the properties are vacant, two are seasonal failures, and one has had patchwork done on it, but not a long-term solution. All of the five septic systems identified would benefit from the installation of a public sewer system.

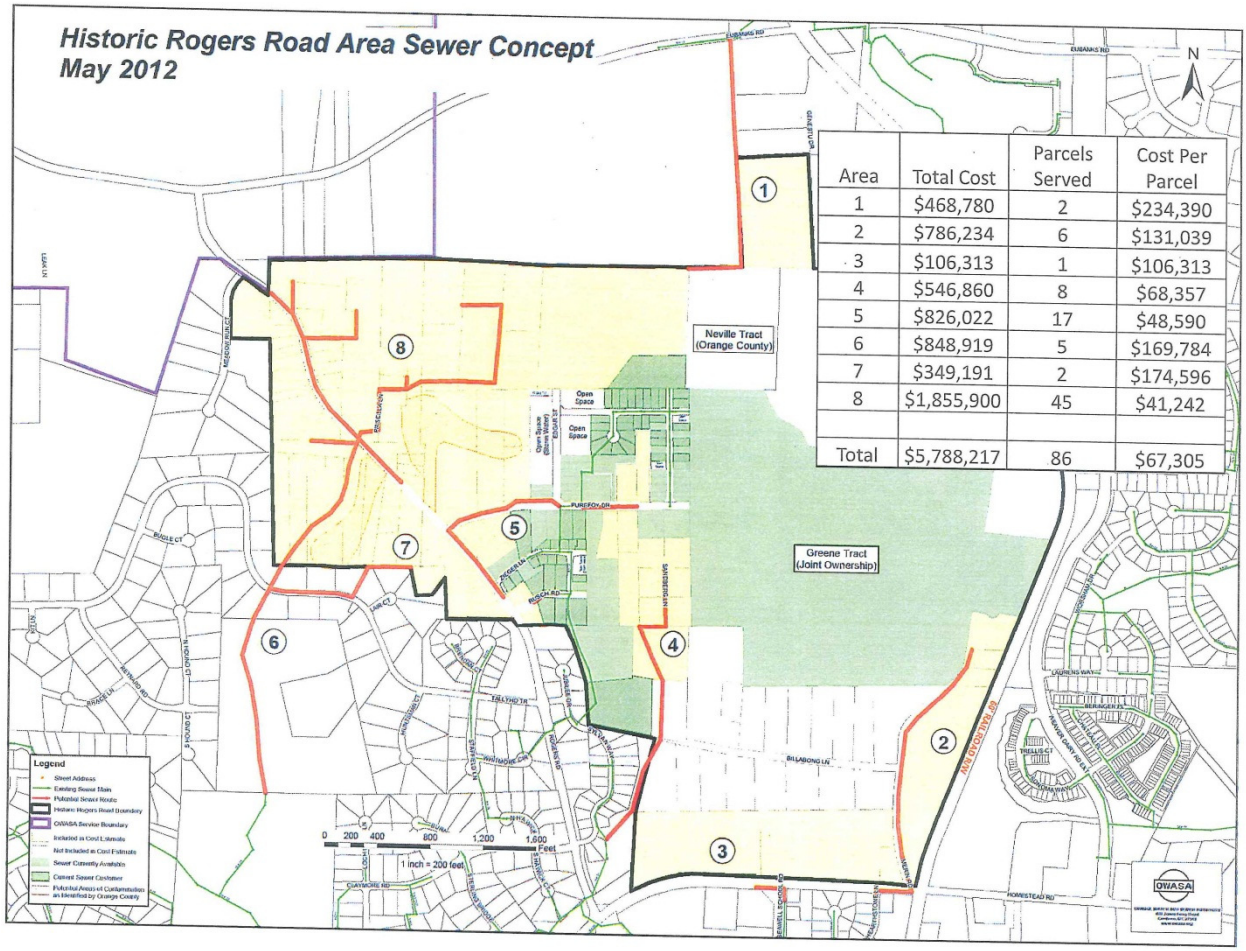
In 2011, Orange County received $75,000 in Community Development Block Grant (CDBG) funds for the infrastructure hookups in the Rogers Road Neighborhood. In order to receive connection, the homes had to be close enough to an existing water and/or sewer line so that no extension of service lines would be required for connection. Additionally, homeowners had to meet certain income eligibility requirements. There have been five homes connected to Orange Water and Sewer Authority) OWASA sewer as a result of this grant.

OWASA Sewer Concept Plan:

OWASA is the water & sewer utility for the area and as such, it investigated the concept of providing sewer service as part of the Town of Chapel Hill's Rogers Road Small Area Plan. On February 8, 2011 OWASA provided an updated concept plan and cost estimate for the Rogers Road Small Area Plan Study Area for $3.4 million. This early concept plan was completed based on the Chapel Hill Small Area Plan which is a geographically different area than the Historic Rogers Road Neighborhood sewer concept. There is also some difference in routing some of the main outfalls. In the current estimate, OWASA needed to avoid the area of contamination coming out from the Carrboro section that required more line with deeper excavation. Most importantly, in the earlier estimates the availabilities fees were not included or the cost of extending a lateral from the main line to the property

On May 16, 2012 OWASA staff provided a concept plan, layout, and cost estimate for providing sewer service to the area that was delineated by the Historic Rogers Road Neighborhood Task Force at the April 30, 2012 meeting. The concept plan is the most efficient way to serve the defined Rogers Road Neighborhood and does not consider adjoining neighborhoods. ***See below, the Historic Rogers Road Area Sewer Concept May, 2012 Map***. All the green areas show where sewer service is already available. The dark green areas are parcels that have connected to the OWASA service. The light green areas have not connected. The 86 parcels in yellow are the properties that would be served by the conceptual sewer layout. The concept map also breaks down the sewer service into 8 sub-areas with the number of parcels served and cost per parcel. The 8 red lines represent the possible sub-areas of the sewer infrastructure that could

be considered, if the entire concept project is not feasible. The sewer infrastructure routing was estimated based on the topography taken from maps rather than from any field work. In order to get to a greater level of detail or certainty on the cost, some field work would be required. There are two brown areas on the map that the County has identified as some subsurface disposal or some suspected contamination. Without any further investigation, the sewer line has been routed no closer than 100 feet of that margin.



Area	Total Cost	Parcels Served	Cost Per Parcel
1	$468,780	2	$234,390
2	$786,234	6	$131,039
3	$106,313	1	$106,313
4	$546,860	8	$68,357
5	$826,022	17	$48,590
6	$848,919	5	$169,784
7	$349,191	2	$174,596
8	$1,855,900	45	$41,242
Total	$5,788,217	86	$67,305

The total construction and installation cost for the concept level sewer is approximately $5.8 million. **See the table below**. It would serve 86 additional parcels of land. The concept costs include construction, engineering design, administrative and contingency for possible rock. The topography of the neighborhood is complex and the land falls in several different directions. This concept plan does not include the costs of any property acquisitions or easement acquisitions. The availability hookup charge for each of the parcels is based on an assumed average house size of 2,500 square feet. When a customer connects to the OWASA water and sewer system, there is a one-time fee that is estimated to be $4,300 for the concept plan.

Cost estimate Summary:

Engineering , Design and Permitting	376,350
Construction Cost	3,763,506
Construction Administration	188,175
Construction Inspection	188,175
20% Contingency	903,241
Sub Total	5,419,447
Service Availability Fees	368,768
Total	5,788,215

The concept does not include the cost to actually connect individual homes to the sewer system. Those costs will vary on the configuration of the lot and the distance from the house to the main sewer line. Those costs are typically the costs of the homeowner and are estimated to be about $20/foot. The connections to an individual house would be provided by a private plumbing contractor.

The next step to move the concept plan forward would be to begin the preliminary engineering and design work. Engineers would be hired to take this concept, go out in the field and start the process of data collection and defining the details of the concept. OWASA has estimated the preliminary engineering costs would be $376,350. That is a rough estimate based on what is known of the area so far. A completed preliminary engineering and design will be necessary to complete a Community Development Block Grant application.

Sewer Recommendations:

The Task Force has discussed all or part of the proposed $5.8 million dollar sewer concept plan, but has not yet recommended moving forward with this concept plan, pending an agreement on a cost sharing plan for sewer improvements.

Grant Opportunities for Sewer Infrastructure:

The Task Force explored several grant opportunities to fund the sewer improvement for the Rogers Road Neighborhood. The Task Force was furnished a list of possible grant opportunities from RENA including the following:

Community Development Block Grants
Department of Health and Human Services
Department of Housing and Urban Development
Environmental Protection Agency
Federal Highway Funds
Clean Water Trust Fund
Bernard Allen Fund

These are mostly federal grant opportunities which are administered through the State. After reviewing all of the grant opportunities the Task Force was able to identify only two possible grants to fund sewer infrastructure, a Community Development Block Grant or a Clean Water Trust Fund Grant.

Community Development Block Grant

Orange County has to access Community Development Block Grant (CDBG) dollars through the State of North Carolina. That is a competitive process. Within the CDBG grant program, there is a category known as “Infrastructure Program”. In that category, funding is available up to $1 million to communities that have infrastructure needs. The operative word is “need”. To access those funds, because they are competitive, any application will have to be able to demonstrate need. Another issue is that the State has focused on water projects, which it considers to be a priority over sewer. Where it does fund sewer projects there has to be a demonstrated need for connection to a public sewer system. Someone would have to document that need in the community. The State primarily looks to the local environmental health department to make that assessment. When talking about sewer projects, normally there is some documentation of a major problem such as with failing septic systems.

To qualify to compete for CDBG funds, a letter of interest will be due in early February 2013. The letter must include the engineering report and project documentation defining the needs of the community. That letter, along with a list of committed local government funding sources to complete the project, are necessary before submitting the CDBG application. The amount of local government matching funds required varies from county to county. The CDBG process evaluates the local government’s perceived ability to pay. A low-wealth county would have a lower ability to pay versus what the state perceives to be a high-wealth county. The county’s employment rate and the per

capita income are important components in a highly competitive grant process. However, early information from CDBG for the coming grant year is that individual grants of up to $750,000 dollars may be available.

Last year, Orange County applied for and received funds for individual residential hookups in the Rogers Road Neighborhood ($75,000). Since that time, some water and sewer connections were completed, but the County was able to do that only because water and sewer infrastructure was already in place. There were a few houses in the community that were adjacent to existing water or sewer lines that were connected, and the occupants were low-income. (They had an income of less than 50% of area median income). It will be difficult for Orange County to compete for these resources, and it depends on who else is applying in a given year and what the pool of funding is going to be. All other things equal, Orange County would have difficulty competing with other areas because the County is considered a wealthy county and is not economically distressed.

To qualify today, the families or individuals that live in this area have to meet an income standard which is 50% of the median family income. (For example: the median annual income for a family of four is around $64,000, so to qualify a family in this area would have to have an annual income of no more than $32,000). The County has basically funded most of the individuals that meet that standard, and have already connected them to water and sewer. Finding additional property owners that meet that income cutoff would be difficult. There are not that many home owners in the Rogers Road Neighborhood that are going to meet that income qualification.

The Task Force is looking at a total project cost of $5.8 million. A CDBG could cover roughly twelve percent of the total estimated costs. The CDBG of $750,000 will require 5% matching funds of $37,500. In the community development criteria, the areas that CDBG's are willing to fund are water first and sewer second. A CDBG is much more inclined to fund a collaborative effort between units of local government, such as this project. This collaboration would have a higher priority than any one government acting independently. There are some pre-grant application costs that would be incurred on the front end of the process. The Task Force is searching for local funding of $5 million even if the project could qualify for a CDBG.

Clean Water Trust Fund Grant:

The North Carolina General Assembly has expressed an interest in funding more water and sewer projects, and has designated $17 million for infrastructure projects. The maximum grant amount per project is $750,000. There will likely be some consideration to raising that limit for future years because most projects cost a million dollars or more, although this year it remains at $750,000. The priorities will be for projects that have

the severest need. The State looks at percent of low/moderate income benefit in a project area; with the minimum benefit being 70%. At least 70% of the residents in any designated area must be low or moderate income. The residents living in the Rogers Road Neighborhood that need public sewer service will not likely meet the income requirements to qualify for this grant.

Dedicated Federal Funding:

Congressman David Price's office has been contacted about a possible Economic Development Incentive (EDI) grant or a Stag Grant. Orange County utilized such a grant for the Efland sewer project. Several years ago, the County was eligible to apply for $500,000 dollars or more through that type of process. At this time, however, the rules have changed and EDI grants are not allowing for infrastructure projects. These grants can no longer be earmarked for a specific project, which was done for the Efland sewer project.

NEIGHBORHOOD COMMUNITY CENTER:

The second assignment of the Historic Rogers Road Neighborhood Task Force is to investigate the possibility of providing a Neighborhood Community Center to the Historic Rogers Road Neighborhood.

Hogan-Rogers House:

The Preservation Society of Chapel Hill compiled a report on the historic Hogan-Rogers House as a potential Neighborhood Community Center for the Historic Rogers Road Neighborhood, ***see Appendix B.***

The St. Paul A.M.E. Church has purchased the Hogan-Rogers House and property surrounding it in order to build a new church complex on the site. Plans call for removal and/or demolition of this historic house as early as 2013. The Preservation Society began working with the Rogers-Eubanks Neighborhood Association, St. Paul Church, and Habitat for Humanity to relocate and restore this home that holds over 170 years of history for Chapel Hill's white and black community. Currently, the house is listed on the North Carolina State Historic Preservation survey conducted in 1999.

Habitat for Humanity has graciously indicated its support by donating two lots to relocate the home. The historic home would have to renovated and used as a center for neighborhood programs and activities. Habitat's support for the home's relocation and restoration is contingent on a commitment of funding allocated to the Rogers Road Neighborhood to complete the project, ***see Appendix C.***

Blake Moving Company, Inc. presented an estimate of $740,499 ***see Estimated presented to Rogers Road Task Force below***, for the relocation of the Hogan-Rogers home to Purefoy Drive. Habitat has determined that the first two lots in the Phoenix Place subdivision, which are at the corner of Purefoy Drive and Edgar Street, would be the best location for the relocation of the structure. Blake presented examples of historical structures that the company has successfully moved.

Blake's assessment of the historic home is that structure is sound, some repairs need to be made after it is moved, and there will not be any issues with the relocation of the home. An architect/engineer will have to be engaged to design the foundation of the relocated structure and remodeling of the interior of the home.

St. Paul A.M.E. Church is completing the permitting and compliance phase of the project and anticipates getting through that process by late fall. The Church will go through the bidding process to select a site work contractor probably in late August/early September. The site work would start the latter part of the year depending on the weather. The phasing for building and construction for the buildings will not start until the first of the next year at the earliest.

The Church will work with the Rogers Road Neighborhood to relocate the Hogan-Rogers House. Gloria Shealy, Project Manager has requested a timeline to relocate to the adjacent site. Because the Church is anxious to begin construction as soon as possible, time is of the essence to relocate the Hogan-Rogers House.

Construction of a New Facility:

If it is not feasible or practicable to move and restore the Hogan-Rogers House, the Historic Rogers Road Neighborhood Task Force is investigating the possibility of constructing a new Community Center on the two lots donated by Habitat for Humanity. Habitat will support the construction of a new facility if the facility is used as a center for neighborhood programs and activities. The donated site could support a facility of up to 3,000 Sq. Ft. with an estimated budget of $500,000. Habitat's support for the community center will be contingent on a commitment of funding allocated to the Rogers Road Neighborhood to complete the project.

A proposed community center must meet NC State Building Code and obtain a Building Permit. The Town of Chapel Hill advises consulting an architect/design professional on the cost and specific code requirements. In addition, the site layout must receive zoning approval and meet the Chapel Hill Land Use Management Ordinance requirements regarding site layout and process.

Estimate presented to Rogers Road Task Force on 06/06/12

Blake Moving Company, Inc. submits the following estimate for the relocation of the Hogan-Rogers home on Purefoy Drive. This estimate also includes site prep, footing, foundations, remodeling costs and additions.

1. Relocation- Includes all prep work to prepare the dwelling for relocation. Relocation of the home with the home being left in a level position over a footing at basement height. $39,860.00

2. Grading for the route- Includes placement of a 2 foot pipe in a drain ditch. Placing compactable fill over the pipe and adjacent area. Removal of debris from the route and existing site, including back room, trees, and foundation debris. $11,160.00

3. Excavation of topsoils at new site. Furnishing compactable fill to raise the house site up to 2.5 feet. Compacting fill including engineering fees: $21,230.00

4. Footings, foundations, basement slab- Footings = width 2', depth 10'' (includes horizontal rebar). Foundations include a 12'' reinforced wall on the front and sides. Porch includes foundation from basement depth due to compaction issues and relocation process. Front sidewalks included. French drains and waterproofing. $60,243.00

5. Backfill of topsoil against front and side walls. Side slopes to be tapered. $5,250.00

6. Remove back porch Removal of debris included in #2. Remove vinyl siding, Remove shingle siding. Putty all nail holes, repair lap siding, repair improper framing. $65,000.00

7. Remove vinyl shingle siding, repair nail holes in lap siding, paint outside of dwelling $35,000.00

8. Remove roof – re-sheet and install new roof $40,000.00

9. Restructure and rebuild front porch $15,000.00

10. Replace windows $21,250.00

11. New plumbing 3 levels $30,000.00

12. Remove old plaster, install and finish sheet rock $40,000.00

13. Repair and refinish all wood floors $20,000.00

14. Allowance for appliances $30,000.00

15. New cabinets throughout house $120,000.00

16. New doors front and back $7,500.00

17. New addition $80,000.00

18. Mechanical (HVAC, duct work, etc.) $48,000.00

19. Electrical rewiring $51,000.00

Total $740,499.00

Neighborhood Community Center Options:

On June 27, 2012 the Task Force approved the following recommendations:

1. The Task Force recommends that the Hogan-Rogers House be saved to be used for a Community Center in the Historic Rogers Road Neighborhood.

