



**Orange County  
Board of Commissioners**

**Agenda**

**Regular Meeting**

November 5, 2013

7:00 p.m.

Central Orange Senior Center

103 Meadowlands Drive

Hillsborough, NC 27278

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

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

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

**PUBLIC CHARGE**

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

**2. Public Comments (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. An Orange County Proclamation Honoring the Military Order of the Purple Heart
- b. Voluntary and Enhanced Agricultural District Designations for Multiple Farms – Dunn, Neville, Compton, Shambley, Durham, Johnson, and Thompson



- c. “The Nature of Orange” Photography Contest

## **5. Consent Agenda**

- Removal of Any Items from Consent Agenda
  - Approval of Remaining Consent Agenda
  - Discussion and Approval of the Items Removed from the Consent Agenda
- a. Minutes
  - b. Motor Vehicle Property Tax Releases/Refunds
  - c. Property Tax Releases/Refunds
  - d. Applications for Property Tax Exemption/Exclusion
  - e. Tax Refund Request – Robert H. Pope
  - f. Legal Advertisement for Quarterly Public Hearing – November 25, 2013
  - g. Request for Road Addition to the State Maintained Secondary Road System
  - h. Bid Award – McGowan Creek Sewer Interceptor Project and Approve Budget Amendment #2-D
  - i. Approval of Contract with Springsted, Incorporated
  - j. Change in BOCC Regular Meeting Schedule for 2013

## **6. Public Hearings**

- a. Zoning Atlas Amendment – Keizer Rezoning of 2.7 Acre Parcel – 3604 Southern Drive – Public Hearing Closure and Action (No Additional Comments Accepted)
- b. Zoning Atlas Amendment – Keizer Rezoning of Two Parcels Totaling 16.1 Acres – Public Hearing Closure and Action (No Additional Comments Accepted)
- c. Unified Development Ordinance Text Amendment Related to Holding a Neighborhood Information Meeting for Governmental Uses – Public Hearing Closure and Action (No Additional Comments Accepted)
- d. Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan
- e. North Carolina Community Transportation Program Administrative and Capital Grant Applications for FY 2015
- f. Public Hearing on the Financing of Various Capital Investment Plan Projects and County Equipment

## **7. Regular Agenda**

- a. Orange County Public Library Strategic Plan (2013-2016)
- b. Southern Branch Library Siting Criteria, Process Update
- c. BOCC Rules of Procedure Revision

## **8. Reports**

## **9. County Manager’s Report**

## **10. County Attorney’s Report**

## **11. Appointments**

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



### **13. Information Items**

- October 15, 2013 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- 2013 NC Legislation Update and Impact on Planning
- BOCC Chair Letter Regarding Petitions from October 15, 2013 Regular Meeting

### **14. Closed Session**

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

### **15. Adjournment**

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

*Note: Access the agenda through the County’s web site, [www.orangecountync.gov](http://www.orangecountync.gov)*

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

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

**SUBJECT:** An Orange County Proclamation Honoring the Military Order of the Purple Heart

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**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

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**PURPOSE:** To consider a proclamation honoring the Military Order of the Purple Heart and Purple Heart recipients residing in Orange County.

**BACKGROUND:** The Purple Heart is the oldest decoration in present use and was initially created as the Badge of Military merit by George Washington in 1782.

The Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to any member of the United States Armed Services wounded or killed in combat while serving the United States against opposing armed forces.

There have been many Orange County residents who made the ultimate sacrifice for the cause of freedom and many combat wounded Veterans and Purple Heart recipients who live in the County.

**FINANCIAL IMPACT:** None

**RECOMMENDATION(S):** The Interim Manager recommends that the Board approve and authorize the Chair to sign the attached proclamation honoring the Military Order of the Purple Heart and declaring Orange County as a "Purple Heart County in the State of North Carolina".

## **ORANGE COUNTY BOARD OF COMMISSIONERS**

### **A PROCLAMATION HONORING THE MILITARY ORDER OF THE PURPLE HEART**

**WHEREAS**, the Purple Heart is the oldest decoration in present use and was initially created as the Badge of Military merit by George Washington in 1782; and,

**WHEREAS**, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to any member of the United States Armed Services wounded or killed in combat while serving the United States against opposing armed forces; and,

**WHEREAS**, the mission of the Military Order of the Purple Heart, chartered by an act of Congress, is to foster an environment of goodwill among the combat wounded veteran members and their families, promote patriotism, support legislative initiatives and most importantly-make sure we never forget; and,

**WHEREAS**, there have been many Orange County residents who made the ultimate sacrifice for the cause of freedom and many combat wounded Veterans and Purple Heart recipients who live in the County;

**NOW, THEREFORE, WE THE ORANGE COUNTY BOARD OF COMMISSIONERS** do hereby bestow honor and gratitude to all combat-wounded Veterans and those who have received the Military Order of the Purple Heart, and proudly proclaim Orange County as a

**“PURPLE HEART COUNTY IN THE STATE OF NORTH CAROLINA”**

This the 5th day of November, 2013.

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Barry Jacobs, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

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

**SUBJECT:** Voluntary and Enhanced Agricultural District Designations for Multiple Farms –  
Dunn, Neville, Compton, Shambley, Durham, Johnson, and Thompson

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**DEPARTMENT:** Environment, Agriculture,  
Parks and Recreation  
(DEAPR); Soil & Water  
Conservation

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

No
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**ATTACHMENT(S):**

1) Applications and Maps

**INFORMATION CONTACTS:**

David Stancil, 919-245-2510  
Gail M. Hughes, 919-245-2753  
Peter Sandbeck, 919-245-2517

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**PURPOSE:** To consider applications from multiple landowners/farms to certify qualifying farmland within the Cedar Grove, High Rock/Efland, Schley/Eno, and White Cross Voluntary Agricultural Districts; and enroll the lands in the Orange County Voluntary Agricultural District (VAD) and the Enhanced Voluntary Agricultural District (EVAD) programs.

**BACKGROUND:** Orange County’s Voluntary Farmland Preservation Program was started in 1992. To date, 28 farms have enrolled in the Voluntary Agricultural District (VAD) program, and 5 farms have enrolled in the Enhanced Voluntary Agricultural District (EVAD) program, totaling 5,838 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 August 21, 2013 and October 16, 2013, the Orange County Agricultural Preservation Board reviewed the findings of the staff assessments for the attached applications for the Orange County VAD program. All farm applications were reviewed and verified to have met or exceeded the minimum criteria for certification into the program. The Agricultural Preservation Board voted unanimously to recommend approval of the certification for the seven farms and 780 acres of farmland and their inclusion in the Voluntary and Enhanced Voluntary Agricultural District program. The certification documentation is on file in the DEAPR/Soil and Water Conservation District office. The farms are described briefly below:

#### Brief Farm Descriptions:

1) Owners of the Rose Walters Dunn and Robert M. Dunn farm have submitted an application to enroll one parcel of land totaling 64.29 acres, located in the High Rock/Efland Community on High Rock Road, as qualifying farmland for the Enhanced Voluntary Agricultural District (EVAD) program (High Rock/Efland Agricultural District). The farm operation is comprised of hay land, pasture, livestock, and managed forestry/woodland acres. The Rose and Robert Dunn Farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

2) The owner of the A. Gordon Neville farm has submitted an application for one parcel of land totaling 100.31 acres, located in the White Cross community on Old Greensboro Road, as qualifying farmland for the Voluntary Agricultural District (VAD) program (White Cross Agricultural District). The farm operation is comprised of a beef cattle operation, hay crops, pasture, and managed forestry/woodland. The A. Gordon Neville farm has been evaluated

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

3) Owners of Compton Farm, Vaughn and Marcia Compton, have submitted an application to enroll three (3) parcels of land totaling 166.28 acres, located in the Cedar Grove Community on Hurdle Mills Road and Caviness Jordan Road, as qualifying farmland for the Voluntary Agricultural District (VAD) program (Cedar Grove Agricultural District). The farm operation is comprised of a poultry operation, tobacco, grain, hay crops, and managed forestry/woodland. The Vaughn and Marcia Compton Farm has been evaluated against each of the VAD certification requirement standards and meets or exceed all of the measures above.

4) Owner of Cedar Grove Farm, Inc., Kathy Caruthers Shambley, has submitted an application to enroll one (1) ) parcel of land totaling 74.34 acres located in the Cedar Grove Community on Eland-Cedar Grove Road, as qualifying farmland for the Voluntary Agricultural District (VAD) program (Cedar Grove Agricultural District). The farm operation is comprised of a dairy operation, pasture land, corn, grain, hay crops, and managed forestry/woodland. The Kathy Caruthers 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 Walter Durham and Linda Durham farm have submitted an application to enroll six (6) parcels of land totaling 298.31 acres located in the White Cross community as qualifying farmland for the Voluntary Agricultural District (VAD) program (White Cross Agricultural District). The farm operation is comprised of managed forestry/woodland. The Walter and Linda Durham Farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

6) The owner of the Mary Sue Johnson farm has submitted an application to one (1) parcel of land totaling 70.83 acres located in the Schley community on Schley Road, as qualifying farmland for the Voluntary Agricultural District (VAD) program (Schley/Eno Agricultural District). The farm operation is comprised of a hay crops, pasture, and managed forestry/woodland. The Mary Sue Johnson farm has been evaluated against each of the VAD certification requirement standards and meets or exceeds all of the measures above.

7) REVISION: Owners of the Thompson Prawn Farm, Joe and Geraldine Thompson, have submitted an application to revise the approved VAD application to the EVAD (Enhanced Voluntary Agricultural District). The revision will include two (2) parcels of land totaling 57.28 acres, located in the Cedar Grove community on Allie Mae Road, as qualifying farmland for the Enhanced Voluntary Agricultural District (EAD) program (Cedar Grove Agricultural District). The farm is very diverse with a primary focus on a prawn operation and local market produce for farm and farmers market sales. The Thompson Prawn Farm owned by Joe and Geraldine Thompson Farm has been evaluated against each of the EVAD 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 farms meet the certification requirements as per the Agriculture Preservation Board's findings.

**FINANCIAL IMPACT:** There is no fiscal impact associated with this item. Voluntary agricultural districts are non-monetary and non-binding conservation agreements. Enhanced Voluntary Agriculture Districts are non-monetary and are binding 10-year conservation agreements.

**RECOMMENDATION(S):** The Interim Manager recommends that the Board certify the seven (7) farm properties noted above totaling 710.57 acres (VAD) and 121.39 acres (EVAD) as denoted in the attached documentation as qualifying farmland, and designate it as a Voluntary or Enhanced Voluntary Agricultural District farm within the Cedar Grove, High Rock/Efland, Schley/Eno, and White Cross Voluntary Agricultural Districts; and enroll the lands in the Orange County Voluntary Agricultural District (VAD) and the Enhanced Voluntary Agricultural District (EVAD) programs.

With approval of these additional acres, the Orange County Voluntary Agricultural District Program will have enrolled 6,058 acres in the VAD and 612 acres in the EVAD for a total of 6,670 acres (rounded).

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 VAD/EVAD brochure provided;  
Complete the form as completely as possible; sign and date the form, and return to:

Gail M. Hughes  
Orange County Dept. of Environment, Agriculture, Parks and Recreation  
Soil and Water Conservation Division  
P.O. Box 8181 (306 Revere Road)  
Hillsborough, NC 27278

APPLICANT:

Name: Rose Walters Dunn and Robert M. Dunn

Address: 7500 High Rock Rd.

City: Efland State: NC Zip Code: 27243-9226

Phone Number (Day): 919-563-3814 (Evening): \_\_\_\_\_

E-Mail: rosaree@mehtel.net

PROPERTY INFORMATION:

Property Location/Address(s): 7500 High Rock Rd.

Agriculture District /Township: High Rock /Efland District

Parcel Identification Number (PIN): 9826897903 Acres 64.29

Parcel Identification Number (PIN): \_\_\_\_\_ Acres \_\_\_\_\_

Total Number of Acres on all tracts of land: 64.29

Does this land have a plan on file with the USDA-Natural Resources Conservation Service or the NC Forest Service?

Yes: XXX No: \_\_\_\_\_ If "No", please complete back of form

Is the land enrolled in Present Use Value taxation program with Orange County Tax Office?

Yes: XXX No: \_\_\_\_\_ If "No", please complete back of form

**CONSERVATION AGREEMENT DETAIL of VAD and EVAD:**

**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 Orange County Agricultural Preservation Board. A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed for an additional term of ten years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each ten-year term, the Conservation Agreement shall automatically renew for an additional ten-year term unless notice of termination is given.

**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. A Conservation Agreement for an Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of three years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three-year term the Conservation Agreement shall automatically renew for an additional three-year term unless notice of termination is given.

**I [We] have read the Conservation Agreement details above and I [we] understand the benefits of the VAD and/or EVAD program.**

SIGNATURE Rose Walters Dunn

DATE 7-29-2013

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

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

**OWNER[S] CERTIFICATION:**

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

Signature: Rose W. Dunn

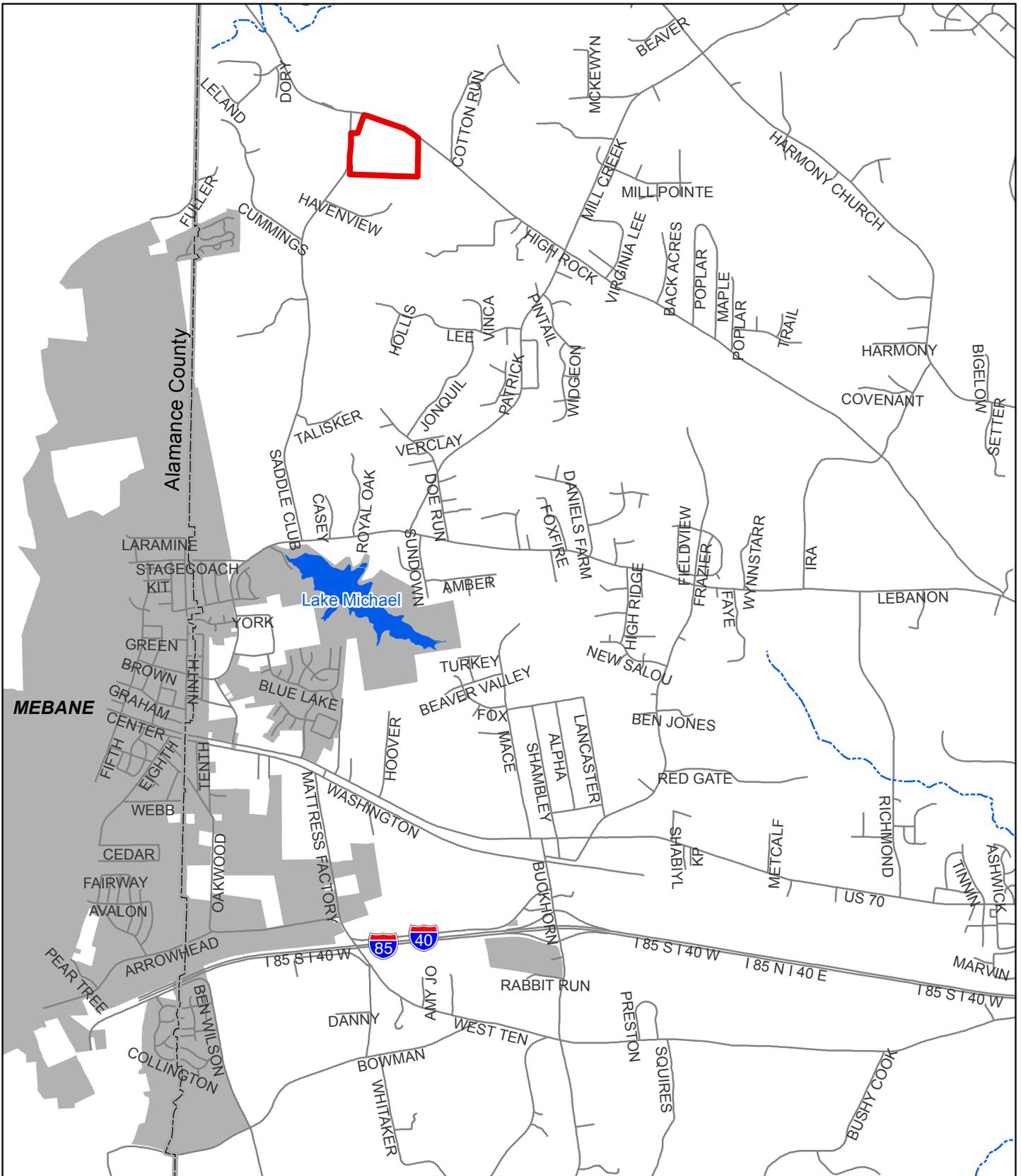
Date: 7-29-2013

Signature: Robert M. Dunn

Date: 7/29/2013

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**Rose Dunn  
Enhanced Voluntary Agricultural District  
PIN 9826897903 (64.29 acres)  
Exhibit A Vicinity Map**

 Dunn Farm (64.29 acres)  
 Streets

 1 inch = 3,829 feet

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/10/2013  
 OC 220K <O:\gishome\gisprojects\land\_resource\WAD\_Dunn.mxd





**Rose Dunn**  
**Enhanced Voluntary Agricultural District**  
**PIN 9826897903 (64.29 acres)**  
**Exhibit B Site Map**

-  Dunn Farm (64.29 acres)
-  Parcel boundary

2012 aerial



1 inch = 322 feet

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/10/2013  
 OC 220K <O:\gishome\gisprojects\land\_resource\WAD\_Dunn.mxd





**CONSERVATION AGREEMENT DETAIL of VAD and EVAD:**

**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 Orange County Agricultural Preservation Board. A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed for an additional term of ten years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each ten-year term, the Conservation Agreement shall automatically renew for an additional ten-year term unless notice of termination is given.

**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. A Conservation Agreement for an Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of three years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three-year term the Conservation Agreement shall automatically renew for an additional three-year term unless notice of termination is given.

**I [We] have read the Conservation Agreement details above and I [we] understand the benefits of the VAD and/or EVAD program.**

SIGNATURE A. Gordon Neville DATE 7/26/2013

**Please check which designation/program you wish to apply.**

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

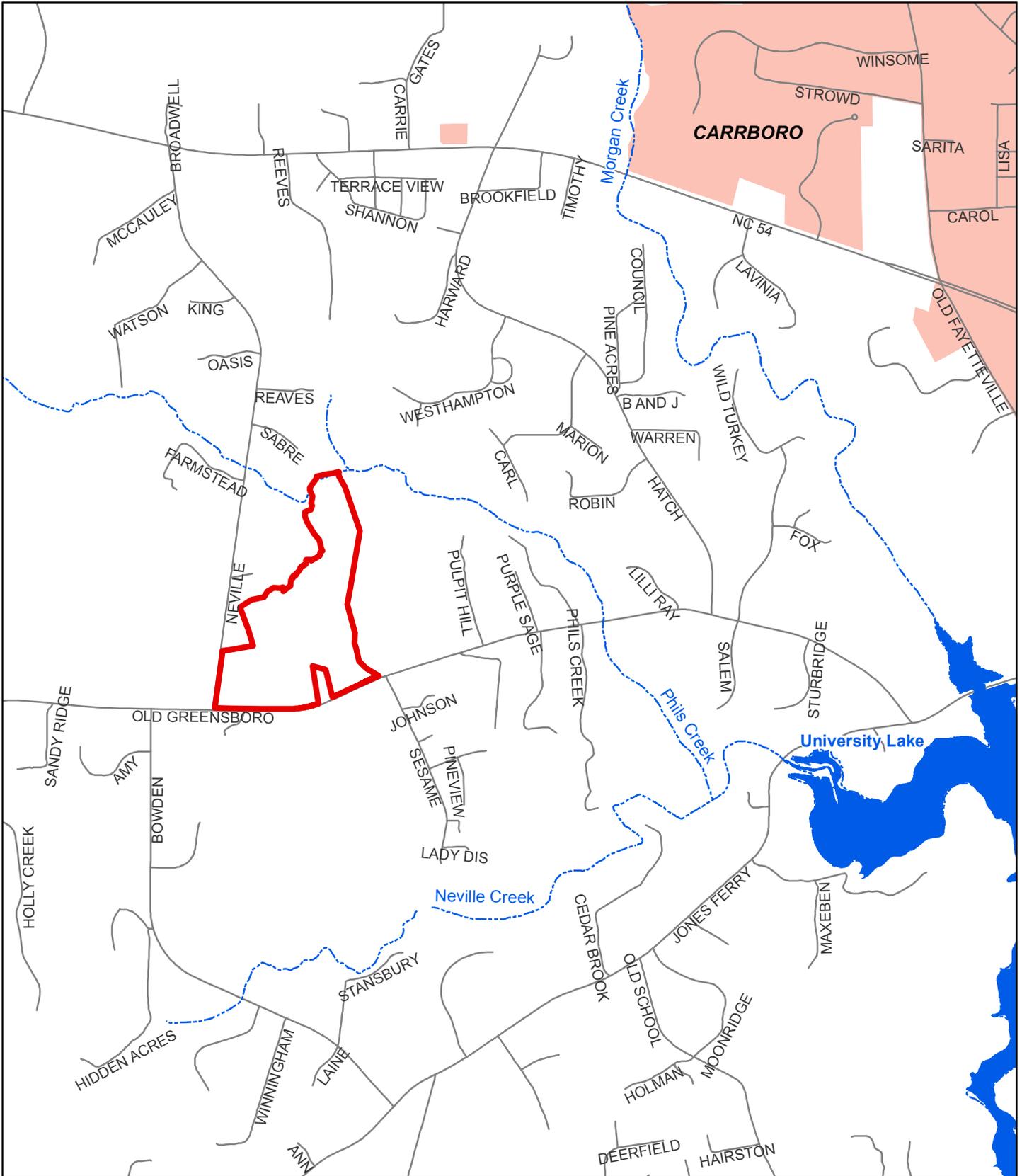
I [WE] ARE SEEKING DESIGNATION AS AN ENHANCED VOLUNTARY AGRICULTURAL DISTRICT.

**OWNER[S] CERTIFICATION:**

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

Signature: A. Gordon Neville Date: 7/26/2013

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**A. Gordon Neville  
Voluntary Agricultural District  
PIN 9768143592 (100.31 acres)  
Exhibit A Vicinity Map**

- Neville Farm (100.31 acres)
- Streets

 1 inch = 2,000 feet

Dept. of Environment, Agriculture,  
Parks and Recreation Map prepared by  
Land Records GIS Div. Jones 10/11/2013  
OC 220K <O:\gishome\gisprojects\  
land\_resource\WAD\_Dunn.mxd





**A. Gordon Neville  
 Voluntary Agricultural District  
 PIN 9768143592 (100.31 acres)  
 Exhibit B Site Map**

 Neville Farm (100.31 acres)

2012 aerials



1 inch = 444 feet

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/11/2013  
 OC 220K <O:\gishome\gisprojects\land\_resource\WAD\_Dunn.mxd





**CONSERVATION AGREEMENT DETAIL of VAD and EVAD:**

**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 Orange County Agricultural Preservation Board. A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed for an additional term of ten years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each ten-year term, the Conservation Agreement shall automatically renew for an additional ten-year term unless notice of termination is given.

**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. A Conservation Agreement for an Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of three years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three-year term the Conservation Agreement shall automatically renew for an additional three-year term unless notice of termination is given.

**I [We] have read the Conservation Agreement details above and I [we] understand the benefits of the VAD and/or EVAD program.**

SIGNATURE Wayne Compton DATE 7-27-13

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

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

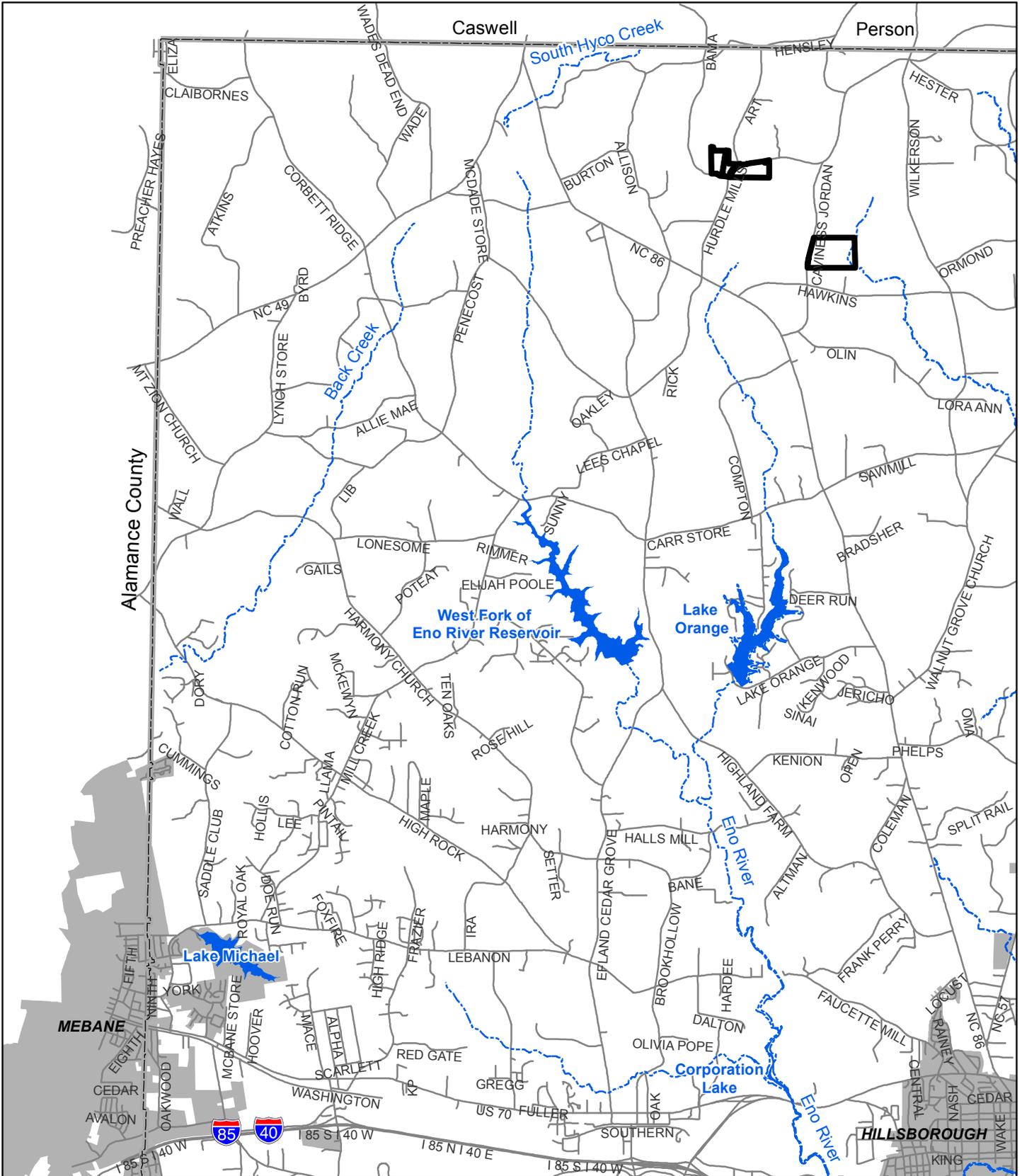
**OWNER[S] CERTIFICATION:**

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: Wayne Compton Date: 7-27-13

Signature: Ms B Compton Date: 7-27-13

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



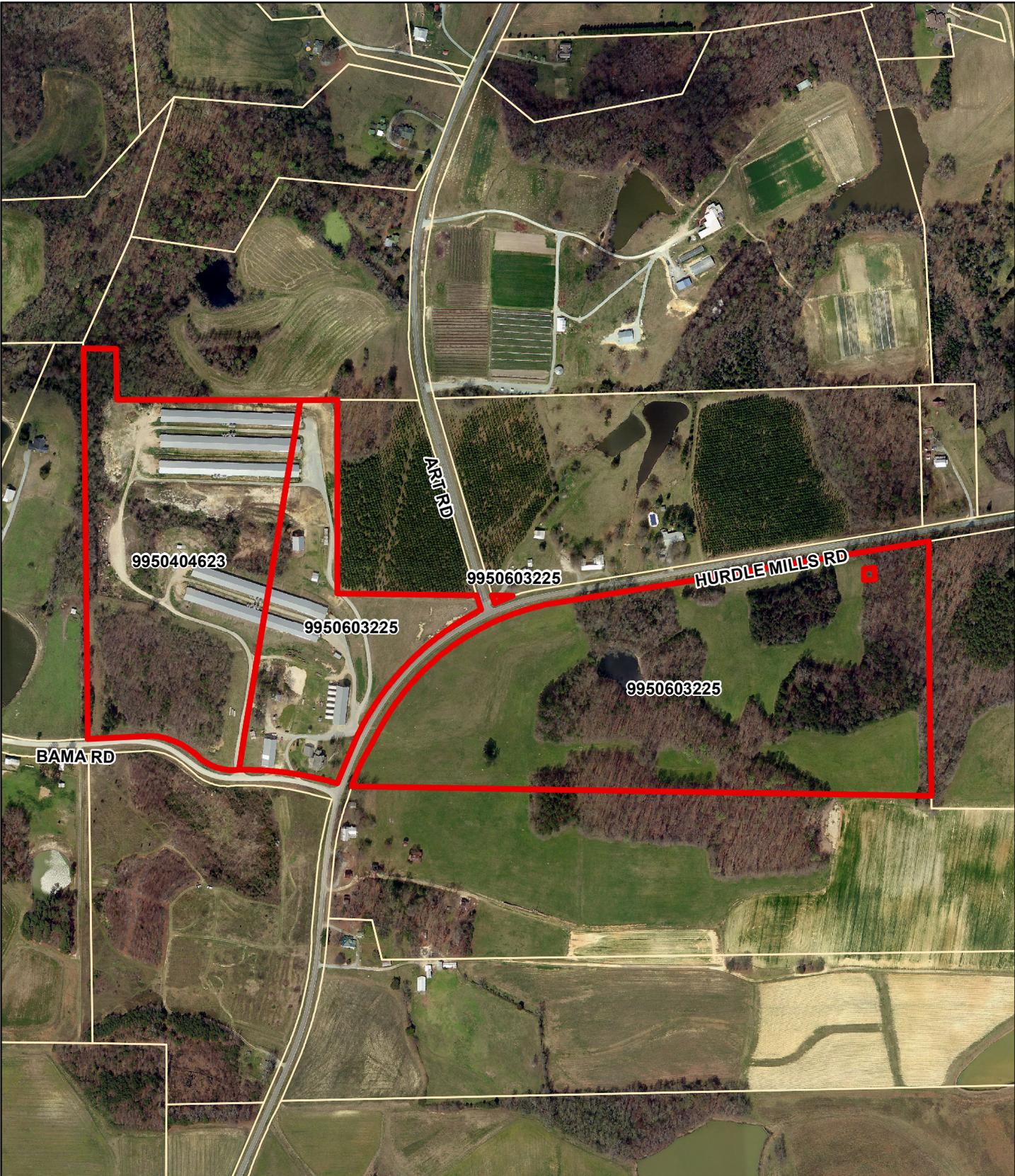
**Vaughan & Marcia Compton**  
**Voluntary Agricultural District**  
**PIN 9950404623 (22.09 acres)**  
**PIN 9950603225 (50.68 acres)**  
**PIN 9869057771 (93.51 acres)**  
**Exhibit A Vicinity Map**

 Compton Farm (166.28 acres)  
 Streets

 1 inch = 7,420 feet

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/11/2013  
 OC 220K <O:\gishome\gisprojects\land\_resource\VAD\_Dunn.mxd





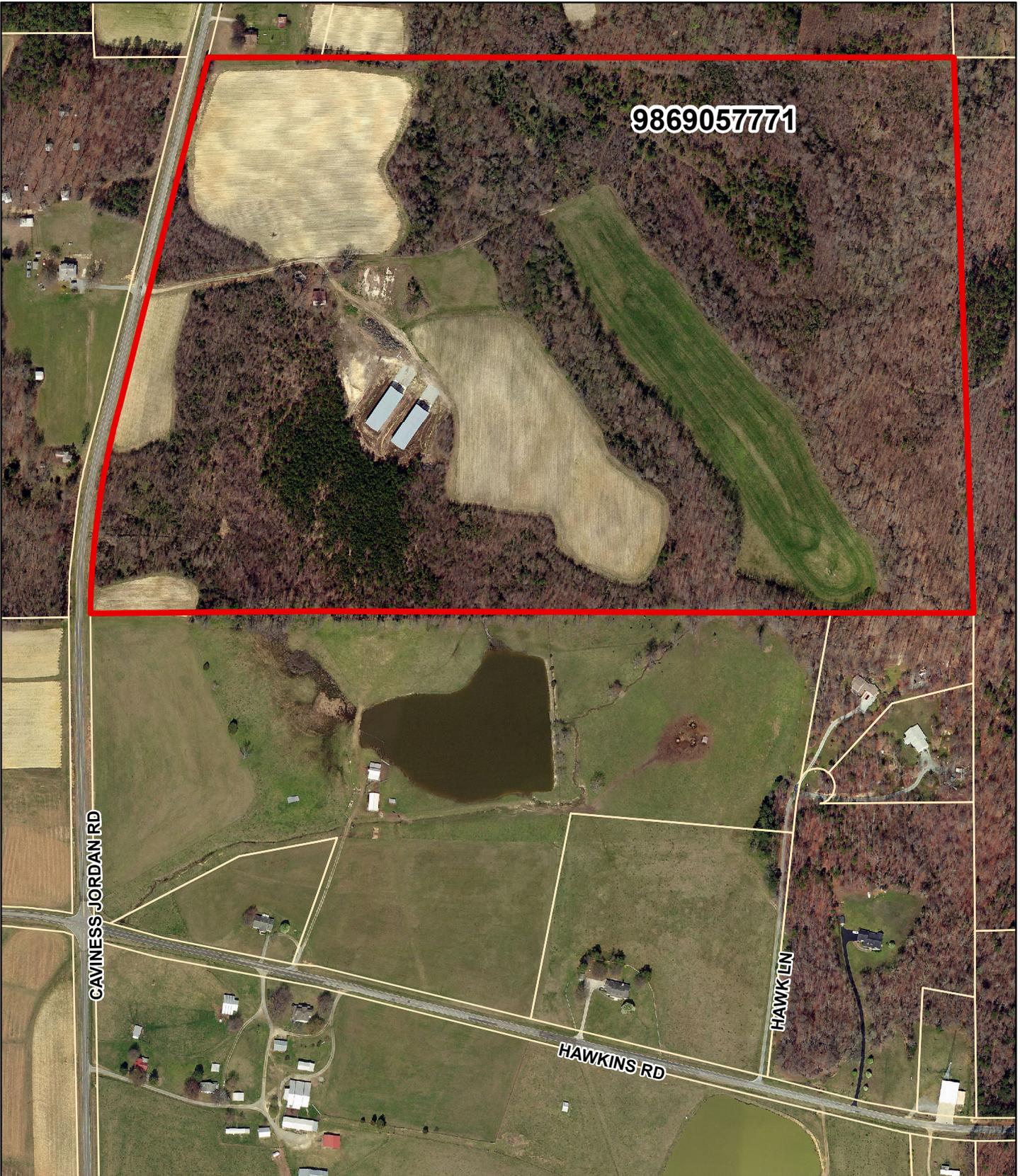
**Vaughan & Marcia Compton  
 Voluntary Agricultural District  
 PIN 9950404623 (22.09 acres)  
 PIN 9950603225 (50.68 acres)  
 Exhibit B Site Map**

 Compton Farm (166.28 acres)  
 2012 aerials

 1 inch = 509 feet

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/11/2013  
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 land\_resource\VAD\_Dunn.mxd





9869057771

CAVINESS-JORDAN RD

HAWKINS RD

HAWKIN RD

Vaughan & Marcia Compton  
 Voluntary Agricultural District  
 PIN 9869057771 (93.51 acres)  
 Exhibit B Site Map



1 inch = 403 feet

 Compton Farm (166.28 acres)  
 2012 aerials

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/11/2013  
 OC 220K <O:\gishome\gis\projects\  
 land\_resource\VAD\_Dunn.mxd



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

**INSTRUCTIONS:**

Before completing the application, please review the VAD/EVAD brochure provided;  
Complete the form as completely as possible; sign and date the form, and return to:

Gail M. Hughes  
Orange County Dept. of Environment, Agriculture, Parks and Recreation  
Soil and Water Conservation Division  
P.O. Box 8181 (306 Revere Road)  
Hillsborough, NC 27278

**APPLICANT:**

Name: Cedar Grove Farm, Inc. c/o Kathy Caruthers Shambley  
Address: 4223 Efland Cedar Grove Rd.  
City: Hillsborough State: NC Zip Code: 27278  
Phone Number (Day): 919-451-2472 (Evening): 919-732-5177  
E-Mail: kshambley@centurylink.net

**PROPERTY INFORMATION:**

Property Location/Address(s): 4223 Efland-Cedar Grove Rd., (farm primary address)  
Agriculture District /Township: Cedar Grove District

Parcel Identification Number (PIN):	<u>9857140619</u>	Acres	<u>74.32</u>
Parcel Identification Number (PIN):	<u>                    </u>	Acres	<u>                    </u>
Parcel Identification Number (PIN):	<u>                    </u>	Acres	<u>                    </u>
Parcel Identification Number (PIN):	<u>                    </u>	Acres	<u>                    </u>
Parcel Identification Number (PIN):	<u>                    </u>	Acres	<u>                    </u>
Parcel Identification Number (PIN):	<u>                    </u>	Acres	<u>                    </u>

Total Number of Acres on all tracts of land: 74.32

Does this land have a plan on file with the USDA-Natural Resources Conservation Service or the NC Forest Service?

Yes: XXX No:                      If "No", please complete back of form

Is the land enrolled in Present Use Value taxation program with Orange County Tax Office?

Yes: XXX No:                      If "No", please complete back of form

**CONSERVATION AGREEMENT DETAIL of VAD and EVAD:**

**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 Orange County Agricultural Preservation Board. A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed for an additional term of ten years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each ten-year term, the Conservation Agreement shall automatically renew for an additional ten-year term unless notice of termination is given.

**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. A Conservation Agreement for an Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of three years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three-year term the Conservation Agreement shall automatically renew for an additional three-year term unless notice of termination is given.

**I [We] have read the Conservation Agreement details above and I [we] understand the benefits of the VAD and/or EVAD program.**

SIGNATURE Kelley Caruthers Shambly DATE 8/8/13

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

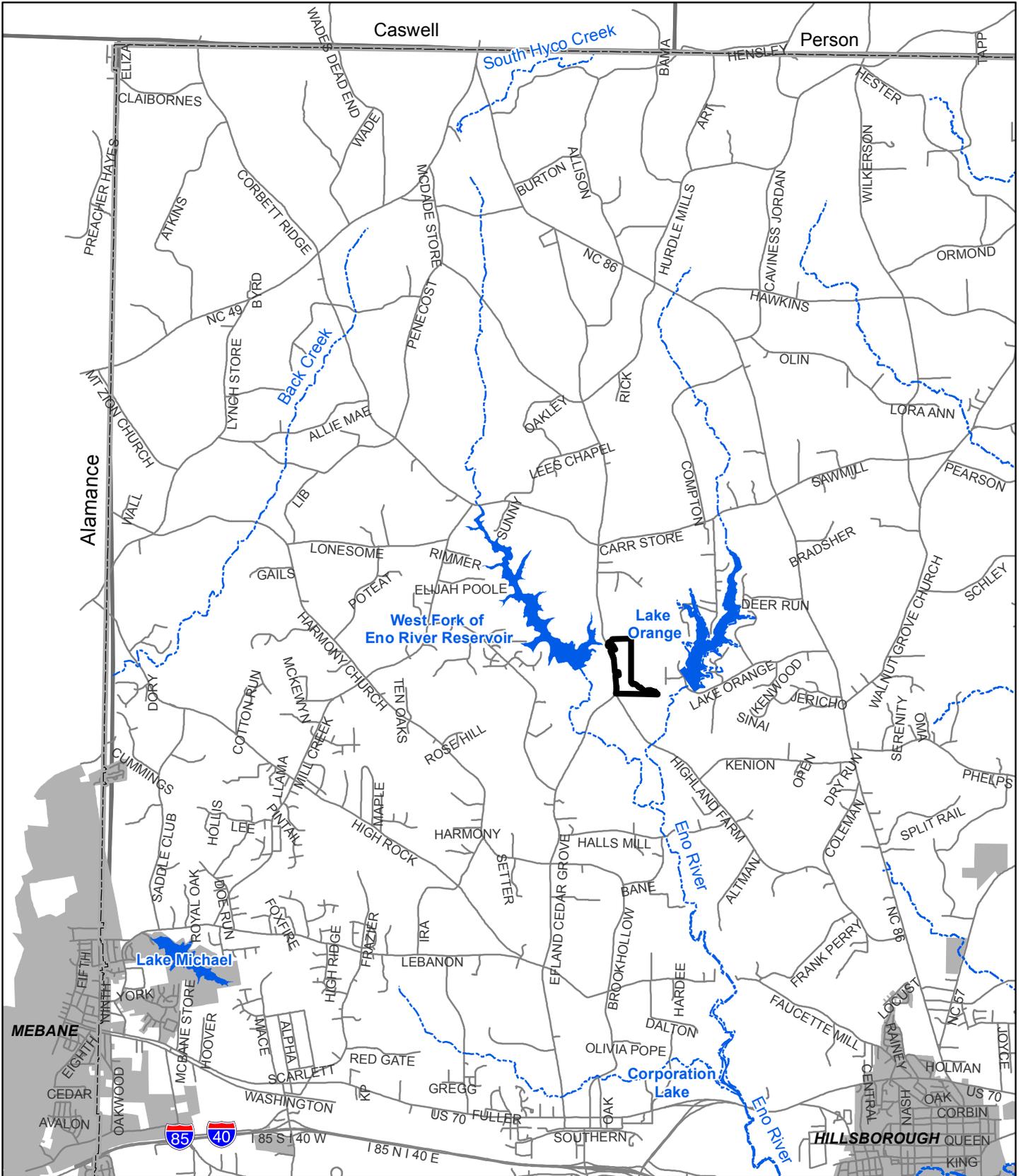
I [WE] ARE SEEKING DESIGNATION AS AN ENHANCED VOLUNTARY AGRICULTURAL DISTRICT

**OWNER[S] CERTIFICATION:**

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

Signature: Kelley Shambly Date: 8/8/13

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



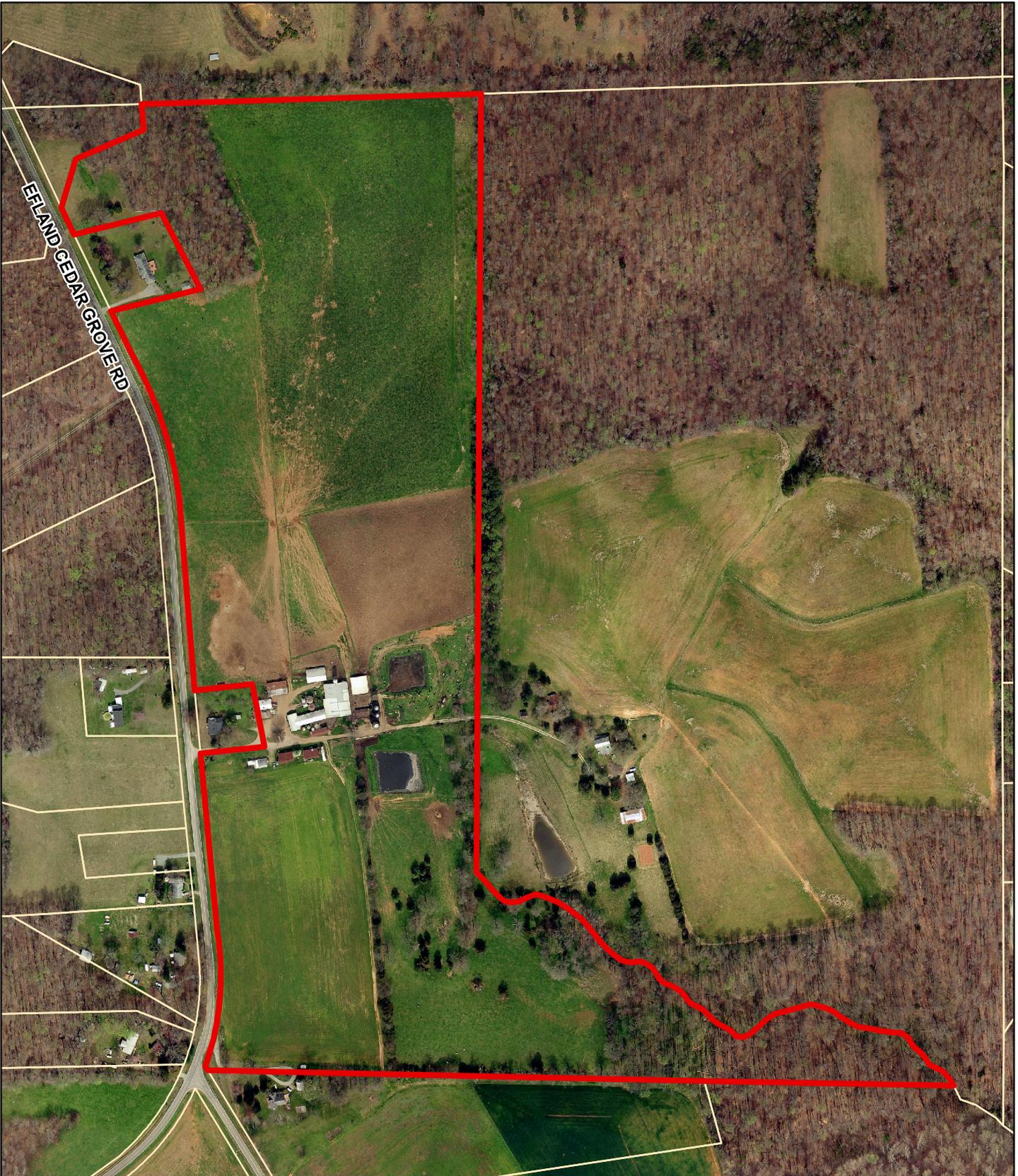
**Cedar Grove Farm  
 Kathy Caruthers Shambley  
 Voluntary Agricultural District  
 PIN 9857140619 (74.34 acres)  
 Exhibit A Vicinity Map**

 Cedar Grove Farm, Inc. (74.34 acres)  
 Streets

 1 inch = 7,420 feet

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/11/2013  
 OC 220K <O:\gishome\gisprojects\land\_resource\VAD\_Dunn.mxd





**Cedar Grove Farm  
 Kathy Caruthers Shambley  
 Voluntary Agricultural District  
 PIN 9857140619 (74.34 acres)  
 Exhibit B Site Map**

 Cedar Grove Farm, Inc.(74.34 acres)

2012 aerials



1 inch = 7,420 feet

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/11/2013  
 OC 220K <O:\gishome\gisprojects\  
 land\_resource\WAD\_Dunn.mxd



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

INSTRUCTIONS:

Before completing the application, please review the VAD/EVAD brochure provided;  
Complete the form as completely as possible; sign and date the form, and return to:

Gail M. Hughes  
Orange County Dept. of Environment, Agriculture, Parks and Recreation  
Soil and Water Conservation Division  
P.O. Box 8181 (306 Revere Road)  
Hillsborough, NC 27278

APPLICANT:

Name: Walter B. Durham and Linda B. Durham  
Address: 715 White Cross Rd.  
City: Chapel Hill State: NC Zip Code: 27516  
Phone Number (Day): 919-967-1411 (Evening): \_\_\_\_\_  
E-Mail: beagle00008@yahoo.com

PROPERTY INFORMATION:

Property Location/Address(s): 715 White Cross Rd. (White Cross Rd. area)  
Agriculture District /Township: White Cross

- Parcel Identification Number (PIN): 9747-42-3358 Acres 138.38 ac.
- Parcel Identification Number (PIN): 9747-62-6596 Acres 113.45 ac.
- Parcel Identification Number (PIN): 9747-73-7621 Acres 11.02 ac.
- Parcel Identification Number (PIN): 9747-12-1508 Acres 10.61 ac.
- Parcel Identification Number (PIN): 9747-76-3724 Acres 22.15 ac.
- Parcel Identification Number (PIN): 9747-66-3557 Acres 3.2 ac.

Total Number of Acres on all tracts of land: 298.31 ac.

Does this land have a plan on file with the USDA-Natural Resources Conservation Service or the NC Forest Service?

Yes: XX No: \_\_\_\_\_ If "No", please complete back of form

Is the land enrolled in Present Use Value taxation program with Orange County Tax Office?

Yes: XX No: \_\_\_\_\_ If "No", please complete back of form

**CONSERVATION AGREEMENT DETAIL of VAD and EVAD:**

**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 Orange County Agricultural Preservation Board. A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed for an additional term of ten years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each ten-year term, the Conservation Agreement shall automatically renew for an additional ten-year term unless notice of termination is given.

**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. A Conservation Agreement for an Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of three years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three-year term the Conservation Agreement shall automatically renew for an additional three-year term unless notice of termination is given.

I [We] have read the Conservation Agreement details above and I [we] understand the benefits of the VAD and/or EVAD program.

SIGNATURE Walt Durham Linda B. Durham DATE 10-7-13  
10-7-13

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

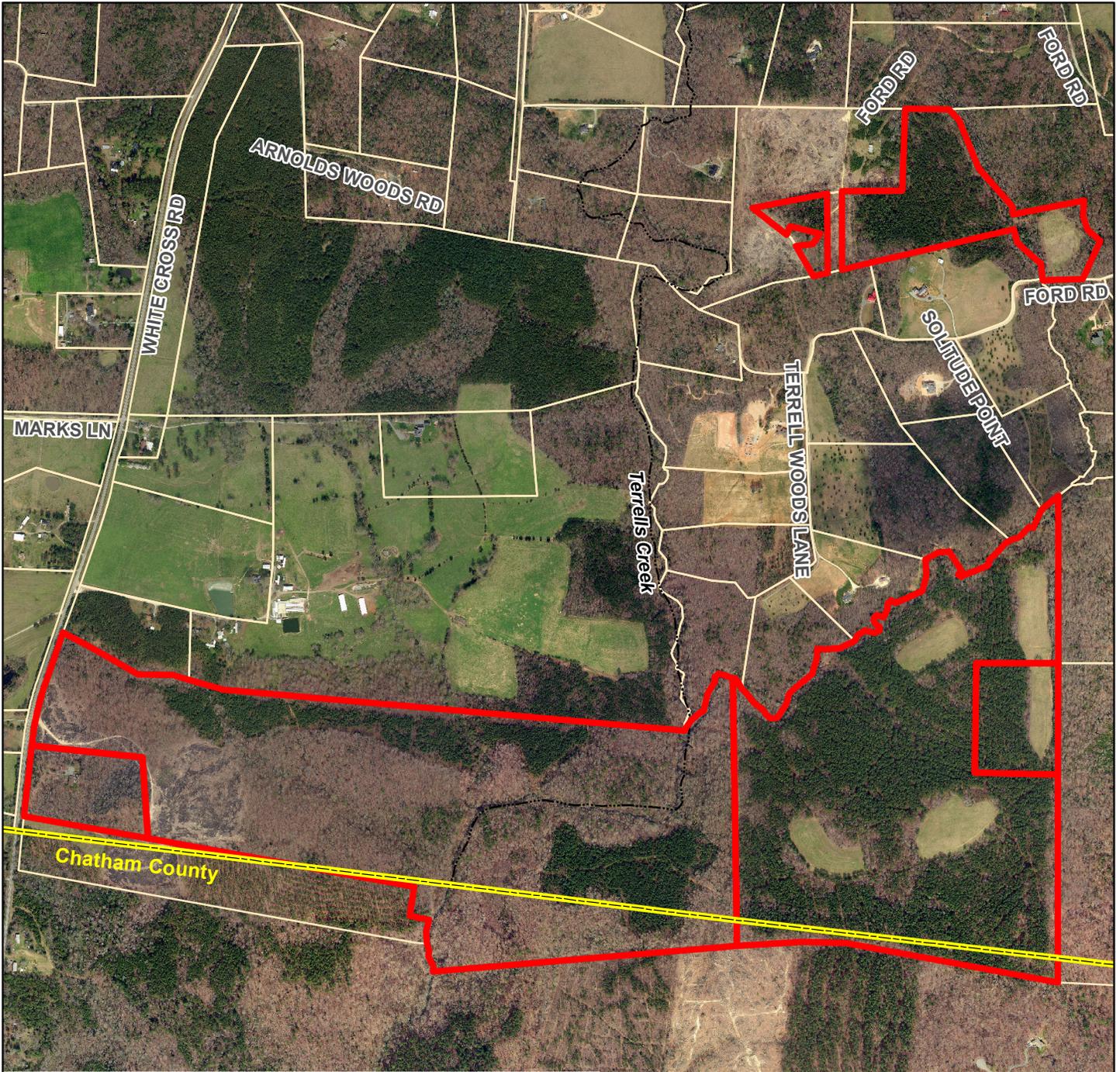
I [WE] ARE SEEKING DESIGNATION AS AN **ENHANCED VOLUNTARY AGRICULTURAL DISTRICT**

**OWNER[S] CERTIFICATION:**

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

Signature: <u>Walt Durham</u>	Date: <u>10-7-13</u>
Signature: <u>Linda B. Durham</u>	Date: <u>10-7-13</u>
Signature: _____	Date: _____





**Walter & Linda Durham**  
**Voluntary Agricultural District**  
**PIN 9747423358 (138.38 acres) PIN 9747626596 (113.45 acres)**  
**PIN 9747737621 (11.02 acres) PIN 9747121508 (10.61 acres)**  
**PIN 9747763724 (22.15 acres) PIN 9747663557 (3.20 acres)**  
**Exhibit B Site Map**

-  CountyLine2013\_polygon\_parcel
-  Durham Farm (298.81 acres)
-  Major streams
-  Parcel boundary

 1 inch = 4,659 feet

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/16/2013  
 OC 220K <O:\gishome\gisprojects\land\_resource\VAD\_Dunn.mxd



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 VAD/EVAD brochure provided;  
Complete the form as completely as possible; sign and date the form, and return to:

Gail M. Hughes  
Orange County Dept. of Environment, Agriculture, Parks and Recreation  
Soil and Water Conservation Division  
P.O. Box 8181 (306 Revere Road)  
Hillsborough, NC 27278

APPLICANT:

Name: MARY W. JOHNSON  
Address: 406 SCHLEY RD  
City: Hillsborough State: N.C Zip Code: 27278  
Phone Number (Day): 919-732-3003 (Evening): 919-732-3003  
E-Mail: \_\_\_\_\_

PROPERTY INFORMATION:

Property Location/Address(s): 406 SCHLEY RD, Hillsborough, NC 27278  
Agriculture District /Township: Little River

Parcel Identification Number (PIN): 9887553737 Acres 70.83  
Parcel Identification Number (PIN): \_\_\_\_\_ Acres \_\_\_\_\_  
Parcel Identification Number (PIN): \_\_\_\_\_ Acres \_\_\_\_\_

Total Number of Acres on all tracts of land: \_\_\_\_\_

Does this land have a plan on file with the USDA-Natural Resources Conservation Service or the NC Forest Service?

Yes:  No: \_\_\_\_\_ If "No", please complete back of form

Is the land enrolled in Present Use Value taxation program with Orange County Tax Office?

Yes:  No: \_\_\_\_\_ If "No", please complete back of form

**CONSERVATION AGREEMENT DETAIL of VAD and EVAD:**

**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 Orange County Agricultural Preservation Board. A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed for an additional term of ten years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each ten-year term, the Conservation Agreement shall automatically renew for an additional ten-year term unless notice of termination is given.

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**I [We] have read the Conservation Agreement details above and I [we] understand the benefits of the VAD and/or EVAD program.**

SIGNATURE Mary W. Johnson DATE 10-8-13

**Please check which designation/program you wish to apply.**

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

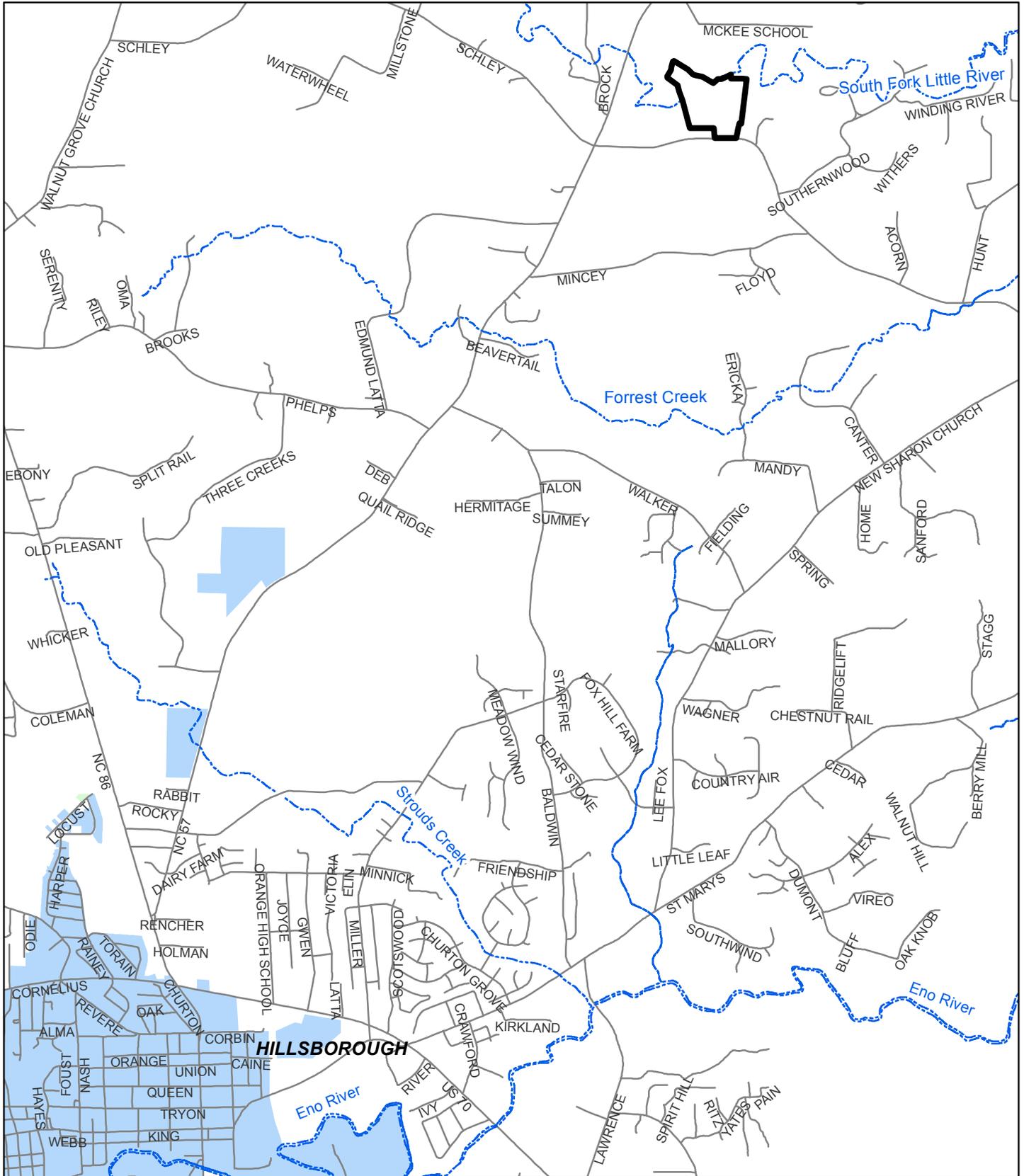
I [WE] ARE SEEKING DESIGNATION AS AN **ENHANCED VOLUNTARY AGRICULTURAL DISTRICT**

**OWNER[S] CERTIFICATION:**

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

Signature: Mary W Johnson Date: 10-8-13

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Mary Sue Woods Johnson  
 Voluntary Agricultural District  
 PIN 9887553737 (70.83 acres)  
 Exhibit A Vicinity Map**

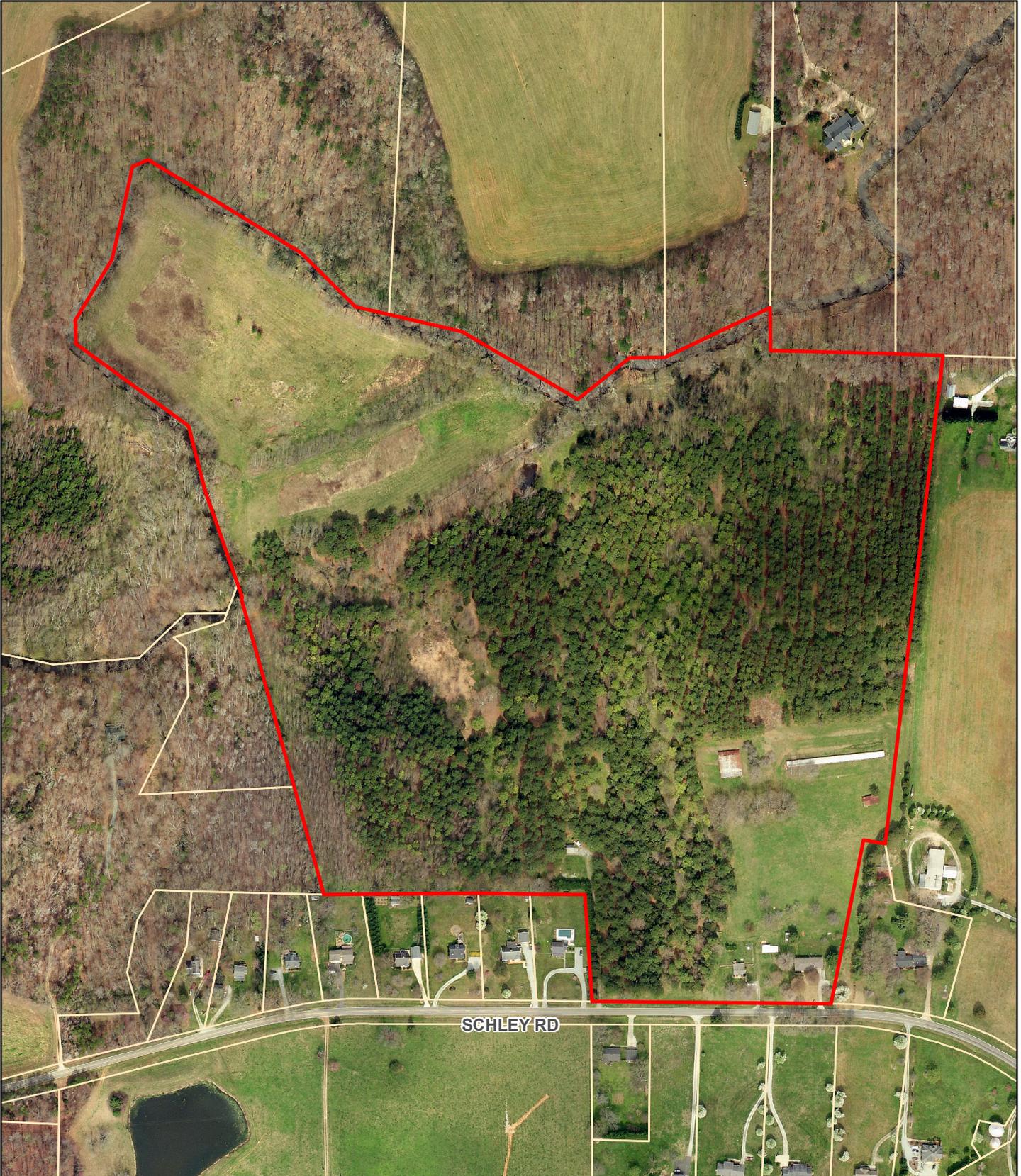
-  Johnson Farm (70.83 acres)
-  Streets



1 inch = 3,860 feet

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/16/2013  
 OC 220K <O:\gishome\gisprojects\land\_resource\VAD\_Dunnr.mxd





**Mary Sue Woods Johnson  
 Voluntary Agricultural District  
 PIN 9887553737 (70.83 acres)  
 Exhibit B Site Map**

 Johnson Farm (70.83 acres)

 Parcel boundary

2012 aerials



1 inch = 353 feet

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/16/2013  
 OC 220K <O:\gishome\gisprojects\  
 land\_resource\VAD\_Dunn.mxd



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

**INSTRUCTIONS:**

Before completing the application, please review the VAD/EVAD brochure provided;  
Complete the form as completely as possible; sign and date the form, and return to:

Gail M. Hughes  
Orange County Dept. of Environment, Agriculture, Parks and Recreation  
Soil and Water Conservation Division  
P.O. Box 8181 (306 Revere Road)  
Hillsborough, NC 27278

**APPLICANT: REVISION FROM VAD to EVAD**

Name: Joe A. Thompson and Geraldine Thompson

Address: 5919 Allie Mae Rd.

City: Cedar Grove State: NC Zip Code: 27231

Phone Number (Day): 919-563-3220 (Evening): \_\_\_\_\_

E-Mail: ThompsonPrawnFarm@hotmail.com

**PROPERTY INFORMATION:**

Property Location/Address(s): same as above

Agriculture District /Township: Cedar Grove

Parcel Identification Number (PIN): 9838477077 Acres 47.28

Parcel Identification Number (PIN): 9838575056 Acres 10.00

Parcel Identification Number (PIN): \_\_\_\_\_ Acres \_\_\_\_\_

Total Number of Acres on all tracts of land: 57.28

Does this land have a plan on file with the USDA-Natural Resources Conservation Service or the NC Forest Service?

Yes: XX No: \_\_\_\_\_ If "No", please complete back of form

Is the land enrolled in Present Use Value taxation program with Orange County Tax Office?

Yes: XX No: \_\_\_\_\_ If "No", please complete back of form

**CONSERVATION AGREEMENT DETAIL of VAD and EVAD:**

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**I [We] have read the Conservation Agreement details above and I [we] understand the benefits of the VAD and/or EVAD program.**

SIGNATURE *Joseph A G*

DATE 9-3-2013

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

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

**OWNER[S] CERTIFICATION:**

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

Signature: *Joseph A G*

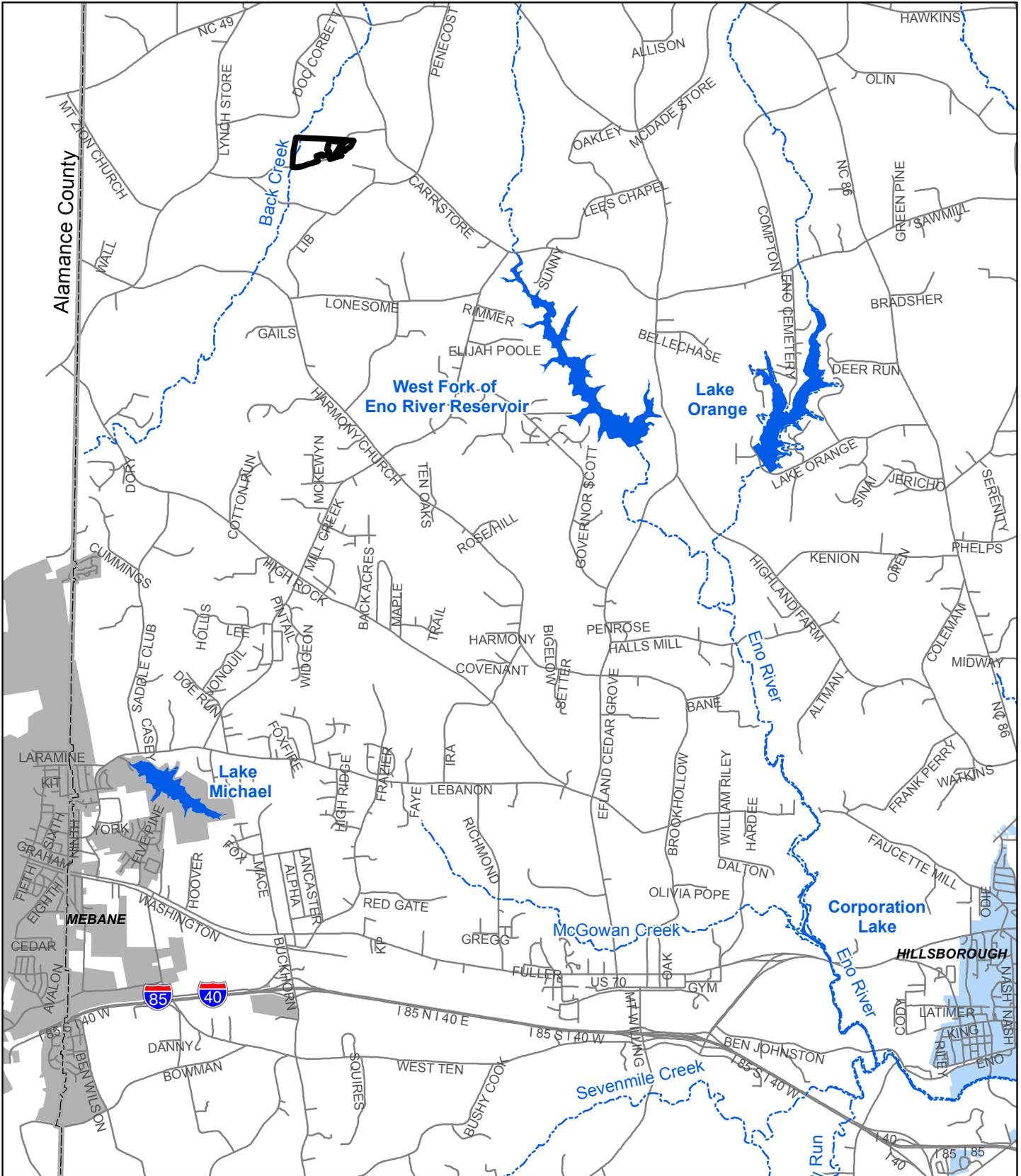
Date: 9-3-13

Signature: *Burdette Thompson*

Date: 9-3-13

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**Thompson Prawn Farm  
Enhanced Voluntary Agricultural District  
PIN 9838477077 (47.28 acres)  
PIN 9838575056 (10.0 acres)  
Exhibit A Vicinity Map**

-  Thompson Prawn Farm (57.28 acres)
-  Streets



1 inch = 396 feet

Dept. of Environment, Agriculture,  
Parks and Recreation Map prepared by  
Land Records GIS Div. Jones 10/14/2013  
OC 220K <O:\gishome\gisprojects\land\_resource\NAD\_Dunn.mxd





**Thompson Prawn Farm**  
**Enhanced Voluntary Agricultural District**  
**PIN 9838477077 (47.28 acres)**  
**PIN 9838575056 (10.0 acres)**  
**Exhibit B Site Map**

- Thompson Prawn Farm (57.28 acres)
- Parcel boundary
- Major streams



1 inch = 396 feet

Dept. of Environment, Agriculture,  
 Parks and Recreation Map prepared by  
 Land Records GIS Div. Jones 10/14/2013  
 OC 220K <O:\gishome\gisprojects\land\_resource\NAD\_Dunn.mxd



**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

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

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

---

**DEPARTMENT:** DEAPR

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

No

**ATTACHMENT(S):**

- 1) Winning Photos
- 2) Contest Brochure

**INFORMATION CONTACTS:**

David Stancil, 245-2510  
Rich Shaw, 245-2510  
Beth Young, 245-2518

---

**PURPOSE:** To recognize the winners and thank all participants of "The Nature of Orange" 2013 Photography Contest.

**BACKGROUND:** The Department of Environment, Agriculture, Parks and Recreation (DEAPR) completed its annual "The Nature of Orange" Photography Contest in June 2013. The goal of the contest is to inspire exploration, celebration and appreciation of Orange County's diverse landscapes and outdoor experiences. Photographers help document the beauty and diversity of natural resources, and people connecting to their environment.

A total of 74 photographs were submitted in May 2013 – an increase of 15% from the previous year. A panel of judges selected first, second and third place winners from the Youth and Adult divisions. This year's judges were photographers Pat Lloyd, Eric Saunders, and David Hunt.

Winners received a congratulatory letter, certificate, and a small monetary award. The photographs will be displayed at the Orange County Historical Museum, Orange County Public Library, Visitors Center, and the John M. Link, Jr. Government Services Center. In addition, winning photographs are displayed on the Orange County DEAPR website under the "breaking news" section <http://www.orangecountync.gov/deapr/> and on the department's Facebook Page.

The 2013 contest winners are as follows:

Youth: 1<sup>st</sup> Place – Kirby Lau; 2<sup>nd</sup> Place – Kirby Lau; 3<sup>rd</sup> Place – Katerina Gilfillen

Adult: 1<sup>st</sup> Place – Darren Strickland; 2<sup>nd</sup> Place – Pringle Teetor; 3<sup>rd</sup> Place – Statler Gilfillen

**FINANCIAL IMPACT:** None

**RECOMMENDATION(S):** The Interim Manager recommends that the Board congratulate the 2013 photography contest winners, and thank all those who participated in this community event.



**1st Place Adult  
Dragonfly  
Darren Strickland**



**2nd Place Adult—Magnolia View Farms in the Snow  
Pringle Teetor**



**3rd Place Adult—Cecropia Moth  
Statler Gilfillen**



**1st Place Youth — Flight**  
**Kirby Lau**



**2nd Place Youth—Summer Showers**  
**Kirby Lau**



**3rd Place Youth—At Eno River**  
**Katerina Gilfillen**

## Contest Rules:



Photo by Richard Robinson, 2012

- 1) Photographs should feature Orange County wildlife, natural resources, landscapes, or people enjoying the parks and other outdoor environments.
- 2) All photos must be taken in a natural setting (no staged photos).
- 3) Photos must be taken in Orange County, NC.
- 4) Orange County employees are eligible with the exception of DEAPR staff. Contest judges are ineligible.
- 5) Entries per person: Maximum of five (5) total photos.
- 6) Complete and submit a Contest Entry Form for each photo entered, form found under "Breaking News" at: <http://orangecountync.gov/deapr/> Complete the Orange County Photo Release for any third party appearing in your photos.
- 7) Photos must be high resolution .gif or .jpg files. Please email photos and forms to [bshuford@orangecountync.gov](mailto:bshuford@orangecountync.gov). Photos may also be submitted on a DVD or CD, in the proper format, and mailed or emailed to: Orange County DEAPR, 306-A Revere Rd., PO Box 8181, Hillsborough, NC 27278; email - [bshuford@orangecountync.gov](mailto:bshuford@orangecountync.gov)
- 8) **DEADLINE TO ENTER: May 17, 2013.** Orange County DEAPR, 306-A Revere Rd., PO Box 8181, Hillsborough, NC 27278.

### The Department of Environment,

### Agriculture, Parks & Recreation

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

### ORANGE COUNTY



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

Orange County DEAPR  
306-A Revere Rd.  
PO Box 8181  
Hillsborough, NC 27278

Phone: 919-245-2510  
Fax: 919-644-3351  
<http://orangecountync.gov/deapr>  
E-mail: [bshuford@orangecountync.gov](mailto:bshuford@orangecountync.gov)

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

## "The Nature of Orange" Photography Contest

*All Meetings begin at 7:30 p.m.*



Photo by Kirby Lau, 2012

919-245-2510  
<http://orangecountync.gov/deapr/>

## "The Nature of Orange" Photography Contest

The Department of Environment, Agriculture, Parks and Recreation (DEAPR) is proud to present its 2nd Annual Nature Photography Contest. The goal is to inspire exploration, celebration and appreciation of Orange County's diverse landscapes and outdoor experiences. Through photography we want you to document the beauty of our wildlife, waterways, natural resources, and people connecting with their environment.

**Deadline: All entries must be received by May 17, 2013**

### Age Divisions:

- Youth (age 18 and younger)
- Adult



Photo by Ed Coleman, 2012

### Photographs should feature:

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

### How to Submit Your Photo:

See the Contest Rules on the reverse page.

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

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



Photo by Ed Coleman, 2012

### Owner/Use Rights:

Contestants retain the copyright to their photographs, and all rights thereto, except as follows. Orange County and DEAPR shall have the right to use the likeness, name, and/or images photographed by contestants in any and all publications, including web site entries without compensation in perpetuity.

Photos will be credited to the contestant named in the entry form. Descriptions or titles, if any, used with the photos are in DEAPR's sole discretion (see Photo Release and Agreement on the required Entry Form under "Breaking News" at <http://www.co.orange.nc.us/deapr/>)

### Judging Criteria:

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

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

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

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

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

## Sponsors

5

- Orange County Department of Environment, Agriculture, Parks and Recreation
- Orange County Commission for the Environment
- Orange County Parks and Recreation Council



Photo by Sandy Straw, 2012

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

Orange County DEAPR  
306-A Revere Rd.

Phone: 919-245-2510

Fax: 919-644-3351

<http://orangecountync.gov/deapr>

E-mail: [bshuford@orangecountync.gov](mailto:bshuford@orangecountync.gov)

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** November 5, 2013

**Action Agenda  
Item No.** 5-a

**SUBJECT:** MINUTES

---

**DEPARTMENT:**

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

**ATTACHMENT(S):**

**INFORMATION CONTACT:**  
Donna Baker, 245-2130

Draft Minutes

---

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

September 9, 2013    BOCC QPH  
September 17, 2013    BOCC Regular Meeting

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

**FINANCIAL IMPACT: NONE**

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

1  
2  
3 DRAFT

4 **MINUTES**  
5 **ORANGE COUNTY BOARD OF COMMISSIONERS**  
6 **ORANGE COUNTY PLANNING BOARD**  
7 **QUARTERLY PUBLIC HEARING**  
8 **September 9, 2013**  
9 **7:00 P.M.**

10 The Orange County Board of Commissioners and the Orange County Planning Board  
11 met for a Quarterly Public Hearing on Monday, September 9, 2013 at 7:00 p.m. at the DSS  
12 Offices, Hillsborough Commons, Hillsborough, N.C.

13  
14 **COUNTY COMMISSIONERS PRESENT:** Chair Barry Jacobs and Commissioners Mark  
15 Dorosin, Alice M. Gordon, Earl McKee Bernadette Pelissier, Renee Price and Penny Rich

16 **COUNTY COMMISSIONERS ABSENT:**

17 **COUNTY ATTORNEY PRESENT:** James Bryan (Staff Attorney)

18 **COUNTY STAFF PRESENT:** County Manager Frank Clifton and Deputy Clerk to the Board  
19 David Hunt (All other staff members will be identified appropriately below)

20 **PLANNING BOARD MEMBERS PRESENT:** Chair Pete Hallenbeck, and Planning Board  
21 members, Maxecine Mitchell, Johnny Randall, Lisa Stuckey, Stephanie O'Rourke, Paul Guthrie,  
22 and Herman Staats

23 **PLANNING BOARD MEMBERS ABSENT:** Tony Blake, Andrea Rohrbacher, Rachel Phelps  
24 Hawkins, James Lea and H.T. "Buddy" Hartley

25  
26 **A. OPENING REMARKS FROM THE CHAIR**

27 Chair Jacobs and Planning Board Chair Pete Hallenbeck

28  
29 **B. PUBLIC CHARGE**

30 The Chair dispensed with the reading of the public charge.

31  
32 Chair Jacobs called the meeting to order.

33 Chair Jacobs reviewed the following handouts at the table:

- 34 - PowerPoint for item C1 – Zoning Atlas Amendment
- 35 - White sheet for item C1 – Zoning Atlas Amendment
- 36 - Map for C1 and C2 - Zoning Atlas Amendment – requested by Commissioner Rich
- 37 - PowerPoint for item C2 – Zoning Atlas Amendment
- 38 - PowerPoint for item C4 - Eno Economic Development District Access Management  
39 Plan
- 40 - PowerPoint for item C5 – Hillsborough/Orange County Central Orange Coordinated  
41 Area Land Use Plan
- 42 - Green PowerPoint for item E1 – Agricultural Support Enterprises

43  
44 *Chair Jacobs explained that due to the lack of a quorum with the Planning Board the*  
45 *meeting would start with item E1.*

46  
47 **E. BOCC WORK SESSION**

- 48  
49 **1. Agricultural Support Enterprises** – To review materials related to "Agricultural  
50 Support Enterprises" and provide direction/input to staff on specific issues.

51  
52 Perdita Holtz reviewed the following PowerPoint slides:

53  
54 **Agricultural Support Enterprises**

1 **Purpose of Work Session**

- 2 • BOCC work session on May 14, 2013  
 3 – Touched on the fact an alternative review process had been proposed in the pre-  
 4 2010 work  
 5 • Need input/direction on review process for projects that require a BOCC public hearing  
 6 – Re-zonings and Class A Special Use Permits  
 7 –

8 **Review Process Options**

- 9 • Keep the existing quarterly public hearing process for all projects  
 10 • Revise the existing process only for ASE-related projects  
 11 • Revise the existing process for all project

12  
 13 **Slides 4-8 –Review Process flowcharts - as seen in pages 5-9 of the abstract**

14  
 15 **BOCC Discussion Points**

- 16 • Should a change in the existing public hearing process from a quarterly hearing to a  
 17 more frequent hearing be pursued?  
 18 – If so, for ASE projects only or for all projects?  
 19 – Also, how frequently? (2x/month, monthly, every other month)  
 20 • Is there a desire to change the existing policy of the BOCC approving the legal ad?  
 21 – Would trim ~3 weeks from current process.  
 22 – Amendment Outline Forms now used for County-initiated items.  
 23

24 Perdita Holtz outlined the current review process and compared the 3 options detailed in  
 25 the flowcharts on abstract pages 5-9. She said the primary difference between options 1 and 2  
 26 is the variation in the timing of the Planning Board recommendation.

27 She noted that option 3 has 2 public hearings, but it is not favored by staff due to the  
 28 potential for a longer time frame and higher cost for publications.

29 She reviewed the discussion points for the Board.  
 30

31 *Chair Jacobs announced that quorum was reached at 7:22. He asked that Perdita Holtz*  
 32 *continue this discussion at the end of the meeting, in order to return to the original public*  
 33 *hearing agenda.*

34  
 35 **C. PUBLIC HEARING ITEMS**

36  
 37 Chair Jacobs called the public hearing to order. He noted that Pete Hallenbeck would  
 38 preside over the meeting.

39 The following Planning Board members were present: Chair Pete Hallenbeck, Maxecine  
 40 Mitchell, Lisa Stuckey, Stephanie O'Rourke, Paul Guthrie, and Herman Staats.  
 41

- 42 **1. Zoning Atlas Amendment** – To review a property owner-initiated amendment to the  
 43 Zoning Atlas to rezone a 2.67 acre parcel of property located at 3604 Southern Drive  
 44 (PIN 9844-86-5155) from Rural Residential (R-1) and Light Industrial (I-1) to Light  
 45 Industrial (I-1).  
 46

47 Michael Harvey reviewed a series of maps pertaining to the requested zoning atlas  
 48 amendment. He reviewed the following background information:  
 49

50 **BACKGROUND**

51 **PIN** – 9844-86-5155.

- 52 • **Size of Parcel** – 2.67 acres.

- 1 • **Future Land Use Element Map Designation** – Commercial Industrial Transition Activity
- 2 Node
- 3 • **Growth Management System Designation** -- Urban.
- 4 • **Existing Conditions** -- The property is developed and utilized to support a metal sheet
- 5 fabrication operation.
- 6 • **Access** -- The property has direct access onto Southern Drive.

7 **REQUEST:**

- 8 • Property is split zoned residential and industrial.
- 9 • Necessary infrastructure (i.e. septic, parking) on residentially zoned portion of property.
- 10 • Applicant concerned over long-term ability to continue operation with necessary
- 11 components on 'residentially' zoned property.
- 12 • Applicant requests entire property be zoned I-1 (Light Industrial) so 'use' would be
- 13 considered conforming.

14 **FUTURE LAND USE MAP:**

15 **COMMERCIAL/INDUSTRIAL TRANSITION:**

- 16 • Per approved Comprehensive Plan area '*appropriate for retail and other commercial*
- 17 *uses and/or manufacturing and other industrial uses*'.
- 18 • County did not eliminate all residential zoning in the area when land use category
- 19 created/adopted so individuals could still make use of property.
- 20 • Area is intended to support non-residential development including industrial (i.e.
- 21 manufacturing).

22 **STAFF ASSESSMENT:**

- 23 • The application is complete.
- 24 • The property is of sufficient size.
- 25 • Rezoning consistent with the Orange County 2030 Comprehensive Plan, Growth
- 26 Management System Map, and adopted Efland Mebane Small Area Plan,
- 27 • Represents logical extension of existing I-1 district.
- 28 • Applicant's issue is not unique.
- 29 • Staff has previously identified similar problems on other properties throughout the
- 30 County.
- 31 • Staff will be bringing a comprehensive solution for consideration by the BOCC in the fall.
- 32 • Staff did not want applicant to wait for staff's review to be complete and encouraged the
- 33 submittal of rezoning request.

34 **RECOMMENDATION:**

- 35 1. Refer the matter to the Planning Board with a request that a recommendation be
- 36 returned to the Board of County Commissioners in time for the **November 5, 2013**
- 37 BOCC regular meeting.
- 38 2. Adjourn the public hearing until **November 5, 2013** in order to receive and accept the
- 39 Planning Board's recommendation and any submitted written comments.

40  
41 Michael Harvey said this is not an uncommon issue, and it is due to past zoning  
42 practices that restricted commercial zoning to a small square around industrial buildings, while  
43 leaving all other areas as residential space. He said staff will be bringing forward more parcels  
44 in the future as attempts are made to fix the zoning issues on those lots as well.

45 Commissioner Dorosin asked for clarification on the commercial/industrial transition slide  
46 and the fact that residential zoning is not eliminated.

47 Michael Harvey said there is residential zoning in the area. He said the purpose of the  
48 activity node is to encourage and create more retail and manufacturing opportunities by the  
49 extension of the land use category; however residential land use was not eliminated as part of  
50 this.

51 He noted that Ronald Keizer and any other non-residential land owner in the area will be  
52 held to the existing land use buffer standards, as listed in article 6.

53 Commissioner Dorosin said he is not sure he understands the map and zoning  
54 designations on the future land use map.

1 Michael Harvey said the map does not designate zoning; it designates land use  
2 category. He said this category is meant to encourage retail and manufacturing, however there  
3 is underlying rural residential zoning in the area. He said this rural/residential zoning is not  
4 invalidated, and it is still protected in the UDO. He noted that future use and focus for this area  
5 will be additional non-residential application of land use.

6 Commissioner Dorosin asked for clarification on the zoning of this area. He said the  
7 designations and zoning are confusing.

8 Michael Harvey said, as the comprehensive plan points out, certain areas of the County  
9 have been identified as targets to encourage specific types of land use.

10 Commissioner Dorosin said a plan has been developed to encourage certain land use,  
11 but this did not include zoning changes to encourage that development.

12 Michael Harvey said this is correct; these areas were not pre-zoned.

13 Commissioner Dorosin asked if the plan is to re-zone these areas, or if this will happen  
14 in a piecemeal fashion like the Board is seeing tonight.

15 Michael Harvey said the plan is that this will happen as the market demands it.

16 Commissioner Dorosin said he is just trying to understand the context.

17 Frank Clifton said there is an assumption by some landowners that re-zoning means  
18 values and property taxes will go up. He said this is not necessarily true.

19 Commissioner Dorosin said this map is misleading for a person who is not well versed in  
20 this issue.

21 Frank Clifton said the map Commissioner Dorosin is referring to is a planning map for  
22 future use, versus a zoning map of current designations.

23 *Planning Board member Johnny Randall arrived at 7:37.*

24 Commissioner Rich asked how the zoning change will affect the protected watershed  
25 area.

26 Michael Harvey said the overlay will not be altered. He said Ronald Keizer and his  
27 business will be held to the same standards regarding impervious surface limits and stream  
28 buffer protections.

29 Commissioner Price said the packet did not seem to indicate any major changes in the  
30 business activity on the property.

31 Michael Harvey said there will be no major changes on this request. He noted the  
32 second item is a different request for a different issue.

33 Chair Jacobs said he would like to follow up on Commissioner Dorosin's question. He  
34 said one difference between this economic development district and the Hillsborough one is that  
35 the others have fewer and larger parcels. He noted that this area is full of smaller residential  
36 lots. This makes it challenging to do a blanket re-zoning.

37 Pete Hallenbeck asked for any comments from the planning board, and he introduced  
38 the applicant, Ronald Keizer.

#### 39 40 **PUBLIC COMMENT**

41 Ronald Keizer, owner of USA Dutch, said he left some brochures regarding his  
42 company. He said he would like to expand his business, and he hopes he will be allowed to do  
43 this. He said he will be happy to answer questions

44 Chair Jacobs asked if any member of the Board had comments.

45  
46 A motion was made by Commissioner Pelissier, seconded by Commissioner McKee to:

- 47 1. Refer the matter to the Planning Board with a request that a recommendation be  
48 returned to the Board of County Commissioners in time for the **November 5, 2013**  
49 BOCC regular meeting.
- 50 2. Adjourn the public hearing until **November 5, 2013** in order to receive and accept the  
51 Planning Board's recommendation and any submitted written comments.

52  
53 **VOTE: UNANIMOUS**

54

1 **2. Zoning Atlas Amendment** – To review a property owner-initiated amendment to the  
 2 Zoning Atlas to rezone 2 parcels of property, totaling approximately 16 acres in land area, from  
 3 Rural Residential (R-1) to Light Industrial (I-1).  
 4 The parcels are undeveloped and without an assigned street address but are located east and  
 5 south of the USA Dutch property at 3604 Southern Drive.

6  
 7 *Planning Board member Lisa Stuckey left at 7:43 pm.*

8 Michael Harvey reviewed the following PowerPoint Slides:  
 9

## 10 **ZONING ATLAS (MAP) AMENDMENT**

### 11 **BACKGROUND**

- 12 • **PIN(S)** – 9844-87-7368 and 9844-86-7573.
- 13 • **Size of Parcel(s)** – Total is approximately 16 acres.
- 14 • **Future Land Use Element Map Designation** – Commercial Industrial Transition Activity  
 15 Node
- 16 • **Growth Management System Designation** -- Urban.
- 17 • **Existing Conditions** – Properties are undeveloped with varying topography and  
 18 vegetation.
- 19 • **Access** -- The smaller property has direct access onto Southern Drive.

### 20 **REQUEST:**

- 21 • Applicant (Keizer) owns adjacent metal fabrication business at 3604 Southern Drive.
- 22 • Applicant looking to expand existing operation.
- 23 • Wishes to have both parcels rezoned to allow for expansion.

### 24 **FUTURE LAND USE MAP:**

#### 25 **COMMERCIAL/INDUSTRIAL TRANSITION:**

- 26 • Per approved Comprehensive Plan area '*appropriate for retail and other commercial*  
 27 *uses and/or manufacturing and other industrial uses*'.
- 28 • County did not eliminate all residential zoning in the area when land use category  
 29 created/adopted so individuals could still make use of property.
- 30 • Area is intended to support non-residential development including industrial (i.e.  
 31 manufacturing).

#### 32 **STAFF ASSESSMENT:**

- 33 • The application is complete.
- 34 • The property is of sufficient size.
- 35 • Rezoning consistent with the Orange County 2030 Comprehensive Plan, Growth  
 36 Management System Map, and adopted Efland Mebane Small Area Plan,
- 37 • Represents logical extension of existing I-1 district.
- 38 • Existing vegetation near interstate and around existing stream will have to be preserved.
- 39 • The applicant will have to plant additional vegetation to satisfy land use buffer  
 40 requirement of 100 feet per Section 6.8.6 (F) of UDO.
- 41 • Sheet metal fabrication is a permitted use of property in the I-1 zoning district.
- 42 • Expansion would be reviewed/acted upon by staff with the submission of a site plan per  
 43 Section 2.5 of the UDO.

#### 44 **RECOMMENDATION:**

- 45 1. Refer the matter to the Planning Board with a request that a recommendation be  
 46 returned to the Board of County Commissioners in time for the **November 5, 2013**  
 47 BOCC regular meeting.

- 1           2. Adjourn the public hearing until **November 5, 2013** in order to receive and accept the  
2           Planning Board's recommendation and any submitted written comments.  
3

4           Michael Harvey noted that the abstract includes a statement from the current property  
5           owner, Daniel McDonald, who indicates that Ronald Keizer has an option on purchasing the  
6           property. He said this is contingent on the re-zoning approval.

7           Michael Harvey said Ronald Keizer has been made aware of the buffer requirements for  
8           this property.

9           Commissioner Price said she is pleased that a local business wants to expand. She  
10          asked if the expansion would mean an increased intensity in the use, or if it would remain the  
11          same.

12          Michael Harvey said the re-zoning needs to be acted on regardless of whether or not it is  
13          consistent with the code. He said he believes there will be an expansion and amplification of  
14          the existing use. He also believes the existing land use criteria and standards will mitigate any  
15          impacts. He said he has not seen the site plan, so he is hesitant to give a definite answer.

16          Commissioner McKee said the last item simply aligned what was on the ground with  
17          what is on paper. He said this item is placing before the Board the very thing that the County  
18          has wanted, which is more job and business opportunities in Orange County. He said this  
19          request is in an area where the land use has already been designated as appropriate. He said  
20          there are still opportunities to ask questions and work out agreements as this moves forward.  
21          He said he is in favor of this.

22          Chair Jacobs asked if there is water and sewer available.

23          Craig Benedict said there is no public water and sewer in the area. He said part of the  
24          current design to flip the sewer flow will bring gravity sewer past this parcel. He said this would  
25          happen in a year and a half to two years

26          Chair Jacobs asked if owners with a sewer line running in front of their property are  
27          required to hook in.

28          Craig Benedict said the UDO gives distance requirements that do require owners to  
29          connect on.

30          He said that Orange Alamance water systems has some facilities in this area, and work  
31          is being done to insure that future development can handle both potable water and fire  
32          suppression needs for these new industries.

33          Commissioner Rich asked if residents would be required to hook up to the sewer lines.

34          Craig Benedict said commercial owners, expansions to a business, or a new home built  
35          within the designated distance will be required to hook up.

36          Commissioner Rich noted that part of the zoning change request was due to a need to  
37          fix the septic system, and then the owner will be required to hook up to sewer in a couple of  
38          years.

39          Craig Benedict said that if the owner fixes the septic, he will be allowed to remain with  
40          the new or repaired system until it fails.

41          Frank Clifton said this is a project Steve Brantley has worked on with the owner.

42          Pete Hallenbeck asked if there were any comments from the Planning Board.

43          Pete Hallenbeck said he is pleased to hear about the option for a local supplier of  
44          chassis. He is also please to hear about the potential water availability for fire suppression.

45          Chair Jacobs asked about the number of current and future employees.

46          Applicant Ronald Kaiser said he currently has 26 employees. He said business is  
47          growing. He said there were 18 employees in 2009, and the company did \$1.8 million in sales.  
48          He said he expects to do \$4.2 million in sales this year. He said the company set a goal of  
49          being a 5 million dollar company. He said this goal has almost been met, and his desire is to  
50          set a new goal that allows the company to keep up with its growing customers.

51          James Bryan, Staff Attorney, said this decision will be based on the reasonableness and  
52          consistency with the land plan and the public benefit but not the benefits of this particular  
53          business.

1 Chair Jacobs said he is excited about the potential for this expansion. He said he is  
2 somewhat confused about the answer given about the requirement for sewer hookup. He said  
3 he wanted to provide this answer to Ronald Keiser as part of his planning.

4 Craig Benedict said this is a timing issue. He said if the expansion happens at a later  
5 date when sewer is available, the owner can hook with the public sewer. He said Ronald Keiser  
6 can repair his existing septic.

7  
8 A motion was made by Commissioner McKee, seconded by Commissioner Price to:

- 9  
10 1. Refer the matter to the Planning Board with a request that a recommendation be returned  
11 to the Board of County Commissioners in time for the **November 5, 2013** BOCC regular  
12 meeting.  
13 2. Adjourn the public hearing until **November 5, 2013** in order to receive and accept the  
14 Planning Board's recommendation and any submitted written comments.

15  
16 VOTE: UNANIMOUS

17  
18 **3. Unified Development Ordinance (UDO) Text Amendment** – To review government-  
19 initiated amendments to the Unified Development Ordinance (UDO) to add a new Section 2.24  
20 entitled *Governmental Uses*, renumber existing Section 2.24 and subsequent sections  
21 accordingly, and modify the 'government' land use category within Section 5.2.2 *Table of*  
22 *Permitted Uses – Economic Development District* to add the term 'uses'. References to  
23 renumbered sections occur throughout the UDO and are proposed to be updated.

24  
25 Michael Harvey reviewed the attachments to the abstract. He said the potential  
26 development of a fire department substation off Neville Road has caused some concern for  
27 local residents. He said staff was directed to initiate a text amendment to require a  
28 neighborhood information meeting prior to the approval of any site plans proposing the  
29 development of government use.

30 He said this requires the applicant to hold this meeting so that property owners within  
31 500 feet can attend the meeting to gather information and offer feedback.

32 He said the applicant has to respond to concerns or suggestions offered at the meeting,  
33 and the public must be informed by certified mail of the date and time of the meeting.

34 He noted that this amendment does not alter the current review process for government  
35 uses. He said this does not require the Board to hold additional public hearings with respect to  
36 the decision to purchase or act on the purchase of property. He said this also does not require  
37 County agencies that engage in long range planning project planning to duplicate efforts by  
38 holding informational meetings about projects that have already been reviewed and discussed  
39 at the public level. He gave the example of a recent park planning project.

40 He said if this is adopted any time a government use is defined, the table of permitted  
41 uses will be developed, neighborhood meetings will held, and planning staff will encourage the  
42 applicant to address as many concerns as he/she sees fit.

43 He noted that the purpose of this is to insure that local residents are aware of what is  
44 happening in the vicinity with regard to government facilities.

45 He said Ordinance Review Committee comments were positive with a few noted  
46 changes and input from other departments.

47 He reviewed the staff recommendations as outlined in the abstract.

48 Pete Hallenbeck asked for questions

49 Commissioner Gordon said she wanted to point out the background on the first page,  
50 which outlines the fact that a permitted use only requires staff review and action. She said  
51 neither the County nor the applicant is required to notify adjacent property owners. She said  
52 this is a fire station, which is for the public good. She said that neighbors still had concerns, and  
53 she feels that neighborhood meetings and outreach are a good idea.

1 Commissioner Pelissier asked why staff selected that a meeting would not be required  
2 unless the expansion was 50% or larger.

3 Michael Harvey said staff tried to use existing standards from the UDO regarding what  
4 constitutes expansion. He said staff did not want smaller expansions to have to undergo a  
5 formal site plan review process for just a couple of parking spaces. He said that larger re-  
6 development of a site changes the nature of the project and demands a planning review. He  
7 also wanted to treat the parks the same way.

8 Commissioner Pelissier asked if facilities include parking spaces or just building.

9 Michael Harvey said it includes both.

10 Chair Jacobs said he feels the neighbors in the area of the White Cross substation were  
11 taken aback that something had appeared in their neighborhood without any awareness of the  
12 process or the impact. He said this is a good way to address that concern. He feels it is  
13 important to know and have a say about what is going on in your neighborhood, while balancing  
14 the fact that government use has a certain priority. He noted that the White Cross Fire Station  
15 is holding a neighborhood information meeting tomorrow night. He said this is a good precedent  
16 moving forward.

17 Commissioner McKee said some of the neighbors that he talked to were not upset over  
18 the fire station, but were simply upset about the lack of notification.

19 Commissioner Price clarified that if this goes into effect then a volunteer fire department  
20 would have to hold an information meeting. She asked if state law supersedes this.

21 Michael Harvey said he is not aware of anything in state law that gives a fire department  
22 preferential treatment from compliance with local land use regulations.

23 Commissioner Price said she thought that state law said that the fire stations are  
24 permitted by right.

25 Michael Harvey said this does not change the permitted by right status, but it adds a  
26 layer of requirement to that status by requiring this hearing is held.

27 Commissioner Price said the Board could have a public meeting and hearing, but plans  
28 will still go forward.

29 Michael Harvey said yes; however the hope is that the applicant chooses to address as  
30 many of the concerns as possible.

31 Pete Hallenbeck asked if the County attorney could look into this and have that  
32 information available at the next Planning Board meeting.

33 Paul Guthrie asked for the definition of governmental usage.

34 Michael Harvey said it is noted in attachment 1 of the abstract that the County  
35 recognizes that there are state and federal offices that will be exempt because of the nature of  
36 their use.

37 Pete Hallenbeck suggested that the UDO has the definition of government use, and this  
38 can be looked at during the next meeting.

39 Michael Harvey said there is not a definition of the land use, but there is a list of  
40 permitted uses in the table, and this can be discussed in the Planning Board meeting.

41 Pete Hallenbeck said the fire department was scrambling to put in substations because  
42 of the insurance situation, and manners suffered. He said it speaks well that the station is now  
43 having a meeting.

44  
45 A motion was made by Commissioner Gordon, seconded by Commissioner McKee to:

- 46  
47 1. Refer the matter to the Planning Board with a request that a recommendation be returned to  
48 the BOCC in time for the November 5, 2013 BOCC Regular Meeting.  
49 2. Adjourn the public hearing until November 5, 2013 in order to receive and accept the  
50 Planning Board's recommendation and any submitted written comments.

51  
52 VOTE: UNANIMOUS  
53

1 **4. Eno Economic Development District Access Management Plan** - To review a  
 2 proposed access management plan for the Eno EDD (Economic Development District). The  
 3 proposed access management plan involves approximately 550 acres of land in the vicinity of  
 4 US Highway 70 and Old Highway 10 (near Durham County).

5  
 6 Abigaile Pittman reviewed the purpose as follows:

7 To hold a public hearing on the Draft Eno EDD Access Management Plan for  
 8 establishing transportation connectivity as the study area develops in the future.

9 She reviewed the following PowerPoint Slides:

10  
 11 **BACKGROUND**

- 12 • Eno EDD Area Small Area Plan adopted in 2008, amended in 2009.
- 13 • Plan recommended an access management plan for US 70 and Old Highway 10 to
- 14 provide better transportation systems and capacities as development proceeds in the
- 15 area.
- 16 •

17 **WHAT HAS BEEN DONE SINCE 2009?**

- 18 • Land Use Plan Map amendments.
- 19 • Pre-zoning of land.
- 20 • Utility service agreement with Durham.
- 21 • Public water & sewer master plan.
- 22 • Cross-county bus route planning.
- 23 • Striping of 2-ft. bike lanes on Old NC 10.
- 24 • I-85/US 70 interchange concept plan.
- 25 • Project for I-85 widening and US 70 interchange in State plans.

26  
 27 **Eno EDD- Access Management Plan Study Area (map)**

28  
 29 **Importance of a formally adopted access management plan:**

- 30 • Enhancing Interconnectivity and access as properties are developed for non-residential
- 31 land uses;
- 32 • Developer/property owner compliance in providing transportation infrastructure
- 33 consistent with the Plan;
- 34 • Enhanced collaboration with the Durham-Chapel Hill-Carrboro Metropolitan Planning
- 35 Organization; and
- 36 • Procurement of federal and state funding for projects.
- 37 • The Plan examines the US 70 and Old NC 10 corridors and recommends access
- 38 management criteria and a concept map.

