



**Orange County
Board of Commissioners**

Agenda

Regular Meeting

March 6, 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

PUBLIC CHARGE

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

2. Public Comments (Limited to One Hour)

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

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

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

- b. Matters on the Printed Agenda

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

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

4. Proclamations/ Resolutions/ Special Presentations

- a. Address and Road Naming Ordinance Update



5. Public Hearings

6. Consent Agenda

- Removal of Any Items from Consent Agenda
 - Approval of Remaining Consent Agenda
 - Discussion and Approval of the Items Removed from the Consent Agenda
- a. Minutes
 - b. Motor Vehicle Property Tax Releases/Refunds
 - c. Property Tax Releases/Refunds
 - d. Applications for Property Tax Exemption/Exclusion
 - e. Appointment of County Review Officers
 - f. Correction to Ordinance 2014-001 – Board of Adjustment Operations and Procedures
 - g. Legal Advertisement for Joint Planning Public Hearing – March 27, 2014
 - h. Power Lift Stretchers for Emergency Services
 - i. Boards and Commissions – Commissioner Assignments
 - j. Approval of Financing Arrangement for New Hope Volunteer Fire Department of Orange County, Inc. to Purchase a Replacement Tanker Truck
 - k. Approval of Financing Arrangement for Eno Fire & Emergency Services, Inc. to Purchase a Replacement Tanker Truck

7. Regular Agenda

- a. Report and Recommendations from the County and Town Managers Regarding the Implementation of Improvements in the Historic Rogers Road Neighborhood
- b. Authorization for Triangle Transit Authority to Levy an Additional Three Dollar (\$3) Vehicle Registration Tax in Orange County

8. Reports

9. County Manager's Report

10. County Attorney's Report

11. Appointments

12. Board Comments (Three Minute Limit Per Commissioner)

13. Information Items

- February 18, 2014 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Monthly Enforced Collections
- BOCC Chair Letter Regarding Petitions from February 18, 2014 Regular Board Meeting

14. Closed Session

“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.”



Approval of Closed Session Minutes

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: March 6, 2014

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

SUBJECT: Address and Road Naming Ordinance Update

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- (1) March 7, 2013 Abstract with Implementation Plan Memorandum
- (2) February 11, 2014 Memorandum – Road-Naming and Addressing Ordinance Update with Exhibits
 - Exhibit A - Color Map of Orange Grove Fire District Issues
 - Exhibit B - Issues Identified Outside of Orange Grove by Emergency Responders
 - Exhibit C - Orange Grove's Model of Information Submitted
- (3) Letter from Deputy Fire Chief, Orange Grove Fire Department

INFORMATION CONTACT:

Dwane Brinson, Tax Administrator, (919) 245-2726
 Tammy Hicks Walker, Land Records/GIS Manager, Address Administrator, (919) 245-2505

PURPOSE: To provide an update on the Road Naming and Addressing Ordinance.

BACKGROUND: In December 2011 the Board of County Commissioners adopted a Road Naming and Addressing Ordinance. Affected areas include only those outside municipal jurisdictions. In November 2012 the GIS Department was put under the direction of the Tax Administrator. Additionally, the tax office's Land Records/GIS Division Manager, Ms. Tammy Walker, was appointed Address Administrator per the Ordinance. The Tax Administrator and the Address Administrator provided a memorandum (Attachment 1) and a verbal report to the Board at the March 7, 2013 meeting to communicate the plan of action to conform to the goals behind the ordinance, and to provide an update on the status of the project.

The Ordinance took effect January 1, 2013, and the tax office has been working diligently and courteously with residents to meet ordinance requirements. A report is provided at Attachment 2 (with Exhibits) to discuss, in part, a year in review for 2013.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Manager recommends that the Board receive the presentation as information.

COPY

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 7, 2013

Action Agenda
Item No. 8-a

SUBJECT: Update on Status/Implementation of Addressing and Road-Naming Ordinance

DEPARTMENT: Tax Administration**PUBLIC HEARING:** (Y/N)

ATTACHMENT(S):Road Naming and Addressing Ordinance
Memorandum and Addressing and
Road Naming Ordinance Status**INFORMATION CONTACT:**Dwane Brinson, Tax Administrator,
(919) 245-2726

PURPOSE: To receive an update report on the status/implementation of the Road Naming and Addressing Ordinance.**BACKGROUND:** In December 2011 the Board of County Commissioners adopted a Road Naming and Addressing Ordinance. Affected areas include those outside municipal jurisdictions. In November 2012 the County's Geographic Information Systems (GIS) operations were delegated under the direction of the Tax Administrator. Additionally, the Land Records/GIS Division Manager became the Address Administrator as outlined in the Ordinance.

The Ordinance took effect January 1, 2013, and the Tax Administrator, Address Administrator and County Attorney's Office have been working diligently to create an implementation and enforcement plan. A foremost goal of implementation is meeting with community partners and educating and empowering the public with a soft implementation throughout 2013. This informational presentation is provided as a means to garner BOCC feedback and suggestions that may augment and improve the current implementation and enforcement plan.

FINANCIAL IMPACT: There is no financial impact associated with receiving the update report.**RECOMMENDATION(S):** The Manager recommends that the BOCC receive the update report as information and provide any comments and questions.



ORANGE COUNTY TAX ADMINISTRATION
 228 S CHURTON STREET, SUITE 200, PO BOX 8181
 HILLSBOROUGH, NORTH CAROLINA 27278
Telephone (919) 245-2725 Fax (919) 644-3332
 T. Dwane Brinson, Director

Memorandum

To: Orange County Board of Commissioners

Cc: Frank Clifton, County Manager

From: Dwane Brinson, Tax Administrator *DB*

Date: February 22, 2013

Re: Road Naming and Addressing Ordinance

At the March 7, 2013 meeting of the Board of County Commissioners (BOCC), the Orange County Tax Administrator and Orange County Land Records/GIS Manager/Address Administrator will provide an update on the adopted Road Naming and Addressing Ordinance. The verbal report will be provided in an effort to communicate our plan to the BOCC for conformity to the goals behind adopting this ordinance. This memorandum is provided in an effort to provide a written plan of action prior to the BOCC meeting for discussion.

BACKGROUND

In December, 2011 the BOCC formally adopted a Road Naming and Addressing Ordinance. The Ordinance was crafted, vetted and adopted in an effort to resolve and preempt safety issues that had manifest in the operations of our county public safety departments. Public safety responders were unable to locate structures. A letter was mailed to all affected residents on August 29, 2012. This letter was generic in nature providing general information about the Ordinance and where residents could find more information. It did not cite non-compliance of properties.

The Ordinance was to be enforced through county addressing, which was a responsibility of Orange County Geographic Information Systems. When this Ordinance was adopted, GIS was under the direction of Orange County Information Technologies. In November, 2012, the entire GIS department, was placed under the direction of the Orange County Tax Administrator and, more specifically, the Land Records Division of the Tax Office.

ISSUES

Providing efficient and effective public safety services to residents was a top priority in adoption of the Ordinance. Public safety responders were having a plethora of complications when attempting to locate and respond to calls from residents in need. Many addressable structures could not be located without considerable time and effort, neither of which can be spared in a time of emergency.

The Tax Office and its Land Records/GIS Division have been working to enumerate broad categories of issues to be resolved. Prior to the Ordinance, and continuing to present day, the following issues have been identified:

- Most mobile home parks have no street names. Once an emergency responder arrives at a mobile home park, she or he may not be able to locate a specific mobile home unless there is a central office with available staff. The mobile home parks host mailboxes at the main road with no identification on the structures themselves.
- Years ago Orange County addresses were route numbers. The route numbers were then proposed to convert to house numbers and compliance with the new system at that time was voluntary. Therefore, current manifestations of both systems are throughout the county. This has resulted in addresses being out of sequence and difficult to locate.
- All new roads in the county should be recorded through the Register of Deeds. Some road names identified as problematic will involve a full title search whereby all road maintenance agreements, surveys and other public records are reviewed for compliance with the Ordinance.
- Some areas of the county have roads with a main driveway where mailboxes are hosted at the main road, then the main driveway branches into multiple different driveways with several structures down each corollary. The structures have no identification nor do the driveways, which makes emergency responses incredibly difficult.

CURRENT STATUS

Implementation of the Road Naming and Addressing Ordinance will be an enormous undertaking. At this point, reports of non-compliance are a result of citizen actions or emergency responder insight. Considering the reorganization of GIS and county addressing from IT to the Tax Office, and the need for myself and the Land Records/GIS Manager/Address Administrator to learn the Ordinance and develop implementation plan, the Tax Office has conducted very few field visits. Staffing demands are being evaluated for the 2013-2014 budget.

We held multiple meetings with Ms. Annette Moore in the County Attorney's Office and Orange County Planning, and will be meeting with the local fire chiefs in March to discuss our implementation plan accepting constructive feedback. We would like to solicit feedback on our plan of action to ensure we have a clear understanding of the impetus, goals and outcomes needed of this Ordinance.

IMPLEMENTATION PLAN OVERVIEW

Considering the Ordinance was formally adopted by the BOCC in December, 2011, and the large response received from residents pursuant to the August 29, 2012 letter, we must move forward with implementation. This project will take a significant amount of time for staff to work through the county and isolate non-compliance issues, determine corrective action, and work with residents toward correction.

Residents must be notified of non-compliance before any action can be taken. It should not be assumed that Orange County will fine residents beginning January 1, 2013 if they have received no notification of non-compliance. The Tax Office plans to use 2013 as an educational opportunity. The goal of the Ordinance is to resolve and preempt safety issues, and the more we are able to educate the public on requirements of the ordinance the more efficient and effective the process will be. Our community partners and residents will be empowered to help us work through this implementation plan.

Logistics

For consistency, accuracy and ease of awareness, we intend to work through properties within Orange County's jurisdiction by fire district. Such an approach will allow staff to focus on a specific area one at a time, and this can be done in collaboration with the fire chief of the area. We must work with the Orange County Public Information Officer, Carla Banks, local news outlets, fire chiefs, EMS and Tax Office public relations channel to make the public aware of the area under review. This should help relieve stress for those in fear of non-compliance.

Priorities/Implementation

The top priority of implementation is to resolve 911 issues as identified by EMS and fire chiefs. Once we begin working through a fire district, correcting/assigning road names are the top priority. A second priority is identification of structures once the correct road name is verified or assigned. Residents should place identifying address numbers of three inches or greater with contrasting background at the road and the structure. This would happen after the Tax Office notifies affected residents of a new road name or an address out of sequence. Once residents have the correct information, proper signage should be placed in accordance with the Ordinance.

For those that have a permissible road name and do not have an address out of sequence, it is just as important that we notify them of such as this will help relieve anxiety on their part. We plan to communicate in some form with every single resident under the jurisdiction of this Ordinance, whether it be to confirm their compliance to help them work through non-compliance issues.

Since we plan to use 2013 as an opportunity to educate and empower the residents and our community partners, we will begin notifying residents of non-compliance in January, 2014. This will permit time for us to work with emergency responders to pinpoint the most troubled fire districts and begin reviewing the first fire district for non-compliance and safety issues. Only after January, 2014 will residents be notified of a non-compliance issue.

After January, 2014, and after we have determined that a property is not in compliance, the foremost goal is to bring said property into compliance without having to levy a fine. I hope our approach outlined below is found to be friendly and supportive of the BOCC's goals in adopting the Ordinance:

1. Non-compliance discovered.
2. Tax Office will send a notification of corrective action affording the resident 60 days to follow through with needed corrective action. Said letter will contain all necessary information for the resident to bring property into compliance. The Tax Office, within these 60 days, will communicate further with the affected resident through field visits and phone calls. As long as the resident is continuing to work with the Tax Office on needed corrective action, a letter of non-compliance will not be sent. Only in the event that a resident disregards our initial communication or is uncooperative will the Tax Office send a letter of non-compliance, and this will occur only after the initial 60 days has elapsed from the initial communication.
3. Letter of non-compliance will be mailed after no response or no cooperation comes of the friendly letter. A resident would have 60 days from date on letter of non-compliance to provide noted corrective action. Should no response come from the resident within the additional 60 days, a fine of \$50 would be levied and collected by the Tax Office. It should be noted that the Tax Office has a software application to track properties and their notification dates, which means the system can be queried to pull records of those whose initial 60 days has elapsed, are in non-compliance, etc.

2013 SOFT IMPLEMENTATION PLAN

Throughout 2013 the Tax Office is preparing a strong public relations and education campaign, preparing notification letters and setting up collection procedures. Leveraging resources available to us through our community partners is essential, too. We hope to accurately communicate the need for complying with the Ordinance to all those potentially affected. Tasks to be completed this year include:

- Present Ordinance overview to local Realtors
- Work with Orange County Homeowners Associations to help them determine if their policies should be modified to comply with the new Ordinance
- Routinely meet with the Sheriff's Department, EMS and fire chiefs to pinpoint issues of potential non-compliance
- Take advantage of any presentation already planned by the Tax Office, and include an overview of the new Ordinance into those
- Capitalize on the power of Twitter, YouTube and other social media outlets for news, information and announcements
- Work with the Orange County Public Information Office to prepare and disseminate press releases to news outlets and residents
- Develop standard notification letters to be used in communications with residents

- Work out collection procedures for a case where a resident were levied a fine for non-compliance with the Ordinance
- Consult with the Finance Department to determine if said fines should be handled through a separate fund, and setup appropriate fund as needed

CLOSING

At this point, we would like to thank the residents and other county departments that have discussed with us potential problems areas that may be in non-compliance. This will help move the project forward as efficiently as possible. Constructive feedback received thus far and yet to be received will help ensure the intended goals of the Ordinance are met.

Throughout this project, and its continued maintenance, we will work closely with residents to ensure expectations are clear. We will be here to assist and inform while ensuring affected properties come into and stay in compliance. Rather than enforcers, we see fit to initially serve as educators and facilitators to help get willing residents into compliance with the Ordinance.

Addressing and Road Naming Ordinance Status
Compiled by the Orange County Tax Office
Land Records/GIS Division

MAJOR TASKS COMPLETED:

- Notification of Address Ordinance mailed to all property owners with addressable structures in Orange County's addressing jurisdiction (August, 2012)
- Informational website for updates regarding the Address Ordinance created and made available to the public
- Completed hundreds of addressing tickets as requested by Planning, Environmental Health, School Board, ES, Public Works, and Board of Elections (see table below):
- Development of Address Violations software application nearly completed (should be in production by March, 2013)
- GIS and county addressing successfully reorganized to fall under the direction of the Orange County Tax Office

Provided below is a table that illuminates addressing tickets and their time demands. These usually are a result of other county departments requesting a correction of a current address or assignment of a new address. This most frequently occurs when a resident applies for a permit through a county department, and that county department finds an error in how the address is reporting in GIS.

Table 1: Analysis of Address Corrections

	CORRECTION Tickets Jan 2012 - Dec 2012	ASSIGNMENT Tickets Dec 2011 - Aug 2012	TOTAL ADDRESSING TICKETS
# OF TICKETS	157	149	306
APPROX ADDRESSES	442 (some tickets have multiple address issues)	149	
AVG TIME PER TICKET	248 MINS	34 MINS	
TOTAL TIME	649 HRS	84HRS	733 HRS
AVG TIME PER MONTH	54.1	7	61.1 HRS
AVG TIME PER ADDRESS	88 MINS	34 INS	

Pursuant to the August 29, 2012 letter mailed to residents in Orange County's jurisdiction, a plethora of communications resulted. Through these correspondences, Orange County staff was able to assist and elucidate general requirements of the Ordinance and to further clarify information in the letter. Many of the issues resulting from this mailing are in abeyance until January, 2014.

Table 2: Letter Response Statistics

LETTER RESPONSE STATISTICS (SEPT - DEC 2012)	
Phone Calls	1589
Emails	145
Walk-Ins	39
TOTAL RESPONSES	1773

Table 3 below shows corrective actions taken by staff. These issues related specifically to the phone calls and emails generated by the August 29, 2012 letter. Proper notification was provided to these residents, and these changes have been made. Once GIS and county addressing was officially placed under the direction of the Tax Office, implementation was ceased in an effort to develop a more synchronized and efficient approach moving forward.

Table 3: Resolved Issues After August 29, 2012 Letter

WORK COMPLETED SINCE LETTERS WERE MAILED (SEPT-DEC 2012)	
NEW ROADS CREATED	11
ROAD NAMES RESERVED FOR FUTURE	17
ADDRESSES CHANGED TO NEW ROADS	69
ADDRESSES CHANGED DUE TO OTHER VIOLATIONS (retired, wrong road, out of sequence, discovery, etc)	17

Through collaboration with other county departments and local fire chiefs, mobile home parks have been the focus of implementing the Ordinance. As illustrated below in Table 4, helping to bring Orange County mobile home parks into compliance will involve a lot of coordination of different parties. Table 4 also shows issues related to readdressing single-family housing through needed road name corrections or address sequence reviews.

Table 4: Potential Issues for Implementation

MOBILE HOME PARKS	
TOTAL # of MOBILE HOMES	3271
# of MH PARKS in ORANGE CO. ADDRESS JURISDICTION	101
# of PARKS with 50+ MOBILE HOMES	12
# of PARKS with 10-49 MOBILE HOMES	47
# of PARKS with 3 to 10 MOBILE HOMES	54
APPROXIMATE AFFECTED MOBILE HOMES	2130
<i>APPROXIMATE SINGLES (UNAFFECTED)</i>	<i>1141</i>

SINGLE and MULTI-FAMILY RESIDENCES to be POTENTIALLY READDRESSED	
POTENTIAL # of NEWLY NAMED PRIVATE DRIVES	94
# of ADDRESSES ON PRIVATE DRIVES to be READDRESSED	339
ADDRESSES OUT OF SEQUENCE, OUT OF RANGE, or ADDRESSED to the WRONG ROAD	302
TOTAL TO BE READDRESSED	641



ORANGE COUNTY TAX ADMINISTRATION
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HILLSBOROUGH, NORTH CAROLINA 27278
Telephone (919) 245-2725 **Fax** (919) 644-3332
T. Dwane Brinson, Director

Memorandum

To: Orange County Board of Commissioners
Cc: Michael Talbert, Interim County Manager
From: Dwane Brinson, Tax Administrator
Date: February 11, 2014
Re: Road Naming and Addressing Ordinance Update

At the December 10, 2013 regular meeting of the Orange County Board of Commissioners (hereinafter "BOCC"), a petition was made that the Orange County Tax Administrator provide an update on the Road Naming and Addressing Ordinance (hereinafter "Ordinance"). The update will be provided at the BOCC's March 6, 2014 meeting. Pursuant to the petition and forthcoming oral report, this memorandum is complementary and serves as a preliminary overview of the current status and year in review of the Ordinance project.

BACKGROUND

In December, 2011 the BOCC formally adopted a Road Naming and Addressing Ordinance. The Ordinance was crafted, vetted and adopted in an effort to resolve and preempt safety issues that had manifest in the operations of our county public safety departments. Public safety responders were unable to locate structures. A letter was mailed to all affected residents on August 29, 2012. This letter was generic in nature providing general information about the Ordinance and where residents could find more information. It did not cite non-compliance of properties.

The Ordinance was to be enforced through county addressing, which is a responsibility of Orange County Geographic Information Systems. When this Ordinance was adopted, GIS was under the direction of Orange County Information Technologies. In November, 2012, the entire

GIS department, was placed under the direction of the Orange County Tax Administrator and, more specifically, the Land Records Division of the Tax Office.

At the March 7, 2013 meeting of the Board of County Commissioners (BOCC), the Orange County Tax Administrator and Orange County Land Records/GIS Manager/Address Administrator provided an update on the adopted Road Naming and Addressing Ordinance. An oral report was provided in an effort to communicate our plan to the BOCC for conformity to the goals behind adopting this ordinance.

PRE-IMPLEMENTATION ISSUES

Providing efficient and effective public safety services to residents was a top priority in adoption of the Ordinance. Public safety responders were having a plethora of complications when attempting to locate and respond to calls from residents in need. Many addressable structures could not be located without considerable time and effort, neither of which can be spared in a time of emergency.

The Tax Office and its Land Records/GIS Division have been working to enumerate broad categories of issues to be resolved. Prior to the Ordinance, and continuing to present day, the following issues have been identified:

- Most mobile home parks have no street names. Once an emergency responder arrives at a mobile home park, she or he may not be able to locate a specific mobile home unless there is a central office with available staff. The mobile home parks host mailboxes at the main road with no identification on the structures themselves.
- Years ago Orange County addresses were route numbers. The route numbers were then proposed to convert to house numbers and compliance with the new system at that time was voluntary. Therefore, current manifestations of both systems are throughout the county. This has resulted in addresses being out of sequence and difficult to locate.
- All new roads in the county should be recorded through the Register of Deeds. Some road names identified as problematic will involve a full title search whereby all road maintenance agreements, surveys and other public records are reviewed for compliance with the Ordinance.
- Some areas of the county have roads with a main driveway where mailboxes are hosted at the main road, then the main driveway branches into multiple different driveways with several structures down each corollary. The structures have no identification nor do the driveways, which makes emergency responses incredibly difficult.

2013 YEAR IN REVIEW

The Ordinance took effect January 1, 2013. Prior BOCC action provided for a soft implementation during 2013, in part, because of the reorganization of GIS to the Tax Office. During the March, 2013 update to the BOCC, it was stated that this soft implementation plan would allow myself and the Land Records/GIS/Address Administrator ample time to digest the Ordinance and prepare us for our advisory/enforcement role in non-compliance issues.

A second reason for the soft implementation period during 2013 was to allow tax office staff to work with local fire chiefs and amicably bring properties into compliance. This plan was based on an estimate of the number of non-compliance issues that existed at the time the Ordinance was first passed. We are finding that said estimate was understated, and the process of amicably working through non-compliance issues is taking more time than planned.

Requests from residents and local fire chiefs have been numerous and have occupied the year. Orange Grove volunteered to be the pilot district in this project, and we have been surprised at the magnitude of work discovered. Throughout 2013, we responded to requests from predominately the Orange Grove fire chief, which preempted the need for a proactive patrol of the affected area by the tax office. Our plan remains to, after the pilot project with Orange Grove, begin at the northern end of the county and work our way down to the southern areas by fire district. Once we are ready to begin a new district, we will reach out to the respective fire chief and work side-by-side with him or her.

Pervasive Issues Encountered in 2013

After adoption of the Ordinance, a letter was sent to Orange County residents in August, 2012 notifying them of the Ordinance requirements, and it provided information regarding signage and posting of addresses. This caused residents to go out and purchase house number signs, often from their local fire departments, prior to them being reviewed for compliance. Once reviewed, the residents were notified of new house numbers to be in compliance with the Ordinance. As a result, residents had to purchase a second sign with the correct house numbers, except in the Orange Grove Fire Department. Orange Grove was able to locate a chemical that would allow the removal of the numbers.

A second issue pertains to mobile home parks, a top priority identified in our implementation plan. A mobile home park is defined by the tax office as at least three mobile homes on one parcel, generally. It was quickly discovered that most mobile homes within mobile home parks were addressed at the main road instead of the mobile home park road. Hypothetically, an emergency responder would receive an emergency call for 102 Wide Branch Lane, unit 3, a mobile home park. The only reference of said address was at the mobile home park entrance on Wide Branch Lane. Once the emergency responder arrived at the mobile home park, no identification could be located on any mobile home within the mobile home park.

The Ordinance does not permit such an addressing system as each mobile home within the park must have identification on the lot itself, and the addresses must reference the road within the mobile home park if the road is at least 75 feet in length rather than, for example only, Wide Branch Lane. A collaborative approach was taken to remedy these issues once discovered. Tax office staff, the Orange Grove fire chief and the mobile home park owner walked the entire park on foot to identify issues. Subsequently, the parties involved developed an addressing system that complied with the Ordinance. After a collaborative plan was agreed upon, the tax office mailed formal notification letters to the owner(s) and the addressing system was established.

As a final example of large-scale issues encountered in 2013, it was discovered that, after GIS was moved under the tax office, a great number of residents were essentially queued as a result of the letter mailed in August, 2012. Residents had received a letter explaining the Ordinance and its requirements, which prompted thousands of calls into county offices for further clarification. The message to residents who reached out to the tax office was to wait as the GIS Department had just been reorganized to the tax office. This period of abeyance would allow tax office staff to become acclimated to the Ordinance and prepare a revised implementation plan for review of the BOCC. Soon after the tax office's February, 2013 presentation to the BOCC, we began working with residents who had been queued.

To date, as part of the soft implementation plan for 2013, the tax office has not levied a fine for non-compliance. Residents have been willing and often eager to work with us and finalize non-compliance issues. While we do have a means to track progress of each non-compliance issue and collect fines when necessary, our goal is to resolve issues amicably thereby eliminating the need to levy a fine. The prevailing process we have used has been:

- Discover a non-compliance issue through the fire chief, emergency responder or resident.
- Tax office works to resolve issue.
 - If it is a road naming issue, the tax office must work with the residents to secure at least 75% approval of a selected road name. In some cases, the road name selection process has taken a considerable amount of time and one still remains unresolved at this point.
- Notification letter is mailed to resident identifying non-compliance issue with an accompanying map as supplemental information.
- If resident has failed to respond within 30 days, the tax office reaches out to the resident using a different communication medium, such as telephone or direct email. Note that our implementation plan allows 60 days for compliance with the initial notification letter, but at the halfway point we reach out to the resident as an extra measure.

Below is a description of work completed throughout the last year:

- Assigned 533 new addresses to date
- Worked with Orange Grove Fire Department on 64 identified non-compliance issues
- Conducted field inspections with Orange Grove Fire Chief

Other completed projects include:

1. Posted address numbers: 3
2. Named driveways: 39
3. Mobile home park addresses established: 83
 - a. The Ranch – 24
 - b. Duke Forest – 22
 - c. Green Valley – 2
 - d. Woodcrest – 10
 - e. Crestwood (East) – 12
 - f. Crestwood (West) – 13
4. Apartment complex, new addresses:
 - a. Thompson's (D. Latta) – 8

5. Addresses submitted by fire departments requiring further research but later found to be in compliance: 13
6. Non-compliance letters sent: 4

Projects in progress:

1. New addresses: 116
2. Driveways to be named: 19
3. Mobile home park addresses to establish: 137
 - a. Woods Edge (Orange Rural Fire Department) – 123
 - b. Dairyland – 14

As supplemental information to this report, the BOCC has been provided with maps and reports that show how progress has been made throughout the year. Exhibit A shows a high-level map of the Orange Grove fire district and issues that have been resolved, those currently pending and remaining work to be completed. A color copy of this map is provided for ease of reference with the corresponding map legend. Exhibit B shows issues already identified by emergency responders outside of the Orange Grove fire district and the status of each. Exhibit C shows the model format of initial information submitted by Orange Grove. This shows initial issues to research, which often morphed into larger projects as an end result.

PUBLIC INFORMATION

After our meeting with the fire chiefs in March, 2013, this project took flight. Fortunately, the chiefs were well aware of the Ordinance and had been expecting our communications. Given the quantity of requests from fire chiefs and other emergency responders, we have scaled back our far-reaching public information efforts. Rather, we have opted, at least for the short-term, for direct communication with the affected resident or communication in small groups. Basically, our approach is to communicate with residents when it matters most – when their property may be affected in the near future by the Ordinance. While general education is a worthy cause in almost all instances, drawbacks to such an approach with this project may include:

1. Disseminating information countywide would reach residents in the municipalities that are not affected by the Ordinance thereby, perhaps, creating unnecessary confusion.
2. Given current staff resources, and considering what has been resolved along with what is currently queued from emergency responder requests, the ability for tax office staff to respond to additional Ordinance inquires and requests from the general public is questionable. We hope our direct communication efforts and organized approach will keep the project manageable and on track with our timeline.

To date, however, we have completed a number of public information efforts including:

- Spoke at a community watch meeting with the Sheriff's Department in November, 2013
- Participated in three (3) fire chief meetings in 2013
- Prepared handouts and discussion materials for four tax office presentations

PLAN FOR 2014

Once work is completed in the Orange Grove fire district, the plan is to move onto Cedar Grove. Recently a request for information was sent from us to the Cedar Grove fire chief using the same established model as that used in Orange Grove. This will mark the beginning of our organized approach around the unincorporated portions of Orange County, working in collaboration with local fire chiefs.

An abundance of requests, Exhibit B, from other emergency responders still exist. We will continue to work on those requests as expeditiously as possible, too. However, we fully expect, considering the number of issues encountered in Orange Grove, that Cedar Grove and other districts to be reviewed will be time consuming as well. Our internal expectations for 2014 include (1) finalizing the Orange Grove fire district, (2) continuing to work on impromptu requests as needed by emergency responders and (3) work toward completion of the Cedar Grove, Caldwell and Efland fire district projects.

While the magnitude and quantity of issues to be resolved will vary greatly by district, the tentative schedule is as follows:

2013 – Orange Grove

2014 – Cedar Grove, Caldwell, Efland

2015 – New Hope, Orange Rural, White Cross

2016 – Greater Chapel Hill, Southern Triangle, Damascus

While this timeline could change in either direction, implementation of the Ordinance is an enormous undertaking. We can only assume that properties in other fire districts are in a similar situation as those in Orange Grove. The goal is top-notch, direct and accurate communications with the affected resident(s).

We believe that a successful model has been developed by working through the pilot project with Orange Grove. Hopefully all fire districts will follow this model and submit information in the same format that worked so well with Orange Grove. Given the success of our work in the Orange Grove fire district, the deputy fire chief asked us to please submit a letter to the BOCC on behalf of the fire department, which is attached to the agenda abstract.

Exhibit B

Issues Identified by Emergency Responders Outside of Orange Grove:**Caldwell:**

1. Unnamed driveway named Hall Farm Rd and 3 homes assigned new addresses. Notification has been sent.
0809379605
0809467877
2. Two Barred Owl Way homes are addressed on Terry Rd. Notification has been sent.
0806472046
0806369821
0806369821

Cedar Grove:

1. Mill Creek Rd. resident is not using assigned address. Notification has been sent. 9847041180

Eno:

1. Dumont Dr. resident is not using assigned address. Notification has been sent. 9885736239
2. Stonegate Mobile Home Park: 60 mobile homes are addressed on wrong road. 9893214750. Notification by phone.
3. Home using wrong address 9882133129 Notification has been sent.

Cedar Grove:

1. Families can't agree on name for driveway. Notification has been sent. Currently waiting to meet with County Attorney.
9869206079
9869309757
9868295304
9868292301
9868282531

Chapel Hill:

1. Unnamed driveway off Hatch Rd. needs to be named and 3 homes assigned new addresses. Notification has been sent.
9769309422
9769400287
9769308094

Damascus:

1. Unnamed driveway needs to be named and 4 homes assigned new addresses. Notification has been sent.
9767333425
9767334297
9767335016

Efland:

1. Two duplicate addresses on 1400 Ben Johnston Rd. Notification has been sent.
9854847637
9854930649

Eno:

1. Two duplicate addresses 2914 Pleasant Green Rd. Notification has been sent.
0804351167
0804258022

New Hope:

1. J and J Mobile Home Park 14 mobile homes addressed on wrong road. Notification has been sent. 9881139837
2. Unnamed driveway needs to be named for 3 homes. Notification has been sent. .
9872208200
9872206076
9871297773

Orange Rural:

1. Map with addresses for Flint Ridge, Coachwood and Gateway Village apartments made for fire department. Map has been completed by Land Records.
(Not all PINs are listed)
9863798177
9863787848
9863784576
9863886264
2. Address number not displayed or inappropriately displayed. Notification by phone.
9896052794
9886958896
3. Timbers Mobile Home Park. 94 mobile home addresses need to be revised. Notification has been sent. 9863397685
4. Woods Edge 9873402548 and Woods Mobile home park 987239858. 123 mobile home addresses need to be revised. Notification has been sent. (See attached map)
5. W L Finley Dr. Three residents want to rename their road. Notification has been sent.
9857196289
9857191441
9857097272
6. Unnamed driveway needs to be named for six homes. Notification has been sent.
9875268470
9875265528
9875266174
7. Unnamed driveway needs to be named for 3 homes assigned new addresses. Notification has been sent.
9863876045
9863867666
8. 2 duplicate addresses at 1612 Dimmocks Mill Rd. Notification has been sent.
9864004197
9853989811

9. Driveway needs to be named for 4 homes. Notification has been sent.
9875177836
9875377526
9875266907
987526194
10. Driveway needs to be named for 3 homes. Notification has been sent. 9896670730

South Orange:

1. Holman Ln. One home is addressed to the wrong road. Notification has been sent.
9767672977
2. Two homes were asked to display their address numbers. Notification has been sent.
9767674727
9767575560
2. Hugos Hill Rd. One home will be contacted about being addressed on wrong road/no road sign displayed. Notification has been sent.
9767677530
9767770772
3. Four homes addressed on wrong road /driveway needs to be named. Notification has been sent.
9768811008
9768802319
9767997465

Problem location in the Orange Grove Fire District

List of Possible Violations Received from Fire Department

Able Hill Rd	Off of Rocky Ridge Road. Addresses are not Able Hill Road. They are Hickory Hill Ln., Rocky Ridge Rd. and Fair Vista Dr. Charlotte NC.
Alexander Cheek Lane	Is off Mebane Oaks Rd 100 YARD south of Mary's Grove Church Road on the left. No Sign. Mebane Oaks Road addresses.
Amazing Grace Lane	Improper sign
Aotearoa Lane	First Left off Mt. Mitchell. No sign. Address is 400 Jones Ferry Rd Carrboro (OWASA)
Apple Ridge	Second road on right traveling south on Apple Mill Rd Addresses are Apple Mill Rd addresses.
B & H Drive	Off Chestnut Ridge Church Road. All houses on B & H Drive have Chestnut Ridge Church Road addresses.
Battle Lane	Battle Ln sign on Jo Mac Rd. GIS map show Battle Lane is in Chapel Hill.
Benjamin Drive	Addresses are Snipes Farm Road addresses
Borland Road	(West) Address numbers not in order.
Brent Hill Road	Off of Dairyland Road is Dairyland Road address
Brick Ln	Addresses are Marions Fords Road
Casey Cameron Rd.	First Right off Mt. Mitchell. No sign Addresses are Jones Ferry Rd (OWASA) Le Clair St Chapel Hill & Lake View Dr Falls Lake VA.
Cates Hickory Hill	On right side of Rocky Ridge Rd just before Arthur Minnis Rd. Address is Arthur Minnis Rd
Castell Lane	Address is a Bradshaw Quarry Rd address.
Clear View Rd.	Located .2 of a mile west of the intersection of Dairyland and Dodson Crossroads traveling west on Dairyland. Addresses are Vista Woods Dr. Hillsborough
Duffy's Way	Off NC 54. The Events Center has a Charles Ln address and the house behind the Events Center has a Duffy's Way address.
Durham Daulton Rd	Off Marrow Mill Rd between the two Gold Mine Loop Rd. Addresses are Morrow Mill Rd.
Eastbrook Mobile Home Park	Off NC 54, GIS map shows road name is Eastbrook Mobile Home Park. All address are NC 54 addresses.
Ed Faucette Road	Off Borland Road, addresses are Borland Road addresses.
ELG Sub-division	Entrance to the sub-division is marked with a 4 x 4 post about 4 feet high with ELG RD carved in for the road sign. VERY hard to see at night.
ELG Road	All roads in ELG sub-Division are small wooden signs approximately 18 to 20 inches high. VERY hard to see at night.
Baer Hill Road	
Pond Road	
Gray Fox Trail (Road isn't on the OC GIS map.)	
Shadow Wood Lane	
Red Tail Run	
Genesis Road	no sign.
Griffin Lane	Off of Dodson's Crossroads only one house and it has a Dodson's Crossroads address.
Gwendolyn Estates Court	Gwendolyn Estates Court off Borland Road. Not sure about the addresses on this road or where the road is located.
Hoot Owl Hill	Map book indicates off of Old NC 86 .9 mile south of Arthur Minnis. Unable to locate.
Holly Hill Rd	Holly Hill Road between Mt. Willing Road and Oak Grove Church Rd is blocked by a fence. One of the property owners will not allow thru traffic to go through. Creates a problem for Emergency Responders when responding to that area.
Huckleberry Lane	Off Oak Grove Church Rd. What is the address?
Hugh & Cookie Wilson Lane	.3 miles on the right past Rocky Ridge Rd. off Dairyland Rd. Dairyland Rd addresses
Hylen Tr	Off of Bradshaw Quarry Rd across from Vernon Rd. Multiple addresses, none are Hylen Trail.
JS Lane	Off Dairyland Rd just east Dodsons XRDS. Calvin Mellott's trailer park?
James Minnis Lane	On the right off Arthur Minnis Rd. .4 mi from Union Grove Church Rd. All addresses are Old NC 86 Chapel Hill addresses.
Katie Lane	Off NC 54 .2 mile on the left off Hwy 54 traveling E from Dodson's XRds has NC 54 addresses
Kirkland Wood Drive	Off Union Grove Ch Rd just north of Talbryn Way. No Sign. Address is Union Grove Church Rd

Lamberth Lane	Off Lucy Lane off Old NC 86, addresses are Lucy Ln.
Lina Mae Ln	Lina Mae Lane off Dairyland Road, Not sure what is going on with this road. Land Records will need to look at it with us. This was given to us as a cross street on a call. NO sign if this road exist.
Livia Road	Off Borland Rd just west of Boulder Run Rd. Borland Road addresses.
Mauer Road	Off Hwy 54 east of Dodson's Cross Rd across from Elva Ln. No Sign, no road addresses on NC 54.
McAdams Road	Off Mt. Willing Road. Could it be shown to run all the way to Oak Grove Church Rd?
Meadow Crest Dr.	Meadow Crest Dr, map shows that it runs between Orange Grove Road and Teer Road. OWASA has this road blocked off of Orange Grove Road and blocked just past the last house on Meadow Crest Drive off of Teer Road.
Morrow Lane	Off Mebane Oaks Road, this road show that it runs through a 9 acre tract of land just south of Mary's Grove Church Road. No Sign. Shows address as 4808 Mebane Oaks Road.
Nellie Gray Court	First dirt road on the left traveling west on Jo Mac Rd. from Bethel Hickory Grove Church Road. This is an old mobile home park where no one lives. Owners address id Cross Link Rd. Raleigh
Nightmare Lane	On Orange Grove Rd. 2 mi. S of fire station on the right. No Sign and address is Orange Grove Rd.
Oak Grove Ch. Rd	4116 Oak Grove Church Road need to look at GIS Map
Paul Penny Road	Off of Dodson's Crossroads near NC 54. Is this a real road of just something someone put the signs on the powers pole?
Pelican Lane	Traveling north from station on Orange Grove Rd. between EG Joyner Rd. and Davis Rd. on the right. Orange Grove Rd address.
Pickard Meadow Road	Improper sign.
Purefoy Lane	.3 mile on the left past Rocky Ridge Rd. off Dairyland Rd. traveling East. Dairyland Rd addresses.
Purple Drive	Off Union Grove Church Road. Not sure of the addresses. All addresses are to other place other than Purple Drive or Union Grove Church Road.
Radnor Farm Road	Off Mebane Oaks Rd. Sign attached to a power pole.
Ranch Mobil Home Park	Off of Dodsons XRDS. Trailer numbers no visible.
Roy Road on Dairyland Road	Improper sign.
Steven Drive	Off Martin Road shows Martin Road addresses. Last house on Teer Road (west) has an Apple Mille Road address.
Terrapin Lane	Off of Arthur Minnis Road. Not sure about addresses. P.O. Boxes
Thompson Road	Has Orange Grove Road addresses.
6309 Old NC 86	appears to 4 different lots, one behind the other. No road name leading to the back 3 lots.
3720 Mebane Oaks Rd.	Resident is located off Heather Lane off Hidden View Dr.
3301, 3307, 3313 & 4122 Buckhorn Rd. Refer to GIS map.	We would like to see the physical address to property where the resident has a P.O Box or the property is rental property and the property address is the address of the owner.