2. That the County be asked to increase the amount of funding that has already been budgeted to relocate the Hogan-Rogers House from $120,000 to $202,743. This amount will fund removing the back porch, grading, excavation of the new site, footings, foundation, and basement slab. ***See Hogan – Rogers House Minimum Restoration Costs below***.

On August 22, 2012 the Task Force endorsed investigating the construction of a new Community Center.

1. The Task Force is investigating the possibility of constructing a new Community Center on the two lots donated by Habitat for Humanity. Habitat will support the construction of a new facility if the facility is used as a center for neighborhood programs and activities. The donated site could support a facility of up to 3,000 Sq. Ft. with an estimated budget of up to $500,000.

Hogan - Rogers Hosue Minimum Restoration Costs

Blake Moving Company, Inc. submits the following estimate for the relocation of the Hogan-Rogers home on Purefoy Drive. This estimate also includes site prep, footing, foundations, remodeling costs and additions.

1. Relocation- Includes all prep work to prepare the dwelling for relocation. Relocation of the home with the home being left in a level positon over a footing at basement height. $39,860.00

2. Grading for the route- Includes placement of a 2 foot pipe in a drain ditch. Placing compactable fill over the pipe and adjacent area. Removal of debris from the route and existing site, including back room, trees, and foundation debris. $11,160.00

3. Excavation of topsoils at new site. Furnishing compactable fill to raise the house site up to 2.5 feet. Compacting fill including engineering fees $21,230.00

4. Footings, foundations, basement slab- Footings = width 2' , depth 10" (includes horizonal rebar) . Foundations include a 12" reinforced wall on the front and sides. Porch includes foundation from basement depth due to compaction issues and relocation process. Front sidewalks included. French drains and waterproofing. $60,243.00

5. Backfill of topsoil against front and side walls. Side slopes to be tapered. $5,250.00

6. Remove back porch. Removal of debris included in # 2. Remove vinyl siding, Remove shingle siding. Putty all nail holes, repair lap siding, repair improper framing. $65,000.00

Total minimum restoration costs $202,743

FINANCIAL IMPACT AND COSTS SHARING OPTIONS

The Task Force has consensus that there are needs in the Rogers Road Neighborhood that should be addressed by the Task Force. The Task Force has investigated two possible solutions in the Rogers Road Community and the estimated costs are as follows:

Installing sewer infrastructure for 86 defined parcels in the Rogers Road Neighborhood

$ 5,788,215

Relocating and Renovating the Hogan-Rogers House for a Neighborhood Community Center

$ 740,499

Total Financial Impact **$6,528,714**

The Task Force is investigating and evaluating five different cost sharing options for the Rogers Road Neighborhood as outlined below:

1. The first option is based on the Municipal Solid Waste (tonnage) delivered to the Landfill by each municipality during Fiscal 2010/11.

2. The second option is based on the original Landfill Agreement between the Towns and the County dated November 30, 1972.

3. The third possible solution is based on County and Town populations. This is the method the Board of County Commissioners has selected to distribute Sales Tax revenues between the County and the Towns.

4. The fourth options is based on County and Towns Ad Valorem Property Taxes Levied by each municipality for Fiscal 2011/12. This is an alternative method the Board of County Commissioners could consider to distribute Sales Tax revenues between the County and the Towns.

5. The fifth possible solution is based on County and Town populations. This option is not weighted and uses only the rural population of Orange County compared to the Towns.
   See the Spreadsheet:

Rogers Road Neighborhood Task Force
Cost Sharing Options
8/22/2012

	1 Fiscal 2010/11 MSW Volume		2 1972 Landfill Agreement	
	Tons/Yr.	Percent	Annual Payment	Percent
Carrboro	6,650	19%	$ 29,524	14%
Chapel Hill	15,008	42%	$ 90,549	43%
Hillsborough	3185	9%		
Orange County	10,497	30%	$ 90,549	43%
Total	**35,340**	**100%**	**$ 210,622**	**100%**

	3 County Population Est. Sales Tax Distribution Method		4 Fiscal 2012/13 Ad Valorem Property Tax	
	Population	Percent	Property Tax Levy	Percent
Carrboro	19,665	9%	11,611,958	5%
Chapel Hill	54,582	25%	34,116,234	16%
Special Districts			235,387	0%
Durham	30	0%	49,416	0%
Hillsborough	6,113	3%	4,705,799	2%
Mebane	1,801	1%	1,114,495	1%
Orange County	134,325	62%	136,382,728	64%
School District			19,260,309	9%
Fire Districts	-	-	3,979,116	2%
Total	**216,516**	**100%**	**211,455,442**	**100%**

	5 County Population Est. Fiscal 2012/13	
	Population	Percent
Carrboro	19,665	15%
Chapel Hill	54,582	41%
Durham	30	0%
Hillsborough	6,113	5%
Mebane	1,801	1%
Orange County	52,134	39%
Total	**134,325**	**100%**

Cost Sharing Recommendations:

On August 22, 2012 the Task Force approved the following recommendation:

> The Task Force recommends that the County and Town Managers collectively discuss and formulate a fair and equitable cost sharing recommendation for the Task Force to consider. Options 2 & 4 are no longer being considered by the Task Force, therefore the recommendation should be based on options 1, 3, and /or 5. The cost sharing recommendation will be reviewed by the Task Force and could be applied to funding Sewer Infrastructure and a Community Center.

POTENTIAL NEXT STEPS:

Formulate recommendations to the Board of County Commissioners, Chapel Hill Town Council and the Carrboro Board of Aldermen on the following unresolved issues:

1. Providing sewer service to the Rogers Road Neighborhood as defined in the Task Force Charge.
   a. Determine which grant opportunities are possible and probable and worthy of consideration.
   b. Agree collectively on costs sharing and possible funding sources.
2. Moving and renovation of the Hogan-Rogers House for a Neighborhood Community Center.
   a. Define a moving and renovation project team.
   b. Create a timeline for moving and renovating the house.
   c. Create and approve a capital and/or operating budgets for the Community Center
   d. Agree collectively on costs sharing and possible funding sources.
3. Complete investigating is the possibility of constructing a new Community Center on the two lots donated by Habitat for Humanity.
   a. Create and approve a capital and/or operating budgets a new Community Center
   b. Create a timeline for constructing a new Community Center.
   a. Agree collectively on costs sharing and possible funding sources.
4. Agree on a strategy to educate and promote the recommendations of the Historic Rogers Road Neighborhood Task Force to all three local governments.

DRAFT

Recommendations to the Assembly of Governments

Historic Rogers Road Neighborhood Task Force

November 14, 2012

Recommendations:

1. 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.

2. That the Managers and Attorneys originate a Memorandum of Understanding between Habitat, Orange County, the Town of Carrboro, and the Town of Chapel Hill for the construction of a new Rogers Road Community Center. The budget will not exceed $700,000 and the project will be bid in compliance with North Carolina public bidding requirements. Orange County will finance the project with reimbursement from the Towns as outline in (1) above.

3. That the governing boards continue to appropriate funds, as previously 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.

4. 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.

5. 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. The composition of the Task Force originally included 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).

DRAFT

Recommendations, yet to be finalized, Target date June 30, 2013:

Rogers Road Neighborhood Community Center:

That the County create Memorandum of Understanding for the operations of the Community Center with the County, Habitat, and the Rogers Eubanks Neighborhood Association all being a party to the agreement. The agreement shall provide for the operation & maintenance of a new Rogers Road Neighborhood Community Center including services, programs & activities to be provided in the Center.

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.

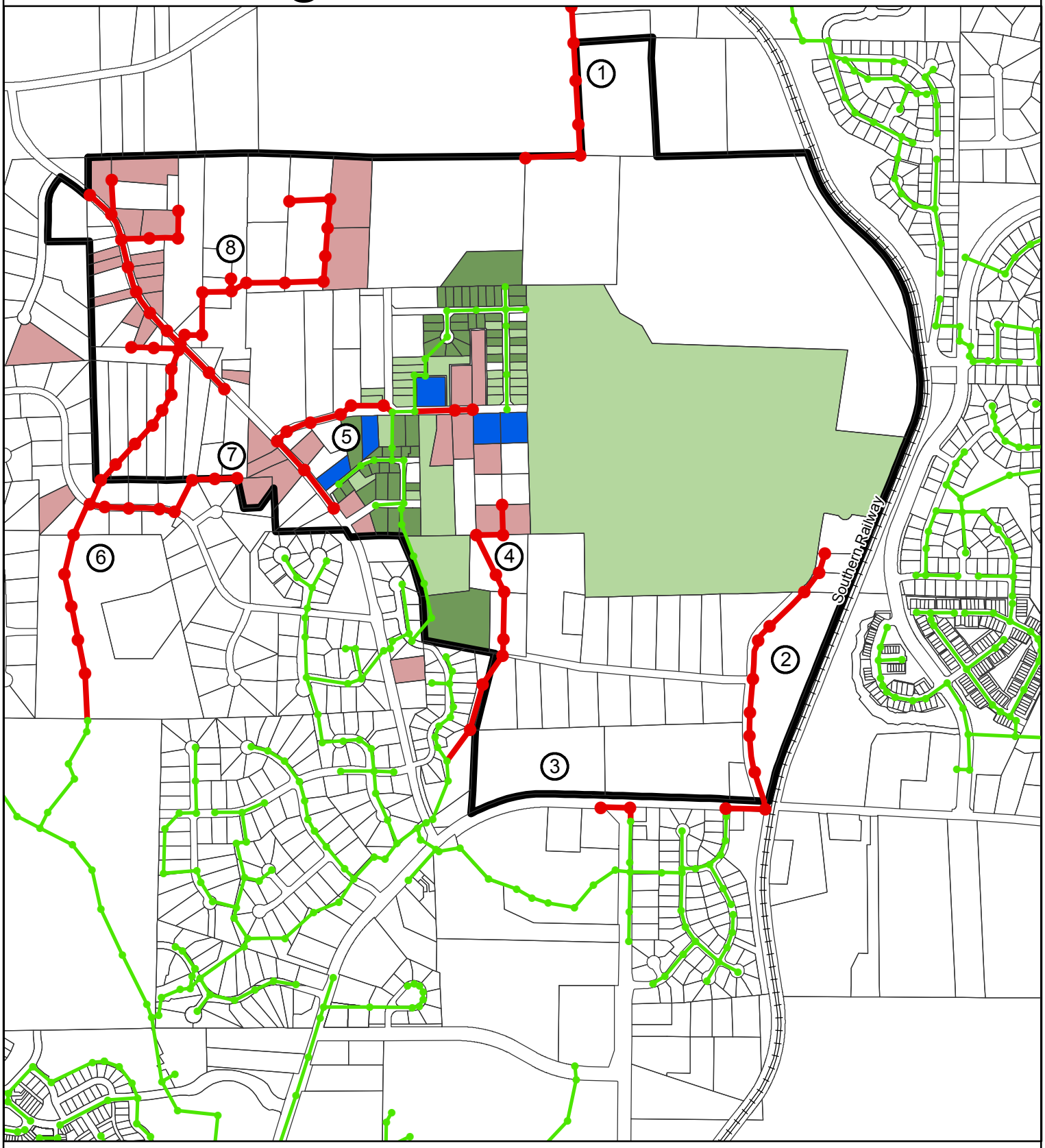
    a. That the towns participate with the possible creation of a County Sewer District, which could overlap town boundaries, by resolution to such inclusion.

    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 before 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.

Rogers Road Parcels

Attachment C



Legend

- Parcels Requesting Sewer
- Sewer Currently Available
- Current Sewer Customer
- Sewer Currently Available and Requested
- Potential Sewer Route (Approximate)
- Existing Sewer Mains
- Historic Rogers Rd Boundary
- Other parcels

Orange County IT-GIS Department
GIS Map Prepared by Miriam Coleman
11/26/2012
MXD file: RogersRdParcels_sewerpar_112612

Office of the County Attorney

ORANGE COUNTY
P.O. BOX 8181
200 S. CAMERON STREET
HILLSBOROUGH, NC 27278

To: Bernadette Pelissier, Chair
Pam Hemminger, Vice Chair
Valerie Foushee
Alice M. Gordon
Barry Jacobs
Earl McKee
Steve Yuhasz

CC: Frank Clifton, County Manager
Donna Baker, Clerk to the Board

From: John Roberts
Date: November 12, 2012
Re: Rogers Road Area Improvement Funding

I met with the attorneys for Chapel Hill and Carrboro on November 6th to discuss various proposals to extend sanitary sewer lines into, and the construction of a community center in, the Rogers Road area (the "Neighborhood"). I will address the various proposals separately.

USE OF THE $900,000 LANDFILL RESERVES TO FUND SEWER LINE EXTENSION

By law enterprise fund dollars cannot be used for purposes other than the direct and indirect costs of operating and maintaining the landfill. It is highly unlikely landfill operations could be tied to septic system failures in the Neighborhood. It is my understanding the $900,000 was generated through tipping fees rather than reimbursable contributions. Assuming that is the case the $900,000 is a part of the enterprise fund and may not be used for non-landfill operations related purposes. For these reasons the Town attorneys and I are in agreement the $900,000 cannot be used for the extension of sewer lines.

CONTRIBUTIONS TO SEWER EXTENSION COSTS BY THE TOWNS OF CARRBORO AND CHAPEL HILL

The primary issue for contributions by the Towns to sewer line extension appears to be the limitation of Town expenditures to their own jurisdictions. Both Town attorneys agreed that in order for the Towns to fund some portion of the cost of sewer line extensions the sections of sewer lines funded must be within the Town limits. For this reason annexation of some areas may be necessary. An additional issue is the requirement that if a part of a planned subdivision is to be annexed the entire subdivision must be annexed. Because annexation is not a county issue I will rely on the Town attorneys to further explain other restrictions related to annexation.

Once annexation concerns are addressed one source of funds for these extensions could be proceeds from a sale of the Greene tract. Should the decision be made to sell this property proceeds could be used for any statutorily authorized purpose.

SUBSIDIZING THE COST OF CONNECTING HOMES TO EXTENDED SEWER LINES

The Town attorneys and I are in agreement that the County and Towns have limited statutory authority to pay for or subsidize connection costs. Additionally, without adequate upgrades connecting older home plumbing systems to modern water and sewer systems could result in internal damage to the connected structure. This represents a substantial exposure of liability to the County and Towns. For that reason the Town attorneys and I are in agreement that direct connections to the system should not be provided by the County or Towns.

NCGS 153A-376 authorizes counties to engage in health and welfare programs for the benefit of low and moderate income persons. Pursuant to this authority a program could be established whereby grants or loans are issued to persons who meet designated criteria to assist those persons with paying the costs of connecting to a water or sewer system. The qualifying criteria would apply county-wide and could not be limited to residents of the Neighborhood. So if an individual with access to a sewer line in Efland or Mebane met the criteria they also could participate in the program. A program of this nature would not work to connect every home to a sewer system but it would be legally defensible.

CONSTRUCTION AND OPERATIONS OF A NEIGHBORHOOD COMMUNITY CENTER

The current proposal appears to be that the County and/or Towns pay Habitat for Humanity ("Habitat") approximately $650,000 to construct a community center ("Center") in the Neighborhood that, once constructed, Habitat would contract with the Rogers Eubanks Neighborhood Association to operate, and the County would help fund through some master lease agreement. The Town attorneys and I concur that this method of funding the Center is not legally defensible.

One method the Town attorneys and I are in agreement on is for Habitat to donate the land for the Center or lease the land to the County, the County could then, through the bidding process, bid out construction of the facility and enter into various agreements for the operation of the Center. We also agree there may be several other options for getting the Center constructed and operating.

Another method that occurred to me after my meeting with the other attorneys is the possibility of a community development grant or loan. Just as with the sewer connection program discussed above through NCGS 153A-376 counties have authority to issue grants and loans. Those grants and loans may be made for the restoration or preservation of older neighborhoods. Counties may contract with corporations for carrying out this restoration or preservation of older neighborhoods and such contracts may be for the purpose of providing recreation facilities. As it relates to the construction of the facility I believe the NC bidding statutes would still apply. Should this option be given consideration additional research would be needed to fully determine the process whereby it is accomplished.

Regardless of the manner in which the Center is funded it must be open to the general public.

Attachment E

MEMORANDUM

Memorandum to: Carrboro Mayor and Board of Aldermen

From: Mike Brough

Subject: Rogers Road Proposals

Date: November 7, 2012

County Attorney John Roberts, Chapel Hill Attorney Ralph Karpinos, and I met November 6th to discuss the managers' October 16, 2012 recommendations for constructing a Community Center to serve the Rogers Road area and to extend sewer lines into this area. We also discussed Mark Dorosin's October 23, 2012 letter recommending that, not only should sewer lines be extended into this areas, but that homes should be connected to the sewer lines at public expense. We agreed on the conclusions set forth below in paragraphs 1-5. The thoughts set forth in paragraph 6 did not occur to me until after our meeting, and therefore have not been endorsed by the other attorneys.:

1. Statutory authority exists for the towns and the county to cooperate in operating and funding a community center located in the Rogers Road area, and there are a number of ways in which this could be accomplished. However, as we understand it, the current proposal is that the county and/or the towns would pay Habitat $500,000 to construct the facility, on land provided by Habitat, and then Habitat would lease the center to RENA, who would operate it, presumably in accordance with RENA Neighborhood Center Business Plan (Attachment B to the Agenda Item). The attorneys do not believe it is legally permissible for the county or the towns to expend public funds to fund the construction of a building on land the county does not own, under circumstances where the building would then be leased to a private organization that would use the facility to run programs of its choosing. The county could, of course, construct a community center on land it owned or leased, but it would have to put the project out for bids in accordance with applicable statutes. The operation of a community center would require annual appropriations. The county could provide staffing through its own employees or it could contract with an organization such as RENA to run programs, but these would have to be open to the general public. In short, there are many options for legally accomplishing the objective of providing a community center that would benefit the residents of Rogers Road, but the current proposal is not one of them.

