



**Orange County  
Board of Commissioners**

**Agenda**

**Regular Meeting**

November 18, 2014

7:00 p.m.

Southern Human Services Center

2501 Homestead Road

Chapel Hill, NC 27514

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

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

**1. Additions or Changes to the Agenda (7:00-7:10)**

**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) (7:10-7:30)**

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

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

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

- b. Matters on the Printed Agenda

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

**3. Petitions by Board Members (Three Minute Limit Per Commissioner) (7:30-7:45)**

**4. Proclamations/ Resolutions/ Special Presentations (7:45-8:05)**

- a. Proclamation Recognizing November 2014 as Orange Congregations in Mission (OCIM) Month  
b. Resolution of Declaration on Climate Change



**5. Public Hearings (8:05-8:45)**

- a. Comprehensive Plan and Unified Development Ordinance Text Amendments for Agricultural Support Enterprises Within the Rural Buffer Land Use Classification – Defer Public Hearing Process to March 3, 2015 (No Additional Oral Comments Accepted)
- b. Unified Development Ordinance Text Amendment Requiring Neighborhood Information Meetings for Special Use Permit Applications (No Additional Comments Accepted)

**6. Consent Agenda (8:45-8:55)**

- 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. Proposed Amendment to the Orange County Code of Ordinances to Delete Section 28-32 (b) (2) from Article IV Regarding Hazardous Weather Plan – Administrative Leave
  - c. Housing Rehabilitation Program – N.C. Housing Finance Agency
  - d. Proposed Donation of Stage Risers
  - e. Fiscal Year 2014-15 Budget Amendment #3
  - f. Inter-Faith Council Lease Estoppel Certificate and Standstill Agreement
  - g. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outline and Schedule for the February 2015 Quarterly Public Hearing

**7. Regular Agenda**

- a. Proposed Orange County Parks and Recreation Master Plan 2030 (8:55-9:30)
- b. Buckhorn-Mebane Phase 2 Utilities – Transfer of Ownership to City of Mebane (9:30-9:50)

**8. Reports**

**9. County Manager's Report (9:50-10:00)**

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

**11. Appointments**

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

**13. Information Items**

- November 6, 2014 BOCC Regular Meeting Follow-up Actions List
- Space Study Work Group Progress Information Item
- Memorandum Regarding Update on “The Edge” Project
- BOCC Chair Letter Regarding Petitions from November 6, 2014 Regular Board Meeting

**14. Closed Session (10:30-)**

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



318.11(a)(5).

Approval of Closed Session Minutes

## **15. Adjournment**

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

Orange County Board of Commissioners' regular meetings and work sessions are available via live streaming video at [orangecountync.gov/occlerks/granicus.asp](http://orangecountync.gov/occlerks/granicus.asp) and Orange County Gov-TV on channels 1301 or 97.6 (Time Warner Cable).

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

**Action Agenda**

**Item No.** 4-a

**SUBJECT:** Proclamation Recognizing November 2014 as Orange Congregations in Mission (OCIM) Month

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**DEPARTMENT:** County Commissioners

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

No

**ATTACHMENT (S):**

Proclamation

**INFORMATION CONTACT:**

Board of Commissioners  
Donna Baker, 245-2130  
Clerk to the Board

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**PURPOSE:** To consider proclaiming November 2014 as Orange Congregations in Mission (OCIM) Month in Orange County.

**BACKGROUND:** Leo Allison and Dr. Sharon Freeland, on behalf of OCIM, have petitioned the Board to support and proclaim November 2014 as Orange Congregations in Mission (OCIM) Month in Orange County.

Orange Congregations in Mission (OCIM) is a private non-profit ministry composed of almost 50 congregations in northern Orange County. OCIM is committed to providing a helping hand to those in the community who are in need of assistance and to meet the emergency needs of those who find themselves in a crisis situation. The OCIM mission is fulfilled by ministering to the needs of people who have populated the small communities and rural areas of Orange County since 1981.

**FINANCIAL IMPACT:** There is no financial impact associated with consideration of the proclamation.

**RECOMMENDATION (S):** The Manager recommends the Board approve and authorize the Chair to sign the proclamation.

# ORANGE COUNTY BOARD OF COMMISSIONERS

## Proclamation

### ORANGE CONGREGATIONS IN MISSIONS MONTH (OCIM)

#### November 2014

**Whereas**, Orange Congregations in Mission (OCIM) is a private non-profit ministry composed of almost 50 congregations in northern Orange County; and

**Whereas**, OCIM is committed to providing a helping hand to those in our community who are in need of assistance; and

**Whereas**, OCIM strives to meet the emergency needs of those who find themselves in a crisis situation; and

**Whereas**, the OCIM mission is fulfilled by ministering to the needs of people who have populated the small communities and rural areas of Orange County since 1981; and

**Whereas**, OCIM is committed to feeding the hungry, providing clothing and other essentials through its Meals on Wheels and Food Pantry Ministries and Thrift Shop Ministry; and

**Whereas**, other needs are met through its Samaritan Relief Ministry; and

**Whereas**, OCIM volunteers, staff, town and county governments contribute greatly to the success of its programs;

**NOW, THEREFORE**, we, the Orange County Board of Commissioners, do proclaim **November 2014** to be **OCIM Month** and urge all community members to engage with those in need through cheerful giving.

This the 18<sup>th</sup> day of November 2014.

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Barry Jacobs, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

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

**SUBJECT:** Resolution of Declaration on Climate Change

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**DEPARTMENT:** County Commissioners,  
Environment, Agriculture,  
Parks & Recreation (DEAPR)

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

N
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**ATTACHMENT(S):**  
Draft Resolution  
What We Can Do Summary

**INFORMATION CONTACT:**  
Board of Commissioners  
Donna Baker, Clerk to the Board, 919-  
245-2103  
David Stancil, DEAPR, 919-245-2510

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**PURPOSE:** To consider a resolution regarding climate change based on a petition from Commissioner Alice Gordon.

**BACKGROUND:** On October 21, Commissioner Alice Gordon petitioned the Board to consider and adopt a resolution concerning global climate change and identifying ways County residents can take actions to help halt or slow this problem.

A resolution has been drafted, after reviewing other similar resolutions adopted by local governments around the United States, toward this end and is presented for Board consideration.

**FINANCIAL IMPACT:** There is no financial impact associated with adoption of the resolution.

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

**ORANGE COUNTY BOARD OF COMMISSIONERS****RESOLUTION OF DECLARATION ON CLIMATE CHANGE**

**WHEREAS**, the United Nations Intergovernmental Panel on Climate Change, representing over 2,500 climate scientists and twenty years of research, has concluded that global warming caused by human emission of greenhouse gases is among the most significant problems facing the world today; and

**WHEREAS**, projected impacts of global warming will likely include changing patterns of habitats for disease-carrying insects; changes in rain and snowfall patterns, affecting water supplies, agriculture, and the frequency of flooding; changes in natural habitats that will eliminate some species and introduce new ones; and

**WHEREAS**, state, regional and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan and coming from governors, county officials, and mayors alike; and

**WHEREAS**, many counties throughout the nation, large and small, are reducing the production of global warming pollutants through programs that provide economic and quality of life benefits, such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation/new energy technologies; and

**WHEREAS**, Orange County is undertaking policies, programs and activities to save energy and reduce greenhouse gas emissions; and

**WHEREAS**, these policies, programs and activities save energy and money, conserve natural resources, and promote sustainable land use and transportation planning in the community; and

**WHEREAS**, cities and counties statewide are leading by example by adopting innovative sustainability programs and policies, including working with community residents, business groups and others; and

**WHEREAS**, Orange County wishes to expand these activities, share its experiences with other communities, and be recognized for its accomplishments;

**NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of Commissioners does hereby recognize the critical nature of global warming and climate change, and cognizant of the actions being taken by local, state, and federal governments and other organizations around the globe, pledges to take steps for climate stabilization, and strongly encourages Orange County residents and businesses to reduce their carbon footprints.

This the 18th day of November, 2014.

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Barry Jacobs, Chair  
Orange County Board of Commissioners

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Donna Baker, Clerk to the Board

Orange County government will serve as a model for the community by taking the following actions (many of which have already been implemented):

1. Switch to compact fluorescent, full spectrum compact fluorescent, and LED light bulbs in county government offices and site lighting;
2. Instruct County staff to turn off all lights, computers, and other devices when leaving for the day;
3. Reduce individual travel and encourage telecommuting and teleconferencing whenever possible for county business;
4. Make composting bins available to county residents at wholesale prices;
5. Set up a county web page on climate change that serves as an information resource with a link to Orange County Conservation District;
6. Use biodiesel in county government diesel vehicles, as it becomes practical, with the goal of using B20 or greater biodiesel in all county diesel vehicles by 2020;
7. Switch to more fuel-efficient vehicles, such as hybrid vehicles, when appropriate, in new county fleet purchases targeting a combined fleet-wide average of 36 mpg by 201X;
8. Incorporate more flexfuel mixtures in County vehicles;
9. Actively reduce idling in operating all County vehicles;
10. Provide more trails, bikeways and improved roadway shoulders for walking and biking-  
-provide more bicycle parking throughout the county;
11. Continue to employ a green building program for Orange County, currently represented by the Triangle J High Performance Building Standards;
12. Require all county departments to buy recycled products, when possible, including paper products that use at least 30% recycled content;
13. Evaluate, strengthen and enforce tree and vegetation protection ordinances;
14. Support bus service throughout Orange County, as well as rideshare programs;
15. Create an inventory of both county government operational and county geographical greenhouse gas emissions. Set a target of greenhouse gas emissions reductions after inventory data are available;
16. Continue to reduce utility, water and fuel use throughout County operations, as goaled and measured through the Energy Scorecard program;
17. Require solid waste facilities countywide to handle and provide for full recycling, composting, and reuse centers;
18. Recycle all recyclable products in all county buildings and facilities;
19. Purchase only non-Styrofoam containers for all county facilities and county activities;

Here are ten actions that Orange County residents and businesses can take:

1. Know your carbon footprint in order to understand your energy use habits;
2. Reduce energy use by switching to compact fluorescent and LED light bulbs that can be disposed at the hazardous waste disposal sites;
3. Reduce energy use by driving and idling less- - walk, bike, carpool, rideshare, drive at a slower rate of speed, and utilize more fuel efficient vehicles;
4. Reduce energy use by buying local produce/food products and other market products, avoiding products shipped long distances, and use canvas bags for shopping;
5. Reduce energy use by turning off all electrical equipment and lights when not in use;
6. Reduce energy use by improving home energy efficiency and buying Energy Star appliances;
7. Recue energy use by turning down water heater thermostats to 120 degrees;
8. Recycle all newsprint, cardboard, glass, metal, and plastic;

9. Compost food products and yard waste; and
10. Cut less trees and shrubs and plant more native drought resistant types.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

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

**SUBJECT:** Comprehensive Plan and Unified Development Ordinance Text Amendments for Agricultural Support Enterprises Within the Rural Buffer Land Use Classification – Defer Public Hearing Process to March 3, 2015 (No Additional Oral Comments Accepted)

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**DEPARTMENT:** Planning and Inspections

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

Yes

**ATTACHMENTS:**

**INFORMATION CONTACT:**

Perdita Holtz, 919-245-2578

Craig Benedict, 919-245-2592

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**PURPOSE:** To defer the public hearing process on the Comprehensive Plan and Unified Development Ordinance (UDO) zoning text amendments pertaining to Agricultural Support Enterprises within the Rural Buffer land use classification to March 3, 2015.

As a reminder, the public hearing where oral comments are accepted was held on February 24, 2014. Any additional comments received after the oral public hearing must be in writing. The item on the November 18, 2014 agenda is solely to further defer action on the proposed text amendments until March 3, 2015 in order to allow additional time for necessary amendments to be made to the Joint Planning Area Land Use Plan and Agreement.

**BACKGROUND:** This item was presented at the February 24, 2014 Quarterly Public Hearing. It was noted at the hearing that concurrent amendments to the Joint Planning Area Land Use Plan and Agreement (JPA) were necessary in order for the County to adopt the proposed UDO zoning amendments. The JPA land use amendments, which were heard at the March 27, 2014 joint public hearing, must be approved by the Towns of Chapel Hill and Carrboro and Orange County.

The Orange County Board of Commissioners adopted the JPA land use amendments at its June 3, 2014 meeting. The Towns of Chapel Hill and Carrboro considered the amendments at meetings in June, but opted to continue to contemplate the JPA amendments, with the Town of Carrboro Board of Aldermen in particular noting it wished to delve into the details of the UDO zoning amendment, which would implement the JPA land use amendments.

On October 14, 2014, the Carrboro Board of Aldermen adopted a Resolution pertaining to the JPA amendments and the topic was discussed at the October 16<sup>th</sup> joint Orange County/Town of Carrboro meeting. The topic is scheduled for discussion at the November 10<sup>th</sup> Chapel Hill Town

Council meeting and for the November 19, 2014 Assembly of Governments meeting. Action (or further action) on the JPA amendments is not anticipated by the Towns until late January 2015.

The public hearing for the Comprehensive Plan and UDO zoning amendments had been adjourned until September 4 and then further adjourned until November 18 in order to allow time for the concurrent JPA land use amendments to be approved by the three local governments. Since approval has not occurred, the public hearing for the Comprehensive Plan and UDO zoning amendments (which is held open in order to receive the Planning Board's recommendation and any written comments submitted after the oral public hearing) needs to be delayed to March 3, 2015. This should allow ample time for the Towns to consider the necessary JPA land use amendments and for the County re-adopt any JPA land use amendments that result from the Towns' reviews/approval (staff expects some amendments will be forthcoming).

As information, the County Planning Board has recommended approval of the Comprehensive Plan and UDO zoning text amendments. Additionally, the Planning Boards of the Towns of Chapel Hill and Carrboro recommended approval of the JPA land use amendments to their respective elected boards.

**FINANCIAL IMPACT:** There is no financial impact to continue this item.

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

1. Open the public hearing, and
2. Defer the hearing by adjourning it to **March 3, 2015** in order to allow time for the necessary JPA land use amendments to be further considered.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** November 18, 2014

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

**SUBJECT:** Unified Development Ordinance Text Amendment Requiring Neighborhood Information Meetings for Special Use Permit Applications (No Additional Comments Accepted)

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**DEPARTMENT:** Planning and Inspections

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

Yes

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**ATTACHMENTS:**

1. Comprehensive Plan and Unified Development Ordinance Outline Form (UDO & Zoning 2014-12)
2. Approved September 8, 2014 Quarterly Public Hearing Legal Ad
3. Excerpt of Approved September 8, 2014 Quarterly Public Hearing Minutes
4. Excerpt of Approved October 8, 2014 Planning Board Minutes
5. Planning Board Statement of Consistency
6. Resolution Concerning Statement of Consistency
7. Ordinance Amending UDO

**INFORMATION CONTACT:**

Michael D. Harvey, Planner III, (919) 245-2597  
Craig Benedict, Director, (919) 245-2592

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**PURPOSE:** To receive the Planning Board recommendation, close the public hearing, and make a decision a Planning Director initiated text amendment to the Unified Development Ordinance (UDO) requiring a Neighborhood Information Meeting (NIM) for all Special Use Permit (SUP) applications.

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the September 8, 2014 Quarterly Public Hearing. This hearing is not intended to solicit additional input from the public. While the BOCC may ask staff questions related to the review of a given item, comments from the public shall not be solicited.

**BACKGROUND:** This item was presented at the September 8, 2014 Quarterly Public Hearing. The amendment would require a NIM be held 45 days prior to a public hearing where a SUP was scheduled for review. The applicant would be required to mail notices 14 days, and post a sign on the property 10 days, prior to the NIM meeting.

For additional background, including a synopsis of comments from the quarterly public hearing, please refer to Attachment 1. Agenda materials from the September 8, 2014 Quarterly Public Hearing can be viewed at: <http://orangecountync.gov/occlerks/140908.pdf>.

Attachment 6 contains the required Statement of Consistency indicating the proposed amendment is consistent with the adopted Comprehensive Plan. Attachment 7 contains the proposed amendments with additions shown in **red text** and proposed deletions are shown in **red strikethrough text** as well as footnotes documenting the rationale for the proposed modification. Modifications incorporating comments from the public hearing are denoted in **green text**.

Planning Director's Recommendation: The Planning Director recommends **approval** of the Statement of Consistency and the proposed text amendments.

Planning Board Recommendation: At its October 8, 2014 regular meeting, the Board voted unanimously to recommend approval of the proposed text amendment consistent with staff's recommendation.

Agenda materials from this meeting can be viewed at: <http://orangecountync.gov/planning/documents/10.8.14PBPacket.pdf> . A synopsis of comments from the meeting can be found in Attachment 1.

A Statement of Consistency, adopted by the Planning Board, recommending the approval of this text amendment is contained within Attachment 5. An excerpt of the approved minutes from the meeting are contained within Attachment 4.

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

For additional information please refer to Section B.1 and 2 in Attachment 1.

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

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

1. Receive the Planning Board's recommendation;
2. Close the public hearing; and
3. Take action on the request by:
  - a. Approving the Resolution Concerning Statement of Consistency contained within Attachment 6, and
  - b. Approving the Ordinance amending the UDO, contained within Attachment 7, as recommended by the Planning Board and staff.

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

UDO / Zoning-2014-12

Require a Neighborhood Information Meeting for all Special Use Permit Applications.

## A. AMENDMENT TYPE

### Map Amendments

- Future Land Use Map:  
From:  
To:
- Zoning Map:  
From:  
To:
- Other:

### Text Amendments

- Comprehensive Plan Text:  
Section(s):
- UDO Text:
  - UDO General Text Changes
  - UDO Development Standards
  - UDO Development Approval Processes
 Section(s):
  1. Section 2.7 *Special Use Permits*,
  2. Section 2.9.1 (D) *Neighborhood Information Meeting – Conditional Use Districts*, and
  3. Section 5.10 *Standards for Telecommunication Uses*.
- Other:

## B. RATIONALE

### 1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated text amendment(s) to require a Neighborhood Information Meeting (NIM) be held for all Special Use Permit (SUP) applications prior to the public hearing. The proposal would also modify the timeline for the holding of a NIM for Conditional Use

applications.

Originally staff had anticipated amending existing NIM requirements for Conditional Zoning District (CZD) applications, as detailed within Section 2.9.2 (D) of the UDO. Staff determined, however, there was no need to revise existing timelines as CZD applications are not reviewed through the quasi-judicial hearing process (i.e. requiring sworn testimony and competent material evidence) and there was no need to provide additional time to adjacent property owners to understand the review process or prepare for the public hearing.

At the May 27, 2014 Quarterly Public Hearing several BOCC members expressed concern over the lack notification/information on SUP applications in advance of a scheduled public hearing.

The review of SUP applications are carried out in a quasi-judicial process requiring the presentation of sworn, expert, testimony and competent material/substantial evidence by both those in favor and in opposition to a given application. Decisions to approve or deny an application are based on this evidence. Hearsay or unsubstantiated opinions are not sufficient testimony.

Currently, the SUP review process requires adjacent property owners receive written notice of a public hearing, via certified mail, a minimum of 15 days prior to a scheduled public hearing. Given the complexity of the review process the concern is this is insufficient time to allow for adjacent property owners to gather information, or secure the necessary experts, to effectively participate in the review process.

At the public hearing staff recommended amending the existing permit review process for future SUP applications to require the holding of the aforementioned meeting in an effort to inform local property owners of the project and provide educational information on the nature of the proceedings, including detail on what constitutes 'competent material evidence and testimony', and the required findings that have to be made to issue a permit.

## **2. Analysis**

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

The amendments are necessary to ensure Orange County residents and property owners are provided advance notice of submitted SUP applications, have an opportunity to review the project before a scheduled public hearing, obtain an understanding of the required review and approval processes, and have sufficient time to gather information and/or secure experts to aid them in the review of the project.

Having a NIM 45 days prior to the public hearing, as discussed and recommended at the September 8, 2014 Quarterly Public Hearing, the application submittal deadline and review process will be extended by approximately 50 to 60 days to accommodate the meeting and review schedule.

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

Land Use Goal 6 – A land use planning process that is transparent, fair, open, efficient, and responsive.

### 4. New Statutes and Rules

N/A

## C. PROCESS

### 1. TIMEFRAME/MILESTONES/DEADLINES

#### a. BOCC Authorization to Proceed

June 17, 2014

#### b. Quarterly Public Hearing

September 8, 2014

#### c. BOCC Updates/Checkpoints

June 17, 2014 – BOCC members approved the legal advertisement for the September 8, 2014 Quarterly Public Hearing.

*STAFF COMMENT:* the BOCC authorized staff to move forward with the proposed amendments consistent with the timelines identified herein.

July 2, 2014 – Planning Board Ordinance Review Committee (ORC)

*STAFF COMMENT:* the ORC reviewed this item at its July 2, 2014 meeting where the following comments/questions were made:

- Will this increase the cost of a Special Use Permit application?

*STAFF COMMENT:* Yes. The applicant will have to pay for the mailing notifying residents of the NIM. Approval of this amendment will require an amendment to the Orange County Fee Schedule to capture this fee.

- How will this amendment impact applications for telecommunication towers?

*STAFF COMMENT:* Currently property owners within 1,000 feet of a parcel of property where a telecommunication tower is proposed are notified of a balloon test. This test, which occurs anywhere from 6 weeks (Class B application – 75 to 199 ft. tall tower) to 11 weeks (Class A application – 200 ft. and over) prior to a public hearing. The purpose of this test is to show interested parties how the tower will ‘look’ on the property by flying a dirigible at the maximum proposed height of the tower. Staff, who already attends this test, intends to utilize this test as serving as the NIM and will be available to provide information on the process.

Staff will require the applicant to amend the letter notifying

applicable parties of the test, which they are already required to send and pay for, that the meeting will also serve the function of reviewing the application review process.

- Who runs the meeting?

*STAFF COMMENT:* Staff calls the meeting to order to review the application review process and then turns it over to the applicant to discuss the project.

September 8, 2014 Quarterly Public Hearing. This item was reviewed at the hearing where the following questions/comments were made:

- BOCC and Planning Board members indicated they believed holding a NIM 30 days prior to the public hearing, where a special use permit was set for review, would not provide sufficient notice to adjacent property owners of the hearing or review process.

There was consensus that holding the NIM 45 days in advance of the public hearing would be more appropriate.

*STAFF COMMENT:* The change has been incorporated. This will increase the time currently associated with the submittal and review of special use permit application by approximately 50 to 60 days.

- A BOCC member suggested the NIM be held in the evening rather than during the day.

*STAFF COMMENT:* The UDO does not specify the time (i.e. day or evening) a NIM is held. Departmental policy has been to hold the meeting during normal business hours.

Staff reminded the Board that complaints have been received over the holding of similar meetings during normal business hours, as people who want to attend them work, as well as at night, as people do not drive at night or the meeting conflicts with family activities or with an individuals work schedule.

No matter when the hearing is held there is the potential for criticism.

- A BOCC member suggested that staff provide periodic updates on the Planning Department website on applications being submitted and where such applications are in the review process.

*STAFF COMMENT:* Information shall be provided as suggested.

- A BOCC member asked staff to clarify current NIM requirements.

*STAFF COMMENT:* A meeting is held:

1. 14 days prior to the Planning Board review of a Major Subdivision Concept Plan application,
2. 14 days Prior to the submittal of any Zoning Compliance Permit application proposing a

governmental use,

3. 14 days prior to a public hearing where a Conditional Use District or Conditional Zoning District is scheduled for review.

- A BOCC member suggested a NIM for a Conditional Zoning District application be held consistent with other similar processes being discussed.

*STAFF COMMENT:* Conditional Zoning District applications are reviewed as a legislative item. There is no expert testimony or evidence required as part of its review. There is no need for an applicant or a concerned property owner to hire 'experts' to testify about the projects compliance or non-compliance with County regulations.

The current proposal is intended to address a concern that local property owners be provided an opportunity to learn about the special use permit process (i.e. what constitutes competent, material, evidence) and have sufficient time to prepare.

Given the review and action on Conditional Zoning District applications staff does not believe there is a need to change current regulations.

October 8, 2014 – Planning Board Meeting. This item was reviewed at the October regular meeting where the following questions/comments were made:

- A Planning Board member suggested there be different notification standards for a NIM. For projects in rural areas an applicant would be required to notify all property owners within 1,000 feet, via certified mail, of the meeting while projects in urban areas would be required to send notices to those properties within 500 feet.

*STAFF COMMENT:* The mailing of a meeting notice is not the only method of advertising a NIM. Signs are also posted on the subject parcel notifying all interested parties of the date, time, and location of the meeting where the application will be reviewed. Notification of meetings is also typically posted on the County website.

Staff believes different notification requirements lead to confusion, and complaints, from both property owners and applicants. In this case we are concerned complaints will focus on:

1. The methodology for determining what areas of the County are urban and rural.
2. Property owners are not afforded the same opportunities/rights to participate in the process due to their proximity to a project (i.e. rural residents within 1,000 feet of a project are notified of a meeting but urban residents 1,000 feet from a project are not).

Staff continues to recommend the 500 foot notification requirement.

- A Planning Board member wanted to establish a minimum and maximum timeframe for the notification of a NIM and the scheduling of a public hearing. The concern was the NIM could be held and then an applicant delay the scheduling of a hearing thereby limiting participation of adjacent property owners in the review process due to the delay.

*STAFF COMMENT:* As written a NIM is held 45 days prior to the public hearing where an item is scheduled to be heard.

There is not a major delay with respect to the holding of the neighborhood meeting and the review of an application at the public hearing.

Staff would argue that if an applicant requests a delay in the review of a SUP application (i.e. moving the project from the February to November quarterly public hearings) a second NIM would be required in advance of the new hearing date.

After review the Board voted unanimously to recommend approval of the text amendment as presented. A copy of the approved minutes can be found in Attachment 4. A signed statement of consistency indicating the proposed amendment is consistent with the adopted Comprehensive Plan is contained within Attachment 5.

November 18, 2014 - Receive Planning Board recommendation.

d. Other

N/A

**2. PUBLIC INVOLVEMENT PROGRAM**

a. Planning Board Review:

July 2, 2014 – Ordinance Review Committee (ORC).  
October 8, 2014 – Recommendation

b. Advisory Boards:

N/A

c. Local Government Review:

Review of the proposal by the Town(s) of Chapel Hill and Carrboro consistent with the Joint Planning Agreement (JPA) as the amendment will impact projects in the Rural Buffer. Items were sent on July 31, 2014.

At this time we have received no written comments. Town of Carrboro staff has verbally indicated they have

no concerns over the proposal.

d. Notice Requirements

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

e. Outreach:

General Public:

Small Area Plan Workgroup:

Other: Staff asked County's current telecommunication consultant to review and comment on the amendments as they relate to our telecom program. Our consultant had no concerns.

**3. FISCAL IMPACT**

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

The amendment will require that applicants absorb additional expenditures for advertisement of the NIM (i.e. certified letters) for all SUP projects as well as their attendance. The Orange County Fee Schedule will need to be amended to incorporate these costs.

There will also be an increase in staff workload with respect to preparing, sending out notices, and staffing the NIM potentially impacting Departmental budgetary outlays.

**D. AMENDMENT IMPLICATIONS**

The amendments are in response to concerns related to the processing of SUP applications, specifically a lack of advance notification to local property owners/residents of the project. These amendments are designed to promote additional notification of a SUP project in advance of a scheduled public hearing and provide an opportunity for local residents to comment on a project as well as receive an explanation on the SUP review process.

As previously indicated the application submittal deadline will have to be increased to accommodate a NIM being held 45 days prior to a public hearing.

**E. SPECIFIC AMENDMENT LANGUAGE**

Please refer to Attachment 7 for the proposed language

**Primary Staff Contact:**

Michael D. Harvey  
Current Planning Supervisor  
(919) 245-2597  
mharvey@orangecountync.gov

## Attachment 2

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

A joint public hearing will be held at the Richard Whitted Meeting Facility, 300 West Tryon Street, Hillsborough, North Carolina, on Monday, September 8, 2014 at 7:00 PM for the purpose of giving all interested residents an opportunity to speak for or against the following items:

1. **2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments and Zoning Atlas Amendments:** The purpose of these amendments is to **establish two new zoning overlay districts in the Efland area** in Cheeks Township. These proposed actions are measures to implement some of the recommendations contained in the adopted Efland-Mebane Small Area Plan. These proposed amendments were heard at the February 24, 2014 quarterly public hearing where the hearing was continued until September 8, 2014 to allow time for County staff to meet with interested persons to address any remaining concerns. The February hearing materials are available on-line at: <http://orangecountync.gov/occlerks/140224.pdf>. To date, no changes to the proposed amendments have been made from the amendments presented at the February 24, 2014 quarterly public hearing.

A map depicting the proposed overlay districts and other written information is available on the Planning Department's website at: <http://orangecountync.gov/planning/includes/ProposedEflandZoningOverlayDistrict.asp>

The general geographic extent of the proposed "Efland Village Overlay District" is the railroad tracks that run through Efland to slightly north of U.S. Highway 70 with west-east boundaries of the Harding Road area and Gym Road.

The general geographic extent of the proposed "Efland Interstate Overlay District" is the railroad tracks that run through Efland to Interstate 40/85 with west-east boundaries of a line between Gaines Chapel Road and Center Street and the U.S. 70 Connector.

Single-family residential uses are not subject to the proposed overlay districts.

The purpose of the zoning overlay districts is to encourage high quality growth in the geographic area covered by the overlay districts while protecting existing development and community character. Alternative development regulations are necessary to reflect the reality of smaller sized lots served by water and sewer systems while ensuring that good planning practices related to site design, transportation, and architecture/design are achieved.

Purpose: To continue review and public comment on the proposed text and zoning atlas amendments.

2. **2030 Comprehensive Plan Future Land Use Map Amendment:** In accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments* of the Unified Development Ordinance, the Board of County Commissioners has initiated an amendment to the Future Land Use Map located within *Chapter 5: Land Use Element* of the Comprehensive Plan.

Through a previous joint planning process with Orange County, the Town of Hillsborough identified an Urban Service Area outside of which municipal services, such as public water or sewer, will not be provided unless for reasons of public health, safety, and general welfare. To establish consistency with the Town’s Urban Service Area, the Town is adjusting its Extraterritorial Jurisdiction or “ETJ” boundary to exclude any properties located outside of its Urban Service Area. ETJ is an area outside of the Town’s corporate limits over which the Town exercises its zoning and planning authority. The purpose of this County Future Land Use Map amendment is to assign County land use classifications to properties that are to be removed from the Town of Hillsborough ETJ, which is to become effective October 1, 2014.

The proposed Future Land Use Map amendments comprise **approximately 500-acres located generally near the Eno River between US 70 W and I-85/I-40** in Cheeks and Hillsborough Townships. Properties are to be classified to County Land Use Classifications, which in these cases include: Agricultural Residential and Public Interest District (portions to include Watershed Protection Overlay Districts). The Parcel Identification Numbers (PIN) of the twenty-two parcels included in this amendment are:

9864212218	9864294255	9864165305	9854989358
9864111534	9864012864	9864175152	9864135926
9864015589	9864074274	9864210925	9864111926
9864122219	9864028637	9864312586	9864155705
9864124872	9864138329	9864319480	
9864224688	9864069297	9854980353	

A map depicting the proposed land use classifications is available on the Planning Department’s website at: <http://www.co.orange.nc.us/planning/2030ComprehensivePlanFutureLandUseMapandZoningAtlasAmendments.asp>

Purpose: To review the item and receive public comment on the proposed Future Land Use Map amendment.

3. **Zoning Atlas Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Board of County Commissioners has initiated an amendment to the Zoning Atlas. This amendment is companion to the Future Land Use Map Amendment in #3 above and is to assign County zoning districts to properties that are to be removed from the Town of Hillsborough ETJ, which is to become effective October 1, 2014.

Through a previous joint planning process with Orange County, the Town of Hillsborough identified an Urban Service Area outside of which municipal services, such as public water or sewer, will not be provided unless for reasons of public health, safety, and general welfare. To establish consistency with the Town's Urban Service Area, the Town is adjusting its Extraterritorial Jurisdiction or "ETJ" boundary to exclude any properties located outside of its Urban Service Area. ETJ is an area outside of the Town's corporate limits over which the Town exercises its zoning and planning authority.

The proposed Zoning Atlas amendment comprises **approximately 500-acres located generally near the Eno River between US 70 W and I-85/I-40** in Cheeks and Hillsborough Townships. Properties are to be zoned to County zoning districts, which in these cases include: Agricultural Residential (AR) and Public Interest District (PID) (portions to include Watershed Protection Overlay Districts and Special Flood Hazard Area). The Parcel Identification Numbers (PIN) of the twenty-two parcels included in this amendment are:

9864212218	9864294255	9864165305	9854989358
9864111534	9864012864	9864175152	9864135926
9864015589	9864074274	9864210925	9864111926
9864122219	9864028637	9864312586	9864155705
9864124872	9864138329	9864319480	
9864224688	9864069297	9854980353	

A map depicting the proposed zoning districts is available on the Planning Department's website

at: <http://www.co.orange.nc.us/planning/2030ComprehensivePlanFutureLandUseMapandZoningAtlasAmendments.asp>

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

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

The purpose of the amendments is to **require that a neighborhood information meeting be held** at least 30 days prior to the public hearing regarding applications for a Class A or Class B Special Use Permit. The following Sections of the UDO are proposed for amendment: 2.7, 2.9.1, 2.9.2, and 5.10.

The purpose of the neighborhood information meeting is to inform surrounding property owners of the special use permit application. The proposed timeframe prior to the public hearing will allow interested persons more time to develop expert witnesses, objective testimony, and substantial evidence, all of which are requirements of the quasi-judicial nature of special use permits. The existing statutory requirement for notice of a public hearing is at least 10 calendar days but not more than 25 days. However, Orange County's UDO requires a minimum of 15

days notice for special use permit applications. Neither the statutory requirement nor the local ordinance is proposed for amendment and two notices will be provided for special use permit applications (one for the neighborhood information meetings and one for the public hearing).

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

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

The purpose of the amendments is to **change the existing public hearing process** for Comprehensive Plan-, UDO-, and Zoning Atlas-related items/amendments. The following Sections are proposed for amendments: 2.1, 2.3, 2.7, 2.8, 5.10.2.

The proposed amendments would replace the existing joint Board of County Commissioners (BOCC)/Planning Board quarterly public hearings regarding land use and planning matters and include the scope, conduct, and administration of public hearings.

This item was on the February 24, 2014 and May 27, 2014 quarterly public hearing agendas but was postponed due to time constraints.

Purpose: To review the item and receive public comment on the proposed 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 Planning Director at least 48 hours prior to the Public Hearing by calling one of the phone numbers below. The full text of the public hearing items may be obtained no later than August 29, 2014 at the County website [www.orangecountync.gov](http://www.orangecountync.gov) at the Meeting Agendas link (<http://orangecountync.gov/OCCLERKS/agenmenu.asp>).

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 or you may e-mail questions to [planningdept@orangecountync.gov](mailto:planningdept@orangecountync.gov).

PUBLISH: The Herald Sun  
August 27, 2014  
September 3, 2014

News of Orange  
August 27, 2014  
September 3, 2014

**APPROVED 10/7/2014**

**MINUTES  
ORANGE COUNTY BOARD OF COMMISSIONERS  
QUARTERLY PUBLIC HEARING  
September 8, 2014  
7:00 P.M.**

The Orange County Board of Commissioners met with the Orange County Planning Board for a Quarterly Public Hearing on September 8, 2014 at 7:00 p.m. at the Whitted Building, in Hillsborough, N.C.

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

**COUNTY COMMISSIONERS ABSENT:**

**COUNTY ATTORNEY PRESENT:** James Bryan (Staff Attorney)

**COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)

**PLANNING BOARD MEMBERS PRESENT:** Chair Pete Hallenbeck and Planning Board members, Lisa Stuckey, Herman Staats, James Lea, Paul Guthrie, Tony Blake, Laura Nicholson, and Lydia Wegman

**PLANNING BOARD MEMBERS ABSENT:** Andrea Rohrbacher, Maxecine Mitchell, H.T. "Buddy" Hartley, Bryant Warren

- 4. Unified Development Ordinance (UDO) Text Amendment -** To review government-initiated amendments to the text of the UDO to require that a neighborhood information meeting be held at least 30 days prior to the public hearing regarding applications for a Class A or Class B Special Use Permit.

Michael Harvey said the next item on the agenda starts on page 61. He referred to the paper copies of two emails, as well as the three attachments in the abstract.

He reviewed the background information and said at the May 27 Public Hearing, concerns were expressed by the Board that neighborhood meetings were not required for special use permits. He said staff noted that neighborhood meetings are currently required for all major subdivisions, conditional use and rezoning applications, as well as those individual land uses categorized as government uses. He said a neighborhood meeting is an opportunity for surrounding property owners to receive a presentation from the applicant providing a synopsis of the proposed project, as well to ask questions.

Michael Harvey said staff keeps a record of this meeting, which is provided to the applicant, as well the Planning Board and the County Commissioners.

He said this amendment proposes this same process be required for all special use permits, both Class A and Class B. He said staff is proposing this meeting should occur 30 days prior to a public hearing, and notifications would go out 15 days prior to that.

Michael Harvey said staff has been coordinating this with the County Attorney's Office, and there have been some proposed language/word choice changes that will be made. He said staff will also incorporate comments from this evening

Commissioner Pelissier asked how staff picked the timeframe of 30 days.

Michael Harvey said 30 days was chosen because that is what is required for major subdivisions and government uses. He said conditional zoning requests only require 2 weeks, as these are a legislative decision and they are less complex.

Commissioner Price asked if there are any guidelines about the location and the hours for these meetings.

Michael Harvey said these meetings are typically held during the day, because that is when staff and the applicant can attend. He said he is aware of the concern that these may need to be held at an appropriate hour to guarantee mass attendance, but these will have to be coordinated with when the applicant can be available.

Commissioner Price said that would be her concern. She suggested a set of guidelines within the department.

Commissioner Rich said she has some concerns about the 30 day notice. She wonders if there is another way to let the neighbors know what is going on.

Michael Harvey referred to page 80 and the typical timeline for the submittal of a special use permit applications. He said applications for a Class A special use permit are submitted 60 days prior to a public hearing. He said the timeline that has to be followed means that a neighborhood meeting letter is being sent out within two weeks of acceptance of the application. He said the application submittal deadline can certainly be altered if the Board wants to do so. He said one reason he would urge the Board not to require notification of neighbors when an application is submitted is that a sufficiency test has to be done to determine if the application is even complete, and if it is not complete it is rejected by staff and review does not occur.

Commissioner Rich said the concern she had after the experience with the solar farm is that the solar company had a long time with the planning board, and the neighbors had a very short amount of time to understand what was happening. She said something was out of balance there.

Michael Harvey said the application was submitted in December of 2013, but the applicant requested the review of the application be continued from the February until the May 2014 quarterly public hearing. He said the mechanism was currently not available for staff to notify property owners that an application had been submitted beyond the existing 2 week public hearing notice. He said if one special use applicant is treated differently than others, this creates a legal issue and the county could be challenged for being arbitrary. He said the applicant chose to delay the hearing after not responding to staff emails outlining deficiencies.

Commissioner McKee referred to the outline on page 80 and said the notification is sent out 15 days prior to the 30 days before the neighborhood meeting.

Michael Harvey said that is correct.

Commissioner Dorosin said it seems there are two different things that can be done to improve this process. He said it seems that staff feels that there is no need to hold a meeting until the application is approved, but the neighbors have an interest in what is going on. He does not see these things as irreconcilable.

He referred to the monthly report received by the Board listing applications in the planning queue. He suggested that this information, including the past 3 months of applications, could be made available on the website for the public to view. He said this addresses the criticism by giving more transparency and balancing the rights of the developers and the community. He asked if this is feasible.

Michael Harvey said this would not be a difficult request to accommodate.

Commissioner Rich agreed with Commissioner Dorosin's idea. She said this is something being talked about in the strategic communication plan. She said this is an example of using a tool to help people get information. She said there may be a lot of questions, but the opportunity for the community to know what is going on is very valuable.

Commissioner Gordon asked for clarification on the timeframe required for the meetings for major subdivisions.

Michael Harvey said major subdivisions require a meeting before the Planning Board reviews a concept plan application. He said the neighborhood meeting covers the concept plan review.

Commissioner Gordon asked about the timing for conditional use and conditional zoning and whether 30 days would factor into that.

Michael Harvey said this would factor into the conditional use, but the conditional zoning is currently two weeks, and it will stay that way in the current ordinance.

Commissioner Gordon asked what would need to be done to change the conditional zoning to the longer time period.

Michael Harvey said staff has recommended that there is no need to change this, given the fact that this is a legislative item and does not require expert testimony.

Commissioner Gordon said she thinks that this two week time period for conditional zoning is a mistake, because these can be more problematic than conditional use. She said this is true even though conditional re-zoning does not have a special use permit process.

Michael Harvey said this is one of the reasons that the timeline was not expanded and that he did not agree that conditional zoning was more problematic given the lack of requiring expert testimony as with all quasi judicial cases.

Commissioner Gordon said the conditional re-zoning requires some negotiating between the applicant and the County, and a lot of it is up to the Commissioners to approve. She said some of the standards for uses permitted under the conditional zoning process are similar to those for uses permitted under the Class B special use permit process. She said it is her opinion that the range of negotiation and need for public knowledge is the same.

Michael Harvey said conditional use involves a special use permit and will have to meet the 30 day meeting requirement.

Commissioner Gordon said it is still her opinion that you need every bit as much time on a conditional re-zoning as you do on a conditional use. She said a special use permit does put the additional burden of expert testimony.

Commissioner Gordon said she likes Commissioner Dorosin's idea of having three months of submitted applications available, with clarification that these have not gone through the process yet. She said one of the attached emails suggested the planning staff play a more prominent role in the meetings, and staff needs to think about this and about what their role should be.

She said she is extremely pleased to see that this idea about the neighborhood information meetings and timing has been raised. She said it is important to allow transparency and time to react.

Commissioner Pelissier said she appreciates Commissioner Dorosin's suggestion. She thinks there is a front end of the process, but there also needs to be consideration of having better communication when there are a lot of concerns. She said it is hard to predict public reaction.

Michael Harvey said he feels that if staff can implement Commissioner Dorosin's suggestion of using the webpage and if staff takes greater steps to explain the process and educate residents, this will help things.

Chair Jacobs referred to Commissioner Price's question about the scheduling of meetings at night. He said this may not work for everyone, but it is expected by most people, and the developer should have a profit motive to be there.

Michael Harvey said staff gets requests and complaints both ways with respect to holding meetings during the day and the evening, and there is no one way to make everybody happy

Chair Jacobs said it seems to be the default to hold public meetings at night

Chair Jacobs said it would be easy to take the report that was received in their planning packets and place it on the web as Commissioner Dorosin suggested.

Michael Harvey said this will be accommodated fairly easily.

Chair Jacobs said one of the reasons for talking about having public information meetings for some of the applications was because government and quasi-governmental facilities had no notice requirements.

Commissioner Price said she supports what Commissioner Dorosin said about the meeting.

Commissioner Gordon said she wants to underscore Commissioner Pelissier's point about situations where there are a lot of concerns, and more time is needed. She said the goal is to identify categories where a meeting is needed and then to allow sufficient time. She thinks conditional rezoning should be included in this.

She said something else that could be done when there is an issue that generates a lot of concern is to adjourn the public hearing to a date certain. She said this was done for the Unified Development Ordinance (UDO). She asked for an identification of situations where the public hearing could not be extended.

Michael Harvey said he cannot think of a situation where an extension would not be allowed.

James Bryan said special use permits require a quasi-judicial decision and a fair trial standard. He said this is ill defined, but there are principles of equity and fairness, so you cannot repeatedly continue an application as a means of delay. He said you need to articulate a reason for delaying.

Commissioner McKee said he agrees with most of what is being said. He wants to make sure there is transparency for the public, and no one is blindsided. He said this discussion is about the time before a public hearing, and he notes that there is no guarantee that an item will pass once it gets to a public hearing. He said there has already been a lot of talk over the years about the time that it takes to get a project to completion, and he agrees with the staff recommendation of 30 days. He thinks a longer time frame would extend the time frame too much.

