Orange County
Board of Commissioners

Agenda

Regular Meeting
January 23, 2014
7:00 p.m.
Department of Social Services
Hillsborough Commons
113 Mayo Street
Hillsborough, NC 27278

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

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

1. **Additions or Changes to the Agenda** (7:00-7:05)

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** (7:05-7:20)

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

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

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

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

3. **Petitions by Board Members (Three Minute Limit Per Commissioner)** (7:20-7:30)

4. **Proclamations/ Resolutions/ Special Presentations** (7:30-7:45)

a. Alcoholic Beverage Control (ABC) Board Update Presentation

5. **Public Hearings** (7:45-8:00)

   a. Unified Development Ordinance Text Amendment Related to Board of Adjustment Operation and Procedures – Public Hearing Closure and Action (No Additional Comments Accepted)
   b. Unified Development Ordinance Text Amendment Related to Telecommunication Facilities – Public Hearing Closure and Action (No Additional Comments Accepted)

6. **Consent Agenda** (8:00-8:10)
   - Removal of Any Items from Consent Agenda
   - Approval of Remaining Consent Agenda
   - Discussion and Approval of the Items Removed from the Consent Agenda

   a. Minutes
   b. Motor Vehicle Property Tax Releases/Refunds
   c. Property Tax Releases/Refunds
   d. Applications for Property Tax Exemption/Exclusion
   e. Fiscal Year 2013-14 Budget Amendment #4
   f. FY 2013-14 Budget Amendment #4-A – Approval of a 0.50 FTE Increase and a General Fund Intrafund Transfer to Establish a 1.0 FTE Agricultural Economic Development Coordinator
   g. Request to Ratify the Renewal of the Emergency Solutions Grant Program Effective January 1, 2014 through September 30, 2014
   h. McGowan Creek Sewer Interceptor Project – Acceptance of State Revolving Fund Loan
   i. Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Member Agencies Memorandum of Understanding Revisions
   j. Lands Legacy Action Plan for 2014-17
   k. Bid Award – Hook Truck for Solid Waste
   l. Changes in BOCC Regular Meeting Schedule for 2014
   m. Update on Adjustments to Town of Hillsborough Extraterritorial Jurisdiction (ETJ)

7. **Regular Agenda**

   a. Southern Branch Library Siting Criteria Update, Professional Services Agreement Award with Freelon Group Architects for Primary Phase Public Input Facilitation and Branch Programming (8:10-8:35)
   b. Rural Recycling Service District Implementation Planning (8:35-9:00)
   c. Approval of Budget Amendment #4-B to Purchase Rural Curbside Recycling Trucks (9:00-9:15)
   d. Potential Orange County Fair – Conceptual Plan and Follow-Up (9:15-9:50)

8. **Reports**

9. **County Manager's Report** (9:50-9:55)

10. **County Attorney's Report** (9:55-10:00)

11. **Appointments** (10:00-10:15)

    a. Advisory Board on Aging – Appointment
    b. Arts Commission – Appointment

c. Nursing Home Community Advisory Committee – Appointment

12. Board Comments (Three Minute Limit Per Commissioner) (10:15-10:30)

13. Information Items

- December 10, 2013 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Monthly Enforced Collections
- Memorandum Regarding Major Fund Financial Statement for the Six Months Ended December 31, 2013
- BOCC Chair Letter Regarding Petitions from December 10, 2013 Regular Board Meeting

14. Closed Session (10:30-)

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

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee;" NCGS § 143-318.11(a)(6).

15. Adjournment

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

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

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda
Item No. 4-a

SUBJECT: Alcoholic Beverage Control (ABC) Board Update Presentation

DEPARTMENT: Board of Commissioners **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
2013-2014 Mid-Year Disbursement Letter from ABC General Manager Tony Dubois
ABC Annual Report

INFORMATION CONTACT:
Clerk's Office, 245-2130

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

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

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

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

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

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

Board Members
ROSA TILLEY
LISA STUCKEY
GREGG JARVIES

January 1, 2014

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

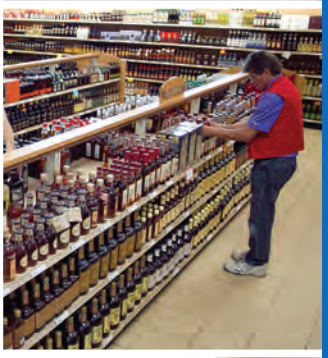
In this fiscal year a distribution of $400,000 is currently being paid to the Orange County General fund. Distributions are made the last month of each quarter (September, December, March and June) in the amount of $100,000. The board also set aside $48,333 to contribute to the Board Retiree Health Care Plan. We increased the distribution to Alcohol Law Enforcement agencies to $155,000. The board also increased the amount available for community Alcohol Education and Rehabilitation grants for schools and local community organizations for a total of $145,000. The distributions from the board for fiscal year 2013-14 total $748,333 as detailed below.

Alcohol Law Enforcement	Amount
UNC Police Department	$3,329
Hillsborough Police Department	$6,800
Carrboro Police Department	$15,000
Chapel Hill Police Department	$19,000
Orange County Sheriff's Dept. Vehicle	$25,125
Orange County Sheriff's Department	$85,746
Total Alcohol Law Enforcement	$155,000

Alcohol Education and Rehabilitation Grants	Amount
Lutheran Services Carolina	$1,585
Mental Health America-Orange Partnership	$5,000
Carpe Diem	$11,000
Orange County Drug Court	$20,000
El Futuro	$27,115
Orange County Schools	$38,500
Chapel Hill-Carrboro city Schools	$41,800
Total Alcohol Education and Rehabilitation	$145,000

Sincerely,

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



North Carolina Alcoholic Beverage Control

2013 Annual Report

Control, Service & Revenue
Since 1937

ABC
COMMISSION
NORTH CAROLINA

Locations pictured on front cover:

Row 2: Wake County ABC—Sandy Forks Store, Raleigh
N.C. ABC Commission Warehouse, Raleigh

Row 3: Nash County ABC—Nashville Store *(courtesy of the Rocky Mount Telegram)*
Covington Distillery—Snow Hill
Wake County ABC—Sandy Forks Store, Raleigh

Row 4: Waynesville ABC—Waynesville Store

Row 5: N.C. ABC Commission Warehouse, Raleigh

Row 6: N.C. ABC Commission Warehouse, Raleigh
Ahoskie ABC—Ahoskie Store

Facing page:

Governor Pat McCrory and Lieutenant Governor Dan Forest tour the N.C. ABC Commission facilities in spring 2013.

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LETTER FROM THE CHAIRMAN

James C. Gardner

November 2013

North Carolina's Alcoholic Beverage Control Commission is the regulator for all alcoholic beverages in the state. As such, the Commission works to promote a healthy hospitality industry and takes an interest in raising awareness about the growing number of legal distilleries, wineries and breweries now operating in North Carolina.

At the same time, the Commission, along with the 168 local ABC boards, long has focused resources on mitigating alcohol's harms. During the fiscal year that ended June 30, 2013, the local ABC boards spent more than $10 million dollars on alcohol education. And the local boards sent more than $7 million back into their communities in the form of alcohol law enforcement spending. Since February 2013, when I was named Chairman and our two commissioners, Joel Keith and Kevin Green, joined me at this state agency, we have increased the standard penalties for sales of alcohol to underage persons, we have disapproved alcohol packaging that would appeal to youth, and we have extended the period that businesses hold temporary permits, so that we can be confident they are complying with ABC laws.

This is important work and represents an impressive achievement. But I believe we can and should do more. That is why I have asked the Governor, other state agencies, private industry and community organizations to join with the ABC Commission in focusing on the problem of underage drinking in North Carolina. We are beginning our efforts as this new fiscal year opens. One of the feature articles in this year's annual report will provide a preview of this initiative and its goals.

Gross sales at ABC stores – both sales to individual consumers and to businesses that sell mixed drinks – were up 4 percent over the last fiscal year to more than $829 million. Net proceeds to state and local governments from ABC board sales exceeded $316 million.

The ABC system is wholly funded by the sale of liquor in the ABC stores. No funds come from the state General Fund for Commission or store operations. During fiscal year 2013, the Commission has been a careful steward of these revenues. We have streamlined our operations, trimmed staff in some areas and added positions in others to support our core business, which is regulating permit holders.

The state ABC Commission is in close communication with the local ABC boards that conduct the retail sales of spirituous liquor in North Carolina and with the leadership of the board association, both past president Shelly Willingham and current president Sara Brewer. The ABC boards serve an important role in their communities, and their work helps address alcohol education and law enforcement funding and programs at the local level.

I'm pleased with the results and invite you to look at the attached report for more detailed information about Commission initiatives and local board results.

James C. Gardner

Chairman, North Carolina Alcoholic Beverage Control Commission

ABC COMMISSION NORTH CAROLINA

COMMISSION COMMITS TO THE CREATION OF THE NORTH CAROLINA INITIATIVE TO REDUCE UNDERAGE DRINKING

When Governor Pat McCrory appointed Chairman Jim Gardner and Commissioners Joel Keith and Kevin Green to lead the North Carolina ABC Commission in February 2013, he directed them to look into the problem of underage drinking in North Carolina, especially binge drinking by university students.

Chairman Gardner and the staff at the Commission have responded.

The North Carolina Initiative to Reduce Underage Drinking, under the leadership of the NC ABC Commission, is taking shape today. Representatives of industry, education, medicine, law enforcement, courts, community prevention and educational coalitions, the faith community, and wholesale and retail establishments that sell alcohol are among the stakeholders who will be members of a council of North Carolina leaders shaping strategy and recommendations for Gov. McCrory.

N.C. ABC Commission, 2013
Commissioner Kevin M. Green, Chairman James C. Gardner, Commissioner Joel L. Keith

Early work of the initiative has been geared toward determining the scope of the problem and the likely best steps forward. Recent national research shows that more than a third of NC high school students report having at least one drink of alcohol over the past 30 days, and the costs of underage drinking exceed $1.5 billion annually in North Carolina.

To determine what that means to the public, the Commission has conducted six focus groups through early fall 2013 – two in the east, two in the west, and two in the Triangle area. Participants have included parents, youth, high school and university staff members, prevention and treatment specialists, law enforcement officers and industry representatives. The responses generated in these focus groups include the following recommendations:

1. Confront the culture in North Carolina that accepts underage drinking as a normal rite of passage (as an example, parents buying alcohol for tailgating parties and adults serving alcohol to underage individuals in their homes);
2. Model the underage drinking initiative after other successful campaigns, including realistic commercials and campaigns used for seatbelt and smoking initiatives;
3. Develop a statewide media campaign to target parents and adults, encouraging them to reject underage drinking in all of its forms and communicate with their teenagers and others in their community to inform them that underage drinking affects brain development and overall health;
4. Target a media campaign to change the image that underage drinking is cool and show them that many young people do not drink;
5. Communicate with youth through the technology that they use such as instant messaging, tweets and other social media;
6. Continue to support local community groups that work on preventing underage drinking;
7. Continue to conduct alcohol purchase surveys;
8. Encourage educational programs throughout our schools, especially in universities, emphasizing the negative aspects of alcohol use and the societal and legal sanctions for both underage drinking and aiding and abetting underage drinking;
9. Enforce current laws. Make compliance with underage drinking laws a priority.

As the work of the NC Initiative to Reduce Underage Drinking takes shape, the solutions being developed will be informed by the findings of focus groups and other research. Partnerships with key stakeholders will help make a measurable impact. The goal is to create a sustained, statewide commitment to reduce the consumption of alcohol by the youth under the age of 21 in North Carolina.

ARRAY OF NORTH CAROLINA LIQUORS EXPANDS

The craft spirits industry is following the path of wineries and breweries as a specialized — and growing — industry in North Carolina. Numbers of all three industries are increasing across the state. As of June 30,2013, North Carolina boasted 14 distilleries, 82 breweries and 146 wineries.

To help ABC store customers better understand the broad array of what's being produced and to encourage visits to the state's craft alcohol manufacturers, the state ABC Commission has produced and distributed a map for display in ABC stores showing all of North Carolina's distilleries, breweries and wineries. And to sharpen the focus on the expanding number of products available from North Carolina distilleries, the state ABC Commission has generated a variety of in-store marketing materials promoting North Carolina's own distilled spirits.

The state's role supporting North Carolina products begins well before the bottles reach the ABC store shelves, however. ABC Commission staff members work closely with North Carolina distillers, providing guidance all along the way, from information about starting operations to adding new products to the state warehouse inventory. As of June 30, nearly 40 different items produced by N.C. distillers were available in ABC stores.

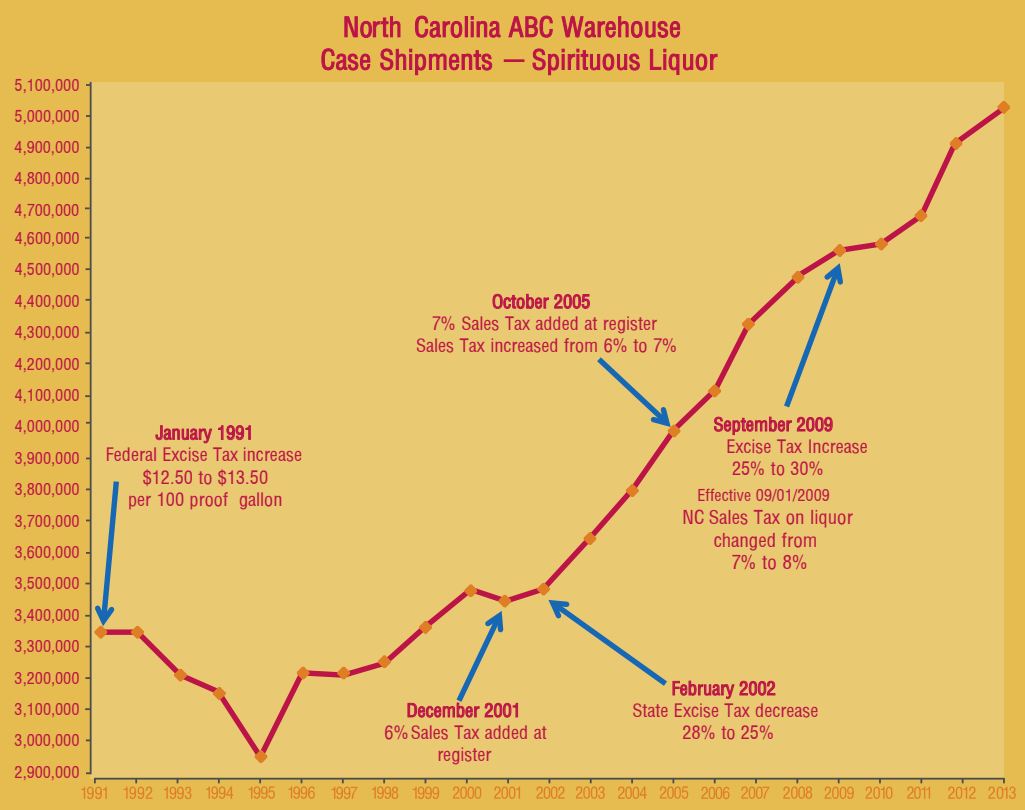
BOUTIQUE COLLECTION TO MEET MIXOLGISTS' NEEDS

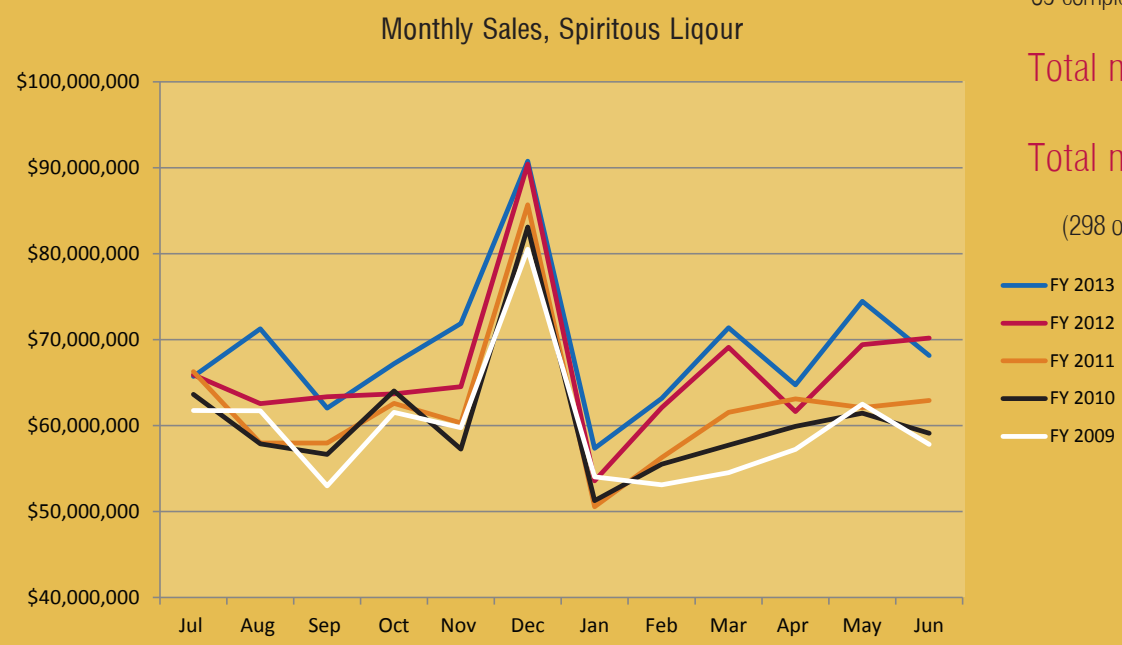
While the ABC Commission lists more than approximately 2,000 products available for the ABC stores to stock and sell, the nation's cocktail craze has created demand in North Carolina for even more specialized liquors.

Now thanks to the boutique collection — a new category of products created by the ABC Commission — ABC boards and their mixed beverage customers can order three-bottle cases of roughly 50 premium liquors, often used by national restaurant accounts in their signature drinks.

As a result, the boutique collection has eliminated the need — and the associated expense — for a restaurant to special order an entire 12-bottle case for liquor in the boutique category. For individual consumers, the smaller case size is intended to encourage more ABC stores to stock these niche products on their shelves. The Commission launched the boutique collection in May 2013.

CASE SHIPMENTS TO ABC BOARDS TOP 5 MILLION





2013 Fiscal Year Highlights

Mixed Beverage Referendums

Passed:

Granite Quarry (Rowan County) September 2012
McAdenville (Gaston County) October 2012
Chimney Rock Village (Rutherford County) May 2013

Opened additional ABC store:

Brevard (June 2013)
Hendersonville (September 2012)
Durham County (August 2012)

Closed a store:

Gates County (September 2012)

Reopened a store:

Pembroke & Tryon (May 2013)

Listed products	2,000
Special order products	1,700
Special orders processed	3,936

Performance audits:

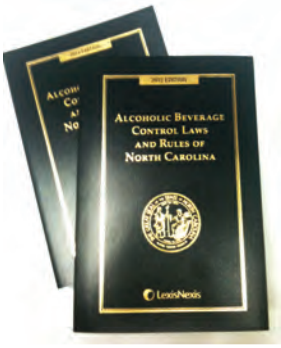
29 completed in FY 2013
69 completed since the process launched in 2010

Total number of ABC boards:

168

Total number of ABC stores:

422
(298 owned by the ABC boards 124 leased by the ABC boards)



ABC COMMISSION FOCUSES ON REGULATORY ISSUES

The North Carolina ABC Commission is a receipt supported agency housed in the Department of Commerce. No General Fund dollars are used to pay for Commission operations or for the local ABC stores, which are staffed and managed by the 168 ABC Boards across the state.

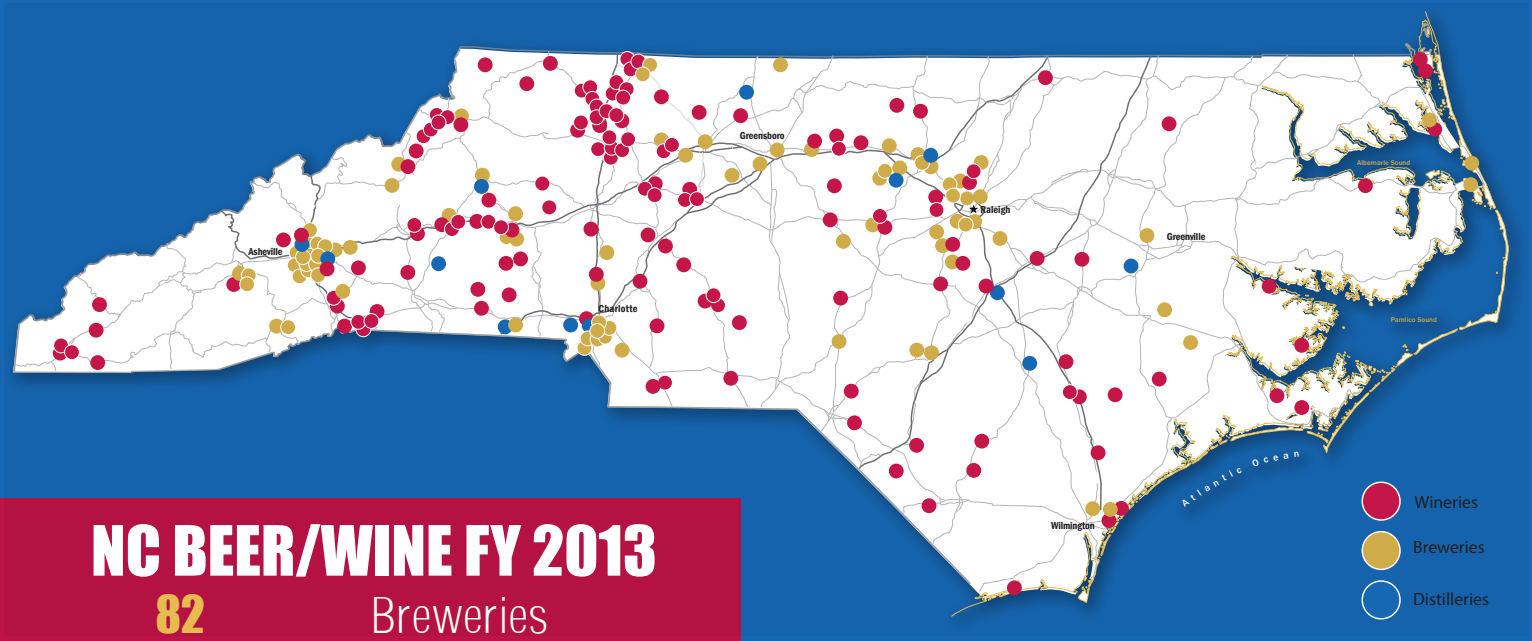
During the last half of fiscal year 2013, the state ABC Commission increased the standard penalties for sales of alcohol to underage persons, disapproved alcohol packaging that would appeal to youth, and extended the period that businesses are being required to hold temporary rather than permanent permits.

The state ABC Commission is the regulator of the roughly 18,000 businesses across the state that hold permits to manufacture, sell, serve or transport alcohol. But it is not the enforcement agency for alcohol laws. For that function, the state ABC Commission relies on local law enforcement agencies, the local ABC boards and the state Alcohol Law Enforcement, a division of the Department of Public Safety.

The ABC Commission issued 7,890 new retail and commercial permits in fiscal year 2013, and ALE conducted the investigations to provide information to the Commission to determine whether permanent permits were appropriate for those locations.

In the spring of 2013, the state ABC Commission implemented an internal reorganization. The Commission cut staff in some areas and added staff in others in order to focus resources on the regulatory responsibilities of the agency. After the realignment, the Commission took over from ALE the preliminary review and investigation of applicants for ABC permits. The purpose of this shift in responsibility has been to allow the sworn ALE agents to focus on law enforcement rather than administrative duties and to streamline the ABC permit application process in one state agency.

BEER & WINE BY THE NUMBERS

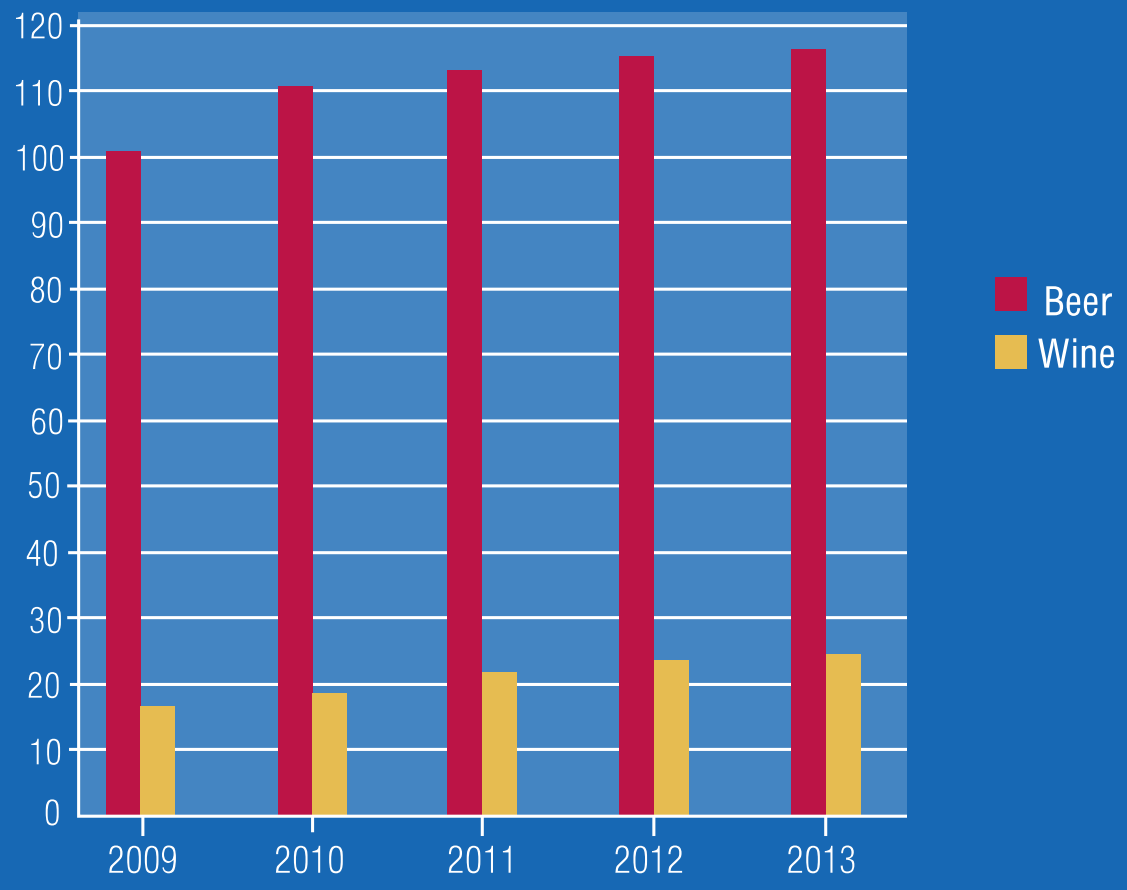


NC BEER/WINE FY 2013

82	Breweries
146	Wineries
14	Active Distilleries

Locations at time of map printing, spring 2013

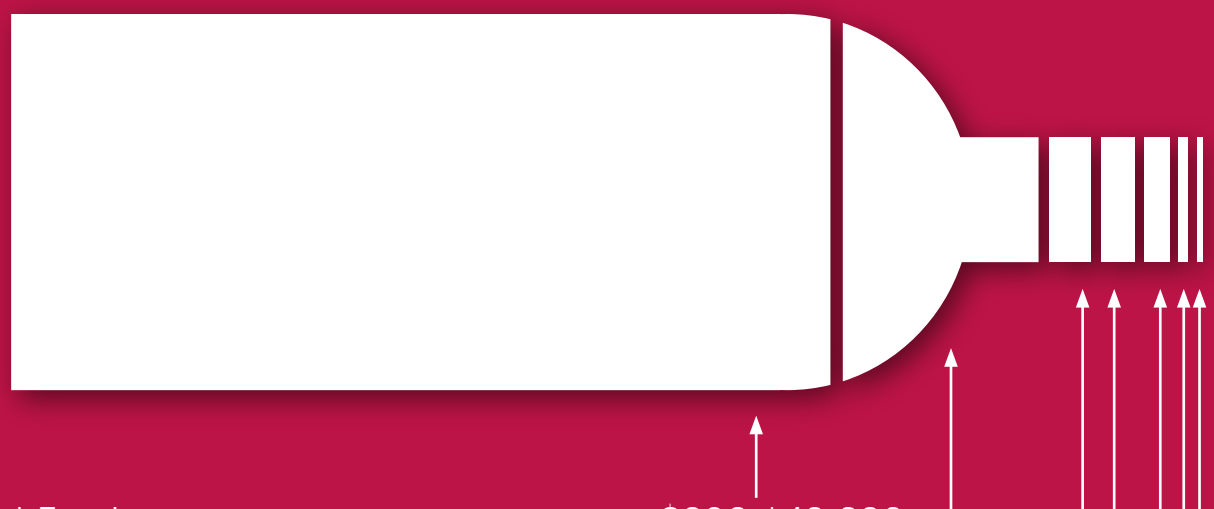
Beer and Wine Excise Taxes



Data provided by the N.C. Beer & Wine Wholesalers, based on monthly reports from the N.C. Department of Revenue.
Note: in September 2009 beer excise tax increases went into effect.

STATE AND LOCAL GOVERNMENTS GAIN $316 MILLION FROM LIQUOR SALES

Local ABC Boards in North Carolina are established and operated with no state funds. Through the sales of $829,186,586 in spirituous liquor and fortified wine in ABC stores in the fiscal year ending June 30, 2013, total revenue distributions amounted to $316,026,714 to the state's General Fund and the cities and counties where alcohol sales are allowed.



General Fund	$238,142,920
County - City Distributions	$55,835,532
NCABC & ABC Distribution Center	$12,054,881
Local Alcohol Education	$10,710,291
Local Law Enforcement	$7,297,194
Counties - Rehabilitation	$2,627,655
Department of Health & Human Services	$1,413,122

REVENUES FROM SPIRITOUS LIQOUR NORTH CAROLINA ABC BOARDS JULY 1, 2012 – JUNE 30, 2013

	6/30/13	6/30/12	Increase/ - Decrease	Percent Change
Liquor Sales - Regular	667,555,022	639,985,257	27,569,765	4.31%
Mixed Beverage Sales	160,140,085	155,392,184	4,747,901	3.06%
Total Sales	827,695,107	795,377,441	32,317,666	4.06%
State Excise Tax	177,562,513	170,378,967	7,183,546	4.22%
Liquor Sales Tax	46,445,049	44,832,810	1,612,239	3.60%
Mixed Beverage Tax - Revenue	14,132,805	14,014,248	118,557	0.85%
Mixed Beverage Tax - DHHS	1,413,122	1,401,457	11,665	0.83%
Rehabilitation Tax	2,627,655	2,570,187	57,468	2.24%
Cost of Goods Sold	426,079,947	409,940,662	16,139,285	3.94%
Operating Expenses	122,215,923	120,032,781	2,183,142	1.82%
Interest Income	228,817	343,690	-114,873	-33.42%
Other Income	2,627,891	737,810	1,890,081	256.17%
Profit Before Distribution	86,417,900	78,172,584	8,245,316	10.55%
Profit Percent To Sales	10.44%	9.83%		0.61%
Law Enforcement	7,297,194	7,113,055	184,139	2.59%
Alcohol Education	10,710,291	9,308,118	1,402,173	15.06%
Net Profit	68,410,415	61,751,411	6,659,004	10.78%
County - City Distributions	55,835,532	55,044,565	790,967	1.44%
Mixed Beverage Tax Retained	12,726,196	12,613,381	112,815	0.89%
Surcharge Collected	4,031,857	4,105,000	-73,143	-1.78%
Bailment Collected	8,023,024	7,903,700	119,324	1.51%
Bottles Sold:				
Regular	42,342,302	41,591,100	751,202	1.81%
Mixed Beverage	7,323,358	7,220,075	103,283	1.43%
Total	49,665,660	48,811,175	854,485	1.75%
Miniatures	14,311,545	12,883,410	1,428,135	11.09%
Number Of Stores	422	418	4	

Notes:
Bailment decreased from $1.65 per case to $1.60 August 2012
Surcharge decreased from $0.85 per case to $0.80 August 2012

ABC BOARD REVENUE AND DISTRIBUTIONS
JULY 1, 2012 - JUNE 30, 2013

ABC Boards by County and # of Stores	Sales			State Taxes Collected	Cost of Liquor Sold	Operating Expenses
	Gross Sales	Percent Change Over FY12	Forecast for FY14			
Alamance						
Alamance Municipal (5)	10,241,364	4.28%	9,623,000	2,408,940	5,314,358	1,983,155
Alleghany						
Sparta (1)	673,555	1.89%	715,500	154,042	351,854	115,450
Anson						
Wadesboro (1)	1,164,695	-6.96%	1,163,100	264,094	621,100	236,891
Ashe						
West Jefferson (1)	1,406,168	-0.75%	1,401,000	319,247	744,854	220,120
Avery						
High Country (1)	2,557,301	0.15%	2,658,000	605,155	1,323,349	402,794
Beaufort County (6)	4,631,039	0.95%	4,711,600	1,057,939	2,434,285	834,965
Bertie County (1)	664,030	2.97%	500,000	150,478	349,724	142,234
Bladen						
Elizabethtown (1)	1,232,977	4.40%	1,184,703	278,199	652,748	169,319
Brunswick						
Belville (2)	2,638,916	4.51%	2,459,613	595,871	1,414,523	514,757
Boiling Spring Lakes (1)	525,806	66.14%	499,062	119,268	283,549	124,113
Brunswick County (2)	2,341,083	1.93%	2,387,211	550,398	1,211,211	418,188
Calabash (1)	1,302,259	-2.60%	1,330,500	309,023	672,508	239,345
Oak Island (1)	2,197,902	3.83%	2,400,161	526,681	1,123,959	395,727
Ocean Isle Beach (1)	1,423,735	0.17%	1,466,443	341,190	723,338	291,431
Shallotte (1)	1,467,501	3.93%	1,439,000	339,740	768,609	266,625
Southport (1)	2,091,181	-1.60%	2,054,000	493,191	1,082,121	285,325
Sunset Beach (1)	1,416,744	1.56%	1,520,000	326,419	745,231	242,466
Buncombe						
Asheville (9)	23,692,755	7.09%	25,095,000	5,762,014	11,979,945	3,823,099
Black Mountain (1)	1,690,313	4.50%	1,735,300	385,884	890,475	264,131
Weaverville (1)	2,189,148	4.64%	2,281,000	496,595	1,161,939	384,003
Woodfin (1)	1,315,098	3.16%	1,344,330	296,407	703,237	301,697
Burke						
Morganton (1)	2,708,004	0.22%	2,712,000	622,036	1,423,106	362,391
Valdese (1)	813,594	2.79%	820,000	186,807	426,903	196,365
Cabarrus						
Concord (5)	10,423,583	6.50%	11,027,000	2,470,343	5,425,068	1,754,014
Mount Pleasant (1)	545,584	6.02%	575,000	123,029	290,221	128,778
Caldwell						
Granite Falls (1)	933,509	1.39%	900,000	211,708	493,434	173,281
Lenoir City (2)	2,939,317	1.07%	2,900,500	671,330	1,564,186	453,050
Camden County (2)	1,068,010	5.68%	1,150,000	240,837	570,037	205,773
Carteret County (6)	11,643,893	0.24%	11,155,000	2,739,913	6,013,059	1,787,203
Caswell County (4)	1,971,126	6.89%	2,055,204	449,362	1,044,587	408,773
Catawba County (10)	15,888,257	6.10%	16,186,194	3,711,999	8,285,049	2,974,810
Chatham						
Chatham County (3)	2,531,769	4.89%	2,568,060	578,007	1,341,269	513,184
Pittsboro (1)	993,890	0.93%	1,014,496	226,930	523,506	157,720

ABC BOARD REVENUE AND DISTRIBUTIONS
JULY 1, 2012 - JUNE 30, 2013

Other Income & Expense	Local Profits				Local Distributions	
	Profit Before Distribution FY13	Profit Percent FY13	Profit Before Distribution FY12	Percent Change Over FY12	FY13	Forecast for FY14
2,856	537,767	5.25%	490,774	9.58%	403,326	359,300
1,990	54,199	8.05%	47,162	14.92%	44,382	84
176	42,786	3.67%	69,293	-38.25%	39,000	49,814
-12,931	109,016	7.75%	109,610	-0.54%	50,170	51,000
1,476	227,479	8.90%	218,198	4.25%	263,359	279,500
1,612	305,462	6.60%	342,691	-10.86%	201,758	161,200
188	21,782	3.28%	30,689	-29.02%	21,782	0
176	132,887	10.78%	98,090	35.47%	111,599	108,330
544	114,309	4.33%	112,362	1.73%	104,145	0
1,988	864	0.16%	1,959	-55.90%	864	7,582
-15,166	146,120	6.24%	104,028	40.46%	33,572	17,154
1,507	82,890	6.37%	98,111	-15.51%	77,422	86,100
435	151,970	6.91%	164,898	-7.84%	137,286	152,520
9,225	77,001	5.41%	81,407	-5.41%	76,673	64,891
134	92,661	6.31%	91,056	1.76%	90,026	62,600
382	230,926	11.04%	230,573	0.15%	230,926	284,500
-19,634	82,994	5.86%	94,745	-12.40%	42,597	33,660
439,592	2,567,289	10.84%	1,728,478	48.53%	1,701,701	1,217,241
106	149,929	8.87%	146,005	2.69%	89,218	135,300
-70,120	76,491	3.49%	38,858	96.85%	1,613	39,876
138	13,895	1.06%	24,415	-43.09%	0	18,133
903	301,374	11.13%	290,891	3.60%	301,374	267,100
-10,380	-6,861	-0.84%	-20,240	66.10%	0	0
83,307	857,465	8.23%	641,330	33.70%	674,454	390,000
73	3,629	0.67%	-4,472	-181.15%	0	2,500
288	55,374	5.93%	18,772	194.98%	55,374	16,250
798	251,549	8.56%	266,431	-5.59%	244,874	228,650
435	51,798	4.85%	30,352	70.66%	49,328	42,050
-9,201	1,094,517	9.40%	1,077,602	1.57%	975,026	401,959
321	68,725	3.49%	52,505	30.89%	58,725	68,640
18,205	934,604	5.88%	756,778	23.50%	965,262	868,700
604	99,913	3.95%	149,930	-33.36%	75,377	72,300
2,557	88,291	8.88%	134,837	-34.52%	31,848	38,500

ABC BOARD REVENUE AND DISTRIBUTIONS
JULY 1, 2012 - JUNE 30, 2013

ABC Boards by County and # of Stores	Sales			State Taxes Collected	Cost of Liquor Sold	Operating Expenses
	Gross Sales	Percent Change Over FY12	Forecast for FY14			
Siler City (1)	1,189,057	1.69%	1,213,024	271,703	625,461	222,819
Cherokee						
Andrews (1)	631,808	11.18%	734,761	143,577	334,475	176,186
Murphy (1)	2,402,521	1.98%	2,440,000	547,121	1,278,692	441,441
Chowan County (1)	1,245,742	4.34%	1,399,800	284,251	661,105	281,738
Clay County (1)	1,770,479	4.84%	1,670,000	401,037	935,768	243,757
Cleveland						
Kings Mountain (1)	1,254,012	1.13%	1,277,500	287,654	666,504	233,520
Shelby (2)	3,648,627	-0.20%	3,750,000	839,848	1,913,093	705,792
Columbus						
Brunswick (1)	465,835	1.54%	512,719	105,276	248,748	90,697
Lake Waccamaw (1)	293,748	2.95%	281,938	67,101	156,582	69,989
Tabor City (1)	597,609	-2.86%	620,000	134,860	318,920	110,336
West Columbus (1)	606,517	0.23%	640,000	137,499	326,922	108,605
Whiteville (1)	1,027,168	-0.43%	995,000	235,575	541,988	207,310
Craven County (6)	8,393,754	-1.98%	8,212,633	1,962,681	4,341,319	1,240,503
Cumberland County (10)	29,400,892	4.88%	29,800,000	6,986,511	15,028,121	4,423,535
Currituck County (3)	4,384,949	-0.36%	4,476,000	1,012,878	2,303,987	652,776
Dare County (5)	14,188,835	3.13%	14,576,836	3,383,587	7,262,762	1,640,818
Davidson						
Lexington (2)	3,533,180	2.43%	3,415,500	815,301	1,866,665	519,583
Thomasville (1)	2,214,235	-1.59%	2,200,000	508,622	1,184,925	351,573
Davie						
Cooleemee (1)	762,672	1.88%	756,705	174,771	404,711	172,426
Duplin						
Kenansville (1)	446,184	2.72%	448,375	101,260	236,025	100,727
Wallace (1)	1,455,701	5.11%	1,405,275	335,356	767,205	208,609
Warsaw (1)	494,742	-1.89%	500,000	111,857	263,749	112,676
Durham County (8)	27,089,726	7.42%	27,816,084	6,405,789	13,912,969	4,078,588
Edgecombe County (6)	4,275,420	2.07%	4,390,000	970,618	2,252,619	834,004
Forsyth						
Triad Municipal (14)	35,077,732	2.90%	36,147,100	8,218,446	18,150,586	5,438,247
Franklin						
Bunn (1)	682,708	9.31%	630,606	154,006	369,815	124,267
Franklinton (1)	811,999	0.24%	824,750	183,604	444,148	153,084
Louisburg (1)	1,228,846	6.43%	1,259,749	280,003	664,176	222,134
Youngsville (1)	802,182	4.39%	790,000	180,921	428,635	146,889
Gaston						
Bessemer City (1)	474,991	1.09%	543,848	110,811	242,378	134,614
Cherryville (1)	960,926	0.68%	995,786	217,648	509,139	220,800
Cramerton (1)	1,594,911	-0.88%	1,821,975	367,889	846,286	265,875
Gastonia (5)	8,227,819	2.76%	8,450,300	1,924,264	4,292,680	1,385,041
Mount Holly (1)	1,753,858	-2.47%	1,789,306	396,702	937,671	271,720
Gates County (1)	433,714	-26.03%	450,000	97,678	230,837	113,180

ABC BOARD REVENUE AND DISTRIBUTIONS
JULY 1, 2012 - JUNE 30, 2013

Other Income & Expense	Local Profits				Local Distributions	
	Profit Before Distribution FY13	Profit Percent FY13	Profit Before Distribution FY12	Percent Change Over FY12	FY13	Forecast for FY14
-4,121	64,953	5.46%	63,722	1.93%	42,783	42,900
60	-22,370	-3.54%	8,067	-377.30%	0	12,993
381	135,648	5.65%	171,592	-20.95%	130,410	105,000
135	18,783	1.51%	13,102	43.36%	18,783	30,000
425	190,342	10.75%	158,349	20.20%	17,000	24,200
603	66,937	5.34%	77,581	-13.72%	45,515	45,700
4,035	193,929	5.32%	219,783	-11.76%	187,971	173,110
-2,808	18,306	3.93%	26,589	-31.15%	9,600	17,154
57	133	0.05%	5,513	-97.59%		72,030
13,294	46,787	7.83%	20,629	126.80%	20,090	24,000
552	34,043	5.61%	27,882	22.10%	377	3,250
797	43,092	4.20%	64,874	-33.58%	46,000	46,000
3,617	852,868	10.16%	900,817	-5.32%	898,243	318,470
3,720	2,966,445	10.09%	2,912,558	1.85%	3,005,543	2,134,600
662	415,970	9.49%	401,126	3.70%	358,892	172,300
4,199	1,905,867	13.43%	1,509,259	26.28%	1,612,511	1,748,610
2,843	334,474	9.47%	304,259	9.93%	311,581	162,900
15,489	184,604	8.34%	142,948	29.14%	79,089	76,350
3,814	14,578	1.91%	-13,206	210.39%	14,500	19,000
60	8,232	1.84%	9,890	-16.76%	8,233	1,085
31	144,562	9.93%	139,648	3.52%	143,500	158,000
21	6,481	1.31%	11,266	-42.47%	3,722	0
-93,069	2,599,311	9.60%	1,915,738	35.68%	2,094,585	1,323,778
-3,329	214,850	5.03%	232,372	-7.54%	164,850	127,500
-63,578	3,206,875	9.14%	3,198,145	0.27%	2,981,769	2,420,000
41	34,661	5.08%	10,108	242.91%	28,661	10,041
1,208	32,371	3.99%	54,454	-40.55%	28,171	25,224
2,230	64,763	5.27%	46,734	38.58%	64,763	58,803
0	45,737	5.70%	37,381	22.35%	45,737	0
45	-12,767	-2.69%	-4,222	-202.39%	0	2,742
506	13,845	1.44%	29,428	-52.95%	11,000	16,350
389	115,250	7.23%	131,336	-12.25%	34,577	62,465
4S0,356	666,190	8.10%	605,939	9.94%	673,017	705,000
-7,972	139,793	7.97%	140,792	-0.71%	10,579	17,872
217,836	209,855	48.39%	-3,595	5937.41%	1,200	1,200

ABC BOARD REVENUE AND DISTRIBUTIONS
JULY 1, 2012 - JUNE 30, 2013

ABC Boards by County and # of Stores	Sales			State Taxes Collected	Cost of Liquor Sold	Operating Expenses
	Gross Sales	Percent Change Over FY12	Forecast for FY14			
Granville County (2)	3,237,700	3.53%	3,127,344	735,975	1,718,171	427,193
Greene County (2)	684,254	0.72%	684,500	154,329	360,483	150,574
Guilford						
Gibsonville (1)	873,599	8.72%	898,800	198,245	473,307	154,935
Greensboro (14)	37,711,856	4.71%	39,230,000	8,994,179	19,214,462	5,182,862
High Point (6)	14,270,536	4.88%	14,583,522	3,305,975	7,353,296	2,086,315
Halifax County (5)	4,466,457	1.90%	4,463,781	1,022,516	2,357,055	785,486
Harnett						
Angier (1)	1,310,944	9.83%	1,401,757	295,592	700,853	268,955
Dunn (2)	1,942,869	1.78%	1,951,000	443,019	1,033,716	319,506
Lillington (1)	1,149,773	9.07%	1,160,800	268,612	607,007	231,037
Haywood						
Canton (1)	1,051,465	3.79%	1,128,373	239,728	566,662	234,609
Maggie Valley (2)	1,735,286	3.95%	1,821,636	401,135	904,781	342,772
Waynesville (1)	2,143,502	0.17%	2,288,494	494,542	1,125,293	375,937
Henderson						
Fletcher (1)	1,655,097	-0.01%	1,679,400	372,538	879,762	309,794
Hendersonville (3)	5,133,087	4.64%	5,191,000	1,197,845	2,688,303	958,001
Laurel Park (1)	1,096,390	2.31%	1,179,000	251,492	572,668	229,571
Hertford County (3)	2,130,285	4.45%	2,110,000	485,154	1,126,965	436,115
Hoke County (1)	1,196,165	6.59%	1,141,000	275,731	628,037	167,932
Hyde County (2)	645,206	13.73%	979,000	154,248	335,892	189,637
Iredell						
Mooresville (3)	7,920,062	5.51%	7,800,482	1,859,372	4,121,316	994,292
Statesville (2)	5,098,304	4.75%	5,238,566	1,180,502	2,682,088	889,248
Jackson						
Sylva (1)	2,775,322	1.72%	2,247,800	658,434	1,422,455	326,363
Johnston County (7)	10,897,656	5.59%	11,522,128	2,517,785	5,724,434	1,565,549
Jones County (3)	914,557	-1.66%	924,000	206,405	480,192	234,222
Lee						
Sanford (2)	4,579,762	3.68%	4,615,700	1,058,681	2,396,261	770,033
Lenoir County (3)	3,433,211	-0.79%	3,355,000	780,720	1,797,582	591,414
Lincoln						
Lincoln County (1)	2,137,511	1.95%	2,104,700	493,689	1,123,846	262,905
Lincolnton (1)	2,105,792	3.84%	2,109,000	493,729	1,111,916	418,576
Macon						
Franklin (1)	2,370,048	-0.94%	2,600,000	544,458	1,248,606	515,236
Highlands (1)	1,767,397	3.93%	1,231,824	419,144	905,655	335,983
Martin County (2)	1,842,270	3.92%	2,030,000	417,437	968,575	336,529
McDowell						
Marion (2)	2,043,715	0.64%	2,192,237	472,938	1,077,329	391,153
Mecklenburg County (23)	113,110,054	5.27%	117,850,000	27,583,827	56,769,928	13,879,415
Mitchell						
Spruce Pine (1)	1,069,714	3.76%	1,100,000	244,024	565,927	241,182
Montgomery (2)	1,306,044	5.18%	1,353,050	297,680	680,552	295,090

ABC BOARD REVENUE AND DISTRIBUTIONS
JULY 1, 2012 - JUNE 30, 2013

Other Income & Expense	Local Profits				Local Distributions	
	Profit Before Distribution FY13	Profit Percent FY13	Profit Before Distribution FY12	Percent Change Over FY12	FY13	Forecast for FY14
189	356,550	11.01%	316,625	12.61%	249,840	203,159
5,881	24,749	3.62%	13,961	77.27%	24,749	2,900
2,152	49,264	5.64%	56,896	-13.41%	13,897	6,850
344,657	4,665,010	12.37%	3,879,616	20.24%	3,965,010	4,013,255
9,196	1,534,146	10.75%	1,375,964	11.50%	1,307,523	1,271,352
5,468	306,868	6.87%	318,872	-3.76%	221,608	157,933
131,027	176,571	13.47%	39,352	348.70%	45,496	26,462
6,262	152,890	7.87%	143,761	6.35%	131,525	126,525
436	43,553	3.79%	36,560	19.13%	1,275	0
-5,058	5,408	0.51%	-8,245	165.59%	2,400	2,542
-19,896	66,702	3.84%	39,073	70.71%	2,059	14,000
0	147,730	6.89%	153,409	-3.70%	10,282	6,066
-18,794	74,209	4.48%	58,822	26.16%	53,154	49,664
-2,499	286,439	5.58%	324,274	-11.67%	160,855	195,000
3,235	45,894	4.19%	22,648	102.64%	37,516	16,881
592	82,643	3.88%	73,471	12.48%	76,809	39,800
9	124,474	10.41%	110,312	12.84%	122,474	80,050
-5,975	-40,546	-6.28%			0	4,000
4,029	949,111	11.98%	765,672	23.96%	712,339	738,000
1,579	348,045	6.83%	283,523	22.76%	348,043	356,069
1,304	369,374	13.31%	330,081	11.90%	385,902	68,262
4,797	1,094,685	10.05%	989,151	10.67%	1,104,987	1,366,665
10	-6,252	-0.68%	10,916	-157.27%	0	0
9,040	363,827	7.94%	361,697	0.59%	335,436	248,000
1,934	265,429	7.73%	243,655	8.94%	239,142	136,435
					0	
99	257,170	12.03%	247,167	4.05%	203,452	201,600
6,172	87,743	4.17%	82,554	6.29%	87,744	83,000
625	62,373	2.63%	84,010	-25.76%	70,000	72,000
215	106,830	6.04%	92,330	15.70%	106,830	0
476	120,205	6.52%	111,229	8.07%	58,877	68,650
-3,973	98,322	4.81%	93,503	5.15%	98,322	58,573
430,705	15,307,589	13.53%	13,684,215	11.86%	12,141,532	11,377,588
53	18,634	1.74%	20,449	-8.88%	0	16,000
180	32,902	2.52%	30,111	9.27%	32,902	0

ABC BOARD REVENUE AND DISTRIBUTIONS
JULY 1, 2012 - JUNE 30, 2013

ABC Boards by County and # of Stores	Sales			State Taxes Collected	Cost of Liquor Sold	Operating Expenses
	Gross Sales	Percent Change Over FY12	Forecast for FY14			
Moore County (4)	8,849,609	5.08%	9,022,000	2,104,259	4,541,016	1,031,643
Nash County (9)	8,844,843	0.14%	8,800,000	2,043,420	4,540,854	1,420,002
New Hanover County (8)	34,855,016	4.16%	35,731,487	8,464,641	17,442,283	3,749,317
Northampton County (4)	988,673	-0.81%	1,020,000	223,335	531,419	222,444
Onslow County (6)	14,238,825	0.34%	13,742,000	3,393,978	7,265,333	2,203,733
Orange County (8)	16,109,071	4.27%	16,270,437	3,847,233	8,228,078	2,822,829
Pamlico County (2)	1,158,981	0.77%	1,144,200	264,815	612,105	233,663
Pasquotank County (1)	3,040,863	2.61%	2,962,000	715,635	1,589,433	443,028
Pender County (4)	4,921,466	-0.42%	5,110,000	1,134,172	2,606,262	830,017
Perquimans						
Hertford (1)	844,960	5.86%	878,700	191,144	446,071	154,284
Person County (2)	2,572,004	0.74%	2,590,040	590,250	1,358,595	374,594
Pitt County (10)	15,919,159	1.10%	16,359,259	3,786,638	8,117,067	2,261,876
Polk						
Columbus (1)	581,265	10.48%	606,674	132,709	307,788	139,672
Tryon [2] (1)	80,335	-76.90%	300,060	19,745	48,042	63,568
Randolph						
Asheboro (1)	2,896,748	4.28%	3,142,400	670,736	1,504,972	406,732
Liberty (1)	746,205	2.60%	760,147	168,828	398,080	157,594
Randleman (1)	1,275,807	0.41%	1,266,225	291,112	670,737	249,551
Richmond						
Hamlet (1)	870,949	3.39%	939,850	196,074	467,981	170,845
Rockingham (2)	1,989,207	5.60%	1,848,550	458,823	1,042,699	356,636
Robeson						
Fairmont (1)	560,701	4.03%	591,433	128,317	297,643	109,219
Lumberton (2)	3,579,720	3.27%	3,600,000	826,054	1,887,700	607,090
Maxton (1)	560,163	6.98%	500,000	126,570	301,900	130,762
Pembroke [1] (1)	117,855	N/A	900,000	26,736	59,309	38,153
Red Springs (1)	702,344	4.61%	779,700	158,600	374,136	142,345
Rowland (1)	219,029	7.84%	206,000	49,595	115,909	48,270
Saint Pauls (1)	967,377	2.07%	1,034,800	218,143	519,359	182,193
Rockingham						
Eden (1)	1,679,703	-6.22%	1,650,000	388,950	881,399	312,748
Madison (1)	1,052,194	-2.28%	1,065,811	240,465	557,163	235,621
Reidsville (1)	2,033,117	-1.88%	2,000,000	465,509	1,079,324	387,914
Rowan/Kannapolis (7)	10,170,862	3.68%	10,334,786	2,341,126	5,362,773	2,045,648
Rutherford						
Forest City (1)	1,754,823	1.32%	1,817,900	400,053	922,235	321,128
Lake Lure (1)	679,808	0.30%	692,186	161,439	343,165	156,737
Rutherfordton (1)	1,121,171	1.14%	1,102,000	257,613	587,209	233,441
Sampson						
Clinton (1)	1,754,883	4.24%	1,706,100	403,642	921,128	248,527
Garland (1)	223,523	1.15%	230,000	50,578	115,212	53,914
Newton Grove (1)	438,644	2.39%	463,000	98,308	231,210	97,665
Roseboro (1)	751,845	6.64%	838,200	163,100	429,334	134,226

[1] Pembroke reopened in May 2013
[2] Tryon was closed from September 2012 – April 2013

ABC BOARD REVENUE AND DISTRIBUTIONS
JULY 1, 2012 - JUNE 30, 2013

Other Income & Expense	Local Profits				Local Distributions	
	Profit Before Distribution FY13	Profit Percent FY13	Profit Before Distribution FY12	Percent Change Over FY12	FY13	Forecast for FY14
14,738	1,187,429	13.42%	1,104,561	7.50%	1,318,439	968,453
5,805	846,372	9.57%	843,105	0.39%	597,363	557,500
36,078	5,234,853	15.02%	4,849,117	7.95%	4,420,163	4,166,501
77	11,552	1.17%	21,306	-45.78%	0	0
2,068	1,377,849	9.68%	1,300,579	5.94%	928,539	553,000
3,573	1,214,504	7.54%	1,075,969	12.88%	655,000	700,000
405	48,803	4.21%	50,629	-3.61%	38,803	33,500
2,204	294,971	9.70%	368,206	-19.89%	294,971	216,400
652	351,667	7.15%	299,057	17.59%	327,593	312,763
98	53,559	6.34%	40,622	31.85%	53,559	39,800
1,424	249,989	9.72%	246,804	1.29%	208,000	211,500
7,116	1,760,694	11.06%	1,782,030	-1.20%	1,474,529	1,255,724
					0	
2,072	3,168	0.55%	106	2888.68%	8,642	9,025
263	-50,757	-63.71%	-24,769	-104.92%	0	0
270	314,578	10.86%	292,052	7.71%	257,736	221,500
137	21,840	2.93%	19,832	10.13%	21,840	19,100
817	65,224	5.11%	56,391	15.66%	81,349	60,000
140	36,189	4.16%	30,445	18.87%	31,189	48,125
0	131,049	6.59%	83,495	56.95%	131,049	59,866
360	25,882	4.62%	8,376	209.00%	25,000	1,200
-244	258,632	7.22%	213,671	21.04%	233,742	248,700
-382	549	0.10%	-4,697	111.69%	0	0
0	-6,343	-5.38%			0	700
0	27,263	3.88%	27,431	-0.61%	27,431	30,200
0	5,255	2.40%	7,453	-29.49%	0	0
99	47,781	4.94%	35,071	36.24%	49,617	5,100
606	97,212	5.79%	130,057	-25.25%	115,588	65,800
318	19,263	1.83%	27,243	-29.29%	31,030	32,000
-36	100,334	4.93%	116,094	-13.58%	79,490	61,564
3,682	424,997	4.18%	413,806	2.70%	424,997	405,671
1,941	113,348	6.46%	88,895	27.51%	106,148	66,000
1,433	19,900	2.93%	24,667	-19.33%	14,605	0
334	43,242	3.86%	40,890	5.75%	52,641	52,618
494	182,080	10.38%	177,760	2.43%	170,144	90,074
4	3,823	1.71%	-1,098	448.18%	0	0
0	11,461	2.61%	6,228	84.02%	2,600	5,000
20,020	45,205	6.01%	27,012	67.35%	12,000	13,000

ABC BOARD REVENUE AND DISTRIBUTIONS
JULY 1, 2012 - JUNE 30, 2013

ABC Boards by County and # of Stores	Sales			State Taxes Collected	Cost of Liquor Sold	Operating Expenses
	Gross Sales	Percent Change Over FY12	Forecast for FY14			
Scotland County (1)	1,669,702	-0.62%	1,666,050	380,201	886,827	315,482
Stanly						
Albemarle (1)	2,377,490	3.41%	2,414,900	548,789	1,233,569	395,315
Locust (1)	1,162,921	11.19%	1,158,304	265,452	613,051	234,849
Norwood (1)	464,051	4.86%	497,050	105,140	246,393	102,849
Stokes						
Walnut Cove (1)	755,808	0.87%	747,000	170,381	401,168	145,938
Surry						
Dobson (1)	535,057	2.80%	539,000	120,984	282,628	115,544
Elkin (1)	1,201,663	2.05%	1,650,000	272,980	641,573	240,833
Mount Airy (1)	1,951,232	-0.55%	1,979,302	449,527	1,010,019	358,272
Pilot Mountain (1)	778,377	5.56%	784,861	175,876	411,571	153,620
Swain						
Bryson City (1)	1,609,218	0.40%	1,570,650	371,126	837,370	286,235
Transylvania						
Brevard (2)	2,723,661	2.72%	2,774,500	636,693	1,415,431	453,931
Tyrrell County	328,875	16.33%	405,947	73,972	187,689	84,425
Union						
Indian Trail (1)	2,678,371	6.59%	2,900,000	617,992	1,404,546	438,890
Monroe (1)	3,738,231	-12.86%	3,700,000	878,634	1,928,087	550,197
Waxhaw (1)	1,503,896	9.26%	1,700,000	350,107	788,999	280,339
Wingate (1)[3]	1,148,898	N/A	1,250,000	259,357	615,141	207,535
Vance County (1)	3,211,156	1.23%	3,030,000	735,154	1,735,492	544,977
Wake County (24)	95,779,958	6.72%	97,559,000	22,935,822	48,774,270	8,416,061
Warren County (3)	2,048,448	0.46%	2,003,000	475,768	1,038,416	387,734
Washington County (1)	813,295	2.20%	790,000	184,166	427,288	194,306
Watauga						
Blowing Rock (1)	1,345,449	-4.02%	1,395,201	328,703	673,185	238,570
Boone (1)	5,077,778	2.54%	5,097,000	1,202,910	2,617,557	594,260
Wayne County (5)	7,611,789	3.33%	7,703,810	1,761,052	3,981,489	1,207,573
Wilkes						
North Wilkesboro (1)	1,034,353	-3.95%	1,075,000	237,316	547,593	234,769
Wilkesboro (2)	1,813,721	23.47%	2,001,500	416,518	954,979	439,269
Wilson County (5)	6,801,081	2.37%	6,536,000	1,568,845	3,541,535	1,247,600
Yancey						
Burnsville (1)	917,264	6.09%	1,019,000	208,814	479,983	195,464
	829,186,586	4.08%	847,514,461	195,824,085	427,007,155	122,215,923

[3] Store opened June 4, 2012

ABC BOARD REVENUE AND DISTRIBUTIONS
JULY 1, 2012 - JUNE 30, 2013

Other Income & Expense	Local Profits				Local Distributions	
	Profit Before Distribution FY13	Profit Percent FY13	Profit Before Distribution FY12	Percent Change Over FY12	FY13	Forecast for FY14
523	87,715	5.25%	89,848	-2.37%	87,715	48,565
122	199,939	8.41%	180,197	10.96%	195,783	167,000
10	49,579	4.26%	41,524	19.40%	0	0
-7,684	1,985	0.43%	-4,605	143.11%	99	0
0	38,321	5.07%	23,872	60.53%	29,344	22,100
156	16,057	3.00%	6,933	131.60%	10,630	7,958
224	46,501	3.87%	54,873	-15.26%	73,800	73,800
1,689	135,103	6.92%	147,941	-8.68%	129,591	116,752
-7,738	29,572	3.80%	12,235	141.70%	802	0
51,113	165,600	10.29%	159,753	3.66%	180,500	28,500
					0	
264	217,870	8.00%	239,550	-9.05%	217,866	92,000
-4,038	-21,249	-6.46%	34,302	-161.95%	0	0
-4,166	212,777	7.94%	180,387	17.96%	116,512	168,000
2,687	384,000	10.27%	494,247	-22.31%	383,120	170,500
26	84,477	5.62%	76,452	10.50%	12,746	28,000
-13,656	53,209	4.63%	-17,683	400.90%	2,621	2,000
-37,397	158,136	4.92%	176,315	-10.31%	47,916	47,840
631,660	16,285,465	17.00%	14,378,281	13.26%	15,782,409	10,618,360
519	147,049	7.18%	109,509	34.28%	102,645	5,000
2,349	9,884	1.22%	6,640	48.86%	15,619	0
3,949	108,940	8.10%	103,700	5.05%	74,203	72,386
-6,968	656,083	12.92%	642,737	2.08%	562,125	511,507
34,753	696,428	9.15%	574,442	21.24%	653,554	423,980
646	15,321	1.48%	33,355	-54.07%	14,999	6,420
2,907	5,862	0.32%	29,349	-80.03%	0	61,000
30,721	473,822	6.97%	426,258	11.16%	355,536	365,000
0	33,003	3.60%	-2,090	1679.09%	792	0
2,278,477	86,417,900	10.42%	77,651,328	11.29%	73,843,017	60,238,394

NC ABC AT A GLANCE

Headquarters: Raleigh, NC
Oversight of:

- Approximately 18,000 retailers that sell alcohol for consumption on premise (restaurants/bars/clubs) and off premise (grocery stores/convenience stores/retail shops)
- 168 active local ABC Boards that own or lease the property and hire and manage the staff of the state's 422 retail ABC stores
- 2 central warehouses of 400,000 square feet, which receive and store all liquor to be sold in the state until it is shipped and purchased by the local ABC stores
- 2,000 listed products and 1,700 special order products (3,936 special orders processed during the fiscal year)
- $829,186,586 million in liquor revenues generated during fiscal year 2013
- $316,026,714 million in total liquor revenue distributions by NC ABC boards during fiscal year. Distributions benefit the state's General Fund and the cities and counties where alcohol sales are allowed
- $15.3 million collected by the state ABC Commission from permit application, renewal and other fees for the benefit of the General Fund
- 950 violations by permit holders heard by Commission during the fiscal year
- $832,925 in revenues generated from penalties paid by permit holders to local school districts where violations occurred
- 6,401 permit holders, employees and applicants trained
- 7,890 retail and commercial permits issued

(Note: local ABC boards in North Carolina are established and operated with no state-appropriated funds. The state ABC Commission and warehouse operations are funded through fees from warehouse management.)

6/30/2013

Top & Middle: Chairman Jim Gardner explains the ABC operations to Lieutenant Governor Dan Forest and to Governor Pat McCrory during visits to the ABC Commission offices and warehouses in Raleigh.

Bottom & Upper Right: Chairman Gardner tours Covington Distillery in Snow Hill

ABC
COMMISSION
NORTH CAROLINA

400 EAST TRYON RD.
RALEIGH, NC 27610
919.779.0700
HTTP://ABC.NC.GOV

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ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 5-a

SUBJECT: Unified Development Ordinance Text Amendment Related to Board of Adjustment Operation and Procedures – Public Hearing Closure and Action (No Additional Comments Accepted)

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** Yes

ATTACHMENT(S):

1. Comprehensive Plan and Unified Development Ordinance Amendment Outline Form (UDO/Zoning 2013-05)
2. UDO Amendment Package
3. Approved November 25, 2013 Quarterly Public Hearing Legal Ad
4. Excerpt of Draft November 25, 2013 Quarterly Public Hearing Minutes
5. Excerpt of Approved December 4, 2013 Planning Board Minutes

INFORMATION CONTACT:

Michael D. Harvey, Planner III, (919) 245-2597
Craig Benedict, Director, (919) 245-2575

PURPOSE: To receive the Planning Board recommendation, close the public hearing, and make a decision on a Planning Director initiated text amendment(s) to the Unified Development Ordinance (UDO) incorporating recent changes in State law related to the Board of Adjustment.

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the November 25, 2013 Quarterly Public Hearing. This hearing is not intended to solicit additional input from the public or the applicant. While the BOCC may ask staff questions related to the review of a given item, comments from the public shall not be solicited.

BACKGROUND: This item was presented at the November 25, 2013 Quarterly Public Hearing where staff indicated the amendments were necessary to ensure recent changes to State law are incorporated into the UDO. The proposed text amendment would:

- Change the votes necessary for the Board to approve a Special Use Permit application from 4/5th of members to a simple majority,
- Clarify procedure(s) for requesting and issuing of subpoenas,
- Clarify appeals timeframe for Board of Adjustment decisions to be submitted to Superior Court, and
- Clarify notification requirements with respect to who is notified of a Board decision.

Agenda packet materials from the hearing can be accessed via the following link: http://orangecountync.gov/occlerks/131125.pdf. Please refer to Section C.1 (c) of Attachment 1 for a synopsis of comments made during the hearing.

Planning Director's Recommendation: The Planning Director recommends **approval** of the proposed UDO amendments based on the following:

i. The UDO amendments are necessary to ensure existing regulations are consistent with recent changes in State law; and,

ii. The UDO amendments are consistent with the goals and policies of the adopted 2030 Comprehensive Plan.

Planning Board Recommendation: At its December 4, 2013 regular meeting, the Board voted unanimously to recommend approval of the UDO text amendments consistent with the staff recommendation. Agenda materials from the December 4, 2013 Planning Board meeting can be viewed at: http://orangecountync.gov/planning/documents/DecPBPacket-Web.pdf.

Please refer to Section C.2 (a) in Attachment 1 for additional information. An excerpt of minutes from the December 4, 2013 meeting are contained within Attachment 5.

Attachment 2 contains the ordinance approving the amendment and the proposed amendments with additions shown in red text and proposed deletions are shown in red ~~strikethrough~~ text as well as footnotes documenting the rationale for the proposed modification.

Procedural Information: In accordance with Section 2.8.8 of the UDO, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

FINANCIAL IMPACT: See Section C.3 in Attachment 1.

RECOMMENDATION: The Manager recommends the Board:

1. Receive the Planning Board's recommendation;
2. Close the public hearing; and
3. Approve the text amendment package contained in Attachment 2.

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2013-05

UDO Text Amendment(s) incorporating recent changes in State law concerning procedural and notification requirements for the Board of Adjustment

A. AMENDMENT TYPE

Map Amendments

☐ Land Use Element Map:
From:
To:

☐ Zoning Map:
From:
To

☐ Other:

Text Amendments

☐ Comprehensive Plan Text:
Section(s):

☒ UDO Text:

☒ UDO General Text Changes
☐ UDO Development Standards
☐ UDO Development Approval Processes

Section(s):

1. Section 2.5 4 *Site Plan Review – Procedures and Timeframes*
2. Section 2.10 *Variances*
3. Section 2.11 *Interpretations*
4. Section 2.12 *Board of Adjustment*
5. Section 2.25 *Appeals*

of the UDO to incorporate recent changes to State law with respect to items reviewed and by the Orange County Board of Adjustment

☐ Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated text amendment(s) to incorporate recent changes in State Law, specifically Session Law 2013-126, related to the processing and review of variance, interpretation/appeal, and special use permit applications by the Board of Adjustment (BOA).

The Session Law modifies and updates procedural and notification requirements for the various applications reviewed by the BOA, including:

1. Allowing for a simple majority vote on appeal and special use permit applications. The General Statutes previously required a four-fifths vote of BOA members to grant on all applications before them.

   It should be noted variance requests are still required to be approved by a four-fifths vote.

2. Adds new language spelling out the local government's responsibility for informing a property owner of public hearings dates/times.

3. Adds new language establishing the manner in which planning decisions can be advertised. We now have an option of posting a sign on a property where a zoning decision/determination has been made.

   This is in furtherance of allowing for a broader 'notification' of planning decisions to the general public.

4. Clarifies deadlines for filing appeals of BOA decisions with Superior Court.

5. Modifies language establishing the criteria for the issuance/denial of a variance.

A copy of the Session Law was provided with the November 25, 2013 quarterly public hearing packet in Attachment 2. Agenda materials from this meeting can be viewed utilizing the following link: http://orangecountync.gov/occlerks/131125.pdf.

2. Analysis

As required under Section 2.8.5 of the UDO, the Planning Director is required to: '*cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners'*.

The amendments are necessary to ensure our process is consistent with recent changes in State Law.

It should be noted staff is not proposing modifications of existing notification standards. State law, for example, requires we notify adjacent property owners of a hearing by the BOA on a variance, appeal, or special use permit 10 days prior to said meeting via first class mail.

The County currently sends this notice via certified mail 15 days prior to the hearing. We

will not be changing this requirement as part of this amendment process.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

N/A

4. New Statutes and Rules

Session Law 2013-126 *An Act To Clarify And Modernize Statutes Regarding Zoning Board of Adjustment*

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

September 5, 2013

b. Quarterly Public Hearing

November 25, 2013

c. BOCC Updates/Checkpoints

November 5, 2013 – Approved legal advertisement for the November 25, 2013 Quarterly Public Hearing.

October 2, 2013 – Planning Board Ordinance Review Committee (ORC) (BOCC members can read agenda materials)

November 25, 2013 – Quarterly Public Hearing

This item was reviewed at the November 25, 2013 quarterly public hearing where there following questions/comment were made:

1. A Board member asked why existing language, as contained in Section 2.10.3 establishing when a variance is authorized to be issued, was being modified.

   Concern was expressed the new language appeared to make it easier to obtain a variance as it was no longer required for an applicant to demonstrate that:

   - In absence of the variance, no reasonable use can be made of the property, or
   - That knowledge of an issue, prior to the purchase of property, no longer constituted a self-created hardship.

   STAFF RESPONSE: The language was being revised to comply with revisions to State law as embodied in Session Law 2013-126. While staff shares the concern we are obligated to ensure our standards mirror State regulations.

2. A Board member asked staff how the change in voting requirements for Special Use Permits, specifically allowing for a simple majority versus a 4/5th (i.e. 4 out of 5 members) majority of the Board of Adjustment to approve a permit, would impact the County.

The Board member asked if previously denied applications could re-apply based on the change in voting standards.

STAFF RESPONSE: Section 2.2.8 of the UDO prohibits the submittal of: '*the same or similar amendment, affecting the same property or a portion of it*' for a period of 1 year from the date of denial.

Applicants who have had their Class B Special Use Permit requests denied will have to wait the required 1 year to re-file the application, which would then be subject to these revised voting standards. The change in voting provisions, however, does not impact the ability of a 'denied' application to be re-filed in advance of established time limits.

This is somewhat of a moot point as there has not been a Class B Special Use Permit application denied by the Board of Adjustment that could take advantage of the new voting standard.

3. Both the County Attorney and staff indicated they did not believe the changes would have a direct impact on the submittal of variance or special use permit applications.

   Staff indicated there had been only 1 variance case reviewed by the Board of Adjustment in the last 4 years.

Agenda materials from the public hearing can be viewed at: http://orangecountync.gov/occlerks/131125.pdf.

January 23, 2014 - Receive Planning Board recommendation.

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

a. Planning Board Review:

October 2, 2013 – Ordinance Review Committee (ORC).

This item was reviewed at the October 2, 2013 ORC meeting where there were no comments from Board members.

December 4, 2013 – Recommendation

The Planning Board voted unanimously to recommend approval of the UDO text amendment as proposed by staff.

Agenda materials from this meeting can be viewed utilizing the following link: http://orangecountync.gov/planning/documents/DecPBPacket-Web.pdf.

b. Advisory Boards:

c. Local Government Review:

d. Notice Requirements

Legal advertisement was published in accordance with the provisions of the UDO.

e. Outreach:

- ☐ General Public:
- ☐ Small Area Plan Workgroup:
- ☐ Other:

3. FISCAL IMPACT

Modification of existing language will not require the outlay of additional funds by the County. Processing of the amendment shall be handled by staff utilizing existing budgeted funds.

Costs of mailings and/or legal notices shall continue to be offset by application fees for various projects acted upon by the BOA.

D. AMENDMENT IMPLICATIONS

Language within the UDO will be consistent with recent modifications to State law.

E. SPECIFIC AMENDMENT LANGUAGE

Please refer to Attachment 2.

Primary Staff Contact:
Michael D. Harvey

Planning

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mharvey@orangecountync.gov

AN ORDINANCE AMENDING
THE UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY

WHEREAS, recent changes in State Law, specifically Session Law 2013-126 signed into law on June 19, 2013, modified the processing and review of variance, interpretation/appeal, and special use permit applications by the Board of Adjustment, and

WHEREAS, the County has determined existing language within the UDO needs to be modified to ensure consistency with these changes, and

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance have been deemed complete, and

WHEREAS, the County has found the proposed text amendments to be reasonably necessary to promote public health, safety and general welfare and to achieve the purposes of the adopted Comprehensive Plan, and

WHEREAS, pursuant to North Carolina General Statute 153A-341 and Section 1.1.7 of the Unified Development Ordinance, the Board of Commissioners of Orange County has found the proposed text amendments to be consistent with the goals and policies of the adopted Comprehensive Plan.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted in the attached pages.

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

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2014.

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 _____, 2014 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 _____, 2014.

SEAL

_____
Clerk to the Board of Commissioners

UDO AMENDMENT PACKET NOTES:

The following packet details staff's proposed modifications to existing regulations to incorporate recent changes in State law with respect to items reviewed and acted upon by the Orange County Board of Adjustment.

As the number of affected pages/sections of the existing UDO are being modified with this proposal staff has divided the proposed amendments into the following color coded classifications:

- Red Underlined Text: Denotes new, proposed text, that staff is suggesting be added to the UDO
- ~~Red Strikethrough Text:~~ Denotes existing text that staff is proposing to delete

Staff has included footnotes within the amendment package to provide additional information/rationale concerning the proposed amendments to aid in your review.

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet. Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment or footnotes from previous sections 'spill over' onto the included page. Text with a large "X" is not proposed for deletion.

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at: http://orangecountync.gov/planning/Ordinances.asp

(G) Effect of Approval

(1) Approval of a CZD is binding on the property and the development and use of the subject property shall be governed by the Ordinance requirements applicable to the specific CZD district and all approved conditions.

(2) The applicant shall comply with all requirements established in the CZD Ordinance. Only those uses and structures included in the CZD Ordinance and approved site plan shall be allowed on the subject property.

(H) Zoning Atlas Designation

Following approval of the CZD district by the Board of County Commissioners, the subject property shall be identified on the Zoning Atlas by the appropriate district designation.

(I) Alterations to an Approved CZD

(1) Except as provided in Section 6.7.2 for MPD-CZ projects, changes to approved plans and conditions of development shall be treated as changes to the zoning atlas and shall be processed as an amendment to such as contained in this Article.

(2) The Planning Director may approve minor changes without going through the amendment process. The Planning Director, at his/her discretion, may elect not to allow any proposal as a minor change and will forward the detailed application for changes to the Planning Board and Board of County Commissioners for consideration in accordance with the procedures outlined herein.

(3) A minor change is one that will not:

(a) Alter the basic relationship of the proposed development to adjacent property,

(b) Alter the approved land uses,

(c) Increase the density or intensity of development, and/or

(d) Decrease the off-street parking ratio or reduce the buffer yards provided at the boundary of the site.

2.9.3 Public Hearing and Notification Requirements – CUD and CZD

The requirement for a public hearing shall follow the procedures for a Zoning Atlas Amendment in Section 2.8.6. Notice of the public hearing shall follow the procedures in Section 2.8.7.

SECTION 2.10: VARIANCES

2.10.1 Purpose

The procedures of this section authorize the Board of Adjustment to modify or vary regulations of this Ordinance when strict compliance with the regulation or standard would result in ~~practical difficulties or~~ unnecessary hardships upon the subject property.[1]

2.10.2 Application Requirements

(A) Applications for a Variance shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance. Ten copies of the application and supporting documentation shall be submitted.

(B) Applications shall include:

(1) The section reference, and copy of the existing regulatory language, that is the subject of the application,

[1] Language is recommended for deletion in order to be consistent with recent modificaitons to State law.

(2) A description of the specific modification sought by the applicant. For example, if the request is for a modification of a corner lot setback requirement, the applicant shall provide the exact reduction of the established corner lot setback requested as part of the application,

(3) A plot plan, site plan, or other similar document(s) denoting the physical impact of the proposed request on the parcel,

(4) A narrative outlining the answers to the five required findings detailed within Section 2.10.3 of the Ordinance justifying the issuance of the variance, and

(5) Copies of any additional information deemed essential by the applicant justifying the approval of the request.

2.10.3 Authorized Variances

A variance may be approved by the Board of Adjustment in cases ~~involving~~ where ~~practical difficulties or~~ unnecessary hardships would result from carrying out the strict letter of the Ordinance, when substantial evidence in the official record of the application supports all of the following findings:

(A) ~~The alleged hardships or practical difficulties are unique and singular to the property of the applicant and are not suffered in common with other property similarly located~~Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

~~**(B)** The alleged hardships and practical difficulties that would result from failure to grant the variance extend to the inability to use the land in question for any reasonable use in conformity with the provisions of this Ordinance and include substantially more than mere inconvenience and inability to attain a higher financial return.~~[2]

~~**(C)**~~**(B)** The hardship results from conditions that are preculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance. ~~The variance, if approved, will not substantially interfere with or injure the rights of others whose property would be affected by approval of the variance.~~

~~**(D)**~~**(C)** ~~The variance is in harmony with and serves the general intent and purpose of this Ordinance and the adopted Comprehensive Plan~~The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

~~**(E)**~~**(D)** ~~Approving the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Ordinance and the individual hardships that will be suffered by a failure of the Board of Adjustment to grant a variance~~The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.[3]

[2] Recent revisions to State Law include language indicating it shall: '*not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property*'. As a result we can no longer have such language in the UDO to the contrary.

[3] Portions of existing subsections (D) and (E) have been combined to reflect wording changes in State law with respect to the required findings for the granting of a variance. Staff has modified this entire section to ensure required findings are consistent with new language in State law.

2.10.4 Additional Criteria for Authorized Variances – Special Flood Hazard Area Overlay Zoning District

In addition to the criteria contained within Section 2.10.3, any application for a variance from the Special Flood Hazard Area Overlay Zoning District shall abide by the following additional criteria:

(A) Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(B) In considering variances from the requirements of the Special Flood Hazard Area Overlay Zoning District, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:[4]

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to Orange County;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the Orange County Comprehensive Plan and floodplain management program for the area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and

(12) The request for a variance is not after-the-fact or for a situation of one's own making.

(C) A written report addressing each of the above factors shall be submitted with the application for a variance.

(D) Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Adjustment may attach such reasonable conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

(E) Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.

(F) Conditions for Variances:

(1) Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

(2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[4] Standards governing the issuance of a variance within a floodplain are consistent with FEMA requirements. Applicants are still required to demonstrate compliance with these provisions when requesting a variance.

(3) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship;

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and,

(d) That the circumstances on the subject property are unique to the subject property and not to properties in general.

(G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.

(H) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.

2.10.5 Additional Criteria for Authorized Variances –Watershed Protection Overlay District

(A) Minor variances for dimensional requirements of the Watershed Protection Overlay District may be approved by the Board of Adjustment in accordance with Section 2.12 of this Ordinance.

(B) The Board of Adjustment may approve variance applications to allow the use of off-site septic easements for lots created before January 1, 1994, and for non-conforming lots of record.

(C) A description of each project receiving a variance and the reason for granting the variance shall be submitted for each calendar year to the Division of Water Quality on or before January 1st of the following year.

(D) All other local governments having jurisdiction within the watershed area and the entity using the water supply for consumption shall be notified of the variance application at least 15 days prior to action on the application. The Planning Department shall notify other local governments via first class mail.

(E) Modifications of the Impervious Surface Ratio

Modifications of the Impervious Surface Ratios may be requested through one of the following provisions:

(1) Through variance procedures of the Board of Adjustment, as described in this subsection (2.10.5).

(2) Through approval and recordation of a conservation agreement, as provided in Article 4 of Chapter 121 of the N.C. General Statutes, between Orange County and a land owner that prohibits development of land in a protected watershed in perpetuity.

(a) In such cases, a modification of the required impervious surface ratios may be approved administratively but only to the extent that additional land in the same watershed is conserved or protected from development. In such instances, the land that will be subject to a conservation agreement must be adjacent to the land proposed for development and for which a modification of the impervious surface ratios is sought.

(i) As an example, a person owning a 40,000 square foot lot and subject to a 12% impervious surface ratio would be limited to 4,800 square feet of impervious coverage. If the person's plans called for 5,500 square feet of coverage (a difference of 700 square feet), the recording of a conservation easement on 5,833 square feet of contiguous property would satisfy the impervious surface ratio requirements. (12% of 5,833 square feet is 700 square feet.)

(b) The conservation easement shall describe the property restricted in a manner sufficient to pass title, provide that its restrictions are covenants that run with the land and, in form, be approved by the County Attorney.

(c) The conservation easement shall, upon its recording, be in the place of a first priority lien on the property (excepting current ad valorem property taxes) and shall remain so unless, with the approval of Orange County, it is released and terminated.

(i) Orange County shall require the priority of the conservation easement to be certified by and attorney-at-law, licensed to practice law in the State of North Carolina and approved to certify title to real property by a lending institution (bank or savings and loan association) doing business in Orange County.

(d) Orange County approval of a release or termination of the conservation agreement shall be declared on the document releasing or terminating the agreement.

(i) The document shall be signed by the Orange County Manager, upon approval of the Orange County Board of Commissioners.

(ii) No such document shall be effective to release or terminate the conservation agreement until it is filed for registration with the Register of Deeds of Orange County.

2.10.6 Procedure for Certain Stream Buffer Variance Requests

Requests for variances from stream buffer requirements within 50-feet from the top of the stream bank shall abide by the following procedure:

(A) The Erosion Control Officer shall make a finding of fact as to whether the following requirements have been met:

(1) There are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of the stream buffer protection requirements. Practical difficulties or unnecessary hardships shall be evaluated in accordance with the following:

(a) If the applicant complies with the provisions of the stream buffer requirements, he/she can secure no reasonable return from, nor make reasonable use of, his/her property.

(i) Merely proving that the variance would permit a greater profit from the property will not be considered adequate justification for a variance.

(ii) Moreover, the Erosion Control Officer shall consider whether the variance is the minimum possible deviation from the stream buffer requirements that will make reasonable use of the property possible.

(b) The hardship results from application of the stream buffer requirements to the property rather than from other factors such as deed restrictions or other hardship.

(c) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

(d) The applicant did not cause the hardship by knowingly or unknowingly violating the stream buffer requirements.

(e) The applicant did not purchase the property after the effective date of the stream buffer requirements, and then request a variance.

(f) The hardship is unique to the applicant's property, rather than the result of conditions that are widespread.

(i) If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

(g) The variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and preserves its spirit; and

(h) In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

(B) If the Erosion Control Officer determines that a variance request meets the requirements in (A) above, then he/she shall prepare a preliminary finding and submit it to the State's Environmental Management Commission.

(C) Preliminary findings on variance requests sent to the State's Environmental Management Commission shall be reviewed by said Commission within 90 days after receipt by the Director of the Environmental Management Commission.

(D) The purpose of the State Environmental Management Commission's review is to determine if it agrees with the Erosion Control Officer's findings regarding whether that the requirements in subsection (A) have been met.

(E) The following actions shall be taken depending on the State Environmental Management Commission's decision on the variance request:

(a) Upon the State Environmental Management Commission's approval, the Erosion Control Officer shall issue a final decision granting the variance.

(b) Upon the State Environmental Management Commission's approval with conditions or stipulations, the Erosion Control Officer shall issue a final decision, which includes these conditions or stipulations.

(c) Upon the State Environmental Management Commission's denial, the Erosion Control Officer shall issue a final decision denying the variance.

(F) Requests for appeals of determinations made by the State's Environmental Management Commission that the requirements of subsection (A) have not been met shall be made to the State's Office of Administrative Hearings.

2.10.7 Unauthorized Variances

(A) Other than stream buffer variances outside of the first 50-feet from the centerline of a stream, the Board of Adjustment is not authorized to grant variances to any of the standards of:

(1) Article 7 - Subdivision Design and Improvements,

(2) Section 6.15 - Erosion and Sedimentation Control,

(3) Section 6.14 - Stormwater Management, and

(4) Section 6.16 - Environmental Impact Reports

(B) The Board of Adjustment is not authorized to grant a variance that would permit a use in a district where that use is neither a Permitted Use nor a Special Use.

2.10.8 Review Procedures

(A) Applications for a Variance shall be reviewed and acted upon by the Board of Adjustment in accordance with the procedures contained in Section 2.12 of this Ordinance.

(B) The Planning Director shall complete an assessment of the application and provide a recommendation on the disposition of the application.

(C) The assessment shall be introduced at the hearing and become part of the record.

2.10.9 Findings of Fact

(A) Required findings of fact, as listed in Section 2.10.3, shall be made in the indicated order by the Board of Adjustment.

(B) The Board of Adjustment is not empowered to grant a variance without an affirmative finding of fact supported by substantial evidence in the record of proceedings before the Board.

2.10.10 Conditions of Approval

The Board of Adjustment may impose ~~reasonable conditions upon the approval of any variance to insure that the public health, safety, and general welfare are protected and substantial justice done.~~ appropriate conditions provided that such conditions are reasonably related to the variance.[5]

2.10.11 Notice Requirements

Notice of matters before the Board of Adjustment shall follow the procedures in Section 2.12.6.

SECTION 2.11: INTERPRETATIONS

2.11.1 Generally

An appeal from an order, requirement, decision or determination of the Planning Director shall be decided by the Board of Adjustment based upon its findings of fact and to achieve the intent of this Ordinance. In exercising this power, the Board of Adjustment shall act in a prudent manner so that the purposes of this Ordinance shall be served. The effect of the decision shall not be to vary the terms of this Ordinance nor add to the list of Permitted Uses in the districts.

2.11.2 Application Requirements

(A) Applications for an appeal of an interpretation of a decision, file determination, directive, Notice of Violation, or other similar determination shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance. Ten copies of the application and supporting documentation shall be submitted.

(B) Applications must be received by the Planning Director no later than 30 days after the decision, file determination, directive, Notice of Violation, or other similar determination was made.

2.11.3 Stay on Further Proceedings

(A) An appeal to the Board of Adjustment from a decision or determination of the Planning Director stays all proceedings in furtherance of the decision or determination appealed from, except as provided herein.

[5] Staff is recommending existing language referencing 'public health, safety, general welfare' as well as 'substantial justice' be deleted as this wording does not appear in the Statute.

(B) An appeal to the Board of Adjustment of a determination or decision of the Planning Director shall not stay further proceedings in furtherance of the decision or determination appealed from, if the Planning Director ~~determines~~ certifies to the Board of Adjustment in an affidavidt either:

(1) ~~That, in the opinion of the Planning Director, a stay would cause imminent peril to life and/or property~~ A stay would cause imminent peril to life or property, or,~~.~~

(2) ~~That the~~The situation appealed from is transitory in nature and, therefore an appeal would seriously interfere with enforcement of the Ordinance.

~~**(3)**~~**(C)** In either instance, the Planning Director shall place in the determination facts to support the conclusion if (B)(1) and/or (B)(2) are invoked.

~~**(C)**~~**(D)** If (B)(1) and/or (B)(2) are invoked, and approved by the Board of Adjustment, enforcement proceedings shall not be stayed except through the issuance of a restraining order issued by a court of competent jurisdiction. If enforcement proceedings are not stayed, the appellant may file a request for an expedited hearing of the appeal.[6]

2.11.4 Review Procedures

(A) Applications for an appeal of an interpretation shall be reviewed and acted upon by the Board of Adjustment in accordance with the procedures contained in Section 2.12 of this Ordinance.

(B) The conduct of the hearing shall be consistent with the provisions of Section 2.12 of this Ordinance.

(C) The Planning Director shall complete an assessment of the application and provide a recommendation on the disposition of the application. The assessment shall include all relevant facts utilized in rendering the disputed decision and the rationale for the interpretation made by the Planning Director.

(D) The assessment shall be introduced at the hearing and become part of the record.

(E) Upon hearing all evidence associated with the application, the Board of Adjustment shall close the hearing and render a decision on the matter to affirm, modify, or reverse the decision of the Planning Director.

2.11.5 Findings of Fact

The Board of Adjustment shall provide a detailed rationale for its decision in the form of an order to affirm, modify, or reverse the decision of the Planning Director. This order shall provide the necessary justification for the Board's action based on the testimony and evidence entered into the record during the hearing.

2.11.6 Notice Requirements

Notice requirements shall follow Section 2.12.6(A). Other subsections of Section 2.2.6 are not applicable to applications for an appeal of an interpretation.

SECTION 2.12: BOARD OF ADJUSTMENT

2.12.1 General Provisions

(A) The Board shall act on all applications before it.

(B) The Board shall act on any appeal of a Stop Work Order issued by the Planning Director at its next regularly scheduled meeting or at a special meeting called for that purpose.

[6] Staff is adding new language consistent with changes in State law.

2.12.2 Quasi-Judicial Proceedings

(A) The Board of Adjustment acts in a quasi-judicial capacity. However, it is not intended that its proceedings be conducted as formally as those before courts.

(B) The rules of procedure and evidence set forth in this Ordinance shall be followed to protect the interests of all parties and the public.

(C) The presiding officer shall administer oaths to all witnesses and shall make rulings necessary to preserve fairness, order, or proper decorum in any matter before the Board of Adjustment. Any person who, while under oath during a proceeding before the Board, willfully swears falsely is guilty of a Class I misdemeanor.

(D) Any member of the Board of Adjustment or any interested party may object to, and the presiding officer may exclude, any evidence, testimony, or statement that is deemed incompetent, irrelevant, immaterial, or unduly repetitious and therefore fails to reasonably address the issues before the Board of Adjustment.

2.12.3 Evidence and Testimony

(A) Interested Party

(1) Any interested party may present evidence or testimony, cross-examine witnesses, inspect documents, and offer evidence or testimony in explanation or rebuttal.

(2) Any member of the Board of Adjustment may question any interested party.

(3) Persons other than interested parties may make competent, relevant, and material comments.

(B) Subpoenas

(1) The Board of Adjustment may subpoena witnesses and compel the production of evidence.

(2) To request issuance of a subpoena, persons with standing as detailed under NCGS 160A-939 (d), shall make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas in those cases where testimony or evidence is deemed to be relevant, reasonable in nature and scope, and not oppressive.

(3) The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board.

~~(2)~~(4) If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment, or the party seeking the subpoena, may apply to the General Court of Justice for an order requiring that its order be obeyed, and the Court will have jurisdiction to issue those orders after notice to all proper parties.

~~(3)~~(5) No testimony of any witness before the Board of Adjustment, pursuant to a subpoena issued in exercise of the power conferred by this subsection, may be used against the witness in any civil or criminal action, other than a prosecution for false swearing committed on the examination.

~~(4)~~(6) Anyone who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

2.12.4 Quorum and Vote Required

(A) A quorum of the Board is necessary to conduct any business and shall consist of four members.

(B) The affirmative vote of four of the members of the Board shall be necessary in order to effect any variation in this Ordinance~~:~~.

~~(1) Reverse any order, requirement, decision or determination of any administrative official charged with enforcement of this Ordinance, or~~

~~(2) Decide in favor of the applicant any matter upon which it is required to pass by this Ordinance including, but not limited to, the issuance of Class B Special Use permits, or~~

~~(3) Effect any variation in this Ordinance.~~

(C) A majority of the members shall be required to decide on the issuance of a Class B Special Use Permit or an appeal application. [7]

2.12.5 Notification of Board Action

(A) Within five working days after Board action, the Planning Director shall have available in the Planning Department's office a notice of decision of the Board's action.

(B) The Planning Director shall notify the parties to an application or appeal of the Board's disposition. This includes the applicant, the property owner if different from the applicant, or any individual who has submitted a written request for a copy prior to the date the decision becomes effective. [8]This notice shall be made by registered or certified mail within five working days of the Board's actions. [9]

(C) The Planning Director shall keep a copy of the Board's action on file.

2.12.6 Notice Requirements for Matters Before the Board

(A) The Board shall give notice of matters coming before it by causing notice to be placed in a newspaper of general circulation in Orange County. The notice shall appear once a week for two consecutive weeks, the first insertion to be not less than ten days nor more than 25 days prior to the meeting date. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

(B) In the case of application for a Class B Special Use permit or variance the Planning Director shall give written notice by certified mail to adjacent property owners. This notice shall be given not less than 15 days prior to the meeting date. Adjacent property owners are those whose property lies within 500 feet of the affected property and whom are currently listed as property owners in the Orange County tax records.

(C) The Planning Director shall post on the affected property a notice of the Board meeting at least ten days prior to the meeting date.

(D) In the case of an appeal of a Stop Work Order issued by the Planning Director, the Planning Director shall give written notice by certified mail to the property owner, and/or person(s) engaged in the alleged violation. Notification of adjacent property owners, posting of property, and publication of a hearing notice is not required.

SECTION 2.13: EXEMPT SUBDIVISIONS

2.13.1 Generally

(A) Persons proposing divisions of land that do not constitute a subdivision must request a determination of an exempt subdivision status with the Planning Director. Activities that do not constitute a subdivision are found in Section 7.2.1.

[7] Simple majority vote is now all that is necessary to approve a SUP or act on an appeal.
[8] State law now allows for individuals to petition the Board of Adjustment requesting notification of any decision. We are incorporating this allowance with the proposed modification.
[9] Staff sends out notice of decisions via certified mail. State law was modified to allow for first-class mail to be utilized. We are not recommending changing our current procedure as we believe sending decisions via certified mail ensures we have a record of our actions.

(B) Public Hearing Required

(1) The EIS, along with all comments received during the review period, shall be presented for public hearing concurrently with the development project.

(2) If a public hearing before the Board of County Commissioners is not required for approval of the development project, then a special hearing shall be scheduled. The hearing shall take place no later than 30 days after the close of the public review period or receipt of comments from the State Clearinghouse, whichever is later.

(C) Notice of Public Hearing

(1) Notice of the public hearing to review the EIS and receive public comment shall be published at least twice in a newspaper of general circulation in the county, stating the time and place of the hearing.

(2) Said notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than ten nor more than 25 days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

(D) Board of County Commissioners Action

(1) The Board of County Commissioners shall receive the EIS and all comments as information only. The information presented may be used only to determine compliance with specific development standards established in this Ordinance.

(2) No action shall be taken on the development project until after the EIS has been presented to the Board of County Commissioners.

(E) Effect on Other Permits and Actions

Construction or installation of any major development project shall not commence until subsequent to the filing of a Finding of No Significant Impact or acceptance of the Final EIS by the Board of County Commissioners.

~~SECTION 2.25: APPEALS~~

~~Section 2.25:~~SECTION 2.26: APPEALS[10]

~~2.25.1~~2.26.1 Generally

Appeal applications shall be filed in accordance with Section 2.2 within 30 days of the decision being appealed on forms provided by the Planning Department, if applicable.

~~2.25.2~~2.26.2 Planning Director Decisions

(A) Site Plans or Other Decision Pertaining to this Ordinance

Any decision of the Planning Director regarding a site plan application or other decision pertaining to this Ordinance not listed in (B) through (D) below may be appealed to the Board of Adjustment according to the provisions set forth in Section 2.12 of this Ordinance.

(1) An appeal to the Board of Adjustment from a decision or determination of the Planning Director stays all proceedings in furtherance of the decision or determination appealed from, except:

(a) Situations that, in the opinion of the Planning Director, a stay would cause imminent peril to life and/or property.

[10] The appeals section is proposed to be re-numbered as part of a current amendment proposal associated with Neighborhood Information meetings for governmental uses. This amendment was heard at the September 9, 2013 Quarterly Public Hearing and will be decided upon by the BOCC on November 5, 2013.

(b) That the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of the Ordinance.

In either instance in (a) and (b) above, the Planning Director shall place in certificate the facts to support the conclusion.

(B) Exempt Subdivisions

(1) The decision of the Planning Director regarding an exempt subdivision application may be appealed to the Board of County Commissioners.

(2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.

(3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

(C) Minor Subdivisions

(1) The decision of the Planning Director regarding a minor subdivision application may be appealed to the Board of County Commissioners.

(2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.

(3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

(D) Major Subdivisions – Final Plat

(1) The decision of the Planning Director regarding a Major Subdivision Final Plat application may be appealed to the Board of Commissioners.

(2) The Board of Commissioners shall have final approval authority, and where applicable, all Final Plats shall contain information and/or conditions approved by the Board of Commissioners.

(3) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision.

(4) The applicant shall be notified, in writing, of the Board of Commissioners' decision.

~~2.25.3~~2.26.3 Planning Board Decisions

(A) Major Subdivisions – Concept Plan

(1) The decision of the Planning Board regarding Concept Plan Development Options may be appealed to the Board of Commissioners.

(2) Any notice of appeal shall be filed, in writing, with the Planning Director within 15 days after the date of the Planning Board's decision.

(3) If the appeal involves a plan/map approval, 16 copies of the plan/map shall be submitted along with the written appeal.

(4) The Board of Commissioners shall have final approval authority, and, where applicable, all Concept Plan Development Options shall contain information and/or conditions approved by the Board of Commissioners.

(5) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision. The applicant shall be notified, in writing, of the Board of Commissioners' decision within ten days after said decision is made.

~~2.25.4~~2.26.4 Board of Adjustment Decisions

(A) Every decision of the Board shall be subject to review at the request of ~~any aggrieved party~~any person who has standing as detailed within NCGS 160A-393 (d) by the Superior Court by proceedings in the nature of certiorari. The appeal to Superior Court must be filed within 30 days of the availability of the notice of decision (2.12.5(A)).

~~2.25.5~~2.26.5 Board of County Commissioners Decisions

(A) Quasi-Judicial Decisions

(1) Quasi-judicial decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of ~~any~~ any person who has standing as detailed within NCGS 160A-393 (d) ~~aggrieved party~~ by the Superior Court by proceedings in the nature of certiorari.

(2) The appeal to the Superior Court must be filed within 30 days of the filing of the decision of the Board of County Commissioners by the Planning Director or the delivery of the notice of the decision to the applicant, whichever is later.

(B) Legislative Decisions

(1) Legislative decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party by the Superior Court.

(2) The appeal to the Superior Court must be filed from the date of adoption of said Ordinance within the prescribed period below:

(a) 60 days in cases involving the appeal of an Ordinance amending the Zoning Atlas,

(b) 1 year (365 days) in cases involving the appeal of an Ordinance amendment the UDO,

(c) 3 years (1,035 days) in cases involving an appeal based on an alleged defect in the adoption process of an Ordinance amending the UDO.

~~2.25.6~~2.26.6 Water Supply Watershed Critical Area Boundary Line

Appeal applications disputing the Planning Director's decision regarding the location of a Water Supply Watershed Critical Area boundary line shall be accompanied by:

(A) A survey prepared by a North Carolina registered land surveyor or professional engineer depicting the differences between:

(1) The locational criteria in Section 4.2,

(2) The official Watershed map on file in the Planning Department, and

(3) The boundary line the applicant asserts is correct.

(B) A detailed explanation describing the differences in the three boundary lines contained in (A) above.

~~2.25.7~~2.26.7 Special Flood Hazard Overlay District

(A) Any property owner who has received an order to take corrective action in accordance with Section 9.7 may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten business days following issuance of the final order.

(B) The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

~~2.25.8~~2.26.8 Soil Erosion and Sedimentation Control

(A) Appeal of Erosion Control Plan

Except as provided in subsection (D) below, the appeal of a disapproval, approval with modifications, or approval with conditions of an Erosion Control Plan shall be governed by the following provisions:

(1) The disapproval of, modification of, or conditions of approval attached to any proposed Erosion Control Plan by the Erosion Control Officer shall entitle the person submitting the plan to an appeal of the decision to the Orange County Planning Director.

(2) If the Planning Director upholds the decision, the person shall be entitled to a public hearing if such person submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.

(B) Hearings

(1) Orange County

(a) This sub-subsection pertains to appeals for land-disturbing activities occurring outside the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.

(b) Hearings held pursuant to this sub-subsection shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand, as provided for in (A)(2) above.

(c) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing on such Erosion Control Plan.

(d) The Board of County Commissioners will render its final decision on any Erosion Control Plan appeal within 30 days of receipt of the Planning Board recommendation.

(2) Other than Orange County

(a) This sub-subsection pertains to appeals for land-disturbing activities occurring within the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.

(b) Hearings held pursuant to this sub-subsection shall be conducted by a designated agency of the appropriate town or city board within 30 days after receipt of written demand, as provided for in (A)(2) above.

(c) The said designated agency shall make recommendations to the appropriate town or city board within 30 days after the date of the hearing on such Erosion Control Plan.

(d) The said appropriate town or city board will render its final decision on any Erosion Control Plan appeal within 30 days of the receipt of the recommendations from the said designated agency conducting the hearing.

(C) Appeal from Local Government's Decision

If the local governing body upholds the disapproval, modification, or conditions of approval of a proposed Erosion Control Plan following the public hearing, the applicant shall be entitled to appeal the local government's action to the North Carolina Sedimentation Control Commission as provided in Section 113A-61(c) of the General Statutes and Title 15A NCAC 4B.0118.

(D) Appeal of Erosion Control Plan if Disapproval Based on Applicant's Past Performance

The applicant may appeal disapprovals issued under the provisions of Section 2.19.11 of this Ordinance directly to the North Carolina Sedimentation Control Commission.

(E) Appeal of Land-Disturbing Stop Work Order

(1) The person conducting the land-disturbing activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.

(2) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.

(3) The Board of County Commissioners shall conduct a hearing at their next scheduled regular meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.

(4) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

~~2.25.9~~2.26.9 Stormwater Management Plan

(A) Appeals of the Erosion Control Officer's decision on a Stormwater Management Plan shall be made to the Orange County Planning Director.

(B) If the Planning Director upholds the decision, the applicant shall be entitled to a public hearing if the applicant submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.

(C) The hearing shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand for a hearing.

(D) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing.

(E) The Board of County Commissioners shall render its final decision on any stormwater management plan upon which a hearing is requested within 30 days of receipt of the recommendations from the Planning Board.

~~2.25.10~~2.26.10 Appeal of Stop Work Orders Regarding Stormwater Management Provisions

(A) The person conducting the development activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.

(B) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.

(C) The Board of County Commissioners shall conduct a hearing at their next scheduled regular meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.

(D) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

~~2.25.11~~2.26.11 Appeals from Final Decisions Regarding Soil Erosion and Sedimentation Control Civil Penalties

(A) Appeal from Board of County Commissioners or Other Governing Body Decisions

Appeal from the final decision of the governing body regarding civil penalties assessed for violations of the soil erosion and sedimentation control provisions of this Ordinance shall be to the Superior Court of the county where the violation occurred, or in the county where the violator's residence or principal place of business is located.

Attachment 3

NOTICE OF JOINT PUBLIC HEARING
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD

A joint public hearing will be held at the Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Monday, November 25, 2013 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. **Unified Development Ordinance (UDO) Text Amendment**: In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Board and Planning Director have initiated an amendment to the text of the Unified Development Ordinance (UDO).

   Text amendments are proposed to Sections 2.22 *Home Occupations*, 5.4.3 *Special Events*, and 5.5.3 *Home Occupations.* The purpose of the amendments is to change the existing standards to allow for an increase in the number of square feet that can be used for home occupation purposes, increase the number of allowable onsite employees, permit larger scale home occupations in the Agricultural Residential (AR) and Rural Residential (R-1) zoning districts, and allow for the exemption of special events organized or affiliated with a governmental or non-profit agency. Proposed amendments will also modify and clarify existing regulations and definitions associated with home occupations. The amendments also seek to fund a balance between the trend for small home based businesses and the typical character and enjoyment of residential neighborhoods.

   Purpose: To review the item and receive public comment on the proposed amendment.

2. **Unified Development Ordinance (UDO) Text Amendment**: In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

   Text amendments are proposed to Section 2.7.14 *Changes to Approved Plans* and Section 5.10 *Standards for Telecommunication Facilities* to incorporate recent changes in State law with respect to the review and processing of applications proposing the development or modification of telecommunication facilities.

   Session Law 2013-185, adopted June 26, 2013, established new criteria related to the processing of applications, including:

a. Prohibition on requiring information related to the specific need for a proposed telecommunication facility, including the addition of additional wireless coverage or capacity, as part of the application package.

b. Local governments cannot require '*proprietary, confidential, or other business information*' to justify the need for a new telecommunication facility.

c. Limits the fee local governments can collect for a third party consultant to review applications for co-locations.

d. Mandatory review timelines/deadlines for local governments to act on co-location applications.

The amendments are necessary to ensure Orange County's regulations and processes are consistent with these changes.

Purpose: To review the item and receive public comment on the proposed amendment.

3. **Unified Development Ordinance (UDO) Text Amendment**: In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

Text amendments are proposed to Section(s) 2.5.4 *Site Plan Review – Procedures and Timeframes;* 2.10 *Variances;* 2.11 *Interpretations;* 2.12 *Board of Adjustment; and* 2.25 *Appeals* to incorporate recent changes in State law with respect to items reviewed and acted upon by the Orange County Board of Adjustment.

Session Law 2013-126, adopted June 19, 2013, modified and updated procedural and notification requirements for the various applications reviewed by the Board of Adjustment, including:

1. Changing the votes necessary for the Board to approve a Special Use Permit application from 4/5th of members to a simple majority,
2. Clarifying the procedure(s) for requesting and issuing of subpoenas,
3. Clarifying the appeals timeframe for Board of Adjustment decisions to be submitted to Superior Court, and
4. Clarifying notification requirements with respect to who is notified of a Board decision.

The amendments are necessary to ensure Orange County's regulations and processes are consistent with these changes.

Purpose: To review the item and receive public comment on the proposed amendment.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling the one of the phone numbers below. The full text of the public hearing items may be obtained no later than November 15, 2013 at the County website www.co.orange.nc.us at the Meeting Agendas link.

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 or 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH:	The Herald Sun	News of Orange
	November 13, 2013	November 13, 2013
	November 20, 2013	November 20, 2013

Attachment 4 – Excerpt of Draft
BOCC November 25, 2013
Quarterly Public Hearing Minutes

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
QUARTERLY PUBLIC HEARING
November 25, 2013
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Monday, November 25, 2013 at 7:00 p.m. at the DSS Office, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Barry Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Bernadette Pelissier, Renee Price and Penny Rich
COUNTY COMMISSIONERS ABSENT: Earl McKee
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: Interim County Manager Michael Talbert and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT: Chair Pete Hallenbeck, and Planning Board members Maxecine Mitchell, Lisa Stuckey, Paul Guthrie, Herman Staats, Tony Blake, Andrea Rohrbacher, and H.T. "Buddy" Hartley
PLANNING BOARD MEMBERS ABSENT: Johnny Randall, James Lea, Stephanie O'Rouke

3. Unified Development Ordinance (UDO) Text Amendment – To review government-initiated amendments to the Unified Development Ordinance (UDO) to incorporate recent changes in State law with respect to items reviewed and acted upon by the Orange County Board of Adjustment.

Michael Harvey referred to page 87 of the packet. He reviewed the attachments and the following session law changes:

- Changing the votes necessary for the Board to approve a Special Use Permit application from 4/5th of members to a simple majority,
- Clarifying the procedure(s) for requesting and issuing of subpoenas,
- Clarifying the appeals timeframe for Board of Adjustment decisions to be submitted to Superior Court, and
- Clarifying notification requirements with respect to who is notified of a Board decision. Voting Procedures changed

Michael Harvey said the language regarding issuance of subpoenas is now detailed in the code.

He said the appeals timeframe allows 30 days from the filing of a decision to the filing of an appeal.

He said these changes are intended to create consistency with state law, and there is no modification of the operational characteristics of the Board of Adjustment. He said the voting change for special use permits brings it in line with existing County Commissioner's requirements.

Commissioner Gordon referred to page 102, section 10.3 and asked why these are necessary. She read the following section: "It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property."

Michael Harvey said the statute no longer permits this. He assumes this is because people found it difficult to prove no reasonable use of the property. He said applicants now simply have to claim that the desired use is being impeded.

Commissioner Gordon referred to item 10.3 C.

Michael Harvey said this is direct language from the state law.

Commissioner Gordon referred to page 10, and conditions of approval. She said the public health safety and general welfare language has been eliminated.

Michael Harvey said that language has been removed from the statute.

Commissioner Gordon asked if this means the public safety and general welfare could then be not protected.

Michael Harvey said he would not go that far. He said the rationalization could no longer be used to justify the imposition of the condition.

Tony Blake asked if this state law applies to existing matters.

Michael Harvey said thankfully there are no cases before the Board that pre-date this. He said if there were, this rule would apply. He said there is no grandfathering with this session law.

Commissioner Price asked if a person could reapply if they had been previously been denied a special use permit on a 2-3 vote.

Michael Harvey said the person would have to wait one calendar year. He said there have been no denials in the past year.

Commissioner Dorosin asked what the anticipated impact of this will be.

Michael Harvey said he foresees no major impact; it just changes the nature of the game.

John Roberts said it is not going to have a substantial impact on Orange County, though it does substantially change the ordinance and the statute.

Tony Blake asked if this is about the Hwy 751 development.

Michael Harvey said he will not speculate on this. He thinks the changes with respect to voting were intended to bring this in line with what the County Commissioners are already doing.

A motion was made by Commissioner Pelissier, seconded by Commissioner Price to:

1. Receive the proposed text amendment(s).
2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the January 23, 2014 BOCC regular meeting.
4. Adjourn the public hearing until January 23, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

Approved 1/8/2014

Attachment 5 – Excerpt of Approved Planning Board Minutes

MINUTES
ORANGE COUNTY PLANNING BOARD
DECEMBER 4, 2013
REGULAR MEETING

MEMBERS PRESENT: Lisa Stuckey, Chapel Hill Township Representative; James Lea, Cedar Grove Township Representative; Herman Staats, At-Large, Cedar Grove Township; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative;

MEMBERS ABSENT: Johnny Randall, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Stephanie O'Rourke, Eno Township Representative; Maxecine Mitchell, At-Large Bingham Township; Peter Hallenbeck (Chair), Cheeks Township Representative; Vacant- Hillsborough Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Special Projects Coordinator; Ashley Moncado, Special Projects Planner; Tina Love, Administrative Assistant II

OTHERS PRESENT: Jay Hitchens

Agenda Item 10: Unified Development Ordinance (UDO) Text Amendment – Board of Adjustment Operation: To make a recommendation to the BOCC on government-initiated amendments to the Unified Development Ordinance (UDO) to incorporate recent changes in State law with respect to items reviewed and acted upon by the Orange County Board of Adjustment. This item was heard at the November 25, 2013 quarterly public hearing.
Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey: Reviewed item.

MOTION by Herman Staats to recommend to the BOCC the proposed amendments for the UDO Text Amendment related to the Board of Adjustment operation and procedures as amended. Seconded by James Lea.

VOTE: UNANIMOUS

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 5-b

SUBJECT: Unified Development Ordinance Text Amendment Related to Telecommunication Facilities – Public Hearing Closure and Action (No Additional Comments Accepted)

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** Yes

ATTACHMENT(S):

1. Comprehensive Plan and Unified Development Ordinance Amendment Outline Form (UDO/Zoning 2013-04)
2. UDO Amendment Package
3. Approved November 25, 2013 Quarterly Public Hearing Legal Ad
4. Excerpt of Draft November 25, 2013 Quarterly Public Hearing Minutes
5. Excerpt of Approved December 4, 2013 Planning Board Minutes

INFORMATION CONTACT:

Michael D. Harvey, Planner III, (919) 245-2597
Craig Benedict, Director, (919) 245-2575

PURPOSE: To receive the Planning Board recommendation, close the public hearing, and make a decision on a Planning Director initiated text amendment(s) to the Unified Development Ordinance (UDO) incorporating recent changes in State law related to the review and permitting of telecommunication facilities.

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the November 25, 2013 Quarterly Public Hearing. This hearing is not intended to solicit additional input from the public or the applicant. While the BOCC may ask staff questions related to the review of a given item, comments from the public shall not be solicited.

BACKGROUND: This item was presented at the November 25, 2013 Quarterly Public Hearing where staff indicated Session Law 2013-185, adopted on June 26, 2013, has modified how local governments process new telecommunication tower applications, including:

- A prohibition on requiring information related to the specific need for a proposed telecommunication facility, including the addition of additional wireless coverage or capacity, as part of the application package.

  While the County can still request this information we cannot require it nor can we find an application is ‘deficient’ when it is not submitted.

- Limits the fee local governments can collect for a third party consultant to review applications for co-locations.

- Mandatory review timelines/deadlines for local governments to act on co-location applications.

- Establishing standards allowing for increases in overall tower height under certain conditions as being 'permitted by right'.

Agenda packet materials from the hearing can be accessed via the following link: http://orangecountync.gov/occlerks/131125.pdf. Please refer to Section C.1 (c) of Attachment 1 for a synopsis of comments made during the hearing.

Planning Director's Recommendation: The Planning Director recommends **approval** of the proposed UDO amendments based on the following:

i. The UDO amendments are necessary to ensure existing regulations are consistent with recent changes in State law; and,

ii. The UDO amendments are consistent with the goals and policies of the adopted 2030 Comprehensive Plan.

Planning Board Recommendation: At its December 4, 2013 regular meeting, the Board voted unanimously to recommend approval of the UDO text amendment consistent with the staff recommendation. Agenda materials from the December 4, 2013 Planning Board meeting can be viewed at: http://orangecountync.gov/planning/documents/DecPBPacket-Web.pdf.

Please refer to Section C.2 (a) in Attachment 1 for additional information. An excerpt from minutes from the December 4, 2013 meeting are contained within Attachment 5.

Attachment 2 contains the ordinance approving the amendment and the proposed amendments as well as footnotes documenting the rationale for the proposed modification.

Procedural Information: In accordance with Section 2.8.8 of the UDO, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

FINANCIAL IMPACT: See Section C.3 in Attachment 1.

RECOMMENDATION: The Manager recommends the Board:

1. Receive the Planning Board's recommendation;
2. Close the public hearing; and
3. Approve the text amendment package contained in Attachment 2.

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2013-04

UDO Text Amendment(s) incorporating recent changes in State law concerning the regulation of telecommunication facilities

A. AMENDMENT TYPE

Map Amendments

☐ Land Use Element Map:
From:
To:

☐ Zoning Map:
From:
To

☐ Other:

Text Amendments

☐ Comprehensive Plan Text:
Section(s):

☒ UDO Text:
☒ UDO General Text Changes
☐ UDO Development Standards
☐ UDO Development Approval Processes

Section(s):
1. Section 2.7.14 *Changes to Approved Plans*, and
2. Section 5.10 *Standards for Telecommunication Facilities* inclusive

of the UDO to incorporate recent changes to State law with the processing of new applications and equipment change out requests for telecommunication towers.

☐ Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated text amendment(s) to incorporate recent changes in State Law, specifically Session Law 2013-185, related to the processing and review of applications for new telecommunication facilities or equipment/antenna change outs.

The Session Law, adopted on June 26, 2013 modifies establishes new criteria related to the processing of applications, including:

1. Local governments can no longer require information concerning the specific need for the proposed wireless support structure, including if the proposal seeks to add additional wireless coverage or capacity, as part of the application package.
2. Local governments cannot require '*proprietary, confidential, or other business information*' to justify the need for a new telecommunication facility.
3. Limits the fee local governments can collect for a consultant to review applications for co-locations (i.e. equipment change out) to $1,000.00.
4. Mandates review timelines/deadlines for a local government to act on co-location applications. The Session Law establishes a 45 day time limit on review so long as the application is complete.
5. The law establishes 'exemptions' for certain modifications to telecommunication facilities from a zoning review process.

A copy of the Session Law was provided with the November 25, 2013 quarterly public hearing package in Attachment 2. The agenda packet can be viewed utilizing the following link: http://orangecountync.gov/occlerks/131125.pdf.

2. Analysis

As required under Section 2.8.5 of the UDO, the Planning Director is required to: '*cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners'*.

The amendments are necessary to ensure Orange County's process is consistent with recent changes in State Law.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

N/A

4. New Statutes and Rules

Session Law 2013-185 *An Act to Facilitate the Deployment of Mobile Broadband and other Enhanced Wireless Communication Services by Streamlining the Processes Uses by State Agencies and Local Governments to Approve the Placement of*

Wireless Facilities in their Jurisdictions.

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

September 5, 2013

b. Quarterly Public Hearing

November 25, 2013

c. BOCC Updates/Checkpoints

November 5, 2013 – BOCC members approve the legal advertisement for the November 25, 2013 Quarterly Public Hearing.

October 2, 2013 – Planning Board Ordinance Review Committee (ORC)

November 25, 2013 – Quarterly Public Hearing.

This item was reviewed at the November 25, 2013 quarterly public hearing where there the following questions/comments were made:

1. A Board member asked staff to clarify permit thresholds for telecommunication facilities.

   STAFF COMMENT: Review and action of telecommunication facilities is broken down as follows:

   - Towers 75 feet and under – Permitted by right in every zoning district and subject to administrative action (i.e. staff review) with no public notice or comment required.
   - Towers 76 to 199 feet – Permitted in every zoning district subject to the review and approval of a Class B Special Use Permit, acted upon by the Board of Adjustment.

     The permit is reviewed at a previously advertised public hearing with property owners within 1000 feet of the property, where the facility is proposed to be located, notified of the hearing via certified mail.
   - Towers 200 feet and over – Permitted in every zoning district subject to the review and approval of a Class A Special Use Permit, acted upon by the Board of County Commissioners with a recommendation by the Planning Board.

     The permit is reviewed at a previously advertised public hearing with property owners within 1000 feet of the property, where the facility is proposed to be located, notified of the hearing via certified mail.

2. A Board member asked staff to clarify what the concern was with respect to proposed amendments to Section 2.7.14 (B) (11).

   STAFF COMMENT: Session Law 2013-185 allows for an increase in

the height of a tower by:

- No more than 10% of the existing height, or
- The height of 1 additional antenna, with separation from the nearest existing antenna, not to exceed 20 feet.

The law indicates this 'increase' in height should be permitted as a matter of right. For example: an existing tower, 160 feet in height, can obtain approval for a 16 foot (10% of 160) increase in height without review/action so long as applicable development standards are adhered to.

A tower 199 feet in height seeking a 19 foot height increase, however, exceeds established permitting thresholds as detailed herein. Staff is attempting to ensure these 'thresholds' are recognized and appropriate review occurs.

Staff had proposed language recognizing these thresholds in an effort to ensure local permitting processes were adhered to.

The County Attorney's office has requested staff revise the proposed language to clarify when Board review is required, specifically in those instances where permit thresholds are exceeded and where the proposed change alters the various facts relied upon with respect to the original permit approval.

Agenda materials for the public hearing can be viewed at: http://orangecountync.gov/occlerks/131125.pdf.

January 23, 2014 - Receive Planning Board recommendation.

d. Other

3. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

a. Planning Board Review:

October 2, 2013 – Ordinance Review Committee (ORC).

This item was reviewed at the October 2, 2013 ORC meeting where there were no comments on the proposal by Board members.

December 4, 2013 – Recommendation

The Planning Board reviewed this item at its December 4, 2013 regular meeting where the following comments were made:

1. A Board member asked staff if they had any concerns with the new language recommended by the Attorney's office. Specifically if staff was concerned that the use of the term 'physical changes' would limit staff's review authority and allow

for something to be done in violation of additional regulations.