2. Orange County, Carrboro, and Chapel Hill, as owners of the Greene Tract, and the County, as owner of other property used for solid waste disposal, could petition Chapel Hill to annex any properties owned by these governmental entities within the portion of the Rogers Road area that is located in Chapel Hill's ETJ or Joint Planning Area, and Chapel Hill could do so (subject to the possible exception that, if the area to be annexed was not contiguous to the existing town limits, than no lots within a subdivision could be annexed unless the entire subdivision was annexed). However, this would enable Chapel Hill to extend sewer lines only to those areas so annexed.

3. The $900,000 that Chapel Hill, Carrboro, and Orange County agreed to pay to the Landfill Fund for the 100+ acres of the Greene Tract that were not conveyed to Orange County cannot be used to pay for either the construction of a community center or the extension of sewer lines to the Rogers Road area. The Green Tract was acquired using landfill funds, and the $900,000 is being paid back to this enterprise fund. Such funds can only be expended to cover the costs associated with the operation and maintenance of the landfill.

4. Proceeds from the sale of the 100+ acre portion of the Greene Tract now owned jointly by OC, CB, and CH can be used in the same manner as other unrestricted general funds. Thus, Carrboro could use these funds to extend sewer lines to unserved areas within Carrboro's corporate limits.

5. The towns and the county could appropriate funds to subsidize the cost of actually connecting homes to a sewer line, once that line has been constructed. In order to be able to point to specific statutory authority to provide such subsidies, it would be preferable to limit the availability of such subsidies to low and moderate income property owners. The attorneys do not recommend that the contractor engaged by the county and/or the towns to extend the lines be directed to construct lines connecting individual properties to the public lines because this work involves actually getting into the plumbing systems within individual homes and poses significant risks of unexpected complications and claims of damages.

6. The managers propose that a "County Sewer District" be created for the Rogers Road area as well as adjoining areas that do not have sewer, and that the district use the special assessment process to recoup some of the costs of extending sewer service to these areas. Presumably, the proposal is referring to a County Water and Sewer District created pursuant to Article 6 of G.S. Chapter 162A. Such a district would be a legally separate municipal corporation, but the governing body of the district would be the Orange County Board of Commissioners. Such a district could issue its own bonds to raise the capital to cover the cost of extending the lines. Assessments could be based on various criteria listed in G.S. 153A-186, including "the area of land served…at an equal rate per unit of area," which would mean that properties with greater development or redevelopment potential would pay more than smaller properties, but the statute does not provide a way to exempt from the assessments specific properties based on criteria not listed in the statute. Thus, if the objective is to extend sewer lines at little or no cost to the longstanding owners of properties in the Rogers Road area, but to recapture some of the cost of extending the lines when properties in this area are developed or redeveloped, the special assessment process appears to be a useful tool.

An alternative might be to establish the District and have the District issue its bonds to raise the cost of extending the lines. Carrboro could contract with the District to pay for the cost of extending the lines to serve properties that are within the town. The District would contract with OWASA to operate and maintain the lines and to bill the customers in the same manner as other OWASA customers. (An amendment to the WSMPBA would probably be needed). Then the District could establish a fee – call it a service line extension fee – that would be designed to recoup some of the costs incurred by the District in extending the lines. (OWASA has an "availability fee" that is designed to recoup the cost of the treatment plant and major outfalls, but

this fee does not cover the service lines because those are typically installed at the developer's expense). This fee would be paid at the same time as OWASA's availability fee – when a connection is made. The District's policy could provide that the service line extension fee would be waived for the first connection made to any property existing as of a specified date.

Attachment 2

Excerpt from Draft Minutes of December 6, 2012 Assembly of Governments Meeting

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
CHAPEL HILL TOWN COUNCIL
HILLSBOROUGH BOARD OF COMMISSIONERS
CARRBORO BOARD OF ALDERMEN
December 6, 2012
ASSEMBLY OF GOVERNMENTS

The Orange County Board of Commissioners met with the Towns of Chapel Hill, Carrboro and Hillsborough for an Assembly of Governments meeting on Thursday, December 6, 2012 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill. N.C.

2) Review of the Draft Interim Recommendations from the Historic Rogers Road Neighborhood Task Force

Michael Talbert said that the Historic Rogers Road Neighborhood Task Force last met on November 14th. This was supposed to be the last meeting and this was supposed to be the final report. He reviewed the charge of the task force:

- Investigate and make recommendations to the Board of County Commissioners, the Chapel Hill Town Council, and the Carrboro Board of Aldermen for neighborhood improvements, including funding sources, financial impact to the County and the Towns for the following:
    - Sewer Service to the Historic Rogers Road Neighborhood as defined by the previously approved public water connections in the area
    - A Neighborhood Community Center
- The Task Force is also directed to:
    - Submit an Interim Report back to the County and the Towns by the end of August 2012; and
    - Submit a Final Report to the Assembly of Governments on December 6, 2012.

Attachment B includes the recommendations in draft form because the Task Force has not seen them or approved them yet. There are five primary recommendations:

1. 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.
2. That the Managers and Attorneys originate a Memorandum of Understanding between Habitat, Orange County, the Town of Carrboro, and the Town of Chapel Hill for the construction of a new Rogers Road Community Center. The budget will not exceed $700,000 and the project will be bid in compliance with North Carolina public bidding requirements. Orange County will finance the project with reimbursement from the Towns as outlined in (1) above.

3. That the governing boards continue to appropriate funds, as previously 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 Year 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.
4. 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.
5. That the Task Force continue to meet to address the Charge of the Task Force, for an additional six months with the original composition of the Task Force. The composition of the Task Force originally included 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).

There are several recommendations that have not been finalized and that is why the Task Force wants to continue to meet. The first is the community center. There needs to be a memorandum of understanding of how the center is going to operate, who will pay for it, who will construct it, who will occupy it, and what type of interlocal agreement or memorandum of understanding would be between the Towns, Habitat and the Rogers Road Neighborhood Association for the operation and the program/activities to be provided.

The second item is the sewer district. The managers suggested that there be a Rogers Road County Sewer District. There are a lot of details to be worked out with that. The recommendation is that the managers continue to work on this issue and participate with the Towns and OWASA to study this idea. The managers could work with the attorneys to create criteria that would enable homeowners that have lived in the Historic Rogers Road Neighborhood before 1972 to connect from the sewer system free of charge and recommend a sliding scale fee structure for homeowners that moved to the neighborhood between 1972 and 2012.

Attachments D and E have attorney opinions. There are many legal issues yet to be worked out over multi-jurisdictional lines.

Chair of the Task Force Pam Hemminger said that the task force was determined to finish its work as soon as possible. She hopes that the County will approve starting the drafting of the Memorandum of Understanding between the County, the Towns, and Habitat. There are lots of different options still to be considered and lots of information still to be pulled together. This is why the task force wants to continue to meet.

Aldermen Gist said that there have been several memos from their attorney in the past couple of weeks. She asked if he would be willing to share about the latest memo.

Town of Carrboro Attorney Mike Brough said that, with respect to the community center, the issues that he raised had to do with the role of Habitat. He said that there would have to be a bidding process and it was not clear to him how there would be a bidding process. Habitat is not going to be construction the center and it is his understanding that the County would continue to own the center. He said that there are a lot of details that remain unclear to him. The other issue that he expressed to the Carrboro Board of Aldermen is the ongoing operation and maintenance of the center. He understands that the intent of the County is that whatever funds are distributed are not continued to be ongoing. He suggested that some consideration be given to this. His recommendation is that the board considers whether the planning should be directed solely to the sewer project as opposed to the community center. If all three bodies are operating the community center there are issues about the programs, etc. The memo is shown below:

Memorandum to: Carrboro Mayor and Board of Aldermen

From: Mike Brough

Subject: Rogers Road Proposals

Date: November 7, 2012

"County Attorney John Roberts, Chapel Hill Attorney Ralph Karpinos, and I met November 6th to discuss the managers' October 16, 2012 recommendations for constructing a Community Center to service the Rogers road area and to extend sewer lines into this area. We also discussed Mark Dorosin's October 23, 2012 letter recommending that, not only should sewer lines be extended into this area, but that homes should be connected to the sewer lines at public expense. We agreed on the conclusions set forth below in paragraphs 1-5. The thoughts set forth in paragraph 6 did not occur to me until after our meeting, and therefore have not been endorsed by the other attorneys:

1. Statutory authority exists for the towns and the county to cooperate in operating funding a community center located in the Rogers Road area, and there are a number of ways in which this could be accomplished. However, as we understand it, the current proposal is that the county and/or the towns would pay Habitat $500,000 to construct the facility, on land provided by habitat, and then Habitat would lease the center to RENA, who would operate it, presumably in accordance with RENA Neighborhood Center Business Plan (Attachment B to the Agenda Item). The attorneys do not believe it is legally permissible for the county or the towns to expend public funds to fund the construction of a building on land the county does not own, under circumstances where the building would then be leased to a private organization that would use the facility to run programs of its choosing. The county could, of course, construct a community center on land it owned or leased, but it would have to put the project out for bids in accordance with applicable statutes. The operation of a community center would require annual appropriations. The county could provide staffing through its own employees or it could contract with an organization such as RENA to run programs, but these would have to be open to the general public. In short, there are many options for legally accomplishing the objective of providing a community center that would benefit the residents of Rogers Road, but the current proposal is not one of them.
2. Orange County, Carrboro, and Chapel Hill, as owners of the Greene Tract, and the County, as owner of other property used for solid waste disposal, could petition Chapel Hill to annex any properties owned by these governmental entities within the portion of the Rogers Road area that is located in Chapel Hill's ETJ of Joint Planning Area, and Chapel Hill could do so (subject to the possible exception that, if the area to be annexed was not contiguous to the existing town limits, than no lots within a subdivision could be annexed unless the entire subdivision was annexed). However, this would enable Chapel Hill to extend sewer lines only to those areas so annexed.
3. The $900,000 that Chapel Hill, Carrboro, and Orange County agreed to pay to the Landfill Fund for the 100+ acres of the Greene Tract that were not conveyed to Orange County cannot be used to pay for either the construction of a community center or the extension of sewer lines to the Rogers Road area. The Greene Tract was acquired using landfill funds, and the $900,000 is being paid back to this enterprise fund. Such funds can only be expended to cover the costs associated with the operation and maintenance of the landfill.
4. Proceeds from the sale of the 100+ acre portion of the Greene Tract now owned jointly by Orange County, CB, and CH can be used in the same manner as other

unrestricted general funds. Thus, Carrboro could use these funds to extend sewer lines to unserved areas within Carrboro's corporate limits.

5. The towns and the county could appropriate funds to subsidize the cost of actually connecting homes to a sewer line, once that line has been constructed. In order to be able to point to specific statutory authority to provide such subsidies, it would be preferable to limit the availability of such subsidies to low and moderate income property owners. The attorneys do not recommend that the contractor engaged by the county and/or the towns to extend the lines be directed to construct lines connecting individuals' properties to the public lines because this work involves actually getting into the plumbing systems within individuals homes and poses significant risks of unexpected complications and claims of damages.
6. The managers propose that a "County Sewer District" be created for the Rogers Road area as well as adjoining areas that do not have sewer, and that the district use the special assessment process to recoup some of the costs of extending sewer service to these areas. Presumably, the proposal is referring to a County Water and Sewer District created pursuant to Article 6 of G. S. Chapter 162A. Such a district would be a legally separate municipal corporation, but the governing body of the district would be the Orange County Board of Commissioners. Such a district could issue its own bonds to raise the capital to cover the cost of extending the lines. Assessments could be based on various criteria listed in G.S. 153A-186 including "the area of land served…at an equal rate per unit of area," which would mean that properties with greater development or redevelopment potential would pay more than small properties, but the statute does not provide a way to exempt from the assessments specific properties based on criteria not listed in the statute. Thus, if the objective is to extend sewer lines at little or no cost to the longstanding owners of properties in the Rogers Road area, but to recapture some of the cost of extending the lines when properties in this area are developed or redeveloped, the special assessment process appears to be a useful tool.

An alternative might be to establish the District and have the District issue its bonds to raise the cost of extending the lines. Carrboro could contract with the District to pay for the cost of extending the lines to serve properties that are within the town. The District would contract with OWASA to operate and maintain the lines and to bill the customers in the same manner as other OWASA customers. (An amendment to the WSMPBA would probably be needed). Then the District could establish a fee – call it a service line extension fee – that would be designed to recoup some of the costs incurred by the District in extending the lines. (OWASA has an "availability fee" that is designed to recoup the cost of the treatment plant and major outfalls, but this fee does not cover the service lines because those are typically installed at the developer's expense). This fee would be paid at the same time as OWASA's availability fee – when a connection is made. The District's policy could provide that the service line extension fee would be waived for the first connection made to any property existing as of a specified date."

Aldermen Slade said that the proposal does not mean that they would not be providing their portion of the costs for the community center and the sewer. He said that $900,000 represents 14% of those two costs aggregated. It is more of a way to facilitate technically the management of the two projects.

Aldermen Gist said that she appreciated the memo today because it pointed out potential "alligators" that could damage the whole project and the whole effort. She thinks that these are very serious, pragmatic, legal issues that have to be dealt with. She wants to invite the task force to address these issues.

Commissioner Rich suggested that the task force hand this over to the managers, attorneys, and planning departments. She thinks that the issues coming up from the attorney are things that managers and attorneys have to make everyone aware of. She thinks that the

task force has met the charge and has identified the monies. She also thinks that they have identified their commitment to sewer and the community center. She does not want to keep discussing this without making sure that all of the managers have discussed this. She does not want to hold any of this back.

Mayor Chilton said that Carrboro elected officials are in an unusual position in that a huge portion of the sewer component and the costs of serving the entire area happens to fall within the town limits of Carrboro. However, the number of homeowners and renters to be served who live in the Carrboro town limits is very small. He said that Carrboro is very happy to participate to the tune of $900,000. He likes what the attorney suggested regarding focusing on the sewer lines.

Commissioner McKee thanked the members of the task force. He said that he does not see anything that cannot be worked out. He thinks that the sewer issue and the community center issue be disengaged. He said that one should not depend on the other, nor should any recommendation depend on another recommendation for the community center to move forward. He will continue to push that the community center be moved forward one way or the other. He said that he is determined that the County will build this center.

Commissioner Jacobs asked Pam Hemminger to answer the question about Habitat's participation.

Pam Hemminger said that Habitat owns the property where the community center is supposed to be located and is dedicating property. There had to be a special use permit process for this to happen. This is one of the reasons that Habitat is involved. Habitat does not want to assume responsibility for long-term care and maintenance of the building. Habitat did offer to be the construction engineer/contractor for this building. This will be a lot less cost. She knows that there are legal issues to be worked out and these can be worked out.

Chapel Hill Town Councilmember Ward voiced support for continuation of the task force. He asked that the charge be revised and updated to address the upcoming questions related to the remaining issues. He said that the task force is really good at having representatives of all elected bodies coming to meetings so that as the staff work through the issues, there is a venue where there can be updates, etc. Without the task force in place, it is cumbersome to get the approval information to the three elected boards.

Chair Pelissier said that she is struggling with the extension of the task force, especially when it comes to the community center. She does not want to hold things up. She would like to hear from staff about whether these things can be worked out.

Commissioner Jacobs said that the County Commissioners have made no explicit vote on whether or not to continue the task force. The Board implicitly agreed with its two representatives that it was worth continuing, but the Board no longer has any representatives on the task force (Pam Hemminger and Valerie Foushee are no longer on the Board). It is on the January 24th agenda for discussion on whether or not to appoint two new people or whether or not the task force has finished its work.

Commissioner Dorosin made reference to the sewer issues. He said that these are fundamental policy issues that should be resolved and not by staff. He said that he remains committed to the idea that every resident in the Rogers Road Historic Neighborhood gets connected to the water and sewer at no cost. He said that he would like to decide now or soon that the boards are committed to funding the infrastructure mains and the connections from the mains to the meters at the very least at no cost to existing residents. He is concerned about the language about special assessments, loans, and sliding scales. He said that if they go down any of these paths, then it is a betrayal of the commitment made to this community.

Commissioner Price said that she agreed with Commissioner Dorosin and she is committed to seeing the community center through. She thinks that the task force needs to continue to meet. She thinks that the legal issues can be worked out. She agreed with separating the two issues so that the community center can be built as soon as possible.

Alderman Johnson said the task force voted at their last meeting to continue the task force for six months. She said that one of the recommendations was for managers to meet and

report back to them and they are waiting on that. She said that there are two community members on the task force, and if the task force no longer meets, then the community members are left out of the conversation.

Council Member Pease said that they need to disentangle the two issues and say that the task force has finished phase I, whatever that is, and let the attorneys and managers work out the legal issues for the community center. He said that his fear of continuing the task force with its current process is that it is going to be somewhat of a new makeup. He would be afraid that it might be slowed down or there may be other agendas with new members joining it. He suggested getting to the end of the conversation on the community center and then starting a phase 2 with new members and tackling the sewer issues.

Council Member Storrow said that none of these ideas are in opposition to each other. He said that it seems like if the task force is stopped, the community center would probably still get built. Regardless of the structure, he thinks that the community center is finished. There are more structural questions than philosophical. He said that there should be some mechanism to continue a conversation. He said that if the task force is totally dismantled then some of the sewer questions may not be answered.

Council Member Ward said that if Council Member Pease agreed with Commissioner Rich then now he does also. He said that this task force has been very effective and the membership will be changed, and it is appropriate to rehash. He said that the Board of County Commissioners is in control of setting the agenda for the task force. He said that the community center is now checked off the list and is now in the hands of staff. He feels confident to take the center off the list and then let the task force tackle these other issues and keep the community members on it, whichever form it may take.

Alderman Slade said that the task force should be kept intact. He said that the community center is a done deal. He said that there is a lot of work to be done with the sewer. He strongly supports continuing with this effective task force.

Commissioner Rich said that at the beginning of the task force for the first two months, they were read the charge. She thinks that the task force has fulfilled the charge and if the task force is asked to continue, the charge must be changed.

