



**Orange County
Board of Commissioners**

Agenda

Regular Meeting

November 15, 2016

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. Resolution in Support of the Equal Rights Amendment

5. Public Hearings



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 2016-17 Budget Amendment #3
- c. Creation of Permanent Time-Limited Position for Group Respite Service
- d. Adoption of the Accessible Icon Project in Orange County
- e. Unified Animal Control Ordinance Amendments

7. Regular Agenda

- a. School Impact Fee Updates
- b. Chapel Hill Town Hall Study Committee
- c. Durham-Orange Light Rail Transit Project - North Carolina Central University Extension
- d. Cancellation of a Declaration of Restrictive Covenants

8. Reports

9. County Manager's Report

10. County Attorney's Report

11. Appointments

- a. Nursing Home Community Advisory Committee – Appointments
- b. Workforce Development Board – Regional Partnership – Appointments

12. Board Comments (Three Minute Limit Per Commissioner)

13. Information Items

- November 1, 2016 BOCC Meeting Follow-up Actions List
- Memo Regarding Library Strategic Plan 2017-2020
- Human Services Transportation Research and Orange Public Transit's Challenges and Solutions
- BOCC Chair Letter Regarding Petitions from November 1, 2016 Regular Meeting

14. Closed Session

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

Closed Session Minutes

15. Adjournment



Note: Access the agenda through the County's web site, www.orangecountync.gov

Orange County Board of Commissioners' regular meetings and work sessions are available via live streaming video at orangecountync.gov/occlerks/granicus.asp 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: November 15, 2016

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

SUBJECT: Resolution in Support of the Equal Rights Amendment

DEPARTMENT: Housing, Human Rights and
Community Development for
the Human Relations
Commission

ATTACHMENT(S):
Resolution in Support of the Equal Rights
Amendment

INFORMATION CONTACT:
Audrey Spencer-Horsley, Director, (919)
245-2492
Uvonka Mercer, Civil Rights Specialist,
(919) 245-2488
Commissioner Renee Price, (919) 245-
2130

PURPOSE: To consider a Resolution in Support of the Equal Rights Amendment.

BACKGROUND: At the November 1, 2016 Board meeting, Commissioner Renee Price petitioned the Board to consider a Resolution in support of the Equal Rights Amendment. Commissioner Price provided a draft resolution for consideration.

The Equal Rights Amendment affirmed the equal application of the Constitution to all citizens; which read: "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction." The amendment was introduced in every session of Congress; and was approved in reworded form by the U.S. Senate and the House of Representatives on March 22, 1972.

The proposed 27th Amendment to the Constitution was sent to the States for ratification, and fell three states short of ratification; including the State of North Carolina.

FINANCIAL IMPACT: There is no financial impact associated with considering the resolution.

SOCIAL JUSTICE IMPACT: The following four 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.

- **CREATE A SAFE COMMUNITY**

The reduction of risks associated with vehicle/traffic accidents, childhood and senior injuries while building a safe, inclusive and loving community.

- **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 operation or policies.

- **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.

RECOMMENDATION(S): The Manager recommends that the Board consider approval of the Resolution in support of the Equal Rights Amendment.

RES-2016-070

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION IN SUPPORT OF THE EQUAL RIGHTS AMENDMENT

WHEREAS, Orange County forthrightly supports equal rights for all residents of Orange County; and

WHEREAS, women continue to confront a lack of political parity, workplace discrimination, health care inequities, disparate rates of poverty, rape and domestic violence assaults; and

WHEREAS, the United States Constitution fails to guarantee explicitly that all rights that it purports to protect are held equally by all residents without regard to sex; and

WHEREAS, the equal protection clause of the 14th Amendment never has been interpreted to guarantee equal rights for women; and

WHEREAS, the Equal Rights Amendment [ERA] was drafted to help correct systemic discrimination based on sex, i.e., by situating sex as a suspect category invoking strict judicial scrutiny, as with race, national origin and religion; and

WHEREAS, the ERA was passed by Congress in 1972 and ratified by 35 of the 38 states necessary to put it into the Constitution, yet was assumed to have expired in 1982; and

WHEREAS, Congress can alter time limits in the proposing clauses of amendments, and the deadline for the ERA appeared only in the preamble as opposed to the actual legislation; and

WHEREAS, Senator Floyd B. McKissick, Jr. and Representative Carla Cunningham introduced ERA ratification bills in the NC General Assembly in the 2015 long session, with Senator Mike Woodard co-sponsoring the Senate bill and Representative Henry M. Michaux co-sponsoring the House bill; and

WHEREAS, these legislators have indicated that they will introduce similar bills in 2017; and

WHEREAS, US Representative David Price, Representative Alma Adams, and Representative G.K. Butterfield co-sponsored bills in the 114th Congress to adopt an ERA, and to lift the time limits on states for ratifying the ERA;

NOW THEREFORE, BE IT RESOLVED, that the Orange County Board of County Commissioners calls on the US Congress to pass into law a bill to adopt an Equal Rights Amendment, or to remove the time limit for ratification of the ERA so that ratification shall be achieved upon the affirmative vote of 38 states, of which 35 already have ratified; and

BE IT FURTHER RESOLVED, that the Orange County Board of County Commissioners calls on the NC General Assembly to pass into law a bill to ratify the Equal Rights Amendment to the United States Constitution as proposed by Congress on March 22, 1972.

This the 15th day of November 2016.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 15, 2016

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

SUBJECT: MINUTES

DEPARTMENT: Board of County
Commissioners

ATTACHMENT(S):
(Under Separate Cover)
Draft Minutes

INFORMATION CONTACT:
Donna Baker, Clerk to the Board
(919) 245-2130

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

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.

September 29, 2016
October 4, 2016

BOCC Joint Meeting with Schools
BOCC Regular Meeting

FINANCIAL IMPACT: NONE

SOCIAL JUSTICE IMPACT: NONE

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

1 Steve Halkiotis referred to the BOCC adopted goals and priorities, specifically #6. He
 2 invited the Commissioners to attend the next OCS student achievement committee meeting.
 3 He said there are many successful programs that are helping to close the achievement gap.
 4 Chair McKee said he would relay Steve Halkiotis' comments to Bonnie Hammersley.
 5 *Commissioner Price arrived at 7:09 p.m.*
 6

7 **2. Family Success Alliance**
 8

9 **Background Information:**

10 **Poverty & Adverse Childhood Experiences**

11 Poverty in Orange County has been on the rise. Research shows that people living in poverty
 12 disproportionately experience Adverse Childhood Experiences (ACEs), which are potentially
 13 traumatic events that can have negative, lasting effects on health and well-being. Intervening
 14 early to address the social determinants of health, including ACEs and educational
 15 achievement, are priorities for the health department and laid the foundation for the Family
 16 Success Alliance (FSA).
 17

18 **Model Programs and Adaptation to Orange County**

19 FSA is modeled on the Harlem Children's Zone, a "cradle to college or career" pipeline that
 20 provides wrap-around services and intensive academic interventions. After 20 years of work,
 21 HCZ has eliminated the racial achievement gap for its students. Adapting this model to Orange
 22 County required identifying neighborhoods where families are struggling to make ends meet
 23 and facilitating a community-engaged process for selecting two pilot zones, Zone 4 (Southern
 24 Hillsborough) and Zone 6 (Chapel Hill-Carrboro).
 25

26 **Gap Analysis, Initial Programs, and Strategic Plan Development**

27 FSA staff worked closely with community members living in the zones and other key
 28 stakeholders to identify gaps in Orange County's "pipeline" and develop a Strategic Plan for
 29 how to address those gaps. The two initial programs developed by FSA include 1) a summer
 30 Kindergarten Readiness program, implemented in partnership with school districts, and 2) a
 31 Navigator Program that helps FSA-enrolled families support their children's education and
 32 connect with community resources by drawing on the expertise of zone residents who are hired
 33 and trained by FSA. FSA also supports afterschool programing and summer enrichment for
 34 enrolled children.

35 **Program Update**

36 Colleen Bridger, Director, Orange County Health Department, made the following
 37 PowerPoint presentation:
 38



44
 45 **Joint School Board and County Commissioner Meeting**
 46 **September 29, 2016, Presentation Overview**
 47

48 **Three Problems:**

- 49 1. Safety net interventions too diluted
- 50 2. No robust evaluations

1 3. Communities not at the center of interventions

2
3 **Poverty in Orange County**

- 4 • Multiple poverty-related indicators are increasing in Orange County
- 5 • Adverse Childhood Experiences (ACEs) include 10 indicators related to neglect, abuse and
- 6 household dysfunction. People living in poverty disproportionately experience Adverse
- 7 Childhood Experiences. There is a dose-response relationship between ACEs and the risk
- 8 of chronic disease.

9
10 **Our Models**

- 11 • Harlem Children's Zone pipeline model
- 12 o Combined a focus on academics with family/community support
- 13 o HCZ closed the racial achievement gap in both math and ELA by third grade
- 14 • HCZ scaled up = President Obama's "Promise Zones" & has been replicated across NC,
- 15 e.g. EDCI
- 16 • Orange County is rich in high-quality resources. We need to build on, expand, & enhance
- 17 existing services and supports. NOT replace or duplicate.
- 18 • Collective Impact approach
- 19 o New way of working together that emphasizes strong backbone support for
- 20 collaborative work and prioritizes shared data and evaluation.
- 21 o Equity is an additional component that experts agree should be added to the model
- 22 and is important for FSA
- 23 o OCHD is strong in both areas and serves as the backbone support for the FSA
- 24 collaborative with guidance from a diverse Advisory Council.
- 25 o Our Partners (organizations funded by United Way and those on the Advisory
- 26 Council)

27
28 **Adapting to OC: Mapping our poverty zones**

- 29 • Building a Neighborhood Poverty Index to identify "zones" in Orange County; neighborhood
- 30 level data are not available through Census and other common sources
- 31 • Goals: 1) Adjust for population density, 2) Use multiple data layers for assurance, 3) Drill to
- 32 neighborhoods with distinct types if possible
- 33 • Created an aggregate indicator (index) showing the likelihood of a neighborhood being low-
- 34 income. Each ¼ mile block with >30 residences was scored from 0 - 4 based on four data
- 35 layers: (1) **residential structure type** (Land Records/GIS); (2) **active housing choice**
- 36 **vouchers** (Housing); (3) **children on Medicaid** (DSS); and (4) **clinic patients** (health
- 37 department)
- 38 • Identified 6 zones throughout the county where families are most struggling to make ends
- 39 meet
- 40 • Held meetings in the zones; all 6 zones identified a champion and applied; 2 were selected.

41
42 **The Pipeline to Success – from Cradle to College/Career**



2015 Gap Analysis

- Community Input (interviews, focus groups, door-to-door and online surveys) in Zones 4 and 6
- Zone meetings to prioritize. Top three in common: childcare, K readiness, family support

Our Two-Generation Approach: Support Children & Families

- Initial programming: Kindergarten Readiness – just completed second year in both zones
 - UNC FPG’s evaluation (2016) showed improvement in: Attention, Print concepts, Word Use, and teacher ratings of frustration tolerance, social skills, and achievement
- Navigator Program: Link to resources; Peer coaches; Help families engage in and advocate for educational success. Keep community voice at the center of our work.
 - Formative and summative evaluations in process, partnered with UNC Peds & FPG

2016 – 2018 Strategic Plan: Community engaged process, adopted in August, covers next two years

Evaluation

- Context of the Initiative (continue to track poverty related indicators at neighborhood level)
- Collective Impact Initiative (evaluate how we work together using this collaborative model)
- System Changes (funding streams, cultural norms, etc)
- Impact of the Initiative -- Nationally-vetted indicators from Promise Neighborhoods
 - Individual FSA Program Evaluation
 - Longitudinal Cohort Study

What’s Next?

- Continue to add & support cohorts in zones 4 and 6 & continue to build pipeline
- Ultimately, expand reach by working in additional zones, as resources allow

Key Publications: 2015 Gap Analysis, 2016-2018 Strategic Plan

<http://www.orangecountync.gov/fsapublications.php>

Photo Directory of Advisory Council members:

http://www.orangecountync.gov/fsaadvisory_council.php

For more information, contact: Meredith McMonigle, Project Coordinator

mmcmonigle@orangecountync.gov, (919) 245-2071

1 James Barrett said he noticed that some of the school boundaries went beyond the
2 zone boundaries. He asked if the population served must be residents of the zone, or if being a
3 student within the zone would be sufficient.

4 Colleen Bridger said it was not an exact science, and they tried to follow the school zone
5 boundaries. She said sometimes doing this excluded a high need area, so zones were
6 expanded.

7 Steve Halkiotis asked if, in her professional opinion, the mental health needs of students
8 in North Carolina has gone up or down from 10% in 1979.

9 Colleen Bridger said the number in need has increased significantly and is possibly
10 upward of 30%.

11 Steve Halkiotis said mental health issues have been rampant in the schools and have
12 gone unrecognized for years. He said the work of the FSA in addressing some of the mental
13 health issues is appreciated.

14 Annetta Streater asked if there are any plans to connect with the school districts
15 regarding possible strategies to reach children that do not fall in the targeted zones.

16 Colleen Bridger said these pilots are identifying best practices, and the plan is to
17 disseminate what is working well across the entire county.

18 Rani Dasi said the FSA is helping both school districts, and she thanked Colleen Bridger
19 and the FSA. She echoed the vital need for mental health services.

20 Todd Wirt said the least amount of resources, for those with mental health, is in the
21 elementary schools. He said OCS has had a wonderful experience with the FSA.

22 Commissioner Dorosin asked Colleen Bridger if she could talk about what is in the
23 queue for working with even younger children.

24 Colleen Bridger said she has had conversations about targeted pre-K, targeted toward
25 the kids in the zones. She said the FSA is working with all of their partners to strengthen their
26 relationship with their childcare providers.

27 Commissioner Dorosin asked if there is a reason to not use the verbiage *universal pre-*
28 *k*.

29 Colleen Bridger said universal pre-K implies that everybody, regardless of need,
30 receives pre-K. She said research shows that pre-K is more effective when it is targeted to
31 those children who need it most.

32 Brenda Stephens expressed her appreciation of Colleen Bridger, and said she had
33 personally witnessed the enthusiasm and excitement in zone 4 this summer.

34 Rydell Harrison expressed his appreciation to the FSA and the staff of the Health
35 Department.

36 Donna Coffey said this presentation gave her a better understanding of the FSA
37 program. She said this is a great place to start setting their collaborative budget process.

38 Margaret Samuels echoed previous comments, and said in her professional job she
39 sees Navigators everywhere.

41 **3. Update on School Impact Fee Study/Report**

42
43 Craig Benedict, Orange County Planning Director, reviewed the background information:

44
45 On August 17, 2016, draft school impact fee studies for both school districts were sent via e-
46 mail to school district and municipal staffs. The studies were completed by a consultant with
47 whom Orange County contracted. The report for Orange County Schools was updated by the
48 consultant on September 1 because it was discovered that a portion of Appendix A was
49 missing.
50

1 School impact fees are fees charged to help defray the public costs of new development. The
 2 fee is charged once to all new residential development in both school districts. Fees charged
 3 must be proportional to the actual impact caused which is the reason a technical study is
 4 completed; the data-based study determines the proportional impact of housing types and the
 5 “maximum supportable impact fee” (MSIF) that can be charged for each type of housing.
 6 Proceeds from school impact fees can be used only to increase student membership capacity
 7 (e.g., Capital Facilities – new or expanded school buildings) in the school district in which the
 8 fee was collected. School impact fee proceeds cannot be used to fund operations.

9
 10 School impact fees were last updated in 2008 and were adopted to increase each year over
 11 four years, with the last increase effective January 1, 2012. The final increase raised the fee to
 12 60% of the MSIF, as calculated in 2008.

13
 14 The recently completed studies disaggregate dwelling types by the number of bedrooms a unit
 15 contains and also break out smaller sized (less than 800 square feet) detached units.

16
 17 Additionally, the studies include information on Age Restricted Units. *Attachment 3a* shows the
 18 MSIF at various percentage levels. It should be noted that the adopted percentage of MSIF
 19 must be the same for all housing types (e.g., fees cannot be adopted at 40% MSIF for one
 20 housing type and 60% MSIF for a different housing type).

21
 22 Since 1995, Orange County has offered an impact fee reimbursement program for school
 23 impact fees paid on affordable housing units. From FY09-10 through FY15-16, \$606,318 in
 24 collected impact fees was reimbursed for the 77 affordable single-family housing units and one
 25 apartment building containing 6 affordable multi-family units constructed in that time period.

26
 27 Orange County Planning staff will hold a public information meeting on September 26 at 6:00
 28 p.m. at the Whitted Meeting Facility in Hillsborough. A representative from the consulting firm
 29 will attend the joint School Boards/BOCC meeting on September 29 to present the results of
 30 the study and address technical questions/comments on the reports.

31
 32 A BOCC public hearing on potential updates to school impact fee levels has been scheduled for
 33 October 4.

34
 35 Possible options for updated fee levels include:

- 36 1. As calculated, adopting at some percentage of the MSIF.
- 37 2. Collapsing the Single Family Detached category in the Orange County Schools district
 38 (due to an unexpected result in this category), charging the “Average” for this housing
 39 type in this district, charging fees as calculated for other housing types, and
 40 adopting at some percentage of the MSIF.
- 41 3. Collapsing all housing type categories in both or either school districts, charging the
 42 “Average” calculation by housing type, and adopting at some percentage of the MSIF. a.
 43 Note for this option: Accessory dwelling units (e.g., granny flats) are included in the multi-
 44 family category (0-2 bedrooms) so setting the fee for the “average” calculation may result
 45 in an increase for accessory dwelling units, depending on the percentage of MSIF
 46 chosen.
- 47 4. Options 1-3 can also be implemented by increasing the percentage of MSIF over a period
 48 of time (e.g., adopt at x% effective 2017, y% effective 2018, and z% effective 2019).

49
 50 Perdita Holtz, Orange County Planning, made the following PowerPoint presentation:

1
2 **2016 School Impact Fee Studies**
3 **Joint BOCC/School Boards Meeting**
4 **September 29, 2016**

5
6 **Overview**

- 7
- 8 • School Impact Fees
 - 9 ○ Enabling legislation in 1987
 - 10 ○ Fees first adopted in 1993
 - 11 ○ Help defray the public costs of new residential development
 - 12 ○ Used to provide greater student capacity (e.g., new or expanded school buildings)
 - 13 ❖ Cannot be used to fund operations or repairs of existing facilities
 - 14 • Updated technical studies done every few years to ensure the fees remain proportional to the actual impacts caused
 - 15 • Most recent studies (one for each school district) completed in summer 2016
 - 16 • Over the years, types of housing has become more refined
 - 17 ○ Geographic Information Systems (GIS) and digital data make this possible

18
19
20 **Refined Housing Type Categories**

- 21
- 22 • 1993 – fee charged per dwelling, regardless of type
 - 23 • Each technical study has refined housing types a bit more
 - 24 ○ Single-family & All Other
 - 25 ○ Single-family, Manufactured Homes, All Other
 - 26 ○ Single-family Detached, Single-family Attached, Multi-family, Manufactured Homes
 - 27 • Current study disaggregated data down to number of bedrooms per unit (SFD, SFA, MF)
 - 28 ○ Calculations for smaller-sized single-family detached (<800 square feet)
 - 29 ○ Age-Restricted Units

30
31
32 **2016 Study**

33 Full studies available on website:

34 http://www.orangecountync.gov/departments/planning_and_inspections/current_interest_projects.php

35
36
37 Julie Herlands from TichlerBise presented this portion of PowerPoint:

38
39 **Orange County Draft Educational Facilities Fees**

40 **--Orange County Schools**

41 **--Chapel Hill-Carrboro City Schools**

42
43 **Presentation Overview**

- 44
- 45 • Introduction
 - 46 • Overview
 - 47 ○ Impact Fees
 - 48 ○ Process for the Studies
 - 49 • Impact Fee Results (by System)
 - Methodologies

- 1 ○ Levels of Service and Costs
- 2 ○ Maximum Supportable Amounts
- 3 • Q & A

5 **TischlerBise, Inc.:**

- 6 • National Practice
- 7 • Impact Fees (850+)
- 8 • Fiscal Impact Evaluations (700+)
- 9 • Infrastructure Needs & Revenue Strategies
- 10 • Public and Private Sector Experience*

11 **Impact Fees**

12 The purpose is to:

13 “. . . *Help defray the costs to the County of constructing certain capital improvements, the need*
 14 *for which is created in substantial part by the new development that takes place within the*
 15 *County.*”

- 17 • Represent new growth’s fair share of the cost for capital facility needs
- 18 • Used for capacity expansions
- 19 • Not a revenue raising mechanism but a way to provide growth-related infrastructure
- 20 • Three requirements must be met:
 - 21 ○ **Impact:** *Growth is generating need for infrastructure*
 - 22 ○ **Benefit:** *Timing of improvements; accounting and expenditure controls*
 - 23 ○ **Proportionality:** *Fair share of cost*

25 **Process for Study**

- 26 • Interview key staff
- 27 • Analyze demographic data
- 28 • Consider methodologies and determine levels of service
- 29 • Determine capital costs
- 30 • Evaluate inclusion of credits
- 31 • Determine maximum supportable fee amounts for each school system
- 32 • Staff review
- 33 • Presentations to the public
- 34 • Decision by elected officials

36 **Methodologies**

- 37 • Cost Recovery (past)
 - 38 ○ Oversized and unique facilities
- 39 • Incremental Expansion (present)
 - 40 ○ Formula-based approach documents level-of-service with both quantitative and
 - 41 ○ qualitative measures; common for schools
- 42 • Plan-Based (future)
 - 43 ○ Common for utilities but can also be used for other public facilities with non-
 - 44 ○ impact fee funding (e.g., roads)

46 **Impact Fee Formula Overview (graph)**

48 **Impact Fee Methodolgy (flow chart)**

49

1 Joal Broun referred to the portable classroom cost per student, and asked if that is
2 assuming that the portable classroom is a permanent fixture or used for as long as needed.
3 She asked if there is an average that is used.

4 Julie Herlands said it is based on what is in the ground today, within each school
5 system, and within each level of school (elementary, middle and high), leading to the number of
6 portable classrooms per students. She said if portables go away in the future, a higher level of
7 service will be needed.

8 Pat Heinrich asked if the calculations used to determine capital cost are a lagging
9 number; based on what is being spent today to determine impact fees for the level of service
10 provided in the future.

11 Julie Herlands said the dollars are in current dollars; what it costs today. She said it is
12 recommended that the County apply an inflationary factor to the whole schedule to keep up with
13 the increase in construction costs.

14 **Orange County Schools**

15 **OCS Student Generation Rates (graph)**

16 **OCS Levels of Service (graph)**

17 **OCS Cost Per Student Summary (graph)**

18 **OCS Maximum Supportable Impact Fees (graph)**

19 Commissioner Price asked if there is a reason that portable classrooms are included in
20 this schedule.

21 Julie Herlands said there is some level of capacity that is being provided by a temporary
22 facility currently. She said this capacity cannot be replaced in the fee calculation with a better
23 or higher level of service.

24 Craig Benedict said the capacity of portable classrooms is not counted with the School
25 Adequate Public Facilities Fee (SAPFO) as a determinate to decide whether additional
26 buildings are needed.

27 James Barrett said a policy decision has been made that portables are acceptable,
28 because it is assumed that capacity can exceed 100%.

29 Commissioner Price said she thought the goal, moving forward, was to do away with
30 portable classrooms, as they are unsafe.

31 James Barrett said the assumption is that portables will remain because funding is not
32 provided for new buildings until capacity is at 105 to 110%.

33 Commissioner Dorosin clarified that there is no formal plan to get rid of portables, and
34 the answer was yes.

35 Todd LoFrese said it would be wonderful to do away with portable units.

36 Steve Halkiotis seconded this statement.

37 Rani Dasi asked if the impact fee rates are updated regularly.

38 Julie Herlands said a full restudy is recommended every three to five years, and an
39 update on the costs, with an inflationary adjustment, annually.

40 Rani Dasi said if a project was approved in November, where a new building would
41 replace a number of portables significantly changing the square footage, the cost of said project
42 would be greatly understated if these numbers were not included.

1 Julie Herlands said typically there are not huge changes in levels of service figure, but
2 she said if a permanent space was created that significantly increased the level of service
3 standards (square feet per student), then the fee could potentially go up.

4 Steve Halkiotis asked if there is a reason that the reproductive rate in central and
5 northern Orange County seems to be less than the reproductive rate in southern Orange
6 County, given that the housing is similar. He said the whole topic may need to be revisited, and
7 the OCS is pulling in more impact fee money than CHCCS due to the tremendous growth in the
8 district.

9 Julie Herlands said this is all local data that is reflective of both school districts, as it
10 stands today. She said it is local census data. She said children that attend private schools are
11 not included. She said if an answer is desired to Mr. Halkiotis' question, she would suggest
12 doing a survey.

13 Matthew Roberts clarified that the number of children expected in a 3-bedroom house in
14 CHCCS, is higher than the number of children that would be expected in a 3-bedroom house in
15 OCS. He said this is all new to him.

16 Julie Herlands said there is local, geocoded data; public school students within each
17 district that reside in the different types of housing units.

18 Matthew Roberts asked if student housing in Chapel Hill is included.

19 Perdita Holtz said dorms are not included, but single family homes are included, even if
20 rented by university students.

21 Michael Hood asked if all apartment complexes are included in the CHCCS.

22 Julie Herlands said yes.

23 Michael Hood said many apartment complexes do not generate any students.

24 James Barrett said a lot of this has changed dramatically over the last eight years. He
25 said there are apartment complexes that were never expected to house children, which are
26 currently housing many families with children in the CHCCS.

27 Michael Hood said that may be reflective of the debt bubble. He said per capita income
28 for an area tends to produce fewer children per household. He said this is not reflective in the
29 numbers, and per capita income in OCS is lower than in CHCCS.

30 Julie Herlands said there is a type of unit difference as well, and there are underlining
31 drivers.

32 Michael Hood said he is bothered by the width of disparity.

33 Pat Heinrich said when he looked at the report he saw the Turner Building was used as
34 an inflationary scale for how costs would change over time. He said this is a national index, and
35 asked if there is a reason why Department of Public Instruction (DPI) numbers were not used to
36 get more regional numbers.

37 Julie Herlands said that was on the cost side. She said the starting point is the local
38 data, and to get to current dollars they use a construction cost index to find this out. She said
39 she would get him a more complete answer regarding the Turner Index.

40 Pat Heinrich said the numbers used were from the national index.

41 Julie Herlands said the numbers will not change drastically if a different index is used.
42 She said there is a weighted average by the type of school building. She said a sample of local
43 construction is gathered.

44 Pat Heinrich said there was a 31% regional increase in school construction from 2010-
45 2015, according to the DPI. He said from 2013-2015 there was a 24% increase in regional
46 schools, as opposed to a 13% increase in the Turner Index. He said his concern is that the
47 Turner Index is not relative to what is actually happening locally.

48 Julie Herlands said an adjustment can be made.

49 Pat Heinrich asked if this data is not relevant.

1 Craig Benedict said if the intent was to charge 100% of the maximum supportable
2 impact fee and to capture all of the localized increases, then a specific regional index should be
3 used. He said historically the County has been at the 60% level of the maximum supportable
4 impact fee. He said that could be raised to 65 or 70%.

5 James Barrett said the upcoming bond and subsequent renovations will bring a lot of
6 changes. He asked if these costs will be a factor in this data.

7 Julie Herlands said they are trying to determine a replacement cost per square foot
8 based on today's dollars. She said the challenge is to use projects that have been done here in
9 Orange County and inflate them to get to current dollars. She said when the fees are collected
10 they can go towards capacity improvement.

11 James Barrett said asked if the next time a high school is needed in the CHCCS, the
12 dollars are refigured based on the upcoming renovation costs, or are the inflated numbers from
13 10 years ago still used.

14 Julie Herlands said the numbers from the upcoming Chapel Hill High School renovations
15 would be used and inflated.

16 Commissioner Dorosin said he is concerned that OCS feels it is not being treated fairly
17 in this process. He clarified that the housing of every student in both school districts is
18 determined and put into categories: 0-3 bedroom, apartment, etc. He said these numbers are
19 then reverse engineered to determine how this is all calculated, which yields some of the
20 anomalies that have been alluded to, such as a 4-bedroom house in OCS having less children
21 than a 4-bedroom house in CHCCS.

22 Julie Herlands said a previous study was done on student generational rates for recently
23 developed (within the last 10 years) housing units in the County and both school districts. She
24 said this study was the foundation for these rates. She said all students were geocoded and
25 matched to the assessors' database, which has good data in terms of the bedroom counts for
26 recent developments. She said for the current study, data prior to 2004 was folded in using
27 census data where possible. She said an impact fee is paid once for the life of the unit. She
28 said there may be other factors at play, such as private schools or other demographic realities.

29 Commissioner Dorosin asked if someone built an apartment complex in Chapel Hill
30 tomorrow, they would pay the current rate even if the complex never houses a single public
31 school child.

32 Julie Herlands said the first five years a property may serve one population, and the next
33 five years another type of population, etc. She said the age of a unit can impact the number of
34 students that reside there.

35 Commissioner Dorosin said the differences are the different demographics in each
36 school system.

37 Michael Hood said the data has been looking at new and recent development. He said
38 he has a problem with a 1970s era, 3-bedroom ranch home that now has an extended family
39 living in it. He said the children may not be included in census data.

40 Julie Herlands said these are kids that are generated by type of unit within the school
41 systems. She said there is very good data on the single family side, by size of the house, by
42 bedroom count, by numbers of kids, etc.

43 Rani Dasi said it is important to be transparent with the public, and the numbers should
44 be accurately reported.

45 Julie Herlands said choosing an index is a methodological choice.

46 Rani Dasi said she is asking to apply data that is appropriate to the community, so that
47 the process is transparent when percentages are charged, and investors know what they are
48 getting.

1 Julie Herlands said the construction costs are crosschecked and truth tested, and if this
2 is a point of contention, the percentage multiplier can be changed to 120 instead of 113,
3 resulting in a slight increase in the fee amount.

4 Commissioner Burroughs said it is ultimately at the discretion of the BOCC to make any
5 decisions, and all concerns should be directed to the BOCC, not the consultant.

6 Commissioner Jacobs said he hears that some people are not comfortable with the way
7 the Board of County Commissioners is calculating the impact fee, and so the Board may want
8 to review how the calculations are being done.

9 Steve Halkiotis said the input on this information is flawed, and the demographics in the
10 OCS system have changed dramatically. He said he is not happy with this analysis, which
11 shows partial children coming from OCS and whole children from CHCCS, despite being in the
12 same size home.

13 Julie Herlands resumed the PowerPoint presentation:

14
15 **Chapel Hill-Carrboro City Schools (graph)**

16
17 **CHCCS Student Generation Rates (graph)**

18
19 **CHCCS Levels of Service (graph)**

20
21 **CHCCS Cost Per Student Summary (graph)**

22
23 **CHCCS Maximum Supportable Impact Fees (graph)**

24
25 Perdita Holtz resumed the PowerPoint presentation:

26
27 **Consultant Reports on Findings (graph)**

28
29 **Maximum Supportable Impact Fees (graph)**

- 30
- 31 • Technical studies determined the “maximum supportable impact fee” (MSIF)
 - 32 • In the past, Orange County has not adopted at the MSIF level
 - 33 ○ Last 2 cycles were at:
 - 34 ❖ (2001) 60%
 - 35 ❖ (2008) 4-year increase at 32%, 40%, 50%, topping off at 60%

36 **Current Fee Levels**

37 Chapel Hill-Carrboro District (graph)

38 Orange County District (graph)

39
40 **MSIF – Chapel Hill – Carrboro District (graph)**

41
42 **MSIF – Orange County District (graph)**

43
44 **Possible Options**

- 45
- 46 • As calculated, adopting at some percentage of the MSIF.
 - 47 • Collapsing the Single Family Detached category in the Orange County Schools district
48 (due to an unexpected result in this category), charging the “Average” for this housing
49 type in this district, charging fees as calculated for other housing types, and adopting at
some percentage of the MSIF.

- Collapsing all housing type categories in both or either school districts, charging the “Average” calculation by housing type, and adopting at some percentage of the MSIF.
- Options 1-3 can also be implemented by increasing the percentage of MSIF over a period of time (e.g., adopt at x% effective 2017, y% effective 2018, and z% effective 2019).

Upcoming Meetings

- Joint Board of County Commissioners/ School Boards Meeting – Sep. 29
- Board of County Commissioners Public Hearing on October 4 beginning at 7:00 p.m. at the Whitted Meeting Facility
- Possible adoption of updated fees at October 18 Board of County Commissioners Meeting

Joal Broun referred to the new legislation that requires smaller K-3 class sizes, and asked if there is a plan to factor in the additional space that will be needed to accommodate this legislation.

Craig Benedict said that would have to be analyzed. He said if the same square footage, at the same cost, provides less capacity, then there will be a higher cost per seat. He said school construction standards will also be reviewed, as well as how the legislation would affect school construction costs.

Joal Broun asked if this would be discussed before the Board of County Commissioners decides on the impact fee.

Craig Benedict said the Planning Department could work with the Finance Department and both school districts to see what the affects would be.

Commissioner Dorosin thanked the consultant, and said this was not supposed to be a cross-examination. He said there are new board members on both Boards, and there are high emotions and history with this issue, but her work is appreciated.

Commissioner Jacobs referred to Joal Broun’s comment, and said if the County has to anticipate another unfunded mandate from the State, then the County should anticipate it. He said such litigation may pre-dispose the Board of County Commissioners to picking a higher number with which to start. He said he would recommend phasing in the impact fees.

Commissioner Price asked if an extensive addition is built onto a mill home, which are historic preservation homes, would it be considered for impact fees.

Craig Benedict said existing homes are grandfathered in, but if children are living in these houses they will be captured in future analysis.

4. Discussion of School Related Topics

Chapel Hill-Carrboro City Schools

Todd LoFrese referred to page 20 in the BOCC packet, and reviewed the following information about CHCCS:

- Demographic Challenges

Chapel Hill-Carrboro City Schools Demographic Changes

	2000	2005	2010	2015
Lunch	17%	18%	25%	31%
Asian	9%	12%	15%	15%
Black	16%	14%	13%	11%
Hispanic	5%	9%	11%	16%
Multi	3%	5%	6%	6%

White 67% 60% 54% 52%
 Enrollment 9,598 10,944 11,675 11,982 *12,230
 *2016 estimate

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Chapel Hill-Carrboro City Schools Immigrant Students and English Language Learners

Year	Identified English Language Learners	Number of Immigrant Students:	Percentage of EL population identified as Immigrant:	Newcomers Program Participation:
2014-15	1280	629	49%	28 high school student 23 middle schools students
2015-16	1222	808	66%	22 elementary students 55 middle school students 26 high school students

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- Teacher Hiring Summary

Total hired for the 2016-2017 school year: 132

Elementary 60 elementary hires of the 132 total new hires or 45.4%

Elementary classroom

- 43 elementary classroom teachers of the 60 total elementary positions or 71.6%
- Of the 43 total elementary classroom teachers, 8 were EC Teachers or 18.6%

Other elementary 17 others of the 60 total elementary positions or 28.3%

- 2 Social Workers
- 1 Occupational Therapist
- 2 Instructional Tech Facilitators
- 2 Instructional Coaches
- 2 Interventionist
- 2 Media Coordinators
- 1 PE Teacher
- 1 Music Teacher
- 1 World Language (French) Teacher
- 2 ESL Teachers
- 1 Behavior Specialist

Secondary 72 secondary hires of the 132 total new hires or 54.5%

Math

- 10 secondary math teachers of the 72 total secondary positions or 13.8%
- 5 middle school math teachers

- 5 high school math teachers

Science

- **8 secondary science teachers of the 72 total secondary positions or 11.1%**
- 4 middle school science teachers
- 4 high school science teachers

EC

- **11 EC teachers of the 72 total secondary positions or 15.3%**
- 4 middle school EC teachers
- 7 high school EC teachers

Other secondary

- **43 others of the 72 total secondary positions or 59.7%**
- 4 CTE Teachers
- 5 World Language Teachers
- 3 Cultural Arts Teachers
- 1 Dual Language Teacher
- 8 English Language Arts Teachers
- 1 ESL Teacher
- 1 Gifted Specialist
- 2 Instructional Tech Facilitators
- 1 ISS Coordinator
- 3 Media Coordinators
- 1 School Counselor
- 1 School Nurse
- 1 School Social Worker
- 1 Interventionist
- 9 Social Studies Teachers
- 1 Speech Language Pathologist

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- **Legislative Update**

The state budget includes a provision that significantly lowers required class size averages and maximums in Grades K-3. The legislation requires implementation to occur in 2017-18. If implemented, this will have a profound effect on elementary school capacity throughout the county (and state). It will also have a significant budget impact. The K-3 funded ratio is currently about 4 students below the average class size maximum of 21 and has been below the average maximum for several years. The district has staffed K-3 classrooms based on an average of 21 students. The difference between the funded ratio and the average ratio has been used to fund non-classroom teachers, such as art, music, and PE. Implementing 2017-18 requirements would necessitate additional local expenditures, as the funds would be limited to classroom teachers to meet the reduced averages. Additional budget would be needed to fund aforementioned non-classroom teachers and teacher supplements for the additional teaching positions.

Todd LoFrese presented an overview of the changes as provided in the Board's agenda packet, Attachment 4-f, followed by the local capacity impact.

1 Commissioner Dorosin asked if there could be clarification about funded versus max
2 size versus max individual size.

3 Todd LoFrese said a current CHCCS kindergarten class has an average of 21 students.
4 He said the State gives additional teacher positions in K-3 classrooms than what the max
5 average class size can be. He said those additional teacher positions are used for art, music,
6 or PE. He said the actual class sizes are allocated at the max average. He said there are not
7 class size maximums in grades 4-12.

8 Commissioner Jacobs asked if this is going to be a huge unfunded mandate from the
9 State.

10 Todd LoFrese said he is very concerned about this, and the districts would need to
11 discuss if implementing such a mandate would even be possible.

12 Commissioner Jacobs said he assumes the State will give counties time to implement.

13 Todd LoFrese said this change is supposed to take place in 2017-18.

14 Commissioner Jacobs said there is about a year to try and come up with a plan, and
15 perhaps mobile classrooms will return.

16 Todd LoFrese said there is not room for 46 mobile classrooms or funds.

17 Commissioner Burroughs said the current legislature passed this legislation, and this is
18 an area to collaborate on giving their voice to their legislative delegation.

19 20 **Orange County Schools**

21 Todd Wirt referred to page 19 of the BOCC packet, which contains the OCS
22 information. He reviewed the following information:

- 23
- 24 • **Legislative Update**

25 Todd Wirt said their local impact is on page 19 of the agenda packet, and the lobbying
26 has begun. He said the impact of this legislation for OCS is an additional nine teachers. He
27 said there are several teaching positions in OCS that are funded by sources other than the
28 State.

- 29
- 30 • **Demographics**

31 Todd Wirt reviewed the Demographics on Page 17 of the agenda packet.

32 Chair McKee asked if the hiring success is attributed to the supplement increase.

33 Todd Wirt said this is difficult to analyze, but he has heard it has been a driving factor.
34 He said overall recruiting efforts have been improved.

35 James Barrett said this is true for CHCCS as well.

36 Commissioner Dorosin asked what are the overall demographics for OCS.

37 Dr. Wirt said OCS is 20% Hispanic; 15% African-American; 58% White; and 7% other
38 races.

39 Commissioner Dorosin asked if there are concerns about the range of Free-Reduced
40 Lunches (FRL) in the elementary schools, especially when considering equity.

41 Todd Wirt said Hillsborough Elementary is an application only, year round school, and
42 he said an analysis is being done as to why minority families are not accessing this school. He
43 said efforts are being made to make the school, and the application process, better publicized
44 and more easily accessible.

45 Brenda Stephens said the application process for Hillsborough Elementary has been
46 worked on to make it more accessible.

47 Commissioner Dorosin said there is potential legislation that may target eliminating year
48 round schools, and asked if OCS may expand the year round schedule or if CHCCS has
49 considered year round schools.

1 Steve Halkiotis said the legislature is going to target these types of schools because of
2 lobbying by the travel and tourism industries. He said he would like to see a year round
3 schedule in all schools, and believes there would be dramatically positive results.

4 Commissioner Jacobs said he would like for CHCCS to answer the question about year
5 round schools.

6 James Barrett said this topic has not been discussed recently. His understanding is that
7 the legislation would grandfather in existing schools, but would make it harder to create new
8 year round schools.

9 Todd LoFrese said CHCCS is looking at current summer programming and summer
10 school for elementary schools, and are considering adding more enrichment programs.

11 Commissioner Jacobs said a legislative update should be included each time these joint
12 meetings occur.

13 Commissioner Jacobs asked if there is a penalty for not complying with the 18-student
14 average classroom maximum mandate.

15 Todd LoFrese said the superintendent's salary will be withheld.

16 Commissioner Jacobs said there should be a strategy to deal with what is coming down
17 the legislative pipeline. He said the Board and the Districts must be in a position to act with the
18 least harm to the Districts and the students.

19 Commissioner Jacobs referred to year round schools, and said he would not want the
20 legislature to prevent the school systems from considering what they believe is in the best
21 interest of their students. He said the BOCC would try to find a way to defend the schools.

22 Rani Dasi said the CHCCS Board should talk about the issue of year round schools.

23 Steve Halkiotis thanked the Board of County Commissioners for its funding, and said
24 because of this funding OCS was able to implement a universal breakfast.

25 James Barrett said when the collaboration group met two weeks ago, it was suggested
26 to create a budget process ad hoc committee. He said such a committee was created and it
27 meets tomorrow.

28 Michael Hood said he is a parent of children who attended Hillsborough Elementary, and
29 he would support the legislature removing itself entirely from all matters of school scheduling.

30 Commissioner Dorosin said he sent an article about New Jersey having prohibitions on
31 suspensions, and maybe this could be a discussion topic next at their next meeting.

32 The meeting adjourned at 9:31 p.m.
33

34 Earl McKee, Chair
35

36 Donna Baker
37 Clerk to the Board
38
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3 DRAFT

4 **MINUTES**
5 **BOARD OF COMMISSIONERS**
6 **REGULAR MEETING**
7 **October 4, 2016**
8 **7:00 p.m.**

9 The Orange County Board of Commissioners met in regular session on Tuesday, October 4,
10 2016 at 7:00 p.m. at the Whitted Building in Hillsborough, 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 7:04 p.m.

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

23
24 A motion was made by Commissioner Dorosin, seconded by Commissioner Rich to add
25 the following item to tonight's agenda: Item 7b: Downtown Housing Improvement Corporation,
26 Inc.'s (DHIC) Request to Reduce Orange County's 99 Year Affordability Period for the
27 Greenfield Place Project to 40 Years.

28
29 VOTE: UNANIMOUS

30
31 Chair McKee noted the following items at the Commissioners' places:
32 - White sheet: PowerPoint for Item 5-a
33 - White sheet: "2001 Orange County Bonds for Affordable Housing", for item 8-a
34 - Lavender sheet: revised abstract for Item 11-a.

35
36 **PUBLIC CHARGE**

37
38 *Chair McKee dispensed with the reading of the Public Charge.*

39
40 **2. Public Comments**

41
42 **a. Matters not on the Printed Agenda**

43
44 *Commissioner Price arrived at 7:10 p.m.*

45
46 Marilyn Kille read the following comments:

47
48 I am here to ask for your help. As some know, for 21 years I have owned the
49 southernmost farm of those remaining within Carrboro's ETJ—on the county side
50 of Old Fayetteville Road opposite the Town's Autumn Woods apartments. For 15
51 years my farm rehabilitated hunting dogs for and stabled rescued by OCAS.

1 During those years, my farm was known for its husbandry expertise and
2 exceptional safety standards.

3
4 Soon after the County land across from my farm was annexed, trespassing and
5 vandalism began. I promptly spent \$35,000 to further secure my livestock and
6 home.

7
8 By 1997, demand by UNC and area vets to board other's horses led me to build a
9 new barn. Because my house lies 600 ft. from the road front, a tiny caretaker
10 apartment was included with the original plan- to be completed when money
11 allowed. Seven permits were obtained from Carrboro for related purposes.
12 Installed was a separate electric meter and service for the apartment with lines
13 embedded under 4" of concrete - which could not have been done thereafter. This
14 is an important point!! 150+ photos documented the entire construction process,
15 including inspections by Town officials.

16
17 Ten years later, Carrboro alleged- falsely- that the apartment had never been
18 know, permitted, inspected, or given a Certificate of Occupancy (CO) – and sued
19 me! Why, after a decade?

20
21 According to its Planning Department, (as recorded in August 2008) because
22 (Quote): It would be prohibitively expensive for the town to buy (my) land or
23 otherwise to leapfrog over it to bring utilities to the farms north of its slated future
24 development!"

25
26 On August 24, 2008, a letter from the town read, substantively – if I would donate
27 my land to the Town, my legal problems would cease! Inexplicably, instead, the
28 judge ordered my farm subdivided and positioned for annexation. When
29 thereafter I didn't file the Conditional Use Permit (CUP) with Orange County, the
30 Town officials imposed \$85,000 in fines. Thereafter, chose to criminalize me in a
31 subsequent trial. This, when the 1997 site plan—which the Town claimed during
32 the 2008 trial never existed—was introduced in an altered form and used to
33 criminalize me in 2009.

34
35 At this point, you must be asking: What is so important about the Kille Farm?

36
37 Between Sept. 2009-Feb. 2010 on three occasions, 27 southern Orange County
38 farms petitioned the BOCC- to protect our farms by returning jurisdiction to County
39 control-as allowed by NC law. Each of the three petitions disappeared.