Commissioner Rich asked if the Board is going to re-visit the previous question about solar companies and how other governments have handled these.

Michael Harvey said this update will be presented at the October 7<sup>th</sup> meeting.

Pete Hallenbeck said he has lots of notes for the Planning Board, and he sees the following four main issues: 1) Determining the number of days prior to the first public hearing, as well as the idea of informing the public of new applications as soon as these become public, 2) the need for more details on the information that an applicant must provide at the public information meeting, 3) determining who owns the information and details – the planning department or the applicant, and 4) determining the most convenient location and hours of meetings.

Pete Hallenbeck invited comments from the Planning Board members.

Tony Blake said the issue that seems to be missing for him is the 500 feet requirement. He said this is probably adequate notice in town or in subdivision areas, but in the County you may not have a neighbor within 500 feet. He noted that the issue with the placement of the fire station involved complaints from people half a mile away. He said it was also not clear to him who the applicant was in the case of the fire station.

Lydia Wegman said she is speaking as a member of the Planning Board and as a member of the public. She said she has concern about 30 days, and this time would have been insufficient for her neighborhood in the case of the solar project. She said only 17 days was allowed to get information to a neighborhood of 90 homes. She said 30 days is an improvement, but this is a quasi-judicial process, and it involves attorneys and appraisers. She has suggested 90 days, but even 45 would be better, because it takes a lot of effort, time, and money to organize a neighborhood if there is a project of concern.

Chair Jacobs said there is a lot to consider.

Michael Harvey asked if there is any consensus from the Board regarding what timeline they would like the staff and Planning Board to review.

Chair Jacobs said he thinks the two options are 30 days or 45 days.

Commissioner Price expressed her support of Tony Blake's comments regarding the extension of the 500 foot limit. She feels it should be greater in the rural area.

A motion was made by Commissioner Rich, seconded by Commissioner Price for the Board to: Refer the matter to the Planning Board with a request that a recommendation be returned to the County Board of Commissioners in time for the **November 18, 2014** BOCC regular meeting. Adjourn the public hearing until **November 18, 2014** in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

<p>Attachment 4 – Excerpt of Approved October 8, 2014 Planning Board Minutes</p>
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**Approved 11/5/14**

ORANGE COUNTY PLANNING BOARD  
OCTOBER 8, 2014  
REGULAR MEETING

**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; James Lea, Cedar Grove Township Representative; Herman Staats, At-Large, Cedar Grove Township; Tony Blake, Bingham Township Representative; Laura Nicholson, Eno Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Maxecine Mitchell, At-Large Bingham Township; Bryant Warren, Hillsborough Township Representative;

**MEMBERS ABSENT:** Lydia Wegman-At-Large Chapel Hill Township;

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Tom Altieri, Comprehensive Planning Supervisor, Perdita Holtz, Special Projects Coordinator, Tina Love, Administrative Assistant II

**OTHERS PRESENT:** Bonnie Hammersley, County Manager; James Bryan, Staff Attorney; Andrew Vanard

**HANDOUTS GIVEN:** *(email from Lydia Wegman concerning Item 10 which is attached at the end of the minutes)*

**AGENDA ITEM 9:** **UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT:** To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO to require that a neighborhood information meeting be held at least 45 days prior to the public hearing regarding applications for a Class A or Class B Special Use Permit. This item was heard at the September 8, 2014 quarterly public hearing.  
**Presenter:** Michael Harvey, Current Planning Supervisor

*Michael Harvey reviewed abstract*

Tony Blake: I have a couple of questions, it seems to me 45 days is obsessive but what we really need is a window of time because you don't want somebody introducing a plan and two years and then 45 days before they execute have a neighborhood information meeting.

Michael Harvey: That doesn't typically happen.

Tony Blake: It seems me that there should be a minimum and a maximum. The second is in the rural areas, 500 feet is not sufficient. What you will get are people who are really against whatever it is as opposed to a broader audience of people who may benefit from it in a larger sense. I am pointing specifically to the fire station substation we built. If we had strictly stayed with the 500 feet we would have gotten the people who didn't want to live within 500 feet of a fire station instead of the larger population who would benefit from a reduction in insurance rates. You are going to miss in this neighborhood information meeting, the point of view of the greater good.

Michael Harvey: You're allowed to your opinion and I don't want to argue with you on it. It is your opinion, I see pro and con to it. The only comment I will make is that the notice that we send out is not the only means of advertising we also post the property. I think when you take a look for example the Binks solar facility, which we did notify

**Approved 11/5/14**

people within 500 feet of the property, if you extend that to 1000 feet you would quite frankly only have captured 20 or 30 additional properties owners. Some of which were there because of the advertising signs we had put out at the property.

Tony Blake: I invite people to do the research and look and see roughly how many notices you actually sent out on these in the rural areas. I think you'll see it 2, 3, 4 people.

Michael Harvey: I don't dispute that there are situations where you have areas with large properties where even a 1000 feet wouldn't make much difference.

Tony Blake: I understand that registered mail is a cost. It seems to me like there could be other ways to communicate. Those are my comments.

Michael Harvey: Ok

Paul Guthrie: I want to go the other way, I think the bigger problem may be in urbanizing areas in terms of the costs. I thought about our house and it is on a less than one acre lot and under the 500 foot rule, everywhere except one location you'd pick up maybe 6 or 8 maybe 10 houses. Right across from us is a condominium with about 25 units. So to do anything that requires a Special Use Permit, the homeowner would maybe need 35 registered letters. I can conceive of this in a larger or fringe of an urban area having a high density property of one property among many others that could raise the costs for the applicant significantly. I am a little concerned about what that does to the small, not to the large corporate well-financed organization, but the small organization that for one reason or another needs a Special Use Permit. Assuming it is compatible with the general character of the neighborhood, having to spend that money.

Michael Harvey: Again, Mr. Blake is not incorrect and you're not incorrect either. There are pros and cons to both sides of the equation.

Bryant Warren: I noticed in the past when you get ready to do something there are signs put up all around the neighborhood and area, even if we stick with the 500 feet that should be sufficient enough especially if you continue putting the signs up.

Laura Nicholson: Not to belabor the point, but isn't there a way to just conditionally make it 500 feet for an urban area but as a rural area make it larger? That way it's not changing the whole fabric, could you change it depending on..

Michael Harvey: I don't know how comfortable I would be with that because that gives greater utility to a Class 2 Kennel for example locating in one area in the County versus another area in the County. I think that I'm going to err on the side of caution and treat all applicants the same.

Pete Hallenbeck: Actually, I'll comment on that, we seem to run into this problem a lot that we almost need a settled density function. Something that tells you how dense is this and that is used as criteria for notification area. The problem with that is you can argue over a number, you can argue over a function and whatever you come up with people putting up kennels will gain the system to do what they want. It's one of those difficult problems that never have a right answer.

Craig Benedict: As part of our discussion more recently about the use of technology and how to get information out to people different than the mailings, definitely the signs on the property so we are going to start putting our application out there. Evidently there'll be some mapping and that could be with that and people will see the signs and be able to look on line to see what's happening. I think we'll use technology, even the statutes are saying that how we advertise is being liberalized to include media.

Pete Hallenbeck: Tony you talked about a sample window.

**Approved 11/5/14**

Tony Blake: I was thinking more within a certain minimum distance from the project start and a maximum as well.

Lisa Stuckey: Are you worried they'll do it like 60 days out?

Tony Blake: Yea, or six months and by then everybody has forgotten or then all of a sudden everybody says, I remember but it was too long ago.

Michael Harvey: Let me try to address that point. Applications are typically submitted currently 60 days to 70 days before a public hearing, depending on what public hearing. Class A is County Commissioners, four quarterly public hearing and Class B is Board of Adjustment. So you have a window usually of 50 to 60 days before public hearing when application becomes submitted, it is then scheduled for a public hearing. We basically have a five day window according to our ordinance to ascertain whether or not the application is complete and either reject it or accept it and then submit it for review. Essentially how this process is going to work now is basically once we determine the application is viable, meaning all components have been submitted and its complete, we are submitting it for peer review, not only to internal county departments but external planning partners. The Department of Transportation is a key example. We then have to send out notices advertising the meeting because of the timeline and the window before the public hearing so basically you're getting a letter from the planning department 14 day minimum before the neighborhood meeting. That's when we have to send it out as the ordinance is currently proposed. The neighborhood meeting has to be held 45 days prior to the public hearing is scheduled. So it is conceivable if an applicant asks to withdraw from one hearing or postpone to a hearing they would have to then also potentially have a second neighborhood meeting if the first one isn't held. I don't think you're going to go 6, 8 months or a year with people having a gap between the neighborhood meeting to a public hearing. With the amount of money involved. I understand what you are saying but I think we're better served by an ordinance amendment that says this has to happen a minimum of days before the hearing which then gives everybody sufficient time to prepare for the hearing.

**MOTION** by Laura Nicholson to recommend approval of the UDO text amendments. Seconded by James Lea.

**VOTE: UNANIMOUS**

**MOTION** by Bryant Warren to approve the statement of consistency. Seconded by Lisa Stuckey.

**VOTE: UNANIMOUS**

**STATEMENT OF CONSISTENCY  
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT  
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to require a neighborhood information meeting prior to the review of Special Use Permit applications at a public hearing.

The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan, as amended, or part thereof including but not limited to, the following:

Chapter 5 – Land Use Element – Section 5.6 Goals – Land Use Goal 6:

*A land use planning process that is transparent, fair, open, efficient, and responsive.*

- c. The amendment is consistent with applicable plans because it:
  - 1. Increases the opportunity for the general public to become more aware of, and directly involved in, the County’s planning program.
- d. The amendment is reasonable and in the public interest because it:
  - 1. Provides an opportunity for interested residents and property owners to understand a project, obtain more understanding of the review process, and provide comments in advance of the public hearing.
  - 2. Promotes an open, transparent, and responsive permit review process.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed UDO text amendment.



Pete Hallenbeck, Chair

10/0/14

Date

RES-2014-074

**RESOLUTION CONCERNING  
STATEMENT OF CONSISTENCY  
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT  
WITH THE ADOPTED  
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Orange County has initiated an amendment to the Unified Development Ordinance (UDO) requiring a neighborhood information meeting prior to the review of Special Use Permit applications at a public hearing; and,

WHEREAS, the amendment is intended to address a concern that local residents and property owners are not being provided adequate time to understand, and prepare for, the review of Special Use Permit applications; and

WHEREAS, the Board of County Commissioners finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan, as amended, or part thereof including but not limited to, the following:

Chapter 5 – Land Use Element – Section 5.6 Goals – Land Use Goal 6:

*A land use planning process that is transparent, fair, open, efficient, and responsive.*

- c. The amendment is consistent with applicable plans because it:
  1. Increases the opportunity for the general public to become more aware of, and directly involved in, the County's planning program.
- d. The amendment is **reasonable** and in the **public interest** because it:
  1. Provides an opportunity for interested residents and property owners to understand a project, obtain more understanding of the review process, and provide comments in advance of the public hearing.
  2. Promotes an open, transparent, and responsive permit review process.

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed Unified Development Ordinance text amendment, as described herein, has been deemed to be consistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

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

Attachment 7

**ORDINANCE APPROVING  
PROPOSED ZONING TEXT AMENDMENTS  
REQUIRING NEIGHBORHOOD INFORMATION MEETINGS  
FOR ALL SPECIAL USE PERMIT APPLICATIONS**

WHEREAS, Orange County has initiated an amendment to the Unified Development Ordinance (UDO) requiring a neighborhood information meeting prior to the review of Special Use Permit applications at a public hearing; and,

WHEREAS, the amendment is intended to address a concern that local residents and property owners are not being provided adequate time to understand, and prepare for, the review of Special Use Permit applications; and

WHEREAS, the County has determined existing language within the UDO needs to be modified to ensure a more transparent and open project review process; and

WHEREAS, the requirements of Section 2.8 of the UDO have been deemed complete; and,

WHEREAS, pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the zoning text amendment is consistent with the adopted 2030 Comprehensive Plan, as amended, as detailed within a previously adopted *Statement of Consistency*, and

WHEREAS, the Board has found the proposed zoning text amendment is reasonable and in the public interest as detailed within a previously adopted *Statement of Consistency*.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Unified Development Ordinance is hereby amended as depicted within 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 the proposed text amendments requiring a neighborhood information meeting be held prior to the review of all Special Use Permit applications before a public hearing. The amendment package also proposes the re-numbering and reformatting of Section 2.7 to accommodate the new standards.

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 proposed for deletion.
- Green Underlined Text: Denotes modifications made following the September 8, 2014 Quarterly Public Hearing.

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 modification.

**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>

- (4) For Class A Special Uses 26 copies of the site plan, and for Class B Special Uses 10 copies of the site plan, prepared by a registered North Carolina land surveyor, landscape architect, architect, or engineer, which shall contain the information listed in Section 2.5.
- (5) If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.14 shall be provided.
- (6) A list of all parcels located within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.
- (7) Elevations of all structures proposed to be used in the development.
- (8) For Class A Special Uses 26 copies and for Class B Special Uses 10 copies of the Environmental Assessment and/or Environmental Impact Statement, if required by Section 6.16.
- (9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.
- (10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.
- (11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum).

#### 2.7.4 Staff Review

- (A) The Planning Director shall cause an analysis to be made of the application by qualified representatives of the County and other agencies or officials as appropriate.
- (B) The Planning Director shall submit the analysis to the Board of County Commissioners and the Planning Board, in the case of Class A Special Uses, or the Board of Adjustment, in the case of Class B Special Uses.
- (C) The appropriate Board reviewing the application shall receive and enter the analysis into evidence during the public hearing. The analysis shall be subject to examination by all interested parties and the Planning Director shall be subject to cross-examination regarding the analysis.
- (D) The Planning Director shall not make a recommendation on the general findings detailed within Section 5.3 of this Ordinance

#### 2.7.5 Neighborhood Information Meeting

- (A) Before a Public Hearing may be held for a Special Use the applicant is required to schedule, with the assistance of the Planning Department,<sup>1</sup> a minimum of one neighborhood information meeting. The purpose of the meeting is to obtain surrounding property owner input and comments on the proposed development project and allow staff an opportunity to explain the review process associated with the request.<sup>2</sup>
- (B) The applicant shall obtain property owner mailing address information from the Orange County Planning Department, which shall utilize Orange County Land Records data, and

<sup>1</sup> County Attorney recommends the ~~green strike through~~ text be deleted.

<sup>2</sup> During the review of a Class A Special Use Permit application at the May 27, 2014 Quarterly Public Hearing (QPH) it was suggested there should be a neighborhood information meeting held prior to the public hearing to allow the developer to explain the project to surrounding property owners as well as allow staff to review the process by which Special Use Permits are processed (i.e. quasi-judicial hearing procedures). This amendment will address the concern(s) expressed by BOCC and Planning Board members during the May QPH.

shall mail certified notices of the meeting date and time to each property owner within 500 feet of the property for which a Special Use has been requested.

- (C) The applicant shall mail notice of the Neighborhood Information Meeting a minimum of 14 days prior to the date of the meeting.
- (D) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.
- (E) The meeting shall be held a minimum of **45<sup>3</sup>** days prior to the date of the Public Hearing.<sup>4</sup>
- (F) Neighborhood information meetings for telecommunication facilities shall be held in accordance with the provisions of Section 5.10.8 (B) (2).

**2.7.52.7.6 Notice Requirements for Class A Special Use Permits**

(A) The Planning Director shall give public notice of the date, time and place of the public hearing to be held to receive comments, testimony and exhibits pertaining to the application for a Special Use.

(B) Such notice shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten days nor more than 25 days prior to the date of the 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.

The Planning Director shall post on the affected property a notice of the public hearing at least ten days prior to the date of said hearing.

Written notice shall be sent by certified mail to all adjacent property owners not less than 15 days before the hearing date. Adjacent property owners are those whose property lies within five hundred feet of the affected property and whose names and addresses are currently listed in the Orange County tax records.

There are no other substantive amendments to Section 2.7 other than re-numbering. Staff has not included all of the renumber sections as part of this review.

**2.7.62.7.7 Notice Requirements for Class B Special Use Permits**

Notice Requirements for Class B Special Use Permits shall follow the procedures in Section 2.12.6.

**2.7.72.7.8 Nature of Proceedings**

- (A) The review of Special Use Permit applications shall be conducted during a public hearing by the decision-making board.
- (B) The review of a Special Use Permit application is a quasi-judicial process, where the Board responsible for rendering a decision acts much like a panel of judges. The Board hears factual evidence and sworn testimony presented at an evidentiary hearing, and then makes findings of fact supported by competent, substantial, and material evidence.
- (C) The chair or presiding officer of the hearing shall swear all parties intending to present evidence or testimony during the hearing.
- (D) The chair or presiding officer may take whatever action is necessary to limit testimony to the presentation of new factual evidence that is material to the application, to ensure fair and orderly proceedings, and to otherwise promote the efficient and effective gathering of evidence. Such actions may include:

<sup>3</sup> Staff has changed the timeframe for holding the neighborhood meeting consistent with BOCC and Planning Board direction from the September 8, 2014 public hearing denoting it in **green bold text**.

<sup>4</sup> Typically, neighborhood information meetings are required to occur 14 days prior to a public hearing. Staff is recommending 30 days to ensure there is adequate time for adjacent property owners/residents to receive information related to the quasi-judicial review process and secure the necessary experts to argue for/against a specific project.

- (C) Text amendments to this Ordinance for stormwater provisions shall comply with the requirements in effect for any other text amendment.

## SECTION 2.9: CONDITIONAL DISTRICTS

### 2.9.1 Conditional Use District (CUD)

#### (A) Generally

- (1) Any use permitted under the CUD process shall conform to all applicable development regulations for the corresponding general use zoning district as well as any specific development standards outlined within this Ordinance.
- (2) The Board of County Commissioners, in reviewing a CUD application, may impose such reasonable conditions upon approval of a CUD request as will afford protection of the public health, safety, and general welfare, ensure that substantial justice is done, and ensure equitable treatment.
- (3) Only those conditions mutually agreed to by the applicant and the Board of County Commissioners may be imposed on a CUD application.
- (4) Within the Economic Development Districts (EDDs), there are specific uses that require approval of a CUD. These uses are noted on the Table of Permitted Uses – Economic Development Districts (Section 5.2).

#### (B) Applications

Applications to establish a CUD shall be submitted to the Planning Director and shall be processed in accordance with the procedure(s) for:

- (1) Zoning Atlas amendment (Section 2.8),
- (2) Class A Special Use Permit (Section 2.7), and
- (3) The provisions of this Section.

#### (C) Submittal Requirements

- (1) In addition to the CUD application form, an applicant shall also submit the following information:
  - (a) A site plan prepared in accordance with the provisions of Section 2.5 including the following:
    - (i) A detailed description of the proposed use of property including an outline of the proposed operational characteristics of the proposed development,
    - (ii) A detailed traffic survey, regardless of the estimated number of trips per day, prepared in accordance with all applicable North Carolina Department of Transportation (NC DOT) requirements or standards as well as Section 6.17 of this Ordinance,
    - (iii) The appropriate environmental document prepared in accordance with Section 6.16; and
    - (iv) A landscape plan showing the location of on-site significant trees; proposed screening, buffers, and landscaping; and any proposed treatment of any existing natural features.
  - (b) A summary of utility services, including processing of wastewater.
  - (c) A schedule of construction of all elements of the proposal; and
  - (d) Any other information identified during the pre-application conference deemed essential to demonstrate the project's compliance with these regulations.

- ~~(2) 26 copies of the application package required in (1) above shall be submitted by the applicant.~~
- ~~(3) The Planning Board and/or Board of County Commissioners may request additional information in order to evaluate and properly process the application for a CUD.~~

**(D) Neighborhood Information Meeting**

- (1) Before a Public Hearing may be held on an accepted application for a CUD, the applicant is required to schedule, with the assistance of the Planning Department, a minimum of one neighborhood information meeting. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development project.
- (2) The applicant shall obtain property owner mailing address information from the Orange County ~~Land Records department~~ Planning Department<sup>5</sup> and shall mail certified notices of the meeting date and time to each property owner within 500 feet of the property for which a CUD has been requested.
- (3) The notices shall be mailed a minimum of 14 days prior to the date of the proposed Neighborhood Information Meeting<sup>6</sup>.
- ~~(4) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.~~
- ~~(4)(5)~~ The Neighborhood Information Meeting shall be held a minimum of ~~14~~ 45<sup>8</sup> days prior to the date of the Public Hearing where the application is scheduled for review and public comment.

**(E) Review and Evaluation of Application**

- (1) All CUD applications shall be reviewed and acted upon in accordance with the review procedures for Class A Special Use Permits (Section 2.7).
- (2) The following shall be considered when evaluating an application for a CUD:
- (a) The policies and objectives of the Orange County Comprehensive Plan, particularly in relation to the use, proposed site, and surrounding area;
  - (b) The policies and objectives of any adopted Small Area Plan(s) relating to the area; and
  - (c) The potential impacts to the surrounding area including, but not limited, to: traffic, storm water drainage, compatibility of land use activities, and land values.
- (3) The Board of County Commissioners may attach reasonable and appropriate conditions to the location, nature, and extent of the proposed use. Such conditions may address the following:
- (a) The characteristics of the proposed use and its relationship to surrounding property and existing land uses,

<sup>5</sup> Planning staff already provides this service during the pre-application conference related to a Special Use or Conditional Use project. The proposed amendment is designed to ensure local regulations mirrors current practice.

<sup>6</sup> County attorney recommended change denoted in green underlined text. Originally we had decided not to use the full text of 'Neighborhood Information Meeting' and just used 'meeting'. The Attorney's office wanted the language put back and for the Ordinance to spell out 'Neighborhood Information Meeting' in its entirety in this section.

<sup>7</sup> Staff inadvertently left out the requirement for posting of a sign advertising the neighborhood meeting. This corrects the error.

<sup>8</sup> We are changing the timeframe to 45 days.

- (3) The application for an extension request shall be submitted a minimum of six months prior to the expiration of the permit.

**(K) Alterations to an Approved CUD**

- (1) 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 Section 2.8.
- (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.

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**2.9.2 Conditional Zoning District (CZD)**

**(A) Generally**

Only those uses listed on the Table of Permitted Uses in Section 5.2 for a specific Conditional Zoning District and detailed in Section 3.8 of this Ordinance shall be developed.

**(B) Applications**

Applications to rezone property to a CZD shall be submitted to the Planning Director and shall be processed in accordance with the procedure(s) for:

- (1) Zoning Atlas amendment (Section 2.8),
- (2) Site plans (Section 2.5) for CZDs that require a site plan, and
- (3) The provisions of this Section.

**(C) Submittal Requirements**

- (1) In addition to the CZD application form, an applicant shall also submit the following information:
  - (a) A site plan prepared in accordance with the provisions of Section 2.5 of this Ordinance, except for MPD-CZ applications (see (C)(2) below).
  - (b) A detailed description of the proposed use of property including an outline of the proposed development.
  - (c) A detailed traffic survey, regardless of the estimated number of trips per day, prepared in accordance with all applicable North Carolina Department of Transportation (NC DOT) requirements or standards as well as Section 6.17 of this Ordinance.
  - (d) The appropriate Environmental Document prepared in accordance with Section 6.16.
  - (e) A landscape plan showing the location of on-site significant trees; proposed screening, buffers, and landscaping; and any proposed treatment of any existing natural features.

- (f) A summary of utility services, including processing of wastewater.
- (g) A schedule of construction of all elements of the proposal.
- (h) Any other information identified during the pre-application conference deemed essential to demonstrate the project's compliance with these regulations.

- (2) In lieu of the requirements in (1)(a) above, an application for a Master Plan Development (MPD) CZD shall include the requirements in Section 6.7. The requirements of (1)(b) through (1)(h) above are applicable for MPD-CZ applications.
- (3) 26 copies of the application package required in (1) and (2) above shall be submitted by the applicant.
- (4) The Planning Board and/or Board of County Commissioners may request additional information in order to evaluate and properly process the application for a CZD.

**(D) Neighborhood Information Meeting<sup>9</sup>**

- (1) Before a Public Hearing may be held on an accepted application for a CZD, the applicant is required to schedule, with the assistance of the Planning Department, a minimum of one neighborhood information meeting. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development project.
- (2) The applicant shall obtain property owner mailing address information from the Orange County Land Records department and shall mail certified notices of the meeting date and time to each property owner within 500 feet of the property for which a CZD has been requested.
- (3) The notices shall be mailed a minimum of 14 days prior to the date of the proposed Neighborhood Information Meeting.
- (4) The Neighborhood Information Meeting shall be held a minimum of 14 days prior to the date of the Public Hearing where the application is scheduled for review and public comment.

**(E) Review and Evaluation of Application**

The review, processing, and evaluation of a CZD application is a legislative process subject to judicial review using the same procedures and standards of review that apply to general use district zoning decisions.

**(F) Approval and Conditions**

- (1) The Board of County Commissioners shall take action on the application to rezone the property in accordance with the procedures outlined within Section 2.8.
- (2) The applicant or the County may recommend that reasonable and appropriate conditions be attached to the approval of the application.
- (3) Conditions and site-specific standards shall be limited to those that address the conformance of the development to County ordinances, the adopted Comprehensive Plan, or any other relevant plans that address the impacts reasonably expected to be generated by the proposed development. Any such conditions may address:

<sup>9</sup> Originally staff had anticipated amending this section to require a neighborhood information meeting to be held 30 days prior to a public hearing to review a CZD application. As the review of this type of application does not involve a Special Use Permit and is completed through a legislative review process (i.e. no sworn expert testimony), staff has determined existing review requirements are sufficient.

- (2) Attendees shall include all carriers and tower companies who have either filed applications the previous year or anyone who has expressed an interest in filing an application to construct a telecommunication support facility within the County.
  - (3) The County shall notify each party of the date, time, and place of the meeting no later than 30 days prior to the meeting.
  - (4) Those individuals/firms intent on submitting development applications are expected to attend the meeting. While a lack of attendance will not prevent the submittal of an application, it will prevent the applicant's ability to participate in the discussions outlining the areas of concentration for the location of telecommunication support structures for that given year.
- (D) Applications for the development of telecommunication support structures shall be processed in accordance with the provisions of this Ordinance.

#### 5.10.4 Existing Wireless Telecommunications Support Structures

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

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

- (A) Wireless telecommunications support structures shall be permitted as a principal or accessory use in accordance with the Table of Permitted Uses and as follows:
- (1) On property owned by the County or any public entity, except those designated as historic properties or sites, the County may, in its sole discretion as the owner of the property, authorize the application and use of County property after the applicant executes a lease agreement acceptable to the County.
  - (2) Wireless telecommunications facilities, as part of existing utility poles shall be permitted as an accessory use. Wireless facilities shall be constructed as part of the existing utility poles or as replacements for the existing utility poles. No freestanding towers constructed exclusively for personal wireless services shall be permitted within utility easements.
  - (3) The placement of new wireless telecommunications support structures shall be in accordance with the Table of Permitted Uses, except as permitted in the Master Telecommunications Plan ("Plan") or by Section 5.10.6 of this Ordinance.

#### 5.10.6 Administrative Approval of Certain Telecommunication Facilities

(A) **Applicability**

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

- (1) New stealth telecommunications wireless support structures up to 75 feet in height that are sufficiently disguised so as to minimize visual impact;
- (2) Any wireless support structure less than 75 feet in height;
- (3) Any wireless support structure less than 200 feet in height located on property that is owned or leased by Orange County; and

- (4) Any wireless support structure less than 200 feet in height on which the owner of such facility permits the County to collocate its wireless facilities on the structure at no charge to the County when the location of such facility is of benefit to the County as determined in the sole discretion of the County.
- (5) A written decision approving or denying an application for administrative approval of a telecommunication facility under this section shall be issued no later than 45 days following the submission of a complete application.
- (6) Collocation applications meeting the following requirements:
  - (a) The proposed additional facility will not increase the overall height and width of the tower or wireless support structure to which the wireless facilities are to be attached consistent with Section 2.7.14 of the Ordinance.
  - (b) The proposed additional facility will comply with applicable regulations, restrictions, or conditions, if any, applied to the initial wireless facilities placed on the tower or other wireless support structure.
  - (c) The proposed additional wireless facilities comply with all federal, State, and local safety requirements.
  - (d) The proposed additional facility does not exceed the applicable weight limits for the wireless support structure.

**(B) Submittal Requirements**

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

**(C) Neighborhood Information Meeting**<sup>11</sup>

- (1) For all administratively approved wireless support structures, excluding collocations, a neighborhood information meeting shall be scheduled in accordance with the provisions of Section 5.10.8**

**5.10.7 Antennas Not Located on Wireless Telecommunications Support Structures**

**(A) General Standards**

- (1) To minimize adverse visual impacts, stealth antenna types shall be preferred. If a non-stealth antenna is proposed, the application shall be required to demonstrate, in a technical manner acceptable to the Planning Director, why the stealth antenna (i.e. an antenna incorporated into the architecture of the building or fully screened from view from sight proximate to the antenna) cannot be used for the particular application. This does not preclude a combination of the various types of antennas.
- (2) Antenna dimensions shall be subject to approval by the Planning Director. A statement shall be submitted, prepared by a professional engineer competent to evaluate antenna choices, to certify the technical need for the required dimensions.
- (3) Prior to the issuance of a Building Permit by the Inspections Division, the application shall provide evidence that the wireless telecommunication support structure or antennas are in compliance with FAA regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is to be mounted, such evidence shall not be required.

<sup>11</sup> Staff is adding language to ensure all administratively approved towers will comply with the same neighborhood information meeting requirements as any other regulated wireless support facility.

engineer certification statement shall include certification that the structure can support the load superimposed from the wireless support structure. All wireless support structures shall have the capacity to permit multiple users; at a minimum monopole wireless support structures shall be structurally designed to accommodate four users and self-support/lattice or guyed wireless support structures shall, at a minimum accommodate three users.

**(B) General Submittal Requirements – Special Use Permits**

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

**(1) Overall Policy and Desired Goals**

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

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

**(2) Balloon Test**

- (a) The applicant shall, at least six weeks prior to a Class B Special Use Permit public hearing and at least 11 weeks prior to a Class A Special Use Permit public hearing, conduct a balloon test whereby the applicant shall arrange to fly, or raise upon a temporary mast, a minimum of 10'3" in length, brightly colored red or orange balloon at the maximum height of the proposed new wireless support structure.
- (b) The balloon test shall be flown for at least four consecutive daylight hours starting sometime between 10:00 A.M. and 2:00 P.M. on the dates chosen.
- (c) A notice of the dates (including a second date in case of poor visibility, weather or atmospheric conditions on the initial date), times, and location of the balloon test shall be mailed, by certified mail, return receipt requested, by the applicant, to all persons owning property within 1,000 feet of the subject parcel no less than 14 days in advance of the first test date. The data contained within the office of Orange County Land Records shall be used as the primary source for determining which residents are to receive notice of the balloon tests.

This notice shall also inform local residents that a neighborhood information meeting shall be held the day of the balloon test so that the applicant can explain the proposal and Planning staff, including the

County's telecommunications consultant, can explain the Special Use Permit review process.<sup>12</sup>

- (d) The primary date shall be on a weekend (excluding legal holidays), but to prevent delays in the processing of the application, and in case of poor weather or atmospheric conditions on the initial date, the secondary date may be a weekday.
- (e) The applicant shall inform the County Planning Staff, in writing, of the dates and times of the test at least 14 days in advance.
- (f) The applicant shall also post a sign on the subject property, and directional signs posted at locations to be determined by Planning Staff. The signs shall measure no more than nine square feet in area and no less than four square feet in area, giving the contact information of the County Planning Department, the proposed dates, times, and location of the balloon test. The signs shall be posted to meet the same time limits as provided for in the balloon test notification as stated above.

### (3) Submittal Requirements

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

- (a) A site plan showing the following:
  - (i) The entire site (including property boundary lines) and size of all existing structures within 500 feet of the site,
  - (ii) Existing and proposed structures on site,
  - (iii) The fall zone of the tower,
  - (iv) Existing and proposed topography at a contour interval of five feet and
  - (v) Any officially designated floodways and floodplains, or the presence of alluvial soils.
- (b) Plans, and elevations for all proposed structures and descriptions of the color and nature of all exterior material, along with the make, model, and manufacturer of the proposed structure, maximum antenna heights, and power levels.
- (c) A Landscape and Tree Preservation Plan drawn at the same scale as the site plan, showing the existing and proposed trees, shrubs, ground cover and other landscape materials. This plan shall minimize adverse visual effects of wireless telecommunications support structures and antennas through careful design, siting, landscape screening and innovative camouflaging techniques.
- (d) Evidence that the applicant has investigated the possibilities of placing the proposed equipment on an existing wireless support structure. Such evidence shall consist of:
  - (i) A listing of all wireless telecommunications support structures within a two mile radius of the proposed wireless support structure site and a listing of all wireless support structure, utility poles and other structures in the vicinity of the proposed facility

<sup>12</sup> As we currently require a balloon test be held prior to a public hearing reviewing a telecommunication application, staff believes it is reasonable to hold a neighborhood information meeting at the same time on-site so that interested parties can not only visualize the height of a proposed tower but ask questions related to the review process.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

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

**SUBJECT:** MINUTES

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**DEPARTMENT:**

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

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**ATTACHMENT(S):**

**INFORMATION CONTACT:**

Draft Minutes

Donna Baker, 245-2130

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

October 7, 2014  
October 14, 2014  
  
October 14, 2014

BOCC Regular Meeting  
BOCC Joint Meeting with the Commission for  
the Environment (5:30pm)  
BOCC Work Session (7:00pm)

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

**FINANCIAL IMPACT: NONE**

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

1  
2  
3 DRAFT

4 **MINUTES**  
5 **BOARD OF COMMISSIONERS**  
6 **REGULAR MEETING**  
7 **October 7, 2014**  
8 **7:00 p.m.**

9 The Orange County Board of Commissioners met in regular session on Tuesday,  
10 October 7, 2014 at 7:00 p.m. at the Whitted Building, in Hillsborough, N.C.

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

14 **COUNTY COMMISSIONERS ABSENT:**

15 **COUNTY ATTORNEYS PRESENT:** John Roberts

16 **COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Assistant County  
17 Managers Clarence Grier, Cheryl Young and Clerk to the Board Donna Baker (All other staff  
18 members will be identified appropriately below)

19  
20 **NOTE: ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE IN THE PERMANENT**  
21 **AGENDA FILE IN THE CLERK'S OFFICE.**

22  
23 Chair Jacobs called the meeting to order at 7:01 p.m.

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

25 NONE

26  
27 **PUBLIC CHARGE**

28 *Chair Jacobs dispensed with the reading of the public charge.*

29  
30 **2. Public Comments**

31 **a. Matters not on the Printed Agenda**

32 Don O'Leary questioned how society has gotten so deep that there is even discussion  
33 about why we are putting industrial chemical waste into our water supply in the form of fluoride.  
34 He said this is a result of government deception and evil influence. He read from the Bible. He  
35 said it is the leaders' responsibility to take care of the people. He asked for this issue to be put  
36 on a public hearing.

37  
38 Corey Stumer said he wanted to respond Colleen Bridger's response to their comments  
39 about OWASA fluoridation in their water. He said Colleen Bridger's email to the Board of  
40 County Commissioners and public recommending that OWASA continue drugging the  
41 population through their water supply. He said he has informed her of where the propaganda of  
42 safety and efficacy of fluoridation comes from, but she continues to repeat the mantra of safety  
43 and effectiveness. He said the FDA has never approved the ingestion of fluoride as being safe  
44 and effective in preventing tooth decay, and the truth about this policy is available to anyone on  
45 the web. He said there is sufficient evidence to abandon this fluoridation policy, and Colleen  
46 Bridger has made no effort to address with any specificity the questions and statements posed  
47 last month. He said she has deferred this to the OWASA board, who has then deferred to other  
48 state bureaucracies to avoid liability. He said this issue deserves a public referendum.

49

1 Chair Jacobs said petitions are referred to agenda review. He noted that the Board of  
 2 County Commissioners has no control of anyone's water supply, and he suggested that the  
 3 comments and requests for public hearing might be better directed to the Board of Health.  
 4

5 **b. Matters on the Printed Agenda**

6 (These matters will be considered when the Board addresses that item on the agenda  
 7 below.)  
 8

9 **3. Petitions by Board Members**

10 Commissioner Price said one of Orange County's residents will be receiving an award  
 11 from the N.C. Literary Hall of Fame, Jaki Shelton Green, and she would like the Board to  
 12 recognize the recipient with a personally signed letter or resolution.

13 Commissioner Price said there was a request that the Board of County  
 14 Commissioners recognize the County's volunteer firefighters, and she suggested something  
 15 similar to what Chapel Hill has done.

16 Commissioner Rich petitioned Chair Jacobs to write a letter to United Healthcare  
 17 demanding that it cease supporting the decisive policies of the American Legislative Exchange  
 18 Council (ALEC). She said several companies have recently divorced themselves from ALEC  
 19 due to their negative, regressive policies.

20 Commissioner Rich said she would like to see other options for healthcare providers.

21 Commissioner Rich said there were 90 people at the first Food Policy Council meeting.  
 22 She said the first thing that can be done is for the County to have ten percent of its catering  
 23 needs come from local growers.

24 Chair Jacobs said there is already a policy in place to insure that ten percent of catering  
 25 comes from local growers.

26 Donna Baker said this was referred to Dave Stancil, and a list was being compiled of  
 27 local caterers.

28 Chair Jacobs petitioned that the Attorney re-examine how contract vendors can be  
 29 requested to pay a living wage.

30 Chair Jacobs said there was a recent news story about how Chapel Hill has approved  
 31 funding for families who have lost section 8 vouchers. He would like to know why Orange  
 32 County is not working with these families. He said people have not gotten the message that the  
 33 County has a social justice fund that can be used to help these people. He would like to find a  
 34 way to plug into these conversations.  
 35

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

37 **a. Arts & Humanities Month – 2014 Piedmont Laureate Carrie J. Knowles**

38 The Board heard a brief selection from Raleigh resident and author of short Fiction,  
 39 Carrie J. Knowles, the 2014 Piedmont Laureate, for National Arts & Humanities Month.

40 Martha Shannon said October is National Arts and Humanities month, and she  
 41 introduced Carrie J. Knowles.

42 Carrie Knowles read an excerpt from her blog.  
 43

44 **5. Public Hearings**

45 NONE  
 46

47 **6. Consent Agenda**

48 A motion was made by Commissioner McKee seconded by Commissioner Price to  
 49 approve the items on the consent agenda.

1  
2 VOTE: UNANIMOUS  
3

4 **a. Minutes**

5 The Board approved the minutes from May 15, September 4 and 8, 2014, as submitted by the  
6 Clerk to the Board.

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

8 The Board adopted a resolution, which is incorporated by reference to release motor vehicle  
9 property tax values for twenty-two (22) taxpayers with a total of twenty-two (22) bills that will  
10 result in a reduction of revenue.

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

12 The Board adopted a resolution, which is incorporated by reference to release property  
13 tax values for fourteen (14) taxpayers with a total of sixteen (16) bills that will result in a  
14 reduction of revenue in accordance with North Carolina General Statute 105-381.

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

16 The Board will approved thirteen (13) untimely applications for exemption/exclusion from ad  
17 valorem taxation for thirteen (13) bills for the 2014 tax year.

18 **e. Impact Fee Reimbursement Request – The Arc Orange County Housing**  
19 **Corporation #4**

20 The Board will approved the reimbursement of impact fees as requested by The Arc Orange  
21 County Housing Corporation #4 in the amount of \$7,716 for an apartment building for low  
22 income persons with disabilities recently constructed in the Meadowmont community.

23 **f. Housing Rehabilitation Program – N.C. Housing Finance Agency**

24 The Board adopted the amended Assistance Policy for the 2014 Single Family Housing  
25 Rehabilitation Program funded by the N.C. Housing Finance Agency (NCHFA) and authorized  
26 the Chair to sign.

27 **g. Workforce Investment Act (WIA) Youth Program Contract Renewal**

28 The Board approved continued grant funding for operations of the Workforce Investment Act  
29 (WIA) “Building Futures” Youth Employment and Training Program and authorized the Manager  
30 to sign.

31 **h. Buckhorn Mebane Phase 2 Utilities – Final Adjusting Change Order and Approval**  
32 **of Budget Amendment #1-C**

33 The Board approved the final adjusting change order for the Buckhorn Mebane Phase 2 Utilities  
34 Capital project and Budget Amendment #1-C to pay for this final change order and authorized  
35 the Manager to sign.

36 **i. VIPER Radio System Capital Project Revision**

37 The Board approved a revision to the existing Voice Interoperability Plan for Emergency  
38 Responders (VIPER) Radio System Capital Project, as included in the FY 2014-19 Capital  
39 Investment Plan (CIP), by changing the Project Name and Project Description.

40  
41 **7. Regular Agenda**  
42

43 **a. Next Generation 9-1-1 Solution (8:15-9:00)**

44 The Board considered approving the purchase of the Next Generation 9-1-1 Solution to  
45 provide a service that is integrated, operated and maintained to the public safety class  
46 standards demanded of a life-critical application and authorizing the Manager to sign.

47 Jim Groves introduced Dinah Jeffries and Kevin Medlin. He reviewed the following  
48 information from the abstract:  
49

1 Since 1992, Orange County has utilized Enhanced 9-1-1 (E9-1-1) that represented a significant  
2 improvement in 9-1-1 service by providing the telecommunicator with the name and address of  
3 landline callers. Today, the technology has broadened its capabilities to provide a geographic  
4 location that identifies the latitude and longitude coordinates for wireless callers. The County is  
5 now poised to make another significant technology jump due to consumer expectations and  
6 major world events by allowing residents, visitors, and responders to utilize texting, imaging and  
7 video capture to 9-1-1 as well as providing a faster connection to 9-1-1 through digital  
8 connections. NextGen 9-1-1 (NG911) will use Internet Protocol (IP) based hardware and  
9 software to provide call identification, location determination, call routing, and call signaling for  
10 emergency calls.

11  
12 NG911 capable public safety answering points (PSAPs) can receive and process incoming calls  
13 by means of IP-based networks called Emergency Services IP Networks (ESInets). This  
14 network architecture will support many more modes of emergency communication than the  
15 voice-centric legacy system currently in use. ESInets are designed not only to receive traditional  
16 911 voice calls, but also to receive text, data, and video communications from any  
17 communications device via IP-based networks. In addition, ESInets can be configured to  
18 receive machine-generated data from telematics applications (e.g., automatic collision  
19 notification systems in vehicles provided by vendors like OnStar), medical alert systems, and  
20 sensors and alarms of various types. In contrast to the device-specific connection protocols in  
21 legacy 9-1-1 networks for wire-line, wireless, and interconnected VoIP phones, NG911 will  
22 provide IP-enabled devices with multiple means of accessing the NG911 network depending on  
23 whether they are operating in a stationary or mobile configuration.

24  
25 In order to achieve this milestone identified in the Emergency Services Workgroup  
26 recommendations for continuing to upgrade equipment to move towards the Next Generation  
27 initiatives, staff is recommending the selection of Motorola to partner with Intrado to provide the  
28 Next Generation Solution for Orange County. On May 8, 2014, the Board of County  
29 Commissioners approved the Orange County Emergency Services Strategic Plan that included  
30 the need to prepare, develop and implement a solution that goes beyond the current technology  
31 to reinforce and integrate with a nationwide vision in providing public safety solutions to the  
32 public and responders.

33  
34 The County's current vendor, Qwest (formerly known as CenturyLink), has been unable to  
35 provide a proposal and solution to move into this critical phase. For the past several years  
36 Qwest (CenturyLink) has experienced a declining level of customer service and response to 9-  
37 1-1 service related issues, including service outages which many of the 9-1-1 Centers across  
38 North Carolina have reported to the NC 9-1-1 Board.

