



**Orange County
Board of Commissioners**

Agenda

Regular Meeting

December 2, 2013

7:00 p.m.

Department of Social Services

Hillsborough Commons

113 Mayo Street

Hillsborough, NC 27278

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

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

Board Organization

- a. Election of Chair and Vice-Chair
- b. Designation of Voting Delegate for all NCACC and NACo Meetings for Calendar Year December 1, 2013-2014

Appointments

- a. Manager
- b. Clerk to the Board
- c. County Attorney

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. Declaration of Tenants' Rights and Obligations
- b. Proclamation - Human Rights Day, Bill of Rights Day, and Human Rights Week
- c. Resolution Recognizing Erin Thompson and Orange County 4-H
- d. Presentation on Economic Pressures on the Department of Social Services, Request for Additional Funds, and Approval of Budget Amendment #3-A

5. Public Hearings

- a. Community Development Block Grant (CDBG) Program – Economic Recovery Program
- b. Community Development Block Grant (CDBG) Program – Scattered Site Housing Rehabilitation Program

6. 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. Application for Property Tax Exemption/Exclusion
 - e. Schools Adequate Public Facilities Ordinance (Schools APFO) – Approval of Membership and Capacity Numbers
 - f. Disbursement of Vehicle Registration Tax Funds
 - g. Orange County Community Development Block Grant (CDBG) – Economic Development

7. Regular Agenda

- a. Buckhorn Mebane Phase 2 Utilities – Request for Additional Rock Allowance and Approval of Budget Amendment #3-B
- b. Redesigned County Logo

8. Reports

- a. Solid Waste Convenience Center Update

9. County Manager's Report

10. County Attorney's Report



11. Appointments

12. Board Comments (Three Minute Limit Per Commissioner)

13. Information Items

- November 19, 2013 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- BOCC Chair Letter Regarding Petitions from November 19, 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

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

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

SUBJECT: Declaration of Tenants' Rights and Obligations

DEPARTMENT: Housing/Human Rights and
Community Development

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Orange County Declaration of Tenants'
Rights and Obligations

INFORMATION CONTACT:

Tara L. Fikes, (919) 245-2490
Joseph Polich, HRC Member
Tish Galu, Justice United

PURPOSE: To consider endorsement of the Declaration of Tenants' Rights and Obligations drafted by the Human Relations Commission, Orange County Justice United, EmPOWERment, and the UNC School of Law's Legal Assistance Clinic.

BACKGROUND: In 2012, tenants of rental property in Carrboro experienced unfair and disparate treatment by their landlord and the surrounding community of homeowners and expressed their concerns to Justice United. Many of these issues were addressed and corrected through a collaborative effort between Justice United, the UNC Civil Legal Assistance Clinic, Carrboro Mayor Mark Chilton and members of Justice United. Concurrently, the Orange County Human Relations Commission (HRC) was apprised of this matter.

Shortly thereafter, in an effort to address unfair treatment and to empower tenants of rental property, the HRC formed a subcommittee to work with Justice United's Affordable Housing Team to draft a document of tenants' rights. EmPOWERment, Inc. and the UNC School of Law Legal Assistance Clinic (Law Clinic) were also key players in drafting this document. The organizations developed a list of issues that were most prevalent among renters. The students from the Law Clinic then drafted a list of laws from the N.C. General Statutes that addressed each issue. The document was entitled the "Orange County Tenants' Bill of Rights".

In the spring of 2013, Justice United hosted three (3) bilingual fair housing workshops for tenants of rental property in the County. Presenters included Dr. Erika Wilson, Professor from the UNC Law Clinic, Mr. James Davis, Civil Rights Specialist from Orange County Department of Housing, Human Rights and Community Development, Delores Bailey from EmPOWERment, Inc., and Tish Galu from Justice United. Tenants provided feedback and shared stories of unfair treatment they experienced. The Tenants' Bill of Rights was thereafter amended to address these issues, and the document was re-named the Declaration of Tenants' Rights and Obligations. This document is not a legal document, but

list and describes some of the tenant rights granted by the N.C. General Statutes and the federal Fair Housing Act that can serve as a reference to interested County residents.

Thus, the HRC is asking the Board of County Commissioners to endorse the Orange County Declaration of Tenants' Rights and Obligations as a tool to empower tenants with a clear and concise explanation of their rights under the law.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Manager recommends that the Board endorse the Declaration of Tenants' Rights and Obligations drafted by the Human Relations Commission, Orange County Justice United, EmPOWERment, Inc. and the UNC School of Law's Legal Assistance Clinic.



Orange County North Carolina Declaration of Tenants Rights and Obligations*

As a tenant you have certain rights and obligations under North Carolina law. *See N.C. Gen. Stat. § 42-41 (2012)*. At its heart, North Carolina landlord-tenant law entitles you to safe, decent, and sanitary housing. It also requires you to pay rent and to maintain the premises that you are renting. The purpose of this Declaration of Tenants Rights and Obligations is to help you understand the scope of your rights and obligations. This listing of tenant rights and obligations is not exhaustive and should not be used as a substitute for legal advice in the event a dispute arises between you and your landlord. Rather, it functions as a basic overview of your rights and obligations as a tenant in Orange County, North Carolina. Knowledge of your rights is the first step in being able to exercise and enforce them. (*See Resource List on last page. Always put complaints or requests for repairs in writing and keep a copy*)

TENANT RIGHTS

1. Lease

A written lease is not required to establish a landlord tenant relationship under North Carolina law. The laws and protections that apply to tenants may apply to you even if you have an oral agreement with your landlord rather than a written lease. However, if you do have a written lease, the landlord must give you a full copy of the lease and provide you with time to review it before you sign it.

2. Security Deposit

Amount of your security deposit - The landlord can require you to pay a security deposit. The amount of the security deposit cannot exceed: (i) two weeks rent if you are paying rent on a weekly basis; (ii) one and a half months rent if you pay rent on a monthly basis and (iii) two months rent if you pay rent for longer than a month (e.g., you pay rent every two months or longer). *See N.C. Gen. Stat. § 42-51 (2012)*.

Location of your security deposit - The landlord must place your security deposit into a trust account with a licensed and insured North Carolina bank or savings institution. The landlord must inform you where your security deposit is being held within thirty (30) days of collecting your security deposit. *See N.C. Gen. Stat. § 42-50 (2012)*.

Return of the security deposit - When you move out, the landlord must return your security deposit to you within thirty (30) days, unless the landlord provides proof that the deposit is being used for a proper purpose such as: (i) repairing damages made to the unit other than reasonable wear and tear; (ii) rent that you owed but did not pay; (iii) any court costs the landlord had to pay if you were evicted and (iv) the cost of finding a new tenant if you left your apartment before the end of the lease. *See N.C. Gen. Stat. § 42-52 (2012)*. Finally, if the landlord fails to return your security deposit or to explain why any portion of your security deposit is not being returned, you may bring a claim against the landlord in small claims court to recover your security deposit. *See N.C. Gen. Stat. § 42-55 (2012) and see Resource Guide on last page.*

3. Decent, Safe and Habitable Housing

Tenant Rights - You have the right to decent, safe and sanitary housing in which the plumbing, electrical wiring, heating/cooling systems and smoke detectors work properly. *See N.C. Gen. Stat. §§ 42-42(a)(4) –(5) (2012)*. You also have the right to housing in which the common areas that are used by all tenants such as the stairs, hallways and sidewalks are in a safe condition. *See N.C. Gen. Stat. § 42-42(a) (3) (2012) see Resource List on last page.*

Landlord's Obligation - Your landlord is required to make any and all repairs necessary to ensure that your housing unit and the common areas are safe and fit. *See N.C. Gen. Stat. § 42-42(a) (3) (2012)*. Your landlord is also required to ensure that your housing unit complies with the local building and housing codes. *See N.C. Gen. Stat. N.C.G.S. § 42-42(a) (1) (2012) see Resource List on last page*. If you believe that your rental unit is not safe or habitable and may violate the local building or housing code, you have the right to have the property inspected for *free* by a local Housing Inspector or Code Enforcement Official *see Resource List on last page*.

4. **Late Fees**

Your landlord may charge you a late fee if your rent is late by five (5) days or more. *See N.C. Gen. Stat. § 42-46(a)*. However, if your rent is due in monthly installments, the late fee may not exceed fifteen (\$15.00) dollars or five (5%) percent of the monthly rent, whichever is greater. *See N.C. Gen. Stat. 42-46(a)(1)*. If the rent is due weekly, the landlord may charge a late fee not exceeding four dollars (\$4.00) or five (5%) percent, whichever is greater. *See N.C. Gen. Stat. 42-46(a)(2)*. Late fees can only be charged one time for each late rental payment and cannot be deducted from your next month's rent payment. *See N.C. Gen. Stat. 42-46(b)*.

5. **Quiet Enjoyment**

You have the right to peaceful, safe and quiet enjoyment of your home. *See N.C. Gen. Stat § 42-59.1 (2012)*. Essentially, this means that the landlord may make any necessary repairs, but the landlord may *not* unreasonably interfere with your "quiet enjoyment" of your home and must leave you alone while you are living in your rental unit.

6. **Discrimination**

The landlord may not discriminate against you as a tenant or prospective tenant because of your race, color, national origin, religion, sex, familial status or disability. *See Fair Housing Act, § 804; 42 U.S.C. 3604*. Discriminatory acts include refusing to rent to you; renting to you on unfavorable terms, conditions, or privileges; creating a hostile living environment; or refusing to make reasonable accommodations to give you an equal opportunity to use and enjoy the premises. (*see Resource List on last page*.)

7. **Domestic Violence Victim Protection**

A landlord cannot terminate, refuse to renew, or refuse to rent to you because you are a victim of domestic violence, sexual assault, or stalking. *See N.C. Gen. Stat. § 42-42.2 (2012)*. In addition, you have the right to request that the landlord to change your locks to prevent access by an alleged perpetrator of domestic violence. *See N.C. Gen. Stat. § 42-42.3 (2012)*.

8. **Eviction**

Eviction Process and Notice - You can *only* be evicted after a summary ejection proceeding before the court. Further, the landlord is required to provide written notice of the reason you are being evicted. *See N.C. Gen. Stat. § 42-25.6 (2012)*.

Grounds for Eviction

- **Failure to pay Rent** - If your landlord is attempting to evict you because you failed to pay rent, the landlord has to request that you pay the rent and must wait ten (10) days before filing a complaint against you with the court to have you evicted. *See N.C. Gen. Stat. § 42-3*.
- **Remaining in premises after lease ends** - If you remain in your housing unit after your written lease ends, or after your landlord tells you to leave if you do not have a written lease, the landlord must give you proper notice that you are required to move out. *See N.C. Gen. Stat. § 42-14*. The landlord must give you at least two (2) days notice if you pay rent on a weekly basis; seven (7) days notice if you pay rent on a monthly basis; one (1) month notice if you

have a yearly lease; and sixty (60) days notice if you are renting space for a mobile home. **See N.C. Gen. Stat. § 42-14.**

- **Breach of Lease** - Your landlord can evict you for violating the terms of the lease but *only* if there is a written lease agreement and there is a clause in the lease agreement that allows the landlord to end the lease if you violate the terms of the lease agreement.
- **Retaliatory Eviction**- Finally, your landlord cannot evict you for complaining about the poor conditions in your housing unit, requesting repairs, joining a tenant’s organization or trying to enforce your rights under the terms of your lease. **See N.C. Gen. Stat. § 42-37.1.**

Contesting Eviction - You have the right to contest the eviction in front of a magistrate judge, **See N.C. Gen. Stat. § 42-31(2012)** and in such cases, the landlord must prove that you should be evicted by a preponderance of the evidence. **See N.C. Gen. Stat. § 42-30 (2012).** (*See Resource List on last page*)

9. **Public Housing**

If you live in public housing or your rent is subsidized in whole or part by the federal government (e.g., you have a Section 8 voucher), you have additional rights under the law. Specified below are important rights that you should know about if you live in public housing or if you receive a federal subsidy or voucher to assist you in paying your rent.

Public Housing - If you live in public housing, your lease can only be terminated for serious and repeated violations of the lease or for other “good cause.” **See 42 U.S.C. § 1437d (1)(5) (2012).** In some cases, you may also be entitled to request a grievance hearing prior to your lease being terminated where you have the opportunity to hear about the reasons why your lease is being terminated and to present an argument as to why your lease should not be terminated. **See 24 C.F.R. §§ 966.50, 966.52(a), 966.53 (2012).**

Federal Rent Subsidy (e.g., Section 8 Voucher) - If your rent is subsidized in whole or part by the federal government (e.g., you receive a Section 8 voucher), your subsidy or voucher can only be terminated after you have been given notice and a hearing. **See 24 C.F.R. § 982.555 (c) (2) (20012).** During the hearing, you have the opportunity to present evidence as to why your subsidy should not be terminated.

To learn more about your rights if you live in public housing or receive a federal subsidy or voucher, please see the Housing and Urban Development (“HUD”) resident rights and responsibilities brochure, available at http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12162.pdf.

TENANT OBLIGATIONS

1. **Pay Rent**

You must pay rent on-time and in accordance with the lease terms. **See N.C. Gen. Stat. § 42-3.** If you fail to pay rent after your landlord has clearly and unequivocally demanded rent, ten (10) days after the landlord makes the request for you to pay rent, the landlord may begin eviction proceedings against you.

2. **No Exercising Self-Help or Rent Abatement Without Court Order** – You are prohibited from exercising self-help, in the form of withholding rent or otherwise, absent a court order. If your landlord won’t make repairs or is otherwise not abiding by the terms of the lease agreement, you must go to the court for help and cannot stop paying any portion of the rent without first obtaining approval from the court. **See N.C. Gen. Stat. § 42-25.6 and see Resource List on last page.**

3. **Maintain the Premises** – You must keep the premises safe and clean. You must not intentionally damage or allow your guests to damage the premises. You must dispose of all garbage in a safe and sanitary manner. **See N.C. Gen. Stat. § 42-43 (a) (1) –(6).**

4. **Notify Landlord in Writing of Need for Repairs** – You must notify the landlord in writing of any repairs or replacements that need to be made to the electrical, plumbing, sanitary, heating, ventilating, air conditioning system, smoke or carbon monoxide alarms.
See N.C. Gen. Stat. § 42-43 (7).
5. **Vacate the Premises When Lease is Over** – You must vacate the premises upon the expiration of your lease term. *See N.C. Gen. Stat. § 42-26.*

If you have a complaint or believe your rights have been violated – always put it in written form (letter or email) and keep a copy for your records. Show dates and times where applicable. If your complaint or concern is not in a State Statute or not specifically addressed in this Declaration, it may be remedied by seeking advice from agencies on the Resource List.

RESOURCE LIST

- a. **NC Legal Aid** – 919-542-0475 – www.legalaidnc.org – legal advice/representation for residents of Orange and Chatham County. Forms are available on-line for small claims court.
- b. **UNC Civil Legal Assistance Clinic** – 919-962-1303 www.law.unc.edu/academics/clinic a division of UNC Law School - provides legal advice and representation.
- c. **Orange County Housing, Human Rights and Community Development Department** – 919-245-2487 – www.orangecountync.gov/housing/HRC Orange County Fair Housing Enforcement Program.
- d. **North Carolina Human Relations Commission (Raleigh)** 919-789-5930 or 1-866-324-7474- www.doa.nc.gov/hrc - Statewide Fair Housing enforcement.
- e. **NC Justice Center** – 919-856-2590 – www.ncjustice.org – advocacy for low income residents
- f. **Chapel Hill Inspection Department** – 919-968-2718 – www.ci.chapel-hill.nc.us/publicworks - will inspect for safe housing (i.e. bug infestation)
- g. **Carrboro Inspection Department** – 919-918-7333 – www.ci.carrboro.nc.us/dept Planning Dept. will inspect for safe housing
- h. **Orange County Inspection Department** – 919-245-2600 or 245-2601- www.orangecountync.gov/planning
- i. **Orange County Veterans Services** – 919-245-2890 - www.orangecountync.gov/socsvcs/veterans_services.asp - housing and other advice/services for veterans
- j. **Orange County Housing Authority (Section 8)** – 919-245-2490 – provides rental subsidies - www.orangecountync.gov/housing
- k. **Chapel Hill Department of Housing (Conventional Public Housing)** – 919-968-2850 – provides low cost rental housing for low income families and individuals www.ci.chapelhill.nc.us
- l. **OWASA** – 919-968-4421 – www.owasa.org - water authority in Chapel Hill/Carrboro – check on leaks or reason for high water bill
- m. **EmPOWERment Inc.** – 919-967-8779 – www.empowermentinc-nc.org - resource center for low-income housing; preventing foreclosures – fair housing workshops
- n. **Orange County Justice United** – 919-225-2986 or 919-358-5828 – www.ocjusticeunited.org works in the community for justice and the common good – has partnered with many of the resources listed here to provide the Declaration of Tenants Rights and Responsibilities

*** Prepared by the University of North Carolina School of Law Civil Legal Assistance Clinic, Orange County Justice United, EmPOWERment Inc. and the Orange County Human Relations Commission**

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

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

SUBJECT: Proclamation - Human Rights Day, Bill of Rights Day, and Human Rights Week

DEPARTMENT: Housing, Human Rights, and
Community Development

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:
Tara Fikes, 245-2490

PURPOSE: To officially recognize Human Rights Day, Bill of Rights Day and Human Rights Week in Orange County during the month of December.

BACKGROUND: On December 10, 1948 the members of the United Nations signed the Universal Declaration of Human Rights and countries of different political, economic, and social systems agreed to the fundamental rights that all people share solely on the basis of their common humanity. Two years later, the UN General Assembly proclaimed December 10th as Human Rights Day. Henceforth, this “common standard of achievement for all peoples and all nations” is recognized and celebrated by the United States and countries in all regions of the world on this date.

First proclaimed on December 15, 1941 by President Franklin D. Roosevelt, Bill of Rights Day recognizes the first ten amendments of the Constitution of the United States as the “great American charter of personal liberty and human dignity”. Throughout the nation the dates of December 10 – 16th are recognized as Human Rights Week, encompassing Human Rights Day and Bill of Rights Day.

The Orange County Human Relations Commission (HRC) recognizes that before any individual or group may seek to vindicate their rights, those rights must first be acknowledged. The HRC hopes that acknowledgment of Human Rights Day, Bill of Rights Day, and Human Rights Week will encourage Orange County residents, as individuals, to take a stand against social injustice and continue to work together to make freedom, justice, and equal opportunity available for all.

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Manager recommends the Board adopt the Proclamation regarding Human Rights Day, Bill of Rights Day and Human Rights Week and authorize the Chair to sign the Proclamation.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

WHEREAS, on December 10, 1948, the member states of the United Nations signed the Universal Declaration of Human Rights and countries of different political, economic and social systems agreed on the fundamental rights that all people share solely on the basis of their common humanity; and

WHEREAS, Human Rights Day and Human Rights Week were adopted by the United Nations in connection with the Universal Declaration of Human Rights; and

WHEREAS, Bill of Rights Day was first declared in 1941 by President Franklin Delano Roosevelt to commemorate the 1791 Ratification of the Bill of Rights; and

WHEREAS, it was the North Carolina convention, held in Hillsborough, which was instrumental regarding the inclusion of a Bill of Rights as part of ratifying the United States Constitution; and

WHEREAS, the Bill of Rights guarantees, among other basic liberties, freedom of speech and of the press as well as freedom of religion and association; and

WHEREAS, the Bill of Rights states that no person shall be deprived of life, liberty or property without due process of law and establishes fundamental rules of fairness in judicial proceedings, including the right to trial by jury; and

WHEREAS, the primary responsibility to promote respect for these rights and freedoms lies with each individual in Orange County, and each of us can play a major role in enhancing human rights; and

WHEREAS, the residents of Orange County support Human Rights and recognize that the “inherent dignity and the equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace;”

NOW, THEREFORE, We, The Board of County Commissioners of Orange County, North Carolina, do hereby proclaim

December 10, 2013 as **Human Rights Day**

and

December 15, 2013 as **Bill of Rights Day**

and

December 10 – 16, 2013 as **Human Rights Week**

in Orange County and challenge residents to study and promote the ideas contained in these documents to the end that freedom, justice, and equality shall not perish but will flourish and be made available to all.

This the 2nd day of December 2013.

Barry Jacobs, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

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

SUBJECT: Resolution Recognizing Erin Thompson and Orange County 4-H

DEPARTMENT: BOCC

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- Resolution

INFORMATION CONTACT:

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

PURPOSE: To consider a resolution recognizing Erin Thompson for receiving the 4-H Youth Volunteer Award for the North Central District of North Carolina and the Orange County 4-H program.

BACKGROUND: Erin has been commended for her volunteer efforts and leadership skills by local Orange County 4-H educators. On November 17, 2013 Erin Thompson received the 4-H Youth Volunteer Award for the North Central District of North Carolina.

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the attached resolution recognizing Erin Thompson for her volunteer efforts in the 4-H community and for the people of Orange County.

ORANGE COUNTY BOARD OF COMMISSIONERS**RESOLUTION RECOGNIZING ERIN THOMPSON
AND ORANGE COUNTY 4-H**

WHEREAS, guided by North Carolina Cooperative Extension educators, Orange County 4-H members gain knowledge, skills and experience that help them become responsible citizens and leaders; and,

WHEREAS, Erin Thompson has embodied the key elements of 4-H - Head, Heart, Hands and Health; and,

WHEREAS, on November 17, 2013, Erin Thompson was recognized at the North Carolina State Council Conference as a recipient of the 4-H Youth Volunteer Award for the North Carolina Central District; and,

WHEREAS, local 4-H leadership has commended Erin for her commitment to her club, community, county and world, and for her overflowing love for humanity, including demonstrated compassion for the elderly, and those younger;

NOW, THEREFORE, be it resolved that the Orange County Board of Commissioners does hereby recognize Erin Thompson for her volunteer spirit, embodiment of the 4-H vision and commitment to people of all ages in Orange County.