40
41 By 2011 the NCGA responded to ETJ landowners' call for help! And adopted two
42 (Landmark) laws which aimed to address how, for decades, pro-development
43 Town leaders had been "taking" private land by denying landowners of their
44 Constitutional rights of "due process" and "just compensation". For years
45 thereafter, Carrboro regularly disregarded these laws, claimed continuing
46 jurisdiction over land uses, and issued illegal permits- causing added risks and
47 harm for owners.

48
49 It was thereafter that vandalism at my farm increased measurably (and she listed
50 these acts). Who knows what's occurred when I am not home or I am asleep.
51 Just this past week there were four more incidents of trespass! And with my

1 house setback from the road, I can't see what happens on my property or the
2 road-front. Instead I am left only to deal with the harm caused by unknown 3rd
3 parties.
4

5 In January 2014, I appealed to OCAS (Orange County Animal Services) for
6 understanding! And I asked for help exploring how to better safeguard my
7 livestock, home and family. By April 2014 this produced a renewed lash of
8 vandalism, including livestock releases. OCAS' response was to sue me—the
9 victim—alleging I had violated its "nuisance" law-4-45! Interestingly, legal opinions
10 concluded that this "Dog" law doesn't apply to livestock. And that OCAS and
11 Orange County's judiciary chose to disregard these opinions and NC law.
12

13 Also of interest! When OCAS learned during the April 2015 trial that NC's criminal
14 code doesn't allow for attachment of my land, OCAS withdrew its criminal
15 complaint and refiled as a civil lawsuit. Again, why?
16

17 There can only be one answer! So as to harm me! So as to ensure that my farm
18 is "*taken*" by surreptitious means otherwise now prohibited by NC law.
19

20 In April 2015, the same judge, who in 2008 denied admission of the 1997 permits
21 and all evidence, again denied evidence in April 2015. After which, OCAS denied
22 me the opportunity to complete the pending sale of an impounded pony-valued at
23 \$23,000. And instead, disposed of it.
24

25 I ask you! Is it OCAS' charter to ensnare farm owners?
26

27 Wouldn't you be outraged if OCAS refused to help solve this life-threatening
28 dilemma? And, instead, used the heaviest handed legal option- criminalizing you,
29 the victim-to aid and abet wrongs by third parties?
30

31 Isn't it government's goal to protect citizens-to see justice when injustices occur?
32

33 How would you react if your home was invaded as you slept, to derelicts peeing in
34 your backyard. To finding escaped prisoners in your garage? To looking out your
35 bathroom window finding a stranger taking your picture? To hearing a gunshot
36 whizzing behind your house, and moments later, holding the injured and dying
37 animal in your arms? Or having to pay OCAS to recover your micro-chipped dogs
38 because someone stole them from your property and abandoned them
39 elsewhere? Having to repair fences week after week because drivers crash
40 through them; or neighbors' damage or steel boards that you can't know of unless
41 an animal is reported to have been released nearby?
42

43 How would you feel never again feeling safe?
44

45 Lastly, is it reasonable to believe that there is not relationship between my animals
46 being released and the Town having re-zoned all remaining ETJ farms by year
47 end 2010 for "future urban purposes"?

48
49 Again, I ask for your help in stopping this insanity, including in restraining OCAS!
50

51 Marilyn Kille

1
2 **b. Matters on the Printed Agenda**

3 (These matters will be considered when the Board addresses that item on the agenda
4 below.)
5

6 **3. Announcements and Petitions by Board Members**

7 Commissioner Pelissier had no announcements or petitions.

8 Commissioner Jacobs asked the Manager if documentation for agenda items could be
9 placed behind the abstract to review before the meeting, whether it is a work session or regular
10 meeting.

11 Commissioner Jacobs said he would like to have a policy requiring advisory boards to
12 have meetings in rooms large enough to accommodate the public.

13 Commissioner Rich met with Dan May from the Arts Center and discussed more
14 collaboration between the art commissions. She asked if an update could be provided
15 regarding progress on this matter in the coming months.

16 Commissioner Dorosin said in the past the County has made ad hoc efforts to buy or
17 hire locally for County related contracting or business. He said given the conversation recently
18 about asking contractors to pay a living wage, etc., he would like a formalized policy for a local
19 purchasing priority.

20 Commissioner Jacobs said this has been brought up before in an ad hoc way, and
21 putting it in writing is overdue.

22 Commissioner Rich said there has been a resolution regarding food for events and
23 expressed support for this petition.

24 Commissioner Price said Indigenous People's Day is on Monday, October 10, and the
25 Town of Chapel Hill has some activities planned.

26 Commissioner Price said she attended an exciting workshop today about Smart Cities,
27 and there is an opportunity for cities and counties to get assistance to look at opportunities for
28 data and analytics. She said she will share this information with the Manager to research.

29 Commissioner Burroughs had no announcements or petitions.

30 Chair McKee asked if a discussion item to remove imminent domain, as related to the
31 Mountain to Sea Trail (MTS), could be brought back to the Board.

32 Chair McKee said the travel policy that the Board of County Commissioners (BOCC)
33 approved does not align with the one that the ABC Board has written, and he asked for the ABC
34 Board policy to be brought back at the next regular BOCC meeting for further discussion.
35

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

37 None
38

39 **5. Public Hearings**

40
41 **a. School Impact Fee Updates**

42 The Board considered: 1. Conducting a public hearing on potential updates to current
43 school impact fee levels and amendments to the General Code of Ordinances – Educational
44 Facilities Impact Fees; 2. Discussing the topic as desired; 3. Closing the public hearing; 4.
45 Directing the consultant, TischlerBise, to finalize the draft school impact fee studies; and 5.
46 Directing staff to bring back amendments to the Code of General Ordinances – Educational
47 Facilities Impact Fees for adoption consideration on October 18, 2016.
48

49 **BACKGROUND:** On September 6, 2016 the Board of County Commissioners received draft
50 school impact fee studies for both school districts that had been completed by TischlerBise, a
51 consulting firm retained by the County. School impact fees are fees charged to help defray the

1 public costs of new development. The fee is charged once to all new residential development in
 2 both school districts. Fees charged must be proportional to the actual impact caused which is
 3 the reason a technical study is completed; the data-based study determines the proportional
 4 impact of housing types and the “maximum supportable impact fee” (MSIF) that can be charged
 5 for each type of housing. Proceeds from school impact fees can be used only to increase
 6 student membership capacity (e.g., Capital Facilities – new or expanded school buildings) in the
 7 school district in which the fee was collected. School impact fee proceeds cannot be used to
 8 fund operations or repairs of existing facilities.

9
 10 Possible options for updated fee levels include:

- 11 1. As calculated, adopting at some percentage of the MSIF.
- 12 2. Collapsing the Single Family Detached category in the Orange County Schools district
 13 (due to an unexpected result in this category), charging the “Average” for this housing
 14 type in this district, charging fees as calculated for other housing types, and adopting at
 15 some percentage of the MSIF.
- 16 3. Collapsing all housing type categories in both or either school districts, charging the
 17 “Average” calculation by housing type, and adopting at some percentage of the MSIF. a.
 18 Note for this option: Accessory dwelling units (e.g., granny flats) are included in the
 19 multi-family category (0-2 bedrooms) so setting the fee for the “average” calculation may
 20 result in an increase for accessory dwelling units, depending on the percentage of MSIF
 21 chosen.
- 22 4. Options 1-3 can also be implemented by increasing the percentage of MSIF over a
 23 period of time (e.g., adopt at x% effective 2017, y% effective 2018, and z% effective
 24 2019).

25 It should be noted that the adopted percentage of MSIF must be the same for all
 26 housing types
 27 (e.g., fees cannot be adopted at 40% MSIF for one housing type and 60% MSIF for a
 28 different housing type).

29
 30 Attachment 2 is the section of the County’s General Code of Ordinances that pertains to the
 31 Educational Facilities Impact Fee with proposed amendments shown in “track changes” format.
 32 Proposed amendments to this section of the Code of Ordinances include:

- 33 • Adding definitions for the various housing types.
- 34 • Adding language in Section 30-33 that would require age restricted units that do not
 35 remain age restricted for at least 20 years be required to pay the difference between the
 36 age restricted fee paid and the non-age-restricted fee in effect at the time a unit is no
 37 longer age restricted.
- 38 • Adding language in Section 30-35(e) clarifying under what conditions a refund would be
 39 issued if impact fees were reduced for a particular housing unit type.
- 40 • Adding language in Section 30-38 to recognize conditional zoning, which was adopted in
 41 2011 when the Unified Development Ordinance (UDO) was adopted.

42
 43 Since 1995, Orange County has offered an impact fee reimbursement program for school
 44 impact fees paid on affordable housing units. From FY2009-10 through FY2015-16, \$606,318 in
 45 collected impact fees was reimbursed for the 77 affordable single-family housing units and one
 46 apartment building containing 6 affordable multi-family units constructed in that time period.
 47 Planning staff held a public information meeting on September 26, beginning at 6:00 p.m.
 48 Despite publishing display ads in two newspapers, only one person (a staff member with the

1 Town of Chapel Hill's Planning Department) attended the public information meeting. This topic
 2 was also discussed at the September 29 Joint BOCC/School Boards meeting. Staff from
 3 TischlerBise was in attendance at both of these meetings.
 4

5 At the September 6 BOCC meeting, the proposed schedule indicated that updated fee levels
 6 could potentially be adopted after the conclusion of the October 4 public hearing. Due to agenda
 7 preparation constraints, staff is recommending that adoption consideration occur at the October
 8 18, 2016 BOCC meeting.
 9

10 Perdita Holtz, Planning Department, made the following PowerPoint presentation:
 11

12 **2016 School Impact Fee Studies**

13 **Public Hearing**

14 **October 4, 2016**

15 **Overview**

- 17 • School Impact Fees
 - 18 ○ Enabling legislation in 1987
 - 19 ○ Fees first adopted in 1993
 - 20 ○ Help defray the public costs of new residential development
 - 21 ❖ Represent new growth's fair share of the cost for capital facility needs
 - 22 ○ Used to provide greater student capacity (e.g., new or expanded school
 23 buildings)
 - 24 ❖ Cannot be used to fund operations or repairs of existing facilities
- 25 • Updated technical studies done every few years to ensure the fees remain proportional
 26 to the actual impacts caused
- 27 • Most recent studies (one for each school district) completed in summer 2016
- 28 • Over the years, types of housing has become more refined
 - 29 ○ Geographic Information Systems (GIS) and digital data make this possible

30 **Refined Housing Type Categories**

- 31 • 1993 – fee charged per dwelling, regardless of type
- 32 • Each technical study has refined housing types a bit more
 - 33 ○ Single-family & All Other
 - 34 ○ Single-family, Manufactured Homes, All Other
 - 35 ○ Single-family Detached, Single-family Attached, Multi-family, Manufactured
 36 Homes
- 37 • Current study disaggregated data down to number of bedrooms per unit (SFD, SFA, MF)
 - 38 ○ Calculations for smaller-sized single-family detached (<800 square feet)
 - 39 ○ Age-Restricted Units

40 **2016 Study**

41 Full studies available on

42 website: http://www.orangecountync.gov/departments/planning_and_inspections/current_inter
 43 [est_projects.php](http://www.orangecountync.gov/departments/planning_and_inspections/current_inter)

- 44 • Consultant presented methodology at September 6 and 29 meetings

45 **Basic Methodology**

- 46 • Calculate Student Generation Rates
- 47 • Calculate Current Level of Service

- 1 • Calculate Cost per Student
- 2 • Calculate Maximum Supportable Impact Fee, using the above as the input variables

3 **Orange County Schools – Maximum Supportable Impact Fee (chart)**

4 **Chapel Hill – Carrboro Schools – Maximum Supportable Impact Fee (chart)**

5 **Orange County Schools - MSIF Percentages (chart)**

6 **Chapel Hill – Carrboro Schools – MSIF Percentages (chart)**

7 **Possible Options**

- 8 • As calculated, by bedroom count (if applicable), adopting at some percentage of the MSIF.
- 9 • Collapsing the Single Family Detached category in the Orange County Schools district (due to an unexpected result in this category), charging the “Average” for this housing type in this district, charging fees as calculated for other housing types, and adopting at some percentage of the MSIF.
- 10 • Collapsing all housing type categories in both or either school districts, charging the “Average” calculation by housing type, and adopting at some percentage of the MSIF.
- 11 • Options 1-3 can also be implemented by increasing the percentage of MSIF over a period of time (e.g., adopt at x% effective 2017, y% effective 2018, and z% effective 2019).

12 **As Calculated, by Bedroom Counts (if Applicable) - (OCS) (chart)**

13 **As Calculated, by Bedroom Counts (if Applicable) – (CHCCS) (chart)**

14 **Collapse Single Family Detached in OCS Only (chart)**

- 15 • CHCCS remains “as calculated, by bedroom counts, if applicable”

16 **Collapse All Housing Types to “Average” – OCS (chart)**

17 **Collapse All Housing Types to “Average” – CHCCS (chart)**

18 **Educational Facilities Impact Fee Ordinance**

- 19 • Add definitions for the various housing types.
- 20 • Add language in Section 30-33 that would require age restricted units that do not remain age restricted for at least 20 years be required to pay the difference between the age restricted fee paid and the non-age-restricted fee in effect at the time a unit is no longer age restricted.
- 21 • Add language in Section 30-35(e) clarifying under what conditions a refund would be issued if impact fees were reduced for a particular housing unit type.
- 22 • Add language in Section 30-38 to recognize conditional zoning, which was adopted in 2011 when the UDO was adopted.
- 23 • Impact fee levels in Section 30-33 to be determined after public hearing

24 **Additional Information**

- 25 • Attachment 6:
 - 26 ○ Average historical residential unit growth

- 1 ○ Assumed percentage increase
- 2 ○ Projected future annual residential unit growth
- 3 ○ Projected future unit mix
- 4 ○ Approximate Number of Approved but Unconstructed Housing Units, by
- 5 Jurisdiction

6

7 **Joint School Boards Meeting (September 29)**

- 8 • Topics discussed included:
 - 9 ○ Construction inflation in the Triangle region
 - 10 ○ Impact of class size legislation
 - 11 ○ Level of service standards as they relate to portables

12

13 Commissioner Jacobs said a question was raised, at the meeting with the schools, about

14 the construction costs being used: generic vs. local. He said several school board members

15 said it would be more “transparent” to use local costs, which are higher.

16 Commissioner Jacobs said the difference between the 2007 and the 2016 impact fee is

17 less than \$1,000, and he wanted to know the increase in construction costs, and asked if there

18 is a reason why switching to local standards is not being recommended.

19 Perdita Holtz said other indices were investigated after the meeting with the Schools.

20 She said a school board member recommended the Department of Public Instruction (DPI), but

21 DPI does not have a construction cost index. She said there does not seem to be a good local

22 index of construction standards.

23 Jeff Thompson, Director of Asset Management Services, said he did contact DPI about

24 their data, and he said DPI does not have formal regional standards. He said staff is working on

25 this issue.

26 Commissioner Jacobs asked Jeff Thomson if he feels there will be good local, or

27 regional, data available to make this change in the future.

28 Jeff Thompson said possibly in the future, but not right now. He said staff will work with

29 DPI on getting formalized data.

30 Commissioner Price referred to page 7, which discussed age restrictive units. She

31 asked if an example scenario could be provided. She said when she thinks of age restrictive

32 units, she typically thinks of an apartment or apartment building.

33 Perdita Holtz said this example refers to projects that are named as age restrictive units

34 to get a lower impact fee, but then do not remain so.

35 Commissioner Price said this was her fear. She asked if an age-restricted home is sold,

36 is there some declaration that must be made at the time of sale.

37 Perdita Holtz said in order to be age restrictive, a house would have to have age

38 restrictive covenants such as from a Home Owner Association document, etc. She said age

39 restrictive units are usually in a development where their covenants require that at least one

40 person be over the age of 55, or this can be done through restrictive covenants.

41 Commissioner Price referred to mobile homes on page 8, and asked if there would be an

42 impact by increasing the number of bedrooms.

43 Perdita Holtz said staff is not going back to look at these, since these existing dwellings

44 may not have had to pay an impact fee, if built prior to 1993, but have been paying taxes all of

45 this time anyway.

46

47 **Recommendation for Tonight**

- 48 1. Conduct a public hearing on potential updates to current school impact fee levels and
- 49 amendments to the General Code of Ordinances – Educational Facilities Impact Fees;
- 50 2. Discuss the topic as desired;
- 51 3. Close the public hearing;

- 1 4. Direct the consultant, TischlerBise, to finalize the draft school impact fee studies; and
- 2 5. Direct staff to bring back amendments to the Code of General Ordinances – Educational
- 3 Facilities Impact Fees for adoption consideration on October 18, 2016.

4
5 Commissioner Rich said she is not convinced that collapsing works, and would like
6 people to pay their impact fee rather than pay an average fee.

7 Craig Benedict, Planning Director, said not collapsing them would make more technical
8 sense, and the only reason collapsing is being suggested is because of the actual numbers
9 showing in the student generation rates.

10 Commissioner Dorosin referred to slide 10 on the hand out, *Chapel Hill – Carrboro MSIF*
11 *Percentages*, and asked if there could be clarification of this issue. He said 60% was picked
12 across all units. He said the current fee for single family detached is \$11,423, which based on
13 new updated numbers, falls somewhere between 60 and 70% of the MSIF. He said the current
14 multi-family fee is \$12,086 which is between 10 and 20% based on the new numbers. He said
15 he wanted to make sure the differences reflect the very changes in demographic and housing
16 size choices that people are making, and how the student generation numbers play out over
17 time. He said in an ideal universe these would all be around 60%.

18 Craig Benedict said there are less single-family homes in Chapel Hill, and thus families
19 move into a 3-bedroom multi-family unit, which affects the student generation rates. He said an
20 apartment complex that is mostly 1-2 bedrooms will have less student generation, and will pay a
21 proportional amount for that.

22 Commissioner Dorosin said this is an illustration as to why regular updates should be
23 completed.

24 Commissioner Dorosin asked if there is bedroom distinction in any category with the
25 current fee.

26 Craig Benedict said no.

27 Commissioner Dorosin said he would favor moving away from that practice and toward a
28 more accurate analysis, given the more detailed data.

29 Commissioner Rich said there is the 800 square foot with higher impact fees, and she
30 would like to get away from that.

31 Commissioner Burroughs said she is comfortable with the numbers, as presented by the
32 consultant, because they match with reality.

33 Commissioner Jacobs asked if the gist of the conversation is to disaggregate these
34 housing types even further, based on the number of bedrooms, or is the current data
35 acceptable.

36 Craig Benedict said there are bedroom disaggregations in the study now, and before
37 there was a one size fits all. He said now they are able to determine student generation rates
38 more effectively.

39 Commissioner Dorosin said he is favor of further disaggregation, because it is more
40 accurate and reflects the true nature of the study.

41 Discussion ensued.

42 Chair McKee said he has concern about not collapsing. He said the fee for the detached
43 single family, 3 bedroom homes in Orange County Schools (OCS) is higher than the 4
44 bedrooms, which is the exact opposite of Chapel Hill-Carrboro City Schools (CHCCS). He said
45 there seems to be a disconnect. He said if fees stay at 60%, there seems to be significant
46 increases.

47 Craig Benedict said there would be some significant increases in certain categories.

48 Commissioner Price asked if the cost of housing will be impacted, if families choose a
49 multi-family dwelling, because the impact fees will be enormous.

50 Craig Benedict said it is not the County's role to make decisions about how the private
51 sector incorporate these impact fees into housing costs, and these numbers may impact final

1 costs of a single family home. He said in multi-family dwellings, the owners, not the renters, will
2 incur these fees.

3 Commissioner Price said but the property owner may charge renters more because of
4 the increased fees.

5 Craig Benedict said they do not get into those areas at all.

6 Commissioner Dorosin said it is likely that a lot less three-bedroom apartments will be
7 built.

8 Commissioner Rich said if more people are coming here with children, then more
9 schools will need to be built. She said taxes will need to be raised, and impact fees are helping
10 to build these new schools.

11 Commissioner Burroughs agreed.

12 Commissioner Price said she was concerned about the percentage increase of the fees,
13 not so much about the actual impact fee.

14 Commissioner Jacobs asked if he is correct in assuming that they cannot differentiate
15 between the different categories of housing, as far as the impact fee is raised.

16 Craig Benedict said a chosen fee should be consistent throughout all categories.

17 John Roberts said the legal requirement is that there should be rough proportionality
18 between the fee that is set, and what that fee is offsetting. He said there could be a flat fee if so
19 desired, which may be seen as more equitable. He said to keep legal challenges to a minimum
20 proportionalities should be consistent across the categories.

21 Commissioner Jacobs asked if it would be defensible for the flat fee to benefit those with
22 the most affordable units, and would otherwise have the highest increase.

23 John Roberts said it would depend on the calculations, and Orange County and only two
24 other counties actually use an impact fee. He said there is no state law on this topic. He said
25 the more complicated the fee system gets, the more difficult it will be to defend. He said if there
26 is public policy reasoning behind the system, it may be more defensible.

27 Commissioner Jacobs suggested getting past the bond, etc., and if the BOCC wanted to
28 adjust the impact fee schedule in a defensible way, to make this all easier on affordable housing
29 residents, he thinks the Board would support this. He is in favor of impact fees helping to offset
30 the cost of schools, but he also sees the complication of how high the impact fee is going to be
31 for a manufactured housing unit that has 2 bedrooms, compared to a stick built house that has
32 high cost and two bedrooms.

33 Craig Benedict said there are different ways to invoke impact fees. He said a flat fee is
34 easy to implement, but the proportionality test is weak, and out of sync. He said in the past the
35 County did have a flat fee, but they have trended toward using the best available data and
36 where the student generation rates match.

37 Commissioner Jacobs said some of them do not want to affect the affordability of units,
38 and it may be good to have a couple of options with examples and how this would impact a
39 particular unit-proportional fee vs. a flat fee.

40 Craig Benedict said that a flat fee analysis would take months, and costs thousands of
41 dollars.

42 Commissioner Jacobs said this is the best data currently available and what the Board
43 should use to invoke impact fees or make any changes.

44 Commissioner Dorosin said he is not sure whether the impact fee structure is the best
45 place to address affordability issues. He said he would be interested in pursuing other tools or
46 incentives to address the affordability issue.

47 Commissioner Jacobs said the County does not receive new school construction funds
48 from the state, but is receiving mandates to reduce class sizes; and this may be the best way to
49 address new resident impact on the schools. He renewed his petition from the spring, for other
50 incentives that may be available.

1 Commissioner Pelissier said this is all new housing impacts, and many of these new
2 units are not affordable housing units, especially in the OCS district.

3 Commissioner Pelissier said impact fees cannot solve everything.

4 Commissioner Burroughs asked if the County's existing practice, when affordable units
5 are built, could be identified.

6 Craig Benedict said each year there is money put in the budget to reimburse these
7 impact fees for affordable housing units.

8 Commissioner Burroughs said how much Orange County can afford, going forward,
9 must be considered. She said these tables are good as they are, and now the Board must
10 decide at which percentages to begin. She said she would be comfortable talking between 30
11 and 60% of the MSIF, with a potential phase in process.

12 Commissioner Burroughs asked if one reason fees may be phased in is because there
13 are projects in the pipeline already.

14 Craig Benedict said yes.

15 Commissioner Pelissier asked if there is a break-even point when starting with a
16 particular percentage.

17 Craig Benedict said it would be a gamble for future development to try and state a break-
18 even point.

19 Commissioner Jacobs said there is a decline in single-family detached housing in
20 CHCCS, and this trend could be projected to find a break-even point.

21 Commissioner Dorosin said this would not be possible with disaggregation.

22 Commissioner Jacobs said if it is known which type of housing is going to be built more
23 often, then there will be more impact fees from that type of housing, and break-even
24 calculations can be made.

25 Craig Benedict said this would be a challenge.

26 Commissioner Dorosin said to bring back information between 40-70% ranges for the
27 next meeting. He said he is pessimistic about the possibility of getting affordable housing
28 created by the private sector in Orange County, regardless of impact fees.

29 Chair McKee agreed with Commissioner Dorosin.

30 Chair McKee asked Craig Benedict to accommodate the requests the Board of County
31 Commissioners have made.

32
33 A motion was made by Commissioner Price, seconded by Commissioner Burroughs to
34 close the public hearing.

35
36 VOTE: UNANIMOUS

37
38 **6. Consent Agenda**

- 39 • Removal of Any Items from Consent Agenda
- 40 NONE
- 41 • Approval of Remaining Consent Agenda

42
43 A motion was made by Commissioner Burroughs, seconded by Commissioner Rich to
44 approve the remaining items on the Consent Agenda.

45
46 VOTE: UNANIMOUS

- 47
48 • Discussion and Approval of the Items Removed from the Consent Agenda
- 49 NONE

50
51 **a. Minutes**

1 The Board approved the minutes for the September 8, 2016 BOCC Work Session as submitted
2 by the Clerk to the Board.

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

4 The Board adopted a resolution, which is incorporated by reference, to release motor vehicle
5 property tax values for six (6) taxpayers with a total of six (6) bills that will result in a reduction of
6 revenue of \$1,548.66 to Orange County, the towns, and school and fire districts. Financial
7 impact year to date for FY 2016-2017 is \$6,355.28.

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

9 The Board adopted a resolution, which is incorporated by reference, to release property tax
10 values for eight (8) taxpayers with a total of eight (8) bills that will result in a reduction of
11 revenue in accordance with North Carolina General Statute 105-381.

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

13 The Board approved the resolution, which is incorporated by reference, for five (5) untimely
14 applications for exemption/exclusion from ad valorem taxation for five (5) bills for the 2016 tax
15 year.

16 **e. North Carolina Governor's Highway Safety Program: Orange County Sheriff's Office
17 Traffic Safety Project and Approval of Budget Amendment #1-B**

18 The Board adopted the North Carolina Governor's Highway Safety Program Local
19 Governmental Resolution recognizing federal funding for traffic safety projects to the Sheriff's
20 Office; authorized the Chair to sign the Resolution; and approved Budget Amendment #1-B
21 accepting the \$40,000 in grant funds.

22 **f. Authorization to Declare Solid Waste Management Vehicles Surplus**

23 The Board declared various Solid Waste Management vehicles surplus, and authorized the
24 AMS Director to affect the sale of the items through GovDeals.

25 **g. Bid Award for the Purchase of Two (2) Hook Lift Trucks**

26 The Board awarded the purchase of two (2) Hook Lift Trucks to Freightliner of Austin, TX at a
27 delivered cost of \$203,488 each for a total of \$406,976; declared Truck #1780 and #1680
28 surplus after receipt of the new trucks; and authorized the AMS Director to affect the sale of
29 these items through GovDeals.

30
31 **7. Regular Agenda**

32
33 **a. Approval of 2017 Schedule of Values**

34 The Board considered adopting and authorizing the Chair to sign the Order of Adoption
35 approving the proposed 2017 Reappraisal Schedule of Values, and direct staff to publish in The
36 Herald Sun, News of Orange and Chapel Hill News the proper advertisements concerning the
37 notice of adoption.

38
39 Dwane Brinson, Tax Administrator, reviewed the background information below:

40
41 **BACKGROUND:**

42 The proposed 2017 Schedule of Values was presented to the Board at the September 6, 2016
43 regular meeting. On September 7, 2016 the Tax Assessor advertised in the News of Orange,
44 Herald Sun, and Chapel Hill News notice of the availability of the Schedule of Values for public
45 inspection, and the date of the public hearing on the Schedule of Values. The Board held the
46 public hearing regarding the Schedule of Values on September 20, 2016 regular meeting.

47
48 Per North Carolina General Statute (NCGS) 105-317(c)(1), "the [Tax] Assessor shall submit the
49 proposed schedules, standards, and rules to the board of county commissioners not less than
50 21 days before the meeting at which they will be considered by the board. On the same day that
51 they are submitted to the board for its consideration, the assessor shall file a copy of the

1 proposed schedules, standard, and rules in his [or her] office where they shall remain available
2 for public inspection.”

3
4 In addition, NCGS 105-317(c)(2) states “upon receipt of the proposed schedules, standards,
5 and rules, the board of commissioners shall publish a statement in a newspaper having general
6 circulation in the county stating:

7
8 a. That the proposed schedules, standards, and rules to be used in appraising real
9 property in the county have been submitted to the board of county commissioners and are
10 available for public inspection in the assessor’s office; and

11
12 b. The time and place of a public hearing on the proposed schedules, standard, and
13 rules that shall be held by the board of county commissioners at least seven days before
14 adopting the final schedules, standards, and rules.”

15
16 The timeline for the 2017 Reappraisal Schedule of Values adoption process is as follows:

- 17 • September 6, 2016: Submission to Orange County Board of Commissioners
- 18 • September 7, 2016: Advertise in newspaper
- 19 • September 20, 2016: Public hearing on SOV
- 20 • October 4, 2016: Adoption of SOV
- 21 • October 5, 2016: Publish 1st notice of adoption
- 22 • October 12, 2016: Publish 2nd notice of adoption
- 23 • October 19, 2016: Publish 3rd notice of adoption
- 24 • October 26, 2016: Publish 4th notice of adoption
- 25 • November 3, 2016: Last day for taxpayer to appeal the SOV

26
27 Dwane Brinson said they have not received any public feedback as of yet.

28
29 A motion was made by Commissioner Rich, seconded by Commissioner Dorosin for the
30 Board to adopt and authorize the Chair to sign the attached Order of Adoption approving the
31 proposed 2017 Reappraisal Schedule of Values and direct staff to publish in The Herald Sun,
32 News of Orange and Chapel Hill News the proper advertisements concerning the notice of
33 adoption.

34
35 VOTE: UNANIMOUS

36
37 **b. Downtown Housing Improvement Corporation, Inc.’s (DHIC) Request to Reduce**
38 **Orange County’s 99 Year Affordability Period for the Greenfield Place Project to 40**
39 **Years**

40 The Board considered a reduction of the County’s long term affordability period as
41 requested by Downtown Housing Improvement Corporation (DHIC), Inc. from 99 years to 40
42 years for the Greenfield Place project in the Town of Chapel Hill (Representatives from DHIC
43 will be available during the meeting to address questions).

44
45 Audrey Spencer Horsley, Director of Housing, Human Rights and Community
46 Development, reviewed the information below:

47
48 **BACKGROUND:**

49 On May 5, 2015 the Board approved the Orange County FY 2015-2016 HOME Program Design
50 recommended by the Orange County Consortium Program Review Committee. Participants in

1 the HOME Consortium are Orange County and the Towns of Carrboro, Chapel Hill, and
2 Hillsborough. Under the HOME Program Design, funds in the amount of \$154,500 were
3 approved for the Downtown Housing Improvement Corporation, Inc. (DHIC) to support the new
4 construction of eighty (80) apartment homes known as Greenfield Place for households at less
5 than sixty percent (60%) area median income (AMI). This is a Low Income Housing Tax Credit
6 (tax credits) development and will be located on Legion Road in Chapel Hill on land to be
7 donated by the Town of Chapel Hill.

8
9 The County's Long Term Housing Affordability Policy establishes the acceptable strategies for
10 ensuring long term affordability in affordable housing programs supported by County financial
11 resources. Housing projects that are funded with Orange County HOME Program funds have
12 been subject to the County's 99-year long-term affordability period that includes recorded deed
13 restrictions.

14
15 DHIC has requested that the County reduce the 99-year affordability period to 40 years for the
16 Greenfield Place development. DHIC has expressed that the 99 year requirement makes
17 financing challenging and creates issues for the tax credit investor in how it models the project
18 for tax purposes. According to the agency, the 99-year affordability period may cause
19 challenges in getting the equity closed in as timely a manner as needed. DHIC also stated that
20 the 99-year affordability period could also create problems in the future when DHIC will need to
21 get new financing to make capital improvements to the buildings to keep them in high quality
22 condition for tenants. DHIC noted that the affordability requirement for the federal tax credits
23 used in this project is 30 years. The Town of Chapel Hill, which is also a partner in this project,
24 is requiring a 32-year affordability period.

25
26 Audrey Spencer Horsley said this item is a request from the DHIC to reduce the 99-
27 year affordable period to a 40-year affordability period, because of their concern that it would
28 affect investors, and pose challenges to close the project on time. She said this was part of the
29 HOME program design in 2015.

30 Audrey Spencer Horsley said this project is being completed in part by the Town of
31 Chapel Hill and they donated the land. She said Chapel Hill is requiring a 30-year affordability
32 period. She said Gregg Warren from DHIC is here to answer any questions.

33 Gregg Warren, President and Executive Director of DHIC, said the concerns are those
34 of their lenders and investors with a long-term affordability period, especially if a project
35 foreclosed. He said having a 40-year period of affordability is consistent with the 40-year loan
36 period with Orange County.

37
38 A motion was made by Commissioner Dorosin, seconded by Commissioner Price for the
39 Board to approve a 40-year housing affordability period for the DHIC, Inc. Greenfield Place
40 project.

41
42 Commissioner Jacobs said he will vote in favor of this motion, but he does not think it
43 best to view these ad hoc changes intermittently, and at the last minute.

44 John Roberts said the motion this evening sets aside the County policy, and he
45 recommended that the Board either amend the policy in the near future to establish criteria for
46 project requests like these, or amend the policy as a whole to permanently change the
47 affordability period.

48 Commissioner Dorosin amended his motion to: approve the 40-year housing
49 affordability period for the DHIC in Greenfield Place project, because the project is designed to
50 serve in part, residents making 30% or less of area median income, and 60% or less of area
51 median income, which are targeted demographics that this Board has made a commitment to

1 reach out to, and which we have not done as good a job of reaching in many of our other
 2 affordable housing supported projects.

3 Commissioner Price seconded.

4 Commissioner Rich agreed with having this conversation in the near future.

5
 6 VOTE: UNANIMOUS

7
 8 **8. Reports**

9
 10 a. **Discussion of the Proposed Orange County FY 2016 – 2020 Affordable Housing**
 11 **Strategic Plan**

12 The Board reviewed and discussed the information provided on the *Proposed 2016 –*
 13 *2020 Affordable Housing Strategic Plan*, and provided direction to staff.

14 Audrey Spencer Horsley reviewed the background information, and said this item is to
 15 continue the discussion on the Orange County Affordable Housing Strategic Plan.

16
 17 **BACKGROUND:**

18 On April 5, 2016 the Orange County Board of Commissioners (Board) received the *Proposed*
 19 *2016 – 2020 Affordable Housing Strategic Plan* (Plan) that has been developed as the County’s
 20 long-range vision for addressing affordable housing needs over the next five (5) years. After
 21 receiving an overview of the Plan by the Director of Housing, Human Rights and Community
 22 Development (Director) and public comment, the Board requested that the Director conduct
 23 additional community outreach on the Plan prior to holding a work session scheduled for May
 24 10, 2016.

25
 26 At the May 10, 2016 work session, the Board discussed all the recommendations of the Plan.
 27 In follow-up to the Board’s discussion above on the Plan recommendations, the Board held a
 28 work session on September 8, 2016. For the work session there were two major items that the
 29 Board had requested additional information and recommendations from staff:

- 30
- a mobile home strategy and
 - the process for going forward with the Greene Tract (An update and options for the
 32 Greene Tract was also the subject of the second Item for the September 8th Work
 33 Session).

34 Staff included a few other discussion items for further clarification in moving forward:

- 35
- the Board’s criteria and priorities on the use of land banking,
 - moving forward on use of County owned property,
 - planning initiatives to further affordable housing,
 - the county’s 1,000 units goal and special needs housing; and
 - criteria or other areas of emphasis the Board would like included to address affordable
 40 housing needs in the county

41
 42 Staff also included in the material examples of innovations and successes from other
 43 communities particularly with regard to use of mobile homes to meet special affordable housing
 44 needs.

45 Travis Myren presented the following information:

46
 47 **Bond Funds to Help the County Reach a Countywide Shared Goal of 1,000 Affordable**
 48 **Housing Units in Five Years: 2016 – 2020**

49 **OPTION: TARGETING INCOME and SPECIAL NEEDS by #UNITS and TYPE**

Household Income Range	Target Units	Percent of	Examples of Population
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		Units	Served
0 to < 30%	250 (all new rental)	25%	Minimum Wage Earners, Childcare Providers, Restaurant Service Workers and Artists
<30% to ≤ 50% Area Median Income	250 (all new rental)	25%	Maintenance Workers, Nursing Assistants and Health Aides, Teacher Assistants and Construction Helpers
≥ 50% to ≤ 80% of Area Median Income	250 (rental and homeowner; new and existing units)	25%	Workforce employees, teachers, small business owners and first responders
Special Needs Populations	250 (all new rental)	25%	Residents with disabilities, older adults/seniors, residents experiencing or at risk of homelessness, and victims/survivors of domestic violence
Total	1,000		

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U.S. Department of Housing and Urban Development (HUD) Income Limits as of April 13, 2016:

Area median income for Orange County is \$74,900 (family of four)

30%-\$21,200

50%-\$35,350

60%-\$42,420

80%-\$56,550

10 Travis Myren said staff would like to formalize this and determine how many units the
11 Board would like to designate for each category. He said an example would be if one category
12 fills up with 250 units, then that list could be closed. He said special needs projects would have
13 its own category.

14 Chair McKee asked if the special needs projects would be 30-80% of area median
15 income.

16 Travis Myren said yes.

17 Commissioner Rich asked if these plans include the work non-profit agencies are doing.

18 Travis Myren said yes, and they had a meeting with the non-profit providers on the
19 criteria after their last work session.

20 Commissioner Rich asked if 250 units are reached in one category and non-profits want
21 to add more one, can this be accommodated.

22 Travis Myren said staff suggests that once a target number is reached, then the Orange
23 County funding would cease for that category, and any other agency can fund what they want.

24 Audrey Spencer Horsley said on-going updates will be provided to the Board of County
25 Commissioners.

26 Commissioner Jacobs said the more he thinks about how they calculate the number of
27 units the more he is uncomfortable. He said government has a tendency to over-estimate what

1 it can achieve and unintentionally misleads people. He would prefer considering percentages of
 2 units, rather than total number of units.

3 Commissioner Price asked if the amount of money per project or developer has been
 4 considered.

5 Travis Myren said yes, in the scoring document.

6 Commissioner Price said she did not find anything about a per forma sheet or financial
 7 statement. She asked if the project is financially feasible.

8 Audrey Spencer Horsley said this model is based on the County's bond policy, and all of
 9 these things Commissioner Price mentioned are incorporated in the County's bond policy. She
 10 said if these items were not already met, the project would not have made it to scoring.

11 Commissioner Burroughs said she commends them on this information. She said she is
 12 okay with the 1,000 units and setting aspirational goals.

13 Commissioner Burroughs referred to Attachment 1 on the special needs population, and
 14 asked if a non-profit would apply to do a domestic violence shelter.

15 Audrey Spencer Horsley said that is a very challenging question, and some of these
 16 projects are not intended to be generated by staff or even non-profits, but in partnerships with
 17 those specialists who are experts in these areas.

18 Commissioner Pelissier clarified that the County will help leverage bond money for 1,000
 19 units and not pay for them all.

20 Audrey Spencer Horsley said that is one of the messages being emphasized.

21 Commissioner Dorosin said his concern is not that they are going to get flooded with the
 22 0-30% need, but rather with lots at the 80% level. He said it may be wise to cap the higher
 23 ones. He said it would be helpful to know how the 250 proposals that are already in the pipeline
 24 break down in these categories.

25 Commissioner Dorosin said also it would be helpful to see into which categories the
 26 projects fell in the 2001 bond projects.

27 Travis Myren reviewed Attachment 2. He said these are suggested weights and
 28 stressing potential bond projects but not landbanking, which will be addressed separately.
 29

30 **Bond Funds to Help the County Reach a Countywide Shared Goal of 1,000 Affordable**
 31 **Housing Units in Five Years: 2017 – 2020**

32 **DRAFT**

33 **PROPOSED AFFORDABLE HOUSING PROGRAM EVALUATION: SCORING CRITERIA**

34 **A. Income Targeting and Special Needs (45 points)**

Household Income Range	Points to be Awarded
0 to < 30%	25
<30% to ≤ 50% of Area Median Income	15
≥ 50% to ≤ 80% of Area Median Income	10
Special Needs Populations	20

36 **B. Leveraging (20 points)**

Percent Funded by Bonds and Other County Funding	Points to be Awarded
60 – 80%	3
40 – 59%	6
20 – 39%	9
10 – 19%	15
<10%	20

Other Criteria	Points to be Awarded
1. The project pays property taxes	2
2a. The project repays the bond funds – principal only.	5
2b. The project repays the bond funds – both principal and interest.	10
3. The Project is a Mixed Income Project: The project serves more than one income category and minimizes the concentration of affordable housing projects in a particular geographic area.	10
4. The Project is a Mixed Use Project: The project includes uses in addition to residential uses that offer access to employment opportunities and other day to day needs.	10

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C. Design (20 points)
Building Design

Scoring Criteria	Maximum Points to Be Awarded
1. The project meets or exceeds the NC Housing Finance Agency Energy Efficiency Criteria.	3
2. The project is accessible to needed services for the target population such as healthcare, schools, and or grocery shopping.	4
3. The project provides for handicap accessibility and/or utilizes the principles of Universal Design in the building design.	3
4. Additional points may be awarded for meeting aspects associated with functionality and maintenance.	2
5. The project is connected to water and sewer service or will connect to existing service.	4
6. Public transportation and related facilities and improvements are available where applicable, e.g., bus shelter, accessible stops, etc.	4

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Chair McKee said to give greater weight to those projects that are connected to public transit and water and sewer.

Commissioner Burroughs agreed, especially regarding transit.

Commissioner Price wanted to stress the more universal design and to weight this higher.

Commissioner Jacobs agreed with Commissioner Price.

Commissioner Pelissier agreed with transit and water and sewer, and to weight these higher.

Travis Myren said the points can be balanced.

Commissioner Dorosin said if water and sewer are weighted higher, then big areas of the County will be off the table. He also noted that water and sewer are expensive.

Commissioner Jacobs said if they talk about community systems, they should be careful about definitions and would not be on water and sewer, but on a community system.

Travis Myren reviewed the following information:

Community Design (10)

Scoring Criteria	Maximum Points to be Awarded
7. The project contributes to a mix of housing within an existing neighborhood.	3
8. Additional points may be awarded for criteria associated with building appearance, quality of construction, compatibility with surrounding housing, ability to foster a sense of a secure community, and contributes to neighborhood revitalization and or affordable housing preservation. (Details must be provided by applicant)	3
9. Environmental impacts are identified with plans included to adequately address minimizing impact on environment, e.g. reuse of building materials recycling, storm water management and water conservation.	4

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D. Community Sponsorship/Support (25 points)

Scoring Criteria	Maximum Points to be Awarded
1. The applicant can submit explicit evidence that they coordinated the application with other organizations to complement and/or support the proposed project.	8
2. The applicant involved the intended beneficiaries of the project in the planning process and describes outreach and marketing plan to be inclusive.	7
3. The applicant can demonstrate that it has been actively involved, or describes the steps it will take to become actively involved in the Community's Consolidated Planning process to identify and address a housing need or problem that is related in whole or part to the proposed project.	5
4. The applicant has developed, or describes plans to develop linkages with other community activities so solutions are holistic and comprehensive.	5

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E. Project Feasibility (30 points)

Scoring Criteria	Maximum Points to be Awarded
1. The applicant can demonstrate site control, zoning, compliance, and a timely construction schedule that is feasible.	10
2. Funding (other than bond or other County funding) is in place at the time of application.	10
3. The applicant's proposal is complete and presents a proposed project budget that is reasonable and is based on reasonable assumptions.	10

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F. Developer Experience (25 points)

Scoring Criteria	Maximum Points to be
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	Awarded
1. Experience of the applicant in carrying out projects of comparable scope and nature (e.g., new construction, rental housing, rehabilitation, etc.) to that proposed, and has met regulatory compliance for prior projects.	10
2. Applicant has proposed a team with demonstrated development, managerial and financial management capabilities in prior projects.	5
3. Applicant has successful record of meeting proposed budgets and timetables.	10

1 **TOTAL POTENTIAL POINTS: 200**

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3 Commissioner Price said when a proposal is presented, a per forma should be included.
4 Travis Myren said they could add something to that effect.
5 Audrey Spencer Horsley said there was a limit of point per category in the past bonds.
6

7 **PUBLIC COMMENT:**

8 Robert Dowling said bond funds will be just one source of subsidy amongst many. He
9 encouraged the Board to be flexible with the categories, but to be more rigid with the 51-80%,
10 where he fits in, because it is easier to do higher incomes. He said the most difficult one to fulfill
11 is the 0-30%, the lower incomes. He said \$5 million will go very quickly.

12 Commissioner Dorosin asked if the next steps and the timeline could be outlined.

13 Travis Myren said staff can go back and make the requested tweaks, and bring it back to
14 the BOCC at another regular meeting.

15 Bonnie Hammersley said staff can make the changes, and send it out individually and
16 ask the Commissioners to provide feedback.

17 Bonnie Hammersley said staff is also working on the mobile home and landbanking
18 strategies and will bring this document back to the Board soon.

19 Commissioner Dorosin asked if it makes sense to have this finalized ahead of the bond
20 vote, or are the two on separate, but parallel, tracks.

21 Commissioner Dorosin referred to the County owned land, and asked if it is the sense of
22 the Board to move forward with this independently of the bond.

23 Commissioner Burroughs said in reference to the bond, the public can be directed to
24 these two attachments if need be, and the BOCC does not have to nail something down
25 immediately.

26 Commissioner Rich agreed with Commissioner Burroughs about the affordable housing
27 plan, and feels that the Board needs to move forward on the issue of County owned lands
28 regardless of the bond issue.

29 Commissioner Jacobs said people who support the bond will do so with or without the
30 plan. He said in reference to the County owned lands, to be careful to define the GreeneTract
31 as part of the Greene Tract that is owned in part by the three governments. He said he thought
32 it had been decided not to put affordable housing at the Southern Human Services Center
33 (SHSC) site, and he would not want staff to move forward on County owned lands without being
34 specific on the SHSC site and the Greene Tract.