39  
40 Staff is recommending this switch in vendors to Intrado/Motorola because of Intrado's subject  
41 matter expertise in providing 9-1-1 solutions as well as the County's long-term and successful  
42 relationship with Motorola. UNC Public Safety has recently contracted with Motorola/Intrado as  
43 well. Having the same vendor and network infrastructure will enable the County 9-1-1 Center to  
44 transfer information to UNC seamlessly, and vice versa. Intrado and Motorola have both been  
45 extremely responsive and proactive in identifying issues from other states and providing  
46 solutions that will work in North Carolina, specifically in Orange County.

47  
48 **FINANCIAL IMPACT:** The proposed NG911 Solution is an eligible expense from the North  
49 Carolina 9-1-1 Board Emergency Telephone Fund (ETF). The ETF is derived from the monthly  
50 911 service charge that is imposed on each active voice communications service connection

1 (land and mobile) that is capable of accessing a 911 system. The North Carolina 9-1-1 Board  
2 makes a monthly distribution to the primary PSAP (Orange County 9-1-1) from the pre-  
3 designated amount allocated to the County each year. This expense is covered under the  
4 annual ETF allocation and is not borrowed money or a loan.

5  
6 Orange County One Time setup fee: \$22,246.00  
7 Orange County Recurring Payment: \$25,789.92  
8 Total Customer Sale Price over 60 months: \$1,585,654.53  
9

10 It is noted that the monthly expense for NG911 is substantially more than in previous years. The  
11 increase is due to the network(s) required to support text and video to 9-1-1, as well as added  
12 features and capabilities, such as transferring Automatic Number and Automatic Location  
13 Identifiers (ANI/ALI) to another community or county, which increases efficiency and provides  
14 better customer service for the 9-1-1 caller, and the County's stakeholders.  
15

16 Chair Jacobs asked Jim Groves to clarify where the Emergency Telephone Funds (ETF)  
17 are derived from.

18 Jim Groves said these phones will have an attached 911 service fee, and all of this goes  
19 to the 911 board at the state level. He said the board then looks at the primary public safety  
20 answering points and allocates money based on the previous year's spending. He said this fee  
21 is already being paid by residents of N.C.

22 Commissioner Pelissier said she would like to hear some examples of how information  
23 is received from medical alert systems.

24 Jim Groves said these medical alert systems now work off of a GPS location, and this  
25 information can come directly into the 911 system.

26 Commissioner Rich asked for information on the advantage of having video.

27 Jim Groves said if telecommunicators can see what is going on, this information can be  
28 shared with responders and law enforcement. He said this is seen as something for the future.

29 Commissioner Gordon asked how home alarm systems work now versus how they  
30 would work with Next Generation.

31 Jim Groves said things would be very similar. He said these calls go to a central  
32 monitoring agency who determines if there is truly a fire before calling the 911 center. He said  
33 the preference is to keep this the same.

34 Commissioner Gordon asked if there is any difference in the data that is provided.

35 Dinah Jeffries said the difference is that alarm companies can transfer information to the  
36 911 system by computer now. She said with Next Generation 911 videos can be sent from the  
37 home, and the current system can't receive that.

38 Chair Jacobs said stickers are put on the windows of homes stating that animals are  
39 inside the house. He asked if this information can be pre-loaded into the system.

40 Dinah Jeffries said this information can be pre-loaded now, but it would be helpful if  
41 there is an actual video, so that responders can see the location of people or animals in the  
42 house.

43 Commissioner Rich asked how will people know to send a text message rather than  
44 calling.

45 Jim Groves said there would be a very robust public relations campaign to introduce  
46 this.

47 Commissioner Rich said it is important to include the school boards in this educational  
48 process. She said she can see this texting being abused if people don't understand what a 911  
49 call is.

50 Chair Jacobs asked if every county fully funds their 911 centers.

1 Jim Groves said he does not know that answer, but he can research this.

2 Chair Jacobs questioned whether towns participate in the funding. He said he does not  
3 think every County takes on the full funding responsibility, and he wonders if counties that  
4 include a municipality share the funding responsibility.

5 Commissioner Dorosin asked if this is related to the radios and the communication  
6 issues the Board heard about last week.

7 Jim Groves said these systems are separate.

8 Commissioner Dorosin asked for clarification on the costs to the County versus the cost  
9 born by the 911 Emergency Telephone Fund.

10 Jim Groves said all of this funding comes out of the 911 Emergency Telephone Fund.

11 Clarence Grier said the emergency 911 fund currently contains approximately  
12 \$1,126,000, and this is part of the total budget, but it is not part of the general funds budget.

13 Commissioner Rich asked if this fund gets replenished every year.

14 Clarence Grier said yes, it is typically replenished about \$500,000 per year.

15

16 A motion was made by Commissioner Gordon, seconded by Commissioner Pelissier for  
17 the Board to approve the purchase of the Next Generation 9-1-1 Solution to provide a service  
18 that is integrated, operated and maintained to the public safety class standards demanded of a  
19 life-critical application and authorize the Manager to sign all contracts, agreements, change  
20 orders and renewals.

21

22 VOTE: UNANIMOUS

23

24 **b. Southern Orange County Government Services Campus Special Use Permit)**

25 The Board considered authorizing the Chair to execute the Special Use Permit  
26 governing the Southern Orange County Government Services Campus issued by the Town of  
27 Chapel Hill.

28 Jeff Thompson said the master plan is included in the agenda packet. He reviewed the  
29 following information from the abstract:

30

31 In June of this year Chapel Hill Town Council voted unanimously to approve Orange County's  
32 SUP for a master plan for the Southern Orange County Government Services Campus.

33

34 Background: On October 16, 2012 the Board of County Commissioners approved a  
35 Master Plan (Attachment 1, "Approved Master Plan") regarding the Southern Orange County  
36 Government Services Campus and authorized the Manager to submit a Special Use Permit  
37 ("SUP") application to the Town of Chapel Hill to govern development on the County's property  
38 over a 25 year period. This SUP allows future development to follow the Board's intent within  
39 the approved Master Plan without multiple additional SUP approvals as future building projects  
40 are contemplated and built. The master plan and SUP application process was facilitated by  
41 Clarion Associates of Chapel Hill, NC.

42

43 On June 23, 2014 the Town Council of Chapel Hill voted unanimously to approve the Special  
44 Use Permit (Attachment 2, "Chapel Hill Special Use Permit"). The SUP has been executed by  
45 Chapel Hill and awaits signature by the Chair. Upon the Chair's signature, the SUP will be  
46 recorded with the Orange County Register of Deeds.

47

48 Highlights of the SUP are as follows:

- 49 • Any contemplated construction on the site must begin by June 23, 2019. The approved  
50 SUP has a 25-year life, expiring on June 23, 2039;

- 1 • The SUP allows up to 300,000 square feet of floor area (61,750 square feet already exist),
- 2 and up to 600 new parking spaces (258 already exist) on the approximate 33.2 acre site;
- 3 • The SUP requires the clustering of buildings to achieve walkability, visibility, and connections
- 4 while maximizing the preservation of undisturbed areas;
- 5 • Recordation of the SUP document will consolidate all previously approved Special Use
- 6 Permits for this site, and replace those with this singular document;
- 7 • Town staff is authorized to approve plans and issue permits in accordance with this SUP
- 8 – no further approvals needed from Town Council;
- 9 • Prior to any construction, the Chapel Hill Community Design Commission needs to approve
- 10 building elevations, site lighting, and the location/screening of HVAC equipment;
- 11 • Orange County must provide a progress update to the Town Council every five years (the first
- 12 update will be scheduled during the fall of 2019); and
- 13 • The Traffic Impact Analysis will need to be updated in 2020 and 2030.

14  
15 Jeff Thompson said this converges three existing SUP's – Southern Human Services  
16 Center, Project Home Start, and the Seymour Center – into one set of development guidelines.

17 Commissioner Gordon said she is glad this has come to fruition. She said this is a key  
18 part of the County's ability to provide services in the southern part of the County. She referred  
19 to the map and asked about changes to the road in the development area of the Seymour  
20 Center. She asked if it is understood that additions can be made to the roads around the  
21 Seymour Center and the Southern Human Services Center.

22 Ken Redfoot said yes. He said the additions and modifications are included in the  
23 number. He said this is addressed in the overall document.

24 Commissioner Gordon thanked staff for this. She said this process has taken a long  
25 time, but this is a fabulous opportunity to put all County functions on one campus in the  
26 southern part of the county.

27 Commissioner Pelissier echoed Commissioner Gordon's comments. She asked what  
28 constitutes beginning construction, and what this really means.

29 Jeff Thompson said there will be a permitting process through the community design  
30 committee to receive a building permit and begin clearing the land. He said the infrastructure  
31 project in 2015-16 would constitute the beginning of construction.

32 Commissioner Rich asked where the maximum height of 4 stories came from.

33 Ken Redfoot said this was determined while working with the Town staff. He said the  
34 County gave them options, and elevations were done across the site. He said everyone  
35 concluded that four stories was the best height.

36 Commissioner Price asked if this is also tied to the capabilities of fire trucks.

37 Ken Redfoot said that was not a consideration.

38  
39 A motion was made by Commissioner Gordon, seconded by Commissioner Rich for the  
40 Board to authorize the Chair to execute the Special Use Permit governing the Southern Orange  
41 County Government Services Campus issued by the Town of Chapel Hill.

42  
43 VOTE: UNANIMOUS

44  
45 Commissioner McKee noted that this approval allows this to be included in the space  
46 study project.

47  
48 **8. Reports-NONE**

49  
50 **9. County Manager's Report**

1 Bonnie Hammersley said her report includes a list of items for the next work session,  
2 and she invited comments and questions.

3 Commissioner Dorosin asked if this is in an email. He questioned how he can comment  
4 without having the information in the packet.

5  
6 Bonnie Hammersley said purpose was just to show the titles of the item and not the  
7 content for their information. She said this list of items is included on the agenda face sheet for  
8 the Manager's report.

9 Commissioner McKee said future work session items are discussed in agenda review,  
10 and sometimes items are moved around. He said the purpose of this is just to give everyone a  
11 heads up about what is forthcoming at that work session.

12 Commissioner Gordon said there is a three month rolling calendar, although it might not  
13 always be up to date. She said this list gives a little window on the most recent projection.

14 Bonnie Hammersley said that is correct.

15 Commissioner Gordon said she appreciates this list, as well as the rolling calendar.

16  
17 **Projected October 14, 2014 Regular Work Session Items**

- 18 • Updates on Community Centers Construction
- 19 • Upper Neuse River Basin Association Update
- 20 • Orange Well Net Update
- 21 • Jordan Lake Allocation Application
- 22 • Update on Emergency Procedures
- 23 • Website Design Presentation
- 24 • 2015 BOCC Meeting Calendar

25  
26  
27 **10. County Attorney's Report -NONE**

28  
29 **11. Appointments**

30  
31 **a. Advisory Board on Aging – Appointments**

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

33  
34 A motion was made by Commissioner Gordon, seconded by Commissioner McKee to  
35 appoint:

- 36 • Dr. Donna Prather to a second full term (Position #1) At-Large expiring 06/30/2017.
- 37 • Dr. Anthony John Vogt to a first full term (Position #2) At-Large expiring 06/60/2017
- 38 • Mr. Keith Cook to a second full term (Position #12) At-Large expiring 06/30/2017.

39

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
1	Dr. Donna Prather	At-Large	06/30/2017
2	Dr. Anthony John Vogt	At-Large	06/30/2017
12	Mr. Keith Cook	At-Large	06/30/2017

40  
41  
42 VOTE: UNANIMOUS

43  
44 **b. Human Relations Commission – Appointments**

1 The Board considered making appointments to the Human Relations Commission.

2  
3 A motion was made by Commissioner Pelissier, seconded by Commissioner Price to  
4 appoint:

- 5  
6
- Mr. Marc Xavier to a first full term (Position #5) At-Large expiring 06/30/2017.
  - 7 • Mr. Matthew Hughes to a second full term (Position #8) At-Large expiring 06/30/2017.
  - 8 • Ms. Antonia Pedroza to partial term (Position #11) Town of Hillsborough expiring  
9 06/30/2015.
  - 10 • Mr. Gerald Ponder to a first full term (Position #13) Town of Hillsborough expiring  
11 06/30/2017.
- 12

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
5	Mr. Marc Xavier	At-Large	06/30/2017
8	Mr. Matthew Hughes	At-Large	06/30/2017
11	Ms. Antonia Pedroza	Town of Hillsborough	06/30/2015
13	Mr. Gerald Ponder	Town of Hillsborough	06/30/2017

13  
14 VOTE: UNANIMOUS

15  
16 Commissioner Rich asked about the two open Chapel Hill positions.

17 Donna Baker said the County is working with Chapel Hill, and the town has not sent any  
18 recommendations yet.

19  
20 **c. Nursing Home Community Advisory Committee – Appointments**

21 The Board considered making appointments to the Nursing Home Community Advisory  
22 Committee.

23  
24 A motion was made by Commissioner McKee, seconded by Commissioner Gordon to  
25 appoint:

- 26
- 27 • Ms. Teri J. Driscoll to a first full term (Position #3) At-Large ending 09/30/2017. Ms.  
28 Driscoll has completed her one year training term.
  - 29 • Mr. Jerry Schreiber to a one year training term (Position #4) At-Large ending  
30 10/07/2015.
- 31

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
3	Ms. Terri J. Driscoll	At-Large	09/30/2017
4	Mr. Jerry Schreiber	At-Large Training	10/07/2015

32  
33 VOTE: UNANIMOUS

34  
35 **d. Orange County Parks and Recreation Council – Appointments**

36 The Board considered making appointments to the Orange County Parks and  
37 Recreation Council.

38  
39 A motion was made by Commissioner Gordon, seconded by Commissioner Rich to  
40 appoint:

- 1
- 2 • Mrs. Sandi Green to a partial term (Position #6) Cheeks Township expiring 03/31/2015.
- 3 • Ms. Teri Driscoll to a first full term (Position #10) Hillsborough Town Limits expiring
- 4 09/30/2016.
- 5

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
6	Mrs. Sandi Green	Cheeks Township	03/31/2015
10	Ms. Teri Driscoll	Hillsborough Town Limits	09/30/2016

6

7 VOTE: UNANIMOUS

8

9 **12. Board Comments**

10 Commissioner Rich thanked the team that put together the free mammogram program

11 for County employees.

12 Commissioner Pelissier said she and Commissioner Price attended the Justice and

13 Public Safety NCACC Committee meeting. She said a number of the goals from Orange

14 County were included and will be forwarded. She said two of these were referred for study.

15 She said, for future reference, she would like the clerk to remind the Commissioners to talk to

16 staff in order to be fully informed about the details. She said these items may not have been

17 referred if she and Commissioner Price had been briefed and been able to answer questions.

18 Commissioner Pelissier said there was tie vote on the issue of the right to regulate guns

19 in parks, and this failed. She said she tried to argue that this was not something all counties

20 would be asked to do, but this was to allow counties to right to decide for themselves, but it did

21 not move forward.

22 Commissioner Dorosin said last week the 4<sup>th</sup> circuit of appeals issued an injunction to

23 prevent two parts of the new voting law from going into effect. He said same day registration

24 during the early voting period has been restored, and out of precinct ballot counting has been

25 restored. He said this is a great victory for the people. He suggested checking with the Board

26 of Election to see what is being done in light of this change, in terms of getting information out

27 to the voters.

28 Chair Jacobs said the district court judge asked for the State Board of Elections to come

29 back to him with a plan for how these changes will be implemented.

30 Commissioner McKee recognized the Little Free Library at Cedar Grove, which was just

31 dedicated. He deferred to Commissioner Price for further comment.

32 Commissioner Gordon said the Strategic Communications Plan work group is continuing

33 to meet and the group will try to tie things together for the Commissioner's meeting in

34 November.

35 Commissioner Gordon said the Intergovernmental Parks Work Group will meet

36 tomorrow, and she is happy to say that all of the jurisdictions that needed to approve the

37 coordinated use of school facilities for recreation have done so.

38 Commissioner Price said one of the County goals regarding reimbursement for

39 misdemeanants will be looked at by staff and re-submitted to the NCACC staff. She said there

40 was some confusion regarding terminology.

41 Commissioner Price said two of the advisory board applications are out of date, and it

42 might be helpful to ask people for updated information when they are reapplying.

43 Commissioner Price said the Little Free Library was donated to Cedar Grove Park, and

44 the dedication was a nice event. She thanked staff for their efforts in making this happen.

45 Chair Jacobs said the State of the Environment event is being held on Saturday October

46 11<sup>th</sup>. He said the dedication of Riverwalk is happening that same day.

1 Chair Jacobs said there has been one meeting of the Solid Waste Advisory Group since  
 2 the Board last met. He said there is another meeting on Thursday and there will be two  
 3 attendees from the University and the hospital.

4 Chair Jacobs said it is his inclination to recommend that he, Commissioner Price, and  
 5 Commissioner Dorosin would serve on the retreat planning committee. He said the clerk needs  
 6 to know if this is the desire of the Board.

7 There was consensus from the Board on this.  
 8

9 **13. Information Items**

- 10
- 11 • September 16, 2014 BOCC Regular Meeting Follow-up Actions List
  - 12 • Tax Collector's Report- Numerical Analysis
  - 13 • Tax Collector's Report- Measure of Enforced Collections
  - 14 • Tax Assessor's Report- Releases and Refunds under \$100
  - 15 • Memo Regarding Population Projections Used for Various Planning Initiatives
  - 16 • Memo Regarding Regulation of Solar Facilities within North Carolina
  - 17 • Popular Annual Financial Report for the Fiscal Year Ended June 30, 2014
  - 18 • BOCC Chair Letter Regarding Petitions from September 16, 2014 Regular Board  
 19 Meeting

20

21 **14. Closed Session** (10:30-)

22 A motion was made by Commissioner McKee, seconded by Commissioner Price to go  
 23 into closed session at for the purpose below:

24 "To discuss the County's position and to instruct the County Manager and County Attorney on  
 25 the negotiating position regarding the terms of a contract to purchase real property," NCGS §  
 26 143-318.11(a)(5).

27  
 28 VOTE: UNANIMOUS  
 29

30 **RECONVENE INTO REGULAR SESSION**

31 A motion was made by Commissioner McKee, seconded by Commissioner Rich to go  
 32 into regular session at 9:55pm.

33  
 34 VOTE: UNANIMOUS  
 35

36 **15. Adjournment**

37 A motion was made by Commissioner McKee, seconded by Commissioner Price to  
 38 adjourn the meeting at 9:55 p.m.

39  
 40 VOTE: UNANIMOUS  
 41

42 Barry Jacobs, Chair  
 43  
 44

45 Donna Baker, Clerk to the Board  
 46

## Attachment 2

DRAFT

**MINUTES**  
**ORANGE COUNTY BOARD OF COMMISSIONERS**  
**JOINT MEETING WITH COMMISSION FOR THE ENVIRONMENT**  
**October 14, 2014**  
**5:30 p.m.**

The Orange County Board of Commissioners met for a joint meeting with the Commission for the Environment on Tuesday, October 14, 2014 at 5:30 p.m. at the Whitted Building 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:** County Manager Bonnie Hammersley, Assistant County Manager Clarence Grier, Cheryl Young and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

**COMMISSION FOR THE ENVIRONMENT MEMBERS PRESENT:** Chair Jan Sassaman, Vice Chair Loren Hintz and members May Becker, Peter Cada, Steve Niezgod, Jeanette O'Connor, David Neal, Rebecca Ray and Donna Lee Jones

**COMMISSION FOR THE ENVIRONMENT MEMBERS ABSENT:** William Newby, Lydia Wegman, Clifford Leath, David Welch, Gary Saunders,

**DEPARTMENT OF ENVIRONMENT, AGRICULTURE AND PARKS AND RECREATION (DEAPR) STAFF PRESENT:** Dave Stancil, Rich Shaw and Tom Davis

**Welcome/Introductions and Opening Remarks**

Chair Jacobs called the meeting to order at 5:43 p.m.

Jan Sassaman said this is an auspicious time to get together with the Board of County Commissioners, as the Commission for the Environment (CfE) presented the 5<sup>th</sup> edition of the State of the Environment report last weekend. He said he would like to get the Board of County Commissioners' feedback on this.

Introductions were made.

Chair Jacobs said the fact that the Board has not previously met with the CfE does not diminish their importance to the County.

**1. Orange County State of the Environment 2014 Report (Attachment 1)**

Jan Sassaman said this report was given on this past Saturday at their Summit. He said this report has come a long way in its evolution, and he showed a comparison of the first report to the current one. He noted that as of this weekend the report is online.

Jan Sassaman said this edition of the report is dedicated to Commissioner Gordon, who has served Orange County for 24 years as a County Commissioner. He expressed appreciation for Commissioner Gordon and said the CfE owes their existence to her, as she played an integral part in its creation. He said she also played an integral part in creating the Department of Environment, Agriculture, Parks and Recreation (DEAPR).

*Commissioner Dorosin arrived at 5:50 p.m.*

Jan Sassaman said the report is included in attachment 1, and it raises many critical issues. He said the report is divided into sections that highlight different areas. He reviewed the following issues as outlined in the abstract materials:

## Critical Issues

- Invasive, non-native, plant and animal species threaten the biological diversity of Orange County’s aquatic and terrestrial ecosystems. Non-native species replace natives, threatening critical ecosystem services such as plant pollination and posing risks to livestock, land, and public health.
- Important data on the quality and quantity of Orange County’s surface water and groundwater will remain unknown as reductions are made in State-led data collection efforts.
- If drilling for natural gas begins in the Deep River basin, nearby Orange County residents could experience negative impacts to air quality, water quality and supply, and infrastructure.
- We need to do more to improve our air quality, chiefly by making changes that result in less reliance on cars. Locally, this can be achieved by: (1) increased availability and use of transit alternatives, including bus, rail, bicycle, and pedestrian pathways; and (2) town and county planning that fosters denser, walkable communities, reduces sprawl, and allows the clustering of development in urban buffers. The installation of ozone monitors could help track air quality more accurately.
- Orange County should continue to support the responsible deployment of clean and appropriately-sited renewable energy.
- Reducing energy use is the first step in fighting climate change. Orange County has made great strides in improving the energy efficiency of the buildings under its management. We can build on this progress by investing more in energy efficiency programs for residential, commercial, and other government buildings.

Jan Sassaman reviewed the following air and energy recommendations from the second page of the report:

### Highlighted Recommendations from the Orange County State of the Environment 2014 Air and Energy Resources

1. Orange County should work with Carrboro, Chapel Hill, and Hillsborough to update the 2005 Greenhouse Gas Emissions Inventory and Forecast for the county, and assess our progress toward the emissions-reduction goals recommended in the 2005 Greenhouse Gas Emissions report.
2. Orange County should collaborate with its citizens and with civic organizations that are organizing for clean energy policy at the local, state, federal, or international level.
3. Orange County should incentivize green building techniques by offering reduced building permit fees for commercial and residential buildings that achieve demonstrable energy savings.
4. Orange County should continue to reduce the amount of solid waste sent to landfills by implementing a “pay-as-you-throw” system and stop trucking Orange County solid waste to the Durham transfer station.

### Land Resources

1. Orange County should work with its partners to protect at least 12% of county land area by 2020, with focus on Natural Heritage Areas, and develop a comprehensive conservation plan for a network of protected space throughout the county.
2. Orange County should continue educating and assisting the agricultural community with the

1 Voluntary Agricultural District and Present Use Value Taxation programs.

- 2  
3 3. Orange County should increase efforts to encourage homeowners and businesses to  
4 choose regionally native species for landscaping.

5  
6 **Water Resources**

- 7 1. Orange County should increase efforts to gather information related to water resources in  
8 Orange County; including data about surface water and groundwater quality, as well as  
9 concerning groundwater quantity. State-led efforts in these areas continue to decline due to  
10 budget and staff reductions.  
11 2. Orange County should undertake a campaign to inform the public about invasive aquatic  
12 species, including their current extent in our waterways, the likely ramifications of the  
13 occurrence of these species in Orange County, and what steps can be undertaken to slow  
14 their spread or eliminate them locally.  
15 3. Orange County should continue to increase public awareness and understanding of  
16 water supply sources, related concerns, and what steps can be undertaken to improve  
17 or maintain the quality and quantity of our water supply resources.

18  
19 Jan Sassaman said one thing that comes out of this report is the importance of thinking  
20 globally and acting locally.

21 Rich Shaw said each of the above recommendations is spelled out throughout the  
22 report. He staff tried to incorporate any references to the 2030 comprehensive plan, and there  
23 was more emphasis on providing information regarding what citizens can do to address the  
24 issues.

25 Commissioner Gordon said the CfE and staff did a great job presenting this report at the  
26 summit. She said the quantity and quality of Orange County's surface water and ground water  
27 is a critical issue, and she hopes the County will do what it can to monitor this. She said  
28 surface water and groundwater are important for life.

29 She said one thing to do about the fracking issue is to educate the public about the pros  
30 and cons and make them aware of the options.

31 Commissioner Gordon said climate change is a serious issue, and something needs to  
32 be done soon. She said things can be done to think globally and act locally.

33 Commissioner Gordon said it is important to educate people about climate change. She  
34 also said Orange County has done many things to be proactive in the area of energy efficiency  
35 and conservation.

36 Commissioner Gordon referred to the recommendations page, and she noted that there  
37 was a study about greenhouse gas emissions that should be completed.

38 Commissioner Gordon said it is important to protect the County's natural and cultural  
39 resources, and the Lands Legacy Program has done a good job of this.

40 Commissioner Gordon said this is overall a wonderful report.

41 Commissioner Rich referred to the recommendations on air and energy, and she  
42 said Chapel Hill has updated some of their data on this. She urged staff to get this information.

43 Commissioner Rich referred to recommendation #4 and questioned what the solution or  
44 option would be to the trucking of solid waste to Durham.

45 Loren Hintz said the last item will go into that issue in more detail. He said the short  
46 answer is for all entities that supported the solid waste group to come up with the ideas. He  
47 said there is a lot of sentiment that the County has a responsibility to better figure out what to  
48 do with its solid waste. He said the Durham transfer station should only be a short term  
49 solution, but there is no long term answer.

1 Commissioner Pelissier said it is great to see how these summits and reports evolve  
2 with the times. She referred to recommendation #2 under air and energy and the collaboration  
3 with civic organizations, and she asked for specific suggestions for undertaking this.

4 Commissioner Pelissier referred to recommendation #3 on the incentives for green  
5 building techniques. She asked if staff is aware of other places that have done this successfully.  
6 David Neal said there will be discussion of this later on the agenda.

7 Commissioner Pelissier asked if there are there any priorities of the CfE that the Board  
8 of County Commissioners should prioritize to address first.

9 Jan Sassaman said with regard to priorities, he would like to the CfE and the Board to  
10 jointly come up with priorities.

11 Commissioner McKee said he is impressed by this report, and he commended the CfE  
12 for an excellent job. He referred to the first item regarding land resources and the 12 percent  
13 protection goal. He asked if this includes farmers in the voluntary agricultural districts and the  
14 conservation easements. He said 12 percent of the County is a huge portion of acreage, and  
15 he would like an opportunity to discuss why this percentage was chosen.

16 Loren Hintz said the report 10 years ago set this number at 10 percent, and the County  
17 is already at 9 percent protected at one level or another. He said this is why 12 percent was  
18 chosen. He said there are a number of ways to protect these areas. He said you need to have  
19 corridors from one protected area to another, and many of these corridors are waterways. He  
20 said no one has the specifics for reaching this number, and it is just a dream now.

21 Commissioner McKee said it is good to dream. He said the efforts of soil conservation  
22 personnel to educate the farming community have resulted in an exponential increase in farms  
23 enrolling in the voluntary agricultural district.

24 Steve Niezgoda said the maps he is referring to are shown on pages 27 and 28.

25 Chair Jacobs said he would like to see renewed support for the Lands Legacy program  
26 listed as a common goal. He said he would hope that this would be part of the bond package,  
27 and if so, that the CfE would take the lead in educating the public about why protected space  
28 and natural areas are important for Orange County. He said there have been no decisions yet  
29 about what would be on the proposed bond, and a committee will be put together to determine  
30 this.

31 Chair Jacobs said Clerk to the Board Donna Baker was able to provide information on  
32 past bonds, which showed that schools received 59.2 percent of the vote; the bond for parks,  
33 open space and recreational facilities got 54.8 percent of the vote; the bond for senior centers  
34 got 54.2 percent; and affordable housing got 52.4 percent of the vote. He said parks and open  
35 spaces are typically the most popular bonds in the United States, and in Orange County,  
36 schools are the most popular bonds, and parks and open spaces are second.

37 Chair Jacobs said a lot of the things the CfE is referring to are being worked on or  
38 discussed by the Board. He said interviews are ongoing for a sustainability coordinator for  
39 Orange County government, and that position will systemically address a lot of the issues that  
40 have been raised. He said someone has to take a leadership role, and he is pleased that the  
41 CfE is so dedicated.

42 Commissioner Dorosin said the report is outstanding, but he would challenge everyone  
43 to take a broader view of what environmentalism is as it relates to the impact on social justice  
44 issues. He said these things are interrelated, and he would push for them to look at the  
45 impacts of these issues on vulnerable low wealth communities. He said the flooding that  
46 occurred last year had a clear disparate impact on the most vulnerable people in the  
47 community. He said it would be interesting to take the groundwater contamination maps and  
48 overlay basic census data on whether these contaminated areas are concentrated in low wealth  
49 areas.

1 Commissioner Dorosin said this is a strong committee, and they provide a real resource  
 2 to help the Board put together the different priorities of the County. He said he would like to  
 3 look at these issues through the lenses of equity and social justice. He said one of the  
 4 elements that is not on list is the fact that transportation hubs should be in and around  
 5 communities that have affordable housing. He said it is also important to look at whether  
 6 conservation land is distributed equitably throughout the County so that everyone has  
 7 reasonable access to enjoy these areas.

8 Jan Sassaman said these are good comments. He said one of the benefits of this  
 9 report is that it is electronic, and it can be updated as needed.

10 Commissioner Price said this is a great report, and she recognized Commissioner  
 11 Gordon for her contribution.

12 Commissioner Gordon said the CfE should be a part of the bond discussion and should  
 13 lend their support to the Lands Legacy program.

14  
 15 **2. Orange County Environmental Summit - October 11 (Attachment 2)**

16 This discussion was combined with item 1 above.

17  
 18 **3. Incentives for Energy Efficient Construction and Renovation (Attachment 3)**

19 David Neal said this was a proposal that came up in 2012 and was brought to the Board  
 20 of Commissioners and the Planning Board. He said this was dropped at the Planning Board  
 21 level. He said this is allowed by N.C. statute.

22 David Neal reviewed the following information from the abstract:

23  
 24 The Orange County Commission for the Environment ("CFE") invited the Orange County  
 25 Planning Board to consider a Low Energy Construction Permitting Incentive ordinance in 2012.  
 26 N. C. Gen. Stat. § 153A-340 allows counties to charge "reduced building permit fees or provide  
 27 partial rebates of building permit fees for buildings" that meet or exceed recognized energy  
 28 efficient design and construction principals. Members of CFE are available to work with the  
 29 Planning Board and county staff to review similar ordinances enacted pursuant to this statute  
 30 (for example, from Catawba County) and from around the country, then to draft an ordinance  
 31 for consideration by the Orange County Board of Commissioners.

32  
 33 Neither the current level of carbon in the atmosphere nor projected increases in greenhouse  
 34 gas emissions are sustainable. Costly and potentially irreversible adverse climate effects are  
 35 likely unless mitigation measures – such as increased energy efficiency investments and  
 36 decreased fossil fuel consumption – are taken in the near future. In Orange County, we cannot  
 37 wait for policy changes at the state and federal level to encourage increased energy efficiency.  
 38 Steps taken now to improve efficiency and decrease or eliminate our reliance on fossil fuels for  
 39 energy production will help lock-in reduced energy use for years to come.

40  
 41 Since 2003, Orange County has been a member of Local Governments for Sustainability, an  
 42 international membership association committed to a sustainable future. Creating incentives for  
 43 energy efficiency in construction is consistent with Orange County's commitment to a  
 44 sustainable future. The 2005 Greenhouse Gas Inventory revealed that nearly fifty percent of  
 45 greenhouse gas emissions in Orange County come from residential and commercial buildings  
 46 (consistent with national data<sup>1</sup>). Orange County, Chapel Hill, and Carrboro, in conjunction with  
 47 Hillsborough, are currently working on a revised inventory of greenhouse gas emissions and  
 48 attempting to identify reduction measures.

1 Making use of the authority granted by the General Assembly to incentivize energy efficient  
2 construction is a straightforward way to reduce greenhouse gas emissions at the county level  
3 for the long term.

4  
5 CFE would like to explore crafting an incentive program that would be attractive to lower-  
6 income residents, for whom savings on utility bills would provide a particularly important benefit.  
7 To give an example of how such an energy efficient construction incentive might function, below  
8 is a summary of the Catawba County incentives enacted pursuant to N. C. Gen. Stat. §153A-  
9 340:

10  
11 Catawba County is providing incentives to encourage the construction of sustainably built  
12 homes and commercial buildings. Rebates on permit fees and plan reviews are available  
13 for certain qualifying structures and renewable energy projects. Buildings designed and  
14 constructed in accordance with the US Green Building Council's Leadership in Energy and  
15 Environmental Design (LEED), NC HealthyBuilt Homes, Energy Star, or the National  
16 Association of Home Builders' Model Green Home Building Guidelines can receive a 25%  
17 blanket permit fee rebate, not to exceed \$500. Catawba County will also rebate 50% of fees  
18 related to plan review or express plan review for commercial buildings seeking LEED  
19 certification.

20  
21 Additionally, existing one and two family homes and commercial buildings can receive a 50%  
22 rebate on the permitting fees associated with the installation of geothermal heat pumps,  
23 photovoltaic (PV) systems, solar water heating systems, and gray/rain water collection for  
24 flushing fixtures.

25  
26 Regular fees must be paid in full at time of plan review or permit issuance. Fee rebates will be  
27 refunded upon project completion and certification by third party inspection agency.<sup>2</sup>  
28 Rebates or reduced fees for efficient construction could be structured on a sliding scale, with  
29 zero energy construction receiving the most robust incentives. Given the current level of  
30 permitting fees, rebates or reductions in Orange County could be designed here that could  
31 provide a substantial incentive for efficient construction.

32  
33 The CFE looks forward to working with the Planning Board on crafting an efficiency incentive  
34 program for consideration by the Orange County Board of Commissioners. We would  
35 appreciate the opportunity to have this item included on an upcoming agenda and to work with  
36 you on completing a draft proposal in the next few months.

37  
38 David Neal said this program is also in Catawba County, and he is happy to contact  
39 them to see if there is enough data to show if this has been effective. He does not know what  
40 budgetary implications this would have had for the planning department. He said otherwise it  
41 would not be hard to write a model ordinance for how a system like this would work.

42 He said another recommendation is the idea of partnering with Duke Energy and  
43 Piedmont Electric to create affordable on-bill financing options for energy efficient upgrades.  
44 He said this might be appealing for lower income individuals. He said the USDA rolled out a  
45 program this year that allows rural electric coops to do on-bill financing programs. He said if  
46 Piedmont Electric could be encouraged to take advantage of this, it would be a great way to  
47 bring some money into the County to do energy efficiency work in a way that reaches low  
48 income individuals. He said this information is listed in the bullet points on page 12 of the  
49 report.

1 Commissioner Rich said the Wise program in Chapel Hill was offered to everyone, but it  
2 was specifically targeted to older homes and lower income residents, as this is where the  
3 program would make the most impact. She wonders if there is data there that could be shared.  
4 She thinks this is a great idea, but it needs to be worked into the budgeting somehow.

5 Chair Jacobs suggested talking to Catawba County. He said there is interest among the  
6 Board of County Commissioners in getting more information. He said he has raised the idea of  
7 incentives in the past for business that want to become more energy efficient. He said it would  
8 be good to have a comprehensive vision of where this could be taken and what is legal in N.C.  
9 He said information should be brought back that includes the budget implications for including  
10 this, starting it, seeding it, and funding it in a timely manner, which would be March.

11 Chair Jacobs said he thinks Piedmont Electric would be receptive to this, and it is just a  
12 matter of getting their attention.

13 David Neal said if there was someone at the County level who could talk to someone in  
14 management, it would be helpful.

15

16 **4. Promoting Energy Conservation and Greater Use of Renewable Energy Sources**  
17 **(e.g., Solarize Orange, Geothermal, Biogas, Biodiesel, Wood) (Attachment 4)**

18 Loren Hintz said attachment 4 refers to Solarize Orange. He said the biggest thing in  
19 the news right now is solar energy. He said for private home owners who have enough income  
20 to be able to use a tax deduction, solarizing can work.

21 He said there are other options that the County can help facilitate. He said geothermal  
22 is a good investment for heating and cooling a home, but it is a large investment. He said one  
23 question is whether the permitting process and fees should be the same for geothermal wells  
24 as for regular wells.

25 Loren Hintz said a memo was sent several years ago regarding the rules and  
26 regulations related to solar panels. He said those types of regulations are something that the  
27 Commissioners might look at.

28 Chair Jacobs said the County has geothermal wells at the Justice Facility and the Link  
29 Government Services Center. He said Asset Management Services is looking at solar  
30 applications for County facilities. He said there has not been much talk about incentivizing  
31 individuals, but there is no reason this can't be done.

32 Loren Hintz said Orange County government has been doing a lot and has policies in  
33 place.

34 Commissioner McKee said it is going to be critical to build in an educational component  
35 for all of these concepts.

36 Commissioner Rich said some of the federal incentives for solar homes are getting  
37 ready to run out. She said something needs to be done quickly.

38 Loren Hintz said there are also state incentives for geothermal, although he believes  
39 that these are running out in 2015 as well.

40 Jeanette O'Conner said it is frustrating to know that the lower income residents could  
41 benefit the most from these energy alternatives. She said it would be beneficial if the County  
42 could find ways to educate and form partnerships to help with this.

43 Chair Jacobs said Cooperative Extension will provide free energy efficient light bulbs,  
44 but many people don't know about this. He said if this gets to a bond package it would be a  
45 good opportunity to address the non-profit affordable housing entities in the County and lobby  
46 for the next generation of energy efficiency.

47 Commissioner Price asked if Solarize Orange County is modeled after the program in  
48 Durham.

49 David Neal said it is a little different, and the Durham program was a neighbor to  
50 neighbor program for implementing energy efficiencies in the home.

1 Commissioner Price said this was a good program where neighbors were helping each  
2 other, and experts were doing audits of the homes.  
3

#### 4 **5. Solid Waste Issues**

- 5 • **CFE Interest in the Direction the County Will Go In Handling Solid Waste; Support  
6 of the 'New Solid Waste Advisory Group (SWAG)**

7 Jan Sassaman said when the Solid Waste Advisory Board (SWAB) phased out a couple  
8 of years ago, a lot of the solid waste issues came before the CfE, and the group began to make  
9 some recommendations.

10 He said at this point, given the changes that have happened and the formation of the  
11 Solid Waste Advisory Group (SWAG), the CfE has an interest in understanding what the Board  
12 is thinking and how the CfE can assist them. He suggested that a couple of the Commissioners  
13 could attend the next CfE meeting to discuss this.

14 Chair Jacobs suggested that Commissioner Rich could give an update on where the  
15 SWAG stands.

16 Commissioner Rich said the group has met several times, and they are still working on  
17 an interlocal agreement. She said other issues will be prioritized after the interlocal agreement  
18 is completed. She said it has been a very detailed process, and there will be some discussion  
19 of finances at the next meeting. She said UNC and UNC Hospitals are at the table and seem  
20 interested in partnering with them.

21 Chair Jacobs noted that a report will be given at the Assembly of Governments meeting  
22 on November 14<sup>th</sup>.  
23

- 24 • **CFE Interest in Diverting More Food Waste from the Solid Waste Stream Through  
25 Composting (Attachment 5)**

26 May Becker said the CfE Air and Energy Committee has put together a resolution  
27 regarding diversion of solid waste food waste from the landfill, and they would like the Board of  
28 County Commissioners to consider adopting this. She said the resolution specifically  
29 addresses commercial food waste.

30 She asked the Board of County Commissioners to ask the solid waste department to  
31 expand their commercial collection of organic food waste. She said a lot of the waste is being  
32 trucked away, but a lot of the material is organic and can be re-used and treated so that it does  
33 not occupy more space. She said this organic waste could be taken away from landfill and be  
34 composted. She said there has not been a lot of controversy around this, and she asked the  
35 Board to adopt this resolution.

36 Chair Jacobs said once the County gets past the recycling program discussion there is  
37 an interest in discussing this in their work group. He said this is one of the low lying fruits in  
38 solid waste, and he hopes the advisory group will tackle this. He said it is a breakthrough to  
39 have the university partners at the table.

40 Commissioner Price said this gets back to the issue of education and awareness. She  
41 said many commercial establishments are already using vendors to collect their food waste,  
42 and this needs to be publicized more. She said this might make other farmers more interested  
43 in moving this along.

44 Chair Jacobs said the chancellor is very interested in the idea of being a zero waste  
45 university.

46 Commissioner Rich asked if anyone in this group attended the food council meeting.  
47 She said if not, someone may want to contact them about participation on the proposed ad hoc  
48 committee. .

49 Jan Sassaman expressed appreciation to the Board on behalf of the CfE for their  
50 willingness to listen and provide input.

1           Chair Jacobs said a lot of engaging things have been discussed, and he hopes the  
2 Board can follow through on the things that have been brought forward.

3           The meeting was adjourned at 6:56 p.m.

4

5

Barry Jacobs, Chair

6

7

8 Donna Baker, Clerk to the Board

9

1  
2  
3 DRAFT

4 **MINUTES**  
5 **ORANGE COUNTY BOARD OF COMMISSIONERS**  
6 **Work Session**  
7 **October 14, 2014**  
8 **7:00 p.m.**

9 The Orange County Board of Commissioners met for a work session on Tuesday,  
10 October 14, 2014 at 7:00 p.m. at the Whitted Building in Hillsborough, N.C.

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

14 COUNTY COMMISSIONERS ABSENT:

15 COUNTY ATTORNEYS PRESENT: John Roberts

16 COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Assistant County  
17 Manager Clarence Grier, Cheryl Young and Clerk to the Board Donna Baker (All other staff  
18 members will be identified appropriately below)

19  
20 Chair Jacobs called the meeting to order at 7:08 p.m.

21  
22 **1. RENA and Cedar Grove Community Centers Update**

23 Jeff Thompson introduced Grace Wallace. He walked through descriptions of a series  
24 of photos of the Rogers Road Eubanks Neighborhood Association (RENA) Center and  
25 reviewed the following points from the PowerPoint slides:

26  
27 **RENA Community Center**

- 28 • Final Paint, Carpentry Trim, Kitchen Installation remaining
- 29 • Final Inspections Currently Underway
- 30 • Occupancy Permit expected in October, 2014
- 31 • Staff working with RENA leadership on move-in topics
- 32 • Ribbon Cutting ceremony scheduled for November 15, 2014

33  
34 Commissioner Rich asked if there is a landscaping plan in place.

35 Jeff Thompson answered yes.

36 Jeff Thompson presented the following highlights regarding the Cedar Grove  
37 Community Center:

38  
39 **Update on the Cedar Grove Community Center**

- 40 • Construction Documents ("CDs") 90% complete
  - 41 • 60% CD set stakeholder and regulatory review
  - 42 • Scheduled December bid advertisement
  - 43 • Scheduled BOCC bid award: January 2015
  - 44 • Estimated construction completion: Fall 2015
  - 45 • Highlights
  - 46 • Facility programming planning underway
  - 47 • PFAP storage
  - 48 • Park & Ride planning
- 49

1 Jeff Thompson showed some site photos and said the major site plan difference is that  
2 the parking is being flushed out on the south side, including a truck dock to feed the storage for  
3 PFAP. He said there is a potential bus shelter being studied in the front and back on the north  
4 side.

5 Jeff Thompson reviewed the floor plan and he noted that the blue area is the community  
6 center; and the PFAP and county storage are shown on the wings.

7 Commissioner Gordon asked how the circulation would work for public transit.

8 Jeff Thompson said the two specified locations meet the geometry for the bus assets.  
9 He said the southern lot is tight, and the topography is challenging. He said it is much easier to  
10 circulate on the other side.