Staff Comment: Any change to a telecommunication facility has to demonstrate compliance with all applicable regulations. If the proposed change is inconsistent with these standards, it would not be allowed regardless of the permitting process (i.e. administrative, Board review, etc.).

2. A Board member asked if there were sufficient standards to address ancillary development on telecommunication facilities such as generators, solar panels, or other similar devices.

   Staff Comment: Staff believes there are sufficient safeguards within the UDO to address these issues. Nothing can be added to the telecommunication facility that is unnecessary for their operation and would represent a potential safety hazard.

The Board voted unanimously to recommend approval of the proposed text amendment with the modification in language as recommended by the County Attorney's office on December 4, 2013.

Agenda materials from this meeting can be viewed utilizing the following link: http://orangecountync.gov/planning/documents/DecPBPacket-Web.pdf.

b. Advisory Boards:

c. Local Government Review:

d. Notice Requirements

Legal advertisement were published in accordance with the provisions of the UDO.

e. Outreach:

- ☐ General Public:
- ☐ Small Area Plan Workgroup:
- ☒ Other: Staff has asked the County's current telecommunication consultant, the Center for Municipal Solutions, to review and comment on the amendments. This review is part of their existing contract with the County and will not result in additional cost.

  They have offered no comment on the proposed amendments.

4. FISCAL IMPACT

Modification of existing language will not require the outlay of additional funds by the County. Processing of the amendment shall be handled by staff utilizing existing budgeted funds.

D. AMENDMENT IMPLICATIONS

Language within the UDO will be consistent with recent modifications to State law.

E. SPECIFIC AMENDMENT LANGUAGE

Please refer to Attachment 2.

Primary Staff Contact:
Michael D. Harvey
Planning
(919) 245-2597
mharvey@orangecountync.gov

AN ORDINANCE AMENDING
THE UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY

WHEREAS, recent changes in State Law, specifically Session Law 2013-185 signed into law on June 26, 2013, modified regulations governing the review and processing of applications for telecommunication facilities, including co-location of new antenna on existing facilities, and

WHEREAS, the County has determined existing language within the UDO needs to be modified to ensure consistency with these changes, and

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance have been deemed complete, and

WHEREAS, the County has found the proposed text amendments to be reasonably necessary to promote public health, safety and general welfare and to achieve the purposes of the adopted Comprehensive Plan, and

WHEREAS, pursuant to North Carolina General Statute 153A-341 and Section 1.1.7 of the Unified Development Ordinance, the Board of Commissioners of Orange County has found the proposed text amendments to be consistent with the goals and policies of the adopted Comprehensive Plan.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted in the attached pages.

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

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2014.

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 _____, 2014 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 _____, 2014.

SEAL

_____
Clerk to the Board of Commissioners

UDO AMENDMENT PACKET NOTES:

The following packet details staff's proposed modifications to existing regulations to incorporate recent changes in State law with respect to the review and processing of applications for the development of telecommunication facilities.

As the number of affected pages/sections of the existing UDO are being modified with this proposal staff has divided the proposed amendments into the following color coded classifications:

- Red Underlined Text: Denotes new, proposed text, that staff is suggesting be added to the UDO
- ~~Red Strikethrough Text:~~ Denotes existing text that staff is proposing to delete
- **Underlined Green Bold Text**: Denotes new, proposed text, recommended by the County Attorney's office.
- **Blue Bold Text**: Denotes language recommended by the County Attorney's office on December 4, 2013. The Planning Board recommended approval of this language.

Staff has included footnotes within the amendment package to provide additional information/rationale concerning the proposed amendments to aid in your review.

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet. Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment or footnotes from previous sections 'spill over' onto the included page. Text with a large "X" is not proposed for deletion.

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at: http://orangecountync.gov/planning/Ordinances.asp

2.7.11 Conditions of Approval

(A) The Board of County Commissioners or the Board of Adjustment, as appropriate, may impose such reasonable conditions upon approval of a Special Use as will afford protection of the public health, safety and general welfare, ensure that substantial justice is done, and equitable treatment provided.

(B) Conditions shall run with the land and use, and shall be binding on the original applicant(s) as well as all successors, assigns and heirs.

(C) The Special Use Permit shall include a statement that if any condition of a Special Use Permit shall be held invalid or void, then the permit itself shall be void and of no effect.

(D) It shall be stated in the Special Use Permit that the Permit shall automatically expire within 12 months of the date of approval if the use has not commenced or construction has not commenced or proceeded unless a timely application for extension of this time limit is approved by the Board of County Commissioners as provided in Section 2.7.13.

2.7.12 Notification of Board Action

(A) The Planning Director shall send a notice of the relevant Board's action on the application by certified mail to the applicant. A copy of the decision shall be filed in the Planning Department within five business days of the relevant Board's action.

(B) The Planning Director, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the Board's action.

(C) The Planning Director, but not a designee, shall certify that the Special Use Permit with any imposed conditions is as approved by the Board of County Commissioners or Board of Adjustment, as appropriate, with a report provided to the County Manager.

(D) Once the Special Use Permit has been certified, the applicant shall record the permit with the Orange County Register of Deeds in a format prepared by the Planning Director. Failure to do so within 90 days from certification shall invalidate the Special Use Permit.

2.7.13 Time Limits and Extensions

(A) If a request is received before the Special Use permit expires, the Board of County Commissioners, for good cause shown, may extend the expiration deadline six months upon the favorable recommendation of the Planning Board.

(B) The application for an extension request shall be submitted a minimum of six months prior to the expiration of the Special Use Permit.

(C) No changes shall be made to the terms and/or conditions of approval.

(D) Only one approval of a time extension is permitted, and it shall be based on evidence presented by the applicant showing that permits have been pursued in a timely manner, and that delays have resulted from factors beyond the control of the applicant.

(E) For developments which require approval of a Special Use Permit, the applicant may request that the Special Use Permit be vested as a Site Plan for a period of not less than two nor more than five years. For vesting purposes, Site Plans and Preliminary Plats may also be approved as a Special Use Permit at the request of the applicant. See Section 2.5 for information regarding site plans.

2.7.14 Changes to Approved Plans

(A) The Planning Director is authorized to approve minor changes in the approved plans of Special Uses, as long as they are in harmony with action of the approving Board, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the Board having jurisdiction.

(B) The following criteria shall constitute a modification:

(1) Any change in a condition imposed during the approval of a special use permit.

(2) Any change in use or enlargement of approved use.

(3) Any increase in intensity of use. An increase in intensity of use shall be considered to be an increase in usable floor area and/or an increase in the number of dwelling or lodging units.

(4) Structural alterations which significantly affects the basic size, form, style, ornamentation, and/or character of the building as shown on the approved site plan or described in the applicant's narrative.

(5) Substantial change in the amount and/or location of open space, recreation facilities or landscape screening.

(6) Any increase in the size or number of approved signs.

(7) Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved.

(8) Substantial changes in pedestrian and/or vehicular access or circulation.

(9) Any change in a setback required by the provisions of this Ordinance or imposed as a condition of approval.

(10) Any change in the location or extent of street and utility improvements or rights-of-way, including water, sewer and storm drainage facilities, which would provide a different level of service.

(11) For telecommunication facilities, a modification shall also include the following:[1]

~~**(10)**~~(a) An increase in the existing vertical height of the structure by more than:

(i) 10% in the height of the tower, or

(ii) The height of 1 additional antenna with separation from the nearest existing antenna not to exceed 20 feet

~~(a)~~(b) **A substantial change to the physical dimensions of the wireless support structure which alters facts or conditions relied upon by the County when granting the original permit. It shall be the County's burden to demonstrate that such a scenario constitutes a substantial change to the physical dimensions of the wireless support structure.**[2]

(c) The addition of an appurtenance to the body of the telecommunication facility that protrudes horizontally from the edge of the wireless support structure the greater of:

(i) More than 20 feet or

~~a.~~(ii) More than the width of the wireless support structure at the level of the appurtenance.

Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable.[3]

[1] Staff has added language from the Session Law into this Section of the UDO to further detail what constitutes a 'modification' to a telecommunication facility.
[2] Language recommended by the County Attorney's office clarifying when a change in tower height constitutes a 'modification' requiring Board review submitted to staff on December 4, 2013.
[3] This additional language is taken directly from NCGS 153A-349.51 (7a) at the request of the County Attorney's office.

~~(ii)~~(d) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

~~(11)~~

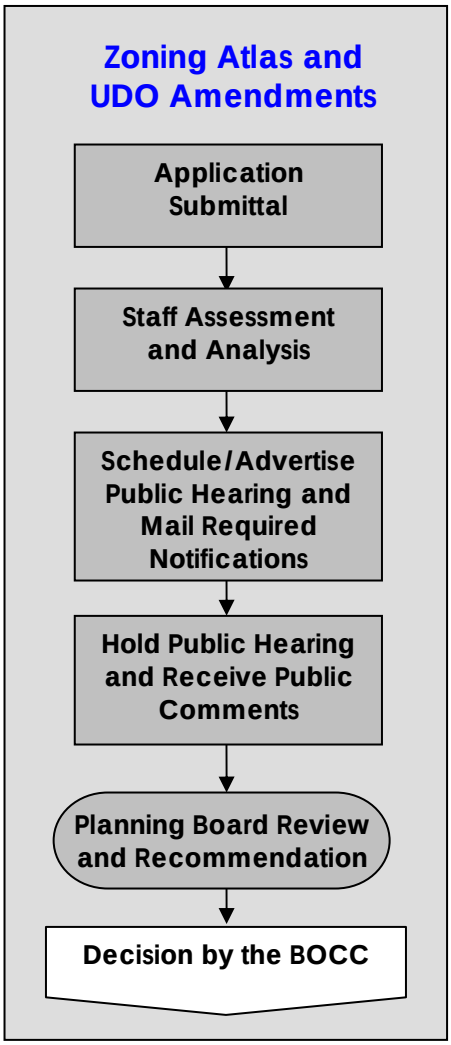
(C) The Planning Director shall, before making a determination as to whether a proposed action is a minor change or a modification, review the record of the proceedings on the original application for approval of the Special Use. The determination shall be based upon the request of the applicant, the review of the record of the approval of the original request and the Planning Director's findings under the criteria of subsection (B) above.

(D) The Planning Director shall, if it is determined that the proposed action is a minor change, state the findings in writing to the applicant. The applicant shall file an amended site plan, or written statement, outlining in detail the minor change(s) proposed. The Planning Director shall file the amended site plan or written statement with the approved site plan.

(E) If it is determined that the proposed action is a modification, the Planning Director shall require the applicant to submit a request for modification of the approved special use permit. The following procedures shall be adhered to in the case of a modification:

(1) The applicant shall provide an amended site plan and written narrative outlining the specific changes requested.

(2) The Planning Director shall submit the request to the Board that approved the original application.



(3) The Board shall set a public hearing to receive testimony concerning the modification request. Any public hearing called pursuant to a modification of an approved special use permit shall be held in conformity with the relevant public notification requirements contained in this Article.

(4) The Board may approve, approve with conditions, or deny the application for a modification.

(5) The Planning Director shall file the Board's action in the Planning Department as an amendment request to the original application and shall notify the applicant of the Board's action.

~~SECTION 2.8: ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS~~

~~2.8.1 Review and Approval Flow Chart~~

~~The review and approval process for a Zoning Atlas and Unified Development Ordinance Amendment is shown in the procedure's flowchart.~~

Staff Note: We are including all of Section 5.10 to provide the Board with the necessary context of the proposed amendments.
This amendment, however, is only intended to address incorporation of new language within State law.
Staff cannot make wholesale changes to non-relevant sections due to the nature of the public hearing legal advertisement.

~~e removed within 12 months from the date the use of the facility.~~

~~cture is removed the property, the owner shall obtain sion Control permits to re-stabilize the property. The mpletion shall be determined by the Orange County fficer.~~

~~rovide financial security in form and amount acceptable ecure the expense of dismantling and removing said~~

~~he facility, the Department shall cause a notice to be e Orange County Registrar of Deeds office indicating pecial Use Permit has been revoked.~~

SECTION 5.10: STANDARDS FOR TELECOMMUNICATION FACILITIES

5.10.1 Intent

The regulations contained herein are designed to provide for the safe and efficient integration of facilities necessary for the provision of advanced wireless telecommunications services through the community with the goal of establishing reliable wireless service to the public, governmental agencies, and first responders in a manner that provides for the public safety and general welfare of its citizens.

5.10.2 Master Telecommunications Plan ("Plan")

(A) The Plan is intended to assist providers in their search for suitable locations to build their service network. The County may develop the Plan (map), which would display locations within the County's zoning jurisdiction where property owners have expressed formal, written, interest in allowing construction of telecommunications equipment.

(B) Information that may be shown on the base Plan will include, but not limited to:

- **(1)** Existing towers,
- **(2)** Major transmission lines,
- **(3)** County-defined Natural Areas,
- **(4)** Historic properties,
- **(5)** Scenic corridors,
- **(6)** Known bird migratory patterns through the County,
- **(7)** Voluntary Agricultural Districts, and
- **(8)** Publicly-owned or quasi-public lands.

(C) In order to participate in the Plan, all owner(s), or their legally binding representatives, shall submit an application on a form prepared by the Planning Department requesting inclusion.

(D) All telecommunication providers who elect to construct facilities on properties in the Plan shall provide all necessary and requested information to the County's telecommunications consultant.

(E) Modification of the Plan may be considered annually at the February Quarterly Public Hearing. Any applicant requesting modification of the Plan shall make application to the Planning Director on or before December 1st of each year. The fee for modifying the Plan shall be that as set forth in the Orange County Schedule of Fees.

(F) Withdrawal from the Plan is permitted if any owner submits, to the Planning Director, a notarized statement requesting same. Upon receipt of the request, including any fee for modifying the Plan as set forth in the Orange County Schedule of Fees, the Planning

Director shall inform interested parties that the property has been withdrawn from consideration. Removal of the property from the Plan shall be processed as a modification as detailed herein.

5.10.3 Annual Telecommunications Projection Meeting (ATPM)

(A) Purpose and Outcome

(1) The purpose of the ATPM meeting is to allow for a complete review of collocation opportunities, address coverage issues, and discuss the location of needed telecommunication support structures with providers who intent on submitting development applications for action by the County. The intended outcome of the meeting is to allow the County and interested parties to develop a plan for facility deployment within the County that provides reasonable coverage based on the needs of the County and its residents, while minimizing the total number of needed telecommunication support facilities, including minimizing the intrusiveness of such facilities, and encouraging the development of a more efficient telecommunication network.

(2) The intended outcome of the meeting is an understanding amongst the Planning Director and providers on areas of the County where telecommunication support facilities are needed and application request for the year should be focused.

(B) Applicability

(1) By December 31st of each calendar year, telecommunication providers shall submit to the Planning Director a plan indicating proposed search rings for anticipated telecommunication support structures. This plan shall identify areas where providers are looking to locate facilities, as well as identify those areas of the County that are underserved by existing facilities.

(2) As of the effective date of this Ordinance amendment any pending applications that have not received a zoning compliance permit or a special use permit shall meet all requirements of this Ordinance, including, but not limited to submission deadlines, application standards and processing, excluding the ATPM requirement.

(C) Meeting Specifics

(1) The meeting shall occur by the end of January of each calendar year.

(2) Attendees shall include all carriers and tower companies who have either filed applications the previous year or anyone who has expressed an interest in filing an application to construct a telecommunication support facility within the County.

(3) The County shall notify each party of the date, time, and place of the meeting no later than 30 days prior to the meeting.

(4) Those individuals/firms intent on submitting development applications are expected to attend the meeting. While a lack of attendance will not prevent the submittal of an application, it will prevent the applicant's ability to participate in the discussions outlining the areas of concentration for the location of telecommunication support structures for that given year.

(D) Applications for the development of telecommunication support structures shall be processed in accordance with the provisions of this Ordinance.

5.10.4 Existing Wireless Telecommunications Support Structures

(1) Telecommunications equipment as accessory uses may be placed on existing wireless support structures in accordance with the provisions of this Ordinance.

(2) Notwithstanding the other provisions of Section 5.10, telecommunications towers in existence as of December 10, 2002, may be replaced with a wireless support structure of equal or less visual impact after approval by the Planning Director. However, if the proposed new wireless support structure would not be consistent with the minimum standards under Section 5.10, replacement must be approved as provided for in this Ordinance.

5.10.5 Wireless Telecommunications Support Structures and Equipment as Principal or Accessory Uses

(A) Wireless telecommunications support structures shall be permitted as a principal or accessory use in accordance with the Table of Permitted Uses and as follows:

(1) On property owned by the County or any public entity, except those designated as historic properties or sites, the County may, in its sole discretion as the owner of the property, authorize the application and use of County property after the applicant executes a lease agreement acceptable to the County.

(2) Wireless telecommunications facilities, as part of existing utility poles shall be permitted as an accessory use. Wireless facilities shall be constructed as part of the existing utility poles or as replacements for the existing utility poles. No freestanding towers constructed exclusively for personal wireless services shall be permitted within utility easements.

(3) The placement of new wireless telecommunications support structures shall be in accordance with the Table of Permitted Uses, except as permitted in the Master Telecommunications Plan ("Plan") or by Section 5.10.6 of this Ordinance.

5.10.6 Administrative Approval of Certain Telecommunication Facilities

(A) Applicability

The following telecommunication facilities may be approved administratively by the Planning Staff provided that all of the provisions contained in Section 5.10 are met:

(1) New stealth telecommunications wireless support structures up to 75 feet in height that are sufficiently disguised so as to minimize visual impact;

(2) Any wireless support structure less than 75 feet in height;

(3) Any wireless support structure less than 200 feet in height located on property that is owned or leased by Orange County; and

(4) Any wireless support structure less than 200 feet in height on which the owner of such facility permits the County to collocate its wireless facilities on the structure at no charge to the County when the location of such facility is of benefit to the County as determined in the sole discretion of the County.

(5) A written decision approving or denying an application for administrative approval of a telecommunication facility under this section shall be issued no later than 45 days following the submission of a complete application.

(6) Collocation applications meeting the following requirements:

(a) The proposed additional facility will not increase the overall height and width of the tower or wireless support structure to which the wireless facilities are to be attached consistent with Section 2.7.14 of the Ordinance.[4]

[4] NCGS 153A-349 now allows for modification of an existing, permitted, telecommunication facility under certain set parameters. Staff has included a new definition of 'Substantial Modification – Telecommunication Facility' in Article 10 of the UDO to incorporate this allowance. Staff is including language within the proposal, specifically in Section 2.7.14, requiring additional permitting if the height of the tower is increased beyond what was originally

~~(b) The proposed additional facility will not increase the ground space approved in the site plan for equipment enclosures and ancillary facilities.~~[5]

~~(c)~~(b) The proposed additional facility will comply with applicable regulations, restrictions, or conditions, if any, applied to the initial wireless facilities placed on the tower or other wireless support structure.

~~(d)~~(c) The proposed additional wireless facilities comply with all federal, State, and local safety requirements.

~~(e)~~(d) The proposed additional facility does not exceed the applicable weight limits for the wireless support structure.

(B) Submittal Requirements

All applications for telecommunication facilities that are eligible for administrative approval shall be submitted and reviewed in accordance with the standards of Section 5.10.8 of this Ordinance.

5.10.7 Antennas Not Located on Wireless Telecommunications Support Structures

(A) General Standards

(1) To minimize adverse visual impacts, stealth antenna types shall be preferred. If a non-stealth antenna is proposed, the application shall be required to demonstrate, in a technical manner acceptable to the Planning Director, why the stealth antenna (i.e. an antenna incorporated into the architecture of the building or fully screened from view from sight proximate to the antenna) cannot be used for the particular application. This does not preclude a combination of the various types of antennas.

(2) Antenna dimensions shall be subject to approval by the Planning Director. A statement shall be submitted, prepared by a professional engineer competent to evaluate antenna choices, to certify the technical need for the required dimensions.

(3) Prior to the issuance of a Building Permit by the Inspections Division, the application shall provide evidence that the wireless telecommunication support structure or antennas are in compliance with FAA regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is to be mounted, such evidence shall not be required.

(B) Standards for Stealth Rooftop or Building, Water Tower, or Transmission Line Mounted Antennas

In addition to the standards established in Subsection A above, the following are applicable to all Stealth Rooftop or Building, Water Tower, or Transmission Line Mounted Antennas:

(1) Antennas shall not exceed 20 feet above the roofline of the building or support structure, water tank, or transmission line;

(2) Commercial advertising shall not be allowed on an antenna;

(3) Signals, lights, or illumination shall not be permitted on an antenna, unless required by the FCC or the FAA;

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approved by the County (i.e. over 200 feet required a Class A Special Use Permit) or if additional State/Federal regulations have to be adhered to, most notably a lighting requirement.

[5] Staff deleted this section as new State regulations allows for an increase in existing equipment compounds associated with the review/processing of a collocation application.

(4) Any related unstaffed equipment building shall not contain more than 600 square feet of gross floor area per user or exceed 12 feet in height;

(5) Documentation shall be required denoting that the erection of an antenna will not compromise the structural integrity of the building, water tank, or transmission line;

(6) If an antenna is erected on a transmission line, documentation shall be required outlining that the antenna will not interfere, or be interfered with, by the normal operating characteristics of the transmission line;

(7) If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than 25% of the roof area, and shall comply with all State of North Carolina Building Code requirements for the proposed and existing building; and

(8) Approval of the Planning Director to ensure consistency with the definition of stealth facility is required. Each application shall contain a rendering or photograph of the antenna including, but not limited to, colors and screening devices.

(C) Standards for Non-Stealth Rooftop or Building, Water Tank or Transmission Line Mounted Antennas

In addition to the standards established in Sub-Section (A) above, the following are applicable to all Non-Stealth Mounted Antennas:

(1) Antennas shall not exceed 20 feet above the roofline of the subject building or support structure, water tank, or transmission line;

(2) Antennas shall only be permitted on buildings or structures that are at least 33 feet tall. Antennas may be placed on buildings less than 33 feet tall if public safety needs warrant the antenna;

(3) Antennas, and related equipment buildings, shall be located or screened to minimize the visual impact of the antenna upon adjacent properties and shall be of a material or color which matches the exterior of the building or structure upon which it is situated;

(4) Commercial advertising shall not be allowed on an antenna;

(5) Signals, lights, or illumination shall not be permitted on an antenna, unless required by the FCC or the FAA;

(6) Any related unstaffed equipment building shall not contain more than 600 square feet of gross floor area per user or be more than 12 feet in height;

(7) If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than 25% of the roof area, and shall comply with all State of North Carolina Building Code requirements for the proposed and existing building;

(8) Antennas may be located on utility poles pursuant to the following regulations:

(a) The maximum height of the pole with antenna shall not exceed 70 feet in height.

(b) The utility poles shall be located on public property, within public easements, or public rights-of-way.

(c) The antenna shall be of a size and placement that is structurally compatible with the engineering design of the pole pursuant to the North Carolina State Building Code and attested to by a professional engineer licensed in the State of North Carolina, and competent to evaluate antenna choices.

(d) The antenna shall not extend more than ten feet above the existing pole height. If the pole is replaced to withstand the addition of telecommunications equipment, then the same restriction shall apply except that the utility pole may be 20 feet higher than the adjacent pole heights.

(e) Placement of an antenna on a utility pole shall only be on poles owned or operated by a public utility authorized to operate in the County, a County franchisee, or Orange County.

(f) All relocation costs associated with any relocation of the antenna necessitated by roadway or sidewalk improvements shall be borne by the telecommunications provider.

5.10.8 Wireless Telecommunications Support Structures – Submittal and Review Requirements

(A) General Submittal Requirements for all Telecommunication Support Structures

(1) Submittal Requirements

(a) A site plan and site plan application package prepared in accordance with Section 2.5 shall be presented for approval to the Planning Division including all requirements for site development plan approval as required.

(b) A detailed description of the proposed telecommunication support structure (i.e. monopole, self-supporting lattice, etc.) including a detailed narrative description and explanation of the specific objective(s) for the new facility including a description as to the coverage and/or capacity, technical requirements, and the identified boundaries of the specific geographic area of intended coverage for the proposed telecommunication support structure.

(c) Elevation drawings and color renderings of the proposed tower showing:

(i) The vertical rendition of the telecommunication support structure(s) identifying all users and attachments,

(ii) All related fixtures, structures, appurtenances and apparatus including the height of said structures above the lowest adjacent pre-existing grade,

(iii) The materials that will be used on site for said structures including their color and any proposed lighting and shielding devices, and

(iv) If the facility is intended to be a stealth, as defined herein, the colors and screening devices for the Planning Director to verify consistency with applicable definitions.

(d) A signed statement from the applicant certifying that the proposed telecommunication support structure:

(i) Shall be maintained in a safe manner,

(ii) Is in compliance with all conditions of all applicable permits and authorizations without exception, and

(iii) Is in compliance with all applicable and permissible local, State, and Federal rules and regulations.

(e) A statement, prepared by a professional engineer licensed in the State of North Carolina, which through rational engineering analysis, certifies the tower's compliance with applicable standards as set forth in the State of North Carolina Building Code, and any associated regulations; and

describes the tower's capacity, including an example of the number and type of antennas it can accommodate.

(f) A statement stating how the proposed tower will minimize visual intrusiveness to surrounding properties in the area. Criteria that may be used for such evidence may be height and type of existing trees surrounding the proposed tower, and local topography.

(g) A copy of the installed foundation design including a geotechnical sub-surface soils investigation, evaluation report, and foundation recommendation for the proposed wireless support structure.

(h) The existing cell sites (latitude, longitude, power levels) to which this proposed site will be a handoff candidate.

(i) Propagation studies of the proposed site and showing all adjoining planned, proposed, in-service or existing sites. This will include all of the modeling information used to produce the study including, but not limited to, any assumptions made about ambient tree height.

(j) The search ring utilized in finding the proposed site.

(k) The number, type, height, and model of the proposed antennas along with a copy of the applicable specification sheet(s).

(l) The make, model and manufacturer of the tower and antenna(s), antenna heights and power levels of proposed site. This will include documentation establishing the azimuth, size, and centerline height location of all proposed and existing antennas on the structure.

(m) The frequency, modulation and class of service of radio or other transmitting equipment.

(n) The maximum transmission power capability of all radios, as designed, if the applicant is a cellular or functional equivalent carrier, or the maximum transmission power capability, as designed, of all transmission facilities if the applicant is not a cellular or functional equivalent carrier.

(o) The actual intended transmission and the maximum effective radiated power of the antenna(s).

(p) The direction(s) of maximum lobes and associated radiation of the antenna(s).

(q) Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC.

(r) Certification that the proposed antenna(s) will not cause interference with other telecommunications devices.

(s) A written affidavit stating why "the proposed site is necessary for their communications service" (e.g., for coverage, capacity, hole-filling, etc.) and a statement that there are no existing alternative sites within the provided search ring and there are no alternative technologies available which could provide the proposed telecommunications service need without the tower.

(t) A copy of the FCC license applicable for the intended use of the facility as well as a copy of the 5 and 10 year building out plan required by the FCC.

Some or all of items listed in (h) through (r) may be required to be provided on a propagation study data form to be provided by the County.

(2) Additional Submittal Requirements – ~~Co-location~~Collocation[6] of Antennas

In addition to the requirements denoted herein, applications for the ~~co-location~~collocation of antennas on existing structures shall be required to submit the following:

(a) The age of the existing tower in years, including the date of the grant of the original permit or authorization for the existing tower;

(b) For a wireless support structure that is five years old or older, or for a guyed structure that is three years old or older, a copy of the latest ANSI Report done pursuant to the latest edition of ANSI-EIA/TIA 222F – Annex E for any self-supporting tower. If an ANSI report has not been done pursuant to the preceding schedule, an ANSI report shall be done and submitted as part of the application. No Building Permit shall be issued for any wireless support structure where the structure being attached to is in need of remediation, unless and until the County Planning and Inspections Department has approved all remediation work needed has been completed or a schedule for the remediation work.

(c) A Structural Report signed by a Professional Engineer licensed to do business in the State and bearing that engineer's currently valid stamp, showing the structural adequacy of the wireless support structure to accommodate the proposed modification or antenna array Collocation, including any equipment shelter, unless the equipment shelter is located on the lowest floor of a building;

(d) If attaching to a structure other than a tower or where the proposed attachment is within 30 feet of areas to which the public has or could reasonably have or gain access to, documentation shall be provided, including all calculations, proving that the potential exposure to RF radiation (i.e. Non-Ion Emitting Radiation), will be comply with the most recent FCC regulations governing RF radiation and exposure thereto, and further denoting the minimum distance from any antennas an individual may safely stand without being exposed to RF radiation in excess of the FCC's permitted standards and any portion(s) of the structure that would be exposed to RF radiation in excess of the FCC's permitted standards. Compliance with the FCC's regulations, in such an instance the RF radiation from all facilities at that location shall be included in the calculations to show the cumulative effect on any area of the building or structure deemed accessible by the public or workers. Such report or analysis shall be signed and sealed by a Professional Engineer licensed in the State.

(e) If the modification or antenna array ~~Collocation~~ collocation [7]is 30 feet or more above ground level, then a signed document such as the FCC's "Checklist to Determine whether a Wireless support structure may be Categorically Excluded" shall be provided to verify that the modification or antenna array ~~co-location~~collocation will fully comply with the current FCC's RF emissions regulations. If not categorically excluded, a complete RF emissions study is required to enable compliance verification, including providing all calculations so that such may be verified prior to issuance of a Building Permit;

If any section or portion of the structure to be attached to is not in compliance with the FCC's regulations regarding RF radiation, that

[6] Correction of spelling to ensure consistency within the UDO.
[7] Correction of a grammatical error. There is no need for the word to be capitalized.

section or portion must be barricaded with a suitable barrier to discourage approaching into the area in excess of the FCC's regulations, and be marked off with yellow and black striped warning tape or a suitable warning barrier, as well as placing RF radiation signs as needed and appropriate to warn individuals of the potential danger;

(f) A signed statement that the applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services caused by the new installation.

(3) Standards of Evaluation – ~~Co-locations~~Collocations and Towers Requiring Administrative Approval

(a) A proposed tower shall not be permitted if it is not substantially necessary for the telecommunications service need identified pursuant to the standards of this Ordinance.

(b) Tower height shall be measured from the base of the tower to the highest point of the proposed antenna(s), with lightening rod, to be located atop the tower structure.

(c) Telecommunications towers shall conform with all of the requirements of this Ordinance.

(d) All towers shall be engineered to allow for ~~co-locations~~collocations. No co-locator shall be refused access for ~~co-location~~collocation by charging exorbitant lease fees. Public safety provider ~~co-locations~~collocations shall take priority over other co-locators.

(e) A telecommunications consultant shall provide Planning Staff assistance on exorbitant rate leases.

(f) All wireless support structures shall satisfy all applicable public safety, land use, or zoning issues required in this Ordinance, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.

(g) Applicants shall evaluate the reasonable feasibility of collocating new antennas and equipment on an existing structure or structures within the applicant's search ring.

(h) Prior to issuing a building permit for the collocation of an antenna array on an existing facility, an applicant shall demonstrate that the collocation is located appropriately on the facility with the overall goal being to preserve the carrying capacity of the facility for future collocations and to minimize the visual intrusiveness and impact, including the profile of the facility.

(i) In determining the necessary height for a facility, or the height of a collocation on a facility, the signal strengths analyzed shall be the threshold or lowest signal strength at which the customer equipment is designed to function, which may be required to be determined by the manufacturer's published specifications for the customer equipment.

(j) Approval of the Planning Director to verify consistency with the definition of stealth facility is required.

(k) All telecommunications towers shall be placed in heavily wooded areas on the site to the maximum extent possible so as to lessen the visual intrusiveness of the structure and accessory structures.

(l) No tower shall be permitted to exceed its designed loading capacity. For all wireless support structures attached to existing structures, the engineer certification statement shall include certification that the structure can support the load superimposed from the wireless support

structure. All wireless support structures shall have the capacity to permit multiple users; at a minimum monopole wireless support structures shall be structurally designed to accommodate four users and self-support/lattice or guyed wireless support structures shall, at a minimum accommodate three users.

(B) General Submittal Requirements – Special Use Permits

In addition to the general submittal requirements detailed herein, and the specific submittal requirements for all Special Use Permit applications detailed within Section 2.7 of this Ordinance, applicants shall be required to adhere to the following:

(1) Overall Policy and Desired Goals

The overall policy and desired goals for Special Use Permits for wireless telecommunications support structures shall be promoting and encouraging, wherever possible, the following:

(a) Alternatives to constructing new wireless support structures, including but not limited to the ~~co-location~~collocation of wireless telecommunications equipment and mitigating the visual effect of a wireless telecommunication support structure to an extent not commercially impracticable; and

(b) The placement, height and quantity of wireless telecommunications towers and equipment in such a manner, including but not limited to the use of stealth technology or camouflage techniques, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications support structure, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

(2) Balloon Test

(a) The applicant shall, at least six weeks prior to a Class B Special Use Permit public hearing and at least 11 weeks prior to a Class A Special Use Permit public hearing, conduct a balloon test whereby the applicant shall arrange to fly, or raise upon a temporary mast, a minimum of 10’3” in length, brightly colored red or orange balloon at the maximum height of the proposed new wireless support structure.

(b) The balloon test shall be flown for at least four consecutive daylight hours starting sometime between 10:00 A.M. and 2:00 P.M. on the dates chosen.

(c) A notice of the dates (including a second date in case of poor visibility, weather or atmospheric conditions on the initial date), times, and location of the balloon test shall be mailed, by certified mail, return receipt requested, by the applicant, to all persons owning property within 1,000 feet of the subject parcel no less than 14 days in advance of the first test date. The data contained within the office of Orange County Land Records shall be used as the primary source for determining which residents are to receive notice of the balloon tests.

(d) The primary date shall be on a weekend (excluding legal holidays), but to prevent delays in the processing of the application, and in case of poor weather or atmospheric conditions on the initial date, the secondary date may be a weekday.

(e) The applicant shall inform the County Planning Staff, in writing, of the dates and times of the test at least 14 days in advance.

(f) The applicant shall also post a sign on the subject property, and directional signs posted at locations to be determined by Planning Staff. The signs shall measure no more than nine square feet in area and no less than four square feet in area, giving the contact information of the County Planning Department, the proposed dates, times, and location of the balloon test. The signs shall be posted to meet the same time limits as provided for in the balloon test notification as stated above.

(3) Submittal Requirements

In addition to the information required herein as well as Section 2.7, the following shall be submitted as part of the application:

(a) A site plan showing the following:

(i) The entire site (including property boundary lines) and size of all existing structures within 500 feet of the site,

(ii) Existing and proposed structures on site,

(iii) The fall zone of the tower,

(iv) Existing and proposed topography at a contour interval of five feet and

(v) Any officially designated floodways and floodplains, or the presence of alluvial soils.

(b) Plans, and elevations for all proposed structures and descriptions of the color and nature of all exterior material, along with the make, model, and manufacturer of the proposed structure, maximum antenna heights, and power levels.

(c) A Landscape and Tree Preservation Plan drawn at the same scale as the site plan, showing the existing and proposed trees, shrubs, ground cover and other landscape materials. This plan shall minimize adverse visual effects of wireless telecommunications support structures and antennas through careful design, siting, landscape screening and innovative camouflaging techniques.

(d) Evidence that the applicant has investigated the possibilities of placing the proposed equipment on an existing wireless support structure. Such evidence shall consist of:

(i) A listing of all wireless telecommunications support structures within a two mile radius of the proposed wireless support structure site and a listing of all wireless support structure, utility poles and other structures in the vicinity of the proposed facility that are technically feasible for utilization by the applicant to fill all or a substantial portion of the telecommunications service need identified by the Applicant pursuant to section 5.10.8(A)(1)(s). Documents shall be submitted at the time of application filing that indicates the applicant's ability or inability to co-locate on the identified tower(s) and reasons why.

(ii) Delineation of the boundaries of the maximum search ring within which the telecommunication equipment can function as intended. The following information shall be provided for all existing wireless support structures within the search ring:

a. Wireless telecommunication support structure height;

b. Existing and planned wireless support structure users;

c. Whether the existing wireless telecommunication support structure could accommodate the

telecommunication equipment to be attached to the proposed wireless support structure without causing structural instability or radio frequency interference; and

d. If the proposed telecommunication equipment cannot be accommodated on the existing wireless telecommunication support structure, assess whether the existing wireless support structure could be structurally strengthened or whether the antennas transmitters and related equipment could be protected from electromagnetic interference, and generally describe the means and projected cost of shared use of the existing wireless support structure; and

e. Any restrictions or limitations of the FCC or FAA that would preclude the shared use of the wireless support structure;

f. Propagation studies of all adjoining planned, proposed, in-service, or existing sites, and;

g. Any additional information requested by the County.

(iii) A summary explanation of why proposed telecommunication equipment cannot be located on any of the existing wireless support structures in the search ring.

(e) Documentation from applicable state or federal agencies indicating requirements, which affect the appearance of the proposed wireless support structure, such as lighting and coloring.

(f) Draft bond which will guarantee the removal of the wireless support structure in the event that it is abandoned or unused for a period of 12 months.

(g) A listing of, and current tax map identifying, all property owners within 1,000 feet of the parcel and addressed, first class stamped envelopes to the property owners for notifications of the public hearing in accordance with Sections 2.7.5 and 2.7.6 of this Ordinance.

(h) A report containing any comments received by the applicant in response to the balloon test along with color photographs from various locations around the balloon.

(i) Evidence that the balloon test requirement has been met, including a notarized statement and listing of the property owners notified of the test, a copy of a current Orange County Tax Map showing the subject property and all properties within the notification ring, and copies of the certified mail returned receipts from the mail-out.

(j) A notarized statement that the sign posting requirement has been met.

(k) Photographs of a clearly visible balloon floated at the proposed tower location to the maximum height of the tower, as well as photographs with the proposed tower and associated antennas superimposed upon them showing what the proposed tower will look like. Photographs shall be taken from locations such as: property lines, and/or nearby residential areas, historic sites, roadways, including scenic roads and major view corridors, and other locations as deemed necessary by the Planning Staff to assess the visual impact of the proposed tower.

(l) The Special Use Permit application shall include a statement that the facility and its equipment will comply with all federal, state and local emission requirements.

(m) An Applicant may be required to submit an Environmental Assessment Analysis and a Visual addendum. Based on the results of the Analysis, including the Visual addendum, the County may require submission of a more detailed visual analysis. The scope of the required Environmental and Visual Assessment will be reviewed at the pre-application meeting.

(n) If required, a Visual Impact Assessment, which shall include:

(i) A "Zone of Visibility Map" shall be provided in order to determine locations from which the tower may be seen.

(ii) Panorama photo simulations of the proposed wireless support structure, superimposed on the existing landscape, to scale, showing "before and after" views including but not limited to State highways and other major roads; State and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents

(iii) An assessment of the visual impact of the wireless support structure base, guy wires and accessory buildings from abutting and adjacent properties and streets shall be considered to determine the need of screening.

(o) All applications shall contain a demonstration that the wireless support structure is sited so as to have the least visually intrusive effect reasonably possible and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the telecommunications tower.

(p) A statement, prepared by a professional engineer licensed in the State of North Carolina, which through rational engineering analysis, certifies the tower's compliance with applicable standards as set forth in the State of North Carolina Building Code, and any associated regulations; and describes the tower's capacity, including an example of the number and type of antennas it can accommodate.

(4) Standards of Evaluation

(a) The telecommunications equipment planned for the proposed wireless support structures cannot be accommodated on an existing wireless support structures due to one or more of the following reasons:

(i) The planned equipment would exceed the structural capacity of existing and approved wireless support structures, considering existing and planned use of those wireless support structures and the wireless support structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

(ii) The planned equipment would cause radio frequency interference with other existing or planned equipment for these wireless support structures, and the interference cannot be prevented at a reasonable cost.

(iii) Existing or approved wireless support structures do not have space on which the equipment can be placed so it can function effectively and reasonably in parity with similar existing or approved equipment.

(iv) No tower or other suitable facility exists in an area where the equipment to be placed on the tower will function in its intended manner.

(b) Location of Wireless Support Structures

(i) Applicants for facilities shall locate, site and erect said facilities according to the following priorities, in the following order:

a. On existing County-owned facilities without increasing the height of the tower or structure.

b. On existing Facilities without increasing the height of the tower or structure.

c. On County-owned properties or facilities.

d. On properties in areas zoned for commercial or industrial use.

e. On properties in areas zoned Agricultural Residential (AR).

f. On properties in areas zoned for residential use.

(ii) If an Applicant proposes to place telecommunications equipment at a location that is not a preferred priority 1 site, then the Applicant must provide a detailed explanation as to why a higher priority site is not proposed. The explanation shall be in the form of a written report demonstrating the Applicant's review of the above locations in order of priority and the reason(s) for the site selection. The explanation shall, at a minimum, include the information required by section 5.10.8(B)(3)(e).

(iii) The application shall not be approved unless it demonstrates that the telecommunications equipment may not be sited at a higher priority site because of commercial impracticability or because no higher priority site is available that would serve to provide the telecommunications service need identified by the Applicant as provided for in section 5.10.8(A)(1)(s).

(iv) An Applicant may not by-pass sites of higher priority merely because the site proposed is the only site leased or selected. Agreements between providers limiting or prohibiting ~~co-location~~collocation shall not be a valid basis for any claim of commercial impracticability.

(v) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, an application shall not be approved if it conflicts with the provisions and requirements of this Ordinance.

(vi) Wireless support structures shall not be located within one-half (½) mile of any existing monopole, lattice or guyed wireless telecommunications support structure.

a. An exception may be allowed when the applicant can sufficiently demonstrate that:

i. Appropriate space on the existing telecommunication wireless support structure is not available; or

ii. The applicant has made good faith effort to negotiate an agreement with the owner of the existing wireless telecommunication support structure and has been unsuccessful, which must be documented in writing; or

iii. The telecommunication equipment on the existing wireless telecommunication support structure is not compatible with the proposed telecommunication equipment of the applicant; or

iv. Adequate coverage by the applicant cannot be met at the location of the existing wireless telecommunication support structure; or

v. The existing wireless telecommunication support structure cannot be reasonably modified to accommodate additional ~~co-location~~collocation by the applicant.

b. Exceptions shall only be allowed after a thorough analysis of the search area, provided by the applicant is performed by the County's consultant or Staff, indicating that coverage is not possible on an existing wireless support structure at the four-carrier capacity or other user capacity that can be achieved. There must be an 80% approval vote of the deciding board for this specific finding to pass the exception criteria.

(c) Setbacks

(i) Within or adjacent to residential zoning districts, minimum setbacks from the base of the wireless support structure to the property boundary shall be equal to 110% of the wireless support structure height.

(ii) If the wireless support structure is proposed as an accessory use to a residential use, the setback shall be 110% of the wireless support structure height from any residence or dwelling unit on the subject property.

(iii) Adjacent to non-residential uses or non-residential zoning districts, minimum setbacks from the base of the wireless support structure to the property boundary shall be the greater of 20% of the tower height, or the minimum required setback.

(iv) All buildings and other structures to be located on the same zoning lot as a telecommunication tower wireless support structure shall conform with the setbacks established for the zoning district or as established through the subdivision process, whichever is greater.

(d) Access

(i) At a wireless telecommunications support structure site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access.

(ii) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.

(iii) Road construction shall, at all times, minimize ground disturbance and the cutting of vegetation.

(iv) Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

(e) Landscaping and Buffers

(i) A Type C Landscape Buffer shall be provided between the

wireless support structures and its accessory structures and adjoining property/properties.

(ii) Existing vegetation may be removed only to the extent necessary to accommodate the wireless support structures, equipment buildings, and support structures such as guy wires.

(iii) Plantings around the compound perimeter, outside of any fence or wall, shall be composed entirely of fast growing evergreen vegetation.

(iv) New plantings and existing vegetation used for screening shall be at least six feet in height or greater at planting.

(v) Proposed plantings (name, type, height) shall be shown on the Landscape Plan for the facility.

(vi) Landscaping shall provide a screen on a year-round basis.

(f) The visibility of the balloon to adjacent properties and the surrounding area shall not constitute sole justification of denial of a permit application, but is an indication of what location on the site may be less visually intrusive.

(g) The applicant shall demonstrate and provide a description in writing and by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed facility.

(h) The site plan shall indicate a location for at least two equipment buildings in addition to that proposed for use by the applicant.

(i) All utilities at a facility site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

(j) All wireless support structures shall satisfy all applicable public safety, land use, or zoning issues required in this Ordinance, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.

(k) Fences and Walls

(i) An eight foot fence or wall shall be required around the base of any wireless support structures. This fence or wall shall encompass all accessory equipment within the compound.

(ii) Fences shall be required around guy wire tie downs

(iii) A fence or wall may be placed around the perimeter of the facility to include guy wire tie downs and associated equipment should the applicant/owner wish to do so.

(l) The communications tower is structurally designed to support additional users as provided for in Section 5.10.8(A)(3)(d), and the Special Use Permit includes a statement that the owner of the wireless support structure is willing to permit other user(s) to attach communication equipment which do not interfere with the primary purpose of the wireless support structure, provided that such other users agree to negotiate a reasonable compensation to the owner from such liability as may result from such attachment.

(m) To minimize the number of antenna arrays and thus the visual impact, the County may require the use of dual mode antennas to be used, including by two different carriers, unless it can be proven that such will

not work technologically and that such would have the effect of prohibiting the provision of service in the County.

(n) Structures shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.

(o) Both the wireless telecommunications support structure and any and all accessory or associated telecommunication equipment and related facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth technology as may be required by the County.

(p) Antennas

(i) All new or replacement antennas, except omni-directional whip antennas, shall be flush-mounted or as close to flush-mounted as is technologically possible on any facility, so long as such does not have the effect of prohibiting the provision of service to the intended service area, alone or in combination with another site(s), unless the applicant can prove that it is technologically impracticable.

(ii) If attached to a building, all antennas shall be mounted on the facie of the building and camouflaged so as to match the color and, if possible, texture of the building or in a manner so as to make the antennas as visually innocuous and undetectable as is possible given the facts and circumstances involved.

(q) Lighting

(i) The wireless support structures will not be artificially lighted unless required by the FAA, FCC or other federal or state agency. Where such agencies allow a choice between painting the tower or installing strobe lighting, painting shall be the preferred choice.

(ii) If lighting is legally required or proposed, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and federal regulations.

(iii) For any facility for which lighting is required under the FAA's regulations, or that for any reason has lights attached, all such lighting shall be affixed with technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it not able to be seen from the ground to a height of at least 12 degrees vertical for a distance of at least one mile in a level terrain situation. Such device must be compliant with or not in conflict with FAA regulations. A physical shield may be used, as long as the light is visible from the air, as intended by the FAA.

(iv) All outdoor lighting not regulated by the FCC shall comply with the Outdoor Lighting Standards set forth in Section 6.11 of this Ordinance.

(r) The tower and antenna will not result in a significant adverse impact on the view of or from any historic site, scenic road, or major view corridor.

(s) Facilities, including antennas, towers and other supporting structures, such as guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and transmitters and

telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

(t) All abandoned communication wireless support structures shall be removed within 12 months of the cessation of use. A bond or other security guaranteeing the removal of the tower in the event that it is abandoned or unused for a period of 12 months shall be posted. A cost estimate shall be provided by a qualified General Contractor licensed in the State of North Carolina. The amount of the security shall be 110% of the estimate.

(u) A determination shall be made that the facility and its equipment will comply with all federal, state and local emission requirements, and the Special Use Permit shall include a statement that the facility and its equipment will comply with all federal, state and local emission requirements.

(v) Electro-Magnetic Radiation Levels

(i) The Special Use Permit shall include a condition that the electro-magnetic radiation levels maintain compliance with requirements of the FCC, regarding emission of electromagnetic radiation.

(ii) Within 30 days of installation of equipment on the tower, and within 30 days of the installation of any additional equipment in the future, the tower owner shall provide documentation of emission levels in relation to FCC standards.

(iii) In addition, the tower owner must provide documentation of emission levels within five working days if so requested by Orange County.

(iv) Orange County may make such requests at any time, not to exceed two times per year.

(w) “High Voltage”, "No Trespassing" and Other Signs

(i) If high voltage is necessary for the operation of the telecommunications tower or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.

(ii) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.

(iii) The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least six inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least five feet above the finished grade of the fence.

(iv) The warning signs may be attached to freestanding poles if the content of the signs would, or could, be obstructed by landscaping. Signs noting federal registration (if required) shall be attached to the tower structure in compliance with federal regulation.

(v) Facilities shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area.

(vi) A sign no larger than four square feet containing the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s) shall be installed. The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet.

(vii) On tower sites, an FCC registration sign, as applicable, is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting.

(viii) The use of any portion of a tower for signs or advertising purposes including company name, banners, streamers, etc. shall be strictly prohibited.

(ix) Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication tower, unless repairs to the tower are being made.

(5) Bond Security

(a) The applicant and the owner of record of any proposed facility property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least $75,000.00 for a tower and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Section and conditions of any Special Use Permit issued pursuant to this Section.

(b) The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Special Use Permit.Tower Inspection

(6) Liability Insurance

(a) A holder of a Special Use Permit for a wireless support structure shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in the following amounts:

(i) Commercial General Liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate; and

(ii) Automobile Coverage: $1,000,000.00 per occurrence/ $2,000,000 aggregate; and

(iii) A $3,000,000 Umbrella coverage; and

(iv) Workers Compensation and Disability: Statutory amounts.

(b) For a wireless support structure on County property, the Commercial General Liability insurance policy shall specifically name the County as an additional insured. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

(c) The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least 30 days prior written notice in advance of the cancellation of the insurance.

(d) Renewal or replacement policies or certificates shall be delivered to the County at least 15 days before the expiration of the insurance that such policies are to renew or replace.

(e) Before construction of a permitted facility is initiated, but in no case later than 15 days prior to the grant of the building permit, the holder of the Special Use Permit shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts. A Certificate of Insurance that states that it is for informational purposes only and does not confer rights upon the County shall not be deemed to comply with this Section.

(C) General Building and Inspection Standards for all Telecommunication Support Structures

(1) Tower Inspection

(a) Telecommunication tower owners shall submit a report to the County Inspections Division certifying structural and electrical integrity upon completion of the initial construction and at intervals as specified in this Section.

(b) Inspection records shall be kept by the tower owner and made available upon request to the Inspections Division during regular business hours.

(c) The following inspection schedule shall be followed, except in cases where a tower has no structures other than those associated with telecommunication tower use located within the tower's fall zone.

(i) At least once every 36 months, or 36 months from the date of a ~~co-location~~collocation approval, a structural engineer who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers shall inspect the tower and submit a report to the Inspections Division within a reasonable time thereafter. At a minimum, this inspection shall be conducted in accordance with the provisions of this Ordinance and in accordance with the tower inspections check list provided in the EIA-222 (as amended from time to time). This is considered a major inspection review.

(ii) At least once every 12 months, a visual inspection from the ground shall be conducted by a properly trained staff member of a tower provider or tower consultant and a report shall be filed with the Inspections Division within a reasonable time thereafter. This inspection shall include, but shall not be limited to, visual inspection of tower foundations, structures, guys, and connections for evidence of settlement or later movement; soil erosion; condition of paint or galvanizing; rust or corrosion, loose or missing bolts, loose or corroded lightning protection connectors; tower plumbness, significant variation in guy sags (i.e. tensions), and other material areas or matters relating to the structural integrity of the tower. This is considered a minor inspection review.

(iii) In addition to the regularly scheduled major and minor inspections set forth herein, a minor inspection, at a minimum, will be conducted if the tower or its appurtenances are noted at any time to be visibly damaged. Additionally, a major inspection shall be conducted if the visible damage to the tower is significant or when, after conducting a minor inspection, significant questions remain about the structural integrity of the tower.

(d) The Inspections Division may conduct periodic inspections of telecommunications towers to ensure electrical integrity. The owner of the telecommunication tower may be required by the County to have more frequent inspections should there be reason to believe that the electrical integrity of the tower is jeopardized. The County reserves the right to require additional inspections if there is evidence that the tower has a safety problem or is exposed to extraordinary conditions.

(e) Any tower found, through inspection by the owner or by inspection of the Inspections Division, to be structurally unsafe and cannot be brought into compliance within 180 days shall be removed at the owner's expense.

(f) Current or former EIA standards shall apply to the addition of antennas or other appurtenances to communications towers under the following conditions:

(i) Additions to towers constructed prior to the effective date of this Ordinance, regardless of whether the additions are accounted for in the original design, shall comply with the current EIA standards, and the wind loading specified therein. Additions to towers constructed subsequent to the effective date of this Ordinance shall comply with standards set forth elsewhere in this Section.

(ii) Existing towers that will not have any additional attached appurtenances shall at a minimum comply with the EIA standards in existence at the time the tower was erected.

(iii) Replacement of antennas or other appurtenances shall at a minimum comply with the EIA standard in existence at the time the tower was erected if the replacement does not add to the original design loading.

(iv) If a structural analysis shows a tower is not in compliance with the appropriate EIA standards, the owner shall submit an application to the Inspections Division with a plan to bring the tower into compliance within six months.

(v) Analysis of Existing Towers

a. Within 12 months of the effective date of this Ordinance an analysis commissioned by tower owners and prepared by a North Carolina Licensed Professional Engineer (P.E. Analysis) shall be performed on all towers in excess of 100 feet in height and shall be submitted to the Inspections Division.

b. The analysis shall determine the tower's compliance or lack thereof with the EIA standard in effect at the time the tower was constructed and when the most recent structural loading change was made.

c. For all towers less than six years old, a current existing P.E. analysis of the tower may be submitted in lieu of the new P. E. analysis required above.

d. If the tower does not meet the aforementioned EIA standards, the letter or existing P.E. analysis shall include the types of modifications that would be required to bring the tower up to standard.

e. All existing towers shall be subject to the annual electrical inspection conducted by the Inspections Division including any associated inspection fees.

f. The Inspections Division shall be notified in writing when a required analysis is complete. A copy of the analysis report shall be made available to the County Inspections Division upon request. That report shall also give details of the net result of any changes made to the tower or its appurtenances since the last inspection.

(D) Fees

(1) A filing fee as set by the Board of County Commissioners shall be paid upon application for a Site Plan/Zoning Compliance Permit Application, a Building Permit application, or Special Use Permit.

(2) An inspection fee is due the County at the time of all required future inspections as detailed within Section 5.10.8(C)(1)(c) of this Ordinance. Such fees may reflect the County's fully allocated costs, and shall not exceed such costs.

(3) Public land or right-of-way lease agreements shall be established by separate instrument and recorded prior to the issuance of Building Permits.

(4) Consultant Fee. Regardless of the type of telecommunication support structure proposed (i.e. administrative approval, special use permit, ~~co-location~~collocation, etc.) an applicant is required to submit a fee to cover the County's telecommunications consultant to review the application. An escrow account of an amount determined by the Board of County Commissioners, as denoted on the adopted fee schedule, shall be paid by check to Orange County to pay associated consultant review fees during all phases of the application review process. The Board of County Commissioners shall determine the amount of charges or fees assessed to an applicant on account of an outside consultant in advance and incorporate these charges and fees into an application fee that is based on the reasonable costs of the services the County incurs in connection with the application review. The fees and charges paid by the applicant for the services of a consultant shall not exceed what is usual and customary for wireless facilities and support structures. The foregoing does not prohibit the County from imposing additional reasonable cost-based fees for the actual costs incurred by the County for a consultant's review of an application due to amendments or revisions to the original application. The amount of the consultant charges incorporated into the application fee shall be separately identified and disclosed to the applicant upon request. ~~A partial escrow payment of $1,000 shall be submitted at the pre-application meeting to cover associated consulting fees incurred prior to the formal submittal of an application. The escrow amount required at the formal application submittal shall be reduced by the $1,000 partial payment amount~~. [8]Any unused funds in the account after either the approval of the Certificate of Occupancy (CO), or the expiration of the Special Use Permit approval, whichever is sooner, shall be returned to the designated party.

5.10.9 Removal of Wireless Support Structures and Facilities

(A) The owner of any facility shall be required to provide a minimum of 30 days written notice to the County Clerk prior to abandoning any facility.

(B) County Determination

Under the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require facility removal:

[8] Staff is deleting references to the payment of fees. The breakdown of fees required for the review of a project is best handled on the adopted fee schedule and not within the actual Ordinance. We need to rely on the adopted fee schedule to identify all required fees and not continue to have references to specific dollar amounts within the Ordinance.

(1) Facilities that have been abandoned (i.e. not used as facilities) for a period exceeding 90 consecutive days or a total of 180 days in any 365 day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days of abandonment;

(2) Permitted facilities fall into such a state of disrepair that it creates a health or safety hazard;

(3) Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Special Use Permit, or any other necessary authorization and the Special Use Permit may be revoked.

(C) If the County makes such a determination as noted above, then the County shall notify the holder of the Special Use Permit for the facility within 48 hours that said facility shall be removed.

(D) The holder of the Special Use Permit, or its successors or assigns, shall dismantle and remove such facility, and all associated structures, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the County. However, if the owner of the property upon which the facility are located wishes to retain any access to the facility, the owner may do so with the approval of the County.

(E) If a facility is not removed or substantial progress has not been made to remove the facilities within 90 days after the permit holder has received notice, then the County may order officials or representatives of the County to remove the facility at the sole expense of the owner or Special Use Permit holder.

(F) If the County removes, or causes to be removed a facility, and the facility owner does not claim and remove it from the site to a lawful location within ten days, then the County may take steps to declare the facility abandoned, and sell them and their components.

(G) Temporary Use Permit/Agreement

(1) Notwithstanding anything in this Section to the contrary, the County may approve a temporary use permit/agreement for the facility, for no more than 90 days, during which time the holder of the Special Use Permit shall develop a suitable plan for facility removal, conversion, or re-location, subject to the approval of the County, and the holder of the Special Use Permit and the County shall execute an agreement to such plan.

(2) If such a plan is not developed, approved and executed within the 90 day time period, then the County may take possession of and dispose of the affected facility in the manner provided in this Section and utilize the bond.

SECTION 5.11: STANDARDS FOR WASTE MANAGEMENT FACILITIES

5.11.1 Solid Waste Collection Facilities Owned and Operated by A Public Agency for the Purpose of Disposal of Household Waste by Orange County Residents

(A) General Standards

(1) The site shall consist of a parcel, or easement across a parcel, (whether owned or leased by the public agency) which has been recorded by the Orange County Register of Deeds.

(2) The parcel or easement across the parcel, (whether owned or leased by the public agency) on which the facility is located shall contain a minimum area of 40,000 square feet.

(3) The parcel or easement shall have frontage on a State maintained road.

(4) A Type B landscape buffer, 30' in width, shall be provided along the perimeter of the parcel or easement.

Subdivision, Minor

A division of a tract of land that does not:

a) Create more than five lots, including the residual acreage, from any one tract of land in any 24 month period;
b) Dedicate or improve any new public street other than widening an existing public street;
c) Extend public water and/or sanitary sewerage systems other than laterals to serve individual lots;
d) Necessitate the installation of drainage improvements which would require easements through one or more lots to serve other lots; and
e) At the option of the applicant, involve vesting of the subdivision for a period greater than one year.

Substantial damage

Damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of "substantial improvement." Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

Substantial improvement

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period whereby the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either any correction of existing violations of State or Orange County health, sanitary, or safety code specifications which have been identified by the Orange County code enforcement official and which are the minimum necessary to assure safe living conditions, or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Support System

A combination of footers, piers, caps, and shims that will, when properly installed, support the mobile home. Masonry walls may be installed as a cosmetic feature.

Telecommunication Facilities, Accessory Use

A use incidental to, subordinate to, and subservient to the principal use of the property. As defined in this section an accessory use is a secondary use.

Telecommunication Facilities, Antenna

A system of electrical conductor communications equipment that transmits and/or receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Telecommunication Facilities, Applicant

Any wireless service provider or wireless support structure owner submitting an application for a wireless facility.

Telecommunication Facilities, Application

A formal request, containing all necessary and required documentation, submitted to Orange County to construct or modify a wireless support structure or a wireless facility.

Telecommunication Facilities, Base Station

A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.[9]

[9] The term base station is new to State Law and we are adding the definition to the UDO.

Telecommunication Facilities, Building Code
The most recently adopted or amended edition of the North Carolina State Building Code.

Telecommunication Facilities, Building permit
An official Orange County administrative authorization to begin construction consistent with the provisions of N.C.G.S. 153A-357.

Telecommunication Facilities, Collocation
~~The installation of new wireless facilities on previously approved structures, including wireless support structures, buildings, utility poles, and water tanks.~~ The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.[10]

Telecommunication Facilities, Commercial Impracticability or Commercially Impracticable
The inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a particular financial return on investment or profit, standing alone, and for a single site, shall not deem a situation to be commercially impracticable and shall not render an act or the terms of an agreement commercially impractical.

Telecommunication Facilities, Equipment Compound
An area surrounding or near the base of a wireless support structure within which a wireless facility is located.[11]

Telecommunication Facilities, EIA-222
Electronics Industries Association Standard 222 (Structural Standards for Steel Antenna Wireless support structures and Antenna Support Structures).

Telecommunication Facilities, Equipment enclosure
An enclosed structure, cabinet, or shelter used to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

Telecommunication Facilities, Eligible Facilities Request
A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.[12]

Telecommunication Facilities, Existing Structure/Building
For purposes of this Section, any building or structure that currently exist on a parcel of land. Such structures may include, but shall not be limited to, telecommunications wireless support structures, overhead transmission line support structures, water tanks, silos, churches, schools, and utility poles.

Telecommunication Facilities, Extraordinary Conditions
Conditions subsequent to a hurricane, flood, tornado, or other natural or other disaster.

Telecommunication Facilities, FAA
The Federal Aviation Administration or its duly designated and authorized successor agency.

[10] Our existing definition has, which was taken from State law, been modified to comply with recent changes adopted as part of the 2013-185 Session Law.
[11] Adding a new definition detailed within the Session Law.
[12] Adding a new definition detailed within the Session Law. Appropriate reference has also been included within the telecommunication regulations section of the UDO.

Telecommunication Facilities, Personal Wireless Services (PWS) or Personal Telecommunications Service (PTS)
As defined and used in the 1996 Telecommunications Act.

Telecommunication Facilities, Repairs and maintenance
The replacement or repair of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted, but does not constitute a modification to a wireless facility or support structure.

Telecommunication Facilities, Roofline
The overall ridgeline of the structure, not including cupolas, elevator towers, clock towers or other similar features.

Telecommunication Facilities, Search ring
The area within which a wireless support structure must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

Telecommunication Facilities, Self-Support/Lattice Wireless support structure
A tapered structure broad at the base and narrower at the top consisting of cross-members and diagonal bracing and without guyed support.

Telecommunication Facilities, Stealth or Stealth Technology
A design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless support structures, which shall mean building the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such technology as Distributed Antenna System (DAS) or its functional equivalent or camouflage where the structure is disguised to make it less visually obtrusive and not recognized to the average person as a wireless support structure.

Telecommunication Facilities, Substantial Modification
The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure.

Telecommunication Facilities, Telecommunication Equipment
Equipment, which is located either upon a telecommunication tower or a structure and includes some form of antenna for the purpose of transmitting and receiving wireless services.

Telecommunication Facilities, Wireless facility Stealth
A wireless support structure designed using stealth technology such that its primary purpose is, or visually appears to be, something other than the support of telecommunications equipment, the apparent purpose of the wireless support structure is customarily considered as accessory to a use that is allowed in the zoning district, and the structure and its primary use comply with this Ordinance.

Telecommunication Facilities, Utility pole
A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

Telecommunication Facilities, Unforeseen Events
Condemnations of existing telecommunications wireless support structures for road projects, casualty of existing telecommunications wireless support structures, blocking of signals from new construction necessitating a relocation of a telecommunication wireless support structure, or the need to replace an

existing telecommunication wireless support structure for capacity issues, or for other reasons deemed necessary by the County Planning Director or his/her designee.

Telecommunication Facilities, Whip Antenna

A cylindrical antenna that transmits and/or receives signals in 360 degrees.

Telecommunication Facilities, Wireless facility

The set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area. This may also be referred to as a Personal Wireless Facility.

Telecommunication Facilities, Wireless support structure

A new or existing structure, such as a monopole, lattice, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

Telecommunication Facilities, Wireless Telecommunications Facility (WTF), Includes both Telecommunications Site and Personal Wireless Facility

A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devises. This includes without limit wireless support structures of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. If further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the facility. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services, and any commercial wireless telecommunication service not licensed by the FCC.

Temporary Residential Mobile Home

A mobile home, intended for residential use for a limited period of time, for purposes of providing for custodial care under a Class B Special Use Permit or providing temporary residential space during the installation of a replacement mobile home or construction of a stick-built or modular residential unit on the same lot, and for 30 days after the issuance of Certificate of Occupancy for the permanent unit. The temporary mobile home is not attached to a permanent or semi-permanent foundation.

Temporary Use Building

A building, not intended for residential use, consisting of one or more modules constructed off the ultimate site of use. The building is also not attached to a permanent or semi-permanent foundation.

Ten-Year Transition Land

Land located in areas that are in the process of changing from rural to urban densities and/or intensities, that are suitable for higher densities and/or intensities and could be provided with public utilities and services within the first 10-year phase of the Comprehensive Plan update or where such utilities and services are already present or planned. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate.

Tourist Home

A building or group of attached or detached buildings containing, in combination, three to nine lodging units for occupancy for daily or weekly periods, with or without board, and primarily for occupancy by transients, as distinguished from rooming houses, in which occupancy is primarily by residents rather than transients.

Traffic Generation: Low

Uses which generate an average of less than 200 vehicle trips per day.

Attachment 3

NOTICE OF JOINT PUBLIC HEARING
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD

A joint public hearing will be held at the Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Monday, November 25, 2013 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. **Unified Development Ordinance (UDO) Text Amendment**: In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Board and Planning Director have initiated an amendment to the text of the Unified Development Ordinance (UDO).

   Text amendments are proposed to Sections 2.22 *Home Occupations*, 5.4.3 *Special Events*, and 5.5.3 *Home Occupations.* The purpose of the amendments is to change the existing standards to allow for an increase in the number of square feet that can be used for home occupation purposes, increase the number of allowable onsite employees, permit larger scale home occupations in the Agricultural Residential (AR) and Rural Residential (R-1) zoning districts, and allow for the exemption of special events organized or affiliated with a governmental or non-profit agency. Proposed amendments will also modify and clarify existing regulations and definitions associated with home occupations. The amendments also seek to fund a balance between the trend for small home based businesses and the typical character and enjoyment of residential neighborhoods.

   Purpose: To review the item and receive public comment on the proposed amendment.

2. **Unified Development Ordinance (UDO) Text Amendment**: In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

   Text amendments are proposed to Section 2.7.14 *Changes to Approved Plans* and Section 5.10 *Standards for Telecommunication Facilities* to incorporate recent changes in State law with respect to the review and processing of applications proposing the development or modification of telecommunication facilities.

   Session Law 2013-185, adopted June 26, 2013, established new criteria related to the processing of applications, including:

a. Prohibition on requiring information related to the specific need for a proposed telecommunication facility, including the addition of additional wireless coverage or capacity, as part of the application package.

b. Local governments cannot require '*proprietary, confidential, or other business information*' to justify the need for a new telecommunication facility.

c. Limits the fee local governments can collect for a third party consultant to review applications for co-locations.

d. Mandatory review timelines/deadlines for local governments to act on co-location applications.

The amendments are necessary to ensure Orange County's regulations and processes are consistent with these changes.

Purpose: To review the item and receive public comment on the proposed amendment.

3. **Unified Development Ordinance (UDO) Text Amendment**: In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

Text amendments are proposed to Section(s) 2.5.4 *Site Plan Review – Procedures and Timeframes;* 2.10 *Variances;* 2.11 *Interpretations;* 2.12 *Board of Adjustment; and* 2.25 *Appeals* to incorporate recent changes in State law with respect to items reviewed and acted upon by the Orange County Board of Adjustment.

Session Law 2013-126, adopted June 19, 2013, modified and updated procedural and notification requirements for the various applications reviewed by the Board of Adjustment, including:

1. Changing the votes necessary for the Board to approve a Special Use Permit application from 4/5th of members to a simple majority,
2. Clarifying the procedure(s) for requesting and issuing of subpoenas,
3. Clarifying the appeals timeframe for Board of Adjustment decisions to be submitted to Superior Court, and
4. Clarifying notification requirements with respect to who is notified of a Board decision.

The amendments are necessary to ensure Orange County's regulations and processes are consistent with these changes.

Purpose: To review the item and receive public comment on the proposed amendment.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling the one of the phone numbers below. The full text of the public hearing items may be obtained no later than November 15, 2013 at the County website www.co.orange.nc.us at the Meeting Agendas link.

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 or 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH:	The Herald Sun	News of Orange
	November 13, 2013	November 13, 2013
	November 20, 2013	November 20, 2013

Attachment 4 – Excerpt of Draft
BOCC November 25, 2013
Quarterly Public Hearing Minutes

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
QUARTERLY PUBLIC HEARING
November 25, 2013
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Monday, November 25, 2013 at 7:00 p.m. at the DSS Office, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Barry Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Bernadette Pelissier, Renee Price and Penny Rich
COUNTY COMMISSIONERS ABSENT: Earl McKee
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: Interim County Manager Michael Talbert and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT: Chair Pete Hallenbeck, and Planning Board members Maxecine Mitchell, Lisa Stuckey, Paul Guthrie, Herman Staats, Tony Blake, Andrea Rohrbacher, and H.T. "Buddy" Hartley
PLANNING BOARD MEMBERS ABSENT: Johnny Randall, James Lea, Stephanie O'Rouke

2. Unified Development Ordinance (UDO) Text Amendment – To review government-initiated amendments to the Unified Development Ordinance (UDO) to incorporate recent changes in State law with respect to the review and processing of applications proposing the development or modification of telecommunication facilities.

Michael Harvey said this item begins on page 39 of the abstract. He said attachment 1 is the comprehensive plan and UDO outline form, and attachment 2 is the actual copy of Session law 2013-185.

He reviewed the following Session law criteria from page 39 of the abstract:

- Prohibition on requiring information related to the specific need for a proposed telecommunication facility, including the addition of additional wireless coverage or capacity, as part of the application package.
- Local governments cannot require '*proprietary, confidential, or other business information*' to justify the need for a new telecommunication facility.
- Limits the fee local governments can collect for a third party consultant to review applications for co-locations.
- Mandatory review timelines/deadlines for local governments to act on co-location applications.

Michael Harvey said the County has been very lucky in the past few years that AT&T has been willing to provide data indicating existing telecommunications facilities.

He said the co-locations fee is now limited to $1,000, and the previous charge was $2500. He said that change has already been incorporated.

He said state law also establishes a very specific set of criteria for what constitutes a modification. He said this is important in Orange County, as the County has three tiers of review on telecommunication towers. He said anything over 75 feet is approved by staff in an administrative action; anything over 75 feet and under 199 feet is approved through the class B special use permit process by the board of adjustment; and anything 200 feet or over is reviewed and acted upon by the Board of Commissioners as a class A special use permit.

Michael Harvey said this new session law establishes parameters to establish that certain increases in height of an existing telecommunications facility shall not constitute a modification that has to be administratively approved. He called attention to page 58 of the packet, where this language has been incorporated within the provisions of the UDO.

He said the County attorney's office has requested the inclusion of additional language in 11-a, b, c and d. He said this will be included to flesh out exact parameters of a modification.

Michael Harvey said the key is to ensure that sufficient language is provided to focus on the changing nature of the tower. He said this affects testimony and facts considered when a tower is reviewed and acted on by the County.

He gave the example of a tower that is 190 feet tall. He said the tower height can be increased by 10 percent, or not more than 20 feet, and it is considered a minor change that does not go before the Board. He said this is an attempt to avoid having a tower that is 199 feet, reviewed as a class b special use permit, wanting to add to 209 feet, requiring additional compliance standards. He said staff would like to require the Board to review and approve this type of action.

Michael Harvey said this ordinance amendment does not alter current review and approval procedures. He said there will still be a class A and class B special use permit process, and a consultant review of all co-locations. He said the review timeline is not being changed.

He said the consultants are limited in what they can charge to the County. He said meals and travel cannot be charged, but the County contract never allowed this, so no amendment is necessary here.

He said there was no public comment, and many changes from the session law have already been incorporated.

Commissioner Dorosin asked if there were constraints to how many times a tower can be modified.

Michael Harvey said if the modifications exceed existing permitting authority for the tower, the permit must be modified.

Commissioner Dorosin asked for clarification on the limits.

Michael Harvey reviewed these again.

Commissioner Dorosin asked if this means that the tower could be increased in size multiple times.

Michael Harvey said this is conceivable, but he noted the other parameters of obtaining approval. He said mandatory setbacks still have to be complied with, and it is unlikely that you can have a consistent increase in tower height while maintaining relevant factors to the permit.

He said the other parameter to be incorporated is that the Board of Adjustment or the Board of Commissioner will be basing decisions on the testimony and evidence entered into the record during a hearing. He said any alteration that changes the parameters of that evidence would have to be reviewed and acted upon.

He reminded the Board that any tower 200 feet or higher must be illuminated, based on FHA regulations. He said most people don't like to do this, as it is costly and draws attention to the tower.

Chair Jacobs noted the motion on page 40.

A motion was made by Commissioner Pelissier, seconded by Commissioner Rich to:

1. Receive the proposed text amendment(s).
2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the January 23, 2014 BOCC regular meeting.
4. Adjourn the public hearing until January 23, 2014 in order to receive and accept the

Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

MINUTES
ORANGE COUNTY PLANNING BOARD
DECEMBER 4, 2013
REGULAR MEETING

MEMBERS PRESENT: Lisa Stuckey, Chapel Hill Township Representative; James Lea, Cedar Grove Township Representative; Herman Staats, At-Large, Cedar Grove Township; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative;

MEMBERS ABSENT: Johnny Randall, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Stephanie O'Rourke, Eno Township Representative; Maxecine Mitchell, At-Large Bingham Township; Peter Hallenbeck (Chair), Cheeks Township Representative; Vacant- Hillsborough Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Special Projects Coordinator; Ashley Moncado, Special Projects Planner; Tina Love, Administrative Assistant II

OTHERS PRESENT: Jay Hitchens

Agenda Item 9: Unified Development Ordinance (UDO) Text Amendment – Telecommunications Facilities: To make a recommendation to the BOCC on government-initiated amendments to the Unified Development Ordinance (UDO) to incorporate recent changes in State law with respect to the review and processing of applications proposing the development or modification of telecommunication facilities. This item was heard at the November 25, 2013 quarterly public hearing.
Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey: Reviewed proposal.

Paul Guthrie: The operative word is physical. Do you feel that will limit your ability to object to a modification?

Michael Harvey: We had that discussion. The answer is no because when you read that section in totality there are other requirements that the cell tower provider will have to adhere to. The County attorney wanted to put in language indicating the physical dimensions (of the tower) are part of the key decision making process because obviously the session laws, as imbedded here, allows for certain increases in height to certain standards (without the need for County approval).

Michael Harvey: Anything over 200 feet you have to have illuminated.

Tony Blake: Most of the telecommunication towers we are putting up have requirements for generators and the new one that has come out recently is anti-aviary protection, bird nests being built up there. They are using sound and other means of discouragement, also solar panels on the tops of these towers as ancillary power. Are all those covered in other areas of the UDO?

Michael Harvey: I would argue they are covered in the standard section for approval where you have to approve any apparatus placed on the tower and prove said apparatus will not overburden the tower to cause structural failure. So it is already covered.

MOTION by Tony Blake to approve the UDO Text Amendment regarding wireless facilities in their jurisdiction with the proposed amendment from the County Attorney. Seconded by Buddy Hartley.

VOTE: UNANIMOUS

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 6-a

SUBJECT: MINUTES

DEPARTMENT:

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

Draft Minutes

INFORMATION CONTACT:
Donna Baker, 245-2130

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

October 8, 2013	BOCC Work Session (7:00pm)
October 15, 2013	BOCC Regular Meeting
November 5, 2013	BOCC Regular Meeting
November 19, 2013	BOCC Regular meeting
November 25, 2013	BOCC Quarterly Public Hearing

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

FINANCIAL IMPACT: NONE

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

Attachment 1

DRAFT **MINUTES**
BOARD OF COMMISSIONERS
BUDGET WORK SESSION
October 8, 2013
7:00 p.m.

The Orange County Board of Commissioners met for a Work Session on Tuesday, October 8, 2013 at 7:00 p.m. at the Link Government Services Center in Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: Interim County Manager Michael Talbert, Assistant County Managers Cheryl Young and Clarence Grier and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)

Chair Jacobs called the meeting to order at 7:05 pm.

A motion was made by Commissioner Price, seconded by Commissioner Rich to add a closed session at the end of the meeting for the purpose of:

Per NCGS § 143-318.11. (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

VOTE: UNANIMOUS

1. Discussion on Potential Establishment of a Women's Commission

Cheryl Young reviewed the background on this issue. She noted that at the June 18, 2013 BOCC Meeting, Commissioner Renee Price petitioned the Board regarding the establishment of a Women's Commission. She noted that the former Commission for Women, established in 1978, was eliminated as an advisory board in 2010.

She said Commissioner Price provided a draft resolution (Attachment 1 in their packets), and stated that there is a disparity that persists between women and men in payment rates and salaries. She noted that women historically have received and continue to receive less pay and lower incomes than their male counterparts, while fulfilling the same duties and responsibilities. She said Commissioner Price had suggested that the overarching charge of a Women's Commission should be to examine and expose the inequities experienced by women in the business sector, the workplace, entrepreneurship, education and professional advancement and leadership in Orange County, and to advocate for women.

She noted that Commissioner Price suggested this be placed under the Economic Development Department.

Commissioner Price said she has spoken with several women who were a part of the original commission, as well as some younger women in the community. She said the feeling is that this more of an economic development issue than a women's rights advocacy group.

She said it would be good to see where Orange County stands with this issue, as well as the private sector.

Chair Jacobs noted the blue sheets provided from a meeting in 2010 when the commission for women was disbanded. He noted that this was done over the objections of members of the Commission for Women, as well as some of the Commissioners. He said it is good that this issue has come back.

Commissioner Pelissier said she would like to hear from the Economic Development Director to see how this would fit in.

Chair Jacobs said this was discussed and the decision was not to put the economic development director on the spot. He said the interim manager would speak to this.

Commissioner Rich asked how often this committee would meet and if there would be enough work to facilitate creation of a separate committee.

Michael Talbert said he talked to Steve Brantley about this. He said Steve Brantley said economic development's primary goal is the recruitment and retention of industry. He gave the example of Hi-chew. He said this partnership has tremendous potential for this community, and he would not like to take away from that effort.

Michael Talbert noted that much of the existing industry in Orange County is government, University and non-profit. He said the County does not yet have the private sector presence that it hopes to have in the future.

He said the initial resolution seems more like a policy statement than a work plan. He does not believe that this proposed commission belongs in the Economic Development Department. He feels the best fit at this time is in the housing and human relations area.

He said if the board wants to go forward with this and provide funding, it should be considered for next year's budget process. He said the Board would need to determine who will be on the commission and what the charge will be. He said once these things are determined, staff can figure out how to make it work and how to proceed.

Commissioner Rich said that she does not know how effective this board will be, but she has not thought it through yet.

Michael Talbert said he does not know yet either. He said the Board needs to define the expected outcomes.

Commissioner Dorosin said he thinks the proposed charge is too narrow. He said a commission on women ought to deal with all critical issues of gender discrimination. He said this seems like a time limited charge, and it needs to be broader.

Commissioner Price said she was trying to be more realistic because she realizes the limited time that staff has to give. She said this could go beyond income and could look at what happens in the workplace. She felt that it would be more realistic to start narrower and then get broader.

She asked Commissioner Rich for clarification on her concern with the charge.

Commissioner Rich said she didn't understand where it goes, as it looks more like a study.

Commissioner Price said this would start out more like a study.

She noted that when the Board went on a tour of one of the schools, there were no girls in the technology class. She noted the implications of this in the future workplace.

Commissioner Gordon said there is a need for a women's commission and one reason to start with the business side is because women are not represented well, and there is not equal pay for equal work.

She said other things would be important, but equal pay is the key. She suggested that the Board could endorse this concept, but then she would like to see the concept fleshed out.

Commissioner Gordon said that staff needs to work on the charge, the budget, and which department this best fits.

Commissioner Gordon suggested that this proposed commission could possibly come under the direction of Assistant County Manager Cheryl Young.

Chair Jacobs said he is not opposed to a women's commission, but he would like to bring others to the table, such as the Women's center, the Human Rights and Relations Board, and the Health Department. He suggested a possible study to develop a framework.

He said there is not enough information available to move forward with this.

He noted that the Board took all the volunteers that had worked so hard on all of these issues in the past and then did not listen to them. He said he would argue against making a decision without bringing in the people who have worked on these issues.

Commissioner McKee said he is supportive of bringing this back for discussion. He said he is not inclined to put this under the auspices of the Economic Development Department. He noted that this department has limited staff and several large projects in the pipeline.

Commissioner McKee supported the suggestion that this be brought back during the budget process. He said he would also be supportive of bringing in other interested parties.

Commissioner Pelissier said when the then Board made the decision in 2010 not to have a freestanding women's commission, the intent was to include the Commission for Women as part of the Human Relations Commission. She said this sub-committee did not take off and continue the work.

She does not feel that this means that a free standing Commission for Women is needed. She said this is a human rights and human relations issue, and some things do work well under one umbrella.

Commissioner Pelissier said the lack of equal pay for equal work is a national problem, and it is a difficult issue. She does not think this is a problem that can be solved by the County. She said that the County does need to encourage women in entrepreneurships, and there are collaborations with existing organizations, like the Chamber of Commerce that could help with this.

Commissioner Price said one of the reasons she proposed this commission was because the original commission had been disbanded. She said there seemed to be a lack of focus and interest. She said the plight of women is such that there needs to be a stand-alone advocacy. She said the issues are there, and the issues are broad.

She said she chose a narrow focus because she had seen it disbanding when fighting the basic issue of women's rights. She said she has no problem with working with the rest of the Board. She said it just needs to be viable.

Commissioner Price said she spoke with many people, including Lucy Lewis, the original staff person. She said the thought is that the focus needs to be on women and the economy. She said this is about higher paying jobs across the board for women, not just higher level jobs.

Commissioner Price said she understands that the Economic Development Department is a small department. She was trying to stay away from being just another women's rights committee looking at the same issues.

Commissioner Rich said she hears the Board asking for more information. She asked if there is a way that the Board can have a review of why the women's group is no longer in existence. She said she would like to understand the lessons learned from the previous group.

She said this is human relations, and it could be re-birthed under the same committee, as a separate subdivision.

Chair Jacobs said time is limited tonight. He said the Board is not at a decision point, and there have been several visions expressed. He suggested some groups be identified to give input. He suggested that Staff Attorney Annette Moore and Housing, Human Rights and Community Development Director Tara Fikes might answer the whys of the abolition of the Women's Commission in 2010.

He said that the conversation could be continued once these questions are answered, and the Board can decide on the direction.

Commissioner Gordon clarified that this needs to be resolved before the budget process, as the budget process has to do with funding.

She suggested that Cheryl Young be one of the staff members working to put this together. She suggested the retreat in late January as a good time to discuss this.

Commissioner Dorosin said that he is one of the three different visions that were mentioned. He said he would defer to the women on the Board regarding this issue.

2. Review the Process of Creating a Solid Waste Collection and Disposal System Service District

Michael Talbert said the Board last held a work session in April, looking at four options for solid waste and recycling in Orange County. He said this evolved to a public hearing on April 23, reviewing the following top three options: 1) Create a solid waste management authority, 2) Create a solid waste service district; or 3) Eliminate curbside recycling.

He said, at the direction of the board, staff moved forward with determining willingness to participate, and ascertaining the needs and concerns of the towns with regard to the possible creation of a service district.

He said the Chair met with the three mayors, and adopted an interim funding plan for 2013-14, as directed. He said staff had also committed further investigation into a service district or authority.

He said the creation of an authority is actually creating a separate form of government. He said this would likely take more time than the County has to solve the recycling issues for the coming fiscal year.

He said the creation of a service district is similar to the creation of a fire district, and this could be accomplished by the end of the year. He said this is outlined on page 3 of the abstract.

He said a public hearing must be held in order to establish a service district. He said if the County is considering partnering with the three towns and the existing service district, this would mean 40-50 thousand property owners would have to be notified of a public hearing. He said this means up to 60 thousand parcels and multiple public hearings.

Michael Talbert said John Roberts has outlined a plan to make this work. He said towns can make an authorization. He said Chapel Hill put a section in their budget ordinance stating that the town “authorizes Orange County to provide recycling collection services within those areas of the town situated in Durham County and to impose and administer a fee for such services.”

He said a similar statement could be used by all of the towns.

John Roberts said he has met several times in the past year with the town attorneys on this issue. He suggested that the municipal statutes in chapter 168 give specific authorization that towns can do recycling services within their jurisdictions and charge a fee for this service.

John Roberts said the towns initially did not agree with this, but he thinks Chapel Hill has had a change of opinion. He said if each of the towns is willing to do something similar to grant this authority to the County, the size of the solid waste district can be limited to the unincorporated areas. He said the municipal areas can continue under the authority delegated from the town.

Michael Talbert said the Town of Chapel Hill has done a comprehensive study of the solid waste and collections disposal options. He said the town has been unwilling to share that information, but it is being discussed at the town meeting in November.

He said the Town of Carrboro and the Town of Hillsborough have indicated a willingness to participate and a desire to keep the recycling services going. He said that, with

encouragement from John Roberts, the attorneys may be willing to amend their budget ordinances.

Michael Talbert said that just leaves a taxing district for the unincorporated areas. He asked how the Board would like to proceed. He said this will be a lengthy and complicated process.

Commissioner Dorosin asked if the towns set a limit for the fee.

John Roberts said the towns would be asked to delegate the fee setting authority to the County.

Michael Talbert said this is what was done in the budget ordinance.

Commissioner Rich noted that this is an election season, and the recycling program is an issue that comes up. She said she is under the impression that most people currently in office and running for office do like the recycling program.

She said the County is between a rock and a hard place, because no one knows where the town is headed.

She said the recycling program is the best in the state, and it would be a shame to lose it.

Michael Talbert suggested that staff draft a letter to all three towns, letting them know the County would like to proceed with the district and continue recycling services as provided in the past. He suggested the towns be provided with a copy of the ordinance passed by Chapel Hill, as an example of a reasonable way to do this.

He said as soon as the County gets a commitment from all three towns, roll carts and trucks can be purchased.

He said that this letter will put the intentions of the County out in the open.

Commissioner McKee said he is concerned about not knowing what the towns are going to do. He said the thought the study had been released to the public this week.

He said he has reservations about moving forward without knowing what the town wants, and he would suggest not doing anything until the proposal comes back from Chapel Hill.

He said there are no collection routes in the unincorporated areas of Orange County. He said this means some people will be taxed for a service they cannot attain. He said this is not the same as being taxed for a service that you choose not to use, as there is not equal access. He would like details on how this issue will be addressed.

Michael Talbert said the town has made the proposal documents available for viewing at a cost of 10 cents per page, and the proposal is very lengthy.

Commissioner Pelissier said she echoes the concerns about the municipalities. In reference to the letter, she said she is not sure the elected officials in the municipalities are aware of the timeline that would be involved. She said the letter would need to be very specific about this timeline.

She said she does not know if this program is affordable without the towns' involvement. She clarified that the tax district would only cover the area that currently has recycling.

Commissioner Price asked if the program would be financially feasible if it only involved the County and the Town of Hillsborough.

Michael Talbert said this is not known yet.

Commissioner Gordon said Chapel Hill is looking at both solid waste and recycling. She clarified that the County discussion about a solid waste tax district is only about recycling.

Michael Talbert agreed. He said the state law requires that it be called "solid waste."

Commissioner Gordon said she shares the concerns about what Chapel Hill may or may not do. She is unsure of what to do about the timeline, as the goal of the town is to decide in January.

Commissioner Gordon said if the County does not get a signal by November 21st, this may have to wait until January.

Commissioner Dorosin asked if January is too late for a decision.

Michael Talbert said it is not too late, but it creates a very tight timeline for holding public hearings. He said there would be a 4 week wait and a series of decisions to be made after the decision to do the district; then a mailing of all the information and maps would have to be sent out 4 weeks prior to the public hearing.

Commissioner Dorosin asked if this means that a start date in January still makes it feasible to be done by July 1.

Michael Talbert said if the County got direction by December, the district could be identified and plans could be made to move forward. He said this information could then be sent out over the break, and a public hearing could be scheduled for late January or early February.

John Roberts said if the towns are still on the fence, the County can move forward with Hillsborough and a smaller district.

He said the towns can wait until the April budget process, which would eliminate the need for a public hearing.

Chair Jacobs said he does not hear a consensus, other than hesitation to move forward without knowing the towns' decisions.

He assumes that no one wants to go back to the way things started, with Chapel Hill in charge of all solid waste. He said one alternative is to let Chapel Hill take over all recycling.

He is supportive of sending an affirmative letter to the three towns to state the County's willingness to continue the award winning recycling program with adjustments to make it effective for the partnership. He said the timeline needs to be made clear, along with the fact that this is a discussion of recycling only.

Commissioner Rich said it should also be stated that the County is willing to purchase the carts.

Chair Jacobs said this is a large financial commitment, especially without the partners.

Chair Jacobs said there are still issues with rural recycling and whether people are being taxed for a service that cannot be used. He said there may need to be a plan to make sure everyone being taxed can receive the service, at least within a certain period of time.

Michael Talbert said the County is also taxing vacant land. He said every property and everyone that owns a vehicle would be taxed, whether or not service is received.

Commissioner Dorosin asked if the alternative of not having a special district tax is still in the mix of consideration. He asked if the County could consider providing rural service out of the general fund if the three towns go their own way.

Michael Talbert said this is a legal option, but this funding is not currently provided, so it would be a hit on the general fund.

Commissioner McKee said he feels this needs to be done with the partners, rather than moving forward in another direction. He asked what would happen if the July 1 target was not met.

Michael Talbert said solid waste reserves have been used to cover the service this past year. He said the 3R fees generated $1.7 million in revenues that would have to come out of the general fund to continue the program as it currently exists.

Commissioner McKee said this is not a good option, but it is an option that needs to be on the table if an agreement cannot be made with the towns.

Commissioner Gordon said there needs to be an emphasis on a partnership with the towns. She does not want to send a unilateral message. She feels it is important to sit down face to face with the towns at the AOG meeting in November.

Chair Jacobs asked if this is the majority opinion.

Commissioner Rich said she likes the idea of a letter, as it means the County is reaching out.

Commissioner Pelissier said she feels the letter should be sent, and then it can be discussed at the AOG meeting.

Commissioner Dorosin said other letters have been sent, but he sees no reason not to send another one.

Chair Jacobs said issues have been raised that warrant further investigation, including the fiscal ramifications of using the General Fund. He said there are also still equity issues with regard to rural curbside collection.

3. Affordable Housing Follow-Up Discussion

Members of the AHAB (Affordable Housing Advisory Board) joined Tara Fikes at the table.

Tara Fikes said information was provided in the packet regarding follow up on the March 12th joint meeting of the advisory board and the Commissioners. She reviewed some of the background information.

She said the board spent a lot of time talking with Community Trust Director Robert Dowling about the organization needs, and specifically the HVAC needs at Greenbridge. She said the request for $75,000 to service these HVAC needs was approved by the Board of Commissioners, but none of this money has been spent yet.

She said there were also conversations regarding the Live/Work and First Time Homebuyer programs. She said that this bond money and non-profit funding is provided only for first time home buyers and people who have lived and worked in Orange County for one year. She said the Community Home Trust asked for a waiver of these restrictions after 90 days, and the Board approved this.

Tara Fikes said that just one house had been sold to a person from outside of Orange County since this waiver was approved.

She said the board also brought a proposal for an affordable housing clearing house, which would be a referral porthole for County residents interested in information on housing opportunities. She said work is being done to formalize this proposal, and she asked James Stroud to give an update on this.

James Stroud said a lot of individuals are seeking affordable housing, but don't know where to go. He said this clearing house would provide information on available affordable housing. He said the Land Trust and Habitat are often called but these entities do not always know what resources are available.

He said this type of clearing house would have served residents well during the flood at Eastgate Shopping Center during the summer. He said the goal is to create a hub for all affordable housing partners to provide management of getting information out to the public.

Commissioner Rich asked if this would be under the committee.

James Stroud he is the executive director for the Center for Home Ownership in Hillsborough. He said he is HUD approved, and he has been doing housing for 18 years. He is willing to spearhead the project to bring this to Orange County. He said he has realized that no one outside of the industry knows what is offered in Hillsborough and Chapel Hill.

Commissioner Rich clarified that this will be on the Orange County website.

Tara Fikes said there will be personnel to do phone duty, and there will be several different access points. She said there would be partnerships with the towns and non-profits. She said there is a proposal for this in Attachment B.

Tara Fikes said the AHAB will focus on furthering the development of this clearing house in the coming months, to prepare for implementation on July 1, 2014.

She said the board also wants to continue conversations with Community Home Trust regarding marketing and inventory.

She said the board continues to monitor the bond program in preparation for a future affordable housing bond referendum. She said all of the 2001 bond money has been committed, and most of it has been spent.

Commissioner Pelissier said she liked the clearinghouse idea. She asked if there are already volunteers in place to work on this.

James Stroud said Vista Corp volunteers are willing to come in and work on this. He said more volunteers will be recruited.

Chair Jacobs asked if the work plan includes implementation of a media campaign to stimulate conversation about the need for affordable housing in the community.

A Housing Board Member said there were tables at the Hog Day festival, as well as a room at the Senior Center. He said the site has been updated, there is a presence on Facebook.

Patsy Barbee said activities and planning are managed on Facebook.

Commissioner Rich asked if there is a way to reach people who don't have computers.

Chair Jacobs asked if brochures have been placed at social services.

Chair Jacobs suggested the board meet with the Public Affairs Officer, Carla Banks, regarding community outreach.

Chair Jacobs noted, on the top of page 5 in the minutes, the section on high end condo units and set-asides. He said he toured the units at Greenbridge, and the units do not have universal design. He asked if any of the issues identified on this page have been explored further.

Tara Fikes said the board has not talked about that. She said the set-aside is part of Chapel Hill's re-zoning requirement, and the County does not have jurisdiction.

Chair Jacobs said there will be an AOG meeting in November, and the County ought to be able to articulate and advocate for standards that should be followed.

Tara Fikes said there have been conversations on a staff level with Home Trust, regarding inventory and the desirability of some of the units.

Chair Jacobs said he would like to have some information before the Assembly of Governments (AOG) meeting on November 21st, to articulate concerns like universal design.

Commissioner Dorosin said maybe the AOG is a good time to discuss this. He said the idea of extracting units from any development doesn't ultimately serve the needs of the community. He said the Home Trust has small one bedroom condos, and there is a small market for these; however there is a wait list for families of 4 or 5. He said there is a disconnect here.

He said there have been places in the past where a family unit was the model, and now there is a trend toward luxury condos, and this is creating a growing disconnect. He said there needs to be a discussion about this and the possible solution of giving the Home Trust more discretion in determining where the needs are.

Commissioner Dorosin said the other issue to be discussed in the coming year is affordable rental housing. He said doing this through subsidy is not economically feasible. He said Chapel Hill is now debating the idea of a low income housing tax project. He said the only way affordable rental housing is going to work is if it is owned, co-owned or co-developed by one of the local governments.

Commissioner Dorosin said manufactured housing has not been considered a reasonable choice in the past. He said there have been a lot of improvements in this, and it remains the most affordable privately owned housing opportunity for most people. He said this should be looked at and possibly incentivized, particularly in the unincorporated areas.

Commissioner Dorosin said the County has done a good job with affordable housing but there needs to be a broader perspective given the diverse community.

Chair Jacobs asked about the Eno Haven Apartments.

Tara Fikes said Eno Haven is a tax credit project in Hillsborough with 72 units for the elderly and disabled. She said this project was provided a $1 million loan from the housing program. She said this is the first elderly tax credit project in Hillsborough.

Commissioner Pelissier said she comes at the affordable rental housing issue from the perspective of the Partnership to End Homelessness. She said affordable rentals are a much more important need than home ownership for this group.

She said all these different groups are looking at this, and it would be a great topic for the AOG meeting. She noted that the Board does not have jurisdiction in all the municipalities, but partnerships can be made to open doors.

Tara Fikes said there has been a mayor's committee on rental housing in Chapel Hill.

Commissioner Price said it is time for action instead of more talking. She said this topic is old, and it should be recognized that mobile home parks are often considered as prime areas for development. She said these people are often driven out because their homes are not valued. She said people would be better off if home ownership were a focus.

Commissioner Gordon said a variety of possibilities are being discussed. She said she does not think manufactured and mobile homes should the first thing pursued. She noted that these structures are not safe in extreme weather and rapid climate change.

She said affordable housing is often put in areas where the prior housing was not safe. She said that mobile homes also depreciate in value as compared to stick built homes. She said it would be better to talk about affordable rentals, as this is a bigger need.

Commissioner McKee said he would really like to see the AHAB focus on discussions with Chapel Hill regarding adjustments to their unit requirements. He agreed with Commissioner Dorosin regarding the disconnect between needs and available units. He said the AHAB needs to develop strategies with the community to explain the needs.

He said he lived in a mobile home for the first 14 years that he lived on his own. He said no home is safe in a tornado or a flood, but a mobile home is more affordable than a stick built home. He said his experience was that cost and maintenance were comparable to his current brick house. He said mobile homes provide options for people just getting started or people limited by income or family size, and this must be considered. He said the stigma needs to be addressed.

Chair Jacobs said when Orange County did the bond in 2001, the discussion was about providing housing from single room occupancy to family housing. He said he is opposed to saying no to smaller units; however these should not be located in high end developments. He said the notion of a range of housing options is still important.

He said the AHAB once did a study of mobile homes in the County. He said several of the Commissioners have discussed the need for land banking and a strategy for keeping manufactured housing communities.

Chair Jacobs said he had asked for a map of the manufactured housing in the county and this still has not been received. He said at least four of the Board members have expressed clear interest in manufactured housing as a key component of affordable housing. He said that this might not be right for joint projects, but it could be a start.

Tara Fikes said the AHAB did identify the existing mobile home communities. She said this can be brought back to the Board.

Chair Jacobs said the Commissioners appreciate what staff and the AHAB are doing. He said the Board is very interested in this issue.

4. Potential Bond Issuance

Clarence Grier said there have been recent discussions with the school boards regarding bonds. He said the top two bond issues are the schools and the jail, and the number comes in at around $100 million. He said this includes $30 million for the jail and $43 million for Chapel Hill/Carrboro middle school #5. He said these two projects would take up 73 percent of the bond.

He said there have not been any projects received for Orange County Schools that would be included in a bond referendum. He said Orange County Schools has mentioned Elementary School #8 at a cost of $22 million. He said if this was included it would leave about $5 million.

Clarence Grier said $100 million could be afforded with the current structure of the bond. He said the maximum amount would be $125 million, and this would put the County right up against the 15 percent debt capacity policy.

He said if this was issued at $100 million, it would be $6.7 million dollars over 20 years at current rates. He said this means 4.18 cents on the tax rate increase to fund that debt. He said the bond rating agencies look to see that the County stays with its policies.

He said that if the capital plan is moved forward as-is things should be good. He said the budget would have to increase, as stipulated, by 1.5 -2 percent each year to provide cover.

Commissioner Gordon asked about the rationale for having a bond referendum. She asked if this is to get permission from the taxpayers to raise the tax rate.

Clarence Grier said this could be part of it. He said if there is a project that the public may have issue with, this is put on a bond referendum for approval. He said if there is a project that the Board is going to go ahead with, it would not be put on the bond referendum to risk defeat.

He said there has been some flexibility provided over the past fiscal year. He said limited obligation bonds, installment debt, and financing for elementary #11 were all issued.

He said the jail is already listed in the CIP, and that would probably be the only controversial project. He said jails, schools and courthouses are automatically approved for financing, without approval from the general assembly.

Commissioner Gordon asked, if the jail and school are already on the CIP, why this needs to be put on a bond referendum. She said the Orange County schools don't need any new schools, and Elementary School #8 is not scheduled until 2022. She said there are needs in the older Orange County facilities that might be voted on.

She said she does not think the jail and the middle school should be put up for a vote.

Clarence Grier said the Orange County School Board has mentioned the need for Elementary #8, and this is the only reason it is included. He said there have been recent discussions of the older school facilities and those needs. He said priorities may change as the discussion continues.

He said Chapel Hill has said that if some of the older schools' needs are met, it may push back the need for Middle School #5.

He said these things can be evaluated and re-prioritized by the capital needs task force in the future.

Clarence Grier wants the Board to understand that there is flexibility up to $125 million; however, he would recommend only doing $100 million, as there is no way to know how stable the economy will be.

Chair Jacobs said the public voted down the skills development center in 1997. He said the Commissioners did it anyway, and this was very irritating. He said the Chapel Hill School system already assured the Board that improvements would delay Middle School #5 by 2 years.

Clarence Grier clarified that there is now a possible increase to 4 years of delay.

Michael Talbert said, in answer Commissioner Gordon's question, the reason for doing a bond is to get voter buy in on projects that the County wants to finance. He said the County already has legal authority to do these projects.

Commissioner Price asked about the average time frame for voting on a bond and then using the funding.

Clarence Grier said if the debt isn't issued in seven years, there is an option to apply for a three year extension. He said there is a lot of red tape with this extension.

Michael Talbert said projects are typically staggered.

Commissioner Price asked if the money can be used early if needed.

Clarence Grier said it just has to be issued before it expires.

Chair Jacobs suggested the addition of emergency services to the input group this time. He said groups should get together with financial staff to articulate a wish list that can then be worked down to an affordable level.

He said there was a past discussion where the school board argued against having big schools. He said the Board decided to have a core that can be expanded. He asked if decisions can be made to add capacity to existing schools to delay the need for building other schools. He said this question has to be answered by the school board.

Commissioner McKee said some of the figures he has heard from the wish list greatly surpass $125 million. He feels this could make for a difficult discussion to determine priorities.

Commissioner Dorosin said if money is going to be put into the renovation of older schools it should push out the construction on the next school.

He said there are two school districts in this County, which means there will always be questions of equity. He said the annual expenditures are easy, but the big ticket items are trickier. He said overly stringent adherence to SAPFO may not serve the interests of equity. He said some things have to be done to keep peace in the district.

Commissioner Rich asked if it is necessary to adhere to the proposed time table. She said there are a lot of factors to contend with.

Bond Attorney Bob Jessup said the procedure set out by law for a bond referendum backs things up. He said the Board has to start taking formal action for the bond before the summer break, in order to make it on the November ballot. He said the universe has to be set in place by June.

Commissioner Price said she agrees that some of the schools should be expanded, but it is not feasible in every case. She said the footprint of some of the schools just won't allow it.

Commissioner Dorosin said the schools can build up to a second level.

Commissioner Price said elementary schools often prefer one level.

Commissioner Pelissier pointed out the Northside has a 2nd level.

Commissioner Gordon said the issue of equity is tricky. She said one way to define equity is by meeting needs, and SAPFO was devised as a way to define the needs. She said building a school before it is needed equates to using another method of equity – spending equal amounts of money per pupil independent of need.

She said that if a school is built before it is needed, there is empty space being heated and cooled unnecessarily. She said there are so many needs for the older schools. She noted that there were 20 years when there were no schools built in Orange County. She said there are inequities when there are older and newer buildings, and she feels the money needs to be spent to fix up the older schools. She said some of these are health and safety issues that must be addressed.

Commissioner Gordon said there needs to be a meeting with the schools to determine the primary needs. She suggested that the amount of money for the two school systems could be balanced out in a bond referendum if the older schools were fixed up. She does not feel that SAPFO should be abandoned.

Chair Jacobs referred to Commissioner Dorosin's comments and said the school systems could be informed of the Board's preference. He suggested that the school board could be made aware that the Board would like to place the highest priority on capacity.

He said he did not hear Commissioner Dorosin say SAPFO should be abandoned. He referred to the past decision with Gravelly Hill. He said his experience is that the school systems do a good job of anticipating which facilities are needed next.

Commissioner Pelissier said she is interested in equity; however she thinks the most difficult issue is the wish list and the amount of money. She thinks there will already be an inherent motivation in both school systems to renovate older schools to increase capacity.

Commissioner McKee said he feels it is more important to get this right than to hit a specific target date. He said there will be interest from many groups, and this decision needs to be well vetted.

Chair Jacobs said the Board should find out how the committee was put together in 2001 and how long it took them to get a recommendation to the Commissioners.

Clarence Grier said this took about 18 months.

Chair Jacobs said this makes Commissioner McKee's point.

Clarence Grier said there will be a meeting on Thursday with LGC to discuss the future bond referendum and the impact on the LGC buyoff.

Chair Jacobs said the October 15 agenda has an item about the preliminary debt issuance of $10 million, which is what Clarence Grier is referring to.

Commissioner Rich asked if this committee is starting to meet.

Clarence Grier said the Board would have to go first, and then people would be chosen.

Chair Jacob said this is why the 18 month timeline is important. He said the schools have finished an analysis of needs, and this just leaves Affordable Housing and Emergency Services. He said the Board could choose to expedite things.

He noted the upcoming discussion about changing the Quarterly Public Hearings (QPH) to a non-differentiated meeting date. He said there are QPH's scheduled in February and May. He said these could be used to move the process forward so that a dollar amount is established by June.

Commissioner Price asked if the Chair and Vice Chair have locked in a November 14th date.

Chair Jacobs said no.

5. Orange County Strategic Information Technology Plan Update

IT Director Jim Northrup gave an update on the strategic plan and reviewed the following PowerPoint slides:

Update ~ Orange County Strategic Information Technology Plan
Abstract

- Website Redevelopment
- Central Permitting
- IT Staffing Levels
- Mobile Applications
- Social Media
- Paperless Records Management
- IT Project Prioritization and the Information Technologies Governance Council

Website Improvement and Content Management

- Requirements document

- Council of Webmasters
- PAO Inclusion
- Framework to achieve organizational goals
  - Survey tools
  - Social media tools

Central Permitting

- Requirements Document
  - Champion Identification
  - Agency and departmental buy-in
- Vendor Identification
  - Purchasing process
- Financing

IT Staffing Levels

- We are almost at full staff
- Working with HR on new hires
  - Key dates
    - January 1
    - April 1
    - May 1

Information Technologies (flowchart)

Mobile Applications Social Media

Current Mobile Apps

- IT developed mobile web page for Animal Services so that the public can search for found/adoptable pets. http://orangecountync.gov/mobile/animalservices.htm March 2013.
- Mobile WebTrac provides the public the ability to register for the Department of Environment, Agriculture, Parks and Recreation (DEAPR) and Aging activities from mobile devices. July 2013
- Address Related Information-Electronic Search (Aries) was developed by GIS for Android and iPhone. March 2013
- Integrated Library System (ILS) is compatible with mobile devices. April 2013.

Pending Mobile Apps

- The website redesign/content management system (CMS) will provide mobile functionality for all county web pages. A public reporting tool will also be provided so that the public can report various issues or problems throughout the county. Planning for May 2014 implementation.

Potential Mobile Apps

- Mobile RecTrac will provide DEAPR and Aging staff the ability to use some RecTrac features from mobile devices. Cost is approximately $4300.
-

Mobile Applications Social Media

Online Services from July 2012-Sept. 2013

- Chat in Tax
- Library paver order form (fundraiser for Friends of the Library)
- Coyote incident reporting form
- Smoking violation reporting form
- DEAPR volunteer form (with digital signatures)

Pending Online Services

- Tax Relief Program form – October 2013
- Housing Discrimination Complaint form – October 2013
- Well permits online inquiry – October 2013

Potential Online Services

- Interface restaurant health inspections with Yelp restaurant listing
- Online permit submission for Planning/Inspections and Env. Health (with digital signatures)
- IT Project Prioritization and the Information Technologies Governance Council

T:\ITGC IT Governance Council\Project Ranking Forms April 2013\Project Prioritization Template.xltx
T:\ITGC IT Governance Council\2014 Projects\!Master Project List Categorized 2013s.xlsx
Records Management

Looking Ahead

- SOG Involvement
  - QI versus CQI
    - Quality Improvement
    - Constant Quality Improvement
- Communications Plan

Jim Northrup said the requirements document took into account past input given by the Board. He said IT will eventually turn over the website to Public Affairs.

He said the budget for the website was $80,000 and it looks like this will only cost $35,000 to $40,000.

He said Central Permitting was the second biggest priority of the Board. He said the Requirements Document has been a big effort for several departments. He said this is really an Enterprise project and a health department and planning department project.

He said the process of vendor identification has begun and the preferred vendor is the same vendor who provides the permits plus software. He said the purchasing department thought this would be able to be done as an upgrade, rather than an RFP.

Jim Northrup said the goal is to put this in the framework of a 5-year project.

Jim Northrup said IT is almost up to being at full staff again. He said a new operations manager has been hired. He said he hopes to have full staff by November.

He provided a visual example of an online web application.

He said the addition of more business analysts will allow IT to provide more help to the departments.

Commissioner Gordon suggested the use of “tax assistance” rather than “tax relief.”

Jim Northrup said work is being done with the CDC to bring environmental health and sanitation reviews into the Yelp restaurant listings.

He said the Information Technology prioritization and Technologies Governance Council has been a priority. He said a system is being developed that ties into Board goals and the budgeting process. He said this is an organizational prioritization system.

He said a records management project is about to begin, and this is mainly for existing records that need to be cleared out and put into electronic format.

Jim Northrup said efforts are being made to improve IT communications.

INFORMATION ITEM – Notices for Upcoming Public Hearings

Michael Talbert reviewed the following notices of upcoming public hearings:

PUBLIC HEARING
Tuesday, October 15, 2013
SOUTHERN HUMAN SERVICES CENTER
2501 Homestead Road
Chapel Hill, NC 27516

Notice of Public Hearing Pursuant to North Carolina General Statute 158-7.1 (d) on the issuance of economic development incentives to a private company – The Orange County Board of Commissioners will hold a public hearing on the County's proposed conveyance of a "performance-based" economic development incentive to a private company, as required by the Local Government Act, North Carolina General Statute 158-7.1 (d). The County Board of Commissioners intends, subject to public comment at the public hearing for which notice is hereby given, to approve conveyance of the incentive agreement, with claw back provisions, for the recruitment of Morinaga America Foods, Inc. to Orange County, N.C. The Inducement Grant is for a period of 5 years, and shall not exceed $1,545,000 which is the inducement amount based on a $48,000,000 investment by the Company. Funding for the incentive will come from fund balances on hand, and projected ad valorum taxes paid by the Company. The Company proposes to invest at least $34 million in a new production facility, and create at least 90 new jobs. The hearing will begin at 7:00 PM on Tuesday, October 15, 2013, and will be held at Southern Human Services Center, 2501 Homestead Road, Chapel Hill. Further information can be obtained by contacting Donna Baker at (919) 245-2130. In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the hearing should notify Donna Baker at (919) 245-2130 at least three days prior to the hearing that will be attended.

PUBLIC HEARING
Tuesday, October 15, 2013
SOUTHERN HUMAN SERVICES CENTER
2501 Homestead Road,
Chapel Hill, NC 27516

Community Development Block Grant (CDBG) Public Hearing Notice – Orange County will hold a public hearing to consider potential projects for which funding may be applied under the CDBG Housing, Planning, Infrastructure and Economic Development programs. Suggestions for potential projects will be solicited, both verbally and in writing, from all interested parties. The expected amount of CDBG funds will be discussed along with the range of projects eligible under these programs and a review of previously funded projects. The hearing will begin at 7:00 p.m. on October 15, 2013, and will be held at Southern Human Services Center, 2501 Homestead Road, Chapel Hill, NC 27514. Further information can be obtained by contacting Donna Baker at 919-245-2130. In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and

services) during the hearing should notify Donna Baker at 919-245-2130 at least three days prior to the hearing that will be attended.

Michael Talbert said the Board will need to act to keep this moving forward.

Closed Session

A motion was made by Commissioner McKee, seconded by Commissioner Pelissier to go into closed session at 9:40pm for the purpose of:

Per NCGS § 143-318.11. (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION

A motion was made by Commissioner McKee, seconded by Commissioner Price to reconvene into regular session at 9:58 pm.

VOTE: UNANIMOUS

ADJOURNMENT

A motion was made by Commissioner McKee, seconded by Commissioner Price to adjourn the meeting at 9:59.

VOTE: UNANIMOUS

Barry Jacobs, Chair

David Hunt
Deputy Clerk to the Board

Attachment 2

DRAFT **MINUTES**
BOARD OF COMMISSIONERS
REGULAR MEETING
October 15, 2013
7:00 p.m.

The Orange County Board of Commissioners met in regular session on Tuesday, October 15, 2013 at 7:00 p.m. at the Southern Human Services Center, in Chapel Hill, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: Interim County Manager Michael Talbert, Assistant County Managers Clarence Grier and Cheryl Young and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

1. Additions or Changes to the Agenda

Chair Jacobs reviewed the following items at the Commissioner's places:
- Lavender Sheet – Item 5a – Corrections to the Minutes from Chair Jacobs and Commissioner Gordon
- Yellow Sheet – Item 5l- Revised Change in BOCC Regular Meeting Schedule for 2013, to include a closed session
- Light Blue Sheet - Item 5j - Resolution Supporting an Application to the Local Government Commission for its Approval of a Financing Agreement for the County
- PowerPoint - Item 6a - Economic Development Incentive for Morinaga America Foods, Inc. - White Sheet - Item 7a - Revised contract - Infrastructure Design and Construction Administration Contract for Morinaga Site
- PowerPoint and Buff Handouts - Item 7c - information and revised resolution – Resolutions to Endorse Orange County's Priority Transportation Projects for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and the Triangle Area Regional Planning Organization

PUBLIC CHARGE
The Chair dispensed with the reading of the Public Charge.

2. Public Comments

a. Matters not on the Printed Agenda
Don O'Leary asked the Board to disassociate with ICLEI. He said the people behind Agenda 21 have infiltrated the government. He said this is not a government shutdown. He said it is political theater meant to create fear. He has sent the Board an email about the

banking system. He said the system is getting ready to collapse, and he encouraged the Board to move their money to a safe location.

b. Matters on the Printed Agenda

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

3. Petitions by Board Members

Commissioner Pelissier said she had asked earlier this year that the County Manager and Solid Waste Director meet with the Zero Waste folks. She would like a written report to be provided regarding the substance of this meeting.

`Chair Jacobs noted that there is a report at the end of the agenda regarding the issues at the Solid Waste Convenience Center (SWCC) at Walnut Grove. He said he would also like a report from the meeting between the Solid Waste staff and the small waste haulers.

He asked for the addition of an agenda item for a future meeting with both of these reports on it.

Chair Jacobs said the County used to put plaques in the lobbies of newly constructed buildings. He said the plaques stated the year the building was built, the names of the seated Board of County Commissioners, Managers, and the architects involved. He said, for the sake of posterity, it would be a nice to re-instate this practice as way to memorialize those who were involved.

4. Proclamations/ Resolutions/ Special Presentations

5. Consent Agenda

- Removal of Any Items from Consent Agenda

- Approval of Remaining Consent Agenda

A motion was made by Commissioner Pelissier, seconded by Commissioner McKee to approve the remaining items on the consent agenda.

VOTE: UNANIMOUS

a. Minutes

The Board approved the minutes, with corrections, from June 13, September 5 and September 12, 2013, as submitted by the Clerk to the Board.

b. Motor Vehicle Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for thirty-eight (38) taxpayers with a total of forty (40) bills that will result in a reduction of revenue, in accordance with NCGS.

c. Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release property tax values for six (6) taxpayers with a total of twenty-one (21) bills that will result in a reduction of revenue in accordance with North Carolina General Statute 105-381.

d. Applications for Property Tax Exemption/Exclusion

The Board approved five (5) untimely applications for exemption/exclusion from ad valorem taxation for five (5) bills for the 2013 tax year.

e. Fiscal Year 2013-14 Budget Amendment #2

The Board approved budget amendments for fiscal year 2013-14 for Department on Aging; Department of the Environment, Agriculture, Parks and Recreation (DEAPR); Library Services;

Emergency Services; Sheriff Department; Housing, Human Rights and Community Development.

f. Budget Amendment #2-A – Upper Neuse River Basin Association Funding Request - Best Management Practices Credit Determination Project

The Board approved Budget Amendment #2-A to provide requested funds to the Upper Neuse River Basin Association to complete a project to increase the number of Best Management Practices available for affected parties to use in meeting nutrient reductions required by the State.

g. Eno River Association Conservation Easements – Funding Assistance and Approval of Budget Amendment #2-B

The Board approved making a contribution of $45,000 of County funds for the acquisition of permanent conservation easements by the Eno River Association to protect significant natural resource lands at Infinity Farm (Cedar Grove Township) and along Buckquarter Creek (Eno Township); and to approve Budget Amendment #2-B.

h. Comprehensive Plan and Unified Development Ordinance Amendment Outlines and Schedules for Two Upcoming Items

The Board approved process components and schedule for two upcoming government-initiated amendments to the Comprehensive Plan, Unified Development Ordinance (UDO), and Zoning Atlas.

i. Safe Routes to School Action Plan Update and Authorization of Next Steps

The Board considered an update on Safe Routes to School (SRTS) Action Plan pre-adoption steps, and received authorization of next steps according to the Amendment form for the SRTS Action Plan.

j. Preliminary Information and Approval to Finance Various Capital Investment Plan Projects and County Equipment

The Board approved a resolution, which is incorporated by reference, moving forward with financing for capital investment projects and equipment for the year.

k. Board of Commissioners Meeting Calendar for Year 2014

The Board approved the regular meeting schedule for the Board of County Commissioners for calendar year 2014.

l. Change in BOCC Regular Meeting Schedule for 2013

The Board considered three changes to the County Commissioners' regular meeting calendar for 2013 as follows:

- Adding a joint meeting between BOCC and the City of Mebane for Thursday, November 14, 2013 at 5:30pm at the West Campus Office building downstairs meeting room, 131 W. Margaret Lane, Hillsborough, NC,
- Adding a closed session on Monday, October 28, 2013 at 7:00 pm at the Solid Waste Administrative offices, 1207 Eubanks Road, Chapel Hill, NC for the purpose of "to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee," NCGS 143-318.11(a) (6).

6. Public Hearings

a. Economic Development Incentive for Morinaga America Foods, Inc.

The Board held a public hearing on the issuance of "performance-based" economic development incentives to a private company, and considered approval of the incentive agreement, with claw back provisions, for the recruitment of Morinaga America Foods, Inc. to Orange County and authorized the Chair to sign.

Steve Brantley said he is proud to be at the next stage of this process. He introduced Masao Hoshino, President of Morinaga America in California.

Masao Hoshino gave a brief review of the history of the company. He said the company was established in Tokyo in 1899 and manufactures confectionary items, ice cream, pancake mix and other products. He noted that one of the founders of the company visited the United States in 1898 to sell pottery and was inspired by his taste of western confectionary items. He said this was the starting point for the company. He said the construction of the facility in Orange County is a landmark event in the company's history. He introduced the grandson of the founder.

Masao Hoshino said the company decided to locate in Mebane because of the remarkable business environment, access to transportation and raw materials, as well as infrastructure. He noted there are no harmful materials or chemical pollution produced in the process of making candy. He said the company looks forward to working with 90 or more people at their plant in the near future.

Masao Hoshina said he sincerely hopes Morinaga will be accepted and recognized as a contributor to the community for many years to come in Orange County.

Steve Brantley reviewed the following PowerPoint slides:

Recruitment of Morinaga America Foods, Inc. to Orange County
October 15, 2013
Orange County Economic Development

Morinaga & Co., Ltd.

- Founded in Tokyo, Japan in 1899.
- U. S. subsidiary headquarters in Irvine, CA.
- World-class confectionary & candy maker;
  $2 billion in annual global sales.
- Over 40 product lines.
- Ranks equal to Kellogg Company in worldwide sales.
- Asia's equivalent to a Hershey's, Mars or Nestle.
- #1 candy company in Japan.
- Japan is the world's 2nd largest
  confectionery market.

Morinaga & Co., Ltd.

- Corporate philanthropy: **"*to be a company that improves the lives of children worldwide.*"**
- Partners with international NGOs in developing nations, places a special emphasis to promote healthy nutrition, and <u>donates funding for school facilities & educational supplies in Africa</u>.
- 1st Japanese corporation to be affiliated with the World Cocoa Foundation (WCF); <u>works to prevent use of child labor in developing nations</u>.

Main Product Lines

- Confectionaries (photos)
- Foodstuffs (photos)
- Frozen Desserts (photos)
- Healthcare (photos)

- Weider Nutritional Supplements & Fitness (photos)

Hi-Chew (Logo graphic)

Hi-Chew
- Morinaga distribution channels are international (graphic/map)

Hi-Chew
- Bag & Stick Varieties (photo)

Hi-Chew
- Over 140 Different Flavors (photo)

Timeline of Project Rainbow
- **February 2012** - Project began for Orange County.
- **Competition** - Toronto, Portland OR, Philadelphia PA, Richmond VA, Atlanta GA, & 18 sites in 12 N.C. counties.
- **11 total visits** to Orange County (including visits by Chairman Gota Morinaga & President Toru Arai).
- Interstate visibility became a key site criterion during 3rd visit.
- 3 closed session meetings with the BOCC.
- **March & July 2013** - Governor McCrory & Secretary Sharon Decker of the N.C. Department of Commerce met Morinaga.
- **January 2013** - Orange County & Atlanta became finalist sites.
- **September 3, 2013** – Company announced it will establish Morinaga America Foods, Inc. in Orange County, N.C.