35 Commissioner Pelissier agreed and said the SHSC site does not lend itself to housing.

36 Commissioner Dorosin said he was not talking about the Greene Tract or the SHSC
37 sites, but rather the scattered County parcels.

38 Chair McKee said it was his understanding that the Board was willing to move forward
39 on the scattered County parcels, regardless of the bond.

40 Commissioner Dorosin said he would also like to get an update on the scattered parcels.

1 Commissioner Price agreed to go ahead with County owned parcels, with or without the
2 bond.

3 Travis Myren said he was planning on using the same scoring criteria with the County
4 owned properties and may not be able to bring this back till November.

5
6 **9. County Manager's Report**

7 Bonnie Hammersley reviewed the following information:

8
9 **Projected October 6, 2016 Joint Meeting with Chiefs' Council Agenda Items**

- 10
- 11 • Fire Departments' Accomplishments During 2015
 - 12 • Radio Infrastructure Including Paging
 - 13 • Discussion on PageTrack Software
 - 14 • Training Facilities for County First Responders

15 **Projected October 6, 2016 Regular Work Session Items**

- 16
- 17 • Detention Center: Update on Project Schedule and Discussion of Potential Scope
Expansion to Include Law Enforcement Center/Sheriff's Offices
 - 18 • Discussion of Body-Worn Cameras
 - 19 • Written Consent to Search Requirement for Law Enforcement

20
21 **10. County Attorney's Report**

22 John Roberts said the Board of Adjustment (BOA) will be hearing an appeal on the
23 flower farm/events center on Monday night.

24 Chair McKee said the turnout could exceed seating and asked if the venue could be
25 changed if necessary.

26 John Roberts said it is possible, and there is nothing illegal about it. He said if it
27 becomes apparent at a meeting that the public cannot entirely attend or view the meeting, a
28 brief recess may be taken, and the meeting be moved to a larger venue.

29 Commissioner Jacobs suggested moving the meeting to the Library next door.

30 Chair McKee asked Bonnie Hammersley and Jeff Thompson to look at other venues for
31 this meeting.

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33 **11. Appointments**

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35 **a. Hillsborough Planning Board – Appointment**

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

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38 A motion was made by Commissioner Jacobs, seconded by Commissioner Rich to
39 appoint the following to the Hillsborough Planning Board:

- 40
- 41 • Appointment to a first full term (position #1) "Alternate Hillsborough ETJ / County" for
42 Carolyn Helfrich expiring 10/31/2019.

43
44 VOTE: UNANIMOUS

45
46 **b. Orange County Parks and Recreation Council – Appointment**

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

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50 A motion was made by Commissioner Jacobs, seconded by Commissioner Price to
51 appoint the following to the Orange County Parks and Recreation Council:

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- Appointment to a second full term (Position #10) "Hillsborough Town Limits" representative for Dr. Tori Williams Reid expiring 09/30/2019.

VOTE: UNANIMOUS

12. Board Comments

Commissioner Burroughs had no comments.

Commissioner Price attended the NCACC BOD's meeting and it was in D.C. and broadband is on everyone's mind and mental health.

Commissioner Dorosin had no comments.

Commissioner Rich said Terra Vita was a successful event.

Commissioner Rich visited a Carrboro High School class and talked about elections. She attended renaming ceremony for the Passmore Center. She also attended the Northside Initiative.

Commissioner Jacobs said the Chair, Manager, Rich Shaw and David Stencil met with the manager of Duke Forest on ways to collaborate and they came up with three things to work on together to improve their relationship.

Commissioner Pelissier said she, Chair McKee and Commissioner Dorosin attended the inter-city trip to Boulder, Colorado and had many discussions on transit and affordable housing.

Chair McKee echoed Commissioner Pelissier's comments on the inter-city trip.

13. Information Items

- September 20, 2016 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100
- State Transportation Improvement Program Regional Impact Funding Tier Project Prioritization
- Transmittal of the FY 2017-18 Human Services Funding Application
- BOCC Chair Letter Regarding Petitions from September 20, 2016 Regular Meeting

14. Closed Session

NONE

15. Adjournment

A motion was made by Commissioner Burroughs, seconded by Commissioner Rich to adjourn the meeting at 10:20 p.m.

VOTE: UNANIMOUS

Earl McKee, Chair

Donna Baker
Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 15, 2016

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

SUBJECT: Fiscal Year 2016-17 Budget Amendment #3

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

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

INFORMATION CONTACT:

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

PURPOSE: To approve budget, grant, and capital project ordinance amendments for fiscal year 2016-17.

BACKGROUND:

Department on Aging

1. The Department on Aging anticipates additional revenue for the following programs:
 - **Public Television** – a \$2,500 donation, from UNC Health Care, in support of “In Praise of Age”, a weekly talk show about senior issues.
 - **Sportsplex funds** – receipt of \$3,246 from the Sportsplex for after-hours use and staffing costs of the Passmore Senior Center classrooms.
 - **Senior Striders Walking Program** - The department has received an additional \$7,750 in grant funds from UNC Hospital in support of the Senior Striders walking program, which will support supplies and services. This budget amendment amends the current Senior Citizen Health Promotion Grant Project Ordinance as follows:

Senior Citizen Health Promotion Wellness Grant (\$7,750) - Project # 294303

Revenues for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Senior Citizen Wellness Funds	\$132,716	\$7,750	\$140,466
Total Project Funding	\$132,716	\$7,750	\$140,466

Appropriated for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Senior Citizen Wellness	\$132,716	\$7,750	\$140,466
Total Costs	\$132,716	\$7,750	\$140,466

This budget amendment provides for the receipt of these additional funds in FY 2016-17.
(See Attachment 1, column 1)

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to these agenda items:

- **GOAL: CREATE A SAFE COMMUNITY**

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

Evidence-based exercise programs and support for caregivers can reduce injuries and stress for older adults and their caregivers.

- **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.

Department of Social Services

2. The Department of Social Services has received notification of \$917,347 in additional funds, for the Day Care program, from the N.C. Division of Child Development and Early Education. These additional funds will be used to provide childcare services and subsidies to low-income families. (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.

To promote self-sufficiency to low income families by providing the Day Care funding necessary for continued employment, school enrollment, or training activities.

3. On June 21, 2016, the BOCC appropriated County funds to extend a time-limited, grant-supported position after the loss of grant funding. This was in response to the notification the Department of Social Services received that grant funding for the Community Response Program would not continue. The extension period was for the department to have time to seek other funding sources for the program. No funding source has been identified. This technical amendment extends funding for the Community Response Social Worker position through June 30, 2017. Funding for the position extension will come from the current department budget, having no additional impact on the General Fund.

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.

Department of Environment, Agriculture, Parks & Recreation

4. The Department of Environment, Agriculture, Parks & Recreation anticipates \$7,697 in additional revenue, from a special camp held at New Hope Elementary, in collaboration with the Health Department and the Family Success Alliance. These funds will be used to cover seasonal staff cost associated with the camp. *(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.

Department of Economic Development

5. The Department of Economic Development has received a donation of \$250 from Piedmont Electric Membership Corporation to support a collaboration between the Economic Development Department, Piedmont Electric Membership Corporation, and the Chapel Hill and Orange County Visitors Bureau to provide a bus tour for residents to visit 3 farms. This budget amendment provides for the receipt of these additional funds in FY 2016-17. *(See Attachment 1, column 4)*

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.

Health Department

6. The Health Department has received the following additional revenues:
 - **Child Health Recognition Award** - an additional \$5,000 from the GlaxoSmithKline Foundation Child Health Recognition Award in the Local Health Department category. These funds will be used for additional staff training, interpreter services, and cleaning supplies

- **Donations** - an additional \$8,572 from Olin T. Binkley Memorial Baptist Church to be used to provide support for the Family Success Alliance, specifically to kick-start college savings accounts for Kindergarten Readiness Program participants.

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

7. The Health Department has received notification of the state-wide discontinuation of the Reducing Health Disparities grant program. Due to the grant being discontinued, the Health Department is able to begin collecting revenue (through Medicaid, Insurance, and Self-Pay) to fully fund the cost of this position within the General Fund. While receiving the grant, the Health Department was ineligible to collect these revenues, as the State was fully funding the program. This budget amendment provides for the elimination of the FY2016-17 budget for this grant project (see amended grant project ordinance below) and for the increase in charges for services (\$56,916) within the General Fund to continue funding the position that was previously associated with the Reducing Health Disparities grant program. (See *Attachment 1, column 6*)

Reducing Health Disparities Grant (\$56,916) - Project # 71125

Revenues for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Health Disparities Grant Funds	\$56,916	(\$56,916)	\$0
Total Project Funding	\$56,916	(\$56,916)	\$0

Appropriated for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Health Disparities Grant	\$56,916	(\$56,916)	\$0
Total Costs	\$56,916	(\$56,916)	\$0

8. The Health Department has received additional funds totaling \$787,951 related to 2015 Medicaid Cost Settlement funds. These funds will be allocated in the following manner:

This budget amendment provides for the receipt of these funds and amends the following Capital Project Ordinance for the receipt of the additional \$787,951 in the Medicaid Maximization Capital Project.

Medicaid Maximization Capital Project (\$787,951) - Project # 30012

Revenues for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Medicaid Maximization Funds	\$6,454,205	\$787,951	\$7,242,156
Total Project Funding	\$6,454,205	\$787,951	\$7,242,156

Appropriated for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Medicaid Maximization Project	\$6,454,205	\$787,951	\$7,242,156
Total Costs	\$6,454,205	\$787,951	\$7,242,156

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.

County Manager – Technical Amendment

9. At its October 18, 2016 meeting, the Board of Commissioners approved additional funds of \$68,735 in the County Manager's Office as part of moving maintenance of efforts funds from Cardinal Innovations to the County Manager's Office to fund the Jail Services Case Management position. Funding for this position was already included in the FY 2016-17 Approved Budget, so this technical amendment provides for a reduction in the FY 2016-17 General Fund budget by \$68,735. (*See Attachment 1, column 7*)

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

Headwaters Nature Preserve – Technical Amendment

10. At its October 18, 2016 meeting, the Board of Commissioners approved a Resolution designating "Headwaters Nature Preserve", the 60-acre parcel of land owned by the County, as open space and low-impact recreation within the County's Lands Legacy Program. However, the Budget Amendment #2-A portion of the agenda abstract was not officially approved as part of the approved motion.

The adopted Capital Investment Plan for FY 2016-17 (Year 1) includes \$668,178 for reimbursement to the Solid Waste Enterprise Fund for this 60-acre property. The original capital project ordinance included anticipated financing proceeds for the reimbursement, but staff is now recommending a combination of pay-as-you-go funding (\$549,000) and a transfer of available funds (\$119,178) from the Lands Legacy Capital Project, due to the property being a County asset and the reimbursement is coming from the General Fund to the Solid Waste Enterprise Fund. Currently, there is approximately \$3.1 million available in the Lands Legacy Capital Project to cover the transfer portion, and the pay-as-you-go funding will come from substituting five (5) County Capital Projects (Facility Accessibility and Security Improvements, Hollow Rock Nature Park, River Park – Phase II, Little River Park – Phase II, and Parks and Recreation Facility Renovations and Repairs) from pay-as-you-go funding to financing. Staff will bring back, as part of its assessment, cost estimates for any recommended short-term and long-term

improvements to the nature preserve, consistent with other nature park and nature preserves.

This budget amendment provides for the following amended Capital Project Ordinances:

Lands Legacy (-\$119,178) – Project # 20011

Revenues for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
From General Fund (PAYG)	\$204,500	(\$119,178)	\$85,322
Alternative Financing	\$3,251,472		\$3,251,472
Donations	\$1,000		\$1,000
Appropriated Fund Balance	\$9,337		\$9,337
Total Project Funding	\$3,466,309	(\$119,178)	\$3,347,131

Appropriated for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Lands Legacy Program	\$3,466,309	(\$119,178)	\$3,347,131
Total Costs	\$3,466,309	(\$119,178)	\$3,347,131

Facility Accessibility and Security Improvements – Project # 30001

Revenues for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
From General Fund (PAYG)	\$310,000	(\$190,000)	\$120,000
Alternative Financing	\$129,000	\$190,000	\$319,000
Total Project Funding	\$439,000	\$0	\$439,000

Appropriated for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Equipment	\$25,000	\$0	\$25,000
Construction	\$414,000	\$0	\$414,000
Total Costs	\$439,000	\$0	\$439,000

Hollow Rock Nature Park – Project # 20027

Revenues for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
From General Fund (PAYG)	\$237,500	(\$112,500)	\$125,000
Alternative Financing	\$0	\$112,500	\$112,500
Historic Preservation Grant	\$215,000	\$0	\$215,000
From Chapel Hill	\$37,500	\$0	\$37,500
From Durham County	\$117,500	\$0	\$117,500
Appropriated Fund Balance	\$12,500	\$0	\$12,500
Total Project Funding	\$620,000	\$0	\$620,000

Appropriated for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Equipment	\$5,000	\$0	\$5,000
Triangle Land Conservancy	\$70,000	\$0	\$70,000
Professional Services	\$40,000	\$0	\$40,000
Construction	\$505,000	\$0	\$505,000
Total Costs	\$620,000	\$0	\$620,000

River Park (Phase II) – Project # 20032

Revenues for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
From General Fund (PAYG)	\$50,000	(\$50,000)	\$0
Alternative Financing	\$300,000	\$50,000	\$350,000
Total Project Funding	\$350,000	\$0	\$350,000

Appropriated for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Construction	\$350,000	\$0	\$350,000
Total Costs	\$350,000	\$0	\$350,000

Little River Park (Phase II) – Project # 20040

Revenues for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
From General Fund (PAYG)	\$100,000	(\$50,000)	\$50,000
Alternative Financing	\$0	\$50,000	\$50,000
Contribution from Durham County	\$100,000	\$0	\$100,000
Total Project Funding	\$200,000	\$0	\$200,000

Appropriated for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Professional Services	\$25,000	\$0	\$25,000
Construction	\$175,000	\$0	\$175,000
Total Costs	\$200,000	\$0	\$200,000

Parks and Recreation Facility Renovations and Repairs – Project # 20039

Revenues for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
From General Fund (PAYG)	\$680,808	(\$146,500)	\$534,308
2/3 Net Debt Bonds	\$2,539	\$0	\$2,539
Alternative Financing	\$0	\$146,500	\$146,500
Other	\$97,842	\$0	\$97,842
Total Project Funding	\$806,500	\$0	\$806,500

Appropriated for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Equipment	\$245,213	\$0	\$245,213
Professional Services	\$28,500	\$0	\$28,500
Construction	\$532,787	\$0	\$532,787
Total Costs	\$806,500	\$0	\$806,500

Land Acquisition – Headwaters Nature Preserve – Project # 20044

Revenues for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
From General Fund (PAYG)	\$0	\$549,000	\$549,000
From Lands Legacy Funds	\$0	\$119,178	\$119,178
Alternative Financing	\$668,178	(\$668,178)	\$0
Total Project Funding	\$668,178	\$0	\$668,178

Appropriated for this project:

	Current FY 2016-17	FY 2016-17 Amendment	FY 2016-17 Revised
Land Acquisition	\$668,178	\$0	\$668,178
Total Costs	\$668,178	\$0	\$668,178

SOCIAL JUSTICE IMPACT: The following 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.

The creation of the Headwaters Nature Preserve will offer low-impact recreational and healthy lifestyle opportunities for the nearby neighborhoods, as well as the community at-large. Walking the trails and communing with nature has been shown to improve physical and mental health, and the trails and open space will help provide for a safe community by offering opportunities for healthy outdoor activity in a natural setting for area children, reducing the risk of vehicles/traffic accidents from play in streets and offering alternatives to less-productive or destructive group activities, among other positive impacts.

Planning and Inspections Department

11. The Orange County Planning and Inspections Department has deferred revenue/in-flows of \$134,413 from FY 2015-16 related to Inspections fee revenue for use in FY 2016-17, as per the North Carolina General Statutes. The department plans to use these funds for temporary personnel in the property development and residential plans review areas, training and certifications, emergency preparedness supplies/equipment, and inspections

equipment to enhance operations. This budget amendment provides for the receipt of these deferred revenues/in-flows for the above stated purposes. (See *Attachment 1, column 8*)

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

FINANCIAL IMPACT: Financial impacts are included in the background information above. This budget amendment provides for the receipt of these additional funds and increases the FY 2016-17 General Fund budget by \$1,067,206; decreases the Grant Projects Fund by \$49,166; and increases the County Capital Project Fund by \$787,951.

RECOMMENDATION(S): The Manager recommends the Board approve budget, grant, and capital project ordinance amendments for fiscal year 2016-17.

	Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #2	#1. Department on Aging - General Fund additional revenues: Public Television - In Praise of Age (\$2,500); Sportsplex Funds (\$3,246); Senior Citizen Health Promotion Grant Funds (\$7,750)	#2. Department of Social Services - receipt of quarterly allocation (\$917,347) from the State for the Day Care Program	#3 DEAPR - receipt of camp fees (\$7,697) held at New Hope Elementary, in collaboration with the Health Department and the Family Success Alliance	#4. Economic Development - donation (\$250) from Piedmont Electric Membership Corporation in support of a bus tour for residents to visit 3 farms	#5. Health Department - receipt of Child Health Recognition Award (\$5,000) and Donations (\$8,572) from Olin T. Binkey Memorial Baptist Church	#6 Eliminates funding associated with the Reducing Health Disparities Grant (\$56,916), and increases Charges for Services revenue (\$56,916) within the General Fund to continue the program	#7 Technical Amendment to reduce the Jail Services Case Management program expenditures within the County Manager's Office by \$68,735	#8 Planning and Inspections Department receipt of deferred revenue/in-flows of \$134,413 from FY 2015-16	Budget as Amended Through BOA #3	
General Fund														
Revenue														
Property Taxes	\$ 149,498,811	\$ -	\$ 149,498,811	\$ 149,498,811	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 149,498,811
Sales Taxes	\$ 22,066,641	\$ -	\$ 22,066,641	\$ 22,066,641	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,066,641
License and Permits	\$ 328,000	\$ -	\$ 328,000	\$ 328,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 328,000
Intergovernmental	\$ 15,787,579	\$ -	\$ 15,787,579	\$ 17,340,286	\$ 2,500	\$ 917,347	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 18,260,133
Charges for Service	\$ 11,681,503	\$ -	\$ 11,681,503	\$ 11,702,503	\$ -	\$ -	\$ 7,697	\$ -	\$ -	\$ 46,916	\$ -	\$ -	\$ 134,413	\$ 11,891,529
Investment Earnings	\$ 155,000	\$ -	\$ 155,000	\$ 155,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 155,000
Miscellaneous	\$ 886,734	\$ -	\$ 886,734	\$ 995,376	\$ 3,246	\$ -	\$ -	\$ 250	\$ 13,572	\$ 10,000	\$ -	\$ -	\$ -	\$ 1,022,444
Transfers from Other Funds	\$ 2,712,600	\$ -	\$ 2,712,600	\$ 2,712,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,712,600
Fund Balance	\$ 12,726,944	\$ -	\$ 12,726,944	\$ 12,826,944	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (68,735)	\$ -	\$ -	\$ 12,758,209
Total General Fund Revenues	\$ 215,843,812	\$ -	\$ 215,843,812	\$ 217,626,161	\$ 5,746	\$ 917,347	\$ 7,697	\$ 250	\$ 13,572	\$ 56,916	\$ (68,735)	\$ 134,413	\$ 218,693,367	
Expenditures														
Support Services	\$ 14,058,009	\$ -	\$ 14,058,009	\$ 14,063,239	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,063,239
General Government	\$ 20,933,253	\$ -	\$ 20,933,253	\$ 21,006,988	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (68,735)	\$ -	\$ -	\$ 20,938,253
Community Services	\$ 13,654,700	\$ -	\$ 13,654,700	\$ 13,673,813	\$ -	\$ -	\$ 7,697	\$ 250	\$ -	\$ -	\$ -	\$ 134,413	\$ -	\$ 13,816,173
Human Services	\$ 37,249,977	\$ -	\$ 37,249,977	\$ 38,739,248	\$ 5,746	\$ 917,347	\$ -	\$ -	\$ 13,572	\$ 56,916	\$ -	\$ -	\$ -	\$ 39,732,829
Public Safety	\$ 24,596,946	\$ -	\$ 24,596,946	\$ 24,596,946	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24,596,946
Education	\$ 99,631,723	\$ -	\$ 99,631,723	\$ 99,631,723	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 99,631,723
Transfers Out	\$ 5,719,204	\$ -	\$ 5,719,204	\$ 5,914,204	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,914,204
Total General Fund Appropriation	\$ 215,843,812	\$ -	\$ 215,843,812	\$ 217,626,161	\$ 5,746	\$ 917,347	\$ 7,697	\$ 250	\$ 13,572	\$ 56,916	\$ (68,735)	\$ 134,413	\$ 218,693,367	
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #2	#1. Department on Aging - General Fund additional revenues: Public Television - In Praise of Age (\$2,500); Sportsplex Funds (\$3,246); Senior Citizen Health Promotion Grant Funds (\$7,750)	#2. Department of Social Services - receipt of quarterly allocation (\$917,347) from the State for the Day Care Program	#3 DEAPR - receipt of camp fees (\$7,697) held at New Hope Elementary, in collaboration with the Health Department and the Family Success Alliance	#4. Economic Development - donation (\$250) from Piedmont Electric Membership Corporation in support of a bus tour for residents to visit 3 farms	#5. Health Department - receipt of Child Health Recognition Award (\$5,000) and Donations (\$8,572) from Olin T. Binkey Memorial Baptist Church	#6 Eliminates funding associated with the Reducing Health Disparities Grant (\$56,916), and increases Charges for Services revenue (\$56,916) within the General Fund to continue the program	#7 Technical Amendment to reduce the Jail Services Case Management program expenditures within the County Manager's Office by \$68,735	#8 Planning and Inspections Department receipt of deferred revenue/in-flows of \$134,413 from FY 2015-16	Budget as Amended Through BOA #3
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Grant Project Fund Revenues

Intergovernmental	\$ 604,729		\$ 604,729	\$ 586,239	\$ 7,750							\$ (56,916)			\$ 537,073
Charges for Services	\$ 65,000		\$ 65,000	\$ 65,000											\$ 65,000
Transfer from General Fund	\$ 67,716		\$ 67,716	\$ 67,716											\$ 67,716
Miscellaneous	\$ -		\$ -	\$ -											\$ -
Transfer from Other Funds	\$ 21,773		\$ 21,773	\$ 17,150											\$ 17,150
Appropriated Fund Balance	\$ -		\$ -	\$ -											\$ -
Total Revenues	\$ 759,218	\$ -	\$ 759,218	\$ 736,105	\$ 7,750	\$ -	\$ (56,916)	\$ -	\$ -	\$ 686,939					

Expenditures

CFAT Propane Vehicle Grant(multi-year)	\$ 106,613		\$ 106,613	\$ 83,500											\$ 83,500
Support Services	\$ 106,613	\$ -	\$ 106,613	\$ 83,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 83,500
Historic Resources Inventory Grant	\$ 20,000		\$ 20,000	\$ 20,000											\$ 20,000
Community Services	\$ 20,000	\$ -	\$ 20,000	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Senior Citizen Health Promotion(Wellness)	\$ 132,716		\$ 132,716	\$ 132,716	\$ 7,750										\$ 140,466
CARES Grant - Aging (Multi-Year)	\$ 297,725		\$ 297,725	\$ 297,725											\$ 297,725
Medical Reserve Corps - NACCHO	\$ 15,000		\$ 15,000	\$ 15,000											\$ 15,000
Reducing Health Disparities Grant (Multi-Y)	\$ 56,916		\$ 56,916	\$ 56,916								\$ (56,916)			\$ -
Susan G Komen Grant	\$ 46,620		\$ 46,620	\$ 46,620											\$ 46,620
Outreach Literacy Grant - Library	\$ 83,628		\$ 83,628	\$ 83,628											\$ 83,628
Human Services	\$ 632,605	\$ -	\$ 632,605	\$ 632,605	\$ 7,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (56,916)	\$ -	\$ -	\$ 583,439
Public Safety	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Expenditures	\$ 759,218	\$ -	\$ 759,218	\$ 736,105	\$ 7,750	\$ -	\$ (56,916)	\$ -	\$ -	\$ 686,939					

Year-To-Date Budget Summary

Fiscal Year 2016-17

General Fund Budget Summary

Original General Fund Budget	\$215,843,812
Additional Revenue Received Through Budget Amendment #3 (November 15, 2016)	
Grant Funds	\$86,120
Non Grant Funds	\$2,732,170
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	\$31,265
Total Amended General Fund Budget	\$218,693,367
Dollar Change in 2016-17 Approved General Fund Budget	\$2,849,555
% Change in 2016-17 Approved General Fund Budget	1.32%

Paul:
 Technical Amendment to establish the Community Loan Fund (BOA #2); reduce Appropriated Fund Balance by \$68,735 related to the Jail Services Case Management program expenditures (BOA #3)

Authorized Full Time Equivalent Positions

Original Approved General Fund Full Time Equivalent Positions	873.375
Original Approved Other Funds Full Time Equivalent Positions	89.450
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2016-17	962.825

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 15, 2016

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

SUBJECT: Creation of Permanent Time-Limited Position for Group Respite Service

DEPARTMENT: Aging

ATTACHMENT(S):

INFORMATION CONTACT:

Janice Tyler, 919-245-4255

PURPOSE: To consider utilizing Administration for Community Living grant funding for a 40 hour per week time-limited Group Respite Coordinator position.

BACKGROUND: The Administration for Community Living awarded Orange County a three year, approximately \$900,000 grant in September 2015. The Orange County CARES (Community Awareness, Respite, Educations and Support) program was one of eleven awarded across the nation and the only one in North Carolina. The funds enable the Department on Aging to expand services and supports for caregivers and persons with Alzheimer's disease and related dementias so they can enjoy improved health and quality of life while also reducing caregiver burden and social isolation.

One of the services of OC CARES is weekly Group Respite at the Passmore and Seymour Centers, staffed by a temporary Coordinator position. Response to this service is far greater than anticipated. The hours per week and length of appointment needed for the Coordinator position exceeds the limit for a temporary position as allowed by the NC Retirement System regulation and Orange County ordinance. The Department on Aging is requesting one additional OC CARES permanent time-limited Social Worker II position through August 31, 2018 grant end.

FINANCIAL IMPACT: Funds already-budgeted from the Administration for Community Living grant will pay the total cost of this new position in the current fiscal year. Additional support from Carol Woods Retirement Community has been pledged to the OC CARES project if needed in the next fiscal year.

SOCIAL JUSTICE IMPACT: The following 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: 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: 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 approve a permanent time-limited Social Worker II position effective November 15, 2016 through August 31, 2018.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 1, 2016

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

SUBJECT: Adoption of the Accessible Icon Project in Orange County

DEPARTMENT: Housing, Human Rights and
Community Development for
the Human Relations
Commission

ATTACHMENT(S):

Attachment 1: Old Icon Before and the
New Icon After of the
Wheelchair Accessible
Logo

INFORMATION CONTACT:

Audrey Spencer- Horsley, Director,
(919)245-2492
Monica Richard, Chair of Human
Relations Commission (HRC)
Uvonka Mercer, Civil Rights Specialist,
(919)-245-2488

PURPOSE: To consider the recommendation from the Human Relations Commission to implement the new wheelchair Accessible Icon Project for Orange County.

BACKGROUND: In 2010 Sara Hendren, an assistant professor of design at Harvard Graduate School of Design, set out to modernize the commonly accepted symbol for disability, the International Symbol of Access, into an image that reflected an active lifestyle. Ms. Hendren thought the current access icon looked too “mechanical and static”, and knew many wheelchair users were anything but. Ms. Hendren teamed with philosophy professor Brian Glenney to co-create a new image that depicts a life in motion. Ms. Hendren and Mr. Glenney have been tireless advocates for changing the public perception and image of persons with disabilities, and believe the new icon is a more accurate symbol of persons with disabilities, of their fortitude, true abilities and value to communities.

The 1968 era logo predates the digital era and is an immediate catalyst for change. The new design will encourage discussion about access, challenge perceptions of disability, and encourage a sense of inclusion and appreciation for the often overlooked members of the disability community. Most recently, the City of Durham and the City of New Bern, North Carolina implemented the Accessible Icon Project. The goals of this proposal are simple and achievable:

- * Painting the new icon onto the pavement at accessible parking spaces, both on newly created lots and those due for restriping along with the standard signage at the head of the parking space.

- * Supporting future code updates that would allow building signage to reflect the new icon.
- * Branding identity refresh.

The Human Relations Commission (HRC) is appreciative for the enthusiastic response and practical support that the Board of County Commissioners showed the HRC's presentations last year on the anniversary of the Americans with Disabilities Act (ADA). In the spirit of that same sensitivity to and support for the many residents with disabilities, the HRC recommends that Orange County affirm the Accessible Icon Project and begin to implement the use of the redesigned accessible icon on County properties and recommend that same action to institutions and businesses in the county.

FINANCIAL IMPACT: The County does not currently provide ADA space markings that are painted on the asphalt or concrete; however, code compliant signage is installed. The estimated first cost range for applying the surface painted icon for providing ADA parking space markings for all County facilities is \$8,000 - \$12,500. This first cost as well as ongoing maintenance re-paint repair would be budgeted within the Asset Management Services (AMS) operating budget.

Should the code allow for the new accessibility icon to be placed on building signage in the future, new construction projects would incorporate this expense within the capital and operating project budgets. New signs for existing facilities would be replaced as part of a normal depreciation replacement cycle and budgeted within the AMS operating budget.

SOCIAL JUSTICE IMPACT: The following three 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.
- **CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries while building a safe, inclusive and loving community.
- **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.

RECOMMENDATION(S): The Manager recommends that the Board approve the implementation of the new wheelchair Accessible Icon Project for Orange County.

ATTACHMENT 1

Old Icon Before and the New Icon After of the Wheelchair Accessible Logo

Before



After



**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 15, 2016

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

SUBJECT: Unified Animal Control Ordinance Amendments

DEPARTMENT: Animal Services and County
Attorney

ATTACHMENT(S):

- 1) Strikethrough-Underline Version of Animal Control Ordinance
- 2) Resolution of Amendment

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”) amendments and adoption of the Resolution of Amendment Amending Chapter 4 of the Orange County Code of Ordinances.

BACKGROUND: At its January 26, 2016 meeting, the Board of County Commissioners (“BOCC”) adopted the UAO. Since the adoption staff has determined two items need amendment:

1. A sentence was inadvertently omitted from Section 4-45(b) Public Nuisance. That sentence is “The animal is found at large.” Adding this sentence enacts a public nuisance provision that was in effect prior to adoption of the UAO.
2. The Animal Services Advisory Board has determined that the word “vicious,” found throughout the ordinance, is leading to some determinations being appealed, not based on the facts of the determination, but based on dislike of the word “vicious”. In order to avoid this situation in the future, the Animal Services Advisory Board recommends the word vicious be changed to dangerous. That amendment is made throughout the attached document.

FINANCIAL IMPACT: There is no financial impact associated with the adoption of the proposed unified animal control ordinance.

SOCIAL JUSTICE IMPACT: There is no social justice impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board adopt the proposed Unified Animal Control Ordinance amendments and approve and authorize the Chair to sign the Resolution of Amendment, “A Resolution Amending Chapter 4 of the Orange County Code of Ordinances”.

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Animal Control Ordinance

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Animal Control Ordinance

DIVISION 1. - GENERALLY

Sec. 4-31. – Authority and Purpose.

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. The purpose of this Ordinance is to protect the health, safety and welfare of Orange County residents and the animals residing within the County and to regulate and control the conduct, keeping and care of those animals.

(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 an Animal Cruelty Investigator. Only Orange County employees shall be designated as an Animal Cruelty Investigator.
- (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 in accordance with applicable law:
 - (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~~dangerous 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 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 people, animals, or domesticated livestock and to assist in locating those persons owning or harboring the attacking animals.

Animal Control Ordinance

(5) Animal Control Officers shall not have the power to arrest.

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 Services Director and approved by the Board of Commissioners, or other local government body, in its respective Budget Ordinance. The Animal 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.

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(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

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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:

- (a) *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.
- (b) *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).
- (c) *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.
- (d) *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.
- (e) *Animal*: Any live, vertebrate creature specifically including but not limited to dogs, cats, farm animals, birds, fish, livestock, and reptiles.
- (f) *Animal Services Director*: That person designated by the Board of Commissioners and the County Manager in Orange County, and where appropriate, his or her

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- designee, charged with the responsibility, discretion and authority to interpret, implement and enforce the Animal Control program in Orange County.
- (g) *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.
- (h) *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.
- (i) *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.
- (j) *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 outdoor 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.
- (k) *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.
- (l) *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.

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- (m) *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.
- (n) *Educational Purposes*: Teaching and instructing with the intent and effect of imparting knowledge to others.
- (o) *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.
- (p) *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.
- (q) *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.
- (r) *Health Department*: Orange County Health Department.
- (s) *Health Director*: Director of the Orange County Health Department.
- (t) *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 legally "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.
- (u) *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~~dangerous or; potentially dangerous; ~~or~~ dangerous.
- (v) *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.
- (w) *Owner*: Any person who owns any animal and is responsible for its care, actions, and behavior.
- (x) *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.
- (y) *Person*: Any individual, family, group of individuals, corporation, partnership, organization, or institution recognized by law as a person.

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- (z) *Physical Harm*: Any injury which is serious enough to require immediate medical attention.
- (aa) *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.
- (bb) *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 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 device is further regulated under this Ordinance.
- (cc) *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.
- (dd) *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.
- (ee) *Serious physical harm*: Any physical injury that results in broken bones, disfiguring lacerations, or requires cosmetic surgery or hospitalization.
- (ff) *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.
- (gg) *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.

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- (hh) *Suspected of Having Rabies*: An animal which has bitten a person or another animal.
- (ii) *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.
- (jj) *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.
- (kk) *Wild Animals*: An animal (other than livestock) that typically is found in a non-domesticated state and that, because of its size or ~~vicious~~dangerous 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 Director shall have the duties of Animal Control Officer and direct the duties of designated County employees or agents in carrying out the enforcement of this Ordinance as Animal Control Officers including the duties of Rabies Control Officers and Animal Cruelty Investigators.
- (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 to seek to release any animal in the custody of said officers, except in the manner as herein provided.

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- (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~~dangerous, or diseased animals.
- (1) Any Animal Control Officer or law enforcement officer, in carrying out their duties under this Chapter, shall make every reasonable 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

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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.
- (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 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)

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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:

- 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 failures 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.

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- 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, 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 outdoor temperature in the vicinity of the vehicle or trailer is greater than or equal to 70 degrees Fahrenheit.
- 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. In no event shall the time limitations established by this subsection [4-41\(k\)\(1\)](#)

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& (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
 - 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

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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 Services Director is reasonably assured that the dog will not be subject to restraint in violation of this Ordinance. The Animal 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 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~~dangerous animals; security dogs.

- (a) In General. It shall be unlawful for any person to keep any ~~vicious~~dangerous animal within the County, unless under restraint and on the premises of the owner or keeper.
- (b) ~~Vicious~~Dangerous Animal. Any animal, on or off the premises of its owner or keeper, which is three (3) months of age or older and 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

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- (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~~Dangerous 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~~dangerously 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~~dangerous and is subject to this Section of the Ordinance.

(d) Effect of Declaration.

- (1) Permitted Locations. A ~~vicious~~dangerous 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~~dangerous 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~~dangerous.
 - ii. Annual Inspection. An Animal Control Officer shall inspect the secured enclosure of all animals deemed ~~vicious~~dangerous 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.

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- (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~~dangerous 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~~dangerous animal placed in a manner reasonably likely to come to the attention of an intruder,
 - (4) Any animal declared ~~vicious~~dangerous must receive a microchip prior to the animal being reclaimed if impounded. If the animal was not impounded and it is declared ~~vicious~~dangerous 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~~dangerous.
- (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:
 - 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;'

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- 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 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~~dangerous 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~~dangerous was off the Owner's or Keeper's 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~~dangerous, 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~~dangerous or the ~~vicious~~dangerous 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 Animal Control 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 4-42(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 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.

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- (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 vicieousdangerous 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 vicieousdangerous animal.
- (4) The Animal Services Director has the authority at any time to require that a vicieousdangerous 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 vicieousdangerous 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 vicieousdangerous 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 vicieousdangerous 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.

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(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~~dangerous" may be appealed as provided in Section 4-53 of 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~~dangerous 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 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.

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- (d) Diseased or injured animals. Severely diseased or badly injured animals may be euthanized in a humane manner, if authorized by a licensed veterinarian, prior to the end of the required redemption or adoption period.
- (e) Confinement Order. In lieu of impoundment, the Animal 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~~ dangerous 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.

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- (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) The animal is found at large.

~~(1)~~(2) 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)~~(3) 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 odor shall include, but is not limited to, a distinctive or particularly unpleasant smell of animal urine or feces, that is lingering or lasting in nature. 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 of Carrboro, Chapel Hill, or Hillsborough.

~~(3)~~(4) 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)~~(5) 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)~~(6) 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)~~(7) 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)~~(8) 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

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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;
- 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)~~(9) 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

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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 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.
- (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 4-53 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 Keeper of such animal shall provide proof that the cat or ferret has been vaccinated against rabies. The Owner or Keeper of all animals required to be vaccinated against rabies shall provide proof of vaccination upon demand of a law enforcement or animal

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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)

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 or her 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.

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(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 or Keeper 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. – 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)

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Sec. 4-53. - Appeals.

Except as otherwise provided herein any appeals provided by this Chapter shall be to a three member hearing panel as follows:

- (a) A person who has been found to be in violation of this Chapter may appeal the final decision made by the Animal Services Director to the appeal board by filing a notice of appeal containing a concise statement of the reason for the appeal and delivering it to the Animal Services Director within five (5) days of receipt of the final decision.
- (b) A hearing shall be scheduled within ten (10) days of the receipt of notice of appeal.
- (c) A party alleged to be in violation of this Chapter may be represented by an individual of their choosing, including an attorney.
- (d) The chair of the hearing panel 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 competent, relevant and material 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 (7) 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.
- (i) Appeal under Section 4-42 of this Chapter (~~Vicious~~Dangerous Animals and Dangerous Dogs) shall be to a three member hearing panel consisting of one member of the Animal Services Advisory Board, who shall serve as Chair, and two members drawn from the remainder of the pool. At least one member of the panel shall be from either the Town or County where the incident occurred. In the event that a representative of the town in question is not available to serve within the required period of time, a representative of one of the other towns will be selected.
- (j) An appeal from the final decision of the hearing panel shall be taken to the Superior Court by filing a notice of appeal and a petition for review within 10 days of the final decision of the hearing panel. Appeals from rulings of the hearing panel shall be heard de novo before a superior court judge sitting in Orange County.

The Board of County Commissioners shall adopt a policy, which may be amended from time to time, governing the appointment of appeals panel members and any additional processes necessary to carry out appeals in fair and equitable manner. The Towns of Chapel Hill, Carrboro and Hillsborough may appoint one person from their respective jurisdictions to serve in the pool of prospective hearing board members. (Does not apply in the Town of Carrboro)

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Secs. 4-54—4-70. - Reserved.

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

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owner or operator shall be notified of their right to appeal such decision in accordance with Section 4-53.

(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.

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- (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 owning, operating, or 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.

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- (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 4-53.

(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.

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- (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 Division, and/or the issuance of an abatement order to comply with the provisions of this Division.
 - (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.

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- (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 a 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 4-53.

(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.

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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.
 - (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.

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- 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.
 - 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.

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- 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.
 - (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.

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- (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.

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DIVISION 4. - 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. Wild or Exotic animals designated as rabies vector species may only 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 Division 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 Division shall be subject to a civil penalty of \$250 per animal for each day of the violation. No penalty shall be assessed until the person alleged to be in

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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 fourteen (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 Division, 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)

Secs. 4-134—4-180. - Reserved.

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DIVISION 5. - KEEPING OF WILD ANIMALS DANGEROUS TO PERSONS AND PROPERTY**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 Animal Services Advisory 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 Animal Services Advisory 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.*

- (1) Criminal Offenses - A violation of any provision of this Division constitutes a misdemeanor and shall be punishable as provided in North

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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 Division 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 fourteen (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 declaration of 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 and Ordained by the Board of Commissioners of Orange County, North Carolina:

WHEREAS, the Board of County Commissioners has previously adopted and authorized staff to enforce a Unified Animal Control Ordinance; and

WHEREAS, both staff and the Animal Services Advisory Board have recommended certain amendments they believe should be made to the Unified Animal Control Ordinance; and

WHEREAS, in order to protect the health, life, safety, and welfare of animals and individuals in Orange County and to better serve the residents of Orange County the Board of Commissioners hereby determines that Chapter 4 of the Orange County Code of Ordinances should be amended;

NOW THEREFORE BE IT RESOLVED AND ORDAINED, that the Code of Ordinances, Orange County, North Carolina, Chapter 4, is hereby amended in its entirety by changing the word vicious to dangerous and adding a new subsection 4-45(b)(1) as shown in the attached revised ordinance.

This Amendment shall become effective upon adoption.

Adopted by the Orange County Board of Commissioners this _____ day of _____, 2016.

By:

Attest:

Earl McKee, Chair
Orange County Board of Commissioners

Donna Baker, Clerk to the Board

[SEAL]

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 15, 2016

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

SUBJECT: School Impact Fee Updates

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Breakeven Analyses (Two Scenarios)
2. Proposed Ordinance – Assumes 50/50 Multi-Family Bedroom Split in Breakeven Analysis
3. Proposed Ordinance – Assumes 75/25 Multi-Family Bedroom Split in Breakeven Analysis
4. E-Mail from Stakeholders and Staff Response

INFORMATION CONTACT: (919)

Craig Benedict, Planning Director, 245-2592
Perdita Holtz, Planner III, 245-2578

PURPOSE: To consider adoption of updated school impact fee levels and amendments to the General Code of Ordinances – Educational Facilities Impact Fees.

BACKGROUND: Since 1993, Orange County has levied school impact fees to help defray the public costs of new development. The fee is charged once to all new residential development in both school districts. Fees charged must be proportional to the actual impact caused which is the reason a technical study is completed; the data-based study determines the proportional impact of housing types and the “maximum supportable impact fee” (MSIF) that can be charged for each type of housing. Proceeds from school impact fees can be used only to increase student membership capacity (e.g., Capital Facilities – new or expanded school buildings) in the school district in which the fee was collected. School impact fee proceeds cannot be used to fund operations or repairs of existing facilities.

It should be noted that people’s housing choices over time can change and those choices are reflected in the data used in the technical studies. Variance from study-to-study is to be expected due to demographic and housing trends that are captured in the data. Impact fees are paid once (when units are constructed) and cover the entire life of each housing unit. Housing often displays a cyclical nature of occupancy through the decades that a unit exists. This is one of the reasons school impact fee studies necessarily consider the entire housing stock when determining student generation rates; the entirety of the housing stock provides a reasonable snapshot in time of how all units will be occupied during their existence. Additionally, redevelopment projects of existing housing units do not pay additional impact fees unless the number of new units exceeds the number of existing units, in which case impact fees are due only on the number of new units that exceeds the existing number (e.g., 200 housing units being

redeveloped into a project that contains 250 new units would pay impact fees only on the 50 additional units).

The Board of County Commissioners has extensively discussed the results of the 2016 studies and possible fee updates at four meetings since September. Meeting materials and videos of the meetings are posted at:

http://www.orangecountync.gov/departments/board_of_county_commissioners/index.php

Meeting dates were:

- September 6, 2016
- September 29, 2016
- October 4, 2016
- October 18, 2016

In the interest of keeping this agenda item as short as possible, all available previous information is not included with this abstract but is available to interested persons who view the previous meeting materials and videos. Additionally, the full studies and other information are posted at:

http://www.orangecountync.gov/departments/planning_and_inspections/current_interest_projects.php

At the October 18 meeting, the Board voted (5-2) on the preference for charging school impact fees based on bedroom counts, when applicable. The Board also deferred an adoption decision to give staff time to meet with representatives of three interested groups (the Homebuilders Association of Durham, Orange, and Chatham Counties; the Triangle Apartment Association; and the Chapel Hill-Carrboro Chamber of Commerce) who spoke at the meeting and also to conduct an additional breakeven analysis based on different assumptions from the analysis that was completed for the October 18 meeting.

County staff met with representatives of various organizations on October 26 and the group sent an email with their comments on November 1. The e-mail and staff responses are included in Attachment 4. Some of the ideas presented by the stakeholders have been incorporated into the potential ordinances in Attachments 2 and 3.

Details of the breakeven analyses are included in Attachment 1. The analyses differ in the multi-family bedroom split projections as follows:

- A 50/50 multi-family bedroom split (0-2 bedrooms/3+ bedrooms) yields a breakeven point of 37% of the MSIF. Note that some stakeholders who attended the meeting on October 26 have indicated this bedroom split is not likely, particularly in the Chapel Hill – Carrboro district; expectation that more 0-2 bedroom units will be constructed than 3+ bedroom units.
- A 75/25 multi-family bedroom split (0-2 bedrooms/3+ bedrooms) yields a breakeven point of 43% of the MSIF. Note that some stakeholders have indicated this bedroom split may still be on the high side for 3+ bedroom units. Staff notes that if this indication is correct, the starting point of the MSIF would need to be higher if the County wishes to “breakeven” on school impact fee collections the first year.

The breakeven analyses are based on the construction assumptions included in Attachment 1. If actual construction differs significantly from assumptions, actual impact fee amounts collected would be different (either higher or lower, depending on actual construction activity).