This the second day of December 2013

Chair

Orange County Board of Commissioners

ORD-2013-046

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

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

SUBJECT: Presentation on Economic Pressures on the Department of Social Services,
Request for Additional Funds, and Approval of Budget Amendment #3-A

DEPARTMENT: Social Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Report on the Impact of the Government
Shutdown, Sequester and Other Fiscal
Issues on the DSS Budget

INFORMATION CONTACT:

Nancy Coston, 919-245-2800

PURPOSE: To receive an update on current economic pressures and consider a request for additional funds for crisis services to support families served by the Department of Social Services (DSS).

BACKGROUND: Orange County has historically provided assistance to low income families experiencing financial crises within guidelines developed by the Board of Social Services. The funds are used to pay utility bills, rent and deposits, prescription drugs, food and some other items needed to assure the safety of families. Most of the assistance is for utilities and rent.

One significant issue impacting crisis funds at DSS is the implementation of NCFAST. Although agency staff has worked very hard to learn the new system, there have been times when the issuance of Food and Nutrition benefits has been delayed for individual families. Many resources, including the food bank, local pantries and food donated to DSS, have helped meet the need, but the agency has also provided food cards to families experiencing more significant delays. These costs have come from the County emergency funds.

In addition to the impacts of NCFAST, all recipients of Food and Nutrition Services are also experiencing a federal cut in benefits effective with the November issuance. Although the amount of the cuts varies, it is approximately \$36 per month per household or about \$235,000 per month in loss food benefits for Orange County families and grocers.

Even without these additional strains on the County funds, DSS has been expending funds at a higher rate than last year. Much of this is due to the increased costs for utilities, rent and deposits and the reduction in other funds to pay these costs. The costs to resolve many crises has increased from around \$200 to close to \$400. In the past, DSS has managed a large grant to prevent homelessness, but those funds are no longer available. Although DSS does receive similar funds through a smaller grant, it is very limited in the number of eligible families who can be served.

Another impact is related to a change in policy by the DSS Board. In order to contain costs, DSS stopped last year serving families without children or that did not have a vulnerable adult in the household. Because there were so many individuals needing assistance who did not meet these new criteria, the DSS Board changed the policy in July 2013 to allow limited assistance to persons without children.

Through October, DSS has spent approximately \$150,000 of the \$180,000 approved for crisis services. Of these costs, over \$100,000 has been spent on rental assistance and \$30,000 of that will be reimbursed through the Emergency Food and Shelter Program. Most of the other funds paid for electric, gas and water services.

In addition to other strains, the agency facilitated recovery efforts needed as a result of flooding in parts of Orange County in late June. Social workers assisted Red Cross efforts at the shelter and staffed the recovery center. At the time the shelter was closed by the Red Cross, sixteen families were identified for shelter at local hotels. Additionally, the Town of Chapel Hill provided shelter at hotels for some public housing residents impacted by the flood. Some families originally placed in hotels by the Red Cross did not have housing within the week and DSS extended the hotel stays for these families. Some additional families were also placed in hotels after they were no longer able to stay or return to their homes. Forty-five agency staff worked with state officials to provide ongoing services to ninety-two impacted families.

Although funds for impacted families from the State Division of Emergency Management were given to Social Services to assist families with relocation and replacement of personal items lost in the flood, hotel costs incurred by the County will not be reimbursed. The agency did receive donations from the public to help these families, but staff anticipates the County's cost to be approximately \$20,000 after donated funds and state reimbursement. No actions or funding concerns are being requested as part of this agenda item, but will be addressed with the Board after the agency reconciles all expenditures supported by the state funds.

Given the continuing impact of the slow economy, the anticipated delays in some NCFAST benefits and the rising costs of rent and utilities in Orange County, DSS is requesting \$100,000 in additional funds to continue serving Orange County residents with these situations. The commitment of these funds and the social work services provided to these families is one of the County's strategies for reducing homelessness and stabilizing families. These funds also assure that utilities are in place to meet the basic needs of families.

The attached report summarizes the impact of the government shutdown and other fiscal issues impacting the DSS budget.

FINANCIAL IMPACT: The BOCC approved \$250,000 for the Social Justice Reserve Fund during this year's budget process. The request for \$100,000 could be accommodated with a transfer from this account or an appropriation from the General Fund.

RECOMMENDATION(S): The Manager recommends the Board receive the update, and approve Budget Amendment #3-A to transfer \$100,000 from the Social Justice Reserve Fund to the Department of Social Services for General Assistance for client payments. With approval of this allocation, a balance of \$150,000 will remain in the Social Justice Reserve Fund for FY 2013-14.

**Report on the Impact of the Government Shutdown, Sequester and Other Fiscal Issues on the DSS
Budget
December 2013**

The Department of Social Services (DSS) receives federal funds to support administration and direct services for many mandated programs at the Department. Approximately 50% of the staff costs and varying amounts of the services costs are provided with federal funding. Although these federal funds allow DSS to provide many needed services, the recent federal shutdown, sequestering of funds, and numerous budget impasses (for example, the Farm Bill) threaten the stability of these programs. These threats have come in a year of high demand for various services at DSS. Some of the specific programs and impacts are outlined below:

Medicaid: Orange County has approximately 12,200 individuals who receive medical services valued at \$104 million annually. These funds are paid directly by the state to qualified providers such as doctors, hospitals, pharmacies and residential facilities to support these individuals. Most of the services are provided to children, elderly persons, and people with disabilities. The agency anticipates receiving \$1.1 million in federal funds for staff and other costs related to Medicaid administration.

Although no federal impacts have occurred at this time and Medicaid is not subject to sequester, North Carolina continues to discuss various cost saving measures for Medicaid.

Food and Nutrition Services (FNS): Orange County has approximately 6,600 FNS households receiving an estimated \$19 million in benefits annually. These benefits are paid directly by the state to approved grocery markets in the community. In addition DSS expects to receive \$960,000 in reimbursements for administrative costs.

FNS was not impacted by sequester or shutdown. However all recipients experienced a reduction in benefits in November. This change was due to the end of an increase in benefits implemented during the federal stimulus efforts. There are also concerns about the failure of Congress to reauthorize this program as part of the Farm Bill.

Temporary Assistance for Needy Families (TANF): These funds support child welfare staff, child care subsidies and cash payments to about 300 families in Orange County. Although TANF is not subject to sequester, Orange County received a reduction of \$89,677 in TANF funds this year due to the loss of some contingency and emergency TANF grants to states. Due to concerns about cash flow problems, the state suspended employment programs and grants funded by TANF, including the Adolescent Parenting Program at DSS. Although the agency was advised to stop work in those areas, after the shutdown ended, any expenses incurred during the shutdown were reimbursed.

Social Services Block Grant (SSBG): These funds support a variety of social work programs, particularly child welfare including adoption and protective services and adult services including protective services and in-home services. In addition some of these funds are transferred to the Home and Community Block Grant. Orange County has already experienced a cut in those funds of \$2804 in the Home and Community Block Grant due to the sequester cuts in the last fiscal year. Funds at DSS and at the Department of Aging will be impacted again if additional sequestering occurs in 2014. In addition, if local DSS agencies receive a cut of 6% in early 2014, this will mean a loss of \$21,000 in revenue for this fiscal year.

Low Income Energy Assistance: These funds provide one-time energy payments during the winter and crisis intervention payments throughout the year. The Low Income Energy Assistance Program (\$524,890) provides one-time payments that are targeted to vulnerable adults during the first two months of the program and then to other low income families with any remaining funds. In FY2012-13, the program provided energy assistance to 1,018 families. Crisis Intervention Program funds are available to pay heating and cooling costs to prevent health issues related to the weather. Orange County's allocation is estimated at \$349,879 this year. Last year 2,661 families received energy assistance through this program. These funds are subject to sequestering although prior year funds have helped the state to manage some of these cuts.

Child Care Development Fund: Orange County receives \$4.1 million for child care subsidies. These funds support more than 600 children monthly. Although several sources are used to provide this blended funding, it does appear that some if not all of these funds will be subject to sequester. DSS is unsure of the amount of subsidy that would be impacted. Given that there is already a significant waiting list for subsidy in Orange County, any loss of funds is difficult. These funds were also impacted by the shutdown since the state could not assure reimbursement of services being provided. Orange County suspended services to some Work First clients, but continued providing services to all other children. After the shutdown was over, all expenses were reimbursed.

Flooding in Southern Orange County: On June 30, 2013 flooding displaced families in Chapel Hill and Carrboro. Staff members from DSS were at the shelter each day until July 4th when it was closed by the Red Cross. Many of the first issues involved immediate needs such as clothing, food and transportation. Social workers from DSS were also available at the Recovery Center at University Mall during the time it was operated by Red Cross and then later by the state Division of Emergency Management.

When the State Division of Emergency Management approved the area for disaster assistance, Orange County DSS was asked to assist with providing state assistance for the impacted families. This was done because DSS had already starting assessing over 100 families.

During the time since the flood, ninety-two families have received assistance from forty-five staff at DSS. Although most families have moved to other housing or returned to their former homes, this process has required a significant investment of staff time. Social Workers are still working with the State to provide rental assistance and household items for these families. Although the contract from the state will pay many of the direct costs for the families, some of the initial costs including the hotel stays will not be covered. The public donated funds to assist these families so DSS anticipates county costs of less than \$20,000 to provide these services. Although this work placed a strain on child welfare, employment and adult services social workers, the services provided have helped to stabilize the housing for numerous families.

In summary, there have been cuts to the DSS budget during this fiscal year, mostly in TANF, and also disruption to some services due to the federal shutdown. Some impacts of sequestering have been felt and if Congress does not agree on a budget, more cuts are anticipated, particularly in SSBG and Low Income Energy Assistance. Exactly how the cuts impact counties is influenced by a number of issues including carry-forward availability and state level cuts. There is also concern that another federal shutdown could disrupt critical services again. These cuts and threats to services have come at a time when the agency has experience high demand for services, including the impact of a natural disaster. Since DSS manages many mandated services with federal funds, it is impossible for the agency not to feel the impacts of federal cuts and shutdowns.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

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

SUBJECT: Community Development Block Grant (CDBG) Program – Economic Recovery Program

DEPARTMENT: Housing, Human Rights, and
Community Development

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):
Application Summary
Certificate of Completion

INFORMATION CONTACT:
Tara L. Fikes, 245-2490

PURPOSE: To conduct a public hearing to receive public comments prior to official close-out of the County's FY 2010 Community Development Block Grant (CDBG) Economic Recovery Program and authorize execution of the Certificate of Completion by the Chair of the Board of County Commissioners.

BACKGROUND: In February 2011, Orange County was officially awarded a \$500,000 Community Development Block Grant (CDBG) from the N.C. Department of Commerce for an Economic Recovery Program. Funds from this grant were intended to be used to repair eight (8) deteriorated housing units, reconstruct one (1) dwelling unit and provide urgent repair assistance for an additional 15 dwelling units in the County.

All CDBG activities have now been completed and eight (8) homes were substantially rehabilitated and 15 dwelling units received urgent repair assistance. The targeted home for reconstruction activity was not completed due to the owner's reluctance to participate in the program. A summary of the program beneficiaries is attached.

In order to complete the grant close-out process, the N.C. Department of Commerce requires that a public hearing be held prior to the official closeout of the Economic Recovery Program to assess the performance of the County in administering the grant program. In addition, the County is required to execute the Certificate of Completion form that is attached.

FINANCIAL IMPACT: This grant provided \$500,000 in the community for this grant program. A total of \$484,000 was expended for this program, leaving \$16,000 that was associated with clearance and relocation costs for the home that withdrew from the program. Thus, \$16,000 from this program will be retained by the State Community Development Program.

RECOMMENDATION(S): The Manager recommends that the Board open the public hearing, receive comments as information, close the public hearing and authorize execution of the Certificate of Completion by the Chair of the Board of County Commissioners.

CERTIFICATE OF COMPLETION

1. Grantee: Orange County
 3. Project Name: Economic Recovery Program

2. Grant Number: 10-C-2155
 4. Project Number: C-1

5. Final Statement of Costs				
Program Activity Categories (a)	To Be Completed by Recipient		Total Costs (Col. b + c) (d)	To Be Completed by DOC
	Paid Costs (b)	Unpaid Costs (c)		Approved Total Costs (e)
a. Acquisition	\$0.00		\$0.00	
b. Disposition	\$0.00		\$0.00	
c. Public facilities and improvements				
(1) Senior and handicapped centers	\$0.00		\$0.00	
(2) Parks, playgrounds and recreation facilities	\$0.00		\$0.00	
(3) Neighborhood facilities	\$0.00		\$0.00	
(4) Solid waste disposal facilities	\$0.00		\$0.00	
(5) Fire protection facilities and equipment	\$0.00		\$0.00	
(6) Parking facilities	\$0.00		\$0.00	
(7) Street improvements	\$0.00		\$0.00	
(8) Flood and drainage improvements	\$0.00		\$0.00	
(9) Pedestrian improvements	\$0.00		\$0.00	
(10) Other public facilities	\$0.00		\$0.00	
(11) Sewer improvements	\$0.00		\$0.00	
(12) Water improvements	\$0.00		\$0.00	
d. Clearance activities	\$0.00		\$0.00	
e. Public services	\$0.00		\$0.00	
f. Relocation assistance	\$0.00		\$0.00	
g. Construction, rehab. and preservation activities				
(1) Construction or rehab. of com. & indust. bldgs.	\$0.00		\$0.00	
(2) Rehabilitation of privately owned buildings	\$359,000.00		\$359,000.00	
(3) Rehabilitation of publicly owned buildings	\$0.00		\$0.00	
(4) Code enforcement	\$0.00		\$0.00	
(5) Historic preservation	\$0.00		\$0.00	
h. Development financing				
(1) Working capital	\$0.00		\$0.00	
(2) Machinery and equipment	\$0.00		\$0.00	
i. Removal of architectural barriers	\$0.00		\$0.00	
j. Other activities	\$100,000.00		\$100,000.00	
k. Subtotal	\$459,000.00		\$459,000.00	
l. Planning	\$0.00		\$0.00	
m. Administration	\$25,000.00		\$25,000.00	
n. Total	\$484,000.00		\$484,000.00	
o. Less: Program Income Applied to Program Costs			\$0.00	
p. Equal: Grant Amount Applied to Program Costs	\$484,000.00		\$484,000.00	

6. Computation of Grant Balance		
Description (a)	To Be Completed By Recipient	To Be Completed By DOC
	Amount (b)	Approved Amount (c)
(1) Grant Amount Applied To Program Costs (From Line p)	\$484,000.00	
(2) Estimated Amount For Unsettled Third - Party Claims		
(3) Subtotal	\$484,000.00	
(4) Grant Amount Per Grant Agreement	\$ 500,000.00	
(5) Unutilized Grant To Be Canceled (Line 4 Minus Line 3)	\$ 16,000.00	
(6) Grant Funds Received	\$ 484,000.00	
(7) Balance of Grant Payable (Line 3 Minus Line 6)*		

* If Line 6 exceeds Line 3, enter the amount of the excess on Line 7 as a negative amount. This amount shall be repaid to DOC by check, unless DOC has previously approved use of these funds.

7. Program Income	
a) Amount of existing program income:	<u>\$0.00</u>
b) Amount of anticipated program income:	<u>\$0.00</u>
c) If program income exists or is anticipated, describe the proposed application(s):	

8. Unpaid Costs and Unsettled Third Party Claims	
Are there any unpaid costs or unsettled third party claims against the recipient's grant? Type "yes" or "no." If yes, in the box below describe the circumstances and amounts involved.	<u>No</u>

9. Remarks (For DOC Use Only)	
<input type="checkbox"/>	Please note that all financial records, supporting documents and other records pertinent to the community development program must be retained for a minimum of five (5) years from the date of this letter.
<input type="checkbox"/>	This grant is closed pending receipt and approval of your final audit by Community Investment and Assistance (CI).
<input type="checkbox"/>	Town
<input type="checkbox"/>	City
<input type="checkbox"/>	County

10. Certification of Recipient		
It is hereby certified that all activities undertaken by the Recipient with funds provided under the grant agreement identified on page 1 hereof, have, to the best of my knowledge, been carried out in accordance with the grant agreement; that proper provisions have been made by the Recipient for the payment of all unpaid costs and unsettled third party claims identified on page 1 hereof; that the State of North Carolina is under no obligation to make any further payment to the Recipient under the grant agreement in excess of the amount identified on Line 7 hereof; and that every other statement and amount set forth in this instrument is, to the best of my knowledge, true and correct as of this date.		
Date	Typed Name and Title of Recipient's Authorized Representative <u>Barry Jacobs</u> <small>(Name)</small> <u>Chair, Board of County Commissioners</u> <small>(Title)</small>	Signature of Recipient's Authorized Representative √ _____

11. DOC Approval		
This Certification of Completion is hereby approved. Therefore, I authorize cancellation of the unutilized contract commitment and related funds reservation and obligation of \$ _____, less \$ _____ previously authorized for cancellation (from Section 6, line 6, page 1).		
Date	Typed Name and Title of DOC Authorized Representative Vickie L. Miller Director	Signature of DOC's Authorized Representative √ _____

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

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

SUBJECT: Community Development Block Grant (CDBG) Program – Scattered Site Housing Rehabilitation Program

DEPARTMENT: Housing, Human Rights, and
Community Development

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

Application Summary
Certificate of Completion

INFORMATION CONTACT:

Tara L. Fikes, 245-2490

PURPOSE: To conduct a public hearing to receive public comments prior to official close-out of the County's FY 2010 Community Development (CDBG) Scattered Site Housing Rehabilitation Program and authorize execution of the Certificate of Completion by the Chair of the Board of County Commissioners.

BACKGROUND: In February 2011 Orange County was officially awarded a \$400,000 Community Development Block Grant (CDBG) from the N.C. Department of Commerce for a Scattered Site Housing Rehabilitation Program. Funds from this grant were intended to be used to repair eight (8) deteriorated housing units in the County.

All CDBG activities have now been completed and seven (7) homes were substantially rehabilitated. A summary of the program beneficiaries is attached.

In order to complete the grant close-out process, the N.C. Department of Commerce requires that a public hearing be held prior to the official closeout of the Scattered Site Housing Rehabilitation Program to assess the performance of the County in administering the grant program. In addition, the County is required to execute the Certificate of Completion form that is attached.

FINANCIAL IMPACT: This grant provided \$400,000 in the community for the repair of seven (7) homes. The total costs for the completion of the housing rehabilitation plus associated administrative costs is \$351,257. Thus, \$48,743 will be retained by the State Community Development Program.

RECOMMENDATION(S): The Manager recommends that the Board open the public hearing, receive comments as information, close the public hearing and authorize execution of the Certificate of Completion by the Chair of the Board of County Commissioners.

Orange County
FY 2010
Scattered Site CDBG Program Summary

Street Address Dwelling Unit	Ann. Hshld Income	HH Size	Occupant		Income Category				Households with Special Needs					Household Racial Composition					Project Costs (\$)		
			Own	Rent	<30	< 50	< 60	< 80	Eld	Dsb	Hml	Lrg	Oth	An	Bk	As	Hs	Wt		Oth	
1 110 Starlite Drive; Carrboro, NC	9,432	3	x		x				x						x						\$ 75,090.00
2 5605 Green Pine Rd.; Cedar Grove, NC	6,696	1	x		x				x						x						\$ 52,094.00
3 316 W. Union Street; Hillsborough, NC	19,860	2	x			x			x	x					x						\$ 23,965.00
4 217 Mace Road; Mebane, NC	30,594	5	x			x											x				\$ 37,035.00
5 818 Latimer Street; Hillsborough, NC	18,504	2	x			x				x					x						\$ 43,073.00
6 404 W. Corbin Street; Hillsborough, NC	24,432	2	x			x			x									x			\$ 40,000.00
7 306 Knight Street; Hillsborough, NC	21,388	1	x				x								x						\$ 40,000.00
																					\$ 311,257

CERTIFICATE OF COMPLETION

1. Grantee: Orange County
 3. Project Name: Scattered Site Housing Rehabilitation

2. Grant Number: 10-C-2125
 4. Project Number: C-1

5. Final Statement of Costs				
Program Activity Categories (a)	To Be Completed by Recipient		Total Costs (Col. b + c) (d)	To Be Completed by DOC
	Paid Costs (b)	Unpaid Costs (c)		Approved Total Costs (e)
a. Acquisition	\$0.00		\$0.00	
b. Disposition	\$0.00		\$0.00	
c. Public facilities and improvements				
(1) Senior and handicapped centers	\$0.00		\$0.00	
(2) Parks, playgrounds and recreation facilities	\$0.00		\$0.00	
(3) Neighborhood facilities	\$0.00		\$0.00	
(4) Solid waste disposal facilities	\$0.00		\$0.00	
(5) Fire protection facilities and equipment	\$0.00		\$0.00	
(6) Parking facilities	\$0.00		\$0.00	
(7) Street improvements	\$0.00		\$0.00	
(8) Flood and drainage improvements	\$0.00		\$0.00	
(9) Pedestrian improvements	\$0.00		\$0.00	
(10) Other public facilities	\$0.00		\$0.00	
(11) Sewer improvements	\$0.00		\$0.00	
(12) Water improvements	\$0.00		\$0.00	
d. Clearance activities	\$0.00		\$0.00	
e. Public services	\$0.00		\$0.00	
f. Relocation assistance	\$0.00		\$0.00	
g. Construction, rehab. and preservation activities				
(1) Construction or rehab. of com. & indust. bldgs.	\$0.00		\$0.00	
(2) Rehabilitation of privately owned buildings	\$311,257.00		\$311,257.00	
(3) Rehabilitation of publicly owned buildings	\$0.00		\$0.00	
(4) Code enforcement	\$0.00		\$0.00	
(5) Historic preservation	\$0.00		\$0.00	
h. Development financing				
(1) Working capital	\$0.00		\$0.00	
(2) Machinery and equipment	\$0.00		\$0.00	
i. Removal of architectural barriers	\$0.00		\$0.00	
j. Other activities	\$0.00		\$0.00	
k. Subtotal	\$311,257.00		\$311,257.00	
l. Planning	\$0.00		\$0.00	
m. Administration	\$40,000.00		\$40,000.00	
n. Total	\$351,257.00		\$351,257.00	
o. Less: Program Income Applied to Program Costs			\$0.00	
p. Equal: Grant Amount Applied to Program Costs	\$351,257.00		\$351,257.00	

6. Computation of Grant Balance		
Description (a)	To Be Completed By Recipient	To Be Completed By DOC
	Amount (b)	Approved Amount (c)
(1) Grant Amount Applied To Program Costs (From Line p)	\$351,257.00	
(2) Estimated Amount For Unsettled Third - Party Claims		
(3) Subtotal	\$351,257.00	
(4) Grant Amount Per Grant Agreement	\$ 400,000.00	
(5) Unutilized Grant To Be Canceled (Line 4 Minus Line 3)	\$ 48,743.00	
(6) Grant Funds Received	\$ 351,257.00	
(7) Balance of Grant Payable (Line 3 Minus Line 6)*		

* If Line 6 exceeds Line 3, enter the amount of the excess on Line 7 as a negative amount. This amount shall be repaid to DOC by check, unless DOC has previously approved use of these funds.