11 Commissioner Gordon asked if people would be able to leave their cars.

12 Jeff Thompson said there is parking in the back, and other parking sites are still being  
13 considered.

14 Commissioner McKee noted that the Little Free Library is located in the upper right hand  
15 corner of the bus shelter potential location.

16 Chair Jacobs asked if any of this information is posted at the site so that the Community  
17 can be informed.

18 Jeff Thompson said this has not been posted, although it has been distributed to the  
19 resident advisory group and the stakeholder group. He said it could be posted.

## 20 21 **2. Upper Neuse River Basin Association Update**

22 Dave Stancil said this is the 3rd year in a row that staff has had a "water night" to catch  
23 up on water issues that affect Orange County.

24 Tom Davis said approximately half of Orange County is located in the Falls Lake  
25 watershed, and Falls Lake is rated as impaired by the state division of water resources. He  
26 referred to a slide showing that the upper end of the lake is more impaired than the lower end of  
27 the lake. He said the Falls Lake Rules were enacted in 2011 to address this impairment. He  
28 said Stage II of the rules require unprecedented reductions in nutrient runoff.

29  
30 Tom Davis reviewed key portions of the following information from the abstract:

31  
32 The Falls Lake Nutrient Management Strategy (Falls Lake Rules) require local governments,  
33 the North Carolina Department of Transportation (NCDOT), the agricultural community, and  
34 other regulated parties located in the Falls Lake watershed (Attachment A) to reduce nitrogen  
35 and phosphorus nutrient loading to the lake by 40% and 77%, respectively, by 2036. Regulated  
36 parties anticipate significant financial and technical difficulties with meeting the mandated  
37 nutrient reduction targets. The fiscal note prepared by the State at the time the Falls Lake Rules  
38 were developed estimated the cost of compliance with the rules to be at least \$1.5 billion. Many  
39 affected parties believe the phosphorus reduction goal of 77% is not attainable at any cost.

40  
41 As a result of the challenges with meeting the goals of the Falls Lake Rules, the Upper Neuse  
42 River Basin Association (UNRBA), of which Orange County is a member, is working to revise  
43 Stage II of the Falls Lake Rules. The activities of the UNRBA are guided by the Consensus  
44 Principles, which were adopted by nearly all of the jurisdictions in the Falls Lake watershed,  
45 including the Orange County Board of Commissioners on March 16, 2010 (Attachment B). The  
46 Consensus Principles emphasize the protection of Falls Lake as a water supply for the City of  
47 Raleigh, while also stating the need for re-examination of Stage II of the Falls Lake Rules.

48  
49 Consensus Principles

50 Consensus Principle #9 includes the following with regard to the development of the Falls Lake

1 Rules:

2 "...relied on a limited database which will be substantially enhanced by a more rigorous  
3 program of sampling, monitoring and analysis." Furthermore: "The EMC [Environmental  
4 Management Commission] should therefore begin a re-examination of its nutrient management  
5 strategy for Falls Lake by January 1, 2018. The re-examination should consider, among other  
6 things, (i) the physical, chemical, and biological conditions of the Lake with a focus on nutrient  
7 loading impacts and the potential for achieving the Stage 1 goal by 2021 as well as the  
8 feasibility of both achieving the Stage 2 reduction goals and meeting the water quality standard  
9 for chlorophyll-a in the Upper Lake, (ii) the cost of achieving, or attempting to achieve, the  
10 Stage 2 reduction goals and meeting the water quality standard for chlorophyll-a in the Upper  
11 Lake, (iii) the existing uses in the Upper Lake and whether alternative water quality standards  
12 would be sufficient to protect those existing uses...".

13

14 Consensus Principle #10 states:

15 "The limited resources available to DWQ [Division of Water Quality, now Division of Water  
16 Resources - DWR] and DENR [Department of Environment and Natural Resources] for the  
17 implementation of the nutrient management strategy and the need for a robust and active  
18 sampling and monitoring program, as well as additional modeling, make it desirable for the  
19 affected local governments to share resources and undertake these important activities, and  
20 other activities associated with the re-examination of the Nutrient Management Strategy,  
21 collectively. The affected local governments should share resources and assist with funding for  
22 the examination of the Nutrient Management Strategy." UNRBA Projects

23 Given the challenges with meeting Stage II of the Falls Lake Rules, as well as the guidelines  
24 outlined in the Consensus Principles document, the UNRBA is already either working on, or is  
25 planning to begin, the following projects:

- 26 • Estimation of nutrient sources and jurisdictional loading of nutrients to Falls Lake
- 27 • Modeling the response of Falls Lake to nutrient input and internal lake processes
- 28 • Monitoring of changes in the lake as a result of compliance activities in the watershed
- 29 • The linkage of water quality conditions to the designated uses of Falls Lake
- 30 • Estimation of BMP credits for measures without DWR-established credits
- 31 • Support of various options under the existing regulatory framework in North Carolina

32

33 The UNRBA has retained a consultant to help examine options for meeting the requirements of  
34 Stage II the Falls Lake Rules while incorporating the goals of the Consensus Principles.  
35 According to the Framework for a Re-examination of Stage II of the Falls Nutrient Strategy  
36 prepared by the consultant, CardnoEntrix:

37 "The re-examination should consider existing data, models, nutrient management  
38 strategies, the Consensus Principles, water quality standards (including designated uses  
39 and water quality criteria), implementation costs, and regulatory flexibility."

40 Reports

41 To date, CardnoEntrix has completed the following reports as part of the re-examination  
42 process:

- 43 • Task 1: Framework for a Re-examination of Stage II of the Falls Nutrient Strategy
- 44 • Task 2: Review Existing Data and Reports for Falls Lake and the Watershed
- 45 • Task 3: Estimation of Nutrient Loading to Falls Lake
- 46 • Task 4: Review of Existing Models and Recommendations for Future Studies

47

48 In addition, CardnoEntrix has also completed two technical memoranda:

- 49 • TM1: Comparison of Flow Estimation Methods
- 50 • TM2: Evaluation of the Sensitivity of the Falls Lake Nutrient Response Model

## 1 Water Quality Sampling

2 During July 2014, CardnoEntrix received approval from DWR for three required technical  
3 memoranda that had been prepared and submitted for DWR review that describe in detail the  
4 watershed sampling project that will form the foundation of the re-examination process:

- 5 • Quality Assurance Project Plan (QAPP)
- 6 • Falls Lake Watershed Monitoring Plan
- 7 • Modeling Framework

8 The QAPP and the Monitoring Plan describe the three-to five-year watershed sampling effort  
9 that was initiated in August 2014. The water quality sampling program will provide information  
10 for the following purposes:

- 11 • Determination of nutrient source allocation and jurisdictional nutrient loading to Falls  
12 Lake;
- 13 • Falls Lake response modeling;
- 14 • Development of data for consideration of additional regulatory options; and
- 15 • Linkage of water quality conditions in Falls Lake to the designated

16 Attachment C illustrates the locations that will be sampled in the Falls Lake watershed for the  
17 determination of jurisdictional loading, as well as the stations that are designed to provide  
18 information about nutrient loading to the lake. Attachment D illustrates additional water quality  
19 sampling locations that other organizations are monitoring within Falls Lake. Modeling Data  
20 Gaps UNRBA re-modeling of Falls Lake is expected to start in approximately two years, and is  
21 intended to update the lake response model that DWQ utilized in the development of the Falls  
22 Lake Rules. The UNRBA contractor identified several gaps in the data used by DWQ in the  
23 modeling completed during the development of the Falls Lake Rules, including:

- 24 • DWQ held constant the total organic carbon and chlorophyll-a input values assumed for  
25 the tributaries feeding into Falls Lake. These concentrations were based on levels  
26 measured within the lake, not in the tributaries. It is probable that these concentrations  
27 were artificially high to begin with and were unable to decrease at all over the course of  
28 the modeling study.
- 29 • There are no stream gages on any of the streams that flow into Falls Lake east of I-85,  
30 thus no flow information was incorporated for any of these 12 streams.
- 31 • Atmospheric deposition of nitrogen in the lake or watershed was not accounted for by  
32 DWQ.
- 33 • Streambank erosion, possibly a significant source of phosphorus in the watershed, was  
34 not considered as a possible source by DWQ.
- 35 • Internal lake processes, such as sediment re-suspension, were also not accounted for by  
36 DWQ.

37

## 38 BMP Credit Review and Nutrient Trapping Analysis

39 CardnoEntrix is also currently working on a nutrient reduction BMP credit literature review and  
40 the analysis of nutrient trapping that occurs within the larger impoundments in the watershed.  
41 While the nutrient trapping analysis will be important for the remodeling of the watershed, the  
42 BMP credit determination project will be beneficial to entities, including UNRBA member  
43 governments, which must use BMPs to meet required nutrient reduction goals. DWR approval  
44 of additional BMP credits is expected to take nearly a year per each additional BMP as a result  
45 of the stringent credit determination process currently proposed by DWR. With several  
46 measures in need of credit determination, the process of developing a thorough BMP “tool kit”  
47 for regulated entities to employ may take a decade or more.

48

## 49 Schedule

1 A tentative schedule for upcoming UNRBA projects is included as Attachment E. As can be  
 2 seen from this schedule, the UNRBA anticipates conducting the studies discussed earlier in this  
 3 document through 2020. Stage II of the Falls Rules is defined as the period extending from  
 4 2021 to 2036, with the overall goal of meeting nutrient related water quality standards  
 5 throughout Falls Lake by 2041.

#### 6 Upcoming Opportunity for Comments about the Rules

7 The Regulatory Reform Act of 2013 (HB74) mandated that all rules expire within ten years of  
 8 their effective dates, unless readopted. This rulemaking process allows for comments and  
 9 revisions on the full range of regulated activities, including the Falls Lake Rules (15A NCAC  
 10 02B.0275 through .0282 and amended .0235 and .0315). The Rules Review Commission  
 11 (RRC) is scheduled to begin the review of subchapter 2B rules in October 2014. The review  
 12 process for all rules must be finished by June 2019. There is a three-step review process  
 13 (Attachment F).

14 The initial step is the agency's determination report and public comment period. In the  
 15 determination the agency identifies each rule as "unnecessary and no public comment",  
 16 "necessary and with substantive public interest", or "necessary and without substantive public  
 17 comment". DWR has identified the Falls Lake Rules as "necessary and with substantive public  
 18 interest". The second step in the review process is for the RRC to review the agency reports  
 19 and the final step is the issuance of the RRC's final determination report. DWR anticipates re-  
 20 adoption of all rules under review to begin in 2015.

21 There is no financial impact to the County at this time. Given the numerous studies planned for  
 22 the re-examination of Stage II and the timeframe established by the Falls Lake Rules, it is  
 23 expected that UNRBA dues will remain elevated for several years.

24 Tom Davis reviewed the following PowerPoint slides:

#### 25 **UNRBA Update – The Path Forward Process**

26 "The Path Forward" process will re-examine the Stage II nutrient reduction requirements of the  
 27 Falls Lake Rules while preserving use of Falls Lake as a water supply.

#### 28 **Reports finished to date:**

- 29 • TM1: Framework for a Reexamination of Stage II of the Falls Nutrient Strategy
- 30 • TM2: Review Existing Data and Reports for Falls Lake and the Watershed
- 31 • TM3: Estimation of Nutrient Loading to Falls Lake
- 32 • TM4: Review of Existing Models and Recommendations for Future Studies
- 33 and
- 34 • Comparison of Flow Estimation Methods
- 35 • Evaluation of the Sensitivity of the Falls Lake Nutrient Response Model

#### 36 **Ongoing Path Forward Projects:**

- 37 • Water Quality Monitoring in Falls Lake Watershed
- 38 - Started in August 2014, emphasizing:
  - 39 ▪ Jurisdictional Loading
  - 40 ▪ Nutrient Loading to Falls Lake
- 41 • BMP Credit Development Process
  - 42 ○ Add to list of BMPs that have been assigned nutrient reduction credits by DWR
  - 43 ○ UNRBA working with Falls Lake WOC concerning BMPs
- 44 • Watershed Impoundment Nutrient Trapping Analysis

45

1 Pam Hemminger said this discussion is very technical in nature. She said this is still  
2 being graded as a group project, so that is why all of this centers on the information in the lake.  
3 She said the jurisdictional loading was for staff benefit, and to help with modeling. She said  
4 work is being done with the state agencies, which are all on board with the monitoring project.

5 She said the funding has been cut back so much that the state is only monitoring  
6 quarterly. She said there is no way to reach the proposed reductions, and staff believes the  
7 calculations were incorrect to begin with.

8 Pam Hemminger said the state agencies will only look at a group report, and this is why  
9 it is important to work with the watershed group. She said there is still one spot open on the  
10 Upper Neuse River Basin Association (UNRBA) board, and it would be good to have a third  
11 name from this jurisdiction. She said there are representatives from the agricultural board, the  
12 Environmental Protection Agency, and other state agencies, so there are conversations  
13 happening.

14 Chair Jacobs asked if the positions filled by other entities are filled with staff or with  
15 elected officials and public representatives.

16 Pam said this varies, and most have at least one elected official, though there is a lot of  
17 staff presence.

18 Chair Jacobs said a few years ago the County sent a letter objecting to the way the  
19 standards were formulated because of the way the County already protects watersheds, and  
20 because of the impact on agricultural practices. He asked how this has been incorporated in  
21 the group's formulations.

22 Pam said the Department of Water Resources did not accept any protective measures  
23 that Counties had already put into place. She said this puts Orange County at a disadvantage  
24 due to the large amount of forested land in the basin, which makes it hard to reduce nutrient  
25 loading. She said the other problem with the formula is that there were flaws on the  
26 calculations. She said she and Tom Davis have fought for jurisdictional measuring, but it is  
27 hard to break out from the Hillsborough jurisdiction. She said as a group they need to know  
28 where the nutrients are coming from.

29 Commissioner Price asked about the rationale for the noted jurisdictional sample  
30 locations marked with white x's.

31 Tom Davis said the x's are at the jurisdictional boundaries of the creeks and streams in  
32 the County.

33 Dave Stancil said this is because of the mandate to calculate each jurisdictional loading  
34 rate.

35 Commissioner Rich asked about the future ramifications of Orange County not meeting  
36 the nitrogen and phosphorous load. She asked about the financial responsibilities of Orange  
37 County as it relates to the dues.

38 Pam Hemminger said the dues are to pay for the nutrient tool box of credits that the  
39 consultants were hired to develop. She said the benefit is that these will be established for the  
40 County. She said the largest part of the dues is the monitoring, which is a cost of several  
41 million dollars over four or five years. She said this is calculated by a very strategic formula that  
42 takes into account the land mass size and the population.

43 Pam Hemminger said monitoring is very expensive, and the County would pay a lot  
44 more than the current charge to do its own monitoring. She said the County will be charged no  
45 matter what if this group project fails. She said the hope is that the project does not fail, and  
46 that there will be reduced numbers from the new modeling that the County might actually be  
47 able to meet. She said everyone is learning from each other through this process. She said  
48 the dues were bumped up, but this year was less because it was a partial year. She said the  
49 dues will be higher next year.

1 Commissioner Pelissier asked if monitoring done by other organizations is recognized  
2 by the state.

3 Tom Davis said the results of monitoring done by other organizations will be included in  
4 the modeling that is being done.

5 Pam Hemminger said both of these will be taken into the monitoring project, and the  
6 data will be recorded as group data from the sites.

7 Commissioner McKee said he realizes this is a drinking water source that needs to be  
8 clean. He asked if he is correct that the best management practices that were put into place in  
9 the 70's, 80's and 90's will not count.

10 Pam Hemminger said anything done before 2006 does not count. She said there will be  
11 some credit for a few things that have been done, but there are only 5 or 6 things on the list  
12 right now for credits.

13 Tom Davis said the other consideration is that the best management practices have  
14 lowered the base line loading for the lake.

15 Pam Hemminger said it is frustrating because Orange County went out of their way to  
16 put best practices in place. She said most of the land in the watershed in Orange County is  
17 forested land, and staff is hopeful that the re-modeling will help them significantly.

18 Commissioner McKee said over the past 40 years the agricultural community has put in  
19 thousands of miles of fill borders, waterways, and sediment control structures that should count  
20 for something. He said the farmers want to keep the nutrients on their land.

21 Commissioner McKee asked if the first water quality test on these sites is considered a  
22 base line.

23 Tom Davis said no. He said many of these locations will be sampled every month to get  
24 results during different stages of stream flow, and this will be input into a model.

25 Pam Hemminger said this data will be compared against the 2006 numbers to possibly  
26 come back with more reachable numbers.

27 Commissioner McKee said this means 2006 is the baseline.

28 Tom Davis said this is correct, and the best practices previously put in place will lower  
29 that baseline.

30 Commissioner McKee said his other concern is that the financial impact of this will not  
31 only affect the County; but it will also flow back to farmers and homeowners in the form of  
32 additional rules and monitoring.

33 Commissioner Gordon expressed her appreciation for the work that has been done.  
34 She asked if there has been any thought about the quality of what is being produced in these  
35 areas. She said forested land should be lowest in putting out nutrients. She questioned  
36 whether the County would fare better if this was measured on some absolute amount of  
37 nutrients coming out.

38 Pam Hemminger said that is one of the reasons that the state decided to do this as a  
39 group project. She said every jurisdiction wants to know if they have a problem that needs to  
40 be fixed. She is hopeful that Orange County will find out that it is doing pretty well, but the  
41 problem is that the lake is still dirty. She said maybe the Lake was just never intended to be a  
42 water drinking source at the upper end. She said the lake is clean and drinkable at the lower  
43 end where Raleigh pulls the water out. She said most of the land in Orange County is forested,  
44 but there are also failing septic systems along the routes and some agriculture. She said  
45 everything will be measured by what is in the lake, but the state has agreed to look at the data  
46 from the jurisdictions.

47 Chair Jacobs asked if there are discussions about giving local governments more  
48 authority to intervene. He asked if there has been discussion about recommendations to  
49 change how jurisdictions do business and development in watershed areas.

1 Pam Hemminger said new development rules have been dealt with in phase one. She  
 2 said existing development issues will be handled in phase two. She hopes the jurisdictions will  
 3 come out of this with a toolbox of things that can be done.

4 Chair Jacobs asked if there has been any discussion about storm water credits or  
 5 pollution credits.

6 Pam Hemminger said this is on the table as part of the nutrient credit program. She  
 7 said the level of the credits would have to be approved by multiple entities.

8 Chair Jacobs asked what happens to monitoring at the end of the 4 or 5 year period.

9 Pam Hemminger said the Division of Water Resources (DWR) thought 4-5 years would  
 10 be sufficient for monitoring, and they are aware of how expensive the monitoring is. She said  
 11 she does not know what will happen in the future, and it will depend on the answers that are  
 12 given by the current monitoring.

13 Commissioner McKee referred to Pam Hemminger's earlier comment about the design  
 14 of the lake being the reason for the issues in the upper end. He said his property contains two  
 15 ponds, and one stays clear all of the time; but the second shallower pond is almost never clear  
 16 due to algae blooms.

17 Commissioner Price asked about the differentiation between farm and residential runoff.

18 Pam Hemminger said the information from the monitoring will show where problems  
 19 exist, and then the department will work out strategies depending on the lay of the land and  
 20 what is out there. She said best management practices will have to be put in place. She noted  
 21 that there are new development rules, and several areas are being moved off of septic  
 22 systems, which will build up credits.

23 Pam Hemminger said there are only two small natural lakes in the state of North  
 24 Carolina and all of the others are man-made. She said these are not made deep enough, and  
 25 this is a problem all over the state.

### 26 **3. Orange Well Net Update**

27 Tom Davis reviewed the following background information and PowerPoint slides:

28  
 29  
 30 The Department of Environment, Agriculture, Parks and Recreation's (DEAPR) groundwater  
 31 observation well network, Orange Well Net (OWN) uses a combination of bedrock and regolith  
 32 wells spread across the main types of bedrock geology present in Orange County. Regolith  
 33 wells, which measure groundwater levels in the unconsolidated material present above bedrock  
 34 in the subsurface, monitor natural stresses on the quantity of groundwater available in storage  
 35 which are caused by variations in climatic conditions. Bedrock wells monitor changes in  
 36 groundwater levels in the bedrock across the County.

#### 37 **WELL NET PowerPoint**

- 38 • Orange Well Net Update
- 39 • Orange County
- 40 • Department of Environment, Agriculture,
- 41 • Parks and Recreation
- 42 • Orange Well Net Goals

#### 43 **A. Primary Goal:**

- 44 • Monitor natural stresses on the quantity of groundwater available in storage caused by  
 45 variations in climatic conditions.
- 46 • Network should mainly utilize climatic effects (regolith) observation wells to monitor  
 47 groundwater storage.

1 **B. Secondary Goal:**

- 2 • Monitor variations in groundwater levels across the nine main bedrock lithologies.  
 3 • Terrane effect (bedrock) observation wells should be completed in each of the nine main  
 4 bedrock lithologies.  
 5

6 **Latest Activities**

- 7 ▪ Added bedrock wells:  
 8 ▪ Former 911 Center  
 9 ▪ Duke Forest 4D  
 10 ▪ Installed wells at:  
 11 ▪ Northeast District Park Site  
 12 ▪ Blackwood Farm  
 13 ▪ Working on agreement with TLC for use of additional bedrock well.  
 14

15 **DWR Web Site**

- 16 ➤ All data is available on NCDENR Division of Water Resources web site:  
 17 [http://www.ncwater.org/Data\\_and\\_Modeling/Ground\\_Water\\_Databases/leveltable.php?t1=1&net=orange&inactive=](http://www.ncwater.org/Data_and_Modeling/Ground_Water_Databases/leveltable.php?t1=1&net=orange&inactive=)  
 18 [http://www.ncwater.org/Data\\_and\\_Modeling/Ground\\_Water\\_Databases/leveltable.php?t1=1&net=orange&inactive=](http://www.ncwater.org/Data_and_Modeling/Ground_Water_Databases/leveltable.php?t1=1&net=orange&inactive=)  
 19 ➤ Bedrock Well Data Example  
 20 ➤ Statistics Example  
 21

22 **What's Next?**

- 23 ➤ Continue to collect data and update web site.  
 24 ➤ Consider installing automated rain gage(s) to collect precipitation data.  
 25 ➤ Replace transducers as needed.  
 26

27 Tom Davis said groundwater level data is collected every hour from each of the 11  
 28 wells. He said he periodically downloads this data and makes it available to the public on the  
 29 DWR website.

30 He reviewed a graph showing groundwater levels from 2010 to 2014.

31 Chair Jacobs asked what this shows.

32 Tom Davis said 2010 and 2011 were wetter years, but there is no way to know whether  
 33 this is the norm or the drier years are the norm. He said this will be determined with more data  
 34 over time.

35 He reviewed the groundwater level graphs showing the re-charge months of winter and  
 36 early spring and the lower level months of summer. He noted that the 2014 lines of the graph  
 37 were higher than the mean. He said the groundwater level is the same term as the  
 38 groundwater table.

39 Commissioner Gordon asked what this data means in absolute terms of adequate  
 40 quantity.

41 Tom Davis said this cannot be looked at in absolute terms, only relative to previous  
 42 levels.

43 Commissioner Gordon said she is trying to figure out the big picture and what this  
 44 information means as a practical matter.

45 Dave Stancil said part of the big picture is that more time is needed to do a full analysis.  
 46 He said a system has been set up and in 5 or 10 years there will be a lot more analysis to draw  
 47 from.

48 Commissioner Gordon referred to page 3 of the report, and asked for clarification about  
 49 the casing depth numbers.

50 Commissioner McKee said the top of the casing is above sea level.

1 Commissioner Gordon asked about the two state groundwater wells and whether this  
2 data is used.

3 Tom Davis said that data is not being used.

4 Chair Jacobs said one of the reasons this started in the first place was because of an  
5 incident where residents on Arthur Minnis Road reported adverse impact to their wells as a  
6 result of the development of a new subdivision. He hopes this data is being provided to the  
7 planning department. He said one of the goals of the Commissioners was to use this data to  
8 respond to citizen's concerns, and that is why he supported doing these measures, not to  
9 gather abstract data.

10 Commissioner Rich said it would have been nice to have had the history of this to put  
11 the discussion into context.

12 Chair Jacobs noted that this is also an initiative of the Commission for the Environment.

13 Commissioner Gordon shared some background history, and suggested an executive  
14 summary be provided.

15 Commissioner McKee asked if any of these wells are close to commercial wells.

16 Tom Davis said no.

17 Commissioner McKee said unless you site a monitoring well near a commercial well,  
18 you will not get the information you want. He said these other wells do not accommodate the  
19 draw of a commercial well, which answers the questions about the impact of drilling a well for a  
20 subdivision. He asked if there are any commercial wells around.

21 Chair Jacobs said Orange Alamance has a commercial well.

22 Commissioner McKee said a monitoring well needs to be sited in this location, and data  
23 can then be gathered to determine what the commercial well is doing to the water table in that  
24 area.

25 Dave Stancil said this might be an option. He said this is a long topic, and what people  
26 want to know is how new wells affect the water on their own lot. He said the nature of the  
27 underlying geology makes this very tricky, and it will take more years of data to really get  
28 answers.

29 Commissioner McKee agreed that more years of data are needed, but he thinks a  
30 monitoring well should be drilled next to a commercial well to look at the trend for that  
31 groundwater level.

32 Dave Stancil said he will look at whether there is an opportunity to do this.

33 Chair Jacobs said Orange Alamance drilled these wells fairly recently and there was  
34 concern over what this would do to area water levels.

35 Craig Benedict said Orange Alamance water systems chose not to use these wells as  
36 prime wells but to buy water from the Mebane/Graham system. He said this subject has been  
37 around since the 1990's. He said the underlying geography makes it very hard to predict the  
38 impact from one lot to the next, but he goal is to see if there are trends over the long term as it  
39 relates to the lowering of the ground water.

40 Commissioner McKee said his request is moot if these commercial wells are not being  
41 regularly used. He asked if there are any operating commercial wells in Orange County.

42 Craig Benedict said there are two categories of commercial well. He said one of these  
43 includes a subdivision with a centralized well. He said it may be possible to take a look at these  
44 to do monitoring well in an adjacent private well.

45 Commissioner Price said she recalls the planning board asking for additional information  
46 about the impact of new developments on water tables after the 1996 report. She remembers  
47 being told that there was a way to look at this, but it would cost thousands of dollars, and it was  
48 not possible to deny development based on water availability. She asked if the County is now  
49 headed toward putting in development regulations based on water resources.

1 Chair Jacobs said this situation was what raised the issue to the County  
2 Commissioners.

3 Commissioner Price said there are other locations with regulations based on water  
4 availability.

5 Chair Jacobs said this is one of the reasons that public hearings are valuable to the  
6 Board, as it allows them to hear public concerns, and it raises issues that might not have been  
7 heard otherwise. He said this is not just a scientific investigation; but there was some hope or  
8 intention that this would result in an impact on where things are sited.

9 Commissioner Price questioned whether they have a right to regulate this.

10 Commissioner Pelissier said when she was on the Commissioner for the Environment  
11 she was told that there was another County that has its zoning areas designated based on re-  
12 charge rates.

13 Dave Stancil said Guilford County is the only other county where this level of detail has  
14 been done.

15 Chair Jacobs said there was some discussion of this when the rural buffer was formed.  
16 He said it would be nice to have a narrative to go with this and to work toward making this a  
17 utilitarian effort.

18 Dave Stancil said staff can provide some context and work with Craig Benedict to show  
19 how the protocol relates to the questions that have been asked.

20 Tom Davis said data collection is on-going, and it would be good to install an automatic  
21 rain gauge to get the precipitation information. He said he has prepared annual reports, and  
22 these are available on-line.

23 Tom Davis said there has been a lot of media coverage about hydrilla in the Eno River.  
24 He said a task force has been formed to work on this issue, and they are working toward  
25 developing a two year management study to address this issue. He anticipates coming to the  
26 Board in the future to request funding for this.

#### 27 28 **4. Jordan Lake Allocation Application**

29 Kevin Lindley said this process has been going on for several years in developing an  
30 allocation request. He said there is an existing one million gallon per day allocation with Jordan  
31 Lake and the County has been paying a maintenance amount of \$2,200 per year for this  
32 allocation. He said this is a level two allocation, which means it is not planned to be used in the  
33 near future. He reviewed the following background information from the abstract:

34  
35 BACKGROUND: Orange County is in the process of applying for an increase in its existing  
36 Jordan Lake Allocation. The County currently holds an allocation of 1.0 million gallons per day  
37 (MGD) and is applying for an additional 0.5 MGD. This allocation is meant to provide a secure  
38 water supply through the year 2045 for portions of the County designated for economic growth.  
39 The County does not have a public water utility and there are no plans to develop a water utility  
40 service. Rather, the County will rely upon municipalities located adjacent to the economic  
41 development regions to provide the finished water. The Jordan Lake Allocation will be used to  
42 supplement the water supply of these municipalities, as needed.

43 There are three areas of economic interest (see Attachment A) which staff used to develop  
44 estimates of future demand, the Buckhorn-Mebane area (western Orange), Hillsborough area  
45 (central Orange) and Eno area (eastern Orange). These areas already have or will have water  
46 supplied by the City of Mebane, Town of Hillsborough, and City of Durham, respectively. The  
47 water from Jordan Lake can be accessed via Durham's interconnect with the Town of Cary. The  
48 water would then be used to augment the Durham supply or sent to Hillsborough via the  
49 interconnect shared between Durham and Hillsborough.

50

1 The Buckhorn-Mebane area is supplied by the City of Mebane as the area does not have a  
2 viable method to access an allocation from Jordan Lake. The City of Mebane has access to a  
3 robust supply of water from the reservoir it shares with the City of Graham. In addition, Mebane  
4 has interconnections that allow access to the City of Burlington's water system, which has a  
5 robust water supply in its own right. The water demand from the Buckhorn-Mebane area is  
6 expected to be met from Mebane's water supplies, without the need to supplement with Jordan  
7 Lake water.

8  
9 Orange County currently holds a Level II allocation. This means the water is not expected to be  
10 needed within the first five years of the thirty year demand projection. Typically, Level II  
11 allocations account for the projected need during the last 10-15 years of the thirty year water  
12 supply plan. The submitted allocation application requests an additional 0.5 MGD Level II  
13 allocation. The draft application also provides validation and peer-reviewed justification for the  
14 1.0 MGD, Level II allocation the County currently holds.

15  
16 The draft application was submitted to the State Division of Water Resources on May 1, 2014.  
17 County staff had been working with the Jordan Lake Partnership (JLP), a group of  
18 representatives from several municipalities located near Jordan Lake, and the Triangle J  
19 Council of Governments to develop a cohesive plan which showed all projected water demands  
20 for the various entities and how these would be met using current water supplies and  
21 interconnections, Jordan Lake allocations, conservation and reuse, along with other future  
22 water supplies. The work done to develop a regionally coherent water supply plan which  
23 demonstrates how all JLP members will be able to meet water demands through the year 2060  
24 developed into the Triangle Regional Water Supply Plan (Plan).

25  
26 The Plan is a clear demonstration that all of the individual partner requests for Jordan Lake  
27 allocations in the current round were arrived at through careful consideration of all members. In  
28 other words, the Plan gives regional context to each municipality's Jordan Lake request. The  
29 County's application for a Jordan Lake allocation is one piece of a regional "preferred solution"  
30 developed by the JLP to meet future water demands.

31  
32 County staff has received comments back from the Division of Water Resources regarding the  
33 County's draft allocation application. These comments will need to be incorporated into the  
34 application document and submitted as a final application by close of business on November  
35 14, 2014. According to the Division of Water Resources project schedule, the applications will  
36 be forwarded to the Environmental Management Commission (EMC) and will be under review  
37 for approximately one year. The EMC is expected to approve or disapprove the allocation  
38 requests by November 2015.

39  
40 Craig Benedict said there are existing draws from Jordan Lake, but the state indicated  
41 that there was a planned expansion, and partners were encouraged to ask for their share of the  
42 expansion. He said the expansion will lead to another 95 million gallons per day, and the  
43 County is only asking for 0.5 million gallons of this.

44 Chair Jacob asked if the lake itself is being expanded, or just the allocation of supply.

45 Craig Benedict said this is just an expansion of the supply, as there are different layers  
46 of water that can be drawn from.

47 Kevin Lindley said this round of allocation requests is set up for demand through 2045.  
48 He said through 2045, all of the projected partners requesting allocation would take 91-92  
49 percent of the available supply. He said 100 percent would be allocated through 2060, but all of  
50 the demands could be met.

1 Craig Benedict said presently this is in the application and study stage. He said staff  
2 has decided it is important to be at the table as part of the partnership to make sure the growth  
3 areas of Orange County and its municipalities are spoken for.

4 He said the next phase is to decide how to accomplish this if the applications go  
5 through. He said the Board has developed inter-local utility agreements with Mebane and  
6 Durham, and these will be looked at again. He said one of these needs to be established with  
7 the Town of Hillsborough.

8 Commissioner Gordon asked if Hillsborough stopped paying for their allocation.

9 Kevin Lindley said he is not sure if Hillsborough had an allocation in the past, but they  
10 are applying for a 1 million gallon per day allocation in this round.

11 Commissioner Gordon said it is her recollection that Hillsborough had an allocation in  
12 the past and then stopped paying for it.

13 Chair Jacobs said this is his recollection. He said Orange County has been paying for  
14 years for getting an allocation, and Hillsborough stopped and is now eligible for another  
15 allotment. He said it seems to him that the money the County has paid should be applied by  
16 the state toward the County's ability to get additional allocation.

17 Commissioner Gordon said it is not clear that you actually get an allocation at level two.  
18 She asked for clarification on how this works. She said it does not look like the 1.5 million will  
19 meet the needs out to 2060. She asked if there will be any consideration of the fact that the  
20 County has paid in the past.

21 Craig Benedict said staff has looked at all of their available land and have come up with  
22 ample projections for water needs in the economic development zones. He said they believe  
23 that the 1.5m total will be enough for Hillsborough and the Eno. He said the city of Mebane  
24 has millions of gallons of existing infrastructure and treatment capacity to serve that 2,000 acre  
25 area that is part of the inter-local agreement.

26 He said there is a prioritization given those paying level one.

27 Kevin Lindley said if you convert a level two to a level one, you pay \$90,000 in  
28 capitalization cost, and then annual payments remain the same. He said you have to convert  
29 from a level two to a level one.

30 Commissioner asked if you have to use the water within a certain time frame if you  
31 convert to a level one.

32 Craig Benedict said yes. He said prioritization is given to level one, but there is a  
33 reserve for level two applicants within the application program.

34 Kevin Lindley said everyone has projected all of their demand through 2045, and some  
35 of this will be level two, and some will be level one. He said the regional plan shows that all of  
36 these demands can be met if the plans stay the same.

37 Kevin Lindley said there will be future rounds to allocate the remainder of the lake. He  
38 said this application justifies why the County is asking for addition allocation when they have not  
39 used their current allocation for 20 years.

40 Commissioner Pelissier said during the drought years ago she recalled a discussion  
41 about the state not allocating all of the water. She asked if there has been any further  
42 discussion of this. She thought the allocations were based on good years.

43 Kevin Lindley said there have been recent models that show that the demands can be  
44 met without exhausting Jordan Lakes supply in the 30 year time period.

45 Craig Benedict said the reason the study plan has gone on for 5 years is because there  
46 was uncertainty about the water level in the lake based on droughts that have occurred. He  
47 said additional analysis has been done over the last 10 years, which has delayed the  
48 application process.

49 Commissioner Pelissier referred to attachment A and asked about a service area in the  
50 northern part of the map.

1 Craig Benedict said the areas in blue are in the area of the new joint urban services  
2 boundary between Orange County and Hillsborough. He said what is not shown is the joint  
3 planning ETJ expansion area that was to be Hillsborough's jurisdiction. He said this will include  
4 all of the areas surrounding the blue and extending to the ETJ and the Hillsborough corporate  
5 limits.

6 Commissioner Rich said she thought water was just being done for the economic  
7 development districts.

8 Craig Benedict said the majority of the economic development areas are in the south  
9 side, but this is the County land use plan and it includes the urban growth areas.

10 Commissioner Rich wanted to know if there was an inter-local agreement with Durham.

11 Craig Benedict said there is an inter-local agreement with Mebane and Durham, but not  
12 with Hillsborough.

13 Commissioner Rich asked how frequently staff updates these agreements.

14 Craig Benedict said Mebane's started in 2003 and was updated in July 2012. He said  
15 the Durham agreement goes back to 2011 and will be updated soon due to land use issues and  
16 infrastructure costs. He said now that the ETJ swaps have been determined he has it on his  
17 work plan to move toward infrastructure agreement. He said there is money within the capital  
18 improvement program to help Hillsborough in some of the economic development zones with  
19 water and sewer.

20 Commissioner Rich said it sounds like the updates are not on any specific schedule.

21 Craig Benedict said there was a delay with Mebane, but he said there should be  
22 dialogue on an annual basis.

23 Chair Jacobs said the Efland Mebane Small Area Plan recommended re-zoning the  
24 Morinaga area to commercial. He said this study was not finished until 2009, and all of this had  
25 to be changed and incorporated.

26 Craig Benedict said the small area planning process identifies growth potential for  
27 certain areas and then comes up with a sequential plan, but this takes years to unfold. He said  
28 in the case of the Mebane Efland small area plan, the recommendations have been unfolded  
29 over the years. He said the economic development zones for the towns are being marketed  
30 more regularly and he believes the dialogue will continue on an annual basis.

## 31 32 **5. Emergency Communications**

33 Jim Groves said when this proposal was made to Bonnie Hammersley; he saw this as a  
34 two part process. He reviewed the following information from the memo in Attachment A:

35  
36 In establishing a communications capability, he said that it would fall into two (2)  
37 categories: 1) robust communications capability between each commissioner and their  
38 constituents, the County Manager, the Emergency Coordination Center (ECC), and County  
39 staff(as needed), and 2) the capability to conduct public meetings, including public access,  
40 when the BOCC may not be able to gather in a single facility or under the same roof (due to  
41 any reason).

42  
43 With Category 1, the group felt that improving the BOCC's capability to use their personal  
44 devices (phones) and email would be the best option. By using their email addresses, OCES  
45 could push out Situation Reports on the Emergency or Disaster to keep them informed and able  
46 to answer questions by their constituents. OCES can also revise the elected official's disaster  
47 guideline to provide more detail on how and whom to communicate with during emergencies  
48 and disasters. To enable the BOCC to make calls, we propose that each Commissioner and  
49 County Manager's staff be registered with the Government Emergency Telecommunications  
50 Service (GETS), which provides a free priority mechanism to make landline calls. Basically this

1 service routes calls by dialing dedicated telephone numbers followed by a pass code to process  
2 the call.

3

4 We also propose that each Commissioner and County Manager's staff be registered with the  
5 Wireless Priority System (WPS), which is a fee based service (about \$5 per device per month)  
6 that gives wireless phones priority access to cell towers. In addition, WPS and GETS can be  
7 used jointly if the need arises.

8

9 Jim Groves handed out GETS cards to the Commissioners. He said this card can be  
10 used dialing a 710 area code before the number you are calling. He said you would then enter  
11 a pin that will increase your opportunity to get through when lines are congested. He said it will  
12 not help if infrastructure is damaged or down. He said the system will not knock off callers  
13 already on the phone, but it will place the call in a que with priority status.

14 Jim Groves asked if the Commissioners want to pursue the Wireless Priority Service.

15 Commissioner Price asked if the GETS card is active now and if it can go from cell  
16 phones to land lines.

17 Jim Groves answered yes. He said a cell phone or land line can be used to go through  
18 the GETS line. He said if you use a mobile device, it has to hit the cell tower, and this may not  
19 be possible without the WPS.

20 Commissioner Dorosin asked for clarification on scenarios where the Board would need  
21 this. He said he is not the person that needs to get through to coordinate rescue efforts during  
22 an emergency.

23 Jim Groves said this is for use in the case of a major malfunction that affects a lot of  
24 residents in Orange County. He said in this case, he and the manager would be asking the  
25 Commissioners to interface with constituents to find out areas of unmet needs. He said this  
26 information will be useful in helping allocate resources.

27 Jim Groves said the next piece to consider is a scenario where you are unable to meet  
28 in a public place to do County business. He said one option is to use a conference line that  
29 would even allow the public to dial in and listen. He said it would be possible to have access to  
30 about 50 lines, and this could be done using the existing County infrastructure or a third party  
31 vendor. He asked for input on how many lines would be needed for public access.

32 Commissioner Rich asked if these lines would be needed so that it could still be  
33 considered an open meeting. She asked how the public would know the Board is meeting.

34 Jim Groves said the Public Affairs Office would be responsible for pushing this  
35 information out to the public.

36 Chair Jacobs said the bigger the crisis, the more people who will want to know what is  
37 going on. He said this makes it hard to determine how many lines would be needed.

38 Jim Groves agreed. He said one option is to use some of the existing television and  
39 community broadcasting stations. He said these are other ways to make it accessible to the  
40 public.

41 Chair Jacobs said there was an instance several years ago of a fire in Cary, and  
42 residents were told to shelter inside. He said people in this case have to rely on a television  
43 station, but there is no 24 hour television station in rural Orange County. He said the Board  
44 would be the 24 hours news entity for the residents.

45 Jim Groves said the most accessible way would be the conference call option. He said  
46 most residents have a telephone, but not everyone has cable or internet access.

47 Chair Jacobs said part of this concerns what the Board has adopted as the rules of  
48 procedure. He said this would need to be addressed with the attorney.

49 Chair Jacobs said there are scenarios that would require the Board to meet without  
50 doing so in person.

1 Jim Groves said phone conference and web conference are the basic options. He said  
2 the top tier would be to have a dedicated video conference, and this could be fully controllable.  
3 He said this would require a dedicated line to each of the Commissioners, the attorney, and the  
4 clerk. He said he did an estimate of 10 dedicated lines. He said these systems, called  
5 polycoms or Cisco, range from \$2,000 to \$16,000. He priced a middle of the line \$6,500  
6 polycom for 10 lines, which came out to \$65,000. He said the internet pipeway required for  
7 each line would be and the lines would be \$700 a month, which comes out to \$89,000 per year.  
8 He said this brings the total startup cost of \$149,000 and then an annual cost of \$84,000.

9 Commissioner McKee said he does not feel good about spending that type of money on  
10 video conferencing that would only be used for rare occurrences.

11 Commissioner Price asked for clarification on the conference line. She asked what  
12 would be discussed in a conference call. She wondered if the general public needs to listen in  
13 if there is an emergency situation and the Board is trying to determine a course of action. She  
14 questioned whether the Board can meet in closed session by telephone. She is concerned that  
15 there may be mayhem.

16 Chair Jacobs said there is no need to have public comment in this case. He said these  
17 calls may be updates from the Emergency Service Director, or the Health Director, and the line  
18 would just allow the public access. He said once four or more of the Commissioners get on a  
19 phone call, it is a public meeting, and the public would need to have access even if they do not  
20 participate. He gave examples of situations where information may need to be shared to make  
21 decisions about how the County should operate.

22 John Roberts said it is okay to have a conference call meeting, and the Board would  
23 need to amend their procedures to address this.

24 Chair Jacobs said the call could also be recorded and made available to members of the  
25 public who were not able to be on.

26 Donna Baker said she would work with the County Attorney's office to update the Board  
27 of County Commissioners' procedures manual to reflect polices on meeting by conference call.

28 Commissioner Rich said she received this information in the strategic communications  
29 meeting. She said the opinion was that the video call was overkill, but the communications  
30 team did like the idea of the Commissioners being able to have a meeting in the event of an  
31 emergency.

32 Commissioner Gordon asked how emergency communications fit into the overall  
33 strategic plan. She said it would be good to contemplate the rules and situations for when  
34 these conference calls need to occur.

35 Jim Groves handed out an elected officials guide to emergencies and disasters. He  
36 said when there is a significant disaster the 911 folks will call him in addition to dispatching  
37 responders. He said if it the situation is significant enough that the Commissioners might  
38 receive inquiries, he will give the County Manager a phone call briefing. He said Bonnie  
39 Hammersley will then reach out to interface with the Board.

