APPROVED 11/18/2014

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 Niezgoda, 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 5th 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 Voluntary Agricultural District and Present Use Value Taxation programs.

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

Water Resources

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

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

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

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

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

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

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

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

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

Commissioner Gordon said this is overall a wonderful report.

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

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

Loren Hintz said the last item will go into that issue in more detail. He said the short answer is for all entities that supported the solid waste group to come up with the ideas. He said there is a lot of sentiment that the County has a responsibility to better figure out what to

do with its solid waste. He said the Durham transfer station should only be a short term solution, but there is no long term answer.

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

Commissioner Pelissier referred to recommendation #3 on the incentives for green building techniques. She asked if staff is aware of other places that have done this successfully.

David Neal said there will be discussion of this later on the agenda.

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

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

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

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

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

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

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

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

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

Commissioner Dorosin said the report is outstanding, but he would challenge everyone to take a broader view of what environmentalism is as it relates to the impact on social justice issues. He said these things are interrelated, and he would push for them to look at the impacts of these issues on vulnerable low wealth communities. He said the flooding that occurred last year had a clear disparate impact on the most vulnerable people in the

community. He said it would be interesting to take the groundwater contamination maps and overlay basic census data on whether these contaminated areas are concentrated in low wealth areas.

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

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

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

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

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

This discussion was combined with item 1 above.

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

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

David Neal reviewed the following information from the abstract:

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

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

Since 2003, Orange County has been a member of Local Governments for Sustainability, an international membership association committed to a sustainable future. Creating incentives for energy efficiency in construction is consistent with Orange County's commitment to a sustainable future. The 2005 Greenhouse Gas Inventory revealed that nearly fifty percent of greenhouse gas emissions in Orange County come from residential and commercial buildings (consistent with national data1). Orange County, Chapel Hill, and Carrboro, in conjunction with

Hillsborough, are currently working on a revised inventory of greenhouse gas emissions and attempting to identify reduction measures.

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

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

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

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

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

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

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

He said another recommendation is the idea of partnering with Duke Energy and Piedmont Electric to create affordable on-bill financing options for energy efficient upgrades. He said this might be appealing for lower income individuals. He said the USDA rolled out a program this year that allows rural electric coops to do on-bill financing programs. He said if Piedmont Electric could be encouraged to take advantage of this, it would be a great way to

bring some money into the County to do energy efficiency work in a way that reaches low income individuals. He said this information is listed in the bullet points on page 12 of the report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Jacobs said Cooperative Extension will provide free energy efficient light bulbs, but many people don't know about this. He said if this gets to a bond package it would be a

good opportunity to address the non-profit affordable housing entities in the County and lobby for the next generation of energy efficiency.

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

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

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

5. Solid Waste Issues

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

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

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

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

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

Chair Jacobs noted that a report will be given at the Assembly of Governments meeting on November 14th.

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

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

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

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

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

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

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

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

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

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

Barry Jacobs, Chair

Donna Baker, Clerk to the Board