Orange Grove Volunteer Fire Company

6800 Orange Grove Road
Hillsborough, NC 27278
919-967-5858

In the spring of 2013 Orange Grove Fire Department compiled a list of locations within the Orange Grove Fire District that we had problems locating Fire and Emergency Medical calls. Here is a list of issues we were encountering.

1. Long driveways with multiple homes and no address numbers on or at the location.
2. Houses on one road but addressed on another road.
3. Mobile Home Parks where none or very few of the Mobile Homes were marked with an address or lot number.
4. Private roads with no signs.
5. Private roads with homemade signs made from wood that blend into the landscape and is hard to see.
6. Roads with no name.
7. Houses where the residents have a Post Office Box but they do not have the street address posted at their home.
8. Mobile Home Parks where there were 3 different addresses for each lot.
9. Road signs identifying roads that doesn't exist.
10. Roads that no longer exist.
11. Private roads that property owners has barricaded the road to prevent thru traffic from going through, including Emergency Vehicles.

Since passing this information to the Tax Office Land Records/GIS Division, nearly all of these issues has been corrected. The other issues are currently being investigated. As more and more of the residents display their address numbers, it has helped Emergency Responders in quickly locating incidents. The staff at Land Records/GIS has kept in contact with the Fire Department as to the status of each of the items that we passed on to them which was more than 60 different issues in the Orange Grove Fire District. The Land Records/GIS Staff is doing a great service to the citizens of Orange County and to the Emergency Response System.

When Orange Grove Fire Department receives updates from Land Records/GIS we update our road listings information that is carried on each apparatus. We also forward that information to the Orange County Ambulance crews that are now base at Orange Grove Fire Station 1.

Paul Speight
Deputy Chief
Orange Grove Fire Department

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 6, 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:

November 12, 2013

November 14, 2013

January 31, 2014

BOCC Work Session

BOCC Joint Meeting with City of Mebane

BOCC Annual Retreat

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
November 12, 2013
7:00 p.m.**

The Orange County Board of Commissioners met for a Work Session on Tuesday, November 12, 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 Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

1. Cedar Grove Community Center Schematic Design Presentation

Jeff Thompson introduced this item and noted that Chair Jacobs and Commissioner Price have worked alongside staff and the resident advisory workgroup. He thanked all of the team members who have participated in the process.

Sue Florence spoke on behalf of the working group. She asked all residents to stand so they could be recognized for their work on this group. She thanked the Board for the professional knowledge and skill that was provided by staff and consultants throughout this project.

Chair Jacobs said the Board appreciated all of the work that the residents and staff accomplished.

John Thomas, with MBAJ Architecture, praised the advisory group for their efforts on this challenging task. He reviewed the following PowerPoint slides:

Methodology

Informal Resident Advisory Work Group

- 7 Meetings over 3 Months

- Perceptions and Dreams
 - Programming
 - Concept Development
- 8 Concepts Explored

Existing Conditions Survey

- Through inventory of existing conditions
- Code compliance review

Existing Conditions (Aerial Photograph)

Existing Conditions (Park Master Plan Map)

Existing Conditions (blueprint)

Existing Conditions (blueprint)

Challenges

- 1 • Septic Capacity
- 2 – 1,400 gals/day
- 3 • Limited Occupancy
- 4 • No Commercial Kitchen
- 5 • Lot Coverage
- 6 – 12% Impervious Surface
- 7 • Memorializing Community Significance
- 8 • Historic Aesthetic

9

10 **Proposed Solutions-schematic designs for next 8 slides**

11

12 **Occupancy**

- 13 • Septic Capacity
 - 14 – 1,400 gals/day
 - 15 • Full Day Use (8 hours)
 - 16 – 140 persons
 - 17 • Half Day Use (4 hours)
 - 18 – 220 persons
- 19

20 **Proposed Solution**

21 Preliminary Cost Estimate

General Conditions		\$172,712
Selective Abatement & Deconstruction		\$294,881
Building Renovation		\$1,029,247
Site Work		\$253,255
Construction Subtotal		\$1,577,383
Contingency	8%	\$105,930
Professional Fees		\$173,500
Cultural & Archeology Study		\$5,000
Construction Testing & Inspections		\$15,774
Permits & Fees		\$2,000
Audio Visual Equipment		\$20,000
Signage		\$3,500
FF&E		\$94,643
Project Total		\$1,997,730

1
2 **Mothballing of Classroom Wings** (photo)

3
4 **Mothballing**

- 5 • Objective
6 – Preservation of Existing Space
7 • Minimum Scope
8 – Window Replacement
9 – Roof Replacement
10 – HVAC
11 – Fire Alarm
12 – Smoke Detection
13

14 **Mothballing**

- 15
16 • Cost
17 – Additional Cost: \$358,700
18 • Mothball Cost: \$579,900
19 • Mothball Design Fees: \$28,800
20 • Less Deconstruction Budget: (\$250,000)
21 • Benefits
22 – Preserves 21,000 s.f. for future use
23 – Replacement Cost: \$3-4 Million
24 – 1,100 s.f. Classroom available as Multi-Media Room in Project
25 – Preserves Historic Appearance
26
27

28 John Thomas said the charge was the development of the center section of the existing
29 building, which represents between 11,000 and 13,000 square feet. He said the simultaneous
30 charge was to look at the effect of mothballing the areas noted in gray on the maps, in case of
31 a need for future development.

32 He said the proposal is to keep or mothball all wings of the facility, and convert the
33 gravel lot to a paved lot, which will not change the impervious surface. He walked through the
34 proposed site plan blueprint. He said the memorial site out front would put back the old
35 flagpole along with information about the old school.

36 John Thomas reviewed the floor plan and said the goal is to create a lobby out of the
37 current outdoor walkway, and develop the cafeteria into three main spaces – a small group
38 room, a large group space, and a recreation room. He said the kitchen would be divided into a
39 church style kitchen with storage and two restrooms - one available to the kitchen and one to
40 the exterior ball fields.

41 He said the gym will be converted into a multipurpose room with some recreational
42 capabilities. He said the old stage will be closed off with folding walls to allow for use as an
43 exercise space.
44

45 *Commissioner McKee arrived at 7:18 pm.*

46
47 John Thomas said there will also be one additional room that was not in the original
48 charge. He said this room will be developed into a multi-media room appropriate for computer
49 use, tutoring, or classroom space.

1 He said the proposal also includes a facility manager's office, as well as an open front
2 entrance for an internet café.

3 John Thomas said the overall look of the building will be maintained. He said the brick
4 will be cleaned up, and new windows will be installed throughout the building.

5 He reviewed black and white sketches of each room described above.

6 He said the small group room, large group room and the recreation room can all be
7 opened up into one large meeting space.

8 He said the idea of the recreation room is to have a permanent pool and ping pong area
9 for youth and/or seniors in the area.

10 John Thompson reviewed the occupancy and use limitations for large groups. He said
11 the building would be fine for the intended day to day uses.

12 He said the objective of mothballing the other wings of the building is to preserve the
13 21,000 square feet of additional space for possible future use. He reviewed the minimum
14 scope measures, as listed on the slide, to preserve the space.

15 Commissioner Gordon asked how many people can be accommodated in the space if it is
16 fully occupied.

17 John Thomas said if the large middle room were filled, standing room only, according to
18 code, it could fit 290 people. He said the recreational activity use number is more like 15 or 20
19 people.

20 Commissioner Gordon asked what happens when someone wants to reserve the space.
21 She asked if this means this reservation cannot exceed 290.

22 John Thomas said that is correct. He said this is a limit that is put on as a result of the
23 septic condition.

24 Commissioner Gordon asked about the square footage of the project.

25 John Thomas said the renovation is a little over 13,000 square feet, including the extra
26 room, which is 1,100 square feet, plus the bathrooms.

27 Commissioner Gordon asked for the total breakdown, including the bathrooms.

28 John Thomas said it would be a little over 2,500 square feet.

29 Commissioner Gordon clarified that bathrooms had to be done.

30 John Thomas said if the wings came down at the natural break point, it would require
31 the construction of new bathrooms.

32 Commissioner Gordon asked if this is included in the estimate.

33 John Thomas said this was not included, as the recommendation was to mothball the
34 wings. However, he is confident that it could be done within the budget of \$2 million. He said
35 the other option is to take down the wing down at a different junction.

36 Commissioner Dorosin asked about the sewer capacity. He questioned whether there is
37 any possible solution to the issue.

38 Jeff Thompson said in the mid 2000's the County acquired property across the street for
39 the purpose of creating additional leach field area to increase the septic capacity. He said the
40 estimated cost of this endeavor was about \$800,000 to \$1million. He said there are new
41 technologies coming out, but these are not yet vetted by environmental health.

42 Commissioner Dorosin said he understands there is a goal to keep the aesthetics, but he
43 wondered if solar panels or green roofs have been discussed, considering the large flat roof
44 surface.

45 John Thomas said green roofs are not a possibility due to the weight being incompatible
46 with the current roof loading standard, but solar panels are a possibility.

47 Jeff Thompson said the photo voltaic solar does not have a good enough cost payback
48 benefit. He said these paybacks are still decades out.

49 Chair Jacobs said the Board had this same conversation 10 years ago regarding solar,
50 and the same objection was raised.

1 Commissioner Rich asked if there has been discussion about what the wings would be
2 used for in the future.

3 Jeff Thompson said there has been nothing discussed in the short term for these wings,
4 but there has been discussion of a possible future co-location of Emergency Services facilities.

5 Commissioner Rich said her concern is that the septic issue limits any future use.

6 Jeff Thompson said the current estimate is to save the space for possible use, without
7 spending operating costs. He said if there is a point where there is a use for the space then
8 there would be a significant cost required to upgrade the septic, but there would be not be a big
9 cost in the building itself if it is maintained.

10 Michael Talbert noted that there are 21,000 square feet of space to be mothballed. He
11 asked how much it would cost in today's dollars to renovate the space and bring it back.

12 Jeff Thompson said this would cost \$75 to \$100 per square foot.

13 Michael Talbert said this would require some work now to mothball, but the cost five
14 years from now to renovate at the current rate would be an additional \$2 million, plus sewer,
15 which would push it up to the \$3 million range.

16 Commissioner Pelissier said there was some discussion about having a park and ride lot
17 across the street. She asked if there had been any discussion about having it on the same side
18 of the street if the wings were not mothballed. She said people wanting to use the facilities
19 would have to cross a busy street to get to the park and ride lot.

20 Jeff Thompson said the board has had some conversation about this site being an
21 endpoint for a circulator route into Hillsborough. He said there have been no specifics yet about
22 how this would work.

23 Commissioner Pelissier asked if there was any discussion of doing geo-thermal for this
24 site.

25 Jeff Thompson said there is interest in doing geo-thermal; however the only site for
26 doing this is under the current septic field.

27 Commissioner McKee said he would like the title of this facility be the Northern Human
28 Services Center, because he would like to see services moved back up into that community.
29 He questioned whether it is more important to mothball space or to provide services to the
30 community. He noted that the library was taken out of this community, and he feels it is critical
31 to provide services, because this is an underserved area of the County.

32 He said this is not just a \$300,000 mothball project, as it would still cost \$2-3 million to
33 renovate in the future. He said this could provide a lot of services in the community that would
34 go with the current schematic.

35 Commissioner Price noted that the multi-media area is a library.

36 Commissioner McKee said he is referencing the space below the bathrooms that could
37 be used for additional space.

38 Jeff Thompson said the use of this room for programs was not discussed. He
39 acknowledged that the community center cost for programming would have to be addressed in
40 future discussions.

41 Chair Jacobs asked if there will there be a fire alarm in the wings.

42 John Thomas said this was not discussed, but it could be provided, along with sensors
43 on the doors.

44 Chair Jacobs said if the space is climate controlled and has some security, a
45 conversation could be had in the future about the potential use for storage. He said this would
46 be a good investment, as it would free up space in other County buildings. He said this would
47 make him more comfortable with this schematic design.

48 Jeff Thompson said an intruder alarm is standard.

1 Chair Jacobs said he feels that an internet café and a multi-purpose room seem
2 redundant in some ways. He said a multi-media room will have internet, and if there is an
3 interactive video screen in the café, it will probably have limited use.

4 John Thomas said the interactive display wall was not meant to function the same as a
5 laptop. He said this was to be more of a memorial to the history of the facility and the
6 community. He said the internet café was intended to be like a Starbucks. He said it was
7 intended to be more social, and the multi-media space would be more use based. He said
8 these uses would be things like distance learning, tutoring, and special classes. He said this
9 would be more of a dedicated use space.

10 Chair Jacobs questioned whether a Zumba class could be held on stage without the
11 noise bleeding into the internet café.

12 John Thomas said the acoustics in this space have not been examined yet, but this can
13 be mitigated later. He said the internet café is intended to be a lively and social space, not a
14 quiet space.

15 Chair Jacobs said the conference room may not be that quiet either.

16 John Thomas said he is confident the good acoustic privacy could be achieved in that
17 space.

18 Chair Jacobs asked if the south facing wall in the kitchen is movable.

19 John Thomas said no.

20 Chair Jacobs asked if the other three sections could be one large section if the walls
21 were moved.

22 John Thomas said yes. He said the intent was to have a catering kitchen, according to
23 health standards.

24 Commissioner Price said the multi-media space should be a quiet space, like a library,
25 for kids to do homework.

26 Chair Jacobs asked if the local librarians had looked at this multi-media design.

27 Jeff Thompson said yes. He said this facility would be on wireless access and there
28 would be capability to stream content and link back to the main branch.

29 Chair Jacobs noted that this is similar to the Cybrary.

30 Commissioner Dorosin confirmed that property is owned across the street. He said if
31 the wings were ever to be used, there would have to be an investment in accessing this, or in
32 bringing water and sewer to this additional property. He questioned whether the septic capacity
33 would be increased if one wing were taken down.

34 Jeff Thompson said there would still be some critical watershed issues to address and
35 there would not be a like for like return.

36 Chair Jacobs said it would be beneficial to know the capacity of the septic field across
37 the street, for a longer term view.

38 Commissioner Dorosin suggested that there be a plan for this other septic site, possibly
39 in the CIP. He suggested that the cost to bring septic to this parcel should be added in to the
40 mix. He likes the idea of keeping the wings, with the idea of expanding services, but it is critical
41 to keep the septic issue on the forefront.

42 Commissioner Price asked about the issue with the parcel across the street. She had
43 heard that the cost was high for the septic system because it was experimental.

44 Jeff Thompson said the "living machine" was the technology that had been discussed,
45 and this was very cutting edge. He said there were more services on site when this was
46 discussed, but services were on the decline. He said a decision was made to purchase the
47 land but not do the septic.

48 Commissioner Price asked what the major cost to bring septic would be.

49 Jeff Thompson said it would be the process of getting under the road and meeting
50 regulatory requirements for the use of 21,000 feet.

1 Chair Jacobs said it was not a productive conversation back then because it was
2 uncertain whether the system would work or would be allowed.

3 Commissioner Rich said she hopes the septic options will be investigated, but her
4 concern is that \$359,000 will be spent to mothball the wings. She asked if this will be a onetime
5 cost, and she questioned the amount for yearly upkeep on the wings.

6 Jeff Thompson said this cost would serve to secure the wings and keep them minimally
7 intact. He said when the facility was fully empty the operating cost was around \$100,000 per
8 year, so there will be some cost. He said there would be some additional cost to accommodate
9 storage.

10 John Thomas said some adjustments would need to be made to the fire alarm systems
11 if this is used as storage space.

12 Commissioner Rich said her concern is that these wings will be mothballed and then
13 forgotten about while annual costs are paid on them. She is uncomfortable with the uncertainty
14 of the use and she would like to come up with a solution for the wings.

15 Commissioner Pelissier said the driving factor is not the septic, but it is the question of
16 why this should be mothballed. She said the square footage of this site is more than the
17 Southern Human Services Center, and she questioned why this would be needed in a rural
18 area. She said this wing is not ideal for emergency services, and it would not be used for a
19 park and ride. She likes the plan, but she is not keen on the mothballing part.

20 Commissioner McKee said he would like to see this site developed and not continually
21 pushed back on the CIP. He said there is a dual service model already in Orange County. He
22 would like to see some of these services provided in this rural area of the County, and he would
23 like to shift the funding to use for this.

24 Commissioner Gordon agreed with Commissioner Pelissier about the uncertainty of
25 what all this space would be used for. She said the layout is already beyond the septic
26 capacity, and she does not feel it is a cost effective use to mothball these wings. She said the
27 ideas about repurposing the main space are good, but she would have to think a long time
28 before she would agree to mothball the other wings.

29 Ms. Florence spoke and said the perception in the northern end of the County is that the
30 services were removed from this site. She said many residents were hoping for services here,
31 especially Emergency Services. She noted that phase three of the park is the largest part of
32 the park, and it would need more septic space. She said there needs to be a decision about
33 this septic issue, and if septic cannot be expanded, then the third phase of the park would also
34 have to be abandoned.

35 Chair Jacobs said the Board wants to do more investigation on how to use the parcel
36 across the street; what the options are for septic; and how big the park and ride lot would be.
37 He said the Board is generally supportive of the design, but there are questions about the
38 possible use of the internal space and the provision of services. He said the board did a good
39 job of staying within budget, with the exception of the open room, septic and across the street.
40 He said the most disagreement is with the mothballing option. He said if staff thinks the
41 mothball area could be used for storage, then the cost effectiveness is good. He suggested
42 that this option be considered.

43 Commissioner Price clarified that the mothball idea was not to have it sit there for 15
44 years. She said the concern was to preserve the integrity and history of the building, and there
45 was also a hope that services would be brought back to the building. She said the preservation
46 of these rooms was intended to prevent having to rebuild the space to provide services.

47 Chair Jacobs said the flipside was that the Board of County Commissioners established
48 a budget, and the mothball takes this into another area of expenditure. He said the Board
49 needs more facts about the issues above, and this should be included as part of the CIP
50 discussion.

1 Commissioner Price asked how much was put into the preservation of the Whitted
2 Building.

3 Chair Jacobs said this amount was \$1.7 million.

4 Commissioner Price noted that this building sat for a period of time.

5 Chair Jacobs said this will be scheduled for discussion at a regular meeting in future.
6

7 **2. Lands Legacy Action Plan for FY 2014-17**

8 Rich Shaw, Land Conservation Manager with the Department of Environment,
9 Agriculture Parks and Recreation (DEAPR), presented the following overview and PowerPoint
10 slides:

11
12 **November 12, 2013**

13 **Department of Environment, Agriculture,**
14 **Parks & Recreation**

15
16 **Lands Legacy Program**

17 ***Conserving high-priority***

18 ***natural & cultural resource lands***

- 19 ✓ Voluntary
20 ✓ Partnerships
21 ✓ Funding (including \$5 M grants)
22 ✓ 1,001 acres for parks & preserves
23 ✓ 2,030 acres private farms & natural areas
24

25 • **Changing conditions**

- 26 ➤ Improving regional economy
27 ➤ NC Conservation Tax Credit eliminated
28 ➤ Reduced funding from the State
29 ➤ County parks & recreation master plan
30 ➤ County funds for conservation easements
31

32 **Draft Lands Legacy Action Plan**

33 **Objectives for 2014-17**

- 34 • Continue current scaled-back approach
35 • Complete projects already underway
36 • Conserve significant natural areas
37 • Establish/extend trails to link public places
38 • Stewardship of existing properties
39

40 **Draft Lands Legacy Action Plan**

41 **Priority Projects**

- 42 • Bingham Township Park
43 • Upper Eno Preserve/Mtns-to-Sea Trail
44 • Farmland easements
45 • Jordan Lake Headwaters Preserve
46 • Local Historic Landmarks (→ easements)
47

48 **Lands Legacy Program**

49 *Protecting special places in Orange County*
50

1 Rich Shaw said he would like to emphasize the importance of partnerships, especially
2 as funding has lessened. He said partnerships with OWASA, universities and local government
3 have allowed for the accomplishment of a lot of projects.

4 Referring to the slide on Priority Projects, he said Bingham Township is still on the radar
5 screen, though there have been some stops and starts. He said the goal with Mountains to the
6 Sea is to connect the Seven Mile Creek area into Hillsborough and the Riverwalk and
7 Occoneechee State Park.

8 Commissioner Rich asked how much has been invested in the Mountains to Sea Trail.

9 Rich Shaw said no land has been acquired specifically for the Mountains to Sea Trail,
10 though the state has used parts of their property.

11 Commissioner Gordon said the partnerships are important. She commended staff on
12 this effort, and said they have done a good job of making use of their funds.

13 Dave Stancil said the reason there is still \$1.3 million in funding left is because of the
14 many partnerships.

15 Commissioner Price asked if the summary list of projects is in priority order.

16 Rich Shaw answered no.

17 Commissioner Pelissier said she is supportive of the plan. She questioned whether all
18 of the goals would be able to be addressed, given the limited monies. She asked about the
19 prioritization of projects.

20 Rich Shaw said a lot of this work is opportunity. He said some projects have been set
21 aside due to lack of interest, and it is important to go with the flow.

22 Commissioner Dorosin said he is so impressed with this project, and he would like to do
23 the same type of land acquisition for affordable housing. He said that same aggressive mind
24 set is needed.

25 Chair Jacobs expressed his appreciation for this program.

26 Chair Jacobs said he understands that OWASA has approached the County regarding
27 the possibility of taking over recreation at Cane Creek. He questioned whether Cane Creek
28 ought to be looked at as Bingham Township Park, with consideration of what uses can be made
29 available to the public without compromising water quality.

30 Stancil said staff is meeting with OWASA tomorrow.

31 Chair Jacobs asked about payment in lieu projects.

32 Dave Stancil said there are some payment lieu funds available for acquisition of land for
33 open space and for construction. He said the new master plan speaks about payment in lieu.

34 Chair Jacobs asked if there will be funds available that have not been budgeted.

35 Dave Stancil said yes. He said the Bingham project in particular has funds available.

36 Chair Jacobs said OWASA is no longer participating in conservation easements in their
37 watersheds. He questioned whether this should be posed to the AOG to see if the
38 governments would like to participate in protecting their own water supplies. He said the other
39 option is to ask the OWASA board to re-consider participating.

40 Chair Jacobs said the County has met twice with the Mayor of Durham to recommend
41 that the city participate in easements in Little River and other parts of Orange County. He said
42 the County is protecting Durham's water supply but the city is contributing nothing to preserve
43 it. Chair Jacobs said there is a new city manager and new council members who may be more
44 amenable to this concept.

45 Chair Jacobs suggested a formal proposal to the City of Durham's staff to meet with
46 County staff to talk about the inter-relation of storm water credits and whether the state is going
47 to actively protect Jordan Lake. He said Durham may want to work with the County to do more
48 to protect the water supply.

49 Dave Stancil said farmland conservation is a priority, and there may be opportunities in
50 the Little River watershed.

1 Chair Jacobs asked if anyone had any objections to writing a letter to Mayor Bell and a
2 similar letter to OWASA. There were no objections.

3 Chair Jacobs asked if there will be money available to provide signs for historic
4 landmarks.

5 Dave Stancil said this has been talked about over the years. He said this could be part
6 of the mix.

7 Commissioner McKee said the Board just got through pinching pennies on the Northern
8 Human Services Center project. He said the Board needs to keep priorities in mind, and the
9 priority for him is serving residents. He said the signage takes a second seat by comparison.

10 Commissioner Price said if prioritization needs to occur, there should be more emphasis
11 on water quality. She said this is more important than trails.

12 Chair Jacobs asked that when this item comes back to the Board, it includes the waiting
13 list for agricultural easements, as well as an estimate on how much additional funding would be
14 available for payments in lieu.

16 **3. Space Study Update**

17 Jeff Thompson reviewed the background information as listed in the abstract. He
18 presented the following PowerPoint slides:

20 ***Space Study Update***

21 ***November 12, 2013 Work Session***

- 22 • Purpose:
 - 23 – To update the BOCC on the Space Study according to the BOCC adopted space
 - 24 study framework);
 - 25 – To receive and discuss the space study update and provide guidance to the
 - 26 Interim County Manager and staff in anticipation of the FY2014-15 goals,
 - 27 planning, and budget processes.

29 ***Space Study Framework***

30 ***BOCC Adopted 6-18-13***

- 31 • Characteristics:
 - 32 – Tool for Analysis, Recommendations, and Resource Discussion
 - 33 – Criteria and model for iterative and continuous space study
 - 34 – Annual Budget Process Input
 - 35 – Inform Board goals, planning and priorities

37 ***Guiding Principles***

- 38 • Co-Location
- 39 • Consolidation
- 40 • Owning
- 41 • Building and Maintaining According to Sustainable Practices
- 42 • Evaluating and managing facilities based upon **relative cost and benefit** analysis

44 Referring to the Guiding Principles slide, Jeff Thompson said the cost and benefit
45 analysis was done by staff, along with consultant ECS Carolinas. He said Wayne Fenton,
46 Assistant Manager of Asset Management Services, has led this effort.

48 Wayne Fenton reviewed the following slides:

50 ***Basis of Study***

- 1 • Space use & needs assessment
- 2 – Observation
- 3 – Management & staff Input, interview, questionnaire
- 4 • Physical assessment & inventory
- 5 – Thorough inspection & evaluation
- 6 – Maintenance and utility data/experience
- 7 – Identification of stressed and/or under-utilized assets

8

9 **Scope of Study**

- 10 • Basis of study information analysis
- 11 – Short term assessment
- 12 – Longer Term assessment
- 13 – Consideration of BOCC goals, planning initiatives, and goals
- 14 • Study suggestions and recommendations framed by:
- 15 – Guiding principles
- 16 – Defensible courses of action for stressed and under-utilized assets
- 17 – Providing exceptional facilities for County service delivery
- 18 – Recognizing, anticipating and planning for growth/contraction trends

19

20 Pete Dominico, with ECS Carolinas presented the following slides:

21

22 **ECS Carolinas, LLP**

23 Work with AMS staff to provide:

- 24 • Space use assessment
- 25 • Space use efficiencies, trends, needs
- 26 • Physical facilities assessment
- 27 • Facilities asset methodology & model
- 28 • Groundwork for further analysis, staff & Board discussions

29

30 **Space Use Assessment**

- 31 • Observation
- 32 • Orange County generally follows proper use of space
- 33 • General administrative office baseline:
- 34 • 250 usable square feet per employee;
- 35 • Orange County is within reasonable variance of baseline
- 36 • Use of office space as storage is the largest component of baseline difference

37

38 **Physical Facilities Assessment**

- 39 • Observation, Operations Cost Inputs, Capital Needs, Relative Market Value
- 40 • All Orange County general administrative office facilities are considered “Class B” or
- 41 “Class C”

42

43 **Facilities Physical Assessment**

- 44 • Public asset “**model conversion**” to accepted commercial real estate valuation
- 45 standards
- 46 • Cost > Relative Market Value = “**Stressed Asset**”
- 47 • (Dep Value + Cap Need) > Replacement Cost= “**Stressed Asset**”

48

49 **General Findings**

- 50 • Orange County has a reasonably efficient portfolio in both areas of study

- 1 • Building program over the past several years has yielded results in line with BOCC
- 2 space goals
- 3 • Adequate expansion spaces available
- 4 • Some inefficient areas for discussion
- 5 • More organized and programmed storage may address immediate space concerns from
- 6 the Department Directors
- 7 • Southern Campus programming discussion needed in preparation for future budget
- 8 discussions

9
10 Jeff Thompson presented the following slides:

11
12 **General Administrative Office Space**

- 13 - Whitted Building
- 14 - Link Government Services Center
- 15 - Govt. Services Annex

16 **Storage Assets**

- 17 - 510 Meadowlands
- 18 - AMS North Campus
- 19 - Revere Road Campus
- 20 • EAC Records storage
- 21 • Former Car Wash facility
- 22 - Department Controlled Areas

23
24 ***Suggestions for Discussion and Feedback***

- 25 • Emphasize Department and County storage organization and policy (AMS can drive
- 26 this)
- 27 • Consider uses for Whitted 2nd floor programmable space (potential Elections uses,
- 28 DEAPR uses, etc.) FY14-15 CIP
- 29 • Consider more efficient uses for GSA, Link

30
31 ***Suggestions for Discussion and Feedback***

- 32 • Growth of Aging Programs to serve aging population
- 33 • Embrace electronic records storage and management
- 34 • Continue programming discussions for Southern Campus (SUP-modification request of
- 35 Chapel Hill expected in late Spring- early Summer)

36
37 Pete Dominico said this model will allow the County to plug in numbers to see how it

38 affects possible financial stressors and space use.

39 He said this model does not take into account the very specific entities that are

40 contained in the CIP.

41 Pete Dominico said the County as a whole is not far off in efficiency, though there are a

42 few individual buildings that are off. He said there were repeated requests for break rooms and

43 group space, and there are some areas that have inefficient storage use

44 He said the general administrative office facilities would be considered class B and class

45 C offices. He said these are all very nice spaces that are classified as class B because they

46 lack marble, granite and extravagant bathrooms. He said there are some assets that do not

47 have good commercially available rates, such as the courthouse, jails, and maintenance

48 facilities. He said a different analysis was done on these instead of a square foot rental rate.

49 He said this was done to determine a more accurate book value.

1 Wayne Fenton reviewed a circle graphic slide on stressed assets and resource
2 priorities. He said the goal was to see where uses can be improved to create the highest and
3 best value. He said the overlapping circles indicate areas where there is stress from a physical
4 assessment standpoint as well as the appropriateness of use.

5 Wayne Fenton reviewed the market value numbers from the table on page 43 of the
6 abstract. He said the Environmental and Agricultural Center (EAC) was the most stressed. He
7 said the original design of the building did not allow for much natural daylight, and the HVAC
8 system was not designed to heat and cool the building as it is currently laid out.

9 Jeff Thompson pointed out the market rental cost column on the chart, as related to the
10 square foot rate. He said the only building that falls into the stress category is the EAC. He
11 said this building is costing the County \$11 per square foot, and the rental market value is only
12 \$7-10 per square foot.

13 Wayne Fenton said there are assumptions, which are needed for taxes. He said if an
14 assessment is erroneous, it does not make the model more or less valid. The individual
15 assessments can be modified if necessary.

16 Commissioner McKee asked for an explanation of the annual costs per square foot.

17 Pete Dominico said this is the maintenance cost and the estimated depreciation.

18 Commissioner McKee asked what the cost of the rental space would include.

19 Pete Dominico said this is full service and would be all inclusive. He said this is why
20 some were estimated, in order to provide an apples to apples comparison.

21 Commissioner Gordon asked for clarification of stressed assets on page 43.

22 Pete Dominico said there were none in that category.

23 Commissioner Gordon referred to bullet 6 on page 5. She asked what this means and if
24 there will be an adopted intent.

25 Jeff Thompson said the intent is to inform the discussion in preparation for the CIP
26 process. He said the CIP is being submitted to finance in December, and the Board's
27 discussion and recommendations will help focus the staff's work in the CIP Process.

28 Commissioner Gordon questioned the adoption of projects prior to the annual CIP
29 process. However she said if this is just a definition of priorities, then that would be helpful.

30 She referred to the bottom of page 6 and asked if the areas that were not part of the
31 space study have been listed.

32 Jeff Thompson said no.

33 Commissioner Gordon referred to table 4 on page 23 and said asked for an explanation
34 of the meanings of the columns.

35 Pete Dominico said this table is the least defined item in all of commercial real estate.
36 He said an enormous amount of time was spent on this. He said there are guidelines to
37 classify space to lease out a building. He said that is what these numbers represent.

38 Jeff Thompson referred to page 13 of the abstract.

39 Commissioner Gordon asked for a more detailed explanation.

40 Jeff Thompson walked through an explanation of each column as it relates to the
41 Environmental and Agricultural Building.

42 Commissioner Gordon asked about page 26-27 and the Eurosport Soccer Center
43 parking lot repair. She asked if this large dollar amount for the cost is correct.

44 Staff could not answer that question at this time.

45 Commissioner Gordon questioned why buildings that are not very old would need to
46 have their HVAC systems replaced.

47 Pete Dominico said HVAC units are shown to have an expectant life of 15 years. He
48 said this is a 10 year capital plan, so any building that is greater than 5 years old will have a
49 replacement in this plan.

1 Pete Dominico said there are varying levels of definition in a capital plan. He said the
2 information in front of them is actuarial, and it takes everything into account. He said this
3 plan did not get down to designer specifics or what originally went into the buildings. He said
4 this is a general, apples to apples comparison of each building in order to allow for a cost
5 analysis. He said ECS does not say that the CIP should be based on this. He said there
6 might have been an error in the Eurosport Parking lot number, or this could be the correct
7 number to completely replace the parking lot. He said the option of doing maintenance or
8 spot repairs is not accounted for in these tables. He said these numbers are a very broad
9 guide to determine which buildings are stressed.

10 Commissioner Gordon said there are a lot of old buildings in the County which needed
11 renovations, but she did not expect to see such high dollar requirements for the newer
12 buildings.

13 Pete Dominico clarified that the costs listed are to replace items, and there is no
14 consideration of a simple repair cost.

15 Commissioner Gordon said she wants to underscore the fact that the programming at
16 the Southern Human Services Center needs to be examined, and then the appropriate
17 construction to provide more services there needs to be completed.

18 Commissioner Pelissier asked if there is a policy for storage that will encourage staff
19 and will save on the costs of buildings.

20 Wayne Fenton said this has not been developed yet, but it is one of the items being
21 discussed, and there is movement in that direction.

22 Jeff Thompson said there is a converging basket of record retention requirements and
23 different departments have different time frames. He said this makes it difficult. He said
24 electronic record retention is supposed to solve some of this, but that also has different
25 regulations.

26 Commissioner Pelissier said this was a very useful report, and the analysis was very
27 helpful for her to see.

28 Commissioner Pelissier said aging space needs is an area that has not been
29 addressed. She asked if there are methods to estimate what kind of increased space may be
30 needed for the aging population.

31 Jeff Thompson said information was gathered from every department regarding regular
32 service delivery to the aging population as time goes on. He said this is affecting everyone. He
33 said conversations have taken place about how to use this expertise to make long range space
34 plans for the general older population.

35 Chair Jacobs asked if there is a formula or mechanism for recording all of the different
36 types of storage needs in order to gain an idea of short and long term needs in each
37 department.

38 Jeff Thompson said that mechanism does not exist now, but things are moving in that
39 direction.

40 Chair Jacobs asked about the next steps for the Board.

41
42 Jeff Thompson said the next step for the Board is to provide guidance and prioritization,
43 since this feeds the CIP Process.

44 Chair Jacobs said the impetus for this study related to a building that was said to be
45 past its usefulness. He said one conclusion that needs to be made is the lifespan of that
46 building, as well as the alternatives for uses. He asked if this will come back for discussion.

47 Jeff Thompson said the prioritization of a facility depends on the direction of the Board
48 of County Commissioners.

49
50 **4. County Fair Working Group Report**

1 Commissioner Dorosin introduced this item. He said the County fair idea was raised at
 2 the retreat in 2013, and in June the Board authorized a preliminary work group. This group,
 3 which included Commissioner Dorosin, Commissioner Price and many staff members, began to
 4 look at costs, feasibility, and other factors. He said the group met several times over the
 5 summer and moved forward according to their charge. He said they brought together a lot of
 6 research and resources, visited a couple of sites, and held a public information session and an
 7 online survey. He said over 400 people filled out the survey, and the overall responses were
 8 positive. He said the feedback from the community meeting and the survey is included in the
 9 materials.

10 Commissioner Dorosin said there was talk in June about attempting to make this project
 11 a revenue neutral or revenue positive project. He said the committee believes there are
 12 opportunities to reach that goal. He said this may not happen in the first year, but it would be
 13 more realistic for this to happen within the first three or four years.

14
 15 Dave Stencil reviewed the following PowerPoint presentation:

16
 17 **Orange County Fair Working Group**

18 Report – November 12, 2013

19
 20 **Background**

- 21 ☞ Charged June 18 – Commissioners Dorosin and Price, Interim Manager and staff
- 22 ☞ Met July 10-November 6
- 23 ☞ Examined sites, other fairs, budgets, spoke to event representatives and NCDCA County
- 24 Fairs coordinator
- 25 ☞ Invited interested parties and public to Oct 30 Information-Sharing Session

26
 27 **Recommended Fair**

- 28 ☞ Spring 2015 - late-April
- 29 ☞ Friday-Saturday (“soft” Thursday night?)
- 30 ☞ Friday – schools?
- 31 ☞ Blackwood Farm Park
- 32 ☞ Evaluate after first run whether spring or fall

33 ☞ **Themes:**

- 34 ☞ Agriculture, local foods and restaurants
- 35 ☞ Arts and local artists
- 36 ☞ County’s diverse history
- 37 ☞ Education and youth
- 38 ☞ Live music
- 39 ☞ (Games)

40 **Revenue/Costs**

- 41 ☞ Premature to come up with hard revenues/costs
- 42 ☞ Range shown reflects variety of options
- 43 ☞ Both costs and revenues tied to the scale of the event
- 44 ☞ Scale (costs) and revenues linked together
- 45 ☞ Large contingency due to first time / uncertainty

46
 47 **Cost / Revenue Estimates (Chart)**

48
 49 **Conceptual Budget**

- 50 ☞ Use as a planning tool

- 1 ☞ “Living” document
- 2 ☞ study, editing, project planning, cost validation, funding
- 3 ☞ Should establish expectation of \$185-200K minimum cost
- 4 ☞ Multiple potential revenue sources
- 5 ☞ Large cost drivers:
- 6 ☞ Site access, environmental impact, site infrastructure, portable infrastructure

8 **Goal**

- 9 ☞ Be Cost/Revenue-neutral by year 3 (2017)
- 10 ☞ By year 1 if possible

12 **Blackwood Farm** (map)

13 **Aerial Map**

14 **Festival Map**

16 **Strategic Plan Committee**

- 17 ☞ Create “Coordinating Committee for County Fair”
- 18 ☞ Core group of organizations, interested parties and persons with expertise
- 19 ☞ Allow flexibility for others to join as identified
- 20 ☞ Should develop strategic plan for 2015 Fair
- 21 ☞ Initial plan and budget expectations for FY 14-15 (March 2014)
- 22 ☞ Detailed plan and management structure with three-year financial plan

24 **Important Notes**

- 25 ☞ Important to coordinate with other events, livestock owners etc.
- 26 ☞ Visitor’s Bureau funding assistance
- 27 ☞ Blackwood Farm – move up part of CIP?
- 28 ☞ Need strong volunteer base

30 **Recommendations**

- 31 ☞ Receive and discuss the report
- 32 ☞ Identify any needed further information
- 33 ☞ Consider whether to appoint Strategic Plan group (Coordinating Committee) in January
- 34 ☞ If yes, ask Working Group to develop draft charge, scope of work and timeframe?
- 35 ☞ Instruct Clerk to the Board on solicitation of potential appointments

37 Dave Stancil said Blackwood Farm was chosen as it is near the population center of the
38 County and it is between Chapel Hill and Hillsborough.

39 Dave Stancil said the idea was not to have a full fledged midway, but there is interest in
40 having a landmark ride, such as a Ferris wheel.

41 Dave Stancil referred to the cost/revenue estimates slide and said there is a big range.
42 He said a \$60,000 event will be minimal and small scale. He said the other end of the range, at
43 \$185,000, will bring in more activities, more equipment rental and more revenue potential.

44 He discussed the Blackwood Farm Map and the aerial photo, as well as the site map
45 from a past festival.

46 He noted that Blackwood Farm does not have a lot of existing infrastructure and it might
47 be necessary to look at a new entry road and consider moving these items up in the CIP.

48 Commissioner McKee asked for the number of hours staff have put into this planning
49 process.

1 Dave Stancil said this number is 100-105 hours collectively, and this does not include
2 individual time on side projects.

3 Commissioner McKee said, based on the hourly rate of the employees, there has
4 already been \$2200 spent on staff planning time so far. He said with every other Board issue
5 there is an upfront working budget, and with this project that is reversed. He said he does not
6 think this fair can be done for \$60,000 and possibly not even for \$184,000.

