



**Orange County  
Board of Commissioners**

**Agenda**

**Regular Meeting**

December 15, 2015

7:00 p.m.

Southern Human Services Center

2501 Homestead Road

Chapel Hill, NC 27514

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

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

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

**PUBLIC CHARGE**

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

**2. Public Comments (Limited to One Hour)**

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

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

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

- b. Matters on the Printed Agenda

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

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

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

- a. Presentation of Comprehensive Annual Financial Report for FYE 6/30/2015



## **5. Public Hearings**

- a. Joint Public Hearing with the Historic Preservation Commission Regarding the Proposed Designation of the Nicholas Corbett Hester House as an Orange County Local Historic Landmark
- b. Orange County Consolidated Plan - Annual Action Plan Needs Hearing

## **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. Fiscal Year 2015-16 Budget Amendment #4
  - c. Authorization for County Manager to Execute Leases of County Property
  - d. Public Records Retention and Disposition Schedules
  - e. Computer Surplus Declaration and Donation to the Chapel Hill-Carrboro City Schools

## **7. Regular Agenda**

- a. Unified Animal Control Ordinance

## **8. Reports**

- a. Jail Population Profile and Projections for Future Growth
- b. Orange County Facilities Accessibility Self-Assessment Update

## **9. County Manager's Report**

## **10. County Attorney's Report**

## **11. Appointments**

- a. Upper Neuse River Basin Association – Appointment(s)
- b. Adult Care Home Community Advisory Committee – Appointments
- c. Affordable Housing Advisory Board – Appointments
- d. Chapel Hill / Orange County Visitors Bureau – Appointments
- e. Commission for the Environment – Appointments

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

## **13. Information Items**

- December 7, 2015 BOCC Meeting Follow-up Actions List
- Memo Regarding Rural Recycling Service Area Expansion Details
- Memo Regarding Dr. Pauli Murray Human Rights Award Winner Display Area

## **14. Closed Session**



## 15. Adjournment

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

Orange County Board of Commissioners' regular meetings and work sessions are available via live streaming video at [http://www.orangecountync.gov/departments/board\\_of\\_county\\_commissioners/videos.php](http://www.orangecountync.gov/departments/board_of_county_commissioners/videos.php) and Orange County Gov-TV on channels 1301 or 97.6 (Time Warner Cable).

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

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

**SUBJECT:** Presentation of Comprehensive Annual Financial Report for FYE 6/30/2015

---

**DEPARTMENT:** Finance and Administrative  
Services

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

No
----

**ATTACHMENT(S):**

1. GFOA Award for Financial Reporting
2. PowerPoint Presentation-Martin Starnes & Associates
3. FY 2015 Management/Compliance and Opinion Letters
4. A Report to Our Residents

**INFORMATION CONTACT:**

Gary Donaldson, (919) 245-2453  
Paul Laughton, (919) 245-2152

***PREVIOUSLY PROVIDED UNDER  
SEPARATE COVER:***

5. *Draft Comprehensive Annual  
Financial Report, FYE June 30, 2015*
- 

**PURPOSE:** To receive the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2015.

**BACKGROUND:** The CAFR reports on all financial activity of the County for the fiscal year July 1, 2014 through June 30, 2015. Martin Starnes and Associates, a firm of Certified Public Accountants, audited the financial statements. The financial statements and audit are required by Chapter 159-34 of the North Carolina General Statutes. The County prepares a Comprehensive Annual Financial Report (CAFR) that meets the standards set by the Government Finance Officers Association (GFOA). The CAFR is submitted to the GFOA in order to be awarded the Certificate of Achievement for Excellence in Financial Reporting. Orange County has received this award for thirty consecutive fiscal years. The financial report for the Orange County SportsPlex, as required under the management contract, is included in the County's CAFR.

The audit results for the fiscal year ended June 30, 2015 indicates a strong financial position for Orange County. The County received an unqualified (clean) audit opinion on the financial statements received from the audit. The Chief Financial Officer and representatives of Martin Starnes and Associates will cover highlights of the report and answer any questions.

**FINANCIAL IMPACT:** The financial report indicates a strong financial position for Orange County. The County Board policy is to maintain the unassigned fund balance at 17% of General

Fund expenditures. At the end of FY2014-15 the unassigned fund balance was 18.5% of General Fund expenditures, or \$2.8 million in excess of the Board policy. The unassigned fund balance policy and target levels enable the County to prevail through uncertain economic and financial periods.

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

Attachment 1



Government Finance Officers Association

Certificate of  
Achievement  
for Excellence  
in Financial  
Reporting

Presented to

**Orange County  
North Carolina**

For its Comprehensive Annual  
Financial Report  
for the Fiscal Year Ended

**June 30, 2014**

A handwritten signature in black ink, reading "Jeffrey R. Egan". The signature is written in a cursive, flowing style.

Executive Director/CEO

# Certificate of Achievement For Excellence in Financial Reporting

## Summary of Grading

Name of Unit: Orange County  
 Fiscal Year of Report FY2014

Report # 1,549.00

The Certificate of Achievement Program Special Review Committee (SRC) has completed its review of your comprehensive annual financial report (CAFR). Listed below are the grading categories used and a summary of the SRC's evaluation of your CAFR. The detailed comments and suggestions for reporting improvements on the attached listing are grouped under similar grading categories. Any category which received a grade of "Needs Significant Improvement" indicates an area of particular concern to the SRC and the related comments and suggestions for improvement in this category should be given special attention. An indication is provided on the list by the specific comments(s) or category(ies) that were the cause of receiving this grade. For each item, the notation also states whether it is 1) the basis or part of the basis for the CAFR not receiving the Certificate of Achievement, 2) a serious deficiency which will almost certainly preclude the awarding of the Certificate of Achievement if it is not corrected in your next CAFR, or 3) a deficiency, that if not corrected in future CAFRs, could result in the Certificate of Achievement not being awarded.

### Grading Category

### Grade

Cover, table of contents, and formatting	Proficient
Introductory section	Proficient
Report of the independent auditor	Proficient
Management's discussion and analysis (MD&A)	Proficient
Basic financial statements (preliminary considerations)	Proficient
Government-wide financial statements	Proficient
Fund financial statements (general considerations)	Proficient
Governmental fund financial statements	Proficient
Proprietary fund financial statements	Proficient
Fiduciary fund financial statements	Proficient
Summary of significant accounting policies (SSAP)	Proficient
Note disclosure (other than the SSAP and pension-related disclosures)	Proficient
Pension-related note disclosures	Proficient
Required supplementary information (RSI)	Proficient
Combining and individual fund information and other supplementary information	Proficient
Statistical section	Proficient
Other considerations	Proficient

MARTIN · STARNES  

---

 & ASSOCIATES, CPAs, P.A.

Orange County  
2015 Audited Financial Statements

# Audit Highlights

---

- ❑ Unmodified opinion
- ❑ Implementation of GASB68

# Budget vs. Actual

## General Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues	\$ 196,316,799	\$ 201,390,558	\$ 5,073,759
Expenditures	200,705,722	192,078,545	8,627,177
Other Financing Sources (Uses)			
Bond Refunding	-	605,000	605,000
Transfers In	1,057,160	1,057,160	-
Transfer Out	(8,080,699)	(8,080,699)	-
Appropriated Fund Balance	<u>11,412,462</u>	<u>-</u>	<u>(11,412,462)</u>
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ 2,893,474</u>	<u>\$ 2,893,474</u>

# Transfers out Summary

---

## Transfers from the General Fund

School Capital Improvements Fund	\$ 4,727,236
County Capital Improvements Fund	460,240
Nonmajor governmental funds	516,480
Enterprise Funds:	
Major Solid Waste Landfill	1,856,543
Major SportsPlex	376,450
Nonmajor Enterprise Fund	<u>143,750</u>
Total transfers out	<u><u>\$ 8,080,699</u></u>

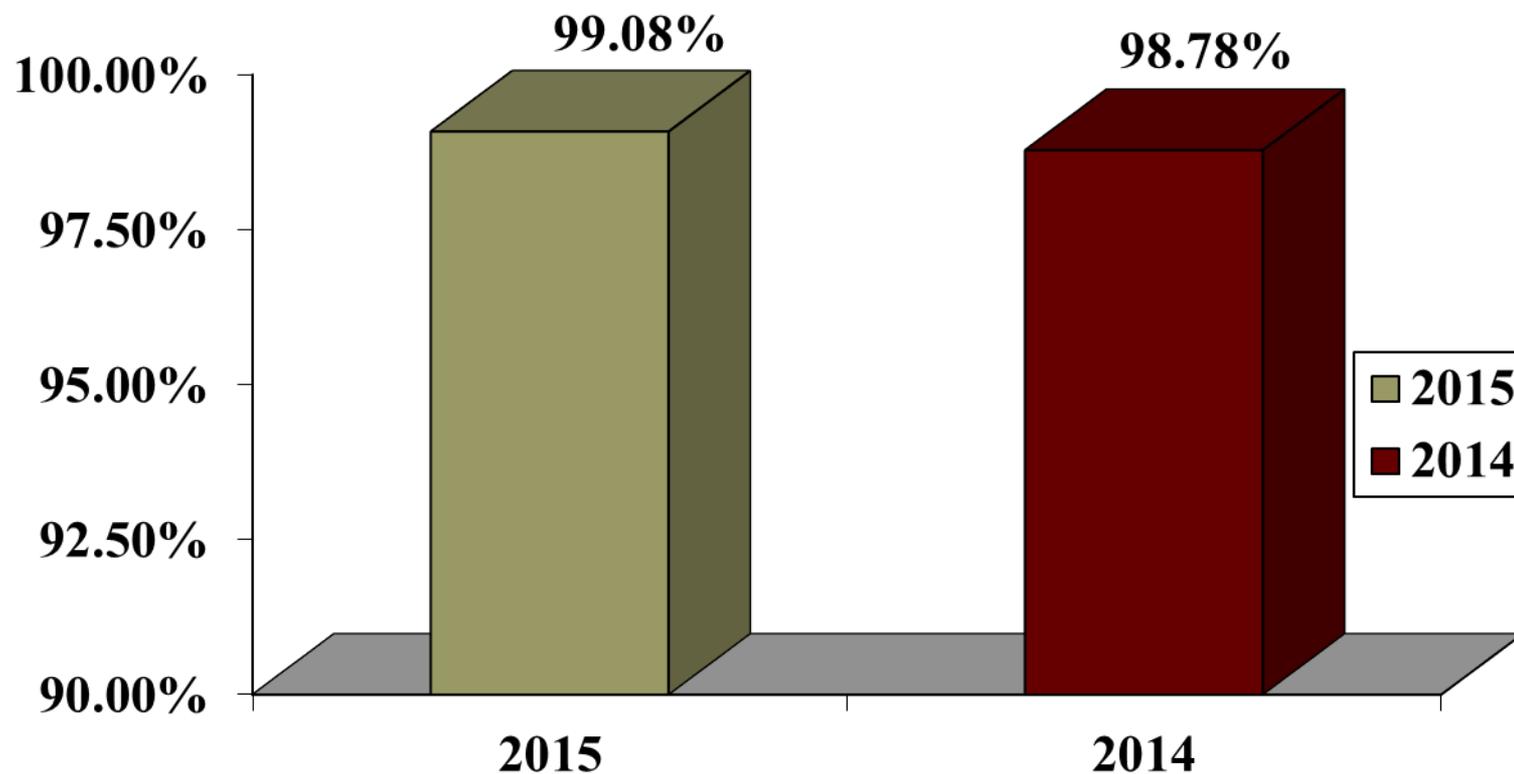
# Transfers in Summary

---

## Transfers to the General Fund

Nonmajor governmental funds	\$ 1,052,600
County Capital Improvements Fund	<u>4,560</u>
Total transfers in	<u><u>\$ 1,057,160</u></u>

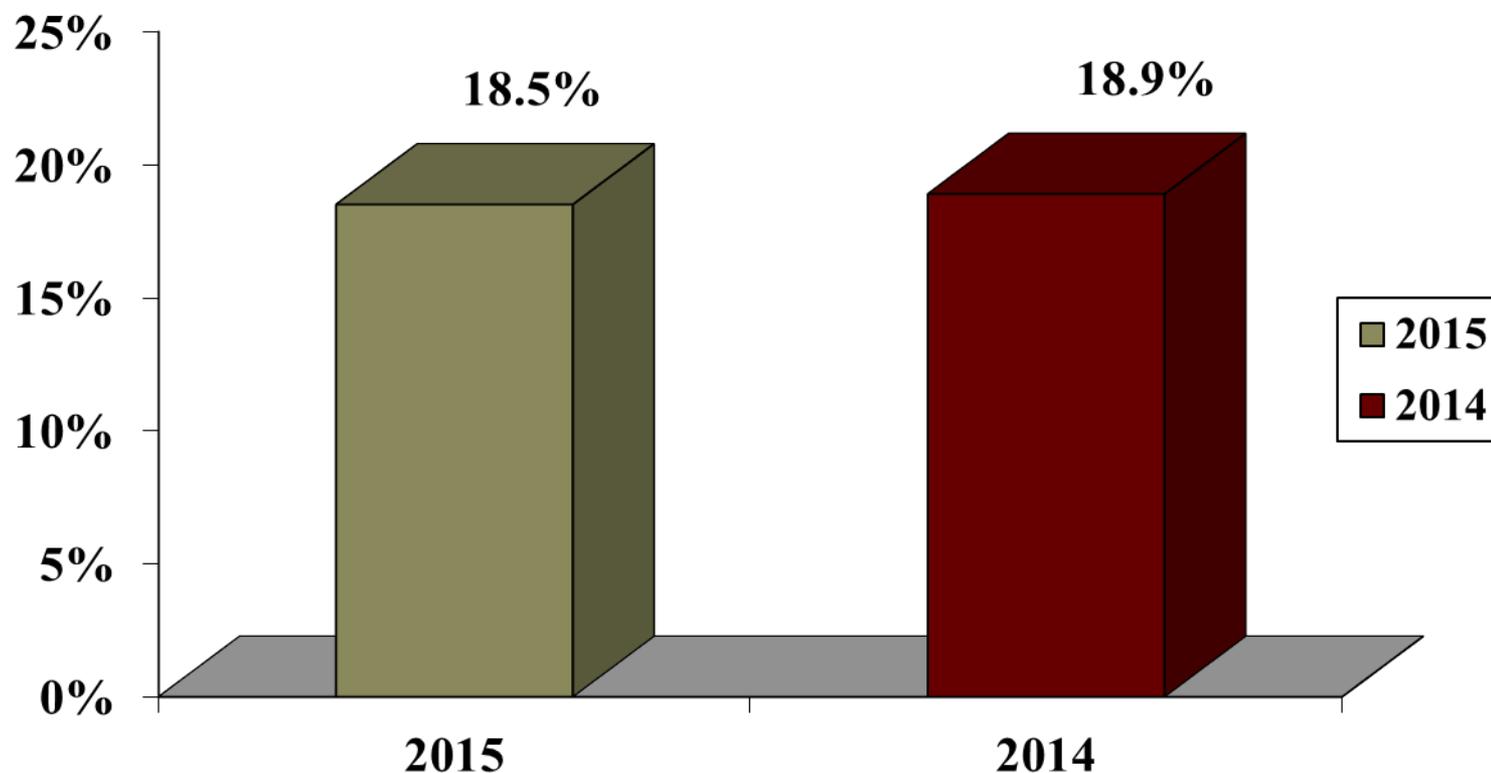
# Tax Collection Percentages



# Fund Balance Position-General Fund

	<u>2015</u>	<u>2014</u>
Total Fund Balance	\$ 65,019,581	\$ 62,114,947
Non spendable	(20,306)	(29,242)
Stabilization by State Statute	<u>(11,255,821)</u>	<u>(12,102,492)</u>
Available Fund Balance	53,743,454	49,983,213
Committed	(7,543,841)	(6,001,641)
Assigned	<u>(10,650,770)</u>	<u>(10,068,343)</u>
Unassigned	<u><u>\$ 35,548,843</u></u>	<u><u>\$ 33,913,229</u></u>

# Unassigned Fund Balance as a Percent of Expenditures—General Fund



# Major Enterprise Funds

	<b>SportsPlex Fund</b>	<b>Solid Waste Fund</b>
Total Operating Revenues	\$3,134,557	\$ 5,173,915
Total Operating Expenses	(3,112,253)	(10,857,943)
Non-operating	(103,112)	1,155,000
Other Financing Sources	376,450	1,856,543
Beginning Net Position	<u>3,275,136</u>	<u>6,686,741</u>
Ending Net Position	<u><u>\$3,570,778</u></u>	<u><u>\$ 4,014,256</u></u>

# Orange County

---

MARTIN · STARNES  
& ASSOCIATES, CPAs, P.A.

# MARTIN ♦ STARNES & ASSOCIATES, CPAs, P.A.

"A Professional Association of Certified Public Accountants and Management Consultants"

## **Report On Internal Control Over Financial Reporting And On Compliance And Other Matters Based On An Audit of Financial Statements Performed In Accordance With Government Auditing Standards**

### **Independent Auditor's Report**

To the Board of Commissioners  
Orange County, North Carolina

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to the financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the accompanying financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of Orange County, North Carolina, as of and for the year ended June 30, 2015, and the related notes to the financial statements, which collectively comprise the County's basic financial statements, and have issued our report thereon dated December 10, 2015.

### **Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered Orange County's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Orange County's internal control. Accordingly, we do not express an opinion on the effectiveness of the County's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the County's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

# MARTIN ♦ STARNES & ASSOCIATES, CPAs, P.A.

*"A Professional Association of Certified Public Accountants and Management Consultants"*

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did identify certain deficiencies in internal control, described in the accompanying Schedule of Findings and Questioned Costs as items 2015-001 and 2015-002, that we consider to be a material weaknesses.

## **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether Orange County's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, non-compliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of non-compliance or other matter that is required to be reported under *Government Auditing Standards*.

## **Orange County's Response to Finding**

Orange County's responses to the findings identified in our audit are described in the accompanying Schedule of Findings and Questioned Costs. The County's responses are not subjected to the auditing procedures applied in the audit of the financial statements, and accordingly, we express no opinion on them.

## **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Martin Starnes & Associates, CPAs, P.A.*

Martin Starnes & Associates, CPAs, P.A.

Hickory, NC

December 10, 2015

**ORANGE COUNTY, NORTH CAROLINA**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**  
**FOR THE YEAR ENDED JUNE 30, 2015**

**2. Findings Related to the Audit of the Basic Financial Statements**

**Finding 2015-001: Material Adjusting Journal Entries**

**Criteria:** Management should have a system in place to reduce the likelihood of errors in financial reporting.

**Condition:** A significant audit adjustment is a proposed correction of the basic financial statements that, in our judgment, may not have been detected except through our auditing procedures. The existence of such material adjustments indicated that the County's system of controls did not detect and prevent such errors. We have provided management with a report of these adjustments.

**Context:** The County did not accurately record their debt refunding entries.

**Effect:** Financial reports used for budget monitoring throughout the year do not properly reflect the account balances.

**Recommendation:** Management should examine the adjustments required as a result of our audit and assess the cost/benefit of improving the internal control system to prevent the adjustments in the future, given the County's available resources.

**Name of Contact Person:** Gary Donaldson, Chief Finance Officer

**Corrective Action:** Management will examine controls in place to see if they can be strengthened and given available resources. In the areas where the cost/benefit does not justify improving the control system, management will exercise due caution in performing its oversight function.

**Finding 2015-002: Prior Period Adjustment**

**Criteria:** Management should have a system in place to reduce the likelihood of errors in financial reporting.

**Condition:** A prior period adjustment is required to correct material errors that occurred in periods prior to the current fiscal year under audit. The necessity of a prior period adjustment indicates that the County's system of controls did not detect and prevent a material error in financial reporting.

**Context:** The County discovered an error in how the OPEB liability was reported.

**Effect:** The County was understating their OPEB liability.

**Cause:** Contributions were not being made to an irrevocable trust and should not have been used to reduce the liability.

**ORANGE COUNTY, NORTH CAROLINA**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**  
**FOR THE YEAR ENDED JUNE 30, 2015**

**2. Findings Related to the Audit of the Basic Financial Statements (Continued)**

**Finding 2015-002: Prior Period Adjustment (Continued)**

**Recommendation:** Care should be taken to ensure that the total contributions are reported correctly.

**Name of Contact Person:** Gary Donaldson, Chief Finance Officer

**Views of Responsible Officials and Planned Corrective Actions:** Management is aware of the error that occurred and will implement controls to catch any amounts that should not be considered contributions.

**3. Findings and Questioned Costs Related to the Audit of Federal Awards**

**Finding 2015-003: Housing Voucher Cluster**

**Criteria:** Management should have a system in place to reduce the likelihood of errors in financial reporting and compliance with grant reporting requirements.

**Condition:** The County has not submitted the GAAP-based audited financial information as required by the Uniform Financial Reporting Standards (24 CFR section 5.801) by the required March 31<sup>st</sup> deadline. The failure to submit on a timely basis is a violation of reporting requirements as stated in the Housing Voucher Cluster compliance supplement.

**Context:** The County did not adhere to the reporting requirements of HUD.

**Effect:** Failure to file the HUD required audited financial information is a violation of reporting requirements as stated by the Uniform Financial Reporting Standards.

**Cause:** Inadequate monitoring of the required reporting requirements based on the terms of the County's grant terms with HUD.

**Recommendation:** The County should submit the unaudited and audited HUD required annual financial information by the March 31 deadline.

**Contact Person:** Gary Donaldson, Chief Finance Officer

**Views of Responsible Officials and Planned Corrective Actions:** Management concurs with finding and will ensure that the HUD required annual financial information is filed before the March 31<sup>st</sup> annual deadline. In the past, the filing of this report was the responsibility of the Department of Housing, Human Rights, and Community Development Department. Due to the finding, all future filings will be completed by the Department of Finance and Administrative Services to ensure compliance. The above finding has been corrected by the Department of Finance and Administrative Services staff.

**ORANGE COUNTY, NORTH CAROLINA**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**  
**FOR THE YEAR ENDED JUNE 30, 2015**

**4. Findings and Questioned Costs Related to the Audit of State Awards**

None

**ORANGE COUNTY, NORTH CAROLINA**  
**SUMMARY SCHEDULE OF PRIOR YEAR'S AUDIT FINDINGS**  
**FOR THE YEAR ENDED JUNE 30, 2015**

2014-001 repeated as finding 2015-003

# MARTIN ♦ STARNES & ASSOCIATES, CPAs, P.A.

*"A Professional Association of Certified Public Accountants and Management Consultants"*

## **Independent Auditor's Report**

To the Board of Commissioners  
Orange County, North Carolina

### **Report on the Financial Statements**

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of Orange County, North Carolina, as of and for the year ended June 30, 2015, and the related notes to the financial statements, which collectively comprise Orange County's basic financial statements as listed in the table of contents.

### ***Management's Responsibility for the Financial Statements***

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### ***Auditor's Responsibility***

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. The financial statements of the Orange County ABC Board were not audited in accordance with *Government Auditing Standards*.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

### ***Opinions***

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of Orange County, North Carolina, as of June 30, 2015, and the respective changes in financial position and, where applicable, cash flows thereof, and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### ***Other Matters***

#### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that Management's Discussion and Analysis, Law Enforcement Officers' Special Separation Allowance and Other Post-Employment Benefits Schedules of Funding Progress and Employer Contributions, the Local Government Employees' Retirement System Schedules of the County's Proportionate Share of the Net Pension Asset and County Contributions, and the Register of Deeds' Supplemental Pension Fund Schedules of the County's Proportionate Share of the Net Pension Asset and Schedule of County Contributions be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

#### *Supplementary and Other Information*

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise Orange County, North Carolina's basic financial statements. The introductory information, combining and individual fund financial statements, budgetary schedules, supplemental ad valorem tax schedules, and statistical section are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining and individual fund financial statements, budgetary schedules, and the supplemental ad valorem tax schedules are the responsibility of management and were derived from, and relate directly to, the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures; including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements, or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual fund financial statements, budgetary schedules, and supplemental ad valorem tax schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The introductory information and the statistical section have not been subjected to the auditing procedures applied in the audit of basic financial statements and, accordingly, we do not express an opinion or provide assurance on them.

**Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated December 10, 2015 on our consideration of Orange County's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Orange County's internal control over financial reporting and compliance.

*Martin Starnes & Associates, CPAs, P.A.*

Martin Starnes & Associates, CPAs, P.A.  
Hickory, NC  
December 10, 2015

200 S. Cameron Street  
Hillsborough, NC  
919.732.8181  
orangecountync.gov



Founded in  
**1752**  
in the heart of  
North Carolina

# A REPORT TO OUR RESIDENTS

FISCAL YEAR 2014–15 *July 1, 2014 – June 30, 2015*



Orange County has 133,801 residents per the 2010 US Census and constitutes 401 square miles. The County operates on the Commissioner-Manager form of government. Policy making and legislative authority are vested in a seven member Board of County Commissioners. The Commissioners are elected on a staggered basis for the term of four years. The County Manager is appointed by the Board of County Commissioners.

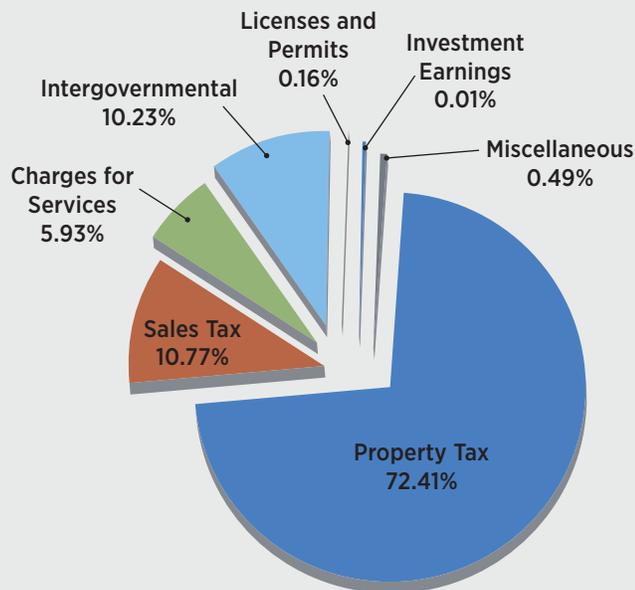
Orange County is committed to providing excellent customer service. Each department is responsible for providing services to the residents and businesses within the County. There are 25 departments (excluding education) that operate within the County, providing law enforcement, emergency medical services, fire protection, solid waste and recycling services, parks and recreation, codes and building inspection, Board of Elections, health and dental services, child support enforcement and social services. There are two school districts within Orange County, the Orange County Schools Board of Education and the Chapel Hill-Carrboro City Schools Board of Education. Both school districts operate independently of Orange County. The County also hosts a Durham Technical Community College satellite campus.

ORANGE COUNTY has 938 full-time equivalent positions (excluding education). Property taxes generate \$145 million, plus state aid and other funds total to approximately \$201 million in revenues and \$192 million in expenditures; of those dollars, 48.75% are dedicated to Education (2015 Audited).

COUNTY SERVICES METRICS	FY2013-14	FY2014-15
<b>EDUCATION</b>		
Average Daily Membership (Budgeted)	19,908	20,202
Per Pupil Expense	\$3,269	\$3,571
<b>PUBLIC SAFETY</b>		
Requests for EMS Service	12,554	13,810
EMS Response Time (Average)	8:53	9:16
Fire Inspections	379	400
Daily Inmate Population (Average)	131	100
Number of Inmate Admissions	3,028	2,734
<b>ANIMAL SERVICES</b>		
Number of Animals Sheltered	3,258	3,246
Number of Low Cost Spay/Neuters	465	433
Total Number of Pet Licenses	20,833	19,367
<b>BUILDING/INSPECTIONS</b>		
Building Permits Issued	666	815
Building, Plumbing, Mechanical & Electrical Inspections	10,688	14,900
<b>HEALTH &amp; SOCIAL SERVICES</b>		
# Families Receiving Daycare	700	685
Medicaid Cases	13,575	12,960
Dental Patient Visits	5,279	6,131
Primary Care Visits	979	1,503
Family Planning Clients Served	1,317	1,812
<b>LIBRARY SERVICES</b>		
Library Materials Circulated	422,265	442,367
Volumes of Library Books	103,259	111,421
<b>PARKS &amp; RECREATION</b>		
Park Acreage Managed	581	733
Program Registrations	5,348	5,560

# THE COUNTY'S FINANCES: REVENUES AND EXPENDITURES

## GENERAL FUND REVENUES

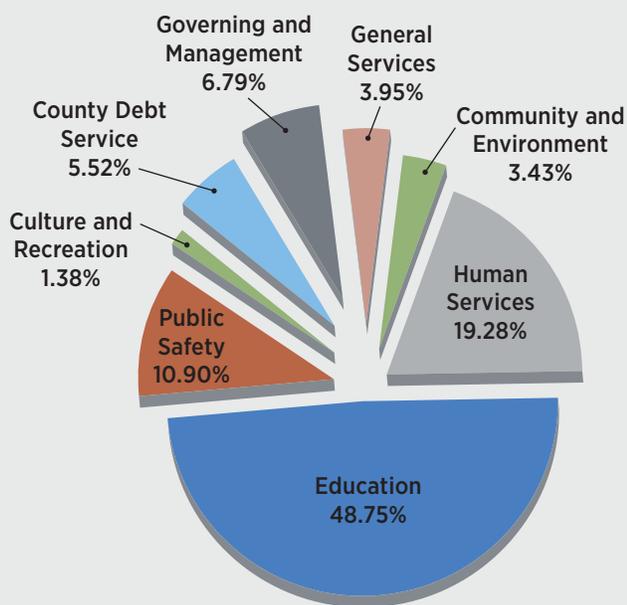


### REVENUES BY CATEGORY

Property Tax	\$145,833,869
Sales Tax	21,685,840
Charges for Services	11,944,185
Intergovernmental	20,594,979
Licenses and Permits	331,510
Investment Earnings	15,051
Miscellaneous	985,124
<b>TOTAL REVENUES</b>	<b>\$201,390,558</b>

Please note: miscellaneous revenues includes donations, rent and sales of fixed assets

## GENERAL FUND EXPENDITURES



### EXPENDITURES BY FUNCTION

Governing and Management	\$13,050,437
General Services	7,589,861
Community and Environment	6,591,893
Human Services	37,008,858
Education	93,635,266
Public Safety	20,945,780
Culture and Recreation	2,647,079
County Debt Service	10,609,371
<b>TOTAL EXPENDITURES</b>	<b>\$192,078,545</b>

Please note: education includes operating expenses & school debt service

## FINANCIAL METRICS

METRIC	FY2013-14	FY2014-15	METRIC CALCULATION
<b>Net Direct Long-Term Debt</b> Assessed Valuation	1.3%	1.3%	County long-term debt is divided by the county's tax base
<b>Annual Debt Service</b> General Fund Revenues	11.9%	12.6%	County general fund debt service is divided by general fund revenues
<b>Fixed Costs</b> General Fund Expenditures	19.6%	19.8%	County debt service, utilities, fuel, and benefits is divided by general fund expenditures
<b>Annual Capital Outlay</b> General Fund Expenditures	4.0%	3.0%	County recurring capital, county capital, and school capital is divided by general fund expenditures
<b>Residential Market Value</b> Total Market Value	84.0%	84.0%	County residential market value is divided by the county's total market value
<b>Property Tax Revenues</b> (Current Dollars)	\$143 million	\$145 million	County general fund property tax revenues unadjusted for inflation
<b>Property Tax Revenues</b> (Real Dollars)	\$140 million	\$145 million	County general fund property tax revenues adjusted for inflation (CPI); *2015 CPI is an estimate from the Bureau of Labor Statistics
<b>Elastic Revenues</b> General Fund Revenues	10.5%	11.2%	County general fund sales tax revenue and construction permit revenues divided by general fund revenues
<b>Unassigned General Fund Balance</b> General Fund Expenditures	18.9%	18.5%	County unassigned general fund balance divided by general fund expenditures

\*Source: Orange County, NC FY 2015 and FY 2014 Comprehensive Annual Financial Reports, Statistical Sections

## ECONOMIC METRICS

### UNEMPLOYMENT RATE IN ORANGE COUNTY, NC July 1, 2014 - June 30, 2015



\*Source: US Bureau of Labor Statistics

### PRINCIPAL EMPLOYERS

# EMPLOYEES	EMPLOYER
17,819	UNC-Chapel Hill
10,262	UNC Hospitals
2,043	Chapel Hill-Carrboro City Schools
1,270	Orange County Schools
938	Orange County Government
714	Town of Chapel Hill
698	Blue Cross Blue Shield of NC

### PRINCIPAL TAXPAYERS

TAXPAYERS	TYPE OF BUSINESS	ASSESSED VALUATION	PERCENTAGE OF TOTAL ASSESSED VALUATION
Duke Energy	Public Utility	\$110,846,022	0.67%
Piedmont Electric Membership	Public Utility	55,630,473	0.33%
Northwestern Mutual Life Insurance Co	Apartment Rental	38,627,273	0.23%
Corium LLC	Office Rental	36,433,531	0.22%
East 54	Office/Retail	35,239,900	0.21%
Madison University Mall LLC	Retail	35,174,472	0.21%
ACC GF III Chapel Ridge/View LLC	Condos	34,214,712	0.21%
Europa Center LLC	Hotel	27,816,248	0.17%
Granville Towers LLC	Apartments Rental	27,414,585	0.16%
SMA Greenbridge Owner LLC	Residential Condos	27,371,000	0.16%
<b>TOTAL</b>		<b>\$428,768,216</b>	<b>2.57%</b>

# A REPORT TO OUR RESIDENTS

## COUNTY PROFILE

Orange County, NC is located in the north-central portion of the State on the Piedmont Plateau. Bisected from east to west by Interstate 85, the County lies approximately midway between the cities of Atlanta, Georgia and Washington, D.C.

There are four municipalities in the County: the Towns of Chapel Hill and Carrboro in the southeastern part of the County and the Town of Hillsborough and the City of Mebane in the central corridor of the County along Interstate 85 and Interstate 40. The Town of Chapel Hill is the largest municipality in the County and is the home of the University of North Carolina at Chapel Hill. The Town of Hillsborough is the County seat.

The County is part of the Raleigh-Durham-Chapel Hill Combined Statistical Area, which also includes the Research Triangle Park, a major complex of research and research-oriented manufacturing facilities. Interstate 40 connects the County directly with the Research Triangle Park and Raleigh-Durham International Airport. The City of Mebane, home of most of the County's major manufacturing employers, is on the westernmost boundary of the County. A major portion of the City of Mebane lies in neighboring Alamance County. The area north of Interstate 85 in Orange County is mostly rural, with a mixture of farming, residential and light industrial and commercial uses.

The County is approximately 401 square miles in area, of which approximately 177 square miles are unincorporated, 39 square miles are farmland, 132 square miles are forested, and 53 square miles are urbanized. The County's economy is characterized by a high degree of institutional and public sector activity, plus office, commercial, and service-oriented

businesses. Manufacturing and agriculture are smaller portions of the County's economy. The County enjoys a consistently low unemployment rate. The University of North Carolina at Chapel Hill and University Hospital in the Towns of Chapel Hill and Hillsborough have a reputation for excellence in the educational and medical fields. Both of these higher education institutions provide significant teaching and research programs.

Orange County is a place of residence for many technical, professional and executive individuals who work in the Research Triangle Park (the "Park") and neighboring cities of Durham, Raleigh, and Burlington. The Park, located 10 miles east of the County, contains nearly 7,000 acres of land which have been reserved for research and research-oriented manufacturing. The Park is located between three major universities, the University of North Carolina at Chapel Hill, Duke University in Durham and North Carolina State University in Raleigh, and is home to more than 200 companies, including IBM, GlaxoSmithKline, Fidelity Investments, U.S. Environmental Protection Agency, Lenovo, Syngenta, Credit Suisse, RTI International and Cisco. The companies and organizations in the Park employ more than 49,000 full-time equivalent employees. The Park has received over \$1 billion in investments the past 5 years. Since the Park opened, there have been 3,256 patents granted and 1,970 trademarks received. There have also been 245 company start-ups since the Park started. Due to its close proximity to Orange County and the fact that many of the Park's employees reside in the County, the impact of the Park on the County's economy is significant.

*Special Acknowledgment: P. Laughton, P. Moore and Community Relations and Tourism Department*



## BOARD OF COUNTY COMMISSIONERS

Earl McKee, *Chair*  
 Mark Dorosin, *Vice Chair*  
 Mia Day Burroughs  
 Barry Jacobs  
 Bernadette Pelissier  
 Renee Price  
 Penny Rich

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

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

**SUBJECT:** Joint Public Hearing with the Historic Preservation Commission Regarding the Proposed Designation of the Nicholas Corbett Hester House as an Orange County Local Historic Landmark

---

**DEPARTMENT:** Environment, Agriculture, Parks and Recreation (DEAPR)      **PUBLIC HEARING: (Y/N)**

Yes

**ATTACHMENT(S):**

- 1) Local Landmark Application and Report for the Nicholas Corbett Hester House
  - 2) Photos and Location Map
  - 3) Minutes of the October 28, 2015 HPC Meeting - Approval of Proposed Landmark Application
  - 4) Proposed Landmark Ordinance
  - 5) Letter from State Historic Preservation Office
- 

**INFORMATION CONTACT:**

Peter Sandbeck, 245-2517

**PURPOSE:** To conduct a joint public hearing with the Historic Preservation Commission (HPC) to receive public comment on the application and proposed ordinance to designate the Nicholas Corbett Hester House as an Orange County Local Historic Landmark, and then adopt the ordinance.

**BACKGROUND:** In 1991, Orange County adopted the “Ordinance Creating the Historic Preservation Commission (HPC) of Orange County”, also referred to as the “Historic Preservation Ordinance”. In 1997, the County adopted the Local Landmark Program, a voluntary program allowing the HPC to designate properties of local historic and/or architectural significance, as authorized by NC General Statute 160A-400.1-400.14. One of the HPC’s duties is to recommend properties to the BOCC for local landmark designation. Properties must meet a high standard of historic and/or architectural significance to be designated as an individual landmark. The higher standard is appropriate since landmark property owners are eligible for a 50 percent property tax deferral as provided by state law, as long as the property is preserved and retains its historic character.

The historic landmark designation process, outlined in Article 3 of the County’s Historic Preservation Ordinance, involves several steps culminating with the adoption of an ordinance by the BOCC for each individual landmark. At its October 28, 2015 meeting the HPC accepted a Part 2 application (Attachments 1 and 2) from owner Ms. Mimi Logothetis to consider her property, the Nicholas Corbett Hester House, for designation as an Orange County Local Historic Landmark. The HPC approved a motion stating that the Hester House possesses special significance and is worthy of consideration for local landmark designation. The

application materials were then submitted to the State Historic Preservation Office (SHPO) for review and comment as required by state law. The SHPO provided the letter at Attachment 5. The HPC also voted to request a joint public hearing with the BOCC, as required by Section 3.7 of the Historic Preservation Ordinance.

**This is a routine joint public hearing required by state enabling legislation and the County's Historic Preservation Ordinance.** Following this joint public hearing, the BOCC and the HPC will take into consideration public comments, if any. No comments that would cause a delay or note opposition to the designation are expected, so the HPC has already taken action to refer the ordinance directly to the BOCC for consideration and adoption following the close of the joint public hearing.

**FINANCIAL IMPACT:** Should the Board adopt the proposed ordinance designating the Hester House as a Local Landmark, the owner of the property would be eligible for a 50-percent property tax deferral. A preliminary calculation by DEAPR staff shows that the property tax would be reduced from the present amount of \$2,241 to approximately \$1,350. A final calculation will be determined by Tax Administration staff. (The current assessed value for the home and land - 18.17 acres total - equals \$235,500. The estimated assessed value after Landmark designation equals \$140,000 based on the house plus approximately 7 acres being included in the final designation.)

**RECOMMENDATION(S):** The Manager recommends that the Board: 1) hold a joint public hearing with the Historic Preservation Commission to receive public comment on the draft designation ordinance for the Hester House; 2) close the public hearing; and 3) approve and authorize the Chair to sign the designation ordinance.

**ORANGE COUNTY  
DEPARTMENT OF ENVIRONMENT, AGRICULTURE, PARKS AND RECREATION**

**HISTORIC PRESERVATION COMMISSION**

**LOCAL LANDMARK APPLICATION**

The Orange County Local Landmark Program (LLP) application is a two-part process. Page 1 of the application represents the first part of the process. Pages 2 and 3 include the core questions regarding the history and architectural significance of the property. Page 4 is for office use only. Interested applicants should submit the first part of this application along with a representative selection of current photographs of the property to preservation staff in the Department of Environment, Agriculture, Parks and Recreation. Photos should include the exterior of the house, outbuildings, and any other elements--such as landscaping features or the view from the road—that will give the Historic Preservation Commission (HPC) a sense of the character of the site.

The HPC will consider the property at its next regularly scheduled meeting. Applicants are encouraged to attend the meeting to discuss what they feel is significant about the site. The HPC will use the criteria system outlined in Pages 5 through 7 to evaluate the site and to determine if the property appears eligible for the LLP. If the property appears to be eligible, the applicant will be directed to complete the remainder of the application. This does not mean that a property is being designated to the LLP; rather it means that the property appears *likely to qualify* for designation.

The County's historic preservation ordinance requires the submittal of a Survey and Research Report for each property under consideration for Local Landmark status. Property owners can arrange with preservation staff to complete the Survey if one is not already on file. The Research Report is an in-depth analysis of the history and architectural significance of the site, similar to the report used to nominate a property for the National Register of Historic Places. (See preservation staff for a sample NR nomination.) If the site is listed in the National Register, the applicant may submit the completed nomination form for use as the Research Report. Please note, however, that the LLP and the National Register of Historic Places are two entirely distinct and separate programs.

Pages 2-3 of the Local Landmark application are designed to provide the applicant with the basic framework to prepare a Research Report. Some applicants, particularly those with experience in chain of title research, may be able to provide sufficient information in the application to serve as the Report. Others may need to hire a consultant to research and write the history and architectural description of the property. Applicants with little or no historic or architectural information on their property should contact preservation staff to discuss different options for completing this portion of the application.

Once the application form (Pages 2-3) and the Survey and Research Report are completed, preservation staff will submit the application materials to the HPC for its next regular meeting. *The HPC will pay particular attention to question #5, the Statement of Significance, to identify the most important elements of the property that should be preserved when considering future Certificate of Appropriateness applications.* If the HPC accepts the Survey and Research Report preservation staff will forward the entire application (form, Survey and Report) to the State Historic Preservation Office (SHPO). The HPC will consider the SHPO's comments at its next regular meeting. If the HPC decides that the property is eligible for the program it will request a public hearing with the Board of County Commissioners (BOCC). After the public hearing the HPC will submit its formal recommendations to the BOCC. The BOCC will make the final decision on whether to designate the property as a Local Landmark.

A flow chart and time-schedule checklist of the process are attached for more information.

**PART 1**

DATE OF APPLICATION 10/8/15

Please type, if possible, or print. All submitted materials become the property of the Orange County Historic Preservation Commission and cannot be returned.

1. HISTORIC NAME OF PROPERTY (if historic name is not known, use current name or address)

Nicholas Corbett Hester House

2. LOCATION (physical location, not mailing address)

- A. Street or State Route/Highway 9501 NC 86 North
- B. Township Cedar Grove
- C. Crossroads Community/Vicinity Cedar Grove

3. LEGAL OWNER OF PROPERTY (please indicate Mr., Mrs., Ms., Dr., or other appropriate title)

NAME Mimi Logotheitis DAY-TIME TELEPHONE 336-562-8005

FIRM and/or ADDRESS

9501 NC 86 North  
Cedar Grove NC 27231

CITY/STATE

ZIP CODE

E-MAIL ADDRESS m13logotheitis@gmail.com

**BRIEF STATEMENT OF SIGNIFICANCE**

Please provide a brief statement or summary outlining the historical, architectural, and perhaps landscape, elements that make the site significant. (This statement should be expanded for question #5 of Part 2 of the application.)

Built in 1881, the Nicholas Corbett Hester House is a two-story vernacular Italianate-style farmhouse embellished with Victorian-era elements. Constructed for tobacco farmer Nicholas Corbett Hester, the I-house with cornice brackets, window hoods, and ornate porch features chronicles the prosperity Hester achieved on the 100-acre farm he inherited from his father in the late nineteenth century. After a long period of neglect the current owner has completed a careful and substantial restoration of the dwelling.

\*Please submit current photographs of the property including all elevations of the main house and any other important buildings. Please also include general photographs of the property and include any important landscape features. (If you wish to use digital photography, please submit hard copy printouts.)

\*\*Please also submit a sketch plan of the property showing the footprint of all key buildings and the location of all driveways or farm roads.

**PART 2**

DATE OF APPLICATION 10/9/2015

**4. GENERAL DATA**

A. Date(s) of Building(s): 1881  
Original construction \_\_\_\_\_  
Subsequent additions, if applicable \_\_\_\_\_

B. Outbuildings: Yes  No  ; If yes, number 8

C. Have any buildings on the property been moved? Yes  No   
If yes, please give the date, reason, and details of the move. Use an additional sheet if necessary.

\_\_\_\_\_  
\_\_\_\_\_

D. Approximate Acreage: 18 acres

E. Architect and/or Builder/Mason (if known): Will White

F. Original Use: farm dwelling

G. Present Use: dwelling

**5. STATEMENT OF SIGNIFICANCE**

Please provide a brief statement or summary (on an attached 8 1/2" x 11" sheet) outlining the historical, architectural, and perhaps landscape, elements that make the site significant—these are the features that are most important to preserve should you wish to make changes to the property in the future. For example, "This property was the Taylor homeplace from the 1850s to 1940s. The Taylors were an important Orange County family who operated the local sawmill in the St. Mary's Road community during the 1870s-1900s. While the house was covered with vinyl siding in the 1980s and a two-room addition was constructed in the back around 1990, the building still looks like a mid nineteenth-century farmhouse from the road. It sits on a slight hill, framed by several mature oak and pecan trees. The house retains its original roofline, chimneys and front porch, all of which are visible from the road. In addition, the property still reads as a farm; several outbuildings survive intact including the building which housed the sawmill, the dairy, sweet potato barn, and smokehouse."

**6. ARCHITECTURAL DESCRIPTION**

Describe in a narrative form, (on an attached 8 1/2" x 11" sheet(s)), the architectural features of the main house and other buildings on the property. Please include information on any additions and/or remodelings to the buildings, particularly changes that that may not be apparent in photographs. Please also describe the setting, such as active farmland, wooded, rural community, urban neighborhood, etc.

**7. HISTORICAL OVERVIEW**

Discuss any significant events, personages and/or families associated with the property. (Detailed family genealogies are not necessary.) Please list any additional sources of information. Only material contained on the form will be used in the evaluation.

8. PHOTOGRAPHS/SLIDES

Please provide any additional photographs as necessary to evaluate the site. Photographs should include: all four sides of the main house, close-ups of any important architectural features such as trim, doors or windows, individual pictures of outbuildings, and an overall picture of the entire complex. Photographs of important interior features, such as mantels and stairways, are not necessary but are helpful to get a sense of the architectural significance of the house.

9. SITE PLAN/ SURVEY/ MAPS

Please include a map showing the location of the property. A sketch map is acceptable, but please note street and route numbers. Please provide a site plan showing the relationship of the main house or building to the driveway and road, and the relationship of the main house or building to any outbuildings. Please include a "North" arrow.

10. REASON FOR REQUEST

Please offer a brief explanation of how you heard about the Local Landmark Program and why you would like to participate in it.

Heard about landmark program from Preservation North Carolina. Owner wants to protect the property from insensitive development and to recognize the unique character of her house and to acknowledge its history.

11. If formally designated by the County Commissioners, will the property owner seek the tax deferral?

Yes  No  Not sure  (This information is for budgeting purposes only, it will not impact the HPC's decision toward your application.)

12. APPLICANT OR CONTACT PERSON INFORMATION (if other than owner)

Name Jennifer F. Martin Telephone 919-368-1602

Address P.O. Box 1399

City/State Durham NC Zip Code 27702

Signature [Signature] Date 10/8/15

E-mail jennifer@mdmhc.com

13. This application is submitted [check one of the following]:

- at the request of the owner.
- with the owner's knowledge but not at his or her request.
- without the owner's knowledge.

Return to:

Cultural Resources Specialist  
Orange County Department of Environment, Agriculture, Parks and Recreation  
P.O. Box 8181 (306 Revere Road)  
Hillsborough, NC 27278  
(919) 210-2510

## 5. Statement of Significance

Built in 1881 by a tobacco farmer on property passed down from his father, the Nicholas Corbett Hester House is a two-story farmhouse embellished with Victorian-era elements making it the best-preserved example of vernacular Italianate architecture in rural Orange County. The prominent dwelling, which replaced a surviving log house as the farm's main residence, chronicles the prosperity Hester achieved growing primarily tobacco and subsistence crops on his 100-acre farm in the late nineteenth century. After a long period of neglect, the current owner has completed a careful and substantial restoration of the dwelling, returning it to its historic appearance while creating a home for modern living.

## 6. Architectural Description

### **Nicholas Corbett Hester House 1881**

The 1881 Nicholas Corbett Hester House occupies an eighteen-acre site at the northeast corner of NC 86 North and Allison Road (SR 1500) in rural Cedar Grove Township in northern Orange County just south of the Caswell County border. Rolling hills and stretches of open fields and thick forestland characterize this portion of Orange County. Small watercourses meander through this bucolic landscape enhancing the well-drained soil that led to agricultural prosperity in the nineteenth and twentieth centuries.

The Hester House faces west toward NC 86 North, a two-lane state route that continues north into Caswell County and on to the Virginia state line. A gravel drive from the east side of NC 86 North leads to the gravel parking area just northwest of the house. The eighteen-acre house parcel is mostly wooded except at the southwest corner where the Hester House and its outbuildings stand. The buildings' immediate surroundings consist of well-tended gardens and landscape features, as well as a grass-covered lawn. A nineteenth-century hand-dug well is behind the house and just north of a natural spring. A tall, thick hedgerow likely planted in the 1940s extends along the south property line and separates the yard from Allison Road.

The Hester House's current owner meticulously restored the house from 2001 to 2009 taking great care to retain as much historic material as possible. Where architectural elements were missing or extremely deteriorated, she replaced them with substitutes appropriate to the style of the house.

The Nicholas Corbett Hester House is a two-story, single-pile, frame, vernacular Italianate house on a brick foundation and sheathed in weatherboard siding. A one-story, partial-width, low-hipped-roof porch with a front-gabled, two-tiered portico

with a quatrefoil vent is centered on the three-bay façade. The porch, which is topped by a 5-V metal roof, shelters paired narrow doors with arched-head glazing and lower molded panels. An array of Victorian-era embellishment enhances this simple house form found commonly in Piedmont North Carolina. Fanciful flat jigsawn porch brackets, eave brackets with hanging spindle pendants, Italianate molded window and door hoods, and round gable end attic vents with a sawn quatrefoil motif enliven the well-preserved dwelling. A wide flush board frieze extends along the crown of the façade and continues to the gable ends, which are marked by returns. A pair of rebuilt corbelled brick chimneys rises from the roof ridge near the dwelling's center. The current owner added a partial-width shed roof porch with sawn porch brackets and chamfered posts to the north end of the rear elevation. The main roof and rear porch are covered with 5-V metal panels, while the front porch has a traditional standing-seam roof of painted terne-coated steel. All windows are six-over-six, double-hung wood sash, many of which are original.

The interior follows a central-passage plan with center hallways on the first and second floors. The first floor passage features the prominent open-string staircase with raised scrolled skirt brackets. A substantial turned newel anchors the stair. It replaces the original newel, which was removed during a period when the house stood vacant. The graceful stair displays turned balusters supporting a molded handrail that is peaked at its center and terminates on the second floor at a smaller turned newel. At the east end of the central passage is a four-panel door.

Originally, the house contained four rooms of equal size—two downstairs and two upstairs. The north room on the first floor has been divided to create three spaces for modern living: a kitchen, bathroom, and small laundry room. A bathroom and closet have been added to the northern room on the second floor. A two-light door from the kitchen leads to the back porch. Upstairs, a four-panel wood door leads to the façade's upper porch.

Finishes throughout the interior are original or have been meticulously restored by the current owner. Floors are planed boards and ceilings are planed boards with beading, except in the parlor where the ceiling is drywall. Walls have been drywalled, but the tall baseboards with finish molding throughout the interior are original. Doors throughout contain four raised panels, but vary in elaboration. Trim at the windows is particularly notable consisting of plain casings framed on the inside with a bead molding. The outside trim of the surrounds are reserved for more elaborate beveled and half-round molding. Door casings show the same ornate molding on the outside edge of their casings. Mantels, which are original and occupy the dwelling's main rooms, are variations on the post and lintel Greek Revival form following a general pattern of squared pilasters supporting a mantelshelf. The kitchen mantel has been altered by the removal of its pilasters in order to accommodate a wood stove, but its shelf and frieze remain intact. A built-in

bookcase east of the mantel in the first floor parlor is a recent addition, but its simple detailing blends with the rest of the interior.

### Outbuildings

#### **Crib**

**Ca. 1900**

A small front-gabled crib with weatherboard siding stands north-northwest of the house. A four-panel door, likely taken from another building, provides access to the interior of the center crib whose side elevations are sheathed in slats spaced to allow for airflow. Two sheds flank the center crib—one is open on the front and the other is enclosed. A 5-V metal roof crowns the structure.

#### **Log house**

**Ca. 1850**

Just to the northeast of the Hester House stands a single-pen log house occupied by the Hester family before construction of the main house in 1881. After the house was built, the cabin served as a kitchen. The side-gabled, v-notched building features a 5-V metal roof topped by solar panels used specifically to heat water. The cabin has been altered by the removal of the chimney and expansion of the front doorway, but retains a west gable-end sash window with a board-and-batten shutter, an east gable-end sliding board-and-batten shutter, and a batten front door with cast iron butt hinges. A boxed stair in the northeast corner enclosed with wide hand-planed boards and wide upper level floorboards remain on the interior.

#### **Well Structure**

**Ca. 1920**

A pyramidal-roofed open-sided structure stands in the backyard to the east of the house, covered with a metal roof supported by round wood posts. This once sheltered the nearby 19<sup>th</sup> century stone well but was moved to the south to provide shelter for the back-up generator for the solar power system for the main house.

***A group of agricultural outbuildings stand about 100 yards east of the house. The historic outbuildings in this grouping demonstrate the farm's function as a tobacco farm and the role of tenancy in the late nineteenth and early twentieth century but are not included within the proposed landmark boundaries.***

### **Tobacco barn**

**Ca. 1890**

A log tobacco barn stands at the southeast corner of the property on a brick and block foundation. The 5-V metal-roofed building with exposed rafter tails has weatherboard in its gable ends. An open shed with rafter tails and square wooden vertical posts shelters a batten door with diagonal bracing on the west elevation.

### **Tobacco barn/art studio**

**Ca. 1920, 2002 (renovation into art studio)**

Just northwest of the tobacco barn, another early twentieth-century tobacco barn was converted to a ceramic studio around 2010. The gable-roofed tobacco barn is sheathed in vertical wood siding with weatherboard in its gable ends. Resting on a concrete pier and continuous foundation, the barn has been fitted with windows and a divided-light door. A shed-roofed open shelter occupies the west elevation and a shed-roofed addition is on the north elevation. A 5-V metal roof covers the barn.

### **Open-sided shed**

**Ca. 1970**

The long, rectangular open shed with a 5-V metal gable roof stands just west of the barn/studio. Round poles support the structure used to store equipment. Built by Shorty Satterfield of Mebane.

### **Open-sided shed and kiln**

**Ca. 1980**

A rectangular, flat-roofed shed with pole supports and a poured concrete pad beneath is just north of the larger shed. Reggie Watson and Leon Oakley built the structure to shade the front of a bulk barn that stood on the site. Rafter tails are exposed beneath the 5-V metal roof. A hipped-roof shelter with log supports is at the north end of the shed and shelters a pottery kiln.

### **Tenant House**

**Ca. 1920**

The one-and-a-half-story, side-gabled, weatherboard tenant house stands north of the kiln shed. Resting on a stone foundation, the small dwelling includes a shed-roofed addition on its west side and a partial-façade shed-roofed porch supported by a combination of plain and turned posts. A 5-V metal roof tops the dwelling. The interior is finished in beaded board.

## **Modern workshop 2014**

A modern workshop stands north of the tenant house. This new building houses tools and equipment.

### ***Architecture Context***

A small number of I-houses with Victorian-era decorative elements remain in Orange County, but none exhibits the level of picturesque mode decoration seen on the Hester House.

The Brown-Faucette (OR 1411) Farm at 3017 Frank Perry Road near Hillsborough includes an early twentieth-century I-house with a late nineteenth-century rear wing. A large two-story rear addition dates to the last quarter of the twentieth century. The house has a weatherboard exterior, vinyl windows, and a hip-roofed front porch with paneled square columns, turned balusters, and sawnwork brackets. The front entry is notable: sidelights and a transom set into a molded architrave frame a double-leaf paneled door.

The circa 1900 Bill Crabtree House (OR 370) at 2013 Damascus Church Road near Chapel Hill features simple exterior detailing including porch posts with chamfered edges, sawnwork porch brackets, and a shingled front-facing gable with a circular vent adorned with a sawn star. All gables have returns, and the two gable ends each have a stone chimney with sloped shoulders and freestanding brick stacks. Inside, there is flush-board sheathing at the first floor and beadboard walls and ceilings upstairs. Heart pine flooring remains, as does a hefty turned newel post and similar slender balusters at the stair rail. The original center stair hall has been opened to the room to the south. Mantels in the four rooms are identical. The vernacular design has a simple shelf on a frieze supported by plain pilasters on plinths. The frieze is nearly plain too, featuring just a pair of shouldered flat arches at the bottom edge. Stone hearths bring a rusticity to the interior. A circa 1872 log pen serves as the rear ell for the Crabtree House.

## 7. Historical Overview

The Nicholas Corbett Hester House stands on the farmstead established by Nicholas Corbett Hester's father in the first half of the nineteenth century. The senior Nicholas Hester (1786-1875) was born in Caswell County to Robert and Harriet Hester. In 1807, he married Elizabeth Jones Hines (1790-1836) and the couple had eight children. Between 1834 and 1845, Nicholas Hester acquired hundreds of

acres in northern Orange County where he and Elizabeth established a farm. Twelve slaves lived on the farm in 1830 and fourteen in 1840.<sup>1</sup>

The 1850 agricultural census for Orange County reported that just over half of Nicholas Hester's nearly 600-acre farm was under cultivation in 1849. Hester owned a variety of livestock including horses, cattle, sheep, and swine and he grew wheat, rye, corn, oats, sweet potatoes, hay and 5,000 pounds of tobacco. The Hester farm also produced wool and butter. That year, Hester owned sixteen slaves.<sup>2</sup>

Ten years later, Hester's farm was larger by over 100 acres, but only 150 acres was under cultivation. However, the cash value of his farm nearly quadrupled from 1850 to \$4,000. The types of livestock he raised remained the same, as did the crops he produced. Tobacco continued as Hester's major cash crop with 6,000 pounds produced. Twelve slaves lived and worked on the Hester farm and the census reported one slave house on the farm in 1859.<sup>3</sup>

The Civil War impacted the Hester Farm, as it did all of the county's farmers. According to the 1870 agricultural census, Nicholas Hester's farm, which was valued at only \$1,600, contained 60 acres of improved land and 400 acres of woodland. Hester's livestock herd decreased, as did his crop production. That year, the farm yielded only 1,000 pounds of tobacco and smaller amounts of wheat, corn, Irish and sweet potatoes, and hay.<sup>4</sup>

Nicholas Hester's will from 1867 distributed land to all of his children and grandchildren. Upon his death in Mississippi in 1875, Nicholas Hester's son, Nicholas Corbett Hester, received 109 acres where he built his house in 1881. Born in Orange County in 1836 (d. 1891), Nicholas Corbett Hester enlisted as a sergeant in the confederate army on March 11, 1862.<sup>5</sup> After he inherited a portion of his father's farm, he lived in the surviving log house with his wife, Sarah (Sallie) Thomas (1838-1913).<sup>6</sup> The couple had two daughters, Sarah (Sallie Bet) (1877-1951) and

---

<sup>1</sup> 1830 Slave Population Census, North Carolina State Archives, Raleigh, NC; 1840 Slave Population Census, North Carolina State Archives, Raleigh, NC.

<sup>2</sup> 1850 Census of Agriculture, microfilm, North Carolina State Archives, Raleigh, NC; 1850 Slave Population Census, North Carolina State Archives, Raleigh, NC.

<sup>3</sup> 1860 Census of Agriculture, microfilm, North Carolina State Archives, Raleigh, NC; 1860 Slave Population Census, North Carolina State Archives, Raleigh, NC.

<sup>4</sup> 1870 Census of Agriculture, microfilm, North Carolina State Archives, Raleigh, NC.

<sup>5</sup> U. S. Civil War Soldier Records and Profiles, 1861-1865 [database on-line], viewed on Ancestry.com, 2009, accessed June 16, 2015.

<sup>6</sup> U. S. Find a Grave Index, 1600s-Current [database on-line], Ancestry. com, 2012, accessed June 16, 2015.

Hattie Mae (1879-1972)<sup>7</sup>. Nicholas and his family shared the cabin with his brother, Egbert, and his wife Martha.<sup>8</sup>

The 1880 agriculture census reported that Nicholas Corbett Hester's farm included a mix of cultivated land, forest, and unimproved acreage. The value of his farm was \$1,000 including land, fences, and buildings. Hester used fertilizer and employed full-time farm workers. He had the same mix of livestock his father had raised, but also chickens. In all, Hester's livestock was valued at \$250. Hester grew corn, wheat, Irish potatoes, and sweet potatoes. Tobacco remained the major crop, with 4,000 pounds produced in 1879. He also had fifty apple trees on one acre.<sup>9</sup>

Around 1880, Nicholas Corbett Hester hired carpenter Will White to build a new house on the farm. The current owner has a note written in pencil on a baseboard concerning lumber from Will White to Nicholas Corbett Hester. In a 1994 interview, Eleanor Walker, granddaughter of Nicholas and Sallie Hester, described the dwelling as a "well-built house." She continued that, "they were just, as I say, ordinary country people, farmers. And of course farmers have never had a great deal."<sup>10</sup> Around the same time he had the house built, Hester acquired eighteen to nineteen acres across current-day NC 86 North from J. W. Reid, his brother-in-law.<sup>11</sup>

Nicholas Corbett Hester died in 1891 and was buried in Prospect Hill in Caswell County. In 1896, his daughter, Sallie Bet, married J. Clarence Walker in the parlor of her parents' house and moved to his nearby farm. Their portrait hangs in the parlor. In 1901, the Walkers returned to the Hester Farm for a year to help her mother, Sallie. In 1905, the Walkers invited Sallie and her unmarried daughter, Hattie Mae, to live with them in Graham. In 1920, Jasper and Lula Roberson bought the property from Walker for \$8,300.<sup>12</sup> They likely built the one-story ell that was later removed.

---

<sup>7</sup> Hattie May Hester, Certificate of Death, North Carolina State Board of Health, Office of Vital Statistics, April 6, 1972, viewed on Ancestry.com, accessed June 16, 2015.

<sup>8</sup> Mimi Logothetis, draft Part 2 Orange County Landmark Application, no date. In the Nicholas Corbett Hester House survey file, Orange County Department of Environment, Agriculture, and Parks and Recreation, Hillsborough, NC.

<sup>9</sup> 1880 Census of Agriculture, microfilm, North Carolina State Archives, Raleigh, NC.

<sup>10</sup> Karen Love, interview with Eleanor Walker, March 23, 1994, Burlington, North Carolina. In the Nicholas Corbett Hester House survey file, Orange County Department of Environment, Agriculture, and Parks and Recreation, Hillsborough, NC.

<sup>11</sup> J. W. Reid et al to N. C. Hester, Orange County Deed Book 49, page 417, November 16, 1881, Orange County Register of Deeds, Hillsborough, NC.

<sup>12</sup> Sallie B. and J. C. Walker to Jasper Roberson, Orange County deed book 78, page 231, October 26, 1920, Orange County Register of Deeds, Hillsborough, NC.

The Robersons could not pay on the deed of trust and Walker repossessed the property.<sup>13</sup>

In 1923, Walker sold the 127-acre farm to D. W. Pass for \$4,000. In 1943, he sold the property to Luther Garland Watson and his wife, Ida Frances Slaughter Watson.<sup>14</sup> The Watsons worked the farm with their children. After their son, Luther Watson Jr. returned from service in World War II he built a house across NC 86 North from his parent's farm.

The 1945 farm census reported that L. G. Watson owned 127 acres, of which 50 were cultivated. Tobacco, planted on 15 ½ acres, was the main crop, followed by corn, and small grains that were cut green for hay only. Another 3 acres contained the home garden. Watson practiced progressive farming techniques by plowing up twelve acres for soil improvement and using fertilizer on his crops. Ten fruit trees, most likely apple, grew on the property. Eleven people lived on the farm in 1945.<sup>15</sup>

The Watson children, who had inherited the farm following the death of their parents, sold the property to John C. Woods in 1984.<sup>16</sup> In 1990, the farm was subdivided into three properties. The 26.51-acre parcel containing the Hester farmhouse and its associated outbuildings went to Karen Baum.<sup>17</sup> In 2000, Mimi Logothetis bought the house, outbuildings, and 18.17 acres from Baum through Preservation North Carolina. Ken Dawson bought the remaining eight acres of farmland. Since her purchase, Logothetis has restored the house and outbuildings.

### ***Sources Consulted***

1830 Slave Population Census, North Carolina State Archives, Raleigh, NC.

---

<sup>13</sup> Karen Love Jessee, "Architectural Description and Commentary: The Nicholas Corbett Hester House," paper for History of North Carolina Architecture, North Carolina State University School of Design, 1994. In the Nicholas Corbett Hester House survey file, Orange County Department of Environment, Agriculture, and Parks and Recreation, Hillsborough, NC.

<sup>14</sup> Orange County deed book 117, page 332, March 8, 1943, Orange County Register of Deeds, Hillsborough, NC.

<sup>15</sup> 1945 Farm Census Reports, Cedar Grove Township, Orange County, North Carolina, North Carolina Department of Agriculture. North Carolina State Archives, Raleigh, NC.

<sup>16</sup> Orange County deed book 486, page 26, October 1, 1984, Orange County Register of Deeds, Hillsborough, NC.

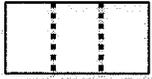
<sup>17</sup> Orange County deed book 857, page 140, June 11, 1990, Orange County Register of Deeds, Hillsborough, NC.

- 1840 Slave Population Census, North Carolina State Archives, Raleigh, NC.
- 1850 Slave Population Census, North Carolina State Archives, Raleigh, NC.
- 1860 Census of Agriculture, North Carolina State Archives, Raleigh, NC.
- 1860 Slave Population Census, North Carolina State Archives, Raleigh, NC.
- 1870 Census of Agriculture, North Carolina State Archives, Raleigh, NC.
- 1880 Census of Agriculture. North Carolina State Archives, Raleigh, NC.
- 1945 Farm Census Reports, Cedar Grove Township, Orange County, NC. North Carolina State Archives, Raleigh, NC.
- Hattie Mae Hester, Certificate of Death. North Carolina State Board of Health, Office of Vital Statistics, April 6, 1972. Ancestry.com. Accessed June 16, 2015.
- Jessee, Karen Love. "Architectural Description and Commentary: The Nicholas Corbett Hester House." Paper for History of North Carolina Architecture, North Carolina State University School of Design, 1994. In the Nicholas Corbett Hester House survey file. Orange County Department of Environment, Agriculture, and Parks and Recreation, Hillsborough, NC.
- Logothetis, Mimi. Draft Part 2 Orange County Landmark Application. No date. In the Nicholas Corbett Hester House survey file. Orange County Department of Environment, Agriculture, and Parks and Recreation, Hillsborough, NC.
- Love, Karen. Interview with Eleanor Walker. March 23, 1994. In the Nicholas Corbett Hester House survey file. Orange County Department of Environment, Agriculture, and Parks and Recreation, Hillsborough, NC.
- Orange County Deeds. Orange County Register of Deeds, Hillsborough, NC.
- U. S. Civil War Soldier Records and Profiles, 1861-1865 [database on-line]. Viewed on Ancestry. com. Accessed June 16, 2015.
- U. S. Find a Grave Index, 1600s-Current [database on-line]. Ancestry.com. Accessed June 16, 2015.

Site Plan:  
 Nicholas Corbett Hester House  
 9501 NC 86 North  
 Cedar Grove, Orange County, NC 27231  
 PIN 9940449151  
*Not to Scale*



Modern workshop



Crib



Log house

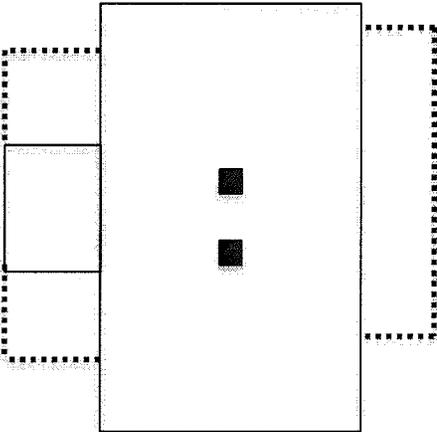


Tenant house

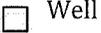
NC 86 North



Open-sided shed and kiln



House



Well



Spring



Open-sided shed



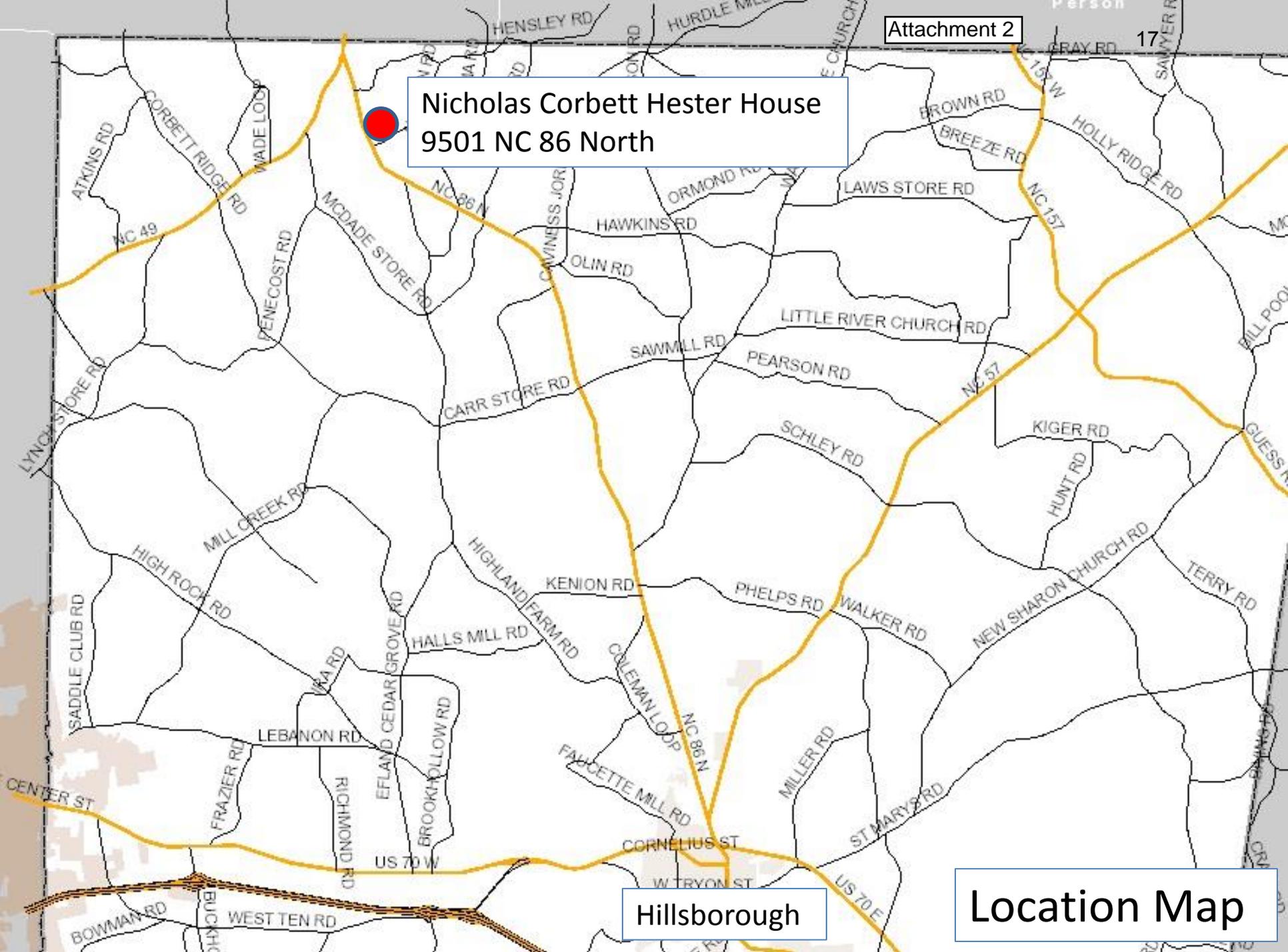
Tobacco barn  
(now an art studio)



Tobacco barn

Allison Road (SR 1500)

Nicholas Corbett Hester House  
9501 NC 86 North



Hillsborough

Location Map



Nicholas Corbett Hester House  
9501 NC 86 North  
After Restoration



Nicholas Corbett Hester House  
9501 NC 86 North  
Before Restoration



Nicholas Corbett Hester House  
9501 NC 86 North  
During Restoration

**ORANGE COUNTY  
HISTORIC PRESERVATION COMMISSION**

**DRAFT Meeting Summary  
October 28<sup>th</sup>, 2015  
Old Orange County Courthouse  
106 East King Street, Hillsborough**

**MEMBERS PRESENT:** Susan Ballard, Todd Dickinson (Chair), Jaime Grant, and Bob Ireland, and Grace White

**MEMBERS ABSENT:** Rob Golan (excused)

**STAFF PRESENT:** Peter Sandbeck, Cultural Resources Coordinator, DEAPR

**GUESTS:** Stacey and Darrell Lingle, Mimi Logothetis, Peter Yeganian

**ITEM #1: CALL TO ORDER**

Chair Dickinson called the meeting to order at 7:03 pm and recognized the guests.