40 Jim Groves said other than outreach activities, emergency communications does not do  
41 day to day County communication business. He said Carla Banks does a great job of this with  
42 the Public Affairs office.

43 Jim Groves said anytime the Emergency Coordination Center (ECC) is activated,  
44 different aspects are activated to collect and disperse information. He said with the system is  
45 an Emergency Support Function 15 (ESF-15) that is basically public affairs and public  
46 information. He said his staff would use Carla Banks and David Hunt to interface with different  
47 public information officers around the County.

48 He said a new system call Everbridge has just been implemented, and this is similar to  
49 Code Red, but it is much more robust. He said this system can push information out and can  
50 reach every phone number, including unlisted numbers to deliver messages. He said there is

1 an option to opt in for weather and other alerts. He said staff is also working with Information  
2 Technology to incorporate the County personnel database so that information can be pushed  
3 out to every single employee.

4 Jim Groves said Everbridge will allow for certain geographic areas to be selected and  
5 then only those phone numbers will be reached. He said it also integrates with the federal alert  
6 system.

7 Jim Groves said Emergency Services has something called WebOc where situational  
8 reports are published. He asked for input on how the Board would like this information to be  
9 shared.

10 Commissioner Price said some counties that have an app available for cell phones. She  
11 asked if this would be effective in Orange County for pushing out information.

12 Jim Groves said WebOC is not an app, but Everbridge does have an app. He said  
13 Everbridge will also allow for impromptu conference calls to from a mobile device.

14 Commissioner Price said she is just wondering if it might be easier to just punch an icon  
15 to get information.

16 Jim Groves said it is a great idea if people have online access.

17 Commissioner McKee said during the NC Association of County Commissioners  
18 (NCACC) conference there was a session for working with the media using prepared  
19 statements. He said it might be a good idea at some point to develop some set statements for  
20 media releases. He said this would help control the message and avoid an escalation of events  
21 due to poor statements by elected officials.

22 Chair Jacobs said he thinks about this in terms of how to get messages when there is  
23 no electricity.

24 Jim Groves said if technology fails, the fallback is PA announcements or flyers for long  
25 term events.

26 Chair Jacobs said his experience with lack of electricity is that land lines are the only  
27 thing that keeps operating. He said this speaks to Commissioner Dorosin's question about the  
28 advantages of having priority access on the phone lines.

29 Chair Jacobs said he hopes Emergency Services are using the incidents of the ice  
30 storm as a base line.

31 Commissioner Gordon asked if this is the actual Emergency Strategic Communications  
32 Plan.

33 Jim Groves said this is for Emergency Services use. He said the larger strategic plan  
34 should just reference the Emergency Operations Plan (EOP). He said information will be  
35 pushed out through the ESF-15 or public affairs. He said the EOP resides within emergency  
36 services and on their S drive.

37 Bonnie Hammersley said the Strategic Communications Plan should include a reference  
38 to the EOP. She said this plan has been available for years but it has been updated and is  
39 more readily available due to technology.

40 Commissioner Price asked about the interoperability with the towns.

41 Jim Groves said the towns have been pulled in from the beginning, before this system  
42 was even proposed. He said Chapel Hill, Carrboro and OWASA have fully bought into the  
43 Everbridge system.

44 Commissioner Price asked who pushes out information in an event where Chapel Hill  
45 gets a hold of it first.

46 Jim Groves said it depends on the situation, and this would be up to the town. He said  
47 the relationship and the communication have been very good.

48 Bonnie Hammersley said whenever the ECC is activated she will inform all of the Board  
49 of County Commissioners. She said if there is a disaster only in Chapel Hill, the ECC will be  
50 activated and everyone will know about it.

1 Bonnie Hammersley said the GETS cards are important so that the Commissioners can  
 2 contact her or Jim Groves in the event of an emergency to notify them of issues in their local  
 3 neighborhoods.

4  
 5 **6. Website Design Presentation**

6 Carla Banks reviewed the following PowerPoint slides.

7  
 8 **WEB SITE REDESIGN**

9 Presented By:

10 Public Affairs & Information Technologies

11  
 12 **Introduction**

13 In May of 2014, the contract with Revize was approved and the first of three payments was  
 14 submitted to get the design process underway. Also, a Web site Design Committee was  
 15 assembled to guide the design efforts.

16 The committee is made up of representatives from the following County departments:

- 17 • Library
- 18 • Aging
- 19 • Animal Services
- 20 • Health Department
- 21 • Clerk's Office
- 22 • Economic Development
- 23 • Environment, Agriculture, Parks & Recreation
- 24 • Information Technologies
- 25 • Public Affairs

26  
 27 **Project Action Items**

- 28 • In August, the Design Committee received the second of three initial design concepts
- 29 • In September, the Web Masters were consulted for input on the current design concept  
 30 (version 2 of 3) and their feedback was solicited in a survey.
- 31
- 32 • The Web Masters shared the design concept with their respective department heads for  
 33 additional feedback to aid in completing the survey
- 34 • Two Public Focus Groups were held in mid-September to solicit input from residents  
 35 regarding the design

36  
 37 **Survey**

38 The County's new Web site design concept was presented to two public facing focus groups.  
 39 It was also offered to all Orange County departments (Department Directors & Web Masters) in  
 40 the form of a survey.

41  
 42 The focus groups and County departments were asked five questions specific to the design  
 43 concept. They were also given the opportunity to provide the design team with additional  
 44 feedback and suggestions.

45  
 46 **Design Concept (visual)**

47  
 48 **Next Steps**

49 Seek feedback from the Board regarding the design concept and whether staff is moving in the  
 50 right direction

1  
2 Design Committee will meet on October 17th to discuss and process the feedback from the  
3 Board and other stakeholders  
4

- 5 • Changes will be submitted to the vendor based on feedback received from all  
6 stakeholders
- 7 • Once the design is finalized, the next step is to focus on designing the departmental  
8 pages
- 9 • Web Masters are working on “content” placement within the navigation
- 10 • The Board will receive additional updates leading up to the launch of the Web site,  
11 which is anticipated to happen in early 2015  
12

13 Carla Banks said the goal is to make the site more user-friendly. She said the photo  
14 section will rotate to showcase the features of Orange County. She said this new website also  
15 offers the option to translate the site to different languages.

16 Chair Jacobs asked for clarification on the feedback being requested.

17 Jim Northrup said staff is considering the Board of County Commissioners as one of  
18 several groups looking at this design. He said they are looking for general feedback from  
19 Board of County Commissioners.

20 Commissioner Price asked what languages are offered as translation.

21 Carla Banks said viewers can chose from a listing of languages.

22 Commissioner Price said she was concerned with which specific languages will be  
23 available. She asked about Spanish and Mandarin translation.

24 Carla Banks said she will check with the vendor on this.

25 Commissioner Gordon asked what was presented to the focus groups. She said she  
26 does not know how to react to the categories when they are static and you cannot see what is  
27 under them.

28 Carla Banks said the goal was just to accomplish a design, and they have not gotten to  
29 the usability aspect of the site yet.

30 Commissioner Gordon said she thinks the colors are very intense, and this may not be  
31 as readable as some other sites.

32 Commissioner Dorosin said he liked the colors, and he thinks this is a vast improvement  
33 on what the County has now. He suggested looking at the current website and considering the  
34 five most commonly used items if you want to know about content. He said this proposal is an  
35 improvement over the current text heavy site. He likes the search bar.

36 Commissioner Pelissier said she likes the general format. She said the search feature  
37 is very important. She asked how many members of the public gave feedback.

38 Jim Northrup said there were two small focus groups of customers from the Library and  
39 the Department on Aging.

40 Commissioner Pelissier said the Board has said in the past that they would like a way  
41 for the public to leave comments. She questioned whether this warrants some space or a  
42 special tab.

43 Commissioner Rich said the strategic communications group discussed the public  
44 comments issue today, and this being discussed as part of that plan.

45 Commissioner Rich said she liked the new design, and it is nice that it is not so text  
46 heavy. She agrees that the search on the present website does not work well and this is an  
47 important feature to get right.

48 Commissioner Rich said it is important to make it easy to find phone numbers and  
49 addresses.

1 Commissioner Dorosin said he would support having the main number at the bottom of  
2 the first page. He would like to see a “contact us” tab on the front page in a big blue box that  
3 links to a contact list of every department head.

4 Jim Northrup said the “contact us” will be on every page above the search tab. He said  
5 each department will also have a “contact us” on their individual page.

6 Commissioner Dorosin said it should be as few clicks as possible to get to the contact  
7 information for the department heads.

8 Commissioner Price echoed Commissioner Dorosin and Commissioner Rich’s  
9 comments about the contact information. She asked about the “stay connected” link.

10 Carla Banks said this will give a listing of all of the Facebook and Twitter social media  
11 pages.

12 Commissioner Price said she just thinks the contact information should be easy to  
13 access and should be a one click item.

14 Commissioner McKee also agreed with the previous comments. He said once they get  
15 this up and running they need to visit the issue of the main phone line.

16 Chair Jacobs asked how staff reconciles the differing opinions of the County  
17 departments and the opinions of the focus groups.

18 Jim Northrup said staff mainly looked at the average and above ratings. He said there  
19 was not that much disparity when you looked at it this way. He said the meetings being held  
20 are with the cross sections of the departments. He said staff is reconciling the opinions of the  
21 public and the designs of the department.

22 Chair Jacobs noted some specific examples from the survey results.

23 Bonnie Hammersley said this website is being built for the public, and it is more  
24 important to focus on the audience. She said content is important, but it is most important that  
25 the public can get information from their government.

26 Chair Jacobs agreed with the comments from the other Commissioners. He said he  
27 likes the colors, but he feels that some of the tabs are not clear.

28 Carla Banks said the tabs were categorized based on who would come to the site. She  
29 said the resident tab is for people who live here; the business tab is for local businesses; and  
30 there is also a visitor tab.

31 Chair Jacobs said he feels some of this is redundant. He likes that there is a tab that  
32 gives access to other County governmental sites.

33 Chair Jacobs said the Board received an email recently about a situation where a  
34 vendor was linked to the health department’s page. He asked if the County allows links for “for  
35 profit” businesses. He would like to see a weather button link on the site.

36 Jim Northrup said there is no policy for links on the County pages.

37 Chair Jacobs said he feels there should be a policy in place.

38 Carla Banks said government sites usually don’t have links to for-profit groups.

39 Jim Northrup said a policy could be put in place.

40 Carla Banks said a weather visual could be added.

41 Commissioner Dorosin suggested staff look at the Wake County site. He said there is a  
42 drop down menu under each tab.

43 Carla Banks said this is the idea for this page.

44 Commissioner Rich said the term “stay connected” is widely used.

45 Commissioner Rich said she loves the idea of adding the forecast to front page.

46 Commissioner Gordon asked about the “community giving” tab.

47 Carla Banks said that is for the Orange County Community Giving fund, and that tab will  
48 take you to that website.

1 Commissioner Price said she is checking other county websites and she sees the visitor  
2 and community member tabs. She would like to see what is going to go under these tabs on  
3 the Orange County website.

4 Carla Banks said the goal was to pick categories that better organize the content.

5 Jim Northup said staff is looking at budgeting every 2-3 years for refreshing and revising  
6 the web site design.

7 Chair Jacobs expressed appreciation for the improvements and the update. He asked  
8 about next steps.

9 Jim Northup said staff will report back to the Board on the usability and will plan to  
10 launch the site in early 2015.

11  
12 **7. Board of Commissioners Meeting Calendar for Year 2015**

13  
14 DEFERRED

15  
16 A motion was made by Commissioner Pelissier, seconded by Commissioner Price to  
17 adjourn the meeting at 10:21 p.m.

18  
19 VOTE: UNANIMOUS

20  
21 Barry Jacobs, Chair

22  
23  
24 Donna Baker, Clerk to the Board

25  
26  
27 Orange County Board of Commissioners' regular meetings and work sessions are available via  
28 live streaming video at [orangecountync.gov/occlerks/granicus.asp](http://orangecountync.gov/occlerks/granicus.asp) and Orange County Gov-TV  
29 on channels 1301 or 97.6 (Time Warner Cable).

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

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

**SUBJECT:** Proposed Amendment to the Orange County Code of Ordinances to Delete Section 28-32 (b) (2) from Article IV Regarding Hazardous Weather Plan – Administrative Leave

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**DEPARTMENT:** Human Resources

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

No

**ATTACHMENT(S):**

Current Hazardous Weather Plan –  
Administrative Leave (Issued August  
17, 2012)

Resolution Amending Chapter 28,  
Personnel, Article IV of the Orange  
County Code of Ordinances

Article IV of Orange County Code of  
Ordinances - Sec. 28-32. -  
Administrative Leave

Recommended Hazardous Weather Plan  
Employee Handbook, page 28

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**INFORMATION CONTACT:**

Brenda Bartholomew, Human Resources  
Director, (919) 245-2552

**PURPOSE:** To approve a resolution regarding an amendment for the deletion of Section 28-32 (b) (2) from Article IV of the Orange County Code of Ordinances regarding Hazardous Weather Plan – Administrative Leave policy, specifically omitting the make-up leave language.

**BACKGROUND:** The Orange County Code of Ordinances, specifically Section 28-7, provides that the County Manager will be responsible to the Board for the creation of administrative rules and regulations that are consistent with and necessary to carry out the provisions of this Personnel Ordinance as well as the administration and technical direction of the personnel program. Changes to the administrative rules and regulations involving substantive matters shall be reviewed by the Board at its next meeting following the change or as soon as practical thereafter.

The Orange County Code of Ordinances Chapter 28, Personnel Ordinance, Article IV, Employee Benefits, Section 28-32 Administrative Leave provides that the County Manager may modify County operations in accordance with the Hazardous Weather Plan, including closings and delayed openings. Section 28-32 (b) (2) states that Vacation Leave, Personal Leave Days and/or Petty Leave are charged or time may be made up at a later date as provided in the Hazardous Weather Plan when employees elect not to report for work, report late or leave early.

Under the current Hazardous Weather Plan – Administrative Leave, issued August 17, 2012, Appendix 3 states that it is the responsibility of the Human Resources Director to conduct an

annual review with all associated departments and ensure the content is current and valid. In meeting with James Groves, Director of Emergency Services, it was suggested that the Administrative Leave component of the Hazardous Weather Plan be separate and apart from the duties and responsibilities of the County Manager, Emergency Services, Public Relations and Department Directors when executing orders under severe weather conditions.

Further, the Hazardous Weather Plan – Administrative Leave has allowed non-exempt employees to make up additional time away from work resulting from hazardous weather events instead of using accrued time or leave without pay. The County Employee Handbook, page 28, states that with the supervisor's approval employees may make up the missed work time by June 30.

For a non-exempt employee under the Fair Labor Standards Act (FLSA), such make up time must not cause the employee to work more than 40 hours in a work week. There are very few opportunities for such leave to be made up without the employee working more than forty hours during a work week, and any additional hours worked would constitute overtime under Federal regulations. In addition, tracking and managing make-up leave for non-exempt employees is extremely cumbersome and difficult.

**FINANCIAL IMPACT:** There will be no financial impact, since this is primarily a language change in the Rules and Regulations.

**RECOMMENDATION(S):** The Manager recommends that the Board approve the resolution regarding the amendment deleting Section 28-32 (b) (2) from Article IV of the Orange County Code of Ordinances to reflect the change of not allowing employees to use make-up leave when they elect not to report for work, report late or leave early when Administrative Leave has not been declared by the Manager.

## *Hazardous Weather Plan – Administrative Leave*

### **I. AUTHORITY**

The Orange County Code of Ordinances Chapter 28, Personnel Ordinance, Article IV, Employee Benefits, Section 28-32 Administrative Leave provides that the County Manager may modify County operations in accordance with the Hazardous Weather Plan, including closings and delayed openings.

### **II. PURPOSE**

County offices are open and operate normally throughout the year with the exception of approved holidays. The Hazardous Weather Plan establishes the:

- A. Procedures by which variations in staffing and in County office openings and/or closings including nights and weekends may occur as a result of hazardous weather.
- B. Responsibilities of the County Manager, Department Heads and employees during periods of hazardous weather.
- C. Handling of work and leave time during periods of hazardous weather.

### **III. ADMINISTRATIVE RULES AND REGULATIONS**

- A. **Alert and Warning.** Emergency Services is responsible for monitoring weather conditions daily. Emergency Services receives weather statements from the National Weather Service, the N.C. Highway Patrol and the N.C. Division of Emergency Management. These statements give system potentials and forecast impacts. Also, Emergency Services receives reports from enforcement agencies. Emergency Services relays reports of hazardous weather conditions through Hazards Weather Briefings to the County Manager's Office and Department Heads in accordance with the notification procedures of this plan and Annex 2 (Notification and Alerting) of the EOF.
- B. **Plan Activation.** The Emergency Services Director informs the County Manager of weather conditions in accordance with this plan's notification procedures. The County Manager or the Manager's official designee has the authority to close County government offices completely or delay opening when warranted by hazardous weather conditions.

When hazardous weather conditions require the closing or delayed opening of County offices, the County Manager initiates the notification procedures of this plan. In activating the plan, the County Manager may close County offices completely or

provide for delayed opening or early closing. In any closing the County Manager sets the beginning and ending time for the period County offices are closed.

**1. When the County Manager Closes County Offices or Provides for Delayed Opening or Early Closing**

- a. **Staffing:** Staff designated by the Department Head as “critical” are required to report to work unless absence is approved by the department head. The Staff who are designated as “noncritical” are not required to report to work.
- b. **Time Off Handling:** For periods during which the Manager officially closes County offices, the Manager grants Administrative Leave as provided in Appendix 1. Such leave covers only the period of official closing and only the County Manager may grant Administrative Leave. For employees required to work, compensation is handled as provided in Appendix 1.

**2. For Any Period Other Than the Manager's Official Closing.** County offices remain open. The Department Head will staff the office including branch offices, with necessary personnel to assure telephone coverage and continuation of essential services. If the employee is absent from work because of hazardous weather conditions, he or she, with the supervisor's approval may:

- a. Charge such absence to earned Annual Leave or Compensatory Time Off or, if no leave is available, take leave without pay.
- b. Make up any work time missed by June 30 of the fiscal year, as provided in Appendix 2.
- c. No Administrative Leave is authorized for absence during any period except when County offices have been officially closed by the County Manager.

**3. Employee Notification.** In the event of inclement or hazardous weather, Orange County Employees should call 919-732-8181 or 919-688-7331 to hear the formal announcement concerning the opening of County government offices. The Manager and the ES Director will discuss the accessibility of roads around 5:30 a.m. Based on that discussion, the Manager will determine whether or not to delay the opening of County government offices. The Manager will notify the Director of Asset Management Services (AMS) of the decision and the AMS Director will record a message on the County's main switchboard announcing any closings or delays. That information should be available by 6:00 a.m. Emergency Services will also provide information on the OCNCEmergency Twitter feed.

**4. Department Heads' Responsibilities.** The department head is responsible for the staffing level of the department. When weather conditions warrant caution, the department head may approve the use of earned Annual Leave, Compensatory Time Off and/or, if no leave is available, leave without pay or permit the

employee to make up missed work time by June 30 of the fiscal year. (Only the County Manager may grant Administrative Leave.) The department head designates any employee holding a critical position and notifies the employee of this status and attendance expectation during hazardous weather. Examples of such critical positions might include an employee providing services such as switchboard operation, vehicle maintenance or any emergency assistance.

5. **Employees' Responsibilities.** In the event of inclement or hazardous weather it is the responsibility of the employee to call the Orange County main switchboard at 919-732-8181 or 919-688-7331 to hear the formal announcement concerning the closing or delayed opening of County government offices. The employee should contact his or her supervisor if weather conditions seem severe and an announcement has not been received in accordance with this plan or if the employee elects to request the use of Annual Leave, Compensatory Time Off, leave without pay, or to make up the time off.
6. **Leave and Work Time Handling.** During periods of hazardous weather, the following shall apply, as provided in the Orange County Personnel Ordinance:
  - a. The County Manager may grant Administrative Leave for officially delayed openings and/or early closings. See Appendix 1.
  - b. When an employee elects not to report for work, report late or leave early for any time other than the period covered by officially delayed openings and/or early closings, the missed work time, with the supervisor's approval, is handled as follows:
    - (1) Earned Annual Leave or Compensatory Time Off is charged. If no leave is available, leave without pay may be charged; or
    - (2) The employee may make up the missed work time by June 30 of the fiscal year, as provided in Appendix 2.
  - c. If a nonexempt permanent employee is required to work when the County Manager officially closes County offices due to hazardous weather, the employee receives pay at his or her hourly rate for hours worked during the official closing in addition to regular pay.
7. **Exemptions.** The Orange County Sheriff's Department and Emergency Services are exempt from this plan, and operate under their respective departmental plans.

### **Administrative Leave Handling**

- **Administrative Leave**
  - Administrative Leave with pay is granted to an eligible employee for officially delayed opening and/or early closing of County offices due to hazardous weather conditions.
  - The County Manager makes any decision as to delayed openings and/or early closing of County offices.
- **Employees Eligible**
  - A Permanent employee regularly scheduled to work during the period Administrative Leave is granted is eligible.
- **Employees Not Eligible**
  - A Permanent employee not scheduled to work during the period for which Administrative Leave is granted or a Temporary employee is not eligible. This includes a Permanent employee already scheduled for leave (Annual, Sick or other leave) during the period covered by Administrative Leave.
- **Covered Period**
  - Administrative Leave covers the period during which the County Manager has officially closed County offices for hazardous weather and the employee is regularly scheduled to work.
  - Example: The County Manager delays the opening of County offices from 8:00 a.m. until 9:00 a.m. Bob Smith is regularly scheduled to start work at 8:00 a.m. He receives an hour of Administrative Leave with pay. Bernice Jones is regularly scheduled to start work at 9:00 a.m. She does not receive Administrative Leave.
- **Employees Required to Work During the Period Covered by Administrative Leave**
  - The department head may designate certain positions as "critical" and require an employee in such a position to work during periods when the County Manager has officially closed County offices.
  - A non-exempt Permanent employee required to work during the period covered by Administrative Leave receives pay at his or her hourly rate in addition to regular pay for the hours worked during the official closing.
  - Example: The County Manager delays the opening of County offices until 11:00 a.m. Bob Smith, Maintenance Mechanic, holds a position designated as critical and is required to report to work at 8:00 a.m. He receives three hours pay at his hourly rate in addition to his regular pay for the three hours worked from 8:00 a.m. until 11:00 a.m.
- **Completing the Employee Leave and Work Time Record**
  - Administrative Leave is recorded using the Admin Leave pay type in the Kronos timekeeping system. Administrative Leave is not considered hours worked and is not recorded as hours worked on the electronic time record.

## Appendix 2

**Make-Up For Absence During Hazardous Weather****1. Make-Up Period**

- The make-up period for work time missed during a period of hazardous weather is through June 30 of the fiscal year.

**2. When Make-Up May Occur**

- In making up missed work time, a nonexempt employee under the Federal Fair Labor Standards Act may make up the absence only in a work week in which the employee's actual work time is less than 40 hours and the make-up time does not cause the employee to exceed 40 hours worked in that work week.
- This means the make-up work must occur during a holiday week or a week in which the employee takes Sick, Vacation or Petty Leave. This is necessary to assure the make-up time does not place the employee in a situation where he or she works over 40 hours in the workweek and becomes eligible for overtime.

**3. Supervisor's Approval**

- Any make-up requires the supervisor's advance approval.

**4. Make-Up on the Employee Time Record**

- If an employee elects to make up time for an absence during hazardous weather rather than using Annual Leave, Compensatory Time Off or leave without pay during that work week, the hours are coded as "WA" for weather absence in the Kronos timekeeping system. When the employee makes up the time, the hours are coded as "WM" for weather make-up.

**5. Department Responsibility**

- The department is responsible for assuring that the make-up of the weather related absence occurs by June 30 of the fiscal year. If the employee is not able to make up the absence by that date, the employee must charge the absence to Annual Leave, Compensatory Time Off or leave without pay.

**Responsibility Check List****Emergency Services Director**

1. Monitor weather.
2. Activate Annex 2 (Notification and Alerting) to notify County Manager and Department Heads.
3. Activate Annex 7 (Public Information) to notify media if the County Manager elects to delay openings or close County offices.
4. Activate Emergency Operations Framework, as necessary.

**County Manager:**

1. Consult with Emergency Services Director.
2. Delay or vary office hours or close office hours as necessitated by hazardous weather.
3. Notify Asset Management Services of any closing or delayed openings.

**Asset Management Services Director**

Record message on the County's main switchboard announcing any closing of delayed openings directed by the Manager

**Human Resources Director**

1. Maintain this plan by keeping the official editable electronic copy.
2. Conduct an annual review with all associated departments and ensure the content is current and valid.

**Department Heads:**

1. Designate employees as "critical" or "noncritical," notify employees of this status, and review with employees the attendance expectations for those in critical and noncritical positions.
2. Determine staffing level during any period of hazardous weather.
3. Insure essential services (telephone and citizen assistance or emergency operations) are provided unless County offices are officially closed.
4. Call the County's main switchboard in the event of inclement or hazardous weather. DEPARTMENT HEADS may call the ES administrative telephone line if the main switchboard lines become overwhelmed (the ES number will be issued to all Department Heads). The recording on the ES line will reflect all pertinent information regarding delayed opening.
5. Notify employees according to departmental procedures.
6. Document leave granted.

**Hazardous Weather Notification Procedure**

<u>Time</u>	<u>Action</u>
0515	ES Director checks weather and prepares inclement/hazardous weather briefing.
0530	ES Director notifies and briefs the Manager on weather
0545	The Manager contacts the AMS Director and informs the Director of the closing or delayed opening decision
0600	The AMS Director posts the closing or delayed opening announcement on the County main switchboard.
0615	Department Heads calls the main switchboard for closing or delayed opening announcements.
0630	Department Heads notifies Supervisory Staff in accordance with departmental procedures.

Radio  
WCHL AM 1360

Television  
WRAL Channel 5  
WTVD Channel 11  
WFMY Channel 2

f:\e\weather.doc

This Section of the Rules and Regulations will become effective upon signing of this document.

Adopted this the \_\_\_\_ day of August, 2012.

\_\_\_\_\_  
Frank W. Clifton, Jr., County Manager

RES-2014-075

**RESOLUTION OF AMENDMENT****A RESOLUTION AMENDING CHAPTER 28, PERSONNEL, ARTICLE IV OF  
THE ORANGE COUNTY CODE OF ORDINANCES**

Be it Resolved by the Board of Commissioners of Orange County, North Carolina:

WHEREAS, Orange County, through ordinance, has provided for employee Administrative Leave in certain situations; and

WHEREAS, the Orange County Board of Commissioners, believing it to be in the best interest of employees and to comply with federal law amends Chapter 28, Article IV of the Code of Ordinances as is reflected in the attachment hereto.

NOW THEREFORE, the Orange County Board of Commissioners hereby amends Chapter 28, Article IV, Section 28-32 as reflected in the attachment.

This Amendment shall become effective upon adoption.

Adopted by the Orange County Board of Commissioners this 18<sup>th</sup> day of November, 2014.

By:

Attest:

\_\_\_\_\_  
Barry Jacobs, Chair  
Orange County Board of Commissioners

\_\_\_\_\_  
Donna Baker, Clerk to the Board

[SEAL]

## Article IV Employee Benefits

### Orange County Code of Ordinances

#### Sec. 28-32. - Administrative leave.

(a)

County Government shall remain accessible to the citizens. Many critical functions must be staffed regardless of the weather conditions. However, when severe storms cause extremely hazardous driving conditions, the County Manager may modify County operations in accordance with the Hazardous Weather Plan, including determining any closings or delayed openings.

(b)

During periods of hazardous weather conditions the following applies to employees:\*

(1)

Administrative Leave as determined by the County Manager is granted for officially delayed openings and/or early closings.

(2)

Vacation Leave, Personal Leave Days and/or Petty Leave are charged or time may be made up at a later date as provided in the Hazardous Weather Plan when employees elect not to report for work, report late or leave early.

(3)

Pay at the employee's hourly rate for hours worked during an official closing in addition to regular pay is granted to FLSA non-exempt employees required to work when the offices are officially closed due to hazardous weather.

\*Employees of the Sheriff's Department and Emergency Management Services are not covered by this section and operate under the respective department's hazardous weather plan.

*(Ord. of 06-07-1976, eff. 08-01-1976. 01-18-2001, Art. IV § 3.0, eff. 01-18-2001)*

## *Hazardous Weather Plan – Administrative Leave*

### **I. AUTHORITY**

The Orange County Code of Ordinances Chapter 28, Personnel Ordinance, Article IV, Employee Benefits, § 28-32 Administrative Leave provides that the County Manager may modify County operations in accordance with the Hazardous Weather Plan.

### **II. PURPOSE**

County Government shall remain accessible to the citizens. Many critical functions must be staffed regardless of the weather conditions. However, when severe storms cause extremely hazardous driving conditions, the County Manager may modify County operations in accordance with the Hazardous Weather Plan, including determining any closings or delayed openings.

During periods of hazardous weather conditions the following applies to employees: *(Employees of the Sheriff's Department and Emergency Management Services are not covered by this section and operate under the respective department's hazardous weather plan).*

- A. Administrative Leave as determined by the County Manager is granted for time off work because of official closings, delayed openings and/or early closings.
- B. Annual Leave is charged as provided in the Hazardous Weather Plan when employees elect not to report for work, report late or leave early.
- C. Pay at the employee's hourly rate for hours worked during an official closing in addition to regular pay is granted to FLSA non-exempt employees required to work when the offices are officially closed due to hazardous weather.

### **III. ADMINISTRATIVE RULES AND REGULATIONS**

- A. **Alert and Warning.** Emergency Services is responsible for monitoring weather conditions daily and reporting hazardous weather conditions to the County Manager's Office.
- B. **Plan Activation.** The County Manager or his/her official designee has the final decision to dismiss employees, close County offices, modify normal hours of County office operations and initiate the notification procedures of this plan.
- C. **Employee Notification.** The Director of Public Affairs will post the official notification of any change to the normal operating hours of County government offices on the County's main switchboard, website, media outlets and social media.

**The number of the Orange County Switchboard is (919) 732-8181 or (919) 688-7331.**

- D. **Responsibilities of Department Directors:** The Department Director is responsible for appropriately staffing their department as necessary during a time of hazardous weather. If County offices remain open, adequate coverage of offices including branch offices must be provided to assure the continuation of essential services.
1. The Department Director designates employees as essential during a time of hazardous weather and notifies employees of their status. Examples of essential designations may include employees providing switchboard operations, vehicle maintenance or any emergency assistance.
  2. When hours of operation are modified, the Department Director is responsible for approving leave time as appropriate when hours of operations are modified. Only the County Manager may grant Administrative Leave.
- E. **Responsibilities of Employees:** Employees designated by their Department Director as essential are required to report to work unless an absence was approved by their Department Director. Employees designated as non-essential are not required to report to work. Employees must contact their supervisor if they are unable to report to work because of the weather conditions. **Employees are responsible to call (919) 732-8181 to confirm changes in office hours.**
- F. **Administrative Leave with Pay.** Administrative Leave with pay is pay to eligible employees when the County Manager has delayed opening, dismissed early or closed County Offices because of hazardous weather conditions.
1. Administrative Leave covers only the designated time period which the County Manager has officially closed County offices for hazardous weather.
  2. Employees who elect to not come to work during adverse weather conditions where the County Manager has not granted administrative leave must take annual leave.
- G. **Eligibility.**
1. A permanent employee regularly **scheduled to work** during the designated time period of Administrative Leave by the County Manager is eligible.  
  
Example: The County Manager delays the opening of County offices from 8:00 a.m. until 9:00 a.m. Bob Smith is regularly scheduled to start work at 8:00 a.m. Bob receives an hour of Administrative Leave with pay. Bernice Jones is regularly scheduled to start work at 9:00 a.m. Bernice does not receive Administrative Leave with pay.
  2. A permanent employee not scheduled to work during the designated time period of Administrative Leave by the County Manager is not eligible for Administrative Leave with pay. A permanent employee already scheduled for leave time off is not eligible for Administrative Leave with Pay during the designated time period of Administrative Leave by the County Manager.

**H. Employees Required to Work during the Period Covered by Administrative Leave.**

1. The Department Director may designate certain positions as essential and require employees in such positions to work during the designated time period which the County Manager has officially closed County offices for hazardous weather.
2. Non-exempt permanent employees required to work during the designated time period covered by Administrative Leave is paid at their hourly rate in addition to regular pay for the hours worked during the official closing. *(This is not applicable to exempt permanent employees).*

Example: The County Manager delays the opening of County offices until 11:00 a.m. Bob Smith, Maintenance Mechanic, holds a position designated as critical and is required to report to work at 8:00 a.m. Bob receives three hours pay at his hourly rate in addition to his regular pay for the three hours worked from 8:00 a.m. until 11:00 a.m.

- I. **Completing Employee Leave in KRONOS Timekeeping System – Administrative Leave** with pay is recorded using the Admin Leave pay type in the KRONOS Timekeeping System. Administrative Leave is not considered hours worked and is not recorded as hours worked on the electronic time record. Administrative Leave is not actual time worked and therefore it is not considered when calculating overtime.

This Administrative Rules and Regulations will become effective upon signing of this document.

Adopted this the \_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Bonnie Hammersley, Orange County Manager

### Hazardous Weather Plan - Check List of Responsibilities

#### Emergency Services Director:

1. Monitor weather
2. Notify County Manager of potential hazardous weather
3. Provide updates of pending hazardous weather to County Department Directors
4. Activate Emergency Operations Plan and Emergency Coordination Center, as necessary

#### County Manager:

1. Consult with Emergency Services Director on potential hazardous weather events
2. Modify County government office hours as necessitated by hazardous weather
3. Notify the Public Affairs Director of any change in normal operating hours

#### Public Affairs Director:

1. Record message on the County's main switchboard announcing any closing or delayed openings directed by the Manager
2. Provide modified County government operating hours to pre-identified media outlets
3. Post modified County government operating hours on social media

#### Human Resources Director:

1. Maintain this plan by keeping the official editable electronic copy
2. Conduct an annual review with all associated departments and ensure the content is current and valid

#### Department Directors:

1. Designate employees as essential or non-essential, notify employees of this status, and review with employees the attendance expectations for those in critical and non-essential positions
2. Determine staffing level during any period of hazardous weather
3. Insure essential services (telephone and citizen assistance or emergency operations) are provided unless County offices are officially closed
4. Call the County's main switchboard in the event of inclement or hazardous weather
5. Notify employees according to departmental procedures
6. Document leave granted

**TABLE 1 – Time Delineated Schedule (TDS) for closings**

Time	Action
0430	Emergency Management Coordinator monitors current weather conditions and coordinates information with the City and County school system representatives
0445	Emergency Management Coordinator briefs the Emergency Services Director of any hazardous weather conditions and potential impact to County government operations
0500	Emergency Services Director notifies and briefs the County Manager on weather conditions and potential impacts, along with any closure or delayed opening recommendations
0515	County Manager contacts the Public Affairs Director and informs the Director of the delayed opening, early closing, or complete closing decision, along with the beginning and ending time of the delay or closure
0530	The Public Affairs Director posts the delayed opening, early closing, or complete closing announcement on the Orange County recorded line, all-county email distribution list, social media, and broadcast media outlets

## Employee Handbook - Hazardous Weather Policy

In the event of inclement weather, the County Manager has the authority to close County government offices, or delay opening.

The County Manager notifies all department directors of any official closing or delayed opening. Supervisors should notify their employees of such actions. Updates on official closings or delayed openings are provided by email and on the main Orange County switchboard number at (919) 732-8181.

The County Manager may grant [Administrative Leave](#) for officially delayed openings or early closings. In this case, employees will not have to make up the work time missed for the hours covered under Administrative Leave.

If an employee elects not to report to work, report late or leave early for any time other than the period covered by officially delayed openings and/or early closings, the missed work time must be charged to earned Annual Leave or Leave Without Pay. With their supervisor's approval, employees may make up the missed work time by June 30. For a non-exempt employee under FLSA, such makeup must not cause the employee to work more than 40 hours in a workweek.

The department director may designate certain positions as "critical" and require an employee in such a position to work during periods when the County Manager has officially closed County offices. Nonexempt employees who are required to work in such a case will receive pay for hours worked during the official closing in addition to regular pay.

The Orange County Sheriff's Office and Emergency Services Department are exempt from this plan and operate under separate departmental policies.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

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

**SUBJECT:** Housing Rehabilitation Program – N.C. Housing Finance Agency

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

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

No
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**ATTACHMENT(S):**

Procurement Policy

Amended Procurement Policy (For  
Approval)

**INFORMATION CONTACT:**

James E. Davis, Jr., 919-245-2488

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**PURPOSE:** To adopt the amended Procurement Policy for the 2014 Single Family Housing Rehabilitation Program funded by the N.C. Housing Finance Agency (NCHFA).

**BACKGROUND:** In March 2014, the County received a notice of award for the 2014 Single-Family Rehabilitation Loan Pool (SFRLP14). The County executed all requisite documents and the BOCC adopted the Procurement Policy on May 20, 2014. Upon NCHFA's consultation with its United States Housing and Urban Development (HUD) monitor, it was determined that all program Procurement Policies should be amended to the satisfaction of HUD's preferred terminology.

The following amendment was made to paragraph 5 of the Procurement Policy:

Any change to the original scope of work must be reduced to writing in the form of a change order to be agreed upon and signed by **two (2) representatives of Orange County** and all parties to the original contract.

While the referenced amendment is minor in length, it is required and necessary to administer the housing rehabilitation program.

**FINANCIAL IMPACT:** This \$170,000 award represents additional funding available in the community for the repair of substandard housing.

**RECOMMENDATION(S):** The Manager recommends that the Board adopt the Procurement Policy, as amended, for the 2014 Single Family Rehabilitation Program funded by the N.C. Housing Finance Agency.

**Orange County**  
**2014 Single-Family Rehabilitation (SFR) Program**

**PROCUREMENT POLICY**

To the maximum extent practical, Orange County promotes a fair, open and competitive procurement process as required under the North Carolina Housing Finance Agency's Single-Family Rehabilitation (SFR) Program. Bids are invited from Contractors who are part of the County's approved contractor registry. (To be on the registry, a contractor must complete an application, have their recent work inspected, reviewed and approved by the Rehabilitation Specialist and submit proof of insurance at the appropriate levels required by the County.)

1. Three to six eligible contractors on the County's approved contractor registry shall be invited to bid on each job and the lowest responsive and responsible bidder shall be selected for the contract. "Responsive and responsible" means (a) the contractor is deemed able to complete the work in a timely fashion, (b) the bid is within 15%, in either direction, of the County's cost estimate, and (c) there is no conflict of interest (real or apparent).
2. Although bid packages may be bundled for multiple job sites, the bids for multiple job sites shall be considered separate and apart when awarded and shall be awarded to the lowest responsive and responsible bidder(s) for each job site.
3. Bid packages shall consist of an invitation to bid, work write up(s) and Non-Collusive Affidavit form (s) for each job.
4. Bids must include a cost-per-item breakdown with line item totals equaling the submitted bid price. Discrepancies must be reconciled prior to a contract being awarded.
5. Any change to the original scope of work must be reduced to writing in the form of a change order to be agreed upon and signed by all parties to the original contract. The change order must also detail any changes to the original contract price.
6. No work may begin prior to a contract being awarded and a written order to proceed provided to the contractor. In addition, a pre-construction conference and "walk thru" shall be held at the work site prior to commencement of repair work.
7. Orange County reserves the right to reject any or all bids at any time during the procurement process.
8. In the event of a true emergency situation, the County reserves the right to waive normal procurement procedures in favor of more expedient methods, which may include seeking telephone quotes, faxed bids and the like. Should such methods ever become necessary the transaction will be fully documented.
9. All sealed bids will be opened publicly at a time and place to be announced in the bid invitation. All bidders are welcome to attend.

This Procurement Policy is adopted this the 20<sup>th</sup> day of May 2014.

**Orange County  
2014 Single-Family Rehabilitation (SFR) Program**

**PROCUREMENT POLICY**

To the maximum extent practical, Orange County promotes a fair, open and competitive procurement process as required under the North Carolina Housing Finance Agency's Single-Family Rehabilitation (SFR) Program. Bids are invited from Contractors who are part of the County's approved contractor registry. (To be on the registry, a contractor must complete an application, have their recent work inspected, reviewed and approved by the Rehabilitation Specialist and submit proof of insurance at the appropriate levels required by the County.)

1. Three to six eligible contractors on the County's approved contractor registry shall be invited to bid on each job and the lowest responsive and responsible bidder shall be selected for the contract. "Responsive and responsible" means (a) the contractor is deemed able to complete the work in a timely fashion, (b) the bid is within 15%, in either direction, of the County's cost estimate, and (c) there is no conflict of interest (real or apparent).
2. Although bid packages may be bundled for multiple job sites, the bids for multiple job sites shall be considered separate and apart when awarded and shall be awarded to the lowest responsive and responsible bidder(s) for each job site.
3. Bid packages shall consist of an invitation to bid, work write up(s) and Non-Collusive Affidavit form (s) for each job.
4. Bids must include a cost-per-item breakdown with line item totals equaling the submitted bid price. Discrepancies must be reconciled prior to a contract being awarded.
5. Any change to the original scope of work must be reduced to writing in the form of a change order to be agreed upon and signed by two (2) representatives of Orange County and all parties to the original contract. The change order must also detail any changes to the original contract price.
6. No work may begin prior to a contract being awarded and a written order to proceed provided to the contractor. In addition, a pre-construction conference and "walk thru" shall be held at the work site prior to commencement of repair work.
7. Orange County reserves the right to reject any or all bids at any time during the procurement process.
8. In the event of a true emergency situation, the County reserves the right to waive normal procurement procedures in favor of more expedient methods, which may include seeking telephone quotes, faxed bids and the like. Should such methods ever become necessary the transaction will be fully documented.
9. All sealed bids will be opened publicly at a time and place to be announced in the bid invitation. All bidders are welcome to attend.

This Procurement Policy is adopted this the \_\_\_\_ day of \_\_\_\_ 2014.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

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

**SUBJECT:** Proposed Donation of Stage Risers

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**DEPARTMENT:** Asset Management Services

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

No

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**ATTACHMENT(S):**

Donation Photos

**INFORMATION CONTACT:**

Alan Dorman, 919-245-2627

Jeff Thompson, 919-245-2658

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**PURPOSE:** To consider accepting the donation of six (6) stage/performance risers by Michael Malone and Maureen Quilligan for use at the Whitted Meeting facility.

**BACKGROUND:** Local Hillsborough residents Michael Malone and Maureen Quilligan have offered to donate to the County six wooden stage risers, each 4 by 8 feet in area.

If the donation is accepted by the Board, Asset Management Services staff will re-locate the risers to the Whitted Meeting Facility where they will be stored for use in performances at the facility.

**FINANCIAL IMPACT:** To allow these risers to be easily moved within the Whitted Meeting facility, casters will need to be added to each riser. Funds are available within the Asset Management Services operating budget for the installation of these casters.

**RECOMMENDATION(S):** The Manager recommends the Board accept the donation of six (6) stage/performance risers by Michael Malone and Maureen Quilligan for use at the Whitted Meeting facility.

Pictures of 6 - 4' X 8' Wood Stage Risers



ORD-2014-045

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

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

**SUBJECT:** Fiscal Year 2014-15 Budget Amendment #3

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**DEPARTMENT:** Finance and Administrative  
Services

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

No
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**ATTACHMENT(S):**

- Attachment 1. Budget as Amended  
Spreadsheet
- Attachment 2. Year-To-Date Budget  
Summary
- Attachment 3. Southern Human Services  
Center Audio Visual  
Repair/Upgrade  
Information from June 10,  
2014 BOCC work session

**INFORMATION CONTACT:**

Clarence Grier, (919) 245-2453

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**PURPOSE:** To approve budget ordinance amendments for fiscal year 2014-15.