Key Recruitment Partners
- Orange County
  - *Board of County Commissioners*
  - *Manager's Office*
  - *Economic Development, Planning & Inspections*
  - *Visitors Bureau, Public Affairs*
- City of Mebane
- N. C. Department of Commerce
- N. C. Department of Transportation
- Durham Technical Community College
- InSpec Group

Morinaga's Investment Plans

Investment:	$34 - $48 million
Employment:	90 – 120 jobs
Avg. Annual Salary:	$37,969
Annual Payroll:	$3.4 million + Benefits
Facility Size:	98,000 sq. ft.
Type of Operation:	Production of "Hi-Chew"
Site Size:	21 Acres (Buckhorn EDD)

The Company has not committed to making any additional investment at this time. However, an expansion may eventually occur, since the site acreage is large enough to allow for the facility to double.

Competitive Issues

Competitive Differences between the Finalist Sites:

- The other finalist location near Atlanta offered numerous cost advantages to Morinaga, such as a lower-priced site, reduced state and local taxes, access roads & utilities to the site already in place, existing firms within an established business park, & a major airport with direct flights to Tokyo.

- Utility lines & road access improvements required to make Orange County's site competitive & attract Morinaga will now make adjacent properties more developable, attractive, competitive, and appealing to future business prospects considering Orange County.

Steve Brantley referring to the timeline slide and noted that NCDOT traffic counts estimate that the Mebane site has 92,000 cars passing by on a daily basis. He said this was a motivating factor in the decision to switch from the original site.

He referred to the Investment Plans slide and said the potential $48 million investment number would make Morinaga the third largest corporate tax payer in the County.

Craig Benedict reviewed the following portion of the PowerPoint presentation:

Site Location

Buckhorn Economic Development District**:**

- 21.0-acre site is under option by Morinaga.
- Near Ben Wilson Road & facing interstate I-40/I-85; close to the Orange/Alamance county line.
- Part of a larger tract of land rezoned by the BOCC in 2012 to Office/Institutional (O/I) to promote business recruitment.
- Currently undeveloped with no infrastructure.
- Private landowner has applied to the City of Mebane to have the site rezoned and annexed.

Site Photo

Planned Infrastructure to Site (photo)

Infrastructure Funding

Community Development Block Grant:

N.C. Department of Commerce has ruled the project as eligible to apply for a CDBG, allowing reimbursement of up to 75%, or, $750,000 for the County's total site infrastructure improvement costs. County has a 25% co-pay.

Grant criteria – at least 60% of total jobs created in the first 3 years must directly relate to Orange County employees who are qualified as coming from low or moderate incomes (earning no more than 80% of the County's median income of $37,950), prior to coming to work for the company.

Orange County's "Article 46" ¼ Cent Sales Tax Proceeds:

Also available, if needed.

Utility Infrastructure

Orange County:
12" water line to site $375,000+
10" sewer line to site $200,000+
Service road extension $100,000+
(Design, engineering & permitting for Ben Wilson service road)
PSNC Energy:
4" natural gas line to the site, paid by PSNC Energy.
Duke Energy:
Deliver electrical power & install transformers at the site, paid by Duke Energy.

Access Road Extension
N. C. Department of Transportation:

- 2,500-ft road access construction. $500,000
  (extension of the existing Ben Wilson service road parallel along the highway to Morinaga's site).
- Paid 100% by the N. C. Department of Transportation.
- Design & construction time is approximately 12 months.
- Road improvement improves the likelihood that nearby Mattress Factory Road may one day be upgraded to become a full interchange.

Craig Benedict, referring to the Access Road Extension slide, said the Department of Transportation (DOT) will be building the road. He said Orange County staff will provide environmental and design plans, and DOT will take it from there.

He said the majority of the infrastructure will be permitted in the spring of 2014 and will be completed by the end of next year to meet the needs of Morinaga's planned opening in July 2015.

Michael Talbert presented the following portion of the PowerPoint presentation:

Orange County Incentive
Performance-Based Incentive is Calculated as Follows:

- Inducement Grant is calculated at 75% of the estimated county taxable value of the Company's investment, for up to 5 years.
  $34 million investment = $218,790 annual grant
  x 5 years = $1,093,950 total grant.
  $48 million investment = $308,000 annual grant
  x 5 years = $1,545,000 maximum total grant.
- "Claw-back" provision is included in the Inducement Grant to require verification that the Company reaches annual investment & jobs creation targets, before the County incentive is paid.
- Company will be **required to provide health insurance** for employees.

City of Mebane Incentive
City of Mebane:
Mebane City Council approved a "performance-based" local incentive package, calculated as 1.5 % of the Company's actual investment, following a public hearing on October 7, 2013.

$34 million investment @ 1.5 % = $102,000 annual grant x 5 years = $510,000 total grant.

$48 million investment @ 1.5% = $144,000 annual grant x 5 years = $720,000 maximum total grant.

State of North Carolina Incentives

- "One North Carolina Fund" program
  $264,000 performance-based 3-year grant.
- N. C. Department of Transportation
  $500,000 to provide road access to the site.
- Durham Technical Community College
  $150,000 earmarked for technical training of new employees (Hillsborough Campus).
- Division of Employment Security
  Pre-screening of job applicants to help identify Orange County residents who wish to gain employment with Morinaga.

Conclusion

Our Morinaga Success Story:

- Highlights Orange County's efforts to diversify our local economy, tax base & employment opportunities.
- Creates more & better jobs, with technical training, health & related employment benefits for our residents.
- Demonstrates how the BOCC's commitment to prepare the Economic Development Zones with utilities, zoning, incentives & thoughtful use of the ¼ cent sales tax for economic development, has proven to be a winning formula for the long term.
- Highlights the public's commitment to economic development through passage of the ¼ cent sales tax for economic development in Nov. 2011.

Michael Talbert discussed the performance based incentive and said there will be no money distributed upfront. He said this will be a reimbursement based on the investment of the company. He said the commencement date of this agreement is December 2015, and the full term of the agreement is 5 years. He said the minimum taxable value of $34 million must be achieved by January 31 of 2018, and the 90 jobs must be achieved by this same date.

He said the County tax office will provide verification for the "clawback" provision.

Michael Talbert said the company has an average mean salary of $38,000. He reviewed the successes of this process.

He reviewed next steps with the Board, to include a public hearing. He said the Manager's recommendation is that the Board approve the performance based economic development incentive and move forward with this project.

Chair Jacobs recognized Everette Greene from the Mebane City Council.

PUBLIC COMMENT:

D.R. Bryan, Chair of the Economic Development Advisory Board, said the board offers their enthusiastic support for this project and asks that the Commissioners support and approve the incentives package.

Dr. Bill Ingram, President of Durham Tech, said the school is very supportive of the Board of County Commissioners and the Morinaga Company. He said they have worked with multi-national firms from Durham County. He said Durham Tech's mission is to enrich students' lives and the broader community, through teaching, learning and service.

He said this initiative has the opportunity to expand and diversify the economic base in Orange County.

Chair Jacobs said, on behalf of the Board, that they are pleased to be creating this partnership. He said the County has just started to embark on the course of offering incentives to businesses that start or stay in Orange County. He said this has been an amicable collaborative process.

He thanked Masao Hoshino and the Morinaga family. He thanked the Orange County staff and said they have done an excellent job of shepherding this project through the state, the County and Mebane. He thanked the voters of Orange County, who approved the ¼ cent sales tax, for making an investment in the community. He said this investment would reap many dividends in the County. He said one of these dividends was the ability to provide infrastructure to the western part of Orange County and to bring in Morinaga.

Commissioner Gordon said the Board is pleased to have this partnership with Morinaga, and she welcomed them to Orange County.

Commissioner Dorosin said, in the interest of transparency, he would like to be clear about the incentives being considered. He said he is very supportive of this project.

He referred to the agreement - 6a1. He asked if the investment part of the commitment is a ¾ cent reduction in property tax for up to 5 years.

John Roberts said it is based on the property tax, so it will be approximately 75 percent of whatever the final investment is.

Commissioner Dorosin asked if this is done on an annual basis, so the taxes can be accounted for.

John Roberts said yes. He said a provision was added to the agreement, stating that it will be examined annually. He said the initial intent was that there would be 5 equal annual payments that were equal in amount; but now it will be based on annual valuation, with a maximum amount of $1.5 million.

Commissioner Dorosin clarified that this is not actually a payment from the County; but it is a reduction in the amount of property taxes paid.

John Roberts said incentives cannot be tax rebates. He said incentive agreements that provide for a payment based on tax valuation are authorized. He said this would be a payment from the County to the company after the tax assessment.

Commissioner Dorosin said this means the County collects 100 percent of the taxes and then pays according to the 75 percent formula.

Commissioner Dorosin referred to the employment incentive and noted that if the 90 position target is not met, there is a $450 penalty for each position not created. He asked how this will be structured.

John Roberts said if employment numbers are not met, then the $450 would be removed from the County's payment to the company.

Commissioner Price said she is delighted that Morinaga chose Orange County, and she is looking forward to the many ways the company will enrich Orange County.

Commissioner Rich thanked Morinaga. She said it is exciting to know that the work put into getting the ¼ cent sales tax passed is now turning into this. She said she is excited about all of the partnerships being formed.

Commissioner Pelissier said thank you and echoed what Commissioner Rich said about partnerships. She is glad that Morinaga had the courage to locate here in a place without existing infrastructure. She said this means there will now be infrastructure, which will attract more companies.

Commissioner McKee said this project is anchored at two points, in Japan and America. He said this creates an opportunity to increase cooperation between countries and cultures. He

said his family moved to Orange County in the 1800's, and he knows there was a lot of support needed in this move. He pledged his continued support for this project. He extended a warm welcome to the Morinaga family.

A motion was made by Commissioner Price, seconded by Commissioner McKee to close the public hearing.

VOTE: UNANIMOUS

A motion was made by Commissioner McKee, seconded by Commissioner Rich to:
1. Receive the proposal to consider the issuance of incentives to a private company for the recruitment of Morinaga America Foods, Inc. to Orange County, and to consider approval of a "performance-based" economic development incentive agreement with claw back provisions.
2. Conduct the Public Hearing and accept public and BOCC comments.
3. Close the Public Hearing.
4. Approve the "Performance-Based" economic development incentive agreement between Orange County and the Company, subject to final review by the County Attorney, and authorize the Chair to sign the agreement on behalf of the County.

VOTE: UNANIMOUS

b. Orange County Community Development Block Grants

The Board received comments from the public regarding opportunities for Community Development Block Grants (CDBG) Programs in Orange County in 2013.

Craig Benedict said, due to some funding at the state level, there is more of a focus on jobs, economic development and infrastructure. He said there are CDBG grants available to Orange County. He said the purpose of tonight is to open this up for the public. He said if there are interested parties and non-profits, the County can look to see what funds may be available.

NO PUBLIC COMMENT

Commissioner Dorosin asked if there are already proposals from the Planning Department or Housing, regarding CDBG projects in need of funding.

Craig Benedict said this is the generic public hearing to announce that monies are available and to seek input as to where the funding can be used. He said the public hearing can be left open for a couple of weeks.

He said the second stage will involve developing the application and then bringing it back to the Board at a second public hearing to lay out the specifics of the projects and how the money will be spent.

Commissioner Dorosin asked for information on the parameters for these grants.

Craig Benedict said the state legislature narrowed the focus this year, so there is not as much funding available for typical housing purposes. He said there are limitations based on the classification of Orange County as a tier three county. He said monies are available for infrastructure and job creation and training. He said he will be able to elaborate more by the second public hearing.

Commissioner Rich asked who is able to request monies at the second public hearing. She asked how the Board of County Commissioners can get involved in recommending projects.

Craig Benedict said the typical cadence would be to identify five different pots of money. He said non-profits would normally request monies at this hearing. He said monies are not available as they have been in the past, but monies are available for infrastructure that will bring jobs to low income residents. He said he would expect to see projects such as extending water and sewer to companies that provide jobs to people who have not been making 80 percent of the median income.

Craig Benedict said the effects of the state legislature rules are far-reaching, and he will provide the Board of County Commissioners with this information at a later date.

Commissioner Rich asked if any non-profits have contacted Craig Benedict's or Tara Fikes' office yet.

Tara Fikes said she has received one inquiry from Habitat for Humanity.

Chair Jacobs said this is a two-step process. He said people will be encouraged to come to the next hearing.

Craig Benedict said people have been notified directly, and there are public hearing ads. He said people are scrambling to see how monies will be distributed.

Commissioner Dorosin said, in thinking about issues of poverty, the state has prioritized tier one counties. He noted that the 40 lowest wealth counties are tier one, the second 40 counties are tier two, and the 20 wealthiest counties are tier three, which includes Orange County. He said people who live in a low wealth community in a high tier county have a much smaller pool of funds to address needs. He said this clearly places the burden on the Board of County Commissioners to address the low wealth communities in Orange County.

Michael Talbert said there are going to be limited funds for Orange County, especially in the housing arena, this year and next year. He said the next public hearing will be very specific regarding the economic development grant. He said this is the first step in making that happen.

Chair Jacobs referred to Commissioner Dorosin's comment and said this was one of the hurdles in addressing concerns with the Rogers Road Neighborhood. He said the tier three status prevented access to monies. He noted that the Board has now gone in a different, self supported direction.

The Interim Manager recommends that the Board continue to receive comments from the public as additional information.

7. Regular Agenda

a. Infrastructure Design and Construction Administration Contract for Morinaga Site

The Board considered approving a contract with McGill & Associates for the design, permitting and bid and construction administration of interstate frontage road, water and sewer infrastructure to serve the proposed Morinaga manufacturing facility site and authorizing the Chair to sign.

Craig Benedict noted the revised contract at the Commissioner's places, and he thanked Commissioner Gordon for her helpful comments on this revision.

He said this is just for the design work. He said when this is completed next year this will go out to bid. He said staff chose McGill because the firm provided help in the past with the Efland sewer project and the North Buckhorn Sewer project, which were completed on time and within budget.

He said the contract would be for the amount of $142,000, to included work outlined in the abstract materials.

Commissioner Gordon asked if staff wanted to change the recommendation to include the wording "subject to attorney review."

John Roberts said this wording should be included.

A motion was made by Commissioner Gordon, seconded by Commissioner McKee to approve and authorize the chair to sign a contract with McGill & Associates for the design, permitting and bid and construction administration for $142,000 for interstate frontage road, water and sewer infrastructure to serve the proposed Morinaga manufacturing facility site, subject to attorney review.

Commissioner Dorosin asked Michael Talbert how many proposals were received in response to the Request for Qualifications (RFQs).

Michael Talbert said staff interviewed the top six firms.

Commissioner Dorosin referred to the previous CDBG discussion. He asked if this means other CDBG requests will be considered in addition to this one, or if the intent is that this will be their CDBG request.

Craig Benedict said it is the intent that the money to be expended with this contract will be part of the 25 percent share of the grant proposal. He said another part will be an estimate of the construction cost for the water and sewer work. He said a letter has been signed with the state, authorizing consultants to be hired and counted as a County match when applications are submitted.

Commissioner Dorosin clarified that the County will request a CDBG grant for $1 million related to this project, and this grant proposal will include all the work in this item, as well as $800,000 for infrastructure.

Craig Benedict said that is correct.

VOTE: UNANIMOUS

b. SportsPlex Property Purchase and Sale Agreements and Approval of Budget Amendment #2-C

The Board considered authorizing the Interim Manager and Chair to execute a Purchase and Sale Agreement between the County and the sellers of property adjacent to the Orange County SportsPlex; execute the necessary paperwork to close the transaction no later than 30 days after the agreements are fully executed, subject to final County Attorney approval; and approve Budget Amendment #2-C in the amount of $382,000 to fund the transaction from the General Fund Unassigned Fund Balance.

Jeff Thompson reviewed information on the two properties, and he said this is county property and could be used for parking.

The board was briefed on this project in closed session on September 17, 2013.

Jeff Thompson said both sites have vertical residential structures that may be of use in the short term. He said the 1.36 acre parcel is priced at $182,000 and the 1.5 acre parcel is priced at $200,000.

Commissioner Rich asked if recycling and reuse will be used when the existing buildings on the property are not longer needed.

Jeff Thompson said yes. He said these properties could also potentially be moved and re-sited for use as affordable housing.

Commissioner Gordon said she has some concerns about using unassigned fund balance for these purchases. She is not in favor of using $382,000 in general fund balance to fund this during this time of fiscal uncertainty.

Commissioner McKee said he would normally agree with Commissioner Gordon, but with the success of the Sportsplex and the continuing need for expansion, he feels it is critical to go ahead and make this purchase and have it on hand.

Commissioner Price echoed what Commissioner McKee said. She said she sees this as an economic development project.

Jeff Thompson made the clarification that this is excess fund balance, not unassigned fund balance.

Chair Jacobs said the Board wanted to recognize the fine job that John Stock and his staff have done to make this facility such a success. He said the need for more room is a good problem.

A motion was made by Commissioner Pelissier, seconded by Commissioner Price to:

- authorize the Interim Manager and Chair to execute the Purchase and Sale Agreement between the County and the Sellers of property adjacent to the Orange County SportsPlex;
- execute the necessary paperwork to close the transaction no later than 30 days after the agreements are fully executed, subject to final County Attorney approval; and
- approve Budget Amendment #2-C in the amount of $382,000 to fund the transaction from the General Fund Unassigned Fund Balance

VOTE: Ayes, 6; Nays, 1 (Commissioner Gordon)

c. Resolutions to Endorse Orange County's Priority Transportation Projects for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and the Triangle Area Regional Planning Organization

The Board considered two (2) resolutions (Attachments 2 and 5) endorsing two (2) priority lists of transportation projects within the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) and the Triangle Area Regional Planning Organization (TARPO) planning areas for consideration of inclusion in the 2016-2022 Statewide Transportation Improvement Program (STIP).

Transportation Planner Bret Martin said this item originally came to the Board as a full list with all modes of transportation. He said information is still being released that affects these projects. He said there was a preliminary list created; however, now that there are hard deadlines in place, the bike, pedestrian and highway projects can be slowed as more information comes out that might affect the ranking and order of the list.

He said the transit projects do have a deadline of today with the DCHC MPO, but it can be turned in tomorrow.

He said there have been many changes to the state funding structure, and project selection criteria. He will review how this affects Orange County projects and the priority of the items.

He noted that the Board already approved the priority projects for the BGMPO, and those projects have been submitted.

He reviewed the following PowerPoint slides:

BOCC ITEM 7C
Orange County Transportation Project Priorities
OCTOBER 15, 2013

Quick Background

- Statewide Transportation Improvement Program (STIP) developed every 2 years.
- MPOs/RPOs currently working with local governments to prioritize projects for 2016-2022 STIP.
- STIP contains funding/scheduling information for projects conceived from locally/regionally adopted transportation plans.
- Projects last prioritized and submitted from Orange County in 2011.
- Local government priority lists serve dual role: official project submission list and guide for assigning local input points.
- Changes to State funding and project selection policies and criteria affecting Orange County project priorities.
-

Identified Issues with State's Previous Funding Structure

- Fragmentation of funding among regions → discontinuity and fragmentation of projects.
- Difficult to implement projects of statewide significance when money is not required to be spent on those projects.
- Not a need-based distribution of funding.
- North Carolina ranks 47/50 among all states for revenue per lane mile of responsibility, requiring more efficient need-based approach.

How the Strategic Mobility Formula will work (graphic)
Regions and divisions (map)
Previous Scoring Methodology- Highway Mobility (table)
Previous Scoring Methodology- Highway Modernization (table)
New Scoring Methodology- Highway (table)
Previous/New Scoring Methodology- Bike/Pedestrian (table)
However, Regions and Divisions Can Devise Their Own Scoring Criteria (table)

Highway Project Implications For Orange County

- Less local input influence.
- More emphasis on congestion and benefit/cost favors added capacity projects on higher volume thoroughfares.
- Low-cost highway projects with profound travel time and congestion relief benefits will score well.
- Highway projects not adding capacity will not score well.
- Projects of statewide or regional significance (I-40, I-85, NC 86, NC 54) will be eligible for more money than projects of local significance (South Churton Street, Orange Grove Road extension, etc.) and will not have to rely as much on the power of local input points to get them funded.

Bike/Pedestrian Project Implications for Orange County

- Require 20% local match and must be locally administered.
- Right-of-way will not be an included cost to NCDOT.
- No highway modernization projects means bike projects previously submitted as highway projects (>$1,000,000) will not score well with new formula and will have to be submitted as bike/pedestrian projects to receive funding.
- More emphasis on safety, utilitarian demand, access and connectivity for bike/pedestrian projects → Favors more urban contexts.

Staff's Approach/Strategy for Ranking/Prioritizing Projects

- Projects on staff-suggested priority list ranked to optimize scoring output and funding probability, but list was also sensitive to local desires for those projects that are only eligible for the Division funding tier.
- Staff carried forward projects submitted in last iteration of project prioritization as starting point for considering projects in this iteration.
- Staff used the following strategy to rank suggested projects:
    - 1st - Added capacity/mobility projects of local significance;
    - 2nd- Added capacity/mobility projects of statewide/regional significance;
    - 3rd - Transit/rail projects;
    - 4th – Bike/ped projects of local significance that require a 20% local match and for projects to be locally administered.

Optimize Final Scores to Get Projects Funded While Also Addressing County's Most Profound Transportation Needs

Recommended Board Approach Moving Forward:
Action to take tonight:
Consider and endorse transit priority list by approving the resolution for transit-specific projects for both TARPO and DCHS MPO (Refer to handouts).
Action for November 19th:
Consider and endorse TARPO and DCHC MPO priority lists by approving resolution for all projects (including highway, bike/ped, transit).

Brett Martin said the local MPO has a set number of input points that can be assigned to projects on their list.

Bret Martin referred to the slides on how the Strategic Mobility Formula will work. He said three tiers have now been established, and all of the money for transportation projects in NC is divided into these three tiers over a ten year period (2016-2025).

He said the first tier is statewide mobility, which addresses projects of statewide significance; and 40 percent of the money ($6 billion) would go to this tier. He said these projects will not be selected based on any local input. He said these projects will be based 100 percent on quantitative data.

Bret Martin said the only potential projects in Orange County that fall under this category are I-85, I-40, and US 15-501.

He said the second tier is the regional tier, which receives 30 percent of the funds ($4.5 billion). He noted that the selection of these projects is based 70 percent on quantitative data, using the state's scoring process. The other 30 percent is based on local input. He said everything eligible at the statewide tier is also available at the regional tier, as there is a cascading effect of projects down through the tiers. This means that Interstate 85, Interstate 40, and US 15-501 are eligible, along with the other US and NC routes.

The last tier is for division needs, and it also receives 30 percent of the funds ($4.5 billion). He said this tier is based 50 percent on quantitative data and 50 percent on local input. This tier can include any of the projects from the previous tiers, as well as any other secondary highways or road routes.

Brett Martin reviewed the regions and divisions on the map. He said Orange County is matched up with the Triad, and this is who the County is competing with at the regional level.

He reviewed the Scoring Methodology charts from the PowerPoint, with a focus on the changes. He noted the increased emphasis on quantitative data. He said there were previously a highway mobility category and a highway modernization category, both with different scoring factors. He said the modernization projects would favor rural areas, and the

mobility projects favored the urban areas. He said the new scoring method takes away the modernization category, so the projects that favored rural projects no longer exist.

He said this is a big deal because Orange County had previously submitted several projects classified as modernization projects. These are no longer lucrative projects for submission.

Brett Martin said an opportunity was provided for divisions and regions to get together and come up with their own scoring criteria at the regional/divisional level. He said some divisions were able to do this, and lane and shoulder width were included in their scoring factors; therefore the rural projects in those regions have a better chance to be funded. He said division 7 was not able to mobilize fast enough to make this change, but it is an option two years from now in the next phase of development.

Brett Martin said all of the modes of transportation will be competing against one another, as there is no separate pot of money for each mode. However the state has set a minimum amount of 4 percent of funding that must go to non-highway modes, with a maximum allowable amount of 10 percent.

He noted the list of projects outlined in the materials at the Commissioner's places, and he invited questions from the Board.

Commissioner Gordon said it is important to consider the cascade effect and the fact that this only runs one way. She said the local input only takes effect at the regional and divisional level, and it has a low level of points. She said another important factor is the limitation in monies. She referred to a letter, sent out today from DCHC MPO, that expresses concern about the normalization process. She noted that the 4 -10 percent amount for non-highway means a minimum of 90 percent for highway.

She said that for highway project submissions, there is a need to consider the relative importance to Orange County. She did ask transportation planner Andy Henry about this, and it was his opinion that the Board did not need to submit Interstate 40 and Interstate 85 since they are already on the list. She said those projects will be 100 percent data driven at the state level. She said the Board will need to think about whether some of the local projects are more important than the regional projects. She said the Board needs to think about how many points should be put on projects that are extremely data driven.

She said the transit projects can have an unlimited number of submissions, so this is where the cascade effect is not as important tonight; however it will be very important on November 19th.

She suggested the submission of separate lists for bike/pedestrian and highway on November 19th.

Bret Martin said the County can submit different projects in different modes, but the projects will still all be scored as one item. He said the list that will be coming to the Board on November 19th will act as a guide for the TAC members to look at where to assign points.

Chair Jacobs asked if the Burlington MPO will be dealt with separately.

Brett Martin said this was done last month.

Chair Jacobs said staff discussed some adjustments, and somehow the number one priority, which was is the TARPO projects, got lost in the shuffle. He was wondering how to get this back in.

Brett Martin asked if this is about the Buckhorn Road widening. He said this is now in the Burlington/Graham MPO planning area and can no longer be submitted. He said the projects that came to the BGMPO TCC were an abbreviated list of projects made by their staff. He said the Board did submit that project, but he is unsure what decision making process occurred at the MPO level to prevent it from being included in the recommendations.

Chair Jacobs said there was an exchange of emails regarding substitution of projects.

Craig Benedict said he believes the email discussion today will put the Buckhorn project in the Burlington/Graham priority list.

Chair Jacobs said this is important because it is in the middle of the Economic Development District, and it is a bottleneck, especially as long as the flea market is there. He noted that residents do not like the traffic immobility on weekends, and it would also be a more attractive economic development area if people could drive through easily.

Chair Jacobs said one of the reasons the interstate funding has not gone forward is because it has not been a priority in the past. He said the reason Interstate 40 stopped at the Orange County line is because Orange County sued to block that route in the 1980's. He said it has not been funded for the past 25 years, and he does not think this is a coincidence or a function of district lines. He said it is more a function of the way the DOT used to operate, but hopefully this is no longer the case.

Chair Jacobs suggested that staff use the front and back of pages to create larger PowerPoint materials that the Board can more easily read the material.

Commissioner Dorosin asked about the substitute handout for 7C. He asked if this is to replace 7C 3 in the original packet.

Brett Martin said the handout will supplant what was previously received. He said this list is the only action item for tonight. He said the original list had all modes, but this list is narrowed to the action item. He said a comprehensive list with all modes will come back to the Board on the 19th.

Commissioner McKee said he gets a feeling that no matter how the Board prioritizes or ranks items, it will have little impact. He is not opposed to doing it, but he does question the effectiveness.

Commissioner Gordon asked if Brett Martin had more to say on the transit projects.

Brett Martin said he wanted to make the strong point that a lot of the projects being indicated would require a local match. He said the approval of the list tonight does not commit the County to a local match.

Commissioner Gordon said there are two projects on the list for DCHC MPO – the Hillsborough Train Station and the Buckhorn EDD. She noted that those projects were on the original list, and now others have been added for a total of six. She said the Buckhorn EDD was submitted to the Burlington/Graham MPO, and it is in that MPO.

Brett Martin said most of it is, but not all of it.

Commissioner Gordon said it appears to be on the border.

Brett Martin said there is a small area of this EDD in the DCHC planning area. He said the intent of that project is to have it in the Mebane area.

Commissioner Gordon noted that there were previously two lists, one for TARPO and one for DCHC, and she thought this was a good idea. She is not sure about the wisdom of submitting one list to both organizations.

She believes what is being asked for is a resolution endorsing transit projects for the TARPO regional priority list and the DCHC MPO regional priority list. She said these priority lists will eventually go into the transportation improvement program. She asked if this is correct.

Brett Martin asked if this is about the title of the resolution.

Commissioner Gordon said this is in the title and the body. She read from the document.

Brett Martin said the MPO's regional priority list is the MPO'S TIP.

Commissioner Gordon said this is not stated in the materials. She asked if STIP projects can be submitted later.

Brett Martin said the naming does not affect the action. He said anything that rolls up to the STIP must first be on the TIP at the MPO level. He said the Board is not approving projects to be included in a regional priority list. He said the goal is to be considered for inclusion in the TIP, in order to roll up to the STIP.

Commissioner Gordon asked if he would double check how this is supposed to be done. She feels this should be submitted in two different lists. She said she has questions about which MPO or RPO it should go to.

Brett Martin said the Northern Human Services project would be in the TARPO planning area.

Commissioner Gordon suggested the projects be split here. She said it is clear that items 4 and 5 are in DCHC. She noted that Buckhorn falls into both planning areas.

Brett Martin clarified that Buckhorn Road is not the border of the planning area. He said the planning area extends to the east of Buckhorn Road.

Commissioner Gordon asked if this item was submitted to the Burlington/Graham MPO, and if it will be submitted to DCHC.

Brett Martin said yes, but this is only because the EDD crosses a little over the boundary.

Commissioner Gordon said her point is that it should be two separate lists - one to TARPO and one to DCHC. She said something should be said about a regional priority list. She asked which format will be submitted.

Brett Martin said the list with the finer details will be submitted.

Chair Jacobs asked if this information was in the packet before the meeting.

Brett Martin said these are the items that were emailed out and placed at the Commissioner's places.

Commissioner Gordon noted that the original list received by the Board only had two transit projects; those items are now items 5 and 6 on the new list, and 4 other items have been added.

Bret Martin said two lists will be submitted, one to TARPO and one to DCHC MPO. He said the fact that all the projects are on the list does not mean they will be submitted. He said the expansion vehicles make it difficult to know how many need to be submitted to one versus the other. He said these details have not been worked out by Triangle Transit and Orange County staff. He said it is also not known if the Northern Human Services Center will be an implementation objective in that program. He said a lot of these projects are not official submissions, but are Triangle Transit or Piedmont Authority for Regional Transportation projects. He said the reason these are added for Board endorsement is so the Board can express support and assign local input points to them.

Commissioner Price said it doesn't make any difference what lists you use at this point, due to the state's new prioritization plan.

Commissioner Price asked if Hillsborough had seen this proposed listing and resolution. She noted that some of the changes affect Hillsborough.

Brett Martin said he did talk with Hillsborough. He said the planning director thought that the Town would not submit any projects, but she expressed support for the Orange County submissions.

Commissioner Price asked about Cornelius Street.

Brett Martin said this was not mentioned.

Commissioner Price said TARPO was meeting this week, so there may be more developments.

Commissioner Gordon suggested that the resolutions should read, "A resolution endorsing transit projects for TARPO Regional Priority List, the DCHCO Regional Priority List, and the Transportation Improvement Programs." She said this covers all bases. She said any reference to DCHC should say, "the DCHC MPO Regional Priority list and the 2016-2022 STIP."

REVISED RESOLUTION

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

A RESOLUTION ENDORSING ORANGE COUNTY'S PRIORITY TRANSIT PROJECTS FOR THE TRIANGLE AREA RURAL PLANNING ORGANIZATION (TARPO) AND DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION (DCHC MPO) REGIONAL PRIORITY LISTS FOR THE 2016 – 2022 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the North Carolina Board of Transportation (BOT), every two years, prepares a Statewide Transportation Improvement Program (STIP) that identifies transportation projects to be implemented over the next seven years with State and Federal funding; and

WHEREAS, the North Carolina BOT solicits input for identifying transportation projects of local and regional importance to be included in the FY 2016-2022 STIP; and

WHEREAS, the TARPO Rural Transportation Advisory Committee (RTAC) is charged with the development of a regional priority list and the DCHC MPO Transportation Advisory Committee is charged with the development of a regional priority list and Metropolitan Transportation Improvement Program (MTIP); and

WHEREAS, Orange County is a member jurisdiction of the TARPO and the DCHC MPO; and

WHEREAS, Orange County and other member jurisdictions have been asked by the DCHC MPO to submit a list of priority transit projects by October 15, 2013; and

WHEREAS, Orange County gives priority to identified safety needs on existing roads and bridges, to transportation projects that encourage alternatives to automobile travel, to projects that minimize adverse impacts on the natural environment and cultural sites, and to those projects that foster economic development in the County's designated Economic Development Districts; and

WHEREAS, Orange County strongly encourages the North Carolina Department of Transportation (NCDOT) to design all highway projects, where appropriate, to accommodate bicycle and pedestrian traffic to provide alternative means of transportation that may result in reduced automobile traffic and related air and water impacts; and

WHEREAS, Orange County encourages the NCDOT to design all new or replacement bridges with sufficient clearance to allow wildlife to cross safely under them, and to allow pedestrian passage along any existing or planned trail-system connectors; and

WHEREAS, Orange County has outlined its transit-specific transportation needs within the TARPO and DCHC MPO planning areas in an attachment to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Orange County Board of Commissioners that the Board endorses the following prioritized list of transit-specific transportation projects to be considered for the FY 2016-2022 TARPO regional priority list and DCHC MPO regional priority list and MTIP.

1 <u>Orange Public Transportation Expansion Vehicles:</u> Request/purchase up to six (6), 25-foot, 18-passenger cutaway bus vehicles to accommodate bus service expansion as

recommended in the Orange County Bus and Rail Investment Plan (OCBRIP) and the Five-Year Orange County Bus Service Expansion Program currently under development.

This project will be submitted as a new transit project to both TARPO and DCHC MPO (depending on the proposed location of vehicle use) for consideration of inclusion in the TARPO regional priority list, the DCHC MPO regional priority list and MTIP, and the 2016-2022 STIP.

2 Park-and-Ride Improvements at Orange County Northern Human Services Center (Conceptual): Implement park-and-ride improvements at the Orange County Northern Human Services Center for potential fixed-route service to Hillsborough.

This project will be submitted as a new transit project to TARPO for consideration of inclusion in the TARPO regional priority list and the 2016-2022 STIP.

3 Park-and-Ride Improvements in Efland (Conceptual): Implement park-and-ride improvements in the Efland area for cross-county, fixed-route service between Mebane and Durham.

This project will be submitted as a new transit project to the DCHC MPO for consideration of inclusion in the DCHC MPO regional priority list and MTIP and in the 2016-2022 STIP. The project's official submission may be made by Triangle Transit or Orange Public Transportation.

4 Park-and-Ride Improvements in Hillsborough (Conceptual): Implement park-and-ride improvements in Hillsborough for cross-county, fixed-route service between Mebane and Durham.

This project will be submitted as a new transit project to the DCHC MPO for consideration of inclusion in the DCHC MPO regional priority list and MTIP and in the 2016-2022 STIP. The project's official submission must be made by Triangle Transit.

5 Hillsborough Train Station: Construct a train station in Hillsborough and implement AMTRAK
service.

This project will be submitted as a new transit/rail project to the DCHC MPO for consideration of inclusion in the DCHC MPO regional priority list and MTIP and in the 2016-2022 STIP. The project's official submission must be made by Triangle Transit.

6 Buckhorn Economic Development District (EDD) Park-and-Ride: Make park-and-ride improvements or construct a park-and-ride facility to be located in the I-85/Buckhorn Road Economic Development District (EDD) to collect ridership in eastern Alamance and western Orange Counties.

This project will be submitted as a new transit project for consideration of inclusion in the DCHC MPO regional priority list and MTIP and in the 2016-2022 STIP. The project's official submission must be made by either Triangle Transit or the Piedmont Authority for Regional Transportation (PART).

A motion was made by Commissioner Gordon, seconded by Commissioner Dorosin to approve the above resolution, modified to include “Regional Priority List” before Transportation Improvement Program every place it appears for the DCHC MPO.

VOTE: UNANIMOUS

8. Reports NONE

9. County Manager’s Report

Michael Talbert gave an update of the effects of the government shutdown on the County. He said the issues for the County revolve around social services and the health department. He noted that WIC funds have been reinstated until end of the month. He said the County is starting to hit roadblocks at the Department of Social Services (DSS) due to the shutdown. He said the County has been ordered in some cases not to provide services at DSS. He said there has been immediate action by DSS to reduce services provided to the adolescent parenting program. He said this puts kids at risk, and he thinks the government will come through and fund these programs, so it is important to keep them running.

He said there will be no cash payments for Work First after November 1st. He said no new clients can be signed up for this program at this time.

Nancy Coston said the state has ordered a stop work on the Work First employment program. She said the child care program may also be cut soon. She said child care has only been suspended for 42 children of people in the Work Force activities. This has been done with the understanding that child care will be re-instated as soon as the program comes back.

She said there was a stop work order for the Adolescent Parenting Program, and this is being examined. She said there are 44 parenting teens in the two school systems, and the goal is to insure that these teens finish school, delay pregnancy and become good parents. She said the purpose of tonight is just to inform the Board of the risks being taken.

Chair Jacobs said the Board appropriated monies for the social justice safety net fund. He said the Board has made a commitment to keep programs going for those that most need help.

He requested a status report at the next meeting in order to make some priority decisions.

Michael Talbert said this budget was $250,000, and those funds are available if needed.

Chair Jacobs said there was an item in the budget amendment about maintaining section 8 housing. He recommended a press release about the things that are happening to people in Orange County. He said attention needs to be given to what is going on.

10. County Attorney’s Report NONE

11. Appointments

a. Affordable Housing Advisory Board – Appointment

The Board considered making an appointment to the Affordable Housing Advisory Board.

A motion was made by Commissioner Pelissier, seconded by Commissioner Gordon to appoint Ms. Sally Jaffer to the Affordable Housing Advisory Board in position # 1 with a term ending 9/30/2016.

VOTE: UNANIMOUS

A motion was made by Commissioner Dorosin, second by Commissioner Price to appoint:

- Ms. Tammi Jacobs to position #6 with a term ending 6/30/2015
- Ms. Britney Walden to position #9 with a term ending 6/30/2015.

VOTE: UNANIMOUS

b. Orange Dog Poets Society – Appointment

The Board considered making an appointment of a Commissioner as a representative to the Orange Dog Poets Society's Poet Laureate selection committee.

A motion was made by Commissioner McKee, seconded by Commissioner Rich to appoint Commissioner Dorosin as a representative to the Orange Dog Poets Society's Poet Laureate selection committee.

VOTE: UNANIMOUS

c. Orange Unified Transportation Board –Appointments

The Board considered making appointments to the Orange Unified Transportation Board.

A motion was made by Commissioner Gordon, seconded by Commissioner Pelissier to appoint to the Orange Unified Transportation Board:

- Mr. Donald Wollum to the Eno Township position with a term ending 9/30/2016.
- Mr. Brantley Wells to the Hillsborough Township position with a term ending 9/30/2016.

VOTE: UNANIMOUS

12. Board Comments

Commissioner Rich said Project Connect took place last week, and 300 people attended. She said each of these people got about 10 services.

Commissioner Price – no comments

Commissioner McKee said if the Board of County Commissioners acted like the federal government the Board would be run out of town. He said if the federal government doesn't get this straightened out, the citizens should replace them all in the next election.

Commissioner Gordon said she and many of the Commissioners attended the installation of the Chancellor at UNC.

Commissioner Gordon said the DCHC MPO meeting was held on October 9th. She said there was discussion of the Memorandum of Understanding, taking into account the comments received from Orange County and others. She said this has been released for approval and should come back to the Board in the near future. She said time was spent on the prioritization

of bicycle projects, and a schedule was received. She said this will come back on November 19th.

She said the DCHC MPO always expresses concern about how this process is moving forward. She referenced a letter being sent to the Board of Transportation to highlight two issues. She said the issues are: 1) How many input points the MPOs and RPOs are given to allocate, and 2) the so called normalization of monies for highway and non-highway.

Commissioner Dorosin said today he was representing clients in the latest hearing regarding the future viability of the NC Pre-K program. He said a compelling argument was made in favor of the program, but the state continues to argue their authority to narrow this program. He said the decision will be in a couple of months, and he is cautiously optimistic.

He said he has been working with Commissioner Price on the County Fair exploratory committee. He said there will be a meeting on October 30th at 7pm at the Solid Waste Administrative Office to receive public input and gauge interest. This will be presented to the Board at the work session on the 12th of November.

Commissioner Pelissier recognized school board members who volunteered at Project Connect. She also said she had talked to an attendee who lived at a mobile home park that is closing. She noted that housing was a major concern. She said there needs to be a discussion about mobile home parks.

She said Triangle Transit Authority released their annual performance report, and ridership was up 11 percent overall. She said will be attending a Triangle Transit conference in Seattle this weekend and she hopes to learn a lot of things. She said she is happy to copy the Board on her report.

She said TTA had a petition from the Town of Carrboro at Triangle Transit to use the ¼ cent sales tax to build sidewalks, especially for access to the transit stops. She said this will require further discussion.

Commissioner Pelissier said she went to her first meeting of the Orange County Juvenile Crime Prevention Council. She said other counties have an annual report about the work of the council. She said there was informal discussion of creating a report in Orange County.

Commissioner Price said she attended the NCACC conference today on the Affordable Care Act. She invited the Commissioners to look at the information on the website. She noted the next meeting scheduled for October 28th in Burlington.

Chair Jacobs said he and Commissioner Pelissier met with their recently appointed representative to the Chapel Hill Library Board of Trustees, Mr. Stroud. He said efforts were made to get him up to date on the County's areas of concern. He said it reminded him of the need to put together a group to plan the upcoming retreat and to gather reports from representatives of Orange County that serve on other governmental boards.

He referred to the discussion of 4 to10 percent funding for non-highway projects. He said this means the number will be 4 percent. He said this fits into the discussion of bus rapid transit in Wake County. He said, without significant state funding in the foreseeable future for light rail, there will be some interesting discussions at Triangle Transit. He said this will likely filter back to the Board regarding the future of public transportation planning.

13. Information Items

- October 1, 2013 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Walnut Grove Church Road Convenience Center Update

14. Closed Session -NONE

15. Adjournment

A motion was made by Commissioner McKee, seconded by Commissioner Price to adjourn the meeting at 9:37 pm.

VOTE: UNANIMOUS

Barry Jacobs, Chair

Donna S. Baker, CMC
Clerk to the Board

Attachment 3

DRAFT **MINUTES**
BOARD OF COMMISSIONERS
REGULAR MEETING
November 5, 2013
7:00 p.m.

The Orange County Board of Commissioners met in regular session on Tuesday, November 5, 2013 at 7:00 p.m. at the Central Orange Senior Center, in Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Barry Jacobs, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: Interim County Manager Michael Talbert, Assistant County Managers Clarence Grier and Cheryl Young and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

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

1. Additions or Changes to the Agenda

Chair Jacobs reviewed the following items at the Commissioner's places:

- Lavender Sheet - Petition from Commissioner Rich
- White Sheets - Petitions from the public regarding tenant's rights
- Item 4b. –Map for Voluntary and Enhanced Agricultural District Designations for Multiple Farms – Dunn, Neville, Compton, Shambley, Durham, Johnson, and Thompson
- Yellow Sheet - Revision to 5a - Minutes (September 9th)
- Pink Sheet – related to legal notice for item 5-f - Legal Advertisement for Quarterly Public Hearing – November 25, 2013

PUBLIC CHARGE

Chair Jacobs dispensed with the reading of the Public Charge.

2. Public Comments

a. Matters not on the Printed Agenda

Tish Galu and Delores Bailey, co-chairs of Justice United's Affordable Housing Action Team, shared in the reading of the following statement:

We are here tonight with a petition to have you endorse the Declaration of Tenants' Rights and Responsibilities as a housing guide.

In developing this document, the Justice United Affordable Housing Team partnered with the UNC Civil Legal Assistance Clinic, whose students assisted our research and provided the state

statutes behind each section; and representatives from the Orange County Human Relations Commission as well as a number of tenants – some who began this project, some who were part of the bi-lingual fair housing workshops, and some who were tenants directed to us from other tenants and government agencies.

This work began because of tenants – it was edited because of tenant input and it is before you tonight because tenants all over Orange County need to know that they have the right to safe, decent housing.

The tenants we met from around the county and at the workshops - they now have a voice in how they will be treated and a document that is a clear and concise explanation of tenants' rights. They have a resource list which directs them to people who can help enforce these rights.

But it does so much more – this validates the voice of these tenants and has empowered them to protect their right to live in safe, decent housing.

We are here tonight to ask that you continue to support ALL the tenants in our county by endorsing this Declaration and providing a means to distribute it and determine some measure of accountability for landlords not following the guide and those that are complying with the guide.

We believe that all tenants should have the same information these tenants now have to protect themselves and their families. We look forward to the opportunity to have you all hear the stories of the tenants. You can help us do that. Thank you.

Joe Polich, Human Resources Commission (HRC) member, thanked Tish Galu and Delores Bailey on behalf of the HRC. He said HRC agreed at their last meeting to recommend that the Board of County Commissioners adopt this resolution.

Bob Ireland, HRC member, said he has been on the HRC for two years, and this is the most important piece of work that the group has done. He said if this does nothing else, it clarifies what the law is and where it can be found.

Marshall Morris said, on behalf of an old navy veteran, thanks for the upcoming proclamation. He also introduced Sharron Hinton from the Department of Social Services (DSS).

Sharron Hinton introduced the new Veterans Services Officer, Betsy Corbett.

Betsy Corbett said she is happy to be in this position. She noted that she works out of DSS, but she is also working out of both senior centers. She invited the Board to attend a Veteran's breakfast.

Don O'Leary said he received an email regarding the handling of Obamacare. He volunteered to help out with this. He said he would like to instruct the public on how to tell the federal government what to do with Obamacare. He said there are many issues to nullify in North Carolina, such as ICLEI.

He said the 2013 Army manual prohibits donations to evangelist Christian organizations. He said he is a Christian, and as of yesterday he became an ordained minister.

He said ICLEI is leading the nation deeper into this hole and it is time to tell them no.

b. Matters on the Printed Agenda

3. Petitions by Board Members

Commissioner Rich requested two petitions. She said the first is a request in reference to Rogers Road and RENA. She noted that she is co-chair of the Roger's Road Neighborhood Task Force; and a question has come up on the task force, regarding a possible letter from the Board asking RENA to drop the EPA investigation. She said this has not happened. She would like to see a letter from the Board of County Commissioners to RENA, asking them to drop the investigation.

John Roberts said he spoke to the attorney representing RENA and asked them to drop or withdraw their petition so the complaint could be dismissed. He said he has not heard back from her yet, but he requested a response by November 19.

Commissioner Rich asked if this request was a letter from the Board.

John Roberts said this was a phone conversation.

Commissioner Rich said her petition was for the Board to specifically write a letter.

Chair Jacobs said this will be taken up at agenda review.

Commissioner Rich noted that her second petition is on the lavender sheet. She said this is a resolution urging the North Carolina General Assembly and Governor McCrory to reconsider its decision not to expand Medicaid coverage under the Affordable Care Act.

She said she worked with Durham and Mecklenburg counties on this, as well as the health director.

Chair Jacobs said he had asked the County attorney to have a closed session about the RENA issue prior to the AOG meeting on November 21st. He said this closed session will likely take place prior to sending a letter.

Commissioner Dorosin suggested the Board ask the attorney to look at the original motion he made weeks ago. He said this motion is in the minutes from the Carrboro meeting. He said perhaps there is some language here that the attorney would be comfortable using. He said perhaps language can be created to reasonably express the Board's interests while honoring the attorney's concerns.

Chair Jacobs said he has discussed this, and the attorney has some additional advice for the Board related to this.

4. Proclamations/ Resolutions/ Special Presentations

a. An Orange County Proclamation Honoring the Military Order of the Purple Heart

The Board considered a proclamation honoring the Military Order of the Purple Heart and Purple Heart recipients residing in Orange County and authorizing the Chair to sign.

Jesse Torres read the following proclamation:

A PROCLAMATION HONORING THE MILITARY ORDER OF THE PURPLE HEART

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

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

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

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

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

"PURPLE HEART COUNTY IN THE STATE OF NORTH CAROLINA"

This, the 5th day of November, 2013.

A motion was made by Commissioner McKee, seconded by Commissioner Price to approve a proclamation honoring the Military Order of the Purple Heart and Purple Heart recipients residing in Orange County and authorize the Chair to sign.

VOTE: UNANIMOUS

Jesse Torres presented the Chair/Board with a plaque, The Military Order of the Purple Heart Special Recognition Award, for their dedication and support honoring America's combat wounded veterans, and for becoming a Purple Heart county. This was presented by the Patriot Members of Al Meyer Chapter 637, Military Order of the Purple Heart, USA.

b. Voluntary and Enhanced Agricultural District Designations for Multiple Farms – Dunn, Neville, Compton, Shambley, Durham, Johnson, and Thompson

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

Gail Hughes made the presentation. She introduced landowners that were in attendance. She noted there were 6 new applications and one revision. She reviewed the following Background information:

- Orange County
  Voluntary and Enhanced Voluntary
  Agricultural Program
- November 5, 2013
- Orange County VAD/EVAD Program
  Benefits of Agricultural Districts
  - Voluntary Agricultural District is typically a 10 year commitment but the landowner can be withdrawn from the VAD at any time, for any reason, with a 30 day notification.
  - Enhanced Voluntary Agricultural District is an irrevocable 10 year commitment, therefore the "enhanced" qualifies farm for 90% cost share rates and a priority for grants funds.

Benefits include:

- Makes public more aware of the local agricultural and its vital role in the economics of the county;
- Recorded notice of agricultural district is recorded at County Land Records office;
- Land search on all properties within a ½ mile radius is notified of the agricultural status; therefore, the landowner has increased protection from nuisance lawsuits.
- Public hearings for proposed condemnation of VAD land and utility assessments may be suspended or waived on EVAD land if not connected to the utility.
- Farm may receive up to 25% of gross sales from the sale of non-farm products and still maintain its zoning exemption as a bona fide farm. (EVAD only)

Gail Hughes went through the following slides regarding each of the applicants:

Robert and Rose Walters Dunn
High Rock /Efland Agriculture District
Farm includes grass/hay crop, livestock and managed woodland/forestry.
EVAD = 64.29 acres

A. Gordon Neville
White Cross District
Farm includes beef cattle operation, pastures, hay crops, and managed forestry and woodland.
VAD =100.31 acres

Compton Farm
Vaughn and Marcia Compton
Cedar Grove District
Farm includes a poultry operation, tobacco, grain, hay crops, and managed forestry/woodland.
VAD = 166.28 acres

Cedar Grove Farm Inc.
Kathy C. Shambley
Cedar Grove District
Farm includes dairy operation, pasture, corn, grain, hay crops, and managed forestry/woodland
VAD =74.34 acres

Walter and Linda Durham
White Cross District
Farm includes managed forestry and woodland. Manages woodland for wildlife and forestry. Farm awarded NC Stewardship Forest from NC Wildlife Resources Commission in 2013
VAD= 298.31 acres

Mary Sue Johnson
Schley District
Farm includes goats, hay crops, pasture, and managed forestry/woodland.
VAD= 70.83 acres

Thompson Prawn Farm
Joe and Geraldine Thompson
Cedar Grove District
Farm includes prawn operation, produce/vegetable crops for sale at local farmer's markets, and grain crops.
2010 - NC A&T Small Farmer of the Year Award.
Requested revision from
VAD to EVAD =57.28 acres

- Orange County
  Voluntary and Enhanced Voluntary
  Agricultural Program
- Requesting approval from Commissioners to accept six (6) farms into the program and a revision for one (1) farm from VAD to EVAD.
- 710.57 acres in the VAD
- 121.39 acres in the EVAD.
  - If approved, total of acres in both programs:
    VAD = 6058 acres ; EVAD= 612 acres
    Total Acres= 6670 acres

- Overview Map
- VAD = 6058 acres
- EVAD = 612 acres
- Total Acres = 6670*
- * = rounded acres

A motion was made by Commissioner Price, seconded by Commissioner Rich to certify the seven(7) farm properties noted above totaling 710.57 acres (VAD) and 121.39 acres (EVAD) as denoted in the attached documentation as qualifying farmland, and designate it as a Voluntary or Enhanced Voluntary Agricultural District farm within the Cedar Grove, High Rock/Efland, Schley/Eno, and White Cross Voluntary Agricultural Districts; and enroll the lands in the Orange County Voluntary Agricultural District (VAD) and the Enhanced Voluntary Agricultural District (EVAD) programs. (With approval of these additional acres, the Orange County Voluntary Agricultural District Program will have enrolled 6,058 acres in the VAD and 612 acres in the EVAD for a total of 6,670 acres (rounded).

VOTE: UNANIMOUS

Chair Jacobs said the maps of the agricultural districts show the County's commitment to agriculture as a viable part of the community. He thanked the participants.

c. "The Nature of Orange" Photography Contest

The Board recognized the winners and thanked all participants of "The Nature of Orange" 2013 Photography Contest.

Rich Shaw read the following statement:

The Department of Environment, Agriculture, Parks and Recreation (DEAPR) completed its annual "The Nature of Orange" Photography Contest in June 2013. The goal of the contest was

to inspire exploration, celebration and appreciation of Orange County's diverse landscapes and outdoor experiences. Photographers help document the beauty and diversity of natural resources, and people connecting to their environment.
A total of 74 photographs were submitted in May 2013 – an increase of 15% from the previous year. A panel of judges selected first, second and third place winners from the Youth and Adult divisions. Winners received a congratulatory letter, certificate, and a small monetary award. The photographs will be displayed at the Orange County Historical Museum, Orange County Public Library, Visitors Center, and the John M. Link, Jr. Government Services Center. In addition, winning photographs are displayed on the Orange County DEAPR website.

PowerPoint slides were shown of photographs from the contest winners.
The winners were as follows:
Youth: 1st Place – **Kirby Lau**; 2nd Place – **Kirby Lau**; 3rd Place – **Katerina Gilfillen**
Adult: 1st Place – **Darren Strickland**; 2nd Place – **Pringle Teetor**; 3rd Place – **Statler Gilfillen**

Chair Jacobs asked that these photographs also be placed on the County website.

5. Consent Agenda

- **Removal of Any Items from Consent Agenda**
  - Item 5-e was removed.

- **Approval of Remaining Consent Agenda**
  A motion was made by Commissioner McKee, seconded by Commissioner Rich to approve the remaining items on the consent agenda.

  VOTE: UNANIMOUS

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

e. Tax Refund Request – Robert H. Pope

The Board considered adoption of a resolution to deny a refund request from Mr. Robert H. Pope covering tax years 2009, 2010, 2011 and 2012, in accordance with North Carolina General Statute 105-381.

Commissioner Dorosin said he was in favor of granting a refund, and he removed this to avoid voting against the consent agenda. He said he fundamentally disagrees with the interpretation that taxing someone on something they do not own is not an illegal tax within the statute. He said if a property does not exist then imposing a tax on it is illegal.

He said he disagrees with the idea that giving refunds in this circumstance would somehow undermine the revenue process.

Dwane Brinson said this situation is similar to situations brought to the Board of County Commissioners in June. He said staff is abiding by the advice of the School of Government and the advisor to the state tax association. He cited a case study, and said this request does not qualify for a valid refund, per state statute.

Commissioner Rich asked John Roberts if she needed to recuse herself from voting on this.

John Roberts said no.

Commissioner Dorosin said he has additional case information that he would like to present for consideration.

Dwane Brinson requested that this information be sent to him. He said it would be entertained for future cases.

A motion was made by Commissioner Pelissier, seconded by Commissioner McKee to adopt a resolution to deny a refund request from Mr. Robert H. Pope covering tax years 2009, 2010, 2011 and 2012, in accordance with North Carolina General Statute 105-381.

Chair Jacobs said the Board sympathizes with the individuals who are victimized by the way this law is written and interpreted.

Commissioner Dorosin said you do what you think is right and let the law catch up.

VOTE: Ayes, 4; Nays, 3 (Commissioner Dorosin, Commissioner Rich and Commissioner Price)

CONSENT AGENDA

a. <u>Minutes</u>

The Board approved the minutes from September 9 and 17, 2013 as submitted by the Clerk to the Board.

b. <u>Motor Vehicle Property Tax Releases/Refunds</u>

The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for eighty-eight (88) taxpayers with a total of ninety-six (96) bills that will result in a reduction of revenue, accordance with the NCGS.

c. <u>Property Tax Releases/Refunds</u>

The Board adopted a resolution, which is incorporated by reference, to release property tax values for two (2) taxpayers with a total of two (2) bills that will result in a reduction of revenue, in accordance with North Carolina General Statute 105-381.

d. <u>Applications for Property Tax Exemption/Exclusion</u>

The Board approved five (5) untimely applications for exemption/exclusion from ad valorem taxation for eight (8) bills for the 2013 tax year.

f. <u>Legal Advertisement for Quarterly Public Hearing – November 25, 2013</u>

The Board approved the legal advertisement for items to be presented at the joint Board of County Commissioners/Planning Board Quarterly Public Hearing scheduled for November 25, 2013.

g. <u>Request for Road Addition to the State Maintained Secondary Road System</u>

The Board approved a recommendation to the North Carolina Department of Transportation (NCDOT), and in turn the North Carolina Board of Transportation (BOT), concerning a petition to add a total of eleven (11) subdivision roads in Churton Grove Phase 4 Subdivision to the State Maintained Secondary Road System.

h. <u>Bid Award – McGowan Creek Sewer Interceptor Project and Approve Budget Amendment #2-D</u>

The Board:

- Awarded the bid and approved a construction contract (pending State approval) to Park Construction of North Carolina, Inc. of Morrisville, NC in the amount of $597,813.13 for the construction of the McGowan Creek Sewer Interceptor;
- Approved Budget Amendment #2-D for $107,814 (bids received were in excess of the originally budgeted project construction cost) consisting of:
    - Authorizing staff to request an additional $50,000 in SRF loan funding from the State;
    - Approving funding of $57,814 from Article 46 Sales Tax proceeds;
- Approved and authorized the Chair to sign the Resolution of Tentative Award for this project, as required by the State Revolving Fund Loan;

- Approved and authorized the Chair to sign the contract on behalf of the Board of County Commissioners, subject to final review by the County Attorney and the State; and
- Authorized the Manager to execute individual change orders within the limit of his authority ($250,000) up to the extent of the project budget.

i. <u>Approval of Contract with Springsted, Incorporated</u>

The Board approved a contract for the purpose of conducting an executive search for a County Manager, and authorized the Chair to execute the contract.

j. <u>Change in BOCC Regular Meeting Schedule for 2013</u>

The Board considered one change in the County Commissioners' regular meeting calendar for 2013, as follows:

- Moving the location of the Monday, December 2, 2013 BOCC meeting FROM Central Orange Senior Center TO the DSS Meeting Room, Hillsborough Commons, Hillsborough, due to the availability now of the DSS meeting room (the Toy Chest program is not scheduled to start until a later date).

<u>6. Public Hearings</u>

<u>a. Zoning Atlas Amendment – Keizer Rezoning of 2.7 Acre Parcel – 3604 Southern Drive – Public Hearing Closure and Action (No Additional Comments Accepted)</u>

The Board received the Planning Board recommendation, considered closing the public hearing, and considered a decision on an owner-initiated Zoning Atlas Amendment to rezone a 2.7 acre parcel of property located at 3604 Southern Drive (PIN 9844-86-5155) from Rural Residential (R-1) and Light Industrial (I-1) to Light Industrial (I-1) in accordance with the provisions of the Unified Development Ordinance (UDO).

Michael Harvey said the purpose is to re-convene a public hearing on the Keizer re-zoning. He said the property is currently split zoned light industrial and residential; Keizer is seeking to have the entire property zoned light industrial.

He said the applicants have expressed concern over their continued ability to have septic and parking to support the existing industrial operation on the residentially zoned portion of the property. He said Keizer is seeking to rectify the problem by extending the existing industrial zoning over the entire property to ensure their perpetual ability to maintain existing infrastructure necessary for the business.

He said there were no comments during the previous public hearing and only one comment, in favor of the applicant, in the intervening period.

He said the Planning Board has reviewed this and voted unanimously to recommend approval.

He said the manager and staff recommendation was to approve the re-zoning.

Chair Jacobs referred the Board to attachment 3, and attachment 5 of the abstract.

A motion was made by Commissioner Price, seconded by Commissioner McKee to:
1. Receive the Planning Board's recommendation;
2. Close the public hearing; and
3. Decide to adopt:
a. Attachment 3 Ordinance Amending the Zoning Atlas
b. Attachment 5 Resolution Concerning Statement of Consistency authorizing the zoning atlas amendments as detailed herein.

VOTE: UNANIMOUS

a. Zoning Atlas Amendment – Keizer Rezoning of Two Parcels Totaling 16.1 Acres – Public Hearing Closure and Action (No Additional Comments Accepted)

The Board received the Planning Board recommendation, considered closing the public hearing, and considered making a decision on an owner-initiated Zoning Atlas Amendment to rezone 2 parcels, 16.1 acres in area, (PINs 9844-87-7368 and 9844-86-7573) from Rural Residential (R-1) to Light Industrial (I-1) in accordance with the provisions of the Unified Development Ordinance (UDO).

Michael Harvey said the Keizers have put an offer to purchase two additional parcels, zoned rural/residential, totaling 16 acres in area, to expand their current industrial site to light industrial.

He said this approval is based on consistency with the comprehensive plan, not consistency with the Keizer's proposal. He said if this property is re-zoned light industrial it could be developed for any purpose.

He said there were a lot of questions at the quarterly public hearing, concerning the node, as well as general re-zonings in the area. He referred to the abstract pages 2, and 23 for additional information on general use zoning designations.

Michael Harvey said staff has also provided an explanation to address Commissioner Dorosin's question of why residential zoning is allowed in this particular node and what the impact would be to those areas if the re-zoning were approved.

He said staff does not believe there are any concerns, and the request is consistent with the Comprehensive Plan. He said the planning board recommended unanimously that the Board approve this re-zoning.

Chair Jacobs said his understanding is that there is little noise from this operation that goes beyond the actual facility.

Michael Harvey agreed. He said it is stipulated that there will be required buffers along the property line.

Commissioner Dorosin noted that this decision is being made without knowing what the property may be used for in the future. He asked if it is appropriate to have this information at these hearings. He said it might be better in the future to discuss these proposals with an outline of all the potential uses.

Michael Harvey said he would be aware of this for future presentations.

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

1. Receive the Planning Board's recommendation;
2. Close the public hearing; and
3. Adopt:
a. Attachment 3 Ordinance Amending the Zoning Atlas
b. Attachment 5 Resolution Concerning Statement of Consistency authorizing the zoning atlas amendments as detailed herein.

VOTE: UNANIMOUS

c. Unified Development Ordinance Text Amendment Related to Holding a Neighborhood Information Meeting for Governmental Uses – Public Hearing Closure and Action (No Additional Comments Accepted)

The Board received the Planning Board recommendation, considered closing the public hearing, and considered making a decision on a Planning Director initiated text amendment(s) to the Unified Development Ordinance (UDO) requiring a neighborhood information meeting be

held prior to the development of 'governmental uses' as detailed within the UDO, and also the renumbering of existing sections and updating of references throughout the document.

Michael Harvey said this is a reconvening of a public hearing. He noted that the development of a fire department sub-station on Neville Road caused concern amongst neighboring property owners who felt they were not involved or informed. It was suggested that the code be amended to require a neighborhood information meeting for these government process.

He said that there are provisions to address concerns from departments who go through long public planning processes for development of infrastructure.

He said one planning board member voted against this, as he felt it created unnecessary expense for local fire departments.

He said there has been no public comment.

Commissioner McKee said he would like to clarify that this provides for an information meeting only, and it will not change any UDO regulations or requirements.

Michael Harvey said this is correct.

Commissioner Rich asked if this information will be on a website for neighbors who might not be able to make a meeting.

Michael Harvey said comments are typically posted on the Orange County website. He said the public can be made aware of this in the public notice mailings.

Commissioner Price asked if the fire departments be responsible for all costs associated with the meetings.

Michael Harvey said yes.

Commissioner McKee said there are costs with sending out certified letters to inform the community. He said these projects are permitted rights and the information meetings are only to notify and inform the community. He said the White Cross residents were upset about not having been notified about the siting of this substation, not about the existence of the substation itself. He said most residents he has spoken with were pleased with the actual substation and the benefits it offers.

Commissioner Pelissier said this was not a planned cost for this year. She said, going forward, the fire departments can budget for the costs associated with new substations, including information sessions.

Chair Jacobs the information session produced good results and most seemed pleased with the outcome. He said these meetings serve a valuable function to provide information and allow for questions. He said there was a meeting with local DOT staff last week, and a question was raised regarding the safety of the bridge on Neville Road. He said this was a concern shared by the people living in that area. He said a response was given, and he asked Commissioner McKee to summarize this.

Commissioner McKee said the bridge in question is located south of the substation and there was concern that the fire trucks would overburden and collapse the bridge. He said the DOT is rebuilding that bridge into a concrete structure to address this concern.

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

1. Receive the Planning Board's recommendation;
2. Close the public hearing; and
3. Approve the text amendment package contained in Attachment 2.

VOTE: UNANIMOUS

d. Town of Hillsborough/Orange County Central Orange Coordinated Area Land

Use Plan

The Board received the Planning Board's recommendation, considered closing the public hearing, and considered making a decision on a resolution ratifying the draft Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan, and authorized the Chair to sign.

Tom Altieri said this is a re-convening of the public hearing from September 9th. He said the Board did request further information on immediate and future steps to make the maps and land use visions of the County and Town coincide. He noted material included on page 3 of the abstract describing these steps.

He said the planning board unanimously voted to recommend approval of this item.

Tom Altieri said the planning director has recommended a minor change that deletes a reference to minimum lot size within the "rural living" future land use category. He said this change is referenced in italics on page 2 of the abstract, and is cited in the resolution for approval tonight. He said this change was discussed with the Town's planning director, and she supported it.

Chair Jacobs asked for an explanation of this change.

Tom Altieri said the rural living land classification references minimum lot size and is the only land use classification with a minimum lot size. He said every other land use category refers to residential density as the controlling factor. He said the primary difference is that the use of a minimum lot size requirement can be overly restrictive and it does not accommodate the clustering of lots.

He said that the use of density accommodates open space better and preserves the natural characteristics of a tract during the subdivision process.

Commissioner Gordon asked how this applies. She asked for an explanation of the boundaries that would require the listed density. She asked if this means that if some properties have more than the required density per acre that some other part of the property has less density.

Craig Benedict gave the example of a ten acre lot – the 2 acre per unit density requirement would allow for a maximum of five 2 acre lots. He said the density provision would allow for five 1 acre lots with 5 acres of open space. He said this still limits the gross amount of land to a number divided by 2 acres to get the maximum amount of lots.

Commissioner Gordon said this is a land use classification, not a zoning classification. She asked for the definition of "site."

Craig Benedict said this means whatever property one wants to develop. He said the density calculation is used to find the maximum amount of lots that can be built on a site, and it allows clustering.

Commissioner Gordon said "rural living" must be a Hillsborough term, because Orange County does not have this term.

Tom Altieri said "rural living" is a land use classification of the joint land use plan for the area covered by the Central Orange Coordinated area, which includes both Orange County and Hillsborough.

Commissioner Gordon said future land use classifications are developed in concert with Hillsborough, which makes them specific to this plan. She asked if this is then confined to the Central Orange plan.

Tom Altieri said this is modeled from the joint plan used with Carrboro and Chapel Hill. He said this plan is the guiding document for future land uses in this Hillsborough and Orange County plan area, and as the process moves forward there will need to be comprehensive plan amendments that add designations to the Orange and Hillsborough urbanizing areas. He said this joint land use plan will be a reference point, along with the unified development ordinance.

Commissioner Gordon said the similarity with the joint plan used with Carrboro and Chapel Hill is the process; however the land use categories are not the same.

Tom Altieri said the categories are not the same but it is a similar construct. He said Chapel Hill and Carrboro have 10 and 20 year transition areas, and that is the broad designation. He said there is a joint land use plan that includes all of the other land use classifications in the plan being presented.

Commissioner Gordon said she wanted to make sure these uses were confined to this plan only.

She noted that the ETJ swap will be done next. She asked which map best explains what the land use categories will be. She referred to several maps and asked which would best explain what will be in Orange County's section.

Tom Altieri said these areas can be seen on one of the maps, but the ETJ swap phase has not been reached. He said specific maps identifying those specific parcels will be brought back once the swap phase is reached, including prescribed land uses.

He said the ETJ areas that will become part of the town are provided on the joint land use plan; however this does not show the ETJ areas on the west side of town that will be relinquished to the County. He said these are the areas adjacent to the Eno River that would be classified as agricultural/residential, with a series of watershed and resource protection overlays.

Commissioner Gordon said she did not understand the significance of ratifying the land use plan before the comprehensive plan amendments are made.

Tom Altieri said this becomes the joint land use plan for all of the areas within the urban services boundary for this Hillsborough and Orange County plan. He said the construct will not be fully implemented until the references are made in the 2030 comprehensive plan land use elements section identifying the urban services area, the Orange County urbanizing area and the Hillsborough urbanizing area.

He said it has become very clear to staff that it would be too confusing to go through the ETJ adjustment process and also bring the 2030 comprehensive plan amendments at the same time.

Commissioner Gordon referred to attachment 5 and asked which map is being approved.

Tom Altieri said pages 10-13 are being approved.

Commissioner McKee said he is convinced that some soils will support one housing unit per acre. He said it is irrelevant whether a 10 acre development with five houses has houses on 2 acre lots, or one acre lots with 5 acres of open space. He said the land cost component remains the same, and this drives the cost of housing in Orange County. He does not see how striking the 2 acre minimum lot size does anything favorable to the affordability of housing in Orange County. He said the better option is to tie minimum lot size to soil carrying capacity, as it relates to septic. He said this could potentially allow a 10 acre development to carry ten houses, which would reduce the cost of the houses.

Chair Jacobs said the point of clustering is that it is cheaper per unit, because there is less infrastructure.

He said the idea of using carrying capacity as the standard is one that could be implemented in the future, but it would be a tremendous undertaking.

Commissioner Price agreed with Chair Jacobs. She said cluster homes reduce costs and create lower income housing. She cluster homes are also beneficial for "age in place" residents. She said she supports this change.

Commissioner Pelissier said water capacity is also a factor in zoning. She said there are rural areas that are zoned according to water recharge rates. She said these rates vary, and there are areas of Orange County that could not support the higher density building.

Commissioner Dorosin said he thought the urban services boundary on the map meant that anything inside the boundary has access to public water and sewer. He does not understand how this discussion about septic and lot size relates to the map being presented.

Tom Altieri said the area will not develop with water and sewer all at one time. He said there would be some development to occur on private well and septic for an interim time period.

Commissioner Gordon said it would be a tremendous effort to figure out carrying capacity. She said there were efforts to determine the average capacity when the rural buffer area was created. She supports a plan that maintains a certain density requirement for a certain area.

She said she could not find an explanation of the ETJ swap; she asked if this is included.

Tom Altieri said this information is not specifically identified; however the information is included on page 14. He pointed out the areas that are hatched, on the western part of town.

Commissioner Gordon said this does not specify the land use.

Tom Altieri said this is not included. He said the land uses outside of the urban services area are not identified and will be done after the swaps are completed.

Commissioner McKee said his earlier point is that this strikethrough does not have a practical effect. He said land cost is a major component of the costs for housing in Orange County. He said until the County can figure a way to reduce the land costs in Orange County, it will be difficult to provide affordable housing.

He said he would respectfully disagree that the infrastructure cost is less for cluster development. He said shortened roads can decrease the infrastructure cost a little, but most of the cost per lot remains the same.

Chair Jacobs said clustering is the only place in the ordinance where a bonus can be given to a developer for affordable units.

A motion was made by Commissioner Pelissier, seconded by Commissioner Price to:

1. Receive the Planning Board's recommendation of approval;
2. Close the public hearing;
3. Consider approving and authorizing the Chair to sign the Resolution (Attachment 5) ratifying the Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan, Areas Within Urban Services Boundary (detailed in Attachment 1, pp. 10-13); and
4. Authorize staff to proceed with the development of a schedule and process, including notification and outreach methods, to execute the ETJ swaps identified in the Inter-local Agreement.

VOTE: UNANIMOUS

e. North Carolina Community Transportation Program Administrative and Capital Grant Applications for FY 2015

The Board conducted an annual public hearing on the North Carolina Community Transportation Program (CTP) grant application by Orange Public Transportation (OPT) for FY 2015 and considered approving the grant application that includes adopting a resolution authorizing the applicant to enter into an agreement with the North Carolina Department of Transportation (NCDOT), and authorizing the County Attorney to review and complete the necessary certifications and assurances, and authorizing the Chair to sign.

Bret Martin said this item is for an annual grant application for both administrative expenses and capital items needed for 2015. He said the capital needs include: 5 replacement buses, and 2 expansion vehicles. He said the total amount of the administrative expenses is $185,604, and 15 percent must come from the Orange County 2015 budget. He said the total request for capital expenses is $483,292, of which 10 percent must come from Orange County. He said the total amount required from the Orange County general operating fund is $61,638, as well as $14,533 from the capital reserve set-aside managed by Triangle Transit.

A motion was made by Commissioner Dorosin, seconded by Commissioner Rich to open the public hearing to:
Conduct a public hearing to receive public comments on the proposed grant application

VOTE: UNANIMOUS

A motion was made by Commissioner Rich, seconded by Commissioner Pelissier to close the public hearing.

VOTE: UNANIMOUS

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

- Approve the Community Transportation Program Grant application for FY 2015 in the total amount of $668,896 with a local match total of $76,171 to be provided when necessary;
- Approve and Authorize the Chair to sign the Community Transportation Program Resolution and the Local Share Certification for Funding form; and
- Approve and Authorize the Chair and the County Attorney to review and sign the annual certified statements of participation.

VOTE: UNANIMOUS

f. Public Hearing on the Financing of Various Capital Investment Plan Projects and County Equipment

The Board conducted a public hearing on the issuance of approximately $10,500,000 to finance County and School capital investment projects and County equipment for the year, and considered approving a related resolution supporting the County's application to the Local Government Commission (LGC) for its approval of the financing arrangements.

Clarence Grier reviewed the following information from the abstract:

The Board of Commissioners has previously approved the construction and purchase of capital investment projects and equipment for the year. The Board has made a preliminary determination to finance costs for these projects by the use of an installment financing, as authorized under Section 160A-20 of the North Carolina General Statutes. County staff estimates that the total amount to be financed for County and School capital projects and County equipment will be approximately $10,500,000. The financing will also include amounts to pay transaction costs. The statutes require that the County conduct a public hearing on the proposed financing contract. A copy of the published notice of this hearing is provided at Attachment 1. After conducting the hearing and receiving public input, the Board will consider the adoption of the resolution at Attachment 2. This resolution formally requests the required approval from the

North Carolina Local Government Commission for the County's financing arrangements, and makes certain findings of fact as required under the LGC's guidelines. County staff has been in contact with LGC staff, and staff expects no obstacles to receiving LGC approval.
If the Board adopts the resolution (indicating its intent to continue with the financing plan), the Board will be asked to consider a resolution giving final approval to the financing plan at its November 19, 2013 meeting. Staff expects the LGC to approve the financing plan at the LGC's meeting on December 1. Under the current schedule, staff expects to set the final interest rates and other terms of the financing around November 15, and to close on the financing by the end of December.
There is no financial impact related to this action. However, there will be a financial impact in proceeding with the financing. A preliminary estimate of maximum debt service applicable to the County projects financing would require the highest debt service payment of $1,482,631 falling in fiscal years 2015-2019. The tax rate equivalent for the highest debt service payment is approximately .923 cents. Based on current valuations, no adjustment to the tax rate associated with this financing is contemplated to occur during the period noted.

Clarence Grier noted the list of projects to be financed, as outlined on page 6 of the abstract. He said the largest project is the Culbreth Middle School Science Wing.

He noted the 3 borrowing options outlined on attachment 3: 15 year Public Limited Obligation Bonds (LOB); 20 year Public LOB; and 15 year Placed IPC. He said these options have been researched and the recommended option is the 15 year Placed IPC, as it saves approximately $200,000 in financing costs.

A motion was made by Commissioner Gordon, seconded by Commissioner Price to open the public hearing.

VOTE: UNANIMOUS

NO PUBLIC COMMENT

A motion was made by Commissioner Price, seconded by Commissioner Rich to close the public hearing.

VOTE: UNANIMOUS

A motion was made by Commissioner Gordon, seconded by Commissioner McKee to adopt the resolution supporting the application to the Local Government Commission for approval of the financing arrangements.

Commissioner Dorosin referred to attachment 3 and asked for clarification on the designation of the $200,000 savings that was mentioned.

Clarence Grier said this is found by comparing the costs under the "uses" section, with special note of the Cost of Issuance.

Commissioner Dorosin asked if the total cost of issuance should be looked at.

Clarence Grier said that the total at the bottom in the far right of each column will reflect this savings.

VOTE: UNANIMOUS

7. Regular Agenda

a. Orange County Public Library Strategic Plan (2013-2016)

The Board considered approving the Orange County Public Library Strategic Plan (2013-2016).

Lucinda Munger said the plan before the Commissioners includes the previous Board Comments. She pointed out the following specific updates from the last work session:

- Page 13 – Focus Area #2, Item 3 - Extension of library services – Planning department is now included as a partner
- Page 14 - Focus Area #4, Item 6 – BOCC goal of interoperability with the Chapel Hill Public Library and the development of a single library card is listed as a pursuit
- Pages 17-19 – Expanded sections on the measurement of plan performance

Lucinda Munger said the staff and interim County manager recommend the adoption of this plan.

Chair Jacobs asked for brief summary of the plan for members of the public

Lucinda Munger reviewed the following background information from the abstract:

The Orange County Public Library received a grant on June 8, 2012 from the State Library of North Carolina to develop a Strategic Plan and conduct a Community Needs Assessment (CNA).
Library staff, working with the consultant, developed a three-year Strategic Plan (2013-2016) to address the community and leadership needs identified in the CNA. The DRAFT Plan was presented at the Board's May 14, 2013 work session and reviewed and further modified based on feedback from the Board. The amended DRAFT plan was presented to the Board for its review at the September 12, 2013 work session, and comments and input were provided for further refinement. Based on the Board's comments and feedback during the September 12 work session, the Library has updated the document with the goal of having the BOCC adopt the document at this meeting. The Plan will serve as a guiding instrument for library investment in the coming years.

Lucinda Munger said staff looks forward to carrying this plan out over the next three years. She said the goal is for this to be a living document.

Chair Jacobs asked about the library outreach goals.

Lucinda Munger said this will begin in 2014. She said staff is already involved in school events, such as open houses, and PTA events.

Commissioner McKee thanked Lucinda Munger for the efforts given to this plan over the last year and a half. He expressed appreciation for the work done on interoperability with Chapel Hill.

Commissioner Rich thanked Lucinda Munger and said she is concerned about moving forward with interoperability.

Commissioner Rich expressed her thanks. She asked if there is a way to put library cards on cell phones.

Lucinda Munger said work is being done on this as part of the technology improvements.

Commissioner Pelissier reminded the Board about the upcoming meeting with a group of Chapel Hill Town Council members. She said the issue of interoperability will be discussed at this meeting.

A motion was made by Commissioner Price, seconded by Commissioner McKee to approve the Orange County Public Library Strategic Plan (2013-2016).

VOTE: UNANIMOUS

b. Southern Branch Library Siting Criteria, Process Update

The Board received an update on the Southern Branch Library siting process, discussed/considered Carrboro's response(s) to County staff requests as well as County staff recommendations, and provided direction to staff regarding next steps.

Lucinda Munger said Carrboro sent an email response stating that no official position has been taken on 1128 Hillsborough Road, but there is little indication of support without a proper land swap.

She said the Carrboro town attorney expressed strong concerns with the liability and increased cost associated with the rock blasting that would be required to prepare the site at 401 Fidelity Street

Lucinda Munger said Carrboro staff is willing to provide requested permit information for the 120 Brewer Lane site.

She said the recommendation, based on the response from Carrboro, is that the Board should eliminate the Hillsborough Road and Fidelity Street sites from consideration and move forward with due diligence on 120 Brewer Lane. She said staff will provide follow up information to the Board by the January 23, 2014 meeting.

Michael Talbert said the Town of Carrboro unanimously wants the Brewer Lane site; therefore staff sees no need to continue with the other two sites. He said staff would like to proceed with Brewer Lane.

Chair Jacobs noted that, subsequent to the January 23 meeting, staff recommended moving to the public phase of the siting project, which includes a public hearing to gain input.

Commissioner Gordon said when the public phase of the project is reached, the public should not be told that this is a take it or leave it approach with only a single site option.

She noted that the 1128 Hillsborough Street is still an option. She said the lack of another site gives little negotiation room with a developer.

Commissioner Gordon said keeping the Hillsborough Road property on the table gives more choice to the public and allows for a fallback position if Brewer Lane does not work out. She strongly urged the Board to keep two sites moving forward.

Commissioner Dorosin said residents still have a choice to simply not vote for the library. He disagreed with the idea of continuing to spend resources and staff time on a site that the Town does not support. He said he feels the Hillsborough Road site is not a viable site anyway, as it does not meet the necessary criteria.

He said it would have been good to have the public hearing for this conversation. He said it is unfortunate to have a public hearing with only one site, but that is the reality of where the process stands now.

Chair Jacobs asked Michael Talbert if another site could be included in deliberation if it came to the attention of staff between now and February.

Michael Talbert said yes, another site could still be included. He said there were still seven other sites that have been suggested over time. He said this list could still be re-visited, or new sites could be considered.

Chair Jacobs said the Board can advertise that the process started out with 7 properties, before being narrowed down to 3, and now potentially one; however the Board is still open to other sites that may meet their criteria.

Michael Talbert said staff is simply choosing not to spend resources on other sites until this preferred site is vetted.

Commissioner Gordon clarified that she is not opposed to Carrboro's preference for Brewer Lane. She likes Brewer Lane, but she questions what the fallback position will be if this site does not work out. She said this could cause significant delay if something falls through.

Commissioner McKee said the fallback position would be to look for something else if Brewer Lane does not work out. He said something else could surface between now and February. He said a delay is possible if Brewer Lane doesn't work out, but it is better to get it right than to get it fast.

Chair Jacobs said there is no schedule for this process, so a delay won't knock anything off schedule. He said the Board can feel comfortable to see where things are once the information comes back at the end of January.

Commissioner Price said her understanding is that this siting discussion has been going on for quite some time.

Chair Jacobs said no schedule was ever adopted. He said this was in the CIP for a certain time period but no dates or mileposts were ever set for the decision making process.

Lucinda Munger said funding is in the CIP for 2016-2017, and there is no specific schedule at this time.

Chair Jacobs said sooner would be better.

Commissioner Price agreed.

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to:

1) Receive and discuss the letters from the Town of Carrboro;
2) Eliminate 1128 Hillsborough Road and 401 Fidelity Street from further consideration for a Southern Branch Library; and
3) Direct staff to conduct further Phase 1 Site Criteria Analysis for 120 Brewer Lane and provide follow-up information to the Board.
(If the Board does direct staff to move forward with the analysis of 120 Brewer Lane as noted in #3 above, staff will report back to the Board at its January 23, 2014 regular meeting. Following the completion of due diligence and reporting back to the Board, staff recommends moving to the "Public Phase" of the library siting process, including the Board conducting a public hearing on the library siting efforts.)

PUBLIC COMMENT:

Nerys Levy said she fully endorsed the recommendation from the library staff. She said Friends of the Carrboro Library feel that time is of the essence.

VOTE: UNANIMOUS

c. BOCC Rules of Procedure Revision

The Board considered approval of a modification to the BOCC Rules of Procedure and updating the Rules of Procedure booklet.

Chair Jacobs said this is a reflection the Board's agreement to have more public hearings on more agendas in anticipation of not having quarterly public hearings (QPH). He said the public hearing component would be moved nearer to the front of the agenda to avoid making residents wait. He said some Commissioners have concern about front loading the agendas with public hearings. He said these public hearing meetings could be spread out over the course of a year.

Commissioner Gordon said it is fine to move the hearings before the consent agenda; however this is the only reason she would vote for this, because the Board has not decided what to do about the public hearing process yet. She said there are still some issues to be resolved.

Commissioner Dorosin asked if this discussion is about changing merely the order or about changing the QPH.

Chair Jacobs said this is only about the order, but it is preparatory to changing the QPH process.

A motion was made by Commissioner Pelissier, seconded by Commissioner Price to approve a modification to the BOCC Rules of Procedure and update the Rules of Procedure booklet, to change the order of the agenda to move the public hearings to before the consent agenda.

Chair Jacobs asked when the larger QPH issue would come before the Board.

Michael Talbert said this will come back in February at the QPH.

Commissioner Rich asked if the planning board would be included in that discussion.

Chair Jacobs said yes, the planning board would be involved.

Commissioner Gordon said there are many steps to be involved in changing the current QPH procedure. She said the steps are yet to be determined.

VOTE: UNANIMOUS

8. Reports NONE

9. County Manager's Report NONE

10. County Attorney's Report NONE

11. Appointments NONE

12. Board Comments (Three Minute Limit Per Commissioner)

Commissioner Gordon – none

Commissioner Dorosin said there was a great public information meeting regarding the County fair. He said there were lots of good comments and suggestions, and he looks forward to bringing this to the work session on the 12th.

Commissioner McKee – none

Commissioner Rich congratulated all the winners in the election today.

Commissioner Pelissier said the Environment Steering Committee had a discussion regarding a template being developed for solar energy zoning. She said this would be worth looking at when it comes out early next year.

She said the Public Safety and Justice Commission received a presentation about the merger of adult and juvenile justice. She said there were a lot of positive things from the merger. She said the divisions' services are still being done separately.

She said the Justice Reinvestment Act was supposed to take money from closing prisons and then reinvest that money in efforts to decrease prison populations. She said much of the money has been invested in adding probation officers, and some has been invested in treatment. She said less than 50 percent of the money saved has been invested, and the community is going to want to ask the General Assembly to invest more.

She said “ban the box” has been revisited as a possibility.

Commissioner Pelissier attended the “Railvolution” conference on transit in Seattle. She said one of the major things she got out of this was the benefit of the public/ private partnership. She said there are a lot of possibilities that can be explored.

She said the jail alternatives work group had their first meeting.

Commissioner Price said the “ban the box” discussion also came up at the NACo conference.

She attended the NCACC Board of Directors meeting. She said a fiscal summary has been compiled and is available, which shows where Orange County stands in relation to other Counties in N.C.

Chair Jacobs said he and Commissioner Pelissier are co-chairing the jail alternatives work group. He said there was an enthusiastic turnout, and the schedule has the group come back in March with recommendations.

He said there was a lunch meeting with staff, DOT representatives and the mayor and planning director of Hillsborough. He said there was fruitful conversation about transportation projects and local concerns.

Chair Jacobs encouraged people to attend the Veteran’s Day Breakfast on November 11th.

13. Information Items

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

14. Closed Session

A motion was made by Commissioner McKee, seconded by Commissioner Rich to adjourn into closed session at 9:27 pm for the purpose of:

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

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION

A motion was made by Commissioner Rich, seconded by Commissioner Dorosin to reconvene into regular session at 9:53 pm.

VOTE: UNANIMOUS

15. Adjournment

A motion was made by Commissioner Rich, seconded by Commissioner Dorosin to adjourn the meeting at 9:53pm.

VOTE: UNANIMOUS

Barry Jacobs, Chair

Donna S. Baker, CMC
Clerk to the Board

Attachment 4

DRAFT **MINUTES**
BOARD OF COMMISSIONERS
REGULAR MEETING
November 19, 2013
7:00 p.m.

The Orange County Board of Commissioners met in regular session on Tuesday, November 19, 2013 at 7:00 p.m. at the Southern Human Services Center, in Chapel Hill, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich
COUNTY COMMISSIONERS ABSENT:
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: Interim County Manager Michael Talbert, Assistant County Managers Clarence Grier and Cheryl Young and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)
NOTE: ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE IN THE PERMANENT AGENDA FILE IN THE CLERK'S OFFICE.

1. Additions or Changes to the Agenda

Chair Jacobs reviewed the following items at the Commissioner's places:
- PowerPoint - Item 5b - Safe Routes to School (SRTS) Strategic Action Plan
- PowerPoint - Item 5c - Eno Economic Development District (EDD) Access Management Plan (No Additional Comments Accepted)
- PowerPoint - Item 7a - Resolutions to Endorse Orange County's Priority Transportation Projects for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and the Triangle Area Rural Planning Organization
- PowerPoint - Item 7c - Whitted Permanent Meeting Room Review and Approval of Technology Design Elements
- Lavender Sheet – Additional Applicant for Item 11-b- Advisory Board on Aging – Appointment (application inadvertently got left off of abstract)
- Blue Sheet - Revision for 11-f - Commission for the Environment – Appointments – correct membership roster

PUBLIC CHARGE

The Chair dispensed with the reading of the public charge

2. Public Comments (Limited to One Hour)

a. Matters not on the Printed Agenda

Don O'Leary said ICLEI is criminal and should be dissolved. He said he is from New Jersey, where people like this made their money by stealing it and busting out businesses. He said this organization is run by international criminals who are busting out the United States, selling out and moving everything overseas. He said ICLEI busts out local counties and towns.

He said the Board has let ICLEI into the neighborhood. He said it is time to pause and reflect. He asked the Board to kick ICLEI out.

Commissioner McKee and Commissioner Pelissier arrived at 7:09 pm.

b. Matters on the Printed Agenda

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

3. Petitions by Board Members

Commissioner Price had the following three petitions: 1) For the Board to acknowledge the work of the County 4-H, especially Erin Thompson; 2) to compose and send a letter to Senator Hagan, thanking her for supporting the Workforce Investment Act reauthorization; and 3) a request for staff to look at the high speed traffic situation on Saint Mary's Road, between 70 and Lawrence Road, and to talk to DOT about traffic calming measures.

Commissioner Price asked Commissioner McKee to assist in composing the acknowledgement of the County 4-H.

4. Proclamations/ Resolutions/ Special Presentations

a. Resolution of Approval – Conservation Easement for Bliss-Dobyns Property

The Board considered a resolution to approve the acceptance by Orange County of a conservation easement to protect portions of the Bliss-Dobyns property and authorize the Chair and the Clerk to sign, subject to final review by staff and the County Attorney.

Rich Shaw, Land Conservation Manager for DEAPR (Department of Environment Agriculture, Parks and Recreation), presented the following, brief PowerPoint about this project:

Bliss-Dobyns Property
Conservation Easement:

- ***Perpetual easement***
- ***No future subdivision/residences***
- ***No forestry activities***
- ***Rights of privacy***
- ***Hunting / Agricultural uses***

Rich Shaw said the Bliss-Dobyns property is comprised of 35 acres located in Central Orange County, and the owners intend to grant a permanent Conservation Easement to restrict use and protect natural resources.

He reviewed maps of the property and said 75 percent of the property is forested. He said there is a stream on the property that flows into the Eno River. He said there are two areas of County owned property adjacent to the land.

He said the estimated reduction in land value as a result of the conservation easement is $157,000. He said the County would pay just under 75 percent of this amount ($117,000) to acquire the easement. He said there will be a tax conservation tax credit available until December 31st.

He said the landowners could not be here tonight, but this is a long term project that has come to fruition.

A motion was made by Commissioner Price, seconded by Commissioner Pelissier to approve the acceptance by Orange County of a conservation easement to protect portions of the Bliss-Dobyns property and authorize the Chair and the Clerk to sign, subject to final review by staff and the County Attorney.

VOTE: UNANIMOUS

Commissioner Pelissier asked that the Board write a letter of thanks to this family on behalf of the Board of County Commissioners.

b. Resolution Urging the Governor and General Assembly to Expand Medicaid

The Board considered adoption of a Resolution urging the North Carolina General Assembly and Governor McCrory to reconsider its decision not to expand Medicaid coverage under the Affordable Care Act to provide coverage for poor and low-income adults.

Commissioner Rich said several counties have adopted a similar resolution. She worked with Colleen Bridger, Director of Health Department, to create the resolution. She said the numbers do not lie; 13 percent of Orange County residents are uninsured.

Colleen Bridger said if the situation stays as is and N.C. does not expand Medicaid there will be 7500 people in Orange County who will not be able to get healthcare through subsidies in the exchange program. She said expansion of Medicaid would provide these 7500 people with access to insurance. She said without this expansion these people are stuck in the Medicaid hole.

Chair Jacobs thanked Colleen Bridger and Commissioner Rich for their work on this resolution.

RES-2013-095

ORANGE COUNTY BOARD OF COMMISSIONERS

Resolution Urging the North Carolina General Assembly and Governor McCrory to reconsider their decision not to expand Medicaid coverage under the Affordable Care Act to provide coverage for poor and low-income adults

WHEREAS, an estimated 13 percent of Orange County residents (approximately 18,000 people) are uninsured; and

WHEREAS, the Patient Protection and Affordable Care Act (the “ACA”) expands health insurance coverage for poor and low-income adults by raising the threshold for Medicaid eligibility to 138 percent of the poverty line ($26,951 for a family of three); and

WHEREAS, the federal government would pay almost the entire cost of expansion – 93 percent over the first nine years (2014-2022) according to estimates prepared by the bipartisan Congressional Budget Office; and

WHEREAS, the expansion of Medicaid would provide health insurance coverage to nearly 500,000 low-income residents of North Carolina and would save the State of North Carolina and the counties and municipalities therein substantial sums on uncompensated medical care for the uninsured; and

WHEREAS, the expansion of Medicaid would bring billions in federal funds to the State and

Orange County over a period of ten years and would create many new jobs in the health care sector in Orange County and elsewhere in the State; and

WHEREAS, the 2012 Supreme Court Decision upholding the ACA modified the ACA and gave states the choice of whether to expand their Medicaid programs; and

WHEREAS, the North Carolina General Assembly in February 2013 adopted legislation refusing to expand Medicaid coverage under the ACA; and

WHEREAS, in Orange County an estimated 7,500 residents (or 42% of the uninsured) who would have qualified for Medicaid under the Federal expansion are now ineligible for Medicaid and Marketplace subsidies, leaving them uninsured; and

WHEREAS, under the ACA residents of North Carolina who have incomes ranging from the poverty level up to four times that amount are eligible for federal tax credits to subsidize the purchase of private health insurance, but without the expansion of Medicaid those below the poverty level are ineligible to receive the tax credits, Medicaid or any other assistance with health insurance coverage; and

WHEREAS, health insurance coverage rates for employers and individuals purchasing private health insurance coverage in North Carolina will likely rise as hospitals and health care providers throughout the State absorb the unreimbursed costs of providing health care to the uninsured poor and low-income adults who would otherwise be eligible for Medicaid coverage and as those costs are shifted to private pay patients; and

WHEREAS, the Orange Board of County Commissioners believes all residents should have access to quality, affordable health coverage and that expansion of Medicaid coverage under the ACA is a responsible means of achieving that desired goal;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners of Orange County does hereby urge the North Carolina General Assembly and Governor McCrory to accept federal funds to expand Medicaid in North Carolina.

This, the 19th day of November 2013.

A motion was made by Commissioner Rich, seconded by Commissioner McKee to adopt a Resolution urging the North Carolina General Assembly, Governor McCrory and members of Orange County's legislative delegation to reconsider its decision not to expand Medicaid coverage under the Affordable Care Act to provide coverage for poor and low-income adults.

VOTE: UNANIMOUS

5. Public Hearings

a. Orange County Community Development Block Grants (CDBG)

The Board received comments from the public regarding a proposed CDBG-Economic Development project including Morinaga America Foods, Inc., considered closing the public hearing and scheduling the application review for December 2, 2013.

Craig Benedict said this item is Orange County's CDBG grant.

Bill Cowan, a partner with Martin-McGill Associates, said his firm has been hired to provide instruction on the CDBG grant process. He highlighted the project, which is to build infrastructure, including roadways, water and sewer lines to the site. He said the County is applying for a $750,000 grant, with a $250,000 county match. Orange County is spending its $250,000 on soft costs, which include the application process and design work.

He said Morinaga has committed to creating 90 jobs in the first three years of operation. He said these positions will pay $38,000 per job, which meets the wage test for the program.

He said there is also a $264,000 performance grant being given by the state as part of the incentive package. He said the NCDOT will construct the road to the site.

He said the plan is to have the completed application at the Board's Dec. 2nd meeting, with the exception of the environmental assessment. He said this application has to be completed prior to drawing down federal funds.

NO PUBLIC COMMENT

A motion was made by Commissioner McKee, seconded by Commissioner Rich to close the public hearing.

VOTE: UNANIMOUS

A motion was made by Commissioner McKee, seconded by Commissioner Rich to schedule the CDBG application review for the December 2, 2013 Board of County Commissioners meeting.

VOTE: UNANIMOUS

b. Safe Routes to School (SRTS) Strategic Action Plan

The Board held a public hearing on the Safe Routes to School (SRTS) Strategic Action Plan required for implementing a Safe Routes to School program in Orange County.

Abigaile Pittman reviewed the following PowerPoint slides:

Purpose of Tonight's Meeting:
To hold a public hearing on the Safe Routes to School (SRTS) Strategic Action Plan required for implementing a SRTS program in Orange County.

Helpful Attachments (in permanent agenda file in Clerk's office)

- Attachment 1 – Amendment Outline Form
- Attachment 2 – SRTS Strategic Action Plan Overview
- Attachment 3 – Draft SRTS Strategic Action Plan
- Attachment 4 – Process Flowchart

Safe Routes to School Program
The Safe Routes to School (SRTS) Program is a federally funded program providing an opportunity for communities to improve conditions for bicycling and walking to school.

Program Benefits Include:

- Improving safety for pedestrians and bicyclists

- Reducing traffic congestion around schools
- Reducing emissions
- Improving children's health

Background Highlights

- NCDOT award to prepare SRTS Action Plan – July 2008
- Steering Committee and public involvement through 2009
    - Three schools chosen through this process
- NCDOT contracted with consultant for draft Plan – 2009
- Draft plan completed and delivered to staff – Dec. 2012
- Orange County Schools & Town of Hillsborough updates and authorizations from 2011-2013
- OUTBoard updated during Steering Committee and public involvement phase, and also earlier this year

SRTS Projects

- Located within 2 miles of a K-8 school.
- Projects can be bundled as infrastructure and non-infrastructure.
    - Training volunteers
    - Street crossings
    - Sidewalks
    - Bicycle / Pedestrian lanes, trails
- Benefits can extend beyond schools, and projects with multiple purposes/greater impact are favored.

SRTS Projects

- There are some projects that are not allowed:
    - Those with recurring costs, such as school crossing guards
    - Bus stop improvements
    - Pick-up and drop-off sites
    - Educational focus buses

SRTS Project Funding

- Established under previous federal legislation (SAFETEA-LU), now MAP-21
    - Reimbursement program
    - No local match required
- Remaining SAFETEA-LU funds are available
- Orange County can compete for remaining funds with an adopted SRTS Plan (no local match)
- Other potential miscellaneous sources of funding

Implementation - Next Steps

- Adoption by Orange County Schools, the Town of Hillsborough, and Orange County.
- Orange County to serve as the lead planning agency for implementation of the Plan.
- A sub-committee of the OUTBoard proposed to serve as the SRTS Advisory Committee, supplemented by staff.

Abigaile Pittman said the three schools chosen for inclusion are: Charles W. Stanford Middle School, Cameron Park Elementary School, and Grady A. Brown Elementary.

Commissioner Dorosin said he had questions about the data regarding transportation modes used by students. He asked if there has been a more detailed analysis of numbers, such as an analysis of how many more students could walk if the improvements were made. He said if this kind of detailed analysis has not been done, he would like to see it done. .

Abigaile Pittman said participants were asked, in other parts of study, about distances, travel modes and departure times. She scrolled through appendix A.

Commissioner Dorosin asked if this information could be pulled out and put in a summary format for the public hearing in February.

Commissioner Pelissier said the Board should keep in mind that sidewalk improvements and other improvements will also help the adjacent high school students.

Abigaile Pittman said, even though high schools are not in the plan, projects with multiple impacts are ranked higher.

Commissioner Price said when she was on the OUTBoard, members did look at the same issues that Commissioner Dorosin mentioned. She said many apartments are within walking distance of Grady Brown Elementary School; however students cannot walk because of the traffic and the lack of sidewalks. She said the same is true of Cameron Park Elementary, and the middle schools.

Commissioner Gordon asked if the Chapel Hill Carrboro City Schools (CHCCS) are also working on this.

Abigaile Pittman said she is not working with CHCCS, but she has asked that question at the state level. She was told that CHCCS was doing its own plan.

Commissioner Gordon asked if Abigaile Pittman would be willing to assist CHCCS if needed.

Abigaile Pittman said yes.

Commissioner Pelissier said she would like to see the estimated costs of the proposed improvements for all three projects.

Abigaile Pittman said she is currently in conversation with DOT about this.

NO PUBLIC COMMENT

A motion was made by Commissioner Price, seconded by Commissioner Pelissier to:

1. Receive the Draft Safe Routes to School (SRTS) Strategic Action Plan (Attachment 4);
2. Conduct the public hearing and accept public and BOCC comments on the proposed Plan;
3. Refer the Plan to the Orange County Schools and the Town of Hillsborough for review and adoption consideration, and report the review comments and actions to the BOCC in time for the February 18, 2014 regular Board meeting;
4. Refer the matter to the Orange Unified Transportation Board (OUTBoard) with a request that a recommendation be returned to the BOCC in time for the February 18, 2014 BOCC regular meeting; and
5. Adjourn the public hearing until the February 18, 2014 regular Board meeting in order to receive and accept the review comments and actions of the Orange County Schools and the Town of Hillsborough, and the OUTBoard's recommendations, and any submitted written comments.

VOTE: UNANIMOUS

c. Eno Economic Development District (EDD) Access Management Plan (No Additional Comments Accepted)

The Board received the Planning Board's and OUTBoard's recommendations, considered closing the public hearing, and considered making a decision by considering a resolution approving the proposed Eno EDD Access Management Plan. (no additional comments allowed)

Abigaile Pittman reviewed the following PowerPoint slides:

Eno Economic Development District (EDD) Access Management Plan (AMP)
Quarterly Public Hearing - September 9th
Eno EDD AMP Plan referred to Planning Board and OUTBoard for recommendations.
Purpose:
To receive the Planning Board's and OUTBoard's recommendations, close the public hearing, and make a decision on the proposed Plan.

What is an Access Management Plan and Why is it Important?
Provides for the proactive management of vehicular access through:

- Controlled access to roads by spacing potential DOT-approved driveway access points.
- Provisions for shared driveways and common access off major roads.
- Use of medians to enhance traffic safety.
- Use of frontage roads to reduce traffic on major roads like US 70.
- Connectivity of roads in new development to approved points of access.
- Preliminary ideas on extension of new roads to adjacent areas for future access.
- A coordinated review process with NCDOT.

How will the Access Management Plan Be Implemented?
Because the Plan is generalized, and not property-specific:

- When specific projects are submitted they will be examined for consistency with overall Plan criteria; and
- In some cases traffic studies may be required that may identify the need for transportation improvements.

Why is a Formally Adopted Access Management Plan Important?

- To require developer/property owner compliance in providing transportation infrastructure consistent with the Plan;
- Coordination with regional transportation organizations; and
- To obtain federal and state funding for projects

September 9 Public Hearing Comments

- Public Comments
  - Truck traffic
  - Rural Character of Old NC Hwy 10 area
  - Safety for bicyclists and joggers
  - Petition Submitted
    - Concerns about previously approved development plans (i.e. zoning, land use)

Attachment 4 provides an excerpt from the draft minutes of the September 9, 2013 joint public hearing on this item.
Attachment 3 provides the petition and petition map.

September 9 Public Hearing Comments

- BOCC Comments
  - Speed limits
  - Rural Character of Old NC Hwy 10 area
    - Staff review of protection options
  - Bike lane language
  - Staff to summarize access management planning "101"

Attachment 4 provides an excerpt from the draft minutes of the September 9, 2013 joint public hearing on this item.

October 2nd Planning Board Recommendation

Unanimous recommendation to adopt Plan with:

- Staff's recommended Plan revisions; and
- Continued staff review of protections that may be put in place to preserve the character of Old NC Hwy 10; and
- Report back to the BOCC.

Attachment 5 provides an excerpt from the draft minutes of the October 2, 2013 Planning Board meeting.

October 15th OUTBoard Recommendation

Unanimous recommendation to adopt Plan with:

- Staff's recommended Plan revisions;
- Continued staff review of protections that may be put in place to preserve the character of Old NC Hwy 10;
- Keep the OUTBoard informed as to progress; and
- Report back to the BOCC.

Attachment 6 provides an excerpt from the draft minutes of the October 15, 2013 OUTBoard meeting.

Review of Protection Options for Old NC Hwy 10:

Based on BOCC, public comments and advisory board discussions, Staff recommends that they be authorized to research protection options for Old NC Hwy 10 and report back, as detailed in the Resolution (Attachment 7).

Staff Recommendations for Plan Revisions

Specifics are provided in the Abstract.

In general, Staff's revisions address:

- Clarification regarding bike lanes on Old NC Hwy 10;
- Future cross-sections of road within the area; and
- Minor map changes
  - Remove symbol for possible transit stop
  - Revise legend for signalized intersections

Interim Manager's Recommendation

1. Receive the Planning Board's and OUTBoard's recommendations of approval;
2. Close the public hearing; and
3. Consider approving and authorizing the Chair to sign the Resolution (Attachment 7) adopting the Plan (Attachment 2), which incorporates the revisions recommended by staff and included in the Planning Board's and OUTBoard's recommendations of approval.

Eno EDD- Access Management Concept Map

Commissioner Pelissier said she had not previously heard of the term “scenic conservation easement”. She asked for an explanation.

Abigaile Pittman said this program was originally designated for Saint Mary’s Road. She said the DOT purchased conservation easements, whereby residents gave up development rights in order to preserve scenic components along a road. She said this is done on a case by case basis, and contracts may differ from one property to another.

Commissioner McKee asked if funding is still available for these conservation easements.

Abigaile Pittman said she does not believe funding is still available from DOT for that program. She said staff will research this.

Commissioner Rich asked if there has been outreach to residents from the N.C. 10 area who spoke at the QPH.

Abigaile Pittman said she has fielded some emails. She said the report has not been done yet, and there will be outreach to these residents once the report is complete.

Chair Jacobs suggested a presentation be given to the community once preliminary findings are completed. He said there are 66 people on the list, though there are fewer addresses. He suggested a letter be sent to these residents, stating that concerns regarding N.C. 10 were heard and addressed. He said this would encourage residents to plug back in and review this progress.

Abigaile Pittman said she has already met with DOT to start a conversation on the planned signage.

She noted that Planning Board and OUTBoard member Paul Guthrie was in the audience.

Chair Jacobs said he will work with staff to draft a letter to the above mentioned N.C. 10 residents.

Commissioner Price said the petition did not specifically address access management. She asked if buffer areas and other land uses will be taken into consideration as this moves forward.

Chair Jacobs said the answer is yes for the corridor; however the EDD is a different issue. He said there were broader concerns than N.C. 10, and this resolution specifically addresses concerns for N.C. 10.

Commissioner Price said she was just wondering if these concerns will be considered.

Chair Jacobs said residents can raise their concerns again. He said the goal will not be to solicit concerns about the EDD, but to explore concerns about access management for N.C. 10. He noted that the public can petition the Board about additional concerns at any time.

Commissioner Dorosin said the recommended language in attachment 7 talks generally about additional review of N.C. 10 and Highway 70.

Chair Jacobs pointed out the language in the last part of the resolution on page 64.

Commissioner Dorosin referred to the map that shows the zonings, and overlay districts in yellow.

Abigaile Pittman said this marks the major transportation corridor on the interstate.

Commissioner Dorosin asked how the boundaries of this corridor were created. He noted that it does not follow lot lines, and it seems much wider in some areas than others.

Abigaile Pittman said this is because this is an intersection of two major corridors- Highway 70 and the interstate. She said the distances are defined by the ordinance.

Commissioner Dorosin said this zoning map is on page 19 – 5-c-2.

Chair Jacobs said he shared Commissioner Price's concerns about the residents.

PUBLIC COMMENT

A motion was made by Commissioner Rich, seconded by Commissioner McKee to close the public hearing.

VOTE: UNANIMOUS

A motion was made by Commissioner Rich, seconded by Commissioner McKee to approve and authorize the Chair to sign the Resolution (Attachment 7) adopting the Eno Economic Development District (EDD) Access Management Plan (detailed in Attachment 2), which incorporates the Plan revisions recommended by staff and included in the Planning Board's and OUTBoard's recommendations of approval; and authorize Chair Jacobs to send a letter to the residents of N.C. 10.

VOTE: UNANIMOUS

6. Consent Agenda

- **Removal of Any Items from Consent Agenda**
  - 6-f
  - 6-h

- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner Pelissier, seconded by Commissioner Gordon to approve the remaining items on the consent agenda.

VOTE: UNANIMOUS

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

6-f - Commemorative Plaques for Recently Commissioned Facilities

The Board considered approving the installation of commemorative plaques in recently constructed facilities, with funding of up to $22,500 from currently available funds within the Asset Management Services General Fund FY 2013-14 budget to cover the costs.

Commissioner McKee said he pulled this because the Board has an item on the regular agenda that relates to this item, and it is out of the order of procedure to approve plaques on a building before approving a policy.

Commissioner Price agreed with this.

Commissioner McKee suggested this item be tabled until after the policy has been decided.

Commissioner Gordon said she would like a timeline of when this would come back.

Michael Talbert said this would probably come back in January or February.

A motion was made by Commissioner McKee, seconded by Commissioner Gordon to table this item until staff comes back with a policy, no later than the meeting scheduled for February 20, 2014.

Commissioner Dorosin said the properties listed in the consent agenda are items that are already completed. He said the new policy would be anything done today and forward.

Commissioner Gordon said she has no objection to approving the plaques, as the buildings are already built. She said if this does not delay the plaques too long, it could be acceptable.

VOTE: Ayes, 4 (Chair Jacobs, Commissioner Gordon, Commissioner McKee, Commissioner Price); Nays, 3 (Commissioner Dorosin, Commissioner Rich, and Commissioner Pelissier)

Commissioner Gordon made a motion to reconsider the motion, and the Commissioners then reconsidered the motion:

A motion was made by Commissioner Gordon, seconded by Chair Jacobs to approve the plaques listed in agenda item 6-f, as proposed in the materials and recommendation for this agenda item. They will be similar to the plaque at the Link Center.

In response to questions from Commissioner Price about what the motion meant, Chair Jacobs clarified that the plaques will be the same as the one at the Link Center, and the names on the plaques will be the commissioners who were serving when the buildings were completed.

Commissioner Price clarified that there will not be an official vote on Item 7-d.

Chair Jacobs said there will be a vote to give staff direction on this item.

Commissioner McKee said Item 7-d seemed out of process if the Board is approving the plaques before adopting the policy. He said the $22,500 is not a large amount of money, considering the budget; however it is a large amount of money when considering the fact that it could be transferred to Department of Social Services, Child Care Services, the Social Justice Fund or some other area of need. He said it is an equity issue for him.

Chair Jacobs said there will be a request related to social services' needs at the next meeting, and it will come out of a fund set aside for the purposes Commissioner McKee articulated.

VOTE: Ayes, 5 (Chair Jacobs, Commissioner Gordon, Commissioner Rich, Commissioner Pelissier, Commissioner Dorosin); Nays, 2 (Commissioner Price and Commissioner McKee)

6-h. <u>Approval of Updated Orange County Volunteer Fire Department Agreements</u>

The Board considered approving updated fire protection and emergency services agreements between Orange County and each volunteer fire department (Caldwell, Cedar Grove, Efland, Eno, New Hope, Orange Grove, Orange Rural, and White Cross) and authorizing the Chair to sign.

Commissioner Gordon said she understood that staff had accepted several proposed changes to the agreements and would be providing the revised wording at the Board member's places. She referred to the contract and noted the term "manpower" on page 5 - point 11.b. She said this should be changed to "personnel" in order to be gender neutral.

She referred to bullet 18 on page 9. She said this needs to say "must be competent", eliminating the "however."

She said these two changes are also necessary on page 15 (change "manpower" to "personnel"), and page 18 (remove "however").

A motion was made by Commissioner Gordon, seconded by Commissioner McKee to approve the updated fire protection and emergency services agreements between Orange County and each volunteer fire department (Caldwell, Cedar Grove, Efland, Eno, New Hope,

Orange Grove, Orange Rural, and White Cross) and authorize the Chair to sign, with amendments stated above.

VOTE: UNANIMOUS

a. Minutes

The Board approved the minutes from September 26 and October 3, 2013 as submitted by the Clerk to the Board.

b. Motor Vehicle Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for twenty-three (23) taxpayers with a total of twenty-four (24) bills that will result in a reduction of revenue in accordance with NCGS.

c. Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release property tax values for twelve (12) taxpayers with a total of thirty-seven (37) bills that will result in a reduction of revenue in accordance with North Carolina General Statute 105-381.

d. Applications for Property Tax Exemption/Exclusion

The Board approved six (6) untimely applications for exemption/exclusion from ad valorem taxation for six (6) bills for the 2013 tax year.

e. Fiscal Year 2013-14 Budget Amendment #3

The Board approved budget and grant project ordinance amendments for fiscal year 2013-14 for Department on Aging; Department of Environment, Agriculture, Parks and Recreation (DEAPR); Housing, Human Rights and Community Development; Department of Social Services; Library Services; Health Department; Sheriff's Department, Solid Waste Department; and the Board of County Commissioners.

g. Orange County Volunteer Application – Proposed Revisions

The Board approved proposed revisions to the Orange County Volunteer Application for boards/commissions.

i. Orange Public Transportation Expansion Vehicles for FYs 2016-2020

The Board approved a project funding request from Orange Public Transportation (OPT) to the North Carolina Department of Transportation for three (3) expansion vehicles for fiscal years (FYs) 2016-2020 and to authorize the Chair to sign the associated Local Funding Commitment Form.

j. Amendment Outline and Schedule for Upcoming Item – Town of Hillsborough/Orange County Interlocal Agreement Implementation – Adjustment of Hillsborough Extraterritorial Jurisdiction (ETJ) and Application of County Future Land Use Map Classifications and Zoning

The Board authorized staff to proceed with steps for the adjustment of Hillsborough Extraterritorial Jurisdiction (ETJ) and application of County Future Land Use Map Classifications and Zoning to affected areas according to the schedule proposed in the Amendment Outline (Attachment 1).

7. Regular Agenda

a. Resolutions to Endorse Orange County's Priority Transportation Projects for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and the Triangle Area Rural Planning Organization

The Board considered approving two (2) resolutions (Attachments 2 and 5) endorsing two (2) priority lists of transportation projects within the Triangle Area Rural Planning

Organization (TARPO) and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) planning areas for consideration of inclusion in the 2016-2022 Statewide Transportation Improvement Program (STIP).

Bret Martin said the priority list for the Burlington Graham Metropolitan Planning Organization was approved by the Board at the September 17th meeting. He said this included all of the projects across all modes.

He noted that the transit specific projects were approved by the Board in October, for submission to TARPO and DCHC MPO. He said that list was not a priority list, but was only a project submission list for transit items.

He said the resolutions being discussed tonight are for submission of all priority transportation projects across all modes. He said these lists are intended to serve a dual role: 1) These are the County projects being submitted for state scoring and consideration of inclusion in the statewide transportation improvement program; and 2) This list will serve as a guide for the transportation coordinating committee and transportation advisory committee for prioritization of projects.

Bret Martin said the starting point was the list submitted in 2011 as part of the statewide transportation improvement projects; however new projects have been added with ranking order. He said this ranking is based on changes in NCDOT funding policies, and is also intended to increase scoring output.

Commissioner Pelissier noted the timeline and the possible re-prioritization if project scores come back early enough from DOT. She asked how likely it is that the Board would not have time to see this. She hopes there would be time to review scores and re-prioritize, if needed.

Bret Martin said he hoped this information would be available on time. He said the current timeline would allow for this. He said the problem is that information from DOT has been arriving late. He does not want to miss the deadline.

Chair Jacobs noted that the resolution related to TARPO starts on page 10 (Attachment 2) and the resolution for DCHC MPO starts on page 18 (Attachment 5).

Commissioner Gordon said she would like to consider these resolutions separately.

She said she talked with MPO staff today, and the MPO process is different from the TARPO process. She said the MPO requires a submission of projects, but only the bike/pedestrian projects need to be in priority order.

Commissioner Gordon said she thinks the resolution should state that there is a possible re-prioritization. She feels it would be a benefit to submit now, but it is important to retain the flexibility to come back with changes if necessary, as more information becomes available.

Chair Jacobs asked if Commissioner Gordon was proposing this for each resolution.

Commissioner Gordon said this would just be for DCHC MPO, as TARPO has a different process.

Resolution- TARPO

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

A RESOLUTION ENDORSING ORANGE COUNTY'S PRIORITY TRANSPORTATION PROJECTS FOR THE TRIANGLE AREA RURAL PLANNING ORGANIZATION (TARPO) REGIONAL PRIORITY LIST FOR THE 2016 – 2022 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the North Carolina Board of Transportation (BOT), every two years, prepares a Statewide Transportation Improvement Program (STIP) that identifies transportation projects to be implemented over the next seven years with State and Federal funding; and

WHEREAS, the North Carolina BOT solicits input for identifying transportation projects of local and regional importance to be included in the FY 2016-2022 STIP; and

WHEREAS, North Carolina has established Rural Planning Organizations (RPOs) to coordinate regional transportation planning in rural areas in cooperation with the North Carolina Department of Transportation (NCDOT);

WHEREAS, Orange County is a member of the Triangle Area Rural Planning Organization (TARPO) charged with developing and prioritizing proposed transportation projects that the RPO believes should be included in the STIP;

WHEREAS, Orange County gives priority to identified safety needs on existing roads and bridges, to transportation projects that encourage alternatives to automobile travel, to projects that minimize adverse impacts on the natural environment and cultural sites, and to those projects that foster economic development in the County's designated Economic Development Districts; and

WHEREAS, Orange County strongly encourages the NCDOT to design all highway projects, where appropriate, to accommodate bicycle and pedestrian traffic to provide alternative means of transportation that may result in reduced automobile traffic and related air and water impacts; and

WHEREAS, Orange County encourages the NCDOT to design all new or replacement bridges with sufficient clearance to allow wildlife to cross safely under them, and to allow pedestrian passage along any existing or planned trail-system connectors; and

WHEREAS, Orange County has outlined its transportation needs within the TARPO planning area in an attachment to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Orange County Board of Commissioners that the Board endorses the following prioritized list of transportation projects to be considered for the FY 2016-2022 TARPO regional priority list.

1 <u>Orange Public Transportation Expansion Vehicles:</u> Request/purchase up to six (6), 25-foot, 18-passenger cutaway bus vehicles to accommodate bus service expansion as recommended in the Orange County Bus and Rail Investment Plan (OCBRIP) and the draft Five-Year Orange County Bus Service Expansion Program currently under development.

This project will be submitted as a new transit project to be considered for inclusion in the TARPO regional priority list as well as the 2016-2022 STIP.

2 <u>NC 54 Widening</u>: Widen NC 54 from Orange Grove Road (SR 1006) to Old Fayetteville Road (SR 1937/1107) from a two (2)-lane undivided thoroughfare to a four (4)-lane divided boulevard type thoroughfare.

This project will be submitted as a new highway project to be considered for inclusion in the TARPO regional priority list as well as the 2016-2022 STIP.

3 Buckhorn Road (SR 1114) Widening: Widen Buckhorn Road from U.S. 70 to West Ten Road (SR1144) to multiple lanes with bicycle and pedestrian facilities.

This project was previously submitted as a highway project and will be reprioritized and submitted as a highway project for consideration of inclusion in both the TARPO regional priority list and the BGMPO Metropolitan Transportation Improvement Program (MTIP) as well as the 2016-2022 STIP.

4 Park-and-Ride Improvements at Orange County Northern Human Services Center (Conceptual): Implement park-and-ride improvements at the Orange County Northern Human Services Center for potential fixed-route service to Hillsborough.

This project will be submitted as a new transit project to TARPO for consideration of inclusion in the TARPO regional priority list and the 2016-2022 STIP.

5 Efland-Cedar Grove Road Improvements: Widen Efland-Cedar Grove Road (SR 1004) from Highland Farm Road (SR 1332) to the northern property line of the U.S. Post Office north of Carr Store Road (SR 1352) from a two (2)-lane, 20-foot cross section to a 24-foot cross section with straightening of the roadway where needed, improvements to turn lanes, and the incorporation of bicycle facilities.

This project will be submitted as a reprioritized highway project to be considered for inclusion in the TARPO regional priority list as well as the 2016-2022 STIP.

6 Orange Grove Road Paved Shoulders (From NC 54 to Arthur Minnis Road): Widen Orange Grove Road (SR 1006) from NC 54 to Arthur Minnis Road to include four (4)-foot paved shoulders.

This project will be submitted as a new bike project to be considered for inclusion in the TARPO regional priority list as well as the 2016-2022 STIP if the County commits the required 20% local match.

7 Dairyland Road Paved Shoulders: Widen Dairyland Road (SR 1004/1113/1177) from Union Grove Church Road (SR 1111) to Orange Grove Road (SR 1006) to include four (4)-foot paved shoulders.

This project will be submitted as a new bike project to be considered for inclusion in the TARPO regional priority list as well as the 2016-2022 STIP if the County commits the required 20% local match.