**ITEM #2: CHANGES OR ADDITIONS TO AGENDA:** None.

**ITEM #3: APPROVAL OF MINUTES (September 21<sup>st</sup>, 2015 meeting)**

Ireland moved to accept the minutes, seconded by Ballard; motion passed.

**ITEM #4: ITEMS FOR DECISION:**

**a. Consideration of Draft Landmark Application for the Nicholas Corbett Hester House in Cedar Grove (attachment 1):**

Staff provided an overview explanation of the landmark criteria and approval process for HPC members and attendees. This is our second landmark application this year, which means we can meet our goal of designating two landmarks per year. In Orange County, the landmark process is voluntary. Properties are determined to be eligible through the findings of a detailed research report, which according to our ordinance must demonstrate that the proposed property “possesses special significance to Orange County in terms of its historical, architectural or cultural importance.” Owners agree to have any proposed future restoration or preservation work, or repairs or additions reviewed by the HPC in return for the protection and the opportunity to take advantage of the 50% reduction in property tax as allowed by state law and our ordinance. All work must be proposed in writing through our Certificate of Appropriateness application and in compliance with our published design guidelines.

Staff provided a handout with proposed language for a motion or resolution that the HPC should make to document its “findings of fact” regarding the significance of the proposed landmark and to move the application forward for review by the State Historic Preservation Office (SHPO); they have 30 days to complete their review and provide any suggested edits/revisions/comments back to us. Staff will convey those comments to the owner’s consultant, who will make any changes and return a final draft application to us. At our next meeting, members will be asked to make a final motion to recommend that the Board of County Commissioners adopt an ordinance to designate the Hester House as an Orange County Local Historic Landmark. Staff showed a brief PowerPoint about the property, including a proposed boundary map showing that the westernmost seven acres of the larger parcel are to be included in the landmark designation. Neighboring property owners Stacey and Darrell Lingle asked several questions about the landmark process

and its impact on the values of nearby properties. Owner Mimi Logothetis provided additional information about the restoration and offered her agreement with the proposed 7 acre parcel, to include property west of the historic spring that runs from south to north.

Following some further discussion, Grant moved to adopt the suggested motion or “finding of fact” language contained in the staff handout and to approve the Part 2 Application for the Nicholas Corbett Hester House, and directed staff to submit the application to the SHPO for their review. Ballard seconded the motion. Discussion followed. Members passed the motion after adding wording to include the historic hedgerow along Allison Road, and to clarify the wording about soil characteristics. The final motion is as follows:

The Orange County Historic Preservation Commission finds that the Nicholas Corbett Hester House possesses special significance to Orange County in terms of its historical, architectural and cultural importance. The Commission bases its decision upon the following considerations and findings contained within the research report compiled by consultant Jennifer Martin:

1. The Hester House is among the best-preserved vernacular Italianate-style farmhouse surviving in Orange County, and as such, reflects the tremendous prosperity of the enterprising tobacco farmers in the northern part of the county.
2. The Hester House retains its significant collection of historic outbuildings in an intact rural setting, including the original c. 1850 log house which illustrates the traditional log building practices that prevailed throughout the county from its first settlement until the early 20<sup>th</sup> century
3. The Hester House is documented to have been built Will White, an active local house-carpenter who practiced his art in the northern part of the county during the post-Civil War period.

The HPC also finds that the Nicholas Corbett Hester House possesses integrity of design setting, workmanship, materials, feeling and association as required by the HPC’s ordinance. The HPC judges that the architectural description of the historic resources and the site description compiled by Jennifer Martin demonstrate that the Nicholas Corbett Hester House meets this criterion. Lastly, the HPC recommends that the landmark designation should include the western portion of the property as shown in the attached map, including the main house, log house, corn crib, well house, well, spring, and historic hedgerow along Allison Road. Staff is directed to submit the application to the SHPO for their statutory review. The chair thanked the guests for their participation in the process.

**b. Request to change next meeting date from Dec. 9 to Dec. 2:**

Staff explained that the timing for each step for the landmark designation was tight, given the goal of getting it passed by the BOCC by the end of the year. If it does not happen this year, then the owner has to wait another full year before Tax Administration will allow it to be eligible for the 50% property tax reduction. By holding our meeting on the 2<sup>nd</sup>, we can make it all happen by the time of the BOCC’s last meeting of the year, on Dec. 15<sup>th</sup>. Grant moved to change the HPC meeting date to Dec. 2<sup>nd</sup>; seconded by Ballard; motion passed.

**ITEM #5: DISCUSSION ITEMS**

**a. Annual Report and Work Plan due in December 2015:**

Staff referred members to their copies of the 2014 work plan included in their packages and hoped they had been able to review it. Members discussed briefly. In the interest of time, the chair directed staff to prepare an updated draft report for their review at the next meeting.

**b. Membership Update:**

Staff reviewed possible scenarios for future membership action by the BOCC at their upcoming Nov. 5 meeting. Back in May, the HPC asked them to consider making an exception to their established two-term limit and reappoint Dickinson for an additional term. Action on that request was deferred to the fall due to the spring budget process and then the bond issue process in October. If they decide that they do not wish to make an exception then he can continue to serve until March under the one-year “grace” period provided by their rules and procedures. The application for Tom Loter, historic preservation architect at UNC (**Attachment 4**), was recommended for appointment by the chair and vice chair, so that should be considered and approved by the BOCC in November.

**ITEM #6: UPDATES AND INFORMATION ITEMS**

**a. Hackney House Landmark Application:**

Staff reported that Preservation Chapel Hill has assigned a new intern to complete the application for this property with its important association with the African American history of the southern part of the county. We should see it come to completion soon. A field trip would still be a good idea if members are interested.

**b. Open Air Time:**

No new topics were presented in the interest of time.

**ITEM #7: STAFF PRESENTATION AND DISCUSSION:**

**a. Early Log Houses in northern Cedar Grove Township:**

Staff gave a PowerPoint showing views and details of two early log houses. The Tapp House probably dates from ca. 1840-50 and has a hall and parlor plan with wall logs exposed on the interior, whitewashed many times, visible where the cardboard and paper wall coverings have fallen off. The Jordan Tenant House is composed of two separate log buildings joined by an open breezeway or dogtrot that was later enclosed. The northern section appears to be quite early, perhaps 1800 to 1840s, with a stone chimney with brick stack and some very early rounded wood shingles used as shims for later work. The southern end has a stone chimney with a very unusual well-crafted stone stack still remaining. Many of the county’s early log houses are endangered through abandonment and deterioration, or through being dismantled and rebuilt or heavily “restored.”

**ITEM #8: ADJOURNMENT:** Ballard moved to adjourn, seconded by Ireland; motion passed. Chair Dickinson adjourned the meeting at 8:58 pm.

Meeting summary by Peter Sandbeck, DEAPR staff

**AN ORDINANCE OF THE ORANGE COUNTY BOARD OF COMMISSIONERS  
DESIGNATING THE PROPERTY KNOWN AS THE  
NICHOLAS CORBETT HESTER HOUSE  
IN ORANGE COUNTY, NORTH CAROLINA  
AS A LOCAL HISTORIC LANDMARK**

Whereas, all of the prerequisites to the adoption of this ordinance prescribed in Part 3C, Article 19, Chapter 160A (Historic Districts and Landmarks) of the General Statutes of North Carolina and an Ordinance Creating the Historic Preservation Commission of Orange County (the “Historic Preservation Ordinance”) have been met; and

Whereas, the Orange County Board of Commissioners has taken into full consideration all statements and information in the application and the designation report prepared by the Orange County Historic Preservation Commission and presented to the Board of County Commissioners on the 15<sup>th</sup> day of December, 2015, on the question of designating the property known as the Nicholas Corbett Hester House as a historic landmark; and

Whereas, the property known as the Nicholas Corbett Hester House, located in Cedar Grove Township in the County of Orange and more particularly described in Exhibit A attached hereto, is significant as one of the County’s best preserved late 19<sup>th</sup> century Italianate Style farmhouses; and

Whereas, the original house constructed in 1881 retains a high degree of architectural integrity, with most of its original historic exterior and interior features still preserved, along with a significant collection of historic farm outbuildings including a ca. 1850 log house, all in an intact rural setting; and

Whereas, the Nicholas Corbett Hester House reflects the tremendous prosperity achieved by the enterprising tobacco farmers in the northern part of the County; and

Whereas, the Orange County Historic Preservation Commission has recognized the historic, architectural and cultural significance of the property known as the Nicholas Corbett Hester House and has recommended that the property be designated a “historic landmark” as outlined in Article 3 of the Historic Preservation Ordinance; and

Whereas, the State Historic Preservation Office, an agency of the Office of Archives and History of the North Carolina Department of Cultural Resources, has reviewed and commented on the findings of the Orange County Historic Preservation Commission, and has approved the Nicholas Corbett Hester House for designation as a local historic landmark;

Now, therefore, be it ordained by the Board of County Commissioners of Orange County, North Carolina that:

Section 1. The property known as the Nicholas Corbett Hester House, located in Cedar Grove Township, Orange County, North Carolina jurisdictional area, consisting of approximately 7 acres more particularly described in Exhibit B, is hereby designated a historic landmark pursuant to Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Orange County Historic Preservation Ordinance.

Section 2. The owner(s) and occupant(s) of the property known as the Nicholas Corbett Hester House be given notice of this ordinance as required by applicable law, and that copies of this ordinance be filed and indexed in the office of the County Clerk, Orange County Register of Deeds, Orange County Tax Supervisor and Orange County Department of Environment, Agriculture, Parks and Recreation, as required by the applicable law.

Section 3. In accordance with Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Orange County Historic Preservation Ordinance, the exterior and site features of all historic landmarks are always under the purview of the Historic Preservation Commission's Certificate of Appropriateness provisions. The jurisdiction of the Historic Preservation Commission may also extend over interior spaces with the consent of the owner. The HPC shall determine Certificates of Appropriateness for the Nicholas Corbett Hester House based on the HPC's approved design standards, with reference to the designation ordinance, the application materials and the designation report.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with this ordinance.

Section 5. Any part of this ordinance determined by a court of competent jurisdiction to be in violation of any law or constitutional provision shall be deemed severable and shall not affect the validity of the remainder.

Section 6. This ordinance shall become effective immediately upon its adoption.

NOW THEREFORE BE IT RESOLVED that the Orange County Board of Commissioners does hereby officially designate the Nicholas Corbett Hester House as an Orange County Local Historic Landmark.

This the 15th day of December, 2015.

---

Earl McKee, Chair  
Orange County Board of Commissioners

Attest

---

Donna Baker, Clerk to the Board

## **EXHIBIT A**

The Nicholas Corbett Hester House, located at 9501 NC 86, Cedar Grove Township, is referenced in Orange County Land Records as Parcel Identification Number (PIN) 9940449151, containing 18.17 acres more or less. Only that portion of this parcel containing the historic house, the ca. 1850 log house, the corncrib, the well house and well, the spring, and the historic hedgerow along Allison Road, is being designated, consisting of approximately 7 acres as shown in Exhibit B. The property is owned by Mimi Logothetis, 9501 NC 86 North, Cedar Grove, NC 27231.

# EXHIBIT B





**North Carolina Department of Natural and Cultural Resources  
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Pat McCrory, Governor  
Susan Kluttz, Secretary  
Kevin Cherry, Deputy Secretary

Office of Archives and History  
Division of Historical Resources

December 4, 2015

Peter Sandbeck, Cultural Resources Coordinator  
Orange County, Department of Environment, Agriculture, Parks and Recreation  
306A Revere Road, P.O. Box 8181  
Hillsborough NC 27278

**RE: Landmark Designation Report for the Nicholas Corbett Hester House, 9501 NC 86 North, Cedar Grove vicinity, Orange County**

Dear Mr. Sandbeck:

Thank you for the report for the above-cited property which is being proposed for landmark designation. We have reviewed the information in the report and offer the following comments in accordance with North Carolina General Statute 160A-400.4.

The Nicholas Corbett Hester House, built in 1881 in northern Orange County, possesses architectural significance a meticulously restored example of a vernacular interpretation of the Italianate style. With a porch featuring chamfered posts, decoratively sawn brackets, and a second, gable-roofed tier at the entrance bay, deep eaves embellished with elaborately turned and sawn brackets, hooded window surrounds, and richly corbelled interior chimneys, the two-story, one-room-deep house stands as the fullest expression of the style in rural Orange County. We believe the local governing board now has sufficient information to determine that the Nicholas Corbett Hester House qualifies for local landmark designation.

Furthermore, it is worth noting that there is the potential for archaeological resources associated with the property. Care should be taken during any ground disturbing activities to avoid inadvertent damage or destruction to such resources.

Landmark designation means the community recognizes a property as an important historic resource worthy of preservation. Any substantial exterior design changes to a designated landmark are subject to the design review procedures of the Orange County Historic Preservation Commission. The owner may apply for an annual deferral of fifty percent of the property taxes for as long as the property is designated and retains significance and integrity.

If the local governing board wishes to extend the Commission's design review authority to significant features of the interior, the owner must give written consent. The designation ordinance must specify the features and describe the nature of the Commission's design review authority over them.

December 4, 2015

Page 2

Thank you for giving us the opportunity to comment on the report. Our comments are advisory only and are not binding. Once the governing board has received a recommendation from the Orange County Historic Preservation Commission and has proceeded in the same manner as would otherwise be required for an amendment to the zoning ordinance, the governing board may proceed with the designation decision. Once the designation decision has been made, please return the completed designation confirmation form, enclosed.

This letter serves as our comments on the proposed landmark designation of the Nicholas Corbett Hester House. Please contact me at 919-807-6575 should you have any questions about our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie Mitchell". The signature is fluid and cursive, with a prominent initial "L" and a long, sweeping underline.

Laurie Mitchell  
Local Preservation Commissions / CLG Coordinator

CC: Commission Chair

Enclosure

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

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

**SUBJECT:** Orange County Consolidated Plan - Annual Action Plan Needs Hearing

**DEPARTMENT:** Housing, Human Rights and  
Community Development

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

YES
-----

**ATTACHMENT(S):**

- 1) Consolidated Plan Summary
- 2) HOME Annual Action Plan Timeline

**INFORMATION CONTACT:**

Audrey Spencer-Horsley, Housing,  
Human Rights and Community  
Development Director, (919) 245-2492

**PURPOSE:** To receive comments from the public regarding the housing and non-housing needs to be included in the Annual Action Plan Update of the 2016-2017 Consolidated Housing Plan for Housing and Community Development Programs in Orange County.

**BACKGROUND:** In May 2015 a Consolidated Plan for Housing and Community Development Programs in Orange County was developed and approved by the U.S. Department of Housing and Urban Development (HUD). This document details the housing needs of very low income, low income and moderate-income families and special population groups in addition to outlining the strategies and plans for addressing those needs.

Each year, local communities are required to reassess the needs of the community. This public hearing provides an opportunity for the public, public agencies and other interested parties to provide input into the Annual Action Plan Update. In addition, the public may comment on proposed uses of an estimated \$311,832 in 2016-2017 funds. Information regarding the actual Congressional allocation is not available at this time. Eligible HOME Program activities include: acquisition; new construction; housing rehabilitation; and rental assistance.

The Orange County Board of Commissioners, as a member of the Orange County HOME Consortium, approved \$450,317 in HOME Program funds for FY 2014 – 2015. All program funds have been allocated to projects and 51% has been expended to-date. The Board of Commissioners approved \$412,638 in HOME Program Funds for FY 2015 - 2016. This year's allocation of HOME funds are pending environmental assessments/reviews and subsequent contractual agreements. The HOME compliance deadlines are a two (2) year commitment reservation of funds and a five (5) year expenditure requirement.

An application form has been designed for agencies interested in accessing HOME funds for local housing projects. HOME funding will be awarded through a joint application process. The deadline for completing the application form is January 25, 2016. The Home Program Review Committee will then review the applications received and make recommendations regarding funding for consideration by the local elected officials in April 2016. The 2016 Annual Action Plan will be submitted to HUD on or before May 13, 2016.

In order to inform the general public of this opportunity and encourage participation, notices have been placed in The Chapel Hill News, News of Orange, and The Herald-Sun, and also sent to local non-profit agencies and placed on local websites.

**FINANCIAL IMPACT:** The Orange County HOME Consortium expects to receive an allocation of \$311,832 in HOME Program funds for 2016-2017, the same level as last fiscal year.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goals are applicable to this agenda item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

The creation and preservation of affordable housing options helps to meet a basic need and advances economic self-sufficiency.

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

Affordable housing options allow individuals to reduce risks associated with being unhoused.

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

**RECOMMENDATION(S):** The Manager recommends that the Board open the Public Hearing to receive comments from the public as additional information to consider and close the Public Hearing.

## **Consolidated Plan Orange County HOME Consortium, NC**

### **Annual Action Plan Update FY 2016-2017**

**The Orange County, North Carolina, HOME Consortium** is an entitlement community under the U.S. Department of Housing & Urban Development's (HUD) HOME Investment Partnerships Program (HOME). Under the HOME Program, local governments are able to join together to form a consortium in order to receive HOME funding for affordable housing. The Orange County HOME Consortium is made up of four members: Orange County, the Town of Carrboro, the Town of Chapel Hill, and the Town of Hillsborough. The Town of Chapel Hill also receives federal Community Development Block Grant (CDBG) funding each year. Orange County is the Participating Jurisdiction (PJ) for the HOME Consortium.

The primary purpose of the HOME Program is to increase the supply of affordable housing. Participating jurisdictions have the opportunity to identify and choose the housing activities that best meet local housing needs. To ensure HOME assisted housing increases the supply of affordable housing, an affordability period on assisted properties and income limits are required for eligible households.

The Federal Fiscal Year begins October 1st and ends September 30th of each year. The Orange County Fiscal Year begins July 1st and ends June 30th of each year.

The Five Year Consolidated Plan is FFY 2015-2020 as required by HUD to receive HOME funding. Orange County is also the lead entity in the preparation and submission of the Five Year Consolidated Plan and Annual Action Plans for each of the five years, a federal HOME and CDBG requirement to receive funding under the Programs. The Orange County HOME Consortium is receiving \$311,832 from HOME funds for the FFY 2015 program year. This is a reduction from \$351,540 in FFY 2014 and a substantial reduction from \$728,277 in FFY 2010, the start of the previous five year planning period.

To focus the approach to affordable housing a Consolidated Plan is required by HUD. The Consolidated Plan describes community needs identified, available resources, housing priorities, and proposed activities. In the Consolidated Plan, the Consortium must address the housing needs and goals for the entire geographic area it covers. The Consortium allows local jurisdictions to take a regional and collaborative approach to addressing critical affordable housing needs.

Since the Town of Chapel Hill is a member of the Orange County HOME Consortium, HUD has determined that the County is permitted to submit one Regional Consolidated Plan that details the needs of the entire County, including Chapel Hill. As a CDBG entitlement recipient, the Town of Chapel Hill will submit a separate Annual Action Plan as required by HUD for the town's CDBG Funds. The Orange County HOME Consortium has prepared this FFY 2015-2020 Five Year Consolidated Plan for the period of July 1, 2015 through June 30, 2020. This Consolidated Plan is a strategic plan for the implementation of the Orange County HOME Consortium's federally funded program for affordable housing within Orange County, the Town of Carrboro, the Town of Chapel Hill, and the Town of Hillsborough and for housing, community development, and economic development for the Town of Chapel Hill.

The Five Year Consolidated Plan establishes the Consortium's goals for the next five (5) year period and outlines the specific initiatives the Consortium and its member jurisdictions will undertake to address their needs and objectives by promoting the rehabilitation and construction of decent, safe, sanitary, and affordable housing, creating a suitable living environment, removing slums and blighting conditions, affirmatively furthering fair housing, improving public services, expanding economic opportunities, and other activities principally benefitting low- and moderate-income persons.

This Five Year Consolidated Plan is a collaborative effort of the Consortium members, the community at large, social service agencies, County and Town officials, housing providers, community development agencies and economic development groups. The planning process was

accomplished through a series of public meetings, stakeholder interviews, resident surveys, statistical data, and review of previous community development plans.

This planning process also involves an analysis of HUD Comprehensive Housing Affordability Strategy (CHAS) data, which provides statistical data on housing needs, to prepare its estimates and projections, 2007-2011 American Community Survey Estimates, and the 2010 U.S. Census.

This data is the most current information available to assess housing needs, homeless needs, special needs, social service needs, economic development needs, and other related needs.

In HUD's assessment of Consortia across the county, those who truly meet the HOME program goals to address the most pressing affordable housing needs look less at geographic boundaries in their operations. Those Consortia allocate funding according to local needs, capacity to use the funds and a regional strategy that addresses the broader housing needs of the Consortium as a whole—for the success and betterment of the whole—for a better quality of life and economic vitality for all the communities individually and collectively.

The Orange County HOME Consortium is receiving \$311,832 from HOME funds for the FFY 2015 program year. This is a reduction from \$351,540 in FFY 2014 and a substantial reduction from \$728,277 in FFY 2010, the start of the previous five year planning period.

### **Greatest Needs**

The elderly population of Orange County (age 62 and above) is 15,979 persons which represents 12.1% of the total County's population. However, there are 200 assisted rental housing units for the elderly out of a total of 20,234 renter-occupied housing units which is 1.0% of the renter occupied units. As the County's population ages in place, there will be less available elderly units and a higher demand for those units. It is estimated that at least 450 new affordable housing units for the elderly are needed.

As part of the Master Aging Plan, Orange County aims to offer an array of housing options that reflects the diverse preferences and abilities our older adult population portrays. Orange County

needs to conceptualize a continuum of housing types to accommodate rapid growth in its senior population and then, invest in development of preferred housing models.

The condition of the owner occupied housing stock is fairly sound. However, rental housing units range from fair to poor. Many of the higher quality rental housing units are located in the urban centers and close to the universities. The lower quality rental housing units are located in the rural areas. Improved code enforcement is needed to address these housing deficiencies.

There is also a lack of “accessible” housing units in the County to address the needs of the physically disabled. Not including elderly housing units, it appears that there is a need for at least 150 new housing units that are accessible to persons with physical disabilities. Presently, there are 84 accessible housing units for the disabled in LIHTC Projects.

There is a continuing need for “affordable” and “accessible” housing in Orange County. The existing housing is sound and there appears to be an adequate supply of market-rate housing. The County has a growing population, and new construction and rehabilitation work is increasing again as evidenced by the number of building and renovation permits issued throughout the County. Real estate values continue rise which benefits property owners and most homeowners. However, these rising real estate values negatively impact very low-, low-, and moderate-income households who are increasingly cost-overburdened in their homes by 30 to 50 percent or greater or who cannot find affordable housing and are having to increasingly seek housing outside of the County or live in substandard conditions not by choice, but necessity.

Housing values (both rental and real estate values) have increased with the increase of households to the area. This increase has been especially burdensome on low- and moderate income renter households. A decrease in the quality and the quantity of affordable rental housing has placed many of the very low-income households at imminent risk of becoming homeless.

It is estimated that there are approximately 1,600 owner and renter occupied housing units that are suitable for rehabilitation work in Orange County. However, the cost of rehabilitation exceeds

the income and assets of many low- and moderate-income persons. Therefore, many of these housing units will remain vacant and or in substandard, deteriorating conditions since the financial resources are not available to rehabilitate the housing units. There is a need for increased local, state federal and private funds to provide financial assistance to lower income families to rehabilitate properties for more affordable housing.

There is a dire lack of affordable housing for the very-low income in Orange County.

Unfortunately, there are no new funding sources for permanent housing that replaces Public Housing to meet the housing needs of the very-low income. The County should encourage and support private and non-profit development entities to build more LIHTC high quality affordable housing developments throughout the County, especially in the urban areas (though in urban areas cost and the lack of available land makes this almost prohibitive). Therefore, opportunities for infill development and acquisition and or rehabilitation in these areas should be encouraged to meet affordable housing needs and opportunities for access to transportation, services and employment.

The areas impacted with cost overburdened households are located in and around the urban areas of the County. These areas contain the largest concentration of employment opportunities and public and private amenities but lack affordable housing.

The urban areas of the County have the most public and community facilities. These areas also contain the majority of available public transportation. The urban neighborhoods contain many of the County's employment opportunities and existing housing stock. However, these areas are cost prohibitive for low- and moderate-income persons.

## **2. Summary of the objectives and outcomes identified in the Plan**

The following six (6) priorities and subsequent goals/strategies have been identified for the Orange County HOME Consortium for the period of FY 2015 through FY 2020 for the HOME

Investment Partnerships (HOME) Program, and the Town of Chapel Hill's Community Development Block Grant (CDBG) Program.

The priority ranking of needs for housing, homelessness, other special needs, community development, economic development, and anti-poverty are as follows:

High Priority Activities are assigned a high priority if the County or Chapel Hill expects to fund them during the Five Year Consolidated Plan period.

Low Priority Activities are assigned a low priority if the activity may not be funded by the County or Chapel Hill during the Five Year Consolidated Plan period. The County or Chapel Hill may support applications for other funding if those activities are consistent with the needs identified in the Five Year Consolidated Plan.

#### Housing Priority (High Priority)

There is a need to improve the quality of the housing stock in the County by increasing the amount of decent, safe, sound, and accessible housing for homeowners, renters, and homebuyers that is affordable to low- and moderate-income persons and families.

#### **Goals/Strategies:**

**HS-1 Housing Rehabilitation** - Continue to provide financial assistance to low- and moderate income homeowners to rehabilitate their existing owner-occupied housing.

**HS-2 Housing Construction** - Increase the supply of decent, safe, sound, and accessible housing that is affordable to low- and moderate-income owners and renters in the County through rehabilitation of vacant buildings and new construction including mixed design and mixed income developments that incorporate affordable housing options.

**HS-3 Fair Housing** - Promote fair housing choice through education and outreach in the community and through encouraging compliance with fair housing laws and affordable housing choices throughout the County.

**HS-4 Home Ownership** - Assist low- and moderate-income households to become

homeowners by providing down payment assistance, closing cost assistance, and housing counseling training including Section 8 Housing Choice Voucher holders.

**HS-5 Public Housing** - Support the Town of Chapel Hill's improvements and maintenance of existing public housing units including the provision of broadband internet access for all residents, and promote self-sufficiency through the use of Section 8 Vouchers for home purchase, transitional housing, and supportive services to residents to transition out of public housing to private rental and homeownership opportunities.

**HS-6 Permanent Housing** - Support the development of permanent affordable housing options for young adults and other single individuals starting careers and families with members in modest paying professional careers (such as teachers, service workers and medical assistants), including creative and non-traditional affordable housing options in design (amenities, size and cost).

**HS-7 Permanent Housing** - Identify and pursue local, state, federal and private resources including university communities to leverage available resources (that include publicly owned land and surplus facilities and financial support) for development of permanent affordable housing at a level that is "key" to meeting the basic need of decent safe and sound affordable housing for a broad cross section (age and income) of the residents of Orange County.

**HS-8 Housing Preservation** - Preserve and monitor the affordable housing stock that exists by developing strategies, tools and partnerships that allow the County to retain the supply of decent, safe, sound, and accessible housing that is affordable to low- and moderate-income owners and renters.

**Goal/Strategy:**

**AM-1 Overall Coordination** - Provide program management and oversight for the successful administration and leveraging of federal, state, and local funded programs, including support

of collaborative initiatives, research and planning services for special studies, environmental clearance, fair housing, and compliance with all federal, state, and local laws and regulations.

### **3. Evaluation of past performance**

Orange County has a good performance record with HUD. The County regularly meets the performance standards established by HUD. Each year the County prepares its Consolidated Annual Performance Evaluation Report (CAPER). This report is submitted within ninety (90) days after the start of the new program year. Copies of the CAPER are available for review at Orange County Housing, Human Rights, and Community Development Department, 300 W. Tryon Street, Hillsborough, NC. Orange County includes the Town of Chapel Hill's performance under its CDBG Program in the County's CAPER.

The FY 2013 CAPER, which was the fourth CAPER for the FY 2010-2014 Five Year Consolidated Plan, was approved by HUD. In the FY 2013 CAPER, the Town of Chapel Hill expended 100% of its CDBG funds to benefit low- and moderate-income persons. The Town expended 14.35% of its funds during the FY 2013 CAPER period on public service, which is below the statutory maximum of 15%. The Town expended 18.89% of its funds during this CAPER period on Planning and Administration, which is below the statutory maximum of 20%. The Town is in compliance with the required 1.5 maximum drawdown ratio.

The HOME program is being administered in a timely manner and in accordance with applicable activity limitations and match requirements. The Orange County HOME Consortium has also met the 15% Community Housing Development Organization (CHDO) requirement.

### **Summary**

The main goals of the Five Year Consolidated Plan are to improve the living conditions of all residents in Orange County, create a suitable and sustainable living environment, and to address the housing and community development needs of the residents.

The Five Year Consolidated Planning process requires the County to state in a single document its

strategy to pursue goals for all housing, community development, and planning programs. The Orange County HOME Consortium and Town of Chapel Hill will use the Consolidated Plan's goals and objectives to allocate the next five (5) years of CDBG and HOME funds and to provide direction to other partners addressing the housing and community development needs of the low- and moderate-income population of Orange County and the Town of Chapel Hill. HUD will evaluate the Orange County HOME Consortium's and Town's performance under the Five Year Consolidated Plan against these goals.

HUD is permitting the Orange County HOME Consortium and Chapel Hill to submit one regional Consolidated Plan, however, the Town of Chapel Hill is submitting a separate Annual Action Plan linked to the Five Year Consolidated Plan for its CDBG Program as required by HUD, unlike in previous years where the Annual Action Plan was a joint submission.

***Excerpt from the FFY 2015-2020 Five Year Consolidated Plan Orange County HOME Consortium, NC***

***OMB Control No: 2506-0117 (exp. 07/31/2015)***

## ATTACHMENT 2



## Orange County FY 2016-2017 ANNUAL ACTION PLAN TIMELINE for the Development of the HOME Program Design

DATE	MEETING	PURPOSE/DEADLINE	LOCATION
Tuesday, December 15, 2015	Board of County Commissioners (BOCC) Regular Meeting	FY 2016-2017 Annual Action Plan – HOME Needs Assessment Public Hearing	Southern Human Services, 2501 Homestead Road, Chapel Hill 7:00 p.m.
Wednesday, January 20, 2016	Orange County HOME Consortium Staff	Staff Planning Meeting	Housing, Human Rights and CD Conference Room, 300 W. Tryon Street, Hillsborough 10:30 a.m. or Conference Call
Wednesday, February 10, 2016* *Tentative: pending appointment of Elected Officials	Orange County HOME Consortium	Orange County HOME Consortium Meeting for the discussion of HOME Program applications	Housing, Human Rights and CD Conference Room, 300 W. Tryon Street, Hillsborough 10:00 a.m.
Tuesday, April 5, 2016  April 2016 TBD Other Consortium Member Jurisdictions approve the Proposed Annual Action Plan	BOCC Regular Meeting	Proposed Annual Action Plan** BOCC Approval	Whitted Building– 300 W. Tryon Street, Hillsborough 7:00 p.m.
Friday, May 13, 2016		Deadline for submitting the FY 2016-2017 Annual Action Plan to HUD	

**\*\*Thirty (30) day required Public comment period: March 1, 2015- April 4, 2015.**

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

**Action Agenda**

**Item No.** 6-a

**SUBJECT:** MINUTES

---

**DEPARTMENT:**

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

---

**ATTACHMENT(S):**

**INFORMATION CONTACT:**

Draft Minutes

Donna Baker, 245-2130

---

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

November 17, 2015

BOCC Regular Meeting

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

**FINANCIAL IMPACT: NONE**

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

1  
2  
3 DRAFT

4 **MINUTES**  
5 **BOARD OF COMMISSIONERS**  
6 **REGULAR MEETING**  
7 **November 17, 2015**  
8 **7:00 p.m.**

9 The Orange County Board of Commissioners met in regular session on Tuesday,  
10 November 17, 2015 at 7:00 p.m. at the Southern Human Services Center, in Chapel Hill, N.C.

11  
12 **COUNTY COMMISSIONERS PRESENT:** Chair McKee and Commissioners Mia Burroughs,  
13 Mark Dorosin, Barry Jacobs, Bernadette Pelissier, Renee Price and Penny Rich

14 **COUNTY COMMISSIONERS ABSENT:**

15 **COUNTY ATTORNEYS PRESENT:** John Roberts

16 **COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager  
17 Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified  
18 appropriately below)

19  
20 Chair McKee called the meeting to order at 7:02 p.m.

21  
22 **1. Additions or Changes to the Agenda**

23 Chair McKee asked for a moment of silence in remembrance of the tragic events in  
24 Paris, France.

25 Chair McKee noted the following items at the Commissioners' places:

- 26 - Maps and charts for item 4-a: North Carolina Mountains to Sea Trail (MST) Statewide Master
- 27 plan, additional information from the State
- 28 - White sheet - revised abstract for item 7-b: FY 2015-16 Purchase of Vehicles through the
- 29 Vehicle Replacement Internal Service Fund
- 30 - PowerPoint slides for item 8-b: Orange County Slogan Selection Campaign
- 31 - Quarterly Public Hearing packet

32  
33 **PUBLIC CHARGE**

34  
35 *Chair McKee dispensed with the reading of the public charge.*

36  
37 **2. Public Comments**

38  
39 **a. Matters not on the Printed Agenda**

40 NONE

41  
42 **b. Matters on the Printed Agenda**

43 (These matters will be considered when the Board addresses that item on the  
44 agenda below.)

45  
46 **3. Announcements and Petitions by Board Members**

47 Commissioner Dorosin petitioned the Board, saying the community is becoming more  
48 diverse, and it is imperative to have staff that is bi-lingual in all County offices. He additionally  
49 petitioned the County to offer Spanish training to its employees for free, and to have one person  
50 in each department that is able to help out.

1 Commissioner Rich said some of the County ordinances do not address building tiny  
2 houses, and she petitioned changing these ordinances to accommodate these new types of  
3 houses.

4 Commissioner Rich said a gentleman spoke at the last Board of County Commissioners  
5 (BOCC) meeting about food trucks. She noted that the County's current food truck ordinance is  
6 outdated and petitioned staff to update this ordinance.

7 Commissioner Pelissier said she had no petitions, but supported those that have been  
8 made thus far this evening.

9 Commissioner Burroughs said she had no petitions.

10 Commissioner Jacobs said the Board heard a report earlier this fall about the reaction to  
11 fireworks by residents and asked if there is any follow up regarding the ability to enforce the  
12 noise ordinance.

13 Commissioner Jacobs said there is a need for a guide about "farm uses" from the  
14 County Attorney.

15 Chair McKee said Commissioner Jacobs' two items could be directed to the Manager for  
16 updates. He referenced the guidance on farm uses, noting a request by a neighborhood on this  
17 same item. He echoed the request for greater definition, as well as an overall update.

18 Commissioner Price said she had no petitions but noted that she attended a reconvened  
19 group of interested citizens for discussion of Indigenous Peoples Day. She said the  
20 Occoneechee Council has approved the draft resolution and she would rather wait until the  
21 Town of Hillsborough approved it before sending it to our Board of County Commissioners.

22 Chair McKee said he preferred that Commissioner Price please send it out.

23 Commissioner Price said she would talk with the other author before sending out.

24 Chair McKee had no petitions.

#### 25 26 **4. Proclamations/ Resolutions/ Special Presentations**

##### 27 28 **a. Presentation - N.C. Mountains to Sea Trail (MST) Statewide Master Plan**

29 The Board considered receiving the presentation from staff of the N.C. Division of State  
30 Parks on the recently completed Statewide Master Plan for the Mountains to Sea Trail (MST),  
31 and providing direction and instruction to staff as needed.

32 David Stancil, Department of Environment, Agriculture, Parks and Recreation (DEAPR)  
33 Director, said the MST is part of the State Parks system stretching from the Tennessee Border  
34 to the Outer Banks. He said a system master plan has been developed over the past year,  
35 being published this summer. He said portions of this trail will go through Orange County. He  
36 introduced Smith Raynor.

37 Smith Raynor, Piedmont Regional Trail Specialist with the State, made the following  
38 PowerPoint presentation:

#### 39 40 **Mountains to Sea State Trail Master Plan**

#### 41 **Orange County Board of Commissioners**

42 **November 17, 2015**

#### 43 **North Carolina Division of Parks and Recreation**

#### 44 45 **History of the Mountains to Sea State Trail**

- 46 • 1973: Trails System Act
- 47 • 1977: Howard Lee proposed creating a trail connecting the mountains with the coast
- 48 • 1982: First segment dedicated in CapeHatteras National Seashore
- 49 • 2000: Authorized as a state trail and an official unit of the state parks system

50

## 1 **State Trails in North Carolina**

2 State trails are units of the state parks system.

3 Unlike traditional state parks, the state trails are constructed and managed by a variety of  
4 partners.

- 5 ○ Mountains-to-Sea State Trail
- 6 ○ French Broad River State Trail
- 7 ○ Yadkin River State Trail
- 8 ○ Deep River State Trail
- 9 ○ Fonta Flora State Trail

## 10 **Mountains to Sea State Trail**

11 When complete...

- 12 • 1000+ miles long
- 13 • Pass through more than 30 counties
- 14 • Link numerous small towns, cities, national parks and forests, wildlife refuges and state  
15 parks
- 16 • Extend from Clingman's Dome to Jockey's Ridge State Park

17 "...a trail that would give North Carolina and national visitors a real feel for the sights, sounds  
18 and people of the state." --Howard Lee

## 19 **Mountains to Sea State Trail**

### 20 **Master Plan**

21 Goals:

- 22 • Promote completion of the MST by engaging stakeholders
- 23 • Confirm the guiding vision and established corridor for the MST
- 24 • Gather and consolidate information about each segment
- 25 • Engage agencies, non-profit organizations and volunteers throughout the planning  
26 process
- 27 • Define and prioritize segments for future planning
- 28 • Develop tools to support trail partners in planning, constructing, maintaining and  
29 promoting the MST

### 30 **Other Planning Efforts**

31 Countywide planning: 19 counties along the MST planning corridor have developed plans to  
32 support trails and recreation in their communities

33 Regional planning: The State Trails Program facilitated a series of regional plans organized  
34 around various Councils of Government

- 35 • Piedmont Triad COG Plan
- 36 • High Country Regional Trail Concept Map
- 37 • Isothermal Planning and Development Commission Trail Plan
- 38 • Land of Sky COG Regional Trails Plan
- 39 • Southwestern Commission COG
- 40 • Western Piedmont COG Final Regional Trail Plan
- 41 • Croatan Regional Trails Plan

### 42 **Other Planning Efforts**

43 State Trail Planning:

- 44 MST East Conceptual Plan
- 45 MST Eastern Piedmont Plan

- 1 MST Western Piedmont Plan
- 2 MST Johnston County Plan
- 3 Stone to Pilot Sub-section Master Plan

4

### 5 **Other Planning Efforts (map)**

6

#### 7 **State Trail Partners**

8 State Parks:

- 9 • Trail designation
- 10 • Planning assistance
- 11 • Trail signage
- 12 • Administer RTP grant
- 13 • Technical assistance
- 14 • Promotion on state parks website

15 Section Sponsors:

- 16 • Establish the trail alignment
- 17 • Acquire land or easements needed for trail
- 18 • Identify and address constraints in building and maintaining trail
- 19 • Acquire funds
- 20 • Coordinate trail construction, management and maintenance of the trail
- 21 • Apply for trail designation
- 22 • Promote the trail

23

#### 24 **Benefits of Regional Trails**

- 25 Increased property values
- 26 Promote healthy living
- 27 Protect water quality
- 28 Provide recreational opportunities
- 29 Provide wildlife corridors and habitats
- 30 Encourage economic development
- 31 Contribute to a community's identity
- 32 Provide alternative transportation opportunities

33

#### 34 **Mountains to Sea Segments**

35 Planned segments were prioritized using criteria to gauge readiness for further planning and  
36 implementation.

37

38 Criteria included:

- 39 • Connectivity
- 40 • Available public land
- 41 • Implementation challenges
- 42 • Demonstrated demand for trail
- 43 • Potential economic impact
- 44 • Funding resources
- 45 • Level of organized support and planning

46

#### 47 **Near Term Priority Segments**

- 48 Cherokee to Balsam Gap 24 miles
- 49 Northeast Wilkes 25 miles
- 50 Atlantic and Yadkin Greenway 13 miles

1	Winston-Salem	30 miles
2	Haw River Trail	35 miles
3	<b>Southwest Orange County</b>	19 miles
4	<b>Eno River</b>	26 miles
5	Wayne County	39 miles

### Near Term Priority Segments (map)

### Orange County Parks and Recreation Master Plan 2030

The greatest interest for both programs and facilities was for walking/hiking/biking trails.

Recommendations of the master plan included:

- Develop a master plan for the Orange County segment of the MST
- Build more trails and connect open spaces
- Improve access to parks and trails, and incorporate healthy lifestyles design

### Mountains to Sea State Trail (photo)

### Thank you

State Trails = Partnerships

State Trails Program

For additional information, please visit:

<http://ncparks.gov/more-about-us/great-trails-state>

Carol Tingley, North Carolina State Parks Deputy Director, referred to the Connect NC Bond. She said this is a \$2 billion proposal that will go before the voters in March 2016. She said \$75 million of these monies will be allocated to the State Parks systems and from that \$4 million will go to the Mountains to Sea Trail. She said the bond money would be for land acquisition and to target money for usable sections of the trail.

Chair McKee asked if there is a website for further information.

She said there is a link on both the Governor's and the State Parks' website.

### **PUBLIC COMMENT:**

Alan Green said he is representing a group of local Friends of the MST members that collectively authored the letter included in the Commissioners' packets. He said the petition identifies several specific steps needed to make segment 11 of the MST a reality. He said direct action by the Commissioners is necessary. He said the original State master plan did not have segment 11 as short term but as long term. He thanked the Board of County Commissioners for their letter to the State to reevaluate this project and noted Orange County is now near term. He said the County needs to be proactive. He said their petition provides a blueprint and he asked the Board to adopt it from the local Friends of the MST group.

Greg Smith read the following letter, which he sent to the Commissioners:

17 November 2015 Presentation to the BOCC

Charles Gregory Smith, 6701 Thunder Mountain, Efland NC 27243

Good evening, Mr. Chairman and Commissioners

My name is Greg Smith and I am a cosigner of the letter and petition you have received. My wife, Linda, and I have lived in Orange County since 1974 and have been residents of the Thunder Mountain Subdivision in Bingham Township for over three decades. During that time

1 we raised twin daughters who grew up roaming this beautiful property learning about nature  
 2 and all the intricate ecosystems found within its varied topography. In 1979, we began  
 3 purchasing several tracts of land adjacent to our Thunder Mountain property. Over the years  
 4 we have owned approximately 142 acres within the Cane Creek Watershed on the north side of  
 5 the reservoir.

6 In year 2000 we sold approximately 13.5 acres to Orange Water and Sewer Authority  
 7 (OWASA), and specified that the land could not be used for residential purposes with the goal  
 8 of keeping that tract as undeveloped buffer land to protect Cane Creek Reservoir. It was on  
 9 that land that we sighted a bobcat in the early morning mist and listened to the calls of great  
 10 horned owls in the evening. That beautiful tract, with a stream and large hardwoods, shares a  
 11 common corner with our land on Thunder Mountain. We support routing the MST through this  
 12 property, which we used to own and sold to OWASA.

13 I believe the OWASA property on the north side of the reservoir is an ideal route for the  
 14 MST because it is one of the most beautiful undeveloped tracts left in this area of Orange  
 15 County. It is rich in flora and fauna, the topography and ecosystems are varied, and the  
 16 surrounding private parcels are sparsely populated. Further subdivision is limited by watershed  
 17 restrictions, deed restrictions, and conservation easements. We currently own multiple tracts  
 18 within the Thunder Mountain subdivision, and to the west of Thunder Mountain. As long time  
 19 residents, we have grown to love all of these properties but realize that we are only stewards--  
 20 someone else will own them in the future. As we have in the past, we will continue to try to  
 21 make sure that the natural beauty and wildlife of these properties are conserved and protected  
 22 for future generations.

23 In March 2012, we hosted a community meeting at our home so that our neighbors  
 24 could learn about the MST and a proposal to route it through OWASA property to our south.  
 25 That meeting was well attended and we received positive feedback from many of our neighbors  
 26 following presentations by Kate Dixon, Executive Director of the Friends of the Mountains to the  
 27 Sea Trail, Rich Shaw from Orange County Parks and Recreation and others. In addition, a  
 28 number of legitimate concerns were raised by some at the meeting, which we evaluated and  
 29 discussed with many of our neighbors.

30 On September 18, 2012, our neighbor, Martha Keating spoke before the BOCC in  
 31 support of the MST and provided the Board with a consensus endorsement by ALL of the five  
 32 owners of Thunder Mountain property whose lots adjoin OWASA property. I am providing a  
 33 copy of that statement of support, which contained five caveats which I would like to re-read:  
 34 ***“Our five households do not oppose the MST and embrace the potential of having public  
 35 access to beautiful land that we have been fortunate enough to live near for many years.  
 36 Our support for this proposed section of the MST is contingent upon:***

- 37 • ***The location of the trail being placed on the agreed upon alternate routes (farthest  
 38 from the houses) by the residents closest to the MST.***
- 39 • ***MST being used as a footpath hike-through section (no bicycles, motorized  
 40 vehicles, horses, etc.);***
- 41 • ***MST being open from dawn until dusk, with no overnight camping or fires  
 42 permitted;***
- 43 • ***The county being able to provide a suitable location for parking at posted access  
 44 points to divert anyone from parking or accessing the MST from Thunder  
 45 Mountain;***
- 46 • ***OWASA’s commitment to preserve the scenic beauty of this land such that it is  
 47 not subjected to timbering;***

1 ***Done properly, we believe this segment of the MST would have no significant adverse***  
2 ***impact to the water quality on Cane Creek Reservoir.***

3 ***We believe this is a rare opportunity for the residents of this area of Orange County to***  
4 ***work together to be part of a positive legacy for generations to come.”***

5 I have found that there is strong support within the Thunder Mountain community and  
6 nearby for a segment of the MST to pass through the OWASA property on the north side of the  
7 reservoir but all of our neighbors want to make sure that the private roads serving our  
8 neighborhoods are not used as public access and parking areas for the trail.

9 I believe these caveats of support are reasonable and can be accomplished as the county and  
10 OWASA move forward on this legacy for future generations.

11 Thank you for the opportunity to come before you tonight to share my thoughts and  
12 support for the Mountains to Sea Trail.

13  
14 Charles Gregory Smith

15  
16 Scott Zimmerman said he is here in support of the MST trail. He said he is here to get  
17 this trail on the ground in Orange County. He urged the Board of County Commissioners to  
18 approve this portion of the trail in Orange County as surrounding counties are doing. He  
19 contacted OWASA and this communication is in the email packet. He said he understands that  
20 OWASA is ready to act when the County is ready to act. He asked again for the Board of  
21 County Commissioners to support and build this segment of the trail.

22 Howard Lee said he is here in support of the MST, and if one gets connected to this trail  
23 one will never let it go. He said he is pleased and proud that this trail has lasted the test of  
24 time. He said this trail would be an asset to North Carolina. He said he has walked segments  
25 of the trail, and it is both beautiful and satisfying. He said he knows the Board of County  
26 Commissioners has always supported the preservation of the environment and the promotion of  
27 parks and trails. He said this would be one of the greatest investments Orange County could  
28 make.

29 Glen Greenstreet said he wants to reiterate to the BOCC that the citizens of Orange  
30 County are still very much in support of the MST. He encouraged the BOCC to move forward  
31 with the pieces of trail that can be built immediately and to seek partnership with the volunteer  
32 citizens of the County.

33 Bonnie Hauser said she would like to thank the Thunder Mountain community for their  
34 support.

35 Commissioner Price said there is currently \$500,000 in 2019 in the Capital Investment  
36 Plan (CIP) for this park. She asked if there would be any impact in moving some funds up to be  
37 used at an earlier time.

38 David Stancil said that is part of the CIP discussion and the funds, mentioned by  
39 Commissioner Price, are designated for construction. He said this item has not been off the  
40 radar and funding needs to be reassessed considering options such as volunteer construction.  
41 He said such options could be explored and an updated report brought back to the Board at a  
42 later date.

43 Commissioner Pelissier said to those that submitted the petitions that the item will be  
44 sent to agenda review process to review and to respond.

45 Commissioner Pelissier said her property is part of the proposed trail and she wants the  
46 MST in her backyard. She thanked the citizens who came to speak this evening.

47 Commissioner Burroughs referred to the State bond and asked if it is likely that local  
48 money would need to be leveraged in order to receive the State money.

49 Carol Tingley said previous bond monies were used to purchase adjacent properties to  
50 the trail to allow it to be furthered by local entities. She said she anticipates a similar scenario

1 with the upcoming bond funds, noting that options that provide the most bang for their buck are  
2 optimal.

3 Commissioner Burroughs asked if there are currently barriers with OWASA.

4 David Stancil said there are several things: OWASA is supportive of the MST idea but  
5 is unwilling to be a contributor financially to the project. He said there are certain segments of  
6 the MST that are considered low hanging fruit and other areas that are challenges. He said  
7 North Carolina Department of Transportation (NCDOT) had been instructed to allow the MTS to  
8 be in the right of ways of certain roads.

9 Commissioner Burroughs said the Parks and Recreation Council (PARC) sent a letter to  
10 the Board, which notes a reordering of priorities, which may place the MST in front of the  
11 Millhouse Road Park.

12 David Stancil said DEAPR has been in touch with the Town of Chapel Hill and there may  
13 be the flexibility to realign some projects and schedules; but they need to talk with the Manager  
14 about this, who the stakeholders are, etc.

15 Commissioner Dorosin asked if David Stancil could help the BOCC itemize what needs  
16 to be done in list form. He said he saw the list as follows:

- 17 - Draw the lines on a map- Identification
- 18 - Secure easements for access-acquisition (OWASA, private land owners, DOT, etc)
- 19 - Money to purchase easements
- 20 - Work with partners to allow use of their properties

21 David Stancil noted that the segment east of Hillsborough has been mostly secured. He  
22 said the portion of the trail in question is really from Occoneechee Mountain south towards the  
23 Orange-Alamance County line.

24 Commissioner Dorosin said the next step is to build the trail. He asked to see the slide  
25 from the PowerPoint presentation regarding the responsibilities for maintaining the trail.

26 David Stancil said the main steps are identification, acquisition or permission,  
27 construction, and maintenance.

28 Commissioner Dorosin asked if the State takes care of signage.

29 Carol Tingley said the State will provide signs.

30 Commissioner Dorosin asked if the \$500,000 currently in the CIP is limited to one of the  
31 main steps identified by David Stancil.

32 David Stancil said these funds are currently listed for construction but there is time each  
33 year to change and adjust the CIP.

34 Commissioner Dorosin asked if Lands Legacy money could be used.

35 David Stancil said yes, and it is anticipated that it would be.

36 Commissioner Jacobs noted that citizens came to speak in support of this item tonight,  
37 when in the past people had spoken against it. He is glad to see this change in perspective.

38 Commissioner Jacobs said he hears the public saying that waiting until 2019 to start this  
39 project is too long. He asked if David Stancil could clarify the intent for staff to return with a  
40 proposal to get started in the next fiscal year.

41 David Stancil said yes, adding that the idea is to take stock of this project and to bring  
42 back a proposal to the Board of County Commissioners at a later date.

43 Commissioner Jacobs said he hopes staff would consider which segments would be  
44 done first in order to address citizens' concerns.

45 Commissioner Pelissier asked the State if there were a lot of people that gave  
46 easements or land so that purchasing could be avoided.

47 Carol Tingley said Alamance County is a good example as it has been successful at  
48 receiving donations, purchasing easements, and leveraging the State bond monies. She said  
49 Alamance also secured local grants and sponsorships.

1 Chair McKee referred to partnerships and sponsors and strongly encouraged  
2 approaching businesses and other resources in order to leverage the money the County has.

3 Chair McKee asked if the process can proceed in 2016 is there a general timeline for  
4 completion of the MST segment from Hillsborough to OWASA lands.

5 David Stencil said he does not know and that estimate would be part of the proposal  
6 brought back by staff. He said he has a better sense of the length of the planning process,  
7 which he thinks would take 3-6 months. He said there seems to be an impetus in the south and  
8 the north of the County and it is the middle area that would be the biggest challenge.

9 Chair McKee asked if a timeline could be developed going forward.

10 David Stencil said yes, we can certainly do that.

11  
12 **5. Public Hearings**

13 NONE

14  
15 **6. Consent Agenda**

- 16 • Removal of Any Items from Consent Agenda
- 17 None

- 18
- 19 • Approval of Remaining Consent Agenda
- 20

21 A motion was made by Commissioner Rich, seconded by Commissioner Burroughs to  
22 approve the remaining items on the Consent Agenda.

23  
24 VOTE: UNANIMOUS

- 25 • Discussion and Approval of the Items Removed from the Consent Agenda
- 26

27 **a. Minutes**

28 The Board approved the minutes as submitted by the Clerk to the Board for the October 13,  
29 2015 BOCC Work Session; the October 15, 2015 BOCC – JPA Meeting; the October 15, 2015  
30 BOCC Joint Meeting with Town of Carrboro; and the October 20, 2015 BOCC Regular Meeting.

31 **b. Fiscal Year 2015-16 Budget Amendment #3**

32 The Board approved budget, grant, and capital project ordinance amendments for fiscal year  
33 2015-16 for Social Services; Health Department; Cooperative Extension; Animal Services;  
34 Department on Aging; Economic Development; Library Services; Technical Amendment;  
35 Orange Rural Fire Department; and Orange County Schools Capital Project Ordinances.

36  
37 **7. Regular Agenda**

38  
39 **a. New Interlocal Agreement between Orange County and the Town of Chapel Hill to**  
40 **Continue Funding the “Launch Chapel Hill” Small Business Incubator**

41 The Board considered approving a new Interlocal Agreement between the County and  
42 Town of Chapel Hill that extends the County’s Article 46 funding support for entrepreneurial  
43 development to continue supporting the existing “Launch Chapel Hill” innovation center located  
44 at 321 West Rosemary Street in Chapel Hill, and authorizing the Manager to sign.

45 Steve Brantley, Orange County Economic Development Department Director, said this  
46 item proposes a new local agreement between Orange County and Chapel Hill for the LAUNCH  
47 incubator. He reviewed the attachments in the Commissioners’ agenda packet.

48 Steve Brantley reviewed the history of the interlocal agreement.

49  
50 **BACKGROUND:**

1 Steve Brantley said as part of the Board of County Commissioners' strategic planning in  
2 2011 to utilize Article 46 funding to support key economic development priorities, the  
3 importance of growing and retaining entrepreneurial start-up talent in Orange County was  
4 included. The Board sought to reverse the historic trend where promising, growth-oriented start-  
5 up companies originating out of the University of North Carolina would eventually relocate to  
6 adjacent counties over time. The County contracted with the department head of UNC Chapel  
7 Hill's Department of City & Regional Planning (Dr. Emil Malizia) in 2011 & 2012, who conducted  
8 a regional real estate assessment of average lease costs, ideal space needs and working  
9 environments that start-up companies seek throughout their developmental life span. A key  
10 recommendation from the consultant report highlighted a severe shortage of competitively  
11 priced incubator facilities here in the County, and suggested the development of an innovation  
12 center to better retain entrepreneurial talent coming from the University and local community.

13 In March 2012, available property located at 321 West Rosemary Street in Chapel Hill  
14 was identified as a potential incubator location, and the Town of Chapel Hill and Orange County  
15 began working collaboratively to support further development of an innovation center at this  
16 site.

17 On April 3, 2012, the Board of County Commissioners received a summary of the  
18 potential economic development project during closed session. Following this report, the Board  
19 agreed to continue moving forward on this opportunity.

20 In July 2012, Orange County prepared a draft Interlocal Agreement outlining the  
21 commitments of both parties. The final version of the Interlocal Agreement was signed by the  
22 County and Town in late 2012, establishing an initial 3 ½ year term where both local  
23 governments would provide a 50/50 co-share of the lease cost for the facility. The County's  
24 cost, paid by Article 46 funds, was \$10,000 per quarter, or \$140,000 total. "Launch Chapel Hill"  
25 eventually took form at 321 West Rosemary Street by accepting the initial group of student  
26 tenants, and officially opening on May 1, 2013. In addition, UNC Chapel Hill's close mentoring  
27 support expanded into becoming a financial backer, and a conduit to attract private venture  
28 capital support for Launch.

29 On November 4, 2015 the University of North Carolina at Chapel Hill was recognized  
30 among the top five best performing university business accelerators in North America, based on  
31 a 2015 benchmark study by UBI Global, a thought leader in performance analysis of business  
32 incubators around the world.

33 A memorandum (see attachment 1) from Launch Program Manager Dina Rousset  
34 outlines the incubator's recent success stories, a list of current entrepreneur companies, and a  
35 brief survey of private funding raised by many of these start-up firms. This summary describes  
36 how Launch

37 *"brings in a cohort or class of 6 - 10 companies every six months (January & July).  
38 Bringing companies in as cohorts allows us to most effectively and efficiently serve their needs.  
39 We have traditionally received 3 applications per available space at Launch. Selection is made  
40 by a selection committee made up of the Entrepreneurs in Residence, Launch graduates, and  
41 university and town representatives. The number of companies we are able to accept is based  
42 on the size of the teams and the number of seats we have available. As each new class or  
43 cohort comes into the program we look to identify both those that are not performing and those  
44 that are growing and have secured funding to move out into space in the community."*

45 With the original 2012 Interlocal Agreement expiring on December 31, 2015, the small  
46 business incubator is now seeking a continuation of support from the County and Town. The  
47 proposal is to sign a 2-year lease (January 1, 2016 through December 31, 2017) to fund  
48 "Launch" at the current location, and allow the option for a third year (January 1, 2018 through  
49 December 31, 2018). This allows some flexibility if UNC, also a financial supporter of Launch, is  
50 able to bring together a larger combined space within two years.

1 This proposal outlines a new 3-year economic development relationship where the  
2 County and Town continue backing the existing "Launch Chapel Hill" innovation center located  
3 at 321 West Rosemary Street in Chapel Hill. The County's total financial commitment to be paid  
4 from Article 46's entrepreneurial development category is \$120,000 over the next 3 years.  
5 The draft Interlocal Agreement (see attachment 2) was prepared by the County Attorney and is  
6 similar to the small business incubator's original 2012 Interlocal Agreement. The new document  
7 has also been reviewed by the Town's Attorney and will be presented to the Chapel Hill Town  
8 Council for review on November 17, 2015.

9 Steve Brantley said the proposed new Interlocal Agreement requires Orange County to  
10 contribute \$10,000 per quarter for three years, or, a total of \$120,000 from January 1, 2016  
11 through December 31, 2018. This is the same level of funding support, per quarter, as  
12 approved in the current Interlocal Agreement with Chapel Hill. County funding is provided by  
13 Article 46 proceeds and not from the General Fund.

14  
15 **PUBLIC COMMENT:**

16 Meg McGuirk is the Executive Director of the Downtown Partnership, which is the fiscal  
17 agent for Launch, as well as the holder of the sublease of the property. She urged the Board to  
18 continue to support this project financially and spiritually. She said in the three years since its  
19 inception, 49 start-ups have come through Launch. She said this commitment to start-ups has  
20 put the County on the global map for small businesses and their growth.

21 Dina Rousset thanked the Board of County Commissioners for its continued support of  
22 Launch, of which she is the Director. She said this project has brought together Orange  
23 County, the Town of Chapel Hill, the University of North Carolina (UNC), and a private donor;  
24 and as a result, this area is becoming known for start-ups.

25 Commissioner Jacobs asked if the number of start-ups remaining in Orange County is  
26 known.

27 Dina Rousset said this information is surveyed at the end of the calendar year, noting  
28 that at the end of 2014 about 75 percent remained locally.

29 Commissioner Jacobs asked if staff would help in the survey process, to gather why 25  
30 percent of businesses are leaving.

31 Dina Rousset said they would welcome that assistance going forward. She said one of  
32 the main issues is affordability. She said the Economic Development Department is helping in  
33 this area.

34 Commissioner Rich expressed her thanks for the hard work and for the staff being so  
35 positive with Launch. She said it shows how partnerships can work.

36 Commissioner Pelissier said given the interest with the living wage issue, she would like  
37 to see Launch encouraging the start-ups to pay a living wage.

38 Commissioner Burroughs said when there is updated data to please share it with the  
39 Board.

40 Chair McKee asked if Launch is becoming space constrained.

41 Dina Rousset said space has been an issue for some time. She said there are currently  
42 18 companies that share many spaces and a larger space will continue to be sought.

43 Chair McKee asked if larger facilities would allow for larger and more start-ups to begin.

44 Dina Rousset said yes.

45  
46 A motion was made by Commissioner Pelissier, seconded by Commissioner Price to  
47 approve a new Interlocal Agreement between the County and Town of Chapel Hill that extends  
48 the County's Article 46 funding support for entrepreneurial development to continue supporting  
49 the existing "Launch Chapel Hill" innovation center located at 321 West Rosemary Street in  
50 Chapel Hill, and authorize the Manager to sign.

1  
2 VOTE: UNANIMOUS  
3

4 **b. FY 2015-16 Purchase of Vehicles through the Vehicle Replacement Internal**  
5 **Service Fund**

6 The Board considered approving the final list of County vehicles to be purchased  
7 through the Internal Service Fund in FY 2015-16, and approving a Reimbursement Resolution  
8 that allows the County to advance funds for the initial purchase and then reimbursing itself from  
9 a planned December 2015 financing package.

10 Gary Donaldson, Orange County Chief Financial Officer, said there is a revised abstract  
11 and three attachments:

- 12 • Project list
- 13 • Sheriff's justification listing
- 14 • Reimbursement

15 Gary Donaldson reviewed the following information:

16 The BOCC initially established the Vehicle Replacement Internal Service Fund during  
17 FY 2012-13 for County vehicle purchases. The Internal Service Fund is an accounting device  
18 used to accumulate and allocate costs internally among the functions of the County. County  
19 department vehicle purchases occur through this Fund instead of through departments' General  
20 Fund operating budgets. The Internal Service Fund centralizes all vehicle purchases, which will  
21 improve the ability to monitor vehicle acquisition and associated costs.

22 In June 2015, staff presented to the BOCC a list of vehicles recommended for purchase  
23 for FY 2015-16 and committed to bringing back a final list for Board consideration and approval  
24 this fall.

25 The list coincides with and outlines the vehicles funding amounts approved as part of  
26 the FY 2015-16 Budget Ordinance. The total amount of the vehicles to be purchased is  
27 \$793,209. The only change from the recommended list provided to the BOCC in June 2015 and  
28 this final list is a reduction of two (2) Dodge Chargers and the addition of two (2) Harley  
29 Davidson Police Package motorcycles (*See Attachment 2*). These motorcycles will be used for  
30 traffic enforcement, but also used for a wide variety of other functions, including but not limited  
31 to:

- 32 • a highly visible presence while patrolling rural neighborhoods,
- 33 • traffic control for special events, speed enforcement in problem areas,
- 34 • collaborative efforts with neighboring enforcement agencies,
- 35 • special events at area schools,
- 36 • County functions where traditional patrol vehicles are less effective, and
- 37 • to promote highway safety and education programs for high school students.

38  
39 **FINANCIAL IMPACT:** The financial impact of the purchase of twenty-two (22) replacement  
40 vehicles is \$794,000. Twenty-one (21) vehicles will be purchased with installment financing,  
41 while one (1) of the motorcycle units of \$22,000 will be purchased with available drug forfeiture  
42 funds. The installment financing will be part of a preliminary financing package to be presented  
43 to the BOCC in December 2015. The attached Reimbursement Resolution (*Attachment 3*)  
44 allows the County to advance funds for the initial purchase, and then reimburse itself from the  
45 financing proceeds. This is necessary in order to receive 2015 State contract pricing, which  
46 expires on December 8, 2015.

47  
48 Gary Donaldson said the County is seeking to take advantage of State financing which  
49 expires on December 8, 2015, and staff will be coming back with a lengthier list of projects for  
50 financing.

1 Commissioner Rich clarified that the only change is the numbers going from 791 to 793.  
2 Gary Donaldson said a new vehicle is being added to the list.

3  
4 A motion was made by Commissioner Burroughs, seconded by Commissioner Pelissier  
5 for the Board to approve the final list of County vehicles to be purchased through the Internal  
6 Service fund for FY 2015-16 and approve the reimbursement resolution.

7  
8 VOTE: UNANIMOUS

9  
10 **c. Amendment to Orange County Property Naming Policy**

11 The Board considered discussing amending the Orange County Property Naming Policy  
12 and adopting the policy as amended.

13 Bonnie Hammersley read the information below from the abstract:

14 On September 1, 2015 Commissioner Barry Jacobs petitioned that the Orange County  
15 Property Naming Policy be amended. Specifically, Commissioner Jacobs requested that the  
16 amendment to the policy include:

- 17 • The addition of language to the policy will provide the BOCC the ability to consider and  
18 adopt naming a "room" within a County property. This language has been included in  
19 the attached amended policy. Attachment 1
- 20 • The addition of language to the policy will provide the BOCC the ability to consider and  
21 adopt naming a County property for a person that secures funding for the  
22 construction/development of a building or facility.

23 She said this language has been included in the attached amended policy, Attachment

24 1.

25 Commissioner Price said she had also petitioned the Board about a naming policy  
26 change.

27 Bonnie Hammersley said she understood Commissioner Price's petition was not about  
28 amending the policy and recalled the Chair-Vice Chair having responded to the petition some  
29 time ago.

30 Commissioner Price said her petition was based on a response from citizens about the  
31 Senior Center and sought to name a room after someone that is still living.

32 Bonnie Hammersley said that petition would require an amendment as well and the  
33 Board could discuss it this evening, if needed.

34 Commissioner Price said she would like to make the request that the Board have this  
35 discussion this evening.

36 Commissioner Jacobs said what the manager is proposing covers Commissioner Price's  
37 petition as the amendment reflects the issue of room naming and the issue of naming if funds  
38 are secured.

39 Commissioner Jacobs said Bonnie Hammersley incorporated both petitions in this  
40 proposed amendment.

41 Commissioner Dorosin said he does not think the proposed amendment incorporates  
42 both petitions. He said a facility cannot be named after someone except for the two exceptions  
43 of funds having been donated or the leasing of a property that is already named. He said if  
44 someone was still living and had not donated funds, the building could not be named after  
45 them.

46 John Roberts said that is the correct reading. He referred to 2.1.7 that noted the Board  
47 of County Commissioners could make exceptions to the policy at any later date or add  
48 language now.

49 Commissioner Price said she read the proposed amendment the same way as  
50 Commissioner Dorosin and it seems 2.1.2 contradicts 2.1.5.

1 Commissioner Dorosin asked if the Board can make exceptions at any time, why amend  
2 it in the first place.

3 Commissioner Jacobs said it is good to have specificity. He suggested taking a portion  
4 of the 2.1.2 and put it as an exception under 2.1.5. He said he assumed they were doing both  
5 for living people and those who secure funds. He said creating a 2.1.5 a, and b, and c should  
6 cover all points.

7 Commissioner Price said that is agreeable.

8 Chair McKee said to move 2.1.2, leaving out to include buildings, and make it under  
9 2.1.5.

10 Commissioner Dorosin asked if there is a reason that facilities cannot be named after  
11 living persons.

12 Commissioner Burroughs said sometimes the advantage of the naming a facility after a  
13 deceased person is that their life is complete and known. She noted the example of a school  
14 sports field being named after a living coach, who was later found to be a pedophile.

15 Commissioner Jacobs said naming facilities after living people can become political,  
16 whereas those who are deceased are more of a matter of community consensus to honor  
17 someone. He said this was to avoid the difficulties of honoring a living person who may not be  
18 the most deserving.

19 Chair McKee said the Board still has the ability to make exceptions.

20 Commissioner Dorosin said he appreciated the points Commissioner Burroughs and  
21 Commissioner Jacobs made. He said he personally believes in honoring people who are still  
22 living.

23  
24 **PUBLIC COMMENT:**

25 Good evening. I am Beverly Blythe, and tonight I come before you with a resolution that  
26 deals with the renaming of County buildings. The Friends of the Senior Center for Central  
27 Orange Board had extended an invitation to the BOCC to attend our meeting last September,  
28 and Chair Earl McKee and the County Manager were gracious enough to attend. At that time  
29 we indicated we had a resolution in support of renaming the Central Senior Center, and you  
30 asked us to wait and present it at the same time the changes came before the Board on this  
31 policy. Each of you has been given a copy, and I have extras if someone in the audience would  
32 like a copy. *(Beverly Blythe read the resolution, which is incorporated by reference, and is  
33 located in the permanent record of the meeting in the Clerk's office.)*

34 We had discussed naming the rooms and there was strong opposition to doing that.  
35 We try to make it easy for our participants to locate the various classes, and this would only  
36 make it more difficult for our older population.

37 I have given you a summary of the 3.5 pages of accomplishments for Jerry Passmore,  
38 and would challenge anyone to come up with a more impressive record. Jerry is still helping  
39 our center by planning our cruises, which are always sold out, and is one of our fundraising  
40 events for the Center. Our Las Vegas night event, which Jerry is responsible for planning, is  
41 also one of our most successful fundraising events. He also does the TV program "In Praise of  
42 Age" as a volunteer. Not only did he devote 35 years, he is still devoting his time and talents to  
43 our center.

44 I ask you again to please consider renaming the Central Orange Senior Center the Jerry  
45 M. Passmore Center, while he is still alive, and give him the honor he deserves. I am simply  
46 asking that you do the right thing. Thank you.

47  
48 A motion was made by Commissioner Jacobs, seconded by Commissioner Price for the  
49 Board to adopt the Orange County Property Naming Policy as amended tonight, and refer Ms.  
50 Blythe's petition to agenda review.

1  
2 VOTE: UNANIMOUS  
3

4 **8. Reports**  
5

6 **a. Update on Living Wage Policies**

7 The Board considered receiving an update on Orange County's living wage policies and  
8 various living wage activities across the state, discussing potential initiatives related to the living  
9 wage based on information from staff and the County Attorney, and providing direction to staff  
10 on next steps regarding potential County living wage policy initiatives.

11 Travis Myren said this is a coordinated effort between him and John Roberts. He noted  
12 there is a summary memo in the Commissioners' packet, as well as the abstract.  
13

14 **BACKGROUND:**

15 The Board of County Commissioners has for some time maintained its support for the  
16 living wage. This has included the implementation of a living wage policy for all  
17 County employees, as well as potential development of living wage policies that would be  
18 applicable to those doing business with the County.

19 Staff has provided a memorandum as Attachment 1 that provides an overview of the  
20 County's current living wage policies as well as activities related to the living wage across the  
21 state.