39  
 40 **WHAT DOES THE ENO EDD ACCESS MANAGEMENT PLAN DO?**

41 The plan examines the US 70 and Old NC 10 corridors and recommends access  
 42 management criteria and a concept map.

43 **WHY EXAMINE THESE CORRIDORS?**

- 44 • The improvement of the functionality of these corridors to both serve the area's traffic
- 45 along these routes is of high local and strategic importance as future development
- 46 proceeds in the Eno EDD.

47  
 48 **THE PLAN EXAMINES**

49 **EXISTING CONDITIONS:**

- 50 • Zoning and land use
  - 51 ○ EDE-1; EDE-2; R-1; R-2; MTC
- 52 • Environmental Considerations
  - 53 ○ Topography; Floodplains; Wetlands
- 54 • Future Land Use Plan designations

- 1           ○ Economic Development Activity Node
- 2           ○ 10-Year Transition
- 3           ○ Resource Protection Area

#### 5 **THE PLAN EXAMINES**

##### 6 EXISTING CONDITIONS:

- 7     • Existing Transportation Conditions
  - 8       ○ Functional classification of roads
  - 9       ○ Medians
  - 10      ○ Traffic signals
  - 11      ○ Traffic counts
  - 12      ○ Traffic level of service (LOS)
  - 13      ○ High frequency crash locations
  - 14      ○ I-85/US 70 interchange redesign concept
  - 15      ○ Rail
  - 16      ○ Pedestrians and bicycles
  - 17      ○ Transit (bus, park-and-rides, etc.)

#### 18 **THE PLAN REVIEWS ACCESS MANAGEMENT STRATEGIES**

- 19     • An Access Management Concept Map was prepared to guide the design of site access and internal circulations routes for properties in the area.
- 20     • Written access management criteria were developed to guide interpretation and implementation of the Map.
- 21     • Public Outreach

24 A Public Informational Meeting/Open House was held on September 4, 2013 from 4:30-6:30 p.m. at the Shared Visions Retreat Center (historic Murphey School).

26 Legal ads for this public hearing were published in the Herald Sun on Aug. 28 & Sept. 4, 2013.

27 The Eno EDD AMP was also made available on the Planning Dept.'s website at

28 <http://orangecountync.gov/planning/SpecialProjects.asp>

#### 30 **Recommendations**

31 The Planning Director recommends the Board:

- 32     1. Refer the matter to the OUTBoard and the Planning Board with a request that a recommendation be returned in time for the 11-19-2013 BOCC meeting.
- 33     2. Adjourn the public hearing until 11-19-2013 in order to receive and accept the
- 34       OUTBoard's and Planning Board's recommendations, and any submitted comments.

37           Abigaile Pittman said implementation of the plan will require coordination between the NCDOT, the County, the City of Durham, developers and property owners.

39           She said the public outreach meeting had revealed some community concerns regarding truck traffic and speed limits along Highway 10 and the potential impacts to residential neighborhoods.

42           Chair Jacobs said some of the concerns regarding highway 10 relate to rural character. He said there is a plan for Saint Mary's Road, which is a scenic corridor. He suggested a review of those criteria, which address some of the issues that people have raised regarding highway 10. He said this could be used as a blueprint.

46           Commissioner Gordon asked about the functional specifications on pages 19 and 20 of the abstract. She asked for clarification on the road classification system and how it meshes with these two pages.

1 Abigaile Pittman said arterial collector and local categories are broad categories, but  
2 NCDOT has some subcategories. She said the categories are taken directly from NCDOT's  
3 website. She said she is aware that NCDOT is currently undertaking a review of the entire  
4 functional classification program. She said this will be well under way by December. She said  
5 comments from local jurisdictions regarding classification changes will be welcomed. She  
6 suggested that NC 10 and the continuation onto Old Hillsborough are not consistent yet. She said  
7 NCDOT should examine this.

8 Commissioner Gordon said that the current classification is being used with subcategories.  
9 She clarified that changes will be dealt with as they come. She said the classifications take a long  
10 time.

11 Abigaile Pittman said there is an opportunity to participate in the process through  
12 comments.

13 Commissioner Price asked about signal lights. She asked what the next phase is for the  
14 intersections.

15 Abigaile Pittman said the map identifies existing signal intersections, and she has not  
16 indentified any future signal lights. She said this may change as development proceeds.

17 Commissioner Price said she was referring to connectivity. She asked if the road would  
18 be widened if it is not made a scenic road.

19 Abigaile Pittman said there is no known proposal to widen Old Highway 10. She said  
20 there is a proposal to straighten some of the curves in the future.

21 Commissioner Price said she was just trying to figure out where the circled areas are  
22 connected to the plan.

23 Abigaile Pittman said this is just the existing road system.

24 Commissioner McKee said there are two rail crossings that complicate any possible  
25 widening.

26 Planning Board Member Johnny Randall asked how much bicycle traffic exists on highway  
27 10. He asked if there are bike lanes.

28 Abigaile Pittman said there is a striped lane for bikes but no official bike lanes.

29 Commissioner McKee said a 2 foot addition is simply a paved shoulder and not a bike  
30 lane. This adds a little separation. He said the widening of 86 North includes a 4 foot paved  
31 shoulder wherever possible. He said a true bike lane is 5 feet wide.

### 32 33 **PUBLIC COMMENT:**

34 Gina Andrews lives in the study area. She has spoken to 88 people in the neighboring  
35 area, and 85 of those people signed a petition. She said she took the maps provided at the  
36 Murphy school. She read the petition, which expressed opposition to the Eno EDD Small Area  
37 Plan due to potential destruction of surrounding wooded areas, and degradation of the local  
38 environment due to noise and other pollution. She asked for a rejection of this plan. She said that  
39 Old NC 10 welcomes people to Orange County and is favored by cyclists due to the beauty and  
40 safety of the area. She feels there is another plan that could work for this area.

41 Commissioner Gordon asked if the petition is against the Eno Economic Development  
42 Access Management Plan or the small area plan.

43 Gina Andrews said it is against the access management plan.  
44

45 Jon Arvik said he came to ask for help. He said Chair Jacobs comment regarding  
46 classification of Old NC 10 as a scenic area provided hope for the help.

47 He said he moved here 7 years ago for the rural neighborhood, clean air, quiet, and claims  
48 on the County website. He said neighbors are still great, but the difficulty is air contamination and  
49 heavy truck traffic with noise. He said his history is in environmental science and airborne  
50 particulates and their health effects. He said Weldon Ridge is in close proximity to NC 10 and  
51 there is heavy traffic going at high speeds, spewing diesel exhaust, which is a human carcinogen.

52 He said he moved here voluntarily, but he did not want to see these trucks going down  
53 these smaller roads. He said his concern is the health of his neighbors.

1 Joseph Henderson lives at 5316 Old Hillsborough Road. He said he hopes everyone can  
2 come to an agreement to develop and maintain the landscape, while creating jobs and business  
3 opportunities. He says there is only one piece of paper, and he said there should be 3 that can be  
4 discussed. He said Old NC 10 is a beautiful drive and a wonderful place for bicyclists and  
5 joggers. He said commercial traffic should be limited to Highway 70. He said he has seen the  
6 new lines for access to 70 and this is a waste of money. He said this eliminates only 2 minutes of  
7 driving and is a waste of time and resources.

8 Paul Guthrie said the transportation map includes the location of potential rail stop. He  
9 said there needs to be significant discussion on the location of this. He said this decision involves  
10 issues outside of the current discussion.

11 Commissioner McKee asked what the speed limit is in this area. He noted that Pleasant  
12 Green Road on the north side of Highway 70 has an extended area of 45 miles per hour. He  
13 noted that the Board does not have the authority to regulate speed limit or what traffic can use the  
14 roads. He said the speed limits need enforcement in this area.

15 Chair Jacobs said one of the reasons he likes going to football games at Duke is because  
16 there is not a lot of traffic, and he uses Old 10 as a shortcut. He said he does enjoy this drive and  
17 the sense of being in the country. He empathizes with the residents' comments. He said it could  
18 be part of the motion that the Planning Staff should share how the Saint Mary's scenic corridor  
19 works and how this might be applied to NC 10.

20 He said DOT can be asked to reduce the speed limits, but speed limit is usually only  
21 reduced if there are high rates of accidents in the area.

22 Chair Jacobs followed up on Commissioner Gordon's question regarding the petition  
23 against the access management plan. He said there was an underlying decision made by a  
24 previous Board that changed the land use plan, but that is not what is before the Board at this  
25 time. He said that is a topic for a later discussion.

26 Commissioner Price said she travels in that area and she feels that an increase in the use  
27 intensity would mean more traffic and higher speeds. She said she has seen so many of the  
28 accident shrine markers on that road. She said something does need to be done. She said the  
29 same is true of Saint Mary's Road. She said DOT can intervene.

30 Commissioner Rich referred to Chair Jacobs mention that the petition was for the wrong  
31 discussion, and she asked if the petitioner was in agreement with this statement.

32 Chair Jacobs said the underlying issue from the petition is that the land use has changed.

33 David Walbert said he signed the petition with full knowledge that it was not about the  
34 issue before the Board tonight. He said there was no petition to be signed 5 years ago. He said  
35 he found out about the plan in 2008 with only 2 days notice. He spoke at that meeting. He said  
36 that Chair Jacobs made the same comment at that meeting regarding a map that was drawn in  
37 1980. He said it seems at every point in this process the Board is referring back to something that  
38 already happened. He said he would ask that the Planning Board and the Commissioners take  
39 into account the concerns expressed in that petition regarding the character and the fact that there  
40 is a residential neighborhood involved.

41 Commissioner Price said the petition is about something else, but he management plan  
42 does affect the residents' way of life and quality of life.

43  
44 A motion was made by Commissioner McKee, seconded by Commissioner Pelissier to:

- 45 1. Refer the matter to the OUTBoard and the Planning Board with a request that a  
46 recommendation be returned in time for the 11-19-2013 BOCC meeting.
- 47 2. Direct staff to review the standards applied to the Saint Mary's Road scenic corridor to  
48 see if and how these standards may be applied to Old Highway 10.
- 49 3. Adjourn the public hearing until 11-19-2013 in order to receive and accept the  
50 OUTBoard's and Planning Board's recommendations, and any submitted comments.

51  
52  
53 Commissioner Dorosin asked for clarification on what is supposed to come back to the  
54 Board with regard to the Access Management Plan. He said there is not really a plan yet.

1 Abigaile Pittman said this is a plan that offers criteria and a map

2 Commissioner Dorosin said the abstract says this says it is a draft plan

3 Abigail Pittman said this draft plan offers criteria and a map on future access and  
4 connectivity through the EDD. She said the highlights review existing conditions and how staff  
5 arrived here today. She said this is not a plan that examines any one development proposal, but  
6 it is a policy guideline with criteria to guide future development actions.

7 Commissioner Dorosin said he feels that he needs a more specific plan of what this  
8 means. He said this is only a criticism of his own lack of understanding. He referred to the signal  
9 intersections map. He said a plan, to him, states a list of what will be done. He asked what the  
10 Board would be approving when this comes back in two months.

11 Tom Altieri said what will be coming back will be the entire plan. He said this is pages 6 –  
12 38 of the agenda packet. He said the map that Commissioner Dorosin refers to is within that plan.  
13 He said this could also be referred to as an access management plan for the area. He said this  
14 map is really a conceptual plan that provides the County the opportunity for future development.

15 He said this will give the County future opportunity to get signals added, and to require  
16 easements for service roads to maintain the integrity of the existing roadway.

17 Commissioner Dorosin said he is still not satisfied that there are enough details.

18 Commissioner Gordon said she has no objection to getting more information on the Saint  
19 Mary's scenic byway. She said scenic byways just prescribe what kind of signs can be put up.  
20 She is not sure that a designation of Highway10 as a scenic byway will address the concerns  
21 expressed by the public. She said the main concern of residents is keeping commercial traffic off  
22 Old 10.

23 Chair Jacobs said Saint Mary's scenic corridor has standards that were developed 15-20  
24 years ago. He said these standards encompass much more than just signs, including setbacks  
25 and other provisions.

26 Commissioner Gordon said it matters whether the term used is scenic byway or scenic  
27 corridor. She was referring to a state scenic byway.

28 Chair Jacob said the term is scenic corridor.

29 Commissioner Pelissier said that this item is confusing to the Board as well as the public,  
30 because it is really just a plan for a plan. She said this has to be done in order to develop details  
31 later on when there are requests for lights, bike lanes or other items. She said transportation  
32 planning is so complicated due to the all the different organizations involved on a federal, state,  
33 urban planning and rural level. She clarified that this plan is simply a placeholder to put ideas  
34 there for future implementation.

35 Craig Benedict said this type of plan is needed to get funding for projects from DOT. He  
36 said it will help make any future development more manageable. He said this is a step in the  
37 process to manage growth. He said he understands the Board's comments regarding the  
38 comparison to the scenic corridor.

39 Chair Jacobs emphasized that an access management plan also limits access.

40  
41 **VOTE: 5 ayes, 2 nays (Commissioner Dorosin and Commissioner Price)**

42  
43 Commissioner Dorosin said the idea of a plan that doesn't really have to be followed is not  
44 satisfying. He said he appreciates the complexity of transportation planning, but he feels it is  
45 more useful to put more time in at the front end.

46 Commissioner Price said more work needs to be done to outline how this transportation  
47 plan will fit in with the proposed land use. She said this plan has been sitting on paper for  
48 decades, and she feels it should be re-visited before anything is put in stone.

49 Commissioner Rich said her understanding is that this plan is not set in stone but is meant  
50 to give direction moving forward toward a solid plan.

51 Commissioner Price said once it is voted it seems to become a reference point.

52 Pete Hallenbeck said it would be helpful to have the Planning Board make a map with the  
53 addresses of all of the people who signed the petition. He said this would help everyone see  
54 where the affected people are located.

1  
2 **5. Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use**  
3 **Plan** – To review future land uses proposed for areas of County jurisdiction located within the  
4 Town’s Urban Service Boundary. This is the next step towards completion of a joint Town of  
5 Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan.  
6

7 Tom Altieri reviewed the following PowerPoint slides:  
8

9 **Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use**  
10 **Plan**

11 Quarterly Public Hearing

12 September 9, 2013

13 Item C.5  
14

15 **Purpose**

16 Hold a public hearing on draft Town of Hillsborough/Orange County Central Orange  
17 Coordinated Area (COCA) Land Use Plan  
18

19 **History of Joint Planning with Hillsborough**

20 ***Hillsborough/OC Urban Transition Area Task Force (2004):***

- 21 • Acknowledgement that the Town’s Primary Service Area for public water/sewer, as
- 22 defined by Water and Sewer Management Planning and Boundary Agreement, was a
- 23 much larger area than it had the ability to serve.
- 24 • Principles of Agreement and Map, one of which called for a Joint Strategic Growth Plan
- 25 (SGP).

26 ***Hillsborough/OC SGP Phase I (2006):***

- 27 • Consultant prepared SGP Report.
- 28 • SGP Report called for preparation of Inter-local Agreement.  
29

30 **History of Joint Planning with Hillsborough (Cont.)**

31 ***Phase II - Hillsborough-Orange Inter-local Land Management Agreement (2009):***

- 32 • Called for adoption of Joint Land Use Plan (JLUP);
- 33 • Established Urban Services Area, Hillsborough Urbanizing Area, and Orange County
- 34 Urbanizing Area;
- 35 • Identified areas for Town’s Extraterritorial Jurisdiction (ETJ) swap;
- 36 • Provides for JLUP adoption, administration, and amendment processes.  
37

38 **Inter-local Agreement (2009) MAP**  
39

40 **Why Joint Planning?**

- 41 • Implement Inter-local Agreement.
- 42 • Clear and consistent guidance for land use/zoning decisions.
- 43 • Achieve coordinated growth patterns.
- 44 • Distinguish between areas to have urban characteristics from rural.  
45

46 **Adopted by Town March 2013 MAP**  
47

48 **Prior to Town Adoption**

49 BOCC letter to Town providing comments (Oct. 2012) – Part of Town’s outreach and public  
50 hearing process (2012 – early-2013).

51 Town Planning Board (Nov. 2012) – Addresses BOCC comments as part of its  
52 recommendations.

53 BOCC Work Session (Jan. 2013) – Review of Town Planning Board recommendations and  
54 how they addressed BOCC input.

1 BOCC/Hillsborough Board of Commissioners Joint Meeting (Feb. 2013) – Update on Town  
2 process and next joint planning steps.

3  
4 **Following Town Adoption of FLUP**

5 Consistent with the Inter-local Agreement (2009), following Town adoption, the BOCC is to  
6 consider endorsing the Plan (map and descriptions of classifications, pp. 9-12)

7 ***Orange County Public Hearing***

8 Monday, September 9, 2013

9  
10 **Town and County Jurisdictions MAP**

11 **County/Town Open House**

12 Held August 27, 2013 at the Town Barn

13 (101 E. Orange Street).

- 14 • Held to help inform public of process and next steps  
15 • 20 people attended  
16 • 1 walk-in at Planning Department  
17 • Response to Plan has been very positive  
18 • Request to protect residential properties along fringe of Urban Service Area

19  
20 **What's Next? Flowchart**

21  
22 **Questions and Public Comment**

23  
24 **Recommendation**

25 The Planning Director recommends the Board:

- 26 1. Refer the Plan to the Planning Board requesting it return its recommendation for the  
27 November 5, 2013 BOCC meeting; and  
28 2. Adjourn the hearing until November 5, 2013 to receive and accept Planning Board's  
29 recommendation.

30  
31 Tom Altieri, referring to Slide 8, said comments from the Public Hearing included  
32 concerns regarding limitations on high density residential development on the north side of  
33 town. There were concerns about additional traffic on Churton Street. He said there were also  
34 some issues differentiating colors on the land use plan. He said the County had some specific  
35 requests to change the town classification of some properties near Old NC 86 and I-40. He said  
36 these requests were included in the County Planning Board recommendation that was adopted  
37 in March.

38 He reviewed the flowchart found on page 15 of the abstract. He said, following  
39 endorsement by the Board in November, staff will take the next step to process amendments to  
40 the comprehensive plan in order to implement this joint land use plan. He said this step cannot  
41 be taken until the County Commissioners and the Town Board are on the same page.

42 Commissioner Gordon referred to the maps on pages 13 and 14. She asked for an  
43 explanation of the map on page 14.

44 Tom Altieri said the map on page 14 is the map that the town of Hillsborough adopted in  
45 March. He said this map takes the incorporated and ETJ areas and shows them in gray. He  
46 said this is identical to the map on page 9, except one shows land uses within the town  
47 incorporated areas.

48 Commissioner Gordon asked about the relationship between the maps on pages 13 and  
49 14. She referred to proposed ETJ areas to be deleted and said that the map on page 14 has  
50 areas labeled as ETJ that she thought were supposed to be County area.

51 Tom Altieri said this ETJ swap part of the process has not been reached yet. He said  
52 there must first be a formal request from the town.

53 Commissioner Gordon clarified that all parts of the swap will all be done at once.

54 Tom Altieri said yes.

1 Commissioner Gordon asked how that will work in this process.

2 Tom Altieri said the Town's request must be received first, and then staff will come back  
3 to the Board with an amendment outline form. He said this form will outline the process for the  
4 swap. He said he does not have more details now.

5 Commissioner Gordon asked if page 9 is the future land use plan adopted by the town.

6 Tom Altieri said this is correct.

7 Commissioner Gordon said this does not look the same as the one on page 14.

8 Tom Altieri said the map on page 9 shows the land uses within the town of Hillsborough  
9 incorporated area and the present ETJ. He said the map on page 14 shows those areas in  
10 gray.

11 Commissioner Gordon said these maps do not look the same. She said there are areas  
12 that are different.

13 Tom Altieri said the town of Hillsborough did not adopt future land uses in the area that  
14 will be given up to the west.

15 Commissioner Gordon said it looks like the town has adopted future land uses in the  
16 area being taken in. She said the map on page 14 still has the ETJ area as part of the  
17 municipal area. She asked staff to come up with a timeline to show how these swaps will  
18 happen at the same time and what kind of land use will be put in these areas.

19 Tom Altieri said this will be done. He said this is proceeding prior to that because the  
20 inter-local agreement was done in 2009, and there is a need to move forward toward  
21 implementation.

22 Commissioner Gordon said she hopes these issues will be worked out so that things will  
23 mesh. She said there needs to be a plan for the part of the ETJ that is being given up.

24 Tom Altieri said this public hearing is for the County's endorsement of what the Town  
25 has already adopted. He said once this is accomplished staff will be able to proceed with  
26 bringing forward a process on how swaps will occur and what the land uses will be. He said  
27 these areas will most likely be agricultural/residential.

28 Commissioner Price said this is a plan. She said things have changed already and  
29 annexation laws have changed. She said there are areas that could or may not be annexed,  
30 and these are all future possibilities.

31 Commissioner Dorosin referred to the map on page 13 and asked about the urban  
32 services boundaries.

33 Tom Altieri said this is the map that is part of the inter-local agreement that has already  
34 been adopted, and the magenta line defines the urban service areas of the town.

35 Commissioner Dorosin stated that the map on page 14 is just a snapshot. He clarified  
36 that this is not permanent.

37 Tom Altieri agreed and said this map expresses a vision.

38 Chair Jacobs requested a list of both immediate and future steps contemplated to make  
39 the maps and land use visions of the town and County coincide. He said this would address  
40 Commissioner Gordon's concerns.

41  
42 A motion was made by Commissioner Gordon, seconded by Commissioner Pelissier to:  
43

- 44 1. Refer the Plan to the Planning Board requesting it return its recommendation for the  
45 November 5, 2013 BOCC meeting; and
- 46 2. Direct Staff to provide a list of both immediate and future steps contemplated in order to  
47 make the maps and land use visions of the town and County coincide.
- 48 3. Adjourn the hearing until November 5, 2013 to receive and accept Planning Board's  
49 recommendation.

50  
51 Chair Jacobs said it took a long time to get Hillsborough to the table to talk about joint  
52 planning. He said former elected officials had an overblown idea of how Hillsborough was going  
53 to grow. He said this was a breakthrough to sit down and discuss a joint plan.

1 He said some of the intended but not articulated consequences of the plan are that it  
2 recognizes the rural buffer to the south of Hillsborough. It also de-facto creates rural buffers to  
3 the west of Hillsborough in the upper Eno and to the east, separating Durham from  
4 Hillsborough.

5 He said this includes an Orange Grove access management plan that would have been  
6 very informative for people in the Eno River EDD.

7 He said this is the kind of plan that the County eventually needs to have with Mebane.  
8

9 VOTE: UNANIMOUS  
10

11 **D. ADJOURNMENT OF PUBLIC HEARING**

12  
13 A motion was made by Commissioner Pelissier, seconded by Commissioner Rich to  
14 adjourn the public hearing at 9:44.  
15

16 VOTE: UNANIMOUS  
17

18 **E. BOCC WORK SESSION:**

19  
20 **1. Agricultural Support Enterprises (Continued)**

21  
22 Perdita Holtz resumed her presentation with discussion points, looking at pages 1-4 of  
23 the abstract. She asked for direction on whether changes should be written into the existing  
24 public hearing process for Agriculture Support Enterprises.

25 Chair Jacobs asked what the other 80 pages of the abstract contain.

26 Perdita Holtz said these additional pages contain the UDO text amendments that are  
27 expected to move forward next month. She said the approval process must happen first.

28 Commissioner Rich said the presentation left off on page 9. She said she agrees with  
29 the staff opinion that option 3 is not preferred due to extra time, and cost. She is trying to  
30 understand the difference between the other options and what makes the most sense.

31 Perdita Holtz said the difference between options 1 and 2 is the timing of the Planning  
32 Board recommendation, and the difference in the number of Public Hearing dates available for  
33 development projects throughout the year. She said there is currently a quarterly process for  
34 Public Hearings.

35 She said previous agriculture support work advocated that re-zonings and special use  
36 permits for Agriculture Support uses should be allowed on any BOCC regular meeting agenda  
37 under the public hearings section. She said this is being brought forward to see if the Board is  
38 interested in this.

39 She said there is now a UDO, and in order to incorporate all of the previous work into the  
40 UDO a decision must be made regarding changes to the development approval process.

41 Commissioner Rich asked if allowing the public hearings at regular meetings would  
42 make the process move faster.

43 Perdita Holtz said it would probably not make the process move faster, as it is already a  
44 favorable approval time. She said it would make a monthly cycle for applicants to be heard  
45 earlier.

46 Commissioner Rich asked what this means for staff time.

47 Perdita Holtz said staff time is expected to remain the same.

48 Commissioner Gordon clarified that the discussion tonight is simply about the Board  
49 commenting on the public hearing process and not the substance of Agricultural Enterprises.

50 Perdita Holtz said yes.

51 Commissioner Gordon said there are a lot of reasons why the public hearing process is  
52 done the way it is done today. She said there were major land use questions that would come  
53 up at these four quarterly public hearings. She said this meant that the public only had to keep  
54 track of these four hearings in order to follow an issue being discussed.

1 She said the current process also prevented these things from being loaded onto regular  
2 Board meeting agendas. She said you could hear an item at a separate hearing from the  
3 approval and this was important. It gives the public time to weigh in with the Planning Board  
4 and the Commissioners after the public hearing.

5 She said she can see tweaks to the process, but she does not want to see the Planning  
6 Board cut out of making recommendations after the public has been heard.

7 She thinks it is also important for the BOCC to approve notices. She said all of this  
8 policy is in the interest of transparency, and she supports the current process. She urged the  
9 Board not to change this process in any major way.

10 Commissioner Pelissier said she agrees with the need for a transparent process. She  
11 also thinks it is time to look at the quarterly public hearings because she is aware that there are  
12 things that are not working. She noted that there are often meetings with a delayed start due to  
13 lack of quorum. She noted that if the hearings were held at Commissioners' meeting, then  
14 Planning Board members would not have to be there, but could come if desired. She said the  
15 meetings would be recorded and available for Planning Board members to access.

16 She said if a meeting is held and the Board does not vote on the same night, then that  
17 gives transparency. She said the recording process also makes it more transparent.

18 She said she feels that if this change is made, it should not be just for Agriculture  
19 Support. She said she would like to have the Planning Board recommendation after the public  
20 hearing.

21 Commissioner Dorosin said he likes process 2. He said he does not like the current  
22 quarterly public hearing model. He said these items could come up in a meeting. He said  
23 anything that expedites the process is advantageous.

24 He favors the Planning Board recommendation in advance of the public hearing. He  
25 feels this is a model that works. He said a Planning Board member can present at the public  
26 hearing and additional input can be asked for since the voting will not be the same night.

27 He thinks the process can be streamlined and option 2 makes the most sense.

28 Commissioner Price said her issue with number 2 is that the Planning Board does not  
29 get comments from the public before making a recommendation.

30 Commissioner Dorosin said he views the Planning Board as the Board's experts and the  
31 public comments come to the Commissioners, and these comments don't need to be filtered by  
32 the Planning Board.

33 Commissioner Rich noted that the Planning Board meetings are open to the public. She  
34 said that if the comments of the public don't mesh with the recommendations of the Planning  
35 Board the issue can always be referred back to them.

36 She said she does not like the process of quarterly public hearings, and she does not  
37 think that it works. She does not know why these cannot be put into regular meetings. She  
38 feels that the process would be quicker.

39 Commissioner Price said during her time on the board, there would be public hearings  
40 during Planning Board meetings. She said information went on the record, and then it was  
41 passed to the Commissioners. She said this created a back and forth process that prolonged  
42 things. She would like to see this fixed.

43 Commissioner McKee said he would not support voting on an issue the same night the  
44 public hears about it; however he does agree that the process needs to be changed.

45 He said he does not understand the justification of a legal ad having to come back to the  
46 Board for approval. He said the County has a very competent staff that is capable of putting out  
47 a legitimate ad without need of Board approval.

48 He said there are some tweaks that can happen to move this process along further. He  
49 said there is the perception in the community that this process is used to slow down and  
50 obstruct the process.

51 Chair Jacobs said he has heard the majority of the Board say that the process needs to  
52 be shortened. He said there are differences of opinion regarding the necessity of the quarterly  
53 hearings and whether these still function as designed. He said there is some sentiment is to

1 have the planning items at regular board meetings, but there are differing opinions on where the  
2 Planning Board fits in.

3 He said the Board has discussed having all meetings on Granicus, so this is an  
4 irrelevant point. He said if there will not be quarterly hearings, there should be 4 more regular  
5 Commissioner meetings.

6 He said he would never want to cut the Planning Board out of hearing the public prior to  
7 making a recommendation. He said decisions on recommendations are often influenced and  
8 shaped by public hearing input.

9 He said the Board would have more control over public hearing items if the items came  
10 up at regular meetings, because the Chair and Vice-chair would have more time to review them.

11 He said he was blind-sided by this topic, and he does not like that it came up this way.  
12 He said a process where Commissioners have more control over what comes before them  
13 would be more satisfactory.

14 His suggestion is that staff takes the feedback from the Commissioners and comes back  
15 with an amalgam of something similar to one of the current proposals. He said this would need  
16 to fit into the calendar and fit with the need to be transparent. He said the Planning Board  
17 should be involved.

18 Perdita Holtz said she has heard that the Board does not want a different process for  
19 Agriculture Support Enterprises. She said that if this is the case the process amendments will  
20 be divorced from Agriculture Support Enterprises, and this will be its own item moving forward.

21 Frank Clifton said there are no other governments in the state of North Carolina that are  
22 more transparent than Orange County

23 He said that the current process costs applicants time and money to even be part of the  
24 process, regardless of the outcome. He said landowners come forward with a request that is a  
25 no brainer but that person still has to wait 3 to 5 months for a decision.

26 He said the other thing to keep in mind is that the development activity has lessened  
27 greatly, but the wait time has stayed the same due to the process.

28 Commissioner Price said it is also difficult for people when the public hearings fall near a  
29 holiday.

30 Chair Jacob said this is just another argument for more flexibility.

31 Commissioner Gordon said she hopes the pendulum doesn't swing in the direction of  
32 having public hearings every meeting. She is glad that the Board would not make decisions on  
33 the same night, as this keeps things transparent. She said that this issue should be considered  
34 carefully.

35 She said she does feel that the Board should approve the notice, as it tells the Board  
36 what is coming up and keeps the notices transparent. She said it is not always evident from the  
37 draft public notice what the item means, and the commissioners can correct that when they  
38 approve the notice

39 She said that if there is concern about a quorum, the planning board could be at the  
40 meeting but without a required quorum, and the recommendation could come afterward.

41 Chair Jacobs suggested a built in schedule where every third meeting or second  
42 meeting a public hearing would be scheduled. He suggested that the Board consider whether  
43 public hearings should occur earlier in the agenda. He said this would better allow the Planning  
44 Board and members of the public to participate.

45 Commissioner Gordon would urge that the Board not always have the public hearing in  
46 one part of the County.

47  
48 A motion was made Commissioner Price, seconded by Commissioner Gordon to adjourn  
49 the meeting at 10:20.

50  
51 VOTE: UNANIMOUS

52  
53  
54

1 David Hunt, Deputy Clerk

## Attachment 2

DRAFT

**BOARD OF COMMISSIONERS  
REGULAR MEETING  
September 17, 2013  
7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Tuesday, September 17, 2013 at 7:00 p.m. at the Southern Human Services Center, in Chapel Hill, N.C.

**COUNTY COMMISSIONERS PRESENT:** Chair Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Barry Jacobs, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich

**COUNTY COMMISSIONERS ABSENT:**

**COUNTY ATTORNEYS PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Managers Michael Talbert, Clarence Grier, Cheryl Young and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

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

Chair Jacobs noted that there was one proposed addition to the agenda. He referenced the aqua sheet labeled "Item 5-n – Employment Agreement for Michael Talbert – Interim Orange County Manager".

Chair Jacobs said there was also a suggestion to remove Item 4-d, Review of Proposed Operations Agreement for the Rogers Road Community Center due to a large number of last minute edits to a legal document. He would like to refer this item to the staff attorney for review.

A motion was made by Commissioner McKee, seconded by Commissioner Rich to add "Item 5-n – Employment Agreement for Michael Talbert – Interim Orange County Manager" to the agenda and Table Item 4-d - Review of Proposed Operations Agreement for the Rogers Road Community Center and refer to the County Attorney.

Commissioner Dorosin asked what the process would be if item 4-d were removed and if a timetable could be suggested for bringing this item back.

Commissioner Pelissier asked for clarification on the last minute changes.

Chair Jacobs said the Board received a large number proposed changes to the agreement that morning from attorneys representing RENA. He said it seems inappropriate to go through a legal document without legal analysis. He hopes the Board could have this item on the October 1<sup>st</sup> meeting agenda. He said the Board also has a sheet for bids on the center, which are grossly out of line with what was anticipated. He said there will need to be discussion on changes moving forward.

Commissioner Price asked how and where to submit further questions regarding this item.

Chair Jacobs said questions should be submitted to either Michael Talbert or John Roberts.

Commissioner Pelissier asked if this means the process will start over with a new operational agreement.

1 Chair Jacobs said it is up to RENA to get with their own attorney regarding what is being  
2 proposed. He said this may require a meeting of the attorneys.

3 Commissioner Rich said she had questions about this item prior to the edits. She  
4 questioned whether she should base her questions on the agenda item in the packet or on a  
5 new agenda item later on.

6 John Roberts said he would recommend waiting until there is a new document, as there  
7 are a significant number of changes.

8 Commissioner Rich asked how the Board will differentiate what was in the original  
9 document and what was not.

10 John Roberts said he would suggest the Board start over fresh since this will virtually be  
11 a new document.

12 Commissioner Price asked if this will have any effect on the opening date for the center.

13 Chair Jacobs said it is the goal of the Board of County Commissioners not to delay this,  
14 but there are unanticipated issues. He said there may have to be new bidding and design  
15 discussions, but the Board will move this forward as quickly as possible. He said the Board has  
16 accountability to certain fiduciary responsibilities.

17  
18 VOTE: UNANIMOUS

19  
20 Chair Jacobs reviewed the following additional items at the Commissioners' places:

- 21 - Yellow sheet- Comparison for Item 7-a – "Employee Benefits and Recommendations for  
22 Calendar Year 2014"
- 23 - Blue Sheet for Item 9- County Managers report regarding the Community Center
- 24 - Pink Sheet- List of recipients for Item 4a- "Orange County Arts Grant Recipients"

## 25 26 PUBLIC CHARGE

27 *The Chair dispensed with the reading of the public charge.*

## 28 29 **2. Public Comments**

### 30 31 **a. Matters not on the Printed Agenda**

32  
33 Don O'Leary said our founding fathers went out for five weeks of intense prayer before  
34 writing the constitution, and our nation was founded on these values. He said ICLEI was  
35 assembled by the UN to write Agenda 21 and these folks pray to Lucifer. He said Orange  
36 County is involved with these people who want to remove property rights using the environment  
37 as a tool. He asked the Board to reconsider their involvement with ICLEI.

38 Terry Rekeweg is a transportation engineer who has been involved in planning for  
39 passenger rail service in the Triangle. He has proposed a revision to the Durham/Orange  
40 County light rail project. He referred to a map showing the middle portion where changes would  
41 be made.

42 He said this change would provide an estimated cost savings of \$400 million and would  
43 increase safety for vehicles and pedestrians. He said this change would also serve a larger  
44 low income area. He said it would have a faster travel time, while eliminating 1 mile of bridges.  
45 He said this route would provide a direct route to pedestrian greenways and the American  
46 Tobacco Trail, while having less impact on natural areas. He said this route would eliminate the  
47 taking of at least 70 private properties by sticking to existing transportation routes. He said he  
48 feels this route would result in a gain of 2000 or more daily riders and would provide a direct  
49 route from Chapel Hill to RTP.

1 He said the Eubanks Road Park and Ride would attract I-40 travelers to get off the  
 2 interstate and catch bus rapid transit into downtown Chapel Hill to catch the light rail into RTP.  
 3 He offered copies of this map to the Commissioners.  
 4

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

6 (These matters will be considered when the Board addresses that item on the agenda  
 7 below.)  
 8

9 **3. Petitions by Board Members**

10 Commissioner Dorosin said he would like to follow up on his previous question  
 11 regarding ban the box and the County's hiring process. He said he had suggested that the  
 12 Board collect data on how effective that change would be. He said it would be useful to know  
 13 how this change has impacted the hiring process, and he would be happy to work with staff on  
 14 a model to collect this data.

15 Commissioner Price petitioned for more parking area at Fairview Park. She said she  
 16 understood there was a plan to provide more development in that area. She asked if it was  
 17 possible for DEAPR to look at this.

18 Commissioner McKee said he endorsed Commissioner Price's petition. He asked that  
 19 this be brought back to the Board with an explanation of how it would affect the master plan for  
 20 that park.  
 21

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

23 **a. Orange County Arts Grant Recipients**

24 The Board presented checks to local artists and nonprofit organizations receiving Spring  
 25 2013 Orange County Arts Grants.  
 26

27 Martha Shannon said Orange County received 32 grant requests during the 2013 grant  
 28 cycle, totaling \$51,950. She said the County awarded \$30,726 in state grassroots program  
 29 funds from the NC Arts Council. She said the County also awarded \$1,000 in County funds to  
 30 one individual artist.

31 Deborah Thomas said there were concerns about the drastic cuts in arts funding  
 32 recommended in the State legislature. She said grassroots efforts across the state resulted in  
 33 level funding for arts grants at a total of \$5.6 million for fiscal year 2014.  
 34

35 **Spring, 2013 Grant Recipients**

36 **Grantees:**

37 ArtsCenter -  
 38 Carrboro Elementary School -  
 39 Cedar Ridge High School -  
 40 Chapel Hill Carrboro Children's Museum  
 41 (dba Kidzu Children's Museum) -  
 42 Deep Dish Theater Company -  
 43 Ephesus Elementary School PTA -  
 44 Estes Hills Elementary School PTA -  
 45 Franklin Street Arts Collective (dba FRANK Gallery) -  
 46 Glenwood Elementary School PTA -  
 47 Hillsborough Arts Council -  
 48 McDougle Middle School PTA -  
 49  
 50

**Attendees:**

Tracy Thomas  
 Lynn Weller  
 Janice Wereszczak  
 NOT AVAILABLE TONIGHT  
  
 Doris Friend  
 Nicole Kushner  
 Meredith Lassiter  
 Barbara Tyroler  
 NOT AVAILABLE TONIGHT  
 Philip Cooley  
 Sonia Frischemeier

1	North Carolina Symphony -	NOT AVAILABLE TONIGHT
2	Orange Charter School -	Denise Duffy & Keri Frank
3	Orange High School -	Janice Wereszezak
4	Sacrificial Poets -	Will McInerney
5	A.L. Stanback/C.W. Stanford/Gravelly Hill Middle-	Janice Wereszezak
6	Schools Coalition-	
7	Town of Carrboro Recreation & Parks (Carrboro Film Festival) -	Rah Trost
8	Town of Carrboro Recreation & Parks (Carrboro Music Festival) -	Gerry Williams
9	Barbara Tyroler	Barbara Tyroler

10  
11 **b. Recent Election/Voting Law Changes Update**

12 The Board received an update on the ratified Session Law 2013-131 – House Bill 589  
13 Election law changes.

14 Tracy Reams introduced members of her Board of Elections.

15 She presented the recent changes on the ratified Session Law 2013-131 – House Bill  
16 589. She said she pulled out 25 of the most significant items out of 59 election law changes  
17 that were made during this past legislature. She said these have been inserted into the  
18 abstract, and she reviewed several of items below:

19  
20 **BACKGROUND:** House Bill 589 was approved on August 12, 2013. Outlined below are  
21 various election law changes in House Bill 589 that will likely have the greatest impact on  
22 elections held in Orange County.

23 **Effective September 1, 2013 –**

24 • G.S. 163-82.1 (d) is repealed. **Preregistration:** Prior to September 1, 2013 a person who is at  
25 least 16 years of age may preregister to vote and shall be automatically registered upon  
26 reaching the age of eligibility. Preregistrations received prior to September 1, 2013 will remain  
27 in queue and will be automatically registered upon reaching the age of eligibility. 17 year olds  
28 can still register and vote in a Primary Election if they will be 18 years of age by the General  
29 Election.

30 **Effective October 1, 2013 –**

31 • G.S. 163-226.4.6(b) **Multi-partisan Teams:** The county board of elections must recruit  
32 and train multi-partisan teams to promptly assist patients and residents of any hospital, clinic,  
33 nursing home, or rest home in that county in casting absentee ballots. Elections staff has  
34 consulted with the League of Women Voters, and the League has expressed its desire to be a  
35 part of the team in addition to the Chairs of the Democratic and Republican parties.

36 • G.S. 163-82.22.5.2 **Photo ID public education:** The State Board of Elections (SBOE) and  
37 county boards shall disseminate information about photo identification requirements for voting,  
38 providing information on how to obtain photo identification appropriate for voting, and assist any  
39 registered voter without photo identification appropriate for voting with obtaining such photo  
40 identification. Information will be distributed through, public service announcements, print, radio,  
41 online and social media. Any mailings from the county boards of elections to voters shall  
42 include information about the photo identification requirements. Counties shall also post at the  
43 polls and at early voting sites beginning with the 2014 Primary Election information about the  
44 photo identification requirements.

45 • G.S. 163-82.22.5.5 **Use of electronic and digital information:** By April 1, 2014, the  
46 State Board of Elections shall review and report to the Joint Legislative Elections  
47 Oversight Committee the steps recommended to implement using electronic poll books in all  
48 polling places to assist in identifying individuals attempting to vote more than once and to assist  
49 in obtaining digital photographs of registered voters and verifying the identity of those voters  
50 including the taking of digital photographs at the polling place.

1 **Effective January 1, 2014 –**

- 2 • G.S. 163-45 was rewritten. **Poll Observers:** The Chair of each political party has the right to  
 3 designate two observers to attend each polling place. This bill also allows them to designate ten  
 4 additional at-large observers who may attend any voting place. Not more than two observers  
 5 from the same party shall be permitted in the voting enclosure except that one of the at-large  
 6 observers from each party may also be in the voting enclosure.
- 7 • G.S. 163-55(c)5 was rewritten. **Voting in incorrect precinct:** A provisional ballot shall not be  
 8 counted if the voter did not vote in the proper precinct. Prior to this bill, all contests were  
 9 counted on a provisional ballot in which the voter was eligible to vote regardless of the voting  
 10 location.
- 11 • G.S. 163-82.6A was rewritten. **Same day voter registration:** Eliminates registering and  
 12 voting during the one-stop early voting period for those who miss the 25 day registration  
 13 deadline.
- 14 • G.S. 163-82.6(b) was rewritten. **“Wet Ink” on voter registration forms:** An electronically  
 15 captured signature shall not be valid on a voter registration form unless it is on an electronic  
 16 voter registration form offered by a State agency.
- 17 • G.S. 163-82.25 is repealed. **Mandated voter registration drives:** Prior to this bill,  
 18 Boards of Elections were mandated to coordinate and conduct voter registration drives at all  
 19 public high schools in the county traditionally during the month of September.  
 20 Elections staff will continue to work with the high schools to assist in registration drives as well  
 21 as any other interested organization.
- 22 • G.S. 163-84 was rewritten. **Challenges made other than on Election Day:** Challenges can  
 23 be made by any registered voter of the State. Prior to this bill, challenges could only be made  
 24 by a registered voter in the county.
- 25 • G.S. 163-87 was rewritten. **Challenges made on Election Day:** Challenges can be made by  
 26 any registered voter of the county. Prior to this bill, challenges could only be made by a  
 27 registered voter in the precinct.
- 28 • G.S. 163-165.6(d) was rewritten. **Order of parties on ballot:** Candidate nominees of political  
 29 parties that reflect at least 5% of statewide voter registration in alphabetical order by party  
 30 beginning with the party whose nominee for Governor received the most votes in the most  
 31 recent gubernatorial election and in alphabetical order within the party shall be listed first on the  
 32 ballot. (The underlined part is the noted change.)
- 33 • G.S. 163-165.6(e) was rewritten. **Straight Party Voting:** Each official ballot shall not contain  
 34 any place that allows a voter with one mark to vote for the candidates of a party for more than  
 35 one office.
- 36 • G.S. 163-213.2 was rewritten. **Date of Presidential Primary:** Presidential preference primary  
 37 shall be held on the Tuesday after the first Monday in May, except that if South  
 38 Carolina holds its presidential primary before the 15th day of March, the NC presidential primary  
 39 shall be held on the Tuesday after the SC presidential preference primary. All other NC  
 40 primaries will be held in May.
- 41 • G.S. 163-227.2 was rewritten. **Early voting sites within a county:** Early voting shall begin no  
 42 earlier than the second Thursday before an election and shall end no later than  
 43 1:00 p.m. on the last Saturday before an election. Any plan adopted shall provide for the same  
 44 days of operation and same number of hours of operation on each day for all sites in the county  
 45 for that election. Prior to this bill, early voting began on the third Thursday before an election  
 46 and had the option to extend hours the last Saturday until 5:00 p.m.  
 47 The local Board had the option of setting different days and hours for the approved sites.
- 48 • G.S. 163-227.2 is amended by adding a new subsection. **Hours for early voting:** For any  
 49 county who provided for one or more sites during 2010 or 2012 elections, they shall calculate  
 50 the cumulative total number of scheduled voting hours at all sites and ensure that at least the

1 same number of hours offered in 2010 Primary and General is offered for the 2014 Primary and  
 2 General and the same number of hours offered in 2012 Primary and General is offered for the  
 3 2016 Primary and General Elections respectively. There is also an added amendment whereas  
 4 a county board by unanimous vote of the board may submit a request to the SBOE to reduce  
 5 the number of hours. The reduction shall take effect only if approved by unanimous vote of the  
 6 SBOE with all members present and voting.

7 • G.S. 163-229(b) was rewritten. **Absentee voting:** Requires two persons to witness the casting  
 8 of the absentee ballot, those person's names, addresses and signature and also added space  
 9 for the name and address of any person who assisted the voter. The requirement for two  
 10 witnesses shall be satisfied if witnessed by one notary public with a valid seal and signature.  
 11 The law states that a notary may not charge any fee. Prior to this bill, only one witness was  
 12 required. This law does not apply to military or overseas voters whose requirements are one  
 13 witness.

14 • G.S. 163-230.1 was rewritten. **Method of requesting ballots.** An absentee ballot request is  
 15 valid only if it is on a form created by the State Board of Elections. The voter or near relative  
 16 must provide either a driver's license/special identification number or the last four digits of the  
 17 social security number. The form will be available on the SBOE website, Orange County Board  
 18 of Elections (BOE) website, in the BOE office and will be mailed to voter upon request. Prior to  
 19 this bill, the request had to be written entirely by the requester personally or on a form  
 20 generated by the county board of elections that could not be reproduced.

21 • G.S. 163-278.13 was rewritten. **Limitation on contributions:** No candidate or political  
 22 committee can accept and/or contribute in excess of \$5,000 for an election except for a  
 23 candidate or a candidate's spouse who can give unlimited amounts. Prior to this bill, the limit  
 24 was \$4,000 and the persons who could give unlimited amounts included the candidate's  
 25 parents, brothers and sisters. It also provides a means to increase the limitations effective every  
 26 odd-numbered year by a formula set out in the amendment

27 • G.S. 163-287 was rewritten. **Special Election Dates:** Special elections may be held only at  
 28 the time as any other State, county or municipal election. Exceptions are any special election  
 29 related to public health or safety, including a vacancy in the office of sheriff or a bond  
 30 referendum for financing of health and sanitation systems. This also does not apply to local  
 31 acts.

32 • Part 28 – Section 28.1 – **Reduce need for second primary:** The Joint Legislative  
 33 Elections Oversight Committee shall study the second primary and recommend to the  
 34 General Assembly any legislation it deems advisable. Final report shall be made before the  
 35 convening of the 2015 regular session of the General Assembly.

36 **Effective January 1, 2016 –**

37 • G.S. 163-166.13 amended by adding new section. **Photo identification requirement for**  
 38 **voting in person:** Every qualified voter shall present photo identification bearing any  
 39 reasonable resemblance except curbside voters, voters who have religious objection to being  
 40 photographed and victims of natural disaster occurring within 60 days of the election. Instead of  
 41 photo identification, curbside voters may present a utility bill, bank statement, paycheck or other  
 42 government documents that shows the name and address.

43 Voters who on account of religious belief or natural disaster victims must sign a declaration to  
 44 that affect.

45 **Effective January 1, 2018 –**

46 • Part 30 – Section 30.8 – **DRE Voting Systems:** Any direct record electronic voting systems  
 47 currently certified by the SBOE which do not use paper ballots shall be decertified and shall not  
 48 be used in any election held on or after January 1, 2018.

49 Orange County has optical scan M100 voting machines, so this will have no impact.

50 **Implementation of Voter Photo Identification:**

- 1 • Part 3 of HB 589 states a registered voter may obtain a special identification card without  
2 paying a fee if the registered voter signs a declaration stating they do not have other photo  
3 identification acceptable. The fee to obtain a special identification card does not apply if the  
4 applicant is legally blind, at least 70 years old or is homeless. Voters cannot be charged any  
5 fees to obtain a certified copy of birth certificate or marriage license necessary to obtain  
6 acceptable photo identification. Registered voters will be provided with this information.
- 7 • Part 6 of HB 589 states that at any election between May 1, 2014 and January 1, 2016, any  
8 registered voter may present photo identification but is not required to do so. Voters shall be  
9 notified that photo identification will be needed to vote beginning in 2016 and will be asked if  
10 that voter has one of the approved forms of identification. If the voter indicates he or she does  
11 not have the appropriate photo identification for voting, that voter will be asked to sign an  
12 acknowledgement of the requirement and be given a list of approved forms of identification and  
13 information on how to obtain such. The list of names of those voters who signed an  
14 acknowledgment will be public record.
- 15 • Boards of Elections are not responsible for issuing IDs at this time. The Orange County  
16 Board of Elections is committed to work diligently to ensure the public is aware of the  
17 requirements and will assist voters as much as possible to obtain the necessary identification.  
18

19 Commissioner Rich referred to the policy on voting in the wrong precinct. She noted  
20 that the vote will be allowed but not counted. She asked why these people should vote.

21 Tracy Reams said the law says voters cannot be turned away, but the vote will not be  
22 able to be counted. She said this will be a change from the current law which allowed  
23 provisional voting.

24 Commissioner Gordon asked if the voters will be told about this at the polling site.

25 Tracy Reams said the voter would be advised of their correct precinct and encouraged  
26 to go to that location to vote.

27 She said the effective date of this change is January 1, 2014.

28 Commissioner Pelissier asked about the changes made to challenges.

29 Tracy Reams said anyone from the state with a legitimate basis can make a challenge.

30 Commissioner Pelissier asked for an explanation of what happens if a challenge is  
31 made on Election Day.

32 Tracy Reams said challenges on Election Day will be heard and decided immediately.

33 Chair Jacobs asked how often voters are notified of changes and the correct location of  
34 their precinct.

35 Tracy Reams said Public Service Announcements will be made throughout this process,  
36 through print, radio and online information. She said any voter that makes a change or has any  
37 contact with the voting office will also be sent a card with voting information and location.

38 Chair Jacobs asked if there is tracking of who cast provisional ballots in the wrong  
39 precinct.

40 Tracy Reams said yes.

41 Chair Jacob asked if contact is made to notify these voters of the correct voting site.

42 Tracy Reams said there is no extra contact with the voter, as this is beyond her purview.

43 Commissioner Rich asked if any of the voting precincts have closed or changed from  
44 the last election.

45 Tracy Reams said Estes Hills and Church of Reconciliation will be changes for this  
46 voting period. She said legal notices have been put up in the newspapers and individual cards  
47 have also been sent to voters, making them aware of these changes.

48 Chair Jacobs asked if signs will be posted at the old locations.

49 Tracy Reams said yes.

1 Tracy Reams said another change is the same day voter registration. She said voters  
2 will no longer be able to register and vote during the early voting period. She said that the only  
3 option is to vote with a provisional ballot if the deadline is missed, and this vote will not be  
4 counted.

5 Commissioner Rich asked why provisional ballots are being provided if they will not be  
6 counted.

7 Tracy Reams said this is the law.

8 Commissioner Dorosin said that the provisional ballot provides an opportunity for  
9 someone to vote if they feel a mistake has been made. In this case there is time to check on  
10 the issue and have the vote counted if the person was actually registered.

11 Commissioner Rich asked if the Board of Elections has more staff in the face of these  
12 new laws.

13 Tracy Reams said no.

14 Commissioner Pelissier referred to the change in the method of requesting ballots. She  
15 asked if voters who send handwritten requests will be notified quickly of the need for a form.

16 Tracy Reams said these voters will immediately be sent a request form. She said this  
17 form will also be available on the website.

18 Tracy Reams said straight party voting will no longer be an option.

19 She said the Presidential Primary date will now change. She said the North Carolina  
20 date will be based on the South Carolina primary date; which means the primary will most likely  
21 be in February or March. She said this puts early voting over the Christmas holidays, which  
22 impacts staff and creates additional cost by having two different primary voting dates.

23 Commissioner McKee asked how much additional cost will be added with these  
24 changes.

25 Tracy Reams said she would gather that information and send it to the Board. She said  
26 there would be significant costs.

27 Commissioner Pelissier asked about early voting hours.

28 Tracy Reams said early voting will now begin on the 2<sup>nd</sup> Thursday before Election Day,  
29 which reduces the early voting days. She said this means that the same number of hours will  
30 have to be fit into fewer days.

31 She reviewed the new guidelines on voter identification, as outlined above and in the  
32 abstract.

33 Commissioner McKee asked about the wording regarding assistance with attaining voter  
34 identification.

35 Tracy Reams said staff will be required to assist voters with obtaining the means to get  
36 proper voter ID, such as a birth certificate or marriage license.

37 Commissioner Price asked if a voter registration card will be required.

38 Tracy Reams said no.

39 Commissioner Gordon noted the differences in required identification for voting in  
40 person versus absentee voting, and she asked for clarification on this.

41 Tracy Reams said voters who vote in person will be required to provide photo  
42 identification, but curbside voting will only require documentation such as a bank or utility  
43 statement. She said that absentee voting will require a social security number, driver's license,  
44 or special identification number.

45 Commissioner Gordon asked if there had to be any special reasons for requesting an  
46 absentee ballot.

47 Tracy Reams said this is considered a no excuse absentee ballot and voters do not  
48 need a reason.

49 Commissioner Gordon asked about curbside voting.

1 She said that curbside voters will need to sign a declaration stating that a physical  
2 disability makes it difficult to go inside the complex.

3 Chair Jacobs said the public needs to be made aware of where DMV offices are located.

4 Tracy Reams said these locations will be added to the website.

5 Commissioner Gordon asked if any there will be verification of identification documents  
6 provided by absentee voters.

7 Tracy said staff is required to validate driver's license and the last four digits of social  
8 security numbers by comparing these to the registration information.

9 Commissioner Gordon asked about the timing of special elections.

10 Tracy Reams said she is unsure of the reasoning for this change.

11 Commissioner Pelissier asked what identification will be required for out of state  
12 students who register to vote in Orange County.

13 Tracy said these voters will need a valid, unexpired North Carolina driver's license. She  
14 said an out of state license will only be permitted if the resident has registered within 90 days.

15 Commissioner Rich asked if there have been any residents charged with voter fraud in  
16 Orange County.

17 Tracy Reams said no.

18 Commissioner Rich asked if there have been cases in North Carolina.

19 Tracy Reams said she has read that there have been cases in the state. She said there  
20 have been cases in Orange County where voters have registered and voted in more than  
21 one county. She said these cases have been turned over to the state, and there are  
22 checks in place to detect this.

23 Commissioner Dorosin thanked Tracy Reams for the summary. He feels that this bill is  
24 designed to suppress voters, and the most critical thing is to educate residents. He gave some  
25 history on past efforts to put in restrictions such as this. He said that more Republicans vote  
26 absentee and more Democrats vote in person. He noted that absentee voting is a good way to  
27 work around the photo identification requirements.

28 Chair Jacobs said the Board appreciates what Tracy Reams and the Board of Elections  
29 does. He thanked her for the bi-partisan efforts in dealing with these changes.

30 Commissioner Price noted the locations of the two DMV offices in Orange County, and  
31 she thanked Tracy Reams for her efforts.

32 Commissioner Rich noted that there are dinners being organized by precinct chairs in  
33 Orange County for the purpose of educational forums. She suggested that the Board of  
34 Elections contact these chairs to see if any information can be provided.

35 Tracy Reams said the board has reached out to the League of Women Voters, and the  
36 Democratic and Republican Party Chairs. She said all of these groups have become regular  
37 attendees to the board meetings. She feels confident that the needed education will be  
38 provided.

39 Commissioner Gordon thanked Tracy Reams and her staff for their efforts and bi-  
40 partisan spirit.

41  
42 **c. Presentation of Report from the Historic Rogers Road Neighborhood Task**  
43 **Force**

44 The Board received a presentation, reviewed and discussed the recommendations in a  
45 Report from the Historic Rogers Road Neighborhood Task Force in preparation for the  
46 November 21, 2013 Assembly of Governments Meeting.

47 Michael Talbert said this is the presentation of Rogers Road Neighborhood Task Force  
48 Final Report. He said this report begins on page 5 of the abstract. He noted that the abstract  
49 numbers are in the upper right hand corner of the page.

50 He reviewed the following information from the abstract:

1  
2 **Background:** Beginning in 1972 the landfill was opened by the Town of Chapel Hill and in  
3 1999 Orange County assumed ownership and operation of the Eubanks Road Landfill. The  
4 Historic Rogers Road Community has lived with the Orange County Landfill for 40 years. The  
5 Community is geographically split by the Orange County and Carrboro. Orange County as the  
6 current owner/operator of the Landfill, is taking the lead to make remediation improvement to  
7 the Historic Rogers Road Community.

8  
9 **Timeline:**

10 On **May 17, 2011** the Board received a plan from RENA recommending actions to mitigate the  
11 long and short term impacts of Orange County's Landfill and Solid Waste operations on the  
12 health, safety and welfare of the Historic Rogers Road – Eubanks Road Community.

13 On **January 26, 2012** the Board and the Town Boards discussed the extension of sewer  
14 service and a community center for the Historic Rogers Road Community. County and Town  
15 Attorneys have concluded that, utilization of Solid Waste reserves, to extend sewer service to  
16 the Historic Rogers Road Community, is not consistent with North Carolina General Statutes  
17 and would subject the local governments to legal challenges. Therefore, funding for either the  
18 extension of sewer services and/or a community center will have to come from the County's and  
19 Towns other general revenue sources.

20 On **February 21, 2012** the Orange County Board of Commissioners authorized the Creation of  
21 a new Historic Rogers Road Task Force to address sewer service and a community center and  
22 approved the Charge The composition of the Task Force was to include two members  
23 appointed by each Town (Chapel Hill and Carrboro); two members appointed from the County;  
24 and two members appointed from Rogers Eubanks Neighborhood Association (RENA).

25  
26 **Charge of the Original Historic Rogers Road Neighborhood Task Force**

27 The Charge for the Historic Rogers Road Neighborhood Task Force is to investigate and make  
28 recommendations to the Board of County Commissioners, the Chapel Hill Town Council and the  
29 Carrboro Board of Aldermen for neighborhood improvements including funding sources and the  
30 financial impact to the County & Towns, for the following:

- 31 1. Sewer Service to the Historic Rogers Road Neighborhood as defined by the
- 32 previously approved public water connections in the area.
- 33 2. A Neighborhood Community Center.

34  
35 The Task force is also directed to:

- 36 a. Submit an Interim Report back to the County and the Towns by the end of August,
- 37 2012 and;
- 38 b. Submit a Final Report to the Assembly of Governments on December 6, 2012.

39  
40 On **December 6, 2012** the Assembly of Governments received an interim report from the  
41 Historic Rogers Road Neighborhood Task Force and held a lengthy discussion of the  
42 accomplishments of the Task Force. One of the recommendations from The Task Force was  
43 that the Task Force continues to meet for an additional 6 months to address the Charge with  
44 the original composition of the Task Force.

45 On **February 5, 2013** the Orange County Board of Commissioners authorized the continuation  
46 of a reappointed Historic Rogers Road Neighborhood Task Force and approved the Charge of  
47 the Task Force. The composition of the Task Force includes two members appointed by each  
48 Town (Chapel Hill and Carrboro); two members appointed from the County; and two members  
49 appointed from Rogers Eubanks Neighborhood Association (RENA).

50

## 1 Charge of the Reappointed Historic Rogers Road Neighborhood Task Force

- 2 1. Request that the towns confirm the continuation of the Historic Rogers Road
- 3 Neighborhood Task Force and appoint members to the Task force;
- 4 2. Confirm the appointment of Commissioners Rich and Price as the County's members
- 5 on the Historic Rogers Road Neighborhood Task Force;
- 6 3. Request that the Rogers Eubanks Neighborhood Association confirm the continuation
- 7 of the Historic Rogers Road Neighborhood Task Force and appoint two members to
- 8 the Task Force;
- 9 4. Confirm the charge and a timeline for the Task force as specified by the motion
- 10 approved at the January 24 meeting:
  - 11  To continue the Task Force for six (6) months;
  - 12  To have the Task Force consider the final costs, provision and installation of
  - 13 water and sewer utility extensions preferably at no cost for members of the
  - 14 Historic Rogers Road community;
  - 15  Consider options to address gentrification;
  - 16  Consider Chapel Hill's most recent Small Area Plan;
  - 17  Consider funding options, including the Greene Tract.
- 18 5. Specify that the Task Force provide a report to the Board of County Commissioners
- 19 no later than the Board's September 17th meeting.

## 21 Subsequent Local Government Actions:

22 1. On **April 9, 2013** the Board of County Commissioners was presented the schematic design  
 23 of the Rogers Road Community Center and authorized the manager to award the bid for  
 24 construction in an amount not to exceed \$650,000. The project was bid in August, 2013. The  
 25 Town of Chapel Hill has expedited the site plan review, permitting and other associated  
 26 processes for the project as well as waived all associated Town fees related to those  
 27 processes, normally estimated to be \$25,000.

28  
 29 2. On **September 18, 2012** the Town of Carrboro approved the Town's intention to contribute  
 30 not more than \$900,000 for the Town's 14% portion of the \$650,000 Community  
 31 Center and estimated \$5.8 million cost of the Sewer Project.

32  
 33 On **June 18, 2013** the Carrboro Board of Aldermen approved a Resolution (Attachment 2) to  
 34 Provide Comment on Alternatives Discussed by the Historic Rogers Road Neighborhood Task  
 35 Force. The Town has also appropriated \$450,000 (1/2 of the \$900,000 the Town has committed  
 36 to Rogers Road) in the Fiscal 2013/2014, for both a New Community Center and Sewer  
 37 Improvements.

38  
 39 3. The Town of Chapel Hill appropriated \$90,549 and the Town of Carrboro appropriated  
 40 \$29,524 in the Fiscal 2013/2014, for a New Rogers Road Community Center.

41  
 42 4. On **June 24, 2013** the Chapel Hill Town Council voted to initiate a process with the County to  
 43 extend the Town's extraterritorial jurisdiction into the area within a portion of the Historic Rogers  
 44 Road Neighborhood within Orange County. The Council also asked that the Manager continue  
 45 discussion of a possible Utility District with local jurisdictions.

## 47 RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS

### 48 September 17, 2013

- 49 1. That that the Cost associated with the Community Center and Sewer Improvements will be
- 50 shared 14% Carrboro, 43% Chapel Hill and 43% Orange County.

- 1  
2 2. That the Sewer Concept Plan presented by OWASA in 2012 to serve 86 parcels at an  
3 estimated cost of \$5.8 million should be funded by Carrboro, Chapel Hill, and Orange  
4 County in proportion to the recommended cost sharing. The first phase of the construction  
5 should include segments 5, 6, and 8 at an estimated cost of \$3.7 million, serving 67 parcels.  
6 Funding is recommended to be included in the Fiscal 2014/2015 Budgets, with the remaining  
7 19 parcels to be constructed in the second phase and included in the Fiscal 2015/2016 Budgets  
8  
9 3. That the Task Force prefers the original Sewer Concept Plan presented by OWASA in 2012  
10 to serve 86 parcels at an estimated cost of \$5.8 million. First this concept will provide sewer  
11 improvements to the entire Historic Rogers Road Neighborhood; secondly, this proposal will  
12 enable all of the partners, Orange County, the Town of Chapel Hill, and The Town of Carrboro,  
13 to equally share the costs of the Community Center and Sewer Improvements in proportion to  
14 their responsibilities. If either the Orange County Board of Commissioners or the Chapel Hill  
15 Town Council do not favor the original Sewer Concept Plan presented by OWASA in 2012 or  
16 cannot agree on the concept of an ETJ for the Historic Rogers Road Neighborhood, the Sewer  
17 Concept Plan presented by OWASA in 2012 including only segments 5, 6, and 8 to serve 67  
18 parcels at an estimated cost of \$3.7 million should be funded.  
19  
20 4. That the County petition the Town of Chapel Hill to annex all County Owned Property in the  
21 Historic Rogers Road Neighborhood.  
22  
23 5. That the Task Force requests that the Managers explore the collaborative approach to the  
24 Historic Rogers Road Neighborhood as outlined in February 25, 2013 memo to Elected  
25 Officials and report back to the Task Force on August 21, 2013.  
26  
27 6. That the Managers meet and talk about the options related to connecting the residents of the  
28 Historic Rogers Road Neighborhood to sewer.  
29  
30 7. That funding is identified for the cost of connecting from the OWASA infrastructure to the  
31 home in addition to applying for grants for low-to-moderate income persons. It is a priority of the  
32 Task Force to identify funding not only for the installation of sewer infrastructure but also cost of  
33 connections to homeowners and the Task Force recommends that the County and Towns set  
34 up a fund specifically for people in the Historic Rogers Road Neighborhood and to fund the cost  
35 of the connections from the home to the main.  
36

37 Michael Talbert said the County received bids today for the center and all three were  
38 substantially over budget. He said the lowest bid was \$1,375,000 and the highest bid was  
39 \$1,611,900. Each of these was much higher than the budget of \$650,000. He noted that the  
40 abstract sheet lists a base bid and nine alternatives. He said that the low base bid with no  
41 alternatives still leaves a base budget of \$1,143,000.

42 He said the County is committed to this project. Staff will try and move forward after a  
43 re-design to re-bid this project  
44

45 Commissioner Price had no comment.

46 Commissioner Rich had no comment.

47 Commissioner Gordon asked about the cost share. She asked how far the boundary  
48 line extends in map area 6.

49 Michael Talbert referred to the map to show the extension of the line.

50 Commissioner Gordon asked how much if this is in the Town of Carrboro limits.

1 Michael Talbert said about 80-90 percent or more will be in the town limits.

2 Commissioner Gordon asked what is counted as part of Carrboro's share of cost.

3 Michael Talbert said proposal is that the entire cost should be shared 14 percent, 43  
4 percent, and 43 percent, with Carrboro picking up 14 percent of the entire cost.

5 Michael Talbert said 3.7 includes areas 5, 8, and 6.

6 Commissioner Gordon said the Town of Chapel Hill is thinking of ways to contribute.  
7 She asked if the same equation would apply to Chapel Hill if this could be within their ETJ.

8 Michael Talbert said the opinion of the Chapel Hill attorney is that an annexation or ETJ  
9 will have to occur before Chapel Hill would have any interest in Rogers Road beyond the jointly  
10 owned Greene Tract.

11 Commissioner Gordon asked if staff is asking that County owned lands be annexed.

12 Michael Talbert said if the County lands were to be annexed by Chapel Hill it would be a  
13 step in the direction of the town having interest in the Rogers Road area.

14 Commissioner Gordon asked if this would have any effect on the Greene Tract.

15 Michael Talbert said if the Green Track is annexed or placed in the ETJ the town of  
16 Chapel Hill would control future development; however it is a jointly owned property with the  
17 County. He said this means the County would have to agree to any development.

18 Commissioner Gordon clarified that Chapel Hill would have more control in planning or  
19 zoning. She asked about the status on an agreement.

20 Michael Talbert said there is no agreement. He said there was a resolution previously  
21 passed regarding what should happen on that track. This was accepted by all of the boards,  
22 but there was no further action taken.

23 Commissioner Gordon asked about the 60 acres reserved to the enterprise fund.

24 Michael Talbert said the 60 acres is still owned by solid waste and under the control of  
25 Orange County, and that would not change.

26 Commissioner McKee referred to item 7 page 4 regarding funding for cost of  
27 connecting. He asked if this funding would be need based or open for all properties served.

28 Michael Talbert said this has not been decided yet. He said the attorneys have told staff  
29 that this needs to be based on low to moderate income.

30 Commissioner Dorosin clarified that the smaller option (\$3.7 million) is based on the  
31 scenario that Chapel Hill will not contribute anything.

32 Michael Talbert said this number was based on getting the lines to serve the most  
33 people with the least cost, and this had nothing to do with Chapel Hill at that time.

34 Commissioner Dorosin asked if the \$3.7 million plan would be the same contribution as  
35 the \$5.8 million between Chapel Hill, Carrboro, and the County if Chapel Hill does not extend its  
36 ETJ and Orange County wanted to move forward.

37 Michael Talbert said it would be close.

38 Commissioner Dorosin referred to the question regarding funding the connections. He  
39 said the task force has come a long way in recognizing that the connections to the people's  
40 houses should be part of the reparations. He believes that the statute attached at appendix 1D  
41 would allow the County to provide assistance for the benefit of low to moderate income  
42 persons, or for the restoration of neighborhoods and properties. He noted that this second  
43 clause does not include an income based restriction. He said that there are residents who  
44 have been living in the area for decades, and these people may not meet the narrow guidelines  
45 for funding but have been burdened by the impacts of the landfill.

46 Commissioner Price said the task force discussions centered on the idea that the  
47 decision regarding which residents get hooked up would depend on the source of the funding.  
48 She said this is still open for discussion.

1 Commissioner Pelissier said it sounds like there was no discussion on the task force  
2 regarding contributions from the town for the funding. She said there should have been a  
3 discussion about this, as all of this is contingent on the ETJ in Chapel Hill.

4 Commissioner Pelissier said it sounds as if the task force did not take a position on the  
5 utility district, except that it be explored. She asked if this is correct.

6 Commissioner Price said there were discussions regarding the district. She said there  
7 were three plans, but the decision came down to the one that is listed. She said the larger  
8 districts were very costly, involved another phase of planning, and lessened the focus on  
9 Rogers Road.

10 Commissioner Rich said there were two utility districts that were considered. She said  
11 the idea was to bring down the per parcel cost with a larger district. She said this larger district  
12 was not well received. She said Chapel Hill is still talking about utility districts and looking at  
13 what that means.

14 Commissioner McKee noted that he was not voicing opposition to the hook-ups. He  
15 was just trying to get clarification on this issue.

16 Commissioner Dorosin said he believes that the advantage of the ETJ is that it will allow  
17 Chapel Hill to contribute. He proposed that the County's commitment to providing sewer to this  
18 neighborhood should not be contingent on Chapel Hill. He said if Chapel Hill is unable or  
19 unwilling to participate, this does not end the County's obligation to this community.

20 Commissioner Dorosin referred to the question of funding. He said the County has  
21 already created funds to assist this community. He said there is a fund to pay for the  
22 connection from the main to the meter, which has been infrequently utilized. He said Orange  
23 County is putting funds out there. He said that the County could take underutilized funding and  
24 apply this to the water and sewer connections.

25 Chair Jacobs referred to the top portion of page 7, which lists the actions taken by local  
26 government. He noted that the Solid Waste fund was allocated by the Orange County Board of  
27 County Commissioners.

28 Chair Jacobs asked about the issue that Commissioner Dorosin referred to as  
29 "preservation of neighborhood and gentrification." He asked for clarification on this  
30 recommendation.

31 Commissioner Price said this issue had not been fully addressed. She said there was a  
32 recommendation for all three boards to continue consideration of this. She said RENA would  
33 also be working with the Jackson Center.

34 Michael Talbert said this information can be found on page 24 of the report, under  
35 gentrification. He said this was a late addition, but there was consensus to add it.

36 Commissioner Rich said a lot of this was recommended by managers after  
37 consideration of similar issues and lessons learned by Chapel Hill with the Northside area.

38 David Caldwell, Project Director for RENA, said RENA is getting together with other  
39 community groups in an effort to have more of a say in the development of the Rogers Road  
40 area.

41 Commissioner Rich said she has had this discussion with David Caldwell. She said it is  
42 important that the neighbors have input in the development of their own neighborhood.

43 David Caldwell said he is excited to have use of a gymnasium, auditorium and other  
44 facilities that the community needs.

45 Commissioner Dorosin thanked Commissioner Price and Commissioner Rich, as well as  
46 the rest of the task force for the work that has been done.

47 He said there is a perception in the community that the towns are more committed to  
48 this project than Orange County. He said it is imperative that Orange County send a clear  
49 signal of their commitment to seeing this project through.

50 Commissioner Dorosin made the following motion:

1           Whereas the Historic Rogers Road Community has disproportionately borne the burden  
2 of solid waste disposal in Orange County for over 40 years; and

3           Whereas the Board of County Commissioners along with the Town of Carrboro and the  
4 Town of Chapel Hill recognize the community's collective responsibility to provide remediation  
5 and reparations to the Historic Rogers Road Community, including the Community Center and  
6 the provision of water and sewer service;

7           Now be it resolved that the Board of County Commissioners is committed to, along with  
8 the Town of Carrboro, and the Town of Chapel Hill to the extent practicable, providing funding  
9 for water and sewer service for 100 percent of the parcels in the Historic Rogers Road  
10 Community, including connections from the infrastructure leading to the individual homes, at no  
11 cost to the residents.

12  
13           No second  
14           Motion Fails

15  
16           Chair Jacobs said the Board is being asked to review and discuss recommendations in  
17 preparation for the Assembly of Government (AOG) meeting. He said it is a testament to the  
18 importance of the work placed upon the task force that not only the two Board of County  
19 Commissioners, but the RENA representatives and the Chapel Hill representative, Council  
20 Member Lee Starrow are all present. He said he hopes that the misconception about Orange  
21 County will be rectified in the near future when actions are taken. He recognized Michael  
22 Talbert as the support staff to this task force.

23           Michael Talbert asked where things go from this point.

24           Chair Jacobs said the direction was to raise points, make recommendations, and then  
25 defer further discussion to AOG.

26  
27           A motion was made by Commissioner Gordon, seconded by Commissioner Price to  
28 receive the presentation, discuss the recommendations in the Report from the Historic Rogers  
29 Road Neighborhood Task Force in preparation for the November 21, 2013 Assembly of  
30 Governments Meeting.

31  
32           Commissioner Dorosin said he would appreciate a discussion of why there was no  
33 second to his motion. He said this is an illustration of what he fears, and the Board owes the  
34 public an explanation.

35           Commissioner Dorosin suggested that, rather than making an amendment, the Board  
36 should go through specific issues of the report. He suggested that Board preferences should  
37 be expressed.

38           Chair Jacobs asked John Roberts to repeat his statement regarding how much can be  
39 said and done, pending a complaint with the Environmental Protection Agency (EPA).

40           John Roberts said his advice was, prior to voting on any substantial expenditure in this  
41 area, the Board should wait to see what EPA will do. He said it is legally risky to expend funds  
42 in this area without resolution with the EPA.

43           Chair Jacobs said it is not that the Board is any less supportive of the Rogers Road  
44 area. He said Orange County represents about 130,000 residents; and the Board must act in  
45 the best interest of all, which includes acting prudently based on the best legal advice.

46           Commissioner Gordon asked Chair Jacobs to repeat the motion.

47           Chair Jacobs said repeated manager's recommendation again.

48           Commissioner Gordon stayed with her original motion.

49           Commissioner Dorosin said, with all respect to John Roberts, he does not feel that this  
50 is the best legal advice. He said he does not think his motion mentioned specific expenditures.

1 Chair Jacobs said the Board is simply saying that there will be no further discussion  
2 about the complaint that was made until there is a ruling. He is confident that the Board stands  
3 ready to work with the towns to address all of the concerns that have been raised.

4 Commissioner Price said she feels it is a show of the Board's commitment and  
5 responsibility that the task force was continued and that the neighborhood has not been  
6 neglected.

7  
8 VOTE: Ayes, 6 – Nay, 1 (Commissioner Dorosin)  
9

10 Chair Jacobs encouraged Commissioner Dorosin save his motion for a later date, at  
11 which time the Board would be glad to hear it.  
12

13 **d. Review of Proposed Operations Agreement for the Rogers Road Community**  
14 **Center**

15 The Board was to receive a presentation, review, and provide feedback on the proposed  
16 Operations Agreement (Attachment 1) with Rogers Eubanks Neighborhood Association (RENA)  
17 for the day to day operations of the Rogers Road Community Center.  
18

19 **DEFERRED**  
20

21 **5. Consent Agenda**

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

- 23 - Item 5a was removed from the consent agenda.  
24

25• **Approval of Remaining Consent Agenda**

26 A motion was made by Commissioner McKee, seconded by Commissioner Rich to  
27 approve the remaining items on the consent agenda.  
28

29 VOTE: UNANIMOUS  
30

31• **Discussion and Approval of the Items Removed from the Consent Agenda**  
32

33 **a. Minutes**

34 The Board considered correcting and/or approving the minutes from May 14, 30 and June  
35 6, and June 11, 2013 as submitted by the Clerk to the Board.  
36

37 Commissioner Dorosin mentioned that he was in attendance at the May 14<sup>th</sup> meeting;  
38 however the minutes indicate he was absent. He also mentioned that his name appeared a  
39 couple of times in the present section in lower case.

40 Clerk to the Board Donna Baker said she would fix both issues.  
41

42 A motion was made by Commissioner Dorosin, seconded by Commissioner Price to  
43 approve the minutes from May 14, 30 and June 6, 11, 2013 as submitted by the Clerk to the  
44 Board.  
45

46 VOTE: UNANIMOUS  
47

48 **b. Motor Vehicle Property Tax Releases/Refunds**

1 The Board adopted a resolution, which is incorporated by reference, to release motor vehicle  
2 property tax values for twenty (20) taxpayers with a total of twenty (20) bills that will result in a  
3 reduction of revenue in accordance with NCGS.

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

5 The Board adopted a resolution, which is incorporated by reference, to release property tax  
6 values for fourteen (14) taxpayers with a total of fourteen (14) bills that will result in a reduction  
7 of revenue, in accordance with North Carolina General Statute 105-381.

8 **d. Applications for Property Tax Exemption/Exclusion**

9 The Board approved three (3) untimely applications for exemption/exclusion from ad valorem  
10 taxation for three (3) bills for the 2013 tax year.

11 **e. Emergency Debris Removal and Processing Services Agreement**

12 The Board approved an agreement between Orange County and Ceres Environmental  
13 Services, Inc. for the purpose of providing a secondary resource for Emergency Debris  
14 Removal and Processing Services and authorized the Chair to sign.

15 **f. Renewal Agreements Between Chapel Hill Carrboro City Schools, Orange County  
16 Schools, and Health Department for School Nurses**

17 The Board approved the renewal agreements between Chapel Hill Carrboro City Schools  
18 (CHCCS), Orange County Schools (OCS) and the Health Department for nine (9) school nurses  
19 and authorized the Manager to sign.

20 **g. FY 2013-14 Budget Amendment #1-F – Public Safety 9-1-1 Grant Acceptance**

21 The Board approved Budget Amendment #1-F accepting a grant from the NC 9-1-1 Board in  
22 the amount of \$625,828 to improve the 9-1-1 Communications Center by upgrading the current  
23 9-1-1 telephone system to handle newer forms of communication; upgraded the current  
24 Emergency Medical Dispatch program to the newest version and added Emergency Police  
25 Dispatch and Emergency Fire Dispatch; and added two new furniture positions in order to  
26 expand the number of dispatch furniture positions to eleven and authorized the Manager to  
27 execute the work.

28 **h. Supplemental Agreement with NCDOT to Extend an Existing Congestion  
29 Mitigation and Air Quality (CMAQ) Grant**

30 The Board approved a Supplemental Agreement with the North Carolina Department of  
31 Transportation (NCDOT) amending Orange County's existing Locally Administered Project  
32 Agreement for Transportation Improvement Program (TIP) Project C-4932B to extend the use  
33 of Congestion Mitigation and Air Quality (CMAQ) grant funding for the existing Hillsborough  
34 Circulator transit service through November 2015 and authorized the Manager to sign.

35 **i. Burlington-Graham Metropolitan Planning Organization Memorandum of  
36 Understanding Adding Orange County as a Voting Member**

37 The Board approved a resolution adding Orange County as a voting member of the Burlington-  
38 Graham Metropolitan Planning Organization (BG MPO) to the Memorandum of Understanding  
39 (MOU) and authorized the Chair and the Clerk to the Board to execute the MOU.

40 **j. Resolution to Endorse Orange County's Priority Transportation Projects within  
41 the Burlington-Graham Metropolitan Planning Organization (BGMPO) Planning Area**

42 The Board adopted a resolution, which is incorporated by reference, endorsing a priority list of  
43 new transportation projects within the Burlington-Graham Metropolitan Planning Organization  
44 (BGMPO) planning area for consideration of inclusion in the 2016-2022 Transportation  
45 Improvement Program (TIP) and submitted the resolution to the BGMPO.

46 **k. Use Agreement Between Orange County and the Orange Grove Fire Company**

47 The Board approved the recommendation from the Emergency Services Director to enter into  
48 an agreement with the Orange Grove Fire Company in order to place one (1) EMS ambulance  
49 at Station #1 located at 6800 Orange Grove Road, and authorized the Manager to sign the Use  
50 Agreement.

1 **I. FY 2013-2014 Purchase of Vehicles through Vehicle Replacement Internal Service**  
 2 **Fund**

3 The Board approved the final list of County vehicles to be purchased through the Internal  
 4 Services Fund established within the FY2013-2014 budget.

5 **m. Change in BOCC Regular Meeting Schedule for 2013**

6 The Board approved one change in the Board of County Commissioners' regular meeting  
 7 calendar for 2013, adding a closed session meeting for Monday, October 7, 2013 at 4:00 pm at  
 8 the Solid Waste Administrative Offices, 1207 Eubanks Road, Chapel Hill, NC.

9 **n. Employment Agreement for Michael Talbert – Interim Orange County Manager.**

10 The Board approved the appointment of and terms of an employment agreement with Michael  
 11 Talbert as Interim Orange County Manager.

12  
 13 Michael Talbert thanked the Board for the opportunity and said he hopes to help the  
 14 Board achieve its goals.

15  
 16 **6. Public Hearings - NONE**

17  
 18 **7. Regular Agenda**

19  
 20 **a. Employee Benefits and Recommendations for Calendar Year 2014**

21 The Board considered the County Manager's recommendations for employee health  
 22 insurance and other benefits for the 2014 calendar year.

23 Nicole Clark reviewed the following information:

24  
 25 Staff provided information regarding FY2013-14 employee benefits at the April 11, 2013 work  
 26 session, during the FY 2013-14 budget process, and at the September 5, 2013 regular Board  
 27 meeting. The County conducted a Request for Proposals (RFP) process for health insurance  
 28 administration and requested responses for both a fully insured and self-funded plan. Retiree  
 29 health insurance was discussed at the June 19, 2013 regular meeting. The FY 2013-14  
 30 Approved Budget includes funds for up to an 8.0% (\$226,444) health insurance premium  
 31 increase effective with the January 1, 2014 renewal. The sole complete response from the RFP  
 32 was from the County's current health insurance provider, United Healthcare (UHC). UHC  
 33 provided proposals for both a fully insured renewal which is approximately a 6.35% increase  
 34 and self-funded option which results in no increase.

35 Nicole Clark said the recommendation is to approve option 2, which is the self funded  
 36 option with an increase of \$118 per month to the health savings account.

37 Commissioner Gordon said she appreciated the opportunity to discuss this prior to this  
 38 meeting. She asked if employees have made any recent comments or statements regarding  
 39 the plans.

40 Frank Clifton said that this issue has been reviewed with employee relations for the past  
 41 three years as the County has struggled with increasing costs. He said that most of the  
 42 employees understand that this is the way to stabilize rates.

43 Commissioner Gordon said she wanted to know if any comments have been made  
 44 between September 5<sup>th</sup> and now.

45 Nicole Clark said no.

46 Frank Clifton said this was presented to employees before the last Board of County  
 47 Commissioners meeting.

48 Commissioner Rich said she is not in favor of the self insured plan. She said she has  
 49 done some reading about this, and there are a number of issues and concerns. She asked

1 about the plans for hiring administrators for the claims and whether this would be an on-staff  
2 person.

3 Tracy McGarty said the insurance company will remain the same. She said that as a  
4 self-funded administrator, employees will have the same network with an external party being  
5 paid an administrative fee to protect the County against large losses. She said this is not  
6 anyone internal. She said this is really only a change in the funding mechanism. She said, as  
7 claims come through on a weekly basis, that administrator will request those funds from the  
8 County, and the County will fund that. She said anything above the premiums will be retained.

9 Commissioner Rich asked if anyone other than United Healthcare (UHC) had been  
10 considered.

11 Tracy McGarty said yes. She said UHC was the lowest and firmest quote.

12 Commissioner Rich said she has concerns with UHC, and she is not supportive of them.

13 Commissioner Price asked if Commissioner Rich's research had suggested any other  
14 insurance possibilities.

15 Commissioner Rich said she had looked at Blue Cross Blue Shield, and she was against  
16 UHC because the company did not sign on to the Affordable Care Act.

17 Chair Jacobs said the County is operating under a deadline this year, and this  
18 discussion can be had next year to change the criteria. He said he voted against UHC in the  
19 past, but he realizes that it is late in the game. He said UHC did have a town hall meeting and  
20 many concerns were addressed. He said he would like to suggest these town hall meetings be  
21 held annually with staff to discuss concerns.

22 Commissioner McKee said he is generally supportive of this; however he questioned the  
23 fact that he knows of several counties that go back to the private sector after being self funded.

24 Tracy McGarty said about 90% of the companies her company represents are self  
25 funded, and most of the folks who have done this are very positive about it.

26 Commissioner McKee said he attended an ABC board meeting this morning (since the  
27 ABC employees are insured with Orange County.) He said the general feeling at that board is  
28 that they will be unable to go self funded. He said there were concerns about the County's  
29 reasoning.

30 Frank Clifton said you can change the administrator of your policy at anytime. He said  
31 that the numbers say that the County and the employees will save roughly \$1 million in health  
32 insurance costs. He said this can be re-evaluated each year.

33 He noted the disproportionately high number of female employees and said this adds to  
34 the risk factor with the health insurance industry.

35 Commissioner Rich referred to the section on pricing premiums on page 353 of the  
36 electronic version of the agenda. She asked for the identity of the organization mentioned.

37 Tracy McGarty said these pricing premium recommendations will be made by finance  
38 and management.

39 Commissioner Rich referred to page 356 on the electronic version and asked for an  
40 explanation of the reference to costs of the contract getting higher over time

41 Tracy McGarty said their self-funded clients have more control over their trend, and  
42 client data can be shared. She said there are things built into a fully-insured contract, such as  
43 state and federal tax. She said there are charges and profit margins that may not be included  
44 in a self funded arrangement.

45 Nicole Clark noted that the dental plan is currently self-funded.

46 Commissioner Gordon said she feels this dental plan is not well compensated, and she  
47 questioned if this will be the case with the insurance plan.

48 Nicole Clark said there is no relationship between medical and dental plans. She said  
49 this is just the nature of the dental plan, and there is work being done on this issue. She said

1 there are more providers being added. She said the claims in dental are typical for the  
2 business and this is completely different than health insurance.

3 Chair Jacobs said it would be helpful to identify information from other entities about the  
4 pros and cons of the self-funding. He noted that the Community Land Trust is also on the  
5 County policy. He said this group, as well as the ABC Board may need guidance as to where to  
6 go.

7 Tracy McGarty said she is happy to help with this, and she has dealt with similar  
8 situations in the past.

9 A motion was made by Commissioner Pelissier, seconded by Commissioner McKee to  
10 approve Option 2, the self-insured health insurance option with an increase in the Health  
11 Savings Account contribution for employees to \$118 per month effective January 1, 2014, and  
12 direct the Manager to sign the necessary documents to execute the contract.

13  
14 VOTE: Ayes, 6 – Nay, 1 (Commissioner Rich)

15  
16 **b. Whitted Meeting Room Schematic Design Review**

17 The Board reviewed and commented on the schematic design of the Whitted  
18 Permanent meeting room initially presented during the September 12, 2013 work session; and  
19 authorized staff and the consultant to move forward with construction document preparation.

20 Jeff Thompson reviewed the schedule (below) included on page 2 of the abstract:

21  
22 **BACKGROUND:** On April 4, 2013, the BOCC authorized Orange County to move forward with  
23 the design of permanent Board meeting facilities within the Whitted 2nd Floor “A” building in  
24 Hillsborough, and included this capital project within the adopted Capital Investment Plan in FY  
25 2013-14. On June 18, 2013, the BOCC authorized the Manager to move forward with the  
26 design, award a bid, and complete the necessary site work for this project as “Phase 1” in order  
27 that the work be completed this fall during optimal outdoor weather. This site work, which will  
28 include significant paving, stormwater management, lighting, pedestrian access, handicapped  
29 access, and landscaping improvements, is currently out to bid and should be complete no later  
30 than the end of November 2013. The County has engaged Corley, Redfoot Architects as the  
31 designer for the project. Ken Redfoot and David Taylor with Corley, Redfoot Architects will  
32 continue presenting the schematic designs as well as corresponding three dimensional space  
33 modeling for additional BOCC review and comment introduced during the September 12, 2013  
34 work session. Should the BOCC approve the schematic design renderings and principles, the  
35 following timeline represents the delivery of the overall project:

36  
37

TASK	PROPOSED BEGINNING DATE	END BY DATE
BOCC Action: Approval of Schematic Design; authorization to prepare bid documents	9/17/13	9/17/13
Construction document prep, bid advertisement prep (2 month duration)	9/18/13	11/5/13
BOCC Action: Approval of Final Design; authorization to	11/5/13	11/5/13

advertise for bid		
BOCC Action: Bid Award	<b>12/17/13</b>	<b>12/17/13</b>
Construction (est. 4 month duration)	<b>1/6/14</b>	<b>5/6/14</b>
Grand Opening – first BOCC meeting (estimated date)	<b>6/3/14</b>	<b>6/3/14</b>

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Ken Redfoot said the purpose of tonight's discussion is to get approval for the schematic design. He reviewed the map of the overall site plan. He said the improvement of three parking lots is already out for bid.

Ken Redfoot said the next three plans show the main meeting room with different furniture layouts. He gave a visual overview of these plans.

He said his staff is looking at alternatives for the television production room to better accommodate necessary production.

Ken Redfoot said two flat screen monitors are being considered for placement on either side of the dais for better video presentation.

He noted that work will be done to insure there are no acoustic issues in the room.

He gave a detailed description of the dais, which would accommodate all of the members of the Board. He said it is also large enough to accommodate up to 11 people in the event of joint meetings. He noted that it has a seven inch rise from the floor elevation, and a bullet proof panel across the front. He said there is a countertop with area to accommodate electrical and data hookups hidden behind a cap piece.

Chair Jacobs asked for more explanation regarding the proposed schedule of the project.

Jeff Thompson said if the schematic design is approved the team would prepare final design documents over the next two months, before bringing them back for a final look. He said after this is approved the plan will be put out to market to receive bids before Christmas, and construction will begin in the winter. The estimated completion date is June of 2014.

Commissioner Pelissier said it is not clear to her where participants for joint meetings will have a view of a screen. She noted that those elected officials, as well as other participants will need to have a view of the presentations that are made.

Ken Redfoot said this would need to be examined. He did not realize the importance of that angle, but this will be considered in the next level of design.

Commissioner Gordon reinforced what Commissioner Pelissier said about the audience and Board of County Commissioners with regard to the screens and acoustical information.

Commissioner Gordon said she did send out questions via email to staff and the Board. She requested that these be included as part of the minutes , with staff responses shown below:

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

Sent: Monday, September 16, 2013 10:06 AM

To: Barry Jacobs; Bernadette Pelissier; Earl McKee; [gordon.alice@gmail.com](mailto:gordon.alice@gmail.com); Alice Gordon; Mark Dorosin; Penny Rich; Donna Baker; Frank Clifton; Greg Wilder; Michael Talbert

Subject: Questions/ comments on Item 7-b

Questions/ comments on item 7-b - Sept. 17, 2013 - Whitted Building

1. Has the Sheriff reviewed the design from a security point of view?

1 If yes, did he have suggestions? If no, please request that he review it, and provide comments.  
 2 **The Sheriff and his staff involved in the Threat Assessment work group have provided**  
 3 **general input with regard to the need for a safe area and controlled access near the**  
 4 **dais. This input was shared with the BOCC in work session on April 16, 2013. Staff**  
 5 **will receive specific feedback from the Sheriff and his staff with regard to the design and**  
 6 **will bring this feedback to the Board on September 17<sup>th</sup>.**

7  
 8 2. It is my understanding that the dais at the Southern Human Services Center is designed to  
 9 be bullet-proof. Is that true of the proposed dais at the Whitted Building? If it is not, what would  
 10 it take to make it that way?

11 **The dais design at the proposed meeting room at the Whitted Building will include a 3/8"**  
 12 **bullet-resistant panel from the floor to the top of the dais wall (approximately 42" high).**  
 13 **This is the same material used in the millwork for the judges, clerks and witness stands**  
 14 **in the Orange County Justice Expansion project.**

15  
 16 3. The designs show a dais for 7 people, but I believe we were told that there would be more  
 17 than that. How many people will be seated at the dais and why (especially if it is more than 9)?  
 18 **The dais design is flexible to accommodate the current seven County Commissioners**  
 19 **with approximately 46" of counter width and the potential use of other Boards. The**  
 20 **"maximum" recommended Board usage would be the 12-person County Planning Board,**  
 21 **which would provide each person approximately 28" of counter width.**

22  
 23 4. The packet shows three designs, but we were shown four designs at the work session.  
 24 Please send that fourth design to us.

25 Also, please send us the previous design that showed the offices.

26 **See attached – 7-b - Question 4 A - Commissioner Gordon - Alternate Whitted BoCC**  
 27 **Layout**

28 **See attached – 7-b - Question 4 B - Commissioner Gordon – Whitted Office Layout**

29  
 30  
 31 5. For the three designs in the agenda packet, is there any difference in what would actually be  
 32 constructed? If so, what is the cost of constructing each of the three designs?

33 **No, the three plans show the same space being used for three different types of**  
 34 **meetings.**

35  
 36 Thank you.

37  
 38 Alice Gordon

39  
 40 Commissioner Gordon asked about Sheriff input in the threat assessment work.

41 Jeff Thompson said he met with sheriff's staff this morning, and staff favored the green  
 42 room for threat assessment. He said the Sheriff recommended the Commissioners enter  
 43 through the rear of the building, and he recommended three entrances to the meeting room.  
 44 He said the sheriff was satisfied with the ballistics protection of the dais and the room.

45 Commissioner Gordon referred to the fourth plan. There is the alternate Board of  
 46 County Commissioners lay out which shows less space for the meeting room and more rooms  
 47 for offices and other uses. She noted that the space study will be coming back later, and she  
 48 noted that there is still flexibility to add another conference room and to further divide the flex  
 49 space.

1 Commissioner Gordon said another department may want to use some space here for  
2 recreation space or office space. She said she wants to underscore the need for flexibility, and  
3 the ability to have this flexibility makes her more comfortable with the plan.

4 Commissioner Rich asked about the timing of the technology discussion.

5 Ken Redfoot said this will be done over the next two months. He said there is a  
6 consultant already on board and details will be nailed down.

7 Commissioner Rich said her concern is mostly that there be availability and capability for  
8 web streaming and television viewing to provide access and transparency for the public.

9 Commissioner Dorosin asked about the maximum capacity for seating.

10 Ken Redfoot said the Fire Marshall has set this number at 294 people.

11 Commissioner Dorosin suggested the use of mobile screens to address the issues with  
12 presentation visibility for the audience and guests.

13 Commissioner McKee said he appreciates what has been brought forward and he feels  
14 other boards will be attracted to use the space once it is completed. He asked if staff is still  
15 confident on staying within the approved budget.

16 Ken Redfoot said yes. He said there will be another cost estimate of work done soon,  
17 but right now his staff is working within the Board's budget.

18 Commissioner Price referred to the plan for a smaller space. She feels this limits how  
19 the space can be used. She said at this point she is leaning against the use of flex space for  
20 conference rooms.

21 Chair Jacobs said there are very few large meeting rooms for the public, and the  
22 opportunity to have one here at Whitted is a rare opportunity. He said he would like to start with  
23 the premise that the bigger the space, the more it will be used.

24 Commissioner Gordon asked when the technology plan will come back, and if it is  
25 possible to have it sooner than November 5<sup>th</sup>.

26 Ken Redfoot said this can be provided sooner

27 Commissioner Gordon said she feels this should be requested sooner than November  
28 5<sup>th</sup>. She asked why this 4<sup>th</sup> plan was not included in the packet. She also noted that the space  
29 study is still to be completed. She said conference rooms could be added later, and the flex  
30 space could be made into offices. She likes long term strategic plans and she wants to  
31 underscore that this approval does not preclude reacting to the space study, and making  
32 changes to the Whitted space later.

33  
34 A motion was made by Commissioner Pelissier, seconded by Commissioner Gordon to  
35 continue to review and comment on the schematic design of the Whitted Permanent meeting  
36 room initially presented during the September 12, 2013 work session; to receive and review a  
37 requested report of technology alternatives prior to the November 5<sup>th</sup> meeting; and to authorize  
38 staff to move forward with construction document preparation subject to a review and  
39 discussion of the technology alternatives report.

40  
41 VOTE: UNANIMOUS

42  
43 **8. Reports - NONE**

44  
45 **9. County Manager's Report - NONE**

46  
47 **10. County Attorney's Report - NONE**

48  
49 **11. Appointments**  
50

1           **a. Adult Care Home Community Advisory Committee – Appointments**

2           The Board made appointments to the Adult Care Home Community Advisory  
3 Committee.

4           A motion was made by Commissioner Gordon, seconded by Commissioner Price to  
5 appoint to the Adult Care Home Community Advisory Committee:

- 6           • Ms. Deborah Rider to an At-Large position (#3), with an expiration date of  
7           6/30/2016
- 8           • Ms. Rosie Benzonelli to an At-Large position (#7) for a one year training term, with  
9           an expiration date of 10/30/2014.
- 10          • Ms. Joyce Teston to an At-Large position (#8) for a one year training term, with an  
11          expiration date of 6/30/2014

12  
13 VOTE: UNANIMOUS

14  
15           A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to  
16 appoint to the Adult Care Home Community Advisory Committee:

- 17          • Ms. Karen Schnell to an At-Large position (#12) for a one year training term with an  
18          expiration date of 3/31/2014

19  
20 VOTE: UNANIMOUS

21  
22           The Clerk to the Board, Donna Baker will check with support staff for this board, since  
23 applications are vetted, to make sure Ms. Schnell is available to serve.

24  
25           **b. Hillsborough Board of Adjustment – Appointment**

26  
27           The Board made an appointment to the Hillsborough Board of Adjustment.

28           A motion was made by Commissioner Gordon, seconded by Commissioner Price to  
29 appoint to the Hillsborough Board of Adjustment:

- 30          • Carl Eddie Sain for an extended term (no other eligible candidates) expiring 06/20/2014.

31  
32 VOTE: UNANIMOUS

33  
34           **c. Historic Preservation Commission- Appointment**

35           The Board made an appointment to the Historic Preservation Commission.

36           A motion was made by Commissioner Pelissier, seconded by Commissioner Price to  
37 appoint to the Historic Preservation Commission:

- 38          • Jaime Grant to an At-Large position (#1), with an expiration date of 3/31/2015

39  
40 VOTE: UNANIMOUS

41  
42           **d. Human Relations Commission- Appointment**

43           The Board made an appointment to the Human Relations Commission.

44           A motion was made by Commissioner Dorosin, seconded by Commissioner Rich to  
45 request a reduction in the size of this board, and to appoint to the Human Relations  
46 Commission:

- 47          • Monica Richards as Town of Carrboro Special Representative position (#10), with  
48          an expiration date of 6/30/2016

49

1 Commissioner Price noted there are several openings on this Board. She asked if there  
2 has been consideration of decreasing the size of this Board.

3 Donna Baker said this has been discussed and is being considered.

4 Chair Jacobs suggested this decrease be requested again to gain a response.

5  
6 VOTE: UNANIMOUS

7  
8 **e. Nursing Home Community Advisory Committee- Appointment**

9 The Board made an appointment to the Nursing Home Advisory Committee.

10 A motion was made by Commissioner Price, seconded by Commissioner Dorosin to  
11 gain more information regarding flexibility in appointing the open positions and to appoint to the  
12 Historic Preservation Commission:

- 13 • Teri Driscoll to an At-Large position with an expiration date of 9/30/2014

14 Commissioner Price noted the additional vacancies on the board and she began making  
15 appointments to these positions.

16  
17 Donna Baker noted that this board requires due diligence for appointments.

18 Commissioner Dorosin noted the special conditions for each of these openings. He  
19 wanted clarification on whether people can be nominated who do not have the listed  
20 qualifications. He noted that several of these spots have been open for several years and he  
21 questioned if these qualifications should be lifted.

22 John Roberts noted that these requirements may be governed by state statutes and not  
23 the advisory board policy.

24 Donna Baker said that she would contact the support staff for this board to indicate what  
25 the BOCC wanted to do and to ask for direction.

26  
27 VOTE: UNANIMOUS

28  
29 **f. Orange County Planning Board – Appointment**

30 The Board was to make an appointment to the Orange County Planning Board.

31 DEFERRED

32  
33 Commissioner Gordon asked that this item be deferred since the sub-committee of  
34 Commissioner Pelissier, Clerk to the Board Donna Baker and herself were revising the  
35 volunteer application, per the Board of Commissioners, to add additional questions for 5  
36 boards/commissions, including the Planning Board. She said this revised application will come  
37 before the BOCC sometime in the next month, and then she would like for applicants for this  
38 position to re-apply using the revised application, if possible.

39 The Board agreed and Chair Jacobs said it was important to make sure the review of  
40 the revised application is not on the same night as the appointments are to be made. He also  
41 asked that township applications be organized so that the applicants living in the township are  
42 seen first.

43  
44 **g. Orange Unified Transportation Board – Appointment**

45 The Board made an appointment to the Orange Unified Transportation Board.

46 A motion was made by Commissioner Pelissier, seconded by Commissioner Price to  
47 appoint:

- 48 • Amy Cole to the Orange Unified Transportation Board in the Public Transit  
49 Advocate position (#13) with an expiration date of 9/30/2016.