8 Orange Grove Road/Buckhorn Road Paved Shoulders: Widen Orange Grove Road (SR 1006) from Dairyland Road (SR 1177) to Buckhorn Road (SR 1114) and Buckhorn Road (SR 1114) from Orange Grove Road (SR 1006) to West Ten Road (SR 1144) to include four (4)-foot paved shoulders.

This project will be submitted as a new bike project to be considered for inclusion in the TARPO regional priority list as well as the 2016-2022 STIP if the County commits the required 20% local match.

9 Old Greensboro Road Paved Shoulders: Widen Old Greensboro Road (SR 1005) from Carrboro's extra-territorial jurisdiction (ETJ) to the Orange/Alamance County line to include four (4)-foot paved shoulders.

This project will be submitted as a new bike project to be considered for inclusion in the TARPO regional priority list as well as the 2016-2022 STIP if the County commits the required 20% local match.

10 Orange Grove Road/Dodsons Crossroads: Widen Orange Grove Road (SR 1006) from I-40 to Dodsons Crossroads (SR 1102) and Dodsons Crossroads (SR 1102) from Orange Grove Road (SR 1006) to Dairyland Road (SR 1177) to include four (4)-foot paved shoulders.

This project will be submitted as a new bike project to be considered for inclusion in the TARPO regional priority list as well as the 2016-2022 STIP if the County commits the required 20% local match.

Upon motion of Commissioner _____ _____, seconded by Commissioner _____ _____, the foregoing resolution was adopted this the 19th day of November, 2013.

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on November 19, 2013, as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of said Board.
WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

A motion was made by Commissioner Pelissier seconded by Commissioner McKee, to approve attachments 2, 3, and 4, related to TARPO.

VOTE: UNANIMOUS

REVISED RESOLUTION – DCHC-MPO

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

A RESOLUTION ENDORSING ORANGE COUNTY'S PRIORITY TRANSPORTATION PROJECTS FOR THE DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION (DCHC MPO) REGIONAL PRIORITY LIST FOR THE 2016 – 2022 TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the North Carolina Board of Transportation (BOT), every two years, prepares a Statewide Transportation Improvement Program (STIP) that identifies transportation projects to be implemented over the next seven years with State and Federal funding; and

WHEREAS, the North Carolina BOT solicits input for identifying transportation projects of local and regional importance to be included in the FY 2016-2022 STIP; and

WHEREAS, the DCHC MPO Transportation Advisory Committee is charged with the development of a regional priority list and Metropolitan Transportation Improvement Program (MTIP); and

WHEREAS, Orange County is a member jurisdiction of the DCHC MPO; and

WHEREAS, Orange County gives priority to identified safety needs on existing roads and bridges, to transportation projects that encourage alternatives to automobile travel, to projects that minimize adverse impacts on the natural environment and cultural sites, and to those projects that foster economic development in the County's designated Economic Development Districts; and

WHEREAS, Orange County strongly encourages the North Carolina Department of Transportation (NCDOT) to design all highway projects, where appropriate, to accommodate bicycle and pedestrian traffic to provide alternative means of transportation that may result in reduced automobile traffic and related air and water impacts; and

WHEREAS, Orange County encourages the NCDOT to design all new or replacement bridges with sufficient clearance to allow wildlife to cross safely under them, and to allow pedestrian passage along any existing or planned trail-system connectors; and

WHEREAS, Orange County has outlined its transportation needs within the DCHC MPO planning area in an attachment to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Orange County Board of Commissioners that the Board endorses the following prioritized list of transportation projects to be considered for the FY 2016-2022 DCHC MPO regional priority list and MTIP;

NOW, THEREFORE BE IT FURTHER RESOLVED that the Orange County Board of Commissioners may re-prioritize the following list of transportation projects, as more information becomes available in the coming months.

1 <u>Orange Grove Road/I-40 Pedestrian Bridge:</u> Construct a pedestrian bridge over I-40 alongside Orange Grove Road (SR 1006), construct a sidewalk along the north side of Orange Grove Road (SR 1006) from the pedestrian bridge to Timbers Drive, construct sidewalks along both sides of New Grady Brown School Road with a midblock crossing, and construct a sidewalk along one side of Oakdale Drive from Cheshire Drive to Orange Grove Road.

This project will be submitted as a new pedestrian project for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP. The project will be submitted as a Safe Routes to School (SRTS)-eligible project; however, if

it is not funded as an SRTS project, the County will be required to commit a 20% local match.

2 Orange Public Transportation Expansion Vehicles: Request/purchase up to six (6), 25-foot, 18-passenger cutaway bus vehicles to accommodate bus service expansion as recommended in the Orange County Bus and Rail Investment Plan (OCBRIP) and the draft Five-Year Orange County Bus Service Expansion Program currently under development.

This project will be submitted as a new transit project to be considered for inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP. The project will also be submitted for consideration of Surface Transportation Program-Direct Apportionment (STP-DA) funding to be determined internally by the MPO.

3 Park-and-Ride Improvements in Efland (Conceptual): Implement park-and-ride improvements in the Efland area for cross-county, fixed-route service between Mebane and Durham.

This project will be submitted as a new transit project to the DCHC MPO for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP. The project will also be submitted for consideration of STP-DA funding to be determined internally by the MPO.

4 Orange High School Road/Harold Latta Road Sidewalk Improvements: Construct a sidewalk along the west side of Orange High School Road from Harold Latta Road to U.S. 70, construct a sidewalk along the south side of Harold Latta Road from Cloverfield Drive to Orange Grove Road, install high visibility crosswalks and in-road signage at school entrances and exits on Orange Grove Road, and construct a sidewalk along entrance roads to CW Stanford Middle School.

This project will be submitted as a new pedestrian project for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP. The project will be submitted as a Safe Routes to School (SRTS)-eligible project; however, if it is not funded as an SRTS project, the County will be required to commit a 20% local match.

5 South Churton Street (Old NC 86) Improvements: Widen South Churton Street (SR 1009) from I-40 to U.S. 70 Business to multiple lanes with congestion management, limited access, bicycle and pedestrian, and aesthetic improvements.

This project will be submitted as a reprioritized highway project to be considered for inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP.

6 U.S. 70 East/I-85 Connector: Modify the I-85 Connector (SR 1239) interchange at U.S. 70 to provide access from all directions.

This project will be submitted as a reprioritized highway project to be considered for inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP.

7 Orange Grove Road Extension: Extend Orange Grove Road (SR 1006) from the east side of South Churton Street (SR 1009) to U.S. 70 Business.

This project will be submitted as a reprioritized highway project to be considered for inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP.

8 NC 86 Improvements North of Hillsborough: Widen NC 86 from U.S. 70 Bypass to north of NC 57 to four (4) lanes with intersection improvements at U.S. 70 Bypass and NC 57.

This project will be submitted as a reprioritized highway project to be considered for inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP.

9 Park-and-Ride Improvements in Hillsborough (Conceptual): Implement park-and-ride improvements in Hillsborough for cross-county, fixed-route service between Mebane and Durham.

This project will be submitted as a new transit project to the DCHC MPO for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP. The project's official submission must be made by Triangle Transit.

10 Hillsborough Train Station: Construct a train station in Hillsborough and implement AMTRAK
service.

This project will be submitted as a new transit/rail project by Triangle Transit for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP.

11 Eno Mountain Road/Mayo Street at Orange Grove Road: Realign the intersection of Eno Mountain Road (SR 1148) and Mayo Street (SR 1192) with Orange Grove Road (SR 1006) and make safety improvements.

This project will be submitted as a reprioritized highway project for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP.

12 Homestead Road Bike Lanes and Sidewalks: Improve Homestead Road (SR 1777) from Old NC 86 (SR 1009) to NC 86 to include bicycle lanes and sidewalks in sections of the corridor where they do not exist.

This project will be submitted as a reprioritized highway project for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP.

13 Buckhorn Economic Development District (EDD) Park-and-Ride: Construct a park-and-ride facility to be located in the I-85/Buckhorn Road EDD.

This project will be submitted as a new transit project by Triangle Transit or the Piedmont Authority for Regional Transportation (PART) for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP.

14 I-40 Widening: Widen I-40 from four (4) lanes to six (6) lanes from the I-40/I-85 interchange to the Durham County line.

This project will be submitted as a reprioritized highway project for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP.

15 I-85 Widening: Widen I-85 from four (4) lanes to six (6) lanes from the I-40/I-85 interchange to the Durham County line.

This project will be submitted as a reprioritized highway project for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP.

16 Trail Connection from Patriot's Pointe to Timbers Drive: Construct a multi-use path connecting the southwest corner of Patriots Pointe to Timbers Drive to shorten walking distances for pedestrians.

This project will be submitted as a new pedestrian project for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP. The project will be

submitted as a Safe Routes to School (SRTS)-eligible project; however, if it is not funded as an SRTS project, the County will be required to commit a 20% local match.

17 Trail Connection from English Hill Lane to Buttonwood Drive: Construct a multi-use path connecting English Hill Lane to Buttonwood Drive.

This project will be submitted as a new pedestrian project for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP. The project will be submitted as a Safe Routes to School (SRTS)-eligible project; however, if it is not funded as an SRTS project, the County will be required to commit a 20% local match.

18 Eubanks Road Bike Lanes: Construct bicycle lanes on Eubanks Road (SR 1727) from Old NC 86 (SR 1009) to NC 86.

This project will be submitted as a new bike project for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP if the County commits the required 20% local match. The project will be submitted for consideration of STP-DA funding to be determined internally by the MPO.

19 Dairyland Road Paved Shoulders: Widen Dairyland Road (SR 1004/1113/1177) from Union Grove Church Road (SR 1111) to Orange Grove Road (SR 1006) to include four (4)-foot paved shoulders.

This project will be submitted as a new bike project for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP if the County commits the required 20% local match. The project will be submitted for consideration of STP-DA funding to be determined internally by the MPO.

20 Mt. Carmel Church Road Bike/Pedestrian Improvements: Construct bike lanes and sidewalks from US 15/501 to Bennett Road and bike lanes from Bennett Road to the Chatham County line.

This project will be submitted as a new bike project for consideration of inclusion in the DCHC MPO regional priority list and MTIP as well as the 2016-2022 STIP if the County commits the required 20% local match. The project will be submitted for consideration of STP-DA funding to be determined internally by the MPO.

Upon motion of Commissioner _____ _____, seconded by Commissioner _____ _____, the foregoing resolution was adopted this the 19th day of November, 2013.

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on November 19, 2013, as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of said Board.
WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

A motion was made by Commissioner Gordon, seconded by Commissioner Price to approve attachment 5 with the following changes: Insert between the "Now, therefore be it further resolved" paragraph, and Item 1, the following paragraph—"Be it further resolved that the Orange County Board of Commissioners may re-prioritize the following list of transportation projects, as more information becomes available in the coming months."

Commissioner Dorosin confirmed that the right to reprioritize is retained even without the language. He said he feels the added language is redundant but he said he would vote for it.

In response to a question from Commissioner Gordon, Bret Martin clarified that it was not necessary to approve attachments 6 and 7, since they were just provided for the Commissioners' information. Only the resolutions need approval.

Commissioner Rich thanked Commissioner Gordon for the clarifications to the resolution.

VOTE: UNANIMOUS

b. Urban Curbside & Multi-family Recycling Discussion

The Board received an update on progress between the Towns and County regarding urban curbside and multi-family recycling services and considered awarding the bid for roll carts, not to exceed $1,100,000.

Michael Talbert said the Towns requested additional information from contractors on having their own solid waste, curbside recycling and transfer station. He noted the attachment outlining the details of the information received by Chapel Hill in their request for proposals (RFP).

He said the County and Town managers met on November 1st, with the idea that the County proposal would be very competitive with the RFP and with the intent to move forward.

He noted the letter of intent drafted by the County as a premise for moving forward. He said the County is very interested in continuing the long term and successful partnership with the towns regarding recycling and waste reduction.

Michael Talbert read the letter as follows:

"Orange County is very interested in continuing our long and successful partnership with the Town with regard to recycling and waste reduction. Our state-leading programs are the model for success in reducing local government waste disposal and our longstanding local recycling partnership is a model of intergovernmental cooperation and effectiveness.

The Town wishes to continue participation in the recycling program. The most timely and least complicated manner in which to proceed would be for the Town to authorize the County to charge and collect a fee for urban curbside recycling within their town limits. The County would provide turnkey urban curbside recycling services including new roll carts for all Town residents. The Town Attorney has agreed that municipalities have the authority charge for the urban curbside recycling services and authorize the County to provide the services.

Orange County Intends to:

- Immediately proceed with a Request for Proposals (RFP) for Collection Services and Roll Cart acquisition (carts may be available by piggybacking)
- Immediately assist the Towns with applications for DENR Roll Carts Grants
- Draft an interim agreement for the Purchase of Roll Carts using grant funds with each Town whereby:
  - The County will pay the Town an amount equal to the invoice received by the Town for the roll carts purchased by the County for the Town solely for use in the Urban Curbside Recycling Program, and
  - Expect to receive the funds resulting from a grant awarded to the Town for the purpose of implementation of curbside recyclable collection to offset the County expenditure on roll carts
- Negotiate in good faith with the Towns to finalize a new comprehensive Solid Waste Interlocal Agreement as soon as possible but no later than June 30, 2014
- Implement the conversion to roll carts for the urban curbside recycling programs as soon as contracts have been approved or purchase authority provided, but no later than July 1, 2014

The Town Intends to:

- Immediately apply for DENR Roll Carts Grants with the County's assistance as needed
- Negotiate in good faith with the County to execute an interim agreement for the purchase of Roll Carts for each Town whereby
- The Town will notify the County of its receipt of an invoice for roll carts that were bid and ordered by the County for use in the Town's curbside recycling program
- Receive payment from the County for the invoiced amount and then pay the invoice,

submitting proof of payment to the County
• Remit any funds received by the Town as a result of a roll cart grant award to the County within 30 days of receipt of the grant funds.
• Negotiate in good faith with the County to finalize a new comprehensive Solid Waste Interlocal Agreement as soon as possible but no later than June 30, 2014
• Assist the County with the implementation of a conversion to roll carts for the urban curbside recycling programs as soon as contracts have been approved but no later than July 1, 2014
• Include in the Town's 2014/2015 Budget Ordinance a section authorizing the County to charge and collect a fee for urban curbside and multi-family recycling within their town limits and provide urban curbside and multi- family recycling services including new roll carts for all Town residents."

Michael Talbert said the last point of the letter above is the most important. He said this letter is before the Board tonight because the Town of Chapel Hill will hold their last meeting at the end of November, and there is not adequate time for all boards to act. This letter of intent is proposed as a means to move this forward.

He said the recommendation is to execute this letter of intent, and with the approval of the Towns, have the County attorney work on an interim agreement to create the grant funding for the purchase of the carts. He said the County will pick up the balance of this purchase. He said the total purchase of the carts will be just over $1 million, and the anticipated grant proceeds are $214,000.

He said, with Board authorization, the manager could award the roll cart bid prior to the Board's return from break in January.

Commissioner Dorosin asked if, between now and June 30th, the status quo will continue, regardless of how the Board proceeds. He asked if it was possible that any agreements would go into effect before July 1.

Michael Talbert said there is a current arrangement to use reserve funds within solid waste to fund these activities through July 1, 2014. He said that proceeding this way gives the opportunity, on July 1, to do the billing that will replace the 3R fee. He said this will be attached to the property tax.

He said the goal is to transition to curbside recycling with roll carts as soon as possible, as it is more effective and efficient.

Commissioner Dorosin asked if the program will continue being funded out of reserves through June 30th.

Michael Talbert said yes.

Commissioner Dorosin clarified that the out of pocket cost of the carts will be about $785,000.

Michael Talbert said this is correct.

Commissioner Dorosin asked if Michael Talbert and the attorney have talked with the Towns and if the Towns are on board with signing letters of intent.

Michael Talbert said yes. He said staff has gotten informal commitment from Hillsborough. He said Carrboro has considered this in a public meeting and would like to move forward. He said the Town of Chapel Hill has also instructed their manager to move forward.

Commissioner Pelissier referred to the section on financing mechanisms on page 6 of the abstract. She thought there would be a district tax, but the draft appears to say there can be different mechanisms for rural and urban areas.

Michael Talbert said tonight's item is only for urban curbside and multi-family within the town limits. He said the draft is just a starting point for the potential of a future district. He said this language is just a starting point.

He said the district tax is what has been discussed to date. He said the urban curbside will be bid out to private contractors, and the County will purchase and maintain the roll carts.

Commissioner Pelissier asked if this means that the financing for July 1, 2014 is unknown.

Michael Talbert said the urban service will be paid for with fees, as outlined in the abstract. He said the fee is estimated at $60 per year for families and $19 per year for the multi-family. He said this is not official until the RFP is back.

He said Chapel Hill also wants to look at bi-weekly collection alternatives.

Chair Jacobs said the County is anticipating a specific plan to pay for carts by the time of the July 1st rollout. He said the current priority is to endorse the concept of moving toward this option in the urban recycling program.

Michael Talbert said staff does anticipate financing the carts but the carts have a long lead time and need to be ordered. He said financing can be arranged after this.

Commissioner Rich said she is excited about this, and she thanked the towns for agreeing to stick with this amazing program.

She asked Gayle Wilson how many bins fit into the roll out carts. She questioned the bi-weekly collection.

Gayle Wilson said the proposed carts are 95 gallons, versus the current 18 gallon bins. He said the new roll carts will allow room for cardboard.

He clarified that bi-weekly collection means collection every other week.

Commissioner Rich said she liked the idea of an advisory board or citizen committee to discuss solid waste and recycling.

Chair Jacobs suggested using language of “every other week” instead of bi-weekly collection.

Commissioner Price thanked staff for moving this project forward. She asked about the timeline for the rural area recycling.

Michael Talbert said that would be coming to the Board of County Commissioners on December 10th.

Commissioner McKee said there is no doubt that the County and Towns can do this more efficiently as a team.

Commissioner Gordon said she is glad there will be one recycling program.

She asked for confirmation that the carts will not be ordered until the letters of intent are received.

Michael Talbert said this is correct.

Commissioner Gordon said this is an achievement worth celebrating.

Chair Jacobs said this is a breakthrough, and it will be celebrated at the Assembly of Governments meeting.

He said the Solid Waste staff deserves a pat on the back for a great job.

He said this agreement could also help reach the goal of recycling more materials.

Chair Jacobs said this process might be more complicated in the rural areas.

Michael Talbert said the County and Towns are both interested in the possibility of fixing the pricing for the urban services for at least 3-5 years.

Commissioner Rich thanked the solid waste staff.

Commissioner Pelissier referred to page 24 of the abstract. She asked for clarification on the reference to performance measures.

Gayle Wilson said he understood that the town wanted more data on the performance of the programs that were operated in the towns, specifically data on participation rates and quantity of materials.

He said this was previously difficult to obtain, but the radio frequency chip (RFID) in the roll carts should be able to provide this data.

A motion was made by Commissioner Rich, seconded by Commissioner Pelissier for the Board to authorize:

1. The Manager to execute the attached Letter of Intent with the Towns of Chapel Hill, Carrboro and Hillsborough when approved by the Towns;
2. The County Attorney, working with the Town Attorneys, to prepare an interim agreement that would allow the County to proceed to expedite implementation of the roll carts and new collection service for the Urban Curbside Program with the objective being full implementation by July 1, 2014 and authorize the Manager to execute the agreement; and
3. The Manager to award the bid for the roll carts not to exceed $1,100,000.

VOTE: UNANIMOUS

c. Whitted Permanent Meeting Room Review and Approval of Technology Design Elements

The Board reviewed and considered approving the technology design elements of the Whitted Permanent meeting room; and authorizing the Interim County Manager to award the construction bid for the project up to the capital project budget during the Winter break, subject to final County Attorney approval.

Jeff Thompson introduced David Taylor from Corley/ Redfoot Architects and David Evans from Sound Advice, who would assist with the presentation:

Architect David Taylor gave an overview of the following PowerPoint slides:

Whitted Building Renovation
Board Meeting Room
Design Development/Technology Presentation

Overall Site Plan (map)
Renovation Plan (blueprint)
Highlighted Areas

- Replaced Existing Exterior Staircase due to code-required Exterior Area of Assisted Rescue
- Mirrored the Toilet Room/Coat Closet with the Electrical Room due to Sewer Tie-in requirements
- Relocated the TV Production Room and associated electrical and storage rooms for better access to Meeting Room by Production/County Staff

David Evans reviewed the following slides:

Audio-Visual System Overview

- Highly Integrated Audio/Visual System
- Acoustical Treatment/Sound Reinforcement – everyone will be able to hear well.
- Display – many, large monitors allow everyone to see presentation.
- Video – high quality output of multiple sources, coordination with existing streaming
- system
- Lighting – studio-quality lighting for TV production
- Control – multiple points of touch panel control

- Support Components – shades, house lighting control, timers and clocks
- Overflow Capabilities – infrastructure for large crowds

Sound Reinforcement Plan

- Speakers mounted in ceilings and bulkheads
- Sound-absorbing panels will provide good room acoustics for speech
- Microphones identical to what you are used to
- Multiple zones for proper mix-minus operation

Flat Screen Monitor Plan

- 60" Diagonal Monitor built into the presenter's podium for use by the Commission
- 80" Diagonal Monitors located high wall for public and staff use
- 60" Diagonal Monitors located on ceiling bulkheads for public use
- Infrastructure provided for overflow conditions

Podium Plan

- Built-in 60" Diagonal Flat Screen Monitor
- Complete presentation capabilities
- HC accessible

Camera Plan

- Mounted to walls or pilasters
- 8-9 feet above floor
- 360-degree coverage

TV Production Lighting Plan

- 2 by 2 Elliptical Lighting Fixtures provide front and back lighting of people
- 1 by 2 Wall Washers provide even lighting of background
- Similar fixtures seen at former Wake County Commission Chambers

Window Shading Plan

- Motorized Shades on all windows in Meeting Room will be 5% open weave which allows some light in but does not affect TV production capabilities
- Manual Black-out Shades on windows in TV Production Room
- Motorized Shades will be integrated into Crestron Touch Pad

Support Components

- Crestron Touch Panel Control can be installed on any smartphone, Ipad, laptop or flat screen monitor
- One permanent touch panel located near the main entry
- A Digital Clock and Timer will be located for convenient use by the Commission

TV Production Plan

- Built-in counter and component racks for TV production
- Coordination with existing streaming system
- Separate air conditioning unit for this room

David Taylor reviewed the following slide, as well as a series of images depicting the layout of the room:

Overflow Capabilities Plan

- Provide junction boxes and conduits for temporary/portable flat screen monitors and speakers to accommodate overflow crowds
- Provide speakers in the Public Toilet Rooms

David Evans, reviewing the Camera Plan slide, said the cameras will be high definition and have superior quality compared to the current cameras.

Commissioner Rich asked if there would be electric outlets available for audience members.

David Taylor said the back wall has been designated as a media location with inputs for audio, video, and power. He said this would give access to the feeds being put out over the air. He said there would also be power on the pilasters, and the seating can be rearranged as needed.

Commissioner Dorosin asked how far the podium would be from the dais.

David Taylor said it would be a distance of about 15 feet.

Commissioner Dorosin said he feels the screen on the podium is too far away to be useful. He suggested the addition of screens to the Commissioner's places. He asked about the size of the screen.

David Taylor said it would be a 60 inch screen.

Commissioner Dorosin said he would prefer screens built into the dais. He said it is often difficult to see detailed items even on the big screens. He would like to see the comparable costs.

Commissioner McKee asked if the project is still within the budget of $1.6 million.

David Taylor said it is within range of being on budget.

Commissioner Price said she has seen the dais screens work in Chapel Hill. She asked how much the large monitors cost. She said the room looks a little tight.

Jeff Thompson said the room has a maximum capacity of 286 seats, and the displays only show the room half full.

Commissioner Price asked about the costs of the monitors.

David Evans said the 80 inch monitors are $7-8000 and the 60 inch monitors are about $3000. He said these are not consumer grade; they are designed for commercial spaces and carry a three year warranty.

Commissioner Gordon said it is important to stay within budget. She asked how the high ceilings are compensated for acoustically.

David Taylor said acoustical treatments have been added and an acoustical analysis has been done on the room. He said the treatments keep the acoustics well within the standard speech 1.1 to 1.5 second range of reverberation time.

Commissioner Gordon said it is important to make sure all of the Commissioners can see.

Jeff Thompson suggested bringing in a duplicate of one of these monitors to a future meeting as an example.

David Evans reviewed a blueprint of the bulkhead design that uncovers the window.

Commissioner Pelissier asked if there will be non-glare lighting.

David Evans said there is a fine line between what looks good and what works good. He said the lights are higher, so they will not be in people's eyes quite as much. He said it should be better, but there will also be more light than in the current meeting room. He said the lights are dimmable and can be lowered.

David Taylor said the shape of the lens means the direct light of the bulb will not be in the line of sight.

Commissioner Pelissier asked how everyone will see the monitor during joint work sessions.

David Taylor showed the view from the podium. He said the layout will be oval shaped, and the three monitors will still be visible. He said the people behind the podium will have a separate set of monitors. He said everyone on the south end of the room should have a good view. He said the people at the north end will still have a good view of the lecturn.

Commissioner Rich asked if Michael Talbert could duplicate the size of the lecturn at the Chapel Hill Town Hall.

Commissioner Gordon asked if the podium is movable.

David Taylor said yes.

Chair Jacobs asked if it is possible to have some of the monitors on swivels to allow them to be angled for better view.

David Taylor said the monitors are planned to be angled at 15 degrees. He said research can be done on this.

Chair Jacobs said the monitors are energy hogs. He said there needs to be a built in way to turn off the ones that are not being used.

He said it also seems like there are a lot of monitors. He asked if there could be fewer, especially if the project runs up against budget constraints.

David Evans said there is flexibility to scale back if desired.

Chair Jacobs said he would be interested to see the 60 inch or 80 inch monitor. He said this might address some of the concerns.

He said he can also see a point where Commissioners might want to have some touch screen capabilities in front of them. He said an alternative to individual devices would be to have a built in computer monitor in front of all members of the Board.

Jeff Thompson asked if Chair Jacobs is asking for a laptop or monitor function.

Chair Jacobs suggested both be considered. He suggested it might be good to build in some flexibility.

Commissioner Gordon said it is fine to consider different alternatives. She said this room is going to be in use for a long time, and technology will change. She said it may be better to set up wiring up front to prepare for future use and future technology. She suggested using the type of monitors shown tonight in the presentation rather than a device built into the dais.

Jeff Thompson said the technology piece is separate from the construction document and the bid process. He said there will be time to move forward before the final component installation has to be done.

A motion was made by Commissioner McKee, seconded by Commissioner Pelissier for the Board to:

Authorize the Interim County Manager to award the construction bid for the project up to the capital project budget during the Winter break, subject to final County Attorney approval.

VOTE: UNANIMOUS

d. Policy for Commemorative Plaques for County Facilities

The Board provided guidance to the Interim County Manager on the crafting of a proposed policy for commemorative plaque design and installation for County facilities.

Jeff Thompson said the plaque in the hallway is a 24 inch x 24 inch anodized aluminum plaque that is not designed to go outside. He said it is finished to have a brass appearance and it is the standard in the County.

Commissioner McKee said, considering on how much focus they put on process, he does not understand why process was not put in this item.

Chair Jacobs clarified that the plaque described is designed for interior use.

Jeff Thompson said the exterior ones are 4 to 5 times more expensive and are more difficult to install.

Commissioner Dorosin ran down the list of question and said he thinks any county facility can be considered. He said interior plaques should be used for buildings, and signage should be used for parks.

He said any capital project should have a plaque, and all substantive renovations should have a plaque, including the Whitted building.

He said the standard text should include the name of the building, the year of construction, and the list of Commissioners and Construction team members. He said the plaques should include the names of those Board of County Commissioners who are serving at the time of opening.

Commissioner Gordon said to look back at examples of what was done in the past. She is in favor of putting plaques in all buildings at the time of project completion. She thinks the plaques should be placed on the interior. She said there should probably be a size threshold as well as some consideration of how many plaques are already in the building.

She said listing the Board members serving at the time of completion is probably easiest, but this can be discussed later.

Commissioner Price said she is concerned about the idea that people who made a project happen might not be on the plaque if it only includes people on the Board when it was completed.

Chair Jacobs said Chapel Hill includes the names of both past and present council members who were involved at any point from project approval to completion.

Commissioner Pelissier agreed with Commissioner Dorosin's comments, however she would include Commissioners names from the beginning of the project to the end.

Chair Jacobs said he agreed. He said he does feel that the contemporary County logo should be on the plaque.

Chair Jacobs said there should be a size or function threshold.

Commissioner Gordon said she is convinced that plaques should include the Board of County Commissioners that initiated the project. She said the decision has already been made that the plaques currently being put up will be the old model. She clarified that the new logo discussion is related to going forward.

Commissioner Rich said she likes the idea of putting plaques in after renovations, as it shows the history of the building.

Commissioner Dorosin suggested a time capsule be built into the cornerstone for any new building.

Commissioner Price suggested a limit be placed on the cost for the individual plaques.

Jeff Thompson said costs would be part of the CIP.

Chair Jacobs said he feels this is a great example of giving the Board options.

Jeff Thompson said he felt staff has enough input to proceed.

Michael Talbert referred back to item 7c for clarification. He noted that the motion did not include approval of the technology design. He asked if this was to be delayed until more information on the monitors and other items could be presented.

Chair Jacobs said there were more questions to be answered before the design was approved.

8. **Reports** NONE

9. County Manager's Report

Michael Talbert said he sent out an email today about McDougle Middle School. He said the parking lot lights are out; therefore the facility will be closing at sunset until the problem is corrected. He said Duke Power said this could take two weeks.

Commissioner Pelissier asked if this means any families who use this facility will be affected.

Michael Talbert said some people will not be able to use the facility, but the hazard of a dark parking lot is too great of a risk.

Commissioner Pelissier asked if these people could be made aware of other space options.

Michael Talbert said this could be included in the website.

10. County Attorney's Report

John Roberts said he had a lengthy meeting today with attorneys from Durham County, TTA and DMV. He said the meeting included the commissioner of the DMV. He said the commissioner admits the DMV has not collected the full amount of the $7 vehicle registration tax adopted by the Board last year.

John Roberts said he is waiting for additional information on how much has been lost and possible options for collection.

11. Appointments

a. Adult Care Home Community Advisory Committee – Appointments

The Board considered making appointments to the Adult Care Home Community Advisory Committee.

A motion was made by Commissioner Pelissier, seconded by Commissioner Rich to appoint the following to the Adult Care Home Community Advisory Committee, with term ending dates:

- Mr. Daniel Hatley, to position #2 for a second full term, expiring 10/31/2015.
- Dr. Anthony John Vogt, to position #5 for a first full term, expiring 10/31/2015.
  (Dr. Vogt completed a one year training term expiring 10/18/2013.)
- Mr. Richard Gross, to position #6 for a third full term, expiring 10/31/2015.**

****Terms for Adult Care Community Advisory Committee are 3 two-year terms.**

VOTE: UNANIMOUS

b. Advisory Board on Aging – Appointment

The Board considered making an appointment to the Advisory Board on Aging.

A motion was made by Commissioner Gordon, seconded by Commissioner Rich to appoint Dr. Jo Anne Wilson to position #10, with an expiration date of 6/30/2016.

VOTE: UNANIMOUS

c. Animal Services Advisory Board (ASAB) – Appointment

The Board considered making an appointment to the Animal Services Advisory Board.

A motion was made by Commissioner Pelissier, seconded by Commissioner Price to appoint Arthur Sprinczeles to position #5 on the ASAB with a term expiration date of 6/30/2015.

VOTE: UNANIMOUS

Commissioner Dorosin noted that applicant Andrew Wood is listed as an animal welfare advocate. He said he would like to nominate Andrew Wood for position #10.

Donna Baker said the ASAB has historically vetted applicants very carefully. She is not sure why this applicant was not recommended. She said she would be happy to check with the ASAB about this.

Commissioner Dorosin said he is not so concerned about the recommendation. He said vacancy 10 is listed as special representative, animal advocacy. He questioned the meaning of this description and noted that Andrew Wood's application indicates he is qualified. He said if there is a certification or other requirement that Andrew Wood does not meet then that is understandable, otherwise he would recommend him for this vacancy.

Commissioner Dorosin made a motion to appoint Zack Ferguson to position # 7, and Andrew Wood to position #10 (Animal Advocate position).

Commissioner Price asked if the Board can appoint as needed or if there are specific position requirements.

Donna Baker said some positions have specific requirements.

Commissioner Price made a motion to appoint Lori Shapiro to position #12 (Animal Handler position).

Donna Baker said this position would require the ASAB to check Lori Shapiro's qualifications. She said she would check about this appointment and the appointment of Andrew Wood.

Commissioner McKee said he is concerned with the Board filling vacancies without taking time to insure that the applicants are a match. He said some of these boards have too many vacancies, but he is concerned about the idea of picking names while having little background discussion.

He suggested the appointment of position #5, with a request for recommendations for the other three vacant positions.

Commissioner Gordon has concerns about putting people on the Board without knowledge of qualifications.

Commissioner Pelissier said she has sat in on the ASAB meetings and she won't vote for anyone not recommended by the town. She said applicants are invited to attend a meeting to insure commitment and knowledge of the board's workings. She said she would rather ask the ASAB about these positions before voting.

Commissioner Dorosin said each of these boards has multiple vacancies, and many have been vacant for a long time. He said there are also interested applicants, but when the process is slowed down people lose interest.

He said the Board ultimately makes the recommendations, and unless there is a specific requirement that is not met, the positions should be filled. He said he thinks these applicants should be given a chance. He said the Boards have been set up to have a specific number of

seats, and these should be filled by the applicants who have filled out the applications and sought out the positions.

Commissioner Price said she understands Commissioner Pelissier's point, but she agrees with Commissioner Dorosin that these applicants should be given the opportunity to be involved. She noted that Lori Shapiro is qualified, but applied in 2010 and may not still be interested at this point.

She suggested that the Board go forward with the nomination for Hillsborough and notify the ASAB that the Commissioners want to fill these other positions, and recommendations are needed.

Chair Jacobs made a request that future applications be put in alphabetical order.

He said historically, appointments that require more information were postponed until that information was gathered or the clerk re-advertised the vacancy. He said the ASAB was given the task of reviewing the unified animal control ordinance, and while it would be good to have as many people helping with this as possible, it seems reasonable to first make sure the applicants are a good fit and are still interested in serving.

Chair Jacobs said Commissioner Dorosin's motion regarding the at-large position has no relevance to the recommendation of the advisory board. He suggested the other two questionable vacancies be sent back to the advisory board for more information.

Commissioner Rich suggested the creation of a policy to designate information regarding any special requirements.

Commissioner Dorosin summarized that positions 5 and 7 should be moved forward, and the questions regarding Andrew Woods applicability for position 10, and Lori Shapiro's continued interest be conveyed to the ASAB.

Commissioner Dorosin withdrew his motion to appoint Andrew Wood to position #10.

A motion was made by Commissioner Dorosin, seconded by Commissioner Rich to appoint Zack Ferguson to position # 7- At Large, with an expiration date of 6/30/2016.

VOTE: Ayes, 5; Nays, 2

Commissioner McKee said he is concerned with applicants who might bring a position with them that would be a disruption to the board.

The Board directed the Clerk to discuss with the Animal Services Director whether or not the proposed appointments to the positions of Animal Handler and Animal Advocacy meet the required certifications for these positions; if so, to bring them back for Board consideration at the December 10th meeting.

d. Affordable Housing Advisory Board – Appointment

The Board considered making an appointment to the Affordable Housing Advisory Board.

A motion was made by Commissioner Gordon, seconded by Commissioner Rich to appoint Ms. JonZella Bailey- Pridham to position # 7 with an expiration date of 9/30/2016.

VOTE: UNANIMOUS

A motion was made by Commissioner Price, seconded by Commissioner Dorosin to appoint Vanessa Soleil to position # 2 with an expiration date of 9/30/2014.

VOTE: UNANIMOUS

Chair Jacobs questioned whether County employees can serve on these boards.
John Roberts said that County employees can serve on boards that do not directly oversee or work with their department.
Donna Baker concurred with John Roberts.

The Board asked that the clerk's office advertise for the vacancies on this board.

e. Orange County Arts Commission – Appointments

The Board considered making appointments to the Orange County Arts Commission.

A motion was made by Commissioner Gordon, seconded by Commissioner Price to appoint Doris Friend to the Orange County Arts Commissions to position # 7 – At- Large with an expiration date of 9/30/2016.

VOTE: UNANIMOUS

f. Commission for the Environment – Appointments

The Board considered making appointments to the Commission for the Environment.

A motion was made by Commissioner Rich, seconded by Commissioner Gordon to appoint the following to the Commission for the Environment:

- Ms. Lydia Wegman to position #3- Land Resources, for a first partial term, expiring 12/31/2014.
- Ms. Rebecca Ray to position # 15- At- Large, for a first full term, expiring 12/31/2015.

VOTE: UNANIMOUS

g. Hillsborough Planning Board – Appointment

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

A motion was made by Commissioner Gordon, seconded by Commissioner Rich to appoint Erin Eckert to a second full term, to position #1. Hillsborough ETJ, with an expiration date of 10/31/2016.

VOTE: UNANIMOUS

Chair Jacobs noted that none of the Board members are familiar with this candidate. He said this is another reason to create a mechanism for communicating with representatives of the other advisory boards. He said the applicant cannot be expected to reflect Board policies if the Board does not know them.

h. Human Relations Commission– Appointments

The Board considered making appointments to the Human Relations Commission.

A motion was made by Commissioner Pelissier, seconded by Commissioner McKee to appoint Dr. Domika Baran to a first full term in position #6, At-Large, with an expiration date of 9/30/2016; and Dr. Preston Scott Phillips to a first full term in position # 9, Town of Chapel Hill, with an expiration date of 9/30/2016.

VOTE: UNANIMOUS

A motion was made by Commissioner Price, seconded by Commissioner Dorosin to appoint Doris Brunson to a first full term in position # 15, At-Large, with an expiration date of 6/30/2016.

VOTE: UNANIMOUS

12. Board Comments

Commissioner Price none

Commissioner Gordon said she had some items from the DCHC MPO Transportation Advisory Committee meeting. She said there was a technical correction being made to the Memorandum of Understanding, and this will delay approval for three months.

She said there was a report on the human services transportation plan. She said a draft of this report is being released, and the Board will be asked to comment on it.

She said a lot of time was spent on Prioritization 3.0. She said the statewide tier gives no local input points at all, and the regional projects only allow local jurisdictions 30 percent of the input. She said there needs to be thought about how to place those local input points to get those few important projects. She said the local level only gives 50 percent to local input, so that will require careful consideration as well.

Commissioner McKee said he and Commissioner Pelissier met and had dinner with the president of Morinaga Incorporated of Japan, as well as the president of Morinaga Incorporated out of California and several other people. He said it was a good chance to make a better connection between the company and the County. He said a letter has been drafted, expressing appreciation for their visit.

Commissioner Rich said she attended the UNC Black Alumni Reunion on homecoming weekend. She said this has been held in Chapel Hill for the past seven years, thanks to the Business Bureau. She hopes it will continue to be held here.

Commissioner Pelissier said she and Chair Jacobs attended the second meeting of the jail alternatives work group. She said there was productive conversation and she expects a good report from consultant Steve Allen.

Commissioner Dorosin said the DSS board will be coming forth with a request for more funding, as a result of sequestration, the government shutdown and the flood. He said there is some concern that the board cannot get input from the Commissioners quickly enough to determine what actions to take in emergency situations. He said the chair of the board had discussed setting up an expedited process for emergency situations. He said this will likely be brought to the Board in the near future. He gave an example of the state cutoffs to Work First.

Chair Jacobs said he would hope that the chair would immediately go to the County manager to discuss the concern in a situation like this. Chair Jacobs said this Board has made it clear that residents should not suffer because of what higher levels of government are doing.

He thanked Commissioner Pelissier for mentioning the jail alternatives meeting.

Chair Jacobs said he, Commissioner Price and Commissioner Dorosin attended the Veteran's Day event on November 11. He said the new veterans' services officer seemed very

enthusiastic about her job. He said members of the Purple Hearts group were in attendance and expressed appreciation for the Board's recognition.

13. Information Items

- November 5, 2013 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Pay-As-You-Throw Follow-up Memorandum
- BOCC Chair Letter Regarding Petitions from November 5, 2013 Regular Board Meeting

14. Closed Session

A motion was made by Commissioner McKee, seconded by Commissioner Rich to adjourn into closed session at 10:23 pm for the purpose of:

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

VOTE: UNANIMOUS

RECONVENE INTO REGULAR SESSION

A motion was made by Commissioner Gordon, seconded by Commissioner McKee to reconvene into regular session at 11:45pm.

VOTE: UNANIMOUS

15. Adjournment

A motion was made by Commissioner Gordon, seconded by Commissioner McKee to adjourn the meeting at 11:45pm.

VOTE: UNANIMOUS

Barry Jacobs, Chair

Donna S. Baker, CMC
Clerk to the Board

Attachment 5

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
QUARTERLY PUBLIC HEARING
November 25, 2013
7:00 P.M.

The Orange County Board of Commissioners and the Orange County Planning Board met for a Quarterly Public Hearing on Monday, November 25, 2013 at 7:00 p.m. at the DSS Office, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Barry Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Bernadette Pelissier, Renee Price and Penny Rich
COUNTY COMMISSIONERS ABSENT: Earl McKee
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: Interim County Manager Michael Talbert and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)
PLANNING BOARD MEMBERS PRESENT: Chair Pete Hallenbeck, and Planning Board members Maxecine Mitchell, Lisa Stuckey, Paul Guthrie, Herman Staats, Tony Blake, Andrea Rohrbacher, and H.T. "Buddy" Hartley
PLANNING BOARD MEMBERS ABSENT: Johnny Randall, James Lea, Stephanie O'Rouke

Chair Jacobs called the meeting to order at 7:05 pm.

A. OPENING REMARKS FROM THE CHAIR

Planning Board Chair Pete Hallenbeck had no opening remarks

B. PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

C. PUBLIC HEARING ITEMS

1. Unified Development Ordinance (UDO) Text Amendment – To review government initiated amendments to the Unified Development Ordinance (UDO) to change the existing standards for home occupations, modify and clarify existing regulations and definitions associated with home occupations, and allow for the exemption of special events organized or affiliated with a governmental or non-profit agency. The amendments also seek to find a balance between the trends for small home based businesses and the typical character and enjoyment of residential neighborhoods.

Ashley Moncado introduced this item and reviewed the following PowerPoint slides:

Unified Development Ordinance
Text Amendment
Home Occupation Standards
Quarterly Public Hearing
November 25, 2013

Item C1

Purpose

To hold a public hearing on a Planning Board and Planning Director initiated Unified Development Ordinance (UDO) text amendment regarding existing home occupation standards contained within the UDO. The amendment also involves the renumbering and reformatting of Sections 2.22, 5.4.3, and 5.5.3.

Background

- UDO Implementation Bridge report
  - Prepared in 2011 with the adoption of the UDO
- Planning Board's Areas of Interest
  - January 9, 2013 Planning Board meeting
- Board of County Commissioners
  - February 21, 2013 BOCC Retreat
  - May 14, 2013 BOCC Work Session

Existing Home Occupation Standards

- Identified Concerns and Issues
  - Standards are too limiting regarding:
    - Permitted number of employees
    - Square footage allowances
    - Permitted daily trip counts
  - Standards do not address permitting events
    - Orange County Open Studio Tour
  - Standards may be restricting the art community and operation of individual art studios

Strive to create a reasonable balance between supporting home based businesses and protecting the character and enjoyment of residential neighborhoods
- Home Occupations/Neighbors
** Proposed uses exceeding home occupation regulations may apply for a conditional use permit or relocate to a commercial zoning district*

Planning Board

- July 10 Planning Board Meeting
  - Presentation of current standards and other local jurisdictions' standards
- September 4 Planning Board Meeting
  - Review of draft language and Section 419, Live/Work Units
- October 2 Ordinance Review Committee
  - Presentation and review of draft amendments
- October 16 Staff Meeting with the Planning Board Chair
  - Review of the Planning Board's recommendations
- November 2 Ordinance Review Committee
  - Presentation and review of amendments

Proposed Amendments

- Proposed Revisions to:
  - Section 2.22, *Home Occupations*
  - Section 5.4.3, *Special Events*

    - Section 5.5.3, *Home Occupations*
    - Article 10, *Definitions*
- Packet includes the proposed amendments in “track changes” format with explanatory footnotes as needed
- Renumbering and reformatting of identified Sections

Proposed Amendments

- Development of Two Home Occupation Categories
    - Minor
    - Major
- Minor Home Occupations
    - Staff review and approval
    - Permitted in all residential zoning districts
    - Increase in square footage threshold for residential dwelling units
    - Increase in square footage for accessory structures
    - Increase in number of onsite employees
    - Allow for an increase in the daily number of clients, customers, and students
    - Revised definition

Proposed Amendments

- Major Home Occupations
    - Require a Class B Special Use Permit
    - Only permitted in the AR (Agricultural Residential) and R-1 (Rural Residential) zoning districts
    - Must be located on a parcel at least five acres in size
    - Square footage threshold for residential dwelling units and number of onsite employees determined by the approved Special Use Permit
    - Size of accessory structures based on acreage
    - Allow for daily number of clients, customers, and students
    - Require a private road maintenance agreement or driveway permit
    - Proposed definition
    - Proposed Amendments
- All Home Occupations
    - Removal of the daily trip maximum and delivery cap
    - Modification in measuring the weight of vehicles used in conjunction with the home occupation
    - Address reviewing and permitting of special events
        - Revisions to Section 5.4.3, *Special Events*
            - Allow for events planned, conducted, and affiliated with a non profit or government organization to be exempt from the Special Event and Class B SUP review process

Addressing Concerns and Issues

Existing Standards

Concern: Current standards are too limiting regarding:

- Permitted number of employees
- Square footage allowances
- Permitted daily trip counts

Proposed Standards

- Allow for increase in number of onsite employees.

- Allow for increase in square footage allowances for residential dwelling units and accessory structures
- Removal of the daily trip maximum and delivery cap
- Modification in the permitted weight of vehicles used in conjunction with the home occupation

Existing Standards
Concern: Current standards do not address the permitting of special events including the Orange County Open Studio Tour

Proposed Standards
- Allow for the review and permitting of events through Section 5.4.3, *Special Events*
- Allow for the exemption of nonprofit or government organized events from the special event and Class B Special Use Permit review process

Existing Standards
Concern: Standards may be restricting the art community and operation of individual art studios

Proposed Standards
Provide the capacity to support and accommodate individual art studios
- Development of a larger (major) home occupation category
- Increase in square footage allowances, number of onsite employees, daily trip counts, visitors, and deliveries,
- Address the permitting of special events

Public Notification
Completed in accordance with Section 2.8.7 of the UDO
- Newspaper legal ads for 2 successive weeks

Joint Planning Area Partners
Proposed amendments provided on November 7, 2013
- No comments have been received.

Recommendation
- To receive the proposal to amend the Unified Development Ordinance.
- Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
- Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the January 23, 2014 BOCC regular meeting.
- Adjourn the public hearing until January 23, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Ashley Moncado said the two different categories are defined as follows:
Minor- Smaller scale home-based business operations in the residential neighborhood setting on smaller lots
Major- Larger home-based business operations in the rural/residential setting on larger tracts

Ashley Moncado said the minor home occupations will allow a square footage increase from 500 to 750 square feet, and accessory structures will be allowed an increase from 1000 square feet to 1500 square feet.

She said the permitted non-resident employees will increase from 2 to 3, and the permitted visitors will increase to 3 at one time, not to exceed 6 per day.

Ashley Moncado said major home occupations will allow for up to 50 percent of the residential dwelling to be used toward the home occupation and will allow up to 6 non-resident employees on site.

She said accessory structures will be permitted up to 2500 square feet on tracts 5 to 10 acres in size, and up to 3000 square feet on tracts 11 acres or more.

She said standards for the major home occupations will allow for 8 visitors at one time, not exceeding 15 per day.

Ashley Moncado noted that the load capacity standard for vehicles will be changed to a gross vehicle weight, and the revised standards will accommodate the use of standard and larger sized pickup trucks.

Andrea Rohrabacher arrived at 7:10 pm.

Planning Board Chair Pete Hallenbeck invited questions from the Board.

Commissioner Gordon asked where section 419 of the building code is located.

Ashley Moncado said the reference to this is located at the end of the amendment form.

Commissioner Gordon said she is looking for the actual section.

Ashley Moncado said this was not included.

(Michael Harvey made copies of the missing document and distributed this to the Commissioners and the Planning Board.)

Commissioner Pelissier referred to the standards of evaluation on page 15. She noted the uses not permitted and the wording in section B regarding the standards of evaluation. She asked if it was possible for some of the non-permitted uses to actually meet the standards of evaluation.

She cited the example of a plumber who once resided in her neighborhood, but was not disruptive. She asked if standards of evaluation could be used, with no automatic non-permitted uses.

Ashley Moncado said this was a topic at the last planning board meeting. She said this language was in the UDO to prevent the possibility of a resident using their property as a main center and having too much storage or warehousing on site, or creating increased traffic count. She said the standards proposed tonight may be able to accommodate those uses and prevent them from being unpermitted. She said this is a topic for further discussion.

Commissioner Rich thanked the planning department for the robust conversation. She asked about the statement that prohibits the use of a home base for constructing or building anything. She asked if constructing bookcases for a client in a garage shop would be considered building something in a home based business.

Ashley Moncado said she did not believe this was prohibited in the UDO. She said there were concerns for operating a building construction contracting business out of the home. She said if someone came forward wanting to build furniture, this would be allowed if the resident met the regulations and did not exceed outdoor storage space or other standards.

Commissioner Price referred to the chart on page 2. She noted that the second blue box, under standards of evaluation says “body shop, hauling, and building.”

Ashley Moncado said this is just a general comment as part of a summary chart to use in referencing the amendments in attachment 2.

Commissioner Price asked if these standards are for the rural buffer or the rural area in general. She said some of the standards are very restrictive and would not matter in a rural area. She questioned whether this might hurt rural people, rather than help them in the effort to open a home business.

Ashley Moncado said the major home occupations would not be permitted in the rural buffer, only in the AR and R1 zoning districts. She said the major home occupations language was modeled after language currently used for minor home occupation. She said the standards for landscaping are currently in place with all home occupations in the UDO.

Ashley Moncado referred back to the slide showing the balancing act of allowing and promoting the home based business while protecting neighbors and the rural residential character.

Commissioner Price said the neighbors in a rural area may be 2 miles down the road. She said this language seems to make life more difficult rather than easier.

She asked about the farm tour and whether this would be exempt like the arts tour.

Ashley Moncado said the farm tour would be considered agri-tourism, which would allow it to be exempt from the special event process.

Commissioner Dorosin asked if plumbing contracting is prohibited, and he asked what this means. He said it seems that the office portion of a home based plumbing business would be within the description of permitted occupations. He asked for clarification on what is prohibited by the contracting language.

Michael Harvey said the purpose of the prohibition is to prevent creation of a bone yard in residential districts. He said this happens when you have storage of materials, and employees continually travel back and forth from the home site to pick up materials and vehicles for a job. He said this policy prohibits mass storage of plumbing supplies and equipment. He said he has personally allowed plumbing businesses to have a home office. He said this policy is not being modified with this proposal.

Commissioner Dorosin asked for clarifications about home daycares. He said there are some people who provide daycare in their home, but it is not a formal business.

Michael Harvey said there are several different categories of daycare, and there are different permitting processes associated with those activities depending on the number of children. He said anyone wishing to run a home daycare must fill out a zoning compliance permit with the County planning department. He said a floor plan must be provided to show where the children would be located, and documentation must be provided to show the existence of the necessary outdoor play area of 75 square feet per child.

Michael Harvey said planning then coordinates with the health department to insure there is adequate septic to support the activity, and then a permit is issued. He said this is not treated as a home occupation; it is a listed permitted use of property, or a special use.

Commissioner Dorosin asked if this would be true for a daycare with three students or less.

Michael Harvey said the process would still have to be followed.

Chair Jacobs followed up on the question regarding farm tours. He said his interpretation of page 5 is that any non-profit is exempt.

Ashley Moncado said this is correct.

Chair Jacobs asked about the use of accessory structures and the requirement for these buildings to look like a residential structure. He said that barns do not look like a residential structures and may be located half a mile from the nearest neighbor. He asked if the strict appearance and landscape requirements would apply even to this.

Ashley Moncado said, based on this proposal, yes. She said those issues were not previously highlighted as a concern; therefore they were not addressed with the planning board.

Commissioner Gordon referred to page 15 - 2A and 2. She asked if a home occupation permit is required for a minor home occupation.

Ashley Moncado said yes.

Commissioner Gordon noted that some occupations are exempt. She asked if an event can be done without a permit.

Ashley Moncado said the highlighted item related to a telecommuting business, with no employees or customers coming to the site. She said a resident with an exemption would be able to take part in events through the special events process outlined in section 5.4.3.

Commissioner Gordon asked if this means there is no direct tie to having a home occupation permit and having an event.

Ashley Moncado said these are two separate things. She said there is currently no language in the UDO that specifies the means for holding an event. She said that language is now being provided, stating the events will be permitted for home occupations through section 5.4.3. She said someone with an exemption from the home occupation process, would still be able to go through and get a special event permit through this process.

Commissioner Gordon said there would be no knowledge of whether the person had the parking or necessary requirements.

Ashley Moncado said there are size, structure and parking requirements that have to be met as part of the special event review process.

Commissioner Gordon asked how non-profits are defined.

Ashley Moncado said perhaps language needs to be added to reference non-profit status. She said the goal of non-profit exemptions is to allow community events that highlight the community or provide a service to the County.

Commissioner Gordon said language needs to be included to capture the required spirit of the non-profit.

Commissioner Price referred to page 16 and asked how the number of daily students and clients will be enforced.

Michael Harvey said special use permits will be issued and recorded at the register of deeds office. He said this requires the applicants to sign off on the design parameters. He said this will be a mutual agreement, and the permit can be revoked if it is violated.

Commissioner Dorosin said this is complaint driven.

Michael Harvey said it is complaint driven, but County staff also does periodic inspections.

Chair Jacobs asked if it is possible to differentiate between the 501c3 and other non-profits.

Ashley Moncado said this can be looked into.

Commissioner Pelissier asked about the buffers and the required screening of accessory structures, as listed on page 17. She said residences that don't have a business do not have to screen accessory structures.

Michael Harvey said that a single family residence does not have to establish a buffer to shield or separate an accessory structure. He said the fact that the property will have non-residential use means a buffer is required to insure that the non-residential use of that structure does not have a negative impact on adjacent property owners. He said staff does not feel that there should be an alteration of the current landscaping and screening requirements, as it serves a purpose and is warranted, given the non-residential use of the structure.

Commissioner Rich asked for examples of the minor uses that have been discussed with the planning board.

Planning Board member Tony Blake said this list included journalists, accountants, real estate agents, and piano teachers.

Pete Hallenbeck said this started with what might be called professional services, such as lawyers, architects, or consulting engineers. He said it came down to the traffic coming into the house. He said clients for these businesses may show up and not come back for several days, versus a home business where there may be 8 appointments a day. He said a lot of the discussions were driven by the impact of what you would see and hear, and how much traffic is generated.

Commissioner Price asked how this will affect farm based businesses, for example someone making jam to sell on the roadside.

Perdita Holtz said businesses located on a bonafide farm, making a value added product are exempt from zoning regulations. She said if it is not a bonafide farm, such as a person making jam in their home kitchen, environmental health permits would be required. She said this would be a home based business that requires a permit.

Commissioner Price asked if this means the person would still be able to sell in front of their home.

Perdita Holtz said a home occupation would not be able to sell in front of their house.

Commissioner Price referred to the traffic issue. She said her tax accountant works out of his home and has people drop taxes at his house. She said her neighbor generated more traffic from teenage boys and their friends coming and going than the tax collector generates from the business. She said she does not understand how traffic can differentiate.

Ashley Moncado said that can be a hard thing to regulate. She said the original numbers were much greater than those being submitted tonight. She said charts were created to show average trips. She said the original numbers proposed gave a number of upwards of 160 trips per day resulting from a major home occupation. She said this is based on a worst case scenario of employees taking lunches, or a parent bringing children back and forth to piano lessons.

Ashley Moncado said those traffic counts were why the recommendations were reduced, in order to bring the counts down a little. She said an average single family residential unit will create 4-20 trips per day. She said the recommendations provided tonight go above that range to accommodate for family and business trips. She said the goal is to keep it in the appropriate range for a single family residential home.

Commissioner Gordon read the statement about creating a reasonable balance between the home occupations and protecting the character of residential neighborhoods. She referred to page 7 and asked why this says home occupations would be promoted and encouraged. She gave the following alternative wording: “appropriate balance between supporting home based business and protecting the character and enjoyment of residential neighborhoods.”

Ashley Moncado said the planning board’s goal has been to promote home based businesses. She said the one sentence focuses on one side of it; however the goal is to focus on providing opportunities for residents to have a different means to conduct business through their home, but it also important to protect the character of residential neighborhoods.

Commissioner Gordon said use of the words promote and encourage, does not sound like a balance.

Ashley Moncado said this comes from the original goal. She said that one sentence does not encompass all of this.

Commissioner Dorosin said it has been out of balance in the other direction, and now the goal is to balance it by promoting home businesses. He said the pendulum often swings too far the other way when these kinds of corrections are made.

Commissioner Rich noted that no one from the public was in attendance. She asked if any input or comment was made at previous meetings or through emails.

Tony Blake said staff and board members spoke with neighbors and drew from personal experiences. He feels these businesses are an underappreciated part of the economy.

Pete Hallenbeck said there were no comments from the public. He said most of the planning board does some aspect of their work from their home.

Tony Blake said he works for a corporation from home office, and he is exempt; however many of his neighbors do work from home businesses.

Commissioner Rich said many people today use their home to telecommute.

Tony Blake said that situation is exempt. He said the new technology makes this possible. He said margins have been cut because of the economy, and there is a lot of need and demand for this.

Commissioner Gordon said she has comments.

Pete Hallenbeck asked if there were any other questions before moving on to comments.

Commissioner Gordon said that much of this discussion is about the difference between major and minor home occupations and the smaller lots and residential areas versus the larger lots and rural areas. She said there is a lot of discussion about what kind of impact there will be. She said maybe the primary focus for ordinance changes should be made in the major home occupations that involve a special use permit, because special conditions can then be accounted for.

She said she has been looking at some of the proposed changes for minor home occupations and the large size of the accessory structures. She said these structures are bigger than some houses. She feels there should be some kind of permitting process before getting into these bigger impacts. She feels the 500-700 square feet for the minor category is fine, but she questions going above 1000 square feet or 2 employees for the minor home occupations.

Commissioner Gordon said people on small lots are more affected by what neighbors do. She said the difference between neighbors creating a lot of impact is whether they are making any money. She said if money is being made; but your peace and tranquility is being compromised and your property values go down, then the balance has been exceeded.

She feels that it would be better to make increases and changes in the major home occupations versus the minor. She said if you are on 25 acres, the business is in the middle of the property, and there is plenty of area for parking, no one is going to be bothered.

She feels the minor home occupation category needs to be kept as is, and the changes should be made only to the major.

Commissioner Gordon said it is good to help the artists and photographers who are just doing work at their place. She said this is very different from someone having noise, odors, impact or storage issues that interfere with residential character.

Commissioner Dorosin said this needs to be thought of as economic development. He said economic development is not just about luring big businesses to come here. He said it is also about supporting home grown entrepreneurship and individual small business that can grow and become successful.

He said the lot size and homeowners association have to allow for the building of a 1500 square foot accessory building. He said the purpose here is to control the impacts, such as noise, odor or impact, and it's not about controlling the building. He said he is encouraged by these changes, and this should be characterized as the economic development engine that it could be.

Commissioner Pelissier said she echoes what Commissioner Dorosin said. She said this is a great opportunity for economic development. She feels this shows that development is encouraged and does so in a way that is not disruptive to individual residences. She noted that these accessory structures are required to look like a residential structure. She said the issue is the noise and traffic; it is not about the occupation, but it is about the impact on neighbors.

Commissioner Pelissier said she does not want to make the rules so restrictive and she would like to see some more work done on this. She questioned why a home occupation on a major road would need 40 feet of trees or a fence for something that is not an eyesore. She feels there needs to be some more balancing to make it less difficult for some of the home occupations.

Chair Jacobs said he agrees more or less with what he has heard so far. He said he has some different feelings about the accessory buildings. He does not care what existing accessory buildings look like, as these are already in place and part of the neighborhood; however he feels that new accessory buildings should be required to meet the proposed standards.

He said the screening could be handled with set-backs that are appropriate for residential versus rural areas. He said it is difficult with only AR, but using a setback that would not work well in a smaller residential area would make it easier to avoid screening. He said a setback of 500 feet would obviously not be used on a smaller 1 acre lot, and the noise and light would not really impact neighbors, whereas a setback of 50 feet might allow disturbance. He said this might be a way to address the rural versus suburban areas.

Commissioner Price said these she has found some of these proposals to be too restrictive. She said asking a homeowner who is trying to make a living with a home based occupation to put in fences, landscaping and certain trees is a financial challenge. She said this is going overboard.

She said small businesses are a big part of the economic development scheme and should be encouraged. She understands the need to save the rural character, but she also wants to be fair to residents in the rural area.

Commissioner Price said she also thinks the language could be edited to be a little simpler.

Commissioner Rich said she is encouraged by this. She wonders how much of a live document this is. She questioned the steps to modify this if it is put in place and then adjustments need to be made.

Ashley Moncado said modifications can be made if neighbors complain, and this would be done using the protocol for proposing a text amendment.

Commissioner Rich asked if this would be true in the case of needing to give more leeway.

Ashley Moncado said yes, it would be open for examination by staff and the planning board.

Commissioner Rich asked if this would come about through public input.

Ashley Moncado said yes.

Commissioner Gordon said the goal is to create a balance. She said most of the issues could be addressed by making the changes to the major home occupations category and not making changes to the minor occupations. She said this allows things to be tailored through the special use permit process. She said this is not losing too much and it directs the intense development to the larger lots sizes in rural areas.

She said this is about putting non-residential uses in residential areas, and the character of the residential areas needs to be considered.

Chair Jacobs said he does not disagree with much of what Commissioner Gordon has said; however he questions the existing standards for minor. He said the accessory structure screening is in there now, and he feels this should be more a function of the lot size than a blanket requirement. He is proposing a change to this.

Tony Blake said the goal in the original conversation was to align with Chapel Hill.

Ashley Moncado said Chapel Hill currently allows 35 percent of the floor area, or 750 square feet, which is in line with the increase.

Pete Hallenbeck said the concept of character comes back to what you can see, hear, and smell, as well as the traffic involved. He said those are the things being addressed when balance is discussed. He said the example of teenage traffic activity may be more acceptable to residents because is an occurrence for only a finite amount of time.

He said there are many limits being played with in the effort to preserve character, such as size of structures, number of visits and size of trucks. He said there are many opinions, and there have been many discussions. He said the changes to the minor uses were designed to bring the various municipal and rural rules a little closer to the municipality rules.

Pete Hallenbeck said the size limits are interesting because there are two different kinds of rural character; one is where you have a farm with the normal and expected traffic and noise, and the other is a big lot residential community where no one wants that farm experience. He said this makes many of these decisions hard.

He referred to the plumbing example and said no one had a problem if a plumber simply owned a truck or two at their house. He said there is a point however, where the business would be big enough that it should be moved to an office park like Millstone Drive.

Pete Hallenbeck said he likes the idea of changing the goal of the document from promoting business to promoting a balance between business and residential. He said that wording will help people make better decisions for this living document in the future.

He said the other thing that everyone is wrestling with is balancing the impact more than restricting certain occupations. He likes the idea of screening and setbacks, and he said perhaps the planning board can look at this. He said perhaps a building that is 500 feet from the property would not need shrubbery.

Pete Hallenbeck said he has 1500 square feet of work space over the garage and 1000 square feet in his basement, both used for different types of projects. He shares this as an example of that balancing act of putting a limit on square footage, putting a limit on the activities, or putting a limit on what can be seen, heard, or smelled, as well as the traffic count.

Lisa Stuckey thinks it makes more sense to get rid of the language on page 15 regarding the building businesses. She feels the language should focus more on the visual impact of the businesses. She thinks these home businesses should be invisible to neighbors

Paul Guthrie said he has had some questions, as reflected in the minutes. He said he has been skeptical, not of the concept, but of the specificity of the language. He said one example is the provision for barriers and buffers, which requires an 80 foot space between activities and neighbors. He said this is over half an acre and, coupled with other issues, puts a real barrier on people who want to operate on their own property.

He said ever time he reads this document he sees a new issue, and this tells him this process needs to be carefully considered. He said this can be accommodated with a reasonable degree of judicial flexibility, so as not to impede people's ability to make a living.

Paul Guthrie said this is just part of the working life today. He said 50 percent of his neighbors have been involved in a home business of some sort, and he has a daughter who telecommutes from London. He said this is symbolic of the new world we live in, and it must be thought through in coming to a final conclusion on this issue.

Maxecine Mitchell said she would like to address Commissioner Rich's question about public input. She said she is an average person, and she may start a home business. She does not want all of these restrictions so that she would potentially have to move out if the business did well. She also does not want to discourage other people from creating a business.

Ashley Moncado proposed a revision to the recommendation. She requested this be brought back to the February 18th meeting, in order to allow time to work with the planning board to address the concerns highlighted tonight.

Chair Jacobs said this seems more practical.

A motion was made by Renee Price, seconded by Commissioner Rich:

- To receive the proposal to amend the Unified Development Ordinance.
- Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.

- Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the February 18, 2014 BOCC regular meeting.
- Adjourn the public hearing until February 18, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

Chair Jacobs asked if there is a list of the people who have home occupation permits. He asked if these people can be notified that an ordinance is being considered. He said the public hearing is adjourned, but perhaps these residents could attend the planning board meeting. He said it might be smart to anticipate the comments that could come after changes are made.

Michael Harvey said any additional comments would need to be in writing, since the public hearing is closed.

Chair Jacobs suggested sending post cards to notify residents of what is happening and directing them to a web address for submission of written comments. He said he recognizes that there may be thousands of these people.

Ashley Moncado said staff will have to look at what resources are in place to be able to do this.

Commissioner Gordon said she thinks this letter is a good idea.

2. 2. Unified Development Ordinance (UDO) Text Amendment – To review government-initiated amendments to the Unified Development Ordinance (UDO) to incorporate recent changes in State law with respect to the review and processing of applications proposing the development or modification of telecommunication facilities.

Michael Harvey said this item begins on page 39 of the abstract. He said attachment 1 is the comprehensive plan and UDO outline form, and attachment 2 is the actual copy of Session law 2013-185.

He reviewed the following Session law criteria from page 39 of the abstract:

- Prohibition on requiring information related to the specific need for a proposed telecommunication facility, including the addition of additional wireless coverage or capacity, as part of the application package.
- Local governments cannot require '*proprietary, confidential, or other business information*' to justify the need for a new telecommunication facility.
- Limits the fee local governments can collect for a third party consultant to review applications for co-locations.
- Mandatory review timelines/deadlines for local governments to act on co-location applications.

Michael Harvey said the County has been very lucky in the past few years that AT&T has been willing to provide data indicating existing telecommunications facilities.

He said the co-locations fee is now limited to $1,000, and the previous charge was $2500. He said that change has already been incorporated.

He said state law also establishes a very specific set of criteria for what constitutes a modification. He said this is important in Orange County, as the County has three tiers of review on telecommunication towers. He said anything over 75 feet is approved by staff in an administrative action; anything over 75 feet and under 199 feet is approved through the class B special use permit process by the board of adjustment; and anything 200 feet or over is reviewed and acted upon by the Board of Commissioners as a class A special use permit.

Michael Harvey said this new session law establishes parameters to establish that certain increases in height of an existing telecommunications facility shall not constitute a modification that has to be administratively approved. He called attention to page 58 of the packet, where this language has been incorporated within the provisions of the UDO.

He said the County attorney's office has requested the inclusion of additional language in 11-a, b, c and d. He said this will be included to flesh out exact parameters of a modification.

Michael Harvey said the key is to ensure that sufficient language is provided to focus on the changing nature of the tower. He said this affects testimony and facts considered when a tower is reviewed and acted on by the County.

He gave the example of a tower that is 190 feet tall. He said the tower height can be increased by 10 percent, or not more than 20 feet, and it is considered a minor change that does not go before the Board. He said this is an attempt to avoid having a tower that is 199 feet, reviewed as a class b special use permit, wanting to add to 209 feet, requiring additional compliance standards. He said staff would like to require the Board to review and approve this type of action.

Michael Harvey said this ordinance amendment does not alter current review and approval procedures. He said there will still be a class A and class B special use permit process, and a consultant review of all co-locations. He said the review timeline is not being changed.

He said the consultants are limited in what they can charge to the County. He said meals and travel cannot be charged, but the County contract never allowed this, so no amendment is necessary here.

He said there was no public comment, and many changes from the session law have already been incorporated.

Commissioner Dorosin asked if there were constraints to how many times a tower can be modified.

Michael Harvey said if the modifications exceed existing permitting authority for the tower, the permit must be modified.

Commissioner Dorosin asked for clarification on the limits.

Michael Harvey reviewed these again.

Commissioner Dorosin asked if this means that the tower could be increased in size multiple times.

Michael Harvey said this is conceivable, but he noted the other parameters of obtaining approval. He said mandatory setbacks still have to be complied with, and it is unlikely that you can have a consistent increase in tower height while maintaining relevant factors to the permit.

He said the other parameter to be incorporated is that the Board of Adjustment or the Board of Commissioner will be basing decisions on the testimony and evidence entered into the record during a hearing. He said any alteration that changes the parameters of that evidence would have to be reviewed and acted upon.

He reminded the Board that any tower 200 feet or higher must be illuminated, based on FHA regulations. He said most people don't like to do this, as it is costly and draws attention to the tower.

Chair Jacobs noted the motion on page 40.

A motion was made by Commissioner Pelissier, seconded by Commissioner Rich to:

1. Receive the proposed text amendment(s).

2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the January 23, 2014 BOCC regular meeting.
4. Adjourn the public hearing until January 23, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

3. Unified Development Ordinance (UDO) Text Amendment – To review government-initiated amendments to the Unified Development Ordinance (UDO) to incorporate recent changes in State law with respect to items reviewed and acted upon by the Orange County Board of Adjustment.

Michael Harvey referred to page 87 of the packet. He reviewed the attachments and the following session law changes:

- Changing the votes necessary for the Board to approve a Special Use Permit application from 4/5th of members to a simple majority,
- Clarifying the procedure(s) for requesting and issuing of subpoenas,
- Clarifying the appeals timeframe for Board of Adjustment decisions to be submitted to Superior Court, and
- Clarifying notification requirements with respect to who is notified of a Board decision. Voting Procedures changed

Michael Harvey said the language regarding issuance of subpoenas is now detailed in the code.

He said the appeals timeframe allows 30 days from the filing of a decision to the filing of an appeal.

He said these changes are intended to create consistency with state law, and there is no modification of the operational characteristics of the Board of Adjustment. He said the voting change for special use permits brings it in line with existing County Commissioner's requirements.

Commissioner Gordon referred to page 102, section 10.3 and asked why these are necessary. She read the following section: "It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property."

Michael Harvey said the statute no longer permits this. He assumes this is because people found it difficult to prove no reasonable use of the property. He said applicants now simply have to claim that the desired use is being impeded.

Commissioner Gordon referred to item 10.3 C.

Michael Harvey said this is direct language from the state law.

Commissioner Gordon referred to page 10, and conditions of approval. She said the public health safety and general welfare language has been eliminated.

Michael Harvey said that language has been removed from the statute.

Commissioner Gordon asked if this means the public safety and general welfare could then be not protected.

Michael Harvey said he would not go that far. He said the rationalization could no longer be used to justify the imposition of the condition.

Tony Blake asked if this state law applies to existing matters.

Michael Harvey said thankfully there are no cases before the Board that pre-date this. He said if there were, this rule would apply. He said there is no grandfathering with this session law.

Commissioner Price asked if a person could reapply if they had been previously been denied a special use permit on a 2-3 vote.

Michael Harvey said the person would have to wait one calendar year. He said there have been no denials in the past year.

Commissioner Dorosin asked what the anticipated impact of this will be.

Michael Harvey said he foresees no major impact; it just changes the nature of the game.

John Roberts said it is not going to have a substantial impact on Orange County, though it does substantially change the ordinance and the statute.

Tony Blake asked if this is about the Hwy 751 development.

Michael Harvey said he will not speculate on this. He thinks the changes with respect to voting were intended to bring this in line with what the County Commissioners are already doing.

A motion was made by Commissioner Pelissier, seconded by Commissioner Price to:

1. Receive the proposed text amendment(s).
2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the January 23, 2014 BOCC regular meeting.
4. Adjourn the public hearing until January 23, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

ADJOURNMENT

A motion was made by Commissioner Gordon, and seconded by Renee Price to adjourn the meeting at 8:50 p.m.

Barry Jacobs, Chair

David Hunt
Deputy Clerk to the Board

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 6-b

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:
Dwane Brinson, Tax Administrator,
919-245-2726

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for sixty-seven (67) taxpayers with a total of seventy-two (72) bills that will result in a reduction of revenue.

BACKGROUND: North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

(a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
(b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
(c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of $6,989.34 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2013-2014 is $54,122.19.

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

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

NORTH CAROLINA RES-2014-001

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____day of _____, 2014.

_____
Clerk to the Board of Commissioners

Clerical error G.S. 105-381(a)(1)(a)
Illegal tax G.S. 105-381(a)(1)(b)
Appraisal appeal G.S. 105-330.2(b)

BOCC REPORT - REGISTERED MOTOR VEHICLES
JANUARY 23, 2014

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Anchor Capitol Corporation	595689	2013	18,470	0	(321.90)	County changed to Craven (Illegal tax)
Avent, Mary Elizabeth	595866	2013	4,980	3,486	(23.62)	High mileage & damage (Appraisal appeal)
Bedor, John	963372	2013	3,720	1,860	(16.71)	Total loss title (Appraisal appeal)
Bethune, Sally Tart	1014082	2013	9,500	7,125	(26.75)	Rebuilt title (Appraisal appeal)
Blackwood, Paul	10124863	2013	1,700	500	(53.49)	Incorrect situs address & antique auto plate (Illegal tax & appraisal appeal)
Calvin J Slaughter Trucking Inc.	9575590	2012	13,690	13,690	(128.28)	Situs error (Illegal tax)
Carroll, Sarah	1048486	2013	16,450	14,988	(24.21)	Purchase price (Appraisal appeal)
Carter, James	1045956	2013	7,750	5,580	(20.21)	High mileage & damage (Appraisal appeal)
Choi, Jongmin	1013699	2013	9,180	7,528	(26.11)	High mileage (Appraisal appeal)
Dew, Stephen James	1049827	2013	11,050	9,107	(30.71)	Purchase price (Appraisal appeal)
Elkins, Steve Wilson	10038304	2013	9,240	9,240	(95.59)	Situs error (Illegal tax)
Ewell, Harrison	1044875	2013	27,240	21,476	(91.09)	Purchase price (Appraisal appeal)
Ferguson, David Lee	9845028	2013	7,010	7,010	(81.72)	Situs error (Illegal tax)
Fox, Dean Allen II	981856	2013	10,140	10,000	(2.21)	Incorrect value (appraisal appeal)
Freeman, Nancy Taylor	585068	2013	2,370	1,778	(5.50)	Salvage title (appraisal appeal)
Friedman, Michael Harold	9395398	2013	23,430	0	(417.96)	County changed to Chatham (Illegal tax)
George, Joseph	9985944	2013	23,280	500	(212.21)	Antique auto plate (Appraisal appeal)
Hackney, Kenneth Bryant	1020805	2012	3,000	0	(84.84)	County changed to Chatham (Illegal tax)
Hastings, Nicholas	1048116	2013	9,810	5,190	(73.00)	Damage (Appraisal appeal)
Hernandez, Evelyn Azarel	1046637	2013	12,500	0	(236.98)	County changed to Randolph (Illegal tax)
Hicks, Jack Bolen III	1014399	2013	5,360	2,680	(42.35)	Repair estimate (Appraisal appeal)
Hicks, James Warren	10091677	2013	17,400	500	(272.92)	Antique auto plate (Appraisal appeal)
Hodge, Jadyn	970166	2012	13,400	0	(135.45)	Military exempt - Leave & earning statement home of record TX
Hodge, Jadyn	970166	2011	13,530	0	(131.26)	Military exempt - Leave & earning statement home of record TX
Hodge, Jadyn	1026740	2012	29,141	0	(280.74)	Military exempt - Leave & earning statement home of record TX
Hodge, Jadyn	970166	2013	13,120	0	(125.50)	Military exempt - Leave & earning statement home of record TX
Hodge, Linda & Jadyn	656535	2010	9,680	4,840	(45.96)	Half off value--Co owner military exempt - Leave & earning statement home of record TX
Holman, Thelon Nalette	1022454	2012	20,520	0	(257.95)	County changed to Durham (Illegal tax)
Holmes, George Luther	982507	2013	9,438	7,965	(13.52)	High mileage (Appraisal appeal)
Horton, Randy	10045870	2013	17,000	500	(273.21)	Antique auto plate (Appraisal appeal)
Hudgens, Amy	1043438	2013	3,560	0	(91.89)	County changed to Chatham (Illegal tax)
Huntzinger, Marc Ryan	9486885	2013	20,160	0	(363.80)	County changed to Chatham (Illegal tax)
Isham, Steven	956085	2012	11,010	0	(109.08)	Military exempt - Leave & earning statement home of record FL
Isham, Steven	990773	2012	8,280	0	(82.03)	Military exempt - Leave & earning statement home of record FL
Kang, Lu	1049466	2013	7,950	5,999	(30.84)	Purchase price (Appraisal appeal)
Klapper, David Gary	10041831	2013	16,500	500	(252.87)	Antique auto plate (Appraisal appeal)
Laws, Carlton Anthony	9997117	2013	3,000	500	(23.29)	Antique auto plate (Appraisal appeal)
Lilley, James Preston	5810516	2013	10,980	5,490	(86.77)	Damage (Appraisal appeal)
Lomas, Woodrow Ernest II	9605016	2013	27,600	500	(312.85)	Antique auto plate (Appraisal appeal)
Lorenzini, Dino Jacques	1049711	2013	23,600	20,809	(44.10)	Purchase price (Appraisal appeal)
Loziuk, Elizabeth	1046554	2013	9,330	7,464	(17.32)	High mileage (Appraisal appeal)
Maclachlan, Lucrecia	1049839	2013	11,070	9,963	(17.03)	High mileage (Appraisal appeal)
Maclachlan, Lucrecia	1049837	2013	18,760	0	(293.92)	Incorrect vehicle year on Mav-1 received from Wake (Illegal tax)
McGhee, James	1009001	2013	1,500	500	(9.14)	Antique auto plate (Appraisal appeal)
McGowan, Kevin Larkin	9748768	2013	14,820	9,485	(88.34)	High mileage (Appraisal appeal)

Clerical error G.S. 105-381(a)(1)(a)
Illegal tax G.S. 105-381(a)(1)(b)
Appraisal appeal G.S. 105-330.2(b)

BOCC REPORT - REGISTERED MOTOR VEHICLES
JANUARY 23, 2014

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Meacham, Shawn Alaine	1049845	2013	1,860	0	(17.60)	County changed to Chatham (Illegal tax)
Moore, Mary Mack	1019299	2012	15,570	0	(159.71)	County changed to Durham (Illegal tax)
Morales, Romain Marcus	1049490	2013	5,000	4,000	(9.32)	High mileage (Appraisal appeal)
Nelson, Suzanne	360370	2013	12,190	0	(119.62)	County changed to Alamance (Illegal tax)
Overton, Brenda Blalock	602352	2013	7,440	3,720	(34.53)	High mileage & damage (Appraisal appeal)
Pleasants, Brandy Michelle	9675659	2013	1,290	1,290	(39.34)	Situs error (Illegal tax)
Post, Charlotte	1046854	2013	13,090	9,257	(60.57)	High mileage & damage (Appraisal appeal)
Reep, Prairie Dawn	1047331	2013	12,070	10,380	(26.71)	High mileage (Appraisal appeal)
Rigsbee, Jennifer	9551024	2013	13,250	10,335	(32.84)	High mileage (Appraisal appeal)
Ross-Snipes, Leslie Anne	9990133	2013	3,770	3,770	(42.36)	Situs error (Illegal tax)
Shamma, Ramzi Abdul	1047001	2013	3,980	2,950	(17.05)	Purchase price (Appraisal appeal)
Shan, Jing	1046666	2013	15,950	14,036	(30.24)	High mileage (Appraisal appeal)
Simon-Ross, Meredith	1046048	2013	5,050	0	(109.81)	County changed to Durham (Illegal tax)
Slanker, Edward Frederick II	942959	2013	22,640	16,754	(54.03)	High mileage (Appraisal appeal)
Smith, Eugene Thomas	5765222	2013	10,520	8,626	(22.08)	High mileage (Appraisal appeal)
Sowder, John Hugh	1049363	2013	3,000	500	(29.16)	Antique auto plate (Appraisal appeal)
Toll, Alan Casey	1049730	2013	23,600	20,137	(39.97)	Purchase price (Appraisal appeal)
Towe, Sinclair	985054	2012	4,610	0	(109.89)	County changed to Durham (Illegal tax)
Town of Hillsborough	1036721	2013	2,570	0	(52.10)	Property exempt (Illegal tax)
Wagner, Charles Steven	1047203	2013	1,620	0	(14.53)	County changed to Alamance (Illegal tax)
Ward, Willard Allen	9982617	2013	1,880	1,880	(43.62)	Situs error (Illegal tax)
Wheaton, Robert J. III	9880302	2013	26,900	500	(304.76)	Antique auto plate (Appraisal appeal)
White, Hollie	605327	2013	12,060	11,710	(5.79)	High mileage (Appraisal appeal)
Whitlock, James Allan	942274	2013	17,700	12,744	(46.18)	High mileage (Appraisal appeal)
Wilcox, Leslie Anne	978633	2013	9,670	9,670	(68.64)	Situs error (Illegal tax)
Willms, Susan Jane	10091349	2013	8,020	8,020	(95.26)	Situs error (Illegal tax)
Wu, Chin Yu	981862	2013	9,990	8,192	(28.41)	High mileage (Appraisal appeal)
				Total	(6,989.34)	

Military Leave and Earning Statement: Is a copy of a serviceman's payroll stub covering a particular pay period. This does list his home of record, which is his permanent state of residence where he would pay any state income taxes.

Vehicle Titles

Salvaged and Salvage Rebuilt: Any repairs that exceed 75% of the vehicle's market value using NADA, Kelly Blue Book and various other publications.
When the insurance company has totaled the vehicle, and the customer has received the claim check, four things can happen:

- Insurance company can keep the vehicle.
- Customer can keep the vehicle. The customer is instructed to contact the local DMV inspector to have an initial inspection done, for vehicles 2001 to 2006 (these dates change yearly, example in 2007 the models will be 2002-2007).
- Affidavit of Rebuilder- The inspector lists each part that needs to be repaired.
- Final inspection- if all work is cleared and approved by the inspector then the rebuilt status is then removed (salvaged status remains).

Note: Finance companies will not finance a salvaged vehicle.

Total Loss: Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.

Total Loss/Rebuilt: Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.

Certificate of Reconstruction: When work has been done on (vehicles 2001-2006 in year 2006) this is issued when the inspector didn't see the original damaged and the vehicle has been repaired.

Certificate of Destruction: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

Custom Built: When the customer has built this vehicle himself or herself. Ex. parts taken from various vehicles to build one vehicle. Three titles are required from the DMV in this case. 1) Frame 2) Transmission 3) Engine.
Then an indemnity bond must be issued. An indemnity bond must also be issued when the vehicle does not have a title at all.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 6-c

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Resolution
Spreadsheet

INFORMATION CONTACT:
Dwane Brinson, Tax Administrator,
(919) 245-2726

PURPOSE: To consider adoption of a resolution to release property tax values for eleven (11) taxpayers with a total of (16) sixteen bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received eleven taxpayer requests for release or refund of property taxes. North Carolina General Statute 105-381(b), "Action of Governing Body" provides that "upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made". North Carolina law allows the Board to approve property tax refunds for the current and four previous fiscal years.

FINANCIAL IMPACT: Approval of this change will result in a net reduction in revenue of $2,573.33 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

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

NORTH CAROLINA RES-2014-002

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____day of _____, 2014.

_____
Clerk to the Board of Commissioners

Clerical error G.S. 105-381(a)(1)(a)
Illegal tax G.S. 105-381(a)(1)(b)
Appraisal appeal G.S. 105-330.2(b)

BOCC REPORT - REAL/PERSONAL
JANUARY 23, 2014

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Bivins, Kenneth	1020112	2013	8,880	8,880	(1.77)	Illegal tax (Incorrect situs)
Bloomsbury Leasing, LLC	1034055	2013	40,000	0	(549.73)	Illegal tax (Doubled billed)
CSI Leasing, Inc.	289971	2013	1,650	1,296	(5.60)	Clerical error
Direct Capital Corporation	312309	2013	4,345	2,328	(23.53)	Clerical error
Haresh M Kathard MD, PLLC	1005101	2012	2,467	0	(46.10)	Illegal tax (Doubled billed)
Howell C.o Inc.	57884	2013	4,912	0	(85.38)	Clerical error
Infohandler Com. Inc.	199214	2013	14,091	0	(178.94)	Illegal tax (Doubled billed)
Luna Pop,s LLC	1002525	2013	99,886	99,886	(712.86)	Illegal tax (Incorrect situs)
Modern Times, Inc.	162026	2013	6,919	0	(88.78)	Clerical error
Nuco2, Inc.	248971	2013/2011	2,771	0	(32.93)	Illegal tax (Doubled Billed)
Nuco2, Inc.	240892	2013/2011	6,630	0	(141.00)	Illegal tax (Doubled Billed)
Nuco2, Inc.	230679	2013/2011	13,175	0	(263.83)	Illegal tax (Doubled Billed)
Nuco2, Inc.	1034032	2013/2011	12,025	0	(251.90)	Illegal tax (Doubled Billed)
Nuco2, Inc.	240982	2013/2012	5,883	4,741	(22.41)	Clerical error
Nuco2, Inc.	230679	2013/2012	15,729	8,554	(132.62)	Clerical error
Public Service Co. of NC. Inc.	35694	2013	37,975	37,975	(35.95)	Clerical error
				Total	(2,573.33)	

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 6-d

SUBJECT: Applications for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

INFORMATION CONTACT:
Dwane Brinson, Tax Administrator,
(919) 245-2726

PURPOSE: To consider six (6) untimely applications for exemption/exclusion from ad valorem taxation for six (6) bills for the 2013 tax year.

BACKGROUND: North Carolina General Statutes (NCGS) typically require applications for exemption to be filed during the listing period, which is usually during the month of January. Applications for Elderly/Disabled Exclusion, Circuit Breaker Tax Deferment and Disabled Veteran Exclusion should be filed by June 1st of the tax year for which the benefit is requested. NCGS 105-282.1(a1) does allow some discretion. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this provision applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

Including these six (6) applications, the Board will have considered a total of 48 untimely applications for exemption of 2013 taxes since the 2013 Board of Equalization and Review adjourned on May 23rd. Taxpayers may submit an untimely application for exemption of 2013 taxes to the Tax Office through December 31, 2013 for approval by the Board of Commissioners.

Four (4) of the applicants are applying for Homestead Exemption based on NCGS 105-277.1, which allows exclusion of the greater of twenty-five thousand dollars ($25,000) or fifty percent (50%) of the appraised value of the residence plus the value of up to one (1) acre of land.

One (1) applicant is applying for Circuit Breaker exclusion based on NCGS 105-277.1B which allows for tax relief based on income. The Circuit Breaker exclusion is a tax deferral program.

One (1) applicant is applying for exclusion based on NCGS 105-277.1C, which allows for an exclusion of $45,000 for an honorably discharged Disabled American Veteran.

Based on the information supplied in the application and based on the above-referenced General Statutes, the application may be considered for approval by the Board of County

Commissioners. NCGS 105-282.1(a1) permits approval of such application if good cause is demonstrated by the taxpayer.

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of the exemption application will result in a reduction of FY 2013/2014 taxes due to the County, municipalities, and special districts in the amount of $6,474.05.

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

NORTH CAROLINA RES-2014-003

ORANGE COUNTY

EXEMPTION/EXCLUSION RESOLUTION

Whereas, North Carolina General Statutes 105-282.1 empowers the Board of County Commissioners to approve applications for exemption after the close of the listing period, and

Whereas, good cause has been shown as evidenced by the information packet provided, and

Whereas, the Tax Administrator has determined that the applicants could have been approved for 2013 had applications been timely.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the properties applying for exemption for 2013 are so approved as exempt.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

_____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____ said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____day of _____, 2014.

_____
Clerk to the Board of Commissioners

Late exemption/exclusion application - GS 105-282.1(a1)

BOCC REPORT - REAL/PERSONAL
JANUARY 23, 2014

NAME	ABSTRACT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Alexander, Louise J.	8146	2013	105,503	52,751	(491.44)	Late application for exemption G.S. 105-277.1 (Homestead Exclusion)
Condrey, William	263722	2013	73,842	36,921	(338.94)	Late application for exemption G.S. 105-277.1 (Homestead Exclusion)
Coudriet, Larry	310769	2013	376,763	376,763	(4,373.82)	Late application for exemption G.S. 105-277.1B (Circuit Breaker)
Jones, David S.	1049213	2013	8,240	0	(84.12)	Late application for exemption G.S. 105-277.1 (Homestead Exclusion)
Pickard, Clyde	262005	2013	105,660	50,165	(474.56)	Late application for exemption G.S. 105-277.1 (Homestead Exclusion)
Tanner, Mohe	176338	2013	224,018	179,018	(711.17)	Late application for exemption G.S. 105-277.1C (Veterans Exclusion)
				Total	(6,474.05)	

November 20, 2013 thru
December 20, 2013

FILED

NOV 14 2013

ORANGE COUNTY
TAX ADMINISTRATION

Orange County 17 52 North Carolina

Request for Tax Relief
Late Application Filing

Date: 11/08/2013

To Whom It May Concern:

I Louise Jones Alexander, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2013 on parcel number

(PIN) # 9875504278.

The reason for my late request is:

✓ I was not aware that this exemption was available to me.

____ I just found out about the Property Tax Relief Program.

____ Other

Thank you,

Louise Alexander
(Signature)

How did you find out about this exemption?

on statement

FILED
NOV 20 2013
ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 11-19-13

To Whom It May Concern:

I, (PRINT NAME) WILLIAM CONDREY, wish to be considered for Property Tax Relief Exemption or Exclusion for the year 2014 on Parcel Identification Number (PIN) #9812973346 storage Bldg..

I don't have the PIN # for my 1974 Doublewide as I MAIled

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of "good cause" for failure to make a timely application. An untimely application approved under G.S. 105-282.1(a1) applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

the tax paper with my payment.

____ I was not aware that this exemption was available to me.

✓ I just found out about the Property Tax Relief Program.

____ Other (please explain)

the double wide: 12816594 - twin Lakes 1974 - 918A-B

title # 12816594 (PIN # 9812975474)

Thank you,

William Condrey
(Signature)

How did you learn of this exemption?

tax office

#263722

FILED

DEC 13 2013

ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 13 DEC 13

To Whom It May Concern:

I, (PRINT NAME) LARRY D CONDRIET, wish to be considered for Property Tax Relief Exemption or Exclusion for the year _____ on Parcel Identification Number (PIN) # 9789 766591.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of "good cause" for failure to make a timely application. An untimely application approved under G.S. 105-282.1(a1) applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

____ I was not aware that this exemption was available to me.
____ I just found out about the Property Tax Relief Program.
X Other (please explain)

I WAS UNDER THE IMPRESSION WE DID NOT HAVE TO RENEW REQUEST EACH YEAR

Thank you,

(Signature)

How did you learn of this exemption?

Tax bill

FILED
NOV 13 2013
ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 11/13/2013

To Whom It May Concern:

I, (PRINT NAME) David S. Jones, wish to be considered for Property Tax Relief Exemption or Exclusion for the year 2013 on Parcel Identification Number (PIN) # 1049213.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of "good cause" for failure to make a timely application. An untimely application approved under G.S. 105-282.1(a1) applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

____ I was not aware that this exemption was available to me.
✓ I just found out about the Property Tax Relief Program.
____ Other (please explain)

Thank you,

David Jones
(Signature)

How did you learn of this exemption?

Tax Office

Singlewide mtl

FILED

DEC 11 2013

ORANGE COUNTY
TAX ADMINISTRATION

Orange County 1752 North Carolina

Request for Tax Relief
Late Application Filing

Date: 12-11-2013

To Whom It May Concern:

I Clyde Pickard, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2013 on parcel number

(PIN) # 9728857759.

The reason for my late request is:

✓ I was not aware that this exemption was available to me.

____ I just found out about the Property Tax Relief Program.

____ Other

Thank you,

x Clyde Pickard
(Signature)

How did you find out about this exemption?

_____

_____

FILED
DEC 02 2013
ORANGE COUNTY
TAX ADMINISTRATION

Request for Tax Relief
Late Application Filing

Date: 12/02/13

To Whom It May Concern:

I, (PRINT NAME) Mohe S. Tanner, wish to be considered for Property Tax Relief Exemption or Exclusion for the year 2013 on Parcel Identification Number (PIN) # 9787 384458.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of "good cause" for failure to make a timely application. An untimely application approved under G.S. 105-282.1(a1) applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

____ I was not aware that this exemption was available to me.
____ I just found out about the Property Tax Relief Program.
X Other (please explain)
Recently paid off mortgage.

Thank you,
Mohe S Tanner
(Signature)

How did you learn of this exemption?
VA disability notification form

ORD-2014-003

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 6-e

SUBJECT: Fiscal Year 2013-14 Budget Amendment #4

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Attachment 1. Budget as Amended Spreadsheet
Attachment 2. Year-To-Date Budget Summary
Attachment 3. New Hope Volunteer Fire Department Letter of Request

INFORMATION CONTACT:
Clarence Grier, (919) 245-2453

PURPOSE: To approve budget ordinance amendments for fiscal year 2013-14.

BACKGROUND:

Department on Aging

1. The Department on Aging has received funding notification for the following programs:

- **In Praise of Age** – a donation of $2,500, from the Carolina Springs Retirement Community, in support of the public television show's production costs.
- **Senior Center Programming** – revenue totaling $7,786, from the NC Division of Aging and Adult Services (NCDAAS), for center programming and general operations, including nonpermanent staffing and department supplies. A required 25% local match is included in the Community Based Services Division's operations budget. No additional County funds are required.
- **Senior Lunch Program** – receipt of an additional $455, from the Town of Carrboro**,** in support of the Senior Lunch Program, at the Robert and Pearl Seymour Center.
- **Gatsby Gala** – additional revenue of $6,000 from November's Gatsby Gala fundraiser. The RSVP Advisory Council and the Friends of the Robert and Pearl Seymour Center jointly sponsored the event.

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

Department of Social Services

2. The Department of Social Services has received additional revenues for the following programs:
    - **Child Day Care –** receipt of a third quarter payment of $1,283,804 to provide childcare services and subsidies to low-income families.
    - **Smart Start Enhancement Program –** receipt of a third quarter payment of $255,000 for Smart Start Subsidized Child Care program administration. The department will pay program funds directly to childcare providers.
    - **Energy Assistance** – receipt of $426,920 in Low-Income Home Energy Assistance Program (LIEAP) block grant funds, from the NC Department of Health and Human Services. The funds will pay for crisis-related, heating needs of Orange County residents.

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

Visitors Bureau Fund

3. The Visitors Bureau Funds has received additional revenue, from the Town of Chapel Hill, for surpassing FY 2012-13 performance benchmarks. The Town of Chapel Hill agreed to award the Visitors Bureau 50% of revenues, from hotel/motel occupancy receipts, if collections exceeded $950,000. The Visitors Bureau met this performance goal and received revenue totaling $13,683, from the Town of Chapel Hill. The Bureau will use the funds for promotions and special events, in FY 2013-14. This budget amendment provides for the receipt of these additional funds. *(See Attachment 1, column 3)*

Library

4. The Library has received donations totaling $2,750. The Friends of the Carrboro Library have donated $2,500, which will fund DVD purchases and librarian attendance at the American Library Association conference. Community donations of $250 will fund supplies for genealogical preservation. This budget amendment provides for the receipt of these additional donations. *(See Attachment 1, column 4)*

New Hope Volunteer Fire Department

5. The New Hope Volunteer Fire Department has requested a portion of their district's available fund balance ($20,000) to be used to cover unforeseen expenses for truck and generator repairs at both stations and generator transfer panel switch repairs at Station 1. With this appropriation, approximately $37,000 remains in the district's unassigned fund balance. This budget amendment provides for the appropriation of $20,000 from the district's fund balance for the above stated purposes. *(See Attachment 1, column 5 and Attachment 3)*

Orange Rural Fire Department

6. At its December 10, 2013 meeting, the Board of County Commissioners approved a request from Orange Rural Fire Department No. 1 to enter into a financing arrangement to purchase a fire truck. Included in the department's request, and approved by the Board, was a request of $70,000 from their district's available fund balance to purchase equipment to help outfit the truck. With this appropriation, approximately $16,000 remains in the district's unassigned fund balance. This technical budget amendment provides for the appropriation of $70,000 from the district's fund balance for the above stated purpose. *(See Attachment 1, column 6)*

Other Post Employment Benefits (OPEB) Trust Fund

7. At its December 10, 2013 meeting, the Board of County Commissioners approved an appropriation of $3,000,000 from the General Fund Unassigned Fund Balance to continue funding the Other Post Employment Benefits (OPEB) Fund, established during the previous fiscal year, in order to fully fund the total required annual contribution for the current fiscal year. This technical budget amendment provides for the appropriation of $3,000,000 from the General Fund Unassigned Fund Balance for the above stated purpose. *(See Attachment 1, column 7)*

Animal Services Department

8. The Animal Services Department has received $1,213 in additional revenue from the sale of spay/neuter t-shirts and animal carriers. Animal Services would like to use this additional revenue to fund the purchase of additional spay/neuter t-shirts and animal carriers in order to continue with this program. This budget amendment provides for the receipt of these funds. *(See Attachment 1, column 8)*

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

RECOMMENDATION(S): The Manager recommends the Board approve budget ordinance amendments for fiscal year 2013-14.

Attachment 1. Orange County Proposed 2013-14 Budget Amendment

The 2013-14 Orange County Budget Ordinance is amended as follows:

	Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #3-A	#1. Addditional Department on Aging revenue for In Praise of Age ($2,500), Senior Center general operations ($7,786), the Senior Lunch program ($455) and the Gatsby Gala ($6,000).	#2. Department of Social Services receipt of third quarter Daycare ($1,283,804) and SmartStart payments ($255,000), in addition to Energy Assistance Block Grant Funds ($426,920).	#3. Visitor Bureau Fund receipt of additional Town of Chapel Hill occupancy tax revenue ($13,683) for exceeding FY 2012-13 performance standards.	#4. Library donations from the Friends of the Carrboro Library ($2,500) and the general community ($250).	#5. BOCC approved appropriation of $20,000 from the New Hope Fire District's Unassigned Fund Balance	#6. BOCC approved appropriation of $70,000 from the Orange Rural Fire District's Unassigned Fund Balance	#7. BOCC approved appropriation of $3,000,000 from the General Fund's Unassigned Fund Balance to fully fund the Other Post Employment Benefit (OPEB) Fund's required contribution for the current fiscal year	#8. Revenues from Spay/Neuter T-shirt and animal carrier sales	Budget as Amended Through BOA #4
General Fund													
Revenue													
Property Taxes	$ 139,733,522	$ -	$ 139,733,522	$ 139,733,522	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 139,733,522
Sales Taxes	$ 17,190,148	$ -	$ 17,190,148	$ 17,190,148	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 17,190,148
License and Permits	$ 313,000	$ -	$ 313,000	$ 313,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 313,000
Intergovernmental	$ 13,703,850	$ -	$ 13,703,850	$ 16,598,629	$ 8,241	$ 1,965,724	$ -	$ -	$ -	$ -	$ -	$ -	$ 18,572,594
Charges for Service	$ 9,654,843	$ -	$ 9,654,843	$ 9,694,071	$ 6,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 9,700,071
Investment Earnings	$ 105,000		$ 105,000	$ 105,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 105,000
Miscellaneous	$ 796,718		$ 796,718	$ 833,441	$ 2,500		$ -	$ 2,750	$ -	$ -	$ -	$ 910	$ 839,601
Transfers from Other Funds	$ 1,046,300		$ 1,046,300	$ 1,058,800	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,058,800
Fund Balance	$ 5,190,118	$ 645,323	$ 5,835,441	$ 6,442,980	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,000,000	$ -	$ 9,442,980
Total General Fund Revenues	$ 187,733,499	$ 645,323	$ 188,378,822	$ 191,969,591	$ 16,741	$ 1,965,724	$ -	$ 2,750	$ -	$ -	$ 3,000,000	$ 910	$ 196,955,716
Expenditures													
Governing & Management	$ 15,981,211	$ 263,506	$ 16,244,717	$ 16,244,717	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 910	$ 16,245,627
General Services	$ 17,646,776	$ 71,471	$ 17,718,247	$ 17,718,247	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 17,718,247
Community & Environment	$ 7,103,245	$ 65,048	$ 7,168,293	$ 7,218,123	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 7,218,123
Human Services	$ 31,459,113	$ 87,451	$ 31,546,564	$ 34,068,015	$ 16,741	$ 1,965,724	$ -	$ -	$ -	$ -	$ -	$ -	$ 36,050,480
Public Safety	$ 21,445,378	$ 157,847	$ 21,603,225	$ 21,697,733	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 21,697,733
Culture & Recreation	$ 2,495,908	$ -	$ 2,495,908	$ 2,504,660	$ -	$ -	$ -	$ 2,750	$ -	$ -	$ -	$ -	$ 2,507,410
Education	$ 86,289,802		$ 86,289,802	$ 86,289,802	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 86,289,802
Transfers Out	$ 5,312,066		$ 5,312,066	$ 6,228,294							$ 3,000,000		$ 9,228,294
Total General Fund Appropriation	$ 187,733,499	$ 645,323	$ 188,378,822	$ 191,969,591	$ 16,741	$ 1,965,724	$ -	$ 2,750	$ -	$ -	$ 3,000,000	$ 910	$ 196,955,716
	$ -	$ (0)	$ (0)	$ (0)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (0)
Visitors Bureau Fund													
Revenues													
Occupancy Tax	$ 1,028,000		$ 1,028,000	$ 1,028,000									$ 1,028,000
Sales and Fees	$ 501		$ 501	$ 501			$ 13,683						$ 14,184
Intergovernmental	$ 205,726		$ 205,726	$ 205,726									$ 205,726
Investment Earnings	$ 500		$ 500	$ 500									$ 500
Miscellaneous	$ -		$ -	$ -									$ -
Appropriated Fund Balance	$ 20,000	$ 1,600	$ 21,600	$ 21,600									$ 21,600
Total Revenues	$ 1,254,727	$ 1,600	$ 1,256,327	$ 1,256,327	$ -	$ -	$ 13,683	$ -	$ -	$ -	$ -	$ -	$ 1,270,010
Expenditures													
Community and Environment	$ 1,254,727	$ 1,600	$ 1,256,327	$ 1,256,327			$ 13,683						$ 1,270,010
Fire District Funds													
Revenues													
Property Tax	$ 4,711,761		$ 4,711,761	$ 4,711,761									$ 4,711,761
Intergovernmental	$ -		$ -	$ -									$ -
Investment Earnings	$ 654		$ 654	$ 654									$ 654
Appropriated Fund Balance	$ -		$ -	$ 10,000					$ 20,000	$ 70,000			$ 100,000
Total Fire Districts Fund Revenue	$ 4,712,415	$ -	$ 4,712,415	$ 4,722,415	$ -	$ -	$ -	$ -	$ 20,000	$ 70,000	$ -	$ -	$ 4,812,415
Expenditures													
Remittance to Fire Districts	$ 4,712,415		$ 4,712,415	$ 4,722,415					$ 20,000	$ 70,000			$ 4,812,415

Attachment 1. Orange County Proposed 2013-14 Budget Amendment

The 2013-14 Orange County Budget Ordinance is amended as follows:

	Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #3-A	#1. Addditional Department on Aging revenue for In Praise of Age ($2,500), Senior Center general operations ($7,786), the Senior Lunch program ($455) and the Gatsby Gala ($6,000).	#2. Department of Social Services receipt of third quarter Daycare ($1,283,804) and SmartStart payments ($255,000), in addition to Energy Assistance Block Grant Funds ($426,920).	#3. Visitor Bureau Fund receipt of additional Town of Chapel Hill occupancy tax revenue ($13,683) for exceeding FY 2012-13 performance standards.	#4. Library donations from the Friends of the Carrboro Library ($2,500) and the general community ($250).	#5. BOCC approved appropriation of $20,000 from the New Hope Fire District's Unassigned Fund Balance	#6. BOCC approved appropriation of $70,000 from the Orange Rural Fire District's Unassigned Fund Balance	#7. BOCC approved appropriation of $3,000,000 from the General Fund's Unassigned Fund Balance to fully fund the Other Post Employment Benefit (OPEB) Fund's required contribution for the current fiscal year	#8. Revenues from Spay/Neuter T-shirt and animal carrier sales	Budget as Amended Through BOA #4
Spay/Neuter Fund													
Revenues													
Charges for Services	$ 31,000		$ 31,000	$ 31,000									$ 31,000
Intergovernmental	$ 25,000		$ 25,000	$ 25,000									$ 25,000
Miscellaneous	$ 2,500		$ 2,500	$ 2,500								$ 303	$ 2,803
Appropriated Fund Balance	$ 18,100		$ 18,100	$ 18,100									$ 18,100
Total Revenues	$ 76,600	$ -	$ 76,600	$ 76,600	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 303	$ 76,903
Expenditures													
Operating	$ 76,600		$ 76,600	$ 76,600								$ 303	$ 76,903
Transfer to County Capital	$ -		$ -	$ -									$ -
Total Expenditures	$ 76,600	$ -	$ 76,600	$ 76,600	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 303	$ 76,903

Year-To-Date Budget Summary

Fiscal Year 2013-14

General Fund Budget Summary

Original General Fund Budget	$187,733,499
Additional Revenue Received Through Budget Amendment #4 (January 23, 2014)	
Grant Funds	$125,004
Non Grant Funds	$4,844,351
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	$645,323
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	$3,607,539
Total Amended General Fund Budget	**$196,955,716**
Dollar Change in 2013-14 Approved General Fund Budget	$9,222,217
% Change in 2013-14 Approved General Fund Budget	4.91%

$42,000 to cover co-location costs with 5 Fire Departments; $25,100 to cover .50 FTE position costs in Emergency Services; $148,439 to cover loss of Federal Sequestration funds in the Section 8 Housing and HOME Programs (BOA #2); $10,000 to provide UNRBA funds for Best Management Practices project (BOA #2-A);$382,000 to purchase 3 properties adjacent to Sportsplex (BOA #2-C); $3,000,000 to fund current fiscal year's contribution to the OPEB Trust Fund (BOA #4)

Authorized Full Time Equivalent Positions

Original Approved General Fund Full Time Equivalent Positions	826.550
Original Approved Other Funds Full Time Equivalent Positions	82.700
Position Reductions during Mid-Year	
Additional Positions Approved Mid-Year	4.800
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2013-14	**914.050**

includes Social Worker I (.80 FTE) time-limited position in Aging (BOA #1-B); time-limited Human Services Coord I (1.0 FTE) in Aging (BOA #1-C); two Appraiser I positions (2.0 FTE) in Revaluation Fund (BOA #1-D); Public Health Preparedness Coord (1.0 FTE) shared in Health and ES (BOA #2)

Street Address (Station 1):
4012 Whitfield Road
Chapel Hill, NC 27514
Phone: (919) 493 -1001
Fax: (919) 419-0241

Mailing Address:
P.O. Box 16484
Chapel Hill, NC 27516
www.newhopefire.com

New Hope Volunteer Fire Department of Orange County, Inc.

December 30, 2013

Mr. Paul Laughton
Financial Services
Orange County
P.O. Box 8181
Hillsborough, NC 27278

Dear Paul,

New Hope Fire Department has experienced several unforeseen expenses for truck repairs, generator repairs at both stations and generator transfer panel switch repairs at Station 1 that will result in overages in line item budget expenditures for the 2012-2013 fiscal year. We are requesting an allocation of $20,000 from our unappropriated fund balance to cover these expenses. Feel free to contact us if you need additional information. Thank you for your assistance with this request.

Sincerely,

Howard Pratt

Howard Pratt, President

Mike Tapp

Mike Tapp, Fire Chief

ORD-2014-004

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 6-f

SUBJECT: FY 2013-14 Budget Amendment #4-A – Approval of a 0.50 FTE Increase and a General Fund Intrafund Transfer to Establish a 1.0 FTE Agricultural Economic Development Coordinator

DEPARTMENT: Economic Development, Cooperative Extension

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

INFORMATION CONTACT:
Steve Brantley, 245-2330
Carl Matyac, 245-2050

PURPOSE: To increase the full-time equivalent (FTE) for a reclassified Agricultural Economic Development Coordinator from 0.50 FTE to 1.0 FTE and transfer budgeted, contract personnel funds from Cooperative Extension to Economic Development to cover the FTE increase.

BACKGROUND: During summer 2013, Economic Development, Cooperative Extension and Human Resources discussed the restructuring of two, part-time vacant positions into one full-time position. The departments agreed to combine a 20-hour-per-week Agricultural Extension Agent in Cooperative Extension with an existing 0.50 FTE Agricultural Economic Development Coordinator in Economic Development to create a full-time Agricultural Economic Development Coordinator position.

The Coordinator would solicit agricultural-related businesses to Orange County; assist agricultural professionals with business plan development and marketing fundamentals; workshop coordination; and event planning (e.g. the County Fair, Piedmont Farm Tour). The Coordinator would also assist Cooperative Extension with projects, such as the PLANT @ Breeze training, Agricultural Summit and the Farm-to-Fork program, and lead fundraising efforts for the Breeze Family Farm Incubator Program. The Coordinator's expenses would be budgeted in the Economic Development Department, with office space in Cooperative Extension's building, and the position would report to the Economic Development Director.

Cooperative Extension and Economic Development request the Board increase the reclassified position's FTE, by 0.50, to create a full-time Coordinator position (1.0 FTE). Currently, Cooperative Extension's Agricultural Extension Agent has permanent position status and budgeted funds, but no County FTE designation. Cooperative Extension employees are considered State personnel, partially subsidized in Cooperative Extension's budget. The employees are not Orange County employees and do not have County FTE designations. For that reason, the reclassified Coordinator position would need an additional 0.50 FTE to become a 1.0 FTE position.

FINANCIAL IMPACT: Funding the 0.50 FTE increase would not require additional County funds. Personnel funds for the existing Agricultural Extension Agent total $26,125 and are budgeted within Cooperative Extension's FY 2013-14 Operating Budget.

This action requires Board approval because a General Fund transfer of $26,125 will occur between departments and across government functions (from the Cooperative Extension Department within the Human Services Function, into the Economic Development Department within the Community and Environment Function), to move the expenditure budgets to Economic Development.

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

1) Approve the 0.50 FTE increase for the Agriculture Economic Development Coordinator position; and
2) Approve a General Fund Intrafund Transfer of $26,125 from Cooperative Extension to Economic Development for the full-time Agricultural Economic Development Coordinator position.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda
Item No. 6-g

SUBJECT: Request to Ratify the Renewal of the Emergency Solutions Grant Program Effective January 1, 2014 through September 30, 2014

DEPARTMENT: Social Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):

Contract
Excerpt from FY 2013-2014 Budget Ordinance Adopted on June 18, 2013

INFORMATION CONTACT:
Nancy Coston, 245- 2800
Sharron Hinton, 245-2800

PURPOSE: To ratify the renewal of the Emergency Solutions Grant (ESG) contract with the State of North Carolina for $116,011 through September 2014 and to authorize the County Manager to execute the sub-recipient contract with the Inter-Faith Council for Social Services upon review and approval by the County Attorney's Office.

BACKGROUND: During 2012, a local interagency team developed a proposal for funding through ESG and received an initial allocation of $162,673 to provide both homelessness prevention and rapid re-housing. The Board approved the grant acceptance and associated contract at its January 24, 2013 regular meeting.

At that time, the local interagency team decided that the Social Services Department would serve as the grant administrator and that services would be provided by Social Services and the Inter-Faith Council for Social Service (IFC) - a local non-profit organization. The funds provided to IFC ($59,615) will be used for emergency shelter operating costs and the funds to Social Services will be used for housing stability, particularly for families experiencing homelessness or are transitioning from shelters to permanent housing.

The renewal for this grant was received by the County after the December break. The County Manager signed the contract so that persons currently receiving services (including rental payments) would not experience any disruptions in their housing plans. However, Board ratification/approval is required due to both the grant provisions and the Manager's signature authority provisions from the FY 2013-2014 Budget Ordinance (see attachment).

FINANCIAL IMPACT: There are no County funds requested, and this grant will provide additional resources to serve persons who are homeless in Orange County.

RECOMMENDATION(S): The Manager recommends that the Board ratify the contract renewal by the County Manager and authorize the County Manager to sign any sub-recipient contracts, contract amendments, or contract renewals.

GENERAL CONTRACT COVER

This contract is hereby entered into by and between the North Carolina Department of Health and Human Services, Division of Aging and Adult Services (the "Division") and Orange County (the "Contractor") (referred to collectively as the "Parties").

1. **Contract Documents:**
This contract consists of the following documents, which are incorporated herein by reference:

   (a) This contract cover
   (b) The General Terms and Conditions
   (c) Scope of Work
   (d) Performance Measures Chart
   (e) The Line Item Budget
   (f) Federal Certifications
   (g) State Certification

   Incorporated By Reference
   The following documents are reference materials and are available by going to the following website, Open Window (http://dhhsopenwindow.nc.gov/index.aspx?pid=doc_ReferenceDocuments).

   (a) Travel: Policies Governing Travel Related Expenses for Contractors
   (b) General Statutes G.S.143C6 NonState Entities Receiving State Funds
   (c) Subchapter 03M Uniform Administration of State Grants

   These documents constitute the entire agreement between the Parties and supersede all prior oral or written statements or agreements.

2. **Precedence Among Contract Documents:**
In the event of a conflict between or among the terms of the Contract Documents, the terms in the Contract Document with the highest relative precedence shall prevail. The order of precedence shall be the order of documents as listed in the contract document section, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple contract amendments, the most recent amendment shall have the highest precedence and the oldest amendment shall have the lowest precedence.

3. **Effective Period:**
This contract shall be effective on 1/1/2014 and shall terminate on 9/30/2014, with the option to extend, if mutually agreed upon, through a written amendment as provided for in the General Terms and Conditions.

4. **Contractor's Duties:**
The Contractor shall provide the services as described in the scope of work and in accordance with the approved budget.

5. **Division's Duties:**
The Division shall pay the Contractor in the manner and in the amounts specified in the contract documents. The total amount paid by the Division to the Contractor under this contract shall not exceed $116,011. This amount consists of $0 in State funds, $0 in Local funds, $0 in Other funds and $116,011 in Federal funds.

   The total contract amount is $116,011.

6. **Conflict of Interest Policy:**
The Division has determined that this contract is a financial assistance contract. The Contractor shall file with the Division, a copy of the Contractor's policy addressing conflicts of interest that may arise involving the Contractor's management employees and the members of its board of directors or other governing body. The policy shall address situations in which any of these individuals may directly or indirectly benefit, except as the Contractor's employees or members of its board or other governing body, from the Contractor's disbursing of state funds and shall include actions to be taken by the Contractor or the individual, or both to avoid conflicts of interest and the appearance of impropriety. The policy shall be filed before the Division may disburse the grant funds. (N.C.G.S. 143C-6-23(b)(2007))

7. **Statement of No Overdue Tax Debts:**
Contractor's sworn written statement pursuant to N.C.G.S. 143C-6-23(c), stating that the Contractor does not have any overdue tax debts, as defined by G.S. 105-243.1, at the federal, state, or local level. The Contractor acknowledges that the written statement must be filed before Division may disburse the grant funds.

8. **Reversion of Unexpended Funds:**
Any unexpended grant funds shall revert to the Division upon termination of this contract.

9. **Grants:**
The Contractor/Grantee has the responsibility to ensure that all sub-grantees, if any, provide all information necessary to permit the Contractor/Grantee to comply with the standards set forth in this contract.

10. **Reporting Requirements:**
The Division has determined that this is a contract for financial assistance, and therefore is subject to the reporting requirements described on the Notice of Certain Reporting and Audit Requirements. Regulations and Reporting Requirements of N.C. General Statute 143C-6.23 can be found at ncgrants.gov.

11. **Payment Provisions:**
Upon execution of this contract, the Contractor shall submit to the Division Contract Administrator, a monthly reimbursement request for services rendered the previous month by the 10th of each month and, upon approval by the Division, receive payment within 30 days. Monthly payment shall be made based on actual expenditures made in accordance with the approved budget on file with both parties and reported on the monthly expenditure report submitted by the Contractor. If this contract is terminated, the Contractor shall complete a final accounting report and return any unearned funds to the Division within 30 days of the contract termination date. The Division shall have no obligation for payments based on expenditure reports submitted later than 30 days after termination or expiration of the contract period. All payments are contingent upon fund availability.
Payment shall be made in accordance with the contract documents as described in the scope of work.

12. **Contract Administrators:**
All notices permitted or required to be given by one Party to the other and all questions about the contract from one Party to the other shall be addressed and delivered to the other Party's contract administrator. The name, post office address, street address, telephone number, fax number, and email address of the Parties' respective initial contract administrators are set out below. Either Party may change the name, post office address, street address, telephone number, fax number, or email address of its contract administrator by giving timely written notice to the other Party.

For the Division:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Michael Leach, Homeless Programs Coordinator Division of Aging and Adult Services 2101 Mail Service Center Raleigh, NC 27699-2101 **Telephone :** (919)-855-4991 **Fax:** ()-- **Email:** Michael.Leach@dhhs.nc.gov	Michael Leach, Homeless Programs Coordinator Division of Aging and Adult Services 2101 Mail Service Center Raleigh, NC 27699-2101

For the Contractor:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Sharron Hinton, Human Services Manager, Dept. of Social Services Orange County PO Box 8181 Hillsborough, NC 27278 **Telephone:** (919)-245-2840 **Fax:** ()-- **Email:** shinton@orangecountync.gov	Sharron Hinton, Human Services Manager, Dept. of Social Services Orange County PO Box 8181 Hillsborough, NC 27278

13. Supplementation of Expenditure of Public Funds:
The Contractor assures that funds received pursuant to this contract shall be used only to supplement, not to supplant, the total amount of federal, state and local public funds that the Contractor otherwise expends for contract services and related programs. Funds received under this contract shall be used to provide additional public funding for such services; the funds shall not be used to reduce the Contractor's total expenditure of other public funds for such services.

14. Disbursements:
As a condition of this contract, the Contractor acknowledges and agrees to make disbursements in accordance with the following requirements:

(a) Implement adequate internal controls over disbursements;
(b) Pre-audit all vouchers presented for payment to determine:
- Validity and accuracy of payment
- Payment due date
- Adequacy of documentation supporting payment
- Legality of disbursement

(c) Assure adequate control of signature stamps/plates;
(d) Assure adequate control of negotiable instruments; and
(e) Implement procedures to insure that account balance is solvent and reconcile the account monthly.

15. Outsourcing to Other Countries:
The Contractor certifies that it has identified to the Division all jobs related to the contract that have been outsourced to other countries, if any. The Contractor further agrees that it will not outsource any such jobs during the term of this contract without providing notice to the Division.

16. Signature Warranty:

The undersigned represent and warrant that they are authorized to bind their principals to the terms of this agreement.

17. **Federal Certifications:**
Individuals and Organizations receiving federal funds must ensure compliance with certain certifications required by federal laws and regulations. The contractor is hereby complying with Certifications regarding Nondiscrimination, Drug-Free Workplace Requirements, Environmental Tobacco Smoke, Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions, and Lobbying. These assurances and certifications are accompanied by a signature page and can be found in the Contractor's Managed Documents section of DHHS Open Window. The signature page is to be signed by the contractor's authorized representative.

Signatures follow on next page

In Witness Whereof, the Contractor and the Division have executed this contract in duplicate originals, with one original being retained by each party.

Orange County

Signature

Date 12/30/13

~~Frank Clifton~~ Michael Talbert
Printed Name

Interim County Manager
Title

WITNESS

Signature

Date 12/30/13

Allison Chambers
Printed Name

Budget Tech.
Title

Division of Aging and Adult Services, North Carolina Department of Health and Human Services

Helen L Duke for Dennis Streets
Signature

Date 12/30/13

Dennis Streets
Printed Name

Director
Title

GENERAL TERMS AND CONDITIONS

Relationships of the Parties

Independent Contractor: The Contractor is and shall be deemed to be an independent contractor in the performance of this contract and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Contractor represents that it has, or shall secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with, the Division.

Subcontracting: The Contractor shall not subcontract any of the work contemplated under this contract without prior written approval from the Division. Any approved subcontract shall be subject to all conditions of this contract. Only the subcontractors specified in the contract documents are to be considered approved upon award of the contract. The Division shall not be obligated to pay for any work performed by any unapproved subcontractor. The Contractor shall be responsible for the performance of all of its subcontractors.