7. Program Income	
a) Amount of existing program income:	<u>\$0.00</u>
b) Amount of anticipated program income:	<u>\$0.00</u>
c) If program income exists or is anticipated, describe the proposed application(s):	

8. Unpaid Costs and Unsettled Third Party Claims	
Are there any unpaid costs or unsettled third party claims against the recipient's grant? Type "yes" or "no." If yes, in the box below describe the circumstances and amounts involved.	<u>No</u>

9. Remarks (For DOC Use Only)	
<input type="checkbox"/>	Please note that all financial records, supporting documents and other records pertinent to the community development program must be retained for a minimum of five (5) years from the date of this letter.
<input type="checkbox"/>	This grant is closed pending receipt and approval of your final audit by Community Investment and Assistance (CI).
<input type="checkbox"/>	Town
<input type="checkbox"/>	City
<input type="checkbox"/>	County

10. Certification of Recipient		
It is hereby certified that all activities undertaken by the Recipient with funds provided under the grant agreement identified on page 1 hereof, have, to the best of my knowledge, been carried out in accordance with the grant agreement; that proper provisions have been made by the Recipient for the payment of all unpaid costs and unsettled third party claims identified on page 1 hereof; that the State of North Carolina is under no obligation to make any further payment to the Recipient under the grant agreement in excess of the amount identified on Line 7 hereof; and that every other statement and amount set forth in this instrument is, to the best of my knowledge, true and correct as of this date.		
Date	Typed Name and Title of Recipient's Authorized Representative <div style="text-align: center;"><u>Barry Jacobs</u> <small>(Name)</small></div> <div style="text-align: center;"><u>Chair, Board of County Commissioners</u> <small>(Title)</small></div>	Signature of Recipient's Authorized Representative √ _____

11. DOC Approval		
This Certification of Completion is hereby approved. Therefore, I authorize cancellation of the unutilized contract commitment and related funds reservation and obligation of \$ _____, less \$ _____ previously authorized for cancellation (from Section 6, line 6, page 1).		
Date	Typed Name and Title of DOC Authorized Representative Vickie L. Miller Director	Signature of DOC's Authorized Representative √ _____

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

Action Agenda

Item No. 6-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:

October 17, 2013 BOCC Joint Meeting Town of Carrboro

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

FINANCIAL IMPACT: NONE

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

1 DRAFT

2 **MINUTES**
 3 **ORANGE COUNTY BOARD OF COMMISSIONERS**
 4 **CARRBORO BOARD OF ALDERMEN**
 5 **JOINT MEETING**
 6 **October 17, 2013**

7 The Orange County Board of Commissioners met in a joint meeting with the Town of
 8 Carrboro Aldermen on Thursday, October 17, 2013 at 7:00 p.m. at the Southern Human
 9 Services Center, in Chapel Hill, N.C.

10
 11 **COUNTY COMMISSIONERS PRESENT:** Chair Jacobs and Commissioners Mark Dorosin,
 12 Alice M. Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich

13 **COUNTY COMMISSIONERS ABSENT:**

14 **COUNTY ATTORNEYS PRESENT:** James Bryan, Staff Attorney

15 **COUNTY STAFF PRESENT:** Interim County Manager Michael Talbert, Assistant County
 16 Managers Clarence Grier and Cheryl Young and Deputy Clerk to the Board David Hunt (All
 17 other staff members will be identified appropriately below)

18 **CARRBORO BOARD OF ALDERMEN MEMBERS PRESENT:** Aldermen Randee Haven-
 19 O'Donnell, Lydia Lavelle, Michelle Johnson, Sammy Slade, Damon Seils, Jacquelyn Gist, and
 20 David Andrews, Town Manager

21 **CARRBORO BOARD OF ALDERMEN MEMBERS ABSENT:** Mayor Mark Chilton

22
 23 **Welcome and Opening Remarks**

24
 25 Chair Jacobs called the meeting to order at 7:03 pm.

26 Lydia Lavelle serves as mayor pro tem and said that Mayor Chilton was out of town.

27 Chair Jacobs said that the Board of Commissioners would like to add an item to the end
 28 of the agenda for a Board vote.

29 A motion was made by Commissioner McKee, seconded by Commissioner Pelissier to
 30 add a meeting location change to the end of agenda

31
 32 VOTE: UNANIMOUS

33
 34 **1. Report from the Historic Rogers Road Neighborhood Task Force**

35
 36 Lydia Lavelle introduced the first item.

37 Michael Talbert reviewed the following recommendations from the task force, given at the
 38 September 17, 2013 meeting and listed in the abstract:

39
 40 1. That the Cost associated with the Community Center and Sewer Improvements will
 41 be shared 14% Carrboro, 43% Chapel Hill and 43% Orange County.

42
 43 2. That the Sewer Concept Plan presented by OWASA in 2012 to serve 86 parcels at
 44 an estimated cost of \$5.8 million should be funded by Carrboro, Chapel Hill, and
 45 Orange County in proportion to the recommended cost sharing. The first phase of
 46 the construction should include segments 5, 6, and 8 at an estimated cost of \$3.7
 47 million, serving 67 parcels. Funding recommended to be included in the Fiscal
 48 2014/2015 Budgets, with the remaining 19 parcels to be constructed in the second
 49 phase and included in the Fiscal 2015/2016 Budgets.

50

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

30 Michael Talbert said it was very apparent to the task force that it does not do any good to
31 put the infrastructure in the ground if the homeowners are unable to connect to it. The task
32 force was adamant about being able to provide this connection.

33 He reviewed some of the background information from the abstract and noted that bids
34 for the authorized community center had come in well over the budgeted amount of \$650,000.
35 He said new designs were being considered and it is hoped that new bids will be taken in 4-6
36 weeks.

37 He said the Town of Carrboro approved its intentions to move forward with not more than
38 \$900,000, half of which has been approved for fiscal year 2013/2014.

39 Chair Jacobs asked if any of the task force members wanted to speak to this item.

40 Alderman Slade said the task force has gotten very far considering the history of the
41 injustice to the Rogers Road community. He said he is glad to see the process move forward.
42 He understands that the County is engaged with an EPA situation. He said he has suggested
43 for quite some time that the County use this process as an opportunity to engage with the EPA
44 and ask them to drop the pending litigation. He said the litigation has served to mute a lot of
45 discussion from the County. He understands that there can be no binding agreement in this
46 situation, and he encourages the Board to move forward to make sure this can happen for the
47 Rogers Road Community.

48 *Carrboro Alderman Michelle Johnson arrived at 7:14 pm.*

1 Chair Jacobs said the County attorney has sent a letter to the EPA. He said this letter
2 can be emailed to the Board of Aldermen. Subsequently copies of the letter were made and
3 distributed to those in attendance.

4 Alderman Slade asked for an update regarding the Board's position relative to the task
5 force recommendations.

6 Chair Jacobs said the substance of the letter is that the community and municipalities
7 have worked together to reach a place of agreement. He said it was noted that there has been
8 no communication from the EPA in 3 months, and the request was that the EPA allow the
9 Board to move forward with acceptance that an agreement has been reached.

10 Orange County Staff Attorney James Bryan said the EPA has been contacted, and a
11 report will come back to the Commissioners.

12 Alderman Lydia Lavelle noted that the bid for the center came in over budget, and it is
13 being re-bid. She asked for more information on this.

14 Michael Talbert said the size and scope of the project has not changed; however the
15 materials and some of the means of construction have changed.

16 Alderman Lavelle asked if these changes will bring it closer to the budget amount.

17 Michael Talbert said he is certain it will come much closer.

18 Alderman Lavelle said she was part of the area that was annexed to Carrboro previously,
19 and the price was \$2000 for each sewer hook-up. She noted that Carrboro has already
20 committed this amount to be paid for residents in their jurisdiction.

21 Commissioner Rich asked how many homes are involved in the \$2,000 per house
22 hookup.

23 Lydia Lavelle said the manager would have to be asked this question. She said her
24 guess would be around 120. She said only a few of these are Rogers Road.

25 Commissioner Price said she is optimistic that one of these plans can be chosen to get
26 the sewer line in place. She said it is important to provide the hook up from the sewer line to
27 the home, and the current estimates to the County are well over \$2,000. She said most people
28 will not be able to support this. She said her concern is how to make sure these lines are used
29 once they are installed.

30 Commissioner Dorosin stated he had a couple of suggestions regarding the letter sent to
31 the EPA. He feels there is more that can be done. He said the letter concludes with three
32 proposals to the EPA, and he reviewed these.

33 Commissioner Dorosin said he feels it would be more helpful to encourage the EPA
34 toward the second proposal of allowing this to move forward. He suggested the Board provide
35 more detail about what the Task Force has done and the position of the County. He feels that it
36 would be helpful to provide more specifics regarding the County's intentions if this complaint
37 were resolved.

38 He suggested that the Board move forward with discussing the two alternative plans, as
39 well as the issue of not only putting infrastructure in the ground, but also connecting to people's
40 homes. He said this discussion could be framed as being subject to the EPA complaint being
41 resolved, which would prevent the plans from being binding in the event there is no resolution.

42 Commissioner Dorosin referred back to his previous proposal for Rogers Road and
43 suggested the qualifying language regarding the EPA could be added. He said that if the EPA
44 decided that the County has violated the law, it is a requirement of the Title 6 administrative
45 rules to attempt mediation. He said that this mediation can happen prior to the EPA finding,
46 and this will help lift the dark cloud that has been cast over the progress already made.

47 Commissioner McKee referred to the county attorney's letter and referenced the very last
48 line of the second paragraph regarding the EPA allegation. He said the attorney stated that
49 the allegation is "baseless." He noted that the County attorney is quite strong on denying this
50 allegation. He is concerned that by negotiating the County will be effectively agreeing that

1 these allegations are true. He said he is reluctant to have the Board admit to something the
2 attorney says is false.

3 He noted that the attorney does list three solutions: 1) to proceed quickly with the
4 investigations; 2) To dismiss the complaint; and 3) to encourage the complainants to withdraw
5 the petition to allow local government to move forward.

6 He said the third item would solve the problem.

7 Michael Talbert stated that the bottom of the second page has wording from the attorney
8 that advises the Board of County Commissioners to suspend consideration of the extension of
9 sewer lines for as long as the EPA investigation remains open.

10 Chair Jacobs said he and Commissioner Dorosin have had discussions about this and
11 the Board did not support Commissioner Dorosin's last motion largely because the attorney
12 advised against it. He said this was not a matter of agreeing or disagreeing, but it was a choice
13 not to take a position.

14 He feels there has already been a process of conciliation, and conclusions have been
15 reached. He said he would like to talk to the attorney about whether the Board could agree in
16 principle with the findings of the report without agreeing to anything specific. He feels the
17 Board does agree in principle, and the County is supportive; however the issue is crossing the
18 EPA chasm.

19 He said the Board can continue to talk, however he feels more information is needed
20 from the attorneys.

21 Alderman Slade said he was glad the staff attorney was here to provide clarification. He
22 said his understanding was that the attorney was not advising the board not to discuss the plan.
23 He said he does not believe that coming to an alternative plan and presenting it to the EPA
24 would admit guilt if the plan was something the County was going to do anyway. He said he
25 would like to know from the attorney to what degree the County can express its possible
26 position.

27 James Bryan said he would advise the Board not to take any position at this time. He
28 said discussion is fine, however any vote would be considered action.

29 Alderman Seils said he was confused. He said the Aldermen were told that there should
30 be no binding action taken; however local governments should move forward to reach an
31 agreement on the plan to extend sewer lines and should commit to the execution of this plan,
32 subject to assurances of resolution with the EPA. He said this does not square with the line in
33 the letter being referenced and the comments from the attorney today.

34 He said he appreciates Commissioner McKee's comments regarding the position with the
35 EPA; however he feels that the task force positions have not been made in a direct response to
36 the EPA. He said these positions have been formed to address the needs of the community.

37 Commissioner Price said she respects the attorney's advice; however she does not think
38 any of the work of the task force is in response to the investigation. She is puzzled at why the
39 Board needs to stop in their tracks. She said the longer the wait, the longer these people are
40 without sewer.

41 Commissioner Price said she has been involved in a situation like this before, and it was
42 resolved in good faith. She said her main concern is that the community members will sit and
43 wait for an indefinite amount of time.

44 Commissioner Dorosin said he believes that it is appropriate to let the EPA know that the
45 Board feels the allegations are baseless; however, in the interest of providing sewer to the
46 community, the Board is also prepared to move forward with "A, B, and C." He questioned
47 whether this might resolve the complaint.

48 Commissioner Dorosin agreed with Chair Jacobs that the Board should work toward an
49 agreement in principle. He feels the Board needs to discuss which of the two possible options
50 it supports if the EPA issue is resolved, as well as if connections are to be made to the homes.

1 He said that an impression has been given that his interest in providing fair treatment to
2 these residents is not consistent with the obligations of being a County Commissioner. He said
3 that the County attorney is his attorney also, however he does not agree with the advice. He
4 said his main interest in resolving the big issue is in the context of a County Commissioner
5 trying to serve the best interest of everyone in this County.

6 Alderman Johnson said she was hopeful the County would get more clarification from the
7 attorney. She said that it is possible to discuss this without taking action. She said that the
8 residents of this community are present and watching this discussion but not believing anything
9 will happen. She said she hopes this issue will be resolved.

10 She said she sat on the task force and a lot of work was done. She hopes that the Board
11 does want something to happen. She said she hopes that the Board gets a response from the
12 EPA soon, and she likes Commissioner Dorosin's idea of sending a follow up letter outlining
13 what the Board is willing to do.

14 Alderman Gist asked if the value of the properties will be increased when sewer and
15 water are hooked up, and if this will affect the tax rates. She does not want the residents to
16 have an issue with surprise tax bills.

17 Michael Talbert said the County would go through revaluation in 2017, and if the market
18 values have come up then this would have an impact.

19 Commissioner Rich said that roughly 30 homes have indicated interest in hooking up to
20 sewer. She said that those homes will have an increase in value, but so will the neighbors who
21 choose not to hook up.

22 Alderman Gist said she is saying this as a neutral point, but to clarify this as a
23 consequence of this action.

24 Commissioner McKee said none of his comments are intended to question anyone's
25 motives. He said all three of the boards are in different positions. He said that Orange County
26 is the only one being investigated. He said the Board did not have a clue until well into the
27 discussion of this community center about this investigation.

28 Commissioner McKee said his opinion is that the possibilities need to still be discussed,
29 but he cannot go against the strong opinion of the County attorney.

30 Chair Jacobs said he is speaking for a majority of the Board of County Commissioners.
31 He said it bothers the Board that the EPA claim is delaying this action and the Board is not
32 delaying this willingly or happily. He said the County has acted on the attorney's advice. He
33 said it is not fair to question whether the County can be believed. He said the County has done
34 more to address Rogers Road issues than any local government. He noted that the County
35 spent \$200,000 to put in a water line, as well as a no fault well fund. He said the County has
36 committed \$650,000 to build the Community Center.

37 Chair Jacobs said no one should say that the County cannot be trusted. He said Orange
38 County is committed and wants this to work.

39 He said the Board represents the whole County and does not want to open the County to
40 liabilities that the Attorney has warned against.

41 Chair Jacobs said the Board can continue to talk to the County attorney on point A and
42 point B, while continuing to look for ways to move forward.

43 Commissioner Rich asked Commissioner Dorosin if he represents RENA in this
44 investigation. She asked if he has divorced himself from this investigation to let others in his
45 office represent RENA.

46 Commissioner Dorosin said he does not represent RENA.

47 Commissioner Rich said Commissioner Dorosin is the person who runs the office and he
48 is in the same office with the attorneys representing RENA. She asked why he doesn't have
49 the attorneys in his office write a letter to the EPA to withdraw the investigation so the Board
50 can move forward.

1 Commissioner Dorosin said he withdrew from representation of RENA, and pursuant to
2 State Bar rules he is screened from that case. He does not consult with the attorneys on this
3 case because of the perceived conflicts of interest. He said he has personally recused himself
4 from attorney client discussions with the County attorney due to his past representation with
5 RENA. He said he has no more authority than the other Board members.

6 Commissioner Dorosin said he does not appreciate the implication that he is working
7 both sides of the fence.

8 Commissioner Rich said if the Board is asking the County attorney to provide more
9 information in order to bring this to an end, then the other side should do the same if things are
10 moving in the right direction.

11 Commissioner Price said the property values will go up; however the residents she has
12 talked with realize this, and it does not change their desire to have sewer.

13 Alderman Gist said she wanted to make sure people are not blind-sided.

14 Commissioner Price said one of the points of the task force's charge is to look at
15 gentrification, and this has not yet been done satisfactorily. She said this is an ongoing goal of
16 staff.

17 Alderman Lavelle summarized several points. She said she does think the County has
18 done a lot to move this forward, and the Board of Alderman has done many things for the
19 neighborhood. She said the Board of Aldermen support the greater plan and she wants the
20 Board to know that Carrboro is offering support. She said the Task Force has looked closely at
21 the Community Center as the figures are based on those preliminary numbers.

22 She said she understands the complexity of the attorney client situation. She said if any
23 of the actions in the letter are taken soon, she hopes it will move things forward. She said she
24 is hopeful that this EPA issue will be dismissed. She said the other key is to see where Chapel
25 Hill stands with all of this.

26 Alderman Slade said he would like to thank the county for moving forward with the
27 community center. He encouraged the Board not to passively accept the attorney's feedback
28 but to be active in pursuing what can be done.

29 He said it is now clear that the discussions can go forward. He said he hopes more
30 members of the commission can approach the UNC law center to ask for help. He feels that
31 there needs to be more push on having a discussion with the EPA to expedite this process.

32 Chair Jacobs expressed appreciation for the commitments that Carrboro has made.

33 He told Michael Talbert that it would be desirable to have the new plans from the
34 architect back before the Board adjourns for a break in 8 weeks.

35 Michael Talbert said Chapel Hill has to review the revised plans before bidding can begin.
36

37 **2. Chapel Hill ETJ Expansion Process**

38

39 Craig Benedict said the Chapel Hill Council recommended, in June, proceeding with a
40 process to expand their extra-territorial jurisdiction (ETJ), to include Rogers Road and other
41 areas. He said the Board responded on September 5 to encourage the Council to proceed with
42 this process.

43 He reviewed the timeline, as outlined in the abstract. He said Chapel Hill will be
44 proceeding with decisions in January of 2014, as well as rezoning properties in that area. He
45 said that this will not be problematic, as zoning was assigned as part of the joint planning area.
46 He said it is likely that much of the zoning will remain the same.

47 He said, once these determinations are made, this item will be forwarded to the Board for
48 action. He said if things go as planned, determinations to effectuate the expansion could be
49 made by March or April of next year.

1 Chair Jacobs noted that there is an assembly of governments meeting next month, and
2 this could be added to the agenda. He said there will be more clarity after Chapel Hill's hearing
3 next week.

4 Alderman Gist said she would like to know what would happen if ETJ's are lost, which
5 could happen the next time the General Assembly meets. She said this may have to be dealt
6 with in the next year.

7 Commissioner Gordon said she has asked for information concerning the effect of this
8 action on the joint planning agreement. She said the Commissioners had the intention of
9 getting this information, as it is bound to have some effect. She said she does plan to pursue
10 this question.

11 Commissioner Dorosin said he understands the changes in annexation laws to mean that
12 being in an ETJ does not make the community more susceptible to being annexed. He asked
13 Craig Benedict to clarify this.

14 Craig Benedict said there are different laws associated with being in the ETJ; however
15 there is not much difference or propensity for annexation. He said the comments regarding
16 legislation for ETJ are linked to changes in annexation laws. He said this has been such a fluid
17 issue that the answer may not hold very long though.