50

1 VOTE: UNANIMOUS  
2  
3

4 **12. Board Comments**  
5

6 Commissioner Dorosin – none

7 Commissioner Gordon referred to a hand out regarding a recent meeting of the  
8 Transportation Advisory Committee of the Metropolitan Planning Organization. She said there  
9 was a good amount of discussion regarding the strategic transportation investment legislation.  
10 She noted the section at the bottom of the page regarding the strategic transportation  
11 investment and its effect on the TIP planning and approval process. She said \$6 billion for  
12 fiscal years 2016-2025 is allocated to state mobility projects. She said there is a new way to  
13 score potential projects and these projects are programmed prior to any local input.

14 She noted that \$4.5 billion goes to regional projects. She said that projects not selected  
15 in the state projects can then be selected in the regional category. She said this creates a  
16 cascade effect that puts more potentially eligible projects in the regional tier. She said the new  
17 selection criteria are based on 70 percent data and 30 percent local input.

18 She said that the Transportation Advisory Committee will be sending a letter articulating  
19 the concerns regarding a need for more local input and the implications of the cascade effect.

20 Commissioner Price – none

21 Commissioner McKee – none

22 Commissioner Pelissier – none

23 Commissioner Price – none

24 Chair Jacobs said he would like a report from staff on how the use of the Southern  
25 Human Services Center meeting room by Chapel Hill is going.

26 He said three of Commissioners were at the official opening of the Hampton Inn in  
27 Carrboro this evening and he was impressed with the facility and encouraged by the creation of  
28 50 jobs.

29 He congratulated Commissioner Foushee on being chosen to fill Senator Kinnaird's  
30 Senate seat.

31 Chair Jacobs referred to Commissioner Gordon's discussion about local input and said  
32 that there is some debate regarding what this even means. He said the Board had received an  
33 email asking for their input on what this term means, and how the Board should be involved.  
34 He said is important for the Board to have clear input here.  
35

36 **13. Information Items**  
37

- 38 • September 5, 2013 BOCC Meeting Follow-up Actions List
- 39 • Tax Collector's Report – Numerical Analysis
- 40 • Tax Collector's Report – Measure of Enforced Collections
- 41 • BOCC Chair Letter Regarding Petitions from September 5, 2013 Board Meeting  
42

43 **14. Closed Session**  
44

45 A motion was made by Commissioner McKee, seconded by Commissioner Rich to go  
46 into closed session at 10:27 pm for the purpose of:

47 "To discuss the County's position and to instruct the County Manager and County Attorney on  
48 the negotiating position regarding the terms of a contract to purchase real property," NCGS §  
49 143-318.11(a)(5).  
50

1 VOTE: UNANIMOUS

2

3 **RECONVENE INTO REGULAR SESSION**

4 A motion was made by Commissioner Dorosin, seconded by Commissioner Rich to go  
5 into open session at 11:10 pm

6

7 VOTE: UNANIMOUS

8

9 **15. Adjournment**

10

11 A motion was made by Commissioner McKee, seconded by Commissioner Pelissier to  
12 adjourn the meeting at 11:10pm.

13

14 VOTE: UNANIMOUS

15

16

17

18

19

20

Donna S. Baker, CMC  
Clerk to the Board

Barry Jacobs, Chair

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 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,  
919-245-2726

---

**PURPOSE:** To consider adoption of a resolution to release motor vehicle property tax values for eighty-eight (88) taxpayers with a total of ninety-six (96) bills 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 \$10,259.28 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2013-2014 is \$35,281.08.

**RECOMMENDATION(S):** The Interim 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 resolution.

NORTH CAROLINA

RES-2013-082

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 G.S. 105-381(a)(1)(a)  
 Illegal tax G.S. 105-381(a)(1)(b)  
 Appraisal appeal G.S. 105-330.2(b)

## BOCC REPORT - REGISTERED MOTOR VEHICLES NOVEMBER 5, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Adams, Terry	661686	2013	5,090	3,830	(11.52)	High mileage (Appraisal appeal)
Alman, Benjamin	1044546	2013	42,015	0	(694.01)	County changed to Durham (Illegal tax)
Andrews, Camille	5740359	2013	3,000	500	(23.65)	Has an antique auto plate (Appraisal appeal)
Beasley, Floyd	8768797	2013	5,490	300	(48.35)	Condition (Appraisal appeal)
Beasley, Floyd	8768797	2013	5,490	5,490	(39.76)	Incorrect situs address (Illegal tax)
Beavers, Gregory	1045551	2013	18,240	0	(318.26)	County changed to Alamance (Illegal tax)
Beck, Richard James	643506	2012	17,350	0	(314.63)	County changed to Chatham (Illegal tax)
Beyler, Stan Allen	985241	2012	5,460	0	(122.73)	County changed to Chatham (Illegal tax)
Boass, Agna	941353	2013	870	775	(1.49)	Holds a salvaged title (Appraisal appeal)
Bozarth, Cecil	587131	2013	10,000	500	(150.14)	Has an antique auto plate (Appraisal appeal)
Brameld, Kristin	1011005	2013	19,120	0	(220.73)	County changed to Chatham (Illegal tax)
Breeze, Donald	8939833	2013	4,420	4,420	(63.47)	Incorrect situs address (Illegal tax)
Byrd, Nannie	979683	2013	12,280	12,280	(107.90)	Incorrect situs address (Illegal tax)
Campbell, Michael	1035513	2013	56,180	0	(945.15)	County changed to Durham (Illegal tax)
Canady, Joseph	1003567	2013	18,290	16,461	(28.17)	High mileage (Appraisal appeal)
Chaney, Rodney	1044408	2013	26,330	19,484	(64.22)	High mileage (Appraisal appeal)
Chelenza, Michael	8979639	2013	19,900	500	(178.09)	Has an antique auto plate (Appraisal appeal)
Cook, Robert William	973840	2013	13,540	0	(125.65)	County changed to Alamance (Illegal tax)
Cook, Robert William	578649	2013	599	0	(5.56)	County changed to Alamance (Illegal tax)
Cook, Robert William	1027951	2012	2,530	0	(25.36)	County changed to Alamance (Illegal tax)
Cooper, Donald Lambert	587989	2013	4,440	0	(100.17)	County changed to Chatham (Illegal tax)
Corn, Randall Lee	1044701	2013	16,780	0	(193.71)	County changed to Chatham (Illegal tax)
Cox, Katherine	5806154	2013	11,550	9,009	(23.58)	High mileage (Appraisal appeal)
Daniels, Matthew	1034731	2013	8,540	0	(82.90)	County changed to Durham (Illegal tax)
Davis, Darin	974658	2013	4,560	4,104	(7.46)	High mileage (Appraisal appeal)
Denson, Dawn	8984401	2013	3,510	3,510	(53.73)	Incorrect situs address (Illegal tax)
Dry, Kristi	663709	2013	14,290	12,575	(15.58)	High mileage (Appraisal appeal)
Dutton, Mark Steven	974482	2013	4,530	4,130	(6.15)	High mileage (Appraisal appeal)
Engler, Henry Alfred III	1043754	2013	16,550	11,585	(78.47)	Purchased price (Appraisal appeal)
Ferguson, Calvin	8994191	2013	1,510	1,510	(40.98)	Incorrect situs address (Illegal tax)
Fisseha, Tekola	1007106	2012	2,380	0	(71.52)	County changed to Durham (Illegal tax)
Flack, Susan	5782227	2013	2,250	0	(20.57)	Double billed (Illegal tax)
Fourqurean, Fred	8630397	2013	9,600	500	(83.53)	Antique auto plate (Appraisal appeal)
Fultz, William Craig	970469	2013	15,075	14,121	(8.72)	High mileage (Appraisal appeal)
Gardner, Adam	1042416	2013	8,980	5,743	(49.87)	Purchased price (Appraisal appeal)
Gregoris, Michael	1045144	2013	17,540	0	(162.77)	County changed to Alamance (Illegal tax)

September 26, 2013 thru  
 October 16, 2013

Clerical error G.S. 105-381(a)(1)(a)  
 Illegal tax G.S. 105-381(a)(1)(b)  
 Appraisal appeal G.S. 105-330.2(b)

## BOCC REPORT - REGISTERED MOTOR VEHICLES NOVEMBER 5, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Hansen, Kristin	983006	2013	20,630	20,630	(86.66)	Incorrect situs address (Illegal tax)
Hardy, Nancy	943048	2013	17,580	15,119	(22.60)	High mileage (Appraisal appeal)
Hotelling, Barbara	956783	2012	2,360	2,360	(2.47)	Incorrect situs address (Illegal tax)
Hotelling, Barbara	956783	2011	2,660	2,660	(2.54)	Incorrect situs address (Illegal tax)
Hotelling, Barbara	624958	2011	15,220	15,220	(14.52)	Incorrect situs address (Illegal tax)
Hotelling, Barbara	624958	2012	15,110	15,110	(15.79)	Incorrect situs address (Illegal tax)
Huffstettler, Janet	1041745	2013	20,040	0	(338.70)	County changed to Wake (Illegal tax)
Hux, Gary	8893749	2013	47,988	47,988	(393.37)	Incorrect situs address (Illegal tax)
Jacobs, Pelham	5796276	2013	4,420	4,420	(61.90)	Incorrect situs address (Illegal tax)
Justice, John Alan	998435	2012	15,280	0	(301.85)	County changed to Person (Illegal tax)
Kihm, Barbara	590645	2013	25,160	18,115	(66.07)	High mileage (Appraisal appeal)
Lentz, Barbara	666020	2013	15,300	12,240	(27.49)	High mileage (Appraisal appeal)
Link, Charles	1042959	2013	20,830	0	(187.18)	Double billed (Illegal tax)
Love Chapel Hill	1034584	2013	1,130	0	(13.58)	Has tax exempt status (Illegal tax)
Lutz, David	978724	2013	14,640	11,419	(30.21)	High mileage (Appraisal appeal)
Marlatt, Patrick	666356	2013	11,350	9,307	(31.47)	High mileage (Appraisal appeal)
McGurk, John	5742566	2013	11,806	7,956	(44.45)	High mileage (Appraisal appeal)
McPherson, Carlton	1041894	2013	16,040	0	(145.09)	Military exempt (Illegal tax)
Meadows, Hershell	1037519	2013	9,500	5,700	(61.23)	High mileage (Appraisal appeal)
Meadows, Linda	974496	2013	19,390	17,063	(37.51)	High mileage (Appraisal appeal)
Mudrak, Sarah	979407	2013	13,150	0	(237.82)	County changed to Durham (Illegal tax)
Nolen-Weathington, Eric	963221	2012	20,890	16,712	(37.79)	High mileage (Appraisal appeal)
Oakley, Thomas	1010484	2013	9,469	9,459	(0.09)	High mileage (Appraisal appeal)
Orange Water and Sewer	1044343	2013	15,350	0	(30.00)	Has tax exempt status (Illegal tax)
Oxendine, Elizabeth	942142	2013	15,340	11,658	(34.17)	High mileage (Appraisal appeal)
Parks, William Land	979641	2013	19,620	16,088	(55.82)	High mileage (Appraisal appeal)
Plumbing & Pipe Technologies	1045616	2013	6,650	0	(61.04)	County changed to Wake (Illegal tax)
Qandil, Stacey	1044308	2013	11,480	7,282	(64.56)	Purchased price (Appraisal appeal)
Residential Services, Inc.	5751997	2013	18,719	0	(325.84)	Has tax exempt status (Illegal tax)
Residential Services, Inc.	1035706	2013	20,230	0	(359.54)	Has tax exempt status (Illegal tax)
Rinehart, William	1043515	2013	6,050	500	(91.90)	Has an antique auto plate (Appraisal appeal)
Rio, Christopher	1008393	2013	15,260	11,903	(54.90)	High mileage (Appraisal appeal)
Robinson, Mark	5769543	2013	5,150	2,575	(23.55)	Damage (Appraisal appeal)
Rogers, Jimmy	8894011	2013	770	770	(33.85)	Incorrect situs address (Illegal tax)
Rosati, Jacky Ann	941888	2013	23,280	20,486	(26.20)	High mileage (Appraisal appeal)
Scarlett, Yvonne	8909667	2013	800	800	(35.80)	Incorrect situs address (Illegal tax)
Shaffer, Christy	593494	2013	6,905	6,179	(8.16)	High mileage (Appraisal appeal)

September 26, 2013 thru  
 October 16, 2013

Clerical error G.S. 105-381(a)(1)(a)  
 Illegal tax G.S. 105-381(a)(1)(b)  
 Appraisal appeal G.S. 105-330.2(b)

## BOCC REPORT - REGISTERED MOTOR VEHICLES NOVEMBER 5, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Shaffer, Joel	942008	2013	18,560	15,760	(31.54)	Damage (Appraisal appeal)
Sidhu, Gurdeep	593602	2013	14,820	0	(264.21)	County changed to Durham (Illegal tax)
Simmons, Robert	8894961	2013	19,900	500	(178.09)	Has an antique auto plate (Appraisal appeal)
Sinkman, Judy	593570	2013	11,670	0	(214.43)	County changed to Chatham (Illegal tax)
Stafford, Mark	668656	2013	13,120	11,546	(24.25)	High mileage (Appraisal appeal)
Stewart, Paul	1043267	2013	4,480	0	(99.01)	County changed to Chatham (Illegal tax)
Stonebraker, Brent	1041066	2013	9,400	7,896	(23.16)	High mileage (Appraisal appeal)
Sturdivant, Darian	941418	2013	3,290	3,290	(54.28)	Incorrect situs address (Illegal tax)
Tilghman, William	962360	2013	12,940	0	(252.26)	County changed to Chatham (Illegal tax)
Tippett, Deborah	594279	2013	8,230	7,078	(10.80)	High mileage (Appraisal appeal)
Tiryakian, Edward	1045133	2013	31,710	0	(272.07)	County changed to Durham (Illegal tax)
Trosa, Inc.	1045158	2013	12,420	0	(235.64)	County changed to Durham (Illegal tax)
Upchurch, Ricky	1011045	2013	16,664	15,192	(13.80)	High mileage (Appraisal appeal)
Varky, Dax	978831	2013	6,472	0	(141.16)	County changed to Chatham (Illegal tax)
Vest, Josephine	669378	2013	16,070	12,856	(29.19)	High mileage (Appraisal appeal)
Welch, Robert	1045369	2013	22,140	0	(379.90)	County changed to Alamance (Illegal tax)
Werpoler, Idan	1015048	2013	25,958	23,362	(29.96)	Purchased price (Appraisal appeal)
Werpoler, Idan	1015050	2013	19,842	17,857	(22.92)	Purchased price (Appraisal appeal)
Wilson, Charles	5796910	2013	6,275	3,138	(29.23)	Damage (Appraisal appeal)
Wilson, Heather	978863	2013	16,220	14,598	(24.95)	High mileage (Appraisal appeal)
Winters, Connie	1007732	2013	20,130	17,312	(19.21)	High mileage (Appraisal appeal)
Wong, Oi	5757191	2013	12,110	9,082	(47.86)	Holds a salvaged title (Appraisal appeal)
Wood, Gayle	8981917	2013	7,440	7,440	(7.10)	Incorrect situs address (Illegal tax)
				Total	(10,259.28)	

September 26, 2013 thru  
 October 16, 2013

**Military Leave and Earning Statement:** Is a copy of a serviceman's payroll stub covering a particular pay period. This does list his home of record, which is his permanent state of residence where he would pay any state income taxes.

## Vehicle Titles

**Salvaged and Salvage Rebuilt:** Any repairs that exceed 75% of the vehicle's market value using NADA, Kelly Blue Book and various other publications. When the insurance company has totaled the vehicle, and the customer has received the claim check, four things can happen:

- Insurance company can keep the vehicle.
- Customer can keep the vehicle. The customer is instructed to contact the local DMV inspector to have an initial inspection done, for vehicles 2001 to 2006 (these dates change yearly, example in 2007 the models will be 2002-2007).
- Affidavit of Rebuilder- The inspector lists each part that needs to be repaired.
- Final inspection- if all work is cleared and approved by the inspector then the rebuilt status is then removed (salvaged status remains).

**Note: Finance companies will not finance a salvaged vehicle.**

**Total Loss:** Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.

**Total Loss/Rebuilt:** Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.

**Certificate of Reconstruction:** When work has been done on (vehicles 2001-2006 in year 2006) this is issued when the inspector didn't see the original damaged and the vehicle has been repaired.

**Certificate of Destruction:** NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

**Custom Built:** When the customer has built this vehicle himself or herself. Ex. parts taken from various vehicles to build one vehicle. Three titles are required from the DMV in this case. 1) Frame 2) Transmission 3) Engine. Then an indemnity bond must be issued. An indemnity bond must also be issued when the vehicle does not have a title at all.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda  
Item No. 5-c**

**SUBJECT:** Property Tax Releases/Refunds

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**DEPARTMENT:** Tax Administration

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

No

**ATTACHMENT(S):**

Resolution  
Spreadsheet

**INFORMATION CONTACT:**

Dwane Brinson, Tax Administrator,  
(919) 245-2726

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**PURPOSE:** To consider adoption of a resolution to release property tax values for two (2) taxpayers with a total of two (2) bills that will result in a reduction of revenue.

**BACKGROUND:** The Tax Administration Office has received two 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 \$21.67 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 Interim 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-2013-083

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 G.S. 105-381(a)(1)(a)  
 Illegal tax G.S. 105-381(a)(1)(b)  
 Appraisal appeal G.S. 105-330.2(b)

**BOCC REPORT - REAL/PERSONAL  
 NOVEMBER 5, 2013**

<b>NAME</b>	<b>ABSTRACT NUMBER</b>	<b>BILLING YEAR</b>	<b>ORIGINAL VALUE</b>	<b>ADJUSTED VALUE</b>	<b>FINANCIAL IMPACT</b>	<b>REASON FOR ADJUSTMENT</b>
Forrest, Stephen C. III	290421	2013	5,190	4,775	(3.85)	System inadvertently applied incorrect depreciation (clerical error)
Wiseman, William	995239	2013	1,900	0	(17.82)	Property sold prior to Jan 1, 2013 (illegal tax)
				Total	(21.67)	

September 26, 2013 thru  
 October 16, 2013

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda**

**Item No.** 5-d

**SUBJECT:** Applications for Property Tax Exemption/Exclusion

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**DEPARTMENT:** Tax Administration

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

No

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**ATTACHMENT(S):**

Exempt Status Resolution  
Spreadsheet  
Requests for Exemption/Exclusion

**INFORMATION CONTACT:**

Dwane Brinson, Tax Administrator,  
(919) 245-2726

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**PURPOSE:** To consider five (5) untimely applications for exemption/exclusion from ad valorem taxation for eight (8) bills for the 2013 tax year.

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

Two 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 plus the value of up to one (1) acre of land.

One applicant is applying for exclusion based on NCGS 105-278.3, which allows for exclusion from property taxes for property used for a religious purpose.

One applicant is applying for exclusion based on NCGS 105-275(45), which allows for Eighty percent (80%) of the appraised value of a solar energy electric system. For purposes of this subdivision, the term "solar energy electric system" means all equipment used directly and exclusively for the conversion of solar energy to electricity.

One applicant is applying for exclusion based on NCGS 105-275 (46), which allows for exclusion from taxes on "real property that is occupied by a charter school and is wholly and exclusively used for educational purposes as defined in G.S. 105-278.4(f) regardless of the ownership of the property."

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 approvals 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 the exemption applications will result in a reduction of FY 2013/2014 taxes due to the County, municipalities, and special districts in the amount of \$71,592.35.

**RECOMMENDATION(S):** The Interim Manager recommends the Board approve the attached resolution for the above listed applications for FY 2013/2014 exemption.

NORTH CAROLINA

RES-2013-084

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 2013 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 2013 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 application - GS 105-282.1(a1)

## BOCC REPORT - REAL/PERSONAL NOVEMBER 5, 2013

<b>NAME</b>	<b>ABSTRACT NUMBER</b>	<b>BILL YEAR</b>	<b>ORIGINAL VALUE</b>	<b>TAXABLE VALUE</b>	<b>FINANCIAL IMPACT</b>	<b>REASON FOR ADJUSTMENT</b>
Brown, Lynwood Jesse Jr.	279096	2013	292,783	233,452	(912.51)	Late application for Homestead Exclusion
Chapel Hill Training Outreach Project, Inc.	319337	2013	268,909	0	(3,136.56)	Late application for Exemption G.S. 105-278.4
Chapel Hill Training Outreach Project, Inc.	317146	2013	874,000	0	(13,442.12)	Late application for Exemption G.S. 105-278.4
Cook, Dallas H.	13470	2013	63,547	32,069	(288.97)	Late application for Homestead Exclusion
Pickard Meadow Farm, LLC	1024936	2013	516,065	103,213	(4,762.97)	Late application for Exemption G.S. 105-275(45)
SHM Properties, LLC	246222	2013	2,391,744	0	(39,602.49)	Late application for Exemption G.S. 105-275(46)
SHM Properties, LLC	271192	2013	247,227	0	(4,093.59)	Late application for Exemption G.S. 105-275(46)
SHM Properties, LLC	271191	2013	323,296	0	(5,353.14)	Late application for Exemption G.S. 105-275(46)
				Total	(71,592.35)	

September 26, 2013 thru  
October 16, 2013



**Request for Tax Relief  
Late Application Filing**

**FILED**  
**SEP 23 2013**  
**ORANGE COUNTY**  
**TAX ADMINISTRATION**

Date: 9-22-13

To Whom It May Concern:

I, (PRINT NAME) Lynwood Jesse Brown Jr., wish to be considered for Property Tax Relief Exemption or Exclusion for the year 2013 on Parcel Identification Number (PIN) # 9864452683.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of "good cause" for failure to make a timely application. An untimely application approved under G.S. 105-282.1(a1) applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

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

I just found out about the Property Tax Relief Program.

Other (please explain)

See copy of attached letter from  
T. Dwane Brinson

Thank you,

Lynwood Jesse Brown Jr.  
(Signature)

How did you learn of this exemption?

See Above

**ORANGE COUNTY TAX OFFICE**

ASSESSMENT DIVISION

228 S CHURTON STREET, SUITE 200

PO BOX 8181

HILLSBOROUGH, NORTH CAROLINA 27278

Telephone (919) 245-2100 Fax (919) 644-3091

T. Dwane Brinson, Tax Administrator

Lee Harris, Deputy Tax Assessor

September 4, 2013

Lynwood Brown Jr  
102 Allen Ruffin Ave  
Hillsborough, NC 27278

9864-45-2683

The North Carolina Department of Revenue (NCDOR) recently shared its interpretation and recommendation regarding Homestead Exemption income qualification, with respect to the requirement in North Carolina General Statute 105-277.1 that "all monies received" should be considered income, and in light of the several different interpretations that counties have taken with respect to that requirement.

In consideration of the NCDOR interpretation and recommendation, we have reviewed your 2012 Homestead Exemption application that was previously denied, and we encourage you to apply again for consideration for the 2013 tax year. Per statutory limitations, any decision on your 2013 application cannot be retroactive.

An application is enclosed for your convenience. The application is also located on the NCDOR website at: [www.dornc.com/downloads/fillin/av9\\_2013.pdf](http://www.dornc.com/downloads/fillin/av9_2013.pdf).

Please contact Kandice Wright at 919-245-2100 if you need assistance or have any questions.

Respectfully,

T. Dwane Brinson  
Tax Administrator

# CHTOP

Chapel Hill Training Outreach Project, Inc.



800 Eastowne Drive, Suite 105 Chapel Hill, North Carolina 27514  
(919) 490-5577 Fax (919) 490-4905 [www. chtop.org](http://www. chtop.org)

September 6, 2013

Ms. Kandice Wright  
Orange County Tax Administration  
228 S Churton Street, Suite 200  
Hillsborough, NC 27278

**FILED**  
SEP 12 2013  
ORANGE COUNTY  
TAX ADMINISTRATION

RE: 2013 Late Application for Property Tax Exemption

Dear Ms. Wright

The Chapel Hill Training Outreach Project submitted a late application for Property Tax Exemption and Exclusion for 2013 due to the Federal budget sequestration which resulted in a budget reduction of \$136,556 for the Orange County Head Start and Early Head Start program. This budget reduction was put in place on March 8, 2013 for current year operations. Therefore, our true need did not arise until after the deadline.

Upon analyzing all aspects our Orange County Head Start and Early Head Start budget we found that we could not reduce costs without reducing services to the children of Orange County. This has led to our decision to submit an Application for Exemption. If granted we will be able to use these funds to increase teacher hours and restore funding for transportation for families.

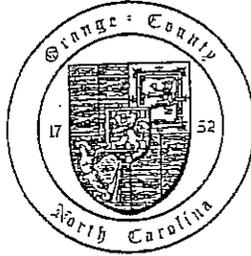
Thank you for consideration of Property Tax Exemption for 2013 with a late application. We assure you a timely filing in 2014.

Thank you,

Mike Mathers, Executive Director

CC: Angela Wilcox and Sarah Hiskey

**FILED**  
SEP 25 2013  
ORANGE COUNTY  
TAX ADMINISTRATION



**Request for Tax Relief  
Late Application Filing**

Date: 9-16-13

To Whom It May Concern:

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

Homestead Exemption for the year 2013 on parcel number

(PIN) # 9831299554

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.

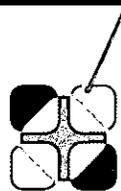
Other

Thank you,

Dallas H. Cook  
(Signature)

How did you find out about this exemption?

I previously had it but was not aware I  
might be eligible this year - forgot to reapply



**HPG**

*looking beyond the bottom line.™*

**Hughes Pittman & Gupton, LLP**

1500 Sunday Drive, Suite 300  
Raleigh, North Carolina 27607  
919.232.5900 919.232.5901 fax  
[www.hpg.com](http://www.hpg.com)

September 16, 2013

**FILED**

SEP 20 2013

**ORANGE COUNTY  
TAX ADMINISTRATION**

Orange County Tax Administration  
228 S. Churton Street, Suite 200  
P.O. Box 8181  
Hillsborough, NC 27278

Re: Pickard Meadow Farm LLC  
2013 Application for Property Tax Exemption or Exclusion

Dear Ms. Wright:

On behalf of the above referenced taxpayer, we are writing in response to a letter dated August 30, 2013. The letter requests an explanation of good cause for the untimely application for property tax exemption and exclusion for the 2013 tax year.

The client filed an extension of time to file the 2013 property tax listing by the January 31<sup>st</sup> deadline and appropriately filed the property tax listing by the extended due date. However we were unaware that an application for exemption or exclusion needed to be completed with the property tax listing in order to qualify for exemption on the solar energy electric system. The property listing form instructions did not mention the application and we were unable to find any information regarding the proper filing requirements for solar energy systems on the North Carolina Department of Revenue property tax information website. In addition, we even inquired with our contacts with another county jurisdiction regarding the proper way to list the solar energy electric system and our contact was unaware of the requirement for the application.

Since we filed the application for exemption or exclusion as soon as it was discovered that it was required, we respectfully request that the application for exemption be approved.

Thank you for your time and consideration to this matter.

Sincerely,

Heather L. Dean, CPA

Orange County Tax Office

P.O. Box 8181

Hillsborough, NC 27278

**FILED**

OCT 08 2013

**ORANGE COUNTY  
TAX ADMINISTRATION**

To Whom It May Concern,

Please accept my property tax exemption form. I am sorry you are receiving this after June 1<sup>st</sup>, but I was not sure my property was eligible for this exemption. I received confirmation of eligibility on October 2, 2013. Please contact me if you have any questions, 919-768-1581.

Sincerely,



Sara H. Macko

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda  
Item No. 5-e**

**SUBJECT:** Tax Refund Request - Robert H. Pope

**DEPARTMENT:** Tax Administration

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

No

**ATTACHMENT(S):**

- 1) Robert H. Pope Letter of August 12, 2013
- 2) Tax Office Letter of September 23, 2013
- 3) Robert H. Pope Letter of September 30, 2013
- 4) Tax Office Letter of October 17, 2013
- 5) 2004 Refund Information
- 6) Refund Release Blog, UNC SOG, February 14, 2013
- 7) UNC SOG Bulletin on Refunds and Releases, April 2010
- 8) Resolution to Deny Refund Request

**INFORMATION CONTACT:**

Dwane Brinson, Tax Administrator, (919) 245-2726  
Annette Moore, Attorney, (919) 245-2318  
Michael Talbert, Interim County Manager, (919) 245-2300

**PURPOSE:** To consider adoption of a resolution to deny a refund request from Mr. Robert H. Pope covering tax years 2009, 2010, 2011 and 2012.

**BACKGROUND:** North Carolina General Statute (NCGS) 105-381 allows taxpayers to appeal to the governing body for a release or refund of taxes due or already paid. A valid defense is (a) a tax imposed through clerical error; (b) an illegal tax; (c) a tax levied for an illegal purpose.

Mr. Robert H. Pope submitted a letter on August 12, 2013 requesting refund of alleged overpaid property taxes of \$2,945.87 due to nonexistent square footage and overvalued real estate for tax years 2009 – 2012. A 2004 Consent Order from the Property Tax Commission was referenced, and in the letter Mr. Pope submitted that the tax office did not comply with the Consent Order. On September 23, 2013 the tax office responded with evidence that the consent order was upheld and provided clarifying and supporting information to Mr. Pope. A second letter was submitted by Mr. Pope dated September 30, 2013 stating disagreement with the information. The Tax Administrator responded to Mr. Pope with a letter dated October 17, 2013 explaining that the request for refund would be taken before the Board of Commissioners and provided further information clarifying and supporting staff's position.

Mr. Pope's 2004 tax assessment was appealed in 2004. In 2005, Mr. Pope and the tax office reached an agreement on the value of said property. A representative of the Property Tax Commission issued a Consent Order detailing the revised and agreed-upon tax assessment for

the 2004 tax year. Orange County strictly complied with the Consent Order by placing both the market value and present-use value on official records. Orange County then issued a \$148.75 refund to Mr. Pope, cited by Orange County Finance as RL# 29589 and check# 202124. During the County's 2005 countywide revaluation, the tax assessment of Mr. Pope's property increased, but it was not appealed. Nor, per staff research, was it appealed in any subsequent year until 2013. For 2013 the Board of Equalization and Review revised the property's tax assessment and changed the improvement's square footage for the current year.

The statute recognizes two different situations: one where the taxpayer has already paid the tax under appeal and the other where the taxpayer has yet to pay the tax. Mr. Pope's referenced tax bills have been paid. Paraphrased, 105-381(a)(3) affords taxpayers who present a successful statement of defense relief for up to five years of taxes paid.

Mr. Chris McLaughlin at the UNC School of Government and his predecessors have opined that requests such as this presented to the Board are not supported by state law. A recent blog and a Property Tax Bulletin from Mr. McLaughlin, both attached, are leaned upon heavily for staff's recommendation to the Board. In summary, it is opined that square footage differences may be assessment errors and, as such, would not qualify as either a clerical error or an illegal tax. Moreover, NC General Statute 105-322 affords taxpayers an annual opportunity to appeal a tax record and assessment. Such annual requests are mutually exclusive, too.

The County Attorney notes that, as stated above, North Carolina General Statute 105-381 provides limited statutory reasons whereby a county governing board may lawfully refund taxes. The statutory reason that comes nearest to these situations is one of "clerical error". However, the North Carolina Court of Appeals in the 1997 case of Ammons v. Wake County defined clerical error as something readily apparent on the face of the instrument. This is interpreted as being a typographical error or an error of transposition, not an error of judgment, or a lack of documented available information to amend the tax record.

Additionally, North Carolina General Statute 105-380(c) provides in part:

- a) The governing body of a taxing unit is prohibited from releasing, refunding, or compromising all or any portion of the taxes levied against any property within its jurisdiction except as expressly provided in this Subchapter.
- b) Taxes that have been released, refunded, or compromised in violation of this section shall be deemed to be unpaid and shall be collectible by any means provided by this Subchapter, and the existence and priority of any tax lien on property shall not be affected by the unauthorized release, refund, or compromise of the tax liability.
- c) Any tax that has been released, refunded, or compromised in violation of this section may be recovered from any member or members of the governing body who voted for the release, refund, or compromise by civil action instituted by any resident of the taxing unit, and when collected, the recovered tax shall be paid to the treasurer of the taxing unit. The costs of bringing the action, including reasonable attorneys' fees, shall be allowed the plaintiff in the event the tax is recovered.

For the reasons stated above, the County Attorney advises the Board of Commissioners that in his opinion issuing the requested refund is not supported by current North Carolina law and could subject the individual members of the Board of Commissioners to personal liability.

**FINANCIAL IMPACT:** Approval of Mr. Pope's request would result in a net reduction in revenue of \$2,945.87 to the County, municipalities, and special districts.

**RECOMMENDATION(S):** The Interim Manager recommends the Board approve the attached resolution to deny the property tax refund request for Robert H. Pope in accordance with North Carolina General Statute 105-381. The Board should consider that County staff, the County Attorney, and the UNC School of Government staff has been unsuccessful in finding a way to approve these types of refund requests that appear to not be supported by State law. As the Board has been previously advised, current administration believes that the proposed verification of records for all properties countywide due to occur before the next revaluation scheduled for 2017 could produce numerous similar situations. Thus, actions on this request could establish the foundation for future claims and ensuing impacts.

## Attachment 1

Robert H. Pope, Jr.  
608 Polk St.  
Raleigh, NC 27604

August 12, 2013

Mr. T. Dwayne Brinson  
Orange County Tax Administrator  
PO Box 8181  
Hillsborough, NC 27278

Dear Mr. Brinson:

Re: Old PIN 9859110370  
Old PIN 9849908775  
July 18, 2013 Letter from Clerk, Board of Equalization and Review

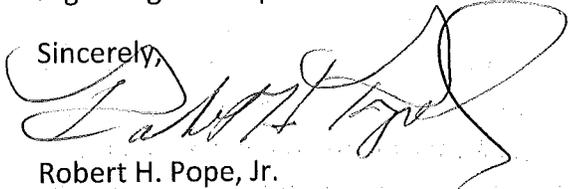
Pursuant to North Carolina General Statute 105-381, I, Robert H. Pope, Jr. ("Taxpayer") am requesting a refund of \$2945.87 for taxes paid on nonexistent or overvalued real estate for the years 2009, 2010, 2011 and 2012. A brief summary of the relevant facts is as follows:

In 2004, the North Carolina Department of Revenue ("DOR") directed the Orange County Tax Administration ("ORTA") to make corrections regarding the square footage on the 1872 farmhouse located on the property reference by the PIN numbers above. Due to an unrelated reduction in the tax assessment for subsequent years, Taxpayer was unaware that such adjustment had not been made. Taxpayer continued to timely pay property tax bills despite the failure of OGTA to make the adjustments directed by DOR.

Accordingly, Taxpayer requests relief under G.S. §105.381(a)(1) based on OGTA's failure to make the required adjustments, as directed by DOR. Taxpayer is filing claims for the period allowed under G.S. § 105.381(a)(3).

Attached is a spread sheet showing the calculations for the above amount, inclusive of the applicable interest. Also attached is a copy of the general statute for your reference. Please feel free to contact me at (919) 621-1150 if you have questions or need additional information regarding this request.

Sincerely,



Robert H. Pope, Jr.

Attachments (3)

cc: Walter Cates, Esq., John Seibert, CPA

onecle

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US Code

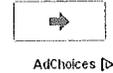
- 1 USC - General Provisions
- 2 USC - The Congress
- 3 USC - The President
- 4 USC - Flag and Seal
- 5 USC - Gov't Organization
- 6 USC - Domestic Security
- 7 USC - Agriculture
- 8 USC - Aliens and Nationality
- 9 USC - Arbitration
- 10 USC - Armed Forces
- 11 USC - Bankruptcy
- 12 USC - Banks and Banking
- 13 USC - Census
- 14 USC - Coast Guard
- 15 USC - Commerce and Trade
- 16 USC - Conservation
- 17 USC - Copyrights
- 18 USC - Crimes
- 19 USC - Customs Duties
- 20 USC - Education
- 21 USC - Food and Drugs
- 22 USC - Foreign Relations
- 23 USC - Highways
- 24 USC - Hospitals
- 25 USC - Indians
- 26 USC - Internal Revenue Code
- 27 USC - Intoxicating

# North Carolina General Statutes § 105-381 Taxpayer's remedies

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(a) Statement of Defense. Any taxpayer asserting a valid defense to the enforcement of the collection of a tax assessed upon his property shall proceed as hereinafter provided.

(1) For the purpose of this subsection, a valid defense shall include the following:

- a. A tax imposed through clerical error;
- b. An illegal tax;
- c. A tax levied for an illegal purpose.

(2) If a tax has not been paid, the taxpayer may make a demand for the release of the tax claim by submitting to the governing body of the taxing unit a written statement of his defense to payment or enforcement of the tax and a request for release of the tax at any time prior to payment of the tax.

(3) If a tax has been paid, the taxpayer, at any time within five years after said tax first became due or within six months from the date of payment of such tax, whichever is the later date, may make a demand for a refund of the tax paid by submitting to the governing body of the taxing unit a written statement of his defense and a request for refund thereof.

(b) Action of Governing Body. 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 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 tax liability or notify the taxpayer in writing that no release or refund will be made. The governing body may, by resolution, delegate its authority to determine requests for a release or refund of tax of less than one hundred dollars (\$100.00) to the finance officer, manager, or attorney of the taxing unit. A finance officer, manager, or attorney to whom this authority is delegated shall monthly report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body. If a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in his annual settlement.

(c) Suit for Recovery of Property Taxes.

(1) Request for Release before Payment. If within 90 days after receiving a taxpayer's request for release of an unpaid tax claim under (a) above, the governing body of the taxing unit has failed to grant the release, has notified the taxpayer that no release will be granted, or has taken no action on the request, the taxpayer shall pay the tax. He may then within three years from the date of payment bring a civil action against the taxing unit for the amount claimed.

(2) Request for Refund. If within 90 days after receiving a taxpayer's request for refund under (a) above, the governing body has failed to refund the full amount requested by the taxpayer, has notified the taxpayer that no refund will be made, or has taken no action on the request, the taxpayer may bring a civil action against the taxing unit for the amount claimed. Such action may be brought at any time within three years from the expiration of the period in which the governing body is required to act.

(d) Civil Actions. Civil actions brought pursuant to subsection (c) above shall be brought in the appropriate division of the general court of justice of the county in which the taxing unit is located. If, upon the trial, it is determined that the tax or any part of it was illegal or levied for an illegal purpose, or excessive as the result of a clerical error, judgment shall be rendered therefor with interest thereon at six percent (6%) per annum, plus costs, and the judgment shall be collected as in other civil actions. (1901, c. 558, s. 30; Rev., s. 2855; C. S., s. 7979; 1971, c. 806, s. 1; 1973, c. 564, s. 3; 1977, c. 946, s. 2; 1985, c. 150, s. 1; 1987, c. 127.)

Sections: [Previous](#) [105-374](#) [105-375](#) [105-376](#) [105-377](#) [105-378](#) [105-379](#) [105-380](#) [105-381](#) [105-383](#) [105-384](#) [105-385](#) [105-386](#) [105-387](#) through [105-392](#) [105-394](#) [105-395](#) [Next](#)

Last modified: February 21, 2012

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*Submitted by taxpayer*

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE PROPERTY TAX COMMISSION

**ORDER**

The following property is under appeal to the Property Tax Commission from a decision of the Orange County Board of Equalization and Review for 2009.

Pursuant to this appeal, a representative of the Property Tax Commission has discussed the relevant issues of the appeal with the property owner and the Orange County taxing officials.

The County taxing officials and the property owner reached an agreement satisfactory to both concerning the value of the subject property, and notified the Commission of the terms of the agreement.

Name: Robert H. Pope, Jr. - 10 PTC 082

<u>Description</u>	<u>Valuation Under Appeal</u>	<u>Recommended Valuation</u>
Tract #200419	\$ 94,009	\$ 79,900

IT IS THEREFORE ORDERED AND DECREED that the Orange County taxing officials adjust the valuation of the subject property as herein provided and enter said adjusted valuation in the tax records of Orange County as of January 1, 2009.

Entered this 22nd day of February, 2011.

*Submitted by taxpayer*

NORTH CAROLINA PROPERTY TAX COMMISSION



*William R. Wilkes*  
William R. Wilkes, Assistant Director  
Local Government Division  
Property Tax Section

Copies of this Order provided to:

Ms. Jo Roberson - Orange County Assessor  
Mr. John L. Roberts - Orange County Attorney

Mr. Robert H. Pope, Jr.  
608 Polk Street  
Raleigh, NC 27604

*Refunded*  
*2009 } \$ 26869*  
*2010 }*  
*11-13 billed property*

*PIN 9857-39-3767*

*\* Not same property \**

## Over Taxed Real Estate

<u>Old PIN</u>	<u>Old Value</u>	<u>New Value</u>	<u>Yearly Over Value</u>	<u>Years</u>	<u>\$</u>	6% Int Compound	<u>Total</u>
9859110370	\$47,400	\$41,300	\$6,100	2009	\$568.28	\$192.21	\$760.49
				2010	568.28	\$149.16	\$717.44
				2011	568.28	\$108.55	\$678.83
				2012	568.28	\$70.24	\$638.52
				2013		\$34.10	\$34.10
9849908775			\$1,179.80	2012	\$109.91	\$116.49	
						\$6.59	
					Total		<b><u>\$2,945.87</u></b>

*Submitted by  
taxpayer*

# ORANGE COUNTY NOTICE OF DECISION



This notice was mailed on: July 18, 2013

**Robert H. Pope**  
608 Polk Street  
Raleigh, NC 27604

Dear Taxpayer:

On June 20, 2013 the Orange County Board of Equalization and Review received evidence and heard testimony regarding your appeal. On the basis of your evidence and/or testimony and in due consideration of all applicable laws, the Board made the following decision effective for tax year 2013:

PARCEL IDENTIFICATION NUMBER (PIN): **9859019289**

Description of Property:  Real  Personal  Both

Property address: **6909 Efland-Cedar Grove Road**

Assessed Valuation under appeal: **\$500,101**

Decision of the Board: **\$448,701**

You may appeal the Board's decision to the North Carolina Property Tax Commission (NCPTC). To appeal this decision, you must send one of the following to the Commission:

- Form AV-14, Notice of Appeal and Application for Hearing, which is available online at <http://www.dornc.com/downloads/property.html>. You must include a copy of this Notice of Decision with Form AV-14.
- A signed letter indicating that you wish to appeal this decision. You must include a copy of this Notice of Decision with Form AV-14. The Commission will then mail you Form AV-14, which you must complete and return to the Commission within 30 days from the date of the Commission's letter.

**Your notice of appeal (which is either the Form AV-14 or the signed letter that you mail to the NCPTC) must be received by the Commission within 30 days of the date of this Notice of Decision.**

Documents filed through the US Postal Service are considered received on the date of the US Postal Service postmark. ***If the appeal bears postage affixed by an interoffice postage meter, the appeal is considered filed on the date it is received in the Commission's office.*** Failure to file your notice of appeal on time and failure to file Form AV-14 can both result in the dismissal of your appeal.

Send your appeal documents to:

**North Carolina Property Tax Commission**  
P.O. Box 871  
Raleigh, NC 27602  
(919) 733-7711

In addition, you must also send a copy of your notice of appeal to the county tax administrator and to the county attorney.

Orange County Tax Office	Orange County Attorney's Office
Attn: N Freeman	Attn: J Galassi
PO Box 8181	PO Box 8181
Hillsborough, NC 27278-8181	Hillsborough, NC 27278-8181

Taxpayers may prepare their notice of appeal to be filed with the Property Tax Commission. Attorneys licensed to practice law in this State may also prepare, sign and file the notice of appeal with the Property Tax Commission on behalf of the taxpayers. However, a tax representative or agent is not permitted to prepare, sign or file the appeal on behalf of the taxpayers.

Sincerely,

Clerk, Board of Equalization and Review

*Submitted by  
taxpayer*



Attachment 2

**ORANGE COUNTY TAX OFFICE**  
**ASSESSMENT DIVISION**  
**228 S CHURTON STREET, SUITE 200**  
**PO BOX 8181**  
**HILLSBOROUGH, NORTH CAROLINA 27278**  
**Telephone (919) 245-2100 Fax (919) 644-3091**  
**T. Dwane Brinson, Tax Administrator**  
**Lee Harris, Deputy Tax Assessor**

September 23, 2013

Robert H. Pope  
608 Polk Street  
Raleigh, NC 27604

RE: Refund request for PIN 9859019289 (formerly PINs 9859110370 and 9849908775)

Dear Mr. Pope:

This letter is in reference to your correspondence dated August 12, 2013 requesting a refund of overpayment of taxes paid for the 2009, 2010, 2011, and 2012 tax years as a result of your property value being lowered for the 2013 tax year.

In your correspondence, you reference a direction from the Department of Revenue for the Orange County Tax Office to make corrections regarding the square footage on your 1872 farmhouse, and you also included an excerpt from a Property Tax Commission decision on an unrelated parcel, PIN 9857393767. Our office has both searched our records and contacted The North Carolina Property Tax Commission and we could find no evidence of a direction from the Property Tax Commission to change the square footage for the referenced property. Furthermore, the current assessed value for PIN 9857393767 correlates with the recommended valuation contained in the excerpt you provided for that property. As North Carolina General Statute 105-381 allows for the refund of taxes under very limited circumstances, your circumstance falls under a category that statutorily is not refundable. Instead, the proper step is to correct the value for the current tax year and future years.

We endeavor to find a way to legally make a refund when possible. Sometimes we are not successful. Refunds have to be approved by the Board of County Commissioners. If the commissioners were to make a refund not authorized by the statutes, those commissioners become personally liable for an improper refund. Due to this liability, we are always careful and diligent in determining the legality of each refund request. On the basis of our findings, a refund is not authorized under NC GS 105-381 and could not be recommended to the county commissioners for approval.

If I can provide any further explanation or assistance of any kind, please do not hesitate to contact me.

Sincerely,

Roger Gunn  
Chief Appraiser  
Phone: 919-245-2118  
Email: [rgunn@orangecountync.gov](mailto:rgunn@orangecountync.gov)

## Attachment 3

Robert H. Pope, Jr.  
608 Polk St.  
Raleigh, NC 27604

September 30, 2013

Mr. Roger Gunn, Chief Appraiser  
Orange County Tax Office  
PO Box 8181  
Hillsborough, NC 27278

Dear Mr. Gunn:

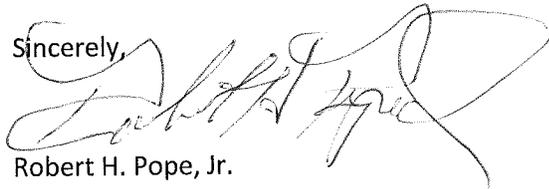
I am in possession of a letter and attached ORDER from Mr. David B. Baker, Director Property Tax Division, to Mr. John T. Smith, Jr. referencing Appeal of Robert Harris Pope Orange County-04 PTC 394 dated March 22, 2005. It states "Please take the necessary action to correct the County's records in accordance with the ORDER."

The ORDER states:

"IT IS THEREFORE ORDERED AND DECREED that the Orange County taxing officials adjust the valuation of the subject property as herein provided and enter said adjusted valuation in the tax records of Orange County as of January 1, 2004."

To avoid civil litigation, you are requested to provide full refund to me at the above address by November 12, 2013 as requested in my letter of August 12, 2013 pursuant to North Carolina General Statute 105-381(d).

Sincerely,



Robert H. Pope, Jr.

CC: Walter Cates, Esq., John Seibert, CPA, David B. Baker



Attachment 4

**ORANGE COUNTY TAX OFFICE**  
ASSESSMENT DIVISION  
228 S CHURTON STREET, SUITE 200  
PO BOX 8181  
HILLSBOROUGH, NORTH CAROLINA 27278  
Telephone (919) 245-2100 Fax (919) 644-3091  
T. Dwane Brinson, Tax Administrator  
Lee Harris, Deputy Tax Assessor

October 17, 2013

Robert H. Pope  
608 Polk Street  
Raleigh, NC 27604

RE: Refund Request for PIN 9859-01-9289 (formerly PINs 9859-11-0370 and 9849-90-8775)

Mr. Pope:

Thank you for contacting us regarding Parcel Identification Number (PIN) 9859-01-9289. The Board of Equalization and Review heard your appeal for the 2013 tax year and subsequently lowered the county's tax assessment for the current year. Your request for refund of 2009, 2010, 2011 and 2012 tax years has been received and will be taken before the Board of County Commissioners on November 5, 2013.

Our County Attorney's Office was able to research and locate the Property Tax Commission (PTC) Consent Order referenced in your September 30, 2013 letter to the tax office. The Consent Order is evidence that the parties involved at the time agreed to a value of \$218,032 (market value) and \$80,994 (present-use value). As agreed upon at that time, "the necessary action to correct the County's records in accordance with the Order" was taken and fulfilled by the tax office. Official records show the tax assessment was reduced in 2004 to comply with values referenced in the Order. Moreover, the Orange County Finance Department issued a refund check of \$148.75 (RL# 29589 and check# 202124) on April 15, 2005 as a result of the agreed-upon reduced tax assessment for 2004. Unfortunately, the Order does not reference a revised or suggested square footage mandated by the Property Tax Commission or Department of Revenue. Rather, it references the holistic and controlling property value agreed upon by the parties involved.

Orange County met its obligation to comply with Consent Order *04 PTC 394* by adjusting the 2004 tax assessments of said property to \$218,032 (market value) and \$80,994 (present-use value). In addition, Orange County held general countywide revaluations in both 2005 and 2009, years neither in which this property's value was appealed.

Please allow me to submit this to the Orange County Board of Commissioners and respond once our governing body has taken official action on the request. I will provide the commissioners with all the documentation you have provided to date along with the evidence we have in our file.

Respectfully,



T. Dwane Brinson, CAE, MBA, MPA  
Orange County Tax Administrator

STATE OF NORTH CAROLINA  
 COUNTY OF WAKE

BEFORE THE PROPERTY TAX COMMISSION

ORDER

The following property is under appeal to the Property Tax Commission from a decision of the Orange County Board of Equalization and Review for 2004.

Pursuant to this appeal, a representative of the Property Tax Commission has visited the property and has discussed the relevant issues of the appeal with the property owner and the Orange County taxing officials.

Following this review, the County taxing officials and the property owner reached an agreement satisfactory to both concerning the value of the subject property, and notified the Commission of the terms of the agreement.

Name: Robert Harris Pope - 04 PTC 394

<u>Description</u>		<u>Valuation</u> <u>Under Appeal</u>	<u>Recommended</u> <u>Valuation</u>
9859-11-0370	Market Value	\$ 233,424	\$ 218,032
	Present Use Value	\$ 96,386	\$ 80,994

IT IS THEREFORE ORDERED AND DECREED that the Orange County taxing officials adjust the valuation of the subject property as herein provided and enter said adjusted valuation in the tax records of Orange County as of January 1, 2004.

Entered this 22nd day of March, 2005.

NORTH CAROLINA PROPERTY TAX COMMISSION

*David B. Baker*

David B. Baker, Director  
 Property Tax Division

*Submitted by  
 tax office*

Attachment 5

BILL NO: 200449723  
TOWNSHIP 2 RATE CODE: 16  
ACCOUNT NO: 270218  
PARCEL: 220858 1 ROBERT HARRIS POPE P99/139 26..3 OTHER BILL(S)  
NAME: POPE ROBERT HARRIS OTHER BILL(S)  
EVALUATION: REAL=\$80,994 PERSONAL=\$0  
TOTAL DUE: 0.00 TOTAL TAXES: 771.88 TOTAL FEES: 27.00

TAX CODE	DEF-TAX ...ORIGINAL....		LEVY DUE	PENALTY DUE	PRE-CERT INTEREST	POST-CERT INTEREST
	LEVY	PENALTY				
G0	712.75	0.00	0.00	0.00	0.00	0.00
FI	59.13	0.00	0.00	0.00	0.00	0.00
XWR	27.00	0.00	0.00	0.00	0.00	0.00

TRANSACTIONS: CR#3 \$-798.88 CRDB71 03/31/05  
RL#(29589) \$-146.68 JFT070 03/30/05  
DB#2 \$945.56 CRDB71 03/30/05  
01/04/2005 \$945.56 AMP265 253170143 00007000000204 5050  
HIT RETURN FOR NEXT INQUIRY, OR "Q" TO EXIT :

8/13/2013 11:01:36 AM HOSTACCESS - Session

Submitted by  
tax office

NCPTS ▾ Billing Bills(8) NFREEMAN Search Type Bill # Go

Workflow Admin Options Help

NCPTS -> Billing -> Bill Search Results -> Bill Detail

Acrobat (PDF) file

Export

Old Bill #: 00200449723  
 Bill #: 0000270218-2004-2004-0000-00 REG  
 Bill Status: PAID Returned Mail: NA  
 Notes Present-10/03/2010

Interest Recalc Release Bill Prorate Bill Print  
 Pay Bill Void Bill

**Taxpayer Info**

?

Owner Id	ID Number	Name	Mailing Address	Ownership Type	Owner Order *	Ownership %	Group Number	Send Mail	Relief Eligibility
282511		POPE, ROBERT HARRIS	608 POLK ST RALEIGH NC 27604		PRIMARY			YES	NO

**Property Info**

?

	Value (\$)	Adj Value (\$)
Real:	80,994	0
Deferred:	0	0
Use:	80,994	0
Personal:	0	0
Exempt:	0	0
<b>Total Value:</b>	<b>80,994</b>	<b>0</b>

Lender: Parcel#: 9859110370  
 Description: 1 ROBERT HARRIS POPE P99/139  
 Situs: 6909 EFLAND CEDAR GROVE RD CEDAR GROVE, NC 27231

**Property Details**

?

**Bill Info**

?

Source Type/System: REI PROPERTY TAX	
Abstract #:	0000270218-2004-2004-0000
Bill Date:	07/01/2004 Created By: MIGRATED
Interest Begin Date:	01/06/2005 Final Payment Date: 03/31/2005
Bill Due Date:	09/01/2004

**Tax Amount**

?

# Months	Description	Original Billed(\$)	Current Due (\$)
	Tax & Fees	945.56	0.00
	Interest		0.00
	Collection Fees		0.00
	Expenses		0.00
	<b>Total</b>	<b>945.56</b>	<b>0.00</b>

**Payment History**

?

**Transaction Summary**

?

**Transaction Detail History**

?

Flag ? Link IDs ? Agents ? Notes ? Change History ? Owner History

Flag: Apply Flag Remove Flag  
 Flags  
 Notes Present

*Submitted by tax office*

*9859-11-0370 Bill thru 2012*

- Coates' Canons: NC Local Government Law Blog - <http://canons.sog.unc.edu> -

## When Does An Appraisal Error Justify a Refund?

Posted By [Chris McLaughlin](#) On February 14, 2013 @ 9:49 PM In [Finance & Tax](#) | [5 Comments](#)

Which of these appraisal errors justifies a property tax refund?

1. Taxpayer is taxed for property that did not have a taxable situs in the jurisdiction.
2. Taxpayer is taxed for a house that burned the prior December.
3. Taxpayer has vacant land but is taxed for the land plus a house.
4. Taxpayer has an unfinished attic but was taxed for a finished attic. Finish was never verified by appraiser.
5. Taxpayer has a 1,500 square-foot house but the assessor appraised it at 1,750 square feet based on the size of similar houses in the same neighborhood.

Most property tax professionals would agree that a refund is justified in situations 1, 2 and 3. So do I. But situations 4 and 5 are tougher nuts to crack.

Property tax refunds and releases are governed by [G.S. 105-381](#) <sup>[1]</sup>, which limits them to circumstances in which the tax either was levied due to clerical error or was illegal. While those terms are not defined by the statute, they've been analyzed several times our state courts.

The most detailed of these opinions came from the N.C. Court of Appeals when it analyzed the meaning of the term "clerical error" in the 1997 case [Ammons v. Wake County](#) <sup>[2]</sup>. As I discussed in this [2010 post](#) <sup>[3]</sup>, the court concluded that to qualify as a clerical error the mistake must be that one produces an unintended result and is apparent from the face of the documents, such as a transcription mistake (for example, recording 5,200 square feet instead of 2,500 square feet.) The term "clerical error" does not include errors in judgment or law on such issues as market value, quality of construction, or eligibility for a property tax exclusion. These types of non-clerical errors must be resolved through the annual appeal process and may not be corrected retroactively under G.S. 105-381.

Applying the *Ammons* analysis to the five situations above, I don't think any qualifies for a refund due to clerical error. In each situation, the appraisal was that intended by the assessor. None of the situations involved an unintended appraisal—in each instance the assessor produced an appraisal that he/she thought was appropriate at the time.

But clerical error is only one of two justifications for a property tax refund. Might any of the five situations above qualify as "illegal taxes"?

Here's our court defines that term: "[G.S. 105-381] and our case law recognize a distinction between an erroneous tax and an illegal tax or invalid tax. An illegal or invalid tax results when the taxing body seeks to impose a tax without authority, as in cases where it is asserted that the rate is unconstitutional or that the subject is exempt from taxation." *Redevelopment Comm. V. Guilford County*, 274 N.C. 585 (1968).

I think it's clear that situations 1 and 2 would constitute illegal taxes because the taxing unit had no authority to tax property not in its jurisdiction (situation 1) or that did not exist as of January 1 (situation 2). Similarly, situation 3 seems to be an illegal tax because a taxing unit has no authority to tax property that never existed.

In contrast, situations 4 and 5 involve property that did exist in the taxing unit's jurisdiction as of the listing date but that received inflated appraisals. Is a tax on non-existent market value illegal and subject to a refund under G.S. 105-381?

Submitted by  
tax office

Not normally. In *Kinro, Inc. v. Randolph County*, 108 N.C. App. 334 (1992), the court of appeals concluded without analysis that "over assessed values of personal property" do not constitute an illegal tax. If the taxpayers in situations 4 and 5 were complaining only of market value errors—let's say they thought that the assessor ignored relevant sales of comparable properties—clearly they would not be entitled to refunds. Market value judgments may be challenged only during the appeal process for the current tax year.

But that's not really the case in situations 4 and 5. The taxpayers don't claim that the assessor simply made a poor estimate of what the properties would have sold for on January 1. Instead, the taxpayers claim that the assessor appraised and taxed physical property features (a finished attic, additional square feet) that did not exist in the taxing unit's jurisdiction as of the listing date (and in fact never existed at all).

That sounds pretty darn similar to situations 1,2, and 3, doesn't it? If refunds are justified in the first three situations of non-existent property, aren't they also justified in the last two?

I think the best answer is no. A valuation error cannot justify a refund as an illegal tax even if that error was caused by the valuation of property features that never existed.

Very few appraisals are based on actual physical inspections of the property at issue. Instead, assessors rely on the mass appraisal process which requires countless judgment calls about specific physical features and their market value.

If we open up every one of those judgment calls to retroactive review for five years under G.S. 105-381, we would do serious harm to finality of our local government tax bases. And without that finality, budgeting for local governments would become far more difficult than it already is.

No doubt, some valuation errors make compelling arguments for refunds. Consider an example similar to situation 5 above, but assume that instead of mistakenly appraising a 1,500 square-foot house as 1,700 square feet the assessor appraises it at 5,000 square feet. Is a refund justified when the judgment error is so egregious?

Despite the size of the error, I still don't think it qualifies as an illegal tax because at the end of the day it was a judgment error. And once you start refunding any judgment error, you open the door for countless retroactive appraisal reviews.

But my veteran assessor SOG colleague Ken Joyner thinks when an appraisal error is so large—appraising a house at more than 3 times its actual square footage, for example—the result must have been unintended. If so, then a refund would be justified under the clerical error criterion even if we conclude that it was not an illegal tax. In other words, any truly egregious appraisal error must have been unintended and therefore should be eligible for a refund.

Similarly, a county could adopt a rule of reason: if an appraisal error is large enough, then a refund is justified. For example, a county might adopt a policy under which appraisal errors of greater than 10% justify a refund, but errors smaller than that do not.

Both suggestions sound reasonable. But neither the Machinery Act nor property tax case law from state courts make any distinction for refunds based on the size of the error involved. If an error truly was clerical, as Ken suggests a huge error likely would be, then clearly a refund is justified. But if the error was truly one of judgment, then I don't think a refund is justified regardless of how big the error was.

Remember that the General Assembly sets policy, not mere mortals such as you and me. I can't in good faith recommend a policy, no matter how reasonable, if it contradicts the black-letter statutory law. Unless and until the law is changed or we get more guidance from the courts, my advice remains the same: local governments should construe the refund provisions in G.S. 105-381 very narrowly. Taxpayers can use the appeal process to correct erroneous value judgments for the current tax year going forward, but they cannot attack those judgments retroactively.

*(Hat tip to my friend Lee Harris of Orange County for raising this interesting issue. Lee's wise counsel has been invaluable during my time at the SOG.)*

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URLs in this post:

[1] G.S. 105-381: **<http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=105-381>**

[2] Ammons v. Wake County:

**<http://www.aoc.state.nc.us/www/public/coa/opinions/1997/960574-1.htm>**

[3] 2010 post: **<http://canons.sog.unc.edu/?p=1861>**

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# Refunds and Releases

Christopher B. McLaughlin

Few issues carry a greater potential for conflict between taxpayers and tax offices than do requests for refunds or waivers of property taxes. This is true in large part because the Machinery Act allows refunds and waivers only under two very limited circumstances. Unless the disputed tax is imposed due to clerical error or is illegal, the Machinery Act prohibits the refund of a tax payment or the waiver—called a “release” in the Machinery Act—of an unpaid tax obligation. Contrary to what many taxpayers believe, the refund and release process is not the venue for a re-examination of a property’s value or taxable status. Although some governing boards desire to be more forgiving on these issues, they do so at their peril: board members who approve refunds or releases that violate the Machinery Act can be held personally responsible for the lost taxes.<sup>1</sup>

## 1. Who may approve refunds and releases?

The governing board, always. The local government’s manager, attorney, or finance officer, sometimes. But the tax collector, never.

G.S. Section 105-381(b) of the North Carolina General Statutes (hereinafter G.S.) gives the governing board primary responsibility for approving refund and release requests. For refunds and releases of less than \$100, the board may delegate this responsibility to the manager, attorney, or finance officer, who must then report monthly to the board on the actions taken. Conspicuously absent from this list is the tax collector. In practice some tax collectors grant small refunds or releases and then seek approval from the board, but this is a risky approach.

Once a refund or release is approved by the board or its delegate, the tax collector should be credited with that amount in the next annual settlement.<sup>2</sup>

*Submitted by  
tax office*

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Christopher B. McLaughlin is a School of Government faculty member who specializes in local taxation.

1. N.C. GEN. STAT. (hereinafter G.S.) § 105-380(c).

2. G.S. 105-381(b).

## 2. When are refunds and releases authorized?

Technically, refunds and releases are authorized in three situations: when a tax is (1) imposed through clerical error, (2) illegal, or (3) levied for an illegal purpose.<sup>3</sup> However, because reasons 2 and 3 overlap substantially, if not entirely, in practice there are only two situations that justify a refund: when a tax is imposed due to clerical error or is illegal.

### Clerical Error

The General Assembly has not defined the term “clerical error,” but state courts have. In 1997, the North Carolina Court of Appeals tackled this issue in *Ammons v. Wake County*.<sup>4</sup> In this case, the taxpayer asked the assessor if his forest land qualified for present-use value (PUV) tax deferrals for the 1993 tax year. The assessor answered no and the taxpayer did not apply for the PUV program. One year later, the taxpayer ignored the assessor’s opinion and applied for a PUV deferral. The assessor denied the application, but the taxpayer won his appeal to the board of equalization and review and was granted PUV status for the 1994 tax year. The taxpayer then requested a refund for the 1993 taxes he would have been able to defer had the assessor provided accurate advice about the property’s eligibility for the PUV program. After the board of county commissioners denied the refund request, the taxpayer turned to the courts. The superior court ruled that the assessor’s incorrect advice did not constitute a clerical error under G.S. 105-381 and dismissed the taxpayer’s claim. The court of appeals affirmed this decision, which became final when the North Carolina Supreme Court declined to hear the taxpayer’s appeal.

According to the court of appeals, to qualify as a clerical error under G.S. 105-381 the tax office’s error “must ordinarily be apparent on the face of the instrument,” “must be capable of being corrected by reference to the record only,” and must produce an unintended result. Prime examples are transcription errors, such as when an additional zero is added to tax valuation or when two numbers are transposed on a tax bill.

The definition of clerical error adopted in *Ammons* excludes a factual or judgment error by an appraiser, which must be addressed during the assessment appeal period and not in a refund and release request. For example, assume that in 2007 an appraiser values a lakefront lot with the understanding that it is buildable. Three years later, the taxpayer applies for a building permit and is denied based on the size and slope of the lot. The taxpayer immediately asks the tax office for a retroactive decrease in the tax value of the lot and a tax refund, based on the fact that the lot was never buildable. Applying the *Ammons* test, this error does not justify a refund under G.S. 105-381 because it is a judgment error and not a clerical error. First, the error is apparent and correctable only through an examination of the property and a decision by the county inspections department, not by reference to the appraisal documents. Second, the error has not caused an unintended result. In 2007, the appraiser intended to value the house as a buildable lot, and it was so valued. The judgment error by the appraiser can be corrected under G.S. 105-287(a)(2) for current and future tax years, but it does not justify a retroactive change to the tax value or a refund for past years under G.S. 105-381.

For a terrific analysis of the *Ammons* case and its definition of clerical error, please see William A. Campbell’s *Property Tax Bulletin* No. 111.<sup>5</sup>

3. G.S. 105-381(a)(1).

4. 490 S.E. 2d 569, 127 N.C. App. 426 (1997), cert. denied, 500 S.E.2d 84, 347 N.C. 670 (1998).

5. William A. Campbell, “*Ammons v. Wake County*: Some Light on Clerical Errors,” *Property Tax Bulletin* No. 111 (October 1997), available online at [www.sog.unc.edu/pubs/electronicversions/pdfs/ptb111.pdf](http://www.sog.unc.edu/pubs/electronicversions/pdfs/ptb111.pdf).

Can a clerical error by the taxpayer ever justify a refund or a release? No. Based on the language in G.S. 105-381, a refund or release is justified only if the tax is “imposed through clerical error” and only the government can impose a tax.

Consider the situation in which Tina Taxpayer forgets that her mortgage company is escrowing her property tax payments and makes a payment to the tax office. Can Tina’s payment be refunded based on the fact that her mortgage company will pay the tax bill later in the year with the escrowed funds? No. Even though Tina’s error may be a clerical one, it does not satisfy G.S. 105-381 because the tax on her home was not imposed due to her error. Tina’s refund request should be directed to her mortgage company, not to the tax office.

Similarly, a refund is not justified if a taxpayer mistakenly pays the taxes on property that he or she sold to another taxpayer at some point after the listing period. The taxpayer may have made a clerical error when he or she wrote the wrong parcel number on the payment check, but that does not mean the taxes on that parcel were imposed due to clerical error. The taxpayer’s remedy, if any, would be from the new owner of the property, not the tax office.

### Illegal Taxes

Taxes that are either *illegal* or *levied for an illegal purpose* may be released or refunded under G.S. 105-181. Situations in which refunds may occur include:

1. Double taxation, when the same property is taxed more than once;
2. Situs mistakes, when a taxing unit taxes property that has no situs in the unit’s jurisdiction;
3. Procedural defects, when a taxing unit levies a tax without a required ordinance or referendum;<sup>6</sup>
4. Excess taxation, when a taxing unit levies a tax in excess of the applicable cap on that tax;<sup>7</sup> and
5. Improper purposes, when a taxing unit levies a tax for a purpose not permitted by the General Assembly.<sup>8</sup>

This author believes some local governments inappropriately shoehorn valuation errors and/or judgment errors into the illegal tax category and authorize refunds for matters that should be resolved during the valuation appeal process.

For example, consider the situation in which the assessor’s office incorrectly assumes during a reappraisal that Tom Taxpayer’s house has a finished third floor. Two years later, Tom demonstrates to the assessor that his house has never had a finished third floor. Tom asks that his assessment be reduced retroactively and that his excess tax payment for the past two years be

6. For example, county and municipal property taxes must be included in the government’s annual budget ordinance. G.S. 159-13. Rural fire district taxes require a petition signed by 35 percent of the affected landowners and voter referendum in the proposed district. G.S. 69-25.1.

7. For example, with some exceptions general county and municipal property tax rates are capped at \$1.50. G.S. 153A-149; G.S. 160A-209. Rural fire district tax rates are capped at either 10 cents or 15 cents, depending on the language of the authorizing referendum. G.S. 69-25.4.

8. G.S. 153A-149 and G.S. 160A-209 list the approved purposes for general county and municipal property taxes. Special service district taxes may be used only for the provision of additional services in those districts such as beach erosion control, sewer systems, fire protection (counties only), and downtown revitalization projects (municipalities only). G.S. 153A-301; G.S. 160A-536. Rural fire district taxes may be used only for the provision of fire protection services in these districts. G.S. 69-25.4.

refunded. The error at issue clearly is not a clerical error under the *Ammons* test. Nevertheless, is a refund justified because the resulting tax is illegal, in that the county taxed Tom for property (a finished third floor) that Tom has never owned?

Many counties would answer yes, but this author disagrees. If valuation errors such as the one involving Tom's third floor are refundable under the illegal tax category, then the deadline for valuation appeals becomes irrelevant. Local governments would lose all certainty about the value of their tax bases and find it impossible to budget accurately. For this reason, the best interpretation of the illegal tax category is one that excludes valuation judgment errors. If a taxpayer wishes to contest the valuation of his or her property, he or she must do so through the board of equalization and review appeal process, not through the refund and release process.<sup>9</sup>

Listing errors must also be resolved during the initial appeal period to the board of equalization and review rather than through the refund and release process. For example, assume that Tom Taxpayer has listed a boat in Carolina County for several years. In November 2009 he sells the boat to his neighbor, Tina Taxpayer. In January 2010 Carolina County sends Tom a listing form that includes the boat. Tom signs and returns the form without carefully reading it. The county subsequently assesses the boat for taxation under Tom's name. When Tom receives the tax bill for the boat, he promptly pays it. Six months later he realizes he has paid taxes on a boat he no longer owns and demands a refund from Carolina County. Tom is not entitled to a refund under G.S. 105-381 because the tax on the boat is not illegal: Carolina County is authorized to tax the boat because it still has situs in Carolina County on January 1, 2010. Nor is Tom entitled to a refund under the clerical error category because the listing error does not satisfy the *Ammons* test. Tom's opportunity to contest the listing of the boat in his name ended when the valuation appeal period ended thirty days after he received notice of the boat's tax valuation.<sup>10</sup>

That said, refunds and releases *are* justified under GS 105-381's illegal tax category for taxes levied on property that does not exist or does not have situs in the taxing unit as of the listing date. Consider the example above, but assume instead that in mid-2009 Tom sold the boat to a resident of another county who promptly removed it from Carolina County. If Tom mistakenly listed his boat for taxation in Carolina County for 2010, he would be entitled to a refund or a release of those taxes after providing evidence that the boat did not have situs in Carolina County on January 1, 2010. The same would be true if Tom's boat was destroyed by hurricane in mid-2009 and he mistakenly listed it for taxation for 2010. Tom would be entitled to a refund or release of the taxes on the boat if he could provide evidence that the boat no longer existed as of January 1, 2010.<sup>11</sup>

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9. The same is true of taxability errors. As the *Ammons* case demonstrates, incorrect decisions by the assessor regarding applications for exemptions or exclusions do not justify refunds or releases. If a taxpayer believes that he or she is entitled to an exemption or exclusion, the taxpayer must take advantage of the application and appeal process in G.S. 105-282.1. The taxpayer cannot retroactively raise these issues using the refund and release process under G.S. 105-381.

10. G.S. 105-317.1(c). Under G.S. 105-306, the county is permitted to correct the listing error and proceed as if it had been listed in Tina's name all along. This means that if Tom had never paid the taxes, he would no longer be considered the responsible taxpayer and could not be subject to enforced collection remedies. The same conclusions would be reached under G.S. 105-302 if the listing error concerned real property.

11. In contrast, this author believes that a refund or release is *not* justified under G.S. 105-381 when a business taxpayer lists a certain cost of personal property for taxation and then later seeks a refund or release of the related taxes on the grounds that the taxpayer included in that cost amount some personal

### 3. Which taxes must be released or refunded under G.S. 105-381?

The Machinery Act defines the term “tax” as “the principal amount of any tax, cost, penalties and interest imposed upon property tax or dog license tax.”<sup>12</sup> This definition means that G.S. 105-381 controls the refund or release of all property taxes, including special service district taxes and rural fire district taxes. G.S. 105-381 does not control the refund or release of other local taxes, such as privilege license taxes and occupancy taxes, nor does it control the refund or release of costs and fees, such as special assessments and nuisance abatement costs, that by statute are collectible as property taxes. See Question 7 for details on the refund and release of other taxes and fees.

### 4. Does G.S. 105-381 govern the refund or release of interest?

Yes. Because the term “taxes” as used in GS 105-381 includes interest, any refund or release of interest must conform to the restrictions in that statute. Only when interest is levied illegally or added due to a clerical error can it be released or refunded. For example, if the tax office miscalculates the interest owed by a taxpayer, that interest charge could be refunded or released under G.S. 105-381.

What if the taxpayer claims that he or she was charged interest only because the tax office failed to send a tax bill in a timely fashion or sent an inaccurate tax bill? The North Carolina Supreme Court answered this question in the negative when it decided *In re Morgan* two years ago.<sup>13</sup> In this case, the taxpayer listed her house with the Henderson County assessor but the house was never assessed or taxed due to tax office error. Eight years later the tax office learned of its mistake and sent retroactive tax bills, plus interest, for each year the house had escaped taxation. The taxpayer contested both the principal taxes and the interest. The Supreme Court ruled in favor of the county, approving not only the principal taxes but also the addition of interest to the tardy tax bills. The court’s decision relied on G.S. 105-348, which provides taxpayers with notice of their taxes regardless of when or if they receive tax bills, and G.S. 105-394, which forgives minor defects—“immaterial irregularities” in the language of the statute—during the taxation process.<sup>14</sup> Although the taxpayer in *Morgan* did not seek a release under G.S. 105-381, the result would be the same had she done so. *Morgan* makes clear that it is legal for interest to accrue on taxes billed after the delinquency date due to tax office error. A release is, therefore, not justified under G.S. 105-381.

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property that was disposed of prior to January 1. This relatively common situation involves a dispute over the *valuation* of the taxpayer’s aggregate personal property as opposed to a dispute over the *existence* of taxable property. Accordingly, the taxpayer’s opportunity to contest the issue should be through the listing and appraisal appeal period, not through the refund and release process.

12. G.S. 105-273(15).

13. 362 N.C. 339, 661 S.E.2d 733 (2008).

14. For more on *Morgan* and the immaterial irregularity provisions, please see Christopher B. McLaughlin and Stan C. Duncan, “Discovery, Immaterial Irregularity, and the *Morgan* Decision,” *Property Tax Bulletin* No. 147 (March 2009), available online at [www.sog.unc.edu/pubs/electronicversions/pdfs/ptb147.pdf](http://www.sog.unc.edu/pubs/electronicversions/pdfs/ptb147.pdf).

### 5. How many years of taxes can be released or refunded?

Different rules apply depending on whether the taxpayer seeks a refund of paid taxes or a release of unpaid taxes. Refunds are limited to the later of (1) five years from the tax's original due date and (2) six months from the date the taxes are paid. Releases of unpaid taxes may be granted at any time.

For example, assume that Carolina County improperly levies taxes for 2005–9 on a boat that Tina Taxpayer keeps permanently moored in Ocean County. These taxes are illegal and justify relief under G.S. 105-381. If Tina has never paid the boat taxes to Carolina County, she can obtain a release of the taxes and interest at any time. She can ask for a release immediately upon discovering the mistake in 2010 or wait years to submit her request; either way, Tina will be entitled to a full release as long as the taxes have not been paid.

If Tina has been paying the Carolina County taxes punctually each year, then the refund rules apply. Tina can obtain a refund for all taxes that were originally due within five years of her refund request. Her 2005 taxes were due on September 1, 2005; as long as she requests a refund before September 2, 2010, she is entitled to a refund of the 2005 taxes and all subsequent taxes. If Tina submits her request after September 1, 2010, she cannot obtain a refund of the 2005 taxes.

The *six months from payment* provision will apply if Tina learns of the Carolina County taxes in 2010 and pays in full for the years 2005–9 on June 1, 2010. In this case, six months from the date of payment (December 1, 2010) will be later than five years from the tax's original due date (September 1, 2010). Tina will, therefore, have until December 1, 2010, to request a refund of the 2005 taxes.

### 6. If the governing board denies a request for a refund or release, does the taxpayer have the right to appeal that decision?

Yes. If the governing board denies the taxpayer's request or fails to act on the request within ninety days, the taxpayer has the right to bring a civil action in state court within three years.<sup>15</sup> The taxpayer must pay the disputed taxes before initiating a lawsuit if the request is for a release. If the taxpayer prevails, the taxing jurisdiction must refund the disputed taxes plus six percent interest, as well as all costs and attorneys' fees incurred by the taxpayer.

### 7. Does G.S. 105-381 govern the refund or release of other taxes or fees collected by a local government?

No. In addition to property taxes, local governments are authorized to levy a variety of taxes on activities ranging from owning a pet to selling alcohol to renting cars. All of these taxes may be collected using Machinery Act remedies of attachment, garnishment, and levy.<sup>16</sup> However, none of the authorizing statutes for these various taxes specifically incorporates the Machinery Act refund and release provisions. Local governments are, therefore, free to develop their own refund and release policies for taxes other than property taxes or can choose to adopt

15. G.S. 105-381(c).

16. G.S. 153A-147 (counties) and G.S. 160A-207 (municipalities).

the Machinery Act approach. Regardless of the chosen method, local governments would be wise to adopt formal refund and release policies for all of their various taxes in order to avoid controversy.

The same approach holds true for local government costs and fees that may be collected using Machinery Act enforced collection remedies for delinquent property taxes. These include special assessments, public nuisance abatement costs, and solid waste fees.<sup>17</sup> Like the taxes discussed above, the authorizing statutes for these fees and costs do not specifically incorporate the Machinery Act refund and release provisions. As a result, local governments are free to craft their own refund and release provisions for most of the fees and costs they collect. The only exceptions are special assessments, which are governed by their own amendment procedures.<sup>18</sup>

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17. For special assessments for the cost of public works projects such as water and sewer system extensions, see G.S. 153A-195 (counties) and G.S. 160A-228 (municipalities). For mowing, trash collection, or other costs incurred abating public nuisances on private property, see G.S. 153A-140 (counties) and G.S. 160A-193 (municipalities). For solid waste fees included on property tax bills, see G.S. 153A-293 (counties) and G.S. 160A-314.1(b) (municipalities).

18. G.S. 153A-198 (counties) and G.S. 160A-231 (municipalities) permit special assessments to be modified only in cases of "irregularity, omission, error or lack of jurisdiction."

ORANGE COUNTY

**REFUND RESOLUTION (Denial)**

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

**Whereas**, the properties listed in the attached "Refund Request" has been taxed and the tax has been collected: and

**Whereas**, as to the property listed in the Refund Request, the taxpayer has timely applied in writing for a refund of the tax imposed but has not presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refunds.

**NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT** the property tax refund recommended for denial are denied.

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

Ayes: Commissioners \_\_\_\_\_

\_\_\_\_\_

Notes: \_\_\_\_\_

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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk to the Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda  
Item No.** 5-f

**SUBJECT:** Legal Advertisement for Quarterly Public Hearing – November 25, 2013

**DEPARTMENT:** Planning and Inspections

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

No

**ATTACHMENT(S):**

Proposed Legal Advertisement

**INFORMATION CONTACT:**

Perdita Holtz, Planning Systems  
Coordinator, 919-245-2578

Craig Benedict, Planning Director, 919-245-  
2592

**PURPOSE:** To consider the legal advertisement for items to be presented at the joint Board of County Commissioners/Planning Board Quarterly Public Hearing scheduled for November 25, 2013.

**BACKGROUND:** The Board of County Commissioners reviews proposals to be considered at public hearing for consistency with general County policy and presentation format. The following County initiated items are scheduled for the November 25, 2013 Quarterly Public Hearing:

1. Unified Development Ordinance (UDO) Text Amendment to amend the regulations that pertain to **home occupations**. This item was initiated in conjunction with the Planning Board and suggested during BOCC goal setting sessions.
2. Unified Development Ordinance (UDO) Text Amendment to amend the regulations that pertain to **telecommunication facilities**. These changes are necessary to ensure the ordinance conforms to recent changes in State law.
3. Unified Development Ordinance (UDO) Text Amendment to amend the regulations that pertain to the **Board of Adjustment**. These changes are necessary to ensure the ordinance conforms to recent changes in State law.

The attached legal advertisement provides additional information regarding these items. The BOCC approved the Amendment Outline Forms for these items at its September 5, 2013 meeting.

**FINANCIAL IMPACT:** Other than advertising costs, which are included in the FY 2013-14 Budget, there are no direct financial impacts associated with the approval of this item.

**RECOMMENDATION(S):** The Interim Manager recommends the Board approve the proposed November 25, 2013 Quarterly Public Hearing legal advertisement.

**NOTICE OF JOINT PUBLIC HEARING  
ORANGE COUNTY BOARD OF COMMISSIONERS  
ORANGE COUNTY PLANNING BOARD**

A joint public hearing will be held at the Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Monday, November 25, 2013 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Board and Planning Director have initiated an amendment to the text of the Unified Development Ordinance (UDO).

Text amendments are proposed to Sections 2.22 *Home Occupations*, 5.4.3 *Special Events*, and 5.5.3 *Home Occupations*. The purpose of the amendments is to change the existing standards to allow for an increase in the number of square feet that can be used for home occupation purposes, increase the number of allowable onsite employees, permit larger scale home occupations in the Agricultural Residential (AR) and Rural Residential (R-1) zoning districts, and allow for the exemption of special events organized or affiliated with a governmental or non-profit agency. Proposed amendments will also modify and clarify existing regulations and definitions associated with home occupations. The amendments also seek to fund a balance between the trend for small home based businesses and the typical character and enjoyment of residential neighborhoods.

Purpose: To review the item and receive public comment on the proposed amendment.

2. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

Text amendments are proposed to Section 2.7.14 *Changes to Approved Plans* and Section 5.10 *Standards for Telecommunication Facilities* to incorporate recent changes in State law with respect to the review and processing of applications proposing the development or modification of telecommunication facilities.

Session Law 2013-185, adopted June 26, 2013, established new criteria related to the processing of applications, including:

- a. Prohibition on requiring information related to the specific need for a proposed telecommunication facility, including the addition of additional wireless coverage or capacity, as part of the application package.

- b. Local governments cannot require '*proprietary, confidential, or other business information*' to justify the need for a new telecommunication facility.
- c. Limits the fee local governments can collect for a third party consultant to review applications for co-locations.
- d. Mandatory review timelines/deadlines for local governments to act on co-location applications.

The amendments are necessary to ensure Orange County's regulations and processes are consistent with these changes.

Purpose: To review the item and receive public comment on the proposed amendment.

3. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

Text amendments are proposed to Section(s) 2.5.4 *Site Plan Review – Procedures and Timeframes*; 2.10 *Variances*; 2.11 *Interpretations*; 2.12 *Board of Adjustment*; and 2.25 *Appeals* to incorporate recent changes in State law with respect to items reviewed and acted upon by the Orange County Board of Adjustment.

Session Law 2013-126, adopted June 19, 2013, modified and updated procedural and notification requirements for the various applications reviewed by the Board of Adjustment. The amendments are necessary to ensure Orange County's regulations and processes are consistent with these changes.

Purpose: To review the item and receive public comment on the proposed amendment.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling the one of the phone numbers below. The full text of the public hearing items may be obtained no later than November 15, 2013 at the County website [www.co.orange.nc.us](http://www.co.orange.nc.us) at the Meeting Agendas link.

Questions regarding the proposals 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 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH: The Herald Sun  
November 13, 2013  
November 20, 2013

News of Orange  
November 13, 2013  
November 20, 2013

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda**

**Item No.** 5-g

**SUBJECT:** Request for Road Addition to the State Maintained Secondary Road System

**DEPARTMENT:** Planning and Inspections

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

N

**ATTACHMENT(S):**

1. Map of Churton Grove Subdivision Phase 4
2. Churton Grove Phase 4 Subdivision Final Plat
3. Churton Grove Phase 4 NCDOT Documentation

**INFORMATION CONTACT:**

Bret Martin, 245-2582  
Tom Altieri, 245-2575  
Craig Benedict, 245-2585

**PURPOSE:** To make a recommendation to the North Carolina Department of Transportation (NCDOT), and in turn the North Carolina Board of Transportation (BOT), concerning a petition to add a total of eleven (11) subdivision roads in Churton Grove Phase 4 Subdivision to the State Maintained Secondary Road System.

**BACKGROUND:** This request includes one (1) petition for eleven (11) road additions to the State Maintained Secondary Road System. The roads and their respective lengths are as follows:

Road Name	Length in Miles
Berryman Boulevard	0.17
East Hatterleigh Avenue	0.62
West Hatterleigh Avenue	0.40
Beddington Court	0.07
Wisborough Court	0.08
Rollesby Court	0.07
Alderberry Court	0.04
Maddington Place	0.04
Enstone Court	0.08
Hopesworth Court	0.08
Coach House Lane	0.14
<b>Total</b>	<b>1.79</b>

**Churton Grove Phase 4 Subdivision**

The requested road additions combined total approximately 1.79 miles. A combined 137 platted lots for single-family residential use currently have entrances to, or frontage along, the roads submitted for addition. These eleven (11) roads are situated between Churton Grove Boulevard and Friendship Lane (Attachment 1).

Churton Grove Phase 4 Subdivision is located just outside the Town of Hillsborough's Extraterritorial Jurisdiction (ETJ) in Orange County's zoning and subdivision jurisdiction and was recorded with the Orange County Register of Deeds on June 22, 2001 (Attachment 2).

Before the subdivision plat was recorded, Orange County reviewed and approved the plat per the special use permit (SUP) recorded on March 31, 1998, with the Orange County Register of Deeds. The SUP stipulates that construction plans must be submitted for review and approval for the development of the subdivision and that the development of roadways associated with the subdivision must comply with applicable NCDOT design guidelines for the eventual assumption of maintenance responsibilities by NCDOT. Orange County Current Planning Division staff has indicated that all conditions attached to the development of the subdivision and the applicable SUP have been met.

As a courtesy, Orange County notified the Town of Hillsborough that development of the Churton Grove Phase 4 subdivision was complete in accordance with the SUP so the Town of Hillsborough could then determine its interest in annexation. However, the Town of Hillsborough has indicated no interest in annexing the subdivision in the near future. Also, State law regarding annexation has recently changed making it more difficult for municipalities to involuntarily annex additional land.

North Carolina General Statute §136-62\* requires that road petitions for additions to the state system be made by the Board of County Commissioners (BOCC). NCDOT has investigated this request and has submitted a petition to the BOCC for its recommendation (Attachment 3).

### **Conclusion**

The above-referenced application meets the criteria endorsed by the BOCC for recommending acceptance of public roads into the State Maintained System for roads approved through the governing jurisdiction's major subdivision process (*NCDOT Subdivision roads Minimum Construction Standards, January 2010*).

In accordance with North Carolina General Statute §136-62\*, the Board is required to make a recommendation regarding the petition to the North Carolina Board of Transportation (NC BOT) before NCDOT can consider the petition.

**FINANCIAL IMPACT:** There is no direct financial impact to the County associated with this item. NCDOT will incur additional maintenance responsibilities and costs.

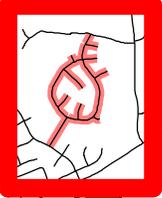
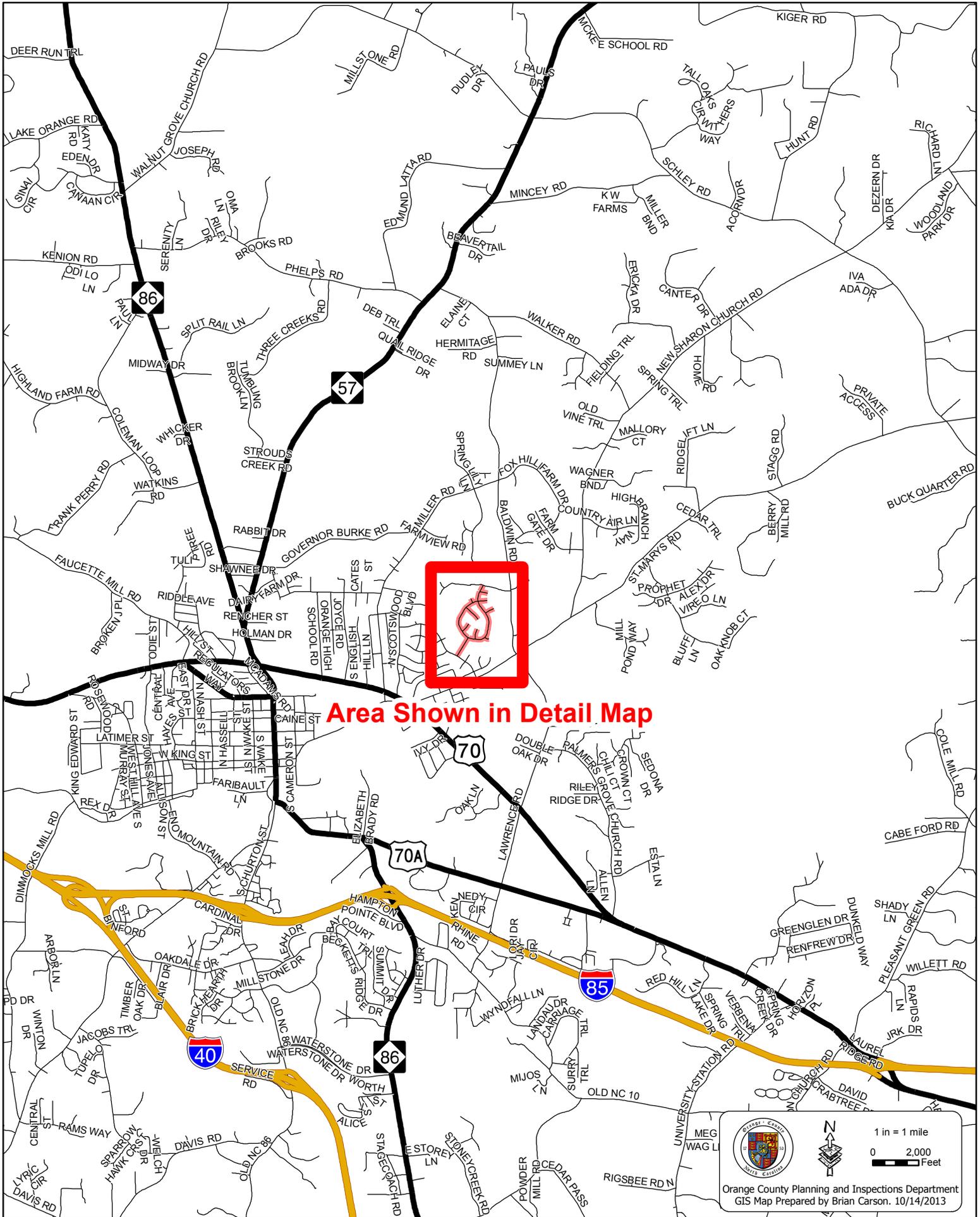
**RECOMMENDATION(S):** The Interim Manager recommends the Board:

1. Forward the Petition for Addition to the State Maintained System to the North Carolina Department of Transportation for the eleven (11) subdivision roads in Churton Grove Phase 4 Subdivision; and
2. Recommend the Department of Transportation accept the roads for maintenance as State Secondary Roads.

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\* North Carolina General Statute §136-62 directs that "The citizens of the State shall have the right to present petitions to the board of county commissioners, and through the board to the Department of Transportation, concerning additions to the system and improvement of roads. The board of county commissioners shall receive such petitions, forwarding them on to the Board of Transportation with their recommendations."

# Churton Grove Subdivision Phase 4



**Area Shown in Detail Map**

MEG WAG L



1 in = 1 mile  
0 2,000 Feet

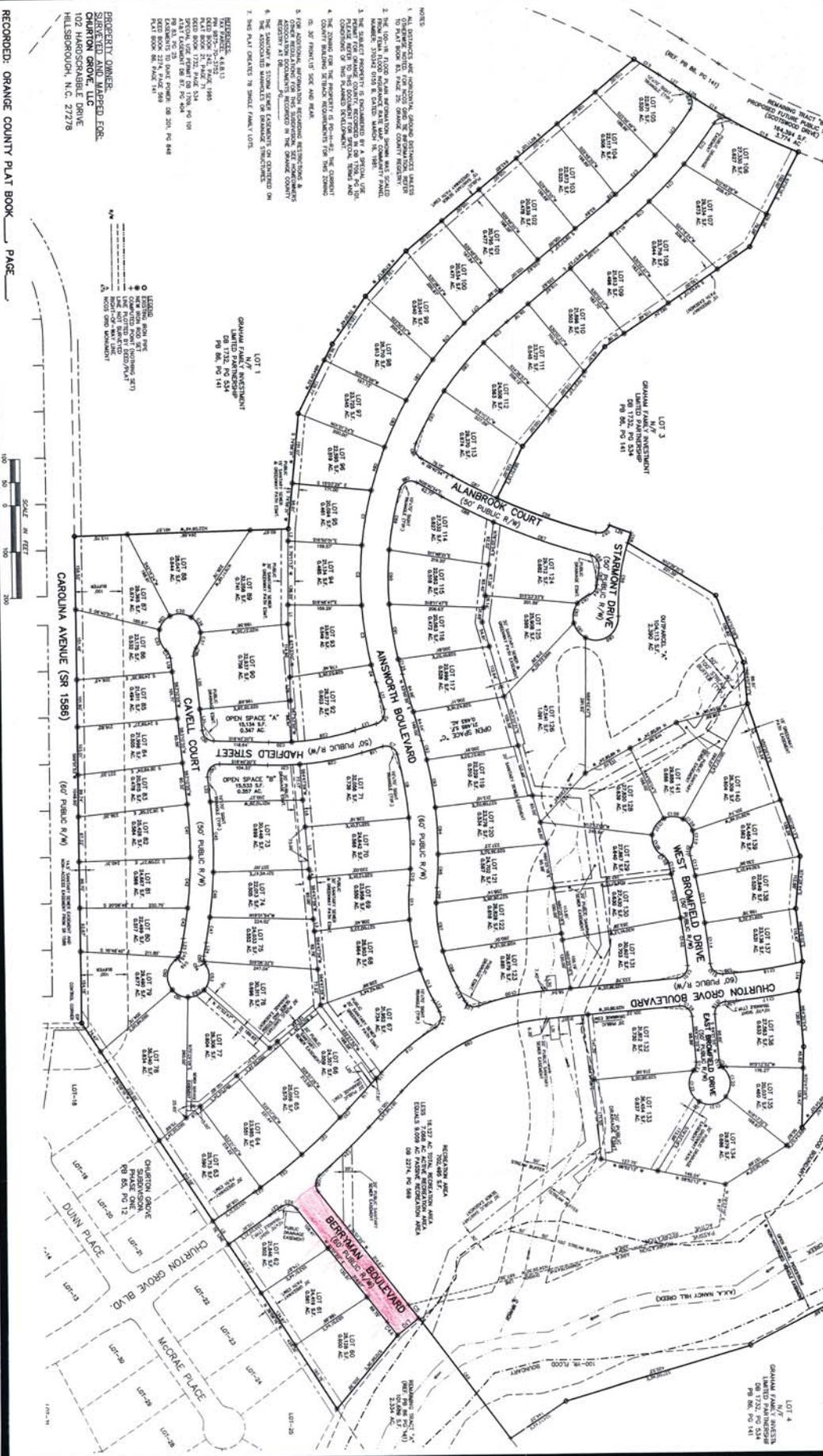
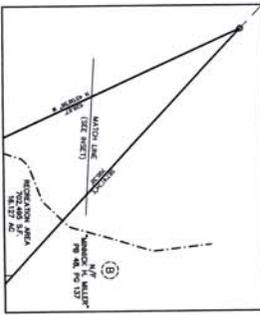
Orange County Planning and Inspections Department  
GIS Map Prepared by Brian Carson. 10/14/2013





Surveyor's Certificate  
I, *Joseph A. Hill*, being duly sworn, depose and say that I am a duly Licensed Professional Engineer in the State of North Carolina, License No. 34287, and that I am the author of the above and foregoing plat, and that the same is a true and correct copy of the original as the same appears on my records.

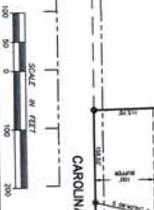
I hereby certify to the contents of the plat above.  
I, *Joseph A. Hill*, being duly sworn, depose and say that I am a duly Licensed Professional Engineer in the State of North Carolina, License No. 34287, and that I am the author of the above and foregoing plat, and that the same is a true and correct copy of the original as the same appears on my records.



NOTES:  
1. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
2. THE VERTICAL FLOOR FINISH SHALL BE TO FINISH FLOOR TO FINISH FLOOR.  
3. THE VERTICAL FLOOR FINISH SHALL BE TO FINISH FLOOR TO FINISH FLOOR.  
4. THE ZONING FOR THE PROPERTY IS R-10. THE CURRENT COUNTY BOARDING TRUCK REQUIREMENTS FOR THIS ZONING ARE:  
a. 30' FRONT SET BACK AND 30' SIDE SET BACK.  
b. 10' SIDE SET BACK FOR THE SIDE OF THE PROPERTY.  
c. 10' SIDE SET BACK FOR THE SIDE OF THE PROPERTY.  
5. THE SURVEYOR'S STATION SHALL BE LOCATED ON THE CORNER OF THE PROPERTY.  
6. THE SURVEYOR'S STATION SHALL BE LOCATED ON THE CORNER OF THE PROPERTY.  
7. THE SURVEYOR'S STATION SHALL BE LOCATED ON THE CORNER OF THE PROPERTY.  
8. THE SURVEYOR'S STATION SHALL BE LOCATED ON THE CORNER OF THE PROPERTY.  
9. THE SURVEYOR'S STATION SHALL BE LOCATED ON THE CORNER OF THE PROPERTY.  
10. THE SURVEYOR'S STATION SHALL BE LOCATED ON THE CORNER OF THE PROPERTY.

PROPERTY OWNERS:  
GRAHAM FAMILY INVESTMENT  
CHURTON GROVE, LLC  
102 HARDSCRAPABLE DRIVE  
HILLSBOROUGH, N.C. 27718

RECORDED: ORANGE COUNTY PLAT BOOK PAGE



SCALE: 1" = 100'

CHURTON GROVE - PHASE 2  
CHURTON GROVE, LLC

FINAL SUBDIVISION PLAT

CHURTON GROVE - PHASE 2  
CHURTON GROVE, LLC

PHILIP POST & ASSOCIATES  
401 Providence Road  
Chapel Hill, NC 27514  
919-929-1175  
433-2600 • FAX-9662  
822 North Elm Street  
Goldsboro, NC 27401  
(919) 73-7711

REVISIONS: 1. 5/10/01 - STREET NAME, S.S. EASEMENT

SCALE 1"=100'  
DRAWN BY MKV  
CHECKED BY JAS  
DATE 11-11-00  
PROJECT NO. S1807A  
DRAWING NO. B0648P02

HILLSBOROUGH TOWNSHIP  
ORANGE COUNTY, N.C.







STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY  
GOVERNOR

ANTHONY J. TATA  
SECRETARY

September 12, 2013

**ORANGE COUNTY**

Mr. Frank Clifton  
County Manager  
Orange County  
P.O. Box 8181  
Hillsborough, North Carolina 27278

SUBJECT:                   Request for Road Addition  
                              **Berryman Boulevard**  
                              **East Hatterleigh Avenue**  
                              **West Hatterleigh Avenue**  
                              **Beddington Court**  
                              **Wisborough Court**  
                              **Rollesby Court**  
                              **Alderberry Court**  
                              **Maddington Place**  
                              **Enstone Court**  
                              **Hopesworth Court**  
                              **Coach House Lane**  
                              **Churton Grove Subdivision Phase 4**

Dear Mr. Clifton:

Please find attached is Form SR-4 Secondary Road Addition Investigation Report, Form SR-1 Petition for Road Addition, recorded plat, and a location map for the above subject.

This is being forwarded to you for consideration by your Board of Commissioners.

Sincerely,

C.N. Edwards, Jr., P.E.  
District Engineer

Attachments  
/tcs

**North Carolina Department of Transportation  
Division of Highways  
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-13-01 Date: 6-17-13  
Township: Hillsborough & Eno Div. File No: \_\_\_\_\_ Div. No: 7

Local Name: Berryman Boulevard Subdivision Name: Churton Grove Phase 4  
Length: 0.17 miles Width: 32 Feet Surface: SF9.5A PVMT Condition: Good  
Surface Thickness: 2-INCHES Base Type: ABC Base Thickness: 8-INCHES

\*Bridges Yes X No \_\_\_\_\_ \* Pipe > 48" Yes \_\_\_\_\_ No X \_\_\_\_\_  
\*Retaining Walls Within Right of Way Yes \_\_\_\_\_ No X \_\_\_\_\_

**\* If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 6-22-2001 Book: 88 Page: 80  
02-13-2008 103 63

Number of homes having entrances into road: 3

Other uses having entrances into road: Serves as connector road for subdivision. Est. ADT 402

Right-of-Way Width: 60 feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? \_\_\_\_\_

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards Reviewed and Approved: J.M. Mills  
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: \_\_\_\_\_

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**North Carolina Department of Transportation  
Division of Highways  
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-13-01 Date: 6-17-13  
Township: Hillsborough & Eno Div. File No: \_\_\_\_\_ Div. No: 7

Local Name: East Hatterleigh Avenue Subdivision Name: Churton Grove Phase 4  
Length: 0.62 miles Width: 32 Feet Surface: SF9.5A PVMT Condition: Good  
Surface Thickness: 2-INCHES Base Type: ABC Base Thickness: 8-INCHES

\*Bridges Yes \_\_\_ No X \* Pipe > 48" Yes \_\_\_ No X \*Retaining Walls Within Right of Way Yes \_\_\_ No X

**\* If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-13-2008 Book: 103 Page: 63  
02-13-2008 103 64

Number of homes having entrances into road: 42

Other uses having entrances into road: None.