22 The Board also previously asked staff, and specifically the County Attorney, for  
23 information regarding a potential policy requiring contractors doing business with Orange  
24 County to pay their employees a living wage. The County Attorney notes that in 2013, the North  
25 Carolina General Assembly limited the authority of counties and cities by amending §153A-449,  
26 which authorizes contracting with private contractors, to include a new sentence, "A county may  
27 not require a private contractor under this section to abide by any restriction that the county  
28 could not impose on all employers in the county, such as paying minimum wage or providing  
29 paid sick leave to its employees, as a condition of bidding on a contract." (Emphasis added)

30 Travis Myren made the following PowerPoint presentation:  
31

32 **ORANGE COUNTY**

33 **Living Wage Policy Update**

34 **Presentation to the Board of Orange County Commissioners**

35 **November 17, 2015**  
36

37 **Living Wage Policy Update**

- 38 • Summary Memo
  - 39 ○ Legal analysis provided by County Attorney
- 40 • County Roles in Living Wage Policy
  - 41 ○ County as an Employer
  - 42 ○ County as a Purchaser of Goods and Services
  - 43 ○ County as a Community Leader
- 44 • Policy Considerations and Next Steps  
45

46 **County as an Employer**

- 47 • **Living Wage Policy for Employees**
  - 48 ○ Adopted as part of the Budget
  - 49 ○ Calculated at 7.5% above the Federal Poverty Rate for a family of four
    - 50 ❖ Consistent with other surrounding local governments

- ❖ Formula would have resulted in a wage rate of \$12.53
- ❖ Existing rate is higher - \$12.76 per hour – maintained until formula exceeds existing rate
- Applies to all regular, part time, and temporary employees
- Impacted 124 temporary employees

### **County as Purchaser of Goods and Services**

- Legal Restrictions
  - Policies cannot apply to private companies as a *condition of bidding on a contract* – cannot apply to goods or services which are competitively bid
  - Current law does not require competitive bidding on certain purchases:
    - ❖ Construction contracts under \$30,000
      - Approximately 60 per year - \$15,000 to \$20,000 cost impact
    - ❖ Supplies and Apparatus under \$30,000
      - Examples include office supplies, computer equipment, some vehicles
      - Policy application challenging
    - ❖ Service contracts in any amount

### **County as Purchaser of Goods and Services**

- Service Contracts
  - Solicitation process
    - ❖ Services cannot be solicited through a bid process
    - ❖ Limited to Request for Qualifications
      - Vendor qualifications paramount – architects, engineers, other professional consulting services
      - No comparative price information during initial solicitation
  - Cost Impact
    - ❖ No existing comprehensive analysis of service contractors
    - ❖ Social Services cost estimated to be \$260,000 to provide existing levels of service

### **County as Community Leader**

- Living Wage Certification Programs
  - *Just Economics of Western Carolina*
    - ❖ Voluntary certification program
    - ❖ Calculated using Fair Market Rents
  - *Durham Living Wage Project*
    - ❖ Voluntary certification program
    - ❖ Calculated using Federal Poverty Level
  - *Orange County Living Wage*
    - ❖ Voluntary certification program
    - ❖ Orange County enrolled as one of the first living wage employers
    - ❖ Calculated using Fair Market Rent = \$12.75 per hour

### **Policy Considerations and Next Steps**

- Review Calculation Methodology
  - Federal Poverty Rate
    - ❖ Criticized for outdated metrics; insensitive to local economy
    - ❖ Frequently used; adjusts for family size

- 1           ○ Housing Costs/Fair Market Rent
- 2                 ❖ Family size not considered
- 3                 ❖ Viewed as more locally sensitive
- 4         • Service Contracts - Policy Development
- 5           ○ More comprehensive review of cost implications
- 6           ○ Create profile of service providers to guide policy development
- 7                 ❖ Scope of application – non-profits?
- 8                 ❖ Exemptions – small firms?
- 9                 ❖ Report back prior to budget development

10  
11           Commissioner Dorosin asked if the estimated \$260,000 increase from Department of  
12 Social Services (DSS) is for contractors. He asked if it is fair to assume that the \$260,000  
13 increase is related to contractors being paid less than a living wage.

14           Travis Myren said this cost increase is primarily driven by DSS in home aide contracts.

15           Commissioner Jacobs said he has objected over the years for not paying sufficient  
16 wages to in home health care workers. He said the County is taking advantage of the fact that  
17 others are not paying a living wage to get a service that the County needs.

18           Chair McKee asked if the Fair Market calculation is the more viable option given the  
19 disparities between the cost of living in different areas.

20           Travis Myren said the Fair Market calculation is considered more realistic at the local  
21 level.

22           Commissioner Rich asked if the County can require recipients of a County contract for  
23 less than \$30,000 to pay their employees a living wage.

24           John Roberts said this is true for certain contracts, but for service contracts it can be  
25 higher. He said there are no bidding requirements on service contracts. He said the only  
26 problem of making a living wage requirement on larger contracts is there is no bidding process,  
27 and thus the lowest cost for the service cannot be obtained.

28           Commissioner Rich said there is a lot of money spent on larger projects yet the County  
29 cannot tell these contractors to pay a living wage; but this requirement can be made for smaller  
30 contractors.

31           John Roberts said the jail is being built with a Construction Manager at Risk (CMR),  
32 which is a request for qualifications process rather than a bid procedure.

33           Commissioner Rich said it seems that all cannot be given a fair living wage because of  
34 the State.

35           John Roberts said in 2013, the City of Asheville had a living wage policy that applied to  
36 contracts under \$30,000, which they intended to expand to all contracts. He said the State  
37 implemented the restrictions at this time.

38           Commissioner Pelissier asked Travis Myren if he could provide more analysis and the  
39 implications for the non-profits. She said many non-profit agencies provide invaluable services.  
40 She asked if it is possible to know how many non-profits pay a living wage.

41           Travis Myren said most of the living wage policies address those that are working on a  
42 County contract.

43           Commissioner Pelissier said this could create issues for a non-profit.

44           Commissioner Burroughs asked if Commissioner Pelissier is referring to non-profits  
45 being given grants or contracted funds.

46           Commissioner Pelissier said she was referred to the Outside Agency Process.

47           Travis Myren said some living wage policies apply to grants but the Board could choose  
48 to change this.

49           Commissioner Burroughs said non-profits should be paying a living wage and the policy  
50 should be extended to them as well.

1 Commissioner Jacobs expressed thanks for the clear and in depth analysis. He said he  
2 had given John Roberts a 1998 BOCC document which shows Orange County has been a  
3 leader in this area for a long time.

4 Commissioner Jacobs said the key component of any Master Aging Plan is aging in  
5 place, and that requires in home healthcare. He said these providers may not be the most  
6 educated people but they provide an invaluable service. He said if living wage policies are  
7 applied to non-profits it will only be for the funds that are connected to the County, not the non-  
8 profit's entire budget.

9 Commissioner Dorosin urged the Board to pursue this policy. He said the two metrics  
10 come out one cent a part. He said service contracts should be included in the policy. He said  
11 the question about non-profits needs to be more nuanced and giving grants is different from  
12 contracts. He asked if it is known how the Board's colleagues, such as the ABC Commission,  
13 OWASA, and the Sportsplex, are handling this issue. He asked if staff could follow up and get  
14 status reports.

15 Commissioner Dorosin said the Chapel Hill-Carrboro City Schools (CHCCS) has a \$2  
16 million surplus and is the one elected body that is not paying a living wage. He said the County  
17 should be working encouraging CHCCS to pursue paying a living wage.

18 Commissioner Rich said OWASA was certified as a living wage employer.

19 Commissioner Rich said she does not think monies to pay a living wage should come  
20 from a reserve fund.

21 Commissioner Dorosin said all public employees should receive medical benefits,  
22 retirement, etc.

23 Chair McKee said it should be noted that even with the living wage one does not have  
24 much more than subsistence income. He said considering the cost of living in Orange County,  
25 a \$12.76 per hour wage allows one to just get by. He said is very supportive of this but has  
26 extreme reservations about carving out exemptions.

27 Commissioner Price said as the Board proceeds with this issue it would be good to see  
28 what the living wage would need to be if the cost of living allowance (COLA) goes up. She said  
29 perhaps incremental analysis would be useful.

30 Travis Myren said staff could prepare a historic analysis of how fair rental markets have  
31 increased over time and at what rate they may be expected to increase in the future.

32 Travis Myren said the federal poverty rate calculation would have produced an hourly  
33 rate of \$12.53. He said the County was already at an hourly rate of \$12.76 and chose to  
34 remain there.

35 Commissioner Rich said this issue is discussed every year during the budget process  
36 and suggested taking that information and working it into the analysis.

37 Commissioner Jacobs asked if Travis Myren could track Orange County's living wage in  
38 his historical analysis.

39  
40 **PUBLIC COMMENT:**

41 Mark Marcoplos said he agreed with Chair McKee that the living wage is a subsistence  
42 wage and when one's income drops down below the living wage, one must start using social  
43 services. He said it is important to consider all the elements of the equation.

44  
45 **b. Update on the Campaign for a New "Welcome" to Orange County Interstate Sign**

46 The Board considered receiving an update on the campaign for a new "Welcome to  
47 Orange County" interstate sign, providing any comments or questions to staff and  
48 acknowledging that staff will move forward with the campaign.

49 Laurie Paolicelli, Orange County Community Relations and Tourism Department  
50 Director, said this sign project is really a symbol of how the County sees itself and how the

1 County wants travelers and residents to see Orange County. She reviewed the following  
2 information:

3  
4 **BACKGROUND:**

5 Orange County has an opportunity to change the North Carolina Department of  
6 Transportation (NCDOT) "Welcome to Orange County" Interstate sign, currently located on  
7 Interstate 40 at mile marker 269 heading west. The sign is damaged and is currently slated for  
8 replacement. The current sign welcomes interstate travelers with the message "Orange County:  
9 You'll Be a Fan for Life". Community Relations will launch a local contest asking residents to  
10 vote for which slogan should be used on the new replacement sign.

11 Orange County, together with a media partner, will offer six (6) signs that the community  
12 can vote on, rather than an "open slogan naming". Providing six (6) slogans for the public is a  
13 format that is based on past programs of NCDOT that became contentious as a result of the  
14 anonymous curtain of the internet (see Attachment 1). NCDOT initiated a contest asking for  
15 public input to name the I-40/440 rebuild project in Raleigh that began in 2015. NCDOT found  
16 that the general public that became interested had a sense of humor. What started out in a  
17 serious vein quickly took a distinct twist when the unexpected quirky responses started pouring  
18 in (see Attachment 2).

19 Orange County Community Relations suggests working with media partner, Chapelboro  
20 & WCHL, to have the public vote for their favorite slogan via various forms of media including  
21 Chapelboro and WCHL Radio. To provide a wider reach, the department will also utilize social  
22 media and WHUP Radio Hillsborough. Using radio and social media as the point of collection is  
23 the most efficient and cost effective way to engage residents AND gain valuable feedback over  
24 an 8-week period. The goal is to use the talents and creativity of Orange County residents,  
25 encourage community engagement and develop a new slogan. The format will be set-up so that  
26 people can "Like" specific slogans and suggest others. After the contest ends, the BOCC will  
27 review the entries according to a list of criteria drawn up beforehand - and determine the  
28 winning slogan.

29 Laurie Paolicelli made the following PowerPoint presentation:

30  
31 **Orange County Slogan Selection Campaign**

32  
33 **5 objectives**

- 34 1. Community engagement
- 35 2. Pride of ownership
- 36 3. Media exposure
- 37 4. Re-brand
- 38 5. New sign

39  
40 **Two Options:**

- 41 1. Open Ended Contest
  - 42 • Invite ALL Submissions
  - 43 • **OR.....**
- 44 2. Offer FIVE signs to vote on

45  
46 **NCDOT CONTEXT TO NAME I-40/440 Rebuild**

47 What started out in a serious vein quickly took a twist when the responses started pouring in.  
48 The five finalists were:  
49 Carmuda Triangle  
50 Crawleigh

1 South-Wake Remake  
 2 Southern Discomfort  
 3 Wake-Over  
 4 The new name became Crawleigh with almost a 50% vote. NC-DOT apparently prefers the  
 5 name FORTIFY I-40.  
 6

7 The entries that received an honorable mention:

- 8 1. Lane-Sanity
- 9 2. Fortyfication
- 10 3. I-40; Duke-0
- 11 4. Tar Hell
- 12 5. 40 Shades of Congestion
- 13 6. Lanes of Pain
- 14 7. Shouldhavebuiltalightrailinstead
- 15 8. Lordylordygetmeoffforty
- 16 9. Numb Buns
- 17 10. Constructipation – Waiting for traffic to get moving again
- 18 11. Y'all Crawl

19

20 **Suggestions for Orange County Signage (5 slides):**

21 Welcome to Orange County. Where the past is always present.  
 22 Welcome to Orange County, North Carolina. Founded in 1752 in the heart of North Carolina.  
 23 Welcome to Orange County, North Carolina. Around the corner. Ahead of the Curve.  
 24 Welcome to Orange County. You'll be a fan for life!  
 25 Welcome to Orange County, North Carolina. Opportunity grows here.  
 26 Welcome to Orange County, North Carolina. Progress is our heritage.  
 27 Welcome to Orange County. Deep Roots. Still Growing.  
 28 Welcome to Orange County. Laid Back. Forward Thinking.  
 29 Welcome to Orange County. Our history inspires innovation.  
 30

30

31 **Three Choices**

- 32 1. Offer suggested signs and have citizens vote.
- 33 2. Open ended submission of ideas.
- 34 3. Give them 3 suggestions and ask them for their ideas.

35

36 **Proposed Timeframe**

37 *Seven Weeks – November 22, 2015 – January 9, 2016*

- 38 1. Article about need and desire for a new sign and slogan (sample next page)
- 39 2. Weekly updates about progress and prize winners
- 40 3. Digital ads asking for feedback (sample next page)

41

42 **Proposed Plan in Newsletters to Chapelboro Insiders**

43 Digital ads and mentions on:

- 44 • Two issues of "Top 10 News Stories"
- 45 • Two issues of "Top 10 Things to Do"

46

47 **Proposed Plan on WCHL**

48 *Seven Weeks – November 22, 2015 – January 9, 2016*

- 49 1. On-Air Interviews (2) with Commissioners and Aaron Keck or Ron Stutts to discuss  
 50 slogan selection

2. Thirty second commercials during The Morning Show with Ron Stutts and The Afternoon News with Aaron Keck  
Total of 2/day for 7 weeks = 70 spots

### **Proposed Plan on Facebook**

*Seven Weeks – November 29, 2015 – January 9, 2016*

1. Posts that include images of all the slogans being considered
2. Facilitation and encouragement to participate (using Chapelboro, newsletters, radio and FB boosts)
3. Selection and notification of prize winners
4. Compilation of results

### **Prizes**

To encourage participation, we will give:

1. At least one prize each week (restaurant gift card, movie tickets, etc.)
2. A big prize at the end (fun weekend stay-cation)

During the week, winners will be drawn randomly from all who have given slogan feedback.

### **Promotion Summary** for November 22 – January 9

1. Chapelboro articles and ads
2. Newsletter ads and mentions
3. WCHL spots and interviews
4. Facebook polling and feedback
5. Optional survey on Chapelboro

Laurie Paolicelli said the media plan will not reach the far northern parts of the County, but this need will be addressed by an additional sponsorship with Womack, Beven Enterprise and Usable Orange.

Laurie Paolicelli said that the final signage decision would lie with the Board of County Commissioners.

Chair McKee asked if the radio station in Hillsborough had been contacted.

Laurie Paolicelli said yes, and it is eager to participate.

Commissioner Dorosin said it is very gratifying that the public is excited about this. He advocated an open call for ideas from the public and to not offer any suggestions. He said if a new slogan is secured, it could be used broadly on items such as t-shirts, mugs, etc.

Commissioner Price said she likes the idea of an open call, but also favors giving the community a few ideas as a starting point or a prompt.

Commissioner Dorosin asked if only a slogan is needed.

Laurie Paolicelli said yes, only the slogan is being sought at this time.

Commissioner Jacobs agreed with Commissioner Dorosin and said if ideas are going to be offered, he suggested using slogans from other counties. He said he believes the community will take this on as a welcomed challenge.

Commissioner Burroughs said she would definitely want a viable winnowing process earlier rather than later, and the Board of County Commissioners would have the final decision.

Chair McKee agreed with opening up the process to the public knowing that the BOCC will make the final decision.

Laurie Paolicelli said the process would start shortly and would conclude in January.

## **9. County Manager's Report**

1 NONE

2  
3 **10. County Attorney's Report**

4 John Roberts referred to the fireworks questions and said staff has met to determine  
5 how to best respond to this issue. He said the issue would go into the newly proposed fire  
6 protection ordinance from Emergency Services. He said the ordinance is not developed  
7 enough yet because the volunteer fire departments have not had a chance to comment yet.

8 John Roberts said fireworks are exempt from the noise ordinance, but asked if the  
9 Board would like to see it come back as an amendment. He said it could be added to the first  
10 meeting in December.

11 Commissioner Jacobs said the concerns about fireworks elevated the conversation  
12 about the noise ordinance and whether the noise ordinance is adequate. He said a citizen  
13 called him today and expressed concern that the noise ordinance was not being enforced. He  
14 said the Sheriff's deputy reports that the noise measuring equipment in use is from 1982.

15 John Roberts said the noise ordinance is rarely enforced and has large numbers of  
16 exemptions.

17 John Roberts said he could bring this back as a work session.

18 Commissioner Rich said she would prefer it to come back as a discussion topic as she  
19 is not sure she agrees with the ordinance.

20 Chair McKee said to bring the topic as a work session item. He said he finds fireworks a  
21 difficult thing to enforce as they are set off and then concluded.

22 John Roberts said the fire protection ordinance would address large displays of  
23 fireworks versus setting off a few fireworks in the back yard.

24  
25 **11. Appointments**

26  
27 **a. Advisory Board on Aging – Appointments**

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

29  
30 A motion was made by Commissioner Price, seconded by Commissioner Jacobs to  
31 appoint the following to the Advisory Board on Aging:

32  
33 Appointment of Marshall Daniel to a partial term (Position #1) At-Large position expiring  
34 06/30/2017.

35 Appointment of Yvonne Mendenhall to a partial term (Position #3) At-Large position expiring  
36 06/30/2017.

37 **NOTE: There was a request from the Advisory Board on Aging to move Dr. Donna**  
38 **Prather from (Position #1) At-Large to (Position #5) Carrboro City Limits replacing**  
39 **Heather Altman whose term has expired. The term for Dr. Donna Prather for (Position**  
40 **#5) expires 06/30/2018.**

41  
42 VOTE: UNANIMOUS

43  
44 **b. Nursing Home Community Advisory Committee – Appointments**

45 The Board considered making appointments to the Nursing Home Community Advisory  
46 Committee.

47  
48 A motion was made by Commissioner Jacobs, seconded by Commissioner Dorosin to  
49 appoint the following to the Nursing Home Community Advisory Committee:

50

1 Appointment of Glenda Floyd to a one year training term (Position #10) At-Large  
2 position for 11/17/2016.

3 Appointment of Jerry Ann Gregory to a partial term (Position #12) At-Large position  
4 expiring 03/31/2017.

5  
6 VOTE: UNANIMOUS

7  
8 **c. Orange County Parks and Recreation Council – Appointment**

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

11  
12 A motion was made by Commissioner Pelissier, seconded by Commissioner Jacobs to  
13 appoint the following to the Orange County Parks and Recreation Council:

14  
15 Appointment of Michael Dempsey to a first full term (Position #11) Eno Township  
16 position expiring 12/31/2018.

17  
18 VOTE: UNANIMOUS

19  
20 **12. Board Comments**

21 Commissioner Price said she, and other Commissioners, attended the Justice United  
22 Assembly. She said it was an encouraging assembly.

23 Commissioner Price said there is the ribbon cutting for the Stickworks sculpture this  
24 weekend at the Riverwalk.

25 Commissioner Jacobs said the Durham-Chapel Hill-Orange MPO approved the  
26 alternative draft environmental impact statement last week. He said at that meeting, he  
27 reported the concerns of some in Orange County and his colleagues.

28 Commissioner Jacobs said he has a response to Craig Benedict's memo regarding the  
29 use of economic development funds being spent on sewer projects that are annexed by other  
30 jurisdictions. He said he would put his response in writing.

31 Commissioner Burroughs said she had no comments.

32 Commissioner Pelissier said she had no comments.

33 Commissioner Rich said she had no comments.

34 Commissioner Dorosin said he had no comments.

35 Chair McKee thanked Commissioner Jacobs for noting the issue that not all are in favor  
36 of the light rail.

37  
38 **13. Information Items**

- 39  
40 • November 5, 2015 BOCC Meeting Follow-up Actions List  
41 • BOCC Chair Letter Regarding Petitions from November 5, 2015 Regular Meeting  
42 • Memo Regarding Men's Heath Pilot

43  
44 **14. Closed Session**

45 A motion was made by Commissioner Burroughs, seconded by Commissioner Rich to  
46 go into closed session at 9:43 p.m. for the purpose of: "To consider the qualifications,  
47 competence, performance, character, fitness, conditions of appointment, or conditions of initial  
48 employment of an individual public officer or employee or prospective public officer or  
49 employee;" NCGS § 143-318.11(a)(6).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

VOTE: UNANIMOUS

**RECONVENE INTO REGULAR SESSION**

A motion was made by Commissioner Price, seconded by Commissioner Jacobs to reconvene into regular session at 10:10 p.m.

VOTE: UNANIMOUS

**15. Adjournment**

A motion was made by Commissioner Price, seconded by Commissioner Jacobs to adjourn the meeting at 10:10 p.m.

VOTE: UNANIMOUS

Earl McKee, Chair

Donna Baker  
Clerk to the Board

ORD-2015-036

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

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

**SUBJECT:** Fiscal Year 2015-16 Budget Amendment #4

---

**DEPARTMENT:** Finance and Administrative  
Services

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

No
----

---

**ATTACHMENT(S):**

- Attachment 1. Budget as Amended  
Spreadsheet
- Attachment 2. Year-To-Date Budget  
Summary

**INFORMATION CONTACT:**

Gary Donaldson, (919) 245-2453  
Paul Laughton, (919) 245-2152

---

**PURPOSE:** To approve budget, grant, and capital project ordinance amendments for fiscal year 2015-16.

**BACKGROUND:**

**REVENUES**

**Animal Services**

1. The Animal Services Department has received the following additional revenues:
  - An additional \$4,950 from the Community Giving Fund to fund the conversion of the cat housing area from individual cages to a more open format which will give the cats the ability to be more mobile and have additional space.
  - An additional \$900 from the Community Giving Fund to cover the cost of heartworm treatments for animals at the Animal Services facility.

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

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with these items.

## Department of Social Services

2. The Department of Social Services anticipates additional revenue of \$182,756 for third quarter payments, for Smart Start Subsidized Child Care program. The department will pay programs funds directly to childcare providers.

This budget amendment provides for the receipt of these additional funds. (See *Attachment 1, column 2*)

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

## Economic Development – Orange County Arts Commission

3. The Orange County Arts Commission received a \$90 donation for raffle products produced as part of the “Kids Helping Kids” program, a partnership between the Chapel Hill Woodturners Club and the woodshop students at Cedar Ridge High School. Funds will be used for “Arts in Education” grants for local schools.

This budget amendment provides for the receipt of these additional funds. (See *Attachment 1, column 3*)

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

The impact of arts projects for traditionally under-served populations and geographic location is a part of the grant evaluation criteria across all Orange County Arts Commission grant categories.

## Department on Aging

4. The Department on Aging has received the following additional revenues:
  - **Volunteer Income Tax Assistance (Federal Funding)** – receipt of \$6,284 from the IRS for support of the federal VITA tax preparation service. These funds will be used to pay for additional temporary staff.
  - **Volunteer Income Tax Assistance (United Way Funding)** – receipt of \$6,624 from the Triangle United Way through the Compass Center for Women and Families for support of the federal VITA tax preparation service. These funds will be used to pay for additional operations and supply costs.

This budget amendment provides for the receipt of these additional funds. (See *Attachment 1, column 4*)

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

Free return preparation by trained volunteers netted \$1.6 million dollars in tax savings last year.

### **Department of Environment, Agriculture, Parks and Recreation**

5. The Department of Environment, Agriculture, Parks and Recreation (DEAPR) received a \$3,500 donation from the Strawbridge Photography Studio. DEAPR will use these funds for recreation program supplies.

This budget amendment provides for the receipt of these additional funds. (See *Attachment 1, column 5*)

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with this item.

### **Visitors Bureau**

6. At its September 2015 meeting, the Visitors Bureau voted to appropriate \$250,000 of its available unassigned fund balance for the following initiatives in conjunction with its current Plan of Action:
  - \$200,000 for marketing, which includes increased signage partnerships with the RDU airport; increased destination presence in the regional “Meetings South” tradeshow platform which will fill hotel rooms in Orange County mid-week; and a website platform that allows for Google/mapping technology, which will highlight on an e-map making it easier for the visitor to explore by each town, restaurants, hotel and attractions by Orange County neighborhood and how to easily navigate information.
  - \$25,000 for a comprehensive study to determine all meeting space available in Orange and Durham counties (facilities in both counties have a direct impact on Orange County’s ability to bring in larger groups) and determine whether there is demand for expanded meeting space in Orange County, i.e., conference or event center and what types of groups seek such demand.
  - \$25,000 for an Orange County community relations newspaper campaign that brings news of Orange County initiatives to residents.

This budget amendment provides for the \$250,000 appropriation from the Visitors Bureau’ Unassigned Fund Balance. With this appropriation, approximately \$172,000

remains in the Visitors Bureau's Unassigned Fund Balance. (See Attachment 1, column 6)

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

Tourism programs generate taxes and ancillary spending and are responsible for 1,700 jobs in Orange County.

## Health Department

7. The Health Department has received the following additional revenues:

- An additional \$6,000 from Piedmont Health/WIC to be used for hemoglobin labs.
- An additional \$20,000 from the State to support a diverse working group of stakeholders in the birth-5 system in Orange County to develop a plan focused on evidence-based programs to lower infant mortality rates, improve birth outcomes, and improve the overall health of children ages birth-5.
- An additional \$21,250 in Meaningful Use Incentives Grant funds due to higher than anticipated receipts.

This budget amendment provides for the receipt of these additional funds, and amends the following Meaningful Use Incentives Grant Project Ordinance for the receipt of the \$21,250: (See Attachment 1, column 7)

### **Meaningful Use Incentive Grant (\$21,250) - Project # 71131**

Revenues for this project:

	Current FY 2015-16	FY 2015-16 Amendment	FY 2015-16 Revised
Meaningful Use Incentive Grant	\$61,500	\$21,250	\$82,750
<b>Total Project Funding</b>	<b>\$61,500</b>	<b>\$21,250</b>	<b>\$82,750</b>

Appropriated for this project:

	Current FY 2015-16	FY 2015-16 Amendment	FY 2015-16 Revised
Meaningful Use Incentive Grant	\$61,500	\$21,250	\$82,750
<b>Total Costs</b>	<b>\$61,500</b>	<b>\$21,250</b>	<b>\$82,750</b>

8. The Health Department has received additional funds totaling \$287,697 related to 2011 and 2012 Medicaid Cost Settlement funds. These funds will be allocated in the following manner: \$262,697 in the Medicaid Maximization Capital Project and \$25,000 in the General Fund Health Department budget for the Family Success Alliance project to support planning, data, and program evaluation.

This budget amendment provides for the receipt of the \$25,000 in the General Fund, and amends the following Capital Project Ordinance for the receipt of the additional

\$262,697 in the Medicaid Maximization Capital Project. (See Attachment 1, column 8)

**Medicaid Maximization Capital Project (\$262,697) - Project # 30012**

Revenues for this project:

	Current FY 2015-16	FY 2015-16 Amendment	FY 2015-16 Revised
Medicaid Maximization Funds	\$5,835,668	\$262,697	\$6,098,365
<b>Total Project Funding</b>	<b>\$5,835,668</b>	<b>\$262,697</b>	<b>\$6,098,365</b>

Appropriated for this project:

	Current FY 2015-16	FY 2015-16 Amendment	FY 2015-16 Revised
Medicaid Maximization Project	\$5,835,668	\$262,697	\$6,098,365
<b>Total Costs</b>	<b>\$5,835,668</b>	<b>\$262,697</b>	<b>\$6,098,365</b>

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

**School Capital Projects – Article 46 Sales Tax Proceeds**

9. At its October 13, 2015 work session, the Board of Commissioners received a report on Article 46 one-quarter cent Sales Tax, including updated information on the status of Article 46 Sales Tax collections since its inception on April 1, 2012. Article 46 Sales Tax proceeds are divided 50% to the County's two school systems and 50% to Economic Development initiatives. Attachment B of that report reflected that a total of \$765,612 (\$382,806 for Education and \$382,806 for Economic Development) had been collected over and above the budgeted amount since inception through September 30, 2015.

This budget amendment provides for the receipt of the additional proceeds of \$382,806 for Education, and amends the Article 46 Sales Tax Fund as listed below. The Economic Development's share of \$382,806 will be allocated and incorporated in the upcoming FY 2016-17 budget cycle.

## Article 46 Sales Tax Fund (\$382,806)

Revenues for this project:

	Current FY 2015-16	FY 2015-16 Amendment	FY 2015-16 Revised
Article 46 Sales Tax Proceeds	\$11,351,556	\$382,806	\$11,734,362
<b>Total Project Funding</b>	<b>\$11,351,556</b>	<b>\$382,806</b>	<b>\$11,734,362</b>

Appropriated for this project:

	Current FY 2015-16	FY 2015-16 Amendment	FY 2015-16 Revised
Economic Development Initiatives	\$5,675,778	\$0	\$5,675,778
Technology – Orange County Schools	\$2,195,490	\$149,026	\$2,344,516
Technology – Chapel Hill-Carrboro City Schools	\$1,764,982	\$0	\$1,881,872
Renovations and Site Improvements – Chapel Hill-Carrboro City Schools	\$1,335,306	\$233,780	\$1,452,196
Classroom/Academic Improvements – Chapel Hill-Carrboro City Schools	\$380,000	\$0	\$380,000
<b>Total Costs</b>	<b>\$11,351,556</b>	<b>\$382,806</b>	<b>\$11,734,362</b>

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with this item.

## EXPENDITURES

### Sheriff Department

10. As stated in the Vehicle Replacement Financing agenda abstract at the November 17, 2015 Board of Commissioners regular meeting, the Sheriff Department is requesting to purchase a motorcycle unit out of received drug funds, which currently resides in a balance sheet account within the general ledger system. This budget amendment provides for a fund balance appropriation of \$22,000 from the General Fund for the transfer of these funds from the drug fund account to the Sheriff's departmental recurring capital account for the purchase of this unit. *(See Attachment 1, column 10)*

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

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

**RECOMMENDATION(S):** The Manager recommends the Board approve budget, grant, and capital project ordinance amendments for fiscal year 2015-16.

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #3	#1. Animal Services - cat conversion project and heartworm treatment	#2. Social Services - receipt of additional \$182,756 in Smart Start subsidy revenue (through Q3 of FY)	#3. Economic Development - OC Arts Commission - receipt of \$90 donation from raffie of "Kids Helping Kids" program to be used for "Arts in Education" grants to local schools	#4. Aging - receipt of Federal (\$6,284) and United Way (\$6,624) revenue for Volunteer Income Tax Assistance (VITA) program	#5. DEAPR - receipt of \$3,500 in donation funds from Strawbridge Photography Studio	#6. Appropriation of \$250,000 from the Visitors Bureau's Unassigned Fund Balance	#7. Health Department receipt of hemoglobin lab funds (\$6,000), State birth's work group funds (\$20,000), and the Meaningful Use Incentives Grant funds (\$21,250)	#8. Health Department receipt of \$25,000 in Medicaid Maximization funds within the General Fund for the Family Success Alliance project	#10. Sheriff Department - Fund Balance appropriation of \$22,000 from the General Fund for the transfer of funds from the drug forfeiture funds account to the Sheriff's departmental recurring capital account for the purchase of a motorcycle unit	Budget as Amended Through BOA #4
-----------------	----------------------------	-------------------	----------------------------------	--	---	--	--	--	---	--	--	---	----------------------------------

**General Fund**

Revenue														
Property Taxes	\$ 147,551,332	\$ -	\$ 147,551,332	\$ 147,551,332	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 147,551,332
Sales Taxes	\$ 20,652,132	\$ -	\$ 20,652,132	\$ 20,652,132	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,652,132
License and Permits	\$ 313,000	\$ -	\$ 313,000	\$ 313,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 313,000
Intergovernmental	\$ 15,000,278	\$ -	\$ 15,000,278	\$ 18,301,560	\$ -	\$ 182,756	\$ -	\$ 6,284	\$ -	\$ -	\$ 20,000	\$ 25,000	\$ -	\$ 18,535,600
Charges for Service	\$ 10,766,030	\$ -	\$ 10,766,030	\$ 10,799,064	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,799,064
Investment Earnings	\$ 52,500	\$ -	\$ 52,500	\$ 52,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 52,500
Miscellaneous	\$ 737,468	\$ -	\$ 737,468	\$ 916,010	\$ 5,850	\$ -	\$ 90	\$ 6,624	\$ 3,500	\$ -	\$ 6,000	\$ -	\$ -	\$ 938,074
Transfers from Other Funds	\$ 1,052,600	\$ -	\$ 1,052,600	\$ 1,052,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,052,600
Fund Balance	\$ 10,650,770	\$ -	\$ 10,650,770	\$ 10,804,066	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,000	\$ -	\$ 10,826,066
<b>Total General Fund Revenues</b>	<b>\$ 206,776,110</b>	<b>\$ -</b>	<b>\$ 206,776,110</b>	<b>\$ 210,442,264</b>	<b>\$ 5,850</b>	<b>\$ 182,756</b>	<b>\$ 90</b>	<b>\$ 12,908</b>	<b>\$ 3,500</b>	<b>\$ -</b>	<b>\$ 26,000</b>	<b>\$ 25,000</b>	<b>\$ 22,000</b>	<b>\$ 210,720,368</b>

**Expenditures**

Governing & Management	\$ 17,114,396	\$ -	\$ 17,114,396	\$ 17,170,725	\$ 5,850	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,176,575
General Services	\$ 21,381,050	\$ -	\$ 21,381,050	\$ 21,381,050	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 21,381,050
Community & Environment	\$ 8,339,213	\$ -	\$ 8,339,213	\$ 8,358,219	\$ -	\$ -	\$ 90	\$ -	\$ 3,500	\$ -	\$ -	\$ -	\$ -	\$ 8,361,809
Human Services	\$ 34,132,636	\$ -	\$ 34,132,636	\$ 36,832,339	\$ -	\$ 182,756	\$ -	\$ 12,908	\$ -	\$ -	\$ 26,000	\$ 25,000	\$ -	\$ 37,079,003
Public Safety	\$ 23,316,875	\$ -	\$ 23,316,875	\$ 23,393,316	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,000	\$ 23,415,316
Culture & Recreation	\$ 2,866,171	\$ -	\$ 2,866,171	\$ 2,889,651	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,889,651
Education	\$ 94,484,256	\$ -	\$ 94,484,256	\$ 94,484,256	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 94,484,256
Transfers Out	\$ 5,141,513	\$ -	\$ 5,141,513	\$ 5,932,708	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,932,708
<b>Total General Fund Appropriation</b>	<b>\$ 206,776,110</b>	<b>\$ -</b>	<b>\$ 206,776,110</b>	<b>\$ 210,442,264</b>	<b>\$ 5,850</b>	<b>\$ 182,756</b>	<b>\$ 90</b>	<b>\$ 12,908</b>	<b>\$ 3,500</b>	<b>\$ -</b>	<b>\$ 26,000</b>	<b>\$ 25,000</b>	<b>\$ 22,000</b>	<b>\$ 210,720,368</b>
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

**Visitors Bureau Fund**

Revenues														
Occupancy Tax	\$ 1,133,370	\$ -	\$ 1,133,370	\$ 1,133,370	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,133,370
Sales and Fees	\$ 500	\$ -	\$ 500	\$ 500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500
Intergovernmental	\$ 230,878	\$ -	\$ 230,878	\$ 232,888	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 232,888
Investment Earnings	\$ 100	\$ -	\$ 100	\$ 100	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100
Miscellaneous	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Appropriated Fund Balance	\$ 76,492	\$ -	\$ 76,492	\$ 76,492	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ 326,492
<b>Total Revenues</b>	<b>\$ 1,441,340</b>	<b>\$ -</b>	<b>\$ 1,441,340</b>	<b>\$ 1,443,350</b>	<b>\$ -</b>	<b>\$ 250,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,693,350</b>				

**Expenditures**

<b>Community and Environment</b>	<b>\$ 1,441,340</b>	<b>\$ -</b>	<b>\$ 1,441,340</b>	<b>\$ 1,443,350</b>	<b>\$ -</b>	<b>\$ 250,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,693,350</b>				
----------------------------------	---------------------	-------------	---------------------	---------------------	-------------	-------------	-------------	-------------	-------------	-------------------	-------------	-------------	-------------	---------------------

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #3	#1. Animal Services - cat conversion project and heartworm treatment	#2. Social Services - receipt of additional \$182,756 in Smart Start subsidy revenue (through Q3 of FY)	#3. Economic Development - OC Arts Commission - receipt of \$90 donation from raffie of "Kids Helping Kids" program to be used for "Arts in Education" grants to local schools	#4. Aging - receipt of Federal (\$6,294) and United Way (\$6,624) revenue for Volunteer Income Tax Assistance (VITA) program	#5. DEAPR - receipt of \$3,500 in donation funds from Strawbridge Photography Studio	#6. Appropriation of \$250,000 from the Visitors Bureau's Unassigned Fund Balance	#7. Health Department - receipt of hemoglobin lab funds (\$6,000), State birth's work group funds (\$20,000), and the Meaningful Use Incentives Grant funds (\$21,250)	#8. Health Department - receipt of \$25,000 in Medicaid Maximization funds within the General Fund for the Family Success Alliance project	#10. Sheriff Department - Fund Balance appropriation of \$22,000 from the General Fund for the transfer of funds from the drug forfeiture funds account to the Sheriff's departmental recurring capital account for the purchase of a motorcycle unit	Budget as Amended Through BOA #4
-----------------	----------------------------	-------------------	----------------------------------	--	---	--	--	--	---	--	--	---	----------------------------------

**Grant Project Fund**

**Revenues**

Intergovernmental	\$ 697,161	\$ 697,161	\$ 1,476,585										\$ 1,476,585
Charges for Services	\$ 34,000	\$ 34,000	\$ 61,000										\$ 61,000
Transfer from General Fund	\$ 49,120	\$ 49,120	\$ 127,076										\$ 127,076
Miscellaneous	\$ -	\$ -	\$ 60,000										\$ 60,000
Transfer from Other Funds	\$ -	\$ -	\$ -							\$ 21,250			\$ 21,250
Appropriated Fund Balance	\$ -	\$ -	\$ -										\$ -
<b>Total Revenues</b>	<b>\$ 780,281</b>	<b>\$ 780,281</b>	<b>\$ 1,724,661</b>	<b>\$ -</b>	<b>\$ 21,250</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,745,911</b>					

**Expenditures**

NCACC Employee Wellness Grant		\$ -	\$ -										\$ -
Electric Vehicle Charging Stations		\$ -	\$ -										\$ -
<b>Governing and Management</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
NPDES Grant (Multi-year)		\$ -	\$ -										\$ -
NC Tomorrow CDBG (Multi-year)		\$ -	\$ -										\$ -
Jordan Lake Watershed Nutrient Grant		\$ -	\$ -										\$ -
Growing New Farmers Grant		\$ -	\$ -										\$ -
Historic Resources Inventory Grant	\$ 15,000	\$ 15,000	\$ 20,000										\$ 20,000
<b>Community and Environment</b>	<b>\$ 15,000</b>	<b>\$ 15,000</b>	<b>\$ 20,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 20,000</b>						
Child Care Health - Smart Start	\$ 65,574	\$ 65,574	\$ -										\$ -
Scattered Site Housing Grant		\$ -	\$ -										\$ -
Carrboro Growing Healthy Kids Grant		\$ -	\$ -										\$ -
Healthy Carolinians		\$ -	\$ -										\$ -
Health & Wellness Trust Grant		\$ -	\$ -										\$ -
Senior Citizen Health Promotion(Wellness)	\$ 98,120	\$ 98,120	\$ 132,870										\$ 132,870
CARES Grant - Aging (Multi-Year)		\$ -	\$ 897,298										\$ 897,298
Dental Health - Smart Start		\$ -	\$ -										\$ -
Intensive Home Visiting		\$ -	\$ -										\$ -
Human Rights & Relations HUD Grant		\$ -	\$ -										\$ -
Senior Citizen Health Promotion (Multi-Yr)		\$ -	\$ -										\$ -
SeniorNet Program (Multi-Year)		\$ -	\$ -										\$ -
Enhanced Child Services Coord -SS		\$ -	\$ -										\$ -
Diabetes Education Program (Multi-Year)		\$ -	\$ -										\$ -
Specialty Crops Grant		\$ -	\$ -										\$ -
Local Food Initiatives Grant		\$ -	\$ -										\$ -
Reducing Health Disparities Grant (Multi-)	\$ 63,000	\$ 63,000	\$ 56,906										\$ 56,906
Triple P Initiative Grant (Multi-Yr)		\$ -	\$ -										\$ -
Meaningful Use Incentive Grant (Multi-Yr)			\$ 19,000							\$ 21,250			\$ 40,250
Emergency Solutions Grant - DSS (Multi-	\$ 103,583	\$ 103,583	\$ 103,583										\$ 103,583
FY 2009 Recovery Act HPRP		\$ -	\$ -										\$ -
Community Response Program - DSS (M	\$ 68,156	\$ 68,156	\$ 68,156										\$ 68,156
Susan G Komen Grant	\$ -	\$ -	\$ -										\$ -
Building Futures Program - DSS (Multi-Yr	\$ 366,848	\$ 366,848	\$ 366,848										\$ 366,848
Foster Youth Opportunities- DSS (1-yr, may be renewable)			\$ 60,000										\$ 60,000
<b>Human Services</b>	<b>\$ 765,281</b>	<b>\$ 765,281</b>	<b>\$ 1,704,661</b>	<b>\$ -</b>	<b>\$ 21,250</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,725,911</b>					
Hazard Mitigation Generator Project		\$ -	\$ -										\$ -
Buffer Zone Protection Program		\$ -	\$ -										\$ -
800 MHz Communications Transition		\$ -	\$ -										\$ -
Secure Our Schools - OCS Grant		\$ -	\$ -										\$ -
Citizen Corps Council Grant		\$ -	\$ -										\$ -
COPS 2008 Technology Program		\$ -	\$ -										\$ -
COPS 2009 Technology Program		\$ -	\$ -										\$ -
EM Performance Grant		\$ -	\$ -										\$ -
2010 Homeland Security Grant - ES		\$ -	\$ -										\$ -
2011 Homeland Security Grant - ES		\$ -	\$ -										\$ -
Justice Assistance Act (JAG) Program		\$ -	\$ -										\$ -
FEMA Assistance to Firefighters Grant		\$ -	\$ -										\$ -
<b>Public Safety</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Total Expenditures</b>	<b>\$ 780,281</b>	<b>\$ 780,281</b>	<b>\$ 1,724,661</b>	<b>\$ -</b>	<b>\$ 21,250</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,745,911</b>					

## Year-To-Date Budget Summary

Fiscal Year 2015-16

### General Fund Budget Summary

Original General Fund Budget	\$206,776,110
Additional Revenue Received Through Budget Amendment #4 (December 15, 2015)	
Grant Funds	\$32,061
Non Grant Funds	\$3,736,901
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	\$175,296
<b>Total Amended General Fund Budget</b>	<b>\$210,720,368</b>
Dollar Change in 2015-16 Approved General Fund Budget	\$3,944,258
% Change in 2015-16 Approved General Fund Budget	1.91%

**Paul:**

includes \$5,000 for Orange County's additional share of the Historic Resources Inventory Grant, and \$72,956 in County funds toward the OC Building Futures Program Grant (BOA #1); \$75,340 for the Purchase of Mobile Field Computing Units for the Sheriff's Department (BOA #1-B); \$22,000 for the Purchase of a motorcycle unit from drug forfeiture funds for the Sheriff's Department

### Authorized Full Time Equivalent Positions

Original Approved General Fund Full Time Equivalent Positions	862.625
Original Approved Other Funds Full Time Equivalent Positions	88.450
Position Reductions during Mid-Year	(1.000)
Additional Positions Approved Mid-Year	
<b>Total Approved Full-Time-Equivalent Positions for Fiscal Year 2015-16</b>	<b>950.075</b>

**Paul:**

elimination of a vacant Senior Public Health Educator position in the Smart Start Grant Project (BOA #1)

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

**Action Agenda**

**Item No.** 6-c

**SUBJECT:** Authorization for County Manager to Execute Leases of County Property

---

**DEPARTMENT:** County Manager, County  
Attorney, Asset Management  
Services ("AMS")

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

No
----

**ATTACHMENT(S):**  
Third Party Tenancy and Outleasing Policy

**INFORMATION CONTACT:**  
Bonnie Hammersley, 919-245-2306  
Travis Myren, 919-245-2308  
John Roberts, 919-245-2318  
Jeff Thompson, 919-245-2658

---

**PURPOSE:** To consider delegating authority to the County Manager to execute Leases of County Property up to \$90,000 in total initial lease term revenue according to the Manager's Third Party Tenancy and Outleasing Policy (attached).

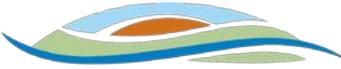
**BACKGROUND:** The Board of Orange County Commissioners currently authorizes the Board Chair to execute Leases of County Property. This proposed delegated authority will authorize the County Manager to execute lease agreements of available property not required by County operations up to \$90,000 in total lease revenue during the initial term of the lease.

The Manager intends to manage this authority according to the attached Third Party Tenancy and Outleasing Policy, which 1) provides third party use for underutilized spaces while providing flexibility for future County needs; 2) identifies appropriate spaces available for lease; 3) adopts a fair and equitable process to solicit and select prospective Tenants; and 4) provides preferential status to existing and prospective Tenants directed by the Board of Orange County Commissioners.

**FINANCIAL IMPACT:** None

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with this item.

**RECOMMENDATION(S):** The Manager recommends the Board delegate authority to the County Manager to execute Leases of County Property up to \$90,000 in total initial lease term revenue according to the Manager's Third Party Tenancy and Outleasing Policy (attached).



**ORANGE COUNTY**  
**NORTH CAROLINA**  
**COUNTY MANAGER'S OFFICE**

200 South Cameron Street  
 Post Office Box 8181  
 Hillsborough, North Carolina 27278

Phone (919) 245-2300  
 Fax (919) 644-3004

**TO:** Board of Orange County Commissioners, Department Directors

**FROM:** Bonnie Hammersley  
 Orange County Manager

**DATE:** December 15, 2015

**RE:** Orange County Third Party Tenancy and Outleasing Policy

A major finding of the Space Study Work Group (“SSWG”) presented to the Board of Orange County Commissioners (“BOCC”) in April, 2015 is that approximately 8% of County administrative office space is considered “Opportunity Space”—spaces that are not being utilized at their highest and best use. Many of these opportunity spaces are small and dispersed (an office here, a storage room there) but some are larger, self-contained spaces. Many of these spaces are available to support future growth in County services; however much of this space today is either unoccupied, currently leased to non-government third parties, or is being used as storage space.

With the aim of optimizing the use of the current and future suitable Opportunity Spaces through a standardized process of leasing identified spaces, and with the recommendation of the SSWG, I hereby adopt a Third Party Tenancy and Outleasing Policy that will allow organizations that are not units of County Government to have an opportunity to lease County space at a fair term and price. This policy will allow these spaces to be occupied following an equitable process until such time that the County needs the space for the support of its mission or when the space is no longer useful to the County.

The County Manager is authorized to execute Leases whose total lease revenue to the County does not exceed \$90,000 over the term of the original Lease. All other Leases are to be approved by the Orange County Board of County Commissioners and executed by the Board Chair.

**Definitions:**

***Third Party Tenancy.*** A Tenant relationship for the use of County space by a Third Party Tenant that is not directly affiliated with County Government according to an executed Lease Agreement reviewed by the County Attorney and authorized by the Third Party Tenancy and Outleasing Policy. The Third Party Tenant could be an individual, a not-for-profit organization, a for-profit organization, or another government entity (i.e. Federal, State, or Municipal).

***Opportunity Spaces for Lease.*** Identified self-contained interior spaces and related parking capacity approved by the County Manager.

***Letter of Interest Solicitation.*** All efforts related to advertising or communicating the availability of an Opportunity Space for Lease.

***Selection Criteria.*** A set of Tenant criteria identified within the Board adopted Facilities Use Policy designed to standardize the prioritization of prospective tenants. The selection criteria would form the basis of a transparent quantitative scoring and ranking process. The criteria are to be included in the Letter of Interest Solicitation. This scoring and ranking will be considered in the final selection decisions made by the County Manager.

**Staff Responsibility and Process:**

The responsibility for the administration and oversight of Orange County Third Party Tenancy and Outleasing Policy belongs to the Asset Management Services (“AMS”) Director under the direction of the County Manager or his/her designee. This Policy will be incorporated into the County Facilities Use Policy.

For both existing and contemplated Leases governed by this Policy, the AMS Director’s duties shall be to provide standard oversight and procedures, guidance, and assistance for all associated parties. Such guidance shall include but not be limited to:

- 1) Overseeing and reporting a current inventory (in consultation with staff) of specific Opportunity Spaces that could be made available for a period of 1 month to 5 years for use by a Third Party Tenant;
- 2) Collaborating with County departments, the Manager’s Office and the SSWG as part of the ongoing Capital Investment Plan (“CIP”) process as well as the Operations needs and budgeting process to match departmental needs with available underutilized spaces;
- 3) Overseeing staff in appraising current market values for leased properties and tracking the operational costs of the underutilized County spaces;
- 4) Maintaining and administering an equitable solicitation, application, and evaluation system for Third Party Tenant selection;
- 5) Working with the County Attorney’s office to ensure standard lease documents are compliant with applicable law and are updated and available to interested parties in accordance with the solicitation process; and
- 6) Working with the County Office of Economic Development to market the spaces in accordance with the solicitation process.

The maximum lease duration will be one year with a single one-year extension opportunity. This maximum lease term is designed to ensure the near-term availability of the space for County use.

Letter of Interest Solicitations will occur upon the identification and approval of the Opportunity Spaces for Lease. All terms of the Lease will be stated within the Letter of Interest Solicitation. Respondent's letters of interest will be evaluated by a staff team on a rolling basis using the following grading criteria:

1. Respondents' status as an affiliated non-profit, non-affiliated non-profit, or for-profit organization as defined by the Facilities Use Policy;
2. Mission and use of the space that aligns with the published goals of the Board of Orange County Commissioners;
3. The ability of the respondent to meet the terms of the lease within the solicitation.

County Spaces that support existing Leases and Licenses approved by the Board of Orange County Commissioners involving Third Party Tenants that either a) originated as County operations; or b) receive at least 50% of its operating budget from the County are grandfathered and are exempt from this policy. These Spaces and Tenants/Licensees are identified as grandfathered in the current roster of Opportunity Spaces attached.

### Current Self Contained Opportunity Spaces Within Orange County Subject To Tenancy Policy

Updated 11/29/2015

Facility Name	Address	Current Occupant/Operator	Opportunity Area Within Facility	Gross SQ. FT.	Facility Inventory Report Page	Current Status	Additional Notes
<b>1914 New Hope Church Road*</b>	<b>1914 New Hope Church Rd, Chapel Hill</b>	<b>Orange County Schools</b>	<b>Entire Facility</b>	<b>6,000</b>	<b>C1</b>	<b>Leased</b>	<b>Renewal Date: 12/31/2031</b>
401 Valley Forge Road	401 Valley Forge Road, Hillsborough	Builders First Source	Entire Facility	105,000	C3	Leased	Renewal Date: 9/30/2017
501 West Franklin	501 West Franklin St., Chapel Hill	Terra Dotta LLC	Suites 105,106, & 200	2,500	C5	Leased	Renewal Date: 04/30/2016
<b>Piedmont Food and Ag. Processing Center*</b>	<b>500 Valley Forge Rd, Hillsborough</b>	<b>PFAP</b>	<b>Entire Facility</b>	<b>10,400</b>	<b>C95</b>	<b>Leased</b>	<b>Renewal Date: August 31, 2017</b>
<b>Rogers Road Community Center*</b>	<b>101 Edgar Rd. Chapel Hill</b>	<b>Rogers-Eubanks Neighborhood Assoc.</b>	<b>Entire Facility</b>	<b>3,960</b>	<b>C105</b>	<b>Leased/Operating Agreement</b>	<b>Renewal Date: 06/30/2016</b>
<b>Orange County SportsPlex*</b>	<b>101 Meadowlands Drive, Hillsborough</b>	<b>Recreation Factory Partners, LLC</b>	<b>Entire Facility</b>	<b>80,903</b>	<b>C91</b>	<b>Management Agreement</b>	<b>Automatic Renewal Date: 07/01/2018; 5 years - terminates 6/30/2023</b>
<b>Soltys Adult Day Health Center*</b>	<b>105 Meadowlands Drive, Hillsborough</b>	<b>Soltys Adult Day Health Center</b>	<b>Entire Facility</b>	<b>2,690</b>	<b>C-15</b>	<b>Leased</b>	<b>Renewal Date: 2/1/2018</b>

\* "Grandfathered" Tenants

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

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

**SUBJECT:** Public Records Retention and Disposition Schedules

---

**DEPARTMENT:** Asset Management Services

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

No

---

**ATTACHMENT(S): UNDER SEPARATE  
COVER**

*Records Retention and Disposition  
Schedules (Approximately 450 Pages)*

**INFORMATION CONTACT:**

Alan Dorman, 919-245-2627  
John Roberts, 919-245-2318  
Donna Lloyd, 919-245-2127

**ONLY AVAILBLE ELECTRONICALLY**

**AT:**

[http://www.orangecountync.gov/departments/asset\\_management\\_services\(ams\)/Records Retention and Disposition Schedules Dec 2015.pdf](http://www.orangecountync.gov/departments/asset_management_services(ams)/Records_Retention_and_Disposition_Schedules_Dec_2015.pdf)

*Includes the following schedules at the link:*

- 1) *County Management*
  - 2) *Public Libraries*
  - 3) *Tax Administration*
  - 4) *Public Transportation Systems and Authorities*
  - 5) *Veterans Services*
- 

**PURPOSE:** To:

- 1) approve the records retention and disposition schedules involving County Management, Public Libraries, Tax Administration, Public Transportation Systems and Authorities, and Veterans Services; and
- 2) upon County Attorney review, authorize the Chair to execute the necessary documents on behalf of the Board.

**BACKGROUND:** On June 17, 2014 the Space Study Work Group (“SSWG”) was charged by the Board to recommend a County-wide storage and records retention policy. As part of that process, a Records Management Subgroup was formed within the SSWG consisting of representatives from several departments to review and ultimately formulate a comprehensive policy for the County.

The North Carolina Department of Natural and Cultural Resources (“NCDNCR”) is directed by legislation to provide and administer records management services to state and local

governments and to public colleges and universities. The NCDNCR fulfills that mandate by issuing guidance and best practice documents, creating records retention schedules and providing workshops, online tutorials and other forms of training to state and local officials.

In 2013 the NCDNCR updated the County Management Records Retention and Disposition schedule. That schedule includes most record types managed by county governments.

The North Carolina General Statutes §§121-5 and §§132-3 provide that the County may only destroy or dispose of public records with "the consent of the Department of Cultural Resources, except as provided in G.S.130A-99". This means that to comply with the Statute, the County must obtain the NCDNCR's permission to destroy any record, regardless of its significance.

NCDNCR requires the Orange County Board of Commissioners to approve records retention schedules for government functions listed above: County Management, Public Libraries, Tax Administration, Public Transportation Systems and Authorities, and Veterans Services.

Not all departments have schedules that must be approved by the BOCC, as their schedules are approved by their state regulatory body. These include the Board of Elections, Department of Social Services, and the Health Department. Several other departments have already had their updated schedules approved by the BOCC, including the Sheriff's office in April 2015 and the Register of Deeds in April 2013.

The Records Retention and Disposition Schedules document (approximately 450 Pages) is available at:

[http://www.orangecountync.gov/departments/asset\\_management\\_services\\_\(ams\)/Records\\_Retention\\_and\\_Disposition\\_Schedules\\_Dec\\_2015.pdf](http://www.orangecountync.gov/departments/asset_management_services_(ams)/Records_Retention_and_Disposition_Schedules_Dec_2015.pdf)

**FINANCIAL IMPACT:** None at this time.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**  
Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

The approval of the records retention and disposition schedules will ensure continued transparency in County government operations and access to public records; both of which will positively affect the above Goal.

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

- 1) approve the records retention and disposition schedules involving County Management, Public Libraries, Tax Administration, Public Transportation Systems and Authorities, and Veterans Services; and
- 2) upon County Attorney review, authorize the Chair to execute the necessary documents on behalf of the Board.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

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

**SUBJECT:** Computer Surplus Declaration and Donation to the Chapel Hill-Carrboro City Schools

---

**DEPARTMENT:** Asset Management Services,  
Information Technologies

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

No
----

**ATTACHMENT(S):**

Resolution Approving the Donation of  
Surplus, Obsolete, or Unused County  
Equipment to the Chapel Hill Carrboro  
City Schools Board of Education

**INFORMATION CONTACT:**

Brennan Bouma, 919-245-2626  
Jim Northrup, 919-245-2276

---

**PURPOSE:** To:

- Adopt a resolution declaring, as surplus, items listed below and authorizing the donation of those items to the Board of the Chapel Hill-Carrboro City Schools (CHCCS); and
- Authorize the Chair to sign the Resolution on behalf of the Board upon County Attorney review.

**BACKGROUND:** Earlier this year, Dan Schnitzer, Sustainability Coordinator for Chapel Hill Carrboro City Schools (CHCCS), approached Orange County Asset Management and Information Technologies with a proposal to create a computer reuse and training program based in part on Orange County's surplus computers.

Mirroring a similar successful program in Durham, Orange County would donate surplus computer equipment to CHCCS. CHCCS would then work with the local company, Triangle Recycling, to train high school students in computer repair. Any computer equipment that cannot be repaired would be responsibly recycled.

Staff has also notified Orange County Schools of this opportunity to receive surplus computer equipment, and will help that system establish a similar training program when that district is interested.

Pursuant to North Carolina General Statute 160A-280, the County Board of Commissioners may donate County property to another governmental unit including the CHCCS School Board.

***Property to be donated***

<b>Computer Type</b>	<b>Qty</b>	<b>Average Age of Equipment</b>	<b>Hard drives erased/wiped</b>
Laptops	83	5 years	National Institute of Standards and Technology 800-88 Guidelines 7 pass erasing technology
Desktops	223	6 years	National Institute of Standards and Technology 800-88 Guidelines 7 pass erasing technology
Total	306		

**FINANCIAL IMPACT:** Donating these computers to the CHCCS Board will have no financial impact on the County. As these computers have had 4-6 years of use and have been deemed unsuitable for repair or further use for their intended purpose, any money recovered by selling these computers as-is would be offset by the Staff time involved in managing the sale. The computers hold considerably more value as teaching tools for Orange County students.

**SOCIAL JUSTICE IMPACT:** The following two Orange County Social Justice Goals are applicable to this agenda item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**  
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**  
The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

The donation of a portion of the County's surplus computers to CHCCS will help support a new computer reuse and training program aimed at providing valuable hands-on technical training for Orange County students. This training program will continue to divert the County's e-waste from the landfill, while helping to prepare these students for jobs in the traditionally higher-paid computer field, thereby increasing their economic security. These results translate to positive outcomes related to the above Social Justice Goals.

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

- Adopt a resolution declaring, as surplus, items listed above and authorizing the donation of those items to the Board of the Chapel Hill-Carrboro City Schools (CHCCS); and
- Authorize the Chair to sign the resolution on behalf of the Board upon County Attorney Review.

## **ORANGE COUNTY BOARD OF COMMISSIONERS**

### **RESOLUTION APPROVING THE DONATION OF SURPLUS, OBSOLETE, OR UNUSED COUNTY EQUIPMENT TO THE CHAPEL HILL CARRBORO CITY SCHOOLS BOARD OF EDUCATION PURSUANT TO THE PROVISIONS OF N.C.G.S. 160A-280**

**WHEREAS**, Orange County owns computers and other electronics, which are unsuitable for repair or further use for their intended purposes and should be declared surplus or obsolete to the County's needs; and

**WHEREAS**, N.C.G.S. 160A-280 allows counties to donate to another governmental unit any personal property that the Board of County Commissioners deems to be surplus, obsolete, or unused; and

**WHEREAS**, County staff recommends that the computers and other electronics on the attached list be declared surplus, obsolete, or unused and donated to the Chapel Hill Carrboro City Schools Board of Education, a school administrative unit which is a governmental unit as defined by N.C.G.S. 160A-274(a), to be used for educational purposes; and

**WHEREAS**, pursuant to the provisions of N.C.G.S. 160A-280, the Orange County Board of Commissioners has caused public notice of this proposed Resolution to be posted at least five days prior to the adoption of this Resolution approving the donation.

**NOW, THEREFORE, BE IT RESOLVED** by the Orange County Board of Commissioners that the computers and other electronics are hereby declared to be surplus or obsolete based on their unsuitability for repair or further use for their intended purpose; and,

**BE IT FURTHER RESOLVED** that the Orange County Board of Commissioners hereby approves the donation pursuant to the provisions of N.C.G.S. 160A-280 by Orange County to the Chapel Hill Carrboro City Schools Board of Education of the above described personal property to be used for educational purposes.

Adopted this the 15<sup>th</sup> day of December, 2015.

---

Earl McKee, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

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

**SUBJECT:** Unified Animal Control Ordinance

---

**DEPARTMENT:** Animal Services and County  
Attorney

**PUBLIC HEARING:** No

No
----

**ATTACHMENT(S):**

- 1) Strikethrough-Underline Version of Animal Control Ordinance
- 2) Clean Copy of Animal Control Ordinance
- 3) Resolution of Amendment
- 4) Public Information and Education Timeline
- 5) BOCC Work Session Abstract and Minutes from April 8, 2014

**INFORMATION CONTACT:**

Bob Marotto, Animal Services Director,  
919.968.2287  
Annette Moore, Staff Attorney, 919.  
245.2317

---

**PURPOSE:** To consider approval of the proposed Unified Animal Control Ordinance (“UAO”) and adoption of the Resolution of Amendment “A Resolution Amending Chapter 4 of the Orange County Code of Ordinances”.

**BACKGROUND:** Orange County Animal Services provides animal control services to all areas of the County except in the part of Mebane located in Orange County. Currently, the County, Carrboro and Chapel Hill all have separate animal control ordinances for their respective jurisdictions. The County Animal Control Ordinance is used not only within the County’s jurisdiction, but also in Hillsborough and the section of City of Durham that is in Orange County as well. The differences between the ordinances have proven to be confusing, not only for staff responsible for their administration and the Court system, but also for Orange County residents.

Several years ago, County staff initiated an effort to discuss and find ways to resolve the differences by convening a work group comprised of staff representatives of the towns of Chapel Hill and Carrboro.<sup>1</sup> The work group found that a unified animal control ordinance would be more comprehensible to the general public and allow the best use of available resources for the provision of animal services. Staff set a goal of not only combining the three ordinances into

---

<sup>1</sup> The workgroup included the staff attorney for the Chapel Hill Police Department with animal control responsibilities; the Carrboro Police Chief and a Carrboro Police Captain; and Animal Services staff attorney, the Animal Services Director and the Animal Control Manager. Hillsborough staff did not participate in the work group but the Town Manager and Police Chief received regular updates; they are fully supportive of the ordinance

one unified ordinance, but also of providing a way for each jurisdiction to retain the unique features contained within its own ordinances (e.g. prohibiting dogs in the farmer's market, prohibition against breaking up a bird's nest). Also, provisions were retained in the towns' ordinances for more restrictive measures because of the urban nature of their respective jurisdictions. Once the ordinances were combined, staff updated some of the language in the proposed UAO and filled in some gaps or deficiencies made necessary by law or for health and safety reasons (e.g. changing Health Department to Animal Services, adding an appeal process and providing authority to humanely euthanize animals in exigent circumstances). The proposed UAO has also incorporated any changes required by the North Carolina General Statutes.

Prior to completion of the draft UAO, the Animal Services Advisory Board ("ASAB") met on several occasions to both approve the concept of the unified ordinance and to discuss and recommend changes to the proposed UAO. The caveat to the ASAB was the intent to combine current ordinances without creating new law. On March 13, 2013, the ASAB unanimously approved the final draft of the UAO which included the changes it recommended.

Staff has presented the proposed UAO to the Board of County Commissioners ("BOCC") on several occasions:

- June 4, 2013 - Comments were received from the BOCC, seven members of the public and Chair and Vice-Chair of the ASAB. The BOCC decided that staff would come back "with a digested form highlighting changes to the ordinance, addressing points made by the public and why the work group agrees or disagrees with these points."<sup>2</sup>
- October 1, 2013 – As requested by the BOCC, staff presented highlighted changes in the UAO and addressed point by point the concerns made by the BOCC and the public. The BOCC decided that the staff should provide Board members with additional information concerning the appeal process, watch dogs, trespassing, dog bites and make changes to language that individual commissioners had suggested. The BOCC also suggested seeking input from the School of Government on these issues.
- April 8, 2014 – Work Session – To adequately address the BOCC's remaining concerns with the proposed UAO, staff sought input from Aimee Wall with the UNC School of Government and the officers and staff of the Agriculture Preservation Board. Staff and ASAB officers met with Ms. Wall and based upon the information received, they presented proposed changes to the BOCC at the Work Session. The BOCC direction to staff indicated that staff had addressed three of the four remaining BOCC concerns. The remaining issue to be addressed was the appeal process.

Under the proposed UAO, § 4-54 Appeals applies to the following sections of the ordinance: § 4-42 Control of Vicious Animals, § 4-45 Public Nuisance, § 4-71 Class I Kennels, § 4-72 Class II Kennels, and § 4-73 Pet Shops. Residents receive citations for violations of these sections of the current Animal Control Ordinance and the proposed UAO. The sections of the proposed UAO identified above are the sections of the ordinance where residents are most likely to request appeals. Under the proposed UAO residents will have the option to appeal their citations. Other sections of the proposed UAO where residents are cited for violations currently have alternative methods to be heard either through an administrative or a court process. The

---

<sup>2</sup> Board of County Commissioners Approved Minutes, June 4, 2013.

ASAB has also worked on and implemented training and procedures to ensure the integrity of the appeal process and to instill the perception in the public that they are a separate and independent entity from Animal Services.

At the direction of the County Manager, County staff worked with the staff of the Towns of Chapel Hill and Carrboro to present the proposed UAO to their elected officials. This approach was intended to ensure that the towns had the opportunity to propose changes to the UAO before it was considered in final form by the BOCC; and also to ensure that there was strong mutual support for a unified ordinance. Both the Towns of Chapel Hill and Carrboro have approved the UAO subject to approval and implementation by the County. The Chapel Hill Town Council approved the proposed UAO at its April 13, 2015 meeting without any changes. The Carrboro Board of Aldermen approved the proposed UAO on November 10, 2015 with one exception – namely, that appeals would continue to be heard by the town's Animal Control Appeal Board. Staff has had ongoing communication with the Hillsborough Town Manager and Chief of Police, and these officials have been very supportive of the proposed UAO.

Staff has continued to work closely with the ASAB throughout the process of developing and revising the proposed UAO. The ASAB continues to strongly support the BOCC's adoption of the proposed UAO. Most recently, ASAB officers appeared at meetings of Carrboro Board of Aldermen to answer questions and provide support.

The UAO as proposed incorporates changes that staff has made based on comments and concerns communicated by the BOCC, the ASAB, the School of Government, the public and other elected officials. Each jurisdiction has had their attorney review the proposed UAO and any recommendations have been included.

Finally, staff has developed the attached Public Information and Education Timeline to ensure that County residents are aware of the unified ordinance and able to easily access the ordinance. It is expected that there will be continued coordination with town staff to raise awareness during the implementation of the ordinance if it is approved by the BOCC.

The public awareness effort will include the following key messages:

- The Unified Animal Control Ordinance will provide consistency, clarification and eliminate existing confusion arising from unnecessary differences between the County and Town of Chapel Hill and Carrboro's town ordinances.
- Each jurisdiction has retained the unique features of its own ordinance and those features will be identified in a way as to cause clarity rather than confusion (including laws involving tethering, livestock, and poultry).
- That overall delivery of animal services to all county residents will be enhanced by the Unified Animal Control Ordinance.

The Resolution of Adoption proposes an effective date of February 1, 2016 for the proposed UAO. This timeframe allows for implementation of the public awareness plan in all of the jurisdictions in which it would apply.

**FINANCIAL IMPACT:** There is no financial impact associated with the adoption of the proposed Unified Animal Control Ordinance. The ordinance has not created new regulatory

responsibilities but rather sought only to fill critical gaps and incorporate the best practices from the ordinance that precede it in the County. In addition, Animal Services will continue to recover the direct and indirect costs of animal control and protection services from the towns Hillsborough, Chapel Hill and Carrboro via annual service agreements.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

The ordinance will help to enable fuller civic participation by creating a common framework within the County and ensuring more adequate due process procedures.

**RECOMMENDATION(S):** The Manager recommends the Board consider the adoption of the proposed Unified Animal Control Ordinance and approve the Resolution of Amendment “A Resolution Amending Chapter 4 of the Orange County Code of Ordinances”.

Animal Control Ordinance

Contents

DIVISION 1. - GENERALLY ..... 3

    Sec. 4-31. - Authority. .... 3

    Sec. 4-32. - Applicability to animal shelter. .... 3

    Sec. 4-33. - Animal control officers..... 3

    Sec. 4-34. - Animal license privilege taxes. .... 4

    Sec. 4-35. - Licenses, permits, registrations, and fees required by this ordinance. .... 4

    Sec. 4-36. - Ordinance..... 5

    Sec. 4-37. - Definitions. .... 6

    Sec. 4-38. - Animal control program..... 11

    Sec. 4-39. - Relation to hunting laws. .... 14

    Sec. 4-40. - Notice in case of Physical Harm. .... 14

    Sec. 4-41. - Mistreatment of animals unlawful..... 14

    Sec. 4-42. - Control of vicious animals; security dogs..... 18

    Sec. 4-43. - Impoundment of animals..... 22

    Sec. 4-44. - Handling of stray animals..... 24

    Sec. 4-45. - Public nuisance..... 24

    Sec. 4-46. - Rabies control..... 27

    Sec. 4-47. - Rabies vaccination tag..... 27

    Sec. 4-48. - Applicability to veterinarians. .... 27

    Sec. 4-49. - Reserved..... 28

    Sec. 4-50. - Reserved..... 28

    Sec. 4-51. - Penalties..... 28

    Sec. 4-52. - Severability..... 29

    Sec. 4-53. – Effective date..... 29

    Sec. 4-54. - Appeals..... 29

    Secs. 4-55—4-70. - Reserved. .... 30

DIVISION 2. - KENNEL AND PET SHOP STANDARDS ..... 31

    Sec. 4-71. – Class I kennels..... 31

    Sec. 4-72. - Class II kennels. .... 32

Animal Control Ordinance

Sec. 4-73. - Pet shops..... 34

Sec. 4-74 - Permit procedures..... 36

Secs. 4-74—4-95. - Reserved. .... 36

DIVISION 3. - ANIMAL COLLECTION ..... 37

Sec. 4-96. - Permit required. .... 37

Sec. 4-97. - Permit application..... 37

Sec. 4-98. - Permit requirements..... 38

Sec. 4-99. - Records..... 39

Sec. 4-100. - Quality assurance program..... 40

Sec. 4-101. - Application and enforcement of division..... 40

Secs. 4-102—4-130. - Reserved. .... 40

DIVISION 1. - DISPLAY OF WILD AND EXOTIC ANIMALS..... 41

Sec. 4-131. - Repealed..... 41

Sec. 4-132. - Display of wild or exotic animals prohibited..... 41

Sec. 4-133. - Enforcement..... 41

Sec. 4-134. - Severability..... 42

Secs. 4-135—4-180. - Reserved. .... 42

DIVISION 2. - KEEPING OF WILD ANIMALS DANGEROUS TO PERSONS AND PROPERTY [4] ..... 43

Sec. 4-181. - Definitions. .... 43

Sec. 4-182. - Keeping of wild and dangerous animals prohibited. .... 43

Sec. 4-183. - Exemptions..... 43

Sec. 4-184. - Enforcement..... 43

Sec. 4-185. - Severability..... 44

## Animal Control Ordinance

### DIVISION 1. - GENERALLY

#### Sec. 4-31. - Authority.

This Ordinance is adopted pursuant to the power granted Orange County in N.C. Gen. Stat. §§ 153A-121, 153A-127, 153A-153 and 153A-442.

*(Ord. of 6-16-1987, § I, eff. 1-1-1988)*

#### Sec. 4-32. - Applicability to animal shelter.

Orange County shall operate and maintain a County Animal Shelter for the purpose of impounding or caring for animals held under the authority of state law, this Ordinance or any other county or municipal ordinance. Orange County may contract for the operation of the Animal Shelter as it deems appropriate.

*(Ord. of 6-16-1987, § XVIII, eff. 1-1-1988)*

#### Sec. 4-33. - Animal control officers.

- (a) Orange County may appoint one or more Animal Control Officers. Any County employee designated by the County Manager with the duties of an Animal Control Officer shall also be designated as Animal Cruelty Investigators. Only Orange County employees shall be designated as an Animal Cruelty Investigators.
- (b) Animal Control Officers shall have only the following powers and duties within Orange County and within any municipality therein that has given prior approval therefore:
- (1) The responsibility for the enforcement of all state and local laws including ordinances, resolutions and proclamations pertaining to the ownership and control of dogs and other animals.
  - (2) To cooperate with the County Health Director and all law enforcement officers in the county and the towns therein and assist in the enforcement of the laws of the state with regard to animals, the vaccination of dogs and cats against rabies, the confinement and leashing of vicious animals, and any other state law applicable to animals or animal control.
  - (3) To investigate reported or observed animal cruelty or animal abuse and make written reports of such investigations and, when requested, provide such reports to animal , appropriate law enforcement officers or the District Attorney's office.
  - (4) To investigate reports of observed harassment or attacks by dogs or other animals against domesticated livestock and to assist in locating those persons owning or harboring the attacking animals.
  - (5) ~~County~~ Animal Control Officers shall not have the power to arrest.

## Animal Control Ordinance

### Sec. 4-34. - Animal license privilege taxes.

The Owner of every dog or cat over four (4) months of age that is kept within the County shall annually pay to the County, through Orange County Animal Services, a tax on the privilege of keeping such animal within the County.