18 Alderman Slade said the ETJ expansion may include people who would object to being
19 included. He asked how this would affect the process and timing. He noted that part of the
20 objective of this expansion is to help with funding of the Rogers Road community.

21 Craig Benedict said the notices that were sent out included a larger area. He said this
22 issue would have to be addressed by the Chapel Hill attorney.

23 Chair Jacobs said this question could be addressed at the Assembly of Governments
24 meeting. He noted that it may be more prudent to ask people to request being annexed, since
25 the government typically does not support annexations that are not voluntary.
26

27 **3. Southern Branch Library Siting Criteria, Process Update**

28
29 Michael Talbert said he, Lucinda Munger and Michael Harvey have been working on this.

30 Lucinda Munger said things have come a long way. She introduced Michael Harvey.

31 Michael Harvey said the Board has put forth three sites for continuing study. He listed
32 the following three sites being considered:
33

- 34 1. 1128 Hillsborough Road, commonly referred to as the Shetley property
- 35 2. 401 Fidelity Street commonly referred to as the Town of Carrboro cemetery property.
- 36 3. 120 Brewer Lane, commonly referred to as the Butler property.
37

38 Michael Harvey reviewed the background information from the abstract and said more
39 information is being gathered for each of these three properties. He noted the resolution of
40 support from the Carrboro Board of Aldermen indicating their preference for the Brewer Lane
41 property.

42 He said information is being collected for the zoning and permitting processes on all
43 three properties in preparation for initiation of due diligence research.

44 Chair Jacobs said the Board heard when people expressed dislike for the process when
45 another property was considered for a library. He said the process has been rebooted to make
46 it more open and to incorporate Carrboro. He said part of this process is to consider multiple
47 sites in a public setting and to do things in a way that will make everyone proud.

48 Alderman Gist said the Aldermen were in a meeting the other day about the library site
49 and she wanted to express the reasons for support of the Brewer Lane site. She noted that the
50 site is located in a low income area, and children would be able to walk to the library. She said

1 this is also a convenient location to allow University Students to come and use meeting rooms
2 to work with those children in closing the digital divide. She said the other argument for Brewer
3 Lane is the benefit to economic development.

4 She noted that there was an issue regarding signage. She said there are amenities
5 allowed for new buildings and there could be a public art sign allowed on the side of the
6 building.

7 Alderman Haven-O'Donnell noted the proximity to the new Northside School and the
8 benefit in being able to undergird the Cybrary programs for children in lower income
9 neighborhoods in and around Brewer Lane.

10 She noted the accessibility to the parking deck and the proximity to downtown Carrboro's
11 network of transit options. She feels this allows Brewer Lane to meet more needs for more
12 people.

13 Alderman Slade said Carrboro's fiber optic backbone could be connected to the library,
14 providing an added benefit. He said his concern with the Shetley property is the community
15 garden, which would have to be moved.

16 Commissioner Rich said the Board did discuss the economic advantage to the Brewer
17 Lane site. She said that this is a perfect spot for fitting in with downtown Carrboro. She said
18 this is a booming area, and the rezoning was well done. She said she is in favor of Brewer
19 Lane, and the other options did not feel right.

20 Commissioner Price said she had an opportunity to see the site, and if Carrboro is happy,
21 she is happy. She said the developers are ready and this would help move the project along.

22 She said her only concern is the traffic and pedestrian safety.

23 Alderman Lavelle said that there is an area that allows people to go in from the back.
24 She said the current parking deck and the intersection with Merritt and Brewer are in the plan to
25 be reconfigured. She said this is being done to improve walking, biking and driving in that area.

26 Alderman Seils said there are some improvements in progress. He agreed with
27 Commissioner Price that the interface with Rosemary does need to be discussed.

28 Alderman Slade said this would be one of the few libraries that will have a frontage to a
29 bike lane. He noted that Merritt Mill comes from 54 and goes directly to that parking deck.

30 Commissioner McKee said his initial reluctance was related to the parking deck. He
31 noted the recent difficulties with the main library in Hillsborough and the use of a privately
32 owned deck. He said the points brought up tonight are valid, and he is more inclined to support
33 Brewer Lane if an agreement can be made with the private developer to guarantee access to
34 the parking spaces.

35 He asked if this has been discussed with the developer. He agreed that the pedestrian
36 and bus routes are important, but many patrons will come from other areas of the County by
37 car. He said it is critical that this be accommodated.

38 Michael Harvey said the developer is very sensitive to the County's needs and is
39 balancing these needs with her permit compliance as well as her other tenants. He said there
40 is a cooperative and open relationship with the developer, who wants to encourage the
41 development of this library. He said more specific information will be provided moving forward.

42 Commissioner McKee said he wants to make sure all the answers are gathered.

43 Michael Harvey said there was a long discussion with the developer regarding the
44 experience in Hillsborough, and she promised this situation would not be repeated.

45 Commissioner McKee said if this can be addressed, he has no problem with Brewer
46 Lane.

47 Commissioner Gordon said she just wanted to emphasize the importance of the parking
48 accessibility for users of the library. She said she understands the reasons why Carrboro is in
49 favor of Brewer Lane.

1 She said there were some questions about the Shetley property that needed to be
2 answered. She said if there is no intent or interest on the Carrboro Board to swap the
3 properties on Hillsborough Road so that the library can be sited on the town property, then
4 maybe the evaluation money could be saved by not evaluating that site. She asked that this be
5 considered.

6 Alderman Haven-O'Donnell agreed with Commissioner Gordon and thanked her for this
7 assertion. She said that the use of the parking deck with the library was part of the discussion
8 with the developer in the spring, and knowing this was part of the plan made the board feel very
9 comfortable.

10 She said that the board has affirmed their position regarding Brewer Lane and if the
11 Board is like-minded, she agrees with Commissioner Gordon that the money for information on
12 the Shetley property does not need to be spent.

13 Commissioner Pelissier said she supports Brewer Lane. She echoed the concerns with
14 parking and said that four of the Board members have been through the negative experience
15 with Hillsborough.

16 She said that many people have asked why Orange County would build another library
17 only 3 miles from the Chapel Hill Library. She said a library system is meant to be built with
18 complementary services that do not duplicate each other. She asked Lucinda Munger to
19 explain some of the unique services that could be done at this branch.

20 Lucinda Munger said this library is designed to serve the adjoining area. She said this
21 could include services for children and families from low income areas. She said that future
22 focus groups and public hearings will shape the scope and types of the services provided. She
23 said there is a digital and literary divide, and there is a need to raise grade level reading scores.

24 She said there is also the possibility of a future partnership with the proposed art center,
25 as well as provision of an incubator space for local entrepreneurs.

26 Lucinda Munger said, once phase one is over, the task force can begin to think about the
27 services that would best fit this area. She said it is not necessary to re-create the Chapel Hill or
28 Hillsborough Library. She said she does not do cookie cutter libraries, as this is not a wise use
29 of taxpayer dollars. She looks forward to those conversations.

30 Alderman Lavelle said the Butler site has great support, and she would like to suggest
31 that the other properties simply be kept in the back pocket while this property is pursued. She
32 suggested the Board move forward with the Brewer property as it has such great support.

33 Commissioner Gordon said the Skills Development Center does have computers and
34 access for people looking for jobs. She suggested this be considered as coordination of
35 facilities is discussed.

36 Lucinda Munger said the topic of how libraries could assist with economic and work force
37 development was discussed at a recent conference she attended. She agreed with the idea of
38 partnering with the Skills Development Center.

39 Chair Jacobs said, while it is clear to him that a majority of the Board is in favor of the
40 Brewer Lane site, the Board needs to engage the public before picking a site. He said the
41 Board made a pledge to do this right the second time.

42 He said part of the criticism of putting a library in Carrboro, so close to the other branch
43 library, is countered by the fact that the Board is being urged to spend considerable money to
44 support the Chapel Hill library because of high use by Carrboro residents. He said that there is
45 an agreement to re-examine this financial support once there is a branch library in Carrboro.
46 He said this is a large chunk of money and it grows every year.

47 Chair Jacobs said there are currently two libraries in Carrboro: McDougale and the
48 Cybrary. He said that Carrboro has been a financial partner for the Cybrary from the beginning.
49 He urged Carrboro to consider being a financial partner for the proposed branch library.
50

1 **4. Update on Roberson Street/Main Street Sewer Line Replacement Project**

2
3 Michael Talbert reviewed the background information from the abstract.

4 He noted that the estimates for this project have come in significantly higher than
5 predicted. He said the County's total participation was originally \$40,000; with the increase, this
6 number would not exceed \$80,000. He said this additional \$40,000 is part of the County's
7 economic development incentive and the article 46 sales tax.

8 Chair Jacobs asked if this will this go on an agenda

9 Michael Talbert said an agreement or amendment at this level can be approved by the
10 manager.

11 Commissioner McKee said the County needs to support existing business. He said he
12 supported the sales tax to make sure that small businesses could receive this support.

13 Commissioner Rich asked if there are any other changes anticipated.

14 Michael Talbert said he understands this to be the end of changes.

15 Carrboro Town Manager David Andrews said the higher bids were rejected, and there is
16 work being done to get the number down. He said he anticipates this will not exceed \$80,000.

17 He said the Town appreciates the Orange County partnership.

18 Commissioner Rich asked for the anticipated completion date of the project.

19 George Seiz said bids will be opened on November 14 and presented to the board on
20 November 26. He said contracts would be allowed in January, and construction was estimated
21 at 90 days.

22 Chair Jacobs said this is an appropriate use of the quarter cent sales tax. He said the
23 direction from the Board is to keep going.

24
25 **5. Update on Development Adjoining Twin Creeks Park**

26
27 Carrboro Planning Director Trish McGuire reviewed the background information from the
28 abstract. She said the site is under construction, though there were some extensions and
29 delays associated with economic conditions.

30 She said the phasing plan was modified, and one of the plans was modified to increase
31 residential density and include a small commercial component. She said a conditional use
32 permit modification is needed to approve a site plan that conforms to the permitted zoning.

33 She said there is a permit condition that requires the property owner to provide a bond
34 in conjunction with one of the street extensions on the eastern boundary line on Jones Creek.

35 She said this condition requires the developer to put up a bond for their share of the
36 transportation improvement and bridge. She said the stream crossing needs a permit from the
37 Army Corp of Engineers, and the town is the most appropriate body to pursue that permit. She
38 said steps have been taken to prepare for this application.

39 She said the permit kicks in when the final plat is signed, and the developer would be
40 obligated for 10 years to hold that bond.

41 Commissioner Gordon referred to the map on the last page of the package. She asked
42 for identification of the 4 phases and the eastern terminus of Street A.

43 Trish McGuire identified the street locations on the map.

44 Commissioner Gordon asked for clarification of the road being constructed with the
45 bond. She asked if this intersects on North/South Road.

46 Trish McGuire said the location is to the east of that.

47 Commissioner Gordon asked for identification of phase 3.

48 Trish McGuire identified the areas on the phasing map.

49 Commissioner Rich asked for the location of the mixed use portion.

50 Trish McGuire said this is indicated by the cross hatched areas of the map.

1 She said there is a limitation on how much area can be used for commercial.

2 Commissioner Gordon asked for the location of the 52-acres.

3 Trish McGuire said this is marked as the brighter areas of the map.

4 Alderman Lavelle said this was an update from last year, and she asked for questions or
5 comment.

6 Commissioner Gordon asked about the possibility of Street A serving both the
7 development and the park, and she noted the possibility of the County having money to put into
8 this.

9 Dave Stancil said phase one of the park has been completed. He said road A does dip
10 down at Old 86 for site distance reasons and it otherwise parallels an old farm road. He said
11 this road has been planned as the main way into the property since the master plan was
12 adopted in 2005. He said the Board did approve \$600,000 in the capital budget for a road cost
13 share agreement. He said those funds could go to funding of this road, however a road
14 analysis has been recommended. He said a road cost share agreement has not been
15 attempted yet, since the road is not yet defined.

16 He said the remaining funds for the Twins Creek Park go beyond the five year window
17 of the CIP. He said this is a multi-million dollar district park for the entirety of the Chapel Hill
18 Township.

19 Commissioner Gordon said he might want to address the possible continuation of the
20 greenway south. She said this would be in Carrboro's district. She asked about the status of
21 this.

22 Trish McGuire said the funding in 2009 gave a jumpstart to the Jones Creek Greenway.
23 She said this allowed the construction of the red line on the map. She said there is one pot of
24 money for the segments to the south. She said there is a grant for a portion of the greenway.
25 She said the thinking was that this would provide a connection down to Lake Hogan Farms
26 road.

27 She said there is an on road linkage from Jones Creek Greenway to lots of residences.

28 Alderman Lavelle asked Trish McGuire to show the location of the Ballentine
29 neighborhood.

30 Trish McGuire noted this location on the map.

31 Commissioner Gordon said it looks like it would not take too much to get to the roadway.
32 She said she would encourage this access.

33 Dave Stancil said MI homes did allow access to the trail so people can use the
34 greenway.

35 Commissioner Gordon said that is very exciting and she would encourage them to
36 continue the greenway south to the road.

37 Chair Jacobs said when the park was first planned, it had a greenway. He said parents
38 were opposed to this, so it was removed from the map. He said another group came forward a
39 couple of years later asking for a greenway. He said he feels this space is now very well
40 received.

41
42 **Addition to the agenda:**

43
44 A motion was made by Commissioner McKee, seconded by Commissioner Rich to
45 approve the November 5th meeting location change from the DSS offices at Hillsborough
46 Commons to the Central Orange Senior Center in Hillsborough.

47
48 VOTE: UNANIMOUS

49
50 With no further business to discuss, the meeting adjourned at 9:05 pm.

Barry Jacobs, Chair

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**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

**Action Agenda
Item No.** 6-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 forty-eight (48) taxpayers with a total of fifty (50) 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 \$5,906.32 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2013-2014 is \$43,864.61.

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

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

NORTH CAROLINA

RES-2013-103

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
 DECEMBER 2, 2013**

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Ahn, Bongkeun	978606	2013	16,960	13,621	(51.36)	Mileage & Damage (Appraisal appeal)
Berolzheimer, Narthan	947388	2013	11,810	10,157	(27.36)	High mileage (Appraisal appeal)
Broadhurst, Jennings	9023357	2013	2,350	2,350	(47.80)	Incorrect situs address (Illegal tax)
Brooks, Martin	1049080	2013	12,600	0	(238.63)	County changed to Alamance (Illegal tax)
Cameron, Latasha	1049084	2013	1,500	0	(54.54)	Double billed (Illegal tax)
Christo, Katie	979614	2013	10,070	10,070	(71.07)	Incorrect situs address (Illegal tax)
Fitel, Taras	1043842	2013	14,780	14,030	(11.85)	High mileage (Appraisal appeal)
Freedman, Jonah	1043654	2013	7,420	6,084	(22.11)	High mileage (Appraisal appeal)
Gove, Alan	599040	2013	2,770	2,770	(43.89)	Incorrect situs address (Illegal tax)
Hardi, Reywarren	9049005	2013	11,260	0	(215.95)	County changed to Durham (Illegal tax)
Hazelett, Thomas	983056	2013	12,540	11,610	(12.35)	Purchase price (Appraisal appeal)
Heron, Stephen Duncan Jr.	1048419	2013	31,460	0	(269.93)	County changed to Durham (Illegal tax)
Hooper, Jennifer	1044796	2013	25,230	22,202	(47.85)	High mileage (Appraisal appeal)
Huskins, Michael	599953	2013	12,940	11,387	(14.47)	High mileage (Appraisal appeal)
Kress, Lance	590792	2013	10,223	10,168	(0.50)	High mileage (Appraisal appeal)
Lahey, Christopher	9353549	2013	13,760	12,109	(26.09)	High mileage (Appraisal appeal)
Lawrence, Christine	1048409	2013	22,140	0	(396.59)	County changed to Mecklenburg (Illegal tax)
Leiss, Jonathan	1046452	2013	3,240	2,430	(12.46)	Total loss title (Appraisal appeal)
Lian, Xi	1047537	2013	10,140	9,126	(16.02)	High mileage (Appraisal appeal)
Maness, Paul Franklin Jr.	601264	2013	22,710	17,714	(47.58)	High mileage (Appraisal appeal)
McCullough, Joshua	981071	2013	18,740	0	(326.16)	County changed to Durham (Illegal tax)
Mellor, Kimberly	9350210	2013	3,940	3,940	(59.07)	Incorrect situs address (Illegal tax)
Merlau, Eric	981973	2013	13,948	11,328	(43.38)	High mileage (Appraisal appeal)
Messier, Michael	1048498	2013	37,722	0	(626.15)	County changed to Chatham (Illegal tax)
Miller, Lyle	949537	2013	12,090	12,090	(73.95)	Incorrect situs address (Illegal tax)
Moses, Tony	1011643	2013	15,790	12,948	(27.07)	High mileage (Appraisal appeal)
Moss, Kristin Leslie	1022778	2013	16,620	14,293	(36.78)	High mileage (Appraisal appeal)
Naidoo, Sulochana	602031	2013	7,550	7,550	(67.86)	Incorrect situs address (Illegal tax)
Neagle, Thomas	1046096	2013	3,200	3,200	(2.41)	Incorrect situs address (Illegal tax)
Palmatier, Michael	947591	2013	18,780	15,400	(30.82)	High mileage (Appraisal appeal)
Palombo, Edward	8712340	2013	3,190	3,190	(53.32)	Incorrect situs address (Illegal tax)
Robinson, Rickey Lewis Jr.	1049157	2013	7,430	6,241	(11.08)	High mileage (Appraisal appeal)
Rudd, Andrew	1048815	2013	55,133	0	(901.32)	County changed to Durham (Illegal tax)
Sellars, Howard	1041703	2013	6,130	0	(55.46)	County changed to Alamance (Illegal tax)
Sellars, Walter	603678	2013	5,760	4,147	(18.72)	High mileage (Appraisal appeal)
Sievert, Thomas	9166698	2013	9,330	425	(147.44)	Purchase price (Appraisal appeal)
Sohl, Raymond Webster	1024057	2013	34,320	0	(612.86)	Titled out of state (Illegal tax)
Strayhorn, Michael	668784	2013	8,030	7,430	(9.23)	High mileage (Appraisal appeal)
Talley, Tami	1047364	2013	14,940	14,940	(99.64)	Incorrect situs address (Illegal tax)
Talley, Tami	1047486	2013	14,940	14,940	(99.64)	Incorrect situs address (Illegal tax)
Thomas, Charles	604508	2013	5,720	4,290	(13.41)	Total loss title (Appraisal appeal)
Vanhook, Richal	9457587	2013	3,270	3,270	(53.67)	Incorrect situs address (Illegal tax)
Westbrook, Russell	1013662	2013	8,600	6,880	(15.96)	High mileage (Appraisal appeal)
Wethington, David	1027438	2012	1,170	0	(11.44)	County changed to Person (Illegal tax)
Wethington, David	1024276	2012	8,290	0	(82.14)	County changed to Person (Illegal tax)
Wilkinson, Tonie	9164714	2013	9,500	500	(83.84)	Antique auto plate (Appraisal appeal)
Williams Motor Co.	1008641	2013	15,520	0	(281.02)	County changed to New Hanover (Illegal tax)
Williamson, Sara	1047932	2013	23,600	0	(402.97)	County changed to Chatham (Illegal tax)
Wilson, Charles Jeffrey	1013832	2013	5,080	4,775	(2.85)	Condition (Appraisal appeal)
Wilson, Michael	1047837	2013	4,940	3,152	(28.26)	Purchase price (Appraisal appeal)
				Total	(5,906.32)	

October 31, 2013 thru
 November 13, 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: December 2, 2013

**Action Agenda
Item No. 6-c**

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Resolution
Spreadsheet

INFORMATION CONTACT:

Dwane Brinson, Tax Administrator,
(919) 245-2726

PURPOSE: To consider adoption of a resolution to release property tax values for four (4) taxpayers with a total of ten (10) bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received four 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 \$690.77 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

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

NORTH CAROLINA

RES-2013-104

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 DECEMBER 2, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Hernandez, Salvador	311476	2009	1,970	0	(34.04)	Double billed (Illegal tax)
Hernandez, Salvador	311476	2010	1,710	0	(20.00)	Double billed (Illegal tax)
Hernandez, Salvador	311476	2011	1,625	0	(19.32)	Double billed (Illegal tax)
Hernandez, Salvador	311476	2012	1,600	0	(17.70)	Double billed (Illegal tax)
Hernandez, Salvador	311476	2013	1,430	0	(14.75)	Double billed (Illegal tax)
Lea, Leon	114830	2010	1,000	0	(11.76)	Double billed (Illegal tax)
Lea, Leon	114830	2011	950	0	(11.26)	Double billed (Illegal tax)
Lea, Leon	114830	2012	950	0	(10.46)	Double billed (Illegal tax)
Long, John	275338	2013	2,049	0	(21.14)	Double billed (Illegal tax)
Walker, Michael	290674	2013	473,345	416,800	(530.34)	Clerical Error
				Total	(690.77)	

October 31, 2013 thru
 November 13, 2013

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

Action Agenda

Item No. 6-d

SUBJECT: Application for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Exempt Status Resolution
Spreadsheet
Request for Exemption/Exclusion

INFORMATION CONTACT:

Dwane Brinson, Tax Administrator,
(919) 245-2726

PURPOSE: To consider one (1) untimely application for exemption/exclusion from ad valorem taxation for one (1) bill for the 2013 tax year.