7 He said he has spoken to several groups recently and he finishes by asking for opinions
8 on the County Fair. He said residents commonly ask why this would not be sponsored by a
9 civic organization; what the cost would be; and what impact this would have on Hogg Day or the
10 livestock show. He said he is not hearing the same responses Commissioner Dorosin
11 mentioned from the survey. He has some severe reservations about the County doing this and
12 how this will affect other organizations.

13 Commissioner Pelissier said she has some of the same concerns. She still wants to
14 know the costs of the infrastructure. She asked if the projected cost range includes the time of
15 current staff or only additional staff. She is unclear about what this cost includes and whether
16 this would take staff away from current projects. She questioned the dependence on a strong
17 volunteer base and whether not having volunteers would add to the costs.

18 Jeff Thompson said the opportunity costs of staff are not in. He said the volunteer
19 contributions are called out as a revenue line item. He said figures just came in from the Efland
20 Rodeo, which has a solid volunteer staff. He said this event ticketed \$33,000 and their costs
21 were \$25,000, which did not include staff time or volunteer time. He said all of these costs were
22 matched by corporate sponsorships. He said this means that the profit was \$33,000, though
23 the staff and volunteers are not factored in.

24 Jeff Thompson said there was an attempt to budget for an event planner, but this does
25 not count the other workers.

26 Jeff Thompson said the rodeo has been in business for 25 years.

27 Commissioner Pelissier shared some comments she has received from the public. She
28 said those people who come to a meeting about the fair are typically the people who want a fair.
29 She said she has gotten phone calls from people who say they will not attend an event like this.
30 She said people have said they like the idea of a fair, but then they ask about the cost to the
31 County and the taxpayers, and this changes their opinion. She said others simply say the
32 County should be spending money on other things.

33 Commissioner Rich asked who finds corporate sponsors for the rodeo.

34 Jeff Thompson said he did not know.

35 Commissioner Rich asked if this would be the job of one staff person or the event
36 planner.

37 Dave Stancil said there are event planners that are able to handle both fund raising and
38 event planning.

39 Commissioner Rich said she spoke with staff at the Visitor's Bureau (VB). She said the
40 VB board has not discussed this yet, but the \$10,000 certainly fits into what they do. She said
41 the goal was to put this money toward someone coordinating the event. She noted that there
42 are about 31 fairs or festivals every year, and the Visitors Bureau is not offering money to every
43 fair or event in the County. She said she hopes to get some feedback after the meeting this
44 month.

45 Commissioner Rich asked if there has been any discussion about combining this fair
46 with another established event.

47 Commissioner Dorosin said this had been discussed. He said one of the goals is for
48 this fair to be a countywide event. He said most of the County events are much more discrete
49 in their appeal and outreach, and they are not countywide. He said this can be discussed, and
50 the group is happy to try and do this.

1 Commissioner Rich said everyone had received an email from Margaret Cannell who
2 has been working on Hogg Day for years. She said it would not be a good idea to have
3 something in the spring that would be too close to Hogg Day. She does not want to invade on
4 this event or stress the amount of people that would attend either event.

5 Commissioner Gordon said her concern has to do with the venue. She said Blackwood
6 Farm is not in the CIP until years 6-10, and there have already been discussions about current
7 debt capacity. She is concerned that this venue does not have any infrastructure at this point.

8 Commissioner Price said she has gotten feedback, and residents are excited about the
9 opportunity to bring people together around one countywide event. She said it would be great
10 for people in the northern part of the County. She said there were people who came to the
11 meetings feeling very skeptical about the fair who were contributing ideas by the end of the
12 meeting. She said the community building aspect is central.

13 She said one of the positive aspects of having it at Blackwood Farm is the opportunity to
14 put the farm to use and to show off one of their County assets.

15
16 Chair Jacobs summarized that there is some support for moving ahead, but the
17 following questions and issues need to be addressed:

- 18 • Hear feedback from Visitors Bureau
- 19 • Explore the opportunity to partner with another event
- 20 • Use of an event planner needs to be nailed down (He feels this position is
21 underestimated)
- 22 • Address the venue issue and how to invest in Blackwood Farm
- 23 • Costs need to be made clearer
- 24 • Timing

25
26 He suggested that it is not yet time to appoint a working group, since the majority of the
27 Board is not committed yet. He said the next step would be to get more details on the finances
28 and timing.

29 Commissioner Dorosin said the reason the information was not more detailed was
30 because the group wanted the Board of County Commissioners' input before moving ahead too
31 far.

32 Chair Jacobs said the Board needs more information before providing direction. He said
33 the group should go back and respond to the Board's concerns and then a decision can be
34 made about whether to move forward.

35 Michael Talbert asked if there are any more questions that need to be answered. He
36 said he did not hear any consensus on whether the Board really wanted to have a fair.

37 Chair Jacobs said he would like to know more about the survey results. He asked what
38 would be done with this information and how it could be incorporated into the decision making
39 process.

40 Commissioner Price said the group decided not to present this as a done deal. She
41 said various ideas have been fleshed out, including the idea a fair should run for at least three
42 days. She said this would especially be required to attract midway rides. She said these types
43 of discussions have been had, but the group did not want to dictate these decisions to the
44 Board, without feedback first.

45 Chair Jacobs said he feels the Board has given responses and posed some questions
46 and concerns that need to be addressed.

47 Commissioner Pelissier said if infrastructure is put in for a fair at Blackwood Farm she is
48 concerned about how this would affect the park in the long run.

1 Commissioner Price said this was discussed, and the thought was that the infrastructure
2 needed for the fair would go toward what was needed for the park. She said one example is
3 the entry road, which would serve both the park and the fair.

4 Commissioner Dorosin said the idea was just to move the park plan up.

5 Commissioner Pelissier said she would like staff to tell exactly how this fits into the park
6 plans.

7 Commissioner McKee said he attended the information session. He agreed that there
8 were some enthusiastic recommendations, but there were also some concerns about this fair
9 affecting the existing events in the county. He said there are concerns about conflicts with
10 Hogg Day, as well as the 4-H livestock show that has been held in April for the past 60 years.
11 He said this livestock show requires a high number of volunteers, as will the fair. He said his
12 concern is that this will take a lot of paid county staff.

13 Commissioner McKee questioned what would be moved back for the CIP dollars, and
14 what will not be provided that is being provided now. He asked if the idea is to have a tax
15 increase in order to accomplish the additional spending. He said this would only apply if a
16 large amount of money is spent, but there is no framework to know how much money this will
17 be. He is concerned about just the cost of the road being put in. He can foresee the
18 infrastructure price going as high as a million dollars.

19 Chair Jacobs said it is not realistic that this will ready in 18 months, because this is
20 County government, and the wheels move slowly. He said a realistic schedule needs to be set.
21 He said the group did a great job of getting to the point of the hard questions being asked.

22 Michael Talbert said the group can meet again, and the information will probably come
23 back in to the Board in January. He said a timeline will happen. He said there will be capital
24 improvements to the site and the amount depends on the size and scope. He said the entire
25 scope of the fair has not been defined. He asked if this is what the Board wants to see.

26 Chair Jacobs said yes.

27 Michael Talbert said the group can come back with size and scope and complexity in
28 January. He agreed that 18 months is not realistic.

29 Chair Jacobs said this is not meant to discourage the group, but now the questions are
30 getting more serious.

31 Commissioner Dorosin said all of the concerns raised by the Board have already been
32 discussed in the committee meetings. He said there is an event almost every weekend in
33 Orange County, so there is always a conflict. He noted that a successful event was held at
34 Blackwood Farm two years ago with no additional infrastructure.

35 He said this event could start off small scale and grow. He said he does not agree that
36 the County shouldn't put money into the event. He feels this event is important and is of value
37 to the community

38 39 **5. Redesigned County Logo**

40 Michael Talbert said there was a recommendation by the Board to get a review
41 committee together to look at the logo. He said the committee included Commissioner Price
42 and Commissioner Rich, and logo options were reviewed. He noted the preferred option, as
43 well as the other options being put before the Board.

44 Commissioner Price said the point was to have something clean and simple that
45 conveyed something about Orange County. She said the committee looked at what parks and
46 recreation had used and then made some modifications. She said this logo depicts the Eno
47 River that runs through Orange County, as well as the County's concern for agriculture, green
48 space, and walking. She discussed the other logo options.

1 Commissioner Rich said she prefers the darker orange color. She said this shows the
2 sky, the river, and the mountains. She said the committee did discuss the comments about the
3 last logo and tried to consider these in the process.

4 Carla Banks said the goal was to create one unified symbol for Orange County that
5 would give everyone an identifiable connection by focusing on the landscape.

6 Commissioner Gordon asked where the logos originated.

7 Commissioner Rich said there were some logos from the design team, and then things
8 were cut and pasted together. She said aspects were pulled from what Carla Banks used last
9 time and free lancing was done.

10 Commissioner McKee asked if the logo is always done in color or if it is ever printed in
11 black and white.

12 Carla Banks said once a logo is approved, there will be a black and white and a color
13 option.

14 Commissioner McKee said he printed it in black and white, and it fades out.

15 Commissioner Rich said the official black and white version will be done in grayscale.

16 Chair Jacobs said it looks like a 1920's woman's hat. He said it does have a nice sense
17 of flow and the colors are interesting.

18 Commissioner Rich said most of the county logos have a free flowing design now
19 instead of the seals.

20 Commissioner Gordon said it would be better to just have Orange County and the line
21 with the darker colors. She said she did not know what this logo meant.

22 Commissioner Pelissier said she liked what was proposed.

23 Chair Jacobs thanked the committee for working on this. He said this will be added to a
24 future agenda for a decision.

25 There was some discussion about the different options and the removal of the line.

26 Chair Jacobs said all of the options can be put on the agenda for a vote.
27

28 **6. Planning for January 31, 2014 Board Retreat (No Abstract or Other Materials**
29 **Provided)**

30 Chair Jacobs solicited volunteers and said he would like for this committee to meet twice
31 before December 10th.

32 Commissioner McKee, Commissioner Pelissier, Commissioner Gordon and Chair
33 Jacobs volunteered.

34 Chair Jacobs said the chair would narrow it down to three Board members by the end of
35 the week.

36 A motion was made by Commissioner Rich seconded by Commissioner Pelissier to
37 adjourn the meeting at 10:37 pm.
38

39 VOTE: UNANIMOUS
40

41 Barry Jacobs, Chair
42

43 Donna Baker, CMC
44 Clerk to the Board

Attachment 2

DRAFT

**MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
MEBANE CITY COUNCIL
JOINT MEETING
November 14, 2013
5:30pm**

The Orange County Board of Commissioners and the City of Mebane met in a joint meeting on Thursday, November 14, 2013 at the West Campus Office Building in Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Jacobs and Commissioners Mark Dorosin, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich

COUNTY COMMISSIONERS ABSENT: Alice Gordon

COUNTY ATTORNEYS PRESENT:

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

MEBANE CITY COUNCIL MEMBERS PRESENT: Mayor Glendel Stephenson, and Council Members, Mayor Pro-Tem Patty Philipps, Tim Bradley, Ed Hooks, Jill Auditori

MEBANE CITY COUNCIL MEMBERS ABSENT: Everette Greene

MEBANE CITY COUNTY STAFF PRESENT: City Manager David Cheek and Assistant City Manager Chris Rollins (All other staff members will be identified appropriately below)

OCS SCHOOL BOARD MEMBERS PRESENT: Donna Coffey Chair and Geri Martin, Superintendent

Welcome, Call To Order, and Opening Comments

Chair Jacobs called the meeting to order. He said he is pleased to have these meetings, and he feels this has helped to build a good relationship between the city and County.

Mayor Stephenson said the city and County have had a good relationship for many years, especially with the joint economic development projects. He said the industrial park is going to help this take off. He said the future of Mebane is tied to great extent to Orange County, and the city is going to grow in that direction. He said there will need to be a lot of cooperation and collaboration.

Chair Jacobs said that Commissioner Gordon could not make it this evening due to a prior commitment, and Commissioner Price will need to leave early to attend a prior commitment.

Introductions were made.

1. Economic Development & Infrastructure Update

Orange County Economic Development Director Steve Brantley passed out Hi-chew candy from the Morinaga Company.

He said County staff is having the opportunity to meet with land owners, realtors, and the Mebane City Manager, and he is seeing lots of new prospects in the pipeline for the Mebane area. He said this is encouraging, and it is happening in part as a result of the announcement of the Morinaga project. He said his office and the planning department have a good working relationship with the City of Mebane.

1
2 *Commissioner Dorosin arrived at 6:08.*
3

4 Steve Brantley said Morinaga made an announcement in September that outlined the
5 purchase of the 21 acre site and the plan to eventually employ 90-120 people, invest up to \$48
6 million, and produce Hi-chew.

7 He thanked the Commissioners and the City of Mebane for the public hearings and the
8 vote in favor of the zoning. He said the next step is for Morinaga to close on the property. He
9 said the company executives had recently made a visit and met many city and County officials.
10 He said a commemorative candy dish has been sent to Japan, with seals from Orange County
11 and Mebane.

12 Steve Brantley said he just received Hi-chew t-shirts and he would be distributing those
13 to all.

14 He said the Morinaga announcement has created more interest in Orange County since
15 the infrastructure is coming together. He said other interested people are inquiring about co-
16 location on adjacent parcels, and stronger interest is predicted moving forward.

17 Craig Benedict spoke about the infrastructure of water and sewer in this area. He
18 reviewed a map and said there is a \$4 million project under construction at this time, and \$2
19 million of large gravity sewer is going in close to the Morinaga site. He said this was put into the
20 ground preemptively, and Morinaga will eventually be able to tie into this line. He said there is
21 also a \$1 million line going in near Buckhorn. He said there are dividends in the entire Mebane
22 area from this infrastructure. He said this was one of their first large projects done with the
23 quarter cents sales tax.

24 He said potential clients are impressed to see work already happening in this corridor.
25

26 **2. Water & Sewer Availability and Future Plans**

27 Craig Benedict said there is another system in design for Efland. He said this is for the
28 sewer flow in Efland, and the design is to flip the flow to pour into another gravity system. He
29 said this will allow for more development around the Mt. Willing Road interchange. He said it
30 will take several years for the flow to be changed.

31 He said part of the inter-local agreement will be the intent of Mebane to pick up these
32 customers in Efland. He said the County has matched the rate for Efland customers to reflect
33 the Mebane out of town rate in order to make a seamless transition.

34 Craig Benedict said water demand also has to be considered. He said Mebane has a
35 joint water system with Graham, and Orange County has certain allocations with Jordan Lake.
36 He said the County is in the process of deciding how to get water from Jordan Lake to some of
37 their future economic development projects. He said consideration is being given to what is
38 most financially feasible for the County and Mebane in terms of water supply.

39 Craig Benedict said the dialogue has improved with Orange/Alamance Water Systems.
40 He said this partnership is still an unknown, and there is still work to be done. He said the
41 areas south of Efland that are not serviced by Orange/Alamance would be serviced by the City
42 of Mebane.

43 Tim Bradley asked if it was feasible to take water from the Haw River instead of Jordan
44 Lake.

45 Craig Benedict said that hasn't been considered but it could be an option. He said it
46 would have to go through multiple providers, but the County is paying a consultant to look at the
47 alternatives for water supply.

48 Jill Auditori asked what additional costs would be incurred by Mebane for the sewer
49 project.
50

1 Craig Benedict said the sewer project is all Orange County funding, and it is coming
2 from the quarter cent sales tax. He said a good portion of this goes toward infrastructure. He
3 said once these lines are completed, ownership will be turned over to Mebane. He said there
4 will be a maintenance cost at this point, but with the quality construction and gravity flow, it will
5 be minimal. He said this infrastructure will allow for future development.

6 Commissioner Dorosin asked about the direction of the gravity flow.

7 The engineer from Mebane said Efland is being pumped to Hillsborough, and the
8 Gravelly Hill pump station is currently being pumped to Mebane. He said the purple area on the
9 map is being pumped to Mebane. He said there are some gravity sections noted in green.

10 Craig Benedict referred to the map and indicated the flow direction of much of the
11 sewer. He said the attempt is to create as much gravity flow as possible. He said the corridor
12 planning requires the flow be intercepted in certain areas where it is captured and sent west.
13 He reviewed more flow and station information from the map.

14 The engineer from Mebane said the water network will be good shape. He said there
15 will be a need in the future to put a water network in the areas noted in green on the map.

16 Craig Benedict said the sales tax in Orange County has its limitations. He said if more
17 sales tax can be leveraged in the future, hopefully it can be reinvested into this infrastructure.

18 Assistant City Manager Chris Rollins said more lines are also needed for fire flow.

19 Mayor Stephenson asked how many acres would be readily usable.

20 Craig Benedict said the main sewer system is about 9 months out from approval. He
21 said there are two 400 acre parcels that are zoned. He said this area could be marketed now,
22 as it would also take about 9 months for a project to come here.

23 Mayor Stephenson asked how much of the green area is owed by Mr. Wilson.

24 Craig Benedict said Mr. Wilson owns about 50 acres, and his sister owns about 50
25 acres. He said if the frontage road can be continued toward Mattress Factory Road, it would
26 increase the ability to market that area. He said there are owners in that area who are
27 interested in marketing their property.

28 He said there are lands with existing sewer systems behind the Petro. He said Orange
29 County has rezoned 80-100 acres behind Petro, and these acres are ready and available.

30 Chris Rollins said the other thing to remember in that green area is that there are other
31 small water and sewer extensions that will be needed as other projects are considered. He said
32 there is land being considered for development adjacent to Morinaga, but this may require
33 water and sewer to be extended a little bit.

34 Mayor Stephenson asked if the residents living in the green area are amenable to
35 selling.

36 Craig Benedict said yes. He said contact was made with these residents to gauge this.

37 Craig Benedict said some of the zoning districts are very structured, but businesses
38 today often combine office, research, light manufacturing, applied research and warehousing all
39 in the same building. He said some of Orange County's zoning codes are a little archaic, and
40 the County is discussing how to have zoning districts that allow for today's business operation.
41 He said if Orange County had not proceeded with the office/institutional pre-zoning, this may
42 have delayed the zoning and the deal with Morinaga.

43 Chris Rollins said it would be good if Orange County and Mebane's zoning were the
44 same.

45 Craig Benedict said the County will begin the conversation with their planning board and
46 the Board of County Commissioners to look at new zoning. He said Mebane can be included in
47 this conversation.

48 Chair Jacobs said similar efforts have been made with Hillsborough.

1 Chair Jacobs said the green area on the map came about as a result of a joint work
2 group that included Mebane officials Everette Green and Council Member Philipps. He said this
3 area used to be agriculture/residential, and this zoning was changed.

4 Chair Jacobs said there is already a water line from Durham to Hillsborough. He said
5 this means the water is already halfway there. He asked if the group looking at Jordan Lake is
6 also looking at the possibility of Haw River to provide water east, as opposed to South.

7 Craig Benedict said they are asking all groups requesting an allocation of water to justify
8 why that is the best alternative, versus development of a reservoir.

9
10 *Commissioner Price left at 6:38.*

11
12 Craig Benedict said Orange County is not looking at the Haw River at this point, though
13 many options are being considered. He said before all is said and done, there will need to be
14 more specific inter-local agreements with Durham, Mebane and Hillsborough. He said the
15 purpose of this will be to prove to the state that the allocations are reasonable and feasible.

16 Chair Jacobs asked how People for Progress are doing.

17 Craig Benedict said sewer is being provided for the northern Buckhorn area, and it is
18 being operated by Mebane. He said there is paperwork to be done to formalize the transfer,
19 but there is infrastructure already in place through some grants.

20 Tim Bradley said the reason he had asked about Haw River was because he did not
21 want to involve another treatment center. He felt it would be less expensive for the residents in
22 the long run.

23 Chair Jacobs said it is feasible to form an entity with Mebane and say that this entity
24 would like to access water from Haw River. He does not know that anyone has pursued this
25 yet.

26 The engineer from Mebane said staff is waiting to hear the results of the feasibility study
27 before moving forward.

28 Craig Benedict said there have been delays with the Jordan Lake plan as they wait to
29 see how much water is vied for by local governments.

30
31 *Orange County Schools Superintendent Geri Martin arrived at 6:43 pm.*

32
33 Chair Jacobs asked if the people on North Buckhorn Road have started hooking up yet.

34 Craig Benedict said yes. He said there is a seamless way for this to happen. He said
35 addresses have been earmarked so that connection fees are paid for that area. He said there
36 are adjacent areas that have the potential for development.

37 Chair Jacobs asked about the Perry Hills area.

38 Craig Benedict noted this area on the map. He said this area is on well and septic and
39 only 40-50% of it is developed due to soil restrictions for the small lot sizes. He said the area is
40 difficult to service with sewer.

41 Commissioner Dorosin asked if the Buckhorn residents were hooked up for free.

42 Chair Jacobs said Mebane waived the fees.

43 44 **3. Transportation**

45 **a) Mattress Factory Road Study**

46 Craig Benedict showed the road crossing on a display map. He said Orange County is
47 now a full member of the Burlington Graham MPO, and Chair Jacobs has a seat on that board.
48 He said this board has studied this interchange as a basis for understanding that Mebane Oaks
49 Road is in an overcapacity situation, partially due to Tanger Outlet Mall. He said there is even

1 discussion that the Buckhorn Road interchange could be over capacity by 2016 or 2017. He said
2 Orange County can now participate in these discussions.

3 He said the state is looking for more highway projects. He said the game plan, given
4 the new scoring system, is to go with the traffic flow, and put these projects where the County
5 might get some impact. He said DOT will be extending a frontage road, and this type of master
6 planning frontage road system will improve the criteria to move it up the DOT rating chart for an
7 interchange in the future. He said the County should start thinking about planning around that
8 interchange now to insure that a building doesn't get in the way of a future frontage road.

9 Craig Benedict said larger development projects like Morinaga can cause these types of
10 interchange improvements to accelerate.

11 Ed Hooks said there is already a huge industrial presence off of Mattress Factory Road.
12 He said future growth will generate pressure on the state.

13 Chris Rollins said local funding will also help to move these projects up the chart.

14 Patty Philipps asked if there were going to be improvements to Buckhorn Road.

15 Craig Benedict said this has been added to the list of priority projects. He said it is more
16 powerful for cities and Counties to compare lists and work together.

17 Chair Jacobs said the County recently met with division DOT staff and lobbied for
18 points.

19 Craig Benedict said big employment, industrial zones, and interchanges are going to be
20 focus areas under the new formula.

21 Chair Jacobs said Buckhorn Road is also a priority under the Triangle Rural Planning
22 Organization.

23 24 **b) Transit Plans - Fixed Route Bus Service**

25 Craig Benedict provided an overview of public transit. He said this is being funded by a
26 half cent sales tax for public transit between Orange County and Durham. He said the modes
27 will include a light rail system; a bus rapid transit system; an Amtrak system in Hillsborough that
28 would use the heavy commuter rail; and a local bus service, which is the topic tonight. He said
29 the monies are in the tax for an additional bus service in Chapel Hill to connect to the rail,
30 Durham, and the Triangle, as well as bus service by Triangle Transit to connect Mebane,
31 Efland, Hillsborough and Durham.

32 Craig Benedict said there will be potential future stops in the economic development
33 zones, such as the Buckhorn area. He said an east-west route from Mebane to Hillsborough to
34 Chapel Hill and/or Durham is being developed. He noted that there is currently a Triangle
35 Transit circulator bus in Hillsborough, and the plan is to tie into this.

36 He said this is one aspect of cross County transportation. He said recent research has
37 provided information on how many people work at Duke and UNC. He said there are over 750
38 residents in the Mebane zip code and almost 750 that work at UNC or the University. He said
39 there are another 300 in the Efland zip code. He said if even 2 percent of these people used
40 the transit system, it would fill up a good size bus.

41 Craig Benedict said this is still in the planning stages, and this is new to the Mebane/
42 Efland area, so it is an educational process. He said a transit system could also attract
43 businesses to this area.

44 He said Mebane will be kept informed of the monies that are available. He said all
45 money from the half cent sales tax that is allocated to the transportation system will be
46 ratcheted up over the next 4 to 5 years. He said it is difficult to phase in bus systems, so the
47 money may be held for a year until a robust system can be put in place.

48 Commissioner McKee noted that there has been some discussion by Triangle Transit of
49 running this express route down I-85 rather than Highway 70. He said this would have an

1 impact on the park and ride located in or near Mebane. He said he would like to keep the route
2 on Highway 70 in order to facilitate the needs of those citizens.

3 Craig Benedict said it was the intention of the Board of County Commissioners, by
4 keeping it on Hwy 70, to capture residents in Efland and Cornelius Road. He said at some
5 point, the bus could get on I-85 as the last leg of the route. He said outreach has shown that it
6 is something new for rural populations to have a bus service they can use for work or medical
7 service.

8 Commissioner Pelissier said Triangle Transit staff has been looking at this and they
9 have found that over half of the riders come from Hillsborough; 1/3 of them come from Mebane;
10 and only about 7 percent come from Efland. She said there are two routes that might have to
11 be planned for. She said one of these would be regional routes planned in collaboration with
12 the counties and Triangle Transit. She said the other option would be to have local routes
13 within the county that run all day long and provide more stops than an express route.

14 Chair Jacobs said the County has been meeting with Hillsborough for a long time, and
15 the town is insistent on not creating more traffic through their downtown area from north to
16 south. He said there would need to be a local route in addition to an express; otherwise people
17 will funnel through Churton Street. He said this will have to be part of the balancing act; and it
18 may require more participation by Orange Public Transit to make sure the local route happens
19 in conjunction with the express.

20 Chris Rollins said there is currently no public transit in Alamance County. He said there
21 has been talk about getting this going.

22 Commissioner Rich asked if there is any bus service available to the students at Elon.

23 Chris Rollins said Elon has its own bus service that goes around the campus and to
24 local shopping and the downtown area. He said this is funded by Elon.

25 Jill Auditori noted that anyone can ride the Elon bus for free.

26 Jill Auditori asked about the timeframe for this transportation plan.

27 Craig Benedict said money is received each year from the half cent sales tax and
28 vehicle registration fees. He said, based on this, Triangle Transit will tell them what funding is
29 available for use in the upcoming fiscal year. He said some of the funding has already been
30 used to expand existing routes in the Chapel Hill area. He said the County will be making
31 proposals in January or February of next year, and implementation will probably be near June
32 or July of 2014. Commissioner McKee asked where Piedmont Authority Rural

33 Transportation (PART) terminates.

34 Chris Rollins said PART does not have anything in Mebane. He said there is a park and
35 ride in Graham that has the service down 54 to Chapel Hill.

36 Commissioner McKee asked if there are any future plans to bring this to Mebane.

37 Ed Hooks answered yes.

38 Craig Benedict said there is a lot of infrastructure work that will take some time to
39 complete. He said the County is being cautious not to roll something out before it is ready.

40 **c) Mebane Bike and Pedestrian Plan**

41 Chris Rollins said Mebane is working with the Burlington Graham MPO, and a
42 consultant has been chosen to start this project moving forward. He said Mebane has done a
43 good job of building sidewalks, but they have never had a comprehensive pedestrian plan. He
44 said the goal is to start looking at greenways and pedestrian projects.

45 **d) Transportation Improvement Plans**

46
47 Craig Benedict said one of his staff members, Abigaile Pittman, works closely with the
48 Burlington Graham MPO and has mentioned Orange County's projects to them. He said there
49 has been a focus on discussing the Mattress Factory Road interchange, and there are attempts
50

1 being made to get high rankings in that area. He said he hopes the Burlington Graham MPO
2 will need to look further east as they fund projects toward Orange County. He agreed with
3 Chair Jacob's opinion that it is better to have impact in a smaller MPO in terms of
4 representative weight.

5 Ed Hooks said the impact of their voting weight should be an advantage with projects
6 like the Mattress Factory Road project.

7 Chris Rollins said the Highway 119 project is supposed to stay on schedule and start
8 construction in 2015. He said this will become the main entrance to the Mebane industrial park.

9 Craig Benedict noted that Orange County and Mebane are both in NCDOT division 7,
10 which is nestled with the Triad division 9. He said this requires them to look west when
11 considering monies.

12 13 **4. Parks and Recreation Master Plans**

14 Department of Environment, Agriculture and Parks and Recreation Director Dave Stancil
15 said both Orange County and Mebane are doing master plans for parks and recreation. He
16 said the County's plan is designed to look to the year 2030, which coincides with the
17 comprehensive plan adopted in 2008. He referenced page 18 of the abstract, which contains a
18 copy of the hand out given to attendees at the most recent public input session. He handed out
19 copies of a map of the County parks.

20 He said Orange County is nearly done, after 15 months of work to try and produce a
21 vision for the future. He said much of the hand out contains the possible findings of the
22 assessment, such as collaboration between the County and towns, and the idea of school
23 parks.

24 He said staff is finishing up their recommendations and service areas. He said the
25 western part of Orange County is pretty well served. He also noted that the survey showed that
26 people want more trails.

27 Dean Ray, Director of Parks and Recreation for the City of Mebane, said the town is
28 developing its very first master plan. He said a phone survey was recently completed, and
29 citizens expressed a desire for open spaces; walking and biking trails; indoor facilities; picnic
30 shelters and playgrounds. He noted that Lake Michael is a regional park in the master plan.
31 He referenced the map handout and noted the red line that goes around Lake Michael Park.
32 He said this goes 3.94 miles around the park, and the plan for phase two was to complete this
33 trail. He would like to talk with Orange County staff about assistance with completing this trail
34 on one side of the lake.

35 Commissioner Rich asked about the layout of the trail on the lower part of the lake.

36 Dean Ray said this side of the lake is on a hillside.

37 Chair Jacobs said that the County survey showed that people want to connect County
38 trails and greenways with town trails and greenways. He asked about the proximity of Orange
39 County trails to Mebane and Lake Michael.

40 Craig Benedict said the McGowan Creek corridor was part of the Efland Cheeks master
41 plan, and there were two parts that included the McGowan Creek Preserve and the Efland
42 Community Park. He said if this could be continued upstream, the headwaters of Lake Michael
43 and McGowan Creek almost touch, so that would be the game plan. He said part of the other
44 Mountains to Sea Trail (MTST) plan would have connected this.

45 Dave Stancil said the Seven Mile Creek Preserve/Occonechee Mountain/Riverwalk
46 would be the next closest network, and this is part of the MTST.

47 Dean Ray said the N.C. State Foundation on the Hawfields side may have several acres
48 coming available for lease to the City of Mebane. He said this is a possibility for an open space
49 park that would be considered a district park in their system.

1 Dave Stancil said it is important for a County parks plan to mesh with what is going on in
2 the towns.
3

4 **5. School Facility Plans**

5 Craig Benedict said there is a large portion of Mebane in Orange County that is growing
6 residentially, and this is adding numbers to the school system. He said, because of this, the
7 County would like to landbank property that has public water and sewer for use as a future
8 school site to serve western Orange County and eastern Mebane. He said it would be better to
9 do this now than to be left scrambling for limited sites later.

10 He said the challenge is that schools can only be located where there is public water
11 and sewer, so everything is nestled primarily around Hillsborough. He said it was suggested
12 that three zones be looked at for potential land banking. He said the County actively looks at
13 and projects for school populations each year. He said development projects can change those
14 projections very quickly.

15 Craig Benedict reviewed the three potential zones on the map. He said these zones are
16 determined by populations. He said research of available sites showed zone 2 to have the
17 best possibilities. He said there are not a lot of sites out there, as schools require 20-25 acres
18 of useable land. He said the goal would be to find a site with flexibility for dual use in the future.

19 He said a staff report will be provided in the next month or so, with approval from the
20 new superintendent, and this will be brought to the elected officials in Mebane and Orange
21 County.

22 Orange County Schools Board Chair Donna Coffey said she appreciates being here to
23 be part of the conversation. She said the district has seen slow growth in the last few years, but
24 there was growth of over 200 students this year. She said the growth in the County indicates a
25 need to plan for sites sooner rather than later.

26 Craig Benedict said the economy has turned a little bit, and development is increasing.
27 He said the impact of this growth could dramatically change the student projections. He said it
28 takes 4-5 years to find land, create designs and get a school built.
29

30 **6. Other**

31 **a) White Furniture Update**

32 City Manager David Cheek said White Furniture is an old furniture store site established
33 in Mebane in the 1800s. He said the 300,000 square foot space has been sitting empty for
34 years, hoping for development. He said the current developer is out of Durham, and they have
35 recently been invited to apply to HUD for market rate apartments. He said developer is working
36 through the application process, and the town is hopeful this will come to fruition. He said this
37 would be good for downtown and would create a lot more activity. He referenced the plans on
38 the last page of the abstract.

39 David Cheek said the downtown is already thriving and there are currently 4-5
40 renovations happening.

41 David Cheek said the White Furniture Development would require HUD to guarantee the
42 loans. He said the renovation plans are projected at \$25-30 million. He said the fact that this is
43 a historic property only allows it to be taxed at half that value, but this amount would still be a
44 significant boon.
45

46 **b) Orange/Alamance Line Issues**

47
48 Craig Benedict said this line has been resolved to a large degree, but the Morrow Mill
49 Road and Mill Creek areas could not be resolved with Alamance County. He said these two
50 sites would be a different process, and they would be addressed in the 2015 legislative session.

1 He said the County is figuring out how to engage the residents in those areas. He said there
2 are 32 lots affected in that area.

3 He said the school bus routing to these areas is problematic, as well as emergency
4 services.

5 Ed Hooks said the Mill Creek residents want to be in Alamance County. He said their
6 representatives in Alamance County are interested in having this discussion with Orange
7 County.

8 Craig Benedict said the reason these areas were more problematic was because
9 Alamance County was concerned about their western property line.

10 Chair Jacobs said the Board did make an overture to the Alamance County
11 Commissioners this year, but it was premature.

12
13 **c) Potential Bond Issuance**

14 Michael Talbert said the Board of County Commissioners has begun discussions about
15 a bond referendum for November 2014 or May of 2015. He said the Board is considering a
16 bond of around \$100 million that would potentially include a new jail; middle school #5 for
17 Chapel Hill; elementary school #8 for the County; improvements to older schools; and other
18 County projects like Lands Legacy. He said this is in early discussions. He said the County
19 has attained a triple-A bond rating, and they do not want to jeopardize this. He said the
20 preliminary estimate on a \$100 million issue would be about a 4 cent tax increase.

21 Chair Jacobs said the last bond was in 2001, and this was for schools, recreation, senior
22 centers, and affordable housing. He said the senior centers are up and expansions are already
23 being requested. He said the schools have more need than even the \$100 million could cover,
24 so this is just a start.

25 Chair Jacobs said there had been a suggestion from Tim Bradley in the past about
26 working together on agricultural preservation. He said this might be part of the work in the
27 Lands Legacy Program. He suggested a presentation to the Mebane City Council at a future
28 meeting. He said a lot of state and federal money has been leveraged for this successful
29 program and it has been a relatively low cost per acre for Orange County.

30 Michael Talbert noted that the bond would be a 20 year bond.

31 David Cheek said bids are currently being taken for a new fire station off of Mebane
32 Oaks Road. He said this will improve fire protection in the economic development district. He
33 said estimated completion of construction will be October of 2014.

34
35 The meeting was adjourned at 8:02 pm.

36
37
38 Barry Jacobs, Chair

39
40 Donna Baker, Clerk to the Board

41
42

Attachment 3

1
2
3 **DRAFT**
4

5 **ORANGE COUNTY BOARD OF COMMISSIONERS**
6 **PLANNING RETREAT**
7 **Solid Waste Administrative Offices**
8 **January 31, 2014**
9 **8:30 a.m.**
10

11 The Orange County Board of Commissioners met for a Board annual retreat on Friday,
12 January 31, 2014 at 8:30 a.m. at the Solid Waste Administrative Offices in Chapel Hill,
13 North Carolina.
14

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

17 **COUNTY ATTORNEY PRESENT:** John Roberts

18 **COUNTY STAFF:** Interim County Manager Michael Talbert, Assistant County
19 Managers Clarence Grier and Cheryl Young and Clerk to the Board Donna S.
20 Baker (other staff will be identified below)
21

22
23 Welcome/Continental Breakfast

24
25 Facilitator (**Rod Visser**) – Introductions/Ground Rules

26
27 Introductions were made.
28

29 Rod Visser explained his role as facilitator:

- 30 • Assist the commissioners in having the most effective discussion and outcomes
- 31 possible from their retreat
- 32 • Employ an acceptable set of ground rules to assist commissioners in having
- 33 effective conversations
- 34 • Be, and be perceived to be, substantively neutral
- 35 • Bring process expertise to the table, NOT subject matter or management expertise
- 36 • Help commissioners manage their time to accomplish their agenda to the maximum
- 37 degree possible
- 38 • Ask clarifying questions when it is helpful and appropriate to do so
- 39 • Assist commissioners in making adjustments to their agenda, as needed
- 40 • Assist Board and staff in developing mutual understanding about agreed upon next
- 41 steps and follow up actions, if any
- 42 • Act as timekeeper, and keep the board aware of it, but for each agenda topic, the
- 43 board will decide how to spend its time and what direction they will provide to staff;
44

45 He then reviewed the ground rules below, as developed by Roger Schwarz at the
46 School of Government (this information was included in the agenda attachment
47 *“Memorandum - Proposed Ground Rules for January 31, 2014 Retreat”*.
48

49 Core Values Underlying Ground Rules

- 50 ➤ valid information
- 51 ➤ free and informed choice
- 52 ➤ internal commitment
- 53 ➤ compassion
54

1 Ground Rules for Effective Groups

- 2 1. Test assumptions and inferences.
 3 2. Share all relevant information.
 4 3. Use specific examples, and agree on what important words mean.
 5 4. Explain your reasoning and intent.
 6 5. Focus on interests, not positions.
 7 6. Combine advocacy and inquiry.
 8 7. Jointly design steps and ways to test disagreements.
 9 8. Discuss “undiscussable” issues.
 10 9. Use a decision-making rule that generates the level of commitment needed

11
 12 The Board agreed to work under the ground rules today, including the intention to make
 13 decisions by consensus where possible, and by majority vote where necessary. Rod
 14 Visser indicated his intention to adhere to the ground rules as well, and asked Board
 15 members to indicate to him if they believe at any time that he is not doing so.

16
 17 Chair Jacobs expressed appreciation to Commissioners Gordon, Pelissier, and Rich,
 18 and to the Manager and staff, for their work in putting together the agenda for the
 19 retreat.

20
 21 Rod Visser gave background information on the process by which the retreat agenda
 22 was constructed by the planning committee, to provide context on how the retreat topics
 23 and objectives were developed.

24
 25 Commissioners agreed that the retreat agenda developed by the retreat planning
 26 committee, Manager, and staff was a reasonable starting point for the retreat.

27
 28
 29 **1. Budget/Capital Investment Plan/Bond Referendum**

30
 31 **A. Budget Drivers/Revenue Estimates/Fund Balance Estimates**
 32 **(Clarence Grier – Presenter & Rod Visser)**

33
 34
 35 Clarence Grier gave the following update on the 2014-15 projected budget funding
 36 issues:

37
 38 Original budgeted revenue for the current fiscal year was \$182.5 million. He sees that
 39 as a good starting point for the upcoming fiscal year. Anticipated adjustments to that
 40 base figure include:

- 41 • \$2.6 million in property tax revenues, based on projected growth of 1.5%
 42 • Sales tax revenue growth of \$1.3 million, based on the economy recovering, which
 43 will bring the County up to what it collected last year
 44 • No major increases in licenses and permits, charges for services, miscellaneous
 45 revenue, intergovernmental revenue, or investment income
 46 • Plan to use excess fund balance above 17%, which will be about \$5.7 million. This
 47 includes about \$2.1 million in 2012-13 fund balance and about \$3.5 million that will
 48 come from this current year’s projected year end fund balance.

49
 50 This brings total expected adjustments to revenues of just over \$9.5 million. Estimated
 51 revenues for 2014-15 would be about \$192.1 million.