Commissioner McKee said that the task force should continue with the current members. There are three members whose situations have changed, but the community has not changed. He said that the charge of the task force was not to make sure that any governmental entity came out on the better end of the deal. The charge was to ensure that the community came out on the better end. The members of the task force as it is currently constructed have spent almost a year working on this. He suggested leaving this task force constructed as it is with the current members as they are unless they have other obligations to prevent them from being able to attend.

Alderman Gist said that she supported continuing with the task force because it gives the staff and elected bodies someone to talk to about the issues. She would like the task force continue to address the community center issue and the continuing costs of operating the center and other unknowns.

Mayor Chilton said that he agreed with Aldermen Gist. He said that this task force was created by the Board of County Commissioners and the reality is that the County Commissioners need to decide how it moves forward.

Chair Jacobs said that it has been helpful to hear everything. He said that he has brought up the issue of gentrification several times, but it was not discussed in detail and was not part of the charge of the task force. If the task force goes forward, the charge should be revised.

Michael Talbert

From: Michael Talbert
Sent: Wednesday, January 16, 2013 3:56 PM
To: Barry Jacobs; Bernadette Pelissier; Alice Gordon (External); Earl McKee; pennyrich.ch@gmail.com; Mark Dorosin; Renee Price
Cc: Frank Clifton; Greg Wilder; Donna Baker
Subject: FW: Historic Rogers Road Neighborhood Task Force

BOCC,

FYI

On Tuesday January 15, 2013, Chair Jacobs asked that I send out an email to Pam Hemminger and Valerie Foushee requesting their comments regarding the possibility of continuing the Historic Rogers Road Neighborhood Task Force and their willingness to continue to serve on the Task Force. Below is my email and their individual comments on the Historic Rogers Road Neighborhood Task Force issue.

Good Afternoon, I hope both of you are doing well.

The BOCC is considering the reappointment, a possible Charge and a time line for the Historic Rogers Road Neighborhood Task Force. The recommendation from the Task Force was to continue to meet to address the Charge of the Task Force and this issue will be on the BOCC 1/24/13 agenda. Chair Jacobs has asked if either of you could provide insight as to specifically what issues in the Historic Rogers Road Neighborhood have not yet been addressed by Task Force and if appointed would you still be willing to serve on the Task Force for up to an additional 6 months if needed?

Thanks you for taking a few minutes help us with this emotionally charged issue.

Michael S. Talbert
Assistant County Manager
Orange County, North Carolina
200 S. Cameron Street
Hillsborough, NC 27278
Tel (919) 245-2308
Fax (919) 644-3324

From: Rep. Valerie Foushee [mailto:Valerie.Foushee@ncleg.net]
Sent: Wednesday, January 16, 2013 11:25 AM
To: Michael Talbert
Subject: RE: Historic Rogers Road Task Force

Michael,

Pam's assessment of the Task Force's work is very accurate. I believe as she, that the work is not completed as charged and would urge a continuation. Chairman Jacobs raised very appropriate questions and suggestions of items to be included in that continuation.

I don't think that it is reasonable for me to think that I could be an effective member of the Task Force at this time, but would continue to support the Board in this effort in any way that I can.

Best,
Valerie

Happy New Year to you both as well!

The Task Force was still struggling with a time-line, description of what all would be involved with installing sewer and how to proceed with a sewer/water plan for those individuals who wanted sewer/water and what the "qualifiers" would be. The Task Force wanted to hear back from the managers as far as a plan for moving forward with both projects, what funds could be used for connecting individual homes to sewer and the details of how the Community House would be owned/maintained/built.

I know you have already been working on these issues, but the Task Force felt that it had not finished up all the outstanding details of both the Community Center and the sewer project. There was much concern about the legal opinions around these issues and if that would stop or slow the projects down. We covered a great deal in the last meeting but the group did not feel confident that it had established a real time-line for implementing the projects and did not want to leave anything unfinished for fear of things not being implemented and just shelved.

I would be happy to continue to serve for another 6 months but would not be offended if another direction was chosen.

Take care-

Pam

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 11-a

SUBJECT: Advisory Board on Aging – Appointment

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Letter of Recommendation
Application(s)/Resume(s) of Person(s) Recommended
Interest List
Application(s)/Resume(s) of Person(s) on the Interest List

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making an appointment to the Advisory Board on Aging.

BACKGROUND: The following appointment is for Board consideration:

- Appointment to a first term for Ms. Virginia Brown. If appointed Ms. Brown will be serving a first full term ending 06/30/2015.

Position Number	Representation	Expiration Date
3 Ms. Virginia Brown	At-Large	06/30/2015

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Board will consider making appointments to the Advisory Board on Aging.

Board and Commission Members

And Vacant Positions

Advisory Board on Aging

Meeting Times: 3:30 p.m. second Tuesday | Terms: 2 | Contact Person: Janice Tyler

Meeting Place: Central Orange Senior Center&Seymour Center | Positions: 12 | Length: 3 years | Contact Phone: 919-245-4255

Description: These positions are filled by appointment of the Board of Commissioners with certain seats allocated to the Townships and Town of Chapel Hill, Hillsborough and Carrboro. This board suggests policy and makes recommendations to the Board of Commissioners and the Department on Aging while acting as the liaison between the older citizens of the County and the County government. It is charged with promoting needed services, programs and funding that impacts the older citizens.

1	Dr. Donna Prather 107-A Spring Valley Road Carrboro NC 27510	Day Phone: 919 929-3375 Evening Phone: 919 929-3375 FAX: E-mail: dprather@bellsouth.net	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 05/15/2012 Current Appointment: 05/15/2012 Expiration: 06/30/2014 Number of Terms: 1		
2	Mr. Leo Allison 4125 Marvin Lane Efland NC 27243	Day Phone: 919-563-9110 Evening Phone: FAX: E-mail: lele2@mebtel.net	Sex: Male Race: African American Township: Cheeks Resid/Spec Req: At-Large Special Repr:	First Appointed: 09/09/2008 Current Appointment: 09/20/2011 Expiration: 06/30/2014 Number of Terms: 2		
3	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: Chapel Hill Town Li Special Repr:	First Appointed: Current Appointment: Expiration: 06/30/2013 Number of Terms:		
4	Dr. Richard White 4901 Schley Rd Hillsborough NC 27278	Day Phone: 919 732 8527 Evening Phone: FAX: E-mail: rwhite@duke.edu	Sex: Male Race: Caucasian Township: Little River Resid/Spec Req: At-Large Special Repr:	First Appointed: 09/18/2012 Current Appointment: 09/18/2012 Expiration: 06/30/2015 Number of Terms: 1		
5	Ms. Heather Altman Chair 109 Sunset Ridge Lane Chapel Hill NC 27516	Day Phone: 919-918-2609 Evening Phone: 919-928-9822 FAX: 919-969-2507 E-mail: haltman@carolwoods.org	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: Carrboro Town Limit Special Repr:	First Appointed: 01/27/2009 Current Appointment: 06/19/2012 Expiration: 06/30/2015 Number of Terms: 2		

Board and Commission Members

And Vacant Positions

Advisory Board on Aging

Meeting Times: 3:30 p.m. second Tuesday | Terms: 2 | Contact Person: Janice Tyler

Meeting Place: Central Orange Senior Center&Seymour Center | Positions: 12 | Length: 3 years | Contact Phone: 919-245-4255

Description: These positions are filled by appointment of the Board of Commissioners with certain seats allocated to the Townships and Town of Chapel Hill, Hillsborough and Carrboro. This board suggests policy and makes recommendations to the Board of Commissioners and the Department on Aging while acting as the liaison between the older citizens of the County and the County government. It is charged with promoting needed services, programs and funding that impacts the older citizens.

6	Mr Elijah (Ed) Flowers, III 2813 Beckett's Ridge Drive Hillsborough NC 27278	Day Phone: 919-357-9256 Evening Phone: 919-357-9256 FAX: E-mail: ed_flowers@yahoo.com	Sex: Male Race: Caucasian Township: Hillsborough Resid/Spec Req: Hillsboro Twn Limits Special Repr:	First Appointed: 01/20/2011 Current Appointment: 01/20/2011 Expiration: 06/30/2013 Number of Terms: 1		
7	Ms. Thelma Perkins 750 Weaver Dairy Road #1315 Chapel Hill NC 27514	Day Phone: 919-918-3601 Evening Phone: FAX: E-mail:	Sex: Female Race: African American Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 09/09/2008 Current Appointment: 09/20/2011 Expiration: 06/30/2014 Number of Terms: 2		
8	Mr. Daniel Hatley 317 W. University Chapel Hill NC 27516	Day Phone: 919-200-0822 Evening Phone: 309-252-1169 FAX: 888-514-4878 E-mail: dan@hatleylawoffice.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 09/18/2012 Current Appointment: 09/18/2012 Expiration: 06/30/2015 Number of Terms: 1		
9	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr:	First Appointed: Current Appointment: Expiration: 06/30/2012 Number of Terms:		
10	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr:	First Appointed: Current Appointment: Expiration: 06/30/2013 Number of Terms:		

Board and Commission Members

And Vacant Positions

Advisory Board on Aging

Meeting Times: 3:30 p.m. second Tuesday
Terms: 2
Contact Person: Janice Tyler
Meeting Place: Central Orange Senior Center&Seymour Center
Positions: 12
Length: 3 years
Contact Phone: 919-245-4255

Description: These positions are filled by appointment of the Board of Commissioners with certain seats allocated to the Townships and Town of Chapel Hill, Hillsborough and Carrboro. This board suggests policy and makes recommendations to the Board of Commissioners and the Department on Aging while acting as the liaison between the older citizens of the County and the County government. It is charged with promoting needed services, programs and funding that impacts the older citizens.

11 CDR Alexander Castro Jr
Vice-Chair
5915 Morrow Mill Road
Chapel Hill NC 27516

Day Phone: 919-619-1510
Evening Phone: 919-929-6368
FAX:
E-mail: alexcastrojr@hotmail.com

Sex: Male
Race: Caucasian
Township: Bingham
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 01/20/2011
Current Appointment: 01/20/2011
Expiration: 06/30/2013
Number of Terms: 1

12 Mr. Keith Cook
419 Calvary Court
Hillsborough NC 27278

Day Phone: 919-644-1886
Evening Phone: 919-644-1884
FAX:
E-mail: kdc52@aol.com

Sex: Male
Race: African American
Township: Cedar Grove
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 04/17/2012
Current Appointment: 04/17/2012
Expiration: 06/30/2014
Number of Terms:

Orange County
Advisory Board on Aging
2551 Homestead Road
Chapel Hill NC 27516

December 14, 2012

The Honorable Barry Jacobs
Orange County Board of Commissioners
P.O. Box 8181
Hillsborough, NC 27278

Dear Chair Jacobs:

Subject: Board Appointment

At its October 9 meeting the Orange County Advisory Board on Aging voted to recommend that Ms. Virginia Brown be appointed to fill one of its vacancies.

Ms. Brown returned to her native North Carolina after a career with the Los Angeles Health Department. She received a Masters of Public Health degree from UCLA. She has served on the Orange County Human Services Advisory Commission.

Ms. Brown attended the October and November Advisory Board on Aging meetings and has expressed interest in being appointed.

Thank you for your consideration of this recommendation.

Respectfully submitted,

Janice Tyler

Janice Tyler, Director
Orange County Department on Aging

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Virginia M. Brown
Name Called:	
Home Address:	103 Driskel Court Chapel Hill NC 27517
Phone (Day):	919-945-1492
Phone (Evening):	
Phone (Cell):	
Email:	vbrown852@nc.rr.com
Place of Employment:	retired
Job Title:	
Year of OC Residence:	2003
Township of Residence:	Chapel Hill
Zone of Residence:	C.H. City Limits
Sex:	Female
Ethnic Background:	Native American

Boards/Commissions applied for:

Advisory Board on Aging

Los Angeles County Dept of Health Services for eight years;
Master of Public Health from UCLA

Community Activities/Organizational Memberships:

Former member of Human Services Advisory Commission of Chapel Hill

Past Service on Orange County Advisory Boards:

not at this time

Other Comments:

STAFF COMMENTS: Originally (10/23/2012) applied for Advisory Board on Aging. ADDESS VERIFICATION: 103 Driskel Court, is Chapel Hill Town Limits, Chapel Hill Township, and Chapel Hill Jurisdiction.

This application was current on: 10/23/2012 9:47:41 AM **Date Printed:** 1/7/2013

Applicant Interest Listing

by Board Name and by Applicant Name

Advisory Board on Aging

Contact Person: Janice Tyler
Contact Phone: 919-245-4255

Ms. Virginia M. Brown
103 Driskel Court
Chapel Hill NC 27517

Day Phone: 919-945-1492
Evening Phone:
Cell Phone:
E-mail: vbrown852@nc.rr.com
Sex: Female
Race: Native American
Township: Chapel Hill
Date Applied: 10/23/2012

Skills: Public Health
Also Serves On:

Ms Joyce Jefferies
4820 NC Hwy 54 West
Chapel Hill NC 27516

Day Phone: (919)425-3597
Evening Phone: (919)720-6115
Cell Phone:
E-mail: joyce_jefferies@dentistry.unc.edu
Sex: Female
Race: African American
Township: Chapel Hill
Date Applied: 11/03/2010

Skills: Administrative Assistant
Also Serves On:

Mrs Janice Laube
6826 Carol Lane
Hillsborough NC 27278

Day Phone: 919-219-4140
Evening Phone:
Cell Phone:
E-mail: jrlaube@embarqmail.com
Sex: Female
Race: Caucasian
Township: Little River
Date Applied: 02/14/2011

Skills: Farmer
Also Serves On:

Mr. Lorenzo Mejia
119 Summergate Circle
Chapel Hill NC 27516

Day Phone: 919-338-2183
Evening Phone:
Cell Phone:
E-mail: Lorenzomejia@bellsouth.net
Sex: Male
Race: Hispanic
Township: Chapel Hill
Date Applied: 10/11/2012

Skills: Banking
Also Serves On:

Ms. Judy Miller
403 Jericho Rd.
Hillsborough NC 27278

Day Phone: 919-732-9969
Evening Phone: 919-241-3001
Cell Phone:
E-mail: jmiller221@hotmail.com
Sex: Female
Race: Caucasian
Township: Cedar Grove
Date Applied: 08/18/2011

Skills: Nurse
Skills: Research
Also Serves On: Animal Services Advisory Board

Ms. Deborah Rider
2314 Red Oak CT.
Hillsborough NC 27278

Day Phone: 919-818-6489
Evening Phone: 919-732-9476
Cell Phone:
E-mail: drider1736@gmail.com
Sex: Female
Race: Caucasian
Township: Hillsborough
Date Applied: 04/26/2012

Skills: Care Provider
Skills: Community Planning
Also Serves On: Adult Care Home Community Advisory Committee

Applicant Interest Listing

by Board Name and by Applicant Name

Advisory Board on Aging

Contact Person: Janice Tyler
Contact Phone: 919-245-4255

Skills: Social Work

Also Serves On: Adult Care Home Community Advisory Committee

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms Joyce Jefferies
Name Called:	
Home Address:	4820 NC Hwy 54 West Chapel Hill NC 27516
Phone (Day):	(919)425-3597
Phone (Evening):	(919)720-6115
Phone (Cell):	
Email:	joyce_jefferies@dentistry.unc.edu
Place of Employment:	UNC School of Dentistry
Job Title:	Administrative Assistant
Year of OC Residence:	1962
Township of Residence:	Chapel Hill
Zone of Residence:	Does not apply
Sex:	Female
Ethnic Background:	African American

Boards/Commissions applied for:

Adult Care Home Community Advisory Committee

Nursing Home Community Advisory Committee

Advisory Board on Aging

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Employed by UNC Hospitals and UNC-Chapel Hill since 1973 first as a dietary assistant now an Administrative Assistant in Dentistry where I perform a variety of functions including accounting, billing, preparing check requests to pay bills, arranging travel, coordinating meetings, preparing meeting agendas, ordering supplies, budgeting, preparing reports, drafting letters, etc. I would like to serve on the Advisory Boards because I am experiencing first-hand, in regards to my elderly mother, in trying to find an affordable assisted-living facility in good standard that really uphold the care and the best interest of their residents. Also the assurance of knowing that these facilities are being governed by guidelines, rules and regulations that they have to adhere to and that there are committees to visit these faciliteis to ensure that these guidelines are being carry out. It is difficult enough to have to place our elderly family members in a facility but having the reassurance in knowing that they are being well taken care of makes this transition a lot more bearable.

Volunteer Experience: I volunteer at my church, Hospitality- serving guests of the Pastor and greeting members as they enter the church, Sisters of Jubilee- visiting the Women prisons in Raleigh, organizing birthday parties, prayer and fellowship, visiting the sick and shut in.

Education: I received my GED from Durham Technical Institute and enrolled in the Business Administration Associate Degree Program, also at Durham Tech.

Other Comments:

I feel that I am at the place in my life mentally, physically and spiritually where I have a lot to offer in reaching out and assisting others through community involvement, etc. I look at volunteering as a personal committment just as rewarding to me as to the area that I am volunteering in. I get a joy in being able to be a contributor and not just an on-looking in seeing what needs to be done or what can be done but never makein an effort to try and make a difference. I enjoy working with others in like causes and like minds, even though having differenc appreaches but seeking to reach the same goal. STAFF COMMENTS: Originally applied 11/03/2010 for Adult Care Home community Advisory Committee, Nursing Home Communtiy Advisory Colmmittee, and Advisory Board on Aging. ADDRESS VERIFICATION: 4820 NC Hwy 54 West is in Bingham Township and Orange County Jurisdiction.

This application was current on: 11/3/2010 2:36:29 PM **Date Printed:** 1/7/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mrs Janice Laube
Name Called:	
Home Address:	6826 Carol Lane Hillsborough NC 27278
Phone (Day):	919-219-4140
Phone (Evening):	
Phone (Cell):	
Email:	jrlaube@embarqmail.com
Place of Employment:	Home
Job Title:	Owner - Horse Farm
Year of OC Residence:	2001
Township of Residence:	Little River
Zone of Residence:	-
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Animal Services Advisory Board

Advisory Board on Aging

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: I own and work a horse farm including growing and cultivating hay for sale. Including my horses I also have 5 dogs. I would like to volunteer on a board to hopefully be a productive team member and to make a difference in this community that I love.