Orange County may set animal license privilege taxes as allowed by law and set the tax amounts annually as part of the Budget. In order to further the goals of controlling animal population, the taxes of unspayed or unneutered dogs and cats shall be higher than those of neutered animals. Within 30 days of acquisition of an animal for which a license is required, the owner or keeper shall purchase the appropriate county license.

*(Ord. of 3-15-88, § IV, eff. 3-15-88; Amend. of 12-2-96, eff. 1-1-97)*

### Sec. 4-35. - Licenses, permits, registrations, and fees required by this ordinance.

- (a) The following licenses, permits, and registrations are required by this Ordinance:
- (1) Licenses for dogs, cats, or other animals designated by either the Board of County Commissioners or other local government body, in their respective Budget Ordinance (see Section 4-34).
  - (2) Registration of patrol dogs or sentry dogs (see Section 4-42(d)).
  - (3) Rabies vaccination tags for dogs and cats (see Section 4-47).
  - (4) Permits for collecting of dogs and cats for sale (see Section 4-96).
  - (5) Permits for commercial (Class II) kennels, non-commercial (Class I) kennels and pet shops (see Sections 4-71 and 4-73).
- (b) The amount of license privilege tax shall be recommended by the Animal Control Services Director and approved by the Board of Commissioners, or other local government body, in their respective Budget Ordinance. The Animal Control Services Director may propose for approval by the Board of Commissioners or other local government body such policies or procedures as may be necessary or appropriate to allow for payment of privilege taxes over extended periods of time, at reduced rates, or a waiver of privilege taxes. Additionally, dog and cat owners or keepers who furnish to the Animal Control Services Director a statement from a licensed veterinarian that the animal, due to age, physical reasons, or chronic health problems cannot withstand spay/neuter surgery, shall be allowed to pay the license privilege taxes provided for spayed or neutered animals.
- (c) When an animal is impounded under this Ordinance there shall be paid, in accordance with Section 4-43, a redemption privilege tax.

## Animal Control Ordinance

(1) The Redemption Privilege Tax shall be ~~be~~<sup>[AM1]</sup>:

Number of Prior Incidents	Redemption or Impoundment Privilege Tax	Redemption or Impoundment Privilege Tax
	<u>Sterilized Animal</u>	<u>Reproductive Animal</u>
0	<u>\$25.00</u>	<u>\$50.00</u>
1	<u>\$50.00</u>	<u>\$100.00</u>
2	<u>\$100.00</u>	<u>\$200.00</u>
3 or more	<u>\$200.00</u>	<u>\$400.00</u>

(2) For reproductive animals with two or more prior incidents, \$100 of the redemption privilege tax shall be considered a sterilization deposit, which may be refunded to the owner if they provide to Animal Services proof of sterilization in the form of a veterinarian record within 90 days of recover of the animal.

(d) In order to defray the costs of administering and enforcing ordinances adopted under this Chapter, and in order to account for the additional costs of locating, responding to and caring for unvaccinated and unlicensed animals found within the County, additional fees shall be assessed as follows if the Owner or Keeper of an animal fails to pay the following fees within the time specified in the Ordinance:

Failure to Vaccinate for Rabies (Section 4-46)	\$ 200.00
Failure to Wear Rabies Tag (Section 4-47)	\$ 50.00
Failure to License (Section 4-35)	\$ 200.00

(e) For any stray animal that has been impounded by Animal Services there shall be a microchip fee that shall be determined by the Board of County Commissioners in the Budget Ordinance.

(f) Inspection fees, as provided in this Chapter, shall be set by the Board of County Commissioners in the Budget Ordinance.

*(Ord. of 6-16-1987, § V, eff. 1-1-1988; Amend. of 12-2-1996, eff. 1-1-1997; Ord. of 12-3-2007, eff. 7-1-2008)*

### **Sec. 4-36. - Ordinance.**

All other Orange County ordinances in conflict with this Ordinance, ~~except the Ordinance Prohibiting the Keeping of Wild Animals Dangerous to Persons and Property within Orange County,~~ are hereby repealed to the extent they conflict with this

## Animal Control Ordinance

Ordinance. The Ordinance to Provide for Animal Control and Protection in Orange County, adopted May 15, 1979, as amended October 3, 1983, is hereby repealed.

*(Ord. of 6-16-1987, § VI, eff. 1-1-1988)*

### Sec. 4-37. - Definitions.

As used in this Chapter, the following terms mean:

*Adequate Food:* The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

*Adequate Shelter:* That shelter which will keep a nonaquatic animal dry, out of the direct path of winds and out of the direct sun, at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a windproof and moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall include four walls, a roof and a solid floor raised up off of the ground, with an opening entrance large enough to allow access to the animal, but placed in such a way as to keep the animal out of the direct path of winds. Metal barrels do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shaving, or the equivalent. For all animals the containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris, and a suitable method of draining shall be provided to rapidly eliminate excess water or moisture. Aquatic or semi-aquatic animals shall have an adequate amount of clean water in which to move. Does not apply to the following domesticated livestock: cattle, oxen, bison, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, llamas, alpacas, lagomorphs, ratites, and poultry (except within municipal corporate limits the term "poultry" applies only to poultry flocks greater than 20 birds).

*Adequate Water:* A constant access to a supply of clean, fresh water provided in a sanitary manner. In near or below freezing temperatures the water must be changed frequently to prevent freezing, unless heated.

*Administrator:* The Animal Services Director, or their designee, as designated by the County Manager to perform the responsibilities assigned by this chapter to the Administrator.

*Animal:* Any live, vertebrate creature specifically including but not limited to dogs, cats, farm animals, birds, fish, livestock, and reptiles.

*Animal ~~Control~~ Services Director:* That person designated by the Board of Commissioners and the County Manager in Orange County, and where appropriate, his or

## Animal Control Ordinance

her designee, charged with the responsibility, discretion and authority to interpret, implement and enforce the Animal Control program in Orange County.

*Animal Shelter:* A place provided and operated by Orange County directly or by contractual agreement, whether jointly with another governmental unit or independently, for the restraint, care, adoption, and disposition of animals.

*At Large:* Any animal shall be deemed to be at large when it is off the property of its owner or its keeper and not under the restraint of a competent person. For purposes of this definition, the term "real property of its owner or keeper" shall include any property owned or occupied by the owner or keeper of such animal but shall not include any of the common areas (including without limitation, walks, drives, recreation and open space areas, etc.) within any subdivision or multifamily residential development.

~~*Class I Kennels:* An establishment maintained by any person where animals of any species, excluding domesticated livestock, are kept for the purpose of showing, competition, hunting or sport, and which establishment is so constructed that the animals cannot stray therefrom, and which maintains more than six but less than 19 animals<sup>(AM2)</sup>;~~

~~*Class II Kennels:* Any person maintaining an establishment where animals of any species excluding domesticated livestock, kept for the purpose of breeding, buying, selling, or boarding such animals or engaged in the training of dogs for guard or sentry purposes, and which establishment is so constructed that the animals cannot stray therefrom; or any person owning or keeping 20 or more animals, excluding domesticated livestock, each of which is four months of age or older.~~

*Competent Person:* A person of suitable age and discretion to keep an animal under sufficient restraint and control in order to prevent harm to the animal, to persons, to other animals, including but not limited to domesticated livestock, or to property.

*Cruel and Cruel Treatment:* Every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted. Such acts or omissions shall include, but not be limited to: beating, kicking, hanging, submerging under water, suffocating, poisoning, setting on fire, confining in a closed vehicle without functioning air conditioning or ventilation whenever the ambient temperature exceeds seventy (70) degrees Fahrenheit, confining in the closed trunk of a vehicle and depriving of food, water, and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare. Such terms, however, shall not be construed to include lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, lawful activities sponsored by agencies conducting biomedical research or training, lawful activities for sport.

*Display:* Display shall mean any exhibition, act, circus, public show, trade show, photographic opportunity, carnival ride, parade, race, performance, or similar undertaking in which animals are required to perform tricks, fights, wrestle or participate in performances for the amusement or entertainment of an audience, whether or not a fee is charged. "Display" shall not include the use or exhibition of animals for animal-related

## Animal Control Ordinance

educational purposes by non-profit groups or institutions or individuals. "Displayed" means to be the subject thereof.

*Domestic Animal:* A domesticated or tame animal that is kept principally as a pet, except that livestock (other than rabbits kept as pets and not for productive purposes) and wild animals shall not be regarded as domestic animals.

*Domesticated Livestock:* Livestock raised for the production of meat, milk, eggs, fiber, or used for draft or equestrian purposes, including but not limited to cattle, sheep, goats, swine, horses, mules, rabbits, and poultry.

*Educational Purposes:* Teaching and instructing with the intent and effect of imparting knowledge to others.

*Exotic animals:* Exotic animals are animals other than domestic animals, farm animals, and wild animals which are not native to North Carolina, or are native to North Carolina but have been captive-bred.

*Exposed to Rabies:* An animal has been exposed to rabies within the meaning of this Ordinance if it has been bitten by, or otherwise come into contact with the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis.

*Harbor:* An animal shall be deemed to be harbored if it is fed or sheltered by the same person or household for 72 consecutive hours or more.

*Health Department:* Orange County Health Department.

*Health Director:* Director of the Orange County Health Department.

*Keeper:* A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person, whether or not that person literally "owns" the animal. Every person 18 years or older residing in the dwelling unit where a pet is harbored and/or kept shall be deemed a keeper for purposes of this Ordinance.

*Leash-free Area:* An area in a Town or County designated by the governing body of said Town or County which permits an animal to go free from physical restraint. Does not apply to animals deemed vicious, potentially dangerous or dangerous.

*Other Local Government Body (Bodies):* The Towns of Carrboro, Chapel Hill and Hillsborough and those parts of the City of Durham located in Orange County.

*Owner:* Any person who owns any animal and is responsible for its care, actions, and behavior.

## Animal Control Ordinance

*Owner or Keeper's Premises:* Any real, owned or leased, property of the owner of an animal; excluding any public right-of-way, or common area of a condominium, apartment complex or townhouse development.

*Person:* Any individual, family, group of individuals, corporation, partnership, organization, or institution recognized by law as a person.

~~*Pet Shop:* A person that acquires for the purposes of resale animals, excluding domesticated livestock, bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals at retail or wholesale, or a person that holds or keeps animals, excluding domesticated livestock, for the purpose of cleaning or grooming~~<sup>[AM3]</sup>:

*Physical Harm:* Any injury which is serious enough to require immediate medical attention.

*Provocation:* Any act that would reasonably be expected to cause an animal to defend itself, its young, its owner or keeper or the property of said owner or keeper.

~~*Public Nuisance:* Actions deemed prima facie evidence of a public nuisance include the following activities of an animal, or conditions maintained or permitted by the animal's owner or keeper:~~

- ~~(1) The animal is found at large off as defined in this section.~~
- ~~(2) The animal damages the property of anyone other than its owner or keeper, including, but not limited to, turning over garbage containers or damaging gardens, flowers, shrubbery, vegetables or trees, fences or gates, or causes injury to domesticated livestock or pets.~~
- ~~(3) The animal habitually and repeatedly barks, whines, or howls so as to interfere seriously with the reasonable use and enjoyment by neighboring residents of their property.~~
- ~~(4) The animal repeatedly chases, snaps at, or barks at persons, domesticated livestock, pets, or vehicles when it is not in an enclosure, leashed, or on the owner's or keeper's property.~~
- ~~(5) The owner or keeper fails to confine a female dog while in heat (estrus) in a building or secure enclosure in such a manner that she will not be in contact with another dog, provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner or keeper of an animal involved in the breeding process~~

*Restraint:* An animal is under restraint if it is under sufficient physical restraint such as a leash, cage, bridle, or similar effective and humane device which restrains and controls the animal, or within a vehicle, or adequately contained by a fence on the premises or other secure enclosure as permitted in this Ordinance. If a competent adult is physically outside on the land with the animal, on land where the owner or keeper of the animal resides, then the animal shall be deemed to be under restraint during the time the

## Animal Control Ordinance

animal is in the company of and under the control of that competent person and the animal is on the premises. If any unattended animal is restrained by a chain, leash or similar restraint, it shall be designated and placed to prevent choking or strangulation. Such chain or restraint shall not be less than ten feet in length and shall be on a swivel designed to prevent the animal from choking or strangling itself. The restraint of unattended dogs by a fence, kennel, outdoor enclosure, chain, leash or similar restraint is further regulated under this Ordinance.

*Security Dog:* Any dog used, kept or maintained on the premises of its owner or keeper for the purpose of protecting any person or property. Any such dog shall be further classified as a patrol dog or sentry dog.

- (a) Patrol dog: A dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.
- (b) Sentry dog: A dog that is trained or conditioned to attack or otherwise respond aggressively without command.
- (c) ~~Watch dog: A dog that barks and threatens to bite any intruder that has not been specially trained or conditioned for that purpose.~~

*Secure Enclosure:* An enclosure from which an animal cannot escape by means of digging under or jumping over the enclosure, or otherwise becoming free unless freed by the owner or keeper. A motor vehicle shall not constitute a secure enclosure. Minimum space and height requirements and other specifications for secure enclosures shall be obtained from the Animal Services Director based on breed, age, height, weight, temperament, and history of the animal.

*Serious Physical Harm:* Any physical injury that results in broken bones, or disfiguring lacerations or requires cosmetic surgery or hospitalization.

*Steel Jaw Trap:* Spring-powered devices or traps which capture or hold an animal by exerting a lateral force with fix mounted jaws on the leg, toe, paw, or any other part of the animal's body.

*Stray:* Any domestic animal that is not under restraint or is not on the property of its owner and is wandering at large, or is lost, or does not have an owner, or does not bear evidence of the identification of any owner.

*Suspected of Having Rabies:* An animal which has bitten a person or another animal.

*Tethering:* To restrain a dog outdoors by means of a rope, chain, wire or other type of line for holding a dog one end of which is fastened to the dog and the opposite end of which is connected to a stationary object or to a cable or trolley system. This does not include walking a dog with a handheld leash.

## Animal Control Ordinance

*Veterinary Hospital:* Any place or establishment which is maintained and operated under the supervision of a licensed veterinarian as a hospital where animals are harbored, boarded and cared for incidental to the treatment, prevention or alleviation of disease processes during the routine practice of the profession of veterinary medicine for surgery, diagnosis and treatment of diseases and injuries of animals.

~~*Vicious Animal:* Any animal on or off the premises of its owner or keeper, security dog excluded, which animal is three months of age or older and without provocation has bitten, or killed, or caused injury through bites to people (a person) who are (is) not trespassing and or has bitten or killed an animal(s) that is (are) not where its (their) owner(s) has (have) been told such animal(s) cannot be. Any dog that is owned or harbored for the purpose of dog fighting or training for dog fighting is also defined as a vicious animal.~~<sup>[AM4]</sup>:-

*Wild Animals:* An animal (other than livestock) that typically is found in a non-domesticated state and that, because of its size or vicious propensity or because it is poisonous, venomous or for any other substantial reason, poses a potential danger to persons, other animals or property, whether bred in the wild or in captivity and includes any or all hybrids bred with these animals and domestic species.

*(Ord. of 6-16-1987, § VII, eff. 1-1-1988; Amend. of 12-2-1996, eff. 1-1-1997; Amend. of 11-18-08, eff. 11-19-08)*

### **Sec. 4-38. - Animal control program.**

The Orange County Animal Control Program, as herein described and as otherwise described in other County ordinances related to animals and as otherwise described in the laws of North Carolina, shall be administered by the Animal Services Control Director. Specifically:

- (a) ~~The Animal Control Director shall designate employees or agents enforcing this Ordinance as Animal Control Officers and Rabies Control Officers. Animal Cruelty Investigators may be appointed by the Board of County Commissioners as provided by law. In the performance of their duties, officers and investigators shall have all the power, authority, and immunity granted under this Ordinance and by the general laws of this State to enforce the provisions of this Ordinance, and the laws of North Carolina as they relate to the care, treatment, control or impounding of animals. All investigations of reported or observed animal cruelty or animal abuse shall be the joint responsibility of and shall be jointly carried out by the Animal Cruelty Investigators and the Animal Control Officers of Orange County.~~<sup>[AM5]</sup>:-
- (a) The Animal Services Control Director shall have the duties of Animal Control Officer and direct the duties of designated County employees or agents in carrying the enforcement of this Ordinance as Animal Control Officers including the duties of a Rabies Control Officers and Animal Cruelty Investigator.
- (b) Except as may be otherwise provided by law, no officer, agent, or employee of the County charged with the duty of enforcing the provisions of this Ordinance

## Animal Control Ordinance

or other applicable laws, shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duty unless he or she acts with actual malice.

- (c) It shall be unlawful for any person to interfere with, hinder, or molest any Animal Control or police officer while in the performance of any duty authorized by this Ordinance, ~~or the Animal Control Program~~, or to seek to release any animal in the custody of said agents, except in the manner as herein provided.
- (d) Animal Control Officers, ~~Rabies Control Officer, and Animal Cruelty Investigators~~ are not authorized to carry on their person firearms of any kind except as provided herein. The Orange County Animal Control Program may store firearms at the ~~Health~~ Animal Services Department and use those firearms when necessary to enforce sections of this Chapter or under applicable law for the control of wild, vicious, or diseased animals.
- (1) Any Animal Control Officer or law enforcement officer, in carrying out their duties under this Chapter, shall make every effort to deal humanely with all animals.
  - (2) An Animal Control Officer or law enforcement officer may inject an animal with a chemical tranquilizer which will result in limiting the activity of an animal, when in the officer's judgment any attempt to seize the animal would be dangerous to the person attempting the seizure, the animal, or the public at large.
  - (3) An Animal Control Officer or law enforcement officer may humanely put an animal to death, if in the judgment of the officer an attempt to otherwise seize or impound the animal would be dangerous to the officer or others. It is the intent of this subsection that the killing of an animal would be done only after, within the sole discretion of the officer, other reasonable procedures are judged impossible.
- (e) The Animal Control Program shall:
- (1) Have the responsibility along with law enforcement agencies and where applicable with animal control officers to enforce all laws of North Carolina and all ordinances of Orange County pertaining to animals and shall cooperate with all law enforcement officers within Orange County in fulfilling this duty. Animal Control Officers in the performance of their duties, shall have all the power, authority, and immunity granted under this Ordinance and by the general laws of this State to enforce the provisions of this Ordinance, and the laws of North Carolina as they relate to the care, treatment, control or impounding of animals. All investigations of reported

## Animal Control Ordinance

or observed animal cruelty or animal abuse shall be the responsibility of and shall be carried out by the Animal Control Officers<sup>[AM6]</sup>.

- (2) Enforce and carry out all laws of North Carolina and all ordinances of Orange County pertaining to rabies control.
- (3) Be responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat exposed to or suspected of having rabies, for a period of not less than ten days, and for reporting to the Health Director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.
- (4) Be responsible for the investigation of reports or observations of incidents of harassment of or injuries to domesticated livestock caused by animals.
- (5) Be responsible for the seizure and arranging for the impoundment, where deemed necessary, of any dog or other animal in Orange County involved in a violation of this or any other County ordinance or state law.
- (6) Investigate cruelty or abuse with regard to animals ~~independently or with a duly appointed Animal Cruelty Investigator.~~
- (7) Make such investigations or inquiries as necessary for the purpose of ascertaining compliance with this Ordinance or applicable state statute.
- (8) Keep, or cause to be kept, accurate and detailed records of:
  - i. Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program.
  - ii. Bite cases, violations and complaints, and investigation of same, including names and addresses of persons bitten, date, circumstances, and breed.
  - iii. Any other matters deemed necessary by the Animal ~~Control~~ Services Director.
- (9) Be empowered to issue citations or notices of violation of this Ordinance in such form as the Animal ~~Control~~ Services Director may prescribe.
- (10) Have employees who are trained to standards to be established by the Animal ~~Control~~ Services Director, which training shall include, but not be limited to, training in animal first aid taught by a licensed veterinarian.

## Animal Control Ordinance

(11) The premises for all Animal Shelters operated by or for the County shall meet the standards prescribed for commercial (Class II) kennels set out in Section 4-72 of this Ordinance.

(12) The standards applicable to vehicles and care in transportation set out in Section 4-98 apply to Animal Control Officers collecting, transporting, or holding animals in this County.

*(Ord. of 6-16-1987, § VIII, eff. 1-1-88)*

### **Sec. 4-39. - Relation to hunting laws.**

Nothing in this Ordinance is intended to be in conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies only while the dogs are under the control of the owner, keeper, or competent person, and are actually lawfully being used for hunting or training for hunting in compliance with applicable statutes, regulations, or ordinances. This Ordinance should be read and enforced consistent with any such law.

*(Ord. of 6-16-1987, § IX, eff. 1-1-88)*

### **Sec. 4-40. - Notice in case of Physical Harm.**

It shall be unlawful for any person who causes Physical harm to an animal, including but not limited to, running over or hitting the animal with any vehicle, to fail to notify immediately at least one of the following:

- (1) The owner(s) or keeper(s) of the animal (if known or ascertainable with reasonable efforts made to locate the owner or keeper),
- (2) An Animal Control Officer,
- (3) Local law enforcement agency, or
- (4) Orange County Animal Services.

*(Ord. of 6-16-1987, § X, eff. 1-1-88)*

### **Sec. 4-41. - Mistreatment of animals unlawful.**

The following acts or failure to act relating to the mistreatment of animals are unlawful and violations of this Ordinance:

- a. It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food and water, with respect to domesticated animals or wild animals in captivity

## Animal Control Ordinance

or under restraint, it shall additionally be unlawful to deprive or cause to be deprived any such animal of adequate shelter or veterinary care.

- b. It shall be unlawful for any person to sell or offer for sale, barter or give away within the County baby chickens, baby ducklings or other fowl under six weeks of age or rabbits under eight weeks of age as pets, toys, premiums or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings or other fowl or such rabbits in proper facilities with adequate food, water, and shelter, by breeders or stores engaged in the business of selling the animals for purposes other than as pets or novelties.
- c. It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.
- d. It shall be unlawful for any person to tether any fowl.
- e. It shall be unlawful to restrain any animal except in a humane fashion as set forth in Section 4-37 above and Section 4-41 below. (Does not apply to Chapel Hill and Carrboro)
- f. It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on or off the property of its owner or keeper, except a stray animal may be seized when trying to capture it.
- g. It shall be unlawful to possess any paraphernalia related to dog, cock or other animal fighting, ~~including, but not limited to, gaffs.~~ with the intent that the paraphernalia be used to train or feature in an exhibition the baiting of dog, cock or other animal or the fighting of a dog, cock or other animal with another dog, cock or other animal.
- h. It shall be unlawful for any person to transport an animal in the closed trunk of a vehicle, or closed compartment on a vehicle or trailer when the ambient temperature in the vicinity of the vehicle or trailer is greater than or equal to 70 degrees F.
- i. It shall be unlawful for any person to commit any of the acts made unlawful under the provisions of North Carolina General Statutes §§ 14-360 and 14-362, as the same relate to a dog or dogs, or to commit any other act made unlawful by any other law of the State of North Carolina relating to animal fighting or animal baiting. The repeal of such law or laws of the State of North Carolina shall have no effect upon this Section, and the acts herein made unlawful shall, in the event

## Animal Control Ordinance

of such repeal, be those referred to in said law or laws immediately prior to such repeal.

- j. It shall be unlawful for any person to abandon or forsake any animal within the County.
- k. It shall be unlawful for any person to restrain a dog using a chain, wire or other type of tethering device in a manner prohibited by this subsection. (Does not apply in Chapel Hill or Carrboro)
- (1) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a tree, fence, post, dog house, or other stationary object for more than a total of three hours in a 24-hour period. During periods of tethering that are not unlawful under this subsection, any tethering device used shall be at least ten feet in length and attached in such manner as to prevent strangulation or other physical harm to the dog and entanglement with objects. In no event shall the time limitations established by this subsection 4-41(k)(1) & (2) below be added together to allow for tethering, fastening, chaining, tying, or restraining to either a stationary object or to a cable trolley system for more than a total of three hours in a 24-hour period.
  - (2) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a cable trolley system, that allows movement of the restraining device, for more than a total of three hours in a 24-hour period. During periods of tethering that are not unlawful under this subsection, the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the dog is able to move ten feet away from the cable perpendicularly and attached in such a manner as to prevent strangulation or other physical harm to the dog and entanglement with objects.
  - (3) No person shall tether a dog with a chain or wire or other device to, or cause such attachment to, any collar other than a buckle type collar or body harness.
  - (4) No person shall tether with a chain or wire or other device to, or cause such attachment to, a head harness, choke-type collar or pronged collar to a dog.
  - (5) No person shall tether with a chain, wire or other device to a dog where the weight of the tethering device and the collar combined exceeds ten percent of the dog's body weight.
  - (6) No person shall tether with a chain or wire or other device a dog in such manner that does not allow the dog access to adequate food, water, and shelter.

## Animal Control Ordinance

- (7) Notwithstanding the provisions of subsections 4-41(k)(1) & (2) of this subsection, a person may, subject to the provisions of subsections 4-41(k)(3)—(6), and subject to the requirement that any stationary tethering device used shall be at least ten feet in length, and subject to the requirement that for any cable trolley system used the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the dog is able to move ten feet away from the cable perpendicularly:
- a. Tether and restrain a dog while actively engaged in:
    - i. Use of the dog in shepherding or herding livestock, or
    - ii. Use of the dog in the business of cultivating agricultural products, if the restraining is reasonably necessary for the safety of the dog, or
    - iii. Use of the dog in lawful hunting activities if the restraint is reasonably necessary for the safety of the dog, or
    - iv. Use of the dog at dog training or performance events, including but not limited to field trials and obedience trials where tethering does not occur for a period exceeding seven consecutive days, or
    - v. Camping or other recreation where tethering is required by the camping or recreational area where the dog is located, or
    - vi. Any activity where a tethered dog is in visual range of its Owner or Keeper, and the Owner or Keeper is located outside with the dog.
  - b. After taking possession of a dog that appears to be a stray dog and after having advised animal control authorities of the capture of the dog, tether and restrain the dog in accordance with the provisions of Section 4-41 for a period not to exceed seven days as the person having taken possession of the dog is seeking the identity of the owner of the dog.
  - c. Walk a dog with a handheld leash.
  - d. ~~Section 4-41 becomes effective one year following the adoption of this amendment (the "effective date"). Any person who violates this subsection after the effective date but prior to the expiration of the eighteenth month following the date this amendment was adopted shall be issued a written warning giving the violator notice of the provisions of this amendment. Any person who violates Section 4-41 after the expiration of the eighteenth month following the date of the adoption of this amendment is subject to one or more of the Penalties~~

## Animal Control Ordinance

~~established in Section 4-51 of this Ordinance.~~ Any dog that is kept in violation of Section 4-41 of this Ordinance may be seized and subsequently impounded in accordance with Section 4-43 of this Ordinance until such a time as the Animal Control Services Director is reasonably assured that the dog will not be subject to restraint in violation of this Ordinance. The Animal Control Services Director shall post a notice at the place of the illegal restraint, or at such other location, that is designed to reasonably apprise the Owner or Keeper of the dog, the place, date and time the dog was seized along with the location where the dog was taken. Such notice shall clearly state that the dog may be returned to the Owner or Keeper upon providing reasonable assurances to the Animal Control Services Director that the dog will not be subject to restraint in violation of this Ordinance.

*(Ord. of 6-16-1987, § XI, eff. 1-1-88; Amend. of 11-18-2008, eff. 11-19-09)*

### **Sec. 4-42. - Control of vicious animals; security dogs** <sup>[AM7]</sup>.

- (a) In General. It shall be unlawful for any person to keep any vicious animal within the County, unless under restraint and on the premises of the owner or keeper. ~~Security dogs are subject to all other provisions of this Ordinance while off the premises of their owner or keeper~~ <sup>[AM8]</sup>;
- (b) Vicious Animal. Any animal, ~~security dog excluded~~, on or off the premises of its owner or keeper, which is three (3) months of age or older and ~~who~~ which:
- (1) Without provocation has bitten, killed or caused physical harm through bite(s) to a person; or
  - (2) Without provocation has attempted to bite a person or cause physical harm through bite(s) to a person; or
  - (3) Without provocation has injured, maimed or killed a pet or domestic livestock, except where such animal has bitten or killed an animal a pet or domestic livestock that is not where its (their) owner(s) have been told such animal(s) cannot be trespassing on the land of another without permission or is defending a person; or
  - (4) Has been deemed potentially dangerous or dangerous in accordance with N.C. Gen. Stat. Chapter 67, Article 1A. Dangerous Dog <sup>[AM9]</sup>.
- (c) Declaration of Vicious Animal.
- (1) Upon observation by an Animal Control or law enforcement officer or receipt of a written complaint that an animal is behaving or has behaved viciously and is at large or is off the premises of its owner or keeper and is not restrained by a competent person, an Animal Control Officer may impound the animal and

## Animal Control Ordinance

investigate the complaint and, upon a finding that there is probable cause to believe a violation of this Ordinance or other applicable law or regulation has occurred, shall take any action allowed by this Ordinance or State law as the circumstances may require<sup>[AM10]</sup>.

(2) Any animal who, after investigation by an Animal Control officer, is found by the Animal Services Director to have committed any act described in (b) above may, in the Animal Services Director's sole discretion, be declared vicious and is subject to this Section of the Ordinance.

(d) Effect of Declaration.

(1) Permitted Locations. A vicious animal shall be permitted at the following locations only:

(a) On the premises of the owner or keeper either confined indoors or in a secure enclosure when outdoors;

i. Secure Enclosure. The owner or keeper of a declared vicious animal is required to keep the animal securely confined indoors or in a securely enclosed and locked pen or structure. The pen or structure must be suitable to prevent the entry of young children and designed to prevent the animal from escaping; it must provide the animal with protection from the elements; and must be inspected by an animal control officer and approved by the Animal Services Director prior to use by the animal declared vicious.

ii. Annual Inspection. An Animal Control Officer shall inspect the secured enclosure of all animals deemed vicious at least once a year to assure that the standards are maintained. There will be an inspection fee as provided by the Orange County Board of Commissioners.

(b) On private property, with the authorization of the owner of the property;

(c) At a licensed veterinarian for treatment;

(d) In a motor vehicle while being transported;

(e) Off the owner's or keeper's property provided it is muzzled and controlled by means of a chain, leash or other like device by a competent adult able to restrain the animal.

(2) When going to and from a Permitted Location or a Secured Enclosure an animal declared vicious off the owner's or keeper's property must be muzzled and controlled by means of a chain, leash or other like device by a competent adult able to restrain the animal.

## Animal Control Ordinance

- (3) There must be posted on the premises of the owner or keeper placards or signs noting “Beware of Dog” or other information noting the presence of a vicious animal placed in a manner reasonable likely to come to the attention of an intruder.
- (4) Any animal declared vicious must receive a microchip prior to the animal being reclaimed if impounded. If the animal was not impounded and it is declared vicious the owner must provide proof to animal services that the animal has received a microchip within 30 days of having received notice that the dog has been declared vicious.
- (e) Exceptions. The provisions of this Section do not apply to:
- (1) A dog being used by a law enforcement officer to carry out the law enforcement officer’s official duties;
  - (2) A dog being used in a lawful hunt;
  - (3) A dog who was working as a hunting, herding or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or physical harm was to a species or type of domestic animal appropriate to the work of the dog; or
  - (4) A dog where the inflicted by the dog was sustained by a person who, at the time of the injury was:
    - a. On the owner’s or keeper’s property that has been posted with placards or signs noting the presence of such animal or “No Trespassing” in a manner reasonably likely to come to the attention of an intruder;’
    - b. Committing a willful trespass or other, which shall be determined by looking at the totality of the circumstances;
    - c. Tormenting, abusing, or assaulting the dog or has attempting to torment, abuse, or assault the dog; or
    - d. Committing or attempting to commit a crime.
  - (5) Security dogs are subject to all other provisions of this Ordinance while off the premises of their owner or keeper.
- (f) An animal which has been declared vicious may be impounded by the Animal Control Officer, either upon direct observation of the Animal Control Officer or law enforcement officer or receipt of written complaint that the animal is at large, or off

## Animal Control Ordinance

the premises of its owner or keeper and not restrained by a competent person, or not confined in a manner permitted in subsection (d) above.

- (1) Written Complaint. Upon receipt of a written complaint that an animal ~~is or has been~~ ~~was behaving viciously or was~~ previously declared vicious was off the owner or keeper property while not properly restrained and there is probably cause to believe a violation of this Ordinance or other applicable law or regulation has occurred, an Animal Control Officer may impound the animal and investigate the complaint.
  - (2) If an animal is impounded as vicious, authorization for reclamation after any required holding period shall be granted when in the sole discretion of the Animal Services Director, or their designee, they are reasonably assured that either the animal is not vicious or the vicious animal will be properly restrained on the premises of its owner or keeper.
  - (3) Upon a finding that there is probable cause to believe a violation of this Ordinance or other applicable law or regulation has occurred, the Officer may seize the animal and take any action allowed by this Ordinance or State law as the circumstances may require.
- (g) Citation. The Animal Control Officer shall issue a citation to the owner or keeper for actions described in section b. 1 - 4. Citations may be delivered in person or by registered mail if the owner or keeper is not readily found. The citation issued shall impose upon the owner or keeper a civil penalty of one hundred dollars (\$100.00), or any other amount prescribed by the Orange County Board of Commissioners.
- (1) The violator must pay the citation to the Orange County Animal Services within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty. This penalty is in addition to any other fees or remedies authorized under this Chapter.
  - (2) In the event that the owner or keeper of the animal does not appear in response to the described citation, the civil penalty is not paid within the time period prescribed, or if the animal previously has been declared vicious upon payment of a citation or the conviction of the owner or keeper a criminal summons may be issued against the owner or keeper for violation of this chapter and upon conviction, the owner or keeper shall be punished as provided by this Ordinance.
  - (3) Upon the issuance of a citation for an animal which has committed any of the acts described in this Section, the animal must be confined either in the home of the owner or keeper, at an animal shelter, a kennel as provided in Sections 4-71 and 4-72 below or a veterinarian's office until such time that the required pen is constructed, the animal is destroyed, or a judge finds that the animal is not a vicious animal.

## Animal Control Ordinance

(4) The Animal Services Director has the authority at any time to require that a vicious animal not be kept in the owner's or keeper's home. The animal must stay confined through any legal appeals. The owner or keeper shall be responsible for the costs incurred in the animal's confinement. If the animal is found not to be a vicious animal, the County shall be responsible for the cost of animals kept at the Animal Services facility for that purpose.

(h) Effect of Citation.

(1) Upon payment of a citation or the conviction of the owner or keeper for having an animal which without provocation has committed any of the acts described in subsection (b) above, said animal is declared a vicious animal.

(2) Upon the payment of a citation or the conviction of the owner or keeper for having an animal which on or off the property of the owner or keeper and without provocation has killed or caused life threatening injuries through bite(s) to a person, the animal will be seized by the animal control officer and destroyed in a humane manner.

(3) Any animal previously declared vicious upon the payment of a citation or by conviction of the owner or keeper for a violation of this subsection, that commits a subsequent violation of the subsection, will cause the owner or keeper to be charged with that violation. Upon the owner or keeper's conviction of that violation, the animal will be destroyed in a humane manner.

(4) Any violation of this section may be a misdemeanor and subject to a fine of five hundred dollars (\$500.00) or imprisonment of not more than thirty (30) days.

(5) All persons owning security dogs ~~that are classed as patrol dogs or sentry dogs~~ as defined by this Ordinance shall register such animals with the Animal Services Director; the owner or keeper of any such dog ~~that is classed as a patrol dog or sentry dog under this Ordinance~~ shall place signs or placards on his premises noting "Beware of Dog" or other information noting the presence of security dog(S[A~~MM~~11]).

(j) Appeal. Any declaration that an animal is "vicious" may be appealed to the Orange County Animal Services Advisory Board as provided in this Chapter.

### **Sec. 4-43. - Impoundment of animals.**

Any animal found at large, found not to be wearing a currently valid rabies tag, has been declared vicious and is outside not in a secure pen or on a restraint, that is a danger to the public or for any other reason designated in this Chapter is a public nuisance and may be impounded and confined in the Animal Shelter in a humane manner for a period hereinafter prescribed:

## Animal Control Ordinance

- (a) Owner notification. Immediately upon impounding any animal, the Animal Services Director or designee shall attempt to notify the owner or keeper by either telephone or in person to inform that person of such impoundment, and the conditions whereby the animal may be redeemed. If unable to give notice by telephone, an official, dated, written notice shall be mailed to the registered owner by certified mail, return receipt requested, giving notice of the impoundment and the conditions whereby the animal may be redeemed.
- (b) Reclamation. A domesticated animal impounded under this Chapter may be reclaimed by its owner or keeper according to procedures of Animal Control Services. The owner or keeper of an impounded domesticated animal shall be responsible for and shall pay all expenses, boarding costs, redemption privilege taxes and costs associated with such impoundment prior to reclaiming the animal. Unless reclaimed, the impounded domesticated animal may be allowed to be adopted or humanely euthanized according to Animal Control Service procedures after five days of impoundment. Feral dogs and cats may be held for 72 hours and then euthanized pursuant to Animal Shelter Services procedures for humane euthanasia. The owner or keeper of an impounded domesticated animal shall also comply with any vaccination and licensing directives and be responsible for the payment to Orange County of all civil penalties and license privilege taxes imposed or associated with the animal's impoundment as prescribed in any citation or notice issued by the Animal Control Services Director. Animals who have impounded in accordance with N.C. Gen. Stat. 130A-196, after having bitten a person not reclaimed within 72 hours after the end of the quarantine period will be considered abandoned and will become the property of the Orange County and disposed of according to standard Animal Shelter Services procedures.
- (c) Release to Owner. An owner of an impounded animal may reclaim the animal after it has been impounded, upon compliance with this Section and in accordance with requirements set forth by the Animal Services Director. Nothing in this Chapter shall require the Animal Services Director to release an animal that has been impounded that is need of protection because of cruel treatment.
- (d) Diseased or injured animals. Severely diseased or badly injured animals may be euthanized in a humane manner, if authorized by a licensed veterinarian, without waiting the required redemption or adoption period.
- (e) Confinement Order. In lieu of impoundment, the Animal Control Services Director is authorized to issue a Confinement Order to the animal owner or keeper that would require the owner or keeper to confine a vicious animal or an animal otherwise violating provisions of the Ordinance. Failure to thus confine the animal would constitute a further violation of the Ordinance, subjecting the owner to appropriate criminal or civil penalties.

*(Ord. of 6-16-1987, § XIII, eff. 1-1-88; Amend. of 12-2-96, eff. 1-1-97)*

## Animal Control Ordinance

### Sec. 4-44. - Handling of stray animals.

It shall be unlawful for any person, without the consent of the Owner or Keeper, knowingly and intentionally to harbor, feed, keep in possession by confinement or otherwise any animal that does not belong to him, unless he has, within 72 hours from the time such animal came into his possession, notified ~~an Animal Control Officer or the Animal Shelter Services.~~

- (a) Any animal at large may in a humane manner be seized, impounded, and confined in the Animal Shelter and thereafter adopted out or disposed of pursuant to procedures of ~~the Animal Shelter Services and applicable State law.~~
- (b) Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty which may be imposed for violation of this ~~Ordinance Chapter.~~
- (c) Any animal seized and impounded that is badly wounded or diseased and has no identification, may be euthanized pursuant to procedures of ~~the Animal Shelter Services.~~ If the animal has rabies or is suspected of having rabies, the body shall be disposed of in accordance with applicable state regulations. If the animal has identification, ~~the Animal Shelter Services shall attempt to notify the owner or keeper before euthanizing such animal; in any event, and except as may be otherwise provided by law, the Animal Shelter Services and Animal Control Program shall have no liability for euthanizing wounded or diseased animals when such action is taken upon the advice or recommendation of a veterinarian who has been advised of the animal's condition.~~
- (d) Any cat or dog impounded must receive a microchip, at the expense of its owner, prior to recovery by its owner.

*(Ord. of 6-16-1987, § XIV, eff. 1-1-88)*

### Sec. 4-45. - Public nuisance<sup>[AM12]</sup>.

- (a) In General. It shall be unlawful for an owner or keeper to permit an animal or animals to create a public nuisance, or to maintain a public nuisance created by an animal or animals. ~~Compliance shall be required as follows:~~
- (b) Prima Facie Evidence<sup>[AM13]</sup>. Actions deemed prima facie evidence of a public nuisance include the following activities of any animal, or conditions maintained or permitted by the animal's owner or keeper:
  - (1) Habitually or repeatedly, without provocation, chasing, snapping at or attacking pedestrians, bicycles, persons lawfully entering the property to provide a service, other animals being walked on a leash, or vehicles even if the animal never leaves the owner's property, except that this provision shall not apply if such animal is restrained by a pen, fence, or other secure enclosure. For purposes of this section, an "underground fence" shall only be considered secure if it in fact contains the animal and a small sign or other notification is present to alert others that the animal is

## Animal Control Ordinance

restrained.

- (2) Interfering with the reasonable use and enjoyment by neighboring residents of their property because of its odor or excessive noise making. For purposes of this subsection, excessive noise making shall include repeated episodes of barking, howling, whining, crying, or crowing only if the rooster is within the town limits or Carrboro, Chapel Hill, or Hillsborough.
- (3) A female dog that is not confined while in heat in a building or secure enclosure in such a manner that she will not be in contact with another animal, provided that this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner or keeper of an animal involved in the breeding process.
- (4) Damages the property of anyone other than its owner or keeper, including but not limited to, turning over garbage containers or damaging gardens, flowers, shrubbery, vegetables or trees, fences or gates, or causing physical harm to domesticated livestock or pets.
- (5) Without provocation, inflicts on any person serious physical harm requiring treatment by a physician, including but not limited to a bite or scratch that breaks the skin.
- (6) Any large animal off the premises of the owner or keeper; except in the case of domestic livestock [AM14]the Animal Services Director, or their designee, shall have the discretion to determine a violation when the animal, in their judgment, presents a danger to the public, is destroying or damaging property, is violating property rights, or has been habitually at large.
- (7) The provisions of subsections (1) through (5) above of this section shall not apply to cats. However, a cat may be deemed a public nuisance when off the premises of its owner or keeper when it:
  - i. Habitually or repeatedly defecate or urinate in children's sandboxes, gardens, flower beds or other private property without the permission of the property owner;
  - ii. Habitually or repeatedly injure or kill animals or birds, whether domesticated or not;
  - iii. Is a female in heat not confined in a building or secure enclosure in such a manner as to prevent contact with another cat;
  - iv. Habitually or repeatedly, without provocation, chases or attacks pedestrians, bicyclists or other animals being walked on a leash;

## Animal Control Ordinance

- v. Seriously interferes with the reasonable use and enjoyment by neighboring residents of their property because of its howling, whining, crying, or other noise making;
- vi. Without provocation, inflicts on any person serious physical harm requiring treatment by a physician, including but not limited to a bite or scratch that breaks the skin.
- vii. Habitually or repeatedly walks or sleeps on or damages vehicles owned by another.
- viii. Is off the owner's or keeper's property except when the cat can be identified through a currently registered microchip.

(8) Subsection (7)(viii) applies also to ferrets.

(c) Violation.

(1) Determining Violations.

- i. Animal Control or Law Enforcement Officer. An Animal Control Officer or law enforcement officer who observes a violation, of this section, shall provide the owner or keeper of the animal written notification of the nature of the violation(s) in the form of an Abatement Order that shall indicate that unless these violations are abated and measures are taken to prevent their reoccurrence within twenty-four (24) hours or such lesser time as the designated in the notice, the owner shall be required to remove the animal from the County.
- ii. Written Complaint.
  - 1. Upon receipt of a written detailed and signed complaint alleging that any person is maintaining a public nuisance as defined in this Ordinance, the Animal Services Director shall cause the owner or keeper of the animal or animals in question to be notified that a complaint has been received, and shall cause the situation complained upon to be investigated and a written report thereon to be prepared.
  - 2. If the written findings indicate that the complaint is justified, the Animal Services Director shall provide the owner or keeper of the animal written notification of the nature of the violation(s) in the form of an Abatement Order that shall indicate that unless these violations are abated and measures are taken to prevent there reoccurrence within twenty-four (24) hours or such lesser time as the designated in the notice, the owner shall be required to remove the animal from the County.

## Animal Control Ordinance

- (2) Failure to Abate a Violation. If the public nuisance has not been abated after the time indicated in the Abatement Order, then the Animal Service Director shall, notify the owner or keeper in writing that the animal may be impounded or a civil penalty may be issued and/or a criminal summons may be issued.
- (3) Animals Removed from County. The Owner or Keeper of any animal who has been required to remove the animal pursuant to this Section shall, within five (5) days after removal, inform the Administrator or designee in writing of the animal's present location, including the name, address and telephone number of the animal's owner or keeper. If the animal has been destroyed, the Administrator shall be informed of the name, address, and telephone number of the person who destroyed such animal.
- (4) Subsequent Violations. The Animal Services Director or designee may impound an animal if a third verified violation occurs within one year of any other previous violations of this Section.
- (5) Right of Appeal. An Owner or Keeper shall have a right to appeal a citation or removal of an animal under this Section in accordance with Section 4-54 of this Chapter.

### **Sec. 4-46. - Rabies control.**

It shall be unlawful and a violation of this Ordinance for any animal owner, keeper or other person to fail to comply with the laws of North Carolina relating to the control of rabies.

*(Ord. of 6-16-1987, § XVI, eff. 1-1-88)*

### **Sec. 4-47. - Rabies vaccination tag.**

All dogs ~~and cats~~ shall wear a valid rabies vaccination tag. Cats and ferrets are not required to wear tags but the owner or custodian of such animal shall provide proof that the cat or ferret has been vaccinated against rabies. The owner or custodian of all animals required to be vaccinated against rabies shall provide proof of vaccination upon demand of a law enforcement or animal control officer if an animal required to be vaccinated is not wearing a rabies vaccination tag. Failure to produce proof of vaccination may result in such animal being impounded subject to redemption in the manner provided in this Chapter. Such proof being the certificate of vaccination from a licensed veterinarian or a certified rabies vaccinator.

*(Ord. of 6-16-1987, § XVII, eff. 1-1-88; Amend. of 12-2-1996, eff. 1-1-97)*

### **Sec. 4-48. - Applicability to veterinarians.**

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this Ordinance except for the provisions relating to cruelty to animals and rabies control.

*(Ord. of 6-16-1987, § XVIII, eff. 1-1-88)*

## Animal Control Ordinance

### Sec. 4-49. - Reserved.

*Editor's note—*

Section 4-49 entitled kennel standards replaced by Sections 4-71 and 4-72 and derived from Ord. of 6-16-1987, § VIII, eff. 1-1-88; Amend. of 12-3-2007, eff. 7-1-08.

### Sec. 4-50. - Reserved.

*Editor's note—*

Section 4-50 entitled permits and standards for animal collection replaced by Sections 4-96 through 4-99 and derived from Ord. of 6-16-1987, § XX, eff. 1-1-88; Amend. of 12-3-07, eff. 7-1-08.

### Sec. 4-51. - Penalties.

The following penalties shall pertain to violations of this Ordinance.

- (a) The violation of any provision of this Ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in North Carolina General Statutes § 14-4, or other applicable law. Each day's violation of this Ordinance is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes, fees or civil penalties imposed under this Ordinance.
- (b) Enforcement of this Ordinance may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to North Carolina General Statutes § 153A-123 (d) and (e).
- (c) In addition to and independent of any criminal penalties and other sanctions provided in this Ordinance, a violation of this Ordinance may also subject the offender to the civil penalties hereinafter set forth.
  - (1) The Animal Services Director (or designee) may issue to the known owner or keeper of any animal, or to any other violator of the provisions of this Ordinance, a ticket or citation giving notice of the alleged violation(s) and of the civil penalty imposed. Tickets or citations so issued may be delivered in person or mailed by first class mail to the person charged if that person cannot readily be found. The following civil penalties shall be assessed for each violation of this Ordinance.
    - (i) Mistreatment of Animals (Section 4-41) \$200.00
    - (ii) The civil penalty for a nuisance violation (Section 4-45) shall be as follows:

## Animal Control Ordinance

Number of Prior Nuisance Violations	Amount
1	<u>\$100.00</u>
2	<u>\$200.00</u>
3 or more	<u>\$400.00</u>

- (2) This civil penalty shall be paid to the Animal Services Director or his or her designee within 14 days of receipt. This civil penalty is in addition to any other fees, taxes, costs or fines imposed that are authorized by this Ordinance.
- (3) In the event that the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or a criminal summons may be issued against the owner or keeper or other alleged violator of this Ordinance, and upon conviction, the owner shall be punished as provided by State law. Failure on the part of the owner or keeper of an animal or other alleged violator to pay the applicable civil penalty within the time period prescribed is unlawful and a violation of the Ordinance. Unless otherwise provided The civil penalty for violation of this subsection is \$25.00, except where the original violation was for Failure to Vaccinate for Rabies in which case the civil Penalty for violation of this subsection is \$100.00.

*(Ord. of 6-16-87, § XXI, eff. 3-15-88; Amend. of 12-3-07, eff. 7-1-08)*

#### **Sec. 4-52. - Severability.**

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts.

*(Ord. of 6-16-1987, § XXII, eff. 1-1-88)*

#### **Sec. 4-53. – Effective date.**

The foregoing Animal Control Ordinance was adopted this the 16th day of June, 1987. This Ordinance was amended effective \_\_\_\_\_

*(Ord. of 6-16-1987, § XXIII, eff. 1-1-88)*

#### **Sec. 4-54. - Appeals.**

Any appeals of the Chapter shall be to a three member hearing panel comprised of two members of the Orange County Animal Services Advisory Board and one member of either Carrboro, Chapel Hill or Hillsborough so designated by the respective Town or a member of the

## Animal Control Ordinance

public designated by the Board of County Commissioners for this purpose within 5 days of the final decision made in the action.

- (a) A person who has been found to be in violation of this Chapter may appeal the violation by filing a notice of appeal containing a concise statement of the reason for the appeal and delivering it to the Animal Services Director.
- (b) A hearing shall be scheduled within 10 days of the receipt of notice of appeal.
- (c) Neither a party nor the Department shall be represented by an attorney.
- (d) The presiding officer shall administer oaths to all witnesses and make any ruling necessary to preserve fairness, order and proper decorum.
- (e) A person appealing a decision may present evidence or testimony, cross-examine witnesses, inspect documents, and offer evidence or testimony in explanation or rebuttal.
- (f) Any member of the hearing panel may call as a witness and question any interested party who has competent, relevant and material comments about the matters contained within the appeal.
- (g) Members of the hearing panel may exclude and not factor into their decision any evidence, testimony, or statements deemed incompetent, irrelevant, immaterial or unduly repetitious and therefore fail to reasonable address the issues before the hearing panel.
- (h) Within seven days of the hearing the hearing panel shall issue a decision and cause that decision to forward to the person making the appeal and all other interested parties.

The Animal Services Advisory Board may make additional rules necessary to carry appeals in fair and equitable manner. (Does not apply in the Town of Carrboro)

**Secs. 4-55—4-70. - Reserved.**

## Animal Control Ordinance

**DIVISION 2. - KENNEL AND PET SHOP STANDARDS****Sec. 4-71. - Class I kennels.**

- (a) In General. [AM15] A noncommercial or not for profit establishment maintained by any person where animals of any species, excluding domesticated livestock, are kept for the purpose of showing, competition, hunting or sport, and which establishment is so constructed that the animals cannot stray therefrom, and which maintains more than six but less than 19 animals.
- (b) Standards for Class I Kennels. All noncommercial kennels shall, in addition to other requirements of this article, comply with the minimum standards of this section. ~~Owners or operators of class I kennels must apply to the animal control director, pay any designated privilege tax and receive a permit to own or operate a noncommercial kennel in the county. Facilities shall be subject to inspection during reasonable hours by the animal control officer upon his request. Failure to meet the standards set out in this section shall be grounds for the issuance of a citation subjecting the owner to the penalties described in this article, and/or the issuance of an abatement order to comply with the provisions of this article.~~[AM16] The premises at noncommercial kennels shall meet the following standards:
- (1) All enclosures housing animals must provide adequate shelter.
  - (2) The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
  - (3) All animals shall have fresh potable water available at all times.
  - (4) All areas housing animals shall be free of accumulated waste and debris and shall be maintained regularly so as to promote proper health.
  - (5) All areas housing animals shall be free of accumulated or standing water.
  - (6) All animals housed shall be provided with proper veterinary care to promote good health.
- (c) Owners or operators of class I kennels must apply to the Animal Services Director for a Class 1 Kennel Permit and pay any designated privilege tax to receive a permit to own or operate a noncommercial kennel in the county.
- (d) Kennel facilities shall be subject to inspection during reasonable hours by the animal control officer upon his request.
- (e) Failure to meet the standards set out in this section shall be grounds for the issuance of a citation subjecting the owner to the penalties described in this article, and/or the issuance of an abatement order to comply with the provisions of this article.

## Animal Control Ordinance

- (f) Revocation. A permit issued in accordance with this section may be revoked by the Administrator after notice and hearing, for any reason that would have justified denial of the permit in the first instance or for violation of another section of the Chapter. If the Administrator denies or revokes a permit in accordance with this section, the owner or operator shall be notified of their right to appeal such decision in accordance with Section 4-54.

*(Ord. of 6-16-1987, § XIX(B), eff. 1-1-1988)*

### Sec. 4-72. - Class II kennels.

- (a) **In General.** [AM17] Any person maintaining any commercial establishment where animals of any species excluding domesticated livestock, kept for the purpose of breeding, buying, selling, grooming or boarding such animals or engaged in the training of dogs for guard or sentry purposes, and which establishment is so constructed that the animals cannot stray therefrom; or any person owning or keeping 20 or more animals, excluding domesticated livestock, each of which is four months of age or older.
- (b) **Standards for a Class II Kennel.** All commercial kennels shall, in addition to the other requirements of this article including those for a 4-71 above, comply with the minimum standards of this subsection. ~~Owners or operators of Class II kennels must apply to the animal control director, pay any designated fee, and receive a permit to own or operate a Class II commercial kennel in Orange County. Facilities shall be subject to inspection during reasonable hours by an animal control officer upon his or her request. A fee in the amount of \$25.00 shall be assessed against the owners or operators of a facility for failing to permit an inspection pursuant to this subsection in order to defray the costs of repeat travel to the facility. Failure to meet the standards set out herein shall be grounds for the issuance of a citation subjecting the owner to the penalties described herein, and/or the issuance of an abatement order to comply with the provisions of this article~~ [AM18]: The premises of commercial kennels shall meet the following standards:
- (1) Buildings or enclosures must be provided which shall allow adequate protection against extreme weather conditions. Floors of buildings, runs and walls shall be of a nonporous material or otherwise constructed as to permit proper cleaning and disinfecting. Temperatures in animal containments shall be maintained at a level that is healthful for every species of animal in the containment.
  - (2) Cages, kennels or runs shall have sufficient space for each animal to sit, stand up, lie down, turn around and stretch out to its full length without touching the sides or tops of the cage, kennel or run. Cages, kennels and runs are to be of a material and construction that permits cleaning and disinfecting, and shall have an impervious surface. Cage, kennel and run floors of concrete shall have a resting board or some type of bedding. Cages, kennels and runs shall provide protection from the weather. All animal quarters are to be kept clean, dry and in a sanitary condition. Cages, kennels and runs shall be structurally sound and maintained in

## Animal Control Ordinance

good repair to protect animals from potential physical harm, contain the animals, and restrict the entrance of other animals and people.

- (3) Animals shall not be placed in cages, kennels or runs less such cages, kennels or runs are so constructed to prevent animal excreta from entering other cages, kennels or runs.
- (4) Sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.
- (5) Each animal shall be given the opportunity for vigorous daily exercise as appropriate.
- (6) Litter boxes shall be provided for cats and kittens.
- (7) Food shall not be contaminated and shall be wholesome, palatable, and of sufficient quantity and nutritive value and offered at appropriate intervals to meet the normal daily requirements for the condition, size and age of the animal. Food for all animals shall be served in a clean container so mounted that the animals cannot readily tip it over or defecate or urinate in it.
- (8) Supplies of food and bedding shall be stored in facilities that adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.
- (9) All animals shall have fresh, potable water available at all times. Water containers shall be of a removable type and be mounted or secured so that the animals cannot readily tip them over or defecate or urinate in them.
- (10) All food and water containers shall be cleaned and disinfected daily.
- (11) All animals must be fed and watered, and all cages and kennels cleaned each day, including Sundays and holidays.
- (12) Adequate veterinary care shall be provided as needed for each animal.
- (13) Provisions shall be made for the removal and disposal of animal and food waste, bedding and debris.
- (14) Facilities such as a washroom, sink or basin shall be provided to maintain cleanliness among animal caretakers and animal food and water containers.
- (15) Facilities for animals shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air, either by means of windows, doors, vents or air conditioning, and shall be ventilated so as to minimize drafts, odors and moisture condensation.

## Animal Control Ordinance

- (16) Facilities for animals shall have ample light by natural or artificial means or both, of good quality and well distributed and as appropriate for each animal's health and well-being. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Enclosures shall be so placed as to protect the animals from excessive illumination.
- (17) Every person maintaining such a facility shall post a notice clearly visible from the ground level at the main entrance to the facility containing the names, addresses and telephone numbers of persons responsible for the facility where they may be contacted during any hour of the day or night.
- (c) Owners or operators of Class II kennels must apply to the Animal Services Director for a Class II Kennel Permit, pay any designated fee, to receive a permit to own or operate a Class II Kennel in Orange County.
- (d) Kennel Facilities shall be subject to inspection during reasonable hours by an animal control officer upon his or her request. A fee in the amount of \$25.00 shall be assessed against the owners or operators of a facility for failing to permit an inspection pursuant to this subsection in order to defray the costs of repeat travel to the facility.
- (e) Failure to meet the standards set out herein shall be grounds for the issuance of a citation subjecting the owner to the penalties described herein, and/or the issuance of an abatement order to comply with the provisions of this article.
- (f) No person may own or operate a Class II Kennel within the County unless and until such person satisfies the requirements of this section and has been issued any privilege license if required.
- (g) A permit issued in accordance with this section may be revoked by the Administrator after notice and hearing, for any reason that would have justified denial of the permit in the first instance or for other violations of this Chapter. If the Administrator denies or revokes a permit in accordance with this section, the owner or operator shall be notified of their right to appeal such decision in accordance with Section 4-54.

*(Ord. of 6-16-1987, § XIX(A), eff. 1-1-1988; Amend. of 12-3-2007, eff. 7-1-2008)*

### Sec. 4-73. - Pet shops.

- (a) **In general.** [AM19] A person that acquires for the purposes of resale animals, excluding domesticated livestock, bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals at retail or wholesale, or a person that holds or keeps animals, excluding domesticated livestock, for the purpose of cleaning or grooming.

## Animal Control Ordinance

(b) Standards for Pet Shops. All pet shops, including pet shops run in conjunction with another animal facility, shall, in addition to the other requirements of this article, comply with the minimum standards of this section. ~~Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties described in this article, and/or the issuance of an abatement order to comply with the provisions of this article. Owners or operators of pet shops must apply to the animal control director, pay any designated privilege tax and receive a permit to own or operate a pet shop in the county. Facilities shall be subject to inspection during reasonable hours by the animal control officer or other appropriate representative of the animal control officer or other appropriate representative of the animal protection program upon his request.~~<sup>[AM20]</sup> The premises for pet shops shall meet the following standards:

- (1) There shall be available hot water at a minimum temperature of 140 degrees Fahrenheit for washing cages and disinfecting, and cold water easily accessible to all parts of the shop.
- (2) Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be removable for cleaning and be mounted so the animal cannot turn them over or defecate in them.
- (3) The temperature of the area around the animal enclosures in the shop shall be maintained at a level that is healthful for every species of animals kept in the shop.
- (4) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn, lie down and stretch out to its full length without touching the sides or tops of the enclosure, and floors of sufficient strength and design to ensure the animal's limbs or paws cannot pass through the floor material.
- (5) All animals under three months of age are to be fed at least two times per 24 hours. Food for all animals shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food for all animals shall be served in a clean dish so mounted that the animal cannot readily tip it over, and shall be of the removal type.
- (6) Each bird must have a perch and sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages and perches must be cleaned every day, and cages must be disinfected when birds are sold or as otherwise transferred. Parrots and other large birds shall have separate cages from smaller birds.

## Animal Control Ordinance

- (7) There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Provision shall be made for the removal and disposal of animal and food waste, bedding and debris, to ensure the enclosure is maintained in a clean and sanitary manner.
- (8) All animals must be fed and watered and all cages cleaned every day, including Sundays and holidays.
- (c) Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties described in this article, and/or the issuance of an abatement order to comply with the provisions of this article.
- (d) Owners or operators of pet shops must apply to the Animal Services Director for a Pet Shop Permit, pay any designated privilege tax and receive a permit to own or operate a pet shop in the county.
- (e) Facilities shall be subject to inspection during reasonable hours by the animal control officer or other appropriate representative of the animal control officer or other appropriate representative of the animal protection program upon his request.
- (f) No person may own or operate a Pet Shop within the County unless and until such person satisfies the requirements of this section and has been issued any privilege license if required.
- (g) A permit issued in accordance with this section may be revoked by the Administrator after notice and hearing, for any reason that would have justified denial of the permit in the first instance or for other violations of the Chapter. If the Administrator denies or revokes a permit in accordance with this section, the owner or operator shall be notified of their right to appeal such decision in accordance with Section 4-54.

*(Ord. of 6-16-1987, § XIX(C), eff. 1-1-1988)*

### **Sec. 4-74 - Permit procedures.**

The Animal Services Director shall establish procedures to govern the permitting process.

### **Secs. 4-74—4-95. - Reserved.**

## Animal Control Ordinance

**DIVISION 3. - ANIMAL COLLECTION****Sec. 4-96. - Permit required.**

A permit for the collecting of dogs and cats for sale shall be required before any individual may engage in any action in the county in furtherance of any action involving or relating to the collection or procurement of dogs and cats for sale or disposal. A permit allowing such actions will be issued only upon payment of a privilege tax set by the board of commissioners and demonstration by the applicant that the requirements of this division shall be met.

*(Ord. of 6-16-1987, § XX(A)(Preamble), eff. 1-1-1988)*

**Sec. 4-97. - Permit application.**

- (a) An application for a collection permit shall be made by each individual involved in the collecting of dogs and/or cats in the county for the purpose of sale or other disposal. Any such application for the purpose mentioned in this section shall have to be made to the Animal Services Director on a form prescribed by the Animal Services Director.
- (b) An investigation may then be conducted by the Animal Services Director which may include inspection of the premises where the animals are to be kept and any vehicles in which animals are to be transported. A fee in the amount of \$25.00 shall be assessed against an applicant or permit holder for failing to permit an inspection pursuant to this subsection in order to defray the costs of repeat travel.
- (c) Upon the determination by the Animal Services Director or person duly authorized by the Animal Services Director that the requirements of this section have been met and are capable of continuing to be met during the duration of the permit, a permit for no more than one year shall be issued, upon payment of applicable privilege taxes, to the individual applicant only for the specific individual applicant, premises and vehicles listed on the application.
- (d) Application for a permit renewal is the responsibility of the permit holder and shall be made no later than 30 days prior to the expiration of the current permit. Failure to reapply prior to the 30-day limit may result in a civil penalty.
- (e) No individual shall be issued a collection permit unless:
  - (1) The individual is properly licensed by the U.S. Department of Agriculture and/or the state department of agriculture, and such license is unsuspended and unrevoked.
  - (2) The individual complies with this article and all other applicable laws and regulations.

## Animal Control Ordinance

- (3) All requirements of this section have been met.
- (4) The following information shall be provided on or with the application for a collection permit:
  - i. The name, address and telephone number of the applicant.
  - ii. U.S. Department of Agriculture and/or state department of agriculture license number under which the applicant operates.
  - iii. A basic description of the applicant's background, including but not limited to all licenses he may have had for handling or keeping of animals, and all arrests or convictions involving any matter or law in any way pertaining to animals.
  - iv. A complete description, including vehicle identification number and vehicle license number of each vehicle that will be used to collect and/or transport animals.
  - v. The address and location where the animals will be kept or maintained for the five days after collection.

*(Ord. of 6-16-1987, § XX(A)(1), eff. 1-1-1988; Amend. of 12-3-2007, eff. 7-1-08)*

### **Sec. 4-98. - Permit requirements.**

No permit shall be issued or remain valid unless the Animal Services Director or person duly authorized by the Animal Services Director is satisfied that both the vehicles in which the animals will be collected and transported and/or the premises where the animals will be housed meet the following requirements:

- (1) *Premises.* All premises shall meet the same standards as set for class II commercial kennels in [section 4-72](#)
- (2) *Vehicles.*
  - a. Vehicles used to transport animals must be mechanically sound and equipped to provide fresh air to all animals without harmful drafts.
  - b. The sections of the vehicles where the animals are placed are to be constructed and maintained so that engine exhaust fumes cannot get to the animals.
  - c. The sections of the vehicles where the animals are to be kept should be cleaned and disinfected after each use and as needed.
- (3) *Enclosures in or on vehicles.*
  - a. Enclosures, including compartments, cages, cartons or crates, used to transport animals are to be well constructed, well ventilated, and designed in such a way to protect the health and ensure the safety of the animals.
  - b. These enclosures must be constructed or placed on the vehicles so that:
    1. Every animal in the vehicle has sufficient fresh air for normal breathing.
    2. The openings of these enclosures are easily accessible for emergency removals at all times.

## Animal Control Ordinance

3. The animals are adequately protected from the elements, including heat and cold.
4. The animals are adequately protected from one another.
- c. Only animals of the same species shall be transported in the same enclosure. Puppies and kittens under six months of age shall not be transported in the same enclosure with adult animals, other than their mother.
- d. Each enclosure used to transport animals shall be large enough for each animal to stand erect, sit, turn about freely and lie down in a normal position.
- e. Animals shall not be placed in enclosures over other animals while being transported unless each enclosure is so constructed to prevent animal excreta from entering the other enclosures.
- f. All enclosures used to transport animals shall be disinfected after each use and as needed.

### (4) *Care in transit.*

- a. The attendant or driver shall be responsible for inspecting the animals frequently enough to ensure the health and comfort of the animals and to determine if emergency care is needed and to obtain emergency care if needed.
- b. If any animal is in a vehicle for more than three hours, it shall be provided fresh, drinkable water, and food as appropriate.
- c. Each animal in transit shall have a tag affixed to its collar of a type approved by the U.S. Department of Agriculture.

*(Ord. of 6-16-1987, § XX(A)(2), eff. 1-1-1988)*

### **Sec. 4-99. - Records.**

- (a) Every person who sells, gives, exchanges or otherwise delivers any animal to a collector must receive from the collector a written receipt, a copy of which is to be kept by the collector, signed by both the owner or keeper and the collector, stating the following:
  - (1) The number of animals received by the collector.
  - (2) The sex, breed and a general description of each animal received and the U.S. Department of Agriculture number assigned to each animal.

## Animal Control Ordinance

- (3) The name, address and telephone number of the location to which the animal will be taken for the following five days.
- (4) The name, address and telephone number of the collector.
- (5) The name, address and telephone number of the person surrendering the animal.
- (b) A written report containing the information in subsection (a) of this section shall be delivered by the person collecting the animals to Animal Services within 24 hours of the surrender of the animal.
- (d) A record shall be kept of the disposition of every animal collected.
- (e) Every collector shall maintain a copy of all receipts and disposition records for one year.

*(Ord. of 6-16-1987, § XX(A)(3), eff. 1-1-1988)*

### **Sec. 4-100. - Quality assurance program.**

A quality assurance program to ensure adherence to this division shall be carried out within the animal control division.

*(Ord. of 6-16-1987, § XX(B), eff. 1-1-1988)*

### **Sec. 4-101. - Application and enforcement of division.**

The Animal Services Director shall be responsible for the full and proper application of this division. Questions concerning the applicability or interpretation of this division shall be the responsibility of the Animal Services Director.

*(Ord. of 6-16-1987, § XX(C), eff. 1-1-1988)*

### **Secs. 4-102—4-130. - Reserved.**

## Animal Control Ordinance

**DIVISION 1. - DISPLAY OF WILD AND EXOTIC ANIMALS****Sec. 4-131. - Repealed**

*(Ord. of 8-14-2001(1), § 1, eff. 8-14-01)*

**Sec. 4-132. - Display of wild or exotic animals prohibited.**

It shall be unlawful for any person to display or sponsor a display of wild or exotic animals on any public or private property within Orange County.

*(Ord. of 8-14-2001(1), § 2, eff. 8-14-01)*

**Sec. 4-133. - Enforcement.**

Any person displaying or sponsoring a display of a wild or exotic animal at the date that this Ordinance is adopted to prohibit such display shall comply with the Ordinance's prohibition on the display of wild or exotic animals within 30 days of the effective date of this Ordinance. No wild or exotic animals may be displayed that are not permitted by the United States Department of Agriculture nor shall any exotic or wild animal that has been designated a rabies vector species in North Carolina be displayed, except when approved by the Animal Services Director they may be displayed in a manner so as to not come into contact with the public.

*(a) Investigations.* The Orange County Animal Service Department shall investigate any complaints, reports or information that wild or exotic animals are being displayed or will be displayed in Orange County in violation of this Ordinance to determine whether or not a violation has occurred.

(1) If the Orange County Animal Services Department determines that wild or exotic animals are being displayed in Orange County in violation of this Chapter, the investigating officer(s) shall issue a written warning to the person displaying the wild or exotic animal(s). The written notice shall be delivered, via hand delivery to a responsible person or via posting at the site of the display.

(2) The person against whom the warning is issued shall desist all activities in violation of this Ordinance as of the business day the written notice is given.

*(b) Penalties.*

(1) Criminal Offenses - A violation of any provision of this Section constitutes a Class 3 Misdemeanor and shall be punishable as provided in North Carolina General Statutes § 14-4. Each day's continuing violation shall constitute a separate offense.

(2) Civil penalty - A person who violates any of the provisions of this Section shall be subject to a civil penalty of \$250 per animal for each day of the

## Animal Control Ordinance

violation. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by letter. Each day of a continuing violation shall constitute a separate violation. The Administrator shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within 14 days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty.

### (3) Injunctive Relief.

- a. Whenever the Orange County Animal Services Department or the North Carolina Wildlife Resources Commission has cause to believe that any person is violating or threatening to violate this Section, the agency shall report the violation or threatened violation to the Administrator. The Administrator may, either before or after the institution of any other action or proceeding authorized by this Section, institute a civil action in the name of the County of Orange for injunctive relief to restrain the violation of threatened violation.
- b. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil or criminal penalty prescribed for violations of this Section.

*(Ord. of 8-14-2001(1), § 3, eff. 8-14-01)*

### **Sec. 4-134. - Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is declared to be invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are declared to be severable.

*(Ord. of 8-14-2001(1), § 3, eff. 8-14-01)*

### **Secs. 4-135—4-180. - Reserved.**

## Animal Control Ordinance

**DIVISION 2. - KEEPING OF WILD ANIMALS DANGEROUS TO PERSONS AND PROPERTY [4]****Sec. 4-181. - Definitions.**

As used hereinafter, the following term shall mean:

*Wild Animals Dangerous to Persons and Property, hereinafter referred to as "Wild and Dangerous Animals":* The term applies to the following animals: all felines (other than the domestic house cat), nonhuman primates, bears, wolves, coyotes, reptiles (poisonous, crushing and giant), and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the provisions of this Ordinance, the Board may add to or remove from the classification of wild animal any bird, mammal, reptile, aquatic and amphibious forms, or other members of the animal kingdom. Additions to or deletions from the animals regulated herein may be made only if the Board determines, after receiving evidence, that such animals because of habit, mode of life or natural instinct are either capable or incapable of being domesticated, requires the exercise of art, force or skill to keep them safely in subjection, and would or would not create a reasonable likelihood of hazard to the public.

*(Ord. of 8-14-2001(2), § 1, eff. 8-14-01)*

**Sec. 4-182. - Keeping of wild and dangerous animals prohibited.**

No person, firm or corporation shall keep, shelter, feed, harbor, or take care of any wild and dangerous animal within Orange County.

*(Ord. of 8-14-2001(2), § 2, eff. 8-14-01)*

**Sec. 4-183. - Exemptions.**

The provisions of this Ordinance shall not apply to the keeping of wild and dangerous animals as follows, provided, such keeping is in all respects in compliance with applicable federal and state rules and regulations:

- (a) Animals used for teaching and/or research purposes at The University of North Carolina at Chapel Hill.
- (b) Wildlife rehabilitators licensed by the state or the federal government to provide such services.

*(Ord. of 8-14-2001(2), § 3, eff. 8-14-01)*

**Sec. 4-184. - Enforcement.**

- (a) *Investigations.* The Orange County Animal Services Department or the North Carolina Wildlife Resources Commission shall investigate any complaints that a wild animal is possessed or harbored in Orange County in violation of this Ordinance to determine whether or not a violation has occurred.
- (b) *Penalties.*

## Animal Control Ordinance

- (1) Criminal Offenses - A violation of any provision of this Section constitutes a misdemeanor and shall be punishable as provided in North Carolina General Statutes § 14-4. Each day's continuing violation shall constitute a separate offense.
  
- (2) Civil penalty - A person who violates any of the provisions of this Section shall be subject to a civil penalty of \$50.00 per animal. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by letter. Each day of a continuing violation shall constitute a separate violation. The Administrator shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within 14 days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this Ordinance.
  