**BACKGROUND:**

**Department of Social Services**

1. The Department of Social Services has received additional revenues for the following programs:
  - **Child Welfare In-Home Expansion** – receipt of \$10,000 to be used for items related to the department’s Risk Management Plan, including hepatitis shots.
  - **Low Income Energy Assistance Program (LIEAP) Administration** – receipt of \$6,806 in Low-Income Home Energy Assistance Program (LIEAP) administration funds. These additional funds will be used for temporary personnel and program supply needs.
  - **Crisis Intervention** – receipt of \$39,435 in Crisis Intervention funds to pay for crisis related heating needs for Orange County residents.

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

2. The Department of Social Services has received \$381 in resident donations, and based on historical collections, the department anticipates receiving an additional \$15,000 in

donated funds, both to help with the Annual Toy Chest Drive in December. This budget amendment provides for the receipt of these funds, and is budgeted in a special Adoption Enhancement Fund, outside of the General Fund.

### **Sportsplex**

3. At its October 21, 2014 meeting, the Board of Commissioners approved as part of Budget Amendment #2-B the re-purposing of FY 2013-14 appropriated Sportsplex funds for improved ice skate compatible flooring and restroom partitions. Since these funds, totaling \$225,000, were originally budgeted in FY 2013-14 within the annual Sportsplex Enterprise Fund, but were not expensed or encumbered, the Board needs to approve the re-budgeting of these funds for use in FY 2014-15 through a fund balance appropriation from the Sportsplex Enterprise Fund.

Also, as part of the FY 2013-14 approved Capital Investment Plan, \$100,000 was originally budgeted in FY 2013-14 within the annual Sportsplex Enterprise Fund for the replacement of the Zamboni ice resurface machine at the ice rink, but was not expensed or encumbered. This item also needs Board approval in re-budgeting these funds for use in FY 2014-15, through a fund balance appropriation from the Sportsplex Enterprise Fund. This technical budget amendment provides for an appropriation of \$325,000 from the Sportsplex Enterprise Fund for the re-budgeting of the above mentioned items in FY 2014-15. (See Attachment 1, column 2)

### **Library Services**

4. The Orange County Library has received a contribution of \$8,000 from the Friends of Library. These funds will be used in support of the Library's Strategic Planning Initiative for ease of use at the Main Library by reducing the book shelving height and creating a market place seating area. This budget amendment provides for the receipt of these funds for the above mentioned purposes. (See Attachment 1, column 3)

### **Planning & Inspections**

5. The Orange County Planning & Inspections Department has received \$12,215 in additional Special Use Permit funds. These funds are the result of three large items that went before the Board of Adjustment: the Public Service of North Carolina (PSNC) gas line, a child care facility at Chestnut Ridge United Methodist Church, and a camp retreat center at the Triangle Land Conservancy. The additional Special Use Permit funds are used for advertising costs for the Board of Adjustment meetings. (See Attachment 1, column 4)

### **Information Technology Capital Project – Technical Amendment**

6. At its June 10, 2014 work session, the Board of County Commissioners (BOCC) received information related to audio/visual upgrades needed at Southern Human Services Center (see Attachment 3). Staff from both the Clerk to the Board's Office and the Information Technology Department presented the information and recommended an estimated \$180,000 solution, utilizing carryover available BOCC Reserve funds of approximately \$80,000, and a total of \$100,000 of FY 2014-15 Capital Investment Plan (CIP) budgeted

funds. The FY 2014-15 CIP funds were comprised of \$50,000 in BOCC Reserve funds and \$50,000 budgeted in the A/V Upgrade account. Normally, direct appropriations are not made from Reserve fund accounts, so this technical amendment provides for the budgetary transfer of \$80,000 in carryover available BOCC Reserve funds and \$50,000 in BOCC Reserve funds from FY 2014-15, for a total of \$130,000 from the BOCC Reserve account to the A/V Upgrade account within the Information Technology Capital Project. The overall project budget remains the same with this transfer of budgeted funds between these two capital project accounts.

## Health Department

7. The Health Department has received revenue notification for the following programs:

- **Rural Cancer Prevention Center Research Project** – The Health Department received notification of additional revenues of \$667 as an incentive payment for participation in the University of Kentucky’s Rural Cancer Prevention Center Research Project. The additional funding will be used for community outreach projects.
- **Community Care of North Carolina** – The North Carolina Department of Health and Human Services has paid “true up” money to CCNC, CCNC networks, and local health departments to account for the fact that system enrollment capabilities were unavailable over the past year. This is an attempt to estimate and pay networks and local health departments what they would have received if they had actual enrollment changes in FY14. The Orange County Health Department received a payment of \$7,248.
- **STD Prevention** – The Health Department received notification of additional state funding for sexually transmitted disease (STD) prevention programs. Orange County’s Health Department has received additional revenues of \$1,000 which will be used to purchase pharmacy supplies.
- **Healthy Communities Program** – The Health Department received notification of additional state funding for the Healthy Communities Program. Orange County’s Health Department has received additional revenues of \$9,763. (*See Attachment 1, column 5*)

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

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

**RECOMMENDATION(S):** The Manager recommends the Board approve budget ordinance amendments for fiscal year 2014-15.



Original Budget	Encumbrance Carry Forwards	Budget as Amended	Receipt of Child Welfare and Medicaid funds (\$56,259) to help with over 8,500 cases that need to be completed in NCFAST	Budget as Amended Through BOA #2-C	#1 Department of Social Services - receipt of additional revenues	#2 SportsPlex Enterprise Fund - technical amendment	#3 Library Services - receipt of additional funds from Friends of the Library	#4 Planning & Inspections - additional Special Use Permit funds	#5 Health Department - receipt of additional revenues	Budget as Amended Through BOA #3
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**SportsPlex Enterprise Fund**

Program Fees	\$ 3,029,810		\$ 3,029,810		\$ 3,029,810						\$ 3,029,810
Transfer from General Fund	\$ 376,450		\$ 376,450		\$ 376,450						\$ 376,450
Transfer from County Capital Projects	\$ -		\$ -		\$ -						\$ -
Appropriated Fund Balance	\$ 202,926		\$ 202,926		\$ 202,926		\$ 325,000				\$ 527,926
Grant Funds	\$ -		\$ -		\$ -						\$ -
<b>Total SportsPlex Enterprise Fund</b>											
<b>Revenues</b>	\$ 3,609,186	\$ -	\$ 3,609,186	\$ -	\$ 3,609,186	\$ -	\$ 325,000	\$ -	\$ -	\$ -	\$ 3,934,186

**Expenditures**

SportsPlex Operations	\$ 3,609,186		\$ 3,609,186		\$ 3,609,186		\$ 325,000				\$ 3,934,186
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## Year-To-Date Budget Summary

*Fiscal Year 2014-15*

### General Fund Budget Summary

Original General Fund Budget	\$200,428,111
Additional Revenue Received Through Budget Amendment #3 (November 18, 2014)	
Grant Funds	\$1,550,331
Non Grant Funds	\$645,167
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	\$82,304
<b>Total Amended General Fund Budget</b>	<b>\$202,705,913</b>
Dollar Change in 2014-15 Approved General Fund Budget	\$2,277,802
% Change in 2014-15 Approved General Fund Budget	1.14%

### Authorized Full Time Equivalent Positions

Original Approved General Fund Full Time Equivalent Positions	842.550
Original Approved Other Funds Full Time Equivalent Positions	82.700
Position Reductions during Mid-Year	
Additional Positions Approved Mid-Year	
<b>Total Approved Full-Time-Equivalent Positions for Fiscal Year 2014-15</b>	<b>925.250</b>

## Attachment 3

### Southern Human Services Center Audio Visual Repair / Upgrade

#### Problem Description:

Over the past 3 months, the following pieces of audio visual (AV) equipment have failed at the Southern Human Services Center (SHSC) Board of County Commissioners Meeting Room:

1. One production video camera
2. Audio Visual switcher
3. ChyTV character generator

The production quality video camera is one of three cameras that allows for both recording and broadcast of public meetings at SHSC.

The audio visual switcher is a piece of equipment that takes multiple camera and microphone inputs and blends them for broadcast.

The ChyTV character generator offers text overlay on video broadcast streams, e.g., the names of the Commissioners are present when the camera focuses upon them.

#### Background Info:

IT along with the Board of County Commissioners Clerk's Office has been upgrading the SHSC meeting room in phases in order to bring that room up to modern audio visual presentation and broadcast standards. FY 2012 saw the Phase One upgrade to presentation podium, projector and presentation monitor.

The next two phases of upgrades are as follows:

1. Phase Two: Sound Upgrades (\$80,000.00)
2. Phase Three: Video Upgrades. (\$100,00.00)

Upon completion of Phases One, Two and Three the BOCC meeting room at SHSC will be built out to the same standard as the new BOCC meeting facility at Whitted.

#### Solution:

In order to affect repairs of the broken equipment, it is the Clerk's Office and the IT Department's recommendation that funds be identified and utilized to complete both Phase Two and Phase Three upgrades, at an estimated cost of \$180,000.

There are alternatives to the above recommendation. The broken equipment can be fixed for a cost of \$40,000.00 and with anticipated FY 15 funds (next year). This alternative recommendation utilizes the same equipment as the larger replacement in Phases Two and Three, but specifically targets the broken equipment and does not account for any anticipated equipment failure.

**Funding:**

Currently, there is approximately \$83,000.00 in IT BOCC Reserve capital account. If approved in the coming year's CIP budget, Information Technologies has budgeted \$50,000.00 for SHSC audio visual upgrades in its capital account and anticipates another \$50,000.00 to be added to the BOCC Reserve account. This totals \$183,000.00 of available funds that can be utilized to both affect the repairs of the failed equipment and to replace the aging equipment at the SHSC location in order to bring it up to modern standards.

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Existing Funds (BOCC Reserve)	\$83,000.00
Fiscal Year 2014-15 requested funds (A/V Upgrades + BOCC Reserve)	\$100,000.00

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

**Action Agenda**

**Item No.** 6-f

**SUBJECT:** Inter-Faith Council Lease Estoppel Certificate and Standstill Agreement

**DEPARTMENT:** Asset Management Services,  
County Attorney

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

No
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**ATTACHMENT(S):**

- 1) Original Lease
- 2) Proposed Estoppel Certificate and Standstill Agreement
- 3) Southern Orange Campus Map

**INFORMATION CONTACT:**

Jeff Thompson, (919) 245-2658  
John Roberts, (919) 245-2318

**PURPOSE:** To approve an Estoppel Certificate and Standstill Agreement authorizing the North Carolina Housing Finance Agency ("NCHFA") to be notified prior to any changes or modifications within the current Lease and to be recognized as the Tenant within the Inter-Faith Council for Social Service, Inc. ("IFC") Lease in case of a default on an existing loan agreement between NCHFA and IFC, and authorize the Chair to sign.

**BACKGROUND:** IFC is a Tenant in a 25 year Lease Agreement (Attachment 1) with Orange County with regard to the Project HomeStart property located within the Southern Human Services Campus in Chapel Hill. IFC has operated within the terms of the Lease Agreement and is currently in good standing. The NCHFA is a lender to the IFC in the amount of \$150,000 with a 20 year term. This loan originated in 1995, the same time as the Lease with Orange County. IFC is requesting that the loan term be extended for 5 years in order that it would be consistent with the 25 year term of the Lease with Orange County. The loan is secured by a Deed of Trust encumbering Tenant's leasehold interest in the Project HomeStart property.

NCHFA has agreed to the requested term extension of the loan, contingent on the County agreeing to the proposed Estoppel Certificate and Standstill Agreement (Attachment 2). The primary risk to the County is that in the event of a default, the lender would step into the shoes of IFC, the lessee, in which case the County would be leasing a County-owned facility to the lender at the same \$1/year rate.

**FINANCIAL IMPACT:** None. IFC intends to request an extension of the current Lease prior to the June 2020 expiration. IFC intends to request an extension of the loan facility with NCHFA at that time as well. In event of a potential default the County would have to expend funds to avoid the default in order to maintain the status quo.

**RECOMMENDATION(S):** The Manager recommends the Board approve an Estoppel Certificate and Standstill Agreement authorizing the North Carolina Housing Finance Agency ("NCHFA") to be notified prior to any changes or modifications within the current Lease and to be recognized as the Tenant within the Inter-Faith Council for Social Service, Inc. ("IFC") Lease in case of a default on an existing loan agreement between NCHFA and IFC, and authorize the Chair to sign.

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Prepared by:  
and Return to: Geoffrey E. Gledhill, Esquire, P.O. Drawer 1529, Hillsborough, NC 27278

STATE OF NORTH CAROLINA

ORANGE COUNTY

LEASE

9880-00-8527  
7.24.42 ABG

THIS LEASE made and entered into this the 30 day of June, 1995, by and between ORANGE COUNTY, NORTH CAROLINA, hereinafter referred to as "County" and the INTER-FAITH COUNCIL FOR SOCIAL SERVICE, INC., hereinafter referred to as "IFC";

WITNESSETH

County hereby agrees to lease the property described below to IFC upon the following terms and conditions:

1. The Property: The property herein leased is a tract and parcel of land, together with all improvements located thereon, hereafter "the premises" or "the leased premises," located in Chapel Hill Township, Orange County, North Carolina and more particularly described as follows:

that certain tract and parcel of land located in the Town of Chapel Hill, Orange County, North Carolina identified as 3.497 acres of "gross land area" and containing 3.000 acres of "net land area" on the Ballentine & Riley Surveyors plat of survey titled "Lease Boundary Survey for Project Homestart, Property of Orange County, Chapel Hill Township, Orange County, N.C.," which plat is recorded at Plat Book 78, Page 51 of the Orange County Registry. The leased premises is subject to the utility and right of way easements, existing and proposed, shown on the recorded plat referred to here and such other easements, utility and otherwise, as exist of record and prescriptively.

2. The Lease. The Lease will commence on July 1, 1995 and unless sooner terminated as herein provided shall exist and continue for a term of twenty-five (25) years thereafter.

3. Rental. The rental for the use of said premises shall be the sum of ONE DOLLAR (\$1.00) per year, payable on or before each

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anniversary date of this Lease to the order of County, and shall be forwarded to the address hereinafter set forth under "Notices".

4. Acceptance and Use of Premises. IFC agrees to accept the premises as they now exist with no obligation on the part of County to make any improvements thereto. IFC further agrees to use the leased premises only for provision of short-term residential housing opportunities for homeless families, including battered women, and other low-income individuals (hereafter described as "Project Home Start" or "the Project").

5. Taxes. IFC agrees and covenants to pay County for any ad valorem or property taxes, assessments, or public charges on the leased premises, and on any improvements located on the leased premises. Said payment shall be for those taxes, assessments or public charges assessed during the lease term. Said payment shall be made within a reasonable time after County presents IFC a copy of invoices or other suitable documentation but in no event after the due date stated on the invoice or documentation.

6. Operation. The leased premises and the Project shall be operated by IFC entirely free of control and direction of County, subject to the conditions herein contained and any applicable laws, ordinances and regulations, and the relationship herein created is strictly the relationship of Lessee and Lessor, it being understood that the parties are not principal and agent and not partners or joint venturers.

7. Nuisances. IFC agrees not to commit or permit any nuisance on the property hereby leased. IFC further agrees, during

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the lease term, to promptly, at its own expense, comply with the requirements of every applicable statute, law, ordinance, regulation, or order by any federal, state, municipal or other public body, department, commission, bureau, or officer with respect to the use and occupancy of said premises. Provided, IFC may at its own expense contest the validity of any statute, law, ordinance, regulation or order and any non-compliance by IFC during such contest, provided such contest shall be diligently pursued, shall not be deemed a default under this Lease.

8. Assignability. IFC shall not assign, sublet, or license the leased premises without the prior written consent of County, which shall not be unreasonably withheld. County consents to a sublease to the Orange-Durham Coalition for Battered Women, Inc. of that portion of the leased premises and the Project to be used by the Orange-Durham Coalition for Battered Women, Inc. for women who are victims of domestic violence and women with children who are victims of domestic violence. In the event IFC requests and County approves assignment, subletting or licensing of the leased premises, IFC will ensure that its tenant is subject to the same terms and conditions which are reflected in this Lease.

9. Screening. The premises shall be provided with a perimeter landscape zone. This perimeter landscape zone shall be constructed, installed and maintained during the lease term at the sole cost and expense of IFC and shall be as prescribed on the June 16, 1995 R. L. Horvath Associates, Inc. Site Plan drawing titled "Project Homestart, Homestead Road, Chapel Hill, North Carolina,

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Sheet No. C-2," a reduced copy of which is attached hereto as Exhibit A. A full sized, to scale, copy of Exhibit A is maintained on file in the offices of the Orange County Purchasing Director in Hillsborough, North Carolina.

10. Improvements. Subject to such approvals as may be required by County and as may be approved by the Town of Chapel Hill through its Development Ordinance(s), IFC shall have the right and option to construct or cause to be constructed on the premises such structures or other improvements as it deems appropriate for carrying out Project Home Start, and to remove or replace any or all of said structures during the term of this Lease or any renewal thereof, and all said improvements shall remain the property of IFC. During the term of this Lease or any renewals thereof, in making said improvements, IFC shall have the right (except as expressly prohibited by County), consistent with the approved Town of Chapel Hill special use permit modification for the Project, to clear, grade or fill any part of the premises necessary to render said area more usable for IFC purposes within the scope of providing Project Home Start. All improvements to and maintenance of the leased premises shall be solely at IFC's expense.

From and after the time IFC takes possession of the premises it shall be the responsibility of IFC to maintain the premises in a neat, clean and orderly condition at all times. Roadways, parking areas and other access ways on the leased premises shall be maintained by IFC.

Any improvements constructed or provided at the premises and structures not removed by IFC during the lease term shall, upon termination or expiration of the Lease, be the property of County. Provided, however, at the request of County, upon the termination or expiration of the Lease, in the event one or more of the structures on the premises is reasonably determined by County to be uninhabitable because of fire, casualty, failure of maintenance or other cause, including any force majeure, IFC, at its sole expense, shall remove such improvements and structures as County requests and restore the premises to the same and as good condition as at the beginning of the term. This removal and restoration requirement shall not require the replacement of trees removed from the premises when removal has been authorized by this Lease or otherwise by County. Upon the termination or expiration of this Lease, IFC shall clean up the premises, ridding it of any debris, trash, building scraps, etc., in addition to any other restorations, repairs or work necessary to restore the premises to the same and as good condition as at the beginning of the term.

11. Termination of Lease. The leased premises and Project Home Start are the objects of an application for special use permit modification and site plan approval now or shortly to be pending before the Town of Chapel Hill. This Lease terminates upon the happening of the first of one of the following events:

a. The application for special use permit modification is not completed and filed with the Town of Chapel Hill on or before July 1, 1995;

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b. The Town of Chapel Hill denies the application for special use permit modification or the site plan;

c. The Town of Chapel Hill conditions approval of the application for special use permit modification or the site plan with a condition or conditions unacceptable to County;

d. The Town of Chapel Hill revokes approval of the application for special use permit modification or the site plan;

e. There is a fire or casualty loss to one or more of the buildings on the premises rendering it or them uninhabitable and IFC elects not to or is unable to repair or rebuild the uninhabitable building or buildings within a reasonable amount of time, not to exceed twelve (12) months following the loss.

In the event IFC should breach any of the covenants or conditions set forth in the Lease, then and in that event upon 30 days written notice by County, specifying said failure or default, and in the event said failure or default has not been remedied within said 30-day period, County at its election may cause this Lease to terminate.

12. Notices. All notices herein provided to be given or which may be given by either party to the other shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid and addressed as follows:

COUNTY:

County of Orange  
Director of Purchasing and Central Services  
132 East King Street; PO Box 8181  
Hillsborough, NC 27278

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IFC:

Executive Director  
Inter-faith Council for Social Service, Inc.  
207 Wilson Street  
Chapel Hill, NC 27514

Nothing herein contained shall preclude the giving of such written notice by personal service. The address to which notices shall be mailed as aforesaid by either party may be changed by written notice given to such other party by the other as hereinbefore provided.

13. Strict Performance. The failure of either party to insist in any instance upon strict performance of any of the terms and conditions hereinafter set forth shall not be construed as a waiver of the right to insist upon strict performance in any other instance. No modification of any provision hereof and no cancellation or surrender hereof shall be valid unless in writing and signed and agreed to by both parties.

14. Insurance and Indemnity.

a. IFC shall procure and maintain and pay for, at its sole cost and expense, insurance coverage insuring itself against loss of, or damage to, the buildings to be located on the leased premises by reason of fire or other casualty. Such insurance coverage shall be obtained and maintained at at least 80% of the replacement value of the structures located on the premises. IFC shall keep in force, at its sole cost and expense, fire and extended coverage insurance and against vandalism and malicious mischief, covering IFC's fixtures, furnishings, equipment,

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inventory and contents located on the premises in the full replacement value thereof.

b. IFC shall, at IFC's sole expense, obtain and keep in full force during the term of this Lease a Comprehensive Public Liability policy with limits of \$1,000,000 for personal injury or death and \$300,000 for property damage. County shall be named as an additional insured to the extent of its interest in this Lease. IFC shall deliver said policy or a certificate of insurance to County together with evidence of full payment of premiums within two weeks of execution of this Lease and thereafter during the lease term shall provide County with evidence of continued coverage.

IFC shall indemnify and hold harmless County from and against any and all claims arising from IFC's use of the premises, or from the conduct of IFC's business or from any activity, work or things done, permitted or suffered by IFC in or about the premises or elsewhere.

15. Parties. This Lease shall be binding and shall insure to the benefit of the parties and their successors and assigns.

16. Entire Agreement; Waiver. This Lease contains the entire agreement of the parties and there are no representations, inducements, or other provisions other than those expressed in writing. All changes, additions, or deletions hereto must be in writing and signed by the parties. Any provision of this Lease found to be prohibited by law shall be ineffective to the extent of such prohibition without invalidating the remainder of this Lease.

The waiver by IFC or County of any breach by the other of any term, covenant, or condition hereof shall not operate as a waiver of any subsequent breach thereof.

IN WITNESS THEREOF, this Lease agreement has been duly executed by the parties as of the date first written above.



Inter-Faith Council for Social Service, Inc.

Witness:

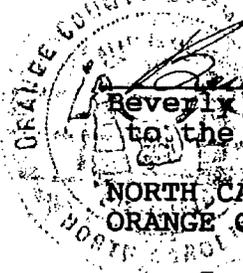
By: Peggy Pallitav, President

Dorothy Mullen, Secy.

Orange County, North Carolina

Witness:

By: Moses Carey, Jr.  
Moses Carey, Jr., Chair, Orange County Board of Commissioners



Reverly A. Blythe  
Clerk to the Board

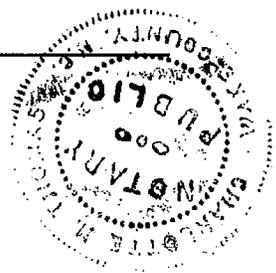
NORTH CAROLINA  
ORANGE COUNTY

I, Charlotte H. Thomas, a Notary Public for said County and State, certify that Dorothy Mullen personally came before me this day and acknowledged that he/she is Secretary of Inter-Faith Council for Social Service, Inc., a corporation, and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by himself/herself as its Secretary.

Witness my hand and official seal, this the 6th day of July, 1995.

Charlotte H. Thomas  
Notary Public

My commission expires: 10-2-96

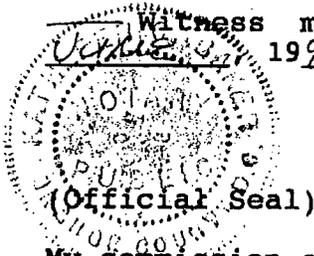


BOOK 1579 PAGE 161

NORTH CAROLINA  
ORANGE COUNTY

I, Kathleen C. Baker, Notary Public for said County and State, certify that Beverly Blythe personally came before me this day and acknowledged that she is Clerk to the Board of Commissioners of Orange County, and that by authority duly given and as the act of Orange County, the foregoing instrument was signed in its name by Moses Carey, Jr., Chair, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official seal, this 28 day of October 1995.



Kathleen C. Baker  
Notary Public

My commission expires:

12/22/98

lsg\home3\intrfth.lea

FILED  
02 MAY 1997, at 12:12:18pm  
Book 1579, Page 152 - 162  
Betty June Hayes,  
Register of Deeds,  
Orange County, N. C.

NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate(s) of Charlotte H. Thomas and Kathleen C. Baker,

~~Notary (or Notaries) Public of the designated Governmental units~~ is (are) certified to be correct. Filed for registration

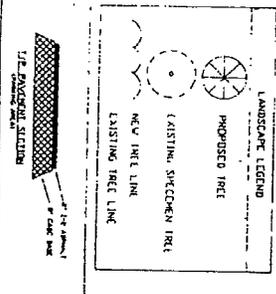
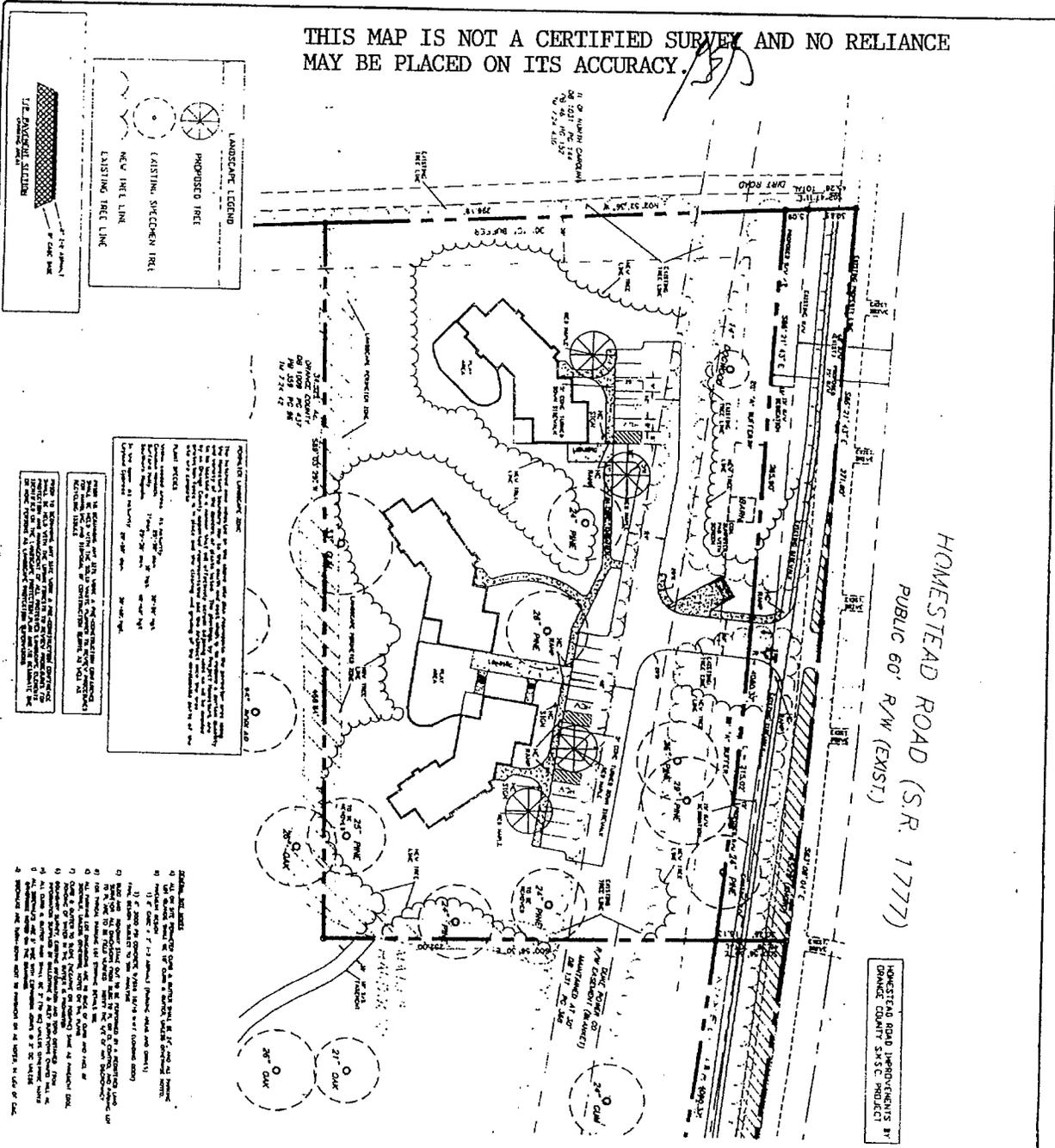
this the 2nd day of May 19 97 at 12:12:18 o'clock, P.M.

in Record Book 1579 Page 152

Return: \_\_\_\_\_

By: Priscilla D. Masi  
Assistant/Deputy  
Register of Deeds

THIS MAP IS NOT A CERTIFIED SURVEY AND NO RELIANCE MAY BE PLACED ON ITS ACCURACY.

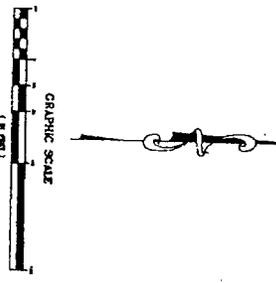


**CONTRACTOR'S NOTES:**

1. Verify all dimensions and locations of existing trees and structures before construction.
2. All proposed trees shall be planted in accordance with the landscape plan.
3. Existing trees to be preserved shall be clearly marked and protected during construction.
4. All trees shall be watered and mulched after planting.
5. The contractor shall be responsible for obtaining all necessary permits for tree removal or preservation.
6. All work shall be completed within the specified time frame.
7. The contractor shall maintain access to all adjacent properties at all times.
8. All materials and equipment shall be stored in designated areas.
9. The contractor shall be responsible for site cleanup and removal of all construction debris.
10. All work shall be done in accordance with all applicable codes and regulations.

**GENERAL NOTES:**

1. This plan is based on the information provided by the client and is not a certified survey.
2. The contractor shall be responsible for verifying all dimensions and locations of existing trees and structures.
3. All proposed trees shall be planted in accordance with the landscape plan.
4. Existing trees to be preserved shall be clearly marked and protected during construction.
5. All trees shall be watered and mulched after planting.
6. The contractor shall be responsible for obtaining all necessary permits for tree removal or preservation.
7. All work shall be completed within the specified time frame.
8. The contractor shall maintain access to all adjacent properties at all times.
9. All materials and equipment shall be stored in designated areas.
10. The contractor shall be responsible for site cleanup and removal of all construction debris.
11. All work shall be done in accordance with all applicable codes and regulations.



**LAND AREA:**  
GROSS LAND AREA: 3,307 SQ. FT.  
NET LAND AREA: 2,800 SQ. FT.

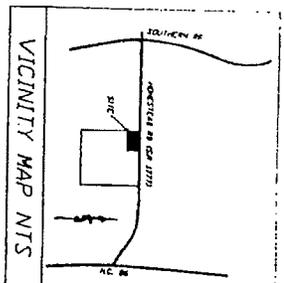
**BUILDING SUMMARY:**  
TOTAL BLDG AREA: 1,600 SQ. FT.  
PARKING SPACES: 15  
VAN SPACES: 3  
VAN HOODS: 3

**PLANTING SUMMARY:**  
28' PINE: 10  
27' OAK: 10  
26' OAK: 10

**PROPOSED IMPROVEMENTS:**  
2025-2027

**DATE OF PREPARATION:**  
2025-2027

**DESIGNED BY:**  
RL Horvath Associates, Inc.



	<b>ENGINEER</b> RL Horvath Associates, Inc. 2 CENTRAL TARI PLACE #2107 • P.O. BOX 51806 DURHAM, NC 27711-0180 FAX 410-8955	<b>PLANNER</b> PROJECT HOMESTART HOMESTEAD ROAD CHAPEL HILL, NORTH CAROLINA	
	<b>SITE PLAN</b>	<b>PROJECT HOMESTART</b> HOMESTEAD ROAD CHAPEL HILL, NORTH CAROLINA	

DATE: 09/26/05  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: AS SHOWN  
 SHEET: C-2

## Attachment 2

## ESTOPPEL CERTIFICATE AND STANDSTILL AGREEMENT

November 18, 2014

For good and valuable consideration, ORANGE COUNTY, NORTH CAROLINA (“Landlord”) hereby makes the following certifications to and agreements with and for the benefit of North Carolina Housing Finance Agency (“NCHFA”) in connection with a \$150,000.00 loan by NCHFA to Inter-Faith Council for Social Service, Inc., a North Carolina non-profit corporation (“Tenant”), which is secured by a Deed of Trust encumbering Tenant’s fee and leasehold interest in property which is located at 2505 Homestead Drive in the Town of Chapel Hill, Orange County, North Carolina and is known as Project Home Start (the “Project”):

1. Tenant and Landlord have entered into that certain Ground Lease (“Lease”) pertaining to the Project which is dated June 30, 1995.
2. The Lease is for the entire Project (“Demised Premises”), including approximately 3.497 acres upon which the buildings of the Project are located.
3. The Lease has not been modified or amended except by the following documents (if none, so state): None.
4. The initial term of the Lease commenced on July 1, 1995, and shall expire on July 1, 2020 . Tenant has the following option to renew or extend the term of the Lease (if none, so state): None.
5. The Lease, as it may have been modified or amended, contains the entire agreement of Landlord and Tenant with respect to the Demised Premises, and is in full force and effect.
6. As of the date hereof, Tenant is paying rent on a current basis under the Lease in the amount of \$1.00 annually.
7. To the best of Landlord’s knowledge, no default on the part of Tenant exists under the Lease in the performance of the terms, covenants and conditions of the Lease required to be performed on the part of Tenant.
8. Landlord has not received notice of any assignment, hypothecation, mortgage or pledge of Tenant’s interest in the Lease or the rents or other amounts payable thereunder, except as follows (if none, so state): None.
9. Landlord agrees that it will send written notice of any defaults under the Lease to NCHFA at the same time that it sends such notice to Tenant and that notwithstanding the terms of the Lease, Landlord shall not pursue its remedies under the Lease for Tenant default without giving NCHFA such written notice and 10 business days to cure a monetary default and 30 days to cure a non-monetary default (or if such default cannot reasonably be cured within 30 days, a reasonable time to cure). If in NCHFA’s reasonable estimation NCHFA needs to foreclose under its Deed of Trust, Landlord will give NCHFA time to complete such foreclosure before pursuing its remedies under the Lease.

10. If NCHFA succeeds to the interest of Tenant under the Lease, either by foreclosure or deed/assignment in lieu of foreclosure, Landlord will recognize NCHFA as the tenant under the Lease.

11. Landlord shall not agree to a termination or modification of the Lease without NCHFA's prior written consent. NCHFA (or any successor transferee in the event of a foreclosure or deed/assignment in lieu of foreclosure) will not be bound by any modifications to the Lease made without NCHFA's written consent.

12. The provisions of NCHFA's loan documents shall control distribution of any proceeds or awards made to Tenant or regarding the Premises in the event of a casualty or condemnation.

13. By signing below, the Landlord acknowledges receipt and approval of the Modification of Promissory Note, Deed of Trust and Declaration by and between Tenant and NCHFA.

14. The individual signing below is authorized to execute this Estoppel Certificate and Standstill Agreement on behalf of Landlord.

IN WITNESS WHEREOF, Landlord has caused this instrument to be executed by authority duly given.

LANDLORD:  
ORANGE COUNTY, NORTH CAROLINA

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that s/he is the \_\_\_\_\_ of \_\_\_\_\_, a North Carolina limited liability company, and that by authority duly given and as an act of \_\_\_\_\_, on behalf of \_\_\_\_\_, the foregoing instrument was signed under seal in its name.

Witness my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

# Attachment 3 SOUTHERN ORANGE CAMPUS MAP



**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

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

**SUBJECT:** Comprehensive Plan and Unified Development Ordinance (UDO) Amendment  
Outline and Schedule for the February 2015 Quarterly Public Hearing

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**DEPARTMENT:** Planning and Inspections

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

No

**ATTACHMENT(S):**

Amendment Outline for Temporary  
Health Care Structures  
(UDO/Zoning 2014-13)

**INFORMATION CONTACT:**

Ashley Moncado, Planner II, 919-245-  
2589  
Craig Benedict, Planning Director, 919-  
245- 2592

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**PURPOSE:** To consider and approve process components and schedule for a government initiated Unified Development Ordinance (UDO) text amendment for the February 2015 Quarterly Public Hearing regarding temporary health care structures.

**BACKGROUND:** On August 1, 2014 the North Carolina General Assembly adopted regulations modifying the review and permitting of temporary health care structures. As a result, the proposed amendment will modify sections of the UDO regarding temporary structures related to custodial care in order to be consistent with Session Law 2014-94.

**FINANCIAL IMPACT:** Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2014-15 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

**RECOMMENDATION(S):** The Manager recommends the Board approve the attached Amendment Outline form and direct staff to proceed accordingly.

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

UDO / Zoning-2014-13

Temporary Healthcare Structures

## A. AMENDMENT TYPE

### Map Amendments

- Land Use Element Map:  
From:  
To:
- Zoning Map:  
From:  
To:
- Other:

### Text Amendments

- Comprehensive Plan Text:

Section(s):

- UDO Text:

- UDO General Text Changes  
 UDO Development Standards  
 UDO Development Approval Processes

Section(s): Section 5.2.1, Table of Permitted Uses  
Section 5.4.4, Temporary Use of a Residential Mobile Home  
Section 10.1, Definitions

- Other:

## B. RATIONALE

### 1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated text amendment(s) to incorporate recent changes in State Law, specifically Session Law 2014-94, related to the review and permitting of temporary health care structures. Session Law 2014-94, adopted August 1, 2014, defines a temporary

health care structure as a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that is primarily assembled at a location other than its site of installation, is limited to one occupant who shall be the mentally or physically impaired person, has no more than 300 gross square feet, and complies with the North Carolina State Building Code.

The Session Law modifies standards related to the placement of a temporary health care structure including, but are not limited to, the following:

1. Only one temporary health care structure shall be allowed on a lot or parcel of land.
2. Temporary health care structures shall not require a Special Use Permit or be subjected to any other local zoning regulations beyond those imposed upon other accessory use structures.
3. Temporary health care structures shall comply with all setback requirements and any maximum floor area ratio limitations that apply to the primary structure.
4. Any person proposing to install a temporary health care structure must obtain a permit and may be charged a fee up to \$100 and a yearly renewal fee up to \$50.
5. A temporary health care structure may be required to connect to water, sewer, and electric utilities and comply with all applicable state laws, local ordinances, and additional regulations.
6. No signage shall be permitted onsite or on the exterior of the temporary health care structure.
7. All temporary health care structures shall be removed within 60 days in which the physical or mentally impaired person is no longer receiving care or is no longer in need of assistance.

Based on regulations set forth in Session Law 2014-94, the proposed amendment will modify sections of the UDO regarding temporary structures for custodial care in order to be consistent with Session Law. A copy of Session Law 2014-94 can be found at the end of this form.

**1. Analysis**

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

The amendments are necessary to ensure the permitting of a temporary health care structure is consistent with recent changes in State Law. Additional analysis will be included with the quarterly public hearing materials.

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

3. **New Statutes and Rules**

Session Law 2014-94 *An Act Relating To Zoning Provisions For Temporary Health Care Structures*

**C. PROCESS**

1. **TIMEFRAME/MILESTONES/DEADLINES**

- a. BOCC Authorization to Proceed

November 18, 2014

- b. Quarterly Public Hearing

February 19, 2015

- c. BOCC Updates/Checkpoints

January 22, 2015 – Approve legal advertisement for the February 2015 Quarterly Public Hearing  
February 19, 2015 – Quarterly Public Hearing  
April 7, 2015 – Receive Planning Board recommendation

- d. Other

2. **PUBLIC INVOLVEMENT PROGRAM**

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

- a. Planning Board Review:

December 3, 2014 – Ordinance Review Committee  
March 4, 2015 – Recommendation to the BOCC

- b. Advisory Boards:

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

- c. Local Government Review:

Draft text will be sent to JPA partners  
prior to the public hearing.

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

- d. Notice Requirements

Consistent with NC State Statutes – legal ad prior to public hearing

- e. Outreach:

General Public: \_\_\_\_\_

Small Area Plan Workgroup: \_\_\_\_\_

Other: Other County Departments that may be interested or affected will be notified, including Aging, Health, Social Services, Emergency Services, and Tax/Land Records

**3. FISCAL IMPACT**

Consideration and approval will not create the need for additional funding for the provision of county services. Costs for the required legal advertisement will be paid from FY2014-15 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

**D. AMENDMENT IMPLICATIONS**

Language within the Unified Development Ordinance will be consistent with recent modification to State Law.

**E. SPECIFIC AMENDMENT LANGUAGE**

Will be available with the quarterly public hearing materials.

**Primary Staff Contact:**

Ashley Moncado

Planning Department

919-245-2589

amoncado@orangecountync.gov

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

SESSION LAW 2014-94  
HOUSE BILL 625

AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 3 of Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

**"§ 153A-341.3. Zoning of temporary health care structures.**

A county exercising powers under this Article shall comply with G.S. 160A-383.5."

**SECTION 2.** Part 3 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-383.5. Zoning of temporary health care structures.**

(a) The following definitions apply in this section:

- (1) Activities of daily living. – Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- (2) Caregiver. – An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
- (3) First or second degree relative. – A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.
- (4) Mentally or physically impaired person. – A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
- (5) Temporary family health care structure. – A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

(b) A city shall consider a temporary family health care structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.

(c) A city shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.

(d) Only one temporary family health care structure shall be allowed on a lot or parcel of land. The temporary family health care structures under subsections (b) and (c) of this section shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structures, except as



otherwise provided in this section. Such temporary family health care structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.

(e) Any person proposing to install a temporary family health care structure shall first obtain a permit from the city. The city may charge a fee of up to one hundred dollars (\$100.00) for the initial permit and an annual renewal fee of up to fifty dollars (\$50.00). The city may not withhold a permit if the applicant provides sufficient proof of compliance with this section. The city may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. The evidence may involve the inspection by the city of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation, and annual renewal of the doctor's certification.

(f) Notwithstanding subsection (i) of this section, any temporary family health care structure installed under this section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances, and other requirements, including Part 5 of this Article, as if the temporary family health care structure were permanent real property.

(g) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

(h) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.

(i) The city may revoke the permit granted pursuant to subsection (e) of this section if the permit holder violates any provision of this section or G.S. 160A-202. The city may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. 160A-202.

(j) Temporary family health care structures shall be treated as tangible personal property for purposes of taxation."

**SECTION 3.** G.S. 130A-250 is amended by adding a new subdivision to read:

"(14) Temporary family health care structures under G.S. 153A-341.3 or G.S. 160A-383.5."

**SECTION 4.** G.S. 131D-2.1(10) reads as rewritten:

"(10) Multiunit assisted housing with services. – An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multiunit assisted housing with services programs are required to register annually with the Division of Health Service Regulation. Multiunit assisted housing with services programs are required to provide a disclosure statement to the Division of Health Service Regulation. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

- a. Emergency response system;
- b. Charges for services offered;
- c. Limitations of tenancy;

- d. Limitations of services;
- e. Resident responsibilities;
- f. Financial/legal relationship between housing management and home care or hospice agencies;
- g. A listing of all home care or hospice agencies and other community services in the area;
- h. An appeals process; and
- i. Procedures for required initial and annual resident screening and referrals for services.

Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the General Statutes, and temporary family health care structures, as defined in G.S. 160A-383.5, are exempt from the regulatory requirements for multiunit assisted housing with services programs."

**SECTION 5.** G.S. 160A-442(2) reads as rewritten:

"(2) "Dwelling" means any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose. Temporary family health care structures, as defined in G.S. 160A-383.5, shall be considered dwellings for purposes of this Part, provided that any ordinance provision requiring minimum square footage shall not apply to such structures."

**SECTION 6.** If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

**SECTION 7.** This act becomes effective October 1, 2014, and applies to temporary family health care structures existing on or after that date. No county or city may impose a fee as authorized by Section 1 and Section 2 of this act on any temporary family health care structure existing on that date.