Education: B.A. Theatre Arts SUNY Binghamton, NY

Other Comments:

STAFF COMMENTS: Originally applied for Animal Services Advisory Board and Advisory Board on Aging 02/14/2011. ADDRESS VERIFICATION: 6826 Carol Lane,Hillsborough, NC is in Orange County Jurisdiction, Little RiverTownship.

This application was current on: 2/14/2011 9:59:40 AM **Date Printed:** 1/7/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Lorenzo Mejia
Name Called:
Home Address: 119 Summergate Circle
Chapel Hill NC 27516
Phone (Day): 919-338-2183
Phone (Evening):
Phone (Cell):
Email: Lorenzomejia@bellsouth.net

Place of Employment:
Job Title:
Year of OC Residence: 2006
Township of Residence: Chapel Hill
Zone of Residence: Orange County
Sex: Male
Ethnic Background: Hispanic

Boards/Commissions applied for:

Advisory Board on Aging

I'd like to highlight three areas of my background:
1.President, Acorn Home Care Services, a company providing caregivers for non-medical in-home care for seniors
2.A passion about the challenges facing the elderly developed by helping my mother for several years
3.Significant business experience and education; Hispanic, fluent Spanish

My wife and I recently founded Acorn Home Care Services. We provide caregivers for the elderly who need compassionate, non-medical, in-home care and prefer to stay at home rather than move to an assisted living facility. We had several weeks of industry training and expect to begin dementia care training soon with the Alzheimers Foundation of America. We are members of Companion Connection, a national membership organization of professionals devoted to in-home senior care. Through Companion Connection, we receive ongoing education and stay abreast of industry issues, trends and best practices.

My interest in aging issues stems from the experience I had caring for my mother. As her health and independence declined, it became critical for us to locate and understand the community resources available to her. Her needs encompassed suitable senior housing, transportation, access to information, and health services. It would have been overwhelming for her alone, and I am gratified that I was able to advocate for her in her final years and help navigate the confusing landscape of options. This experience made me realize the enormity of the problem, especially for seniors who do not have family nearby to help them. It was this experience that prompted me to found Acorn Home Care Services.

I also have significant background in management and finance, including

several years in start-up companies. Start-ups and local government have something in common: there is usually not enough money, so you must work hard with your team to prioritize and achieve the most important goals.

My business background includes:
-20+ years in senior roles such as CEO and CFO of start up companies
-Former investment banker
-Stanford MBA
-CFO of the Year, Triangle Business Journal, 2011

This experience allows me to work with other board members to analyze facts, understand financial impacts, prioritize objectives and work with different stakeholders to achieve consensus.

Lastly, being Hispanic and fluent in Spanish, I can assist in providing representation and understanding for the many minority residents of Orange County, and the roles they play both as senior citizens and caregivers to the elderly.

Six years ago, my wife and I made an elective decision to move to Orange County from the Northeast. The weather, schools and quality of life attracted us as an ideal location to raise our family. With demographic trends and the reputation of our area as a great place to retire, it is critical for our economic vitality and continued quality of life that Orange County be a senior-friendly community. I am proud to live in Orange County and would welcome the opportunity to serve on the Advisory Board on Aging

Community Activities/Organizational Memberships:

Recent volunteer activities include:
-President, The Woodlands Homeowners Association
-Mentor, Venture Mentoring Service, Council for Entrepreneurial Development (CED), Durham
-Cub Scout leader, Pack 39, Chapel Hill
-School Improvement Team: Carrboro Elementary School and Frank Porter Graham Elementary School
-Spanish translator, Carrboro Elementary School and Frank Porter Graham Elementary School
-Basketball coach: YMCA, rec leagues and local clubs

Organizational memberships:
-Companion Connection (national membership organization of senior care professionals)
-Stanford Business School Alumni Association
-The CFA (Chartered Financial Analyst) Institute

For many years, my wife and I have been active volunteers in our children s schools and activities. As our boys have gotten older, these opportunities are diminishing, but my interest in community volunteering remains strong. I would welcome the opportunity to be involved with the Advisory Board on Aging.

Past Service on Orange County Advisory Boards:

Other Comments:

STAFF COMMENTS: Originally applied for Advisory Board on Aging 10/11/2012.
ADDRESS VERIFICATION: 119 Summergate Circle is Chapel Hill Township, Orange County Jurisdiction, AR Agricultural Residential.

This application was current on: 10/11/2012 1:55:01 PM **Date Printed:** 1/7/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Judy Miller
Name Called:
Home Address: 403 Jericho Rd.
Hillsborough NC 27278
Phone (Day): 919-732-9969
Phone (Evening): 919-241-3001
Phone (Cell):
Email: jmiller221@hotmail.com

Place of Employment: Hillsborough Veterinary Clinic
Job Title: receptionist
Year of OC Residence: 2005
Township of Residence: Cedar Grove
Zone of Residence: -
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Advisory Board on Aging

Commission for the Environment

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: I now have a job where I can give some back to the community as a board volunteer. I value deeply our older adults, animals and the environment. Which board to serve on is more a function of where I can best serve and meeting times.

Receptionist Hillsborough Veterinary Hospital, since 2006
Educational research consultant, UNC School of Nursing, Gerontological Nursing
Associate Dean, Duke University School of Nursing
Associate Dean, University of Portland, School of Nursing
Associate Professor, UNC School of Nursing
Board of Governors Award for Teaching Excellence, State of North Carolina
clinical nurse specialist, gerontological nursing
Director of Nursing, Assistant Director of Nursing - rehabilitation hospital and nursing home

Volunteer Experience: special event volunteer - hog day, hillsborough clean up

Education: PhD - gerontology, nursing. Oregon Health Sciences University, Portland Or.
MSN - nursing, post masters - education. Duke University
BS - nursing. Adelphi University, Garden City NY

Other Comments:

thank you for all you do!. I am available to serve anytime on Mondays, otherwise evenings after 6:30pm. STAFF COMMENTS: Originally applied for Animal Services Advisory Board, Advisory Board on Aging, and Commission for the Environment on 08/18/2011. ADDRESS VERIFICATION: 403 Jericho Road is Orange County Jurisdiction, Cedar Grove Township.

This application was current on: 8/18/2011 1:08:15 PM **Date Printed:** 1/7/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Deborah Rider
Name Called:	
Home Address:	2314 Red Oak CT. Hillsborough NC 27278
Phone (Day):	919-818-6489
Phone (Evening):	919-732-9476
Phone (Cell):	
Email:	drider1736@gmail.com
Place of Employment:	Home Care Assistance
Job Title:	Care Giver
Year of OC Residence:	2005
Township of Residence:	Hillsborough
Zone of Residence:	Hillsborough Town Limits
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Advisory Board on Aging

Board of Social Services

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: 30+ years with the state of Maryland from social services to policy analyzing, I did it all.

Volunteer Experience: I have volunteered at various k-12 school functions for my daughter. Avid animal lover. Cared for my parents until their deaths in 2000 and 2011.

Education: Dundalk High School 1967-1970 High School Diploma; University of Maryland Baltimore County 1970-1974 Bachelors in Social Work/Sociology; University of Maryland School of Social Work 1981-1983 Masters in Social Work and Community Planning

Other Comments:

STAFF COMMENTS: Applied 04/26/2012 for Advisory Board on Aging, Board of Social Services, Adult Care Home Community Advisory Committee. ADDRESS VERIFICATION: 2314 Red Oak Ct. is Hillsborough Township, Hillsborough Town Limits.

This application was current on: 4/26/2012 8:06:33 PM **Date Printed:** 1/7/2013

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 24, 2013

Action Agenda Item No. 11-b

SUBJECT: Agricultural Preservation Board – Appointment

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Recommendation
Application(s)/Resume(s) of Person(s) for Consideration
Interest List
Application(s)/Resume(s) of Person(s) on the Interest List

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making an appointment to the Agricultural Preservation Board.

BACKGROUND: The following appointment is for Board consideration:

- Appointment to a first term for Ms. Ashley Parker. If appointed Ms. Parker will be serving a first term in an at-large position expiring 06/30/2015.

POSITION NUMBER	SPECIAL REPRESENTATION	EXPIRATION DATE
14 Ms. Ashley Parker	At-Large	06/30/2015

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Board will consider making an appointment to the Agricultural Preservation Board.

Board and Commission Members

And Vacant Positions

Agricultural Preservation Board

Meeting Times: 7:30 p.m. third Wednesday of each month
Terms: 2
Contact Person: David Stancil
Meeting Place: Planning and Agricultural Building
Positions: 14
Length: 3 years
Contact Phone: 919-245-2522

Description: Members are appointed by the Board of Commissioners. The purpose of this board is to encourage the voluntary preservation and protection of farmland from non-farm development, recognizing the importance of agriculture to the economic and cultural life of the County.

1 **Ms. Elizabeth Walters**
VOLUNTARY AGRICULTURAL DISTRICT
7119 Highrock Road
Efland NC 27243

Day Phone: 919-563-3842
Evening Phone: 919-563-3842
FAX:
E-mail:

Sex: Female
Race: Caucasian
Township: Cedar Grove
Resid/Spec Req: Vol.Ag.District
Special Repr: High Rock/Efland Vol. Ag. Dist.

First Appointed: 05/04/1992
Current Appointment: 05/04/1992
Expiration:
Number of Terms:

2 **Ms Louise Tate**
VOLUNTARY AGRICULTURAL DISTRICT
8623 Harmony Church Road
Efland NC 27243

Day Phone: 919-563-5408
Evening Phone: 919-563-5408
FAX:
E-mail: weize@mebtel.net

Sex: Female
Race: Caucasian
Township: Cedar Grove
Resid/Spec Req: Vol.Ag.District
Special Repr: Cedar Grove Vol. Ag. Dist.

First Appointed: 03/16/1999
Current Appointment: 03/16/1999
Expiration:
Number of Terms:

3 **Ms. Kim Woods**
Co-Chair
2915 Pearson Rd.
Hurdle Mills NC 27541

Day Phone: 336-599-1195
Evening Phone: 919-732-9973
FAX:
E-mail: kim_woods@ncsu.edu

Sex: Female
Race: Caucasian
Township: Cedar Grove
Resid/Spec Req: Vol.Ag.District
Special Repr: Caldwell Vol. Ag. Dist.

First Appointed: 06/07/2011
Current Appointment: 06/07/2011
Expiration:
Number of Terms:

4 **VACANT**

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: Vol.Ag.District
Special Repr: New Hope/Hills. Vol. Ag. Dist.

First Appointed:
Current Appointment:
Expiration:
Number of Terms:

5 **VACANT**

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: Vol.Ag.District
Special Repr: Schley/Eno Vol. Ag. Dist.

First Appointed:
Current Appointment:
Expiration:
Number of Terms:

Board and Commission Members

And Vacant Positions

Agricultural Preservation Board

Meeting Times: 7:30 p.m. third Wednesday of each month | Terms: 2 | Contact Person: David Stancil

Meeting Place: Planning and Agricultural Building | Positions: 14 | Length: 3 years | Contact Phone: 919-245-2522

Description: Members are appointed by the Board of Commissioners. The purpose of this board is to encourage the voluntary preservation and protection of farmland from non-farm development, recognizing the importance of agriculture to the economic and cultural life of the County.

---

6 **Mrs. Renee McPherson**

3600 Mebane Oaks Road
Mebane NC 27302

Day Phone: 336-214-5965
Evening Phone: 336-214-5965
FAX:
E-mail: renee@mcphersonfarms.com

Sex: Female
Race: Caucasian
Township: Bingham
Resid/Spec Req: Enhanced VolAgDist
Special Repr: Cane Creek/Buckhorn Vol. Ag. Dist.

First Appointed: 05/15/2012
Current Appointment: 05/15/2012
Expiration:
Number of Terms:

---

7 **VACANT**

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: Vol.Ag.Dist.
Special Repr: White Cross Vol. Ag. Dist.

First Appointed:
Current Appointment:
Expiration:
Number of Terms:

---

8 **Mr. Roland Walters**

7119 High Rock Rd
Efland NC 27243

Day Phone: 5172041075
Evening Phone: same
FAX:
E-mail: roland.walters@gmail.com

Sex: Male
Race: Caucasian
Township: Cedar Grove
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 05/15/2007
Current Appointment: 06/07/2011
Expiration: 06/30/2013
Number of Terms: 3

---

9 **Mr. Allan Green**

5604 Dairyland Road
Hillsborough NC 27278

Day Phone: 919-933-5105
Evening Phone: 919-933-5105
FAX:
E-mail: allan@woodcrestfarmnc.com

Sex: Male
Race: Caucasian
Township: Bingham
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 10/28/2008
Current Appointment: 06/07/2011
Expiration: 06/30/2014
Number of Terms: 2

---

10 **Mr. Howard McAdams Jr**
Co-Chair

1616 Efland Cedar Grove Rd.
Efland NC 27243

Day Phone: 919-732-7701
Evening Phone: 919-732-5552
FAX:
E-mail:

Sex: Male
Race: Caucasian
Township: Cheeks
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 03/06/2008
Current Appointment: 05/15/2012
Expiration: 06/30/2015
Number of Terms: 2

Board and Commission Members

And Vacant Positions

Agricultural Preservation Board

Meeting Times: 7:30 p.m. third Wednesday of each month
Terms: 2
Contact Person: David Stancil
Meeting Place: Planning and Agricultural Building
Positions: 14
Length: 3 years
Contact Phone: 919-245-2522
Description: Members are appointed by the Board of Commissioners. The purpose of this board is to encourage the voluntary preservation and protection of farmland from non-farm development, recognizing the importance of agriculture to the economic and cultural life of the County.

11 **Mr. Joe Thompson**
5919 Allie Mae Rd
Cedar Grove NC 27231
Day Phone: 919-563-3220
Evening Phone:
FAX:
E-mail: ThompsonPrawnFarm @hotmail.co
Sex: Male
Race: African American
Township: Cedar Grove
Resid/Spec Req: At-Large
Special Repr:
First Appointed: 03/24/2009
Current Appointment: 05/05/2012
Expiration: 06/30/2015
Number of Terms: 2

12 **Ms. Lynnette Batt**
4805 Pleasant Green Road
Durham NC 27705
Day Phone: 410-212-9835
Evening Phone:
FAX:
E-mail: lynnettebatt@gmail.com
Sex: Female
Race: Caucasian
Township: Eno
Resid/Spec Req: At-Large
Special Repr:
First Appointed: 06/07/2011
Current Appointment: 06/07/2011
Expiration: 06/30/2014
Number of Terms: 1

13 **Mr. B. Patrick McGarry**
1250 Ephesus Church Rd. Apt F-6
Chapel Hill NC 27517
Day Phone: (919)928-8383
Evening Phone: (919)928-8383
FAX:
E-mail: mcgarryp2@aol.com
Sex: Male
Race: Other
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr:
First Appointed: 03/21/2006
Current Appointment: 06/02/2009
Expiration: 06/30/2012
Number of Terms: 2

14 **VACANT**
Day Phone:
Evening Phone:
FAX:
E-mail:
Sex:
Race:
Township:
Resid/Spec Req: At-Large
Special Repr:
First Appointed:
Current Appointment:
Expiration: 06/30/2012
Number of Terms:

Orange County Agricultural Preservation Board

PO Box 8181, Hillsborough, NC 27278

January 11, 2013

Barry Jacobs, Chair
Board of County Commissioners
PO Box 8181
Hillsborough, NC 27278

Re: Agricultural Preservation Board Appointment

Dear Chair Jacobs:

The Orange County Agricultural Preservation Board (APB) recommends that **Ashley Parker** be appointed to serve on the APB. Ms. Parker is part of a Voluntary Agricultural District farm in northeastern Orange County, and the Board feels she would be a strong addition to the group. Ms. Parker would replace Spence Dickinson (slot 14), whose term expired in June 2012.

Thank you on behalf of the APB.

Sincerely,

David Stancil
Director, Department of Environment, Agriculture, Parks and Recreation

Cc: Kim Woods and Howard McAdams, Co-Chairs

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Ashley Parker
Name Called:	
Home Address:	2211 Laws Store Road Hurdle Mills NC 27541
Phone (Day):	919-245-1008
Phone (Evening):	
Phone (Cell):	919-475-5211
Email:	ashleymorganparker@gmail.com
Place of Employment:	Self-employed
Job Title:	Farmer
Year of OC Residence:	1987
Township of Residence:	Cedar Grove
Zone of Residence:	Orange County
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Agricultural Preservation Board

As a young farmer who has grown up around agriculture, I feel as though I can provide insight and suggestions on keeping agriculture vibrant in Orange County.

Community Activities/Organizational Memberships:

Walnut Grove United Methodist Church: Member, Witness Chair, Covenant Council, Ministry Team. Person County Farmers Market member, Board of Directors.

Past Service on Orange County Advisory Boards:

No

Other Comments:

STAFF COMMENTS: Originally applied for Agriculture Preservation Board 01/07/2013.
ADDRESS VERIFICATION: 2211 Laws Store Road is in Cedar Grove Township, Orange County Jurisdiction, Agricultural Residential Zoning.