When updated impact fees were last adopted in 2008, the initial fee amount was set at a level (32% of the 2008 MSIF) expected to collect \$1.6 million in the Chapel Hill – Carrboro district in order to reach the amount budgeted for debt service in that district. The “breakeven point” was not calculated in 2008 (i.e., the MSIF percentage point was based on budget needs). Additionally, a four-year implementation period was adopted since the starting point of 32% of the MSIF provided a very low partial cost recovery. The fee started at 32% of the MSIF on January 1, 2009 and moved to 40%, 50%, and 60% each January 1 of subsequent years, completing the annual increases in 2012.

The proposed Ordinances (Attachments 2 and 3) include the section of the County’s General Code of Ordinances that pertains to the Educational Facilities Impact Fee with proposed amendments shown in “track changes” format. Proposed amendments to this section of the Code of Ordinances include:

- Adding definitions for the various housing types.
- Updating the schedule of public school impact fees in Section 30-33.
- Adding language in Section 30-33 that would require age restricted units that do not remain age restricted for at least 20 years be required to pay the difference between the age restricted fee paid and the non-age-restricted fee in effect at the time a unit is no longer age restricted.
- Adding language in Section 30-35(e) clarifying under what conditions a refund would be issued if impact fees were reduced for a particular housing unit type.
- Adding language in Section 30-38 to recognize conditional zoning, which was adopted in 2011 when the UDO was adopted.

The proposed Ordinances differ as follows:

- Attachment 2 is the Ordinance that assumes a multi-family bedroom split of 50/50 (0-2/3+ bedrooms)
 - Attachment 2 would adopt the impact fee levels at 37% of the MSIF, effective January 1, 2017 with an increase to 47% of the MSIF on January 1, 2018 and a final increase to 57% of the MSIF on January 1, 2019.
- Attachment 3 is the Ordinance that assumes a multi-family bedroom split of 75/25 (0-2/3+ bedrooms)
 - Attachment 3 would adopt the impact fee levels at 43% of the MSIF, effective January 1, 2017 with an increase to 53% of the MSIF on January 1, 2018 and a final increase to 63% of the MSIF on January 1, 2019.
- The sole difference between the two Ordinances is the Schedule of Public School Impact Fees in Section 30-33, reflecting the information in the above bullets.

The adopting Ordinance for both options contains language clarifying building permit application deadlines and by when a building permit would have to be issued in order to pay the 2016 fee levels (this is relevant for housing unit types that had a lower 2016 fee). This language is included to ensure that genuine projects are given ample time to go through the normal permitting process (which can include required revisions prior to permit issuance) while discouraging premature applications containing inadequate information but which are submitting for the purpose of beating fee increase deadlines.

The version of the Ordinance presented at the October 18 BOCC meeting allowed 120 days to obtain a building permit. As a result of stakeholder comments, this timeframe has been extended to 180 days. Additionally, in response to stakeholder comments, staff has added

language to allow projects that have an approved Zoning Compliance Permit by January 1, 2017 and which apply for and receive building permits in the prescribed timeframes be permitted to pay the 2016 impact fee levels (this clause is relevant primarily to large multi-family projects).

At the request of the Town, Orange County Planning staff made a presentation to the Chapel Hill Town Council on October 10, 2016. Comments made were primarily related to the effect of impact fees on housing affordability. Planning staff also presented to the Town of Carrboro's Board of Aldermen on October 25, 2016. Comments at Carrboro's meeting included:

- Concern over the effect of the impact fees on housing affordability, including the idea that impact fees increase the resale prices (or rents) of existing housing.
- Concern that an existing house could be demolished and replaced with a larger, more expensive house and no additional impact fees would be required. This also relates to concern about the potential negative impact on existing, more affordable neighborhoods.
- Concern over social justice issues and equitability and the ideas that the old and new "formulas" should be better contextualized and how the affordability question manifests itself.
- The idea that schools should be supported in a different way.

Meeting materials and videos of these meetings are available on the Towns' websites.

It should be noted that the adopted percentage of MSIF must be the same for all housing types (e.g., fees cannot be adopted at 40% MSIF for one housing type and 60% MSIF for a different housing type).

Since 1995, Orange County has offered an impact fee reimbursement program for school impact fees paid on affordable housing units. From FY2009-10 through FY2015-16, \$606,318 in collected impact fees was reimbursed for the 77 affordable single-family housing units and one apartment building containing 6 affordable multi-family units constructed in that time period.

FINANCIAL IMPACT: Continued residential growth in both school districts is expected to result in school capital costs which can be recouped by charging new residential development for its proportional impacts on school facilities.

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

- **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.

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

1. Receive a presentation by staff;
2. Discuss the topic as desired;
3. Authorize finalization of the school impact fee study reports by the consultant (TischlerBise); and
4. Adopt one of the proposed Ordinances as follows:

- a. Attachment 2 if the Board believes a 50/50 multi-family unit bedroom split projection is the more realistic projection. (Fees would begin at 37% of the MSIF).
- b. Attachment 3 if the Board believes a 75/20 multi-family unit bedroom split projection is the more realistic projection. (Fees would begin at 43% of the MSIF).
- c. Additionally, the BOCC can choose to adopt different MSIF percentage levels from those listed in the ordinances and/or a different phasing timeline.

Attachment 1

Maximum Supportable Impact Fee (MSIF) Summary

The spreadsheets on the following pages show annual projected impact fee amounts at various MSIF levels for both the updated fee amounts and the current fee amounts, when both are calculated at estimated development levels (in order to “compare apples-to-apples”). The following table depicts the estimated development levels:

Chapel Hill – Carrboro City School District	Orange County School District
Estimated 341 new units per year	Estimated 398 new units per year
Estimated Unit Types: 20% Single Family Detached 15% Single Family Attached 65% Multi Family 0% Manufactured Homes	Estimated Unit Types: 60% Single Family Detached 15% Single Family Attached 20% Multi Family 5% Manufactured Homes
Estimated Annual Number of Units: <ul style="list-style-type: none"> 60 Single Family Detached (assumed 50/50 split between 0-3 bedrooms and 4+ bedrooms in both scenarios) 8 Single Family Detached <800 sq. ft. 51 Single Family Attached (assumed 50/50 split between 0-2 bedrooms and 3+ bedrooms) 222 Multi Family (assumed 50/50 split between 0-2 bedrooms and 3+ bedrooms in one scenario and a 75/25 split in the second scenario) 0 Manufactured Homes 	Estimated Annual Number of Units: <ul style="list-style-type: none"> 230 Single Family Detached (assumed 50/50 split between 0-3 bedrooms and 4+ bedrooms) 9 Single Family Detached <800 sq. ft. 60 Single Family Attached (assumed 50/50 split between 0-2 bedrooms and 3+ bedrooms) 80 Multi Family (assumed 50/50 split between 0-2 bedrooms and 3+ bedrooms in one scenario and a 75/25 split in the second scenario) 20 Manufactured Homes

“Breakeven Points” (To collect approximately the same amount of revenue as generated with the current fee):

- If assuming a 50/50 split in multi-family units’ bedroom counts (0-2 bedrooms/3+ bedrooms), the collection “breakeven point” is estimated to be **37%** of the MSIF.
- If assuming a 75/25 split in multi-family units’ bedroom counts (0-2 bedrooms/3+ bedrooms), the collection “breakeven point” is estimated to be **43%** of the MSIF.

By Bedroom Counts, if Applicable, Assume 50/50 Multi-family BR Split (0-2 BR/3+ BR)

Chapel Hill - Carrboro City Schools															Current Fee (adopted at 60% of 2007 MSIF)
Single Family Detached	MSIF	90% MSIF	80% MSIF	70% MSIF	60% MSIF	57% MSIF	50% MSIF	47% MSIF	40% MSIF	37% MSIF	30% MSIF	20% MSIF	10% MSIF	0% MSIF	
0-3 BR	\$13,114	\$11,803	\$10,491	\$9,180	\$7,868	\$7,475	\$6,557	\$6,164	\$5,246	\$4,852	\$3,934	\$2,623	\$1,311	\$0	\$11,423
% Change from Current Fee	14.8%	3.3%	-8.2%	-19.6%	-31.1%	-34.6%	-42.6%	-46.0%	-54.1%	-57.5%	-65.6%	-77.0%	-88.5%	-100.0%	
4+ BR	\$25,139	\$22,625	\$20,111	\$17,597	\$15,083	\$14,329	\$12,570	\$11,815	\$10,056	\$9,301	\$7,542	\$5,028	\$2,514	\$0	\$11,423
% Change from Current Fee	120.1%	98.1%	76.1%	54.1%	32.0%	25.4%	10.0%	3.4%	-12.0%	-18.6%	-34.0%	-56.0%	-78.0%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$1,147,590	\$1,032,831	\$918,072	\$803,313	\$688,554	\$654,126	\$573,795	\$539,367	\$459,036	\$424,608	\$344,277	\$229,518	\$114,759	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$1,142,300	\$1,028,070	\$913,840	\$799,610	\$685,380	\$651,111	\$571,150	\$536,881	\$456,920	\$422,651	\$342,690	\$228,460	\$114,230	\$0	
Single Family Detached <800 sq. ft.															
	\$3,848	\$3,463	\$3,078	\$2,694	\$2,309	\$2,193	\$1,924	\$1,809	\$1,539	\$1,424	\$1,154	\$770	\$385	\$0	\$11,423
% Change from Current Fee	-66.3%	-69.7%	-73.1%	-76.4%	-79.8%	-80.8%	-83.2%	-84.2%	-86.5%	-87.5%	-89.9%	-93.3%	-96.6%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$30,784	\$27,706	\$24,627	\$21,549	\$18,470	\$17,547	\$15,392	\$14,468	\$12,314	\$11,390	\$9,235	\$6,157	\$3,078	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$152,307	\$137,076	\$121,845	\$106,615	\$91,384	\$86,815	\$76,153	\$71,584	\$60,923	\$56,353	\$45,692	\$30,461	\$15,231	\$0	
Single Family Attached															
0-2 BR	\$10,266	\$9,239	\$8,213	\$7,186	\$6,160	\$5,852	\$5,133	\$4,825	\$4,106	\$3,798	\$3,080	\$2,053	\$1,027	\$0	\$6,610
% Change from Current Fee	55.3%	39.8%	24.2%	8.7%	-6.8%	-11.5%	-22.3%	-27.0%	-37.9%	-42.5%	-53.4%	-68.9%	-84.5%	-100.0%	
3+ BR	\$16,414	\$14,773	\$13,131	\$11,490	\$9,848	\$9,356	\$8,207	\$7,715	\$6,566	\$6,073	\$4,924	\$3,283	\$1,641	\$0	\$6,610
% Change from Current Fee	148.3%	123.5%	98.7%	73.8%	49.0%	41.5%	24.2%	16.7%	-0.7%	-8.1%	-25.5%	-50.3%	-75.2%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$677,266	\$609,539	\$541,813	\$474,086	\$406,360	\$386,042	\$338,633	\$318,315	\$270,906	\$250,588	\$203,180	\$135,453	\$67,727	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$561,850	\$505,665	\$449,480	\$393,295	\$337,110	\$320,255	\$280,925	\$264,070	\$224,740	\$207,885	\$168,555	\$112,370	\$56,185	\$0	
Multifamily															
0-2 BR	\$4,441	\$3,997	\$3,553	\$3,109	\$2,665	\$2,531	\$2,221	\$2,087	\$1,776	\$1,643	\$1,332	\$888	\$444	\$0	\$1,286
% Change from Current Fee	245.3%	210.8%	176.3%	141.7%	107.2%	96.8%	72.7%	62.3%	38.1%	27.8%	3.6%	-30.9%	-65.5%	-100.0%	
3+ BR	\$18,914	\$17,023	\$15,131	\$13,240	\$11,348	\$10,781	\$9,457	\$8,890	\$7,566	\$6,998	\$5,674	\$3,783	\$1,891	\$0	\$1,286
% Change from Current Fee	1370.8%	1223.7%	1076.6%	929.5%	782.5%	738.3%	635.4%	591.3%	488.3%	444.2%	341.2%	194.2%	47.1%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$2,592,405	\$2,333,165	\$2,073,924	\$1,814,684	\$1,555,443	\$1,477,671	\$1,296,203	\$1,218,430	\$1,036,962	\$959,190	\$777,722	\$518,481	\$259,241	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$475,820	\$428,238	\$380,656	\$333,074	\$285,492	\$271,217	\$237,910	\$223,635	\$190,328	\$176,053	\$142,746	\$95,164	\$47,582	\$0	
Manufactured Home															
	\$6,999	\$6,299	\$5,599	\$4,899	\$4,199	\$3,989	\$3,500	\$3,290	\$2,800	\$2,331	\$2,100	\$1,400	\$700	\$0	\$4,939
% Change from Current Fee	41.7%	27.5%	13.4%	-0.8%	-15.0%	-19.2%	-29.1%	-33.4%	-43.3%	-52.8%	-57.5%	-71.7%	-85.8%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$0 - additional manufactured homes are not expected in the CHCCS district.														
Age Restricted Unit															
	\$756	\$680	\$605	\$529	\$454	\$431	\$378	\$355	\$302	\$252	\$227	\$151	\$76	\$0	N/A - assessed by housing type
% Change from Current Fee	N/A - Current Fee depends on type of unit. Currently, there is not a separate fee category for age restricted units.														
Projected Annual Collections, Updated Fee @ Projected Development Levels	Expected annual number of units difficult to quantify. Past age restricted units did not achieve the age restriction using the methods required by the impact fee ordinance to ensure continued age restriction for a period of time (20 years minimum) (e.g., current age restricted units are owned by entities that have rules in place but the rules are not recorded in restrictive covenants and/or homeowners association documents).														
TOTAL PROJECTED ANNUAL COLLECTIONS, Updated Fee	\$4,448,045	\$4,003,241	\$3,558,436	\$3,113,632	\$2,668,827	\$2,535,386	\$2,224,023	\$2,090,581	\$1,779,218	\$1,645,777	\$1,334,414	\$889,609	\$444,805	\$0	
TOTAL PROJECTED ANNUAL COLLECTIONS, Current Fee	\$2,332,277	\$2,099,049	\$1,865,821	\$1,632,594	\$1,399,366	\$1,329,398	\$1,166,138	\$1,096,170	\$932,911	\$862,942	\$699,683	\$466,455	\$233,228	\$0	

By Bedroom Counts, if Applicable, Assume 50/50 Multi-family BR Split (0-2 BR/3+ BR)

Orange County Schools															Current Fee (adopted at 60% of 2007 MSIF)
	MSIF	90% MSIF	80% MSIF	70% MSIF	60% MSIF	57% MSIF	50% MSIF	47% MSIF	40% MSIF	37% MSIF	30% MSIF	20% MSIF	10% MSIF	0% MSIF	
Single Family Detached															
0-3 BR	\$12,044	\$10,840	\$9,635	\$8,431	\$7,226	\$6,865	\$6,022	\$5,661	\$4,818	\$4,456	\$3,613	\$2,409	\$1,204	\$0	\$5,623
% Change from Current Fee	114.2%	92.8%	71.4%	49.9%	28.5%	22.1%	7.1%	0.7%	-14.3%	-20.7%	-35.7%	-57.2%	-78.6%	-100.0%	
4+ BR	\$8,952	\$8,057	\$7,162	\$6,266	\$5,371	\$5,103	\$4,476	\$4,207	\$3,581	\$3,312	\$2,686	\$1,790	\$895	\$0	\$5,623
% Change from Current Fee	59.2%	43.3%	27.4%	11.4%	-4.5%	-9.3%	-20.4%	-25.2%	-36.3%	-41.1%	-52.2%	-68.2%	-84.1%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$2,414,540	\$2,173,086	\$1,931,632	\$1,690,178	\$1,448,724	\$1,376,288	\$1,207,270	\$1,134,834	\$965,816	\$893,380	\$724,362	\$482,908	\$241,454	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$2,155,483	\$1,939,935	\$1,724,387	\$1,508,838	\$1,293,290	\$1,228,626	\$1,077,742	\$1,013,077	\$862,193	\$797,529	\$646,645	\$431,097	\$215,548	\$0	
Single Family Detached <800 sq. ft.															
	\$3,317	\$2,985	\$2,654	\$2,322	\$1,990	\$1,891	\$1,659	\$1,559	\$1,327	\$1,227	\$995	\$663	\$332	\$0	\$5,623
% Change from Current Fee	-41.0%	-46.9%	-52.8%	-58.7%	-64.6%	-66.4%	-70.5%	-72.3%	-76.4%	-78.2%	-82.3%	-88.2%	-94.1%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$29,853	\$26,868	\$23,882	\$20,897	\$17,912	\$17,016	\$14,927	\$14,031	\$11,941	\$11,046	\$8,956	\$5,971	\$2,985	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$84,345	\$75,911	\$67,476	\$59,042	\$50,607	\$48,077	\$42,173	\$39,642	\$33,738	\$31,208	\$25,304	\$16,869	\$8,435	\$0	
Single Family Attached															
0-2 BR	\$3,665	\$3,299	\$2,932	\$2,566	\$2,199	\$2,089	\$1,833	\$1,723	\$1,466	\$1,356	\$1,100	\$733	\$367	\$0	\$1,743
% Change from Current Fee	110.3%	89.2%	68.2%	47.2%	26.2%	19.9%	5.1%	-1.2%	-15.9%	-22.2%	-36.9%	-57.9%	-79.0%	-100.0%	
3+ BR	\$5,558	\$5,002	\$4,446	\$3,891	\$3,335	\$3,168	\$2,779	\$2,612	\$2,223	\$2,056	\$1,667	\$1,112	\$556	\$0	\$1,743
% Change from Current Fee	218.9%	187.0%	155.1%	123.2%	91.3%	81.8%	59.4%	49.9%	27.6%	18.0%	-4.3%	-36.2%	-68.1%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$276,690	\$249,021	\$221,352	\$193,683	\$166,014	\$157,713	\$138,345	\$130,044	\$110,676	\$102,375	\$83,007	\$55,338	\$27,669	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$174,300	\$156,870	\$139,440	\$122,010	\$104,580	\$99,351	\$87,150	\$81,921	\$69,720	\$64,491	\$52,290	\$34,860	\$17,430	\$0	
Multifamily															
0-2 BR	\$2,656	\$2,390	\$2,125	\$1,859	\$1,594	\$1,514	\$1,328	\$1,248	\$1,062	\$983	\$797	\$531	\$266	\$0	\$1,743
% Change from Current Fee	52.4%	37.1%	21.9%	6.7%	-8.6%	-13.1%	-23.8%	-28.4%	-39.0%	-43.6%	-54.3%	-69.5%	-84.8%	-100.0%	
3+ BR	\$20,677	\$18,609	\$16,542	\$14,474	\$12,406	\$11,786	\$10,339	\$9,718	\$8,271	\$7,650	\$6,203	\$4,135	\$2,068	\$0	\$1,743
% Change from Current Fee	1086.3%	967.7%	849.0%	730.4%	611.8%	576.2%	493.1%	457.6%	374.5%	338.9%	255.9%	137.3%	18.6%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$933,320	\$839,988	\$746,656	\$653,324	\$559,992	\$531,992	\$466,660	\$438,660	\$373,328	\$345,328	\$279,996	\$186,664	\$93,332	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$232,400	\$209,160	\$185,920	\$162,680	\$139,440	\$132,468	\$116,200	\$109,228	\$92,960	\$85,988	\$69,720	\$46,480	\$23,240	\$0	
Manufactured Home															
	\$8,127	\$7,314	\$6,502	\$5,689	\$4,876	\$4,632	\$4,064	\$3,820	\$3,251	\$3,007	\$2,438	\$1,625	\$813	\$0	\$2,678
% Change from Current Fee	203.5%	173.1%	142.8%	112.4%	82.1%	73.0%	51.7%	42.6%	21.4%	12.3%	-9.0%	-39.3%	-69.7%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$162,540	\$146,286	\$130,032	\$113,778	\$97,524	\$92,648	\$81,270	\$76,394	\$65,016	\$60,140	\$48,762	\$32,508	\$16,254	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$89,267	\$80,340	\$71,413	\$62,487	\$53,560	\$50,882	\$44,633	\$41,955	\$35,707	\$33,029	\$26,780	\$17,853	\$4,463	\$0	
Age Restricted Unit															
	\$623	\$561	\$498	\$436	\$374	\$355	\$312	\$293	\$249	\$231	\$187	\$125	\$62	\$0	N/A - assessed by housing type
% Change from Current Fee															
Projected Annual Collections, Updated Fee @ Projected Development Levels	Expected annual number of units difficult to quantify. Past age restricted units did not achieve the age restriction using the methods required by the impact fee ordinance to ensure continued age restriction for a period of time (20 years minimum) (e.g., current age restricted units are owned by entities that have rules in place but the rules are not recorded in restrictive covenants and/or homeowners association documents).														
TOTAL PROJECTED ANNUAL COLLECTIONS, Updated Fee															
	\$3,816,943	\$3,435,249	\$3,053,554	\$2,671,860	\$2,290,166	\$2,175,658	\$1,908,472	\$1,793,963	\$1,526,777	\$1,412,269	\$1,145,083	\$763,389	\$381,694	\$0	
TOTAL PROJECTED ANNUAL COLLECTIONS, Current Fee															
	\$2,735,795	\$2,462,216	\$2,188,636	\$1,915,057	\$1,641,477	\$1,559,403	\$1,367,898	\$1,285,824	\$1,094,318	\$1,012,244	\$820,739	\$547,159	\$269,116	\$0	

GRAND TOTAL, PROJECTED ANNUAL COLLECTIONS, Both School Districts, Updated Fee	\$8,264,988	\$7,438,489	\$6,611,990	\$5,785,492	\$4,958,993	\$4,711,043	\$4,132,494	\$3,884,544	\$3,305,995	\$3,058,046	\$2,479,496	\$1,652,998	\$826,499	\$0	
GRAND TOTAL, PROJECTED ANNUAL COLLECTIONS, Both School Districts, Current Fee	\$5,068,072	\$4,561,265	\$4,054,457	\$3,547,650	\$3,040,843	\$2,888,801	\$2,534,036	\$2,381,994	\$2,027,229	\$1,875,187	\$1,520,422	\$1,013,614	\$502,344	\$0	

Variance from 60% MSIF (Updated Fee)	3,305,995	2,479,496	1,652,998	826,499		(247,950)	(826,499)	(1,074,448)	(1,652,998)	(1,900,947)	(2,479,496)	(3,305,995)	(4,132,494)	(4,958,993)	
Variance from 60% MSIF (Current Fee)	5,224,145	4,397,646	3,571,147	2,744,649	1,918,150	1,670,200	1,091,651	843,701	265,152	17,203	(561,347)	(1,387,845)	(2,214,344)	(3,040,843)	

Breakeven %

Chapel Hill - Carrboro City Schools															Current Fee (adopted at 60% of 2007 MSIF)
Single Family Detached	MSIF	90% MSIF	80% MSIF	70% MSIF	63% MSIF	60% MSIF	53% MSIF	50% MSIF	43% MSIF	40% MSIF	30% MSIF	20% MSIF	10% MSIF	0% MSIF	
0-3 BR	\$13,114	\$11,803	\$10,491	\$9,180	\$8,262	\$7,868	\$6,950	\$6,557	\$5,639	\$5,246	\$3,934	\$2,623	\$1,311	\$0	\$11,423
% Change from Current Fee	14.8%	3.3%	-8.2%	-19.6%	-27.7%	-31.1%	-39.2%	-42.6%	-50.6%	-54.1%	-65.6%	-77.0%	-88.5%	-100.0%	
4+ BR	\$25,139	\$22,625	\$20,111	\$17,597	\$15,838	\$15,083	\$13,324	\$12,570	\$10,810	\$10,056	\$7,542	\$5,028	\$2,514	\$0	\$11,423
% Change from Current Fee	120.1%	98.1%	76.1%	54.1%	38.6%	32.0%	16.6%	10.0%	-5.4%	-12.0%	-34.0%	-56.0%	-78.0%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$1,147,590	\$1,032,831	\$918,072	\$803,313	\$722,982	\$688,554	\$608,223	\$573,795	\$493,464	\$459,036	\$344,277	\$229,518	\$114,759	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$1,142,300	\$1,028,070	\$913,840	\$799,610	\$719,649	\$685,380	\$605,419	\$571,150	\$491,189	\$456,920	\$342,690	\$228,460	\$114,230	\$0	
Single Family Detached <800 sq. ft.															
	\$3,848	\$3,463	\$3,078	\$2,694	\$2,424	\$2,309	\$2,039	\$1,924	\$1,655	\$1,539	\$1,154	\$770	\$385	\$0	\$11,423
% Change from Current Fee	-66.3%	-69.7%	-73.1%	-76.4%	-78.8%	-79.8%	-82.1%	-83.2%	-85.5%	-86.5%	-89.9%	-93.3%	-96.6%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$30,784	\$27,706	\$24,627	\$21,549	\$19,394	\$18,470	\$16,316	\$15,392	\$13,237	\$12,314	\$9,235	\$6,157	\$3,078	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$152,307	\$137,076	\$121,845	\$106,615	\$95,953	\$91,384	\$80,723	\$76,153	\$65,492	\$60,923	\$45,692	\$30,461	\$15,231	\$0	
Single Family Attached															
0-2 BR	\$10,266	\$9,239	\$8,213	\$7,186	\$6,468	\$6,160	\$5,441	\$5,133	\$4,414	\$4,106	\$3,080	\$2,053	\$1,027	\$0	\$6,610
% Change from Current Fee	55.3%	39.8%	24.2%	8.7%	-2.2%	-6.8%	-17.7%	-22.3%	-33.2%	-37.9%	-53.4%	-68.9%	-84.5%	-100.0%	
3+ BR	\$16,414	\$14,773	\$13,131	\$11,490	\$10,341	\$9,848	\$8,699	\$8,207	\$7,058	\$6,566	\$4,924	\$3,283	\$1,641	\$0	\$6,610
% Change from Current Fee	148.3%	123.5%	98.7%	73.8%	56.4%	49.0%	31.6%	24.2%	6.8%	-0.7%	-25.5%	-50.3%	-75.2%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$677,266	\$609,539	\$541,813	\$474,086	\$426,678	\$406,360	\$358,951	\$338,633	\$291,224	\$270,906	\$203,180	\$135,453	\$67,727	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$561,850	\$505,665	\$449,480	\$393,295	\$353,966	\$337,110	\$297,781	\$280,925	\$241,596	\$224,740	\$168,555	\$112,370	\$56,185	\$0	
Multifamily															
0-2 BR	\$4,441	\$3,997	\$3,553	\$3,109	\$2,798	\$2,665	\$2,354	\$2,221	\$1,910	\$1,776	\$1,332	\$888	\$444	\$0	\$1,286
% Change from Current Fee	245.3%	210.8%	176.3%	141.7%	117.6%	107.2%	83.0%	72.7%	48.5%	38.1%	3.6%	-30.9%	-65.5%	-100.0%	
3+ BR	\$18,914	\$17,023	\$15,131	\$13,240	\$11,916	\$11,348	\$10,024	\$9,457	\$8,133	\$7,566	\$5,674	\$3,783	\$1,891	\$0	\$1,286
% Change from Current Fee	1370.8%	1223.7%	1076.6%	929.5%	826.6%	782.5%	679.5%	635.4%	532.4%	488.3%	341.2%	194.2%	47.1%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$1,781,917	\$1,603,725	\$1,425,534	\$1,247,342	\$1,122,608	\$1,069,150	\$944,416	\$890,959	\$766,224	\$712,767	\$534,575	\$356,383	\$178,192	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$475,820	\$428,238	\$380,656	\$333,074	\$299,767	\$285,492	\$252,185	\$237,910	\$204,603	\$190,328	\$142,746	\$95,164	\$47,582	\$0	
Manufactured Home															
	\$6,999	\$6,299	\$5,599	\$4,899	\$4,409	\$4,199	\$3,709	\$3,500	\$3,010	\$2,800	\$2,100	\$1,400	\$700	\$0	\$4,939
% Change from Current Fee	41.7%	27.5%	13.4%	-0.8%	-10.7%	-15.0%	-24.9%	-29.1%	-39.1%	-43.3%	-57.5%	-71.7%	-85.8%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$0 - additional manufactured homes are not expected in the CHCCS district.														
Age Restricted Unit															
	\$756	\$680	\$605	\$529	\$476	\$454	\$401	\$378	\$325	\$302	\$227	\$151	\$76	\$0	N/A - assessed by housing type
% Change from Current Fee	N/A - Current Fee depends on type of unit. Currently, there is not a separate fee category for age restricted units.														
Projected Annual Collections, Updated Fee @ Projected Development Levels	Expected annual number of units difficult to quantify. Past age restricted units did not achieve the age restriction using the methods required by the impact fee ordinance to ensure continued age restriction for a period of time (20 years minimum) (e.g., current age restricted units are owned by entities that have rules in place but the rules are not recorded in restrictive covenants and/or homeowners association documents).														
TOTAL PROJECTED ANNUAL COLLECTIONS, Updated Fee	\$3,637,557	\$3,273,801	\$2,910,046	\$2,546,290	\$2,291,661	\$2,182,534	\$1,927,905	\$1,818,779	\$1,564,150	\$1,455,023	\$1,091,267	\$727,511	\$363,756	\$0	
TOTAL PROJECTED ANNUAL COLLECTIONS, Current Fee	\$2,332,277	\$2,099,049	\$1,865,821	\$1,632,594	\$1,469,334	\$1,399,366	\$1,236,107	\$1,166,138	\$1,002,879	\$932,911	\$699,683	\$466,455	\$233,228	\$0	

By Bedroom Counts, if Applicable, Assume 75/25 Multi-family BR Split (0-2 BR/3+ BR)

Orange County Schools															Current Fee (adopted at 60% of 2007 MSIF)
Single Family Detached	MSIF	90% MSIF	80% MSIF	70% MSIF	63% MSIF	60% MSIF	53% MSIF	50% MSIF	43% MSIF	40% MSIF	30% MSIF	20% MSIF	10% MSIF	0% MSIF	
0-3 BR	\$12,044	\$10,840	\$9,635	\$8,431	\$7,588	\$7,226	\$6,383	\$6,022	\$5,179	\$4,818	\$3,613	\$2,409	\$1,204	\$0	\$5,623
% Change from Current Fee	114.2%	92.8%	71.4%	49.9%	34.9%	28.5%	430.0%	7.1%	-7.9%	-14.3%	-35.7%	-57.2%	-78.6%	-100.0%	
4+ BR	\$8,952	\$8,057	\$7,162	\$6,266	\$5,640	\$5,371	\$4,745	\$4,476	\$3,849	\$3,581	\$2,686	\$1,790	\$895	\$0	\$5,623
% Change from Current Fee	59.2%	43.3%	27.4%	11.4%	0.3%	-4.5%	430.0%	-20.4%	-31.5%	-36.3%	-52.2%	-68.2%	-84.1%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$2,414,540	\$2,173,086	\$1,931,632	\$1,690,178	\$1,521,160	\$1,448,724	\$1,279,706	\$1,207,270	\$1,038,252	\$965,816	\$724,362	\$482,908	\$241,454	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$2,155,483	\$1,939,935	\$1,724,387	\$1,508,838	\$1,357,955	\$1,293,290	\$1,142,406	\$1,077,742	\$926,858	\$862,193	\$646,645	\$431,097	\$215,548	\$0	
Single Family Detached <800 sq. ft.															
	\$3,317	\$2,985	\$2,654	\$2,322	\$2,090	\$1,990	\$1,758	\$1,659	\$1,426	\$1,327	\$995	\$663	\$332	\$0	\$5,623
% Change from Current Fee	-41.0%	-46.9%	-52.8%	-58.7%	-62.8%	-64.6%	-68.7%	-70.5%	-74.6%	-76.4%	-82.3%	-88.2%	-94.1%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$29,853	\$26,868	\$23,882	\$20,897	\$18,807	\$17,912	\$15,822	\$14,927	\$12,837	\$11,941	\$8,956	\$5,971	\$2,985	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$84,345	\$75,911	\$67,476	\$59,042	\$53,137	\$50,607	\$44,703	\$42,173	\$36,268	\$33,738	\$25,304	\$16,869	\$8,435	\$0	
Single Family Attached															
0-2 BR	\$3,665	\$3,299	\$2,932	\$2,566	\$2,309	\$2,199	\$1,942	\$1,833	\$1,576	\$1,466	\$1,100	\$733	\$367	\$0	\$1,743
% Change from Current Fee	110.3%	89.2%	68.2%	47.2%	32.5%	26.2%	11.4%	5.1%	-9.6%	-15.9%	-36.9%	-57.9%	-79.0%	-100.0%	
3+ BR	\$5,558	\$5,002	\$4,446	\$3,891	\$3,502	\$3,335	\$2,946	\$2,779	\$2,390	\$2,223	\$1,667	\$1,112	\$556	\$0	\$1,743
% Change from Current Fee	218.9%	187.0%	155.1%	123.2%	100.9%	91.3%	69.0%	59.4%	37.1%	27.6%	-4.3%	-36.2%	-68.1%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$276,690	\$249,021	\$221,352	\$193,683	\$174,315	\$166,014	\$146,646	\$138,345	\$118,977	\$110,676	\$83,007	\$55,338	\$27,669	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$174,300	\$156,870	\$139,440	\$122,010	\$109,809	\$104,580	\$92,379	\$87,150	\$74,949	\$69,720	\$52,290	\$34,860	\$17,430	\$0	
Multifamily															
0-2 BR	\$2,656	\$2,390	\$2,125	\$1,859	\$1,673	\$1,594	\$1,408	\$1,328	\$1,142	\$1,062	\$797	\$531	\$266	\$0	\$1,743
% Change from Current Fee	52.4%	37.1%	21.9%	6.7%	-4.0%	-8.6%	-19.2%	-23.8%	-34.5%	-39.0%	-54.3%	-69.5%	-84.8%	-100.0%	
3+ BR	\$20,677	\$18,609	\$16,542	\$14,474	\$13,027	\$12,406	\$10,959	\$10,339	\$8,891	\$8,271	\$6,203	\$4,135	\$2,068	\$0	\$1,743
% Change from Current Fee	1086.3%	967.7%	849.0%	730.4%	647.4%	611.8%	528.7%	493.1%	410.1%	374.5%	255.9%	137.3%	18.6%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$572,900	\$515,610	\$458,320	\$401,030	\$360,927	\$343,740	\$303,637	\$286,450	\$246,347	\$229,160	\$171,870	\$114,580	\$57,290	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$232,400	\$209,160	\$185,920	\$162,680	\$146,412	\$139,440	\$123,172	\$116,200	\$99,932	\$92,960	\$69,720	\$46,480	\$23,240	\$0	
Manufactured Home															
	\$8,127	\$7,314	\$6,502	\$5,689	\$5,120	\$4,876	\$4,307	\$4,064	\$3,495	\$3,251	\$2,438	\$1,625	\$813	\$0	\$2,678
% Change from Current Fee	203.5%	173.1%	142.8%	112.4%	91.2%	82.1%	60.8%	51.7%	30.5%	21.4%	-9.0%	-39.3%	-69.7%	-100.0%	
Projected Annual Collections, Updated Fee @ Projected Development Levels	\$162,540	\$146,286	\$130,032	\$113,778	\$102,400	\$97,524	\$86,146	\$81,270	\$69,892	\$65,016	\$48,762	\$32,508	\$16,254	\$0	
Projected Annual Collections, Current Fee @ Projected Development Levels	\$89,267	\$80,340	\$71,413	\$62,487	\$56,238	\$53,560	\$47,311	\$44,633	\$38,385	\$35,707	\$26,780	\$17,853	\$4,463	\$0	
Age Restricted Unit															
	\$623	\$561	\$498	\$436	\$392	\$374	\$330	\$312	\$268	\$249	\$187	\$125	\$62	\$0	N/A - assessed by housing type
% Change from Current Fee															
Projected Annual Collections, Updated Fee @ Projected Development Levels	Expected annual number of units difficult to quantify. Past age restricted units did not achieve the age restriction using the methods required by the impact fee ordinance to ensure continued age restriction for a period of time (20 years minimum) (e.g., current age restricted units are owned by entities that have rules in place but the rules are not recorded in restrictive covenants and/or homeowners association documents).														
TOTAL PROJECTED ANNUAL COLLECTIONS, Updated Fee															
	\$3,456,523	\$3,110,871	\$2,765,218	\$2,419,566	\$2,177,609	\$2,073,914	\$1,831,957	\$1,728,262	\$1,486,305	\$1,382,609	\$1,036,957	\$691,305	\$345,652	\$0	
TOTAL PROJECTED ANNUAL COLLECTIONS, Current Fee															
	\$2,735,795	\$2,462,216	\$2,188,636	\$1,915,057	\$1,723,551	\$1,641,477	\$1,449,971	\$1,367,898	\$1,176,392	\$1,094,318	\$820,739	\$547,159	\$269,116	\$0	
GRAND TOTAL, PROJECTED ANNUAL COLLECTIONS, Both School Districts, Updated Fee															
	\$7,094,080	\$6,384,672	\$5,675,264	\$4,965,856	\$4,469,270	\$4,256,448	\$3,759,862	\$3,547,040	\$3,050,454	\$2,837,632	\$2,128,224	\$1,418,816	\$709,408	\$0	
GRAND TOTAL, PROJECTED ANNUAL COLLECTIONS, Both School Districts, Current Fee															
	\$5,068,072	\$4,561,265	\$4,054,457	\$3,547,650	\$3,192,885	\$3,040,843	\$2,686,078	\$2,534,036	\$2,179,271	\$2,027,229	\$1,520,422	\$1,013,614	\$502,344	\$0	
Variance from 60% MSIF (Updated Fee)															
	2,837,632	2,128,224	1,418,816	709,408	212,822		(496,586)	(709,408)	(1,205,994)	(1,418,816)	(2,128,224)	(2,837,632)	(3,547,040)	(4,256,448)	
Variance from 60% MSIF (Current Fee)															
	4,053,237	3,343,829	2,634,421	1,925,013	1,428,427	1,215,605	719,019	506,197	9,611	(203,211)	(912,619)	(1,622,027)	(2,331,435)	(3,040,843)	
Breakeven %															

Ordinance #: ORD-2016-033

**AN ORDINANCE AMENDING
CHAPTER 30, ARTICLE II - EDUCATIONAL FACILITIES IMPACT FEE
OF THE ORANGE COUNTY CODE OF ORDINANCES**

WHEREAS, Orange County Chapter 460, House Bill 917 of the 1987 Session of the General Assembly of North Carolina authorized Orange County to provide by ordinance for a system of impact fees to help defray the costs to the County of constructing certain capital improvements, including schools, and

WHEREAS, Orange County initially adopted educational facilities impacts fees in 1993 and has amended the ordinance from time-to-time to since 1993, and

WHEREAS, to ensure impact fees remain proportional to actual impacts caused, the County initiated a technical study in 2015 to study the school impact fees and determine the “maximum supportable impact fee” that could be charged for various new housing types, and

WHEREAS, said technical study was completed in August 2016, and

WHEREAS, the County has held the required public hearing on the proposed amendments to Chapter 30, Article II of the Code of Ordinances and the impact fee studies.

BE IT ORDAINED by the Board of Commissioners of Orange County that Chapter 30, Article II – Educational Facilities Impact Fee is hereby amended as depicted in the attached pages.

BE IT FURTHER ORDAINED THAT persons submitting a building permit application prior to January 1, 2017 may choose to pay either the public school impact fee that was in effect for 2016 for the housing type(s) proposed in the application or the fee required by the updated public school impact fee schedule in the attached pages, provided the building permit is issued no more than 180 calendar days after the application submittal date. The fee for building permits issued more than 180 calendar days after the application submittal date shall be the fee listed in the updated impact fee schedule.

BE IT FURTHER ORDAINED THAT projects for which a Zoning Compliance Permit has been issued prior to January 1, 2017 and for which a building permit application has been submitted prior to January 1, 2018 may choose to pay either public school impact fee that was in effect for 2016 for the housing type(s) proposed in the application or the fee required by the updated public school impact fee schedule in the attached pages, provided the building permit is issued no more than 180 calendar days after the application submittal date. The fee for building permits issued more than 180 calendar days after the application submittal date shall be the fee listed in the updated impact fee schedule.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2016.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY

CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting

held on _____, 2016 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2016.

SEAL

Clerk to the Board of Commissioners

ARTICLE II. - EDUCATIONAL FACILITIES IMPACT FEE

Sec. 30-31. - Legislative findings.

The Orange County Board of Commissioners makes the following legislative findings:

- (1) Orange County public school facilities are vital to the health, safety, welfare, and economic prosperity of Orange County;
- (2) That public school facilities in Orange County must be expanded in order to maintain current levels of service if new development is to be accommodated without decreasing current levels of service;
- (3) To finance the expansion of the public school facilities in Orange County necessary to maintain current levels of service while accommodating new residential growth, several methods of finance will be employed, one of which will require new residential development to pay an appropriate share of the reasonably anticipated new educational facilities in the form of school impact fees; and
- (4) These school impact fees will provide, in a reasonable manner, for the public health, safety, and welfare of persons residing within Orange County by providing a portion of the costs of new school facilities which bears a relationship to the benefits of the new school facilities to the new residential growth in Orange County.

(Ord. of 6-7-1993, § 1, eff. 7-1-1993)

Sec. 30-32. - Definitions.

For the purposes of this Ordinance, the following terms shall have the following definitions:

Accessory Dwelling Unit. A dwelling unit located on the same lot as another dwelling unit and recognized as an accessory use by the local zoning code.

Certificate of Occupancy. A certificate issued by Orange County or a municipality located therein allowing the occupancy or use of a dwelling unit and certifying that the building or structure has been constructed and will be used in compliance with all applicable codes and ordinances.

Dwelling Unit. A room or group of rooms forming a single independent habitable unit with facilities used or intended to be used for living, sleeping, cooking, and eating by one family. Types of dwelling units include Manufactured Homes, Multifamily, Single Family Attached, and Single Family Detached. Each dwelling type may be Age Restricted or not.

Dwelling Unit, Age Restricted Unit. A dwelling unit, regardless of type (detached, attached, multi-family, etc.), located in a development that restricts the number of units with occupants aged under 55 years old and whereby the age restriction is achieved by deed restrictions, homeowners association documents, and/or restrictive covenants.

Dwelling Unit, Manufactured Home. A dwelling unit built in a factory in accordance with the federal Manufactured Home Construction and Safety Standards, commonly referred to as the 'HUD' Code.

Dwelling Unit, Multifamily. A group of dwelling units which share a common floor-to-ceiling wall or share the wall of an attached garage or porch with an adjacent dwelling, but not otherwise defined as a Single Family Attached Dwelling Unit.

Dwelling Unit, Single Family Attached. A group of dwelling units which share a common floor-to-ceiling wall or share the wall of an attached garage or porch with an adjacent dwelling and in which all

units have a ground-floor living space. Units located above ground floor non-residential (i.e. retail or office) uses are not included in this definition.

Dwelling Unit, Single Family Detached. . A dwelling unit which is neither a Manufactured Home Dwelling Unit, Accessory Dwelling Unit, or attached to other dwelling units (as with Multifamily or Single Family Attached).

Feepayer. The person constructing or responsible for having constructed a new dwelling unit or new dwelling units. In the case of a mobile home, the person installing or responsible for having installed a new mobile home or new mobile homes.

(Ord. of 6-7-1993, § 2, eff. 7-1-1993)

Sec. 30-33. - School impact fees imposed on new residential dwelling units.

In addition to all other charges prescribed by ordinance or resolution now or hereafter in effect, there shall be public school impact fees charged to new residential dwelling units located within Orange County, and within the municipalities and their extraterritorial planning jurisdictions located within Orange County. No person may occupy any new residential dwelling unit until all applicable public school impact fees contained in the following schedule have been paid in full. No certificate of occupancy or other type of occupancy permit shall be issued for any new residential dwelling unit until the public school impact fees hereby required have been paid in full. Payment of such fees shall not relieve the feepayer from the obligation to comply with applicable land development regulations of Orange County or the municipalities located within Orange County.