In the General Assembly read three times and ratified this the 25<sup>th</sup> day of July, 2014.

s/ Tom Apodaca  
Presiding Officer of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 11:55 a.m. this 1<sup>st</sup> day of August, 2014

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

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

**SUBJECT:** Proposed Orange County Parks and Recreation Master Plan 2030

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**DEPARTMENT:** Department of Environment,  
Agriculture, Parks and  
Recreation (DEAPR)

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

No
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**ATTACHMENT(S):**

Supplemental Report

Draft Master Plan – Under Separate Cover  
Also Available  
at [http://orangecountync.gov/deapr/park\\_sandfacilities.asp](http://orangecountync.gov/deapr/park_sandfacilities.asp) (Note: Summary of the Plan is Chapter 1)

**INFORMATION CONTACT:**

David Stancil, 245-2510  
P&R Master Plan Team  
Parks and Recreation Council

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**PURPOSE:** To consider adoption of the Orange County Parks and Recreation Master Plan 2030.

**BACKGROUND:** In July 1988, the County adopted its first Recreation and Parks Master Plan (also known as the Parks and Recreation Element of the Orange County Comprehensive Plan). Designed as a 20-year plan, the 1988 Master Plan identified a vision and plan for a parks system in Orange County, which included the acquisition and construction of parks and recreation centers at strategically-identified locations around the County. While the County continued to offer recreation programs for County residents, the acquisition and construction of planned parks did not begin in earnest until the late-1990's. Bond referenda passed by County voters in 1997 and 2001 funded many of the planned improvements and park site acquisitions envisioned in 1988. Most of the parks identified in the 1988 plan have now been constructed and/or acquired.

In late 2008, the Orange County Comprehensive Plan 2030, which included the goals and objectives for the plan, was adopted. This document set the stage for the process to update the 1988 Plan. While many of the values and basic precepts of the 1988 Master Plan remain valid, there have been substantial changes in the County since that time, requiring a new comprehensive review and assessment. Additionally, having a recent master plan is a vital consideration for grant agencies such as the NC Parks and Recreation Trust Fund; and for addressing possible changes to the County's payment-in-lieu system.

After delays due to the economic downturn and other pressing projects, work toward the new master plan began in earnest in the spring of 2012. The new master plan process was

developed and coordinated by staff with the advice and direction of the Parks and Recreation Council. A new Community Needs Assessment (survey) was conducted by UNC-Greensboro, along with issue papers on tourism, economic development and standards. This staff-based approach was chosen to provide a product with a more-local flavor and at considerably lower cost, but it also acknowledged a longer timeframe for completion. The Community Needs Assessment (CNA) survey was conducted, with supplemental assessments solicited as well as a series of topic-oriented focus groups. An initial draft master plan was created by staff and the Parks and Recreation Council. Staff involved in this project includes a Master Plan Team comprised of staff members from DEAPR, and an inter-departmental Staff Resources Group with representatives from a variety of other County departments.

After a round of community input sessions, a public hearing on the draft Master Plan was held on June 3 of this year. The draft Master Plan covers a great deal of territory and includes both an inventory and assessment of existing facilities, as well as plans for the future based on surveys, studies and other work. The plan includes sections on:

- Overview of existing and past plans
- Inventory and assessment of current and planned future facilities
- Existing recreation programs and activity
- Demographics and other driving factors
- A multi-modal Community Needs Assessment and survey results
- Linkages to the 2030 Comprehensive Plan and other County and related parks plans
- Economic, health and environmental impacts of parks and recreation programs
- Summary of park standards, classifications, service areas and plan “Findings”
- Goals, objectives and plan recommendations
- Issues for further study

In general, the draft 2030 Master Plan focuses on protecting the substantial investment made in parks and recreation facilities in the past 15 years, and moving toward creation of the identified and planned parks acquired but not yet built. By virtue of having a very proactive land acquisition program for parks, the County is well “ahead of the curve” in terms of securing parkland in identified locations. However, important decisions are on the horizon concerning community centers, playing field surfaces, coordination with private and local non-profit organizations, and other matters as noted. Chapter 9 of the plan includes a review of standards and service delivery, and a set of 20 “findings” drawn from the plan and activities to date.

Chapter 10 reiterates the Comprehensive Plan goals and objectives, and offers a series of nine (9) recommendations beginning on page 10-5. The recommendations cover the following topics:

- Protecting existing investments in park and open space facilities;
- Building planned future parks over the next 10 years;
- Complete three nature preserves with public accessible-areas;
- Multi-partner parks and recreation capital facilities;
- Master Plan for the Orange County Mountains-to-Sea Trail (MST) segment;
- Build trails and connect open spaces;
- Improve access and incorporate healthy lifestyle design into parks and open spaces;
- Look at new program needs, identify partnerships;
- Examine the role of community centers in providing public recreation.

After the public hearing, the master plan was conveyed to several advisory boards for review and comment. Three boards received presentations on the plan and provided comment, which was shared with the Parks and Recreation Council (PRC) on October 1. The Board of Commissioners also identified a number of topics and questions at the June public hearing. These topics, the plan recommendations and issues for further study are addressed in the attached Supplemental Report, which serves as a follow-up document to address these issues raised.

The Supplemental Report covers the following topical areas from the plan and the Board's June 3 discussion:

- Prioritizing planned parks and recreation facilities
- Plans to address "Recommendations" and "Issues for Further Study"
- Additional Community Outreach
- Schedule for Completing Future Park Concept Plans
- The County portion of the Greene Tract; Coordination with Hillsborough on baseball fields, and potential for trail network and connectivity

**FINANCIAL IMPACT:** There is no financial impact associated with adoption of the Master Plan. Funding decisions for future capital investments and facilities addressed in the plan would occur through the existing budget and Capital Investment Plan (CIP) processes. The plan's identified capital investments for parks and recreation facilities are consistent with the adopted CIP, with the exception of some future renovations, repairs and replacement costs, a portion of which are in the current CIP. The remainder of the projects would be proposed in the upcoming CIP, and evaluated and considered as part of future CIP and budget approval processes each year.

**RECOMMENDATION(S):** The Manager recommends that the Board review the Master Plan and supplemental report, and after providing any needed feedback, revision or direction, adopt the Orange County Parks and Recreation Master Plan 2030, with future actions consistent with the plan to be brought back to the Board for action according to funding and park planning timetables.

## Supplemental Report

### Orange County Parks and Recreation Master Plan 2030

November 18, 2014

At the June 3, 2014 public hearing, the Board of Commissioners requested staff bring back additional information in several areas for use in considering the new master plan.

#### Topical Area 1 – Prioritize Planned Parks and Recreation Facilities

Included in the current adopted FY 2014-19 Capital Investment Plan (CIP) are four new parks, five future phases of existing parks, two nature preserve access areas, one trail, and funding for the acquisition of land for future parks and public open spaces (including some of the CIP projects). Over the coming decade, a number of park improvements and facility replacements have also been identified.

In the last three months, staff has researched prior system master plans and parks reports, CIP's and other related plans, as well as projected future activity and potential partnerships for these projects. Staff has also discussed prioritization with the Parks & Recreation Council (PRC) and the Intergovernmental Parks (IP) Work Group.

Based on this analysis, the following table shows a newly-prioritized list of projects from Table 10-1 of the draft Parks & Recreation Master Plan 2030:

Priority	Project	Proj Total Cost	Possible Outside \$*	Timeframe
1	Blackwood Farm Park	\$2,300,000	???	2017-2018
1A	River Park	\$250,000	\$50,000**	2016
2	Millhouse Road Athletics Complex	\$6,500,000	Up to \$3,500,000	2017-2018
3	Soccer.com Soccer Center – Phase 2	\$6,150,000	???	2018-2019
4	Parks and Public Open Space Land Acquisition	\$2,500,000	\$800,000**	2016-2021
4A	Mountains-to-Sea Trail	\$500,000	\$250,000	2015-2024
5	New Hope Preserve (Hollow Rock Public Access)	\$650,000	\$450,000**	Ongoing – 2020
6	Northeast Orange Park	\$8,000,000	\$1,000,000**	2020
7	Twin Creeks Park – Phase 2	\$8,000,000	\$2,000,000**	2020-21
8	Bingham District Park	\$8,000,000	\$500,000*	2022
9	Upper Eno Nature Preserve	\$880,000	\$225,000**	2022
10	Little River Park & Natural Area – Phase 2	\$425,000	\$275,000**	2022
11	Cedar Grove Park – Phase 2	\$1,600,000	\$500,000*	2022

\* - Projected portion of the cost that may be provided by partner or grant funds. Timing impacts how many projects may get funds.

\*\* - It is expected that grants and/or funding from partners will be pursued and leveraged for these projects. Exact amounts are not known, these are estimates from staff on potential funding. Decisions were made on which projects might be most-likely to receive funding from grant sources, and which would be least likely, based on current knowledge. Projects may also be further phased.

Projects in gray shading may be able to be funded from pay-as-you-go (PAYG) revenues. The other projects would likely require some type of debt issuance.

## Topical Area 2 – Plans to Address “Recommendations” and “Issues for Further Study”

The draft Master Plan includes a series of recommendations and several “issues for further study.” The Board asked for elaboration on how these might be addressed. The following table outlines in brief some thoughts on steps going forward, if the adopted master plan includes these items.

Item	Action Proposed	Timeframe
Recommendation 1 (Investment in Parks/OS)	Renovation and construction of facilities through the CIP	2015-2025 and beyond
Recommendation 2 (Build Planned Parks)	Construction of new facilities through the CIP	2015-2025
Recommendation 3 (Nature Preserves, Trails)	Acquisition/protection of remaining conservation lands, construct and open trails & public access	2015-2025 and beyond
Recommendation 4 (Joint Capital Facilities Funding Structure)	Look at possible joint capital funding models, work with other partners, complete partnership template	2015-2017
Recommendation 5 (MST Master Plan, Creation)	Work with State Parks to complete more-detailed master plan for MST. Identify segments for construction/access, and trail “nodes”	2017-2025 and beyond
Recommendation 6 (Connect Open Spaces)	Build trails through planned parks and trails, look at new opportunities with other jurisdictions	2017-2025
Recommendation 7 (Improve Access, Healthy Lifestyles Design)	Address through future concept planning and public transportation, incorporate healthy living more fully into design.	2017-2025 and beyond
Recommendation 8 (Program Needs, Partnerships)	Follow-up surveys to clarify interests, develop programs and work with partners (SportsPlex management, schools, local governments, non-profits)	2015-2017
Recommendation 9 (Role of Community Ctrs)	Develop level of service, types of programs for community centers through space study and community dialogue	2014-15
Further Study Issue A (Level of Service)	Further discussion with Board and manager on desired level of service	2015
Further Study Issue B (Land Dedication/P-i-L)	Work with Planning Department to have new analysis of dedication/PIL system	2015-16
Further Study Issue C (SportsPlex coordination)	Meet with SportsPlex management to develop integrated programming plan	2015-16
Further Study Issue D (Public Pool Need?)	Additional surveys to determine nature of need/interest. Discuss as part of capital plans	2015
Further Study Issue E (Updates to Plan)	Plan for a new Community Needs Assessment survey in 2018, master plan updates in 2024	2017-24
Further Study Issue F (Artificial Turf Fields)	Prepare working paper for BOCC on plans for artificial turf, incorporate into CIP as needed	2015 and beyond

## Topical Area 3 – Additional Community Outreach

As noted in the draft Master Plan, minority categories were under-represented in the Community Needs Assessment survey. This is, unfortunately, an all-too-common occurrence for such surveys, for a variety of reasons that are well-documented.

Staff has attempted to augment this situation by doing targeted follow-up surveys at community events, using existing minority groups or organizations. The results have had mixed success. The percentage of African-American responses, while still below the ratio of the county population, has been increased. Other efforts to solicit other minority responses, however, have had mixed success. In one case, 40 surveys (both English and Spanish) with self-addressed and stamped envelopes for return were provided to a Hispanic/Latino nutrition group, but none of the surveys were returned.

However, staff was recently able to meet with a Latino parent group at a local elementary school, and gained valuable feedback on their interests in park facilities, programs and accessibility. Staff also recently engaged with approximately 50 parents at another local school in Hillsborough (approximately 80% minority parents) and gained feedback on park and recreation interests and needs.

Staff is continuing to solicit survey responses within the African-American, Asian-American and Hispanic/Latino communities, including the following:

- Working with a Korean church in Chapel Hill to solicit feedback.
- Continuing to provide surveys at Movies in the Park and other Hispanic/Latino community events.
- Asking for assistance from African-American community groups to distribute surveys with return stamped envelopes.

#### Topical Area 4 – Plans for Future Park Concept Plans<sup>1</sup>

Based on the prioritization schedule in section one of this document, and the projected potential for funding, partnerships and grants, staff recommends that outstanding park concept plans be prepared in the following sequence:

<b>Park Concept Plan</b>	<b>Timeframe for Concept Plan</b>
Millhouse Road Park	Fall 2014 – Spring 2015
Northeast District Park	Spring 2015 – Winter 2015
Mountains-to-Sea Trail (Orange County)	Summer 2015 – Winter 2015 (upon conclusion of State Parks master planning effort currently underway)
Upper Eno Preserve	Ongoing

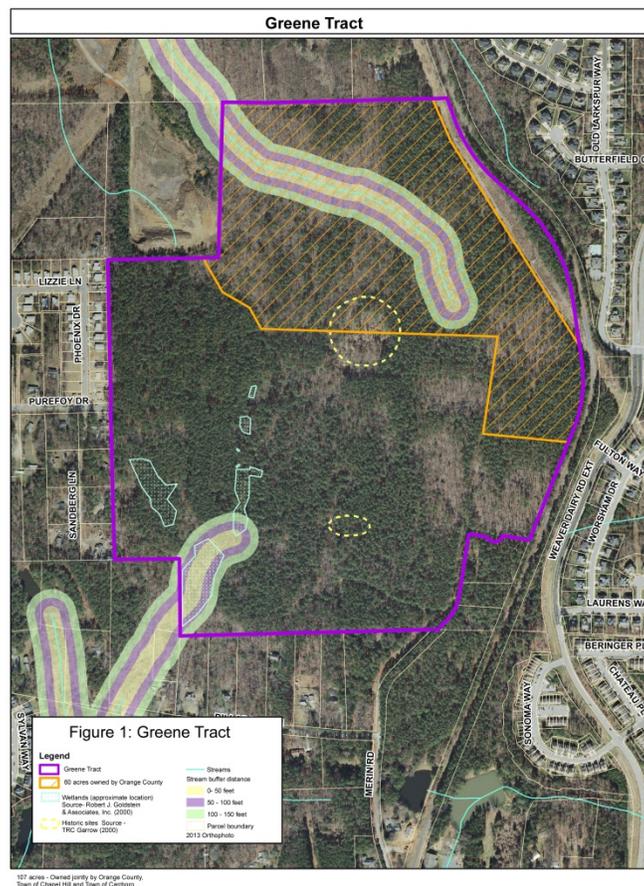
#### Topical Area 5 – Potential to Include Greene Tract (OC part) in Plan

The Greene Tract is a 165-acre property located in Chapel Hill jurisdiction abutting the former County landfill, the University railroad spur, the Purefoy Road community and Marin and Billabong Lane neighborhoods. While originally purchased as a solid waste

<sup>1</sup> Because of the confusion between individual park “master plans,” and the system “master plan” staff proposes to return to the prior terminology for developing a plan for individual parks by using the term “concept plan” going forward. This term more accurately describes the nature of the product of park planning efforts.

asset, the property was partitioned at the time the County took over solid waste management into a 60-acre parcel deeded to Orange County, and a 105-acre parcel that has been purchased from the Solid Waste Enterprise Fund by the towns of Chapel Hill and Carrboro and Orange County.

A question was raised at the public hearing on whether the 60-acre portion owned by Orange County should be designated parks or public open space, and so reflected in the master plan. The County's only official statement on the future use of the 60 acres was a 2000 letter from the Chair of the Board of Commissioners to the mayors of Chapel Hill and Carrboro indicating an expectation that the land would be kept as open space. A Greene Tract Master Planning effort took place in 2002 for the 105-acre jointly owned portion.



Staff has not listed the 60-acre County parcel as open space since it is still officially a Solid Waste asset, requiring “purchase” from the Solid Waste Enterprise Fund based on a formula in the Solid Waste interlocal agreement using purchase price and interest (over almost 30 years). As was done by the three jurisdictions for the 105-acre portion, the County would have to buy back the 60-acre portion. The estimated cost for this purchase as of October 1, 2014 is **\$752,107**. Buy-back could be funded over multiple fiscal years if desired (as was done for the 105-acre portion by the three jurisdictions).

The Board may wish to discuss whether to have this property evaluated by Lands Legacy staff for parks/public open space uses, and whether and how to address the potential repayment to the Solid Waste Enterprise Fund – if desired.

### Topical Area 6 – Possible Coordination with Town of Hillsborough on Baseball/Softball Fields

Town and County staff have met to discuss the potential loss of HYAA baseball/softball fields in Hillsborough to development and to accommodate the future Amtrak train station, and opportunities for replacement of these fields for community and non-profit league usage. A few opportunities may exist for acquiring new sites for fields, and these possibilities will be reported to the Board at a future date.

### Topical Area 7 – Potential for Expansion of Trail Network and Connectivity

Based on comments at the June 3 public hearing, staff was asked to look at the long-term potential for an expansion of trail networks and connectivity among trails in the county.

At present, Orange County operates one greenway segment (Jones Creek Greenway, at the future Twin Creeks Park north of Carrboro), has several miles of trails at individual park sites (such as Little River Regional Park and Natural Area and Cedar Grove Park), and is establishing several more miles of natural surface trails (at Blackwood Farm Park and the Seven Mile Creek Public Access at Upper Eno Preserve). There have been previous discussions by the County, Town of Chapel Hill, and Duke Forest about linking trails that would connect Town of Chapel Hill greenways through the former landfill property, the future Millhouse Road Park and Town of Chapel Hill Operations Center – to the Duke Forest trails and the Triangle Land Conservancy's Johnson Mill Preserve on the east side of Interstate 40. Completing this connection would require the concurrence of several private property owners, institutions, and the NCDOT.

The N.C. Mountains-to-Sea Trail (MST) is also planned to traverse Orange County, eventually from the Haw River Trail at the southwest corner of the county, northwest through OWASA-owned lands at Cane Creek Reservoir, thence to the Upper Eno Preserve (Seven Mile Creek) and to Oconeechee Mountain State Natural Area, where it will connect with the Hillsborough Riverwalk, historic landmarks, and Eno River State Park as it heads east to Durham. This extensive effort – while an important project – will require multiple years to complete. The State Parks office is currently beginning a Master Plan effort for the MST through the Piedmont, to culminate in an official master plan in the summer of 2015. County and town staff and the public are participating in this effort.

One of the follow-up items in the County's MST Master Plan would be the evaluation of any longer-term trail connectivity.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** November 18, 2014

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

**SUBJECT:** Buckhorn-Mebane Phase 2 Utilities – Transfer of Ownership to City of Mebane

**DEPARTMENT:** Planning, Manager's Office,  
Attorney's Office

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

No
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**ATTACHMENT(S):**

- 1) System Map
- 2) Utility Dedication Form

**INFORMATION CONTACT:**

Craig Benedict, Planning, (919) 245-2592

Bonnie Hammersley, County Manager  
(919) 245-2300

John Roberts, Attorney's Office, (919)  
245-2318

Kevin Lindley, Planning, (919) 245-2583

**PURPOSE:** To consider transferring ownership of the recently built Buckhorn-Mebane Phase 2 water and sewer utility infrastructure to the City of Mebane.

**BACKGROUND:** The County has a Utility Service Agreement (signed in 2004, expanded in 2012) with Mebane for provision of water and sewer utility service in the area east of the city and along the interstate and Highway 70 corridor. In the agreement, Orange County agrees to turn over ownership and operation of any utility infrastructure built in the agreement's designated service area to the City of Mebane. In this sense, the County is acting as a developer of this designated growth area, building a framework of water and sewer infrastructure from which future development can grow.

The Buckhorn-Mebane Phase 2 Utility project was completed in September 2014 at a total project cost of approximately \$5.1 million. The project was funded by Article 46 Sales Tax Revenue and is intended to provide a backbone of water and sewer infrastructure for an area that has been designated for development for many years but had no utility infrastructure readily available. Before the project was complete, the Morinaga Corporation announced it would be locating a candy production plant in an area which flows to a portion of gravity sewer line constructed as part of this project. Additionally, the water line for this project has already been put into service providing a loop through the Buckhorn development area which increases available water volume and pressure. A map of the project is shown in **Attachment 1**. The next step is to transfer ownership to the City of Mebane.

The water and sewer infrastructure installed by the County as part of this project and the associated easements are the property of the County. Per the interlocal agreement, this property must be transferred to the ownership of the City of Mebane. This transfer of property needs to be approved by the BOCC. Staff has developed a utility infrastructure dedication form

for this transfer, based on a form used to transfer utilities on a previous project to Orange Water and Sewer Authority (OWASA) (**Attachment 2**). Once the ownership transfer has been approved, County staff will apply for an ownership change on the water and sewer permits obtained from the State to construct this project. The dedication form will be part of the documentation needed for the State to approve an ownership change in their records.

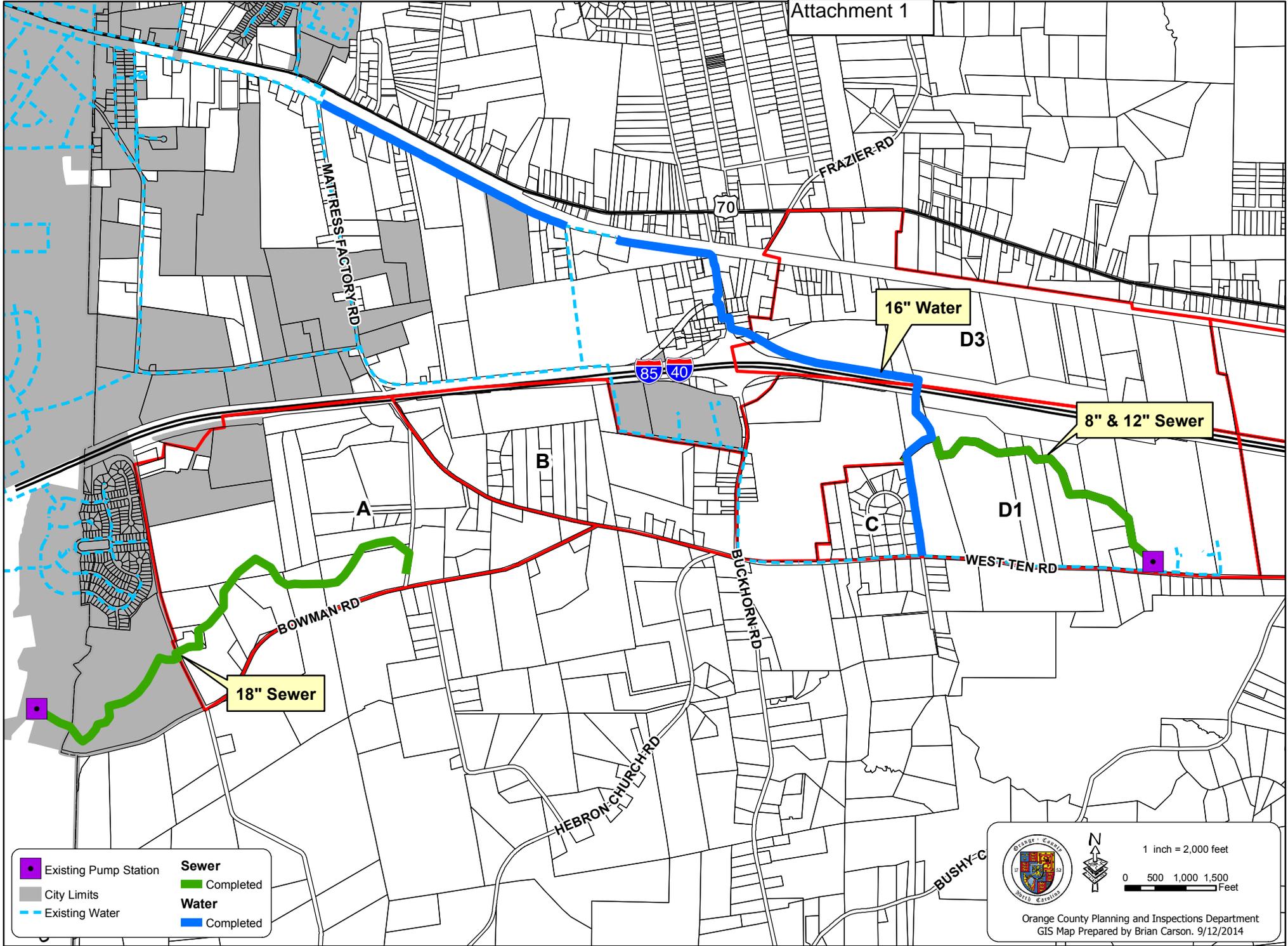
**FINANCIAL IMPACT:** There is no financial impact associated with approving the transfer of utility infrastructure ownership to the City of Mebane.

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

1. Approve the transfer of ownership of the utility infrastructure and easements to the City of Mebane and authorize the Chair to sign the Dedication Form (Attachment 2); and
2. Authorize staff to pursue any further action necessary to complete the transfer of ownership to the City of Mebane, per the 2012 Mebane-Orange County Utility Service Agreement.

# Buckhorn-Mebane EDD Phase 2 Water & Sewer Improvements

Attachment 1



**Water and Sewer Utility Dedication**  
**Buckhorn-Mebane EDD Phase 2 Water and Sewer Utilities**

Orange County, North Carolina, the current owner of the public sanitary sewer line, does hereby dedicate and convey unto the City of Mebane, its successors and assigns, all of its right, title and interest in and to the water and sewer lines constructed in accordance with plans titled "Buckhorn-Mebane EDD Phase 2 Water and Sewer Improvements" prepared by Hobbs Upchurch Associates, dated \_\_\_\_\_.

IN WITNESS WHEREOF, this letter is executed by the duly authorized officers of Orange County, North Carolina and its corporate seal to be hereunto affixed, on the \_\_\_\_\_ day, month of \_\_\_\_\_ in the year \_\_\_\_\_.

ATTEST:

BY:

\_\_\_\_\_  
Donna S. Baker  
Clerk to the Board of County  
Commissioners

\_\_\_\_\_  
Barry Jacobs  
Chair, Board of County Commissioners

NORTH CAROLINA  
ORANGE COUNTY

I, \_\_\_\_\_, a Notary Public, hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that she is the Clerk to the Board of County Commissioners for Orange County, NC, a government entity, and that by authority duly given as the act of the Board of County Commissioners, the foregoing instrument was signed in its name by its Chair, sealed with its corporate seal, and attested as its Clerk.

\_\_\_\_\_  
Signature of Notary Public

My Commission Expires: \_\_\_\_\_

**Acceptance by City of Mebane**

The City of Mebane accepts the foregoing improvements and/or utilities for public ownership and maintenance, effective \_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

BY:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor, City of Mebane

NORTH CAROLINA

\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public, hereby certify that  
\_\_\_\_\_ personally appeared before me this day and  
acknowledged that she is the City Clerk for the City of Mebane, a government entity, and  
that by authority duly given as the act of the City Council, the foregoing instrument was  
signed in its name by its Mayor, sealed with its corporate seal, and attested as its Clerk.

\_\_\_\_\_  
Signature of Notary Public

My Commission Expires: \_\_\_\_\_

**BOCC Meeting Follow-up Actions**

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

<b>Meeting Date</b>	<b>Task</b>	<b>Target Date</b>	<b>Person(s) Responsible</b>	<b>Status</b>
11/6/14	Review and consider request by Commissioners Price and Jacobs that staff review Chapel Hill and Carrboro policies related to pedestrian and bicycle access and begin working with cyclist groups, law enforcement and transportation officials to develop a culture of sharing the road	2/1/2015	Chair, Vice Chair, Manager & Planning Staff	Manager to discuss with Town Managers; Chair and Vice Chair to discuss with NCDOT at quarterly meeting; Manager to ask Planning staff to work with OUT Board to set up sub group to discuss/develop plan with input on membership from the BOCC
11/6/14	Review and consider modifications to the County's Facility Naming Policy which allows for interior portions of a facility to be named after living individuals	1/27/2015	Bonnie Hammersley	Referred to Manager for review and recommendation
11/6/14	Review and consider request by Commissioner Gordon that staff follow-up on an earlier petition regarding agenda posting on the County website	12/9/2014	Jim Northup	Information Technologies Director to investigate and follow-up
11/6/14	Review and consider request by Commissioner Pelissier that the BOCC begin recognizing staff for superior accomplishments	12/9/2014	Bonnie Hammersley Brenda Bartholomew	Manager and Human Resources Director reviewing options with plan to share with BOCC
11/6/14	Ensure that the architect for the Rogers Road Community Center is included on the plaque for the facility	1/23/2015	Jeff Thompson	Architect to be included
11/6/14	Conform plans for financing of capital projects and equipment based on revisions/approval by the BOCC	12/9/2014	Clarence Grier	To be conformed



Orange County  
Asset Management Services  
Jeffrey E. Thompson, Director

To: Bonnie Hammersley, Orange County Manager  
From: Wayne Fenton, Assistant Director, Asset Management Services  
Date: November 18, 2014  
RE: Space Study Work Group Progress Information Item

Attached is a progress update of the Space Study Work Group formed by the Board's action on June 17, 2014.

A full report is scheduled to be delivered to the Board in March, 2015 during the FY2015-2016 Capital Investment Planning process.

Please contact me should you have any questions or comments.

Regards,

Wayne Fenton  
Assistant Director, Asset Management Services  
919-245-2628  
wfenton@orangecountync.gov

## Orange County Space Study Work Group Progress Update

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### **BACKGROUND**

At its June 17, 2014 meeting, the Board of County Commissioners (“the Board”) established a Space Study Work Group and adopted a charge for the group (Attachment ‘A’). This Space Study Work Group continues an iterative process of evaluating existing space for its ability to meet County needs, and planning for improved, more efficient use where possible, as well as planning for new or renovated space at appropriate times. This information informs the County’s capital improvement plan (“CIP”) process.

The Space Study Work Group consists of:

Earl McKee, BOCC Vice-chair	James Stanford, Clerk of Courts
Renee Price, BOCC	James Grove, Emergency Services
Nancy Coston, DSS	Colleen Bridger, Health
David Hunt, Commissioners Office	Janice Tyler, Department on Aging
Peter Sandbeck, Department of Environment, Agr, Parks & Recreation	Dave Stancil, Department of Environment, Agriculture, Parks & Recreation
Jim Northrup, Information Technologies	Jeff Thompson, Asset Management Services
Wayne Fenton, Asset Management Services	

Departments without direct representation on the Work Group have been included in related Space Study Sub-groups and report progress to the main group. Several of these Sub-groups related to existing capital improvement projects have been, and will continue to meet. Other groups will begin meeting in December 2014.

The Board adopted study framework, entitled “Board adopted framework for iterative, continuous space study”, is included here as Attachment ‘B’. The framework is founded in the original Board-established 2001 framework and guiding principles, as well as the major space study framework update in 2005 and was further updated and adopted by the Board at its June 18, 2013 meeting.

The Space Study Work Group has met four times, including most recently on November 11. The key focus for the Group’s initial work has been an examination of how well existing buildings meet Board adopted space study criteria, as well as related criteria identified by the Work Group. This interim report presents information and findings primarily related to the County’s existing building inventory and short-term needs. Detailed facility assessment information has been included here as Attachments ‘C’ through ‘E’.

The information in this progress update report will be included as a new section in an update of the May 2013 Orange County Facility Report, available at:

<http://www.co.orange.nc.us/AssetMgmt/documents/OrangeCountyFacilityReport-May2013.pdf>

## Orange County Space Study Work Group Progress Update

### SPACE STUDY WORK GROUP PROCESS

The work group's iterative process is illustrated in Figure 1. This process is intended to continually review and update the County's use of existing space, as well as identifying "needs" and "wants" for new or renovated space, which can and does change over time.

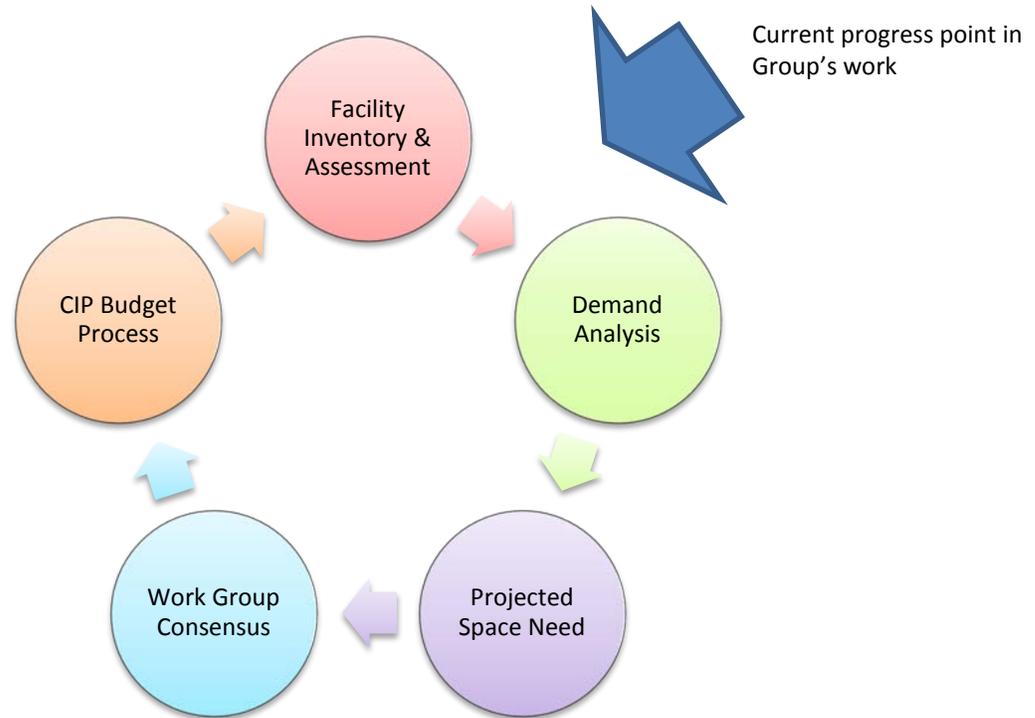


FIGURE 1

### ORANGE COUNTY BUILDINGS

Growth and development of new buildings in Orange County has occurred over time in keeping with County growth and development, and changes in the programs and services provided by the County. In addition to buildings occupied by Orange County employees and facilities used to deliver services to Orange County residents, County governments in North Carolina also provide facilities for judicial system functions. Indeed, one of the oldest and certainly the most recognized buildings in Orange County is the Historic Courthouse, dating to 1845.

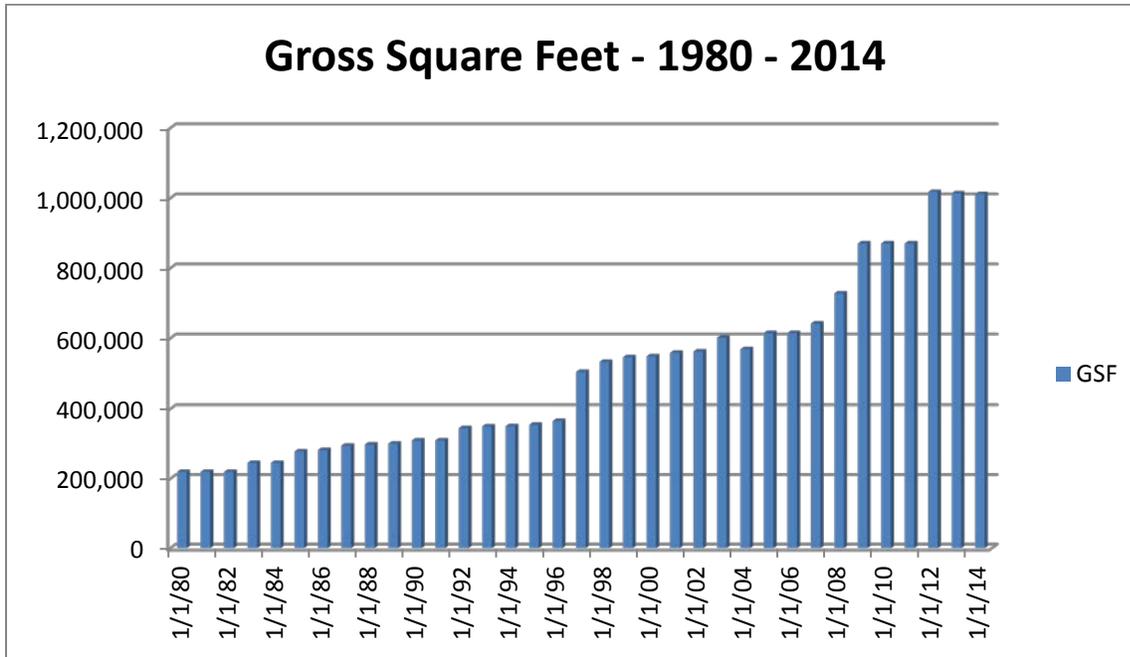
Much development in more recent times has corresponded to previous space studies that were performed when needs were identified. Most recently, this included the addition of several new or expanded facilities during the mid to late 2000s.

Figure 2 shows the growth from 1980 through 2014 in gross square footage of County buildings. While a number of County and Court system buildings were added or expanded during this time period, two key impacts on the increase in gross square footage were the addition of the

## Orange County Space Study Work Group Progress Update

Builder's First Source property at 401 Valley Forge Rd in 1997 (105,000 gross square feet) and the Eno River Parking Deck in 2012 (147,122 gross square feet).

FIGURE 2



### SPACE MEASUREMENT DEFINITIONS

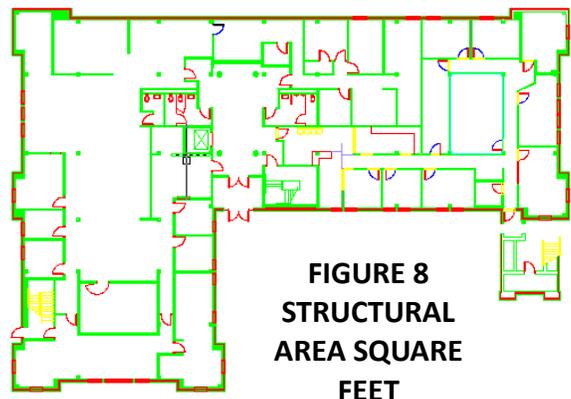
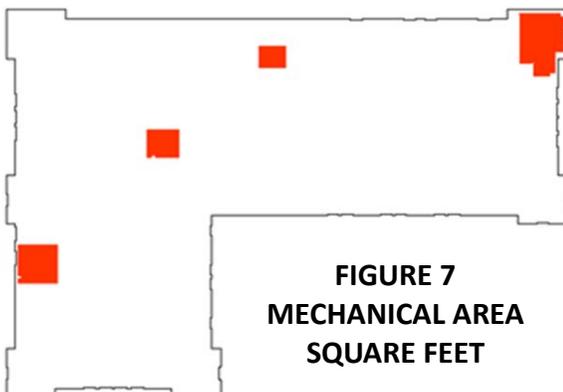
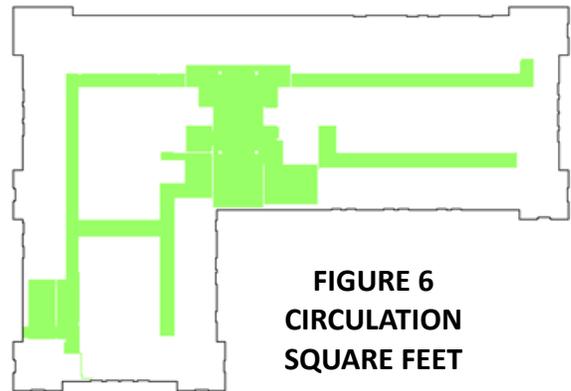
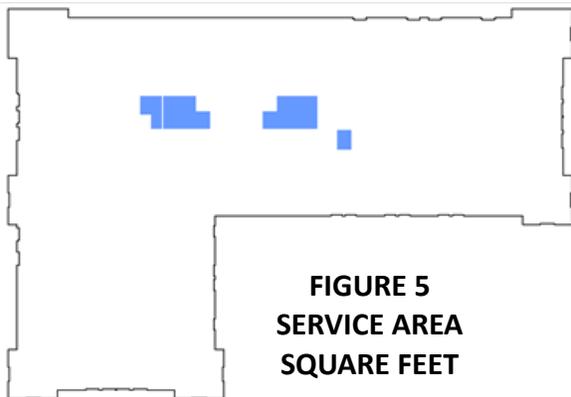
All commercial and institutional buildings include a number of different space types. Two industry associations for facility management – the Building Owners and Managers Association (BOMA) and the International Facility Management Association (IFMA) – provide industry standard techniques and definitions for the measurement and evaluation of space within buildings. The figures that follow, using the ground floor of the Link Government Services Center as an example, present an overview of some of the key space types and measurements used when comparing and evaluating space within buildings. These include:

- **Gross area:** measured from the outside face of exterior walls, this represents the building “footprint” times the number of floors, excluding an voids, such as two story atriums (Figure 3);
- **Assignable area:** includes all office space, storage space, meeting space, and circulation space that is directly assigned to, and exclusively available to, an individual department, measured inner wall surface to inner wall surface (Figure 4);
- **Service areas:** includes restrooms and custodial storage spaces (Figure 5);
- **Circulation areas:** includes entry vestibules, lobbies, corridors, stairwells and other means of travel within a building, both those areas assigned to departments and those

## Orange County Space Study Work Group Progress Update

shared areas on individual floors (floor lobby areas) and those shared across all building occupants (building entrances, lobbies) (Figure 6);

- Mechanical/electrical/plumbing/voice/data: includes building equipment spaces (Figure 7);
- Structural space: The difference between the Gross Area and the Net Useable Area of the building. This is space that cannot be occupied or used because of building structural features ((Figure 8);
- Net Usable Area: The aggregate interior area of the building that can be occupied, measured from inner wall to inner wall. This number is the sum of Assignable and Non-Assignable Space.