52
 53 Expenditures start out at about \$187.7 million. Anticipated major adjustments include:

- 54 • Health insurance increases of about \$350,000

- 1 • Adjustments in retirement contribution rate - originally thought it might go down .10%
2 but there has been recent talk that it might go up 10%; will have to find that out later
3 in the budget process
- 4 • Full year funding for staggered addition of some employees during the current year -
5 \$638,000 for salaries and benefits
- 6 • Keeping current compensation plan, allowing for 2% adjustment - \$2 million
- 7 • Adjustment for projected growth in both school systems (Chapel Hill Carrboro - 154;
8 Orange County – 90); about 250 new students, based on current per pupil funding of
9 \$3,269, that equates to \$817,000

10
11 With adjustment for school growth, new debt service for the Culbreth science wing and
12 the auxiliary gym, and other items, education spending would be at 48.62% of the
13 budget; considering everything like social workers and Sheriff's deputies, the total is
14 about 49.6%.

15
16 Preliminarily, total expected adjustments to expenditures would be \$4.4 million on a total
17 anticipated budget of \$192.1 million, with no budget shortfall or anticipated property tax
18 increase. Things that could affect this number include Affordable Care Act requirements
19 to fund certain services, certain recycling options under consideration, and funding
20 requests that will be coming later from the school systems.

21
22 Commissioner Dorosin asked if the compensation adjustment means that everyone gets
23 a raise.

24
25 Clarence Grier said yes, but that's based on what they did this year. The number could
26 go up, down, or be taken out completely. He also clarified that the sales tax figure cited
27 earlier of \$1.3 million reflects anticipated growth over the \$16 million budgeted this year.
28 The County expected actual receipts this year to be about \$18 million. He also
29 confirmed that using \$5.7 million of fund balance would likely leave fund balance at a
30 little above 17%, as he expected to be at about 20% at the end of this fiscal year if
31 things stay the way they are.

32
33 Michael Talbert said the County had set aside funds the past two years to address post-
34 employee benefits and would consider doing that again in this next budget. The County
35 has about \$6 million set aside against a liability of about \$64 million (that is a balance
36 sheet consideration).

37
38 Clarence Grier said he expects the current bond ratings will at least be maintained, if not
39 go up. The County is in a good financial position, a good budgetary position. The only
40 caveat he offered was that sooner or later the County will have to address the use of
41 fund balance, which equates to about 3.5 cents on the current tax rate. At some point
42 they will need a tax increase to take care of the fund balance, but he does not foresee
43 that in this upcoming year.

44
45 Chair Jacobs asked him when was the last time they had a general tax increase and
46 Clarence Grier said 2008. Discussion ensued about when other taxes such as the
47 Chapel Hill-Carrboro district tax had been raised. Commissioner Jacobs said the point
48 is, for the vast majority of Orange County residents, there has only been one general
49 property tax rate increase and that was when the school system needed funds to open
50 an elementary school.

51
52 Michael Talbert reiterated that the 1.5% increase reflected "natural" growth such as new
53 vehicles on the road and new construction coming on line. There will not be a
54 revaluation of real property until 2017.

1 Clarence Grier explained that changes in the collection of vehicle property taxes (now
2 being done by the State in association with motor vehicle registrations) are causing
3 collection rates to go up from 89-90% to 95-96%, maybe even 98% this year. He said
4 as of now, RMV collections exceed last year by \$1.3 million.

5
6 Michael Talbert said these are early numbers based on December figures and will
7 change some as they go forward. There will be another 3 months of revenue data to
8 work with later in the budget process.

9
10 Chair Jacobs recalled long-standing discussions over the years in the School
11 Collaboration Group about pursuing equity in school funding by lowering the Chapel Hill-
12 Carrboro school district tax rate and using general funds instead. He said it is worth
13 having that balancing act discussion every year.

14
15 Commissioner Rich asked what happened to those who do not pay taxes and whether
16 the County forecloses on their homes. Clarence Grier said they try to avoid foreclosures.
17 He confirmed that the County has a system to assist people.

18
19 Michael Talbert said the figure for school funding of 48.1% is a target that has been
20 around for 10-20 years. The County sometimes goes over that, but if it looks like the
21 number would come up short, the County increases funding to meet the target. They
22 are forecasting they will be above that target just with normal growth, without
23 considering an ADM (average daily membership) increase or a school debt service
24 increase.

25
26 Commissioner Price asked about how the national economic situation affects the
27 County's numbers.

28
29 Clarence Grier does not see much fluctuation in our budget. Property tax collections
30 have stayed the same or gone up over the past 4 years as the economy has recovered.
31 He does not foresee any problems with the revenue streams that the County controls.

32
33 In response to Commissioner Dorosin's question, Clarence Grier said the 48.1% target
34 does not include the local district tax.

35
36 The Board agreed that they had accomplished the following objective established for
37 this segment of the retreat agenda:

38
39 **Objective:** That the Board obtains a comprehensive understanding of the
40 County's projected revenue estimates and anticipated budgetary
41 impacts on Fiscal 2014/2015.

42
43
44 **B. Budget Goals Fiscal 2014/2015 (Rod Visser)**

45
46 Rod Visser explained that the objective for the next segment of the retreat agenda is for
47 the Board to identify those Budget Goals for Fiscal 2014-15 about which the Board has
48 consensus.

49
50 The Board agreed to spend 15-20 minutes generating ideas, without immediately
51 evaluating them, then discussing the list to see if there might be 3 or 5 or 15 around
52 which they might have consensus. The following list of ideas for possible budget goals
53 was developed:

54
55 Budget Goals

- 1
- 2 • Defending the quality of public education
- 3 • Ensure our safety net services
- 4 • Funding sewer construction and hook ups in Rogers Road area
- 5 • Continue improvement in public safety
- 6 • Give priority to funding core county services (before discretionary services)
- 7 • Support broad range of economic development – new and existing
- 8 businesses (make sure to support infrastructure)
- 9 • Ensure Information Technology Department approach is state of the art for
- 10 Board of County Commissioners, citizens, transparency
- 11 • Resources to download agenda items individually rather than en masse
- 12 • Reducing inequities in funding between two school districts, even if it means
- 13 raising the general property tax (since one school system has a school district
- 14 tax)
- 15 • Targeted funding to address child poverty (e.g. increase childcare
- 16 subsidies)
- 17 • Address hunger issues with children (additional subsidies)
- 18 • Address inequities through long term plan
- 19 • Sound land use planning
- 20 • Re-visit school funding equity as means of challenging the Board’s
- 21 assumptions
- 22 • Consider jail alternatives, maintain funding for drug treatment court
- 23 • Address school to prison pipeline
- 24 • Consider limit to viability of tax increase
- 25

26 Rod Visser noted that there are some inherent conflicts among some of the ideas the
 27 Board has just generated that the Board will have to talk through. He expected that
 28 there would be consensus around some subset of these. He also tested the assumption
 29 that even for those issues around which there is NOT Board consensus, the Board
 30 discussion is useful to the Manager and staff regarding how they put together the
 31 Manager’s recommended budget.

32
 33 Michael Talbert said that is very accurate, but while these ideas are excellent, he is not
 34 sure they can address them all in one year. The goal of this section is what does the
 35 Board want to accomplish next year. To Commissioner McKee’s earlier point, if they
 36 undertake new initiatives not included in the basic budget estimates presented earlier,
 37 they may need a tax increase.

38
 39 Commissioner Gordon said some are general goals and then more specific goals-quality
 40 education is a goal they do now—a general goal. She wants to be sure that undertaking
 41 any of these ideas as goals does not adversely affect the 14 goals they adopted in
 42 2009.

43
 44 Chair Jacobs said he agreed with Commissioner Gordon’s general point, and explained
 45 that he used the word “defend” for education because what the State is doing requires
 46 us to make extra efforts to maintain what we are already doing and that may impact how
 47 much money we have for other things. He picked the word “defend” because it’s not a
 48 normal situation - public education is under attack.

49
 50 Commissioner McKee noted as an example that he does not foresee pulling social
 51 workers back out of schools, so that is one area where there will need to be an increase
 52 in educational funding.

53

1 Rod Visser noted that is hard to think in the “here and now” of all the implications of
2 each of the ideas generated. He asked the Board to consider if it is okay for the
3 Manager and staff to come back and notify you if they become aware of circumstances
4 that make a goal Commissioners may identify now either inadvisable or less advisable
5 or conflicting with the previously established 14 goals.

6
7 Commissioner Gordon said she thinks she has answered her own question - they are
8 identifying emphases for next year. If conflicts with general goals are identified, they will
9 deal with that during the budget process.

10
11 Discussion ensued about how to go about identifying consensus budget goals based on
12 the list just generated by Commissioners.

13
14 Commissioner Dorosin suggested they prioritize from among the identified goals.

15
16 During a scheduled 15 minute break in the agenda, the Clerk compiled electronically the
17 ideas generated on the flip charts and provided a printed copy of the list of potential
18 budget goals to all Board members.

19 The Board settled on the idea that each Commissioner vote for their 5 top priorities and
20 leave the other ideas unmarked on their sheet. Not voting for a particular idea does not
21 mean they disagree with the goal just that it is not among their highest priorities. Staff
22 will tally up the individual Commissioner votes and report that information back during
23 the afternoon session. If time can be carved out of the remainder of the agenda, the
24 Board would like to discuss the priority goals, but Michael Talbert indicated even just
25 having the rankings of priority goals would be valuable to him and to staff.

26
27 Michael Talbert reiterated that the County has three multi-year strategic plans in place
28 already approved by the Board – Library, Information Technology, and Emergency
29 Services. Staff will continue to implement those plans unless the Board tells them to
30 stop. He suggested the Commissioners consider that in making their rankings.

31
32 Commissioner Price wondered if that means that her idea about state of the art IT
33 needs to be considered.

34
35 Michael Talbert said that as far as the strategic plan, no, but to Commissioner Gordon's
36 point about simplifying the agenda download process, he suggests that being a work
37 session topic between now and the budget wrap-up. They are doing the process
38 differently now than in 2012 and that has implications for people that do it online versus
39 those that receive paper. There may or may not be budgetary impacts, for example if
40 specific software would need to be purchased, and there would be timing impacts.
41 Those are important discussions to have.

42
43
44 **C. Capital Investment Plan - Fiscal 2014/2015 Changes - Additions**
45 **& Deletions 2014/2015 (Paul Laughton & Michael Talbert & Rod**
46 **Visser)**

47
48 Rod Visser explained that the objective for the next segment of the retreat agenda is
49 that the Board obtains a full understanding of projects included in the Capital Investment
50 Plan for Fiscal 2014/2015, the financial impact for Fiscal 2014/2015, and provide
51 direction on any changes to the Capital Investment Plan for Fiscal 2014/2015.

52
53 Paul Laughton (Finance and Administrative Services) provided a detailed review and
54 answered Commissioners' questions about the CIP information included at Attachment
55 1b, pages 9-12 of the retreat agenda packet. He said the Board only approves the first

1 year funding in the CIP, and that this is a planning tool. Staff wanted to show what they
2 currently have in the CIP for 2014-15, \$27.9 million. However, because the Culbreth
3 Middle School science wing was funded entirely in 2013-14, the \$27.9 million figure will
4 drop by about \$4.1 million.

5
6 Paul Laughton noted a planned \$2,000,000 allocation for Northern Human Services
7 Center. Michael Talbert explained that this would be a February work session topic so
8 the Board could discuss whether they want to add wings.

9
10 Commissioner Jacobs noted that the cancellation of this week's work session would
11 require re-prioritization of future work session topics. Michael Talbert noted that staff
12 would come back to the Board with recommendations about how to cascade missed
13 work session topics onto 3-4 future scheduled work session agendas.

14
15 Michael Talbert noted that they had contracted with an outside consultant on a radio
16 tower coverage study that would be coming back to the Board soon on a work session
17 agenda.

18 Commissioner Dorosin inquired if this would be the end of spending on this or would this
19 be a recurring capital improvement.

20 Michael Talbert noted that this topic would come back regularly as population grows and
21 technology changes. Commissioner Rich asked if this includes changing from 800MHz
22 to 700 MHz systems. Michael Talbert indicated that is being investigated and would be
23 addressed at the upcoming work session. They are also investigating how they might
24 partner with the State's VIPER system, to include other County services such as Animal
25 Services and bus services, so as not to have to build a separate system.

26
27 Commissioner Pelissier said they need to get information about the new radio systems
28 as they relate to a new program called FirstNet, which related to communication for
29 safety purposes.

30
31 Paul Laughton noted that 2014-15 includes \$2.4 million for the Lands Legacy Program
32 to replace 2001 approved bond authorization that had lapsed.

33
34 Commissioner Dorosin asked if that money would actually be spent in 2014-15 and
35 whether it would be limited to purchasing land.

36
37 Paul Laughton noted there is about \$1.5 million available right now, and that Dave
38 Stancil expects much of that will be expended this year and next.

39
40 Michael Talbert explained that in the past, lands legacy funds have been used for the
41 purchase of land banking or property and/or for conservation easements. It can be used
42 for both purposes but it would be a Board decision on how to move forward. He
43 explained how the bond funds had lapsed, and that the Board is under no obligation to
44 allocate this money, other than that voters had previously approved such funding.

45
46 Commissioner Rich noted that at their last Board meeting, the Board had approved a
47 Lands Legacy Action Plan and that she assumed the Board would not change anything
48 in that plan.

49
50 Commissioner Jacobs said that a Parks Master Plan is coming forward in May that may
51 change the way they look at these issues. He said that different attorneys may interpret
52 things differently, but he understands that Lands Legacy funds cannot be used for
53 conservation easements because such properties are not open to the public. Some
54 bond money did go to park development, but that's specifically what they told voters

1 they would do. He mentioned that finding appropriate land to buy is a challenge -
2 several properties are being looked at in the Upper Eno and Bingham Township.

3
4 Michael Talbert added that such purchases are leveraged with other funds coming in.

5
6 Paul Laughton summarized that the County portion of the CIP for 2014-15 on page 10
7 totals about \$6.9 million.

8
9 Commissioner Jacobs raised several questions and flags. They had deferred talking
10 about the development of Blackwood Farm until after they had talked about the space
11 needs. He said they don't have a placeholder for that yet, but based on their last board
12 meeting, there may be some interest in moving that item up. He questioned the
13 \$400,000 for future planning for Southern Human Services Center. He said, not that
14 they don't need it, but concerns about protection from the Chapel Hill development
15 process led to a more adversarial relationship than they have now. He does not want to
16 base public policy on trying to get through the process before more regulations kick in.
17 Millhouse Road does not have a concept plan. The County needs a group, whether with
18 Chapel Hill and/or Carrboro, or other partners, and talk about their vision for this land
19 and get the public involved, then spend money on it. Lastly, he would like to elevate
20 handicapped accessibility, both inside and outside County facilities. Funding is included
21 in various budgets, and it is happening slowly, but he would like to have higher visibility
22 for this in the CIP.

23
24 Paul Laughton said they have talked with Asset Management Services about this topic
25 recently. They have met with all staff about their CIP requests as of now, but they have
26 not yet met with the Manager, so they are still going through projects with departments.
27 They won't receive the schools' CIP until Feb. 7th (CHCCS) and OCS on Feb. 11th.

28
29 Michael Talbert added that the Southern Orange campus is a long range planning issue,
30 with three separate building sites that required individual special use permits and
31 processes. They are trying to get the development rights for the long term and be able
32 to plan for the next 20 years.

33
34 Commissioner Rich asked about a development agreement process versus a SUP
35 process for the site.

36
37 Michael Talbert explained that the Town Council initially instructed staff to work on a
38 development agreement, but later changed their minds to a special use process that the
39 County is currently working under and moving forward on. There is no specific building
40 in the SUP, but building sites with infrastructure the County wants to put in.

41
42 Commissioner Rich suggested running the Millhouse Road property through the
43 Intergovernmental Parks Work Group.

44
45 Commissioner Gordon said she thought they should leave in the \$400,000 for Southern
46 Human Services site planning.

47
48 Michael Talbert explained how planning money might be used and gave an example of
49 perhaps moving a road later if needed because the Seymour Center site expansion
50 would be constrained by the existing road. He said planning for infrastructure would
51 give them flexibility for the future.

52
53 Paul Laughton noted there is no funding included at this point for the affordable housing
54 impact fee reimbursement. That is something they look at every year – there is

1 \$170,000 in the current year. He will be meeting with Tara Fikes on this, so the Board
2 might see a change on this when the CIP is presented on March 11.

3
4 Paul Laughton explained in more detail the allocations to Special Revenue Fund
5 projects on page 10 of the retreat agenda packets. He said to date the County has
6 collected about \$4.2 million in Article 46 sales tax revenue and spent about \$1.1 million
7 for schools and economic development. CHCCS has their funding going to technology
8 and repairs identified in their assessment of older facility needs. OCS has allocated its
9 funds for their One to One initiative for laptops. Total Article 46 funding budgeted for
10 2014-15 is about \$2.7 million. Paul thinks staff may need to come back to the Board at
11 some point to reconsider the percentages allocated to make sure there are enough
12 allocations to cover debt service.

13
14 Commissioner Dorosin inquired about the small business investment grant line item and
15 how that differs from incentives.

16
17 Commissioner McKee says there will be a meeting next week – he will get a printout
18 regarding what has been going on. Paul Laughton said nothing has been spent on
19 business investment grants and no Article 46 funds have been spent for small business
20 loans either. Paul will get the definitions of these to Commissioner Dorosin.

21
22 Given time constraints for this agenda item, the Board agreed to go through the rest of
23 capital projects by exception, dealing only with projects about which they have questions
24

25 In response to a question from Commissioner Price, Chair Jacobs explained how the
26 Board had adopted a policy based on recommendations from Economic Development
27 Director Steve Brantley about how Article 46 proceeds might be divided up into various
28 pots. Paul Laughton cited various percentages or percentage ranges approved by the
29 Board, with the largest being 60% allocated for debt service.

30
31 Commissioner Rich asked what, if any, are the procedures for having a long term plan
32 for solid waste. It seemed that they discuss solid waste on an ad hoc basis, a little bit at
33 a time. She said they will do an injustice financially to the County if they don't think
34 about it long term.

35
36 Paul Laughton said each area has a breakdown each year where improvements are to
37 be and the funding allocated, for example for solid waste convenience center
38 improvements. The Sanitation portion has a good plan for improvements, for example
39 for large pieces of equipment. Recycling improvements depend on policy decisions
40 remaining to be made.

41
42 Commissioner Rich said she is thinking about the future and different ways to handle
43 trash.

44
45 Michael Talbert said they do not have a strategic plan for solid waste. They continue to
46 meet to examine new technologies. They closed the landfill a year ago and the interlocal
47 agreement essentially lapsed at that point. They are trying to reinstate that with their
48 recycling efforts. There is not a master plan on what to do with solid waste in 5-10 years.
49 They will continue to look at options. Right now, everything is going through Durham as
50 the Board approved. That is a temporary short term solution – there is no long term
51 solution. He thinks they are probably not going to site a new landfill.

52
53 Chair Jacobs said the managers are trying to work on a 5 year plan to work together. A
54 strategic plan is predicated on having partners first. The Board asked the Manager and

1 staff to try to develop a new agreement to succeed the old one, but that's when Chapel
2 Hill decided to bid itself out separately.

3
4 Commissioner Rich asked when does the short term solution become the long term
5 solution. She said she wondered when the County would think about being more
6 responsible for our own trash as opposed to sending it to Durham. She noted that there
7 may not be an answer to that right now.

8
9 Commissioner Pelissier said they do need the partnerships because Orange County by
10 itself generates so little. She agreed with the Manager that they will not site another
11 landfill in Orange County. There is a lot of technology out there being developed that is
12 not ready yet. For a county of our size, there isn't a clear answer out there. She said
13 they may need to partner with others, not just the local towns but maybe Durham.

14
15 Chair Jacobs said he and others met with the Durham City Mayor last year and that they
16 had explored alternative technologies – both with and without Orange County waste -
17 and decided they were not big enough. He said they need to find a regional solution.
18 It's easy to say the County is not doing enough, but the problem is finding technology
19 that is cost effective and environmentally sound, without even getting into siting issues
20 that will be awesome, especially for a regional facility. He thinks a good thing for the
21 Board to do at this point is to list out what should be the steps and check with the Towns
22 to see if they are on board with the steps we have articulated.

23
24 Commissioner Rich said she wanted to know if technology is not ready for them, this is
25 the year they should check into it again. Her concern is that right now they don't have a
26 plan.

27
28 Rod Visser asked the Board to consider whether they feel the objective for this segment
29 has been met, recognizing there will be some changes to come when the Manager's
30 recommended CIP is presented. Paul Laughton confirmed there would be some
31 changes related to water and sewer and with solid waste as it relates to the timeline for
32 the Eubanks Road SWCC and High Rock Road SWCC. Some numbers will change in
33 CIP as they are still meeting with staff. The CIP includes a large Phase 1 expansion of
34 the SportsPlex at \$950,000.

35
36 Rod Visser asked if any member of the Board feels strongly about providing direction to
37 staff about making any change to any project as presented.

38
39 Commissioner Dorosin inquired if the EPA matter gets resolved on Rogers Road and
40 the Board decides to go forward with funding the sewer, would that be folded into the
41 CIP or some other way, assuming there is consensus that there are no more
42 impediments to moving forward and we want to proceed expeditiously

43
44 Michael Talbert said the short answer is "yes". The managers are working on a plan, as
45 instructed by the task force, on how to make this happen and how to make this work.
46 He believes the County and Chapel Hill are on board with funding 43% shares
47 (Carrboro's share would be 14%) and with moving forward on at least initial planning for
48 sewer, including engineering. He sees longer term CIP funding – not next year, but
49 maybe two years out – for funding for actual construction.

50
51 Commissioner Dorosin inquired do they have resources to start or would there need to
52 be adjustments to this CIP.

53
54 Michael Talbert said funding would be in the general CIP. They would have to evaluate
55 resources and priorities. They have the money to do the planning stages. In two years,

1 though, if the Towns don't go along, the County could not come up with \$7-8 million
2 without cutting something back. Those discussions have not yet occurred, however.

3
4 In response to a comment by Chair Jacobs, Paul Laughton confirmed that today's
5 agenda item is just for 2014-15 projects because that's what the Board concentrates on
6 approving funding for next year's CIP. The remainder of the CIP is for long range
7 forecasting and planning that you evaluate every year. He will bring to the Board's
8 attention any deviations from planned funding in the out years when they present the
9 CIP on March 11.

10
11 Rod Visser tested the assumption that this session is an opportunity for Commissioners
12 to give the Manager and staff a "heads up" now regarding any changes in the CIP they
13 would like to see, but that does not forestall their bringing up other changes that occur to
14 them six weeks from now in March.

15
16 Michael Talbert said he saw two issues on their list of possible budget goals that have
17 potentially large capital impacts: education and Rogers Road sewer.

18
19 Commissioner Price asked about the confidence level staff has in projections of lottery
20 proceeds.

21
22 Paul Laughton said that they provide to the schools the estimates that they receive from
23 the State. He noted that the State used to provide counties with \$176 million in annual
24 lottery proceeds but that number is now down to \$100 million. Orange County is only
25 getting about \$1.3 million in lottery funds now. At peak, he believed the County received
26 about \$2.3 million in lottery funds.

27 Commissioners and Manager indicated that they were satisfied that they had met the
28 objective set out for the CIP portion of the agenda.

29
30 **D. Bond Referendum - Debt Capacity, Property Tax Impact, Bond**
31 **Rating (Clarence Grier – Presenter & Rod Visser)**

32
33 Rod Visser explained that the objective for this segment is for the Board to review
34 possible Bond Referendum timelines, amount of a referendum, and the Board practice
35 of utilizing bond task forces, and provide direction to staff.

36
37 Clarence Grier reviewed possible options/funding/debt service for a possible \$100
38 million bond referendum, to be held at the Board's discretion. Key figures are included
39 in the spreadsheet on page 13, Attachment 1-c, of the Board's retreat agenda packet.

40
41 Clarence Grier said they have been discussing a \$100 million bond to be paid back in 20
42 years, as required by the Local Government Commission (LGC). Debt service on \$100
43 million would be approximately \$6.7 million, or 4.18 cents on the current tax rate. He
44 reviewed current outstanding County debt and bond ratings (Fitch – AAA; Standard &
45 Poors – AAA; Moody's – AA1 with a positive outlook).

46
47 The assumptions built into the spreadsheet include \$100m in staggered issues every
48 two years of \$40 million in 2015-16, then \$30 million two years later, then the final \$30
49 million two years after that. Bond approval date is assumed as November 2015 – if not
50 done in November 2014, there is no primary in May 2015 so must wait until November
51 general election for a bond referendum vote. He reviewed the spreadsheet for current
52 debt and potential new County jail debt service. He pointed out that in this scenario,
53 maximum outstanding debt would come in FY2020-21 with a tax rate effect of about 3.8
54 cents. To stay within County policy limiting debt service expenditures to 15% of the
55 General Fund, expenditures in that fiscal year would have to increase to about \$221.3

1 million. He noted that if real property growth and sales tax growth continued with
2 current projections, we would need about .28 cents on the tax rate to be able to cover
3 the \$221.3 million in expenditures.

4
5 In response to Commissioner McKee's question, Clarence Grier confirmed that he
6 assumed that the projected growth in revenues is not consumed by other expenses.

7
8 Clarence Grier explained how CIP and possible new jail debt are incorporated in the
9 spreadsheet. He noted options of how some of the \$300 million in capital needs
10 identified by the two school systems' assessments might be addressed with a \$100
11 million bond. Discussion ensued about how jail debt service might be addressed
12 through an alternative financing mechanism and not be included in a bond referendum,
13 as it might be considered a controversial element that might lead to failure of a bond
14 referendum. Clarence Grier reiterated that this particular scenario is just for illustrative
15 purposes – no decisions have been made yet about a bond referendum.

16
17 Commissioner Price asked about school needs and the need to build a new school.

18
19 Michael Talbert said the schools had done their facility assessments and included some
20 remodelings and additions of older schools, which may push out some of this further in
21 time so that a new school might not be needed for 2, 5, or 10 years..

22
23 Commissioner Pelissier asked if there are longer term items in their CIP with debt
24 service that are excluded in this scenario.

25
26 Clarence Grier said all is included in the CIP Debt Service column. He wanted to show
27 them how a \$100 million bond referendum would affect their debt capacity going
28 forward. The components of a bond referendum have not been decided.

29
30 Chair Jacobs said he expected the school systems to come back to the Board with a
31 couple hundred million dollars worth of proposed upgrades for health & safety reasons,
32 structural reasons, and capacity reasons. There might be discussion of perhaps three
33 separate \$70million bond packages. They are looking to expand capacities of existing
34 facilities, for example the new Culbreth Middle School wing. He noted the current plan
35 for a new jail is for a 300-bed capacity, but it could start out as a phased project.

36
37 Clarence Grier confirmed this, that the full capacity cost would be \$30,250,000, saying
38 that if they cut it in half, then debt capacity would go up.

39
40 Chair Jacobs remarked on a visit he and Commissioner Pelissier made to the Guilford
41 County Jail that had been built in pods that can be phased in over time.

42
43 Clarence Grier cautioned that these estimates are based on current interest rates. If
44 future rates rise, additional debt capacity will be lowered. That is why it is so important
45 to maintain their high bond ratings to keep the cost of borrowing as low as possible. He
46 also noted that a \$100 million bond would represent half of the County's annual
47 operating budget.

48
49 Michael Talbert emphasized that even though debt service estimates are conservative,
50 so are their budget estimates. With revenue growth of 1.5-2%, they are coming out of
51 the great recession. He hoped that they will get to 3, 4, or 5 per cent at some point. He
52 indicated that Clarence Grier has provided estimates on a very conservative basis.

53
54 The Board discussed concerns and implications of holding a referendum at different
55 scheduled elections in 2014, 2015, or 2016. Reluctance was expressed about holding a

1 referendum in an expected low turnout election. There was some desirability of pursuing
2 a November 2014 referendum, but significant concern that there would be inadequate
3 time to address all the steps needed for a successful bond referendum, including
4 partner, stakeholder, and citizen involvement in the process.

5
6 Michael Talbert said that to pursue a November 2014 referendum, the Board would
7 have to make major decisions on this between now and summer. The Board can take it
8 as information today and add it to a work session on March 11, but if they need a task
9 force they need to make decisions today about that.

10 Chair Jacobs said they could add a work session between now and March 11 to discuss
11 this, if need be.

12
13 Michael Talbert said it is feasible to address this again on March 11, but he agreed with
14 Commissioner Dorosin that the longer they push this out, they have by default decided
15 not to do this in November 2014.

16
17 Commissioner McKee said it took about 18 months in 2001 to put a bond referendum in
18 place.

19
20 Commissioner Pelissier said they have not even discussed affordable housing yet; they
21 need time to prepare and educate the citizens on this topic in a bond. She noted the
22 first time they put up the quarter-cent sales tax for a vote, they had inadequate time to
23 educate voters about the issues. The second time we were better prepared. She does
24 not think they can realistically do it in November 2014.

25
26 Commissioner Gordon said she has experience in bond referendums, both ones that
27 passed and failed. It is her judgment, based on successful bond referenda, that the
28 more deliberate a process there is of getting stakeholders on board, and taking time to
29 educate voters, then the more likelihood of having a better chance of success.

30
31 Rod Visser said that as the facilitator he has heard a lot of disappointment that they
32 want to do this but do not feel there is enough time to do it right for November 2014. It
33 sounds like they are providing guidance to the Manager and staff that they should not be
34 jumping through "hoops" to try to get everything done for a November 2014 bond
35 referendum. He asked if anyone disagreed that is a fair reading of the discussion just
36 held. No one stated disagreement, but Chair Jacobs suggested that they could take the
37 February 11 work session for staff to bring information about what would be involved in
38 developing a November 2014 bond referendum back to the Board of County
39 Commissioners. It may be premature because of things beyond our control, but he is
40 hesitant to vote either yes or know without the Board knowing what is involved.

41
42 Rod Visser pointed out that what Chair Jacobs proposed also represents a decision and
43 asked the Board how they feel about that. He heard a request that staff pull together
44 some of the things they have discussed today about timelines and impacts and getting
45 partners together and bring that information back for the February 11 work session.
46 Then the Board could consider at that point whether the writing is on the wall that
47 November 2014 is out of the question, or whether it could get done. This would be a
48 deliberate postponement of that decision until after the Board gets more information.

49
50 Commissioner Rich said she preferred Commissioner Jacobs's approach. Unlike
51 Commissioner Gordon, she has not lived through one of these bond referenda. They
52 know a number from Chapel Hill-Carrboro Schools but they haven't heard anything from
53 the Orange County Schools.

54

1 Rod Visser asked if there is anyone uncomfortable with that proposal from Chair
2 Jacobs, or does that seem workable to the Board and the Manager.

3
4 Michael Talbert said he thinks it is workable, but cautioned he did not know how much
5 information they would have from Orange County Schools. They will do the best they
6 can with what they have.

7
8 Rod Visser said he is heard reluctant skepticism but a willingness to get more
9 information and take another look at it on February 11. Michael Talbert confirmed that it
10 would be fine to discuss other related topics like task forces on February 11 as well.

11
12 The Board agreed to get the information on this date.

13
14 The Board took a half hour break for lunch.

15
16 .

17 18 **2. Goals for Strategic Communications Plan**

19 20 **A. Presentation (Todd McGee, Director of Public Relations – NCACC)**

21
22 Todd McGee, Public Relations Director for the North Carolina Association of County
23 Commissioners, made a presentation titled “County Communications”, based on a set of
24 PowerPoint slides that are included with the background materials for this meeting of the
25 Orange County Board of Commissioners.

26
27 Todd McGee explained that in his capacity as President of the National Association of
28 County Information Officers (an affiliate of the National Association of Counties), he was
29 involved last fall in carrying out a non-scientific survey about what counties are doing to
30 communicate with their citizens. The survey instrument was sent to county managers in
31 about a dozen states. They received over 200 responses and felt they had received a
32 representative cross-section of the country and a pretty good idea of what is going on
33 out there.

34
35 Commissioner Rich asked if we know whether people are reading the newspaper itself
36 or online.

37
38 Todd McGee said he recently looked into this and found that 55% of people say they get
39 their news primarily from television; 20% say they get their news online; 10% report they
40 get the news from hardcopy newspapers; and perhaps 5% get their news from social
41 media. He noted that the percentage getting news primarily from newspapers could be
42 higher than 10% as some portion of those getting it online are likely getting it from
43 newspaper websites.

44
45 Commissioner Pelissier asked if there is any data showing how many people follow
46 national news versus local news.

47
48 Todd McGee said surveys he has seen do not differentiate between local and national
49 news, and he noted the challenge for local governments in making themselves heard in
50 this environment.

51
52 Commissioner Rich said that there are a number of citizens who attend Orange County
53 meetings and blog from them. She observed that you cannot control their message,
54 which may not necessarily be the message the Board is trying to convey. The blogs
55 may just reflect opinion from someone who considers themselves a media person.

1
2 Todd McGee said that reflected the power of the Internet – it is important for
3 commissioners to be aware that is out there, as bloggers may not be following the
4 ethical rules of journalism. He said that a consideration for commissioners is how they
5 will treat bloggers. Will they treat them as regular media, providing them with media
6 packets or a seat in a designated media area. They cannot control what they write, but
7 if you have a good communication plan in place, you can respond a lot more quickly to
8 any misinformation they may put out.

9
10 Todd McGee referred to the top slide on page 4 of the handout which shows a bar graph
11 regarding all county responses to the question “who on your staff is/are responsible for
12 media relations and communications with the public?” Todd McGee noted that only
13 about 25% of counties have a dedicated Public Information Officer (PIO) position.
14 Almost half cite the county manager/administrator as having media/communications
15 responsibilities.

16
17 The bottom slide on page 4 of the handout shows responses to the same question for
18 counties in Orange County’s population size range. In this group, nearly 60% have a
19 dedicated PIO position, and less than 40% rely on the manager/administrator for this
20 function.

21
22 Todd McGee said that with regard to news releases, he believes in a philosophy of “less
23 is more”. If you send out press releases on every issue, he believes that decreases the
24 likelihood that media will read what you send out. If you limit it to really important things,
25 they may pay more attention.

26
27 Todd McGee said the Knight Foundation did a white paper on “what is needed to have
28 an effective communications environment”. The slide at the top of page 7 of the
29 handout provides the following list of eight essential elements:

- 30
31 • *Government information available online*
32 • *Commitment to transparency*
33 • *Quality local journalism*
34 • *Opportunities for citizens*
35 • *Public library*
36 • *Ready access to critical community information*
37 • *Wired local schools*
38 • *High-speed Internet access*
39

40 Todd McGee said he believes the environment in Orange County is ripe to succeed with
41 a communications plan.

42
43 Todd McGee said that a few months ago NACIO did a webinar for members that walked
44 them through writing a communications plan. He said his slides at the bottom of page 7
45 and on page 8 of the handout borrow liberally from what was shared:

- 46
47 • *Take stock of internal elements*
48 – *County Mission Statement*
49 – *Existing Communications Plan*
50 – *Board’s adopted goals/strategic vision*
51 – *Existing Communications Policies (social media)*
52 – *Crisis Communications Plan*
53 – *Existing Communications Channels*
54

1 Todd McGee noted the importance of a county's website as an existing channel not only
2 to provide information to citizens, but also to learn (e.g. from statistics about page visits)
3 about what kinds of information citizens are most interested in. Then a county might
4 figure ways to feature that information more prominently.

5
6 In response to a question from Commissioner Gordon, Todd McGee clarified that a
7 "crisis communication plan" should be part of your overall communications plan. He
8 said two choices are to either: take an existing plan and tweak it; or, start from scratch.
9 If you decide to start from scratch, these are the elements that should be included.

10
11 Michael Talbert noted that while doing research on this topic, he found an entity that had
12 a full plan, but that decided to do a separate strategic communications plan around
13 dealing with the great recession. He cited this as an example of an event in your
14 community that may warrant something special. Todd McGee observed that a bond
15 referendum such as the Commissioners discussed earlier in the day might be an
16 example of that type of special event.

17
18 Commissioner Price asked where a county typically puts a crisis communication plan.

19
20 Todd McGee said that in an active crisis, it is important to have one speaker. Who that
21 person is depends on the nature of the crisis (e.g. Sheriff, Emergency Management
22 Director, Public Health Director). He said it is important to spread the word through as
23 many channels as possible.

- 24
25 • *Take stock of external elements*
26 – *Identify Partners*
27 – *Survey Citizens*
28 – *Local media*
29
30 • *Set goals and objectives*
31 – *Tie goals to mission and values*
32 – *Objectives should be specific and measurable*
33 – *Determine strategies for each goal*
34

35 Rod Visser asked if Commissioners had any further questions about things that Todd
36 McGee had specifically addressed in his presentation, or did not address.

37
38 Commissioner Rich asked about what a social media policy entails. Todd McGee said
39 that you have to plan for how you will use social media before you get involved. The
40 worst thing you can do is start a Twitter feed or Facebook page, update it like crazy for a
41 month, and then forget about it. A plan would identify appropriate channels to use and
42 who would be responsible for keeping them updated. Consider whether you have
43 countywide accounts/pages or whether individual departments may have them.
44 Consider whether to use the county seal on all – it is a great branding opportunity.
45 Consider whether you allow public comments, and if so, what do you do with them.
46 Twitter should be updated at least 2-3 times per week. You may get away with updating
47 Facebook only 1-2 per week. Remember you can use social media to push
48 notifications. More than 50% of mobile phone users have Facebook on their phones. A
49 notification about a tornado, for example, could be put on a county Facebook page and
50 pushed to all those phones.

51
52 This concluded Todd McGee's presentation.