Right-of-Way Width: 50-feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? \_\_\_\_\_

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards Reviewed and Approved: J.M. Mills  
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: \_\_\_\_\_

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**North Carolina Department of Transportation  
Division of Highways  
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-13-01 Date: 6-17-13  
Township: Hillsborough & Eno Div. File No: \_\_\_\_\_ Div. No: 7

Local Name: West Hatterleigh Avenue Subdivision Name: Churton Grove Phase 4  
Length: 0.40 miles Width: 32 Feet Surface: SF9.5A PVMT Condition: Good  
Surface Thickness: 2-INCHES Base Type: ABC Base Thickness: 8-INCHES

\*Bridges Yes\_\_\_ No\_X \* Pipe > 48" Yes\_\_\_ No\_X \*Retaining Walls Within Right of Way Yes\_\_\_ No\_X

**\* If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-13-2008 Book: 103 Page: 63  
02-13-2008 103 64

Number of homes having entrances into road: 26

Other uses having entrances into road: none

Right-of-Way Width: 50-feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? \_\_\_\_\_

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards Reviewed and Approved: J.M. Mills  
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: \_\_\_\_\_

	<p>Do not write in this space- For Use by Secondary Roads Unit</p>          <p>Petition #</p>
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**North Carolina Department of Transportation  
Division of Highways  
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-13-01 Date: 6-17-13  
Township: Hillsborough & Eno Div. File No: \_\_\_\_\_ Div. No: 7

Local Name: Beddington Court Subdivision Name: Churton Grove Phase 4  
Length: 0.07 miles Width: 22 Feet Surface: SF9.5A PVMT Condition: Good  
Surface Thickness: 2-INCHES Base Type: ABC Base Thickness: 8-INCHES

\*Retaining

Walls Within  
Right of Way

\*Bridges Yes \_\_\_ No X \* Pipe > 48" Yes \_\_\_ No X Yes \_\_\_ No X

**\* If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-13-2008 Book: 103 Page: 64

Number of homes having entrances into road: 5

Other uses having entrances into road: none

Right-of-Way Width: 50-feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? \_\_\_\_\_

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards Reviewed and Approved: J.M. Mills  
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: \_\_\_\_\_

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

North Carolina Department of Transportation  
Division of Highways  
Secondary Road Addition Investigation Report

County: Orange Co. File No: O-13-01 Date: 6-17-13  
Township: Hillsborough & Eno Div. File No: \_\_\_\_\_ Div. No: 7

Local Name: Wisborough Court Subdivision Name: Churton Grove Phase 4  
Length: 0.08 mile Width: 22 Feet Surface: SF9.5A PVMT Condition: Good  
Surface: 2-INCHES Base: ABC Base Thickness: 8-INCHES  
Thickness: \_\_\_\_\_ Base Type: \_\_\_\_\_ Thickness: \_\_\_\_\_

\*Bridges Yes \_\_\_ No X \* Pipe > 48" Yes \_\_\_ No X \*Retaining Walls Within Right of Way Yes \_\_\_ No X

**\* If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-13-2008 Book: 103 Page: 64

Number of homes having entrances into road: 8

Other uses having entrances into road: none

Right-of-Way Width: 50-feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? \_\_\_\_\_

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards DISTRICT ENGINEER Reviewed and Approved: J.M. Mills DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: \_\_\_\_\_

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #



**North Carolina Department of Transportation  
Division of Highways  
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-13-01 Date: 6-17-13  
Township: Hillsborough & Eno Div. File No: \_\_\_\_\_ Div. No: 7

Local Name: Alderberry Court Subdivision Name: Churton Grove Phase 4  
Length: 0.04 miles Width: 22 Feet Surface: SF9.5A PVMT Condition: Good  
Surface Thickness: 2-INCHES Base Type: ABC Base Thickness: 8-INCHES

\*Bridges Yes \_\_\_ No X \* Pipe > 48" Yes \_\_\_ No X \*Retaining Walls Within Right of Way Yes \_\_\_ No X

**\* If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-13-2008 Book: 103 Page: 64

Number of homes having entrances into road: 7

Other uses having entrances into road: none

Right-of-Way Width: 50-feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? \_\_\_\_\_

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards DISTRICT ENGINEER Reviewed and Approved: J.M. Mills DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: \_\_\_\_\_

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #





**North Carolina Department of Transportation  
Division of Highways  
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-13-01 Date: 6-17-13  
Township: Hillsborough & Eno Div. File No: \_\_\_\_\_ Div. No: 7

Local Name: Hopesworth Court Subdivision Name: Churton Grove Phase 4  
Length: 0.08 miles Width: 22 Feet Surface: SF9.5A PVMT Condition: Good  
Surface Thickness: 2-INCHES Base Type: ABC Base Thickness: 8-INCHES

\*Bridges Yes \_\_\_ No X \* Pipe > 48" Yes \_\_\_ No X \*Retaining Walls Within Right of Way Yes \_\_\_ No X

**\* If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-13-2008 Book: 103 Page: 63

Number of homes having entrances into road: 10

Other uses having entrances into road: none

Right-of-Way Width: 50-feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? \_\_\_\_\_

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards DISTRICT ENGINEER Reviewed and Approved: J.M. Mills DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: \_\_\_\_\_

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**North Carolina Department of Transportation  
Division of Highways  
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-13-01 Date: 6-17-13  
Township: Hillsborough & Eno Div. File No: \_\_\_\_\_ Div. No: 7

Local Name: Coach House Lane Subdivision Name: Churton Grove Phase 4  
Length: 0.14 miles Width: 22 Feet Surface: SF9.5A PVMT Condition: Good  
Surface Thickness: 2-INCHES Base Type: ABC Base Thickness: 8-INCHES

\*Retaining

Walls Within  
Right of Way

\*Bridges Yes \_\_\_ No X \* Pipe > 48" Yes \_\_\_ No X Yes \_\_\_ No X

**\* If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-13-2008 Book: 103 Page: 64

Number of homes having entrances into road: 17

Other uses having entrances into road: none

Right-of-Way Width: 50-feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? \_\_\_\_\_

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards Reviewed and Approved: J.M. Mills  
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: \_\_\_\_\_

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #





## INSTRUCTIONS FOR COMPLETING PETITION:

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach Two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

Form SR-1

## FOR NCDOT USE ONLY: Please check the appropriate block

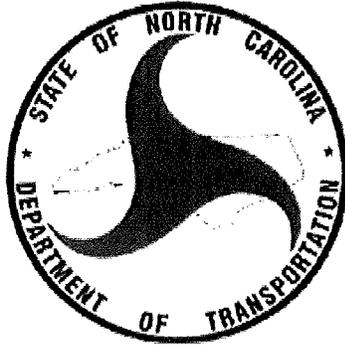
- Rural Road       Subdivision established prior to October 1, 1975       Subdivision established after October 1, 1975

REQUIREMENTS FOR ADDITION

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. This right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and to execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH (ft)</u>	<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH (ft)</u>
East & West Hatterleigh Ave.	68	5,398	Hopesworth Ct.	10	437
Beddington Court	5	379	Berryman Blvd.	3	549
Wisborough Court	7	399	Coach House Lane	17	744
Rollersby Court	5	423			
Alderberry Court	7	145			
Maddington Place	5	218			
Enstone Court	9	467			



## DEPARTMENT OF TRANSPORTATION INTEROFFICE MEMO

**RIGHT OF WAY BRANCH**  
 P. O. BOX 14996  
 GREENSBORO, N.C. 27415-4996

Phone: 336-334-3515

Fax: 336-334-5331

September 11, 2013

**MEMO TO:** Mr. Chuck Edwards, District Engineer

**MEMO FROM:** Alan Rothrock

**COUNTY:** Orange

**SUBJECT:** Addition to System—Churton Grove Subdivision Phase 4

I have examined plats PB 88 PG 80, PB 88 PG 81, PB 103 PG 63 and PB 103 PG 64 of the Orange County Registry. Based on my examination of the plats it appears that the Right of Way for the roads is as follows, as well as sight distances as shown on plats.

Berryman Boulevard	60 ft.
East Hatterleigh Ave.	50 ft.
West Hatterleigh Ave.	50 ft.
Beddington Court	50 ft.
Wisborough Court	50 ft.
Rollersby Court	50 ft.
Alderberry Court	50 ft.
Maddington Place	50 ft.
Enstone Court	50 ft.
Hopesworth Court	50 ft.
Coach House Lane	50 ft.

If any additional information is needed, please contact me at the number above.

ORD-2013-039

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda**

**Item No.** 5-h

**SUBJECT:** Bid Award – McGowan Creek Sewer Interceptor Project and Approve Budget Amendment #2-D

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**DEPARTMENT:** County Manager, Planning,  
Finance, Asset Management  
Services (AMS)

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

No
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**ATTACHMENT(S):**

- 1) Certified Bid Tabulation
- 2) Award Recommendation Letter from McGill Associates
- 3) Map of Project Area
- 4) Resolution of Tentative Award

**INFORMATION CONTACT:**

Michael Talbert, Manager's Office, (919) 245-2300  
 John Roberts, Attorney, (919) 245-2318  
 Craig Benedict, Planning, (919) 245-2592  
 Clarence Grier, Manager's Office/  
 Finance, (919) 245-2453  
 Kevin Lindley, Planning, (919) 245-2583  
 Jeff Thompson, AMS, (919) 245-2658  
 David Cannell, Finance, (919) 245-2651

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**PURPOSE:** To consider:

- Awarding the bid and approving a construction contract (pending State approval) to Park Construction of North Carolina, Inc. of Morrisville, NC in the amount of \$597,813.13 for the construction of the McGowan Creek Sewer Interceptor;
- Approve Budget Amendment #2-D for \$107,814 (bids received were in excess of the originally budgeted project construction cost) consisting of:
  - Authorizing staff to request an additional \$50,000 in SRF loan funding from the State;
  - Approving funding of \$57,814 from Article 46 Sales Tax proceeds;
- Approve and authorize the Chair to sign the Resolution of Tentative Award for this project, as required by the State Revolving Fund Loan;
- Approve and authorize the Chair to sign the contract on behalf of the Board of County Commissioners, subject to final review by the County Attorney and the State; and
- Authorize the Manager to execute individual change orders within the limit of his authority (\$250,000) up to the extent of the project budget.

**BACKGROUND:** On March 13, 2012 the BOCC authorized staff to proceed with applying for a State Revolving Fund (SRF) Loan to provide funding for this project. Orange County had originally approached the State about paying for this project with proceeds from the SRF loan used to pay for the Central Efland/North Buckhorn Sewer Project. However, the State

requested that the County apply for the McGowan project funding separately. Orange County applied for a separate SRF loan in March 2012 and the unused money from the Central Efland/North Buckhorn SRF loan that would have been used for this project was returned to the State.

This project will allow the County to eliminate the McGowan Creek pump station by installing a gravity sewer line to replace it. The new gravity sewer line will convey the wastewater that previously flowed into the McGowan Creek pump station to the newly completed Brookhollow pump station, which was designed to handle this future flow. Eliminating the McGowan Creek pump station will lower the annual maintenance costs of the Efland Sewer System and take out of service a 25 year-old pump station that would otherwise need refurbishing at an estimated cost of over \$450,000.

### **BID INFORMATION**

The design, permitting, and bidding phase has been completed. The project was advertised for competitive bid in early September and bids were opened on October 15, 2013. There were six bids received and after a period of review by County staff and the County's engineering consultant, McGill Associates, Park Construction was determined to have the lowest responsible, responsive bid with a total bid of \$597,813.13. (See Attachments 1 and 2.)

As stated above, the funding for this project was intended to come from an SRF loan. The loan application was submitted in March 2012, along with an estimate of the cost for construction of the project. Though the projected construction cost was considered reasonable at the time, the low bid from Park Construction was approximately 22% higher than the estimated construction cost of \$490,000. The economic recovery can also bring higher costs in a competitive bid market.

The following timeline represents the project delivery and completion:

TASK	PROPOSED BEGINNING DATE	END BY DATE
<b>BOCC Action: Approve bid award to Park Construction</b>	<b>11/5/13</b>	<b>11/5/13</b>
<b>BOCC Action: Approve Resolution of Tentative Award</b>	<b>11/5/13</b>	<b>11/5/13</b>
Construction Period (est. 7 months)	1/15/14	8/15/14
System Commissioning, Completion of As-Built Drawings	8/15/14	10/30/14

### **RESOLUTION OF TENTATIVE AWARD**

The next milestone in the SRF loan process is for the State to issue the Authority to Award this project by December 2, 2013. The results of the competitive bid, along with other documents, must be presented to the State as soon as possible. One of the required documents is the Resolution of Tentative Award, which must be approved by the BOCC (see Attachment 5). Once the County receives the Authority to Award from the State, the construction contract must be signed and returned to the State for final review by January 2, 2014.

**FINANCIAL IMPACT:** Funding of \$755,450 is available as part of the FY2013-14 Capital Improvement Project budget, which includes \$94,200 in professional services funds for McGill Associates related to design, construction administration, bidding, and easement documentation. This project is being funded by a State Revolving Fund Loan, which will be

paid over a 20 year term from the General Fund. Existing funds for general contingency, property easement procurement and loan origination are \$63,437. Due to the competitive bids received, staff estimates an additional \$107,814 will need to be appropriated to cover the cost of the project. The amount of the loan can be increased up to 10% of the original value of the loan based on the competitive bids without going back to the Local Government Commission. The proposed budget amendment would take a portion of the increased costs from a loan increase and a portion from the Article 46 Sales Tax proceeds. The loan cannot be used to pay for the origination fee on the loan (2% of the loan amount) or the cost of the easements. Therefore, the budget amendment would assign a portion of the cost of the project from the use of Article 46 Sales Tax proceeds to cover these costs and other incidental costs that may be incurred as shown below. This will provide adequate funding for all known costs as well as a 10% construction contingency fund. Budget Amendment #2-D below illustrates this in detail:

***Revenues for this project:***

	FY 2013-14 Amendments	Nov 5, 2013 Amendment	FY 2013-14 Revised
SRF Loan	\$755,450	\$50,000	\$805,450
Article 46 Sales Tax Proceeds	\$0	\$57,814	\$57,814
<b>Total Project Revenues</b>	<b>\$755,450</b>	<b>\$107,814</b>	<b>\$863,264</b>

***Appropriated for this project:***

	FY 2013-14 Amendments	Nov 5, 2013 Amendment	FY 2013-14 Revised
Professional Services	\$92,400	\$0	\$92,400
Construction	\$490,000	\$107,814	\$597,814
Contingency, Easements, Legal, Origination, Other	\$173,050	\$0	\$173,050
<b>Total Project Appropriation</b>	<b>\$755,450</b>	<b>\$107,814</b>	<b>\$863,264</b>

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

- 1.) Award the bid and approve a construction contract to Park Construction of North Carolina, of Morrisville, NC, in the amount of \$597,813.13 for the construction of the McGowan Creek Sewer Interceptor project, pending State approval;
- 2.) Approve Budget Amendment #2-D for \$107,814 consisting of:
  - a. Authorizing staff to request an additional \$50,000 in SRF loan funding from the State;
  - b. Approving funding of \$57,814 from Article 46 Sales Tax proceeds;
- 3.) Approve and authorize the Chair to sign the Resolution of Tentative Award required by the State as part of the SRF loan milestones;
- 4.) Approve and authorize the Chair to sign the contract on behalf of the Board of County Commissioners, subject to final review by the County Attorney and the State; and
- 5.) Authorize the Manager to execute individual change orders within the limit of his authority (\$250,000) up to the extent of the project budget.

Attachment 1

**CERTIFIED BID TABULATION**  
**McGowan Interceptor**  
**Orange County, North Carolina**

No	Description	Unit	Qty	CENTURION CONSTRUCTION		HAREN CONSTRUCTION		JF WILKERSON CONTRACTING		MOFFAT PIPE		PARK CONSTRUCTION		SULLIVAN	EASTERN
				Price	Extension	Price	Extension	Price	Extension	Price	Extension	Price	Extension	Price	Extension
1	Mobilization	LS	1	\$ 19,898.36	\$ 19,898.36	\$ 25,000.00	\$ 25,000.00	\$ 15,000.00	\$ 15,000.00	\$ 25,000.00	\$ 25,000.00	\$ 17,000.00	\$ 17,000.00	\$ 28,500.00	\$ 28,500.00
2	12" Class 350 DI Gravity Sewers 0-6 Ft. Depth	LF	74	\$ 64.32	\$ 4,759.68	\$ 80.00	\$ 5,920.00	\$ 90.20	\$ 6,674.80	\$ 62.00	\$ 4,588.00	\$ 23.00	\$ 1,702.00	\$ 85.00	\$ 6,290.00
3	12" Class 350 DI Gravity Sewers 6-8 Ft. Depth	LF	100	\$ 68.23	\$ 6,823.00	\$ 90.00	\$ 9,000.00	\$ 92.30	\$ 9,230.00	\$ 67.00	\$ 6,700.00	\$ 23.00	\$ 2,300.00	\$ 87.00	\$ 8,700.00
4	12" Class 350 DI Gravity Sewers 8-10 Ft. Depth	LF	36	\$ 78.72	\$ 2,833.92	\$ 100.00	\$ 3,600.00	\$ 94.65	\$ 3,407.40	\$ 72.00	\$ 2,592.00	\$ 23.00	\$ 828.00	\$ 89.00	\$ 3,204.00
5	12" Class 350 DI Gravity Sewers 10-12 Ft. Depth	LF	108	\$ 63.76	\$ 6,886.08	\$ 105.00	\$ 11,340.00	\$ 97.20	\$ 10,497.60	\$ 77.00	\$ 8,316.00	\$ 23.00	\$ 2,484.00	\$ 92.00	\$ 9,936.00
6	12" Class 350 DI Gravity Sewers 12-14 Ft. Depth	LF	120	\$ 71.20	\$ 8,544.00	\$ 110.00	\$ 13,200.00	\$ 100.20	\$ 12,024.00	\$ 82.00	\$ 9,840.00	\$ 23.00	\$ 2,760.00	\$ 95.00	\$ 11,400.00
7	12" Class 350 DI Gravity Sewers 14-16 Ft. Depth	LF	128	\$ 72.13	\$ 9,232.64	\$ 150.00	\$ 19,200.00	\$ 103.55	\$ 13,254.40	\$ 87.00	\$ 11,136.00	\$ 34.00	\$ 4,352.00	\$ 125.00	\$ 16,000.00
8	12" Class 350 DI Gravity Sewers 16-18 Ft. Depth	LF	267	\$ 74.04	\$ 19,768.68	\$ 160.00	\$ 42,720.00	\$ 116.90	\$ 31,212.30	\$ 97.00	\$ 25,899.00	\$ 44.00	\$ 11,748.00	\$ 150.00	\$ 40,050.00
9	12" Class 350 DI Gravity Sewers 18-20 Ft. Depth	LF	393	\$ 74.09	\$ 29,117.37	\$ 180.00	\$ 70,740.00	\$ 130.20	\$ 51,168.60	\$ 107.00	\$ 42,051.00	\$ 54.00	\$ 21,222.00	\$ 170.00	\$ 66,810.00
10	12" Class 350 DI Gravity Sewers 20-22 Ft. Depth	LF	365	\$ 73.78	\$ 26,929.70	\$ 215.00	\$ 78,475.00	\$ 150.20	\$ 54,823.00	\$ 127.00	\$ 46,355.00	\$ 64.00	\$ 23,360.00	\$ 180.00	\$ 65,700.00
11	12" Class 350 DI Gravity Sewers 22-24 Ft. Depth	LF	640	\$ 72.65	\$ 46,496.00	\$ 225.00	\$ 144,000.00	\$ 185.20	\$ 118,528.00	\$ 160.00	\$ 102,400.00	\$ 68.00	\$ 43,520.00	\$ 200.00	\$ 128,000.00
12	12" Class 350 DI Gravity Sewers 24-26 Ft. Depth	LF	82	\$ 113.33	\$ 9,293.06	\$ 240.00	\$ 19,680.00	\$ 275.00	\$ 22,550.00	\$ 250.00	\$ 20,500.00	\$ 90.00	\$ 7,380.00	\$ 220.00	\$ 18,040.00
13	20" x 0.25" Wall Thickness Steel Encasement Pipe, Bore and Jacked Complete with 12" Class 350 Ductile Iron Gravity Sewer Carrier Pipe	LF	200	\$ 738.76	\$ 147,752.00	\$ 910.00	\$ 182,000.00	\$ 700.00	\$ 140,000.00	\$ 810.00	\$ 162,000.00	\$ 725.00	\$ 145,000.00	\$ 1,000.00	\$ 200,000.00
14	4' Diameter Standard Manhole 12-14 Ft. Depth	EA	2	\$ 2,834.96	\$ 5,669.92	\$ 3,300.00	\$ 6,600.00	\$ 3,000.00	\$ 6,000.00	\$ 6,000.00	\$ 12,000.00	\$ 3,000.00	\$ 6,000.00	\$ 7,000.00	\$ 14,000.00
15	4' Diameter Standard Manhole 14-16 Ft. Depth	EA	3	\$ 3,535.59	\$ 10,606.77	\$ 3,500.00	\$ 10,500.00	\$ 3,200.00	\$ 9,600.00	\$ 6,250.00	\$ 18,750.00	\$ 3,200.00	\$ 9,600.00	\$ 8,000.00	\$ 24,000.00
16	4' Diameter Standard Manhole 16-18 Ft. Depth	EA	1	\$ 3,714.33	\$ 3,714.33	\$ 3,750.00	\$ 3,750.00	\$ 3,500.00	\$ 3,500.00	\$ 8,750.00	\$ 8,750.00	\$ 3,800.00	\$ 3,800.00	\$ 9,000.00	\$ 9,000.00
17	4' Diameter Standard Manhole 20-22 Ft. Depth	EA	1	\$ 5,847.82	\$ 5,847.82	\$ 4,000.00	\$ 4,000.00	\$ 6,000.00	\$ 6,000.00	\$ 13,500.00	\$ 13,500.00	\$ 4,000.00	\$ 4,000.00	\$ 10,000.00	\$ 10,000.00
18	4' Diameter Standard Manhole 22-24 Ft. Depth	EA	3	\$ 6,139.28	\$ 18,417.84	\$ 4,500.00	\$ 13,500.00	\$ 6,800.00	\$ 20,400.00	\$ 20,000.00	\$ 60,000.00	\$ 4,100.00	\$ 12,300.00	\$ 11,500.00	\$ 34,500.00
19	5' Diameter Standard Manhole 24-26 Ft. Depth	EA	2	\$ 7,529.04	\$ 15,058.08	\$ 5,800.00	\$ 11,600.00	\$ 8,800.00	\$ 17,600.00	\$ 21,000.00	\$ 42,000.00	\$ 6,100.00	\$ 12,200.00	\$ 12,500.00	\$ 25,000.00
20	Tie in to Existing Manhole w Booted Connection	EA	1	\$ 4,527.53	\$ 4,527.53	\$ 9,000.00	\$ 9,000.00	\$ 15,000.00	\$ 15,000.00	\$ 2,500.00	\$ 2,500.00	\$ 3,750.00	\$ 3,750.00	\$ 10,000.00	\$ 10,000.00
21	Tie into Existing Sewer	EA	1	\$ 4,051.43	\$ 4,051.43	\$ 11,000.00	\$ 11,000.00	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 1,607.13	\$ 1,607.13	\$ 5,000.00	\$ 5,000.00
22	Abandon Existing Pump Station	LS	1	\$ 14,626.75	\$ 14,626.75	\$ 10,000.00	\$ 10,000.00	\$ 3,500.00	\$ 3,500.00	\$ 3,000.00	\$ 3,000.00	\$ 8,000.00	\$ 8,000.00	\$ 27,100.00	\$ 27,100.00
23	Gravel Drive and Parking Repair	SYD	150	\$ 19.19	\$ 2,878.50	\$ 10.00	\$ 1,500.00	\$ 30.00	\$ 4,500.00	\$ 5.00	\$ 750.00	\$ 12.00	\$ 1,800.00	\$ 20.00	\$ 3,000.00
24	Construction Entrance	EA	3	\$ 3,700.06	\$ 11,100.18	\$ 2,000.00	\$ 6,000.00	\$ 1,200.00	\$ 3,600.00	\$ 1,500.00	\$ 4,500.00	\$ 1,200.00	\$ 3,600.00	\$ 3,000.00	\$ 9,000.00
25	Rock Excavation w Select Backfill as Necessary	CY	2000	\$ 120.00	\$ 240,000.00	\$ 120.00	\$ 240,000.00	\$ 120.00	\$ 240,000.00	\$ 120.00	\$ 240,000.00	\$ 120.00	\$ 240,000.00	\$ 120.00	\$ 240,000.00
26	Silt Fence Installed per Details	LF	2500	\$ 2.36	\$ 5,900.00	\$ 2.50	\$ 6,250.00	\$ 3.00	\$ 7,500.00	\$ 2.00	\$ 5,000.00	\$ 3.00	\$ 7,500.00	\$ 3.00	\$ 7,500.00
<b>TOTAL</b>				<b>\$680,733.64</b>		<b>\$958,575.00</b>		<b>\$835,570.10</b>		<b>\$883,127.00</b>		<b>\$597,813.13</b>		<b>\$1,020,730.00</b>	

This is to certify that the bids tabulated herein were accompanied by a 5% bid bond or certified check and publicly opened and read aloud at 2:00 pm local time on the 15th day of October, 2013, in the lower level of the Orange County West Campus Office Building, Room 004, 131 West Margaret Lane, Hillsborough, North Carolina 27278.

**DOUGLAS G. CHAPMAN, P.E.**  
  
**McGill ASSOCIATES**  
 ENGINEERING · PLANNING · FINANCE  
 1240 19th Street Lane, NW  
 Hickory, North Carolina 28603  
 Firm License No. C-0459

Apparent mathematical error does not affect award of contract.





October 23, 2013

Mr. Kevin Lindley, PE  
Staff Engineer  
Planning & Inspections Department  
Orange County  
Post Office Box 8181  
Hillsborough, North Carolina 27278

RE: Award Recommendation  
McGowan Interceptor  
Orange County, North Carolina

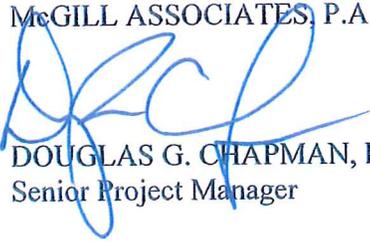
Dear Mr. Lindley:

A total of six (6) bids were received on October 15, 2013 for the McGowan Interceptor project. Park Construction of North Carolina, Inc. of Morrisville, North Carolina, submitted the lowest bid with a total bid amount of \$597,813.13.

Park Construction of North Carolina, Inc. is appropriately licensed with the North Carolina General Contractor Board, and is qualified to perform this project. Following final review and acceptance of all DBE outreach documentation, we recommend award of the McGowan Interceptor project to Park Construction of North Carolina Inc. in the amount of \$597,813.13. The award should be made contingent upon approval by NC DENR Infrastructure Finance Section.

Enclosed for your use are the certified bid tabulation and project cost summary. If you have any questions or comments, please do not hesitate to contact us at (828) 328-2024.

Sincerely,  
McGILL ASSOCIATES, P.A.



DOUGLAS G. CHAPMAN, PE  
Senior Project Manager

DC:mgp

Enclosures

Cc: Craig Benedict, Orange County  
David Cannell, Orange County

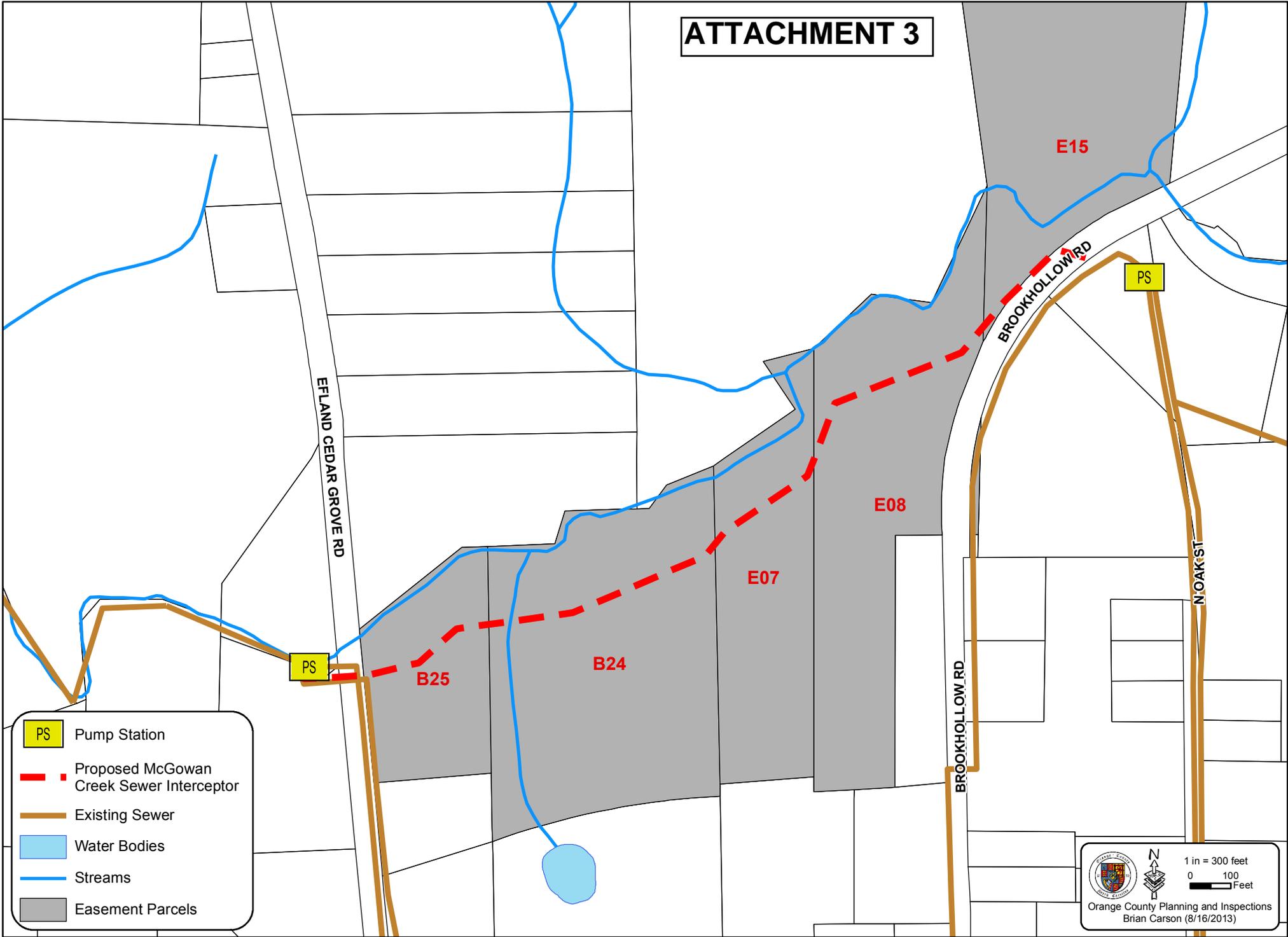
**E n g i n e e r i n g • P l a n n i n g • F i n a n c e**

McGill Associates, P.A. • P.O. Box 1136, Hickory, NC 28603 • 1240 19th St. Lane NW, Hickory, NC 28601

828-328-2024 • Fax: 828-328-3870

# McGowan Creek Sewer Interceptor - Easements Needed (8/15/2013) 6

## ATTACHMENT 3



**ORANGE COUNTY BOARD OF COMMISSIONERS**  
**RESOLUTION OF TENTATIVE AWARD**

**WHEREAS**, Orange County, North Carolina has received bids, pursuant to duly advertised notice therefore, for construction of the McGowan Creek Interceptor, Project No. CS370884-02, and

**WHEREAS**, the McGill Associates Consulting Engineers have reviewed the bids; and

**WHEREAS**, Park Construction of North Carolina, Inc. was the lowest bidder for the McGowan Creek Interceptor, in the total bid amount of \$597,813.13, and

**WHEREAS**, the consulting Engineers recommend **TENTATIVE AWARD** to the lowest bidder(s).

**NOW, THEREFORE, BE IT RESOLVED that TENTATIVE AWARD** is made to the lowest bidder(s) in the Total Bid Amount of \$597,813.13.

<b>Name of Contractor</b>	<b>Amount</b>
1. Park Construction of North Carolina, Inc.	\$597,813.13

**BE IT FURTHER RESOLVED that such TENTATIVE AWARD** be contingent upon the approval of the North Carolina Department of Environment and Natural Resources.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the above **RESOLUTION** was unanimously adopted.

This the 5th day of November, 2013.

\_\_\_\_\_  
Barry Jacobs, Chair, Orange County Board of  
County Commissioners

(Seal)

**Attest:**

\_\_\_\_\_  
Donna Baker, Clerk to the Board

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda  
Item No.** 5-i

**SUBJECT:** Approval of Contract with Springsted, Incorporated

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**DEPARTMENT:** Clerk to the Board

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

No

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**ATTACHMENT(S):**

Contract with Springsted

**INFORMATION CONTACT:**

Donna Baker, 245-2130

---

**PURPOSE:** To approve a contract for the purpose of conducting an executive search for a County Manager.

**BACKGROUND:** Springsted, Incorporated (Springsted) has proposed to conduct a nationwide search for Orange County's next County Manager. The Board of Commissioners has chosen to expend additional funds to require Springsted to solicit greater public input. Springsted proposes to provide the services delineated in the attached contract and more specifically to engage in the following services:

Develop, review, analyze and report on the outcome of an electronic and paper survey for distribution to Orange County citizens concerning qualities, skills, personality traits, etc. the new manager should possess to succeed in Orange County. This would also include an identification of issues the new Manager may face and other questions yet to be developed.

Hold multiple (4) meetings with residents around the County to gain public input.

Preparation, administration and compilation of a community based survey, cost \$3,000.

Coordination and conducting more extensive community meetings in order to vigorously solicit public comment throughout Orange County, cost \$1,500 (this takes into account there will not be focused groups as outlined in the proposal)

Interview Mayors and managers of Orange County's municipalities (no additional charge).

Task	Personnel Cost	Out-of-Pocket Costs
Position Analysis	\$ 3,100	\$ 750 <sup>(1)</sup>
Conduct a community wide survey	3,000	0
Coordinate and Conduct Community Meetings (4)	1,500	750 (1)
Recruitment	3,300	2,150 <sup>(2)</sup>
Preliminary screening	2,500	
Identification of Semi-finalists	3,300	750 <sup>(3)</sup>
Selection of Finalists/Candidate Presentation	3,200	1,050 <sup>(4) (5) (6)</sup>
<b>TOTAL</b>	<b>\$ 19,900</b>	<b>\$ 5,450</b>

(1) Includes travel costs for initial meetings for interviews with the County and other groups.

(2) Includes advertising costs, printing of profiles, overnight delivery of materials to certain candidates.

(3) Includes printing of semi-finalist report and travel costs for presentation to the County.

(4) Includes travel costs to coordinate interviews, printing of final report and background investigation by Springsted investigator of top candidate.

(5) Should the County decide to use webcam, video or other electronic media for interviewing candidates, an estimated cost of \$350 per candidate should be added to out-of-pocket expenses.

(6) Out-of-pocket expenses do not include travel expenses for candidates, which is traditionally borne by the community. Springsted will schedule all travel in accordance with the community's travel policy limits. Because the number of candidates being interviewed or their location is unknown, providing a refined estimate of cost to the community is difficult at this time.

**FINANCIAL IMPACT:** Projected costs are \$19,900 for personnel expenses and \$5,450 for out of pocket costs.

**RECOMMENDATION(S):** The Interim Manager recommends the Board approve and authorize the Chair to execute the contract.

## AGREEMENT

**THIS AGREEMENT** made and entered into this \_\_\_\_\_ day of November, 2013, by and between ORANGE COUNTY , NORTH CAROLINA hereinafter referred to as the "County ", party of the first part, and SPRINGSTED INCORPORATED, hereinafter referred to as "Consultants", party of the second part,

## WITNESSETH

**WHEREAS**, and in consideration of the mutual benefits accruing to the parties hereto, the Consultants hereby agree to perform all necessary professional management consultant services for completion of an Executive Search for a County Manager described in the Scope of Services, dated July 31, 2013, as attached, and upon the terms and conditions hereinafter provided:

1. That certain written proposal for preparation of Executive Search Services for Orange County, North Carolina submitted by Consultants becomes a part of this Agreement and is hereinafter referred to as "Scope of Service", a copy of which is attached hereto and made a part hereof.
2. Consultants' compensation for the services as outlined in the amended Scope of Services, shall be made upon certified billing and progress reports to be made monthly to the County by Consultants for work performed during the preceding month, with payment to be made by the County within thirty (30) days from receipt of such billing. The cost to the County under this Agreement related to said executive search and Scope of Service will not exceed the sum of Nineteen thousand nine hundred dollars (\$19,900.00), plus direct out-of-pocket expenses not to exceed Five thousand four hundred fifty dollars (\$5,450.00).
3. Consultants shall make available all data, notes and memoranda completed during the study and upon completion of the study will forward such materials to the County for its use.
4. This Agreement may be terminated by either party upon seven (7) days' written notice should the other party fail substantially to perform in accordance with its terms, through no fault of the other.
5. All claims, disputes and other matters arising out of or relating to this Agreement or the breach hereof shall be governed by the laws of the State of North Carolina. Venue shall be in Orange County.
6. (a) During the performance of this Agreement, the Consultants agree not to discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, gender, ethnicity, sexual orientation, or any other basis

prohibited by state law relating to discrimination in employment except where there bona fide occupational qualification reasonably necessary to the normal operation of the contractor. Notices setting forth the above language shall be posted in conspicuous places, available to employees and applicants for employment.

- (b) The Consultants, in all solicitations or advertisements for employees placed by or on their behalf, will state that they are an equal opportunity employer.
- (c) Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the above requirements.
- (d) The Consultants will include the provisions of paragraphs (a), (b) and (c) in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

7. Consultant's federal identification number is **41-1754318**.

8. Consultant shall:

- (a) Publish announcements detailing the County Manager's position with the North Carolina Association of County Commissioners and the North Carolina League of Municipalities.
- (b) Conduct and administer a community-wide survey to solicit input from the public on the qualities, qualifications, skills, personality traits, professional views, experience, managerial style, and other key aspects of the position of county manager.
- (c) Develop, review, analyze, and report on the outcome of an electronic and paper survey for distribution to Orange County citizens concerning qualities, skills, personality traits, etc. the new manager should possess to succeed in Orange County. This also includes an identification of issues the new Manager may face and other questions yet to be developed.
- (d) Interview the Mayors and managers of each municipality situated in Orange County to solicit input.
- (e) In place of focus groups hold four (4) citizen meetings around the County to gain further public input.

- (f) Perform one additional executive search at no charge other than reimbursement of direct expenses (out-of-pocket costs) if the new County Manager voluntarily resigns, or is dismissed for cause, during the first two years of employment.
- (g) Maintain at its sole cost Commercial General Liability Insurance, Automobile Insurance, Workers' Compensation Insurance, Professional Liability Insurance, and any additional insurance as may be required by Owner's Risk Manager as such insurance requirements are described in the Orange County Risk Transfer Policy and Orange County Minimum Insurance Coverage Requirements (each document is incorporated herein by reference and may be viewed at <http://orangecountync.gov/purchasing/contracts.asp>).
- (h) 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 Executive Search and arising from bodily injury, including death or property damage, injury to reputation or loss of gainful employment, to any person or persons caused in whole or in part by the negligence or misconduct of the Consultants 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 Consultants to indemnify the County to the fullest extent permitted under North Carolina law.

9. Contractual claims, whether for money or other relief, shall be submitted by the Consultants in writing no later than sixty days after final payment; however, written notice of the Consultant's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. The County shall consider the claim, and shall make a written determination as to the claim within forty-five days after receipt of the claim. Such decision shall be final and conclusive unless the Consultants appeal within six months of the date of the final decision by instituting legal action as provided in the General Statutes of the State of North Carolina.

10. During the performance of this Agreement, Consultants agrees to (i) provide a drug-free workplace for their employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees that they maintain a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

11. The Consultants do not, and shall not during the performance of this Agreement, knowingly employ an unauthorized alien as defined in the Federal Immigration Reform and

Control Act of 1986 and by executing this Agreement acknowledge they are in compliance with Article II of Chapter 64 of the North Carolina General Statutes.

ORANGE COUNTY, NORTH CAROLINA

By: \_\_\_\_\_

SPRINGSTED INCORPORATED

By: \_\_\_\_\_

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

\_\_\_\_\_  
Office of the Chief Finance Officer

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda  
Item No.** 5-j

**SUBJECT:** Change in BOCC Regular Meeting Schedule for 2013

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**DEPARTMENT:** County Commissioners

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

No

**ATTACHMENT (S):**

**INFORMATION CONTACT:**

Donna Baker, 245-2130  
Clerk to the Board

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**PURPOSE:** To consider one change 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:

- Moving the location of the Monday, December 2, 2013 BOCC meeting **FROM** Central Orange Senior Center **TO** the DSS Meeting Room, Hillsborough Commons, Hillsborough, due to the availability now of the DSS Meeting Room (the Toy Chest program is not scheduled to start until a later date).

**RECOMMENDATION(S):** The Interim Manager recommends the Board amend its regular meeting calendar for 2013 by:

- Moving the location of the Monday, December 2, 2013 BOCC meeting **FROM** Central Orange Senior Center **TO** the DSS Meeting Room, Hillsborough Commons, Hillsborough, due to the availability now of the DSS Meeting Room (the Toy Chest program is not scheduled to start until a later date).

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: November 5, 2013**

**Action Agenda  
Item No. 6-a**

**SUBJECT:** Zoning Atlas Amendment – Keizer Rezoning of 2.7 Acre Parcel – 3604 Southern Drive – Public Hearing Closure and Action (No Additional Comments Accepted)

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**DEPARTMENT:** Planning and Inspections

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

Yes

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**ATTACHMENTS:**

1. Vicinity Map
2. September 9, 2013 Quarterly Public Hearing Legal Advertisement
3. Ordinance Approving Rezoning Petition
4. Ordinance Denying Rezoning Petition
5. Resolution Concerning Statement of Consistency with Comprehensive Plan
6. Resolution Concerning Statement of Inconsistency with Comprehensive Plan
7. Excerpt of Draft September 9, 2013 Quarterly Public Hearing Minutes
8. Excerpt of Draft October 2, 2013 Planning Board Minutes

**INFORMATION CONTACT:**

Michael D. Harvey, Planner III, (919) 245-2597  
Craig Benedict, Director, (919) 245-2592

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**PURPOSE:** To receive the Planning Board recommendation, close the public hearing, and make a decision on an owner-initiated Zoning Atlas Amendment to rezone a 2.7 acre parcel of property located at 3604 Southern Drive (PIN 9844-86-5155) from Rural Residential (R-1) and Light Industrial (I-1) to Light Industrial (I-1) in accordance with the provisions of the Unified Development Ordinance (UDO).

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the September 9, 2013 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 September 9, 2013 Quarterly Public Hearing where staff indicated the property is currently split zoned with the required parking area and septic system serving the existing industrial operation located on the R-1 zoned portion of property.

The applicants expressed concern over their continued ability to have septic and parking supporting the existing industrial operation on the residentially zoned portion property. They are

seeking to rectify the problem by extending the existing industrial zoning over the entire property to ensure their perpetual ability to maintain existing infrastructure necessary for the business.

During the hearing the following questions were asked:

1. A BOCC member asked staff to clarify the zoning of the property.

*Staff Comment:* As detailed within the abstract the property is split zoned Rural Residential (R-1) and Light Industrial (I-1). The property is also located within the Upper Eno Protected Watershed Protection Overlay District.

2. A BOCC member asked if the rezoning request for this parcel would impact the zoning of the property to the south and east.

*Staff Comment:* The extension of the I-1 zoning over the remaining portion of 3604 Southern Drive will not impact the zoning of the property to the south or east. Staff pointed out, however, that the Keizer's have submitted a request to rezone the 2 parcels to the south and east to I-1 to allow for a possible expansion of the existing industrial operation.

Staff reminded the Board the decision to approve this specific request would be based on the appropriateness of the application, and its compliance with the Comprehensive Plan, and not on the possible expansion of the existing non-residential land use.

Agenda materials from the September 9, 2013 Quarterly Public Hearing can be viewed at: <http://orangecountync.gov/occlerks/130909.pdf>.

Planning Director's Recommendation: The Planning Director recommends approval of the request finding that:

1. The application is complete in accordance with the requirements of Section 2.8 of the UDO.
2. The property is of sufficient size to be rezoned to I-1.
3. The rezoning is consistent with the Orange County 2030 Comprehensive Plan Future Land Use Map, the Growth Management System, and the adopted Efland Mebane Small Area Plan.

Planning Board Recommendation: At its October 2, 2013 regular meeting, the Board voted **unanimously** to recommend approval of the rezoning request consistent with the staff recommendation. Agenda materials from the October 2, 2013 Planning Board meeting can be viewed at: <http://orangecountync.gov/planning/documents/Oct2013PBPacket-web.pdf>.

Please refer to Attachment 3 for the ordinance amending the zoning atlas and Attachment 5 for the resolution concerning the statement of consistency indicating the proposed atlas amendment is consistent with the adopted 2030 Comprehensive Plan.

Procedural Information: In accordance with Section 2.8.8 of the UDO, 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.

**FINANCIAL IMPACT:** Consideration and approval of this request will not create the need for additional funding for the provision of County services.

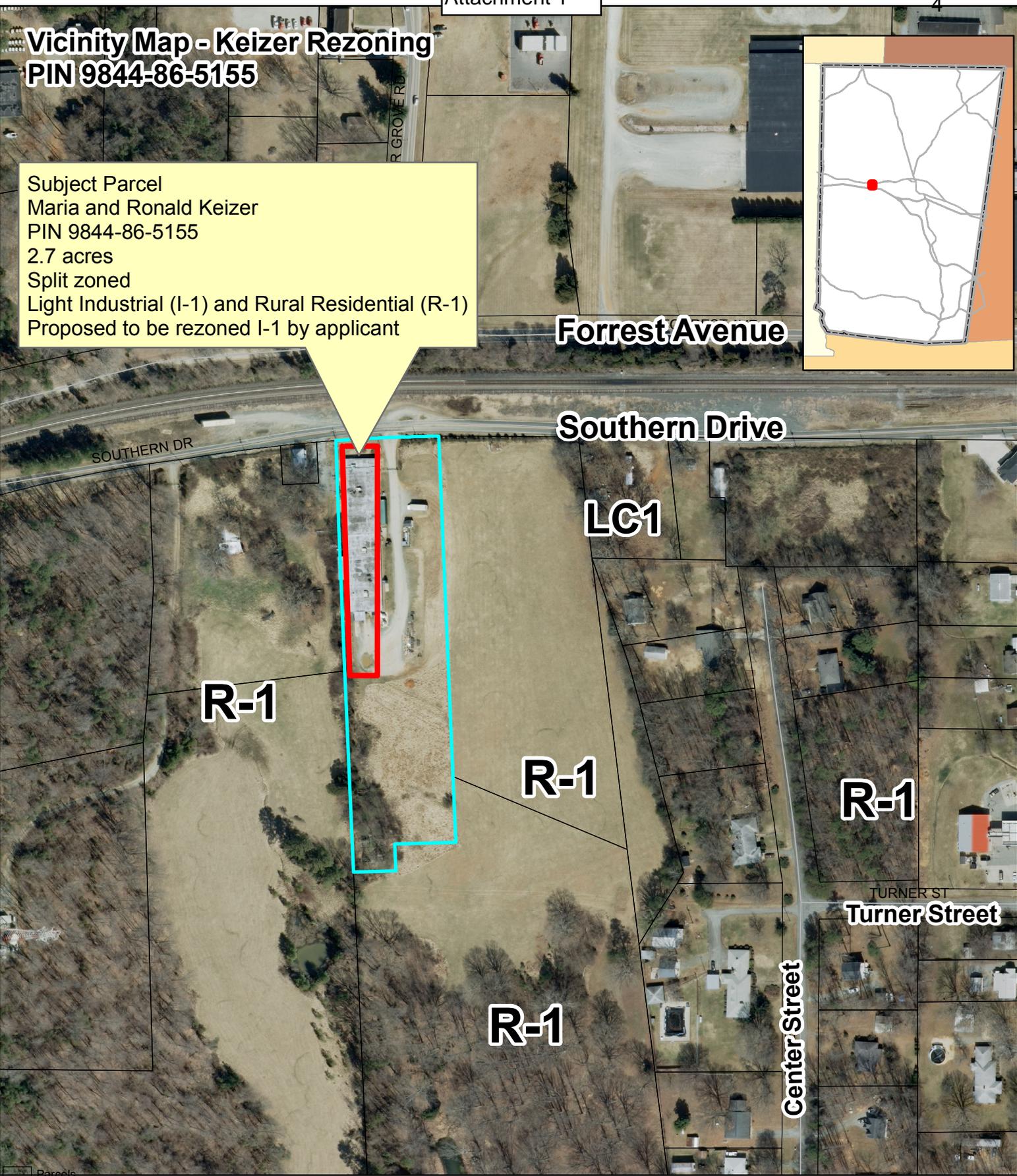
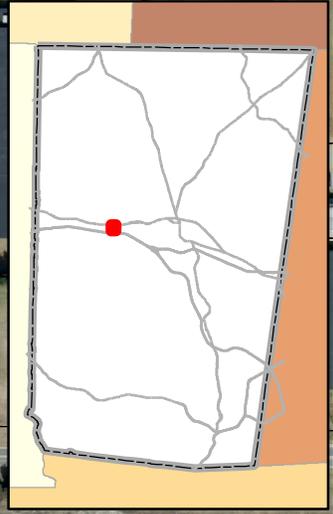
Expenditures associated with the processing of this application, namely the legal advertisement and notification letters/postcards, were paid through application filing fees. Review of the application by staff was covered under existing Department budgetary outlays.

**RECOMMENDATION(S):** The Interim Manager recommends the Board:

1. Receive the Planning Board's recommendation;
2. Close the public hearing; and
3. Decide accordingly and/or adopt:
  - a. Attachment 3 Ordinance Amending the Zoning Atlas
  - b. Attachment 5 Resolution Concerning Statement of Consistency authorizing the zoning atlas amendments as detailed herein.

# Vicinity Map - Keizer Rezoning PIN 9844-86-5155

Subject Parcel  
 Maria and Ronald Keizer  
 PIN 9844-86-5155  
 2.7 acres  
 Split zoned  
 Light Industrial (I-1) and Rural Residential (R-1)  
 Proposed to be rezoned I-1 by applicant



- Parcels
- Township Boundary
- City Limits
- ETJ
- 2010 Images**
- RGB**
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

1 inch = 208 feet

Orange County Planning and Inspections Department  
5/30/2013

**NOTICE OF JOINT PUBLIC HEARING  
ORANGE COUNTY BOARD OF COMMISSIONERS  
ORANGE COUNTY PLANNING BOARD**

A joint public hearing will be held at the Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Monday, September 9, 2013 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. **Zoning Atlas Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance (UDO), Ms. Maria Keizer and Mr. Ronald Keizer have submitted a request to rezone a 2.67 acre parcel of property located at 3604 Southern Drive (PIN 9844-86-5155)

**FROM:** Rural Residential (R-1) and Light Industrial (I-1)

**TO:** Light Industrial (I-1)

The parcel is currently utilized to support USA Dutch Incorporated, a sheet metal fabrication operation that has operated since 1987. Ms. Keizer owns the property and her son, Ronald Keizer, operates the existing commercial operation.

According to the application, the applicants are interested in extending the existing industrial zoning over the entire property in order to ensure parking, storage spaces, access roads, land use buffers, and septic systems are properly zoned in support of the existing industrial operation.

The property subject to this petition is located within the Commercial Industrial Transition Activity Node as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

Purpose: To review the item and receive public comment on the proposed amendment.

2. **Zoning Atlas Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance (UDO), Ms. Maria Keizer and Mr. Ronald Keizer have submitted a request to rezone 2 parcels of property, totaling approximately 16 acres in land area:

**FROM:** Rural Residential (R-1)

**TO:** Light Industrial (I-1)

The parcels, further identified utilizing Orange County Parcel Identification Numbers (PIN) 9844-86-7573 and 9844-87-7368, are undeveloped and without

an assigned street address. These parcels are east and south, respectively, of the USA Dutch property located at 3604 Southern Drive.

According to the application, USA Dutch has an offer to purchase both properties for the purpose of expanding their existing sheet metal fabrication operation. As a result, they would like to extend the I-1 zoning designation in support of the proposed expansion.

The properties subject to this petition are located within the Commercial Industrial Transition Activity Node as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

Purpose: To review the item and receive public comment on the proposed amendment.

3. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

The proposal seeks to add a new Section 2.24 entitled *Governmental Uses*, renumber existing Section 2.24 and subsequent sections accordingly, and modify the 'government' land use category within Section 5.2.2 *Table of Permitted Uses – Economic Development District* to add the term 'uses'. References to subsequent renumbered sections occur throughout the UDO and will be updated including amendments to Section(s) 2.22.5, 2.23.9, 9.5.4, 9.6.6, 9.7.2, and 9.8.5.

The purpose of the amendments is to change the application review process to require a neighborhood information meeting as part of the site plan review process for governmental uses. Examples of governmental uses include rescue squads, fire stations, solid waste convenience centers, governmental office buildings, and military installations.

Purpose: To review the item and receive public comment on the proposed amendment.

4. **Eno Economic Development District Access Management Plan:** As an implementation measure of the Eno Economic Development District (EDD) Area Small Area Plan, an access management plan has been developed for the Eno EDD. An access management plan is intended to provide better transportation systems and capacities as development proceeds in an area. Formally adopted transportation access plans are necessary to procure federal and state funding for projects and to require developer action and contribution in providing transportation infrastructure consistent with a master plan.

The proposed access management study area involves approximately 980 acres of land in the vicinity of US Highway 70 and Old Highway 10 (near Durham County).

The draft Access Management Plan is available on the Orange County Planning Department website at: <http://orangecountync.gov/planning/SpecialProjects.asp>

Purpose: To review the item and receive public comment on the Draft Economic Development District Access Management Plan.

### **PUBLIC INFORMATION MEETING/OPEN HOUSE for this proposal**

In an effort to better inform interested persons in an informal setting, a Public Information Meeting/Open House will be held on September 4, 2013 from 4:30 – 6:30 pm at the Shared Visions Retreat Center (historic Murphey School), 3717 Murphey School Rd., Durham, NC.

5. **Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan:** Consistent with the Hillsborough-Orange Interlocal Land Management Agreement (December 2009), the Town of Hillsborough adopted a Future Land Use Plan in March 2013 for its planning jurisdiction and some additional areas of County jurisdiction. These additional areas of County jurisdiction are located within the Town's Urban Service Boundary for its public water and/or sewer services and are generally located around the Town's fringe. Orange County staff, Board of County Commissioners, and the public provided input throughout the Town's planning process.

This public hearing is being held by Orange County on future land uses proposed for the areas of County jurisdiction located within the Town's Urban Service Boundary. This is the next step towards completion of a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan.

Additional information including a link to the draft Land Use Plan is available on the Orange County Planning Department website at: <http://www.co.orange.nc.us/planning/OrangeCountyTownofHillsboroughJointPlanning.asp>.

Purpose: To receive public comment and receive direction from the Board of Commissioners as to subsequent steps towards a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling the one of the phone numbers

below. The full text of the public hearing items may be obtained no later than August 30, 2013 at the County website [www.co.orange.nc.us](http://www.co.orange.nc.us) at the [Meeting Agendas](#) link.

Questions regarding the proposals 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 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH: The Herald Sun  
August 28, 2013  
September 4, 2013

News of Orange  
August 28, 2013  
September 4, 2013

Ordinance #: 2013-040

## AN ORDINANCE AMENDING THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition, submitted by Ms. Maria Keizer and Mr. Ronald Keizer, seeks to rezone a 2.1 acre portion of an approximately 2.7 acre parcel of property located at 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-86-5155 to Light Industrial (I-1), and

WHEREAS, the property to be rezoned is identified further as follows:

Beginning at an existing iron pipe in the south right-of-way line of Southern Drive (SR 1317); thence South 88 deg. 15' East 170 feet to an iron pipe; thence South 00 deg. 10' 55" West 665.34 feet to an iron pipe; thence North 89 deg. 49' 05" West 99.49 feet to an iron; thence South 00 deg. 21' 05" West 43 feet to an iron; thence North 89 deg. 38' 55" West 69.14 feet to an iron; thence North 00 deg. 01' 51" West 318.34 feet to an iron pipe; thence North 00 deg. 10' 55" East 394.54 feet to the point and place of Beginning and containing approximately 2.7 acres, more or less.

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

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

- a. The Future Land Use Map.
- b. Principle 7: Promotion of Economic Prosperity and Diversity.
- c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
- d. 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.
- e. Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and

creating new mixed-use zoning districts where adequate public services are available.

and

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the property as described herein to Light Industrial (I-1).

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

Ordinance #: 2013-041

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

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition, submitted by Ms. Maria Keizer and Mr. Ronald Keizer, seeks to rezone a 2.1 acre portion of an approximately 2.7 acre parcel of property located at 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-86-5155 to Light Industrial (I-1), and

WHEREAS, the property to be rezoned is identified further as follows:

Beginning at an existing iron pipe in the south right-of-way line of Southern Drive (SR 1317); thence South 88 deg. 15' East 170 feet to an iron pipe; thence South 00 deg. 10' 55" West 665.34 feet to an iron pipe; thence North 89 deg. 49' 05" West 99.49 feet to an iron; thence South 00 deg. 21' 05" West 43 feet to an iron; thence North 89 deg. 38' 55" West 69.14 feet to an iron; thence North 00 deg. 01' 51" West 318.34 feet to an iron pipe; thence North 00 deg. 10' 55" East 394.54 feet to the point and place of Beginning and containing approximately 2.7 acres, more or less.

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

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the rezoning will not carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, and

WHEREAS, the Board has found the proposed zoning atlas amendment is not reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the rezoning request, as referenced herein, is denied

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 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

RES-2013-087

**RESOLUTION CONCERNING  
STATEMENT OF CONSISTENCY  
OF A PROPOSED ZONING ATLAS AMENDMENT  
WITH THE ADOPTED  
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Ms. Maria Keizer, an Orange County property owner, has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the rezoning petition seeks to rezone a 2.1 acre portion of an approximately 2.7 acre parcel of property located at 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-86-5155 to Light Industrial (I-1), and

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

- a. The Future Land Use Map.
- b. Principle 7: Promotion of Economic Prosperity and Diversity.
- c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
- d. 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.
- e. Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

and,

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonable and in the public interest as it promotes public health, safety, and general welfare by furthering the goals and purposes of the 2030 Comprehensive Plan or part thereof,

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be consistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 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

Attachment 6

RES-2013-088

**RESOLUTION CONCERNING  
STATEMENT OF INCONSISTENCY  
OF A PROPOSED ZONING ATLAS AMENDMENT  
WITH THE ADOPTED  
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Ms. Maria Keizer, an Orange County property owner, has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the rezoning petition seeks to rezone a 2.1 acre portion of an approximately 2.7 acre parcel of property located at 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-86-5155 to Light Industrial (I-1), and

WHEREAS, pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds there is insufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan, as amended, or part thereof, and,

WHEREAS, the Board has found the proposed zoning atlas amendment is not in the public interest as it does not promote the public health, safety, and general welfare.

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be inconsistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 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

Attachment 7 Excerpt of draft minutes
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1 DRAFT

**MINUTES**  
**ORANGE COUNTY BOARD OF COMMISSIONERS**  
**ORANGE COUNTY PLANNING BOARD**  
**QUARTERLY PUBLIC HEARING**  
**September 9, 2013**  
**7:00 P.M.**

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 8 The Orange County Board of Commissioners and the Orange County Planning Board  
 9 met for a Quarterly Public Hearing on Monday, September 9, 2013 at 7:00 p.m. at the DSS  
 10 Offices, Hillsborough Commons, Hillsborough, N.C.

11  
 12 **COUNTY COMMISSIONERS PRESENT:** Chair Barry Jacobs and Commissioners mark  
 13 Dorosin, Alice M. Gordon, Earl McKee Bernadette Pelissier, Renee Price and Penny Rich

14 **COUNTY COMMISSIONERS ABSENT:**

15 **COUNTY ATTORNEY PRESENT:** James Bryan (Staff Attorney)

16 **COUNTY STAFF PRESENT:** County Manager Frank Clifton and Deputy Clerk to the Board  
 17 David Hunt (All other staff members will be identified appropriately below)

18 **PLANNING BOARD MEMBERS PRESENT:** Chair Pete Hallenbeck, and Planning Board  
 19 members, Maxecine Mitchell, Johnny Randall, Lisa Stuckey, Stephanie O'Rourke, Paul Guthrie,  
 20 and Herman Staats

21 **PLANNING BOARD MEMBERS ABSENT:** Tony Blake, Andrea Rohrbacher, Rachel Phelps  
 22 Hawkins, James Lea and H.T. "Buddy" Hartley

23  
 24 **C. PUBLIC HEARING ITEMS**

25  
 26 Chair Jacobs called the public hearing to order. He noted that Pete Hallenbeck would  
 27 preside over the meeting.

28  
 29 The following Planning Board members were present: Chair Pete Hallenbeck, Maxecine  
 30 Mitchell, Lisa Stuckey, Stephanie O'Rourke, Paul Guthrie, and Herman Staats.

31  
 32 **1. Zoning Atlas Amendment** – To review a property owner-initiated amendment to the  
 33 Zoning Atlas to rezone a 2.67 acre parcel of property located at 3604 Southern Drive  
 34 (PIN 9844-86-5155) from Rural Residential (R-1) and Light Industrial (I-1) to Light  
 35 Industrial (I-1).

36  
 37 Michael Harvey reviewed a series of maps pertaining to the requested zoning atlas  
 38 amendment. He reviewed the following background information:

39  
 40 **BACKGROUND**

41 PIN – 9844-86-5155.

- 42 • **Size of Parcel** – 2.67 acres.
- 43 • **Future Land Use Element Map Designation** – Commercial Industrial Transition Activity
- 44 Node
- 45 • **Growth Management System Designation** -- Urban.
- 46 • **Existing Conditions** -- The property is developed and utilized to support a metal sheet
- 47 fabrication operation.
- 48 • **Access** -- The property has direct access onto Southern Drive.

49  
 50 **REQUEST:**

- 51 • Property is split zoned residential and industrial.
- 52 • Necessary infrastructure (i.e. septic, parking) on residentially zoned portion of property.
- 53 • Applicant concerned over long-term ability to continue operation with necessary
- 54 components on 'residentially' zoned property.

- Applicant requests entire property be zoned I-1 (Light Industrial) so 'use' would be considered conforming.

#### **FUTURE LAND USE MAP:**

#### **COMMERCIAL/INDUSTRIAL TRANSITION:**

- Per approved Comprehensive Plan area '*appropriate for retail and other commercial uses and/or manufacturing and other industrial uses*'.
- County did not eliminate all residential zoning in the area when land use category created/adopted so individuals could still make use of property.
- Area is intended to support non-residential development including industrial (i.e. manufacturing).

#### **STAFF ASSESSMENT:**

- The application is complete.
- The property is of sufficient size.
- Rezoning consistent with the Orange County 2030 Comprehensive Plan, Growth Management System Map, and adopted Efland Mebane Small Area Plan,
- Represents logical extension of existing I-1 district.
- Applicant's issue is not unique.
- Staff has previously identified similar problems on other properties throughout the County.
- Staff will be bringing a comprehensive solution for consideration by the BOCC in the fall.
- Staff did not want applicant to wait for staff's review to be complete and encouraged the submittal of rezoning request.

#### **RECOMMENDATION:**

1. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the **November 5, 2013** BOCC regular meeting.
2. Adjourn the public hearing until **November 5, 2013** in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Michael Harvey said this is not an uncommon issue, and it is due to past zoning practices that restricted commercial zoning to a small square around industrial buildings, while leaving all other areas as residential space. He said staff will be bringing forward more parcels in the future as attempts are made to fix the zoning issues on those lots as well.

Commissioner Dorosin asked for clarification on the commercial/industrial transition slide and the fact that residential zoning is not eliminated.

Michael Harvey said there is residential zoning in the area. He said the purpose of the activity node is to encourage and create more retail and manufacturing opportunities by the extension of the land use category; however residential land use was not eliminated as part of this.

He noted that Ronald Keizer and any other non-residential land owner in the area will be held to the existing land use buffer standards, as listed in article 6.

Commissioner Dorosin said he is not sure he understands the map and zoning designations on the future land use map.

1 Michael Harvey said the map does not designate zoning; it designates land use  
2 category. He said this category is meant to encourage retail and manufacturing, however there  
3 is underlying rural residential zoning in the area. He said this rural/residential zoning is not  
4 invalidated, and it is still protected in the UDO. He noted that future use and focus for this area  
5 will be additional non-residential application of land use.  
6

7 Commissioner Dorosin asked for clarification on the zoning of this area. He said the  
8 designations and zoning are confusing.  
9

10 Michael Harvey said, as the comprehensive plan points out, certain areas of the County  
11 have been identified as targets to encourage specific types of land use.  
12

13 Commissioner Dorosin said a plan has been developed to encourage certain land use,  
14 but this did not include zoning changes to encourage that development.  
15

16 Michael Harvey said this is correct; these areas were not pre-zoned.  
17

18 Commissioner Dorosin asked if the plan is to re-zone these areas, or if this will happen  
19 in a piecemeal fashion like the Board is seeing tonight.  
20

21 Michael Harvey said the plan is that this will happen as the market demands it.  
22

23 Commissioner Dorosin said he is just trying to understand the context.  
24

25 Frank Clifton said there is an assumption by some landowners that re-zoning means  
26 values and property taxes will go up. He said this is not necessarily true.  
27

28 Commissioner Dorosin said this map is misleading for a person who is not well versed in  
29 this issue.  
30

31 Frank Clifton said the map Commissioner Dorosin is referring to is a planning map for  
32 future use, versus a zoning map of current designations.  
33

34 *Planning Board member Johnny Randall arrived at 7:37.*  
35

36 Commissioner Rich asked how the zoning change will affect the protected watershed  
37 area.  
38

39 Michael Harvey said the overlay will not be altered. He said Ronald Keizer and his  
40 business will be held to the same standards regarding impervious surface limits and stream  
41 buffer protections.  
42

43 Commissioner Price said the packet did not seem to indicate any major changes in the  
44 business activity on the property.  
45

46 Michael Harvey said there will be no major changes on this request. He noted the  
47 second item is a different request for a different issue.  
48

49 Chair Jacobs said he would like to follow up on Commissioner Dorosin's question. He  
50 said one difference between this economic development district and the Hillsborough one is that  
51 the others have fewer and larger parcels. He noted that this area is full of smaller residential  
52 lots. This makes it challenging to do a blanket re-zoning.  
53

1           Pete Hallenbeck asked for any comments from the planning board, and he introduced  
2 the applicant, Ronald Keizer.

3  
4 **PUBLIC COMMENT**

5           Ronald Keizer, owner of USA Dutch, said he left some brochures regarding his  
6 company. He said he would like to expand his business, and he hopes he will be allowed to do  
7 this. He said he will be happy to answer questions

8           Chair Jacobs asked if any member of the Board had comments.

9  
10 A motion was made by Commissioner Pelissier, seconded by Commissioner McKee to:

- 11           1. Refer the matter to the Planning Board with a request that a recommendation be  
12           returned to the Board of County Commissioners in time for the **November 5, 2013**  
13           BOCC regular meeting.
- 14           2. Adjourn the public hearing until **November 5, 2013** in order to receive and accept the  
15           Planning Board's recommendation and any submitted written comments.

16  
17 VOTE: UNANIMOUS

**DRAFT**

**Attachment 8  
Excerpt of draft minutes**

**DRAFT MINUTES  
ORANGE COUNTY PLANNING BOARD  
OCTOBER 2, 2013  
REGULAR MEETING**

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**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Tony Blake, Bingham Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Paul Guthrie, At-Large Chapel Hill Township;

**MEMBERS ABSENT:** Johnny Randall, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Stephanie O'Rourke, Eno Township Representative; Vacant- Hillsborough Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz, Special Projects Coordinator; Michael Harvey, Current Planning Supervisor; Tom Altieri, Comprehensive Planning Supervisor; Ashley Monaco, Special Projects Planner; Abigail Pittman, Transportation/Land Use Planner; Tina Love, Administrative Assistant II

**Agenda Item 7:       Zoning Atlas Amendment** – To make a recommendation to the BOCC on a property owner-initiated amendment to the Zoning Atlas to rezone a 2.67 parcel of property located at 3604 Southern Drive (PIN 9844-86-5155) from Rural Residential (R-1) and Light Industrial (I-1) to Light Industrial (I-1). This item was heard at the September 9, 2013 quarterly public hearing.  
**Presenter:** Michael Harvey, Current Planning Supervisor

Michael Harvey: (Reviewed abstract). We have provided a synopsis of the questions asked at the public hearing. A Commissioner wanted staff to clarify if this property was in an overlay zoning district specifically a watershed overlay zoning district which it is, Upper Eno Protected, that means there is going to be impervious surface limits imposed on any expansion of this property. There was also a question asked if the rezoning of this parcel would have an impact on any property surrounding, and the answer is no. The only public comment I have received from the public hearing is a call from Miss May who live right here (pointed out on location map), who expressed consternation that I made Mr. Keizer go through this process at all. You have a planning staff recommendation of approval and the rationale for our decision is the application was submitted in compliance with the UDO, the property is of sufficient size to be rezoned as requested, and the rezoning is consistent with the Comprehensive Plan, Future Land Use Map, the Growth Management System Map, and the adopted Efland-Mebane Small Area Plan.

**MOTION** made by Tony Blake to approve Attachments 2 and 3 to rezone the Keizer property a 2.67 acre parcel of property located at 3604 Southern Drive. Seconded by Maxecine Mitchell.

**VOTE:** Unanimous

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: November 5, 2013**

**Action Agenda  
Item No. 6-b**

**SUBJECT:** Zoning Atlas Amendment – Keizer Rezoning of Two Parcels Totaling 16.1 Acres – Public Hearing Closure and Action (No Additional Comments Accepted)

**DEPARTMENT:** Planning and Inspections

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

Yes

**ATTACHMENTS:**

1. Vicinity Map
2. September 9, 2013 Quarterly Public Hearing Legal Advertisement
3. Ordinance Approving Rezoning Petition
4. Ordinance Denying Rezoning Petition
5. Resolution Concerning Statement of Consistency with Comprehensive Plan
6. Resolution Concerning Statement of Inconsistency with Comprehensive Plan
7. Excerpt of Draft September 9, 2013 Quarterly Public Hearing Minutes
8. Excerpt of Draft October 2, 2013 Planning Board Minutes

**INFORMATION CONTACT:**

Michael D. Harvey, Planner III, (919) 245-2597  
Craig Benedict, Director, (919) 245-2592

**INFORMATIONAL/EDUCATIONAL  
ITEM(S):**

9. Comprehensive Plan Land Use Matrix, Zoning District Chart, and Future Land Use Map

**PURPOSE:** To receive the Planning Board recommendation, close the public hearing, and make a decision on an owner-initiated Zoning Atlas Amendment to rezone 2 parcels, 16.1 acres in area, (PINs 9844-87-7368 and 9844-86-7573) from Rural Residential (R-1) to Light Industrial (I-1) in accordance with the provisions of the Unified Development Ordinance (UDO).

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the September 9, 2013 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 September 9, 2013 Quarterly Public Hearing. The applicants have made an offer to purchase the properties in an effort to expand their existing non-residential operation located at 3604 Southern Drive (PIN 9844-86-5155). The

applicants believe the request represents a logical extension of the existing I-1 zoning district and will allow for the expansion of an existing industrial operation consistent with the various policies of the adopted 2030 Comprehensive Plan.

During the hearing the following questions were asked:

1. A BOCC member asked staff to clarify the intent and purpose of the Commercial Industrial Transition Activity Node (hereafter 'the Node').

*Staff Comment.* The Orange County 2030 Comprehensive Plan defines the Node as follows:

*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 and limited (not to exceed 25% of any Node) higher density residential uses.*

2. A BOCC member asked staff to explain why there was residentially zoned property within the Node. There was concern over the potential impact of the rezoning on the continued use of these properties to support residential land uses.

*Staff Comment.* The aforementioned definition of the Node indicates 'higher intensity residential uses' are acceptable for 'limited' development in the area. As a result there is, and will continue to be, general use residential zoning designations throughout the Node.

Underlying zoning was not changed with the establishment of the Node (i.e. up-zoning) and assumes as development conditions are favorable to allowing additional non-residential development, properties could be rezoned appropriately.

While staff understands the concern, the UDO contains development standards designed to offset potential impacts (i.e. setbacks, land use buffers, performance standards, etc.).

It should be noted, in accordance with Section 5.2.1 *Table of Permitted Uses* of the UDO, single-family residences are a permitted use of property within the following non-residential general use zoning districts:

- a. Local Commercial (LC-1)
- b. Neighborhood Commercial (NC-2)
- c. Community Commercial (CC-3)
- d. Existing Commercial (EC-5)
- e. Economic Development Eno Lower Intensity (EDE-1)
- f. Economic Development Hillsborough Limited Office with Residential (EDH-3)

Additionally the Office Institutional (O/I), Economic Development Buckhorn Lower Intensity (EDB-1), EDE-1, and EDH-3 allow for the development of multi-family residential uses.

Attachment 9 contains the Comprehensive Plan Land Use and Zoning Matrix denoting the various appropriate general use zoning districts for each land use classification and an educational chart providing additional information on the various general use zoning districts.

3. A BOCC member asked staff to clarify what land use buffer would be required on the 2 parcels if the properties were rezoned and developed for industrial use.

*Staff Comment.* Section 6.8.6 of the UDO provides for a variable width buffer based on the zoning of adjacent property. The typical land use buffer of an I-1 zoned property located adjacent to an R-1 zoned property is 100 feet.

4. A BOCC member asked if the expansion of the existing sheet metal fabrication operation at 3604 Southern Drive would negatively impact adjacent properties.

*Staff Comment.* Staff did not believe the proposed expansion would create any negative impacts but could not offer any definitive comment without the submission of a formal site plan.

Staff reminded the Board the decision to approve the request would be based on the appropriateness of the application, and its compliance with the Comprehensive Plan, and not on the possible expansion referenced within the Keizer's application.

The property, if rezoned, could be developed to support any use detailed for the I-1 zoning district within Section 5.2.1 *Table of Permitted Uses* of the UDO.

Agenda materials from the September 9, 2013 Quarterly Public Hearing can be viewed at: <http://orangecountync.gov/occlerks/130909.pdf>.

Planning Director's Recommendation: The Planning Director recommends approval of the request finding that:

1. The application is complete in accordance with the requirements of Section 2.8 of the UDO.
2. The property is of sufficient size to be rezoned to I-1.
3. The rezoning is consistent with the Orange County 2030 Comprehensive Plan Future Land Use Map, the Growth Management System, and the adopted Efland-Mebane Small Area Plan.

Planning Board Recommendation: At its October 2, 2013 regular meeting, the Board voted **unanimously** to recommend approval of the rezoning request consistent with the staff recommendation. Agenda materials from the October 2, 2013 Planning Board meeting can be viewed at: <http://orangecountync.gov/planning/documents/Oct2013PBPacket-web.pdf>.

Please refer to Attachment 3 for the ordinance amending the zoning atlas and Attachment 5 for the resolution concerning statement of consistency indicating the proposed atlas amendment is consistent with the adopted 2030 Comprehensive Plan.

Procedural Information: In accordance with Section 2.8.8 of the UDO, 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.

**FINANCIAL IMPACT:** Consideration and approval of this request will not create the need for additional funding for the provision of County services.

Expenditures associated with the processing of this application, namely the legal advertisement and notification letters/postcards, were paid through application filing fees. Review of the application by staff was covered under existing Department budgetary outlays.

**RECOMMENDATION(S):** The Interim Manager recommends the Board:

1. Receive the Planning Board's recommendation;
2. Close the public hearing; and
3. Decide accordingly and/or adopt:
  - a. Attachment 3 Ordinance Amending the Zoning Atlas
  - b. Attachment 5 Resolution Concerning Statement of Consistency authorizing the zoning atlas amendments as detailed herein.

# Vicinity Map - Keizer Rezoning PIN 9844-87-7368 and 9844-86-7573

Forrest Avenue

Southern Drive

I-1 Zoning

LC1

R-1

R-1

R-1

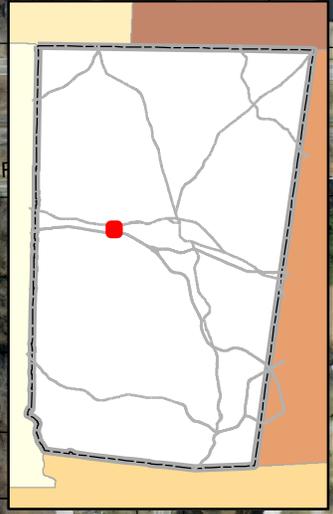
R-1

R-1

Center Street

Turner Street

Mt. Willing Road



Subject Parcel  
PIN 9844-87-7368  
3.6 acres  
Zoned Rural Residential (R-1)  
Proposed to be recombined with  
adjacent Keizer property and  
rezoned I-1 Light Industrial

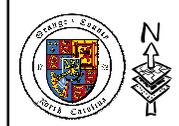
Subject Parcel  
PIN 9844-86-7573  
12.5 acres  
Zoned Rural Residential (R-1)  
Proposed to be recombined with  
adjacent Keizer property and  
rezoned I-1 Light Industrial

Interstate Highway 85/40

- Parcels
- Township Boundary
- City Limits
- ETJ

2010 Images

- RGB
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3



1 inch = 250 feet

**NOTICE OF JOINT PUBLIC HEARING  
ORANGE COUNTY BOARD OF COMMISSIONERS  
ORANGE COUNTY PLANNING BOARD**

A joint public hearing will be held at the Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Monday, September 9, 2013 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. **Zoning Atlas Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance (UDO), Ms. Maria Keizer and Mr. Ronald Keizer have submitted a request to rezone a 2.67 acre parcel of property located at 3604 Southern Drive (PIN 9844-86-5155)

**FROM:** Rural Residential (R-1) and Light Industrial (I-1)

**TO:** Light Industrial (I-1)

The parcel is currently utilized to support USA Dutch Incorporated, a sheet metal fabrication operation that has operated since 1987. Ms. Keizer owns the property and her son, Ronald Keizer, operates the existing commercial operation.

According to the application, the applicants are interested in extending the existing industrial zoning over the entire property in order to ensure parking, storage spaces, access roads, land use buffers, and septic systems are properly zoned in support of the existing industrial operation.

The property subject to this petition is located within the Commercial Industrial Transition Activity Node as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

Purpose: To review the item and receive public comment on the proposed amendment.

2. **Zoning Atlas Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance (UDO), Ms. Maria Keizer and Mr. Ronald Keizer have submitted a request to rezone 2 parcels of property, totaling approximately 16 acres in land area:

**FROM:** Rural Residential (R-1)

**TO:** Light Industrial (I-1)

The parcels, further identified utilizing Orange County Parcel Identification Numbers (PIN) 9844-86-7573 and 9844-87-7368, are undeveloped and without

an assigned street address. These parcels are east and south, respectively, of the USA Dutch property located at 3604 Southern Drive.

According to the application, USA Dutch has an offer to purchase both properties for the purpose of expanding their existing sheet metal fabrication operation. As a result, they would like to extend the I-1 zoning designation in support of the proposed expansion.

The properties subject to this petition are located within the Commercial Industrial Transition Activity Node as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

Purpose: To review the item and receive public comment on the proposed amendment.

3. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

The proposal seeks to add a new Section 2.24 entitled *Governmental Uses*, renumber existing Section 2.24 and subsequent sections accordingly, and modify the 'government' land use category within Section 5.2.2 *Table of Permitted Uses – Economic Development District* to add the term 'uses'. References to subsequent renumbered sections occur throughout the UDO and will be updated including amendments to Section(s) 2.22.5, 2.23.9, 9.5.4, 9.6.6, 9.7.2, and 9.8.5.

The purpose of the amendments is to change the application review process to require a neighborhood information meeting as part of the site plan review process for governmental uses. Examples of governmental uses include rescue squads, fire stations, solid waste convenience centers, governmental office buildings, and military installations.

Purpose: To review the item and receive public comment on the proposed amendment.

4. **Eno Economic Development District Access Management Plan:** As an implementation measure of the Eno Economic Development District (EDD) Area Small Area Plan, an access management plan has been developed for the Eno EDD. An access management plan is intended to provide better transportation systems and capacities as development proceeds in an area. Formally adopted transportation access plans are necessary to procure federal and state funding for projects and to require developer action and contribution in providing transportation infrastructure consistent with a master plan.

The proposed access management study area involves approximately 980 acres of land in the vicinity of US Highway 70 and Old Highway 10 (near Durham County).

The draft Access Management Plan is available on the Orange County Planning Department website at: <http://orangecountync.gov/planning/SpecialProjects.asp>

Purpose: To review the item and receive public comment on the Draft Economic Development District Access Management Plan.

### **PUBLIC INFORMATION MEETING/OPEN HOUSE for this proposal**

In an effort to better inform interested persons in an informal setting, a Public Information Meeting/Open House will be held on September 4, 2013 from 4:30 – 6:30 pm at the Shared Visions Retreat Center (historic Murphey School), 3717 Murphey School Rd., Durham, NC.

5. **Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan:** Consistent with the Hillsborough-Orange Interlocal Land Management Agreement (December 2009), the Town of Hillsborough adopted a Future Land Use Plan in March 2013 for its planning jurisdiction and some additional areas of County jurisdiction. These additional areas of County jurisdiction are located within the Town's Urban Service Boundary for its public water and/or sewer services and are generally located around the Town's fringe. Orange County staff, Board of County Commissioners, and the public provided input throughout the Town's planning process.

This public hearing is being held by Orange County on future land uses proposed for the areas of County jurisdiction located within the Town's Urban Service Boundary. This is the next step towards completion of a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan.

Additional information including a link to the draft Land Use Plan is available on the Orange County Planning Department website at: <http://www.co.orange.nc.us/planning/OrangeCountyTownofHillsboroughJointPlanning.asp>.

Purpose: To receive public comment and receive direction from the Board of Commissioners as to subsequent steps towards a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling the one of the phone numbers

below. The full text of the public hearing items may be obtained no later than August 30, 2013 at the County website [www.co.orange.nc.us](http://www.co.orange.nc.us) at the [Meeting Agendas](#) link.

Questions regarding the proposals 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 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH: The Herald Sun  
August 28, 2013  
September 4, 2013

News of Orange  
August 28, 2013  
September 4, 2013

Ordinance #: 2013-042

**AN ORDINANCE AMENDING  
THE ORANGE COUNTY ZONING ATLAS**

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

*WHEREAS*, This petition, submitted by Ms. Maria Keizer and Mr. Ronald Keizer, seeks to rezone 2 parcels of property totaling approximately 16.1 acres located east and south of 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-87-7368 and 9844-86-7573 to Light Industrial (I-1), and

WHEREAS, the properties to be rezoned are identified further as follows:

Being all of Lots Number One (1) and Two (2) containing a total of 16.1 acres more or less and shown on a plat entitled “Final Plat – Re-division of Lot 1, First South Bank, INC” dated May 6, 1985 as drawn by K. Gary Simmons, RL, of Simmons Engineering & Surveying INC. and recorded in the Office of the Register of Deeds for Orange County, NC in Plat Book 74 Page 168.

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

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

- a. The Future Land Use Map.
- b. Principle 7: Promotion of Economic Prosperity and Diversity.
- c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
- d. 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.
- e. Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

and

WHEREAS, the Board has found the proposed zoning atlas amendments to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the properties as described herein to Light Industrial (I-1).

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

Ordinance #: 2013-043

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

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition, submitted by Ms. Maria Keizer and Mr. Ronald Keizer, seeks to rezone 2 parcels of property totaling approximately 16.1 acres located east and south of 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-87-7368 and 9844-86-7573 to Light Industrial (I-1), and

WHEREAS, the properties to be rezoned are identified further as follows:

Being all of Lots Number One (1) and Two (2) containing a total of 16.1 acres more or less and shown on a plat entitled "Final Plat – Re-division of Lot 1, First South Bank, INC" dated May 6, 1985 as drawn by K. Gary Simmons, RL, of Simmons Engineering & Surveying INC. and recorded in the Office of the Register of Deeds for Orange County, NC in Plat Book 74 Page 168.

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

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the rezoning will not carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, and

WHEREAS, the Board has found the proposed zoning atlas amendment is not reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the rezoning request, as referenced herein, is denied

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 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

RES-2013-089

**RESOLUTION CONCERNING  
STATEMENT OF CONSISTENCY  
OF A PROPOSED ZONING ATLAS AMENDMENT  
WITH THE ADOPTED  
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Ms. Maria Keizer, an Orange County property owner, has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the rezoning petition seeks to rezone 2 parcels of property totaling approximately 16.1 acres located east and south of 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-87-7368 and 9844-86-7573 to Light Industrial (I-1), and

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

- a. The Future Land Use Map.
- b. Principle 7: Promotion of Economic Prosperity and Diversity.
- c. Economic Development (ED) Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.
- d. 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.
- e. Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

and,

WHEREAS, the Board has found the proposed zoning atlas amendments to be reasonable and in the public interest as it promotes public health, safety, and general welfare by furthering the goals and purposes of the 2030 Comprehensive Plan or part thereof.

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be consistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 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

Attachment 6

RES-2013-090

**RESOLUTION CONCERNING  
STATEMENT OF INCONSISTENCY  
OF A PROPOSED ZONING ATLAS AMENDMENT  
WITH THE ADOPTED  
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Ms. Maria Keizer, an Orange County property owner, has initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the rezoning petition seeks to rezone 2 parcels of property totaling approximately 16.1 acres located east and south of 3604 Southern Drive further identified utilizing Orange County Parcel Identification Number (PIN) 9844-87-7368 and 9844-86-7573 to Light Industrial (I-1), and

WHEREAS, pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds there is insufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan, as amended, or part thereof, and,

WHEREAS, the Board has found the proposed zoning atlas amendment is not in the public interest as it does not promote the public health, safety, and general welfare.

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be inconsistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 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

Attachment 7 Excerpt of draft minutes
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1 DRAFT

**MINUTES**  
**ORANGE COUNTY BOARD OF COMMISSIONERS**  
**ORANGE COUNTY PLANNING BOARD**  
**QUARTERLY PUBLIC HEARING**  
**September 9, 2013**  
**7:00 P.M.**

2  
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6  
7  
8 The Orange County Board of Commissioners and the Orange County Planning Board  
9 met for a Quarterly Public Hearing on Monday, September 9, 2013 at 7:00 p.m. at the DSS  
10 Offices, Hillsborough Commons, Hillsborough, N.C.

11  
12 **COUNTY COMMISSIONERS PRESENT:** Chair Barry Jacobs and Commissioners mark  
13 Dorosin, Alice M. Gordon, Earl McKee Bernadette Pelissier, Renee Price and Penny Rich

14 **COUNTY COMMISSIONERS ABSENT:**

15 **COUNTY ATTORNEY PRESENT:** James Bryan (Staff Attorney)

16 **COUNTY STAFF PRESENT:** County Manager Frank Clifton and Deputy Clerk to the Board  
17 David Hunt (All other staff members will be identified appropriately below)

18 **PLANNING BOARD MEMBERS PRESENT:** Chair Pete Hallenbeck, and Planning Board  
19 members, Maxecine Mitchell, Johnny Randall, Lisa Stuckey, Stephanie O'Rourke, Paul Guthrie,  
20 and Herman Staats

21 **PLANNING BOARD MEMBERS ABSENT:** Tony Blake, Andrea Rohrbacher, Rachel Phelps  
22 Hawkins, James Lea and H.T. "Buddy" Hartley

23  
24 **A. OPENING REMARKS FROM THE CHAIR**

25 Chair Jacobs and Planning Board Chair Pete Hallenbeck

26  
27 **B. PUBLIC CHARGE**

28 The Chair dispensed with the reading of the public charge.

29  
30 Chair Jacobs called the meeting to order.

31 Chair Jacobs reviewed the following handouts at the table:

- 32 - PowerPoint for item C1 – Zoning Atlas Amendment
- 33 - White sheet for item C1 – Zoning Atlas Amendment
- 34 - Map for C1 and C2 - Zoning Atlas Amendment – requested by Commissioner Rich
- 35 - PowerPoint for item C2 – Zoning Atlas Amendment
- 36 - PowerPoint for item C4 - Eno Economic Development District Access Management  
37 Plan
- 38 - PowerPoint for item C5 – Hillsborough/Orange County Central Orange Coordinated  
39 Area Land Use Plan
- 40 - Green PowerPoint for item E1 – Agricultural Support Enterprises

41  
42  
43 **C. PUBLIC HEARING ITEMS**

44  
45 Chair Jacobs called the public hearing to order. He noted that Pete Hallenbeck would  
46 preside over the meeting.

47  
48 The following Planning Board members were present: Chair Pete Hallenbeck, Maxecine  
49 Mitchell, Lisa Stuckey, Stephanie O'Rourke, Paul Guthrie, and Herman Staats.

50  
51 **2. Zoning Atlas Amendment** – To review a property owner-initiated amendment to the  
52 Zoning Atlas to rezone 2 parcels of property, totaling approximately 16 acres in land area, from  
53 Rural Residential (R-1) to Light Industrial (I-1).

1 The parcels are undeveloped and without an assigned street address but are located east and  
 2 south of the USA Dutch property at 3604 Southern Drive.

3  
 4 *Planning Board member Lisa Stuckey left at 7:43 pm.*  
 5 Michael Harvey reviewed the following PowerPoint Slides:

## 7 **ZONING ATLAS (MAP) AMENDMENT**

### 8 **BACKGROUND**

- 9 • **PIN(S)** – 9844-87-7368 and 9844-86-7573.
- 10 • **Size of Parcel(s)** – Total is approximately 16 acres.
- 11 • **Future Land Use Element Map Designation** – Commercial Industrial Transition Activity  
 12 Node
- 13 • **Growth Management System Designation** -- Urban.
- 14 • **Existing Conditions** – Properties are undeveloped with varying topography and  
 15 vegetation.
- 16 • **Access** -- The smaller property has direct access onto Southern Drive.

### 17 **REQUEST:**

- 18 • Applicant (Keizer) owns adjacent metal fabrication business at 3604 Southern Drive.
- 19 • Applicant looking to expand existing operation.
- 20 • Wishes to have both parcels rezoned to allow for expansion.

### 21 **FUTURE LAND USE MAP:**

#### 22 **COMMERCIAL/INDUSTRIAL TRANSITION:**

- 23 • Per approved Comprehensive Plan area '*appropriate for retail and other commercial  
 24 uses and/or manufacturing and other industrial uses*'.
- 25 • County did not eliminate all residential zoning in the area when land use category  
 26 created/adopted so individuals could still make use of property.
- 27 • Area is intended to support non-residential development including industrial (i.e.  
 28 manufacturing).

#### 29 **STAFF ASSESSMENT:**

- 30 • The application is complete.
- 31 • The property is of sufficient size.
- 32 • Rezoning consistent with the Orange County 2030 Comprehensive Plan, Growth  
 33 Management System Map, and adopted Efland Mebane Small Area Plan,
- 34 • Represents logical extension of existing I-1 district.
- 35 • Existing vegetation near interstate and around existing stream will have to be preserved.
- 36 • The applicant will have to plant additional vegetation to satisfy land use buffer  
 37 requirement of 100 feet per Section 6.8.6 (F) of UDO.
- 38 • Sheet metal fabrication is a permitted use of property in the I-1 zoning district.
- 39 • Expansion would be reviewed/acted upon by staff with the submission of a site plan per  
 40 Section 2.5 of the UDO.

#### 41 **RECOMMENDATION:**

- 42 1. Refer the matter to the Planning Board with a request that a recommendation be  
 43 returned to the Board of County Commissioners in time for the **November 5, 2013**  
 44 BOCC regular meeting.
- 45 2. Adjourn the public hearing until **November 5, 2013** in order to receive and accept the  
 46 Planning Board's recommendation and any submitted written comments.

1 Michael Harvey noted that the abstract includes a statement from the current property  
2 owner, Daniel McDonald, who indicates that Ronald Keizer has an option on purchasing the  
3 property. He said this is contingent on the re-zoning approval.

4 Michael Harvey said Ronald Keizer has been made aware of the buffer requirements for  
5 this property.

6 Commissioner Price said she is pleased that a local business wants to expand. She  
7 asked if the expansion would mean an increased intensity in the use, or if it would remain the  
8 same.

9 Michael Harvey said the re-zoning needs to be acted on regardless of whether or not it is  
10 consistent with the code. He said he believes there will be an expansion and amplification of  
11 the existing use. He also believes the existing land use criteria and standards will mitigate any  
12 impacts. He said he has not seen the site plan, so he is hesitant to give a definite answer.

13 Commissioner McKee said the last item simply aligned what was on the ground with  
14 what is on paper. He said this item is placing before the Board the very thing that the County  
15 has wanted, which is more job and business opportunities in Orange County. He said this  
16 request is in an area where the land use has already been designated as appropriate. He said  
17 there are still opportunities to ask questions and work out agreements as this moves forward.  
18 He said he is in favor of this.

19 Chair Jacobs asked if there is water and sewer available.

20 Craig Benedict said there is no public water and sewer in the area. He said part of the  
21 current design to flip the sewer flow will bring gravity sewer past this parcel. He said this would  
22 happen in a year and a half to two years

23 Chair Jacobs asked if owners with a sewer line running in front of their property are  
24 required to hook in.

25 Craig Benedict said the UDO gives distance requirements that do require owners to  
26 connect on.

27 He said that Orange Alamance water systems has some facilities in this area, and work  
28 is being done to insure that future development can handle both potable water and fire  
29 suppression needs for these new industries.

30 Commissioner Rich asked if residents would be required to hook up to the sewer lines.

31 Craig Benedict said commercial owners, expansions to a business, or a new home built  
32 within the designated distance will be required to hook up.

33 Commissioner Rich noted that part of the zoning change request was due to a need to  
34 fix the septic system, and then the owner will be required to hook up to sewer in a couple of  
35 years.

36 Craig Benedict said that if the owner fixes the septic, he will be allowed to remain with  
37 the new or repaired system until it fails.

38 Frank Clifton said this is a project Steve Brantley has worked on with the owner.

39 Pete Hallenbeck asked if there were any comments from the Planning Board.

40 Pete Hallenbeck said he is pleased to hear about the option for a local supplier of  
41 chassis. He is also please to hear about the potential water availability for fire suppression.

42 Chair Jacobs asked about the number of current and future employees.

43 Applicant Ronald Kaiser said he currently has 26 employees. He said business is  
44 growing. He said there were 18 employees in 2009, and the company did \$1.8 million in sales.  
45 He said he expects to do \$4.2 million in sales this year. He said the company set a goal of  
46 being a 5 million dollar company. He said this goal has almost been met, and his desire is to  
47 set a new goal that allows the company to keep up with its growing customers.

48 James Bryan, Staff Attorney, said this decision will be based on the reasonableness and  
49 consistency with the land plan and the public benefit but not the benefits of this particular  
50 business.

51 Chair Jacobs said he is excited about the potential for this expansion. He said he is  
52 somewhat confused about the answer given about the requirement for sewer hookup. He said  
53 he wanted to provide this answer to Ronald Keiser as part of his planning.

1 Craig Benedict said this is a timing issue. He said if the expansion happens at a later  
2 date when sewer is available, the owner can hook with the public sewer. He said Ronald Keiser  
3 can repair his existing septic.  
4

5 A motion was made by Commissioner McKee, seconded by Commissioner Price to:  
6

- 7 1. Refer the matter to the Planning Board with a request that a recommendation be returned  
8 to the Board of County Commissioners in time for the **November 5, 2013** BOCC regular  
9 meeting.
- 10 2. Adjourn the public hearing until **November 5, 2013** in order to receive and accept the  
11 Planning Board's recommendation and any submitted written comments.  
12

13 VOTE: UNANIMOUS

**DRAFT**

<p>Attachment 8          Excerpt of Draft Planning Board          Minutes</p>
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**DRAFT MINUTES**  
**ORANGE COUNTY PLANNING BOARD**  
**OCTOBER 2, 2013**  
**REGULAR MEETING**

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**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Tony Blake, Bingham Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Paul Guthrie, At-Large Chapel Hill Township;

**MEMBERS ABSENT:** Johnny Randall, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Stephanie O'Rourke, Eno Township Representative; Vacant- Hillsborough Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz, Special Projects Coordinator; Michael Harvey, Current Planning Supervisor; Tom Altieri, Comprehensive Planning Supervisor; Ashley Moncado, Special Projects Planner; Abigaile Pittman, Transportation/Land Use Planner; Tina Love, Administrative Assistant II

**HANDOUTS:** *Petition regarding Eno Area Access Management Plan; Town of Hillsborough/Orange County Coordinated Area Land Use Plan Flowchart*

**Agenda Item 8: Zoning Atlas Amendment** – To make a recommendation to the BOCC on a property owner-initiated amendment to the Zoning Atlas to rezone 2 parcels of property, totaling approximately 16 acres in land area, from Rural Residential (R-1) and Light Industrial (I-1) to Light Industrial (I-1). The parcels are undeveloped and without an assigned street address but are located east and south of the USA Dutch property at 3604 Southern Drive. This item was heard at the September 9, 2013 quarterly public hearing.

**Presenter:** Michael Harvey, Current Planning Supervisor

Michael Harvey: (Reviewed abstract).

Maxecine Mitchell: Are they on septic there?

Michael Harvey: They're still on septic, however, sewer and utilities ought to be available in the near future. If it is available they obviously could tie in if they go through the appropriate process.

Tony Blake: They have not purchased this property yet?

Michael Harvey: No, and as we stipulated at the public hearing, they have an offer to purchase and have signed a contract to purchase contingent upon this rezoning going through.

Lisa Stuckey: Is this is the rural buffer?

**DRAFT**

55 Michael Harvey: No. This is rural residential zoning.

56  
57 Maxecine Mitchell: Will this company's future expansion create more job opportunities and is this something we  
58 should take into consideration for this proposal?

59  
60 Michael Harvey: It shouldn't be part of the consideration but Mr. Kizer did make comment at the public hearing that  
61 additional jobs would be created.

62  
63 Paul Guthrie: Will that sewer system that is going through there have the capacity to handle that operation or will  
64 there have to be pre-treatment?

65  
66 Craig Benedict: The system is in the design stages and it will take into consideration the land uses and the water  
67 and sewer demand enough to accommodate the change of land uses from what is there now to non-residential.  
68 From a demand standpoint, yes we have it covered. We will examine what type of sewer flow they have and  
69 sometimes pretreatment is necessary in some manufacturing operations.

70  
71 Maxecine Mitchell: You said that a certain percentage of the R1 could be turned into I1.

72  
73 Michael Harvey: The percentage figure I believe you are referring to was the allowable percentage of impervious  
74 surface area on a given lot. The node, as currently defined, allows for minimal high intense residential development  
75 in the area.

76  
77 Maxecine Mitchell: If we rezone this will it leave room for more requests?

78  
79 Michael Harvey: Yes. Approval of this request will not limit or hinder future requests from being submitted or heard.

80  
81 **MOTION** made by Tony Blake to approve attachments 3 and 4 to rezone two parcels totaling 16.1 acres. Seconded  
82 by Lisa Stuckey.