- (3) Injunctive relief.
  - a. Whenever the Orange County Animal Services Department and the North Carolina Wildlife Resources Commission has cause to believe that any person is violating or threatening to violate this Section, the agency shall report the violation or threatened violation to the Administrator. The Administrator may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the County of Orange for injunctive relief to restrain the violation or threatened violation.
  
  - b. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil or criminal penalty prescribed for violations of this Section.

*(Ord. of 8-14-2001(2), § 4, eff. 8-14-01)*

### **Sec. 4-185. - Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is declared to be invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are declared to be severable.

*(Ord. of 8-14-2001(2), § 5, eff. 8-14-01)*

Animal Control Ordinance

Contents

DIVISION 1. - GENERALLY ..... 3

    Sec. 4-31. - Authority. .... 3

    Sec. 4-32. - Applicability to animal shelter. .... 3

    Sec. 4-33. - Animal control officers..... 3

    Sec. 4-34. - Animal license privilege taxes. .... 4

    Sec. 4-35. - Licenses, permits, registrations, and fees required by this ordinance. .... 4

    Sec. 4-36. - Ordinance..... 5

    Sec. 4-37. - Definitions. .... 6

    Sec. 4-38. - Animal control program..... 10

    Sec. 4-39. - Relation to hunting laws. .... 12

    Sec. 4-40. - Notice in case of physical harm..... 13

    Sec. 4-41. - Mistreatment of animals unlawful..... 13

    Sec. 4-42. - Control of vicious animals; security dogs..... 16

    Sec. 4-43. - Impoundment of animals..... 21

    Sec. 4-44. - Handling of stray animals..... 22

    Sec. 4-45. - Public nuisance..... 22

    Sec. 4-46. - Rabies control..... 25

    Sec. 4-47. - Rabies vaccination tag..... 25

    Sec. 4-48. - Applicability to veterinarians. .... 26

    Sec. 4-49. - Reserved..... 26

    Sec. 4-50. - Reserved..... 26

    Sec. 4-51. - Penalties..... 26

    Sec. 4-52. - Severability..... 27

    Sec. 4-53. – Effective date..... 28

    Sec. 4-54. - Appeals..... 28

    Secs. 4-55—4-70. - Reserved. .... 28

DIVISION 2. - KENNEL AND PET SHOP STANDARDS ..... 29

    Sec. 4-71. – Class I kennels..... 29

    Sec. 4-72. - Class II kennels. .... 30

## Animal Control Ordinance

Sec. 4-73. - Pet shops.....	32
Sec. 4-74 - Permit procedures.....	34
Secs. 4-74—4-95. - Reserved. ....	34
DIVISION 3. - ANIMAL COLLECTION .....	35
Sec. 4-96. - Permit required.....	35
Sec. 4-97. - Permit application.....	35
Sec. 4-98. - Permit requirements.....	36
Sec. 4-99. - Records.....	37
Sec. 4-100. - Quality assurance program.....	38
Sec. 4-101. - Application and enforcement of division.....	38
Secs. 4-102—4-130. - Reserved. ....	38
DIVISION 1. - DISPLAY OF WILD AND EXOTIC ANIMALS.....	39
Sec. 4-131. - Repealed.....	39
Sec. 4-132. - Display of wild or exotic animals prohibited.....	39
Sec. 4-133. - Enforcement.....	39
Sec. 4-134. - Severability.....	40
Secs. 4-135—4-180. - Reserved. ....	40
DIVISION 2. - KEEPING OF WILD ANIMALS DANGEROUS TO PERSONS AND PROPERTY [4].....	41
Sec. 4-181. - Definitions. ....	41
Sec. 4-182. - Keeping of wild and dangerous animals prohibited. ....	41
Sec. 4-183. - Exemptions.....	41
Sec. 4-184. - Enforcement.....	41
Sec. 4-185. - Severability.....	42

## Animal Control Ordinance

### IVISION 1. - GENERALLY

#### Sec. 4-31. - Authority.

This Ordinance is adopted pursuant to the power granted Orange County in N.C. Gen. Stat. §§ 153A-121, 153A-127, 153A-153 and 153A-442.

*(Ord. of 6-16-1987, § I, eff. 1-1-1988)*

#### Sec. 4-32. - Applicability to animal shelter.

Orange County shall operate and maintain a County Animal Shelter for the purpose of impounding or caring for animals held under the authority of state law, this Ordinance or any other county or municipal ordinance. Orange County may contract for the operation of the Animal Shelter as it deems appropriate.

*(Ord. of 6-16-1987, § XVIII, eff. 1-1-1988)*

#### Sec. 4-33. - Animal control officers.

- (a) Orange County may appoint one or more Animal Control Officers. Any County employee designated by the County Manager with the duties of an Animal Control Officer shall also be designated as Animal Cruelty Investigators. Only Orange County employees shall be designated as an Animal Cruelty Investigators.
- (b) Animal Control Officers shall have only the following powers and duties within Orange County and within any municipality therein that has given prior approval therefore:
  - (1) The responsibility for the enforcement of all state and local laws including ordinances, resolutions and proclamations pertaining to the ownership and control of dogs and other animals.
  - (2) To cooperate with the County Health Director and all law enforcement officers in the county and the towns therein and assist in the enforcement of the laws of the state with regard to animals, the vaccination of dogs and cats against rabies, the confinement and leashing of vicious animals, and any other state law applicable to animals or animal control.
  - (3) To investigate reported or observed animal cruelty or animal abuse and make written reports of such investigations and, when requested, provide such reports to animal , appropriate law enforcement officers or the District Attorney's office.
  - (4) To investigate reports of observed harassment or attacks by dogs or other animals against domesticated livestock and to assist in locating those persons owning or harboring the attacking animals.
  - (5) Animal Control Officers shall not have the power to arrest.

## Animal Control Ordinance

### **Sec. 4-34. - Animal license privilege taxes.**

The Owner of every dog or cat over four (4) months of age that is kept within the County shall annually pay to the County, through Orange County Animal Services, a tax on the privilege of keeping such animal within the County.

Orange County may set animal license privilege taxes as allowed by law and set the tax amounts annually as part of the Budget. In order to further the goals of controlling animal population, the taxes of unspayed or unneutered dogs and cats shall be higher than those of neutered animals. Within 30 days of acquisition of an animal for which a license is required, the owner or keeper shall purchase the appropriate county license.

*(Ord. of 3-15-88, § IV, eff. 3-15-88; Amend. of 12-2-96, eff. 1-1-97)*

### **Sec. 4-35. - Licenses, permits, registrations, and fees required by this ordinance.**

- (a) The following licenses, permits, and registrations are required by this Ordinance:
- (1) Licenses for dogs, cats, or other animals designated by either the Board of County Commissioners or other local government body, in their respective Budget Ordinance (see Section 4-34).
  - (2) Registration of patrol dogs or sentry dogs (see Section 4-42(d)).
  - (3) Rabies vaccination tags for dogs and cats (see Section 4-47).
  - (4) Permits for collecting of dogs and cats for sale (see Section 4-96).
  - (5) Permits for commercial (Class II) kennels, non- commercial (Class I) kennels and pet shops (see Sections 4-71 and 4-73).
- (b) The amount of license privilege tax shall be recommended by the Animal ~~Control~~ Services Director and approved by the Board of Commissioners, or other local government body, in its respective Budget Ordinance. The Animal ~~Control~~ Services Director may propose for approval by the Board of Commissioners or other local government body such policies or procedures as may be necessary or appropriate to allow for payment of privilege taxes over extended periods of time, at reduced rates, or a waiver of privilege taxes. Additionally, dog and cat owners or keepers who furnish to the Animal Services Director a statement from a licensed veterinarian that the animal, due to age, physical reasons, or chronic health problems cannot withstand spay/neuter surgery, shall be allowed to pay the license privilege taxes provided for spayed or neutered animals.
- (c) When an animal is impounded under this Ordinance there shall be paid, in accordance with Section 4-43, a redemption privilege tax.

## Animal Control Ordinance

(1) The Redemption Privilege Tax shall be:

Number of Prior Incidents	Redemption or Impoundment Privilege Tax	Redemption or Impoundment Privilege Tax
	<u>Sterilized Animal</u>	<u>Reproductive Animal</u>
0	\$25.00	\$50.00
1	\$50.00	\$100.00
2	\$100.00	\$200.00
3 or more	\$200.00	\$400.00

(2) For reproductive animals with two or more prior incidents, \$100 of the redemption privilege tax shall be considered a sterilization deposit, which may be refunded to the owner if they provide to Animal Services proof of sterilization in the form of a veterinarian record within 90 days of recover of the animal.

(d) In order to defray the costs of administering and enforcing ordinances adopted under this Chapter, and in order to account for the additional costs of locating, responding to and caring for unvaccinated and unlicensed animals found within the County, additional fees shall be assessed as follows if the Owner or Keeper of an animal fails to pay the following fees within the time specified in the Ordinance:

Failure to Vaccinate for Rabies (Section 4-46)	\$ 200.00
Failure to Wear Rabies Tag (Section 4-47)	\$ 50.00
Failure to License (Section 4-35)	\$ 200.00

(e) For any stray animal that has been impounded by Animal Services there shall be a microchip fee that shall be determined by the Board of County Commissioners in the Budget Ordinance.

(f) Inspection fees, as provided in this Chapter, shall be set by the Board of County Commissioners in the Budget Ordinance.

*(Ord. of 6-16-1987, § V, eff. 1-1-1988; Amend. of 12-2-1996, eff. 1-1-1997; Ord. of 12-3-2007, eff. 7-1-2008)*

### **Sec. 4-36. - Ordinance.**

All other Orange County ordinances in conflict with this Ordinance are hereby repealed to the extent they conflict with this Ordinance. The Ordinance to Provide for Animal

## Animal Control Ordinance

Control and Protection in Orange County, adopted May 15, 1979, as amended October 3, 1983, is hereby repealed.

*(Ord. of 6-16-1987, § VI, eff. 1-1-1988)*

### **Sec. 4-37. - Definitions.**

As used in this Chapter, the following terms mean:

*Adequate Food:* The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

*Adequate Shelter:* That shelter which will keep a nonaquatic animal dry, out of the direct path of winds and out of the direct sun, at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a windproof and moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall include four walls, a roof and a solid floor raised up off of the ground, with an opening entrance large enough to allow access to the animal, but placed in such a way as to keep the animal out of the direct path of winds. Metal barrels do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shaving, or the equivalent. For all animals the containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris, and a suitable method of draining shall be provided to rapidly eliminate excess water or moisture. Aquatic or semi-aquatic animals shall have an adequate amount of clean water in which to move. Does not apply to the following domesticated livestock: cattle, oxen, bison, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, llamas, alpacas, lagomorphs, ratites, and poultry (except within municipal corporate limits the term "poultry" applies only to poultry flocks greater than 20 birds).

*Adequate Water:* A constant access to a supply of clean, fresh water provided in a sanitary manner. In near or below freezing temperatures the water must be changed frequently to prevent freezing, unless heated.

*Administrator:* The Animal Services Director, or their designee, as designated by the County Manager to perform the responsibilities assigned by this chapter to the Administrator.

*Animal:* Any live, vertebrate creature specifically including but not limited to dogs, cats, farm animals, birds, fish, livestock, and reptiles.

*Animal Services Director:* That person designated by the Board of Commissioners and the County Manager in Orange County, and where appropriate, his or her designee, charged with the responsibility, discretion and authority to interpret, implement and enforce the Animal Control program in Orange County.

## Animal Control Ordinance

*Animal Shelter:* A place provided and operated by Orange County directly or by contractual agreement, whether jointly with another governmental unit or independently, for the restraint, care, adoption, and disposition of animals.

*At Large:* Any animal shall be deemed to be at large when it is off the property of its owner or its keeper and not under the restraint of a competent person. For purposes of this definition, the term "real property of its owner or keeper" shall include any property owned or occupied by the owner or keeper of such animal but shall not include any of the common areas (including without limitation, walks, drives, recreation and open space areas, etc.) within any subdivision or multifamily residential development.

*Competent Person:* A person of suitable age and discretion to keep an animal under sufficient restraint and control in order to prevent harm to the animal, to persons, to other animals, including but not limited to domesticated livestock, or to property.

*Cruel and Cruel Treatment:* Every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted. Such acts or omissions shall include, but not be limited to: beating, kicking, hanging, submerging under water, suffocating, poisoning, setting on fire, confining in a closed vehicle without functioning air conditioning or ventilation whenever the ambient temperature exceeds seventy (70) degrees Fahrenheit, confining in the closed trunk of a vehicle and depriving of food, water, and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare. Such terms, however, shall not be construed to include lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, lawful activities sponsored by agencies conducting biomedical research or training, lawful activities for sport.

*Display:* Display shall mean any exhibition, act, circus, public show, trade show, photographic opportunity, carnival ride, parade, race, performance, or similar undertaking in which animals are required to perform tricks, fights, wrestle or participate in performances for the amusement or entertainment of an audience, whether or not a fee is charged. "Display" shall not include the use or exhibition of animals for animal-related educational purposes by non-profit groups or institutions or individuals. "Displayed" means to be the subject thereof.

*Domestic Animal:* A domesticated or tame animal that is kept principally as a pet, except that livestock (other than rabbits kept as pets and not for productive purposes) and wild animals shall not be regarded as domestic animals.

*Domesticated Livestock:* Livestock raised for the production of meat, milk, eggs, fiber, or used for draft or equestrian purposes, including but not limited to cattle, sheep, goats, swine, horses, mules, rabbits, and poultry.

*Educational Purposes:* Teaching and instructing with the intent and effect of imparting knowledge to others.

## Animal Control Ordinance

*Exotic animals:* Exotic animals are animals other than domestic animals, farm animals, and wild animals which are not native to North Carolina, or are native to North Carolina but have been captive-bred.

*Exposed to Rabies:* An animal has been exposed to rabies within the meaning of this Ordinance if it has been bitten by, or otherwise come into contact with the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis.

*Harbor:* An animal shall be deemed to be harbored if it is fed or sheltered by the same person or household for 72 consecutive hours or more.

*Health Department:* Orange County Health Department.

*Health Director:* Director of the Orange County Health Department.

*Keeper:* A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person, whether or not that person literally "owns" the animal. Every person 18 years or older residing in the dwelling unit where a pet is harbored and/or kept shall be deemed a keeper for purposes of this Ordinance.

*Leash-free Area:* An area in a Town or County designated by the governing body of said Town or County which permits an animal to go free from physical restraint. Does not apply to animals deemed vicious, potentially dangerous or dangerous.

*Other Local Government Body (Bodies):* The Towns of Carrboro, Chapel Hill and Hillsborough and those parts of the City of Durham located in Orange County.

*Owner:* Any person who owns any animal and is responsible for its care, actions, and behavior.

*Owner or Keeper's Premises:* Any real, owned or leased, property of the owner of an animal; excluding any public right-of-way, or common area of a condominium, apartment complex or townhouse development.

*Person:* Any individual, family, group of individuals, corporation, partnership, organization, or institution recognized by law as a person.

*Physical Harm:* Any injury which is serious enough to require immediate medical attention.

*Provocation:* Any act that would reasonably be expected to cause an animal to defend itself, its young, its owner or keeper or the property of said owner or keeper.

*Restraint:* An animal is under restraint if it is under sufficient physical restraint such as a leash, cage, bridle, or similar effective and humane device which restrains and controls the animal, or within a vehicle, or adequately contained by a fence on the

## Animal Control Ordinance

premises or other secure enclosure as permitted in this Ordinance. If a competent adult is physically outside on the land with the animal, on land where the owner or keeper of the animal resides, then the animal shall be deemed to be under restraint during the time the animal is in the company of and under the control of that competent person and the animal is on the premises. If any unattended animal is restrained by a chain, leash or similar restraint, it shall be designated and placed to prevent choking or strangulation. Such chain or restraint shall not be less than ten feet in length and shall be on a swivel designed to prevent the animal from choking or strangling itself. The restraint of unattended dogs by a fence, kennel, outdoor enclosure, chain, leash or similar restraint is further regulated under this Ordinance.

*Security Dog:* Any dog used, kept or maintained on the premises of its owner or keeper for the purpose of protecting any person or property. Any such dog shall be further classified as a patrol dog or sentry dog.

- (a) *Patrol dog:* A dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.
- (b) *Sentry dog:* A dog that is trained or conditioned to attack or otherwise respond aggressively without command.

*Secure Enclosure:* An enclosure from which an animal cannot escape by means of digging under or jumping over the enclosure, or otherwise becoming free unless freed by the owner or keeper. A motor vehicle shall not constitute a secure enclosure. Minimum space and height requirements and other specifications for secure enclosures shall be obtained from the Animal Services Director based on breed, age, height, weight, temperament, and history of the animal.

*Serious physical harm:* Any physical injury that results in broken bones, or disfiguring lacerations or requires cosmetic surgery or hospitalization.

*Steel Jaw Trap:* Spring-powered devices or traps which capture or hold an animal by exerting a lateral force with fix mounted jaws on the leg, toe, paw, or any other part of the animal's body.

*Stray:* Any domestic animal that is not under restraint or is not on the property of its owner and is wandering at large, or is lost, or does not have an owner, or does not bear evidence of the identification of any owner.

*Suspected of Having Rabies:* An animal which has bitten a person or another animal.

*Tethering:* To restrain a dog outdoors by means of a rope, chain, wire or other type of line for holding a dog one end of which is fastened to the dog and the opposite end of which is connected to a stationary object or to a cable or trolley system. This does not include walking a dog with a handheld leash.

## Animal Control Ordinance

*Veterinary Hospital:* Any place or establishment which is maintained and operated under the supervision of a licensed veterinarian as a hospital where animals are harbored, boarded and cared for incidental to the treatment, prevention or alleviation of disease processes during the routine practice of the profession of veterinary medicine for surgery, diagnosis and treatment of diseases and injuries of animals.

*Wild Animals:* An animal (other than livestock) that typically is found in a non-domesticated state and that, because of its size or vicious propensity or because it is poisonous, venomous or for any other substantial reason, poses a potential danger to persons, other animals or property, whether bred in the wild or in captivity and includes any or all hybrids bred with these animals and domestic species.

*(Ord. of 6-16-1987, § VII, eff. 1-1-1988; Amend. of 12-2-1996, eff. 1-1-1997; Amend. of 11-18-08, eff. 11-19-08)*

### **Sec. 4-38. - Animal control program.**

The Orange County Animal Control Program, as herein described and as otherwise described in other County ordinances related to animals and as otherwise described in the laws of North Carolina, shall be administered by the Animal Services Director. Specifically:

- (a) The Animal Services ~~Control~~ Director shall have the duties of Animal Control Officer and direct the duties of designated County employees or agents in carrying the enforcement of this Ordinance as Animal Control Officers including the duties of a Rabies Control Officers and Animal Cruelty Investigator.
- (b) Except as may be otherwise provided by law, no officer, agent, or employee of the County charged with the duty of enforcing the provisions of this Ordinance or other applicable laws, shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duty unless he or she acts with actual malice.
- (c) It shall be unlawful for any person to interfere with, hinder, or molest any Animal Control or police officer while in the performance of any duty authorized by this Ordinance, ~~or the Animal Control Program~~, or to seek to release any animal in the custody of said agents, except in the manner as herein provided.
- (d) Animal Control Officers are not authorized to carry on their person firearms of any kind except as provided herein. The Orange County Animal Control Program may store firearms at the Animal Services Department and use those firearms when necessary to enforce sections of this Chapter or under applicable law for the control of wild, vicious, or diseased animals.

## Animal Control Ordinance

- (1) Any Animal Control Officer or law enforcement officer, in carrying out their duties under this Chapter, shall make every effort to deal humanely with all animals.
  - (2) An Animal Control Officer or law enforcement officer may inject an animal with a chemical tranquilizer which will result in limiting the activity of an animal, when in the officer's judgment any attempt to seize the animal would be dangerous to the person attempting the seizure, the animal, or the public at large.
  - (3) An Animal Control Officer or law enforcement officer may humanely put an animal to death, if in the judgment of the officer an attempt to otherwise seize or impound the animal would be dangerous to the officer or others. It is the intent of this subsection that the killing of an animal would be done only after, within the sole discretion of the officer, other reasonable procedures are judged impossible.
- (e) The Animal Control Program shall:
- (1) Have the responsibility along with law enforcement agencies and where applicable with animal control officers to enforce all laws of North Carolina and all ordinances of Orange County pertaining to animals and shall cooperate with all law enforcement officers within Orange County in fulfilling this duty. Animal Control Officers in the performance of their duties, shall have all the power, authority, and immunity granted under this Ordinance and by the general laws of this State to enforce the provisions of this Ordinance, and the laws of North Carolina as they relate to the care, treatment, control or impounding of animals. All investigations of reported or observed animal cruelty or animal abuse shall be the responsibility of and shall be carried out by the Animal Control Officers.
  - (2) Enforce and carry out all laws of North Carolina and all ordinances of Orange County pertaining to rabies control.
  - (3) Be responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat exposed to or suspected of having rabies, for a period of not less than ten days, and for reporting to the Health Director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.
  - (4) Be responsible for the investigation of reports or observations of incidents of harassment of or injuries to domesticated livestock caused by animals.

## Animal Control Ordinance

- (5) Be responsible for the seizure and arranging for the impoundment, where deemed necessary, of any dog or other animal in Orange County involved in a violation of this or any other County ordinance or state law.
- (6) Investigate cruelty or abuse with regard to animals.
- (7) Make such investigations or inquiries as necessary for the purpose of ascertaining compliance with this Ordinance or applicable state statute.
- (8) Keep, or cause to be kept, accurate and detailed records of:
  - i. Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program.
  - ii. Bite cases, violations and complaints, and investigation of same, including names and addresses of persons bitten, date, circumstances, and breed.
  - iii. Any other matters deemed necessary by the Animal Control Services Director.
- (9) Be empowered to issue citations or notices of violation of this Ordinance in such form as the Animal Control Services Director may prescribe.
- (10) Have employees who are trained to standards to be established by the Animal Services Director, which training shall include, but not be limited to, training in animal first aid taught by a licensed veterinarian.
- (11) The premises for all Animal Shelters operated by or for the County shall meet the standards prescribed for commercial (Class II) kennels set out in [Section 4-72](#) of this Ordinance.
- (12) The standards applicable to vehicles and care in transportation set out in [Section 4-98](#) apply to Animal Control Officers collecting, transporting, or holding animals in this County.

*(Ord. of 6-16-1987, § VIII, eff. 1-1-88)*

### **Sec. 4-39. - Relation to hunting laws.**

Nothing in this Ordinance is intended to be in conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies only while the dogs are under the control of the owner, keeper, or competent person, and are actually lawfully being used for hunting

## Animal Control Ordinance

or training for hunting in compliance with applicable statutes, regulations, or ordinances. This Ordinance should be read and enforced consistent with any such law.

*(Ord. of 6-16-1987, § IX, eff. 1-1-88)*

### **Sec. 4-40. - Notice in case of physical harm.**

It shall be unlawful for any person who causes physical harm to an animal, including but not limited to, running over or hitting the animal with any vehicle, to fail to notify immediately at least one of the following:

- a. The owner(s) or keeper(s) of the animal (if known or ascertainable with reasonable efforts made to locate the owner or keeper),
- b. An Animal Control Officer,
- c. Local law enforcement agency, or
- d. Orange County Animal Services.

*(Ord. of 6-16-1987, § X, eff. 1-1-88)*

### **Sec. 4-41. - Mistreatment of animals unlawful.**

The following acts or failure to act relating to the mistreatment of animals are unlawful and violations of this Ordinance:

- a. It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food and water, with respect to domesticated animals or wild animals in captivity or under restraint, it shall additionally be unlawful to deprive or cause to be deprived any such animal of adequate shelter or veterinary care.
- b. It shall be unlawful for any person to sell or offer for sale, barter or give away within the County baby chickens, baby ducklings or other fowl under six weeks of age or rabbits under eight weeks of age as pets, toys, premiums or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings or other fowl or such rabbits in proper facilities with adequate food, water, and shelter, by breeders or stores engaged in the business of selling the animals for purposes other than as pets or novelties.
- c. It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.
- d. It shall be unlawful for any person to tether any fowl.

## Animal Control Ordinance

- e. It shall be unlawful to restrain any animal except in a humane fashion as set forth in Section 4-37 above and Section 4-41 below. (Does not apply to Chapel Hill and Carrboro)
- f. It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on or off the property of its owner or keeper, except a stray animal may be seized when trying to capture it.
- g. It shall be unlawful to possess any paraphernalia related to dog, cock or other animal fighting, with the intent that the paraphernalia be used to train or feature in an exhibition the baiting of dog, cock or other animal or the fighting of a dog, cock or other animal with another dog, cock or other animal.
- h. It shall be unlawful for any person to transport an animal in the closed trunk of a vehicle, or closed compartment on a vehicle or trailer when the ambient temperature in the vicinity of the vehicle or trailer is greater than or equal to 70 degrees F.
- i. It shall be unlawful for any person to commit any of the acts made unlawful under the provisions of North Carolina General Statutes §§ 14-360 and 14-362, as the same relate to a dog or dogs, or to commit any other act made unlawful by any other law of the State of North Carolina relating to animal fighting or animal baiting. The repeal of such law or laws of the State of North Carolina shall have no effect upon this Section, and the acts herein made unlawful shall, in the event of such repeal, be those referred to in said law or laws immediately prior to such repeal.
- j. It shall be unlawful for any person to abandon or forsake any animal within the County.
- k. It shall be unlawful for any person to restrain a dog using a chain, wire or other type of tethering device in a manner prohibited by this subsection. (Does not apply in Chapel Hill or Carrboro)
  - (1) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a tree, fence, post, dog house, or other stationary object for more than a total of three hours in a 24-hour period. During periods of tethering that are not unlawful under this subsection, any tethering device used shall be at least ten feet in length and attached in such manner as to prevent strangulation or other physical harm to the dog and entanglement with objects.

## Animal Control Ordinance

In no event shall the time limitations established by this subsection 4-41(k)(1) & (2) below be added together to allow for tethering, fastening, chaining, tying, or restraining to either a stationary object or to a cable trolley system for more than a total of three hours in a 24-hour period.

- (2) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a cable trolley system, that allows movement of the restraining device, for more than a total of three hours in a 24-hour period. During periods of tethering that are not unlawful under this subsection, the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the dog is able to move ten feet away from the cable perpendicularly and attached in such a manner as to prevent strangulation or other physical harm to the dog and entanglement with objects.
- (3) No person shall tether a dog with a chain or wire or other device to, or cause such attachment to, any collar other than a buckle type collar or body harness.
- (4) No person shall tether with a chain or wire or other device to, or cause such attachment to, a head harness, choke-type collar or pronged collar to a dog.
- (5) No person shall tether with a chain, wire or other device to a dog where the weight of the tethering device and the collar combined exceeds ten percent of the dog's body weight.
- (6) No person shall tether with a chain or wire or other device a dog in such manner that does not allow the dog access to adequate food, water, and shelter.
- (7) Notwithstanding the provisions of subsections 4-41(k)(1) & (2) of this subsection, a person may, subject to the provisions of subsections 4-41(k)(3)—(6), and subject to the requirement that any stationary tethering device used shall be at least ten feet in length, and subject to the requirement that for any cable trolley system used the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the dog is able to move ten feet away from the cable perpendicularly:
  - a. Tether and restrain a dog while actively engaged in:
    - i. Use of the dog in shepherding or herding livestock, or
    - ii. Use of the dog in the business of cultivating agricultural products, if the restraining is reasonably necessary for the safety of the dog, or

## Animal Control Ordinance

- iii. Use of the dog in lawful hunting activities if the restraint is reasonably necessary for the safety of the dog, or
  - iv. Use of the dog at dog training or performance events, including but not limited to field trials and obedience trials where tethering does not occur for a period exceeding seven consecutive days, or
  - v. Camping or other recreation where tethering is required by the camping or recreational area where the dog is located, or
  - vi. Any activity where a tethered dog is in visual range of its Owner or Keeper, and the Owner or Keeper is located outside with the dog.
- b. After taking possession of a dog that appears to be a stray dog and after having advised animal control authorities of the capture of the dog, tether and restrain the dog in accordance with the provisions of [Section 4-41](#) for a period not to exceed seven days as the person having taken possession of the dog is seeking the identity of the owner of the dog.
- c. Walk a dog with a handheld leash.
- d. Any dog that is kept in violation of [Section 4-41](#) of this Ordinance may be seized and subsequently impounded in accordance with [Section 4-43](#) of this Ordinance until such a time as the Animal Control Services Director is reasonably assured that the dog will not be subject to restraint in violation of this Ordinance. The Animal Control Services Director shall post a notice at the place of the illegal restraint, or at such other location, that is designed to reasonably apprise the Owner or Keeper of the dog, the place, date and time the dog was seized along with the location where the dog was taken. Such notice shall clearly state that the dog may be returned to the Owner or Keeper upon providing reasonable assurances to the Animal Control Services Director that the dog will not be subject to restraint in violation of this Ordinance.

*(Ord. of 6-16-1987, § XI, eff. 1-1-88; Amend. of 11-18-2008, eff. 11-19-09)*

### **Sec. 4-42. - Control of vicious animals; security dogs.**

- (a) In General. It shall be unlawful for any person to keep any vicious animal within the County, unless under restraint and on the premises of the owner or keeper.
- (b) Vicious Animal. Any animal, on or off the premises of its owner or keeper, which is three (3) months of age or older and which:

## Animal Control Ordinance

- (1) Without provocation has bitten, killed or caused physical harm through bite(s) to a person; or
- (2) Without provocation has attempted to bite a person or cause physical harm through bite(s) to a person; or
- (3) Without provocation has injured, maimed or killed a pet or domestic livestock, except where such animal has bitten or killed a pet or domestic livestock that is on the land of another without permission or is defending a person; or
- (4) Has been deemed potentially dangerous or dangerous in accordance with N.C. Gen. Stat. Chapter 67, Article 1A. Dangerous Dog.

(c) Declaration of Vicious Animal.

- (1) Upon observation by an Animal Control or law enforcement officer or receipt of a written complaint that an animal is behaving or has behaved viciously and is at large or is off the premises of its owner or keeper and is not restrained by a competent person, an Animal Control Officer may impound the animal and investigate the complaint and, upon a finding that there is probable cause to believe a violation of this Ordinance or other applicable law or regulation has occurred, shall take any action allowed by this Ordinance or State law as the circumstances may require.
- (2) Any animal who, after investigation by an Animal Control officer, is found by the Animal Services Director to have committed any act described in (b) above may, in the Animal Services Director's sole discretion, be declared vicious and is subject to this Section of the Ordinance.

(d) Effect of Declaration.

- (1) Permitted Locations. A vicious animal shall be permitted at the following locations only:
  - (a) On the premises of the owner or keeper either confined indoors or in a secure enclosure when outdoors;
    - i. Secure Enclosure. The owner or keeper of a declared vicious animal is required to keep the animal securely confined indoors or in a securely enclosed and locked pen or structure. The pen or structure must be suitable to prevent the entry of young children and designed to prevent the animal from escaping; it must provide the animal with protection from the elements; and must be inspected by an animal control officer and approved by the Animal Services Director prior to use by the animal declared vicious.

## Animal Control Ordinance

- ii. Annual Inspection. An Animal Control Officer shall inspect the secured enclosure of all animals deemed vicious at least once a year to assure that the standards are maintained. There will be an inspection fee as provided by the Orange County Board of Commissioners.
    - (b) On private property, with the authorization of the owner of the property;
    - (c) At a licensed veterinarian for treatment;
    - (d) In a motor vehicle while being transported;
    - (e) Off the owner's or keeper's property provided it is muzzled and controlled by means of a chain, leash or other like device by a competent adult able to restrain the animal.
- (2) When going to and from a Permitted Location or a Secured Enclosure an animal declared vicious off the owner's or keeper's property must be muzzled and controlled by means of a chain, leash or other like device by a competent adult able to restrain the animal.
- (3) There must be posted on the premises of the owner or keeper placards or signs noting "Beware of Dog" or other information noting the presence of a vicious animal placed in a manner reasonable likely to come to the attention of an intruder,
- (4) Any animal declared vicious must receive a microchip prior to the animal being reclaimed if impounded. If the animal was not impounded and it is declared vicious the owner must provide proof to animal services that the animal has received a microchip within 30 days of having received notice that the dog has been declared vicious.
- (e) Exceptions. The provisions of this Section do not apply to:
  - (1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
  - (2) A dog being used in a lawful hunt;
  - (3) A dog who was working as a hunting, herding or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or physical harm was to a species or type of domestic animal appropriate to the work of the dog; or
  - (4) A dog where the physical harm inflicted by the dog was sustained by a person who, at the time of the physical harm was:

## Animal Control Ordinance

- a. On the owner's or keeper's property that has been posted with placards or signs noting the presence of such animal or "No Trespassing" in a manner reasonably likely to come to the attention of an intruder;
  - b. Committing a willful trespass or other, which shall be determined by looking at the totality of the circumstances;
  - c. Tormenting, abusing, or assaulting the dog or ~~has~~ attempting to torment, abuse, or assault the dog; or
  - d. Committing or attempting to commit a crime.
- (5) Security dogs are subject to all other provisions of this Ordinance while off the premises of their owner or keeper.
- (f) An animal which has been declared vicious may be impounded by the Animal Control Officer, either upon direct observation of the Animal Control Officer or law enforcement officer or receipt of written complaint that the animal is at large, or off the premises of its owner or keeper and not restrained by a competent person, or not confined in a manner permitted in subsection (d) above.
- (1) **Written Complaint.** Upon receipt of a written complaint that an animal previously declared vicious was off the owner or keeper property while not properly restrained and there is probable cause to believe a violation of this Ordinance or other applicable law or regulation has occurred, an Animal Control Officer may impound the animal and investigate the complaint.
- (2) If an animal is impounded as vicious, authorization for reclamation after any required holding period shall be granted when in the sole discretion of the Animal Services Director, or their designee, they are reasonably assured that either the animal is not vicious or the vicious animal will be properly restrained on the premises of its owner or keeper.
- (3) Upon a finding that there is probable cause to believe a violation of this Ordinance or other applicable law or regulation has occurred, the Officer may seize the animal and take any action allowed by this Ordinance or State law as the circumstances may require.
- (g) **Citation.** The Animal Control Officer shall issue a citation to the owner or keeper for actions described in section b. 1 - 4. Citations may be delivered in person or by registered mail if the owner or keeper is not readily found. The citation issued shall impose upon the owner or keeper a civil penalty of one hundred dollars (\$100.00), or any other amount prescribed by the Orange County Board of Commissioners.

## Animal Control Ordinance

- (1) The violator must pay the citation to the Orange County Animal Services within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty. This penalty is in addition to any other fees or remedies authorized under this Chapter.
- (2) In the event that the owner or keeper of the animal does not appear in response to the described citation, the civil penalty is not paid within the time period prescribed, or if the animal previously has been declared vicious upon payment of a citation or the conviction of the owner or keeper a criminal summons may be issued against the owner or keeper for violation of this chapter and upon conviction, the owner or keeper shall be punished as provided by this Ordinance.
- (3) Upon the issuance of a citation for an animal which has committed any of the acts described in this Section, the animal must be confined either in the home of the owner or keeper, at an animal shelter, a kennel as provided in Sections 4-71 and 4-72 below or a veterinarian's office until such time that the required pen is constructed, the animal is destroyed, or a judge finds that the animal is not a vicious animal.
- (4) The Animal Services Director has the authority at any time to require that a vicious animal not be kept in the owner's or keeper's home. The animal must stay confined through any legal appeals. The owner or keeper shall be responsible for the costs incurred in the animal's confinement. If the animal is found not to be a vicious animal, the County shall be responsible for the cost of animals kept at the Animal Services facility for that purpose.

### (h) Effect of Citation.

- (1) Upon payment of a citation or the conviction of the owner or keeper for having an animal which without provocation has committed any of the acts described in subsection (b) above, said animal is declared a vicious animal.
- (2) Upon the payment of a citation or the conviction of the owner or keeper for having an animal which on or off the property of the owner or keeper and without provocation has killed or caused life threatening injuries through bite(s) to a person, the animal will be seized by the animal control officer and destroyed in a humane manner.
- (3) Any animal previously declared vicious upon the payment of a citation or by conviction of the owner or keeper for a violation of this subsection, that commits a subsequent violation of the subsection, will cause the owner or keeper to be charged with that violation. Upon the owner or keeper's conviction of that violation, the animal will be destroyed in a humane manner.
- (4) Any violation of this section may be a misdemeanor and subject to a fine of five hundred dollars (\$500.00) or imprisonment of not more than thirty (30) days.

## Animal Control Ordinance

(5) All persons owning security dogs as defined by this Ordinance shall register such animals with the Animal Services Director; the owner or keeper of any such dog shall place signs or placards on his premises noting "Beware of Dog" or other information noting the presence of security dog(s).

(j) Appeal. Any declaration that an animal is "vicious" may be appealed to the Orange County Animal Services Advisory Board as provided in this Chapter.

### **Sec. 4-43. - Impoundment of animals.**

Any animal found at large, found not to be wearing a currently valid rabies tag, has been declared vicious and is outside not in a secure pen or on a restraint, that is a danger to the public or for any other reason designated in this Chapter is a public nuisance and may be impounded and confined in the Animal Shelter in a humane manner for a period hereinafter prescribed:

- (a) Owner notification. Immediately upon impounding any animal, the Animal Services Director or designee shall attempt to notify the owner or keeper by either telephone or in person to inform that person of such impoundment, and the conditions whereby the animal may be redeemed. If unable to give notice by telephone, an official, dated, written notice shall be mailed to the registered owner by certified mail, return receipt requested, giving notice of the impoundment and the conditions whereby the animal may be redeemed.
- (b) Reclamation. A domesticated animal impounded under this Chapter may be reclaimed by its owner or keeper according to procedures of Animal Services. The owner or keeper of an impounded domesticated animal shall be responsible for and shall pay all expenses, boarding costs, redemption privilege taxes and costs associated with such impoundment prior to reclaiming the animal. Unless reclaimed, the impounded domesticated animal may be allowed to be adopted or humanely euthanized according to Animal Services procedures after five days of impoundment. Feral dogs and cats may be held for 72 hours and then euthanized pursuant to Animal Services procedures for humane euthanasia. The owner or keeper of an impounded domesticated animal shall also comply with any vaccination and licensing directives and be responsible for the payment to Orange County of all civil penalties and license privilege taxes imposed or associated with the animal's impoundment as prescribed in any citation or notice issued by the Animal Services Director. Animals who have impounded in accordance with N.C. Gen. Stat. 130A-196, after having bitten a person not reclaimed within 72 hours after the end of the quarantine period will be considered abandoned and will become the property of the Orange County and disposed of according to standard Animal Services procedures.
- (c) Release to Owner. An owner of an impounded animal may reclaim the animal after it has been impounded, upon compliance with this Section and in accordance with requirements set forth by the Animal Services Director. Nothing in this Chapter shall require the Animal Services Director to release an animal that has been impounded that is need of protection because of cruel treatment.

## Animal Control Ordinance

- (d) Diseased or injured animals. Severely diseased or badly injured animals may be euthanized in a humane manner, if authorized by a licensed veterinarian, without waiting the required redemption or adoption period.
- (e) Confinement Order. In lieu of impoundment, the Animal Control Services Director is authorized to issue a Confinement Order to the animal owner or keeper that would require the owner or keeper to confine a vicious animal or an animal otherwise violating provisions of the Ordinance. Failure to thus confine the animal would constitute a further violation of the Ordinance, subjecting the owner to appropriate criminal or civil penalties.

*(Ord. of 6-16-1987, § XIII, eff. 1-1-88; Amend. of 12-2-96, eff. 1-1-97)*

### **Sec. 4-44. - Handling of stray animals.**

It shall be unlawful for any person, without the consent of the Owner or Keeper, knowingly and intentionally to harbor, feed, keep in possession by confinement or otherwise any animal that does not belong to him, unless he has, within 72 hours from the time such animal came into his possession, notified Animal Services.

- (a) Any animal at large may in a humane manner be seized, impounded, and confined in the Animal Shelter and thereafter adopted out or disposed of pursuant to procedures of Animal Services and applicable State law.
- (b) Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty which may be imposed for violation of this Chapter.
- (c) Any animal seized and impounded that is badly wounded or diseased and has no identification, may be euthanized pursuant to procedures of Animal Services. If the animal has rabies or is suspected of having rabies, the body shall be disposed of in accordance with applicable state regulations. If the animal has identification, Animal Services shall attempt to notify the owner or keeper before euthanizing such animal; in any event, and except as may be otherwise provided by law, Animal Services shall have no liability for euthanizing wounded or diseased animals when such action is taken upon the advice or recommendation of a veterinarian who has been advised of the animal's condition.
- (d) Any cat or dog impounded must receive a microchip, at the expense of its owner, prior to recovery by its owner.

*(Ord. of 6-16-1987, § XIV, eff. 1-1-88)*

### **Sec. 4-45. - Public nuisance.**

- (a) It shall be unlawful for an owner or keeper to permit an animal or animals to create a public nuisance, or to maintain a public nuisance created by an animal or animals.

## Animal Control Ordinance

- (b) Prima Facie Evidence. Actions deemed prima facie evidence of a public nuisance include the following activities of any animal, or conditions maintained or permitted by the animal's owner or keeper:
- (1) Habitually or repeatedly, without provocation, chasing, snapping at or attacking pedestrians, bicycles, persons lawfully entering the property to provide a service, other animals being walked on a leash, or vehicles even if the animal never leaves the owner's property, except that this provision shall not apply if such animal is restrained by a pen, fence, or other secure enclosure. For purposes of this section, an "underground fence" shall only be considered secure if it in fact contains the animal and a small sign or other notification is present to alert others that the animal is restrained.
  - (2) Interfering with the reasonable use and enjoyment by neighboring residents of their property because of its odor or excessive noise making. For purposes of this subsection, excessive noise making shall include repeated episodes of barking, howling, whining, crying, or crowing only if the rooster is within the town limits or Carrboro, Chapel Hill, or Hillsborough.
  - (3) A female dog that is not confined while in heat in a building or secure enclosure in such a manner that she will not be in contact with another animal, provided that this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner or keeper of an animal involved in the breeding process.
  - (4) Damages the property of anyone other than its owner or keeper, including but not limited to, turning over garbage containers or damaging gardens, flowers, shrubbery, vegetables or trees, fences or gates, or causing physical harm to domesticated livestock or pets.
  - (5) Without provocation, inflicts on any person serious physical harm requiring treatment by a physician, including but not limited to a bite or scratch that breaks the skin.
  - (6) Any large animal off the premises of the owner or keeper; except in the case of domestic livestock the Animal Services Director, or their designee, shall have the discretion to determine a violation when the animal, in their judgment, presents a danger to the public, is destroying or damaging property, is violating property rights, or has been habitually at large.
  - (7) The provisions of subsections (1) through (5) above of this section shall not apply to cats. However, a cat may be deemed a public nuisance when off the premises of its owner or keeper when it:
    - i. Habitually or repeatedly defecate or urinate in children's sandboxes, gardens, flower beds or other private property without the permission of the property

## Animal Control Ordinance

owner;

- ii. Habitually or repeatedly injure or kill animals or birds, whether domesticated or not;
- iii. Is a female in heat not confined in a building or secure enclosure in such a manner as to prevent contact with another cat;
- iv. Habitually or repeatedly, without provocation, chases or attacks pedestrians, bicyclists or other animals being walked on a leash;
- v. Seriously interferes with the reasonable use and enjoyment by neighboring residents of their property because of its howling, whining, crying, or other noise making;
- vi. Without provocation, inflicts on any person serious physical harm requiring treatment by a physician, including but not limited to a bite or scratch that breaks the skin.
- vii. Habitually or repeatedly walks or sleeps on or damages vehicles owned by another.
- viii. Is off the owner's or keeper's property except when the cat can be identified through a currently registered microchip.

(8) Subsection (7)(viii) applies also to ferrets.

(c) Violation.

(1) Determining Violations.

- i. **Animal Control or Law Enforcement Officer.** An Animal Control Officer or law enforcement officer who observes a violation, of this section, shall provide the owner or keeper of the animal written notification of the nature of the violation(s) in the form of an Abatement Order that shall indicate that unless these violations are abated and measures are taken to prevent their reoccurrence within twenty-four (24) hours or such lesser time as the designated in the notice, the owner shall be required to remove the animal from the County.
- ii. **Written Complaint.**
  - 1. Upon receipt of a written detailed and signed complaint alleging that any person is maintaining a public nuisance as defined in this Ordinance, the Animal Services Director shall cause the owner or keeper of the animal or animals in question to be notified that a complaint has been received, and shall cause the situation

## Animal Control Ordinance

complained upon to be investigated and a written report thereon to be prepared.

2. If the written findings indicate that the complaint is justified, the Animal Services Director shall provide the owner or keeper of the animal written notification of the nature of the violation(s) in the form of an Abatement Order that shall indicate that unless these violations are abated and measures are taken to prevent there reoccurrence within twenty-four (24) hours or such lesser time as the designated in the notice, the owner shall be required to remove the animal from the County.
- (2) Failure to Abate a Violation. If the public nuisance has not been abated after the time indicated in the Abatement Order, then the Animal Service Director shall, notify the owner or keeper in writing that the animal may be impounded or a civil penalty may be issued and/or a criminal summons may be issued.
  - (3) Animals Removed from County. The Owner or Keeper of any animal who has been required to remove the animal pursuant to this Section shall, within five (5) days after removal, inform the Administrator or designee in writing of the animal's present location, including the name, address and telephone number of the animal's owner or keeper. If the animal has been destroyed, the Administrator shall be informed of the name, address, and telephone number of the person who destroyed such animal.
  - (4) Subsequent Violations. The Animal Services Director or designee may impound an animal if a third verified violation occurs within one year of any other previous violations of this Section.
  - (5) Right of Appeal. An Owner or Keeper shall have a right to appeal a citation or removal of an animal under this Section in accordance with Section 4-54 of this Chapter.

### **Sec. 4-46. - Rabies control.**

It shall be unlawful and a violation of this Ordinance for any animal owner, keeper or other person to fail to comply with the laws of North Carolina relating to the control of rabies.

*(Ord. of 6-16-1987, § XVI, eff. 1-1-88)*

### **Sec. 4-47. - Rabies vaccination tag.**

All dogs shall wear a valid rabies vaccination tag. Cats and ferrets are not required to wear tags but the owner or custodian of such animal shall provide proof that the cat or ferret has been vaccinated against rabies. The owner or custodian of all animals required to be vaccinated against rabies shall provide proof of vaccination upon demand of a law enforcement or animal control officer if an animal required to be vaccinated is not wearing a rabies

## Animal Control Ordinance

vaccination tag. Failure to produce proof of vaccination may result in such animal being impounded subject to redemption in the manner provided in this Chapter. Such proof being the certificate of vaccination from a licensed veterinarian or a certified rabies vaccinator.

*(Ord. of 6-16-1987, § XVII, eff. 1-1-88; Amend. of 12-2-1996, eff. 1-1-97)*

### **Sec. 4-48. - Applicability to veterinarians.**

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this Ordinance except for the provisions relating to cruelty to animals and rabies control.

*(Ord. of 6-16-1987, § XVIII, eff. 1-1-88)*

### **Sec. 4-49. - Reserved.**

*Editor's note—*

Section 4-49 entitled kennel standards replaced by Sections 4-71 and 4-72 and derived from Ord. of 6-16-1987, § VIII, eff. 1-1-88; Amend. of 12-3-2007, eff. 7-1-08.

### **Sec. 4-50. - Reserved.**

*Editor's note—*

Section 4-50 entitled permits and standards for animal collection replaced by Sections 4-96 through 4-99 and derived from Ord. of 6-16-1987, § XX, eff. 1-1-88; Amend. of 12-3-07, eff. 7-1-08.

### **Sec. 4-51. - Penalties.**

The following penalties shall pertain to violations of this Ordinance.

- (a) The violation of any provision of this Ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in North Carolina General Statutes § 14-4, or other applicable law. Each day's violation of this Ordinance is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes, fees or civil penalties imposed under this Ordinance.
- (b) Enforcement of this Ordinance may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to North Carolina General Statutes § 153A-123 (d) and (e).
- (c) In addition to and independent of any criminal penalties and other sanctions provided in this Ordinance, a violation of this Ordinance may also subject the offender to the civil penalties hereinafter set forth.

## Animal Control Ordinance

(1) The Animal Services Director (or designee) may issue to the known owner or keeper of any animal, or to any other violator of the provisions of this Ordinance, a ticket or citation giving notice of the alleged violation(s) and of the civil penalty imposed. Tickets or citations so issued may be delivered in person or mailed by first class mail to the person charged if that person cannot readily be found. The following civil penalties shall be assessed for each violation of this Ordinance.

- (i) Mistreatment of Animals (Section 4-41) \$200.00
- (ii) The civil penalty for a nuisance violation (Section 4-45) shall be as follows:

Number of Prior Nuisance Violations	Amount
1	\$100.00
2	\$200.00
3 or more	\$400.00

(2) This civil penalty shall be paid to the Animal Services Director or his or her designee within 14 days of receipt. This civil penalty is in addition to any other fees, taxes, costs or fines imposed that are authorized by this Ordinance.

(3) In the event that the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or a criminal summons may be issued against the owner or keeper or other alleged violator of this Ordinance, and upon conviction, the owner shall be punished as provided by State law. Failure on the part of the owner or keeper of an animal or other alleged violator to pay the applicable civil penalty within the time period prescribed is unlawful and a violation of the Ordinance. Unless otherwise provided the civil penalty for violation of this subsection is \$25.00, except where the original violation was for Failure to Vaccinate for Rabies in which case the civil Penalty for violation of this subsection is \$100.00.

*(Ord. of 6-16-87, § XXI, eff. 3-15-88; Amend. of 12-3-07, eff. 7-1-08)*

### **Sec. 4-52. - Severability.**

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts.

*(Ord. of 6-16-1987, § XXII, eff. 1-1-88)*

## Animal Control Ordinance

### Sec. 4-53. – Effective date.

The foregoing Animal Control Ordinance was adopted this the 16th day of June, 1987. This Ordinance was amended effective \_\_\_\_\_

*(Ord. of 6-16-1987, § XXIII, eff. 1-1-88)*

### Sec. 4-54. - Appeals.

Any appeals of the Chapter shall be to a three member hearing panel comprised of two members of the Orange County Animal Services Advisory Board and one member of either Carrboro, Chapel Hill or Hillsborough so designated by the respective Town or a member of the public designated by the Board of County Commissioners for this purpose within 5 days of the final decision made in the action.

- (a) A person who has been found to be in violation of this Chapter may appeal the violation by filing a notice of appeal containing a concise statement of the reason for the appeal and delivering it to the Animal Services Director.
- (b) A hearing shall be scheduled within 10 days of the receipt of notice of appeal.
- (c) Neither a party nor the Department shall be represented by an attorney.
- (d) The presiding officer shall administer oaths to all witnesses and make any ruling necessary to preserve fairness, order and proper decorum.
- (e) A person appealing a decision may present evidence or testimony, cross-examine witnesses, inspect documents, and offer evidence or testimony in explanation or rebuttal.
- (f) Any member of the hearing panel may call as a witness and question any interested party who has competent, relevant and material comments about the matters contained within the appeal.
- (g) Members of the hearing panel may exclude and not factor into their decision any evidence, testimony, or statements deemed incompetent, irrelevant, immaterial or unduly repetitious and therefore fail to reasonable address the issues before the hearing panel.
- (h) Within seven days of the hearing the hearing panel shall issue a decision and cause that decision to forward to the person making the appeal and all other interested parties.

The Animal Services Advisory Board may make additional rules necessary to carry appeals in fair and equitable manner. (Does not apply in the Town of Carrboro)

### Secs. 4-55—4-70. - Reserved.

## Animal Control Ordinance

**DIVISION 2. - KENNEL AND PET SHOP STANDARDS****Sec. 4-71. – Class I kennels.**

- (a) In General. A noncommercial or not for profit establishment maintained by any person where animals of any species, excluding domesticated livestock, are kept for the purpose of showing, competition, hunting or sport, and which establishment is so constructed that the animals cannot stray therefrom, and which maintains more than six but less than 19 animals.
- (b) Standards for Class I Kennels. All noncommercial kennels shall, in addition to other requirements of this article, comply with the minimum standards of this section. The premises at noncommercial kennels shall meet the following standards:
- (1) All enclosures housing animals must provide adequate shelter.
  - (2) The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
  - (3) All animals shall have fresh potable water available at all times.
  - (4) All areas housing animals shall be free of accumulated waste and debris and shall be maintained regularly so as to promote proper health.
  - (5) All areas housing animals shall be free of accumulated or standing water.
  - (6) All animals housed shall be provided with proper veterinary care to promote good health.
- (c) Owners or operators of class I kennels must apply to the Animal Services Director for a Class 1 Kennel Permit and pay any designated privilege tax to receive a permit to own or operate a noncommercial kennel in the county.
- (d) Kennel facilities shall be subject to inspection during reasonable hours by the animal control officer upon his request.
- (e) Failure to meet the standards set out in this section shall be grounds for the issuance of a citation subjecting the owner to the penalties described in this article, and/or the issuance of an abatement order to comply with the provisions of this article.
- (f) Revocation. A permit issued in accordance with this section may be revoked by the Administrator after notice and hearing, for any reason that would have justified denial of the permit in the first instance or for violation of another section of the Chapter. If the Administrator denies or revokes a permit in accordance with this section, the owner or operator shall be notified of their right to appeal such decision in accordance with Section 4-54.

## Animal Control Ordinance

*(Ord. of 6-16-1987, § XIX(B), eff. 1-1-1988)*

### **Sec. 4-72. - Class II kennels.**

- (a) In General. Any person maintaining any commercial establishment where animals of any species excluding domesticated livestock, kept for the purpose of breeding, buying, selling, grooming or boarding such animals or engaged in the training of dogs for guard or sentry purposes, and which establishment is so constructed that the animals cannot stray therefrom; or any person owning or keeping 20 or more animals, excluding domesticated livestock, each of which is four months of age or older.
- (b) Standards for a Class II Kennel. All commercial kennels shall, in addition to the other requirements of this article including those for a 4-71 above, comply with the minimum standards of this subsection. The premises of commercial kennels shall meet the following standards:
- (1) Buildings or enclosures must be provided which shall allow adequate protection against extreme weather conditions. Floors of buildings, runs and walls shall be of a nonporous material or otherwise constructed as to permit proper cleaning and disinfecting. Temperatures in animal containments shall be maintained at a level that is healthful for every species of animal in the containment.
  - (2) Cages, kennels or runs shall have sufficient space for each animal to sit, stand up, lie down, turn around and stretch out to its full length without touching the sides or tops of the cage, kennel or run. Cages, kennels and runs are to be of a material and construction that permits cleaning and disinfecting, and shall have an impervious surface. Cage, kennel and run floors of concrete shall have a resting board or some type of bedding. Cages, kennels and runs shall provide protection from the weather. All animal quarters are to be kept clean, dry and in a sanitary condition. Cages, kennels and runs shall be structurally sound and maintained in good repair to protect animals from potential physical harm, contain the animals, and restrict the entrance of other animals and people.
  - (3) Animals shall not be placed in cages, kennels or runs less such cages, kennels or runs are so constructed to prevent animal excreta from entering other cages, kennels or runs.
  - (4) Sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.
  - (5) Each animal shall be given the opportunity for vigorous daily exercise as appropriate.
  - (6) Litter boxes shall be provided for cats and kittens.

## Animal Control Ordinance

- (7) Food shall not be contaminated and shall be wholesome, palatable, and of sufficient quantity and nutritive value and offered at appropriate intervals to meet the normal daily requirements for the condition, size and age of the animal. Food for all animals shall be served in a clean container so mounted that the animals cannot readily tip it over or defecate or urinate in it.
- (8) Supplies of food and bedding shall be stored in facilities that adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.
- (9) All animals shall have fresh, potable water available at all times. Water containers shall be of a removable type and be mounted or secured so that the animals cannot readily tip them over or defecate or urinate in them.
- (10) All food and water containers shall be cleaned and disinfected daily.
- (11) All animals must be fed and watered, and all cages and kennels cleaned each day, including Sundays and holidays.
- (12) Adequate veterinary care shall be provided as needed for each animal.
- (13) Provisions shall be made for the removal and disposal of animal and food waste, bedding and debris.
- (14) Facilities such as a washroom, sink or basin shall be provided to maintain cleanliness among animal caretakers and animal food and water containers.
- (15) Facilities for animals shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air, either by means of windows, doors, vents or air conditioning, and shall be ventilated so as to minimize drafts, odors and moisture condensation.
- (16) Facilities for animals shall have ample light by natural or artificial means or both, of good quality and well distributed and as appropriate for each animal's health and well-being. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Enclosures shall be so placed as to protect the animals from excessive illumination.
- (17) Every person maintaining such a facility shall post a notice clearly visible from the ground level at the main entrance to the facility containing the names, addresses and telephone numbers of persons responsible for the facility where they may be contacted during any hour of the day or night.

## Animal Control Ordinance

- (c) Owners or operators of Class II kennels must apply to the Animal Services Director for a Class II Kennel Permit, pay any designated fee, to receive a permit to own or operate a Class II Kennel in Orange County.
- (d) Kennel Facilities shall be subject to inspection during reasonable hours by an animal control officer upon his or her request. A fee in the amount of \$25.00 shall be assessed against the owners or operators of a facility for failing to permit an inspection pursuant to this subsection in order to defray the costs of repeat travel to the facility.
- (e) Failure to meet the standards set out herein shall be grounds for the issuance of a citation subjecting the owner to the penalties described herein, and/or the issuance of an abatement order to comply with the provisions of this article.
- (f) No person may own or operate a Class II Kennel within the County unless and until such person satisfies the requirements of this section and has been issued any privilege license if required.
- (g) A permit issued in accordance with this section may be revoked by the Administrator after notice and hearing, for any reason that would have justified denial of the permit in the first instance or for other violations of this Chapter. If the Administrator denies or revokes a permit in accordance with this section, the owner or operator shall be notified of their right to appeal such decision in accordance with Section 4-54.

*(Ord. of 6-16-1987, § XIX(A), eff. 1-1-1988; Amend. of 12-3-2007, eff. 7-1-2008)*

### **Sec. 4-73. - Pet shops.**

- (a) In general. A person that acquires for the purposes of resale animals, excluding domesticated livestock, bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals at retail or wholesale, or a person that holds or keeps animals, excluding domesticated livestock, for the purpose of cleaning or grooming.
- (b) Standards for Pet Shops. All pet shops, including pet shops run in conjunction with another animal facility, shall, in addition to the other requirements of this article, comply with the minimum standards of this section. The premises for pet shops shall meet the following standards:
  - (1) There shall be available hot water at a minimum temperature of 140 degrees Fahrenheit for washing cages and disinfecting, and cold water easily accessible to all parts of the shop.
  - (2) Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be removable for cleaning and be mounted so the animal cannot turn them over or defecate in them.

## Animal Control Ordinance

- (3) The temperature of the area around the animal enclosures in the shop shall be maintained at a level that is healthful for every species of animals kept in the shop.
  - (4) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn, lie down and stretch out to its full length without touching the sides or tops of the enclosure, and floors of sufficient strength and design to ensure the animal's limbs or paws cannot pass through the floor material.
  - (5) All animals under three months of age are to be fed at least two times per 24 hours. Food for all animals shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food for all animals shall be served in a clean dish so mounted that the animal cannot readily tip it over, and shall be of the removal type.
  - (6) Each bird must have a perch and sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages and perches must be cleaned every day, and cages must be disinfected when birds are sold or as otherwise transferred. Parrots and other large birds shall have separate cages from smaller birds.
  - (7) There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Provision shall be made for the removal and disposal of animal and food waste, bedding and debris, to ensure the enclosure is maintained in a clean and sanitary manner.
  - (8) All animals must be fed and watered and all cages cleaned every day, including Sundays and holidays.
- (c) Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties described in this article, and/or the issuance of an abatement order to comply with the provisions of this article.
  - (d) Owners or operators of pet shops must apply to the Animal Services Director for a Pet Shop Permit, pay any designated privilege tax and receive a permit to own or operate a pet shop in the county.
  - (e) Facilities shall be subject to inspection during reasonable hours by the animal control officer or other appropriate representative of the animal control officer or other appropriate representative of the animal protection program upon his request.

## Animal Control Ordinance

- (f) No person may own or operate a Pet Shop within the County unless and until such person satisfies the requirements of this section and has been issued any privilege license if required.
- (g) A permit issued in accordance with this section may be revoked by the Administrator after notice and hearing, for any reason that would have justified denial of the permit in the first instance or for other violations of the Chapter. If the Administrator denies or revokes a permit in accordance with this section, the owner or operator shall be notified of their right to appeal such decision in accordance with Section 4-54.

*(Ord. of 6-16-1987, § XIX(C), eff. 1-1-1988)*

### **Sec. 4-74 - Permit procedures.**

The Animal Services Director shall establish procedures to govern the permitting process.

### **Secs. 4-74—4-95. - Reserved.**

## Animal Control Ordinance

### **DIVISION 3. - ANIMAL COLLECTION**

#### **Sec. 4-96. - Permit required.**

A permit for the collecting of dogs and cats for sale shall be required before any individual may engage in any action in the county in furtherance of any action involving or relating to the collection or procurement of dogs and cats for sale or disposal. A permit allowing such actions will be issued only upon payment of a privilege tax set by the board of commissioners and demonstration by the applicant that the requirements of this division shall be met.

*(Ord. of 6-16-1987, § XX(A)(Preamble), eff. 1-1-1988)*

#### **Sec. 4-97. - Permit application.**

- (a) An application for a collection permit shall be made by each individual involved in the collecting of dogs and/or cats in the county for the purpose of sale or other disposal. Any such application for the purpose mentioned in this section shall have to be made to the Animal Services Director on a form prescribed by the Animal Services Director.
- (b) An investigation may then be conducted by the Animal Services Director which may include inspection of the premises where the animals are to be kept and any vehicles in which animals are to be transported. A fee in the amount of \$25.00 shall be assessed against an applicant or permit holder for failing to permit an inspection pursuant to this subsection in order to defray the costs of repeat travel.
- (c) Upon the determination by the Animal Services Director or person duly authorized by the Animal Services Director that the requirements of this section have been met and are capable of continuing to be met during the duration of the permit, a permit for no more than one year shall be issued, upon payment of applicable privilege taxes, to the individual applicant only for the specific individual applicant, premises and vehicles listed on the application.
- (d) Application for a permit renewal is the responsibility of the permit holder and shall be made no later than 30 days prior to the expiration of the current permit. Failure to reapply prior to the 30-day limit may result in a civil penalty.
- (e) No individual shall be issued a collection permit unless:
  - (1) The individual is properly licensed by the U.S. Department of Agriculture and/or the state department of agriculture, and such license is unsuspended and unrevoked.
  - (2) The individual complies with this article and all other applicable laws and regulations.

## Animal Control Ordinance

- (3) All requirements of this section have been met.
- (4) The following information shall be provided on or with the application for a collection permit:
  - i. The name, address and telephone number of the applicant.
  - ii. U.S. Department of Agriculture and/or state department of agriculture license number under which the applicant operates.
  - iii. A basic description of the applicant's background, including but not limited to all licenses he may have had for handling or keeping of animals, and all arrests or convictions involving any matter or law in any way pertaining to animals.
  - iv. A complete description, including vehicle identification number and vehicle license number of each vehicle that will be used to collect and/or transport animals.
  - v. The address and location where the animals will be kept or maintained for the five days after collection.

*(Ord. of 6-16-1987, § XX(A)(1), eff. 1-1-1988; Amend. of 12-3-2007, eff. 7-1-08)*

### **Sec. 4-98. - Permit requirements.**

No permit shall be issued or remain valid unless the Animal Services Director or person duly authorized by the Animal Services Director is satisfied that both the vehicles in which the animals will be collected and transported and/or the premises where the animals will be housed meet the following requirements:

- (1) *Premises.* All premises shall meet the same standards as set for class II commercial kennels in [section 4-72](#)
- (2) *Vehicles.*
  - a. Vehicles used to transport animals must be mechanically sound and equipped to provide fresh air to all animals without harmful drafts.
  - b. The sections of the vehicles where the animals are placed are to be constructed and maintained so that engine exhaust fumes cannot get to the animals.
  - c. The sections of the vehicles where the animals are to be kept should be cleaned and disinfected after each use and as needed.
- (3) *Enclosures in or on vehicles.*
  - a. Enclosures, including compartments, cages, cartons or crates, used to transport animals are to be well constructed, well ventilated, and designed in such a way to protect the health and ensure the safety of the animals.
  - b. These enclosures must be constructed or placed on the vehicles so that:
    1. Every animal in the vehicle has sufficient fresh air for normal breathing.
    2. The openings of these enclosures are easily accessible for emergency removals at all times.

## Animal Control Ordinance

3. The animals are adequately protected from the elements, including heat and cold.
4. The animals are adequately protected from one another.
- c. Only animals of the same species shall be transported in the same enclosure. Puppies and kittens under six months of age shall not be transported in the same enclosure with adult animals, other than their mother.
- d. Each enclosure used to transport animals shall be large enough for each animal to stand erect, sit, turn about freely and lie down in a normal position.
- e. Animals shall not be placed in enclosures over other animals while being transported unless each enclosure is so constructed to prevent animal excreta from entering the other enclosures.
- f. All enclosures used to transport animals shall be disinfected after each use and as needed.

### (4) *Care in transit.*

- a. The attendant or driver shall be responsible for inspecting the animals frequently enough to ensure the health and comfort of the animals and to determine if emergency care is needed and to obtain emergency care if needed.
- b. If any animal is in a vehicle for more than three hours, it shall be provided fresh, drinkable water, and food as appropriate.
- c. Each animal in transit shall have a tag affixed to its collar of a type approved by the U.S. Department of Agriculture.

*(Ord. of 6-16-1987, § XX(A)(2), eff. 1-1-1988)*

### **Sec. 4-99. - Records.**

- (a) Every person who sells, gives, exchanges or otherwise delivers any animal to a collector must receive from the collector a written receipt, a copy of which is to be kept by the collector, signed by both the owner or keeper and the collector, stating the following:
  - (1) The number of animals received by the collector.
  - (2) The sex, breed and a general description of each animal received and the U.S. Department of Agriculture number assigned to each animal.

## Animal Control Ordinance

- (3) The name, address and telephone number of the location to which the animal will be taken for the following five days.
- (4) The name, address and telephone number of the collector.
- (5) The name, address and telephone number of the person surrendering the animal.
- (b) A written report containing the information in subsection (a) of this section shall be delivered by the person collecting the animals to Animal Services within 24 hours of the surrender of the animal.
- (d) A record shall be kept of the disposition of every animal collected.
- (e) Every collector shall maintain a copy of all receipts and disposition records for one year.

*(Ord. of 6-16-1987, § XX(A)(3), eff. 1-1-1988)*

### **Sec. 4-100. - Quality assurance program.**

A quality assurance program to ensure adherence to this division shall be carried out within the animal control division.

*(Ord. of 6-16-1987, § XX(B), eff. 1-1-1988)*

### **Sec. 4-101. - Application and enforcement of division.**

The Animal Services Director shall be responsible for the full and proper application of this division. Questions concerning the applicability or interpretation of this division shall be the responsibility of the Animal Services Director.

*(Ord. of 6-16-1987, § XX(C), eff. 1-1-1988)*

### **Secs. 4-102—4-130. - Reserved.**

## Animal Control Ordinance

**DIVISION 1. - DISPLAY OF WILD AND EXOTIC ANIMALS****Sec. 4-131. - Repealed**

*(Ord. of 8-14-2001(1), § 1, eff. 8-14-01)*

**Sec. 4-132. - Display of wild or exotic animals prohibited.**

It shall be unlawful for any person to display or sponsor a display of wild or exotic animals on any public or private property within Orange County.

*(Ord. of 8-14-2001(1), § 2, eff. 8-14-01)*

**Sec. 4-133. - Enforcement.**

Any person displaying or sponsoring a display of a wild or exotic animal at the date that this Ordinance is adopted to prohibit such display shall comply with the Ordinance's prohibition on the display of wild or exotic animals within 30 days of the effective date of this Ordinance. No wild or exotic animals may be displayed that are not permitted by the United States Department of Agriculture nor shall any exotic or wild animal that has been designated a rabies vector species in North Carolina be displayed, except when approved by the Animal Services Director they may be displayed in a manner so as to not come into contact with the public.

*(a) Investigations.* The Orange County Animal Service Department shall investigate any complaints, reports or information that wild or exotic animals are being displayed or will be displayed in Orange County in violation of this Ordinance to determine whether or not a violation has occurred.

(1) If the Orange County Animal Services Department determines that wild or exotic animals are being displayed in Orange County in violation of this Chapter, the investigating officer(s) shall issue a written warning to the person displaying the wild or exotic animal(s). The written notice shall be delivered, via hand delivery to a responsible person or via posting at the site of the display.

(2) The person against whom the warning is issued shall desist all activities in violation of this Ordinance as of the business day the written notice is given.

*(b) Penalties.*

(1) Criminal Offenses - A violation of any provision of this Section constitutes a Class 3 Misdemeanor and shall be punishable as provided in North Carolina General Statutes § 14-4. Each day's continuing violation shall constitute a separate offense.

(2) Civil penalty - A person who violates any of the provisions of this Section shall be subject to a civil penalty of \$250 per animal for each day of the

## Animal Control Ordinance

violation. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by letter. Each day of a continuing violation shall constitute a separate violation. The Administrator shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within 14 days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty.

### (3) Injunctive Relief.

- a. Whenever the Orange County Animal Services Department or the North Carolina Wildlife Resources Commission has cause to believe that any person is violating or threatening to violate this Section, the agency shall report the violation or threatened violation to the Administrator. The Administrator may, either before or after the institution of any other action or proceeding authorized by this Section, institute a civil action in the name of the County of Orange for injunctive relief to restrain the violation of threatened violation.
- b. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil or criminal penalty prescribed for violations of this Section.

*(Ord. of 8-14-2001(1), § 3, eff. 8-14-01)*

### **Sec. 4-134. - Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is declared to be invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are declared to be severable.

*(Ord. of 8-14-2001(1), § 3, eff. 8-14-01)*

### **Secs. 4-135—4-180. - Reserved.**

## Animal Control Ordinance

**DIVISION 2. - KEEPING OF WILD ANIMALS DANGEROUS TO PERSONS AND PROPERTY [4]****Sec. 4-181. - Definitions.**

As used hereinafter, the following term shall mean:

*Wild Animals Dangerous to Persons and Property, hereinafter referred to as "Wild and Dangerous Animals":* The term applies to the following animals: all felines (other than the domestic house cat), nonhuman primates, bears, wolves, coyotes, reptiles (poisonous, crushing and giant), and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the provisions of this Ordinance, the Board may add to or remove from the classification of wild animal any bird, mammal, reptile, aquatic and amphibious forms, or other members of the animal kingdom. Additions to or deletions from the animals regulated herein may be made only if the Board determines, after receiving evidence, that such animals because of habit, mode of life or natural instinct are either capable or incapable of being domesticated, requires the exercise of art, force or skill to keep them safely in subjection, and would or would not create a reasonable likelihood of hazard to the public.

*(Ord. of 8-14-2001(2), § 1, eff. 8-14-01)*

**Sec. 4-182. - Keeping of wild and dangerous animals prohibited.**

No person, firm or corporation shall keep, shelter, feed, harbor, or take care of any wild and dangerous animal within Orange County.

*(Ord. of 8-14-2001(2), § 2, eff. 8-14-01)*

**Sec. 4-183. - Exemptions.**

The provisions of this Ordinance shall not apply to the keeping of wild and dangerous animals as follows, provided, such keeping is in all respects in compliance with applicable federal and state rules and regulations:

- (a) Animals used for teaching and/or research purposes at The University of North Carolina at Chapel Hill.
- (b) Wildlife rehabilitators licensed by the state or the federal government to provide such services.

*(Ord. of 8-14-2001(2), § 3, eff. 8-14-01)*

**Sec. 4-184. - Enforcement.**

- (a) *Investigations.* The Orange County Animal Services Department or the North Carolina Wildlife Resources Commission shall investigate any complaints that a wild animal is possessed or harbored in Orange County in violation of this Ordinance to determine whether or not a violation has occurred.
- (b) *Penalties.*

## Animal Control Ordinance

- (1) Criminal Offenses - A violation of any provision of this Section constitutes a misdemeanor and shall be punishable as provided in North Carolina General Statutes § 14-4. Each day's continuing violation shall constitute a separate offense.
  
- (2) Civil penalty - A person who violates any of the provisions of this Section shall be subject to a civil penalty of \$50.00 per animal. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by letter. Each day of a continuing violation shall constitute a separate violation. The Administrator shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within 14 days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this Ordinance.
  
- (3) Injunctive relief.
  - a. Whenever the Orange County Animal Services Department and the North Carolina Wildlife Resources Commission has cause to believe that any person is violating or threatening to violate this Section, the agency shall report the violation or threatened violation to the Administrator. The Administrator may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the County of Orange for injunctive relief to restrain the violation or threatened violation.
  
  - b. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil or criminal penalty prescribed for violations of this Section.

*(Ord. of 8-14-2001(2), § 4, eff. 8-14-01)*

### **Sec. 4-185. - Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is declared to be invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are declared to be severable.