53
54
55 **B. Discussion/Plan Outline (Todd McGee & Rod Visser)**

1
2 Rod Visser drew the Board's attention to the stated objective for this portion of the
3 retreat - that the Board review and discuss a County Strategic Communications Plan
4 outline and provide direction to staff. He explained the context within which the
5 objective for this segment of the retreat agenda was developed by the retreat planning
6 committee. The consensus view was to look at this topic today "at the 30,000 foot level"
7 and not to get "too far down in the weeds" with the level of detail today. It did not seem
8 feasible to try to sit down and write a strategic communications plan in 1.5 – 2 hours.
9

10 Rod Visser said that the challenge the committee gave to Michael Talbert was to craft
11 the outline of a strategic communication plan and to list the basic elements that should
12 be included in that framework. He did that and included it as Attachment 2a on pages
13 14-15 of the retreat agenda packet. The packet also includes sample communications
14 plans at Attachments 2c through 2f that Michael Talbert researched, from four
15 jurisdictions: Hickory, NC; Clayton, MO; Red Wing, MN; and Prince William County, VA.
16 The agenda packet also includes at Attachment 2b a 1999 proposed Orange County
17 Board of Commissioners Strategic Communications Plan.
18

19 Rod Visser asked Commissioners in light of those four sample plans, any independent
20 research they may have done, Todd McGee's presentation, and the 1999 plan, what
21 reactions do they have to the outline Michael Talbert drafted. He said that during the
22 retreat planning meetings, Michael Talbert had suggested desirable next steps of putting
23 together a County Communications Team to work on fleshing out the details of the
24 framework. That team might include County staff from various departments who are
25 already involved in public information and outreach efforts. The idea would be for the
26 Manager to work with that group to bring back a fully fleshed out strategic
27 communications plan along an established timeline for the Board to approve and
28 implement.
29

30 Michael Talbert added that there are several communications principles listed in today's
31 packet that the communications team would keep the Board abreast of. Not only would
32 the team develop the plan, but after implementation they would monitor it and develop
33 changes needed as social media and technology changes, bringing it back perhaps
34 once a year for any needed Board approved changes. He sees the draft as a
35 suggested starting point.
36

37 Rod Visser suggested as a possible way to proceed that he record on flipcharts
38 Commissioner reactions to Michael Talbert's draft, as well as any other specific
39 elements or characteristics not mentioned in that framework that they would like staff to
40 consider including in a fully written communications plan. He asked if that would be a
41 useful approach or if there were other alternative ideas on how to proceed.
42

43 The Board then spent about 40 minutes discussing matters related to a strategic
44 communications plan and developed the following list of comments and observations
45 that should be considered as the plan is developed:
46

- 47 • What is the role of the Board of Commissioners in a strategic communications
48 plan? Presumably, at least approval of the plan
- 49 • What is the purpose of the plan
- 50 • Periodic check-in by the Board on how the plan is going after implementation
- 51 • Board members as "ears" of the community can give feedback as part of the
52 team
- 53 • With regard to tools, we need to go out to where the people are – currently we
54 expect them to come to us

- 1 • Red Wing, MN communication philosophy (p 68 in agenda packets) – we should
- 2 include philosophy as a section of the plan
- 3 • Communication is a two way street; not just broadcasting; also receiving
- 4 negative feedback and demonstrating that you have heard and considered that
- 5 feedback
- 6 • Consider the social part of communications – how to frame issues based on
- 7 social science research
- 8 • More goals are needed in the outline: crisis, controversial/fast breaking issues (p
- 9 16); target audiences
- 10 • Goal for enhanced communication between the County and municipal
- 11 governments and school boards in Orange County
- 12 • Target audiences include the General Assembly, regional boards, and
- 13 government entities
- 14 • Example of meetings from which Triangle Transit Authority or Triangle J Council
- 15 of Governments discussions should be communicated to the Board of
- 16 Commissioners and feedback the other way
- 17 • Reduce “siloes” communications
- 18 • After action reports (safety net funding example) may highlight a specific issue –
- 19 consider more detailed communications as well
- 20 • More deliberate (vs. ad hoc) response to issues and citizen queries (avoiding
- 21 personally identifiable information)
- 22 • May have to use all methods to capture attention of the most people possible
- 23 • Example of the Rockingham County Kettner Award for outreach to rural parts of
- 24 the county that may not rely on technology
- 25 • The best press releases include a personal element with testimony from
- 26 someone who benefitted
- 27 • “Kids won’t answer their cell phones but they will respond immediately to text
- 28 messages”
- 29 • Be selective in the use of press releases to preserve the efficacy of those you do
- 30 send out
- 31 • Make sure county employees get press releases so they can be knowledgeable
- 32 for their neighbors
- 33 • Use different tools for different target audiences
- 34 • Keep the plan simple at the beginning
- 35 • Identify communications team - include commissioners
- 36 • Team should include departmental staff members who are already pushing info
- 37 out

38
 39 Following this discussion among Commissioners, Michael Talbert outlined a general
 40 timeline and process that he envisions at this time. He is thinking of coming back in a
 41 fairly quick period, possibly 1-3 months, with a still fairly broad outline. He would involve
 42 the Public Affairs Director Carla Banks and what he perceives to be the team, get their
 43 input in terms of all the different target audiences we are trying to reach. They would
 44 identify all the different outlets we could use and start categorizing to see how we could
 45 put those together. This would still be a fairly high level outline that the Board could
 46 approve and tell the team to go find strategies to make it work. Almost all the plans you
 47 have seen are homegrown. There is not a consultant who does this. They arrive out of
 48 necessity at the local government.

49
 50 Discussion ensued about the timing of when the strategic communications plan item
 51 would come back for further Board consideration, taking into consideration the
 52 “cascading” of work session topics that would be taking place over the next several
 53 months, as discussed earlier in the day. Commissioner Gordon advocated that the item
 54 come back at the April 8 work session. A majority of the Board members agreed to
 55 have the Manager make recommendations about which outstanding work session

1 topics, including the strategic communications plan, should be addressed at which work
2 sessions over the next few months.

3
4 *The Board took a 15 minute scheduled break.*

5
6
7 **3. Economic Development Incentive Guidelines**
8 **(Steve Brantley- Presenter & Rod Visser)**
9

10
11 Rod Visser drew the Board's attention to PowerPoint slides (Attachment 3a) and
12 spreadsheets (Attachment 3b) that Economic Development Director Steve Brantley had
13 provided for inclusion in the retreat agenda packets. The stated objective for this
14 segment of the agenda was that the Board review and discuss Economic Development
15 Incentive Guidelines and provide direction to staff.

16
17 Steve Brantley said that he and his staff had spent 5 months researching what other
18 parts of North Carolina do with economic development incentives. Their research was
19 focused primarily on business recruitment, encompassing corporate headquarters,
20 research & development (R&D), warehousing, and the like, on par with the recent
21 Japanese success.

22
23 He said that most large projects like Morinaga include an incentive component in the
24 decision-making process, whether with the company or site selection consultant. The
25 prospect of incentives (or not) can affect a decision even to make a first visit to a
26 potential site. People's reactions to incentives range from repugnance to ambivalence
27 to acceptance as a part of doing business. The reality is that when trying to put
28 businesses in the County's economic development districts of the caliber of Morinaga,
29 it's a normal part of the site selection process.

30
31 Steve Brantley discussed various aspects of State incentives, including matching
32 requirements. He explained that incentives have a number of uses, including providing
33 a competitive advantage. He provided additional detail about the AKG North America
34 and Morinaga America Foods projects reflected on the slide on page 110 of the agenda
35 packet. He described the formula for calculating incentives, and explained that they are
36 not a rebate of property taxes, which is not allowed under North Carolina law. When
37 conditions are met, incentives are paid to the company in the form of a performance
38 grant.

39
40 In response to a question from Commissioner Rich, Steve Brantley explained how
41 counties and municipalities can be in competition with each other for projects and how
42 they must coordinate with the State on packaging incentives.

43
44 He explained that staff had surveyed the 40 jurisdictions annotated on the map on page
45 111, where they personally know individuals on staff and their way of operating. They
46 asked these jurisdictions generally what they do regarding incentives for a project like
47 Morinaga. Only 6 out of 28 counties and 4 out of 12 municipalities have written formal
48 incentives policies; the majority has unpublished guidelines to allow them to set a
49 performance agreement and broad latitude to confidentially determine grants. Most
50 operate in a manner similar to what Orange County has done, which is a percentage of
51 the taxable value of that project paid back to the company as a grant. Details for each
52 jurisdiction surveyed are included in the spreadsheets at pages 118-121.

53
54 Steve Brantley explained a handout he provided regarding the Town of Carrboro's
55 incentive agreement with Hampton Inn. That agreement will result in a probable

1 payment by the Town of \$475,000 over a 5 year period. His calculation is that the Town
2 incentives reflect 86% of taxable value, which is above the County's precedent to go as
3 high as 75%.

4
5 He then commented on the map of North Carolina counties at page 115 that shows how
6 each county is categorized as being in Tier 1, 2, or 3 with regard to applicability of State
7 incentives. He gave an example about State Job Development Investment Grants
8 (JDIG), which the State reserves for "the largest of the large" – projects that will create
9 200 or more jobs. He explained the table on page 116 that demonstrates how Orange
10 County, being in Tier 3, is at a competitive disadvantage with regard to JDIG incentives
11 compared to Tier 2 competitor counties (e.g. Alamance and Granville) and Tier 3
12 competitors (e.g. Vance and Caswell). He said that incentive policy at the County level
13 can help close that gap.

14
15 Steve Brantley said that during the past 2.5 – 3 years, the Economic Development office
16 and County Manager have looked at each business project as they have matured from a
17 first site visit to being a real possibility of landing that company, looking at what might be
18 an appropriate incentive, and discussing that in closed session with the Board when
19 appropriate. He noted that a company wants an answer quickly – they don't want a
20 public process or a 3 week wait. He said that he needs to be able to have a ballpark
21 answer that he can quote and have the Manager check with the Board as appropriate.

22
23 Steve Brantley said that the County's practice of providing performance grants at a
24 maximum of 75% of taxable value for 5 years is in keeping with other jurisdictions. It is
25 not too generous, and is in the median of incentives formulas. This concluded Steve
26 Brantley's presentation.

27
28 Michael Talbert reiterated that it is really important to have flexibility in what we are
29 doing and how we are doing it, and for Steve Brantley to be able to answer a company
30 almost immediately. He said they also must consider the disadvantage of being a Tier 3
31 county - that will make a difference for some projects. Some people may be willing to
32 live in Orange and work in Alamance – others may not. He thinks the Board needs to
33 decide whether they want a formal policy or some fairly broad guidelines.

34
35 Commissioner Jacobs said that they should acknowledge some bottom line parameters
36 that Orange County already has - pay a living wage, low water usage, and provide
37 employee health insurance. If commissioners have other concerns about a project that
38 they would like to raise, we need to create an opportunity for them to do so.

39
40 Commissioner Pelissier raised a question about whether dealing with projects on a case
41 by case issue constitutes a policy, as she understands from the School of Government
42 is required.

43
44 Steve Brantley said there are communities that create incentives based on certain
45 business clusters, such as aerospace or health care. He said that among the conditions
46 for State incentive grants are that companies provide employee health insurance and
47 not only that they pay a living wage, but an average salary equal to 100% of the average
48 wage in that county. Since Orange County has the highest per capita wage in North
49 Carolina, it is harder for companies considering Orange County to meet the prevailing
50 wage requirement of the State incentive programs.

51 The Board discussed incentives considerations for 15-20 minutes and compiled the
52 following list of comments, questions, and feedback for the Manager and staff:

- 53
54
- Do we have a policy by default, and if so, is that insufficient?

- 1 • Avoid a policy that is so formal, so “down in the weeds”, so restrictive as to
- 2 eliminate Orange County from even initial consideration – maintain flexibility
- 3 • Staff comes back to the Board before extending offers – internal non- published
- 4 guidelines are working
- 5 • Talk about Orange County’s competitive advantages - two excellent school
- 6 systems and quality of life
- 7

8 Michael Talbert summarized what he thought he heard the Board say/discuss. That
 9 every company that comes will be asking for incentives; but we don’t have established
 10 policies or guidelines, but informal guidelines, and it sounds like that’s where we are
 11 headed. He said that Steve Brantley is very conscious of Orange County values when
 12 he is approached by businesses. The value Orange County brings to a project is huge
 13 in terms of “sense of place”, but it is a competitive process. He would like feedback for
 14 him, Steve Brantley, and the next manager that they have informal direction in place
 15 about how they are going to approach projects. If that is fair and equitable and
 16 Commissioners like what they have seen so far, they will continue down that path. If the
 17 Board wants to change that, to let staff know now.

18
 19 Rod Visser asked if there is anything commissioners want the Manager and staff to
 20 consider doing differently, or should they continue on. He noted that there were no
 21 suggestions from Commissioners about doing anything differently.

22
 23 Chair Jacobs asked Steve Brantley to come back with a memo explaining Article 46
 24 sales tax Special Revenue Fund pools of money for economic development initiatives.
 25 Steve Brantley said they have not used a business investment grant yet.

26
 27 Chair Jacobs noted the County’s willingness to assist existing businesses to expand in
 28 Orange County. He asked how the county makes this known to them and how we
 29 provide outreach to existing businesses.

30
 31 Steve Brantley mentioned several approaches they are making to do collaborative
 32 outreach, but acknowledged the need to do a better job in this regard.

33
 34 At the conclusion of the economic development incentives discussion, Rod Visser asked
 35 David Hunt to distribute to Commissioners a handout that compiled their responses from
 36 the morning exercise to prioritize potential 2014-15 budget goals. He indicated an
 37 intention to return to that document for discussion if there is time remaining after the
 38 final scheduled retreat agenda topic.

39 40 41 **4. Poverty – County’s Role – Direction (Nancy Coston and Tara Fikes –** 42 **Presenters & Rod Visser)**

43
 44 Rod Visser said that during the retreat planning committee discussions, he sensed an
 45 urgency to talk about the topic of poverty, but also a sense that it is difficult to address
 46 because it is such a big topic – it may be an issue more of managing poverty than
 47 eliminating poverty. The committee settled on asking staff for updates on current
 48 programs the County has to deal with the impacts of poverty. The objective for this
 49 segment of the agenda is for the Board to discuss the update on poverty and provide
 50 direction to staff.

51
 52 Social Services Director Nancy Coston said that a third of families slipped into poverty at
 53 one time or another during the year. DSS sees that in Orange County with the many
 54 people living on the brink. She said that he BOCC has done a lot to help DSS with those

1 kinds of cases. She mentioned a variety of programs that keep people from sliding into
2 abject poverty, mainly Food & Nutrition and Medicaid.

3
4 Nancy Coston said that a lot of their work is crisis oriented. She acknowledged the
5 additional \$100,000 the Board approved this year for Emergency Assistance, with most
6 of that going towards rents and utilities at number two. Some counties don't provide
7 much or any of this funding.

8
9 Nancy Coston said she thought the Skills Development Center had been very effective.
10 The Work First program for Subsidized Employment was very helpful for folks
11 transitioning after losing jobs, although those funds are no longer available. DSS has
12 been in the process clearing the child care subsidy wait list. She said the fact that there
13 are 12,000 Medicaid families and 6,200 Food & Nutrition households in Orange County
14 demonstrates there is a lot of need.

15
16 Nancy Coston described how the Adolescent Parenting program works. She noted that
17 one of the huge risk factors for not becoming financially self-sufficient is having a
18 second child before completing high school (or having one child and NOT finishing high
19 school).

20
21 Housing Director Tara Fikes referred to the information in Attachment 4b at page 123
22 about 2014 Housing & Urban Development (HUD) Department income levels related to
23 housing affordability. She said that a large number of residents are paying more than
24 50% of their income for rent (which should not be more than 30%). Utility costs are a big
25 part of housing costs.

26
27 Tara Fikes then referred to the information on pages 124-125 pertaining to what hourly
28 pay would be needed to provide a housing wage. In North Carolina, in order to afford a
29 two bedroom apartment at an average monthly rent of \$737, a person would have to
30 earn \$14.17 per hour. With the higher average housing cost in Orange County, that
31 figure would be \$16.13 per hour.

32
33 She explained several HUD programs that focus on assistance with rental housing: the
34 Section 8 voucher program administered by the County: and the low-rent conventional
35 public housing program administered by the Town of Chapel Hill. Those two programs
36 involve nearly 1,000 units of housing. There are also have about 14 apartment
37 complexes throughout Orange County that were built using various forms of federal
38 funding – most are in Chapel Hill and Carrboro and 5 of those are designated for the
39 senior population.

40
41 Tara Fikes said that is not enough - there is an acute need for rental housing in our
42 community. Most apartment construction in the last few years has been at the luxury
43 level that the average worker is not able to afford.

44
45 Commissioners and staff discussed the child care subsidy waiting list. Nancy Coston
46 said they started the wait list about 20 and did not take anyone off it for a year and a
47 half. She said they finally received some federal dollars after the State decided what
48 their budget would be so they could take some people off the list by September. Then
49 the federal shutdown happened, and not only could we not take people off the list, they
50 were threatening not to pay the folks already on. Now DSS is working to clear the wait
51 list. When they have a stale waiting list, people's circumstances change as time passes
52 and the clearing of the list can be misleading. She said that if you don't clear the wait
53 list at least once a year (by sending letters out to applicants), it can become an almost
54 unworkable situation.

55

1 Commissioner Dorosin referred to the list of services provided to low-income families
2 that was included as Attachment 4c at page 126. He noted that a lot of these are based
3 on state and federal funding administered by the County. He is interested in knowing
4 where Orange County can put their own resources to address these issues. Child care
5 subsidies are a great example. Do we need a county-funded Section 8 type housing
6 program or county funded public housing, He is looking for real targeted ways that
7 Orange County can address these issues and make an impact. He said that we ought
8 to be able to find a way to get to the 5,000 kids who are living in severe poverty in this
9 county.

10
11 Nancy Coston said that for people at the brink, more funding for child care subsidies,
12 rental housing assistance, and occasional emergency assistance would stabilize a
13 number of families. She noted the challenge of sustaining people in decent, affordable
14 housing where they have sufficient income to keep paying the rent.

15
16 Tara Fikes added that what they hear in the community is about the need for funds for
17 more rental assistance. She suggested that they consider providing incentives for the
18 private market to provide affordable housing units.

19
20 Chair Jacobs said that he would like us to do some creative thinking about creating
21 rental opportunities for people. He noted the tendency for landlords to consider people
22 in Section 8 housing as stigmatized – perhaps it would seem to be more benign if they
23 were working through Orange County. He said he was struck in discussions with the
24 school systems by how many kids are in free or reduced lunch programs.

25
26 Chair Jacobs said that a starting place might be programs that worked that no longer
27 have funding. He said that he wonders why we stopped Wheels for Work. Nancy
28 Coston said that several years ago, DSS was obliged to make an \$800,000 cut in their
29 budget – Wheels to Work was a victim of that. He suggested that perhaps the County
30 could look into donating retired County vehicles.

31
32 Chair Jacobs asked for a more complete list of what programs they had that worked in
33 the past but that they could not afford anymore, to see if we can afford it now. He said
34 that picking up federal and state programs may be more ambitious than we can afford,
35 but if she wanted to propose that, he would be willing to listen. He said he is interested
36 in what might keep people out of jail who can't afford to pay bail so they can stay with
37 their families and at their jobs so they can keep up their housing payments.

38
39 Commissioner McKee asked Nancy Coston to also bring back figures for job training.
40 Nancy Coston noted the importance of job fairs and reattaching people to employment
41 even if temporary. She remarked that statistics show that the longer people remain out
42 of the job market, the harder it is to get hired regardless of the skill level they had
43 before.

44
45 Commissioner Pelissier asked what have been the federal and state cutbacks the last
46 few years. She said that if you put in child care subsidy money, you can't do it for just
47 one year. She cited the need to understand with additional funding, what the County
48 would be committing to and how that funding would fit into state and federal funding.
49 She also mentioned that she expects that there will be some child poverty initiatives
50 coming from the Board of Health.

51
52 Commissioner Rich asked how cuts in federal long-term unemployment benefits will
53 affect this situation. She said we need to look at public/private partnerships so the
54 whole community owns the poverty issue, not just governments. She said if they talk

1 about raising taxes, people like teachers could be on the brink. The Board needs to be
2 careful and creative as they think through all of their options.

3
4 Commissioner Dorosin said he is reluctant to think they are going to take on poverty –
5 that is why he narrowed it down to “child poverty.” He said that if we focus, we can
6 begin to address the most severe aspects and make a tangible difference. He said that
7 we need a laser approach at the start, rather than a shotgun approach.

8
9 Chair Jacobs said every government has its own housing plan without any coordination
10 with the non-profits and other governmental entities, including UNC. He wanted to
11 address this as they talk about affordable housing and a possible bond referendum. He
12 said the presence of the University is one of the reasons for the shortage of housing,
13 and that maybe it would be possible to converse with the new Chancellor about “low
14 hanging fruit.”

15
16 Commissioner Gordon said they should try to figure out something that makes a
17 difference, and that children would be a good place to focus. She emphasized the
18 importance of the resources they spend on education.

19
20 Commissioner McKee said he agreed on selecting a priority to focus on, but whatever
21 they do has to be interconnected with the entire problem.

22
23 Commissioner Rich said she brought this topic forward for inclusion in the retreat
24 agenda because of the Assembly of Governments discussion and the formation of a
25 group to work on affordable housing. She said that we can’t do it alone – we have to ask
26 for help and to have some sort of group that encompasses all of the players.

27
28 Chair Jacobs asked if Nancy and Tara had the list of information items requested during
29 this discussion. Nancy Coston said yes, and that she assumed the Board would want to
30 know the costs associated with those things.

31
32 Commissioner Price asked if staff had any idea how many people have left the County
33 because of the cost of living. Nancy Coston said she does not think they have any
34 numbers that track that.

35
36 Commissioner Dorosin urged staff to think not just about programs we have or have
37 had, but also to think of things they have not tried before (e.g. take County owned land
38 and build a manufactured housing park). He said we should think about it as broadly as
39 possible rather than be constrained in our thinking.

40
41 Commissioner Price said that what she thinks seems to work is when governments
42 support community organizations.

43
44 The Board decided to briefly discuss the tally of the top 5 goals from the list of potential
45 2014-15 budget goals that had been identified earlier in the retreat. Each commissioner
46 had individually voted in priority order - #1 to #5. By assigning 5 points for each #1 vote,
47 4 points for each #2 vote, and so on, the tally of the top goals was as follows:

- 48
49 1. Defending the quality of public education – 22 points
50 2. Ensure our safety net services – 16 points
51 3. Funding for sewer and hook ups in Rogers Road area (construction) -14 points
52 4. Targeted funding to address child poverty i.e., increase childcare subsidies - 9 points
53 5. (tie) Support broad range of economic development – new and existing businesses (make
54 sure to support infrastructure) – 8 points
55 5. (tie) Consider limit to viability of tax increase – 8 points

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Commissioner Rich said she does not want to discard the other ones.

Commissioner Gordon agreed, and said that all of the goals suggested by the Commissioners should at least be considered.

Rod Visser said the assumption he would test is that the feedback that the Manager and staff have received from this exercise is useful because it IS prioritized. He said that you can see what the highest priorities are, and there are other things on the list that are still desirable, but you have to take into consideration available resources.

Michael Talbert said that is a fair assumption. His quick reaction is that there are three goals that are clearly everyone's highest that he and staff will move forward with. He said they will deal with the others in priority order – if they are on the list, maybe they don't get funding next year, but they don't disappear.

Rod Visser asked for the Board to take a few minutes to reflect on the retreat and to ask themselves what went well, and what did not go so well or what they might do differently. He explained his reason for asking is that it might be useful in planning next year's retreat or future work sessions.

Commissioner McKee said the opportunity to be able to rank budget goals was a good thing.

Commissioner Dorosin said he thought it would be helpful to share everybody's budget goal rankings. He noted his next comment not as something that didn't go well, but as something that didn't go enough - an opportunity for them to dialogue with each other. He wanted to spend less time on budget (that can be addressed in other ways) and more time about poverty. He wanted a chance to engage and test each other's assumptions. There should be more time for dialogue, and they should be selective with regard to the time allocated for presentations.

Chair Jacobs said he agreed with Commissioner Dorosin up to a point and that periodically they need to review what their goals are. He said they are operating on goals and objectives from 4-5 years ago and this Board needs the opportunity to work on those. They do not have enough informal conversation –other settings like regular meetings, public hearings, and work sessions don't lend themselves to that. He would like to get some feedback from staff on what they discussed and what the "marching orders" were. Rod Visser said he expected the minutes would record that in detail.

Chair Jacobs said he wanted to see actual follow-up so they don't wonder if they accomplished anything beyond feeling good about what they said.

Commissioner Rich said she wanted to make sure they have next steps listed. She feels they lacked that at the end of last year's retreat even though they had some really robust conversations. She wanted to follow through the entire year on those conversations.

Commissioner Pelissier agreed with Commissioner Dorosin that the Board does not have a lot of interaction that helps them gel as a group. She thinks they had some good outcomes today, but there were so many topics it felt like a long work session. She feels both satisfaction and not.

Commissioner Gordon said the statement she will make demonstrates that things went both well and not so well. She said that some topics required a two-step process that involved getting information, with some time to process that information, before making a decision. They tried to do both on a lot of topics today. She said they need to lay out the decision points before having the discussion.

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The meeting adjourned at 4:20 p.m.

Barry Jacobs, Chair

Donna S. Baker
Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 6, 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 thirty-eight (38) taxpayers with a total of seventy-seven (77) 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.

Of the seventy-seven (77) bills, thirty-seven (37) are due to recent changes in the State's requirements for government agencies using permanent license plates for vehicles. The changes resulted in these vehicles being billed when they should not have been due to their tax exempt status.

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of \$9,486.72 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2013-2014 is \$67,574.41.

Of the \$9,486.72 net reduction, \$3,459.19 is due to the aforementioned license plate regulations change at the State level. This revenue was not expected, and the release of this amount has no impact. Therefore, the net reduction to Orange County, the towns, and school and fire districts would be \$6,027.53.

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-2014-011

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 MARCH 6, 2014

NAME	ABSTRACT	BILLING	ORIGINAL	ADJUSTED	FINANCIAL	REASON FOR ADJUSTMENT
ABC Pest Management, Inc.	10699139	2013	800	800	(37.70)	Situs error (Illegal tax)
Atwater, James Travers	1040761	2013	8,020	0	(79.26)	County changed to Chatham (Illegal tax)
Baran, Jeffrey Scott	10681535	2013	3,230	3,230	(53.83)	Situs error (Illegal tax)
Bishop, Carl Randolph	10726125	2013	26,900	500	(247.60)	Received antique auto questionnaire (Appraisal appeal)
Breeze, Tanya	8975510	2013	14,460	14,460	(134.72)	Situs error (Illegal tax)
Brown, William	5751470	2013	10,330	8,677	(26.13)	High mileage (Appraisal appeal)
Clarion Associates	960699	2013	18,000	0	(335.69)	County changed to Chatham (Illegal tax)
Darveaux, Theresa	10659213	2013	21,400	21,400	(192.04)	Incorrect situs address (Illegal tax)
Dasilva, Keith	10363514	2013	18,090	18,090	(161.01)	Situs error (Illegal tax)
Davis, Jacky	1044894	2013	30,963	0	(572.17)	County changed to Onslow (Illegal tax)
Dobson, Stacey	579139	2013	12,790	9,976	(40.12)	High mileage (Appraisal appeal)
Efland, Douglas	5772134	2013	18,900	500	(170.75)	Received antique auto questionnaire (Appraisal appeal)
Finch, Travis	10691932	2013	3,000	500	(23.45)	Received antique auto questionnaire (Appraisal appeal)
Fraser, James William	1042143	2013	28,080	0	(490.37)	County changed to Durham (Illegal tax)
Gaenzle, Christopher	5812777	2013	17,170	14,423	(43.41)	High mileage (Appraisal appeal)
Grindstaff, Josiah	957909	2012	3,660	0	(91.74)	County changed to Johnston (Illegal tax)
Hayes, Nancy Denise	1050081	2013	16,070	14,463	(25.40)	High mileage (Appraisal appeal)
Hester, James	1011326	2013	18,240	0	(290.53)	County changed to Wake (Illegal tax)
Hicks, James Warren	10423677	2013	3,000	500	(38.45)	Received antique auto questionnaire (Appraisal appeal)
Lloyd, David Francis	5789048	2013	8,450	500	(72.98)	Received antique auto questionnaire (Appraisal appeal)
Mcadoo, Arche	1027312	2012	3,150	3,150	(54.96)	Incorrect situs address (Illegal tax)
Mcadoo, Arche	991276	2012	3,660	3,660	(59.46)	Incorrect situs address (Illegal tax)
Mcgee, Kaylin	10761990	2013	19,400	500	(173.50)	Received antique auto questionnaire (Appraisal appeal)
Mcswain, Kelly Colleen	1005585	2013	21,400	0	(251.64)	County changed to Chatham (Illegal tax)
Mendes, O Robert Ralph	591709	2013	16,810	0	(312.93)	County changed to Durham (Illegal tax)
Mendes, O Robert Ralph	1046558	2013	21,380	0	(387.32)	County changed to Durham (Illegal tax)
Olsen, Derek Matthew	10677675	2013	20,900	0	(376.06)	County changed to Chatham (Illegal tax)
Orange Water & Sewer Authority	1029036	2012	12,860	0	(263.51)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1028736	2012	12,860	0	(263.51)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027668	2012	9,100	0	(195.23)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027272	2012	1,780	0	(62.31)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027305	2012	9,290	0	(198.69)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027143	2012	670	0	(42.17)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027150	2012	2,410	0	(73.76)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027133	2012	1,390	0	(55.24)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027100	2012	630	0	(41.44)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027110	2012	1,480	0	(56.87)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027113	2012	1,180	0	(51.41)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027056	2012	1,090	0	(49.78)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027043	2012	500	0	(39.08)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027072	2012	470	0	(38.54)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027030	2012	1,290	0	(53.42)	Exempt (Illegal tax)

January 14, 2014 thru
 February 12, 2014

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
 MARCH 6, 2014**

NAME	ABSTRACT	BILLING	ORIGINAL	ADJUSTED	FINANCIAL	REASON FOR ADJUSTMENT
Orange Water & Sewer Authority	1027041	2012	970	0	(47.62)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027036	2012	1,920	0	(30.00)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027080	2012	1,550	0	(30.00)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027125	2012	1,500	0	(30.00)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027159	2012	1,500	0	(30.00)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027311	2012	3,290	0	(89.74)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027319	2012	1,690	0	(30.00)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027324	2012	6,270	0	(30.00)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027371	2012	7,860	0	(172.72)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027376	2012	6,960	0	(156.37)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027422	2012	2,640	0	(77.93)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027465	2012	2,650	0	(83.57)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027484	2012	4,640	0	(114.25)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027509	2012	7,260	0	(30.00)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027529	2012	6,270	0	(30.00)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027552	2012	2,750	0	(79.94)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027572	2012	1,800	0	(62.68)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027582	2012	7,440	0	(30.00)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027673	2012	12,510	0	(257.15)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1027749	2012	920	0	(46.69)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1028026	2012	16,070	0	(321.80)	Exempt (Illegal tax)
Orange Water & Sewer Authority	1028687	2012	9,020	0	(193.77)	Exempt (Illegal tax)
Phillips, Preston	5800538	2013	8,090	6,957	(17.90)	High mileage (Appraisal appeal)
Rich, Jeffrey Draper	603103	2013	8,470	5,759	(31.47)	High mileage & damage (Appraisal appeal)
Riggins, Jo Anna	1047078	2013	14,310	14,310	(106.07)	Incorrect situs address (Illegal tax)
Roller, Daniel	1050828	2013	14,140	0	(187.78)	Billing error (Illegal tax)
Saldana, Tina Marie	10307935	2013	5,025	500	(74.92)	Received antique auto questionnaire (Appraisal appeal)
Sale, James Lee	10457974	2013	4,640	4,640	(45.21)	Situs error (Illegal tax)
Savage, John	993941	2012	6,990	6,990	(62.23)	Incorrect situs address (Illegal tax)
Soule, Jeremy	1008796	2013	14,290	0	(137.67)	County changed to Wake (Illegal tax)
Thompson, James Andrew	10690324	2013	14,400	500	(127.60)	Received antique auto questionnaire (Appraisal appeal)
Tilley, Pamela Holmes	10425353	2013	1,340	1,340	(39.89)	Situs error (Illegal tax)
Torres, Lesa	1042881	2013	17,540	0	(317.75)	County changed to Alamance (Illegal tax)
Weddle, Sandra Thomas	10525965	2013	2,820	2,820	(50.53)	Situs error (Illegal tax)
XDS, Inc.	1040940	2013	3,590	0	(85.29)	Exempt (Illegal tax)
				Total	(9,486.72)	

January 14, 2014 thru
 February 12, 2014

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: March 6, 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 nine (9) taxpayers with a total of fourteen (14) bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received nine 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 \$5,630.19 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-2014-012

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 MARCH 6, 2014

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Barrett, Thomas	219157	2012	7,840	0	(81.72)	Illegal tax (Sold-Not January 1 owner)
Barrett, Thomas	219157	2011	8,522	0	(88.06)	Illegal tax (Sold-Not January 1 owner)
Barrett, Thomas	219157	2010	8,970	0	(83.19)	Illegal tax (Sold-Not January 1 owner)
Benitez, Beatriz Rosillo	959399	2013	950	0	(10.16)	Illegal tax (Sold-Not January 1 owner)
Carolina Home Mortgage Inc	1002516	2013	111,332	20,737	(1,471.15)	Illegal tax (2013 Amended listing submitted)
Mace, Johnny L.	287358	2013	145,816	0	(1,390.38)	Illegal tax (Owned by federal government)
McCauley, Clay Jo	303735	2013	77,484	0	(1,065.86)	Illegal tax (Owned by federal government)
McCauley, Clay Jo	303735	2012	77,484	0	(1,024.97)	Illegal tax (Owned by federal government)
Solis, Vincente	968569	2012	26,829	0	(275.20)	Illegal tax (Double billed)
Tibbs, Leon	310171	2013	6,970	0	(74.49)	Illegal tax (Sold-Not January 1 owner)
Tinnin, Timothy E.	103936	2013	2,470	0	(25.71)	Illegal tax (Sold-Not January 1 owner)
Velasco, Alberto	364619	2013	950	0	(12.44)	Illegal tax (Sold-Not January 1 owner)
Velasco, Alberto	364619	2012	950	0	(13.05)	Illegal tax (Sold-Not January 1 owner)
Velasco, Alberto	364619	2011	950	0	(13.81)	Illegal tax (Sold-Not January 1 owner)
				Total	(5,630.19)	

January 13, 2014 thru
 February 12, 2014

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 6, 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 four (4) untimely applications for exemption/exclusion from ad valorem taxation for four (4) 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.

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

One of the applicants is applying for exclusion based on NCGS 105-277.4(a1), which allows for an untimely application to be approved for taxation at present use value assessment.

Including these four (4) applications, the Board will have considered a total of 58 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 Board of Commissioners through December 31, 2013.

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

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of the exemption applications will result in a reduction of FY 2013/2014 taxes due to the County, municipalities, and special districts in the amount of \$6,796.73.

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

NORTH CAROLINA

RES-2014-013

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
MARCH 6, 2014**

NAME	ABSTRACT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Bircher, Richard	272863	2013	526,211	263,106	(4,356.51)	Late application for exemption G.S. 105-277.1 (Homestead Exclusion)
Blackwood, Tommie Jean	16815	2013	210,249	104,668	(1,208.29)	Late application for exemption G.S. 105-277.1 (Homestead Exclusion)
Mathivet, John B.	309278	2013	54,934	27,467	(422.44)	Late application for exemption G.S. 105-277.1 (Homestead Exclusion)
Trev, LLC	1039063	2013	92,500	5,608	(809.49)	Late application for exemption G.S. 105-277.4 (Present Use Value)
				Total	(6,796.73)	

January 13, 2014 thru
February 12, 2014



FILED
DEC 13 2013
CLAY COUNTY
TAX AUTHORITY

Request for Tax Relief Late Application Filing

Date: 12-12-13

To Whom It May Concern:

I RICHARD BIRCHER, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2013 on parcel number

(PIN) # 9778858385

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.

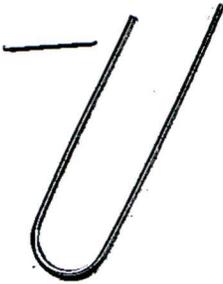
Other

Thank you,

[Signature]
(Signature)

How did you find out about this exemption?

TAX OFFICE



Request for Tax Relief Late Application Filing

Date: 2-3-14

To Whom It May Concern:

I TOMMIE J. BLACKWOOD, am applying for a late
(PRINT NAME)

Property Tax Relief Exemption or Exclusion for the year 2013-2014 on parcel
number (PIN) # 9787462406

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 (please explain)

Thank you,

Tommye J. Blackwood
(Signature)

How did you find out about this exemption?

I WAS TOLD BY A NEIGHBOR.



FILED
DEC 27 2013
ORANGE COUNTY
TAX ADMINISTRATION

**Request for Tax Relief
Late Application Filing**

Date: 12/23/13

To Whom It May Concern:

I JOHN B. MATHIVET, am applying for a late
(PRINT NAME)

Homestead Exemption for the year 2013 on parcel number
(PIN) # 98⁸65635248

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,

John B. Mathivet
(Signature)

How did you find out about this exemption?

from a friend.

I AM SORRY I
 AM LATE. I WAS
 NOT AWARE OF A
 DEADLINE FOR PAPER-
 WORK. I HAVE BEEN
 FARMING THIS LAND
 FOR 8 YEARS. IT WAS
 ALREADY IN FARM USE.
 THE REMAINING 170AC
 IS IN FARM USE. IT
 WAS MY MOTHERS
 FARM.

11-10-13

Thank You
 Gary Little

1

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 6, 2014

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

SUBJECT: Appointment of County Review Officers

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Resolution Appointing County Review
Officers and Rescinding Past
Appointments
Excerpt from August 21, 2001 BOCC
Minutes with Resolution
June 6, 2000 Resolution
September 16, 1997 Resolution
NC General Statute 47-30.2

INFORMATION CONTACT:

Dwane Brinson, Tax Administrator, (919)
245-2726
Tammy Hicks Walker, Land Records/GIS
Manager, Address Administrator, (919)
245-2505

PURPOSE: To appoint one additional County Review Officer, to remove from appointment four (4) Review Officers that are no longer employed by the County, and to re-appoint one Review Officer due to a name change.

BACKGROUND: NC General Statute 47-30.2 requires that all persons appointed as plat review officers be appointed by a resolution recorded in the Register of Deeds office. Review Officers ensure that all plats recorded comply with the plat requirements set out in the General Statutes. On September 16, 1997 the Board of Commissioners first adopted a Review Officer resolution. Additional resolutions were recorded on June 6, 2000 and August 21, 2001.

Lori K. Berry, a GIS Mapper in the Land Records/GIS division of Tax Administration, has attained the status of certified property mapper in the State of North Carolina. The Land Records/GIS Manager recommends that Ms. Berry be appointed to carry out the duties and responsibilities of Review Officer as the need arises in day to day work.

On August 21, 2001, the Board of Commissioners appointed Tammy W. Hicks to be a County Review Officer. Due to marriage, Ms. Hicks' name has changed to Tammy Hicks Walker. Pursuant to NC General Statute 47-30.2, the Board needs to appoint Land Records/GIS Manager Tammy Hicks Walker under her current legal name.

Roscoe E. Reeves, Patricia B. Smith, Denise Y. Robinson, and Penny C. Bryant are no longer employed with Orange County and can be removed from the list of County personnel authorized to carry out the Review Officer responsibilities for Orange County.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Manager recommends that Board approve and authorize the Chair to sign the resolution appointing Lori K. Berry and re-appointing Tammy Hicks Walker to be Review Officers for Orange County, and remove four (4) employees no longer employed by the County.

ORANGE COUNTY BOARD OF COMMISSIONERS

A RESOLUTION APPOINTING COUNTY REVIEW OFFICERS AND RESCINDING PAST APPOINTMENTS

WHEREAS, pursuant to North Carolina General Statute (NCGS) 47-30.2, the Orange County Board of Commissioners has from time to time since September 1997 adopted resolutions appointing and/or rescinding one or more named persons who are certified property mapper(s) holding current certification from the Department of the Secretary of State pursuant of North Carolina General Statute 147-54.4, as Review Officers, with the same being recorded in the Office of the Register of Deeds for Orange County; and

WHEREAS, pursuant to NCGS 47-30.2, said revision must be made by resolutions of the Board of Commissioners with said resolution being recorded in the Office of the Register of Deeds for Orange County;

NOW, THEREFORE, BE IT RESOLVED by the Orange County Board of Commissioners as follows:

1. **That Lori K. Berry** is a State certified property mapper holding a current certification from the Department of the Secretary of State pursuant of North Carolina General Statute 147-54.4 and Ms. Berry’s certification has been verified by the Director, Orange County Tax Administration; and pursuant to NCGS 47-30.2, is hereby appointed as a Review Officer in Orange County; and
2. **That** the above named person, as a Review Officer, shall comply with all statutory requirements and shall follow all procedures, as prescribed by NCGS 47-30.2;

BE IT FURTHER RESOLVED that the certification to be used by the by Review Officer shall be in the following form:

I, Lori K. Berry, Review Officer of Orange County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording for which the Review Officer has responsibility as provided by law.

(Name of Review Officer)

(Date of Certification)

BE IT FURTHER RESOLVED that **Tammy Hicks Walker** is a State certified property mapper holding a current certification from the Department of the Secretary of State pursuant of North Carolina General Statute 147-54.4 and Ms. Walker's certification has been verified by the Director, Orange County Tax Administration; and pursuant to NCGS 47-30.2, is hereby appointed as a Review Officer in Orange County under her current legal name; and

BE IT FURTHER RESOLVED that the appointments of **Roscoe E Reeve**, **Patricia B. Smith**, **Denise Y. Robinson**, and **Penny C. Bryant** as Review Officers for Orange County, which was effective the 22nd day of September 1997, are rescinded and said persons are removed from the list of personnel authorized to carry out the Review Officer responsibilities for Orange County, because said persons are no longer employed with Orange County.

THIS the 6th day of March, 2014.