BACKGROUND: North Carolina General Statutes (NCGS) typically require applications for exemption to be filed during the listing period, which is usually during the month of January. Applications for Elderly/Disabled Exclusion, Circuit Breaker Tax Deferment and Disabled Veteran Exclusion should be filed by June 1st of the tax year for which the benefit is requested. NCGS 105-282.1(a1) 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 provision applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

Including this application, the Board will have considered a total of 43 untimely applications for exemption of 2013 taxes since the 2013 Board of Equalization and Review adjourned on May 23, 2013. Taxpayers may submit an untimely application for exemption of 2013 taxes to the Board of Commissioners through December 31, 2013.

This applicant is applying for homestead exclusion based on NCGS 105-277.1, which allows exclusion of the greater of twenty-five thousand dollars (\$25,000) or fifty percent (50%) of the appraised value of the residence plus the value of up to one (1) acre of land.

Based on the information supplied in the application and based on the above-referenced General Statutes, the application may be approved by the Board of County Commissioners. NCGS 105-282.1(a1) permits approval of such application if good cause is demonstrated by the taxpayer.

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of the exemption application will result in a reduction of FY 2013/2014 taxes due to the County, municipalities, and special districts in the amount of \$332.05.

RECOMMENDATION(S): The Manager recommends the Board approve the attached resolution for the above-listed application for FY 2013/2014 exemption.

NORTH CAROLINA

RES-2013-105

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 DECEMBER 2, 2013

NAME	ABSTRACT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Vargo, Ola	9545	2013	43,180	21,590	(332.05)	Late application for exemption G.S. 105-277.1 (Homestead Exclusion)
				Total	(332.05)	

October 31, 2013 thru
November 13, 2013



FILED
OCT 30 2013
ORANGE COUNTY
TAX ADMINISTRATION

**Request for Tax Relief
Late Application Filing**

Date: 10-29-13

To Whom It May Concern:

I, (PRINT NAME) OLA VARFO, wish to be considered for Property Tax Relief Exemption or Exclusion for the year 2012 on Parcel Identification Number (PIN) # 9865601004.

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)

Husband died. Have to recertify

Thank you,
Ola Varfo
(Signature)

How did you learn of this exemption?

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

**Action Agenda
Item No.** 6-e

SUBJECT: Schools Adequate Public Facilities Ordinance (Schools APFO) – Approval of Membership and Capacity Numbers

DEPARTMENT: Planning

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Orange County Schools and Chapel Hill-Carrboro City Schools: Schools APFO Capacity Calculation and Change Request Form (includes Student Membership) for Elementary, Middle, and High School Levels
2. Chart Depicting LOS, Capacity, Membership, and Membership Increases

INFORMATION CONTACT:

Perdita Holtz, 919-245-2578
Ashley Moncado, 919-245-2589
Craig Benedict, 919-245-2575

PURPOSE: To consider approval of November 15, 2013 membership and capacity numbers for both school districts (Orange County and Chapel Hill-Carrboro City Schools) which will be used in developing 10-year student membership projections and the 2013 SAPFO Technical Advisory Committee (SAPFOTAC) Report.

BACKGROUND: In accordance with the Schools APFO MOUs (Memorandum of Understanding), the Board of County Commissioners shall approve the school districts' November 15th membership and capacity numbers within 15 days after receiving the numbers from the school districts. Both Orange County Schools and Chapel Hill-Carrboro City Schools submitted their membership and capacity numbers in accordance with the MOUs. As per the MOUs, this step of the SAPFO process entails only the approval of the student membership and capacity numbers.

The SAPFOTAC, comprised of representatives of both school systems and the Planning Directors of the County and Towns, is tasked to produce an annual report for the governing boards of each Schools APFO partner. The full annual SAPFOTAC report, which will include 10-Year student membership projections, will be completed in early 2014. The CAPS (Certificate of Adequate Public Schools) system is updated with actual membership and capacity figures after the BOCC approves the information submitted by the school districts.

The chart in Attachment 2 shows the Capacity and Membership for each school level in both school districts and the increase (or decrease) over the November 15, 2012 membership. It also shows the Allowable Maximum Level of Service (LOS) as was agreed upon as part of the SAPFO MOU process and the Actual LOS based on November 15, 2013 Membership numbers.

In recent years, Pre-K enrollment has been a topic of discussion with both school districts. However, SAPFO has not been amended to include Pre-K in the membership and capacity numbers. Therefore, Pre-K children are not included in the membership and capacity numbers reported.

FINANCIAL IMPACT: Precise financial impacts cannot be determined, but changes in projected growth in student membership for the next ten years is expected to result in higher future operating and capital budget requests.

RECOMMENDATION(S): The Manager recommends the Board approve the November 15, 2013 Membership and Capacity numbers as submitted by each school district and authorize the Chair to sign the Membership/Capacity Forms.

School APFO Capacity, Membership and Change Request Form

School District: Orange County Schools

SAPFO CAPS Year: November 15, 2013 - November 14, 2014

Capacity and Membership Submittal Date: November 15, 2013

Elementary School	Square Feet	2009-2010 Requested Capacity	2010-2011 Requested Capacity	2011-2012 Requested Capacity	2012-2013 Requested Capacity	2013-2014 Requested Capacity	Justification Footnote #	Membership
Cameron Park	70,812	565	565	565	565	565		658
Central	52,492	455	455	455	455	455		354
Efland Cheeks	64,316	497	497	497	497	497		459
Grady Brown	74,016	544	544	544	544	544		456
Hillsborough	51,106	471	471	471	471	471		453
New Hope	100,164	586	586	586	586	586		636
Pathways	85,282	576	576	576	576	576		417
Total	498,188	3,694	3,694	3,694	3,694	3,694		3,433

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity Certification:

Gene P. Martin 11/20/13
 Superintendent Date

 BOCC Chair Date

Membership Certification:

Gene P. Martin 11/20/13
 Superintendent Date

 BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Orange County Schools

SAPFO CAPS Year: November 15, 2013 - November 14, 2014

Capacity and Membership Submittal Date: November 15, 2013

Middle School	Square Feet	2009-2010 Requested Capacity	2010-2011 Requested Capacity	2011-2012 Requested Capacity	2012-2013 Requested Capacity	2013-2014 Requested Capacity	Justification Footnote #	Membership
A.L. Stanback	136,000	740	740	740	740	740		632
C.W. Stanford	107,620	726	726	726	726	726		639
Gravelly Hill	123,000	700	700	700	700	700		476
Total	366,620	2,166	2,166	2,166	2,166	2,166		1,747

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity Certification:

[Signature] 11/20/13
 Superintendent Date

 BOCC Chair Date

Membership Certification:

[Signature] 11/20/13
 Superintendent Date

 BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Orange County Schools

SAPFO CAPS Year: November 15, 2013 - November 14, 2014

Capacity and Membership Submittal Date: November 15, 2013

High School	Square Feet	2009-2010 Requested Capacity	2010-2011 Requested Capacity	2011-2012 Requested Capacity	2012-2013 Requested Capacity	2013-2014 Requested Capacity	Justification Footnote #	Membership
Orange	213,509	1,518	1,518	1,518	1,399	1,399		1,270
Cedar Ridge	206,900	1,000	1,000	1,000	1,000	1,000		1,130
Partnership	6,600	40	40	40	40	40		21
Total	427,009	2,558	2,558	2,558	2,439	2,439		2,421

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC. 2. The 2012-2013 capacity numbers for Orange High School (1,399) is based on a capacity analysis and facilities study completed by the Department of Public Instruction in August 2012.

Justification:

Capacity Certification:

[Signature] 11/20/13
 Superintendent Date

 BOCC Chair Date

Membership Certification:

[Signature] 11/20/13
 Superintendent Date

 BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools
SAPFO CAPS Year: November 15, 2013 - November 14, 2014
Capacity and Membership Submittal Date: November 15, 2013

Middle School	Square Feet	2009-2010 Requested Capacity	2010-2011 Requested Capacity	2011-2012 Requested Capacity	2012-2013 Requested Capacity	2013-2014 Requested Capacity	Justification Footnote #	Membership (referenced school year)
Culbreth	108,058	670	670	670	670	670		699
McDougle	136,221	732	732	732	732	732		705
Phillips	109,498	706	706	706	706	706		658
Smith	128,764	732	732	732	732	732		796
Total	482,541	2,840	2,840	2,840	2,840	2,840		2,858

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity Certification:

Mural Forrest 11/15/13
 Superintendent Date

 BOCC Chair Date

Membership Certification:

Mural Forrest 11/15/13
 Superintendent Date

 BOCC Chair Date

School APFO Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools
SAPFO CAPS Year: November 15, 2013 - November 14, 2014
Capacity and Membership Submittal Date: November 15, 2013

High School	Square Feet	2009-2010 Requested Capacity	2010-2011 Requested Capacity	2011-2012 Requested Capacity	2012-2013 Requested Capacity	2013-2014 Requested Capacity	Justification Footnote #	Membership (referenced school year)
Chapel Hill	241,111	1,520	1,520	1,520	1,520	1,520		1,423
East Chapel Hill	259,869	1,515	1,515	1,515	1,515	1,515		1,413
Carrboro	148,023	800	800	800	800	800		898
Phoenix Acad.	5,207	0	40	40	40	40		30
Total	654,210	3,835	3,875	3,875	3,875	3,875		3,764

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

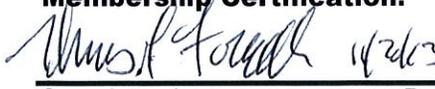
Capacity Certification:



 Superintendent Date

 BOCC Chair Date

Membership Certification:



 Superintendent Date

 BOCC Chair Date

Attachment 2

School LOS, Capacity, Membership, and Membership Increases

	<i>Chapel Hill/Carrboro School District</i>		<i>Orange County School District</i>	
	Allowable Maximum LOS (per MOU)	Actual 2013-14 LOS	Allowable Maximum LOS (per MOU)	Actual 2013-14 LOS
<i>Elementary</i>	105%	95.3%	105%	93.0%
<i>Middle</i>	107%	100.6%	107%	80.7%
<i>High</i>	110%	97.1%	110%	99.3%

	<i>Chapel Hill/Carrboro School District</i>					<i>Orange County School District</i>				
	Capacity At 100% LOS*	Capacity At MOU LOS Maximum*	Nov. 15 2013 Membership	Prior Year Membership	Increase from Prior Year	Capacity At 100% LOS*	Capacity At MOU LOS Maximum*	Nov. 15 2013 Membership	Prior Year Membership	Increase from Prior Year
<i>Elementary</i>	5829 ¹	5506	5554	5543	11	3694	3879	3433	3403	30
<i>Middle</i>	2840	3039	2858	2785	73	2166	2318	1747	1684	63
<i>High</i>	3875	4219	3764	3796	(32)	2439	2683	2421	2315	106

* - Class size ratio is 1:21 in grades K-3.

¹ Increase in capacity of 585 due to opening of Northside Elementary

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

**Action Agenda
Item No.** 6-f

SUBJECT: Disbursement of Vehicle Registration Tax Funds

DEPARTMENT: Attorney and Finance

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Resolution

INFORMATION CONTACT:

John Roberts, (919) 245-2318

Clarence Grier, (919) 245-2453

PURPOSE: To authorize the North Carolina Division of Motor Vehicles (DMV) to send funds from the seven dollar vehicle registration tax directly to Triangle Transit (TT).

BACKGROUND: In December 2012 the Board of Commissioners imposed a seven dollar vehicle registration tax on all vehicles registered in Orange County. Although there have been implementation issues at the North Carolina Division of Motor Vehicles (DMV), DMV began collecting some of these funds earlier this year. Rather than submitting the funds to Orange County, DMV has submitted the funds to TT. Absent written authorization from the County this is not a lawful action. The attached resolution formally authorizes DMV to disburse these funds directly to TT.

FINANCIAL IMPACT: Authorizing DMV to submit funds directly to TT will save staff work hours involved in receiving these funds and immediately sending the same funds to TT.

RECOMMENDATION(S): The Manager recommends the Board adopt and authorize the Chair to sign the resolution.

**ORANGE COUNTY BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO
DISTRIBUTE CERTAIN VEHICLE REGISTRATION TAXES DIRECTLY TO
TRIANGLE TRANSIT**

WHEREAS, the Orange County Board of Commissioners has adopted the Orange County Bus and Rail Investment Plan; and

WHEREAS, the Orange County Board of Commissioners imposed a seven dollar (\$7.00) motor vehicle registration tax on vehicles registered in Orange County; and

WHEREAS, the North Carolina Division of Motor Vehicles has commenced collection of this registration tax; and

WHEREAS, Article 52 of the North Carolina General Statutes authorizes the North Carolina Division of Motor Vehicles to disburse funds from this registration tax directly to the county from which it is collected.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Commissioners hereby authorizes the North Carolina Division of Motor Vehicles to disburse funds collected from this seven dollar (\$7.00) vehicle registration tax on motor vehicles registered in Orange County directly to Triangle Transit to be distributed in a manner consistent with the Orange County Bus and Rail Investment Plan and Interlocal Implementation Agreement for the Orange County Bus and Rail Investment Plan.

This the 2nd day of December 2013.

Chair
Orange County Board of Commissioners

Attest:

Clerk to the Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

**Action Agenda
Item No.** 6-g

SUBJECT: Orange County Community Development Block Grant (CDBG) – Economic Development

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Resolution
2. Application Documents
3. Morinaga Site Map

INFORMATION CONTACT:

Craig Benedict, 919-245-2592
Steve Brantley, 919-245-2326

PURPOSE: To approve a resolution authorizing the submission of the Morinaga America Foods, Inc. Community Development Block Grant (CDBG) application and authorize the Chair to sign the required application documents on behalf of the Board.

BACKGROUND: Orange County staff and consultant Martin-McGill Associates propose to submit a CDBG application to the North Carolina Department of Commerce requesting \$750,000 for critical site public infrastructure improvements in the Buckhorn Economic Development District (Buckhorn EDD). The CDBG program provides grants to non-entitlement local governments, including Orange County, in order to develop viable communities with the expansion of economic opportunities for the creation and retention of local jobs. Funds requested by Orange County would allow for site improvements in order for Morinaga America Foods, Inc. to build and staff a U.S. production facility in Orange County. The improvements consist of a 2,500 linear foot roadway design that would create an east-west access along Ben Wilson Road extension, and construction of a 3,700-foot, 16-inch water line (or possibly more linear feet if a loop system is required to augment fire flow) and a 1,500-foot, 10-inch sewer line to the site. In addition, the project would include survey work, an environmental assessment, and grant administration services. The proposed access road will be constructed by the North Carolina Department of Transportation. In return for these efforts, Morinaga America Foods, Inc. will commit to investing in the community and creating jobs.

Funding for projects is based on the number of jobs created and the level of distress in the community applying for the funds. Sixty percent of jobs created or retained in the project must be for persons qualifying as prior low and moderate income (LMI). CDBG funds granted to local governments are to be used for various types of infrastructure improvements to assist for-profit businesses in creating or retaining jobs. A match of approximately \$250,000 will be required from the County's Article 46 (One-Quarter Cent) Sales and Use Tax. Funds provided from the County will be utilized primarily in conducting engineering design work and would leverage the full \$750,000. Orange County has contracted for the design work.

Morinaga has committed to create at least 90 jobs during the first three years of operation. These positions will pay approximately \$38,000 per year, a figure that meets the One North Carolina Fund wage test. As part of the package, the City of Mebane and Orange County sponsored the \$264,000 One NC Fund performance grant that has been awarded. In addition, Durham Technical Community College will provide training of its new employees. This collaborative effort will bring much needed jobs and an investment up to \$48 million to the community. The 21-acre site is large enough to accommodate future expansions that will add more opportunity for the workforce. This new development can serve as a catalyst for business activities in the Buckhorn EDD and Orange County industrial parks.

The Morinaga America Foods, Inc. CDBG application is planned for submittal to the North Carolina Department of Commerce on December 4, 2013. Dependent on the outcome of the site's environmental review, requested funds may be made available for release in March 2014.

Two public hearings regarding the CDBG process and the Morinaga America Foods, Inc. CDBG application were conducted by the BOCC on October 15, 2013 and November 19, 2013.

Attachment 1 contains the final resolution for the Morinaga America Foods, Inc. CDBG application. Additionally, Attachment 2 contains application documents requiring the Chair's signature for the Morinaga America Foods, Inc. CDBG application.

FINANCIAL IMPACT: The grant provides for the opportunity to receive up to \$750,000 in CDBG funding. A match of approximately \$250,000 will be required from the County's Article 46 (One-Quarter Cent) Sales and Use Tax for economic development infrastructure and business incentives. Funds provided from the County will be utilized primarily in conducting engineering design work.

RECOMMENDATION(S): The Manager recommends that the Board approve the resolution in Attachment 1 authorizing the submission of the formal application and authorize the Chair to sign the resolution and the required application documents on behalf of the Board.

ORANGE COUNTY BOARD OF COMMISSIONERS

**RESOLUTION FOR ORANGE COUNTY ECONOMIC DEVELOPMENT
APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT
APPLICATION FOR THE MORINAGA AMERICA FOODS INC. PROJECT.**

WHEREAS, the Orange County Board of Commissioners has previously indicated its desire to assist in economic development efforts within the County; and,

WHEREAS, the Orange County Board of Commissioners has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit Morinaga America Foods, Inc.; and,

WHEREAS, the Orange County Board of Commissioners wishes the County to pursue a formal application for Community Development Block Grant funding to benefit Morinaga America Foods, Inc.; and will invest monies in the amount up to \$250,000 into the project as committed to in the application.

WHEREAS, the Orange County Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED by the Orange County Board of Commissioners that Orange County Economic Development is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development to benefit Morinaga America Foods, Inc.

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:

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



December 2, 2013

Mr. George Sherrill, Section Chief
Commerce Finance Center
301 North Wilmington Street
Raleigh, NC 27601

Dear Mr. Sherrill,

On behalf of Orange County, North Carolina, I would like to submit this application to the CDBG Economic Development Program for consideration. Our project involves the construction of critical infrastructure improvements that would enable Morinaga America Foods, Inc. to establish its first U.S. production facility in Orange County. The plant would be located in the City of Mebane and the company will commit to investing up to \$48 million to build the new facility in the community, and will create sustainable jobs for low and moderate income (LMI) persons.

This project is a good fit for eligibility under the Economic Development Program since it will significantly expand the economic opportunities available in this community, and may even serve as a catalyst for growth and attraction in this industry sector.

We appreciate the opportunity afforded to us by the Department of Commerce's CDBG to apply, and we look forward to hearing from you regarding our project.

Sincerely,

Barry Jacobs,
Chair, Orange County Board of Commissioners

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

**APPLICATION SUMMARY
NC SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM
ECONOMIC DEVELOPMENT**

Applicant Name: Orange County, North Carolina

Address:
 Street/Post Office Box: 131 West Margaret Lane
 City: Hillsborough Zip: 27278

County: Orange

Contact Person: Craig Benedict, Planning Director Fax: (919) 644-3002
 Telephone: (919) 245-2575 Email: cbenedict@orangecountync.gov

Application Type: (mark w/ an X) Original Application Amended Application

Program Funding Category: ED SIC/NAICS Code: 445292/311340 DUNS #: 07-917-8866
 Project Name: Morinaga America Foods, Inc. Infrastructure Private Investment: \$48,000,000

Type of Application: (mark w/ an X) Grant Participation Loan

If this application will involve a loan, please provide the following:

Participating Bank: _____
 Street/PO Box: _____
 City: _____ State: _____ Zip: _____
 Contact: _____ Tel.: _____ Fax: _____

CDBG Funds Requested:	<u>\$750,000</u>
Other Funds and Sources:	
Applicant	<u>\$250,000</u>
	<u>\$</u>
	<u>\$</u>
	<u>\$</u>
Total Project	<u>\$1,000,000</u>

Certification by the Applicant's Chief Elected Official:

I certify that, to the best of my knowledge and belief, that: the data in this application is true and correct; that opportunities have been provided for citizen participation and access to information concerning the proposed activities; that this document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached application certifications if the assistance is approved; and that, if funded, this application is a part of the Grant Agreement.

Typed Name of Elected Official: Barry Jacobs

Typed Title: Commissioner Chair

Signature: _____ Date: _____

FOR STATE USE ONLY

Date Received: _____ Special Instructions: _____

Company Commitment Form

I, Masao Hoshino, an official representative of Morinaga America Foods, Inc. company, do hereby certify that, if the application for the above referenced funds are approved, the Company will fulfill the following commitments:

- ❖ No other facilities will be abandoned nor will any other persons be displaced as a result of this project.
- ❖ All positions created by this project will be newly created positions and the jobs will not be "pirated" from another facility owned or operated by the Company.
- ❖ The Company will undertake and carry out the project in accordance with this application for CDBG-ED assistance. The information pertaining to the Company is accurate.
- ❖ The Company will retain 0 jobs and will create an additional 90 new jobs within the three year project period. Of the 90 jobs created, at least 60% will be filled by low and moderate-income persons.
- ❖ The Company agrees to either screen all applications and hires for the required employee statistical information and the required documentation or to allow the Employment Security Commission to perform these functions on their behalf.
- ❖ The Company will either provide the Grantee with a quarterly status report (including the ESC-101 report form) with sufficient detail for the Grantee to determine the number of hires and the low and moderate income status of each or will allow the Grantee or its representative to complete an on-site review of hiring information to develop a quarterly record of hiring status. This obligation will end at project close out unless the Commerce Finance Center reviews available information and grants the company permission to stop collecting the required data at an earlier date.