Assignment: No assignment of the Contractor's obligations or the Contractor's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority, the State may:

(a) Forward the Contractor's payment check(s) directly to any person or entity designated by the Contractor, or

(b) Include any person or entity designated by Contractor as a joint payee on the Contractor's payment check(s).

In no event shall such approval and action obligate the State to anyone other than the Contractor and the Contractor shall remain responsible for fulfillment of all contract obligations.

Beneficiaries: Except as herein specifically provided otherwise, this contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors. It is expressly understood and agreed that the enforcement of the terms and conditions of this contract, and all rights of action relating to such enforcement, shall be strictly reserved to the Division and the named Contractor. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Division and Contractor that any such person or entity, other than the Division or the Contractor, receiving services or benefits under this contract shall be deemed an incidental beneficiary only.

Indemnity and Insurance

Indemnification: The Contractor agrees to indemnify and hold harmless the Division, the State of North Carolina, and any of their officers, agents and employees, from any claims of third parties arising out of any act or omission of the Contractor in connection with the performance of this contract to the extent permitted by law.

Default and Termination

Termination Without Cause: The Division may terminate this contract without cause by giving 30 days written notice to the Contractor.

Termination for Cause: If, through any cause, the Contractor shall fail to fulfill its obligations under this contract in a timely and proper manner, the Division shall have the right to terminate this contract by giving written notice to the Contractor and specifying the effective date thereof. In that event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall, at the option of the Division, become its property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials, minus any payment or compensation previously made. Notwithstanding the foregoing provision, the Contractor shall not be relieved of liability to the Division for damages sustained by the Division by virtue of the Contractor's breach of this agreement, and the Division may withhold any payment due the Contractor for the purpose of setoff until such time as the exact amount of damages due the Division from such breach can be determined. In case of default by the Contractor, without limiting any other remedies for breach available to it, the Division may procure the contract services from other sources and hold the Contractor responsible for any excess cost occasioned thereby. The filing of a petition for bankruptcy by the Contractor shall be an act of default under this contract.

Waiver of Default: Waiver by the Division of any default or breach in compliance with the terms of this contract by the Contractor shall not be deemed a waiver of any subsequent default or breach and shall not be construed to be modification of the terms of this contract unless stated to be such in writing, signed by an authorized representative of the Department and the Contractor and attached to the contract.

Availability of Funds: The parties to this contract agree and understand that the payment of the sums specified in this contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the Division.

Force Majeure: Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot,

strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Survival of Promises: All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable Federal or State statutes of limitation.

Intellectual Property Rights

Copyrights and Ownership of Deliverables: All deliverable items produced pursuant to this contract are the exclusive property of the Division. The Contractor shall not assert a claim of copyright or other property interest in such deliverables.

Compliance with Applicable Laws

Compliance with Laws: The Contractor shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

Equal Employment Opportunity: The Contractor shall comply with all federal and State laws relating to equal employment opportunity.

Health Insurance Portability and Accountability Act (HIPAA): The Contractor agrees that, if the Division determines that some or all of the activities within the scope of this contract are subject to the Health Insurance Portability and Accountability Act of 1996, P.L. 104-91, as amended ("HIPAA"), or its implementing regulations, it will comply with the HIPAA requirements and will execute such agreements and practices as the Division may require to ensure compliance.

Executive Order # 24: By Executive Order 24, issued by Governor Perdue on October 1, 2009, and N.C. G.S.§ 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

(1) have a contract with a governmental agency; or
(2) have performed under such a contract within the past year; or
(3) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Governor Perdue's October 1, 2009 Executive Order 24 and G.S. Sec. 133-32.

To find Governor Perdue's October 1, 2009 Executive Order 24:

- Go to http://www.governor.state.nc.us/;
- Click on "Newsroom";
- Click on "Executive Orders and Proclamations";
- Scroll down and click on the words "click here" in the sentence that states, "To view previous Executive Orders, please click here;" and
- Scroll down and click on "EO 24: Gift Ban."

Confidentiality

Confidentiality: Any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Contractor under this agreement shall be kept as confidential and not divulged or made available to any individual or organization without the prior written approval of the Division. The Contractor acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this contract.

Oversight

Access to Persons and Records: The State Auditor shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7. Additionally, as the State funding authority, the Department of Health and Human Services shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions.

Record Retention: Records shall not be destroyed, purged or disposed of without the express written consent of the Division. State basic records retention policy requires all grant records to be retained for a minimum of five years or until all audit exceptions have been resolved, whichever is longer. If the contract is subject to Federal policy and regulations, record retention may be longer than five years. Records must be retained for a period of three years following submission of the final Federal Financial Status Report, if applicable, or three years following the submission of a revised final Federal Financial Status Report. Also, if any litigation, claim, negotiation, audit, disallowance action, or other action involving this Contract has been started before expiration of the five-year retention period described above, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular five-year period described above, whichever is later. The

record retention period for Temporary Assistance for Needy Families (TANF) and MEDICAID and Medical Assistance grants and programs must be retained for a minimum of ten years.

Miscellaneous

Choice of Law: The validity of this contract and any of its terms or provisions, as well as the rights and duties of the parties to this contract, are governed by the laws of North Carolina. The Contractor, by signing this contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this contract and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Amendment: This contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the Division and the Contractor. The Purchase and Contract Divisions of the NC Department of Administration and the NC Department of Health and Human Services shall give prior approval to any amendment to a contract awarded through those offices.

Severability: In the event that a court of competent jurisdiction holds that a provision or requirement of this contract violates any applicable law, each such provision or requirement shall continue to be enforced to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this contract shall remain in full force and effect.

Headings: The Section and Paragraph headings in these General Terms and Conditions are not material parts of the agreement and should not be used to construe the meaning thereof.

Time of the Essence: Time is of the essence in the performance of this contract.

Key Personnel: The Contractor shall not replace any of the key personnel assigned to the performance of this contract without the prior written approval of the Division. The term "key personnel" includes any and all persons identified as such in the contract documents and any other persons subsequently identified as key personnel by the written agreement of the parties.

Care of Property: The Contractor agrees that it shall be responsible for the proper custody and care of any property furnished to it for use in connection with the performance of this contract and will reimburse the Division for loss of, or damage to, such property. At the termination of this contract, the Contractor shall contact the Division for instructions as to the disposition of such property and shall comply with these instructions.

Travel Expenses: Reimbursement to the Contractor for travel mileage, meals, lodging and other travel expenses incurred in the performance of this contract shall not exceed the rates published in the applicable State rules or approved local government travel policy. International travel shall not be reimbursed under this contract.

Sales/Use Tax Refunds: If eligible, the Contractor and all subcontractors shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this contract, pursuant to G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their reimbursement reports.

Advertising: The Contractor shall not use the award of this contract as a part of any news release or commercial advertising.

Scope of Work
ESG Emergency Response and Housing Stability Activities

BACKGROUND

On any given night, North Carolina has over 10,000 homeless people. Across the State, homelessness affects more than 500 families including men, women and children who experience financial difficulty and cannot recover. Families and individuals who are at or below 30% area median income are served through this grant and are vulnerable and cannot survive even a small financial crisis. The ESG program is designed to help persons who are homeless and persons who are at-risk of homelessness.

The Emergency Solutions Grant (ESG) was created in the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act which combines the previous Emergency Shelter Grant and the previous Homelessness Prevention and Rapid Re-Housing programs under one federal act designed to prevent or end homelessness. The ESG program is intended to assist people in preventing or ending their homelessness through two primary functions: Emergency Response Activities, such as funding emergency shelter operations and services and street outreach and Housing Stability Activities, such as homeless prevention and rapid re-housing. Funds can also be used for HMIS participation and administration. All contractors are expected to use ESG funds in accordance with the grant regulations contained in 24 CFR Parts 91 and 576.

The Housing and Homelessness Unit within the Division of Aging and Adult Services is responsible for encouraging access to housing resources by all persons served by the Department of Health and Human Services. The Housing and Homelessness Unit operates the Emergency Solutions Grant.

PURPOSE

The ESG Contractor is responsible for completing tasks from a menu of federally eligible services. The ESG grant will support:

1. Emergency Response activities through:
   - Operating expenses for homeless shelters,
   - Services provided to residents of homeless shelters
2. Housing Stability activities through:
   - Housing stability case management
   - Providing flexible cash assistance for deposits, rent, utilities and/or past due rent and utilities

The Contractor will ensure that both activities above are provided in Orange County.

The Contractor will provide services or shelter to homeless individuals and/or families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long as the Contractor serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

The Contractor will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, counseling supervision, and other services essential for achieving independent living), and other Federal, State, local, and private assistance available for such individuals.

SCOPE OF WORK

I. Training

All core ESG project staff, including housing stability managers, case management supervisors, grant managers, Emergency Services case managers, CHIN data entry, and financial processors must attend all ESG trainings provided during the fiscal year

Type of Position	Type of Required Training
Housing Stability Case Manager and Supervisors	Webinar/Conference Call
Grant Managers	Webinar/Conference Call
CHIN data entry	Face to Face
Financial Processing/Fiscal	Webinar/Conference Call
Emergency Services Case Manager	Webinar/Conference Call

Documentation: Copy of certificate of training completion or training sign-in sheets and sign off that all staff are trained within the time frame.

II. Eligibility Screening and Intake

For Emergency Response activities, the Contractor will engage in ESG intake and eligibility process to comply with U.S. Department of Housing and Urban Development (HUD) and state guidance documenting all federally required eligibility criteria, including but not limited to homeless status. The Contractor will only provide ESG funded services to eligible participants. If the Contractor provides services to ineligible participants using ESG funds or ESG matching funds the Contractor will reimburse the State for those funds from a non-ESG funding source.

For Housing Stability activities, the Contractor will engage in ESG intake and re-certification process that complies with federal and state guidance about documenting all U.S. Department of Housing and Urban Development (HUD) eligibility criteria, including, but not limited to using forms documenting housing status and, income eligibility, and financial and social supports available to prevent homelessness. The Contractor will only provide ESG funded services to eligible participants. If the Contractor provides services to ineligible participants using ESG funds or ESG matching funds, the Contractor will reimburse the State for those funds from a non-ESG funding source.

Documentation: Participant files and appropriate data entered into CHIN

III. Case Management

For Housing Stability activities, the Contractor will have 3.5 months from execution of contract to ramp-up to full case loads. By March 2014 Contractor caseloads should be a minimum of 12 households per full-time rapid re-housing caseworker for an agency serving multiple counties. The caseload should be a minimum of 25

households per full-time rapid re-housing caseworker for an agency serving one county. Case workers will be responsible for financial assistance eligibility determination as well as for assisting the program participant to develop and implement a Housing Stabilization Action Plan.

Documentation: CHIN Reports and Timesheets

IV. Financial Assistance Documentation

For Housing Stability activities, the Contractor will be responsible for all required documentation for financial assistance. Such documents include but are not limited to, housing assistance payment agreements, leases, utility payment receipts, documentation of utility in the recipient's name, unit inspection, and assurance of tenancy.

Documentation: Participant file and Reimbursement Requests

V. Recertification

For Housing Stability activities, the Contractor will be responsible for recertification of any rapid re-housing household that is to receive more than 12 months of services. Contractor is responsible for recertification for any prevention households every 3 months of service. Recertification will include all steps prescribed by HUD to verify that the household still meets the eligibility criteria, including, but not limited to income certification.

Documentation: CHIN reports

VI. Carolina Homeless Information Network (CHIN)

The Contractor is responsible for ensuring that all staff involved in CHIN data entry or CHIN data monitoring shall participate in ESG CHIN training and DHHS will seek assurance through documentation that all staff was trained. Staff responsible for CHIN data entry or monitoring is expected to take advantage of available technical assistance in an assertive, proactive manner to ensure their ability to meet the requirements for accurate data entry. The Contractors will input, regularly review, and correct, if necessary, 100% of required data fields into CHIN within two weeks of client contact and/or service. Data fields include, but are not limited to: Eligibility, demographic, and risk factor data for participant households, services provided to households, Financial Assistance (dollar amounts per individual) and salaried staff time spent directly on work with ESG households. In addition, CHIN will provide monthly data quality reports to The Contractors and the Housing and Homelessness Unit.

Domestic Violence programs are prohibited from entering data into CHIN. They are required, however, to collect all of the same data in a separate system and to report aggregate information to the State as needed for State and federal reports.

Documentation: CHIN reports, Participant files

VII. Eligible Expenditures

1. For Emergency Response Programs
    i. Street Outreach
        1. Engagement
        2. Case management
        3. Emergency health services
        4. Emergency mental health services
        5. Transportation
        6. Services for special populations including: homeless youth, victim services, and persons with HIV/AIDS
    ii. Emergency Shelter
        1. Case management
        2. Child care
        3. Education services
        4. Employment assistance and job training
        5. Outpatient health services
        6. Legal services
        7. Life skills training
        8. Mental health services
        9. Substance abuse treatment services
        10. Transportation
        11. Services for special populations including: homeless youth, victim services, and persons with HIV/AIDS
        12. Shelter operations
            a. Maintenance
            b. Rent
            c. Security
            d. Fuel
            e. Equipment
            f. Insurance
            g. Utilities
            h. Food
            i. Furnishings
            j. Supplies necessary for the operation of the emergency shelter
2. For Housing Stability Programs
    i. Financial Assistance
        1. Rental application fees
        2. Security deposits
        3. Last month's rent
        4. Utility deposits
        5. Utility payments
        6. Moving costs
    ii. Services
        1. Housing search and placement
        2. Housing stability case management
        3. Mediation
        4. Legal services
        5. Credit repair

iii. Rent assistance

3. Systems Coordination
   1. Coordinated Intake
   2. HMIS
      a. Staffing
      b. Equipment

The Contractor may only spend funds in categories that were applied for in the NC ESG application that was submitted to the State prior to the contracting period January 1, 2014-September 30, 2014.

PERFORMANCE MONITORING/QUALITY ASSURANCE PLAN

I. Spending Rates

A. Contractors must expend 100% of funds and 100% of the matching funds by September 30, 2014.
B. Contractors are allowed to spend 100% of funds before September 30, 2014.

Documentation: DHHS Fiscal reports

II. Monitoring

For Housing Stability activities, the Contractor will make electronic or paper copies of intake forms and eligibility screening criteria for a minimum of the first 5 cases enrolled and the first 3 cases not enrolled into the ESG Housing Stability program. Copies will be made with names and social security numbers blacked out. Paper copies will be sent to Housing and Homelessness Unit of the Division of Aging and Adult Services: Housing and Homelessness-DAAS-DHHS; 2101 MSC, Raleigh, NC 27699-2101. Copies of additional files may be requested.

For all activities, the Contractor will participate in all monitoring activities, programmatic and/or fiscal, state and/or federal, field and/or desk monitoring (materials mailed/emailed in to the state offices).

a. At a minimum, participant file monitoring will include review of households that were not enrolled into the program, households that are currently enrolled in the program, and households that have exited the program (unless no households have yet exited)
   i. Fiscal monitoring will include monitoring of fiscal processes, financial documentation of expenses, and eligibility documentation in client files.
   ii. Programmatic monitoring will also include review of CHIN data entry and monitoring practices.
   iii. For Housing Stability activities only: Participant file monitoring will include, but is not limited to, eligibility determination and recertification, Housing Stabilization Action Plans, financial assistance determination, financial assistance documentation, referral and follow up documentation, and CHIN consent forms.

Frequency of monitoring visits may be based on performance as documented in CHIN and additional risk factors as identified in previous Contractor performance, grant application forms, and monitoring reports from other state and federal agencies.

It is expected that contractors meet 75% or more of program standards on annual monitoring.

Documentation: Monitoring reports and participant files

III. Reporting

A. Contractors will be responsible for accurate and complete CHIN data entry (comparable data for Domestic Violence programs) and reimbursement requests. All CHIN data entry for the quarter must be entered into CHIN by the end of the third month of the quarter
B. Contractors will be responsible for all other information required for federal reporting. Contractors will be notified of these reporting requirements as federal guidance is provided.
C. Contractors will be responsible for submission of semi-annual reports to the State.

Documentation: CHIN Reports; Annual reports, Semi-Annual reports

REIMBURSEMENTS

A. The Contractor will submit reimbursement requests to the N.C. Department of Health and Human Services, Division of Aging and Adult Services – Housing and Homelessness Unit using forms supplied by the State with required documentation of expenses (copies of invoices/bills/receipts) and proof of payment (copies of ledgers or copies of checks used to pay expenses).

   Contractor will maintain additional required documentation in household (participant) files and in the CHIN system. Reimbursement requests will be verified against documentation of expenses and proof of payments and may be verified against data in CHIN before payment is made.

   When reimbursements request are made in a timely and complete manner:
   a. Emergency Services reimbursements will be paid on a monthly basis.
   b. Staff cost will be paid on a monthly basis.
   c. Flexible cash assistance may be paid twice a month.

B. Reimbursements for Contractor staff will require timesheets or documentation of indirect cost rates.

C. Reimbursement for any activities for which the Contractor sub-contracts will require a paid invoice for reimbursement from the state. The Contractor will be responsible for all funds allocated to a sub-contractor. If funds are misused by a sub-contractor, the Contractor will reimburse the state with another funding source.

Documentation: Reimbursement forms, reimbursement documentation, CHIN reports, participant files, timesheets or documentation of indirect cost rates, cost allocation plans, copies of paid invoices/bills/receipts ***and*** copies of ledgers or checks used to pay invoices/bills/receipts.

OTHER FEDERAL REQUIREMENTS

I. Homeless Participation

A homeless or formerly homeless person must participate to the fullest extent possible in the development of ESG-funded programs and policies set forth by the Department of Housing and Urban Development (HUD).

Additionally, to the maximum extent practicable, the Contractor will involve, through employment, volunteer services, or otherwise, homeless individuals and families in maintaining and operating facilities assisted under ESG, and in providing services for occupants of facilities assisted under ESG.

II. Accessibility of Spaces, Services and Activities

Contractor shall operate each existing program or activity receiving federal financial assistance so that the program or activity, when viewed in its entirety, is equally accessible to and usable by individuals with disabilities as by persons without disabilities.

III. Property Standards

All dwelling units that are a part of an ESG-funded activity shall meet minimum habitability standards set by HUD. Shelters facilities are also required to meet state or local government safety and sanitation standards, as applicable, including energy-efficient appliances and materials.

IV. Lead-based Paint

All shelters assisted under the ESG program and all housing occupied by program participants must adhere to the requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M, and R. Such regulations pertain to all HUD-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead-level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be undertaken. The regulations further require that, depending on the amount of Federal funds applied to a property, paint testing, risk assessment, treatment and/or abatement may be conducted.

V. Termination of Services

Contractor shall ensure that if a participant violates program requirements, services will be terminated in accordance with a formal written procedure established by the Contractor that recognizes the rights of the individual affected. This policy shall include

the option for reinstatement, under proscribed circumstances, as dictated by the Interim Rule.

VI. Grievance Hearings

The Contractor shall establish a formal, written procedure to address grievances and shall inform applicants and participants of their right to an appeal. The appeals policy must be posted and must allow for appeals to be requested in writing and verbally.

VII. Conflicts of Interest

The Contractor must keep records to show compliance with the organizational conflicts-of-interest requirements in 24 CFR §576.404(a), a copy of the personal conflicts of interest policy or codes of conduct developed and implemented to comply with the requirements in 24 CFR §576.404(b), and records supporting exceptions to the personal conflicts of interest prohibitions.

The Contractor agrees to abide by the provisions of 24 CFR 84.42 and §576.404, which include (but are not limited to) the following:

a. The Contractor shall maintain a written code or standards of conduct that shall govern the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds.

b. No employee, officer or agent of the Contractor shall participate in the selection, or in the award, or administration of, a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

c. No covered persons who exercise or have exercised any functions or responsibilities with respect to HUD-assisted activities, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest in any contract, or have a financial interest in any contract, subcontract, or agreement with respect to the HUD-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for a period of one (1) year thereafter. For purposes of this paragraph, a "covered person" includes any person who is an employee, agent, consultant, officer, or elected or appointed official of the Grantee, the Contractor, or any designated public agency.

The Contractor shall permit no officer or employee of the Contractor, no member of the Contractor's governing body and no other public official of any governing body in its County or the State of North Carolina area to exercise any functions or responsibilities in the review or approval of the undertaking or carrying out of this project to (1) participate in any discussion relating to this Contract if it affects his or her personal interest or the interest of any corporation, partnership or association in which he or she is directly or indirectly interested; or (2) have any interest, direct or indirect, in this Contract or the proceeds thereof.

The Contractor shall permit no members of or delegates to the Congress of the United States to be admitted to any share or part thereof or to any benefit to arise here from. The

Contractor covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required to be performed under this Contract. The Contractor further covenants that no person having any such interest shall be employed in the performance of this Contract. The Contractor shall make no loans to its directors or officers.

The Contractor shall be subject to and shall comply with the conflict of interest provisions of the federal regulations as published at 24 CFR Part 570.611, 24 CFR Part 84.42 and 24 CFR Part 85.36.

VIII. Fair Housing Act Compliance Certification

The Contractor hereby warrants that it does not have any Fair Housing Discrimination complaints pending against it. The Contractor also agrees that should any Fair Housing Discrimination complaint be lodged against it during the term of this Contract, it will immediately notify the Grantee in writing of the occurrence.

STANDARDS OF CONDUCT:

I. Procurement

HUD procurement standards found at 24 CFR 85.36, and OMB Circular A-110, Subpart C are hereby incorporated into this contract by reference.

II. Faith-based activities

The Contractor agrees that funds provided under this Agreement will not be utilized for inherently religious activities prohibited by 24 CFR §576.406.

III. HMIS Reporting

The Contractor shall report client-level data in a Homeless Management Information System (HMIS) or a comparable database in accordance with HUD's standards on participation, data collection, and reporting. If the Contractor is a victim service provider, it may use a comparable database that collects client-level data over time and generates duplicated aggregate reports based on the data.

IV. Match Requirements:

ESG funds are subject to a dollar for dollar match. The match can be obtained from any source, including any Federal, state, local, and private sources. Ineligible sources include: ESG funds and funds used to match another Federal program. Cash or noncash contributions (i.e. donated material/property, $5 hour rate of volunteerism) are also eligible.

In accordance with the terms of the grant contract, the Contractor shall document match set aside under this Contract. The State requires submission of all match documentation at the end of each program year. Contractors will submit copies of *financial ledger, checks and/or bank deposits from donations, documentation of volunteer hours and in-kind services,* depending on what the Contractor is using for match. Further, the Contractor must provide proof that match expenditures support ESG eligible activities.

V. Additional Requirements

Grantor reserves the right to impose any additional requirements upon Contractor, which the Grantor shall deem reasonable or necessary for the purpose of verifying the legality and propriety of any payment requested by the Contractor.

VI. Investigation of Noncompliant Activities

The Grantor may investigate any matter covered under this Contract and may withhold any payments until the results of the investigation have been revealed. Reimbursement to the Contractor will be determined upon resolution of the investigation by the Grantor.

OTHER APPLICABLE LAWS: CERTIFICATIONS AND COMPLIANCE REQUIREMENTS

1. __x__ 24 CFR Part 84 Uniform Administrative Requirements for Grants and Cooperative Agreements to Hospitals, Institutes of Higher Education and Non-profit Organizations, which sets forth rules for administering all federal grant funds.

2. ____ Davis Bacon Act, as amended (40 U.S.C. 276a-276a-7), and as supplemented by Department of Labor regulations (29 CFR, Part 5), which requires fair wages be paid to construction workers on any project that funded in whole or in part with federal dollars.

3. ____Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by the Department of Labor regulations (29CFR, Part 5), which requires affirmative nondiscrimination against workers and applicants for work on construction projects funded in whole or in part with federal dollars.

4. _X__ Title VI of the Civil Rights Act of 1964 (PL88-352) and regulations issued pursuant thereto (24 CFR Part 1) on nondiscrimination in federally assisted programs.

5. _X__ Section 109 of the Housing and Community Development Act of 1974 and regulations issued pursuant thereto (24 CFR Part 570.602 et seq., known as subpart K), which requires that no person in the United States shall, on the grounds of age, race, color, national origin, religion, disability or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance

6. _X__ Executive Order 11246 and the regulations issued pursuant thereto (41 CFR Chapter 60) on nondiscrimination in employment.

7. ____ Copeland "Anti Kick Back" Act (18 U.S.C. 874), which protects workers wages on projects funded in whole or in part by federal funds.

8. ____Section 3 of the Housing and Urban Development Act of 1968, as amended, and implementing regulations at 24 CFR Part 135 that sets guidelines for training and employment of lower income residents of project areas and for awarding of contracts within the project area.

9. _X__ Lead Based Paint Poisoning Prohibition (Public Law 91-695), which requires

that hazards posed by the presence of lead be addressed and made safe.

10. ____North Carolina General Statute 143-128 et seq. which proscribes procedures for bidding and structuring contracts on publicly funded construction projects.

11. _X__ Hatch Act (5 U.S.C. 1501-1508) prohibiting federal, state and local government employees from benefiting from federal grants.

12. ____Building design, construction or alteration must comply with "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped" (#A-117.1-R 1971)

13. ____ Executive Order 11296 relating to evaluation of flood hazards in areas where construction or rehabilitation will be funded in whole or in part by federal funds.

14. ____ Title VIII of the Civil Rights Act of 1968 (Public Law 90-284), as amended Fair Housing Policy, which requires that no person shall be prohibited from purchasing or renting a home based on age, race, color, national origin, religion, disability or sex.

15. _X__ Executive Order 11063 which addresses equal opportunity in housing and non-discrimination.

16. _X__ Section 306 of the Clean Air Act (42 U.S.C. 1857(h)) which sets forth monitoring and reporting procedures for any program that affects air quality.

17. ____ Environmental Protection Agency regulations (40 CFR, Part 15), which sets requirements for protecting the environment on federally funded projects.

18. _X__ Age Discrimination Act of 1967, as amended.

19. _X__ The Rehabilitation Act of 1973, as amended, Sections 503 and 504, which prohibit discrimination against the handicapped.

20. ____State of North Carolina Disadvantaged Business Enterprise Plan, which requires that opportunities for contracts to provide goods and services be made available to small and disadvantaged businesses in Durham.

21. _X__ OMB Circular A-122: Cost Principles for Non-Profit Organizations, which sets forth parameters for expenditures made with federal grant money.

22. ____ Treasury Circular 1075 relating to the use of Community Development funds within 72 hours after drawdown, which requires that the Grantee manage the grant funds on a specific timetable.

23. ____ Community Development Block Grant regulations at 24 CFR 570, which describes all requirements and prohibitions for the administration of a program funded in whole or in part with federal Community Development Block Grant money.

24. _X__ N. C. Fair Housing Law, which prohibits discrimination against any person for reasons of age, race, color, national origin, religion, disability or sex in all transactions relating to buying, selling, or renting housing units.

26. _X__ OMB Circular A-133: Audits of States, Local Governments and Nonprofit Organizations, which sets forth requirements and methodologies for auditing programs funded in whole or in part with federal grant money.

PERFORMANCE MEASURES CHART

The Department of Health and Human Services uses performance measures rubrics as a tool to determine the success of a project and how well services and products are being delivered. Together they enable the Department to gauge efficiency, determine progress toward desired results and assess whether the Department is on track with meeting its goals. The contractor shall adhere to all of the performance requirements/standards in the scope of work, including performance measures in the performance measures chart below.

Measure Type	Output		**Frequency**	Annual
Measure	The contractor and/or its subcontractor will serve at least 6 households through its rapid re-housing program and at least 144 households through emergency shelter(s) during the contract period.			
	Year	2014	**Preferred Trend**	Other
	Target Value	The contractor and/or its subcontractor will serve at least 6 households through its rapid re-housing program and at least 144 households through emergency shelter(s) during the contract period.		
	Data Source	CHIN, the statewide Homeless Management Information System		
	Collection Process and Calculation	Contractor and/or subcontractor staff will collect and enter data		
	Collection Frequency	Daily		
Measure Type	Output		**Frequency**	Annual
Measure	30% of exits from emergency shelters statewide will be to permanent housing.			
	Year	2014	**Preferred Trend**	Increase
	Target Value	36% of exits from emergency shelter are to permanent housing.		
	Data Source	CHIN, the statewide Homeless Management Information System		
	Collection Process and Calculation	Contractor and/or subcontractor staff will collect and enter data		
	Collection Frequency	Daily		
Measure Type	Output		**Frequency**	Annual
Measure	80% of exits from rapid re-housing programs statewide will be to permanent housing.			
	Year	2014	**Preferred**	Other

		Trend	
Target Value	80% of exits from rapid re-housing program to permanent housing.		
Data Source	CHIN, the statewide Homeless Management Information System		
Collection Process and Calculation	Contractor and/or subcontractor staff will collect and enter data		
Collection Frequency	Daily		

LINE ITEM BUDGET

This begins the line item budget for year 2014

Budget Detail - Year 2014			
Category	**Item**	**Narrative**	**Amount**
Salary\Wages			$0.00
Fringe Benefits			$0.00
Other			$0.00
Repair and Maintenance			$0.00
Staff Development			$0.00
Dues and Subscriptions			$0.00
Subcontracts and Grants			$0.00
Match			$0.00
Cost Per Service			$0.00

Budget Detail - Year 2014			
Category	**Item**	**Narrative**	**Amount**
Operational Other	Not Otherwise Classified	Administrative Costs	$5,447.00
Operational Other	Not Otherwise Classified	Rapid Re-housing Financial Assistance	$50,949.00
Operational Other	Not Otherwise Classified	Emergency Shelter-Operating Costs	$59,615.00
		Sub Total	$116,011.00
Indirect Cost			$0.00
		Total Budget	$116,011.00

Subcontracting and Grants Budget Detail - Year 2014			
Category	**Item**	**Narrative**	**Amount**
			$0.00
		Sub Total	$0.00

Salaries - Year 2014								
Persons	**Position or Title**	**Annual Salary**	**Hourly Rate**	**Months**	**Work %**	**Fringe Amount Total**	**Fringe Percent Total**	**Total**
0		$0.00	0.0000	0	0%	$0.00	$0.00	$0.00

FEDERAL CERTIFICATIONS

The undersigned states that:

1. He or she is the duly authorized representative of the Contractor named below;

2. He or she is authorized to make, and does hereby make, the following certifications on behalf of the Contractor, as set out herein:

   a. The Certification Regarding Nondiscrimination;
   b. The Certification Regarding Drug-Free Workplace Requirements;
   c. The Certification Regarding Environmental Tobacco Smoke;
   d. The Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions; and
   e. The Certification Regarding Lobbying;

3. He or she has completed the Certification Regarding Drug-Free Workplace Requirements by providing the addresses at which the contract work will be performed;

4. [Check the applicable statement]

   [ ] He or she has **completed** the attached **Disclosure Of Lobbying Activities** because the Contractor **has made, or has an agreement to make,** a payment to a lobbying entity for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action;

   OR

   [X] He or she has **not completed** the attached **Disclosure Of Lobbying Activities** because the Contractor **has not made, and has no agreement to make,** any payment to any lobbying entity for influencing or attempting to influence any officer or employee of any agency, any Member of Congress, any officer or employee of Congress, or any employee of a Member of Congress in connection with a covered Federal action.

5. The Contractor shall require its subcontractors, if any, to make the same certifications and disclosure.

Nancy Cotte — Director
Signature — **Title**

Orange County Department of Social Services — 11-19-13
Contractor Name — **Date**

[This Certification Must be Signed by the Same Individual Who Signed the Proposal Execution Page]

I. Certification Regarding Nondiscrimination

The Contractor certifies that it will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (h) the Food Stamp Act and USDA policy, which prohibit discrimination on the basis of religion and political beliefs; and (i) the requirements of any other nondiscrimination statutes which may apply to this Agreement.

II. Certification Regarding Drug-Free Workplace Requirements

1. The Contractor certifies that it will provide a drug-free workplace by:

   a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

   b. Establishing a drug-free awareness program to inform employees about:

      i. The dangers of drug abuse in the workplace;

      ii. The Contractor's policy of maintaining a drug-free workplace;

      iii. Any available drug counseling, rehabilitation, and employee assistance programs; and

      iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

   c. Making it a requirement that each employee be engaged in the performance of the agreement be given a copy of the statement required by paragraph (a);

   d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the agreement, the employee will:

      i. Abide by the terms of the statement; and

      ii. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

   e. Notifying the Department within ten days after receiving notice under subparagraph (d)(ii) from an employee or otherwise receiving actual notice of such conviction;

   f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(ii), with respect to any employee who is so convicted:

      i. Taking appropriate personnel action against such an employee, up to and including termination; or

      ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

   g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

2. The sites for the performance of work done in connection with the specific agreement are listed below (list all sites; add additional pages if necessary):

Address

Street
113 Mayo St

City, State, Zip Code
Hillsborough NC 27278

Street
2501 Homestead Rd

City, State, Zip Code
Chapel Hill NC 27516

3. Contractor will inform the Department of any additional sites for performance of work under this agreement.

4. False certification or violation of the certification may be grounds for suspension of payment, suspension or termination of grants, or government-wide Federal suspension or debarment. 45 C.F.R. 82.510.

III. Certification Regarding Environmental Tobacco Smoke

Public Law 103-227, Part C-Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1,000.00 per day and/or the imposition of an administrative compliance order on the responsible entity.

The Contractor certifies that it will comply with the requirements of the Act. The Contractor further agrees that it will require the language of this certification be included in any subawards that contain provisions for children's services and that all subgrantees shall certify accordingly.

IV. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions

Instructions

[The phrase "prospective lower tier participant" means the Contractor.]

1. By signing and submitting this document, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of the fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originate may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant will provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549, 45 CFR Part 76. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter any lower tier covered transaction with a person who is debarred, suspended, determined ineligible or voluntarily excluded from participation in this covered transaction unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this document that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized in paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension, and/or debarment.

Certification

1. **The prospective lower tier participant certifies,** by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

V. Certification Regarding Lobbying

The Contractor certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federally funded contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form SF-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award document for subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) who receive federal funds of $100,000.00 or more and that all subrecipients shall certify and disclose accordingly.

4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000.00 and not more than $100,000.00 for each such failure.

VI. Disclosure Of Lobbying Activities

Instructions

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or sub-award recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in Item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (Item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in Item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant, or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in Item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in Item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate boxes. Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate boxes. Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D. C. 20503

State Certification

Contractor Certifications Required by North Carolina Law

Instructions

The person who signs this document should read the text of the statutes listed below and consult with counsel and other knowledgeable persons before signing.

- The text of Article 2 of Chapter 64 of the North Carolina General Statutes can be found online at: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_64/Article_2.pdf
- The text of G.S. 105-164.8(b) can be found online at: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_105/GS_105-164.8.pdf
- The text of G.S. 143-48.5 (S.L. 2013-418, s. 2.(d)) can be found online at: http://www.ncga.state.nc.us/Sessions/2013/Bills/House/PDF/H786v6.pdf
- The text of G.S. 143-59.1 can be found online at: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143/GS_143-59.1.pdf
- The text of G.S. 143-59.2 can be found online at: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143/GS_143-59.2.pdf
- The text of G.S. 147-33.95(g) (S.L. 2013-418, s. 2.(e)) can be found online at: http://www.ncga.state.nc.us/Sessions/2013/Bills/House/PDF/H786v6.pdf

Certifications

(1) **Pursuant to G.S. 143-48.5 and G.S. 147-33.95(g)**, the undersigned hereby certifies that the Contractor named below, and the Contractor's subcontractors, complies with the requirements of Article 2 of Chapter 64 of the NC General Statutes, including the requirement for each employer with more than 25 employees in North Carolina to verify the work authorization of its employees through the federal E-Verify system." E-Verify System Link: www.uscis.gov

(2) **Pursuant to G.S. 143-59.1(b)**, the undersigned hereby certifies that the Contractor named below is not an "Ineligible Contractor" as set forth in G.S. 143-59.1(a) because:

(a) Neither the Contractor nor any of its affiliates has refused to collect the use tax levied under Article 5 of Chapter 105 of the General Statutes on its sales delivered to North Carolina when the sales met one or more of the conditions of G.S. 105-164.8(b); **and**

(b) [check one of the following boxes]

☒ Neither the Contractor nor any of its affiliates has incorporated or reincorporated in a "tax haven country" as set forth in G.S. 143-59.1(c)(2) after December 31, 2001; **or**

☐ The Contractor or one of its affiliates **has** incorporated or reincorporated in a "tax haven country" as set forth in G.S. 143-59.1(c)(2) after December 31, 2001 **but** the United States is not the principal market for the public trading of the stock of the corporation incorporated in the tax haven country.

(3) **Pursuant to G.S. 143-59.2(b)**, the undersigned hereby certifies that none of the Contractor's officers, directors, or owners (if the Contractor is an unincorporated business entity) has been convicted of any violation of Chapter 78A of the General Statutes or the Securities Act of 1933 or the Securities Exchange Act of 1934 within 10 years immediately prior to the date of the bid solicitation.

(4) The undersigned hereby certifies further that:

(a) He or she is a duly authorized representative of the Contractor named below;

(b) He or she is authorized to make, and does hereby make, the foregoing certifications on behalf of the Contractor; and

(c) He or she understands that any person who knowingly submits a false certification in response to the requirements of G.S. 143-59.1and -59.2 shall be guilty of a Class I felony.

~~Nancy Coston~~ Orange County Department of Social Services	
Contractor's Name	
Signature of Contractor's Authorized Agent	11-19-13 Date
Nancy Coston	Director
Printed Name of Contractor's Authorized Agent	Title
Rebekah Rapoza	Management Analyst
Signature of Witness	Title
Rebekah Rapoza	11-19-13
Printed Name of Witness	Date

The witness should be present when the Contractor's Authorized Agent signs this certification and should sign and date this document immediately thereafter.

Excerpt from FY 2013-2014 Budget Ordinance Adopted on June 18, 2013

Section XV. Contractual Obligations

The County Manager is hereby authorized to execute contractual documents under the following conditions:

1. The Manager may execute contracts for construction or repair projects that do not require formal competitive bid procedures, and which are within budgeted departmental appropriations, for which the amount to be expended does not exceed $250,000.
2. The Manager may execute contracts for general and/or professional services which are within budgeted departmental appropriations, for purchases of apparatus supplies and materials or equipment which are within the budgeted departmental appropriations, and for leases of personal property for a duration of one year or less and within budgeted departmental appropriations for which the amount to be expended does not exceed $89,999.
3. Contracts executed by the Manager shall be pre-audited by the Financial Services Director and reviewed by the County Attorney to ensure compliance in form and sufficiency with North Carolina law.
4. The Manager may sign intergovernmental service agreements in amounts under $90,000.
5. The Manager may sign intergovernmental grant agreements regardless of amount as long as no expenditure of County matching funds, not previously budgeted and approved by the Board, is required. Subsequent budget amendments will be brought to the Board of County Commissioners for revenue generating grant agreements not requiring County matching funds as required for reporting and auditing purposes.
6. The Manager and Attorney will provide a quarterly report to the County Commissioners showing the type and amount of each intergovernmental agreement signed by the Manager.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 6-h

SUBJECT: McGowan Creek Sewer Interceptor Project – Acceptance of State Revolving Fund Loan

DEPARTMENT: County Manager, Planning, Finance, Asset Management Services

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
1) State Loan Offer and Acceptance Letter
2) Resolution Accepting State Revolving Fund Loan

INFORMATION CONTACT:
Michael Talbert, Manager's Office, (919) 245-2300
John Roberts, Attorney, (919) 245-2318
Craig Benedict, Planning, (919) 245-2592
Clarence Grier, Manager's Office/ Finance, (919) 245-2453
Kevin Lindley, Planning, (919) 245-2583
Jeff Thompson, AMS, (919) 245-2658
David Cannell, Finance, (919) 245-2651

PURPOSE: To consider:
- Approving and authorizing the Chair to sign the Resolution of Acceptance for the State Revolving Fund (SRF) Loan for this project; and
- Authorizing the Manager to sign the State Loan Offer and Acceptance letter on behalf of the Board of County Commissioners.

BACKGROUND: On March 13, 2012 the BOCC authorized staff to proceed with applying for a State Revolving Fund (SRF) Loan to provide funding for this project. Orange County had originally approached the State about paying for this project with proceeds from the SRF loan used to pay for the Central Efland/North Buckhorn Sewer Project. However, the State requested that the County apply for the McGowan project funding separately. Orange County applied for a separate SRF loan in March 2012 and the unused money from the Central Efland/North Buckhorn SRF loan that would have been used for this project was returned to the State.

This project will allow the County to eliminate the McGowan Creek pump station by installing a gravity sewer line to replace it. The new gravity sewer line will convey the wastewater that previously flowed into the McGowan Creek pump station to the newly completed Brookhollow pump station, which was designed to handle this future flow. Eliminating the McGowan Creek pump station will lower the annual maintenance costs of the Efland Sewer System and take out of service a 25 year-old pump station that would otherwise need refurbishing at an estimated cost of over $450,000.

The State has sent the County a State Loan Offer and Acceptance letter (Attachment 1) for the SRF loan needed to finance the McGowan Creek Sewer Interceptor. In order to finalize the loan process and make the money from the loan available, the signed letter and a signed Resolution of Acceptance of the Loan (Attachment 2) must be returned to the State Division of Water Infrastructure.

FINANCIAL IMPACT: The SRF Loan to fund the McGowan Creek Sewer Interceptor project is in the amount of $774,904. The total funding allocation for the project is $832,718, including the $774,904 from the loan and $57,814 in Article 46 sales tax proceeds as approved at the November 5, 2013 regular Board meeting. The loan will function similar to a line of credit. County staff will submit invoices periodically for the project, and the State will reimburse the County using proceeds from the loan. The money borrowed is repaid over a 20 year period at an annual interest rate of 2%. Repayment will not begin until the project is completed, so it will begin in the upcoming fiscal year (2014-2015). The annual debt service for the loan will be $47,390.59.

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

1) Approve and authorize the Chair to sign the Resolution of Acceptance for the State Revolving Fund (SRF) Loan for this project; and
2) Authorize the County Manager to sign the State Loan Offer and Acceptance letter on behalf of the Board of County Commissioners.

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER INFRASTRUCTRE

State Loan or Grant Offer and Acceptance
This Offer must be accepted, if at all, within forty-five (45) days of receipt.
This Offer is made subject to the attached Standard Conditions and Assurances

Legal Name and Address of Award Recipient
Orange County
P.O. Box 8181
Hillsborough, NC 27278

Account
Clean Water State Revolving Fund (SRF) ☒
State General Loan (SRL) ☐
State Emergency Loan (SEL) ☐
High Unit Cost Grant (SRG) ☐
Technical Assistance Grant ☐

State Project Number: E-SRF-T-13-0336
Federal Project Number: CS370884-02
CFDA Number: 66.458

Project Description:

McGowan Creek Interceptor Project

Amendment	Date	Additional Amount
Original	1-16-2013	755,450
1		
2		

Total Financial Assistance Offer: **$774,904**
Principal Forgiveness: **$0**
Total Project Cost: $790,402
Interest Rate: **2**% Per Annum
Maximum Loan Term: **20** Years
Estimated 2% Closing Fee: $15,498

Consideration having been given by the Department of Environment and Natural Resources to the application submitted by the applicant pursuant to North Carolina General Statute 159G, (1) the applicant is an eligible unit of government, (2) the project meets the eligibility criteria for a State Loan or Grant, and (3) the project has been approved and certified by the Department of Environment and Natural Resources as being entitled to priority for State financial assistance,
The Department of Environment and Natural Resources, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina: **John E. Skvarla, III, Secretary**
North Carolina Department of Environment & Natural Resources

Signature Date

On Behalf of: **Orange County**
Name of Representative in Resolution: _____
Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this State Loan or Grant offer and make the assurances and accept the conditions.

Signature Date

STANDARD CONDITIONS FOR FEDERAL SRF LOANS

1. The recipient shall comply with all provisions of the following Federal laws and authorities (super cross-cutters):

   (a) Title VI of the Civil Rights Act of 1964 – 42 U.S.C. §2000d

   (b) CFR 35.3145(c) (Civil Rights laws) and provide completed EPA 4700-4 form

   (c) Section 13 of the Federal Water Pollution Control Act Amendments of 1972 – 33 U.S.C. §1251

   (d) Section 504 of the Rehabilitation Act of 1973 – 29 U.S.C. §794

2. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures.

3. Civil Rights and Labor Standard Requirements, and use of MBE (Minority Business Enterprise), WBE (Women's Business Enterprise), and Small Businesses:

   (a) Specific MBE/WBE (DBE) requirements are included in the SRF Special Conditions that are to be included in the contract specifications. Positive efforts shall be made by recipients, their consultants and contractors to utilize small businesses and minority-owned businesses for sources of supply and services. Such efforts should allow these sources the maximum feasible opportunity to compete for subagreements and contracts to be performed, utilizing Federal SRF funds. Documentation of efforts made to utilize minority and women-owned firms must be maintained by all recipients, consulting firms, and construction contractors, and made available upon request.

   (b) The recipient shall not award contracts to any firm that has been debarred for noncompliance from the Federal Labor Standards, Title VI of the Civil Rights Act of 1964, as amended, or any firm that appears on the EPA's list of debarred firms. The recipient shall also comply with 40 CFR 32. (Complete the Debarment Certification in the SRF Special Conditions)

   (c) The recipient shall require all prime construction contractors, as part of their bid, to certify that subcontracts have not and will not be awarded to any firm that has been debarred for noncompliance from the Federal Labor Standards, Title VI of the Civil Rights Act of 1964, as amended, or Executive Order 11246, as amended, or any firm that appears on the EPA's list of debarred firms. (Complete the Debarment Certification in the SRF Special Conditions for each Subcontractor)

   (d) The recipient shall require all contractors on the project to comply with the Department of Labor's Safety and Health Regulations for construction promulgated under the Occupational Safety and Health Act of 1970 (PL 91-946), under Section 107 of the Contract Work Hours and Safety Standards Act (PL 91-54).

   (e) The recipient shall ensure all contractors are in compliance with applicable Equal Employment Opportunity regulations.

4. Acquisition of Real Property:

   The recipient shall comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended, in regard to acquisition of all real property, (including easements), for the project covered by this loan, and any resulting relocation of persons, businesses, or farm operations. See Assurance 8.

5. Prompt Payment and Payment Retainage:

   It is the policy of the State of North Carolina to make timely periodic loan disbursements to the recipient, and to require the recipient to make prompt periodic payment on subagreements. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the conditions of this loan and subsequent amendments;

   (a) The recipient agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.

   (b) The recipient agrees to include appropriate provisions in each construction contract, and to require the prime contractor to include them in all subcontracts, to implement this prompt payment requirement.

6. **The construction contract(s) requires the contractor to adhere to Davis Bacon and Related Acts Provisions and Procedures as listed in the Code of Federal Regulations Chapter 29 Part 5 Section 5 (29 CFR 5.5). Public Law pertaining to this is also enacted in Title 40, United States Code, Subtitle II Section 3141 through Section 3148.**

ASSURANCES

1. The recipient acknowledges that in the event that a milestone contained in the most recent Clean Water State Revolving Fund Intended Use Plan and/or the Notice of Intent to Fund is not met, this State Loan or Grant offer will be rescinded by the Department of Environment and Natural Resources.

2. The final plans and specifications have or will be approved by the Division of Water Infrastructure and the applicant so notified, prior to the project being advertised or placed on the market for bids.

3. Eligible project expenses are as discussed in the North Carolina Clean Water SRF Program Guidance. Projects will not receive reimbursement for sales taxes. Sales taxes are deducted from project costs at the 90% milestone in accordance with the SRF Program Guidance.

4. The applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Division of Water Infrastructure.

5. The construction contract(s) requires the contractor to furnish performance and payment bonds, each of which is in an amount of not less than one hundred percentum (100%) of the contract price; and to maintain during the life of the contract(s) adequate fire, extended coverage, workmen's compensation, public liability, and property damage insurance.

6. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.

7. Any change or changes in the approved plans and specifications or contract(s) which (has/have) made or will make any major alteration in the work required by the plans and specifications, or which increases the cost of the project above the latest estimate approved by the Department of Environment and Natural Resources, was or will be submitted to the Division of Water Infrastructure for approval.

8. The construction contract(s) provides that any duly authorized representative of the State will have access to the work whenever it is in preparation or progress, and that the contractor will provide proper facilities for such access and inspection. Further, any authorized representative of the State shall have access, for the purpose of audit and examination, to any books, documents, papers and records of the applicant that are pertinent to funds received under the Act; and the applicant shall submit to the Division of Water Infrastructure such documents and information as it may require in connection with the project.

9. The applicant will provide and maintain competent and adequate engineering supervision and inspection of the project to insure that the construction conforms with the approved plans and specifications.

10. The applicant shall demonstrate to the satisfaction of the Department of Environment and Natural Resources that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project prior to the authorization to award construction contracts. No loan disbursements will be made until clear site certificates are submitted.

11. At least thirty (30) days, shall be allowed from the first date of publication to the date of bid opening.

12. The Project Bid Information package, including MBE and WBE (DBE) requirements, must be submitted and approved prior to the State issuing an Authorization to Award letter. If the approval of the debt instrument for this loan is necessary for the applicant to award contracts, the completed Project Bid Information and supporting documentation must be delivered to the Division of Water Infrastructure a minimum of twenty (20) days prior to the award of contracts.

13. The recipient shall not award any contracts for construction until the Authority to Award is given by the State. Doing so, will be at the risk of the award recipient.

14. Recipient acknowledges that no loan disbursements will be made until the contract documents are submitted and approved. The recipient shall notify the State when contracts are awarded.

15. The recipient shall conduct a preconstruction conference, if applicable, for each construction contract in cooperation with the State, and, in accordance with guidelines which shall be furnished by the State. The State shall be invited to the conference.

16. The Local Government Commission will forward the debt instrument after total project costs are established in the Authority to Award Letter. The applicant must execute the debt instrument a minimum of ten (10) days prior to the request of disbursement of loan funds.

17. Recipient acknowledges that no loan disbursements will be made on the engineering planning and

design or construction phase services until the contracts are submitted and approved.

18. Eligible small purchases estimated to exceed $10,000 require three informal bids for approval.

19. Within thirty (30) days of the date of completion of the project, the applicant will make available to the Construction Grants Section staff all requested project closeout items including final costs for the purpose of making final adjustments to the Revolving Loan and debt instrument.

20. All principal payments will be made annually on or before May 1st. The first principal payment is due not earlier than six months after the original date of completion of the project. All interest payments will be made semiannually on or before May 1st and November 1st of each year. The first interest payment is due not earlier than six months after the original date of completion of the project.

21. In accordance with G.S. 159-26(b)(6), a capital project fund is required to account for all debt instrument proceeds used to finance capital projects. It is required that a capital project ordinance, in accordance with G.S. 159-13.2, be adopted by the governing board authorizing all appropriations necessary for the completion of the project. A copy of the approved ordinance must be submitted to this office before submitting the first reimbursement request.

22. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three (3) years following completion of the project.

23. All funds loaned pursuant to North Carolina General Statute 159G shall be expended solely for carrying out the approved project and an audit shall be performed in accordance with G.S. 159-34, as amended. **The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State.** Please note that the State is not a party to the construction contract(s) and the loan recipient is expected to uphold its contract obligations regarding timely payment. See Standard Condition 5.

24. The applicant shall demonstrate to the satisfaction of the Department of Environment and Natural Resources its ability to pay the remaining or ineligible cost of the project.

Acknowledgement of Standard Conditions and Assurances

The Applicant hereby gives assurance to the Department of Environment and Natural Resources that the declarations, assurances, representations, and statements made by the applicant in the application; and all documents, amendments, and communications filed with the Department of Environment and Natural Resources by the applicant in support of its request for a loan will be fulfilled.

.....	.....
Signature	Date

RES-2014-004 Attachment 2

RESOLUTION BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Fund Loan in the amount of $774,904 for the construction of the McGowan Interceptor Project, CS370884-02, and

WHEREAS, Orange County intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

That Orange County does hereby accept the State Revolving Fund Loan offer of $774,904.

That Orange County does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II - Assurances will be adhered to.

That Michael Talbert, (Interim) County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Orange County has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the _____ day of _____, _____ at _____,
North Carolina. Location

_____
(Signature of Chief Executive Officer)

_____
Date

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 6-i

SUBJECT: Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Member Agencies Memorandum of Understanding Revisions

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
1. Letter from DCHC MPO
2. Updated MOU (Clean Copy)
3. Flowchart of MOU Revision Process
4. Summary of Member Agency Comments
5. Updated MOU with Changes Noted
6. Existing MOU (Executed 1994)

INFORMATION CONTACT:
Bret Martin, Transportation Planner, 245-2582
Tom Altieri, Comprehensive Planning Supervisor, 245-2579
Craig Benedict, Planning Director, 245-2592

PURPOSE: To approve and authorize the Chair to sign a final draft of an updated/revised Memorandum of Understanding (MOU) among the member agencies of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO).

BACKGROUND: The DCHC MPO is a transportation planning agency charged with fulfilling federally mandated metropolitan planning requirements influencing the use of federal transportation funding within the Durham Urbanized Area (UZA) and the area beyond the UZA boundary expected to become urbanized within 20 years. The MPO is a partnership of the member governments within the Durham Urbanized Area/MPO planning area and the North Carolina Department of Transportation in cooperation with the United States Department of Transportation. Membership within the MPO is established through an MOU between its local government member organizations/jurisdictions that was last executed in 1994.

Per the attached letter (Attachment 1) from DCHC MPO staff, the MPO has developed an updated/revised member agency MOU (Attachment 2) reflecting changes in federal and state legislation and regulations, the MPO's function and structure, and its and its member government responsibilities. In concert with the MOU update/revision process illustrated in Attachment 3, the BOCC reviewed a draft updated MOU at its September 5, 2013 meeting, provided comments on the draft revisions, and submitted these comments to the MPO along with comments generated by other MPO member governments. These comments were reviewed by the MPO's Technical Coordinating Committee (TCC) and governing board, and the MPO subsequently made changes to the draft MOU based on these comments. A summary of these comments along with the MPO's responses is provided as Attachment 4. No major changes to the final draft MOU have been made from the draft the BOCC reviewed in September 2013.

Attachment 5 is the revised MOU complete with comments in the margin that explain the MPO's recommended changes from the existing 1994 MOU. County Planning staff participated in subcommittee meetings with MPO and partner agency staff to develop the current draft and is supportive of the revisions. From County Planning staff's perspective, the most significant proposed revisions are:

- Addition of Triangle Transit to the MPO's member governments and inclusion as a voting member on the MPO Board, previously known as the Transportation Advisory Committee (TAC);
- Addition of three (3) weighted votes for Orange County on the MPO Board from one (1) to four (4) votes based on updated population figures from the 2010 US Census, subject to the following notes:
    - Effectively, Orange County's level of representation from weighted votes is increasing from 7.1% to 10.5%,
    - The total number of weighted votes allocated among member agencies is increasing from 15 to 38,
    - Each local government represented receives a minimum of two (2) weighted votes, while NCDOT and Triangle Transit receive only one (1), and
    - Historically, weighted voting has rarely been instituted for matters coming before the MPO Board, but is available as an option to MPO Board members;
- Additional voting membership on the MPO's staff board from two (2) to three (3) representatives; and
- Inclusion of cost sharing among member governments for the local match associated with the MPO's work program.

The existing (1994) MOU is provided (Attachment 6) for reference if needed. The DCHC MPO is requesting that the Orange County BOCC approve the member agencies MOU by February 20, 2014.

FINANCIAL IMPACT: Other than staff time, there is no financial impact associated with this item. Orange County's share of the cost ($28,080) for the MPO's work program is included in the County's FY 2013-14 budget. Orange County will be more involved in securing potential funding sources through the DCHC MPO for Orange Public Transportation (OPT) capital and operation needs since OPT provides transit services to populations in the Durham UZA for which other transit providers serving the Durham UZA currently get credit in funding allocations.

RECOMMENDATION(S): The Manager recommends the Board approve the final draft of the updated/revised DCHC MPO member agency MOU and authorize the Chair to sign it.

DCHC

DURHAM - CHAPEL HILL - CARRBORO
METROPOLITAN PLANNING ORGANIZATION

Member Organizations: Town of Carrboro • Town of Chapel Hill • County of Chatham • City of Durham
Durham County • Town of Hillsborough • NC Department of Transportation • Orange County

November 20, 2013

Mr. Mike Talbert
Manager
Orange County
P.O. Box 8181
Hillsborough, NC 27278

Dear Mr. Talbert:

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) requests that Orange County approve our updated Memorandum of Understanding (MOU). The MPO is a partnership of the member governments in the Durham Urbanized Area and the North Carolina Department of Transportation in cooperation with the United States Department of Transportation. A draft MOU was sent to our member jurisdictions in June 2013 for review and comment. On October 9, 2013, the MPO's Board considered these comments and endorsed a recommended MOU for approval by its member jurisdictions.

The DCHC MPO's current MOU was executed in 1994 and is provided as an attachment to this letter. Several updates and changes are recommended to reflect current federal and state legislation and regulations, planning practices of the MPO, updated population figures, and best planning principles. A clean version of the MPO's recommended MOU is included as an attachment to this letter. A marked version of the recommended MOU is also included which indicates changes made from the current MOU.

In summary, the major proposed changes in the recommended MOU are:

- References to new and updated federal and state legislation and regulations;
- More descriptive names for the MPO's governing board and staff board;
- Addition of required planning procedures and processes to the MPO's responsibilities ;
- Addition of Triangle Transit to the MPO's member governments and inclusion as a voting member of the governing board to fulfill a new federal requirement;
- Additional voting and non-voting membership on the MPO's staff board;
- Changes to the MPO's responsibilities and member governments' responsibilities to reflect the approved cost-sharing among member governments for the local match associated with the MPO's work program; and
- Adjustment to the weighted voting provision to reflect current population figures. The table below displays the 2010 Census population figures for the MPO for reference. The

recommended weighted voting provision was adjusted by the MPO Board in October in response to member government comments.

Agency	2010 Census Population	2010 Census Population Share	Current MOU Weighted Votes	Current MOU Weighted Voting Share	Rec. Number of TAC Members	Rec. MOU Weighted Votes	Rec. MOU Weighted Voting Share
Durham City	228,330	0.58	6	0.40	2	16	0.42
Chapel Hill	57,233	0.15	2	0.13	1	6	0.16
Durham County	35,384	0.09	2	0.13	1	4	0.11
Orange County	34,172	0.09	1	0.07	1	4	0.11
Carrboro	19,582	0.05	1	0.07	1	2	0.05
Chatham County	13,809	0.03	1	0.07	1	2	0.05
Hillsborough	6,087	0.02	1	0.07	1	2	0.05
NC DOT	N/A	N/A	1	0.07	1	1	0.03
Triangle Transit	N/A	N/A	N/A	N/A	1	1	0.03

*The County population figures only include the non-incorporated population. The Town of Cary has 1,422 residents in the portion of Chatham County within the MPO. The City of Raleigh has 1,067 residents in Durham County within the MPO. These residents are not included in the county population figures above. The Town of Cary and City of Raleigh are both members of the NC Capital Area MPO.

Coordinating an update to the MPO's MOU is a complex and time-consuming task as it requires agreement and execution by the governing boards of all of the MPO's member governments. The MPO appreciates your organization's review of the document over the summer. The MPO Board fully considered these comments and made adjustments to the document when appropriate and practical. See the enclosed table for an explanation of the MPO's response to these comments. We are hopeful that the recommended MOU can be quickly approved by all of our members. We request that you approve the MOU by February 20, 2014.

MPO staff members are available to meet and discuss this document with Orange County and can assist with any necessary presentation of the document to staff or governing boards. Please contact Felix Nwoko at felix.nwoko@durhamnc.gov or 919-560-4366 x 36424 with any questions or to schedule a meeting.

Sincerely,

Felix Nwoko

Felix Nwoko
Planning Manager

Cc: Craig Benedict, Orange County
Tom Altieri, Orange County
Bret Martin, Orange County

DURHAM-CHAPEL HILL-CARRBORO
METROPOLITAN PLANNING ORGANIZATION

MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING

Between

THE GOVERNOR OF THE STATE OF NORTH CAROLINA,
CITY OF DURHAM, TOWN OF CHAPEL HILL, TOWN OF CARRBORO
TOWN OF HILLSBOROUGH, COUNTY OF DURHAM,
COUNTY OF ORANGE, COUNTY OF CHATHAM, TRIANGLE TRANSIT, AND
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

in cooperation with

THE UNITED STATES DEPARTMENT OF TRANSPORTATION

November 13, 2013

WITNESSETH THAT

WHEREAS, Section 134(a) of Title 23 United States Codes states:

Policy – It is in the national interest—

(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

WHEREAS, Section 134(c) of Title 23 United States Codes states:

General Requirements.—

(1) Development of long-range plans and TIPs.— To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall

develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.
(2) Contents.— The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.
(3) Process of development.— The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

WHEREAS, Chapter 136, Section 66.2(a) of the General Statutes of North Carolina states:

Each MPO, with cooperation of the Department of Transportation, shall develop a comprehensive transportation plan in accordance with 23 U.S.C. Section 134. In addition, an MPO may include projects in its transportation plan that are not included in a financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. Section 134. For municipalities located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization. For purposes of transportation planning and programming, the MPO shall represent the municipality's interests to the Department of Transportation.

WHEREAS, Chapter 136, Section 66.2(b) of the General Statutes of North Carolina states:

After completion and analysis of the plan, the plan shall be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation improvements in and around the municipality or within the MPO. The governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a part of the State highway system and which streets will be a part of the municipal street system. As used in this Article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities.

WHEREAS, Chapter 136, Section 66.2(d) of the General Statutes of North Carolina states:

For MPOs, either the MPO or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the MPO.

WHEREAS, a transportation planning process includes the operational procedures and working arrangements by which short and long-range transportation plans are soundly conceived and developed and continuously evaluated in a manner that will:

1. Assist governing bodies and official agencies in determining courses of action and in formulating attainable capital improvement programs in anticipation of community needs; and,

2. Guide private individuals and groups in planning their decisions which can be important factors in the pattern of future development and redevelopment of the area;

WHEREAS, it is the desire of these agencies that a continuing, cooperative, and comprehensive transportation planning process, be established for the Durham-Chapel Hill-Carrboro Metropolitan Planning Area in compliance with Title 23 U.S.C. Section 134 and any subsequent amendments to that statute, and any implementing regulations; Title 49 U.S.C. Chapter 53 and any subsequent amendments to these statutes, and any implementing regulations; and the Clean Air Act of 1970, as amended, [42 U.S.C. 7504 and 7506(c)].

WHEREAS, it is the desire of these parties that all prior Memoranda of Understanding between the parties be superseded and replaced by this Memorandum of Understanding.

NOW THEREFORE, the following Memorandum of Understanding is made:

<u>Section I</u>

It is hereby agreed that the City of Durham, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, County of Durham, County of Orange, County of Chatham, and the North Carolina Department of Transportation in cooperation with the United States Department of Transportation will participate in a continuing, cooperative, and comprehensive transportation planning process with responsibilities and undertakings as related in the following paragraphs:

1. The Durham-Chapel Hill-Carrboro Metropolitan Planning Area, will consist of the Durham Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, plus that area beyond the existing urbanized area boundary that is expected to become urbanized or be affected by urban policies within a twenty-year planning period. This area is hereinafter referred to as the Metropolitan Planning Area.

2. The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) shall include the boards of general purpose local government – the Durham City Council, Chapel Hill Town Council, Carrboro Board of Aldermen, Hillsborough Board of Commissioners, Durham County Board of Commissioners, Orange County Board of Commissioners, and Chatham County Board of Commissioners; the North Carolina Department of Transportation; a MPO Board hereinafter defined, a MPO Technical

Committee hereinafter defined, and the various agencies and units of local, regional, state, and federal government participating in the transportation planning for the area.

3. The Metropolitan Planning Area boundary will be periodically reviewed and revised in light of new developments, basic data projections for the current planning period, and as may otherwise be required by federal and state laws.

4. The continuing transportation planning process will be a cooperative one reflective of and responsive to the programs of the North Carolina Department of Transportation, and to the comprehensive plans for growth and development of the Municipalities of Durham, Chapel Hill, Carrboro, and Hillsborough; and the Counties of Durham, Orange, and Chatham. Attention will be given to cooperative planning with the neighboring metropolitan and rural planning organizations.

5. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.

6. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Clean Air Act of 1970, as amended.

7. Transportation policy decisions within the MPO are the shared responsibility of the MPO Board, the N.C. Board of Transportation, and participating local governments.

8. Transportation plans and programs, and land use policies and programs, for the Planning Area, having regional impacts, will be coordinated with Triangle Transit, the neighboring metropolitan and rural planning organizations, and Triangle J Council of Governments.

9. A MPO Board is hereby established with the responsibility for cooperative transportation decision-making for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO). The MPO Board shall have the responsibility for keeping the policy boards informed of the status and requirements of the transportation planning process; assisting in the dissemination and clarification of the decisions, inclinations, and policies of the policy boards, and for providing opportunities for citizen participation in the transportation planning process.

   The MPO Board will be responsible for carrying out the provisions of 23 U.S.C. Section 134; Title 49 U.S.C. Chapter 53; and 42 U.S.C. 7504 and 7506(c); including but not limited to:

   a. Establishment of goals and objectives for the transportation planning process;

b. Review and approval of a Prospectus for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;

c. Review and approval of the transportation Unified Planning Work Program;

d. Review and approval of changes to the National Highway System, Functional Classification, and Metropolitan Planning Area boundary;

e. Review and approval of the Comprehensive and Metropolitan Transportation Plans. As specified in General Statutes Section 136-66.2(a), the Comprehensive Transportation Plan shall include the projects in the Metropolitan Transportation Plan and may include additional projects that are not included in the financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. Section 134. As specified in General Statutes Section 136-66.2(d) revisions to the Comprehensive Transportation Plan are required to be jointly approved by the North Carolina Department of Transportation and the MPO Board;

f. Review and approval of the Transportation Improvement Program and changes to the Transportation Improvement Program. As specified in 23 U.S.C. Section 134(k), all federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area (excluding projects carried out on the National Highway System) shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator;

g. Review and approval of planning procedures for air quality conformity and review and approval of air quality conformity determination for projects, programs, and plans;

h. Review and approval of a Congestion Management Process;

i. Review and approval of the distribution and oversight of federal funds designated for the DCHC MPO under the provisions of MAP-21 and any other subsequent Transportation Authorizations;

j. Review and approval of a policy for public involvement for the DCHC MPO;

k. Review and approval of an agreement between the MPO, the State, and public transportation operators serving the Metropolitan Planning Area that defines mutual responsibilities for carrying out the metropolitan planning process in accordance with 23 C.F.R. 450.314;

l. Oversight of the Lead Planning Agency staff;

m. Revision in membership of the MPO Technical Committee hereinafter defined;

n. Development and approval of committee bylaws for the purpose of establishing operating policies and procedures;

o. Review and approval of cooperative agreements with other transportation organizations, transportation providers, counties, and municipalities.

The membership of the MPO Board shall include:

a. Two members of the Durham City Council;
b. One member of the Chapel Hill Town Council;
c. One member of the Carrboro Board of Aldermen;
d. One member of the Hillsborough Board of Commissioners;
e. One member of the Durham County Board of Commissioners;
f. One member of the Orange County Board of Commissioners;
g. One member of the Chatham County Board of Commissioners;
h. One member of the North Carolina Board of Transportation;
i. One member of the Triangle Transit Board of Trustees.

Municipal and county public transit providers shall be represented on the MPO Board through their respective municipal and county local government board members.

It shall be the responsibility of each member jurisdiction to appoint a representative and an alternate(s) to the MPO Board.

A quorum of the MPO Board shall consist of a majority of the voting members whose votes together represent a majority of the possible weighted votes identified in the weighted vote schedule below. A majority vote shall be sufficient for approval of matters coming before the committee with the exception that a committee member may invoke the following weighted vote provisions on any matter:

Government Body	Votes
City of Durham	16*
Town of Chapel Hill	6
Durham County	4
Orange County	4
Town of Carrboro	2
Chatham County	2
Town of Hillsborough	2
N.C. Board of Transportation	1

Triangle Transit	1
Total	38

* 8 votes per representative

Representatives from each of the following bodies will serve as non-voting members of the MPO Board:

a. A representative of the Federal Highway Administration;
b. A representative of the Federal Transit Administration;
c. Other local, regional, state, or federal agencies impacting transportation in the planning area at the invitation of the MPO Board.

The MPO Board will meet as often as it is deemed appropriate and advisable. On the basis of a majority vote, the MPO Board may appoint members of the Board to act as Chair and Vice-Chair with the responsibility for coordination of the Board's activities. A member of the Lead Planning Agency staff will serve as Secretary to the Board and will work cooperatively with the staff of other jurisdictions.

10. A MPO Technical Committee shall be established with the responsibility of general review, guidance and coordination of the transportation planning process for the planning area and with the responsibility for making recommendations to the respective local, state, and federal governmental agencies and the MPO Board regarding any necessary actions relating to the continuing transportation planning process. The MPO Technical Committee shall be responsible for development, review and recommendations for approval and changes to the Prospectus, Unified Planning Work Program, Transportation Improvement Program, National Highway System, Functional Classification, Metropolitan Planning Area boundary, Metropolitan Transportation Plan, and Comprehensive Transportation Plan, for planning citizen participation, and for documenting reports of various transportation studies.

    Membership of the MPO Technical Committee shall include technical representatives from local and state agencies directly related to and concerned with the transportation planning process for the planning area. Representatives will be designated by the chief executive officer of each represented agency. Departments or divisions within local and state agencies that should be represented on the MPO Technical Committee include, but are not limited to, those responsible for transportation planning, land use planning, transportation operations, public works and construction, engineering, public transportation, environmental conservation and planning, bicycle and pedestrian planning, and economic development. Initially, the membership shall include, but not be limited to, the following:

    a. The City of Durham — 5 representatives
    b. The Town of Chapel Hill — 3 representatives

c.	The Town of Carrboro	2 representatives
d.	The Town of Hillsborough	1 representative
e.	Durham County	3 representatives
f.	Orange County	3 representatives
g.	Chatham County	1 representative
h.	The N.C. Department of Transportation	5 representatives
i.	Triangle J Council of Governments	1 representative
j.	Duke University	1 representative
k.	N.C. Central University	1 representative
l.	The University of North Carolina	1 representative
m.	The Raleigh-Durham Airport Authority	1 representative
n.	Triangle Transit	1 representative
o.	The Research Triangle Park Foundation	1 representative
p.	The N.C. Department of the Environment and Natural Resources	1 representative

The City of Durham's membership shall not include members of the Lead Planning Agency staff.

In addition to voting membership, the following agencies shall have non-voting membership:

a.	The Federal Highway Administration	1 representative
b.	The Federal Transit Administration	1 representative
c.	The U.S. Army Corps of Engineers	1 representative
d.	The U.S. Environmental Protection Agency	1 representative
e.	The U.S. Fish and Wildlife Service	1 representative
f.	The N.C. Department of Cultural Resources	1 representative
g.	The N.C. Department of Commerce	1 representative
h.	The U.S. Department of Housing and Urban Development	1 representative
i.	The N.C. Railroad Company	1 representative
j.	The N.C. Trucking Association	1 representative
k.	The N.C. Motorcoach Association	1 representative
l.	Regional Transportation Alliance	1 representative

The MPO Technical Committee shall meet when it is deemed appropriate and advisable. On the basis of a majority vote, the MPO Technical Committee may appoint voting members of the Committee to act as Chair and Vice-Chair with the responsibility for coordination of the Committee's activities.

11. The Durham City Council, Chapel Hill Town Council, Carrboro Board of Aldermen, Hillsborough Board of Commissioners, Durham County Board of Commissioners, Orange County Board of Commissioners, and Chatham County Board of Commissioners shall

serve as the primary means for citizen input to the continuing transportation planning process. During the Metropolitan Transportation Plan reevaluation, citizen involvement in the planning process shall be encouraged during re-analysis of goals and objectives and plan formation. This citizen involvement will be obtained through procedures outlined in the MPO's policy for public involvement.

The MPO Board may also receive public input or hold public hearings as may also be required by federal or state law.

Section II

It is further agreed that the subscribing agencies will have the following responsibilities, these responsibilities being those most logically assumed by the several agencies:

The Municipalities and the Counties

The municipalities and the counties will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. The municipalities and the counties shall coordinate zoning and subdivision approval within their respective jurisdictions in accordance with the adopted Metropolitan Transportation Plan and the Comprehensive Transportation Plan.

Additionally, the City of Durham will serve as the Lead Planning Agency for the transportation planning process in the Planning Area.

The municipalities and the counties will participate in funding the portion of the costs of the MPO's work program not covered by federal or state funding as reflected in the annual Planning Work Program approved by the MPO Board. The portion to be paid by each municipal and county member government will be based upon its pro rata share of population within the MPO Planning Area, utilizing the most recent certified North Carolina Office of State Planning municipal and county population estimates. In addition, MPO members may also voluntarily contribute additional funds for other purposes such as to participate in funding the costs of special studies, or other specialized services as mutually agreed upon.

Funding provided by member agencies will be used to provide the required local match to federal funds. Failure by member agencies to pay the approved share of costs would impact the MPO's ability to match federal funds and could have the effect of invalidating the MPO's Unified Planning Work Program and the annual MPO self-certification, and could also result in the withholding of transportation project funds. Failure by member governments to pay the approved share of costs may also result in the withholding of MPO services and funding.

The municipalities and the counties receiving federal transportation funding designated for the Durham Urbanized Area as approved by the MPO Board through the Unified Planning Work Program shall comply with adopted reporting and oversight procedures.

North Carolina Department of Transportation

The Department will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Should any authorized local government body choose to adopt or amend a transportation corridor official map for a proposed public transportation corridor pursuant to N.C.G.S. § 136-44.50, the Department may offer assistance by providing mapping, data, inventories, or other Department resources that could aid the local government body in adopting or amending a transportation corridor official map.

Triangle Transit

Triangle Transit will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Triangle Transit shall comply with adopted reporting and oversight procedures for the receipt of federal transportation funding designated for the Durham Urbanized Area as approved by the MPO Board through the Unified Planning Work Program.

E-Verify Compliance for All Parties to this Agreement

Each of the parties covenants that if it enters into any subcontracts in order to perform any of its obligations under this contract, it shall require that the contractors and their subcontractors comply with the requirements of NC Gen. Stat. Article 2 of Chapter 64. In this E-Verify Compliance section, the words contractors, subcontractors, and comply shall have the meanings intended by applicable provisions of NC Gen. Stat. Chapters 153A and 160A.

Section III

Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving ninety (90) days written notice to the other parties prior to the date of termination. If any party should terminate participation, this Memorandum of Understanding shall remain in force and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization shall continue to operate as long as 75% or more of the population within the Metropolitan Planning Area is represented by the remaining members. For the purpose of determining 75% representation, the populations within incorporated areas are represented by the respective municipal governments and the populations within the unincorporated areas are represented by the respective county governments.

Section IV

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the City of Durham by its Mayor, the Town of Chapel Hill by its Mayor, the Town of Carrboro by its Mayor, the Town of Hillsborough by its Mayor, Durham County by its Chair, Orange County by its Chair, Chatham County by its Chair, Triangle Transit by its Chair, and the Secretary of Transportation on behalf of the Governor of the State of North Carolina and the North Carolina Department of Transportation, this the _____ day of _____, ____.

(Seal) City of Durham

_____ By _____

Clerk Mayor

(Seal) Town of Chapel Hill

_____ By _____

Clerk Mayor

(Seal) Town of Carrboro

_____ By _____

Clerk Mayor

(Seal) Town of Hillsborough

_____ By _____

Clerk Mayor

(Seal) County of Durham

_____ By _____

Clerk Chair

(Seal) County of Orange

_____ By _____

Clerk Chair

(Seal) County of Chatham

_____ By _____

Clerk Chair

(Seal) Triangle Transit

_____ By _____

Clerk Chair

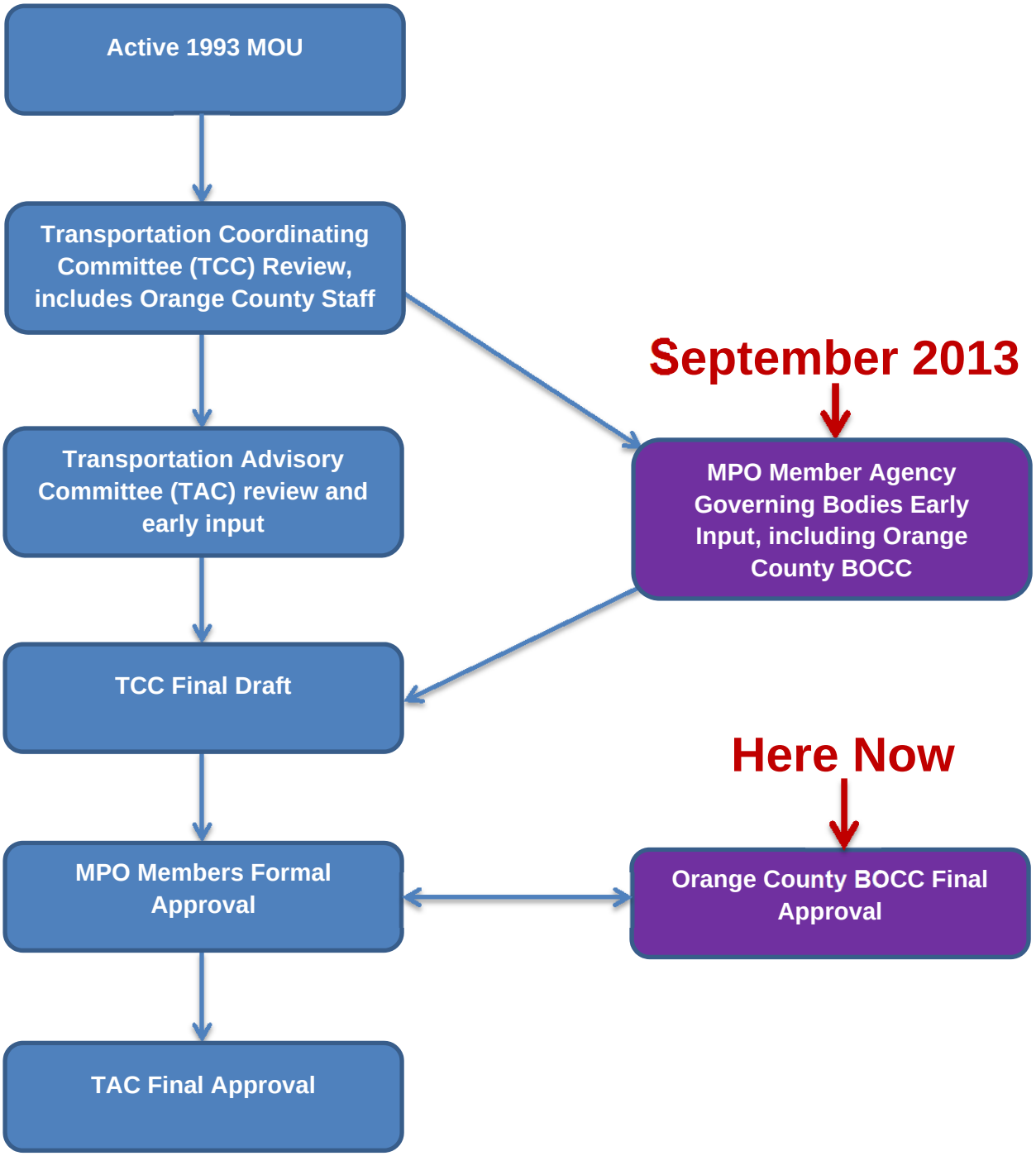
(Seal)

North Carolina Department of Transportation

By _____

Secretary

Attachment 3:
DCHC MPO Process for Revising Member Agencies MOU



DCHC MPO Memorandum of Understanding
Summary of Comments Received from DCHC Members

Note: Page and line references refer to marked version of MOU.

Town of Hillsborough Comments – Received 8/28/13

Comment	TAC Response
No comments	N/A

Chatham County Comments – Received 9/6/13

Comment	TAC Response
Page 6, beginning on line 36. The Chatham County Board of Commissioners is unanimously opposed to the weighted voting provisions.	Weighting voting provisions are in the MOU. The number of votes was adjusted so that all local governments have more votes than Triangle Transit and NCDOT. The proposed weighted voting is based on the current MOU, with small adjustments to account for current populations. Population distribution is not the only factor in developing the current weighted voting structure as the City of Durham only represents 42% of the weighted votes yet represents about 58% of the population of the MPO. Weighted voting has been very rarely invoked by MPO Board members.
General comment: The Board of Commissioners is also concerned about the 20% local match, citing the population differences between the urbanized area and the planning area of the MPO boundary within Chatham County.	No change. Federal regulations require the MPO to plan and conduct other activities within the entire planning area, not just the urbanized area.

NCDOT Comments – Received 9/6/13

Comment	TAC Response
Page 3, line 13-14. The MPO is required to plan for the entire area, not just the Durham Urbanized Area as defined by the US Census. Change "Durham Urbanized Area" to "Durham-Chapel Hill-Carrboro Metropolitan Planning Area"	Change made
Page 4, line 21. Change "Planning Area" to "MPO"	Change made
Page 4, line 35. What is MPO policy for PI [public involvement]? Expecting the public to show up in downtown Durham, in the morning, and pay to park may be limiting your PI.	No change. The MPO approved a revised Public Involvement Policy on 11/14/2012. The Policy prescribes the procedures for disseminating information to the public and receiving public input into the MPO's decision-making process. The MPO holds meetings and workshops at night and in locations other than downtown Durham as

	appropriate. Public involvement is also part of the Certification Review process.
Page 5, line 13. NC General Statutes require the plan to include MTP projects and says that it may include other projects not in the fiscally constrained plan. Delete "as well as" and add "and may include additional."	Change made
Page 5, line 16. NC General Statues requires that any revisions to the CTP shall be jointly approved by the MPO Board and N.C. Board of Transportation. Change "may be" to "are."	Change made
Page 5, line 36. Change "Durham Urbanized Area" to "DCHC MPO."	Change made.
Page 6, line 2. NCDOT comment: "You're going to put the management of Durham staff under the MPO board. You may need to remove this or use another word."	No change. LPA staff and member jurisdictions have a clear understanding of the term oversight as used in the MOU.
Page 6, line 36. Since you are specifying weighted voting below, you need to be clear about the number of votes under a non-weighted voting scheme.	No change. The MOU at page 6, line 32 states that a majority vote shall be sufficient for approval of matters coming before the committee.
Page 6, line 14. Why does City of Durham have two voting members and no one else does?	No change. Based on the 2010 census, about 58 percent of the MPO population lives in the City of Durham.
Page 6, line 44. Should there be a BOT member for each Division represented (5, 7, and 8)? Is one board member going to be able to represent the other Division counties?	No change. There needs to be on-going consultation between the Board of Transportation members for Divisions 5, 7, and 8.
Page 6, line 32. Simple majority or 2/3rds majority? Can one abstain? And how does that affect the vote?	No change. A simple majority is sufficient. The bylaws address abstentions (abstentions are not included in the tally of the vote).
Page 8, line 17. Need to address votes per [MPO Technical Committee] member.	No change. Voting procedures are discussed in the bylaws.
Page 8, line 14. Why is DENR a voting member here?	No change. DENR was added to reflect air quality and Merger Process roles.
Page 8, line 20. What is the purpose of non-voting membership for some agencies? Is this just to define their role and also state they have no voting capacity?	No change. Non-voting members have various interests in the transportation planning process and can participate in TCC meetings but not vote.
Page 8, line 17. Need to discuss quorum and majority vote for TCC. Simple majority or 2/3rds majority? Would 2/3rds be more appropriate? For example, when the TCC is not sure/split on an action, probably wouldn't want to forward to TAC.	No change. Voting procedures are discussed in the bylaws.
Page 9, line 36. There is nothing in the Federal Planning regulations that address paying of local shares or invalidation of PWP or self-certification.	Change to read as follows: "Funding provided by member agencies will be used to provide the required local match to federal funds. Failure by

This should be removed or reference made to local MPO policies.	member agencies to pay the approved share of costs would impact the MPO's ability to match federal funds and could have the effect of invalidating the MPO's Unified Planning Work Program and the annual MPO self-certification, and could also result in the withholding of transportation project funds. Failure by member governments to pay the approved share of costs may also result in the withholding of MPO services and funding."
Page 10, line 8. Remove sentence "The Department, to the fullest extent possible and as permitted by existing state and federal regulations, will provide assistance in the protection of necessary rights-of-way for those transportation facilities designated in the adopted Metropolitan Transportation Plan and Comprehensive Transportation Plan." and replace with "Should any authorized local government body chose to adopt or amend a transportation corridor official map for a proposed public transportation corridor pursuant to N.C.G.S. § 136-44.50, the Department may offer assistance by providing mapping, data, inventories or other Department resources that could aid the local government body in adopting or amending a transportation corridor official map."	Change made.
Page 10, line 41. Add "Triangle Transit by its Chair"	Change made.

Orange County Comments – Received 9/6/13

Comment	TAC Response
Page 7, line 1. Concern over Triangle Transit becoming a voting member of the MPO Board.	The federal MAP-21 law requires that transit providers be voting members of the MPO Board.
Page 7, line 30. The phrase "of the transportation study" needs further description or clarification. What transportation study?	Change "the transportation study" to "various transportation studies."
Page 9, line 36. The phrase "Failure to pay the approved share of costs…." needs clarification. The members share? The subscribing agencies share?	Change "Failure to pay the approved share of costs" to "Failure by member agencies to pay the approved share of costs."

Town of Chapel Hill Comments – Received 9/13/13

Comment	TAC Response
Page 9, line 27. Add "reflected in the annual Planning Work Program" before the word	Change made.

"approved" in the following sentence: "The municipalities and the counties will participate in funding the portion of the costs of the MPO's work program not covered by federal or state funding as approved by the MPO Board."	
The remainder of Section II, on page 9-10, attempts to deal with the recently established requirement that local governments provide a portion of the local match required to support MPO staff activities. While the local governments and MPO have agreed to establish an oversight committee that will develop the annual work program and related annual budget Chapel Hill believes the MOU does not address the issue of potential disagreements between the member jurisdictions and the MPO staff over the budget and related local payments. This section needs some improvement.	No change. The MOU is not the appropriate mechanism to address these concerns. Oversight mechanisms have been addressed in the document entitled "FY 2014 Unified Planning Work Program (UPWP) LPA Oversight Structures and Highlights" that was approved as part of the UPWP at the May 2013 TAC meeting.

Town of Carrboro Comments – Received 9/13/13

Comment	TAC Response
Page 6-7, line 36-4. The minimum number of weighted votes for all parties should be two (2), except for the N.C. Board of Transportation and Triangle Transit, who should receive one (1) vote, to reflect the fact that they are distinct from the other parties in that they are represented by appointed, and not elected, officials.	Change made. The number of weighted votes for each local government was doubled. Triangle Transit and N.C. Board of Transportation each have one vote.
Page 9, line 36. Language should be added establishing an oversight process for activities conducted under the MPO's work plan, as has been agreed to by MPO staff and member jurisdiction staff.	No change. The MOU is not the appropriate mechanism to address this concern. Oversight mechanisms have been addressed in the document entitled "FY 2014 Unified Planning Work Program (UPWP) LPA Oversight Structures and Highlights" that was approved as part of the UPWP at the May 2013 TAC meeting.
Page 9, line 26. A limitation on the percent annual increase in the UPWP budget should be added.	No change. The MPO Board has the authority to control the level of spending in the UPWP.
Page 10, line 26. The written notice period for termination of participation in the transportation planning process should be changed from thirty (30) days to ninety (90) days.	Change made.

City of Durham Comments – Received on 9/16/13

Comment	TAC Response
Page 10, line 26. The written notice period for	Change made.

termination of participation in the transportation planning process should be changed from thirty (30) days to ninety (90) days.	
Add E-Verify Compliance language in response to state law adopted on 9/4/2013	Change made. Language added on page 10.

Durham County Comments – None received as of 9/19/13

Triangle Transit Comments – None received as of 9/19/13

DURHAM-CHAPEL HILL-CARRBORO
METROPOLITAN PLANNING ORGANIZATION

MEMORANDUM OF UNDERSTANDING
FOR
COOPERATIVE, COMPREHENSIVE, AND CONTINUING
TRANSPORTATION PLANNING

Between

THE GOVERNOR OF THE STATE OF NORTH CAROLINA,
CITY OF DURHAM, TOWN OF CHAPEL HILL, TOWN OF CARRBORO
TOWN OF HILLSBOROUGH, COUNTY OF DURHAM,
COUNTY OF ORANGE, COUNTY OF CHATHAM, TRIANGLE TRANSIT, AND
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

in cooperation with

THE UNITED STATES DEPARTMENT OF TRANSPORTATION

November 13, 2013

WITNESSETH THAT

WHEREAS, Section 134(a) of Title 23 United States Codes states:

Policy – It is in the national interest—
(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and
(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

WHEREAS, Section 134(c) of Title 23 United States Codes states:

General Requirements.—
(1) Development of long-range plans and TIPs.— To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall

Comment [BE1]: Added

Comment [BE2]: Reference U.S.C. first as it establishes the basis for MPOs

develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

(2) Contents.— The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(3) Process of development.— The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

WHEREAS, Chapter 136, Section 66.2(a) of the General Statutes of North Carolina states:

Comment [BE3]: Reference N.C. General Statutes second as it establishes a requirement for MPOs

Each MPO, with cooperation of the Department of Transportation, shall develop a comprehensive transportation plan in accordance with 23 U.S.C. Section 134. In addition, an MPO may include projects in its transportation plan that are not included in a financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. Section 134. For municipalities located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization. For purposes of transportation planning and programming, the MPO shall represent the municipality's interests to the Department of Transportation.

WHEREAS, Chapter 136, Section 66.2(b) of the General Statutes of North Carolina states:

After completion and analysis of the plan, the plan shall be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation improvements in and around the municipality or within the MPO. The governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a part of the State highway system and which streets will be a part of the municipal street system. As used in this Article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities.

WHEREAS, Chapter 136, Section 66.2(d) of the General Statutes of North Carolina states:

For MPOs, either the MPO or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the MPO.

WHEREAS, a transportation planning process includes the operational procedures and working arrangements by which short and long-range transportation plans are soundly conceived and developed and continuously evaluated in a manner that will:

1. Assist governing bodies and official agencies in determining courses of action and in formulating attainable capital improvement programs in anticipation of community needs; and,

2. Guide private individuals and groups in planning their decisions which can be important factors in the pattern of future development and redevelopment of the area;

WHEREAS, it is the desire of these agencies that a continuing, cooperative, and comprehensive transportation planning process, be established for the Durham-Chapel Hill-Carrboro Metropolitan Planning Area in compliance with Title 23 U.S.C. Section 134 and any subsequent amendments to that statute, and any implementing regulations; Title 49 U.S.C. Chapter 53 and any subsequent amendments to these statutes, and any implementing regulations; and the Clean Air Act of 1970, as amended, [42 U.S.C. 7504 and 7506(c)].

Comment [BE4]: Changed from "Durham Urbanized Area" in response to NCDOT comment.

Comment [BE5]: Changed reference from Federal Transit Act of 1991 to the U.S.C. related to Metropolitan Planning and public transportation

Comment [BE6]: Added Clean Air Act – references U.S.C. requirements on conformity

WHEREAS, it is the desire of these parties that all prior Memoranda of Understanding between the parties be superseded and replaced by this Memorandum of Understanding.

NOW THEREFORE, the following Memorandum of Understanding is made:

Section I

It is hereby agreed that the City of Durham, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, County of Durham, County of Orange, County of Chatham, and the North Carolina Department of Transportation in cooperation with the United States Department of Transportation will participate in a continuing, cooperative, and comprehensive transportation planning process with responsibilities and undertakings as related in the following paragraphs:

Comment [BE7]: Added.

1. The Durham-Chapel Hill-Carrboro Metropolitan Planning Area, will consist of the Durham Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, plus that area beyond the existing urbanized area boundary that is expected to become urbanized or be affected by urban policies within a twenty-year planning period. This area is hereinafter referred to as the Metropolitan Planning Area.

Comment [BE8]: Metropolitan Planning Area – not Metropolitan Area Boundary – is term used in U.S.C.

Comment [BE9]: Changed from Durham-Chapel Hill-Carrboro Urbanized Area. Census uses "Durham Urbanized Area"

2. The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) shall include the boards of general purpose local government – the Durham City Council, Chapel Hill Town Council, Carrboro Board of Aldermen, Hillsborough Board of Commissioners, Durham County Board of Commissioners, Orange County Board of Commissioners, and Chatham County Board of Commissioners; the North Carolina Department of Transportation; a MPO Board hereinafter defined, a MPO Technical

Comment [BE10]: New name for TAC

Committee hereinafter defined, and the various agencies and units of local, regional, state, and federal government participating in the transportation planning for the area.

3. The Metropolitan Planning Area boundary will be periodically reviewed and revised in light of new developments, basic data projections for the current planning period, and as may otherwise be required by federal and state laws.

4. The continuing transportation planning process will be a cooperative one reflective of and responsive to the programs of the North Carolina Department of Transportation, and to the comprehensive plans for growth and development of the Municipalities of Durham, Chapel Hill, Carrboro, and Hillsborough; and the Counties of Durham, Orange, and Chatham. Attention will be given to cooperative planning with the neighboring metropolitan and rural planning organizations.

5. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.

6. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Clean Air Act of 1970, as amended.

7. Transportation policy decisions within the MPO are the shared responsibility of the MPO Board, the N.C. Board of Transportation, and participating local governments.

8. Transportation plans and programs, and land use policies and programs, for the Planning Area, having regional impacts, will be coordinated with Triangle Transit, the neighboring metropolitan and rural planning organizations, and Triangle J Council of Governments.

9. A MPO Board is hereby established with the responsibility for cooperative transportation decision-making for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO). The MPO Board shall have the responsibility for keeping the policy boards informed of the status and requirements of the transportation planning process; assisting in the dissemination and clarification of the decisions, inclinations, and policies of the policy boards, and for providing opportunities for citizen participation in the transportation planning process.

The MPO Board will be responsible for carrying out the provisions of 23 U.S.C. Section 134; Title 49 U.S.C. Chapter 53; and 42 U.S.C. 7504 and 7506(c); including but not limited to:

a. Establishment of goals and objectives for the transportation planning process;

Comment [BE11]: New name for TCC

Comment [BE12]: Added regional. Could refer to TJCOG, Triangle Transit, etc.

Comment [BE13]: Changed to more inclusive language (previously only referenced CAMPO).

Comment [BE14]: Added

Comment [BE15]: Changed from "Planning Area" in response to NCDOT comment.

Comment [BE16]: Changed to more inclusive language (previously only referenced CAMPO).

Comment [BE17]: Updated reference to public transportation U.S.C.

Comment [BE18]: Added. References Clean Air Act requirements.

b. Review and approval of a Prospectus for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;

c. Review and approval of the transportation Unified Planning Work Program;

d. Review and approval of changes to the National Highway System, Functional Classification, and Metropolitan Planning Area boundary;

e. Review and approval of the Comprehensive and Metropolitan Transportation Plans. As specified in General Statutes Section 136-66.2(a), the Comprehensive Transportation Plan shall include the projects in the Metropolitan Transportation Plan and may include additional projects that are not included in the financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. Section 134. As specified in General Statutes Section 136-66.2(d) revisions to the Comprehensive Transportation Plan are required to be jointly approved by the North Carolina Department of Transportation and the MPO Board;

f. Review and approval of the Transportation Improvement Program and changes to the Transportation Improvement Program. As specified in 23 U.S.C. Section 134(k), all federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area (excluding projects carried out on the National Highway System) shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator;

g. Review and approval of planning procedures for air quality conformity and review and approval of air quality conformity determination for projects, programs, and plans;

h. Review and approval of a Congestion Management Process;

i. Review and approval of the distribution and oversight of federal funds designated for the DCHC MPO under the provisions of MAP-21 and any other subsequent Transportation Authorizations;

j. Review and approval of a policy for public involvement for the DCHC MPO;

k. Review and approval of an agreement between the MPO, the State, and public transportation operators serving the Metropolitan Planning Area that defines mutual responsibilities for carrying out the metropolitan planning process in accordance with 23 C.F.R. 450.314;

Comment [BE19]: Old MOU includes "urban area boundary". Urbanized area set by Census. Smoothed UZA no longer necessary.

Comment [BE20]: Changed from "as well as" in response to NCDOT comment

Comment [BE21]: Changed from "may be" in response to NCDOT comment.

Comment [BE22]: Updated to reflect current names of plans and legislation.

Comment [BE23]: Added reference to specific language for selection of TIP projects in Transportation Management Areas.

Comment [BE24]: Added

Comment [BE25]: Added

Comment [BE26]: Changed from "Durham Urbanized Area" in response to NCDOT comment.

Comment [BE27]: Added

Comment [BE28]: Added

Comment [BE29]: Added

l. Oversight of the Lead Planning Agency staff;

Comment [BE30]: Added

m. Revision in membership of the MPO Technical Committee hereinafter defined;

n. Development and approval of committee bylaws for the purpose of establishing operating policies and procedures;

o. Review and approval of cooperative agreements with other transportation organizations, transportation providers, counties, and municipalities.

Comment [BE31]: Added.

The membership of the MPO Board shall include:

a. Two members of the Durham City Council;
b. One member of the Chapel Hill Town Council;
c. One member of the Carrboro Board of Aldermen;
d. One member of the Hillsborough Board of Commissioners;
e. One member of the Durham County Board of Commissioners;
f. One member of the Orange County Board of Commissioners;
g. One member of the Chatham County Board of Commissioners;
h. One member of the North Carolina Board of Transportation;
i. One member of the Triangle Transit Board of Trustees.

Municipal and county public transit providers shall be represented on the MPO Board through their respective municipal and county local government board members.

Comment [BE32]: Added to address MAP-21 requirement that transit providers be voting members of the MPO Board.

It shall be the responsibility of each member jurisdiction to appoint a representative and an alternate(s) to the MPO Board.

A quorum of the MPO Board shall consist of a majority of the voting members whose votes together represent a majority of the possible weighted votes identified in the weighted vote schedule below. A majority vote shall be sufficient for approval of matters coming before the committee with the exception that a committee member may invoke the following weighted vote provisions on any matter:

Government Body	Votes
City of Durham	16*
Town of Chapel Hill	6
Durham County	4
Orange County	4
Town of Carrboro	2
Chatham County	2
Town of Hillsborough	2
N.C. Board of Transportation	1

Triangle Transit	1
Total	38

* 8 votes per representative

Representatives from each of the following bodies will serve as non-voting members of the MPO Board:

a. A representative of the Federal Highway Administration;
b. A representative of the Federal Transit Administration;
c. Other local, regional, state, or federal agencies impacting transportation in the planning area at the invitation of the MPO Board.

The MPO Board will meet as often as it is deemed appropriate and advisable. On the basis of a majority vote, the MPO Board may appoint members of the Board to act as Chair and Vice-Chair with the responsibility for coordination of the Board's activities. A member of the Lead Planning Agency staff will serve as Secretary to the Board and will work cooperatively with the staff of other jurisdictions.

10. A MPO Technical Committee shall be established with the responsibility of general review, guidance and coordination of the transportation planning process for the planning area and with the responsibility for making recommendations to the respective local, state, and federal governmental agencies and the MPO Board regarding any necessary actions relating to the continuing transportation planning process. The MPO Technical Committee shall be responsible for development, review and recommendations for approval and changes to the Prospectus, Unified Planning Work Program, Transportation Improvement Program, National Highway System, Functional Classification, Metropolitan Planning Area boundary, Metropolitan Transportation Plan, and Comprehensive Transportation Plan, for planning citizen participation, and for documenting reports of various transportation studies.

Membership of the MPO Technical Committee shall include technical representatives from local and state agencies directly related to and concerned with the transportation planning process for the planning area. Representatives will be designated by the chief executive officer of each represented agency. Departments or divisions within local and state agencies that should be represented on the MPO Technical Committee include, but are not limited to, those responsible for transportation planning, land use planning, transportation operations, public works and construction, engineering, public transportation, environmental conservation and planning, bicycle and pedestrian planning, and economic development. Initially, the membership shall include, but not be limited to, the following:

a. The City of Durham	5 representatives
b. The Town of Chapel Hill	3 representatives

Comment [BE33]: Proposed Weighted Voting is based on the current MOU, but makes Durham County and Orange County equivalent due to similar populations and increases Chapel Hill due to comparatively larger size. In response to Carrboro's comments, all local governments receive a minimum of two votes. The number of weighted votes for all jurisdictions were doubled from the draft MOU. Quorum is 6 members who represent 20 weighted votes.

Comment [BE34]: Current MOU "A Division Administrator(s) of the Federal Highway Administration and/or the Federal Transit Administration, or their representative(s);"

Comment [BE35]: Changed from City of Durham Department of Transportation

Comment [BE36]: Changed from "the transportation study" in response to Orange County comment.

Comment [BE37]: Added.

c.	The Town of Carrboro	2 representatives
d.	The Town of Hillsborough	1 representative
e.	Durham County	3 representatives
f.	Orange County	3 representatives
g.	Chatham County	1 representative
h.	The N.C. Department of Transportation	5 representatives
i.	Triangle J Council of Governments	1 representative
j.	Duke University	1 representative
k.	N.C. Central University	1 representative
l.	The University of North Carolina	1 representative
m.	The Raleigh-Durham Airport Authority	1 representative
n.	Triangle Transit	1 representative
o.	The Research Triangle Park Foundation	1 representative
p.	The N.C. Department of the Environment and Natural Resources	1 representative

The City of Durham's membership shall not include members of the Lead Planning Agency staff.

In addition to voting membership, the following agencies shall have non-voting membership:

a.	The Federal Highway Administration	1 representative
b.	The Federal Transit Administration	1 representative
c.	The U.S. Army Corps of Engineers	1 representative
d.	The U.S. Environmental Protection Agency	1 representative
e.	The U.S. Fish and Wildlife Service	1 representative
f.	The N.C. Department of Cultural Resources	1 representative
g.	The N.C. Department of Commerce	1 representative
h.	The U.S. Department of Housing and Urban Development	1 representative
i.	The N.C. Railroad Company	1 representative
j.	The N.C. Trucking Association	1 representative
k.	The N.C. Motorcoach Association	1 representative
l.	Regional Transportation Alliance	1 representative

The MPO Technical Committee shall meet when it is deemed appropriate and advisable. On the basis of a majority vote, the MPO Technical Committee may appoint voting members of the Committee to act as Chair and Vice-Chair with the responsibility for coordination of the Committee's activities.

11. The Durham City Council, Chapel Hill Town Council, Carrboro Board of Aldermen, Hillsborough Board of Commissioners, Durham County Board of Commissioners, Orange County Board of Commissioners, and Chatham County Board of Commissioners shall

Comment [BE38]: Increased to 3 to be equal with Durham County.

Comment [BE39]: Added due to air quality and Merger Process roles

Comment [BE40]: Added

Comment [BE41]: Current MOU says 2 from USDOT. Proposed MOU specifically requests one from FHWA and one from FTA.

Comment [BE42]: Added – all have role in Merger Process

Comment [BE43]: Added due to Livability Initiative.

Comment [BE44]: Added to incorporate freight interests.

Comment [BE45]: Added as a substitute for the Greyhound membership currently in the TCC bylaws. Represents private charter bus operators.

Comment [BE46]: Added to incorporate economic development interests.

serve as the primary means for citizen input to the continuing transportation planning process. During the Metropolitan Transportation Plan reevaluation, citizen involvement in the planning process shall be encouraged during re-analysis of goals and objectives and plan formation. This citizen involvement will be obtained through procedures outlined in the MPO's policy for public involvement.

The MPO Board may also receive public input or hold public hearings as may also be required by federal or state law.

Section II

It is further agreed that the subscribing agencies will have the following responsibilities, these responsibilities being those most logically assumed by the several agencies:

The Municipalities and the Counties

The municipalities and the counties will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. The municipalities and the counties shall coordinate zoning and subdivision approval within their respective jurisdictions in accordance with the adopted Metropolitan Transportation Plan and the Comprehensive Transportation Plan.

Additionally, the City of Durham will serve as the Lead Planning Agency for the transportation planning process in the Planning Area.

The municipalities and the counties will participate in funding the portion of the costs of the MPO's work program not covered by federal or state funding as reflected in the annual Planning Work Program approved by the MPO Board. The portion to be paid by each municipal and county member government will be based upon its pro rata share of population within the MPO Planning Area, utilizing the most recent certified North Carolina Office of State Planning municipal and county population estimates. In addition, MPO members may also voluntarily contribute additional funds for other purposes such as to participate in funding the costs of special studies, or other specialized services as mutually agreed upon.

Funding provided by member agencies will be used to provide the required local match to federal funds. Failure by member agencies to pay the approved share of costs would impact the MPO's ability to match federal funds and could have the effect of invalidating the MPO's Unified Planning Work Program and the annual MPO self-certification, and could also result in the withholding of transportation project funds. Failure by member governments to pay the approved share of costs may also result in the withholding of MPO services and funding.

Comment [BE47]: Deleted "…goals and objectives surveys, neighborhood forums, and public hearings in accordance with…"

Comment [BE48]: Changed from "North Carolina Highway Action Plan"

Comment [BE49]: Condensed into one section. Current MOU includes identical language for all seven municipalities and counties.

Comment [BE50]: Added in response to Chapel Hill comment.

Comment [BE51]: Added. Uses same language as CAMPO.

Comment [BE52]: Added. This paragraph was rewritten in response to NCDOT and Orange County comment.

The municipalities and the counties receiving federal transportation funding designated for the Durham Urbanized Area as approved by the MPO Board through the Unified Planning Work Program shall comply with adopted reporting and oversight procedures.

Comment [BE53]: Added

North Carolina Department of Transportation

The Department will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Should any authorized local government body choose to adopt or amend a transportation corridor official map for a proposed public transportation corridor pursuant to N.C.G.S. § 136-44.50, the Department may offer assistance by providing mapping, data, inventories, or other Department resources that could aid the local government body in adopting or amending a transportation corridor official map.

Comment [BE54]: Changed from "The Department, to the fullest extent possible and as permitted by existing state and federal regulations, will provide assistance in the protection of necessary rights-of-way for those transportation facilities designated in the adopted Metropolitan Transportation Plan and Comprehensive Transportation Plan" in response to NCDOT comment.

Triangle Transit

Triangle Transit will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Triangle Transit shall comply with adopted reporting and oversight procedures for the receipt of federal transportation funding designated for the Durham Urbanized Area as approved by the MPO Board through the Unified Planning Work Program.

Comment [BE55]: Added.

E-Verify Compliance for All Parties to this Agreement

Each of the parties covenants that if it enters into any subcontracts in order to perform any of its obligations under this contract, it shall require that the contractors and their subcontractors comply with the requirements of NC Gen. Stat. Article 2 of Chapter 64. In this E-Verify Compliance section, the words contractors, subcontractors, and comply shall have the meanings intended by applicable provisions of NC Gen. Stat. Chapters 153A and 160A.

Comment [BE56]: Added in response to City of Durham comment.

Section III

Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving ninety (90) days written notice to the other parties prior to the date of termination. If any party should terminate participation, this Memorandum of Understanding shall remain in force and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization shall continue to operate as long as 75% or more of the population within the Metropolitan Planning Area is represented by the remaining members. For the purpose of determining 75% representation, the populations within incorporated areas are represented by the respective municipal governments and the populations within the unincorporated areas are represented by the respective county governments.

Comment [BE57]: Changed from "thirty (30)" in response to Carrboro and City of Durham comment.

Section IV

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the City of Durham by its Mayor, the Town of Chapel Hill by its Mayor, the Town of Carrboro by its Mayor, the Town of Hillsborough by its Mayor, Durham County by its Chair, Orange County by its Chair, Chatham County by its Chair, Triangle Transit by its Chair, and the Secretary of Transportation on behalf of the Governor of the State of North Carolina and the North Carolina Department of Transportation, this the _____ day of _____, ____.

Comment [BE58]: Current MOU says "City Manager" for City of Durham only

Comment [BE59]: Added in response to NCDOT comment.

(Seal) City of Durham

_____ By _____

Clerk Mayor

(Seal) Town of Chapel Hill

_____ By _____

Clerk Mayor

(Seal) Town of Carrboro

_____ By _____

Clerk Mayor

(Seal) Town of Hillsborough

_____ By _____

Clerk Mayor

(Seal) County of Durham

_____ By _____

Clerk Chair

(Seal) County of Orange

_____ By _____

Clerk Chair

(Seal) County of Chatham

_____ By _____

Clerk Chair

(Seal) Triangle Transit

_____ By _____

Clerk Chair

(Seal) North Carolina Department of Transportation

By _____

Secretary

Comment [BE60]: Signature lines will be on separate pages in the final MOU for easier execution.

NORTH CAROLINA

DURHAM-CHAPEL HILL-CARRBORO
METROPOLITAN PLANNING ORGANIZATION

MEMORANDUM OF UNDERSTANDING

for

CONTINUING, COOPERATIVE, AND COMPREHENSIVE
TRANSPORTATION PLANNING

between

THE GOVERNOR OF THE STATE OF NORTH CAROLINA,
CITY OF DURHAM, TOWN OF CHAPEL HILL, TOWN OF CARRBORO,
TOWN OF HILLSBOROUGH, COUNTY OF DURHAM,
COUNTY OF ORANGE, COUNTY OF CHATHAM, AND
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

in cooperation with

THE UNITED STATES DEPARTMENT OF TRANSPORTATION

September 10, 1993

WITNESSETH THAT

WHEREAS, Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina require that:

> *"Each municipality with the cooperation of the Department of Transportation, shall develop a comprehensive plan for a street system that will serve present and anticipated volumes of vehicular traffic in and around the municipality. The plan shall be based on the best information available including, but not limited to, population growth, economic conditions and prospects, and patterns of land development in and around the municipality and shall provide for the safe and effective use of streets and highways through such means as parking regulations, signal systems, and traffic signs, markings, and other devices. The Department of Transportation may provide financial and technical assistance in the preparation of such plans."*; and,

WHEREAS, the said Chapter 136, Article 3A, Section 136-66.2(b) provides that:

> *"After completion and analysis of the plan, the plan may be adopted by both the governing body of the municipality and the Department of Transportation as the basis for future street and highway improvements in and around the municipality. As a part of the plan, the governing body of the municipality and the Department of Transportation shall reach an agreement as to which of the existing and proposed streets and highways included in the plan will be a part of the State highway system and which streets will be part of the Municipal street system. As used in this article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities."*; and,

WHEREAS, the said Chapter 136, Article 3A, Section 136.66.2(d) provides that:

> *"Either the municipality or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the municipal governing board."*; and,

WHEREAS, Section 134(a) of Title 23 United States Code states:

> *"It is in the national interest to encourage and promote the development of transportation systems, embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an inter-modal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems."*; and,

WHEREAS, a transportation planning process includes the operational procedures and working arrangements by which short and long-range transportation plans are soundly conceived and developed and continuously evaluated in a manner that will:

1. Assist governing bodies and official agencies in determining courses of action and in formulating attainable capital improvement programs in anticipation of community needs; and,

2. Guide private individuals and groups in planning their decisions which can be important factors in the pattern of future development and redevelopment of the area; and,

WHEREAS, it is the desire of these agencies that a continuing, cooperative, and comprehensive transportation planning process, be established for the DURHAM-CHAPEL HILL-CARRBORO Urban Area to comply with Title 23 U.S.C. 134; and Sections 3(a)(2), 4(a), 5(g)(1), and 5(1) of the Federal Transit Act of 1991, and the Intermodal Surface Transportation Efficiency Act of 1991 {49 U.S.C. 1602(a)(2), 1603(a), 1604(g)(1), and 1604(1)}. NOW THEREFORE the following MEMORANDUM OF UNDERSTANDING is made:

Section I.

It is hereby agreed that the CITY OF DURHAM, TOWN OF CHAPEL HILL, TOWN OF CARRBORO, TOWN OF HILLSBOROUGH, COUNTY OF DURHAM, COUNTY OF ORANGE, COUNTY OF CHATHAM, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION in cooperation with the UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuing transportation planning process with responsibilities and undertakings as related in the following paragraphs:

1. The Durham-Chapel Hill-Carrboro Planning Area (as defined by the Metropolitan Area Boundary) will be the Durham-Chapel Hill-Carrboro Urbanized Area, as defined by the United States Department of Commerce, Bureau of the Census, plus that area beyond the existing urbanized area boundary that is expected to become urbanized or be affected by urban policies within a twenty year planning period.

2. The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) for the Durham-Chapel Hill-Carrboro Urban Area shall include the boards of general purpose local government -- the Durham City Council, Chapel Hill Town Council, Carrboro Board of Aldermen, Hillsborough Board of Commissioners, Durham County Board of Commissioners, Orange County Board of Commissioners, and Chatham County Board of Commissioners; the North Carolina Department of Transportation; a Transportation Advisory Committee hereinafter defined; a Technical Coordinating Committee

hereinafter defined; and the various agencies and units of local, State, and federal government participating in transportation planning for the area.

3. The Metropolitan Area Boundary (MAB) will be periodically reviewed and revised in light of new developments, basic data projections for the current planning period, and as may otherwise be required by federal and State laws.

4. The continuing transportation planning process will be a cooperative one and all planning discussions will be reflective of and responsive to the programs of the North Carolina Department of Transportation, and to the comprehensive plans for growth and development of the Municipalities of Durham, Chapel Hill, Carrboro, and Hillsborough; and the Counties of Durham, Orange, and Chatham. Attention will be given to cooperative planning with the Capital Area Metropolitan Planning Organization (CAMPO).

5. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.

6. Transportation policy decisions within the Planning Area are the shared responsibility of the Transportation Advisory Committee, the N. C. Board of Transportation, and participating local governments.

7. Transportation plans and programs, and land use policies and programs, for the planning area, having regional impacts, will be coordinated with the Triangle Transit Authority (TTA), the Capital Area Metropolitan Planning Organization (CAMPO), and the Triangle J Council of Governments.

8. A TRANSPORTATION ADVISORY COMMITTEE (TAC) is hereby established with the responsibility for cooperative transportation planning decision making for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO). The Transportation Advisory Committee shall have the responsibility for keeping the policy boards informed of the status and requirements of the transportation planning process; assisting in the dissemination and clarification of the decisions, inclinations, and policies of the policy boards; and for providing opportunities for citizen participation in the transportation planning process.

   The TRANSPORTATION ADVISORY COMMITTEE will be responsible for carrying out the provisions of 23 U.S.C. 134; and Sections 5(1) and 8(a) and 8(c) of the Urban Mass Transportation Act of 1964 as amended {49 U.S.C. 1604(1) and 1607(a) and

1607(c)}; including, but not limited to:

a. Establishment of goals and objectives for the transportation planning process;

b. Review and approval of a *Prospectus* for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;

c. Review and recommendation of changes to the National Highway System, Functional Classification, Urban Area Boundary, and Metropolitan Area Boundary;

d. Review and approval of the transportation *Unified Planning Work Program* (UPWP);

e. Review and approval of the comprehensive transportation plan and any changes to the Plan. (The Thoroughfare Plan is an element of the comprehensive transportation plan, and as required by General Statutes' Section 136-66.2(d) revisions in the Thoroughfare Plan must be jointly approved by the local governing boards and the North Carolina Department of Transportation);

f. Review and approval of the *Transportation Improvement Program* and changes to the *Transportation Improvement Program* for multi-modal capital and operating expenditures and to insure coordination between local and State capital and operating improvement programs;

g. Revision in membership of the Technical Coordinating Committee hereinafter defined; and

h. Development and approval of committee bylaws for the purpose of establishing operating policies and procedures.

The membership of the TRANSPORTATION ADVISORY COMMITTEE shall include:

a. Two members of the Durham City Council;

b. One member of the Chapel Hill Town Council;

c. One member of the Carrboro Board of Aldermen;

d. One member of the Hillsborough Board of Commissioners;

e. One member of the Durham County Board of Commissioners;

f. One member of the Orange County Board of Commissioners;

g. One member of the Chatham County Board of Commissioners; and

h. One member of the North Carolina Board of Transportation.

It shall be the responsibility of each member jurisdiction to appoint a representative(s) and an alternate(s) to the Transportation Advisory Committee.

A quorum of the Transportation Advisory Committee shall consist of a majority of the voting members whose votes together represent a majority of the total possible weighted votes identified in the weighted vote schedule below. A majority vote shall be sufficient for approval of matters coming before the committee with the exception that a committee member may invoke the following weighted vote provisions on any matter:

Governmental Body	Votes
City of Durham	6*
Town of Chapel Hill	2
Durham County	2
Town of Carrboro	1
Town of Hillsborough	1
Orange County	1
Chatham County	1
N. C. Board of Transportation	1
Total	15

* Three (3) votes per representative

Representatives from each of the following bodies will serve as non-voting members of the Transportation Advisory Committee:

- A Division Administrator(s) of the Federal Highway Administration and/or the Federal Transit Administration, or their representative(s);

- A member of the Triangle Transit Authority (TTA) Board of Trustees; and

- Other local, regional, State, or federal agencies impacting transportation in the planning area at the invitation of the TAC.

The Transportation Advisory Committee will meet as often as it is deemed appropriate and advisable. On the basis of a majority vote, the Transportation Advisory Committee may appoint members of the Committee to act as Chair and Vice-Chair with the responsibility for coordination of the Committee's activities. A member of the staff of the City of Durham Department of Transportation will serve as Secretary to the Committee and will work cooperatively with the staff of other jurisdictions.

9. A TECHNICAL COORDINATING COMMITTEE (TCC) shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the Planning Area and with the responsibility for making recommendations to the respective local, State, and federal governmental agencies and the Transportation Advisory Committee regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for development, review, and recommendation for approval and changes to the *Prospectus*, *Unified Planning Work Program*, *Transportation Improvement Program*, National Highway System, Functional Classification, Urban Area Boundary, the Metropolitan Area Boundary, and the Comprehensive Transportation Plan, for planning citizen participation, and for documenting reports of the transportation study.

   Membership of the Technical Coordinating Committee shall include technical representatives from local and State agencies directly related to and concerned with the transportation planning process for the Planning Area. Representatives will be designated by the chief executive officer of each represented agency. Initially, the membership shall include, but not be limited to, the following:

a. The City of Durham	(5 representatives)
b. The Town of Chapel Hill	(3 representatives)
c. The Town of Carrboro	(2 representatives)
d. The Town of Hillsborough	(1 representative)
e. Durham County	(3 representatives)
f. Orange County	(2 representatives)
g. Chatham County	(1 representative)
h. The N. C. Department of Transportation	(5 representatives)

i. Triangle "J" Council of Governments	(1 representative)
j. Duke University	(1 representative)
k. N. C. Central University	(1 representative)
l. The University of North Carolina	(1 representative)
m. The Raleigh-Durham Airport Authority	(1 representative)
n. The Triangle Transit Authority	(1 representative)
o. The Research Triangle Park Foundation	(1 representative)

In addition to voting membership, the U. S. Department of Transportation shall have two (2) non-voting representatives.

The Technical Coordinating Committee shall meet when it is deemed appropriate and advisable. On the basis of majority vote of its membership, the Technical Coordinating Committee may appoint voting members of the Committee to act as Chair and Vice-Chair with the responsibility for coordination of the Committee's activities.

10. The Durham City Council, Chapel Hill Town Council, Carrboro Board of Alderman, Hillsborough Board of Commissioners, Durham County Board of Commissioners, Orange County Board of Commissioners, and Chatham County Board of Commissioners shall serve as the primary means for citizen input to the continuing transportation planning process. During the comprehensive transportation plan reevaluation, citizen involvement in the planning process shall be encouraged during re-analysis of goals and objectives and plan formation. This citizen involvement will be obtained through goals and objectives surveys, neighborhood forums, and public hearings in accordance with procedures outlined in the "North Carolina Highway Action Plan."

    The Transportation Advisory Committee may also receive public input or hold public hearings as may also be required by federal or State law.

Section II.

It is further agreed that the subscribing agencies will have the following responsibilities, these responsibilities being those most logically assumed by the several agencies:

City of Durham

The Department of Transportation of the City of Durham will serve as the LEAD PLANNING AGENCY for the transportation planning process in the Planning Area and will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, the City shall coordinate zoning and subdivision approvals within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Town of Chapel Hill

The Town of Chapel Hill will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, the Town shall, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Town of Carrboro

The Town of Carrboro will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, the Town shall, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Town of Hillsborough

The Town of Hillsborough will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, the Town shall, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Durham County

Durham County will assist in the transportation planning process by providing planning assistance, data, and inventories in

accordance with the *Prospectus*. Additionally, Durham County shall, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Orange County

Orange County will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, Orange County shall, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Chatham County

Chatham County will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, Chatham County shall coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Transportation Plan.

North Carolina Department of Transportation

The Department will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. The Department, to the fullest extent possible and as permitted by existing State and federal regulations, will provide assistance in the protection of necessary rights-of-way for those thoroughfares designated in the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Section III.

Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 30 days written notice to the other parties prior to the date of termination. If any party should terminate participation, this Memorandum of Understanding shall remain in force and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization shall continue to operate as long as 75% or more of the population within the Metropolitan Area Boundary is represented by the remaining members. For the purpose of determining 75% representation, the populations within incorporated areas are represented by the respective municipal governments and the populations within the unincorporated areas are represented by the respective county governments.

Section IV.