Barry Jacobs, Chair
Orange County Board of Commissioners

ATTEST:

Donna Baker, Clerk to the Board

APPROVED 1/16/2002

**MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
August 21, 2001**

The Orange County Board of Commissioners met in regular session on Tuesday, August 21, 2001 at 7:30 p.m. in the Southern Human Services Center in Chapel Hill, North Carolina.

COUNTY COMMISSIONERS PRESENT: Chair Stephen H. Halkiotis and Commissioners Margaret W. Brown, Moses Carey, Jr., Alice M. Gordon and Barry Jacobs

COUNTY ATTORNEY PRESENT: Geoffrey Gledhill

COUNTY STAFF PRESENT: County Manager John M. Link, Jr., Assistant County Manager Rod Visser and Clerk to the Board Beverly A. Blythe (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 - NONE

PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

2. CITIZEN & AUDIENCE COMMENTS

a. Matters not on the Printed Agenda - NONE

b. Matters on the Printed Agenda (These matters were considered as the Board addressed the items on the agenda below.)

3. BOARD COMMENTS

Commissioner Gordon asked for information on how many students have shown up on the first day of school, tenth day, and twentieth day as the information becomes available.

Commissioner Carey asked Clerk to the Board Beverly Blythe to provide him with a video of the next meeting of the Board, the Quarterly Public Hearing, because he will be away on professional duties.

Chair Halkiotis said that there would be a public hearing on items that will be placed on the bond referendum next Monday, August 27th, at 7:00 p.m. in the F. Gordon Battle Courtroom in Hillsborough, North Carolina. He encouraged all citizens to come out and speak about the issues.

Chair Halkiotis requested information about tax values. He has received several emails from citizens. He said that citizens in the towns were facing major tax increases in school district taxes, fire district taxes, increases in water rates, etc., and we need to see the total picture. He asked the Commissioners to take a \$200,000 home and look at the impact on that home including all taxes and also in central and northern Orange.

Chair Halkiotis reported that he has asked that the ABC Board and its Chair to report to the County Commissioners in October on its activities.

4. COUNTY MANAGER'S REPORT

John Link said that the face sheet of the public hearing will be sent out to all the elected officials, all those who served on the Capital Needs Task Force, the newspaper and posted on the County's web site.

5. RESOLUTIONS/PROCLAMATIONS - NONE

6. SPECIAL PRESENTATIONS - NONE

7. PUBLIC HEARINGS - NONE

8. ITEMS FOR DECISION - CONSENT AGENDA

A motion was made by Commissioner Carey, seconded by Commissioner Jacobs to approve those items on the consent agenda as stated below:

a. Reappointment of County Review Officer for Plat Approval

This item was removed and placed at the end of the consent agenda for separate consideration.

b. Watershed Best Management Practice Amendment

The Board approved proposed language changes to the Orange County Zoning Ordinance regarding Best Management Practices (BMPs) as presented. This revision allows the use of BMP's under the zoning ordinance language, but specifies that the use of BMP's does not permit an increase in the impervious surface allowed.

c. Petition for Addition of Subdivision Roads to the State Maintenance Program: Mel-Oak Drive and Mel-Oaks Trail, Chapel Hill Township

The Board approved adding these two streets to the state-maintained secondary road system.

d. Replacement of Deed of Trust – Pine Hill Drive Bond Project

The Board authorized the Chair to execute documents necessary to release the deed of trust for the Pine Hill Drive bond project.

ITEMS REMOVED FROM THE CONSENT AGENDA

a. Reappointment of County Review Officer for Plat Approval

The Board considered approving the reappointment of a County review officer for approval of all surveys and plats recorded in Orange County.

Commissioner Brown asked about approval of plats. Geoffrey Gledhill said that if you are creating a new lot you need a plat that has to be recorded. Sometimes existing property needs to be resurveyed for various reasons. If there is a subdivision of property the plat would be presented with some other documents that would be recorded.

Commissioner Brown asked how long it takes someone to go through the process of getting a deed finalized. She wants to understand the process. This will be written out for the Commissioners in an upcoming Manager's memo.

A motion was made by Commissioner Brown, seconded by Commissioner Carey to approve the resolution appointing Tammy R. Hicks, a certified property mapper from the Land Records/GIS office, to be a Review Officer for Orange County.

A RESOLUTION APPOINTING A COUNTY REVIEW OFFICER

BE IT RESOLVED that subject to NCGS 47-37.2, the Orange County Board of Commissioners appoints Tammy R. Hicks, a certified property mapper, pursuant to G.S. 147-54.4, to be a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the register of deeds for recording, said appointment to be effective the 21st day of August 2001.

This, the 21st day of August 2001.

VOTE: UNANIMOUS

9. ITEMS FOR DECISION - REGULAR AGENDA

a. Olive Branch Inn – Class A Special Use Permit (SUP-A-1-01) S54 Historic Sites Non-residential/Mixed Use

The Board considered a class A special use permit to allow the Olive Branch Inn to operate as a bed and breakfast.

RES-2000-045

ORANGE COUNTY BOARD OF COMMISSIONERS

A RESOLUTION APPOINTING A COUNTY REVIEW
OFFICER

WHEREAS, Michael A Burton is a certified property mapper holding a current certification from the Department of the Secretary of State pursuant to N.C.G.S. § 147-54.4 and his/her certification has been verified by the Director, Orange County Land Records;

WHEREAS, Michael A Burton is employed by Orange County Land Records Department to be a Review Officer pursuant to N.C.G.S. § 47-30.2;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Orange County, that Michael A Burton is hereby designated an Orange County Review Officer pursuant to N.C.G.S. § 47-30.2.

This the 6 day of June, 2000.

Upon motion of Commissioner Halkiotis, seconded by Commissioner Jacobs, the foregoing resolution was adopted this the 6 day of June, 2000.

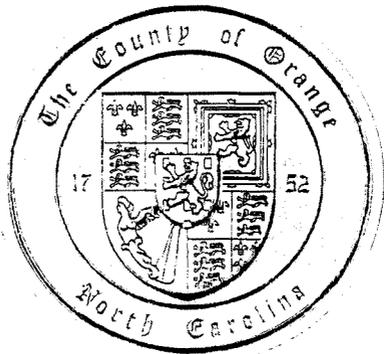
I, Beverly A. Blythe, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on June 6, 2000 as relates in

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 15th day of November, 2001.

Beverly C. Blythe
Clerk to the Board of Commissioners

lsg:orangecounty\reviewofficer.doc



RES-1997-047

NORTH CAROLINA

RESOLUTION

ORANGE COUNTY

WHEREAS, the General Assembly of North Carolina enacted "AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS," S.L. 1997-309 (Senate Bill 875) which Act requires each county of the State of North Carolina to appoint a Review Officer for that county on or before October 1, 1997 to perform the duties and perform the functions called for in the Act.

BE IT RESOLVED that pursuant to N.C. Gen. Stat. § 47-30.2, the Orange County Board of Commissioners appoints the following property mappers, certified, pursuant to G.S. 147-54.4, to be Review Officers to review each map and plat required to be submitted for review before the map or plat is presented to the register of deeds for recording:

- Roscoe E. Reeve
- Patricia B. Smith
- Denise Y. Robinson
- Penny C. Bryant
- Tammy H. Wood
- Amy B. Gilbert

said appointments to be effective the 1st day of October, 1997.

BE IT FURTHER RESOLVED that the certification to be used by the Review Officers shall be in the following form:

I, [Name of Review Officer], Review Officer of Orange County, certify that the map or plat to which this certification is affixed meets all statutory requirements for

recording for which the Review Officer has responsibility as provided by law.

[Name of Review Officer]

Date of Certification:

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners William L. Crowther, Margaret W. Brown,
Alice M. Gordon and Stephen H. Halkiotis.

Noes: NONE.

* * * * *

I, Beverly A. Blythe, 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 September 16, 1997, 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 22nd day of September, 1997.


Clerk to the Board of Commissioners

lsg-10
revoff.res

NCGS_47-30.2§ 47-30.2. Review Officer.

(a) The board of commissioners of each county shall, by resolution, designate by name one or more persons experienced in mapping or land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the register of deeds for recording. Each person designated a Review Officer shall, if reasonably feasible, be certified as a property mapper pursuant to G.S. 147-54.4. A resolution designating a Review Officer shall be recorded in the county registry and indexed on the grantor index in the name of the Review Officer.

(b) The Review Officer shall review expeditiously each map or plat required to be submitted to the Officer before the map or plat is presented to the register of deeds for recording. The Review Officer shall certify the map or plat if it complies with all statutory requirements for recording. Except as provided in subsection (c) of this section, the register of deeds shall not accept for recording any map or plat required to be submitted to the Review Officer unless the map or plat has the certification of the Review Officer affixed to it. A certification shall be in substantially the following form:

State of North Carolina

County of _____

I, _____, Review Officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date _____

(c) A map or plat must be presented to the Review Officer unless one or more of the following conditions are applicable:

- (1) The certificate required by G.S. 47-30(f)(11) shows that the map or plat is a survey within the meaning of G.S. 47-30(f)(11)b. or c.
- (2) The map or plat is exempt from the requirements of G.S. 47-30 pursuant to G.S. 47-30(j) or (l).
- (3) The map is an attachment that is being recorded pursuant to G.S. 47-30(n). (1997-309, s. 3; 1998-228, s. 13.)

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: March 6, 2014

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

SUBJECT: Correction to Ordinance 2014-001 – Board of Adjustment Operations and Procedures

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Corrected UDO Text Amendment

INFORMATION CONTACT:

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

PURPOSE: To adopt a revised Ordinance amending the Unified Development Ordinance (UDO) to correct a staff error.

BACKGROUND: On January 23, 2014 the BOCC adopted Ordinance Number 2014-001, which involved revising existing regulations to address recent changes in State law related to the operation of the Board of Adjustment, specifically:

- 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.

While reviewing the adopted Ordinance, staff discovered spelling errors and other typos within various sections, namely:

1. Section 2.10.3 (a): Staff misspelled 'peculiar'. The mistake has been corrected.
2. Section 2.10.3 (b): Staff repeated the phrase: '*hardships resulting from personal circumstances*' unnecessarily. The error has been corrected.
3. Section 2.11.3 (B): Staff misspelled 'affidavit'. The mistake has been corrected.

It should be noted the Planning Board had identified these errors at its December 2013 regular meeting where the Board voted to recommend approval of the amendment package with these errors being corrected. Unfortunately staff did not provide the BOCC with a revised document consistent with this recommendation.

Staff is seeking to correct these errors by having the Board adopt a corrected Ordinance.

FINANCIAL IMPACT: The approval of this request will not create the need for additional funding for the provision of County services.

RECOMMENDATION(S): The Manager recommends the Board adopt the corrected Ordinance amending the UDO as detailed by staff.

Ordinance #: ORD-2014-010

**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 had determined existing language within the UDO needed to be modified to ensure consistency with these changes, and

WHEREAS, the County has held the required public hearing and has found the proposed text amendment is consistent with the adopted Comprehensive Plan, and

WHEREAS, staff discovered spelling and typographical errors with the original Ordinance, specifically Ordinance 2014-001 adopted on January 23, 2014, and

WHEREAS, this Ordinance addresses those errors.

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 modifications 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 peculiar³ to the property, such as location, size, or topography. Hardships resulting from personal circumstances,⁴ 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.~~ 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.
- (D)(C) ~~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.⁵~~

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 Correction of typo, **in underlined red bold text**, identified at the December 4, 2013 Planning Board meeting.

⁴ Staff deleted the repeated ‘hardships resulting from personal circumstances’ phrase here as identified at the December 4, 2013 Planning Board meeting.

⁵ 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:⁶
 - (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.

⁶ 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 an 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.⁷

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.

⁷ 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 affidavit~~⁸ 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.⁹

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.

⁸ Staff corrected the spelling of affidavit, denoted in red underlined bold text, here.

⁹ 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.¹⁰

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.¹¹ This notice shall be made by registered or certified mail within five working days of the Board's actions.¹²
- (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.

¹⁰ Simple majority vote is now all that is necessary to approve a SUP or act on an appeal.

¹¹ 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.

¹² 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: APPEALS¹³

2.25-12.26.1 Generally

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

2.25-22.26.2 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.

¹³ 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.

2.25.32.26.3 Planning Board Decisions

(A) Major Subdivisions – Concept Plan

- (1) The decision of the Planning Board regarding Concept Plan Development Options may be appealed to the Board of Commissioners.
- (2) Any notice of appeal shall be filed, in writing, with the Planning Director within 15 days after the date of the Planning Board's decision.
- (3) If the appeal involves a plan/map approval, 16 copies of the plan/map shall be submitted along with the written appeal.
- (4) The Board of Commissioners shall have final approval authority, and, where applicable, all Concept Plan Development Options shall contain information and/or conditions approved by the Board of Commissioners.
- (5) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision. The applicant shall be notified, in writing, of the Board of Commissioners' decision within ten days after said decision is made.

2.25.42.26.4 Board of Adjustment Decisions

- (A) Every decision of the Board shall be subject to review at the request of ~~any aggrieved party~~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)).

2.25.52.26.5 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.

2.25.62.26.6 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.

2.25.72.26.7 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.

2.25-82.26.8 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.

2.25.92.26.9 Stormwater Management Plan

- (A) Appeals of the Erosion Control Officer's decision on a Stormwater Management Plan shall be made to the Orange County Planning Director.
- (B) If the Planning Director upholds the decision, the applicant shall be entitled to a public hearing if the applicant submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.
- (C) The hearing shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand for a hearing.
- (D) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing.
- (E) The Board of County Commissioners shall render its final decision on any stormwater management plan upon which a hearing is requested within 30 days of receipt of the recommendations from the Planning Board.

2.25.402.26.10 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.

2.25.442.26.11 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.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 6, 2014

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

SUBJECT: Legal Advertisement for Joint Planning Public Hearing – March 27, 2014

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Proposed Legal Advertisement

INFORMATION CONTACT:

Perdita Holtz, Planning Systems
Coordinator, 245-2578
Craig Benedict, Planning Director, 245-
2592

PURPOSE: To consider the legal advertisement for items to be presented at the Joint Planning Area Public Hearing scheduled for March 27, 2014.

BACKGROUND: The Board of County Commissioners reviews proposals to be considered at public hearing for consistency with general County policy and presentation format. Two County-initiated items are proposed for consideration at the March 27, 2014 Joint Planning Public Hearing:

1. **Text Amendments to the Joint Planning Land Use Plan and Agreement** – Revise existing language to ensure agricultural activities are recognized as being allowed throughout the Rural Buffer, require a minimum 2 acre density, allow for the clustering of subdivision lots in those portions of the Rural Buffer outside of the University Lake Watershed Area, and correct a typo associated with the minimum lot size within the University Lake Watershed Area.
2. **Text Amendments to the Joint Planning Land Use Plan and Agreement** – Revise existing language to allow for the possibility of locating appropriate agricultural support enterprises in the Rural Buffer land use classification.

FINANCIAL IMPACT: Other than advertising costs, there are no direct financial impacts associated with the approval of this item.

RECOMMENDATION(S): The Manager recommends the Board approve the proposed March 27, 2014 Joint Planning Public Hearing legal advertisement.

NOTICE OF JOINT PLANNING PUBLIC HEARING

Orange County Board of Commissioners Chapel Hill Town Council Carrboro Board of Aldermen

A public hearing will be held at the Southern Human Services Center, 2501 Homestead Road, Chapel Hill, North Carolina on Thursday, March 27, 2014 at 7:00 p.m. for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. Text Amendments to the Joint Planning Land Use Plan and Agreement –

Revise existing language to ensure agricultural activities are recognized as being allowed throughout the Rural Buffer, require a minimum 2 acre density and allow for the clustering of subdivision lots in those portions of the Rural Buffer outside of the University Lake Watershed Area, and correct a typo indicating the minimum required lot size within the University Lake Watershed Area is 5 acres.

Existing language within the Land Use Plan (hereafter ‘the Plan’) could be construed as limiting locations where bona fide agricultural activities, as defined in State statutes, can occur within the Rural Buffer. This is inconsistent with State law and staff is proposing to correct the language.

The clustering of lots through the subdivision process is allowed throughout the county, down to a 1 acre minimum lot size, so long as established density restrictions are observed. Existing language within the Plan, however, prohibits the clustering of lots down to a 1 acre lot size within the Rural Buffer outside of the University Lake Watershed Area.

Staff is proposing to allow the clustering of lots outside of the University Lake Watershed Area, down to 1 acre lot size, as long as a minimum 2 acre density is maintained (i.e. 1 dwelling unit for every 2 acres of property). Because the existing language requires a 2 acre minimum lot size, this proposal will not result in an increase in the allowable density on a given parcel or alter existing density limits within the University Lake Watershed Area as detailed within the Plan.

Staff is also proposing to correct an existing typographical error indicating the minimum required lot size for property within the University Lake Watershed Area is 5 acres. The Rural Buffer requires a minimum lot size of 2 acres while there is a density limit within the Watershed Area limiting the number of dwelling units to 1 every 5 acres. Staff will be correcting existing text to reflect this distinction.

Purpose: To hear public comment on the proposed text amendments.

2. Text Amendments to the Joint Planning Land Use Plan and Agreement –

Revise existing language to allow for the possibility of locating appropriate agricultural support enterprises in the Rural Buffer land use classification.

This proposal complements an Orange County proposal to allow for an expansion of “agricultural support enterprises” within the County’s planning jurisdiction. If adopted, the proposal would allow for some lower-intensity agriculturally-related uses to potentially be located in the Rural Buffer. Examples of these uses are: Community Agricultural Processing Facility, Community Farmers’ Market, Cooperative Farm Stand, Microbrewery with Minor Events, and Winery with Minor Events. Additionally, a proposed new conditional zoning district, ASE-CZ (Agricultural Support Enterprises), would be allowed to be applied in the Rural Buffer although some of the more intensive uses potentially allowed in the ASE-CZ could not be located in the Rural Buffer.

This public hearing is not a public hearing on the specifics of the proposed Agricultural Support Enterprises (ASE) concept. Rather, this public hearing is for comments on the proposed language changes to the Joint Planning Land Use Plan and Agreement that would allow the ASE concept in the Rural Buffer.

Purpose: To hear public comment on the proposed text amendments.

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 Orange County 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 March 21, 2014 at the County website www.orangecountync.gov 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:	<u>The Herald Sun</u>	<u>News of Orange</u>
	March 12, 2014	March 12, 2014
	March 19, 2014	March 19, 2014

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 6, 2014

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

SUBJECT: Power Lift Stretchers for Emergency Services

DEPARTMENT: Emergency Services
Financial Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Stryker Power Pro Comprehensive
Quote

INFORMATION CONTACT:
Kim Woodward, 919-245-6133
Jim Groves, 919-245-6140
Clarence Grier, 919-245-2453

PURPOSE: To approve the purchase of eight (8) automatic lift hydraulic stretchers that are grant funded, requiring a 20% local match.

BACKGROUND: Orange County Emergency Services (OCES) applied for a Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant for the purchase of eight (8) Power Lift Stretchers and associated training. The grant required a 20% match of local funds. On April 3, 2013, Orange County received notification of an award for \$83,235 of federal grant funding to purchase the Power Lift Stretchers. On May 21, 2013, the BOCC approved Budget Amendment #10, which appropriated the required 20% match of \$20,809 from the FY 2012-2013 operating budget. These funds were encumbered at fiscal year-end for expenditure in FY 2013-14.

The Power-Pro XT Stretchers have a battery powered hydraulic lift that raises and lowers patients with the touch of a button. The new equipment will be capable of lifting patients weighing up to 700 pounds and will have a state of the art handle system that will expand the width of the stretcher to accommodate these patients. With back injuries as the most common risk to an EMS worker, any measure to make lifting easier will help accomplish the goal of reducing injury. This new equipment is expected to help EMS reduce repetitive lift injuries and worker's compensation claims.

OCES has eight (8) primary ambulances (Excellance is the vendor) equipped with manual MX Pro Stryker stretchers. The automatic stretchers will replace the manual stretchers on the eight (8) front line ambulances. The manual stretchers will be sold on GovDeals to off-set the 20% match.

Power Lift Stretchers will be ordered for ambulance additions/replacements to the fleet in subsequent future years. The remaining manual stretchers will be maintained in reserve ambulances until they reach the end of service life.

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 EMS Redline Association Cooperative is a cooperative purchasing group that meets the requirements of NCGS 143-129(e)(3). The specific contract number is 6506.

OCES has two (2) outdated and unserviceable stretchers (Ferno is the vendor) and six (6) "stair-chairs", which are used to move patients safely down stairs. OCES proposes to declare these stretchers and stair-chairs as surplus, and donate these items to a UNC student organization called the Association for Carolina Emergency Response and Injury Prevention (ACERIP). ACERIP provides learning opportunities to UNC students by teaching basic emergency medical technician (EMT) courses and recently received approval by the North Carolina Office of EMS as an educational institution. ACERIP is in need of training stretchers and stair-chairs to teach lifting and moving skills to EMT students.

FINANCIAL IMPACT: The total cost of the equipment upgrade is \$101,168.64. The County designated \$20,809 in matching funding for the purchase of the Stryker Power Lift stretcher and \$80,359.64 from the FEMA Assistance to Fire Fighter's Grant (*Project #71053*). The remaining \$2,875.36 will be utilized for the training of all staff for the safe utilization of the new equipment. Emergency Services hopes to offset additional training costs with the sale of the serviceable manual stretchers.

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

- 1) Approve the grant funded purchase of the Stryker Power-Pro XT Stretchers;
- 2) Authorize Asset Management Services to sell eight (8) serviceable MX Pro Stryker stretchers to offset the 20% local match; and
- 3) Declare the two (2) stretchers and six (6) stair-chairs as surplus, and authorize Emergency Services to donate two (2) surplus Ferno stretchers and two (2) stair-chairs to the ACERIP UNC student organization.

Sales Account Manager
TIMOTHY RICHARDSON
tim.richardson@stryker.com
1-800-327-0770
Fax: 336-877-4404

Remit to:

P.O. Box 93308
Chicago, IL 60673-3308

End User Shipping Address

1155990
ORANGE COUNTY EMERGENCY MGMT
PO BOX 8181
510 MEADOWLAND DRIVE
HILLSBOROUGH, NC 27278

Shipping Address

1155990
ORANGE COUNTY EMERGENCY MGMT
PO BOX 8181
510 MEADOWLAND DRIVE
HILLSBOROUGH, NC 27278

Billing Address

1155990
ORANGE COUNTY EMERGENCY MGMT
PO BOX 8181
510 MEADOWLAND DRIVE
HILLSBOROUGH, NC 27278

Customer Contact	Ref Number	Date	PO Number	Reference Field	Quote Type
Kim Woodward	3366245	01/22/2014	QUOTE		

Line #	Quantity	Item Description	Part #	Unit Price	Extended Price	Item Comments
1.00	8	Power-PRO XT	650600000	\$12,646.08	\$101,168.64	
		Options				
	8	Power-PRO XT	650600000	\$10,842.48	\$86,739.84	
	8	XPS Option	650604000	\$1,350.00	\$10,800.00	
	8	3 Stage IV Pole PR Option	6500315000	\$241.20	\$1,929.60	
	8	Retractable Head Section O2	6085046000	\$128.88	\$1,031.04	
	8	Equipment Hook	6500147000	\$36.00	\$288.00	
	8	SMRT Charger Mounting Bracket	6500034000	\$23.76	\$190.08	
	8	SMRT Automotive 12V Cable	6500035000	\$23.76	\$190.08	
	8	Dual Wheel Lock	6086602010			
	8	PR Cot Retaining Post	6085033000			
	8	Power Pro Standard Components	6506026000			
	8	No Runner/HE O2	0054200994			
	8	Non Power-Load Compatible	6506029000			
	8	Trendelenburg	6085031000			
	8	English Manual	6506600000			
	8	120V AC SMRT Charging Kit	6500028000			
	8	No Steer Lock Option	6506037000			
	8	3 YR X-Frame Powertrain Wrnty	7777881669			
	8	2 Yr Bumper to Bumper Warranty	7777881670			
	8	Domestic Shipping	0054030000			

Note:

Product Total	\$101,168.64
Freight	\$0.00
Tax	\$0.00
Total Incl Tax & Freight	\$101,168.64

Signature: _____ Title/Position: _____ Date: _____

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule.

Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency.

Terms: Net 30 Days. FOB origin. A copy of Stryker Medical's standard terms and conditions can be obtained by calling Stryker Medical's Customer Service at 1-800-STRYKER.

Cancellation and Return Policy: In the event of damaged or defective shipments, please notify Stryker within 30 days and we will remedy the situation. Cancellation of orders must be received 30 days prior to the agreed upon delivery date. If the order is cancelled within the 30 day window, a fee of 25% of the total purchase order price and return shipping charges will apply.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 6, 2014

Action Agenda

Item No. 6-i

SUBJECT: Boards and Commissions – Commissioner Assignments

DEPARTMENT: County Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Listing of BOCC- Board Assignments

INFORMATION CONTACT:

Clerk's Office, 245- 2130

PURPOSE: To consider approving the list of boards and commissions on which members of the Board of County Commissioners have chosen to serve.

BACKGROUND: County Commissioners serve on various County and County-related boards and commissions. Each year the County Commissioners indicate their desire to continue serving on a specific board or commission or their desire to make changes. This process took place at the February 11, 2014 BOCC Work Session.

FINANCIAL IMPACT: NONE

RECOMMENDATION(S): To approve Commissioner assignments on boards and commissions as agreed upon at the February 11, 2014 BOCC Work Session and reflected in the attached listing.

BOARDS AND COMMISSIONS- SELECTION 2/11/2014

BOARD NAME	BOCC SELECTION
STATUTORY	
ABC Board	Commissioner Dorosin
Board of Health	Commissioner Pelissier - Member
Board of Social Services	Commissioner McKee- Member Citizen-Already appointed
Community Oversight Board (part of OPC Community Operations Center)	Commissioner McKee
INTERGOVERNMENT-AL and OTHER GROUPS WITH BOCC MEMBERS	
Burlington/Graham MPO Transportation Advisory Committee	Chair Jacobs- Member Commissioner McKee - Alternate
Communities in Schools	Commissioner Dorosin
Community Home Trust BOD	Penny Rich- Member
Durham-Chapel Hill-Carrboro-Metropolitan Planning Organization (MPO)- Transportation Advisory Committee	Commissioner Gordon -Member Commissioner Pelissier - Alternate
Durham/Chapel Hill/Orange Work Group	Commissioner Rich -Member Commissioner Gordon Member

BOARDS AND COMMISSIONS- SELECTION 2/11/2014

Durham Tech Board of Trustees	Commissioner Price – Member Citizen already appointed
Fire Chief's Association of Orange County	Commissioner McKee
Healthy Carolinians	Commissioner Dorosin
HOME Program Review Committee	Commissioner Price
Intergovernmental Parks Work Group	Commissioner Gordon-member Chair Jacobs - alternate
Legislative Issues Work Group	Commissioner Price and Commissioner McKee (2014)
Orange County Partnership for Young Children	Commissioner Dorosin -Member
Research Triangle Regional Partnership (RTRP)	Commissioner Price -Member
Ten Year Plan to End Homelessness Executive Team	Commissioner Pelissier
Triangle J Council of Governments	Chair Jacobs- Member Commissioner Rich- Alternate
Triangle Area Rural Planning Organization (TARPO) Transportation Advisory Committee	Commissioner Price –Member (Vice Chair) Commissioner Pelissier -

BOARDS AND COMMISSIONS- SELECTION 2/11/2014

	Alternate
Triangle Transit Board of Trustees	Commissioner Pelissier - Treasurer
Triangle Transit Special Tax Board	Commissioner Gordon – Treasurer and Commissioner Pelissier- Chair
Workforce Development Board – Regional Partnership	Nancy Coston – DSS Director
Visitor's Bureau	Commissioner Rich – Member-Finance Officer
BOARDS TO WHICH BOCC HAS ALREADY MADE APPOINTMENTS	
NACo Voting Delegate	Commissioner Rich
NCACC Voting Delegate	Commissioner Pelissier

SHORT TERM TASK FORCES/WORKGROUPS

Alternatives to Jail Assessment Work Group		2 Commissioners	Chair Jacobs and Commissioner Pelissier
Cedar Grove Advisory Board Meeting	Meets as needed	2 Commissioners	Chair Jacobs and Commissioner Price

EX-OFFICIO

Hillsborough/Orange County Chamber of Commerce- does not require a Commissioner	Chair Serves
NC DOT Quarterly Meetings	Chair/Vice Chair
School Collaboration Meetings	Chair/Vice Chair

OFFICERS

NCACC Board of Directors	Commissioner Price
Triangle Transit Special Tax Board	Commissioner Pelissier Chair and Commissioner Gordon –

BOARDS AND COMMISSIONS- SELECTION 2/11/2014

	Treasurer
Triangle Transit Board of Trustees	Commissioner Pelissier – Treasurer
Visitor's Bureau	Commissioner Rich – Finance Officer

Boards to be decided on/chosen at future work session

JOCCA- need to decide whether to continue participation	Meets Quarterly in Pittsboro at 5:30pm -	1 Commissioner Or Citizen	Commissioner Price
Small Business Loan Program	Meets as needed when a thoroughly vetted application has been received.	1 Commissioner	Commissioner McKee (appointed 2/2013)
JCPC (Orange County Juvenile Crime Prevention Council)		1 Commissioner	Commissioner Pelissier (appointed June 2013)
UNRBA(Upper Neuse River Basin Association)		By-Laws state that "The number of Directors constituting the Board of Directors shall be one (1) per full voting entity, with one (1) alternate per full voting entity in case of the Director's absence	Pam Hemminger – Chair was appointed as a citizen in November 2012 Alternate- Staff member Tom Davis

Boards – Not Meeting at this time

Efland Mebane Small Area Plan Implementation Focus Group	Not meeting at this time. Has not been disbanded	1 Commissioner	
Historic Rogers Road Task Force	INACTIVE AT THIS TIME	2 Commissioners	
Hollow Rock Park Planning Committee	Not meeting at this time- Per conversation with Dave Stancil on 2/12—He said waiting on	2 Commissioners	Commissioner Gordon (2/11/14)

BOARDS AND COMMISSIONS- SELECTION 2/11/2014

	Pickett Road resolution but no idea when that will come. But grant received so activity will pick up in late 2014. That might trigger reconvening group - not sure. If we pull our reps, not sure what Durham would do. Maybe answer will be in new inter local to be developed later this spring. I'd suggest leaving on listing until then.		
Housing Bond Program-Project Review & Selection Committee	Status: this is now defunct and can be removed per Tara Fikes		
Library Services Task Force	Not meeting at this time Has not been disbanded	2 Commissioners	Chair Jacobs – Member (2/11/14) Commissioner Rich – Member (2/11/14)
Solid Waste Management Plan Work Group	Meets as needed	1 Commissioner	Suspended Until further direction
Solid Waste Interlocal Agreement – Elected Leaders Work Group			To be re-constituted at a later date

BOARDS AND COMMISSIONS- SELECTION 2/11/2014

Future selection policy issues to be decided:

1. Do officer positions get pre-empted from being part of annual selection process for boards and commissions?
2. Are member positions/terms, set by other intergovernmental boards/commissions, pre-empted from our selection process?

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 6, 2014

Action Agenda

Item No. 6-j

SUBJECT: Approval of Financing Arrangement for New Hope Volunteer Fire Department of Orange County, Inc. to Purchase a Replacement Tanker Truck

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT (S):

Attachment 1. Letter from New Hope Volunteer Fire Department of Orange County, Inc. Board of Directors President

Attachment 2. October 7, 2013 Public Hearing Notice

Attachment 3. October 7, 2013 Public Meeting Notes

Attachment 4. Fire Service Agreement

Attachment 5. Certificate of Approval

INFORMATION CONTACT:

Clarence Grier, (919) 245-2151

PURPOSE: To approve a request from New Hope Volunteer Fire Department of Orange County, Inc. to enter into a financing arrangement to purchase a Tanker truck, and authorize the Board of Commissioners' Chair to sign the appropriate documents related to the financing arrangement.

BACKGROUND: In the attached letter (Attachment 1) addressed to Orange County Financial Services, Howard Pratt, Board President of New Hope Volunteer Fire Department of Orange County, Inc., indicated the department's intent to purchase a replacement Tanker truck. The department will replace its current aging Tanker truck. The Fire Chief confirmed that the department went through a competitive bid process and awarded the bid to 4 Guys Fire Trucks.

According to Attachment 1, the purchase price of the truck totals \$261,996. The Department's Board of Directors agreed to borrow \$160,000 from the Local Government Federal Credit Union and to pay approximately \$100,000 as a down payment for the truck from the Department's Capital Reserves. The interest rate for the 10-year loan is 2.75% percent with monthly payments of approximately \$1,526.58. The total repayment, including principal and interest, equals \$183,189.60. It is important to note that these figures may vary slightly depending upon the actual loan closing date.

Section 147 of the Internal Revenue Code of 1986 outlines specific steps that must occur when a tax supported fire department enters into a financing arrangement.

- **Conduct a public hearing** – On October 7, 2013, the department held a public hearing regarding the purchase. The Department advertised the hearing in the News of Orange (Attachment 2 of this abstract). Per Attachment 3 of this abstract, no residents were present at the hearing and the Department did not receive any written comments from residents of the district.
- **Obtain approval of the “applicable elected representatives”** – In accordance with Section 147, the Board of County Commissioners must approve the District’s plan to enter into the debt arrangement. This approval does not create liability on the part of Orange County nor does it make the County responsible for the repayment of any debt assumed by the fire district. The approval provides a mechanism for the Commissioners to acknowledge that, through this financing arrangement, New Hope Volunteer Fire Department of Orange County, Inc. is pledging use of the District’s tax dollars to repay the loan. In order to comply with this IRS requirement, the Chair of the Commissioners must sign the Fire Service Agreement (Attachment 4) and Certificate of Approval (Attachment 5).

FINANCIAL IMPACT: The department’s major revenues consist of County fire district taxes. According to the district’s June 30, 2013 financial statements, the district received about \$644,023 during fiscal year 2012-13 from fire district tax revenues and other miscellaneous revenue.

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

1. Approve a request from New Hope Volunteer Fire Department of Orange County, Inc. to enter into a financing arrangement with the Local Government Federal Credit Union to purchase a Tanker truck; and
2. Authorize the Board of Commissioners’ Chair to sign the appropriate documents related to the financing arrangement.



Attachment 1

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

3

New Hope Volunteer Fire Department of Orange County, Inc.

February 2, 2014

Mr. Paul Laughton
Orange County Financial Services
P.O. Box 8181
Hillsborough, NC 27278

Dear Paul,

The New Hope Volunteer Fire Department of Orange County, Inc., is in the process of purchasing a new elliptical tanker to replace an aging tanker that has been sold due to reoccurring mechanical problems. Specifications for a new tanker were written and sent to five vendors for bids. Four vendors submitted bids and 4 Guys Fire Trucks was the low bid and selected as the vendor for the purchase.

The bid cost of the new tanker was \$261,996.00. The New Hope Fire Department Board of Directors approved the 4 Guys bid and has authorized the president to sign the contract with 4 Guys. The department will make a down payment of up to \$100,000 and will finance approximately \$160,000 from the Local Government Federal Credit Union. The terms of the loan is for 10 years with semi-annual payments with a 2.75% interest rate. These figures may vary slightly depending on the actual closing costs date.

A public hearing was advertised in the New of Orange and the public hearing was held on October 7, 2013. No residents were present and no written comments were received. The fire Department is requesting that the County Commissioners approve the financing arrangements to purchase the new tanker in order to meet the IRS Codes when a tax supported fire department enters into a financing arrangement. The public hearing notice, minutes of the public hearing and the board of directors loan authorization resolution are attached.

If you have questions or need additional information, please contact me at 919-451-2423 or by email: howard.pratt@newhopefire.com.

Thank you,

Howard Pratt, President

Board Resolution Authorizing Loan



BE IT RESOLVED, that the Board of New Hope Volunteer Fire Department of Orange County Inc has approved the motion to seek financing in the amount of \$ 160,000.00 through LGFCU Commercial Lending* for the purchase or refinancing of 2014 4 Guys Tanker for a term of 10 years to be repaid at a rate of 2.75 % percent.

BE IT FURTHER RESOLVED, that the following representative(s) are hereby authorized to sign all documents necessary to execute this transaction:

Howard Pratt President
Name and Title _____ Name and Title _____

Mike Tapp Chief
Name and Title _____ Name and Title _____

Board Members Present: Cliff Carroll Vice President Gorge Goldbeck Board Member
Brian Blalock Treasure Rik Tyndall Board Member
Justin Tillett Secretary
David Hunt Board Member

Dated and attested this 7 day of October, 2013

[Signature]
Secretary

*LGFCU Commercial Lending is a division of LGFCU Financial Partners, LLC

Loan Checklist

Rates

- LGFCU Member Share Account (organizational)
- Financial Statements (most recent 2 years and interim statements)
- Board Resolution Authorizing Loan
- Copy of Bylaws and Articles of Incorporation
- Proof of Insurance
- Copy of Contract (purchase, real estate, construction)
- Copy of Funding Agreement with town or county if applicable
- Construction Financing
 - Performance Bond
 - Licensed Contractor (license based on project size)

For the latest rate information please speak to one of our Commercial Loan Officers at 800.344.4846.

Executive Committee will be convened by the chair of the 4th Congressional District Ted Benson for filling this vacancy.

the committee.

The announced candidates for this seat are:

- Laurin Easthom
- Tommy McNeill

regarding this vacancy candidates, you may so by sending an en to nchouse50vacanc: gmail.com. All emails sen



Recycle.

CORRECTIONS: It is the policy at the News of Orange appear in this newspaper. If you have knowledge of a mistake, editorial@newsfororange.com.

Public Notice

Public notice is hereby given that the New Hope Volunteer Fire Department of Orange County, Inc. will hold a public hearing on Monday, October 7, 2013 at the fire department located at 4012 Whitfield Road, Chapel Hill, NC at 7:30pm pursuant to the requirements of Section 147(f) of the Internal Revenue Code, on a proposal that the fire department enter into a term loan in order to finance the purchase of new equipment. The equipment to be financed is a new 4 Guys Elliptical Tanker, to be used for fire protection services. To finance the costs and expenses incidental to financing, the buyer proposes to enter into a term loan agreement in the principal amount of approximately \$160,000.00. The buyer shall be required to pay all expenses of the operating, maintaining the equipment, pay all taxes on the equipment and maintain insurance on the equipment. All persons interested may appear at the public hearing or file written comments with the department prior to the hearing.

Howard Pratt, President
Mike Tapp, Fire Chief

CHOOSE
STEFFA

- WORKERS' COI
- BUSINESS LAW
- PERSONAL INJ
- WILLS & ESTA

2

NO C



Attachment 3

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

6

New Hope Volunteer Fire Department of Orange County, Inc.

Public hearing for the new NHFD Tanker was opened up at 7:30 PM at NHFD Station 1.

The following people were present.

- Mike Tapp
- Howard Pratt
- David Hunt
- Justin Tillett
- Rik Tyndall
- George Goldbeck
- Cliff Carroll
- Brian Blalock
- Shane Cannada
- Jason Hackler
- Eddie Walker

The meeting was closed at 7:45 PM having no other community members attending.

Respectfully submitted,

Justin Tillett, Board Secretary

Attachment 4

Fire Service Agreement

This agreement, dated this ____ day of _____, 20____, by and between New Hope Volunteer Fire Department of Orange County, Inc., a body corporate organized under the Laws of the State of North Carolina, the ("Fire Department"), and Orange County, a body politic, the ("Political Subdivision").

WHEREAS, Fire Department is a not for profit organization duly authorized for the purpose of providing firefighting services in an area within the jurisdiction of the Political Subdivision; and,

WHEREAS, the parties wish to enter into an agreement setting forth the area and duties of the Fire Department.

NOW THEREFORE, the Fire Department and Political Subdivision do hereby agree as follow:

1. Political Subdivision recognizes that Fire Department provides firefighting services to the hereafter generally described area or areas:
2. The area in which Fire Department has primary firefighting responsibilities (area of responsibility) is New Hope Fire District.
3. Political Subdivision shall not be liable or responsible for the conduct and activities of Fire Department.