Schedule of Public School Impact Fees

The amount of public school impact fee shall be as shown in the following tables:

Chapel Hill—Carrboro City Schools District				
	Effective January 1, 2009	Effective January 1, 2010	Effective January 1, 2011	Effective January 1, 2012
Single-Family Detached	\$6,092	\$7,616	\$9,520	\$11,423
Single-Family Attached	\$3,525	\$4,406	\$5,508	\$6,610
Multifamily	\$686	\$858	\$1,072	\$1,286
Manufactured Homes	\$2,634	\$3,293	\$4,116	\$4,939
-				
Orange County Schools District				

	Effective January 1, 2009	Effective January 1, 2010	Effective January 1, 2011	Effective January 1, 2012
Single-Family Detached	\$3,000	\$3,749	\$4,686	\$5,623
Single-Family Attached/ Multifamily	\$930	\$1,162	\$1,453	\$1,743
Manufactured Homes	\$1,428	\$1,785	\$2,232	\$2,678

<u>Chapel Hill – Carrboro City Schools District</u>			
<u>Dwelling Unit Type</u>	<u>Fee Effective January 1, 2017</u>	<u>Fee Effective January 1, 2018</u>	<u>Fee Effective January 1, 2019</u>
<u>Single Family Detached, 0-3 Bedrooms</u>	<u>\$4,852</u>	<u>\$6,164</u>	<u>\$7,475</u>
<u>Single Family Detached, 4+ Bedrooms</u>	<u>\$9,301</u>	<u>\$11,815</u>	<u>\$14,329</u>
<u>Single Family Detached <800 sq. ft.</u>	<u>\$1,424</u>	<u>\$1,809</u>	<u>\$2,193</u>
<u>Single Family Attached, 0-2 Bedrooms</u>	<u>\$3,798</u>	<u>\$4,825</u>	<u>\$5,852</u>
<u>Single Family Attached, 3+ Bedrooms</u>	<u>\$6,073</u>	<u>\$7,715</u>	<u>\$9,356</u>
<u>Multifamily, 0-2 Bedrooms & Accessory Dwelling Units, 0-2 Bedrooms</u>	<u>\$1,643</u>	<u>\$2,087</u>	<u>\$2,531</u>
<u>Multifamily, 3+ Bedrooms & Accessory Dwelling Units, 3+ Bedrooms</u>	<u>\$6,998</u>	<u>\$8,890</u>	<u>\$10,781</u>
<u>Manufactured Home</u>	<u>\$2,331</u>	<u>\$3,290</u>	<u>\$3,989</u>
<u>Age Restricted Unit</u>	<u>\$252</u>	<u>\$355</u>	<u>\$431</u>

<u>Orange County Schools District</u>			
<u>Dwelling Unit Type</u>	<u>Fee Effective January 1, 2017</u>	<u>Fee Effective January 1, 2018</u>	<u>Fee Effective January 1, 2019</u>
<u>Single Family Detached, 0-3 Bedrooms</u>	<u>\$4,456</u>	<u>\$5,661</u>	<u>\$6,865</u>
<u>Single Family Detached, 4+ Bedrooms</u>	<u>\$3,321</u>	<u>\$4,207</u>	<u>\$5,103</u>
<u>Single Family Detached <800 sq. ft.</u>	<u>\$1,227</u>	<u>\$1,559</u>	<u>\$1,891</u>
<u>Single Family Attached, 0-2 Bedrooms</u>	<u>\$1,356</u>	<u>\$1,723</u>	<u>\$2,089</u>
<u>Single Family Attached, 3+ Bedrooms</u>	<u>\$2,056</u>	<u>\$2,612</u>	<u>\$3,168</u>
<u>Multifamily, 0-2 Bedrooms & Accessory Dwelling Units, 0-2 Bedrooms</u>	<u>\$983</u>	<u>\$1,248</u>	<u>\$1,514</u>
<u>Multifamily, 3+ Bedrooms & Accessory Dwelling Units, 3+ Bedrooms</u>	<u>\$7,650</u>	<u>\$9,718</u>	<u>\$11,786</u>
<u>Manufactured Home</u>	<u>\$3,007</u>	<u>\$3,820</u>	<u>\$4,632</u>
<u>Age Restricted Unit</u>	<u>\$231</u>	<u>\$293</u>	<u>\$355</u>

New residential dwelling units qualifying for the age restricted impact fee must remain age restricted for a minimum period of 20 years after the impact fee is paid. The owner of any age restricted dwelling unit changed to a non-age-restricted unit before the 20-year period expires shall be required to pay the difference between the age restricted impact fee paid and the impact fee in effect for the dwelling unit type at the time of the change.

(Ord. of 6-7-1993, § 3, eff. 7-1-1993; Amend. of 6-5-1995, eff. 7-1-1995; Amend. of 6-26-1996, eff. 7-1-1996; Amend. of 6-25-2001, eff. 7-1-2001; Amend. of 12-11-2008, eff. 1-1-2009, 6-1-2009, 1-1-2011, and 1-1-2013)

Sec. 30-34. - Public school impact fee exceptions.

Public school impact fees as provided in Section 30-33 shall not be imposed in the following circumstances:

- (1) Buildings or structures, including alterations, repairs, renovations or additions thereto, which are to be occupied and used solely for non-residential purposes.
- (2) Residential dwelling units for which a building permit was obtained prior to the effective date of this Ordinance.
- (3) Alterations, repairs, renovations or additions to a residential dwelling unit.
- (4) Replacement of a building, structure or mobile home used for residential purposes, including the following:

- a. Installation of a replacement mobile home on a separate lot or mobile home park space when an educational facilities impact fee for such lot or space has been previously paid pursuant to this Ordinance or where a residential mobile home legally existed on such lot or space on or before the effective date of this Ordinance. For the purposes of this Ordinance, "legally existed" shall mean that a mobile home was located on the lot or space during the five-year period prior to the date of adoption of this Ordinance.
- b. Replacement of a building, structure or mobile home damaged, destroyed or partially destroyed by: the exercise of eminent domain; human acts, such as riot, fire, accident, explosion; or flood, lightning, wind or other natural calamity, with a new building, structure or mobile home.

A residential building, structure or mobile home may be replaced with a new building, structure or mobile home of the same or dissimilar dwelling type. For example, a mobile home may be replaced with a mobile home. Likewise, a mobile home may be replaced with a stick-built structure. In either case, however, the number of dwelling units may not be increased.

- (5) Accessory buildings and structures, including, but not limited to, garages, decks, storage buildings, and similar structures, provided they are not used for residential purposes.
- (6) Temporary buildings and structures, provided they are not used for residential purposes. However, public school impact fees shall not be levied in the following cases:
 - a. A mobile home being used to provide custodial care under the provisions of an approved Special Use Permit.
 - b. A mobile home being used as a temporary residential dwelling during the installation of a replacement mobile home or the construction of a stick-built dwelling unit.

(Ord. of 6-7-1993, § 4, eff. 7-1-1993; Amend. of 6-5-1995, eff. 7-1-1995)

Sec. 30-35. - Collection of fees.

- (a) *Creation of public school benefit area trust funds.* Public school impact fees collected by Orange County pursuant to this Ordinance shall be kept separate from other revenue of the County. There shall be one trust fund established for each of the benefit areas. The benefit areas correspond to the school district boundaries as determined by the School Districts and as illustrated on the attached map labeled Public School Benefit Areas.
- (b) *Responsibility for fee collection.*
 - (1) All public school impact fees are due to Orange County and shall be paid to Orange County prior to a certificate of occupancy being issued for a dwelling unit. The fees will be collected by Orange County and/or by interlocal agreement between Orange County and a municipality located therein. All public school impact fees shall be properly identified by the appropriate benefit area and transferred for deposit in the appropriate trust account.
 - (2) Where there is an interlocal agreement in effect for collection of the public school impact fees by a municipality, the municipality shall remit the fees to Orange County as provided in the agreement, including a report of the amount of funds collected and the benefit area from which the fees were collected. Upon receipt, the County shall deposit the fees in the appropriate trust fund.
- (c) *Limitation on expenditure of funds.* Funds withdrawn from public school impact fee trust accounts shall be used solely in accordance with the following provisions:
 - (1) Funds shall be used for capital costs associated with the construction of new public school space, including new buildings or additions to existing buildings or otherwise converting existing buildings into new public school space where the expansion is related to new residential growth. Such capital costs include actual building construction; design, engineering, and/or legal fees;

land acquisition and site development; equipment and furnishings; infrastructure improvements; and/or debt service payments and payments under leases through which to finance such costs.

- (2) Funds shall be used exclusively for capital improvements within the benefit area from which the funds were collected.
- (3) Funds may be used for providing reimbursements as permitted in subsection (e) of this Section.
- (4) No funds shall be used for public school operating expenses, periodic or routine maintenance, or the administration of this public school impact fee program.
- (5) Following their collection, funds shall be expended within ten (10) years, the time frame coinciding with the public school facilities capital improvements program (CIP) school impact fee period.

The disbursement of public school impact fee funds shall require the approval of the Board of County Commissioners upon recommendation of the County Manager.

- (d) *Interest on fees.* Any public school impact fee funds on deposit and not immediately necessary for expenditure shall be invested as allowed in N.C. General Statute 159-30 for other public moneys. All income derived shall be deposited in the applicable trust fund.
- (e) *Reimbursement of fees.*
 - (1) Any funds not expended within the time frame established in subsection (c)(5) of this Section shall be returned to the feepayer, or the land owner if the address of the feepayer provided to Orange County is not current, with interest at a rate not to exceed that being paid on public school impact fees deposited in accordance with subsection (d) of this Section.
 - (2) If the Schedule of Public School Impact Fees as contained in Section 30-33 is reduced due to an updated school impact fee study that results in changes to impact fee levels charged, no refund of previously paid fees shall be made. If the Schedule of Public School Impact Fees as contained in Section 30-33 is reduced due to reasons other than an updated school impact fee study, the difference between the old and new fees shall be returned to the feepayer, or the land owner if the address of the feepayer provided to Orange County is not current, with interest at a rate not to exceed that being paid on public school impact fees deposited in accordance with subsection (d) of this Section. If the Schedule of Public School Impact Fees as contained in Section 30-33 is increased, no additional fees shall be collected from new construction for which certificates of occupancy have been issued.
 - (3) Where an impact fee has been collected erroneously, or where an impact fee has been paid, and the feepayer subsequently files for and is granted an exception as permitted in Section 30-34, the fee shall be returned to the feepayer.
- (f) *Annual report.* A report shall be made to the Board of County Commissioners each year showing where public school impact fees have been collected, what projects have been constructed with such fees, and what reimbursements have been made. The report shall also include an evaluation of this Ordinance, including its effectiveness and enforcement, and the methods and data used to calculate the Schedule of Public School impact Fees contained in Section 30-33.

The Board of County Commissioners shall review the report to determine if, within each benefit area, all areas of new construction are being benefited by the fees. If the Board of County Commissioners determines that areas of new construction are not being benefited, then it shall readjust the capital improvements program to correct this condition. If, after review of the methods and data used to calculate the Schedule of Public School Impact Fees, the Board of County Commissioners determines that adjustments are required in the Schedule, then it shall direct the County Manager and staff to prepare a report which outlines recommended changes for its consideration.

(Ord. of 6-7-1993, § 5, eff. 7-1-1993; Amend. of 6-5-1995, eff. 7-1-1995; Amend. of 6-26-1996, eff. 7-1-1996)

Sec. 30-36. - Credits.

- (a) Any conveyance of land for a public school site or construction of new school facilities received and accepted by Orange County, a municipality located in Orange County, and/or the Orange County or Chapel Hill-Carrboro School Board from a landowner may, at the election of the landowner, be credited against the public school impact fee due if the conveyance or construction meets the same needs as the public school impact fee in providing new public school facilities. If the landowner elects to receive credit against the amount of the public school impact fee due for such conveyance or construction, the landowner shall, prior to the agreement to convey land for or construct new public school facilities, or the conveyance of land for or construction of new school facilities, enter into a fee agreement with the County. The fee agreement shall provide for the establishment of credits and payment of the fee in a specified manner and time, and shall, upon its execution by the landowner and the County, be binding upon the heirs and assigns of the landowner.
- (b) The value of land conveyed or facilities constructed by a landowner and accepted by the County, municipality or school board for purposes of this Section shall be determined by an appraisal based on the fair market value of the land or facilities as established by the County. Construction shall be in accordance with applicable County, municipal, school board, and State standards. Any land conveyed for credit under this Section shall be conveyed no later than the time at which public school impact fees are required to be paid. The portion of the public school impact fee represented by a credit for construction shall be deemed paid when the construction is completed and accepted for maintenance or when adequate security for the completion of the construction has been provided.

(Ord. of 6-7-1993, § 6, eff. 7-1-1993; Amend. of 6-26-1996, eff. 7-1-1996)

Sec. 30-37. - Penalties.

- (a) In addition to any other remedy allowed by N.C. General Statute 153A-123, the failure to pay a public school impact fee is hereby declared to subject the person responsible for payment of the public school impact fee to a civil penalty. The amount of the penalty shall be equal to the amount of the unpaid school impact fee, plus an interest charge of one-half percent (1/2%) per month compounded monthly and a service charge of one hundred dollars (\$100.00).
- (b) The County may assess this penalty against the landowner whereon new construction has occurred without payment of the public school impact fee. However, no service charge will be assessed when the County staff has made an error in the fee determination. Furthermore, no penalty shall be assessed until the person or persons alleged to be in violation are served by registered mail, certified mail - return receipt requested, or personal service with notice to pay.
- (c) The County Attorney is hereby authorized to institute a civil action in the name of Orange County in the appropriate division of the General Court of Justice in Orange County for recovery of the penalty. All moneys recovered shall be deposited in the appropriate trust fund.

(Ord. of 6-7-1993, § 7, eff. 7-1-1993)

Sec. 30-38. - Legal status provisions.

- (a) All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict. If any clause or Section of this Ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this ordinance which can be given separate effect, and, to this end, the provisions of this Ordinance are declared to be severable.
- (b) This Ordinance shall not diminish any prior contractual, conditional zoning, or special or conditional use district zoning obligation to pay for or install road, park or other improvements required by Orange County or a municipality located therein, nor shall the fulfillment of those obligations diminish

any applicable public school impact fee owed to the County. This Ordinance shall not diminish any prior obligation of the County or a municipality located therein to reimburse persons for road, parks or other improvements, nor shall the fulfillment of those obligations by the County or a municipality diminish any applicable credit owed to the feepayer.

(Ord. of 6-7-1993, § 8, eff. 7-1-1993)

Secs. 30-39—30-70. - Appeal to the Orange County Board of Adjustment [Reserved].

Sec. 30-80. - Effective date.

This Ordinance shall be effective from and after the 1st day of July, 1993. This Ordinance shall only apply to residential dwelling units for which building permits are issued on and after the effective date of the Ordinance or any amendment thereto.

(Ord. of 6-7-1993, eff. 6-7-1993)

Ordinance #: ORD-2016-034

**AN ORDINANCE AMENDING
CHAPTER 30, ARTICLE II - EDUCATIONAL FACILITIES IMPACT FEE
OF THE ORANGE COUNTY CODE OF ORDINANCES**

WHEREAS, Orange County Chapter 460, House Bill 917 of the 1987 Session of the General Assembly of North Carolina authorized Orange County to provide by ordinance for a system of impact fees to help defray the costs to the County of constructing certain capital improvements, including schools, and

WHEREAS, Orange County initially adopted educational facilities impacts fees in 1993 and has amended the ordinance from time-to-time to since 1993, and

WHEREAS, to ensure impact fees remain proportional to actual impacts caused, the County initiated a technical study in 2015 to study the school impact fees and determine the “maximum supportable impact fee” that could be charged for various new housing types, and

WHEREAS, said technical study was completed in August 2016, and

WHEREAS, the County has held the required public hearing on the proposed amendments to Chapter 30, Article II of the Code of Ordinances and the impact fee studies.

BE IT ORDAINED by the Board of Commissioners of Orange County that Chapter 30, Article II – Educational Facilities Impact Fee is hereby amended as depicted in the attached pages.

BE IT FURTHER ORDAINED THAT persons submitting a building permit application prior to January 1, 2017 may choose to pay either the public school impact fee that was in effect for 2016 for the housing type(s) proposed in the application or the fee required by the updated public school impact fee schedule in the attached pages, provided the building permit is issued no more than 180 calendar days after the application submittal date. The fee for building permits issued more than 180 calendar days after the application submittal date shall be the fee listed in the updated impact fee schedule.

BE IT FURTHER ORDAINED THAT projects for which a Zoning Compliance Permit has been issued prior to January 1, 2017 and for which a building permit application has been submitted prior to January 1, 2018 may choose to pay either public school impact fee that was in effect for 2016 for the housing type(s) proposed in the application or the fee required by the updated public school impact fee schedule in the attached pages, provided the building permit is issued no more than 180 calendar days after the application submittal date. The fee for building permits issued more than 180 calendar days after the application submittal date shall be the fee listed in the updated impact fee schedule.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2016.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY

CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting

held on _____, 2016 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2016.

SEAL

Clerk to the Board of Commissioners

ARTICLE II. - EDUCATIONAL FACILITIES IMPACT FEE

Sec. 30-31. - Legislative findings.

The Orange County Board of Commissioners makes the following legislative findings:

- (1) Orange County public school facilities are vital to the health, safety, welfare, and economic prosperity of Orange County;
- (2) That public school facilities in Orange County must be expanded in order to maintain current levels of service if new development is to be accommodated without decreasing current levels of service;
- (3) To finance the expansion of the public school facilities in Orange County necessary to maintain current levels of service while accommodating new residential growth, several methods of finance will be employed, one of which will require new residential development to pay an appropriate share of the reasonably anticipated new educational facilities in the form of school impact fees; and
- (4) These school impact fees will provide, in a reasonable manner, for the public health, safety, and welfare of persons residing within Orange County by providing a portion of the costs of new school facilities which bears a relationship to the benefits of the new school facilities to the new residential growth in Orange County.

(Ord. of 6-7-1993, § 1, eff. 7-1-1993)

Sec. 30-32. - Definitions.

For the purposes of this Ordinance, the following terms shall have the following definitions:

Accessory Dwelling Unit. A dwelling unit located on the same lot as another dwelling unit and recognized as an accessory use by the local zoning code.

Certificate of Occupancy. A certificate issued by Orange County or a municipality located therein allowing the occupancy or use of a dwelling unit and certifying that the building or structure has been constructed and will be used in compliance with all applicable codes and ordinances.

Dwelling Unit. A room or group of rooms forming a single independent habitable unit with facilities used or intended to be used for living, sleeping, cooking, and eating by one family. Types of dwelling units include Manufactured Homes, Multifamily, Single Family Attached, and Single Family Detached. Each dwelling type may be Age Restricted or not.

Dwelling Unit, Age Restricted Unit. A dwelling unit, regardless of type (detached, attached, multi-family, etc.), located in a development that restricts the number of units with occupants aged under 55 years old and whereby the age restriction is achieved by deed restrictions, homeowners association documents, and/or restrictive covenants.

Dwelling Unit, Manufactured Home. A dwelling unit built in a factory in accordance with the federal Manufactured Home Construction and Safety Standards, commonly referred to as the 'HUD' Code.

Dwelling Unit, Multifamily. A group of dwelling units which share a common floor-to-ceiling wall or share the wall of an attached garage or porch with an adjacent dwelling, but not otherwise defined as a Single Family Attached Dwelling Unit.

Dwelling Unit, Single Family Attached. A group of dwelling units which share a common floor-to-ceiling wall or share the wall of an attached garage or porch with an adjacent dwelling and in which all

units have a ground-floor living space. Units located above ground floor non-residential (i.e. retail or office) uses are not included in this definition.

Dwelling Unit, Single Family Detached. . A dwelling unit which is neither a Manufactured Home Dwelling Unit, Accessory Dwelling Unit, or attached to other dwelling units (as with Multifamily or Single Family Attached).

Feepayer. The person constructing or responsible for having constructed a new dwelling unit or new dwelling units. In the case of a mobile home, the person installing or responsible for having installed a new mobile home or new mobile homes.

(Ord. of 6-7-1993, § 2, eff. 7-1-1993)

Sec. 30-33. - School impact fees imposed on new residential dwelling units.

In addition to all other charges prescribed by ordinance or resolution now or hereafter in effect, there shall be public school impact fees charged to new residential dwelling units located within Orange County, and within the municipalities and their extraterritorial planning jurisdictions located within Orange County. No person may occupy any new residential dwelling unit until all applicable public school impact fees contained in the following schedule have been paid in full. No certificate of occupancy or other type of occupancy permit shall be issued for any new residential dwelling unit until the public school impact fees hereby required have been paid in full. Payment of such fees shall not relieve the feepayer from the obligation to comply with applicable land development regulations of Orange County or the municipalities located within Orange County.

Schedule of Public School Impact Fees

The amount of public school impact fee shall be as shown in the following tables:

Chapel Hill—Carrboro City Schools District				
	Effective January 1, 2009	Effective January 1, 2010	Effective January 1, 2011	Effective January 1, 2012
Single-Family Detached	\$6,092	\$7,616	\$9,520	\$11,423
Single-Family Attached	\$3,525	\$4,406	\$5,508	\$6,610
Multifamily	\$686	\$858	\$1,072	\$1,286
Manufactured Homes	\$2,634	\$3,293	\$4,116	\$4,939
-				
Orange County Schools District				

	Effective January 1, 2009	Effective January 1, 2010	Effective January 1, 2011	Effective January 1, 2012
Single-Family Detached	\$3,000	\$3,749	\$4,686	\$5,623
Single-Family Attached/ Multifamily	\$930	\$1,162	\$1,453	\$1,743
Manufactured Homes	\$1,428	\$1,785	\$2,232	\$2,678

<u>Chapel Hill – Carrboro City Schools District</u>			
<u>Dwelling Unit Type</u>	<u>Fee Effective January 1, 2017</u>	<u>Fee Effective January 1, 2018</u>	<u>Fee Effective January 1, 2019</u>
<u>Single Family Detached, 0-3 Bedrooms</u>	<u>\$5,639</u>	<u>\$6,950</u>	<u>\$8,262</u>
<u>Single Family Detached, 4+ Bedrooms</u>	<u>\$10,810</u>	<u>\$13,324</u>	<u>\$15,838</u>
<u>Single Family Detached <800 sq. ft.</u>	<u>\$1,655</u>	<u>\$2,039</u>	<u>\$2,424</u>
<u>Single Family Attached, 0-2 Bedrooms</u>	<u>\$4,414</u>	<u>\$5,441</u>	<u>\$6,468</u>
<u>Single Family Attached, 3+ Bedrooms</u>	<u>\$7,058</u>	<u>\$8,699</u>	<u>\$10,341</u>
<u>Multifamily, 0-2 Bedrooms & Accessory Dwelling Units, 0-2 Bedrooms</u>	<u>\$1,910</u>	<u>\$2,354</u>	<u>\$2,798</u>
<u>Multifamily, 3+ Bedrooms & Accessory Dwelling Units, 3+ Bedrooms</u>	<u>\$8,133</u>	<u>\$10,024</u>	<u>\$11,916</u>
<u>Manufactured Home</u>	<u>\$3,010</u>	<u>\$3,709</u>	<u>\$4,409</u>
<u>Age Restricted Unit</u>	<u>\$325</u>	<u>\$401</u>	<u>\$476</u>

<u>Orange County Schools District</u>			
<u>Dwelling Unit Type</u>	<u>Fee Effective January 1, 2017</u>	<u>Fee Effective January 1, 2018</u>	<u>Fee Effective January 1, 2019</u>
<u>Single Family Detached, 0-3 Bedrooms</u>	<u>\$5,179</u>	<u>\$6,383</u>	<u>\$7,588</u>
<u>Single Family Detached, 4+ Bedrooms</u>	<u>\$3,849</u>	<u>\$4,745</u>	<u>\$5,640</u>
<u>Single Family Detached <800 sq. ft.</u>	<u>\$1,426</u>	<u>\$1,758</u>	<u>\$2,090</u>
<u>Single Family Attached, 0-2 Bedrooms</u>	<u>\$1,576</u>	<u>\$1,942</u>	<u>\$2,309</u>
<u>Single Family Attached, 3+ Bedrooms</u>	<u>\$2,390</u>	<u>\$2,946</u>	<u>\$3,502</u>
<u>Multifamily, 0-2 Bedrooms & Accessory Dwelling Units, 0-2 Bedrooms</u>	<u>\$1,142</u>	<u>\$1,408</u>	<u>\$1,673</u>
<u>Multifamily, 3+ Bedrooms & Accessory Dwelling Units, 3+ Bedrooms</u>	<u>\$8,891</u>	<u>\$10,959</u>	<u>\$13,027</u>
<u>Manufactured Home</u>	<u>\$3,495</u>	<u>\$4,307</u>	<u>\$5,120</u>
<u>Age Restricted Unit</u>	<u>\$268</u>	<u>\$330</u>	<u>\$392</u>

New residential dwelling units qualifying for the age restricted impact fee must remain age restricted for a minimum period of 20 years after the impact fee is paid. The owner of any age restricted dwelling unit changed to a non-age-restricted unit before the 20-year period expires shall be required to pay the difference between the age restricted impact fee paid and the impact fee in effect for the dwelling unit type at the time of the change.

(Ord. of 6-7-1993, § 3, eff. 7-1-1993; Amend. of 6-5-1995, eff. 7-1-1995; Amend. of 6-26-1996, eff. 7-1-1996; Amend. of 6-25-2001, eff. 7-1-2001; Amend. of 12-11-2008, eff. 1-1-2009, 6-1-2009, 1-1-2011, and 1-1-2013)

Sec. 30-34. - Public school impact fee exceptions.

Public school impact fees as provided in Section 30-33 shall not be imposed in the following circumstances:

- (1) Buildings or structures, including alterations, repairs, renovations or additions thereto, which are to be occupied and used solely for non-residential purposes.
- (2) Residential dwelling units for which a building permit was obtained prior to the effective date of this Ordinance.
- (3) Alterations, repairs, renovations or additions to a residential dwelling unit.
- (4) Replacement of a building, structure or mobile home used for residential purposes, including the following:

- a. Installation of a replacement mobile home on a separate lot or mobile home park space when an educational facilities impact fee for such lot or space has been previously paid pursuant to this Ordinance or where a residential mobile home legally existed on such lot or space on or before the effective date of this Ordinance. For the purposes of this Ordinance, "legally existed" shall mean that a mobile home was located on the lot or space during the five-year period prior to the date of adoption of this Ordinance.
- b. Replacement of a building, structure or mobile home damaged, destroyed or partially destroyed by: the exercise of eminent domain; human acts, such as riot, fire, accident, explosion; or flood, lightning, wind or other natural calamity, with a new building, structure or mobile home.

A residential building, structure or mobile home may be replaced with a new building, structure or mobile home of the same or dissimilar dwelling type. For example, a mobile home may be replaced with a mobile home. Likewise, a mobile home may be replaced with a stick-built structure. In either case, however, the number of dwelling units may not be increased.

- (5) Accessory buildings and structures, including, but not limited to, garages, decks, storage buildings, and similar structures, provided they are not used for residential purposes.
- (6) Temporary buildings and structures, provided they are not used for residential purposes. However, public school impact fees shall not be levied in the following cases:
 - a. A mobile home being used to provide custodial care under the provisions of an approved Special Use Permit.
 - b. A mobile home being used as a temporary residential dwelling during the installation of a replacement mobile home or the construction of a stick-built dwelling unit.

(Ord. of 6-7-1993, § 4, eff. 7-1-1993; Amend. of 6-5-1995, eff. 7-1-1995)

Sec. 30-35. - Collection of fees.

- (a) *Creation of public school benefit area trust funds.* Public school impact fees collected by Orange County pursuant to this Ordinance shall be kept separate from other revenue of the County. There shall be one trust fund established for each of the benefit areas. The benefit areas correspond to the school district boundaries as determined by the School Districts and as illustrated on the attached map labeled Public School Benefit Areas.
- (b) *Responsibility for fee collection.*
 - (1) All public school impact fees are due to Orange County and shall be paid to Orange County prior to a certificate of occupancy being issued for a dwelling unit. The fees will be collected by Orange County and/or by interlocal agreement between Orange County and a municipality located therein. All public school impact fees shall be properly identified by the appropriate benefit area and transferred for deposit in the appropriate trust account.
 - (2) Where there is an interlocal agreement in effect for collection of the public school impact fees by a municipality, the municipality shall remit the fees to Orange County as provided in the agreement, including a report of the amount of funds collected and the benefit area from which the fees were collected. Upon receipt, the County shall deposit the fees in the appropriate trust fund.
- (c) *Limitation on expenditure of funds.* Funds withdrawn from public school impact fee trust accounts shall be used solely in accordance with the following provisions:
 - (1) Funds shall be used for capital costs associated with the construction of new public school space, including new buildings or additions to existing buildings or otherwise converting existing buildings into new public school space where the expansion is related to new residential growth. Such capital costs include actual building construction; design, engineering, and/or legal fees;

land acquisition and site development; equipment and furnishings; infrastructure improvements; and/or debt service payments and payments under leases through which to finance such costs.

- (2) Funds shall be used exclusively for capital improvements within the benefit area from which the funds were collected.
- (3) Funds may be used for providing reimbursements as permitted in subsection (e) of this Section.
- (4) No funds shall be used for public school operating expenses, periodic or routine maintenance, or the administration of this public school impact fee program.
- (5) Following their collection, funds shall be expended within ten (10) years, the time frame coinciding with the public school facilities capital improvements program (CIP) school impact fee period.

The disbursement of public school impact fee funds shall require the approval of the Board of County Commissioners upon recommendation of the County Manager.

- (d) *Interest on fees.* Any public school impact fee funds on deposit and not immediately necessary for expenditure shall be invested as allowed in N.C. General Statute 159-30 for other public moneys. All income derived shall be deposited in the applicable trust fund.
- (e) *Reimbursement of fees.*
 - (1) Any funds not expended within the time frame established in subsection (c)(5) of this Section shall be returned to the feepayer, or the land owner if the address of the feepayer provided to Orange County is not current, with interest at a rate not to exceed that being paid on public school impact fees deposited in accordance with subsection (d) of this Section.
 - (2) If the Schedule of Public School Impact Fees as contained in Section 30-33 is reduced due to an updated school impact fee study that results in changes to impact fee levels charged, no refund of previously paid fees shall be made. If the Schedule of Public School Impact Fees as contained in Section 30-33 is reduced due to reasons other than an updated school impact fee study, the difference between the old and new fees shall be returned to the feepayer, or the land owner if the address of the feepayer provided to Orange County is not current, with interest at a rate not to exceed that being paid on public school impact fees deposited in accordance with subsection (d) of this Section. If the Schedule of Public School Impact Fees as contained in Section 30-33 is increased, no additional fees shall be collected from new construction for which certificates of occupancy have been issued.
 - (3) Where an impact fee has been collected erroneously, or where an impact fee has been paid, and the feepayer subsequently files for and is granted an exception as permitted in Section 30-34, the fee shall be returned to the feepayer.
- (f) *Annual report.* A report shall be made to the Board of County Commissioners each year showing where public school impact fees have been collected, what projects have been constructed with such fees, and what reimbursements have been made. The report shall also include an evaluation of this Ordinance, including its effectiveness and enforcement, and the methods and data used to calculate the Schedule of Public School impact Fees contained in Section 30-33.

The Board of County Commissioners shall review the report to determine if, within each benefit area, all areas of new construction are being benefited by the fees. If the Board of County Commissioners determines that areas of new construction are not being benefited, then it shall readjust the capital improvements program to correct this condition. If, after review of the methods and data used to calculate the Schedule of Public School Impact Fees, the Board of County Commissioners determines that adjustments are required in the Schedule, then it shall direct the County Manager and staff to prepare a report which outlines recommended changes for its consideration.

(Ord. of 6-7-1993, § 5, eff. 7-1-1993; Amend. of 6-5-1995, eff. 7-1-1995; Amend. of 6-26-1996, eff. 7-1-1996)

Sec. 30-36. - Credits.

- (a) Any conveyance of land for a public school site or construction of new school facilities received and accepted by Orange County, a municipality located in Orange County, and/or the Orange County or Chapel Hill-Carrboro School Board from a landowner may, at the election of the landowner, be credited against the public school impact fee due if the conveyance or construction meets the same needs as the public school impact fee in providing new public school facilities. If the landowner elects to receive credit against the amount of the public school impact fee due for such conveyance or construction, the landowner shall, prior to the agreement to convey land for or construct new public school facilities, or the conveyance of land for or construction of new school facilities, enter into a fee agreement with the County. The fee agreement shall provide for the establishment of credits and payment of the fee in a specified manner and time, and shall, upon its execution by the landowner and the County, be binding upon the heirs and assigns of the landowner.
- (b) The value of land conveyed or facilities constructed by a landowner and accepted by the County, municipality or school board for purposes of this Section shall be determined by an appraisal based on the fair market value of the land or facilities as established by the County. Construction shall be in accordance with applicable County, municipal, school board, and State standards. Any land conveyed for credit under this Section shall be conveyed no later than the time at which public school impact fees are required to be paid. The portion of the public school impact fee represented by a credit for construction shall be deemed paid when the construction is completed and accepted for maintenance or when adequate security for the completion of the construction has been provided.

(Ord. of 6-7-1993, § 6, eff. 7-1-1993; Amend. of 6-26-1996, eff. 7-1-1996)

Sec. 30-37. - Penalties.

- (a) In addition to any other remedy allowed by N.C. General Statute 153A-123, the failure to pay a public school impact fee is hereby declared to subject the person responsible for payment of the public school impact fee to a civil penalty. The amount of the penalty shall be equal to the amount of the unpaid school impact fee, plus an interest charge of one-half percent (1/2%) per month compounded monthly and a service charge of one hundred dollars (\$100.00).
- (b) The County may assess this penalty against the landowner whereon new construction has occurred without payment of the public school impact fee. However, no service charge will be assessed when the County staff has made an error in the fee determination. Furthermore, no penalty shall be assessed until the person or persons alleged to be in violation are served by registered mail, certified mail - return receipt requested, or personal service with notice to pay.
- (c) The County Attorney is hereby authorized to institute a civil action in the name of Orange County in the appropriate division of the General Court of Justice in Orange County for recovery of the penalty. All moneys recovered shall be deposited in the appropriate trust fund.

(Ord. of 6-7-1993, § 7, eff. 7-1-1993)

Sec. 30-38. - Legal status provisions.

- (a) All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict. If any clause or Section of this Ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this ordinance which can be given separate effect, and, to this end, the provisions of this Ordinance are declared to be severable.
- (b) This Ordinance shall not diminish any prior contractual, conditional zoning, or special or conditional use district zoning obligation to pay for or install road, park or other improvements required by Orange County or a municipality located therein, nor shall the fulfillment of those obligations diminish

any applicable public school impact fee owed to the County. This Ordinance shall not diminish any prior obligation of the County or a municipality located therein to reimburse persons for road, parks or other improvements, nor shall the fulfillment of those obligations by the County or a municipality diminish any applicable credit owed to the feepayer.

(Ord. of 6-7-1993, § 8, eff. 7-1-1993)

Secs. 30-39—30-70. - Appeal to the Orange County Board of Adjustment [Reserved].

Sec. 30-80. - Effective date.

This Ordinance shall be effective from and after the 1st day of July, 1993. This Ordinance shall only apply to residential dwelling units for which building permits are issued on and after the effective date of the Ordinance or any amendment thereto.

(Ord. of 6-7-1993, eff. 6-7-1993)

The e-mail below is from members of the stakeholder group staff met with on October 26. Staff responses are in red text after each comment.

A proposal for your consideration

Aaron Nelson <anelson@carolinachamber.org>

Sent: Tue 11/1/2016 5:40 PM

To: Perdita Holtz

Cc: Travis Myren; Holly Fraccaro; Craig Benedict; jrogers@triangleptassn.org

Travis, Craig and Perdita,

With respect to the Board of Commissioners and County Planning Staff and through a collaborative effort with the Triangle Apartment Association, Homebuilder's Association of Durham Orange and Chatham Counties, and the Chapel Hill-Carrboro Chapel Hill Chamber of Commerce, we would like to provide you with an alternative option to what has been presented so far regarding amending the school impact fee ordinance.

The additional option (or modification of existing options) would all of the following (we trust you to create the property legal/zoning language to achieve these objectives):

- We support grandfathering (grandmothering) projects.
 - Projects with an approved Zoning Compliance Permits issued prior to 1/1/2017 will have the option to pay the either the 2016 or 2017 fees, and

Projects that are currently in the development approval process have been planned and potentially financed based on current fee assumptions. If these projects were allowed to pay the existing fee, the projects could continue through development without altering the existing building or financing plan. The language in Attachments 2 and 3 has been modified to allow applicants who have an approved Zoning Compliance Permit by January 1, 2017 to pay the existing (2016) impact fee as long as a building permit application is accepted within one (1) year and a permit is issued within 180 days of the accepted permit application.

- Any projects that submits and has their building permits formally accepted prior to 1/1/2017 shall have the option to pay the 2016 or 2017 fees, provided a permit is received within 180 days of application for building permit; and

This concept was part of the materials presented at the October 18 BOCC meeting except that the number of days between applying for a building permit and receiving a building permit was 120 days. Town of Chapel Hill staff reported that most building permits, even for multi-family projects, are issued within 30 days of application submittal, if the submitted plans are done well and comply with building codes. However, some cases may result

in longer approval time if the plans need revisions/resubmittals. Because this concern has been expressed by parties that are directly affected by this provision, language has been modified in both Attachments 2 and 3 to increase the number of days to 180.

- Going forward, a receipt of a ZCP or who have an 'accepted' building permit application will be able to pay that year's fees.

Following the initial year of implementation, developers should be able to plan for scheduled impact fee increases. This modification would represent a departure from current policy.

- We support using the 50/50 basis and starting at 37% MSIF.

The current revenue neutral projection is 43% of the maximum supportable impact fee based on 75% of new multi-family units in the zero to two bedroom category and 25% in the three bedroom or more category. This bedroom distribution was chosen because it is more likely to reflect actual construction. If the projection formula is revised to have an equal distribution of bedroom counts, the projection model would produce more revenue from the three or more bedroom units. If that number of units did not materialize, the amount of total revenue collected would be less than current collections. As a result, a higher fee would be needed across all housing types to produce a revenue neutral position.

- We support spreading any increase of fees over five (5) years instead of three years.

The BOCC may choose to spread the increases out over a greater number of years. Three years is currently suggested in the Ordinances in Attachments 2 and 3. If a five year implementation timeframe is used, it would also delay an update to the impact fee study for two years that would potentially capture more recent changes to housing choices and student generation rates. If the BOCC chooses to extend the implementation period, the Board would also need to determine the rate at which fees would increase during that timeframe.

- We support an annual fee increase related to projected cost of construction increases, rather than an effort to achieve some arbitrary percent of MSIF.

As the County Attorney has advised, impact fees must be tied to legally defensible data, which serve as the basis of the impact fee studies. Actual school construction costs are one of the components of the formula that calculates the MSIF; however, tying increases to projected cost of construction is not included in the analysis. The purpose of the impact fee is for new residential growth to pay for public costs associated with population growth. An amount less than 100% of the MSIF means that revenues to pay for additional school capacity must be funded through other means, likely property taxes, which is a policy decision made by the Board.

- We propose a 5% annual increase in fee cost each year (not 5 percentage points of MSIF)

For the purposes of providing an example, this table illustrates the fee amounts over a period of 3 years, beginning at 43% of the MSIF, for multi-family units in the CHCCS district if the **fee increases by 5 percent** each year:

Multifamily Bedrooms	43% MSIF (year 1)	+5% (year 2)	+ additional 5% (year 3)
0-2	\$1,910	\$2,005	\$2,105
3+	\$8,133	\$8,540	\$8,967

This table shows the fee amounts over a period of 3 years beginning at 43% of the MSIF, for multi-family units in the CHCCS district if the fee increases by **5 percentage points of the MSIF** each year:

Multifamily Bedrooms	43% MSIF (year 1)	48% MSIF (year 2)	53% MSIF (year 3)
0-2	\$1,910	\$2,132	\$2,354
3+	\$8,133	\$9,079	\$10,024

The BOCC could potentially choose to increase the fees by a certain percent each year, using a specific MSIF percentage of the 2016 studies as the starting point. The method would have to be the same for all housing types within both school districts. Depending on the starting point chosen, the amount of impact fees collected could vary significantly between the two methods. Based on the 75/25 split for multi-family bedroom counts, and a starting point of 43% of the MSIF for all unit types, increasing the rates by 5% per year would result in \$556,885 less revenue in Year 2 than increasing the fee by 10 percentage points of the maximum supportable amount (i.e., increasing from 43% to 53% of the MSIF for the first increase).

- We encourage planning staff analyze the final percentage of MSIF for the final fee to be based on the anticipated construction costs).

School construction costs are factored in to the MSIF calculation. The maximum allowable fee (100%) would represent the full cost recovery of new school construction.

- We support giving developers and home builders the option to distribute the payment of school impact fees over five years, rather than to pay the fee prior to construction (and any project revenue).

Some of the stakeholders at the meeting on October 26 indicated paying the impact fee over time does not factor into their project decisions. Staff believes this is likely because project financing would include the impact fee since it's part of the total project cost. Paying over time would be a factor only for a person self-financing a project (e.g., paying for their project with their own cash).

Paying the fee over time would represent a new administrative process that may require additional staff resources to track payments, issue payment reminders, and collect unpaid fees. If this idea were to be considered for implementation, Section 30-35(a) of the Ordinance would have to be modified as it requires payment of the impact fee prior to issuance of a Certificate of Occupancy. Additionally, language may need to be added to stipulate remedies the County could invoke in the event impact fees are not paid on designated due dates. These additional necessary modifications would delay adoption consideration by the BOCC as staff will need to craft appropriate language and have a solid plan on how best to implement a payment system.

- We support pricing multifamily units less than 800 square feet similar to single family less than 800 square feet.
The defensible data for the 2016 study was based on bedroom counts for multifamily units. As a result, the County does not have data that would inform a fee based on square footage. Size could be considered in an update to the impact fee studies in the future.
 - New multifamily communities have little impact on schools and units less than 800 sq. ft. are unlikely, now or in the future, to generate children for the school district.
As is noted in the abstract, impact fees are paid once (at construction) and cover the entire life of the housing unit. Whether new multi-family units will generate public school students now or in the future remains to be seen. Future impact fee studies will capture the data at the time of the study and future impact fee levels will be charged accordingly.
- We support the smaller fee for age restricted housing and expect the reduced fee to apply to both single family as well as multifamily units.
The age-restricted housing fee applies to all types of units that meet the requirements for the fee.

Respectfully submitted,

Jacob, Holly and Aaron

Connecting, Advocating, Promoting and Saving Members Money

Aaron Nelson

President and CEO, Chapel Hill-Carrboro Chamber of Commerce
Executive Director, Partnership for a Sustainable Community

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Thank You to Our Community Champions



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL



UNC
HEALTH CARE

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 15, 2016

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

SUBJECT: Chapel Hill Town Hall Study Committee

DEPARTMENT: County Manager's Office,
Asset Management Services,
Visitor's Bureau

ATTACHMENT(S):

- 1) October 26, 2016 Town Board Resolution
- 2) June 27, 2016 Citizen Petition
- 3) Excerpt of March 26, 2015 Agenda Abstract – Town/County Facilities
- 4) June 9, 2015 – Town Hall Facility Analysis
- 5) Visitors Bureau Site Illustrative

INFORMATION CONTACT:

Travis Myren, 919-245-2308
Jeff Thompson, 919-245-2658
Laurie Paolicelli, 919-245-4320

PURPOSE: To authorize participation in a Town of Chapel Hill Committee to consider the use of the Historic Town Hall facility as a visitor and history center and to appoint a Commissioner representative to the Committee.

BACKGROUND: On October 26, 2016, the Chapel Hill Town Council created a committee to explore the use of the Town's former Town Hall building for use as visitor and history center. Although this topic has been discussed in general by the Board of Orange County Commissioners, no formal action has been taken to include the potential relocation of the Visitor's Bureau as part of future planning for the Historic Town Hall facility. This abstract would authorize the inclusion of the Visitor's Bureau in this analysis and appoint a Commissioner representative to the Committee.

Attachment 1 is the resolution adopted by the Town Council that establishes the Committee and its composition. Attachment 2 is a citizen petition received by the Town in June of 2016 regarding the potential colocation of the Visitor's Bureau with the Chapel Hill Museum in Historic Town Hall.

The Town and County Boards discussed ideas surrounding the future use of Historic Town Hall and other properties during its joint meeting on March 26, 2015. The portion of the agenda abstract dedicated to this discussion is attached as Attachment 3. The abstract discusses the potential options for the disposition of Historic Town Hall and how it could be used as a site for the Visitors Bureau or other community purpose. The abstract also mentions the potential reuse of the current Visitors Bureau building. Following this discussion, County staff engaged an architect and engineer to perform a facility analysis of Historic Town Hall to inform any future discussion. This report is located as Attachment 4, "June 9, 2015 Facility Analysis".

Attachment 5, "Visitors Bureau Site Illustrative", depicts summary information on the Visitors Bureau facility located at 501 East Franklin Street in Chapel Hill.

FINANCIAL IMPACT: None at this time.

SOCIAL JUSTICE IMPACT: The following Social Justice Goals are applicable for 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: 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: 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 the Board of authorize participation in a Town of Chapel Hill committee to consider the use of Historic Town Hall as a visitor and history center and appoint a Commissioner representative to represent the County on this Committee.

A RESOLUTION ESTABLISHING A COMMITTEE TO CONSIDER THE POSSIBLE FUTURE USE OF HISTORIC TOWN HALL AS A VISITOR'S AND HISTORY CENTER (2016-10-26/R-9)

WHEREAS, the Inter-Faith Council of Social Services is proceeding with plans to relocate its Community Kitchen to a new facility and vacate Historic Town Hall at 100 West Rosemary Street; and

WHEREAS, on June 27, 2016, the Council of the Town of Chapel Hill received a petition regarding combining the Visitor's Center and Chapel Hill Museum at the Historic Town Hall location; and

WHEREAS, the Council has determined that it desires additional consideration and input from community members and stakeholders regarding the possible future use of the Historic Town Hall facility at 100 West Rosemary Street as a visitor's and history center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that a Council Committee be established as generally described in the Committee Charter attached to this item. This committee is to consider the possible use of the Historic Town Hall facility as a visitor's and history center, culminating with a report and recommendation to the Council anticipated in May 2017.

BE IT FURTHER RESOLVED that the committee will be comprised of the following eight members including Council Member Sally Greene appointed as Committee Chair.

- Sally Greene - Council of the Town of Chapel Hill
- To Be Determined - Board of Orange County Commissioners
- Joel Curran - UNC-Chapel Hill
- Moses Carey - Community Member
- Richard Ellington - Community Member
- Josh Gurlitz - Community Member
- Alan Rimer - Community Member
- Chela Tu - Community Member

BE IT FURTHER RESOLVED that following the committee's report to the Council in May 2017, the work of the committee will be deemed complete and the committee will be discharged.

This the 26th day of October, 2016.

Report to Council
June 27, 2016

As you know, many citizens of Chapel Hill were disappointed when our Town decided it could no longer afford a museum and were unwilling to support it with any funds. (As a former Chair of the Board, I was particularly disappointed.) We now are pursuing a unique opportunity to open a new museum and relocated Visitor's Center in the old town hall once vacated by the IFC Kitchen. This is a brief summary of the activities that have taken place with regard to the utilization of the old town hall as a relocated Orange County Visitor's Center and Chapel Hill Museum.