In witness whereof, the Secretary of Transportation, on behalf of the Governor of the State of North Carolina has signed this Memorandum of Agreement and the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the City of Durham by its City Manager, the Town of Chapel Hill by its Mayor, the Town of Carrboro by its Mayor, the Town of Hillsborough by its Mayor, Durham County by its Chair, Orange County by its Chair, Chatham County by its Chair, and the North Carolina Department of Transportation by the Secretary of Transportation, this 28th day of January, 1994.

(Seal) CITY OF DURHAM

Margaret M Bowers
Clerk

City Manager

Policy of City of Durham. (a) THE CITY OF DURHAM OPPOSES THE PRACTICE OF APARTHEID IN THE REPUBLIC OF SOUTH AFRICA AND URGES EACH OF ITS CONTRACTORS TO REFRAIN FROM INVESTING OR DOING BUSINESS IN THE REPUBLIC OF SOUTH AFRICA. (b) The City of Durham opposes discrimination on the basis of race and sex and urges all its contractors to provide a fair opportunity for minorities and women to participate in their work force and as subcontractors and vendors under City contracts.

(Seal) TOWN OF CHAPEL HILL

Clerk

By Kenneth S. Broun
Mayor

(Seal) TOWN OF CARRBORO

Clerk

By
Mayor

*This Instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

(Seal)

Clerk

TOWN OF HILLSBOROUGH

By _____
Mayor

(Seal)

Clerk

COUNTY OF DURHAM

By _____
Chair

(Seal)

Deputy Clerk

COUNTY OF ORANGE

By _____
Chair

(Seal)

Clerk

COUNTY OF CHATHAM

By _____
Chair

GOVERNOR OF THE STATE OF
NORTH CAROLINA AND THE
NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

By _____
Secretary of Transportation

Approved for Execution for Michael Easley, Attorney General

1/21/94
date

By _____
Assistant Attorney General

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 6-j

SUBJECT: Lands Legacy Action Plan for 2014-2017

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

PUBLIC HEARING: (Y/N) No

ATTACHMENTS:
Lands Legacy Program Overview
Annual Action Plan (2014-2017)

INFORMATION CONTACT:
David Stancil, 919-245-2510
Rich Shaw, 919-245-2514

PURPOSE: To consider adoption of the Lands Legacy Action Plan for the three-year period (July 2014 – June 2017).

BACKGROUND: The Board of Commissioners established the Lands Legacy Program in 2000. Through this program, Orange County seeks to protect its most critical natural and cultural resources through a variety of voluntary means. Over the first 12 years of the program, Orange County acquired land for seven new parks, conserved 16 active farms (1,700 acres), and protected nearly 600 acres of natural open space in the Eno River, Cane Creek, Little River, and New Hope Creek watersheds. Over that period the County helped other partners protect an additional 1,544 acres of sensitive resource lands.

Most projects are accomplished in partnership with other conservation entities, including the Triangle Land Conservancy, Orange Water & Sewer Authority, Eno River Association, the Orange NRCS/Soil & Water office, State and federal trust funds, and adjoining local governments. With those partnerships, Orange County has been awarded over $5 million in grants for park acquisition or construction and for conserving farms and open space.

The Lands Legacy Program is directed by the BOCC's adoption of an Action Plan. The proposed 2014-17 Action Plan reflects acquisition priorities for the three-year period beginning July 1, 2014 and ending June 30, 2017. Action Plan development is aided by input from citizen advisory boards – Commission for the Environment (for natural areas, prime forest, riparian buffers, and open space/trails); Agricultural Preservation Board (for farmland preservation); Historic Preservation Board (for historic/cultural resources); and the Parks and Recreation Council (for parklands, open space/trails).

This Action Plan comes at a time when staff is mindful of several new developments that will affect the County's land conservation actions and decisions:

- **An improving regional economy** – an expected upturn following the Great Recession (2008-12) should provide more conservation opportunities, but it may also result in higher land values.
- **No more NC Conservation Tax Credit** – The NC General Assembly eliminated one of the important incentives for landowners to donate conservation easements or enter into bargain sales. The tax credit program expired December 31, 2013.
- **Less funding from the State of NC** – Although the state budget includes funding for land conservation, the amount of grant funds available to local governments from the state trust funds has been reduced significantly.
- **County parks master plan update** – An updated parks and recreation master plan for Orange County will be completed in early 2014. The plan will help guide future Lands Legacy program acquisitions related to parks, open space and trails.
- **County funding for conservation easements** – The BOCC approved an annual allocation of $125,000 in the Capital Investment Plan (CIP) for conservation easement purchases. These funds are expected to leverage outside funds from various sources.

Most of the priority focus areas in the 2014-17 Action Plan are multi-year projects repeated from previous action plans. A few potential new projects are offered for the Board's consideration. Details of each are provided on pages 3-4 of the action plan.

- Bingham Township Park
- Upper Eno Preserve/ Mountains-to-Sea Trail (Hillsborough to Seven-Mile Creek segment)
- Farmland Easements
- Jordan Lake Headwaters Preserve
- Local Historic Landmarks

The status of funding sources to pursue these projects is provided as Attachment 3.

FINANCIAL IMPACT: Most of the funds available for the upcoming three fiscal years (2014-15, 2015-16, and 2016-17) are existing funds from prior appropriations of the Board (2001-2006). These include $1,467,387 in appropriations from the Lands Legacy Fund (voter-approved 2001 Parks and Open Space bonds converted to alternative financing in 2008-09) and $478,000 in Payment-in-Lieu Funds (funds generated by new subdivision activity for parks, recreation and open space acquisition and construction). In addition, the Board allocated $125,000 annually for the Conservation Easement Fund as part of the CIP adopted in June 2013.

Where identified, the proposed funding source is listed in the attached Action Plan. For many projects, DEAPR seeks grant funds from a variety of state and federal sources. Thus far the County has received $3.8 million for conserving lands through Lands Legacy.

Final funding decisions are made by the Board on a project-by-project basis, as potential purchases are presented for approval. Not all potential projects in the draft Action Plan will be pursued. In each case, separate project budgets and capital project ordinances with specific funding sources and amounts are considered at the time of project approval.

RECOMMENDATIONS: The Manager recommends that the Board adopt the Lands Legacy Action Plan for 2014-2017.

Orange County
Lands Legacy Program
Department of Environment, Agriculture, Parks and Recreation

Orange County's ***Lands Legacy Program*** was created by a board of commissioners' resolution on April 4, 2000. The purpose and mission is to work with willing landowners and other partners to protect and conserve the county's most important natural and cultural resource lands before they are damaged or destroyed. The program is administered by the Department of Environment, Agriculture, Parks and Recreation (DEAPR).

Through Lands Legacy, the County has completed projects in all seven townships. That success was achieved with the help of many partners, including dozens of landowners interested in conserving their land through the granting of permanent conservation easements. Other key partners included Triangle Land Conservancy, Eno River Association, OWASA, Duke University, and other local governments. The County has also partnered with state and federal agencies that awarded over $5 million in grants for park acquisition/construction and for conserving farms and open space.

Over the first 12 years of Lands Legacy, Orange County acquired land for seven new parks, preserved all or portions of 16 active farms (1,700 acres), and conserved nearly 600 acres of natural open space in the Eno River, Cane Creek, Little River, and New Hope Creek watersheds upstream of public water supply intakes. A list of completed projects is attached.

An evolving focus for the program
Lands Legacy was established to protect the following types of land:

- Parkland
- Natural areas and wildlife habitat (including prime forests)
- Riparian buffers (especially in public water supply watersheds)
- Prime farmland
- Historic and cultural sites

During the first few years Lands Legacy focused on parkland acquisition, then shifted its focus to farmland preservation, responding to farmer interests and grants for purchasing conservation easements. More recently, the program has worked to conserve land along rivers and streams—thereby helping to protect our public water supplies and securing areas for low-impact recreation.

The cost of conservation
Orange County's land conservation over the past 12 years cost the County $3,641 per acre—much less than 1% of the County's budget over that period. Those funds went toward the direct conservation of 3,077 acres by the County, plus an additional 1,338 acres acquired by the State for Eno River State Park, for the portion of Little River Park located in Durham County, and for other local conservation easement projects.

Over time the price of land has risen steadily in this region, and after the recent economic slowdown, prices are expected to begin to rise again. Some of the land the County purchased through Lands Legacy is "land banked" for identified future parks. In the meantime, that land is in stewardship, with much of it in use for agricultural production through temporary arrangements with nearby farmers.

Part of a state and regional effort to protect vital resources
Lands Legacy is part of a statewide effort to identify the most important resource lands and to distinguish them from areas more suitable for future development. Orange County was an active participant in the **Triangle Greenprint** and **One NC Naturally**, and is working with neighboring jurisdictions to extend the **Mountains-to-Sea Trail** through the central Piedmont.

An award winning program
Lands Legacy has been recognized for its successful efforts. In 2007 Orange County received the national ***Excellence in County Planning Award*** from the National Association of County Planners. The program was also twice runner-up for the national ***County Leadership in Conservation Award*** by the National Association of Counties and Trust for Public Land. In 2003 the Conservation Trust for NC recognized Orange and Durham counties with the ***Government Partner Conservation Award*** for joint establishment of Little River Regional Park. And in 2007, the NC Soil & Water Conservation Society awarded Orange County the ***Local Government Conservationist Award***.

Still important to conserve land?
Through Lands Legacy, Orange County has made long-term investments in preserving its precious natural and cultural heritage—part of the county's foundation for maintaining a vibrant quality of life. With the Triangle Region expecting another 400,000 residents by 2015[1], and two interstate highways running through the county's midsection, the protection of these assets will reap countless benefits in the future. Those assets include our "green infrastructure"—a web of natural green space, vital for wildlife corridors, recreational trails, and protecting the many rivers and streams that supply our drinking water.

Another critical part of that resource base is the county's prime farmland, a major part of the local economy. Lands Legacy has responded to the agricultural community's interest in preserving farmland, and in doing so helped to recapitalize participating farms with an infusion of funds and an opportunity to diversify their products to meet the demands of the strong *local food* movement—all without reducing the local tax base[2].

Finally, many important historic and archaeological sites, part of our cultural heritage that contributes to tourism, are being lost due to lack of information and adequate safeguards, and over 40 percent of the County's most important natural heritage areas remain unprotected.

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[1] By 2015 the Triangle Region's population is expected to increase from 2.05 million (2010) to 2.4 million people (Source: Source: U.S. Bureau of the Census, 2000 Census of Population. Esri forecasts for 2010 and 2015)

[2] Local property taxes were unaffected because the farms were already enrolled in the present use value program; more than half of the funds used to purchase easements were from state/federal grants and landowner donations.

Lands Legacy Program: Completed Projects

Project	Acres	Year	Purpose
McGowan Creek Preserve	63	2000	Protect public water supply (Upper Eno watershed); low-impact recreation
Little River Regional Park	136*	2000	Low-impact recreation & watershed protection; Joint project with Triangle Land Conservancy, Durham County, and Eno River Association.
Twin Creeks Park (*Moniese Nomp*) & Educational Campus	193	2001	Future district park; co-located with schools (now includes section of Jones Creek Greenway)
Seven Mile Creek Preserve	134	2001	Protect portions of natural heritage site; nature preserve with low-impact recreation
Walters Farm (I)	71	2001	Agricultural conservation easement. Protects prime farmland, Back Creek watershed and scenic vista
Blackwood Farm parkland	152	2001	Future park with historic farmstead, prime farmland, natural heritage site, historic roadbed, scenic vistas
Shy Conservation Area	45	2002	Conservation easement donation; protects Cane Creek watershed, prime farmland, and natural area
New Hope Preserve	1	2003	Conservation easement for planned trail along New Hope Creek; links to Duke Forest trails.
Walters Farm (II)	223	2003	Agricultural conservation easement in Back Creek watershed
Volpe Conservation Area	24 5	2004 2010	Conservation easement protects land adjacent to Eno River and tributary streams
Starfield Conservation Area	4	2004	Conservation easement donation; protects portion of Currie Hill natural area; public trail corridor
Cedar Grove Park Expansion	12	2004	Expansion of facilities for the Northern Human Services Center and park complex
Lemola Ayrshire Farm	77	2004	Conservation easement; protects prime farmland, Morgan Creek corridor, Pickard Mtn natural area.
Adams Preserve	27	2004	Forested natural area on Bolin Creek; protected in collaboration with Town of Carrboro
Steep Bottom Branch Preserve	65	2004	Natural heritage site protected in partnership with the Triangle Land Conservancy
Ward Farm	112	2004	Conservation easement; protects prime farmland in Back Creek and Upper Eno watersheds.
Millhouse Road Park	67 10	2004 2007	Future park with farmstead and natural heritage area
Lloyd Farm	125	2005	Agricultural and watershed conservation easement; acquired jointly with OWASA
McPherson Farm	47	2005	Agricultural and watershed conservation easement; acquired jointly with OWASA
Lewis' Heartleaf Preserve	10	2005	Protects portion of a natural heritage area with small Population of rare plant endemic to NC and VA
Keith Arboretum & Preserve	45	2006	Conservation easement; protects arboretum and mature forest adjacent to natural heritage site
Fickle Creek Farm	60	2007	Conservation easement; protects prime farmland for local producers in the Cane Creek watershed

* Little River Regional Park includes another 255 acres located in Durham County

Project	Acres	Year	Purpose
Latta Dairy Farm	138	2007	Agricultural conservation easement; protects dairy and prime farmland in the Little River watershed
New Hope Preserve ➢ New Hope Creek Trail ➢ Hollow Rock Access ➢ Penny / Hanging Rock area ➢ Dallas Branch Natural Area ➢ East side of Pickett Road	 1 7 22 27 11	 2005 2006 2006 2007 2011	Acquired for future park with parking, education, nature trails and wildlife habitat along New Hope Creek. Joint project with Durham County, Triangle Land Conservancy, and State of NC.
McKee Farm	92	2007	Conservation easement; protects prime farmland and stream buffers in Cane Creek watershed
Tate Farm	80	2007	Conservation easement; protects prime farmland and stream buffers in Back Creek watershed
Lee Farm	62	2007	Conservation easement; protects prime farmland and stream buffers in Little River watershed
Northeast District Park	143	2007	Future county park on Schley Road.
Breeze Farm	295	2008 2012	Conservation easement; protects prime farmland historic farmstead, streams in Little River watershed
Eno Confluence Nature Preserve	110	2009	Conservation easement; protects farmland and stream buffers within Eno River nature preserve
Seven Mile Creek Preserve	13	2010	Future public gateway to nature preserve
Covey Creek Conservation Area	8	2010	Conservation easement; protects stream corridor upstream of Little River and natural heritage site
Sykes Dairy Farm	160	2011	Conservation easement; protects prime farmland and stream buffers in Cane Creek watershed
Brooks Farm	114	2012	Conservation easement; protects prime farmland and stream buffers in Upper Eno River watershed
Thompson Farm	40	2012	Conservation easement; protects prime farmland in the Back Creek watershed
Collins Creek Conservation Area	11	2013	Conservation easement protects forested stream corridor (Collins Creek and three feeder streams)
Sevenmile Creek Conservation Area	35	2013	Conservation easement protects mature forest & wildlife habitat adjacent to County nature preserve

Orange County contributed funds to the State of North Carolina's purchase of Poplar Ridge (134 ac.) and Eno Wilderness (808 ac.) for additions to Eno River State Park in 2003.

Orange County contributed funds to the Botanical Garden Foundation's purchase of a 6-acre addition to the Stillhouse Bottom Nature Preserve in 2010.

Orange County contributed $45,000 to Eno River Association's acquisition of conservation easements from Infinity Farm (61 ac.) and along Buckquarter Creek (41 ac.) in 2013

Lands Legacy Program

Action Plan 2014-2017

(For the period July 1, 2014 – June 30, 2017)

Morgan Creek headwaters near Pickards Mountain

Orange County Department of
Environment, Agriculture, Parks and Recreation

P.O. Box 8181, Hillsborough, NC 27278
www.co.orange.nc.us/deapr/index.asp

Lands Legacy Program
Action Plan 2014-2017

For the period July 1, 2014 – June 30, 2017

Introduction

The purpose of Orange County's ***Lands Legacy Program*** is to help protect the county's most important natural and cultural resource lands before they are damaged or lost to incompatible land-uses activities. Much has been accomplished by the County and its many partners, but there are still many special places needing some level of protection.

Lands Legacy works with landowners who are interested in conserving their land. All projects are voluntary. Some properties are purchased outright to serve a specific public purpose, such as for a park or nature preserve, consistent with adopted county plans. Most properties protected through the program are accomplished with a conservation easement-- a permanent, legal agreement between the County and the landowner, whereby the land remains in private ownership. To qualify for a conservation easement the property must have special "conservation values," the protection of which will provide meaningful and lasting public benefit (e.g., water supply watershed, prime farmland, natural heritage area, historic or cultural site). In most cases the property possesses multiple conservation values.

Most projects completed through Lands Legacy are in partnership with other organizations, such as Eno River Association, Triangle Land Conservancy, Orange Water and Sewer Authority, Duke University, and other local governments. The County often uses state and federal matching grant funds to acquire land or to construct facilities.

The Lands Legacy Program is guided by a three-year ***Action Plan*** that sets priorities for determining what projects to work on over the specified timeframe. The Lands Legacy Action Plan is prepared the DEAPR staff and adopted by the Board of Commissioners. Some projects are long-term efforts that span multiple action plans.

The process of developing the Action Plan begins with staff identifying potential projects and asking the Board for initial guidance. Staff then meets with advisory boards for their input on development of priorities for the upcoming years. Some of that discussion with advisory boards is still ongoing through the end of November.

Staff prepares a draft Plan and presents it to the Board of Commissioners for their consideration and feedback. The Action Plan is then finalized for Board approval prior to adoption of the County's Capital Improvement Plan (CIP).

* * * * * * *

The following is the Action Plan is for the upcoming three fiscal years: 2014-15 to 2016-17. Like the previous action plan, this one focuses on fewer target areas. The reason for limiting the scope of projects is allow staff to complete one or more of the larger, multi-year priority projects. Staff is also adjusting to the reduced availability of state grant funds to local governments and the recent elimination of the NC Conservation Tax Credit. The scaled-back plan will continue also enable the staff to tend to its land stewardship responsibilities of properties "land-banked" for future parks and preserves.

The Action Plan includes current goals and a priority list of land conservation projects for the coming three years, followed by a summary of advisory board comments, and specific acquisition objectives. Also attached is a brief summary of the projects completed through Lands Legacy over its first 12 years (2000-2012)

Overarching Objectives for 2014 - 2017

1. **Previously-Approved Projects**: Complete projects that were approved by the Board of Commissioners during the previous planning period, but have not yet closed. These include acquisitions that received final Board approval and other projects that are still being negotiated but have not received final approval for close out.

2. **Site Stewardship:** Make sure all properties have boundaries marked in accordance with the Department's land management policy. Complete management plans for all properties "land banked" for future public parks and preserves.

3. **Natural Heritage Areas:** Protect high-priority natural heritage areas contiguous with existing conservation lands, allowing low-impact recreation where suitable.

4. **Joint Town/County Open Space:** Continue collaborating with the towns and other entities in acquiring land for establishing or expanding public trails or greenways identified in town plans that tie together important county-wide open spaces.

5. **Grant Funds:** Continue to pursue state and federal grants to leverage existing County funds authorized for land acquisition, site stewardship, or park development.

Summary List of Priority Projects

The following areas are considered as higher priority locations for completing conservation projects through the Lands Legacy Program. Details for each project are provided in the table below (Pages 3-4).

DEAPR staff recognizes, once again, all of these projects cannot be completed during the three-year timeframe for this Action Plan. Nevertheless, all are priorities and progress can be made in moving each of these projects forward. Completion of active projects and stewardship of existing properties remain overarching priorities.

1. **Future Bingham Township Park**
2. **Upper Eno Preserve/Mountains-to-Sea Trail (*Hillsborough to Seven-Mile Creek segment*)**
2. **Farmland Easements**
3. **Jordan Lake Headwaters Preserve**
5. **Historic Landmarks (and historic easements)**

Priority List for July 2014-June 2017

Priority Need	Purpose/Use	Estimated Cost*	Timetable
1. Bingham Township Park Pursue acquisition of park site in Bingham Township.	Purchase new district park site (25-74 acres) for active and low-impact recreation consistent with County's park master plan.	$600,000 from Lands Legacy Fund for acquisition costs depending on potential collaboration with OWASA	Identify priority sites (ongoing); negotiate acquisition of future park site for closing by December 2014.
2. Upper Eno Preserve/ Mountains-to-Sea Trail Acquire/protect additional priority lands for riparian buffers and for the Seven Mile Creek component and for trail link to Hillsborough Riverwalk (future Mountains-to-Sea Trail).	Preserve one the County's largest intact natural areas for a planned nature preserve with trails, outdoor education, and campsite. Partner with Eno River Association; coordinate MST with NC Parks and Friends of Mountain-to-Sea Trail.	Total $1.5 to $2.0 million, depending on total acres and acquisition method. County share (~33%) from the Lands Legacy Fund and Conservation Easement Fund. Pursue grants from State and others.	Contact key landowners and perform site recon in 2014-15. Collaborate with partners in acquiring lands as feasible in 2015-17. Pursue grant and partner funding. This continues multi-year initiative.
3. Farmland Easements Acquire farmland conservation easements in priority water supply watersheds (Cane Creek, Upper Eno, Back Creek, and University Lake).	Maintain a critical mass of active farmland and protect water quality by preserving riparian buffers on farms. Partner with Orange NRCS/ Soil & Water District and state or federal farmland grant agency.	$400,000 from Lands Legacy CE Fund to be matched with potential grants from federal (FRPP) or State (ADFP) farmland grant programs.	Identify priority farm(s) for annual grant submittal (FRPP and ADFP Trust Fund). Negotiate easement(s) for closing by December 2016.
4. Jordan Lake Headwaters Preserve Expand current efforts to protect more of the Mason Farm to Jordan Lake connector and associated natural areas.	Protect remaining portions of an important natural corridor that links UNC lands (including Mason Farm Biological Reserve) with the New Hope game lands (Jordan Lake). Partner with UNC, Chapel Hill and the Botanical Garden Foundation.	Multi-year project. Potential cost-share with UNC, Chapel Hill, Botanical Garden Fdn., and NC trust funds. Total est. long-term cost of $1.5 million. County share (~25%) from Lands Legacy Fund.	Continue discussions with landowners and identify willing sellers/donors by June 2015; coordinate with partners, secure grants, negotiate any closings by June 2017.

* - Cost estimates are rough estimates based on expected per acreage land prices, and actual negotiations may produce different results. As acquisition opportunities are reviewed and evaluated, the cost estimates will be refined.

Priority Need	Purpose/Use	Estimated Cost*	Timetable
5. Local Historic Landmarks Augment current efforts to designate local landmarks for high-priority historic sites, including sites on Study List for National Register of Historic Places.	Designating local historic landmarks may be more effective way of protecting high-priority historic sites, and may lead to historic preservation easements for selected properties. Partner with Historic Preservation Commission.	$15,000 ($5,000/yr) from Lands Legacy Fund matched by landowner funds for consultants to prepare landmark application for HPC/BOCC consideration. An additional $200-300K could be needed to acquire historic preservation easement on selected properties.	HPC to identify priority landmarks and contact owners farm(s) for landmark consideration. Negotiate historic preservation easements when feasible.
Others as opportunities arise.	N/A	Unknown	Unknown

* - Cost estimates are rough estimates based on expected per acreage land prices, and actual negotiations may produce different results. As acquisition opportunities are reviewed and evaluated, the cost estimates will be refined.

Advisory Board Comments and Priorities

A. Commission for the Environment (CFE)

Continue efforts to protect significant natural heritage areas within the Seven Mile Creek area (e.g., Sevenmile Creek Sugar Maple Bottoms) and Jordan Lake headwaters (e.g., Mason Farm Oak-Hickory Forest); also along the upper reaches of the Eno River, New Hope Creek and Bolin Creek. All county parks and recreation facilities, including the planned Mountains-to-Sea Trail, should be designed to avoid sensitive natural areas and be constructed using environmentally friendly and sustainable methods.

B. Agricultural Preservation Board (APB)

Continue working with farms interested in protecting prime/active farmland with permanent agricultural conservation easements. Pursue state and federal grant funds to match County funds available for easement purchases.

C. Parks and Recreation Council (PRC)

Complete the acquisition of land for a future park in Bingham Township as recommended in the Master Recreation & Parks Plan. Acquire land and trail easements for an Orange County segment of the NC Mountains-to-Sea Trail, with priority for linking Hillsborough Riverwalk to the Seven Mile Creek component of the Upper Eno Preserve.

D. Historic Preservation Commission (HPC)

Continue efforts to acquire conservation easements to protect important cultural and/or archaeological resources, including the Sevenmile Creek basin (road network, associated structures), and the Hillsborough Academy. Consider allocating funds to support applications from high-priority candidates for Local Historic Landmark designation. Establish an “archaeology emergency fund” for unanticipated costs for surveying/protecting historic roadbeds and archaeological sites.

Specific Acquisition Objectives

The following are more specific acquisition objectives developed from existing plans, BOCC feedback/direction, County staff knowledge, and discussions with other conservation partners; in some cases expanding upon or refining advisory board recommendations. These are not listed in priority order.

A. Natural Areas and Wildlife Habitat

- Work with the Botanical Garden Foundation and other partners to conserve key areas and establish a Jordan Lake Headwaters Preserve, including Mason Farm Oak-Hickory Forest (natural heritage area of state significance)
- Work with the Eno River Association and others to conserve critical land for the Seven Mile Creek component of the Upper Eno Preserve, including Sevenmile Creek Sugar Maple Bottoms (natural heritage area of state significance)
- Work with the Eno River Association, the Town of Hillsborough and others to conserve priority riparian and upland habitats in the Upper Eno River critical area
- Work with Triangle Land Conservancy and others to conserve priority riparian lands and prime forest lands located in the Upper New Hope Creek watershed
- Work with the Town of Carrboro, University of NC and the Friends of Bolin Creek to identify priority lands for conserving the Upper Bolin Creek corridor

➢ *See #2 and #4 on the Priority Table (Pages 3-4)*

B. Farmland Preservation

- Continue working with the Orange NRCS/Soil and Water Conservation District to identify and prioritize willing sellers and donors of conservation easements on prime farmland in priority watersheds
- Continue working with the Orange NRCS/Soil and Water Conservation District to apply for grants from the NC Agricultural Development & Farmland Preservation Trust Fund and federal Farm and Ranch Land Protection Program for the purchase of agricultural conservation easements

➢ *See #3 on the Priority Table (Pages 3-4)*

C. Parklands and Open Space

- Acquire land for a future district park in the White Cross area (Bingham Township) consistent with the County's Master Recreation and Parks Plan
- Acquire key parcels needed for a public pedestrian trail and wildlife corridor that would connect Hillsborough Riverwalk to the Haw River for the planned NC Mountains-to-Sea Trail—focusing in short-term on the link between Occoneechee Mountain and the Seven Mile Creek component of the Upper Eno Preserve
- In all acquisitions, be cognizant of the potential for meeting other objectives of protecting riparian buffers, natural areas and historic/archaeological sites

➢ *See #1 and #2 on the Priority Table (Pages 3-4)*

D. Cultural and Archaeological Sites

- Continue working with landowners in the Faucette's Mill and Hall's Mill areas to protect the combination of historic and natural features in those communities
- Work with the owners of the former Hillsborough Academy property to protect the remains of historic and archaeological resources associated with that site
- Conduct archaeological surveys of county properties acquired for future parks and nature preserves (e.g., McGowan Creek Preserve, Seven Mile Creek Preserve, Millhouse Road Park, and Northeast Park)
- Continue to stabilize, maintain and renovate existing structures on County-owned properties acquired for future parks (e.g., Millhouse Road park site)
- Work with the HPC to pursue applications from high-priority candidates for local historic landmark designation

➢ ***See #5 on the Priority Table (Pages 3-4)***

E. Watershed Riparian Buffers

- Protect riparian corridors in the Upper Eno River protected watershed; partner with the Eno River Association and others; pursue grant funds from the NC Clean Water Management Trust Fund and Upper Neuse Clean Water Initiative
- Identify and protect priority areas in Upper New Hope Creek corridor; work with New Hope Creek Corridor Advisory Committee and Triangle Land Conservancy
- Identify priority areas for protection in the Bolin Creek corridor; collaborate with Friends of Bolin Creek, the Town of Carrboro, the University of NC, and others
- Preserve riparian buffers in other water supply watersheds through parkland acquisitions and agricultural conservation easement projects

➢ ***See #2 and #4 on the Priority Table (Pages 3-4)***

Conclusion

The first 12 years of the Lands Legacy Program saw tremendous strides in the protection of priority resource lands, with 3,077 acres permanently protected (as of December 2013) and several more projects in the works.

The FY 2014-17 Action Plan builds on projects from previous years, and includes projects in each of the Lands Legacy priority areas (natural areas, parkland, cultural/historic resources, prime farmland and riparian buffers and public water supply watersheds). This Action Plan will continue the use of 2001 Parks and Open Space bonds funds to leverage grant funds from state and federal sources for protecting high priority natural and cultural resource lands.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 6-k

SUBJECT: Bid Award – Hook Truck for Solid Waste

DEPARTMENT: Solid Waste Management **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):

Warranty Letter
Pricing Sheet

INFORMATION CONTACT:

Gayle Wilson, Solid Waste, 968-2885
Clarence Grier, 919-245-2453

PURPOSE: To consider awarding a bid to Freightliner of Austin, 1701 Smith Road, Austin, TX for a Hook Lift Truck for the Sanitation Division of the Solid Waste Management Department.

BACKGROUND: The 2013-14 budget calls for the replacement of a Hook-Lift Truck. This truck will be used to service bulk roll-off containers at the County's five (5) solid waste convenience centers. During FY 2006-07 and FY 2007-08, the Sanitation Division transitioned to a containerized (roll-off) system for more efficient hauling of various materials. Materials collected include appliances, clean wood, construction and demolition material, furniture, metal, tires and yard waste. The expansion of the Walnut Grove Church Road Convenience Center this year included the conversion to compactor style roll-offs for household garbage and bulky waste, which also require a roll-off method of hauling. There were two convenience centers that had additional expanded hours of operation which required increased roll-off hauling. The closure of the Municipal Solid Waste Landfill on June 30, 2013 has also added considerable time and significant mileage to the road time necessary current fleet.

North Carolina General Statute (NCGS) 143-129(e)(3) allows local governments to make purchases through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies. The Texas Local Government Purchasing Cooperative (BuyBoard) is a cooperative purchasing group that meets the requirements of NCGS 143-129(e)(3). The specific contract number is BuyBoard Contract #358-10. The terms of the contract call for items to be sold and serviced through a local dealer bid. Triad Freightliner and Carolina Environmental Systems have been identified as the local dealers (see attached letter).

Staff compiled a list of specifications that meet the County's needs and compared these specifications to information units bid by The Texas Local Government Purchasing Cooperative. There were no noted deficiencies and staff determined that all specifications met the County's

needs. The recommended unit consists of a 2015 Freightliner 122SD Cab and Chassis with a Swaploader 650 Hook Lift at a total cost of $ 190,548. The pricing sheet is attached

FINANCIAL IMPACT: The purchase price of the Hook Lift Truck along with recommended options is $190,548. Sufficient funds were allocated in the adopted FY 2013-2014 Solid Waste budget to purchase the equipment.

RECOMMENDATION(S): The Manager recommends that the Board award the bid to Freightliner of Austin, Austin, TX for the purchase of a Roll-off Truck at a delivered cost of $190,548.

FREIGHTLINER OF AUSTIN

Mr. Larry Slaughter
Orange County, NC

Re: Freightliner/Swaploader warranty

I will be contact person for warranty issues for this purchase. Your local Freightliner dealer will perform chassis warranty with Carolina Environmental Systems, Inc performing warranty work on Swaploader body and related items.

Thank you

Tom Standard

Freightliner of Austin
1701 Smith Rd
Austin, Tx 78721
512-389-0000
F 512-389-2663

FREIGHTLINER OF AUSTIN

1701 Smith Rd. (Hwy. 183 So.)
Austin, Texas 78721
Bus: 512-389-0000
FAX: 512-389-2663
Wats: 1-800-395-2005

Invoice Number

Date: 11-26-2013

PURCHASING NAME			TELEPHONE
Orange County			
ADDRESS	CITY	STATE	ZIP CODE
200 S Cameron St	Hillsborough	NC	27278

YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE
2015	Freightliner	122SD	Order	

MILEAGE:	
Tx Buy Board # 358-10	
2015 Freightliner Coronado 122SD chassis	137,078.00
per specs requested to include 20K pusher axle	
and ext engine, trans warranty	
Swaploader Hook lift model SL650 per quote	51,670.00
provided by CES 11-26-2013	
2 Spare alum wheels	1,400.00
Buy Board fee	400

Disclaimer of Warranties

Any warranties on the products sold hereby are those made by the factory. The Seller, *Freightliner of Austin*, hereby expressly disclaims all warranties, either expressed or implied including any implied warranty of merchantability or fitness for a particular purpose, and *Freightliner of Austin, neither* assumes nor authorizes any other person to assume for it any liability in connection with the sale of this vehicle.

CUSTOMER SIGNATURE

SALESMAN SIGNATURE

CONTRACTUAL DISCLOSURE STATEMENT FOR USED VEHICLE ONLY. "The information you see on the window form for this vehicle is part of this contract. Information on the window form overrieds any contrary provisions in the contract of sale. "

MILEAGE:			TRADE-IN	
YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE
MILEAGE:			TRADE-IN	
YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE

		TOTAL	190,548.00
PAYOFF TO:		Trade Allowance	
ADDRESS:		Trading Difference	
		Sales Tax	
GOOD UNTIL:		Vehicle Inventory Tax	
QUOTED BY:		License Fee	
SHOW LEIN TO:	Body Type:	Documentary Fee	
ADDRESS:	License Wt.:	Federal Excise Tax	
	State Insp.:	TOTAL SALE PRICE	190,548.00
DATED: LIEN AMOUNT $	License:	Payoff on Trade	
DRAFT FOR $	Title:	Ext. Service Agreement	
DRAFT THRU:	Transfer:	Less Deposit	
ADDRESS:		Total Balance Due	

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 23, 2014

Action Agenda Item No. 6-l

SUBJECT: Changes in BOCC Regular Meeting Schedule for 2014

DEPARTMENT: County Commissioners **PUBLIC HEARING: (Y/N)** No

ATTACHMENT (S):

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

PURPOSE: To consider two changes in the County Commissioners' regular meeting calendar for 2014.

BACKGROUND: Pursuant to North Carolina General Statute 153A-40, the Board of County Commissioners must fix the time and place of its meetings or provide a notice of any change in the Regular Meeting Schedule by:

- Change the official meeting start time of the BOCC retreat, scheduled for Friday, January 31, 2014, **FROM** 9:00am **TO** 8:30am, same location at the Solid Waste Administrative Offices.

- Change the *date* of the Joint Meeting between the BOCC/Board of Health **FROM** April 8, 2014 at 5:30pm **TO** May 13, 2014 at 5:30pm and *change the location* of this meeting from Link GSC **TO** Southern Human Services Center, in Chapel Hill (this change is due to a conference conflict on April 8th for the Health Department's Director).

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Manager recommends the Board amend its regular meeting calendar for 2014 by:

- Change the official meeting start time of the BOCC retreat, scheduled for Friday, January 31, 2014, **FROM** 9:00am **TO** 8:30am, same location at the Solid Waste Administrative Offices.

- Change the *date* of the Joint Meeting between the BOCC/Board of Health **FROM** April 8, 2014 at 5:30pm **TO** May 13, 2014 at 5:30pm and *change the location* of this meeting from Link GSC **TO** Southern Human Services Center, in Chapel Hill (this change is due to a conference conflict on April 8th for the Health Department's Director).

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 6-m

SUBJECT: Update on Adjustments to Town of Hillsborough Extraterritorial Jurisdiction (ETJ)

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):

INFORMATION CONTACT:
Tom Altieri, Comprehensive Planning Supervisor, 245-2579
James Bryan, Staff Attorney, 245-2319
Craig Benedict, Planning Director, 245-2592
Abigaile Pittman, Transportation/Land Use Planner, 245-2567

PURPOSE: To receive an update on the status of adjustments to the Town of Hillsborough Extraterritorial Jurisdiction (ETJ).

BACKGROUND: Consistent with the Hillsborough-Orange Interlocal Land Management Agreement (December 2009), the Town of Hillsborough and Orange County agreed to consider adjustments to the Town's ETJ. Extraterritorial Jurisdiction or "ETJ" is an area outside of the Town's corporate limits over which the Town exercises its zoning and planning authority.

Town of Hillsborough Initiation:
Orange County received a letter in September 2013 conveying Town Board action and adoption of a resolution indicating its interest in releasing areas west of town from its Extraterritorial Jurisdiction (ETJ) and requesting jurisdiction over areas defined in the Interlocal Land Management Agreement. Coordination between the respective staffs was also requested to begin identifying the required steps and to process the adjustments.

Schedule Change:
The Board of County Commissioners (BOCC) is not being asked to consider its Resolution to Support ETJ Adjustments this evening as originally scheduled. The Town of Hillsborough was not able to schedule its public hearing for its ETJ adjustments as early as anticipated and, as a result, the BOCC does not need to take action on its resolution this early in the process. BOCC action on its resolution to support the ETJ adjustments is now scheduled for the Board's March 6, 2014 meeting. The Town's public hearing date is to be determined and coordinated with the County's schedule to ensure that all public meeting advertisement and notification requirements can be met by both parties.

Joint Information Meeting:
A Town of Hillsborough/Orange County Joint Information Meeting was held January 9, 2014 to help inform property owners of the process, implications, and answer questions. Over 50 residents attended the meeting, including some BOCC and Town Board representatives. Nearly all attendees were owners of property within the areas proposed to be added to the ETJ.

The most commonly asked questions at the meeting were related to taxes, annexation, out of Town water rates, public water and sewer, and the representation of property owners in the ETJ. Following is a brief response to these questions:

Will I have to pay Town taxes if my property becomes part of the ETJ? No. Town taxes are to be paid only if becoming part of the Town's incorporated area (i.e. inside Town limits).

Will my property be annexed? The Town currently has no plans to annex any properties potentially affected by the ETJ adjustments. According to the Town's Planning Director, if/when annexation does occur, it will be of a voluntary nature with the property owner willingly requesting and agreeing to the terms of the annexation.

Will I still have to pay out of Town water rates if my property becomes part of the ETJ? Yes. If you are presently receiving water from the Town and paying out of Town rates, you will need to continue doing so because your property will continue to be out of Town.

Will I be receiving public water and/or sewer from the Town if my property becomes part of the ETJ? Properties using private wells and/or septic tanks will continue to do so. Typically, public water and/or sewer will be extended when necessary to serve new developments of an urban style residential or non-residential density. When new services are extended to serve new developments, in some cases there may be opportunities for existing properties to connect.

How are property owners in the ETJ represented? The Town is required by State law to have membership on its Planning Board from its ETJ area. The BOCC also has the ability to comment on development proposals in the ETJ based on a courtesy review agreement the County has with the Town.

Maps, a handout including common questions and answers (updated since the meeting), and the PowerPoint presentation used during the meeting are available on the County Planning Department's website at:
http://www.co.orange.nc.us/planning/OrangeCountyTownofHillsboroughJointPlanning.asp

Summary of Next Steps:	2014
BOCC receives staff's update	Jan. 23
Discussion topic at joint meeting of BOCC and Hillsborough Town Board	Feb. 27
BOCC action on Resolution to Support	March 6
Town hearings* (ETJ adjusts. and zoning)	TBD

County hearing* for properties removed from ETJ (Future Land Use and zoning)	TBD

*Affected property owners to receive mail notification of hearings

FINANCIAL IMPACT: Other than staff time, there is no financial impact associated with receiving this update on the Town of Hillsborough ETJ adjustments. There will be costs associated with public notification as part of subsequent steps when the County considers applying Future Land Use Map Classifications and Zoning to properties removed from the ETJ, and funds have been budgeted for this purpose in FY 2013-2014.

RECOMMENDATION(S): The Manager recommends the Board receive the update.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda
Item No. 7-a

SUBJECT: Southern Branch Library Siting Criteria Update, Professional Services Agreement Award with Freelon Group Architects for Primary Phase Public Input Facilitation and Branch Programming

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

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
1) BOCC Approved Southern Library Siting Criteria
2) Professional Services Agreement

INFORMATION CONTACT:
Lucinda Munger, 919-245-2528
Jeff Thompson, 919-245-2628
Michael Harvey, 919-245-2658

PURPOSE: To:

1) Receive and provide feedback regarding an update on the Southern Library siting criteria process;

2) Consider awarding a professional services agreement to Freelon Group Architects of Durham, NC in an amount not-to-exceed $29,500 for the facilitation of the 120 Brewer Lane Site Primary Phase Public Input facilitation and southern branch programming; and

3) Authorize the Manager to execute the necessary paperwork upon final approval of the County Attorney.

BACKGROUND: On September 18, 2012, the Orange County Board of Commissioners (BOCC), in conjunction with the Carrboro Board of Aldermen, approved a set of guiding principles and a comprehensive site selection criterion (Attachment 1) for locating the new Southern Branch of the Orange County Library (hereafter "the Branch"). Since that time the Town has submitted several properties for review by County staff consistent with the approved Branch siting process.

On November 5, 2013 the BOCC authorized staff to continue with a more granular level of Preliminary Phase I analysis regarding the 120 Brewer Lane site. This site is integral to the 300 Main development in Carrboro ("Brewer Lane Site"), and analysis will continue on the Brewer Lane Site until formal final reports are complete and synthesized. To date, this process has not offered any major obstacles to hinder completion in a timely manner. In fulfillment of the Board's commitment to an open and transparent process, the Board authorized staff to begin the Primary Phase Public Input ("Primary Phase") for the Brewer Lane Site.

In preparation for the Primary Phase work, staff issued a Request for Qualification ("RFQ") for a professional services firm to facilitate the Primary Phase process as well as the Branch programming process that is consistent with the Board approved Library Strategic Plan.

Nine firms submitted written proposals for evaluation, and five firms were selected to interview with a staff panel consisting of Lucinda Munger (Orange County Public Library), Jeff Thompson (AMS), and Andrea Tullos (Orange County Public Library). David Cannell of Finance and Administrative Services managed the RFQ process.

The firms were evaluated based upon the quality of the collective presentation, specifically their responses in the areas of relevant experience with public engagement facilitation and programming of library facilities.

Firms submitting RFQ proposals were:

Boomerang Architecture, Raleigh, NC
*Corley Redfoot Architects, Chapel Hill, NC
*Dan Huffman Architecture, Raleigh, NC
*Freelon Group Architects, Durham, NC
Godfrey and Associates, Dallas, TX
*HH Architecture, Raleigh, NC
HBA Architecture, Cleveland, OH
*MRA Architect/Inclusion Studio, Raleigh, NC
Vines Architecture, Raleigh, NC

*Firms invited to interview

Staff concluded the interview process on January 3, 2014, and is unanimously recommending Freelon Group Architects of Durham, NC as the Primary Phase and Branch programming consultant. The RFQ response from the Freelon Group Architects is located as part of Attachment 2, "Professional Services Agreement". Representatives from Freelon Group Architects will be available to answer questions from the Board.

As noted in the Scope of Services, approval moves the County forward in fulfilling its commitment to a public process with plans for three public meetings to receive input on potential sites as well as library programming regardless of the location ultimately chosen.

Should the Board approve the facilitation agreement, the general schedule will be as follows:

TASK	PROPOSED BEGINNING DATE	END BY DATE
Board of County Commission Action: Professional Services Agreement Award to Freelon Group Architects	**1/23/14**	**1/23/14**
Primary Phase Public Input and Assessment Process; continuation of site due diligence	1/24/14	May 2014
Board of County Commission Action: Workgroup and Consultant report to the BOCC for feedback (to include public input summary and programming parameters to assist in potential future design of Southern Library)	**June 2014**	**June 2014**

FINANCIAL IMPACT: The cost of the professional services related to the Primary Phase public input process is not to exceed $15,000. The cost for the Branch programming exercise is not to exceed $10,000. The balance of the cost relates to Preliminary Phase 1 due diligence and site review assistance on the Brewer Lane Site (not to exceed $1,000) and the final report (not to exceed $3,500) that will address both the Primary Phase public input process and the Branch programming.

Both the Primary Phase process and the Branch programming will benefit the County and its work regarding the contemplated Southern Branch Library whether or not the Brewer Lane Site is ultimately selected for development.

Staff estimates reimbursable expenses (printing, travel, etc.) for Freelon Group Architects to not exceed $1,500.

To date, the total Preliminary Phase 1 due diligence costs encumbered for the Southern Library Site Selection Process is $5,000. This cost includes title assessment, existing site due diligence information review provided by the site developer, and in-force land use permits analysis. There are sufficient funds available within the Board approved Capital Project for engaging the professional services for the Primary Phase public input process and Branch programming exercises.

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

1) Receive an update regarding the Southern Library siting criteria process;

2) Award a professional services agreement to Freelon Group Architects of Durham, NC in an amount not-to-exceed $29,500 for the facilitation of the 120 Brewer Lane Site Primary Phase Pubic Input facilitation and southern branch programming; and

3) Authorize the Manager to execute the necessary paperwork upon final approval of the County Attorney.

ATTACHMENT 1

ORANGE COUNTY SOUTHERN BRANCH LIBRARY LOCATIONAL CRITERIA

Guiding Principles

When selecting a site for a new or expanded library, the Library system takes into account three fundamental factors:

- The Library System recognizes that as a regional service provider, the location of libraries must provide for optimal service to the most number of residents within the entire System service area. This takes precedence over political boundaries or undeveloped neighborhoods.
- The Board is committed to providing an equitable level of service throughout the entire County.
- The placement of a library in a manner that maximizes its use will be more valuable over the long term than the original investment made in land or building. Typically, the original cost of a new building is exceeded in just three years by its cumulative operating costs.

*** As amended by the BOCC at its June 14, 2012 work session*

PRELIMINARY PHASE–TECHNICAL SITE REVIEW AND ASSESSMENT

Visibility:

- Visible from the street
- Classification of street where property will be accessed from (i.e. private, local, arterial, collector, major thoroughfare, etc.).
- Visual appeal

Site Capacity:

- Able to provide comprehensive library services to all the residents of southern Orange County.
- Meets minimum acreage (urban services vs. rural services)
- Space for building and on-site parking
- Adequate utilities and availability
- Space for future expansion (building to allow for additional library services, parking, etc.) to serve all the residents of southern Orange County.
- Space to accommodate the necessary setbacks, road expansions and other site amenities.

Access:

- Accessibility for pedestrians

- Accessibility for vehicles
- Accessibility for public transportation
- Design capacity and existing traffic load of roadway proposed to access site.

Alignment with Planning Tools (Comprehensive Plan):

Alignment with planning tools applicable for the subject property (County Comprehensive Plan, adopted Small Area Plans, Strategic Plans, etc.)

Lease versus Purchase:

- Analysis of the long term viability of the site
- Availability of property for lease

Centrality of Location:

- Existing and potential future population in a given area
- Growth and development opportunities/constraints in a given area (i.e. what is future development, as embodied in applicable plans, going to look like and how will it impact the proposed library)
- Proximity to schools
- Proximity to retail
- Proximity to other libraries

Site Conditions, Allowances, and Constraints:

- The cost-benefit conclusions of physical, legal, and land-use allowances/constraints
- Technical and environmental assessments (planning/zoning, jurisdictional processes, etc.)
- Environmentally sustainable (C&A, storm water mgt, buffers, energy "net zero" capacity)
- Operationally sustainable
- Defeats obsolescence

Cost and Availability:

- Cost for site acquisition
- Availability of property for lease
- Analysis of long term viability of site
- Timeframe for development of the site
- Terms for site control necessary for development process

ORANGE COUNTY SOUTHERN BRANCH LIBRARY LOCATIONAL CRITERIA:

** As amended by the BOCC at its June 14, 2012 work session

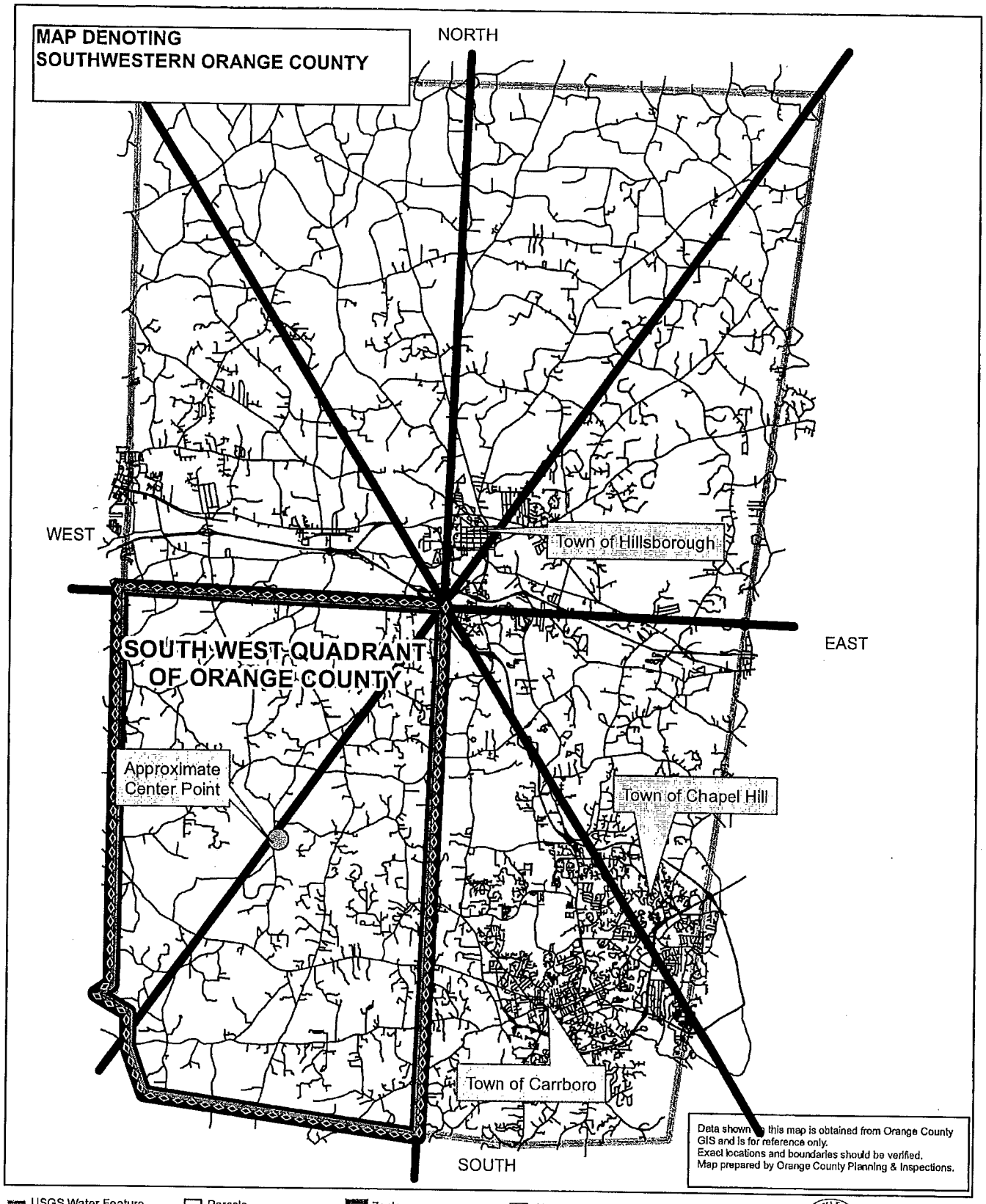
PRIMARY PHASE –PUBLIC INPUT AND ASSESSMENT

Community Preference

- Input from elected officials
- Input from a board cross-section of the area to be served
- Orange County & Carrboro Friends of the Library

Partnerships

- Co-location with other private or public entity
- Mutually beneficial joint development
- Enhances service possibilities



USGS Water Feature
Soils Survey Water Feature
OC Updated Water Feature
Water Body
River Basins
Watershed
Parcels
Township
School System Boundary
Contours
County Boundary
Soils
Zoning
City Limits
ETJ
Conservation Easements Held by Others
Orange County Conservation Easements
100 YR Floodplain (Effective 02/02/07)
Floodway (Effective 02/02/07)
500 YR Floodplain (Effective 02/02/07)
Buildings
Water and Sewer Boundary

N

1 inch = 16,299.149 feet

0 6,500 13,000 26,000 Feet

[Departmental Use Only]
TITLE S. Library Facilitation
FY 2013-14

NORTH CAROLINA

ORANGE COUNTY

SERVICES AGREEMENT UNDER $90,000.00
RFP – WITH REIMBURSABLE EXPENSES

This Services Agreement (hereinafter "Agreement"), made and entered into this 23rd day of January, 2014, ("Effective Date") by and between Orange County, North Carolina a body politic and corporate of the State of North Carolina (hereinafter, the "County") and The Freelon Group Architects, (hereinafter, the "Provider").

WITNESSETH:

That the County and Provider, for the consideration herein named, do hereby agree as follows:

1. Services

a. Scope of Work.

i) This Services Agreement ("Agreement") is for professional services to be rendered by Provider to County with respect to (*insert type of project*): Southern Branch Library Siting Primary Phase Facilitation and Assessment

ii) By executing this Agreement, the Provider represents and agrees that Provider is qualified to perform and fully capable of performing and providing the services required or necessary under this Agreement in a fully competent, professional and timely manner.

iii) Time is of the essence with respect to this Agreement.

iv) The services to be performed under this Agreement consist of Basic Services, as described and designated in Section 3 hereof. Compensation to the Provider for Basic Services under this Agreement shall be as set forth herein.

2. Responsibilities of the Provider

a. Services to be provided. The Provider shall provide the County with all services required in Section 3 to satisfactorily complete the Project within the time limitations set forth herein and in accordance with the highest professional standards.

b. Standard of Care.

i) The Provider shall exercise reasonable care and diligence in performing services under this Agreement in accordance with the highest generally accepted standards of this type of Provider practice throughout the United States and in accordance with applicable federal, state and local laws and regulations applicable to the

performance of these services. Provider is solely responsible for the professional quality, accuracy and timely completion and/or submission of all work related to the Basic Services.

ii) Provider shall be responsible for all errors or omissions, in the performance of the Agreement. Provider shall correct any and all errors, omissions, discrepancies, ambiguities, mistakes or conflicts at no additional cost to the County.

iii) The Provider shall not, except as otherwise provided for in this Agreement, subcontract the performance of any work under this Agreement without prior written permission of the County. No permission for subcontracting shall create, between the County and the subcontractor, any contract or any other relationship.

iv) Provider is an independent contractor of County. Any and all employees of the Provider engaged by the Provider in the performance of any work or services required of the Provider under this Agreement, shall be considered employees or agents of the Provider only and not of the County, and any and all claims that may or might arise under any workers compensation or other law or contract on behalf of said employees while so engaged shall be the sole obligation and responsibility of the Provider.

v) Provider agrees that Provider, its employees, agents and its subcontractors, if any, shall be required to comply with all federal, state and local antidiscrimination laws, regulations and policies that relate to the performance of Provider's services under this Agreement.

vi) If activities related to the performance of this Agreement require specific licenses, certifications, or related credentials Provider represents that it and/or its employees, agents and subcontractors engaged in such activities possess such licenses, certifications, or credentials and that such licenses certifications, or credentials are current, active, and not in a state of suspension or revocation.

3. Basic Services

a. Basic Services.

i) The Provider shall perform as Basic Services the work and services described herein and as specified in the County's Request for Proposals (the "RFP") "RFP Number 5198 for "Orange County Public Library Siting Facilitation" issued November 21st, 2013, and the Provider's proposal, which are fully incorporated and integrated herein by reference together with Attachments A: RFQ and Addendum #1; B: RFQ Response; and C: Proposal (designate all attachments). In the event a term or condition in any document or attachment conflicts with a term or condition of this Agreement the term or condition in this Agreement shall control. Should such conflict arise the priority of documents shall be as follows: This Agreement, the County's RFP together with attachments, Provider's Proposal together with attachments.

ii) The Basic Services will be performed by the Provider in accordance with the following schedule: (Insert task list and milestone dates)

Task	Milestone Date
1. Per proposal	1/24/14 through no later than 7/31/14
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

iii) Should County reasonably determine that Provider has not met the Milestone Dates established in Section 3(a)(ii), County shall notify Provider of the failure to meet the Milestone Date. The County, at its discretion may provide the Provider seven (7) days to cure the breach. County may withhold the accompanying payment without penalty until such time as Provider cures the breach. In the alternative, upon Provider's failure to meet any Milestone Date the County may modify the Milestone Date schedule. Should Provider or its representatives fail to cure the breach within seven (7) days, or fail to reasonably agree to such modified schedule, County may immediately terminate this Agreement in writing, without penalty or incurring further obligation to Provider. This section shall not be interpreted to limit the definition of breach to the failure to meet Milestone Dates.

4. Duration of Services

a. Term. The term of this Agreement shall be from January 24, 2014 to July 31, 2014.

b. Scheduling of Services

i) The Provider shall schedule and perform its activities in a timely manner so as to meet the Milestone Dates listed in Section 3.

ii) Should the County determine that the Provider is behind schedule, it may require the Provider to expedite and accelerate its efforts, including providing additional resources and working overtime, as necessary, to perform its services in accordance with the approved project schedule at no additional cost to the County.

iii) The Commencement Date for the Provider's Basic Services shall be January 24, 2014..

5. Compensation

a. Compensation for Basic Services. Compensation for Basic Services shall include all compensation due the Provider from the County for all services under this Agreement except reimbursable expenses as specified in section 5(c), below. The maximum amount

payable for Basic Services is Twenty Nine Thousand Five Hundred Dollars ($29,500). In the event the amount stated on an invoice is disputed by the County, the County may withhold payment of all or a portion of the amount stated on an invoice until the parties resolve the dispute. Payment for Basic Services shall become due and payable in direct proportion to satisfactory services performed and work accomplished. Payments will be made as percentages of the whole as Project milestones as set out in Section 3(a)(ii) are achieved. (*For example, if there are 10 Project Tasks with Milestone Dates then Provider may invoice for the first 10% of the whole upon County's acknowledgement of the satisfactory completion of Task one. Upon the County's acknowledgement that the second Task has been satisfactorily completed Provider may invoice for the next 10% of the whole.*)

b. Additional Services. County shall not be responsible for costs related to any services in addition to the Basic Services performed by Provider unless County requests such additional services in writing and such additional services are evidenced by a written amendment to this Agreement.

c. Reimbursable Expenses Reimbursable expenses are in addition to the fees for Basic Services and are for the following expenditures to the extent reasonable and actually incurred by the Provider with respect to the Project:

i) Actual expenditures for postage, reproductions, photography, and long distance telephone charges directly attributable to this Project.

ii) The actual cost of reproduction of reports, plans and specifications excluding documents for exclusive use by the Provider.

iii) The Provider shall not be entitled to any mark-up on actual expenses incurred.

iv) Reimbursable expenses shall be compensated by the County along with invoices for Basic Services provided by Provider. Payment of Reimbursable Expenses shall be subject to Provider's timely submission of valid receipts for any such expenses and approval by the County. Any additional charges not specified herein, must be mutually agreed to in advance by County and Provider and documented in writing with a letter signed by authorized representatives for County and Provider and, subject to budgeted funds.

6. Responsibilities of the County

a. Cooperation and Coordination. The County has designated the (*Jeff Thompson*) to act as the County's representative with respect to the Project and shall have the authority to render decisions within guidelines established by the County Manager and/or the County Board of Commissioners and shall be available during working hours as often as may be reasonably required to render decisions and to furnish information.

7. Insurance

a. General Requirements. Provider shall obtain, at its sole expense, Commercial General Liability Insurance, Automobile Insurance, Workers' Compensation Insurance, and any additional insurance as may be required by Owner's Risk Manager as such insurance requirements are described in the Orange County Risk Transfer Policy and Orange County Minimum Insurance Coverage Requirements (each document is incorporated

herein by reference and may be viewed at http://orangecountync.gov/purchasing/contracts.asp). If Owner's Risk Manager determines additional insurance coverage is required such additional insurance shall consist of Professional Liability Insurance of $1,000,000 per occurrence (if no additional insurance required mark N/A as being not applicable). Provider shall not commence work until such insurance is in effect and certification thereof has been received by the Owner's Risk Manager.

8. Indemnity

a. Indemnity. The Provider agrees to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Project and arising from bodily injury including death or property damage to any person or persons caused in whole or in part by the negligence or misconduct of the Provider except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this provision to require the Provider to indemnify the County to the fullest extent permitted under North Carolina law.

9. Amendments to the Agreement

a. Changes in Basic Services. Changes in the Basic Services and entitlement to additional compensation or a change in duration of this Agreement shall be made by a written Amendment to this Agreement executed by the County and the Provider. The Provider shall proceed to perform the Services required by the Amendment only after receiving a fully executed Amendment from the County.

10. Termination

a. Termination for Convenience of the County. This Agreement may be terminated without cause by the County and for its convenience upon seven (7) days prior written notice to the Provider.

b. Other Termination. The Provider may terminate this Agreement based upon the County's material breach of this Agreement; provided, the County has not taken all reasonable actions to remedy the breach. The Provider shall give the County seven (7) days' prior written notice of its intent to terminate this Agreement for cause.

c. Compensation After Termination.

i) In the event of termination, the Provider shall be paid that portion of the fees and expenses that it has earned to the date of termination, less any costs or expenses incurred or anticipated to be incurred by the County due to errors or omissions of the Provider.

ii) Should this Agreement be terminated, the Provider shall deliver to the County within seven (7) days, at no additional cost, all deliverables including any electronic data or files relating to the Project.

d. Waiver. The payment of any sums by the County under this Agreement or the failure of the County to require compliance by the Provider with any provisions of this Agreement or the waiver by the County of any breach of this Agreement shall not constitute a waiver of any claim for damages by the County for any breach of this Agreement or a waiver of any other required compliance with this Agreement.

11. Additional Provisions

a. Limitation and Assignment. The County and the Provider each bind themselves, their successors, assigns and legal representatives to the terms of this Agreement. Neither the County nor the Provider shall assign or transfer its interest in this Agreement without the written consent of the other.

b. Governing Law. This Agreement and the duties, responsibilities, obligations and rights of respective parties hereunder shall be governed by the laws of the State of North Carolina.

c. Compliance with Laws. Provider shall at all times remain in compliance with all applicable local, state, and federal laws, rules, and regulations including but not limited to all anti-discrimination laws. Pursuant to the terms of North Carolina General Statute 153A-449(b) no county may enter into a contract with a contractor unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. Where applicable, failure to maintain compliance with the requirements of Article 2 of Chapter 64 of the General Statutes constitutes Provider's breach of this Agreement. By executing this Agreement Provider affirms Provider is in compliance with Article 2 of Chapter 64 of the North Carolina General Statutes.

d. Dispute Resolution. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or non-performance of, this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Orange County, North Carolina. It is agreed by the parties that no other court shall have jurisdiction or venue with respect to such suits or actions. The Parties may agree to nonbinding mediation of any dispute prior to the bringing of such suit or action.

e. Entire Agreement. This Agreement, together with the RFP and its attachments and the Proposal and its attachments, represents the entire and integrated agreement between the County and the Provider and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties. Modifications may be evidenced by facsimile signatures.

f. Severability. If any provision of this Agreement is held as a matter of law to be unenforceable, the remainder of this Agreement shall be valid and binding upon the Parties.

g. Ownership of Work Product. Should Provider's performance of this Agreement generate documents, items or things that are specific to this Project such documents, items or things shall become the property of the County and may be used on any other project

without additional compensation to the Provider. The use of the documents, items or things by the County or by any person or entity for any purpose other than the Project as set forth in this Agreement shall be at the full risk of the County.

h. Non-Appropriation. Provider acknowledges that County is a governmental entity, and the validity of this Agreement is based upon the availability of public funding under the authority of its statutory mandate.

In the event that public funds are unavailable and not appropriated for the performance of County's obligations under this Agreement, then this Agreement shall automatically expire without penalty to County immediately upon written notice to Provider of the unavailability and non-appropriation of public funds. It is expressly agreed that County shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Agreement, but only as an emergency fiscal measure during a substantial fiscal crisis.

In the event of a change in the County's statutory authority, mandate and/or mandated functions, by state and/or federal legislative or regulatory action, which adversely affects County's authority to continue its obligations under this Agreement, then this Agreement shall automatically terminate without penalty to County upon written notice to Provider of such limitation or change in County's legal authority.

i. Notices. Any notice required by this Agreement shall be in writing and delivered by certified or registered mail, return receipt requested to the following:

Orange County
Attention: Jeff Thompson
P.O. Box 8181
Hillsborough, NC 27278

Provider's Name & Address
Freelon Group Architects
5310 S. Alston Ave., #300
Durham, NC 27713

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties, by and through their authorized agents, have hereunder set their hands and seal, all as of the day and year first above written.

ORANGE COUNTY:

By: _____
County Manager

PROVIDER:

By: _____

_____
Printed Name and Title

This instrument has been approved as to technical content.

_____
Jeff Thompson, Department Director

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Office of the Chief Financial Officer

This instrument has been approved as to form and legal sufficiency.

_____
Office of the County Attorney

ORANGE COUNTY
NORTH CAROLINA

Orange County
Financial Services Department – Purchasing Division

REQUEST FOR QUALIFICATIONS # 5198
Orange County Public Library Siting Facilitation
November 21, 2013

Orange County Public Library is seeking qualified firms to provide the public assessment and facilitation process for the Southern Branch Library pre-design services and engagement.

Proposals must be received in the office of the Purchasing Agent, 200 S. Cameron Street, PO Box 8181, Hillsborough, NC 27278 no later than **5 pm (D-EST), December 10, 2013.**

I. Background

In 2012, Orange County Commissioners approved the Southern Branch Library Locational Criteria for siting a new branch library in southern Orange County. See http://orangecountync.gov/library/southernbranch.asp. This criteria is divided into two Phases 1) Preliminary Phase – Technical Site Review and Assessment and 2) Primary Phase – Public Input and Assessment. Additionally, the library has just completed a Strategic Planning process that the Board of Commissioners approved on November 5, 2013. http://orangecountync.gov/library/documents/OCPL_Strategic_Plan.pdf Orange County is looking for an organization to facilitate the Public Input and Assessment process. This facilitator must have previous experience working with public libraries.

The vision and general design guidelines will be used for the future programming, design, construction, and operation of a facility. Architectural and Engineering services for future construction project will be contracted through a separate qualifications based selection process at the appropriate time.

II. SCOPE OF SERVICES

The selected firm shall be responsible for the work as described in this document. The firm will work with an owner design committee which shall include a representative from the County Manager's office, Asset Management Services Director, Library Services Director, Planning Department Planner II,

III. SUBMISSION

A. Submittals: Submit two (2) hard copies (duplex on recycled paper), marked "Southern Branch Library Facilitator Proposal" and one electronic submittal. The electronic version must be a single .pdf file on either a thumb drive or CD Proposals must be received in the office of the Purchasing Agent, 200 S. Cameron Street, PO Box 8181, Hillsborough, NC 27278 no later than 5 pm (D-EST), December 10, 2013.

B. Qualification packages may be hand-delivered or mailed. If the submittal is sent by mail or commercial express, the Respondent shall be responsible for actual delivery of the qualification package to the proper county office before the deadline. All submittals become property of the County. Request for Qualification packages will not be accepted via fax machine or internet e-mail.

C. Mark outside of envelope with **RFQ No. 5198** and proposal subject, "Southern Branch Library Facilitator Proposal."

D. Time is of the essence and any proposal or addenda pertaining thereto received after the announced time and date for submittal, whether by mail or otherwise, will be rejected. It is the sole responsibility of the firm to ensure that their proposal is received by the Purchasing Department personnel before the deadline indicated above. There is nothing in this RFQ that precludes the County from requesting additional information from firms at any time during the qualification process.

E. Nothing herein is intended to exclude any responsibilities or in any way restrain or restrict competition. On the contrary, all responsible firms/individuals are encouraged to submit responses. The County of Orange reserves the right to waive any informalities, to reject any and/or all proposals, and to accept any proposal which in its opinion may be in the best interest of the County.

F. Qualification packages may be withdrawn by written request prior to submittal deadline.

IV. PREPARATION

A. Firms are to submit qualification packages which present their qualifications and understanding of the services to be performed. Emphasis should be placed on completeness of services offered and clarity of content. All submittals should be complete and carefully worded and must convey all of the information requested by the County. If errors or exceptions are found in the firm's qualification package, or if the package fails to conform to the requirements of the RFQ, the County will be the sole judge as to whether that variance is significant enough to reject the firm's submittal.

B. Qualification packages should be prepared simply and economically. All data, materials, and documentation shall be available in a clear, concise form. Orange County does not expect nor will any more favorable consideration be given to submittals with fancy covers or binding, color photographs, sample plans, non-pertinent information on other accomplishments of the firm which have no direct bearing on these projects, resumes of individuals who will not be engaged in the work, or pages of other non-projected related material. Brevity will be appreciated. Submittals shall be limited to twenty-six pages (thirteen sheets of paper), double sided 8 ½ x 11, minimum 12 point font. Covers, dividers, Affidavits and Responder's Certification Form do not count in the twenty six (26) page total.

C. Firms requiring clarification or interpretation of this RFQ shall make a written request, which shall reach the Orange County Purchasing Department no later than the date and time for submittal of written questions (see Section VI, paragraph C).

D. Any interpretation, correction or change of this RFQ will be made by Addendum. Addenda will be mailed or delivered to all who are known by the County Purchasing Department to have received a complete set of RFQ documents. It is the responsibility of the firm to ensure that all Addenda were received.

E. All submittals shall provide a straight forward, concise description of firm's ability to satisfy the requirements of the RFQ.

F. Qualification packages (and copies) should be bound in a single volume where practical. All documentation submitted with the offer should be bound in that single volume.

G. In addition to the transmittal letter, the Non-Collusion Affidavit must be signed by a principal of the firm or an officer of the corporation duly authorized to bind the corporation.

H. If any submittal includes comments over and above the specific information requested in this RFQ such comments must be included as a separate appendix.

I. The firm is solely responsible for all costs and expenses associated with the preparation of the submittal and of any supplementary presentation (including any oral presentation) if requested by County.

J. Qualification Packages must be made in the official name of the individual, firm, or corporation under which the business is conducted (showing official business address) and must be signed in ink by a person duly authorized to legally bind the business entity submitting the qualification.

V. GENERAL TERMS AND CONDITIONS

A. NON-COLLUSION AFFIDAVIT

Each qualification package must be accompanied by a *notarized* affidavit of non-collusion, executed by the firm or in the case of a corporation, by a duly authorized representative of said corporation. The Non-Collusion Affidavit is provided herein.

B. E-VERIFY AFFIDAVIT

HB786 imposes E-Verify requirements on contractors who enter into certain contracts with state agencies and local governments. The legislation specifically prohibits governmental units from entering into certain contracts "unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes." (Article 2 of Chapter 64 establishes North Carolina's E-Verify requirements for private employers). It is important to note that the verification requirement applies to subcontractors as well as contractors. The new laws specifically prohibit governmental units from entering into contracts with contractors who have not (or their subs have not) complied with E-Verify requirements. Complete the attached affidavit, and include it with your submittal.

C. ADDENDA/CHANGES

Any additions, deletions, modifications or changes made to this RFQ shall be processed through the Orange County Purchasing Department. Any deviation from this procedure may result in the disqualification of the firm's submittal or the cancellation of any contract resulting from this RFQ.

D. QUESTIONS

Questions concerning this RFQ should be directed to:

Orange County Purchasing Department
David Cannell Purchasing Agent,
200 S Cameron Street, PO Box 8181,
Hillsborough, NC 27278;
(919) 245-2651;
dcannell@Orangecountync.gov (preferred)

All questions pertaining to this RFQ must be submitted in writing no later than December 3, 2013.

Only written questions will be considered formal. **Any information given by telephone will be considered informal**. Any questions that the County feels are pertinent to all proposers will be

mailed as an addendum to the RFQ. Fax and e-mail messages will be treated as written questions.

E. **PROPRIETARY INFORMATION**

Trade secrets or proprietary information submitted by a firm in connection with a procurement transaction shall not be subject to the public disclosure under the North Carolina Public Records Act pursuant to NC General Statutes §66-152(3). However, the firm must invoke the protection of this section prior to or upon submission of the data or other materials, and must identify the data on other materials to be protected and state the reasons why protection is necessary. **Each individual page considered a trade secret or proprietary information must be labeled "Confidential" in the top right corner.**

F. **MINORITY BUSINESSES**

The County of Orange encourages all businesses, including DBE, minority and women-owned businesses to respond to all Requests for Qualifications.

G. **AWARD/CONTRACT TIME**

No part of this solicitation is to be considered part of a contract, nor are any provisions contained herein to be binding of Orange County.

Award shall be made to the responsible firm whose qualifications are determined to be most advantageous to the County, taking into consideration the evaluation factors set forth in the RFQ.

A notice of contract award is anticipated by early to mid January 2014. The detailed Scope of Work and schedule of deliverables shall be negotiated with the successful firm.

H. **CONTRACT DOCUMENT**

The successful firm will be **required** to enter into the county's standard design consultant services agreement. A copy of the County's standard Agreement is attached.

I. **SUBCONSULTANTS**

If any sub-consultants will be used for the project, the successful firm shall provide to the Purchasing Agent a list of names of any of the intended sub-consultants, their applicable license number(s) and a description of the work to be performed by each sub-consultant.

The successful firm shall not substitute other sub-consultants without the written consent of the County.

The successful firm shall be responsible for all services performed by a sub-engineer as though they had been performed by the successful firm. Responsibilities include, but are not limited to, compliance with applicable licensing regulations.

If at any time the County determines that any sub-consultatant is incompetent or undesirable, the County shall notify the successful firm accordingly, and the successful firm shall take immediate steps for cancellation of the subcontract and replacement.

Nothing contained in any contract resulting from this RFQ shall create any contractual relationship between any sub-consultant and the County of Orange.

It shall be the successful firm's responsibility to ensure that all terms required in the attached contract are incorporated into all subcontracts.

J. **INSURANCE**

The successful respondent will be required to show proof of professional liability insurance in types and amounts satisfactory to the County. The County typically requires liability limits of at least $1,000,000 per occurrence with a $2,000,000 aggregate coverage. Exact limits would be determined during contract negotiations.

Respondents will also cite in their response, any and all claims that have been filed against the professional liability insurance carried by the respondent within the past ten years, regardless of the settlement disposition.

VI. STATEMENT OF QUALIFICATIONS REQUIREMENTS

In order to expedite the evaluation of proposals, each Respondent shall organize its qualification package in accordance with this section. Firms that do not follow the specified outline may be deemed non-responsive and may be disqualified from the evaluation process.

Section 1. Cover letter confirming that the elements of the RFQ have been reviewed and understood. The cover letter should be signed by an individual authorized to bind the firm contractually. It should include: Firm name, address, telephone, fax number, contact person and e-mail address; year established and former firm names; Include names of principles of the firm and the states in which they are registered; and types of services for which the firm is qualified;

Section 2: Experience: Understanding of the scope of work/services; more specifically **experience programming and designing public libraries and facilitating public assessment process for libraries in urban, suburban, and rural environments**.
List and describe all of your firm's previous experience in the planning, design and construction of projects similar in nature to the one for which this Request for Qualifications is being sought. For each project listed, the information should include:

- Name and location of the project
- Brief description of the project
- Date the project was completed
- Name and telephone number of owner

Section 3. Project Team: List of staff members and resumes of those persons who will be assigned to work with the County on the project. Include an Organizational Chart but do <u>not</u> include resumes or list of personnel who will not be assigned to this project. Also include the firm's commitment to keep the originally-assigned project team through project completion.

Section 4: List of current ongoing projects. Include: Project start date; expected completion date; total project cost; your ability to devote staff resources to complete this project. Describe how other existing trips to the area could contribute to cost savings on the services sought within this RFQ.

Section 5: Names of outside consultants (sub-consultants) who would be retained to provide services required for these projects. Provide a one-page synopsis for each consultant to include the following information:

- Individual's proposed role in the project
- A resume or brief description of the individual's previous experience

as it relates to his/her role in the project

- For any proposed sub consultants, indicate how long your firm has worked with the sub-consultant on previous projects

Section 6: Firms willingness to affiliate with minority, woman-owned, or disadvantaged businesses.

Section 7: Letter disclosing any pending litigation or litigation within the last ten years related to the firm' projects.

Section 8: Hourly billing rates charged by your firm each position type and reimbursable expenses.

Section 9: Firms willingness to sign Orange County Standard Contract Agreement for Design Consultant Services (copy attached).

Section 10. Completed Responders' Certification Form and *notarized* Non-Collusion Affidavit

VII. EVALUATION PROCESS:

Following the deadline for submittal of qualifications, a review of the submitted qualifications will be conducted by a selection committee established by the Interim County Manager. The selection committee will review all submittals based on their response to the information requested. The committee shall then make a recommendation to the Interim County Manager based on criteria established herein.

If desired, the selection committee may short list the number of qualified firms. The County reserves the discretion to determine the number of firms that will be on the short list. The County may engage in individual discussions with two or more firms deemed fully qualified, responsible, and suitable on the basis of initial responses and with emphasis on professional competence to provide the required services. Interviews are not anticipated; however, the selection committee may schedule interviews if desired in the selection process. Such firms shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts.

The selection committee may conduct discussions with the firm(s) submitting responses regarding the contract and shall select from among the firm(s) deemed most qualified to provide the required services. At the discretion of the County, the discussions with the firm(s) may consist of written questions and responses, and/or personal interviews with members of the firm(s). If personal interviews are required by the County, the persons proposed to be responsible for performing the work required herein shall attend the interview. If requested, firms should be prepared to submit financial status information, which shall be held in confidence.

The County will negotiate a stipulated lump sum fee for basic services and a rate schedule to be utilized for additional services and contingent additional services with the most qualified firm at a compensation which is considered to be fair and reasonable to the County. These rates shall include all applicable disciplines (example: architect, project manager, engineers, administrative staff, etc.). The rate schedule for additional services shall remain firm throughout project completion. In making this decision, the County will take into account the established value, general scope, the complexity, and the professional nature of the services to be rendered. Should the County be unable to negotiate a satisfactory contract with the firm considered to be most qualified, negotiations with that firm shall be formally terminated.

Negotiations will then proceed with the remaining ranked firms in the same manner until an agreement is reached, unless it is determined by the committee that it is in the best interest of the County that the process be terminated or modified.

The County of Orange reserves the right to reject any and/or all submittals, and to waive defects, technicalities and/or irregularities in any submittal. The County reserves the right to finalize a contract with one firm based on all information submitted in the written qualification submittal without further discussion or interviews.

VII. SELECTION PROCESS

The included criteria, but not limited to, may be used in the evaluation of qualification packages for development of a shortlist to be considered for potential negotiations. These criteria are not necessarily listed in order of importance.

- *Previous work experience on similar projects and demonstrated experience in the design of Public Libraries*
- *Firms qualifications and experience including location of offices and related staffing*
- *Firms understanding of the project objectives*
- *Proposed staff, including sub-contracted professionals, proposed to perform the work*
- *The ability of the consultant to begin work immediately and complete the projects in a timely manner.*
- *References: Evaluation of comments received from referenced previous clients*

VIII. CONTACT POLICY

After the date and time established for receipt of proposals by the County, any contact initiated by any firm with any County representatives, other than the Purchasing Agent listed herein, concerning this RFQ is prohibited. Any such unauthorized contact may cause the disqualification of the firm from this qualification process.

By: David E. Cannell,
Purchasing Agent,
Orange County, North Carolina

RESPONDER'S CERTIFICATION FORM

I have carefully examined the Request for Qualifications, the sample Agreement for Design Consultant Services and any other documents accompanying or made a part of this Request for Qualification.

I hereby propose to furnish the professional design consultant services for Orange County in accordance with the instructions, terms, conditions, and requirements incorporated in this Request for Qualification. I certify that all information contained in this response is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this response on behalf of the firm as its act and deed and that the firm is ready, willing and able to perform if awarded the contract.

NAME OF FIRM: _____

BY: (printed name)_____

SIGNATURE: _____

MAILING ADDRESS: _____

CITY/STATE/ZIP CODE: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

ACKNOWLEDGEMENT OF ADDENDA

Responder hereby acknowledges receipt of all Addenda through and including:

Addendum No.	Date	Acknowledgement
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NON-COLLUSION AFFIDAVIT

State of North Carolina
County of Orange

Proposal Request No. 5198

_____,being first duly sworn, deposes and says that:

I. He/She is the _____ of _____, the proposer that has submitted the attached proposal;

2. He/She is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;

3. Such proposal is genuine and is not a collusive or sham proposal;

4. Neither the said proposer nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly, with any other proposer firm or Person to submit a collusive or sham proposal in connection with the contract for which the attached proposal has been submitted or to refrain from proposing in connection with such contract, or has in any manner, directly or indirectly sought by agreement or collusion of communication or conference with any other proposer, firm or person to fix the price or prices in the attached proposal or of any other proposers, or to fix any overhead, profit or cost element of the proposal price of the proposal of any other proposer or to secure through collusion, conspiracy, connivance or unlawful agreement any advantage against the County of Orange or any person interested in the proposed contract; and

5. The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the proposer or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

_____
Signature

_____
Title

Subscribed and Sworn to Before Me,

This _____ day of _____, 20

Notary Public _____

My Commission Expires: _____

STATE OF NORTH CAROLINA

AFFIDAVIT

ORANGE COUNTY
****

I, _____(the individual attesting below), being duly authorized by and on behalf of

_____ (the entity bidding on project hereinafter "Employer") after first being duly sworn hereby swears or affirms as follows:

1. Employer understands that E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with NCGS §64-25(5).

2. Employer understands that Employers Must Use E-Verify. Each employer, after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS§64-26(a).

3. Employer is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in this State. (mark Yes or No)

   a. YES _____, or

   b. NO _____

4. Employer's subcontractors comply with E-Verify, and if Employer is the winning bidder on this project Employer will ensure compliance with E-Verify by any subcontractors subsequently hired by Employer.

This ____ day of _____, 2013.

_____
Signature of Affiant
Print or Type Name: _____

State of North Carolina Orange County

Signed and sworn to (or affirmed) before me, this the _____

day of _____, 2013.

My Commission Expires:

_____ _____
Notary Public

(Affix Official/Notarial Seal)

[Departmental Use Only]
TITLE
FY

NORTH CAROLINA

SERVICES AGREEMENT [redacted]
RFP – [redacted]

ORANGE COUNTY

This Services Agreement (hereinafter "Agreement"), made and entered into this day of , 20 , ("Effective Date") by and between Orange County, North Carolina a body politic and corporate of the State of North Carolina (hereinafter, the "County") and , (hereinafter, the "Provider").

WITNESSETH:

That the County and Provider, for the consideration herein named, do hereby agree as follows:

1. Services

a. Scope of Work.

i) This Services Agreement ("Agreement") is for professional services to be rendered by Provider to County with respect to (*insert type of project*):

ii) By executing this Agreement, the Provider represents and agrees that Provider is qualified to perform and fully capable of performing and providing the services required or necessary under this Agreement in a fully competent, professional and timely manner.

iii) Time is of the essence with respect to this Agreement.

iv) The services to be performed under this Agreement consist of Basic Services, as described and designated in Section 3 hereof. Compensation to the Provider for Basic Services under this Agreement shall be as set forth herein.

2. Responsibilities of the Provider

a. Services to be provided. The Provider shall provide the County with all services required in Section 3 to satisfactorily complete the Project within the time limitations set forth herein and in accordance with the highest professional standards.

b. Standard of Care.

i) The Provider shall exercise reasonable care and diligence in performing services under this Agreement in accordance with the highest generally accepted standards of this type of Provider practice throughout the United States and in accordance with applicable federal, state and local laws and regulations applicable to the performance of these services. Provider is solely responsible for the professional

quality, accuracy and timely completion and/or submission of all work related to the Basic Services.

ii) Provider shall be responsible for all errors or omissions, in the performance of the Agreement. Provider shall correct any and all errors, omissions, discrepancies, ambiguities, mistakes or conflicts at no additional cost to the County.

iii) The Provider sha ll not, except as otherwise provided for in this Agreement, subcontract the performance of any work under this Agreement without prior written permission of the County. No permission for subcontracting shall create, between the County and the subcontractor, any contract or any other relationship.

iv) Provider is an independent contractor of County. Any and all employees of the Provider engaged by the Provider in the performance of any work or services required of the Provider under this Agreement, shall be considered employees or agents of the Provider only and not of the County, and any and all claims that may or might arise under any workers compensation or other law or contract on behalf of said employees while so engaged shall be the sole obligation and responsibility of the Provider.

v) Provider agrees that Provider, its employees, agents and its subcontractors, if any, shall be required to comply with all federal, state and local antidiscrimination laws, regulations and policies that relate to the performance of Provider's services under this Agreement.

vi) If activities related to the performance of this Agreement require specific licenses, certifications, or related credentials Provider represents that it and/or its employees, agents and subcontractors engaged in such activities possess such licenses, certifications, or credentials and that such licenses certifications, or credentials are current, active, and not in a state of suspension or revocation.

3. Basic Services

a. Basic Services.

i) The Provider shall perform as Basic Services the work and services described herein and as specified in the County's Request for Proposals (the "RFP") "RFP Number for " " issued , 20 , and the Provider's proposal, which are fully incorporated and integrated herein by reference together with Attachments (designate all attachments). In the event a term or condition in any document or attachment conflicts with a term or condition of this Agreement the term or condition in this Agreement shall control. Should such conflict arise the priority of documents shall be as follows: This Agreement, the County's RFP together with attachments, Provider's Proposal together with attachments.

ii) The Basic Services will be performed by the Provider in accordance with the following schedule: (Insert task list and milestone dates)

Task	Milestone Date
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

iii) Should County reasonably determine that Provider has not met the Milestone Dates established in Section 3(a)(ii), County shall notify Provider of the failure to meet the Milestone Date. The County, at its discretion may provide the Provider seven (7) days to cure the breach. County may withhold the accompanying payment without penalty until such time as Provider cures the breach. In the alternative, upon Provider's failure to meet any Milestone Date the County may modify the Milestone Date schedule. Should Provider or its representatives fail to cure the breach within seven (7) days, or fail to reasonably agree to such modified schedule, County may immediately terminate this Agreement in writing, without penalty or incurring further obligation to Provider. This section shall not be interpreted to limit the definition of breach to the failure to meet Milestone Dates.

4. Duration of Services

a. Term. The term of this Agreement shall be from to .

b. Scheduling of Services

i) The Provider shall schedule and perform its activities in a timely manner so as to meet the Milestone Dates listed in Section 3.

ii) Should the County determine that the Provider is behind schedule, it may require the Provider to expedite and accelerate its efforts, including providing additional resources and working overtime, as necessary, to perform its services in accordance with the approved project schedule at no additional cost to the County.

iii) The Commencement Date for the Provider's Basic Services shall be .

5. Compensation

a. Compensation for Basic Services. Compensation for Basic Services shall include all compensation due the Provider from the County for all services under this Agreement. The maximum amount payable for Basic Services is Dollars ($). In the event the amount stated on an invoice is disputed by the County, the County may withhold payment of all or a portion of the amount stated on an invoice until the parties resolve the dispute. Payment for Basic Services shall become due and payable in direct proportion to satisfactory services performed and work accomplished. Payments will be

made as percentages of the whole as Project milestones as set out in Section 3(a)(ii) are achieved. (*For example, if there are 10 Project Tasks with Milestone Dates then Provider may invoice for the first 10% of the whole upon County's acknowledgement of the satisfactory completion of Task one. Upon the County's acknowledgement that the second Task has been satisfactorily completed Provider may invoice for the next 10% of the whole.*)

b. Additional Services. County shall not be responsible for costs related to any services in addition to the Basic Services performed by Provider unless County requests such additional services in writing and such additional services are evidenced by a written amendment to this Agreement.

6. Responsibilities of the County

a. Cooperation and Coordination. The County has designated ( ) to act as the County's representative with respect to the Project and shall have the authority to render decisions within guidelines established by the County Manager and/or the County Board of Commissioners and shall be available during working hours as often as may be reasonably required to render decisions and to furnish information.

7. Insurance

a. General Requirements. Provider shall obtain, at its sole expense, Commercial General Liability Insurance, Automobile Insurance, Workers' Compensation Insurance, and any additional insurance as may be required by Owner's Risk Manager as such insurance requirements are described in the Orange County Risk Transfer Policy and Orange County Minimum Insurance Coverage Requirements (each document is incorporated herein by reference and may be viewed at http://orangecountync.gov/purchasing/contracts.asp). If Owner's Risk Manager determines additional insurance coverage is required such additional insurance shall consist of (if no additional insurance required mark N/A as being not applicable). Provider shall not commence work until such insurance is in effect and certification thereof has been received by the Owner's Risk Manager.

8. Indemnity

a. Indemnity. The Provider agrees to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Project and arising from bodily injury including death or property damage to any person or persons caused in whole or in part by the negligence or misconduct of the Provider except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this provision to require the Provider to indemnify the County to the fullest extent permitted under North Carolina law.

9. Amendments to the Agreement

a. Changes in Basic Services. Changes in the Basic Services and entitlement to additional compensation or a change in duration of this Agreement shall be made by a written Amendment to this Agreement executed by the County and the Provider. The Provider

shall proceed to perform the Services required by the Amendment only after receiving a fully executed Amendment from the County.

10. Termination

a. Termination for Convenience of the County. This Agreement may be terminated without cause by the County and for its convenience upon seven (7) days prior written notice to the Provider.

b. Other Termination. The Provider may terminate this Agreement based upon the County's material breach of this Agreement; provided, the County has not taken all reasonable actions to remedy the breach. The Provider shall give the County seven (7) days' prior written notice of its intent to terminate this Agreement for cause.

c. Compensation After Termination.

i) In the event of termination, the Provider shall be paid that portion of the fees and expenses that it has earned to the date of termination, less any costs or expenses incurred or anticipated to be incurred by the County due to errors or omissions of the Provider.

ii) Should this Agreement be terminated, the Provider shall deliver to the County within seven (7) days, at no additional cost, all deliverables including any electronic data or files relating to the Project.

d. Waiver. The payment of any sums by the County under this Agreement or the failure of the County to require compliance by the Provider with any provisions of this Agreement or the waiver by the County of any breach of this Agreement shall not constitute a waiver of any claim for damages by the County for any breach of this Agreement or a waiver of any other required compliance with this Agreement.

11. Additional Provisions

a. Limitation and Assignment. The County and the Provider each bind themselves, their successors, assigns and legal representatives to the terms of this Agreement. Neither the County nor the Provider shall assign or transfer its interest in this Agreement without the written consent of the other.

b. Governing Law. This Agreement and the duties, responsibilities, obligations, and rights of respective parties hereunder shall be governed by the laws of the State of North Carolina.

c. Compliance with Laws. Provider shall at all times remain in compliance with all applicable local, state, and federal laws, rules, and regulations including but not limited to all anti-discrimination laws. Pursuant to the terms of North Carolina General Statute 153A-449(b) no county may enter into a contract with a contractor unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. Where applicable, failure to maintain compliance with the requirements of Article 2 of Chapter 64 of the General Statutes

constitutes Provider's breach of this Agreement. By executing this Agreement Provider affirms Provider is in compliance with Article 2 of Chapter 64 of the North Carolina General Statutes.

d. Dispute Resolution. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or non-performance of, this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Orange County, North Carolina. It is agreed by the parties that no other court shall have jurisdiction or venue with respect to such suits or actions. The Parties may agree to nonbinding mediation of any dispute prior to the bringing of such suit or action.

e. Entire Agreement. This Agreement, together with the RFP and its attachments and the Proposal and its attachments, represents the entire and integrated agreement between the County and the Provider and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties. Modifications may be evidenced by facsimile signatures.

f. Severability. If any provision of this Agreement is held as a matter of law to be unenforceable, the remainder of this Agreement shall be valid and binding upon the Parties.

g. Ownership of Work Product. Should Provider's performance of this Agreement generate documents, items, or things that are specific to this Project such documents, items or things shall become the property of the County and may be used on any other project without additional compensation to the Provider. The use of the documents, items or things by the County or by any person or entity for any purpose other than the Project as set forth in this Agreement shall be at the full risk of the County.

h. Non-Appropriation. Provider acknowledges that County is a governmental entity, and the validity of this Agreement is based upon the availability of public funding under the authority of its statutory mandate.

In the event that public funds are unavailable and not appropriated for the performance of County's obligations under this Agreement, then this Agreement shall automatically expire without penalty to County immediately upon written notice to Provider of the unavailability and non-appropriation of public funds. It is expressly agreed that County shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Agreement, but only as an emergency fiscal measure during a substantial fiscal crisis.

In the event of a change in the County's statutory authority, mandate and/or mandated functions, by state and/or federal legislative or regulatory action, which adversely affects County's authority to continue its obligations under this Agreement, then this Agreement shall automatically terminate without penalty to County upon written notice to Provider of such limitation or change in County's legal authority.

i. Notices. Any notice required by this Agreement shall be in writing and delivered by certified or registered mail, return receipt requested to the following:

Orange County
Attention:
P.O. Box 8181
Hillsborough, NC 27278

Provider's Name & Address

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties, by and through their authorized agents, have hereunder set their hands and seal, all as of the day and year first above written.

ORANGE COUNTY:

By: _____
County Manager

PROVIDER:

By: _____

_____
Printed Name and Title

This instrument has been approved as to technical content.

_____
, Department Director

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Office of the Chief Financial Officer

This instrument has been approved as to form and legal sufficiency.

_____
Office of the County Attorney

ORANGE COUNTY
NORTH CAROLINA

Orange County
Financial Services Department
ADDENDUM #1
December 3, 2013

RFP 5198
Orange County Public Library Siting Facilitation

To all Vendors:

Modifications to bid documents for the above named Request for Proposal are made as follows and shall be included in the proposed amount.

1. See page 2 for questions with County's responses received for the above referenced project

All other terms and conditions shall remain the same

By: David E. Cannell, Purchasing Agent; dcannell@co.orange.nc.us ~ (919) 245-2651

Acknowledgement of receipt of this addendum shall be noted on the Responder's Certification Form

Company Name: _____

By: _____

Date Received: _____

P.O. Box 8181 200 South Cameron Street Hillsborough, North Carolina 27278
Telephones: Area Code 919 245-2651 Fax: 919 644-3324

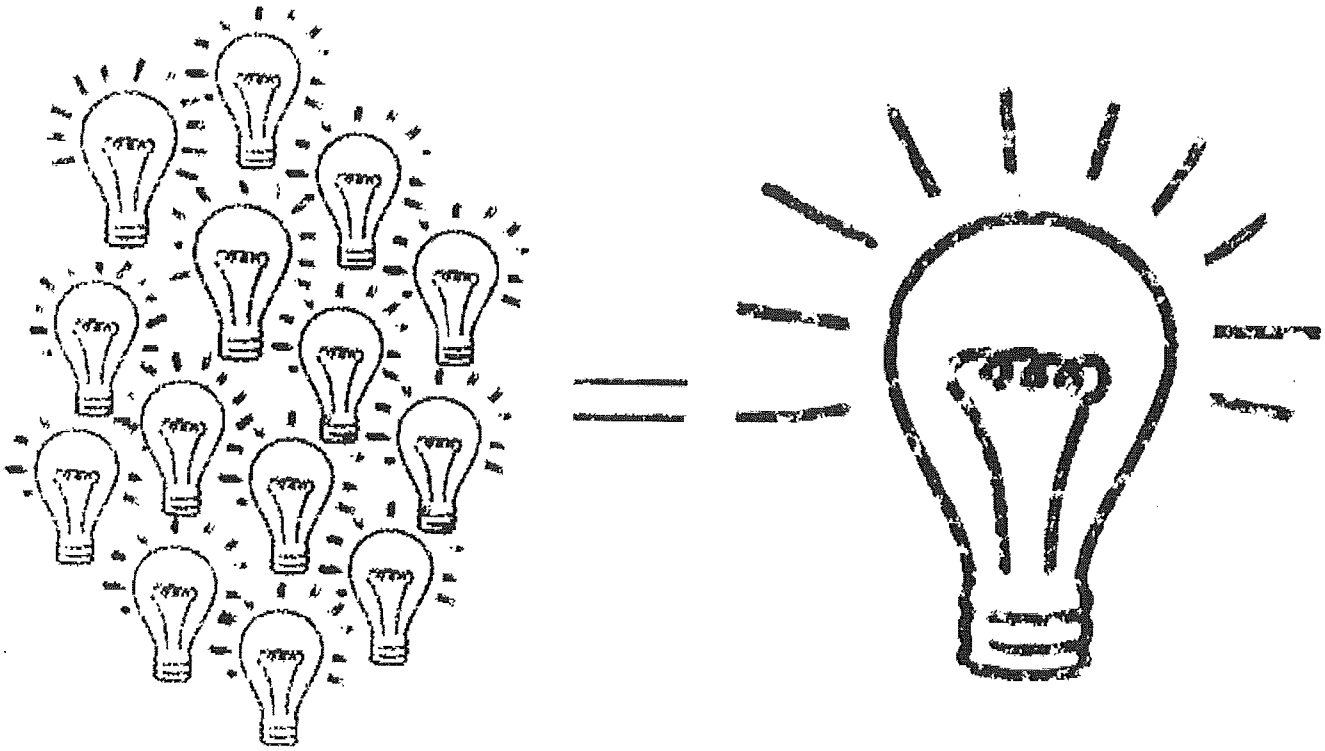
1. Has a size for the Southern Branch Library been determined? No, that is part of the work to be performed by the successful firm
2. Are there more than three sites to be evaluated? Not at this time
3. Are you wanting only an architect, or is a library planning firm with 30+ years of experience worthy of consideration? As listed in the RFQ, **experience programming and designing public libraries and facilitating public assessment process for libraries in urban, suburban, and rural environments.**
4. We are wondering if the County is interested in selecting just a site/civil team for this first phase of the Public Library project or if you are interested in selecting the full A/E team who would also be the team to proceed with Phase 2. Phase 1 only, phase 2 will be a separate selection process
5. I have read through the RFQ and the web links contained in it. We just wanted to clarify what the county would expect from a firm. It appears the county has narrowed their site search down to 1 location. So it seems the next logical step would be to get an Architect on board to develop some renderings, then do some due diligence such as a Phase 1 Environmental Assessment and some geotechnical investigation to see if the site remains feasible. Then with the renderings and assistance of the team, gather public input and proceed to schematic design. Is this how the county expects to proceed, and would expect from firm(s) responding to this RFQ?

   In accordance with the adopted Southern Branch Site Criteria Process, the County will conduct all necessary due diligence as indicated in Preliminary Phase – Technical Site Review and Assessment. The County is looking for a firm with the experience in **programming and designing public libraries and facilitating public assessment process for libraries in urban, suburban, and rural environments.** The selected firm will develop and implement the public engagement process to define specific programs and services, which will lead toward the determination of the size, scope and scale of the potential branch library.

   Renderings and due diligence such as a Phase 1 Environmental Assessment and some geotechnical investigation to see if the site remains feasible are not a part of this phase of the project

6. Will this include programming and siting the building on potential site(s)? yes

FREELON



Statement of Qualifications
Southern Branch Library Facilitator Proposal

Submitted by:
The Freelon Group

December 10, 2013

THE FREELON GROUP | ARCHITECTS

5310 SOUTH ALSTON AVENUE
BUILDING 300
DURHAM, NC 27713

919.941.9790
919.767.0144

www.freelon.com

Freelon shares your commitment to sustainability. This document has been printed on 100% post-consumer recycled fiber paper that was produced using renewable energy.

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1 Primary Firm

December 10, 2013

Purchasing Agent
200 S. Cameron Street
PO Box 8181
Hillsborough, NC 27278

RE: Southern Branch Library Facilitator Proposal

To Whom It May Concern,

On behalf of the Freelon Group, I am pleased and excited to submit this Letter of Interest and accompanying Statement of Qualifications to assist the Orange County Public Library in facilitating a public engagement process to gather information relevant to planning the Southern Branch Library. We have read and understand the RFQ, and we believe the Freelon Group is an excellent fit for your needs. As one of our core practice areas, library planning and design is executed by a dedicated team of experts. Our team has worked with public groups on numerous projects to gather information, solicit ideas, and align constituents behind shared values and objectives. As you will see on the following pages, our team has facilitated stakeholder engagement meetings for central libraries, public archives, academic libraries, and numerous branch libraries in North Carolina and elsewhere. We have also led the public engagement process with museums that—as collecting institutions dedicated to life-long learning—share many attributes with libraries.

The Freelon Group, founded in 1990, is a 43 person architecture firm located in Durham, North Carolina. Our firm is dedicated to serving clients, the community and its employees in a team environment, while providing excellent design solutions for the benefit of all. We offer full architectural services including feasibility assessments, programming, existing conditions analysis, planning, architectural design and documentation, construction administration, interior design and FF&E, master planning, and environmental graphics. We are passionate about research and education, health and well-being, the advancement of understanding between disparate cultures and the creative expression of the arts. Through on-time, on-budget delivery of high-quality design projects, we have earned the respect and praise of both public and private sector clients.

From public libraries, museums, civic buildings and parks, we strive to create unique and sustainable environments that lift the human spirit and inspire us with a better understanding of who we are as individuals and as a community. At the heart of all Freelon projects is an ambition to place the art of architecture within reach of the everyday citizen. While our building designs have received numerous awards, we are best known as great listeners who help clients realize their vision. In 2009, our firm was awarded the AIA Thomas Jefferson Award for Public Architecture.

Since inception, the Freelon Group has never operated under a different name. The firm is owned by six Principals including: Philip Freelon, Zena Howard, Kenneth Luker, Derek Jones, Kevin Turner, and Tim Winstead.

With a long standing commitment to cultural institutions that make tangible and lasting contributions to their communities, we are drawn to libraries and the dynamic changes taking place within them. There is no single template to draw upon and each library stands as a unique charter between the community and its quest for learning. The Orange County Library public engagement process and subsequent design effort represent precisely the kind of difference-making project that excites our inquisitive team.

Sincerely,

THE FREELON GROUP, INC.

Derek Jones, AIA, LEED AP
Principal

2 Experience

Collaborative Planning

From the Latin root collaborare meaning 'to labor together', collaborative planning is truly a partnership in visioning, design, and design implementation. The outcome of the collaborative process derives its power from participatory engagement and sustaining collective trust. In an age of declining faith and participation in civic institutions, the Library remains one of the few public entities embraced by all as serving the collective well being of a community. Ironically, shrinking confidence in many governmental institutions has helped foster more entrepreneurial behavior. As libraries continue to evolve from mere warehouses of information to places for knowledge creation, they are becoming an important new forum for problem solving and entrepreneurship.

Partnering is fun, but it is also hard work. Each party – Design Team, Library, County Management, or other stakeholders – must fulfill its obligations and contribute meaningfully to the process. As architects, we can guide the process, facilitate engagements, and articulate design options for consideration. The owner must set the vision and make challenging decisions along the way.

Setting the Vision

Projects of this type are about positive change. At the outset, we conduct focused workshops with the project leaders to understand your vision. In addition to gathering empirical data, we will work with the leadership group to understand the desired customer experience, educational outcomes, community engagement, change management and financial objectives. Before reaching out to a broader audience, it is critical to build strategic consensus among this group.

Stakeholder Engagement

Gaining stakeholder consensus during the public outreach and programming phase is essential to the planning process. Direct engagement enables participants to fuse their discrete individual experiences with broad and comprehensive solutions. This leads to participant buy-in, alignment of values, and a strong commitment to next steps. At Freelon, we have formulated a methodology during the initial phases of planning that provides an open forum for the voices of stakeholders. The initial stakeholder meeting should include everyone, from librarians and devoted customers to educators and scholars, from security personnel to facility maintenance staff. This is a meeting where all ideas are placed on the table and discussed in an open forum for everyone to hear. This meeting ideally results in a list of priorities for the project – institutional, experiential, educational, financial, etc. The stakeholder engagement process is also a great way to extend the library's ongoing civic conversation with the broader Orange County community.

A feedback loop that acknowledges comments received and reports on design progress is critical. These are typically accomplished through information sessions. The frequency of these updates will be determined by the size and composition of the stakeholders. It is important that the engagement process not become event centric, but rather it should have clear objectives and deliverables to help advance the project.

Relevant Project Experience

The projects depicted on the following pages each began with varying degrees of stakeholder engagement. In some cases it served to confirm prior programming efforts. In others, it was the start of an expansive process to define the institution and then develop the quantitative and qualitative spaces within. In all cases, we customized the approach to the client and community they served.

Durham County Libraries
North, South and East Regional

PROJECT TEAM
Freelon

LOCATION
Durham, North Carolina

CLIENT CONTACT
Tammy Baggett
Library Director
Durham County Library
tbaggett@durhamcountync.gov
T 919.560.0160

SIZE
25,000 SF - All

COST
$4.6 million - North Branch
$4.4 million - East Branch
$5.4 million - South Branch

OCCUPANCY DATE
June 2006 - East Branch
January 2007 - North Branch
July 2010 - South Branch

SUSTAINABILITY
East Branch -
USGBC LEED® Certified

North Branch -
USGBC LEED® Silver Certified

South Branch -
USGBC LEED® Gold Certified

AWARDS
2008 AIA North Carolina
Merit Award

2008 ALA/IIDA Library Interior
Design Award Honorable Mention

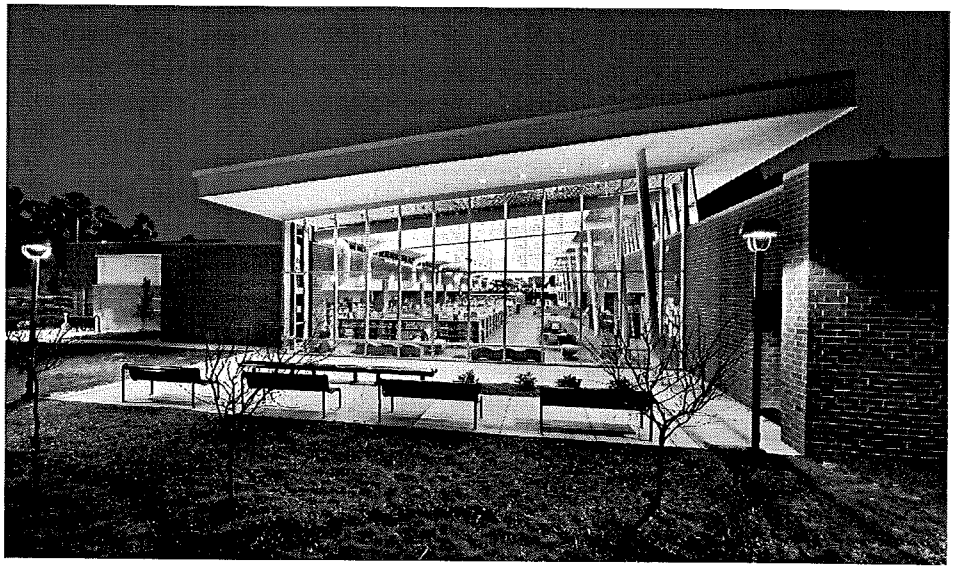
2007 Design with Brick Award by
BrickSoutheast

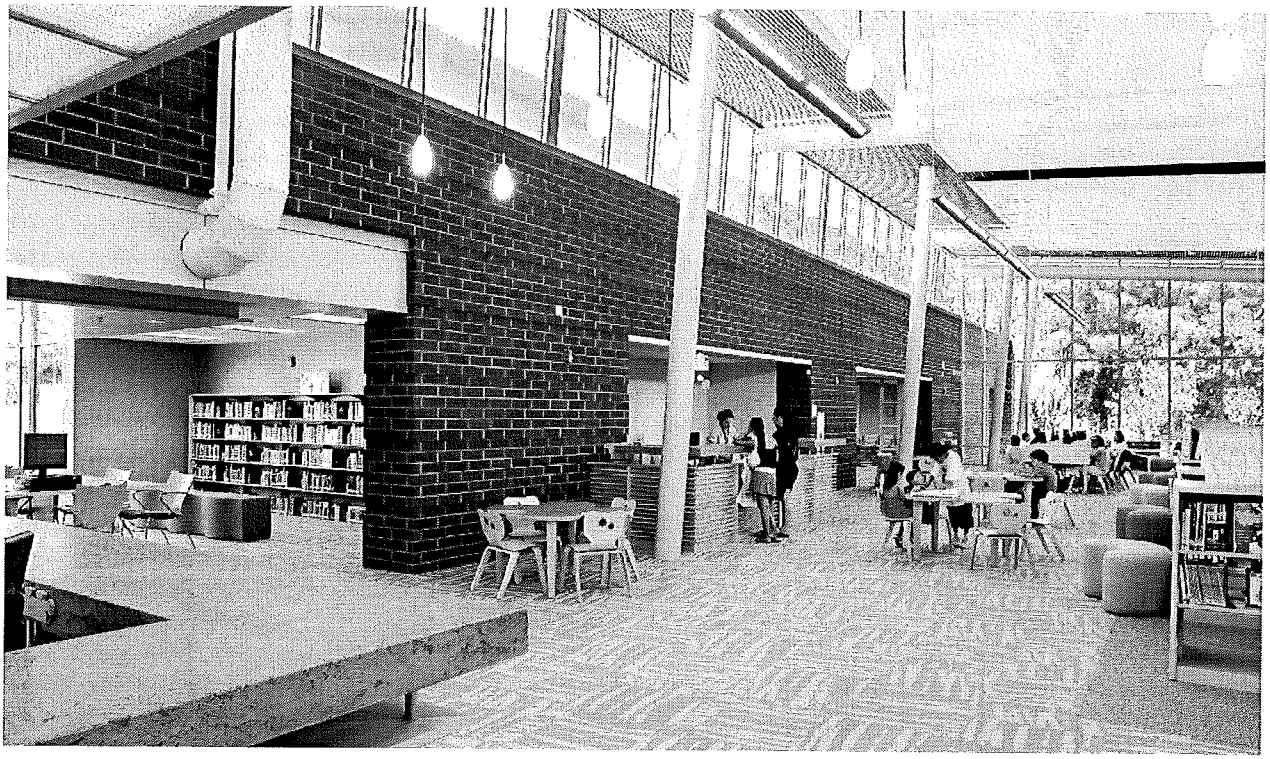
2010 Durham City-County
Appearance Commission
Golden Leaf Awards for Community
Appearance

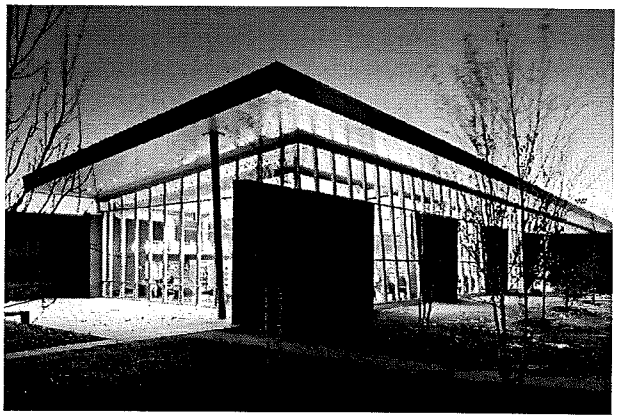
The new Durham County Regional Branch Libraries are designed to support the County's long-range plan of providing the region with state-of-the-art lifelong learning and literacy resources. The new 25,000 Sq. Ft. facilities include large meeting rooms, administrative areas, adult collection, young adult collection, children's collection, various reading and study spaces, computer areas, reference area, and periodicals.

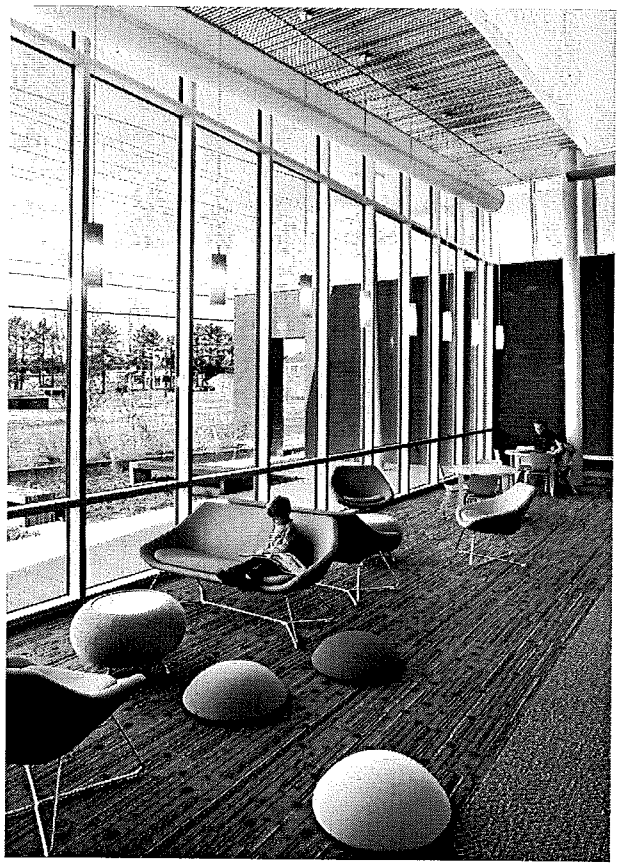
Durham County challenged Freelon to design a kit of parts that would leverage efficiency while maintaining flexibility to adapt to individual site conditions and differing community identities. Each branch is a one-story structure organized in a series of layers defined by masonry walls and volumes of varying heights. A significant feature of each design is the open and airy main reading space accentuated by a large shed roof that maximizes day-lighting and exterior views. Glazed walls at strategic locations along the perimeter of the reading room provide a continuity of space and vistas into the surrounding landscape.

The context, development density, and solar orientation of each site necessitated variations in prototypical elements and how they came together. Freelon facilitated extensive public meetings to determine the unique character of each library within the economies and constraints of the kit of parts. At the East Branch Library, volumes were kept smaller to respect the more residential scale of the neighborhood. In recognition of the former use of the South Branch site—one of significance to the Lowes Grove community—the prototype was modified to incorporate a history gallery at the front entry. The public also voiced their desire for sustainability. As a result, each library is LEED certified setting new benchmarks for the design, construction, and operation of high performance county buildings.









District of Columbia Public Library
Anacostia Library

PROJECT TEAM
Freelon
(Lead Designer and
Architect of Record)
in association with
R.McGhee Associates
(Associate Architect)

LOCATION
Washington, District of Columbia

CLIENT CONTACT
Ginnie Cooper
Chief Librarian
DC Public Libraries
ginnie.cooper@dc.gov
T 202.727.0321

SIZE
22,348 GSF

COST
$10.3 million

OCCUPANCY DATE
June 2010

MAIN PROGRAM ELEMENTS
Collections
Adult
Popular Reading
Children's Area
Teen Space
Multi-Purpose/Meeting Spaces
Cafe
Parking
Green Roof

SUSTAINABILITY
USGBC LEED® Gold Certified

AWARDS
2013 AIA/ALA Library
Building Award

2012 National Organization of
Minority Architects Design Excellence
Honor Award

2012 AIA North Carolina
Honor Award

2012 AIA DC Award of Merit
in Architecture

2012 IIDA/ALA Library
Interior Design Award

2011 AIA Triangle Honor Award

2011 Library Journal
New Landmark Libraries
Honorable Mention

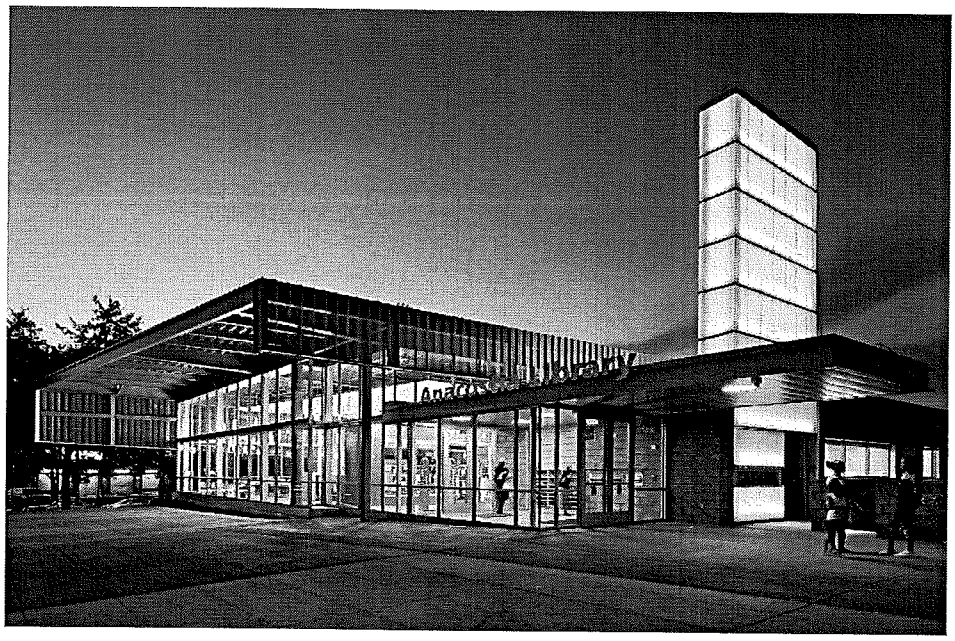
2011 Architectural Lighting
Design Award

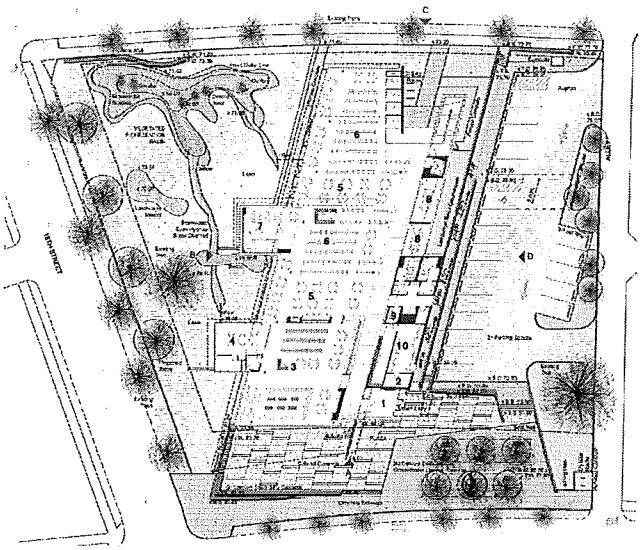
2010 AIA North Carolina Committee
on the Environment Award

The small-scale residential context provided the inspiration for the design of this new branch library, located in a low-income, underserved neighborhood in Washington, D.C. The project not only fulfilled programmatic needs but also provided a stimulus for community pride and economic development. Replacing its fortress-like predecessor, the transparent glass walls of the new Anacostia Library reveal vibrant community activity, radiate light, and make visible a security presence. The project has become a catalyst for neighborhood development and brought in new consumers through increased visitorship.

The residential scale is reflected in the library design as a series of pavilions for program areas that require enclosure: the children's program room, the young adults' area, support spaces, and public meeting rooms. The remainder of the level one plan is high, open space for the main reading room, stacks, computers, and public seating areas. A large green roof structure provides shelter over all program areas. Multiple entries not only bridge the pronounced topography of the site, but also activate multiple street frontages in an area previously suffering from blight.

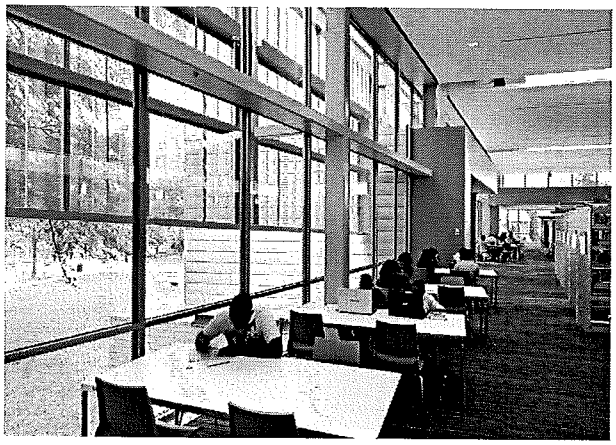
Working directly with the community by facilitating public input sessions was a key part of the design process. Users made it clear that they wanted an open, welcoming building with additional program space for children. Children's spaces played a large role for the integration of public art. Freelon coordinated public meetings to select local artists and assist with the planning of each installation to be integrated into the architecture. Incorporating the ideas of local community groups into the design built a sense of ownership that ultimately contributed to the library's success.