83  
84 **VOTE:** Unanimous



Informational table denoting purpose, minimum lot area, and locational allowances of general use zoning districts

District	Section 3.3 of the UDO - Purpose Statements for 'Residential Districts'	Section 3.3 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to <u>Attachment 2</u> )
Rural Buffer (RB)	... provide locations for rural residential developments and agricultural, silvicultural or horticultural uses which serve to buffer or separate more intensively planned and/or developed portions of Orange County. Development within the Rural Buffer (RB) District is at very low densities (the minimum lot size per dwelling unit is two acres) and relies on individual wells and ground absorption systems for domestic water supply and sewage disposal, respectively.	87,120 square feet (2 acres)	Rural Buffer
Agricultural Residential (AR)	... assist in the preservation of land suitable, as a result of location, existing farming operations, soils and topography, for agricultural, silvicultural or horticultural uses and to protect such uses from the adverse effects of incompatible land uses.	40,000 square feet (.92 acres)	Agricultural Residential
Rural Residential (R-1)	... provide locations for rural non-farm residential development, at very low intensities, in areas where the short and long-term solutions to domestic water supply and sewage disposal shall be individual wells and ground absorption system.	40,000 square feet (.92 acres)	Rural Residential 10 and/or 20 Year Transition
Low Intensity Residential (R-2)	... provide locations for low intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.	20,000 square feet (.45 acres)	10 and/or 20 Year Transition
Medium Intensity Residential (R-3)	... provide locations for moderate intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.	15,000 square feet (.34 acres)	10 and/or 20 Year Transition
Medium Intensity Residential (R-4)	... provide locations for moderate intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.	10,000 square feet (.22 acres)	10 and/or 20 Year Transition

District	Section 3.3 of the UDO - Purpose Statements for 'Residential Districts'	Section 3.3 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to <u>Attachment 2</u> )
High Intensity Residential (R-5)	<p>... provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available.</p> <p>It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.</p>	7,500 square feet (.17 acres)	10 and/or 20 Year Transition
High Intensity Residential (R-8)	<p>... provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available.</p> <p>It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.</p>	5,000 square feet (.11 acres)	10 and/or 20 Year Transition
High Intensity Residential (R-13)	<p>... provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available.</p> <p>It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.</p>	3,000 square feet (.06 acres)	10 and/or 20 Year Transition

District	Section 3.4 of the UDO - Purpose Statements for 'Commercial Districts'	Section 3.4 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to Attachment 2)
Local Commercial (LC-1)	<p>... provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services. Performance standards will be used to insure the absence of adverse impacts beyond the immediate space occupied by the building.</p> <p><b>** NOTE – residential is allowed in this district as a permitted use per Section 5.2 of the UDO.</b></p>	<p>No specific minimum - lot size shall be appropriate to method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)</p>	<p>Commercial Transition Activity Node</p> <p>Commercial-Industrial Transition Activity Node</p> <p>Rural Neighborhood Activity Node</p> <p>Rural Industrial Activity Node</p>
Neighborhood Commercial (NC-2)	<p>... provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services. Performance standards will be used to insure the absence of adverse impacts beyond the lot boundaries of the use.</p> <p><b>** NOTE – residential is allowed in this district as a permitted use per Section 5.2 of the UDO.</b></p>	<p>2,000 square feet - lot size shall be appropriate to method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)</p>	<p>Commercial Transition Activity Node</p> <p>Commercial-Industrial Transition Activity Node</p> <p>Rural Neighborhood Activity Node</p> <p>Rural Industrial Activity Node</p>
Community Commercial (CC-3)	<p>... provide suitably located and sized sites for commercial, office and service uses designed to serve a county-level market area. Performance standards will be used to insure the absence of adverse impacts beyond the zoning district boundaries of the use.</p> <p><b>** NOTE – residential is allowed in this district as a permitted use per Section 5.2 of the UDO.</b></p>	<p>2,000 square feet - lot size shall be appropriate to method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)</p>	<p>Commercial Transition Activity Node</p> <p>Commercial-Industrial Transition Activity Node</p>
General Commercial (GC-4)	<p>... provide suitable situated and sized sites that allow a broad range of commercial, office and service uses. Performance standards will be used to insure the absence of adverse impacts beyond the zoning district boundary.</p>	<p>40,000 square feet - lot size shall be appropriate to method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)</p>	<p>Commercial Transition Activity Node</p> <p>Commercial-Industrial Transition Activity Node</p>
Existing Commercial (EC-5)	<p>... provide a district to be used only during the application of zoning to previously unzoned townships to accommodate existing commercial uses or in zoned townships to previously zoned commercial property which is not located in areas designated as Activity Nodes by the adopted Comprehensive Plan.</p> <p><b>** NOTE – residential is allowed in this district as a permitted use per Section 5.2 of the UDO.</b></p>	<p>40,000 square feet</p>	<p>Not specifically tied to a Land Use Category – allowed wherever existing commercial uses were located during imposition of zoning</p>

District	Section 3.4 of the UDO - Purpose Statements for 'Commercial Districts'	Section 3.4 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to Attachment 2)
Office Institutional (OI)	<p>... provide locations for medium and high intensity office, service, institutional, and residential land uses in areas where urban services are available or are to be made available as part of the development process. This district is intended to provide for employment centers near transportation routes.</p> <p>** NOTE – multi-family residences (i.e. a building or lot containing 3 or more dwelling units) are allowed in this district as a permitted use per Section 5.2 of the UDO.</p>	<p>Residential – none Non-residential – 5,000 square feet</p> <p>Lot size shall be appropriate to the method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)</p>	<p>Commercial Transition Activity Node</p> <p>Commercial-Industrial Transition Activity Node</p>
Agricultural Services (AS)	<p>... provide sites in the rural portion of the County for rural non-farm, non-residential uses which support the horticultural, silvicultural, and agricultural uses of the AR districts.</p>	<p>40,000 square feet - lot size shall be appropriate to the method of water supply and sewage disposal and applicable ratio standards (i.e. open space, etc.)</p>	<p>Agricultural Residential</p>

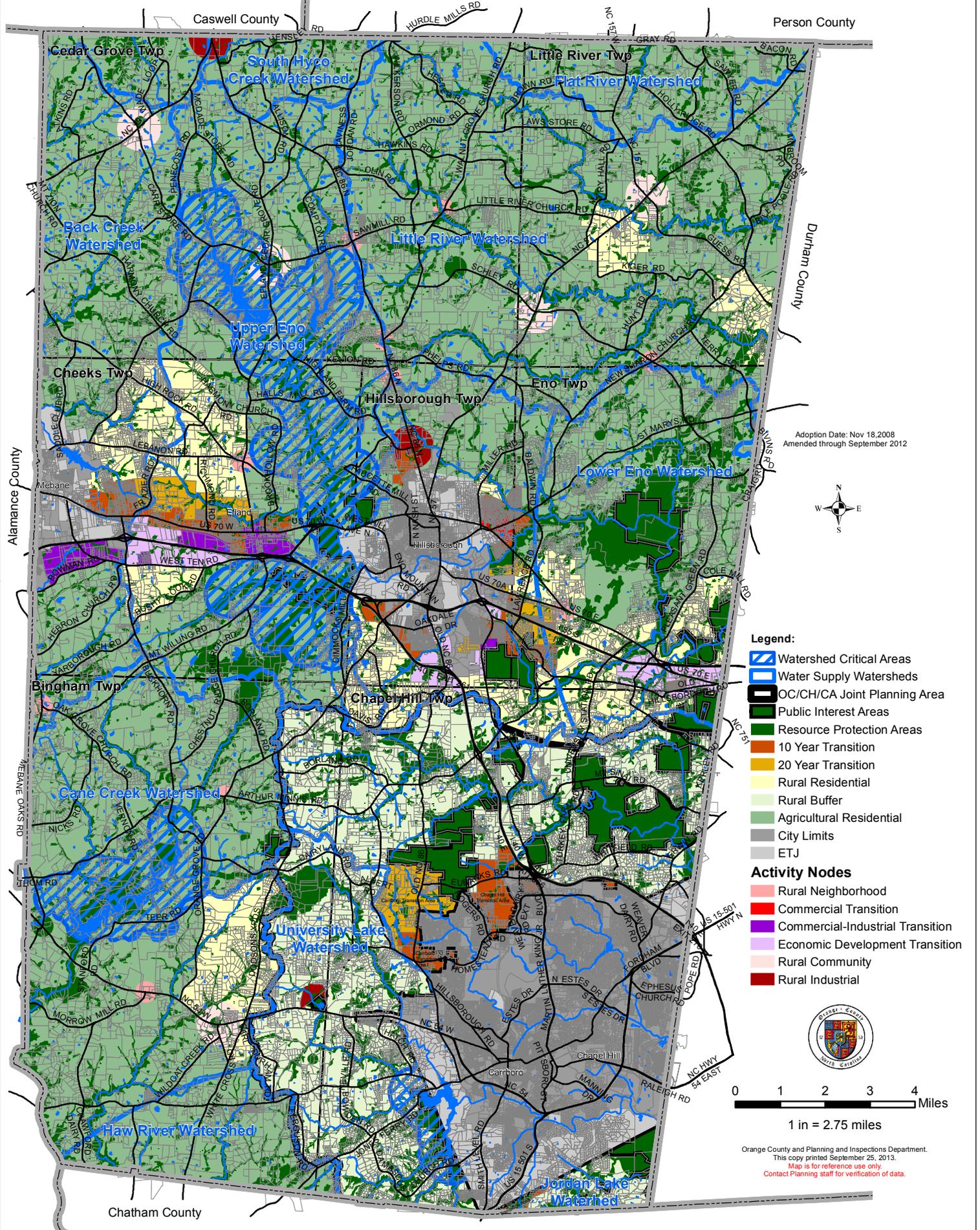
District	Section 3.5 of the UDO - Purpose Statements for 'Industrial Districts'	Section 3.5 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to <u>Attachment 2</u> )
Light Industrial (I-1)	... provide appropriately located and sized sites for limited industrial uses engaged in manufacturing, processing, creating and assembling of goods, merchandise or equipment. Performance standards will be used to insure the absence of adverse impacts beyond the immediate space occupied by the building.	80,000 square feet (outside of a Commercial Industrial Transition Activity Node) 20,000 square feet (inside a Commercial Industrial Transition Activity Node)  Required lot size shall be appropriate to the method of water supply and sewage disposal and applicable ratio standards (i.e. floor area ratio, open space, etc.)	Commercial-Industrial Transition Activity Node  Rural Industrial Activity Node
Medium Industrial (I-2)	... provide locations for enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning, and assembling of goods, merchandise or equipment. Performance standards will be used to insure the absence of adverse impact beyond the lot boundaries of the use.	20,000 square feet – required lot size shall also be based on compliance with applicable ratio standards (i.e. floor area ratio, open space, etc.)	Commercial-Industrial Transition Activity Node
Heavy Industrial (I-3)	... provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment. Performance standards will be used to insure the absences of adverse impacts beyond the zoning district boundary.	20,000 square feet – required lot size shall also be based on compliance with applicable ratio standards (i.e. floor area ratio, open space, etc.)	Commercial-Industrial Transition Activity Node
Existing Industrial (EI)	... provide a district to be used only during the application of zoning, to previously unzoned townships to accommodate existing industrial uses not located in areas designated as Industrial Transition Activity Node or Rural Industrial Activity Node by the adopted Comprehensive Plan.	80,000 square feet	Not specifically tied to a Land Use Category – allowed wherever existing industrial operations were located during imposition of zoning

<b>District</b>	<b>Section 3.6 of the UDO - Purpose Statements for 'Other Districts'</b>	<b>Section 3.6 of the UDO – Minimum Lot Size</b>	<b>Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to <u>Attachment 2</u>)</b>
Public Interest District (PID)	... preserve and protect certain public land and private educational lands, deemed environmentally sensitive and of major scientific research significance from the impacts of development. In addition, these lands will be managed in ways that will prevent any intentionally generated adverse impacts from affecting surrounding property.	500,000 square feet	Public Interest Area

District	Section 3.7 of the UDO - Purpose Statements for 'Economic Development'	Section 3.7 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to <u>Attachment 2</u> )
Economic Development Buckhorn – Lower Intensity (EDB-1)	... provide locations for a range of lower intensity non-residential uses in the designated Buckhorn Economic Development District.	No minimum requirement – evaluated as part of site plan review and demonstrated compliance with ratio standards.	Economic Development Transition Activity Node
Economic Development Buckhorn – Higher Intensity (EDB-2)	... provide locations for a range of light industrial, distribution, retail, office, and services uses in the designated Buckhorn Economic Development District.	No minimum requirement – evaluated as part of site plan review and demonstrated compliance with ratio standards.	Economic Development Transition Activity Node
Economic Development Eno – Lower Intensity (EDE-1)	... provide locations for a range of lower intensity non-residential uses in the designated Eno Economic Development District.  ** NOTE – residential is allowed in this district as a permitted use per Section 5.2 of the UDO.	No minimum requirement – evaluated as part of site plan review and demonstrated compliance with ratio standards.	Economic Development Transition Activity Node
Economic Development Eno – Higher Intensity (EDE-2)	... provide locations for a range of light industrial, distribution, retail, office, and services uses in the designated Eno Economic Development District.	No minimum requirement – evaluated as part of site plan review and demonstrated compliance with ratio standards.	Economic Development Transition Activity Node
Economic Development Hillsborough – Linear Officer (EDH-1)	... provide locations for low to moderately intense medical, professional, administrative and government office on small to mid-sized sites in the designated Hillsborough Economic Development District.  The district is intended to be located on the periphery of established residential areas and along major and minor thoroughfares. The district is established to provide convenient locations for offices, the size and operating characteristics of which require limited parking and which generate little traffic.  Standards are designed so that this district may serve as a transitional land use between residential districts and higher, more intense land uses.	20,000 square feet – required lot size shall also be based on compliance with applicable ratio standards (i.e. floor area ratio, open space, etc.)	Economic Development Transition Activity Node

District	Section 3.7 of the UDO - Purpose Statements for 'Economic Development'	Section 3.7 of the UDO – Minimum Lot Size	Allowable Land Use Categories for districts – per Comprehensive Plan (Refer to <u>Attachment 2</u> )
Economic Development Hillsborough – Linear Officer (EDH-2)	... provide locations for low intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain limited commercial uses within employment centers or where vehicular access is provided internally to the development.	2 to 5 acres	Economic Development Transition Activity Node
Economic Development Hillsborough – Limited Office with Residential (EDH-3)	... provide locations for low intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain low to moderate density residential uses (1-8 units per acre).	2 to 5 acres Resultant single-family lot sizes shall be a minimum of 7,500 square feet and a maximum of 14,000 square feet if connected to public sewer	Economic Development Transition Activity Node
Economic Development Hillsborough Office (EDH-4)	... provide locations for high intensity office uses and supporting services in the designated Hillsborough Economic Development District.  The district is intended to be located on large areas and may contain limited commercial uses within employment centers.	4 acres	Economic Development Transition Activity Node
Economic Development Hillsborough Office/Flex (EDH-5)	... provide locations for a wide range of assembling, fabricating and light manufacturing activities, and such ancillary industrial activities as warehousing and distribution in the designated Hillsborough Economic Development District.  Some commercial services are also permitted accessory to industrial development provided all access is provided internally. The district is established to provide locations for industrial development which have little or no impact on adjoining properties.	4 acres	Economic Development Transition Activity Node

# Future Land Use Map of the Orange County Comprehensive Plan



**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** November 5, 2013

**Action Agenda  
Item No.** 6-c

**SUBJECT:** Unified Development Ordinance Text Amendment Related to Holding a Neighborhood Information Meeting for Governmental Uses – 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 2013-03)
2. UDO Amendment Package
3. Approved September 9, 2013 Quarterly Public Hearing Legal Ad
4. Excerpt of Draft September 9, 2013 Quarterly Public Hearing Minutes
5. Excerpt of Draft October 2, 2013 Planning Board Minutes
6. County Attorney Memo Responding to BOCC Questions Provided 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 recommendation, close the public hearing, and make a decision on a Planning Director initiated text amendment(s) to the Unified Development Ordinance (UDO) requiring a neighborhood information meeting be held prior to the development of 'governmental uses' as detailed within the UDO, and also the renumbering of existing sections and updating of references throughout the document.

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the September 9, 2013 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 September 9, 2013 Quarterly Public Hearing where staff indicated the anticipated development of a volunteer fire department substation off of Neville Road has caused local residents to voice concern over a lack of notification or participation in the process. The proposed amendment will require a neighborhood information meeting be held for all land uses falling into the 'governmental uses' land use category to allow the general public to be made aware of the project and offer comment.

Agenda packet materials from the hearing can be accessed via the following link: <http://orangecountync.gov/occlerks/130909.pdf>. Please refer to Section C.1 (c) of Attachment 1 for a synopsis of comments made during the public hearing.

Planning Director's Recommendation: The Planning Director recommends **approval** of the proposed UDO amendments based on the following:

- i. The UDO amendments are reasonably necessary to promote the public health, safety, and general welfare and to achieve the purposes of the adopted 2030 Comprehensive Plan or part thereof; and,
- ii. The UDO amendments are consistent with the goals and policies of the adopted 2030 Comprehensive Plan.

Planning Board Recommendation: At its October 2, 2013 regular meeting, the Board voted 8 to 1 to recommend approval of the UDO text amendment consistent with the staff recommendation. Agenda materials from the October 2, 2013 Planning Board meeting can be viewed at: <http://orangecountync.gov/planning/documents/Oct2013PBPacket-web.pdf>.

Please refer to Section C.2 (a) in Attachment 1 for additional information. Minutes from the October 2, 2013 meeting are contained within Attachment 5.

Attachment 2 contains the ordinance approving the amendment and the proposed amendments with additions shown in **red text** and proposed deletions are shown in **red strikethrough text** as well as footnotes documenting the rationale for the proposed modification.

Procedural Information: In accordance with Section 2.8.8 of the UDO, 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.

**FINANCIAL IMPACT:** See Section C.3 in Attachment 1.

**RECOMMENDATION:** The Interim Manager recommends the Board:

1. Receive the Planning Board's recommendation;
2. Close the public hearing; and
3. Approve the text amendment package contained in Attachment 2.

# COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2013-03

Amendment(s) requiring a neighborhood information meeting prior to the issuance of  
a permit allowing for the development of a governmental land use

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## A. AMENDMENT TYPE

### Map Amendments

- Land Use Element Map:  
From:  
To:  
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. Create a new Section 2.24 entitled *Governmental Uses* establishing new procedural requirement(s) for the land use category.
2. Renumber Existing Section(s) 2.24 and 2.25.
3. Update existing references throughout the UDO.
4. Modify language within Section 5.2.2 *Table of Permitted Uses – Economic Development Districts* to ensure uniformity within the UDO with respect to denoting the 'Governmental Uses' land use category.

Other: \_\_\_\_\_

## B. RATIONALE

### 1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated a text amendment to require that a neighborhood information meeting be held prior to any action authorizing the development of a governmental land use within the County's planning jurisdiction.

The anticipated development of a fire department substation off of Neville Road has caused local residents to voice concern over a lack of notification or participation in the process to develop the aforementioned facility.

A volunteer fire department falls within the *Governmental Use* land use category, as detailed within Section 5.2 *Table of Permitted Uses* of the UDO, and is considered to be a permitted use of property. Permitted uses are handled administratively (i.e. staff review) with no public outreach required by the UDO.

The *Governmental Use* land use category includes the following:

- a. Government Facilities and Office Buildings
- b. Government Protective Services (Police and Fire Stations) Rescue Squads, Volunteer Fire Departments
- c. Military Installations (National Guard and Reserve, Armory)

In order to address a concern over a lack of public involvement with 'governmental uses' the Planning Director proposes to modify the UDO to require a neighborhood information meeting to allow the general public to be made aware of such applications and offer comment.

Please note this amendment, as currently written, will not impact those uses listed in Section 5.1.2 *Uses Permitted As a Matter of Right* of the UDO. This would include: utilities (i.e. electric, telephone, gas, cable, sewer, water, etc.), borrow pits associated with State/federal highway projects, or solid waste collection facilities owned/operated by a public agency.

### 2. Analysis

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

The proposed amendment is designed to address a concern over a lack of notification and involvement of the general public with respect to the development of governmental uses throughout the County's planning jurisdiction.

If approved, the amendment will require a neighborhood information meeting prior to any action by the County to review a development request in the hopes the applicant can

address local property owner concerns.

It should be noted this amendment, if approved, will likely extend the development review period for such projects by several weeks.

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

Objective LU-6-1: Undertake a comprehensive effort to inform and involve the citizens of Orange County in the land use planning process.

### 4. **New Statutes and Rules**

## C. PROCESS

### 1. **TIMEFRAME/MILESTONES/DEADLINES**

#### a. BOCC Authorization to Proceed

June 18, 2013

#### b. Quarterly Public Hearing

September 9, 2013

#### c. BOCC Updates/Checkpoints

June 18, 2013 – BOCC members approved the legal advertisement for the September 9, 2013 Quarterly Public Hearing.

September 9, 2013 – Quarterly Public Hearing. At the public hearing the following comments were made:

1. A Planning Board member expressed concern there needs to be additional thought on what constitutes 'governmental uses' and the expense and logistical issues that might arise for various uses having to hold a neighborhood information meeting.

*Staff Comment.* The direction from the BOCC has been that the development of any governmental use, including office buildings, trails, parks, etc., should have to go through a public notification process.

Staff included language in the proposal eliminating the requirement for a neighborhood information meeting in those instances where a public participation component is involved with respect to the planning of the use.

While staff understands the potential concern we do not share it. It should be noted State and Federal uses are exempt from this requirement as they are not subject to local land use regulations.

Please refer to Attachment 6 for additional insight into this issue provided by the County Attorney's office.

2. A BOCC member expressed concern over the imposition of additional cost on applicants to advertise and hold the neighborhood information meeting.  
November 5, 2013 – Receive Planning Board recommendation and render a decision.

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:

July 10, 2013 – Ordinance Review Committee (ORC).  
A Planning Board member expressed concern over the proposed amendment indicating he believed this was an unnecessary political reaction arising out of objections to the development of a volunteer fire department substation off of Neville Road.  
Further, it was suggested this amendment would have a negative impact on local volunteer fire departments who do not have the necessary budget or meeting facilities to comply with the proposal.  
There were no suggested amendments made by members.  
Chair Hallenbeck suggested individual members put their concerns in writing for staff and the BOCC to address at the appropriate time. To date no written comments have been received.  
October 2, 2013 – Planning Board Review.  
The Planning Board voted 8 to 1 to recommend approval of the amendment package contained in Attachment 2.  
The dissenting member indicated he was not in favor of the amendment, believing it was unnecessary, placed a burden on local volunteer fire departments from both a financial and logistical standpoint with respect to the scheduling and holding of the meeting, and would unnecessarily lengthen the County site plan review process.  
For more information please refer to Attachment 5.

b. Advisory Boards:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Local Government Review:

\_\_\_\_\_  
\_\_\_\_\_

d. Notice Requirements

Legal advertisements were published in accordance with the provisions of the UDO.

e. Outreach:

General Public:

Small Area Plan Workgroup:

Other: Letter/e-mail sent to various County agencies (i.e. DEAPR, Asset Management, Solid Waste, etc.) and other local entities (i.e. local volunteer fire departments and rescue squads) potentially impacted by the proposal outlining the amendment and soliciting comments for inclusion within the QPH package.

An e-mail was sent to various County Departments on June 24, 2013 requested review of the proposed amendment(s).

Responses from DEAPR and Solid Waste expressed concern over a potential duplication of efforts as there is typically significant public outreach on various projects (i.e. parks, solid waste convenience centers, etc.) Staff added language to the proposed amendment address this concern by eliminating the neighborhood information meeting requirement in those instances where the project was part of a 'previous planning effort' that included public outreach and review of a proposed development.

An e-mail was sent on August 5, 2013 to all local volunteer fire chiefs as well as public safety agencies throughout the County (i.e. Sheriff, Town of Chapel Hill Police/Fire, Town of Carrboro Police/Fire, Town of Hillsborough Police/Fire, etc.) requesting comments on the proposed amendment.

To date no comments have been received.

**3. FISCAL IMPACT**

Coordination and attendance at the information meeting by staff shall be handled within existing budgetary outlays. The cost associated with the notification of the information meeting shall be borne by the applicant.

Additional budgetary outlays to cover the costs of a mailing will be required by any County department or applicable agency (i.e. volunteer fire department) proposing a governmental land use.

**D. AMENDMENT IMPLICATIONS**

If approved, the development of a governmental use will require that a neighborhood information meeting be held prior to the issuance of a permit. As previously indicated this will likely extend the site plan review process by several weeks.

## E. SPECIFIC AMENDMENT LANGUAGE

Please refer to Attachment 2.

**Primary Staff Contact:**

Michael D. Harvey

Planning

(919) 245-2597

mharvey@orangecountync.gov

**AN ORDINANCE AMENDING  
THE UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY**

*WHEREAS*, governmental uses, including County offices, police/fire stations, and volunteer fire stations are allowed as a permitted use of property in most general use zoning districts, and

*WHEREAS*, the County has determined government uses should be subject to additional public review, comment, and scrutiny, and

*WHEREAS*, the County has determined a neighborhood information meeting should be held prior to the submittal of a formal site plan application to the County proposing the development of a governmental use in order to inform the public of the project and solicit comment, 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 establishing a requirement for a neighborhood information meeting prior to the submittal of a site plan proposing the development of a governmental land use. The amendment package also proposes the re-numbering of 2 existing sections, to accommodate the new standards, and updates existing references throughout the UDO.

As the number of affected pages/sections of the existing UDO are being modified with this proposal 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

Staff has included footnotes within the amendment package to provide additional information/rationale concerning the proposed amendments to aid in your review.

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet. Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment or footnotes from previous sections 'spill over' onto the included page. Text with a large "X" is not proposed for modification.

**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.**

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at: <http://orangecountync.gov/planning/Ordinances.asp>

There are no changes proposed on this page. It is included to provide context for the next page

Structural stormwater measures that are designed, constructed and maintained in accordance with the NC DWQ Stormwater BMP Design Manual, approved modeling tool, and requirements listed in Section 6.14 will be presumed to meet required performance standards of Section 6.14. Submittals containing measures not designed to these specifications, may be approved on a case by case basis provided the applicant provides adequate data and information showing how the deviations meet the requirements of Section 6.14.

**(C) Plan Approval**

The Erosion Control Officer is authorized to approve any Stormwater Management Plan which is in conformance with the performance standards specified in the NC DWQ Stormwater BMP Design Manual, and other requirements of this Ordinance.

**(D) Approved Plan a Prerequisite**

The Erosion Control Officer is not authorized to issue any permits for development on any land that is defined as new development under Section 6.14 of this Ordinance unless and until a Stormwater Management Plan in compliance with the requirements of this Ordinance has been approved.

**(E) Design of Permanent Nutrient Export Reduction Structural Stormwater Measures**

When a permanent nutrient export reduction structural stormwater measure is required for new development to meet the requirements of this Ordinance, a North Carolina registered professional engineer shall prepare the plan with the Engineer's Certification of Stormwater Management affixed, signed, sealed and dated.

**SECTION 2.22: HOME OCCUPATIONS**

**2.22.1 Application Requirements**

- (A) An application for a Home Occupation Permit 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 5.5.3.

**2.22.2 Conditions of Approval**

- (A) If conditions are attached to the approval of a permit, they may address deficiencies in meeting specific Ordinance requirements or they may address specific impacts which result from the operation of the home occupation.
- (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) Number of vehicles to be parked on the premises;
  - (3) The location of an accessory building, 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 home occupation from adjoining properties.

**2.22.3 Application Approval**

- (A) If the application is approved, either with or without conditions, the Planning Director shall send the applicant a permit letter informing him/her of the approval and of the requirements of the Ordinance that apply to the home occupation.

- (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

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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

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The applicant may appeal the decision of the Planning Director to the Board of Adjustment as set forth in Section ~~2.25~~ 2.27.<sup>1</sup>

### SECTION 2.23: DAY CARE CENTER IN A RESIDENCE

#### 2.23.1 Application Requirements

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- (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

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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

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- (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.

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<sup>1</sup> Staff is update references based on the proposed amendment throughout the document.

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#### 2.23.4 Application Approval

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- (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.

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#### 2.23.5 Application Denial

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If the application is denied, the Planning Director shall notify the applicant of the denial and shall state the reasons for denial in writing.

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#### 2.23.6 Annual Review

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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.

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#### 2.23.7 Minor Changes to Approval

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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.

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#### 2.23.8 Changes in Operation

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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.

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#### 2.23.9 Appeals

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The applicant may appeal the decision of the Planning Director to the Board of Adjustment as set forth in Section ~~2.25~~ 2.27.

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### **SECTION 2.24: GOVERNMENTAL USES<sup>2</sup>**

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#### 2.24.1 Applicability

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The following applies to those land uses permitted within the Governmental Uses land use category as detailed within Section 5.2.<sup>3</sup>

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<sup>2</sup> This section will require a neighborhood information meeting for all land uses permitted within the 'Governmental Uses' land use category prior to the formal submittal of a site plan application to the Planning Department if the project has not been formerly subject to public comment.

<sup>3</sup> This section was added at the suggestion of the County Attorney's office to clarify which 'governmental uses' the meeting requirements would apply to. There was a concern utility development, detailed within Section 5.1.2, could have somehow been interpreted as having to abide by these standards as well.

**2.24.2 Neighborhood Information Meeting**

- (A) If a proposed project has not been a part of a previous planning effort that included the opportunity for public comment and input, a neighborhood information meeting shall be held prior to the submittal of a site plan application. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development.
- (1) Examples of planning efforts that generally include the opportunity for public input are: park master plans, small area plans, solid waste management master plans, library master plans, etc.<sup>4</sup>
- (B) The Planning Department shall assist the applicant with the scheduling of the neighborhood information meeting.<sup>5</sup>
- (C) The applicant shall obtain property owner mailing address information from the Planning Department, who shall utilize Orange County Land Records data, and shall mail certified notices of the meeting date, place, and time to each property owner within 500 feet of the subject property.
- (D) The notices shall be mailed a minimum of 14 days prior to the date of the meeting.<sup>6</sup>
- (E) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.
- (F) The applicant is required to submit copies of the certified mail receipts denoting the date of the mailing as well as a synopsis of comments from the meeting as part of the site plan application. The applicant shall also provide a written response on what steps, if any, were taken to address said comments.
- (G) A neighborhood information meeting shall not be required in cases where an applicant is proposing to expand facilities less than 50% of existing floor area.

**Section 2.24: SECTION 2.25: REVIEW OF ENVIRONMENTAL DOCUMENTS<sup>7</sup>****2.24.42.25.1 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.

<sup>4</sup> Many County Departments such as DEAPR, Solid Waste, Asset Management, and the Library already do public outreach meetings for their projects. Staff believes it is unnecessary to duplicate these outreach efforts as part of the site plan submittal process.

<sup>5</sup> Planning staff assists all applicants who are required to hold neighborhood information meetings. This includes those applicants proposing a Major Subdivision, Conditional Use, and Conditional Zoning projects.

<sup>6</sup> This is consistent with existing requirements for other neighborhood information meetings required by the UDO.

<sup>7</sup> Section is being renumbered and references are being updated throughout the UDO.

- (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.

### 2.24.22.25.2 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, 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.

- (2) If a public hearing before the Board of County Commissioners is not required for approval of the development project, then a special hearing shall be scheduled. The hearing shall take place no later than 30 days after the close of the public review period or receipt of comments from the State Clearinghouse, whichever is later.

**(C) Notice of Public Hearing**

- (1) Notice of the public hearing to review the EIS 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.
- (2) Said notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than ten 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.

**(D) Board of County Commissioners Action**

- (1) The Board of County Commissioners shall receive the EIS and all comments as information only. The information presented may be used only to determine compliance with specific development standards established in this Ordinance.
- (2) No action shall be taken on the development project until after the EIS has been presented to the Board of County Commissioners.

**(E) Effect on Other Permits and Actions**

Construction or installation of any major development project shall not commence until subsequent to the filing of a Finding of No Significant Impact or acceptance of the Final EIS by the Board of County Commissioners.

~~Section 2.25:~~ **SECTION 2.26: APPEALS<sup>8</sup>**

~~2.25.12.26.1~~ **2.25.22.26.1 Generally**

Appeal applications shall be filed in accordance with Section 2.2 within 30 days of the decision being appealed on forms provided by the Planning Department, if applicable.

~~2.25.22.26.2~~ **2.25.22.26.2 Planning Director Decisions**

**(A) Site Plans or Other Decision Pertaining to this Ordinance**

Any decision of the Planning Director regarding a site plan application or other decision pertaining to this Ordinance not listed in (B) through (D) below may be appealed to the Board of Adjustment according to the provisions set forth in Section 2.12 of this Ordinance.

- (1) An appeal to the Board of Adjustment from a decision or determination of the Planning Director stays all proceedings in furtherance of the decision or determination appealed from, except:
  - (a) Situations that, in the opinion of the Planning Director, a stay would cause imminent peril to life and/or property.
  - (b) That the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of the Ordinance.

In either instance in (a) and (b) above, the Planning Director shall place in certificate the facts to support the conclusion.

**(B) Exempt Subdivisions**

<sup>8</sup> Section renumbered and references are being updated throughout the UDO.

- (1) The decision of the Planning Director regarding an exempt subdivision application may be appealed to the Board of County Commissioners.
- (2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.
- (3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

**(C) Minor Subdivisions**

- (1) The decision of the Planning Director regarding a minor subdivision application may be appealed to the Board of County Commissioners.
- (2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.
- (3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

**(D) Major Subdivisions – Final Plat**

- (1) The decision of the Planning Director regarding a Major Subdivision Final Plat application may be appealed to the Board of Commissioners.
- (2) The Board of Commissioners shall have final approval authority, and where applicable, all Final Plats shall contain information and/or conditions approved by the Board of Commissioners.
- (3) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision.
- (4) The applicant shall be notified, in writing, of the Board of Commissioners' decision.

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**2.25.32.26.3 Planning Board Decisions**

**(A) Major Subdivisions – Concept Plan**

- (1) The decision of the Planning Board regarding Concept Plan Development Options may be appealed to the Board of Commissioners.
- (2) Any notice of appeal shall be filed, in writing, with the Planning Director within 15 days after the date of the Planning Board's decision.
- (3) If the appeal involves a plan/map approval, 16 copies of the plan/map shall be submitted along with the written appeal.
- (4) The Board of Commissioners shall have final approval authority, and, where applicable, all Concept Plan Development Options shall contain information and/or conditions approved by the Board of Commissioners.
- (5) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision. The applicant shall be notified, in writing, of the Board of Commissioners' decision within ten days after said decision is made.

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**2.25.42.26.4 Board of Adjustment Decisions**

- (A)** Every decision of the Board shall be subject to review at the request of any aggrieved party by the Superior Court by proceedings in the nature of certiorari. The appeal to Superior Court must be filed within 30 days of the availability of the notice of decision (2.12.5(A)).

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**2.25-52.26.5 Board of County Commissioners Decisions**

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**(A) Quasi-Judicial Decisions**

- (1) Quasi-judicial decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party by the Superior Court by proceedings in the nature of certiorari.
- (2) The appeal to the Superior Court must be filed within 30 days of the filing of the decision of the Board of County Commissioners by the Planning Director or the delivery of the notice of the decision to the applicant, whichever is later.

**(B) Legislative Decisions**

- (1) Legislative decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party by the Superior Court.
- (2) The appeal to the Superior Court must be filed from the date of adoption of said Ordinance within the prescribed period below:
  - (a) 60 days in cases involving the appeal of an Ordinance amending the Zoning Atlas,
  - (b) 1 year (365 days) in cases involving the appeal of an Ordinance amendment the UDO,
  - (c) 3 years (1,035 days) in cases involving an appeal based on an alleged defect in the adoption process of an Ordinance amending the UDO.

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**2.25-62.26.6 Water Supply Watershed Critical Area Boundary Line**

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Appeal applications disputing the Planning Director's decision regarding the location of a Water Supply Watershed Critical Area boundary line shall be accompanied by:

- (A) A survey prepared by a North Carolina registered land surveyor or professional engineer depicting the differences between:
  - (1) The locational criteria in Section 4.2,
  - (2) The official Watershed map on file in the Planning Department, and
  - (3) The boundary line the applicant asserts is correct.
- (B) A detailed explanation describing the differences in the three boundary lines contained in (A) above.

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**2.25-72.26.7 Special Flood Hazard Overlay District**

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- (A) Any property owner who has received an order to take corrective action in accordance with Section 9.7 may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten business days following issuance of the final order.
- (B) The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

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**2.25-82.26.8 Soil Erosion and Sedimentation Control**

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**(A) Appeal of Erosion Control Plan**

Except as provided in subsection (D) below, the appeal of a disapproval, approval with modifications, or approval with conditions of an Erosion Control Plan shall be governed by the following provisions:

- (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.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**

- (1) The person conducting the land-disturbing activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.
- (2) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.
- (3) The Board of County Commissioners shall conduct a hearing at their next scheduled regular meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.
- (4) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

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**2.25.92.26.9 Stormwater Management Plan**

- (A) Appeals of the Erosion Control Officer's decision on a Stormwater Management Plan shall be made to the Orange County Planning Director.
- (B) If the Planning Director upholds the decision, the applicant shall be entitled to a public hearing if the applicant submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.
- (C) The hearing shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand for a hearing.
- (D) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing.
- (E) The Board of County Commissioners shall render its final decision on any stormwater management plan upon which a hearing is requested within 30 days of receipt of the recommendations from the Planning Board.

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**2.25.102.26.10 Appeal of Stop Work Orders Regarding Stormwater Management Provisions**

- (A) The person conducting the development activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.
- (B) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.
- (C) The Board of County Commissioners shall conduct a hearing at their next scheduled regular meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.
- (D) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

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**2.25.112.26.11 Appeals from Final Decisions Regarding Soil Erosion and Sedimentation Control Civil Penalties**

- (A) **Appeal from Board of County Commissioners or Other Governing Body Decisions**  
Appeal from the final decision of the governing body regarding civil penalties assessed for violations of the soil erosion and sedimentation control provisions of this Ordinance shall be to 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.

5.2.2 Table of Permitted Uses – Economic Development Districts

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS									
* = PERMITTED USE    A = CLASS A SPECIAL USE    B = CLASS B SPECIAL USE    C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as “Zoning District” – CU (e.g., EDB-2-CU)									
<b>AGRICULTURAL USES</b>									
Animal hospital/veterinarian	C#	C#		*					
Kennel, Class I		C#		*					
Kennel, Class II		B		B					
<b>CONSTRUCTION</b>									
Building contractors		*		*					
Construction (Sector 23) (Hillsborough EDD only; all activities must be wholly within building)									*
Plumbing, heating, electrical, and similar trade contractors		*		*					
<b>FINANCE</b>									
Banks, savings and loans, and credit unions	*	*	*	*					
Credit agencies and institutions	*	*	*	*					
Finance & Insurance (Sector 52)					*	*		*	
Insurance carriers and agents	*	*	*	*					
Real estate agents and brokers	*	*	*	*					
Security and commodity brokers, and investment offices	*	*	*	*					
<b>GOVERNMENT USES<sup>9</sup></b>									
Governmental facilities and office buildings (Including solid waste collection centers)	*	*	*	*	*	*	*	*	*
Governmental protective services (Police and fire stations, rescue squads, and volunteer fire departments)	*	*	*	*	*	*	*	*	*

<sup>9</sup> Staff is adding language to make the land use category designation consistent throughout UDO.

- (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 ~~2-25~~ 2.27 of this Ordinance, including payment of the appropriate fee.
- (B) Except as provided in Section ~~2-25~~ 2.27, 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 ~~2-25~~ 2.27, 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.

this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

- (B) Any permit, certificate, or authorization mistakenly issued in violation of State law or local ordinance, or issued on the basis of misrepresentations by the applicant, owner, or owner's agent may be revoked without such written determination.

### 9.6.3 Permit Denial or Conditioning

- (A) As long as a violation of this Ordinance remains uncorrected, the Planning Director may deny or withhold approval of any permit, certificate, or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.
- (B) The Planning Director may also condition a permit, certificate, or authorization on the correction of the violation and/or payment of a civil penalty, and/or posting of a compliance security.

### 9.6.4 Injunctive and Abatement Relief in Superior Court

- (A) A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by NCGS 153A-123.
- (B) The Planning Director shall have the authority to execute an order of abatement if the violator does not comply with such order, and the costs of the execution shall be recovered by a lien on the property in the nature of a mechanic's or materialman's lien.

### 9.6.5 Criminal Penalties

- (A) Any person, firm or corporation who violates the provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than a maximum of \$500.00, imprisonment of up to 30 days, or both, for each violation, as provided in NCGS Section 14-4.
- (B) The Planning Director may refer a violation to the District Attorney for institution of criminal prosecution of the alleged violator.

### 9.6.6 Stop Work Order

- (A) If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of a Stop Work Order, the Planning Director, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or lands, or to prevent any illegal act, conduct, business or use in or about the premises.
- (B) Notice of a Stop Work Order shall be in writing, directed to the person(s) conducting the violating activity and/or the property owner, and shall state the reasons for the issuance of the Order, and the conditions under which activity may be resumed. Notice shall be given by registered or certified mail, return receipt requested. A copy of the notice shall also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten days after mailing. Upon issuance of such Order, and posting of same on the site of the violation, all work on the site of the violation shall cease, except those activities necessary to bring the site into compliance with this Ordinance.
- (C) The person(s) conducting the violating activity and/or the property owner may appeal the Stop Work Order to the Board of Adjustment pursuant to Section [2-242.27](#) of this Ordinance.

**SECTION 9.7: ADDITIONAL PROCEDURES – SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT****9.7.1 Actions in Event of Violation**

- (A) Identified violations of the Special Flood Hazard Area Overlay District shall be sent a Notice of Violation. The Notice shall detail the nature of the violation and schedule a hearing with the Floodplain Administrator to review the situation.
- (B) This hearing shall be held before the Floodplain Administrator at a designated place and time, not later than ten business days after the date of the Notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.
- (C) Following the hearing, the Floodplain Administrator may issue such order to alter, vacate, or demolish the structure; or to remove fill as appears appropriate.

**9.7.2 Order to Take Corrective Action**

- (A) If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the structure or development is in violation of this Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days.
- (B) Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (C) In the absence of an appeal (see Section ~~2-24.7~~ 2.27.7), the order of the Floodplain Administrator shall be final.

**9.7.3 Failure to Comply with Order**

If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been filed, or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a Class 3 misdemeanor and shall be punished in the discretion of the court.

**SECTION 9.8: SOIL EROSION AND SEDIMENTATION CONTROL****9.8.1 Inspections and Investigations****(A) Site Inspections**

Agents, officials, or other qualified persons authorized by the County will periodically inspect land-disturbing activities to ensure:

- (1) 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;
- (2) The measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity.

Notice of the right to inspect shall be included in the letter of approval of each Erosion Control 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 land-disturbing activity under this section.

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.

### 9.8.3 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 ~~2-252.27~~ 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.

**NOTICE OF JOINT PUBLIC HEARING  
ORANGE COUNTY BOARD OF COMMISSIONERS  
ORANGE COUNTY PLANNING BOARD**

A joint public hearing will be held at the Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Monday, September 9, 2013 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. **Zoning Atlas Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance (UDO), Ms. Maria Keizer and Mr. Ronald Keizer have submitted a request to rezone a 2.67 acre parcel of property located at 3604 Southern Drive (PIN 9844-86-5155)

**FROM:** Rural Residential (R-1) and Light Industrial (I-1)

**TO:** Light Industrial (I-1)

The parcel is currently utilized to support USA Dutch Incorporated, a sheet metal fabrication operation that has operated since 1987. Ms. Keizer owns the property and her son, Ronald Keizer, operates the existing commercial operation.

According to the application, the applicants are interested in extending the existing industrial zoning over the entire property in order to ensure parking, storage spaces, access roads, land use buffers, and septic systems are properly zoned in support of the existing industrial operation.

The property subject to this petition is located within the Commercial Industrial Transition Activity Node as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

Purpose: To review the item and receive public comment on the proposed amendment.

2. **Zoning Atlas Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance (UDO), Ms. Maria Keizer and Mr. Ronald Keizer have submitted a request to rezone 2 parcels of property, totaling approximately 16 acres in land area:

**FROM:** Rural Residential (R-1)

**TO:** Light Industrial (I-1)

The parcels, further identified utilizing Orange County Parcel Identification Numbers (PIN) 9844-86-7573 and 9844-87-7368, are undeveloped and without

an assigned street address. These parcels are east and south, respectively, of the USA Dutch property located at 3604 Southern Drive.

According to the application, USA Dutch has an offer to purchase both properties for the purpose of expanding their existing sheet metal fabrication operation. As a result, they would like to extend the I-1 zoning designation in support of the proposed expansion.

The properties subject to this petition are located within the Commercial Industrial Transition Activity Node as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

Purpose: To review the item and receive public comment on the proposed amendment.

3. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

The proposal seeks to add a new Section 2.24 entitled *Governmental Uses*, renumber existing Section 2.24 and subsequent sections accordingly, and modify the 'government' land use category within Section 5.2.2 *Table of Permitted Uses – Economic Development District* to add the term 'uses'. References to subsequent renumbered sections occur throughout the UDO and will be updated including amendments to Section(s) 2.22.5, 2.23.9, 9.5.4, 9.6.6, 9.7.2, and 9.8.5.

The purpose of the amendments is to change the application review process to require a neighborhood information meeting as part of the site plan review process for governmental uses. Examples of governmental uses include rescue squads, fire stations, solid waste convenience centers, governmental office buildings, and military installations.

Purpose: To review the item and receive public comment on the proposed amendment.

4. **Eno Economic Development District Access Management Plan:** As an implementation measure of the Eno Economic Development District (EDD) Area Small Area Plan, an access management plan has been developed for the Eno EDD. An access management plan is intended to provide better transportation systems and capacities as development proceeds in an area. Formally adopted transportation access plans are necessary to procure federal and state funding for projects and to require developer action and contribution in providing transportation infrastructure consistent with a master plan.

The proposed access management study area involves approximately 980 acres of land in the vicinity of US Highway 70 and Old Highway 10 (near Durham County).

The draft Access Management Plan is available on the Orange County Planning Department website at: <http://orangecountync.gov/planning/SpecialProjects.asp>

Purpose: To review the item and receive public comment on the Draft Economic Development District Access Management Plan.

### **PUBLIC INFORMATION MEETING/OPEN HOUSE for this proposal**

In an effort to better inform interested persons in an informal setting, a Public Information Meeting/Open House will be held on September 4, 2013 from 4:30 – 6:30 pm at the Shared Visions Retreat Center (historic Murphey School), 3717 Murphey School Rd., Durham, NC.

5. **Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan:** Consistent with the Hillsborough-Orange Interlocal Land Management Agreement (December 2009), the Town of Hillsborough adopted a Future Land Use Plan in March 2013 for its planning jurisdiction and some additional areas of County jurisdiction. These additional areas of County jurisdiction are located within the Town's Urban Service Boundary for its public water and/or sewer services and are generally located around the Town's fringe. Orange County staff, Board of County Commissioners, and the public provided input throughout the Town's planning process.

This public hearing is being held by Orange County on future land uses proposed for the areas of County jurisdiction located within the Town's Urban Service Boundary. This is the next step towards completion of a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan.

Additional information including a link to the draft Land Use Plan is available on the Orange County Planning Department website at: <http://www.co.orange.nc.us/planning/OrangeCountyTownofHillsboroughJointPlanning.asp>.

Purpose: To receive public comment and receive direction from the Board of Commissioners as to subsequent steps towards a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling the one of the phone numbers

below. The full text of the public hearing items may be obtained no later than August 30, 2013 at the County website [www.co.orange.nc.us](http://www.co.orange.nc.us) at the [Meeting Agendas](#) link.

Questions regarding the proposals 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 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH: The Herald Sun  
August 28, 2013  
September 4, 2013

News of Orange  
August 28, 2013  
September 4, 2013

1 DRAFT

2 **MINUTES**  
3 **ORANGE COUNTY BOARD OF COMMISSIONERS**  
4 **ORANGE COUNTY PLANNING BOARD**  
5 **QUARTERLY PUBLIC HEARING**  
6 **September 9, 2013**  
7 **7:00 P.M.**

8 The Orange County Board of Commissioners and the Orange County Planning Board  
9 met for a Quarterly Public Hearing on Monday, September 9, 2013 at 7:00 p.m. at the DSS  
10 Offices, Hillsborough Commons, Hillsborough, N.C.

11  
12 **COUNTY COMMISSIONERS PRESENT:** Chair Barry Jacobs and Commissioners mark  
13 Dorosin, Alice M. Gordon, Earl McKee Bernadette Pelissier, Renee Price and Penny Rich

14 **COUNTY COMMISSIONERS ABSENT:**

15 **COUNTY ATTORNEY PRESENT:** James Bryan (Staff Attorney)

16 **COUNTY STAFF PRESENT:** County Manager Frank Clifton and Deputy Clerk to the Board  
17 David Hunt (All other staff members will be identified appropriately below)

18 **PLANNING BOARD MEMBERS PRESENT:** Chair Pete Hallenbeck, and Planning Board  
19 members, Maxecine Mitchell, Johnny Randall, Lisa Stuckey, Stephanie O'Rourke, Paul Guthrie,  
20 and Herman Staats

21 **PLANNING BOARD MEMBERS ABSENT:** Tony Blake, Andrea Rohrbacher, Rachel Phelps  
22 Hawkins, James Lea and H.T. "Buddy" Hartley

23  
24 **A. OPENING REMARKS FROM THE CHAIR**

25 Chair Jacobs and Planning Board Chair Pete Hallenbeck

26  
27 **B. PUBLIC CHARGE**

28 The Chair dispensed with the reading of the public charge.

29  
30 Chair Jacobs called the meeting to order.

31 Chair Jacobs reviewed the following handouts at the table:

- 32 - PowerPoint for item C1 – Zoning Atlas Amendment
- 33 - White sheet for item C1 – Zoning Atlas Amendment
- 34 - Map for C1 and C2 - Zoning Atlas Amendment – requested by Commissioner Rich
- 35 - PowerPoint for item C2 – Zoning Atlas Amendment
- 36 - PowerPoint for item C4 - Eno Economic Development District Access Management  
37 Plan
- 38 - PowerPoint for item C5 – Hillsborough/Orange County Central Orange Coordinated  
39 Area Land Use Plan
- 40 - Green PowerPoint for item E1 – Agricultural Support Enterprises

41  
42 *Chair Jacobs explained that due to the lack of a quorum with the Planning Board the*  
43 *meeting would start with item E1.*

44  
45 **3. Unified Development Ordinance (UDO) Text Amendment** – To review government-  
46 initiated amendments to the Unified Development Ordinance (UDO) to add a new Section 2.24  
47 entitled *Governmental Uses*, renumber existing Section 2.24 and subsequent sections  
48 accordingly, and modify the 'government' land use category within Section 5.2.2 *Table of*  
49 *Permitted Uses – Economic Development District* to add the term 'uses'. References to  
50 renumbered sections occur throughout the UDO and are proposed to be updated.

51

1 Michael Harvey reviewed the attachments to the abstract. He said the potential  
2 development of a fire department substation off Neville Road has caused some concern for  
3 local residents. He said staff was directed to initiate a text amendment to require a  
4 neighborhood information meeting prior to the approval of any site plans proposing the  
5 development of government use.

6 He said this requires the applicant to hold this meeting so that property owners within  
7 500 feet can attend the meeting to gather information and offer feedback.

8 He said the applicant has to respond to concerns or suggestions offered at the meeting,  
9 and the public must be informed by certified mail of the date and time of the meeting.

10 He noted that this amendment does not alter the current review process for government  
11 uses. He said this does not require the Board to hold additional public hearings with respect to  
12 the decision to purchase or act on the purchase of property. He said this also does not require  
13 County agencies that engage in long range planning project planning to duplicate efforts by  
14 holding informational meetings about projects that have already been reviewed and discussed  
15 at the public level. He gave the example of a recent park planning project.

16 He said if this is adopted any time a government use is defined, the table of permitted  
17 uses will be developed, neighborhood meetings will held, and planning staff will encourage the  
18 applicant to address as many concerns as he/she sees fit.

19 He noted that the purpose of this is to insure that local residents are aware of what is  
20 happening in the vicinity with regard to government facilities.

21 He said Ordinance Review Committee comments were positive with a few noted  
22 changes and input from other departments.

23 He reviewed the staff recommendations as outlined in the abstract.

24 Pete Hallenbeck asked for questions

25 Commissioner Gordon said she wanted to point out the background on the first page,  
26 which outlines the fact that a permitted use only requires staff review and action. She said  
27 neither the County nor the applicant is required to notify adjacent property owners. She said  
28 this is a fire station, which is for the public good. She said that neighbors still had concerns, and  
29 she feels that neighborhood meetings and outreach are a good idea.

30 Commissioner Pelissier asked why staff selected that a meeting would not be required  
31 unless the expansion was 50% or larger.

32 Michael Harvey said staff tried to use existing standards from the UDO regarding what  
33 constitutes expansion. He said staff did not want smaller expansions to have to undergo a  
34 formal site plan review process for just a couple of parking spaces. He said that larger re-  
35 development of a site changes the nature of the project and demands a planning review. He  
36 also wanted to treat the parks the same way.

37 Commissioner Pelissier asked if facilities include parking spaces or just building.

38 Michael Harvey said it includes both.

39 Chair Jacobs said he feels the neighbors in the area of the White Cross substation were  
40 taken aback that something had appeared in their neighborhood without any awareness of the  
41 process or the impact. He said this is a good way to address that concern. He feels it is  
42 important to know and have a say about what is going on in your neighborhood, while balancing  
43 the fact that government use has a certain priority. He noted that the White Cross Fire Station  
44 is holding a neighborhood information meeting tomorrow night. He said this is a good precedent  
45 moving forward.

46 Commissioner McKee said some of the neighbors that he talked to were not upset over  
47 the fire station, but were simply upset about the lack of notification.

48 Commissioner Price clarified that if this goes into effect then a volunteer fire department  
49 would have to hold an information meeting. She asked if state law supersedes this.

50 Michael Harvey said he is not aware of anything in state law that gives a fire department  
51 preferential treatment from compliance with local land use regulations.

52 Commissioner Price said she thought that state law said that the fire stations are  
53 permitted by right.

1 Michael Harvey said this does not change the permitted by right status, but it adds a  
2 layer of requirement to that status by requiring this hearing is held.

3 Commissioner Price said the Board could have a public meeting and hearing, but plans  
4 will still go forward.

5 Michael Harvey said yes; however the hope is that the applicant chooses to address as  
6 many of the concerns as possible.

7 Pete Hallenbeck asked if the County attorney could look into this and have that  
8 information available at the next Planning Board meeting.

9 Paul Guthrie asked for the definition of governmental usage.

10 Michael Harvey said it is noted in attachment 1 of the abstract that the County  
11 recognizes that there are state and federal offices that will be exempt because of the nature of  
12 their use.

13 Pete Hallenbeck suggested that the UDO has the definition of government use, and this  
14 can be looked at during the next meeting.

15 Michael Harvey said there is not a definition of the land use, but there is a list of  
16 permitted uses in the table, and this can be discussed in the Planning Board meeting.

17 Pete Hallenbeck said the fire department was scrambling to put in substations because  
18 of the insurance situation, and manners suffered. He said it speaks well that the station is now  
19 having a meeting.

20  
21 A motion was made by Commissioner Gordon, seconded by Commissioner McKee to:

- 22  
23 1. Refer the matter to the Planning Board with a request that a recommendation be returned to  
24 the BOCC in time for the November 5, 2013 BOCC Regular Meeting.  
25 2. Adjourn the public hearing until November 5, 2013 in order to receive and accept the  
26 Planning Board's recommendation and any submitted written comments.

27  
28 VOTE: UNANIMOUS

DRAFT

Attachment 5  
Excerpt of draft minutes

DRAFT MINUTES  
ORANGE COUNTY PLANNING BOARD  
OCTOBER 2, 2013  
REGULAR MEETING

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**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Tony Blake, Bingham Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Paul Guthrie, At-Large Chapel Hill Township;

**MEMBERS ABSENT:** Johnny Randall, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Stephanie O'Rourke, Eno Township Representative; Vacant- Hillsborough Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz, Special Projects Coordinator; Michael Harvey, Current Planning Supervisor; Tom Altieri, Comprehensive Planning Supervisor; Ashley Monaco, Special Projects Planner; Abigail Pittman, Transportation/Land Use Planner; Tina Love, Administrative Assistant II

**Agenda Item 9: Unified Development Ordinance (UDO) Text Amendment** – To make a recommendation to the BOCC on government-initiated amendments to the Unified Development Ordinance (UDO) that will require a neighborhood information meeting be held prior to site plan submittal for most proposed governmental uses. This item was heard at the September 9, 2013 quarterly public hearing.  
**Presenter:** Michael Harvey, Current Planning Supervisor

Michael Harvey: (Reviewed abstract). There were a couple of comments and questions at the quarterly public hearing. This information is detailed on page 45 of your abstract. Concern was expressed by a Planning Board member that there needs to be additional thought as to what constitutes government use and the expense of logistical issues of having this neighborhood information meeting. Staff's comment is essentially that we understand the concern but the direction we have from the elected officials is that anytime there is a government use, that use is going to be reviewed by the adjacent property owners in this form and setting to ensure that they understand what is going on. There are concerns about local volunteer fire departments absorbing this cost and those have been expressed to the elected officials who have indicated that while they understand the concern, they are moving forward with this option. Planning staff recommends that you deliberate on this and vote to recommend approval of the amendment to the elected officials.

Tony Blake: I have a couple of comments. It was expensive and not what the intent of what the fire tax is. It was several thousand dollars including renting space, printing boards and mailing expense. It was difficult to communicate to people that this site plan was not approved yet so we didn't have anything concrete to show them.

Paul Guthrie: Do I read this to be that the volunteer fire department is not a governmental function?

Michael Harvey: No sir. It is a government use. In Section 5.2 of the table under the government use category, it is listed.

Pete Hallenbeck: This is a pain for the fire department and it costs money but can be fairly cheap compared to upsetting neighbors forever when something is just dropped on them.

**DRAFT**

55

56 Tony Blake: There were more complainers that lived further away.

57

58 James Lea: What are the nuts and bolts of this? It is the cost or the information for the meeting?

59

60 Michael Harvey: The issues were the cost of the certified mailing.

61

62 Tony Blake: There are costs for the volunteers to do this.

63

64 Pete Hallenbeck: The volunteer fire departments are run by volunteers and it is about a \$3,000.00 cost. The county  
65 is requiring these neighborhoods to have these meetings.

66

67 Michael Harvey: The issue is cost, resources, feelings that the meetings are unnecessary.

68

69 Tony Blake: We didn't plan for this cost.

70

71 Paul Guthrie: One thing I mentioned is that once you established precedence in this area, the definition of  
72 governmental uses in terms of projects, are there ways to do that communication without sending out thousands of  
73 letters.

74

75 **MOTION** made by Lisa Stuckey to approve. Maxecine Mitchell seconded.

76 **VOTE:** 7:1 (Tony Blake)

77

78 Tony Blake: I think the certified mailings should be left out and we should identify the affected property owners and  
79 not just the ones within 500 feet.

## Attachment 6

**Office of the County  
Attorney**

**ORANGE COUNTY  
P.O. BOX 8181  
200 S. CAMERON STREET  
HILLSBOROUGH, NC 27278**



TO: Michael Harvey, Current Planning Supervisor  
FROM: James C. Bryan, Staff Attorney  
DATE: October 1, 2013  
RE: Proposed Amendment for Governmental Uses Requiring Neighborhood Meetings

This memorandum is written in response to questions raised by the Board of County Commissioners at the last Quarterly Public Hearing. The Board requested the answers be made available to the Planning Board during their consideration of the matter.

**Is this proposed amendment preempted by state law because the use is designated as “permitted by right” by the Unified Development Ordinance?**

No, the proposed amendment would not be preempted by state law.

Counties are authorized to enact zoning ordinances by NCGS § 153A-340. Through the general grant of authority and express restrictions (e.g. bona fide farms, manufactured homes, etc.), the County enjoys significant flexibility in the creation of a local zoning ordinance.

The proposed amendment would not alter the current rights of the property owners. If a particular use (such as “governmental use”) is proposed, the amendment merely adds administrative burdens, but does not create a basis for refusal. This would be akin to having an expanded application or increased permit fee. There would be no opportunity for refusal of the right other than non-compliance with the administrative process which would include holding the neighborhood meeting.

State and municipal jurisdictions must comply with the zoning as long as there is any building or structure involved. See § 153A-347. Vehicular parking areas, passive recreation parks and wetlands mitigation sites are typical examples of land uses exempt from zoning. Note that this applies only to general use districts and that land owned by the state may not be placed in an overlay or special/conditional use district except upon approval of the Council of State. Federal preemption could apply depending on specific projects.

**Are Volunteer Fire Departments otherwise exempt from zoning ordinances?**

Volunteer Fire Departments are not otherwise specifically exempted from local zoning ordinances.

**How would a “governmental use” be defined?**

While specified in the Table of Permitted Uses, the UDO currently does not have a definition for governmental use. As such it would be interpreted by the Planning Director or his designee. See UDO 1.4.1. The interpretation would be subject to appeal to the Board of Adjustments. See UDO 1.8.3. There is no legal requirement to create a definition and it is common to leave terms undefined in order to prevent inadvertent omissions.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: November 5, 2013**

**Action Agenda  
Item No. 6-d**

**SUBJECT:** Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan

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**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 (Other-2013-02) (Sections for consideration on pp. 10 - 13)
2. Draft Future Land Use Plan Showing County Planning Jurisdiction Only
3. Excerpt of Draft Minutes – September 9, 2013 Quarterly Public Hearing
4. Excerpt of Draft Minutes – October 2, 2013 Planning Board Meeting
5. Resolution Approving the COCA Land Use Plan (Areas within Urban Service Boundary)

**INFORMATION CONTACT:**

Tom Altieri, Comprehensive Planning Supervisor, 245-2579  
Craig Benedict, Planning Director, 245-2592  
Abigaile Pittman, Transportation/Land Use Planner, 245-2567

---

**PURPOSE:** To receive the Planning Board's recommendation, close the public hearing, and make a decision on a resolution ratifying the draft Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan.

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the September 9, 2013 Quarterly Public Hearing. This hearing is not intended to solicit additional input from the public. While the BOCC may ask staff questions related to the review of a given item, comments from the public shall not be solicited.

**BACKGROUND:** Consistent with the Hillsborough-Orange Interlocal Land Management Agreement (December 2009), the Town of Hillsborough adopted a Future Land Use Plan in March 2013 for its planning jurisdiction and some additional areas of County jurisdiction. These additional areas of County jurisdiction are located within the Town's Urban Service Boundary for its public water and/or sewer services and generally located around the Town's fringe. Orange County staff, the Board of County Commissioners (BOCC), and the public provided input on future land uses during the Town's planning and adoption process.

BOCC Authorization to Proceed: In general and consistent with the Agreement, following Town adoption, the BOCC is to consider endorsing the Plan or arranging for negotiation and agreement on any changes. At the June 18, 2013 BOCC meeting, the Board authorized staff to proceed with the development and adoption of the COCA Land Use Plan according to the outline and schedule provided in Attachment 1.

Attachment 2 is provided as a tool to help distinguish between future land uses proposed in the County's existing planning jurisdiction from those within the Town's existing planning jurisdiction.

Public Hearing: The proposed draft Future Land Use Plan was heard at the September 9, 2013 joint public hearing. No members of the public spoke on the proposed draft. However, the Board requested additional information on "immediate and future steps contemplated to make the maps and land use visions of the Town and County coincide" (See Immediate and Next Steps Section). Attachment 3 includes draft minutes of the September 9, 2013 joint public hearing.

#### Procedural Information

Consistent with Comprehensive Plan amendment process and in accordance with Section 2.3.10 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.

#### Links to Additional Materials:

History of Town of Hillsborough/Orange County Joint Planning-

<http://www.co.orange.nc.us/planning/documents/TownofHillsboroughandOrangeCountyJointPlanning.pdf>

Hillsborough-Orange Interlocal Land Management Agreement-

<http://www.co.orange.nc.us/planning/documents/Hillsborough-OrangeInterlocalLandManagementAgreement.pdf>

#### Planning Director's Recommendation:

The Planning Director is recommending one minor change that involves deletion of a reference to minimum lot size in the "Rural Living" Future Land Use Classification as currently defined (pp. 12 and also identified below). This change, which is referenced in the attached Resolution, is deemed necessary so as not to inadvertently prohibit the clustering of residential lots as an acceptable and in some cases preferable means of meeting maximum density requirements. Staff notes that it is the only reference to minimum lot size among all of the various Future Land Use Classification definitions as proposed.

*"Rural Living. These areas reflect existing very-low density residential uses with densities below 0.5 dwelling units per acre (at least a 2-acre minimum lot size) that occurs in areas without public water and sewer service, in locations where continued low-intensity use without public water and sewer is desirable for the foreseeable future."*

Noting the one area for deletion and clarification described above, the Planning Director recommends approval of the proposed draft COCA Land Use Plan based on the following:

- Consistency with the adopted Hillsborough-Orange Interlocal Land Management Agreement;
- Provides additional guidance for coordinated land use and zoning decisions;
- Better distinguishes between areas to have urban characteristics from those that are to remain rural;
- Consistency with the goals and objectives of the 2030 Comprehensive Plan; and
- Prerequisite to 2030 Comprehensive Plan Amendments that will further implement the Interlocal Agreement and operationalize joint planning.

Planning Board Recommendation:

The Planning Board considered this item at its October 2, 2013 meeting. The Planning Board **unanimously voted to recommend approval** of this item. The Planning Board draft minutes are included in Attachment 4.

“Immediate and Future Steps” – What Joint Planning Steps Come Next?:

Since the public hearing, Orange County received a letter (dated September 10, 2013) conveying Town Board action and adoption of a resolution indicating its interest in releasing areas west of town from its Extraterritorial Jurisdiction (ETJ) and requesting jurisdiction over areas defined in the Interlocal Land Management Agreement. Coordination between the respective staffs was also requested to begin identifying the required steps and to process the exchange.

Orange County Planning staff and Staff Attorney met with the Town’s Planning Director and Attorney on October 16 to begin developing a coordinated approach to the Extraterritorial Jurisdiction (ETJ) swaps. Based on staff collaboration, it is recommended that immediate next steps include processing the ETJ exchange. This exchange would occur prior to County 2030 Comprehensive Plan amendments to implement the COCA Land Use Plan and different from a simultaneous approach that staff conveyed as an option when questioned on future steps, steps which admittedly had not yet been determined by staff the night of the hearing. As full achievement of Town and County future joint land use visions is a significant undertaking, involving many steps, this incremental approach is recommended to ensure that the process is manageable and most understandable.

Therefore, immediate steps following BOCC approval on the draft Town of Hillsborough/Orange County COCA Land Use Plan include BOCC authorization to proceed with the development of a schedule and process, including notification and outreach methods, to execute the ETJ swaps identified in the Interlocal Agreement. This authorization to proceed, with additional specifics, may be a proposed item for the November 19, 2013 BOCC meeting.

Following the completion of ETJ swaps, additional future steps will include 2030 Comprehensive Plan text and map amendments to implement the COCA Land Use Plan, Unified Development Ordinance (UDO) text amendments, additional public outreach, and a public hearing. The BOCC will also be asked to authorize a schedule and a process, including notification and outreach methods, before these future steps are initiated.

**FINANCIAL IMPACT:** See Section C. 3 in Attachment 1.

**RECOMMENDATION(S):** The Interim Manager recommends the Board:

1. Receive the Planning Board's recommendation of approval;
2. Close the public hearing;
3. Consider approving and authorizing the Chair to sign the Resolution (Attachment 5) ratifying the Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan, Areas Within Urban Services Boundary (detailed in Attachment 1, pp. 10-13); and
4. Authorize staff to proceed with the development of a schedule and process, including notification and outreach methods, to execute the ETJ swaps identified in the Interlocal Agreement.

# COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE Other-2013-02

## Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan

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### 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):
- Other:

### B. RATIONALE

#### 1. Purpose/Mission

Initiate the implementation of the Hillsborough-Orange Interlocal Land Management Agreement (2009) beginning with the adoption of a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan. The intent of the coordinated planning areas defined in the Agreement is to provide clear

and consistent guidance for land use/zoning decisions, coordinated growth patterns, and a distinction between areas that are to have urban characteristics from those that are to remain rural.

Subsequent implementation of the Agreement will result in:

- 2030 Comprehensive Plan amendments to implement the joint Land Use Plan;
- adjustment of the Town's Extra Territorial Jurisdiction (abandonment of some existing ETJ by the Town and the County granting new ETJ); and
- amendments to the County's Unified Development Ordinance.

## 2. **Analysis**

The proposed draft COCA Land Use Plan is being recommended based on the following:

- Consistency with the adopted Hillsborough-Orange Interlocal Land Management Agreement;
- Provides additional guidance for coordinated land use and zoning decisions;
- Better distinguishes between areas to have urban characteristics from those that are to remain rural;
- Consistency with the goals and objectives of the 2030 Comprehensive Plan; and
- Prerequisite to 2030 Comprehensive Plan Amendments that will further implement the Interlocal Agreement and operationalize joint planning.

Further analysis will be part of the subsequent evaluation, development and approval of 2030 Comprehensive Plan implementation actions.

## 3. **Comprehensive Plan Linkage (i.e. Goals and Objectives)**

**Land Use Goal 1:** Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.

### Objective LU-1.1:

Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.

### Objective LU-1.2:

Evaluate and report on whether existing and approved locations for future residential and non-residential developments are coordinated with the location of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer services, high-speed internet access, streets and sidewalks).

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

Objective LU-3.1:

Discourage urban sprawl, encourage a separation of urban and rural land uses, and direct new development into areas where necessary community facilities and services exist through periodic updates to the Land Use Plan.

**Land Use Goal 6:** A land use planning process that is transparent, fair, open, efficient, and responsive.

Objective LU-6.1:

Undertake a comprehensive effort to inform and involve the citizens of Orange County in the land use planning process.

Objective LU-6.2:

Maintain a cooperative joint planning process among the County municipalities and those organizations responsible for the provision of water and sewer services to guide the extension of service in accordance with the Comprehensive Plan, the Orange County-Chapel Hill-Carrboro Joint Planning Agreement and Land Use Plan, and the policies of the municipalities.

#### 4. New Statutes and Rules

N/A

## C. PROCESS

### 1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

June 18, 2013

- b. BOCC Public Hearing

September 9, 2013 (quarterly public hearing)

November 5, 2013 (BOCC receives Planning Board recommendation, considers adoption, and provides direction to staff on next steps)

- c. BOCC Updates/Checkpoints

d. Other

## 2. **PUBLIC INVOLVEMENT PROGRAM**

**Mission/Scope:** Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements. Additionally, staff will hold one Public Input Meeting in August to review the Plan that was adopted by the Town of Hillsborough in March 2013. Town staff will attend the meeting.

At the February 21, 2013 joint meeting with the Town of Hillsborough, BOCC members and the County Manager had questions about the concept of a Central Orange Rural Buffer and notification of the public if such a concept were to come forward from staff. There were also general questions regarding notification and some concern expressed over the notification of the public within areas to be effected by Extraterritorial Jurisdiction (ETJ) swaps. Link to minutes of the joint meeting with Hillsborough: <http://server3.co.orange.nc.us:8088/weblink8/0/doc/28127/Page1.aspx>

At this time, staff is recommending a public hearing on land uses within the Urban Services Area only, which the Town adopted in March. The Urban Services Area includes the Town's existing planning jurisdiction (Town Limits and ETJ) plus some additional areas of County jurisdiction. These are the areas to be served by Town public water and/or sewer services and are generally located around the Town's fringe (darker blue and orange areas on attached Interlocal Agreement map).

Staff will ask the BOCC to approve separate Amendment Outline forms before the ETJ swap is initiated and to determine if staff is to further explore a Rural Buffer concept around Hillsborough. Therefore, subsequent Amendment Outlines will describe respective citizen outreach and public notification plans.

a. Planning Board Review:

October 2, 2013 (Unanimous recommendation to approve)

b. Advisory Boards:

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c. Local Government Review:

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d. Notice Requirements

This item was included in the Quarterly Public Hearing legal ad which was published on August 28 and September 4, 2013

e. Outreach:

General Public: Public Input Meeting August 2013

Small Area Plan Workgroup:

Other:

### 3. **FISCAL IMPACT**

Existing Planning staff will accomplish the work required to develop the Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan. The required legal ad will be paid with Departmental funds already budgeted for this purpose.

## D. AMENDMENT IMPLICATIONS

See Sections B.1 and C. 2. Of this Amendment Outline.

## E. SPECIFIC AMENDMENT LANGUAGE

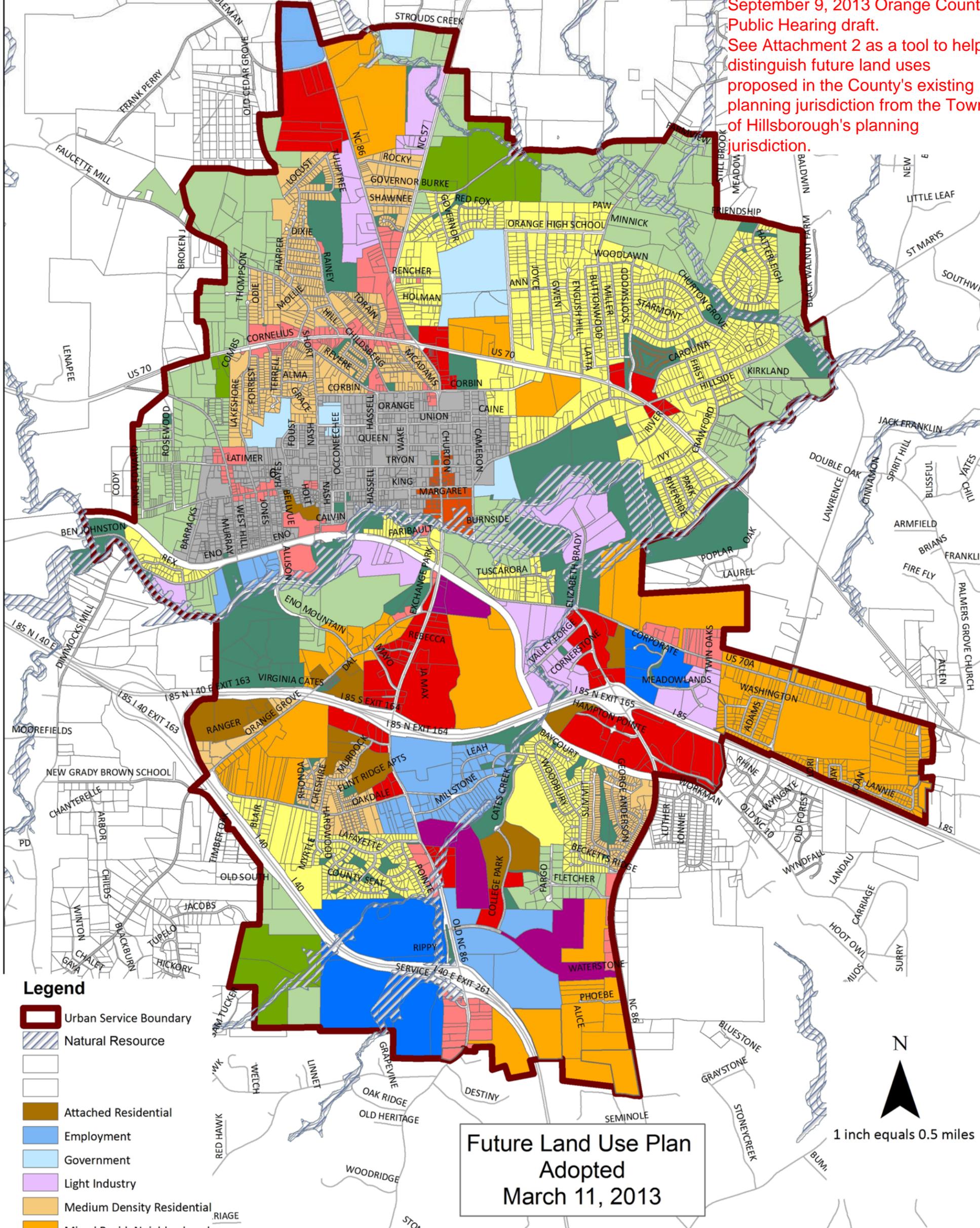
See attached Town of Hillsborough Future Land Use Plan (2013).

### **Primary Staff Contact:**

Tom Altieri, AICP  
 Planning Department  
 (919) 245-2579  
 taltieri@orangecountync.gov

Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan  
 Areas Within the Town's Urban Service Boundary

September 9, 2013 Orange County Public Hearing draft. See Attachment 2 as a tool to help distinguish future land uses proposed in the County's existing planning jurisdiction from the Town of Hillsborough's planning jurisdiction.



- Legend**
- Urban Service Boundary
  - Natural Resource
  - 
  - Attached Residential
  - Employment
  - Government
  - Light Industry
  - Medium Density Residential
  - Mixed Resid. Neighborhood
  - Mixed Use
  - Neighborhood Mixed Use
  - Permanent Open Space
  - Rural Living
  - Retail Service
  - Small Lot Residential
  - Suburban Office
  - Town Center
  - Urban Neighborhood
  - WorkingFarm

Future Land Use Plan  
 Adopted  
 March 11, 2013

The **Urban Services Boundary** indicates the limits of Hillsborough water and sewer service consistent with an Inter-local Agreement with Orange County, OWASA, Chapel Hill, Carrboro, and Hillsborough. Future Land Uses would be used by Hillsborough and Orange County as the basis for approving zoning designations on colored parcels and those within the boundary, consistent with the Inter-local Agreement between Orange County and Hillsborough.

Areas **outside** the Urban Services Boundary with a Future Land Use designation are due to the boundary crossing a parcel. Areas **outside** the Urban Services Boundary with current utility service from the Town of Hillsborough **will retain service**.

# Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan

Staff Note: When this Land Use Plan is implemented through Orange County 2030 Comprehensive Plan amendments, staff will add an introductory section to replace the first two paragraphs below that describes the joint planning construct and linkage to the Hillsborough/Orange Interlocal Agreement.

## Hillsborough, NC Future Land Use Plan

The Future Land Use Plan is composed of a map showing Future Land Use Designations and a brief text detailing those designations and how they align with zoning districts listed in the Hillsborough Unified Development Ordinance. Together, the map and text constitute the Future Land Use Plan for the Town of Hillsborough and lands within its jurisdiction. The Plan is adopted as a component of the Hillsborough Comprehensive Plan and is subject to amendments following the procedure established in the Unified Development Ordinance.

Nothing in this document limits the Hillsborough Town Board of Commissioners authority to regulate land use within its jurisdiction. Future Land Use Designations are not a guarantee that land will remain zoned in any particular use district, and are subject to the availability of infrastructure, including but not limited to water, sanitary sewer, and streets necessary to support designated or proposed uses.

### Future Land Use Classifications

**Natural Resource.** These areas are unique natural areas or environmental sensitive areas. The primary designation is for the 100-year flood zones along the Eno River and Cates Creek. The Eno River floodplain is a natural area of national significance. This designation does not follow parcel boundaries and overlays other designations listed here.

**Permanent Open Space.** These areas are intended for long-term use as open space, parks, or natural areas that protect scenic, historic, cultural, and environmentally valued lands. They include lands that are permanently protected, though not necessarily publicly owned or accessible, through private conservation easements or other private conservation measures, and publicly held park or conservation lands. **Zoning Districts: Agricultural-Residential; Protected Watershed & Protected Watershed Critical Area**

**Working Farm.** These areas reflect existing agricultural use in locations where continued agricultural use is desirable for the foreseeable future. **Zoning Districts: Agricultural-Residential; R-40**

**Rural Living.** These areas reflect existing very-low density residential uses with densities below 0.5 dwelling units per acre (~~at least a 2-acre minimum lot size~~) that occurs in areas without public water and sewer service, in locations where continued low-intensity use without public water and sewer is desirable for the foreseeable future. **Zoning Districts: Agricultural-Residential; Protected Watershed & Protected Watershed Critical Area; R-40**

**Small Lot Residential Neighborhood.** These areas provide opportunities for a lower density than pre-WWII or neo-traditional neighborhood living. These areas include detached single-family residential uses in post-WWII subdivision developments which range in density from 0.5 dwelling units per acre to 3 dwelling units per acre. **Zoning Districts: R-10; R-15; R-20; Entranceway Special Use; Mixed Residential Special Use; Residential Special Use**

**Medium-Density Residential.** These areas include existing and future areas for development of more dense residential neighborhoods that provide a diversity of housing types and housing options. Areas include single-family detached units, mobile homes, townhouses, duplexes, condominiums, apartments, senior housing, and other multi-family dwelling units. Housing densities should range from 3-8 dwelling units per acre. Other types of uses that may occur are schools, parks, and other public facilities. **Zoning Districts: R-10; R-15; R-20; Multi-Family; Mobile Home Park; Entranceway Special Use; Mixed Residential Special Use; Multi-Family Special Use; Residential Special Use**

**Attached Residential Neighborhoods.** These areas include existing and future areas for the development of dwelling units at more than 8 units per acre, which generally implies attached dwelling units. This designation may also be used for unique residential settings like retirement villages or nursing homes. **Zoning Districts: Multi-Family; Multi-family Special Use; Entranceway Special Use; Mixed Residential Special Use; Residential Special Use**

**Mixed Residential.** The dominant land use in any proposed development is expected to be residential based on square footage of proposed structures. Developments may contain a single or variety of dwelling types and densities or may integrate a variety of supportive commercial, public and semi-public uses and open or public space. Small developments that provide only supportive non-residential land uses in an infill arrangement serving more than 50 dwelling units in a walkable manner may also be considered. **Zoning Districts: R-10; R-15; R-20; Neighborhood Business; Multi-Family; Multi-family Special Use; Entranceway Special Use; Mixed Residential Special Use; Residential Special Use; Special Design Special Use**

**Urban Neighborhood** Established residential neighborhoods that pre-date traditional zoning and land use regulation. Lot sizes and building types are varied and generally developed on a grid street pattern. The predominant type is generally low density single family housing with occasional business, government, park, church or school uses. Infill and redevelopment projects should enhance the unique character of the surrounding neighborhood and be of consistent scale and appearance. The opportunity to increase the residential density in a compatible manner is encouraged. **Zoning Districts: R-10; R-15; R-20; Neighborhood Business Special Use; Residential Special Use**

**Education.** These areas are currently developed as public schools and their use is not anticipated to change. **Zoning Districts: Office Institutional**

**Employment areas.** These areas include a wide range of business, light industrial, office, research and development, along with related/support services uses including restaurants, small scale retail and convenience shopping/services. Buildings and uses will be sited to limit the visual impact of service and warehousing operations, while still providing convenience for business functionality. These areas are in prime locations with good access to major road networks (where capacity exists or is planned) and rail if needed and should be reserved for high return employment generating uses. **Zoning Districts: High Intensity Commercial; Business Park; Economic Development District; Light Industrial, General Industrial; Entranceway Special Use; Special Design Special Use**

**Light Industrial.** The Industrial classification is applied to areas that currently support industrial uses or lands that could accommodate a variety of industrial establishments which employ high environmental quality standards and have minimal impacts on adjacent uses. These areas incorporate larger tracts of land because of their nature and function. Industrial developments should provide shared access, and have a coordinated design and a planned layout. **Zoning Districts: High Intensity Commercial; Business Park; Economic Development District; Light Industrial, General Industrial**

**Mixed Use.** These areas a full range of uses well mixed, both vertically and horizontally, much like a downtown or village center. Multi-story buildings are the norm and will generally contain a vertical mix of uses. Uses are expected to be roughly balanced between residential, retail, office, service, public and semi-public uses. Public open space of both urban and green space is also expected to off-set the intensity of development. **Zoning Districts: R-10; Multi-family; Office Institutional; High Intensity Commercial; Multi-family Special Use; Residential Special Use; Special Design Special Use**

**Neighborhood Mixed Use.** These areas provide opportunities for goods and services that residents of the district and surrounding neighborhoods need on a daily basis. Lots with this designation will front on an

arterial or collector street and back up to single family neighborhoods. Buildings and uses will generally be in scale with the surrounding neighborhoods and be walkable as well as providing vehicular access. Sites may be single use or, mixed use, may incorporate residential uses or may be solely residential at a higher density than the adjacent neighborhood. **Zoning Districts: R-10; Multi-family; Neighborhood Business; Neighborhood Business Special Use; Central Commercial; Central Commercial Special Use; Multi-Family Special Use; Residential Special Use**

**Retail Services.** These areas focus on retail and commercial uses. They should be located near residential and employment areas to provide good access to commerce and personal services. Retail areas can have a range of characteristics depending on their primary markets. The larger scale regional draws are more automobile-oriented and draw people from throughout the region. These areas should be located near interstate access, and they may include larger scale stores like “big boxes”, warehouse clubs, and large specialty retailers. Smaller, accessory uses can also locate in these areas to provide convenience shopping and include restaurants and smaller specialty retailers; often located on out-parcels or in smaller shopping centers. **Zoning Districts: Neighborhood Business; Neighborhood Business Special Use; Central Commercial; Central Commercial Special Use; General Commercial; High Intensity Commercial; Entranceway Special Use; Special Design Special Use**

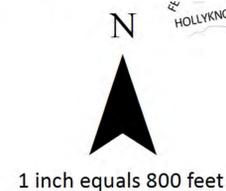
**Suburban Office Complex.** These areas provide opportunities to for office and employment enterprises which do not rely on walk-in customers or have a manufacturing component. Businesses may be large or small but will generally arrange themselves in a campus setting with limited walkability and supporting services. Developments of this type should be kept small in nature to limit the peak transportation impact and limited vitality. **Zoning Districts: Limited Office; Office Institutional; Business Park; Economic Development District; Entranceway Special Use; Special Design Special Use**

**Town Center.** This area incorporates the historic structures, civic uses, commercial opportunities, and the active pedestrian environment that is the downtown core of Hillsborough. The core commercial areas are to be preserved and enhanced over the long-term and should provide mixed-use opportunities that combine second-floor residential units with ground floor commercial, office, or institutional uses. **Zoning Districts: R-20; Office Institutional; Central Commercial; Central Commercial Special Use**



# Exhibit for September 9, 2013 Orange County Public Hearing

Attachment 2

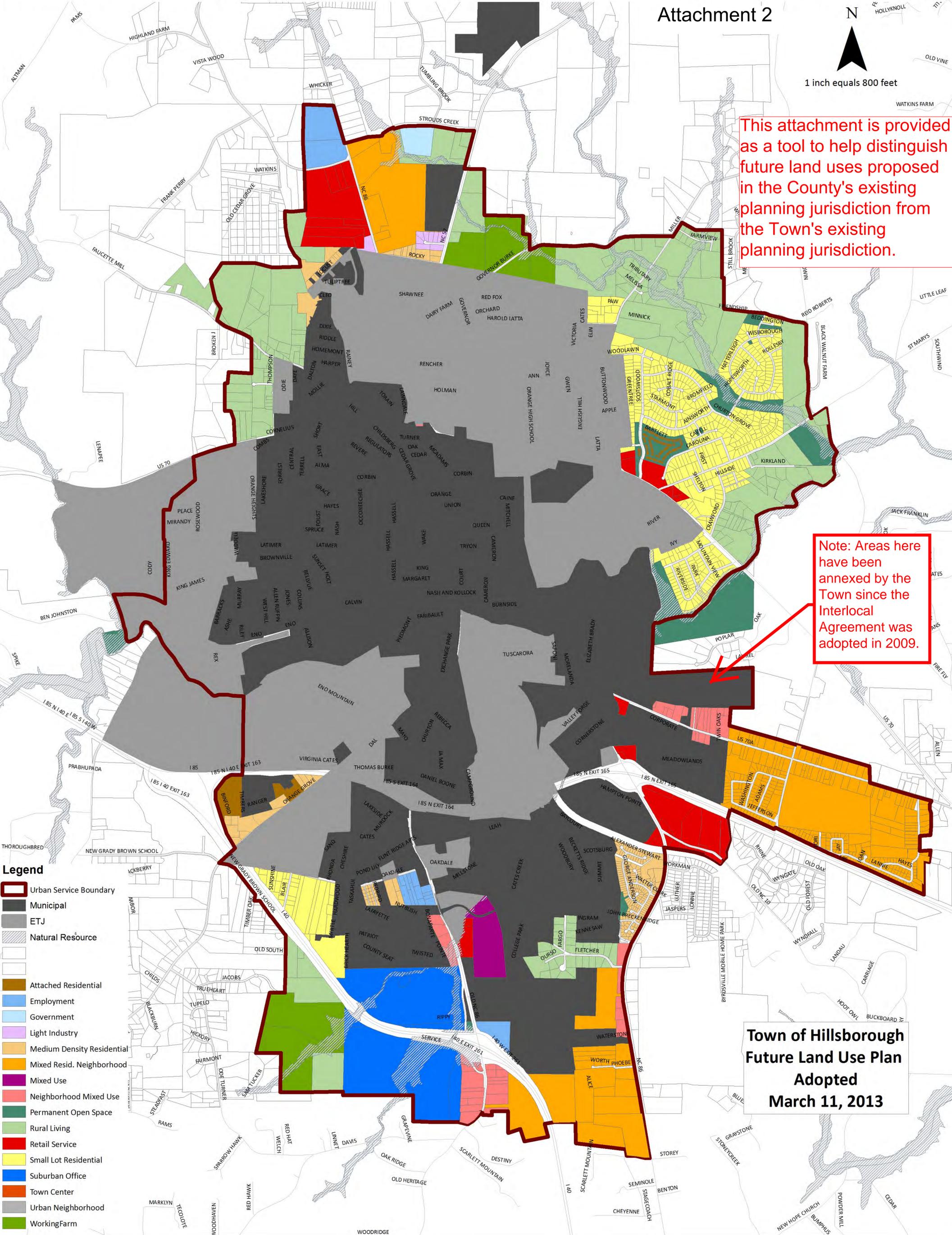


This attachment is provided as a tool to help distinguish future land uses proposed in the County's existing planning jurisdiction from the Town's existing planning jurisdiction.

Note: Areas here have been annexed by the Town since the Interlocal Agreement was adopted in 2009.

**Town of Hillsborough  
Future Land Use Plan  
Adopted  
March 11, 2013**

- Legend**
- Urban Service Boundary
  - Municipal
  - ETJ
  - Natural Resource
  - Attached Residential
  - Employment
  - Government
  - Light Industry
  - Medium Density Residential
  - Mixed Resid. Neighborhood
  - Mixed Use
  - Neighborhood Mixed Use
  - Permanent Open Space
  - Rural Living
  - Retail Service
  - Small Lot Residential
  - Suburban Office
  - Town Center
  - Urban Neighborhood
  - Working Farm



1 DRAFT

2 **MINUTES EXCERPT**  
 3 **ORANGE COUNTY BOARD OF COMMISSIONERS**  
 4 **ORANGE COUNTY PLANNING BOARD**  
 5 **QUARTERLY PUBLIC HEARING**  
 6 **September 9, 2013**  
 7 **7:00 P.M.**

8 The Orange County Board of Commissioners and the Orange County Planning Board  
 9 met for a Quarterly Public Hearing on Monday, September 9, 2013 at 7:00 p.m. at the DSS  
 10 Offices, Hillsborough Commons, Hillsborough, N.C.

11  
 12 **COUNTY COMMISSIONERS PRESENT:** Chair Barry Jacobs and Commissioners mark  
 13 Dorosin, Alice M. Gordon, Earl McKee Bernadette Pelissier, Renee Price and Penny Rich

14 **COUNTY COMMISSIONERS ABSENT:**

15 **COUNTY ATTORNEY PRESENT:** James Bryan (Staff Attorney)

16 **COUNTY STAFF PRESENT:** County Manager Frank Clifton and Deputy Clerk to the Board  
 17 David Hunt (All other staff members will be identified appropriately below)

18 **PLANNING BOARD MEMBERS PRESENT:** Chair Pete Hallenbeck, and Planning Board  
 19 members, Maxecine Mitchell, Johnny Randall, Lisa Stuckey, Stephanie O'Rourke, Paul Guthrie,  
 20 and Herman Staats

21 **PLANNING BOARD MEMBERS ABSENT:** Tony Blake, Andrea Rohrbacher, Rachel Phelps  
 22 Hawkins, James Lea and H.T. "Buddy" Hartley

23  
 24 **C. PUBLIC HEARING ITEMS**

25  
 26 Chair Jacobs called the public hearing to order. He noted that Pete Hallenbeck would  
 27 preside over the meeting.

28 The following Planning Board members were present: Chair Pete Hallenbeck, Maxecine  
 29 Mitchell, Lisa Stuckey, Stephanie O'Rourke, Paul Guthrie, and Herman Staats.

30  
 31 **5. Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use**

32 **Plan** – To review future land uses proposed for areas of County jurisdiction located within the  
 33 Town's Urban Service Boundary. This is the next step towards completion of a joint Town of  
 34 Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan.

35  
 36 Tom Altieri reviewed the following PowerPoint slides:

37  
 38 **Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use**  
 39 **Plan**

40 Quarterly Public Hearing  
 41 September 9, 2013  
 42 Item C.5

43  
 44 **Purpose**

45 Hold a public hearing on draft Town of Hillsborough/Orange County Central Orange  
 46 Coordinated Area (COCA) Land Use Plan

47  
 48 **History of Joint Planning with Hillsborough**

49 ***Hillsborough/OC Urban Transition Area Task Force (2004):***

- 50 • Acknowledgement that the Town's Primary Service Area for public water/sewer, as
- 51 defined by Water and Sewer Management Planning and Boundary Agreement, was a
- 52 much larger area than it had the ability to serve.
- 53 • Principles of Agreement and Map, one of which called for a Joint Strategic Growth Plan
- 54 (SGP).

**Hillsborough/OC SGP Phase I (2006):**

- Consultant prepared SGP Report.
- SGP Report called for preparation of Inter-local Agreement.

**History of Joint Planning with Hillsborough (Cont.)****Phase II - Hillsborough-Orange Inter-local Land Management Agreement (2009):**

- Called for adoption of Joint Land Use Plan (JLUP);
- Established Urban Services Area, Hillsborough Urbanizing Area, and Orange County Urbanizing Area;
- Identified areas for Town's Extraterritorial Jurisdiction (ETJ) swap;
- Provides for JLUP adoption, administration, and amendment processes.

**Inter-local Agreement (2009) MAP****Why Joint Planning?**

- Implement Inter-local Agreement.
- Clear and consistent guidance for land use/zoning decisions.
- Achieve coordinated growth patterns.
- Distinguish between areas to have urban characteristics from rural.

**Adopted by Town March 2013 MAP****Prior to Town Adoption**

BOCC letter to Town providing comments (Oct. 2012) – Part of Town's outreach and public hearing process (2012 – early-2013).

Town Planning Board (Nov. 2012) – Addresses BOCC comments as part of its recommendations.

BOCC Work Session (Jan. 2013) – Review of Town Planning Board recommendations and how they addressed BOCC input.

BOCC/Hillsborough Board of Commissioners Joint Meeting (Feb. 2013) – Update on Town process and next joint planning steps.

**Following Town Adoption of FLUP**

Consistent with the Inter-local Agreement (2009), following Town adoption, the BOCC is to consider endorsing the Plan (map and descriptions of classifications, pp. 9-12)

**Orange County Public Hearing**

Monday, September 9, 2013

**Town and County Jurisdictions MAP****County/Town Open House**

Held August 27, 2013 at the Town Barn  
(101 E. Orange Street).

- Held to help inform public of process and next steps
- 20 people attended
- 1 walk-in at Planning Department
- Response to Plan has been very positive
- Request to protect residential properties along fringe of Urban Service Area

**What's Next? Flowchart****Questions and Public Comment****Recommendation**

The Planning Director recommends the Board:

- 1 1. Refer the Plan to the Planning Board requesting it return its recommendation for the
- 2 November 5, 2013 BOCC meeting; and
- 3 2. Adjourn the hearing until November 5, 2013 to receive and accept Planning Board's
- 4 recommendation.

5  
6 Tom Altieri, referring to Slide 8, said comments from the Public Hearing included  
7 concerns regarding limitations on high density residential development on the north side of  
8 town. There were concerns about additional traffic on Churton Street. He said there were also  
9 some issues differentiating colors on the land use plan. He said the County had some specific  
10 requests to change the town classification of some properties near Old NC 86 and I-40. He said  
11 these requests were included in the County Planning Board recommendation that was adopted  
12 in March.

13 He reviewed the flowchart found on page 15 of the abstract. He said, following  
14 endorsement by the Board in November, staff will take the next step to process amendments to  
15 the comprehensive plan in order to implement this joint land use plan. He said this step cannot  
16 be taken until the County Commissioners and the Town Board are on the same page.

17 Commissioner Gordon referred to the maps on pages 13 and 14. She asked for an  
18 explanation of the map on page 14.

19 Tom Altieri said the map on page 14 is the map that the town of Hillsborough adopted in  
20 March. He said this map takes the incorporated and ETJ areas and shows them in gray. He  
21 said this is identical to the map on page 9, except one shows land uses within the town  
22 incorporated areas.

23 Commissioner Gordon asked about the relationship between the maps on pages 13 and  
24 14. She referred to proposed ETJ areas to be deleted and said that the map on page 14 has  
25 areas labeled as ETJ that she thought were supposed to be County area.

26 Tom Altieri said this ETJ swap part of the process has not been reached yet. He said  
27 there must first be a formal request from the town.

28 Commissioner Gordon clarified that the swap will all be done at once.

29 Tom Altieri said yes.

30 Commissioner Gordon asked how that will work in this process.

31 Tom Altieri said the Town's request must be received first, and then staff will come back  
32 to the Board with an amendment outline form. He said this form will outline the process for the  
33 swap. He said he does not have more details now.

34 Commissioner Gordon asked if page 9 is the future land use plan adopted by the town.

35 Tom Altieri said this is correct.

36 Commissioner Gordon said this does not look the same as the one on page 14.

37 Tom Altieri said the map on page 9 shows the land uses within the town of Hillsborough  
38 incorporated area and the present ETJ. He said the map on page 14 shows those areas in  
39 gray.

40 Commissioner Gordon said these maps do not look the same. She said there are areas  
41 that are different.

42 Tom Altieri said the town of Hillsborough did not adopt future land uses in the area that  
43 will be given up to the west.

44 Commissioner Gordon said it looks like the town has adopted future land in the area  
45 being taken in. She said the map on page 14 still has the ETJ area as part of the municipal  
46 area. She asked staff to come up with a timeline to show how these swaps will happen at the  
47 same time and what kind of land use will be put in these areas.

48 Tom Altieri said this will be done. He said this is proceeding prior to that because the  
49 inter-local agreement was done in 2009, and there is a need to move forward toward  
50 implementation.

51 Commissioner Gordon said she hopes these issues will be worked out so that things will  
52 mesh. She said there needs to be a plan for the part of the ETJ that is being given up.

1 Tom Altieri said this public hearing is for the County's endorsement of what the Town  
2 has already adopted. He said once this is accomplished staff will be able to proceed with  
3 bringing forward a process on how swaps will occur and what the land uses will be. He said  
4 these areas will most likely be agricultural/residential.

5 Commissioner Price said this is a plan. She said things have changed already and  
6 annexation laws have changed. She said there are areas that could or may not be annexed,  
7 and these are all future possibilities.

8 Commissioner Dorosin referred to the map on page 13 and asked about the urban  
9 services boundaries.

10 Tom Altieri said this is the map that is part of the inter-local agreement that has already  
11 been adopted, and the magenta line defines the urban service areas of the town.

12 Commissioner Dorosin stated that the map on page 14 is just a snapshot. He clarified  
13 that this is not permanent.

14 Tom Altieri agreed and said this map expresses a vision.

15 Chair Jacobs requested a list of both immediate and future steps contemplated to make  
16 the maps and land use visions of the town and County coincide. He said this would address  
17 Commissioner Gordon's concerns.

18  
19 A motion was made by Commissioner Gordon, seconded by Commissioner Pelissier to:

- 20  
21 1. Refer the Plan to the Planning Board requesting it return its recommendation for the  
22 November 5, 2013 BOCC meeting; and
- 23 2. Direct Staff to provide a list of both immediate and future steps contemplated in order to  
24 make the maps and land use visions of the town and County coincide.
- 25 3. Adjourn the hearing until November 5, 2013 to receive and accept Planning Board's  
26 recommendation.

27  
28 Chair Jacobs said it took a long time to get Hillsborough to the table to talk about joint  
29 planning. He said former elected officials had an overblown idea of how Hillsborough was going  
30 to grow. He said this was a breakthrough to sit down and discuss a joint plan.

31 He said some of the intended but not articulated consequences of the plan are that it  
32 recognizes the rural buffer to the south of Hillsborough. It also de-facto creates rural buffers to  
33 the west of Hillsborough in the upper Eno and to the east, separating Durham from  
34 Hillsborough.

35 He said this includes an Orange Grove access management plan that would have been  
36 very informative for people in the Eno River EDD.

37 He said this is the kind of plan that the County eventually needs to have with Mebane.

38  
39 VOTE: UNANIMOUS

40  
41  
42 Barry Jacobs, Chair

43  
44 David Hunt, Deputy Clerk

**DRAFT**

**Attachment 4**  
**DRAFT MINUTES EXCERPT**  
**ORANGE COUNTY PLANNING BOARD**  
**OCTOBER 2, 2013**  
**REGULAR MEETING**

**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Tony Blake, Bingham Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Paul Guthrie, At-Large Chapel Hill Township;

**MEMBERS ABSENT:** Johnny Randall, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Stephanie O'Rourke, Eno Township Representative; Vacant- Hillsborough Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz, Special Projects Coordinator; Michael Harvey, Current Planning Supervisor; Tom Altieri, Comprehensive Planning Supervisor; Ashley Monaco, Special Projects Planner; Abigaile Pittman, Transportation/Land Use Planner; Tina Love, Administrative Assistant II

**HANDOUTS:** *Petition regarding Eno Area Access Management Plan; Town of Hillsborough/Orange County Coordinated Area Land Use Plan Flowchart*

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

**Agenda Item 11: Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan**  
 – To make a recommendation to the BOCC on future land uses proposed for areas of County jurisdiction located in the Town's Urban Service Boundary. This is the next step towards completion of a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Plan. This item was heard at the September 9, 2013 quarterly public hearing.

**Presenter:** Tom Altieri, Comprehensive Planning Supervisor

Tom Altieri: (Reviewed map). At the public hearing there were no members of the public that spoke but there was a comment from Commissioner Gordon regarding process and more specifically some questions about the ETJ swaps that are mentioned and part of the Interlocal Agreement. The ETJ swaps are not part of this process. It is a good question and Commissioner Gordon is looking down the road at next steps. The swapping process must be initiated by the Town of Hillsborough and that had not been done prior to the public hearing and it since has. The County received letter and notification from the Town on September 13<sup>th</sup> that the Town is prepared to initiate that process and has asked for coordination with County staff and that a meeting be held to determine how that process will unfold and when. I don't have those specifics now but certainly will have more soon following that meeting we anticipate to take place this month. The recommendation is that the Planning Board deliberate as necessary on the draft plan and provide that recommendation to the County Commissioners in time for their November 5<sup>th</sup> meeting.

Pete Hallenbeck: I know that Commissioner Gordon had concerns about the area where the municipal was all in black and gray in the map, did you have a chance to look at that.

Tom Altieri: I have and what she is referring to is the area shown within the Town's existing ETJ and is included in the area that is to be swapped with Orange County. It will become Orange County's jurisdiction. There is an area

**DRAFT**

54 that is presently in the County's jurisdiction that is to become Town of Hillsborough ETJ and therefore it has colors  
55 on the maps in those areas.

56  
57 *(Planning Members and staff reviewed maps)*

58  
59 Pete Hallenbeck: *(referring to area on map)* That area is Duke Forrest and critical watershed so it is really unlikely  
60 there will be factories or condominiums in that area.

61  
62 Tom Altieri: That is exactly why the Town is entertaining this swap and it makes sense to both parties.

63  
64 Craig Benedict: ETJ is usually intended for growth and they can't grow there so we are giving them areas such as  
65 near the interchange that would allow them growth. We need some clarity with regard to the 'rural living' category  
66 within Orange County planning jurisdiction.

67  
68 Pete Hallenbeck: One of the things driving this is that Hillsborough historically had this very large bite of the County  
69 they it was anticipating for services and then figured out how much it would cost to do water and sewer and the  
70 other thing that really affected this was that I-40 came along and this area between I-40 and I-85 is pure gold. It  
71 developed in a way that no one could anticipate prior to knowing about I-40. What we are really deliberating on  
72 here is saying yes this is a good process in having the County and Hillsborough get together and come up with an  
73 agreement on how things should go and coordinate their planning efforts to go in that direction.

74  
75 Tony Blake: The swap makes sense.

76  
77 *Tom Altieri pointed out areas on the map in regard to the Town of Hillsborough's plans on when to potentially*  
78 *service with water and sewer.*

79  
80 **MOTION** made by Paul Guthrie to approve the draft Town of Hillsborough/Orange County Coordinated Future Land  
81 Use Plan. Maxecine Mitchell seconded.

82 **VOTE:** Unanimous

83

## **ORANGE COUNTY BOARD OF COMMISSIONERS**

### **RESOLUTION APPROVING THE TOWN OF HILLSBOROUGH/ORANGE COUNTY CENTRAL ORANGE COORDINATED AREA LAND USE PLAN, AREAS WITHIN THE TOWN'S URBAN SERVICE BOUNDARY**

**WHEREAS**, Orange County and the Town of Hillsborough worked cooperatively to prepare a Strategic Growth Plan Report (dated November 2006) that called for preparation of an Interlocal Agreement for areas surrounding the Town of Hillsborough; and

**WHEREAS**, a Hillsborough-Orange Interlocal Land Management Agreement (dated June 2009) was approved and called for preparation of a Joint Land Use Plan; and

**WHEREAS**, North Carolina Session Law 1987-233 authorizes Orange County and its municipalities to engage in joint planning programs; and

**WHEREAS**, the Town of Hillsborough adopted a Future Land Use Plan (dated March 2013) for its Urban Service Area, which includes its planning jurisdiction, additional areas of County jurisdiction, and is to become the Central Orange Coordinated Area (COCA) Land Use Plan for areas within the Town's Urban Service Area; and

**WHEREAS**, the Draft COCA Land Use Plan was heard at the September 9, 2013 Quarterly Public Hearing; and

**WHEREAS**, the Orange County Planning Board has reviewed the Draft COCA Land Use Plan and unanimously recommended approval; and

**WHEREAS**, the Board finds that the COCA Land Use Plan for areas within the Town's Urban Service Area will further carry out the intent and purpose of the Interlocal Agreement and is consistent with the goals and objectives of the Orange County 2030 Comprehensive Plan;

**NOW THEREFORE BE IT RESOLVED** by the Orange County Board of Commissioners that the attached document titled "Town of Hillsborough-Orange County Central Orange Coordinated Area Land Use Plan, Areas Within the Town's Urban Service Boundary" is hereby approved to include the following change to the "Rural Living" Future Land Use Classification:

*"Rural Living. These areas reflect existing very-low density residential uses with densities below 0.5 dwelling units per acre (at least a 2-acre minimum lot size) that occurs in areas without public water and sewer service, in locations where continued low-intensity use without public water and sewer is desirable for the foreseeable future."*

**Adopted by Orange County:**

This the \_\_\_\_ day of \_\_\_\_\_, 2013.