- Met with the Orange County Visitor's Bureau Board and made a presentation on the proposal. I believe it is safe to say that the general concept of combining the Visitors Center with the Chapel Hill Museum was met with enthusiasm.
- We have met with the IFC on several occasions to discuss their schedule, look at alternatives for the kitchen and keep lines of communication open.
- We are scheduled to talk with Chancellor Folt after the Fourth of July to enlist the University's support for the idea, provide Chancellor Folt with a similar update to this presentation this evening and explore the potential for some economic aid for the effort.
- We have reviewed the report provided by the County for the upgrade of the old town hall. While a number of us believe that the estimates are on the high side for the repairs that need to be made we recognize that a variety of different sources of funds will be necessary to not only renovate the building but up-fit the space for both the visitor center and the museum.
- We have contacted five old board members of the museum who have expressed an interest in helping in any way to revive the museum.
- We anticipate having a reconstituted Chapel Hill Museum Board of Directors this year who can work in concert with the Visitors Bureau Board of Directors, the Chapel Hill Town Council and the Orange County Board of Commissioners.

Thanks for your enthusiasm and support for this idea.

Rev. Robert Seymour Alan E. Rimer

Attachment 3

Commissioners by October 6, 2015, if not before. The Board would then consider establishing potential bond categories and amounts and consider staff's initial estimate of the potential tax rate impacts from the debt service of approximately \$125 million for the total bond package.

Staff will provide any other information at the meeting, and the governing boards can discuss issues related to this item as necessary.

No Attachments

2. Discussion on Town and County Properties**a) Town Hall/Visitors Bureau/Skills Development Center**

Beginning in 2012, the Town of Chapel Hill began exploring its real property holdings to determine if there were any properties that could be used differently to meet a community need or were potentially disposable. One of the properties identified was the former Town Hall located at 100 W. Rosemary Street. Town staff has explored a variety of options for how the property could be repurposed when its current tenants, the Inter-Faith Council, relocated its shelter and community kitchen. Options included selling the property to a developer, engaging a private sector partner to potentially redevelop the property and surrounding properties for public and/or private use, or repurposing the building to serve other community functions and making the building a "destination point."

The Chapel Hill Town Council expressed interest in determining what other potential community purposes the building might serve, specifically discussing the possibility of partnering with Orange County and to use a portion of the building to house the Visitors Bureau. The idea is that a more central downtown location in the historic building might be a more attractive and easy to find destination for visitors to Chapel Hill and Orange County.

If the County and Town decide to pursue partnering in this way and the Visitors Bureau relocated, the County and Town would also have an opportunity to rethink how the vacated space at the Skills Development Center could be used. One possibility that has been discussed is using the space to expand LaUNCH, the downtown start-up accelerator. The County's Space Study Work Group is assessing its properties in part to inform the ongoing Capital Investment Planning process, including the Visitor's Bureau and Skills Development properties. It will present its findings and recommendations to the Board of County Commissioners in April of this year.

Staff will provide any other information at the meeting, and the governing boards can discuss issues related to this item as necessary.

No Attachments



Orange County
Asset Management Services
Jeffrey E. Thompson, Director

June 9, 2015

To: Bonnie Hammersley, Orange County Manager

From: Jeff Thompson, Director, Asset Management Services

Subject: Physical Assessment, Former Chapel Hill Town Hall, 100 West Rosemary Street

Summary:

This purpose of this study is to review the planning, architectural, and structural issues related to the Old Town Hall in Chapel Hill. A web site at www.OldTownHallNC.Wordpress.com has been created as an extension of this study.

On June 2, 2015, Dave Uhland, P.E of LHC Structural Engineers and Statler Gilfillen, an Architect working directly for Orange County, visited the site. Structural findings have been incorporated into this report with his letter attached to this study. Mr. Gilfillen managed the assessment and provided this summary information.

The structure is located at the corner of Rosemary Street and Columbia St. at 100 Rosemary Street in Chapel Hill. The Old Town Hall in Chapel Hill was built in 1938, altered in 1963, and renovated into a Men's Shelter in 1989. A major asbestos remediation occurred prior to this renovation. The building is on .41 acres and has 9,195.27 gross square feet on three levels. The building is on the National Register of Historic Places; however the facility has no historic landmark protection. A recommended process for historic review has been provided.

The building is structurally sound and is in reasonably good condition. Additional structural support would be needed on the first and second floors to meet any new use and anticipated occupancy loads for future use. The building envelope is largely intact and watertight; however building eaves in certain areas are damaged and in immediate need of maintenance. The mechanical system was originally installed in 1989 and will need to be replaced in the next 2-4 years. There are other non-critical maintenance issues that need immediate action detailed in this report.

The building had accessibility improvements installed standards in 1989 with an elevator and a ramp to the basement. Consideration should be given to making the front entry accessible. Staff is currently evaluating the accessibility of the facility according to the current ADA accessibility code standards.

With regard to the current energy code, the building had major energy improvements in 1989 with upgrades including insulation and high efficiency, insulated exterior windows.

P.O. Box 8181 * 131 West Margaret Lane~3rd Floor* Hillsborough, North Carolina 27278

Telephone: Area Code 919 245-2625

Fax: 644-3001

E-mail: jethompson@orangecountync.gov

Physical Assessment, page 2

General Information

Floor Area

1938 building	8,787.07	gross square feet
1963 stair tower at rear	415.20	gross square feet

Total gross square footage is 9,195.27 gross square feet. The following are the total gross square feet on each level:

Basement:	2,699.01
First Floor:	3,248.13
Second Floor	3,248.13

Notes

1. The basement has 549.12 less square feet, because the 1989 renovations leveled the first floor by approximately 4 feet leaving the 1938 equipment room (fire station) floor with a head height of approximately 4 feet in an inaccessible space.
2. The Town of Chapel Hill lists the building as having 9,255 square feet which is 59.73 more than these calculations.

Land

PIN(s): 9788371539 and 9783370577

Area: 150' x 114.5' = 17,175 square feet, or .39 acres

Assessed Value

Based on the Chapel Hill estimated value of \$1,700,000, the cost per gross square foot would be \$184.87 (\$1,700,000 / 9,195.27 gross square feet)

Floor Heights

According to the 1989 Architect's drawings:

Basement

Front portion:	from top of slab to finished first floor is	12'-0"
Back portion:	from top of slab to finished first floor is	9'-0"

First Floor: from finished first floor to finished second floor is 12'-0"

Second Floor: from finished second floor to finished ceiling is 12'-0"

Additional Structural Support Need

To meet any new use and anticipated occupancy loads, approximately 30 percent of the first floor and 90 percent of the second floor will need to be upgraded.

The rear and the southeast portions of the first floor that were part of the 1989 renovations can safely support 100 PSF live load. This confirms the design live load indicated on sheet S-2 of the 1989 structural drawings. The original framing in the southwest portion of the first floor can safely only support a live load of 50 PSF.

Physical Assessment, page 3

The second floor framing, which consists of original 1938 framing, except for the area adjacent to the elevator that was added in 1989, can safely support a live load of 45 PSF at the area to the rear of the building and a live load of 50 PSF at the southwest and southeast areas.

Based on the current North Carolina State Building Code, the areas with live load capacity of 45 PSF would be limited to uses such as hotel, multifamily private rooms (Homeless Center) and school classrooms. The areas with at least 50 PSF live load capacities would be limited to the uses such as offices and the uses stated above.

The current live load capacities are based on a total dead load of 35 PSF, which includes 25 PSF for the concrete slab and 10 PSF for ceilings, mechanical, electrical, plumbing, and partitions. Needing to keep the weight of the partitions within the 10 PSF dead load, will greatly limit flexibility in planning for use of the current space and in any potential modifications. Anticipated uses of the building would likely require a higher live load.

To allowing for accommodating maximum use and flexibility of the spaces, the engineer undertook to explore options to increase the design live load capacity of the floors. The engineer's opinion is that the most cost effective and feasible way to increase the capacity of the floors is to remove those portions of the existing floor framing designed for 45 to 50PSF and replace them with new structure designed for 100PSF. This would be similar to what was done on the first floor as part of the 1989 renovations.

New framing will consist of open web steel joists, spaced at 2 feet on center, with 2 inch concrete slab on 26 gage metal form deck, reinforced with 6x6 W2.1xW2.1 Welded Wire Fabric. At the southwest corner of the first floor, the new framing could incorporate an anticipated handicap accessible ramp which is discussed below. This would require at least one new column and foundation pad in the basement to support the beam just to the west of the front entrance.

The attached structural engineering analysis illustrates the new framing and the approximate location of the new column. The defined areas for the required remedy at approximately 600 square feet on the first floor and 2200 square feet on the second floor.

For planning purposes, the engineer estimated that the cost of the construction to remove and replace structural floor framing system to be between \$110 and \$150 per square foot. The amounts are rough estimates do not include any costs associated with de-construction, removal and replacement of architectural, mechanical, electrical, or plumbing components. Cost for that work is assumed to be part of the overall up fit of the building.

Accessibility

In 1989, accessibility to the facility was improved with a Dover elevator and a ramp to the basement. The accessible entry into the building is through the basement. Although this may meet the technical requirements of the building code, an analysis of a front door accessible was undertaken.

Although there are still some issues to be detailed, it appears that a ramp from the Rosemary Street and Columbia Street can be made to the level of the front door. The front door is 4'- 0". With modification to the current landing and steps access into the building can be made. The platform inside the door is 4'x8' and is 1'-6" below the first floor level. An 18' interior ramp, framed as part of the new floor on the south west corner, can be created to meet the 18 rise necessary.

The dimensions of the existing Dover elevator would indicate that it is adequate to meet the accessible standards. It is recommended that the existing elevator be reviewed by experts for maintenance or replacement.

Physical Assessment, page 4

Energy Efficiency

The 1938 building is of 1'-5" brick construction. Major energy upgrades were done during the 1989 renovations which included high efficiency insulated windows and insulation, particularly in the attic. Even though the attic was insulated in 1989, the cost of adding even more insulation in the attic may be a more cost effective solution than furring out and adding additional insulation on the interior walls. Additionally, any insulation provided against the interior of the brick walls must be carefully evaluated for moisture and vapor barrier issues.

Site, Parking Considerations

Under the current use guidelines, no additional parking is required. Currently there are 12 to 14 parking spaces on site. Initial review indicates that the existing drive and parking area can be reconfigured to allow for 7 to 10 additional angled parking spaces. To confirm this, a dimensioned survey is necessary.

Historic Preservation Topics

In 1990 the "Chapel Hill Town Hall" was placed on the National Register of Historic Places. There are only 14 structures or districts in Chapel Hill and the Chapel Hill Vicinity listed on the National Register. The Chapel Hill Town Council is considering granting a preservation easement to provide more protection for the building.

Although the exterior of the building retains its historic significance and should be preserved, the 1963 Alterations and 1989 Renovations stripped away the original detailing, except the entry stair to the second level. During any potential de-construction process, additional detailing may be found and this historic detailing may be considered for incorporation into the new interior design. Essentially the interior is a "clean slate" for the designers to meet any future need.

".....North Carolina law (G.S. 121-12a) provides for consideration of National Register properties in undertakings funded or licensed by the state. Where a state undertaking is in conflict with the preservation of a National Register property, the North Carolina Historical Commission is given the opportunity to review the case and make recommendations to the state agency responsible for the undertaking. The commission's recommendations to the state agency are advisory."
(<http://www.hpo.ncdcr.gov/whatis.htm>) This requirement applies specifically to the State of North Carolina and not to county and local governments.

Without a resolution in place protecting the Old Town Hall, it is recommended that a similar review process utilizing the Orange County and Chapel officials and boards so they are "given the opportunity to review the case and make recommendations to the [appropriate] agency responsible for the undertaking."

The Secretary of the Interior's Standards for Rehabilitation should be followed in all exterior work on the Old Town Hall. Specific reference to their preservation bulletins is made under the maintenance section and on the web site.

Physical Assessment, page 5

The historic document file from Preservation Chapel Hill was copied and has been included on the web site. The contact is Cassandra Bennett (919.942.7818; Cassandra@preservationChapelHill.org)

Eric Field is the Town of Chapel Hill Community Sustainability Planner II who is responsible for coordination of historic issues (919-969-5077; efeld@townofchapelhill.org).

Peter Sandbeck is the Orange County Cultural Resources Supervisor and secretary to the Orange County Historic Board (919-245-2517; psandbeck@orangecountync.gov).

Needed Maintenance

There are specific maintenance issues that need further study or attention:

Moisture Damage. Moisture damage is evident at the roof line. This damage appears more evident at the locations where the gutters and downspouts meet. Determination of the specific cause of this moisture should be undertaken immediately.

Once moisture damage is noted, the damage typically increases and an increasing rate. Failure to correct this problem in the very near future could leave the entire structure vulnerable to serious damage and structural damage. Although the slate roof appears to be in excellent condition, failure to repair the moisture problem could lead to a very expensive need to repair and/or replace sections of the slate roof.

First the exact cause of the moisture needs to be determined and repaired. Once that is done, the brick mortar and wood trim should be repaired.

The 1938 design called for copper lined boxed gutters. Traditionally, even the best designed and constructed boxed gutters, can cause long term maintenance and repair issues. Once they begin to fail they continue to fail at an increasing rate. At several locations, the mortar has deteriorated due to exposure to moisture. The wood fascia and detailing at the eaves shows some substantial ongoing wood rot and damage with holes in the eaves and pieces of the wood trim that have fallen off. On the south east, second floor room, the interior plaster wall shows substantial damage from moisture.

Reference is made to the Technical Preservation Briefs, National Park Service, U.S. Department of Interior Brief no. 2: Repointing Mortar Joints in Historic Masonry Buildings by Robert C. Mack, FAIA, and John P. Speweik (<http://www.nps.gov/tps/how-to-preserve/briefs/2-repoint-mortar-joints.htm>); Brief no. 47: Maintaining the Exterior of Small and Medium Size Historic Buildings by Sharon C. Park, FAIA (<http://www.nps.gov/tps/how-to-preserve/briefs/47-maintaining-exteriors.htm>).

Cupola. The drawings would indicate that the cupola has been replaced three times since 1938. The architectural drawings call for replacing the cupola in 1963 and again in 1989. The documents show that the cupola was replaced in 1990.

Physical Assessment, page 6

Currently, sections of the base flashing are sloped so that the rain water is trapped next to the cupola instead of flushing the water away. Serious deterioration of the wood fascia and moisture damage was noted. Our review would indicate that this should be repaired in the near future.

Steel Lintels. Although generally the steel window lintels are in good condition, some rusting was noted. All lintels should be carefully inspected, cleaned and finished. All lintels should be protected before repointing any masonry.

Basement Moisture. In the rear of the basement in the mechanical room, moisture and minor damage was noted at the brick along the floor. It was also noted that the AC condensate line going to the floor drain has a consistent flow of water from the pipe to the drain. Along the basement wall at the back of the original equipment room, the paint on the brick wall has bubbled and separated from the masonry. No determination could be made as to how old this damage to the paint is. The bottom of the elevator shaft is the lowest elevation of the building. Visual inspection indicated that there has been some water seepage and damage.

Plantings. From the roof, it was noted that the trees on the Rosemary elevation are overgrown and protrude onto the roof. Proper plant trimming and maintenance needs to be done.

June 9, 2015

Orange County Asset Management Services
131 West Margaret Lane
Hillsborough, NC 27278

Attn: Mr. Jeff Thompson

RE: CHAPEL HILL OLD TOWN HALL - STRUCTURAL ASSESSMENT

Dear Mr. Thompson:

On June 2, 2015, LHC Structural Engineers accompanied Statler Gilfillen, Architect, of your office, to conduct a condition survey of the referenced building located at 100 West Rosemary Street in Chapel Hill, North Carolina. The purpose of the survey from our standpoint was to assess the overall structural condition of the building to aid Orange County in their decision of whether or not to purchase the building. After our site visit, we also reviewed construction documents that were provided to us for the original design and two later renovations of the building (described in more detail below), in order to determine the safe live load capacity of the first and second floors.

Executive summary:

It is our opinion that the overall structural condition of the original 1938 building including the renovations made in 1963 and 1989, is very good. We observed very few structural concerns. There was no visible evidence of any foundation settlement, such as cracking of either the load bearing masonry walls or interior partition walls.

Based on our review of the available drawings, the southwest quadrant of the first floor and a large portion of the second floor have live load capacities of 50 pounds per square feet or less, limiting the potential use of the building. (See more detailed discussion later in this report.)

To allow for greater flexibility in the use of the space, it may be desired to increase the capacity of the floors to a design live load of 100 PSF. One method to accomplish this includes removal and replacement of the affected sections of the floor. We estimate the cost to replace one section of the first floor to be between \$110 and \$150 per square for the areas replaced. These amounts are rough estimates for planning purposes only and do not include any costs associated with removal and replacement of architectural, mechanical, electrical, or plumbing components.

Background and Description

The original building, built in 1938, is a two story building with a basement and consists of exterior multi-wythe load-bearing brick walls. The typical floor framing consists of a two inch thick concrete slab on lath supported by open web steel joists at 16 inches on center that frame either to masonry walls or steel beams and columns. The roof framing consists of slate shingles on gypsum planks on sloping open web steel joists, supported by steel beams and columns. There is a wood framed cupola near the south end of the roof that is anchored to the steel framing with $\frac{3}{4}$ inch diameter rods.

The original building had a split-level basement and first floor, with the rear of areas approximately four feet lower than the front areas. The second floor was at a consistent elevation.

The following is a brief list of some of the significant structural work done in the 1963 renovations:

1. A mezzanine was added between the lower first floor and the second floor.
2. A new stair was also added to the rear of the building.
3. The original cupola was replaced with a similar cupola.

The following is a brief list of some of the significant structural work done in the 1989 renovations:

1. The mezzanine that was added in 1963 was removed.
2. New first floor framing was added at the rear of the building to eliminate the split-level floor and create a first floor at a consistent elevation.
3. A portion of the first floor framing at the southeast corner was removed and replaced with new floor slab on metal form deck, steel joists, steel beams, and two columns with footings below the basement slab. (According to the structural drawings, the design live load for in this area is 100 PSF.)

Observations:

At some locations the mortar has deteriorated due to exposure to moisture. See photos below.



Area below catch basin on west side.



Deteriorated mortar below area in left photo.

We recommend that deteriorated mortar joints be repointed by an experience mason. The cause of the water leaking must be identified and corrected to prevent further damage. Other locations may also require repointing, such as at a steel lintel where the mortar had become loose due to minor rusting of the steel. At that location, the lintel should be cleaned and protected before repointing.

We also observed damage to the trim of the cupola caused by exposure to water. From within the cupola, the wood framing shows evidence of exposure to moisture, but we observed no significant structural damage. Once the moisture problems have been corrected, the trim can be replaced.



Water damage to trim of cupola.



Evidence of moisture at interior of cupola.
Structural damage not yet significant.

Below the lower portion of the cupola, some of the anchoring threaded rods were visibly loose. We recommend that these be tightened:



View of loose threaded rod inside the cupola.

In summary, it is our opinion that the overall structural condition of the building is very good. Other than the items noted above associated with moisture, we observed no visible evidence of distress to the structure.

Load capacity review

Since the capacity of the floor may affect the potential occupancy or use of the building, we also reviewed the construction documents for the building to determine the uniform live loads that the floor framing can adequately support. From our review, we conclude the following:

1. The rear and the southeast portions of the first floor that were built as part of the 1989 renovations can safely support 100 PSF live load. This confirms the design live load indicated on sheet S-2 of the 1989 structural drawings. The original framing in the southwest portion of the first floor can safely support a live load of 50 PSF.
2. The second floor framing, which consists of original framing except for the area adjacent to the elevator that was added in 1989, can safely support a live load of 45 PSF at the area to the rear of the building and a live load of 50 PSF at the southwest and southeast areas.

The attached reduced plans (Figures 1 and 2) from the 1989 structural drawings provide the above information graphically.

Based on the current North Carolina State Building Code, the area with live load capacity of 45 PSF would be limited to uses such hotel and multifamily private rooms and school classrooms. The areas with at least 50 PSF live load capacity would be limited to the uses such as offices and the uses stated above.

We have based the live load capacities on a total dead load of 35 PSF, which includes 25 PSF for the concrete slab and 10 PSF for ceilings, mechanical, electrical, plumbing, and partitions. To keep the weight of the partitions within the 10 PSF dead load will greatly limit flexibility in planning the current space and in any potential modifications to the space. Due to this fact and that the anticipated use of the building would likely require a higher live load, at your request, we have explored options that would increase the design live load capacity of the floors.

It is our opinion that the most cost effective and feasible way to increase the capacity of the floors is to remove portions of the existing floor framing and replace it with new structure that has the required capacity. This would be similar to what was done on the first floor as part of the 1989 renovations. We recommend that the design live load for the new framing be 100 PSF, allowing for maximum flexibility in planning the space.

Recommendations for new framing and cost estimate:

The new framing will consist of open web steel joists spaced at 2 feet on center, with 2 inch concrete slab on 26 gage metal form deck, reinforced with 6x6 W2.1xW2.1 Welded Wire Fabric. It is our understanding from the architect that, to provide accessibility at the front entrance, a ramp may be required at the southwest corner of the first floor. The new framing could incorporate this ramp by adding at least one new column and footing to support the beam just to the west of the front entrance so that the end can be removed, allowing the framing to be lowered for the ramp.

The attached plans (Figures 3 and 4) show the new framing and the approximate location of the new column.

For planning purposes, we estimate the construction cost to remove the existing framing and replace it to be between \$110 and \$150 per square for the areas replaced. The amounts are

rough estimates for planning purposes only and do not include any costs associated with removal and replacement of architectural, mechanical, electrical, or plumbing components. Cost for that work is assumed to be part of the overall upfit of the building.

Thank you for this opportunity to assist you with this project. Please contact us if you have any questions or concerns regarding our evaluation.

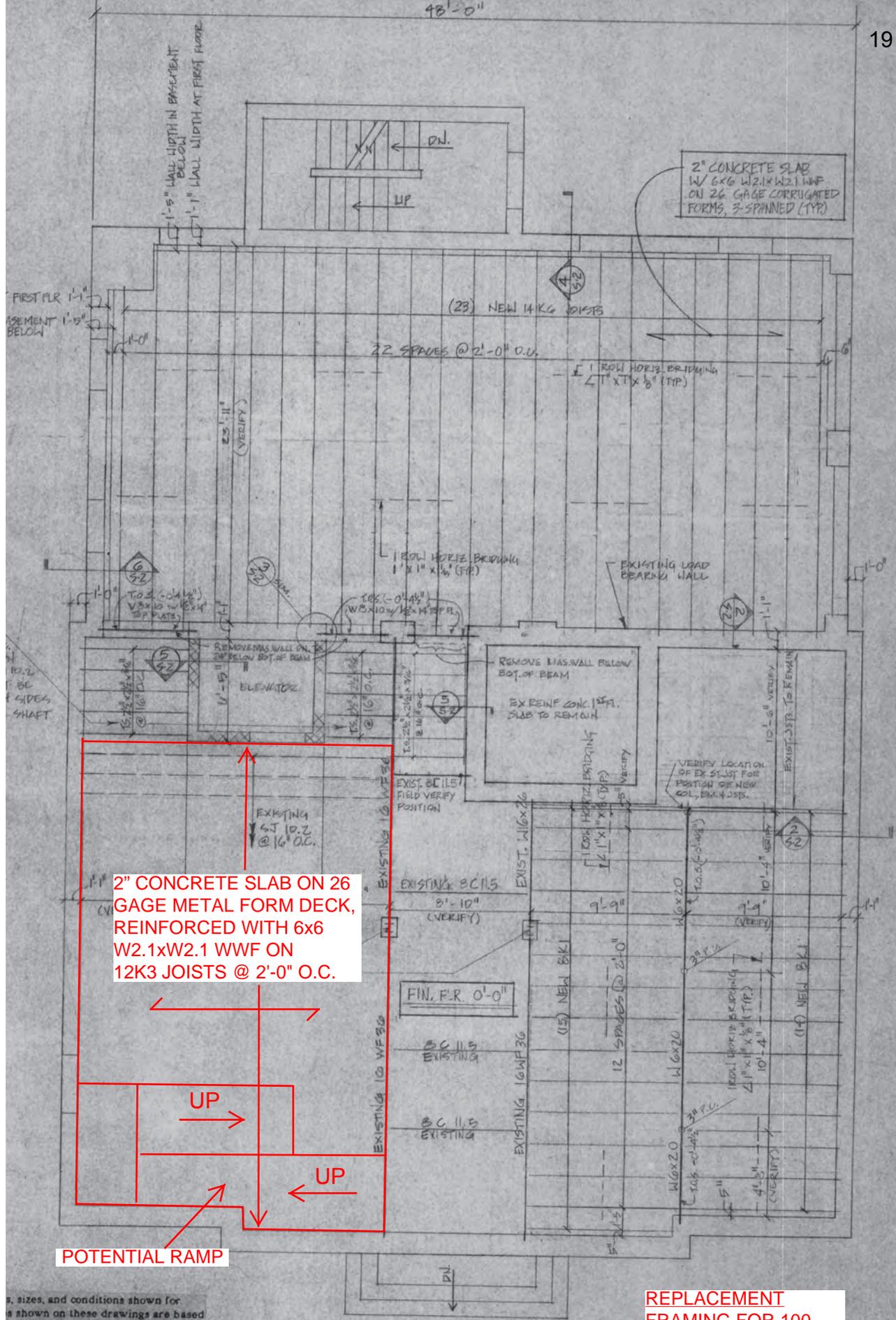
Sincerely,

LHC Structural Engineers, P.C.



David L. Uhland, P.E.
Senior Project Engineer

Attachments: Figures 1 through 4



POTENTIAL RAMP

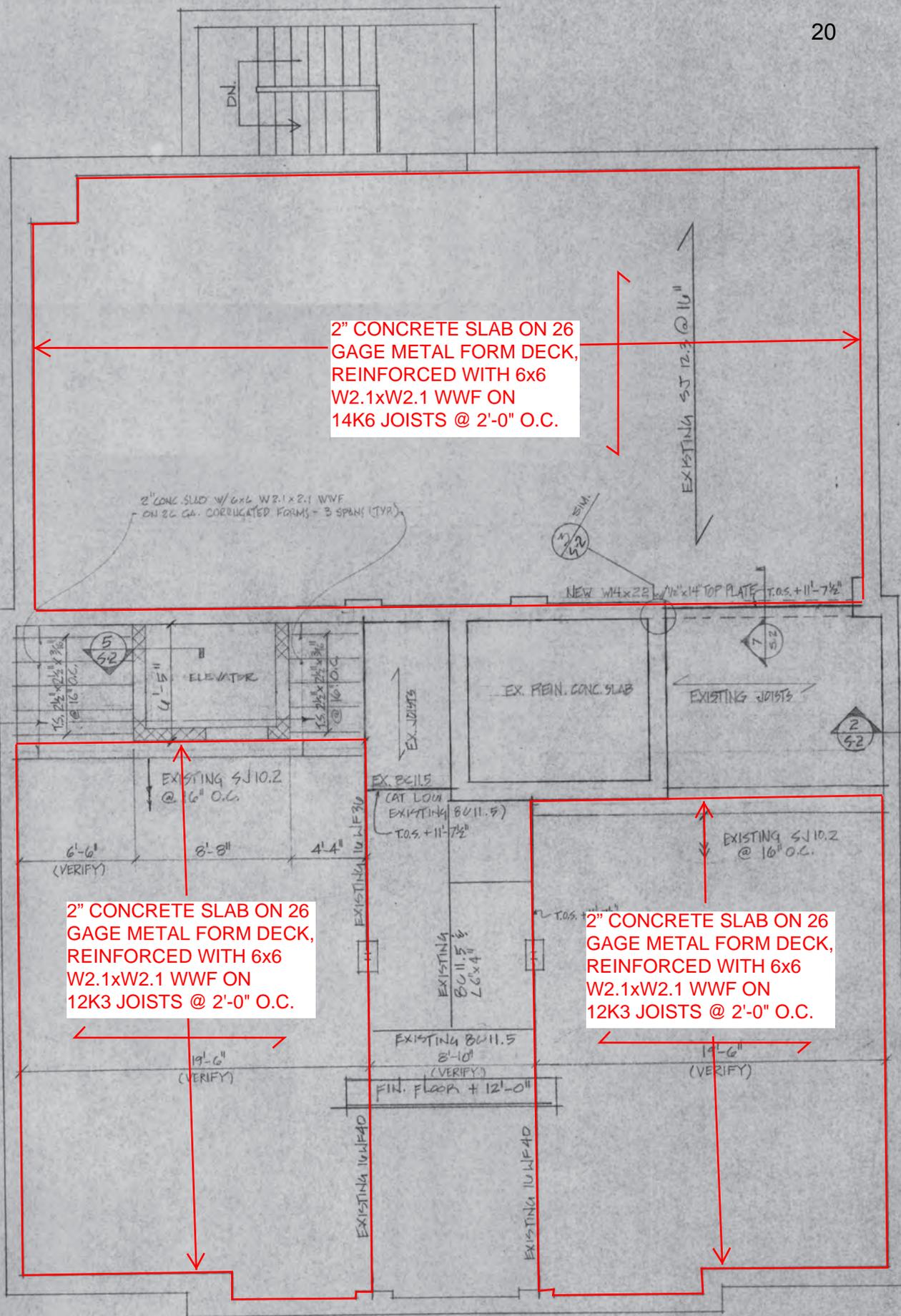
2" CONCRETE SLAB ON 26 GAGE METAL FORM DECK, REINFORCED WITH 6x6 W2.1xW2.1 WWF ON 12K3 JOISTS @ 2'-0" O.C.

REPLACEMENT FRAMING FOR 100 PSF LIVE LOAD

s, sizes, and conditions shown for shown on these drawings are based plans supplied by the owner. conditions may vary from those shown. examine and field measure existing fabrication of steel and shall be

2 FIRST FLOOR
SCALE: 1/4" = 1'-0"

FIGURE 3



LOCATE NEW
 T.S. 2 1/2" x 2 1/2" x 3/4" @
 16" O.C. IN THE SAME
 LOCATION AS THE
 EXIST. S.J. 10.2 @
 16" O.C. THAT MUST
 BE REMOVED ON BOTH
 SIDES OF NEW ELEV-
 ATR. SHAFT.

**2" CONCRETE SLAB ON 26
 GAGE METAL FORM DECK,
 REINFORCED WITH 6x6
 W2.1xW2.1 WWF ON
 12K3 JOISTS @ 2'-0" O.C.**

**2" CONCRETE SLAB ON 26
 GAGE METAL FORM DECK,
 REINFORCED WITH 6x6
 W2.1xW2.1 WWF ON
 12K3 JOISTS @ 2'-0" O.C.**

**2" CONCRETE SLAB ON 26
 GAGE METAL FORM DECK,
 REINFORCED WITH 6x6
 W2.1xW2.1 WWF ON
 14K6 JOISTS @ 2'-0" O.C.**

**REPLACEMENT
 FRAMING FOR 100 PSF**

NOTE: Dimensions, sizes, and conditions shown for existing structures shown on these drawings are based on various original plans supplied by the owner. Actual existing conditions may vary from those shown.

**1
 S-2 SECOND FLOOR**
 SCALE: 1/4" = 1'-0"

FIGURE 4

501 WEST FRANKLIN STREET
CHAPEL HILL

Ownership: Owned
Year Built: 1930's
Year Added: 1997
Property Total (Est. Acres):0.32
Gross Square Footage (Est.): 7,408



Building Notes:

Building houses seven individual "suites". Three of these combined house the Orange County Visitor's Bureau, one Guardian ad Litem, and two suites are leased to TerraDotta, LLC. A suite located on the second floor is vacant at 05/2013. Custodial service provided by AMS to Guardian ad Litem occupied space only.

Property Information:

Aerial View of Property and Building

Address:

501 WEST FRANKLIN STREET
CHAPEL HILL, 27516

PIN:

9788151996

Zoning District:

OFFICE INSTITUTIONAL 2

Insured Value:

\$2,733,100.00 (Includes Skills Development)

Occupants/Operators:

Visitor's Bureau
Guardian ad Litem
TerraDotta, LLC. (tenant)



UTILITY COSTS & USAGE Period: 7/1/2013 - 6/30/2014

	Usage:	Costs:	\$/ SQ. FT	Service Provider
Electricity (KWH):	69,708	\$9,789.73	\$1.32	Duke Energy
Water/Sewer (Gallons):	83,000	\$1,563.89	\$0.21	OWASA
TOTAL:		\$11,353.62	\$1.53	

MAINTENANCE COSTS Period: 7/1/2013 - 6/30/2014

	Costs:	\$/ SQ. FT
Maintenance & Repair Costs:	\$10,370.19	\$1.40

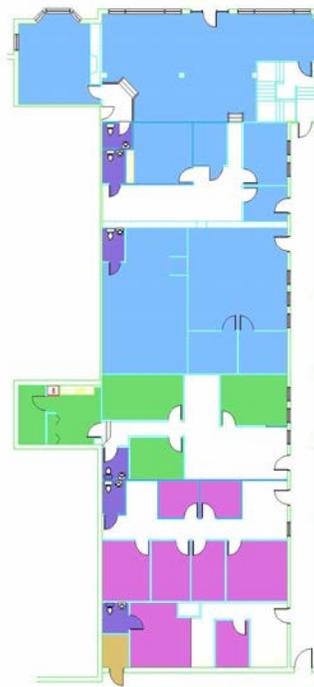
SERVICES:

Daily Cleaning Service:AMS/Contracted
 Building Maintenance :AMS/Contractor

LIFE/SAFETY

Fire Alarm System	No
Intruder Alarm System	No
Sprinkler System	No
Emergency Generator	No

FLOOR/AREA:First Floor



<u>Assignable Space</u>		<u>Non-assignable Space</u>	
	Visitor's Bureau 2,844 SF		Service areas 281 SF
	Guardian ad Litem 649 SF		Circulation areas 1,588 SF
	Terra Dotta 758 SF		Mech/Elec/Plumb/Voice/Data 41 SF

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 15, 2016**

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

SUBJECT: Durham-Orange Light Rail Transit Project - North Carolina Central University Extension

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Memorandum – GoTriangle Request to DCHC-MPO to Amend 2040 MTP and D-O LRT LPA
2. DCHC MPO Amendment #3 to 2040 MTP (Tracked changes in blue font)
3. GoTriangle PowerPoint Presentation

INFORMATION CONTACT: (919)

Bonnie Hammersley, Orange County Manager, 245-2300
Patrick McDonough, GoTriangle, 485-7455
Craig Benedict, Planning Director, 245-2592

PURPOSE: To receive a presentation from GoTriangle on the Durham-Orange Light Rail Transit extension to North Carolina Central University (NCCU) and on the related Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) process to amend its Locally Preferred Alternative (LPA) and 2040 Metropolitan Transportation Plan (MTP) and to consider endorsement or provide comments.

BACKGROUND: In February 2016, GoTriangle received a Combined Final Environmental Impact Statement (FEIS)/Record of Decision (ROD) for the Durham-Orange Light Rail Transit (D-O LRT) project from UNC Hospitals in Chapel Hill to Alston Avenue in Durham. In response to comments received during that process, GoTriangle started to evaluate the option to extend the project south on Alston Avenue to a station near North Carolina Central University (NCCU). Preliminary engineering and ridership forecasts found the station to be feasible and capable of generating high ridership. GoTriangle is currently studying the natural environment and community impacts.

Recent guidance from the Federal Transit Administration (FTA) indicates that the D-O LRT project must enter the Final Design phase by February 2017. In order to meet this milestone, allow the NCCU station to advance into the engineering phase along with the other parts of the project, and ensure that the entire new alignment qualifies for the 50% Federal match, two separate DCHC MPO actions must occur: 1) The extension needs to be included in its Locally Preferred Alternative (LPA) and 2) The extension needs to be included in its 2040 Metropolitan Transportation Plan (MTP). See Attachments 1 and 2.

City of Durham, Durham County, and DCHC MPO Board Actions – While the City and County Boards do not have a role in approving the LPA or 2040 MTP amendments beyond their representation on the MPO Board, GoTriangle requested their “endorsement” before MPO Board consideration. The Durham City Council and Durham Board of County Commissioners, on September 22, and on October 4, 2016, respectively, voted to recommend that the DCHC MPO amend the LPA and 2040 MTP for the D-O LRT project. At its October 19 meeting, the

MPO Board agreed to release the amendments for public comment to take place through November 29. The MPO has scheduled a public hearing on November 9, 2016, 9AM, in the Committee Room, located on the 2nd floor of Durham City Hall. A link to the amendment and information on submitting comments and requesting printed copies can be found on the MPO website at www.dchcmpo.org. Questions regarding the MPO process or submittal of public comments can be directed to Andy Henry, andrew.henry@durhamnc.gov, (919) 560-4366, extension 36419.

Orange County BOCC History - The BOCC received its last update on the D-O LRT project at its April 14, 2015 meeting. Its last discussion, specific to the LPA for the project, occurred February 14, 2012. Links to previous BOCC materials:

June 2, 2015 - <http://bit.ly/2dTKt2O>

February 14, 2012 - <http://bit.ly/2eCIGSo>

Orange County Bus and Rail Investment Plan (OCBRIP) Amendments – Discussions are currently ongoing with a Staff Working Group to review and update the OCBRIP financial assumptions and associated services. GoTriangle is also working with a Funding and Community Collaborative to help identify revenue sources to close the state funding gap. The OCBRIP amendments will need to be approved by the three parties (Orange County, DCHC MPO, and GoTriangle) to the Interlocal Implementation Agreement. Amendments are scheduled to be complete by April 2017. GoTriangle's annual report for Fiscal Year 2016 (July 1, 2015 – June 30, 2016), expected to be received in the Manager's Office early this November, will also include some information on next steps.

FINANCIAL IMPACT: There is no cost associated in providing a BOCC recommendation to the DCHC MPO Board to amend the definition of the Locally Preferred Alternative (LPA) and 2040 Metropolitan Transportation Plan (MTP).

However, implementation of the project with the 0.6 mile extension will have additional cost. GoTriangle has provided a preliminary cost estimate of \$80-\$100 Million to extend the D-O LRT project to NCCU. The Orange County, Durham County, and Research Triangle Regional Public Transportation Authority (GoTriangle) Interlocal Agreement for Cost Sharing for LRT Rail Project (2012, a.k.a. "Cost Sharing Agreement") was specific to the original 17.3 mile project.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this agenda item: Public Transportation provides opportunity for access to jobs and services to many individuals.

- **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: 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.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the presentation;
2. Consider endorsement or provide comments on the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization amendments:
 - a. to the definition of its Locally Preferred Alternative (LPA) for the D-O LRT project; and
 - b. to the 2040 Metropolitan Transportation Plan (MTP) for the D-O LRT project.



MEMORANDUM *Connecting all points of the Triangle*

TO: Durham Chapel Hill-Carrboro MPO
FROM: GoTriangle
DATE: September 21, 2016
SUBJECT: Request to Amend DCHC-MPO 2040 MTP and D-O LRT LPA

Action Requested

Request that the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) take the following actions:

- Amend the definition of the Locally Preferred Alternative (LPA) for the Durham-Orange Light Rail Transit (D-O LRT) project to include a station adjacent to North Carolina Central University (NCCU Station).
- Amend the 2040 Metropolitan Transportation Plan (MTP) to include the amended LPA for the D-O LRT project.

Background and Purpose

In February 2016, the Federal Transit Administration (FTA) signed the combined Final Environmental Impact Statement/Record of Decision, completing the requirements of the National Environmental Policy Act for the D-O LRT project.

During the environmental review of the project, members of the public, project stakeholders, and elected officials identified a number of potential refinements to the design of the project. GoTriangle committed to evaluate these proposals during project Engineering. GoTriangle also committed to examine the feasibility of a NCCU Station as part of the DCHC-MPO's 2045 MTP process.

In the spring and summer of 2016, GoTriangle completed preliminary engineering and ridership forecasts for the NCCU Station in order to be prepared for work on the 2045 MTP that the DCHC-MPO would be conducting in the summer and fall of 2016. These analyses indicate that the NCCU Station is technically feasible and would generate very high ridership.



Based on recent direction from the FTA, the D-O LRT project must enter the New Starts Engineering phase by February 2017. In order for the NCCU Station to advance into Engineering with the rest of the D-O LRT Project and qualify for the 50% Federal match for this project, two things must happen by December 2016: the LPA must be amended to include the NCCU Station and the amended LPA must be included in the 2040 MTP.

Attachments

- Map of the recommended LPA, which includes the NCCU Station

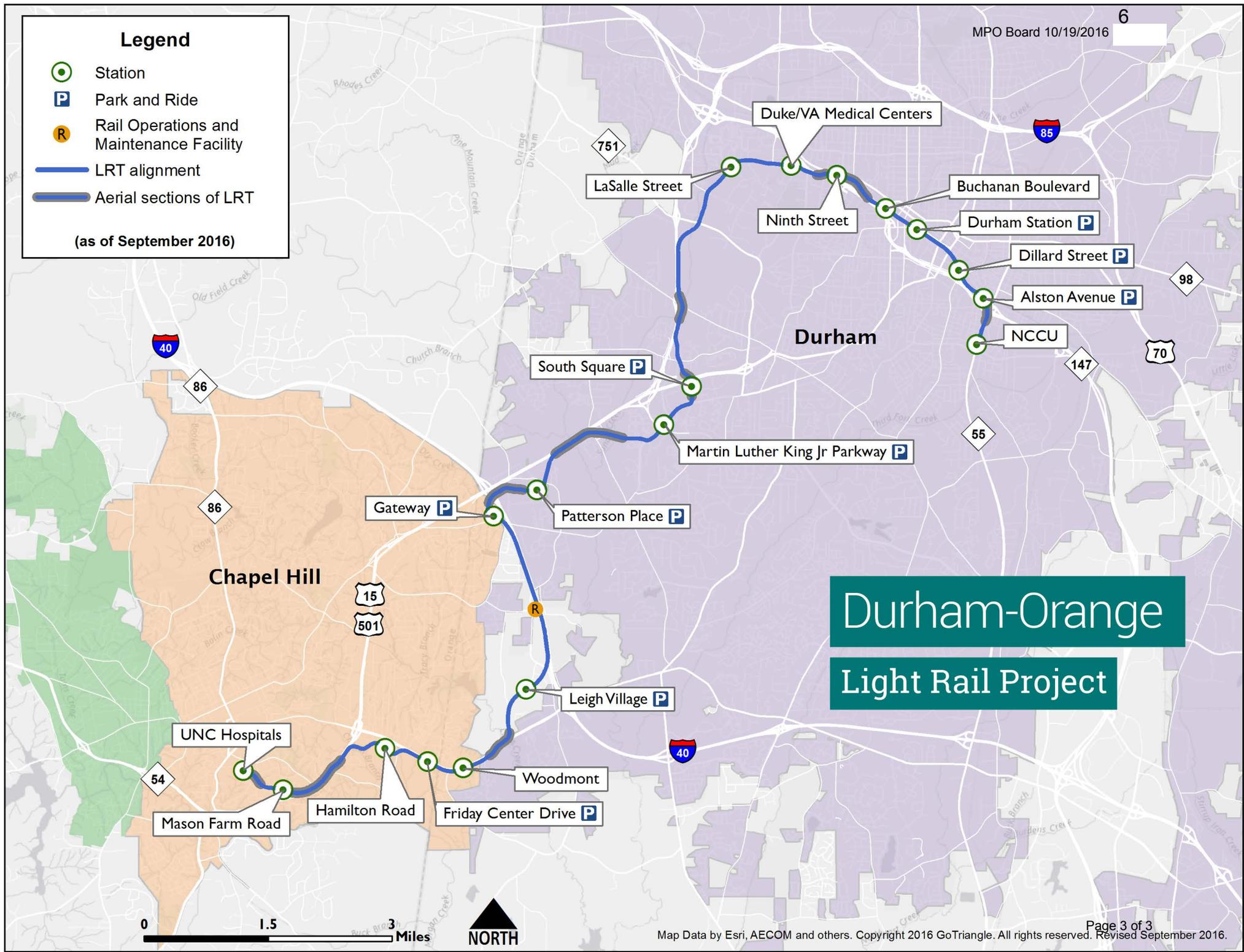
Staff Contact(s)

- Danny Rogers, D-O LRT Project Director, GoTriangle, 919-485-7579
drogers@gotriangle.org
- Patrick McDonough, Manager of Planning and TOD, GoTriangle, 919-485-7455
pmcdonough@gotriangle.org

Legend

-  Station
-  Park and Ride
-  Rail Operations and Maintenance Facility
-  LRT alignment
-  Aerial sections of LRT

(as of September 2016)



Durham-Orange Light Rail Project

Figure 7.2.1. Major Highway Projects by MPO and Time Period

Durham Chapel Hill-Carrboro MPO		
2011-20	2021-30	2031-40
Triangle Expressway extension of the Durham Freeway (I-40 to NC 540)	Managed lanes added to I-40 from Wade Avenue (Wake County) to NC 147 (Durham Freeway)	Managed lanes added to I-40 from NC 147 (Durham Freeway) to US 15-501 (Durham County)
East End Connector completed linking US 70 to NC 147 (Durham Freeway)	I-85 widening (I-40 to Lawrence Rd)	I-85 widening (Lawrence Rd to Durham County)
I-40 widening (US 15-501 to I-85)	I-85 widening (US 70 to Red Mill Road)	US 15-501 freeway conversion (I-40 to US 15-501 bypass)
	US 70 freeway conversion (Lynn Road to Wake County line)	Northern Durham Parkway (Aviation Pkwy to US 501)
Capital Area MPO		
2011-20	2021-30	2031-40
I-40 widened from Wade Ave. to Lake Wheeler Road	I-40 widened from I-440 to NC 42 in Johnston County	NC 50 widened from I-540 to Dove Road
I-40 widening through Cary	US 1 upgrade to freeway from I-540 to NC 98	Managed lanes added to I-540 (Northern Wake Expressway) from I-40 to US 64 bypass
US 401 widened from I-540 to Louisburg with a Rolesville bypass	NC 540 completed as a toll road from Holly Springs to US 64 bypass	US 401 widened from Garner to Fuquay-Varina
NC 540 completed as a toll road from Apex to Holly Springs	I-440 widened from Wade Avenue to Crossroads	Managed lanes added to I-40 from MPO boundary in Johnston County to Cornwallis Road
Brier Creek & TW Alexander Drive Interchanges on US 70	NC 54 widened through Cary and Morrisville	US 1 widening south from US 64 to NC 540
NC 42 widening from US 70 to Rocky Branch Road	I-40 Managed lanes added from Durham County line to Cornwallis Rd.	