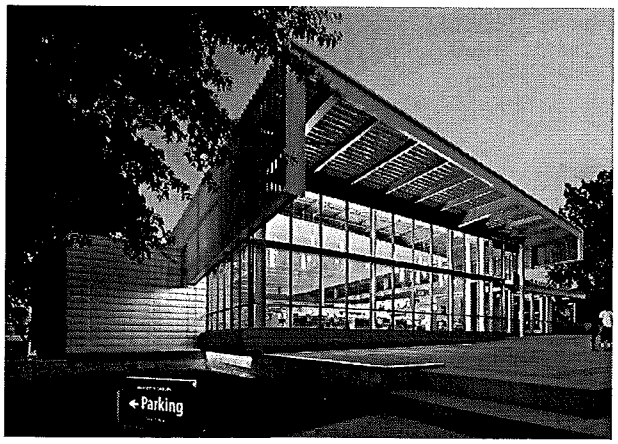




1 entry vestibule
2 book return
3 children's area
4 children's program area
5 adult reading and computer area
6 adult stacks
7 young adult area
8 meeting rooms
9 circulation desk
10 staff lounge/work room
11 multipurpose area
12 lounge/staff workroom
13 mechanical

Floor Plan Level 1





District of Columbia Public Library
Tenley-Friendship Library

PROJECT TEAM
Freelon (Lead Designer and Architect of Record)
in association with
R.McGhee Associates
(Associate Architect)

LOCATION
Washington, District of Columbia

CLIENT CONTACT
Ginnie Cooper
Chief Librarian
DC Public Libraries
ginnie.cooper@dc.gov
T 202.727.0321

SIZE
21,472 SF

COST
$10.9 million

OCCUPANCY DATE
January 2011

MAIN PROGRAM ELEMENTS
Collections
Adult
Popular Reading
Children's Area
Teen Space
Multi-Purpose/Meeting Spaces
Cafe
Parking
Green Room

SUSTAINABILITY
USGBC LEED® Gold Certified

AWARDS
2012 AIA DC Award of Excellence in Architecture

2012 AIA South Atlantic Region (SAR) Honor Award

2012 AIA Triangle Honor Award

2012 AIA Triangle Gail Lindsey Award for Sustainable Architecture

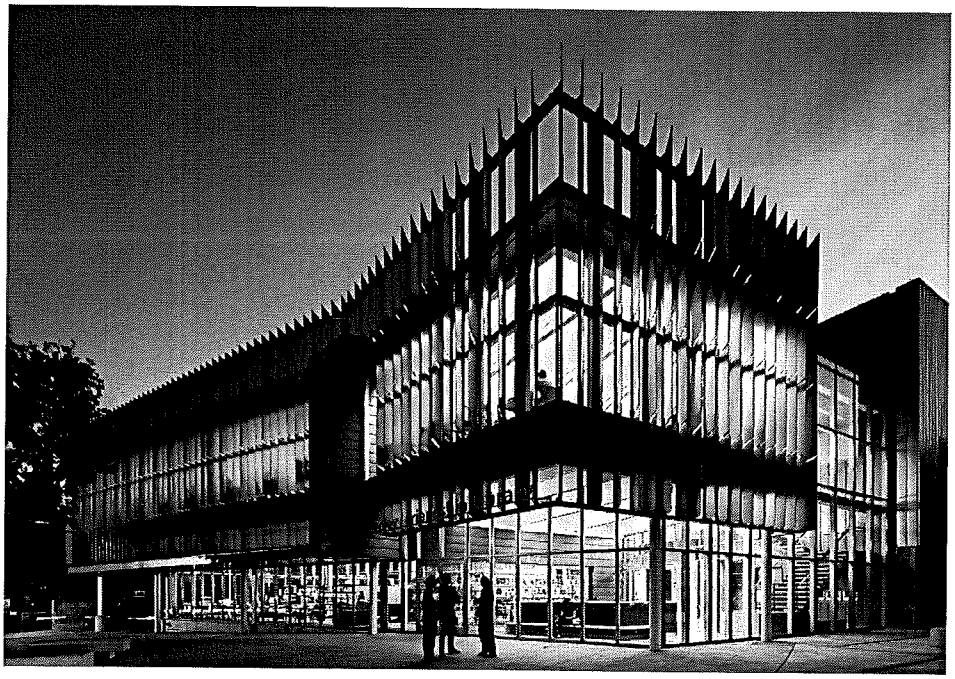
2012 Architectural Lighting Design Award

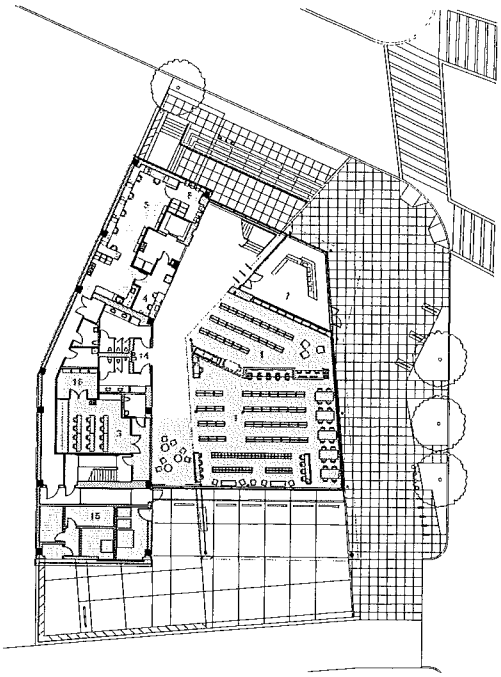
2011 AIA North Carolina Honor Award

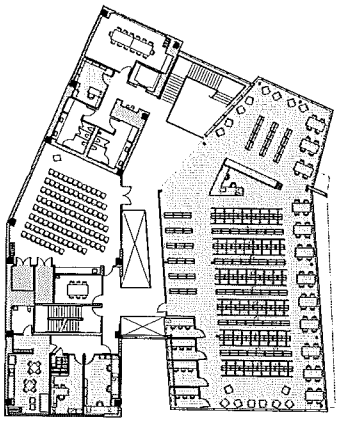
Tenley Library is a welcoming civic building that provides a variety of spaces to meet a wide range of community needs. Spaces include a large public meeting room (for approximately 100 people), two smaller meeting rooms, a children's program room, and rooms for group study and tutoring. New books and media along with staff picks and featured technology are made visible along the urban street facade to connect the library to its bustling neighborhood. A sheltered touchdown area near the main entry acknowledges the need for short term visitors ducking out of inclement weather or waiting to meet others.

Stack areas for print and non-print materials are available for users of all ages. There are multiple points of access to virtual spaces through the public PCs and wireless access for people with their own electronic devices. The children's area has spaces (including collection and seating) dedicated to various age groups (five and under, beginning readers and elementary age). There is a distinctive area for Young Adults to meet and to learn. Adults have their own reading areas, online access area and a large collection of materials.

Proud of their history, Tenley-Town residents voiced a strong desire to acknowledge the site's history and the library's legacy during facilitated public forums. These requests took shape through coordination meetings where a professionally curated display now documents the history of the neighborhood. The Freelon guided collaboration between the public and exhibit designer can be seen integrated into the atrium wall while historic signage saved from the prior library graces the large meeting room and the exterior seating areas.

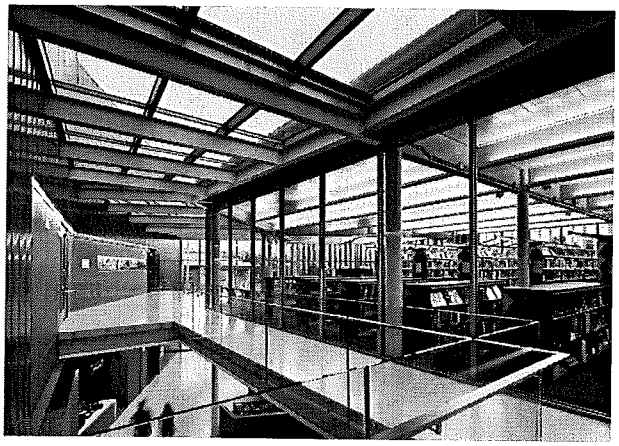


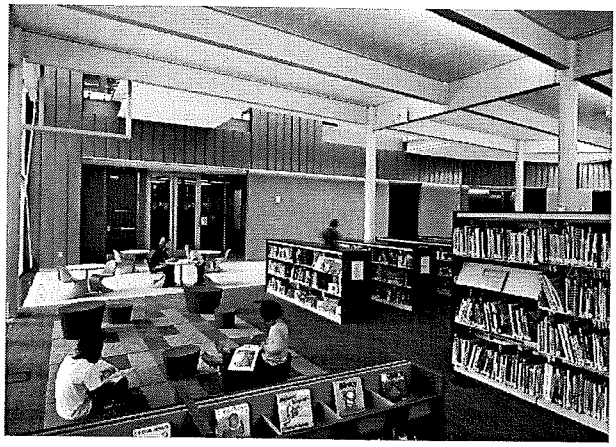




Stacks/Reading
Office
Conference Classroom
Special Program Area
Mechanical

Floor Plan Level 1 and Level 2





Atlanta-Fulton Public Library System
Northwest Library

PROJECT TEAM
Freelon (Lead Designer)
Collins Cooper Carusi
(Architect of Record)

LOCATION
Atlanta, Georgia

CLIENT CONTACT
Francine Henderson
Research Library Administrator
Auburn Avenue Research Library
francine.henderson@fultoncountyga.gov
T 404.730.4001 x101

SIZE
25,000 SF
(program space)

COST
$8 Million

OCCUPANCY DATE
February 2015

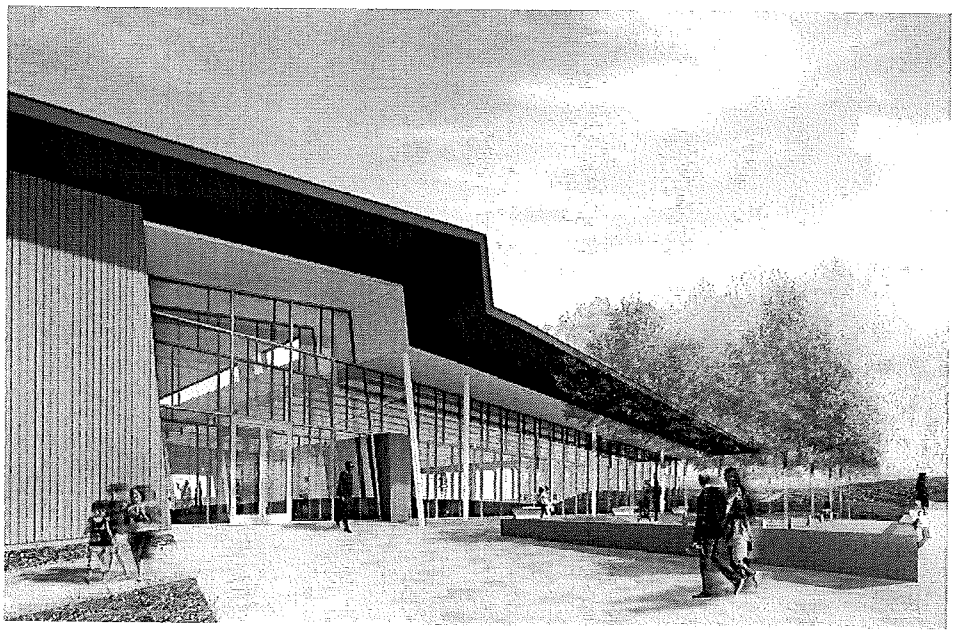
MAIN PROGRAM ELEMENTS
Reading Areas
Stacks
Multipurpose Room
Children's Program Room
Business Incubator
Digital Resources
Staff Work Areas

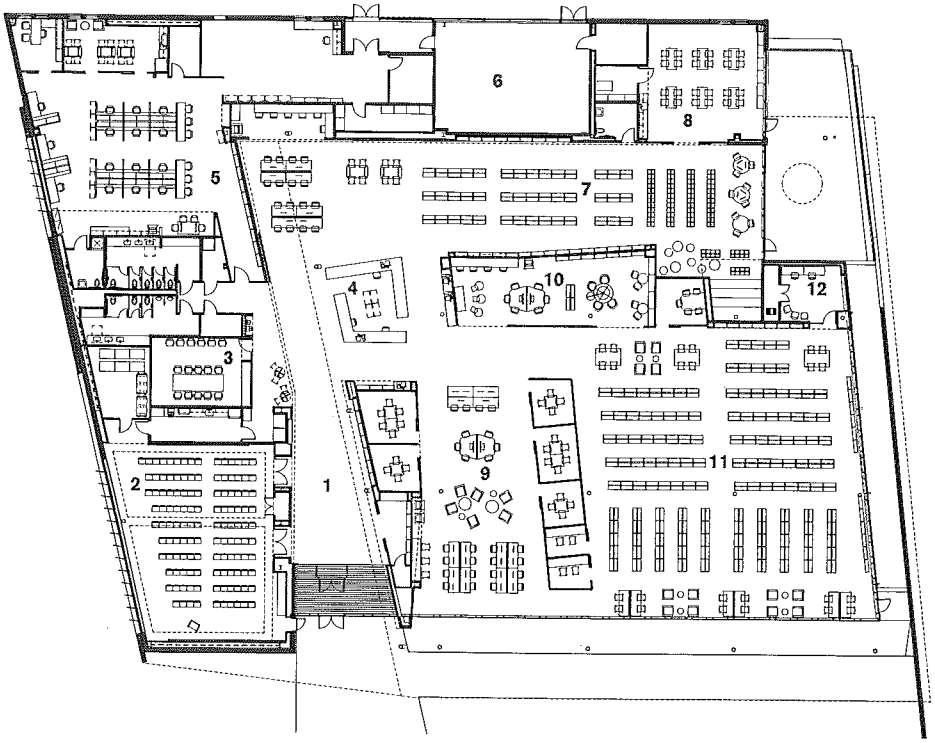
SUSTAINABILITY
Pursuing USGBC LEED® Silver Certification

The design for the Northwest Atlanta Library creates a proud civic beacon in a community otherwise lacking in public amenities. As Atlanta's development sprawled outward, the Scott's Crossing neighborhood—a scant seven miles from the city center—became a forgotten quadrant. Large-scale industrial uses claimed large swaths of land in and around pockets of small-scale residential. The 7.66 acre site is a microcosm of this context of contrasts as a busy rail yard and concrete plant border the site's north and west sides, while churches and single-family homes border the south and east sides.

The library's design uses, rather than ignores, this contrast as inspiration in a manner that is both functional and symbolic by finding common ground between the area's two disparate uses. In the same form that old brush arbors created airy spaces for small community gatherings, a large new 'industrial shed' creates a light-filled, open space for the public library community. This shed contains the main public library functions including the reading areas, stacks and computers. The program elements requiring less visibility and transparency are grouped in a solid bar that provides a buffer along the noisier north and west facades, allowing the glass-enclosed, open area to overlook a gracious southern plaza and quiet, wooded area to the east.

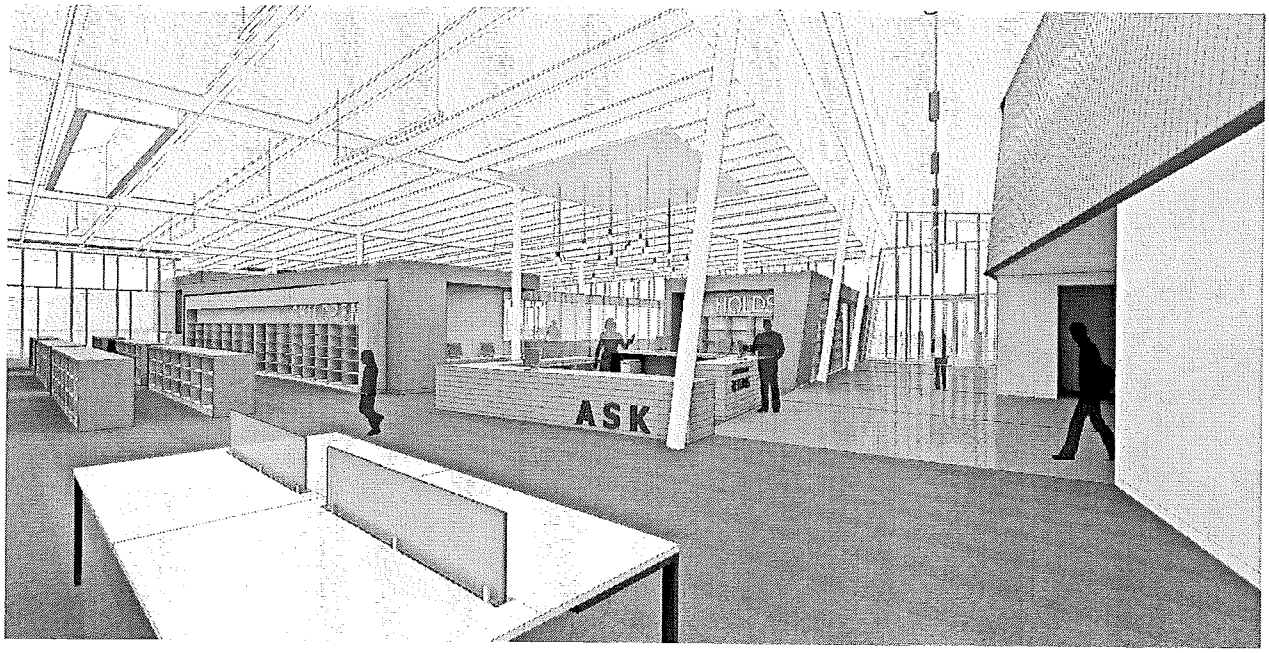
Working with the county to mold the existing program into something more unique to this location was critical to the design. Public meetings both elicited ideas and helped to shape them into functional concepts. Additional meeting and incubator spaces were incorporated as well as laptop checkout and a music room equipped with recording booth, piano, and editing equipment.





1 Entry Lobby
2 Multipurpose
3 Conference
4 Customer Service
5 Staff
6 Mechanical
7 Children
8 Children's Program
9 Computer
10 Teen
11 Adult
12 Music

Floor Plan Level 1



Atlanta-Fulton Public Library System
Auburn Avenue Research Library
Expansion and Major Renovation

PROJECT TEAM
Freelon (Lead Designer)
JWRA (Architect of Record)

LOCATION
Atlanta, Georgia

CLIENT CONTACT
Francine Henderson
Research Library Administrator
Auburn Avenue Research Library
francine.henderson@fultoncountyga.gov
T 404.730.4001 x101

SIZE
50,000 SF (existing)
56,500 SF (renovation and addition)

COST
$14.3 Million
(estimated construction cost)

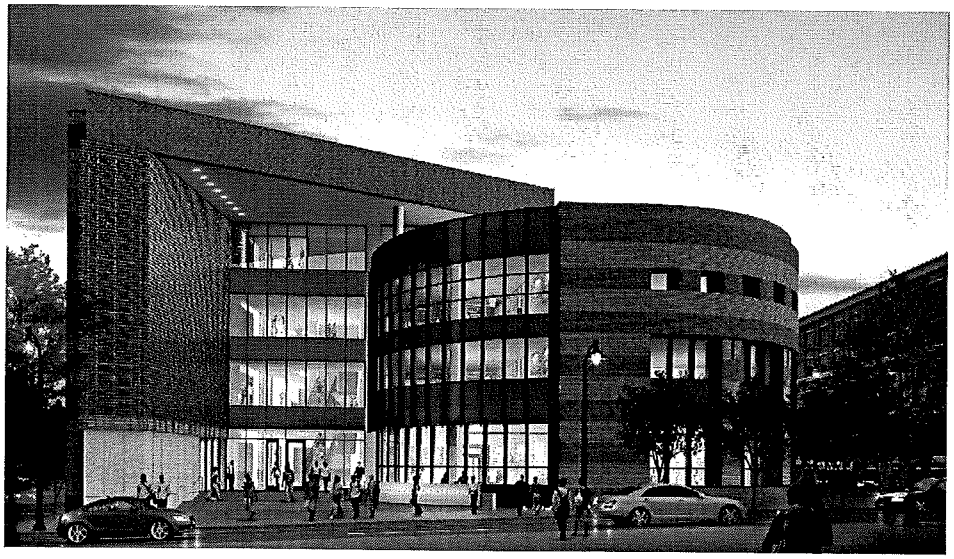
OCCUPANCY DATE
TBD

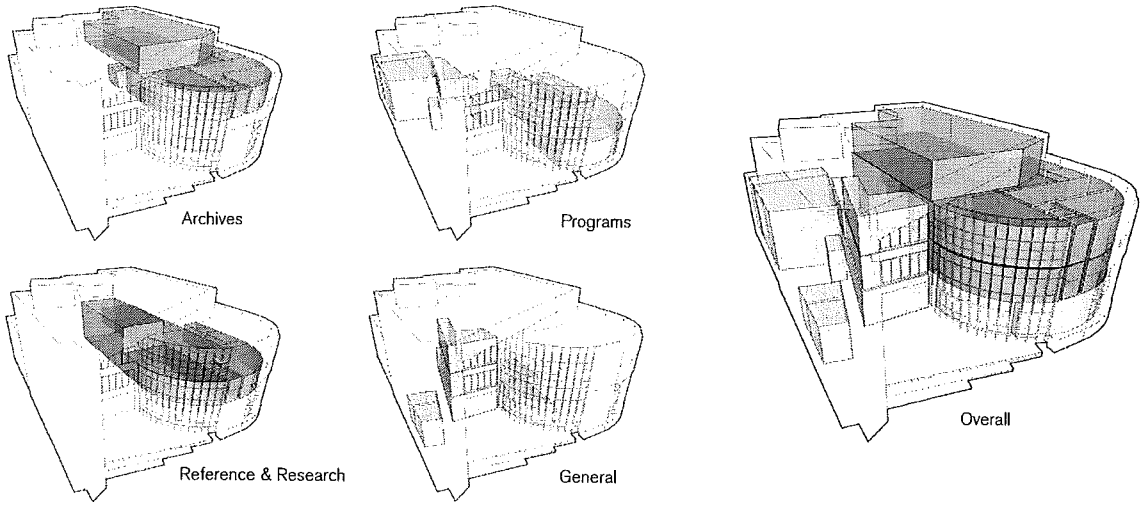
MAIN PROGRAM ELEMENTS
Auditorium
Increased Gallery Space
Increased Stacks Area
Main Reading Room & Archives
Reading Room
Authors' and Writers' Lounge
Educational Center
Staff Work Areas

The Auburn Avenue Research Library (AARL) is one of four significant archive and research centers in the U.S. dedicated to Africana and African American collections and the first public library of its kind in the Southeast. Located in downtown Atlanta, GA the existing AARL is part of the Fulton County Public Library and occupies a four story, 55,717 SF building built in 1994. The collection contains a diverse number of primary source materials including books and manuscripts, art and artifacts, microforms, textiles, cartographic records, audio recordings, motion pictures and photographs. AARL hosts numerous events that bring their rich archive collection to the public through readings, film screenings, exhibitions and workshops.

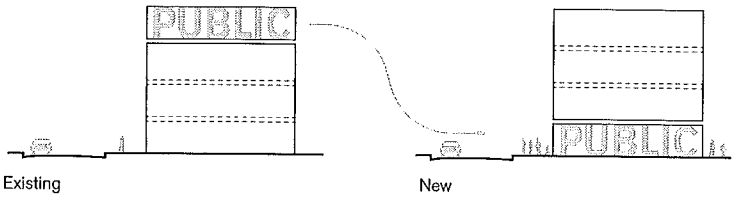
The Freelon Group has undertaken a comprehensive renovation and expansion of the library to 'reposition' the building and program to better serve AARL's mission. Extensive visioning sessions took place with the staff and county to determine what the new Auburn Ave experience should provide. From these sessions priorities unfolded to form the basis of the re-imagined program.

The building will expand to include new archive storage, auditorium, gallery space and public program rooms. A strategic realignment of program will bring public functions such as the auditorium, seminar rooms and galleries from the upper floors down to the ground floor level, in effect turning the building program upside down. This bold 'repositioning' of the building will bring the most active use portions of the library program to the street level and help AARL better engage its downtown context. These additions and enhancements will position AARL well into the future as a repository of information of national and global significance.

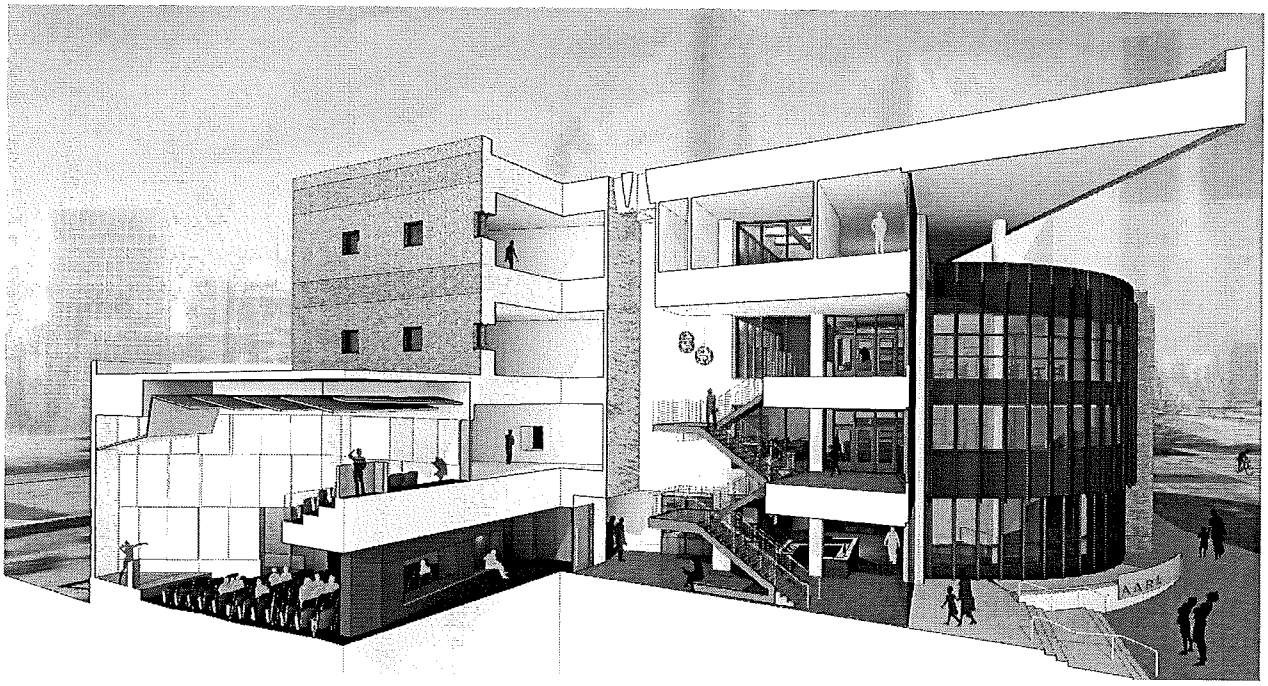




Program Areas



Building Diagram



District of Columbia Public Library Martin Luther King Jr. Memorial Library Study and Renovation

PROJECT TEAM
Freelon

LOCATION
Washington, District of Columbia

CLIENT CONTACT
Ginnie Cooper
Chief Librarian
DC Public Libraries
ginnie.cooper@dc.gov
T 202.727.0321

SIZE
403,000 SF

COST
Estimated $230 Million

OCCUPANCY DATE
TBD

MAIN PROGRAM ELEMENTS
Collections
Archives
Adult
Popular Reading
Children's Hub
Teen Space
Adaptive Services
Digital Commons
Center for Innovation & Prototyping
Marketplace
Auditorium
Cafe
Parking
Roof Garden
Leasable Office Space

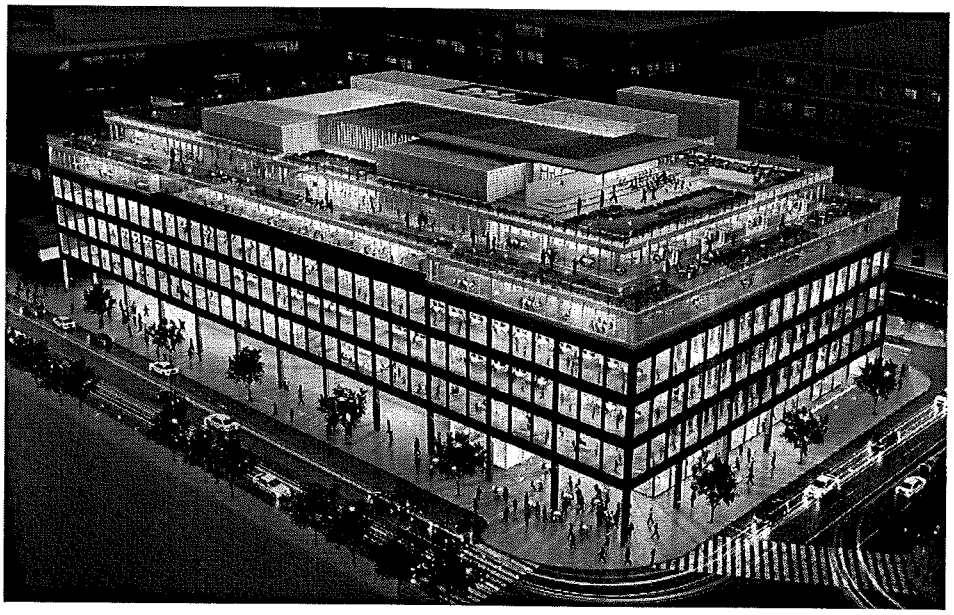
SUSTAINABILITY
Pursing USGBC LEED® Gold Certified

AWARDS
2013 Washington DC Momentum Award for Best Downtown Experience

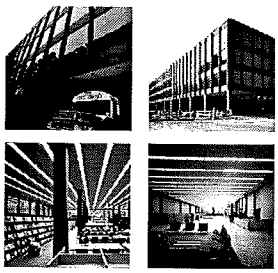
The District of Columbia's Martin Luther King Jr. Memorial was designed by Ludwig Mies van der Rohe and registered as a National Historic Landmark in 2007. After 50 years of service, the MLK Library no longer meets the needs of a modern central library. Systems are inefficient, technology is lacking, and spaces are not suited to host the multifaceted programs and events of today's library. DCPL came to Freelon with one simple question: "What is the expression of tomorrow's library in our nation's capital?"

We helped the library imagine flexible, technology enhanced spaces within the walls of the historic building. Rather than dismissing the restrictive covenants as barriers to growth, we helped envision a welcoming, light filled place that was engaged with the street. An expansive atrium connects visitors to their destinations and reveals the multitude of activities offered by the library. As the new heart of the library, the atrium is filled with spaces that promote collaboration and creative exchange.

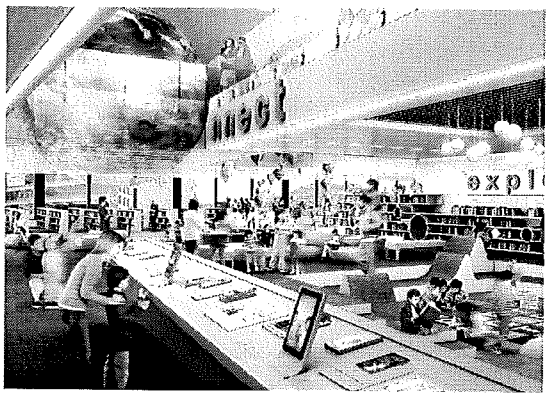
Working closely with constituents, Freelon was able to align disparate stakeholders behind shared goals and convince skeptics that great things were possible. Public presentations and tailored meetings with special interest groups helped to hone ideas and galvanize stakeholders. An advisory group of former public library directors was consulted periodically through the process to test ideas and substantiate assumptions. A partnering approach with the Historic Preservation Office helped that agency understand that preservation went beyond the building to include the well being of a vibrant institution. Armed with broad public support and an exciting vision, the mayor of DC committed over $100 million to the project.

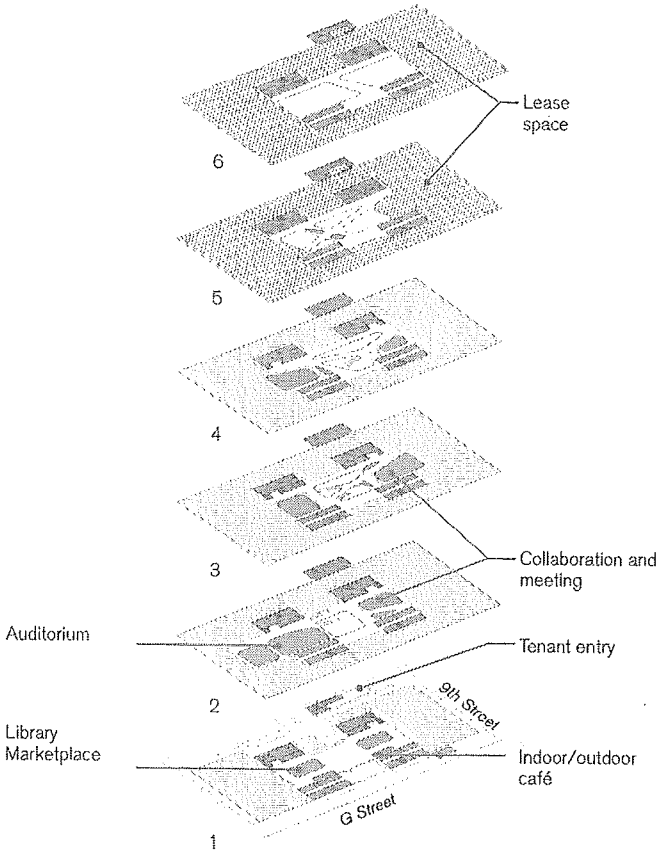


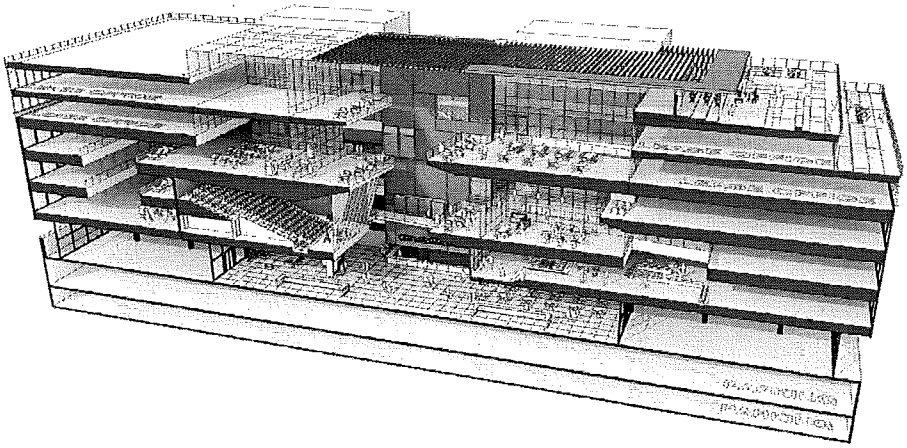
Existing building Mies van der Rohe



INFORMATION




Lease space
6
5
4
3
Collaboration and meeting
Auditorium
Tenant entry
2
9th Street
Library Marketplace
Indoor/outdoor café
G Street
1



Z Smith Reynolds Library
Wake Forest University

PROJECT TEAM
Freelon

LOCATION
Winston-Salem, NC

CLIENT CONTACT
Lynn Sutton
Library Director
Wake Forest University
suttonls@wfu.edu
T 336.758.509

SIZE
187,000 SF

COST
Not Disclosed

OCCUPANCY DATE
TBD

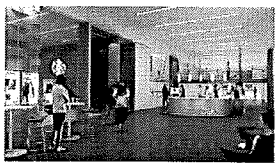
MAIN PROGRAM ELEMENTS
New Entry
Consolidated Services
New Reading Rooms
Classrooms
Group Study
Special Collections & Archives
Improved Circulation

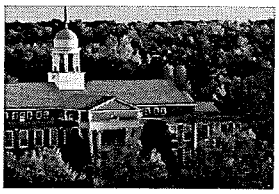
The Z Smith Reynolds Library (ZSR), long an icon on the Wake Forest University campus, plays an essential role in helping students assess quality information and develop critical thinking skills. Faculty members increasingly partner with librarians in their teaching and research and students must collaborate with their peers as education migrates toward a more learning focused paradigm. In order to realize these unprecedented opportunities, the library building needs new learning spaces that will inspire.

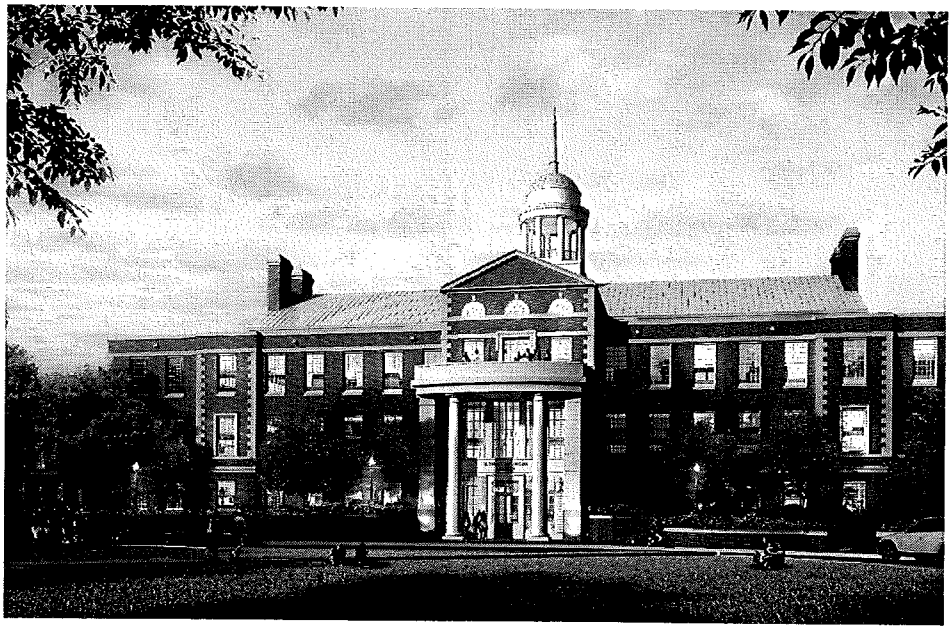
Freelon worked with University and ZSR staff to understand needs, evaluate efficiencies and build a vision worthy of the University, while also reflecting its values and traditions. The future Z Smith Reynolds Library, will greet visitors with a gracious, new entry portico – a gateway by day and beacon by night - that calls out to those who enter the campus and illuminates the library as a nexus for learning. The interior core of the building will be opened up to become a clear, light-filled passage connecting the arrival experience with the library's signature space, the Atrium. At the entry level, this expansive hall will host the library's consolidated service points in an easy-to-navigate hub of blended services.

Special Collections and Archives hold the most valuable treasures on campus. The new vision calls for a spacious, new Reading Room in a prominent location with adjoining classroom, administrative offices, gallery space and an outdoor terrace with campus vistas. Open, collaborative work and study spaces are planned for the fourth and sixth floors of the library's Wilson wing. Technology enhanced classrooms, group rooms and study zones will facilitate collaborative work while increasing access to digital resources.

Collaboration Area


Blended Services


Existing building



820 S. Michigan Avenue Building
Columbia College Chicago Library

PROJECT TEAM
Freelon

LOCATION
Chicago, Illinois

CLIENT CONTACT
Alicia Berg
Vice President of Campus Environment
Collumbia College Chicago
aberg@colum.edu
T 312.369.7102

SIZE
70,000 SF

COST
Not Disclosed

OCCUPANCY DATE
Fall 2014

MAIN PROGRAM ELEMENTS
Learning Commons
Collaborative Work Spaces
Classrooms
Automatic Storage/Retrieval System
Event Space
Cafe

The Johnson Publishing Building located at 820 Michigan Avenue will be repurposed into Columbia College's new library. The library will consolidate disparate collections at the geographic and academic center of their urban campus. As an institution committed to discovery and life-long learning, the new library unites the physical and digital domains into one state-of-the-art facility.

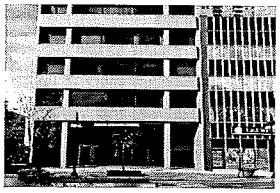
Freelon worked with an academic advisory group of department leaders across the college to develop a comprehensive stakeholder engagement process. Freelon delivered public progress updates, surveyed students and faculty, and interviewed library leaders. Based on the outcomes, eight focus group sessions were developed targeting the specific interests of staff, faculty, and students. This process confirmed assumptions but also revealed greater than expected desire for quiet study space and interest in special collections and archives.

The resulting design reinforces the library's mission to engender learning and knowledge creation rather than merely warehousing collections. Where prior programs only accommodated collection growth and moderate additional seating, Freelon found creative ways to consolidate existing services and leverage new collection storage to realize qualitative improvements as well. A new automated book storage and retrieval system will significantly compact collections, thereby enabling unrealized programs, more group study, collaboration, cafe, event, and previously unimagined technology enhanced classroom spaces to emerge within the library. It also makes space for the support mechanisms to better host exhibitions and new media inspired story telling. As libraries increasingly mix social and academic activities, the library will be a new gathering point on campus.

In the words of the college: "It will breathe. It will have a heartbeat."

Collaboration Area

Blended Services


Existing building

District of Columbia Public Library
Library Standards

PROJECT TEAM
Freelon

LOCATION
Washington, NC

CLIENT CONTACT
Ginnie Cooper
Chief Librarian
DC Public Libraries
ginnie.cooper@dc.gov
T 202.727.0321

SIZE
N/A

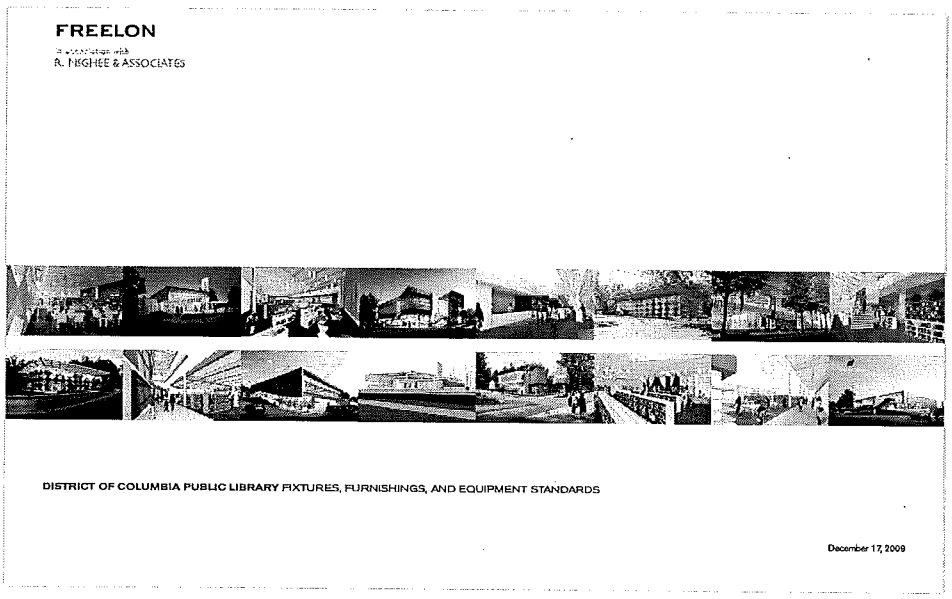
COST
Not Disclosed

OCCUPANCY DATE
N/A

MAIN PROGRAM ELEMENTS
N/A

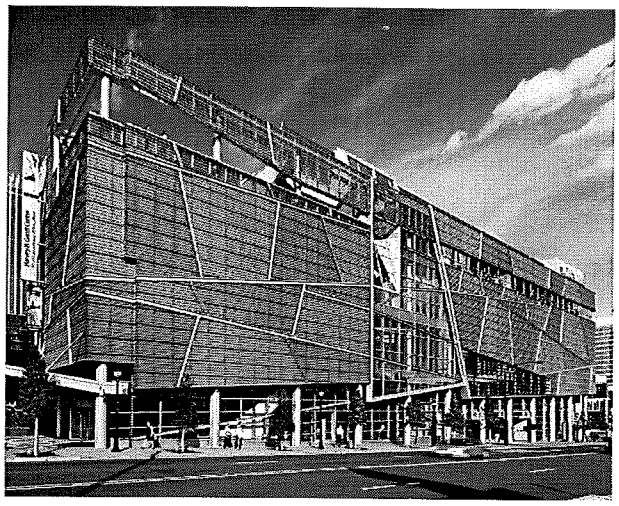
In 2008, the District of Columbia Public Library (DCPL) commissioned Freelon to create a document which would contain their desired standards for fixtures, furnishings, and equipment to be used in all new and renovated Public Libraries in Washington, D.C. With plans to build and renovate numerous libraries in the near future, it was beneficial to "standardize" products in the buildings to allow for ease of maintenance and service. The standardization also enables the relocation of items between branches as the need arises.
In addition to easing maintenance and flexibility issues, the Library Standards supplements the design program for future projects. Through identification of components within the building, they help reduce the time required to select and review fixtures, furnishings, and equipment in each of the branches.

While specific items are listed in the document, the Library will be consulted to confirm that none of these items have changed or been modified. If questions arise or if products need to be changed based on specific projects, those are brought to the Library for consideration. The Fixtures, Furnishings, and Equipment Standards is intended to be a living and evolving document. The initial selections that are included in the document represent the DCPL's desires and intent during the design and construction of the first round of library projects. As those projects are completed, occupied, and used, items within this document will likely need to be revised and adjusted. Moreover, as new products are introduced and others discontinued, it will be necessary to revisit, update, and revise items within the document in order for it to remain current.


FREELON
R. HIGHEE & ASSOCIATES

DISTRICT OF COLUMBIA PUBLIC LIBRARY FIXTURES, FURNISHINGS, AND EQUIPMENT STANDARDS

December 17, 2009

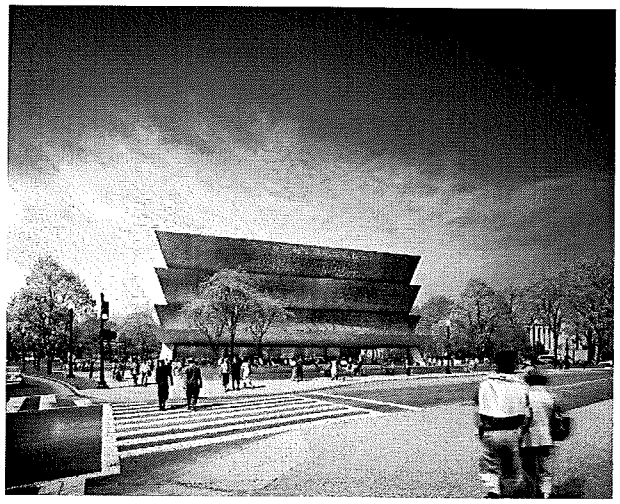


AWARDS 2011 Metal Construction Association
Chairman's Award - Institutional Category
2010 AIA North Carolina Honor Award

Harvey B. Gantt Center for African-American Arts + Culture

Charlotte, NC

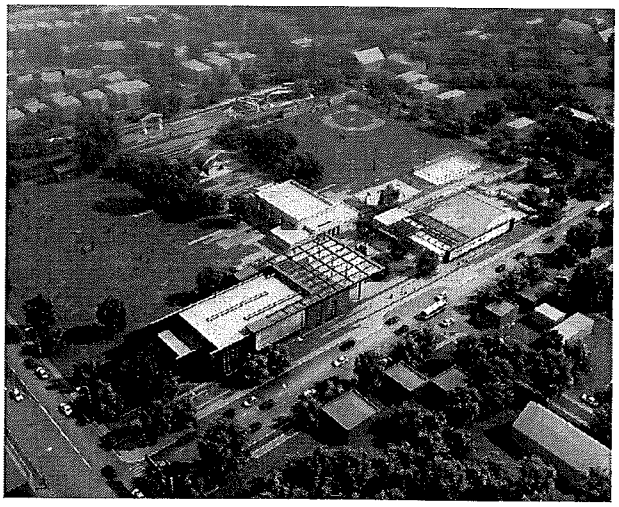
The Gantt Center celebrates contributions of African Americans to our nation's culture and serves as a vital resource in Charlotte for music, dance, theater, visual arts, arts education, literature and community outreach. Community and corporate involvement informed the design and was critical to the process—allowing the team to push design strategies early and deliver a dynamic community center for downtown Charlotte.



Smithsonian Institution National Museum of African American History and Culture

Washington, DC

As part of the Master Facilities Programming effort for the new NMAAHC, Freelon implemented a dynamic process that included eight public meetings in cities across the country to solicit input from a broad cross section of potential visitors and contributors. Our conclusion: NMAAHC will be a museum like no other. It will present quintessentially American stories of courage, creativity, resiliency, and the struggle for freedom through the lens of the African American experience.



Historic Emancipation Park Project

Houston, TX

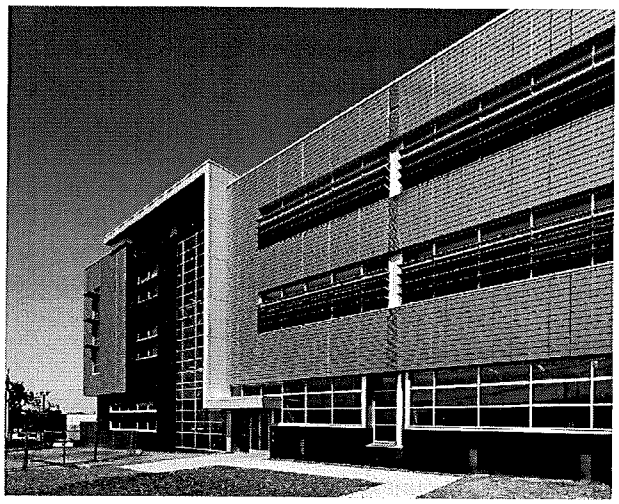
"Celebrate Freedom" is the theme for the re-envisioned Emancipation Park. Freelon developed a plan to embody this theme and create a place which will become a platform for opportunities of expression. A promenade commemorates the park's history and multiple performance/event spaces anticipate increased cultural expression. As a critical part of reinventing this historic landmark, the team held numerous large meetings as well as more intimate workshops to engage a broad cross-section of the Houston Community.

AWARDS 2009 Durham City-County Appearance Commission
Golden Leaf Awards for Community Appearance

Durham Station Transportation Center, City of Durham

Durham, NC

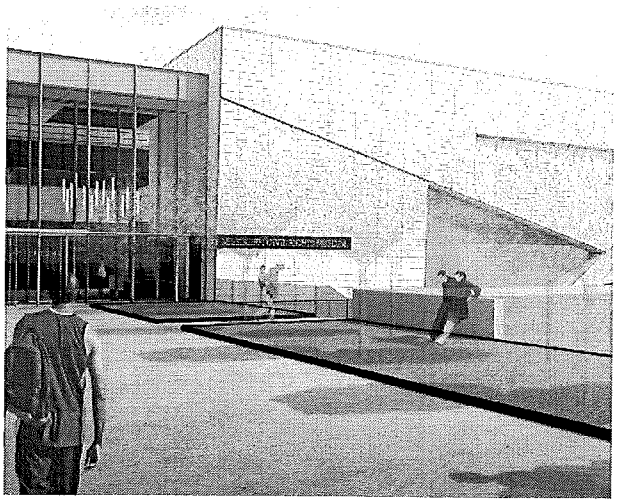
The two-story, 10,300sf DSTC serves four and one-half million of DATA's five million annual passengers. Public engagement was a critical component to the design process. Keeping stakeholders informed and involved at each project phase allowed for the empowerment of the community in the development of their multimodal transportation facility. The Station is at the heart of Durham's flourishing downtown and serves as a hub for the larger Triangle area.



Durham County Human Services Complex

Durham, NC

On a full city block in Downtown Durham, the new DCHS Complex houses the Departments of Public Health, Social Services and a large county meeting space. As a courtyard building, the facades all front their respective streets, reinforcing its urban presence. By contrast, the internal courtyard is a "gem" set within its gritty urban condition. Programming revealed a clear stakeholder message: build the new facility in its current location downtown. As a catalyst for growth along East Main Street, the project has been lauded as a place for and about the residents of Durham.



Mississippi Civil Rights Museum

Jackson, MS

The Mississippi Civil Rights Museum tells the troubling and uplifting stories of the Civil Rights movement in Mississippi. Understanding this complex history was only possible by hearing the stories first hand. Two statewide stakeholder meetings were held, with the goal of listening to citizens and seeking a vision for this important institution. Informed by citizen feedback, the team crafted a project mission statement that became the driver for design.

3 Project Team

The following organizational chart and resumes of personnel assigned to this project are based on our current understanding of needs. Should the scope increase or the need for other specialized skills come into play, we can grow the team accordingly. Each of the individuals listed will be committed to the scope of work through its completion. No individuals will be removed or changed without the prior approval of the Owner.

ORANGE COUNTY PUBLIC LIBRARY

Derek Jones
AIA, LEED® AP
Principal in Charge

Chris Garris
AIA, LEED® AP
Project Designer

Kathryn Taylor
IIDA, ASID, LEED® AP ID+C
Interior Designer / Library Planner

The Freelon Group Architects

DEREK JONES
AIA, LEED AP
MANAGING PRINCIPAL

As head of Freelon's Project Management Group, Derek oversees the service and execution aspects of our practice, ensuring that management continuously supports superior design and personalized attention to our clients. Derek also leads many of our cultural projects providing project management, architecture and interior design services on a wide range of project types and sizes, including theaters, museums, and libraries. His cross-cultural background helps him navigate multiple perspectives and facilitate the dialogue and expression of disparate cultures. In his 20-year career, Derek has completed large complex projects for the World Bank, Kodak, Scholastic Publishing, Hewlett-Packard, and Goldman Sachs among others.

EDUCATION
Master of Architecture,
Princeton University

Master of Fine Arts,
Tama University of Art, Tokyo, Japan

Bachelor of Arts,
Wesleyan University

CERTIFICATION
Registered Architect: NC, NY, NJ
LEED Accredited Professional

FEATURED PROJECTS
- DC Public Libraries, Martin Luther King Library | Washington, DC
- Wake Forest Z Smith Reynolds Library | Winston-Salem, NC
- Columbia College Chicago Library | Chicago, IL
- Durham Station Transportation Center | Durham, NC
- Gregg Museum of Art and Design, Phase I: Feasibility Study, Phase II: Design Services, NC State University | Raleigh, NC
- NC Department of Health & Human Services, Cherry Hospital | Goldsboro, NC

CHRIS GARRIS
AIA, LEED AP
SR PROJECT DESIGNER

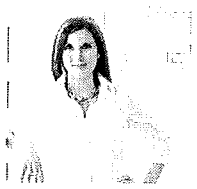
As an Associate Principal and Senior Designer, Chris is an advocate for design excellence both on individual project teams and office-wide design initiatives. His passion and curiosity guides him to meaningful, award winning solutions to complex problems. Design concepts derived from client specific needs and conditions form the foundation of his design philosophy. Chris has been associated with many large and complex projects during his ten year tenure at Freelon. He has led teams to think creatively about every project opportunity from large planning exercises to project specific detailing, each reinforcing a project's conceptual ideas.

EDUCATION
Bachelor of Architecture
North Carolina State University

Bachelor of Environmental Design, Architecture
North Carolina State University

CERTIFICATION
Registered Architect: NC
LEED Accredited Professional

FEATURED PROJECTS
- DC Public Libraries, Martin Luther King Library | Washington, DC
- Columbia College Chicago Library | Chicago, IL
- Mississippi Civil Rights Museum | Jackson, MS
- Wake Forest Z Smith Reynolds Library | Winston-Salem, NC
- Puppetry Museum Competition | Atlanta, GA
- Harvey B Gantt Center for Africatn-American Art + Culture | Charlotte, NC
- Durham Station Transportation Center | Durham, NC
- International Civil Rights Center and Musuem | Greensboro, NC



KATHRYN TAYLOR

ASID, IIDA, LEED AP ID+C
LIBRARY PLANNER

Kathryn's specialty is the creation of exceptional interior environments. She has design experience on a broad range of project types and sizes, serving as lead interior designer to many of the firm's award winning design projects including: District of Columbia Anacostia Neighborhood Library, District of Columbia Tenley-Friendship Neighborhood Library, Durham South Regional Library, International Civil Rights Center & Museum, and The National Center for Civil and Human Rights.

Kathryn provides library planning and design leadership for every Freelon library from branches and central libraries to system wide design and furnishing standards. Kathryn is thoroughly knowledgeable of current standards for library operation as well as furnishings and equipment. Her experience with public institutions and ease with stakeholders helps to win client trust and focus diverse interests toward a shared vision.

EDUCATION

Bachelor of Science, Chemistry,
Louisiana State University

Bachelor of Science, Interior Design,
Meredith College

CERTIFICATION

NCIDQ Certified
LEED Accredited Professional

FEATURED PROJECTS

- DC Public Libraries, Martin Luther King Library | Washington, DC
- DC Public Libraries, Anacostia | Washington, DC
- DC Public Libraries, Tenley-Friendship | Washington, DC
- Northwest Library | Atlanta, GA
- Wake Forest Z Smith Reynolds Library | Winston-Salem, NC
- Columbia College Chicago Library | Chicago, IL
- Auburn Avenue Research Library | Atlanta, GA
- Durham County Library, South Regional | Durham, NC

4 List of Current Ongoing Projects

List of Current Ongoing Projects
The timing of your project fits well with our workload. As you can see from the list of active projects below, many of our projects are nearing completion of construction or have just completed the construction documentation phase freeing up staff at all levels.

Proximity to Site
Located in Durham, NC, our office and staff members are just a short drive from your offices, your prospective sites, and the communities you serve. As such, we do not see any costs associated with making trips to the area.

PROJECT	START	END	COST
Atlanta Fulton Public Library *Auburn Avenue Research Library | Atlanta, GA*	May 2012	March 2015	$13.6 M
Atlanta Fulton Public Library *Northwest Library | Atlanta, GA*	Mary 2013	April 2015	$8 M
Departments of Public Health, Mental Health and Social Service *Durham County Human Services Complex | Durham, NC*	Oct 2005	Feb 2014	$70 M
Historic Emancipation Park *Houston TX*	Oct 2010	2015	$33 M
Mississippi Civil Rights Museum *Jackson, MS*	Dec 2011	Feb 2017	$19.2 M
National Center for Civil and Human Rights *Atlanta, GA*	March 2009	July 2014	$20.6 M
NC Department of Health & Human Services *Broughton Hospital | Morganton, NC*	July 2005	Dec 2015	$130 M
NC Department of Health & Human Services *Cherry Hospital | Goldsboro, NC*	July 2005	June 2014	$93 M
NC Electric Membership Cooperative Headquarters *Raleigh, NC*	Nov 2013	TBD	Not Disclosed
North Carolina State University *Gregg Museum of Art and Design | Raleigh, NC*	Feb 2010	TBD	$5.4 M
Smithsonian Institute *National Museum of African American History and Culture | Washington DC*	April 2009	Spring 2016	$500 M
University of Maryland Eastern Shore (UMES) *Engineering, Aviation Science, Computer & Mathematical Sciences (EACMS) | Princess Anne, MD*	Nov 2007	Summer 2015	$86 M
Wake Forest University *Z Smith Reynolds Library | Winston-Salem, NC*	Oct 2013	TBD	Not Disclosed

5 Sub-Consultants

We do not anticipate the need for any consultants for this scope of work.

6 M/WBE & Disadvantaged Business Affiliation

The Freelon Group is a NC certified Historically Underutilized Business (HUB) firm. As such, we are acutely sensitive to problems which HUB firms face and we strive diligently to identify and include other minority, women owned and disadvantaged businesses in our projects when the opportunities arise.

7 Legal Disclosure

In over 23 years of professional practice, Freelon has not been a party to a major claim brought by a client or prime contractor. During this same period of time, our projects have not experienced major technical problems resulting from design errors or omissions.

8 Firm Billing Rates

2013 Firm Billing Rates			
Principal I	$230.00	Intern I	$90.00
Principal II	$160.00	Intern II	$90.00
Associate Principal | Director	$140.00	Admin I	$105.00
Designer | PM | PA I	$130.00	Admin II	$95.00
Designer | PM | PA II	$115.00	Admin III	$60.00
Designer | PM | PA II	$100.00		

9 Contract Agreement

We have reviewed the standard contract agreement and have no reservations with signing it.

10 Affidavits & Forms

RESPONDER'S CERTIFICATION FORM

I have carefully examined the Request for Qualifications, the sample Agreement for Design Consultant Services and any other documents accompanying or made a part of this Request for Qualification.

I hereby propose to furnish the professional design consultant services for Orange County in accordance with the instructions, terms, conditions, and requirements incorporated in this Request for Qualification. I certify that all information contained in this response is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this response on behalf of the firm as its act and deed and that the firm is ready, willing and able to perform if awarded the contract.

NAME OF FIRM: The Freelon Group

BY: (printed name) Derek Jones

SIGNATURE: _____

MAILING ADDRESS: 5310 South Alston Ave. Suite 320

CITY/STATE/ZIP CODE: Durham, NC 27713

TELEPHONE NUMBER: 919.941.9790

FAX NUMBER: 919.767.0144

ACKNOWLEDGEMENT OF ADDENDA

Responder hereby acknowledges receipt of all Addenda through and including:

Addendum No.	Date	Acknowledgement
1	12/03/2013	

NON-COLLUSION AFFIDAVIT

State of North Carolina
County of Orange

Proposal Request No. 5198

Derek Jones, being first duly sworn, deposes and says that:

I. He/She is the Managing Principal of The Freelon Group, the proposer that has submitted the attached proposal;

2. He/She is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;

3. Such proposal is genuine and is not a collusive or sham proposal;

4. Neither the said proposer nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly, with any other proposer firm or Person to submit a collusive or sham proposal in connection with the contract for which the attached proposal has been submitted or to refrain from proposing in connection with such contract, or has in any manner, directly or indirectly sought by agreement or collusion of communication or conference with any other proposer, firm or person to fix the price or prices in the attached proposal or of any other proposers, or to fix any overhead, profit or cost element of the proposal price of the proposal of any other proposer or to secure through collusion, conspiracy, connivance or unlawful agreement any advantage against the County of Orange or any person interested in the proposed contract; and

5. The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the proposer or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

_____
Signature
Principal
Title

Subscribed and Sworn to Before Me,

This 10 day of December, 2013

Notary Public _____

My Commission Expires: _____

STATE OF NORTH CAROLINA

AFFIDAVIT

ORANGE COUNTY
****

I, Derek Jones (the individual attesting below), being duly authorized by and on behalf of The Freelon Group (the entity bidding on project hereinafter "Employer") after first being duly sworn hereby swears or affirms as follows:

1. Employer understands that E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with NCGS §64-25(5).

2. Employer understands that Employers Must Use E-Verify. Each employer, after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS§64-26(a).

3. Employer is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in this State. (mark Yes or No)

a. YES _____, or

b. NO _____

4. Employer's subcontractors comply with E-Verify, and if Employer is the winning bidder on this project Employer will ensure compliance with E-Verify by any subcontractors subsequently hired by Employer.

This 10 day of December, 2013.

_____
Signature of Affiant
Print or Type Name: Derek Jones

State of North Carolina Orange County

Signed and sworn to (or affirmed) before me, this the _____

day of _____, 2013.

My Commission Expires:

_____ _____
Notary Public

(Affix Official/Notarial Seal)

THE FREELON GROUP | ARCHITECTS

5310 SOUTH ALSTON AVENUE
BUILDING 300
DURHAM, NC 27713

919.941.9790
919.767.0144

www.freelon.com

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FREELON

January 10, 2014

Jeffrey E. Thompson
Director
Orange County Asset Management Services
131 W. Margaret Lane
Hillsborough, NC 27278

Re: Orange County Public Library Siting Facilitation

Dear Mr. Thompson:

The Freelon Group (Freelon) is pleased to submit this proposal for services to facilitate public engagement meetings to gather information from the community on the programs, space requirements and site preferences for a future Southern Branch Library. We have based our proposal on discussions to date, the OCPL Community Needs Assessment (2012), the Orange County Public Library Strategic Plan 2013-2016, and information we have gathered from our interview last week.

Scope
We understand that this is not a design effort. Rather, we will collect information necessary to identify and evaluate potential branch library sites. We will also generate a rough order of magnitude program that may be the basis of subsequent design work under a separate contract. The primary objectives of this scope of work will be to gather and prioritize public opinion regarding:

1. Desirable Programs and Services in the new branch library
2. Site selection criteria for future Southern Branch Library
3. Preliminary Southern Branch Library Program to define general qualitative preferences as well as a rough order of magnitude space list

In addition, Freelon will be a member of the due diligence team to review specific technical questions about an assigned site.

We have based this proposal on a process involving three (3) public meetings and five (5) meetings with Orange County Public Library Leadership Team. Each public meeting will be preceded by an internal planning and strategy session with the OCPL Leadership Team including some additional meetings to review and develop programming scenarios.

Process
As we all know, public engagement is a creative and open ended process subject to unexpected conditions and issues. As such, we must always be nimble and ready to change our strategy as circumstances require. Nevertheless, we anticipate the following general process:

Public Input Facilitation (Meeting 1): Freelon will meet twice with the OCPL Leadership Team to learn about the Library's internal vision, determine strategic goals, and learn about any systemic criteria that must be maintained across county and library facilities. We will also use these sessions to schedule and plan for the public meeting. The first public meeting will begin with an overview of the process and a brief presentation on the changing role(s) of public libraries to encourage expansive thinking among the participants. This will be followed by a series of public exercises to solicit broad ideas about the services and feel of the future library.

THE FREELON GROUP | ARCHITECTS
POST OFFICE BOX 12876
RESEARCH TRIANGLE PARK, NC 27709
T 919 941 9790
F 919 767 0144
WWW.FREELON.COM

Public Input for Strategic Programming (Meeting 2): Freelon will meet once with the OCPL Leadership Team to review the outcome of the previous meeting, prioritize gathered information, and plan the second public meeting. At the second public meeting Freelon will report back findings from the first session. We will also conduct a series of more focused exercises to delve deeper into commonly shared priorities and/or themes of particular interest. Part of the effort will be focused on more detailed siting criteria. If a particular site has been identified, exercises may be specific to the conditions of that site option.

Final Report (Meeting 3): Freelon will meet twice with the OCPL Leadership Team to review the outcome of the previous meeting, prioritize gathered information, and review preliminary programming documents. We envision a cycle of 2-3 revisions of the program document which will include projected space allocations, operational adjacencies, and qualitative descriptions based on Leadership Team and public feedback. If a site has been assigned, the program may be projected onto the site to evaluate how it fits the physical conditions of the site. The third and final public meeting will be used to report back findings in the presence of the Board of County Commissioners and interested members of the public.

Site Review Due Diligence: We understand that an Orange County team will review an assigned site for the future Southern Branch Library. Freelon will be available to provide input on specific technical questions after review by other members of the due diligence team to help measure compliance with the technical requirements of a branch public library.

Deliverables

Freelon will submit five (5) hardcopies and one (1) electronic copy of the Final Report. Though the exact contents may vary, the Final Report will generally include:

- Executive Summary
- Process (including a summary of public sessions and major findings)
- Site Selection Criteria
- Preliminary Southern Branch Library Program
- Program Adjacency Diagram
- Component Program Test Fit (of an assigned site)
- Next Steps

Schedule

We understand that a contract for this initial phase of work will be finalized by the end of January 2014. Although no milestone dates have yet been discussed, we anticipate the entire process from our first meeting with the OCPL Leadership Group to the delivery of the Final Report to be approximately 3-4 months. Based on OCPL's needs this time can be adjusted.

Compensation

For the above noted scope of services, we propose a lump sum fee of **Twenty-Nine Thousand Five Hundred Dollars ($29,500)**. Fees will be billed on a monthly basis as a percent complete according to the following table:

Public Input Facilitation	$ 15,000
Strategic Southern Branch Programming	$ 10,000
Technical Site Review Assistance	$ 1,000

FREELON

Final Report	$ 3,500
TOTAL	**$ 29,500**

Estimated Reimbursable Expenses	**$ 1,500**

Reimbursable expenses will be billed at cost + 10%. Typical expenses include printing, copying, and travel. Any unusual expenses such as out of town travel or lodging will be pre-approved by the owner. We do not anticipate expenses to exceed 5% of the fee.

Architectural Rates

The following are the architectural labor rates to be used for the calculation of additional services not contained within this proposal:

Managing Principal	$ 170
Lead Designer	$ 145
Library Planner	$ 110
Intern	$ 70

We appreciate this opportunity to provide services to Orange County Public Library and look forward to starting the public facilitation process. We are happy to answer any questions or discuss adjustments to this proposal.

Sincerely,

THE FREELON GROUP, INC.

Derek Jones, AIA LEED AP
Principal

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 7-b

SUBJECT: Rural Recycling Service District Implementation Planning

DEPARTMENT: Solid Waste Management **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
1. October 8, 2013 Abstract – Review Process for Creating a Solid Waste Collection and Disposal District
2. Proposed Service District Implementation Plan
3. Revised Draft Orange County Rural Curbside Recycling Map

INFORMATION CONTACT:
Michael Talbert, 245-2308
John Roberts, 245-2318
Gayle Wilson, 968-2885

PURPOSE: To review and consider authorizing a plan for creation and implementation of a Solid Waste Collection and Disposal District for recycling in unincorporated Orange County and provide direction to staff.

BACKGROUND: A recent court decision, Lanvale v Cabarrus County, essentially stated that where there is no direct statutory authority to levy a fee, a local government cannot levy a fee. Since the Lanvale opinion was issued, Orange County staff has been engaged in discussions regarding how, going forward, the County can best address the issues created by this action by the NC Supreme Court. The Supreme Court decision indicates that the Basic Fee is likely consistent with existing law, but the Urban, Rural and Multi-family recycling fees may not be consistent with existing case law. The Board of County Commissioners ceased assessing the Urban, Rural and Multi-family recycling fees beginning with the Fiscal 2013/14 Annual Budget. These services for Fiscal 2013/14 were funded with solid waste enterprise fund reserves in order to allow the Board of Commissioners time to resolve the funding problem.

The Rural Curbside Recycling Program currently is limited to approximately about 13,750 households eligible in the unincorporated area of the County. A Rural Curbside Recycling Map is provided at Attachment 3 with existing rural curbside (and previous 3-R Fee) customers in blue and an added area in yellow to combine with the blue to represent a proposed solid waste tax district.

The proposed District includes additional parcels from the existing service area so that it more clearly meets statutory requirements that require parcels within the District be contiguous and represents a more compact and defined area that eliminates isolated pockets of parcels. Furthermore, last year's switch to single stream coupled with the upcoming acquisition of new compacting collection trucks provide efficiencies that permit the addition of up to about 2,000 additional services points without requiring additional resources and will maximize the efficiency

of the two route trucks. Future district expansions will require repeating the process of notice and public hearings and consideration of additional staff/equipment resources.

The bi-weekly (every other week) recyclables collection service for the proposed district will be provided by Orange County staff and equipment as is the current service. Roll carts will be distributed to all residences within the district and to those few, smaller commercial establishments that generate residential quantities of recyclables. The service is envisioned to be provided as automated to the extent possible and semi-automated or even manual in certain service situations. Special services for the elderly or disabled will continue to be provided.

On April 9, 2013 the Board reviewed eight (8) options for Orange County to fund the County's Solid Waste and Recycling Services and eliminated a county-wide Franchise agreement from consideration. After a public hearing held on April 23, 2013 to take public comments on the top three (3) options, the Board unanimously directed staff to maintain the current recycling program and;

- Directed the Manager to meet with the Managers of Carrboro, Chapel Hill and Hillsborough to determine their willingness to participate, to ascertain their needs and concerns, and report back to the Board of Commissioners by the end of the 2012-13 fiscal year so that the County may proceed with implementation;
- Directed the Chair to meet with the three Mayors for a similar, parallel discussion;
- Adopted an interim funding plan for 2013-14, at the end of this fiscal year;
- Committed to further investigate both a Solid Waste Tax Service District and a Solid Waste Authority

At a work session on October 8, 2013, the Board reviewed the process for creating a Solid Waste and Disposal Service District (see Attachment 1).

On December 10, 2013 the Board evaluated three options for continuation of rural curbside recycling services, including the advantages and disadvantages. The Board requested that staff prepare a Solid Waste Disposal Service District (Rural Curbside Recycling Only) implementation plan for consideration. A draft implementation and timeline is presented as Attachment 2.

The lead time necessary to establish the Solid Waste Collection and Disposal District for July 1, 2014 implementation will require timely decision making by the Board in order to complete:

1) the process of scheduling and publishing a Notice of Public Hearing(s);
2) preparation of a report on the district;
3) conducting the hearing(s);
4) making a decision to create a district;
5) incorporating the necessary budget numbers into the Fiscal 2014/15 recommended budget; and
6) making the necessary tax database adjustments to meet annual tax billing deadlines.

A projected property tax rate of 1.5 cents per 100 dollars of property value is estimated to support the Rural Recycling Service District. A typical homeowner located within the proposed district would pay an additional $37.50 in property taxes annually if the property tax rate is set at 1.5 cents and the residence is valued at $250,000. For every $50,000 of property value, with a 1.5 cent property tax rate, $7.50 of property tax revenue would be generated for the proposed

district. This is compared to the old 3-R Fee of $38 per year for Rural Curbside Recycling last approved by the Board for Fiscal 2011/2012.

FINANCIAL IMPACT: The Rural Curbside 3-R fee was $38 in Fiscal 2011/2012 and generated about $506,000 in revenues. The County has already moved to single stream recycling and needs to purchase:

1) up to 14,000 roll carts (estimated at $53.50 each) in Fiscal 2014/15; and
2) two new recycling trucks (estimated at $290,000 each) in current Fiscal Year (due to necessary lead time to acquire) to fully implement the Rural Curbside Recycling program.

Staff preliminary budget estimates indicate that it will cost about $630,000 to fund the program in Fiscal 2014/2015, although these estimates will be refined and detailed during the FY 2014/15 budget process. The new District Tax rate will be determined by the total valuation of the proposed district divided by the proposed Fiscal 2014/15 rural curbside recycling budget, currently estimated at 1.5 cents/hundred dollars value.

RECOMMENDATION(S): The Manager recommends that the Board move forward with considering the establishment of a Solid Waste and Disposal Service District for Fiscal 2014/15 based on the proposed district delineation (Attachment 3) that includes approximately 15,500 households (including the approximately 13,750 households currently eligible for rural curbside recycling services) by:

1. Discussing potential public hearing(s) on the proposed District establishment and, if inclined, determining the number and locations of public hearing(s) the Board would like staff to pursue scheduling, including whether the public hearings should be separate meetings or occur as part of regular Board meetings (Note – Based on statutory requirements and time constraints associated with a July 1, 2014 implementation, staff believes public hearing(s) will need to occur in late March and early April);
2. Pending outcomes from #1 above, directing staff to bring back proposed public hearing dates, times, and locations to the February 4, 2014 regular Board meeting for approval;
3. Directing staff to move forward with the development of draft Notices of Public Hearing to be finalized after the Board's February 4, 2014 actions and to prepare to mail those Notices to Property Owners within the proposed District by February 14, 2014;
4. Directing staff to complete the required District Report based on the attached Orange County Rural Curbside Recycling Map and place the Report in the Clerk to the Board's office by February 14, 2014; and
5. Planning to make a final decision on the establishment of a proposed District after the potential public hearing(s) and no later than April 15, 2014.

ATTACHMENT 1

ORANGE COUNTY
BOARD OF COMMISSIONERS

COPY

ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 8, 2013

Action Agenda Item No. 2

SUBJECT: Review the Process of Creating a Solid Waste Collection and Disposal System Service District

DEPARTMENT: Solid Waste/Recycling

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
A) Draft Notice of Public Hearing
B) Draft Resolution Establishing a Solid Waste Collection and Disposal System Service District

INFORMATION CONTACT:
Gayle Wilson, 968-2885
John Roberts, 245-2318
Michael Talbert, 245-2308

PURPOSE: To review the process of creating a Solid Waste Collection and Disposal System Service District and the possible inclusion of the Towns.

BACKGROUND: Orange County is recognized as being number one in the state for waste reduction, reaching 59% of its 61% aggressive reduction. The County is disposing only 0.56 tons/person compared to the base year of 1991-92, when the disposal rate measured 1.36 tons. In the region, Wake County has achieved a 25% reduction rate, Durham County rate is at 21%, Chatham County is 37%, and Alamance County with 26%. Orange County's 61% waste reduction goal was adopted in 1997 by the County and by the Towns of Carrboro, Chapel Hill and Hillsborough as part of the County's original Comprehensive Solid Waste Plan. The County is committed to robust public education services and waste reduction programs regardless of the funding options preferred by the Board.

The County's Reduce, Reuse & Recycle (3-R) Fees previously consisted of four annual recycling fees adopted by Orange County in 2004 to fund recycling programs and services that are billed in conjunction with the annual property tax. The fees consisted of a Basic Fee ($37/year) that was charged to all improved properties county-wide and funds various recycling operations such as the county Toxicity Reduction Improvement Program (Household Hazardous Waste, batteries, waste oil, electronics, etc.), recycling drop-off sites, recycling at solid waste convenience centers, education and outreach, enforcement, planning, etc. An Urban Curbside Fee ($52/year) was assessed to improved residential properties within incorporated municipalities and funded weekly curbside recycling service. A Rural Curbside Fee ($38/year) was charged to residential property in areas of unincorporated Orange County eligible to receive bi-weekly curbside recycling service. Finally, a Multi-family Fee ($19/year) was charged multi-family units throughout Orange County for multi-family recycling services.

Not related to recycling, the County also assesses a county-wide Solid Waste Convenience Center Fee that is billed in conjunction with the annual property tax. The Unincorporated Areas

Fee is ($20/year/Household); the Incorporated Areas Fee is ($10/year/Household), and the Multi-family Fee is ($2/year/multi-family unit). This basic Solid Waste Convenience Center Fee covers a portion of the operating costs of the County's five (5) Convenience Centers.

A recent court decision, Lanvale v Cabarrus County, essentially stated that where there was no direct statutory authority to levy a fee, a local government cannot levy a fee. Since the Lanvale opinion was issued, Orange County's staff has been engaged in discussions regarding how, going forward, the County can best address the issues created by this action by the Supreme Court. The Supreme Court decision indicates that the Basic Fee is likely consistent with existing law, but the Urban, Rural and Multi-family recycling fees may not be consistent with existing case law. The County Manager recommended that the Board of County Commissioners cease assessing the Urban, Rural and Multi-family recycling fees beginning with Fiscal Year 2013/14 Annual Budget. The County Manager further recommended funding these services for Fiscal Year 2013/14 only with solid waste enterprise fund reserves in order to allow the Board of Commissioners time to resolve the funding problem.

The Rural Curbside program currently is limited to 13,730 households eligible in the unincorporated area of the County. <u>These services are provided by County Solid Waste staff</u>. Just 6,000 households lack access to rural curbside service at this time. Waste collections in unincorporated Orange County are provided by several private haulers, without a County Franchise Agreement, on a voluntary basis to those using the services.

The Urban Curbside recycling serves Chapel Hill, Carrboro and Hillsborough municipal residents. <u>The services are paid for by Orange County Solid Waste under contract with Waste Industries, Inc</u>. and the towns are responsible for household solid waste within their town limits.

The Multi-family recycling serves multi-family establishments in both incorporated and unincorporated Orange County. <u>The multi-family recycling services are provided by Orange County Solid Waste staff.</u>

On April 9, 2013 the Board reviewed eight (8) options for Orange County to fund the County's Solid Waste and Recycling Services and eliminated a county-wide Franchise agreement from consideration. The Board held a public hearing on April 23, 2013 to receive public comments on the top three (3) options identified by the Board on April 9, 2013. Attachment 2 provides a detailed assessment of the three (3) options considering the Board's goals and commitment to recycling. Those options are:

1) Create a County-Wide Solid Waste Management Authority,
2) Create a Solid Waste Tax Service District; and
3) Eliminate Rural Curbside Recycling.

The Board unanimously wished to maintain the current recycling program and

- Directed the Manager to meet with the Managers of Carrboro, Chapel Hill and Hillsborough to determine their willingness to participate, to ascertain their needs and concerns, and report back to the Board of Commissioners by the end of 2012-13 fiscal year so that the county may proceed with implementation;
- Directed the Chair to meet with the three Mayors for a similar, parallel discussion;
- Adopted an interim funding plan for 2013-14 at the end of this fiscal year;
- Committed to further investigate both a Solid Waste Tax Service District and a Solid Waste Authority.

A county-wide Solid Waste Tax Service District approach is a more comprehensive and flexible option that would include the Towns and the current Rural Curbside Service Area. A Tax Service District can provide services via County staffing, contracted, optional or mandatory programs or otherwise formulated approaches to both solid waste and recycling services as long as services are delivered and funded on some basis county-wide in the unincorporated areas of the County and can allow one or more towns to opt into the District. The effective date of a new Solid Waste Tax Service District would be July 1, 2014.

There is a process to create a Solid Waste Tax Service District that is identical to the process used for the creation of Fire Service Districts completed in the spring of 2013.

Schedule and Publish a Notice of Public Hearing:

Prior to the Public Hearing, the County must prepare a Report on the district. A copy of the report must be kept in the Clerk's office. The report must contain the following:

1. A map of the proposed district, showing its proposed boundaries;
2. A statement showing that the proposed district meets the standards set out in subsection (a); and
3. A plan for providing one or more of the services listed in G.S. 153A-301 to the district.

The Report should also include:

1. The resident or seasonal population and population density of the proposed district.
2. The appraised value of property subject to taxation in the proposed district.
3. The present tax rates of the county and any cities or special districts in which the district or any portion thereof is located.
4. The ability of the proposed district to sustain the additional taxes necessary to provide the services planned for the district.
5. If it is proposed to furnish water, sewer, or solid waste collection services in the district, the probable net revenues of the projects to be financed and the extent to which the services will be self-supporting.
6. Any other matters that the commissioners believe to have a bearing on whether the district should be established

Notice of Public Hearing must be mailed (first class prepaid is fine), at least 4 weeks prior to the date of the public hearing, to the "owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district." The preceding January 1 is the January 1 prior to the public hearing. The commissioners designate who handles the mailing. If the towns choose to be included in the district, the BOCC can designate the towns to conduct the mailing to all owners of district properties located within town limits.

The Notice of Public Hearing must be published at least one week prior to the public hearing. A map of the service district must be attached to the notice and the resolution.

If the Towns authorize the County to collect and charge a fee for recycling within their town limits, as Chapel Hill recently did for areas within its limits located in Durham County, there would be no need to include the towns in the service district. A fee structure similar to what the county has always had could be implemented. Included in the Fiscal 2013-2014 Annual

Budget, Chapel Hill gave the County authorization to collect recycling and impose fees in its Durham County jurisdiction. If this authorization was used by the towns it would be an easier way to reach the same goal.

The Town of Chapel Hill is exploring alternative options for solid waste disposal, as well as ways of increasing efficiency with solid waste collection. The Town contracted SCS Engineers to provide a Comprehensive Review of Solid Waste Collection and Disposal Options (study). The study examines the Town's current solid waste collections and disposal programs to identify opportunities to enhance these services, improve efficiencies, and evaluate innovative technologies in the solid waste industry. The Chapel Hill Town Council will begin discussion of Solid Waste options in October 2013 and is not ready make a commitment to join a Solid Waste Tax Service District.

Both the Town of Carrboro and the Town of Hillsborough have indicated an interest in being part of a Solid Waste Tax Service District.

In Fiscal Year 2013-14 the Basic 3R Fee of $37/year was charged to all improved properties county-wide and funds various recycling operations such as the County Toxicity Reduction Improvement Program (Household Hazardous Waste, batteries, waste oil, electronics, etc.), recycling drop-off sites, recycling at solid waste convenience centers, education and outreach, enforcement, planning, etc. The Urban Curbside Fee of $52/year, the Rural Curbside Fee of $38/year and the Multi-family Fee of $19/year were not billed in Fiscal Year 2013-14. Solid Waste Reserves were utilized to fund the County's Recycling Program in Fiscal Year 2013-14 and is not an option for Fiscal Year 2014-15.

FINANCIAL IMPACT: There is no financial impact to the County in discussing funding options for the County's Recycling Programs.

RECOMMENDATION(S): The Interim Manager recommends that the Board discuss a Solid Waste Tax Service District and provide guidance to staff.

NOTICE OF PUBLIC HEARING
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

Pursuant to the requirements of the General Statutes of North Carolina, Chapter 153A-302(c) notice is hereby given that the Board of County Commissioners will hold a Public Hearing in the meeting room located at _____, on Tuesday _____ at 7:00 p.m. for the purpose taking specific action on the following item:

Creation of a solid waste collection and disposal system service district.

1. A report prepared on the proposed district as required by N.C.G.S. 153A-302(b) may be inspected in the Office of the Clerk to the Board of County Commissioners located in the John Link Government Services Building located at 200 South Cameron Street, Hillsborough, North Carolina between 8:00 a.m. and 5:00 p.m., Monday through Friday.

2. A map of the proposed solid waste collection and disposal system service district is attached as Exhibit One.

Questions regarding the proposed solid waste collection and disposal system service district may be directed to the office of _____ located on the second floor of the _____, Hillsborough, North Carolina, 27278. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. You may also call (919) 245-XXXX extension____.

PUBLISH:
NEWS OF ORANGE CHAPEL HILL HERALD

ORANGE COUNTY BOARD OF COMMISSIONERS
RESOLUTION ESTABLISHING A SOLID WASTE COLLECTION AND DISPOSAL SYSTEM SERVICE DISTRICT

WHEREAS, the Orange County Board of County Commissioners ("Board") has determined there is a need to establish a solid waste collection and disposal system service district in order to provide for the health, safety, and general welfare of the residents of the area shown on Attachment 1 hereto that being the solid waste collection and disposal system service district ("District"); and

WHEREAS, in accordance with Article 16 of Chapter 153A of the North Carolina General Statutes the Board conducted a public hearing on the establishment of the District; and

WHEREAS, during the public hearing and in determining whether to establish the District the Board considered the resident or seasonal population and population density of the proposed District, the appraised value of property subject to taxation in the proposed District, the present tax rates of the county and any cities or special districts in which the District or any portion thereof is located, the ability of the proposed District to sustain the additional taxes necessary to provide the services planned for the District, the probably net revenues of the projects to be financed and the extent to which the services will be self-supporting, and the overall need for solid waste collection, disposal, and recycling in the District.

NOW, THEREFORE, BE IT RESOLVED, the Board finds that there is a demonstrable need for providing solid waste collection, disposal, and recycling in the District as authorized by N.C.G.S. 153A-301(a)(5), it is impossible or impracticable to provide those services on a countywide basis, it is economically feasible to provide the proposed services in the District without unreasonable or burdensome annual tax levies, and there is a demonstrable demand for the proposed services by persons residing in the District.

BE IT FURTHER RESOLVED that for all the foregoing reasons the Orange County Board of Commissioners hereby establishes a solid waste collection and disposal system service district in the areas of Orange County shown on Attachment 1.

Passed the ____ day of _____, 201__ and having an effective date of July 1, 2014.

_____
Barry Jacobs, Chair
Orange County Board of Commissioners

Attest:

_____
Clerk to the Board of Commissioners

ATTACHMENT 2

Solid Waste Service District Implementation Plan

(Proposed)

- Direct staff to prepare a report on the district that will be placed in Clerk's office prior to the Public Hearings. The report must include the following:
  1. A map of the proposed district, showing its proposed boundaries;
  2. A statement showing that the proposed district meets the standards set out in subsection (a);
  3. A plan for providing one or more of the services listed in G.S. 153A-301 to the district; and
  4. Other information as directed by the Board of Commissioners.

Date Report due to be placed in Clerk's office – February 14, 2014

- Set Public Hearing date(s) no sooner than March 17, 2014

BOCC Selects Date(s) of Public Hearing – January 23

- Authorize Notice of Public Hearing to be mailed first class prepaid, at least 4 weeks prior to the date of the public hearing, to the "owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district." The preceding January 1 is the January 1 prior to the public hearing. The commissioners designate who handles the mailing The Notice of Public Hearing must be published at least one week prior to the public hearing. A map of the service district must be attached to the notice and the resolution. (Notice of Public Hearing to be published by Clerk minimum 1 week prior to hearing date)

Date to Mail Notice of Public Hearing(s) -- February 14 (no later than)

- Conduct Public Hearing(s)

Public Hearing Held – March 18? and March ??(if more than one)

- BOCC makes decision on Solid Waste District

BOCC makes decision – April 1 or 15

- BOCC approves purchase of roll carts (approximately 13,800) for existing rural curbside service area.

BOCC approves rural roll cart purchase –June 17, 2014

- Letters to all eligible residents to notify of upcoming cart distribution. Letter to all previously eligible non-taxable property to notify of direct pay requirement.

Letters mailed – October 2014

- Distribute roll carts to current rural curbside service area and initiate roll cart service (assumes significant public education and outreach efforts, including the addition of new recyclable material to program)

Roll cart distribution and collection – November/December 2014

- Reroute existing rural curbside routes to incorporate any new parcels and efficiencies obtained from single stream/new compaction trucks. Include education and outreach to any newly eligible parcels. Letters to newly eligible district residents notifying of upcoming cart distribution.

Rerouting of entire district and letters mailed – July/August 2015

- BOCC approves purchase of additional roll carts (approximately 2,000)

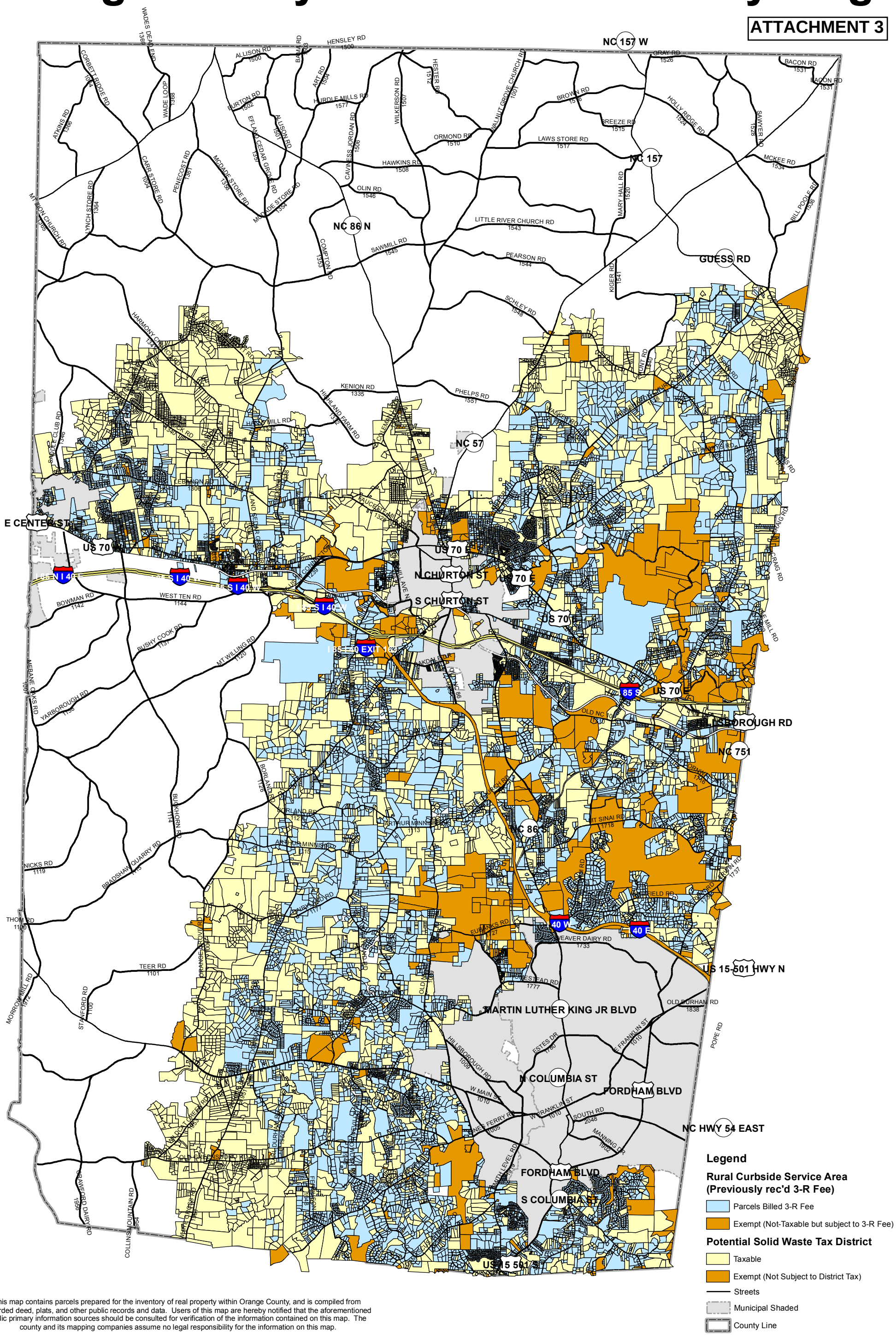
BOCC approves additional roll cart purchase – August 2015

- Implementation of rerouting to entire district that includes all eligible parcels. Distribute remaining roll carts to newly eligible residences (assumes public education and outreach efforts) and finalize delivery of rural curbside services to all of District.

Entire district fully implemented – September/October 2015

Orange County Rural Curbside Recycling

ATTACHMENT 3



This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.

Date: 1/9/2014

1 inch = 10,000 feet

Orange County Tax Administration/Land Records/GIS

Layer	Parcel Count	Total Evaluation(Excludes Exempt)
Rural Curbside Service Area	12,547(Includes 63 Exempt)	$3,515,438,581
Potential Solid Waste Tax District	7,987(Includes 631 Exempt)	$937,454,584
Total	20,534(Includes 694 Exempt)	$4,452,893,165

ORD-2014-005

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 7-c

SUBJECT: Approval of Budget Amendment #4-B to Purchase Rural Curbside Recycling Trucks

DEPARTMENT: Solid Waste Management **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):

Vender Quotation

INFORMATION CONTACT:
Gayle Wilson, 919-968-2885
Michael Talbert, 919-245-2308
Clarence Grier, 919-245-2453

PURPOSE: To consider approving Budget Amendment #4-B authorizing the purchase of two (2) rural curbside recycling trucks from Southern Trucks of Charlotte, North Carolina utilizing the Sole Source exemption from the formal bidding requirement.

BACKGROUND: Previous Recycling Division capital improvement plans provided for the replacement of two dual stream recycling trucks with over 130,000 miles and which are presently in very poor mechanical condition. Orange County collects recycling from about 13,700 homes in the unincorporated areas of Orange County. The trucks that currently collect these routes were scheduled to be replaced in 2010, and the County has postponed the replacement, initially to await conversion to single stream, and subsequently due to uncertainties related to various County recycling services, including the Rural Curbside Program. These various uncertainties have been resolved, and at the December 10, 2013 regular meeting, the BOCC authorized proceeding to replace the rural curbside collection trucks.

The trucks being proposed have compacting bodies enabling the Recycling Division to collect more homes while on route without having to break off-route to unload material, thereby creating more efficient routing. The cab and chassis being proposed is a low entry cab for employees to safely enter and exit the vehicle when required to collect 18 gallon bins throughout the route. The truck is also capable of automated roll cart collection. Due to the nature of collection in the rural program and the need for a capability for collecting both bins and carts, there are only a few truck configurations that might address this necessity. Recycling staff tested three different body manufacturers equipment on specific rural routes: GS, Heil, and Labrie.

The Labrie Expert 2000 is the only truck that had an arm that can reach 10 feet to collect carts off the curb and around difficult to maneuver cul-de-sacs and is also the only truck that can store the arm in the body's hopper for easy and ergonomically safe manual collection of bins. The Heil has a maximum reach of six feet and the GS has a maximum reach of eight feet.

There are only two cab and chassis manufacturers (Mack and Crane Carrier) that make a cab-over engine cab with a curbside entry step as low as 18 inches from the ground. Due to the expected number of rural customers that elect to continue using bins, the rural curbside drivers will continue to enter and exit the cab hundreds of times each day. Thus entry height for driver health & safety is a major concern. While the Mack has an initial entry height of 18 inches, it has a second step making the total height over 30 inches. The Recycling Division currently operates Crane Carrier cabs, and it is the only cab manufacturer the makes a low entry cab that has such driver friendly low entry capability that is truly only 18 inches.

After researching and testing the trucks, the Recycling Division found the best option to be the Crane Carrier cab and chassis with Labrie Expert 2000 drop frame bodies.

North Carolina General Statute (NCGS) 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(g) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.

Staff has conducted a thorough investigation of the marketplace for Recycling Trucks that will accommodate both bins and roll carts, and the Crane Carrier cab and Chassis with the Labrie Expert 2000 drop frame body is a sole source item and competition is precluded. The Recycling Division would also like to take advantage of three warranty options: a five (5) year transmission warranty for an additional $940 per unit, a three (3) year/150,000 mile after treatment warranty for an additional cost per vehicle of $450 and the three (3) year/150,000 mile engine warranty for an additional $1,800 per unit. Expected delivery time is currently at 8-9 months from date of order.

FINANCIAL IMPACT: The total cost of the two recycling trucks is $581,314 ($290,657 each), <u>including tax, tags, decals and GPS antenna</u>. Approval of Budget Amendment #4-B is recommended to allow a mid-year purchase from solid waste enterprise fund reserves.

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

- Approve Budget Amendment #4-B for a total of $581,314 from solid waste enterprise fund reserves for the purchase of the two curbside recycling trucks; and
- Approve a Sole Source exemption purchase from Southern Truck of Charlotte, North Carolina to procure the two curbside recycling trucks at a cost of for $287,076 each ($574,152).

AMICK EQUIPMENT

Refuse Collection Systems and Equipment since 1959

11-6-13

David Urmston NC Sales Rep
Amick Equipment Company
814-E Knox Road
McLeansville, NC 27301 cell 919-628-3846 fax 980-248-2272

Jim Easley
Southern Truck Center
2418 Toomey Ave.
Charlotte, NC 28203 cell (704) 576-1716

Subject: Orange County drop frame, automated refuse body.

LaBrie 31 cubic yard Expert 2000 with the helping hand 10 ft. arm and a LH cart tipper with controls.

All items listed:
Expert Helping Hand 31 yard (27+4)
Dark Green- Dupont 1-LO367 EB body and cab, matched
tanks in drop section, 65 gal fuel-65 gal hyd for CCC chassis with suitable drop frame, 2010 EPA
arm joystick controls: dual joystick, Crane Carrier Low Drop Tilt
cart dumper: LH side for 96 gal carts with additional controls: packer, single crusher panel and chute controls
grab pack programmable packer cycle after cart pickup
grabber counting device, counts number of carts dumped
gripper auto close over-ride
long reach extension RH side helping hand only
spill shield: installed behind grabber
Split hopper dutch door, rh only
back-up lights: qty 2 additional on tailgate LED type
LED body lights including back-up and liscence
LH Side hopper light; RH rail light
Light amber strobe, 6" Preco in center of tailgate: in-cab switch- qty 1
Light: (4) LED multi function strobe/turn signals- amber- 4": additional red center brake light & stop-tail lights in upper tailgate light box
Work light kit: dual- in-cab single manual switch- LED type
Pump: Double vane T6DC ILO standard pump- speed up on external control only
Camera System: triple 3rd eye with 7" color LCD-Swivel monitor, incl heater-sound-night vision- 4 in 1 display-
High electromagnetic noise resistance & auto switcher. No shutter
One camera on tailgate, one camera on LH side hopper , and one camera on LH side mirror
Fire extinguisher, 5lb ANSI: first aid kit: Flare Kit: Triangle safety kit, ANSI
Clean out tools (broom, shovel kit includes brackets installed inside RH side door: hoe including bracket installed on LH Side Body)
Caution This Vehicle Stops and Backs Frequently: 74.5in x 23.5in
Conspicuity Tape ANSI
One color standard body paint- Urethane: included in base price
1 year on body only warranty
1 year on hydraulics (hydraulic pump-hydraulic cylinders-valves only)

Terms:
Body Net 28 days after shipment from factory.
Interest fee is 1.5% per month.
Delivery is 150 to 180 days after receipt of chassis:
Chassis to be delivered to LaBrie Corporation in Canada.

Body cost with all listed bid items, mounted on Crane Carrier Chassis and delivered to Southern Truck in Charlotte

	$129,762.00 each
2 units mounted and delivered	**$258,524.00**

PO from Southern truck and copy of PO from Orange County required to order bodies.

Thank You,
David Urmston

CRANE CARRIER COMPANY

The Heavy Trucks Specialists

Chassis Quotation

2013 Pricing D

Regional Sales Manager: Butler	P.O.#:	E-Mailed:	United States Date: 11/5/2013

Purchaser: Southern Truck Service, Inc Address: P.O. Box 36483 City/ST/ZIP: Charlotte, NC 28236 Attn: Jim Easley Telephone: 704-372-1980 Fax: 704-372-1983	For Sale To: Orange County, NC Address: City/ST/ZIP: Attn: Calvin Ferguson Telephone: 919-968-2800 Fax:	OEF#: Rev: Date: S/N: Qty: 2 (Two) Model: LDT2-40 Standard Cab Spec#:
Vocation (ie. FL, RL, ASL, MSL, RO): SL / ASL	Body Make: Labrie	Body Model: Expert 2000 w/HH

Engine/Torque @ RPM: CUMMINS - ISL9-330 1000 @ 1400 RPM
Accessories: 10 Gal. Heated DEF Tank Standard Location RH Side
Accessories: FEPTO Adapter 1350/1410
Accessories:
Block Heater: Block Heater 1,000 Watt w/ Red Indicator Light 120V
Air Compressor: Cummins-Wabco, 18.7 CFM
Cooling System: Remote 1814 Sq. In. -34 F Below Zero XL
Accessories:
Accessories:
Accessories:
Air Intake: Parker 13" Steel Intake
Accessories:
Accessories:
Exhaust: LH Vertical Flared Elbow, Painted
Accessories:
Accessories:
Battery Box/Batteries: Steel (2) Two GRP 31, 925 CCA Ea.
Accessories: Custom Location LH Side
Accessories:
Accessories: Fleming River Disconnect
Starter: Heavy Duty Soft Start
Alternator: Leece-Neville 160-AMP
Fuel Tank: 50 Gallon Steel Narrow Single Tank
Accessories: Standard Location LH Side
Accessories:
Filter/Separator Cummins Branded 12V Heated Filter
Trans. / Retarder: 3600RDS 6-Speed
Controls: Dual Pushbutton
NIS/Auto Neutral: Auto Neutral System / "AG" Function
Accessories:
Accessories:
Accessories:
Propshafts: Spicer Life Series SPL-170
Front Axle: D2000F
Accessories:
Brakes: 16.5 X 7 Wide Brake Package
Slack Adjusters: Automatic
Accessories:
Wheels: Hub - Steel Disc 22.5 X 9.00
Tires: 315/80R22.5 Bridgestone M860 L / 20
Spare Wheel: 1 Hub - Steel Disc 22.5 X 9.00
Spare Tire: No
Front Suspension: Parabolic Taper-Leaf 20k
Steering Position: RH, Sit-Down Dual Drive, Tilt / Telescopic Column
Accessories:
Rear Axle: DS 405-P
Accessories:
Brakes: 16.5 x 8.62 Wide Brake Package Tandem
Wheels: Hub - Steel Disc 22.5 X 8.25
Tires: 11R22.5 Bridgestone R250ED H / 16
Ratio/Max. Speed: 6.5 Ratio 62 MPH Limit Speed: 65 MPH
Slack Adjusters: Automatic
Accessories:
Spare Wheel: 1 Hub - Steel Disc 22.5 X 8.25
Spare Tire: No
Retarder:
Accessories:
Rear Suspension: HN-402 40k w/ Shocks, f/ 40k Axle
Tag/Pusher:
Wheels: No
Tires: No
Accessories:
Frame: Labrie / SHU-PACK RBM: See Price Book
Bumper: Painted Steel
Accessories:
Accessories:
Wheel Base: 248" CA/CT= 224" AF= 73"
ABS System: 4S / 4M
Air Tanks: (3) Three Steel Tanks
Drain Valves:
Pull Cords: Centralized Drain Valves
Air Dryer: Bendix B/W AD-9EP, Heated
Accessories:
Accessories:

Cab Construction: LDT2 RH, Sit-Down Dual Drive, Tilt / Telescopic Column
Cab/Tilt Pump: Standard Cab Manual Cab Tilt Assist Pump
Accessories:
Cab Exterior: Dual Tone, Air Horn Under Cab
Accessories:
Accessories:
Accessories:
Cab Interior: Dual Cab Fans
Air Conditioning: Air Conditioning, Integral
Stereo: AM/FM Stereo CD Player w/ Weather Band
Accessories:
Doors / Windows: LH Bi-Fold Sliding
RH Bi-Fold Sliding
Mirrors: LH 16" x 7" S/S West Coast w/ Combo "A"
RH 16" x 7" S/S West Coast w/ Combo "A"
Spot Mirrors: LH & RH (1) 6" Round Convex Spot, (2) Total 1-Each Side
Seats:
LH Sears C2 Air Ride, Asphalt Gray
RH Forward Sears C2 Air Ride, Asphalt Gray

Instrumentation:
Accessories:
Accessories:
Accessories:
Accessories:
Windshield Wiper(s): Intermittent Wipers
Cab Elec./Lighting: CCC Daytime Running Lights
Accessories: LED Cab Clearance, Marker & Turn Signals
Accessories:
Accessories:
Accessories:
Accessories:
Back-Up Alarm: Warn or Equal 107 dB(A)
Misc. Equipment: Spare Keys (2) Additional, Total 4
Accessories: Triangle Warning Kit, Mounted
Accessories: 10lb. Fire Extinguisher, Mounted
Accessories:
Accessories: One Additional Set of CD Manuals
Accessories:
Accessories:
Accessories:
Accessories:
Accessories:
Accessories: Dash Mounted Air Filter Indicator

Finish Paint:		Color:	Color/Code:
Cab:		Green	DuPont # 1-L0367EB
Upper Cab Stripe:	No		
Lower Cab Stripe:	No		
Bumper:		Black	N0001
Bumper Stripe:	No		
Frame:		Black	N0001
Battery Box:		Black	N0001
Fuel Tank:		Black	N0001
Clear Coat:	No		
Front Wheels:	2-Sided	White	PC
Rear Wheels:	2-Sided	White	PC
Spare Wheel(s):	2-Sided		

Additional Charges / Warranties (Non-Discounted):
Standard Chassis Warranty - 12 Months 12,000 Miles
Extended 3 Year 150,000 mi. PPI Cummins Engine Warranty w/ AT3 Protection
Extended 5 Year Unlimited Mileage Allison Transmission Warranty
Standard - 2 Year Dana Axle Warranty

TOTAL PRICE PER VEHICLE 287,076
TAXABLE TRANSACTION NO XX YES

Requested Delivery Date: ASAP (90 to 120 chassis 150 to 180 body) 240 to 300 days ARO

Note:
This Quote includes a 2014 model Crane Carrier LDT2-40 Cab Chassis with a Labrie Expert 2000 w/ Helping Hand Body, mounted and ready for service.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda
Item No. 7-d

SUBJECT: Potential Orange County Fair – Conceptual Plan and Follow-Up

DEPARTMENT: County Manager, AMS, Cooperative Extension, DEAPR, EDC, Visitor's Bureau

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Conceptual Plan and Follow-up with Budget
Possible Layout of County Fair

INFORMATION CONTACT:
Commissioner Mark Dorosin, 245-2130
Commissioner Renee Price, 245-2130
Manager Michael Talbert, 245-2300
County Fair Working Group Staff

PURPOSE: To report back to the Board on questions and follow-up information requested at the November 12, 2013 work session on the County Fair Working Group report.

BACKGROUND: On June 18, 2013 the Board of Commissioners appointed Commissioners Mark Dorosin and Renee Price to work with the County Manager's office and directors from several departments to develop an outline and basic information on a possible County fair. The Working Group met on five occasions to develop its report, participating in conference calls and site visits to potential fair locations, and receiving advice and feedback from the County Fair Coordinator from the NC Department of Agriculture. Members of the group visited other fairs and spoke to event organizers and representatives of other festivals and events.

The efforts culminated with an October 30, 2013 Information-Sharing Session held at the Solid Waste Operations Center meeting room on Eubanks Road, where 30 residents and interested parties attended a meeting and discussed the value of a possible fair, possible components and activities, locations, and what organizations or persons should be involved in further event planning.

This information, along with a distillation of previous conversations and discussions, was compiled into the Working Group report, which was presented at the November 12, 2013 work session. Additional outreach was conducted on the themes and ideas of the Working Group. The Working Group report, presented November 12, identified the following primary findings or themes are proposed for the Board's consideration:

- Celebrate the unique historical, social, cultural, and creative aspects of Orange County, and create a community-building event with entertainment, recreation and economic development potential.
- As an initial event, a two-day Friday-Saturday event, with Friday targeted for field trips from local schools.
- A possible initial fair target spring 2015 as a "test run," with a later decision on whether future fairs should be fall or spring.
- The future Blackwood Farm Park on NC 86 and New Hope Church Road between Chapel Hill and Hillsborough as the location. This site is near the population center of the county, has easy access to I-40, and has been used for similar festivals.
- The five primary themes of the fair would have an overarching sustainability theme; and include:
    - Agriculture, local food and restaurants
    - Arts and local artists
    - Orange County's diverse history
    - Schools, education and youth, and
    - Live music

The fair would also include attractions for children, including traditional and non-traditional rides and games.

A listing of approximately 35 groups and organizations was gathered with the idea of creating a "Coordinating Committee for the Orange County Fair' (CCOCF) to be formed to develop a County Fair Strategic Plan, with more-specific activities and amenities, a three-year financial plan (with a self-sustaining model), and a recommended management/operating structure for the fair.

When presented at the November 12 work session, there were several requests made by the Board for additional information:

- *A more specific plan and design for the fair proposal (with information on logistical or infrastructure needs for Blackwood Farm);*
- *A start-up budget with more detail; and*
- *Information on potential coordination and conflicts with other events, especially Hogg Day.*

A conceptual plan and follow-up report is included, with a proposed basic layout plan for a fair at Blackwood Farm Park. Representatives of the Working Group also met with Hogg Day representatives, and will share the results of that conversation.

The follow-up report includes additional information on revenue-generation proposals, and elaboration on the main themes (live music, food, agriculture, games, arts and crafts and history. An expected organizational approach and logistical needs are suggested, along with an updated budget. The Working Group recommendations are to 1) receive and discuss the report and projected budget, and 2) authorize hiring a professional events planner to coordinate fundraising and sponsorships, volunteer coordination and fair management and operations.

FINANCIAL IMPACT: The General Schematic Budget Estimate (attached) projects total revenues of $189,000 as noted from a variety of sources, and expenditures of $187,380 - with an additional 30% contingency ($56,214) for a possible total of $243,594. The large

contingency is recommended due to many unknowns associated with putting on an event of this sort for the first time.

The revenues include a $25,000 proposed outlay from the County General Fund for the hiring of an events planner and advertising. Additional funding from the General Fund may be needed as a 'stop-loss' measure and a source for the contingency, if needed. Revenues also include a $10,000 contribution from the Chapel Hill/Orange County Visitors Bureau special event fund. This fund has supported several events in Orange County, including TerraVITA, Hog Day, Carrboro Film Festival and others. The Bureau has $10,000 reserved for opportunity promotions and expects to contribute $10,000 to the County Fair, seed dollars that would go towards hiring the professional events planner to launch the Fair.

From a tourism perspective, promoting Orange County's bounty through an annual food, heritage and music event, will help the County's brand and, accordingly, tourism numbers. At its November 20, 2013 board meeting, the Visitors Bureau board passed a motion to earmark funds, pending Board of County Commissioners' discussion and approval of the County fair. Upon approval, the Visitors Bureau will allocate funds from the current fiscal year.

Some of the costs shown for the fair could be reduced or offset by volunteer assistance, in-kind services, or other revenues which are as yet unknown. Revenue estimates are not market-tested, and it is anticipated that the events planner would refine the revenue and cost figures as part of that work.

Considerable advance planning will be needed to fully develop the fair concept. A County fair in spring 2015 would require funding in the FY 2014-15 fiscal year. The Board's charge to the Working Group included a self-sustaining model over time, and if possible, from the outset. The proposed budget reflects this, and a multi-year budget could be developed by the events planner.

Some minor improvements would be needed at Blackwood Farm Park for the county fair as proposed to occur in spring 2015, and while these improvements are consistent with the park master plan, the current FY 2013-18 Capital Investment Plan (CIP) does not include funding for these items until 2018. This includes drive apron and stone, stormwater measures, and electrical panel upgrades totaling an estimated $9,500. While it is anticipated that any water needs for fire purposes may be met by the existing pond, it is possible that further analysis may warrant the installation of a fire hydrant. This cost is not included at this time, based on discussions with the Fire Marshal to date. These capital funds that are needs for both the fair and park would need to be moved up to FY 2014-15 if the fair is pursued. The Board will be developing a new FY 2014-19 CIP this spring.

An estimated 185 hours of staff time has been expended to date on this project.

RECOMMENDATION(S): The Manager recommends that the Board receive and discuss information provided by the County Fair Working Group and either:

1. Direct staff to move forward with the creation of a County Fair for the Spring of 2015, include the County Fair in the Fiscal 2014/2015 Annual Budget, estimated to be between $187,380 and $243,594, and include improvements to the Blackwood Farm Project; or

2. Direct staff not to move forward with the County Fair Project.

Orange County Fair – Conceptual Plan

January 23, 2014

Location:	**Blackwood Farm Park**, NC 86 and New Hope Church Road
Date:	**Spring 2015***
Main Themes:	Live Music, Local Food, Agricultural Demonstrations, Games, Arts/ Crafts, Non-Profit Booths, History.

Economic Development

The County fair is expected provide a boost to the local economy. Using marketing opportunities, the event could draw not only Orange County residents, but persons from surrounding areas. None of the surrounding counties, except for Chatham have an official county fair and might see a fair in Orange as something worth visiting. Some spinoff event-related sales and income for other local businesses may be expected as a result of the fair.

Revenue Generation

The County Fair offers revenue-generation opportunities to offset costs. Possible revenue generation options include but are not limited to some or a combination of the following:

- Community Fund-raising (including event or corporate sponsorships)
- Admission Charge (ticket sales)
- Parking or Shuttle Ride charge (could also double as entry pass)
- Food Booth Rentals / Share of food sales receipts
- Arts Booth Rentals / Share of arts/crafts sales receipts
- Tickets for games and rides
- Volunteer Contributions / Community Giving Fund
- Visitor's Bureau Contribution
- Orange County General Fund

The hiring of a contracted professional events planner is proposed (below) to help solicit funds, coordinate revenue generation and manage costs among other duties. The events planner could be paid in part or whole with a share of expected revenues, and would be instructed on the types of sponsors. The estimated breakdown of revenue projections is included in the attached General Schematic Budget Estimate. An overall target for the two day event is to attract 13,000 persons (or the equivalent of 10% of the county population) with the expectation of attracting people from Orange County and surrounding areas.

Elaboration on County Fair Main Themes:

Several themes for the County Fair have been identified, the following listing elaborates on a number of possible areas of activity. These ideas may be refined as the event

planning continues, and it is possible that the initial fair may not incorporate all of these ideas for budgetary reasons.

Live Music – Range of music genres and styles, bands, including school bands, local bands. Battle of the Bands (school jazz or concert bands – let schools decide set-up). Music from 10 am – 6 pm Friday and Saturday. No "headliners" or paid entertainment = no cost to listen to music acts. Infrastructure needs – stage, basic lighting and sound, electricity (or generators). A different type of musical act or band could be scheduled at the top of each hour, for example.

Food – Have area for local restaurants, food trucks that want to come. Work with restaurants and trucks that already have licenses and necessary permits and approvals. Sampling (seating) tent and chairs. Requirement: each restaurant or food truck must provide one traditional "fair food" in addition to other fare of their choosing. The fair would rent space, tents and seating. If desired, there could be a beer garden area/local wines section (to be determined)? Two baking contests – a pie-baking contest and a second baking contest (type to be determined) would be held at specified time in main tent. Offer prizes to top 3 winners in the contests. Infrastructure needs: electricity for vendors, tent for eating, contests, tables and chairs, recycling, water? Environmental Health will need to approve onsite food preparation and issue other needed food permits.

Agriculture – Do not duplicate prize shows or animal judging events, as part of the Piedmont Junior Livestock Show or State Fair. Instead, orient around basic demonstrations – sheep-shearing, sheep herding demonstration, cow-milking, and other similar activities. Allow experts to demonstrate the activities, and provide interpretive signage of farmstead buildings (as is planned for the park) describing what happened in each building and how it was used when a working farm. Offer hayrides. Infrastructure needs: open spaces, area for animals, fencing, water.

Games – Try to create a "local midway" – our own version of midway games (soccer shootout, basketball goal, dunking booth, bounce houses, baseball pitching, LEGO building booth, face painting, balloons, etc). Include "old-timey" games for children and some rides, perhaps including pony rides. Dedicate portion of Friday as Schools Day and invite schools to allow classes, grades to attend during designated time. Volunteer-staffing for these activities. Infrastructure needs: open space for activities, equipment and games stations.

Arts/Crafts – Local artisans only, with booths and arts displays. Ask Arts Commission and local arts community to help work out details. May need lottery or annual rotation to decide which artisans may have booths (limited space). Look at possibility of including all forms of art, including "poetry slams" and comedy skits. Infrastructure needs: Space for booths and tables, performance area (small stage), electricity.

Non-Profits / County organizations – Booths to provide information on community services, County services (social serve-type organizations). May need selection lottery or process to designate booth space. Infrastructure needs: space for booths and tables, chairs.

History – Hold a story-telling activity in and around front porch of Blackwood house with stories on schedule. Show how to do oral histories and preserve family artifacts. Provide opportunity to scan old photos and make digital images? Involve Historic Preservation Commission, local historical organizations, Southern Oral History Project, etc. Infrastructure needs – restoration of front porch of house (planned), space for booths and tables, electricity.

*- Potential for fall event date to be evaluated further, if needed.

Event Organization

It is recommended that the County hire a professional events planner to work with a County Fair Coordinating Committee (residents, organizations, County elected officials and staff) to raise funds, solicit sponsorships, design fair details and other needed management and operating functions. It is anticipated that this will involve approximately six month of planning and activity.

Site Infrastructure Needs

The following infrastructure needs are included in the attached General Schematic Budget Estimate.

There are two options for parking. One would be to arrange for use of off-site parking at New Hope Elementary, Stanback Middle (3/4 mile away) and other nearby options, and operate park-and-ride shuttles from Chapel Hill/Carrboro and Hillsborough. (This negates the need to construct an $80-160,000 entry road/small parking and staging area). However, if fair events require larger vehicle and equipment access, this will probably trigger construction of road.

Another option is to create paved apron off New Hope Church Road and allow parking in upper 1/3 of the “southern field.” This could accommodate around 500 spaces (which could be paid parking). Shuttle service would still be needed and recommended to operate as described above.

Emergency Services, law enforcement and parking management would need to be accommodated (as shown in attached Schematic Budget Estimate). Stone, gravel and some grading will be needed for certain spots (including drive apron if on-site parking), and stormwater management, animal waste management and recycling measures will be needed. Electrical upgrades will likely be needed and animal security must be addressed.

Portable restrooms (a restroom trailer plus 10 individual portalets are projected) will need to be sited and serviced. Other site needs include straw, fencing, tables and chairs and signage. Equipment such as tents and stages, sound systems, shelters, lighting, water storage (perhaps a water hydrant) and other fencing will be needed. An anticipated $9,500 of capital improvements are also assets for the upcoming park, and could be addressed by moving up CIP funds.

Revenues and Budget:

Please see attached General Schematic Budget Estimate for projected revenues and costs. As noted above, based on conversations with other event organizers, a professional events planner should be hired to plan fund-raising and sponsorships, investigate likely attendance, costs and revenues in more detail, coordinate the event (including volunteers), manage event organization, and work with the fair organizing committee or reporting and decision structure. This will likely be six months of work in total. Cost may be in range of $25-30,000 (partially funded by Visitors Bureau). It is proposed that the County issue a Request for Proposals for events planners.