*(Ord. of 8-14-2001(2), § 5, eff. 8-14-01)*

**RESOLUTION OF AMENDMENT**

**A RESOLUTION AMENDING CHAPTER 4 OF THE ORANGE COUNTY  
CODE OF ORDINANCES**

Be it Resolved by the Board of Commissioners of Orange County, North Carolina:

WHEREAS, Orange County, through ordinance, regulates among other things the possession, care, and treatment of animals; and

WHEREAS, in an effort to provide for the uniform regulation of animals within Orange County the municipalities of Carrboro, Chapel Hill, and Hillsborough have participated in the development of the ordinance and have, to the extent it is not in conflict with their own ordinances, adopted the attached ordinance for enforcement within their territorial jurisdictions; and

WHEREAS, the Orange County Board of Commissioners, believing it to be in the best interest of the citizens and residents of Orange County, hereby determines that Chapter 4 of the Orange County Code of Ordinances should be amended to reflect a more unified approach to the regulation of animals in Orange County.

NOW THEREFORE, the Orange County Board of Commissioners hereby amends Chapter 4 of the Orange County Code of Ordinances as shown in the attached ordinance.

This Amendment to Chapter 4 shall become effective February 1, 2016.

Ordained and adopted by the Orange County Board of Commissioners this \_\_\_\_ day of \_\_\_\_\_, 2015.

By:

Attest:

\_\_\_\_\_  
Earl McKee, Chair  
Orange County Board of Commissioners

\_\_\_\_\_  
Donna Baker, Clerk to the Board

[SEAL]

## **Unified Animal Ordinance Public Information and Education Timeline**

---

December 15, 2015	Anticipated adoption of the new Unified Animal Control Ordinance by the Board of Orange County Commissioners
Week of January 4, 2016	Begin coordination with Public Information Officers from the Town of Carrboro, Town of Chapel hill, and Town of Hillsborough
Week of January 11, 2016	County issues press release informing the public of the new ordinance through Community Relations and Animal Services communication channels
Week of January 18, 2016	Animal Services conducts staff training on new ordinance and creates of a Frequently Asked Questions (FAQ) for websites and other electronic and print media
January 29, 2016	County website is updated with new links and narrative explaining the transition to the new ordinance
February 1, 2016	New ordinance is effective
Week of February 8, 2016	Solicit and receive feedback on the effectiveness of the public information and education effort and the accessibility of information
Week of February 15, 2016	Follow up with Town Public Information Officers to ensure things are working on all ends and that everyone has correct links and consistent messaging

# COPY

ORANGE COUNTY  
BOARD OF COMMISSIONERS

**ACTION AGENDA ITEM ABSTRACT**

Meeting Date: April 8, 2014

Action Agenda  
Item No. 2

**SUBJECT:** Decision Items for the Unified Animal Control Ordinance

**DEPARTMENT:** Animal Services

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

No

**ATTACHMENT(S):**

- A) Summary of Recommendations
- B) Work Sheets
  - 1. Livestock & Public Nuisance
  - 2. Appeal Process
  - 3. Trespass & Vicious Animals
  - 4. Watch Dogs
- C) School of Government Documents
  - 1. Trespass in Animal Control Ordinance
  - 2. Trespass Decision Diagram
  - 3. Parental Responsibility When Dog Bites Child
- D) ASAB My Dog Scenarios
- E) Excerpt from Approved October 1, 2013 BOCC Meeting Minutes
- F) Excerpt from Approved June 4, 2013 BOCC Meeting Minutes
- G) Clean Draft Unified Animal Control Ordinance

**INFORMATION CONTACT:**

Bob Marotto, Animal Services Director,  
919.968.2287  
Michele Walker, JD, Chair, Animal  
Services Advisory Board,  
919.448.8029  
Susan Elmore, DVM, Past Chair, Animal  
Services Advisory Board,  
919.541.3474

**PURPOSE:** To consider recommendations from staff and the Animal Services Advisory Board regarding the most challenging issues arising from prior discussion of the proposed unified animal ordinance and to provide direction to the County Attorney in making revisions in the proposed ordinance.

**BACKGROUND:** The Board most recently discussed the proposed unified animal control ordinance at its October 4, 2013 meeting. There was appreciation for the effort of Animal Services staff and the Animal Services Advisory Board (ASAB) and the overall effort to create a more coherent and comprehensible animal control code for Orange County residents.

At the same time, the Board asked staff and the ASAB to further consider several particularly challenging issues arising from the ordinance and to return to the Board with recommendations for addressing and ideally resolving these issues. These issues are:

1. Trespass: The issue of trespass is how to define trespass since a dog that bites a person who enters the dog owner's property may not be declared a vicious animal under the proposed ordinance if the bitten person is "trespassing".
2. Watchdog: There are additional exceptions to application of a vicious animal declaration for a dog that bites a person on the dog owner's property in the circumstance where a dog is acting in a security capacity. The formulation of one of those exceptions – if the dog is being a "watch dog" – concerns the need to recognize a necessary and lawful role for a dog watching over its owner's property.
3. Administrative appeal: Some procedural issues, such as whether there should be sworn testimony, are in need of clarification; and more generally, there is the question of the best format for appeals in the absence of an established standard.
4. Livestock and Public Nuisance: The issue of whether there should be a special provision for livestock in the public nuisance provision of the ordinance is included among these issues because historically it has needed clarification.

Each of these issues is addressed in more detail in separate work sheets (attached) which may serve to structure Board discussion. Each sheet includes background information, the pertinent portion of the proposed ordinance, and specific recommendations for Board consideration. A "Summary of Recommendations" including specific recommendations for each issue is also provided for convenience and ease of review.

Staff and the ASAB have worked closely in developing the recommendations being presented to the Board. The recommendations have been presented to the ASAB on two different occasions since the October 4, 2013, BOCC meeting and the ASAB unanimously voted in favor of the recommendations both times. At another meeting, the ASAB developed a list of scenarios involving "my dog" to help clarify issues and guide further discussion of the trespass and watch dog issues. It was believed that doing so would inform a policy discussion that should balance the rights of property and pet owners and the health and safety of the public.

In addition, this effort helped create the basis for a request for assistance from Aimee Wall, JD, Associate Professor, School of Government, University of North Carolina-Chapel Hill. As others pointed out in the various discussions of the proposed ordinance, Professor Wall is a recognized authority on animal control regulations (and the author of A North Carolina Guide to Animal Control Law).

Professor Wall and her associate, Christopher Tyner, analyzed the complex and critical issue of trespass in law and in the course of their analysis considered whether there might be a different approach to the watch dog issue. Based on their analysis they developed a flow diagram to help staff decide whether or not a trespass has occurred in a particular case (attachment). Professor Wall and Mr. Tyner also interviewed expert colleagues at the School of Government about the issue of administrative appeal and provided not only some procedural recommendations, but an overall word of caution.

Professor Wall and Mr. Tyner met with Animal Services staff and ASAB officers to discuss their analysis of trespass in the proposed ordinance, and the issues of watch dogs and administrative appeal. On this basis, they also revised and broadened their written analysis of trespass (attachment) to include children whose relation to negligence and hence trespass differs from adults. This is a welcomed addition since children are disproportionately represented among dog bite victims, and there is justified concern with how children are treated under the proposed ordinance.

Staff and ASAB officers identified specific revisions in the ordinance that could and should be made on the basis of the analysis provided by Professor Wall and her associate. They obtained confirmation from School of Government staff that these revisions were consistent with their written analysis in the case of trespass and watchdog and their verbal guidance regarding administrative appeal. With the exception of one or two consistent ideas emerging from prior discussions by the Board, these are the recommendations presented in the work sheets referred to above.

**FINANCIAL IMPACT:** There is no financial impact from the Board's discussion of the recommendations provided by staff and the ASAB or from the Board providing the direction needed to make the revisions required for further consideration of the proposed ordinance.

**RECOMMENDATION(S):** The Manager recommends that the Board discuss the recommendations and provide direction to the County Attorney in revising the proposed ordinance for further consideration by the Board.

**APPROVED 9/4/2014**

**MINUTES  
BOARD OF COMMISSIONERS  
WORK SESSION  
APRIL 8, 2014  
7:00 p.m.**

The Orange County Board of Commissioners met for a Work Session on Tuesday, April 8, 2014 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, N.C.

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

**COUNTY COMMISSIONERS ABSENT:**

**COUNTY ATTORNEYS PRESENT:** John Roberts

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

Commissioner McKee called the meeting to order at 7:04. He said Chair Jacobs will be a few minutes late.

**1. Follow-up Discussion on Potential Establishment of a Women's Commission**

Cheryl Young said at the June 18, 2013 BOCC Meeting, Commissioner Price petitioned the Board regarding the establishment of a Women's Commission as an Orange County advisory board to be staffed by and receive technical support from the Orange County Economic Development Department. She said a draft resolution was presented.

She said Commissioner Price noted that there currently was not an Orange County advisory board to address issues unique to women and to provide policy and program recommendations to the Orange County Board of County Commissioners since the former Commission for Women, established in 1978, was eliminated as an advisory board in 2010. She said the functions of the original Commission for Women (CfW) were made a responsibility of the Human Relations Commission (HRC) in 2011, and CfW as a separate entity was sunset in April 2011.

Cheryl Young said the BOCC discussed the request at the October 8, 2013 work session and there were various opinions related to how to proceed and the advisability of establishing an independent group. She said there was consensus that the issue warranted further discussion.

She said the possibility of having the Human Relations Commission establish a subcommittee was among the ideas discussed. She said the Human Relations Commission had discussed this matter and voted against creating a subcommittee whose sole focus is on issues of gender inequality. She said the HRC had created a subcommittee entitled Diversity Matters which will address a cornucopia of issues of inequality for different minority groups, i.e. women and persons with disabilities. She said this decision was based on the idea that if the HRC created a subcommittee that focused only on women's issues, then there would be a need to create additional subcommittees with a targeted focus on each different protected class. She said the HRC is currently working on a written report for the BOCC regarding the HRC's role in addressing women's issues.

Chair Jacobs said Commissioner Price did a great job in stating her case, but the other Commissioners have different ideas. He said if this is going to be brought before the whole Board, then it is open to everyone's ideas. He said if this is going to go forward there needs to be consensus on what the group wants to do. He said this was a great start, and there is obviously a galaxy of issues to be discussed around the original focus. He said this can start with the resolution at the next meeting and then include the other items mentioned by Commissioner Dorosin, which are consistent with items discussed at the retreat. He said these can be synthesized and used to give staff more direction.

Commissioner Rich asked if the HRC has a poverty task force.

Staff answered no.

Commissioner Gordon said she wanted to clarify what she wants to do. She said she wanted to take input at this meeting. She said she does want a commission, but there is no consensus on that, so now she wants to define the issues and move forward in another direction to address this.

## **2. Decision Items for the Unified Animal Control Ordinance**

Bob Marotto reviewed the following background information:

The Board most recently discussed the proposed unified animal control ordinance at its October 4, 2013 meeting. There was appreciation for the effort of Animal Services staff and the Animal Services Advisory Board (ASAB) and the overall effort to create a more coherent and comprehensible animal control code for Orange County residents. At the same time, the Board asked staff and the ASAB to further consider several particularly challenging issues arising from the ordinance and to return to the Board with recommendations for addressing and ideally resolving these 4 issues.

Bob Marotto said the recommendations included in the abstract have been compiled based on substantial consultation with Professor Aimee Wall at the School of Government. He hopes the Board will find merit in what the group has done. He said the unified ordinance is a significant step forward for Orange County and a smarter form of government to allow for meaningful collaboration among different jurisdictions around a single flexible set of rules. He said there is significant confusion over what rules apply where in the County.

He said the board is aware that these four issues were not the only issues that were of concern, but these seemed to be the most vexing issues. He said he speaks for staff and the advisory board in saying that this unified ordinance is the result of a significant amount of work. He said these four issues have caused the board to pause and reflect. He hopes these issues can be resolved in order to move the whole ordinance forward.

Animal Services Advisory Board Chair Michelle Walker said the board has prepared a summary and a recommendation for of each of the four issues as follows:

1. Trespass: The issue of trespass is how to define trespass since a dog that bites a person who enters the dog owner's property may not be declared a vicious animal under the proposed ordinance if the bitten person is "trespassing".
2. Watchdog: There are additional exceptions to application of a vicious animal declaration for a dog that bites a person on the dog owner's property in the circumstance where a dog is acting in a security capacity. The formulation of one of those exceptions – if the dog is being a "watch dog" – concerns the need to recognize a necessary and lawful role for a dog watching over its owner's property.

3. Administrative appeal: Some procedural issues, such as whether there should be sworn testimony, are in need of clarification; and more generally, there is the question of the best format for appeals in the absence of an established standard.

4. Livestock and Public Nuisance: The issue of whether there should be a special provision for livestock in the public nuisance provision of the ordinance is included among these issues because historically it has needed clarification.

Bob Marotto said he is hoping that the Board will provide staff direction tonight, so that that steps can be taken to bring this back as a finished product.

Chair Jacobs suggested an outline be given of each issue.

Michelle Walker said the first issue is listed on page 7 as follows:

### **LIVESTOCK & PUBLIC NUISANCE**

Affected section of proposed ordinance: Sec. 4-45. - Public nuisance.

Substitute the following language into the public nuisance section (Sec. 4-45) of the proposed ordinance for (b) (6):

*Except in the case of domestic livestock, any animal at large off the premises of the owner or keeper. At large domestic livestock will be considered a public nuisance when it, in the judgment of the Animal Services Director, or designee, presents an immediate public danger, is destroying or damaging property, is violating property rights, or has been habitually at large.*

Susan Elmore said historically there has been a need to update this portion of the ordinance and this is a good time to do it. She said the ASAB has worked closely with the Agricultural Preservation Board in getting input on what their recommendation would be for this unified ordinance. She said this information is included in the abstract.

Chair Jacobs asked for a brief explanation of the change.

Susan Elmore said the change is that if there is livestock off of property, it is not immediately designated as a public nuisance, and the farmer is not automatically fined. She said it will instead be up to the Animal Services Director to determine if the animal presents an immediate public danger, is destroying property, violating property rights, or has been habitually at large. She said if there is a storm that takes down a fence and livestock gets loose, the farmer will not be cited or fined for that. She said, on the other hand, if the fence stays down for weeks and the animals continually leave the property, then the farmer would be fined. She said these are the kind of issues that the Animal Services director will handle.

Bob Marotto said one principal difference is that there isn't presently a distinction within the ordinance of livestock versus other animals. She said the language that has been recommended gives much more detailed guidelines for decisions to be made about livestock.

Commissioner McKee said this seems to be a better fix, and it makes sense to better define and highlight the differentiations.

Commissioner Price asked if it makes sense to put in some kind of timeline instead of just leaving it up to Director's discretion as to how to distinguish one incident from another. She asked if there would be any legal hassle if it was just the Director's discretion.

Bob Marotto said there is considerably more detail in this version than in the last version. He said you want to have the flexibility to deal with the variety of issues that arises in broad community like Orange County. He said he would defer the legal questions to the staff attorney and the County attorney.

Annette Moore said the Director should have enough experience and judgment to make these decisions. She said being too specific could create more problems.

Commissioner Dorosin said this discretion applies only to domestic livestock; he asked about a scenario where a storm hits, and a tree takes out fence, and a dog gets out and is at large. He asked if there is any discretion for that situation.

Bob Marotto said there can be discretion in all circumstances, but there were multiple strong reasons why this needed to be specifically articulated for livestock.

Annette Moore said when you see the designation of discretion in one place and not in another it would typically say to you that the director does not have discretion there. She said this was originally why that language was there, but there were a lot of questions about whether or not there would be discretion. She said this language could be added to other areas of the ordinance to make the discretion broader.

Commissioner Dorosin said even with discretion, this only relates to the animal control ordinance; but if livestock gets out and destroys a neighbor's yard, the owner can still sue.

Commissioner Rich asked if this discretion applies to chickens as well. She noted that a lot of people have chickens now and things can come and wreck the chicken wire.

Bob Marotto said they need to have discretion to make good enforcement judgments in all areas.

Michelle Walker said the next issue is the appeals process. The recommendation is outlined in the abstract as follows:

#### **APPEAL PROCESS: SCOPE AND FORM (PART I)**

Affected section of the proposed ordinance: Sec. 4-42. -Control of vicious animals; security dogs; Sec.4-45. - Public nuisance; Sec. 4-54. –Appeals; Sec. 4-71. –Class I kennels.

1. Limit the process of administrative appeal in the proposed ordinance to two issues: (1) potentially dangerous dog declarations under state law (such appeals are currently conducted by a committee of the ASAB) and (2) vicious animal declarations. Identify any alternative appeal mechanism for administrative actions that would be taken under the proposed ordinance, i.e., an order to remove a nuisance animal or the revocation of a kennel permit.)
2. Define the judicial processes available for the appeal of civil citations for code violations and certain administrative actions in a manner that is readily available to residents.
3. Consider in due time whether there is a need for a more general administrative appeal process to be included in the unified animal ordinance.

#### **APPEAL PROCESS: PROCEDURAL GUIDELINES (PART II)**

Affected section of the proposed ordinance: None

1. Animal Services staff and the County Attorney should develop procedural guidelines for any administrative appeal processes conducted under the proposed ordinance.
2. The procedural guidelines should include delineation of:
  - a. The role of Animal Services staff
  - b. The general structure of hearings
  - c. The swearing in process for witnesses
  - d. A process of indirect cross-examination
3. There should be appropriate training for ASAB members and/or others who are members of a body responsible for administrative appeals
4. Review of the procedural guidelines and proposed training should be requested from School of Government staff

Michelle Walker said state statute requires that an appeal be available for any person whose dog has been declared potentially dangerous. She said the County's current ordinance also provides a provision for an animal to be declared vicious. She said in order to be declared dangerous under the state statute a dog on its owner's property has to break bones and inflict incredibly severe injury. She said the County ordinance is intended to provide for an additional designation as a vicious animal for an animal on the owner's property that does bite but does not rise to that severe level. She said this provides for a bit more enforcement ability. She said the impact of this declaration allows for designated fencing and muzzling requirements.

Michelle Walker said one hole that the proposed ordinance is trying to fix is having an appeal process for the vicious animal, and they wanted to make it clear what the options were to the public. She said previously there was also a recommendation to include appeals for other types of enforcement actions, but after further reflection it was determined that the main hole in the process is for the declarations for vicious and dangerous dogs, and so this was dialed back a bit. She said the other recommendations are to provide more information to the public about alternative routes of appeal for other types of action.

Bob Marotto said the administrative burden involved if the AS/ASAB were required to provide quasi-judicial appeals for all of the citations issued would present problems with carrying capacity. He said Professor Wall also said there could be liabilities from having appeals provided by quasi-judicial bodies in all circumstances.

Bob Marotto said the group realizes that there is a need for some type of appeals process all for citations; however they feel it is best to find the judicial venue in which this should occur and to provide this information to residents.

Commissioner Dorosin clarified that for dangerous dog and vicious dog citations, there will be a quasi-judicial hearing conducted by a subcommittee of the ASAB, and procedures will be the same in both designations. He asked if it would be a process similar to the Board of Adjustment.

Bob Marotto said he is not familiar with the process of the Board of Adjustment, but the procedure would fit the criteria Commissioner Dorosin described.

Commissioner Dorosin asked if cases can be appealed to the superior court if someone is dissatisfied.

Bob Marotto said this can be done under the statute, but he is not sure about the ordinance.

John Roberts said the process sounds very similar to the Board of Adjustment, with sworn witnesses and a formal process. He said he did not hear anything specific in the ordinance that outlines a 30 day period for an appeal, like the Board of Adjustment, but there are certainly other legal avenues with the court system if you have been through the process.

Commissioner Dorosin said if state statutes provide people that opportunity, then something should be included about the right to appeal.

Commissioner Dorosin said he agreed that people who receive citations should have a means of appeal. He said he is hearing that the ASAB has not determined what that means should be, and this is open for suggestion.

Bob Marotto said that is correct. He said the recommendation would be to delineate what appeal is available in the courts.

Commissioner Dorosin clarified that residents would get a citation from someone on staff, and this would have a fine. He suggested the option of a written appeal to a higher authority. He said if the person cited is dissatisfied with that, they would have the right to appeal to a hearing from a higher authority, such as the Board of County Commissioners or a subcommittee.

Commissioner Price asked how the ordinance defines the difference between a potentially dangerous versus a vicious animal.

Bob Marotto said a vicious animal is determined by a bite, regardless of the severity of the bite. He said that is not how potentially dangerous is determined under state statute.

Commissioner Price asked for the definition of a non-severe bite.

Bob Marotto said the language of the statute is very specific. He said if a bite does not meet the specific criteria that it resulted in broken bones, disfiguring lacerations, or required hospitalization or cosmetic surgery there are no grounds to declare the dog a potentially dangerous dog under state statute. He said this is why the designation of vicious is important. He said there are going to be many bites that occur that are less severe from a legal definition, and these bites would have no coverage without that ordinance. .

Chair Jacobs said he wanted to follow up on Commissioner Dorosin's recommendation by suggesting that appeals could go from the ASAB to the Manager, who would make a recommendation on whether the case should go before the Board of County Commissioners as a last resort.

Commissioner Dorosin said his suggestion was regarding the appeals for citations. He said the vicious dog citation is the one that goes through a quasi-judicial hearing.

Michelle Walker pointed out that the state statute does require the County authority for animal control to designate a person or a board to be responsible for determining when a dog is potentially dangerous, and to designate a separate board to hear any appeal.

Commissioner McKee referred to the top of page 9, which states that there were no strong concerns about the process being quasi-judicial. He said he had no strong concerns, but he did voice the opinion that it should be a different board. He questions the perception of this. He said the appeal of a vicious dog can be very highly charged. He still feels that appeals for a vicious dog declaration should be heard by a different board, separated from the ASAB, who issued the declaration. He said this would be a better public relations move.

Chair Jacobs questioned who would board would be.

Susan Elmore said currently it is three members of the ASAB. She said there was previous discussion of not having Animal Services staff involved except in more of an administrative role. She said they would not be involved in the hearing. She said the hearing would remain as it is now, with the 3 members of the subcommittee of the ASAB. She said it can be a very charged process, but so far the process has worked well in reference to vicious dog declarations. She said there have been times when the declaration has been overturned, and the process is very fair.

Bob Marotto said it is very important that staff is removed from the process, with the exception of administration. He said he feels the issue is to have a fair, impartial process. He said there does need to be work and training on the procedure for the ASAB.

Commissioner McKee said he does not question the fairness. His only concern is that the greater amount of separation the ASAB can have from the appeals process, the better the public perception will be.

He said for him, a vicious declaration sounds more dangerous than a dangerous dog declaration. He wonders if there is a way to indicate in the wording that this is one level below the state definition.

Commissioner Pelissier said she liked the clarification of the appeals process. She said she would like to know how many citations are served per year, as this information is important in considering the workload and the appeals process for discussions in the future.

Commissioner Price asked about the timing and process for an appeal. She asked if the dog would be impounded.

Bob Marotto said if a dog bites someone and the dog is declared a potentially dangerous dog, this declaration would be made as soon as possible in order to place

restrictions on the dog. He said if there is a second bite from the same dog in violation of the restrictions on keeping that dog, the standard practice is to initially impound the dog and negotiate a written agreement with the owner. He said the agreement would stipulate the conditions under which the dog will be kept, as well as a stipulation that if these conditions are not met the dog will be surrendered to animal services. He said there are many variations that can happen in reality, but this is the process.

Commissioner Price asked if there is a statute of limitations as to when you appeal.

Bob Marotto said under the state statute there is a 10 day time period for the appeal, from the time of notice. He said the ordinance had suggested 10 days, but this was going to be designated "working days" to allow more time.

Chair Jacobs noted the time allotted for this item and asked for more concise commentary. He noted that this item would be coming back to the Board, and he asked if the Commissioners responses were being noted. He clarified that there is no vote being taken tonight.

Michelle Walker said the ASAB would like to have recommendations tonight so that the attorneys can draft language to move forward.

Chair Jacobs said the Board is not voting tonight on whether they agree with one another on these issues. He said the requested information on the amount of citations could potentially have some influence on decisions regarding this process, based on staffing and time.

Commissioner Price asked whether the person who was attacked would have to go to civil court if an owner successfully appealed a dangerous dog declaration down to a vicious dog declaration.

Annette Moore said this is a separate process, and that person always has the opportunity to go through a civil proceeding. She said appeal is just for the declaration that limits the dog.

Commissioner Gordon said she would support the idea of staff being separated from the appeal process. She does not think it is advisable for the Board of County Commissioners to be the appeals board. She said the Board of County Commissioners is a political board and this is a technical appeal.

Chair Jacobs clarified that Commissioner Gordon is agreeing with Commissioner McKee that this should be a separate body for this appeals process.

Commissioner Gordon said it has to be an independent body, and she is just saying it should not be the Commissioners.

Annette Moore said generally in administrative law, the body that hears an appeal has some technical knowledge about the issue. She said this is why this was placed with the ASAB sub-committee, as this group has the understanding of animals that is critical to understanding what happened.

Michelle Walker combined the next two issues, which involve exceptions to the declarations when a dog bites in its owner's property. These are outlined in the abstract as follows:

## **TRESPASS**

Affected section of the proposed ordinance: Sec. 4-42. - Control of vicious animals; security dogs.

1. Develop ordinance language that defines willful trespass more explicitly according to whether there is
  - a. Apparent consent to enter onto the property in the absence of overt or express

- permission to do so, i.e., the absence of express consent.
- b. Gross negligence on the part of the bite victim.

2. Consider further whether there can be ordinance language that discriminates between children and others for the purposes of determining whether a willful trespass has occurred and if so develop such language for Board discussion
3. Develop language for a two-step process for "non-severe bites" on the property of the dog owner under the Unified Ordinance's vicious animal provisions
  - a. A citation for a first bite that serves to notify the owner of his or her dog's propensity without declaring the dog vicious in a manner that imposes conditions and restrictions.
  - b. A vicious animal declaration for a bite occurring after the issuance of the citation at step one that imposes conditions and restrictions on the dog.

#### **WATCH DOG**

Affected section of the proposed ordinance: Sec. 4-37. - Definitions.; Sec. 4-42. - Control of vicious animals; security dogs.

1. Exclude watch dogs from the general category of security dogs in the proposed ordinance
2. Develop language to exempt a dog from being deemed vicious if the dog is being protective of person or property in circumstances in which either or both of the following apply:
  - a. There is an absence of consent (expressed or implied) for the bite victim to have entered the property on which s/he was bitten
  - b. The bite victim could have avoided the bite by responding to signal behaviors from the dog and removing him or herself from the property (or some portion thereof) of the owner of the biting dog.

Michelle Walker said as the ordinance is currently written, it simply states "in the case of trespass." She said this can be problematic under the law because there are varying definitions of trespass. She said the proposed ordinance adds the term "willful trespass." She said this proposal attempts to strike a balance of allowing dogs to act like dogs in appropriate situations, but also protecting innocent people that come onto other people's property.

She said for trespass the two main insights were regarding the issues of consent and gross negligence. She said express consent can be used to decide if someone is a trespasser, considering situations of invitation or implied consent to enter a property. She said it is difficult to write an ordinance to address every situation that may arise, and the goal was to cover as many scenarios as possible. She said this is embodied in that term "willful." She said one thought was to add language that makes it clear that the ordinance is saying willful trespass *without implied consent*, which might make it clear that implied consent will be considered.

Michelle Walker said the other issue is watchdogs, which are a particular exception to the vicious dog declaration, but this was not clearly defined as anything other than a dog that barks or alerts. She said any dog could fit into that definition. She said the recommendation had been to eliminate that exception, as it could swallow the rule. She said the group thought it might make sense to make it explicit that the presence of a dog exhibiting watchdog-like behaviors would also go into the above consideration of whether someone was trespassing or not. She said this might go into the express or implied consent and gross negligence considerations. She said the recommendation would be that a willful trespass would be an exception, and that the presence of a dog exhibiting watchful behavior could be taken into consideration.

Susan Elmore said there is a good flowchart on page 39 illustrating how to determine if a trespass was willful.

Commissioner Dorosin said this is tremendous advance, and he suggested putting the flowchart chart in the ordinance. He thinks it is very useful and can be used to inform discretion.

Commissioner Gordon said the chart is very helpful and should be used somehow.

She asked how it would interact with this issue if people put up signs such as “no soliciting” or “no trespassing.”

Bob Marotto said this would indicate there is an absence of implied consent, and if someone entered the property, it would be willful trespassing and the dog would not be declared vicious if a bite were to occur.

Michelle Walker said in the proposed ordinance there is a separate exception if a bite happens on the owner’s property when signs are posted.

Commissioner Gordon asked if this applies to “no soliciting.”

Bob Marotto said that bears on whether there is implied consent to enter the property, and it would indicate that there is not consent when people are soliciting, but it might not apply to a neighbor entering the property.

Commissioner Gordon said it sounds like “no trespassing” is stronger.

Commissioner Rich said this was very informative, and she feels that the board heard the Commissioner’s comments and applied the fixes.

Commissioner Pelissier echoed what Commissioner Rich said. She said a lot of work has gone into this and the concerns have been addressed. She also thinks the chart should go into the ordinance.

Commissioner McKee said he appreciated the ASAB incorporating some of their comments and concerns.

Chair Jacobs said it sounds like there is consensus on 3 of the 4 items, and there is work to be done on the appeals process. He said the Board appreciated the effort that has been put into getting this right.

### **3. Energy and Environmental Updates – CFE Renewable Energy Work Group; Environmental Responsibility; State of the Environment 2014**

David Neal said this started when the Board of County Commissioners (BOCC) received a letter from NC WARN recommending Orange County form an Alternative Energy Task Force. The BOCC referred this request to the Commission for the Environment (CfE) to consider the issues and report back to the BOCC, and CfE took this and proposed a workgroup that would be focused on both efficiency and renewable energy.

He applauded the County for its leadership in making its buildings more energy efficient. He said the question now is how to take the lessons learned and get them out to the community to help businesses save on their energy bills. He would like to get the Board of County Commissioners’ feedback to take back to the CfE. He said the hope is to make Orange County a leader in this effort and make this an engine of economic development in the County.

Commissioner Gordon applauded the efforts to attack this issue. She asked how this would work within the CfE and whether the committee would be the organizer or convener.

David Neal said the CfE as a whole would be the convener to invite people for discussions and partner with local entities. He said the group would also find out if there was anything in the current policies that would impede issues.

Commissioner Gordon said the present committee would act as a host and liaison to CfE. She asked in terms of staffing, whether there would be separate meetings of the work group and whether AMS could help staff it. She said the Department of Environment, Agriculture, Parks and Recreation (DEAPR) has a lot of work to do, and the department might

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

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

**SUBJECT:** Jail Population Profile and Projections for Future Growth

---

**DEPARTMENT:** County Manager's Office and  
Sheriff's Office

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

No
----

---

**ATTACHMENT(S):**

Presentation: Profile of the Orange  
County Jail Population and Projections  
for Future Growth

**INFORMATION CONTACT:**

Travis Myren, Deputy County Manager,  
919-245-2308

---

**PURPOSE:** To receive a presentation providing a profile of the Orange County jail population and projections for growth to inform the Board of Commissioners' discussion about construction of a detention facility.

**BACKGROUND:** The County's Capital Investment Plan includes funding for a 144 bed detention facility to replace the current jail. A current year appropriation of \$500,000 is being used to fund design costs. Construction is projected to occur in FY 2017-18 with a total cost of construction estimated to be approximately \$21 million. Operations at the new facility would begin on or before September 2019.

As part of project planning, consultants were retained to project future jail populations. These population projections were used to support the construction of a 144 bed detention facility to replace the current jail.

The attached presentation is intended to provide the Board of Commissioners with a profile of the current jail population, a summary of the costs associated with the current facility, and a review of jail population projections to inform future discussions about the detention facility construction project.

**FINANCIAL IMPACT:** The information presented will have no immediate fiscal impact.

**SOCIAL JUSTICE IMPACT:** The following two Orange County Social Justice Goals are applicable to this agenda item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

**RECOMMENDATION(S):** The Manager recommends that the Board receive the information contained in the presentation.

# ORANGE COUNTY

## Profile of the Orange County Jail Population and Projections for Future Growth

Presentation to the Board of Orange County Commissioners  
November 17, 2015

# Jail Population Profile and Projections

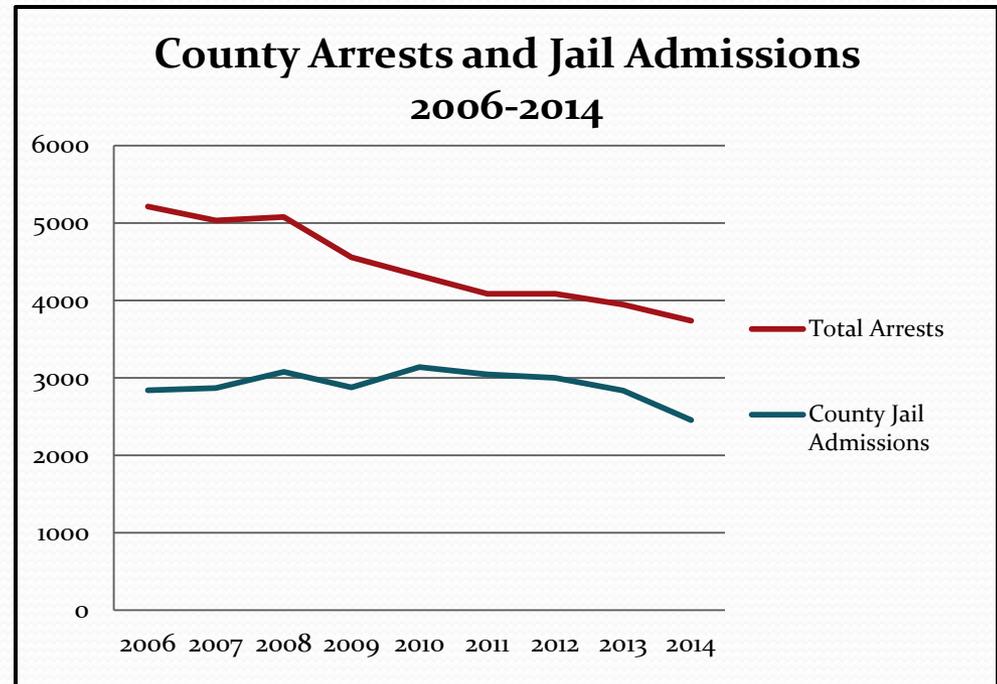
- Arrest and Jail Admission History and Trends
- Jail Population
  - Average Daily Population
  - Average Length of Stay
- Jail Population Profile
  - Custody Status
  - Security Classification
  - Demographic Characteristics
- Cost of Confinement
- Population Projections

# County Jail Admissions – Local Arrests

Year	Total Arrests	County Jail Admissions	Difference
2006	5212	2838	2374
2007	5034	2867	2167
2008	5078	3075	2003
2009	4556	2878	1678
2010	4321	3139	1182
2011	4087	3045	1042
2012	4084	2999	1085
2013	3945	2834	1111
2014	3738	2454	1284

Jail admissions have declined more slowly than arrests since 2006, averaging 1.6% annually

The difference between arrests and admissions has increased since 2011



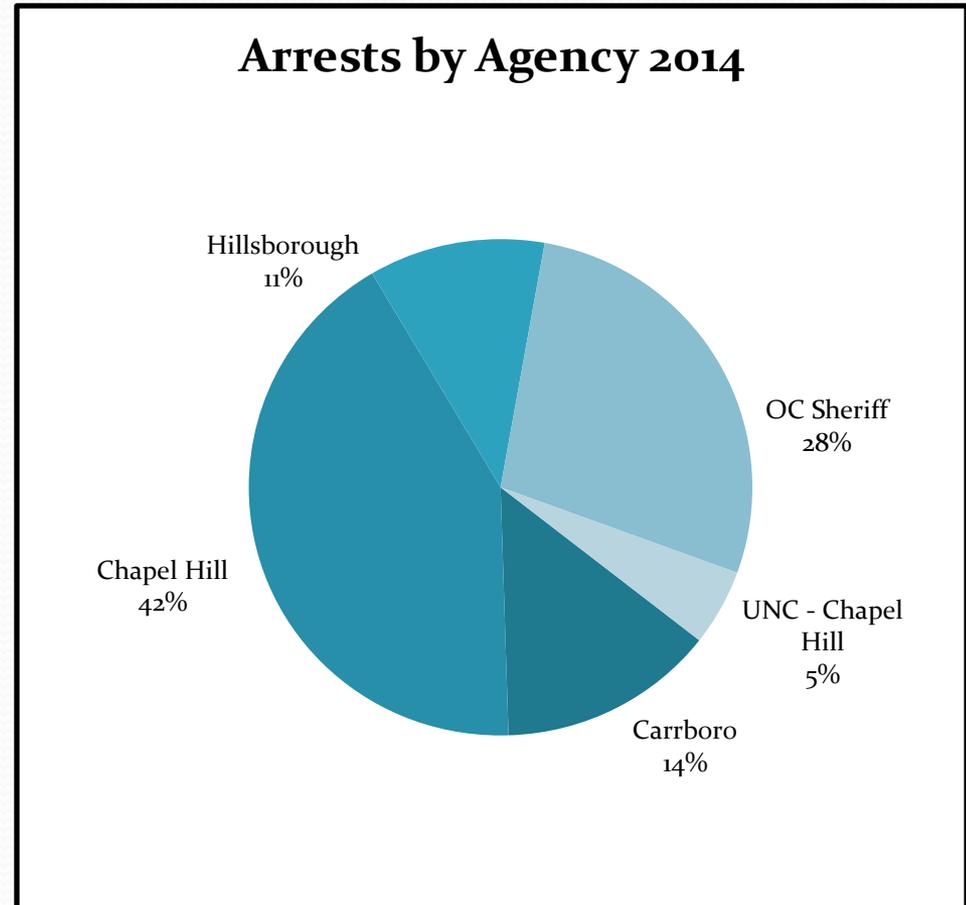
## Arrests by Agency

Arrests by Agency 2013-2014			
Agency	2013	2014	% of Total for 2014
Carrboro	635	521	14%
Chapel Hill	1585	1570	42%
Hillsborough	506	423	11%
OC Sheriff	1030	1038	28%
UNC - Chapel Hill	189	186	5%
<b>TOTAL</b>	<b>3945</b>	<b>3738</b>	<b>100%</b>

Source: *Crime in North Carolina - crimereporting.ncsbi.gov*

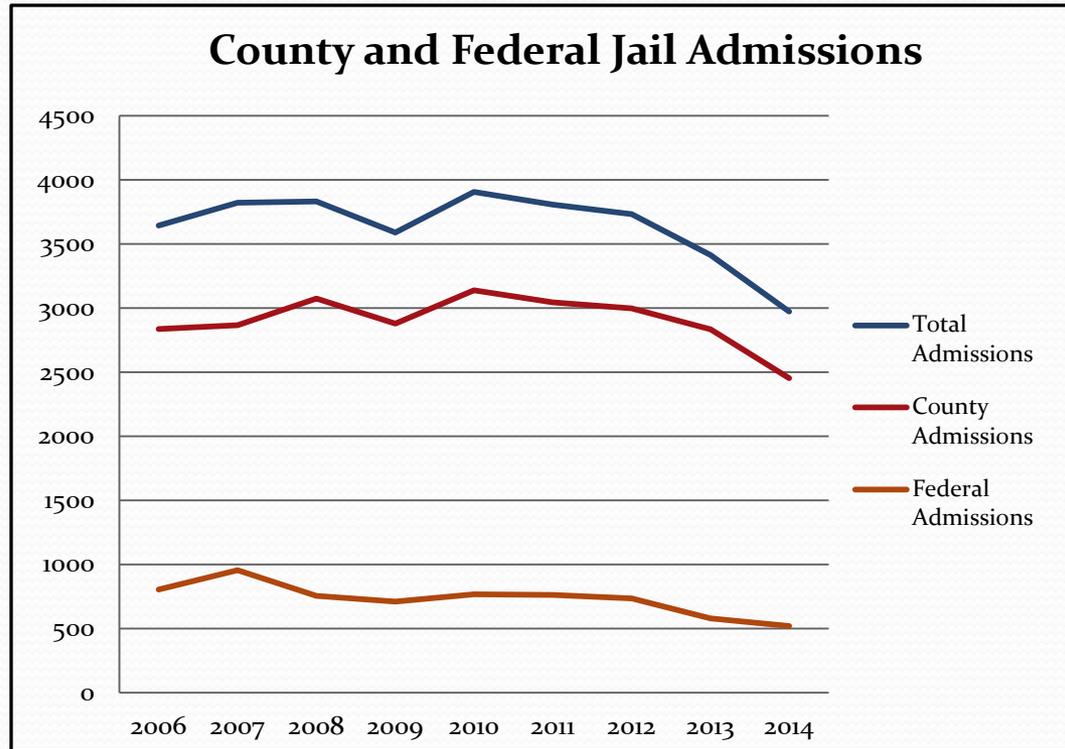
Chapel Hill had the highest number of arrests in the County in 2014, consistent with the proportion of the population

Orange County Sheriff contributed 26% of total arrests in the County in 2014



# County and Federal Jail Admissions

Year	County Admissions	Federal Admissions	Total Admissions
2006	2838	805	3643
2007	2867	955	3822
2008	3075	756	3831
2009	2878	711	3589
2010	3139	768	3907
2011	3045	763	3808
2012	2999	735	3734
2013	2834	580	3414
2014	2454	520	2974



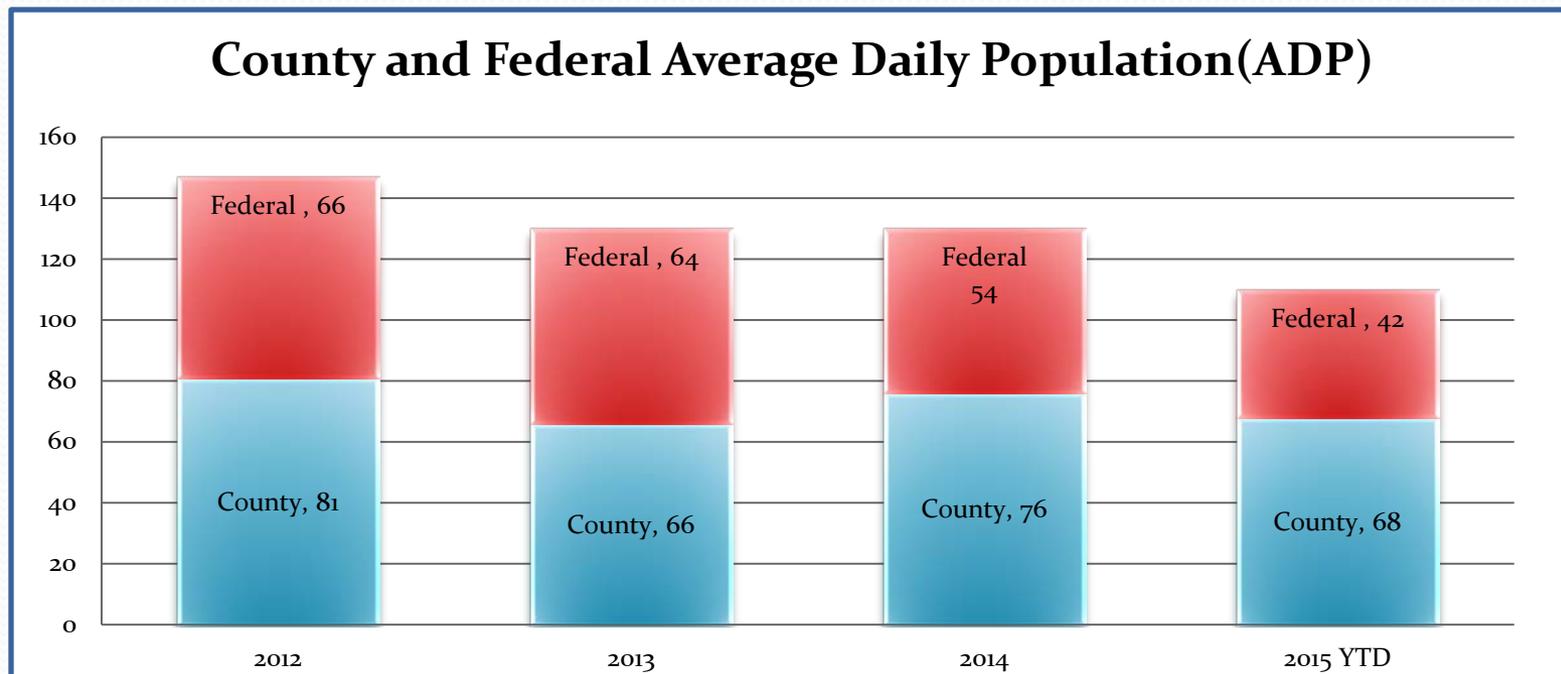
County admissions have declined by an average of 1.6% annually

Federal admissions have declined by an average of 4.5% annually

Combined admissions have decreased by an average of 2.3% annually

# County and Federal Average Daily Population

County and Federal Average Daily Populations				
Year	County	Federal	TOTAL	Federal Percentage
2012	81	66	147	44.9%
2013	66	64	130	49.2%
2014	76	54	130	41.5%
2015 YTD	68	42	110	38.2%



# Average Length of Stay

Combined Average Daily Population (ADP) and Average Length of Stay (ALOS)			
Year	Admissions	Jail ADP	ALOS
2006	3643	185	18.6
2007	3822	171	16.4
2008	3831	180	17.1
2009	3589	161	16.4
2010	3907	153	14.3
2011	3808	157	15
2012	3734	146	14.3
2013	3414	130	13.9
2014	2974	130	16.0
2015 YTD	2719	110	14.8

County Inmates			
Year	Admissions	Jail ADP	ALOS
2012	2999	81	9.9
2013	2834	66	8.5
2014	2454	76	11.3
2015 YTD	2304	68	10.8

Federal Inmates			
Year	Admissions	Jail ADP	ALOS
2012	735	66	32.8
2013	580	64	40.3
2014	520	54	37.9
2015 YTD	415	42	36.9

Federal inmates have comprised an average of 43% of the jail population since 2012

County inmates have stayed an average of 10 days

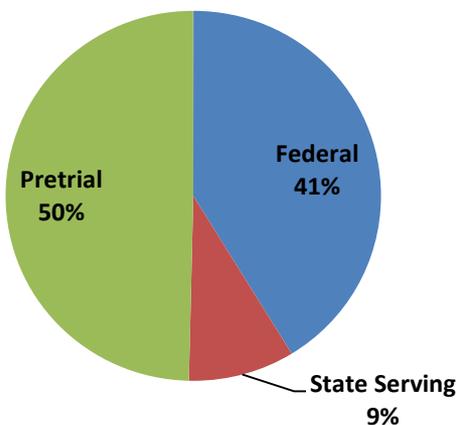
Federal inmates stay longer, an average of 37 days

# Inmate Profile 2014 – Custody Status

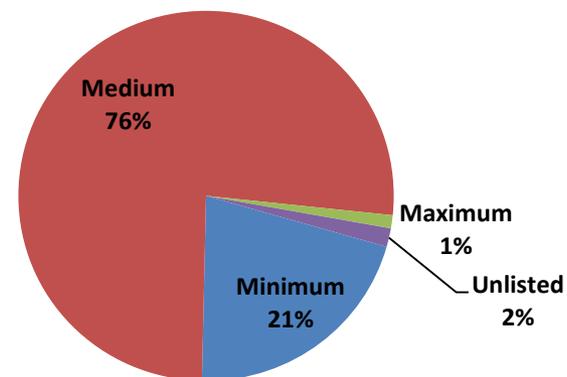
Custody Status			
	ADP	% of Total	ALOS
Federal	54	41.2%	38
State Serving	12	9.2%	1
Pretrial	65	49.6%	12
<b>TOTAL</b>	<b>131</b>	<b>100%</b>	

Security Status - County Inmates		
	ADP	% of Total
Minimum	16	21%
Medium	59	76%
Maximum	1	1%
Unlisted	1	2%
<b>TOTAL</b>	<b>77</b>	<b>100%</b>

**Custody Status - 2014**



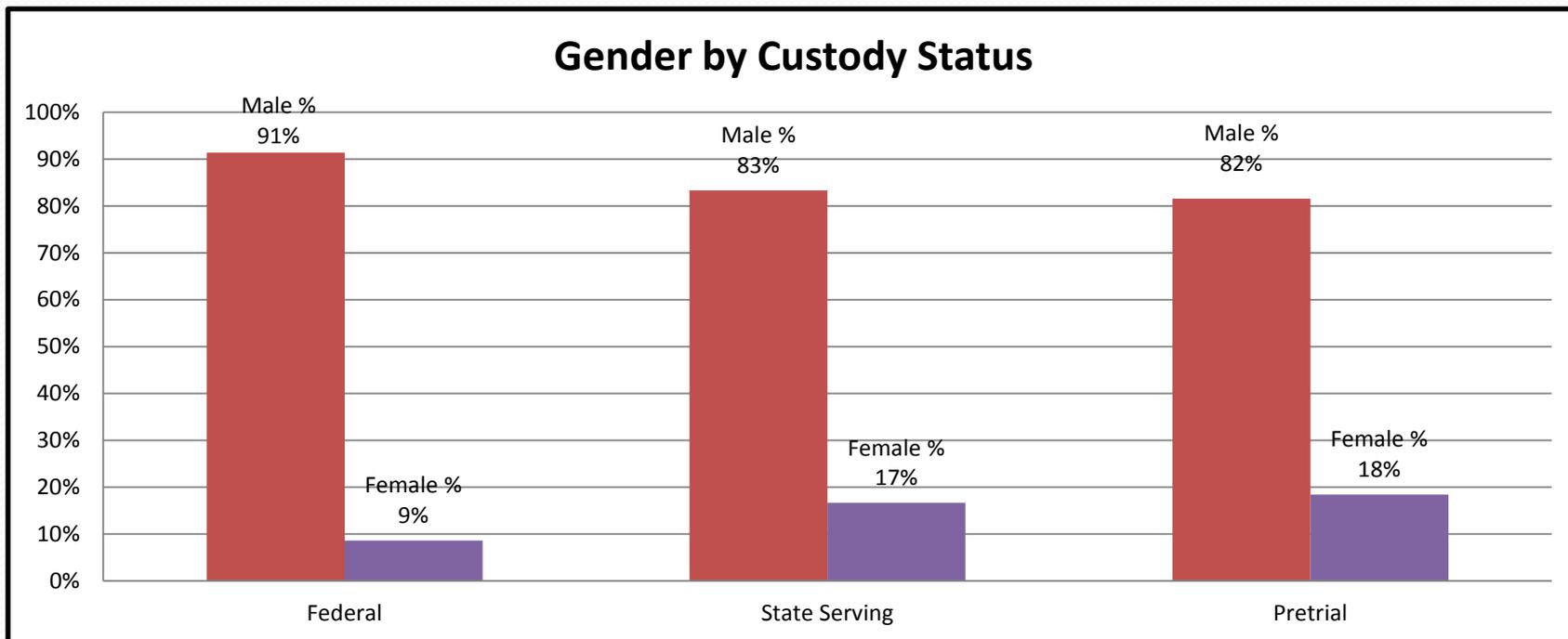
**Security Status - County Inmates**



# Inmate Profile 2014 - Gender

Gender - Total Population		
	ADP	% of Total
Male	112	85%
Female	19	15%
<b>TOTAL</b>	<b>131</b>	<b>100%</b>

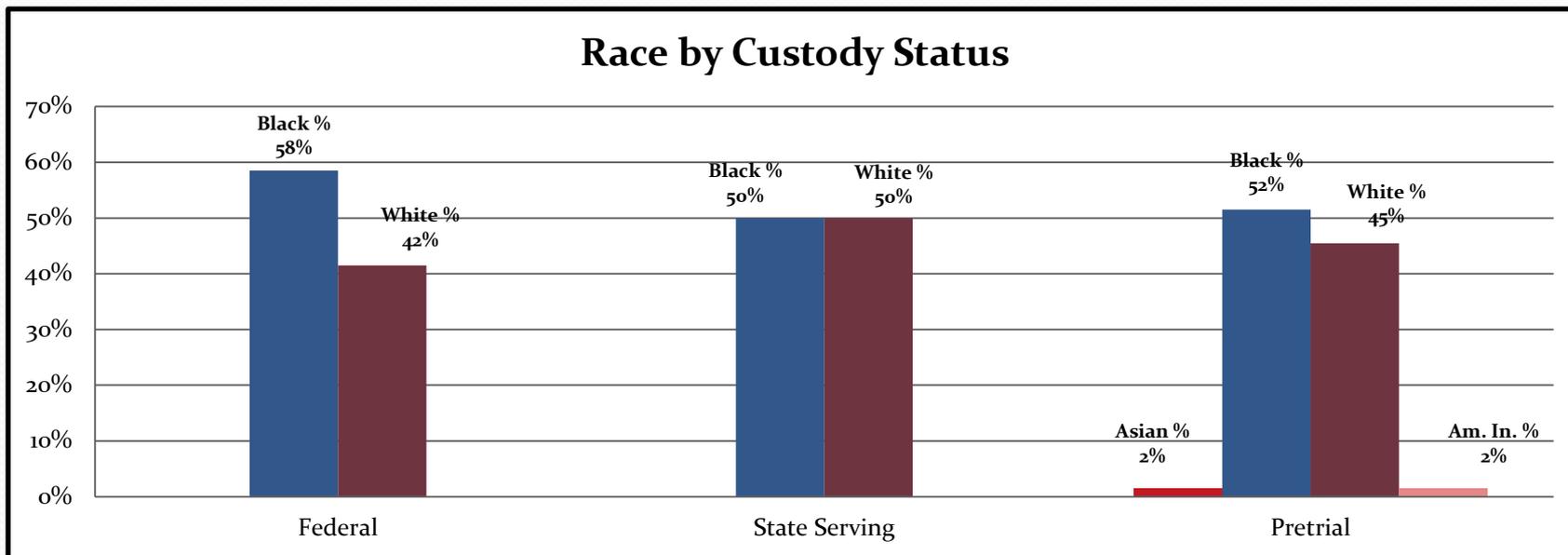
Gender by Custody Status				
	Male ADP	% of Total	Female ADP	% of Total
Federal	49	91%	5	9%
State Serving	10	83%	2	17%
Pretrial	53	82%	12	18%
<b>TOTAL</b>	<b>112</b>		<b>19</b>	



# Inmate Profile 2014 - Race

Race - Jail Population			Orange County
	ADP	% of Total	% of Population
Asian	1	1%	8%
Black	71	54%	12%
White	58	44%	77%
Am. Ind.	1	1%	1%
Two or More	N/A	N/A	3%
<b>TOTAL</b>	<b>131</b>	<b>100%</b>	<b>100%</b>
<i>Six percent (6%) of the jail population identified themselves as Hispanic</i>			<i>Eight percent (8%) of the Orange County population identified as Hispanic</i>

Race by Custody Status								
	% of Asian Total		% of Black Total		% of White Total		Am. Ind. %	% of Total
Federal	0	0%	31	58%	22	42%	0	0%
State Serving	0	0%	6	50%	6	50%	0	0%
Pretrial	1	2%	34	52%	30	45%	1	2%
<b>TOTAL</b>	<b>1</b>		<b>71</b>		<b>58</b>		<b>1</b>	
<i>*Six percent (6%) of the total population identified themselves as Hispanic</i>								



# Cost of Confinement

Jail Expense Summary	
Personnel Costs	\$ 3,415,749
Operating Costs	\$ 948,839
Recurring Capital	\$ 10,374
Facility Costs	\$ 192,145
Risk Mgmt. (including WC)	\$ 238,031
Indirect Cost Allocation	\$ 61,191
<b>TOTAL Expenses</b>	<b>\$ 4,866,329</b>

Jail Revenue Summary	
Outside Revenue (ABC Grant; Fac. Fees)	\$ 279,407
Inmate Charges (Phone; Commissary)	\$ 170,795
Federal Inmate Reimbursement	\$ 1,540,821
<b>TOTAL Revenue</b>	<b>\$ 1,991,023</b>

<b>Net Cost of Jail Operations</b>	<b>\$ 2,875,305</b>
------------------------------------	---------------------

Orange County Cost Metrics	
Annual Cost per Inmate 131 ADP	\$ 37,147.55
<b>Cost per Inmate per Day</b>	<b>\$ 101.77</b>
Federal Reimbursement Rate	\$ 66.00

## Compared to State Prison Costs as a Benchmark

Cost of State Prison Incarceration for fiscal year ending June 30, 2014		
	Daily cost	Yearly cost
Minimum Custody	\$70.18	\$25,616
Medium Custody	\$82.14	\$29,981
Close Custody	\$95.78	\$34,960
<b>Average</b>	<b>\$79.89</b>	<b>\$29,160</b>
Source: <a href="http://www.ncdps.gov">www.ncdps.gov</a> – Cost of Corrections		

# Misdemeanor Sentencing

- Changes to sentencing of misdemeanants started in 2011 through the Justice Reinvestment Act
  - Moved some misdemeanants from prison to local confinement facilities (County Jails) through the Misdemeanant Confinement Program
  - Did not apply to sentences over 180 days or to sentences for impaired driving
  - Participation in the program as a receiving County is voluntary
  - Orange County has not volunteered as a receiving County; no impact on jail population to date
- Beginning January 1, 2015
  - Applies to all misdemeanor sentences, including impaired driving of any length
  - Misdemeanant Confinement Program capacity currently sufficient
  - Future changes are unclear if bed demand exceeds supply

# Population Projections

County Inmates - Five Year History				
Year	Population	Projected Admissions	Projected ADP	Jail Bed Projection
2015	141,599	2770	76	90
2020	149,922	2933	81	95
2025	158,244	3096	85	100
2030	166,565	3259	90	105
2035	174,888	3421	94	110

*Population Projection Source: [www.osbm.nc.gov/demog/county-projections](http://www.osbm.nc.gov/demog/county-projections)*

County Inmates - Ten Year History				
Year	Population	Projected Admissions	Projected ADP	Jail Bed Projection
2015	141,599	3002	87	102
2020	149,922	3178	92	108
2025	158,244	3355	97	114
2030	166,565	3531	102	120
2035	174,888	3708	107	126

*Population Projection Source: [www.osbm.nc.gov/demog/county-projections](http://www.osbm.nc.gov/demog/county-projections)*

Inmate population projections are for County inmates only

Inmate population projections are driven by projected population growth and current confinement rates

Confinement rates have decreased in recent years resulting in lower projections using a five year history compared to a ten year history

Impact of misdemeanor sentencing changes not included. Future changes could add between 10 and 24 ADP if Misdemeanant Confinement Program is not available

Jail Bed Projection assumes a jail management factor of approximately 17% to account for peak populations and inmate separation

County inmate jail bed needs should be satisfied through 2035 with a 144 bed facility

Federal inmates will be crowded out over time as the County inmate population grows



**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

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

**SUBJECT:** Orange County Facilities Accessibility Self-Assessment Update

---

**DEPARTMENT:** Asset Management Services,  
Housing, Human Rights, &  
Community Development

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

No
----

---

**ATTACHMENT(S):**

- 1) Facilities Accessibility Subcommittee  
Member List

**INFORMATION CONTACT:**

Brennan Bouma, 919-245-2626  
James Davis, 919-245-2488

***UNDER SEPARATE COVER – ONLY  
AVAILABLE ELECTRONICALLY AT:***

- 2) *Powerpoint Presentation -*  
[http://www.orangecountync.gov/departments/asset\\_management\\_services\(ams\)/reports.php](http://www.orangecountync.gov/departments/asset_management_services(ams)/reports.php)
- 

**PURPOSE:** To receive an update and provide feedback to staff on the County's ongoing comprehensive Facility Accessibility Self-Assessment.

**BACKGROUND:** On June 2, 2015 the Board of County Commissioners adopted a "Proclamation Supporting the Implementation of the Americans with Disabilities Act (ADA)", and expressed an interest in engaging the disabled community to help County staff identify any facilities access issues. Asset Management Services (AMS) and the Department of Housing, Human Rights and Community Development (HHRCD) came together to organize this subcommittee of the Space Study Work Group to conduct a self-assessment of the physical accessibility of all County facilities.

This advisory subcommittee includes representatives from the Orange County Human Relations Commission (HRC), the North Carolina Council on Developmental Disabilities (NCCDD) and the Disability Awareness Council (DAC) along with County staff and the County building inspectors. Some of the members of the committee are disabled themselves and have brought essential first-hand experience to guide the accessibility assessments.

The most recent comprehensive accessibility assessment was conducted by County building inspectors in 2007, and other focused accessibility assessments have been conducted more recently for some County facilities. Now is an appropriate time to integrate these focused assessments and update our comprehensive assessment of County facilities.

### ***Progress***

To date, assessments have been conducted for the Southern Human Services Center, the Richard L. Whitted Human Services Center and the Robert & Pearl Seymour Center. Self-assessment teams include a disabled person or disabilities advocate, a County building inspector, and a County staff person familiar with the facility being assessed.

The accessibility obstacles identified in these assessments will be prioritized by the members of the subcommittee to inform final recommendations to the Board of Commissioners.

Initial progress in conducting these assessments has been deliberate as Staff has thoughtfully developed the knowledge, tools, and collaborative process to conduct these assessments in an accurate and standardized manner. During the initial assessments, improvements to the procedures and tools were identified, which will help to improve and streamline future assessments. The committee plans to further accelerate the remaining assessments by engaging the Safety Committees from each facility in conducting initial assessments so that the accessibility assessment teams will only need to verify the results.

### ***Initial Findings***

These initial assessments have identified several areas for improvement in County facilities. Some of these will require only minor adjustments (Low-level) to improve accessibility and others will require a greater investment.

Example Findings from Initial Assessments:

Low-level (repairs ongoing)	<ul style="list-style-type: none"> <li>• Reducing door-opening pressures</li> <li>• Marking walking surface to highlight transitions</li> <li>• Landscape management for facility visibility and accessibility (tree pruning, hedge maintenance, etc)</li> <li>• Patching damaged sidewalks</li> <li>• Replacing faded parking signage and striping</li> </ul>
Mid-level	<ul style="list-style-type: none"> <li>• Repairing minor trip hazards</li> <li>• Adding wayfinding signage</li> <li>• Adjusting heights of restroom accessories and features</li> </ul>
High-level	<ul style="list-style-type: none"> <li>• Addressing slope issues along accessible routes</li> <li>• Installing additional railings</li> </ul>

The low-level and mid-level items are those that require only minor adjustments or repairs. These are continuously addressed within AMS Corrective Maintenance repair processes, the grounds maintenance provided by the Department of Environment, Agriculture, Parks and Recreation, and AMS Building Improvement projects. The high-level items would likely be best addressed within the Capital Investment Plan (CIP). As discussed in the Space Study Update to the Board during the November 10, 2015 work session, staff is preparing these results to inform the CIP discussion in March, 2016.

As assessments are completed, the results will be summarized and prioritized within a framework modeled on the ADA Transition Plan. The Transition Plan lists physical obstacles that limit the accessibility of public programs or activities to individuals with disabilities, and then describes the methods that will be used to remove these obstacles, and specifies when each step will be taken and by whom. As noted in the ADA statute, all facilities do not have to meet each accessibility component, but rather all persons with disabilities must be able to participate

in and benefit from the services, programs, and activities provided by Orange County<sup>1</sup>. Therefore, as a plan is created for the removal of obstacles, actions that improve accessibility to County programs will be prioritized over other types of facilities improvements.

### ***Timeline and Next Steps***

<b>Prepare</b>	Engage County departments and disabled community, Prepare standard checklist, Conduct pilot assessments.	<b>August – October 2015</b>
<b>Identify &amp; Prioritize</b>	Evaluate all County facilities. Prioritize buildings that have programs serve the most disabled residents. Inventory and prioritize all accessibility issues at these facilities using established ADA standards.	<b>October – February 2015</b>
<b>Propose Solutions &amp; Estimate Costs</b>	Propose solutions for each prioritized accessibility issue and generate a cost estimate for planning and budgeting purposes.	<b>December 2015 – February 2016</b>
<b>Propose Implementation Plan</b>	Review as part of Manager’s Recommended CIP.	<b>March –June 2016</b>

Staff will provide a Powerpoint presentation at the meeting. A copy of the presentation can be found

at: [http://www.orangecountync.gov/departments/asset\\_management\\_services\\_ams/reports.php](http://www.orangecountync.gov/departments/asset_management_services_ams/reports.php).

**SOCIAL JUSTICE IMPACT:** The following two Orange County Social Justice Goals are applicable to this agenda item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

Efforts to implement the Americans with Disabilities Act (ADA) result in positive outcomes related to the above Goals.

**FINANCIAL IMPACT:** As stated in the ADA statute (§ 35.150 (a)(3)), a public entity is not required to “to take any action that it can demonstrate would result in...undue financial and administrative burdens.” The completion of the assessments and the low-level and mid-level suggested improvements will require continued staffing, but only small expenditures. Implementing suggested improvements to the high-level items will require an investment that will be recommended in the 2016-17 CIP.

<sup>1</sup> § 35.150 Existing facilities: (a) General. A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities; [http://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_withbold.htm](http://www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm)

**RECOMMENDATION(S):** The Manager recommends that the Board receive the update and provide feedback to staff on the County's ongoing comprehensive Facility Accessibility Assessment.

## Attachment 1

## Orange County Space Study Working Group - Facilities Accessibility Subcommittee

<b>Name</b>	<b>Organization</b>
Brennan Bouma	Asset Management Services, Organizer
James Davis	Housing, Human Rights, and Community Development, Organizer
Renee Price	Orange County Board of Commissioners, Advisor
Carla Banks	Public Relations
James Baxter	Inspections Department
Marabeth Carr	Department of Environment, Agriculture, Parks and Recreation
Betsy Corbett	Department of Social Services
Nancy Coston	Department of Social Services
Melody Dees	NC Courts
Pam Dickens	NC Department of Health and Human Services
Tyran Fennell	Human Resources
David Hunt	Clerk's Office
Donna King	Health Department
Timothy Miles	Disability Awareness Council
Annette Moore	Attorney's Office
Gerald Ponder	Human Relations Commission
Jason Richmond	Library
Jason Shepherd	Fire Marshall
James Stanford	NC Courts
Greg Strowd	Sherriff's Office
Peter Sandbeck	Department of Environment, Agriculture, Parks and Recreation
Janice Tyler	Department on Aging
Brenda Van Hook	Disability Awareness Council

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

**Action Agenda  
Item No.** 11-a

**SUBJECT:** Upper Neuse River Basin Association – Appointment(s)

---

**DEPARTMENT:** Board of Commissioners

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

No

**ATTACHMENT(S):** Under Separate Cover

**INFORMATION CONTACT**  
Clerk's Office, 245-2130

Information about UNRBA  
UNRBA By Laws

---

**PURPOSE:** To consider making an appointment(s) to the Upper Neuse River Basin Association.

**BACKGROUND:** The Upper Neuse River Basin Association was formed in 1996 to provide an ongoing forum for cooperation on water quality protection and water resource planning and management within the 770-square-mile watershed. Seven (of the 8) municipalities, 6 counties, and local Soil and Water Conservation Districts in the watershed voluntarily formed the Association. Each of the thirteen jurisdictions in the watershed, the six county Soil and Water Conservation Districts collectively, and South Granville Water and Sewer Authority elect one Director and one Alternate Director to the UNRBA Board of Directions. DEAPR Staff Person Tom Davis serves currently in the role of Alternate Director since there were no other Commissioners interested when this appointment was made in October 2012,

The following information is for Board consideration:

- Appointment of two (2) Commissioners/citizen to the Upper Neuse River Basin Association for a three-year term ending November 30, 2018.

**FINANCIAL IMPACT:** None

**RECOMMENDATION(S):** To consider making an appointment to the Upper Neuse River Basin Association.

## About the Upper Neuse River Basin Association

- [Mission](#)
- [Local Governments in the Watershed](#)
- [Board of Directors](#)
- [Staff](#)
- [Bylaws](#)

The Upper Neuse River Basin Association (UNRBA) was formed in 1996 to provide an ongoing forum for cooperation on water quality protection and water resource planning and management within the 770-square-mile watershed. Seven (of the 8) municipalities, 6 counties, and local Soil and Water Conservation Districts in the watershed voluntarily formed the Association.

### Mission

The Mission of the UNRBA is to preserve the water quality of the Upper Neuse River Basin through innovative and cost-effective pollution reduction strategies, and to constitute a forum to cooperate on water supply issues within the Upper Neuse River Basin by:

1. Forming a coalition of units of local government, public and private agencies, and other interested and affected communities, organizations, businesses and individuals to secure and pool financial resources and expertise;
2. Collecting and analyzing information and data and developing, evaluating and implementing strategies to reduce, control and manage pollutant discharge; and
3. Providing accurate technical, management, regulatory and legal recommendations regarding the implementation of strategies and appropriate effluent limitations on discharges into the Upper Neuse River Basin.

### Local Governments in the Watershed

The jurisdictions within the watershed are:

Jurisdiction
City of Creedmoor
City of Durham
City of Raleigh
Durham County
Durham County Soil and Water Conservation District
Franklin County
Granville County

Jurisdiction
Orange County
Person County
South Granville Water and Sewer Authority
Town of Butner
Town of Hillsborough
Town of Stem
Town of Wake Forest
Wake County

## Board of Directors

Each of the thirteen member jurisdictions in the watershed, the six county Soil and Water Conservation Districts collectively, and South Granville Water and Sewer Authority elect one Director and one Alternate Director to the UNRBA Board of Directors. The Directors and Alternates are listed below:

Jurisdiction	Name	Position
City of Creedmoor	Jimmy Minor	Director
City of Creedmoor	Rick Flowe	Alternate
City of Durham	Cora Cole-McFadden	Director
City of Durham	Reginald Hicks	Alternate
City of Raleigh	Nancy McFarlane	Director
City of Raleigh	Kenneth Waldroup	Alternate
Durham County	Ellen Reckhow	Director

Jurisdiction	Name	Position
Durham County	Drew Cummings	Alternate
Durham County Soil and Water Conservation District	Danielle Adams, Ex Officio	Director
Franklin County	Harry Foy	Director
Franklin County	Scott Hammerbacher	Alternate
Granville County	Ed Mims	Director
Granville County	Barry Baker	Alternate
Orange County	<del>Pam Hemminger, Chair</del>	Director
Orange County	Tom Davis	Alternate
Person County	Jimmy Clayton, Treasurer	Director
Person County	Harold Kelly	Alternate
South Granville Water and Sewer Authority	Lindsay Mize, Vice-Chair	Director
South Granville Water and Sewer Authority	Fred Dancy	Alternate
Town of Butner	Bill McKellar	Director
Town of Butner	Thomas Marrow	Alternate
Town of Hillsborough	Jenn Weaver	Director
Town of Hillsborough	Terry Hackett	Alternate
Town of Stem	Gerard E. Seibert	Director
Town of Stem	Renee Green	Alternate
Town of Wake Forest	Scott Miles	Director

Jurisdiction	Name	Position
Town of Wake Forest	Margaret Stinnett	Alternate
Wake County	Sig Hutchinson	Director
Wake County	Melinda Clark	Alternate

## **UPPER NEUSE RIVER BASIN ASSOCIATION, INC. BYLAWS**

### **ARTICLE I – IDENTITY**

These are the Bylaws of the Upper Neuse River Basin Association, Inc. (“Bylaws”), a North Carolina non-profit corporation hereinafter referred to as the “Association”, the Articles of Incorporation (“Articles”) of which have been filed with the North Carolina Secretary of State. The Upper Neuse River Basin Association, Inc. also operates under the assumed name of the Falls Lake Watershed Association.

### **ARTICLE II – OFFICES**

The initial principal office of the Association shall be located at 4307 Emperor Boulevard, Suite 100, Durham, North Carolina 27703. The Association may have such other offices, either within or without the State of North Carolina, as the Board of Directors may designate or as the business of the Association may require from time to time.

The registered office of the Association required by the North Carolina Nonprofit Corporation Act (the “Nonprofit Act”) to be maintained in the State of North Carolina may be, but need not be, identical with the principal office of the Association, and the address of the registered office may be changed from time to time by the Association.

### **ARTICLE III – ORGANIZATION**

The Association shall be a nonprofit organization (i) established and operated in accordance with the provisions of 26 U.S.C. (the “Internal Revenue Code”) Section 501(c)(3) and the regulations thereunder, and (ii) incorporated under the Nonprofit Act. The Association shall be an independent and autonomous organization. Its period of duration shall be perpetual unless terminated in accordance with Article XIII below.

### **ARTICLE IV – PURPOSES**

The purposes for which the Association is established and shall operate are as follows:

1. The Association is organized and shall be operated exclusively for purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code; provided, however, that no part of the net earnings thereof shall inure to the benefit of any private shareholder or individual. Notwithstanding any other provision of these Bylaws, the Association shall not carry on any activities not permitted to be carried on by an organization described in Internal Revenue Code Sections 501(c)(3).
2. The Association is organized and shall operate exclusively as a non-profit corporation to assist its member local governments in their efforts to jointly address issues of concern to the member local governments relating to water quality and waste water management in the Upper Neuse River Basin and the Falls Lake Watershed. As set out in North Carolina General Statutes §§77-119 through 77-121, the purposes of the Association include, but are not limited to: (a) providing a forum for sharing information in order to assist local governments in complying with State and Federal laws that pertain to the water quality in the Falls Lake Watershed; (b) providing a mechanism for

participating local governments to coordinate and fund common technical resources; (c) planning for and conducting water quality monitoring in the Falls Lake Watershed in coordination with the Department of Environment and Natural Resources; (d) coordinating with the Department of Environment and Natural Resources in the development of a transparent and accessible system for recording and maintaining nutrient offsets and credits that complies with any rules adopted to protect and restore water quality in the Falls Lake Watershed; (e) providing a public forum to review and discuss innovative approaches to restore, protect, and maintain water quality in the Falls Lake Watershed; and (f) conducting and evaluating scientific research that describes or predicts conditions related to or affecting water quality in the Falls Lake Watershed, including the reservoir.