This application was current on: 1/7/2013 **Date Printed:** 1/14/2013

Applicant Interest Listing

by Board Name and by Applicant Name

Agricultural Preservation Board

Contact Person: David Stancil
Contact Phone: 919-245-2522

Dr. James Fickle
101 Steeplechase Road
Chapel Hill NC 27514

Day Phone: 919 933 4719
Evening Phone: 708 205-0255
Cell Phone:
E-mail: jimsfickle@aol.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 04/22/2012

Skills: Agricultural Research
Also Serves On:

Mr. Benjamin Filippo
1515 East Franklin Street, Apt. 27
Chapel Hill NC 27514

Day Phone: 5613085796
Evening Phone: 5613085796
Cell Phone:
E-mail: benjamin.filippo@gmail.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 08/26/2011

Skills: Teacher
Also Serves On:

Mr Clay Hudson
104 Williams St
PO Box 1051
Carrboro NC 27510

Day Phone: 919-593-0892
Evening Phone:
Cell Phone:
E-mail: hudsonclay@hotmail.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 04/23/2012

Skills: Agricultural Educator
Also Serves On:

Skills: Landscaping Business
Also Serves On:

Miss Danielle Mosley
476 Melanie Court
Chapel Hill NC 27514

Day Phone: 919-309-5685
Evening Phone:
Cell Phone:
E-mail: Dlynnm26@gmail.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 06/26/2012

Skills: Club Nova
Also Serves On:

Ms. Ashley Parker
2211 Laws Store Road
Hurdle Mills NC 27541

Day Phone: 919-245-1008
Evening Phone:
Cell Phone: 919-475-5211
E-mail: ashleymorganparker@gmail.com

Sex: Female
Race: Caucasian
Township: Cedar Grove
Date Applied: 01/07/2013

Skills: Farmer/Owner/Operator
Also Serves On:

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Dr. James Fickle
Name Called:
Home Address: 101 Steeplechase Road
Chapel Hill NC 27514
Phone (Day): 919 933 4719
Phone (Evening): 708 205-0255
Phone (Cell):
Email: jimsfickle@aol.com

Place of Employment: Retired
Job Title:
Year of OC Residence: 1997
Township of Residence: Chapel Hill
Zone of Residence: -
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:

Orange Water & Sewer Authority Board of Directors

Agricultural Preservation Board

Durham Technical Community College Board of Directors

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: 35 years in agricultural research with Mallinckrodt, Sandoz, BASF and Nufarm Americas. Positions evolved from practical field research in plant introduction through management in agricultural chemical product development.

Volunteer Experience: Boy Scouts of America (20 years)

Education: BS / MS / PhD degrees from Texas Tech University and University of Illinois. Agricultural studies including agronomy, plant physiology & pathology, weed science.

Other Comments:
I would like to serve on the OWASA board as water availability, use and quality are paramount to the county's future. I suggest my technical background in agriculture will allow me to quickly become knowledgeable on local issues and challenges. STAFF COMMENTS: Originally applied 9/24/2010 for OWASA Board of Directors, Agricultural Preservation Board and Durham Technical Community College Board of Directors. UPDATED APPLICATION FOR OWASA 04/16/2011. UPDATED APPLICATION FOR

OWASA 04/22/2012. ADDRESS VERIFICATION: Steeplechase Road is in Chapel Hill Township and Chapel Hill Jurisdiction.

This application was current on: 4/22/2012 **Date Printed:** 1/14/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Benjamin Filippo
Name Called:
Home Address: 1515 East Franklin Street, Apt. 27
Chapel Hill NC 27514
Phone (Day): 5613085796
Phone (Evening): 5613085796
Phone (Cell):
Email: benjamin.filippo@gmail.com

Place of Employment: Frank Porter Graham Elementary School
Job Title: Teacher Assistant - 5th Grade
Year of OC Residence: 2011
Township of Residence: Chapel Hill
Zone of Residence: C.H. City Limits
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:
Agricultural Preservation Board

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Frank Porter Graham Elementary School: Chapel Hill, NC 08/2011-Present
Teaching Assistant, 5th Grade: At FPG, I work in small groups with the 5th grade classes on reading, writing, mathematics, and social studies/science during the school-day. Additionally, I have a variety of roles and duties around the school.

Americorps (Inter-Faith Food Shuttle): Raleigh, NC 06/2011-08/2011
Americorps VISTA: At IFFS, I worked to develop educational signage/tours for their community gardens and farm programs. Additionally, I created hands-on workshops dealing with nutrition and food for their Single Serving program, and consulted on Social Media, Canning/Preserving, and other projects.

Butter Beans: Brooklyn, NY 08/2010-05/2011
Analyst: At Butter Beans, I catered healthful, local lunches to schools, discussing with students what the food means, where it comes from, etc. As the analyst, I prepared profit and loss reports, as well as managed the Social Media and conference attendance for Butter Beans. I additionally taught weekly cooking courses to students, and prepared lesson plans and information handouts for the students. I most recently spearheaded the Butter Beans Food & Garden Summer Camp, a hands-on seed-table program for kids 7-

12. (www.butterbeanskitchen.com)

This & That Jam: 08/2010-Present
Creator/Owner: I create seasonal, scratch-made preserves and jams, with the goal being to begin a national movement, teaching children and adults with fun, hands-on workshops, about the importance and fun of canning and preserving fruits and vegetables at their flavorful peak. (www.thisandthatjam.com)

New Amsterdam Market: New York, NY 09/2010-11/2010
Market Hand: At the market, held weekly on Sundays, I helped to set up the stands for vendors.

Fire Fly Farm: St. Albans, ME 06/2010-08/2010
Farm Apprentice: Working on various projects on an organic farm/bakery as an apprentice, including mowing, harvesting, planting, beekeeping, weeding, building, etc. I catered the 2010 Kneading Conference for 250 guests in Skowhegan, including preparing, cooking, and serving. Additionally, I helped run the market stand for Fire Fly at the Skowhegan, Belfast, Orono, and Bar Harbor Farmers Markets.

Tufts University, History Department: Medford, MA 09/2007-05/2010
Office Employee: Worked to maintain general office functions; scanning, copying, phones, databases, mail, etc.

New Entry Sustainable Farming Project: Lowell, MA 08/2009-01/2010
Intern: Working on the farm sites to build greenhouses, clear land, and work one-on-one with migrant farmers, helping them to establish their own farms. Surveying farmers to assess profit margins, and maintain and organize an online photo and video database for the organization.

GHK International Consulting: London, U.K. 02/2009-06/2009
Research Analyst: Prepared reports on genetically-modified foods and food policy for the European Union. Surveyed reports generated by the European Union and member states assessing the transparency, viability, and public opinion of current EU policy on genetically-modified food and feed.

WWOOF (Worldwide Opportunities on Organic Farms): Sirsa, India 03/2009-04/2009
Volunteer Farm worker: Helped with general farm maintenance, as well as harvesting potato and wheat crops. Designed an educational enclosed garden space for the farm, to teach future WWOOF volunteers and local students about organic farming practices.

Yonso Project: Boston, MA 02/2007-6/2007
Program Assistant: Organized and maintained donor database for the organization and distributed fundraising information to former donors, as well as seeking out potential donors.

Hemispheres Journal of Foreign Policy: Medford, MA 09/2006-01/2008
Assistant Editor, Photo Editor: Selected/edited article submissions for publication in the journal.

WMFO.91 Free-Form Radio: Medford, MA 09/2006-05/2008
Radio Host: Hosted radio show, â€œThe Endless Journey of Spam!â€

National Forensics League: multiple cities 2005-Present
Hired Professional Judge: Employed by various university debate teams to judge national-level high school debate tournaments and assessing the studentâ€™s performance in Lincoln-Douglas Debate, Public Forum Debate, and various speech events.

Volunteer Experience: MOFGA (Maine Organic Farmers/Growers Association), 2010
WWOOF (Willing Workers of Organic Farms), Grewal Organic Farm, Sirsa, India, 2009
Town of Jupiter (Florida) Parks and Recreation, Camp Counselor, 2004-2005

Education: B.A., Tufts University, History of Food/Arabic
School of Oriental and African Studies, Development/Anthropology of Food

Other Comments:

I have, for some time, been working in food and agriculture in various capacities. My partner, Alison, and I, moved to Chapel Hill in order to raise our first child, whom we are expecting in December. I would like to work to create sustainable, efficient, effective systems in Orange County. I believe that my unique background in farming, education, public speaking, and writing, would lend itself well to the Advisory Boards and Committees which I have selected preference for. STAFF COMMENTS: Originally applied for Agricultural Preservation Board, Chapel Hill Planning Board, and Piedmont Food & Agricultural Processing Center Steering Committee on 08/26/2011, ADDRESS VERIFICATION: 1515 East Franklin Street, Apt. 27, Chapel Hill is Chapel Hill Jurisdiction, Chapel Hill Township. Chapel Hill Town Limits.

This application was current on: 8/26/2011 6:30:41 PM **Date Printed:** 1/14/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr Clay Hudson
Name Called:
Home Address: 104 Williams St
PO Box 1051
Carrboro NC 27510
Phone (Day): 919-593-0892
Phone (Evening):
Phone (Cell):
Email: hudsonclay@hotmail.com
Place of Employment:
Job Title:
Year of OC Residence: 1998
Township of Residence: Chapel Hill
Zone of Residence: -
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:
Agricultural Preservation Board

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Landscape supervisor for various entities; Duke University, City of Durham, Davey Tree Expert Co....Agricultural Educator for local Commmunity (Middle/High Schools)...

Education: B.S., Biology; Guilford College, 1996
M.S., Agricultural Education, NC A&T State University, 2002

Other Comments:
Love the area, wish to be more active and helpful in any way possible...enjoy teaching and learning… STAFF COMMENTS: Originally applied for Agricultural Preservation Board, Commission for the Environment and Recreation and Parks Council 3/20/2009. REMOVED FROM CFE AND PARKS AND REC FOR NONATTENDANCE. 04/23/2012 REMOVED FROM APPLICANT INTEREST LIST DUE TO NO RESPONSE TO E-MAILS. REINSTATED 4/23/2012 AFTER RECEIPT OF E-MAIL RESPONSE INDICATING INTEREST. ADDRESS VERIFICATION: 104 Williams St, Carrboro is Chapel Hill township, CA jurisdiction.

This application was current on: 4/23/2012 **Date Printed:** 1/14/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Miss Danielle Mosley
Name Called:
Home Address: 476 Melanie Court
Chapel Hill NC 27514
Phone (Day): 919-309-5685
Phone (Evening):
Phone (Cell):
Email: Dlynnm26@gmail.com
Place of Employment:
Job Title:
Year of OC Residence: 2011
Township of Residence: Chapel Hill
Zone of Residence: C.H. City Limits
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Adult Care Home Community Advisory Committee

Board of Health

Agricultural Preservation Board

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Club Nova

Volunteer Experience: Club Nova

Education: Attending school for ged

Other Comments:
STAFF COMMENTS: Applied for Adult Care Home Community Advisory Committee, Board of Health, and Agricultural preservation Board on 06/26/2012. ADDRESS VERIFICATION: Melanie Court is Chapel Hill Township, Chapel Hill Town Limits.

This application was current on: 6/26/2012 11:06:45 AM **Date Printed:** 1/14/2013

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 24, 2013

Action Agenda Item No. 11-c

SUBJECT: Orange County Parks and Recreation Council - Appointment

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Letter of Recommendation
Application(s) of Person(s) Recommended
Applicant Interest Listing
Application(s) of Person(s) on Interest List

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making an appointment to the Orange County Parks and Recreation Council.

BACKGROUND: The following appointment is for Board consideration:

- Appointment to a partial first term for Ms. Erin Dillard. If appointed Ms. Dillard will be serving a partial first term ending 03/31/2013.

Position Number	Representation	Expiration Date
12 Ms. Erin Dillard	At-Large	03/31/2013

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Board will consider making an appointment to the Orange County Parks and Recreation Council.

Board and Commission Members

And Vacant Positions

Orange County Parks and Recreation Council

Meeting Times: 6:30 pm first Wednesday of each month | Terms: 2 | Contact Person: David Stancil

Meeting Place: Recreation and Parks Building, Area II | Positions: 12 | Length: 3 years | Contact Phone: 919-245-2510

Description: Each member of the Council shall be a County resident appointed by the Orange County Board of Commissioners. This council consults with and advises the Department of Environment, Agriculture, Parks and Recreation, and the Board of County Commissioners on matters affecting recreation policies, programs, personnel, finances, and the acquisition and disposal of lands and properties related to the total community recreation program, and to its long-range planning for recreation.

1 **Mr. Eric Roeder**
504 Cates Farm Rd
Chapel Hill NC 27514

Day Phone: 919-425-6465
Evening Phone: 919-260-3480
FAX:
E-mail: leroeder@gmail.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: Carrboro City Limits
Special Repr:

First Appointed: 11/15/2011
Current Appointment: 03/22/2012
Expiration: 03/31/2015
Number of Terms: 1

2 **Mr. Bryant Kelly Warren Jr.**
109 Holt Street
Hillsborough NC 27278

Day Phone: 919-280-3611
Evening Phone: 919-732-1115
FAX:
E-mail: bkwarrenjr@gmail.com

Sex: Male
Race: Caucasian
Township: Hillsborough
Resid/Spec Req: Hillsbr. Township
Special Repr: Hillsbr. Township

First Appointed: 09/20/2011
Current Appointment: 09/20/2011
Expiration: 03/31/2013
Number of Terms: 1

3 **Mrs. Betty Khan**
6023 Efland-Cedar Grove road
PO Box 185
Cedar Grove NC 27231

Day Phone:
Evening Phone: 919-732-8251
FAX:
E-mail: BKSKTX@aol.com

Sex: Female
Race: Caucasian
Township: Cedar Grove
Resid/Spec Req: Cedar Grove Twnsp.
Special Repr: Cedar Grove Twnsp.

First Appointed: 10/16/2012
Current Appointment: 10/16/2012
Expiration: 03/31/2015
Number of Terms: 1

4 **Mr. Joel Bulkley**
123 barclay rd.
chapel hill NC 27516-1402

Day Phone: 968-8741
Evening Phone: same
FAX: same
E-mail: Joelb13@earthlink.net

Sex: Male
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: C.Hill City Limits
Special Repr:

First Appointed: 11/15/2011
Current Appointment: 11/15/2011
Expiration: 03/31/2014
Number of Terms: 1

5 **Mr. Keith Bagby Sr.**
Co-Chair
902 Savannah Court
Hillsborough NC 27278

Day Phone: 919-765-4292
Evening Phone: (919) 245-3814
FAX:
E-mail: keith.bagby@bcbsnc.com

Sex: Male
Race: African American
Township: Hillsborough
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed: 03/21/2006
Current Appointment: 09/21/2010
Expiration: 03/31/2013
Number of Terms: 3

Board and Commission Members

And Vacant Positions

Orange County Parks and Recreation Council

Meeting Times: 6:30 pm first Wednesday of each month | Terms: 2 | Contact Person: David Stancil

Meeting Place: Recreation and Parks Building, Area II | Positions: 12 | Length: 3 years | Contact Phone: 919-245-2510

Description: Each member of the Council shall be a County resident appointed by the Orange County Board of Commissioners. This council consults with and advises the Department of Environment, Agriculture, Parks and Recreation, and the Board of County Commissioners on matters affecting recreation policies, programs, personnel, finances, and the acquisition and disposal of lands and properties related to the total community recreation program, and to its long-range planning for recreation.

6	VACANT	Day Phone:		Sex:		First Appointed:	
		Evening Phone:		Race:		Current Appointment:	
		FAX:		Township:		Expiration:	03/31/2015
		E-mail:		Resid/Spec Req:	Cheeks Twnsp	Number of Terms:	
				Special Repr:	Cheeks Township		
7	Mr. Neal Bench 397 Lakeshore Lane Chapel Hill NC 27514	Day Phone:	919-260-9058	Sex:	Male	First Appointed:	11/15/2011
		Evening Phone:	919-942-4050	Race:	Caucasian	Current Appointment:	11/15/2011
		FAX:		Township:	Chapel Hill	Expiration:	03/31/2014
		E-mail:	nj397bench@gmail.com	Resid/Spec Req:	Chapel Hill Twnsp	Number of Terms:	1
				Special Repr:	Chapel Hil Township		
8	VACANT	Day Phone:		Sex:		First Appointed:	
		Evening Phone:		Race:		Current Appointment:	
		FAX:		Township:		Expiration:	03/31/2011
		E-mail:		Resid/Spec Req:	Little River Townshi	Number of Terms:	
				Special Repr:	Little River Township		
9	Mr. Allan Green 5604 Dairyland Road Hillsborough NC 27278	Day Phone:	919-933-5105	Sex:	Male	First Appointed:	12/14/2010
		Evening Phone:	919-933-5105	Race:	Caucasian	Current Appointment:	09/20/2011
		FAX:		Township:	Bingham	Expiration:	03/31/2014
		E-mail:	allan@woodcrestfarmnc.com	Resid/Spec Req:	Bingham Township	Number of Terms:	1
				Special Repr:	Bingham Township		
10	Ms. Denise Dickinson Co-Chair 225 W. Margaret Lane Hillsborough NC 27278	Day Phone:	265-2638	Sex:	Female	First Appointed:	09/13/2005
		Evening Phone:	644-1364	Race:	Caucasian	Current Appointment:	09/21/2010
		FAX:		Township:	Hillsborough	Expiration:	03/31/2013
		E-mail:	ddickinson@pire.org	Resid/Spec Req:	Hillsbr. Town Limits	Number of Terms:	2
				Special Repr:			

Board and Commission Members

And Vacant Positions

Orange County Parks and Recreation Council

Meeting Times: 6:30 pm first Wednesday of each month | Terms: 2 | Contact Person: David Stancil

Meeting Place: Recreation and Parks Building, Area II | Positions: 12 | Length: 3 years | Contact Phone: 919-245-2510

Description: Each member of the Council shall be a County resident appointed by the Orange County Board of Commissioners. This council consults with and advises the Department of Environment, Agriculture, Parks and Recreation, and the Board of County Commissioners on matters affecting recreation policies, programs, personnel, finances, and the acquisition and disposal of lands and properties related to the total community recreation program, and to its long-range planning for recreation.