Company Representative

10/7/13

Date

LEGALLY BINDING COMMITMENT

STATE OF NORTH CAROLINA

Orange County, Economic Development (APPLICANT)

Morinaga America Foods, Inc. (COMPANY)

PUBLIC FACILITIES AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into as of the seventh day of October, 2013 by and between Morinaga America Foods, Inc., a corporation authorized to transact business within the State of North Carolina (hereinafter referred to as the "Corporation") and Orange County Economic Development, North Carolina (hereinafter referred to as the "Applicant"). This Agreement will not become effective until all conditions placed upon the Applicant's funding approval are satisfied and funds are released by the Department of Commerce (hereinafter "DOC") pursuant to a Community Development Block Grant (hereinafter "CDBG") with the Applicant.

WITNESSETH

WHEREAS, the Applicant anticipates receiving a Community Development Block Grant from the Department of Commerce in the amount of \$750,000 to be used primarily to benefit low to moderate-income persons by financing the economic development project to be undertaken by the Applicant and the Corporation (the "Project").

NOW, THEREFORE, in consideration of the promised and the mutual covenants and promises set forth herein, the Corporation and the Applicant hereby agree as follows:

I. AGREED ACTIONS

A. The Corporation shall execute its responsibilities as identified in Corporation's narrative exhibits and the employment profiles contained in the Applicant's CDBG application to DOC. Those exhibits and commitments are incorporated herein by reference, as if set out in full. The Corporation agrees to build and operate the Project in a timely manner. Briefly, those documents describe the construction/acquisition of a 98,000 square foot manufacturing facility (the "Facility") on a 21-acre site located in/adjacent to the City/Town of Mebane in Orange County, North Carolina (the "County"). The Corporation currently has no operations in the

County now but commits to employ at least 90 people by December of 2016 . The Corporation can request that DOC verify the creation of the jobs stated above prior to December of 2016 , and release the Corporation from further job creation documentation. Upon the request of the Corporation, the County shall submit a request for an extension with DOC if such an extension is necessary to achieve the minimum employment number of 90 employees beyond the commitment date of December of 2016. In addition, the Corporation commits to employ persons whose household income is within low to moderate-income limits in sixty percent (60%) of all the jobs to be created at the Corporation's Facility. The Corporation agrees that if it fails to create 90 jobs prior to December of 2016 or verified by DOC, it will reimburse DOC \$8,333.33 for each job not created. The Corporation also agrees that if the number of jobs created for prior low to moderate-income people at the Facility falls below fifty one percent (51%) of the total jobs stated above at the Facility, the entire grant amount will be due and payable to DOC by the Corporation. The Corporation's liability under this Agreement shall not exceed the dollar amount of the grant made by the Department of Commerce. If unforeseen calamity, an Act of God or financial disaster is the cause of action under this section of the Agreement, the Corporation and the Applicant may appeal to DOC for an extraordinary modification of this responsibility. Such modification shall be at the discretion of the Secretary of the Department of Commerce. The requirement that persons of low to moderate income must hold a minimum of fifty-one percent (51%) of all jobs created cannot be waived.

B. Each party shall keep and maintain books, records, and other documents relating directly to the receipt and disbursement of grant funds and fulfillment of this Agreement.

C. Each party agrees that any duly authorized representative of the Applicant, DOC, the United States Department of Housing and Urban Development, and the Comptroller General of the United States shall, at all reasonable times, have access to and the right to inspect, copy, audit, and examine all of the books, records, and other documents relating to the grant and the fulfillment of the Agreement for a period of four (4) years following the completion of all close-out procedures respecting the CDBG funds, and the final settlement and conclusion of all issues arising out of the CDBG funds.

D. Notwithstanding anything herein to the contrary, the parties hereto acknowledge the due execution of the CDBG Grant Agreement between the Applicant and DOC and agree that any conflict between the provisions, requirements, duties, or obligations of this Agreement and the CDBG Grant Agreement shall be resolved in favor of the CDBG Grant Agreement.

II. ENFORCEMENT

A. If at the end of the approved project period the Corporation has failed to create the full number of job positions and low to moderate-income job positions presented in Agreed Actions Section I of this Agreement, then the Corporation will pay to the Applicant an amount calculated in the manner set out in Section I-A of this Agreement.

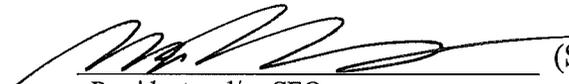
B. This Agreement constitutes a legally enforceable contract and shall be governed and construed in accordance with the laws of the State of North Carolina.

III. PUBLIC RECORDS LAW

The Corporation acknowledges that it has read and understands North Carolina's laws regarding the treatment of public records and confidential information, and their application to economic development projects, including without limitation, those provisions set forth in Exhibit A.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed under Seal as of the date first above written.

Orange County, NC (Applicant) Morinaga America Foods, Inc. (Corporation)

____ (SEAL)  (SEAL)
Chairman President and/or CEO

____ (SEAL)  (SEAL)
Clerk Secretary

____ Date 10/7/13 Date

Assessment Policy
Orange County CDBG Economic Development Project
Wilson Property – Mebane, NC

Orange County is required, as a condition of a Community Development Block Grant for Economic Development (CDBG-ED) that provides water and sewer services to serve the Morinaga America Foods, Inc. facility to be located in the Wilson Industrial Park, to adopt an assessment policy regarding any future users of the public facilities funded through the grant. The assessment policy delineated herein is designed to give Orange County a mechanism to provide equitable roadway, water and sewer service to future users in the area whose roadway, water and sewer service will be upgraded as a result of CDBG-ED funding.

1. Future industrial or commercial users connecting to the water and sewer system on the **Wilson Property** shall be required to pay an assessment fee of **\$2,000** per acre or tract (whichever is greater) to Orange County. This fee is in addition to normal tap fees and shall be paid in full prior to connection to the designated lines.
2. Future residential users connecting to the water and sewer system on the **Wilson Property** shall be required to pay an assessment fee of **\$500** per acre or lot (whichever is greater) to Orange County. This fee is in addition to normal tap fees and shall be paid in full prior to connection to the designated lines.
3. The assessment fee required in Section I & II shall not be imposed on any business that is owned by low and moderate income individuals, or any residence that is owned or occupied by low and moderate income individuals. This assessment fee shall be waived by Orange County for any business that ties into the service that presently employs greater than 60% low and moderate income persons and/or will create new jobs of which 60% of positions will be filled by low and moderate income persons.
4. Orange County reserves the right to reduce the assessment fee charged to any future users based on the economic impact on the County's overall economy.
5. All revenue generated by this assessment policy prior to completion of the project shall be used to reduce the amount of CDBG-ED funds. Fifty percent (50%) of all revenue generated by the assessment policy thereafter shall, for a period of five (5) years, be returned to the CDBG Program at the Commerce Finance Center for funding of future economic development projects. The fifty percent (50%) retained by the County shall be used to finance future capital improvements to the County's water and sewer system with priority placed upon improvements to benefit persons of low to moderate income.

ADOPTED _____
Date

ATTEST: _____

FEDERAL REQUIREMENTS AND CERTIFICATIONS

The applicant hereby assures and certifies that:

- a) It will comply with all applicable federal and state laws, regulations, rules and Executive Orders.
- b) It possesses legal authority to apply for the grant, and to execute the proposed program.
- c) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- d) It is following a detailed, written citizen participation plan which will provide opportunities for citizen participation, hearings, and access to information with respect to its community development program that are comparable to those required of grantees under Section 104(a) of the Act and in accordance with Rule .1002 of the North Carolina Community Development Block Grant Administrative Rules.
- e) Its chief elected official or other officer of the applicant if assistance is approved by Commerce:
 - 1) Consents to assume the status of the “responsible Federal Official” as that term is used in Section 102 of the National Environmental Policy Act (NEPA), Section 104(f) of Title 1 of the Housing and Community Development Act of 1974, as amended, and other provisions of Federal law, as specified in 24 CFR 58.5 which further the purposes of NEPA.
 - 2) Is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.
 - 3) Consents to review and comment on all Environmental Impact Statements prepared for Federal projects which may have an impact on the applicant’s/recipient’s community development program.
 - 4) Consents to perform all coordination functions required under 24 CFR Part 58 and 40 CFR Parts 1500-1508.
- f) The Community Development Program has been developed so as to give maximum feasible priority to activities which will benefit low and moderate income families or aid in the prevention or elimination of slums and blight. The requirement for this certification will not preclude Commerce from approving an application where the applicant certifies, and Commerce determines, that all or part of the Community Development Program activities are designed to meet other community development needs having particular urgency as specifically explained in the application in accordance with Section .0800 of 4 NCAC 19L of the North Carolina Administrative Code.
- g) Its program will be conducted and administered in conformity with Public Law 88-352 and Public Law 90-284, and that it will affirmatively further fair housing.
- h) It will comply with all provisions of 4 NCAC 19L of the North Carolina Administrative Code, entitled North Carolina Community Development Block Grant Program.
- i) It will give Commerce, HUD and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers or documents related to the grant.

- j) It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- k) It will follow a residential anti-displacement and relocation assistance plan that is in accordance with the provisions of Section 104(d) and all other provisions of the Act.
- l) It will not attempt to recover any capital costs of public improvements assisted in whole or part under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged to assessment made as a condition of obtaining access to such public improvements, unless (i) funds received under Section 106 are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (ii) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, the grantee certifies to the Secretary or such State, as the case may be, that it lacks sufficient funds received under Section 106 to comply with requirements of clause (i).
- m) It has or will develop a plan that identifies community development and housing needs, including the needs of low and moderate income persons, and the activities to be undertaken to meet such needs.
- n) Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 CFR Part 35.
- o) When issuing statements, press releases, request for proposals, bid solicitation and other documents describing the above-mentioned program such as the environmental review, public hearings, fair housing notices, etc., it shall clearly state:
 - 1) the percentage of the total cost of the project which will be financed with CDBG money, and
 - 2) the dollar amount of CDBG funds for the project.
- p)
 - 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 - 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal 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.
 - 3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and

contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

- q) It has adopted and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and has adopted and is enforcing a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction in accordance with Section 519 of Public Law 101-144, (the 1990 HUD Appropriations Act).
- r) All project areas are either not in a floodplain, or if the project area is in a floodplain, the applicant participates in the flood insurance program. All properties assisted in the project will be covered for flood insurance prior to beginning construction, and all public facilities will be constructed to comply with applicable floodplain regulations.

CERTIFICATION OF ABILITY

Orange County hereby certifies its ability to meet Federal Performance and Procurement Requirements with Certification as further expanded in the preceding attachments.

Name of Chief Elected

Official

Barry Jacobs

Title

Chair, Orange County Board of Commissioners

Signature

Date

STATE CDBG PROGRAM REGULATIONS

Citizen Participation

If funded, the grantee will have documentation on file of compliance with citizen participation requirements in the application process 4 NCAC 19L. 1002 (b): publisher's affidavits of notices and minutes signed by the town or county clerk of the two required public hearings.

Project Administration

- The grantee is responsible for CDBG oversight. If funded, the grantee will supervise the implementation of the project as follows:
- The local government manager reviews and signs off on all project reports.
- The project administrator or local government staff will present and give at least quarterly written status reports to the elected board. A signed copy of the quarterly report must be submitted to the grant representative for review.
- At least two persons from the local government listed on the signatory cards will review and sign off on invoices and requests for payment.
- Maintain all project files at the local government offices and make them available to citizens during regular business hours.

Audits/Compliance

CDBG grantees expending \$25,000 or more in a fiscal year are required to have funds audited for the CDBG program. CDBG funds can be used to pay for the CDBG portion of the audit provided the grantee has expended \$500,000 or more in the fiscal year in total federal awards (CDBG and other federal funds). If the grantee has expended less than \$500,000 in total federal awards, the grantee may budget local funds in the administrative line item in the CDBG application to pay for the CDBG portion of the audit and claim the local administrative funds as local commitment.

Housing

Substantial Rehabilitation: Any rehabilitation cost above \$40,000 per unit or 38 per square foot which would include the Lead Based Paint cost and any other additional funds is considered substantial rehabilitation and requires the prior approval of CI.

Manufactured Homes Policy: Manufactured homes rehabilitated with CDBG funds must be converted into real property (according to G.S. 105-273 paragraph 13) that is owned and occupied by the homeowner prior to any rehabilitation.

The CDBG assistance must be secured by a Note and Deed of Trust at the time of rehabilitation. The maximum amount that may be spent rehabilitating a manufactured home is \$20,000. No CDBG funds may be spent to rehabilitate any manufactured home built prior to 1978.

In addition, the grantee will adhere to the following:

1. Adopt a financial design for rehabilitation that meets the minimum CI criteria. The financial design must be submitted to CI for review.

2. Prior to rehabilitating a house with a pit privy/outhouse or no wastewater disposal system, if public sewer is unavailable, contact the local health department for a determination whether the property can be permitted for an on-site wastewater system. If not, the family should be relocated.
3. Clear titles as required in the application.
4. **Have houses inspected by a North Carolina licensed home inspector. Attach the summary from each inspection to the NC Catalyst application.**
5. Work with the State Health Hazard Control Unit and local government departments to comply with federal and state lead-based paint requirements. In addition, ensure rehabilitation design will address lead-based paint hazards.
6. Voluntary withdrawal from the program, document with evidence on file.
7. Establish and implement a home maintenance program to instruct occupants of rehabilitated houses, including (1) maintenance of any on-site wastewater systems and/or wells or (2) maintenance of newly installed indoor plumbing.
8. Install water saving devices in houses with on-site septic tanks. If facets need to be replaced install a water saving device. See Bulletin 02-5, Low Flow Plumbing Fixtures
9. If undertaking voluntary clearance, document with evidence on file that property owners are aware of and agree to voluntary clearance.
10. If undertaking rehabilitation, acquisition and/or clearance of dwellings, comply with state notification, certification and disposal requirements for asbestos.
11. If acquiring property with a dwelling, maintain a plan for residential reuse of the residential property.
12. If undertaking temporary or permanent relocation, budget adequate funds based on the costs of housing in the area.
13. If abandoning outhouses or septic tanks, budget adequate funds to cover related costs in accordance with state and local health department regulations.
14. Establish a written recipient referral procedure to address non-CDBG needs (i.e. social services, credit counseling, employment etc.)
15. Low and moderate beneficiaries may not be charged for tap fees or assessments for water or sewer improvements.
16. All items rehabilitated, if required under the building code, must be permitted and inspected.
17. Under procurement, and bid request for rehabilitation should include a section for estimated man hours expended on the project. It should include both administration and labor.

Housing

When using CDBG funds for housing activities, if funded, grantee will adhere to the following: Comply with the new Lead-Based Paint regulations 24 CFR Part 35, the Lead-Based Paint Poisoning Prevention Act and the "Lead-Based Paint Hazard Reduction Guidelines for North Carolina Small Cities Community Development Block Grant Recipients" published by Division of Community Investment.

Program Income

If the local government makes a loan to the developer, a plan for reuse of funds will be developed subject to CI approval.

Legally Binding Commitment (LBC)

The local government will develop and execute a LBC with the non-profit or for profit developer subject to Division of Community Investment requirements.

The applicant hereby assures and certifies that by his/her signature, its duly authorized official has read and understands the State CDBG Program Standards and, if funded, will adhere to all standards applicable to the funded project.

Name of Chief Elected Official Barry Jacobs

Title Chair, Orange County Board of Commissioners

Signature _____

Date _____

Disclosure Report for Federally Assisted Projects Small Cities Community Development Block Grant Program

1. Applicant/Recipient Name, Address, and Phone:

Orange County
131 West Margaret Lane
Hillsborough, NC 27278
919-245-2575

2. Check one: **Initial Report**
 Update Report

3. Social Security Number or Employer ID Number:

_____ 56-6000327 _____

4. Project Name and Location:

Morinaga America Foods, Inc. Infrastructure
Wilson Property – Accessed from Ben Wilson Road

5. Total Amount requested/received (including anticipated program income): \$750,000

6. Other Government Assistance. Check one:

- No other government assistance is, or is expected to be, provided for this project.
 All other government assistance provided for this project is listed on the attached page(s).

7. Interested Parties. Check one:

- No parties have a reportable financial interest in this project. Interested parties include developers, contractors, consultants, individuals, entities including units of government with a financial interest greater than \$50,000 or 10 percent of the assistance (whichever is lower; being a party to a contract procured under Federal procurement regulations at 24 CFR Part 85 does not, by itself, constitute a reportable financial interest).
 All parties with a reportable financial interest are listed on the attached page(s).

8. Other Government Assistance (Attachment)

Note: Disclosures must be complete and accurate, but need be made only once for this report. If assistance is reported in the Sources and Uses disclosure section, then it need not also be reported here. If there is assistance reportable here, but reported only in the Sources and Uses disclosure, check here:

Assistance is disclosed in Sources and Uses Attachments

<u>Agency Name and Address</u>	<u>Program and Type of Assistance</u>	<u>Amount Requested/Received</u>
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9. Certification:

I hereby certify that all information in this report and its attachments is true and complete.

Chair, Orange County Board of Commissioners

Date

**Recipient's Plan to Further Fair Housing
Grants 10-C-2155 and 10-C-2125**

Grantee:	Orange County, NC
Recipient's Address:	PO Box 8181 Hillsborough, NC 27278
Contact Person: Shoshannah Sayers	Contact Phone #: (919) 245-2499
Contact Email: ssayers@co.orange.nc.us	TDD #: (919) 644-3045

I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.

First Time Past Activities _____

II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community. (Use additional pages as necessary)

A March 2011 "Analysis of Impediments to Fair Housing Choice for Orange County, North Carolina" report identifies that the most substantial impediments to fair housing choice in Orange County emanate from a combination of both the public and private sectors. Transportation issues, lack of choice in affordable rental housing and an overall lack of general education about citizens' rights as it relates to fair housing choice and its laws and regulations are the overarching impediments discovered in Orange County.

The impediments noted in the report are the result of zoning and regulatory issues (which are the purview of four (4) separate local governments), cost and availability of land, lack of fair housing education, and lack of transportation and infrastructure. As such, creating more affordable housing units alone will not repair these findings nor will it create more integrated, diverse communities. Public outreach and education are therefore essential to resolve these issues. For these reasons, this plan focuses on fair housing outreach and education.

III. Will the above activities apply to the total municipality or county?

Yes No _____ **If no, provide an explanation.**
(Use additional pages as necessary)

IV. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these

activities must be included. *Activities must be scheduled for implementation at least on a quarterly basis.* (Use attached table)

Grantee: Orange County, NC

Quarterly Fair Housing Activity	Months	Year	Estimated Cost	Actual Cost
<i>Example: Establish FH policy, Complaint Procedure</i>	<i>Jan-Mar.</i>	<i>20xx</i>	<i>\$xxxx</i>	<i>\$xxxx</i>
Review and edit AI for final publication in March 2011. Develop Fair Housing Action Plan based on information in the AI.	Jan-Mar	2011	\$0	
April is Fair Housing Month. Create outreach activities around this theme.	April-June	2011	\$0	
Develop Fair Housing outreach print materials and begin circulating to clients and community members	July-Sept	2011	\$100 Printing	
Initiate a publicity campaign to inform Orange County residents who feel they have been victims of housing discrimination, that they can file a complaint with the Orange County Human Relations Commission.	Oct-Dec	2011	\$1,000 Printing/ advertising	
Produce and advertise Fair Housing Public Service Announcement (PSA) in English and Spanish and other languages as required by Title VI utilizing various local media outlets.	Jan-March	2012	\$0 (free PSA for radio and TV)	
April is Fair Housing Month. Create outreach activities around this theme.	April-June	2012	\$200	
Publicity campaign to inform Orange County residents who feel they have been victims of housing discrimination, that they can file a complaint with the Orange County Human Relations Commission.	July-Sept	2012	\$200 Printing/ advertising	
Attend local community events (street fairs, community-building events, etc.) to distribute information about Fair Housing	Oct-Dec	2012	\$300 Registration fees for events	
Distribute Fair Housing educational materials through the Orange County Library in English and Spanish and other languages as required by Title VI	Jan-March	2013	\$100 Printing	
April is Fair Housing Month. Create outreach	April-	2013	\$0	

activities around this theme.	June			
Publicity campaign to inform Orange County residents who feel they have been victims of housing discrimination, that they can file a complaint with the Orange County Human Relations Commission.	July-Sept	2013	\$100 Printing/ advertising	
Provide training and educational sessions for renters, leasing agents, home builders, and community groups regarding housing diversity and the law.	Oct-Dec	2013	\$0	

V. Describe recipient's method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures. (Use additional pages as necessary)

The Orange County Human Relations Commission (The Commission) has been granted Substantial Equivalency by the U.S. Department of Housing and Urban Development (HUD). Thus, The Commission conducts independent investigations of fair housing complaints with oversight and support directly from HUD. The following enforcement implementation method is part of the Orange County Civil Rights Ordinance and has been accepted by HUD as substantially equivalent to federal fair housing investigation standards.

(Orange County Civil Rights Ordinance, Article VIII Section 8.1)

- (a) Any person who claims to have been injured, or claims he or she is currently injured, or who reasonably believes that he or she will be injured, by a violation of their Fair Housing rights may file a Complaint with the Commission.
- (b) Complaints shall be in writing, signed and verified by the Complainant. Complaints shall state the facts upon which the allegation of an unlawful discriminatory practice is based and shall contain such other information and be in such form as the Commission requires.
- (c) A Complaint must be filed with the Commission no later than one (1) year from the date of the occurrence, or cessation of the alleged unlawful practice.
- (d) The Commission staff shall serve upon the Respondent and Complainant, in accordance with the North Carolina Rules of Civil Procedure, a copy of the Complaint and a notice advising the Respondent and Complainant of his or her procedural rights and obligations under this ordinance within ten (10) days after the Complaint is filed with the Commission.
- (e) A Respondent may file an answer to the Complaint within ten (10) days after receiving a copy of the Complaint. Answers shall be signed and verified by the Respondent and shall be filed with the Commission.