---

Barry Jacobs, Chair  
Orange County Board of Commissioners

---

Donna Baker  
Clerk to the Orange County Board of  
Commissioners

County Seal:

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda**

**Item No.** 6-e

**SUBJECT:** North Carolina Community Transportation Program Administrative and Capital Grant Applications for FY 2015

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**DEPARTMENT:** Planning/Transportation

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

Yes
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**ATTACHMENT(S):**

1. Community Transportation Program Resolution
2. FY 2014 Certifications and Assurances  
Signature Pages (FY 2015 Documents to be Received at a Later Date)
3. Public Hearing Notice
4. Draft Administrative/Capital Budget Summaries
5. Local Share Certification Form

**INFORMATION CONTACT:**

Craig Benedict, 245-2585  
Bret Martin, 245-2582  
Pearl Waite, 245-2004

---

**PURPOSE:** To conduct an annual public hearing on the North Carolina Community Transportation Program (CTP) grant application by Orange Public Transportation (OPT) for FY 2015 and approve the grant application that includes adopting a resolution authorizing the applicant to enter into an agreement with the North Carolina Department of Transportation (NCDOT), and authorize the County Attorney to review and complete the necessary certifications and assurances.

**BACKGROUND:** Each year, the NCDOT Public Transportation Division accepts requests for administrative and capital needs for county-operated community transportation programs. OPT is eligible to make application for both administrative and capital funding. The current year FY 2014-approved application includes \$185,604 in administrative funding.

The **total CTP funding request for FY 2015 is \$185,604** for community transportation administrative expenses and an additional **\$483,292 for capital expenses** as reflected in the attached draft administrative and capital budget summaries (Attachment 4). This draft grant application is made for expenses totaling **\$668,896**.

Grant funds for administrative purposes will continue to be used to support overall transit systems management and operations and will continue to promote general ridership. Grant funds for capital items include the replacement of five (5) buses exceeding their useful life mileage thresholds in OPT's fleet as well as an additional two (2) buses to expand OPT's

fleet to implement service recommendations in accordance with the Orange County Bus and Rail Investment Plan (OCBRIP) and the County's Five-Year Bus Service Expansion Program currently under development. A public hearing (Attachment 3) has been scheduled with the opportunity for public discussion and comment before the Board takes action on the resolution (Attachment 1). The acceptance of these grant funds requires compliance with the annual certifications and assurances, for which the signature pages are attached (Attachment 2). The attached signature pages are for the certifications and assurances for State FY 2014. (The FY 2015 certifications and assurances signature pages are very similar to those for FY 2014, but the County has not yet received them from NCDOT. When received, they will be forwarded to the County Attorney and Chair for review and signatures.)

**FINANCIAL IMPACT:** The NCDOT CTP grant requires a 15% local match (\$27,841) for administrative expenses and a 10% local match (\$48,330) for capital expenses for a total of \$76,171. As a comparison, the total CTP grant amount requested for FY 2014 was \$185,897 for administrative expenses only as the County did not request capital funding for the FY 2014 grant application cycle. However, grant funding for capital expenses was requested for previous grant application cycles.

The indicated local match amounts will be requested in the upcoming FY 2015 budget cycle and must be committed from Orange County's budget for the performance period of July 1, 2014 through June 30, 2015 (FY 2015), as indicated in the attached Local Share Certification for Funding form (Attachment 5). This will require Orange County to obligate funding in its next budget cycle for these expenses. A total of \$61,638 would come from the County's general operating budget, and the remaining \$14,533 required local match for OPT's expansion vehicles would come from the County's share of the public transportation ½-cent sales tax and vehicle registration fee (i.e., OCBRIP).

**RECOMMENDATION(S):** The Interim Manager recommends the Board:

1. Conduct a public hearing to receive public comments on the proposed grant application;
2. Close the public hearing;
3. Approve the Community Transportation Program Grant application for FY 2015 in the total amount of \$668,896 with a local match total of \$76,171 to be provided when necessary;
4. Approve and Authorize the Chair to sign the Community Transportation Program Resolution and the Local Share Certification for Funding form; and
5. Approve and Authorize the Chair and the County Attorney to review and sign the annual certified statements of participation.

**ATTACHMENT 1**

**COMMUNITY TRANSPORTATION PROGRAM RESOLUTION**

**Section 5311  
FY 2015 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, 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 Chair of 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*)\* \_\_\_\_\_ (*Certifying Official's Title*) \_\_\_\_\_ do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Orange County Board of County Commissioners duly held on the 5th day of November, 2013.

\_\_\_\_\_  
*Signature of Certifying Official*

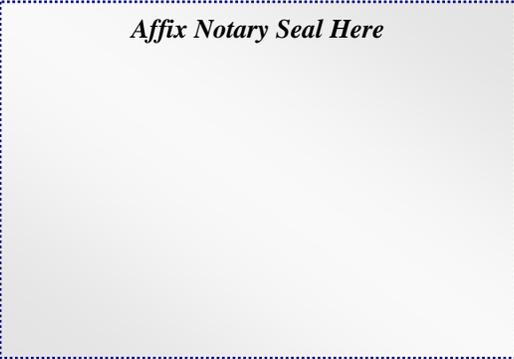
**\*Note that the authorized official, certifying official, and notary public should be three separate individuals.**

Seal Subscribed and sworn to me (*date*) \_\_\_\_\_

\_\_\_\_\_  
*Notary Public \**

\_\_\_\_\_  
*Printed Name and Address*

My commission expires (*date*) \_\_\_\_\_



**STATE FISCAL YEAR 2014**  
**FEDERAL (FTA) / STATE (NCDOT) CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**  
*(Required of all Applicants)*

AFFIRMATION OF APPLICANT

Legal Name of Applicant:  
Orange County

---

Name and Relationship of Authorized Official:  
Mr. Barry Jacobs, Chair Orange County Commissioners

---

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these Certifications and Assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal/State statutes and regulations, and follow applicable Federal/State guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application it makes to North Carolina Department of Transportation (NCDOT) for FTA (Federal Transit Administration) and for State assistance in State Fiscal Year 2014, irrespective of whether the individual that acted on its Applicant's behalf continues to represent the Applicant.

NCDOT and FTA intend that the Certifications and Assurances the Applicant selects on the preceding Certifications and Assurances group selection page should apply, as provided, to each Project for which the Applicant seeks now, or may later seek State or (FTA) Federal assistance during State Fiscal Year 2014.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to NCDOT, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to the NCDOT and FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute.

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and correct.

---

Signature of Authorized Official

Date Signed

Mr. Barry Jacobs, Chair Orange County Commissioners

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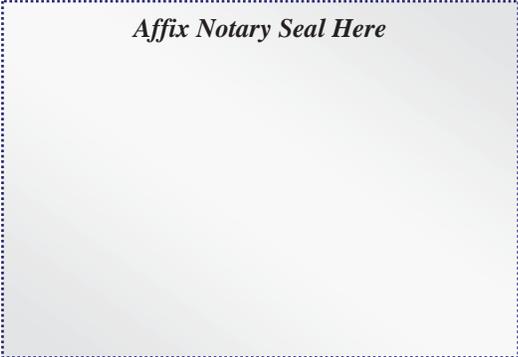
Name/Title of Authorized Official

Seal Subscribed and sworn to me (date) \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name and Address

My commission expires (date) \_\_\_\_\_



AFFIRMATION OF APPLICANT'S ATTORNEY  
(Required of all Applicants)

For (Legal Name of Applicant):  
Orange County

---

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA/NCDOT Project or Projects.

---

Signature of Attorney for Applicant

Date Signed

Mr. John Roberts, Orange County Attorney  
Name of Attorney for Applicant

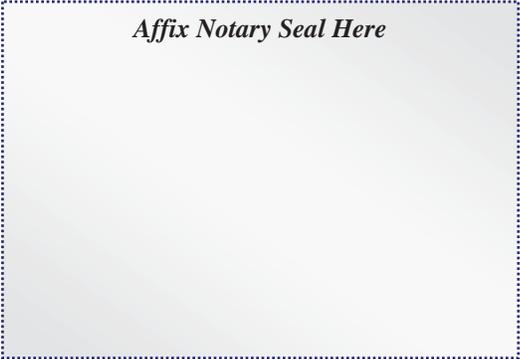
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Seal/ Subscribed and sworn to me (date) \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name and Address

My commission expires (date) \_\_\_\_\_



(Required of all Applicants, except an Indian tribe or a tribal organization)  
**CERTIFICATION AND RESTRICTIONS ON LOBBYING**

I, Mr. Barry Jacobs, on behalf of \_\_\_\_\_,  
*Name of Authorized Official*

Orange County,  
*Legal Name of Applicant*

Hereby certifies that:

No Federal/State 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 Federal/State agency, a Member of Congress or State Legislature, an employee of a member of Congress or State Legislature, or an officer or employee of Congress or State Legislature in connection with the awarding of any Federal/State contract, the making of any Federal/State grant, the making of any Federal/State loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal/State contract, grant, loan, or cooperative agreement.

If any funds other than Federal/State appropriated funds have been paid or will be paid to any person influencing or attempting to influence an officer or employee of any Federal/State agency, a Member of Congress or State Legislature, an employee of a member of Congress or State Legislature, or an officer or employee of Congress or State Legislature in connection with the Federal/State contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

*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 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.*

*The undersigned certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. Section 3801, et seq., are applicable thereto.*

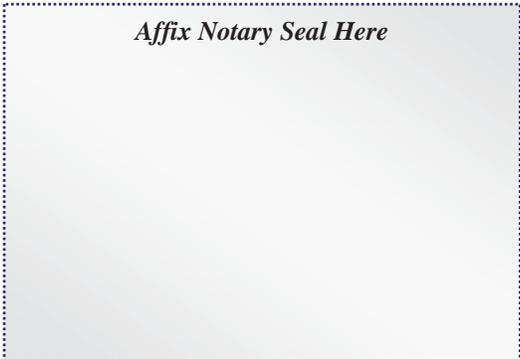
\_\_\_\_\_  
*Signature of Authorized Official*

Seal Subscribed and sworn to me (date) \_\_\_\_\_

\_\_\_\_\_  
*Notary Public*

\_\_\_\_\_  
*Printed Name and Address*

My commission expires (date) \_\_\_\_\_



(Required of all Applicants that currently operate or plan to procure inaccessible vehicles)

CERTIFICATION OF EQUIVALENT SERVICE

I, Mr. Barry Jacobs, on behalf of
Name of Authorized Official

Orange County,
Legal Name of Applicant

Hereby certifies that:

The demand responsive service offered to individuals with disabilities (as defined in 49 CFR 37.3), including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

- 1) Response time;
2) Fares;
3) Geographic service area;
4) Hours and days of service;
5) Restrictions or priorities based on trip purpose;
6) Availability of information and reservation capability; and
7) Constraints on capacity or service availability.

In accordance with 49 CFR 37.77, public funded entities operating demand responsive systems for the general public which receive financial assistance under section 18 of the Federal Transit Act must file this certification with the appropriate state program office before procuring any inaccessible vehicle. NCDOT also requires state funded entities that do not receive Federal Transit Administration (FTA) funds to file this certification as well. This certification is valid for no longer than one year from its date of filing.

The NCDOT Public Transportation Division requires all participants to certify equivalent service when requesting to purchase non-ADA accessible vehicles. By signing this certification, the above-named agency is certifying that it has a mechanism in place to provide rides to individuals with disabilities. The ride must be provided in a manner equivalent to the service provided by the above-named agency to individuals without disabilities.

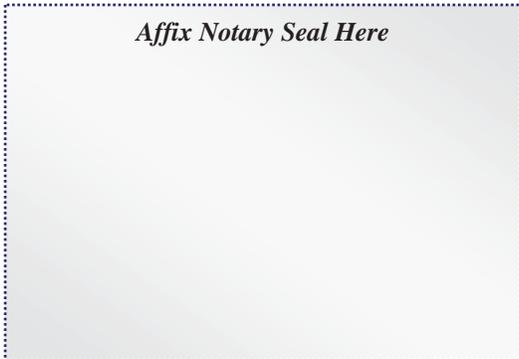
Signature of Authorized Official

Seal Subscribed and sworn to me (date)

Notary Public

Printed Name and Address

My commission expires (date)



## ATTACHMENT 3

### 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 November 15, 2013. The public hearing will be held on November 5, 2013, at Central Orange Senior Center; 103 Meadowlands Drive; Hillsborough, NC, 27278 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 Pearl Waite on or before November 5, 2013, at telephone number (919) 245-2004 or via email at [pwaite@orangecountync.gov](mailto:pwaite@orangecountync.gov).

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 County Public Transportation.

The total estimated amount requested for the period July 1, 2014 through June 30, 2015

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Administrative	\$ 185,604	\$ 27,841 (15%)
Capital (Vehicles & Other)	\$ 483,292	\$ 48,330 (10%)
Operating (Small fixed-route, regional, and consolidated urban-rural systems only)	\$	\$ *(50%) or more *Note: Small Fixed Route systems must contribute more than 50%
<b>TOTAL PROJECT</b>	<b>\$ 668,896</b>	<b>\$ 76,171</b>
	<b>Total Funding Request</b>	<b>Total Local Share</b>

This application may be inspected at 600 Highway 86 North, Hillsborough, N.C., 27278 from 8:00 a.m. - 5:00 p.m., Monday through Friday. Written comments should be directed to Pearl Waite before November 5, 2013.

*End of Notice*

### **ATTACHMENT 3**

**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.

**ATTACHMENT 4**

FY15 Community Transportation Admin.

10

Project Number :

**BUDGET SUMMARY**

September 2013 - June 2015

Legal Name:	ORANGE COUNTY		
Address:	FINANCE OFFICE PO Box 8181 HILLSBOROUGH, NC 27278-8181		
County:	ORANGE COUNTY	Congressional District: 4	
Contact Person:	Pearl Waite		
Telephone:	+1 (919) 245-2004		
Fax:	+1 (919) 732-2137		
Email:	pwaite@co.orange.nc.us		
Web Site:	Orangecountync.gov		
Federal ID Number:	56-6000327	DUNS Number: 091575191	
CFDA #			
Period of Performance:	Jul 1, 2014	to	Jun 30, 2015
		Federal Billable/Non-Billable	Billable

I. Total Project Expenditures		
(NCDOT Maximum Participation Amounts)	Requested	NCDOT Use Only
Total Expenses	\$185,604	\$185,604
Total Contra Accts and Fare Revenue		
Total Net Expenses/Cost	\$185,604	\$185,604

II. Proposed Project Funding*					
	Total	Federal	Federal Non-Billing	NCDOT	Local
	100.00%	64.80%		20.20%	15.00%
Total Funding	\$185,604	\$120,271	\$0	\$37,492	\$27,841

IV. Proposed DBE, MBE, WBE Goals (Enter DBE Goal if Federal Funding applies, otherwise enter MBE/WBE Goals)			
	DBE	MBE	WBE
%			
Amount	\$0	\$0	\$0

**ATTACHMENT 4**

FY15 Community Transportation Admin.

11

Project Number :

PROPOSED BUDGET  
SALARY AND WAGE DETAIL

Applicant : ORANGE COUNTY

Object Code	Position Title	No.	Total Annual Salary	Pct. (%) Oper Transp. Tasks	No. of Years	Budgeted Amount	No. of Positions Approved	NCDOT Maximum Participation
<b>FULL TIME EMPLOYEES</b>								
G121	Transportation Administrator	1	\$58,191	95%	1	\$55,281	1	\$55,281
G121	Assistant Transportation Admin	1	\$48,996	60%	1	\$29,398	1	\$29,398
G121	Administrative Assistant I	1	\$39,150	40%	1	\$15,660	1	\$15,660
G121								
G121								
G121								
G121								
G121								
G121								
G121								
TOTAL G121 SALARIES		3				\$100,339	3	\$100,339
<b>PART-TIME EMPLOYEES - RECEIVING BENEFITS</b>								
G125								
G125								
G125								
G125								
G125								
G125								
TOTAL G125 SALARIES								
<b>PART-TIME EMPLOYEES - RECEIVING NO BENEFITS</b>								
G126								
G126								
G126								
G126								
G126								
G126								
TOTAL G126 SALARIES								
TOTAL SALARY & WAGE		3				\$100,339	3	\$100,339

**ATTACHMENT 4**

FY15 Community Transportation Admin.

12

Applicant: ORANGE COUNTY

Project Number :

PROPOSED BUDGET  
EXPENSES

Object Code	Title	Total Cost	For NCDOT Use Only
<b>G120</b>	<b>Salaries and Wages</b>		
G121	Full-time employees	\$100,339	\$100,339
G122	Overtime		
G125	Part-time (receives benefits)		
G126	Temporary and part-time (receives no benefits)		
G127	Longevity	\$856	\$856
<b>Subtotal Salaries:</b>		<b>\$101,195</b>	<b>\$101,195</b>
<b>G180</b>	<b>Fringe Benefits</b>		
G181	Social security contribution (7.65% of total salaries)	\$7,741	\$7,741
G182	Retirement contribution; total salaries X participating percentage <input type="text" value="\$100,339"/> X <input type="text" value="6.93%"/>	\$6,953	\$6,953
G183	Hospitalization insurance; cost per month X no. of months X no. of employees. <input type="text" value="\$631.00"/> X <input type="text" value="12"/> X <input type="text" value="1.9"/>	\$14,387	\$14,387
G184	Disability insurance; cost per month X no. of months X no. of employees. <input type="text"/> X <input type="text"/> X <input type="text"/>		
G185	Unemployment compensation; Number of Employees:		
G186	Workers compensation; Number of Employees:		
G189	Other: Dental,life,401K	\$2,169	\$2,169
<b>Subtotal Fringe:</b>		<b>\$31,250</b>	<b>\$31,250</b>
<b>TOTAL SALARY &amp; FRINGE:</b>		<b>\$132,445</b>	<b>\$132,445</b>
<b>G190</b>	<b>Professional Services</b>		
G191	Accounting		
G192	Legal		
G195	Management Consultant		
G196	Drug & Alcohol Testing Contract		
G197	Drug & Alcohol tests Provide # of employees in test pool: 16	\$300	\$300
G198	Medical review officer		
G199	Other:		
<b>G200</b>	<b>Supplies and Materials</b>		
G211	Janitorial Supplies - (Housekeeping)		
G212	Uniforms	\$1,000	\$1,000
G233	First Aid supplies (replacement)		
G251	Motor Fuels and Lubricants		
G252	Tires and Tubes		
G253	Associated Capital Maint		

## ATTACHMENT 4

G254	Licenses, tags and fees		13
G255	Vehicle cleaning supplies		
G256	Hand tools		
G257	Vehicle signs & Paint Supplies		
G258	Vehicle touch up paint (non-contract)		
G259	Other:		
G261	Office Supplies and Materials	\$1,310	\$1,310
G281	Air Conditioner / Furnace Filters		
G291	Computer Supplies		
G292	Fire Extinguisher- recharging system		
<b>G300</b>	<b>Travel and Transportation (other than employee development)</b>		
G311	Travel: Anticipated trips:	\$800	\$800
G312	Travel subsistence	\$800	\$800
G313	Transportation of clients/others		
G314	Travel - Motor-pool or leased vehicles (Does NOT include vehicles used in the provision of contracted transportation services.)		
<b>G320</b>	<b>Communications</b>		
G321	Telephone Service	\$2,800	\$2,800
G322	Internet Service Fee		
G323	Combined Service Fee		
G325	Postage	\$250	\$250
G329	Other Communications:		
<b>G330</b>	<b>Utilities</b>		
G331	Electricity	\$4,000	\$4,000
G332	Fuel oil		
G333	Natural Gas		
G334	Water		
G335	Sewer		
G336	Trash collection		
G337	Single/combined utility bill		
G339	Other:		
<b>G340</b>	<b>Printing and Binding</b>		
G341	Printing and reproduction		
G349	Other:		
<b>G350</b>	<b>Repairs and Maintenance</b>		
G353	Vehicles (use 257/258 for vehicle signs & in-house paint supplies)		
G354	Shop equipment		
G355	Office and computer equipment		
G357	Communications equipment	\$2,248	\$2,248
G358	Other Repairs and Maintenance - Office Related		
G359	Other-Describe:		
<b>G370</b>	<b>Advertising/Promotion</b>		



**ATTACHMENT 4**

G451	Property and general liability (does not include vehicle insurance)			15
G452	Vehicles Number of Fleet Vehicle:                      Maximum Amount:                      \$0			
G453	Fidelity			
G454	Professional liabilities			
G455	Special liabilities			
<b>G480</b>	<b>Indirect Costs</b>			
G481	Central services: (budget direct cost base) X (percentage rate)			
	\$132,445 X 12.29% Maximum Amount \$16,277.49	\$16,278	\$16,278	
	Prior approval of Indirect Cost Percentage Rate required. <b>Questions should be directed to NCDOT Financial Management</b>			
<b>G490</b>	<b>Other Fixed Charges</b>			
G491	Dues and subscriptions: NCPTA	\$600	\$600	
G499	Other:			
<b>G600</b>	<b>Private / Public Operator Contracts - Purchase Services</b>			
G611	Direct purchase of service from privately owned provider			
G612	User side subsidy			
G621	Volunteer reimbursement			
G641	Direct purchase of service from publicly owned provider			
	<b>Total Expenses:</b>	<b>\$185,604</b>	<b>\$185,604</b>	
OPERATING REVENUES				
	<b>Contra Account</b>			
G821	General Fund			
G822	Capital Reserve Fund			
G832	N.C. Sales Taxes			
G833	N.C. Gas Tax Refund			
G834	County Sales Taxes			
G836	Fed Gas Tax Refund			
G839	Other Taxes			
G841	Charter Expenses			
G842	Garage Services			
G843	Advertising Expenses			
G844	Insurance Settlement			
G847	Inc Elderly/Disable			
G849	Other Contra Accts			
G991	Contingency/Prog Res			
	<b>TOTAL CONTRA ACCOUNTS:</b>			
<b>F500</b>	<b>Fare Revenue</b>			
F511	General Public Fares			
F521	Prepaid Fares/Bulk Discounts			
F522	Senior Citizen Fares			
F523	Student Fares			
F524	Child Fares			
F525	Paratransit Fares			

**ATTACHMENT 4**

F533	Special Route Guarantees		16
F529	Other Special Fares:		
<b>TOTAL FARE REVENUES:</b>			
<b>TOTAL CONTRA ACCOUNTS AND FARE REVENUES:</b>			
<b>TOTAL EXPENSES LESS TOTAL CONTRA ACCOUNTS AND FARE REVENUES = TOTAL NET OPERATING EXPENSES (TNOE):</b>		<b>\$185,604</b>	<b>\$185,604</b>

Project Number :

**CAPITAL BUDGET SUMMARY**

September 2013 - June 2015

Legal Name:	ORANGE COUNTY		
Address:	FINANCE OFFICE PO Box 8181 HILLSBOROUGH, NC 27278-8181		
County:	ORANGE COUNTY	Congressional District: 4	
Contact Person:	Pearl Waite		
Telephone:	+1 (919) 245-2004		
Fax:	+1 (919) 732-2137		
Email:	pwaite@co.orange.nc.us		
Web Site:	Orangecountync.gov		
Federal ID Number:	56-6000327	DUNS Number: 091575191	
CFDA #:			
Period of Performance:	Sep 17, 2013	to	Jun 30, 2015
		Federal Billable/Non-Billable	Billable

I. Total Project Expenditures		
(NCDOT Maximum Participation Amounts)	Requested	NCDOT Use Only
Replacement Vehicles	\$333,580	\$333,580
Expansion Vehicles	\$143,000	\$143,000
Other Capital Expenses	\$6,712	\$6,712
Advanced Technology Expenses	\$0	\$0
Baseline Technology Expenses	\$0	\$0
Facility Improvement Expenses	\$0	\$0
<b>Total</b>	<b>\$483,292</b>	<b>\$483,292</b>

II. Proposed Project Funding*					
	Total	Federal	Federal Non-Billing	NCDOT	Local
	100.00%	80.00%		10.00%	10.00%
<b>Total Funding</b>	<b>\$483,292</b>	<b>\$386,633</b>	<b>\$0</b>	<b>\$48,329</b>	<b>\$48,330</b>

IV. Proposed DBE, MBE, WBE Goals (Enter DBE Goal if Federal Funding applies, otherwise enter MBE/WBE Goals)			
	DBE	MBE	WBE
%			
Amount	\$0	\$0	\$0

**ATTACHMENT 4**  
**North Carolina Department of Transportation (NCDOT)**  
**Public Transportation Division (PTD)**

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FY15 CommunityTransportation Capital

Project Number :

PROPOSED PROJECT BUDGET  
 CAPITAL EXPENSES

Applicant: ORANGE COUNTY

Program Profile:ZPT2

Object Code	Title	Total Cost	NCDOT Maximum Participation	
<b>ROLLING STOCK: REPLACEMENT VEHICLES</b>				
G541	Description	Budgeted Cost	Qty	Qty
	<b>35- to 40-Ft. HD Low Floor Transit Bus (Replacement) - 12 yr. Bus</b> Heavy duty 2010-EPA diesel bus built as an integral unit.	\$450,000		\$0
	Alternative fuel engine - Hybrid Electric	\$250,000		\$0
	Optional Engine - CNG			
	Optional Engine - Natural Gas			
		<b>\$0</b>		<b>\$0</b>
G542	Description	Budgeted Cost	Qty	Qty
	<b>30- to 35-Ft. HD Low Floor Transit Bus (Replacement) - 10 yr. Bus</b> Heavy duty 2010-EPA diesel bus built as an integral unit.	\$410,000		\$0
	Alternative fuel engine - Hybrid Electric	\$200,000		\$0
	Optional Engine - CNG			
	Optional Engine - Natural Gas			
		<b>\$0</b>		<b>\$0</b>
G543	Description	Budgeted Cost	Qty	Qty
	<b>20' Light Transit Vehicle (Replacement) –</b> Body-on-chassis type vehicle (Cutaway van chassis); retaining the van-type cab; offering increased headroom and wider body; max. capacity - 13 passengers <b>(may be driven w/o CDL)</b>	\$49,000		\$0
	Bike Rack	\$1,500		\$0
		<b>\$0</b>		<b>\$0</b>
G545	Description	Budgeted Cost	Qty	Qty
	High-top Vehicle (Replacement) - School bus door entry; lowered stepwell; <b>NO LIFT; maximum capacity-12 passengers.</b>	\$50,000		\$0
	Optional Engine - Diesel	\$5,000		\$0
		<b>\$0</b>		<b>\$0</b>

G546	Description	Budgeted Cost	Qty		Qty	
	<b>20' Light Transit Vehicle w/wheelchair lift (Replacement)</b> – Body-on-chassis type vehicle (Cutaway van chassis); retaining the van-type cab; offering increased headroom and wider body; fully automatic side lift. <b>2 wheelchair station floor plan. Min. ambulatory capacity -8 pax; Max. ambulatory capacity -10 pax. (may be driven w/o CDL)</b>	\$56,500				\$0
	Optional Engine - Diesel	\$13,000				\$0
	Bike Rack	\$1,410				\$0
						<b>\$0</b>
						<b>\$0</b>
G547	Description	Budgeted Cost	Qty		Qty	
	<b>25' Light Transit Vehicle w/wheelchair lift (Replacement)</b> - Body-on-chassis type vehicle (Cutaway van chassis); retaining the van-type cab; offering increased headroom and wider body; fully automatic side lift. <b>2 and 4 Wheelchair Station floor plans Min. ambulatory capacity - 8 pax; Max. ambulatory capacity - 18 pax.</b>	\$67,830	4		4	\$271,320
	Optional Engine - CNG	\$30,000				\$0
	Optional Engine - Hybrid Electric	\$45,000				\$0
	Optional Engine - Diesel	\$13,000				\$0
	Brake Retarder	\$8,500				\$0
	Bike Rack	\$1,410				\$0
						<b>\$271,320</b>
						<b>\$271,320</b>
G548	Description	Budgeted Cost	Qty		Qty	
	<b>Lift-Equipped High-top Vehicle (Replacement)</b> - School bus door entry; lowered stepwell; fully automatic interior lifts. <b>2 to 3 Wheelchair Stations. Min. ambulatory capacity - 5 pax; Max. ambulatory capacity-8 pax.</b>	\$54,000				\$0
	Optional Engine - Diesel	\$5,000				\$0
						<b>\$0</b>
						<b>\$0</b>
G571	Description	Budgeted Cost	Qty		Qty	
	<b>Minivan / Crossover (Replacement)</b> – Small vehicle; standard production vehicle; <b>maximum capacity - 6 passengers.</b> Crossover vehicle (6 pax) available <b>ONLY for ALL-WHEEL DRIVE</b>	\$29,000				\$0
	<b>Option: Accessible Minivan compliant with ADA;</b> Lowered floor, wheelchair ramp and 1 to 2 wheelchair stations.	\$14,500				\$0
						<b>\$0</b>
						<b>\$0</b>

FY15 Community Transportation Capital

G573	Description	Budgeted Cost	Qty		Qty	
	<b>Support Vehicle (Replacement) - a vehicle used to support the transit system; maintenance needs.</b>	\$40,000				\$0
	Optional Engine - Diesel					
	Optional Engine - Hybrid Electric					
				<b>\$0</b>		<b>\$0</b>
G575	Description	Budgeted Cost	Qty		Qty	
	<b>28' Light Transit Vehicle w/wheelchair lift (Replacement) –</b> Body-on-chassis type vehicle (Cutaway van chassis); retaining the van-type cab; offering increased headroom and wide body; fully automatic lift. <b>2 and 6 Wheelchair Station floor plans Min. ambulatory capacity -8 pax; Max. ambulatory capacity -22 pax.</b>	\$85,000				\$0
	Optional Engine - CNG	\$36,000				\$0
	Optional Engine - Hybrid Electric	\$55,000				\$0
	Optional Engine - Diesel	\$12,000				\$0
	Brake Retarder	\$9,600				\$0
	Bike Rack	\$1,900				\$0
				<b>\$0</b>		<b>\$0</b>
G576	Description	Budgeted Cost	Qty		Qty	
	<b>22' Light Transit Vehicle w/wheelchair lift (Replacement) –</b> Body-on-chassis type vehicle (Cutaway van chassis); retaining the van-type cab; offering increased headroom and wider body; fully automatic side lift. <b>2 wheelchair station floor plan. Min. ambulatory capacity -12 pax; Max. capacity -14 pax. plus 1 wheelchair passenger.</b> <b>THIS LTV REQUIRES A CDL - LTV seating CANNOT BE MODIFIED.</b>	\$62,260	1	\$62,260	1	\$62,260
	Optional Engine - CNG	\$27,000				\$0
	Optional Engine - Hybrid Electric	\$45,000				\$0
	Optional Engine - Diesel	\$12,000				\$0
	Brake Retarder	\$8,600				\$0
	Bike Rack	\$1,410				\$0
				<b>\$62,260</b>		<b>\$62,260</b>

**ATTACHMENT 4**

**North Carolina Department of Transportation (NCDOT)  
Public Transportation Division (PTD)**

FY15 Community Transportation Capital

G577	Description	Budgeted Cost	Qty		Qty	
	<b>Other Transit Vehicle (Replacement) -</b> Other transit-type vehicle not otherwise identified in UPTAS. Specify type and if lift equipped. (include estimated cost documentation)					
	Optional Engine - Hybrid Electric					
	Optional Engine - Diesel					
<b>TOTAL REPLACEMENT VEHICLE QUANTITY &amp; EXPENSES:</b>				<b>\$333,580</b>		<b>\$333,580</b>

**\*NOTE: If you prefer to use a local vendor for lettering, please budget cost under line code G591 located under "Other Capital". Logos are now eligible under that code also.**

VEHICLE REPLACEMENT INFORMATION						NCDOT	
REPLACED VEHICLES					NEW VEHICLE	APPROVED REPLS.	
Year	Make	Type	Complete VIN	Mileage	Select code below	Y/N	Comment
<i>Example:2003</i>	<i>Ford</i>	<i>lift van</i>	<i>1FDXE45503HA77633</i>	<i>112,050</i>	<i>G548 - Lift-Equipped Van</i>	<i>N</i>	<i>Repl. FY11/prior</i>
2004	FORD	LTV	1FDXE4SSX4HA0818	216,036	G547 - 25' LTV w/ lift		
2002	FORD	LTV	1FDXE45S02HA0337	219,927	G547 - 25' LTV w/ lift		
2007	CHEVY	LTV	1GBE5V1947F422530	183,165	G547 - 25' LTV w/ lift		
2009	DODGE	LIFT VAN	2B7LB31ZX2K126762	135,000	G547 - 25' LTV w/ lift		
2003	DODGE	LIFT VAN	2D7LB1Z83K526892	156,135	G576 - 22' LTV w/ lift		

**ATTACHMENT 4**  
**North Carolina Department of Transportation (NCDOT)**  
**Public Transportation Division (PTD)**

FY15 Community Transportation Capital

Project Number :

PROPOSED PROJECT BUDGET  
 CAPITAL EXPENSES

Applicant: ORANGE COUNTY

Object Code	Title	Total Cost		NCDOT Maximum Participation
<b>ROLLING STOCK: EXPANSION VEHICLES</b>				
G561	Description	Budgeted Cost	Qty	Qty
	<b>35- to 40-FT HD Transit Bus w/Lift (Expansion) - 12 yr. bus</b> Heavy duty diesel bus built as an integral unit.	\$450,000		\$0
	Optional Engine - CNG			
	Alternative fuel Engine - Hybrid Electric	\$250,000		\$0
	Optional Engine - Diesel			
				<b>\$0</b>
G562	Description	Budgeted Cost	Qty	Qty
	<b>30- to 35-FT HD Transit Bus w/Lift (Expansion) - 10 yr. bus</b> Heavy duty diesel bus built as an integral unit.	\$410,000		\$0
	Alternative fuel engine: Hybrid	\$200,000		\$0
	Optional Engine - CNG			
	Optional Engine - Natural Gas			
				<b>\$0</b>
G563	Description	Budgeted Cost	Qty	Qty
	<b>20' Light Transit Vehicle (Expansion) –</b> Body-on-chassis type vehicle (Cutaway van chassis); retaining the van-type cab; offering increased headroom and wider body; max. capacity - 13 passengers <b>(may be driven w/o CDL)</b>	\$54,000		\$0
	Bike Rack	\$1,500		\$0
				<b>\$0</b>
G565	Description	Budgeted Cost	Qty	Qty
	<b>High - top Vehicle (Expansion) –</b> School bus door entry; lowered stepwell; <b>NO LIFT ; maximum capacity-12 passengers.</b>	\$53,000		\$0
	Optional Engine - Diesel	\$5,000		\$0
				<b>\$0</b>

FY15 Community Transportation Capital

G566	Description	Budgeted Cost	Qty		Qty	
	<b>20' Light Transit Vehicle w/wheelchair lift (Expansion) –</b> Body-on-chassis type vehicle (Cutaway van chassis); retaining the van-type cab; offering increased headroom and wider body; fully automatic side lift. 2 wheelchair station floor plan. Min. ambulatory capacity -8 pax; Max. ambulatory capacity -10 pax. <b>(may be driven w/o CDL)</b>	\$60,100				\$0
	Optional Engine - Diesel	\$13,000				\$0
	Bike Rack	\$1,410				\$0
						<b>\$0</b>
G567	Description	Budgeted Cost	Qty		Qty	
	<b>25' Light Transit Vehicle w/Lift (Expansion) –</b> Body-on-chassis type vehicle(Cutaway van chassis);retaining the van-type cab; offering increased headroom and wider body; fully automatic side life. <b>2 &amp; 4 Wheelchair Station floor plans Min. ambulatory capacity - 8 pax; Max. ambulatory capacity - 18 pax.</b>	\$71,500	2		2	\$143,000
	Optional Engine - CNG	\$30,000				\$0
	Optional Engine - Hybrid Electric	\$45,000				\$0
	Optional Engine - Diesel	\$13,000				\$0
	Brake Retarder	\$8,500				\$0
	Bike Rack	\$1,410				\$0
						<b>\$143,000</b>
						<b>\$143,000</b>
G568	Description	Budgeted Cost	Qty		Qty	
	<b>Lift-Equipped High-top Vehicle (Expansion) –</b> School bus door entry; stepwell; fully automatic interior lifts. <b>2 to 4 Wheelchair Stations. Min. ambulatory capacity - 5 pax; Max. ambulatory capacity-8 pax.</b>	\$57,000				\$0
	Optional Engine - Diesel	\$5,000				\$0
						<b>\$0</b>
						<b>\$0</b>
G572	Description	Budgeted Cost	Qty		Qty	
	<b>Minivan / Crossover (Expansion) –</b> Small vehicle; standard production vehicle; <b>maximum capacity - 6 passengers.</b> Crossover vehicle (6 pax) available <b>ONLY for ALL-WHEEL DRIVE</b>	\$31,500				\$0
	<b>Option: (a) Accessible Minivan compliant with ADA;</b> Lowered floor, wheelchair ramp and 1 to 2 wheelchair stations.	\$14,500				\$0
						<b>\$0</b>
						<b>\$0</b>

FY15 Community Transportation Capital

G574	Description	Budgeted Cost	Qty		Qty	
	<b>Support Vehicle (Expansion) –</b> Vehicle used to support transit system; maintenance needs.	\$40,000				\$0
	Optional Engine - Diesel					
	Optional Engine - Hybrid Electric					
						<b>\$0</b>
						<b>\$0</b>
G578	Description	Budgeted Cost	Qty		Qty	
	<b>28' Light Transit Vehicle w/wheelchair lift (Expansion) –</b> Body-on-chassis type vehicle (Cutaway van chassis); retaining the van-type cab; offering increased headroom and wide body; fully automatic lift; max. capacity - 22 passengers, depending on floor plan.	\$90,200				\$0
	Optional Engine - CNG	\$36,000				\$0
	Optional Engine - Hybrid Electric	\$55,000				\$0
	Optional Engine - Diesel	\$12,000				\$0
	Brake Retarder	\$9,600				\$0
	Bike Rack	\$1,900				\$0
						<b>\$0</b>
						<b>\$0</b>
G579	Description	Budgeted Cost	Qty		Qty	
	<b>22' Light Transit Vehicle w/Lift (Expansion) –</b> Body-on chassis type vehicle (Cutaway van chassis); retaining the van-type cab; offering increased headroom and wider body; fully automatic side life. <b>2 Wheelchair Station floor plan. Min. ambulatory capacity - 12 pax; Max. ambulatory capacity - 14 pax.</b> <b>THIS LTV REQUIRES A CDL - LTV seating CANNOT BE MODIFIED.</b>	\$66,000				\$0
	Optional Engine - Hybrid Electric	\$45,000				\$0
	Optional Engine - Diesel	\$12,000				\$0
	Brake Retarder	\$8,600				\$0
	Optional Engine - CNG	\$27,000				\$0
	Bike Rack	\$1,410				\$0
						<b>\$0</b>
						<b>\$0</b>
G595	Description	Budgeted Cost	Qty		Qty	
	<b>Other Transit Vehicle (Expansion) -</b> Other transit-type vehicle not otherwise identified in UPTAS. Specify type and if lift equipped. (include estimated cost documentation)					
	Optional Engine - Hybrid Electric					
	Optional Engine - Diesel					

**ATTACHMENT 4**

**North Carolina Department of Transportation (NCDOT)  
Public Transportation Division (PTD)**

FY15 Community Transportation Capital

<b>TOTAL EXPANSION VEHICLE QUANTITY &amp; EXPENSES:</b>	<b>\$143,000</b>		<b>\$143,000</b>
<b>*NOTE: If you prefer to use a local vendor for lettering, please budget cost under line code G591 located under "Other Capital". Logos are now eligible under that code also.</b>			



FY15 Community Transportation Capital

**G551 Vehicle Spare Parts** - Cost of spare parts for revenue producing vehicles. **The spare part must have a unit cost of greater than \$300 and a useful life of more than one (1) year. This expenditure is only available to systems with in-house maintenance facilities which maintain an inventory of spare parts.**  
**List one item per line, the number of units, and the estimated cost per each.**  
**(provide one cost estimate for each item requested.)**

Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total

**G552 Shop Equipment** - Purchase of equipment for maintaining vehicles, including, but not limited to, motor hoist, tire balancer, etc.  
**List one item per line, the no. of units per item, and the estimated cost.**  
**(provide one cost estimate for each item requested.)**

Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total

**G553 Repeater Station** - Used to extend the range of the base installation.  
 Attach estimate of cost from vendor.  
 Watts:

Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
New						
Replacement						

**G554 Radio Base Station** - Desk-type unit used to transmit to mobile units in the vehicles. Includes remotes and mobiles with power packs.  
 Attach estimate of cost from vendor.  
 Watts:

Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
New						
Replacement						

G555	<b>Mobile Radio Unit - 2-way radio installed in vehicle</b>						
	Attach estimate of cost from vendor.						
	Watts:						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	New	2	\$662	\$1,324	2	\$662	\$1,324
	Replacement	4	\$597	\$2,388	4	\$597	\$2,388
	<b>Hand-held Radio Unit - portable 2-way radio (limit 2 per transit system)</b>						
	Attach estimate of cost from vendor.						
	Watts:						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
New							
Replacement							
			<b>\$3,712</b>			<b>\$3,712</b>	
G556	<b>Telephone equipment - Individual telephone instruments (does not include new or replacement telephone systems – see G524 in Facility Improvements); may include cellular (digital) phones.</b>						
	List one item per line, the no. per item, and the estimated cost.						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
G557	<b>Fareboxes - Coin collection unit installed on vehicle.</b>						
	List item and indicate no. of units:						
	Attach estimated cost & type.						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	New						
Replacement							
G559	<b>Other Equipment - Specify item if not listed above.</b>						
	List one item per line, the no. per item, and the estimated cost.						
	<b>Provide one cost estimate for each item requested.</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
G585	<b>Bus Stop Signs - Sign used to indicate location where passengers can board or exit a public transit vehicle.</b>						
	<b>*Do not request Bus Stop Shelters/Benches here. Must request in Facility Improve.</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
Bus Stop Sign(s)							

FY15 Community Transportation Capital

G591	<b>Vehicle Lettering &amp; Logos</b> - Cost of lettering and/or logos and the labor involved in having the transit system name, phone number, and/or logo applied to vehicles. Costs to be incurred by using a local vendor.						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Vehicle Lettering & Logos	6	\$500	\$3,000	6	\$500	\$3,000
G611	<b>Direct Purchase of Service (Private)</b> Purchase of transportation services from a privately owned transportation provider.						
G612	<b>User Side Subsidy</b> Purchase of service contract in which the passenger (user) pays for a portion of the full fare.						
G621	<b>Volunteer Reimbursement</b> Reimbursement to volunteers for mileage on personal vehicle for public transportation.						
G641	<b>Direct Purchase of Service (Public)</b> Purchase of transportation services from a publicly owned transportation provider.						
<b>TOTAL OTHER CAPITAL EXPENSES:</b>					<b>\$6,712</b>		<b>\$6,712</b>

Project Number :

PROPOSED PROJECT BUDGET  
 CAPITAL EXPENSES

Applicant: ORANGE COUNTY

Object Code	Title				Total Cost		NCDOT Maximum Participation
<b>ADVANCED TECHNOLOGY</b>							
G524	<b>Scheduling Software for Advance Technology- Must comply with:</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
G526	<b>Mobile Data Devices (MDTs/MDCs) - Must comply with:</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Replacement						
	Expansion						
	<b>Fare Media: Smart Card / Magenetic Stripe Card</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Initial Installation						
	Expansion						
G527	<b>Automatic Vehicle Location (AVL) - Must comply with:</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Replacement						
	Expansion						
G528	<b>Data Communication Device - Must comply with:</b>						
	<b>Describe Data Communication Device Upgrades that may be necessary for MDT technology:</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
G592	<b>Other Advanced Technology Items - Advance Technology - Must comply with:</b>						
	<b>List other hardware not included above, such as replacement hard drives, network cards, etc.</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total

**ATTACHMENT 4**

**North Carolina Department of Transportation (NCDOT)  
Public Transportation Division (PTD)**

FY15 Community Transportation Capital

G596	<b>Vehicle Security / Surveillance Equipment - Must comply with:</b>							
	<b>Cost and installation of on-board security systems and surveillance equipment.</b>							
		Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Replacement							
	Expansion							
<b>TOTAL ADVANCED TECHNOLOGY EXPENSES:</b>								

**ATTACHMENT 4**  
**North Carolina Department of Transportation (NCDOT)**  
**Public Transportation Division (PTD)**

FY15 Community Transportation Capital

Project Number :

PROPOSED PROJECT BUDGET  
 CAPITAL EXPENSES

Applicant: ORANGE COUNTY

Object Code	Title	Total Cost				NCDOT Maximum Participation	
<b>BASELINE TECHNOLOGY</b>							
G514	<b>Micro Portable Projector/Laptop -</b> Note: laptop is part of operation of projector NCDOT will participate UP TO \$4,000						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Replacement						
	New						
G521	<b>Personal Computer System (PC) -</b> DESKTOP computers include CPU, Office XP, 17" monitor, keyboard, mouse and Microsoft Office XP software, 2 yr. technical support contract)						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Replacement						
	Expansion						
G522	<b>Printers - Laser jet network and non-network printers</b>						
	Non-network	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Replacement						
	Expansion						
	Network	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Replacement						
	Expansion						

G523	<b>Software -</b>						
	<b>Eligible software listed under FY08 Technical Specifications *</b>						
	<b>List software:</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	<b>Operating System Software Upgrade:</b>						
	<b>(Ensure that your current pc has enough RAM)</b>						
	<b>Windows XP PROFESSIONAL operating system</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Upgrade Version						
	Full Version						
	<b>Microsoft Office Software:</b>						
	<b>(Ensure that your current pc has enough RAM)</b>						
	<b>MS Office XP PROFESSIONAL</b>						
Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total	
Upgrade Version							
Full Version							
<b>*Scheduling Software requests should be made on the Advanced Technology Budget</b>							
G525	<b>Network Server -</b>						
	<b>For use with network application/programs</b>						
	<b>(Use standard local IT specifications)</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Replacement						
Expansion							
G529	<b>Other Technology Items - List other hardware not</b>						
	<b>included above, such as replacement hard drives</b>						
	<b>network cards, etc. (baseline technology)</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
<b>TOTAL BASELINE TECHNOLOGY EXPENSES:</b>							

Project Number :

PROPOSED PROJECT BUDGET  
FACILITY EXPENSES

Applicant: ORANGE COUNTY

Object Code	Title			Total Cost				NCDOT Maximum Participation
<b>FACILITY BUDGET</b>								
G531	Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total	
	<b>New Construction of Transit Facility-</b> New building construction for Administration, Maintenance, Transfer, or Multi-Modal purposes. <b>Attach study and cost estimate</b>							
G532	Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total	
	<b>Purchase of Modular Structure -</b> Purchase of modular unit <b>Attach study and cost estimate</b>							
G533	Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total	
	<b>Legal Fees, Appraisal, Survey -</b> Fees associated with construction or land acquisition. Survey, Appraisal, Title fees, and closing costs <b>Describe items needed and attach cost estimate.</b>							
G535	Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total	
	<b>Land Acquisition -</b> Purchase of parcel of land for construction <b>Attach study or appraisal</b>							
G536	Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total	
	<b>Sitework/Grading -</b> Pre-construction work including site prep <b>Describe work to be completed and attach cost estimate.</b>							
G537	Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total	
	<b>Utility Work/ Hook-Ups -</b> Costs associated with water, sewer, electrical or telephone lines or wiring, pre or post construction. <b>Describe work to be completed and attach cost estimate.</b>							

FY15 Community Transportation Capital

G538	<b>Fencing/Lighting</b> - Exterior building and parking lot lighting. Fencing and gate to secure parking area for vehicles. <b>List one item per line Attach cost estimate for reference only.</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
G539	<b>Accessway/ Signage/Landscaping</b> - Post-construction site work Construction of ramps and and walkways that meet ADA. Permanent signs, such as a facility signs. Soil erosion containment. <b>List one item per line Attach cost estimate for reference only.</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
G558	<b>Telephone system</b> - New or Replacement telephone system <b>Attach cost estimate for reference only.</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
G581	Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	<b>Construction/ Project Management Services</b> - A firm or individual that acts on behalf of the owner to oversee entire construction project. <b>Attach study and projected cost estimate</b>						
G582	Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	<b>Facility Acquisition</b> - Purchase of existing structure <b>Attach study and appraisal</b>						
G583	<b>Bus Stop Shelter and Benches</b> - Enclosure and seating provided to passengers at bus stop. <b>*Requires plan approval by city or county regarding location.</b> <b>ADA requirements include minimum size and width of the shelter; min. turning radius in shelter; accessibility to shelter by sidewalk; and concrete pad adjacent to shelter for loading and unloading bus.</b> <b>Provide plan approval with application.</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	Bus Shelters						
	Benches						

FY15 Community Transportation Capital

G584	Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	<b>Park and Ride Lots</b> - Paved lots for park and ride. <b>Describe work to be completed and attach cost estimate.</b>						
G586	<b>Building Security/Surveillance Equipment</b> - Cost and installation of security system and surveillance equipment for transit system's administrative or maintenance facility and parking area. <b>List one item per line. Attach cost estimate for reference only.</b>						
	Item Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
G587	<b>Paving / Resurfacing</b> - Asphalt surface paving or resurfacing of the facility parking area. Also includes existing Park and Ride Lots. <b>Indicate size (sq.ft.) area to be paved/resurfaced:</b> <b>Attach cost estimate for reference only.</b>						
G588	Description	Qty	Estimated Cost Ea.	Total	Qty	Dot Rate	Total
	<b>Engineering and Design Services</b> - Cost of architectural and engineering services required for construction or renovation projects. <b>Attach study and projected cost estimate</b>						
G589	<b>Other Facility Improvements</b> - Safety and Security improvements or repairs. <b>Attach cost estimate for reference only.</b>						
	Material Cost	Labor Cost	Item Description	Total	NCDOT Total		

**TOTAL FACILITY IMPROVEMENT EXPENSES:**

**NOTE: YOU MUST OWN THE FACILITY TO BE ELIGIBLE TO APPLY FOR FUNDING FOR THESE PURPOSES.**

**YOU MUST SUBMIT A COPY OF THE TITLE (DEED) OF OWNERSHIP WITH THIS APPLICATION FOR FUNDING CONSIDERATION.**

Physical Address of Facility:

Facility Improvement Questionnaire - Must be completed for consideration.

Do you currently operate out of this location? YES  NO

If you DO NOT currently operate out of this location, what is the anticipated date that you will occupy this location?

What is the total square footage of the facility?

Is this facility shared for other uses or with other entities? YES  NO

If yes, list entities, square footage occupied, and purposes:

Entity	Sq. Feet	Purpose

**AGENCY COMMENTS**

**NCDOT COMMENTS**

**ATTACHMENT 5****LOCAL SHARE CERTIFICATION FOR FUNDING**

**Orange County**  
**(Legal Name of Applicant)**

**Requested Funding Amounts**

<b><u>Project</u></b>	<b><u>Total Amount</u></b>	<b><u>Local Share</u></b>
Administrative	\$ <b><u>185,604</u></b>	\$ <b><u>27,841</u></b> (15%)
Capital (Vehicles & Other)	\$ <b><u>483,292</u></b>	\$ <b><u>48,330</u></b> (10%)
Operating (Small fixed route, regional, and consolidated urban-rural systems)	\$ _____	\$ _____ *(50% or more)
<small>*Note: Small fixed route systems contribute more than 50%</small>		
<b>TOTAL</b>	\$ <b><u>668,896</u></b> <b>Total Funding Requests</b>	\$ <b><u>76,171</u></b> <b>Total Local Share</b>

**The Local Share is available from the following sources:**

<b><u>Source of Funds</u></b>	<b><u>Amount</u></b>
<b><u>Local general operating fund</u></b>	\$ <b><u>61,638</u></b>
<b><u>Public transit sales tax/reg. fee</u></b>	\$ <b><u>14,533</u></b>
_____	\$ _____
_____	\$ _____
<b>TOTAL</b>	\$ <b><u>76,171</u></b>

I, the undersigned representing (*Legal Name of Applicant*) **Orange County** do hereby certify to the North Carolina Department of Transportation, that the required local funds for the FY2015 Community Transportation Program will be available as of **July 1, 2014**, which has a period of performance of July 1, 2014 – June 30, 2015.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Type Name and Title of Authorized Official

\_\_\_\_\_  
Date

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda  
Item No.** 6-f

**SUBJECT:** Public Hearing on the Financing of Various Capital Investment Plan Projects and County Equipment

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**DEPARTMENT:** Finance and Administrative Services

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

Y

**ATTACHMENT(S):**

1. Copy of Public Hearing Notice
2. Resolution
3. Comparison of Financing Options

**INFORMATION CONTACTS:**

Clarence Grier, 919-245-2453  
Robert Jessup, 919-933-9891

---

**PURPOSE:** To conduct a public hearing on the issuance of approximately \$10,500,000 to finance County and School capital investment projects and County equipment for the year, and approve a related resolution supporting the County's application to the Local Government Commission (LGC) for its approval of the financing arrangements.

**BACKGROUND:** The Board of Commissioners has previously approved the construction and purchase of capital investment projects and equipment for the year. The Board has made a preliminary determination to finance costs for this projects by the use of an installment financing, as authorized under Section 160A-20 of the North Carolina General Statutes. County staff estimates that the total amount to be financed for County and School capital projects and County equipment will be approximately \$10,500,000. The financing will also include amounts to pay transaction costs.

The statutes require that the County conduct a public hearing on the proposed financing contract. A copy of the published notice of this hearing is provided at Attachment 1.

After conducting the hearing and receiving public input, the Board will consider the adoption of the resolution at Attachment 2. This resolution formally requests the required approval from the North Carolina Local Government Commission for the County's financing arrangements, and makes certain findings of fact as required under the LGC's guidelines. County staff has been in contact with LGC staff, and staff expects no obstacles to receiving LGC approval.

If the Board adopts the resolution (indicating its intent to continue with the financing plan), the Board will be asked to consider a resolution giving final approval to the financing plan at its November 19, 2013 meeting. Staff expects the LGC to approve the financing plan at the LGC's meeting on December 1. Under the current schedule, staff expects to set the final interest rates

and other terms of the financing around November 15, and to close on the financing by the end of December.

**FINANCIAL IMPACT:** There is no financial impact related to this action. However, there will be a financial impact in proceeding with the financing. A preliminary estimate of maximum debt service applicable to the County projects financing would require the highest debt service payment of \$1,482,631 falling in fiscal years 2015-2019. The tax rate equivalent for the highest debt service payment is approximately .923 cents. Based on current valuations, no adjustment to the tax rate associated with this financing is contemplated to occur during the period noted.

**RECOMMENDATION(S):** The Interim Manager recommends that the Board conduct the public hearing and adopt the resolution supporting the application to the Local Government Commission for approval of the financing arrangements.

**Orange County, North Carolina -- Notice of Public Hearing  
Installment Financing for Various County Projects**

The Board of Commissioners of Orange County, North Carolina, will hold a public hearing on Tuesday, November 5, 2013, at 7:00 p.m. (or as soon thereafter as the matter may be heard). The purpose of the hearing is to take public comment concerning a proposed financing contract, under which the County would borrow approximately \$10,500,000 to finance costs of various County projects.

The hearing will be held in the Commissioners' meeting room in Central Orange Senior Center, 103 Meadowland Dr., Hillsborough, North Carolina.

The projects to be financed may include the acquisition and equipping of a new wing on Culbreth Middle School in Chapel Hill, renovation of the County's Whitted Building in Hillsborough, and a variety of other County projects, including vehicle replacements, information technology upgrades and replacements, HVAC improvements, roof replacements and various communication systems upgrades and replacements. The County may also use financing proceeds to provide required reserves and to pay financing costs.

The proposed financing would be secured by a lien on some or all of the property to be improved or acquired through the financing. The County expects this may include the Culbreth Middle School (and the related real property). There would be no recourse against the County or its property (other than the pledged facilities and associated land) in the case of a default.

All interested persons will be heard. The County's plans are subject to change based on the comments received at the public hearing and the Board's subsequent discussion and consideration. The County's entering into the financing is subject to obtaining approval from the North Carolina Local Government Commission.

Persons wishing to make written comments in advance of the hearing or wishing more information concerning the subject of the hearing may contact Clarence Grier, Orange County Finance Officer, Post Office Box 8181, Hillsborough, NC 27278 (telephone 919/245-2453, email cgrier@orangecountync.gov).

**Resolution Supporting an Application to the Local Government Commission for  
its Approval of a Financing Agreement for the County**

**WHEREAS --**

The Board of Commissioners has previously determined to carry out the acquisition and construction of various public improvements, as identified in the County's capital improvement plan.

The Board desires to finance the costs of these projects by the use of an installment financing, as authorized under Section 160A-20 of the North Carolina General Statutes.

Under the guidelines of the North Carolina Local Government Commission, the Board must make certain findings of fact to support the County's application for the LGC's approval of the County's proposed financing arrangements.

**THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Orange County, North Carolina, that the County makes a preliminary determination to finance approximately \$10,500,000 to pay capital costs of various public improvements. The proposed list of projects and improvements to be financed appears on Exhibit A.

The Board will determine the final amount to be financed by a later resolution. The final amount financed may be slightly lower or slightly higher than \$10,500,000. Some of the financing proceeds may provide reimbursement to the County for prior expenditures on project costs, and some proceeds may be used to pay financing costs.

**BE IT FURTHER RESOLVED** that the Board of Commissioners makes the following findings of fact:

(a) The proposed projects are necessary and appropriate for the County under all the circumstances.

(b) The proposed installment financing is preferable to a bond issue for the same purposes.

The County has no meaningful ability to issue non-voted general obligation bonds for this project. These projects will not produce sufficient revenues to support a self-liquidating financing. The County has in the past issued substantial amounts of voter-approved bonds, and it is appropriate for the County to balance its capital finance program between bonds and installment financing.

The County expects that in the current interest rate environment for municipal securities there would be no material difference in interest rates between general obligation bonds and installment financings for these projects.

(c) The estimated sums to fall due under the proposed financing contract are adequate and not excessive for the proposed purpose. The County will closely review proposed financing rates against market rates with guidance from the LGC and its financial adviser. All amounts financed will reflect either approved contracts, previous actual expenditures or professional estimates.

(d) As confirmed by the County's Finance Officer, (i) the County's debt management procedures and policies are sound and in compliance with law, and (ii) the County is not in default under any of its debt service obligations.

(e) The County estimates that the maximum tax rate impact of paying debt service on the financing will be the equivalent of up to approximately 0.04 cents per \$100 of valuation. Given this low amount and based on the estimated interest rates to be payable and the proposed financing term, the County expects to be able to repay the financing within current resources, and no actual tax rate increase related to this financing will be necessary.

(f) The County Attorney is of the opinion that the proposed project is authorized by law and is a purpose for which public funds of the County may be expended pursuant to the Constitution and laws of North Carolina.

***BE IT FURTHER RESOLVED as follows:***

(a) The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse project expenditures from financing proceeds. The County intends that funds that have been advanced for project costs, or which may be so advanced, from the County's general fund, or any other County fund, may be reimbursed from the financing proceeds.

(b) This resolution takes effect immediately.

**Exhibit A – proposed projects**

<b><u>Project</u></b>	<b><u>Estimated Amount</u></b>	<b><u>Description</u></b>
Culbreth Middle School Science Wing	\$ 4,971,676	Science Wing for Chapel Hill – Carrboro City Schools
HVAC Projects	\$ 130,000	Community Geothermal Projects
Roofing Projects	\$ 115,000	County
Information Technology	\$ 1,436,000	Equipment, BOCC Initiatives, Firehouse Software and Central Permitting Software
Whitted Building Renovations	\$ 1,700,000	BOCC Meeting Room
Viper Radio System	\$ 500,000	Additional Channels for Existing Towers increase the Viper System capacity
Communication System Improvements	\$ 709,062	Purchase of additional Viper Radios
Vehicle Replacements	\$ 899,416	Vehicles Purchases



# Proposed LOB / IPC Borrowing Summary

Borrowing Type	15 Year Public LOB			20 Year Public LOB			15 Year Bank Placed IPC		
	5 Year	15 Year	Total	5 Year	20 Year	Total	5 Year	15 Year	Total
<b>Sources</b>									
Par Amount	3,540,000	6,305,000	9,845,000	3,515,000	6,615,000	10,130,000	3,736,000	6,864,000	10,600,000
Premium	253,753	655,581	909,335	273,954	349,810	623,764	N/A	N/A	N/A
<b>Total</b>	<b>3,793,753</b>	<b>6,960,581</b>	<b>10,754,335</b>	<b>3,788,954</b>	<b>6,964,810</b>	<b>10,753,764</b>	<b>3,736,000</b>	<b>6,864,000</b>	<b>10,600,000</b>
<b>Uses</b>									
Project Fund	3,700,000	6,800,000	10,500,000	3,700,000	6,800,000	10,500,000	3,700,000	6,800,000	10,500,000
Cost of Issuance	71,915	128,085	200,000	69,398	130,602	200,000	35,245	64,755	100,000
Underwriters Discount	17,700	31,525	49,225	17,575	33,075	50,650	N/A	N/A	N/A
Additional Proceeds	4,138	971	5,110	1,981	1,133	3,114	755	(755)	-
<b>Total</b>	<b>3,793,753</b>	<b>6,960,581</b>	<b>10,754,335</b>	<b>3,788,954</b>	<b>6,964,810</b>	<b>10,753,764</b>	<b>3,736,000</b>	<b>6,864,000</b>	<b>10,600,000</b>
TIC	1.34%	2.94%	2.64%	1.34%	3.41%	3.08%	1.80%	2.75%	2.58%
All-In TIC	1.98%	3.21%	2.98%	1.96%	3.64%	3.37%	2.12%	2.89%	2.74%
<b>Debt Service*</b>									
	<u>5 Year</u>	<u>15 Year</u>	<u>Total</u>	<u>5 Year</u>	<u>20 Year</u>	<u>Total</u>	<u>5 Year</u>	<u>15 Year</u>	<u>Total</u>
Fiscal Year									
2014	-	-	-	-	-	-	-	-	-
2015	843,010	721,041	1,564,051	845,354	634,155	1,479,509	819,665	662,966	1,482,631
2016	809,000	668,450	1,477,450	810,350	577,900	1,388,250	801,802	635,138	1,436,940
2017	787,700	650,700	1,438,400	789,200	573,000	1,362,200	787,338	621,515	1,408,853
2018	761,400	643,100	1,404,500	756,000	559,600	1,315,600	773,892	608,920	1,382,812
2019	733,200	621,100	1,354,300	728,000	546,200	1,274,200	760,446	596,325	1,356,771
2020	-	604,300	604,300	-	532,800	532,800	-	583,730	583,730
2021	-	587,500	587,500	-	519,400	519,400	-	571,135	571,135
2022	-	570,700	570,700	-	506,000	506,000	-	557,540	557,540
2023	-	553,900	553,900	-	492,600	492,600	-	544,973	544,973
2024	-	537,100	537,100	-	479,200	479,200	-	532,405	532,405
2025	-	520,300	520,300	-	460,800	460,800	-	519,838	519,838
2026	-	503,500	503,500	-	447,600	447,600	-	507,270	507,270
2027	-	482,500	482,500	-	434,400	434,400	-	494,703	494,703
2028	-	456,500	456,500	-	421,200	421,200	-	482,135	482,135
2029	-	435,750	435,750	-	403,000	403,000	-	469,568	469,568
2030	-	-	-	-	390,000	390,000	-	-	-
2031	-	-	-	-	377,000	377,000	-	-	-
2032	-	-	-	-	364,000	364,000	-	-	-
2033	-	-	-	-	351,000	351,000	-	-	-
2034	-	-	-	-	338,000	338,000	-	-	-
<b>Total</b>	<b>\$3,934,310</b>	<b>\$8,556,441</b>	<b>\$12,490,751</b>	<b>\$3,928,904</b>	<b>\$9,407,855</b>	<b>\$13,336,759</b>	<b>\$3,943,143</b>	<b>\$8,388,158</b>	<b>\$12,331,301</b>

Note: Public Scales are from Davenport's Fixed Income Desk as of 10/9/2013. IPC rates are from recent bids received on similar transactions.

\*Assumes Level Principal Amortization, First Interest Payment on 6/1/2014, and First Principal Payment on 12/1/2014 for all new borrowings.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda  
Item No.** 7-a

**SUBJECT:** Orange County Public Library Strategic Plan (2013-2016)

---

**DEPARTMENT:** Library

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

No

**ATTACHMENT(S):**

- 1) Strategic Plan
  - 2) Excerpt from May 14, 2013 Board Work Session Minutes
  - 3) Excerpt from September 12, 2013 Board Work Session Minutes
- 

**INFORMATION CONTACT:**

Lucinda Munger, Director  
(919) 245-2528

**PURPOSE:** To approve the Orange County Public Library Strategic Plan (2013-2016).

**BACKGROUND:** The Orange County Public Library received a grant on June 8, 2012 from the State Library of North Carolina to develop a Strategic Plan and conduct a Community Needs Assessment (CNA).

Library staff, working with the consultant, developed a three-year Strategic Plan (2013-2016) to address the community and leadership needs identified in the CNA. The DRAFT Plan was presented at the Board's May 14, 2013 work session and reviewed and further modified based on feedback from the Board. The amended DRAFT plan was presented to the Board for its review at the September 12, 2013 work session, and comments and input were provided for further refinement. Based on the Board's comments and feedback during the September 12 work session, the Library has updated the document with the goal of having the BOCC adopt the document at this meeting. The Plan will serve as a guiding instrument for library investment in the coming years.

**FINANCIAL IMPACT:** There is no cost to adopting the Library Strategic Plan. Upon Plan adoption, the Library Director will pursue future budgetary allocations to meet the goals and objectives outlined in the Plan. These allocations will be presented during the annual budget process for years 2014-2017.

**RECOMMENDATION(S):** The Interim Manager recommends that the Board approve the Orange County Public Library Strategic Plan (2013-2016).

## Attachment 1



# DRAFT Strategic Plan 2013-2016

# Orange County Public Library DRAFT Strategic Plan 2013-2016

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# Acknowledgements

*The following individuals contributed to the development of the Orange County Public Library Strategic Plan*

## **Board of Orange County Commissioners**

Barry Jacobs, Chair  
Earl McKee, Vice Chair  
Mark Dorosin  
Alice Gordon  
Bernadette Pelissier  
Renee Price  
Penny Rich

## **Orange County Management**

Frank W. Clifton, Jr., former County Manager  
Michael S. Talbert, Interim County Manager

## **Library Senior Staff**

Lucinda Munger, Library Director  
Andrea Tullos, Assistant Library Director  
Amber Campbell, Library Systems Manager  
Anne Pusey, Adult and Teen Services Supervisor  
Erin Hils Shepherd, Communications Specialist  
Debbie Shreve, Youth Services Supervisor

## **Consultants**

(Community Needs Assessment and Draft Strategic Plan)  
Dr. Anthony Chow, UNC-Greensboro

(Revisions and Finalizing the Plan)  
Dr. Lydian Altman, UNC School of Government  
Dr. Colleen Bridger, Director, Orange County Health Department

## **County Interdepartmental Team**

Myra Austin, Department of Aging  
Judy Butler, Health Department  
Shoshanna Sayers, Housing, Human Rights and Community  
Development  
Yvonne Scarlett, Economic Development  
Rich Shaw, Department of Environment, Agriculture, Parks &  
Recreation  
Jonathan Yeomans, Department of Social Services  
The Staff of the Orange County Public Library

Many Orange County residents also contributed to this Strategic Plan. Please visit [www.orangecountync.gov/library/deeproofs.asp](http://www.orangecountync.gov/library/deeproofs.asp) for background reports.

# From the Director

A great community like Orange County deserves and expects a great library. But the notion of what constitutes a great library is changing in the 21<sup>st</sup> century as new technologies emerge, information consumption patterns evolve, and user expectations shift. The question of how to best serve our customers in a time of unprecedented change is more complicated to answer. This Strategic Plan—the first ever for OCPL—will be the touchstone that guides our work over the next three years, sharpens our focus on customers, and extends our services into the community.

## **Strategic Plan Summary**

Recognizing that OCPL's external environment and customer needs will continue to change as the Strategic Plan is implemented, this document was created as a high-level framework that directs future space and organizational planning, as well as annual budgeting and work planning.

This plan identifies four key strategic priorities to be undertaken by OCPL in the next three years. These are:

- Library Collections and Materials
- Community Connections
- Service and Community Space
- Technology Tools and Training

### Library Collections and Materials

According to the *2012-2013 Pew Research Center's Internet & American Life Project*, the public still want libraries to provide books on the shelves. Orange County Public Library (OCPL) customers told us the same thing in our 2012 Community Needs Assessment (CNA) and this assertion is supported by the fact that the number of printed materials borrowed from OCPL continues to climb every year. Our plan will promote customer self-discovery of our materials from how they are arranged on the shelf to where they are located within the library. Our knowledgeable staff will provide additional venues and opportunities to help everyone find that expected new favorite author or genre.

### Community Connections

It has always been my firm belief that if a library does not extend its reach into the community it will cease to become relevant and eventually, and deservedly, disappear. It is easy to focus on just the people that come through our door to borrow materials, attend programs and bring their children to story time. But our real strength should be in the ties to our community and in the relationships we build with customers. The Pew Report provides evidence that tapping into community needs and interests is paramount to the success of libraries. Consistent interaction with residents, businesses, non-profits and other entities creates the opportunities for meaningful, lasting connections.

However, in order to make inroads into the community we have to be more consistent in communicating what we are able to provide to all residents of Orange County. Responses from the CNA reveal that the general public does not know enough about the services available through the library to take full advantage of all that it has to offer. The fact that valuable resources and services at OCPL are under-utilized, and that only 41 percent of county residents have active library cards, suggests the need for a broad-based and pro-active outreach and marketing program.

### Service and Community Space

We will adopt the internal customer service motto of “Find a Way to Say Yes!” At times, the library has been seen as the “protector of the policy” and not as a friendly and dedicated public servant. By adopting this motto we will ensure, at little or no additional cost, a positive experience for the public and our staff while ensuring fair and equitable treatment for all.

In thinking about the physical 21<sup>st</sup> century library we will have to make the transition from library spaces that support the consumption of knowledge, to spaces that support the production, connection and sharing of knowledge – spaces that promote creativity, collaboration and collective learning. We will take these concepts into account as we develop the future Southern Branch Library and eventually how they could apply to the Main Library as well.

### Technology Tools and Training

The presence of technology is an underlying factor throughout this Plan, facilitating nearly every aspect of our work, from supporting the provision of information to communicating with our customers. As we commit to expanding this core function, we recognize the importance of continuing to examine the role of technology in a deliberate and critical manner. The library will work closely with the County Information Technology department to identify and incorporate new technologies in a thoughtful way that responds to the community needs and maintains our commitment to being good stewards of public financial resources.

### **Community Input**

Ownership of this Strategic Plan extends to the Orange County community, library staff, and the Orange County Board of Commissioners. We will regularly review the plan with these parties, and they will assist us in evaluating our progress and update the strategic focus areas as necessary. Community input will be gathered from:

- Conversations with the Director – The Library will host a series of 2-3 forums each year with me and library customers/community leaders to discuss the future of the library.
- Online Survey – Visitors to the library’s website will have the opportunity to provide their input about library priorities by completing a short survey on an annual basis.
- OCPL Customer Advisors – The Library will seek at least 50 customers to provide input to online queries three to four times per year. Advisors will answer questions about their current use of library resources, the importance of library services to their lives, and their views regarding the library’s priorities.
- Community Review Group – I will convene a group of representatives from the community by June 2014 that meets with Library Administration on at least an annual basis to review our strategic process and provide general feedback.

In addition, the library will seek out opportunities to speak with PTA groups, civic associations, business and educational leaders, and other community groups whenever possible.

**Evaluation of Plan**

Librarians and libraries are driven by data. Every aspect of library use is measured: number of items borrowed, customer visits, number and type of questions asked, number of programs held and attendance, website hits, wireless and database usage, and the list continues to expand with the emergence of new technologies.

OCPL, as part of the former Hyconeechee Regional Library System, collected data annually for the State Library of North Carolina. Now that we are no longer part of that regional library system, we will be able to see for the first time, data exclusive to Orange County. This will allow us to benchmark our performance on the local, state and national levels. In the *Implementation and Accountability* section of this plan, we go into further detail on the steps to be taken to make sure we are continually moving forward. The community will know where we are in the plan and how we did or did not succeed with a project time line that will be a part of the library's website.

However, the ultimate measure of our success will be whether we have positioned the library to better meet the continually changing needs and interests of the community, both now and in the future. As outlined above, we look forward to conversations with the community to gauge how we are doing over the course of the next three years. And in 2016 we will begin again with another county-wide, multi-faceted Community Needs Assessment.

**In Closing**

In the next three years—and beyond—customers will see the library change in significant ways. Core aspects of the library that make it a cherished institution will be maintained, but we will be open to new approaches, technologies and priorities.

Though we have come a long way, the development of this plan is a commitment to providing even better and more relevant library services to the people of Orange County. I anticipate looking back at this plan in three years with a sense of pride in what can be accomplished through collaboration, innovation, creativity and hard work.

*Lucinda*

Lucinda M. Munger  
Director  
Orange County Public Library  
November 5, 2013

## Building on Our Strengths

*The Orange County Public Library (OCPL) has provided library services to the community since 1910. During those 100-plus years, OCPL has grown the depth and breadth of our collections and connections. This plan recognizes our accomplishments, but acknowledges that we can build on them to create an organization that meets the changing needs and interests of our community, both now and in the future. OCPL and the community have identified the following strengths of the library:*

1. **Staff** – Library staff were continually rated ‘excellent’ in our Fall 2012 Community Needs Assessment for customer service, helpfulness, knowledge and support
2. **Funding** – Library services are well funded and supported by the Board of County Commissioners
3. **Facilities** – The new OCPL Main Library opened in 2010 and options for a Southern Branch library are being explored
4. **Programming** – OCPL offers programs for all ages and Youth Services programming is especially strong

### **FY 2012 - 13 Orange County Public Library Statistics**

Operational Budget: \$1,790,445 (an increase of 14% since 2010)

Circulation: 444,261 items borrowed (an increase of 64% since 2010)

Registered Customers: 29,573 (an increase of 9% since 2010)

Annual Programming Attendance: 8,746 residents (an increase of 13% since 2010)

Annual Number of Library Visitors: 198,240 (an increase of 12% since 2010)

# The Planning Process

*This Strategic Plan is the product of a thorough consideration of the current and future role of Orange County Public Library (OCPL). With input from library customers, Orange County Government management, community leaders and library staff, we evaluated what is most important to the community, and identified areas for improvement and adaptation to remain relevant in a changing world. This data and feedback informed the contents of the plan. The steps taken in the planning process included:*

❖ **Conducting the Community Needs Assessment (CNA) -**

*September through November 2012.* Dr. Anthony Chow, a State Library of North Carolina consultant, collected community input via:

- **Interviews** - Eleven people were interviewed including County Board Chair (s), County Manager, Library Director and Assistant Director, Library Systems Manager, Library Admin Assistant, Friends Board Chairs of Main and Carrboro, Presidents of the Hillsborough and Chapel Hill Chambers of Commerce, Orange County Schools Superintendent, and Chapel Hill-Carrboro City Schools Assistant Superintendent.
- **Community Forums (5) and Online Survey** – 1,500 randomly selected households were surveyed, which included 150 in the Town of Chapel Hill. A total of 387 residents participated.
- **Staff Survey and Focus Groups** - More than 50 people participated.

❖ **Drafting the Strategic Plan - January through April 2013.** The first draft of the Strategic Plan was written based on the results of the CNA, along with input from library staff and representatives from select County departments.

❖ **Collecting Feedback on Draft Plan – April and May 2013.** The draft of the strategic plan was shared with the public and elected officials. Feedback on the initial vision and mission

statements, as well as goals and objectives, were collected via:

- **Focus Groups** - Nine focus groups representing seniors, teenagers, Hispanic and Karen communities, and northern Orange County residents. More than 50 people participated.
- **Survey** - 1,000 randomly selected households received surveys in the mail, which included 100 in the Town of Chapel Hill. This same survey was also made available at the OCPL Main Library. Approximately 125 people participated.
- **Online Survey** - Approximately 215 people participated.

❖ **Revising the Strategic Plan - June through August 2013.** In order to effectively incorporate the community's feedback and create a plan that fit Orange County's needs, the library engaged Dr. Lydian Altman of the UNC School of Government and Dr. Colleen Bridger, Orange County Health Department director. Working with senior staff, Altman and Bridger facilitated the revision process to produce a clear and workable plan.

❖ **Finalizing the Strategic Plan - September 2013.** The strategic plan, which incorporates all of the elected official, staff, and leadership feedback, was completed and presented to the BOCC for review.

# Community Priorities and County Goals

*This Strategic Plan takes into consideration relevant Board of County Commissioner (BOCC) goals that were adopted in 2009 and themes identified in the OCPL's Community Needs Assessment (CNA) of Fall 2012.*

<b><u>BOCC Strategic Goals</u></b>	<b><u>CNA Themes</u></b>
<p>Goal 1 – <b>“Community Services”</b> Ensure a community network of basic human services and infrastructure that maintains, protects and promotes the well-being of all County residents.</p>	<p>Theme 1 – <b>Library Services</b> Develop a countywide seamless library services integration plan.</p>
<p>Goal 2 – <b>“Interactive Government Services”</b> Promote an interactive and transparent system of governance that reflects community values.</p>	<p>Theme 2 – <b>Demographics-Based Services</b> Identify list of prioritized and aligned library and information services by library demographic.</p>
<p>Goal 4 – <b>“Facility and Technology Investments”</b> Invest in quality County facilities, a diverse workforce, and technology to achieve a high-performing County government.</p>	<p>Theme 3 – <b>Technology</b> Develop a technology integration plan.</p>
<p>Goal 6 – <b>“Enhancing Quality of Life”</b> Ensure a high quality of life and lifelong learning that champions diversity, education at all levels, libraries, parks, recreation and animal welfare.</p>	<p>Theme 4 – <b>Marketing/Outreach</b> Develop a comprehensive marketing and outreach plan emphasizing partnerships and community collaboration.</p>
	<p>Theme 5 – <b>Funding</b> Prioritize funding to strengthen the core suite of library services.</p>
	<p>Theme 6 – <b>Training</b> Prioritize high quality organizational communication, training and culture.</p>

# Aligning the OCPL Plan with Community Priorities and County Goals

*The OCPL Strategic Priorities in this plan support the relevant BOCC strategic goals and addresses the CNA themes.*

<b><u>OCPL Strategic Priorities</u></b>	<b><u>BOCC Strategic Goals</u></b>	<b><u>CNA Themes</u></b>
<b>1. Library Collections and Materials</b>	<i>OCPL Strategic Priority 1 supports BOCC:</i> Goal 1 – Community Services Goal 6 – Enhancing Quality of Life	<i>OCPL Strategic Priority 1 addresses CNA:</i> Theme 1 – Library Services Theme 2 – Demographics-Based Services Theme 5 – Funding
<b>2. Community Connections</b>	<i>OCPL Strategic Priority 2 supports BOCC:</i> Goal 1 – Community Services Goal 2 – Interactive Government Services Goal 6 – Enhancing Quality of Life	<i>OCPL Strategic Priority 2 addresses CNA:</i> Theme 1 – Library Services Theme 4 – Marketing/Outreach
<b>3. Service and Community Space</b>	<i>OCPL Strategic Priority 3 supports BOCC:</i> Goal 1 – Community Services Goal 2 – Interactive Government Services Goal 4 – Facility and Technology Investments Goal 6 – Enhancing Quality of Life	<i>OCPL Strategic Priority 3 addresses CNA:</i> Theme 2 – Demographics-Based Services Theme 4 - Marketing/Outreach Theme 5 – Funding Theme 6 – Training
<b>4. Technology Tools and Training</b>	<i>OCPL Strategic Priority 4 supports BOCC:</i> Goal 4 – Facility and Technology Investments Goal 6 – Enhancing Quality of Life	<i>OCPL Strategic Priority 4 addresses CNA:</i> Theme 2 – Demographics-Based Services Theme 3 – Technology Theme 5 – Funding Theme 6 - Training

# Orange County Public Library's Guiding Principles

## Vision

*Our vision articulates what success will look like in the future.*

**We empower people by providing a place and a face to explore, enjoy, and engage.**

## Mission

*Our mission statement reflects the commitment we are making to the residents of Orange County.*

**The Orange County Public Library aims to be the heart of the community by:**

- being a welcoming gathering place for all
- having a clear focus on the future and responding with creativity and innovation
- offering relevant services, programs, collections and technologies
- serving the entire community through collaborative efforts with organizations, educational institutions, and town and County governments
- providing free and equal access to the resources and materials community members need to be informed and engaged

## Values

*To realize our vision and fulfill our mission, the following values are the beliefs that unite and inspire us in our daily service to Orange County.*

### 1. Commitment to Public Service

Providing a well-trained, enthusiastic staff that delivers superior customer service and responds to patron needs

### 2. Inclusiveness

Serving the entire community through diverse resources and programs

### 3. Fostering Fun and Lifelong Learning

Offering engaging, excellent programs and services, and promoting literacy and educational opportunities

### 4. Collaboration

Accomplishing more together with partners working toward common goals

### 5. Respect

Practicing kindness, promoting open dialogues and creating an environment of encouragement

# Orange County Public Library's Strategic Priorities

## Priority #1 – Library Collections and Materials

*With more than 100,000 print and audiovisual items, in addition to a digital collection of databases and e-books, OCPL offers the community a rich array of materials. Building on this collection, our team will improve the effectiveness of collection development through systematic evaluation and a responsive, community-oriented assessment process. Implementing this priority will provide a diverse collection that is easy to access and is well promoted.*

### Action Steps

#### **Focus Area #1 – Offer collections that consider customer preferences and provide materials in quantities that meet demand**

- 1) Library Staff will develop a process for identifying unmet customer needs by December 2013.
- 2) Library Staff will use Sierra software to track most popular materials to drive purchasing decisions by July 2014.
- 3) Library Staff will utilize CollectionHQ or similar software to model popular collections at other library across the nation by Jan 2015.

#### **Focus Area #2 – Organize library materials and collections so they are easily found by customers**

- 1) Library Staff will evaluate, modify and develop interior signage to improve way-finding in library buildings by December 2013.
- 2) Library Director will establish a group of library customers to advise on how to make materials easier to find by July 2014.
- 3) Library Customer Group will provide way-finding and collection-organization recommendations to Library Director by December 2014.

#### **Focus Area #3 – Promote the collections and materials available through OCPL**

- 1) Library Marketing Committee will develop a “Staff Recommends” program for adults, teens and youth that highlights materials endorsed by Library Staff by Spring 2014.
- 2) Library Marketing Committee will develop and implement promotions of materials via social media, eNewsletters, display units, etc. by March 2014.
- 3) Library Staff to develop Amazon.com-style “If you liked this item, then consider this...” recommendations to appear in catalog search results by December 2015.

## Priority #2 - Community Connections

*OCPL recognizes we can achieve more in partnership with others than we can on our own. By taking a thoughtful approach to initiating and expanding relationships with government and community groups, as well as individuals, OCPL can reach underserved populations and those not currently using the library. Elevating public awareness of the library's services is also crucial to connecting the library with the Orange County community.*

### Action Steps

#### Focus Area #1 – Provide opportunities for the community to engage with and support the library

- 1) Library Volunteer Coordinator will develop a formal volunteer program by December 2013.
- 2) Library Director will recruit an intern by January 2014 to research best practices and make recommendations for scope and charge of Community Review Group. The recommendation will be brought to the County Manager and BOCC by June 2014. This Review Group will meet with the Library Director annually to review OCPL's strategic progress and identified measurements and provide general feedback.
- 3) Library Director will work with the Friends of the Library group to establish a new member recruitment process by May 2014.
- 4) Library Administration will work with the Friends of the Library Board to identify a signature fundraising event by October 2015.
- 5) Library Administration will ensure that a County-wide Community Needs Assessment is conducted in the Spring 2016 in preparation for the 2016-2019 Library Strategic Plan.

#### Focus Area #2 – Provide services that extend beyond library walls

- 1) Library Director will develop FY2014-15 budget to include resources and staff investments to reach Spanish-speaking populations by October 2015.
- 2) Library Staff will work with County staff in planning and supporting the provisions of library services in rural Orange County in conjunction with future projects, county departments and possible partnership opportunities (e.g., public internet, wireless access, youth programming, etc.) An example will be working with BOCC and county staff to coordinate services at the Northern Human Services building by Fall 2015.
- 3) Library Director will partner with County department heads from Aging, Health, Social Services, Emergency Management, Planning, etc. to integrate library services/support into current and future County-wide initiatives through 2016.

#### Focus Area #3 – Raise awareness of library services

- 1) Library Marketing Committee will develop a comprehensive library specific communications plan in support of the County-wide Communications Plan and the Public Affairs Office (PAO) for implementation in FY2015-16 by July 2015.
- 2) Library Marketing Committee will work with the PAO and develop a consistent and recognizable visual identify for Orange County Public Library by January 2015.

- 3) Library Marketing Committee will expand external promotions of library services via print and non-print media channels including News of Orange column, library newsletters, and Orange County Government PSAs by December 2014.

**Focus Area #4 – Collaborate with local organizations**

- 1) Library Staff will coordinate with local school media specialists to be present for at least 8 school-sponsored family events during the 2013-2014 school year. Staff will share information about library services and offer library cards.
- 2) Library Staff to host semi-annual networking events for homeschooling families to exchange ideas and promote library services starting in Spring 2014.
- 3) Library Director will establish contact with mutually beneficial community and private-sector partners such as local community colleges and literacy councils to identify opportunities for future collaboration ongoing from 2013 - 2016.
- 4) Library Director will explore possible reciprocity options for Orange County residents with neighboring county library systems (Alamance, Chatham and Durham) through 2016.
- 5) Library Directors of CHPL and OCPL will support the short-term objectives of ease of use and access through cooperative library services such as statistics, policy alignment, programming, and staff development opportunities on an ongoing basis through 2016.
- 6) Library Director will continue to work toward the BOCC-defined, long-term goal of Interoperability with CHPL via a common library card for OC residents that allow cooperative borrowing from both systems.

## Priority #3 – Services and Community Space

*OCPL wants to provide the very best experience for our library customers. This means interactions with library staff are overwhelmingly positive and that staff always “find a way to yes” when assisting customers. The best library experience also means offering programs with cultural, educational and enjoyment value, that appeal to the community, and are offered at convenient times for the intended audience. Finally, an outstanding library experience is grounded in being in a physical space that is conveniently located, attractive and maximized for current and future use.*

### Action Steps

#### Focus Area #1 – Commit to delivering high quality and personalized customer service

- 1) Library will officially adopt “Find a Way to Yes” as its customer service mantra by December 2013.
- 2) Library Director will research, evaluate and adapt a customer service training method that supports “Find a Way to Yes” by July 2014 for implementation in Fall 2014.
- 3) Library Staff will develop and offer additional personalized information access and assistance services (e.g., one-on-one appointments with a librarian, text/chat research assistance, etc.) by Spring 2014.
- 4) Senior Library Staff will research and create a professional development plan by Spring 2015 that enables staff to receive the support and training needed to deliver the best service.

#### Focus Area #2 – Offer programs for all ages that educate, engage, and entertain

- 1) Library Staff will develop a process to identify community programming preferences and needs by Fall 2013.
- 2) Library Staff will develop a comprehensive programming plan based on community feedback by Fall 2014.

#### Focus Area #3 – Provide inviting, functional library facilities

- 1) Library Director will continue conversations with the BOCC, County management, and elected town officials about future sites and scope for library services through 2016.
- 2) Library Director to collaborate with BOCC, County Management, County Departments and community to identify and develop selected library services for future Southern Branch through 2016. During the development we will seek out opportunities to foster natural collaborations and partnerships.
- 3) Community Review Group will work with Library Administration to assess current OCPL public spaces for adaptability and best use by December 2014, and will make recommendations for future improvements by Spring 2016.

## Priority #4 - Technology Tools and Training

*OCPL plays an important, democratizing role in the community by providing Orange County residents free access to various technology tools and training. However, technology will be deployed to further OCPL's mission and not just for the sake of having the 'latest and greatest.' We aim to carefully evaluate emerging technologies for our customers, rather than to immediately adopt leading edge products and devices before they have been adequately tested. We seek to incorporate appropriate new technologies in a mindful way that responds to the community's needs and maintains our commitment to being a good steward of public financial resources.*

### Action Steps

#### Focus Area #1 – Develop the library as a community-focused technology center

- 1) Library Director will partner with County IT department to ensure maximum public access to hardware, software and infrastructure ongoing Fall 2013 -2016.
- 2) Library Director and IT will identify internal Technology Team to critically assess current and new technologies for integration into library by Fall 2014.
- 3) Library Staff and IT will evaluate interactive technologies (e.g, iPads, mobile devices, etc.) to develop services based on industry trends and best practices by leading libraries by January 2016.

#### Focus Area #2 – Prioritize training opportunities for the public and library staff

- 1) Library Staff will offer personalized technology instruction to customers for emerging technologies by Spring 2014.
- 2) Library Staff will expand public class offerings that meet identified information and technology literacy needs by Fall 2014.
- 3) Library Director and Technology Team will set minimum standards of technology knowledge and develop training guide for library staff by Fall 2014.

#### Focus Area #3 – Use technology as an evaluation tool

- 1) Library Administration will actively utilize available state and national metrics through 2016 in order to develop future services by branch based on trends, needs and community-specific demographics, specifically for the Southern Branch and Rural Orange County.
- 2) Library Administration will launch the “Data Dashboard” developed during the strategic planning process to measure use and activities through 2016, such as circulation, segmented collection use, customer registrations, collection, library visits and programming attendance.

## Measuring the OCPL Strategic Plan

OCPL collects data daily to measure how the library is utilized by the community. These measurements include circulation (number of library materials borrowed), daily visitor counts, program attendance, individual one-on-one customer interactions and technology use. When implementing this Strategic Plan, OCPL will continue to collect this data, as well use annual customer surveys to gather community and customer feedback.

Currently, OCPL collects monthly statistical data that must be reported on an annual basis to the web-based State Library Data survey that provides advanced analysis and reporting for library metrics and data. These metrics are then fed into the National Public Library survey, which has collected national data over the past 20 years. These web-based programs provide public libraries the opportunity to analyze and view library statistics as they relate to their individual performance as well as compare to other national public libraries. These stats are available to mark trends, shifts in library use, and establish benchmarks.

As OCPL is no longer part of a regional library system, it will be possible for the first time to take our data and compare it to state and national metric reports. These reports will allow us to complete peer review comparisons with libraries both across the state and nationally, providing benchmarks for the future. During year one, OCPL will work with the State Library of North Carolina to identify 5-7 peer libraries in NC, and nationally.

### Strategic Priority #1 – Library Collections and Materials

#### **Source Method: Library Circulation records**

<b>Indicator</b>	<b>Baseline FY2013</b>	<b>Goal FY2014</b>	<b>Benchmark (Source: State Library of North Carolina Annual Statistics FY2012)</b>
<u>Output:</u> Increase % of collection circulated in the last year	69.07%	72%	N/A
Increased annual circulation per capita	5.49	5.5	3.94 (NC avg)
Increased average annual use per item	3.92	4.5	N/A
<u>Efficiency:</u> Decrease cost per circulation	3.77	3.5	4.63 (NC avg)
<u>Outcome:</u> Increased Customer Satisfaction with our collections and materials	TBD in November through customer surveys	55%	N/A

## Strategic Priority #2 – Community Connections

**Source Method:** Partner / volunteer evaluations & reported data

<b>Indicator</b>	<b>Baseline FY 2013</b>	<b>Goal FY 2014</b>	<b>Benchmark (Source: State Library of North Carolina Annual Statistics FY2012)</b>
<u>Output:</u> # of agency partner activities	10	20	N/A
Increase in # of volunteers	7	15	N/A
Increase marketing outlet connections	5	10	N/A
Increase number of new registrations outside of municipal precincts (rural Orange)	2542	2580	N/A
<u>Service Quality:</u> % of volunteers rating job meaningful and worthwhile	TBD in November through volunteer surveys	65%	N/A
<u>Outcome:</u> Increased customer awareness of library services and activities	TBD in November through customer surveys	50%	N/A

## Strategic Priority #3 – Services and Community Space

**Source Method:** Library circulation records & Customer service surveys

<b>Indicator</b>	<b>Baseline FY 2013</b>	<b>Goal FY 2014</b>	<b>Benchmark (Source: State Library of North Carolina Annual Statistics FY2012)</b>
Increase in Programming attendance	8746	9500	N/A
Increase in programming attendance per capita	.12	.15	.27 (NC avg)
Output: Increase in registrants as a percentage of population	19338 or 26%	22050 or 30%	61.2% (NC avg)
Service Quality: Survey to measure Increased customer satisfaction in quality of staff assistance	TBD in November through customer surveys	65%	N/A

### Strategic Priority #4 - Technology Tools and Training

**Source Method:** Reported data, Customer Evaluations & Staff Competency Evaluations

<b>Indicator</b>	<b>Baseline FY 2013</b>	<b>Goal FY 2014</b>	<b>Benchmark (Source: State Library of North Carolina Annual Statistics FY2012)</b>
Increase in number of personalized technical assistance appointments	5 / month	12 / month	N/A
Increased Program attendance for technology classes	108	140	N/A
Pre/post testing of staff: Increase Staff's score in technology competency	TBD in January through staff testing	65%	N/A
Customer Survey: Measure class participants for class usefulness.	TBD in January through class exit surveys	65%	N/A

# OCPL Strategic Plan Implementation and Accountability

*The true test of our planning will be in the results. The best strategic plans are dynamic, flexible tools with room for continuous improvement. They enable a mindset that prepares our staff to be disciplined and focused while remaining open and adaptable when opportunities that support already-identified priorities arise. When implemented, this Strategic Plan will come to life through the work with our partners and our ongoing planning and budgeting processes.*

In particular, OCPL will support the progress of the Strategic Plan by:

- 1) Monitoring the changing internal and external environment annually and making adjustments as necessary.
- 2) Providing an annual operational and personnel budget request associated with the implementation of the Strategic Plan.
- 3) Expanding interdepartmental reporting to include the Data Dashboard and aligning the Strategic Plan and benchmark indicators such as circulation, segmented collection use, customer registration, collection, library visits, and programming attendance to make data-informed decisions.
- 4) Complete state and national metric surveys and utilize OCPL data and peer library data collected to develop future services by branch based on trends, needs and community specific demographics.
- 5) Engaging customers and staff for feedback annually, through the use of surveys, interviews and suggestion boxes.
- 6) Posting the Strategic Plan timeline to the website and providing updates to the timeline that inform the community and elected officials on implementation steps.
- 7) Track progress and provide feedback by convening a Library Review Group to meet annually with the Library Director.
- 8) Re-evaluate and update Strategic Plan through a county-wide Community Assessment in Spring 2016.

APPROVED 9/17/2013

**MINUTES  
BOARD OF COMMISSIONERS  
BUDGET WORK SESSION**

**May 14, 2013**

**7:00 p.m.**

The Orange County Board of Commissioners met for a Work Session on Thursday, May 14, 2013 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, N.C.

**COUNTY COMMISSIONERS PRESENT:** Chair Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Barry Jacobs, Earl, McKee, Bernadette Pelissier, Renee Price and Penny Rich

**COUNTY COMMISSIONERS ABSENT:**

**COUNTY ATTORNEYS PRESENT:**

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

**1. Review of Draft Orange County Public Library Strategic Plan 2013-2016**

Lucinda Munger said the purpose tonight is for the Board to receive a presentation on the Library's strategic plan by Dr. Anthony Chow, who is with UNC-Greensboro and is also the state library consultant. She said that, following the presentation, the Board's suggestions will be incorporated into the plan that is due to the State Library.

**Executive Summary**

Funded by the North Carolina State Library, Dr. Anthony Chow, a state library consultant, helped conduct a community needs analysis (CNA) for the Orange County Public Library (OCPL) over a three month period from September to November 2012. This was followed up by a comprehensive four month strategic planning process that took place from January to April 2013. Approximately 500 community members participated in the initial community needs analysis (involving interviews of community leaders (n=11), community forums (n=4), two staff focus groups, and online and hard copy survey responses (gathered both inside the library and outside in the community). Another 300 members participated in nine community focus groups, and hard copy and online surveys focused on community input into the strategic plan.

A video presentation was shown.

Dr. Anthony Chow said Phase I was the Community Needs Assessment. He said the group took samplings, both random and community-wide. He said the methods included: interviews, focus groups, hard copies of survey and on-line surveys.

Presentation- questions asked:

- How do you use the library?
- What is a 21<sup>st</sup> Century library?
- Why are libraries important?

Dr. Anthony Chow said Phase II began after the first of the year, and this phase responded to needs that were identified, and worked on aligning community goals with organizational goals. The process included: internal organizational workgroups, community interviews, focus groups and surveys. The sampling size was about 800 (500 for the community assessment and 300 for the strategic plan).

Community Needs:

- Books and other printed and non-print materials
- Children’s programming
- Information Technology access
- A place to meet and to be
- Education and self-enlightenment

Strategic goals:

- Organizational excellence
- Technology literacy and access
- Resources and Programming
- Seamless Library Services
- Building Community Connections

Data Analytics:

- Goals
- Performance Metrics
- Continuous Improvements
- Orange County Public Library Dashboard

The library’s primary strengths are its staff and existing high quality resources and services, as well as strong county and community support. Its main opportunities for improvement involve: continuing to work towards seamless library services with municipalities such as Chapel Hill, increasing outreach and partnership activities with fellow city and county agencies and other community organizations; continuing to offer relevant programming and services; and seeking to reach out to underserved populations.

Based on the results of this study, the following six priority areas were recommended for consideration as strategic goals and objectives for the Orange County Library system:

- 1) Develop a countywide seamless library services integration plan.**
- 2) Identify a list of prioritized and aligned library and information services by library demographic profile.**
- 3) Develop a technology integration plan.**
- 4) Develop a comprehensive marketing and outreach plan, emphasizing partnerships and community collaboration.**
- 5) Prioritize funding to strengthen its core suite of services.**
- 6) Prioritize high quality organizational communication, training and culture.**

Dr. Anthony Chow said the last part of the process will be data analytics. This will be a metric to measure success. He said that this involves identifying goals and performance measures. He said that this will allow an establishment of the current situation and will allow for continuous improvement. He showed an example of the Orange County Public Library dashboard. He noted that the eight libraries involved in this pilot study have dashboards created for them.

Lucinda Munger said more work will be done this summer to develop more tactics to support this plan.

Chair Jacobs noted that tonight's meeting site was switched in order for Carrboro Aldermen to attend, but the Aldermen have their own meeting tonight.

Lucinda Munger said she did send the plan to the Board of Alderman, as well as the Hillsborough Town Council, and she asked for comments from both.

Commissioner Price referred to page 30 regarding the community needs assessment. She questioned how Orange County is described, and she said that there are African and Native American residents in the county. She would like to see this diversity reflected in the plan. She referred to the demographics regarding location and access and said she did not notice anything about family income being taken into consideration.

Dr. Anthony Chow said there is a family income demographic sort further on in the report, but this was not collected regionally during the process.

Commissioner McKee asked if any of the information gathered in the focus groups was surprising or unique to Orange County.

Dr. Anthony Chow answered no. He said that the five broad categories listed came up repeatedly, especially the request for books. He said the rural community always has issues with access across the state.

Commissioner McKee said he still likes books, and he is glad to hear others feel that way too. He said that access is a key for everyone, whether urban or rural.

Dr. Anthony Chow said there is a lot of feedback on internet access and transportation.

Commissioner Rich said, with two different library systems in the county (municipal and county), she thought that there was supposed to be some sort of inter-local agreement in place by 2016.

Lucinda Munger said the interoperability agreement is moving forward in small steps. She said this is part of the 21<sup>st</sup> century library concept.

Commissioner Rich asked Dr. Anthony Chow if he had dealt with this before.

Dr. Anthony Chow said the state is more interested in the county-wide perspective. He said he thinks that libraries are a source of community pride and county and municipal conflict is common across communities. He said that he feels that integration is the way of the future.

Commissioner Gordon asked what will be included in the final report.

Dr. Anthony Chow said it will be a more thorough version of what was presented tonight in the draft plan. He said that the community needs analysis was very comprehensive and will be the appendix of the final report. He said that there needs to be a deeper analysis of the trends in the focus groups, as well as an overall summary of the project and a final chapter on data analytics.

Commissioner Gordon asked why he didn't know what the metrics would be by now.

Dr. Anthony Chow said 2/3 of the metrics were identified already by the state, and the last 1/3 was left to develop as part of the process. He said the community needs assessment is going to help with this last part. Once the goals were identified, then the metrics could be developed to measure the progress toward those goals.

Commissioner Gordon asked if the grant was for the community needs assessment.

Dr. Anthony Chow said the grant is for the strategic plan.

Commissioner Gordon said, speaking from a research perspective, this is not what she expected.

Commissioner Dorosin asked when there will be specific action items to implement these objectives, rather than just a "zoomed out" view of information.

Lucinda Munger said staff is working on this, and the goal was to get the Board of County Commissioners feedback tonight. She said that the next step will be to refine the actions and procedures to support the goals. She said the staff will be working with the

Manager's office, HR, IT and finance to define in concrete terms what can be done. She said this will be part of the final plan that will be brought back in the fall.

Commissioner Dorosin asked if the plan is for the Board of County Commissioners to sign off on this draft, and then in 6-8 months staff will come back with the final plan.

Lucinda Munger answered yes.

Commissioner Pelissier asked if this had been reviewed by the Town of Chapel Hill.

Lucinda Munger said no. She said that there is no Orange County library location in Chapel Hill. She said that Chapel Hill is a separate municipal library. She said that Chapel Hill may have interest in this, but it is not for them to approve or comment on at this time. She said that Carrboro and Hillsborough did get a copy, because there are County libraries in these towns.