11 Mr James E. Carter

400 Dumont Drive
Hillsborough NC 27278

Day Phone: 732-2358
Evening Phone: 618-0482
FAX:
E-mail: jemmitt66@earthlink.net

Sex: Male
Race: African American
Township: Eno
Resid/Spec Req: Eno Township
Special Repr: Eno Township

First Appointed: 09/21/2010
Current Appointment: 09/21/2010
Expiration: 12/31/2012
Number of Terms: 1

12 VACANT

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: At-Large
Special Repr: At-Large

First Appointed:
Current Appointment:
Expiration: 03/31/2013
Number of Terms:

Orange County Parks and Recreation Council

PO Box 8181, 306-A Revere Road, Hillsborough, NC (919) 245-2510

December 12, 2012

Barry Jacobs, Chair
Board of County Commissioners
PO Box 8181
Hillsborough, NC 27278

Re: Recommended Appointment

Dear Chair Jacobs:

The Orange County Parks and Recreation Council (PRC) currently has a vacancy for an at-large position due to the resignation of Chuck Hobgood. The Council would like to recommend that applicant Erin Dillard be appointed to fill this position. The Council plans to work with staff to further solicit applications for the other Township vacancies for a future recommendation.

Ms. Dillard attended one of the recent Parks and Recreation Master Plan public input sessions, and Council members feel she would be a good addition to the Council with a unique and helpful perspective and background.

Thank you for consideration of this appointment.

Sincerely,

David Stancil
Director, Department of Environment, Agriculture, Parks and Recreation

Cc: Keith Bagby and Denise Dickinson, PRC Co-Chairs

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mrs. Erin Dillard
Name Called:	
Home Address:	4807 Governor Hunt Street Efland NC 27243
Phone (Day):	919-414-6573
Phone (Evening):	919-732-9019
Phone (Cell):	
Email:	erindillard0519@gmail.com
Place of Employment:	Duke University
Job Title:	Senior Research Administrator
Year of OC Residence:	1985
Township of Residence:	Cedar Grove
Zone of Residence:	Orange County
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Orange County Emergency Services Work Group (CURRENTLY NOT A

Orange County Parks and Recreation Council

As a life long citizen of Orange County I have seen the Parks & Recs grow. I participated in many of the programs through the Rec Department growing up and now am involved with my kids as they participate in the same programs as well as some new ones. I have visited most of the parks in the county and have volunteered on clean up days at some of them as well. I have seen the facilities grow from minimal to phenomenal during my lifetime and have seen how other parks throughout NC have become more Eco-friendly and still have many features that the communities desire and need. I am very involved in both my sons schools and talk with other people in the community on what they enjoy about Orange County and what they would like to see.

Community Activities/Organizational Memberships:

I am currently involved in missions work through my church, including the backpack program which provides food to children who would not normally have it over the weekend, ASP helps families throughout the Appalachian mountains make their homes warmer, safer and dryer and I attend public meetings on various issues through out the county, most recently I attended the Parks & Recs meeting at Walnut Grove UMC on the future of the county parks.

Past Service on Orange County Advisory Boards:

Work Experience: I wish to serve on the Orange County Emergency Services Work Group to help ensure that the residents of Orange County receive the quality services they deserve and have received in the past. As a life-long citizen of Orange County I know that the services provided by Emergency Management workers is valuable and life-saving in many cases.

Volunteer Experience: I have volunteered at Walnut Grove UMC in their various missions projects including local and national efforts.

Education: Currently an undergraduate student at UNC-CH.

Other Comments:

I look forward to being able to help serve the people of Orange County. STAFF COMMENTS: Originally applied for Orange County Emergency Services Work Group 01/03/2012. ADDRESS VERIFICATION: 4807 Governor Hunt Street, is Cedar Grove Township, Orange County Jurisdiction and Cedar Grove Fire Tax. 11/16/2012 - Appied for Orange County Parks & Recreation Council.

This application was current on: 11/16/2012 **Date Printed:** 1/7/2013

Applicant Interest Listing

by Board Name and by Applicant Name

Orange County Parks and Recreation Council

Contact Person: David Stancil
Contact Phone: 919-245-2510

Mr. Mark Anderson
2310 Stagecoach Dr.
Hillsborough NC 27278

Day Phone: 919-259-1295
Evening Phone: 919-423-6081
Cell Phone:
E-mail: mark.g.anderson@us.pwc.com

Sex: Male
Race: Caucasian
Township: Eno
Date Applied: 12/19/2012

Skills: Web Site Advisor
Also Serves On:

Mrs. Erin Dillard
4807 Governor Hunt Street
Efland NC 27243

Day Phone: 919-414-6573
Evening Phone: 919-732-9019
Cell Phone:
E-mail: erindillard0519@gmail.com

Sex: Female
Race: Caucasian
Township: Cedar Grove
Date Applied: 11/16/2012

Skills: Financial Advisor
Also Serves On:
Skills: Research Administrator
Also Serves On:

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. Brian Rowe
3235 Rigsbee Road N
Chapel Hill NC 27514

Day Phone: 919-389-2331
Evening Phone:
Cell Phone:
E-mail: bsrowe67@aol.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 01/05/2013

Skills: Accounting Experience
Also Serves On:
Skills: Insurance
Also Serves On:

Mr Michael Stewart
3303 Highland Farm Rd
Hillsborough NC 27278

Day Phone: 919=644=0499
Evening Phone: 919=644=0499
Cell Phone:
E-mail: mikestewartnc@gmail.com

Sex: Male
Race: Caucasian
Township: Cheeks
Date Applied: 12/22/2012

Skills: Coach
Also Serves On: Animal Services Advisory Board
Skills: Teacher

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr. Mark Anderson
Name Called:	
Home Address:	2310 Stagecoach Dr. Hillsborough NC 27278
Phone (Day):	919-259-1295
Phone (Evening):	919-423-6081
Phone (Cell):	
Email:	mark.g.anderson@us.pwc.com
Place of Employment:	PricewaterhouseCoopers LLP
Job Title:	Manager
Year of OC Residence:	2006
Township of Residence:	Eno
Zone of Residence:	Does not apply
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMEN

Orange County Parks and Recreation Council

Hillsborough Planning Board

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: I have over 18 years of experience dedicated to managing the design of web applications. I specializes in User Experience (UX) Design and have experience in functional and technical roles within the UX context. These include Usability, User Interface Design, Usability Evaluation, Usability Testing, Accessibility Evaluation and Information Architecture. I have performed multiple design and consulting roles during my career including Designer, Design Manager, Creative Director, Usability Engineer and Production Manager.

Volunteer Experience: Architecture Review Board Chairman, Auburn Neighborhoods, Durham 2003-2006

Education: Ohio State University Columbus OH, Graduate work in Geographic Information Systems design 1991-1993; Tongji University Shanghai, The People's Republic of China Grad Study Abroad Program Summer 1993; Purdue University West Lafayette IN Bachelor of Science (graduated with highest distinction) 1991; US Army 1984 - 1987, US Army Honorable Discharge 5/1987

St. Francis College Ft. Wayne IN Commercial Art and Design 1979-1981.

Other Comments:

STAFF COMMENTS: 05/02/2011 - Originally applied for Orange County Planning Board, Orange County Parks and Recreation Council, and Hillsborough Planning Board. UPDATED APPLICATION 02/13/2012 FOR OC PLANNING BOARD. UPDATED APPLICATION 12/19/2012 FOR PARKS AND REC. COUNCIL. ADDRESS VERIFICATION: 2310 Stagecoach Dr., Hillsborough is Orange County Jurisdiction and Eno Township.

This application was current on: 12/19/2012 **Date Printed:** 1/7/2013

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
Job Title:	Attorney
Year of OC Residence:	2010
Township of Residence:	Chapel Hill
Zone of Residence:	
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Human Relations Commission

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 Parks and Recreation Council

I have a young child who uses the parks in the county, so I am often a visitor. In addition, my background representing muncipalities as an attorney could be beneficial.

Community Activities/Organizational Memberships:

I am on the Board of Directors of the Orange County Rape Crisis Center. I am also active in my political party

Past Service on Orange County Advisory Boards:

None.

Other Comments:

This application was current on: 10/15/2012 12:33:23 PM **Date Printed:** 1/7/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Brian Rowe
Name Called:
Home Address: 3235 Rigsbee Road N
Chapel Hill NC 27514
Phone (Day): 919-389-2331
Phone (Evening):
Phone (Cell):
Email: bsrowe67@aol.com
Place of Employment: OE Enterprises, Inc.
Job Title: Accounting Manager
Year of OC Residence: 2011
Township of Residence: Chapel Hill
Zone of Residence:
Sex: Male
Ethnic Background: Caucasian

Boards/Commissions applied for:

Orange County Emergency Services Work Group (CURRENTLY NOT A

Orange County Parks and Recreation Council

Chapel Hill/Orange County Visitors Bureau

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: OE Enterprises, Inc. - Hillsborough, NC; NC Mutual Life Insurance Company - Durham, NC; Builders Mutual Life Insurance Company - Raleigh, NC

Volunteer Experience: American Red Cross; Jimmy V Celebrity Golf Classic; Special Olympics

Education: Bryant College - Smithfield, RI; BS/BA '89 - Concentration in Finance & Accounting

Other Comments:
I have recently relocated to Orange County from Wake County and have an interest in contributing to my community through volunteer opportunities throughout the county. STAFF COMMENTS: Originally applied (1/12/2012) for Orange County Emergency Services Work Group, Orange County Parks and Recreation Council, and Chapel Hill/Orange County Visitors Bureau. ADDRESS VERIFICATION: Rigsbee Road N is Orange County Jurisdiction, Eno Fire Tax, and Chapel Hill Township.

This application was current on: 1/5/2013 **Date Printed:** 1/7/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mr Michael Stewart
Name Called:	
Home Address:	3303 Highland Farm Rd Hillsborough NC 27278
Phone (Day):	919=644=0499
Phone (Evening):	919=644=0499
Phone (Cell):	
Email:	mikestewartnc@gmail.com
Place of Employment:	Retired
Job Title:	Teacher & Coach
Year of OC Residence:	1997
Township of Residence:	Cheeks
Zone of Residence:	Does not apply
Sex:	Male
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Orange County Parks and Recreation Council

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: 30 years as a teacher and coach in NC high schools and 5 years as an assistant coach in college football.

Volunteer Experience: Volunteered at schools in Orange County and the VA in Durham

Education: Graduate of North Davidson High School
Graduate of Guilford College w/ BS in Health and Physical Education

Other Comments:

STAFF COMMENTS: Originally applied for Orange County Parks and Recreation Council, Human Relations Commission, and Animal Services Advisory Board 04/09/2011. UPGRADED APPLICATION for Parks & Rec. 12/22/2012. ADDRESS VERIFICATION: 3303 Highland Farm Road is Orange County Jurisdiction and Cheeks Township.

This application was current on: 12/22/2012 **Date Printed:** 1/7/2013

DRAFT **INFORMATION ITEM** Date Prepared: 01/02/13
Date Revised: 01/16/13

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
12/11/12	Review and consider request by Commissioner Gordon that the Board receive an update in February 2013 on efforts related to the Addressing and Road-Naming Ordinance, including the work done so far, implementation plans for 2013, and actions residents need to take including how to comply with the Ordinance and learn new addresses	1/24/2013	Chair/Vice Chair/Manager	**DONE** Information Item on January 24, 2013 agenda - Staff currently making preliminary plans to provide update on February 19th
12/11/12	Review and consider request by Commissioner Price that the Board revisit the issues/goals/etc. related to the previously sun-set Commission for Women and determine if its goals are still being met	1/24/2013	Chair/Vice Chair/Manager	**DONE** Information Item on January 24, 2013 agenda – Tara Fikes to work with Commissioner Price to determine status of efforts
12/11/12	Review and consider suggestion by Commissioner Dorosin that staff consider some ways to inform the public of items on the consent agenda during the meeting	1/24/2013	Frank Clifton Donna Baker	**DONE** Information Item on January 24, 2013 agenda – Carla Banks to research television display of Consent Agenda
12/11/12	Conform transit resolutions as approved by the Board and move forward with efforts to implement transit tag fees and half cent sales tax	1/24/2013	John Roberts Craig Benedict	**DONE**
12/11/12	Move forward with planning for temporary emergency storm debris based on Board approved directions	2/01/2013	Gayle Wilson	Staff to move forward with next steps
12/11/12	As part of the January 24, 2013 public hearing on three new fire service districts, be prepared to address annexation laws/processes related to possible Town of Chapel Hill plans	3/19/2013	Michael Talbert	Activities postponed for further discussion and investigation - Staff to be prepared to discuss annexation provisions when item is discussed by the Board

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Effective Date of Report: January 7, 2013

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	$ 123,477,934.89	$ 11,142,785.51	$ 135,068,463.00	$ 11,590,528.11	91.42%
Prior Year Taxes	$ 4,026,736.27	$ 1,157,818.57	$ 2,548,528.72	$ 994,130.00	$ (163,688.57)	116.47%
Total	$ 139,095,199.27	$ 124,635,753.46	$ 13,691,314.23	$ 136,062,593.00	$ 11,426,839.54	**91.60%**

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	$ 122,671,483.55	$ 11,399,549.05	$ 131,785,329.00	$ 9,113,845.45	93.08%
Prior Year Taxes	$ 3,553,341.59	$ 1,099,664.45	$ 2,380,168.53	$ 843,846.00	$ (255,818.45)	130.32%
Total	$ 135,338,670.59	$ 123,771,148.00	$ 13,779,717.58	$ 132,629,175.00	$ 8,858,027.00	**93.32%**

Current Year Overall Collection Percentage Tax Year 2012	91.75%
Current Year Overall Collection Percentage Tax Year 2011	91.51%

*Accounts Receivable will increase throughout the fiscal year due to discoveries, audits and remaining billings for registered motor vehicles.

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

Effective Date of Report: December 31, 2012					
	September	October	November	December	YTD
Wage garnishments	51	16	20	-	218
Bank attachments	6	6	1	-	57
Certifications	3	2	3	-	8
Rent attachments	-	-	-	-	2
DMV blocks	6,475	1,366	1,245	3,341	20,363
Levies	40	4	6	-	50
Foreclosures initiated	3	1	3	-	16
NC Debt Setoff collections	$ -	$ 68.02	$ 860.09	$ 1,520.43	$ 3,014.90

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

BARRY JACOBS, CHAIR
EARL MCKEE, VICE CHAIR
MARK DOROSIN
ALICE M. GORDON
BERNADETTE PELISSIER
RENEE PRICE
PENNY RICH

ORANGE COUNTY BOARD OF COMMISSIONERS
POST OFFICE BOX 8181
200 SOUTH CAMERON STREET
HILLSBOROUGH, NORTH CAROLINA 27278

January 16, 2013

Dear Commissioners,

At the Board's December 11, 2012 regular meeting, three petitions were brought forth by Commissioners, which were reviewed by the Chair/Vice Chair/Manager Agenda team and the petitions and responses are below.

1) Review and consider request by Commissioner Gordon that the Board receive an update in February 2013 on efforts related to the Addressing and Road-Naming Ordinance, including the work done so far, implementation plans for 2013, and actions residents need to take including how to comply with the Ordinance and learn new addresses.
   ***Response*: Tax Administrator is making preliminary plans to provide an update at the February 19th BOCC regular meeting.**

2) Review and consider request by Commissioner Price that the Board revisit the issues/goals/etc. related to the previously sun-set Commission for Women and determine if its goals are still being met.
   ***Response*: Housing, Human Rights and Community Development Director Tara Fikes will discuss these concerns with Commissioner Price and will include a written follow-up to the entire Board.**

3) Review and consider suggestion by Commissioner Dorosin that staff consider some ways to inform the public of items on the consent agenda during the meeting
   ***Response*: Members of the public attending regular meetings have access to hard copies of agenda; agenda is posted beside the web stream on the internet; and the Director of Public Affairs to address this issue as concerns the television audience.**

This letter will be provided as an Information Item on the January 24, 2013 agenda for public information.

Regards,

Barry Jacobs, Chair
Board of County Commissioners

CC: Frank Clifton, County Manager
Dwane Brinson, Tax Administrator
Tara Fikes, Housing, Human Rights and Community Development Director
Carla Banks, Director of Public Affairs

INFORMATION ITEM

MEMORANDUM

To: Orange County Board of Commissioners

From: Michael S. Talbert, Assistant County Manager

Date: January 17, 2013

Re: Proposed New Greater Chapel Hill Fire Service District

Attachments: Agenda Item 9 from the Town of Chapel Hill Business Meeting 1/14/13

On January 14, 2013 the Chapel Hill Town Council considered the County's request to provide fire protections in a proposed New Greater Chapel Hill Fire Service District. Attached are the Executive Summary, Town Managers Recommendation, Staff Report from Chief Dan Jones and Resolution A.

There was a long discussion by the Manager and Town Council around the three options the Manager presented for the Council's consideration.

1. Refuse to provide the protection outside Town limits except for mutual aid.

2. Require that the affected residents petition for annexation in order to receive primary fire protection.

3. As requested, enter into a service agreement with Orange County to extend our current fire district area to provide protection to the affected neighborhoods.

The Town Manager did not recommend any of the options. The Town Council unanimously approved a Resolution A, requesting Orange County Government's assistance in encouraging the residents of the proposed New Greater Chapel Hill Fire Service District to seek annexation onto the Town of Chapel Hill. The Town is not interested in expanding the existing Chapel Hill Fire District.

There is no need to move forward with further discussion of 3 New Fires Service Districts that were presented to the Board on December 11, 2012.

All of the existing Fire Protection Districts will remain in place for Fiscal 2013/2014 and staff will continue to look for other solutions. There are no easy solutions to this problem.

TOWN OF CHAPEL HILL
NORTH CAROLINA

Meeting Date: 1/14/2013
AGENDA #9

EXECUTIVE SUMMARY

Title of Agenda Item: Consider Orange County Request to Enlarge Greater Chapel Hill Fire District. (R-5)(R-6)

Background: In order to provide relief from exceedingly high homeowner insurance rates to the property owners in the area, Orange County is seeking to shift a portion of the Southern Triangle Fire District to the Greater Chapel Hill Fire District (currently a small unincorporated area of Winter Road & Meadow Lane). The area to be realigned encompasses Azalea, Bayberry Road and Chimeneas neighborhoods and would be covered by Chapel Hill Fire Station #5 which currently provides mutual aid to North Chatham for these residences. Information provided to the County Commissioners by their staff and previously to the Town Council can be found at the following link:http://www.co.orange.nc.us/occlerks/121113.pdf.