- (f) With leave of the Commission staff, which leave shall be granted whenever it would be reasonable and fair to do so, Complaints and Answers may be amended at any time. Amendments shall be reduced to writing, signed, verified, and filed with the Commission. Amendments shall relate back to the date the original Complaint or Answer was filed.
- (g) The Commission staff shall, within 30 days after the filing of a Complaint, commence an investigation into the allegations contained in the Complaint.
- (h) In conducting an investigation, the Commission staff shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence to ascertain the factual basis of the allegations contained in the Complaint...
- (m) Complaints may be resolved at any time by informal conference, conciliation, or persuasion. Nothing said or done in the course of such informal procedure may be made public by the Commission or used as evidence in any subsequent proceedings without the written consent of the person concerned. However, all resolutions of complaints shall be reduced to writing, shall be signed by the Complainant, the Respondent, and the Commission staff and shall be enforceable as a binding contract by the Commission pursuant to the applicable provisions of North Carolina law, statutory and common.

Approved By:

<p><i>Fran W. Clifton Jr., Co. Mgr</i></p> <hr/> <p>Name and Title of Chief Elected or Executive Officer</p>	<p><i>[Signature]</i></p> <hr/> <p>Signature</p>	<p>5-9-11</p> <hr/> <p>Date</p>
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Update to Previously Approved Recipient's Plan to Further Fair Housing

Orange County, NC
Recipient

Grant Number

Shoshannah Sayers
Contact Person

(919) 245-2499
Telephone Number

A. Review of Fair Housing Plan approved May 9, 2011
date

1. Housing Discrimination Complaint Procedure

a. Procedure is in place for all citizens to use:
 Yes ___ No

b. Indicate method used to notify public and availability of complaint procedure:

The County has engaged in publicity campaigns to inform citizens of Fair Housing practices and the complaint procedure.

c. If applicable, describe any changes made to the procedure since Plan approved:

2. Approved Activity(ies) (Attach additional pages as necessary.)

List completed/on-going activity(ies)

Date(s) activity
completed/implemented

Quarterly Fair Housing Activity	Months	Year
<i>Example: Establish FH policy, Complaint Procedure</i>	Jan-Mar.	20xx
Review and edit AI for final publication in March 2011. Develop Fair Housing Action Plan based on information in the AI.	Jan-Mar	2011
April is Fair Housing Month. Create outreach activities around this theme.	April-June	2011
Develop Fair Housing outreach print materials and begin circulating to clients and community members	July-Sept	2011
Initiate a publicity campaign to inform Orange County residents who feel they have been victims of housing discrimination, that they can file a complaint with the Orange County Human Relations Commission.	Oct-Dec	2011
Produce and advertise Fair Housing Public Service Announcement (PSA) in English and Spanish and other languages as required by Title VI utilizing various local media outlets.	Jan-March	2012
April is Fair Housing Month. Create outreach activities around this theme.	April-June	2012
Publicity campaign to inform Orange County residents who feel they have been victims of housing discrimination, that they can file a complaint with the Orange County Human Relations Commission.	July-Sept	2012
Attend local community events (street fairs, community-building events, etc.) to distribute information about Fair Housing	Oct-Dec	2012
Distribute Fair Housing educational materials through the Orange County Library in English and Spanish and other languages as required by Title VI	Jan-March	2013
April is Fair Housing Month. Create outreach	April-	2013

activities around this theme.	June	
Publicity campaign to inform Orange County residents who feel they have been victims of housing discrimination, that they can file a complaint with the Orange County Human Relations Commission.	July-Sept	2013
Provide training and educational sessions for renters, leasing agents, home builders, and community groups regarding housing diversity and the law.	Oct-Dec	2013

B. Fair Housing Plan Update

A recipient with an approved Fair Housing Plan must submit an updated Plan showing an incremental level of activity(ies) to further fair housing if (1) the approved Plan has scheduled activities for only one year instead of the entire active period of the grant; or (2) the current Plan was approved less than one year from a recipient's new award, the current Plan must be updated on the anniversary date of its approval.

List new activity(ies) and give time schedule
(Attach additional pages as necessary.)

1st Quarter/ January-March 2014 - the County will distribute Fair Housing materials through the Orange County Library in English and Spanish and other languages as required by Title VI.

2nd Quarter / April-June 2014 –April is Fair Housing Month. Create outreach activities around this theme.

3rd Quarter / July-September 2014 – Attend local community events (street fairs, community-building events, etc.) to distribute information about Fair Housing.

4th Quarter / October-December 2014 – produce and advertise Fair Housing Public Service Announcement (PSA) in English and Spanish and other languages as required by Title VI utilizing various local media outlets.

APPROVED BY: Barry Jacobs
Name Board Chair

Signature of Board Chair

Chair, Orange County Board of Commissioners
Title

Date

Local Economic Benefit for Low- and Very Low-Income Persons Plan

To ensure that, to the greatest extent possible, contracts for work are awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, Orange County has developed and hereby adopts the following Plan:

This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

This Section 3 covered project area for the purposes of this grant program shall include Orange County and portions of the immediately adjacent area.

When in need of a service, Orange County will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and Small Business Administration local offices. Word of mouth recommendation shall also be used as a source.

Orange County will include this Section 3 clause in all contracts executed under this CDBG Program. Where deemed necessary, listings from any agency noted above shall be included as well as sources of subcontractors and suppliers.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Orange County Employment Security Commission shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in our project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise in our local newspaper an advertisement, prominently located as a display advertisement, the pertinent information regarding the project including all Section 3 required information.

Adopted this _____ day of _____, 20__.

Chair, Board of County Commissioners

Orange County

Equal Employment and Procurement Plan

Orange County maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy, the County prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The County shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the Chair of the County Commission to assist in the implementation of this policy statement.

The County shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the Chair of the County Commission.

The County is committed to this policy and is aware that with its implementation, the *County* will receive positive benefits through the greater utilization and development of all its human resources.

Adopted this _____ day of _____, 20__.

Chair, County Board of Commissioners

ATTEST:

(Clerk)

**ORANGE COUNTY
CITIZEN PARTICIPATION PLAN
FOR
HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS**

PURPOSE

The purpose of this Citizen Participation Plan is to set forth a process that will give citizens an opportunity to participate in an advisory role in developing applications for funding, program implementation, monitoring and evaluation of Orange County housing and community development programs. This plan is written in accordance with NC Community Development Block Grant Regulations found at 4 NCAC 19L.1002 Citizen Participation as well as Consolidated Plan regulations found in 24 CFR Section 91.105.

The Orange County Board of Commissioners adopted the original Citizen Participation plan on December 5, 1988 and in August 1996, the Plan was amended to specifically reference the Consolidated Plan requirements and to broaden the applicable programs and/or activities beyond the Community Development Program.

The Plan was again presented to the Orange County Board of Commissioners for renewal, un-amended, in November 2013.

STATEMENT OF INTENT

The County of Orange recognizes that citizen participation is an essential component in the planning and development of our housing and community development programs. It is our intent to provide citizens with adequate information and opportunity to participate in every aspect of our program. Specifically, the goals of the plan include the following:

1. Provide for the institution and operation of a Citizen Participation process whereby citizen representatives adequately reflect the geographic areas and social, ethnic and economic groups of the County.
2. Provide for continuing direct access for citizen representatives to the Board of Commissioners, the County Manager and other County staff in order to increase citizen involvement and contributions in the Community Development process.
3. Provide citizens with timely and current information concerning public resources, plans and programs for the utilization of these resources and other activities afforded the citizens.
4. Provide the Board of Commissioners, the County Manager and other County and Town officials with timely and current information regarding citizens' needs, plans, projects, relative priorities and recommendations for action by the County.

STANDARDS FOR CITIZEN PARTICIPATION

The County shall provide a process for citizen participation at the county and/or neighborhood level, as appropriate, which shall include the following:

1. All aspects of citizen participation shall be conducted in an open manner, with freedom of access for all interested persons.
2. Low and moderate income citizens, members of minority groups, special population groups residents of neighborhood revitalization areas or others directly affected by proposed housing and community development programs shall be encouraged to participate in the various phases of program development and implementation. **Persons of low and moderate income who are residents of slum and blight areas will also be encouraged to participate in program development and implementation.**
3. All reasonable efforts shall be taken to ensure continuity of participation by citizens and citizen organizations throughout various stages of program development and implementation.

4. **Reasonable and timely access to local meetings, information and records related to the County's proposed and actual use of federal and state funding will be provided to citizens to facilitate their meaningful participation.**
5. All citizens shall be provided an opportunity to submit their views and proposals during all phases of program design and implementation.
6. Ethnic and culturally diverse members of the community shall be encouraged to participate on any countywide or community based advisory committees established in conjunction with housing and community development activities.

PROCESS OF CITIZEN PARTICIPATION

The County shall provide adequate information to citizens, hold public hearings to obtain views regarding application development and program implementation, and provide citizens with an opportunity to comment on program performance. The role of citizens will be specified in this Plan. The Housing and Community Development Department, under the direction of the County Manager, has primary responsibility for administering housing and community development programs in the County. Therefore, this department shall facilitate citizen participation as outlined below.

PROGRAM/PLAN DEVELOPMENT

CONSOLIDATED PLAN

During the development of the Consolidated Plan, the County will consult the local public housing authorities, residents of public and assisted housing developments, local housing development non-profit agencies as well as other interested citizens to assess the housing needs of the community. A public hearing will be held to provide an opportunity for the public to provide their assessment of housing needs and priorities prior to publishing the proposed Consolidated Plan.

A summary of comments received in writing or orally at the public hearings will be prepared and attached to the final Consolidated Plan.

After this hearing, the County will make available the Proposed Consolidated Plan for Orange County for public comment for a period, not less than thirty (30) days. Notice regarding the location of the Plan document and the process for commenting will be provided to the abovementioned groups by individual mailings and to the general public by advertisement in the Chapel Hill Herald/The Herald-Sun. At a minimum, a copy of the document will be placed in the Chapel Hill Library and the Orange County Library. The document will also be available for review on the County's internet site. Special attention will be given to making reasonable accommodations to provide the plan document to persons with disabilities upon request.

A summary of comments received during the comment period will be prepared and attached to the final Consolidated Plan.

CONSOLIDATED PLAN AMENDMENTS

The Consolidated Plan may be amended for the following reasons:

1. To make a change in its allocation priorities or a change in the method of distribution of funds;
2. To carry out an activity, using funds from any program covered by the Consolidated Plan not previously described in the Action Plan;
3. To change the purpose, scope, location, or beneficiaries of an activity.

A substantial amendment is considered to be Item #1. In this case, a public hearing will be held to provide an opportunity for the public to respond to the proposed amendment prior to HUD submission. All other changes shall be considered non-substantial and will be communicated to County and Town officials for their review and approval prior to submission to HUD.

A summary of comments received in writing or orally at the public hearing will be prepared and attached to the Consolidated Plan Amendment submitted to HUD.

SMALL CITIES COMMUNITY DEVELOPMENT PROGRAM

Prior to the development of a Community Development Application, a public hearing will be held to receive comments from the public regarding community needs. All comments received will be considered in designing an application that meets the County's needs.

A second public hearing will be held after the application has been prepared, but, before submission to the appropriate state agency.

PROGRAM IMPLEMENTATION

Continuity of participation shall be provided through the Community Development Advisory Committee which is composed of citizen representatives of the community and which is reflective of the diversity present in Orange County. This committee is appointed by the Orange County Board of Commissioners and is responsible for monitoring the County's housing and community development programs. Also, Periodic public meetings may be held to disseminate important programmatic information such as major regulation changes.

PERFORMANCE ASSESSMENT

Within sixty days of the end of the federal fiscal year, the County will prepare an Annual Performance Report for submission to HUD. A public hearing will be held to provide citizen comments regarding the organization's performance prior to submission of the report to HUD.

In addition, the Performance Report will be made available in each town in the County for public review and comment for a minimum period of 15 days not to exceed 30 days.

Notice regarding the location of the Plan document and the process for commenting will be provided to the abovementioned groups by individual mailings and to the general public by advertisement in the Chapel Hill Herald/The Herald-Sun. Special attention will be given to making reasonable accommodations to provide the plan document to persons with disabilities upon request.

MEETINGS AND PUBLIC HEARINGS

All Housing and Community Development related meetings and public hearings shall be timely, held at convenient times and at readily accessible locations. A notice of meetings and public hearings will be published in the Chapel Hill Herald/Herald-Sun as well as delivered to citizen groups and social service agencies. These meetings and public hearings shall provide for broad citizen participation and make possible arrangements for full involvement by the handicapped, elderly, and other special populations. Minutes or summaries that record the content of all public hearings shall be retained by Orange County. **Additionally, any questions posed regarding community development plans and projects will be responded to in writing no later than 10 days after receipt of the question(s).**

All public hearing notices shall be published in accordance with applicable Federal and/or State regulations. Unless superseded by these regulations, all notices shall be published a minimum of ten (10) calendar days but not more than 25 days prior to the public hearing. Such notices shall be published a minimum in The Chapel Hill Herald/Herald-Sun and will indicate the time, location, date, procedures, and topics to be discussed.

The Orange County ADA Coordinator may be contacted to make reasonable accommodations under the Americans with Disabilities Act. **Additionally, the County will make available interpreter services to meet the needs of non-English speaking residents when a significant number of non-English speaking residents are expected to participate.**

TECHNICAL ASSISTANCE

Resources must be made available to provide technical assistance to group's representative of low and moderate-income persons **that request such assistance**. The assistance may range from grant writing seminars to help in establishing a non-profit organization.

COMPLAINTS

A complaint is “a claim concerning any action on the part of a department or contract agency or firm involved in carrying out the County’s housing and community development programs based upon an event or condition which affects the circumstances under which a citizen lives, allegedly caused by misinterpretation, unfair application, violation of contract or lack of established policy pertaining to program implementation and which the complainant feels infringes upon the health, safety, welfare or right to due process for himself/herself or his/her family, property or personal possessions.

A citizen may file a written or verbal complaint regarding the Consolidated Plan, its amendments, the Annual Performance Report, **and/or any County administered Community Development Block Grant (CDBG) program activity**. In addition, a resident beneficiary of County administered housing and community development programs may file a written or verbal complaint to the County Housing and Community Development Department. Within five (5) working days the Department shall respond in writing to the complaint.

If the complainant is dissatisfied with the response, he or she can appeal in writing to the Orange County Manager. The County Manager has ten (10) working days to respond in writing to the complaint. The decision of the County Manager shall be final.

ACCESS TO RECORDS

The County shall provide full public access to program information and will make good faith efforts to keep citizens informed, consistent with the rights of privacy and obligations of confidentiality.

Program files regarding program utilization and are located in the office of Orange County Housing and Comity Development office and are available upon request. Further, copies of the Consolidated Plan are kept in each Public Library in the county and will be made available on governmental web sites as technologically possible.

EFFECTIVE DATE

This plan supersedes all previously written Citizen Participation Plans. The Board of Commissioners must approve all future amendments to this plan.

Adopted this _____ day of _____, 20__.

Chair, County Board of Commissioners

ATTEST:

(Clerk)

Instructions

1. By signing and submitting this form, the prospective participant is providing the certification set out on the Certification Regarding Debarment, Suspension and Other Responsibility Matters” in accordance with these instructions.
2. Consequences of False Certification - The certification is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. Errors in Certifying. - The prospective participant shall provide immediate written notice to the person to which this proposal is submitted if, at any time, the prospective participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. Definitions and Further Guidance - The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause have the meanings set out in the Definitions and Coverage section of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations or you may refer to the *Federal Register*, Vol. 70, No. 168, pages 51863 –51880.
5. Certification Extends to Subcontractors - The prospective participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. Certification Included in Subcontracts - The prospective participant further agrees by submitting this form that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,” without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. Reliance on Certification - A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transition, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. New System of Records Not Required - Nothing contained in the foregoing should be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Consequences for Use of Ineligible Subgrantees - Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment.

**CERTIFICATIONS REGARDING DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS**

Applicants should refer to the regulations cited below. Applicants should also review the instructions for certification included in the regulations before completing this form, signature on this form provides for compliance with certification requirements implementing Federal Executive Order 12549 and guidance issued in the *Federal Register*, Volume 70, No. 168, pages 51863 through 51880 for "Governmentwide Debarment and Suspension (Nonprocurement)." The certification shall be treated as a material representation of fact upon which reliance will be placed when the Department of Commerce determines to award the covered transaction, grant or cooperative agreement.

1. DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, for prospective participants in primary covered transactions.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification(s).

NAME OF APPLICANT Orange County, NC	AWARD NUMBER AND/OR PROJECT NAME Morinaga America Foods, Inc. Infrastructure
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE Mr. Barry Jacobs, Chair, Orange County Board of Commissioners	
SIGNATURE	DATE

Language Access Plan

Orange County Housing, Human Rights and Community Development Department

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the Orange County Housing, Human Rights and Community Development Department must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

This policy and plan is effective September 30, 2010.

I. Scope of Policy

These requirements will apply to the Orange County Housing, Human Rights and Community Development Department (herein referred to as “the agency”) including subcontractors, vendors, and subrecipients.

The agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the agency.

II. Definitions

- A. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.
- B. Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

III. Providing Notice to LEP Individuals

- A. The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer.

The current name, office telephone number and office address of the Title VI compliance officer appears below:

Marlyn Henriquez Valeiko, LEP Specialist
 300 W. Tryon Street
 Hillsborough, NC 27278
 (919) 245-2490

- B. The agency will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services. These signs will be posted in the lobby and intake office of both our Chapel Hill and Hillsborough locations.
- C. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).
- D. The agency will also disseminate information in the following manner:

Bilingual LEP Specialist Marlyn Henriquez Valeiko will do outreach with LEP communities. This will be accomplished by utilizing opportunities at local fairs and festivals, inter-departmental outreach in collaboration with Social Services, information available on the website, and through the development of LEP-accessible brochures.

IV. Provision of Services to LEP Applicants/Recipients

- A. Assessing Linguistic Needs of Potential Applicants and Recipients

1. The agency will assess the language needs of the population to be served, by identifying:
 - a. the language needs of each LEP applicant/recipient
 - b. the points of contact where language assistance is needed; and
 - c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.

2. Determining the Language Needs of the Population to be Served

The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.

- b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals local entities should review:
 - i. census data
 - ii. school system data
 - iii. reports from federal, state, and local governments
 - iv. community agencies' information, and
 - v. data from client files

- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

3. Determining the Language Needs of Each Applicant/Recipient

The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language. The method used will be multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages

- b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language.

- c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.
- d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
- e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

B. Provision of Bilingual/Interpretive Services

1. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement will be met by LEP Specialist Marlyn Henriquez Valeiko, who is fluent in Spanish. Ms. Valeiko is available to assist staff in all sections of the agency with their interactions with LEP customers. The agency also uses a Language Line to assist LEP customers speaking languages other than Spanish.

2. The agency will provide language assistance at all levels of interaction with LEP individuals, including telephone interactions.

On-site interpreters will be used when possible. When an on-site interpreter is not available, the agency will use certified interpreters through the Language Line.

3. Interpreter Standards
 - a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:

- i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
- ii. Can accurately and impartially interpret to and from such languages and English
- iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services
- iv. Demonstrates cultural competency
- v. Understands the obligation to maintain confidentially
- vi. Understands the roles of interpreters and the ethics associated with being an interpreter

The agency ensures the competency of bilingual staff and interpreters through a Spanish Assessment Tool that measures both linguistic aptitude and cultural competency. Language Line interpreters are independently trained and certified.

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.

4. Using Family Members or Friends as Interpreters

- a. Applicants/recipients may provide their own interpreter; however the agency will not require them to do so.
- b. The agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
- c. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
- d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared

with the NC Department of Community Assistance (DCA) upon request.

5. The agency will *not* require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations

1. The agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
2. Translation of Vital Documents
 - a. The agency will ensure that vital documents for locally designed programs are translated into Spanish.
 - b. When DCA forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
 - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language.
 - d. The agency will keep a record of all vital documents translated, and will submit this information to DCA at their request.
3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

D. Documentation of Applicant/Recipient Case Records

1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:
 - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
 - b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor and will provide this information to DCA upon request.
3. Consent for the release of information will be obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
 - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
 - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.
3. The agency will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy. This training will be a

prerequisite of signing a contract with the agency and will be offered by agency staff.

4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

V. Compliance Procedures, Reporting and Monitoring

A. Reporting

1. The agency will complete an annual compliance report and send this report to DCA.

B. Monitoring

1. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the DCA. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the DCA upon request.
2. The agency will cooperate, when requested, with special review by the DCA .