IN WITNESS WHEREOF, the parties have had this agreement executed by duly authorized representatives thereof.

Eno Fire & Emergency Services, Inc.

By _____

Name _____

Title _____

Orange County

By _____

Name _____

Title _____

Certificate of Approval

Approval of Chief Elected Official of Orange County

I, _____ chair of the Board of
 County Commissioners of Orange County, pursuant to the Internal
 Revenue Code of 1986, as amended (the "Code") hereby approve,
 authorize the entering into by New Hope Volunteer Fire Department
 of Orange County, Inc., a commercial loan by the Local Government
 Federal Credit Union for the amount of \$160,000 to finance a Tanker
 truck to be located in Chapel Hill, NC 27514.

Execution of this document in no way creates liability on the part of
 Orange County and Orange County is not responsible for the
 repayment of any loan pursuant hereto.

By: _____

Title _____

Date _____

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 6, 2014

Action Agenda

Item No. 6-k

SUBJECT: Approval of Financing Arrangement for Eno Fire & Emergency Services, Inc. to Purchase a Replacement Tanker Truck

DEPARTMENT: Finance and Administrative Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Attachment 1. Letter from Eno Fire & Emergency Services, Inc. Fire Chief

Attachment 2. January 14, 2014 Public Hearing Notice

Attachment 3. January 14, 2014 Public Meeting Notes

Attachment 4. Fire Service Agreement

Attachment 5. Certificate of Approval

INFORMATION CONTACT:

Clarence Grier, (919) 245-2151

PURPOSE: To approve a request from Eno Fire & Emergency Services, Inc. to enter into a financing arrangement to purchase a Tanker truck, and authorize the Board of Commissioners' Chair to sign the appropriate documents related to the financing arrangement.

BACKGROUND: In the attached letter (Attachment 1) addressed to Orange County Budget Office, Bryan Baker, Fire Chief of Eno Fire & Emergency Services, Inc., indicated the department's intent to purchase a replacement Tanker truck. The department will replace its current 1983 Ford Tanker truck. The Fire Chief confirmed that the department went through a competitive bid process and awarded the bid to Houston Galveston Area Contract (HGAC).

The purchase price of the truck, including equipment, totals \$279,886. As per Attachment 1, the Department's Board of Directors has applied for a loan of \$210,000 through the Local Government Federal Credit Union Commercial Loan program, and plans to use \$70,000 as a down payment for the truck from the Department's Truck Fund reserves. The interest rate for the 10-year loan is 2.75% with monthly payments of \$2,003.63. The total repayment, including principal and interest, equals \$240,435.60. It is important to note that these figures may vary slightly depending upon the actual loan closing date.

Section 147 of the Internal Revenue Code of 1986 outlines specific steps that must occur when a tax supported fire department enters into a financing arrangement.

- **Conduct a public hearing** – On January 14, 2014, the department held a public hearing regarding the purchase. The Department advertised the hearing in the News of Orange (Attachment 2 of this abstract). Per Attachment 3 of this abstract, no residents were present at the hearing and the Department did not receive any written comments from residents of the district.
- **Obtain approval of the “applicable elected representatives”** – In accordance with Section 147, the Board of County Commissioners must approve the District’s plan to enter into the debt arrangement. This approval does not create liability on the part of Orange County nor does it make the County responsible for the repayment of any debt assumed by the fire district. The approval provides a mechanism for the Commissioners to acknowledge that, through this financing arrangement, Eno Fire & Emergency Services, Inc. is pledging use of the District’s tax dollars to repay the loan. In order to comply with this IRS requirement, the Chair of the Commissioners must sign the Fire Service Agreement (Attachment 4) and Certificate of Approval (Attachment 5).

FINANCIAL IMPACT: The department’s major revenues consist of County fire district taxes. According to the district’s June 30, 2013 financial statements, the district received about \$450,712 during fiscal year 2012-13 from fire district tax revenues and other miscellaneous revenue

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

1. Approve a request from Eno Fire & Emergency Services, Inc. to enter into a financing arrangement with the Local Government Federal Credit Union to purchase a Tanker truck; and
2. Authorize the Board of Commissioners’ Chair to sign the appropriate documents related to the financing arrangement.



ENO FIRE & EMERGENCY SERVICES INC.
5019 U.S. HIGHWAY 70 W
DURHAM, NC 27705-9029
(919)383-5967

Bryan Baker- Fire Chief

Keith Hayes- Deputy Chief

Scott Bell- Assistant Chief

2/20/2014

Paul Laughton
Orange County Budget Office
P.O. Box 8181
Hillsborough, NC 27278

Dear Paul,

It is the intent of Eno Fire and Emergency Services, Inc. to purchase a replace tanker. This tanker will replace a 1983 Ford Tanker currently housed at our Station 2. Eno Fire and Emergency Services, Inc. has money set aside in a truck fund and has budgeted \$125,000 this year to apply to the loan once the truck has been received.

Currently, we are in a USDA grant process through Piedmont Electric for an interest free loan. If awarded, we would be funded through the grant process with a zero percent interest. We have been approved for this grant through Piedmont Electric but are awaiting approval from the USDA. We will know by the time of delivery if we have been awarded the loan or not.

Our contingency plan is to apply for a loan through the Local Government Federal Credit Union Commercial Loan Program. If this avenue is chosen, Eno will use \$70,000 from our Truck Fund as a down payment to make the loan amount \$210,000 over a ten year period with a fixed interest rate of 2.75%. Thank you for your support and attention to this matter.

Sincerely,

Bryan Baker
Fire Chief
Eno Fire & Emergency Services
5019 US Highway 70 W
Durham, NC 27705

Cc: Wayne Paschall, President Eno Fire and Emergency Services, Inc.

...e your classified,
...919) 732-2171.

WEDNESDAY, JANUARY 8, 2014 • 10

LEGALS

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...m. Griffin
...ves, III
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deceased to exhibit them to the under-
signed on or before the 8th day of April
2014, or this notice will be pleaded in bar
of their recovery. All persons, firms, and
corporations indebted to the said estate
will please make immediate payment to
the undersigned.

This the 18th day of December, 2013.
Sonja Perry
4318 Golden Eagle Pt.
Portsmouth, VA 23703

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January 8, 15, 22, 29, 2014

**NOTICE
12-E-470**

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Having qualified as Executor of
the Estate of Amanda Anne Stang aka
Amanda Ann Stang aka Amanda A. Stang
Weinberg, deceased, of Orange County,
North Carolina, this is to notify all persons,
firms, and corporations having claims
against the estate of said deceased to ex-
hibit them to the undersigned on or before
the 8th day of April 2014, or this notice
will be pleaded in bar of their recovery. All
persons, firms, and corporations indebted
to the said estate will please make imme-
diate payment to the undersigned.

This the 6th day of January, 2014.
Howard Simon Weinberg
119 Meadowbrook Drive
Chapel Hill, NC 27514

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...te 290
...27517

January 8, 15, 22, 29, 2014

PUBLIC HEARING

Eno Fire and Emergency Services Inc.
Will be holding a public hearing January
14, 2014 from 6pm to 7pm at Eno fire
station # 1 located at 5019 U.S. 70E. This
hearing is about the purchase of a new
Tanker truck that is being proposed by the
Board of Directors of Eno Fire Department.
December 25, 2013 and January 1, 8,
2014

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PUBLIC HEARING NOTICE

The Hillsborough Town Board
and Planning Board will hold a
Joint Public Hearing on Thursday,
January 16, 2014 at 7:00 PM in
the Hillsborough Town Barn at 101
East Orange Street to hear public
comment on the following items:
1) Reopened hearing the
annexation, zoning and
development plan for Phase 2 of
the proposed Eno Mountain Village
development to discuss the potential
impacts of the Piedmont Minerals
mining operation on Phase 2 of the
proposed townhome development.
Phase 2 contains approximately

**CLASSIFIEDS
AD RATES**

*News of
Orange
County*

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for the first
20 words,
40c
each additional
word.

Best Buy! rate
of **\$11.45**

Attachment 3

**ENO FIRE DEPARTMENT
Elliptical Tanker Purchase Public Hearing
Minutes for January 14, 2014**

Board Treasurer Tammy Parker opened the meeting for business 6:00pm.

Attendee's: Bryan Baker, Tammy Parker, Keith Hayes, Daylon Hayes, Chad Parker, Daniel Bass

No citizens attended the meeting.

Meeting closed at 7:00pm.

Fire Service Agreement

This agreement, dated this ____ day of _____, 20____, by and between Eno Fire & Emergency Services, Inc., a body corporate organized under the Laws of the State of North Carolina, the ("Fire Department"), and Orange County, a body politic, the ("Political Subdivision").

WHEREAS, Fire Department is a not for profit organization duly authorized for the purpose of providing firefighting services in an area within the jurisdiction of the Political Subdivision; and,

WHEREAS, the parties wish to enter into an agreement setting forth the area and duties of the Fire Department.

NOW THEREFORE, the Fire Department and Political Subdivision do hereby agree as follow:

- 1. Political Subdivision recognizes that Fire Department provides firefighting services to the hereafter generally described area or areas:
- 2. The area in which Fire Department has primary firefighting responsibilities (area of responsibility) is Eno Fire District.
- 3. Political Subdivision shall not be liable or responsible for the conduct and activities of Fire Department.

IN WITNESS WHEREOF, the parties have had this agreement executed by duly authorized representatives thereof.

Eno Fire & Emergency Services, Inc.

By _____

Name _____

Title _____

Orange County

By _____

Name _____

Title _____

Certificate of Approval

Approval of Chief Elected Official of Orange County

I, _____ chair of the Board of
 County Commissioners of Orange County, pursuant to the Internal
 Revenue Code of 1986, as amended (the "Code") hereby approve,
 authorize the entering into by Eno Fire & Emergency Services, Inc.,
 a commercial loan by the Local Government Federal Credit Union
 for the amount of \$210,000 to finance a Tanker truck to be located in
 Durham, NC 27705.

Execution of this document in no way creates liability on the part of
 Orange County and Orange County is not responsible for the
 repayment of any loan pursuant hereto.

By: _____

Title _____

Date _____

ORD-2014-011

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 6, 2014

Action Agenda

Item No. 7-a

SUBJECT: Report and Recommendations from the County and Town Managers
Regarding the Implementation of Improvements in the Historic Rogers Road
Neighborhood

DEPARTMENT: Solid Waste Management

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Report for the Historic Rogers Road Neighborhood Task Force, November 21, 2013
2. Town of Chapel Hill Resolution Dated February 10, 2014
3. Letter from County Attorney Dated October 17, 2013
4. December 6, 2012 Assembly of Governments Meeting Abstract - Greene Tract Historical Information and Options

INFORMATION CONTACT:

Michael Talbert, County Manager, 245-2308

PURPOSE: To review recommendations from the County and Town Managers regarding Rogers Road Sewer and Community Outreach to implement improvements in the Historic Rogers Road Neighborhood.

BACKGROUND: Attachment 1, the November 21, 2013 report from the Historic Rogers Road Neighborhood Task Force to the BOCC, provides background for this agenda item.

TASK FORCE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS

September 17, 2013

1. That that the Cost associated with the Community Center and Sewer Improvements will be shared 14% Carrboro, 43% Chapel Hill and 43% Orange County.
2. That the Sewer Concept Plan presented by Orange Water and Sewer Authority (OWASA) in 2012 to serve 86 parcels at an estimated cost of \$5.8 million should be funded by Carrboro, Chapel Hill, and Orange County in proportion to the recommended cost sharing. The first phase of the construction should include segments 5, 6, and 8 at an estimated cost of \$3.7 million, serving 67 parcels. Funding recommended to be included in the Fiscal

2014/2015 Budgets, with the remaining 19 parcels to be constructed in the second phase and included in the Fiscal 2015/2016 Budgets

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

MANAGERS RECOMMENDATIONS

The County and Town Managers met and discussed the options related to connecting the residents of the Historic Rogers Road Neighborhood to OWASA sewer and Outreach efforts for the neighborhood. The discussions included the construction of sewer infrastructure, connections to homeowners, and outreach to the neighborhood to lay the groundwork for a master plan for the development of the Rogers Road area including the Greene Tract. Attachment 4, the December 6, 2012 report to the Board, provides historical information on the Greene Tract.

In keeping with the recommendations of the Historic Rogers Road Neighborhood Task Force, the Managers recommend the following:

1. That the Cost associated with preliminary engineering for OWASA sewer infrastructure and community outreach is shared 14% Carrboro, 43% Chapel Hill and 43% Orange County.
2. That the County contract with OWASA for a preliminary engineering estimate to provide sewer to the 86 parcels identified by the Task Force not to exceed \$130,000. The cost

of the preliminary engineering will be shared with the Town of Chapel Hill and the Town of Carrboro.

3. That the County participate in community outreach partnering with organizations such as the Jackson Center and/or the Rogers Eubanks Neighborhood Association (RENA) to identify action steps to provide sewer service to the Rogers Road Neighborhood and lay the groundwork for a master plan for the development of the Rogers Road area (including the Greene Tract), not to exceed \$50,000. Carrboro, Chapel Hill and the County will share in the cost of this outreach.
4. Consider a budget amendment of \$77,400 (43% of \$180,000) for the initial engineering and community outreach expected to take 8-10 months to complete.

Town of Chapel Hill:

On February 10, 2014, the Chapel Hill Town Council approved "A resolution initiating funding for preliminary engineering and outreach for the Rogers Road Sewer Project and continuing the Public Hearing for the Extraterritorial Jurisdiction Boundary Amendment (Attachment 2). The Town Manager was directed to prepare agreements and appropriate budget action to initiate preliminary engineering and outreach efforts for the Rogers Road sewer project.

Town of Carrboro:

On March 4, 2014 the Carrboro Board of Aldermen will consider participating and sharing the costs of preliminary engineering and outreach for the Historic Rogers Road Neighborhood.

The United States Environmental Protection Agency (EPA) accepted an administrative complaint filed against Orange County Planning and Inspections Department (OCPID) received on April 18, 2011 and is conducting an investigation of the complaint. John Roberts, Orange County Attorney, continues to advise the Board of County Commissioners to suspend consideration of the extension of sewer line to the Rogers Road Neighborhood as long as the EPA investigation remains open, (see Attachment 3 letter dated October 17, 2013). Orange County continues to seek a reasonable and speedy conclusion to this investigation.

A County contract to provide a preliminary engineering estimate for the cost of sewer and participation in community outreach does not obligate the County to extend sewer to the Rogers Road Neighborhood. A Board decision to fund or not fund the extension of sewer lines to the Rogers Road Neighborhood will be made after the EPA investigation is complete.

FINANCIAL IMPACT: The financial impact of funding an initial engineering and community outreach will not exceed \$77,400. It is recommended these funds be appropriated from General Fund Unassigned Fund Balance. Future improvements in the Historic Rogers Road Community are uncertain until direction is provided by the Board of County Commissioners.

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

1. Negotiate a cost sharing agreement with the Town of Chapel Hill and Town of Carrboro for a preliminary engineering estimate to provide sewer to the 86 parcels identified by the Task Force not to exceed \$130,000 based on the Task Force recommendation;
2. Negotiate a contract with OWASA for a preliminary engineering estimate to provide sewer to the 86 parcels identified by the Task Force not to exceed \$130,000;

3. Negotiate a contract and/or participation in a Rogers Road community outreach, partnering with organizations such as the Jackson Center and RENA to identify action steps to provide sewer service to the Rogers Road Neighborhood and lay the groundwork for a master plan; and
4. Approve Budget Amendment #5-B appropriating \$77,400 (43% of \$180,000) from General Fund Unassigned Fund Balance for the initial engineering and community outreach expected to take 8-10 months to complete.

Attachment 1

**Historic Rogers Road Neighborhood Task Force
Final Report**

September 17, 2013

Prepared by the Historic Rogers Road Neighborhood Task Force

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APPENDICES

- A. County and Town Attorneys Opinions
- B. Historic Rogers Road Neighborhood Task Force Report – December 6, 2013
- C. Town of Chapel Hill Memo to Elected Officials February 25, 2013
- D. North Carolina General Statutes 153A-376; 160A-456
- E. Lease Agreement between Habitat for Humanity and Orange County
- F. Operations Agreement: Rogers Road Community Center

INTRODUCTION

In 1972, the north side of Eubanks Road became the site of a solid waste landfill operated by the Town of Chapel Hill. Orange County assumed operational control of the landfill as the result of an August 17, 1999 agreement between the Towns (Chapel Hill, Carrboro, and Hillsborough) and the County. The Historic Rogers Road Community has lived with this landfill for 40 years. Over many years, residents representing the Rogers Road area have voiced concerns about various operational elements associated with the landfill and the impact on the Rogers Road Neighborhood. The Neighborhood is geographically split by the Orange County and Carrboro. Orange County, as the current owner of the landfill, is taking the lead to make remediation improvement to the Historic Rogers Road Community.

A number of local government initiatives have been implemented to improve the quality of life in the Rogers Road Community and they are as follows:

1. The Solid Waste Fund paid \$650,000 to extend public water service by the Orange Water and Sewer Authority (OWASA) to the Rogers Road area.
2. Solid Waste installed gas flares to reduce odors.
3. The Town of Chapel Hill initiated bus service on Rogers Road.
4. Orange County initiated a no-fault well policy to deal with failing drinking water wells remaining in the adjoining neighborhoods.
5. Orange County approved the appropriation of \$750,000 from the Solid Waste Fund Balance to establish a Rogers Road Remediation Reserve Fund.
6. On July 1, 2011 Orange County established a \$5.00 tipping fee surcharge and a plan to incrementally increase the tipping fee each fiscal year by a minimum \$2 per ton as long as the landfill is operational to fund the Rogers Road Remediation Reserve Fund.
7. A partnership with Orange County and the University of North Carolina created a Landfill Gas to Energy Project that commenced operation on January 6, 2012 and will have an immediate and noticeable impact on the odor created by the operation of the landfill. The project will further provide a long-term renewable energy source to UNC, reducing dependence on increasingly expensive fossil fuels, and reduce carbon emissions.
8. On October 4, 2011 the Orange County Board of County Commissioners authorized staff to proceed with a "one-time" effort to clean-up illegal dump sites within three-fourths of one mile of the landfill boundary, at no cost to the individual property owners.

At the January 26, 2012 Assembly of Governments meeting, the Orange County Board of Commissioners and the Town Boards discussed the extension of sewer service and a community center for the Rogers Road Community. County and Town Attorneys (**Appendix A**) have concluded that use of Solid Waste reserves to extend sewer service to the Rogers Road Community is not consistent with North Carolina General Statutes and would subject the local governments to legal challenges. As such, a community

center does not have a relationship to Solid Waste and could not be funded from Solid Waste reserves. Therefore, funding for either the extension of sewer services and/or a community center will have to come from the County's and Towns' other general revenue sources. There was discussion on January 26 regarding the creation of a task force to address the issues.

On February 21, 2012 the Orange County Board of Commissioners authorized the creation of a new Historic Rogers Road Task Force to address sewer service and a community center. The composition of the Task Force was to include two members appointed by each Town (Chapel Hill and Carrboro); two members appointed from the County; and two members appointed from Rogers Eubanks Neighborhood Association (RENA). **Appendix B** is the Original Historic Rogers Road Neighborhood Task Force's Report to the Assembly of Governments on December 6, 2012

Reappointment of the Historic Rogers Road Neighborhood Task Force

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

Appointed Task Force Members:

David Caldwell:	RENA
Robert Campbell:	RENA
Penny Rich:	Orange County
Renee Price:	Orange County
Michelle Johnson:	Carrboro
Sammy Slade:	Carrboro
Lee Storrow:	Chapel Hill
James Ward:	Chapel Hill

Charge of the Reappointed Historic Rogers Road Neighborhood Task Force

1. Request that the towns confirm the continuation of the Historic Rogers Road Neighborhood Task Force and appoint members to the Task force;
2. Confirm the appointment of Commissioners Rich and Price as the County's members on the Historic Rogers Road Neighborhood Task Force;

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

RECOMMENDATIONS

1. That the Cost associated with the Community Center and Sewer Improvements will be shared 14% Carrboro, 43% Chapel Hill and 43% Orange County.
2. That the Sewer Concept Plan presented by OWASA in 2012 to serve 86 parcels at an estimated cost of \$5.8 million should be funded by Carrboro, Chapel Hill, and Orange County in proportion to the recommended cost sharing. The first phase of the construction should include segments 5, 6, and 8 at an estimated cost of \$3.7 million, serving 67 parcels. Funding recommended to be included in the Fiscal 2014/2015 Budgets, with the remaining 19 parcels to be constructed in the second phase and included in the Fiscal 2015/2016 Budgets
3. That the Task Force prefers the original Sewer Concept Plan presented by OWASA in 2012 to serve 86 parcels at an estimated cost of \$5.8 million. First this concept will provide sewer improvements to the entire Historic Rogers Road Neighborhood; secondly, this proposal will enable all of the partners, Orange County, the Town of Chapel Hill, and The Town of Carrboro, to equally share the costs of the Community Center and Sewer Improvements in proportion to their responsibilities. If either the Orange County Board of Commissioners or the Chapel Hill Town Council do not favor the original Sewer Concept Plan presented by OWASA in 2012 or cannot agree on the concept of an ETJ for the Historic Rogers Road Neighborhood, the Sewer

Concept Plan presented by OWASA in 2012 including only segments 5, 6, and 8 to serve 67 parcels at an estimated cost of \$3.7 million should be funded.

4. That the county petition the Town of Chapel Hill to annex all County Owned Property in the Historic Rogers Road Neighborhood.
5. That the Task Force requests that the Managers explore the collaborative approach to the Historic Rogers Road Neighborhood as outlined in February 25, 2013 Memo to Elected Officials (**Appendix C**) and report back to the Task Force on August 21, 2013.
6. That the Managers meet and talk about the options related to connecting the residents of the Historic Rogers Road Neighborhood to sewer.
7. That funding is identified for the cost of connecting from the OWASA infrastructure to the home in addition to applying for grants for low-to-moderate income persons. It is a priority of the Task Force to identify funding not only for the installation of sewer infrastructure but also cost of connections to homeowners. The Task Force recommends that the County and Towns set up a fund specifically for people in the Historic Rogers Road Neighborhood and to fund the cost of the connections from the home to the utility main

SEWER SERVICE

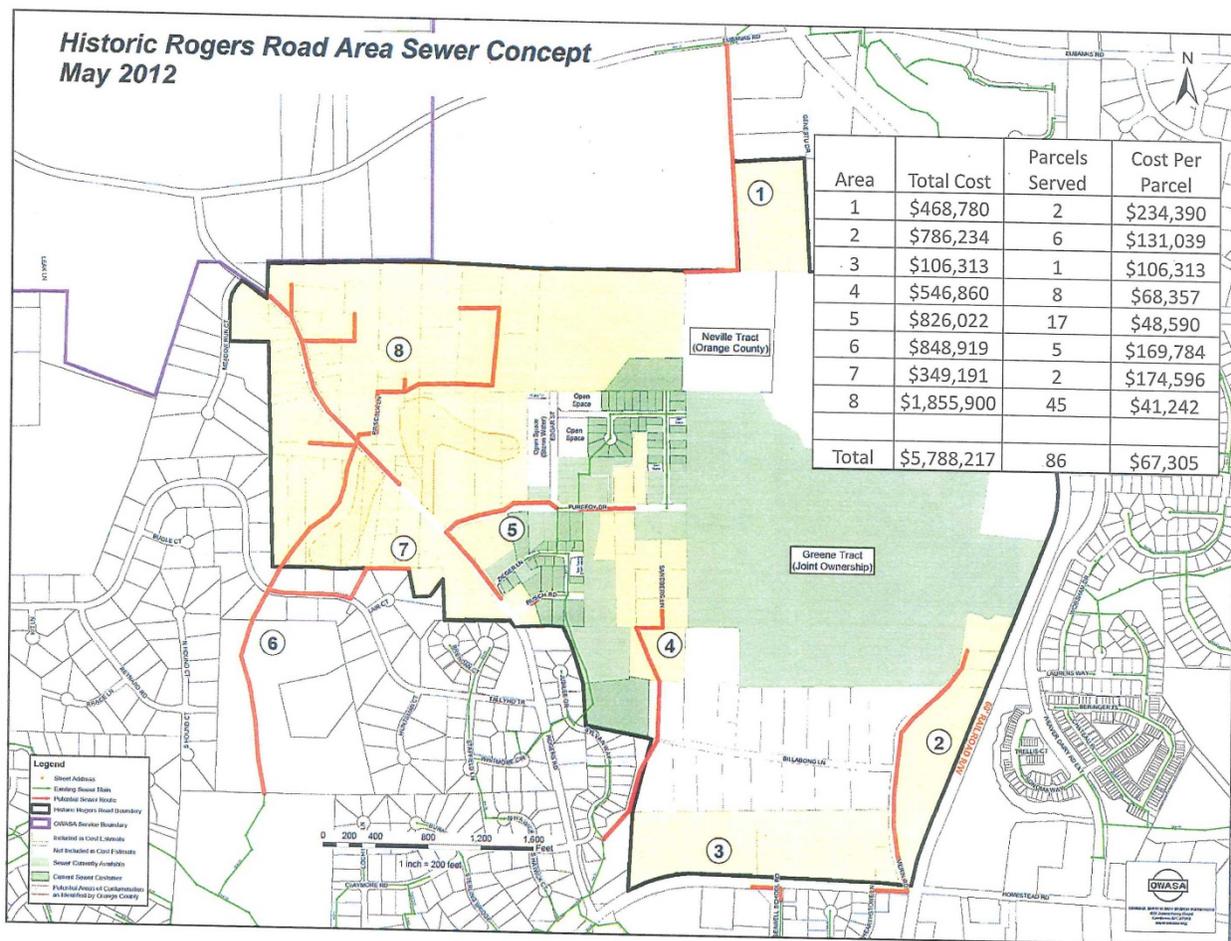
2012 OWASA Sewer Concept Plan:

OWASA is the water & sewer utility for the area and as such, it investigated the concept of providing sewer service as part of the Town of Chapel Hill's Rogers Road Small Area Plan. On February 8, 2011 OWASA provided an updated concept plan and cost estimate, for the Rogers Road Small Area Plan Study Area for \$3.4 million. This early concept plan was completed based on the Chapel Hill Small Area Plan which is a geographically different area than the Historic Rogers Road Neighborhood sewer concept. There is also some difference in routing some of the main outfalls. In the current estimate, OWASA needed to avoid the area of contamination coming out from the Carrboro section that required more line with deeper excavation. Most importantly, in the earlier estimates neither the availabilities fees was included nor the cost of extending a lateral from the main line to the properties.

OWASA provided a concept plan, layout, and cost estimate for providing sewer service to the area that was delineated by the Rogers Road Neighborhood Task Force at the April 30, 2012 meeting. The concept plan is the most efficient way to serve the defined

Rogers Road Neighborhood and does not consider adjoining neighborhoods. The Reappointed Task Force reviewed the concept on March 20, 2013. **See below, Exhibit 1, the Historic Rogers Road Area Sewer Concept Map, 2012 Map.** All the green areas show where sewer service is already available. The dark green areas are parcels that have connected to the OWASA service. The light green areas have not connected. The 86 parcels in yellow are the properties that would be served by the conceptual sewer layout. The concept map also breaks down the sewer service into 8 sub-areas with the number of parcels served and cost per parcel. The 8 red lines represent the possible sub-areas of the sewer infrastructure that could be considered, if the entire concept project is not feasible. The sewer infrastructure routing was estimated based on the topography taken from maps rather than from any field work. In order to get to a greater level of detail or certainty on the cost, some field work would be required. There are two brown areas on the map that the County has identified as some subsurface disposal or some suspected contamination. Without any further investigation, the sewer line has been routed no closer than 100 feet of that margin.

Exhibit 1



The total construction and installation cost for the sewer concept is currently estimated to be \$5.8 million. **See the table below.** It would serve 86 additional parcels of land. The concept costs include construction, engineering design, administration and contingency for possible rock. The topography of the neighborhood is complex and the land falls in several different directions. This concept plan does not include the costs of any property acquisitions or easement acquisitions. The availability hookup charge for each of the parcels is based on an assumed average house size of 2,500 square feet. When a customer connects to the OWASA water and sewer system, there is a one-time fee that is estimated to be \$4,300 per parcel for the concept plan.

Cost estimate Summary:

Engineering , Design and Permitting	376,350
Construction Cost	3,763,506
Construction Administration	188,175
Construction Inspection	188,175
20% Contingency	903,241
Sub Total	5,419,447
Service Availability Fees	368,768
Total	5,788,215

The concept does not include the cost to actually connect individual homes to the sewer system. Those costs will vary depending on the configuration of the lot and the distance from the house to the main sewer line. Those costs are typically the costs of the homeowner and are estimated to be about \$20/foot. The connections to an individual house would be provided by a private plumbing contractor.

2013 OWASA Utility District Concept Plan:

The Task Force reconvened in 2013 and there was discussion about a larger district that would include sewer and water that encompasses a much greater area and would bring many more potential property owners to the table, in terms of sharing the cost and the potential to serve a lot more people. There are a couple of options that the Task

Force considered. One was a larger district including other properties outside of Rogers Road that can contribute to the cost that otherwise would be paid by the Rogers Road area. The other option would be having Task Force recommend funding solely for the 2012 Sewer Concept for the Rogers Road area and that would represent a larger per-property cost.

If a Utility District is created, it would be a separate governmental entity, so everyone within that governmental entity would have the same opportunity. Even with the creation of a Utility District the County would be responsible for funding and operating the district. The district could issue bonds to raise the funds, or more likely, the County would issue some sort of General Obligation Bond. There are several legal ways to raise the money; it will come down to the political choice of which legal way the County would choose. Either way, the County would take the lead to finance a Utility District.

A Utility District would be located outside the corporate limits of the Town of Chapel Hill. A legal concern is whether the Town of Chapel Hill could spend money outside of the town limits. There are a couple of potential ways under which that could occur. The first option is that Chapel Hill could annex either all or some of that district. In order to do so it would require a majority vote of the residents. The second option allows the extension of water and sewer lines through a community development program. The extension of utility lines can occur within a Town's corporate limits but also within the ETJ [Extraterritorial Planning Jurisdiction]. The district could be created, but there is no basis for the Town of Chapel Hill to be able to make a contribution, in the absence of either a community development program in the ETJ or annexation. The County can create a service district. Carrboro can contribute because it has areas in the service district that are within the town limits, but Chapel Hill does not.

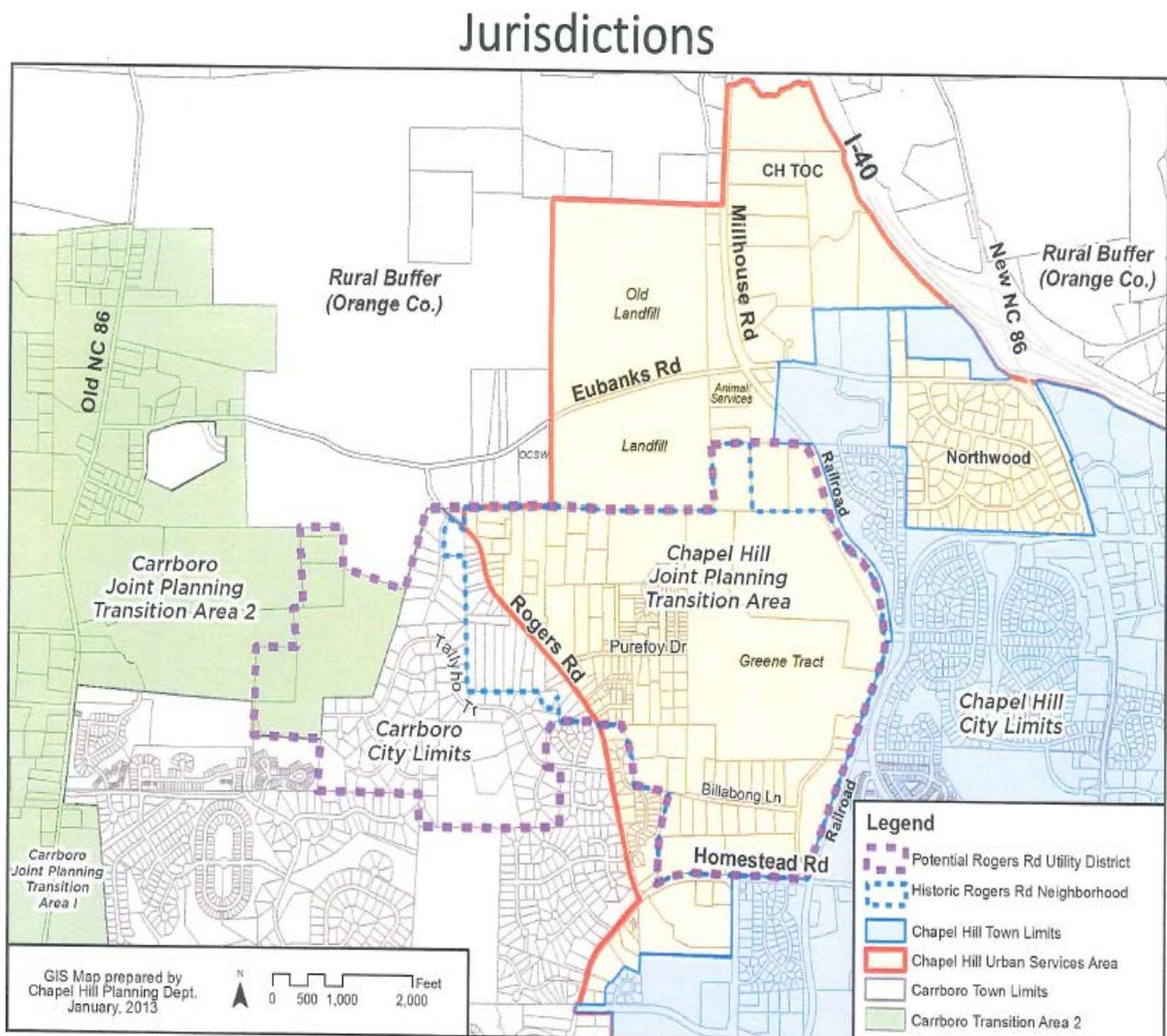
On November 14, 2012 the Historic Rogers Road Task Force recommended that the County & Town Managers explore the creation of a County Sewer District for all property owners in the Historic Rogers Road Neighborhood. This concept evolved from 2012 Sewer concept presented by OWASA, with the total cost of about \$5.8 million that would serve 86 parcels, with an average cost of \$67,000 per parcel. The Task Force asked the Managers to look at water and sewer options and see what might work; what might be a better solution or was the best solution.

The planning staffs from Carrboro and Chapel Hill looked at the sewer district and identified areas that the sewer lines go through that aren't being served by the proposed sewer. Staff identified parcels that could be served by new sewer infrastructure but also considered parcels that are not served by water. Consideration for a Proposed Utility District started with the boundaries of Historic Rogers Road Neighborhood. Adjacent properties that fell into the category of either existing development that was not currently

being served or areas that could be expected to request sewer service as the property develops in the future were included in the Proposed Utility District.

Exhibit 2 Jurisdictions outlines the existing jurisdictions, Carrboro Town Limits, Chapel Hill Town Limits, Chapel Hill Joint Planning Transition Area, Carrboro Joint Planning Transition Area 2, and the Historic Rogers Road Neighborhood. The thick purple line shows the possible expanded Utility district that OWASA was asked to propose as a Utility District. The blue line identifies the Historic Rogers Road Neighborhood as defined by the Task Force.

Exhibit 2



The Proposed Utility District above is broken down between Water and Sewer Costs. The Total Cost of the proposed Utility District is outlined below:

Proposed Utility District

Total Water and Sewer Cost

Construction Cost	\$	11,226,913
Engineering , Design and Permitting 10%	\$	1,122,691
Construction Administration 5%	\$	561,346
Construction Inspection 5%	\$	561,346
20% Contingency	\$	<u>2,694,459</u>
Sub Total	\$	16,166,755
Service Availability Fees	\$	1,414,908
Meter Cost	\$	<u>26,400</u>
Total	\$	17,608,063
Cost Per Parcel (220)	\$	80,037

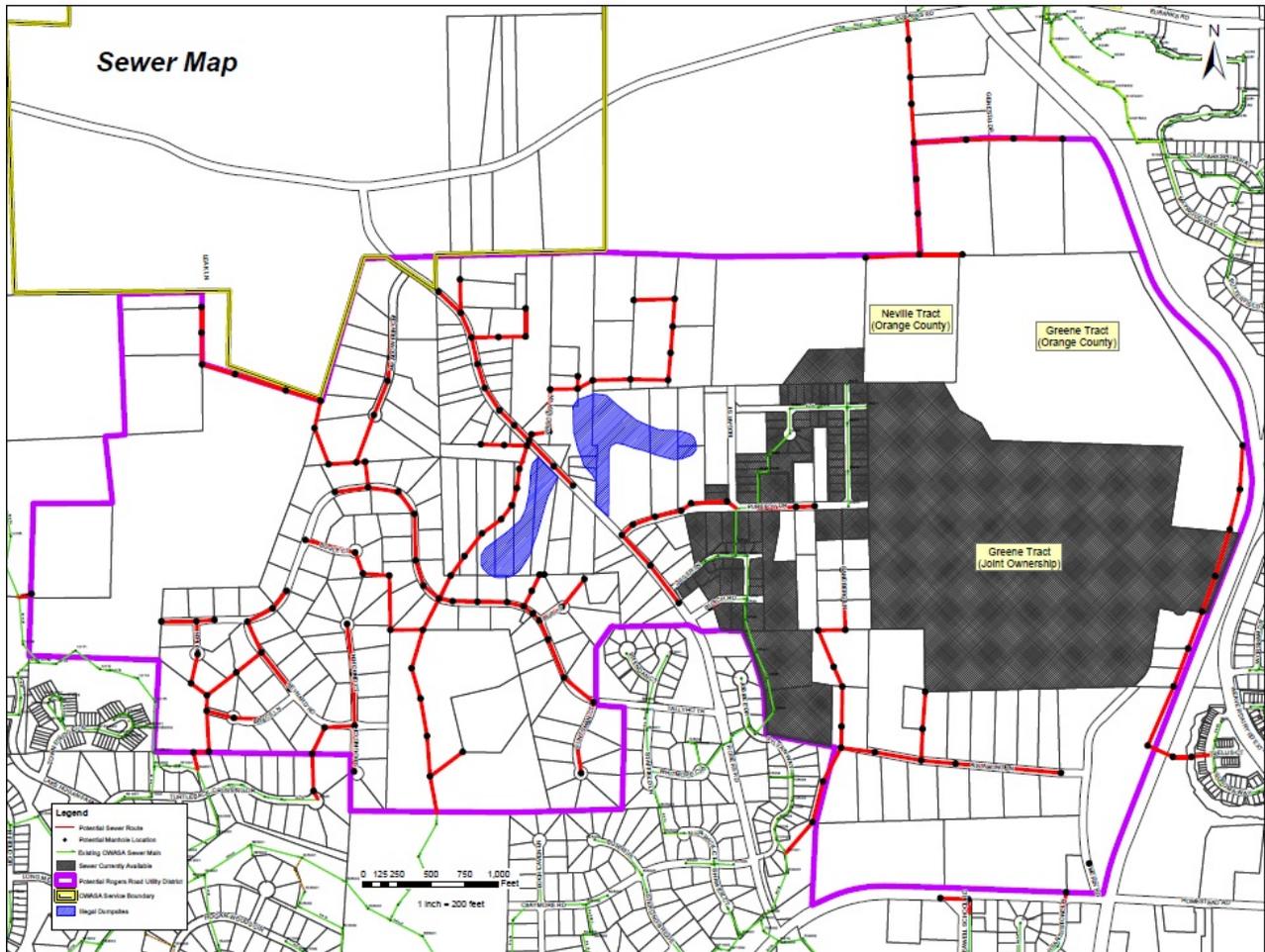
The Sewer only cost estimate is outlined below and shown on **Exhibit 3 (Sewer Map)**. Existing OWASA-owned public sewer is shown in thin green lines. The Proposed Utility District for sewer infrastructure is shown with a thick red line with black dots, representing the manholes for the new extension.