7.3 Transit Services

Building on the prior work of a blue-ribbon Special Transit Advisory Committee (STAC) that completed its work in 2008, a complete transit system for the region focuses on three critical elements, Bus, Rail, and Circulators:

- **BUS:** A significant expansion of bus service throughout the Triangle, adding new routes to communities presently without service, and improvements to headways at existing transit agencies
- **RAIL:** Rail transit connecting the region's principal activity centers in Chapel Hill, Durham, Research Triangle Park, Cary and Raleigh
- **CIRCULATORS:** High-frequency, short-distance services linking nearby neighborhoods to major activity centers and the region's high capacity bus and rail corridors

While the STAC established the framework for the region’s transit vision, the recommendations on how to achieve this vision are being developed through the Triangle Regional Transit Programs composed of three county-level transit investment plans and three analyses of alternative investments in the region’s most promising transit corridors. These six inter-related efforts – and their current status – are:

7. Locally Preferred Alternative -- BRT (adopted by Chapel Hill Town Council)

eight

1. Durham County Transit Plan (adopted)
2. Orange County Transit Plan (adopted)
3. Wake County Transit Plan (under consideration)
4. Wake-Durham Commuter Rail Service (recommended by Alternatives Analysis)
5. Durham-Orange Light Rail Service (adopted)
6. Wake County Light Rail Service (recommended by Alternatives Analysis)

8. Amended Locally Preferred Alternative for the Durham-Orange Light Rail Transit

For details on the current status of each of these six efforts, visit: www.ourtransitfuture.com and www.NSCStudy.org

These intensive planning efforts have led to Durham and Orange County voters approving ½ cent sales taxes for expanded transit service; and the submittal by Triangle Transit of a “New Starts” application to the Federal Transit Administration (FTA) for federal funding for a light rail line linking Chapel Hill and Durham.

four

Based on the three county-level transit investment plans and the three transit corridor alternatives analyses, new light rail transit, commuter rail transit, and bus rapid transit investments are included in the 2040 Capital Area MPO and Durham-Chapel Hill-Carrboro MPO Metropolitan Transportation Plans. Details on rail and BRT technology and services are contained in Appendix 2.

Light rail transit provides the opportunity for frequent, all-day passenger rail service to serve transit oriented development along growth corridors. With electric propulsion, light rail can save energy costs and operate without dependence on foreign oil.

Commuter rail service operates in existing mainline rail corridors, serves stations that are further apart than light rail transit, and emphasizes service during peak commuter hours, with the possibly of occasional mid-day and evening service.

Bus Rapid Transit can offer service characteristics similar to light rail, depending on the design of the system.

Proposed rail and bus rapid transit investments are summarized in Figure 7.3.1. Figure 1.2 in the Executive Summary displays a map of all the rail and bus transit services. The county-level transit plans and Alternatives Analysis documents for the Durham-Orange County Corridor, Wake County Corridor, and Durham-Wake County Corridor, which are available through the MPOs and Triangle Transit, provide additional detail on the investments anticipated by 2040. and Chapel Hill North-South Transit Corridor Study

Figure 7.3.1 – Rail and BRT Projects by MTP Period (technical information in Appendix 2)

Rail or BRT Segment	Type of Service	MTP Period
West Durham - Garner North Carolina Central University	Commuter Rail	by 2030
UNC Hospital - Durham Alston Avenue	Light Rail	by 2030
Durham Alston Avenue - Briggs Avenue	Light Rail	by 2040
N. Raleigh (Millbrook) - Cary CBD via Raleigh CBD & NCSU	Light Rail	by 2030
Chapel Hill MLK Corridor Chapel Hill Eubanks Road to Southern Village via UNC Hospitals	Bus Rapid Transit	by 2030

Appendices 2 and 3. Transit Services

The transit plans for the Triangle region are heavily informed by the Alternatives Analysis conducted by Triangle Transit for three transit corridors (Wake, Durham-Orange and Durham-Wake) and the Durham, Orange and Wake County transit financial plans that have been adopted by the Durham-Chapel Hill-Carrboro MPO and the NC Capital Area MPO. Transit investments are envisioned to create a seamless system composed of three critical elements: Bus, Rail, and Circulators:

- **BUS:** A significant expansion of bus service throughout the Triangle, adding new routes to communities presently without service, and improvements to existing routes, including the development of Bus Rapid Transit service along MLK Boulevard in Chapel Hill.
- **RAIL:** light rail transit connecting Chapel Hill with Durham and Cary with North Raleigh through central Raleigh and the NC State campus; and commuter rail linking Durham with Garner, Raleigh, Cary, Morrisville and the Research Triangle Park.
- **CIRCULATORS:** High-frequency, short-distance services linking major activity centers to regional and intercity rail services.

The table below summarizes major investments involving dedicated transit guideways; these projects plus bus routes are included in the tables in this appendix.

Major Transit Investments by MTP Period (see map in 2040 MTP document)

Investment	Type of Service	MTP Period
Downtown Cary to Raleigh Millbrook	Light Rail	2021-2030
UNC Hospital to Durham Alston Avenue North Carolina Central University	Light Rail	2021-2030
Durham Alston Avenue to Briggs Avenue (extension)	Light Rail	2031-2040
Durham (Duke Hospital) to Garner	Commuter Rail	2021-2030
MLK Boulevard in Chapel Hill Eubanks Rd to Southern Village via UNC Hospitals	Bus Rapid Transit	2021-2030

The CTP transit projects are the same as the MTP projects except for the following additions:

- Light Rail Transit extension from UNC-CH through Carrboro to Eubanks Road;
- Regional Rail extension from west Durham through Hillsborough to Mebane; and,
- Additional Bus Rapid Transit (BRT) in Chapel Hill.

A full listing of all transit projects including the implementation year is in the table that follows. Each row in the table is a separate transit route or service, by direction. The attribute information for each project is presented in columns. Key attributes include:

Route Name – This name provides information to help identify the transit system, local route identification information, and the destination points of the route. Each transit route typically has 2 directions (Eastbound/Northbound and Westbound/Southbound).

Mode – The type of service (e.g. light rail, commuter (regional) rail, local bus, express bus, shuttle service).

Headway – the time between each bus or train on the route, both during peak commute periods and “off-peak” periods during the mid-day and evening.

Start and Stop Years – Indicates the years in which the service will begin and end. In some cases, a service may have a stop year that is before 2040 because it is replaced by a different type of service



D-O LRT Project NCCU Station Study

November 15, 2016

Background

- Combined FEIS/ROD for the D-O LRT Project was issued in February 2016
- GoTriangle committed to study several potential refinements as the project advances
- Preliminary evaluation of the addition of an NCCU station is underway

Initial Study Results

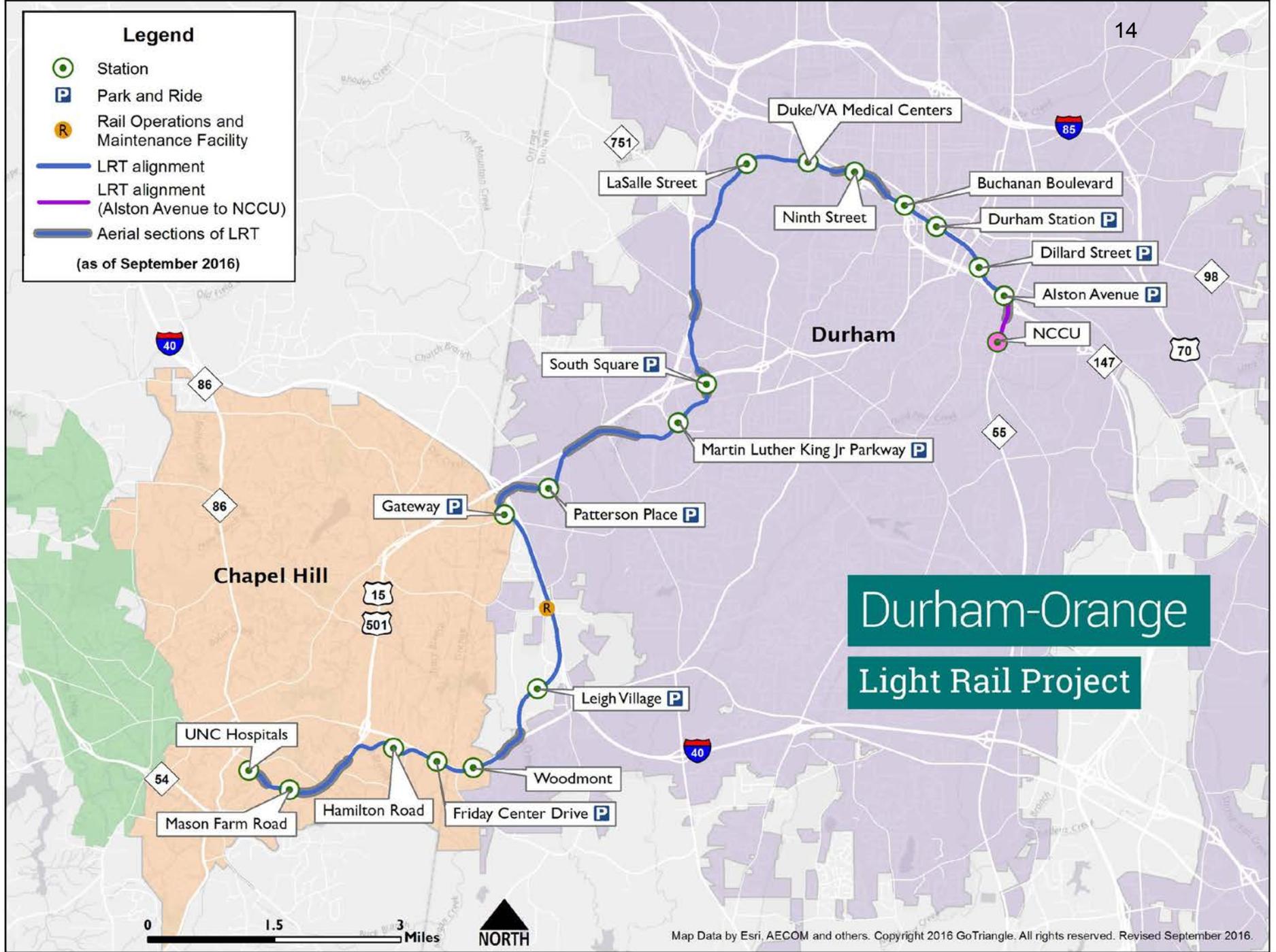
- Addition of the station and additional length of light rail tracks is feasible from an engineering standpoint
- Ridership at the proposed station would be high

Next Steps – by December

- In order to advance the potential addition of an NCCU Station for further study in Engineering –
 - The Locally Preferred Alternative (LPA) for the D-O LRT Project must be amended to include the NCCU Station
 - The 2040 MTP must be amended to include the amended LPA

Legend

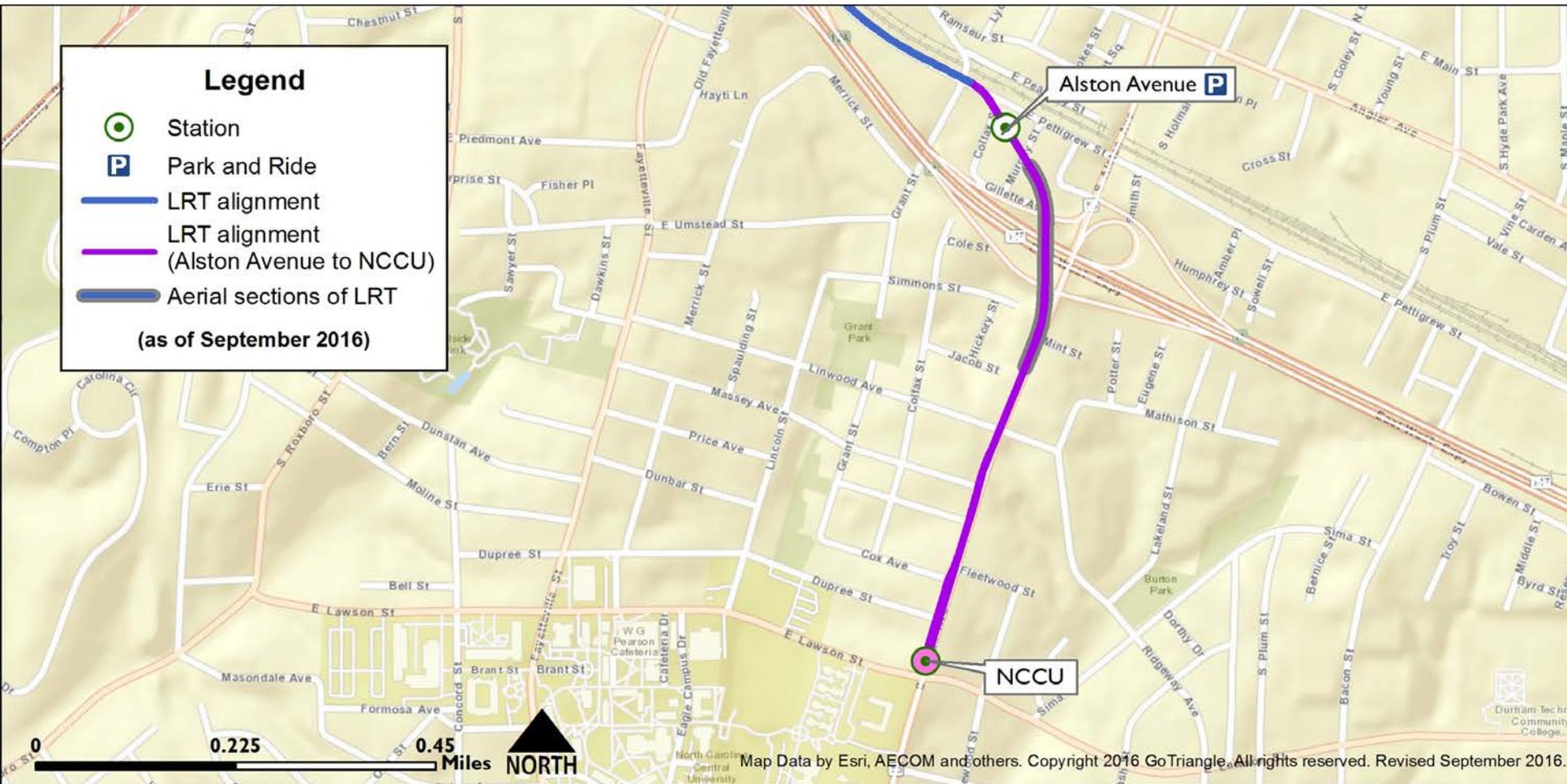
- Station
 - Park and Ride
 - Rail Operations and Maintenance Facility
 - LRT alignment
 - LRT alignment (Alston Avenue to NCCU)
 - Aerial sections of LRT
- (as of September 2016)



Durham-Orange Light Rail Project



Proposed NCCU Station Location



Questions?



Photo Credit: TriMet

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 15, 2016

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

SUBJECT: Cancellation of a Declaration of Restrictive Covenants

DEPARTMENT: Housing, Human Rights &
Community Development

ATTACHMENT(S):

Declaration of Restrictive Covenants
November 9, 2016 Memo from Robert
Dowling

INFORMATION CONTACT:

Audrey Spencer-Horsley, (919) 245-
2490

PURPOSE: To consider cancelling the declaration of restrictive covenants on real property (a single family home) located at 305 Pleasant Drive, Carrboro, NC.

BACKGROUND: Housing projects that are funded with Orange County HOME Program funds are subject to the County's 99-year long-term affordability policy. Community Home Trust (CHT), formerly known as Orange County Housing and Land Trust (OCHLT), is requesting to sell one of the affordable homes out the housing portfolio. The home, located at 305 Pleasant Drive, Carrboro, NC was purchased by OCHLT in June 2000 and renovated in 2002 using \$30,000 of HOME funds. The property was then sold to a low-income homebuyer.

CHT re-purchased the home from the owner in 2014 and has determined that it is not in a suitable condition to convey to a new buyer without extensive renovations. CHT estimates that it will take more than \$100,000 to remodel the home. The declaration of restrictive covenants will need to be cancelled in order for CHT to provide clear title. The property will be sold on the private market. The attached memorandum from CHT Executive Director Robert Dowling provides additional background information.

FINANCIAL IMPACT: Up to \$30,000 in net proceeds will be returned to the HOME program.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this 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: 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.

RECOMMENDATION(S): The Manager recommends that the Board approve the cancellation of the Declaration of Restrictive Covenants on real property located at 305 Pleasant Drive, Carrboro, NC.

48

FILED
07 MAR 2003, at 04:48:13pm
Book 2916, Page 531 - 538
Joyce H. Pearson
Register of Deeds,
Orange County, N. C.

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Prepared by: **Geoffrey E. Gledhill, Attorney at Law, P.O. Drawer 1529,
Hillsborough, NC 27278**
After recording return to: **Geoffrey E. Gledhill, Attorney at Law**

9778-99-1075

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (Declaration), dated March 7, 2003, by **ORANGE COMMUNITY HOUSING AND LAND TRUST**, a North Carolina non-profit housing organization and land trust, and its successors and assigns (hereinafter referred to as "OCHLT"), is given as a condition precedent to the award of Orange County Housing Trust Fund funds to OCHLT by Orange County, North Carolina

RECITALS:

WHEREAS, OCHLT submitted a request dated May 21, 2002 for the reallocation of \$30,000 from the Orange County Housing Trust Fund to assist in the acquisition/rehabilitation of property targeted for inclusion in the land trust; and

WHEREAS, on June 4, 2002 the Orange County Board of Commissioners approved the May 21, 2002 request and reallocated \$30,000 as a grant to OCHLT for the aforementioned purpose; and

WHEREAS, on July 1, 2002, OCHLT proposed to utilize this funding for the property the organization owns located at 305 Pleasant Drive in Carrboro, NC, which property is hereinafter referred to as the "Property" and which property is more specifically defined in EXHIBIT A; and

WHEREAS, OCHLT plans to rehabilitate the dwelling located on the Property for the benefit of a first-time homebuyer earning less than 80% of the HUD area median income as defined in the July 1, 2002 OCHLT proposal, which proposal is incorporated by reference into this Agreement, and hereinafter referred to as "the Project." The Project proposal is on file in the office of the Orange County Department of Housing and Urban Development; and

WHEREAS, a first-time homebuyer for the purposes of this program is defined as any low-income household that has not owned a home within the past three (3) years including households living in manufactured housing not permanently affixed to a foundation, or owner-occupants of homes not feasible for rehabilitation; and

WHEREAS, the Property will be held by OCHLT, ensuring affordability of the home for at least 99 years; and

WHEREAS, Orange County requires and OCHLT agrees to the requirement, as a condition precedent to the awarding of Orange County Housing Trust Fund funds, that OCHLT execute, deliver and record this Declaration in the Office of the Register of Deeds of Orange County in order to create certain covenants pertaining to the Property and running with the land

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for the purpose of enforcement of the affordability requirements of the Orange County Housing Trust Fund Program.

NOW, THEREFORE, in consideration of the promises and covenants hereinafter set forth and of other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, OCHLT intends, declares, and covenants that the regulatory and restrictive covenants set forth herein governing the use, occupancy, and transfer of the Property shall be and are covenants pertaining to the Property and running with the land for the term stated herein and are binding upon all subsequent owners of the Property and for such term, except as specifically provided herein, and are not merely personal covenants of OCHLT.

SECTION 1 REPRESENTATIONS, COVENANTS AND WARRANTIES OF OWNER

OCHLT hereby represents, covenants and warrants as follows:

- a. Subject to the requirements of the DEVELOPMENT AGREEMENT (Exhibit B hereto) and this Declaration, OCHLT may sell, transfer, or exchange the Property to a non-profit fund, foundation, or corporation of like purpose which is organized and operated exclusively for charitable and educational purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, or to Orange County, but OCHLT shall notify in writing and obtain the agreement of any buyer or successor or other person acquiring the Property or any interest therein, that such acquisition is subject to the requirements of this Declaration and to the requirements of the DEVELOPMENT AGREEMENT. OCHLT agrees that County may void any sale, transfer, or exchange of the Property or any portion of the Property if the buyer or successor or other person fails to assume in writing the requirements of this Declaration and the requirements of the DEVELOPMENT AGREEMENT.
- b. OCHLT will, at the time of execution, delivery and recording of this Declaration, have good and marketable title to the Property, free and clear of any lien or encumbrance (except encumbrances created pursuant to this Declaration or other encumbrances permitted by Orange County)
- c. OCHLT warrants that it has not and will not execute any other declaration with provisions contradictory to, or in opposition to, the provisions hereof, and that in any event, the requirements of this Declaration are paramount and controlling as to the rights and obligations herein set forth and supersede any other requirements in conflict herewith.

SECTION 2 TERM OF DECLARATION

- a. This Declaration, and the terms of affordability specified herein, apply to the Property immediately upon the recordation of this Declaration. OCHLT shall comply with all covenants herein. This Declaration shall terminate ninety-nine years after the Project completion date. The Project

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completion date is the closing date of the purchase by a qualified buyer of the housing unit. The housing unit is defined in Section 4 of this Declaration

SECTION 3 RECORDING AND FILING; COVENANTS TO RUN WITH THE LAND

a Upon execution of this Declaration by OCHLT, OCHLT shall cause this declaration and all amendments hereto to be recorded and filed in the Office of the Register of Deeds of Orange County. OCHLT shall pay all fees and charges incurred in connection therewith.

b OCHLT intends, declares and covenants that this Declaration and the covenants and restrictions set forth in this Declaration regulating and restricting the use, occupancy and transfer of the Property (1) shall be and are covenants running with the land, encumbering the Property for the term of this declaration, binding upon OCHLT, its successors in title and all subsequent owners of the Property; (2) are not merely personal covenants of OCHLT; and (3) shall bind OCHLT (and the benefits shall inure to Orange County and any prospective owner of the Property) and its successors and assigns during the term of this Declaration. OCHLT hereby agrees that any and all requirements or privileges of estate are intended to be satisfied, or in the alternate, that an equitable servitude has been created to insure that these restrictions run with the Property. For the term of this Declaration, each and every contract, deed or other instrument hereafter executed conveying the Property or portion thereof shall expressly provide that such conveyance is subject to this Declaration, provided, however, the covenants contained herein shall survive and be effective regardless of whether such contracts, deed, or other instrument hereafter executed conveying the Property or portion thereof provides that such conveyance is subject to this Declaration. It is further the responsibility of OCHLT to rerecord this Declaration periodically and no less often than one day less than every 30 years from the Project completion date for the purpose of renewing the rights of first refusal in the Property or portion thereof including any leasehold interest in the Property or portion thereof. Orange County retains the right to, periodically and every 30 years after the first recording of a ground lease, the form of which is Exhibit C hereto, register, with the Register of Deeds of Orange County, a notice of preservation of the Restrictive Covenants on the Property as provided in North Carolina General Statute § 47B-4 or any comparable preservation law in effect at the time of the recording of the notice of preservation. It is the intent of this Section 3 of this Declaration that the 99 year duration of this Declaration of Restrictive Covenants be accomplished and that OCHLT and Orange County will do what is necessary to ensure that the same is not extinguished by N.C. Gen. Stat. § 41-29 or any comparable law purporting to extinguish, by the passage of time, preemptive rights in the Property and by the Real Property Marketable Title Act or any comparable law purporting to extinguish, by the passage of time, non possessory interests in real property. OCHLT and Orange County agree to do what each must do to accomplish the 99 year duration of this Declaration of Restrictive Covenants.

SECTION 4 ENFORCEMENT OF AFFORDABLE HOUSING REQUIREMENTS

A. Upon the Project completion date, OCHLT will convey a housing unit to a qualified homeowner. The housing unit will consist of a 99 year ground lease (renewable for an additional

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99 years) to the housing unit and a warranty deed to the improvements on the leased premises. The ground lease, the form of which is Exhibit C hereto, provides for the long term affordability (at least 99 years) of the housing unit and provides remedies to insure the long term affordability of the housing unit. OCHLT hereby declares and covenants, on behalf of itself and all future owners of the Property, including OCHLT, that, during the term of this Declaration, Orange County is a third party beneficiary of and successor to each and every remedy intended to insure the long term affordability of the housing unit that is provided for in the housing unit ground lease and may, in the event of the failure or default of the Lessor in the housing ground lease to insure the long term affordability of the housing unit as provided for in the ground lease, exercise all rights and remedies available to the Lessor in the ground lease for that purpose.

B. OCHLT covenants that it will not knowingly take or permit any action that would result in a violation of the affordability requirements of the DEVELOPMENT AGREEMENT and this Declaration. Orange County, together with OCHLT, may execute and record any amendment or modification of this Declaration necessary to insure the successful completion of the Project and the long term affordability (at least 99 years) of the housing unit and such amendment or modification shall, to the extent permitted by law, either relate back to the date of recording of this Declaration or not as necessary to carry out the intent of this Declaration, and be binding on third parties granted rights under this Declaration. OCHLT expressly covenants and agrees to rerecord this Declaration periodically and no less often than one day less than every 30 years from the Project completion date for the purpose of renewing the Lessor's option to purchase and right of first refusal, that are contained in the housing unit ground lease.

C. OCHLT acknowledges that the primary purpose for requiring compliance by OCHLT with restrictions provided in this Declaration is to assure compliance with the long term affordability requirements of the Orange County Housing Trust Fund Program, AND BY REASON THEREOF, OCHLT, IN CONSIDERATION FOR RECEIVING ORANGE COUNTY HOUSING TRUST FUND PROGRAM FUNDS FOR THE PROPERTY, HEREBY AGREES AND CONSENTS THAT ORANGE COUNTY SHALL BE ENTITLED, FOR ANY BREACH OF THE PROVISIONS HEREIN, AND IN ADDITION TO ALL OTHER REMEDIES PROVIDED BY LAW OR IN EQUITY, TO ENFORCE BY SPECIFIC PERFORMANCE OCHLT'S OBLIGATIONS UNDER THIS DECLARATION IN A STATE COURT OF COMPETENT JURISDICTION, WITH VENUE IN ORANGE COUNTY. OCHLT hereby further specifically acknowledges that the beneficiaries of OCHLT's obligations hereunder cannot be adequately compensated by monetary damages in the event of any default hereunder. If legal costs are incurred by Orange County, such legal costs, including attorney fees and court costs (including costs of appeal), are the responsibility of, and may be recovered from the OCHLT.

SECTION 6 MISCELLANEOUS

a. Severability. The invalidity of any clause, part, or provision of this Declaration shall not affect the validity of the remaining portions thereof.

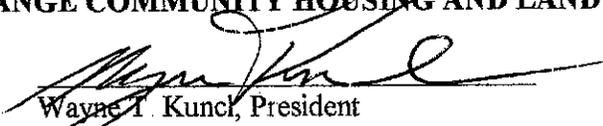
b. Notices. Any Notice shall be in writing and shall be given by depositing the same in the United States mail, post-paid and registered or certified, and addressed to the party to be notified, with return-receipt requested, or by delivering the same in person to an officer or principal of such party. Notice deposited in the mail in the manner herein above described shall be effective upon mailing. For purposes of Notice, the addresses of the parties shall, unless changed as hereinafter provided, be as follows:

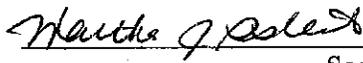
- i To the County: Orange County
c/o Housing and Community Development Department
P O. Box 8181
Hillsborough, NC 27278
ATTN: Director
- ii To OCHLT: Orange Community Housing and Land Trust
104C Jones Ferry Road
Carrboro, NC 27510
ATTN: Director

c. Governing Law. This Declaration shall be governed by the laws of the State of North Carolina and, where applicable, the laws of the United States of America.

IN WITNESS WHEREOF, OCHLT has caused this Declaration to be signed by its duly authorized representatives, on the day and year first above written.

ORANGE COMMUNITY HOUSING AND LAND TRUST

By: 
Wayne T. Kuncl, President

ATTEST: 
_____, Secretary

NORTH CAROLINA
ORANGE COUNTY

I, MICHAEL B. USINE, Notary Public in and for the above named County and State, do hereby certify that on this day personally appeared before me MARTHA J. PASLEY with whom I am personally acquainted, who, being by me duly sworn, says that he/she is Secretary and that Wayne T. Kuncl is President of Orange Community Housing and Land Trust, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President and attested to by its Secretary.

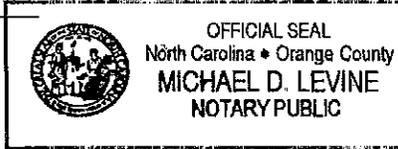
Witness my hand and notarial seal, this the 7 day of MARCH, 2003.

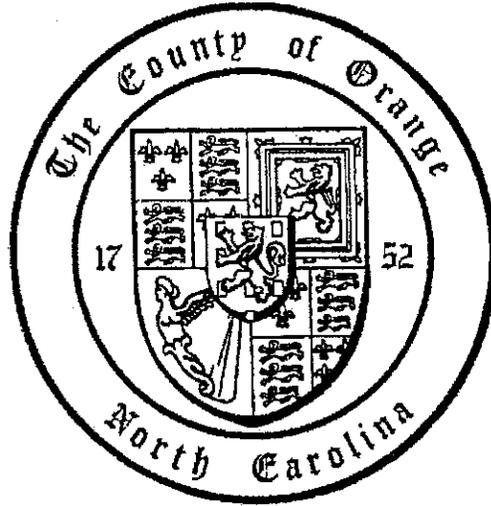
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Notary Public

My commission expires: 3-24-06
lsg:orangecounty\OCHLT restr cov





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Joyce H. Pearson
Register of Deeds
Orange County
North Carolina

State of North Carolina, County of Orange

The foregoing certificate/s of Michael D. Levine, Notary/Notaries Public for the Designated Governmental units is/are certified to be correct. See filing certificate herein.

This day March 7, 2003

JOYCE H. PEARSON, REGISTER OF DEEDS By:

Wendy R. Dixon
Deputy/Assistant Register of Deeds

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EXHIBIT A - Property Description

Beginning at an existing iron in the southwestern corner of the intersection of Pleasant Drive and Crest Street thence along the right-of-way of Pleasant Drive South 44 degrees 14' 05" West 52.40 feet to iron stake, a control corner, thence along the line of the Fitch Lands North 45 degrees 39'00" West 152.30 feet to a point thence a new line North 43 degrees 14' 24" East 51.66 feet to a point in the right-of-way of Crest Street thence along the margin of the right-of-way of Crest Street South 46 degrees 55' 35" East 153.21 feet to the point and place of BEGINNING and being 7,947 square feet according to the survey entitled "Property of Mark A. Hoffman and Maureen A. Driscoll" prepared by Dale D. Faulkner, RLS, June 7, 1994.

Also, BEING ALL of Lot 2 of the property of TIMOTHY N. GALLIHER and ANITA S. GALLIHER according to that certain plat and survey thereof as recorded in Plat Book 49, Page 168, Orange County registry.

PIN #: 9778-99-1075

TM#: 7 94 A. 9A



**BOARD OF
DIRECTORS**

Jennifer Ferris
President

Emily Hinkle
Vice President

Gordon Merklein
Secretary

Ken Reiter
Treasurer

George Barrett

David Brehmer

Kathleen Ferguson

Sally Greene

Kelley Gregory

Debra Ives

Michelle Johnson

Jim Merritt

Ava Miles

Charles Mills

Penny Rich

Executive Director

Robert Dowling

Date: November 9, 2016

To: Chair McKee and the Orange County Board of Commissioners
From: Robert Dowling, Community Home Trust Executive Director

Re: Selling 305 Pleasant Drive out of our inventory

In October 2014, the board of Community Home Trust approved selling the Home Trust home located at 305 Pleasant Drive in Carrboro out of our inventory of affordable homes. We purchased the home from the prior owner in August 2014 because we determined the home would be too expensive to renovate.

This home was the first home brought into the newly formed community land trust in June 2000. The original owner sold it back to us in June 2002 and complained about the high heating and cooling costs. We then renovated the home, using \$30,000 of HOME funds and sold it again in March 2003. That owner remained in the home until August 2014.

We purchased the home because we could not expect the homeowner to correct the many deficiencies that would need to be addressed (most of which existed in 2003). The deficiencies were identified in the inspection report we commissioned from a licensed home inspector in May 2014. The major work identified in that report includes the following:

- Need to upgrade the electrical system
- Raise the back part of the house off the ground
- Remove the giant oak tree that looms over the home
- Remove the interior chimney and make repairs to roof and flooring
- Evaluate structural integrity of foundation
- Remove or rebuild staircase to code
- Evaluate plumbing upgrades

We estimated this work would cost more than \$100,000. Since we already had about \$157,000 invested in the home (\$30,000 of which was HOME funds), I recommended to the Home Trust board that we sell the home out of our inventory. At the October 2014 Home Trust board meeting, the board discussed my request to sell the home. The board recognized that investing an additional \$100,000 (or more) of subsidy in one home was not a good investment or a good use of scarce subsidy funds. After much discussion, the board approved selling the home.

Before initiating the sale of the home, we approached the Carrboro Board of Aldermen, who asked us to delay selling the property until they had an opportunity to assess the situation more thoroughly. In the spring and summer of 2015, the Town of Carrboro staff inspected the property and determined that renovations would cost approximately \$75,000. The Town did not opt to invest that money into the home and the Town Manager gave us permission to sell the home out of the inventory in August 2015.

Prior to selling the home, the Town of Carrboro required that we record a new plat, indicating the home would no longer be affordable. We commissioned an engineer to provide Carrboro with a revised plat in late 2015 (at a cost of about \$1000).

We then began working with County staff to cancel the restrictive covenants that were placed on the home in 2003. Similar to our experience in Carrboro, the County staff were reluctant to release an affordable home from the inventory. Due to the expected costs of renovating the house, County staff suggested moving a house from County-owned land in Hillsborough to Pleasant Drive. This plan was perfectly acceptable to CHT if the County was willing to bear all the costs.

As it turned out, the costs involved in razing the house at 305 Pleasant, moving a house from Hillsborough and renovating that house were more than the County thought should be spent on one home. It was then, in late August, that we were told we could sell the home.

In October, we executed a listing agreement with a Realtor to sell the home out of our inventory. On October 22nd the home was placed under contract with a buyer. The due diligence period for this contract expires on November 14th and closing is scheduled for November 23rd.

Timeline Summary

2014

- CHT buys home in August for \$120,679
- Renovation costs estimated at \$100,000
- CHT board approves selling home in October

2015

- Carrboro asks us to reconsider selling
- Carrboro staff evaluates home
- They estimate renovation costs of \$75,000
- Carrboro Town Manager approves selling home in August

2016

- County staff suggest moving home from Hillsborough in April
- County determines costs are too high to move home in August
- CHT hires a Realtor in September
- Home is placed under contract for \$179,000 in October
- Closing expected on November 23, 2016
- County to receive \$30,000 of HOME funds from closing proceeds

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 15, 2016

**Action Agenda
Item No. 11-a**

SUBJECT: Nursing Home Community Advisory Committee – Appointments

DEPARTMENT: Board of Commissioners

ATTACHMENT(S): (Under Separate Cover)

Member Roster
Recommendations
Applications for Persons Recommended
Attendance Records
Applicant Interest List
Application for Person on the Interest List

INFORMATION CONTACT:

Donna Baker, Clerk to the Board
919-245-2130

PURPOSE: To consider making appointments to the Nursing Home Community Advisory Committee.

BACKGROUND: The following information is for Board consideration:

- Appointment to a full first term (Position #1) “At-Large” position for Martha Bell expiring 01/31/2019. (The one year training term has been successfully completed)
- Appointment to a full first term (Position #10) “At-Large” position for Glenda Floyd expiring 06/30/2019. (The one year training term has been successfully completed)

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
1	Martha Bell	At-Large	01/31/2019
10	Glenda Floyd	At-Large	06/30/2019

NOTE - If the individuals listed above are appointed, the following vacancies remain:

*None

*** 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 Nursing Home Community Advisory Committee.

Board and Commission Members

And Vacant Positions

Nursing Home Community Advisory Committee

Meeting Times: 5:30 pm Every other 1st Tuesday starting with Jan.

Terms: 2

Contact Person: Autumn Pittman

Meeting Place: United Church of CH - 1321 ML King Blvd

Positions: 12

Length: 3 years

Contact Phone: 919-558-9401

Description: All appointments are made by the Board of Commissioners. This committee helps to maintain the intent of the Residents' Bill of Rights, promotes community involvement and provides public education on long-term care issues. The regional ombudsman with Triangle J Council of Governments provides specialized training and support.

1	Martha Bell 100 Macrae Court Chapel Hill NC 27516	Day Phone: 919-968-4674 Evening Phone: 919-968-4674 FAX: E-mail: mbell968@yahoo.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 10/06/2015 Current Appointment: 10/06/2015 Expiration: 10/06/2016 Number of Terms:
2	Molly Stein 103 Stephens Street Chapel Hill NC 27516	Day Phone: 954-254-2865 Evening Phone: 954-254-2865 FAX: E-mail: msstein@live.unc.edu	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 06/16/2015 Current Appointment: 06/21/2016 Expiration: 03/31/2018 Number of Terms:
3	Teri J. Driscoll Chair 422 Hampton Pointe Hillsborough NC 27278	Day Phone: 919-245-1127 Evening Phone: 919-245-1127 FAX: E-mail: driscoll323@nc.rr.com	Sex: Female Race: Caucasian Township: Hillsborough Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 09/17/2013 Current Appointment: 10/07/2014 Expiration: 09/30/2017 Number of Terms: 1
4	Jerry Schreiber Trainee 1606 Pathway Dr Carrboro NC 27510	Day Phone: 919 967 2962 Evening Phone: 919 967 2962 FAX: E-mail: jrogerschreiber@gmail.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 10/07/2014 Current Appointment: 10/06/2015 Expiration: 06/30/2017 Number of Terms:
5	Sandra Nash 600 West Poplar Ave., Apt. 239 Carrboro NC 27510	Day Phone: 828-668-9628 Evening Phone: FAX: E-mail: None	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: Nursing Home Administration	First Appointed: 02/04/2014 Current Appointment: 03/03/2015 Expiration: 06/30/2017 Number of Terms: 2

Board and Commission Members

And Vacant Positions

Nursing Home Community Advisory Committee

Meeting Times: 5:30 pm Every other 1st Tuesday starting with Jan.

Terms: 2

Contact Person: Autumn Pittman

Meeting Place: United Church of CH - 1321 ML King Blvd

Positions: 12

Length: 3 years

Contact Phone: 919-558-9401

Description: All appointments are made by the Board of Commissioners. This committee helps to maintain the intent of the Residents' Bill of Rights, promotes community involvement and provides public education on long-term care issues. The regional ombudsman with Triangle J Council of Governments provides specialized training and support.

6	Elijah (Ed) Flowers III 2813 Beckett's Ridge Drive Hillsborough NC 27278	Day Phone: 919-357-9256 Evening Phone: 919-357-9256 FAX: E-mail: ed_flowers@yahoo.com	Sex: Male Race: Caucasian Township: Hillsborough Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 04/19/2016 Current Appointment: 04/19/2016 Expiration: 03/31/2019 Number of Terms: 1
7	Jacquelyn Podger One Year Training Term 719 New Hope Church Rd. Chapel Hill NC 27516	Day Phone: 919-740-8814 Evening Phone: 919-240-7633 FAX: E-mail: jacannpod@gmail.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: Nursing Home Administration	First Appointed: 09/06/2016 Current Appointment: 09/06/2016 Expiration: 09/06/2017 Number of Terms:
8	Jerry Ann Gregory 2224 Lebanon Rd Efland NC 27243	Day Phone: 919-644-8172 Evening Phone: 919-644-8172 FAX: E-mail: harleyphn@yahoo.com	Sex: Female Race: Caucasian Township: Cheeks Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 12/09/2014 Current Appointment: 11/17/2015 Expiration: 03/31/2017 Number of Terms:
9	Susan Deter 5512 Quail Hollow Drive Hillsborough NC 27278	Day Phone: 919-682-4124 Evening Phone: 919-479-0574 FAX: 919-956-7703 E-mail: susiedeter@yahoo.com	Sex: Female Race: Caucasian Township: Little River Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 04/19/2011 Current Appointment: 06/21/2016 Expiration: 06/30/2019 Number of Terms: 2
10	Glenda Floyd Training Term 103 Culbreth Rd Ghapel Hill NC 27516	Day Phone: 812-205-6595 Evening Phone: 812-205-6595 FAX: E-mail: gkf1121@gmail.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 11/17/2015 Current Appointment: 11/17/2015 Expiration: 11/17/2016 Number of Terms:

Board and Commission Members

And Vacant Positions

Nursing Home Community Advisory Committee

Meeting Times: 5:30 pm Every other 1st Tuesday starting with Jan.

Terms: 2

Contact Person: Autumn Pittman

Meeting Place: United Church of CH - 1321 ML King Blvd

Positions: 12

Length: 3 years

Contact Phone: 919-558-9401

Description: All appointments are made by the Board of Commissioners. This committee helps to maintain the intent of the Residents' Bill of Rights, promotes community involvement and provides public education on long-term care issues. The regional ombudsman with Triangle J Council of Governments provides specialized training and support.

11 **Dr Carol Kelly**
Training Term
104 Woodkirk Ln
chapel hill NC 27514

Day Phone: 919 360-0455
Evening Phone: 919 360-0455
FAX:
E-mail: ckellyco@msn.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Resid/Spec Req: At-Large
Special Repr: Nursing Home Administration

First Appointed: 09/20/2016
Current Appointment: 09/20/2016
Expiration: 09/20/2017
Number of Terms:

12 **Vibeke Talley**
134 East Tryon Street
Hillsborough NC 27278

Day Phone: 919-732-3112
Evening Phone: 919-732-3112
FAX: 968-2017
E-mail: vibandjoe@hotmail.com

Sex: Female
Race: Caucasian
Township: Hillsborough
Resid/Spec Req: At-Large
Special Repr: Nursing Home Administration

First Appointed: 05/20/2014
Current Appointment: 05/20/2014
Expiration: 12/31/2016
Number of Terms:

October 11, 2016

To: Orange County Board of Commissioners
From: Teri Driscoll, Chair
Nursing Home Community Advisory Committee
Re: Reappointment of Martha Bell

On behalf of the Orange County Nursing Home Community Advisory Committee I would like to take the opportunity to recommend Martha Bell for reappointment on our committee. She is wonderful to work with, is very dedicated, and has a passion for ensuring that long term care residents receive the best quality of care in a safe living environment. She attends all of our meetings and does her site visits. She is an excellent choice for this committee and there is no better of a candidate than to have someone that already has the knowledge of what needs to be done through her past experience of working in a nursing home.

Please let me know if you need any additional information to move this recommendation forward.

Oct. 11, 2016

To: Orange County Board of Commissioners
From: Teri Driscoll, Chair
Nursing Home Community Advisory Committee
Re: Reappointment of GlendaFloyd, Training Year Expiration 11/7/2016

On behalf of the Orange County Nursing Home Community Advisory Committee I would like to take the opportunity to recommend Glenda Floyd for a three year reappointment on our committee. Ms. Floyd has served on our committee for the past year as a training member. She has been a very dedicated member, always attending the meetings and doing her site visits. I feel that with her past experience that she is a very valuable member.

Please let me know if you need any additional information to move this reappointment forward.

Volunteer Application Orange County Advisory Boards and Commissions

Name: Martha Bell
Name Called:
Home Address: 100 Macrae Court
 Chapel Hill NC 27516
Phone (Day): 919-968-4674
Phone (Evening): 919-968-4674
Phone (Cell): 919-357-5508
Email: mbell968@yahoo.com
Place of Employment: Retired
Job Title: Registered Nurse - Director of Nursing
Year of OC Residence: 1995
Township of Residence: Chapel Hill
Zone of Residence:
Sex: Female
Ethnic Background: Caucasian

Community Activities/Organizational Memberships:

Member, Sigma Theta Tau
 Vice Chair, DVAMC Veterans Mental Health Council
 Member, The Chapel of the Cross
 Volunteer, Ambulatory Care, DVAMC
 Member, Retired Officers Association
 Member, Army Nurse Corps Association (former Regional Director)

Past Service on Orange County Advisory Boards:

Boards/Commissions applied for:

Board of Health

Background, education and experience relevant to this board:

RN, BSN, MSN, attendance every other year at 3.5 day infection control in long term care course offered by SPICE, recent course attendance at offering regarding CDIFF; served 12 years as infection control consultant for Carol Woods Retirement Community while also serving as its Director of Nursing/Health Services

Reasons for wanting to serve on this board:

Throughout the years at Carol Woods, I was often involved with Board of Health issues, including outbreak investigation, tuberculosis control, difficulties encountered in Infection Control for the older adult in a long term care/congregate living environment. I purposely kept my nursing license current despite my retirement from full time nurse because I hoped to eventually serve my community in some capacity related to my professional knowledge. I seek only an activity that will use my knowledge rather than any paid position.