Commissioner Pelissier questioned why this is the choice if the County wants to build toward collaboration and seamless service. She said it is not so much about approval, but it is a responsibility to plan for all libraries in the county. She asked if this should not at least be shared with Chapel Hill.

Dr. Anthony Chow said he agreed, and he said it would be a wise thing to do.

Commissioner Pelissier if there are resources to help in gaining information on best practices so that the County does not have to re-invent the wheel.

Lucinda Munger said yes, this has been looked at with other libraries in other counties. She said these can findings can and must be tailored to meet the needs of Orange County.

Dr. Anthony Chow said there are now companies that are creating demographics information that can allow a macro perspective.

Commissioner Price said she uses the library a lot. She asked if children in the interviews felt that the library was an extension of school, or if the children are just coming for fun.

Lucinda Munger said both are true. She said the library is an extension of school and a place to do homework. However, she said it is also a place for Lego club and other fun activities.

Commissioner Price and Chair Jacobs asked about the letter from Carrboro regarding additional library sites.

Lucinda Munger said the last time staff met with the Board of Aldermen, the board mentioned that they would like to submit more library sites for consideration by Orange County. The letter mentioned a preference for a particular site. She said staff will review this over the summer and do analysis on these 4 additional sites. She said these results will be brought back next fall and the decision will be transmitted back to Carrboro.

Chair Jacobs said he was not clear in listening to responses to the Commissioners' questions as to what the timeframe is for the final report. He said this is a foundation, but the Board has to make decisions during the budget process for the following fiscal year. He asked when the staff will need further direction.

Lucinda Munger said the hope is for this to be brought back in late September or early October 2013 to begin the implementation.

Chair Jacobs agreed with Commissioner Pelissier about sharing this draft with the Town of Chapel Hill. He said that Chapel Hill residents do fund the Orange County Libraries and therefore have a stake in this. He said the Board will be meeting with Chapel Hill in November. He said that it would be ideal for the town to be able to see and digest this report, as library services will be part of that discussion.

Chair Jacobs asked what happened to the library services task force and if the Board should strike this from the books if there is no place for it in the planning process.

Lucinda Munger said the members of the 2007 task force were part of the leadership survey on the plan through individual conversations. She said that, because the plan is due in this form to the state library by June 28<sup>th</sup>, 2013, feedback is needed from the Board of County Commissioners tonight. She said staff will continue to reach out to the community, though it may not be a formal work group. She said that this plan needs to be reviewed annually in order to be viable. She said she hopes to involve citizens on a broader scale, while seeking out some of the leaders of that task force.

Chair Jacobs asked that this information be included when the final recommendation is brought back.

Commissioner McKee said that when this comes back in the fall, staff needs to address the parking issue, including the availability of free parking.

Lucinda Munger said this was brought up at a prior work session, and the Board of Alderman is aware that this is an issue for the library and downtown in general. She said that there is a town owned property that may be converted into a parking area.

Commissioner Gordon said she would like to see a more formal detailed statement of how the needs assessment relates to the goals and objectives, as well as the metrics.

Dr. Anthony Chow described what a 21<sup>st</sup> century library will look like. He said that core services that have been identified show little change, but the means by which these are met are changing. He said there is more choice, and technology is value-added, but not a replacement. He noted that patrons still express a desire for both books and e-books. He said the trend shows that urban libraries are becoming a mixed use space and a social place. He said there is more versatility and diversity of services.

## **2. Assessment of Jail Alternative Programs**

Michael Talbert reviewed the following background information from the abstract:

In October 2012, the NC Council of State authorized issuance of a 50 year land lease to Orange County for approximately 6.8 acres for construction of a Jail facility. The proposed new Jail is included in the County's FY 2013-18 CIP, with an estimated total project cost of \$30,250,000. A consultant has been retained to evaluate the site and determine the best configuration of the potential site, along with any constraints (environmental/regulatory for example) that might impact the development. Site related planning costs have been included in the CIP at \$250,000 for FY 2013-14. Construction cost estimates from firms in the business of building detention facilities range from \$80,000 to \$120,000 per bed. The new jail is intended to house a minimum of 250 prisoners and provide support spaces needed for such a facility. Site design costs are planned for FY 2015-16, and Architectural/Engineering costs are included in FY 2016-17, with construction costs in FY 2017-18.

The proposed new Jail project involves the review of jail alternative programs, individual program effectiveness and impact on the inmate population of the Orange County Jail. At the Board's August 30, 2012 work session, District Court Judge Joseph M. Buckner presented an overview of Court Programs to the Board. Attachment A is the PowerPoint presented by Judge Buckner that outlines Court Programs.

The County requested and has received a proposal from Solutions for Local Government, Inc., to assess Jail Alternative Programs in Orange County. Before planning for a new jail begins, a comprehensive assessment of jail alternative programs needs to be completed. Solutions for Local Government, Inc. has experience evaluating alternatives to incarceration related programs and assessing the impact on jail population. Attachment B outlines a proposed scope of services to evaluate current alternatives to incarceration programs.

APPROVED 10/15/2013

**MINUTES**  
**BOARD OF COMMISSIONERS**  
**WORK SESSION**  
**September 12, 2013**  
**7:00 p.m.**

The Orange County Board of Commissioners met for a Work Session on Thursday, September 12, 2013 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, N.C.

**COUNTY COMMISSIONERS PRESENT:** Chair Jacobs and Commissioners Alice M. Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich

**COUNTY COMMISSIONERS ABSENT:** Mark Dorosin

**COUNTY ATTORNEYS PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Managers Clarence Grier, Michael Talbert, Cheryl Young and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

Chair Jacobs went through items at the Commissioners' places:

- Yellow Sheet – Item 1- Library Strategic Plan
- White PowerPoint - Item 1 - Library Strategic Plan
- Southern Library Evaluation Update- Item 2 –Southern Branch Library Siting Criteria
- PowerPoint – Item 3 – Whitted Meeting Room Schematic Design Review
- Blue and pink sheets – Item 4 – Strategic Communications Plan/County Logo, The blue sheets contain the Strategic Communications Plan (current plan) developed in 1999 and the pink sheets contain the May 21, 2013 minutes.

**Addition of closed session:**

A motion was made by Commissioner McKee, seconded by Commissioner Pelissier to add a closed session for the purpose of:

To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. NCGS § 143-318.11(a)(6); and.

VOTE: UNANIMOUS

**1. DRAFT 2013-2016 Library Strategic Plan**

Lucinda Munger said this is a follow up to the May 14<sup>th</sup> meeting where the Board saw the first draft of the library strategic plan. She said this plan has a different format that is based on Board comments, feedback and request for more detail.

She reviewed the following PowerPoint slides:

## Library DRAFT Strategic Plan

2013-2016

*Presented September 12, 2013*

For Board discussion and feedback, in preparation of proposed adoption at next available Board meeting

### Plan Overview

- *Purpose:*
  - *To set the direction of and inform future library planning in a higher-level framework*
- *Time Frame:*
  - *Fall 2013 through July 2016*
- *Evaluation:*
  - *Peer library comparisons using state and national data*
  - *Surveys and feedback from staff and community*
  - *Full evaluation to be completed for commencement of future planning in 2016*

### Building on Our Strengths

Community Needs Assessment results commended the library in four areas:

Staff	Funding	Facilities	Programming
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#### FY 2012-13 OCPL Statistics

- Operational Budget: \$1,790,445 (an increase of 14% since 2010)
- Circulation: 444,261 items borrowed (an increase of 64% since 2010)
- Registered Customers: 29,573 (an increase of 9% since 2010)
- Annual Programming Attendance: 8,746 residents (an increase of 13% since 2010)
- Annual Number of Library Visitors: 198,240 (an increase of 12% since 2010)
  - Aligning the Plan with Community Priorities

### Aligning the Plan with Community Priorities

OCPL Strategic Priorities

1. Collections and Materials
2. Community Connections
3. Services and Community Space
4. Technology Tools and Training Library

### Guiding Principles

#### Vision

- We empower people by providing a place and a face to explore, enjoy, and engage.

#### Mission

- The Orange County Public Library aims to be the heart of the community by:
  - being a welcoming gathering place for all
  - having a clear focus on the future and responding with creativity and innovation
  - offering relevant services, programs, collections and technologies
  - serving the entire community through collaborative efforts with organizations, educational institutions, and town and County governments
  - providing free and equal access to the resources and materials community members need to be informed and engaged

## **Strategic Priorities**

### Strategic Priority #1 – Library Collections and Materials

- Focus Area #1 – Consider customer preferences and demand within material selection
- Focus Area #2 – Collections should be easy to find by customers
- Focus Area #3 – Promote the collection of materials available from OCPL

## **Strategic Priorities**

### Strategic Priority #2 – Community Connections

- Focus Area #1 – Community engagement
- Focus Area #2 – Outreach in the community (“beyond the walls”)
- Focus Area #3 – Raise awareness of library services
- Focus Area #4 – Collaborate with local organizations

## **Strategic Priorities**

### Strategic Priority #3 – Services and Community Space

- Focus Area #1 – Deliver high quality customer service (“find a way to yes”)
- Focus Area #2 – Offer programs that educate, engage, and entertain
- Focus Area #3 – Provide inviting, functional library facilities

## **Strategic Priorities**

### Strategic Priority #4 – Technology Tools and Training

- Focus Area #1 – Community-focused technology center
- Focus Area #2 – Prioritize training opportunities
- Focus Area #3 – Use technology as an evaluation tool

## **How the Plan Supports the Site Criteria**

*The Strategic Plan is aligned with the guiding principles of the site selection criteria to support the development of future library services*

*Site Selection Criteria:*

*Preliminary Phase (“dirt”)*

*Primary Phase: Strategic Plan focuses on future library services*

*Once the Board selects a final site for library development, a dialogue can begin with the community regarding services.*

## **Measuring our Success**

### Community Input

- Conversations with the Director
- Online Surveys
- OCPL Customer Advisors
- Community Review Group

### Data Review

- Real –time data provided by library automation system
- State and National Library Peer reviews and comparisons
- Project Timeline updates on library website
- Performance measurements from the FY13-14 Budget
- 

## **Future Funding**

Possible Budgetary Implications:

Many items in this plan can be implemented at low or no cost.

Capital Investment Plan:

*FY2016-17* Southern Branch Library

*Future* Possible re-design of Main Library interior for increased flexibility/adaptability to support current and future customer needs, services and technology

Operations:

*FY2014-15* Full-time Library Communications Specialist

*Future* Ongoing technology investment

*Future* Ongoing investment in all formats of library collections

**Conclusion:**

**Feedback and Q&A**

Lucinda Munger, referring to slide 7, Strategic Priority focus area #3, said there will be budgetary implications with the possible hiring of a full time communications specialist. She said this is currently a part time position, but the vision is to create a full time position within the next 3 years. This person would be responsible for marketing and communicating library services to the community.

Lucinda Munger said once the Board selects a site, there will be a study of demographics regarding the population surrounding that site. This will help determine the services that will be offered and the square footage required for those services. She said the current formula for square footage is .7 square foot per capita. She said library space is becoming smaller but more adaptable.

Lucinda Munger, discussing slide 1- Measuring our Success, said she would like to recruit an intern from the Library Sciences and Masters of Public Administration Program to analyze feedback and create a formal report for the Board and county manager, by June of 2014.

She referred to the Yellow sheet as an example of the library website timeline updates.

She noted that there is an update to the CIP amount, which is now \$8,125,000.

Commissioner Pelissier asked who would be reviewing the performance measurements. She suggested that these might evolve and should also be reviewed with the Board of County Commissioners.

Lucinda Munger said part of the charge for the community group would be to provide feedback to both staff and the Board on a regular basis.

Commissioner Pelissier asked where staff is seeing the increase in involvement and activities.

Lucinda Munger said the increase has primarily been in children's programs. She also noted that there have been no adult or teen programs until the past two years, and there has been some increase there as well.

Commissioner Price asked if the priorities are in rank order.

Lucinda Munger said staff feels all of the priorities are equally important. She said the most energy and time will be spent in community connection.

Commissioner Price said she read that some libraries are having problems with getting e-books.

Lucinda Munger said this is an issue for all libraries. She said their national association is working diligently with the publishing companies to work out a better arrangement than the current situation. She noted that e-books are much more expensive than paper books and these e-books are borrowed but not owned by the library. She said there is a large collection budget, and e-books have been added, though this is harder for smaller libraries.

Commissioner McKee referred to page 15, priority 2, focus area 2, regarding provisional services at Northern Human Services Center. He said, considering the fact that the previous library service was suspended, he would like staff to elaborate on these plans and the thought behind them.

Lucinda Munger said she knows the Board has been working with the Cedar Grove Community Center, and this group has coalesced around the idea of a casual sort of an internet café with access to library databases. She also suggested some children's programming, computer classes, and other informational classes.

Commissioner McKee said this is a community need. He referred to page 16, focus area 4, item 5, regarding the Chapel Hill library. He noted that this section does not list interoperability or a common library card to be used in both libraries. He said this is and has been a point of contention.

Chair Jacobs said he asked about the timeframe for completion of the Cedar Grove Community Center, and it is 6 months prior to Lucinda Munger's projection. He suggested she amend this timeline.

Lucinda Munger said these timelines can be adjusted as construction commences.

Commissioner Gordon said she was surprised to see this because she thought staff was tasked to develop services in rural Orange County. She said it seems staff has a plan for the Cedar Grove Community Center, but nowhere else in Orange County. She thought the task was for all of Orange County.

Lucinda Munger said the report was focused on the Northern Human Services Center because it is a county owned facility, and there aren't any other governmental centers staff could plan for at this time. She said that the smaller community centers often cannot offer internet service. She feels this is a good start to offering services in rural Orange County.

Commissioner Gordon said she wanted to see the overall plan for Orange County for library services. She said this piecemeal approach is not what she expected.

Commissioner Pelissier said she is impressed with this plan, as it addresses the concerns of the Board of County Commissioners and it is comprehensive but flexible. She said the collaboration with elected officials is an excellent idea. She said this reflects staff's forward thinking on library services.

Commissioner Gordon said this report is much improved from the last one the Board saw in the spring. She said, when it gets to data collection, the Board does need to see those performance measures in the budget as well as in the plan. She said there need to be more detailed explanations of methods and more concrete examples of metrics.

Commissioner Gordon said there is one place where the part-time specialist is discussed and then another section where the full-time communications specialist is discussed. She noted that hiring should be part of the budget process, not part of the plan. She said that her expectation is that the strategic plan should be an overall plan for the County, and then the Public Affairs Office would be in charge of communications, rather than just one position for the library only. She would question hiring a communications specialist for just the library.

Commissioner McKee said he agreed with expanding library services throughout Orange County, but he feels there are two issues that raise the Northern Human Services Center high up on the list. He said the first is the proposed tower location at the Walnut Grove solid waste center, which will increase broadband availability. He said the second factor is the location of that center, which is in the center of the northern third of Orange County. He said this is an area that is currently underserved.

Commissioner Price agreed with Commissioner McKee. She said the community continues to ask for services to return to that location. She commended what is in the report about the siting of library services in rural northern Orange County, and she commended the entire plan. She said it is obvious that communication is happening, and someone is doing a really good job with that.

Lucinda Munger said this is due to the person in the communications position now, Ms. Shepherd. She said this person is responsible for their community public relations, and she does a great job.

Commissioner Rich said this is a better format than what the Board saw previously. She asked for clarification on the interviews section on page 10, regarding the reference to Friends' Board. She asked if the reference to a main chair is in reference to the main library in Chapel Hill

Lucinda Munger said this refers to the main library in Hillsborough. She said staff did not talk to the Friends' boards in Chapel Hill.

Commissioner Rich said she would suggest keeping clear communication between Chapel Hill and the Orange County libraries. She said a marketing person could fall under different realms. She said it is important that information get out through all different avenues, including social media, and the website.

Lucinda Munger said staff is working to make continuous improvements to the library website and the library does have a twitter and Facebook account.

Commissioner Rich said when she looks at strategic plans, she likes them to be fluid and to be reviewed and updated regularly in order to stay live.

Lucinda Munger said this is part of the role of the community review group. She said there will be reviews at least annually, and adjustments will be made as needed to keep the plan alive.

Chair Jacobs said, as far as the Cedar Grove Community Center, he is supportive of staff mentioning it in the plan. He said there does need to be a focus on other facilities as well. He suggested she work with planning, especially as it relates to the siting of telecommunication towers and the availability of public and quasi-public places.

Chair Jacobs said he agrees with Commissioner Gordon that there needs to be an overarching philosophy. He said he feels the communications position is related to the Public Affairs Office. He does not feel this needs to be so specifically designated in the strategic plan.

Chair Jacobs said the County should continue to accent interoperability with Chapel Hill as a key component to making a more seamless system for the residents of Orange County.

Chair Jacobs said it is good to be aggressive about updates, but it is best not to over-commit on how often this can be done.

Commissioner Gordon referenced her previous comment regarding the Communications Position and gave recommendations on the appropriate placement of this information.

## **2. Southern Branch Library Siting Criteria, Process Update**

Jeff Thompson reviewed the following PowerPoint slides.

### **Southern Library Site Evaluation Update**

9/12/13

#### **Area Locator: (Map)**

#### **Intended Outcome:**

- *Background/Feedback from 3/19/13 Regular Meeting*
- *Additional Carrboro Suggested Site Evaluation*
- *BOCC Feedback, Next Steps*

#### **Background/Feedback:**

- *Summary of Carrboro Suggested Site Evaluation – 3/19/13*
  - *Eliminate Town Hall*
  - *Technical Phase I Due Diligence:*

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda  
Item No.** 7-b

**SUBJECT:** Southern Branch Library Siting Criteria, Process Update

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**DEPARTMENT:** Library, Asset Management  
(AMS), Planning

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

No
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**ATTACHMENT(S):**

- 1) October 23, 2013 Letters from Town of Carrboro in Response to Request for Additional Information and Attachments (A – F)
- 2) October 17, 2013 Documents from Joint Meeting with Town of Carrboro and Board of County Commissioners

**INFORMATION CONTACT:**

Lucinda Munger, (919) 245-2528  
Jeff Thompson, (919) 245-2625  
Michael Harvey, (919) 245-2597

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**PURPOSE:** To receive an update on the Southern Branch Library siting process, discuss/consider Carrboro's response(s) to County staff requests as well as County staff recommendations, and provide direction to staff regarding next steps.

**BACKGROUND:** On September 18, 2012 the Orange County Board of Commissioners (BOCC), in conjunction with the Carrboro Board of Aldermen, approved a set of guiding principles and a comprehensive site selection criterion for locating the new Southern Branch of the Orange County Library (hereafter "the Branch"). Since that time the Town has submitted several properties for review by County staff consistent with the approved Branch siting process.

Following the September 18, 2013 BOCC work session, staff was authorized to commence the second level of Phase 1 for review on the following 3 sites:

- 1) 1128 Hillsborough Road, commonly referred to as the Shetley property,
- 2) 401 Fidelity Street, commonly referred to as the Town of Carrboro cemetery property, and
- 3) 120 Brewer Lane, commonly referred to as the Butler Farm property.

Staff began the second phase of Phase I by requesting pertinent due diligence information from Carrboro staff. This information request was submitted in a letter from Interim County Manager Michael Talbert on October 1, 2013 to Town Manager David Andrews (included in Attachment 2) The Board may recall that staff due diligence processes exhaust readily available and cost free information prior to investing in professional services such as environmental, traffic, geotechnical, etc. studies. At this point staff has not engaged in professional services agreements.

On October 23, 2013 the Town of Carrboro responded to the letter in an email from the Carrboro Town Manager and Planning Director. (Attachment 1). Among the items noted in the response:

- A) 1128 Hillsborough Road, Shetley property. The Board of Aldermen has not taken an official position on the land swap, but is not inclined to support such an action. Further consideration and inquiry will be necessary. (See Attachment A within Attachment 1 - October 23, 2013 David Andrews letter.) The Board may recall that staff feels that development of the Shetley property without a proper land swap agreement with Carrboro and the MLK Park is not feasible.
- B) 401 Fidelity Street, Town of Carrboro cemetery property. There is significant exposed weathered rock crowning in the center of the most logical building site for a potential library structure and associated parking, indicating sizable potential subterranean rock formations. County staff requested a legal opinion from Carrboro with regard to associated liabilities involving development adjacent to a cemetery-specifically related to the County's interest in rock blasting that is probable should this property be chosen for library development.

The Town Attorney provided an opinion. (See Attachment E within Attachment 1 - 10/23/13 David Andrews letter) There are strong concerns from Orange County staff that probable blasting adjacent to a cemetery exposes the County to significant liabilities that will not only drive up the cost of the project, but may cause concerns with residents and stakeholders in Orange County.

County staffs' experience is that rock blasting and removal adds significant cost to a project ranging from a 5-15% increase of a project's overall cost. ***Potential liability costs associated with disturbing existing cemetery burial plots adjacent to the building site through a probable rock blasting process are incalculable.***

- C) 120 Brewer Lane, the Butler property. Carrboro staff will provide requested information on the existing permit limits as requested. (See Attachment F within Attachment 1 - 10/23/13 David Andrews Letter)

**FINANCIAL IMPACT:** There is no financial impact associated with the discussion of the library siting efforts. There are sufficient funds available for the in-depth study of the original two properties recommended (401 Fidelity Street and 1128 Hillsborough Street) as well as for the 120 Brewer Lane property. Each in-depth study is estimated to cost \$10,000 to \$15,000. Up to this point, staff has not yet engaged in any professional services agreements.

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

- 1) Receive and discuss the letters from the Town of Carrboro;
- 2) Eliminate 1128 Hillsborough Road and 401 Fidelity Street from further consideration for a Southern Branch Library; and
- 3) Direct staff to conduct further Phase 1 Site Criteria Analysis for 120 Brewer Lane and provide follow-up information to the Board.

If the Board does direct staff to move forward with the analysis of 120 Brewer Lane as noted in #3 above, staff will report back to the Board at its January 23, 2014 regular meeting. Following the completion of due diligence and reporting back to the Board, staff recommends moving to the "Public Phase" of the library siting process, including the Board conducting a public hearing on the library siting efforts.



TOWN OF CARRBORO  
NORTH CAROLINA  
WWW.TOWNOFCARRBORO.ORG

October 23, 2013

Michael Talbert  
Orange County Interim Manager  
200 South Cameron Street, P.O. Box 8181  
Hillsborough, NC 27278

RE: October 1<sup>st</sup> Letter re: Library Sites

Dear Michael,

In response to your letter from October 1, 2013, please see the responses from Town of Carrboro Staff below.

**A) 1128 Hillsborough Road, Shetley property:**

- The Board of Aldermen has not taken an official position on the land swap. Please see the attached letter to that effect. (Attachment A)
- Pertinent information from the Town's files regarding the permitting process for filling the previously-existing pond on the site is attached to this reply (Attachment B). All files are available for viewing if needed.
- A site constraints map from the Town's GIS system also is attached (Attachment C). The map shows a stream and associated buffer, along with various mixed tree areas. The wetland area identified on the map is the previous location for the pond. The stream buffer area, 60-feet on either side of the stream, must remain undisturbed unless disturbance is specifically authorized by the Town's Land Use Ordinance (LUO) for purposes of a driveway or similar necessary but limited intrusion. The LUO is written in a way that strives for retention of the mixed tree areas but intrusion into such areas is not forbidden from a regulatory perspective for a non-residential project.

**B) 401 Fidelity Street, Town of Carrboro cemetery property:**

- Traffic data
  - For peak flow time traffic counts for both streets, note that the following data was submitted to the Town in 2006 during its review of a development application near the intersection of Davie Road and Jones Ferry Road. The volumes may differ slightly at the Davie Road / Fidelity Street intersection because of the residential land uses along Davie Road, but this information hopefully will prove helpful. Land uses in this area have not changed much in the last decade or so.
    - AM peak hour traffic turning onto Davie, going NB, was 55
    - AM peak hour traffic turning from Davie, going SB, was 68
    - PM peak hour traffic turning onto Davie, going NB, was 77
    - PM peak hour traffic turning from Davie, going SB, was 50

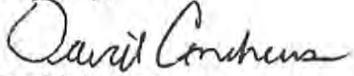
- Regarding traffic concerns, to date, the Town's Transportation Planner has not identified traffic congestion as an issue in the vicinity of Fidelity Street and Davie Road;
- Regarding analysis of the availability of on-street parking, note that Fidelity Street has bike lanes. There is no parking in bike lanes generally, per Town Code Sec. 6-18(a)(14); parking is allowed on the south side of Fidelity Street adjacent to the town cemetery during funerals, per 6-18(b)(1)(h). The same section allows parking during certain hours (e.g. Farmers' Market) but the extent of that exception only goes to the western White Oak driveway;
- A site constraints map from the Town's GIS system is attached (Attachment D). The map shows a stream and associated buffer, along with various mixed tree areas and a small hardwood tree area in the southeast corner of the site. With the exception of the stream buffer (in the northeast area of the site) (buffer extends 30-feet on either side of the stream) there do not appear to be any LUO regulated areas that could not be disturbed on the site. Again, the LUO is written in a way that strives for retention of the mixed tree areas but intrusion into such areas is not forbidden from a regulatory perspective for a non-residential project;
- The Town Attorney has prepared a response to the question of liability associated with excavation and blasting, which is attached (Attachment E).

**C) 120 Brewer Lane, the Butler property:**

- Copies of the approved project plans and conditional use permit for the Butler property are included with this reply (Attachment F).
- Modifying the conditional use permit to allow a library and other governmental uses would need to be initiated by or with permission of the permit holder. Whether a public hearing would be needed for such a request would be determined once it was clear how much change was being requested from what was previously approved. This would include physical changes to the site design as well as traffic impact changes, so an update to the traffic and parking study would most likely be needed. LUO Section 15-64 guides staff in determining whether the requested changes should be considered minor or major. Generally, a modified plan would go through the Town's development review process, which would include review by multiple agencies for compliance with all applicable ordinances and regulations. Depending on the extent of change from what was originally approved, such a review could take a few months or possibly several months if the changes are determined to be major in nature. If considered a major change, then the LUO does also require a concept review with the Town's advisory boards prior to submittal of an application.

Please let me know if you need additional information.

Sincerely,

A handwritten signature in cursive script that reads "David Andrews".

David Andrews  
Town Manager

CC: Mayor & Board of Aldermen  
Patricia McGuire, AICP

## ATTACHMENT A



**TOWN OF CARRBORO**  
NORTH CAROLINA  
WWW.TOWNOFCARRBORO.ORG

October 23, 2013

Michael Talbert  
Orange County Interim Manager  
200 South Cameron Street, P.O. Box 8181  
Hillsborough, NC 27278

RE: Hillsborough Road Library Site

Dear Michael,

In response to your letter from October 1, 2013, and in particular in response to the inquiry on the Town of Carrboro's interest in "swapping" property located at 1128 Hillsborough Road (Shetley Property) for the site of MLK Jr. Park, the Carrboro Board of Aldermen have not taken an official position as to whether they will or will not support such an arrangement. However, initial conversations with members of the Board indicate that there is not currently support for such an action. Further inquiry and consideration will be needed in order to respond.

Please let me know if you need additional information.

Sincerely,

David Andrews  
Town Manager

CC: Mayor & Board of Aldermen

ATTACHMENT B  
TOWN OF CARRBORO  
NORTH CAROLINA



May 18, 2001

Mr. John Thomas  
U S Army Corps of Engineers  
Regulatory Field Office  
6508 Falls of the Neuse Road, Suite 120  
Raleigh, N.C. 27615

Re: Compliance Certification - ID: 200021101  
Town of Carrboro Park Property  
Carrboro, N.C.

Dear Mr. Thomas:

This letter is provided to fulfill the requirements of NWP-26, Condition #14 for the above referenced property. As the authorized representative of the permittee, the Town of Carrboro, NC, I submit my signature below as certification that the authorized work was done in accordance with the Corps authorization, including all conditions. Although no mitigation was required, all agreed upon measures to minimize impacts from the work were undertaken as proposed in our PCN Application dated May 31, 2000.

I appreciate your assistance in our efforts to expand and improve the quality of services provided for the citizens of Carrboro. Please contact me if you need anything further regarding this certification.

Sincerely,

Robert Morgan, Town Manager

cc: Richard Kinney, Parks and Recreation Director, Town of Carrboro  
Roy Williford, Planning Director, Town of Carrboro  
Chris Peterson, Public Works Director, Town of Carrboro  
Henry Wells, PE, SDG

Attachment

SEEDING SCHEDULE  
FOR 1965-1966

(includes Side Channel Slopes, Dike 301)

<u>DATE</u>	<u>CROP</u>	<u>PLANTING RATE</u>
Aug 15-Nov 1	Tall Fescue	100 lbs./acre
Nov 1-Mar 1	Tall Fescue + Abruzzi Rye	100 lbs./acre 25 lbs./acre
Mar 1-Apr 15	Tall Fescue	100 lbs./acre
Apr 15-Jun 30	Hulled Common Bermudagrass	75 lbs./acre
Jul 1-Aug 15	Tall Fescue and ***Browntop Millet ***or Sorghum-Sudan Hybrids	120 lbs./acre 25 lbs./acre 30 lbs./acre
<u>Slopes (301 to 311)</u>		
Mar 1-June 1	Series Lespedeza (scarified)	50 lbs./acre
Mar 1-Apr 15	Add Tall Fescue	120 lbs./acre
Mar 1-Jun 30	Or Add Weeping Lovegrass	10 lbs./acre
Mar 1-Jun 30	Or Add Hulled Common Bermudagrass	75 lbs./acre
Jun 1-Sep 1	***Tall Fescue and ***Browntop Millet ***or Sorghum-Sudan Hybrids	120 lbs./acre 25 lbs./acre 30 lbs./acre
Sep 1-Mar 1	Series Lespedeza (unhulled-unscarified) and Tall Fescue	70 lbs./acre 120 lbs./acre
(Nov 1-Mar 1)	Add Abruzzi Rye	25 lbs./acre

Consult Conservation Engineer or Soil Conservation Service for additional information concerning other alternatives for vegetation of denuded areas. The above vegetation rates are those which do well under local conditions; other seeding rate combinations are possible.

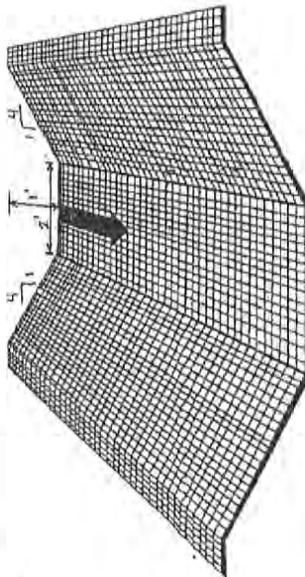
\*\*\*Temporary - Reteed according to optimum season for desired permanent vegetation. Do not allow temporary cover to grow over 12" in height before mowing; otherwise Fescue may be shaded out.

Seedbed Preparation

- 1.) Chisel compacted areas and spread topsoil 3 inches deep over adverse soil conditions, if available.
- 2.) Rip the entire area to 6 inches depth.
- 3.) Remove all loose rock, roots, and other obstructions leaving surface reasonably smooth and uniform.
- 4.) Apply agricultural lime, \*\*\*superphosphate uniformly and mix with soil (see below\*).
- 5.) Continue tillage until a well-pulverized, firm, reasonably uniform seedbed is prepared 4 to 6 inches deep.
- 6.) Seed on a freshly prepared seedbed and cover seed lightly with seeding equipment or cultipack after seeding.
- 7.) Mulch immediately after seeding and anchor mulch.
- 8.) Inspect all seeded areas and make necessary repairs or reseeding within the planting season, if possible. If stand should be over 60% damaged, reestablish following original lime, fertilizer and seeding rates.
- 9.) Consult Conservation Inspector on maintenance treatment and fertilization after permanent cover is established.

\* Apply: Agricultural Limestone - 2 tons/acre (3 tons/acre in clay soils)  
Fertilizer - 1,000 lbs./acre - 10-10-10  
Superphosphate - 500 lbs./acre - 20% analysis  
Mulch - 2 tons/acre - small grain straw  
Anchor - Asphalt Emulsion @ 300 gals./acre

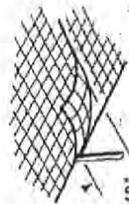
## NET AND MAT TEMPORARY LINING



In channels, roll out strips of netting parallel to the direction of flow and over the protective mulch.



Anchor netting in a 6-inch trench.



Join sheets by anchoring overlap and overlapping.

### INSTALLATION OF NETTING AND MATTING

Products designed to control erosion should be installed in accordance with manufacturer's instructions. Any mat or blanket-type product used as a protective mulch should provide cover of at least 30% of the surface where it is applied. Installation is illustrated in Figure 6.14a.

1. Apply lime, fertilizer and seed before laying the net or mat. If open-weave netting is used, lime may be incorporated before installing the net and fertilizer and seed sprayed on afterward.
2. Start laying the net from the top of the channel or slope and unroll it down the grade. Allow netting to lay loosely on the soil but without wrinkles—do not stretch.

3. To secure the net, bury the upslope end in a slot or trench no less than 6 inches deep, cover with soil, and tamp firmly as shown in Figure 6.14a. Staple the net every 12 inches across the top end and every 3 ft around the edges and bottom. Where 2 strips of net are laid side by side, the adjacent edges should be overlapped 3 inches and stapled together. Each strip of netting should also be stapled down the center, every 3 ft. Do not stretch the net when applying staples.

4. To join two strips, cut a trench to anchor the end of the new net. Overlap the end of it; previous roll 18 inches, as shown in Figure 6.14a, and staple every 12 inches just below the anchor slot.

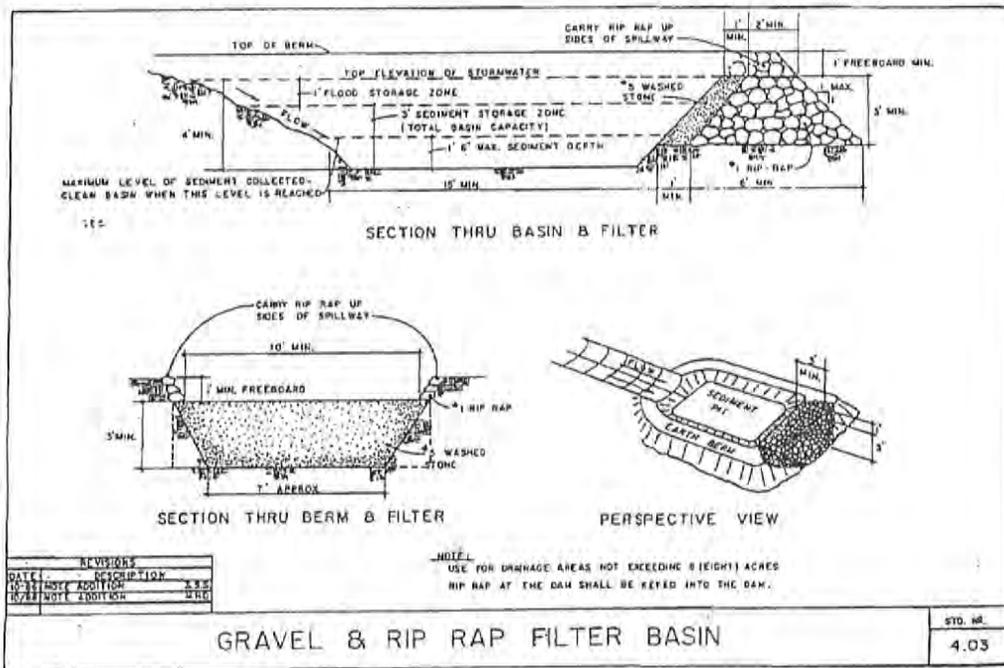
### Maintenance

Inspect mulches periodically, and after rainstorms to check for rill erosion, dislodging, or failure. Where erosion is observed, apply additional mulch. If washout occurs, repair the slope grade, reseed, and reestablish mulch. Continue inspection until vegetation is firmly established.

Figure 6.14a Installation of netting and matting (revised from Va. Div. of Forestry).

## CONSTRUCTION SEQUENCE

1. Obtain plan approval.
2. Install gravel construction entrance pad, temporary diversions, silt fencing, sediment basins or other measures as shown of the approved plan. Clear only as necessary to install these devices.
3. Establish clearing limits and begin clearing and grubbing. Maintain all devices as required during the rough grading operation.
4. Install storm sewer (if shown) and protect inlets with silt fencing, block and gravel filters, sediment traps or other measures as shown on the approved plan.
5. Stabilize the site as areas are brought up to finish grade with vegetation, paving, ditch linings, etc.
6. Inspect the site after each rain and repair any problem areas. Maintain the installed devices as required on the approved plan or as directed by the NC Division of Land Quality Inspector.
7. After the completion of the project and the stabilization of all disturbed areas, remove all devices and stabilize.



c. IF APPLICABLE, WHAT IS PROPOSED METHOD OF SEWAGE DISPOSAL? N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e. SIGNED AND DATED AGENT AUTHORIZATION LETTER, IF APPLICABLE.

NOTE: WETLANDS OR WATERS OF THE US MAY NOT BE IMPACTED PRIOR TO:

- 1) ISSUANCE OF A SECTION 404 CORPS OF ENGINEERS PERMIT,
- 2) EITHER THE ISSUANCE OR WAIVER OF A 401 DIVISION OF WATER QUALITY CERTIFICATION, AND
- 3) (IN THE TWENTY COASTAL COUNTIES ONLY), A LETTER FROM THE NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT STATING THE PROPOSED ACTIVITY IS CONSISTENT WITH THE NORTH CAROLINA COASTAL MANAGEMENT PROGRAM.

L. Bingham Keeney  
OWNER'S/AGENT'S SIGNATURE

5-31-00  
DATE

for Robert Morgan  
(AGENT'S SIGNATURE VALID ONLY IF AUTHORIZATION LETTER FROM THE OWNER IS PROVIDED).

FEB 28 1992 12:38PM

P. 13

upland position with gentle topography avoids wetland and riverine habitat impacts. The minimal extent of on-site waters have apparent low value as habitat due to limited size and degraded condition from past drainage efforts. Impacts will be mitigated by filtering discharged pond water during fill operations, providing a permanent vegetated waterway through the pond area and protecting wooded buffers along the outlet channel.

15. YOU ARE REQUIRED TO CONTACT THE US FISH AND WILDLIFE SERVICE AND/OR NATIONAL MARINE FISHERIES SERVICE REGARDING THE PRESENCE OF ANY FEDERALLY LISTED OR PROPOSED FOR LISTING ENDANGERED OR THREATENED SPECIES OR CRITICAL HABITAT IN THE PERMIT AREA THAT MAY BE AFFECTED BY THE PROPOSED PROJECT. DATE CONTACTED: \_\_\_\_\_

16. YOU ARE REQUIRED TO CONTACT THE STATE HISTORIC PRESERVATION OFFICER (SHPO) REGARDING THE PRESENCE OF HISTORIC PROPERTIES IN THE PERMIT AREA WHICH MAY BE AFFECTED BY THE PROPOSED PROJECT. DATE CONTACTED \_\_\_\_\_

17. DOES THE PROJECT INVOLVE AN EXPENDITURE OF PUBLIC FUNDS OR THE USE OF PUBLIC (STATE) LAND? YES ( X ) NO ( ) (IF NO, GO TO 16)

a. IF YES, DOES THE PROJECT REQUIRE PREPARATION OF AN ENVIRONMENTAL DOCUMENT PURSUANT TO THE REQUIREMENTS OF THE NORTH CAROLINA ENVIRONMENTAL POLICY ACT? YES ( ) NO ( X )

b. IF YES, HAS THE DOCUMENT BEEN REVIEWED THROUGH THE NORTH CAROLINA DEPARTMENT OF ADMINISTRATION STATE CLEARINGHOUSE YES ( ) NO ( )

IF ANSWER 17b IS YES, THEN SUBMIT APPROPRIATE DOCUMENTATION FROM THE STATE CLEARINGHOUSE WITH THE NORTH CAROLINA ENVIRONMENTAL POLICY ACT.

QUESTIONS REGARDING THE STATE CLEARINGHOUSE REVIEW PROCESS SHOULD BE DIRECTED TO MS. CHRYS BAGGETT, DIRECTOR STATE CLEARINGHOUSE, NORTH CAROLINA DEPARTMENT OF ADMINISTRATION, 116 WEST JONES STREET, RALEIGH, NORTH CAROLINA 27603-8003, TELEPHONE (919) 733-6369.

18. THE FOLLOWING ITEMS SHOULD BE INCLUDED WITH THIS APPLICATION IF PROPOSED ACTIVITY INVOLVES THE DISCHARGE OF EXCAVATED OR FILL MATERIAL INTO WETLANDS:

- a. WETLAND DELINEATION MAP SHOWING ALL WETLANDS, STREAMS, LAKES, AND PONDS ON THE PROPERTY (FOR NATIONWIDE PERMIT NUMBERS 14, 18, 21, 26, 29, AND 38). ALL STREAM (INTERMITTENT AND PERMANENT) ON THE PROPERTY MUST BE SHOWN ON THE MAP. MAP SCALES SHOULD BE 1 INCH EQUALS 50 FEET OF 1 INCH EQUALS 100 FEET OF THEIR EQUIVALENT.
- b. IF AVAILABLE, REPRESENTATIVE PHOTOGRAPH OF WETLANDS TO BE IMPACTED BY PRODUCT.
- c. IF DELINEATION WAS PERFORMED BY A CONSULTANT, INCLUDE ALL DATA SHEETS RELEVANT TO THE PLACEMENT OF THE DELINEATION LINE.
- d. ATTACH A COPY OF THE STORMWATER MANAGEMENT PLAN IF REQUIRED.
- e. WHAT IS LAND USE OF SURROUNDING PROPERTY? Residential

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FILLING: 0.25 EXCAVATION: \_\_\_\_\_  
 FLOODING: \_\_\_\_\_ OTHER: \_\_\_\_\_  
 DRAINAGE: \_\_\_\_\_ TOTAL ACRES TO BE IMPACTED: 0.25

10b. (1) STREAM CHANNEL TO BE IMPACTED BY THE PROPOSED PROJECT (IF RELOCATED, PROVIDE DISTANCE BOTH BEFORE AND AFTER RELOCATION;

LENGTH BEFORE: \_\_\_\_\_ FT AFTER: \_\_\_\_\_ FT  
 WIDTH BEFORE (based on normal high water contours): \_\_\_\_\_ FT  
 AVERAGE DEPTH BEFORE: \_\_\_\_\_ FT AFTER: \_\_\_\_\_ FT

(2) STREAM CHANNEL IMPACTS WILL RESULT FROM: (CHECK ALL THAT APPLY)

OPEN CHANNEL RELOCATION: \_\_\_\_\_ PLACEMENT OF PIPE IN CHANNEL: \_\_\_\_\_  
 CHANNEL EXCAVATION: \_\_\_\_\_ COONSTRUCTION OF A DAM/FLOODING: \_\_\_\_\_  
 OTHER: \_\_\_\_\_

11. IF CONSTRUCTION OF A POND IS PROPOSED, WHAT IS THE SIZE OF THE WATERSHED DRAINING TO THE POND? \_\_\_\_\_ WHAT IS THE EXPECTED POND SURFACE AREA? \_\_\_\_\_

12. DISCTIPTION OF PROPOSED WORK INCLUDING DISCUSSION OF TYPE OF MECHANICAL EQUIPMENT TO BE USED? (ATTACH PLANS; 8 1/2 BY 11 DRAWINGS ONLY)

The remaining excavated pool area of the previously drained pond on the project site will be filled to the pre-pond contours. A track loader-dozer will deposit select upland borrow soil along the edges of the present pool area and encroach toward the center of the pool on the bridging lifts of soil until all ponded water is discharged through the existing dam breach.

13. PURPOSE OF PROPOSED WORK: Due to the excavated nature of the pond and/or downstream channel aggradation the previous owners attempt to breach and drain the pond was not completed. The proposed work will remove the remaining ponded area with its potential liability from the immediate proximity of a planned area of active public recreation.

14. STATE REASONS WHY IT IS BELIEVED THAT THIS ACTIVITY MUST BE CARRIED OUT IN WETLANDS (INCLUDE ANY MEASURES TAKEN TO MINIMIZE WETLAND IMPACTS)

Extensive efforts to find an appropriately sized and located tract for a community park have concluded with the purchase of this property. The dominant

SPECIFIC LOCATION (INCLUDE ROAD NUMBERS, LANDMARKS, ECT.) East side of Hillsboro Road (SR 1009) at Intersection with Dove Street

6. IMPACTED OR NEAREST STREAM/RIVER: Tributary of Morgan Creek  
RIVER BASIN: Cape Fear

7a. IS PROJECT LOCATED NEAR WATER CLASSIFIED AS TROUT, TIDAL SALTWATER, (SA), HIGH QUALITY WATERS (HQW), OUTSTANDING RESOURCE WATERS (ORW), WATER SUPPLY (WS-I OR WS-II)? YES ( ) NO (X) IF YES, EXPLAIN: \_\_\_\_\_

7b. IS THE PROJECT LOCATED WITHIN A NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT AREA OF ENVIRONMENTAL CONCERN (AEC)? YES ( ) NO (X)

7c. IF THE PROJECT IS LOCATED WITHIN A COASTAL COUNTY (SEE PAGE 7 FOR LIST OF COASTAL COUNTIES), WHAT IS THE LAND USE PLAN (LUP) DESIGNATION? \_\_\_\_\_

8a. HAVE ANY SECTION 404 PERMITS BEEN PREVIOUSLY REQUESTED FOR USE ON THIS PROJECT? YES ( ) NO (X) IF YES, PROVIDE ACTION ID. NUMBER OF PREVIOUS PERMIT AND ANY ADDITIONAL INFORMATION (INCLUDE PHOTOCOPY OF 401 CERTIFICATION): \_\_\_\_\_

8b. ARE ADDITIONAL PERMIT REQUESTS EXPECTED FOR THIS PROPERTY IN THE FUTURE? YES ( ) NO (X) IF YES, DESCRIBE ANTICIPATED WORK: \_\_\_\_\_

9a. ESTIMATED TOTAL NUMBERS OF ACRES IN TRACT OF LAND: 10.163

9b. ESTIMATED TOTAL NUMBER OF ACRES OF WETLANDS LOCATED ON PROJECT SITE: 0.25

10a. NUMBER OF ACRES OF WETLANDS IMPACTED BY THE PROPOSED PROJECT BY: \_\_\_\_\_

DWQ ID: \_\_\_\_\_ CORPS ACTION ID: \_\_\_\_\_

NATIONWIDE PERMIT REQUESTED (PROVIDE NATIONWIDE PERMIT #)  
26

**PRE-CONSTRUCTION NOTIFICATION APPLICATION**

FOR NATIONWIDE PERMITS THAT REQUIRE:

- 1) NOTIFICATION TO THE CORPS OF ENGINEERS
- 2) APPLICATION FOR SECTION 401 CERTIFICATION
- 3) COORDINATION WITH THE NC DIVISION OF COASTAL MANAGEMENT

SEND THE ORIGINAL AND (1) COPY OF THIS COMPLETED FORM TO THE APPROPRIATE FIELD OFFICE OF THE CORPS OF ENGINEERS (SEE AGENCY ADDRESSES SHEET). SEVEN (7) COPIES MUST BE SENT TO THE NC DIVISION OF WATER QUALITY, ATTN: JOHN DORNEY, 4401 REEDY CREEK ROAD, RALEIGH, NC 27607. PLEASE PRINT OR TYPE.

1. OWNER'S NAME: Town of Carrboro

2. MAILING ADDRESS: 301 West Main Street

\_\_\_\_\_ SUBDIVISION NAME \_\_\_\_\_

CITY: Carrboro STATE: NC ZIP CODE: 27510

PROJECT LOCATION ADDRESS, INCLUDING SUBDIVISION NAME (IF DIFFERENT FROM MAILING ADDRESS ABOVE): 1120 Hillsborough Road

3. <sup>7</sup> TELEPHONE NUMBER: (HOME) \_\_\_\_\_ (WORK) 919-968-7706

4. IF APPLICABLE: AGENT'S NAME OR RESPONSIBLE CORPORATE OFFICIAL, ADDRESS, PHONE NUMBER:  
Robert Morgan, Town Manager  
301 West Main Street  
Carrboro, NC 27510  
919-968-7706

5. LOCATION OF WORK (PROVIDE A MAP, PREFERABLY A COPY OF USGS TOPOGRAPHIC MAP OR AERIAL PHOTOGRAPHY WITH SCALE):

COUNTY: Orange - NEAREST TOWN: Carrboro



# Sungate Design Group, P.A.

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

515-A Jones Franklin Road • Raleigh, NC 27606 • e-mail: sungate@mindspring.com • Phone 919.859.2243 • Fax 919.859.6258

June 1, 2000

Mr. John Thomas  
U S Army Corps of Engineers  
Regulatory Field Office  
6508 Falls of the Neuse Road, Suite 120  
Raleigh, N.C. 27615

Re: Existing drained pond - fill permit request  
Town of Carrboro Park Property  
Carrboro, N.C.

Dear Mr. Thomas:

As we discussed by phone on 5/23/99, the Town of Carrboro has elected to seek permit coverage to fill the remaining 0.25 acres of surface waters on the above referenced property under NWP 26. At your request, I have supplemented the previously submitted information regarding this property with a site grading plan for the pond fill operation and a Pre-construction Notification Application. The signature on the PCN is that of the assistant Town Manager, as the Town Manager was not available to sign the application form for himself.

I trust that this information will be adequate for your review and approval of this application. Please contact me if you have any questions, or need any further information. Thank you for your consideration.

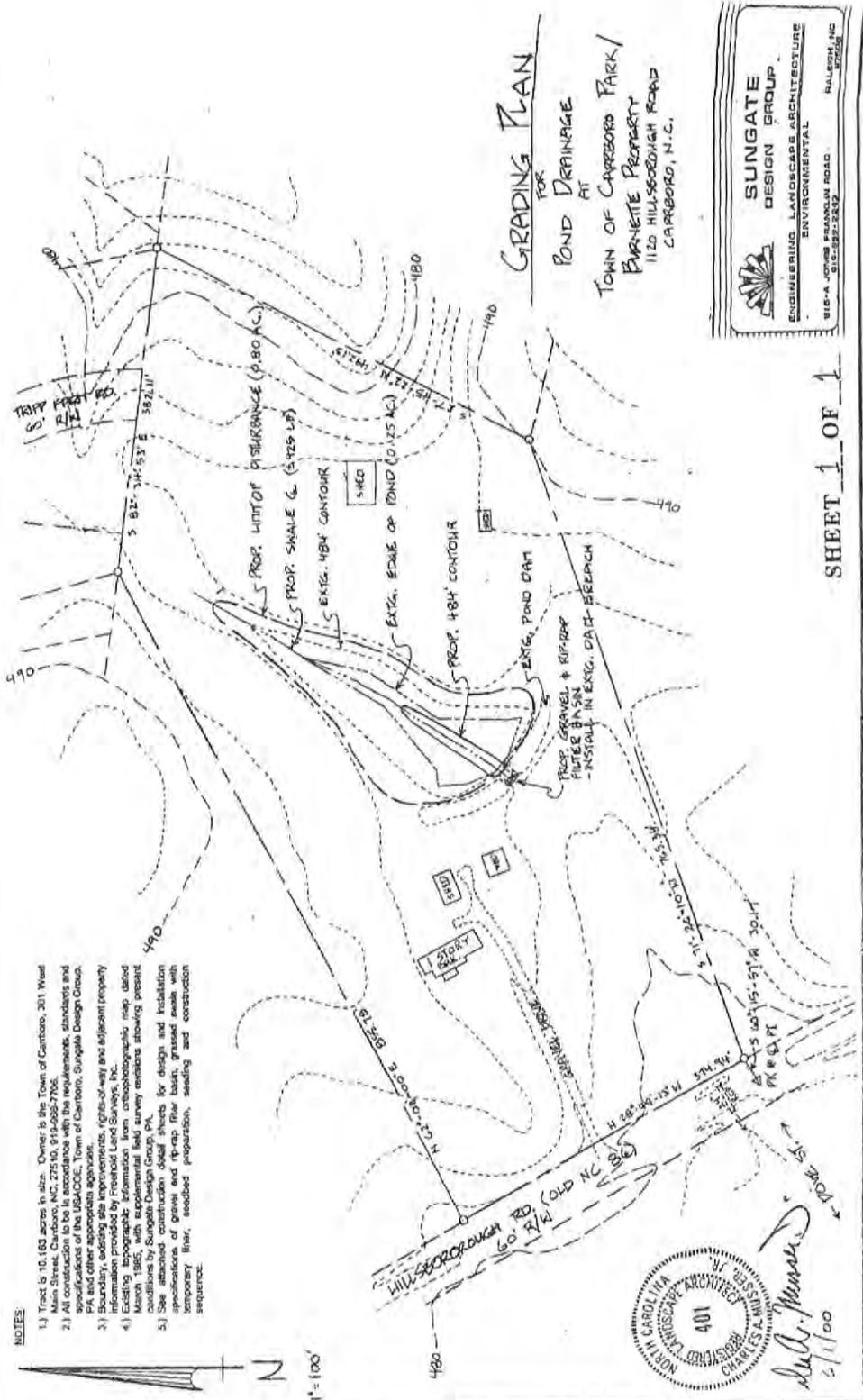
Sincerely,

SUNGATE DESIGN GROUP, PA

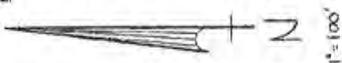
Charlie Musser, Jr., RLA

cc: Roy Williford, Planning Director, Town of Carrboro  
Henry Wells, PE, SDG

attachments



- NOTES**
- 1.) Tract is 10.163 acres in size. Owner is the Town of Carboro, 301 West Main Street, Carboro, NC, 27510, 919-298-7766.
  - 2.) All construction to be in accordance with the requirements, standards and specifications of the USA/CCC, Town of Carboro, Sungate Design Group.
  - 3.) Easements existing on the site are shown. Rights-of-way and adjacent property information provided by Freeman Land Services, Inc.
  - 4.) Existing topographic information from orthophotographic map dated March 1985, with supplemental field survey remains showing present conditions by Sungate Design Group, P.A., for design and installation.
  - 5.) See section on grading and drainage. (File book) graded areas with temporary final, seeded preparation, seeding and construction sequence.



**GRADING PLAN**  
FOR  
**POND DRAINAGE**  
AT  
**TOWN OF CARBORO PARK /**  
**BURNETTE PROPERTY**  
1120 HILLSBOROUGH ROAD  
CARBORO, N.C.

**SUNGATE DESIGN GROUP**  
ENGINEERING, LANDSCAPE ARCHITECTURE  
ENVIRONMENTAL

1120 HILLSBOROUGH ROAD  
CARBORO, NC 27510

SHEET 1 OF 1

*Charles A. Minister Jr.*  
2/1/00

**401**  
NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT  
CHARLES A. MINISTER JR.



# Sungate Design Group, P.A.

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

915-A Jones Franklin Road • Raleigh, NC 27606 • e-mail: sungate@mindspring.com • Phone 919.859.2243 • Fax 919.859.6258

July 25, 2000

Mr. Richard E. Kinney, Director  
Recreation and Parks Department  
Town of Carrboro  
301 W. Main Street  
Carrboro, N.C. 27510

Re: Existing drained pond - fill permit  
Town of Carrboro Park Property on Hillsboro Road  
Carrboro, N.C.

Dear Mr. Kinney:

As we discussed at our meeting with the Public Works Department on 7/19/00, the Town of Carrboro had earlier requested that Sungate Design Group, PA (SDG) investigate the extent of possible regulatory jurisdiction of Section 404 of the Clean Water Act over the remaining 0.25 acres of surface waters in the drained pond on the above referenced property, and the options for permitting any impacts to such waters from future park development. Data was subsequently gathered and submitted to Mr. John Thomas of the Raleigh Regulatory Field Office of the US Army Corps of Engineers (USACOE) on 5/4/00, requesting a jurisdictional determination. Mr. Thomas made that determination on 5/19/00. His finding was that the existing pond on the property is a jurisdictional surface water (not a wetland) and is regulated under Section 404 as "Waters of the United States". He indicated that a permit would be required to impact this area by draining, filling or other alteration. The permit available at the time was Nationwide Permit #26 (NWP 26), which authorized impacts to such surface waters up to 1/3 of an acre without prior notice or mitigation. That permit was scheduled to expire on 6/7/00 and be replaced by nationwide permit #39 which would require prior notice and compensatory mitigation for impacts greater than 1/10 of an acre. The Town of Carrboro was informed of these findings and the decision was made to proceed with submittal of an application to complete the draining of the remaining pond surface water prior to the 6/7/00 expiration of the NWP 26 permit. That application was submitted to the USACOE on 6/1/00 and a permit for the work was subsequently issued on 6/2/00. As the NWP 26 permit has now expired and been replaced, the Town of Carrboro has one year from the date of issuance of its permit on 6/2/00 to complete the drainage and filling of the remaining pond waters. If that work is not completed prior to 6/2/01, or if other alternatives to the permitted work are to be pursued, then the Town's present permit will be voided and any desired impacts to the remaining pond waters would fall under the new nationwide permits, which are now available.

At your request I contacted Mr. Thomas to determine what options are available under the newly issued nationwide permits, should the Town's park master planning process conclude with a desire to retain the pond in some form as a park feature. He indicated that NWP 3 is available for activities deemed to be pond maintenance. In that instance the pond could be reconstructed in its previous form by simply repairing the existing dam. All other options discussed (resulting in changes to the pond's size, shape, location or function) would fall under the previously discussed NWP 39 and its 1/10-acre limitation.

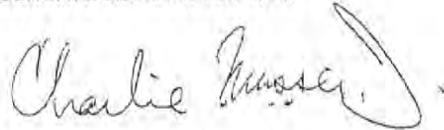
During our meeting, Mr. Peterson discussed the extent of the work required to fill the remaining pond surface water and the scheduling limitations that the Town would face prior to the permit deadline. The field data that has been gathered to date by SDG for this project was not

intended to be used to prepare quantity estimates for the permitted work and therefore lacks the desired level of precision for construction contracting. However, sufficient data was obtained to roughly estimate the amount of material necessary to accomplish the operation, assuming that the pond bed is no deeper than the outlet breach at the dam, and that the existing material below the water level is suitable and does not require mucking out prior to the fill placement. Approximately 500 cubic yards of fill material would be needed in the place of the existing pond surface water to assure adequate positive drainage for the area. Dewatering, temporary sedimentation control measures and permanent site stabilization will also be crucial to the proper conduct of the work.

I trust that this information will be adequate to summarize the foregoing events regarding this matter and to provide the requested supplemental information. Please contact me if you have any questions, or need any further information.

Sincerely,

SUNGATE DESIGN GROUP, PA



Charlie Musser, Jr., RLA

cc: Roy Williford, Planning Director, Town of Carrboro  
Chris Peterson, Public Works Director, Town of Carrboro  
Henry Wells, PE, SDG



U.S. ARMY CORPS OF ENGINEERS  
Wilmington District

COPY

Action ID: 200021101 County: Orange

GENERAL PERMIT REGIONAL AND NATIONWIDE VERIFICATION

<b>Property owner:</b>	Town of Carrboro c/o Robert Morgan	<b>Authorized Agent:</b>	Sungate Design Group Charlie Musser, Jr.
<b>Address:</b>	301 West Main Street Carrboro, NC 27510	<b>Address:</b>	915-A Jones Franklin Road Raleigh, NC 27606
<b>Telephone:</b>	336 659-8806	<b>Telephone:</b>	919 859-2243

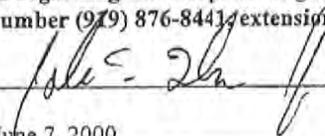
Size and Location of Property (Waterbody, Highway name/number, town, etc.): Town of Carrboro proposed park site located off of Hillsboro Road adjacent to an unnamed tributary of Morgan Creek, near Carrboro, in Orange County, North Carolina.

**Description of Activity:** Proposed community park construction including fill of a drained pond resulting in impacts to approximately 0.25 acre of the jurisdictional waters of an unnamed and above headwaters tributary of Morgan Creek.

- Section 404 (Clean Water Act, 33 USC 1344) only.  
 Section 10 (River and Harbor Act of 1899) only.  
 Section 404 and Section 10.  
 Nationwide Permit Number NWP 26

Any violation of the conditions of the Regional General or Nationwide Permit referenced above may subject the permittee to a stop work order, a restoration order, and or appropriate legal action.

This Department of the Army Regional General / Nationwide Permit verification does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work. If you have any questions regarding the Corps of Engineers regulatory program, please contact John Thomas at telephone number (919) 876-8441 extension 25.

Regulatory Project Manager Signature 

Date June 2, 2000 Expiration June 7, 2000

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORM, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.

CF:

NATIONWIDE PERMIT #26. HEADWATERS AND ISOLATED WATERS. Authorizes discharges of dredged or fill material into headwaters and isolated waters provided that the activity meets all of the following criteria:

a. The discharge does not cause the loss of more than three (3) acres of waters of the United States nor cause the loss of waters of the United States for a distance greater than 500 linear feet of a stream bed;

b. For discharges causing the loss of greater than 1/3 acre of waters of the United States, the permittee notifies the District Engineer in accordance with the "Notification" general condition;

c. For discharges causing a loss of 1/3 acre or less of waters of the United States, the permittee must submit a report within thirty (30) days of completion of the work, containing the following information:

- (1) Name, address and telephone number of the permittee;
- (2) Location of work;
- (3) Description of work; and

(4) Type and acreage (or square feet) of the loss of waters of the United States (e.g., 1/10 acre of marsh and 50 square feet of a stream);

d. For discharges in special aquatic sites, including wetlands, the notification must also include a delineation of all affected special aquatic sites, including wetlands; and

e. The discharge, including all attendant features, both temporary and permanent, is part of a single and complete project.

Note: Whenever any other nationwide permit (NWP) is used in conjunction with this NWP, the total acreage of impacts to waters of the United States of all NWPs combined cannot exceed three (3) acres.

#### NATIONWIDE PERMIT CONDITIONS

1. Navigation. No activity may cause more than a minimal adverse effect on navigation.

2. Proper maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

3. Erosion and siltation controls. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.

4. Aquatic life movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.

5. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

6. Regional and case-by-case conditions. The activity must comply with any regional conditions which may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the State or tribe in its Section 401 water quality certification.

7. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely effect the Wild and Scenic River designation, or study status. Information on wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service.)

8. Tribal rights. No activity or its operation may impair tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. Water quality certification. The permittee must comply with all conditions of General Water Quality Certification No. 3108, issued by the North Carolina Division of Water Quality (NCDWQ) on February 11, 1997.

10. Coastal zone management. The North Carolina Division of Coastal Management (NCCDM), has determined that this NWP is conditionally consistent with the North Carolina Coastal Management Program. Notification to and written concurrence from the NCCDM is required prior to work in the twenty (20) coastal counties of North Carolina.

11. Endangered species.

a. No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-Federal permittees shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

b. Authorization of an activity by a NWP does not authorize the take of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their world wide web pages at <http://www.fws.gov/r9endspp.html> and [http://kingfish.spp.mnfs.gov/tmcintyr/prot\\_res.html#ES](http://kingfish.spp.mnfs.gov/tmcintyr/prot_res.html#ES) and Recovery, respectively.

12. Historic properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR 325, Appendix C. The prospective permittee must be notified by the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)).

13. Notification (for discharges causing the loss of greater than 1/3 acre and less than 3 acres of waters of the United States).

a. Timing. Where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a Pre-Construction Notification (PCN) as early as possible and shall not begin the activity:

(1) Until notified by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

(2) If notified by the District or Division Engineer that an individual permit is required; or

(3) Unless 45 days have passed from the District Engineer's receipt of the notification and the prospective permittee has not received notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b. Contents of notification. The notification must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; and other NWP(s), regional general permit(s) or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity; and

(4) For NWP 26, the PCN must also include a delineation of affected special aquatic sites, including wetlands (see paragraph 13.f.).

c. Form of Notification: The standard individual permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all the information required in b.(1)-(4) of General Condition 13. A letter may also be used.

d. District Engineer's Decision: In reviewing the pre-construction notification for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may, optionally, submit a proposed mitigation plan with the pre-construction notification to expedite the process and the District Engineer will consider any optional mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the effects are minimal, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary.

Any mitigation proposal must be approved by the District Engineer prior to commencing work. If the prospective permittee elects to submit a mitigation plan, the District Engineer will expeditiously review the proposed mitigation plan, but will not commence a second 45-day notification procedure. If the net adverse effects of the project (with the mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant stating that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then he will notify the applicant either:

- (1) that the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit;
- (2) that the project is authorized under the NWP subject to the applicant's submitting a mitigation proposal that would reduce the adverse effects to the minimal level; or
- (3) that the project is authorized under the NWP with specific modifications or conditions.

e. Agency Coordination. The District Engineer will consider any comments from Federal and State agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(1) For NWP 26 (between 1 and 3 acres of impact). The District Engineer will, upon receipt of a notification, provide immediately, e.g., facsimile transmission, overnight mail or other expeditious manner a copy to the appropriate offices of the Fish and Wildlife Service, State natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and if appropriate, the National Marine Fisheries Service.

The agencies will then have 5 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 16 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notifications.

(2) Optional Agency Coordination, 401 Denial. For NWP 26 only, where the State has denied its 401 water quality certification for activities with less than 1 acre of wetland impact, the EPA regional administrator may request agency coordination of PCNs between 1/3 and 1 acre. The request may only include acreage limitations within the 1/3 to 1 acre range for which the State has denied water quality certification. In cases where the EPA has requested coordination of projects as described here, the Corps will forward the PCN to EPA only. The PCN will then be forwarded to the Fish and Wildlife Service and the National Marine Fisheries Service by EPA under agreements among those agencies. Any agency receiving the PCN will be bound by the EPA time frames for providing comments to the Corps.

f. Wetlands Delineations. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

g. Mitigation. Factors that the District Engineer will consider when determining the acceptability of appropriate and practicable mitigation include, but are not limited to:

(1) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology and logistics in light of the overall project purposes; and

(2) To the extent appropriate, permittees should consider mitigation banking and other forms of mitigation including contributions to wetland trust funds, in lieu fees to organizations such as The Nature Conservancy, State or county natural resource management agencies, where such fees contribute to the restoration, creation, replacement, enhancement or preservation of wetlands. Furthermore, examples of mitigation that may be appropriate and practicable include but are not limited to: reducing the size of the project; establishing wetland or upland buffer zones to protect aquatic resource values; and replacing the loss of aquatic resource values by creating, restoring and enhancing similar functions and values. In addition, mitigation must address wetland impacts, such as functions and values, and cannot be simply used to offset the acreage of wetland losses that would occur in order to meet the acreage limits of some of the NWPs (e.g., for NWP 26, 5 acres of wetlands cannot be created to change a 6-acre loss of wetlands to a 1 acre loss; however, 2 created acres can be used to reduce the impacts of a 3-acre loss.).

14. Compliance certification. Every permittee who has received a NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

a. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;

b. A statement that any required mitigation was completed in accordance with the permit conditions; and

c. The signature of the permittee certifying the completion of the work and mitigation.

15. Multiple use of NWPs. In any case where NWP number 12 through 40 is combined with any other NWP number 12 through 40, as part of a single and complete project, the permittee must notify the District Engineer in accordance with paragraphs a., b., and c. of the Notification General Condition number 13. Any NWP number 1 through 11 may be combined with any other NWP without notification to the Corps, unless notification is otherwise required by the terms of the NWPs. As provided at 33 CFR 330.6(c) two or more different NWPs can be combined to authorize a single and complete project. However, the same NWP cannot be used more than once for a single and complete project.

## SECTION 404 ONLY CONDITIONS

In addition to the General Conditions, the following conditions apply only to activities that involve the discharge of dredged or fill material in waters of the United States, and must be followed in order for authorization by the NWFs to be valid:

1. Water supply intakes. No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for the repair of the public water supply intake structure or adjacent bank stabilization.
2. Shellfish production. No discharge of dredged or fill material may occur in areas of concentrated shellfish production, unless the discharge is directly related to a shellfish harvesting activity authorized by NWP 4.
3. Suitable material. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.,) and material discharges must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
4. Mitigation. Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e., on-site), unless the District Engineer approves a compensation plan that the District Engineer determines is more beneficial to the environment than on-site minimization or avoidance measures.
5. Spawning areas. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.
6. Obstructions to high flows. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).
7. Adverse effects from impoundments. If the discharge creates as impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent possible.
8. Waterfowl breeding areas. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
9. Removal of temporary fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

## REGIONAL CONDITIONS

1. Prior to the use of any NWP in a designated "Outstanding Resource Water" (ORW), a designated "High Quality Water" (HQW) or a designated "Primary Nursery Area" (PNA), of North Carolina or in contiguous wetlands (as defined by the North Carolina Division of Water Quality) to any of the above waters, proponents must notify the Wilmington District Engineer and furnish a written statement of compliance with all of the conditions of the applicable NWP. Notification will include the location of work; a description of work; a delineation of wetlands; a discussion of alternatives to working in the waters and/or contiguous wetlands and why alternatives were not selected; and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the waters and/or adjacent wetlands as may be required by the applicable NWP. Work may proceed only after the permittee has received written, telephonic, or faxed approval from the authorized representative of the District Engineer to proceed. Normally such notice to proceed will be furnished within 30 calendar days of receipt of the above information.
2. Prior to use of any NWP in a designated "Area of Environmental Concern" (AEC) in the twenty (20) counties of Eastern North Carolina covered by the North Carolina Coastal Area Management Act (CAMA), a proponent must first obtain the required CAMA permit and furnish a copy of the CAMA permit to the Wilmington District.
3. Prior to the use of any NWP on a barrier island of North Carolina, proponents must notify the Wilmington District Engineer and furnish a written statement of compliance with all of the conditions of the applicable NWP. Notification will include the location of work; a description of work; a delineation of wetlands; a discussion of alternatives to the work and why alternatives were not selected; and a plan to provide compensatory mitigation for all unavoidable adverse impacts to wetlands or waters as may be required by the conditions of the applicable NWP. Work may proceed only after the permittee has received written, telephonic, or faxed approval from the authorized representative of the District Engineer to proceed. Normally such notice to proceed will be furnished within 30 calendar days of receipt of the above information.
4. Prior to the use of any NWP in a "Mountain or Piedmont Bog" of North Carolina, proponents must notify the Wilmington District Engineer and furnish a written statement of compliance with all of the conditions of the applicable NWP. Notification will include the location of work; a description of work; a delineation of wetlands; a discussion of alternatives to the work and why alternatives were not selected; and a plan to provide compensatory mitigation for all unavoidable adverse impacts to wetlands or waters as may be required by the conditions of the applicable NWP. Work may proceed only after the permittee has received written, telephonic, or faxed approval from the authorized representative of the District Engineer to proceed. Normally such notice to proceed will be furnished within 30 calendar days of receipt of the above information.

5. Prior to use of any NWP for construction of animal waste facilities in waters and/or wetlands of North Carolina, proponents must notify the Wilmington District Engineer and furnish a written statement of compliance with all of the conditions of the applicable NWP. Notification will include the location of work; a description of work; a delineation of wetlands; a discussion of alternatives to the work and why alternatives were not selected; and, a plan to provide compensatory mitigation for all unavoidable adverse impacts to wetlands or waters as may be required by the applicable NWP. Work may proceed only after the permittee has received written, telephonic, or faxed approval from the authorized representative of the District Engineer to proceed. Normally such notice to proceed will be furnished within 30 calendar days of receipt of the above information.

NOTE: The total area of wetlands impacted, including wetlands drained by upland perimeter ditches or by other means, will be considered as cumulative impacts in making a decision to assert discretionary authority under any NWP.

6. Prior to the use of any NWP in mountain trout waters within twenty-five (25) designated counties of North Carolina, proponents must notify the Wilmington District Engineer and furnish a written statement of compliance with all of the conditions of the applicable NWP. Notification will include a letter of comments and recommendations from North Carolina Wildlife Resources Commission (NCWRC); the location of work; a delineation of wetlands; a discussion of alternatives to working in the mountain trout waters and why alternatives were not selected; and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the mountain trout waters. Work may proceed only after the permittee has received written, telephonic, or faxed approval from the authorized representative of the District to proceed. Normally such notice to proceed will be furnished within 30 calendar days of receipt of the above information.

a. The twenty-five (25) designated counties are:

Alleghany	Ashe	Avery
Buncombe	Burke	Caldwell
Cherokee	Clay	Graham
Haywood	Henderson	Jackson
Macon	Madison	McDowell
Mitchell	Polk	Rutherford
Stokes	Surry	Swain
Transylvania	Watauga	Wilkes
Yancy		

b. To obtain the required letter of approval from the North Carolina Wildlife Resources Commission (NCWRC), a proponent should contact:

North Carolina Wildlife Resources Commission  
Habitat Conservation Program Manager  
512 North Salisbury Street  
Raleigh, NC 27611  
Telephone (919) 733-7636

8. Proponents must notify the Wilmington District Engineer and receive written approval prior to performing work that would impact more than 150 linear feet of a stream. Notification will include the location of work, a description of work, a discussion of alternatives to working in the stream and why alternatives were not selected, and a plan to mitigate for all unavoidable adverse impacts to more than 150 linear feet of the stream.

NOTE: Flooding of a free-flowing stream by an activity requiring authorization under this NWP will be considered an adverse impact along with filling and excavation for the purposes of determining impacts on stream.

## STATE CONSISTENCY CONDITIONS

1. All fill material must be obtained from an upland source.
2. Use of this NWP for waste disposal facilities is not authorized.
3. The proposed activity must not be inconsistent with North Carolina's Antidegradation Policy (15ANCAC 2B .0201).
4. If the proposed activity is within the North Carolina Coastal Area and the activity will result in the loss of waters of the United States greater than 1/3 of an acre or cause modification of greater than 150 linear feet of a stream, the applicant must receive written concurrence from the North Carolina Division of Coastal Management (NCDQM) that the activity is consistent with the North Carolina Coastal Management Program. Streams are defined as blue or purple lines for permanent or intermittent streams as shown on the most recent version of the USGS 1:24,000 topographic map or other site-specific data.

## GENERAL CERTIFICATION CONDITIONS

1. Proposed fill or substantial modification of greater than one-third acre (0.135 ha) of wetlands or waters for a project requires a written concurrence from the North Carolina Division of Water Quality (NCDWQ).
2. Proposed fill or substantial modification of equal to or less than one-third acre (0.135 ha) of wetlands or waters for a project does not require written concurrence from the North Carolina Division of Water Quality (NCDWQ) as long as the project is in compliance with all conditions of this General Certification.
3. Proposed fill or substantial modification of any amount of wetlands classified in accordance with 15A NCAC 2B .0101(e)(7) as Unique Wetlands (UWL) shall require written concurrence from the North Carolina Division of Water Quality in accordance with 15A NCAC 2H .0506(e).
4. Proposed fill or substantial modification of more than 150 linear feet (45.7 meters) of streams for a project requires a written concurrence from the North Carolina Division of Water Quality. For the purpose of this Certification, streams are defined as blue or purple lines for permanent or intermittent streams as shown on the most recent version of the USGS 1:24,000 topographic map or other site specific data.
5. Proposed fill or substantial modification of less than or equal to 150 linear feet (45.7 meters) of streams for a project does not require a written concurrence from the North Carolina Division of Water Quality as long as the project is in compliance with all conditions of this General Certification. For the purpose of this Certification, streams are defined as blue or purple lines for permanent or intermittent streams as shown on the most recent version of the USGS 1:24,000 topographic map or other site specific data.
6. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" (available from the North Carolina Division of Land Management in the DEHNR Regional or Central Offices) will be utilized to prevent exceedances of the appropriate turbidity water quality standard (50 NTU's in streams and rivers not designated as trout by NCDWQ, 25 NTU's in all saltwater classes and all lakes and reservoirs, and 10 NTU's in trout waters).

7. All sediment and erosion control measures placed in wetlands or waters shall be removed and the natural grade restored after the North Carolina Division of Land Resources has released the project.

8. Additional site-specific conditions may be added to projects with greater than one-third acre impact to wetlands or 150 linear feet of streams which are proposed under this Certification in order to ensure compliance with all applicable water quality and effluent standards.

9. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the State until the concrete has hardened.

10. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse.

11. Concurrence from the North Carolina Division of Water Quality (NCDWQ) that this Certification applies to an individual project shall expire on December 13, 1998 to coincide with the expiration date of NWP No. 26.

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE  
FOR CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 26  
(HEADWATERS AND ISOLATED WETLANDS)

This General Certification is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality Regulations in 15A NCAC 2H, Section .0500 and 15A NCAC 2B .0200 for the discharge of fill material to waters and adjacent wetland areas which are above the headwaters or to wetland areas that are not a part of the surface tributary system to interstate waters or navigable waters of the United States (i.e., isolated wetlands) as described in 33 CFR 330 Appendix A (B) (26) of the Corps of Engineers regulations (i.e., Nationwide Permit No. 26). This Certification replaces Water Quality Certification Number 2671 issued on January 21, 1992. This WQC is rescinded when the Corps of Engineers reauthorizes Nationwide 26 or when deemed appropriate by the Director of DWQ.

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Conditions of Certification:

1. Proposed fill or substantial modification of greater than one-third acre (0.135 ha) of wetlands or waters for a project requires a written concurrence from the Division of Water Quality;
2. Proposed fill or substantial modification of equal to or less than one-third acre (0.135 ha) of wetlands for a project does not require written concurrence from the Division of

<http://h2o.ehnr.state.nc.us/Wetlands/GENCERT.26>

6/9/00

- Water Quality as long as the project is in compliance with all conditions of this General Certification;
3. Proposed fill or substantial modification of any amount of wetlands classified in accordance with 15A NCAC 2B .0101(e) (7) as Unique Wetlands (UWL) shall require written concurrence from the Division of Water Quality in accordance with 15A NCAC 2B .0506(e);
  4. Proposed fill or substantial modification of greater than 150 linear feet (45.7 m) of streams for a project requires a written concurrence with the Division of Water Quality. For the purpose of this Certification, streams are defined as blue or purple lines for permanent or intermittent streams as shown on the most recent version of the USGS 1:24,000 topographic map or other site-specific data;
  5. Proposed fill or substantial modification of less than or equal to 150 linear feet (45.7 m) of streams for a project does not require a written concurrence from the Division of Water Quality as long as the project is in compliance with all conditions of this General Certification. For the purpose of this Certification, streams are defined as blue or purple lines for permanent or intermittent streams as shown on the most recent version of the USGS 1:24,000 topographic map or other site-specific data;
  6. That appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent edition of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" (available from the Division of Land Resources in the DEHNR Regional or Central Offices) must be utilized to prevent exceedances of the appropriate turbidity water quality standard (50 NTUs in streams and rivers not designated as trout waters by DWQ; 25 NTUs in all saltwater classes, and

<http://h2o.ehnr.state.nc.us/Wetlands/GENCERT.26>

6/9/00

- all lakes and reservoirs; 10 NTUs in trout waters);
7. All sediment and erosion control measures placed in wetlands and waters shall be removed and the natural grade restored after the Division of Land Resources has released the project;
  8. Additional site-specific conditions may be added to projects with greater than one-third acre impact to wetlands or 150 linear feet of streams which are proposed under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
  9. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;
  10. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse;
  11. Concurrence from DWQ that this Certification applies to an individual project shall expire on 13 December 1998 to coincide with the expiration date of Nationwide Permit 26.

Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of this Certification for the project and may also result in criminal and/or civil penalties.

The Director of the North Carolina Division of Water Quality may require submission of a formal application for individual certification for any project in this category of activity, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade the waters so that existing uses of the wetland or downstream waters are precluded.

<http://h2o.ehnr.state.nc.us/Wetlands/GENCERT.26>

6/9/00

Public hearings may be held for specific applications or group of applications prior to a Certification decision if deemed in the public's best interest by the Director of the North Carolina Division of Environmental Management.

Effective date: 11 February 1997.

DIVISION OF WATER QUALITY

By

A. Preston Howard, Jr. P.E.

Director

gencert.26

WQC # 310B

<http://h2o.ehnr.state.nc.us/Wetlands/GENCERT.26>

6/9/00



# Sungate Design Group, P.A.

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

915-A Jones Franklin Road • Raleigh, NC 27606 • e-mail: sungate@mindspring.com • Phone 919.859.2243 • Fax 919.859.6268

August 9, 1999

Mr. Roy Williford, Planning Director  
Town of Carrboro  
301 West Main Street  
Carrboro, N. C. 27510

Re: Barnette Property Pond Fill  
Carrboro, N. C.

Dear Mr. Williford:

I have inspected the above subject site and confirmed the findings documented in the attached letter from Henry Wells to Keith Lankford, dated 9/28/98. In addition, I visually evaluated the site for evidence of jurisdictional wetlands and waters of the US. The remnant pond area is bordered by emergent hydrophytic vegetation. When coupled with the presence of intermittent or permanently ponded water and soil saturation the area appears to exhibit the criteria necessary for USACOE jurisdiction. However, the isolated position of this area from other jurisdictional wetlands and waters may affect this determination.

In order to clearly establish the nature of USACOE jurisdiction over this area and the subsequent actions necessary to resolve the situation, a representative of the USACOE will have to be escorted to the site by the owner, or his designated representative. If the site is determined to be exempt from jurisdiction, then no further action will be required. If jurisdiction is established, then the appropriate notification to USACOE must be submitted and approved. In most instances of this type, the submittal of a fill discharge notification, after the fact, is sufficient to comply with applicable regulations.

Please contact me if you have any questions or need any further information regarding this matter.

Sincerely,

SUNGATE DESIGN GROUP, PA

*Charlie Musser, Jr.*

Charlie Musser, Jr., RLA

cc: W. Henry Wells, Jr. PE

attachment



September 28, 1998

Mr. Keith Lankford  
Zoning Administrator  
Town of Carrboro  
301 West Main Street  
Carrboro, N. C. 27510

Re: Backfilling of pond on Property adjacent to Frances  
Shetley.

Dear Keith:

On September 9, 1998, we inspected a piece of property adjacent to Frances Shetley's where some backfilling of a pond was occurring. The property is located southeast of the Shetley property, and according to Town of Carrboro Topographic Mapping the area of the pond was approximately 1.3 acres prior to fill operations. Based on our inspection, the dam had been breached in the area of the principal spillway and the pond drained. Approximately 150-200 dump truck loads of soil had been deposited in the pond, but had not been spread or otherwise graded. The drainage area to the pond is approximately 3.4 Acres. Outflow from the pond is directed toward Old Hillsborough Road, crosses under Old Hillsborough and continues down the right-of-way of Dove St. No sediment control measures were observed to be in place.

If you have questions or need further information, please contact me.

Sincerely,

W. Henry Wells, Jr., PE



# Sungate Design Group, P.A.

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

615-A Jones Franklin Road • Raleigh, NC 27606 • e-mail: sungate@mindspring.com • Phone 919.859.2243 • Fax 919.859.6256

May 4, 2000

Mr. John Thomas  
U S Army Corps of Engineers  
Regulatory Field Office  
6508 Falls of the Neuse Road, Suite 120  
Raleigh, N.C. 27615

Re: Existing drained pond  
Town of Carrboro Park Property  
Carrboro, N.C.

Dear Mr. Thomas:

As we discussed by phone on 4/24/99, the Town of Carrboro has recently purchased a 9.4 acre parcel on Hillsboro Road in Carrboro for the development of a neighborhood park. The property contains a farm pond (originally +/- 1.3 acres in size) that was drained and partially filled by previous owners in 1998. The pond appears to have been constructed in an upland depression by excavating an area and providing a low dam on the down slope side. Although the contributing drainage area is relatively small (+/- 4.5 acres) the density of the expansive clay soils on the site appears to have been adequate to prevent seepage losses and maintain a permanent pool of water. The dam has been breached to the invert of the outlet ditch, however approximately 0.25 acres of water surface remains due to the depth of the pond excavation, past aggradation of the outlet ditch, or both.

The Town requests that you provide a determination of ACOE jurisdiction over the pond site and options for permitting the completion of the previous fill operation. In order to aid in your determination we have provided vicinity maps, property boundary maps, aerial photo topographic maps, the Orange County soil survey map, the NWI map, recent site photos and a wetland data sheet describing the undisturbed area immediately adjacent to the pond perimeter.

I trust that this information will be adequate for your review of this matter. Please contact me if you have any questions, desire further information or feel that an on-site evaluation will be necessary to make your determination. Thank you for your consideration.

Sincerely,

SUNGATE DESIGN GROUP, PA

Charlie Musser, Jr., RLA

cc: Roy Williford, Planning Director, Town of Carrboro  
Henry Wells, PE, SDG

attachments

U.S. ARMY CORPS OF ENGINEERS  
Wilmington District

COPY

Action ID: 200021024

County: Orange

Notification of Jurisdictional Determination

Property	Authorized
Owner Town of Carrboro Roy Williford	Agent Sungate Design Group Charlie Musser, Jr.
Address 301 West Main Street Carrboro, NC 27510	Address 915-A Jones Franklin Road Raleigh, NC 27606
Telephone Number	Telephone Number 919 859-2243

Size and Location of Property (Waterbody, Highway name/number, town, etc.) Town of Carrboro proposed park site located off of Hillsboro Road adjacent to an unnamed tributary of Morgan Creek, near Carrboro, in Orange County, North Carolina.

Indicate Which of the Following apply:

- ◇ There are DOA jurisdictions on the above described property which we strongly suggest should be delineated and surveyed. The surveyed lines must be verified by our staff before the Corps will make a final jurisdictional determination on your property.
- ◇ Because of the size of your property and our present workload, our identification and delineation of your wetlands cannot be accomplished in a timely manner. You may wish to obtain a consultant to obtain a more timely delineation of the wetlands. Once the consultant has flagged a wetland line on the property, Corps staff will review it, and, if it is accurate, we strongly recommend that you have the line surveyed for final approval by the Corps. The Corps will not make a final jurisdictional determination on your property without an approved survey.
- The wetlands on your lot have been delineated, and the limits of the Corps jurisdiction have been explained to you. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- ◇ There are no wetlands present on the above described property which are subject to the permit requirements of section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- ◇ The project is located in one of the 20 Coastal Counties. You should contact the nearest State Office of Coastal Management to determine their requirements.

Placement of dredged or fill material in wetlands on this property without a Department of the Army permit is in most cases a violation of Section 301 of the Clean Water Act (33 USC 1311). A permit is not required for work on the property restricted entirely to existing high ground. If you have any questions regarding the Corps of Engineers regulatory program, please contact

John Thomas at 919-876-8441 extension 25

Project Manager Signature

Date May 19, 2000

Expiration Date May 19, 2005

SURVEY PLAT OR FIELD SKETCH OF DESCRIBED PROPERTY AND THE WETLAND DELINEATION FORM MUST BE ATTACHED TO THE YELLOW (FILE) COPY OF THIS FORM.



# Sungate Design Group, P.A.

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

715-A Jones Franklin Road • Raleigh, NC 27606 • e-mail: sungate@mindspring.com • Phone: 919.859.2243 • Fax: 919.859.6258

May 4, 2000

Mr. John Thomas  
U S Army Corps of Engineers  
Regulatory Field Office  
6508 Falls of the Neuse Road, Suite 120  
Raleigh, N.C. 27615

Re: Existing drained pond  
Town of Carrboro Park Property  
Carrboro, N.C.

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Sincerely,

SUNGATE DESIGN GROUP, PA

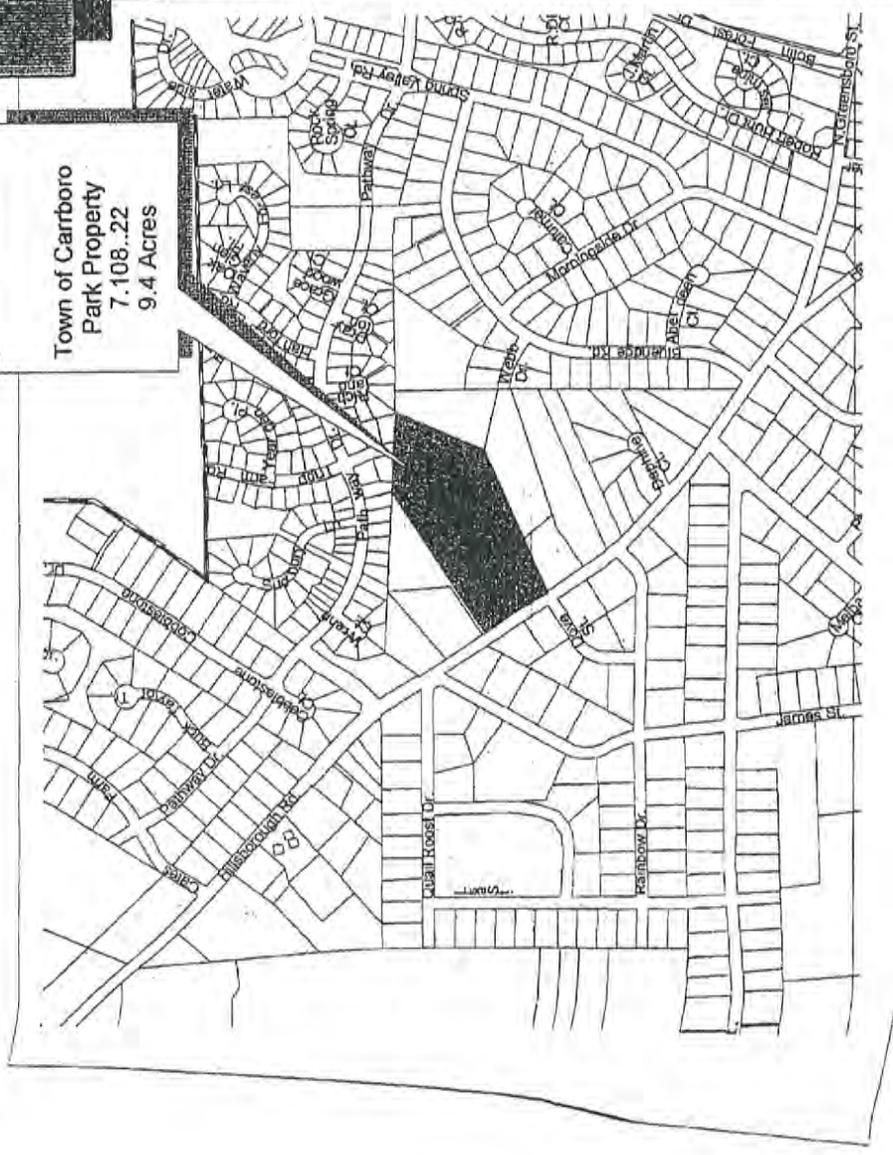
Charlie Musser, Jr., RLA

cc: Roy Williford, Planning Director, Town of Carrboro  
Henry Wells, PE, SDG

attachments

# Town of Carboro Proposed Park

Town of Carboro  
Park Property  
7.108..22  
9.4 Acres



 Burnette Property  
TMBL 7.108..22

 City Limits

300 0 300 600 Feet





VICINITY MAP  
 BURNSTE PROPERTY  
 1120 HILLSBOROUGH ROAD  
 CARBORO, NORTH CAROLINA

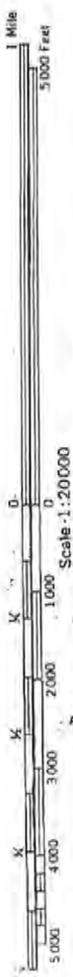
SOURCE:  
 USGS Quadrangle  
 CHAPEL HILL, NORTH CAROLINA  
 1973 (Photorevised 1981)  
 SCALE: 1" = 2000'



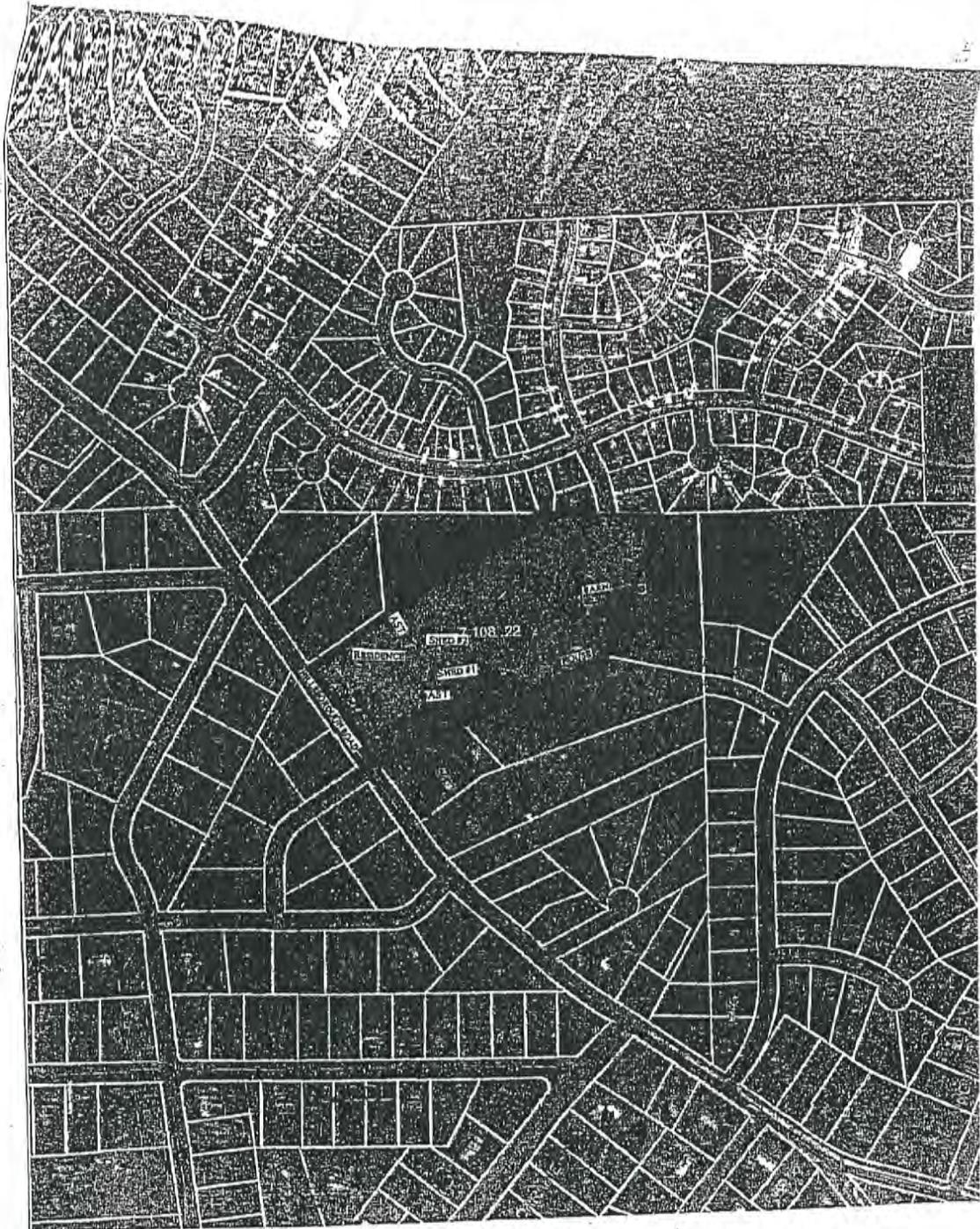
Quaternary geol. data and base stream system, © 1988, U.S. Geological Survey

30

N



(Join sheet 33)



-  Street
-  Text
-  Background
-  Major Roads
-  Parcels
-  County
-  Township
-  City

This map contains parcels prepared for the Inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information contained on this map.

DATA FORM  
ROUTINE WETLAND DETERMINATION  
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>BURNETT PROPERTY</u>	Date: <u>5/2/00</u>
Applicant/Owner: <u>TOWN OF CARBORO</u>	County: <u>ORANGE</u>
Investigator: <u>CHARLIE TUSSEX</u>	State: <u>NC</u>
Do Normal Circumstances exist on the site? <input checked="" type="radio"/> Yes <input type="radio"/> No	Community ID: <u>    </u>
Is the site significantly disturbed (Atypical Situation)? <input type="radio"/> Yes <input checked="" type="radio"/> No	Transect ID: <u>    </u>
Is the area a potential Problem Area? <input type="radio"/> Yes <input checked="" type="radio"/> No (If needed, explain on reverse.)	Plot ID: <u>#1-NW</u>

## VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. PINUS TAEDA 30%	SAPLING	FAC	9. LYGNSTRUM SINENSES 5%	↓	FAC
2. LIQUIDAMBAR STRACIFLUA 30%	↓	FAC+	10. FESTUCA ARUNDINACEA 50% VINE/HERB	↓	FAC-
3. PENNUS SEROTINA 10%	↓	FACU	11. RUBUS BETULIFOLIUS 20%	↓	FAC
4. PINUS TAEDA 25%	SHEUB	FAC	12. LOTUS CORNICULATUS 15%	↓	FACU
5. LIQUIDAMBAR STRACIFLUA 30%	↓	FAC+	13. LONICERA JAPONICA 10%	↓	FAC-
6. PENNUS SEROTINA 10%	↓	FACU	14. _____	↓	_____
7. JUNIPERUS VIRGINIANA 5%	↓	FACU-	15. _____	↓	_____
8. ACER RUBRUM 10%	↓	FAC	16. _____	↓	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-): > 50%

Remarks: HYDROPHYTIC VEGETATION IS DOMINANT.

## HYDROLOGY

<p><input type="checkbox"/> Recorded Data (Describe in Remarks):  <input type="checkbox"/> Stream, Lake, or Tide Gauge  <input type="checkbox"/> Aerial Photographs  <input type="checkbox"/> Other  <input checked="" type="checkbox"/> No Recorded Data Available</p> <p>Field Observations:</p> <p>Depth of Surface Water: <u>NA</u> (in.)</p> <p>Depth to Free Water in Pit: <u>&gt; 28</u> (in.)</p> <p>Depth to Saturated Soil: <u>&gt; 28</u> (in.)</p>	<p>Wetland Hydrology Indicators: <u>NONE NOTED.</u></p> <p>Primary Indicators:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Inundated</li> <li><input type="checkbox"/> Saturated in Upper 12 Inches</li> <li><input type="checkbox"/> Water Marks</li> <li><input type="checkbox"/> Drift Lines</li> <li><input type="checkbox"/> Sediment Deposits</li> <li><input type="checkbox"/> Drainage Patterns in Wetlands</li> </ul> <p>Secondary Indicators (2 or more required):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches</li> <li><input type="checkbox"/> Water-Stained Leaves</li> <li><input type="checkbox"/> Local Soil Survey Data</li> <li><input type="checkbox"/> FAC-Neutral Test</li> <li><input type="checkbox"/> Other (Explain in Remarks)</li> </ul>
Remarks: <u>WETLAND HYDROLOGY NOT PRESENT.</u>	



[Return to Area Selection](#)

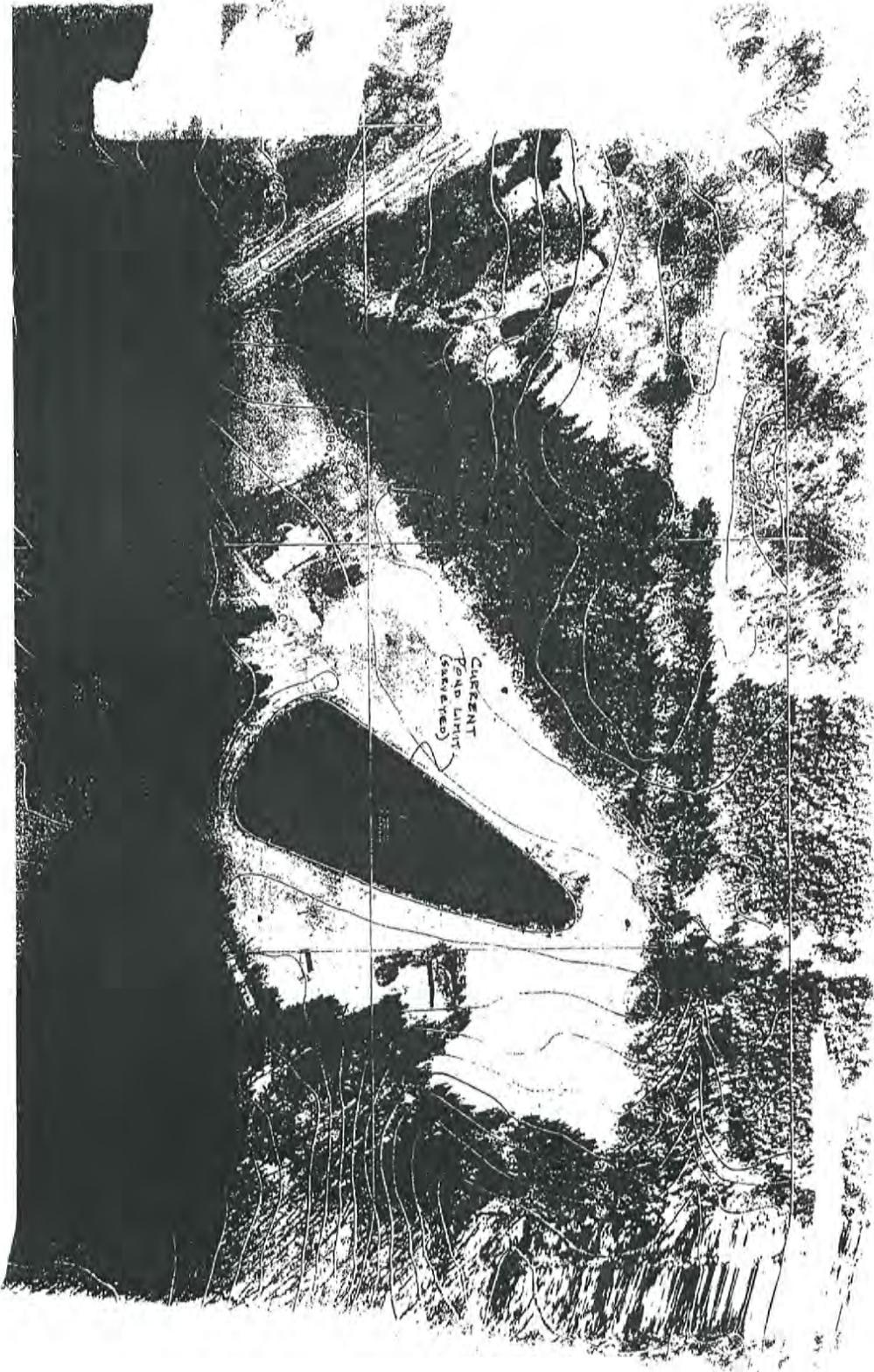
[Return to NWI Home Page](#)

[Input Comments or Issues](#)

[Troubleshooting](#)

- L1UBHh [L] Lacustrine, [1] Limnetic, [UB] Unconsolidated Bottom, [H] Permanently Flooded, [h] Diked/Impounded
- PEM1Fb [P] Palustrine, [EM] Emergent, [1] Persistent, [F] Semipermanently Flooded, [h] Diked/Impounded
- PSS1Ch [P] Palustrine, [SS] Scrub-Shrub, [1] Broad-Leaved Deciduous, [C] Seasonally Flooded, [h] Diked/Impounded
- PUBHh [P] Palustrine, [UB] Unconsolidated Bottom, [H] Permanently Flooded, [h] Diked/Impounded
- PUBHx [P] Palustrine, [UB] Unconsolidated Bottom, [H] Permanently Flooded, [x] Excavated
- Upland [U] Upland

Close Window





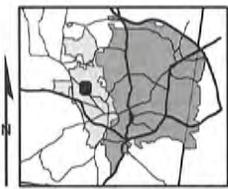


TOWN OF CARRBORO  
301 W. Main St.  
Carrboro, NC 27510  
Printed Oct 22, 2013

NC State Plane Coordinate System (NAD83)  
**THIS MAP IS NOT A CERTIFIED SURVEY  
NO RELIANCE MAY BE PLACED IN ITS ACCURACY**  
The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.