In addition, the Association, as directed by its board of directors, may advocate on behalf of its members for changes in legislation, rules, or administrative policy related to or affecting the Falls Lake Watershed, may engage in other activities otherwise allowed by law that relate in any way to water quality and wastewater management in the Falls Lake Watershed, and may conduct and exercise all powers, rights and privileges granted to non-profit corporations under the Nonprofit Act; provided, however, that the Association shall not engage in any activity authorized by this provision that would jeopardize the federal income tax exemption of the Association under Section 501(c)(3) of the Internal Revenue Code.

3. The Association is organized and shall operate exclusively for the aforesaid purposes, and in connection therewith its scope of activities shall include accepting, buying, selling, owning, holding, operating, mortgaging, insuring, pledging, assigning, transferring or otherwise receiving or disposing of real and personal property; provided, however, that the Association shall not engage in any activity authorized by this provision that would jeopardize the federal income tax exemption of the Association under Section 501(c)(3) of the Internal Revenue Code.
4. The Board of Directors may authorize, amend or restate operating guidelines, plans, practices, procedures, and rules and regulations from time to time in order to effectively implement the purposes of the Association.

#### **ARTICLE V – FINANCES**

The Association shall raise funds by the collection and receipt of membership dues, gifts of money and property, grants, contributions, donations, bequests, and receipts for services performed; provided, however, that all such funds must be accepted by the Board of Directors on behalf of the Association.

All funds collected and received by the Association, together with the income therefrom shall be deposited, held, retained, managed and conserved in a capital fund (or funds) and administered, used and applied by the Association in the sole discretion of the Board of Directors in accordance with the purposes described in Article IV of these Bylaws and the Articles and as provided in Article VI. The Board of Directors may accept revenues and properties that are qualified, conditioned, limited or restricted in their use; provided, however, that such qualifications, conditions, limitations and restrictions shall not conflict with the purposes of the Association set forth in these Bylaws and the Articles. Unless otherwise specifically required, such restricted revenues and/or property may be mingled with other funds of the Association.

Membership dues for services provided shall be determined as follows:

1. Dues. Members shall pay annually to the Association an amount in accordance with the current dues formula attached as Appendix A.
2. Dues Proration for New Members. New Members joining after July 1 of any year shall pay prorated dues for their first year of membership based on the number of quarters of such year in which they were a Member.
3. Dues Changes. The Board of Directors shall determine what, if any, changes shall be made in the dues formula effective as of July 1 during subsequent years. Any changes made to the dues schedule will be reflected in Appendix A.

Special assessments may be made for undertaking special initiatives or projects from time to time subject to approval of the Directors. No special assessment will be due and payable for 180 days unless it is approved unanimously by all of the Directors in attendance at a properly noticed and called meeting at which a quorum of the Directors is present.

The fiscal year of the Association shall end on June 30 of each calendar year unless otherwise determined by the Board of Directors.

#### **ARTICLE VI – APPLICATION AND USE OF FUNDS**

Revenues received by the Association shall be held in an account (or accounts) in the name of the Association in such location(s) as may be designated by the Board of Directors. The Association shall hold, manage, invest and reinvest its funds in accordance with the investment policies of the Association and shall collect and receive the income therefrom. After deducting all necessary expenses incident to the operation and administration of the Association, such funds shall be utilized in accordance with the purposes set forth in these Bylaws and the Articles. The Board of Directors may establish a committee of Directors for the purpose of supervising and managing investments. All such revenues received and held by the Association shall be distributed to such persons and in such amounts as the Board of Directors of the Association shall deem appropriate in keeping with the purposes of the Association.

The Association shall be solely responsible for the application and use of its assets, including payment of its expenses in accordance with such operating guidelines as may be established by the Board of Directors, and shall operate as an independent and autonomous entity for the purposes of meeting its financial obligations.

Notwithstanding any other provision of these Bylaws, no expenditure shall be made in any manner or for any purpose whatsoever that may jeopardize the status of the Association as an organization under Section 501(c)(3) of the Internal Revenue Code and the regulations thereunder.

#### **ARTICLE VII – BOARD OF DIRECTORS**

7.1. General Powers. The business and affairs of the Association shall be managed under the direction of its Board of Directors, which is vested with the powers and authority to do and perform all

acts and functions not inconsistent with law, the Articles and these Bylaws.

The Board of Directors shall be responsible for attainment of the objectives specified in the Articles and the Bylaws. Specifically, the Board of Directors shall be responsible for the governance, maintenance, operation, and conduct of the affairs of the Association, and the financial oversight of the Association, including, but not limited to, the preparation and implementation of an annual budget and a long-term capital expenditure plan.

In addition to its general management responsibilities, and without limitation, the Board of Directors shall perform the following specific duties:

- (a) establish annual organizational goals;
- (b) manage the Association's finances, including approving the annual budget and recommending an appropriate dues structure to the membership;
- (c) allocate the Association's resources;
- (d) approve programs and activities of the Association's committees, including any studies to be conducted by such committees, and provide oversight of such committees;
- (e) adopt organizational positions and-policy statements;
- (f) manage the Association's activities;
- (g) establish relationships with other organizations, provided, that such relationships shall be in the interest of the Association;
- (h) hire or contract with such persons, firms, or entities as the Directors may determine to provide services for or on behalf of the Association;
- (i) authorize participation in litigation to protect the Association's interests; provided, however, that the Association shall not initiate or join in any litigation as an amicus or in a similar capacity without the approval of 3/4 of the Directors in attendance at a properly noticed and called meeting at which a quorum of the Directors is present;
- (j) authorize participation in lobbying to protect the Association's interests; provided, however, that the Association shall not engage in any lobbying without the approval of 3/4 of the Directors in attendance at a properly noticed and called meeting at which a quorum of the Directors is present; and
- (k) ensure orderly long-range planning for the organization.

7.2. Number, Tenure and Qualifications. The Board of Directors shall consist of one Director appointed by each Member as described below. In addition, each Member shall appoint one primary alternate and one secondary alternate. The primary alternate Director shall have full voting authority in the absence of the appointing Member's regular Director. The secondary alternate Director shall have

full voting authority in the absence of both the appointing Member's regular Director and the appointing Member's primary alternate Director. Each Director shall serve for a three-year term until said Director's resignation, retirement, removal, disqualification or until said Director's successor is appointed and qualified.

7.3. Ex Officio Directors. The Soil and Water Districts located in whole or in part in the Falls Lake Watershed jointly shall designate an individual to serve as an ex officio director and another individual to serve as an alternate ex officio director. In addition, the Board of Directors may, by majority vote, create other ex officio director and ex officio alternate director seats. Ex officio directors may participate in all discussions held in open meetings but shall not have a vote on any matter. Ex officio directors shall not participate in closed sessions.

7.4 Annual Meeting. Annual meetings of the Board of Directors shall be held in the month of January each year, beginning in 2012, or at any reasonable time thereafter at the discretion of the Board of Directors, at a time and place to be determined by the Board of Directors, for the purpose of electing directors and for the transaction of such other business as may come before the meeting. The secretary shall give notice of each ratified resolution to any Director who was not present at the time it was adopted. No further notice of an annual meeting need be given.

7.5. Regular Meetings. Regular meetings of the Board of Directors shall be held at such times and places, within or without the State of North Carolina, as the Board of Directors may, by resolution, determine. The Secretary shall give notice of each ratified resolution to any Director who was not present at the time it was adopted. No further notice of a regular meeting need be given. All resolutions adopting regular meeting schedules shall be filed with the Secretary at least seven days before the first meeting held pursuant to the revised schedule pursuant to N.C. Gen. Stat. §143-318.12(a)(4). The schedule of regular meetings shall also be posted to the Association's website, if any, in accordance with N.C. Gen. Stat. §143-318.12(d).

7.6. Special and Emergency Meetings: Special and emergency meetings may be called in accordance with Article 33C, Chapter 143 of the North Carolina General Statutes.

7.7. Notice of Meetings. Except as set out in Section 7.5 above, no notice need be given of regular meetings of the Board of Directors. Notice of special and emergency meetings of the Board of Directors shall be given in accordance with Article 33C, Chapter 143 of the North Carolina General Statutes.

7.8. Quorum; Voting. A majority of the number of Directors presently comprising the Board of Directors shall constitute a quorum for the transaction of business at a meeting of such Board. If quorum is present when a vote is taken, the affirmative vote of a majority of the Directors present is the act of the Board of Directors unless these bylaws specifically require a supermajority vote. A Director who is present at a meeting of the Board of Directors or a committee of the Board of Directors when corporate action is taken is deemed to have assented to the action taken unless that Director votes against the action taken or is excused from voting by the Board. The Board may excuse a Director from voting, but only upon questions involving the Director's own financial interest or official conduct or on matters on which the Director is prohibited from voting under G.S. 14-234.

7.9. Telephonic Meetings. The Board of Directors may permit any or all Directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting in accordance with Article 33C, Chapter 143 of the North Carolina General Statutes.

7.10. Compensation. No director shall be entitled to any compensation for his services as a Director; provided, however, that a Director may be reimbursed for expenses incurred by him in performing services requested by the Board of Directors.

7.11. Removal; Vacancies. Any Director may be removed from office at any time, with or without cause, by the Member that appointed said Director. If a Member's membership interest is terminated pursuant to §9.7 of these Bylaws, then such termination shall also serve to remove any Director appointed by said Member from the Board of Directors.

## ARTICLE VIII – COMMITTEES

8.1. Board Committees. To assist the Board in its management, the Board may appoint Board committees and assign Directors thereto from among the Directors and shall designate the chairperson and vice chairperson of such committees from among such Directors. The Board may also appoint ex officio directors and non-directors to serve on Board Committees in a non-voting capacity.

8.2. Authority of Board Committees. To the extent specified by the Board of Directors, each Board committee may exercise the authority of the Board of Directors, except that a Board committee may not: (i) approve or recommend to Members action that is required by law to be approved by Members; (ii) fill vacancies on the Board of Directors or on any of its committees; (iii) amend or restate the Articles; (iv) adopt, amend, or repeal these Bylaws; (v) adopt a plan of merger or consolidation with another corporation; (vi) elect, appoint or remove any member of any such committee or any Director or Officer of the Association; or (vii) take any other action prohibited by the Nonprofit Act. The creation of, delegation of authority to, or action by a Board committee does not alone constitute compliance by a Director with the standards of conduct required of a Director.

8.3. Tenure. Board committee members shall serve for one-year terms and may be reappointed without limitation.

8.4. Oversight. The Board of Directors shall ensure that Board committees perform in accordance with the basic goals of the Association and any specific goals and objectives approved by the Board of Directors for each Board committee, and shall oversee Board committee utilization of resources.

8.5. Special Committees. In addition to Board committees, the Board of Directors, in its judgment, may create such special committees as will facilitate the efforts of the Association in achieving its basic goals. The Board of Directors shall appoint the members of such special committees from among representatives of the Members or outside agencies and shall designate a chairperson and vice chairperson of each such special committee.

The Board of Directors may also establish one or more subcommittees of any special committee as necessary to further the goals of the Association. The Board of Directors may delegate the selection of

subcommittee or special committee members to any such subcommittee or to the chairperson of a special committee.

8.6. Special Committee Programs and Reports. Upon request of the Board of Directors, each special committee shall submit to the Board of Directors following the annual meeting its program and agenda for the next year, and upon request shall report in writing on its activities, including any recommendations the special committee may have for the Board of Directors' consideration.

8.7. Committee Meetings; Miscellaneous. The provisions of these Bylaws governing meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements of the Board of Directors shall apply with equal force to committees of directors and their members as well.

## **ARTICLE IX – MEMBERSHIP**

9.1. General Membership Provisions. Any local government located in whole or in part within the Falls Lake Watershed may become a member of the Association on the terms and conditions designated herein. For the purposes hereof, a "local government" means a county, city, town, or incorporated village that is located in whole or in part with the Falls Lake Watershed. Local government also includes any water or sewer authority that is created pursuant to Article 1 of Chapter 162A of the North Carolina General Statutes that provides service within the Falls Lake Watershed. Local governments that are members in good standing of the Upper Neuse River Basin Association, Inc. at the time of adoption of these By-laws shall remain members of the Association so long as they continue to meet the requirements of membership set out herein below.

9.2. Election of Members. Each candidate for membership shall make application on a form specified by the Board of Directors. All completed applications shall be considered by the Board of Directors at its next regular meeting following submission of the application. Approval of an application shall be granted by the Board of Directors to any local government located in whole or in part within the Falls Lake Watershed provided the local government requesting membership pays its initial dues as required herein. Membership shall become effective upon (i) payment of initial dues by the applicant in an amount established by the Board of Directors based on a formula or policy applicable to all Members, and (ii) a vote by the Board of Directors admitting such candidate which vote must be in the affirmative if the candidate is a local government located in whole or in part within the Falls Lake Watershed and the applicant pays its dues.

9.3. No Capital Stock. The Association shall have no issued or authorized shares of capital stock and no shareholders.

9.4. Voting Rights of Members. Members shall have no voting rights. As stated elsewhere herein, each Member shall have the right to appoint one Director, one primary alternate Director, and one secondary alternate Director. The primary alternate Director shall have full voting authority only in the absence of the appointing Member's regular Director and the secondary alternate Director shall have full voting authority only in the absence of both the appointing Member's regular Director and primary alternate Director. All of a Member's rights to take part in the management of the Association shall be by and through its Director, primary alternate Director, or secondary alternate Director.

9.5. Obligations and Duties of Members.

- (a) Members shall pay their annual membership dues within sixty (60) days after statements are mailed by the Association.
- (b) Members shall adhere to the Bylaws and other rules and regulations as established from time to time by the Board of Directors, its committees, or other Members.
- (c) In the event that a Member is delinquent in the payment of any amounts owed, the Member shall be notified within sixty (60) days of the date of such delinquency. If the Member receives two (2) consecutive notices of delinquency and if payment has not been made by the third month after such amounts become due and payable, the membership status of such Member shall be terminated. Such termination of membership status shall not relieve the Member of its obligation to make all payments due before the date of the termination.

9.6. Resignation of Members. Any Member may resign at any time upon one hundred twenty days prior written notice by submitting a written resignation to any officer of the Association or Member of the Board of Directors. Such resignation shall relieve the Member so resigning from obligations to pay dues or make contributions accruing after the date of such resignation. Any resigning Member must satisfy all payment obligations arising before such resignation.

9.7. Termination of Membership. In addition to having its membership terminated for nonpayment of dues as set out above, a Member's membership in the Association shall also be terminated if the Member is no longer a local government located in whole or in part within the Falls Lake Watershed.

9.8. Restrictions on Transfer. Memberships in the Association are not transferable.

## **ARTICLE X – OFFICERS**

10.1. Number. The officers of the Association shall consist of a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer. The Chairperson and Vice Chairperson shall be Directors. The Secretary and Treasurer may, but need not be, Directors. The offices of Secretary and Treasurer may be combined.

10.2. Election, Term of Office and Qualifications. Each Officer shall be elected by the Board of Directors and shall hold office until the annual meeting of the Board of Directors held next after such officer's election, or until such officer's successor shall have been duly chosen and qualified, or until death, or until such officer shall resign, or shall have been disqualified, or shall have been removed from office.

10.3. Removal. Any officer elected or appointed by the Board may be removed by the Board by a majority vote of the Directors present at a properly noticed and called meeting at which a quorum is present whenever in its judgment the best interest of the Association would be served thereby. New officers may be elected at the same meetings to fill the unexpired term of the removed officer.

10.4. Resignation. Any officer may resign at any time by giving written notice to the Board of Directors or to the Chairperson or the Secretary of the Association. Any such resignation shall take effect upon its being accepted by the Board of Directors.

10.5. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors, by a majority vote for the unexpired portion of the term.

10.6. Chairperson. The Chairperson shall preside at all meetings of the Board of Directors. The Chairperson shall enforce these By-laws and perform all duties incident to the office and which are required by law, and generally shall supervise and control the day-to-day business and affairs of the Corporation. The Chairperson shall perform whatever additional duties and have whatever additional powers the Board of Directors may from time to time assign.

10.7. Vice Chairperson. During the absence or incapacity of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson and when so acting shall have all the powers and be subject to all the responsibilities of the office of the Chairperson and shall perform such duties and functions as the Board of Directors may prescribe.

10.8. Secretary. The Secretary shall keep accurate records of the acts and proceedings of all Directors meetings and shall give all notices required by law and by these Bylaws. The Secretary shall have general charge of the corporate books and records, and of the corporate seal, and shall affix the corporate seal to any lawfully executed instrument requiring it. The Secretary shall have general charge of the books of the Association and shall keep at the registered or principle office of the Association a record of Directors signatures, and, in general, shall perform all duties incident to the office of Secretary and such other duties as may be assigned the Secretary from time to time by the Chairperson or the Board of Directors.

10.9. Treasurer. The Treasurer shall have custody of all funds and securities belonging to the Association and shall receive, deposit, or disburse the same under the direction of the Board of Directors. The Treasurer shall keep full and accurate accounts of the finances of the Association in books especially provided for that purpose; and shall cause a true statement of its assets and liabilities as of the close of each fiscal year and of the results of the operations and of changes in surplus for each fiscal year, all in reasonable detail, to be made and filed at the registered or principle office of the Association within four months after the end of such fiscal year. The statement so filed shall be kept available for inspection by any Director for a period of ten years; and the Treasurer shall mail or otherwise deliver a copy of the latest such statement to any Member upon such Member's written request therefore. The Treasurer, in general, shall perform all duties incident to the office of treasurer and such other duties as may be assigned to the Treasurer from time to time by the Chairperson or by the Board of Directors.

10.10. Executive Director. The Board of Directors may employ or contract for the services of an Executive Director. The Executive Director shall perform those administrative duties assigned to the Executive Director by the Board of Directors in a resolution appointing the Executive Director or in such other resolutions as the Board of Directors may adopt.

10.11. Duties of Officers May Be Delegated. In case of absence of any officer of the Association or for any other reason that the Board may deem sufficient, the Board may delegate the powers or duties of such officer to any other officer or to any Director for the time being, provided a majority of the entire Board of Directors concurs therein.

10.12. Bonds. Any or all officers and agents, respectively, shall, if required by the Board of Directors, give bonds for the faithful discharge of their duties in such sums and with such surety as the Board of Directors shall determine.

## **ARTICLE XI – CONTRACTS, LOANS, CHECKS AND DEPOSITS**

11.1. Contracts. The Board of Directors may authorize any officer or officers or agent or agents to enter into any contract or execute and deliver any instruments in the name and on behalf of the Association, and such authority may be general or confined to specific instances. Specific approval by the Board of Directors shall be required before any officer enters into any contract the total value of which is over \$10,000.00.

11.2. Loans. Except for loans that are incurred in the ordinary course of business, no loans shall be contracted on behalf of the Association and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or limited to specific instances.

11.3. Checks and Drafts. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Association shall be signed by such officer(s) or agent(s) of the Association and, in such manner as shall from time to time be determined by resolution of the Board of Directors.

11.4. Deposits. All funds of the Association not otherwise employed shall be deposited from time to time to the credit of the Association in such banks, trust companies or other depositories as the Board of Directors may select.

## **ARTICLE XII – INDEMNIFICATION**

In the event that the Association purchases directors and officers insurance or other similar insurance, the Association shall to the fullest extent permitted by the Nonprofit Act up to the limits of its insurance coverage indemnify all persons whom it may indemnify pursuant thereto so long as such persons have conducted themselves in good faith and reasonably believed their conduct not to be opposed to the Association's best interests.

The Association may purchase and maintain insurance on behalf of any person, who is or was a director, trustee, officer, employee or agent of the Association who, while a director, trustee, officer, employee or agent of the Association is or was serving at the request of the Association as a director, trustee, officer, partner, trustee, employee or agent of another corporation, partnership, joint venture, trust, employee benefit plan or other enterprise, against liability asserted against or incurred by him or her in that capacity or arising from his or her status as such, whether or not the Association would have the power to indemnify him or her against the same liability under the Nonprofit Act.

### ARTICLE XIII – AMENDMENTS

These Bylaws may be amended or repealed, and new Bylaws may be made at any regular or special meeting of the Board of Directors by an affirmative majority vote of Directors then holding office.

### ARTICLE XIV – MISCELLANEOUS

14.1. Audit. The Association shall have an independent audit prepared detailing the financial condition of the Association at least once every three years. The Association may have an independent audit done more frequently as determined by the Directors.

14.2 Dissolution. The Association may be dissolved only by the vote of the majority of the Directors of the Association at a meeting to which due notice of such purpose has been given to the Directors. Upon the dissolution of the Association, the Board of Directors shall first pay or make provision for the payment of all the liabilities of the Association and then shall dispose of all the assets of the Association exclusively for the purposes of the Association in such manner or to such organization or organizations operated exclusively for charitable and educational purposes as the Board of Directors shall determine, and any such assets not so disposed of shall be remitted to the Members in proportion to their respective dues contribution percentages for the then current fiscal year, or, alternatively, each Member may direct that its portion be contributed and given to a 501(c)(3) organization for use in furthering the health, safety and welfare of the public in the Falls Lake Watershed, its jurisdiction, or North Carolina. None of the assets shall be disposed of or diverted to any other purpose, nor shall any asset be disposed of in such manner so as to accrue to the benefit of any Director of said Association.

14.3. Interpretation of By-laws. These By-laws shall be construed and interpreted under the laws of the State of North Carolina. Notwithstanding the foregoing, however, these By-laws shall at all times be construed and interpreted as consistent with all federal laws and regulations governing the activities of the Association and governing the tax exempt status of the Association, and in the event that these By-laws may be inconsistent with such laws and regulations, the same shall be deemed amended to comply therewith. Whenever used in these By-laws, unless the context otherwise indicates, a pronoun in the masculine gender shall include the feminine gender and the singular shall include the plural, and vice versa.

14.4 All other by-laws repealed and replaced. Upon adoption of these Bylaws by the association, all other bylaws of the Upper Neuse River Basin Association, Inc. are repealed and replaced.

## ATTACHMENT A – DUES FORMULA

A Member's dues, which shall be that Member's share of the total dues assessment for all Members which is included in the annual budget ("Total Annual Dues"), shall be determined as follows:

1. Base participation rate: Ten percent of the Total Annual Dues shall be allocated equally among all Members. For example, if there are ten Members and the Total Annual Dues are \$100,000.00, the base participation total will be \$10,000.00 and each Member will pay \$1,000.00 as its share.
2. Member's Falls Lake Watershed water demands. Fifty percent of the Total Annual Dues shall be allocated among those Members having water demand from the Falls Lake Watershed based upon each such Member's share of the total annual (365-day) daily average raw water demand for the preceding calendar year in millions of gallons per day from the Falls Lake Watershed. For example, if the Total Annual Dues are \$100,000.00 and the total water demand from the Falls Lake Watershed is 100,000,000 gallons per day and Member A used 60,000,000 gallons per day for the last year for which such records are available from the North Carolina Department of Environment and Natural Resources (the "Relevant Period"), Member B used 34,000,000 gallons per day during the Relevant Period; Member C used 4,000,000 gallons per day during the Relevant Period; and Member D used 2,000,000 gallons per day during the Relevant Period, then each Member's share of the Total Annual Dues based upon water demand would be as follows: Member A: \$30,000.00; Member B: \$17,000.00; Member C: \$2,000.00; and Member D: \$1, 000.00.
3. Member's Proportion of Land Area in Falls Lake Watershed. Forty percent of the Total Annual Dues shall be allocated among those Members with land area in the Falls Lake Watershed within their corporate limits (for a municipality) or county limits (for a county). Each jurisdiction's contribution shall be based upon a fraction having as its numerator that jurisdiction's total acreage within the Falls Lake Watershed and as its denominator the total acreage in the Falls Lake Watershed. For example, if the Total Annual Dues are \$100,000.00 and Member A has 72,000 acres in the Falls Lake Watershed and there are a total of 494,000 acres in the Falls Lake Watershed, then that Member's share of the Total Annual Dues based upon proportion of land area in the Falls Lake Watershed would be as follows:  $\$5,829.96 [(72,000/494,000) * (.40 * \$100,000.00) = \$5,829.96]$ .

The examples above are given for the purpose of illustration only and are not intended to be indicative of the Total Annual Dues that may be required or of any individual Member's level of contribution. Members' contributions will be rounded to the nearest whole dollar.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

**Action Agenda  
Item No.** 11-b

**SUBJECT:** Adult Care Home Community Advisory Committee – Appointments

**DEPARTMENT:** Board of Commissioners

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

No

**ATTACHMENT(S):** Under Separate Cover

Board Roster  
Recommendations  
Attendance Records  
Applications for Persons Recommended  
Interest List  
Applications of Persons on the Interest  
List

**INFORMATION CONTACT:**  
Clerk's Office, 245-2130

**PURPOSE:** To consider making appointments to the Adult Care Home Community Advisory Committee.

**BACKGROUND:** The following information is for Board consideration:

**NOTE: These positions are all 2 year terms with a maximum of 3 terms (6 years total).**

- Appointment to a first full term (Position #6) At-Large for Suzanne Haff expiring 10/31/2017.
- Appointment to a first full term (Position #7) At-Large for A. Yvonne Medenhall expiring 10/31/2017.

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
6	Suzanne Haff	At-Large	10/31/2017
7	A. Yvonne Mendenhall	At-Large	10/31/2017

**NOTE - If the individuals listed above are appointed, the following vacancies remain:**

- \*Position #1--- "At-Large" position----- expiring 03/31/2017. **This position has been vacant since 09/21/2015.**
- \*Position #8--- "At-Large" position----- expiring 06/30/2016. **This position has been vacant since 10/01/2015.**
- \*Position #9--- "At-Large" position----- expiring 03/31/2016. **This position has been vacant since 07/21/2015.**

**\* All positions require a one year training period from date of appointment.**

**FINANCIAL IMPACT:** None.

**SOCIAL JUSTICE IMPACT: Enable Full Civic Participation.** Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

**RECOMMENDATION(S):** The Manager recommends that the Board consider making appointments to the Adult Care Home Community Advisory Committee.



Orange County, NC

## ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

### BOARD ROSTER



#### MR JAMES BARTOW

**1 Term** Oct 21, 2014 - Oct 31, 2017

Email: jmsbartow@gmail.com  
Phone: 919-932-2682

**Category** At-Large  
**Appointed by** BOCC



#### DR. BEVERLY FOSTER

**1 Term** Jun 17, 2014 - Jun 30, 2016

Email: bev\_foster@unc.edu  
Phone: 919-966-4995

**Category** At-Large  
**Appointed by** BOCC



#### MRS SUZANNE HAFF

**1 Term** Dec 09, 2014 - Dec 09, 2015

Email: suzhaff@gmail.com  
Phone: 919-933-9329

**Position** Training Orig exp. 10/31/2017 Nursing Home  
Administration  
**Category** At-Large



#### MR. DANIEL HATLEY

**3 Term** Aug 17, 2010 - Oct 31, 2017

Email: dan@hatleylawoffice.com  
Phone: 919-200-0822

**Position** DD/MR  
**Category** At-Large  
**Appointed by** BOCC



#### MR. MAX MASON

**1 Term** Jun 19, 2012 - Jun 30, 2017

Email: maxomason@yahoo.com  
Phone: 919-649-7937

**Office** Chair  
**Category** At-Large  
**Appointed by** BOCC



#### A YVONNE MENDENHALL

**1 Term** Dec 09, 2014 - Dec 09, 2015

Email: menholiday@aol.com  
Phone: 919-968-7874

**Position** Training Orig exp. 10/31/2017 Nursing Home  
Administration  
**Category** At-Large  
**Appointed by** BOCC



#### MS. DEBORAH RIDER

**1 Term** Sep 17, 2013 - Jun 30, 2016

Email: drider1736@gmail.com  
Phone: 919-818-6489

**Category** At-Large  
**Appointed by** BOCC



#### DEBORAH STEWART

**1 Term** Dec 09, 2014 - Oct 30, 2017

Email: deb.k.stewart@gmail.com  
Phone: 919-210-4857

**Category** At-Large  
**Appointed by** BOCC



**DR. ANTHONY JOHN VOGT**

**1 Term** Nov 19, 2013 - Oct 31, 2017

Email: ajvogt@earthlink.net  
Phone: 919-929-8646

**Category** At-Large  
**Appointed by** BOCC



**VACANCY**

**Position** At-Large  
**Category** At-Large  
**Appointed by** BOCC



**VACANCY**

**Position** At-Large  
**Category** At-Large  
**Appointed by** BOCC



**VACANCY**

**Position** At-Large  
**Category** At-Large  
**Appointed by** BOCC

**Thom Freeman**

---

**From:** Charlotte Terwilliger <cterwilliger@tjcog.org>  
**Sent:** Friday, November 20, 2015 9:18 AM  
**To:** Thom Freeman  
**Subject:** Reappointments - Haff and Mendenhall  
**Attachments:** Suzanne H Adult Care Home Community Advisory Committee 3RD Qtr 2015 Attendance New Format.xlsx; Yvonne M Adult Care Home Community Advisory Committee 3RD Qtr 2015 Attendance New Format.xlsx

Dear Thom,

Suzanne Haff's and Yvonne Mendenhall's current terms to the Adult Care Home Community Advisory Committee will be expiring on 12/9/15. We are recommending that Ms. Haff and Ms. Mendenhall be reappointed for a first full term. Both people have provided strong leadership to the committee and have gone above and beyond in advocating for long term care residents. They have directly participated in several advocacy projects that the committee has sponsored and encourages other members to do the same.

Ms Haff has attended 5 out of 6 business meetings during the past year and has completed all quarterly facility visits assigned to her sub-group. See attached attendance record.

Ms. Mendenhall has attended 4 out of 6 business meetings during the past year and has completed all quarterly facility visits assigned to her sub-group. See attached attendance record.

Please let me know if you need additional information from me to move this recommendation forward.

Best Regards,  
Charlotte

Charlotte Terwilliger, MSW  
Regional Long Term Care Ombudsman

Area Agency on Aging  
Triangle J Council of Governments  
4307 Emperor Blvd., Suite 110, Durham, NC 27703  
(o) 919-558-9401 / (f) 919-998-8101  
[cterwilliger@tjcog.org](mailto:cterwilliger@tjcog.org) / [www.tjcog.org](http://www.tjcog.org)

E-Mail correspondence to and from this address is subject to the North Carolina Public Records Act and may be disclosed to third parties unless made confidential under applicable law.

Attendance Record Current – Member Re-appointment  
 Recommendation for BOCC Review

Adult Care Home Community Advisory Committee January / 2015 – November / 2015

Member	Appointed	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Yvonne Mendenhall*	12/09/2014	X		E		X		X		E		X							
Suzanne Haff*	12/09/2014	X		E		X		X		X		X							
<b>X: Attended E: Excused U: Unexcused BM: Business Meeting</b>																			
<b>* New Member - Completed Orientation 02/2015</b>																			
<b>Current through - 11/2015</b>																			

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mrs Suzanne Haff  
**Name Called:**  
**Home Address:** 107 Hunter Hill Road  
 Chapel Hill NC 27516  
**Phone (Day):** 919-933-9329  
**Phone (Evening):**  
**Phone (Cell):**  
**Email:** suzhaff@gmail.com  
**Place of Employment:** Chicle Language & Culture Institute, Part-Time  
**Job Title:** English Teacher  
**Year of OC Residence:** 1988  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** Joint Planning Area  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

### Past Service on Orange County Advisory Boards:

### Boards/Commissions applied for:

#### Durham Technical Community College Board of Directors

**Background, education and experience relevant to this board:**

**Reasons for wanting to serve on this board:**

**Conflict of Interest:**

#### Adult Care Home Community Advisory Committee

**Background, education and experience relevant to this board:**

Masters in Education Worked 45 years in public schools in several states In Durham Public Schools I worked as a central office specialist helping middle and high school teachers integrate literacy skills into their content area classrooms. This experience of going to many schools and supporting many teachers keep their standards high in an advisory way is relevant to this board. I want to help the Adult Care Homes treat their clients as I would want to be treated. I have worked for many years as a curriculum support person in schools and am experienced in the protocols of such an advisory board.

**Reasons for wanting to serve on this board:**

I want to be a part of assuring quality for those less able to help advocate for themselves. I want to serve on this board to help our county do the best they can for our older citizens in Adult Care Homes.

**Conflict of Interest:**

None

### Supplemental Questions:

Work Experience: 45 years as high school and community college educator and administrator. Teacher and teacher of teachers in Virginia, Ct., Washington State, California and North Carolina.

Volunteer Experience: Chapel Hill Planning Board - Appointed by Orange County Commissioners 2000-2005 (JPA Residence Area)

Northern Area Task Force - Appointed by CH Town Council 2009

Northwood Neighborhood Association (Currently Secretary)

Escort - Orange County Conference to End Homelessness. Tutor for Chapel Hill Public Schools. Many neighborhood civic organizations here and in other states. "Good Neighbor" Award by mayor in Pasadena, California.

Education: BA 1965 Political Science and Economics: Mary Washington College of the Univ. of Va.

M.Ed. 1969 University of Virginia. Various other courses over the years without completion of degree.

**Other Comments:**

I'm interested in taking my turn participating in the process of helping keep our county a pleasant place for all its residents through thoughtful planning. I would like to serve my community and I believe I offer a progressive yet balanced approach to decision making.

STAFF COMMENTS: Originally applied 1/15/02 for ABC Board. Reapplied 10/07/2007 for Chapel Hill Board of Adjustment, Durham Tech. Comm. College Bd of Directors, DTCC Satellite Campus. Reapplied 6/18/2010 for CH BOA, Advisory Board on Aging and Solid Waste Advisory Board. Reapplied 09/16/2011 for CH Planning Board. Her Comments:

The JPA Seat on the Chapel Hill Planning Board is currently vacant. The Town Council of Chapel Hill is currently working on a Transit Feasibility Study Report for Euganks Road and has had a Concept Plan presented to them to put a shopping Center on the 49 acres of undeveloped land between Eubanks and I40. the citizens in this section of the County needs representation and that is why I am applying at this time. ADDRESS

VERIFICATION: 107 Hunter Place is in Chapel Hill Township and Orange County Jurisdiction. (JPA)

This application was current on: 9/16/2011

Date Printed: 7/28/2014

## **Volunteer Application Orange County Advisory Boards and Commissions**

**Name:** A Yvonne Mendenhall  
**Name Called:**  
**Home Address:** 304 W Barbee Chapel Rd  
Chapel Hill NC 27517  
**Phone (Day):** 919-968-7874  
**Phone (Evening):** 919-968-7874  
**Phone (Cell):** 919-360-1746  
**Email:** menholiday@aol.com  
**Place of Employment:** Retired  
**Job Title:** Retired  
**Year of OC Residence:** 1990  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** Chapel Hill Township within C.H. city limits  
**Sex:** Female  
**Ethnic Background:** Caucasian

### **Community Activities/Organizational Memberships:**

Orange County Community Advisory Committee for Long Term Care and Adult Care Homes  
Orange County Project EngAGE  
Orange County Project EngAGE Advisory Council  
Orange County Master Aging Plan Work Group

### **Past Service on Orange County Advisory Boards:**

Orange County Project EngAGE Advisory Board

### **Boards/Commissions applied for:**

#### **Advisory Board on Aging**

##### **Background, education and experience relevant to this board:**

Community leader, Gerontologist, Aging in Community leader

##### **Reasons for wanting to serve on this board:**

Help share input and presence of Long Term Care programs and needs with OCDA.

##### **Conflict of Interest:**

### **Supplemental Questions:**

### **Other Comments:**

This application was current on: 7/17/2015

Date Printed: 7/20/2015

# Applicant Interest Listing

by Board Name and by Applicant Name

---

## *Adult Care Home Community Advisory Committee*

Contact Person: Charlotte Terwilliger  
Contact Phone: 919-558-9401

---

**Mr Stephen Bank**  
7404 Dodsons Xrd  
Hillsborough NC 27278

Day Phone: 9199296369  
Evening Phone: 9199296369  
Cell Phone:  
E-mail: stevebank@gmail.com

Sex: Male  
Race: Caucasian  
Township: Bingham  
Res. Eligibility: County  
Date Applied: 07/28/2014

Skills:

Also Serves On:

---

**Mrs. Gloria Brown MSW**  
2200 Old Forest Drive  
Hillsborough NC 27278

Day Phone: 919 537-7485  
Evening Phone: 919 245-1025  
Cell Phone: 919 245-1025  
E-mail: browng@pedmonthealth.org

Sex: Female  
Race: African American  
Township: Hillsborough  
Res. Eligibility: County  
Date Applied: 10/29/2015

Skills:

Also Serves On:

---

**Mr William Lang**  
106 Hayes Street  
Hillsborough NC 27278

Day Phone: 2022151131  
Evening Phone: 2022151131  
Cell Phone: 2022151131  
E-mail: wglang1954@gmail.com

Sex: Male  
Race: Caucasian  
Township: Hillsborough  
Res. Eligibility: Hillsborough Town Lim  
Date Applied: 11/04/2015

Skills:

Also Serves On:

---

**Miss Danielle Mosley**  
476 Melanie Court  
Chapel Hill NC 27514

Day Phone: 919-309-5685  
Evening Phone:  
Cell Phone:  
E-mail: Dlynm26@gmail.com

Sex: Female  
Race: Caucasian  
Township: Chapel Hill  
Res. Eligibility: C.H. City Limits  
Date Applied: 10/01/2014

Skills: Club Nova

Also Serves On:

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr Stephen Bank  
**Name Called:**  
**Home Address:** 7404 Dodsons Xrd  
 Hillsborough NC 27278  
**Phone (Day):** 9199296369  
**Phone (Evening):** 9199296369  
**Phone (Cell):** not used  
**Email:** stevebank@gmail.com  
**Place of Employment:** retired  
**Job Title:** na  
**Year of OC Residence:** 2004  
**Township of Residence:** Bingham  
**Zone of Residence:**  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

None. Graduated in 1966 with MA in psychology and completed all classes for PhD in psychology (did not complete dissertation). Have worked in mental health capacities from 1966 until retirement from Lutheran Family Services ACT Team in 2010.

### Past Service on Orange County Advisory Boards:

none

### Boards/Commissions applied for:

#### Adult Care Home Community Advisory Committee

##### Background, education and experience relevant to this board:

As previously stated - Psychology graduate degree and work experience in field since 1966.

##### Reasons for wanting to serve on this board:

I know a little something about the field and might have significant insight.

##### Conflict of Interest:

### Supplemental Questions:

### Other Comments:

This application was current on: 7/28/2014 3:39:35 PM

Date Printed: 7/29/2014

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mrs. Gloria Brown MSW  
**Name Called:**  
**Home Address:** 2200 Old Forest Drive  
 Hillsborough NC 27278  
**Phone (Day):** 919 537-7485  
**Phone (Evening):** 919 245-1025  
**Phone (Cell):** 919 245-1025  
**Email:** browng@piedmonthealth.org  
**Place of Employment:** Piedmont Health Services Inc.  
**Job Title:** Executive Administrator to CEO and Board Liaison  
**Year of OC Residence:** 2003  
**Township of Residence:** Hillsborough  
**Zone of Residence:**  
**Sex:** Female  
**Ethnic Background:** African American

### Community Activities/Organizational Memberships:

Work with Seniors, LGBT, and Homeless populations with my professional work, Community Outreach and voter registration events at churches and other groups for Piedmont. Member of Sportsplex. Group at work serves meals quarterly at SECU CH, member of White Rock Baptist Church in Durham and very active with the Titus Women s Ministry. Alumni Yeshive University WSSW, UNCG, and Valencia Community College. Former member of the IFC BOD and NASW

### Past Service on Orange County Advisory Boards:

None

### Boards/Commissions applied for:

#### Adult Care Home Community Advisory Committee

##### Background, education and experience relevant to this board:

I have a BSW, MSW in Social Work. My Mother was diagnosed with Dementia when I was a Senior at UNCG, so I have personal experience knowing what it take to ensure that Seniors living in our community are safe and free from harm. It was a challenge as she had to be in a nursing home for 1 month for therapy but then I was able to take her to her home and her sister stayed with her. I got a sitter for Mon-Fri and Sat and Sun I oversaw her care. Piedmont Health SeniorCare is one of the programs where I work [www.pace4you.org](http://www.pace4you.org) this program ensures that participants have the best of care and once they become a participant their depression scores decrease because they have interactions with others and people care about their well being. I like learning and believe that quality care is #1 and it is important that someone can be an advocate for a senior when they are not being treated fairly.

##### Reasons for wanting to serve on this board:

---

I will soon have a new position Special Assistant to the CEO where one of the main groups that I will connect with will be seniors. So I talked with Brian Toomey, CEO about the information in Orange Briefs Sun Oct 25, 2015. It is important that residents of Adult Care Homes have access to quality affordable health care, dental care, proper nutritious food, Be Active to promote wellness and that they are treated properly by the owner of the Adult Care Homes.

**Conflict of Interest:**

**Supplemental Questions:**

**Other Comments:**

This application was current on: 10/29/2015 2:51:10 PM

**Date Printed:** 10/29/2015

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr William Lang  
**Name Called:**  
**Home Address:** 106 Hayes Street  
 Hillsborough NC 27278  
**Phone (Day):** 2022151131  
**Phone (Evening):** 2022151131  
**Phone (Cell):** 2022151131  
**Email:** wglang1954@gmail.com  
**Place of Employment:** American Association of Colleges of Pharmacy  
**Job Title:** Senior Policy Advisor  
**Year of OC Residence:** 2013  
**Township of Residence:** Hillsborough  
**Zone of Residence:** Hillsborough Town Limits  
**Sex:** Male  
**Ethnic Background:** Caucasian

**Community Activities/Organizational Memberships:**

Volunteer- Meals on Wheels/OCIM

**Past Service on Orange County Advisory Boards:**

None

**Boards/Commissions applied for:**

**Adult Care Home Community Advisory Committee**

**Background, education and experience relevant to this board:**

Extensive experience in law and regulation associated with home and community-based programs and services both at the state (NC) and federal levels. Masters in Public Health. Former Director of Government Affairs for Association of home and hospice care of NC. Mentored by Karen Gottovi and Betty Wiser (former state representatives/Director of State Agency for Aging)...important advocates for older adults, disabled and those served by adult care homes and other community-based programs.

**Reasons for wanting to serve on this board:**

Adult care homes play an important role in the continuum of care for older adults and the disabled. The challenges of effective and efficient operation of adult care homes can only be met through partnership between home operators, regulators and community advocates. Bringing stakeholders together to create positive and sustained efforts for service and program improvement is an important aspect of my work that can be translated easily to my role as an advisory board member.

**Conflict of Interest:**

No

**Supplemental Questions:**

**Other Comments:**

This application was current on: 11/4/2015 9:54:23 AM

Date Printed: 11/5/2015

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Miss Danielle Mosley  
**Name Called:**  
**Home Address:** 476 Melanie Court  
 Chapel Hill NC 27514  
**Phone (Day):** 919-309-5685  
**Phone (Evening):**  
**Phone (Cell):**  
**Email:** Dlynnm26@gmail.com  
**Place of Employment:**  
**Job Title:**  
**Year of OC Residence:** 2011  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** C.H. City Limits  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

### Past Service on Orange County Advisory Boards:

#### Boards/Commissions applied for:

##### Adult Care Home Community Advisory Committee

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

##### Board of Health

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

##### Agricultural Preservation Board

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

### Supplemental Questions:

Work Experience: Club Nova

Volunteer Experience: Club Nova

Education: Attending school for ged

**Other Comments:**

STAFF COMMENTS: Applied for Adult Care Home Community Advisory Committee, Board of Health, and Agricultural preservation Board on 06/26/2012. ADDRESS VERIFICATION: Melanie Court is Chapel Hill Township, Chapel Hill Town Limits.

This application was current on: 6/26/2012 11:06:45 AM

Date Printed: 12/27/2013

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

**Action Agenda  
Item No.** 11-c

**SUBJECT:** Affordable Housing Advisory Board – Appointments

**DEPARTMENT:** Board of Commissioners

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

No

**ATTACHMENT(S):** Under Separate Cover

Board Roster  
Recommendations  
Attendance Records  
Applications for Persons Recommended  
Interest List  
Applications of Persons on the Interest  
List

**INFORMATION CONTACT:**  
Clerk's Office, 245-2130

**PURPOSE:** To consider making appointments to the Affordable Housing Advisory Board.

**BACKGROUND:** The following information is for Board consideration:

- Appointment to a first full term (Position #6) At-Large representative for Tammy Jacobs expiring 06/30/2018.
- Appointment to a first full term (Position #12) At-Large representative for Daniel Bullock expiring 06/30/2018.
- Appointment to a first full term (Position #15) At-Large representative for Jason O'Quinn expiring 09/30/2018.

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
6	Tammy Jacobs	At-Large	06/30/2018
12	Daniel Bullock	At-Large	06/30/2018
15	Jason O'Quinn	At-Large	09/30/2018

**NOTE - If the individuals listed above are appointed, the following vacancies remain:**

- \*Position #3--- "At-Large" position----- expiring 06/30/2018. **This position has been vacant since 11/02/2015.**
- \*Position #9--- "At-Large" position----- expiring 06/30/2018. **This position has been vacant since 08/28/2015.**

**FINANCIAL IMPACT:** None.

**SOCIAL JUSTICE IMPACT: Enable Full Civic Participation.** Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

**RECOMMENDATION(S):** The Manager recommends that the Board consider making appointments to the Affordable Housing Advisory Board.



Orange County, NC

## AFFORDABLE HOUSING ADVISORY BOARD

### BOARD ROSTER



**MS. JONZELLA BAILEY-PRIDHAM**

Category At-Large

**2 Term** Nov 19, 2013 - Sep 30, 2016

Email: zuguru02@yahoo.com

Phone: 919-923-6931



**PATSY BARBEE**

Office Chair

Category At-Large

**2 Term** Jan 22, 2015 - Jun 30, 2017

Email: msdivapat@yahoo.com



**MS. DIANE BEECHAM**

Category At-Large

**2 Term** Jun 18, 2013 - Jun 30, 2016

Email: ddbeecham@gmail.com

Phone: 919-918-4075



**MR DANIEL BULLOCK**

Category At-Large

**1 Term** Mar 17, 2015 - Jun 30, 2015

Email: bullock.daniel@gmail.com

Phone: 919-219-4516



**DR. BRIAN FINCH**

Category At-Large

**1 Term** Mar 17, 2015 - Jun 30, 2016

Email: roundunderpar@gmail.com

Phone: 704-989-4886



**MS. TAMMY JACOBS**

Category At-Large

**1 Term** Oct 15, 2013 - Jun 30, 2015

Email: tammy.jacobs722@yahoo.com

Phone: 919-271-0554



**MS SULLY JAFFER**

Category At-Large

**1 Term** Oct 15, 2013 - Sep 30, 2016

Email: sjaffer2@netzero.net

Phone: 919-928-0934



**MS. ELEANOR KINNAIRD**

Category At-Large

**1 Term** Mar 17, 2015 - Sep 30, 2017

Email: ekinnaird2@gmail.com

Phone: 919-918-3432



**JASON O'QUINN**

Category At-Large



**1 Term** Mar 17, 2015 - Sep 30, 2015

Email: oquinnjp@gmail.com

4



## NOAH OSWALD

**1 Term** Jan 22, 2015 - Jun 30, 2017

Email: noah.oswald@gmail.com

Phone: 919-904-4624

Category At-Large



## MS. NANNIE M. RICHMOND

**2 Term** Jan 22, 2015 - Jun 30, 2017

Email: ncnurse02@aol.com

Phone: 919-732-7884

Category At-Large



## ANDREW SHANNON

**1 Term** Oct 16, 2012 - Jun 30, 2015

Email: andrew.shannonjr@yahoo.com

Category At-Large



## MR. ARTHUR SPRINCZELES

**2 Term** Mar 17, 2015 - Jun 30, 2017

Email: arthur.sprinczeles@gmail.com

Phone: 919-452-2757

Office Vice-Chair  
Category At-Large



## TRACI WOOTEN

**1 Term** Jan 22, 2015 - Jun 30, 2016

Email: t.lizzie.w@gmail.com

Phone: 336-583-6273

Category At-Large



## VACANCY

**Thom Freeman**

---

**From:** Audrey Spencer-Horsley  
**Sent:** Wednesday, November 25, 2015 10:14 AM  
**To:** Thom Freeman  
**Cc:** Crystal Coble; msdivapat@yahoo.com  
**Subject:** Fwd: Affordable Housing Advisory Board

Based on the attendance, participation and contribution from Tammy Jacobs, Daniel Bullock, and Jason O'Quinn, the Affordable Housing Advisory Board recommends that they be reappointed to serve an additional term.

Crystal will forward the attendance record for these members this afternoon. Will the vacant positions be included for the December 15th meeting as well?

Happy Thanksgiving.

Thanks. Audrey

Sent from my Sprint Samsung Galaxy Note5.

Attendance Record Current - Member Re-appointment Recommendation For BOCC Review  
 Affordable Housing Advisory Board  
 Nov / 2014 – Nov / 2015

Member	Appoint	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Tammy Jacobs	10/15/20	E	A	P	A	P	E	P	NO MEETING		P	P	A	P
Daniel Bullock	03/17/20						E	P			P	P	P	P
Jason O'Quinn	03/17/20						E	P			A	E	P	E
<b>P: Present A: Absent E=Excused</b>														
<b>Current through - 11/30/2015</b>														

**Volunteer Application**  
**Orange County Advisory Boards and Commissions**

**Name:** Ms. Tammy Jacobs  
**Name Called:**  
**Home Address:** 200 Laurel Avenue  
Carrboro NC 27510  
**Phone (Day):** 919-271-0554  
**Phone (Evening):** 919-271-0554  
**Phone (Cell):**  
**Email:** tammy.jacobs722@yahoo.com  
**Place of Employment:** Durham Housing Authority  
**Job Title:** Service Coordinator-Public Housing Sector  
**Year of OC Residence:** 1985  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** Carrboro City Limits  
**Sex:** Female  
**Ethnic Background:** African American

**Community Activities/Organizational Memberships:**

Currently a member of the Chapel Hill High School PTA

**Past Service on Orange County Advisory Boards:**

Served on Affordable Housing Advisory Board in the past.

**Boards/Commissions applied for:**

**Supplemental Questions:**

**Other Comments:**

STAFF COMMENTS: Applied 6/8/2001 for Affordable Housing Advisory Board; Human Relations Commission. Applied 07/15/2013 for Orange County Housing Authority and Affordable Housing Advisory Board. ADDRESS VERIFICATION: 200 Laurel Avenue is Chapel Hill Township, Carrboro Jurisdiction and Carrboro City Limits.

This application was current on: 7/15/2013

Date Printed: 12/31/2013

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr Daniel Bullock  
**Name Called:**  
**Home Address:** 925 New Hope Church Rd  
 Chapel Hill NC 27516  
**Phone (Day):** 919-219-4516  
**Phone (Evening):** 919-219-4516  
**Phone (Cell):** 919-219-4516  
**Email:** bullock.daniel@gmail.com  
**Place of Employment:** Chapel Hill Carrboro City Schools  
**Job Title:** Media Assistant  
**Year of OC Residence:** 1988  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** County  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

I served in Orange County as an affordable housing advocate for over 2 years. I helped build and run numerous youth programs, including in Chapel Hill public housing. I also helped start an initiative to catalog and organize a database of affordable housing in the county, and became very familiar with the options in Orange as well as the unmet needs.

I also volunteer as a youth soccer coach in Chapel Hill.

### Past Service on Orange County Advisory Boards:

None

### Boards/Commissions applied for:

#### Affordable Housing Advisory Board

##### Background, education and experience relevant to this board:

I recently finished an AmeriCorps service term as an affordable housing advocate in Orange County and am familiar with the current available affordable housing as well as housing policy and needs.

##### Reasons for wanting to serve on this board:

I am now working in education but wish to continue being involved in and working for quality housing for all Orange County residents.

##### Conflict of Interest:

**Orange County Housing Authority****Background, education and experience relevant to this board:**

recently finished an AmeriCorps service term as an affordable housing advocate in Orange County and am familiar with the current available affordable housing as well as housing policy and needs.

**Reasons for wanting to serve on this board:**

I am now working in education but wish to continue being involved in and working for quality housing for all Orange County residents.

**Conflict of Interest:****Supplemental Questions:****Other Comments:**

This application was current on: 12/7/2014 9:57:26 AM

Date Printed: 12/12/2014

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr. Jason O'Quinn  
**Name Called:**  
**Home Address:** 6451 Compton road  
 Cedar Grove NC 27231  
**Phone (Day):** 9194893112  
**Phone (Evening):** 8036223353  
**Phone (Cell):** 8036223353  
**Email:** oquinnjp@gmail.com  
**Place of Employment:** Capstone Real Estate Investments  
**Job Title:** Area Manager  
**Year of OC Residence:** 2014  
**Township of Residence:** Cedar Grove  
**Zone of Residence:**  
**Sex:** Male  
**Ethnic Background:** Caucasian

**Community Activities/Organizational Memberships:**

N/a

**Past Service on Orange County Advisory Boards:**

N/a

**Boards/Commissions applied for:**

**Orange County Housing Authority**

**Background, education and experience relevant to this board:**

I work for a real estate developer as a property manager of 3 different properties in Durham and Chapel Hill totaling 620 beds.

**Reasons for wanting to serve on this board:**

I am interested not only in the positive development of our county, but also want to contribute my professional experience to help overcome systemic barriers that hold back low income families.

**Conflict of Interest:**

**Affordable Housing Advisory Board**

**Background, education and experience relevant to this board:**

I work for a real estate developer as a property manager of 3 different properties in Durham and Chapel Hill totaling 620 beds.

**Reasons for wanting to serve on this board:**

I am interested not only in the positive development of our county, but also want to contribute my professional experience to help overcome systemic barriers that hold back low income families.

**Conflict of Interest:**

**Supplemental Questions:**

**Other Comments:**

**This application was current on:** 1/22/2015 7:54:00 PM

**Date Printed:** 1/23/2015

---

# Applicant Interest Listing

by Board Name and by Applicant Name

---

## *Affordable Housing Advisory Board*

Contact Person: Audrey Spencer-Horsley  
 Contact Phone: 919-245-2492

---

**Ms. Brika Eklund**  
 3718 Ode Turner Road  
 Hillsborough NC 27278

Day Phone: 9194285468  
 Evening Phone: 9194285468  
 Cell Phone: 9194285468  
 E-mail: breklund@gmail.com

Sex: Female  
 Race: Caucasian  
 Township: Hillsborough  
 Res. Eligibility: County  
 Date Applied: 08/25/2015

Skills:

Also Serves On:

---

**Mr Kolby Herndon**  
 114 W Union St  
 Hillsborough NC 27278

Day Phone: 919-794-1258  
 Evening Phone: 919-794-1258  
 Cell Phone: 919-794-1258  
 E-mail: Kolbyherndon@gmail.com

Sex: Male  
 Race: Caucasian  
 Township: Hillsborough  
 Res. Eligibility: Hillsborough Twnshp -  
 Date Applied: 05/11/2015

Skills:

Also Serves On: Historic Preservation Commission (APPLICANTS SH)

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms. Brika Eklund  
**Name Called:**  
**Home Address:** 3718 Ode Turner Road  
 Hillsborough NC 27278  
**Phone (Day):** 9194285468  
**Phone (Evening):** 9194285468  
**Phone (Cell):** 9194285468  
**Email:** breklund@gmail.com  
**Place of Employment:** Self-Help  
**Job Title:** Special Assistant to the EVP  
**Year of OC Residence:** 2014  
**Township of Residence:** Hillsborough  
**Zone of Residence:** County  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

Participant in Orange County Democratic Party activities

### Past Service on Orange County Advisory Boards:

N/A

### Boards/Commissions applied for:

#### Affordable Housing Advisory Board

##### Background, education and experience relevant to this board:

I grew up in Chapel Hill and participated in several Habitat for Humanity projects on Rogers Road during high school. After attending Davidson College and working in community development, I attended UNC-Department of City and Regional Planning where I focused in real estate and affordable housing. I worked in the industry in Boston, MA before returning home to Orange County in late 2014. I now work at Self-Help in Durham for the Executive Vice President in charge of real estate development, commercial/home lending and other activities. Self-Help is a community development lender focused on increasing wealth and economic opportunities for low- and moderate-income individuals and families.

##### Reasons for wanting to serve on this board:

I want to serve on an affordable housing board in Orange County to contribute to housing development in my home county. In Boston, MA, I served on the Board of Directors of a community development corporation dedicated to improving affordable housing opportunities in a low-income, minority neighborhood. I miss that experience and want to contribute in a planning/governmental capacity in my home county.

##### Conflict of Interest:

**Orange County Housing Authority****Background, education and experience relevant to this board:**

I grew up in Chapel Hill and participated in several Habitat for Humanity projects on Rogers Road during high school. After attending Davidson College and working in community development, I attended UNC-Department of City and Regional Planning where I focused in real estate and affordable housing. I worked in the industry in Boston, MA before returning home to Orange County in late 2014. I now work at Self-Help in Durham for the Executive Vice President in charge of real estate development, commercial/home lending and other activities. Self-Help is a community development lender focused on increasing wealth and economic opportunities for low- and moderate-income individuals and families.

**Reasons for wanting to serve on this board:**

I want to serve on an affordable housing board in Orange County to contribute to housing development in my home county. In Boston, MA, I served on the Board of Directors of a community development corporation dedicated to improving affordable housing opportunities in a low-income, minority neighborhood. I miss that experience and want to contribute in a planning/governmental capacity in my home county.

**Conflict of Interest:****Supplemental Questions:****Other Comments:**

This application was current on: 8/25/2015 9:13:02 AM

Date Printed: 12/9/2015

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr Kolby Herndon  
**Name Called:**  
**Home Address:** 114 W Union St  
 Hillsborough NC 27278  
**Phone (Day):** 919-794-1258  
**Phone (Evening):** 919-794-1258  
**Phone (Cell):** 919-794-1258  
**Email:** Kolbyherndon@gmail.com  
**Place of Employment:** Aflac  
**Job Title:** Aflac agency owner  
**Year of OC Residence:** 2011  
**Township of Residence:** Hillsborough  
**Zone of Residence:**  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

I want to become more involved in Orange County activities. My wife and I live in Hillsborough. Her family has been apart of the Hillsborough community for 9 generations. I am new and have started my business here and want to do what I can to impact this wonder area to make sure it maintains the reputation it has when my future kids are starting their families here. Thanks for your consideration.

### Past Service on Orange County Advisory Boards:

N/A

### Boards/Commissions applied for:

#### Historic Preservation Commission (APPLICANTS SHALL RESIDE WITHIN THE TERRITORIAL

##### Background, education and experience relevant to this board:

I have lived at a historic property in Hillsborough for 3 years. My previous business ventures were in restoration and preservation at a construction company. I have been in the insurance industry for 5 years. My home is featured as apart of this years flower tour in Hillsborough.

##### Reasons for wanting to serve on this board:

I want to help preserve this amazing town. It means so much to me to be apart of a family that has been here for so long and made the impact they have. I want to continue their legacy as well as be certain when change does happen it is in the best interest for the town and my Family.

##### Conflict of Interest:

**Affordable Housing Advisory Board****Background, education and experience relevant to this board:**

My previous business ventures were in restoration and preservation at a construction company. With this back ground I think I could offer a valuable opinion on how to implement an affordable plan that will make everyone see that this is good for the community.

**Reasons for wanting to serve on this board:**

I believe having affordable housing brings all walks of life and manifest a culture that is diverse in a way that allows everyone to be apart of this town. Everyone wants to feel important in some way and owning a home in a town of significance in my view opens many doors that may not always be attainable for all without the promise of affordability.

**Conflict of Interest:****Supplemental Questions:****Other Comments:**

This application was current on: 5/11/2015 2:53:17 PM

Date Printed: 5/13/2015

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

**Action Agenda  
Item No.** 11-d

**SUBJECT:** Chapel Hill / Orange County Visitors Bureau – Appointments

**DEPARTMENT:** Board of Commissioners

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

No

**ATTACHMENT(S):** Under Separate Cover

Board Roster  
Recommendations  
Attendance Records  
Applications for Persons Recommended  
Interest List  
Applications of Persons on the Interest  
List

**INFORMATION CONTACT:**  
Clerk's Office, 245-2130

**PURPOSE:** To consider making appointments to the Chapel Hill / Orange County Visitors Bureau.

**BACKGROUND:** The following information is for Board consideration:

- Appointment to a second full term (Position #4) At-Large UNC Chapel Hill representative for Dr. Aaron Bachenheimer expiring 12/31/2018.
- Appointment to a first full term (Position #11) At-Large O/C Lodging Assoc. representative for Nitin Khana expiring 12/31/2018.
- Appointment to a second full term (Position #17) At-Large representative for Lee Pavao expiring 12/31/2018.

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
4	Dr. Aaron Bachenheimer	At-Large/UNC Chapel Hill	12/31/2018
11	Nitin Khanna	At-Large/OC Lodging Assoc.	12/31/2018
17	Lee Pavao	At-Large	12/31/2018

**NOTE - If the individuals listed above are appointed, the following vacancies remain:**

- \*Position #1--- “At-Large Chapel Hill Town Council” position----- expiring 12/31/2018. **This position will be vacant 12/31/2015.**
- \*Position #8--- “At-Large/OC Lodging Assoc.” position----- expiring 12/31/2018. **This position will be vacant 12/31/2015.**
- \*Position #14--- “Economic Development Staff-Town of Chapel Hill” position----- expiring 06/30/2017. **This position has been vacant longer than six months.**

**FINANCIAL IMPACT:** None.

**SOCIAL JUSTICE IMPACT: Enable Full Civic Participation.** Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

**RECOMMENDATION(S):** The Manager recommends that the Board consider making appointments to the Chapel Hill / Orange County Visitors Bureau.



Orange County, NC

# CHAPEL HILL/ORANGE COUNTY VISITORS BUREAU

## BOARD ROSTER



### DR. AARON BACHENHEIMER

**1 Term** Jun 03, 2014 - Dec 31, 2015

Email: bachenhe@email.unc.edu  
Phone: 919-843-5827

**Position** UNC- Chapel Hill  
**Category** At-Large



### MR. ANTHONY CAREY

**2 Term** Apr 23, 2013 - Dec 31, 2015

Email: acarey@sienahotel.com  
Phone: 919-929-4000

**Office** Chair  
**Position** O/C Lodging Assoc.  
**Category** At-Large



### MRS. KAREN DEHART

**2 Term** Dec 10, 2013 - Dec 31, 2016

Email: karen@nchsaa.org  
Phone: 919-240-7369

**Position** NC High School Athletic Association  
**Category** At-Large



### MICHAEL GERING

**2 Term** Nov 04, 2010 - Dec 31, 2016

Email: mike.gering@hillsboroughnc.org

**Position** Town of Hillsborough Board of Commissioners  
**Category** Hillsborough Township



### MS. DEBORAH HEPP

**1 Term** Mar 19, 2014 - Dec 31, 2017

Email: debbie@ballyhoostudio.com  
Phone: 919-260-4495

**Position** O.C. Arts Commission  
**Category** At-Large



### MS. LIBBIE HOUGH

**1 Term** Nov 06, 2014 - Dec 31, 2017

Email: libbiehough@cmatters.org  
Phone: 919-967-8070

**Position** Alliance/Hist.Hillsborough  
**Category** At-Large



### MICHELLE JOHNSON

**1 Term** Jan 02, 2014 - Dec 31, 2016

Email: michelleforcarrboro@gmail.com  
Phone: 919-260-2145

**Position** Carrboro Board of Aldermen.  
**Category** At-Large



### MR. NITIN KHANNA

**Partial Term** Nov 06, 2014 - Dec 31, 2015

Email: nkhanha@sheronchapelhill.com  
Phone: 919-968-4900

**Position** O/C Lodging Assoc.  
**Category** At-Large



### MS. JILL MCCULLOUGH

**Position** Orange County/Hillsborough Chamber of Commerce



**1 Term** Dec 09, 2014 - Dec 31, 2017  
Email: amerylis.jm@gmail.com

**Category** At-Large



**MS. MEG MCGURK**  
**1 Term** Sep 16, 2014 - Jun 30, 2017  
Email: meg@dow ntown nchapelhill.com  
Phone: 919-967-9440

**Position** Chapel Hill Dow ntown n Partnership Staff  
**Category** Ex-officio



**LEE PAVAO**  
**1 Term** Apr 23, 2013 - Dec 31, 2015  
Email: lee@thecanaryperch.com

**Position** At-Large  
**Category** At-Large



**MR MARK SHERBURNE**  
**1 Term** Oct 17, 2014 - Dec 31, 2017  
Email: mandmsherburne@nc.rr.com  
Phone: 919-698-5996

**Position** Economic Development Commission-Orange  
County  
**Category** At-Large



**MS ANNETTE STONE**  
**1 Term** Sep 16, 2014 - Jun 30, 2017  
Email: astone@tow nofcarrboro.org  
Phone: 919 918 7319

**Position** Economic Development Staff - Tow n of  
Carrboro  
**Category** Ex-officio



**MR. LEE STORROW**  
**1 Term** Nov 01, 2013 - Dec 31, 2015  
Email: leestorrow.ch@gmail.com

**Position** Chapel Hill Tow n Council  
**Category** At-Large



**MRS. ROSEMARY WALDORF**  
**1 Term** Dec 09, 2014 - Dec 31, 2017  
Email: w aldorf@nc.rr.com  
Phone: 919-414-2047

**Position** Chapel Hill-Carrboro Chamber of Commerce  
**Category** At-Large



**VACANCY**



**VACANCY**

**Thom Freeman**

---

**From:** Laurie Paolicelli  
**Sent:** Tuesday, November 24, 2015 11:12 AM  
**To:** Thom Freeman; Allison Chambers  
**Subject:** Fwd: Recommendation of Nitin Khanna to serve on the Visitors Bureau advisory board.

Sent from my iPhone

Begin forwarded message:

**From:** Steve Brantley <[sbrantley@orangecountync.gov](mailto:sbrantley@orangecountync.gov)>  
**Date:** November 24, 2015 at 10:46:04 AM EST  
**To:** Laurie Paolicelli <[lpaolicelli@orangecountync.gov](mailto:lpaolicelli@orangecountync.gov)>  
**Subject: Recommendation of Nitin Khanna to serve on the Visitors Bureau advisory board.**

The Orange County Economic Development Department's advisory board is comprised of ten members who comprise a variety of relevant work experiences. They include professionals employed in various business fields, nonprofits, entrepreneurial start-ups and agriculture. Our advisory board also has one position designated for an individual who represents the hotel, tourism, and restaurant sector.

Our new advisory board member who was just appointed by the County Commissioners is Mr. Nitin Khanna, who is the General Manager of the Chapel Hill Sheraton Hotel. He replaces Mark Sherburne from the Carolina Inn, who previously served on our advisory board.

I enthusiastically endorse Nitin Khanna as the Orange County Economic Development Department advisory board's representative to serve on the Orange County/Chapel Hill Visitors Bureau board.

Best regards.

With Mark Sherburne no longer on your board, can you send us a letter recommending Nitin Khanna to our Visitors Bureau board, replacing Mark Sherburne's seat?

Steve Brantley  
Orange County Economic Development



Date: November 17, 2015  
To: Orange County's Clerk Office  
c/o Thom Freeman  
From: Laurie Paolicelli, Director, Visitors Bureau/Community Relations  
Re: Advisory Board Member serving second term

On behalf of the advisory board for the Chapel Hill/Orange County Visitors Bureau, please let this letter service as notice that board member, Aaron Bachenheimer, representing UNC-Chapel Hill, will serve on the Visitors' Bureau for the second term allotted to him by the Board of County Commissioners.

Dr. Bachenheimer continues to be an asset to the tourism industry in Orange County and updates the board on business matters related to tourism and the University. He regularly attends meetings and is a strong contributor to the business at hand.

In 2014 tourism generated \$180 million for Orange County and we remain grateful for contributions such as those by Bachenheimer.

Thank you for your support of tourism in Orange County and for helping this industry thrive.

Laurie Paolicelli  
Director

Date: November 17, 2015  
To: Orange County's Clerk Office  
c/o Thom Freeman  
From: Laurie Paolicelli, Director, Visitors Bureau/Community Relations  
Re: Advisory Board Member serving second term

On behalf of the advisory board for the Chapel Hill/Orange County Visitors Bureau, please let this letter service as notice that board member, Lee Pavao, representing an at-large position, will serve on the Visitors' Bureau for the second term allotted to him by the Board of County Commissioners.

Mr. Pavao continues to be an asset to the tourism industry in Orange County and updates the board on business matters related to Orange County. Mr. Pavao serves as the board's institutional memory, helping newcomers navigate history, past successes and funding opportunities.

He regularly attends meetings and is a strong contributor to the business at hand.

In 2014 tourism generated \$180 million for Orange County and we remain grateful for contributions such as those by Pavao.

Thank you for your support of tourism in Orange County and for helping this industry thrive.

Laurie Paolicelli  
Director

Attendance Record Current - Member Re-appointment Recommendation For BOCC Review  
 Chapel Hill / Orange County Visitors Bureau  
 Nov / 2014 – Nov / 2015

Member	Appointed	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov					
Dr. Aaron Bachenheimer	06/03/2014	P	na	P	na	P	P	P	P	na	P	P	E	P					
Nitin Khanna	11/06/2014	P	na	P	na	P	P	A	P	na	P	P	P	E					
Lee Pavao	04/23/2013	P	na	P	na	P	P	P	P	na	P	P	P	P					
<b>P: Present   A: Absent   E = Excused</b>																			
Current through - 11/30/2015																			

No Meeting in December

Meeting cancelled in February due to weather

No Meeting in July

---

**Volunteer Application**  
**Orange County Advisory Boards and Commissions**

**Name:** Dr. Aaron Bachenheimer  
**Name Called:**  
**Home Address:** 340 Summer Walk Circle  
Chapel Hill NC 27517  
**Phone (Day):** 919-843-5827  
**Phone (Evening):** 823-773-0099  
**Phone (Cell):** 823-773-0099  
**Email:** bachenhe@email.unc.edu  
**Place of Employment:** UNC Chapel Hill  
**Job Title:** Director of fraternity & sorority life and communi  
**Year of OC Residence:** 2014  
**Township of Residence:** Chapel Hill  
**Zone of Residence:**  
**Sex:** Male  
**Ethnic Background:** Caucasian  
**Community Activities/Organizational Memberships:**  
Board of advisors - Orange County Habitat.  
**Past Service on Orange County Advisory Boards:**  
None  
**Boards/Commissions applied for:**  
**Supplemental Questions:**

**Other Comments:**

This application was current on: 5/15/2014 1:32:41 PM

Date Printed: 5/15/2014

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr. Nitin Khanna  
**Name Called:**  
**Home Address:** One Europa Drive  
 Chapel Hill NC 27517  
**Phone (Day):** 919-968-4900  
**Phone (Evening):** 919-697-1715  
**Phone (Cell):** 919-697-1715  
**Email:** nkhanna@sheratonchapelhill.com  
**Place of Employment:** Sheraton Chapel Hill  
**Job Title:** General Manager  
**Year of OC Residence:** 2006  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** Chapel Hill Township within C.H. city limits  
**Sex:** Male  
**Ethnic Background:** Asian American

### Community Activities/Organizational Memberships:

I started working at the Sheraton Chapel Hill in 2006 and for past 8 years I have been actively involved in the local community. Below are some of the current/past positions that I held:

- Board of Director for Chapel Hill-Carrboro Chamber of Commerce
- President Triangle Hotel Motel Association (2009)
- Active Rotarian at East Chapel Hill Rotary
- Board member for NC lodging
- Active Triangle Hotel Motel Association member

### Past Service on Orange County Advisory Boards:

None

### Boards/Commissions applied for:

#### Economic Development Advisory Board (REQUIRES DISCLOSURE STATEMENT)

##### Background, education and experience relevant to this board:

I have been in the hospitality industry since 1994 and I am a hospitality graduate from Swiss Hotel School with an international experience who has worked with different cultures and nationalities.

Over the past 25 years I have held several positions in the Hospitality industry including my current role as a General Manager for the Sheraton Hotel in Chapel Hill. My previous role was a VP of Operations with a Development group where I managed 12 assets for different ownership.

The responsibilities included were:

- Liaison between brand and ownership
- Responsible to find suitable brand for assets and work through the Re-flagging of assets to improve value

- 
- Worked with town and counties to maintain the community relationship on behalf of the ownership and properties
  - Responsible for renovating 5 full service assets with over \$35 million of budget which positively impacted the revenues of the assets and taxes generated for the county
  - Oversaw the development of a Hilton Garden Inn and worked through opening a successful operating hotel
  - Helped ownership with purchase or sale of the assets

Below is the list of boards that I currently serve or have served in the past:

- Currently serves on board of directors for Chapel Hill-Carrboro Chamber of Commerce
- Currently serves on board of directors for Orange County Visitor Bureau
- Served a board member of NC Lodging Association
- Served on Board of Triangle Hotel & Motel Association
- Served a Past President of Triangle Hotel & Motel Association

**Reasons for wanting to serve on this board:**

Help in advising, attracting and retaining the right business to the Orange County that will assist in creating jobs and tax revenues for the county.