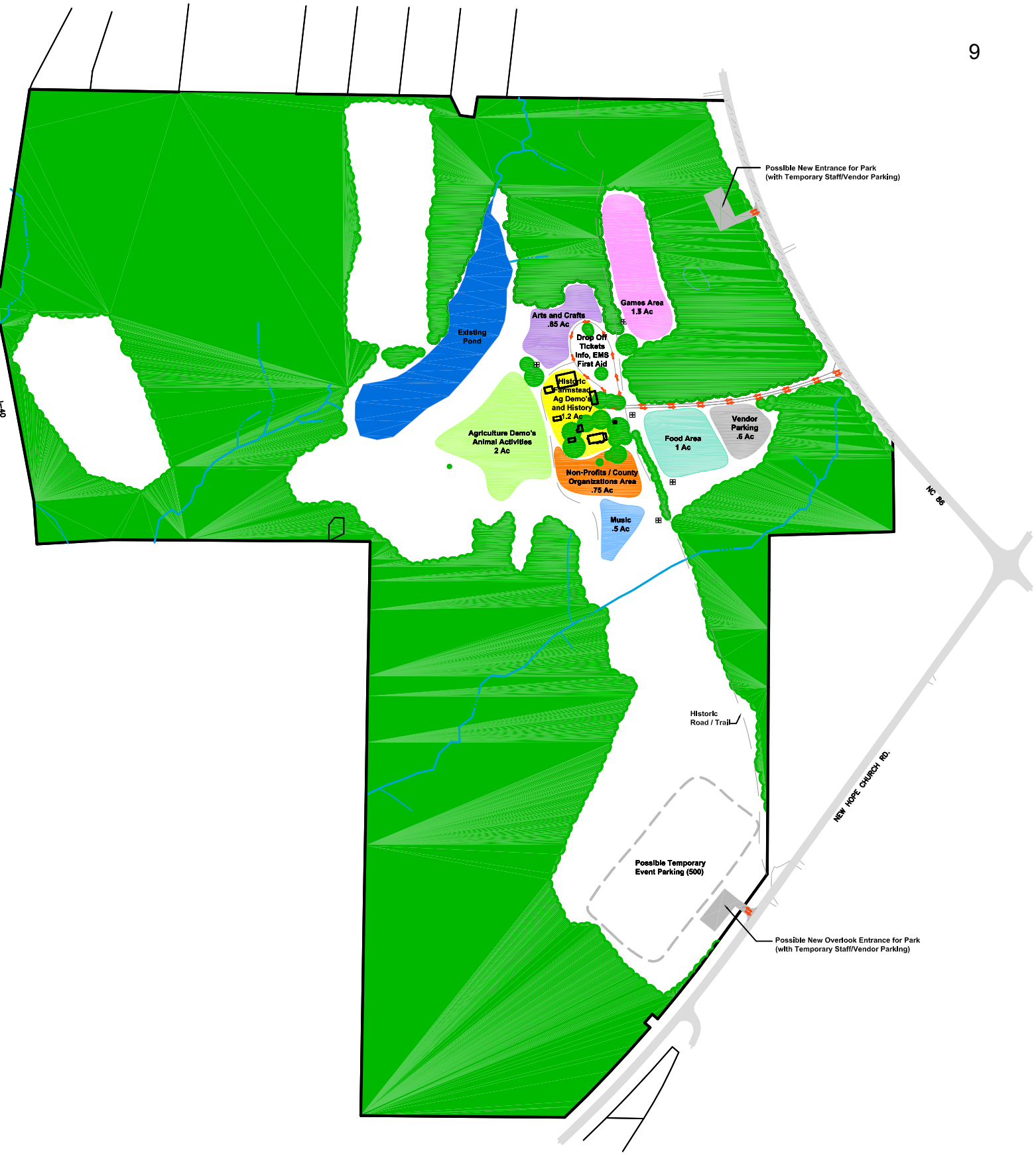
County Fair - General Schematic Sources and Uses Estimate

Updated 1/10/2014

First year attendance goal: 13,000 visitors

Revenue Goal		
Event Partnerships		**24,000**
Corporate Sponsorships		**50,000**
Entry Ticket Sales		**26,000**
Parking Fees		**No Charge**
"Booth" Rental	Assumes $100 per booth, 40 booths	**4,000**
Community Giving Fund	Includes volunteer donations	**5,000**
Local Government Donations	Assumptions: $5,000-Chapel Hill; $2,500-Carrboro; $1000-Hillsborough; $1,500-Others	**10,000**
Visitor's Bureau Contribution	Assumes contributions of $10,000 & $2,500 for the Event Planner & Advertising respectively	**10,000**
In kind donations	Corporate and individual solicitations	**35,000**
General Fund	Assumes contributions of $20,000 & $5,000 for the Event Planner & Advertising respectively	**25,000**
Total Potential Revenues		**189,000**

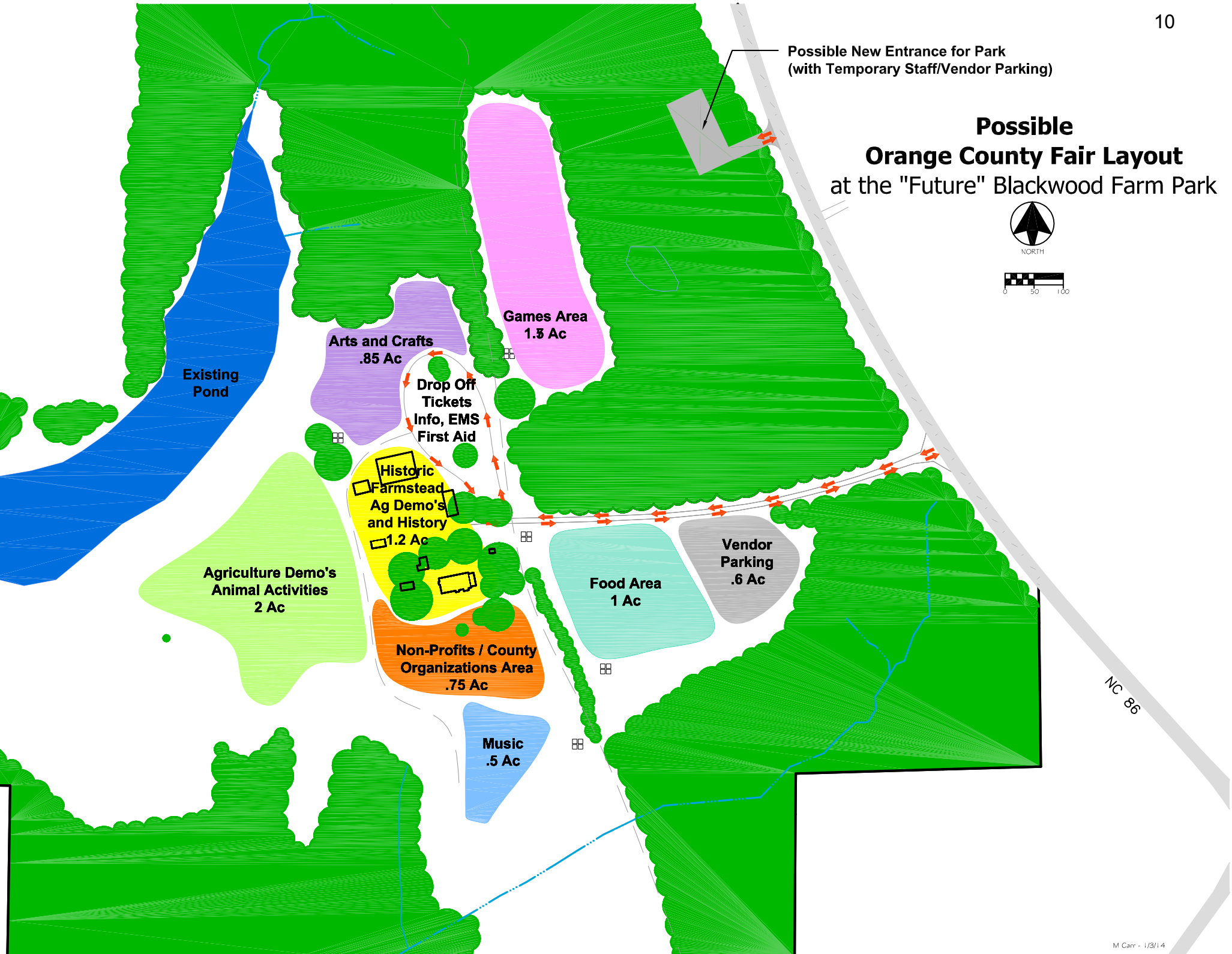
Item		**Estimate Cost**		
Professional Services, Permitting, Risk Management:	Considers Emergency Services, Law Enforcement, Parking Management, Event Planning, Advertising, Regulatory and Environmental Event Permitting	**44,180**		
Infrastructure:	Access for vehicles and equipment, stormwater preparation and management, etc.	**18,150**		
Equipment Rental:	Shelters, staging, tenting, electricity, lighting, water storage, fencing, etc.	**10,360**		
Operating Costs:	Fuel, contract labor	**2,000**		
Entertainment:	Fireworks, midway, etc.	**38,000**		
			Subtotal:	**187,380**
Contingency:	30% of subtotal, proposed stop-loss coverage for General Fund			**56,214**



Possible
Orange County Fair Layout
at the "Future" Blackwood Farm Park

NORTH

M Carr - 1/3/14


Possible New Entrance for Park
(with Temporary Staff/Vendor Parking)
Possible
Orange County Fair Layout
at the "Future" Blackwood Farm Park
NORTH
0 50 100
Existing Pond
Arts and Crafts .85 Ac
Games Area 1.3 Ac
Drop Off Tickets Info, EMS First Aid
Historic Farmstead Ag Demo's and History 1.2 Ac
Agriculture Demo's Animal Activities 2 Ac
Food Area 1 Ac
Vendor Parking .6 Ac
Non-Profits / County Organizations Area .75 Ac
Music .5 Ac
NC 86
M Carr - 1/3/14

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 11-a

SUBJECT: Advisory Board on Aging – Appointment

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Recommendation
Application(s) for Person(s) Recommended
Interest List
Application(s) of Person(s) on the Interest List

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making appointment to the Advisory Board on Aging.

BACKGROUND: The following appointment is for Board consideration:

- Appointment to a first full term for Ms. Margaret Cohn.

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
10	Ms. Margaret Cohn	At-Large	06/30/2016

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Board will consider making an appointment to the Advisory Board on Aging.

Board and Commission Members

And Vacant Positions

Advisory Board on Aging

Meeting Times: 1:00 PM second Tuesday | Terms: 2 | Contact Person: Janice Tyler

Meeting Place: Cntrl Orange Senior Cntr&Seymour Cntr | Positions: 12 | Length: 3 years | Contact Phone: 919-245-4255

Description: These positions are filled by appointment of the Board of Commissioners with certain seats allocated to the Townships and Town of Chapel Hill, Hillsborough and Carrboro. This board suggests policy and makes recommendations to the Board of Commissioners and the Department on Aging while acting as the liaison between the older citizens of the County and the County government. It is charged with promoting needed services, programs and funding that impacts the older citizens.

1	Dr. Donna Prather 107-A Spring Valley Road Carrboro NC 27510	Day Phone: 919 929-3375 Evening Phone: 919 929-3375 FAX: E-mail: dprather@bellsouth.net	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 05/15/2012 Current Appointment: 05/15/2012 Expiration: 06/30/2014 Number of Terms: 1		
2	Mr. Leo Allison 4125 Marvin Lane Efland NC 27243	Day Phone: 919-563-9110 Evening Phone: FAX: E-mail: lele2@mebtel.net	Sex: Male Race: African American Township: Cheeks Resid/Spec Req: At-Large Special Repr:	First Appointed: 09/09/2008 Current Appointment: 09/20/2011 Expiration: 06/30/2014 Number of Terms: 2		
3	Ms. Virginia M. Brown 103 Driskel Court Chapel Hill NC 27517	Day Phone: 919-945-1492 Evening Phone: FAX: E-mail: vbrown852@nc.rr.com	Sex: Female Race: Native American Township: Chapel Hill Resid/Spec Req: Chapel Hill Town Li Special Repr:	First Appointed: 01/24/2013 Current Appointment: 01/24/2013 Expiration: 06/30/2015 Number of Terms: 1		
4	Dr. Richard White 4901 Schley Rd Hillsborough NC 27278	Day Phone: 919 732 8527 Evening Phone: FAX: E-mail: rwhite@duke.edu	Sex: Male Race: Caucasian Township: Little River Resid/Spec Req: At-Large Special Repr:	First Appointed: 09/18/2012 Current Appointment: 09/18/2012 Expiration: 06/30/2015 Number of Terms: 1		
5	Ms. Heather Altman Chair 109 Sunset Ridge Lane Chapel Hill NC 27516	Day Phone: 919-918-2609 Evening Phone: 919-928-9822 FAX: 919-969-2507 E-mail: haltman@carolwoods.org	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: Carrboro Town Limit Special Repr:	First Appointed: 01/27/2009 Current Appointment: 06/19/2012 Expiration: 06/30/2015 Number of Terms: 2		

Board and Commission Members

And Vacant Positions

Advisory Board on Aging

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6	Mr Elijah (Ed) Flowers, III 2813 Beckett's Ridge Drive Hillsborough NC 27278	Day Phone: 919-357-9256 Evening Phone: 919-357-9256 FAX: E-mail: ed_flowers@yahoo.com	Sex: Male Race: Caucasian Township: Hillsborough Resid/Spec Req: Hillsboro Twn Limits Special Repr:	First Appointed: 01/20/2011 Current Appointment: 05/21/2013 Expiration: 06/30/2016 Number of Terms: 2		
7	Ms. Thelma Perkins 750 Weaver Dairy Road #1315 Chapel Hill NC 27514	Day Phone: 919-918-3601 Evening Phone: FAX: E-mail:	Sex: Female Race: African American Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 09/09/2008 Current Appointment: 09/20/2011 Expiration: 06/30/2014 Number of Terms: 2		
8	Mr. Daniel Hatley 317 W. University Chapel Hill NC 27516	Day Phone: 919-200-0822 Evening Phone: 309-252-1169 FAX: 888-514-4878 E-mail: dan@hatleylawoffice.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 09/18/2012 Current Appointment: 09/18/2012 Expiration: 06/30/2015 Number of Terms: 1		
9	Mr. Lorenzo Mejia 119 Summergate Circle Chapel Hill NC 27516	Day Phone: 919-338-2183 Evening Phone: FAX: E-mail: lorenzo@AcornHCS.com	Sex: Male Race: Hispanic Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 01/24/2013 Current Appointment: 01/24/2013 Expiration: 06/30/2015 Number of Terms: 1		
10	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr:	First Appointed: Current Appointment: Expiration: 06/30/2016 Number of Terms:		

Board and Commission Members

And Vacant Positions

Advisory Board on Aging

Meeting Times: 1:00 PM second Tuesday
Terms: 2
Contact Person: Janice Tyler
Meeting Place: Cntrl Orange Senior Cntr&Seymour Cntr
Positions: 12
Length: 3 years
Contact Phone: 919-245-4255

Description: These positions are filled by appointment of the Board of Commissioners with certain seats allocated to the Townships and Town of Chapel Hill, Hillsborough and Carrboro. This board suggests policy and makes recommendations to the Board of Commissioners and the Department on Aging while acting as the liaison between the older citizens of the County and the County government. It is charged with promoting needed services, programs and funding that impacts the older citizens.

11 CDR Alexander Castro Jr
Vice-Chair
5915 Morrow Mill Road
Chapel Hill NC 27516

Day Phone: 919-619-1510
Evening Phone: 919-929-6368
FAX:
E-mail: alexcastrojr@hotmail.com

Sex: Male
Race: Caucasian
Township: Bingham
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 01/20/2011
Current Appointment: 05/21/2013
Expiration: 06/30/2016
Number of Terms: 2

12 Mr. Keith Cook
419 Calvary Court
Hillsborough NC 27278

Day Phone: 919-644-1886
Evening Phone: 919-644-1884
FAX:
E-mail: kdc52@aol.com

Sex: Male
Race: African American
Township: Cedar Grove
Resid/Spec Req: At-Large
Special Repr:

First Appointed: 04/17/2012
Current Appointment: 04/17/2012
Expiration: 06/30/2014
Number of Terms:

ORANGE COUNTY ADVISORY BOARD ON AGING
2551 Homestead Road (919)968-2070
Chapel Hill, NC 27516 Fax 968-2093

December 19, 2013

The Honorable Barry Jacobs, Chair
Orange County Board of Commissioners
P.O. Box 8181
Hillsborough, NC 27278

Dear Chair Jacobs:

Subject: Board Appointment

The Orange County Advisory Board on Aging recommends Margaret (Peggy) Cohn to fill its current vacancy.

Ms. Cohn was a valuable member of the Advisory Board in the past and is currently involved in the Long Term Care Collaborative and the Master Aging Plan implementation process.

Respectfully submitted,

Janice Tyler

Janice Tyler, Director
Orange County Department on Aging

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Dr. Margaret Cohn
Name Called:
Home Address: 750 Weaver Dairy Road #110
Chapel Hill NC 27514
Phone (Day): 9199183698
Phone (Evening): 9199183698
Phone (Cell):
Email: peggycohn38@gmail.com
Place of Employment: retired
Job Title:
Year of OC Residence: 2009
Township of Residence: Chapel Hill
Zone of Residence:
Sex: Female
Ethnic Background: Caucasian

Community Activities/Organizational Memberships:
Various Sub Committees of the Advisory Board for the Office of Aging

Past Service on Orange County Advisory Boards:
Past only: Advisory Board to The Ombudsman for Assisted Living Facilities
MAP Steering Committee

Boards/Commissions applied for:

Advisory Board on Aging

Background, education and experience relevant to this board:

BS RN MPH in Health Education from UNC, PhD in Family and Aging from Penn State University
Over fifteen years in research and practice in Aging Service
Breadth of perspective
Active involvement with this population professionally and personally as a resident of carol Woods
Experience with the development of the MAP

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Other Comments:

This application was current on: 12/11/2013 10:21:38 PM **Date Printed:** 12/23/2013

Applicant Interest Listing

by Board Name and by Applicant Name

Advisory Board on Aging

Contact Person: Janice Tyler
Contact Phone: 919-245-4255

Ms. Susan Adams
211 Hogan Woods Circle
Chapel Hill NC 27516

Day Phone: 919-357-5541
Evening Phone: 919-357-5541
Cell Phone:
E-mail: jaseradams@gmail.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 10/07/2013

Skills: Consultant
Also Serves On:

Dr. Mary Altpeter
1613 Providence Glen Drive
Chapel Hill NC 27514

Day Phone: 919-966-0499
Evening Phone: 919-942-8273
Cell Phone:
E-mail: mary_altpeter@unc.edu

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 01/16/2013

Skills: Research Associate
Also Serves On:

Ms Rosie Benzonelli
837 Kenmore Rd
Chapel Hill NC 27514

Day Phone: 919-923-7673
Evening Phone: 919-923-7673
Cell Phone:
E-mail: rbenzonelli@gmail.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 06/27/2013

Skills: Guardian ad litem
Also Serves On: Adult Care Home Community Advisory Committee
Skills: Hospice Volunteer

Dr. Margaret Cohn
750 Weaver Dairy Road #110
Chapel Hill NC 27514

Day Phone: 9199183698
Evening Phone: 9199183698
Cell Phone:
E-mail: peggycohn38@gmail.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 12/11/2013

Skills:
Also Serves On:

Mrs. Jerry Ann Gregory
2224 Lebanon Rd
Efland NC 27243

Day Phone: 919-644-8172
Evening Phone: 919-644-8172
Cell Phone:
E-mail: jkgregory@mindspring.com

Sex: Female
Race: Caucasian
Township: Cheeks
Date Applied: 01/06/2014

Skills: Public Health
Also Serves On:
Skills: Registered Nurse
Also Serves On:

Ms. Carolyn Helfrich
1233 Highland Loop
Hillsborough NC 27278

Day Phone: 757-871-6092
Evening Phone:
Cell Phone:
E-mail: Carolyn.helfrich@gmail.com

Sex: Female
Race: Other
Township: Hillsborough
Date Applied: 07/10/2013

Skills: Social Work
Also Serves On:

Applicant Interest Listing

by Board Name and by Applicant Name

Advisory Board on Aging

Contact Person: Janice Tyler
Contact Phone: 919-245-4255

Skills: Teacher
Also Serves On:

Ms. Sandra Jones
600 West Poplar Ave., Apt. 239
Carrboro NC 27510

Day Phone: 828-668-9628
Evening Phone:
Cell Phone: 828-712-2362
E-mail: None

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 01/22/2013

Skills:
Also Serves On:
Skills: Geriatric Care
Also Serves On:
Skills: Nurse
Also Serves On:

Mrs Janice Laube
6826 Carol Lane
Hillsborough NC 27278

Day Phone: 919-219-4140
Evening Phone:
Cell Phone:
E-mail: jrlaube@embarqmail.com

Sex: Female
Race: Caucasian
Township: Little River
Date Applied: 02/14/2011

Skills: Farmer
Also Serves On:

Mr. Winston Liao
126 Fern Lane
Chapel Hill NC 27514

Day Phone: 919 929 3123
Evening Phone:
Cell Phone:
E-mail:

Sex: Male
Race: Asian American
Township: Chapel Hill
Date Applied: 01/16/2013

Skills: Public Health
Also Serves On:

Ms. Karen Metzguer
507 Gwen Road
Hillsborough NC 27278

Day Phone: 919-619-6332
Evening Phone: 919-241-4402
Cell Phone:
E-mail: kmetzguer@gmail.com

Sex: Female
Race: Caucasian
Township: Hillsborough
Date Applied: 10/15/2013

Skills: Executive Director
Also Serves On:
Skills: Nurse
Also Serves On:

Mr. Frank Montes de Oca
423 Joyce Road
Hillsborough NC 27278

Day Phone: 321-624-1898
Evening Phone: 321-624-1898
Cell Phone:
E-mail: frm1@me.com

Sex: Male
Race: Hispanic
Township: Hillsborough
Date Applied: 08/30/2013

Skills: Aging Issues
Also Serves On:
Skills: Emergency Manager
Also Serves On:
Skills: Paramedic
Also Serves On:

Applicant Interest Listing

by Board Name and by Applicant Name

Advisory Board on Aging

Contact Person: Janice Tyler
Contact Phone: 919-245-4255

Thomas ODwyer
105 Boulder Lane
Chapel Hill NC 27514

Day Phone: 919-906-0581
Evening Phone: 919-942-7244
Cell Phone: 919-906-0581
E-mail: greenbuilder4us@aol.com

Sex: Male
Race: Caucasian
Township: Chapel Hill
Date Applied: 12/17/2013

Skills:
Also Serves On:

Ms. Deborah Rider
2314 Red Oak CT.
Hillsborough NC 27278

Day Phone: 919-818-6489
Evening Phone: 919-732-9476
Cell Phone:
E-mail: drider1736@gmail.com

Sex: Female
Race: Caucasian
Township: Hillsborough
Date Applied: 04/26/2012

Skills: Care Provider
Skills: Community Planning
Skills: Social Work

Also Serves On: Adult Care Home Community Advisory Committee

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Susan Adams
Name Called:
Home Address: 211 Hogan Woods Circle
Chapel Hill NC 27516
Phone (Day): 919-357-5541
Phone (Evening): 919-357-5541
Phone (Cell):
Email: jaseradams@gmail.com

Place of Employment: Self-employed
Job Title: Consultant
Year of OC Residence: 2004
Township of Residence: Chapel Hill
Zone of Residence: Carrboro City Limits
Sex: Female
Ethnic Background: Caucasian

Community Activities/Organizational Memberships:

IFC - Orange County Homeless Shelter, Galloway Ridge - Volunteer, Care Ministry - Newman Center, Coastal Pines of North Carolina - troop 862 - Adult Volunteer, Treasurer 2007-2012, AARP, GSA - Gerontological Society of America
MAC Committee - Mandarin Advisory Council for the Dual Language Program for Chapel Hill Carrboro City School District, Newman center outreach care ministry, MAC-dual language for Mandarin Chinese advisory board for school system, NAHB - National Home Builders Association Orange , Chatham and Durham counties - remodeler s council, National Gerontology Society, AARP,

Past Service on Orange County Advisory Boards:

Boards/Commissions applied for:

Advisory Board on Aging

Background, education and experience relevant to this board:

I am energized by solving problems and taking on challenges. With over 1 person turning 50 every second due to the dramatic achievements in public health, Orange County is poised to see a 67% increase in persons over 65 and a 43% increase in persons over 85 in the next 10 years. This trend continues through 2030 when persons over 65 will again increase by 42% and over 85 by 70%. Orange county is a leader in serving its senior population and I want to contribute to preparing and meeting these needs throughout the next 20 years.

Although I worked as a chemical engineer for 15 years, I recently returned to school to get a BA in Multidisciplinary studies, with an emphasis on social sciences and the Socio-Ecological Model which shows that the health of an individual is based not just on the person but withing the greater context of his relationships, his community and his society. Because of my interest in the aging process, I am currently completing a Masters in Gerontology from the University of Southern California. Through this program I have been able to receive the training and tools that will aid me in pursuing my goal of improving the disparity in the aging experience between the

different economic classes. The research area where I am basing my concentration consists of early depression intervention for the home caregiver. Many home caregivers are thrust into their duties with little to no training and as more residents, especially in the rural areas, are deciding to age in place there will be a need for increased programs to address the adult child or spousal caregiver, many of whom are over 50.

I am excited to be beginning this new phase of my life as I turn 50, and consider myself to be a life-long learner who believes that we are all part of something larger and there is purpose to all our lives. My belief system influences all I do and I value responsibility and high ethical standards. I believe that the strategic methods of problem solving I utilized as an engineer allows me to find and evaluate alternatives and seek innovative ways to get things done. I believe in community involvement as I was a member of the School Improvement Team (SIT) committee for McDougle Middle School for 2 years, worked as a volunteer at the Chapel Hill Museum for 3 years, and have been a member of the MAC -Mandarin Advisory Council for the dual language program in CHCCS since it began and my daughter has been part of the program for the past 8 years. As my children are growing up and moving on to new goals, I feel that I too must focus my time and energies on the future.

I appreciate your time in considering me for this position.

Reasons for wanting to serve on this board:

Conflict of Interest:

Nursing Home Community Advisory Committee

Background, education and experience relevant to this board:

I am graduating with my Masters of Arts in Gerontology in May 2014 from the University of Southern California. My BS is multi disciplinary in psychology and public health. My concentration of study is in environmental interventions to decrease agitation in persons with dementia. I currently volunteer at Galloway Ridge and care part time for my elderly parents who I relocated to Chatham County in 2008.

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Other Comments:

STAFF COMMENTS: Applied 2/1/2013 for Advisory Board on Aging. Applied 10/4/2013 for Nursing Home CAC. ADDRESS VERIFICATION: 211 Hogan Woods Circle is Chapel Hill Township, Carrboro Jurisdiction, Carrboro City Limits.

This application was current on: 10/7/2013 **Date Printed:** 12/23/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Dr. Mary Altpeter
Name Called:	
Home Address:	1613 Providence Glen Drive Chapel Hill NC 27514
Phone (Day):	919-966-0499
Phone (Evening):	919-942-8273
Phone (Cell):	
Email:	mary_altpeter@unc.edu
Place of Employment:	UNC at Chapel Hill
Job Title:	Research Associate
Year of OC Residence:	1993
Township of Residence:	Chapel Hill
Zone of Residence:	C.H. City Limits
Sex:	Female
Ethnic Background:	Caucasian

Community Activities/Organizational Memberships:

n/a

Past Service on Orange County Advisory Boards:

n/a

Boards/Commissions applied for:

Advisory Board on Aging

Background, education and experience relevant to this board:

I have a graduate certificate in gerontology and 30 years of experience working in the field of aging. I have expertise in health promotion and aging research and education. I have a masters and doctorate in social work and a masters in public administration. I ve served on committees for the development of the Orange County Master Aging Plan and I have for many years been a consultant to the NC Division of Aging and Adult Services. I have served for 10 years as a consultant to the National Council on Aging and through that work have had experience with many states on aging-related health promotion activities.

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Other Comments:

STAFF COMMENTS: Originally applied (01/16/2013) for Advisory Board on Aging. ADDRESS VERIFICATION: 1613 Providence Glen Drive, Chapel Hill, NC 27514 is Chapel Hill Township, Chapel Hill Jurisdiction, Chapel Hill Town Limits.

This application was current on: 1/16/2013 2:05:21 PM **Date Printed:** 12/23/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms Rosie Benzonelli
Name Called:	
Home Address:	837 Kenmore Rd Chapel Hill NC 27514
Phone (Day):	919-923-7673
Phone (Evening):	919-923-7673
Phone (Cell):	
Email:	rbenzonelli@gmail.com
Place of Employment:	Self
Job Title:	Chapel Hill Atrium Home
Year of OC Residence:	2003
Township of Residence:	Chapel Hill
Zone of Residence:	C.H. City Limits
Sex:	Female
Ethnic Background:	Caucasian

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

none

Boards/Commissions applied for:

Advisory Board on Aging

Background, education and experience relevant to this board:

I m 55, in good health. I ve just completed my first year of a 2 year MSW at UNC, specializing in aging. My placement next year is at Duke Geriatric Assessment Unit, and most likely Carol Woods. I ve served on multiple non profit boards in the area, mostly associated with youth music organizations.

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Other Comments:

STAFF COMMENTS: Originally applied (06/27/2013) for Animal Services Advisory Board (MEANT ADVISORY BOARD ON AGING AND NOT ANIMAL SERVICES) and Adult Care Home Community Advisory Committee. ADDRESS VERIFICATION: 837 Kenmore Road is Chapel Hill Township, Chapel Hill Jurisdiction, and Chapel Hill Town Limits.

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mrs. Jerry Ann Gregory
Name Called:	
Home Address:	2224 Lebanon Rd Efland NC 27243
Phone (Day):	919-644-8172
Phone (Evening):	919-644-8172
Phone (Cell):	
Email:	jkgregory@mindspring.com
Place of Employment:	Retired
Job Title:	Retired Public health Nurse
Year of OC Residence:	1973
Township of Residence:	Cheeks
Zone of Residence:	-
Sex:	Female
Ethnic Background:	Caucasian

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Boards/Commissions applied for:

Advisory Board on Aging

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Work Experience: Public Health Nurse for 31 yrs with Orange County Health-1969-2001; Adult Day Center Health Coordinator for 2 years
Nurse Consultant for Are You Your Brother's Keeper progect with Efland Cheeks Voices of Efland and UNC for 1 year 2010 Served as Guardian on behalf of Health Director for clients in Community House in Carrboro and various Rest Homes and Nursing facilities.

Volunteer Experience: PTA Thrift shop; ; VA Medical Center in Durham doing data entry for Oncology Research nurses; Habitat for Humanity; Fund raising for Child Abuse Prevention Foundation in Durham; Fund raising for various charities sponsered by my Exchange Club
Adult Care Home Community Advisory Committee 5-6 yrs; Volunteer RN for B/P clinic at various Senior sites; Volunteer in Flu clinics offered at Senior sites in CH and Hillsborough; Meals on Wheels Volunteer since retirement in 2001; Volunteer in fund raising with Durham Harley Owners Group,Exchsnge Club of Greater Durham and

American Cancer Society; Member of Public Health Volunteer Corp,volunteering as needed. Volunteer annually with Project Homelessness in providing immunizations and education.

Education: H.S.; BS in Nursing; Adult Health Assestment-UNC; Various workshops on Wellness, disease prevention, couseling,etc. Adult Health assessment course/certification at UNC; Numerous classes re: Dementia, Aging, Chronic disease

Other Comments:

Have lived, worked and volunteered in Orange County since 1973. During my 32 years of working in Public Health I have worked in the adult community providing services and am very familiar with community and its needs. STAFF COMMENTS: Renewed application 10/09/03 for ACHCAC and Adv. Bd. on Aging. 6/16/03 for ACHCAC; NHCAC; Adv. Bd. on Aging. Originally applied 9/3/99. Applied 1/8/2012 for Orange County Emergency Services Work Group. ADDRESS VERIFICATION: Lebanon Road is Orange County Jurisdiction, Efland Fire Tax, and Cheeks Township.

This application was current on: 1/6/2014 **Date Printed:** 1/10/2014

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Carolyn Helfrich
Name Called:
Home Address: 1233 Highland Loop
Hillsborough NC 27278
Phone (Day): 757-871-6092
Phone (Evening):
Phone (Cell):
Email: Carolyn.helfrich@gmail.com

Place of Employment: Weaver St. Mkt
Job Title: Clerk
Year of OC Residence: 2008
Township of Residence: Hillsborough
Zone of Residence: Hillsborough ETJ
Sex: Female
Ethnic Background: Other

Community Activities/Organizational Memberships:

Recently retired teacher, work at Weaver St. mkt

Past Service on Orange County Advisory Boards:

Boards/Commissions applied for:

Advisory Board on Aging

Background, education and experience relevant to this board:

As a person who is aging I recognize the necessity of recognizing how this process effects people physically and mentally. I have worked as a geriatric social worker and am a long time believer in the connection of maintaining physical and mental activities as well as connection to the larger community to help people age with integrity and dignity. Recently retiring as a high school teacher, I clearly see the importance of maintaining ties to a larger community to lessen the isolation created with retirement. I would like the opportunity to bring my ideas to a larger group in order to be more inclusive of the aging population.

Reasons for wanting to serve on this board:

Conflict of Interest:

Hillsborough Planning Board

Background, education and experience relevant to this board:

As a life long walker and cyclist, I would be able to help make this community plan for these as well as possible expanded public transportation as Hillsborough grows.

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Other Comments:

STAFF COMMENTS: Originally (07/10/2013) applied for Advisory Board on Aging and Hillsborough Planning Board. ADDRESS VERIFICATION: 1233 Highland Loop is Hillsborough Township, Orange County Jurisdiction, Hillsborough ETJ, Hillsborough Town Limits, and R1 Rural Residential Zoning.

This application was current on: 7/10/2013 9:29:58 AM **Date Printed:** 12/23/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Sandra Jones
Name Called:	
Home Address:	600 West Poplar Ave., Apt. 239 Carrboro NC 27510
Phone (Day):	828-668-9628
Phone (Evening):	
Phone (Cell):	828-712-2362
Email:	None
Place of Employment:	Retired
Job Title:	RN, Teacher
Year of OC Residence:	2012
Township of Residence:	Chapel Hill
Zone of Residence:	Carrboro City Limits
Sex:	Female
Ethnic Background:	Caucasian

Community Activities/Organizational Memberships:

Volunteer at McDougle Elementary School - 2nd Grade Reading and Writing
Volunteer Leukemia & Lymphoma Society
Volunteer Ronald McDonald House (UNC Childrens Hospital)
Volunteer Literacy Council-Tutoring in Reading & Math for a 70 year old illiterate lady.
Active in my church.
Active in my Church

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:

I have been an RN for 50 years with my specialty being geriatrics. I have been in many positons in Nursing Homes from charge nurse, to supervisory, inservice director, Director of Nursing and I was licensed in Michigan as a Nursing Home Administrator. I also have degree in Education (Allied Health).

Reasons for wanting to serve on this board:

Conflict of Interest:

Advisory Board on Aging

Background, education and experience relevant to this board:

I am aged - recently became 70 - and I am slightly handicapped and live in a senior independent apartment complex where I see the reality of aging at every level - economically, socially, healthwise, mentally, emotionally. With my background in geriatrics I can be very discerning as to the blessings and problems of aging.

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Other Comments:

STAFF COMMENTS: Originally applied for Nursing Home Committee and Advisory Board on Aging 01/24/2013. ADDRESS VERIFICATION: 600 West Poplar Avenue, Apt. 239, is Carrboro Jurisdiction, Carrboro City Limits, Chapel Hill Township.

This application was current on: 1/22/2013 **Date Printed:** 12/23/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mrs Janice Laube
Name Called:	
Home Address:	6826 Carol Lane Hillsborough NC 27278
Phone (Day):	919-219-4140
Phone (Evening):	
Phone (Cell):	
Email:	jrlaube@embarqmail.com
Place of Employment:	Home
Job Title:	Owner - Horse Farm
Year of OC Residence:	2001
Township of Residence:	Little River
Zone of Residence:	-
Sex:	Female
Ethnic Background:	Caucasian

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Boards/Commissions applied for:

Animal Services Advisory Board

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

Advisory Board on Aging

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Work Experience: I own and work a horse farm including growing and cultivating hay for sale. Including my horses I also have 5 dogs. I would like to volunteer on a board to hopefully be a productive team member and to make a difference in this community that I love.

Education: B.A. Theatre Arts SUNY Binghamton, NY

Other Comments:

STAFF COMMENTS: Originally applied for Animal Services Advisory Board and Advisory Board on Aging 02/14/2011. ADDRESS VERIFICATION: 6826 Carol Lane,Hillsborough, NC is in Orange County Jurisdiction, Little RiverTownship.

This application was current on: 2/14/2011 9:59:40 AM **Date Printed:** 12/23/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Winston Liao
Name Called:
Home Address: 126 Fern Lane
Chapel Hill NC 27514
Phone (Day): 919 929 3123
Phone (Evening):
Phone (Cell):
Email:
Place of Employment: Retired
Job Title:
Year of OC Residence: 1979
Township of Residence: Chapel Hill
Zone of Residence: C.H. City Limits
Sex: Male
Ethnic Background: Asian American

Community Activities/Organizational Memberships:

St. Thomas More Caring and Sharing Center; STM School
North Carolina COPD Taskforce
North Carolina Public Health Association
American Public Health Association
Orange County Election Official

Past Service on Orange County Advisory Boards:

Boards/Commissions applied for:

Advisory Board on Aging

Background, education and experience relevant to this board:

Before my retirement on Decmeber 31, 2012, I was with the Chronic Disease and Injury Section, NC Division of Public Health. During my five and a half years there, I worked with the cancer, heart disease/stroke, diabetes, physical activity & nutrition, injury & violence prevention, tobacco prevention and control, and asthma branches. My work was to promote education and outreach, and intervention programs (including those for the older population), especially for adults with chronic lower respiratory diseases and their associated conditions (e.g., heart disease, diabetes, arthritis, depression, etc.).

Reasons for wanting to serve on this board:

Conflict of Interest:

Board of Health

Background, education and experience relevant to this board:

Same as above. I have an MPH and completed all course work for a PhD in public health. I have served on various advisory boards, including those for the CDC, Public Health Foundation, American Lung Association, etc. I have taught public health at the University of Mississippi, conducted research in many aspects of public health and aging at RTI International and NC DPH, and practiced public health at NC DPH. I have also been active in using data to support and drive policy at the state and national levels.

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Other Comments:

STAFF COMMENTS: Originally (1/17/2012) applied for Advisory Board on Aging and Board of Health. ADDRESS VERIFICATION: 126 Fern Lane is Chapel Hill Township, Chaprl Hill Jurisdiction, and Chapel Hill Town Limits.

This application was current on: 1/16/2013 3:19:46 PM **Date Printed:** 12/23/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Karen Metzguer
Name Called:	
Home Address:	507 Gwen Road Hillsborough NC 27278
Phone (Day):	919-619-6332
Phone (Evening):	919-241-4402
Phone (Cell):	
Email:	kmetzguer@gmail.com
Place of Employment:	Fearrington Cares
Job Title:	Nurse and Executive Director
Year of OC Residence:	1976
Township of Residence:	Hillsborough
Zone of Residence:	Hillsborough ETJ
Sex:	Female
Ethnic Background:	Caucasian

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

I served on the charter Orange County Human Relations Commission.

Boards/Commissions applied for:

Advisory Board on Aging

Background, education and experience relevant to this board:

I am a registered nurse, retired from the faculty of the Department of Pediatrics, and currently working in a non-profit organization in Fearrington Village. The mission is to assist the residents to maintain health. My mother-in-law lived with my family for 9 years before she died and my parents moved into my home in 2008 and currently both still reside with me. I served on the charter Orange County Human Relations Commission. I have a lifelong commitment to vulnerable populations and see serving with this board as another way to contribute.

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Other Comments:

STAFF COMMENTS: Originally (10/15/2013) applied for Advisory Board on Aging.
ADDRESS VERIFICATION: 507 Gwen Road is Hillsborough Township, Hillsborough Jurisdiction, and Hillsborough ETJ.

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Mr. Frank Montes de Oca
Name Called:
Home Address: 423 Joyce Road
Hillsborough NC 27278
Phone (Day): 321-624-1898
Phone (Evening): 321-624-1898
Phone (Cell):
Email: frm1@me.com
Place of Employment:
Job Title:
Year of OC Residence: 2008
Township of Residence: Hillsborough
Zone of Residence: Hillsborough ETJ
Sex: Male
Ethnic Background: Hispanic

Community Activities/Organizational Memberships:

Member of the Efland Ruritan Club
Instructor and active Community Emergency Response Team (CERT) member
Member of Master Aging Plan committee

Past Service on Orange County Advisory Boards:

Boards/Commissions applied for:

Advisory Board on Aging

Background, education and experience relevant to this board:

As a former employee with Orange County I understand the operations of local government and the importance of collaborative planning and implementation of programs that benefit the community as a whole. Further, as the former director of Emergency Services, I was intimately involved in service delivery to all visitors and citizens within Orange County - particularly the elderly and aging. As a former paramedic and emergency manager, I bring a wealth of knowledge and experience to this board and the community.

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Other Comments:

STAFF COMMENTS: Originally (08/30/2013) applied for Advisory Board on Aging.
ADDRESS VERIFICATION: 423 Joyce Road is Hillsborough Jurisdiction and Hillsborough ETJ.

This application was current on: 8/30/2013 2:11:06 PM **Date Printed:** 12/23/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Thomas ODwyer
Name Called:	
Home Address:	105 Boulder Lane Chapel Hill NC 27514
Phone (Day):	919-906-0581
Phone (Evening):	919-942-7244
Phone (Cell):	919-906-0581
Email:	greenbuilder4us@aol.com
Place of Employment:	Self Employed Greneral Contractor and Designer
Job Title:	President
Year of OC Residence:	1985
Township of Residence:	Chapel Hill
Zone of Residence:	
Sex:	Male
Ethnic Background:	Caucasian

Community Activities/Organizational Memberships:

Just completed 7 years of service on the Orange County Commission for the Environment, I am a Hospice Volunteer, and I participated with the Council on the Aging s Master Aging Plan (MAP). I am currently attending Aging in Community series lectures, as housing needs for aging in place will be in demand now and even more in our community s future. Universal Design supporter, and I attend BOCC meeting that impactt the environmet (recycling recently) We must find a way to partner with our municipalities and provide pro active policies which support the needs of an aging community while making a real difference in Energy sources and consumtion

Past Service on Orange County Advisory Boards:

Orange County Commission for the Environment, 7 years. Off the Commission as of Dec. 7

Boards/Commissions applied for:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Background, education and experience relevant to this board:

I am a General Contractor with an unlimited licensce and have developed in Orange County.

Reasons for wanting to serve on this board:

I want to help craft more energy efficient and environmentally friendly policies. I also hope to support Aging in OPlace Designs for a much needed population which is up and coming

Conflict of Interest:

Advisory Board on Aging

Background, education and experience relevant to this board:

I design for aging in place and would support creating policies to incentivise this much needed paradigm

Reasons for wanting to serve on this board:

I want to help my community to live out their lives fully in there homes .. (if possible)

Conflict of Interest:

Supplemental Questions:

Orange County Planning Board (REQUIRES DISCLOSURE STATEMENT)

Please list the work/volunteer experience/qualifications that would add to your expertise for this board.

I am a Design/Builder with a passion for Energy efficiency, indoor air quality and outdoor living space

What unique perspective can you bring to the Orange County Planning Board?

Energy efficiency and bringing stakeholders together to discuss objectives for a Greener Orange county

What do you see as the responsibilities of this board, and what do you hope to accomplish if appointed?

Assure appropriate guidelines are followed with developers, and propose ways to increase energy efficiency and indoor air quality

What do you consider to be be the most important issues facing Orange County related to growth?

Homes and commercial buildings that waste energy

What role should the Planning Board take in guiding and regulating growth?

Support all ordinances and work to achieve goals for a much more sustainable and cooperative community

How would you, as a member of the Planning Board, contribute to the implementation of the Board of Commissioners' adopted Goals and Priorities?

First know the BOCC adopted Goals and Priorities and implement them with any new development

Other Comments:

Sustainable/Smart Development of land should be the norm in our future. My understanding is, it requires legislative approval for ordinances that have certain requirements. We should do as many things possible to support environmentally responsible development, such as creating solar easements for future renewable power use, smarter energy efficiency improvements in new construction, Smart Grid development, or work on ways to propose changes in the legislature to better protect our environment on local levels. STAFF COMMENTS: Applied for Commission for the Environment 05/11/2006; Applied for Orange County Planning Board 06/15/2012. ADDRESS VERIFICATION: 105 Boulder Lane is in Chapel Hill Township, Chapel Hill Jurisdiction, Chapel Hill Town Limits.

This application was current on: 12/17/2013 3:00:52 PM **Date Printed:** 12/23/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Deborah Rider
Name Called:	
Home Address:	2314 Red Oak CT. Hillsborough NC 27278
Phone (Day):	919-818-6489
Phone (Evening):	919-732-9476
Phone (Cell):	
Email:	drider1736@gmail.com
Place of Employment:	Home Care Assistance
Job Title:	Care Giver
Year of OC Residence:	2005
Township of Residence:	Hillsborough
Zone of Residence:	Hillsborough Town Limits
Sex:	Female
Ethnic Background:	Caucasian

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Boards/Commissions applied for:

Advisory Board on Aging

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

Board of Social Services

Background, education and experience relevant to this board:

Reasons for wanting to serve on this board:

Conflict of Interest:

Supplemental Questions:

Work Experience: 30+ years with the state of Maryland from social services to policy analyzing, I did it all.

Volunteer Experience: I have volunteered at various k-12 school functions for my daughter. Avid animal lover. Cared for my parents until their deaths in 2000 and 2011.

Education: Dundalk High School 1967-1970 High School Diploma; University of Maryland Baltimore County 1970-1974 Bachelors in Social Work/Sociology; University of Maryland School of Social Work 1981-1983 Masters in Social Work and Community Planning

Other Comments:

STAFF COMMENTS: Applied 04/26/2012 for Advisory Board on Aging, Board of Social Services, Adult Care Home Community Advisory Committee. ADDRESS VERIFICATION: 2314 Red Oak Ct. is Hillsborough Township, Hillsborough Town Limits.

This application was current on: 4/26/2012 8:06:33 PM **Date Printed:** 12/23/2013

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 11-b

SUBJECT: Arts Commission - Appointment

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Recommendation
Application(s) for Person(s) Recommended
Interest List
Application(s) of Person(s) on the Interest List

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making appointments to the Arts Commission.

BACKGROUND: The following appointment is for Board consideration:

- Appointment to a first partial term for Ms. Natalie Ziemba.

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
3	Ms. Natalie Ziemba	At-Large	3/31/2014
6	Ms. Kathleen Ponder	At-Large	9/30/2016

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Board will consider making an appointment to the Arts Commission.

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 p.m. second Monday of each month
Terms: 2
Contact Person: Martha Shannon
Meeting Place: Alternating
Positions: 15
Length: 3 years
Contact Phone: 919-968-2011

Description: The members of this commission are appointed by the Board of Commissioners. The Arts Commission is housed with the Economic Development Department. It recommends strategies to promote the artistic and cultural growth of Orange County, advises the Board of Commissioners on matters involving the arts, and acts as the granting panel for two annual funding programs available to individual artists and non-profit groups sponsoring arts projects in Orange County. To learn more, go to the following web address: www.artsorange.org/

1	Ms. Katherine Dickson Secretary 103B Todd Street Carrboro NC 27510	Day Phone: 919-265-7122 Evening Phone: FAX: E-mail: dickson.katherine@gmail.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 05/03/2011 Current Appointment: 03/22/2012 Expiration: 03/31/2015 Number of Terms: 1		
2	Mrs Cher Tuskey 808 Churchill Drive Chapel Hill NC 27517	Day Phone: 919-942-9656 Evening Phone: 919-434-5604 FAX: E-mail: ctuskey@aol.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 05/03/2011 Current Appointment: 03/22/2012 Expiration: 03/31/2015 Number of Terms: 1		
3	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr:	First Appointed: Current Appointment: Expiration: 03/31/2014 Number of Terms:		
4	Mr. Geoffrey Hathaway 605 Jones Ferry Rd., Apt. TT-10. Carrboro NC 27510	Day Phone: 919-270-1899 Evening Phone: 919-270-1899 FAX: E-mail: G_Lloyd_007@msn.com	Sex: Male Race: African American Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 11/08/2012 Current Appointment: 11/08/2012 Expiration: 03/31/2014 Number of Terms: 1		
5	Mr. Gordon Jameson 2608 Dairyland Rd Hillsborough NC 27278	Day Phone: 919-932-3438 Evening Phone: FAX: E-mail: jame5916@bellsouth.net	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 04/15/2008 Current Appointment: 08/17/2010 Expiration: 03/31/2014 Number of Terms: 2		

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 p.m. second Monday of each month | Terms: 2 | Contact Person: Martha Shannon

Meeting Place: Alternating | Positions: 15 | Length: 3 years | Contact Phone: 919-968-2011

Description: The members of this commission are appointed by the Board of Commissioners. The Arts Commission is housed with the Economic Development Department. It recommends strategies to promote the artistic and cultural growth of Orange County, advises the Board of Commissioners on matters involving the arts, and acts as the granting panel for two annual funding programs available to individual artists and non-profit groups sponsoring arts projects in Orange County. To learn more, go to the following web address: www.artsorange.org/

6	VACANT	Day Phone:		Sex:		First Appointed:	
		Evening Phone:		Race:		Current Appointment:	
		FAX:		Township:		Expiration:	09/30/2013
		E-mail:		Resid/Spec Req:	At-Large	Number of Terms:	
				Special Repr:			
7	Ms. Doris A. Friend	Day Phone:	919-968-1013	Sex:	Female	First Appointed:	11/19/2013
		Evening Phone:		Race:	Caucasian	Current Appointment:	11/19/2013
	5812 Dodson's Crossroads	FAX:		Township:	Bingham	Expiration:	09/30/2016
	Hillsborough NC 27278	E-mail:	dfriend3@bellsouth.net	Resid/Spec Req:	At-Large	Number of Terms:	1
				Special Repr:			
8	Dr. Alice Levinson	Day Phone:	932-5902	Sex:	Female	First Appointed:	08/23/2011
		Evening Phone:	932-5902	Race:	Caucasian	Current Appointment:	03/22/2012
	3604 Pasture Rd	FAX:		Township:	Bingham	Expiration:	03/31/2015
	Hillsborough NC 27278	E-mail:	allevs@att.net	Resid/Spec Req:	At-Large	Number of Terms:	1
				Special Repr:			
9	Mr. Christopher Wehrman	Day Phone:	215-806-8615	Sex:	Male	First Appointed:	06/18/2013
		Evening Phone:	215-806-8615	Race:	Caucasian	Current Appointment:	06/18/2013
	2212 Beckett's Ridge Drive	FAX:		Township:	Hillsborough	Expiration:	03/31/2014
	Hillsborough NC 27278	E-mail:	cwadesigns@nc.rr.com	Resid/Spec Req:	At-Large	Number of Terms:	
				Special Repr:			
10	Ms. Devra Thomas	Day Phone:	919-968-1515	Sex:	Female	First Appointed:	03/19/2013
	Chair	Evening Phone:	919-619-0697	Race:	Caucasian	Current Appointment:	03/19/2013
	2905 Ballpark Drive	FAX:		Township:	Cheeks	Expiration:	03/31/2014
	Efland NC 27243	E-mail:	Stubborndev@gmail.com	Resid/Spec Req:	At-Large	Number of Terms:	
				Special Repr:			

Board and Commission Members

And Vacant Positions

Arts Commission

Meeting Times: 6:00 p.m. second Monday of each month | Terms: 2 | Contact Person: Martha Shannon

Meeting Place: Alternating | Positions: 15 | Length: 3 years | Contact Phone: 919-968-2011

Description: The members of this commission are appointed by the Board of Commissioners. The Arts Commission is housed with the Economic Development Department. It recommends strategies to promote the artistic and cultural growth of Orange County, advises the Board of Commissioners on matters involving the arts, and acts as the granting panel for two annual funding programs available to individual artists and non-profit groups sponsoring arts projects in Orange County. To learn more, go to the following web address: www.artsorange.org/

11	Mrs. Ashley Nissler 2313 Woodbury Drive Hillsborough NC 27278	Day Phone: 919-245-3695 Evening Phone: FAX: E-mail: ranissler@mindspring.com	Sex: Female Race: Caucasian Township: Hillsborough Resid/Spec Req: At-Large Special Repr:	First Appointed: 04/23/2013 Current Appointment: 04/23/2013 Expiration: 03/31/2014 Number of Terms: 1		
12	Mrs Emily Lees 1516 Cumberland Rd Chapel Hill NC 27514	Day Phone: 919 960-3737 Evening Phone: FAX: E-mail: emilylees@bellsouth.net	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 04/21/2009 Current Appointment: 03/22/2012 Expiration: 03/31/2015 Number of Terms: 2		
13	Ms. Lindsey Alexander Vice-Chair 2413 Wilson Road Chapel Hill NC 27516	Day Phone: 3474132381 Evening Phone: 3474132381 FAX: E-mail: lindsey.alexander@gmail.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 03/22/2012 Current Appointment: 03/22/2012 Expiration: 03/31/2015 Number of Terms: 1		
14	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr:	First Appointed: Current Appointment: Expiration: 09/30/2013 Number of Terms:		
15	Ms. Deborah Hepp 20 Dogwood Acres Drive Chapel Hill NC 27516	Day Phone: 919-260-4495 Evening Phone: 919-942-3398 FAX: E-mail: debbie@ballyhoostudio.com	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr:	First Appointed: 06/18/2013 Current Appointment: 06/18/2013 Expiration: 03/31/2016 Number of Terms: 1		

Thom Freeman

From: Martha Shannon - Orange County Arts Commission
Sent: Tuesday, January 14, 2014 11:51 AM
To: Thom Freeman
Subject: FW: Still Interested in Serving on Arts Commission Board?

From: Martha Shannon - Orange County Arts Commission
Sent: Tuesday, January 14, 2014 11:05 AM
To: 'tfreeman@orangecountync.org'
Cc: 'dbaker@co.orange.nc.us'; 'jjones@co.orange.nc.us'
Subject: FW: Still Interested in Serving on Arts Commission Board?

Thom,

The Orange County Arts Commission would like to suggest the name of Volunteer Applicant Kathleen Ponder for possible appointment to the Arts Commission advisory board ASAP by the BOCC.

See forwarded emails below.

Let me know if you need any more information from me. Let me know when her name will be on a BOCC agenda.

Thanks so much!

Martha

From: Martha Shannon - Orange County Arts Commission
Sent: Tuesday, January 14, 2014 10:46 AM
To: 'Kathleen Ponder'
Subject: RE: Still Interested in Serving on Arts Commission Board?

Kathleen,

We will submit your name to the Clerk's Office for possible appointment to the Arts Commission Advisory Board by the Board of County Commissioners. They usually handle appointments at their 2nd meeting each month. Hopefully, your name will be on their agenda for possible appointment by the end of February, 2014.

Will keep you posted.

Thanks for your interest.

Martha

From: Kathleen Ponder [mailto:kmpgaponder@gmail.com]
Sent: Tuesday, January 14, 2014 10:43 AM
To: Martha Shannon - Orange County Arts Commission
Subject: Re: Still Interested in Serving on Arts Commission Board?
Importance: High

From: Martha Shannon - Orange County Arts Commission
Sent: Thursday, December 12, 2013 11:08 AM
To: Thom Freeman
Cc: Donna Baker; Jeanette Jones
Subject: FW: Still Interested in Serving on Arts Commission Advisory Board?
Importance: High

Thom,

The Orange County Arts Commission would like to suggest the name of Volunteer Applicant Natalie Ziemba for possible appointment to the Arts Commission advisory Board ASAP by the BOCC.

See forwarded emails below.

Let me know if you need any more information from me. Let me know when her name will be on a BOCC agenda.

Thanks so much!

Martha

From: Martha Shannon - Orange County Arts Commission
Sent: Thursday, December 12, 2013 11:00 AM
To: 'Ziemba, Natalie C'
Subject: RE: Still Interested in Serving on Arts Commission Advisory Board?

Natalie,

That's great news!

I will forward your name to the Clerk to the County Commissioners' office. She will put your name on one of their upcoming agendas for possible appointment to the Orange County Arts Commission Advisory Board.

Will keep you posted.

Thanks again!

Martha

From: Ziemba, Natalie C [mailto:nziemba@reroute.unc.edu]
Sent: Thursday, December 12, 2013 9:22 AM
To: Martha Shannon - Orange County Arts Commission
Subject: RE: Still Interested in Serving on Arts Commission Advisory Board?

Hi Martha,

It looks like I can work my schedule out and I will be able to participate on the Orange County Arts Commission. Thank you so much for the opportunity, and I am very excited to start working with you!

Natalie
MSW Candidate 2015
University of North Carolina

From: Martha Shannon - Orange County Arts Commission <mshannon@orangecountync.gov>
Sent: Wednesday, December 11, 2013 6:59 AM
To: Ziemba, Natalie C
Subject: RE: Still Interested in Serving on Arts Commission Advisory Board?

Natalie,

Absolutely.

I look forward to hearing back from you in a few days.

Thanks again for your consideration.

Martha

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Dr Kathleen Ponder
Name Called:
Home Address: 2 Winnawa Walk
Hillsborough NC 27278
Phone (Day): 919 732 8576
Phone (Evening): 919 732 8576
Phone (Cell): 919 636 1021
Email: kmpgaponder@gmail.com

Place of Employment: Capacities Unlimited
Job Title: President

Year of OC Residence: 2006

Township of Residence: Hillsborough
Zone of Residence: Hillsborough ETJ

Sex: Female
Ethnic Background: Caucasian

Community Activities/Organizational Memberships:

I m on the board of Kidscope .
I support the Eno River Association.

Past Service on Orange County Advisory Boards:

None

Boards/Commissions applied for:

Arts Commission

Background, education and experience relevant to this board:

*I m a long-time arts supporter, holding membership at the Nasher Museum of Art at Duke and the NC Museum of Art.
*In my Director role at the Center for Creative Leadership I supported an arts program for local Guilford County artists that involved a bimonthly arts reception and ongoing display of their work at our global training center.
*My professional background in personal, team, and organizational leadership and executive development may prove helpful in the life of the Arts Commission.
*I am a frequent shopper at our local art galleries and shops.

Reasons for wanting to serve on this board:

I think an aesthetically pleasing community attracts business, inspires good behavior on the part of citizens, and helps promote the higher values of humanity and because I now have time flexibility I would like to assist in promoting the art in Orange County.

Conflict of Interest:

Supplemental Questions:

Other Comments:

This application was current on: 1/9/2014 9:53:54 AM **Date Printed:** 1/10/2014

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Natalie Ziemba
Name Called:
Home Address: 303 Smith Level Road, Apt A11
Chapel Hill NC 27516
Phone (Day): 970-310-4369
Phone (Evening):
Phone (Cell):
Email: nziemba@live.unc.edu

Place of Employment: University of North Carolina
Job Title: Research Assistant
Year of OC Residence: 2013
Township of Residence: Chapel Hill
Zone of Residence: C.H. Twnshp; C.H.Cty.Lmts.
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Arts Commission

Throughout my life, I have participated in various choral groups, and I actively played piano for 15 years. I also participated in several theatre groups and performances while in high school, though did not continue my theatre participation in my undergraduate studies. The performing arts are essential to a well-rounded education, and convey the beauty and despair of the human condition. I would like to ensure that the arts remain an integral part of life and culture in Orange County.

Human Relations Commission

Previously, I have worked for social change as a Peace Corps Volunteer, the Volunteer Coordinator on a campus organization, and a hotline counselor for a sexual assault organization. Social justice and advocacy takes on many forms depending on the context, and my different experiences with social change work broaden my perspective on how social justice looks in reality. As a social work student, I believe the interactions between people are the most important relationships in the life of an individual. We all have the ability and responsibility to improve relationships between individuals, and change the social conditions that perpetuate discrimination and inequality. Changes must happen concurrently at the individual and societal level, and the Human Relations Commission can ensure positive social change occurs at the societal level in Orange County.

Community Activities/Organizational Memberships:

Currently, I am in my first semester as a Master s in Social Work student at the University of North Carolina at Chapel Hill. As part of my course requirements, I intern part-time with the Adolescent Parenting Program in the Department of Social Services. I

also participate in weekly exercise groups including the Carrboro Fleet Feet running group, Trailheads trail running group, and Carrboro/Chapel Hill obstacle course training group. Occasionally, I meet up with other Returned Peace Corps Volunteers in the triangle area.

Past Service on Orange County Advisory Boards:

Other Comments:

This application was current on: 11/30/2013 6:36:50 PM **Date Printed:** 12/12/2013

Applicant Interest Listing

by Board Name and by Applicant Name

Arts Commission

Contact Person: Martha Shannon
Contact Phone: 919-968-2011

Ms. Wendy Calvin	Day Phone:	919-630-1350	Sex:	Female
623 William Hooper Circle	Evening Phone:		Race:	Caucasian
Hillsborough NC 27278	Cell Phone:		Township:	Hillsborough
	E-mail:		Date Applied:	03/18/2013
Skills:	Also Serves On:			

Dr. Brian Finch	Day Phone:	704-989-4886	Sex:	Male
601 Porteur Point	Evening Phone:	704-989-4886	Race:	Caucasian
Cedar Grove NC 27231	Cell Phone:	704-989-4886	Township:	Cedar Grove
	E-mail:	roundunderpar@gmail.com	Date Applied:	01/09/2014
Skills:	Also Serves On:			

Dr Kathleen Ponder	Day Phone:	919 732 8576	Sex:	Female
2 Winnawa Walk	Evening Phone:	919 732 8576	Race:	Caucasian
Hillsborough NC 27278	Cell Phone:	919 636 1021	Township:	Hillsborough
	E-mail:	kmpgaponder@gmail.com	Date Applied:	01/09/2014
Skills:	Also Serves On:			

Ms. Natalie Ziemba	Day Phone:	970-310-4369	Sex:	Female
303 Smith Level Road, Apt A11	Evening Phone:		Race:	Caucasian
Chapel Hill NC 27516	Cell Phone:		Township:	Chapel Hill
	E-mail:	nziemba@live.unc.edu	Date Applied:	11/30/2013
Skills:	Also Serves On:			

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Wendy Calvin
Name Called:
Home Address: 623 William Hooper Circle
Hillsborough NC 27278
Phone (Day): 919-630-1350
Phone (Evening):
Phone (Cell):
Email:
Place of Employment:
Job Title: Office Assistant II
Year of OC Residence: 2011
Township of Residence: Hillsborough
Zone of Residence: Hillsborough Town Limits
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Arts Commission

Board of Health

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Public Service - library and health department.
Private Sector - Bookstores, retail managment.

Volunteer Experience: Program Coordinator assistant at Nursing Homes.
Enviornmental Awareness club President.
Various Visual Arts programs.

Education: Associates Degree
Bachelors Degree completion in 2012

Other Comments:
STAFF COMMENTS: 09/06 applied for Arts Commission, Animal Services Advisory Board, and Board of Health. ADDRESS VERIFICATION: 623 William Hooper Circle is Hillsborough Township ETJ.

This application was current on: 3/18/2013 **Date Printed:** 12/12/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Dr. Brian Finch
Name Called:	
Home Address:	601 Porteur Point Cedar Grove NC 27231
Phone (Day):	704-989-4886
Phone (Evening):	704-989-4886
Phone (Cell):	704-989-4886
Email:	roundunderpar@gmail.com
Place of Employment:	self
Job Title:	Consultant
Year of OC Residence:	2012
Township of Residence:	Cedar Grove
Zone of Residence:	
Sex:	Male
Ethnic Background:	Caucasian

Community Activities/Organizational Memberships:

I have applied in previous years but was never contacted. Now I see an article in the Northern Orange Extra with a plea for volunteers....I would love to become involved but no one has ever responded or acknowledged my past attempts.

Past Service on Orange County Advisory Boards:

None, see previous comment.

Boards/Commissions applied for:

Affordable Housing Advisory Board

Background, education and experience relevant to this board:

I have a doctorate in education.

Reasons for wanting to serve on this board:

To serve my community in a an unbiased way.

Conflict of Interest:

Arts Commission

Background, education and experience relevant to this board:

I have a doctorate in education.

Reasons for wanting to serve on this board:

To serve my community in a an unbiased way.

Conflict of Interest:

Historic Preservation Commission (APPLICANTS SHALL RESIDE WITHIN THE TERRITORIAL

Background, education and experience relevant to this board:

I have a doctorate in education.

Reasons for wanting to serve on this board:

To serve my community in a an unbiased way.

Conflict of Interest:

Supplemental Questions:

Other Comments:

This application was current on: 1/9/2014 2:20:42 PM **Date Printed:** 1/10/2014

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 23, 2014

Action Agenda Item No. 11-c

SUBJECT: Nursing Home Community Advisory Committee – Appointment

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S): Under Separate Cover
Membership Roster
Recommendation
Application(s) for Person(s) Recommended
Interest List
Application(s) of Person(s) on the Interest List

INFORMATION CONTACT:
Clerk's Office, 245-2130

PURPOSE: To consider making appointments to the Nursing Home Community Advisory Committee.

BACKGROUND: The following appointment is for Board consideration:

- Appointment to a one year training term for Ms. Sandra Jones.
- Appointment to a one year training term for Ms. Sandra Lemons

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
5	Ms. Sandra Jones	At-Large – Training	01/23/2015
7	Ms. Sandra Lemons	At-Large – Training	01/23/2015
11	Dr. Joanne Wilson	At-Large – Training	01/23/2015

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Board will consider making an appointment to the Agricultural Preservation Board.

Board and Commission Members

And Vacant Positions

Nursing Home Community Advisory Committee

Meeting Times: 5:30 p.m. Every other 1st Tuesday starting with Jan. Terms: 2 Contact Person: Charlotte Terwilliger, MSW

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	Dr. Tracey Yap 834 Providence Glen Drive Chapel Hill NC 27514	Day Phone: 502-686-0016 Evening Phone: 919-240-4793 FAX: E-mail: tracey.yap@duke.edu	Sex: Female Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 12/13/2011 Current Appointment: 02/19/2013 Expiration: 01/30/2016 Number of Terms: 1		
2	Mr Elijah (Ed) Flowers, III Chair 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: 03/06/2008 Current Appointment: 02/21/2012 Expiration: 03/31/2015 Number of Terms: 2		
3	Ms. Teri J. Driscoll 815 US Hwy 70A East, Apt. 323 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: 09/17/2013 Expiration: 09/30/2014 Number of Terms: 1		
4	Ms. Sharon Karnash 5513 Quail Hollow Drive Hillsborough NC 27278	Day Phone: 919-479-5661 Evening Phone: same FAX: E-mail: Sharon.karnash@gmail.com	Sex: Female Race: Caucasian Township: Little River Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 06/12/2007 Current Appointment: 04/19/2011 Expiration: 06/30/2014 Number of Terms: 2		
5	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr: Nursing Home Administration	First Appointed: Current Appointment: Expiration: 06/30/2008 Number of Terms:		

Board and Commission Members

And Vacant Positions

Nursing Home Community Advisory Committee

Meeting Times: 5:30 p.m. Every other 1st Tuesday starting with Jan. Terms: 2 Contact Person: Charlotte Terwilliger, MSW

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	Ms. Vicki Barringer 3612 Old Vine Trail Hillsborough NC 27278	Day Phone: 919-971-9333 Evening Phone: 919-971-9333 FAX: E-mail: vbarringer@gmail.com	Sex: Female Race: Caucasian Township: Eno Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 03/22/2012 Current Appointment: 03/19/2013 Expiration: 03/31/2016 Number of Terms: 1		
7	VACANT	Day Phone: Evening Phone: FAX: E-mail:	Sex: Race: Township: Resid/Spec Req: At-Large Special Repr: Nursing Home Administration	First Appointed: Current Appointment: Expiration: 06/01/2014 Number of Terms:		
8	Dr. Mario Battigelli 1307 Wildwood Drive Chapel Hill NC 27514	Day Phone: 919-942-5756 Evening Phone: FAX: E-mail: mcbattigelli@gmail.com	Sex: Male Race: Caucasian Township: Chapel Hill Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 03/16/2010 Current Appointment: 04/19/2011 Expiration: 03/16/2014 Number of Terms: 1		
9	Ms. 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: 03/22/2012 Expiration: 04/19/2015 Number of Terms: 1		
10	Dr Mary Ann Peter 118 W. Tryon St. Hillsborough NC 27278	Day Phone: 919-732-6073 Evening Phone: FAX: E-mail: maryannpeter@earthlink.net	Sex: Female Race: Caucasian Township: Hillsborough Resid/Spec Req: At-Large Special Repr: At-Large	First Appointed: 01/24/2012 Current Appointment: 06/18/2013 Expiration: 06/30/2016 Number of Terms: 1		

Board and Commission Members

And Vacant Positions

Nursing Home Community Advisory Committee

Meeting Times: 5:30 p.m. Every other 1st Tuesday starting with Jan. Terms: 2 Contact Person: Charlotte Terwilliger, MSW

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 VACANT

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: At-Large
Special Repr: Nursing Home Administration

First Appointed:
Current Appointment:
Expiration: 12/31/2010
Number of Terms:

12 VACANT

Day Phone:
Evening Phone:
FAX:
E-mail:

Sex:
Race:
Township:
Resid/Spec Req: At-Large
Special Repr: Nursing Home Administration

First Appointed:
Current Appointment:
Expiration: 12/31/2010
Number of Terms:

Dear Mr. Freeman,

The Nursing Home Community Advisory Committee would like to recommend Ms. Sandra Jones for a one year training term. Ms. Jones has been an RN for over 50 years with her specialty being geriatrics. She has experience working in nursing homes as a charge nurse, supervisor, and Director of Nursing. In addition, she has served as a Nursing Home Administrator in Michigan. Her long term care expertise will be valuable to the advocacy work of our committee.

The Nursing Home Community Advisory Committee would also like to recommend Ms. Sandra Lemons for a one year training term. Ms. Lemons has worked at a large retirement center and knows the importance of quality of care for residents. She has participated in training on Resident Rights, Elder Abuse Prevention, and Dementia Care. Ms. Lemons has a passion for ensuring that long term care residents receive the best quality of care in a safe living environment.

The Policies and Procedures for the Nursing Home Community Advisory Committee state of that one-third of its members must be chosen from among persons nominated by a majority of the chief administrators of nursing homes in the County. However it goes on to state that if the nursing home administrators fail to make a nomination within 45 days after written notification these appointments may be made by the Board of County Commissioners without nominations. A request for nominations was sent to the county Nursing Home Administrators on 11/12/13. However, we are anticipating that we will not receive nominations from this group.

Due to the provision outlined above, the Community Advisory Committee is requesting that Ms. Jones and Ms. Lemons be appointed to the vacancies that have been designated for Nursing Home Administration at the January, 2014 BOCC meeting. This will allow 45 days for the Nursing Home Administrators to make a nomination should they choose to.

Please let me know if you need any further information from me to move these recommendations forward.

Thank you for your assistance.

Best Regards,
Charlotte

Charlotte Terwilliger, MSW
Ombudsman – Orange and Chatham Counties

Area Agency on Aging
Triangle J Council of Governments
4307 Emperor Blvd., Suite 110, Durham, NC 27703
(o) 919-558-9401 / (f) 919-998-8101
cterwilliger@tjcog.org / www.tjcog.org

E-Mail correspondence to and from this address is subject to the North Carolina Public Records Act and may be disclosed to third parties unless made confidential under applicable law.

Thom Freeman

From:	Ed Flowers <ed_flowers@yahoo.com>
Sent:	Tuesday, January 14, 2014 10:03 AM
To:	Thom Freeman
Cc:	Nursing Home Community Advisory Committee
Subject:	OCNHCAC committee appointment
Attachments:	Wilson Volunteer Application.pdf

Thom

The Orange County Nursing Home Community Advisory Committee voter to accept Dr. Joannne Wilson's application (attached file) to be appointed to our committee at our meeting on January 7, 2014.

Please proceed with advising the BOCC of this decision. Please let me know when her appointment will be on the BOCC agenda. Once approved, we will proceed with having her attend orientation sessions which includes touring one of our nursing homes.

Thanks

Ed Flowers
Chairperson, OCNHCAC

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Sandra Jones
Name Called:	
Home Address:	600 West Poplar Ave., Apt. 239 Carrboro NC 27510
Phone (Day):	828-668-9628
Phone (Evening):	
Phone (Cell):	828-712-2362
Email:	None
Place of Employment:	Retired
Job Title:	RN, Teacher
Year of OC Residence:	2012
Township of Residence:	Chapel Hill
Zone of Residence:	Carrboro City Limits
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Nursing Home Community Advisory Committee

I have been an RN for 50 years with my specialty being geriatrics. I have been in many positons in Nursing Homes from charge nurse, to supervisory, inservice director, Director of Nursing and I was licensed in Michigan as a Nursing Home Administrator. I also have degree in Education (Allied Health).

Advisory Board on Aging

I am aged - recently became 70 - and I am slightly handicapped and live in a senior independent apartment complex where I see the reality of aging at every level - economically, socially, healthwise, mentally, emotionally. With my background in geriatrics I can be very discerning as to the blessings and problems of aging.

Community Activities/Organizational Memberships:

Volunteer at McDougle Elementary School - 2nd Grade Reading and Writing
Volunteer Leukemia & Lymphoma Society
Volunteer Ronald McDonald House (UNC Childrens Hospital)
Volunteer Literacy Council-Tutoring in Reading & Math for a 70 year old illiterate lady.
Active in my church.
Active in my Church

Past Service on Orange County Advisory Boards:

None

Other Comments:

STAFF COMMENTS: Originally applied for Nursing Home Committee and Advisory Board on Aging 01/24/2013. ADDRESS VERIFICATION: 600 West Poplar Avenue, Apt. 239, is Carrboro Jurisdiction, Carrboro City Limits, Chapel Hill Township.

This application was current on: 1/22/2013 **Date Printed:** 12/10/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. Sandra Lemons
Name Called:	
Home Address:	1321 Brookhollow Road Efland NC 27243
Phone (Day):	919-971-8385
Phone (Evening):	919-971-8385
Phone (Cell):	
Email:	SandraL@umrh.org
Place of Employment:	Croasdaile Village
Job Title:	Administrative Assistant Plant Operations
Year of OC Residence:	1955
Township of Residence:	Cheeks
Zone of Residence:	-
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Nursing Home Community Advisory Committee

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: UNC-CH Medical School Admissions Office 16 yrs; Orange County Schools 7 yrs; Croasdaile Village 3 yrs

Volunteer Experience: School and Church

Education: Chapel Hill High School; King's College, Charlotte NC; King's College, Raleigh NC

Other Comments:

Working for a large retirement center with several levels of care including skilled nursing, I know the importance of quality care for residents. I am required to complete online staff development on Resident Rights, Preventing Resident Abuse, Sexual Harassment, HIPPA, Corporate Compliance; Alzheimer's; Slips, Trips and Falls to name a few. I feel that I could serve Orange County with this knowledge to make sure that the facilities in our county give the best quality care and safest living environment to residents. STAFF COMMENTS: Originally applied for Nursing Home Community Advisory Committee 02/11/2011. ADDRESS VERIFICATION: 1321 Brookhollow Road, Efland, NC is in Orange County Jurisdiction, Cheeks Township.

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Dr Joanne Wilson
Name Called:	
Home Address:	104 Stoneridge Drive Chapel Hill NC 27514
Phone (Day):	919-810-2774
Phone (Evening):	919-932-5391
Phone (Cell):	
Email:	antee1@earthlink.net
Place of Employment:	Duke
Job Title:	Physician
Year of OC Residence:	1990
Township of Residence:	Chapel Hill
Zone of Residence:	Rural Area Resident
Sex:	Female
Ethnic Background:	African American

Boards/Commissions applied for:

Board of Health

Nursing Home Community Advisory Committee

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

None

Other Comments:

STAFF COMMENTS: Applied 07/15/2013 for Adult Care Home Community Advisory Committee, Advisory Board on Aging, and Board of Health. ADDRESS VERIFICATION: 104 Stoneridge Drive is Chapel Hill Township, Orange County Jurisdiction, and (RB) Rural Buffer Zoning.

This application was current on: 7/15/2013 9:53:13 PM **Date Printed:** 12/10/2013

Applicant Interest Listing

by Board Name and by Applicant Name

Nursing Home Community Advisory Committee

Contact Person: Charlotte Terwilliger, MSW
Contact Phone: 919-558-9401

Ms. Susan Adams
211 Hogan Woods Circle
Chapel Hill NC 27516

Day Phone: 919-357-5541
Evening Phone: 919-357-5541
Cell Phone:
E-mail: jaseradams@gmail.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 10/07/2013

Skills: Consultant
Also Serves On:

Ms. Martha Bell
100 Macrae Court
Chapel Hill NC 27516

Day Phone: 919-968-4674
Evening Phone: as above
Cell Phone: N/A
E-mail: mbell968@yahoo.com

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 01/09/2014

Skills:
Also Serves On:

Ms. T. L. Crews
4921 Guess Rd
Rougmeont NC 27572

Day Phone: 919 732-6974
Evening Phone: 919 732-6974
Cell Phone:
E-mail: crewsez@aol.com

Sex: Female
Race: African American
Township: Little River
Date Applied: 08/21/2011

Skills: School Principal
Also Serves On: Adult Care Home Community Advisory Committee
Skills: Tutor

Nick Galvez
403 N Elliott Road
Chapel Hill NC 27514

Day Phone: 7274189921
Evening Phone: 7274189921
Cell Phone: 7274189921
E-mail: ngalvez1234@gmail.com

Sex: Male
Race: Other
Township: Chapel Hill
Date Applied: 01/08/2014

Skills:
Also Serves On:

Ms. Sandra Jones
600 West Poplar Ave., Apt. 239
Carrboro NC 27510

Day Phone: 828-668-9628
Evening Phone:
Cell Phone: 828-712-2362
E-mail: None

Sex: Female
Race: Caucasian
Township: Chapel Hill
Date Applied: 01/22/2013

Skills:
Also Serves On:
Skills: Geriatric Care
Also Serves On:
Skills: Nurse
Also Serves On:

Ms. Sandra Lemons
1321 Brookhollow Road
Efland NC 27243

Day Phone: 919-971-8385
Evening Phone: 919-971-8385
Cell Phone:
E-mail: SandraL@umrh.org

Sex: Female
Race: Caucasian
Township: Cheeks
Date Applied: 02/11/2011

Skills: Administrative Assistant
Also Serves On:

Applicant Interest Listing

by Board Name and by Applicant Name

Nursing Home Community Advisory Committee

Contact Person: Charlotte Terwilliger, MSW
Contact Phone: 919-558-9401

Mrs Karen Schnell
4421 Lynch Store Rd
Mebane NC 27302

Day Phone: 919 304 5880
Evening Phone:
Cell Phone:
E-mail: schnellkar@yahoo.com

Sex: Female
Race: Caucasian
Township: Cedar Grove
Date Applied: 06/06/2013

Skills: Consultant
Skills: Nurse
Also Serves On: Adult Care Home Community Advisory Committee

Dr Joanne Wilson
104 Stoneridge Drive
Chapel Hill NC 27514

Day Phone: 919-810-2774
Evening Phone: 919-932-5391
Cell Phone:
E-mail: antee1@earthlink.net

Sex: Female
Race: African American
Township: Chapel Hill
Date Applied: 07/15/2013

Skills: Medical Doctor
Also Serves On:

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Susan Adams
Name Called:
Home Address: 211 Hogan Woods Circle
Chapel Hill NC 27516
Phone (Day): 919-357-5541
Phone (Evening): 919-357-5541
Phone (Cell):
Email: jaseradams@gmail.com

Place of Employment: Self-employed
Job Title: Consultant
Year of OC Residence: 2004
Township of Residence: Chapel Hill
Zone of Residence: Carrboro City Limits
Sex: Female
Ethnic Background: Caucasian

Boards/Commissions applied for:

Advisory Board on Aging

I am energized by solving problems and taking on challenges. With over 1 person turning 50 every second due to the dramatic achievements in public health, Orange County is poised to see a 67% increase in persons over 65 and a 43% increase in persons over 85 in the next 10 years. This trend continues through 2030 when persons over 65 will again increase by 42% and over 85 by 70%. Orange county is a leader in serving its senior population and I want to contribute to preparing and meeting these needs throughout the next 20 years.

Although I worked as a chemical engineer for 15 years, I recently returned to school to get a BA in Multidisciplinary studies, with an emphasis on social sciences and the Socio-Ecological Model which shows that the health of an individual is based not just on the person but withing the greater context of his relationships, his community and his society. Because of my interest in the aging process, I am currently completing a Masters in Gerontology from the University of Southern California. Through this program I have been able to receive the training and tools that will aid me in pursuing my goal of improving the disparity in the aging experience between the different economic classes. The research area where I am basing my concentration consists of early depression intervention for the home caregiver. Many home caregivers are thrust into their duties with little to no training and as more residents, especially in the rural areas, are deciding to age in place there will be a need for increased programs to address the adult child or spousal caregiver, many of whom are over 50.

I am excited to be beginning this new phase of my life as I turn 50, and consider myself to be a life-long learner who believes that we are all part of something larger and there is purpose to all our lives. My belief system influences all I do and I value responsibility and high ethical standards. I

believe that the strategic methods of problem solving I utilized as an engineer allows me to find and evaluate alternatives and seek innovative ways to get things done. I believe in community involvement as I was a member of the School Improvement Team (SIT) committee for McDougle Middle School for 2 years, worked as a volunteer at the Chapel Hill Museum for 3 years, and have been a member of the MAC -Mandarin Advisory Council for the dual language program in CHCCS since it began and my daughter has been part of the program for the past 8 years. As my children are growing up and moving on to new goals, I feel that I too must focus my time and energies on the future.

I appreciate your time in considering me for this position.

Nursing Home Community Advisory Committee

I am graduating with my Masters of Arts in Gerontology in May 2014 from the University of Southern California. My BS is multi disciplinary in psychology and public health. My concentration of study is in environmental interventions to decrease agitation in persons with dementia. I currently volunteer at Galloway Ridge and care part time for my elderly parents who I relocated to Chatham County in 2008.

Community Activities/Organizational Memberships:

IFC - Orange County Homeless Shelter, Galloway Ridge - Volunteer, Care Ministry - Newman Center, Coastal Pines of North Carolina - troop 862 - Adult Volunteer, Treasurer 2007-2012, AARP, GSA - Gerontological Society of America
MAC Committee - Mandarin Advisory Council for the Dual Language Program for Chapel Hill Carrboro City School District, Newman center outreach care ministry, MAC-dual language for Mandarin Chinese advisory board for school system, NAHB - National Home Builders Association Orange , Chatham and Durham counties - remodeler s council, National Gerontology Society, AARP,

Past Service on Orange County Advisory Boards:

Other Comments:

STAFF COMMENTS: Applied 2/1/2013 for Advisory Board on Aging. Applied 10/4/2013 for Nursing Home CAC. ADDRESS VERIFICATION: 211 Hogan Woods Circle is Chapel Hill Township, Carrboro Jurisdiction, Carrboro City Limits.

This application was current on: 10/7/2013 **Date Printed:** 12/10/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name: Ms. Martha Bell
Name Called:
Home Address: 100 Macrae Court
Chapel Hill NC 27516
Phone (Day): 919-968-4674
Phone (Evening): as above
Phone (Cell): N/A
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:

Nursing Home Community Advisory Committee
Board of Health

Boards/Commissions applied for:

Nursing Home Community Advisory Committee

Background, education and experience relevant to this board:

After retiring from active duty with the Army Nurse Corps in 1995, accepted position of Director of Nursing, Carol Woods Retirement Community, serving in that capacity for 12 years, and then continued in special projects as identified by the President/CEO, Carol Woods, for another 5 years; also eventually had operational responsibility for assisted living, and infection control for the organization. Coordinated clinical assignments in long term care for nursing and nursing assistant students from DCC and NCCU. Taught fundamentals of elder care to staff and students; served as consultant with CARF and AAHSA reviewing health and service delivery standards.

Reasons for wanting to serve on this board:

Throughout the years at Carol Woods, I met many members of this Cmmunity Committee, through their advisory capacity; always impressed with their respect for the older adult and circumstances that lead a person(s) to seek long term care, I knew I was unable to serve this

committee until I retired from the business of elder services. I ve continued to keep my nursing license current, attending related education offerings in the infection control, gerontology and health care for the years since retirement from full time work. While volunteering in Durham, I really want to serve my local community and continue to put my knowledge of aging services and long term care to good use.

Conflict of Interest:

Board of Health

Background, education and experience relevant to this board:

RN, BSN, MSN; attendance at 3.5 day infection control in long term care course offered by SPICE every two years; recent course attendance at offering regading CDiff; served as infection control consultant for Carol Woods Retirement Community 12 years 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: 1/9/2014 11:27:53 AM **Date Printed:** 1/10/2014

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Ms. T. L. Crews
Name Called:	
Home Address:	4921 Guess Rd Rougmeont NC 27572
Phone (Day):	919 732-6974
Phone (Evening):	919 732-6974
Phone (Cell):	
Email:	crewsez@aol.com
Place of Employment:	Retired Public School Adminstrator
Job Title:	Senior Director Programs for Exceptional Children
Year of OC Residence:	1996
Township of Residence:	Little River
Zone of Residence:	-
Sex:	Female
Ethnic Background:	African American

Boards/Commissions applied for:

Nursing Home Community Advisory Committee

Community Activities/Organizational Memberships:

Past Service on Orange County Advisory Boards:

Work Experience: Currently serving as Executive Director for the Little River Community Complex
Durham Public Schools worked in adminstrative leadership in the Exceptional Children's Program. Retired in 2005 as Director of the system's Exceptional Children's Program; at the request of the superintendent I returned to provide training and assistance to the new Director when appointed.

Volunteer Experience: Worked with children in placement through Durham Social Services and court system. I reviewed files and collected relevant data for attorneys to use in court custody and placement hearings

Tutored young adults and children

Volunteered in a university sponsored child development center

Currently Executive Director of Little River Community Complex

Education: M.ED in Special Education
BA in history with minor in education
Hold Principal Certification

State Licensed in areas of LD/BED/DD

Other Comments:

I have spent most of my life working to better provide assistance to infants, children, young adults, those at risk, and senior citizens. As a result of spending days and nights in several nursing homes sitting with elderly parents and relatives, I've gained a deeper understanding and compassion for elderly residents and workers in nursing facilities. STAFF COMMENTS: 08/23/2011 Applied to serve on Human Relations Commission, Adult Care Home Community Advisory Committee, and Nursing Home Community Advisory Committee. ADDRESS VERIFICATION: 4921 Guess Road is in Little River Township, Orange County Jurisdiction.

This application was current on: 8/21/2011 11:48:53 AM **Date Printed:** 12/10/2013

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Nick Galvez
Name Called:	
Home Address:	403 N Elliott Road Chapel Hill NC 27514
Phone (Day):	7274189921
Phone (Evening):	7274189921
Phone (Cell):	7274189921
Email:	ngalvez1234@gmail.com
Place of Employment:	Bayada Home Care
Job Title:	Field Clinician/Physican Therapist
Year of OC Residence:	2013
Township of Residence:	Chapel Hill
Zone of Residence:	
Sex:	Male
Ethnic Background:	Other

Community Activities/Organizational Memberships:

To Whom It Concerns:

I have worked in healthcare for over 15 years and have successfully managed operations and finances for medium and large healthcare organizations. I earned an MBA with a concentration in accounting in 2004. I also gained the CMA certification from the Institute of Management Accountants to further my knowledge and prepare for a Director level position.

In my current position as a regional manager, I helped develop new markets (Georgia) and new programs for internal and external growth. I assisted the sales team to ensure operations and new business growth was aligned with the companyâ€™s long term strategic plan. The region and company has grown significantly due to my focus on new markets and new programs.

I have volunteer experiences that have also contributed to my professional development. I enjoyed serving on the Hillsborough County Healthcare Advisory Board for the past 4 years and have contributed to fiscal policy development for the county healthcare plan. I also serves on the Board of Directors for the Health Council of West Central Florida to serve their mission to educate consumers in the region about healthcare issues. I held this position for 2 years while living in Florida.

I am excited about getting involved in the Chapel Hill community and sharing my experiences with other like minded citizens to improve out community.

Sincerely,

Nick Galvez

Past Service on Orange County Advisory Boards:

none

Boards/Commissions applied for:

Board of Health

Background, education and experience relevant to this board:

I have a background in healthcare administration and business management. I believe the combination of operations and finances are vital to a successful healthcare organization. I believe local boards need to weigh the benefits and costs of those affected by the decisions by they make. I have a desire to improve our health as a society, in the community and in our family. I believe that I can affect the changes by becoming involved in local boards and talking with other professionals about health. The affordable health care act will inevitably affect those directly and indirectly in the field of health.

Reasons for wanting to serve on this board:

see above

Conflict of Interest:
na

Nursing Home Community Advisory Committee

Background, education and experience relevant to this board:

I have a background in healthcare administration and business management. I have worked in nursing homes as a director of therapy and also as a regional director for therapy departments. I have worked with for profit and not for profit companies that own and operate nursing homes.

I believe the combination of operations and finances are vital to a successful healthcare organization. I believe local boards need to weigh the benefits and costs of those affected by the decisions by they make. I have a desire to improve our health as a society, in the community and in our family. I believe that I can affect the changes by becoming involved in local boards and talking with other professionals about health. The affordable health care act will inevitably affect those directly and indirectly in the field of health.

Reasons for wanting to serve on this board:

see above

Conflict of Interest:
na

Supplemental Questions:

Other Comments:

This application was current on: 1/8/2014 7:47:26 AM **Date Printed:** 1/10/2014

Volunteer Application
Orange County Advisory Boards and Commissions

Name:	Mrs Karen Schnell
Name Called:	
Home Address:	4421 Lynch Store Rd Mebane NC 27302
Phone (Day):	919 304 5880
Phone (Evening):	
Phone (Cell):	
Email:	schnellkar@yahoo.com
Place of Employment:	Blue Sky Health Concepts Consulting, LLP
Job Title:	RN, MSN, LNC
Year of OC Residence:	2004
Township of Residence:	Cedar Grove
Zone of Residence:	Agricultural Residential
Sex:	Female
Ethnic Background:	Caucasian

Boards/Commissions applied for:

Nursing Home Community Advisory Committee

As a Master s prepared Advance Practice RN and Legal Nurse Consultant, I have the education and training. With my own business, Blue Sky Health Concepts Consulting LLP, and MBA, I have a strong business background to support my health care background.

Community Activities/Organizational Memberships:

NCNA
Volunteer as Nurse of the Day for the General Assembly PRN

Past Service on Orange County Advisory Boards:

Other Comments:

STAFF COMMENTS: 06/06/2013 - Applied for Nursing Home Community Advisory Committee and Solid Waste Advisory Board (Currently Not Accepting Applications). 06/06/2013 ADDITIONAL APPLICATION for Adult Care Home Community Advisory Committee. ADDRESS VERIFICATION: 4421 Lynch Store Road is Orange County Jurisdiction, Cedar Grove Township, and AR (Agricultural Residential).

This application was current on: 6/6/2013 4:05:26 PM **Date Printed:** 12/10/2013

DRAFT

INFORMATION ITEM

Date Prepared: 12/13/13
Date Revised: 1/14/14

BOCC Meeting Follow-up Actions

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

Meeting Date	Task	Target Date	Person(s) Responsible	Status
12/10/13	Review and consider request from Commissioner Gordon that the Tax Administrator provide an update to the Board on the Addressing Ordinance and associated activities at the January 23, 2014 regular Board meeting	1/23/2014	Chair/Vice Chair/Manager	**DONE** Update to be provided at February 4, 2014 Regular Board Meeting
12/10/13	Review and consider request from Commissioner Dorosin that staff provide the Board with a listing of areas of collaboration between the two school systems during the past five years	2/15/2014	Chair/Vice Chair/Manager	**DONE** Financial Services to work with both systems and School Collaboration Facilitator
12/10/13	Review and consider request from Commissioner Jacobs that staff follow-up on a previous request to provide the Board with an update on discussions and activities related to small solid waste haulers	1/23/2014	Chair/Vice Chair/Manager	**DONE** Solid Waste staff to provide memo to the Board regarding meetings and outcomes
12/10/13	Move forward with Hughes-Morgan conservation easement with $200,000 liability provisions	12/31/2013	*Rich Shaw David Stancil	**DONE**
12/10/13	Develop a list of guidelines on negotiating points in conservation easement agreements	7/1/2014	*Rich Shaw, David Stancil & John Roberts	List to be developed
12/10/13	Incorporate Veterans Court as a potential program for evaluation by consultant as part of jail alternatives review	1/1/2014	Cheryl Young	**DONE**
12/10/13	Move forward with efforts for the establishment of a solid waste/recycling district, including bringing back a list of activities, a timeline, etc. at the January 23, 2014 regular Board meeting	1/23/2014	Michael Talbert Gayle Wilson	**DONE**
12/10/13	Solicit potential items from all Board members regarding federal issues to recommend for inclusion in NCACC's 2014 Federal Legislative Agenda; convene a meeting of the Legislative Issues Work Group (LIWG) to evaluate the potential items; and develop final list to send to NCACC prior to the January 10, 2014 deadline	1/10/2014	Greg Wilder	**DONE**

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Effective Date of Report: January 3, 2014

Tax Year 2013	Amount Charged in FY 13-14	Amount Collected	Accounts Receivable*	Amount Budgeted in FY 13-14	Remaining Budget	% of Budget Collected
Current Year Taxes	$ 137,868,792.00	116,280,205.53	$ 19,313,614.12	$ 137,868,792.00	$ 21,588,586.47	85.40%
*Current Year VTS Taxes		1,465,018.64				
Prior Year Taxes	$ 4,163,721.00	1,216,526.13	$ 2,918,099.38	$ 994,130.00	$ (222,396.13)	122.37%
Total	$ 142,032,513.00	118,961,750.30	$ 22,231,713.50	$ 138,862,922.00	$ 21,366,190.34	**85.67%**

Tax Year 2012	Amount Charged in FY 12-13	Amount Collected	Accounts Receivable	Amount Budgeted in FY 12-13	Remaining Budget	% of Budget Collected
Current Year Taxes	$ 135,068,463.00	113,797,203.37	$ 20,824,028.38	$ 135,068,463.00	$ 21,271,259.63	84.25%
Prior Year Taxes	$ 4,026,736.27	1,133,004.86	$ 2,573,035.80	$ 994,130.00	$ (138,874.86)	113.97%
Total	$ 139,095,199.27	114,930,208.23	$ 23,397,064.18	$ 136,062,593.00	$ 21,132,384.77	**84.47%**

Current Year Overall Collection Percentage Tax Year 2013	85.79%
Current Year Overall Collection Percentage Tax Year 2012	84.57%

Effective with September 2013 vehicle registration renewals, the Orange County Tax Office will generally no longer bill and collect for registered motor vehicles. This is in accordance with new State law, House Bill 1779. In an effort of full transparency, the tax office has modified its Collector's Report format to include taxes billed and collected through the new Vehicle Tax System (VTS). Including this figure will show the Collector's progress toward meeting the overall tax revenue budget. Note that reconciliation for these taxes is monthly, so this figure may not change with each report.

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

Fiscal Year 2013-2014

Effective Date of Report: December 31, 2013

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	75	19	13	51	30	38							226
Bank attachments	17	1	-	6	4	4							32
Certifications	1	2	-	-	-	-							3
Rent attachments	1	-	-	-	-	-							1
Housing/Monies	-	1	-	-	-	-							1
DMV blocks	1,030	*	*	5,101	1,817	1,827							9,775
Levies	-	-	2	-	3	-							5
Foreclosures initiated	6	-	-	4	-	-							10
NC Debt Setoff collections	$ 547.20	$ 705.25	$ -	$ 556.70	$ 1,662.40	$ 466.92							$ 3,938.47

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2013-2014. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

The Tax Collector will update these figures once each month, after each month's reconciliation process.

* No blocks were issued due to a system error.
As a further note, this enforcement method will soon be obsolete. Beginning with September 2013 license plate renewals, vehicle taxes will be paid to the NCDMV license plate agency along with the license renewal fee. After blocking delinquent vehicle tax bills created for August 2013 renewals, blocks will no longer be used as an enforcement method.

INFORMATION ITEM

FINANCE AND ADMINISTRATIVE SERVICES

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

Clarence G. Grier, CPA, CITP, CGMA
Assistant County Manager – CFO

Phone (919) 245-2553
Fax (919) 644-3324

MEMORANDUM

To: Board of County Commissioners

From: Clarence Grier, Assistant County Manager – Chief Finance Officer

Date: January 23, 2014

Re: Major Fund Financial Statement for the Six Months Ended December 31, 2013

As part of meeting the periodic financial reporting requirements and providing timelier source information in regards to the financial status of the County, we have developed an interim financial statement that will provide information on the major fund financial status for the six months ended December 31, 2013. The following County funds are considered major funds under the Governmental Accounting Standards Board:

The Major funds of the County are as follows:

- General Fund
- Capital Funds – County Capital and School Capital Funds
- Solid Waste Fund
- Sportsplex Fund

The Major Fund of the County accounted for approximately 86 percent of the total annual revenues of the County. An overview of financial status for each of the major funds is included in the financial statement and as follows:

General Fund

- Total revenues for the General Fund are $127 million for an increase of $2.1 million or 2% over the same period in fiscal year 2012-13. This revenue increase is mainly due to the timing of billing Ad Valorem Taxes. Total revenues collected are 79% of the amended budget for the current fiscal year.
- Total expenditures for the General Fund are $86.1 million for an increase of $3.1 million or 4% over the same period in the previous year. Total expenditures are 31.6% of the budget for the fiscal year.
- Revenues and net transfers are more than expenditures by $40.8 million representing a net decrease of $950,645 million or 2% over the same period in the previous fiscal year.

Capital Funds

- The **County Capital Funds** revenues and other financing sources total $8.9 million compared to expenditures of approximately $5.0 million. The main revenue and financing source are the funds received for the installment financing proceeds received in July of this fiscal year. The majority of the current fiscal year expenditures related to construction cost incurred for the Buckhorn Mebane Economic Development District and communication system improvements for Emergency Services as part of the strategic plan.
- The **School Capital Funds** expenditures total $4.2 million. The majority of the current fiscal year expenditures related to construction cost incurred for Northside Elementary (Elementary #11) and window replacements for the Chapel Hill – Carrboro City Schools District.

Solid Waste Fund

- Total revenues and transfers for the Solid Waste Fund decreased 21% over the same period in the previous fiscal year to $5.3 million. Revenues and other financing sources and uses lower due to the closure of the landfill as of June 30, 2013. Total revenues collected are 40% of the amended budget for the fiscal year.
- Total expenses for the Solid Waste Fund decreased 17% over the same period in the previous fiscal year to $3.3 million. Total expenditures are 25% of the budget for the fiscal year.
- Revenues and transfers are greater than expenses by $1.9 million compared to greater than expenditures by $2.3 million over the same period in the previous fiscal year due to the closure of the Landfill.

Sportsplex Fund

- Total revenues for the Sportsplex Fund increased 8.8% over the same period in the previous year to $201,338. This is mainly due to increased memberships and increased fees. Total revenues are 36% of the amended budget for the fiscal year.
- Total expenditures for the Sportsplex Fund increased 7% over the same period in the previous fiscal year to $1.4 million. Total expenditures are 32% of the budget for the fiscal year.
- Revenues and net transfers are greater than expenditures by $154,000, which is nominally the same as the previous fiscal year.

ORANGE COUNTY
NORTH CAROLINA

Major Fund Financial Statement (Unaudited)

For the Six Months Ended December 31, 2013

ORANGE COUNTY, NORTH CAROLINA

MAJOR FUND FINANCIAL STATEMENT
FOR THE SIX MONTHS ENDED DECEMBER 31, 2013

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ORANGE COUNTY
NORTH CAROLINA

FINANCE AND ADMINISTRATIVE SERVICES

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Hillsborough, North Carolina 27278

Clarence G. Grier, CPA, CITP, CGMA
Assistant County Manager – CFO

Phone (919) 245-2553
Fax (919) 644-3324

Summary Information for Major Funds as of December 31, 2013:

General Fund:

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Sportsplex Fund:

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- Total expenditures for the Sportsplex Fund increased 7% over the same period in the previous fiscal year to $1.4 million. Total expenditures are 32% of the budget for the fiscal year.
- Revenues and net transfers are greater than expenditures by $154,000, which is nominally the same as the previous fiscal year.

Exhibit 1

ORANGE COUNTY, NORTH CAROLINA

BALANCE SHEET - MAJOR GOVERNMENTAL FUNDS (UNAUDITED)
December 31, 2013

	Major Funds			Total
	General	County Capital Improvements	School Capital Improvements	Major Governmental Funds
Assets:				
Cash and investments	$ 97,515,860	$ -	$ -	$ 97,515,860
Accounts receivable, property taxes, net	29,583,907	-	-	29,583,907
Inventories	23,008	-	-	23,008
Due from other funds	557,991	66,983	-	624,974
Prepaids	16,946	-	-	16,946
Restricted cash and investments	-	10,963,999	3,328,036	14,292,035
Total assets	$ 127,697,712	$ 11,030,982	$ 3,328,036	$ 142,056,730
Liabilities, Deferred Inflows of Resources, and Fund Balance:				
Liabilities:				
Accounts payable	$ 487,336	$ 60,220	$ 88,563	$ 636,119
Accrued payroll and withholdings	71,396	-	-	71,396
Accrued liabilities	902,752	-	-	902,752
Due to other funds	682,282	-	-	682,282
Arbitrage payable	-	-	24,739	24,739
Total liabilities	2,143,766	60,220	113,302	2,317,288
Deferred Inflows of Resources:				
Unavailable grant revenue	379,624	-	-	379,624
Property taxes receivable	29,583,907	-	-	29,583,907
Prepaid taxes	69,005	-	-	69,005
Total Deferred inflows of resources	30,032,536	-	-	30,032,536
Fund Balances:				
Non-spendable:				
Prepaid items	16,946	-	-	16,946
Inventories	23,008	-	-	23,008
Restricted for:				
Stabilization for State statute	9,736,215	2,053,626	-	11,789,841
Restricted, all other	-	8,917,135	3,214,734	12,131,869
Committed	3,105,267	-	-	3,105,267
Assigned	9,442,980	-	-	9,442,980
Unassigned	73,196,994	-	-	73,196,994
Total fund balances	95,521,410	10,970,761	3,214,734	109,706,905
Total liabilities, deferred inflows of resources, and fund balances	$ 127,697,712	$ 11,030,982	$ 3,328,036	$ 142,056,730

Exhibit 2

ORANGE COUNTY, NORTH CAROLINA

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - MAJOR GOVERNMENTAL FUNDS (UNAUDITED) FOR THE SIX MONTHS ENDED DECEMBER 31, 2013

	Major Funds			Total
	General	County Capital Improvements	School Capital Improvements	Major Governmental Funds
Revenues:				
Property taxes	$ 110,956,568	$ -	$ -	$ 110,956,568
Sales tax	3,768,382	-	-	3,768,382
Intergovernmental revenues	6,966,783	15,000	-	6,981,783
Charges for services	4,543,191	37,954	-	4,581,145
Investment earnings	12,858	5,197	2,360	20,415
Licenses and permits	78,442	-	-	78,442
Miscellaneous	763,991	-	19	764,010
Total revenues	127,090,215	58,151	2,379	127,150,745
Expenditures:				
Current:				
Governing and management	7,437,794	-	-	7,437,794
General services	3,993,739	-	-	3,993,739
Community and environment	3,088,891	-	-	3,088,891
Human services	15,668,975	-	-	15,668,975
Education	34,512,169	-	-	34,512,169
Public safety	9,121,040	-	-	9,121,040
Culture and recreation	1,291,312	-	-	1,291,312
Capital outlay	-	4,991,984	4,152,985	9,144,969
Debt service:				-
Principal	6,848,134	-	-	6,848,134
Interest and fees	4,182,041	-	-	4,182,041
Total expenditures	86,144,095	4,991,984	4,152,985	95,289,064
Revenues over (under) expenditures	40,946,120	(4,933,833)	(4,150,606)	31,861,681
Other Financing Sources (Uses):				
Bond premium	-	-	-	-
Refunding bonds	-	-	-	-
Installment loan issuances	-	8,859,497	-	8,859,497
Payment to escrow agent	-	-	-	-
Transfers in	-	-	-	-
Transfers out	-	-	-	-
Total other financing sources (uses)	-	8,859,497	-	8,859,497
Net change in fund balances	40,946,120	3,925,664	(4,150,606)	40,721,178
Fund Balances:				
Beginning of year - July 1	54,575,290	7,045,097	7,365,340	78,792,212
Six Months Ended - December 31	$ 95,521,410	$ 10,970,761	$ 3,214,734	$ 119,513,390

ORANGE COUNTY, NORTH CAROLINA

GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCE - BUDGET AND ACTUAL (UNAUDITED)
FOR THE SIX MONTHS ENDED DECEMBER 31, 2013

	Budgeted Amounts				Variance With Final Budget	
	Original	Amended	Actual	Encumbrances	Over/(Under)	FY2012-13
Revenues:						
Property taxes	$ 139,733,522	$ 139,733,522	$ 110,956,568	$ -	$ (28,776,954)	$ 109,020,423
Sales tax	17,190,148	17,190,148	3,768,382	-	(13,421,766)	3,751,968
Intergovernmental revenues	13,703,850	18,572,594	6,966,783	-	(11,605,811)	7,453,566
Charges for services	9,654,843	9,700,071	4,543,191	-	(5,156,880)	4,105,640
Investment earnings	105,000	105,000	12,858	-	(92,142)	12,305
Licenses and permits	313,000	313,000	78,442	-	(234,558)	77,669
Miscellaneous	796,718	839,601	763,991	-	(75,610)	451,427
Total revenues	181,497,081	186,453,936	127,090,215	-	(59,363,721)	124,872,998
Expenditures:						
Governing and management	15,981,211	16,245,627	7,437,794	359,355	(8,807,833)	6,459,406
General services	8,669,540	8,741,011	3,993,739	149,310	(4,747,272)	3,825,682
Community and environment	7,103,245	7,218,123	3,088,891	128,424	(4,129,232)	2,979,461
Human services	31,459,113	36,050,480	15,668,975	593,077	(20,381,505)	15,256,652
Education	69,657,252	69,657,252	34,512,169	-	(35,145,083)	32,979,675
Public safety	21,445,378	21,697,733	9,121,040	303,653	(12,576,693)	8,744,479
Cultural and recreational	2,495,908	2,507,410	1,291,312	58,419	(1,216,098)	1,066,312
Debt service:					-	-
Principal	17,579,399	17,579,399	6,848,134	-	(10,731,265)	4,893,330
Interest and fees	8,030,387	8,030,387	4,182,041	-	(3,848,346)	6,875,553
Total expenditures	182,421,433	187,727,422	86,144,095	1,592,238	(101,583,327)	83,080,550
Revenues over (under) expenditures	(924,352)	(1,273,486)	40,946,120	(1,592,238)	42,219,606	41,792,448
Other Financing Sources (Uses):						
Capital lease issuance	-	-	-	-	-	-
Transfers in	1,046,300	1,058,800	-	-	(1,058,800)	-
Transfers out	(5,312,066)	(9,228,294)	-	-	9,228,294	(3,000,000)
Appropriated fund balance	5,190,118	9,442,980	-	-	(9,442,980)	-
Total other financing sources (uses)	924,352	1,273,486	-	-	(1,273,486)	(3,000,000)
Net change in fund balance	$ -	$ -	40,946,120	$ (1,592,238)	$ 40,946,120	$ 38,792,448
Fund Balance:						
Beginning of year - July 1			54,575,290			
Six months Ended - December 31,			$ 95,521,410			

Exhibit 4

ORANGE COUNTY, NORTH CAROLINA

MAJOR PROPRIETARY FUNDS
STATEMENT OF NET POSITION - UNAUDITED
December 31, 2013

	Major		Total Major
	Solid Waste Fund	SportsPlex Fund	Proprietary Funds
Assets:			
Current assets:			
Cash and cash equivalents	$ 19,542,150	$ 762,928	$ 20,305,078
Accounts receivable, other	164,104	125,471	289,575
Prepaid expenses	-	5,735	5,735
Total current assets	19,706,254	894,134	20,600,388
Non-current assets:			
Non-depreciable assets	1,442,890	794,466	2,237,356
Capital assets, net of depreciation	6,594,548	6,118,242	12,712,790
Total non-current assets	8,037,438	6,912,708	14,950,146
Total assets	27,743,692	7,806,842	35,550,534
Liabilities and Net Position:			
Liabilities:			
Current liabilities:			
Accounts payable	341,695	56,549	398,244
Payroll withholdings	-	20,599	20,599
Accrued interest	51,968	34,455	86,423
Prepaid fees	-	163,891	163,891
Current portion of long-term debt	320,067	372,682	692,749
Compensated absences, current portion	183,764	-	183,764
Total current liabilities	897,494	648,176	1,545,670
Non-current liabilities:			
Compensated absences	122,510	-	122,510
Post-closing liability	12,959,312	-	12,959,312
OPEB liability	1,485,201	-	1,485,201
Long-term debt	4,294,777	4,528,499	8,823,276
Total non-current liabilities	18,861,800	4,528,499	23,390,299
Total liabilities	19,759,294	5,176,675	24,935,969
Net Position:			
Net investment in capital assets	3,422,594	1,608,738	5,031,332
Unrestricted	4,561,804	1,021,429	5,583,233
Total net position	$ 7,984,398	$ 2,630,167	$ 10,614,565

Exhibit 5

ORANGE COUNTY, NORTH CAROLINA

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION - MAJOR PROPRIETARY FUNDS (UNAUDITED) FOR THE SIX MONTHS ENDED DECEMBER 31, 2013

	Major		Total Major
	Solid Waste Fund	SportsPlex Fund	Proprietary Funds
Operating Revenues:			
Landfill fees	$ 4,198,580	$ -	$ 4,198,580
Service fees	-	1,577,027	1,577,027
Other	58,916	-	58,916
Total operating revenues	4,257,496	1,577,027	5,834,523
Operating Expenses:			
Landfill	423,917	-	423,917
General and administrative	524,674	-	524,674
Recycling	1,521,762	-	1,521,762
Sanitation	849,609	-	849,609
Post-closing cost	-	-	-
Sportsplex	-	1,407,472	1,407,472
Total operating expenses	3,319,962	1,407,472	4,727,434
Operating income (loss)	937,534	169,555	1,107,089
Non-Operating Revenues (Expenses):			
Investment earnings	4,525	-	4,525
Interest and fees	(7,382)	-	(7,382)
Contribution to other agency	-	-	-
Grant - State	113,824	-	113,824
Total non-operating revenues (expenses)	110,967	-	110,967
Income (loss) before contributions and transfers	1,048,501	169,555	1,218,056
Transfers in	934,748	-	934,748
Change in net position	1,983,249	169,555	2,152,804
Net Position:			
Beginning of year - July 1	6,001,149	2,460,612	8,461,761
Six Months Ended - December 31,	$ 7,984,398	$ 2,630,167	$ 10,614,565

ORANGE COUNTY, NORTH CAROLINA

COUNTY CAPITAL IMPROVEMENTS FUND
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL (UNAUDITED)
FROM INCEPTION AND FOR THE SIX MONTHS ENDED DECEMBER 31, 2013

		Actual		
	Budget to Date	Reported in Prior Years	Current Year	Total to Date
Revenues:				
Federal grants	$ 5,888,842	$ 4,990,660	$ -	$ 4,990,660
State grants	6,161,633	5,235,521	15,000	5,250,521
Investment earnings	2,624,400	3,338,388	5,197	3,343,585
Other	1,547,665	3,406,775	37,954	3,444,729
Total revenues	16,222,540	16,971,344	58,151	17,029,495
Expenditures:				
New Hope Creek Preserve	40,000	18,750	6,250	25,000
Jail	1,375,000	256,567	-	256,567
Justice facility and new courthouse	12,229,073	12,326,996	-	12,326,996
New courthouse	-	218,797	-	218,797
Northern Human Services Center	714,545	363,931	29,569	393,500
Senior Center- Central Orange	6,460,533	6,147,769	-	6,147,769
Robert and Pearl Seymour Center	70,000	-	-	-
Southern Human Services Center	280,000	-	-	-
Whitted Human Services Center	1,792,200	2,800	126,229	129,029
Animal services facility	9,168,864	9,157,734	480	9,158,214
EMS relocation and meadowlands annex	3,569,214	3,552,307	10,242	3,562,549
County campus, office building, and library	26,899,000	26,890,736	-	26,890,736
County other	-	1,449,460	-	1,449,460
Blackwood Farm	2,437,435	2,279,170	-	2,279,170
Cedar Grove Park	1,848,000	1,847,999	-	1,847,999
Twin Creeks Park	2,579,457	844,937	-	844,937
Fairview Park	1,615,023	1,606,218	-	1,606,218
Conservation easement	1,733,208	1,705,824	170,028	1,875,852
Homestead Aquatics	-	83,346	-	83,346
Lands Legacy	1,630,909	111,290	1,495	112,785
Parkland and recreation facilities	103,530	175,011	-	175,011
Seven Mile Creek Preserve	151,000	145,689	-	145,689
Southern Park	-	38,196	-	38,196
SportsPlex Maintenance Reserve	100,000	-	-	-
West Ten soccer complex	4,054,128	4,054,616	-	4,054,616
Central recreation repairs	416,980	412,323	2,118	414,441
Millhouse Road Park	264,802	258,712	-	258,712
Blackwood Farm Park	50,000	-	-	-
Joint Artificial Turf Soccer	623,000	-	623,000	623,000
Roofing projects	1,498,100	1,142,904	89,295	1,232,199
Affordable housing	2,808,804	2,036,344	-	2,036,344
Information technology	4,817,757	3,855,925	167,383	4,023,308
Register of Deeds' automation enhancement	500,450	246,701	13,164	259,865
Medicaid maximization	3,899,142	1,908,365	31,432	1,939,797
Loan Pool Reserve	275,000	200,000	-	200,000
Efland Sewer extension	1,798,240	111,251	-	111,251
HVAC projects	2,261,423	774,854	670,181	1,445,035
ADA compliance	16,058	16,058	-	16,058
Utilities demand reduction systems	130,000	106,055	-	106,055
Upfit of County Space - Link Center	1,752,662	1,302,023	14,790	1,316,813
Telephone system replacement	575,000	562,748	-	562,748

ORANGE COUNTY, NORTH CAROLINA

COUNTY CAPITAL IMPROVEMENTS FUND
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL (UNAUDITED)
FROM INCEPTION AND FOR THE SIX MONTHS ENDED DECEMBER 31, 2013

		Actual		
	Budget to Date	**Reported in Prior Years**	**Current Year**	**Total to Date**
Hillsborough Commons	3,790,000	3,780,709	-	3,780,709
Board of Elections office	97,000	34,750	-	34,750
Piedmont Food and Agriculture Processing	1,494,825	1,425,285	-	1,425,285
Eno EDD	200,000	-	41,737	41,737
800 MHz Radios	700,000	473,436	-	473,436
Dental equipment	100,000	74,190	-	74,190
Buckhorn EDD Phase 2	4,452,046	619,861	2,060,977	2,680,838
Payroll Software System	329,861	311,100	-	311,100
129 East King Street	145,000	109,991	-	109,991
Central Efland Buckhorn Sewer	4,848,400	3,569,274	5,295	3,574,569
McGowan Creek Outfall	755,450	7,740	33,086	40,826
Energy Bank	50,000	-	41,220	41,220
Viper Radio System	543,750	-	-	-
Communication System Improvements	1,101,978	744,261	593,236	1,337,497
Lake Orange Capital Maintenance	346,300	189,647	-	189,647
Observation Well Network	11,330	11,297	-	11,297
Jail New Campus	-	3,419	-	3,419
Historic Rogers Road Community Center	650,000	-	-	-
Future EMS Stations	50,000	-	-	-
Southern Orange Campus (Future)	300,000	103,009	121,370	224,379
Southwest Branch Library	700,000	56,576	-	56,576
Interest and fees	1,566,376	948,611	139,407	1,088,018
Total expenditures	122,770,853	98,675,562	4,991,984	103,667,546
Revenues over (under) expenditures	(106,548,313)	(81,704,218)	(4,933,833)	(86,638,051)
Other Financing Sources (Uses):				
Bond issuance costs	9,015,794	2,502,871	-	2,502,871
Refunding bonds	20,000,000	132,448,500	-	132,448,500
Bond premium	2,000,000	17,638,520	-	17,638,520
Installment loan issuance	75,211,065	59,567,506	8,859,497	68,427,003
Capital lease issuance	-	2,540,999	-	2,540,999
Payment to escrow agent	(20,603,624)	(141,736,447)	-	(141,736,447)
Transfers in	23,308,141	19,211,630	-	19,211,630
Transfers out	(3,730,000)	(3,424,264)	-	(3,424,264)
Appropriated fund balance	1,346,937	-	-	-
Total other financing sources (uses)	106,548,313	88,749,315	8,859,497	97,608,812
Net change in fund balance	$ -	$ 7,045,097	3,925,664	$ 10,970,761
Fund Balance:				
Beginning of year - July 1			7,045,097	
Six Months Ended - December 31,			$ 10,970,761	

ORANGE COUNTY, NORTH CAROLINA

SCHOOL CAPITAL IMPROVEMENTS FUND
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL (UNAUDITED)
FROM INCEPTION AND FOR THE SIX MONTHS ENDED DECEMBER 31, 2013

		Actual		
	Budget to Date	**Reported in Prior Years**	**Current Year**	**Total to Date**
Revenues:				
Investment earnings	$ 60,000	$ 628,042	$ 2,360	$ 630,402
Sales tax	180,000	87,597	-	87,597
Lottery proceeds	2,892,139	2,959,057	-	2,959,057
Other	-	33,759	19	33,778
Total revenues	3,132,139	3,708,455	2,379	3,710,834
Expenditures:				
Orange County Schools:				
A.L. Stanback Middle School	12,000	-	-	-
Cameron Park Elementary	525,634	524,922	-	524,922
Efland Cheeks Elementary	423,449	389,814	-	389,814
Grady Brown Elementary	54,040	54,023	-	54,023
Hillsborough Elementary	362,899	241,878	-	241,878
New Hope Elementary renovations	325,000	242,740	-	242,740
Stanford Middle School	688,065	424,227	-	424,227
Orange High School	558,767	554,381	-	554,381
Orange High Track repairs	495,634	495,634	-	495,634
Alternative School	361,720	302,111	-	302,111
Indoor air quality	15,000	-	-	-
Central elementary air	174,900	138,601	-	138,601
Classroom improvements	3,394,886	2,931,227	-	2,931,227
Electrical systems	290,000	170,685	-	170,685
Window replacements	573,567	228,131	-	228,131
Kitchen renovations project	27,785	-	-	-
Mechanical systems	15,000	14,196	-	14,196
Paving / parking lot improvements	80,281	-	-	-
Electrical service upgrades	33,000	-	-	-
Planning for future projects	300,000	-	-	-
Roofing projects	1,600,000	1,600,001	-	1,600,001
Technology plan	2,222,668	1,677,721	-	1,677,721
HVAC upgrade/improvements	1,493,961	741,652	-	741,652
District-wide improvements	247,745	231,154	-	231,154
Bathroom renovations	180,532	83,682	-	83,682
Fire/safety upgrades	333,569	263,224	-	263,224
Total Orange County Schools	14,790,102	11,310,004	-	11,310,004

ORANGE COUNTY, NORTH CAROLINA

SCHOOL CAPITAL IMPROVEMENTS FUND
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL (UNAUDITED)
FROM INCEPTION AND FOR THE SIX MONTHS ENDED DECEMBER 31, 2013

		Actual		
	Budget to Date	**Reported in Prior Years**	**Current Year**	**Total to Date**
Chapel Hill Carrboro Schools:				
Elementary #11	23,137,196	20,359,848	2,192,912	22,552,760
Morris Grove Elementary	40,000	38,911	-	38,911
Transportation Center	309,500	289,540	-	289,540
Carrboro High School	75,000	75,000	-	75,000
Carrboro Arts Wing	4,048,028	4,048,027	-	4,048,027
Abatement projects	435,576	292,000	28,812	320,812
ADA requirements	200,505	141,371	13,132	154,503
ATH facilities/playgrounds	590,000	590,000	84,699	674,699
Emergency efficiency renovations	300,000	-	54,528	54,528
Classroom/academic improvements	785,682	744,553	227,476	972,029
Doors, hardware, canopies	158,000	87,610	6,817	94,427
Electrical systems	489,740	427,192	105,639	532,831
Fire, safety, and security	480,000	396,066	36,299	432,365
Indoor air quality	501,340	454,087	19,045	473,132
Mechanical systems	1,749,570	1,637,451	235,824	1,873,275
Mobile classrooms	497,696	458,702	68,046	526,748
Parking lot improvements	320,000	267,913	14,190	282,103
Planning for future projects	450,000	444,575	5,122	449,697
Roofing projects	5,360,009	5,301,880	18,365	5,320,245
Bathroom renovations	193,406	193,406	-	193,406
Technology	5,586,433	5,586,045	948,093	6,534,138
Window replacements	353,658	327,484	-	327,484
Culbreth Science Wing	600,000	-	93,986	93,986
Total Chapel Hill Carrboro Schools	46,661,339	42,161,661	4,152,985	46,314,646
Other expenditures	60,000	43,215	-	43,215
Total expenditures	61,511,441	53,514,880	4,152,985	57,667,865
Revenues over (under) expenditures	(58,379,302)	(49,806,425)	4,155,364	61,378,699
Other Financing Sources (Uses):				
Bonds issuance	14,170,874	14,170,873	-	14,170,873
Installment loan insurance	33,100,000	32,426,288	-	32,426,288
Transfers in	11,060,683	10,574,604	-	10,574,604
Appropriated fund balance	47,745	-	-	-
Total other financing sources (uses)	58,379,302	57,171,765	-	57,171,765
Net change in fund balance	$ -	$ 7,365,340	(4,150,606)	$ 3,214,734
Fund Balance:				
Beginning of year - July 1			7,365,340	
Six Months Ended - December 31,			$ 3,214,734	

INFORMATION ITEM

Barry Jacobs, Chair
Earl McKee, Vice Chair
Mark Dorosin
Alice M. Gordon
Bernadette Pelissier
Renee Price
Penny Rich

Orange County Board of Commissioners
Post Office Box 8181
200 South Cameron Street
Hillsborough, North Carolina 27278

January 15, 2014

Dear Commissioners,

At the Board's December 10, 2013 regular meeting, three petitions were brought forth which were reviewed by the Chair/Vice Chair/Manager Agenda team. The petitions and responses are listed below:

1) Review and consider a request from Commissioner Gordon for the Tax Administrator to provide an update to the Board on the Addressing Ordinance and associated activities at the January 23, 2014 regular Board meeting.

   Response: An update will be provided to the BOCC by the Tax Administrator at the Feb. 4th BOCC regular meeting.

2) Review and consider a request from Commissioner Dorosin that staff provide the Board with a listing of areas of collaboration between the two school systems during the past five years.

   Response: Financial Services will work with both systems and School Collaboration Facilitator.

3) Review and consider a request by from Commissioner Jacobs that staff follow-up on a previous request to provide the Board with an update on discussions and activities related to small solid waste haulers.

   Response: Solid Waste staff to provide memo to the Board regarding meetings and outcomes.

This letter will be provided as an Information Item on the January 23, 2014 agenda for public information.

Best,

Barry Jacobs, Chair
Board of County Commissioners