Proposed Utility District

Total Sewer Cost

Construction Cost	\$	7,441,188
Engineering , Design and Permitting 10%	\$	744,119
Construction Administration 5%	\$	372,059
Construction Inspection 5%	\$	372,059
20% Contingency	\$	<u>1,785,886</u>
Sub Total	\$	10,715,311
Service Availability Fees	\$	<u>973,500</u>
Total	\$	11,688,811
Number of parcels served 220		
Cost Per Parcel	\$	53,131

Exhibit 3



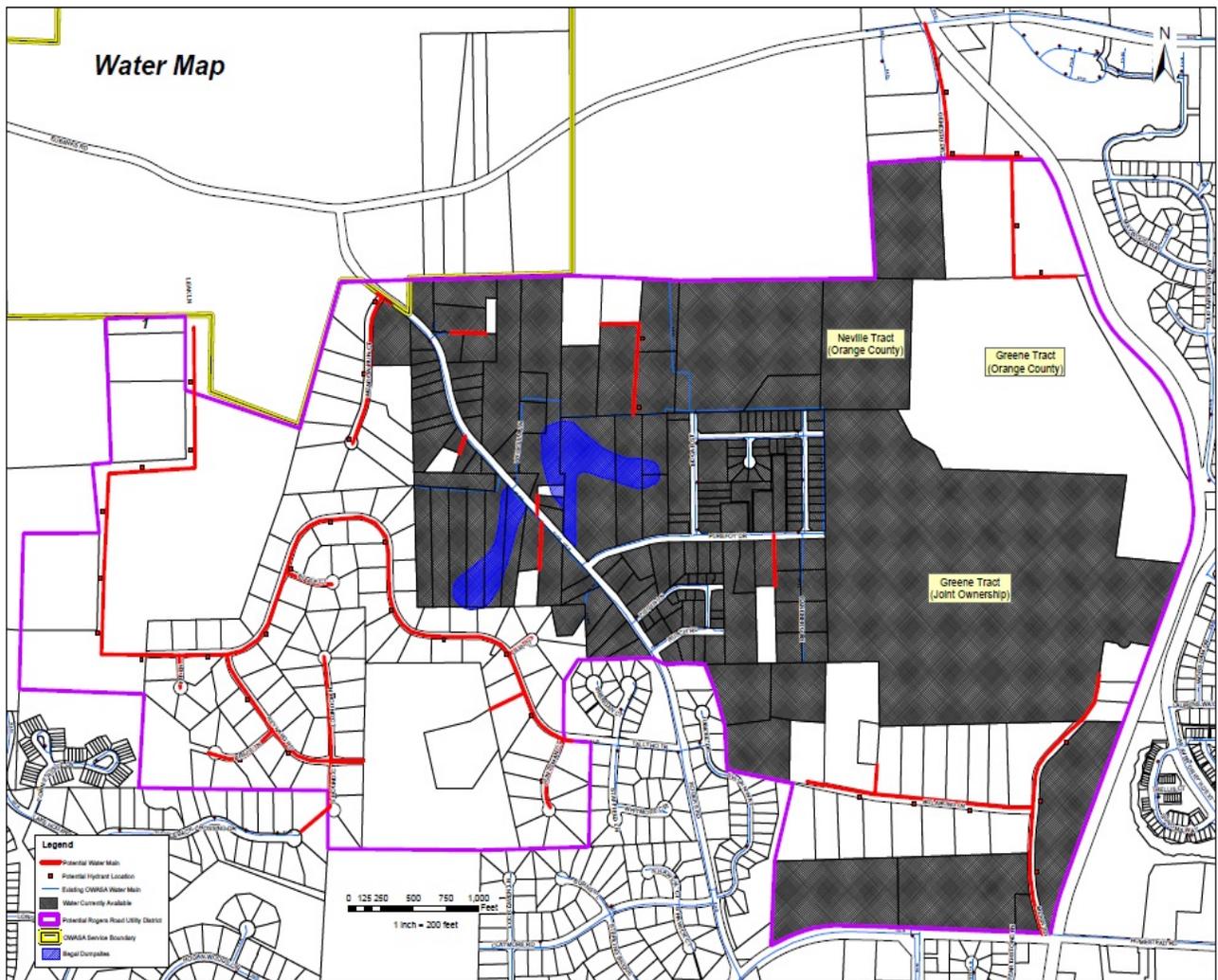
The water cost estimate is outlined below and shown on **Exhibit 4 (Water Map)**. The water map is the same as sewer, except with thin blue lines identify existing mains and the new mains are the thick red lines, with red squares as proposed fire hydrant locations.

Proposed Utility District

Total Water Cost

Construction Cost	\$ 3,835,724
Engineering , Design and Permitting 10%	\$ 383,572
Construction Administration 5%	\$ 191,786
Construction Inspection 5%	\$ 191,786
20% Contingency	<u>\$ 920,575</u>
Sub Total	\$ 5,523,443
Service Availability Fees	\$ 441,408
Meter Cost	<u>\$ 26,400</u>
Total	\$ 5,991,251
Number of parcels served 132	
Cost Per Parcel	\$ 45,388

Exhibit 4



All parcels that already have access to water and/or sewer on the maps are identified in a black crosshatch; some of these parcels are currently connected to OWASA's system and some are not.

The Proposed Utility District would extend water and sewer to all parcels within the purple boundary. The newly Proposed Utility District almost doubles the amount of sewer that would need to be installed from what was proposed in May 2012. This expanded area increased the lineal feet of sewer extension required from 3.6 miles to 6.8 miles and added 4.4 miles of water main extension. The conceptual layouts for sewer and water are based on the parcel boundaries as they are currently configured and whether or not a structure or multiple structures are currently located on a parcel was not considered.

The Proposed Utility District includes all parcels and the cost per parcel in some areas will be much greater than others. **Exhibit 5 (High Cost Areas)** identifies 5 areas where the cost of new water and/or sewer infrastructure/parcel will be the highest. If the high cost areas are removed until additional development occurs in the Proposed Utility District the initial cost of the Utility District would go from \$17.6 million to \$13.4 million. This represents a 24% decrease in the initial cost, which could be the final phase of the Utility District, and would eliminate water and/or sewer service to 22 parcels. The cost for the High Cost Areas is outlined below:

Proposed Utility District Less High Cost Areas

Total Water Cost Less High Cost Areas

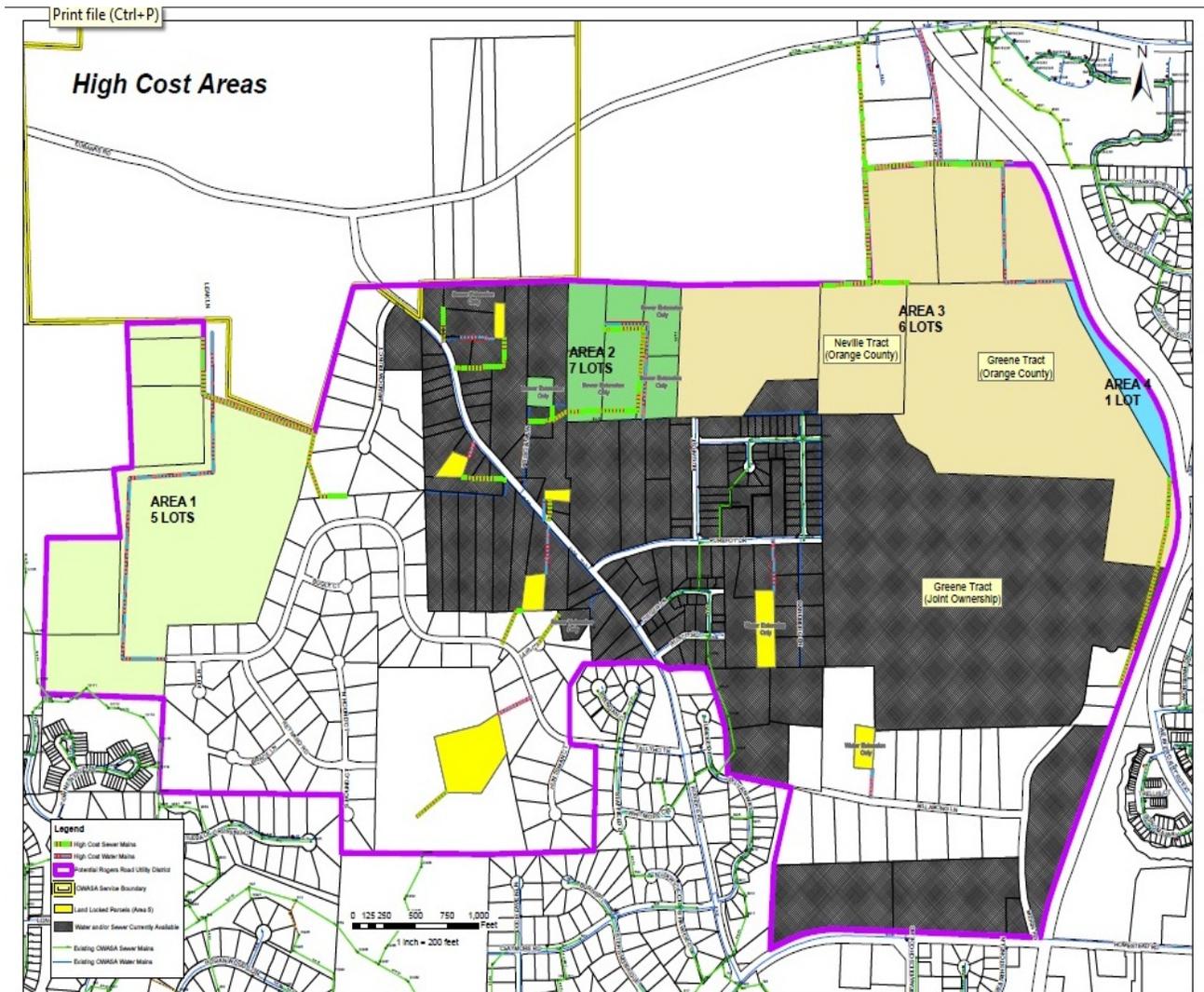
Total Overall Cost for Water	\$	5,991,251
Minus High Cost Areas for Water	\$	<u>1,826,331</u>
Total Water	\$	4,164,920

Total Sewer Cost Minus High Cost Areas

Total Overall Cost for Sewer	\$	11,688,811
Minus High Cost Areas for Sewer	\$	<u>2,465,767</u>
Total Sewer	\$	9,223,044

Total Water & Sewer Cost Minus High Cost Areas	\$	13,387,964
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Exhibit 5



The 2012 Sewer concept presented by OWASA had a total estimated cost of \$5.8 million that would serve 86 parcels, with an average cost of \$67,000 per parcel. The Proposed Utility District which evolved from the 2012 Sewer concept has an estimated total cost of \$17.6 million. With an expanded service area, the cost of sewer only is \$11.6 million. If the sewer component of the Proposed Utility District is broken out, sewer would serve 220 sewer parcels, with an average cost of \$53,131 per parcel.

OWASA estimates include extending one sewer service lateral from the main sewer line to the edge of the right-of-way, with a clean out, and extending one water service lateral, setting a meter box and meter at the edge of the right-of-way. This estimate does not consider any cost for hooking up those parcels that have sewer available to them now. If they already have sewer or water available to them, it's not included in the cost estimate. The costs associated with acquiring the easements that will be necessary before any construction work can begin are not included. However, whenever it was feasible to do so, proposed utilities are inside the right-of-way to minimize the number of easements that must be obtained.

2013 OWASA Sewer Compromise Concept:

On June 12, 2013 the Task Force was presented a Compromise Sewer Concept based on the 2012 OWASA Sewer Concept. The intent of the concept is to bring focus on the target core of the Historic Rogers Road Neighborhood considering cost, efficiency and expediency to serve this Neighborhood.

The original 2012 Sewer Concept serves the Rogers Road Neighborhood by constructing 8 different segments at a total estimated cost of \$5.8 million. ***Exhibit 1, the Historic Rogers Road Area Sewer Concept May, 2012 Map*** shows the 8 different segments and 86 parcels that would be served with this concept. Segments 5, 6, & 8 could serve 67 parcels and are the most cost effective to construct. This concept could also be constructed as the first phase of a larger Proposed Sewer District. The Compromise Concept would serve 67 of the 86 original parcels or 77.9% and cost an estimated \$3.7 million or 64.1% of the original cost estimate. This concept could serve the core of Rogers Road, but not everyone.

Homeowner Connections:

Homeowners subsidize connection:

The County and the Towns have statutory authority to pay for or subsidize connection costs for the benefit of low and moderate income persons within their territorial jurisdiction. (**Appendix D - G.S. 153A-376; 160A-456**). Pursuant to this authority a program could be established whereby grants or loans are issued to persons who meet

designated criteria to assist those persons with the cost of connecting to a water or sewer system. It remains to be determined whether each unit of local government would operate its own program or whether a joint program would be established. A method to fund individual homeowner connections to water and/or sewer infrastructure is to create a community development fund, set up for the benefit of low-moderate income individual.

If a utility district is created, one of the benefits is that the availability of community development funds could be limited to property owners within the district. The District could not distinguish between or have differential sliding scales based on how long a resident has lived in the Rogers Road Neighborhood. After establishing a policy that makes funds available for individuals to connect to water and/or sewer utilities, for low-to-moderate income homeowners, individuals could apply for grants and/or loans to pay for utility connection charges. No one would be forced to connect to the system, but in any case the qualifying criteria would not be limited to residents of the District.

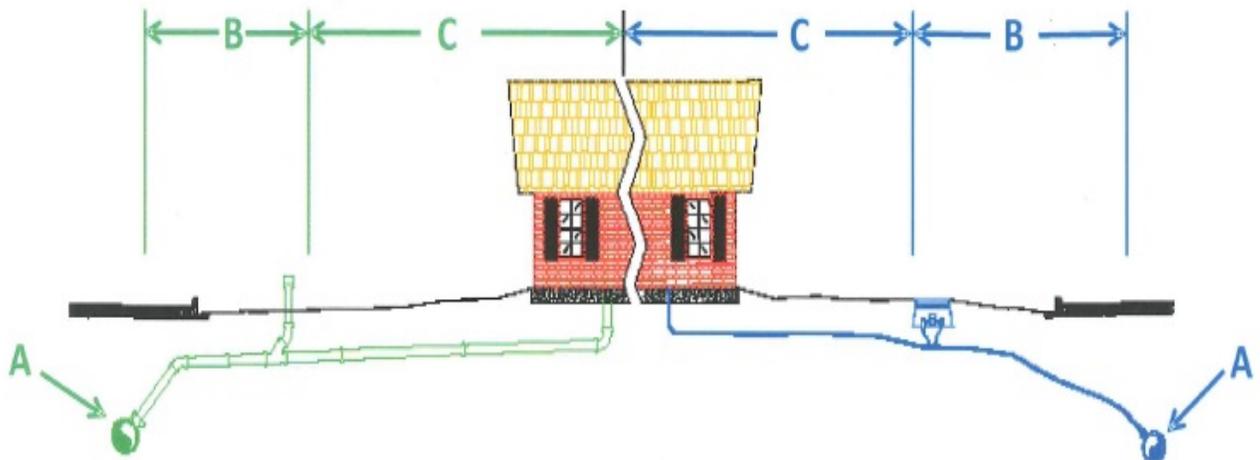
Connection cost:

The Proposed Utility District has not yet been formed and a fees structure has not yet been considered. The current OWASA fee structure could be used as an example of the fees a new Utility District customer would be expected to pay. A new sewer customer will be expected to pay for a sewer service lateral, a clean out and service availability fee; a water customer will be expected to pay for a water service lateral, meter box, meter, and service availability fee. The estimates are based on a 2,500 sq. ft. house, pumping out and abandoning a septic tank, a private lateral 150' long, and no internal plumbing modifications.

Exhibit 6 (Historic Rogers Road Area Estimate Schematic) provides a detail breakdown of what an individual home owner could expect to pay to connect to both OWASA water and sewer. In this example, the fees paid to OWASA would be \$11,495 and the estimated cost of a private plumber is \$10,850.

Exhibit 6

Historic Rogers Road Area Cost Estimate Schematic



SEWER COST ESTIMATE PER LOT

Item	Cost
A - Sewer Main Extension	\$TBD
B - Sewer Service Lateral, Clean out and Service Availability Fee*	\$6,925
C - Private Plumbing	\$7,250
Total:	\$TBD

Private Plumbing Assumptions:

- All materials and workmanship per plumbing code
- Cleanout installed at edge of Right of Way
- Septic Tank pumped out and abandoned
- Home can be served by gravity (no sump or pump)
- Private lateral is 150' long
- No internal plumbing modifications required
- Assumes trenching will not require disturbance of sidewalk, driveway or landscaping

* Service Availability Fee charge assumes 2,500 ft² home

WATER COST ESTIMATE PER LOT

Item	Cost
A - Water Main Extension	\$TBD
B - Water Service Lateral, Meter Box, Meter and Service Availability Fee*	\$4,570
C - Private Plumbing	\$3,600
Total:	\$TBD

Private Plumbing Assumptions:

- All materials and workmanship per plumbing code
- Meter box and meter installed at edge of Right of Way
- Well disconnected from home plumbing, not abandoned
- Private lateral is 150' long
- Includes Pressure Reducing Valve installation, but no other internal plumbing modifications
- Assumes trenching will not require disturbance of sidewalk, driveway or landscaping

* Service Availability Fee charge assumes 2,500 ft² home

COMMUNITY CENTER:

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

A Lease Agreement (**Appendix E**) between the County and Habitat for Humanity to lease two lots in the Phoenix Place Subdivision for an initial term of 20 years has been approved. **Appendix F**, an Operating Agreement between Orange County and the Rogers Eubanks Neighborhood Association (RENA) has been drafted and is scheduled to be presented to the Board on September 17, 2013. The agreement contracts with RENA to provide programs and activities that take place at the Community Center, and that all such programs and activities shall be open to the general public.

The County Attorney will be drafting a Memorandum of Understanding between the County and Towns to outline a capital contribution from the Towns for the construction of the Rogers Road Community Center not to exceed \$650,000. The MOU will also provide that the County will be ultimately responsible for the cost of operating and maintaining the Community Center and that the financial participation by Carrboro and Chapel Hill will be limited to the capital contributions identified below.

Costs sharing percentages are the same as identified in the 1972 Landfill Agreement, 43% for Orange County, 43% for the Town of Chapel Hill, and 14% for the Town of Carrboro. The County will construct the Community Center and reimbursement from the Towns could begin in Fiscal 2013/2014.

Budget for the Community Center: \$650,000

Shared Costs:

Orange County	43%	\$279,500
Town of Chapel Hill	43%	\$279,500
Town of Carrboro	14%	\$ 91,000

**GENTRIFICATION, CHAPEL HILL'S SMALL AREA PLAN,
AND THE GREENE TRACT:**

The Task Force highlights part of the charge to the reappointed Task Force (5 Feb 2013) – “To have the Task Force consider options to address gentrification”, indicating that it has not been adequately discussed by the Task Force, nor have options been identified to address this concern, yet it remains a critical issue. Therefore, the Task Force requests that the staffs from each jurisdiction continue to work together with RENA and the other partners identified in Manager’s February 25, 2013 memo to Elected Officials (Self-Help, Jackson Center, OWASA, Chapel Hill-Carrboro City Schools), to identify challenges and craft an action plan which addresses the issue of gentrification and allied concerns. And that the progress reports/recommendations be submitted and discussed at all future Assembly of Government meetings until sufficiently resolved.

On April 17, 2013 the Managers and Attorneys presented recommendation from their meeting on April 11, 2013, Appendix G.

The County & Town Managers, and Attorneys support the concept of a multijurisdictional Development Agreement that will address utilities, gentrification and the Greene Tract for the Historic Rogers Road Neighborhood, Including:

- The concept of an expanded geographic region for a Utility District to promote water and sewer for the Rogers Road Neighborhood
- That the County would be the unit of government to create, finance, and operate a County Utility District for a geographic region that would include the Historic Rogers Road Neighborhood parcels that are not currently served by a municipal water & sewer system.
- The concept of the joint development of the Greene Tract for affordable housing, schools, and open space should be an integral part of a development plan for the Rogers Road Neighborhood.

Attachment 2

A RESOLUTION INITIATING FUNDING FOR PRELIMINARY ENGINEERING AND OUTREACH FOR THE ROGERS ROAD SEWER PROJECT AND CONTINUING THE PUBLIC HEARING FOR THE EXTRATERRITORIAL JURISDICTION BOUNDARY AMENDMENT (2014-02-10/R-3)

WHEREAS, the Town Council re-opened the Public Hearing for the Extraterritorial Jurisdiction Boundary Amendment on October 21, 2013 and continued the hearing to January 13, 2014 and continued the hearing to tonight; and

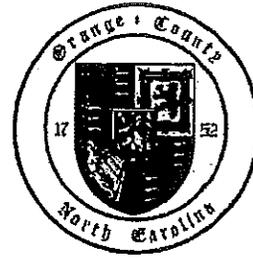
NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council continues the Public Hearing, to be reconvened in the fall 2014.

BE IT FURTHER RESOLVED that the Council directs the Town Manager to prepare agreements and appropriate budget action to initiate preliminary engineering and outreach efforts for the Rogers Road sewer project;

This the 10th day of February, 2014.

Office of the County
Attorney

ORANGE COUNTY
P.O. BOX 8181
200 S. CAMERON STREET
HILLSBOROUGH, NC 27278



October 17, 2013

Mr. Jerett Yan
OCR External Compliance Program
U.S. EPA, Office of Civil Rights
(Mail Code 1201A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460-1000

Re: EPA File No.: 13R-07-R4

Dear Mr. Yan:

On June 20, 2013 you informed me in a letter sent via email that the Environmental Protection Agency's ("EPA") Office of Civil Rights had accepted for investigation an administrative complaint received by EPA on April 18, 2011

Three months have passed and I have heard nothing regarding this investigation. For that reason I am writing to address the allegation that Orange County's Planning and Inspections Department "discriminated on the basis of race by denying water and sewer service to the African American Residents of the Rogers Road Community." Specifically, your letter states the investigation is based on a complaint that alleges Orange County is complicit with the Orange Water and Sewer Authority ("OWASA"), an independent governmental unit, in a race-based denial of water and sewer service to residents of the Rogers Road community because Orange County's Planning and Inspections Department did not seek grants similar to the grants received for Buckhorn and Mebane projects. This allegation is baseless and approaches the level of being a fraudulent misrepresentation.

By way of background both the Buckhorn and Efland (Mebane project) areas are within Orange County's jurisdiction so noted within its Comprehensive Plan and Zoning Atlas. The area that is the subject of the complaint (i.e. Rogers Road Area) is partially within the town limits of the Town of Carrboro and partially within an area controlled by an adopted interlocal agreement known as the Joint Planning Agreement ("JPA") between Orange County and Chapel Hill. The Joint Planning Agreement deals with land use.

The two primary areas of the JPA include 'Transition' areas (i.e. areas transitioning to a future urban character) to be administered by the towns and 'Rural Buffer'; to remain a lower housing density area. This created an Urban Services delineation which also set the boundary of future town annexations. The local governments assigned transition areas to implement land development ordinances "...just as if the land were located within the respective Town's planning jurisdictions." The role of the County in JPA areas is to comment on land use consistency with the common land use plan map but not to direct development activities in areas anticipated for municipal annexation. The Town of Chapel Hill has notified the county on its intent to formally change these areas to add them to its extraterritorial jurisdiction in the immediate future.

The first allegation related to the complaint that I will address is that Orange County "has direct influence in shaping OWASA's agenda because Orange County appoints two members of the OWASA board of directors." Water and sewer service in the Historic Rogers Road Area is operated and maintained by OWASA. OWASA's governing board is comprised of nine members, five of whom are appointees of the Town of Chapel Hill, two appointees from the Town of Carrboro, and two appointees from Orange County. Orange County has absolutely no influence over, or involvement with, water and sewer service or operations by OWASA. Nor, beyond the appointment of two members to its governing board, does Orange County have any authority over the governing board of OWASA. OWASA's governing board, together with its senior staff, is solely responsible for administrative and operational decisions regarding OWASA's provision of water and sewer service. The OWASA organizational chart may be viewed [here](#). As you will see Orange County is nowhere in the organizational chart. You will also not find any indication whether through board minutes, notes, news reports, or any other source that Orange County has any influence over OWASA's agenda, activities or operations.

Another allegation is that Orange County sought grants from the EPA for the Efland and Buckhorn areas and intentionally refused to seek grants for the Historic Rogers Road area. This also is false. Neither Orange County nor the Orange County Planning and Inspections Department unilaterally sought grants from the EPA for the expansion of wastewater systems in the Efland and Buckhorn communities. Congressman David Price earmarked funds in 2003 [Consolidated Appropriations Resolution, 2003, (P.L. 108-7)] and 2005 [Consolidated Appropriations Act, 2005, (P.L. 108-447)] for the aforementioned areas. Upon the funds becoming available the Orange County Planning and Inspections Department followed guidelines set forth by EPA Region 4 for special appropriation projects ("SPAP") to receive the grant awards including permission from the Orange County Board of Commissioners to pursue the earmarked/allocated wastewater grants, but did not formally apply for the earmarked funds.

In 2004 the County retained an engineering firm to begin designs for the areas on which the SPAPs were to be expended. In 2009 engineering design was still underway but no formal application had been made for the SPAP funds when the County was notified that unused SPAPs could be rescinded and/or forfeited if not formally applied for with the associated paperwork for receipt of funds. Due to the possibility of the funds becoming unavailable Orange County formally applied for the funds in 2010.

Some additional information of which EPA staff may not be aware is as follows: Beginning last year, the Orange County Board of Commissioners commissioned a task force comprising residents of the Rogers Road Area, Orange County Commissioners, Carrboro Aldermen, and Chapel Hill Town Council members to examine what could be done in the Rogers Road Area to assist the community. In the course of its work I received notice of the EPA investigation. Upon my receipt of that notice I immediately advised the Orange County Board of Commissioners that it should suspend any expenditure of funds in the Rogers Road Area until such time as the investigation is closed and we can determine what, if anything, EPA would demand of Orange County. Despite this, the task force has continued its work and is scheduled to present its recommendations to the county and town governing bodies on November 21st. Among other things the task force is recommending the construction of a public community center and the extension of sewer lines in the Rogers Road Area.

The construction of a public community center in the area is proceeding. This project has been approved by the Orange County Board of Commissioners for an approximately 4000 square foot structure with a construction budget of up to \$700,000. Initial bids have been rejected because those bids came in at almost double the amount budgeted, however, the project is being re-bid.

The extension of sewer lines represents a substantially larger investment of public dollars and for this reason in light of the open investigation I have continued to advise the Board of Commissioners to suspend consideration of the extension of sewer lines for so long as the investigation remains open. As I'm sure you realize the reason for this recommendation is that Orange County could expend millions of

dollars in one area or on one project and the EPA, as a result of its investigation, could demand that an equal or greater amount of funds be spent on another area or project.

This delay is not benefitting the Rogers Road Area and as I mentioned above is the result of an investigation that I believe the EPA will find is based on a groundless complaint. The Orange County Board of Commissioners has taken positive steps in the last year to assist the Rogers Road Area. Prior to this investigation surfacing the Board of Commissioners was in the process of committing to expend funds on improvements in the area. Based on the actions of the past year I am confident that absent this investigation all three local governments would be on the verge of approving the extension of sewer lines and other projects in the Rogers Road Area.

In order to allow this process to resume I request EPA either: 1) Immediately proceed with its investigation to some reasonable and speedy conclusion; or 2) Dismiss the complaint so that the local governments may proceed with the consideration and possible implementation of the task force recommendations; or 3) Encourage the complainants to withdraw their petition so that the local governments may proceed with consideration and possible implementation of the task force recommendations.

I am available to discuss the investigation at your convenience.

Sincerely,



John Roberts
Orange County Attorney

cc: Orange County Commissioners
Michael Talbert, Interim County Manager
Craig Benedict, Planning & Inspections Director



**ORANGE COUNTY
ASSEMBLY OF GOVERNMENTS**

AGENDA ITEM ABSTRACT

Meeting Date: December 6, 2012

**Action Agenda
Item No. 3**

SUBJECT: Greene Tract Historical Information and Options

DEPARTMENT: Solid Waste Management

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- A. Proposed Agenda for Greene Tract Work Session for April 29, 2008
- B. Abstract for Approval of Recommendations from the Greene Tract Work Group dated December 10, 2002
- C. Greene Tract Reimbursement Schedule and Payment History for 104 Jointly Owned Acres

INFORMATION CONTACT:

Frank Clifton, County Manager, 245-2306
 Michael Talbert, Asst. County Manager, 245-2308
 Gayle Wilson, Director, Solid Waste Management, 968-2885

PURPOSE: To provide historical information and discuss options for the 104 acres Greene Tract jointly owned by Orange County, Chapel Hill, and Carrboro.

BACKGROUND: The Greene Tract (164 acres) was acquired in 1984 for \$608,000 and came to Orange County as an asset in the Solid Waste Fund. As a result of the Inter Local Agreement, 60 acres of the Greene Tract was conveyed to Orange County for "Solid Waste management purposes". The Inter Local Agreement (amended April 12, 2000) provided for the three owning partners to determine, over a two-year period, the ultimate disposition of the remaining 104 jointly held acres. Attachment A provides a history of the Greene Tract from 1999 through 2008. Attachment B provides information regarding the last action taken by the Board of County Commissioners (BOCC) on December 10, 2002. Although there has considerable discussion about the future of the Greene Tract, no action has been taken by the BOCC since 2002.

A Greene Tract Work Group that included representatives of all parties to the Inter Local Agreement began meeting in 2001 and presented Recommendations on March 21, 2002. A Greene Tract Work Group Resolution, making recommendation on the 104 acres jointly owned by Orange County, Chapel Hill and Carrboro, was approved by the BOCC on December 10, 2002 (see Attachment B – Abstract and Resolution). The remaining 60 acres of the Green Tract continues to be owned as an asset in the Solid Waste Fund.

Over the past twelve years there have been many options discussed as to possible future uses of the 104 acres jointly owned by Orange County, Chapel Hill and Carrboro. Listed below are the options that have been explored:

1. The 104 acre tract should remain as open space to be protected by conservation easements.
2. Joint affordable housing could be planned for 18.1 acres and the remaining 85.9 acres would remain joint open space.
3. That acreage for affordable housing could be placed in the Land Trust.
4. CHCCS requested that part of the Greene Tract be reserved for a future elementary school site.
5. Rename the property to recognize headwaters of Bolin Creek, Booker Creek and Old Field Creek

As a result of the Interlocal Agreement, 60 acres of the Green Tract was conveyed to Orange County for “solid waste management purposes”. The Agreement further included a repayment mechanism to the Solid Waste Enterprise Fund, if the Green Tract were used for purposes other than solid waste. In October 2007 there was consensus that the financial reimbursement to the Solid Waste Fund would begin on July 1, 2008. Attachment C is a reimbursement schedule and payment history for the 104 acres jointly owned that was agreed to by Orange County, Chapel Hill and Carrboro.

FINANCIAL IMPACT: There is no financial impact associated with the discussion of future options for the 104 acres of the Greene Tract.

RECOMMENDATION(S): The County Manager recommends that the Boards receive the historical information and discuss options for the 104 acres of the Greene Tract jointly owned by Orange County, Chapel Hill, and Carrboro.

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 6, 2014**

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

SUBJECT: Authorization for Triangle Transit Authority to Levy an Additional Three Dollar (\$3) Vehicle Registration Tax in Orange County

DEPARTMENT: Attorney / Planning and
Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Resolution Authorizing the Research Triangle Regional Public Transportation Authority to Levy the Full Eight Dollar (\$8.00) Vehicle Registration Tax on Motor Vehicles Registered in Orange County

INFORMATION CONTACT:

John Roberts, County Attorney, 919-245-2318
Craig Benedict, Planning Director, 919-245-2592

PURPOSE: To consider a resolution authorizing Triangle Transit Authority (“TTA”) to levy an additional \$3 vehicle registration tax in Orange County.

BACKGROUND: In June 2012 the Orange County Board of Commissioners approved the Orange County Bus and Rail Investment Plan (“Plan”). The Plan provides the method and procedures whereby additional bus service, bus rapid transit, and light rail service may be provided in Orange County. In addition to state and federal funding, the Plan designates as funding for these certain services the vehicle registration tax authorized by North Carolina General Statute (NCGS) 105-561 (\$3).

TTA currently levies a \$5 vehicle registration tax in Orange County pursuant to the authority granted in NCGS 105-561. The vehicle \$3 vehicle registration tax is an expansion of this tax to the maximum amount authorized by the statute which is \$8.

In December 2012 the Board of Commissioners approved a similar resolution. However, TTA’s general counsel subsequently formed the opinion that the language of NCGS 105-561 required all three counties, Durham, Orange, and Wake, to approve the increase in order for it to take effect. Only Durham and Orange approved the increase. TTA successfully secured an amendment to NCGS 105-561 in the 2013 legislative session. The amendment allows the tax to be implemented in each county that approves it.

The resolution authorizes TTA to move forward with the levy of these taxes.

FINANCIAL IMPACT: The annual revenue expected from the TTA \$3 tag fee, once fully implemented, is projected at approximately \$338,000 a year with 2% growth per year per the adopted Orange County Bus and Rail Investment Plan.

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

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION AUTHORIZING THE RESEARCH TRIANGLE REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO LEVY THE FULL EIGHT DOLLAR (\$8.00) VEHICLE REGISTRATION TAX ON MOTOR VEHICLES REGISTERED IN ORANGE COUNTY

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

WHEREAS, the Orange County Bus and Rail Investment Plan provides for the levy and disbursement of the full amount of the eight dollar (\$8.00) motor vehicle registration tax authorized by North Carolina General Statute (NCGS) §105-561(a); and

WHEREAS, pursuant to NCGS §105-561(a) the Research Triangle Regional Public Transportation Authority currently levies a motor vehicle registration tax of five dollars (\$5.00) on motor vehicles registered in Orange County and desires to levy the full amount; and

WHEREAS, the Research Triangle Public Transportation Authority has created a special tax district consisting of Orange and Durham counties for the purpose of increasing the motor vehicle registration tax in those counties by three dollars (\$3.00) as provided in NCGS §105-561(d); and

WHEREAS, the Research Triangle Public Transportation Authority Board of Trustees conducted a public hearing on the proposed increase in the tax rate in accordance with NCGS §105-561(b)(1); and

WHEREAS, the Research Triangle Public Transportation Authority's Special Tax Board, pursuant to NCGS §105-561(b)(2), adopted a resolution approving the three dollar (\$3.00) increase in the tax rate in the special tax district to the full amount of eight dollars (\$8.00).

NOW, THEREFORE, BE IT RESOLVED, that it being in the best interest of the citizens and residents of Orange County, the Orange County Board of Commissioners hereby authorizes and approves the levy of an additional three dollars (\$3.00) of the motor vehicle license tax as authorized by North Carolina General Statute §105-561.

This the 6th day of March 2014.

Barry Jacobs, Chair
Orange County Board of Commissioners

Attest:

Clerk to the Board of Commissioners

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
2/18/14	Review and consider request from Commissioner Gordon that the BOCC receive a presentation on the proposed development in Chapel Hill and how it will comply with the Schools Adequate Public Facilities Ordinance	3/6/2014	Chair/Vice Chair/Manager	DONE To Be Provided as Part of 3/27/14 Joint Meeting with Town of Chapel Hill
2/18/14	Review and consider request from Commissioner Dorosin that the Board determine to widely solicit potential appointees to the OWASA Board, with an emphasis on identifying a diverse pool of candidates	3/6/2014	Chair/Vice Chair/Manager	DONE Clerk directed to advertise as aggressively as possible
2/18/14	Review and consider request from Commissioner Jacobs that the Board receive an update on the County's activities, residences per mile standards, etc. related to the TimeWarner Cable	3/6/2014	Chair/Vice Chair/Manager	DONE Clerk to draft letter for Chair to send to TimeWarner regarding recent activities in the County, policy on density and other information
2/18/14	Review and consider request from Commissioner Jacobs that the Board receive a status report on the County's Small Business Loan Pool Program	3/6/2014	Chair/Vice Chair/Manager	DONE Financial Services and Economic Development staff to provide Information Item to the Board
2/18/14	Review and consider request from Commissioner Jacobs that the Board receive a report on the various population projections used by various entities in relationship to the County's land use plan	3/6/2014	Chair/Vice Chair/Manager	DONE Planning staff to provide Report at future Board meeting this fiscal year
2/18/14	Conform the Commemorative Plaque Policy based on approval by BOCC	3/6/2014	Jeff Thompson	To be conformed

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Effective Date of Report: February 14, 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	130,254,299.51	\$ 5,228,562.25	\$ 137,868,792.00	\$ 4,934,010.94	96.42%
*Current Year VTS Taxes		2,680,481.55				
Prior Year Taxes	\$ 4,163,721.00	1,312,910.86	\$ 2,726,934.67	\$ 994,130.00	\$ (318,780.86)	132.07%
Total	\$ 142,032,513.00	134,247,691.92	\$ 7,955,496.92	\$ 138,862,922.00	\$ 4,615,230.08	96.68%
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	129,601,536.69	\$ 5,552,357.92	\$ 135,068,463.00	\$ 5,466,926.31	95.95%
Prior Year Taxes	\$ 4,026,736.27	1,257,050.02	\$ 2,425,969.33	\$ 994,130.00	\$ (262,920.02)	126.45%
Total	\$ 139,095,199.27	130,858,586.71	\$ 7,978,327.25	\$ 136,062,593.00	\$ 5,204,006.29	96.18%
Current Year Overall Collection Percentage Tax Year 2013			96.15%			
Current Year Overall Collection Percentage Tax Year 2012			95.90%			

**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.*

Changed calculation for Remaining Budget to include subtracting the VTS Collections

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

Fiscal Year 2013-2014

Effective Date of Report: January 31, 2014													
	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	75	19	13	51	30	38	43						269
Bank attachments	17	1	-	6	4	4	18						50
Certifications	1	2	-	-	-	-	-						3
Rent attachments	1	-	-	-	-	-	3						4
Housing/Monies	-	1	-	-	-	-	37						38
DMV blocks	1,030	*	*	5,101	1,817	1,827	1,712						11,487
Levies	-	-	2	-	3	-	3						8
Foreclosures initiated	6	-	-	4	-	-	2						12
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

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



February 26, 2014

Dear Commissioners,

At the Board's February 18, 2014 regular meeting, several 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 that the Board receive a presentation on the proposed development in Chapel Hill and how it will comply with the Schools Adequate Public Facilities Ordinance.

Response: This information is to be provided as part of 3/27/14 Joint Meeting with the Town of Chapel Hill

- 2) Review and consider a request by Commissioner Dorosin that the Board will determine to widely solicit potential appointees to the OWASA Board, with an emphasis on identifying a diverse pool of candidates.

Response: The Clerk's office was directed to advertise as aggressively as possible.

- 3). Review and consider a request from Commissioner Jacobs that the Board receive an update on the County's activities, residences per mile standards, etc. related to the TimeWarner Cable.

Response: Clerk to draft letter/email for Chair to send to TimeWarner regarding recent activities in the County, policy on density and other information.

- 4) Review and consider a request from Commissioner Jacobs that the Board receive a status report on the County's Small Business Loan Pool Program.

Response: Financial Services and Economic Development staff to provide as an Information Item to the Board at a future meeting.

- 5) Review and consider a request from Commissioner Jacobs that the Board receive a report on the various population projections used by various entities in relationship to the County's land use plan.

Response: Planning staff will provide a Report at a future Board meeting this fiscal year.

This letter will be provided as an Information Item on the March 6, 2014 agenda for public information.

Best,

Barry Jacobs, Chair
Board of County Commissioners

www.orangecountync.gov

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Orange County, North Carolina – You Count!
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