**Conflict of Interest:**

No.

**Supplemental Questions:**

**Other Comments:**

This application was current on: 9/30/2014 1:55:35 PM

Date Printed: 8/17/2015

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr. Lee Pavao  
**Name Called:**  
**Home Address:** The Gables, 620 Airport Road, Unit 503  
 Chapel Hill NC 27514  
**Phone (Day):** 919-942-4682  
**Phone (Evening):**  
**Phone (Cell):**  
**Email:** lee@thecanaryperch.com  
**Place of Employment:** J. Walter Thompson Company  
**Job Title:** Retired  
**Year of OC Residence:**  
**Township of Residence:** Chapel Hill  
**Zone of Residence:**  
**Sex:** Male  
**Ethnic Background:** Caucasian

**Community Activities/Organizational Memberships:**

**Past Service on Orange County Advisory Boards:**

**Boards/Commissions applied for:**

**Supplemental Questions:**

Work Experience: 32 year Advertising career with the J. Walter Thompson Co.

Volunteer Experience: Chapel Hill Parks & Rec  
 Chapel Hill Senior Center  
 Chapel Hill Orange County Visitor Bureau  
 various other Community Boards and organizations

Education: BS Degree in Advertising /Univ Of Mass at Dartmouth  
 Executive Management Certificate Uiv of Piura

**Other Comments:**

I served on the first County Task Force that initiated the process for the current Chapel Hill Senior Center. STAFF NOTES: Renewed his application 22 Jan 04 for Southern Orange Sr. Cntr. (new) Design Committee. Original applRecommended by Chapel Hill Chamber of Commerce for Visitors Bureau of Chapel Hill/ Orange County, 5/03. Member, Chapel Hill Town Board, 1997-2001.

# Applicant Interest Listing

by Board Name and by Applicant Name

## *Chapel Hill/Orange County Visitors Bureau*

Contact Person: Allison Chamebers

Contact Phone: 919-968-2060

### Ms. Lucia Apollo Shaw

5605 Hideaway Drive  
Chapel Hill NC 27516

Day Phone: 919-593-1026

Evening Phone: 919-593-1026

Cell Phone: 919-593-1026

E-mail: lshaw@hire-works.com

Sex: Female

Race: Caucasian

Township: Chapel Hill

Res. Eligibility:

Date Applied: 01/12/2014

Skills:

Also Serves On:

### Mr. Manish Atma

10447 Swain  
Chapel Hill NC 27517

Day Phone: 919-969-2728

Evening Phone: 704-361-3930

Cell Phone: 704-361-3930

E-mail: manish@atmahotelgroup.com

Sex: Male

Race: Asian American

Township: Chapel Hill

Res. Eligibility:

Date Applied: 10/09/2014

Skills:

Also Serves On:

### Mr. Art Menius

6627 Maynard Farm Rd  
Chapel Hill NC 27516

Day Phone: 919-675-2787

Evening Phone: 919-675-2787

Cell Phone: 919-675-2787

E-mail: art@artmenius.com

Sex: Male

Race: Caucasian

Township: Bingham

Res. Eligibility: County

Date Applied: 10/06/2014

Skills:

Also Serves On: Orange Unified Transportation Board

### Ms. Claire Millar

332 standish drive  
Chapel hill NC 27517

Day Phone: 919-489-2763

Evening Phone: 919-489-2763

Cell Phone:

E-mail: clairemillar509@gmail.com

Sex: Female

Race: Caucasian

Township: Chapel Hill

Res. Eligibility: JPA (Joint Planning Are

Date Applied: 11/20/2013

Skills: Teacher

Also Serves On: Board of Social Services

### Mr. Brian Rowe

3235 Rigsbee Road N  
Chapel Hill NC 27514

Day Phone: 919-389-2331

Evening Phone:

Cell Phone:

E-mail: bsrowe67@aol.com

Sex: Male

Race: Caucasian

Township: Chapel Hill

Res. Eligibility:

Date Applied: 10/13/2014

Skills: Accounting Experience

Also Serves On:

Skills: Insurance

Also Serves On:

# Applicant Interest Listing

by Board Name and by Applicant Name

## *Chapel Hill/Orange County Visitors Bureau*

Contact Person: Allison Chamebers

Contact Phone: 919-968-2060

---

<b>Ms. Joy Salyers</b>	Day Phone: 919-383-6040	Sex: Female
1563 Riverside Drive	Evening Phone: 919-998-8041	Race: Caucasian
Hillsborough NC 27278	Cell Phone:	Township: Hillsborough
	E-mail: joysalyers@ncfolk.org	Res. Eligibility: Rural Area Resident
		Date Applied: 08/06/2014
Skills: Arts Administration	Also Serves On: Arts Commission	

---

<b>Mr Daniel Siler</b>	Day Phone: 919-597-9447	Sex: Male
108 Ray Road	Evening Phone: 919-597-9447	Race: Caucasian
Chapel Hill NC 27516	Cell Phone: 919-597-9447	Township: Chapel Hill
	E-mail: daniel.siler@gmail.com	Res. Eligibility: Carrboro City Limits
		Date Applied: 02/06/2015
Skills: Advertising	Also Serves On: Orange County Parks and Recreation Council	
Skills: News Reporter		

---

<b>Ms. Mary Stowe</b>	Day Phone: 919-260-8374	Sex: Female
2435 Springview Tr	Evening Phone: 919-260-8374	Race: Caucasian
Chapel Hill NC 27514	Cell Phone: 919-260-8374	Township: Chapel Hill
	E-mail: mary@yarnsetc.com	Res. Eligibility: C.H. City Limits
		Date Applied: 08/05/2013
Skills: Business Owner	Also Serves On:	
Skills: Marketing Analyst	Also Serves On:	

---

<b>Mr Andrew Strickland</b>	Day Phone: 9199131765	Sex: Male
101 erwin road	Evening Phone: 9199334848	Race: Caucasian
Chapel Hill NC 27514	Cell Phone: 9194172003	Township: Chapel Hill
	E-mail: astrickland@shg ltd.com	Res. Eligibility: County
		Date Applied: 09/30/2014
Skills:	Also Serves On:	

---

<b>Mr. Andrew Wood</b>	Day Phone: 919-791-6005	Sex: Male
203 Raleigh St	Evening Phone: 919-791-6005	Race: Caucasian
Chapel Hill NC 27514	Cell Phone:	Township: Chapel Hill
	E-mail: andrewwa@live.unc.edu	Res. Eligibility: ETJ - Chapel Hill
		Date Applied: 10/01/2013
Skills: Animal Welfare Advocate	Also Serves On:	

---

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms. Lucia Apollo Shaw

**Name Called:**

**Home Address:** 5605 Hideaway Drive  
Chapel Hill NC 27516

**Phone (Day):** 9195931026

**Phone (Evening):** 9195931026

**Phone (Cell):** 9195931026

**Email:** lshaw@hire-works.com

**Place of Employment:** the qi garden

**Job Title:** owner

**Year of OC Residence:** 1998

**Township of Residence:** Chapel Hill

**Zone of Residence:**

**Sex:** Female

**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

I am a member of the Hillsborough Chamber of Commerce and the Hillsborough Downtown Merchants Association. I live in Chapel Hill and own a small business, the qi garden, in Historic Hillsborough.

### Past Service on Orange County Advisory Boards:

none

### Boards/Commissions applied for:

#### Chapel Hill/Orange County Visitors Bureau

##### Background, education and experience relevant to this board:

I have been in Human Resources and Management Consulting for almost 18 years. I maintain my professional day job as a consultant with Aon Corporation part-time and opened a small business in April 2013 in downtown Hillsborough. I have experience developing new business, writing and managing RFP s (requests for proposal) and managing projects; working with large, small and diverse teams. And I have spent many of my professional years recruiting individuals and teams for new projects for clients both commercial clients in private industry and in the federal sector. I have some experience working with state and local agencies but more on the federal side.

##### Reasons for wanting to serve on this board:

As a resident of Orange County for 15 years I have never served on any board and have an interest in doing so. Even moreso now that I own a small business in downtown Hillsborough. So many people come into the shop from so many places and just love Orange County. Many people are interested in moving to Orange county that don t already live here. We get so many visitors from Greensboro, Burlington, Virginia as well as those in the Triangle just discovering or in some cases re-discovering Orange county. And many have become regular customers. We hear again and again what a great job Hillsborough in particular is doing to create a creative vibe and it s so peaceful. I am interested in helping Orange county grow and attract more visitors

each year to help all of our businesses grow and thrive.

**Conflict of Interest:**

**Supplemental Questions:**

**Other Comments:**

This application was current on: 1/12/2014 6:24:36 PM

**Date Printed:** 1/13/2014

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr. Manish Atma  
**Name Called:**  
**Home Address:** 10447 Swain  
 Chapel Hill NC 27517  
**Phone (Day):** 919-969-2728  
**Phone (Evening):** 704-361-3930  
**Phone (Cell):** 704-361-3930  
**Email:** manish@atmahotelgroup.com  
**Place of Employment:** Atma Hotel Group  
**Job Title:** Owner / Operator  
**Year of OC Residence:** 2006  
**Township of Residence:** Chapel Hill  
**Zone of Residence:**  
**Sex:** Male  
**Ethnic Background:** Asian American

### Community Activities/Organizational Memberships:

SECU House Board Member  
 IHG Hotels-Owners Advisory Council  
 Hilton Hotels-Owners Advisory Council  
 Chapel Hill - Carrboro Chamber of Commerce  
 UNC Ram s Club Member

### Past Service on Orange County Advisory Boards:

None Listed

### Boards/Commissions applied for:

#### Chapel Hill/Orange County Visitors Bureau

##### Background, education and experience relevant to this board:

Grew up in the hospitality industry working at family hotel since age 9. Current owner of 9 hotels in NC, 4 feed the Orange County Market of which 2 are phycially located in the Orange County CVB District - Chapel Hill and Carrboro.

##### Reasons for wanting to serve on this board:

There are currently no hotle owner / operators on the CVB Board. I believe I would bring a different perspective on hotel operations and tourism versus a General Manager. Atma Hotel Group is based in Chapel Hill, so I am invested in the market long term.

##### Conflict of Interest:

### Supplemental Questions:

### Other Comments:

**This application was current on:** 10/9/2014 2:02:50 PM

**Date Printed:** 10/9/2014

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr. Art Menius  
**Name Called:**  
**Home Address:** 6627 Maynard Farm Rd  
 Chapel Hill NC 27516  
**Phone (Day):** 919-675-2787  
**Phone (Evening):** 919-675-2787  
**Phone (Cell):** 919-675-2787  
**Email:** art@artmenius.com  
**Place of Employment:** Art Menius Consulting  
**Job Title:** Owner  
**Year of OC Residence:** 1973  
**Township of Residence:** Bingham  
**Zone of Residence:** County  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

Town of Carrboro Arts Committee  
 Creative Carrboro Committee  
 Chapel Hill Rotary Club

### Past Service on Orange County Advisory Boards:

None

### Boards/Commissions applied for:

#### Chapel Hill/Orange County Visitors Bureau

##### Background, education and experience relevant to this board:

Thirty years experience in non-profit/government partnerships using the arts for tourism and economic development. Worked in 1980s with Owensboro Daviess County (KY) Tourism Commission to create the IBMA World of Bluegrass events which moved to Raleigh in 2013. Director of Marketing and Sponsorship for MerleFest at Wilkes Community College, building MerleFest into an international brand and an event generating \$16M in local economic impact. In that role worked closely with the North Wilkesboro TDA and served on the Tourism Committee of the Wilkes Chamber of Commerce. I was on the Wilkes County Cultural Council for the Blue Ridge National Heritage Area during the time of its creation and launch. I was the college's representative to High Country Host and Advantage West NC. Through those roles I took the National Park Service's intensive Gateway Community training in 2006.

As Director of Appalshop in Whitesburg, KY, I worked directly with state and regional tourism agencies, the TourSEKY project, and Appalachian Regional Commission. I was a paid consultant for the Letcher County KY Tourism Commission (2010-2011) securing \$30,000 in funding for a public engagement process resulting in a Coal Heritage Trail and a Quilt Trail and a new county tourism brochure.

Returning to Orange County in April 2012, I obtained a State historical marker, Carrboro's first, for Libba Cotten. Vice-Chair McKee took part in the Sept 2013 dedication. I became active in the Chapel Hill-Carrboro Chamber and joined Carrboro's Arts Committee and ESC.

**Reasons for wanting to serve on this board:**

Using arts, culture, and creativity for tourism development is at the core of my life s work. Ultimately, I would like to see Orange County to develop a new body, separate from currently existing ones, that approaches arts, culture, festivals, and the creative industries (web design, architecture, metal work, app development, and etc) totally from the business and economic development perspective.

**Conflict of Interest:**

Possible perception. CH/OCCVB does not fund ArtsCenter activities. Occasionally, however, the CVB includes our events among several in its ad buys.

**Historic Preservation Commission (APPLICANTS SHALL RESIDE WITHIN THE TERRITORIAL****Background, education and experience relevant to this board:**

BA and MA from UNC-CH in history 3.5 years as a public sector historian for NC Dept of Cultural Resources: Historic Sites Sections Several peer reviewed history publications Special concentration in history of the Regulators

**Reasons for wanting to serve on this board:**

I have held a deep interest in the history of Orange County since childhood and conducted original research into the Regulators for my baccalaureate honors thesis and on Scots economic activities in late colonial Orange County in grad school. I consider Orange County home and need to contribute.

**Conflict of Interest:****Orange Unified Transportation Board****Background, education and experience relevant to this board:**

Long experience in major event production for as many as 80,000 people and knowledge of the historical development of Orange County. I have lived in the County, Carrboro, and Chapel Hill, as well as northern Chatham County, giving me a diverse set of experiences in how transportation effects the daily lives of citizens.

**Reasons for wanting to serve on this board:**

Recruited by current chair Paul Guthrie. I consider Orange County home and feel the need to contribute my time and energy.

**Conflict of Interest:****Supplemental Questions:****Other Comments:**

This application was current on: 10/6/2014 10:46:48 AM

Date Printed: 10/9/2014

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms. Claire Millar  
**Name Called:**  
**Home Address:** 332 standish drive  
 Chapel hill NC 27517  
**Phone (Day):** 919 4892763  
**Phone (Evening):** 919 4892763  
**Phone (Cell):**  
**Email:** clairemillar509@gmail.com  
**Place of Employment:** retired  
**Job Title:**  
**Year of OC Residence:** 1971  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** JPA (Joint Planning Area)  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

### Past Service on Orange County Advisory Boards:

### Boards/Commissions applied for:

#### Board of Social Services

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

#### Chapel Hill/Orange County Visitors Bureau

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

### Supplemental Questions:

Work Experience: Counselor/Teacher: Carolina Friends School  
 Executive Director: Dispute Settlement Center, Orange County  
 Director: Work Options for Women  
 Owner: Cookie Factory, Claire's clothing store

Volunteer Experience: Habitat for Humanity  
 Dispute Settlement Center  
 Guardian ad Litem  
 Bike and Ped Board

Legal Aid

Education: MSW, Chapel Hill  
undergraduate degree in history and english from UND

**Other Comments:**

I have always enjoyed volunteering my time for good causes! STAFF COMMENTS:  
Applied 7/27/2010 for Board of Social Services, Chapel Hill/Orange County Visitors  
Bureau, Personnel Hearing Board. ADDRESS VERIFICATION: 332 Standish Drive is in  
Chapel Hill Township and Chapel Hill Jurisdiction.

**This application was current on:** 11/20/2013

**Date Printed:** 12/27/2013

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr. Brian Rowe  
**Name Called:**  
**Home Address:** 3235 Rigsbee Road N  
 Chapel Hill NC 27514  
**Phone (Day):** 919-389-2331  
**Phone (Evening):**  
**Phone (Cell):**  
**Email:** bsrowe67@aol.com  
**Place of Employment:** Chapel Hill / Carrboro Chamber of Commerce  
**Job Title:** Finance Director  
**Year of OC Residence:** 2011  
**Township of Residence:** Chapel Hill  
**Zone of Residence:**  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

### Past Service on Orange County Advisory Boards:

#### Boards/Commissions applied for:

Orange County Parks and Recreation Council

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

Chapel Hill/Orange County Visitors Bureau

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

### Supplemental Questions:

Work Experience: OE Enterprises, Inc. - Hillsborough, NC; NC Mutual Life Insurance Company - Durham, NC; Builders Mutual Life Insurance Company - Raleigh, NC

Volunteer Experience: American Red Cross; Jimmy V Celebrity Golf Classic; Special Olympics

Education: Bryant College - Smithfield, RI; BS/BA '89 - Concentration in Finance & Accounting

### Other Comments:

I have recently relocated to Orange County from Wake County and have an interest in contributing to my community through volunteer opportunities throughout the county.

STAFF COMMENTS: Originally applied (1/12/2012) for Orange County Emergency Services Work Group, Orange County Parks and Recreation Council, and Chapel Hill/Orange County Visitors Bureau. ADDRESS VERIFICATION: Rigsbee Road N is Orange County Jurisdiction, Eno Fire Tax, and Chapel Hill Township.

**This application was current on:** 10/13/2014

**Date Printed:** 10/13/2014

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms. Joy Salyers  
**Name Called:**  
**Home Address:** 1563 Riverside Drive  
 Hillsborough NC 27278  
**Phone (Day):** 919-383-6040  
**Phone (Evening):** 919-998-8041  
**Phone (Cell):**  
**Email:** joysalyers@ncfolk.org  
**Place of Employment:** North Carolina Folklife Institute  
**Job Title:** Executive Director  
**Year of OC Residence:** 2009  
**Township of Residence:** Hillsborough  
**Zone of Residence:** Rural Area Resident  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

Board Secretary, North Carolina Folklore Society  
 Children s Education Committee, Watts Street Baptist Church  
 Member, American Folklore Society, North Carolina Folklore Society

### Past Service on Orange County Advisory Boards:

None

### Boards/Commissions applied for:

#### Arts Commission

##### Background, education and experience relevant to this board:

My master s degree in Folklore from UNC-Chapel Hill affords me a grounding in community-based aesthetic culture. For the past three years I have directed the North Carolina Folklife Institute, a statewide nonprofit based in Durham dedicated to preserving and promoting traditional arts and cultures throughout the state. I have many connections in arts communities from policy makers and consultants to working artists, community arts activists, and teachers.

##### Reasons for wanting to serve on this board:

I want to serve my local community and collaborate with others in the arts community. I would also like to learn more about how decisions about arts and culture are made at the county level and to contribute to increasing access to and diversity within the arts.

##### Conflict of Interest:

The only potential conflict of interest would be if my organization was working on a project in Orange County or with a community partner who was applying for a grant from the Arts Commission. Because we are a statewide organization, this is a possibility (in which case i would abstain from that vote etc.) but there are no plans to work in Orange County at this time.

**Chapel Hill/Orange County Visitors Bureau****Background, education and experience relevant to this board:**

I direct the North Carolina Folklife Institute, whose mission is to preserve and promote the traditional arts and cultures of the state and connect them with issues of public concern, including community-based economic development. One of the major tools for such development is heritage- and culture-based tourism, and the Institute helps communities use their traditions and unique sense of place to draw visitors.

**Reasons for wanting to serve on this board:****Conflict of Interest:****Supplemental Questions:****Other Comments:**

STAFF COMMENTS: Originally (08/13/2013) applied for Chapel Hill/Orange County Visitors Bureau. ADDRESS VERIFICATION: 1563 Riverside Drive is Hillsborough Township, Orange County Jurisdiction, R1 Rural Residential Zoning.

This application was current on: 8/6/2014 4:20:08 PM

Date Printed: 8/6/2014

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr Daniel Siler  
**Name Called:**  
**Home Address:** 108 Ray Road  
 Chapel Hill NC 27516  
**Phone (Day):** 919-597-9447  
**Phone (Evening):** 919-597-9447  
**Phone (Cell):** 919-597-9447  
**Email:** daniel.siler@gmail.com  
**Place of Employment:** Self Employed  
**Job Title:** Strategist  
**Year of OC Residence:** 1999  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** Carrboro City Limits  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

I serve as Chair to Carrboro s Recreation and Parks Commission and regularly attend the Chapel Hill Carrboro Chamber of Commerce s Economic Development and Public Policy Committee. Chair of the Carrboro Recreation and Parks Commission

### Past Service on Orange County Advisory Boards:

As mentioned, I Chair the Carrboro Recreation and Parks Commission. Carrboro Recreation and Parks

### Boards/Commissions applied for:

#### Chapel Hill/Orange County Visitors Bureau

##### Background, education and experience relevant to this board:

My entire professional career has been dedicated to journalism and public relations/marketing. As news director of WCHL, I covered news about Orange County extensively. As a strategist and account executive at first Rivers Agency and now at Glyph Interface, I work with clients based in the area and am intimately acquainted with the unique values that come with living and working in our area. I also have a long time hobby of live event production, and have been a part of the New Media team at UNC Chapel Hill, showcasing the best of Tar Heel athletics.

##### Reasons for wanting to serve on this board:

I count myself lucky to call Orange County home. While I don t want millions of others to try and move into the county, I would dearly love for them to come visit, see all of the wonderful things that we have to share, and spend a considerable sum before heading back to their hometowns. I don t mean to be glib - I honestly believe that it is in our community s interest to pursue tourism dollars as part of the overall economic development mix. Further, there are times when my leadership of the Carrboro Rec+Parks commission will help inform decisions that the Visitor s Bureau must make. The bottom line is that I have professional skills in marketing and public relations. It will be a privilege to put them to use for the benefit of the Visitor s Bureau.

**Conflict of Interest:****Orange County Parks and Recreation Council****Background, education and experience relevant to this board:**

Extensive use of the parks and facilities that are provided and maintained by the County. I m active in the Carrboro recreation and parks community.

**Reasons for wanting to serve on this board:**

Serving with Carrboro can only accomplish so much. I would like to work with the County in order to ensure that the entire County has a variety of resources for people to safely enjoy.

**Conflict of Interest:****Supplemental Questions:****Other Comments:**

STAFF COMMENTS: Originally applied 03/31/2013) for Chapel Hill/Orange County Visitors Bureau. ADDRESS VERIFICATION: 108 Ray Road is Chapel Hill Township, Carrboro Jurisdiction, Carrboro City Limits, CA ETJ.

REAPPLIED: 11/5/2013 for Chapel Hill Board of Adjustment, Historic Preservation Commission.

REAPPLIED: 11/22/2013 for Carrboro Recreation & Parks Commissions as he inadvertantly listed Chapel Hill rather than Carrboro.

Reapplied 12/17/2014 for the Chapel Hill/Orange County Visitors Bureau.

Applied for Orange County Parks and Recreation Council 02/06/2015.

This application was current on: 2/6/2015

Date Printed: 2/9/2015

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms. Mary Stowe  
**Name Called:**  
**Home Address:** 2435 Springview Tr  
 Chapel Hill NC 27514  
**Phone (Day):** 919-260-8374  
**Phone (Evening):** 919-260-8374  
**Phone (Cell):** 919-260-8374  
**Email:** mary@yarnsetc.com  
**Place of Employment:** Yarns etc...  
**Job Title:** Owner  
**Year of OC Residence:** 1999  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** C.H. City Limits  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

Chamber of Commerce - Retail Round Robin  
 Our Childrens Place, Executive Board - Secretar

### Past Service on Orange County Advisory Boards:

#### Boards/Commissions applied for:

##### Chapel Hill/Orange County Visitors Bureau

##### Background, education and experience relevant to this board:

NC native who loves to share our fine town with visitors. I have a marketing degree and have owned my own business for 18 years (12 in Chapel Hill). Love to talk about all the things there are to do in this town with all of my out of town customers.

##### Reasons for wanting to serve on this board:

##### Conflict of Interest:

### Supplemental Questions:

Volunteer Experience: Volunteer as a teller for Chapel of the Cross Church- CH

Volunteer in Chapel Hill City Schools in various ways including working at the Thrift shop

### Other Comments:

As a business owner and homeowner in Orange County I am interested in the economic growth of the area. I feel that my experience in the business world will be an asset to this group. STAFF COMMENTS: Originally applied for Economic Development Commission

---

on 5/19/08. APPLIED 08/05/2013 FOR CH/CARRBORO VISITORS BUREAU.  
ADDRESS VERIFICATION: 2435 Springview TR is Chapel Hill Township, CHPL  
jurisdiction. CH TOWN LIMITS.

**This application was current on:** 8/5/2013

**Date Printed:** 12/30/2013

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr Andrew Strickland  
**Name Called:**  
**Home Address:** 101 erwin road  
 Chapel Hill NC 27514  
**Phone (Day):** 9199131765  
**Phone (Evening):** 9199334848  
**Phone (Cell):** 9194172003  
**Email:** astrickland@shgltd.com  
**Place of Employment:** Residence Inn by Marriott Chapel Hill  
**Job Title:** General Manager  
**Year of OC Residence:** 2014  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** County  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

### Past Service on Orange County Advisory Boards:

### Boards/Commissions applied for:

#### Chapel Hill/Orange County Visitors Bureau

##### Background, education and experience relevant to this board:

Since starting in the restaurant business as a dishwasher I have always had a passion for the hospitality industry. This passion drove me to Johnson & Wales University where I graduated with a Bachelor's Degree in Hotel Management. While in college and in my professional career I have been involved with Visitors Bureaus across North Carolina and South Carolina including Charleston, Charlotte, Raleigh, Durham, Pinehurst/Moore County and Orange County. Each of these bureaus was very different from size, demographics, leadership and involvement with the community. In each of these I was able to contribute my own expertise and collaborate on many projects. I feel that this experience and my youthfulness would be a great asset to the Chapel Hill/Orange County Visitors Bureau Board.

##### Reasons for wanting to serve on this board:

While working in Orange County beginning in 2010 I have been active in participating in Orange County Visitor Bureau events and bringing new business to Orange County through our Residence Inn by Marriott Chapel Hill. Now as the General Manager I hope to use this experience to help advise on new marketing plans, community events, and business plans to improve the economic activity and quality of life in the community.

##### Conflict of Interest:

As General Manager of the Residence Inn by Marriott Chapel Hill my role is to create a safe workplace for my associates, a wonderful stay for my guest, and drive revenues for the hotel. I do not see this hindering my role on this board.

### Supplemental Questions:

**Other Comments:**

**This application was current on:** 9/30/2014 10:55:08 AM

**Date Printed:** 10/17/2014

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr. Andrew Wood  
**Name Called:**  
**Home Address:** 203 Raleigh St  
 Chapel Hill NC 27514  
**Phone (Day):** 919-791-6005  
**Phone (Evening):** 919-791-6005  
**Phone (Cell):**  
**Email:** andrewwa@live.unc.edu  
**Place of Employment:** University of North Carolina at Chapel Hill  
**Job Title:** Full Time Student  
**Year of OC Residence:** 2012  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** ETJ - Chapel Hill  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

I am heavily involved in UNC-CH's student government. I have served the UNC system and community by advising members of Tom Ross' administration on various policy issues. I also serve as a chair for the Multicultural Affairs and Diversity Outreach committee of student government. In addition, I sit on a committee that advises UNC-CH's provost on LGBTQ issues and allocates funding to University departments and organizations. I attend classes at UNC-CH as a full time student and am a dues-paying member of the Young Democrats. I serve as an executive assistant to the Senior Adviser within Student Government and sit on the University's Diversity Awards Committee.

### Past Service on Orange County Advisory Boards:

#### Boards/Commissions applied for:

##### Animal Services Advisory Board

##### Background, education and experience relevant to this board:

Having sat on advisory boards in the University setting, I am familiar with the professional policy making process and funding allocation. I have also served as a chairman for a committee granting me experience in decision making and preparing me for working in a professional political atmosphere. I am passionate about animals - being a dog owner myself - and I would love to serve on a committee that addresses the needs of both animals and the community. My fresh perspective as a student and UNC-CH in combination with my enthusiasm for animal awareness would allow me to make a positive impact on the Animal Services Advisory Board.

##### Reasons for wanting to serve on this board:

##### Conflict of Interest:

**Chapel Hill Library Board of Trustees****Background, education and experience relevant to this board:**

My chairmanship within UNC-CH student government and my positions on advisory boards throughout the University's administration have provided me with the skills necessary to discuss policy and funding within a professional political setting. As an involved student, I am prepared to extend the scope my civic duties and contribute positively to the community around me. I began my university career as an English major, and my love for literature and libraries in general inspires me to seek involvement on Chapel Hill's Library Board of Trustees. My experiences with community event and campaign planning have prepared me to serve on such a committee and to provide a fresh student perspective that may help to create greater connections between the University and the Town/County. While I may not be majoring in Library Science, I am familiar with the general civic purpose of a library and would greatly enjoy serving the town of Chapel Hill and Orange County in a positive manner.

**Reasons for wanting to serve on this board:****Conflict of Interest:****Chapel Hill/Orange County Visitors Bureau****Background, education and experience relevant to this board:**

I have served on several committees that function to plan events and policies that best serve the UNC-CH student body. My experiences in strategizing and planning within UNC's student government as well as my previous involvement with the State's Board of Governors and General Administration have prepared me to work in a professional political atmosphere. As a student pursuing a degree in Journalism and Mass Communications with a specialization in Graphic Design, I would be able to contribute both a fresh student's perspective in regards to tourism and marketing campaigns and could contribute my talents in any way possible. I am passionate about the town of Chapel Hill - not just the University - and my involvement and connections with the community would contribute positively to the makeup of the visitor's bureau.

**Reasons for wanting to serve on this board:****Conflict of Interest:****Chapel Hill Parks and Recreation Commission****Background, education and experience relevant to this board:**

As a lover of the outdoors and fun weekend activities, I understand the true value of parks to a community. Not only does my passion for parks extend to the physical locations, but I value the worth that they bring by offering a space to bring neighbors from the same community together in communal recreation and activities. My experiences serving on UNC-CH's student government and sitting on advisory boards for the UNC System's policy-making functions, I am prepared to serve in a professional political atmosphere for deciding on policy issues and funding allocations. By applying for this position, I hope to provide a connection between the University and town's park and recreation services as well as provide a fresh student perspective on any advisory committees.

**Reasons for wanting to serve on this board:****Conflict of Interest:****Supplemental Questions:****Other Comments:**

---

STAFF COMMENTS: Originally (10/01-02/2013) applied for Chapel Hill Library Board of Trustees, Chapel Hill/Orange County visitors Bureau, and Chapel Hill Parks and Recreation Commission, and Animal Services Advisory Board. ADDRESS VERIFICATION: 203 Raleigh St., is Chapel Hill Jurisdiction, Chapel Hill ETJ, and Chapel Hill Town Limits.

**This application was current on:** 10/1/2013 11:48:19 PM

**Date Printed:** 12/31/2013

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** December 15, 2015

**Action Agenda  
Item No.** 11-e

**SUBJECT:** Commission for the Environment – Appointments

**DEPARTMENT:** Board of Commissioners

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

No

**ATTACHMENT(S):** Under Separate Cover  
Board Roster  
Recommendations  
Attendance Records  
Applications for Persons Recommended  
Interest List  
Applications for persons on the Interest  
List

**INFORMATION CONTACT:**  
Clerk's Office, 919-245-2130

**PURPOSE:** To consider making appointments to the Commission for the Environment.

**BACKGROUND:** The following information is for Board consideration:

- Appointment to a first full term (Position #5) Water Resources representative for William Kaiser expiring 12/31/2018.
- Appointment to a first full term (Position #13) At-Large representative for Caroline Cook expiring 12/31/2018.
- Appointment to a first full term (Position #14) At-Large representative for Lynne Gronback expiring 12/31/2018.
- Appointment to a second full term (Position #15) At-Large representative for Rebecca Ray expiring 12/31/2018.

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
5	William Kaiser	Water Resources	12/31/2018
13	Caroline Cook	At-Large	12/31/2018
14	Lynne Gronback	At-Large	12/31/2018
15	Rebecca Ray	At-Large	12/31/2018

**NOTE - If the individuals listed above are appointed, the following vacancies remain:**

- \*Position #12--- "At-Large Engineering" position----- expiring 12/31/2018. **Please refer to the recommendation letter from Rich Shaw indicating a request to hold on the appointment of this position until a suitable applicant is found. The current position will expire 12/31/2015 and Gary Saunders will have completed his final term.**

**FINANCIAL IMPACT:** None

**SOCIAL JUSTICE IMPACT: Enable Full Civic Participation.** Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

**RECOMMENDATION(S):** The Manager recommends that the Board consider making appointments to the Commission for the Environment.



Orange County, NC

## COMMISSION FOR THE ENVIRONMENT

### BOARD ROSTER



#### DR. MAY BECKER

**2 Term** Nov 06, 2014 - Dec 31, 2017

Email: tomatocutter@yahoo.com  
Phone: 919-969-7439

Category At-Large



#### MR. PETER CADA

**2 Term** Nov 06, 2014 - Dec 31, 2017

Email: peter.cada@tetrattech.com  
Phone: 919-485-7201

Category At-Large



#### THOMAS EISENHART

**1 Term** Jan 22, 2015 - Dec 31, 2016

Email: tomeisenhart@gmail.com  
Phone: 919-360-7468

Position At-Large  
Category At-Large



#### MS LYNNE GRONBACK

**1 Term** Mar 17, 2015 - Dec 31, 2015

Email: lgronback@gmail.com  
Phone: 919-219-3219

Position At-Large  
Category At-Large



#### LOREN HINTZ

**2 Term** Dec 10, 2013 - Dec 31, 2016

Email: ldhintz@bellsouth.net

Office Vice-Chair  
Position Biological Resources  
Category At-Large



#### DONNA LEE JONES

**2 Term** May 21, 2013 - Dec 31, 2015

Email: donnaleejones13@hotmail.com

Position Water Resources  
Category At-Large



#### DAVID NEAL

**2 Term** Dec 11, 2012 - Dec 31, 2015

Email: david.l.neal@gmail.com

Category At-Large



#### MR WILLIAM NEWBY

**1 Term** May 20, 2014 - Dec 31, 2016

Email: newby.william@epa.gov  
Phone: 919-541-5296

Position Air Quality  
Category At-Large



#### MS. JEANETTE O'CONNOR

Category At-Large



**1 Term** Nov 06, 2014 - Dec 31, 2017

Email: jeanette.oconnor@gmail.com  
Phone: 703-678-6893



## MS. REBECCA RAY

**1 Term** Nov 19, 2013 - Dec 31, 2015

Email: rebecca.ray@nc.rr.com  
Phone: 919-383-0685

Category At-Large



## DR. JAN SASSAMAN

**2 Term** Dec 10, 2013 - Dec 31, 2016

Email: jan.sassaman@gmail.com  
Phone: 919-933-1609

Office Chair  
Category At-Large



## GARY SAUNDERS

**2 Term** May 21, 2013 - Dec 31, 2015

Email: gary.saunders@ncdenr.gov

Position Engineering  
Category At-Large



## MS. SHEILA THOMAS-AMBAT

**1 Term** Nov 06, 2014 - Dec 31, 2016

Email: staemail@yahoo.com  
Phone: 919-225-4744

Category At-Large



## MS. LYDIA WEGMAN

**1 Term** Nov 06, 2014 - Dec 31, 2017

Email: lnwegman@gmail.com  
Phone: 919-382-1904

Position Land Resources  
Category At-Large



## MR. DAVID WELCH

**2 Term** Nov 06, 2014 - Dec 31, 2017

Email: davidwelch@hotmail.com  
Phone: 919-406-2101

Category At-Large

ORANGE COUNTY



Department of Environment,  
Agriculture, Parks & Recreation

December 4, 2015

Donna Baker  
Clerk to the Board of County Commissioners  
200 South Cameron Street  
Hillsborough, NC 27278

Dear Donna:

The Commission for the Environment has five members whose terms expire 12/31/15: Donna Lee Jones, David Neal, Gary Saunders, Rebecca Ray, and Lynne Gronback.

The CFE recommends the re-appointment of **Lynne Gronback** (Position #14) and **Rebecca Ray** (Position # 15)—both of whom have served very well on the CFE and are interested in remaining on the board. Ms. Gronback was recently named as Vice Chair.

The CFE Membership Committee (Chair & Vice-Chair) has reviewed the current list of applicants and recommends the appointment of **William Kaiser** to Position #5 (Water Resources) and **Caroline Cook** to Position #13 (At Large). Mr. Kaiser is a former CFE member who served on the advisory board until his term ended 12/31/13.

The committee does not recommend appointing any of the other applicants at this time. CFE members are hoping to recruit potential applicants qualified to fill the final Position #12, which is intended for someone with Engineering background and experience.

Thank you for your assistance.

Sincerely,

*Rich Shaw*

Rich Shaw  
Land Conservation Manager

cc: Lydia Wegman, Chair  
Lynne Gronback, Vice Chair

---

**NATURAL and CULTURAL RESOURCES DIVISION**

Orange County Department of Environment, Agriculture, Parks & Recreation  
PO Box 8181, Hillsborough, NC 27278  
Phone: (919) 245-2510 Fax: (919) 644-3351

Attendance Record Current – Member Re-appointment  
Recommendation for BOCC Review

Commission for the Environment Nov / 2014 – Nov / 2015

Member	Appointed	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov					
Lynne Gronback*	03/17/2015						X	X	E		X	X	X	E					
Rebecca Ray	11/19/2013	X	E	X	E	X	X	E	X		X	X	E	X					
<b>X: Attended E: Excused U: Unexcused BM: Business Meeting July: No Meeting</b>																			
<b>* New Member – 03/17/2015</b>																			
<b>Current through - 11/2015</b>																			

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr. William R. Kaiser  
**Name Called:**  
**Home Address:** 2112 Markham Dr.  
 Chapel Hill NC 27514  
**Phone (Day):** 919-933-9794  
**Phone (Evening):** 919-933-9794  
**Phone (Cell):** 919 933-9794  
**Email:** w\_mckaiser@hotmail.com  
**Place of Employment:** Retired geologist  
**Job Title:** Retired geologist  
**Year of OC Residence:** 2004  
**Township of Residence:** Chapel Hill  
**Zone of Residence:** Chapel Hill Township within C.H. city limits  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

NC Botanical Garden volunteer: invasive plant control, prairie and forest management, trail maintenance at Mason Farm. Climate garden at Totten Center.

Duke Forest: trail development and maintenance, geology tour leader.

### Past Service on Orange County Advisory Boards:

Commission for the Environment, Nov.2005-May 2013, 2 yr as Chair.

New Hope Park at Blackwood Farm Master Plan Committee Member, 2006

### Boards/Commissions applied for:

#### Agricultural Preservation Board

##### Background, education and experience relevant to this board:

Preservation of agricultural land will have positive environmental impact. I am conversant with the county's environmental issues. I'd bring geological perspective and relevant volunteer experience to board discussions. I can investigate and solve technical problems and have proven written and oral communication skills. I would use them in review of VAD and EVAD applications.

##### Reasons for wanting to serve on this board:

I wish to see properly planned, sustainable growth in this county.

##### Conflict of Interest:

**Commission for the Environment****Background, education and experience relevant to this board:**

I am conversant with the county s environmental issues. I bring geohydrological perspective, direct volunteer experience as a former CfE member, and institutional memory to commission discussions. I have demonstrated leadership. I can investigate and solve technical problems and have proven written and oral communication skills.

**Reasons for wanting to serve on this board:**

I want to continue volunteering and working to protect our natural resources. I enjoy debating environmental issues and interaction with fellow commission members. Among the many county advisory boards and commissions, I feel best qualified for service on the CfE.

**Conflict of Interest:****Orange County Parks and Recreation Council****Background, education and experience relevant to this board:**

My knowledge of the natural world gained professionally as a geologist, as a CFE member, and as a volunteer would guide my evaluation of park land.

**Reasons for wanting to serve on this board:****Conflict of Interest:****Supplemental Questions:**

Work Experience: Extensive research (Univ. of Texas at Austin Bur. Economic Geology) and industry experience (Exxon) in energy resources, especially coal and natural gas. Hydrogeologic and geochemical skills for environmental studies e.g., coal gasification, high-level radioactive waste, mined lands, oil-field waste, geophysical - log analysis, ground -water flow patterns, aquifer architecture and gravity. Proven written and oral communication skills.

Volunteer Experience: Volunteered on a regular basis with the Heart of Texas Peace Corps Association serving two varieties of public agencies and non-profit groups, e.g. Safe Place, Wild Basin, AIDS Services, Food Bank, Hornsby Bend, Mayfield Park, Tree Folks, Lower Colo. R. Authority, etc. Peace Corps Volunteer (1963-65); Ghana, W. Africa, assigned to Ghana Geological Survey.

Education: The Johns Hopkins University, Ph.D. Geology. University of Wisconsin - Madison, M.S. Geology; University of Wisconsin - Madison, B.A. Geology.

**Other Comments:**

STAFF NOTES: Originally applied 4/6/04 for Solid Waste Advisory Board; Commission for the Environment; and Economic Development Commission. APPLIED 07/28/2013 for Agricultural Preservation Board and Orange County Parks and Recreation Council.

Address Verification: 2112 Markham Drive, Chapel Hill, NC 27514 is Chapel Hill Township, Chapel Hill Jurisdiction, and Chapel Hill Town Limits.

Resubmitted application 01/110/2014.

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms. Caroline Cook  
**Name Called:**  
**Home Address:** 1610 Claymore Road  
 Chapel Hill NC 27516  
**Phone (Day):** 9193572209  
**Phone (Evening):** 9193572209  
**Phone (Cell):** 9193572209  
**Email:** cook.caroline.a@gmail.com  
**Place of Employment:** n/a  
**Job Title:** n/a  
**Year of OC Residence:** 1997  
**Township of Residence:** Chapel Hill  
**Zone of Residence:**  
**Sex:** Female  
**Ethnic Background:** Asian American

### Community Activities/Organizational Memberships:

UNC General Alumni Association  
 Member of Orange United Methodist Church  
 Enrolled in North Carolina Environmental Educator certification program

### Past Service on Orange County Advisory Boards:

None

### Boards/Commissions applied for:

#### Commission for the Environment

##### Background, education and experience relevant to this board:

I graduated in December from UNC-Wilmington with an M.S. in Environmental Studies, and am pursuing a career in environmental education and outreach. My coursework on various environmental issues is especially relevant to this board; in addition, I taught an undergraduate course in the environmental studies department. While in school, I volunteered for the North Carolina Coastal Reserve on Masonboro Island. I'm continuing my education through my enrollment in the North Carolina Environmental Educator certification program. I have previously interned with the U.S. Fish and Wildlife Service, which deals with a number of environmental issues.

##### Reasons for wanting to serve on this board:

For years I've enjoyed spending time in Orange County's natural areas, including the Bolin Creek Trail, Carolina North Forest, and Occoneechee State Natural Area. Now that I am finished with school, I want to become more involved in my local community, and serving on the planning board would allow me to combine my personal interests with my educational background.

##### Conflict of Interest:

### Supplemental Questions:

**Other Comments:**

This application was current on: 1/15/2015 7:22:26 PM

Date Printed: 1/21/2015

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms Lynne Gronback  
**Name Called:**  
**Home Address:** 2420 Sunnyfield Court  
 Hillsborough NC 27278  
**Phone (Day):** 919-219-3219  
**Phone (Evening):** 919-219-3219  
**Phone (Cell):** 919-219-3219  
**Email:** Lgronback@gmail.com  
**Place of Employment:** Cedar Ridge High School Orange County Schools  
**Job Title:** teacher- Science: Biology, Earth and Environmenta  
**Year of OC Residence:** 1987  
**Township of Residence:** Bingham  
**Zone of Residence:** County  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

Current: Food for All through St. Matthews Church -supervisor for high school students working in this program

### Past Service on Orange County Advisory Boards:

Parks and Rec

### Boards/Commissions applied for:

#### Commission for the Environment

##### Background, education and experience relevant to this board:

My education and private sector background make me well suited for this service. I was a Biology undergrad and a GIS/Geology concentration in my masters program at NCSU. I was a Kenan Fellow 2002-2004 and worked to incorporate climate change education curricular goals into the then new NC Standard Course of study. I worked with Dr. Bill Schlesinger who, at the time, served as Dean of the Nicholas School of the Environment. As a fellow, I worked in the CO2 forest on Eubanks Road to understand the impacts of Climate Change on local ecosystems. In 2005 I worked with the Greenbridge building group in the planning stages of that project. I am a certified AP Environmental Science and AP Biology teacher as well as an International Baccalaureate Environmental Systems and Societies teacher at Cedar Ridge High School. Prior to teaching, I worked in Public Relations and Advertising in Greensboro and then in Chapel Hill. In my Chapel Hill work, I worked on several commercial property marketing campaigns most notably, Europa Center.

##### Reasons for wanting to serve on this board:

As I approach the end of my teaching career, I am interested in moving into the sustainable property development and/or sustainable affordable housing arena. I feel like this committee will help me better understand the needs of our local environment and how we can better educate the public about areas of weakness and to become a better steward of the beautiful land around us and how we can grow in a sustainable way.

**Conflict of Interest:**

**Supplemental Questions:**

**Other Comments:**

**This application was current on:** 10/11/2014 8:14:34 AM

**Date Printed:** 10/17/2014

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Ms. Rebecca Ray  
**Name Called:**  
**Home Address:** 5617 Jomali Drive  
 Durham NC 27705  
**Phone (Day):** 919-383-0685  
**Phone (Evening):**  
**Phone (Cell):**  
**Email:** bbray@nc.rr.com  
**Place of Employment:** formerly GlaxoSmithKline  
**Job Title:** Director User Centered Design, US Pharma IT  
**Year of OC Residence:** 1999  
**Township of Residence:** Eno  
**Zone of Residence:** Does not apply  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

### Past Service on Orange County Advisory Boards:

### Boards/Commissions applied for:

### Supplemental Questions:

Work Experience: - Director User Centered Design, US Pharma IT - GlaxoSmithKline  
 - Information Technology Consultant - various pharmaceutical, wholesale, insurance, and manufacturing companies

Volunteer Experience: Climate Change Leader - Sierra Club

Habitat for Humanity

GED Volunteer Instructor

Pending: Environmental Stewardship Committee, Duke University Chapel

Education: MBA, University of North Carolina - Greensboro

BA, University of North Carolina - Chapel Hill

Grant Writing, Grant Consulting

### Other Comments:

Would love to serve on both commissions if meeting schedules do not overlap

Duke University Chapel Choir - 1995-present

Musical performance experience

Previous involvement:

Gallery Players Community Theater

Musical Arranger, 8-member sacred music STAFF COMMENTS: Ms. Ray first applied for

---

Arts Commission and Commisison for the Environment on 3-21-2010. ADDRESS  
VERIFICATION: 5617 Jomali Drive, Durham, NC is Eno Township, Orange County  
Jurisdiction.

**This application was current on:** 3/21/2010 2:50:23 PM

**Date Printed:** 1/6/2014

# Applicant Interest Listing

by Board Name and by Applicant Name

## *Commission for the Environment*

Contact Person: Rich Shaw

Contact Phone: 919-245-2514

### Ms. Caroline Cook

1610 Claymore Road  
Chapel Hill NC 27516

Day Phone: 9193572209

Evening Phone: 9193572209

Cell Phone: 9193572209

E-mail: cook.caroline.a@gmail.com

Sex: Female

Race: Asian American

Township: Chapel Hill

Res. Eligibility: Carrboro City Limits

Date Applied: 01/15/2015

Skills:

Also Serves On:

### Mr Matt Crook

1000 Smith Level Rd Apt M1  
Carrboro NC 27510

Day Phone: 704-965-5406

Evening Phone: 704-965-5406

Cell Phone: 704-965-5406

E-mail: crookm@gmail.com

Sex: Male

Race: Caucasian

Township: Chapel Hill

Res. Eligibility: Carrboro City Limits

Date Applied: 10/03/2014

Skills:

Also Serves On:

### Mr. Paul Dubbeling

524 Forrest Street  
Hillsborough NC 27278

Day Phone: 910-584-8593

Evening Phone: 910-584-8593

Cell Phone:

E-mail: paul.dubbeling@gmail.com

Sex: Male

Race: Caucasian

Township: Hillsborough

Res. Eligibility: Bingham Twnsp

Date Applied: 03/03/2015

Skills: Attorney

Also Serves On:

### CAP Marshall Gray Jr

T

304 County Seat Drive  
Hillsborough NC 27278

Day Phone: 919-541-4303

Evening Phone: 434-401-8626

Cell Phone:

E-mail: msgj@hotmail.com

Sex: Male

Race: Caucasian

Township: Hillsborough

Res. Eligibility: Hillsborough Twnshp -

Date Applied: 11/19/2013

Skills:

Also Serves On:

### Mr. William R. Kaiser

2112 Markham Dr.  
Chapel Hill NC 27514

Day Phone: 919-933-9794

Evening Phone: 919-933-9794

Cell Phone: 919 933-9794

E-mail: w\_mckaiser@hotmail.com

Sex: Male

Race: Caucasian

Township: Chapel Hill

Res. Eligibility: Chapel Hill Township

Date Applied: 05/20/2015

Skills: Geologist

Also Serves On:

Skills: Hydrogeologic/Geochemical Envirmntal

Also Serves On:

Skills: Peace Corps

Also Serves On:

---

# Applicant Interest Listing

by Board Name and by Applicant Name

---

## *Commission for the Environment*

Contact Person: Rich Shaw

Contact Phone: 919-245-2514

**Dr. Barry Katz**5801 Cascade Drive  
Chapel Hill NC 27514

Day Phone: 919-383-5178

Evening Phone: 919-383-5178

Cell Phone: 919-383-5178

E-mail: bakatz@nc.rr.com

Sex: Male

Race: Caucasian

Township: Chapel Hill

Res. Eligibility:

Date Applied: 04/30/2015

Skills:

Also Serves On: Orange County Board of Adjustment (REQUIRES DIS

**Mrs. Nicole Roth**707 Dairyland Rd  
Chapel Hill NC 27516

Day Phone: 415-615-2016

Evening Phone: 415-615-2016

Cell Phone: 415-615-2016

E-mail: nicole.a.roth@gmail.com

Sex: Female

Race: Caucasian

Township: Chapel Hill

Res. Eligibility: County

Date Applied: 08/18/2014

Skills:

Also Serves On:

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr Matt Crook  
**Name Called:**  
**Home Address:** 1000 Smith Level Rd Apt M1  
 Carrboro NC 27510  
**Phone (Day):** 704-965-5406  
**Phone (Evening):** 704-965-5406  
**Phone (Cell):** 704-965-5406  
**Email:** crookm@gmail.com  
**Place of Employment:** g-bit, llc  
**Job Title:** Director of Sales and Marketing  
**Year of OC Residence:** 2012  
**Township of Residence:** Chapel Hill  
**Zone of Residence:**  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

Chapel Hill Bible Church

### Past Service on Orange County Advisory Boards:

N/a

### Boards/Commissions applied for:

#### Commission for the Environment

##### Background, education and experience relevant to this board:

I have a background in management consulting and business management. I attending UNC Chapel Hill as an undergraduate and studied political science and urban and regional planning. After 7 years of consulting in Washington DC, I came back to UNC Chapel Hill to get a Masters in Business Administration and just graduated in May. My concentrations were in Sustainable Enterprise, Entrepreneurship, and Corporate Finance and Accounting. While getting my MBA I was selected as a Leadership Fellow for the Center for Sustainable Enterprise at Kenan-Flagler, and was also elected as the President of the Entrepreneurship club. I worked closed with the Campus Y, The Cube (social-enterprise incubator on campus), 1789 and Launch Chapel Hill to connect and expose MBAs to sustainable and environmental startups in the area.

Since getting my MBA I have worked for a solar developer, and two startups that have center their business around sustainability and the environment. The reason I came back to NC to get my MBA was to grow my business acumen in sustainable enterprise and clean energy, and focus on building smart and socially responsible businesses in North Carolina.

##### Reasons for wanting to serve on this board:

I want to serve on this board because I want to stop sitting on the sidelines and get involved in my local government. I have strong qualities that can benefit the Commission (a business acumen, focus on sustainability and the environment, and a background in consulting and to manage ambiguous projects and provide relevant information to be used in an executive manner), and a perspective that is probably under-represented (as a young adult) in our local

---

government. I want to help shape North Carolina's future for the better, and in order to do that, I want to use my background and experience to serve on the Commission for the Environment.

**Conflict of Interest:**

**Supplemental Questions:**

**Other Comments:**

This application was current on: 10/3/2014 6:21:54 PM

**Date Printed:** 10/9/2014

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mr. Paul Dubbeling  
**Name Called:**  
**Home Address:** 4212 Orange Grove Road  
 Hillsborough NC 27278  
**Phone (Day):** 910-584-8593  
**Phone (Evening):** 910-584-8593  
**Phone (Cell):**  
**Email:** paul.dubbeling@gmail.com  
**Place of Employment:** Horizon Home Rentals  
**Job Title:** Owner  
**Year of OC Residence:** 2012  
**Township of Residence:** Hillsborough  
**Zone of Residence:** Bingham Twncsp  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

None. I am relatively new to the area (though I have chosen Orange County to be both my home and the location of my business) and am looking for opportunities for public service.

### Past Service on Orange County Advisory Boards:

#### Boards/Commissions applied for:

##### Commission for the Environment

##### Background, education and experience relevant to this board:

I am a small business owner in the community, former military officer, and lawyer. I am deeply interested in preserving and building a vibrant, healthy environment in Orange County. I believe in the importance of maintaining a healthy ecosystem but understand that any public policy must reflect a variety of concerns. I have years of both managerial and legal experience which will enable me to assist the Board in both the articulation and execution of plans to maintain and improve the quality of Orange County.

##### Reasons for wanting to serve on this board:

##### Conflict of Interest:

### Supplemental Questions:

### Other Comments:

STAFF COMMENTS: Applied 03/14/2013 for Commission for the Environment.  
 ADDRESS VERIFICATION: 4212 Orange Grove Road, Hillsborough, NC. Is Bingham Township, Orange County Jurisdiction and Rural Buffer Zoning.

**This application was current on:** 3/14/2013 9:25:06 AM

**Date Printed:** 12/27/2013

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** CAPT Marshall Gray Jr  
**Name Called:**  
**Home Address:** 304 County Seat Drive  
 Hillsborough NC 272788  
**Phone (Day):** 919-541-4303  
**Phone (Evening):** 434-401-8626  
**Phone (Cell):**  
**Email:** msgj@hotmail.com  
**Place of Employment:** US Public Health Service / US EPA Homeland Sec  
**Job Title:** Progam Manager/ Industrial Hygienist / Commandi  
**Year of OC Residence:**  
**Township of Residence:** Hillsborough  
**Zone of Residence:** Hillsborough Twnshp - In City Limits  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

No current community activities; Member American Conference of Governmental Industrial Hygienist; Diplomat, American Board of Industrial Hygiene; Commissioned Officers Association of the US Public Health Service; American Legion

### Past Service on Orange County Advisory Boards:

Served on the Hillsborough Water and Sewer Advisory Committee (2007 - 2009)

### Boards/Commissions applied for:

#### Commission for the Environment

##### Background, education and experience relevant to this board:

BS, Environmental Health, MS Environmental Engineering; Captain - US Public Health Service; Certified Industrial Hygienist; Commanding Officer USPHS Applied Public Health Team-2 (Epi, Envr Health, Preventive Services); Multiple national disaster response and recovery (Anthrax, hurricanes); Currently manage biodefense program across EPA, HHS, DHS, and DoD. Worked as Environmental Health (Food, Wastewater, Rabies Control) specialist for Commonwealth of VA prior to Navy Medical Service Corps Commission and USPHS.

I would bring a balanced, objective applied view of public health to the board with the ability to lead an issue, or support as needed. I am committed to public health through a career of service and a strong advocate of preventive services to enhance the quality of life of citizens, as well as the burden on service providers. Additionally, I am an advocate of integrating public health as a critical element of emergency planning and response. I have, nor desire, no political or party affiliations, although realize which side often prevails in the balance of science and politics.

- If considered for nomination, will need to verify any conflict of interest, or appearance of conflict due to funding originating from Fed HHS or EPA.
- Need to verify residence approval as I have lived in Orange County since 2002, but am

officially a FL resident on military orders (open ended) to NC. Pay local property taxes to Hillsborough and Orange County.

**Reasons for wanting to serve on this board:**

**Conflict of Interest:**

**Animal Services Advisory Board**

**Background, education and experience relevant to this board:**

Regulatory attorney (licensed in California) with experience drafting legislation and public policy experience, particularly in the area of animal policy. I previously lived in Orange County, NC, from 2002-2006, lived in Durham County from 2007-2010, and relocated back to Orange County (Eno Township) as a homeowner in 2013.

My prior relevant experience includes:

• Animal Legal Defense Fund pro bono attorney (2011-2013)

• Developed Animal Law pro bono team with the law firm of Gibson, Dunn & Crutcher LLP, focusing on legislative analysis and policy projects. Awarded ALDF 2011 and 2012 Firm Advancement in Animal Law Pro Bono Achievement Award.

• Helped manage over \$100,000 as a member of the Town of Chapel Hill Public Arts Commission (2005).

• Served as Board Member and Public Relations Co-Chair of Durham County Women's Commission (2006-2007).

• Policy Consultant for Four Feet Forward, an animal policy organization (2012)

• Completed Animal Law course through Duke University School of Law (2010)

• Pro bono counsel for multiple 501(c)3s for policy review, compliance, and guidance, including animal rescue organizations (2010-2013)

**Reasons for wanting to serve on this board:**

**Conflict of Interest:**

**Supplemental Questions:**

**Other Comments:**

11/19/13 - confirmed with the tax office that Mr. Gray was delinquent on vehicle taxes.

11/22/13 - Mr. Gray confirmed that he paid the delinquent vehicle tax and this was confirmed with the tax office. He lives in the Hillsborough Township, jurisdiction county / Hillsborough City Limits, RI.

**This application was current on:** 11/19/2013 12:41:19 PM

**Date Printed:** 12/27/2013

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Dr. Barry Katz  
**Name Called:**  
**Home Address:** 5801 Cascade Drive  
 Chapel Hill NC 27514  
**Phone (Day):** 9193835178  
**Phone (Evening):** 9193835178  
**Phone (Cell):** 9193835178  
**Email:** bakatz@nc.rr.com  
**Place of Employment:** Retired  
**Job Title:** Retired  
**Year of OC Residence:** 1970  
**Township of Residence:** Chapel Hill  
**Zone of Residence:**  
**Sex:** Male  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

None. Previously on the Planning Board. Former Chair of Orange Co. Democratic Party

### Past Service on Orange County Advisory Boards:

Previously on the Orange County Planning Board - 6 years

### Boards/Commissions applied for:

#### Commission for the Environment

##### Background, education and experience relevant to this board:

PhD in Botany. CEO of company that worked in forests worldwide. Familiar with contract law.  
Served on the OC Planning Board for 6 years.

##### Reasons for wanting to serve on this board:

I am interested in the future of Orange County and preserving natural areas.

##### Conflict of Interest:

#### Orange County Board of Adjustment (REQUIRES DISCLOSURE STATEMENT)

##### Background, education and experience relevant to this board:

I served on the Planning Board for 6 years. I was CEO of a company for 16 years, so I am familiar with contract law.

##### Reasons for wanting to serve on this board:

I am interested in the future of Orange County

##### Conflict of Interest:

**Orange Water & Sewer Authority Board of Directors****Background, education and experience relevant to this board:**

My college background is in biology and geology. My PhD and professional research career was focused on environmental microbiology. I served 6 years on the OC Planning Board.

**Reasons for wanting to serve on this board:**

I am interested in the future of Orange County

**Conflict of Interest:****Supplemental Questions:****Orange County Board of Adjustment (REQUIRES DISCLOSURE STATEMENT)****Please list the work/volunteer experience/qualifications that would add to your expertise for this board.**

My experience on the Planning Board gives me a good background for the Bd of Adj. As CEO of a company, I have a lot of experience with contract law.

**What unique perspective can you bring to the Orange County Board of Adjustment?**

Board members must be disinterested parties to cases. They should know something about the property rules of the County. They should be long-time residents of Orange County and have a sense of the various communities and their histories on this county.

**What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?**

Fair resolutions of cases consistent with the rules and diverse interests of Orange County residents.

**What do you consider to be the most important issues facing Orange County related to growth?**

Preventing urban sprawl. Protecting water resources. Balanced tax base. Providing essential services to residents.

**What role should the Board of Adjustment take in guiding and regulating growth?**

The Board makes judgments on cases before it based on the presentations of opposing parties. The suggestion that the Board has a philosophy suggests it should be a politically appointed Board and not a legal or quasi-legal Board, which it is.

**How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners' adopted Goals and Priorities?**

Try to achieve a consensus that decisions are consistent with these goals and priorities. The Board acts on cases that should have legal elements that must be considered primary, but in the context of Orange County goals.

**Orange Water & Sewer Authority Board of Directors****Please list/explain your experience, either professionally and/or from other boards/commissions that you have in the areas of budget, personnel, and management.**

My Planning Board experience gives me familiarity with the processes and issues before OWASA. My environmental educations would also provide relevance.

**In addition to the experience listed in the question above, please list the work/volunteer experience/qualifications that would add to your expertise for this board.**

I worked and performed in environmental sciences field for 26 years.

**What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?**

Protect the water quality for future residents. Plan water strategy for the future.

**What is OWASA's role in growth/development issues?**

OWASA serves the needs of the Urban Services Boundary including Chapel Hill and Carrboro. They are increasing in density and population size. OWASA has to assure that safe, clean water is available to meet the long-term needs of these communities. Negotiations with other communities will be an essential element for these resources and I can deal with that.

**Other Comments:**

ominated for CPLUC on 5/8/02. Originally applied 4/28/98 for O.C. Planning Board. Ph.D. V.P. of Microbial Acquisitions and Research Fellow at Mycosearch, Inc. Expertise in Forest Microbiology. Have lived and worked in Orange County 28 years. I am interested in supporting ways for the county to fund programs that maintain the quality of life it presently offers most of its citizens, and extending those good qualities to the rest of its residents. I want to work on achieving a new comprehensive land use plan and its implementation in Orange Co. STAFF COMMENTS: Originally applied for Local Revenue Options Education Advisory Committee 2/5/2008. ADDRESS VERIFICATION: 5801 Cascade Drive, Chapel Hill is Chapel Hill Township in OCPL jurisdiction. UPDATED INTEREST 04/13/2011 IF ELIGIBLE. UPDATED INTEREST 02/13/2012 FOR PLANNING BOARD.

12/16/13 - Re-applied under new application.

This application was current on: 12/16/2013 3:29:48 PM

Date Printed: 12/27/2013

## Volunteer Application Orange County Advisory Boards and Commissions

**Name:** Mrs. Nicole Roth  
**Name Called:**  
**Home Address:** 707 Dairyland Rd  
 Chapel Hill NC 27516  
**Phone (Day):** 415-615-2016  
**Phone (Evening):** 415-615-2016  
**Phone (Cell):** 415-615-2016  
**Email:** nicole.a.roth@gmail.com  
**Place of Employment:** Independent Lawyer  
**Job Title:** Lawyer  
**Year of OC Residence:** 2012  
**Township of Residence:** Chapel Hill  
**Zone of Residence:**  
**Sex:** Female  
**Ethnic Background:** Caucasian

### Community Activities/Organizational Memberships:

I am on the Board of Directors for the Animal Legal Defense Fund and Humane Carolina. I also advise a number of local nonprofits in nonprofit management and legal issues, including a number of animal related nonprofits. I am also a member of the Women's Forum of North Carolina.

### Past Service on Orange County Advisory Boards:

None.

### Boards/Commissions applied for:

#### Animal Services Advisory Board

##### Background, education and experience relevant to this board:

I am an attorney and I have been working on animal legal issues since 2004. I have worked with about 15 large national and small local animal protection nonprofits advising them on legal and nonprofit management issues. I have also worked with shelters, government agencies, and government officials on animal issues.

##### Reasons for wanting to serve on this board:

I would like to get more involved in the local community and I believe my experience and expertise would best be served on the Animal Services Advisory Board.

##### Conflict of Interest:

My paid clients are not local organizations and I am not aware of any interests they have in local issues.

**Commission for the Environment****Background, education and experience relevant to this board:**

I am an attorney with a focus in environmental issues. I have worked on a number of environmental lawsuits and investigations under CERCLA, EPCRA, the Clean Air Act, the Clean Water Act, and nuisance laws. I also have experience serving on 4 nonprofit boards of directors and I advise other nonprofits on legal and nonprofit management issues.

**Reasons for wanting to serve on this board:**

I would like to get more involved in the local community and I believe my experience and expertise could help the Commission for the Environment.

**Conflict of Interest:****Chapel Hill Library Board of Trustees****Background, education and experience relevant to this board:**

I am a local attorney with two young children. I have a lot of experience serving on nonprofit boards and advising nonprofits on legal and management issues. I am also currently working on getting a graduate certificate in nonprofit management at UNC. I love to read and we visit the library weekly. I would like to use my experience and time to assist one of the community resources our family is the most involved in.

**Reasons for wanting to serve on this board:**

I have two young children and we visit the library weekly. I think it is critical that people have access to the wonderful services this library provides. I have met a number of low income families in the Chapel Hill area who are unaware of all of the services at the library and I would like to help ensure that all of our citizens understand the resources available to them. Love of learning is critical for young children and I want to help foster that love with communities who need it the most.

**Conflict of Interest:****Supplemental Questions:****Other Comments:**

This application was current on: 8/18/2014 1:45:11 PM

Date Printed: 8/19/2014

**BOCC Meeting Follow-up Actions**

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

<b>Meeting Date</b>	<b>Task</b>	<b>Target Date</b>	<b>Person(s) Responsible</b>	<b>Status</b>
12/7/15	Draft individual letters for the Chair to send to each farm owner thanking them for their participation in the Voluntary Ag District program	12/20/2015	Gail Hughes Donna Baker	Letters to be drafted
12/7/15	Coordinate with NCACC to address questions received from Board members at the meeting and subsequently related to governing and financing of schools	12/20/2015	Bonnie Hammersley	Staff to coordinate with NCACC to provide Board members with responses to questions
12/7/15	Pursue including additional item on major subdivision checklists regarding request for voluntary submittal of homeowners association provisions	2/1/2016	Craig Benedict	To be pursued
12/7/15	Follow-up with the Chair regarding staff drafting a letter to CHCCS regarding \$2 million	12/15/2015	Bonnie Hammersley	Letter drafted for Chair review and signature

## INFORMATION ITEM

### Memorandum

**To:** Bonnie Hammersley, County Manager  
**From:** Gayle Wilson, Orange County Solid Waste Director  
**Subject:** Information Report - Rural Recycling Service Area Expansion Details  
**Date:** December 15, 2015

The purpose of this informational report is to detail the timeline and some of the planned educational and outreach efforts proposed for the bi-weekly rural curbside recycling expansion to approximately 7,000 previously unserved residences in the unincorporated portion of the county. This recycling service allowing residents to utilize 95-gallon roll carts or 18-gallon bins curbside is planned to commence in July/August 2016. It is to be noted, it was originally planned to conduct a three-year phased expansion of curbside recycling services for rural customers, however, a route optimization study conducted this summer concluded the route expansion could be completed in a single-phase, which included significant long-term savings in staff and equipment if the expansion was completed in one year. Approximately 4,000 rural carts and 2,000 bins are expected to be financed at a cost of approximately \$248,000 - the total carts purchased may change due to survey participation results and plastic resin costs at the time of order. Please note, as a result of the route optimization study, it is expected that up to 60% of residences currently participating may change their rural curbside collection day starting next fiscal year. A notification and new route schedule card will be mailed to each resident in mid-June notifying them of any change.

#### Revised Implementation Timeline:

- Middle of January 2016- Letter to be mailed explaining new service with postage-paid, mail-back cart/bin/neither order form enclosed sent to all addresses within the expansion area. Residents will be able to email or call the administration office, or complete a request form available on the solid waste website.
- End of February 2016 – Second notification with postage paid mail-back cart/bin order form mailed to households in the expansion area that did not respond to original mailing and outreach efforts.
- April/May 2016 – BOCC approves purchase of rural roll carts and authorizes debt financing.
- June 2016 – Send new route schedules, aka “Calendar Cards” to all unincorporated residences.
- July 2016 – Start distribution and collection of carts/bins to all unincorporated residences who have requested a container (may take up to 30 days to deliver all containers). Residents can utilize carts/bins as soon as they receive them.
- August 2016 – Full implementation of expansion should be complete for those residents who have responded back with their request.
- Fall 2016 – Respond to new service and routing issues; deal with residents who were non-responsive to survey

## **ADDITIONAL OUTREACH EFFORTS**

- Election type signs placed around the expansion area of county “Signup for Curbside Recycling”
- Have flyers available at the Waste and Recycling Centers announcing the expansion and survey
- Have sample cart and bins available at Waste and Recycling Centers for residents to examine
- Speaking and other engaged outreach to rural churches and other organization (Grange Hall, Optimists Club, Ruritan Club, etc.)
- For “non-deliverable” addresses, as resources allow, deliver survey directly to residence
- Use of the Sherriff’s listserv to announce expansion and survey
- Use billboard to announce expansion and survey
- Place information on social media, twitter and Facebook page to announce expansion and survey
- Place information on public information monitors at the Library and Rec Center, Social Services to announce expansion and survey
- Talk about new service availability on local radio stations, WHUP, WCHL, WUNC
- Place information on the Solid Waste Department website

*Please contact the Solid Waste office with any additional questions or suggestions.*



**ORANGE COUNTY**  
NORTH CAROLINA  
Asset Management Services  
Jeffrey E. Thompson, Director

**Date:** December 7, 2015

**Memorandum To:** Board of Orange County Commissioners,  
Bonnie Hammersley, Orange County Manager

**From:** Jeff Thompson, Asset Management Services Director

**RE:** **Dr. Pauli Murray Human Rights Award Winner Display Area**

Attached is the final mock-up of the Pauli Murray Human Rights award display that is intended to be located in a prominent area within the second floor Whitted meeting room center hallway.

The wall area mock-up is accompanied by the matted frame inset containing Dr. Murray's photo and accompanying text describing Dr. Murray's life and significant contributions. This matted frame would be surrounded by three plaques for each category (youth, adult, business) commemorating past awardees while providing space for those in the future.

We have awardees back to 1990. The plaques will have ample space to commemorate awardees well into the future.

The installation of this display area is scheduled for January, 2016 in anticipation of the 2016 Pauli Murray award ceremony.

**Pauli Murray  
Human Relations Award Winners  
Adult**

Louise Echols 1990	Hazel Lunsford 1998	Dorothy Johnson 2007			
Ralph Pendergraph 1990	Aubrey Chris Nutter 1999	Frances Jones 2007			
Rev. Tim Kimrey 1990	Bonnie B. Davis 2000	Josephine Holman-Long 2008			
No Ceremony 1991	Joe Herzenberg 2000	Robert L. Campbell 2009			
No Ceremony 1992	Peter Richard Kramer 2001	No Ceremony 2010			
Charlotte Garth Adams 1993	Shirley Marshall 2002	Maggie West 2011			
Mildred Berkeley 1994	Mariah Ann McPherson 2003	Crystal Fisher 2012			
Rebecca Clark 1995	Frances Finney 2004	Judith Blau 2013			
Alan (Lightning) Brown 1996	No Ceremony 2005	Elizabeth "Binnie" Davis 2014			
Timothy Miles 1997	Florence G. Soltys 2006	Walter Fairbault, Jr. 2014			

**Dr. Anna Pauline ("Pauli") Murray  
November 20, 1910 – July 1, 1985**



Pauli Murray was a champion for civil and human rights who grew up in Durham, North Carolina. Her insights and vision continue to resonate powerfully in our times. As a historian, attorney, poet, activist, teacher and Episcopal priest, she worked throughout her life to address injustice, to give voice to the unheard, to educate, and to promote reconciliation between races and economic classes.

By a resolution approved by the Board of Orange County Commissioners on November 12, 1990, Orange County recognizes these annual winners of the Pauli Murray Human Rights Award.

**Pauli Murray  
Human Relations Award Winners  
Youth**

No Ceremony 1991	Camella Lee 2008				
No Ceremony 1992	Elizabeth McManus 2009				
Alicia Hermann (Keesling) 1997	No Ceremony 2010				
Liala Edwards 1998	Joseph DeVito 2011				
Danielle Brittany Price 1999	Emma Morris 2012				
Jacquelyn Lynn Payne (Rogers) 2000	Desaray Rockett 2013				
Kristin Mattison 2001	Emma Catanzaro 2014				
Rachel McCook 2002					
Lauren Williamson 2003					
No Ceremony 2005					

**Pauli Murray  
Human Relations Award Winners  
Business**

No Ceremony 1991	Cliff's Meat Market 2008				
No Ceremony 1992	Door to Door 2009				
Weaver Street Market 1999	No Ceremony 2010				
Sports Endeavors 2000	Chapel Hill Rehabilitation and Healthcare 2011				
Women's Workout Club 2001	Vimala's Curry Blossom Cafe 2013				
Carol Woods Retirement Community 2002	Music Makers Relief Foundation 2014				
Kelsey's Cafe 2003					
No Ceremony 2005					
Balloons and Tunes 2006					
Fleet Feet Sports 2007					