VI. Applicant/Recipient Complaints of Discriminatory Treatment

A. Complaints

1. The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
2. The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.
3. The agency will notify the appropriate agency or Division within DCA of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

B. Investigation

1. The DCA Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

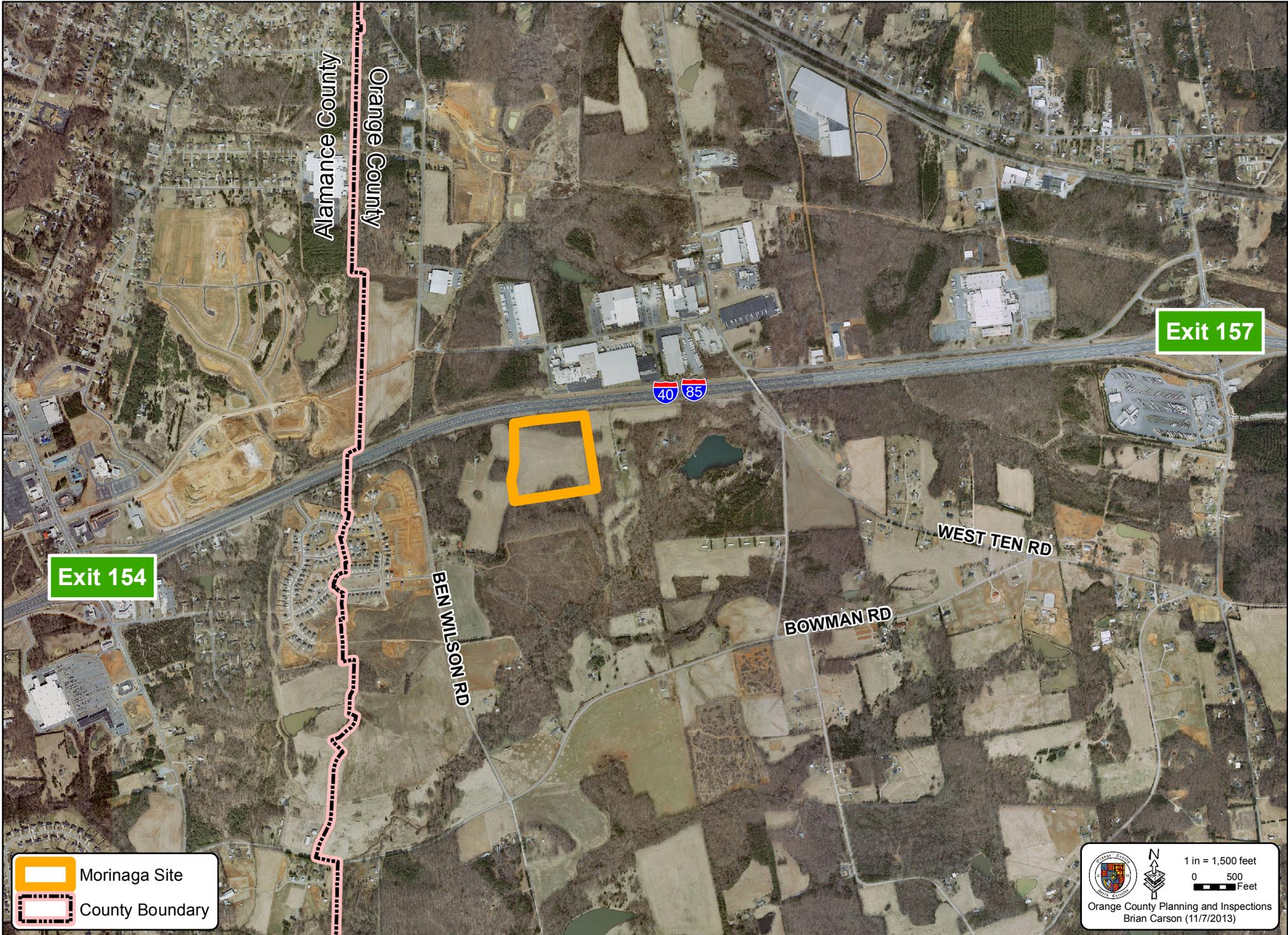
C. Resolution of Matters

1. If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by DCA, then complaint will be forwarded to the Department of Justice, HUD Field Office.

SUBMITTED AND APPROVED BY:

Chair, Orange County Board of Commissioners

Date



ORD-2013-047

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

Action Agenda

Item No. 7-a

SUBJECT: Buckhorn Mebane Phase 2 Utilities – Request for Additional Rock Allowance and Approval of Budget Amendment #3-B

DEPARTMENT: Planning, Financial Services,
Asset Management Services
(AMS)

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1) Project Map
- 2) Photos Showing Rock Excavation

INFORMATION CONTACT:

Craig Benedict, Planning, (919) 245-2592

Clarence Grier, Manager's
Office/Financial Services, (919) 245-2453

Kevin Lindley, Planning, (919) 245-2583

Jeff Thompson, AMS, (919) 245-2658

PURPOSE: To consider approving Budget Amendment #3-B adding additional rock contingency to the Buckhorn Mebane Phase 2 Utilities Capital project budget.

BACKGROUND: This project has been underway since the Spring of this year. The overall project is more than 50% complete and consists of three distinct parts: 9,000 linear feet of 18" gravity sewer line, 14,000 linear feet of 16" water line, and 5,700 linear feet of 8" and 12" gravity sewer line. These water and sewer lines will serve the areas designated for economic development and growth near Mebane and along the Interstate corridor in the western portion of Orange County (see Attachment 1).

The original estimated rock quantity for the 18" sewer line was 3,825 cubic yards. However, after constructing approximately 4,600 linear feet (51%) of this line, the Contractor has excavated 6,350 cubic yards of rock as of November 8, 2013. In Attachment 2, there are two photographs which give an indication of the jobsite conditions and rock quantities encountered so far. Because of the large quantity of rocky material, the Contractor has brought in a mobile rock crusher which can be seen in one of the photographs. The contractor has been crushing the excavated rock and returning it to the upper portion of the trench as fill. This avoids having to haul the rock out by the truckload for disposal and having to purchase and haul in select fill to replace the rock that was removed.

The County's engineering consultant, Hobbs, Upchurch and Associates, is estimating that if conditions stay consistent with the first segment of this line, there could be an additional 4,500 cubic yards of rock left to be excavated to finish this line. If the consultant's estimate proves

true, the total rock excavated for this 18" sewer line would be 10,850 cubic yards. When compared to the original estimate of 3,825 cubic yards, the difference is 7,025 cubic yards.

The rock excavation line item is paid at \$60 per cubic yard of rock excavated, so adding an additional rock contingency of 7,025 cubic yards could potentially increase the construction costs by \$421,500. However, the request is only to add rock contingency to the project budget. If the Contractor excavates less rock than estimated, this money will not be spent.

The other parts of the project each have their own rock allowance included in the original project budget. The water line is approximately 75% complete and has used only a fraction of its rock contingency. Construction of the 8"-12" sewer line has not yet begun, but it has its own rock allowance, as mentioned above, and can use any remaining rock allowance not used on the construction of the 18" sewer line, if necessary.

FINANCIAL IMPACT: This project currently has a construction budget of \$4,016,546. Adding the rock allowance contingency as outlined above would increase the construction budget by \$421,500. These extra funds would come from money generated by the Article 46 Sales Tax and earmarked for infrastructure development. As a result of the additional money that would be allocated towards this project, other Capital Investment Plan (CIP) projects which are to be funded in the future by the Article 46 Sales Tax Revenue will have to be delayed or have their scope reduced. Staff will be making proposals on next year's CIP budget and will suggest specific project budget modification changes at that time. Budget Amendment #3-B provides for the additional funds of \$421,500 from Article 46 Sales Tax proceeds, and amends the Capital Project ordinance as follows:

Buckhorn Mebane Phase 2 (\$421,500) – Project # 30040

Revenues for this project:

	FY 2013-14 Current Budget	Dec 2, 2013 Amendment	FY 2013-14 Revised Budget
Alternative Financing	\$4,256,046	\$0	\$4,256,046
Appropriated Fund Balance	\$200,000	\$0	\$200,000
From General Fund	\$135,500	\$0	\$135,500
Article 46 Sales Tax Proceeds	\$0	\$421,500	\$421,500
Total Project Funding	\$4,591,546	\$421,500	\$5,013,046

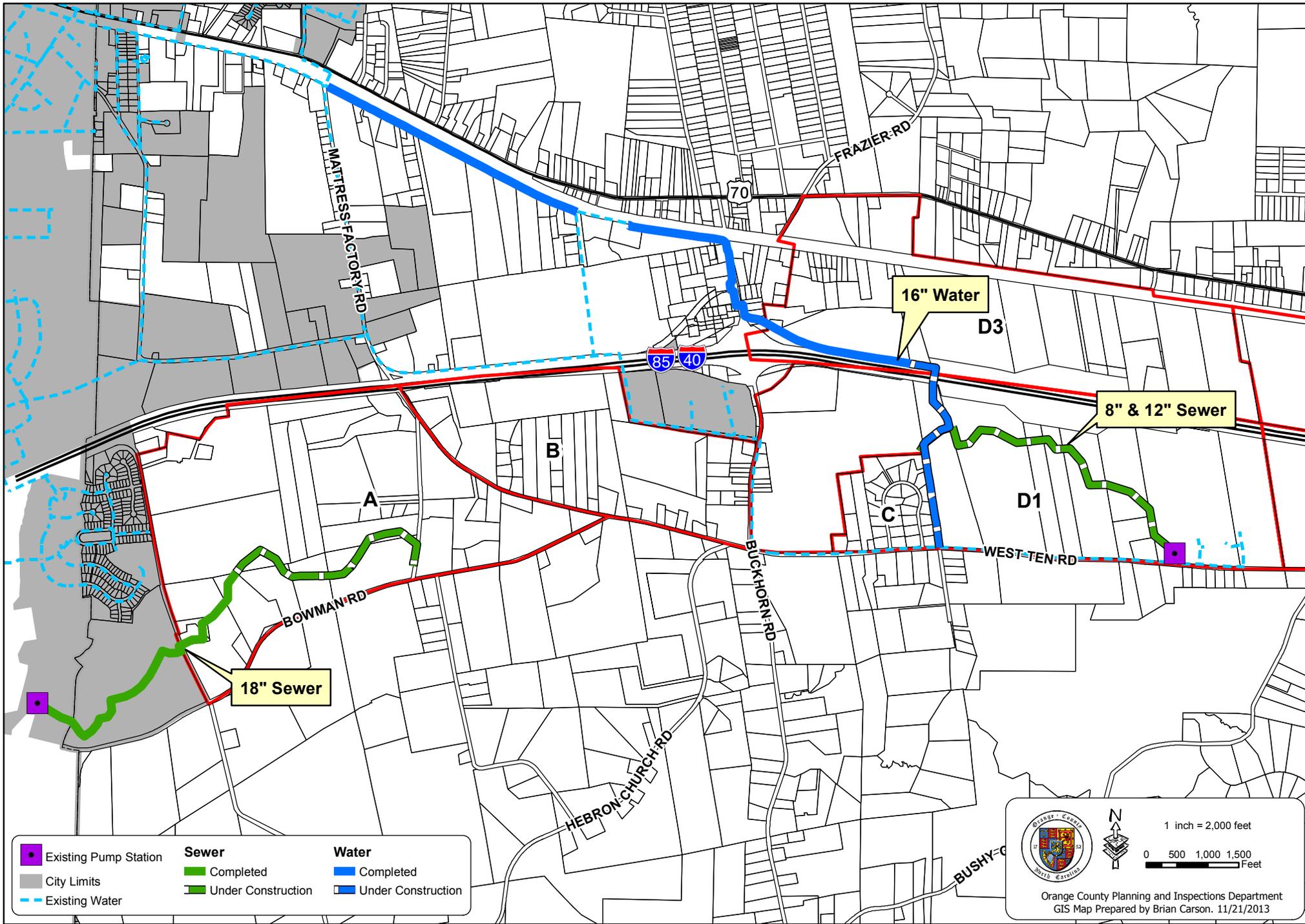
Appropriations for this project:

	FY 2013-14 Current Budget	Dec 2, 2013 Amendment	FY 2013-14 Revised Budget
Professional Services	\$475,000	\$0	\$475,000
Construction	\$4,016,546	\$421,500	\$4,438,046
Easements, CMT, C&A Study, Wetlands Mitigation	\$100,000	\$0	\$100,000
Total Costs	\$4,591,546	\$421,500	\$5,013,046

RECOMMENDATION(S): The Manager recommends that the Board approve Budget Amendment #3-B by adding \$421,500 in rock contingency to the Buckhorn Mebane Phase 2 Utilities project construction budget.

Buckhorn-Mebane EDD Phase 2 Water & Sewer Improvements

Project Progress 11/08/2013



	Existing Pump Station	Sewer	Water
	City Limits		
	Existing Water		
		Completed	Completed
		Under Construction	Under Construction

1 inch = 2,000 feet

Orange County Planning and Inspections Department
GIS Map Prepared by Brian Carson, 11/21/2013

Buckhorn Mebane Phase 2 Utilities Project Photos – Sewer Line S-3



**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

**Action Agenda
Item No.** 7-b

SUBJECT: Redesigned County Logo

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
County Logo Options

INFORMATION CONTACT:
Michael Talbert, Interim County Manager,
919-245-2300

PURPOSE: To review options for a redesigned County Logo as recommended by the Review Committee for the County Logo.

BACKGROUND: On May 21, 2013, the Board received an overview of the County's Marketing and public relations projects. A motion was made, "That the Board of County Commissioners or designated members would participate in the design or review of any logo for overall use to represent Orange County, including the review of any already developed logo; and that the Board of County Commissioners will have final approval of any such logo, emblem or representation". The motion was approved unanimously.

At its Work Session on September 12, 2013, the Board discussed the County Logo and expressed concerns about the design and design process for the Logo. The creation of a Review Committee provided an opportunity for Board members to participate in the design process and finalize a redesigned County Logo to recommend to the Board of County Commissioners (BOCC).

Commissioners Renee Price and Penny Rich met with staff on October 22, 2013, reviewed the original County Logo design options and made recommendations for a new logo design. The attachment includes three logo options for Orange County that were designed for the Board to review on November 12, 2013. Commissioners Price and Rich favored Option A. However, the Board requested a fourth logo, which involved a modification to Option C, resulting in Option D. The Board also requested each logo design be displayed in color, black/white and reduced in size. The consultant also included a Facebook icon to represent each of the four logo design options.

FINANCIAL IMPACT: The anticipated financial impact for the redesigned County Logo should not exceed \$2,200.

RECOMMENDATION(S): The Manager recommends that the Board review the redesigned County Logo options (A, B C, or D) and select one design. The new logo design would go into effect on July 1, 2014, allowing for the current logo to be phased out.



Reduced size



Facebook Profile Image





Reduced size



Facebook Profile Image



Reduced size



Facebook Profile Image



Reduced size



Facebook Profile Image

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 2, 2013

**Action Agenda
Item No.** 8-a

SUBJECT: Solid Waste Convenience Center Update

DEPARTMENT: Solid Waste Management

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Photographs of Walnut Grove Employee
Booth

Preliminary Site Plan – Eubanks Road

INFORMATION CONTACT:

Gayle Wilson, 919-968-2885

Michael Talbert, 919-245-2308

PURPOSE: To provide information, at the Board of Commissioners request, regarding performance of the new Walnut Grove Church Road Convenience Center and progress of planning for Eubanks Road Convenience Center improvements.

BACKGROUND: The new Walnut Grove Church Road Solid Waste Convenience Center opened in May 2013 and has been a great success with regard to customer service, waste handling efficiencies, expansion of recycling opportunities and in appearance. This center is the first of a plan to modernize all five centers into a network of district and neighborhood centers. Both Walnut Grove Church Road and Eubanks Road were endorsed by the BOCC to be district centers. District centers were envisioned to provide a much greater array of services and be open more hours (six days/week).

The Interim County Manager has recently authorized some additional improvements/modifications to the Walnut Grove Center. Staff has ordered two more compactor boxes for the bulky item stationary compactor which has been filling more quickly than projected and thus more storage space is necessary. A second bulky waste compactor will be considered for the FY 2013/14 budget.

Additionally, staff is awaiting delivery of three metal canopies for the center operators to shelter them from the sun and weather elements as they must remain stationed near the compactors much of the time in order to monitor incoming materials and operate the compaction mechanisms. Fans and heaters are available for employees as needed. For especially severe weather, the center has a cooled/heated attendant booth nearby (photo attached). Finally, staff is also awaiting delivery of a metal storage shed for safe storage of various equipment, implements and supplies. Installation of the canopies and storage building is expected in the next 2-3 weeks.

With regard to the upcoming Eubanks Road Solid Waste Convenience Center project, staff has developed a preliminary site plan (attached) and has recently met with Town of Chapel Hill plan review team (the center is within the Town's planning jurisdiction) to discuss the upcoming project. The plan review team has requested additional information about center operations, etc., and this should be considered the beginning of an iterative process toward obtaining permit approval for the project. It is of some benefit that the Walnut Grove Church Road site is available as a model for what is anticipated at the Eubanks Road Center. No significant issues of concern were raised at the preliminary plan review meeting. Staff is currently evaluating interim service options for the center while it is closed during construction. Staff will brief the BOCC as the permitting process progresses.

FINANCIAL IMPACT: There is no financial impact associated with receiving this report. Once the Eubanks Road Solid Waste Convenience Center project is bid, the BOCC will authorize the expenditure for this construction project, which is recommended to be debt financed. Proceeds for most of the anticipated cost of this project are available from a prior debt service authorization.

RECOMMENDATION(S): The Manager recommends that the Board receive the update, ask questions and provide any further guidance to staff as necessary with regard to the Convenience Center modernization process.





BOCC Meeting Follow-up Actions

(Individuals with a * by their name are the lead facilitators for the group of individuals responsible for an item)

Meeting Date	Task	Target Date	Person(s) Responsible	Status
11/19/13	Review and consider request from Commissioner Price, joined by Commissioner McKee, regarding recognition for Orange County 4-H	12/10/2013	Chair/Vice Chair/Manager	DONE Clerk to the Board worked with Commissioner Price on recognition for 12/2/13 meeting
11/19/13	Review and consider request from Commissioner Price that the Board send a letter to Senator Kay Hagan indicating support for the Workforce Investment Act	12/10/2013	Chair/Vice Chair/Manager	DONE Staff provided draft letter to Chair and Commissioner Price
11/19/13	Review and consider request from Commissioner Price that the County make contact with NCDOT regarding high speed traffic on St. Mary's Road between Highway 70 and Lawrence Road and request traffic-calming/speed reducing measures be considered; also discuss with the Sheriff	12/10/2013	Chair/Vice Chair/Manager	DONE Concern to be shared with the Sheriff and also discussed at next Quarterly Meeting with NCDOT
11/19/13	Draft a letter for the Chair to send the owners of Bliss-Dobyns property expressing Orange County's appreciation for their conservation easement	12/10/2013	*Rich Shaw Donna Baker	Letter being drafted for the Chair
11/19/13	Send Medicaid resolution (Attachment 2) to Governor, leadership in NC General Assembly, and Orange County's legislative delegation	12/2/2013	Donna Baker	DONE
11/19/13	Draft letter for Chair to send to Eno EDD Access Management Plan petition signers addressing actions so far and next steps/opportunities for public input	12/10/2014	Craig Benedict *Abigaile Pittman	Letter to be drafted for the Chair
11/19/13	Incorporate comments from Board members regarding draft Policy for Commemorative Plaques at County Facilities and bring draft back for BOCC discussion in February 2014	2/18/2014	Jeff Thompson	Comments to be incorporated and draft presented to Board in February 2014
11/19/13	Conform Fire Service agreements based on BOCC approval with two improvements provided by Commissioner Gordon	12/10/2013	Jim Groves Jason Shepard	DONE
11/19/13	Put up signage and include info on County website regarding McDougle Library hours/circumstances for temporarily closing early, etc.	11/20/2014	Lucinda Munger	DONE

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Effective Date of Report: November 15, 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	64,570,716.39	\$ 68,301,666.19	\$ 137,868,792.00	\$ 73,298,075.61	47.13%
*Current Year VTS Taxes		402,790.83				
Prior Year Taxes	\$ 4,163,721.00	1,001,242.95	\$ 3,137,114.92	\$ 994,130.00	\$ (7,112.95)	100.72%
Total	\$ 142,032,513.00	65,974,750.17	\$ 71,438,781.11	\$ 138,862,922.00	\$ 73,290,962.66	47.51%
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	58,545,871.37	\$ 75,846,344.22	\$ 135,068,463.00	\$ 76,522,591.63	43.35%
Prior Year Taxes	\$ 4,026,736.27	974,661.67	\$ 2,756,957.11	\$ 994,130.00	\$ 19,468.33	98.04%
Total	\$ 139,095,199.27	59,520,533.04	\$ 78,603,301.33	\$ 136,062,593.00	\$ 76,542,059.96	43.74%
Current Year Overall Collection Percentage Tax Year 2013			48.72%			
Current Year Overall Collection Percentage Tax Year 2012			43.72%			

**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.*

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



November 25, 2013

Dear Commissioners,

At the Board's November 19, 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 Price, joined by Commissioner McKee, regarding recognition for Orange County 4-H.

Response: The Board will consider this item at its December 2, 2013 meeting.

- 2) Review and consider request by from Commissioner Price that the Board send a letter to Senator Kay Hagan indicating support for the Workforce Investment Act.

Response: This has letter has been compiled and will be sent to Senator Hagan upon the Chair's signature.

- 3) Review and consider a request by from Commissioner Price that the County make contact with NCDOT regarding high speed traffic on St. Mary's Road between Highway 70 and Lawrence Road and request traffic-calming/speed reducing measures be considered; also discuss with the Sheriff.

Response: This concern will be shared with the Sheriff and also discussed at next Quarterly Meeting with NCDOT.

This letter will be provided as an Information Item on the December 2, 2013 agenda for public information.

Best,

Barry Jacobs, Chair
Board of County Commissioners

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Protecting and preserving – People, Resources, Quality of Life
Orange County, North Carolina – You Count!
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