Within the last 24 months, homeowners insurance companies have significantly improved the accountability for the location of their insured properties through the use of G.I.S. and other technologies. As a result, identifying which fire department protects properties they insure is more precise, affecting Insurance Services Organization (ISO) ratings and insurance premium rates. The previous method for determining coverage was largely based on mailing addresses and proximity to any fire station.

The unincorporated neighborhood south of Chapel Hill, north of Mt. Carmel Church Road (known as the Southern Triangle Fire District) is being impacted by these improvements in determining fire protection coverage. Insurance companies over the years gave them credit for being protected by Chapel Hill even though they were actually protected by the North Chatham VFD. Since the discrepancy has been identified, their insurance rates have doubled, tripled or been canceled. Residents have petitioned Orange County to change their protection district to Chapel Hill from North Chatham to return to lower insurance rates. In response to this petition, options for the Town include:

1. Refuse to provide the protection outside Town limits except for mutual aid responses. (No revenue for the Town for service provided; no financial relief for the property owners)
2. Require that the affected residents petition for annexation in order to receive primary fire protection. This would be consistent with the stated plans for the area to become part of the Town as reflected in its incorporation in the Urban Services District and the Extra-territorial jurisdiction of the Town.
3. As requested, enter into a service agreement with Orange County to extend our current fire district area to provide primary protection to the affected neighborhoods.

Fiscal Note: If the area is annexed (option 2), property tax revenues from the area would generate approximately $954,537.84 per year. The Town would also benefit from increased sales tax revenue, Powell Bill funds and other population based revenues. Accepting this Fire District and imposing a tax rate of $.15 (15 cents) (option 3) would generate about $289,839.43 for the Town of Chapel Hill. Because we are already responding to this area under mutual aid agreements, there would be no immediate impact on the Fire Department's budget. In consideration of equity for Chapel Hill

taxpayers inside the Town, the recommended tax rate would distribute the proportional cost of fire service and future capital expenses to the residents of this area.

Recommendations: That the Council consider these options to determine appropriate direction.

ATTACHMENTS:
Viewing attachments may require Adobe Acrobat.

Manager's Cover Memorandum
Staff Memorandum
Resolution A
Resolution B
Area Map
County Property Tax Revenue Projections
County Letter and ToCH Manager's Response
ISO Grading Comparison

MEMORANDUM

TO: Mayor and Town Council

FROM: Roger L. Stancil, Town Manager

SUBJECT: Triangle Fire District request from Orange County

DATE: January 14, 2013

PURPOSE

The staff memorandum from Fire Chief Dan Jones provides an analysis and describes options relative to Orange County's request to realign fire districts in the southern part of the County. The County proposes to a contract with Chapel Hill to provide fire protection in a service district within the urban services boundary, but outside of and adjacent to Town limits, to serve a particular neighborhood. We have no obligation to provide primary fire protection outside of the Town limits. We do have mutual aid agreements in place to provide response assistance to our neighboring emergency services agencies. This neighborhood currently benefits from such an agreement. Orange County has identified, from their perspective, that a service agreement with Chapel Hill for fire protection is their first choice to resolve the issue.

ISSUES and CONCERNS

Orange County and the Towns of Chapel Hill and Carrboro have a long standing plan for orderly growth of urban areas while preserving rural areas of the County. This plan has been successful in minimizing sprawl within Orange County, allowing municipalities to provide urban level services and preserving the benefits of nearby rural areas and farms. The neighborhood in question is included in the urban services boundary and the Town's extra-territorial jurisdiction and, under past policies of the state, clearly intended to be part of the Town eventually. I am not sure why this area has not been annexed under previous annexation authorities.

Recent actions by the NC General Assembly have severely limited the ability of Towns to initiate annexation. A referendum is now required and a simple majority of all registered voters from only the proposed annexed area who actually vote in the referendum voting against the annexation would prevent the annexation from going into effect. For annexation of this neighborhood to occur through voluntary petition, it must be initiated by a 100% petition from the property owners. In all meetings with Orange County and citizens on this issue we have reiterated our position that annexation would be the most effective means to resolve this issue and the solution we recommend first and foremost. Because the petition process requires 100% of the affected properties to be party to the request, it is practically impossible to achieve that outcome and in this case there are residents who have already stated opposition to that option. Annexation would avail those residents the full benefit of all Town services and also include them as participants in Town direction and cost of service.

There is a business argument to accept the County's request to provide the fire protection service and receive the associated revenue since the Fire Chief's analysis indicates that the service demand can be absorbed within existing resource levels. Since we already respond to this area

(via mutual aid agreement) we could consider the service district arrangement to recoup revenue and offset our costs rather than the revenue otherwise go elsewhere.

From an urban policy perspective, however, the intent of an urban services boundary area is to provide those services as part of the normal progression to annexation into the municipal jurisdiction. Parsing out services on a menu selection or pay as you go basis dilutes the benefits of full annexation and places the burden of supporting necessary infrastructure and organizational function systems on the Town residents alone while others receive the services, particularly when the service fees or district taxes pay only for the specific and direct service rendered.

RECOMMENDATION

I recommend that the Council consider these perspectives and provide direction. Resolution A asks Orange County to facilitate a discussion with the residents of these affected neighborhoods that explores and educates the benefits of annexation for their properties not only from a fire protection standpoint but from a standpoint of full Town services. Resolution B authorizes the Town Manager to work with the County to implement the fire district changes.

This situation points to how our ability to plan for orderly and sustainable growth is affected by changes in the state and federal levels of government. I recommend that Council begin to consider the recent changes by the General Assembly in annexation and other laws that affect the Town's ability to manage its growth and remain a sustainable community and how these changes affect our current system of joint planning, urban services districts and extraterritorial jurisdiction.

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Daniel Jones, Fire Chief

SUBJECT: Orange County Request to Enlarge Greater Chapel Hill Fire District

DATE: January 14, 2013

INTRODUCTION

Tonight, the Council is being asked to consider a request from Orange County to encompass a portion of the Southern Triangle Fire Protection District into the existing Greater Chapel Hill Fire Protection District (outside of Chapel Hill corporate limits) in order to mitigate the costs of homeowners insurance imposed on residents in the area currently being served by the North Chatham VFD. These residents have recently experienced sharp increases in homeowner's insurance premiums due to insurance companies becoming more accurate in determining legal fire protection coverage areas. Previously these residents were considered by their respective insurers to be within Chapel Hill's fire protection due to the proximity to Chapel Hill fire station #5. As a result they received lower insurance premiums than they would receive if covered by North Chatham VFD. Chapel Hill currently responds into this area on an "automatic mutual aid" agreement with North Chatham VFD for fires and other incidents, however, Chapel Hill is not the legally responsible jurisdiction for the area which is how insurance is determined.

BACKGROUND

The State of North Carolina anticipates that areas developed to urban standards will be provided fire protection by cities. When that development occurs outside of a Town, the State uses a system of fire districts to provide fire protection to unincorporated areas. This is done either by the establishment of a tax district or a service district. These districts are administered by the Counties through franchises or contracts with volunteer fire departments or adjoining municipal fire departments.

By its inclusion within the urban services boundary and the extraterritorial jurisdiction of the Town of Chapel Hill, the Town and County's joint planning anticipated that this area would eventually be within the Town limits. Because of recent changes to the State's annexation laws, the Town's ability to initiate this annexation have been severely limited.

Chapel Hill has not traditionally provided fire protection outside of the municipal limits with the exception of a very small "donut hole" unincorporated area known as the Greater Chapel Hill

Fire District which includes about 6 residences on Winter Road and Meadow Lane adjacent to Merritt's Pasture on NC 54 By-pass. Orange County has contracted with North Chatham VFD to cover the southeastern portion of the County for decades. Part of the area was also historically covered by Carrboro Fire Department. When Chapel Hill annexed Southern Village in 2000 it divided the fire districts and created pockets of coverage including the areas of Bayberry, Azalea and Chimeneas.

North Chatham provides an Insurance Services Organization (ISO) rated coverage of 6 (on a scale of 1-10) but this only applies within six miles of the jurisdictions nearest fire station. In the case of the Azalea, Bayberry and Chimeneas neighborhood, they are beyond the six mile limit from North Chatham station #2 and thusly are rated an ISO-10 which is equivalent to no coverage. Chapel Hill fire protection is rated at an ISO-3 and the approximate distance for the farthest part of the neighborhood is less than 3 miles. Chapel Hill and North Chatham VFD both participate in a County-wide mutual aid agreement whereby neighboring fire departments assist each other in major incidents or on fringe jurisdiction incidents where the neighboring department is as close as or closer than the department having jurisdiction. This neighborhood in discussion is such an area and Chapel Hill has provided automatic mutual aid to North Chatham in this area for over 10 years. Being residential, this is not a high service demand area. In FY 2011-12, the Chapel Hill Fire Department has only responded into this neighborhood twice; and for a period of the last 5 years has only recorded sixteen incidents requiring fire response. The Chapel Hill Police also have a mutual aid agreement with the Orange County Sheriff for this area and for a period of the last 24 months have recorded nineteen responses to incidents in this area.

On May 10, 2012, Orange County hosted an information meeting for the public to discuss rising concerns about insurance rates in the neighborhoods of Azalea, Bayberry and Chimeneas. The meeting was facilitated by Assistant County Manager Michael Talbert. A couple of County Commissioners were present as were North Chatham Fire Chief John Strowd and Chapel Hill Fire Chief Dan Jones. Approximately 30 residents of the neighborhood in question attended and took turns telling about their insurance rate increases or in some cases, cancellations. Mr. Talbert explained the potential options including change of fire districts, voluntary annexation into the Town of Chapel Hill, building a closer North Chatham VFD station or no action at all. Most of the residents present were opposed to annexation and in favor of a change of fire districts. Chief Strowd explained that building another fire station was not financially feasible and everyone agreed that doing nothing was not an option. Residents also expressed a desire to change the ISO distance rules but it was explained that those were controlled by the State Legislature and could not be done locally.

After a series of back and forth discussions this past summer between Mr. Talbert and the Fire Chiefs, Mr. Talbert appeared before the Chapel Hill Town Council on December 3, 2012 to request consideration for the Town of Chapel Hill to enter an agreement with Orange County to provide fire protection to the neighborhood identified as including Azalea, Beechridge, Grey

Bluff, Chestnut, Bayberry, Morgan Cliff, Flagstone, Silers Fen, Rhododendron, Arbutus, Bolinas, Serrano, Majestic, Umbrio, Madera and Chimeneas streets. This area has a total tax valuation of $193,226,284 and one cent equals $18,515. The neighborhood in question is in the extraterritorial planning jurisdiction of Chapel Hill and within the urban services boundary.

DISCUSSION

This issue is not a question of emergency services delivery or life safety. It is an issue of planned urban growth and how State regulatory control and insurance ratings impacts homeowners financially. Through the mutual aid agreements, the Town of Chapel Hill Fire Department historically and currently responds to reports of fires or other life threatening incidents in this neighborhood and takes necessary actions to save life and property until North Chatham VFD units arrive.

The Town of Chapel Hill has three distinct options relative to this request:

Option 1 - Refuse to provide the protection outside Town limits except for mutual aid. This option does not resolve the financial and insurance issue for the homeowners in the neighborhood but does not withhold any potential lifesaving or property saving services they currently receive through the standing mutual aid agreements. This also creates the question of what to do about the small Greater Chapel Hill Fire District of Winter Road and Meadow Lane. Since through mutual aid we continue to respond into this area without financial remuneration for our services the Town would not benefit from the additional revenue created by the fire service district. Since we in Chapel Hill benefit significantly from neighboring fire departments mutual aid assistance as well it would be an extreme risk for us to terminate our mutual aid agreements.

Option 2 - Require that the affected residents petition for annexation in order to receive primary fire protection. This is a viable option and would provide the residents the full range of public services of the Town of Chapel Hill including fire protection. This would appear to be the quickest and easiest way to resolve this issue but would require the residents to petition the Town to initiate annexation. However, these residents already enjoy the benefits of Chapel Hill residency because they receive mutual aid from the Town's fire and police departments, have access to other Town amenities such as parks and library, and receive OWASA water and sewer since they are within the Urban Services boundary. There is little motivation for them to petition for annexation other than to mitigate the increase in their homeowner's insurance premiums, if other options are not available. The difference between the cost of paying Town taxes (49.4 cents) in the case of voluntary annexation and the increase in their insurance premiums is unknown.

Option 3 – As requested, enter into a service agreement with Orange County to extend our current fire district area to provide primary protection to the affected neighborhoods. This option is requested by Orange County and also requires approval by the State Fire Marshal's office. We would enter a service agreement with Orange County and become the primary fire jurisdiction for the affected area. Residents would realize the ISO rating of the Chapel Hill Fire

Department and enjoy a reduction in insurance premium rates. The Town would advise Orange County of the tax rate necessary to cover our costs equivalent to the costs our residents currently pay. The County would collect the fire tax on the Town's behalf. The Chapel Hill Fire Department can reasonably provide this protection without any immediate budgetary impact. Depending upon other future growth or density in the vicinity of Fire Station #5 this neighborhood could contribute to overall response needs in the area that cumulatively has the potential for additional resource needs. The primary response for this neighborhood would come from station #5 (US 15-501 and Bennett Road) with backup from station #2 (Hamilton Road) and station #1 (MLK Jr. Blvd and Columbia). Mutual aid would be received from North Chatham VFD. Although this area is already covered with OWASA fire hydrants there is a need to install three additional hydrants to improve distribution and access.

In order for this issue to be resolved by the beginning of FY 2013-14 it is necessary to make a determination as soon as possible. Any solution will require Town of North Chatham VFD, Town of Chapel Hill, Orange County and the NC State Fire Marshal's Office approval. There would also need to be time to change dispatching data in the Orange 911 Communications Center for this area.

FISCAL IMPACT

Currently the Chapel Hill Fire Department responds to the neighborhood in question as a first response agency on mutual aid. Therefore, the addition of the service area does not initially create any additional workload or service demand. The additional workload would be represented in the form of fire cause investigations, hazard investigations and public education opportunities. The demand for these services in unknown at this time, but we believe they can be absorbed in our current task assignments in the near -term.

Annexation of this area would increase the tax base of the Town approximately $193,226,284, and generate recurring property tax revenue in the amount of $954,537.84. Additionally, the Town would benefit from increased sales tax revenue, Powell Bill funds and other population based revenues.

If we were to accept the County's request for a service agreement we would recommend the setting of a Fire District Tax rate of 15 cent. This rate is estimated to be equivalent to the rate incurred by Town residents for municipal fire protection, which is incorporated into the property taxes paid to the Town. Approximately 12 cents would be needed to cover the operating expense of the fire department, and the remaining 3 cents applied to long-term capital expenses (facilities, equipment, etc.) This would generate approximately $289,839.43 per year in additional fire tax revenue for the Town of Chapel Hill.

Fire District Tax Calculation

District Valuation		193,226,284	*per County*
TOCH Valuation		7,353,675,000	
Total Valuation		7,546,901,284	
Cost of Fire Services:			
Operating Costs	$	7,883,812	*FY13 Budget*
OH Cost		890,049	*(see below)*
Capital		296,000	
Total	$	9,069,861	

Overhead Calculation:		
Personnel Cost	$	6,592,955
Overhead Rate		13.5%
OH Cost	$	890,049

RECOMMENDATION

We recommend that the Council consider the options for a response to Orange County. The Fire Department staff is prepared to implement and carry out your direction.

RESOLUTION A

A RESOLUTION REQUESTING ORANGE COUNTY GOVERNMENT'S ASSISTANCE IN ENCOURAGING THE RESIDENTS OF A NEIGHBORHOOD THAT INCLUDES AZALEA, BEECHRIDGE, GREY BLUFF, CHESTNUT, BAYBERRY, MORGAN CLIFF, FLAGSTONE, SILERS FEN, RHODODENDRON, ARBUTUS, BOLINAS, SERRANO, MAJESTIC, UMBRIO, MADERA and CHIMENEAS STREETS TO SEEK ANNEXATION INTO THE TOWN OF CHAPEL HILL IN ORDER TO RECEIVE BENEFITS OF MUNICIPAL FIRE PROTECTION AND REDUCE THEIR HIGH COST OF HOMEOWNER'S INSURANCE PREMIUMS (2013-01-14/R-5)

WHEREAS, the Town of Chapel Hill has received a petition from Orange County government, asking for Town Council to consider providing fire protection service to a neighborhood south of an adjoining Town limit; and

WHEREAS, the reason for this request is to provide financial relief to the residents of that neighborhood who have received significant increases in insurance premium rates due to their travel distance from the current service provider; and

WHEREAS, Chapel Hill Fire Station #5 is in the immediate vicinity and already provides mutual aid automatic response for the purpose of life and property saving; and

WHEREAS, there is little benefit to the Town of Chapel Hill to provide said service other than additional revenue to offset costs of providing said protections however the Council wishes to be a good partner to Orange County and assist them in resolving this issue and believes the best and quickest way to resolve the issue is annexation into the Town limits of Chapel Hill.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is directed to formally request that Orange County suggest and encourage and the residents and property owners of the neighborhood that includes Azalea, Beechridge, Grey Bluff, Chestnut, Bayberry, Morgan Cliff, Flagstone, Silers Fen, Rhododendron, Arbutus, Bolinas, Serrano, Majestic, Umbrio, Madera and Chimeneas streets to petition the Town of Chapel Hill for annexation as soon as possible either by presenting a formal petition for annexation with the signatures of 100% of the property owners or by a petition of residents demonstrating to the Town's satisfaction that there is sufficient support to merit the Town initiating the steps for annexation under part 7, Article 4a, Chapter 160A of the General Statutes.

This the 14th day of January, 2013.