Conflict of Interest:

Supplemental Questions:

Other Comments:

This application was current on: 5/21/2015

Date Printed: 5/4/2016

Volunteer Application Orange County Advisory Boards and Commissions

Name: Glenda FLoyd
Name Called:
Home Address: 103 Culbreth Rd
 Ghapel Hill NC 27516
Phone (Day): 8122056595
Phone (Evening): 8122056595
Phone (Cell): 8122056595
Email: gkf1121@gmail.com
Place of Employment: retired
Job Title: na
Year of OC Residence: 2004
Township of Residence: Chapel Hill
Zone of Residence: Carboro / Chapel Hill
Sex: Female
Ethnic Background: Caucasian

Community Activities/Organizational Memberships:

Volunteer, Ronald McDonald Family Room, UNC Hospital; volunteer, IFC Food Bank; volunteer, Leukemia Society, Cary; member, Antioch Bapt. Church; member Seymour Senior Center

Past Service on Orange County Advisory Boards:

None

Boards/Commissions applied for:

Nursing Home Community Advisory Committee

Background, education and experience relevant to this board:

As someone who has assisted my mother and mother-in-law in applying for and admittance to a nursing home, I have hands on knowledge of possible problem areas encountered. I have a 25 yr background of volunteer work, 18 of which was involved in nursing home/in home hospice.

Reasons for wanting to serve on this board:

As a retired member of the community, I choose to spend my time volunteering in areas where I may be able to make a profound difference in the in the end of life for many.

Conflict of Interest:

Supplemental Questions:

Other Comments:

This application was current on: 6/19/2015 11:31:00 AM

Date Printed: 6/22/2015

BOCC Attendance Report For Advisory Boards																		
Nursing Home Community Advisory Committee Oct 2015 – Oct 2016																		
Member	Appointed	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct				
Martha Bell	10/06/2015		X		X		X		X		X		X					
Glenda Floyd	11/07/2015		X		X		X		X		E		X					
X: Attended E: Excused U: Unexcused																		
Current through-10/31/2016																		

Applicant Interest Listing

by Board Name and by Applicant Name

Nursing Home Community Advisory Committee

Contact Person: Autumn Pittman

Contact Phone: 919-558-9401

Peggy Iris Lanier
103 Culbreth Road Apt. 301
Chapel Hill NC 27516

Day Phone: 919-815-2849
Evening Phone: 919-815-2849
Cell Phone: 919-815-2849
E-mail: N/A

Sex: Female
Race: Caucasian
Township: Chapel Hill
Res. Eligibility:
Date Applied: 08/18/2016

Skills:

Also Serves On:

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Peggy Iris Lanier
Name Called:
Home Address: 103 Culbreth Road Apt. 301
Chapel Hill NC 27516
Phone (Day): 919-815-2849
Phone (Evening): 919-815-2849
Phone (Cell): 919-815-2849
Email: N/A
Place of Employment: Retired
Job Title: Retired
Year of OC Residence: 2007
Township of Residence: Chapel Hill
Zone of Residence:
Sex: Female
Ethnic Background: Caucasian

Community Activities/Organizational Memberships:

Citizen Police Academy Class for June - July 2016.

Past Service on Orange County Advisory Boards:

None.

Boards/Commissions applied for:

Nursing Home Community Advisory Committee

Background, education and experience relevant to this board:

CNA- But due to sickness in family did not get certified. Worked in medical field - Medical Terminology Class in VA. Insurance coding.

Reasons for wanting to serve on this board:

I have the time now at age 79 to be active in my community. Trained in nursing home. Daughter is a P/T Resource Manager at Duke.

Conflict of Interest:

Supplemental Questions:

Other Comments:

This application was current on: 8/18/2016 11:21:02 AM

Date Printed: 8/23/2016

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: November 15, 2016

**Action Agenda
Item No.** 11-b

SUBJECT: Workforce Development Board – Regional Partnership – Appointments

DEPARTMENT: Board of Commissioners

ATTACHMENT(S): (Under Separate Cover)

Memo from Nancy Coston
Member Roster
Recommendation
Applications for Persons Recommended
Applicant Interest List

INFORMATION CONTACT:

Donna Baker, Clerk to the Board
919-245-2130

PURPOSE: To consider making appointments to the Workforce Development Board - Regional Partnership.

BACKGROUND: The following information is for Board consideration:

- Appointment to a full fifth term (Position #1) “Department of Social Services BOCC Appointment” position for Nancy Coston expiring 06/30/2019.
- Appointment to a partial term (Position #2) “At-Large Private Sector - Business” position for Rhonda Sue Holaday expiring 06/30/2018.

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
1	Nancy Coston	Department of Social Services BOCC Appointment	06/30/2019
2	Rhonda Sue Holaday	At-Large Private Sector – Business	06/30/2018

NOTE - If the individuals listed above are appointed, the following vacancies remain:

- *Position #3--- “At-Large Private Sector - Business” position----- expiring 06/30/2017. **This position has been vacant since 06/30/2014.**
- *Position #4--- “BOCC (Liaison)” position----- expiring 01/30/2019. **This position has been vacant since 12/31/2012.**

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 Workforce Development Board – Regional Partnership.

MEMO

To: Donna Baker, Clerk to the Board
From: Nancy Coston, Social Services Director
Date: November 9, 2016
Subject: Workforce Development Board

The Regional Partnership Workforce Development Board serves Alamance, Montgomery, Moore, Orange and Randolph Counties. Its responsibilities include the oversight of NCWorks Career Centers and Building Futures as well as the budgets associated with Workforce Innovation and Opportunity Act (WIOA) funding. Each county in North Carolina must participate in one of the boards and this is accomplished through a signed agreement among the respective county commissioners. Several years ago, the Regional Partnership was expanded from serving Alamance, Randolph and Orange to include Montgomery and Moore. At that time, Orange County considered other options since this geographic group and the employment interests were not well aligned with local needs. The Board of County Commissioners made a decision at that time to suspend any new appointments to the partnership board while alternatives were considered. No viable alternative was found at that time and Orange County has remained with this partnership.

Although there is still interest in exploring other options that might better reflect the economic interests of Orange County, in the interim it is recommended that the Board of County Commissioners approve appointments to this board. Counties are not given a specific number of board appointments and most of the appointments are required to be private sector. A number of the positions are also required to represent certain public agencies, such as social services.

Please let me know if you have any questions or need additional information.

Board and Commission Members

And Vacant Positions

Workforce Development Board - Regional Partnership (CURRENTLY NOT ACCEPTIN

Meeting Times: day-time meeting quarterly

Terms: 2

Contact Person: Linda Parker

Meeting Place: locations in Orange, Alamance & Randolph

Positions: 4

Length: 3 years

Contact Phone: 336-629-5141

Description: Members are appointed by the Boards of Commissioners from Randolph, Alamance, and Orange County - six each. Specific groups must be represented. This council provides policy guidance for, and oversees activities under, the Job Training Plan in partnership with the governments. It also works to increase the involvement of the business community in the employment and training system. This is a JobLink Partner. Linda B. Parker, Director, P.O. Box 1883, Asheboro, NC 27204, Telephone (336)629-5141 supports this group. lparker@regionalcs.org

1	Ms. Nancy Coston, Director Orange County Dept. of Social Services P.O. Box 8181 Hillsborough NC 27278	Day Phone: 919-245-2802 Evening Phone: FAX: E-mail: ncoston@orangecountync.gov	Sex: Female Race: Caucasian Township: Resid/Spec Req: At-Large Special Repr: Department of Social Services Board Appoint	First Appointed: 08/14/2001 Current Appointment: 06/19/2012 Expiration: 06/30/2015 Number of Terms: 4
2	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr: Private Sector - Business	First Appointed: Current Appointment: Expiration: 06/30/2018 Number of Terms:
3	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr: Private Sector - Business	First Appointed: Current Appointment: Expiration: 06/30/2017 Number of Terms:
4	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr: B.O.C.C. (Liaison)	First Appointed: Current Appointment: Expiration: 01/30/2019 Number of Terms:

From: [Nancy Coston](#)
To: [Thom Freeman](#)
Subject: RE: Sue Holaday Appointment to Workforce Board
Date: Wednesday, October 12, 2016 9:31:28 AM
Attachments: [image005.png](#)

Thom, please go ahead with the appointments of Sue and apparently I need to be reappointed.
Thanks.

From: Thom Freeman
Sent: Wednesday, September 14, 2016 8:26 AM
To: Bain, James (JBain@REGIONALCS.ORG)
Cc: Nancy Coston; Donna Baker
Subject: FW: Sue Holaday Appointment to Workforce Board

Mr. Bain,

I am forwarding your request for information to Nancy Coston, Director of Orange County DSS. She is the Board's representative and can assist you.

Sincerely,
Thom

Thom Freeman
Assistant to the Clerk
Orange County Board of Commissioners
200 South Cameron Street
PO Box 8181
Hillsborough, NC 27278
919-245-2125
FAX – 919-644-0246
tfreeman@orangecountync.gov



From: Bain, James [<mailto:JBain@REGIONALCS.ORG>]
Sent: Tuesday, September 13, 2016 3:59 PM
To: Thom Freeman
Subject: Sue Holaday Appointment to Workforce Board

Good Afternoon; Mr. Freeman,

I want to introduce myself. I am James Bain, Kathy Slovak's Assistant Director for Regional Partnership WDB. Kathy has been out for an extended time for medical reasons and I am writing to follow-up on a couple items for the Orange County Board of Commissioners' agenda. Has Sue Holaday's appointment to the workforce board come before the B.O.C. yet? Also, what are the appointment dates that you have on record for Nancy Coston. I have some conflicting dates here in our book. I tried to call her today and her assistant said she was in Raleigh today for a meeting.

I look forward to working with you.

James W. Bain

Interim Director, Regional Partnership Workforce Development
NCWorks

336-629-5141 office

919-888-0907 mobile

jbain@regionalcs.org



Regional Partnership Workforce Development
P.O. Box 1883
221 S Fayetteville Street
Asheboro, NC 27204-1883



*Email correspondence to and from this address is subject to the
North Carolina Public Records Law and may be disclosed to third parties.*

**Volunteer Application
Orange County Advisory Boards and Commissions**

Name: Rhonda Sue Holaday
Name Called:
Home Address: 504 Meadowland Drive
Hillsborough NC 27278
Phone (Day): 919-644-3112
Phone (Evening): 919-886-3958
Phone (Cell): 000-000-0000
Email: sue.holaday@summitde.net
Place of Employment: Summit Design and Engineering Services, PLLC
Job Title: Human Resources Manager
Year of OC Residence:
Township of Residence: Non-Res.Consult
Zone of Residence: Non-Resident Consultant
Sex: Female
Ethnic Background: Caucasian

Community Activities/Organizational Memberships:
None

Past Service on Orange County Advisory Boards:
None

Boards/Commissions applied for:

Workforce Development Board - Regional Partnership (CURRENTLY NOT ACCEPTING APP

Background, education and experience relevant to this board:

Not disclosed.

Reasons for wanting to serve on this board:

Not disclosed.

Conflict of Interest:

Supplemental Questions:

Other Comments:

This application was current on: 6/2/2016 11:57:00 AM

Date Printed: 6/2/2016

Applicant Interest Listing

by Board Name and by Applicant Name

Workforce Development Board - Regional Partnershi

Contact Person: Linda Parker

Contact Phone: 336-629-5141

Rhonda Sue Holaday

504 Meadowland Drive

Hillsborough NC 27278

Day Phone: 919-644-3112

Evening Phone: 919-886-3958

Cell Phone: 000-000-0000

E-mail: sue.holiday@summitde.net

Sex: Female

Race: Caucasian

Township: Non-Res.Consultnt.

Res. Eligibility: Non-Resident Consulta

Date Applied: 06/02/2016

Skills:

Also Serves On:

BOCC Meeting Follow-up Actions

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

Meeting Date	Task	Target Date	Person(s) Responsible	Status
11/1/16	Review and consider request by Commissioner Jacobs that the County pursue establishing a joint planning group with Carrboro to review/plan development on Carrboro's western border	1/31/2017	Bonnie Hammersley	Manager to consult with Carrboro Manager
11/1/16	Review and consider request by Commissioner Pelissier that the Board establish some format for Board members who attend conferences to provide follow-up informational reports to other Board members	1/31/2017	Donna Baker Todd McGee	Staff to develop draft format for Board review
11/1/16	Review and consider request by Commissioner Rich that Community Relations work with the Sheriff's Office to make the online complaint feature more visible	12/31/2016	Todd McGee	Staff to work with Sheriff's Office to bring greater attention to online complaint feature
11/1/16	Review and consider request by Commissioner Rich that staff review the opportunities to plan for solar pre-wiring of all new buildings as a standard feature, including contacting the Town of Apex and others about their efforts	1/31/2017	Craig Benedict Jeff Thompson	Staff to follow-up
11/1/16	Review and consider request by Commissioner Rich that Community Relations meet with both school systems public information officers to help ensure the County and Board members are aware of all school events and ceremonies	12/31/2016	Todd McGee Donna Baker	Staff to work with school systems public info officers; Clerk to the Board to be added to school emails groups
11/1/16	Review and consider request by Commissioner Price that the Board consider a resolution in support of the Equal Rights Amendment at an upcoming meeting	11/15/2016	Chair/Vice Chair/Manager	DONE Item included on 11/15/16 agenda
11/1/16	Review and consider request by Commissioner Price that the Board recognize/approve Movement for Youth as the lead agency for My Brother's Keeper	12/5/2016	Bonnie Hammersley	Manager followed-up with Commissioner Price; item tentatively scheduled for 12/5/16 regular Board meeting

Meeting Date	Task	Target Date	Person(s) Responsible	Status
11/1/16	Send relevant portions of North American Industry Classification System (NAICS) Code related to the Hillsborough EDD to Board members for review and feedback	11/3/2016	Perdita Holtz Craig Benedict	DONE
11/1/16	Incorporate feedback from Board members into agenda materials and bring back both Hillsborough EDD amendment items to December 5, 2016 regular meeting	12/5/2016	Perdita Holtz Craig Benedict	Staff to incorporate feedback and bring items back for December 5 th meeting
11/1/16	Conform the affordable housing income targets chart and project scoring criteria based on Board approved revisions	11/15/2016	Audrey Spencer-Horsley Travis Myren	Documents to be conformed to Board approval
11/1/16	Investigate opportunities to include Orange County residency/workplace in the affordable housing scoring criteria and bring options back to the Board	1/31/2017	Audrey Spencer-Horsley Travis Myren	County Attorney provided information via 11/2/16 email regarding residency requirements for County programs/services; staff will investigate based on County's limited authority and bring back to BOCC



To: Orange County Board of County Commissioners
From: Lucinda Munger, Director, Orange County Public Library
Date: November 15, 2016
Subject: Library System's Strategic Plan

The Orange County Public Library system has completed its 2017-2020 strategic planning process, work funded by an LSTA State Library Grant.

In the years since the Board of County Commissioners approved the library system's 2013-2016 strategic plan, we have:

- Developed a more diverse and accessible collection
- Expanded relationships with community organizations and local government
- Upgraded our visual presence and facilities
- Offered more and better services, programs and technologies that respond to the needs of new and existing customers

To complete this plan, the library system worked with Floricane, a strategic planning firm from Richmond, VA.

The plan in your packet reflects input from residents, community organizations, members of the business community, library users, library staff, elected officials and county staff. In total, over 600 individuals contributed to our work.

The plan also contains a narrative describing our strategic planning process.

Our next steps are: 1) to take each strategy outlined in the plan and create objectives, measurements and, 2) to name who within the library system will move the each project forward.

We will submit progress updates on a regular basis as outlined by the county manager.

Attachment

Orange County Public Library
2017-2020 Strategic Plan



Orange County Public Library
Orange County, NC

**Strategic Plan
2017-2020**

Acknowledgements

We spoke with hundreds of Orange County, NC residents as part of our strategic planning process. (Appendix A outlines the process in detail). Overall, we heard from 600 people, including our entire staff and many of our volunteers. The themes and strategies in this plan emerged as a direct result of listening to so many important voices. We would like to extend our appreciation to those who took the time to participate and look forward to sharing the plan's progress and success with you.

Strategic Planning Committee

Lucinda Munger, Library Director

Andrea Tullos, Assistant Library Director

Libbie Hough, Communications Specialist

Bessie Mbadugha, Community Member

Erin Sapienza, Community Librarian

Strategic Planning Consultants

Lesley Bruno, Floricane

John Sarvay, Floricane

Welcome from the Library Director

The library's 2017-2020 strategic plan comes at the end of an election cycle riddled with anger, anxiety and divisiveness. Many of us long for a place to restore our sense of civility and safety and our sense of connection.

As a public servant, community member and library director, I have wanted to know how the library can act as a connector and convener for people in search of those values. This strategic planning process provided some exciting answers to this question, but they did not come from me. Through its thoughtful participation and feedback during this process, the Orange County community has shown the library how to proceed, and what to continue doing well.

From across the county, we received compliments for the high quality services and creative programs we provide, and for our attempts to be inclusive and welcoming to our entire community. In our parent focus group, for example, we expected feedback around offering more story times, a broader selection of books and kid-friendly technology. Instead, we were told that we already excel in those areas and to keep it up but also consider new initiatives.

Over 600 county residents participated in the formation of this plan. They challenged us to raise our game and to look outward. They want us to lift our gaze from computer screens, data sheets and shelves. They asked us to look at and listen more closely to them, so that together we can find the answers to our questions. In addition to offering traditional library services, they want us to move out of our comfort zone and meet people where they are. They want the library to be a greater part of the civic life of an already engaged community.

They said, "Don't just be a 'library', be a leader."

This new path will include partnering with county community centers, early childhood learning centers and K-12 schools, among others. It will include connecting more with adult learners and serving a more deliberate role in improving the quality of life in this amazing county. Our strategic plan gives us the framework we need to chart this journey. And...it's going to be EPIC!

Yes, EPIC. When you read our plan you will notice that our four strategic themes taken together challenge the library to be EPIC.

- **Engage with Ideas** – Develop and deliver a community engagement plan for the library.
- **Partner for Impact**- Focus our partnerships around issues that are important to the community.
- **Build Inclusive Spaces** – Create digital and physical spaces where people can come to connect with each other, share ideas and learn.
- **Create Stronger Connections** – Strengthen the systems and connections that help us better serve the community.

We are proud of where we have come from and are excited about where we will go as a library system. We look forward to opening a new southern branch, of developing new ways to serve rural residents, and to establishing partnerships for greater impact throughout Orange County.

Our success will not come down to doing any one thing or person in particular. It comes down to us – you, me, each other – to provide residents with safe and welcoming spaces where we can all share ideas and learn. With your help, the Orange County Public Library can be a place where our community can restore its sense of sanity, civility and connection.

Sincerely,

Lucinda Munger

Lucinda Munger
Library Director

Guiding Principles

Our Organizational Vision

We will set an example for other public libraries by providing safe and welcoming spaces for the people of our community and allow their ideas to flourish.

Our Organizational Values

- Commitment to Public Service
Providing a well-trained, enthusiastic staff that delivers superior customer service and responds to customer needs

- Inclusiveness
Serving the entire community through diverse resources and programs

- Fostering Fun and Lifelong Learning
Offering engaging, excellent programs and services, and promoting literacy and educational opportunities

- Collaboration
Accomplishing more together with partners working toward common goals

- Respect
Practicing kindness, promoting open dialogues and creating an environment of encouragement

Our 2017-2020 Strategic Direction

Strategic Mission Statement

During this plan's three year window and in service to our organizational vision, we will focus our efforts on listening and learning from a broader audience, expanding our reach throughout the county, ensuring that our partnerships are in service to our strategic goals, making our spaces more inclusive, and strengthening our internal and external support systems and relationships.

Key Strategic Themes

Our 2017-2020 Strategic Plan is organized around four central themes.

E NGAGE WITH IDEAS	We will ensure that the library is engaging targeted audiences throughout our community.
P ARTNER FOR IMPACT	We will focus and strengthen our strategic partnerships to create opportunities for change in our community.
B UILD I NCLUSIVE SPACES	We will establish physical and digital spaces where all people can come together to connect with each other, share ideas and learn.
C REATE STRONGER CONNECTIONS	We will strengthen the systems and connections that enable us to better serve our customers.

THEME:**ENGAGE WITH IDEAS**

We will ensure that the library is engaging targeted audiences throughout our community.

As the Orange County community grows, our continued priority is to work to ensure all residents of Orange County -- from toddlers to teens, students to seniors, rural to suburban -- find value in the library.

Strategy #1**Develop and deliver a community engagement plan for the library.**

Use information from existing community outreach and partnership efforts and the strategic planning process to meet people where they are. The community engagement plan will:

- Identify key audiences with which the library would like to maintain or strengthen its engagement.
- Incorporate visual and demographic data (e.g. age, socioeconomic and education levels, race, etc.) and geographic relationship to existing or future library facilities, and potential program and service partners for each audience.
- Include a defined process to continue or develop outreach efforts, programs and services for each audience.
- Link the library's work with the Board of County Commissioners' strategic goals and the county's commitment to social justice.
- Complement the library's marketing and communications plan and further increase public awareness of the library's services and programs.

THEME:
PARTNER FOR IMPACT

We will focus and strengthen our strategic partnerships to create opportunities for change in our community.

The library has partnerships across Orange County and is committed to strengthening those connections to serve our customers. Over the next three years, we will emphasize strategic partnerships to increase literacy for children birth to five, school-aged children and adults.

Strategy #2

Develop a partnership framework to guide and shape our community relationships.

Library staff will develop a partnership framework with clear definitions and guidelines. The framework will:

- Include an inventory of existing partnerships, and identify partnership gaps and opportunities for the library to evaluate in the future.
- Establish clear processes with suggested timelines for ongoing review and evaluation of the library's partnership efforts.
- Integrate this work with the library's marketing and communications plan in order to promote our partners, increase awareness of our combined efforts and raise the library's visibility in the community.

Strategy #3

Focus our partnerships around issues important to our community.

The library director will work with area partners to:

- Evaluate the library's existing focus on and commitment to literacy for children birth to five, school-aged children and adults.
- Work with our partners to establish clear and measurable outcomes for our work.

THEME:
BUILD INCLUSIVE SPACES

We will establish physical and digital spaces where all people can come together to connect with each other, share ideas and learn.

Orange County residents, regardless of where they live in our community, deserve equal access to the opportunities a full-service library system can create. We will extend the reach of the library system throughout the county with a new branch location in Carrboro and an improved website. We will continue to support county efforts to increase Internet access to all residents.

Strategy #4

Develop a comprehensive “space” plan for the library.

Library staff will develop a plan to extend the reach of the library to every corner of Orange County, ensuring equal access to library programs, services and materials. The plan will include:

- An evaluation of physical space and how each library building is utilized, including the Main Library in Hillsborough, the two current Carrboro locations and the plans for a new branch library in Carrboro.
- An evaluation of the Library Station Kiosk and opportunities to extend the electronic kiosk model to other locations in Orange County.
- Surveying customer and staff for suggestions and collaborating with Orange County’s Community Relations Department to improve ease of use of the library website.

THEME:
**CREATE STRONGER
 CONNECTIONS**

We will strengthen the systems and connections that enable us to better serve our customers.

Like all county government departments, we exist to meet the needs of our residents. To increase our effectiveness, we will continue to develop our support network, forge relationships with other library systems and foster a customer-focused work culture.

Strategy #5

Increase the Friends' ability to raise funds and advocate for the library system.

- Library leadership will work with the Main Library Friends and the Southern Branch Friends groups to establish a unified, integrated approach to helping the library meet the needs of the public.

Strategy #6

Build relationships with area libraries.

- Library staff will develop a process and timeline to identify and reach out to nearby libraries with the goal of creating opportunities for collaboration.
- Library leadership will determine how to support and enhance the process.

Strategy #7

Invest in ongoing staff development.

To better serve library customers, library staff will design a staff development plan that:

- Promotes unity and clarity of purpose among library divisions.
- Strengthens relationships and bolsters team effectiveness.
- Sharpens customer service skills.
- Raises cultural sensitivity.
- Develops leadership skills.

Appendices

This brief section of appendices describes the strategic planning process and the library's current operational state. For more detailed information about the library, please visit bit.ly/ocplibrary.

Appendix A

The Strategic Planning Process

The process for developing this strategic plan began in July 2016 with initial planning discussions, and progressed through subsequent discovery, blueprint and construction phases, with final approval and adoption in December 2016.

A strategic planning committee, including lead library administrative staff, one community volunteer and two consultants from Richmond, VA based Floricane LLC (www.floricane.com) worked closely to develop project objectives, scope of work and desired outcomes; identify key stakeholders and audiences to engage during the process; source emerging themes; and draft the goals, strategies and tactics that form the backbone of the plan. Additionally, the committee spent time reviewing the library's previous strategic plan and related institutional documents.

From the outset, the committee emphasized public and staff engagement as a critical component of this process, and designed a discovery phase that would source input from a variety of stakeholders. All told, this phase resulted in feedback from more than 600 people, including library customers, community and business leaders, parents, teenagers, educators, county commissioners, Friends of the Library, Club Nova members, library staff, and members of the general public. Feedback was collected via focus group discussions, an online and paper customer survey, a full-day all staff retreat, and 15 individual stakeholder interviews.

These conversations provided a unique window into the needs and wishes of library customers, from a variety of perspectives. Within the first 15 minutes of the parent focus group, for example, participants asked for more LGBTQ books and programming and requested a more formalized partnership with the home school community. The middle and high school students who attended the teen focus group expressed a desire for their own "adult-free" space within library branches and increased collaboration between the library and schools to ensure that, for instance, titles required for AP students are available and lent for an extended period. These were but a few examples, but ultimately it was clear that the community had no shortage of

bold ideas and helpful feedback. All input will be kept and considered throughout the implementation of this plan.

In September, the committee aggregated the results of the discovery phase into a set of key emerging themes and supporting high level strategies. These were presented to the public during a seven day, county wide charrette process in early October. Respondents were invited to review the themes and strategies, and indicate the two or three areas that felt the most urgent or compelling.

Committee members regrouped around the charrette results and drafted a strategic plan designed to elevate the library's service and expand access to all Orange County residents, energize and engage current and future customers, and create a more unified county wide library system. Library staff members were provided an opportunity to review and comment on the draft before a final version was submitted to the Orange County Board of Commissioners in November 2016.

Beginning in January 2017, the library will 1) assign objectives, tactics and measurements to each strategy outlined in the plan 2) identify staff and/or staff groups within the library system who will move each project forward.

Appendix B Library Current State

The Orange County Public Library (OCPL) has provided library services to the community since 1910. Below is a summary of our current statistics.

- Operational Budget for 16-17: \$1,999,664, (28% increase from 2010). Circulation: 446,787 items borrowed (65% increase since 2010).
- Annual Programming Attendance: 12,437 (51% increase since 2010). Annual number of library visitors: 300,004 (69% increase since 2010)

Current Library Locations:

- Main Library – 137 W. Margaret Lane; Hillsborough, NC 27278
- Carrboro Branch - 900 Old Fayetteville Rd; Chapel Hill, NC 27516 (McDougle Middle School)
- Cybrary - 100 N. Greensboro Street; Carrboro, NC 27510
- Library Station Kiosk - Adjacent to the Cedar Grove Community Center
5800 NC-86 N

In addition to physical branches and kiosks, library card holders have access to a wide variety of books, periodicals, papers, research, data and other information via the library's section of the Orange County website.

Visit: http://www.orangecountync.gov/departments/library/online_resources.php

MEMORANDUM

To: Orange County Board of County Commissioners

From: Micah Guindon, Fiscal & Research Manager and Peter Murphy, Transportation Administrator

RE: Human Services transportation research and Orange Public Transit's challenges and solutions

Date: November 9, 2016

Purpose

- Share results of the recent research project that examined the transportation needs of human services clients.
- Share prioritized solutions (planned or currently in place) to address the transportation needs of human services clients and current barriers to these solutions.

Problem

Human Services staff consistently hear and see transportation being a barrier for clients. Thus, the Human Services Data Collaborative conducted a research project to gather quantitative and qualitative data to better understand client needs. This four-pronged research project shows there is currently an unmet transportation need for human services clients. While a full report is available upon request, research findings include:

- Nearly **one in five (18%) clients reported transportation is difficult for them**. Various car problems (car trouble, no car, don't drive, and cannot find rides) are the most common reasons clients have difficulty with transportation.
- **Low transportation access clusters** were identified in three areas of the County: Mebane (Elmwood Apartments and Cedar Hill Apartments), Southwest Hillsborough (Gateway Village Apartments, Oakdale Mobile Home Park, Colonial Estate, and Patriot's Point Apartments), and Southern Hillsborough (Woods Edge Mobile Home Park).
- Twenty-eight instances of **missed service opportunities due to transportation** were captured over a period of two months.
- **Current human services staff strategies** can be organized into four categories: dedicating resources to aid client transportation; offering services in homes, off site, and at convenient locations; transporting clients, and providing education and assistance navigating the public transportation system. Please see Appendix A: *Alternative Transportation Systems Used by Human Service Departments* for a detailed list of strategies currently in place.

Current Solutions

Through existing routes, Orange Public Transportation (OPT) provides bus stops at some of the locations identified in the research project. OPT has also mapped the low access clusters to show proximity to current transportation options. These *Low Access Cluster Maps* can be found in Appendix B of this memo. As part of OPT's five-year expansion program, new services on the Route 70 corridor and three zonal deviated fixed routes will provide additional transportation options to human services clients currently experiencing difficulty. In order to implement the new services, OPT is hiring additional staff and adding vehicles. Working with Human Resources, recruitment and retention challenges have been identified and implemented. Another priority is educating riders and potential riders on how to navigate public transportation. In order to do so, OPT and human services departments will:

- Develop maps to critical human services locations
- Work with clients on how to use Google maps and Go Triangle's trip planner

- Provide intensive navigation assistance when needed

Conclusion

The Human Services departments are currently working to address clients' needs through a variety of formal and informal strategies, including working with Orange Public Transit (OPT). Moving forward, the Human Services team and OPT will address the top two priorities: filling vacant driver positions and educating riders about public transportation options. Staff will come back to address the Board of County Commissioners in 2017 with additional information in conjunction with the new Transit Director.

Appendix A: Alternative Transportation Systems Used by Human Services Departments

We are dedicating resources to aid client transportation:

- **Providing funding to clients for Uber:** Health is piloting an Uber ride share program where families will be given a gift card in exchange for setting up and using Uber, but they're finding that there are not many Uber drivers available in Hillsborough/N. Orange.
- **Providing funding to partners to transport clients:** The Family Success Alliance (Health) provides service providers funding to provide transportation options for parents including gas cards and reimbursements for taxis and carpools. Child Protective Services (DSS) has three part-time drivers who occasionally transport kids in foster care.
- **Contracting with OPT:** Housing pays OPT to transport disabled citizens.
- **Providing reimbursement:** Child Protective Services (DSS) reimburses foster parents when they transport a child to/from school when their school of origin is outside of the foster parent's school district. Health reimburses parking passes for mammogram appointments with grant funding.
- **Using outside funding:** Aging uses Durham Chapel Hill-Carrboro Metropolitan Planning Area funds for the volunteer driver program and the transportation specialist position; HCCBG funds the daily senior center routes.

We are offering services in homes and off site and at convenient locations:

- **Offering in-home services:** Health has family home visiting teams who provide home visits assisting clients to receive services even if they do not have transportation.
- **Holding events at convenient times and locations:** Health provides height and weight measurement and nutrition counseling at the annual Latino Health Fair after Latino Mass at St. Thomas Moore. They are also piloting new education workshops at Refugee Support Centers to provide tips on working with providers, info about betel nut health risks, and more. The Adolescent Parenting Program (DSS) hold events in convenient locations and at convenient times. Smoking cessation classes (Health) have evening offerings at locations closer to clients' homes.
- **Offering flexible drop sites:** DSS clients can drop off applications to either Chapel Hill or Hillsborough offices no matter where they live.

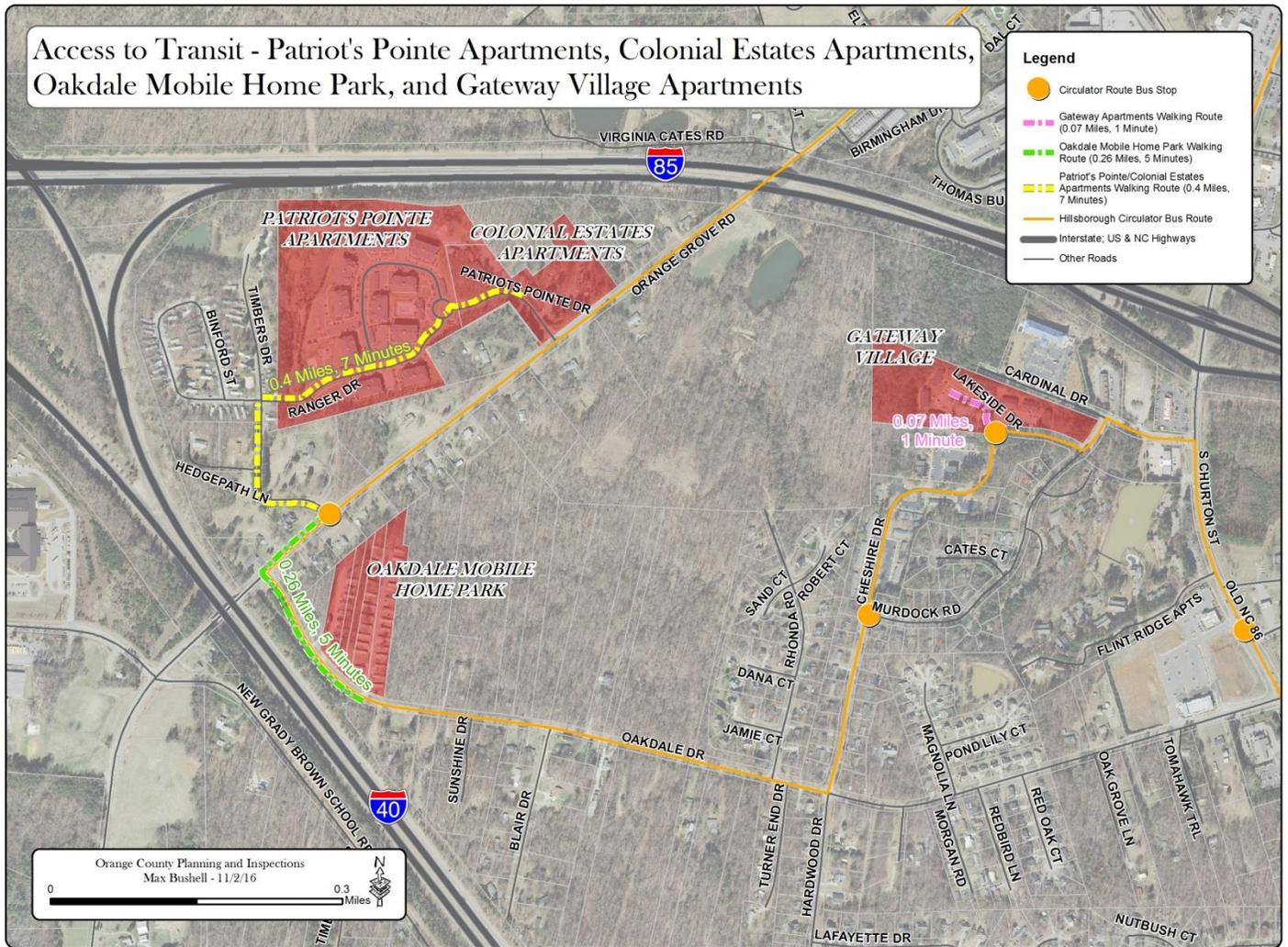
We are providing education and assistance navigating public transportation systems:

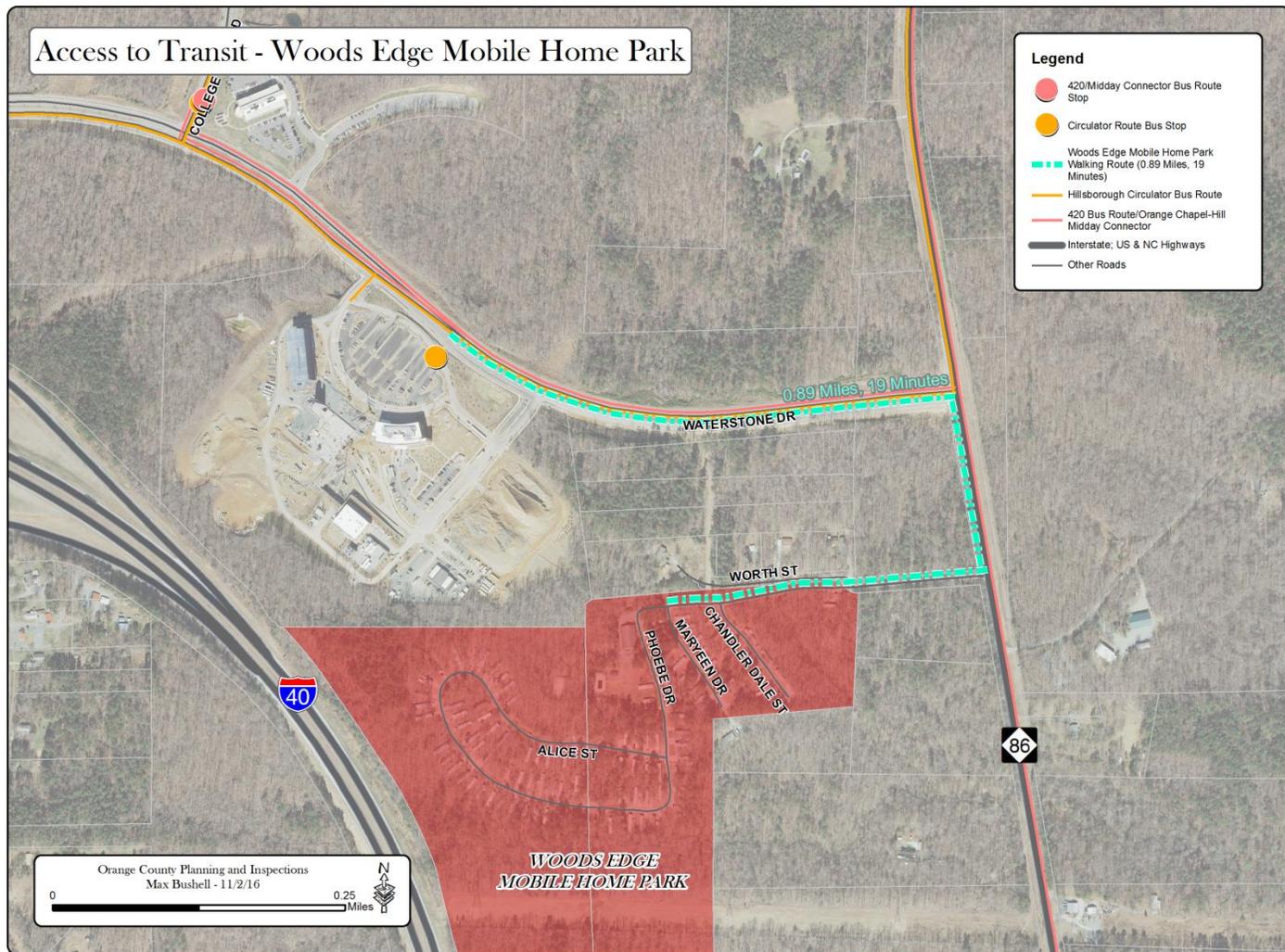
- **Referring to medical transportation services:** Health makes referrals to DSS to arrange medical transportation if it is within the county. DSS has staff coordinating the Medicaid transportation program with OPT.
- **Providing assistance and education on bus routes/schedules:** Health assists clients to access bus routes and schedule information. Aging publicizes and gives out transportation brochures. Their front line staff are familiar with local transportation options.
- **Dedicating staff positions to liaising transportation:** Aging has a "Transportation Specialist" position on staff.

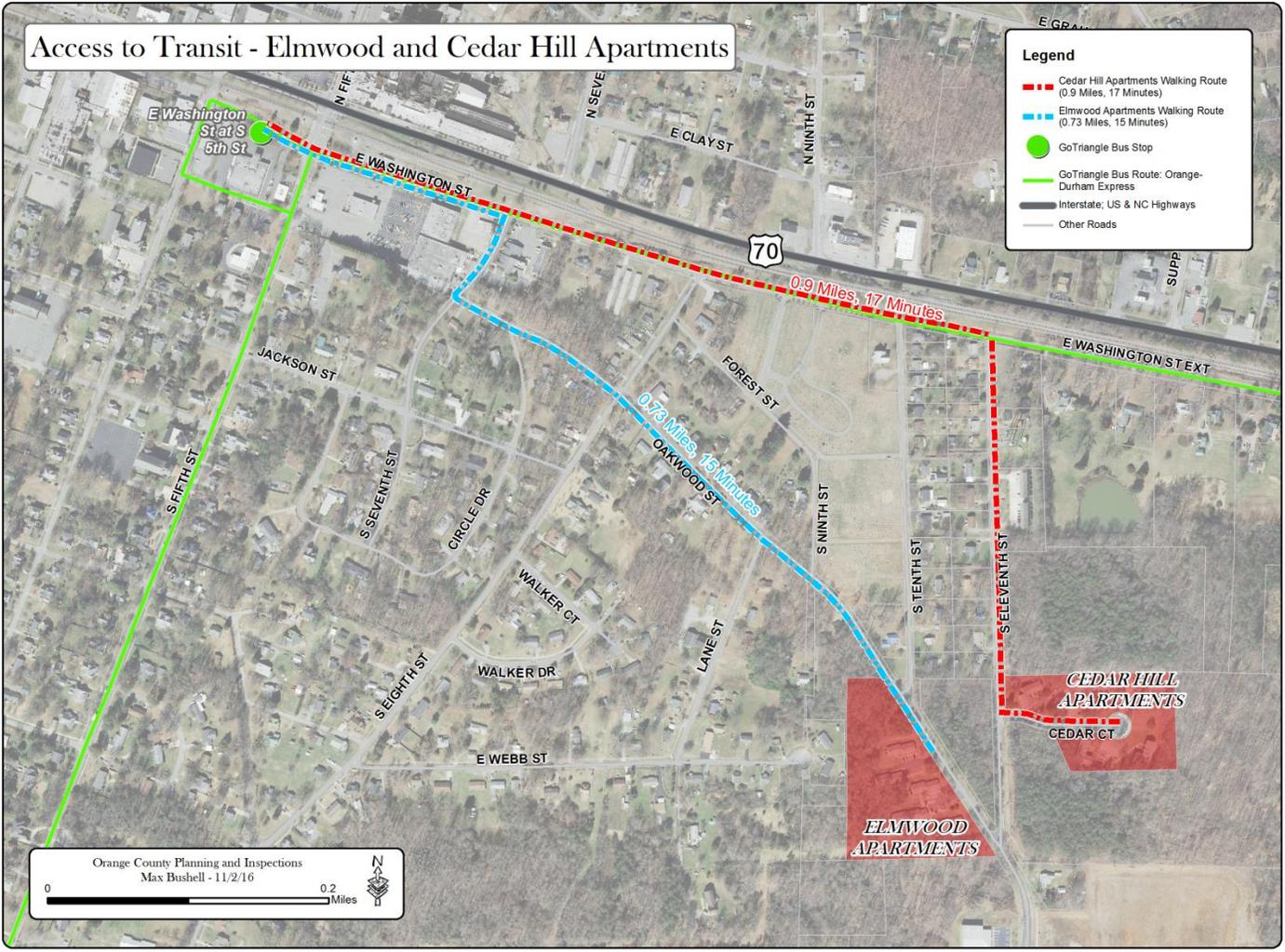
We are transporting clients:

- **Dedicating staff positions** Child Protective Services (DSS) has 2 FTEs who provide transportation for CPS clients (primarily children).
- **Social workers provide transportation:** In the Adolescent Parenting Program (DSS), social workers provide transportation in county vehicles to program events as well as prenatal and well-child medical appointments.

Appendix B: Low Access Cluster Maps







INFORMATION ITEM



EARL MCKEE, CHAIR
MARK DOROSIN, VICE CHAIR
MIA BURROUGHS
BARRY JACOBS
BERNADETTE PELISSIER
RENEE PRICE
PENNY RICH

Orange County Board of Commissioners
Post Office Box 8181
200 South Cameron Street
Hillsborough, North Carolina 27278

October 26, 2016

Dear Commissioners,

At the Board's November 1, 2016 regular meeting, petitions were brought forth which were reviewed by the Chair/Vice Chair/Manager Agenda team. The petitions and responses are listed below:

- 1) Review and consider a request by Commissioner Jacobs that the County pursue establishing a joint planning group with Carrboro to review/plan development on Carrboro's western border.

Response: Manager to consult with Carrboro Manager.

- 2) Review and consider a by Commissioner Pelissier that the Board establish some format for Board members who attend conferences to provide follow-up informational reports to other Board members.

Response: Staff to develop draft format for Board review.

- 3) Review and consider a request by Commissioner Rich that Community Relations work with the Sheriff's Office to make the online complaint feature more visible.

Response: Staff to work with Sheriff's Office to bring greater attention to online complaint feature.

- 4) Review and consider a request by Commissioner Rich that staff review the opportunities to plan for solar pre-wiring of all new buildings as a standard feature, including contacting the Town of Apex and others about their efforts.

Response: Staff to follow-up.

- 5) Review and consider a request by Commissioner Rich that Community Relations meet with both school systems public information officers to help ensure the County and Board members are aware of all school events and ceremonies.

Response: Staff to work with school systems public info officers; Clerk to the Board to be added to school emails groups.

- 6) Review and consider a request by Commissioner Price that the Board consider a resolution in support of the Equal Rights Amendment at an upcoming meeting.

Response: Item included on 11/15/16 agenda.

7) Review and consider a request by Commissioner Price that the Board recognize/approve Movement for Youth as the lead agency for My Brother's Keeper Regards.

Response: Manager followed-up with Commissioner Price; item tentatively scheduled for 12/5/16 regular Board meeting.

Regards,

A handwritten signature in black ink that reads "Earl McKee". The signature is written in a cursive style with a large, stylized "E" and "M".

Earl McKee, Chair
Board of County Commissioners