### MLK Park and Shetley Property

- |  |  |  |   |
|--|--|--|---|
| <ul style="list-style-type: none"> <li> Properties in Question</li> <li> Properties</li> <li><b>Wooded Areas, not Hardwood</b></li> <li><b>Type</b></li> <li> MIXED</li> <li> PINE</li> <li> Slopes Between 15 and 25%</li> <li> 10-Foot Topographic Contours</li> <li> 2-Foot Topographic Contours</li> </ul> | <ul style="list-style-type: none"> <li> Utility Easement</li> <li> Hardwood Areas</li> <li> Wetlands</li> <li> Slopes Greater Than 25%</li> <li><b>Major Road Buffer</b></li> <li> distance</li> <li> 50</li> <li> 100</li> <li> Zone 1 Stream Buffer</li> </ul> | <ul style="list-style-type: none"> <li> Zone 2 Stream Buffer</li> <li><b>Floodplain</b></li> <li><b>FLD_ZONE, FLOODWAY</b></li> <li> 500 y' Floodplain</li> <li> 100 y' Floodplain</li> <li> 100 y' Floodway</li> <li> Dedicated Public Access</li> <li><b>Other Open Space</b></li> </ul> | <ul style="list-style-type: none"> <li><b>Open Space Type</b></li> <li> CONSERVATION EASEMENT</li> <li> ORANGE COUNTY OPEN SPACE</li> <li> TRIANGLE LAND CONSERVANCY</li> <li> Subdivided Open Space</li> <li> Parks</li> </ul> |
|--|--|--|---|





TOWN OF CARRBORO  
301 W. Main St.  
Carrboro, NC 27510

Printed Oct 22, 2013

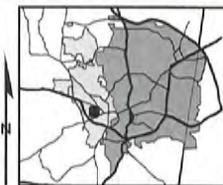
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## Westwood Cemetery

Property in Question	Utility Easement	Zone 2 Stream Buffer	Open Space Type
Properties	Hardwood Areas	Floodplain	CONSERVATION EASEMENT
<b>Wooded Areas, not Hardwood</b>	Wetlands	<b>FLOOD_ZONE, FLOODWAY</b>	ORANGE COUNTY OPEN SPACE
MIXED	Slopes Greater Than 25%	500 y' Floodplain	TRIANGLE LAND CONSERVANCY
PINE	<b>Major Road Buffer</b>	100 y' Floodplain	Subdivision Open Space
Slopes Between 15 and 25%	50'	100 y' Floodplain	Parks
10-Foot Topographic Contours	100'	Dedicated Public Access	Gravesites
2-Foot Topographic Contours	Zone 1 Stream Buffer	<b>Other Open Space</b>	



## ATTACHMENT E

## MEMORANDUM

TO: David Andrews, Town Manager and Patricia McGuire, Planning Director

FROM: The Brough Law Firm; Robert E. Hornik, Jr. 

RE: Town Cemetery; Potential Library Site/Potential Liability

DATE: October 23, 2013

The Town of Carrboro has identified a portion of the property on which a Town cemetery is situated, located on Fidelity Street, as a potential/candidate site for the proposed Southern Branch of the Orange County Library. We understand that there are no gravesites on the portion of the property identified as a potential Library site. Orange County has asked for an opinion "addressing potential liability issues associated with a County concern over potential impacts on interment (SP) as a result of excavating/blasting activity on the property." This Memorandum is provided in response to the County's request.

The Town regulates cemeteries pursuant to Town Code Chapter 13. According to Section 13-12, the Town sells "burial rights" in the cemetery and issues a "Certificate of Burial Rights" to the purchaser. The Certificate of Burial Rights "transfers no property right to the certificate owner." Town Code Section 13-13. Rather, the Certificate owner is entitled to the use of the designated burial plot, subject to the Town's authority to operate, regulate, control and abandon cemeteries. So, the Town remains the owner of the real property in the cemetery, subject only to the burial rights which it sells. Article IV of Town Code Chapter 13 also provides that the owners/holder of Certificates of Burial Rights are obligated to place, replace, repair and maintain monuments and/or markers on gravesites in the Town cemetery. While the Town Code does not say so expressly, it is my opinion that the markers/monuments are personal property owned by the Certificate holder and are not Town property.

There is some case law regarding a property owner's liability for damage caused to adjoining property resulting from negligent excavation for the construction of a building. In *Waters v. Biesecker*, 309 N.C. 165 (1983), the North Carolina Supreme Court addressed, among other issues, a local government entity's (in *Waters*, a local ABC board) liability for damages allegedly caused by its negligent failure to warn a neighboring property owner of the excavation to be undertaken in the construction of a new building on the government agency's property. In *Waters*, excavation removed lateral support from the foundation wall of plaintiff's building resulting in damage to the building. In *Waters*, the Court recognized the defendant entity's duty to the neighboring property owner to advise the neighbor of its plans so that then neighbor "might adopt measures for self protection." The Court further recognized that the defendant, on whose property the excavation was being performed, had a duty not to dig in a negligent manner so as to injure the adjoining property, and that the defendant had an obligation to notify the adjoining property owner prior to the commencement of the work so the adjoining property owner could take steps to protect its property.

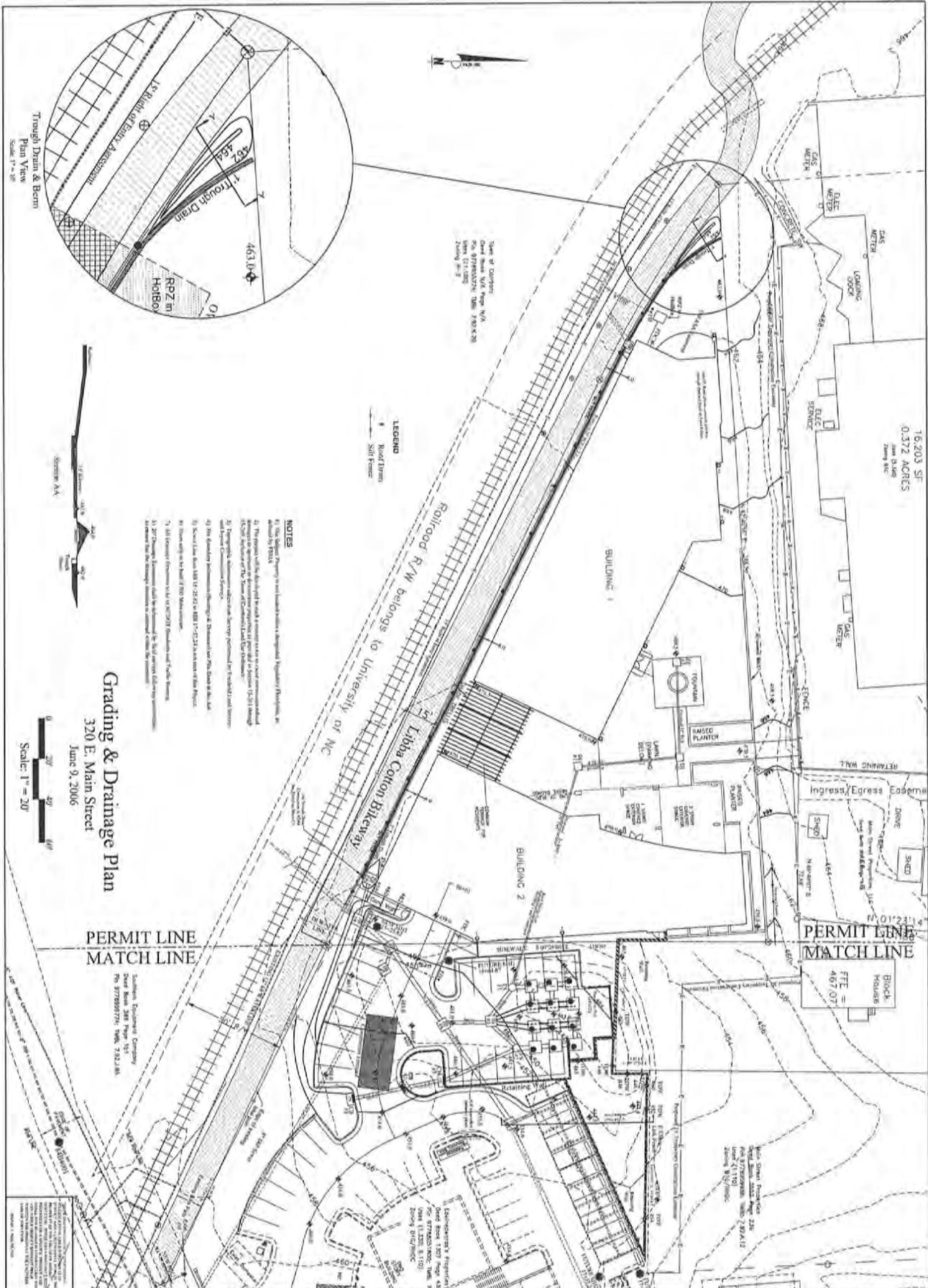
I have not found any statutory or case law specifically addressing liability related to disturbance to gravesites caused by construction activity on neighboring property.

In the circumstances presented with the Library site, the Town owns the cemetery property. I have assumed for purposes of this memorandum that the Town would either sell the Library site to the County, or enter into a long term lease of the Library site with the County, and would continue to own/operate the Town cemetery. Under the reasoning in *Waters*, the County would have some obligation to notify the Town of its plans to excavate and/or blast during the library construction process, so that the Town could take appropriate steps to protect its property. The County would also be obligated to take reasonable steps to protect the cemetery from foreseeable damage caused by any excavation or blasting related to the library construction. The County would have a duty to "exercise due care to anticipate and prevent injurious consequences" of the construction activity on its property. The County would have this same obligation at any site chosen for the Library.

#### Summary And Conclusion

If the Fidelity Street site were selected for the library, the plans and implementation of the project should include consideration of potential impacts of construction activity (like excavating and/or blasting) on, and protection for, the gravesites. However, the County's legal obligation would not appear to be any greater than or different from the obligation that an excavating owner otherwise has to neighboring properties. In this scenario of the possible construction of a library building on a portion of the Town of Carrboro Cemetery property, it appears that the County would have a duty to notify the Town of its excavating/blasting plan, so that the Town could take necessary measures to protect its property. *Waters, supra*, 309 N.C. at 169-170. The County would also have the typical duty of designing and performing the work (or causing/requiring it to be performed by its contractors) in a way to prevent reasonably foreseeable harm to adjoining property. It does not appear, based on my limited research, that the presence of gravesites on the adjoining property presents any enhanced or greater duty or degree of potential liability. I would anticipate, however, a greater degree of sensitivity due to the nature of the use of the cemetery property. I would also suggest that if the cemetery property were selected as the Library site, that the owners/holders of Certificates of Burial Rights should be notified prior to the commencement of any excavation or blasting that might cause any damage to markers and monuments, so that they may have an opportunity to take whatever protective measures might be appropriate.





Trough Drain & Beam Plan View  
Scale: 1" = 30'

Grading & Drainage Plan  
320 E. Main Street  
June 9, 2006  
Scale: 1" = 20'

**NOTES**

- 1) This Grading Plan is to be used in conjunction with the approved Regulatory Plan, as approved by RMA.
- 2) The project will be subject to the local and state regulatory requirements for storm water management and erosion control. The project will be subject to the local and state regulatory requirements for storm water management and erosion control.
- 3) The project will be subject to the local and state regulatory requirements for storm water management and erosion control.
- 4) The project will be subject to the local and state regulatory requirements for storm water management and erosion control.
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- 8) The project will be subject to the local and state regulatory requirements for storm water management and erosion control.
- 9) The project will be subject to the local and state regulatory requirements for storm water management and erosion control.
- 10) The project will be subject to the local and state regulatory requirements for storm water management and erosion control.

**LEGEND**

- Road Easement
- Right of Way
- Sub Easement

**PERMIT LINE**  
**MATCH LINE**

Michael A. Neal & Associates  
Engineers, Surveyors, and Planners  
110 W. Commerce St., Suite 201, Raleigh, NC 27601  
Phone: 919.977.1100  
Fax: 919.977.1101  
www.manaplanning.com

Owners:  
Downtown Urban Venture  
3716 National Dr., Suite 200  
Raleigh, NC 27612-4665  
Donald & Brian Whitner  
4901 Boulder Run Road  
Hillsborough, NC 27278

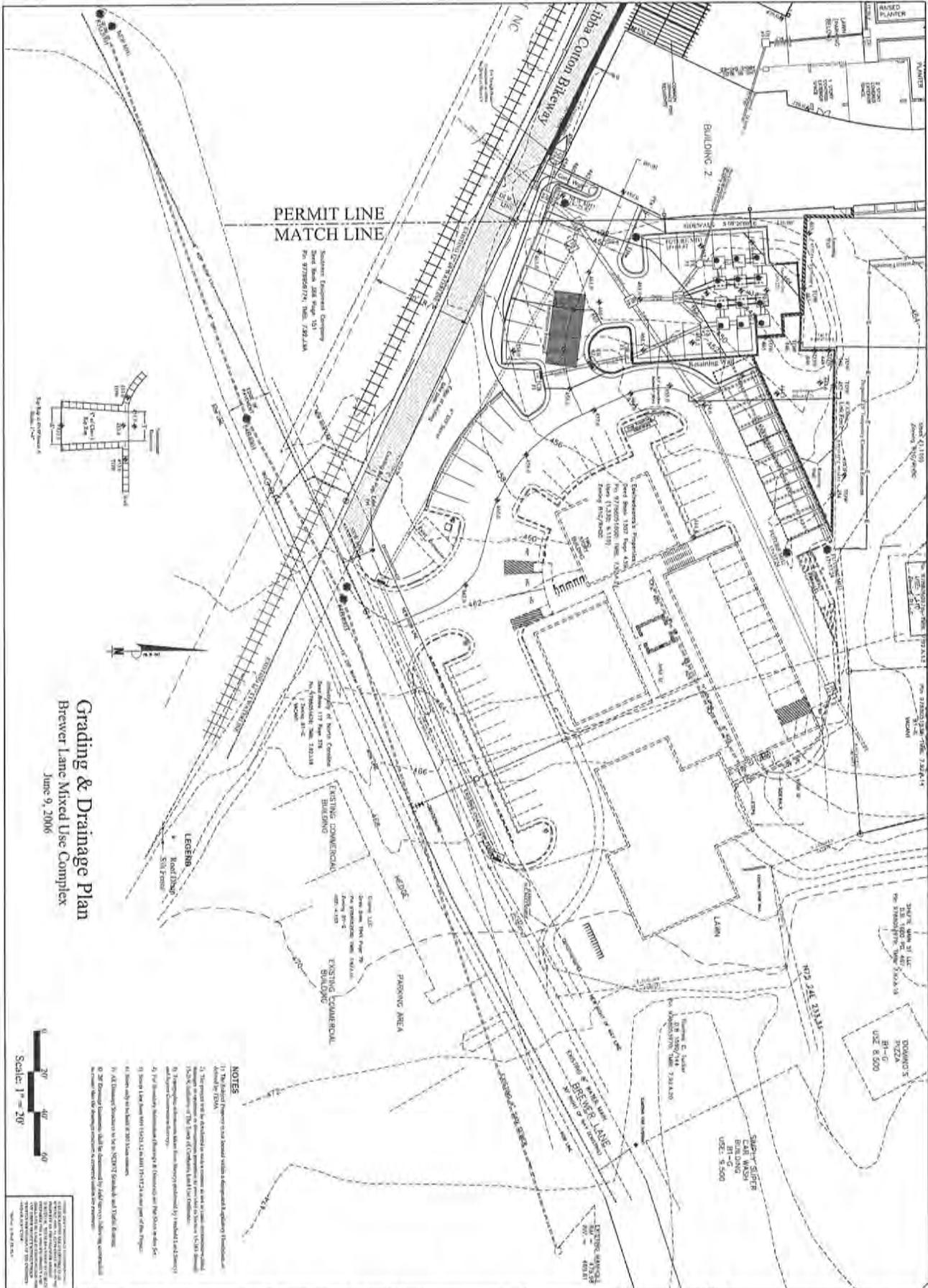
COMMENT/REVISION	DATE
Revised	8/20/04
Revised	6/18/05
Revised	10/20/05
Revised	5/27/06
Revised	7/18/06
Revised	2/14/07
Revised	2/22/07

**C-4b**  
SHEET

**"THE BUTLER" CONDOS & BREWER LANE**  
Conditional Use District Rezoning to B1C & Conditional Use Permit & Minor Modification to Conditional Use Permit  
110 Brewer Lane & 120 Brewer Lane, Carrboro, North Carolina  
TMBL 7.92.A.22: BIG/RHDC Zoning District.

**MANA** MICHAEL A. NEAL & ASSOCIATES  
ENGINEERS, SURVEYORS, AND PLANNERS

110 W. COMMERCE ST., SUITE 201, RALEIGH, NORTH CAROLINA 27601 (919) 977-1100



**Grading & Drainage Plan**  
 Brewer Lane Mixed Use Complex  
 June 9, 2006



**NOTES**

- 1) The Project Name and related title is designated by the City of Raleigh.
- 2) The project is subject to the City of Raleigh's zoning and other applicable laws and regulations.
- 3) The project is subject to the City of Raleigh's zoning and other applicable laws and regulations.
- 4) The project is subject to the City of Raleigh's zoning and other applicable laws and regulations.
- 5) The project is subject to the City of Raleigh's zoning and other applicable laws and regulations.
- 6) The project is subject to the City of Raleigh's zoning and other applicable laws and regulations.
- 7) The project is subject to the City of Raleigh's zoning and other applicable laws and regulations.
- 8) The project is subject to the City of Raleigh's zoning and other applicable laws and regulations.
- 9) The project is subject to the City of Raleigh's zoning and other applicable laws and regulations.
- 10) The project is subject to the City of Raleigh's zoning and other applicable laws and regulations.

<p><b>THE BUTLER" CONDOS &amp; BREWER LANE</b>                  Conditional Use District Rezoning to B1C &amp; Conditional Use Permit &amp; Minor Modification to Conditional Use Permit                  110 Brewer Lane &amp; 120 Brewer Lane, Carrboro, North Carolina                  TMBL 7.92.A.22; B1G/RHDC Zoning District.</p>	<p><b>Owners:</b>                  Downtown Urban Venture                  3716 National Dr. Suite 200                  Raleigh, NC 27612-4863                  Donald &amp; Brian Whitler                  4901 Boulder Run Road                  Hillsborough, NC 27228</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>COMMENT/REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>Revised</td> <td>8/20/04</td> </tr> <tr> <td>Revised</td> <td>01/18/05</td> </tr> <tr> <td>Revised</td> <td>10/05/05</td> </tr> <tr> <td>Revised</td> <td>02/02/06</td> </tr> <tr> <td>Revised</td> <td>03/08/06</td> </tr> <tr> <td>Revised</td> <td>07/10/06</td> </tr> <tr> <td>Revised</td> <td>02/09/06</td> </tr> </tbody> </table>	COMMENT/REVISION	DATE	Revised	8/20/04	Revised	01/18/05	Revised	10/05/05	Revised	02/02/06	Revised	03/08/06	Revised	07/10/06	Revised	02/09/06	<p><b>MANA</b> MICHAEL A. NEAL &amp; ASSOCIATES                  ENGINEERS, SURVEYORS, and PLANNERS</p> <p>101 W. CORNHILL BLVD., SUITE 200, HILLSBOROUGH, NORTH CAROLINA 27531 (919) 444-3111</p>
COMMENT/REVISION	DATE																		
Revised	8/20/04																		
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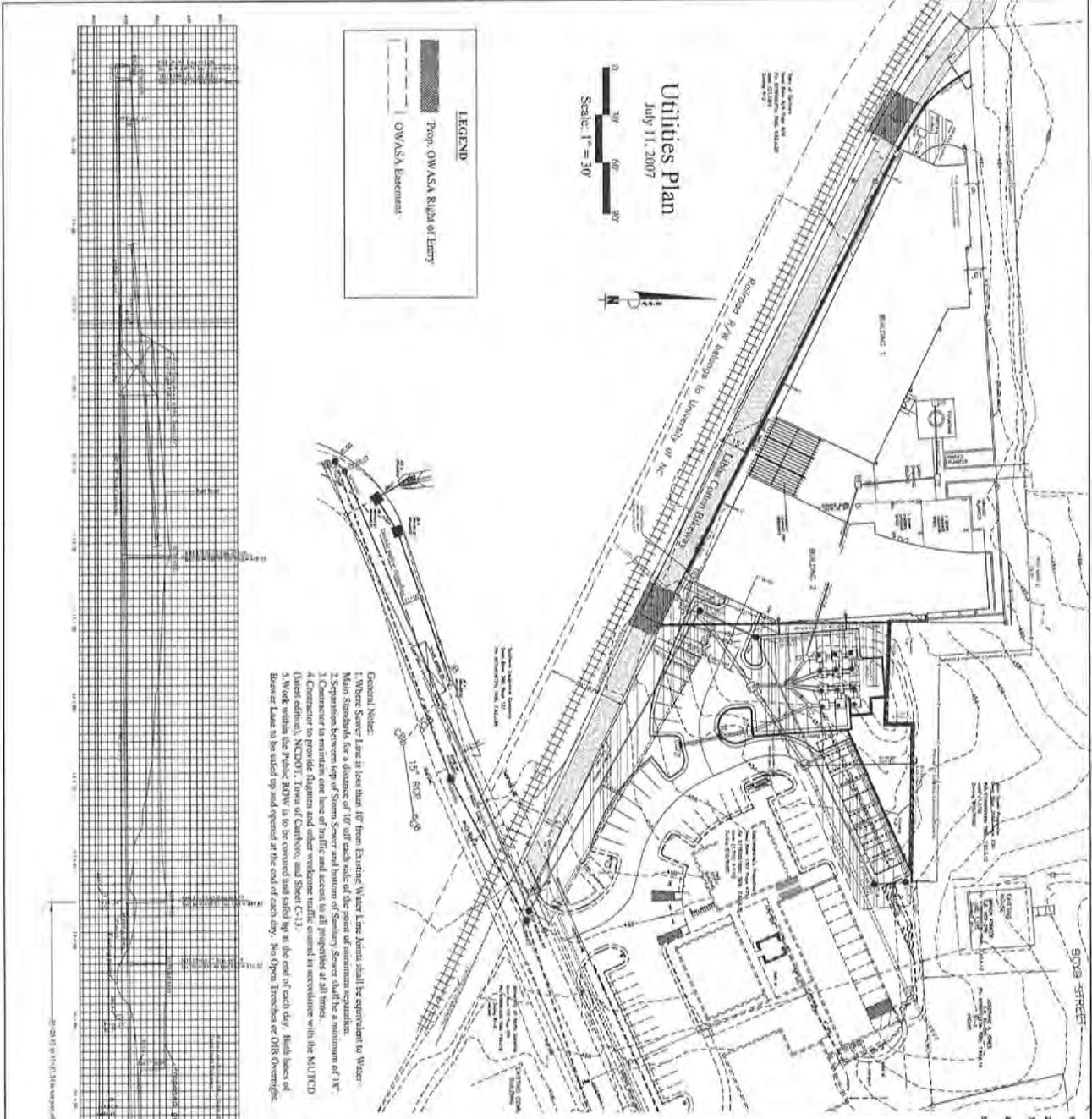
# Utilities Plan

July 11, 2007



**LEGEND**

- Prop. OWASA Right of Entry
- OWASA Basement



**General Notes:**

1. Where Sewer Line is less than 10' from Existing Water Line joints shall be equivalent to Water Main Standards for a distance of 10' off each side of the point of treatment installation.
2. Sewer lines shall be installed in a trench with a minimum of 18" of cover.
3. Slopelines shall be set on the basis of traffic and access to all properties at all times.
4. Construction to provide drainage and other wastewater traffic, control in accordance with the MUTCD (latest edition), NCDOT, Town of Carrboro, and Sheet C-13.
5. Work within the Public R/W is to be covered and staked up at the end of each day. All lanes of travel to be staked up and opened at the end of each day. No Open Trenches or DIB Overights.

**PROPOSED MANHOLES**

M.H. No.	From	To	Inv. In	Inv. Out
NEW 1	451.63	447.00	446.80	446.80
NEW 2	449.55	448.70	448.50	448.50
NEW 3	449.55	459.03	449.03	449.03
FUTURE 1	451.30	451.30	451.30	451.30
FUTURE 2	451.30	451.30	451.30	451.30
FUTURE 3	454.01	454.01	454.01	454.01

**EXISTING MANHOLE**

M.H. No.	From	To	Inv. In	Inv. Out
EXIST001	451.28	448.76	448.65	448.65
EXIST002	450.52	450.52	450.52	450.52
EXIST003	453.66	453.66	453.66	453.66

**Orange Water and Sewer Authority**  
**Check-out Documentation Check-44**  
**Project: 208 East Main Condominiums**

This document is a final report prepared by OWASA for the City of Carrboro, NC. It is intended to provide information regarding the proposed project to the OWASA Engineering Associates for their final review. Final reports are considered complete. All necessary permits will be provided.

1. **EXISTING CONDITIONS:** The City of Carrboro, NC, is the owner of the property. The project is located on the East Main Water Energy Services Project Approval Letter of Intent. The project is located on the East Main Water Energy Services Project Approval Letter of Intent. The project is located on the East Main Water Energy Services Project Approval Letter of Intent.
2. **PROPOSED CONDITIONS:** The project is located on the East Main Water Energy Services Project Approval Letter of Intent. The project is located on the East Main Water Energy Services Project Approval Letter of Intent. The project is located on the East Main Water Energy Services Project Approval Letter of Intent.
3. **CONSTRUCTION:** The project is located on the East Main Water Energy Services Project Approval Letter of Intent. The project is located on the East Main Water Energy Services Project Approval Letter of Intent. The project is located on the East Main Water Energy Services Project Approval Letter of Intent.
4. **OPERATION:** The project is located on the East Main Water Energy Services Project Approval Letter of Intent. The project is located on the East Main Water Energy Services Project Approval Letter of Intent. The project is located on the East Main Water Energy Services Project Approval Letter of Intent.

**ADDITIONAL NOTES**

1. The City of Carrboro is not responsible for any design or engineering provided by the contractor.
2. The City of Carrboro is not responsible for any design or engineering provided by the contractor.
3. The City of Carrboro is not responsible for any design or engineering provided by the contractor.
4. The City of Carrboro is not responsible for any design or engineering provided by the contractor.
5. The City of Carrboro is not responsible for any design or engineering provided by the contractor.

**OWASA Water and Sewer Authority**  
**Orange Water and Sewer Authority**

**"THE BUTLER" CONDOS & BREWER LANE**  
 Conditional Use District Rezoning to BIC & Conditional Use Permit & Minor Modification to Conditional Use Permit  
 110 Brewer Lane & 120 Brewer Lane, Carrboro, North Carolina  
 TMBL 7.92.A.22: BIG/RHDC Zoning District

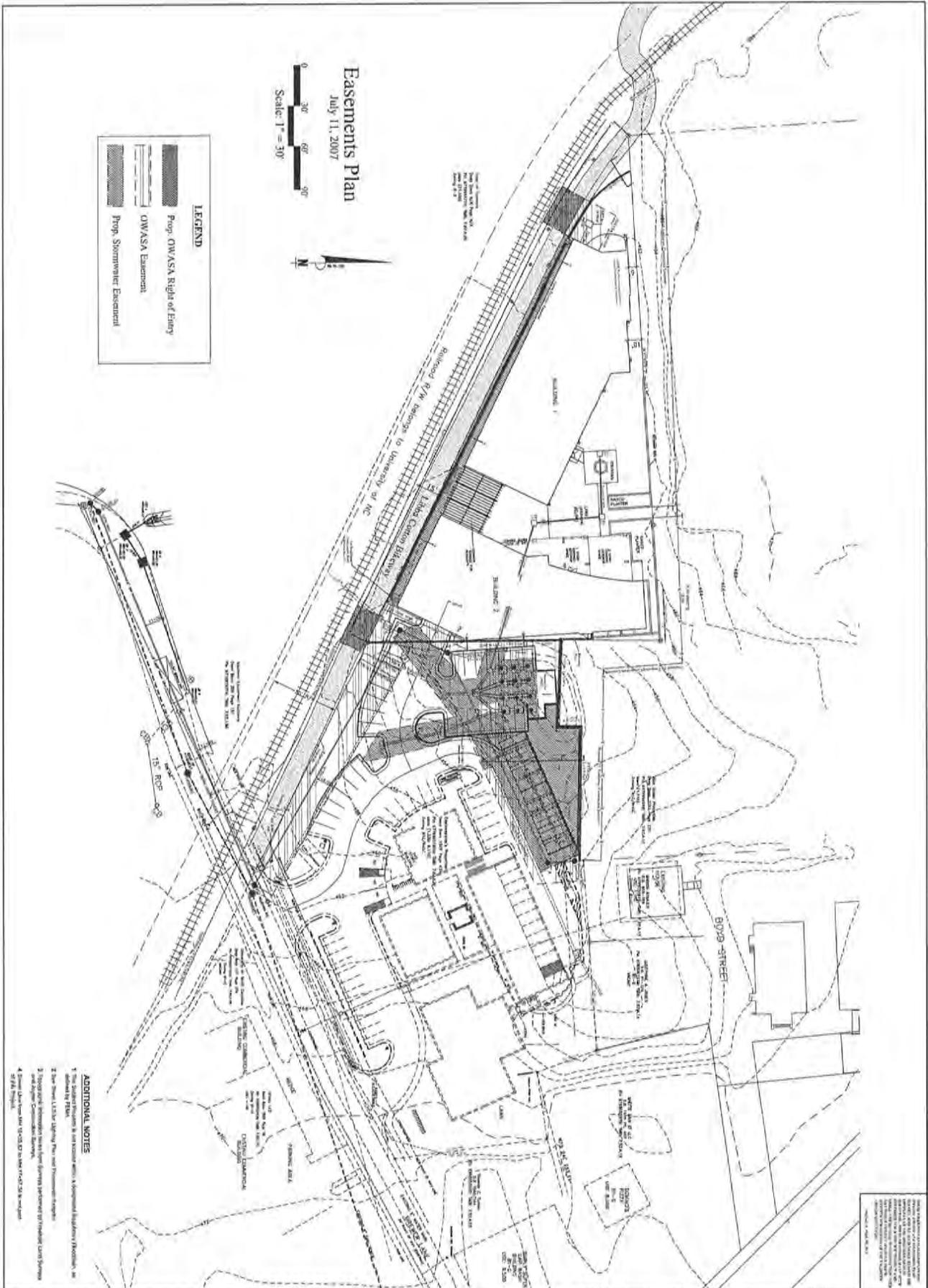
**OWNERS:**  
 Downtown Urban Venture  
 2716 National Dr. Suite 200  
 Raleigh, NC 27612-4863  
 Donald & Brian Whitner  
 4901 Boulder Run Road  
 Hillsborough, NC 27228

**COMMENTS/REVISION DATE**

Rev. (add)	01/16/05
Rev. (del)	10/05/06
Rev. (add)	02/20/06
Rev. (del)	03/09/07
Rev. (del)	07/16/07

RENEAL A. NEAL, PE, PLS  
 MANA MICHAEL A. NEAL & ASSOCIATES  
 ENGINEERS, SURVEYORS, AND PLANNERS  
 176 W. CARRBORO ST., SUITE 201, HILLSBOROUGH, NORTH CAROLINA 27503 (919) 844-7177

**C-5 SHEET**



**Easements Plan**  
July 11, 2007

Scale: 1" = 30'

**LEGEND**

- Prop. OWASA Right of Entry
- OWASA Easement
- Prop. Stormwater Easement

- ADDITIONAL NOTES**
1. The Subject Property is associated with a Registered Professional Engineer's Survey.
  2. See Sheet C-54 for Property and Planning Changes.
  3. The Subject Property is associated with a Registered Professional Engineer's Survey.
  4. See Sheet C-54 for Property and Planning Changes.

**"THE BUTLER" CONDOS & BREWER LANE**  
 Conditional Use District Rezoning to B1C & Conditional Use Permit & Minor Modification to Conditional Use Permit  
 110 Brewer Lane & 120 Brewer Lane, Carboro, North Carolina  
 TMBL 7.92.A 22: B1G/RHDC Zoning District

**Owners:**  
 Downtown Urban Venture  
 3716 National Dr. Suite 200  
 Raleigh, NC 27612-4863  
 Donald & Brian Whitner  
 4901 Boulder Run Road  
 Hillsborough, NC 27538

COMMENT/REVISION	DATE
Revised	5/28/04
Revised	5/18/05
Revised	6/05/06
Revised	6/22/06
Revised	8/28/07
Revised	7/25/08

**MANA** MICHAEL A. NEAL & ASSOCIATES  
 ENGINEERS, SURVEYORS, AND PLANNERS

MICHAEL A. NEAL, P.E., P.L.S.  
 P.L.S. 00000001

101 W. GORHAM ST., SUITE 201, HILLSBOROUGH, NORTH CAROLINA 27533 (919) 444-4377

Attachment F, Part 2

mm

ATTACHMENT F Part 2



20081022000250430 PRMIT  
Bk:RB4618 Pg:473  
10/22/2008 01:25:25 PM 1/5

m  
LB

FILED Joyce H. Pearson  
Register of Deeds, Orange Co., NC  
Recording Fee: \$26.00  
NC Real Estate TX: \$ .00

PREPARED BY AND RETURN TO:  
TOWN CLERK  
TOWN OF CARRBORO  
301 West Main Street  
CARRBORO, NORTH CAROLINA 27510



ORANGE COUNTY  
NORTH CAROLINA

TOWN OF CARRBORO  
CONDITIONAL USE PERMIT GRANTED  
The Butler Mixed Use Building

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

APPLICANT: Downtown Urban Ventures, LLC and Edwin Andrews Properties, Inc.
OWNERS: Downtown Urban Ventures, LLC and Edwin Andrews Properties, Inc.
PROPERTY LOCATION (Street Address): 120 Brewer Lane
TAX MAP, BLOCK, LOT(S): 7.92.A.22 9778-96-8060
PROPOSED USE OF PROPERTY: Construction of a five-story mixed use building.
CARRBORO LAND USE ORDINANCE USE CATEGORY: Building Site: 27.000, Combination Use including: 1.310, 3.110, 3.120, 3.130, 3.150, 3.210, 3.220, 3.250
MEETING DATES: June 24 and August 26, 2008

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void of no effect.



3. That no size-limited unit may be enlarged for one year after issuance of a certificate of occupancy.
4. That the applicant make a payment-in-lieu of affordable housing for four (4) of the nine (9) proposed affordable units in the amount not to exceed \$100,000 per unit to be paid to the Town of Carrboro's Affordable Housing Special Review Fund, and that the remaining five (5) affordable dwellings provided be, at a minimum, one-bedroom units.
5. That a fee in-lieu of recreation points equivalent to 44.93 points @ \$186.98 per point, or \$8,401.00 (subject to fee change on July 1, 2008) be paid to the Town of Carrboro prior to construction plan approval.
6. That the trellis facility in the courtyard is equipped with outdoor furniture (tables, chairs, benches, etc.) sufficient to adequately serve the residents of the building, per the submitted rendering (Attachment E-2).
7. That prior to construction plan approval, the applicant provide to the Town of Carrboro evidence of a shared access easement (or equivalent) agreed upon by the owners of the 110 Brewer Lane mixed-use project so as to secure access to the proposed project at 120 Brewer Lane and that said easement will be shown and referenced on any plat associated with the project.
8. That the applicant be allowed to deviate from the presumptive parking standard requirement 149 spaces by providing 136 spaces based upon their written justification that anticipates shared use of spaces between business and residential uses (Attachment G).
9. That the applicant must receive a Town of Carrboro driveway permit for Brewer Lane prior to construction plan approval (if found to be necessary).
10. That, per the provisions of Section 15-309 of the Carrboro Land Use Ordinance, the screening requirements of Section 15-308 are waived as they do not create a substantial benefit to the adjacent properties and because the project is to be rezoned to B-1(c), which has no setback requirements, based upon the applicant's screening justification letter (Attachment I).
11. That screening gates be provided for the proposed dumpster (on 110 Brewer Lane) to prevent views of the dumpster from the south, while still allowing access as needed.
12. That, prior to approval of any plat submitted for the project, a maintenance agreement for stormwater facilities used jointly by the owners of the 110 and 120 Brewer lane be approved by the Town Attorney and addressed in the condominium owners association documents.
13. That the applicant shall provide to the Carrboro Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
14. That the developer shall include a detailed stormwater system maintenance plan specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development (including cisterns, bio-retention areas, swales, check dams, and irrigation pond, performance evaluation protocol, and frequency of self-reporting requirements, including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to the Town of Carrboro engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.



15. That prior to construction plan approval, the applicant gain written permission from the UNC Property Office to access their site via the Libba Cotton Bikeway so as to perform work necessary to implement the approved plan.
16. That prior to construction plan approval, a construction traffic management plan be approved by the Town of Carrboro addressing the project's impact during construction on both the Libba Cotton Bikeway and the surrounding streets.
17. That prior to issuance of the Certificate of Occupancy, if it is deemed necessary by the Carrboro Fire Department, the applicant replace the existing bollards on the Libba Cotton bikeway (the ones that directly affect emergency access to the new building) with improved, removable or collapsible bollards.
18. That prior to construction plan approval, the design for the landscape island on the east side of the building be shortened as necessary to facilitate movement of solid waste and recycling trucks, as recommended by Orange County Solid Waste.
19. That prior to construction plan approval, a shared-use and maintenance easement between the owners of 110 and 120 Brewer Lane be approved by the Town Attorney and recorded regarding the solid waste facility arrangement for the two properties.
20. That prior to issuance of the Certificate of Occupancy, the applicant provide evidence that they have fulfilled the relevant terms, provisions and requirement of their recorded Brownfield Agreement with NCDENR.
21. That the applicant must obtain all necessary temporary and permanent easements prior to construction plan approval.
22. That condominium owner's association documents are approved by the Carrboro Town Attorney prior to issuance of the Certificate of Occupancy.
23. That the applicant receive(s) CAPS from the Chapel Hill-Carrboro City Schools district pursuant to Article IV, Part 4 of the Carrboro Land Use Ordinance prior to construction plan approval.
24. That if Orange Community Housing and Land Trust is unable to sell any affordable unit within one year of the date it receives a certificate of occupancy, Downtown Urban Ventures, or its successors or assigns, will be released from its obligation to sell that unit to OCHLT and may instead provide to the Town of Carrboro a payment-in-lieu of providing an affordable unit, consistent with the applicable related Carrboro Land Use Ordinance language.
25. That prior to construction plan approval, the applicant must prepare, and the Town Manager accept, a three-party agreement between the future owner's association, Orange Community Housing and Land Trust, and the Town of Carrboro. The agreement must: 1) stipulate that either the Land Trust or the Town must verify compliance with the applicable provisions of the conditional use permit and Land Use Ordinance relating to affordable housing prior to the sale/resale of any affordable unit; 2) establish and implement a 1% transfer fee program wherein market-rate units will subsidize affordable units within the development; and 3) stipulate that the owner's association covenants must include language regarding the affordable units and properly disclose related information to purchasers of market-rate units information regarding the 1% transfer fee program. Details regarding this condition must be presented to and approved by the Carrboro Town Attorney and Town Manager prior to construction plan approval. Monies collected in the affordable housing transfer fee program, associated with the sale/resale of properties, are to be placed into a fund for the specific purpose of paying condominium and townhome owner's association dues for persons who acquire affordable housing.
26. That the applicant fulfill their agreements as listed in Attachment E-1 (Summary Actions Agreed to by the Applicant Relative to Advisory Board Recommendation), with the revision of #17 to require the pedestrian connection to the north from the courtyard be handicap accessible.



27. That the developer will post in a prominent location on the building site, a contact number for the public to call to report concerns. The contact should be available at all times.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

NORTH CAROLINA

ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned, Sarah C. Williamson of the property above described, do hereby accept this Conditional Use Permit, together with its conditions, as binding upon them and their successors in interest.



THE TOWN OF CARRBORO

ATTEST:

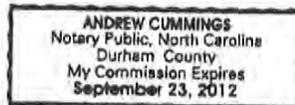
Sarah C. Williamson (SEAL)  
Town Clerk

BY Steve Stewart  
Town Manager

I, Andrew Cummings, a Notary Public in and for said County and State, do hereby certify that Sarah C. Williamson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that Steven E. Stewart, Town Manager of said Town of Carrboro and Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the 7 day of OCTOBER, 2008.

(SEAL)



Andrew Cummings  
Notary Public

My Commission Expires: 9/23/2012



IN TESTIMONY WHEREOF, the undersigned Limited Liability Partnership Grantor has caused this instrument to be executed in the appropriate partnership name by the duly authorized general partner, and has adopted as its seal the word "Seal" appearing beside its name and their signature(s), this sealed instrument being executed and delivered on the date first above written.

(SEAL)

DOWNTOWN URBAN VENTURES, LLC

By: [Signature]

Title: Member/Manager

North Carolina (STATE)

Wake (COUNTY)

I, Nancy J. Willis, a Notary Public of the County and State aforesaid, certify that Richard W. Gaylor, Jr personally appeared before me this day and acknowledged that he is Member/Manager of Carr Mill Limited Partnership, and that by authority duly given and as the act of the limited partnership, the foregoing instrument was signed in its name by him as Member/Manager on behalf of the limited partnership as Member/Manager thereof, all by authority duly given.

Witness my hand and official seal, this 29<sup>th</sup> day of September, 2008.



Nancy J. Willis  
Notary Public

My Commission Expires: 10/30/09

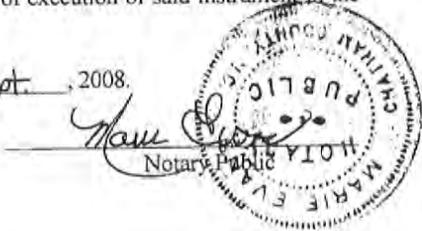
Attest: [Signature]  
Secretary (SEAL)

EDWIN ANDREWS PROPERTIES, INC.  
BY [Signature]  
Vice President

NORTH CAROLINA  
ORANGE COUNTY

I, Marie Evans, a Notary Public of Chatham County, N.C. do hereby certify that Donald Whittee appeared before me this day and being duly sworn says that he/she knows the common seal of Edwin Andrews Properties, Inc., and is acquainted with Donald Whittee who is Secretary of said corporation and he/she, Donald Whittee who is Secretary of said corporation, saw the said President sign the foregoing instrument and that he/she, Donald Whittee, Secretary as aforesaid, affixed said seal of said instrument and he/she, the said Secretary, signed his/her name in attestation of execution of said instrument in the presence of said President of said corporation.

Witness my hand and notarial seal, this the 25 day of Sept., 2008.



My Commission Expires: 4-28-2013

**ORANGE COUNTY BOARD OF COMMISSIONERS  
CARRBORO BOARD OF ALDERMEN**

**COPY**

**JOINT MEETING AGENDA ITEM ABSTRACT**

**Meeting Date:** October 17, 2013

**Action Agenda  
Item No. 3**

**SUBJECT:** Southern Branch Library Siting Criteria, Process Update

**DEPARTMENT:** Library, Asset Management  
Services (AMS), Planning

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

No

**ATTACHMENT(S):**

- A. 9/12/13 Site Selection Criteria Update and Accompanying Attachments
- B. 10/1/13 Letter to Town Manager David Andrews - Request for Additional Information

**INFORMATION CONTACT:**

Lucinda Munger, (919) 245-2528  
Jeff Thompson, (919) 245-2625  
Michael Harvey, (919) 245-2597

**PURPOSE:** To receive an update on the Southern Library analysis process and provide feedback to the Town Manager and Interim County Manager on potential next steps.

**BACKGROUND:** On September 18, 2012 the Orange County Board of Commissioners (BOCC), in conjunction with the Carrboro Board of Aldermen, approved a set of guiding principles and a comprehensive site selection criterion for locating the new Southern Branch of the Orange County Library (hereafter "the Branch"). Over the past year the Town has recommended a number of possibilities for a future Branch site for BOCC review.

At the September 18, 2013 BOCC work session (agenda materials provided at Attachment A), staff was authorized to commence with the second level of Phase 1 for review on the following 3 sites:

1. 1128 Hillsborough Road, commonly referred to as the Shetley property,
2. 401 Fidelity Street, commonly referred to as the Town of Carrboro cemetery property, and
3. 120 Brewer Lane, commonly referred to as the Butler Farm property.

These sites, part of a comprehensive list of seven (7) total sites provided by the Town of Carrboro for evaluation, are all located within the Town's planning jurisdiction and subject to applicable local land use regulations and permitting.

At the request of the BOCC for additional information on the three (3) above noted sites, Interim County Manager Michael Talbert sent a letter to Town Manager David Andrews (Attachment B) requesting the specific information from the Town in order for County staff to begin the required due diligence. If possible, County staff has requested a response by October 21<sup>st</sup> in order to present to the BOCC for its review and comment.

On October 10, 2013 the Town Manager and the Interim County Manager and staff met to discuss next steps regarding this process. Details from the meeting will be shared with the Boards as part of the staff presentation.

**FINANCIAL IMPACT:** There is no financial impact associated with the discussion of the library siting efforts. There are sufficient funds available for the in-depth study of for the original two properties recommended (401 Fidelity Street and 1128 Hillsborough Street) as well as for the 120 Brewer Lane property. Each in-depth study is estimated to cost \$10,000 to \$15,000.

**RECOMMENDATION(S):** The Interim County Manager recommends that the Boards receive the update on the Southern Library site analysis, discuss as necessary, and provide any feedback on the next steps.

**COPY**

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** September 12, 2013

**Action Agenda  
Item No. 2**

**SUBJECT:** Southern Branch Library Siting Criteria, Process Update

**DEPARTMENT:** Library, Asset Management  
Services (AMS), Planning

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

No

**ATTACHMENT(S):**

- A. September 18, 2012 Site Selection Criteria Abstract
- B. May 10, 2013 Carrboro Additional Sites Letter
- C. Southern Library Site Locator
- D. Additional Site Partial Phase 1 Analysis
- E. Sample Lease Cost Illustration

**INFORMATION CONTACT:**

Lucinda Munger, (919) 245-2528  
Jeff Thompson, (919) 245-2625  
Michael Harvey, (919) 245-2597

**PURPOSE:** To receive an update on additional Southern Branch Library site analysis and provide feedback to the Manager on potential next steps.

**BACKGROUND:**

**Purpose and Overview of the Site Selection Process**

On September 18, 2012, the BOCC approved a set of guiding principles and a comprehensive site selection criteria for locating the Southern Branch library, contemplated for operation during fiscal year 2016-17 within the Capital Investment Plan (note Attachment A, "September 18, 2012 Site Selection Criteria Abstract"). The criteria and its related processes is a guide for staff examination, evaluation and recommendations to the BOCC for final site selection. The criteria and process was crafted over several months with public input as well as that of the Carrboro Board of Aldermen.

The criteria focus on a process providing two tiers of analysis. The first level ("Phase 1") focuses on technical considerations for the site, including location, broad geographic attributes, jurisdiction land use requirements, site constraints, access, and general cost considerations. Preliminary staff evaluation of selected sites would lead to recommendation to the BOCC for more in-depth technical study of a given parcel(s) requiring the engagement of third party professional services firms in the areas of soils, topography, environmental, and cultural characteristics, utility capacity, access, transportation, and title issues. These in-depth studies for would require an estimated \$10,000 to \$15,000 investment for each selected site to determine the full viability and support of a Southern Branch library.

Upon the receipt of these results, staff may recommend a site (or sites) to the Board that would matriculate to the second phase of analysis involving the receipt of public comment of the sites.

At the conclusion of this process, the Manager may recommend a final site for the BOCC’s approval for the complete development, construction, and operation of the Southern Branch library.

**Original sites nominated for examination by the Carrboro Board of Aldermen**

The BOCC approved site selection criteria in September of 2012 and authorized staff to send a letter to the Town of Carrboro soliciting sites for evaluation using said criteria. The Town of Carrboro offered three sites in a letter submitted in December, 2012. These sites include: 1) 301 West Main Street—Carrboro Town Hall; 2) 1128 Hillsborough Street, Carrboro; and 3) 401 Fidelity Street, Carrboro. The County Manager directed staff to evaluate these three sites in accordance with the site selection criteria.

On March 19, 2013, staff presented to the BOCC its partial Phase 1 analysis of these three sites. Staff recommended the elimination 301 West Main Street site (i.e. the Town Hall) from consideration due to significant constraints, most notably the condition of the building, limitation on usable space for the library, limitations on future expansion, and potential parking conflicts. Staff recommended 1128 Hillsborough and 401 Fidelity Street as candidates for further Phase 1 “in-depth” analysis; the summary is as follows:

1128 Hillsborough Road	401 Fidelity Street
<p><b>1. VISUAL APPEAL:</b> Existing power lines to the west running through an existing easement and a community garden. Property has vegetation scattered throughout and is surrounded by single-family residential developments and a property slated for development as a park.</p>	<p><b>1. VISUAL APPEAL:</b> Property is partially developed as a cemetery with significant trees on the western portion of the property. Property is surrounded by non-residential and multi-family developments.</p>
<p><b>2. REVIEW/APPROVAL PROCESS:</b> Project would require a heightened permit review process (i.e. Conditional Use Rezoning, text amendment, etc.)</p>	<p><b>2. REVIEW/APPROVAL PROCESS:</b> Project would require a heightened permit review process (i.e. Conditional Use Rezoning, text amendment, etc.)</p>
<p><b>3. ALIGNMENT WITH PLANNING TOOLS:</b> Property appears to satisfy various 'goals' with respect to the location of a library from both the County and Carrboro's standpoint. There are enhanced opportunities for synergy between a park and a library.</p>	<p><b>3. ALIGNMENT WITH PLANNING TOOLS:</b> There is no clear synergy between uses (i.e. cemetery and library) allowing them to be developed together in accordance with local land use policies and regulations.</p>
<p><b>4. SERVICE TO EXISTING/FUTURE POPULATION:</b> Property can serve existing and anticipated future populations in the region.</p>	<p><b>4. SERVICE TO EXISTING/FUTURE POPULATION:</b> Property lends itself to serving existing, local, population.</p>
<p><b>5. DEFEATS OBSOLESCENCE:</b> Sufficient space exists for development of a library facility that can morph over time to accommodate the needs of southern Orange County residents.</p>	<p><b>5. DEFEATS OBSOLESCENCE:</b> There is a limited development window on this property with limited opportunities for expansion.</p>
<p><b>6. SITE CONDITIONS, ALLOWANCES, AND CONSTRAINTS:</b> The site has a significant utility easement that will need to be negotiated. The parcel also lacks significant road frontage. An existing NCDOT drainage easement could complicate access.</p>	<p><b>6. SITE CONDITIONS, ALLOWANCES, AND CONSTRAINTS:</b> The site has significant visible rock outcroppings as well as wet areas and tree cover, all of which will need to be confirmed with further analysis. The proximity of the cemetery poses unique challenges to the development of the property.</p>

The BOCC received staff analysis and directed the Manager to defer any additional Phase 1 in-depth analysis on any of the three sites. The BOCC supported 1) analysis of additional sites should they be presented to the Manager; 2) continuing honoring the Carrboro partnership; 3) consideration of multiple use facilities; 4) consideration of sites within proximity to lower/middle income neighborhoods; 5) emphasis on sites with adequate parking; and 5) better understanding and projected uses of rural and urban populations. The BOCC also supported topical analysis of in context of the library strategic plan involving long term vision, and the relationship with the Chapel Hill library.

**Additional sites nominated for examination by the Carrboro Board of Aldermen**

On May 10, 2013, the Town of Carrboro offered four additional sites in a letter submitted to the County Manager. These sites include: 1) 120 Brewer Lane, Carrboro (Butler Property); 2) 300 East Main Street, Carrboro; 3) 203 S. Greensboro Street, Carrboro (Town owned property); and 4) 201 N. Greensboro Street (CVS Property). The County Manager directed staff to evaluate these additional sites in accordance with the site selection criteria.

This letter is represented in Attachment B, entitled “May 10, 2013 Carrboro Additional Sites Letter”. A site locator is represented by Attachment C, entitled “Southern Library Site Locator”, which illustrates the original three sites proposed in addition to the four presented for evaluation within the May 7, 2013 letter.

Staff has completed a partial Phase 1 analysis of these three sites; the full analysis is Attachment D, entitled “Additional Site Partial Phase 1 Analysis”.

Staff recommends that 203 S. Greensboro Street be eliminated due to the extremely small site and severely limited parking availability should any structure be built on the site. Staff also recommends that 300 E. Main be eliminated due to its probable cost prohibitive base lease rate in excess of \$25 per square foot (note Attachment E, Sample Lease Cost Illustration). Staff recommends that 201 North Greensboro Street be eliminated due to site constraints, the probable high acquisition cost of the property, and the probable requirement to acquire more property adjacent to the site.

The summary site analysis is as follows:

120 Brewer Lane	300 East Main Street	203 S. Greensboro Street	201 N. Greensboro Street
<p><b>1. Visual Appeal:</b> Building to house proposed library is located within a mixed use development comprised of residential and non-residential land uses as well as a parking deck. Rear of the property looks over wooded area. An existing, unused, building is to be demolished.</p>	<p><b>1. Visual Appeal:</b> Property has direct frontage along Main Street with a view of surrounding non-residential land uses.</p>	<p><b>1. Visual Appeal:</b> Property has direct frontage along S. Greensboro Street, Roberson Street, E. Carr Street, and Maple Avenue with a view of surrounding residential and non-residential land uses.</p>	<p><b>1. Visual Appeal:</b> Property has direct frontage along N. Greensboro Street and W. Weaver Street with a view of surrounding non-residential land uses. There is existing landscaping on adjoining lots.</p>
<p><b>2. REVIEW/APPROVAL PROCESS:</b> Project would require a heightened permit review process and amending a previously approved ‘master plan’ by</p>	<p><b>2. REVIEW/APPROVAL PROCESS:</b> Project would require a heightened permit review process and amending a previously approved ‘master plan’ by the Town of Carrboro.</p>	<p><b>2. REVIEW/APPROVAL PROCESS:</b> Project would require a heightened permit review process (i.e. Conditional Use Rezoning, text amendment, etc.)</p>	<p><b>2. REVIEW/APPROVAL PROCESS:</b> Project would require a heightened permit review process (i.e. Conditional Use Rezoning, text amendment, etc.)</p>

the Town of Carrboro.			
<p><b>3. ALIGNMENT WITH PLANNING TOOLS:</b> This property appears to satisfy various 'goals' with respect to the location of a library from both the County and Carrboro's standpoint.</p>	<p><b>3. ALIGNMENT WITH PLANNING TOOLS:</b> This property appears to satisfy various 'goals' with respect to the location of a library from both the County and Carrboro's standpoint.</p>	<p><b>3. ALIGNMENT WITH PLANNING TOOLS:</b> This property appears to satisfy various 'goals' with respect to the location of a library from both the County and Carrboro's standpoint.</p>	<p><b>3. ALIGNMENT WITH PLANNING TOOLS:</b> This property appears to satisfy various 'goals' with respect to the location of a library from both the County and Carrboro's standpoint..</p>
<p><b>4. SERVICE TO EXISTING/FUTURE POPULATION:</b> Site would provide access to existing and future, local, population. County residents will have parking available to make use of the facility.</p>	<p><b>4. SERVICE TO EXISTING/FUTURE POPULATION:</b> Site would provide access to existing and future, local, population. County residents will have parking available to make use of the facility.</p>	<p><b>4. SERVICE TO EXISTING/FUTURE POPULATION:</b> Site would provide access to existing and future, local, population. County residents will have parking available to make use of the facility.</p>	<p><b>4. SERVICE TO EXISTING/FUTURE POPULATION:</b> Site would provide access to existing and future, local, population. County residents will have parking available to make use of the facility.</p>
<p><b>5. DEFEATS OBSOLESCENCE:</b> Unsure at this time as the overall size will depend on lease area. Expansion will be limited to available space to lease/purchase to expand into. Potentially assisting in building and space design is helpful in managing this criteria.</p>	<p><b>5. DEFEATS OBSOLESCENCE:</b> Unsure at this time as the overall size will depend on lease area. Expansion will be limited to available space to lease/purchase to expand into. Potentially assisting in building and space design is helpful in managing this criteria.</p>	<p><b>5. DEFEATS OBSOLESCENCE:</b> There is a limited development window for a library/parking on this property given its size and frontage on 4 streets. There will also be limited opportunities for expansion.</p>	<p><b>5. DEFEATS OBSOLESCENCE:</b> There is a limited development window for a library/parking on this property given its size. There will also be limited opportunities for expansion.</p>
<p><b>6. SITE CONDITIONS, ALLOWANCES, AND CONSTRAINTS:</b> As indicated herein this site offers more opportunities than constraints.</p>	<p><b>6. SITE CONDITIONS, ALLOWANCES, AND CONSTRAINTS:</b> As indicated herein this site offers more opportunities than constraints. Lease market for frontage along E. Main probably cost prohibitive; highest and best use from a Landlord standpoint is probably not a non-retail use. The cost, however, will be 2 to 3 times more than 120 Brewer Lane (part of same development)</p>	<p><b>6. SITE CONDITIONS, ALLOWANCES, AND CONSTRAINTS:</b> Development challenges due to size of property and frontage on 4 streets outweigh development potential of the site for a library.</p>	<p><b>6. SITE CONDITIONS, ALLOWANCES, AND CONSTRAINTS:</b> Development challenges due to size of property outweigh development potential of the site for a library. Also purchase price of property is anticipated to be significant.</p>

**FINANCIAL IMPACT:** There are sufficient funds available for the in-depth study for the original two properties recommended (401 Fidelity Street and 1128 Hillsborough Street) as well as for the 120 Brewer Lane property. Each in-depth study is estimated to cost \$10,000 to \$15,000.

**RECOMMENDATION(S):** The Manager recommends that the Board receive the update on additional Southern Branch Library site analysis and provide feedback to the Manager on next steps.

# COPY

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

Action Agenda

Item No. 7-a

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**SUBJECT:** Siting Criteria for Southern Branch Library – Final Recommendation

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**DEPARTMENT:** Asset Management Services  
(AMS), Library**PUBLIC HEARING: (Y/N)**

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**ATTACHMENT(S):**Southern Branch Library Locational  
Criteria  
Map Denoting Southwestern Orange  
County**INFORMATION CONTACT:**Lucinda Munger, (919) 245-2528  
Michael Harvey, (919) 245-2597  
Michael Talbert, (919) 245-2308

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**PURPOSE:** To approve the siting and locational criteria governing the review and site selection process for the southern branch of the Orange County library.

**BACKGROUND:** At the June 14, 2012 BOCC work session, staff presented the DRAFT copy of the siting criteria for the southern branch library for review and discussion. During this meeting, the BOCC reviewed and discussed comments from the Carrboro Board of Aldermen and subsequent staff suggested modifications. The attached criteria incorporate(s) these revisions.

It should be noted that in a recent article printed within *The Chapel Hill News*, dated Sept 5, 2012, the Town of Carrboro has already begun an internal process of evaluating possible sites for the library based on compliance with local development regulations and processes.

Designation of library: In past memoranda, staff has consistently referred to this project as the 'southwestern branch of the Orange County library'. The term was coined in the 2004 Library Task Force Report where the Carrboro Library Workgroup recommended a '*southwest regional branch library*' be established by combining existing services and staff into a new library '*centered in the Town of Carrboro*'.

At the June 14, 2012 BOCC work session, staff was tasked with defining what 'southwest' Orange County referred to in the context of this project. In reviewing the matter, staff determined the 'southwest' quadrant of the County did not necessarily correspond to the highest concentration of population density in the area and did not properly identify all County residents intended to be served by the project.

Staff suggests it would be more appropriate to refer to this project, in current and future discussion and correspondence, as the 'southern branch of the Orange County library'. The

change in nomenclature is intended to properly identify the population base the project will serve and eliminate confusion over the anticipated location of the facility.

**FINANCIAL IMPACT:** There are no financial impacts associated with the adoption of the library siting criteria. The review of potential library locations, within Phase 1, would be conducted by County staff within adopted budgetary parameters.

Phase 2 of the process may require a financial investment to secure development rights for selected properties. Funds for the previously considered 210 Hillsborough Street properties in Carrboro were allocated from the \$215,000 set aside for future property acquisition. The County invested approximately \$60,000 for examination of the 210 Hillsborough Road site in Carrboro. This included \$25,000 in earnest money and \$10,000 for the 120 day extension (Note: The County received the \$25,000 in earnest money back). Any further 'investment' will vary depending on the individual property. The remaining balance of \$436,000 would be debt financed. There is funding totaling \$7,525,000 in the 2016-17 Capital Investment Plan (CIP) (page 21) for building construction and design services. This phase may also include the need for the County to incur 'initial due diligence' costs to ensure the viability of selected properties.

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

1. Approve the attached Southern Branch Library Locational Criteria; and
2. Authorize the Chair to send a letter to the Town of Carrboro that:
  - a. Transmits the Board-approved locational and site selection criteria to the Town, and
  - b. Requests that the Town initiate public solicitation and review of properties for the southern branch of the Orange County library property based on the approved criteria.

## ORANGE COUNTY SOUTHERN BRANCH LIBRARY LOCATIONAL CRITERIA

### Guiding Principles

When selecting a site for a new or expanded library, the Library system takes into account three fundamental factors:

- The Library System recognizes that as a regional service provider, the location of libraries must provide for optimal service to the most number of residents within the entire System service area. This takes precedence over political boundaries or undeveloped neighborhoods.
- The Board is committed to providing an equitable level of service throughout the entire County.
- The placement of a library in a manner that maximizes its use will be more valuable over the long term than the original investment made in land or building. Typically, the original cost of a new building is exceeded in just three years by its cumulative operating costs.

*\*\* As amended by the BOCC at its June 14, 2012 work session*

### PRELIMINARY PHASE–TECHNICAL SITE REVIEW AND ASSESSMENT

#### **Visibility:**

- Visible from the street
- Classification of street where property will be accessed from (i.e. private, local, arterial, collector, major thoroughfare, etc.).
- Visual appeal

#### **Site Capacity:**

- Able to provide comprehensive library services to all the residents of southern Orange County.
- Meets minimum acreage (urban services vs. rural services)
- Space for building and on-site parking
- Adequate utilities and availability
- Space for future expansion (building to allow for additional library services, parking, etc.) to serve all the residents of southern Orange County.
- Space to accommodate the necessary setbacks, road expansions and other site amenities.

#### **Access:**

- Accessibility for pedestrians

<ul style="list-style-type: none"> <li>• Accessibility for vehicles</li> <li>• Accessibility for public transportation</li> <li>• Design capacity and existing traffic load of roadway proposed to access site.</li> </ul>
<p><b>Alignment with Planning Tools (Comprehensive Plan):</b></p> <p>Alignment with planning tools applicable for the subject property (County Comprehensive Plan, adopted Small Area Plans, Strategic Plans, etc.)</p>
<p><b>Lease versus Purchase:</b></p> <ul style="list-style-type: none"> <li>• Analysis of the long term viability of the site</li> <li>• Availability of property for lease</li> </ul>
<p><b>Centrality of Location:</b></p> <ul style="list-style-type: none"> <li>• Existing and potential future population in a given area</li> <li>• Growth and development opportunities/constraints in a given area (i.e. what is future development, as embodied in applicable plans, going to look like and how will it impact the proposed library)</li> <li>• Proximity to schools</li> <li>• Proximity to retail</li> <li>• Proximity to other libraries</li> </ul>
<p><b>Site Conditions, Allowances, and Constraints:</b></p> <ul style="list-style-type: none"> <li>• The cost-benefit conclusions of physical, legal, and land-use allowances/constraints</li> <li>• Technical and environmental assessments (planning/zoning, jurisdictional processes, etc.)</li> <li>• Environmentally sustainable (C&amp;A, storm water mgt, buffers, energy “net zero” capacity)</li> <li>• Operationally sustainable</li> <li>• Defeats obsolescence</li> </ul>
<p><b>Cost and Availability:</b></p> <ul style="list-style-type: none"> <li>• Cost for site acquisition</li> <li>• Availability of property for lease</li> <li>• Analysis of long term viability of site</li> <li>• Timeframe for development of the site</li> <li>• Terms for site control necessary for development process</li> </ul>

**ORANGE COUNTY SOUTHERN BRANCH LIBRARY LOCATIONAL CRITERIA:**

\*\* As amended by the BOCC at its June 14, 2012 work session

**PRIMARY PHASE –PUBLIC INPUT AND ASSESSMENT****Community Preference**

- Input from elected officials
- Input from a board cross-section of the area to be served
- Orange County & Carrboro Friends of the Library

**Partnerships**

- Co-location with other private or public entity
- Mutually beneficial joint development
- Enhances service possibilities

**MAP DENOTING  
SOUTHWESTERN ORANGE COUNTY**

NORTH

WEST

EAST

**SOUTH WEST QUADRANT  
OF ORANGE COUNTY**

Approximate  
Center Point

Town of Hillsborough

Town of Chapel Hill

Town of Carrboro

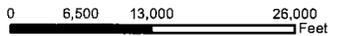
SOUTH

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections.

- USGS Water Feature
- Soils Survey Water Feature
- OC Updated Water Feature
- Water Body
- River Basins
- Watershed
- Parcels
- Township
- School System Boundary
- Contours
- County Boundary
- Soils
- Zoning
- City Limits
- ETJ
- Conservation Easements Held by Others
- Orange County Conservation Easements
- 100 YR Floodplain (Effective 02/02/07)
- Floodway (Effective 02/02/07)
- 500 YR Floodplain (Effective 02/02/07)
- Buildings
- Water and Sewer Boundary



1 inch = 16,299.149 feet



**TOWN OF CARRBORO**NORTH CAROLINA  
WWW.TOWNOFCARRBORO.ORG

May 10, 2013

Mr. Frank Clifton, Manager  
Orange County  
Delivery via email: fclifton@orangecountync.gov

RE: Town of Carrboro Additional Sites for the Southern Branch of the Orange County Library

Dear Frank,

At their May 7, 2013 meeting, the Carrboro Board of Aldermen reviewed four additional optional sites for the Southern Branch of the Orange County Library. The Board has asked that Orange County consider these sites in addition to the three sites that were previously submitted. The Board is enthusiastic about the library's potential at the following additional sites:

- 120 Brewer Lane (Butler Property)
- 300 E. Main Street
- 203 S. Greensboro St. (Town-owned property)
- 201 N. Greensboro Street (CVS Property)

Out of these four properties, the Board of Aldermen expressed a preference for the 120 Brewer Lane property and discussed the positive economic development potential the site brings for both the town of Carrboro and Orange County. As we have discussed, the Board is still interested in the Hillsborough Road and Fidelity Street sites that were previously forwarded to your staff. I have also included materials that were presented to the Board on May 7 that I think will be very helpful to you and your staff for review of the sites.

I look forward to continuing this discussion and am available to answer any questions you or your staff may have regarding the sites.

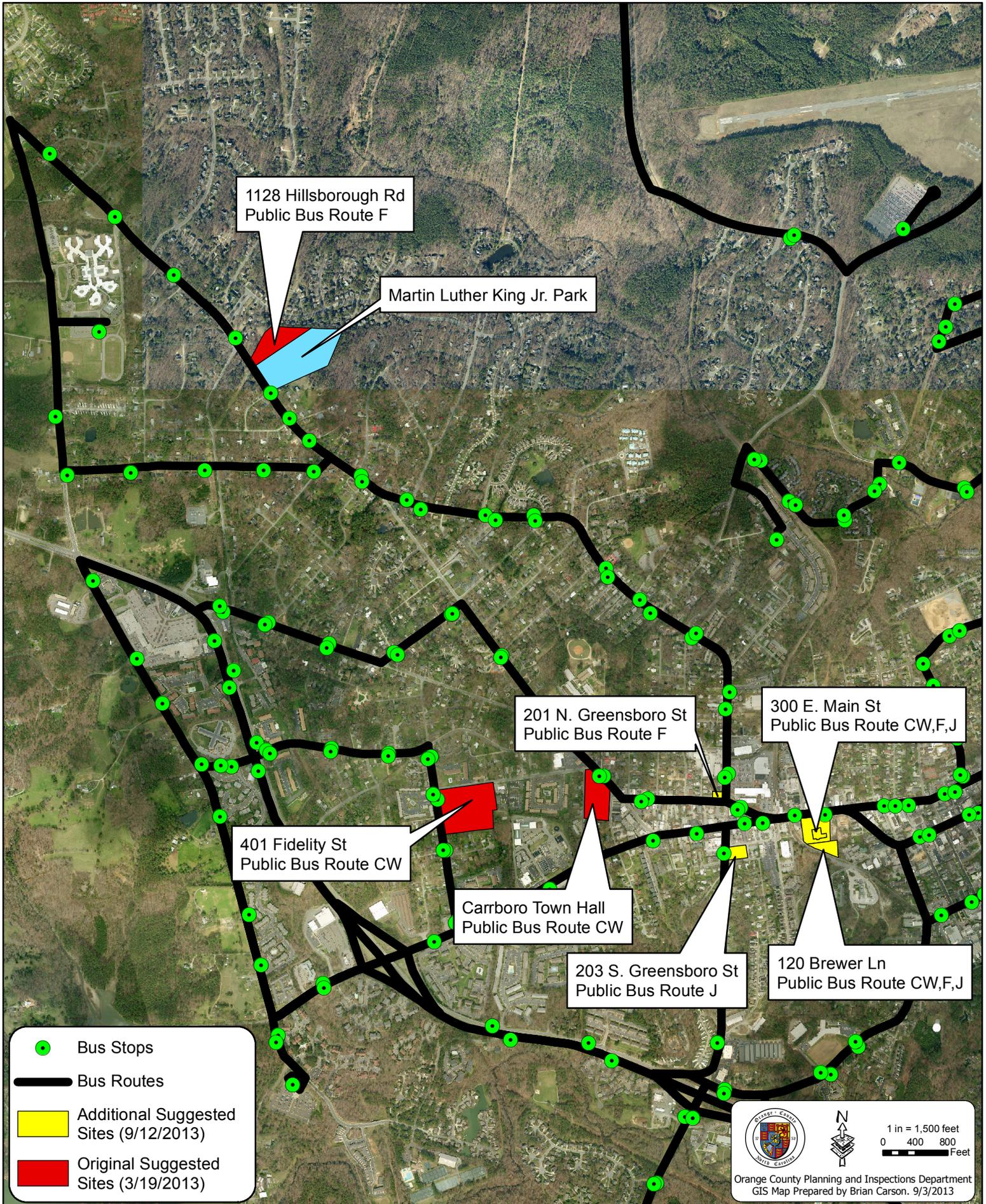
Sincerely,

David Andrews

CC: Mayor Chilton and Carrboro Board of Aldermen, via email  
Matt Efird, Assistant to the Town Manager, via email  
Trish McGuire, Planning Director, via email  
Lucinda Munger, Orange County Library Director, via email  
Michael Talbert, Assistant County Manager, via email

Enclosures

# Southern Library Site Locator



**SITE EVALUATION CRITERIA:**

**PHASE 1 - PRELIMINARY ASSESSMENT**

**VISIBILITY**

*Italicized words denote Town of Carrboro Comments*

	120 Brewer Lane	300 East Main Street	203 S. Greensboro Street	201 N. Greensboro Street
Visible From Street	Based on current conceptual layout of building location, library would not be directly visible from Main Street or other major roadway. Significant off-site directional signage will be necessary directing motorists and pedestrians to the site.	Based on current conceptual layout of building location, property location/orientation would allow a library to be visible from identified arterial street.	This property is currently utilized as a Town of Carrboro parking lot. Property location/orientation would allow a library to be visible from identified arterial street.	This property was/is proposed for development by CVS pharmacy. Property location/orientation would allow a library to be visible from identified arterial street.
Classification of Street where property will be access from	<i>TOC COMMENT: Arterial</i>	<i>TOC COMMENT: Arterial</i>	<i>TOC COMMENT: Arterial</i>	<i>TOC COMMENT: Arterial</i>
Visual Appeal	Building to house proposed library is located within a mixed use development comprised of residential and non-residential land uses as well as a parking deck. Rear of the property looks over wooded area. An existing, unused, building is to be demolished.	Property has direct frontage along Main Street with a view of surrounding non-residential land uses.	Property has direct frontage along S. Greensboro Street, Roberson Street, E. Carr Street, and Maple Avenue with a view of surrounding residential and non-residential land uses.	Property has direct frontage along N. Greensboro Street and W. Weaver Street with a view of surrounding non-residential land uses. There is existing landscaping on adjoining lots.

SITE CAPACITY				
	120 Brewer Lane	300 East Main Street	203 S. Greensboro Street	201 N. Greensboro Street
Able to provide comprehensive library services to all the residents of southern Orange County	Yes	Yes	Yes	Yes
Meets minimum acreage	Yes	Yes	Property is .89 acres in area. There may be difficulty in developing building and parking on the property without constructing a parking deck or multi-story building in combination with a deck.	Property is .32 acres in area. There may be difficulty in developing building and parking on the property without constructing a parking deck or multi-story building in combination with a deck.
Space for building and on-site parking	Yes	Yes	See above	See above
Adequate utilities and availability	<i>TOC COMMENTS: Yes</i>	<i>TOC COMMENTS: Yes</i>	<i>TOC COMMENTS: Yes</i>	<i>TOC COMMENTS: Yes</i>
Space for future expansion (building to allow for additional library services, parking, etc.) to serve the residents of southern Orange County.	Based on available information from developer there will be sufficient space.	Based on available information from developer there will be sufficient space.	See above regarding meeting minimum acreage	See above regarding meeting minimum acreage
Space to accommodate the necessary setbacks, road expansions, and other site amenities	Yes	Yes	In staff's opinion there will be challenges in designing this site given its size and frontage on 4 streets.	In staff's opinion there will be challenges in designing this site given its size.

ACCESS				
	120 Brewer Lane	300 East Main Street	203 S. Greensboro Street	201 N. Greensboro Street
Accessibility for Pedestrians	Property is downtown and will be adjacent to a proposed parking deck as well as an existing sidewalk system affording pedestrian access off of Main Street. The property is part of a master planned development with internal access points for various and diverse residential/non-residential uses located on-site.	Property is downtown and will be adjacent to a proposed parking deck as well as an existing sidewalk system affording pedestrian access off of Main Street. The property is part of a master planned development with internal access points for various residential/non-residential uses located on-site.	Property is downtown and is adjacent to existing sidewalk systems affording pedestrian access directly from S. Greensboro Street.	Property is downtown and is adjacent to existing sidewalk systems affording pedestrian access from both N. Greensboro Street and W. Weaver Street.
Accessibility for Vehicles	Access would be off of Main Street and Brewer Lane.	Access would be off of Main Street and Boyd Street	Access would more than likely be off of a side street rather than a new driveway onto S. Greensboro Street.	Access would more than likely be off of W. Weaver Street in order to avoid access issues off of N. Greensboro Street.
Accessibility for public transportation	Public transportation access will be possible	Public transportation access will be possible	Public transportation access will be possible	Public transportation access will be possible
Design capacity and existing traffic load of roadway proposed to access site	<i>TOC COMMENT: 3000 (est cap)/ 2000 (est vol) COUNTY STAFF IS STILL TRYING TO VERIFY</i>	<i>TOC COMMENT: 27400 (cap) / 17000 (vol) COUNTY STAFF IS STILL TRYING TO VERIFY</i>	<i>TOC COMMENT: 13700 (cap) / 12000 (vol) COUNTY STAFF IS STILL TRYING TO VERIFY</i>	<i>TOC COMMENT: 13700 (cap) / 11000 (vol) COUNTY STAFF IS STILL TRYING TO VERIFY</i>

**ALIGNMENT WITH PLANNING TOOLS (COMPREHENSIVE PLAN)**

	120 Brewer Lane	300 East Main Street	203 S. Greensboro Street	201 N. Greensboro Street
Alignment with planning tools applicable for the subject property (County Comprehensive Plan, adopted Small Area Plans, Strategic Plans, etc.)	This property appears to satisfy various 'goals' with respect to the location of a library from both the County and Carrboro's standpoint.	This property appears to satisfy various 'goals' with respect to the location of a library from both the County and Carrboro's standpoint.	This property appears to satisfy various 'goals' with respect to the location of a library from both the County and Carrboro's standpoint.	This property appears to satisfy various 'goals' with respect to the location of a library from both the County and Carrboro's standpoint.

**LEASE VERSUS PURCHASE**

	120 Brewer Lane	300 East Main Street	203 S. Greensboro Street	201 N. Greensboro Street
Analysis of long-term viability of site	No apparent environmental or physical impediments to development identified.	No apparent environmental or physical impediments to development identified.	No apparent environmental impediments to development identified. The property size, however, will create challenges to developing a library and supporting infrastructure on the property.	No apparent environmental impediments to development identified. The property size, however, will create challenges to developing a library and supporting infrastructure on the property.
Availability of property for lease	This will be a lease/purchase situation for the County as part of an agreement with the developer	This will be a lease/purchase situation for the County as part of an agreement with the developer	Property is owned by the Town of Carrboro where a lease/purchase agreement would have to be discussed.	There is no information indicating the property is for sale

CENTRALITY OF SITE				
	120 Brewer Lane	300 East Main Street	203 S. Greensboro Street	201 N. Greensboro Street
Existing and potential future population in given area	Site would provide access to existing and future, local, population. County residents will have parking available to make use of the facility.	Site would provide access to existing and future, local, population. County residents will have parking available to make use of the facility.	Site would provide access to existing and future, local, population. County residents will have parking available to make use of the facility.	Site would provide access to existing and future, local, population. County residents will have parking available to make use of the facility.
Growth and development opportunities/constraints in a given area	The size of the 'space' for the library will be limited to a lease/purchase agreement with the developer. Expansion will be viable only if there are vacancies in other proposed 'store fronts' allowing the County to lease/purchase for expansion. Building isn't built yet, so there are advantages in structure of lease agreement and space utilization.	The size of the 'space' for the library will be limited to a lease/purchase agreement with the developer. Expansion will be viable only if there are vacancies in other proposed 'store fronts' allowing the County to lease/purchase for expansion. Building isn't built yet, so there are advantages in structure of lease agreement and space utilization.	Development and expansion will be limited on this property given its size and orientation (i.e. surrounded by street right-of-ways).	Development and expansion will be limited due to the overall size of the property (i.e. .32 acres). Expansion/development will require purchase of additional, adjacent, property.
Proximity to schools	<i>TOC COMMENT: 0.2 miles from Community Schools for People under Six, 1.2 miles from Northside Elementary</i>	<i>TOC COMMENT: 1.0 miles from Northside Elementary</i>	<i>TOC COMMENT: 0.6 miles from Carrboro Elementary, 0.7 miles from Frank Porter Graham Elementary</i>	<i>TOC COMMENT: 0.5 miles from Carrboro Elementary</i>
Proximity to retail	Will be in the heart of a retail/residential mixed use development.	Will be in the heart of a retail/residential mixed use development.	Property is surrounded by existing retail and residential land uses.	Proeprty is surrounded by retail and professional (i.e. office) land uses
Proximity to other libraries	<i>TOC COMMENT: Existing branch library at Carrboro Cybrary (0.6 miles) County Staff Comment - Approximately 3.2 miles from Town of Chapel Hill library</i>	<i>TOC COMMENT: Existing branch library at Carrboro Cybrary (0.3 miles) County Staff Comment - Approximately 3.2 miles from Town of Chapel Hill library</i>	<i>TOC COMMENT: Existing Branch Library at Carrboro Cybrary (&lt; 0.1 miles) County Staff Comment - Approximately 3.7 miles from Town of Chapel Hill library</i>	<i>TOC COMMENT: Existing branch library at Carrboro Cybrary (&lt; 0.1 miles) County Staff Comment - Approximately 3.6 miles from Town of Chapel Hill library</i>

SITE CONDITIONS, ALLOWANCES, AND CONSTRAINTS				
	120 Brewer Lane	300 East Main Street	203 S. Greensboro Street	201 N. Greensboro Street
The cost-benefit conclusions of physical, legal, and land use allowances/constraints	As indicated herein this site offers more opportunities than constraints.	As indicated herein this site offers more opportunities than constraints. (lease? Price?) Lease market for frontage along E. Main probably cost prohibitive; highest and best use from a Landlord standpoint is probably not a non-retail use. The cost, however, will be 2 to 3 times more than 120 Brewer Lane (part of same development)	Development challenges due to size of property and frontage on 4 streets outway development potential of the site for a library.	Development challenges due to size of property outway development potential of the site for a library. Also purchase price of property is anticipated to be significant.
Technical and environmental assessments (Planning/Zoning, jurisdictional process, etc.)	Library would require a heightened permit process (i.e. Conditional Use Rezoning, text amendment, etc.). Existing permit for project would have to be amended to allow for library	Library would require a heightened permit process (i.e. Conditional Use Rezoning, text amendment, etc.). Existing permit for project would have to be amended to allow for library	Library would require a heightened permit process (i.e. Conditional Use Rezoning, text amendment, etc.). Existing permit for project would have to be amended to allow for library	Library would require a heightened permit process (i.e. Conditional Use Rezoning, text amendment, etc.). Existing permit for project would have to be amended to allow for library
Environmentally Sustainable (C and A, stormwater management, buffers, energy, 'net zero capacity')	Yes.	Yes.	Probably not, given size of property.	Probably not, given size of property.
Operationally Sustainable	Yes.	Yes.	Probably not, given size of property.	Probably not, given size of property.
Defeats obsolescence	Unsure at this time as the overall size will depend on lease area. Expansion will be limited to available space to lease/purchase to expand into. Potentially assisting in building and space design is helpful in managing this criteria.	Unsure at this time as the overall size will depend on lease area. Expansion will be limited to available space to lease/purchase to expand into. Potentially assisting in building and space design is helpful in managing this criteria.	There is a limited development window for a library/parking on this property given its size and frontage on 4 streets. There will also be limited opportunities for expansion.	There is a limited development window for a library/parking on this property given its size. There will also be limited opportunities for expansion.

COST AND AVAILABILITY				
	120 Brewer Lane	300 East Main Street	203 S. Greensboro Street	201 N. Greensboro Street
Cost for site acquisition	Developer has indicated a strong desire to discuss lease/purchase options for a space to house the library.	Developer has indicated a preference for the County to use 120 Brewer Lane for a library project. Developer states that 300 Main is not optimal for non-retail uses.	Owned by Town of Carrboro	Information available to staff at this time indicates the property is not for sale.
Availability of property for lease	Developer has indicated a strong desire to discuss lease/purchase options for a space to house the library.	Developer has indicated a preference for the County to use 120 Brewer Lane for a library project. Developer states that 300 Main is not optimal for non-retail uses.	Yes	Unknown but assumed no.
Analysis of long-term viability of the site	Property offers potential for reasonable expansion , assuming willingness of developer and vacancies, and partnership opportunities to support long-term provision of library services.	Property offers potential for reasonable expansion , assuming willingness of developer and vacancies, and partnership opportunities to support long-term provision of library services.	Existing development surrounding property (i.e. 4 streets) limits opportunities for expansion. Development of diverse partnerships to promote use/development of the property may still be achievable.	Existing size of parcel limits opportunities for expansion or the development of diverse partnerships to promote use/development of the property to meet the needs of southern Orange County.
Timeframe for development of site				
Terms of site control necessary for the development of the site				

PHASE 2 - PUBLIC INPUT AND ASSESSMENT
COMMUNITY PREFERENCE

	120 Brewer Lane	300 East Main Street	203 S. Greensboro Street	201 N. Greensboro Street
Input from Elected officials	Pending	Pending	Pending	Pending
Input from a broad cross-section of the area to be served	Pending	Pending	Pending	Pending
Orange Couty and Carrboro Friends of the Library	Pending	Pending	Pending	Pending

<b>PARTNERSHIPS</b>
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	120 Brewer Lane	300 East Main Street	203 S. Greensboro Street	201 N. Greensboro Street
Co-location with other private or public entity				
Mutual beneficial joint development				
Enhances service possibilities				

## Attachment E

**Sample Lease Cost Illustration, 10,000 Square Foot Library Facility, 5 year term****Assumptions:**

<b>Rentable Square Footage:</b>	10,000	square feet	<b>Base 5 Year Lease Cost:</b>	\$1,250,000
<b>Base Annual Lease Rate:</b>	\$25	per square foot		
<b>Term:</b>	5	years		
<b>Escalator:</b>	none			
<b>Real Estate Taxes:</b>	\$2	per square foot	<b>Real Estate Taxes Paid:</b>	\$100,000
<b>Insurance:</b>	\$0.50	" " "	<b>Insurance Paid:</b>	\$25,000
<b>Common Area Maintenance ("CAM")</b>	\$6	" " "	<b>CAM Paid:</b>	\$300,000
<b>Utilities:</b>	\$1	" " "	<b>Utility Costs:</b>	\$50,000
<b>Solid Waste Removal:</b>	\$0.05	" " "	<b>Solid Waste Removal:</b>	\$2,500
<b>Lease Total:</b>	<b>\$34.55</b>	per square foot		<b>\$1,727,500</b>
			annualized cost:	<b>\$345,500</b>

**One Time Costs:**

<b>Interior Upfit</b>	\$45	per square foot	\$450,000
<b>Furniture, Fixtures, and Equipment</b>	\$45	" " "	\$450,000
<b>One Time Cost Total:</b>	<b>\$90</b>		<b>\$900,000</b>

**Notes:**

1. Assumptions reflect reasonable market rates for cost categories.
2. Personnel costs and library book inventory not included in illustration.
3. Real estate taxes are paid to Orange County.
4. Potential purchase option structure for leased space not illustrated

ORANGE COUNTY  
NORTH CAROLINA  
COUNTY MANAGER'S OFFICE

200 South Cameron Street  
Post Office Box 8181  
Hillsborough, North Carolina 27278

Michael S. Talbert, Interim County Manager

Phone (919) 245-2300  
Fax (919) 644-3004

October 1, 2013

Mr. David Andrews, Manager  
Town of Carrboro  
301 W Main Street  
Carrboro, NC 27510

RE: Sites for Southern Branch of the Orange County Library

Dear David,

On September 18, 2012 the Orange County Board of Commissioners (BOCC), with assistance and approval from the Carrboro Board of Alderman, approved a set of guiding principles and a comprehensive site selection criterion for locating the new Southern Branch of the Orange County Library (hereafter "the Branch"). Over the past year the Town has recommended a number of possibilities for a future Branch site for BOCC review. We are now pleased to inform the Town that on September 12, 2013 the BOCC selected 3 sites for continued processing and review as part of the site location project.

The criteria focus on a process providing two tiers of analysis. The first level ("Phase 1") focuses on technical considerations for the site, including location, broad geographic attributes, jurisdiction land use requirements, site constraints, access, and general cost considerations. Preliminary staff evaluation of selected sites would lead to recommendation to the BOCC for more in-depth technical study of a given parcel(s) requiring the engagement of third party professional services firms in the areas of soils, topography, environmental, and cultural characteristics, utility capacity, access, transportation, and title issues. These in-depth studies would require an estimated \$10,000 to \$15,000 investment for each selected site to determine the full viability and support of a Southern Branch library.

At the September BOCC work session, staff was authorized to commence with the second level of Phase 1 for review on the following 3 sites:

1. 1128 Hillsborough Road, commonly referred to as the Shetley property,

2. 401 Fidelity Street, commonly referred to as the Town of Carrboro cemetery property, and
3. 120 Brewer Lane, commonly referred to as the Butler Farm property.

These sites, part of a comprehensive list of 7 total sites provided by the Town of Carrboro for evaluation, are all located within the Town's planning jurisdiction and subject to applicable local land use regulations and permitting.

Before staff can begin the initiation of the next phase of review, and the required due diligence, there are questions we need the Town to respond to, specifically:

- A. Shetley property: County staff has indicated since the start of this process that the only viable manner, in our opinion, the Shetley property could be developed as a library is through a cooperative agreement with the Town of Carrboro. Specifically we recommended initiating a 'trade' of property, with the County purchasing the Shetley property and allowing for the development of a library on an adjacent parcel, owned by the Town, designated for development as a park.

As part of our initial due diligence on this site, the County needs a formal response to the following:

- i. Is the Town willing to 'swap' property in a manner suggested by staff thereby allowing for the development of the library on Town property.
- ii. Can you provide all environmental studies/determinations on the Town park property for evaluation as part of the library siting process in the event you are amenable to the swap,
- iii. Information related to the presence of streams, water bodies, and other environmentally sensitive areas on the park property with a breakdown of local regulations governing their protection (i.e. stream buffers, setback requirements, disturbance limits in/around environmentally sensitive areas, etc.)

- B. Town of Carrboro Cemetery: With respect to this property the County would erect a library on an approximately 2 acre portion of property adjacent to the cemetery. Access would be through an existing drive off of Fidelity Street.

As part of our initial due diligence on this site, the County needs a formal response to the following:

- i. Can the Town provide traffic data on the use of local streets, specifically Fidelity and Davie Street, including:
  1. Peak flow time traffic counts for both streets
  2. Breakdown of parking issues/concerns identified by the Town in the area which could impact the development of the library.
  3. Analysis on the availability of on-street parking

- ii. All available studies (i.e. environmental studies/determinations, soils analysis, studies on existing rock formations, etc.) on the property for evaluation as part of the library siting process,
  - iii. A response from your legal department addressing potential liability issues associated with a County concern over potential impacts on interment (SP) as the result of excavating/blasting activity on the property.
- C. Brewer property: As County staff understands the situation the property is encumbered under a Conditional Use site plan/permit approval allowing for the development of the site.

As part of our initial due diligence on this site, the County needs a formal response to the following:

- i. A copy of the approved site plan and permit for our review,
- ii. An explanation on the process necessary to modify the permit to allow for governmental uses (i.e. library, offices, meeting spaces, etc.) on the property including a timeline and cost breakdown of the process.

In the interim County staff will begin the process of identifying firms who can assist with the completion of our next, technical, phase of property review. We will, however, await your response to ensure we have a full understanding of the Town's position on several issues, as well as, the availability of necessary data, in an effort to avoid unnecessary allocation of resources.

If possible, the staff would like to have a response by October 21<sup>st</sup> in order to present the BOCC at their November 5 meeting for their review and comment. As always, we look forward to moving forward in the collaborative process and we are available to answer any questions you or your staff may have regarding these next steps.

Regards,



Michael S. Talbert  
Interim County Manager

Cc: Chair Barry Jacobs and Board of Orange County Commissioners  
John L. Roberts, Orange County Attorney  
Lucinda M. Munger, Library Director  
Jeff Thompson, Asset Management Services Director  
Michael D. Harvey, Current Planning Supervisor- Planner III,  
Orange County Planning Department

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 5, 2013

**Action Agenda  
Item No.** 7-c

**SUBJECT:** BOCC Rules of Procedure Revision

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**DEPARTMENT:** BOCC

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

No

**ATTACHMENT(S):**

**INFORMATION CONTACT:**

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

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**PURPOSE:** To consider approval of a modification to the BOCC Rules of Procedure and update the Rules of Procedure booklet.

**BACKGROUND:** The Board of Commissioners adopted its "Rules of Procedure for the Board of County Commissioners" in May 2002. Multiple amendments have been made since that time.

At the September 9, 2013 Quarterly Public Hearing there was discussion of the Quarterly Public Hearing/Public Hearing process. The Board Chair suggested modifying the regular meeting agenda to move public hearings before the consent agenda items. The Order of Business below reflects the proposed revision to the BOCC Rules of Procedure.

**Regular Meetings.** For all regular meetings, items shall be placed on the agenda as listed below:

1. Additions or Changes to the Agenda  
*Public Charge*
2. Public Comments (Limited to One Hour)
3. Petitions by Board Members (Three Minute Limit Per Commissioner)
4. Proclamations/Resolutions/Special Presentations
5. Public Hearings
6. Consent Agenda
  - Removal of Items from Consent Agenda
  - Approval of Remaining Consent Agenda
  - Discussion and Approval of the Items Removed from the Consent Agenda
7. Regular Agenda
8. Reports
9. County Manager's Report
10. County Attorney's Report

11. Appointments
12. Board Comments
13. Information Items
14. Closed Session
15. Adjournment

**FINANCIAL IMPACT:** None

**RECOMMENDATION(S):** The Interim Manager recommends that the Board discuss and consider the proposed change to the order of items on the Board's Regular Meeting agendas.

**BOCC Meeting Follow-up Actions**

(Individuals with a \* by their name are the lead facilitators for the group of individuals responsible for an item)

<b>Meeting Date</b>	<b>Task</b>	<b>Target Date</b>	<b>Person(s) Responsible</b>	<b>Status</b>
10/15/13	Review and consider request from Commissioner Pelissier that staff provide a report to the BOCC on meetings with zero-waste representatives and pay as you throw possibilities	11/19/2013	Chair/Vice Chair/Manager	<b>DONE</b> Staff to provide report for Board discussion, tentatively at November 19, 2013 meeting
10/15/13	Review and consider request from Commissioner Jacobs that staff develop an agenda item for Board discussion on small waste haulers, convenience centers and related solid waste issues	12/2/2013	Chair/Vice Chair/Manager	<b>DONE</b> Staff to provide report for Board discussion, tentatively at a December 2013 meeting
10/15/13	Review and consider request from Commissioner Jacobs that Board consider renewing a past practice of including historical plaques in new County buildings noting the Board, Manager, architects, lead construction company, etc. at the time of completion	11/19/2013	Chair/Vice Chair/Manager	<b>DONE</b> Asset Management staff to develop two agenda items –one addressing moving forward with existing buildings; and one regarding establishing a County policy
10/15/13	Provide report to the Board on any expenditure of County funds to replace any funding lost by the County as a result of the federal government shutdown	11/19/2013	Cheryl Young, Clarence Grier & *Nancy Coston	Report to be provided at 11/19/13 Board meeting along with update on flood assistance actions
10/15/13	Develop a press release addressing the impacts of the federal government shutdown on the County providing services to residents and any County expenditures to replace lost funding	11/1/2013	Michael Talbert Carla Banks	<b>DONE</b>
10/15/13	Consider as a potential retreat item receiving reports from the County's representatives on advisory boards/committees/etc. that serve other jurisdictions	1/31/2014	Donna Baker	To be considered as potential retreat item

## INFORMATION ITEM

### Tax Collector's Report - Numerical Analysis

Effective Date of Report: October 21, 2013						
Tax Year 2013	Amount Charged in FY 13-14	Amount Collected	Accounts Receivable*	Amount Budgeted in FY 13-14	Remaining Budget	% of Budget Collected
Current Year Taxes	\$ 137,868,792.00	21,490,711.97	\$ 110,644,870.92	\$ 137,868,792.00	\$ 116,378,080.03	15.88%
*Current Year VTS Taxes		402,790.83				
Prior Year Taxes	\$ 4,163,721.00	857,204.52	\$ 3,282,747.12	\$ 994,130.00	\$ 136,925.48	86.23%
<b>Total</b>	<b>\$ 142,032,513.00</b>	<b>22,750,707.32</b>	<b>\$ 113,927,618.04</b>	<b>\$ 138,862,922.00</b>	<b>\$ 116,515,005.51</b>	<b>16.38%</b>
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	17,562,446.69	\$ 115,892,315.18	\$ 135,068,463.00	\$ 117,506,016.31	13.00%
Prior Year Taxes	\$ 4,026,736.27	890,941.51	\$ 2,867,511.93	\$ 994,130.00	\$ 103,188.49	89.62%
<b>Total</b>	<b>\$ 139,095,199.27</b>	<b>18,453,388.20</b>	<b>\$ 118,759,827.11</b>	<b>\$ 136,062,593.00</b>	<b>\$ 117,609,204.80</b>	<b>13.56%</b>
Current Year Overall Collection Percentage Tax Year 2013			16.47%			
Current Year Overall Collection Percentage Tax Year 2012			13.41%			

*\*Effective with September 2013 vehicle registration renewals, the Orange County Tax Office will generally no longer bill and collect for registered motor vehicles. This is in accordance with new State law, House Bill 1779. In an effort of full transparency, the tax office has modified its Collector's Report format to include taxes billed and collected through the new Vehicle Tax System (VTS). Including this figure will show the Collector's progress toward meeting the overall tax revenue budget. Note that reconciliation for these taxes is monthly, so this figure will not change with each report.*

**Memorandum**

To: Michael Talbert, Interim County Manager  
From: Craig N. Benedict, Planning Director  
Subject: 2013 NC Legislation Update and Impact on Planning  
Date: October 25, 2013

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Due to a significant change in the composition of the NC General Assembly in 2013 a variety of planning and development regulation changes were adopted and or initiated (can be brought back in 2014 short session). The outline in Attachment 1 is a summary of the changes, some which affect both cities and counties and some unique to an area. Although, the changes are wide spread, they could be categorized in some general areas.

- Quasi-judicial processes and procedures
- Land Uses subject to (with conditions) or exempt from regulation.
- Community and historic preservation
- Municipal boundary adjustment
- Building code enforcement
- Transportation
- Environment
- 2013 Bills eligible for consideration in 2014 session

The UNC School of Government has an excellent bulletin (Planning & Zoning Law Bulletin Number 22 October 2013) on these issues. The bulletin is available for viewing at: <http://sogpubs.unc.edu/electronicversions/pdfs/pzlb22.pdf>. Attachment 2 of this memo summarizes the topics.

## Planning and Development Regulation in the 2013 North Carolina Legislation Session

### Zoning and Development Regulation

- Quasi – judicial Procedures and Board of Adjustment
  - Specialized Boards
  - Notice of Hearings
  - Hearing Process
  - Decisions
  - Appeals
  - Special and Conditional Permits
  - Variances
- Development near Military Bases
- Cell Tower Modifications
- Bona Fide Farm Exemption
- Fraternity and Sorority Zoning
- Development Agreements for Brownfield Sites
- Definitions for Facilities Serving Food or Providing Lodging
- Local Bills
- Bills Eligible for Consideration in 2014

### Community Appearance and Historic Preservation

- Billboards
- Enforcement against Terminated Uses
- Other Legislative Related to Community Appearance

### Boundary Adjustments and Jurisdiction

- Annexation and Extraterritorial Jurisdiction
- Local Bills

### Building and Housing Code Enforcement

- Inspections
- Building Code Updates
- Building Code Exemptions

### Transportation

- Strategic Transportation Investments
- NCDOT Driveway Permits
- Sidewalk Dining
- Ethics Standards for MPO and RPO Members
- Charlotte Airport

### Environment

- Preemption of New Environmental Ordinances
- Membership of State Environmental Commissions
- Permitting Review
- Stormwater and Water Quality
- Surface Waters and Shorelines
- Solid Waste
- Energy
- Other Environmental Matters

Of special note regarding 2013 Planning Legislation and upcoming 2014 legislative activities:

### **Special and Conditional Use Permits**

- Now only a simple majority at BOA hearings

### **Variances**

- Deletes “practical difficulty” but retains “unnecessary hardship” language as a primary criterion

### **Cell Towers**

- Additional fee timeframe and review benefits to adding co-located facilities

### **Bona Fide Farm Zoning Exemption**

- Farming activity can also include leased lands

### **Bed and Breakfast (and related food and lodging)**

- New definition and impact under review by multiple County Departments

### **Local Bills**

- Zoning issues in Apex and Aberdeen were addressed at a State micro level for topics not customary as a local bill.

### **2014 Legislative Consideration**

- Electronic legal advertising
- Temporary housing associated with home health care provider
- Zoning protest petitions – elimination?

### **Billboards**

- Further protection of repairing and reconstructing (possibly changing) conforming and non-conforming signs.

### **Public Nuisance**

- Although cities have more authority than Counties in the area, liberalized farm uses (such as sawmills and other storage facilities) further limit Local Government nuisance authority.

### **Annexation and ETJ**

- Although major changes occurred in 2011 and 2012 in these topic areas making annexation difficult, 2013 was relatively non-eventful except for discussions with HB-276 which suggested elimination of ETJ.

### **Building Codes**

- Limits type of inspections. (Orange County conforms to what is expected).
- Update codes every 6 versus 3-years.
- Exempts primitive structures from code.

### **Strategic Mobility Investment (Transportation Funding Formula)**

- This area cannot be summarized except to say that previous convention and planning of the various modes of public transit and facilities funding have shifted strongly to highway. Impacts will be felt with the OCBRIP. A separate topic.

### **Environment**

- S.L. 2013 – 413 (H74) relates to almost a moratorium on any Local Government environmental regulation that is also regulated by the State or Federal statute. 2014 may bring forth substantive changes where Local Government may have to “roll back” overly strict rules.

### **Stormwater and Water Quality**

- Delay Jordan Lake Rules until July 1, 2016
- Impervious “built upon” definition changed to exclude slotted decks and gravel driveways.
- Review by professional engineers likely in 2014.

**Note: Other changes are also under review.**

## 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



October 30, 2013

Dear Commissioners,

At the Board's October 15, 2013 regular meeting, three petitions were brought forth which were reviewed by the Chair/Vice Chair/Manager Agenda team. The petitions and responses are listed below:

- 1) Review and consider request from Commissioner Pelissier that staff provide a report to the BOCC on meeting with zero waste representatives and pay as you throw possibilities.

**Response: Staff will provide a report for Board discussion, tentatively at November 19, 2013 meeting.**

- 2) Review and consider request by Chair Jacobs that staff develop an agenda for Board discussion on small waste haulers, convenience centers and related solid waste issues.

**Response: Staff will provide report for Board discussion, tentatively at December 2013 meeting. Discussion of convenience centers will be considered as a separate item.**

- 3) Review and consider a request by Commissioner Jacobs that Board consider renewing a past practice of including historical plaques in new County buildings noting the Board, Manager, architects, lead construction company, etc., at the time of completion.

**Response: Asset Management staff to develop two agenda items –one addressing moving forward with existing buildings; and one regarding establishing a County policy.**

This letter will be provided as an Information Item on the November 5, 2013 agenda for public information.

Best,

Barry Jacobs, Chair  
Board of County Commissioners

[www.co.orange.nc.us](http://www.co.orange.nc.us)

Protecting and preserving – People, Resources, Quality of Life  
Orange County, North Carolina – You Count!  
(919) 245-2130 • FAX (919) 644-0246