# Orange County Space Study Work Group Progress Update

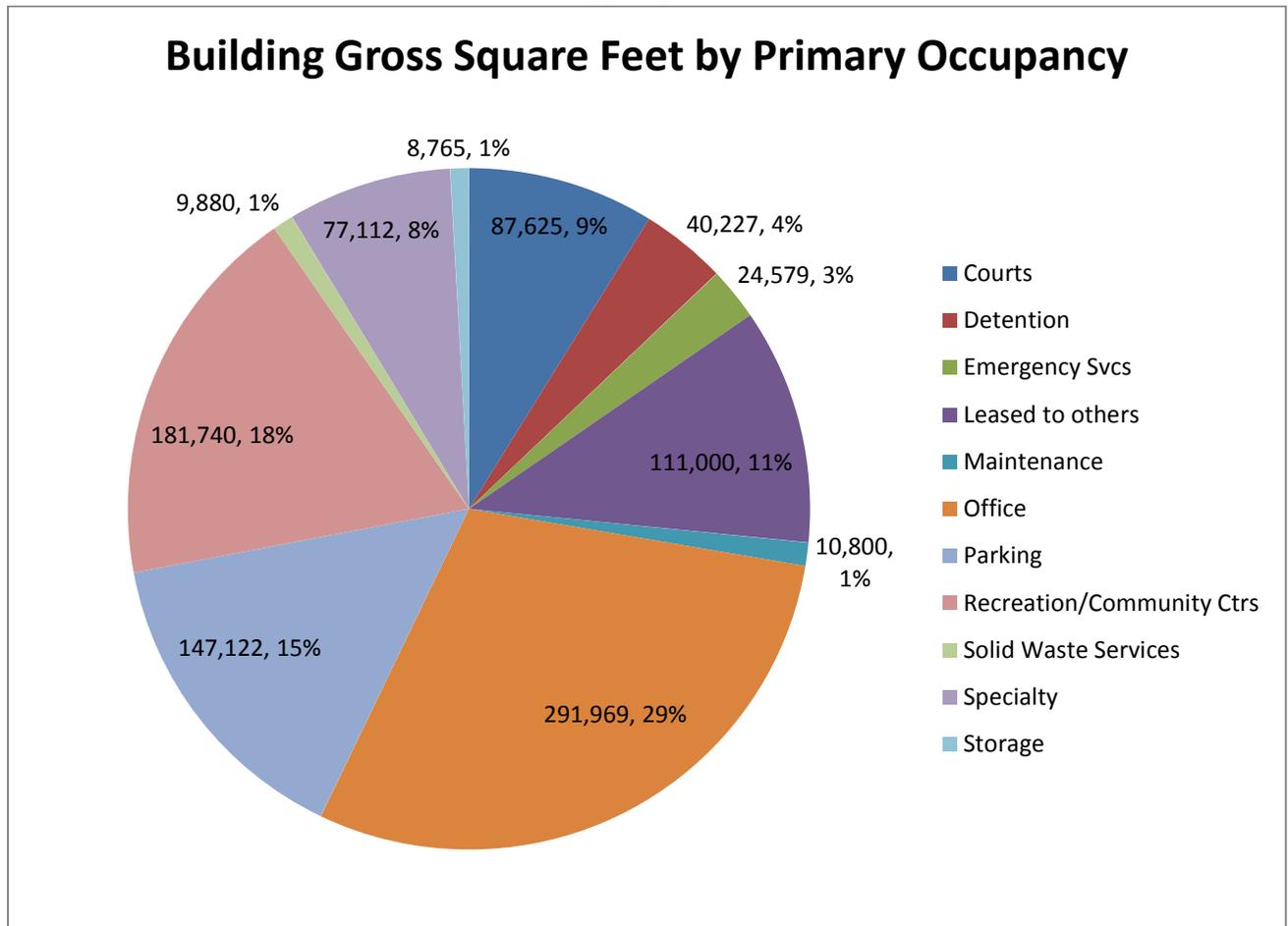
## **BUILDING INFORMATION**

The information that follows presents key background information about County owned and leased buildings.

### ***Gross Square Footage by primary building occupancy***

While a number of buildings include a variety of space use functions, each building has a primary occupancy type. For example, the Central Recreation Center contains offices, but its primary function is “Recreation/Community Centers”. Information related to the percentage of gross square footage by primary occupancy for each building is present in Figure 9. The largest category is “Office” at approximately 29%, with “Recreation and Community Centers” second at approximately 18%. The general category “Recreation and Community Centers” also includes senior centers due to the activities provided at these locations. The category of “Office” here includes only County occupied buildings. While many of the buildings included in the “Courts” category also contain offices, they have been rolled up in the single Courts category.

**FIGURE 9**

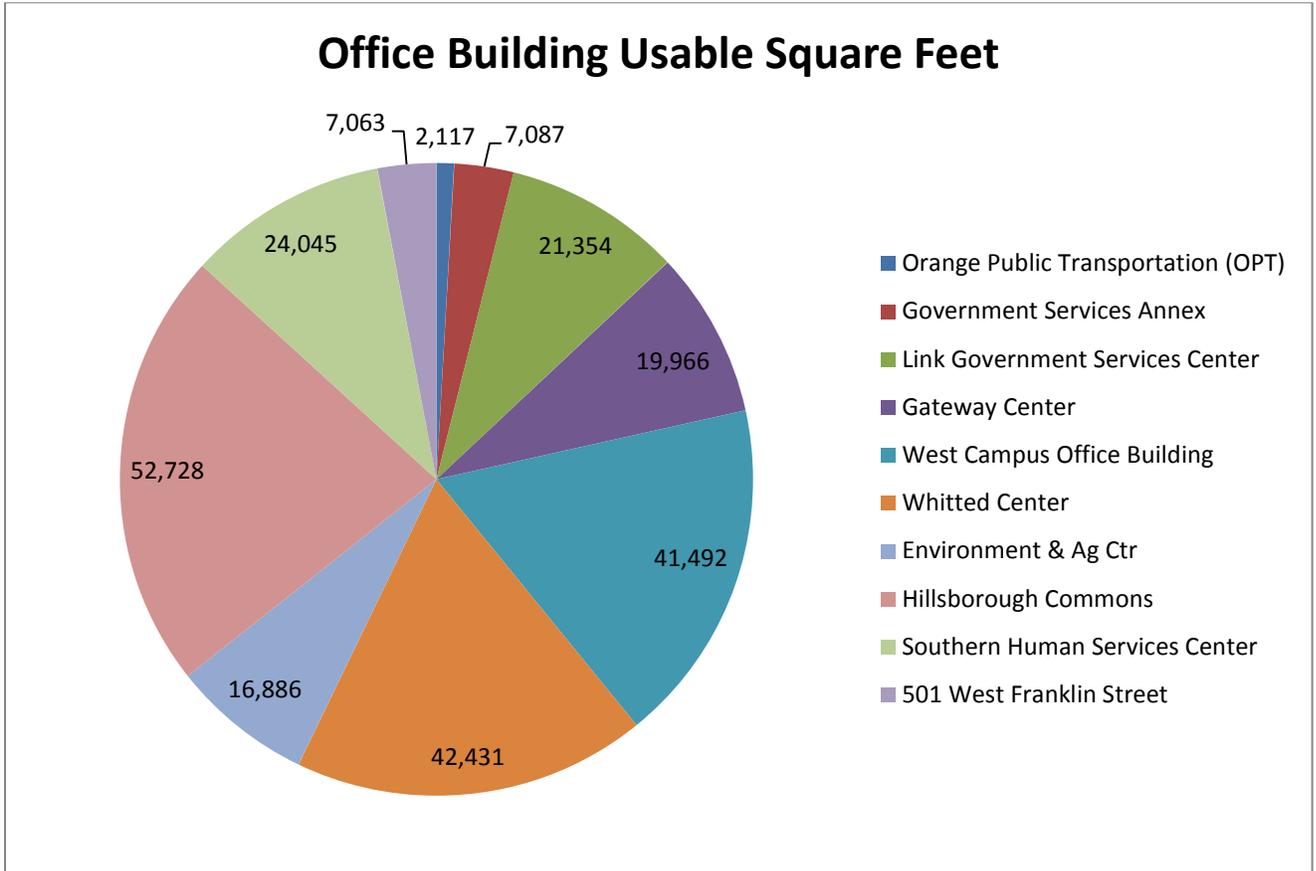


# Orange County Space Study Work Group Progress Update

## County Occupied Usable Square Footage by Office Building Location

Figure 10 presents a breakdown of the usable square footage in County buildings that are identified as primarily Office use buildings.

FIGURE 10



### Usable Square Footage - Office Buildings

Table 1 presents the usable square footage in each building where the primary occupancy is identified as “Office” for County occupied buildings (does not include Court system related buildings) as well as the percentage of gross square footage that is identified as “usable” square footage in each. The Whitted Center has the lowest ratio of gross to usable square footage, primarily due to the heavy masonry construction of the facility (eighteen inch exterior and corridor walls).

## Orange County Space Study Work Group Progress Update

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**TABLE 1**

**Usable Square Footage – Office Buildings**

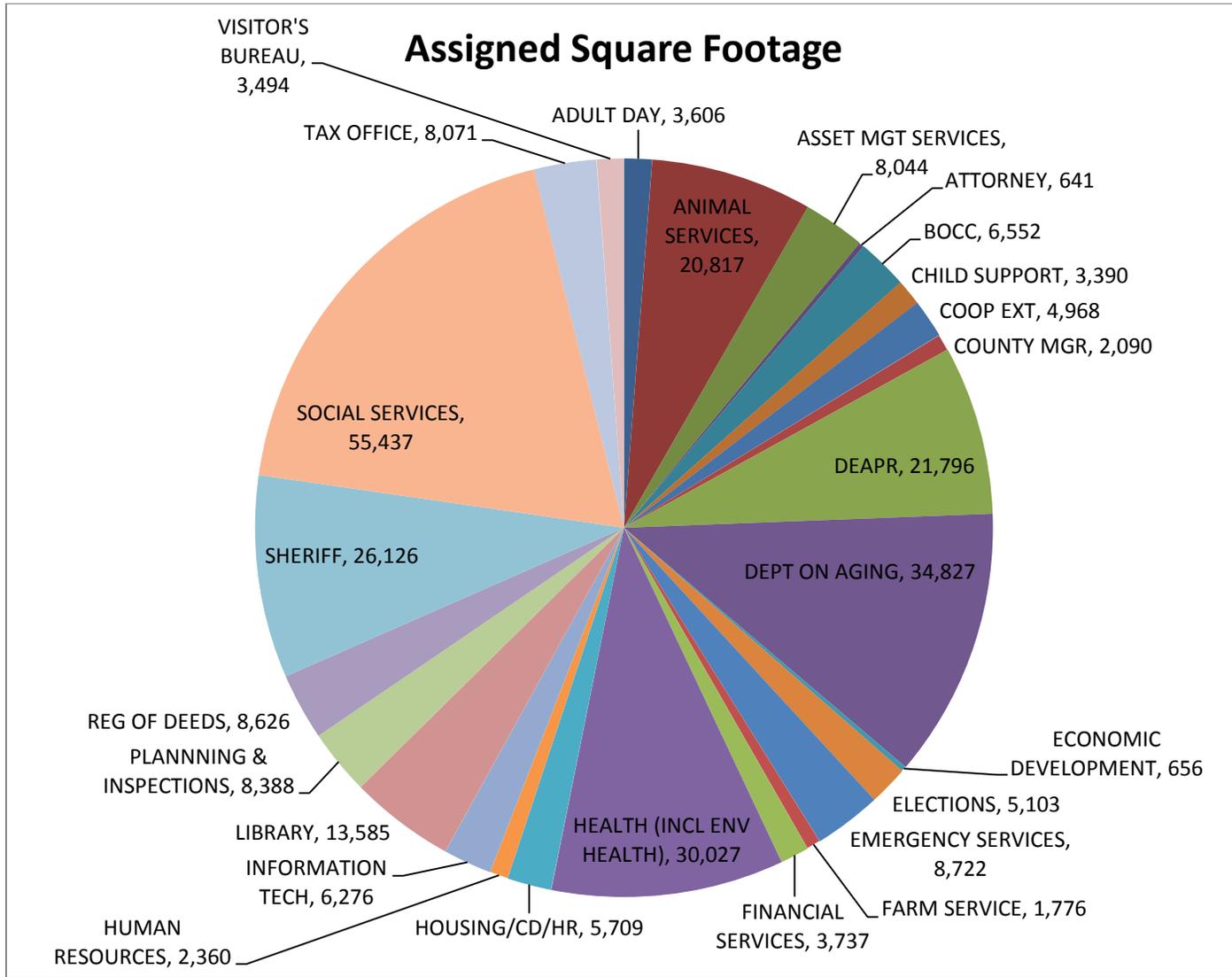
Buildings	Usable Square Feet	Percentage of gross square footage that is usable
Orange Public Transportation (OPT)	2,117	88.21%
Government Services Annex	7,087	74.24%
Link Government Services Center	21,354	82.16%
Gateway Center	19,966	87.39%
West Campus Office Building	41,492	88.82%
Whitted Center	42,431	67.24%
Environment & Ag Ctr	16,886	88.47%
Hillsborough Commons	52,728	94.16%
Southern Human Services Center	24,045	84.04%
501 West Franklin Street	7,063	95.34%
<b>TOTAL:</b>	<b>235,169</b>	

***Assigned Square Footage by department***

Asset Management Services identifies the space within County buildings in keeping with the BOMA/IFMA standards demonstrated above. Figure 11 provides an overview of the assigned space within County-occupied buildings. Common areas, service areas, shared use spaces, etc. are not included in this chart.

# Orange County Space Study Work Group Progress Update

FIGURE 11



## Orange County Space Study Work Group Progress Update

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### **STUDY GROUP FINDINGS**

A summary of key building information is presented in Attachment 'C' (building name, address, gross and usable square footage, etc.) Existing County buildings were evaluated using the "Board adopted framework for iterative, continuous space study". These criteria included:

- Adequacy of existing space to meet future needs;
- Accessibility (ability of customers to travel to, and park at facilities where services they are seeking are provided). Accessibility as it relates to compliance with the Americans with Disabilities Act will be reviewed in conjunction with the Inspections department and reported in the final report in March 2015;
- Facility condition (projected year of next replacement of major infrastructure components) is identified in Attachment 'D';
- Potential for growth (within buildings, as well as expansion on site) is identified in Attachment 'E';
- Other intangible values (historic value, social value, etc.) were discussed by the Study Group but determined to be too difficult to identify in an objective evaluation format.

### ***Gross Square Footage by building age***

Information regarding building age (count and gross square footage are presented in Table 2. This information relates to the date of original construction of buildings and so does not take into account subsequent renovations or equipment replacement.

**Table 2**  
**Building Age – Count and Gross Square Footage**

Age	Count	Gross Square Feet
0-5 years old	6	106,070
6-10 years old	6	284,138
11+ years old	44	616,632

## Orange County Space Study Work Group Progress Update

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### ***Technology***

Technology offers the potential for greater space efficiency in the future. Work environments have changed and continue to change significantly due to the use of laptops, tablets, smartphones and wide-spread availability of wifi service, offering opportunities for more collaborative, less structured work environments that do not require being “tethered” to individual offices. This also provides the opportunity to increase the use of private offices that may currently be in use for only part of the day, by allowing shared use. Meeting spaces can also be used more efficiently by allowing collaborative work to be performed on a routine basis in the spaces.

Technology also offers the potential for far greater use of electronic record and document storage and retrieval. The Information Technology department has worked with several departments already, and continues to work with others to digitize and make searchable records, allowing some physical space to be repurposed from records storage to more valuable office, meeting, or other space uses.

### ***New Construction***

There is no identified need for new construction beyond current projects (Cedar Grove Community Center, Environment and Agriculture Center, Southern Branch Library, Orange County Jail, and the Southern Campus Master Plan). Unused and/or unassigned space, and space not being used for its intended purpose (i.e., office space being used for storage) remains available in several County buildings. A complete summary of unused and/or unassigned space and space not being used for its intended purpose will be included in the final report.

Real estate costs are the second highest expense for most companies and organizations, after personnel costs. While the County owns the majority of the space that is occupied by County staff, the properties that it owns represent a huge investment of County dollars. As such, it is critical to ensure space is being used at its highest and best purpose. A detailed analysis of current use of space in County building will be included as one of the “Next Steps” (see next section) for the Work Group

### **NEXT STEPS**

The Work Group will next focus its attention on identification of short and long-term space utilization and priority, which will provide routine input to the capital investment planning process. Work will include:

- Current space use analysis
- Current practices for records and other storage
- Opportunities for improved efficiency
- Underutilization of existing space
- Sub-group input to Space Group

## Orange County Space Study Work Group Progress Update

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- Long-term needs analysis - program and service delivery (*“needs” versus “wants”*)
- Capital investment plan process

The findings and outcomes from this work will be included in the final report in March 2015.

## **ATTACHMENTS**

## Orange County Space Study Work Group Progress Update

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### ATTACHMENT 'A'

**Space Study Work Group Charge  
(BOCC adopted on June 17, 2014)**

1. Work with County staff to provide recommendations to the Board on the utilization of space within existing County facilities as well as the need for new or renovated space, to include but not be limited to, approved master planned County campus sites, and;
2. Consider record retention regulations and recommend longer retention periods for select records, if desired, and;
3. Develop a records retention policy to be managed by Asset Management Services as part of an annual records destruction event, and;
4. Develop a comprehensive policy for storage of non-record items, and
5. Assess and recommend structural or procedural mechanisms in support of these goals.

# Orange County Space Study Work Group Progress Update

## ATTACHMENT 'B'

### Space Study Framework (BOCC adopted on June 18, 2013)

#### 1. Purpose:

The purpose of this space study framework is to provide staff a Board adopted set of guidelines to systematically inventory, assess, and manage County facility needs on a continuous basis. Specifically, the framework addresses:

- a. Space inventory (facility report updated May 2013)
- b. Projected space requirements through 2020 (*short term; extended from original target of meeting needs up to 2010 in 2005 space study update*)
- c. Projected space needs that may fall beyond 2020 time frame (long term; extended from original target of meeting needs up to 2010 in 2005 space study update)
- d. Identified space issues that may affect quality of service to County customers
- e. The systematic gathering, review and management of departmental space needs that impact services (i.e. service trends, locational needs, technology, growth and/or contraction)
- f. The presentation of options and recommendations to the Board that prioritize, optimize, manage, and ultimately meet County space needs in a reasonable and useful manner

#### 2. Guiding Principles:

- a. Board Adopted in 2001:
  - Co-location of departments with similar functions and/or those that serve the same customer base
  - Consolidation of County operations to as few sites as may be practicable in an attempt to gain operational efficiency and customer access
  - Owning facilities in which County operations are located, as opposed to leasing, except where there exists a compelling business reason to do so
- b. Additional Guiding Principle Board Adopted in 2005:
  - Building and maintaining facilities and spaces according to sustainable practices and high performance building standards (Board adopted Environmental Responsibility Goals)
- c. Additional Guiding Principle Board Adopted in 2013:

## Orange County Space Study Work Group Progress Update

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- Evaluation of the relative cost and benefit of facilities use where those facilities are stressed –“fully and/or practically depreciated”. This principle is necessary in order to manage the facility to its highest and best use while planning and providing for the potentially displaced space need.

### 3. **Basis of Study:**

The study will include a review of the use of all County buildings, along with a description of the space needs of each County department and other users of County buildings (e.g. District Attorney).

These assessments will serve as a fundamental work product and will form the basis for the scope of the study:

- a. Management and Staff Assessment and Input. The Metrics of this Assessment are as follows:
  - i. Management evaluation and comment
  - ii. Staff evaluation, collected and documented by the user questionnaire established in 2001
- b. Physical Assessment and Inventory. The Metrics of this Assessment are as follows:
  - i. Physical report (staff and consultant)
  - ii. Maintenance and utility report (staff)
  - iii. Identification of stressed and under-utilized assets
  - iv. Valuation of stressed and under-utilized assets through a Net Present Value Calculation (staff)
- c. Departmental Space Needs Programming housed within stressed or under-utilized assets (staff and consultant)

### 4. **Scope of Study:**

The scope of the study will be based upon the before-mentioned Basis of Study data, analysis, and conclusions and will be framed by:

- a. Space needs required no later than 2020; as well as beyond 2020 – based upon:
  - i. management and staff assessments,
  - ii. facility assessments,
  - iii. identified stressed or underutilized assets,
  - iv. identified Board, management, and departmental needs;
- b. Board adopted strategic planning initiatives

## Orange County Space Study Work Group Progress Update

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### **5. Options and Recommendations:**

The criteria and decision factors for recommended space study action that are suggested for Board adoption are as follows:

- a. Making decisions based upon the before-mentioned guiding principles:
  - Consolidation
  - Centralization
  - Ownership
  - Sustainable building operation and programming
  - Cost and benefit analysis
- b. Minimizing under-utilized spaces
- c. Formulating reasonable, defensible courses of action for stressed facilities
- d. Providing exceptional facilities for County service delivery
- e. Meeting longstanding, publicly supported needs
- f. Recognizing, anticipating, and planning for growth (and contraction) trends

### **6. Timeline and Horizon:**

Staff will recommend space need prioritization, scheduling and funding sources to the Board for comment and adoption each fall prior to the annual Capital Investment Planning process.

This space study framework is recommended to be fully updated every 5<sup>th</sup> year, with annual status reports to be presented to the Board each fall before the budget season. These updates may serve as a vehicle to recognize and address the trends and strategic directions and receive Board guidance outside of the budget process.

This space study framework will be used for a systematic study of County facility space needs in 2013.

## Orange County Space Study Work Group Progress Update

### ATTACHMENT 'C'

Facility	Address	Town/ Community	Use Category	Gross Square Footage	Usable Square Feet	Year constructed	Insured value
<b>HILLSBOROUGH</b>							
<b>ASSET MANAGEMENT NORTH CAMPUS</b>							
Orange Public Transportation (OPT)	600 Highway 86 North	Hillsborough	Office	2,400	2,117	1989	\$291,760
AMS North small storage building	600 Highway 86 North	Hillsborough	Specialty	2,400	TBD	1976	\$74,900
Motor Pool	600 Highway 86 North	Hillsborough	Specialty	10,800	TBD	1996	\$893,800
Asset Management Services Inventory Facility	600 Highway 86 North	Hillsborough	Specialty	4,663	TBD	1976	\$368,740
<b>DOWNTOWN EAST CAMPUS</b>							
Court Street Annex	109 Court Street	Hillsborough	Office	8,500	5,605	1936/1962	\$1,186,890
Dickson House	150 East King Street	Hillsborough	Specialty	2,713	TBD	1790	\$236,970
District Attorney Building	144 East Margaret Lane	Hillsborough	Office	7,359	4,605	1967	\$1,020,660
Cadwallader Jones Law Office	131 Court Street	Hillsborough	Specialty	360	TBD	1939	\$67,500
Farmers' Market Pavilion	140 East Margaret Lane	Hillsborough	Specialty	3,453	3,453	2007	TBD
Government Services Annex	208 South Cameron Street	Hillsborough	Office	12,450	7,087	1968	\$1,656,020
Historic Courthouse	100 East King Street	Hillsborough	Specialty	7,128	4,662	1845	\$1,757,740
Justice Center	106 East Margaret Lane	Hillsborough	Specialty	64,937	34,977	2008	\$11,270,350
Link Government Services Center	200 South Cameron Street	Hillsborough	Office	25,991	21,354	1992	\$4,008,030
Orange County Jail	125 Court Street	Hillsborough	Specialty	40,227	TBD	1925/1981/1997	\$9,360,950
Public Defender building	129 East King Street	Hillsborough	Office	7,060	5,958	1947	\$827,450
<b>DOWNTOWN WEST CAMPUS</b>							
Gateway Center	228 South Churton Street	Hillsborough	Office	22,846	19,966	2008	\$4,443,610
Orange County Library	137 West Margaret Lane	Hillsborough	Specialty	23,454	16,932	2009	\$4,876,780
West Campus Office Building	131 West Margaret Lane	Hillsborough	Office	46,716	41,492	2009	\$7,991,520
Eno River Parking Deck	Nash & Kollock Street	Hillsborough	Specialty	147,122	TBD	2008	TBD
<b>WHITTED CENTER CAMPUS</b>							
Central Recreation Center	302 West Tryon Street	Hillsborough	Specialty	19,000	17,351	1957	\$2,707,870
Whitted Center	300 West Tryon Street	Hillsborough	Office	63,100	42,431	1922/1936/1957	\$8,404,430
<b>REVERE ROAD CAMPUS</b>							
Emergency Services Sub-station #1 (Revere Rd)	306 Revere Road	Hillsborough	Specialty	1,310	1,094	1960	\$157,430
Environment & Ag Ctr	306 Revere Road	Hillsborough	Office	19,087	16,886	1960	\$2,581,720
Revere Road storage building	306 Revere Road	Hillsborough	Specialty	1,702	TBD	1960	\$2,700
<b>SPORTSPLEX CAMPUS</b>							
Central Orange Senior Center	103 Meadowlands Drive	Hillsborough	Specialty	19,000	16,876	2008	Incl. w/ SportsPlex
SportsPlex	101 Meadowlands Drive	Hillsborough	Specialty	80,903	TBD	1995	\$15,006,850
<b>OTHER</b>							
1914 New Hope Church Road	1914 New Hope Church Road	Hillsborough	Office	6,000	5,545	1983/1992	\$930,090
401 Valley Forge Road	401 Valley Forge Road	Hillsborough	Specialty	105,000	TBD	TBD	\$282,192
Emergency Services Center	510 Meadowlands Drive	Hillsborough	Specialty	22,069	21,212	1989	\$4,558,030
Hillsborough Commons	113 Mayo Street	Hillsborough	Office	56,000	52,728	1988	TBD
Piedmont Food & Agriculture Processing Center	500 Valley Forge Road	Hillsborough	Specialty	10,400	TBD	1985	\$601,830
<b>CEDAR GROVE</b>							
Cedar Grove Community Center	5800 Highway 86 North	Cedar Grove	Specialty	30,782	TBD	1951/1957	\$5,005,180
<b>EFLAND</b>							
Efland Cheeks Community Center	117 Richmond Road	Efland	Specialty	2,755	TBD	1992	\$322,130
Emergency Services Sub-station #4 (Mt. Willing Rd)	1120 Mount Willing Road	Efland	Specialty	1,200	TBD	1992	\$91,400
Eurosport Soccer Center building	4701 West Ten Road	Efland	Specialty	2,520	TBD	2009	TBD
<b>CHAPEL HILL</b>							
<b>SOUTHERN CAMPUS</b>							
Seymour Senior Center	2551 Homestead Road	Chapel Hill	Specialty	26,780	22,741	2007	\$3,489,830
Southern Human Services Center	2501 Homestead Road	Chapel Hill	Office	28,612	24,045	1997	\$4,631,530
<b>FRANKLIN STREET</b>							
501 West Franklin Street	501 West Franklin Street	Chapel Hill	Office	7,408	7,063	1930's	incl w/ SDC
Skills Development Center	503 West Franklin Street	Chapel Hill	Specialty	13,232	11,885	1930's	\$2,794,050
<b>OTHER</b>							
Animal Services Center	1601 Eubanks Road	Chapel Hill	Specialty	23,500	21,212	2009	\$3,883,000
Solid Waste Administration building	1207 Eubanks Road	Chapel Hill	Office	9,880	TBD	2009	TBD

"Use Category": identifies if primary use is office or specialty

"Year constructed": identifies the year of construction of a building, or individual sectors, over time (i.e., Whitted - 1922, 1936, 1957).

"Insured Value": includes only structure - property not included

1 Growth opportunity limited as long as facility remains as special use.

Orange County Space Study Work Group Progress Update

ATTACHMENT 'D'

Facility	Year constructed	Recent improvements (prior five years)	Infrastructure - Projected Replacement/Major Upgrade Next Due (Based on standard projected useful life)			
			Roof	HVAC	Electrical	Plumbing
<b>HILLSBOROUGH</b>						
<b>ASSET MANAGEMENT NORTH CAMPUS</b>						
Orange Public Transportation (OPT)	1989	Minor reno's for OPT occupancy	2033	To be verified	2019	2029
AMS North small storage building	1976		2015	N/A	N/A	N/A
Motor Pool	1996		2016	1996	2026	2036
Asset Management Services Inventory Facility	1976		2015	N/A	N/A	N/A
<b>DOWNTOWN EAST CAMPUS</b>						
Court Street Annex	1936/1962	Geo-thermal, roof replacement	2034	2029	2015	
Dickson House	1790		2020	To be verified	2022	2032
District Attorney Building	1967	Geo-thermal, roof replacement	2031	2029	2025	2035
Cadwallader Jones Law Office	1839		2018	N/A	N/A	N/A
Farmers' Market Pavilion	2007		2027	N/A	2037	2047
Government Services Annex	1968	Roof replacement	2031	2020	To be verified	2018
Historic Courthouse	1845	Geo-thermal				
Justice Center	2008		2015/2018/2023	2038	2038	2048
Link Government Services Center	1992	Geo-thermal	2017	2042	2022	2032
Orange County Jail	1925/1981/1997	Geo-thermal	2015/2018	2029		
Public Defender building	1947		2026	2016	2031	2041
<b>DOWNTOWN WEST CAMPUS</b>						
Gateway Center	2008		2023 (condo)	2023	2038	2048
Orange County Library	2009		2029	2024	2039	2049
West Campus Office Building	2009		2029	2024	2039	2049
Eno River Parking Deck	2008		N/A	N/A	2038	2048
<b>WHITTED CENTER CAMPUS</b>						
Central Recreation Center	1957	Restroom upgrades	2015	2018	2033	2045
Whitted Center	1922/1936/1957	BOCC space, Health reno's	2023	2019	2042	2052
<b>REVERE ROAD CAMPUS</b>						
Emergency Services Sub-station #1 (Revere Rd)	1960	Reno's for ES occupancy	To be verified	To be verified	2042	2042
Environment & Ag Ctr	1960		As part of building renovation/replacement			
Revere Road storage building	1960		To be verified	N/A	N/A	N/A
<b>SPORTSPLEX CAMPUS</b>						
Central Orange Senior Center	2008		2028	2023	2038	2048
SportsPlex	1995		To be verified	To be verified	2025	2035
<b>OTHER</b>						
1914 New Hope Church Road	1983/1992	leased to OC Schools	To be verified	To be verified	2022	2032
401 Valley Forge Road	1972	leased to Blders First Source	Leased to Builder's First Source. BFS pays all maintenance costs.			
Emergency Services Center	1989		To be verified	2020	2035	2045
Hillsborough Commons	1988		2008 (leased bld)	2015 (partial)	2038	2048
Piedmont Food & Agriculture Processing Center	1985	Renovated for PFAP occupancy	2035	To be verified	To be verified	To be verified
<b>CEDAR GROVE</b>						
Cedar Grove Community Center	1951/1957	complete reno - 2015	2015	2015	2015	2015
<b>EFLAND</b>						
Efland Cheeks Community Center	1992	Roof replacement	2033	2015	2022	2032
Emergency Services Sub-station #4 (Mt. Willing Rd)	1992		To be verified	To be verified	To be verified	To be verified
Eurosport Soccer Center building	2009		2029	2024	2039	2049
<b>CHAPEL HILL</b>						
<b>SOUTHERN CAMPUS</b>						
Seymour Senior Center	2007		2027	2022	2037	2047
Southern Human Services Center	1997		2017	2017	2027	2037
<b>FRANKLIN STREET</b>						
501 West Franklin Street	1930's		2020	2020	2027	2037
Skills Development Center	1930's		2015/2019	2015	2027	2037
<b>OTHER</b>						
Animal Services Center	2009		2029	2024	2039	2049
Solid Waste Administration building	2009		2029	2024	2039	2049

"Year constructed": identifies the year of construction of a building, or individual sectors, over time (i.e., Whitted sectors - 1922, 1936, 1957).

"Infrastructure": identifies the projected year of installation or replacement of system/major components, based on standard projected useful life, not individual assets that may have been replaced, or minor additions made to the original system. Actual date of replacement will vary based on observed conditions, and may be shorter or longer than industry standards.

Orange County Space Study Work Group Progress Update

ATTACHMENT 'E'

Facility	Gross Square Footage	Usable Square Feet	Efficiency of Space Use	Growth opportunity (building)	Growth opportunity (site)	Historically significant	Strategic location	Interior flexibility	Access to facility	ADA compliant
<b>HILLSBOROUGH</b>										
<b>ASSET MANAGEMENT NORTH CAMPUS</b>										
Orange Public Transportation (OPT)	2,400	2,117	TBD	No	Yes	No	TBD	Medium	TBD	To be verified
AMS North small storage building	2,400	TBD	TBD	Yes	Yes	No	TBD	High	TBD	To be verified
Motor Pool	10,800	TBD	TBD	Yes	Yes	No	TBD	N/A	TBD	To be verified
Asset Mgt Svcs Inventory Facility	4,663	TBD	TBD	Yes	Yes	No	TBD	High	TBD	To be verified
<b>DOWNTOWN EAST CAMPUS</b>										
Court Street Annex	8,500	5,605	TBD	No	No	Yes	TBD	Low	TBD	To be verified
Dickson House	2,713	TBD	TBD	No	Yes	Yes	TBD	Low	TBD	To be verified
District Attorney Building	7,359	4,605	TBD	No	No	Yes	TBD	Medium	TBD	To be verified
Cadwallader Jones Law Office	360	N/A	TBD	N/A	N/A	Yes	TBD	N/A	TBD	To be verified
Farmers' Market Pavilion	3,453	TBD	TBD	Yes	Yes	No	TBD	N/A	TBD	To be verified
Government Services Annex	12,450	7,087	TBD	Yes	No	Yes	TBD	Medium	TBD	To be verified
Historic Courthouse	7,128	4,662	TBD	No	No	Yes	TBD	Low	TBD	To be verified
Justice Center	64,937	34,977	TBD	Yes	Yes	No	TBD	Medium	TBD	Yes
Link Government Services Center	25,991	21,354	TBD	Yes	Yes	No	TBD	High	TBD	To be verified
Orange County Jail	40,227	TBD	TBD	Yes	No	Yes (partial)	TBD	N/A	TBD	To be verified
Public Defender building	7,060	5,958	TBD	Yes	No	TBD	TBD	Medium	TBD	To be verified
<b>DOWNTOWN WEST CAMPUS</b>										
Gateway Center	22,846	19,966	TBD	No	No	No	TBD	Medium	TBD	Yes
Orange County Library	23,454	16,932	TBD	Yes	No	No	TBD	TBD	TBD	Yes
West Campus Office Building	46,716	41,492	TBD	Yes	No	No	TBD	Medium	TBD	Yes
Eno River Parking Deck	147,122	TBD	TBD	TBD (2)	No	No	TBD	N/A	TBD	Yes
<b>WHITTED CENTER CAMPUS</b>										
Central Recreation Center	19,000	17,351	TBD	Yes (footnote)	No	Yes	TBD	Medium	TBD	To be verified
Whitted Center	63,100	42,431	TBD	Yes	Yes	Yes	TBD	Low	TBD	To be verified
<b>REVERE ROAD CAMPUS</b>										
Emergency Svcs STn #1 (Revere Rd)	1,310	1,094	TBD	Yes	Yes	No	TBD	Medium	TBD	To be verified
Environment & Ag Ctr	19,087	16,886	TBD	Yes	Yes	No	TBD	Medium	TBD	To be verified
Revere Road storage building	1,702	TBD	TBD	Yes	Yes	No	TBD	High	TBD	To be verified
<b>SPORTSPLEX CAMPUS</b>										
Central Orange Senior Center	19,000	16,876	TBD	Special use	Yes	No	TBD	TBD	TBD	Yes
SportsPlex	80,903	TBD	TBD	Yes	Yes	No	TBD	Low	TBD	To be verified
<b>OTHER</b>										
1914 New Hope Church Road	6,000	5,545	TBD	Yes	Yes	No	TBD	Medium	TBD	To be verified
401 Valley Forge Road	105,000	TBD	TBD	Yes	Yes	No	TBD	TBD	TBD	To be verified
Emergency Services Center	22,069	21,212	TBD	Yes	Yes	No	TBD	Medium	TBD	Yes
Hillsborough Commons	56,000	52,728	TBD	Yes (leased)	Yes (leased)	No	TBD	Medium	TBD	Yes
Piedmont Food & Ag Process Center	10,400	TBD	TBD	Special use	No	No	TBD	Low	TBD	To be verified
<b>TBD</b>										
Cedar Grove Community Center	30,782	TBD	TBD	Yes (footnote)	Yes	Yes	TBD	Low	TBD	To be verified
<b>EFLAND</b>										
Efland Cheeks Community Center	2,755	TBD	TBD	Special use	Yes	No	TBD	Medium	TBD	To be verified
Emergency Svcs Stn #4 (Mt. Willing Rd)	1,200	TBD	TBD	No	leased	No	TBD	Low	TBD	To be verified
Eurosport Soccer Center building	2,520	TBD	TBD			No	TBD	Low	TBD	To be verified
<b>CHAPEL HILL</b>										
<b>SOUTHERN CAMPUS</b>										
Seymour Senior Center	26,780	22,741	TBD	Special use	Yes	No	TBD	TBD	TBD	To be verified
Southern Human Services Center	28,612	24,045	TBD	Yes	Yes	No	TBD	Medium	TBD	To be verified
<b>FRANKLIN STREET</b>										
501 West Franklin Street	7,408	7,063	TBD	No	No	Yes	TBD	Medium	TBD	To be verified
Skills Development Center	13,232	11,885	TBD	Yes	No	Yes	TBD	Medium	TBD	To be verified
<b>OTHER</b>										
Animal Services Center	23,500	21,212	TBD	No	No	No	TBD	Medium	TBD	Yes
Solid Waste Administration building	9,880	TBD	TBD	Yes	Yes	No	TBD	Medium	TBD	Yes

"Growth opportunity (building)": indicates if growth can be achieved within the existing building, based on industry standards for square feet per occupant and circulation space.

"Growth opportunity (site)": indicates if growth can be achieved on the site of the existing building.

"Historically significant": indicates that a building that is 50 or more years of age.

"Strategic Location": relative to main transportation systems (public and private), population density, emergency services accessibility, and function of facility.

"Interior flexibility": relates to the ease of modifying interior spaces to respond to evolving workplace environments.

"Access to facility": relates to the ease with which patrons who visit facilities are accommodated at the location (i.e., a patron of the EAC building who may be hauling a trailer)

Asset Management Services will be working with Inspections staff to verify ADA compliant facilities.

1. Growth opportunity limited as long as facility remains as special use.
2. Engineering assessment required to confirm feasibility of vertical expansion.

## INFORMATION ITEM

### PLANNING & INSPECTIONS DEPARTMENT Craig N. Benedict, AICP, Director

Administration  
(919) 245-2575  
(919) 644-3002 (FAX)  
www.orangecountync.gov



131 W. Margaret Lane  
Suite 201  
P. O. Box 8181  
Hillsborough, NC 27278



### MEMORANDUM

**TO:** Board of County Commissioners

**FROM:** Craig Benedict, Planning Director  
Perdita Holtz, Planner III  
Michael Harvey, Planner III

**DATE:** November 18, 2014

**SUBJECT:** The Edge

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Orange County Planning Staff is in the process of courtesy review of a proposed project in Chapel Hill known as The Edge. This project is a 55 acre area north of Eubanks Road and east of Millhouse Road near the town Park and Ride lot. This mixed use project has been under discussion for a few years and the project is now moving forward with a special use permit.

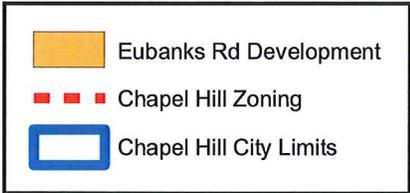
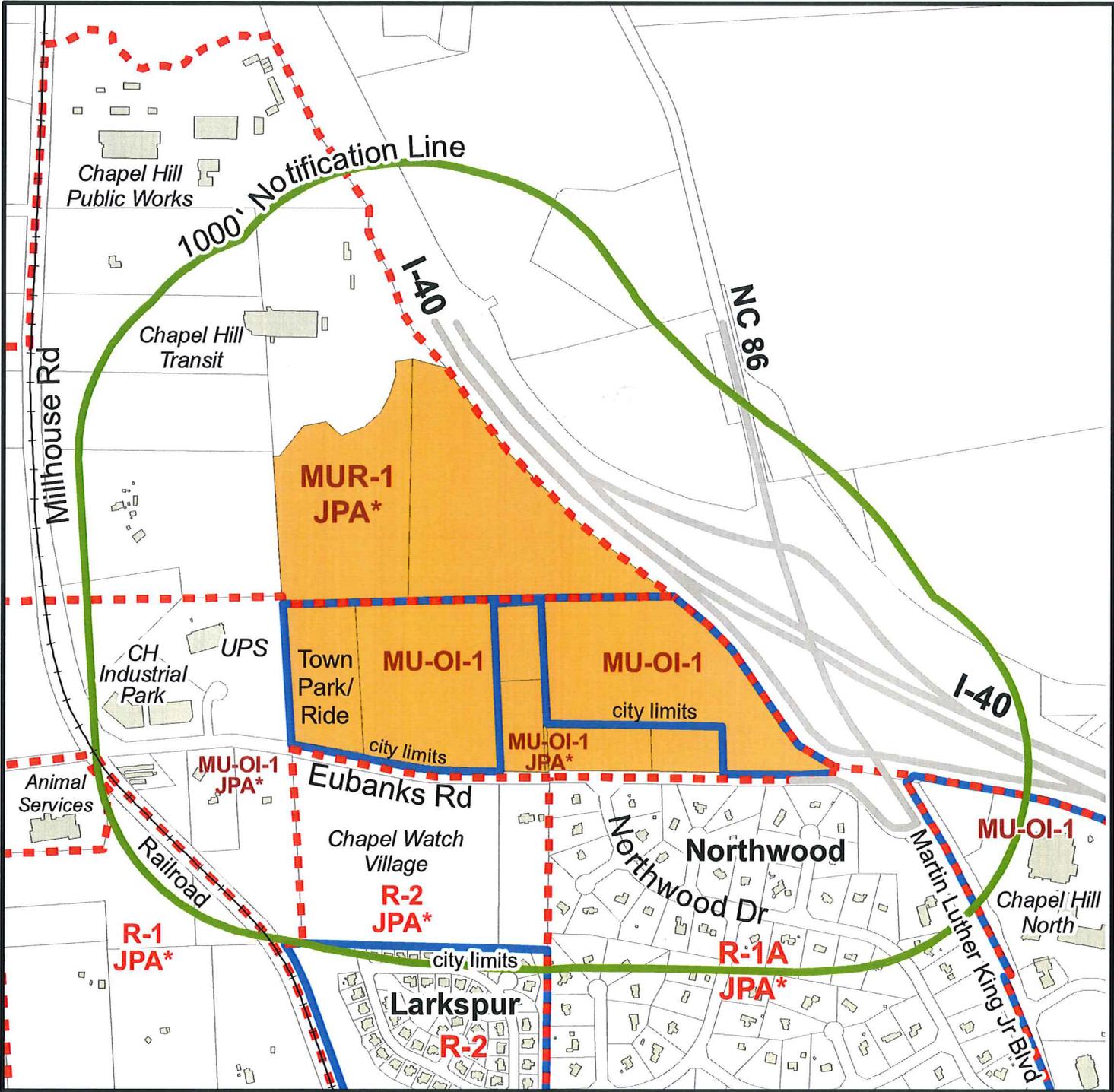
The project will be undergoing some public hearings in November with Chapel Hill Town Council action likely in January 2015. The project could include 837,000 square feet of floor area with buildings ranging from 1 to 7 stories. Of this square footage, 400-700 residential units (including an affordable housing component) are possible, along with retail, hotel and office.

Staff will be examining the project as it relates to the Joint Planning Area Land Use Map and other county comprehensive opportunities related to economic development, transportation, stormwater and services.

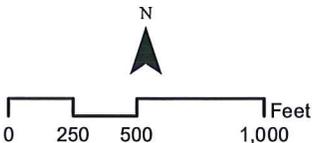
[See attached map]



# Area Map Eubanks Road Development



\* JPA: Joint Planning Area



GIS Map prepared by  
Town of Chapel Hill  
Planning Department  
April, 2011

## INFORMATION ITEM

BARRY JACOBS, CHAIR  
EARL MCKEE, VICE CHAIR  
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BERNADETTE PELISSIER  
RENEE PRICE  
PENNY RICH

Orange County Board of Commissioners  
Post Office Box 8181  
200 South Cameron Street  
Hillsborough, North Carolina 27278



November 12, 2014

Dear Commissioners,

At the Board's November 6, 2014 regular meeting, petitions were brought forth which were reviewed by the Chair/Vice Chair/Manager Agenda team. The petitions and responses are listed below:

- 1) Review and consider a request by Commissioners Price and Jacobs that staff review Chapel Hill and Carrboro policies related to pedestrian and bicycle access and begin working with cyclist groups, law enforcement and transportation officials to develop a culture of sharing the road.

**Response:** *Manager to discuss with Town Managers; Chair and Vice Chair to discuss with NCDOT at quarterly meeting on 11/12; Manager to ask Planning staff to work with OUT Board to set up sub group(s) to discuss/develop plan with input on membership from BOCC.*

- 2) Review and consider a request by Commissioner Price to consider modifications to the County's Facility Naming Policy which would allow for interior portions of a facility to be named for living individuals.

**Response:** *Referred to Manager for review and recommendation.*

- 3) Review and consider a request by Commissioner Gordon for staff to follow up on an earlier petition request regarding agenda postings on the County website.

**Response:** *Information Technologies Director to investigate and follow up.*

- 4) Review and consider a request by Commissioner Pelissier that the BOCC begin recognizing staff for superior accomplishments.

**Response:** *Manager and Human Resources Director will review options with plan to share with BOCC.*

This letter will be provided as an Information Item on the November 18, 2014 agenda for public information.

Best,

Barry Jacobs, Chair  
Board of County Commissioners