



**Orange County
Board of Commissioners**

Agenda

Virtual Business Meeting

January 18, 2022

7:00 p.m.

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

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business meeting on January 18, 2022. Members of the Board of Commissioners will be participating in the meeting remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

In this new virtual process, there are two methods for public comment.

- Written submittals by email
- Speaking during the virtual meeting

Detailed public comment instructions for each method are provided at the bottom of this agenda. (Pre-registration is required.)

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# 919-644-3045.

1. Additions or Changes to the Agenda

PUBLIC CHARGE

The Board of Commissioners pledges its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, county staff and the commissioners. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. The BOCC asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate. Please be kind to everyone.

2. Public Comments (Limited to One Hour)

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

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

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



b. Matters on the Printed Agenda

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

3. Announcements, Petitions and Comments by Board Members (Three Minute Limit Per Commissioner)

4. Proclamations/ Resolutions/ Special Presentations

a. Recognition of County Employee Retirements from October 1, 2021 through December 31, 2021

b. Recognition of Felix Nwoko, Former Manager of DCHC MPO

5. Public Hearings

6. Regular Agenda

a. One Orange Countywide Racial Equity Framework

7. Reports

8. Consent Agenda

- Removal of Any Items from Consent Agenda
- Approval of Remaining Consent Agenda
- Discussion and Approval of the Items Removed from the Consent Agenda

a. Minutes

b. Motor Vehicle Property Tax Releases/Refunds

c. Property Tax Releases/Refunds

d. Applications for Property Tax Exemption/Exclusion

e. Advertisement of Tax Liens on Real Property

f. Human Relations Commission – Approval of Request for Changes to the Meeting Schedule

g. Fiscal Year 2021-22 Budget Amendment #6

h. Approval of Financing Arrangements for New Hope Volunteer Fire Department to Purchase Fire Truck

i. Fourth Quarterly Report (2021 Q4) and 2021 Annual Report for Orange County's CDBG-CV Grant

j. Change in BOCC Meeting Schedule for 2022

k. West End Revitalization Association Letter of Support

9. County Manager's Report

Projected January 25, 2022 Assembly of Governments Meeting Agenda Items

Long-Term Recovery Plan Update

Transportation and Transit – Infrastructure Planning

Parks, Greenways and Trails – Connectivity

10. County Attorney's Report

11. *Appointments



12. Information Items

- December 14, 2021 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100
- Memorandum Regarding SPOT 6.0/STIP 2024-2033

13. Closed Session

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

Approval of Closed Session Minutes

14. Adjournment

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

***Subject to Being Moved to Earlier in the Meeting if Necessary**

Orange County Board of Commissioners' meetings and work sessions are available via live streaming video at orangecountync.gov/967/Meeting-Videos and Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

Public Comment Instructions

Public Comment – Written

(for Items not on the Agenda, Agenda Items and Public Hearings)

Members of the public may provide written public comment by submitting it to the ocbocc@orangecountync.gov email address by 3:00 PM on the afternoon of the meeting.

When submitting the comment, include the following:

- The date of the meeting
- The agenda item (example: 6-a) you wish to comment on
- Your name, address, email and phone number

The Orange County Board of Commissioners, County Manager, County Attorney and Clerk to the Board, will be copied on all of the emails that are submitted.

Public Comment – Verbal

(for Items not on the Agenda, Agenda Items and Public Hearings)

Members of the public will be asked to contact the Clerk to the Board using the email address ocpubliccomment@orangecountync.gov no later than 3:00 PM on the day of the meeting and indicate they wish to speak during the meeting.



When submitting the request to speak, include the following:

- The date of the meeting
- The agenda item (example: 6-a) you wish to speak on
- Your name, address, email and phone number
- The phone number must be the number you plan to call in from if participating by phone

Prior to the meeting, speakers will be emailed a participant link to be able to make comments during the live meeting. Speakers may use a computer (with camera and/or microphone) or phone to make comments. Speakers using the phone for comments must use the provided PIN/Password number.

The public speaker's audio and video will be muted until the BOCC gets to the respective agenda item(s). Individuals who have pre-registered will then be brought into the public portion of the meeting one at a time.

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: January 18, 2022

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

SUBJECT: Recognition of County Employee Retirements from October 1, 2021 through December 31, 2021

DEPARTMENT: Human Resources

ATTACHMENT(S):

INFORMATION CONTACT:

Brenda Bartholomew, Human
Resources Director, 919-245-2552

PURPOSE: To recognize and express gratitude to recent County employee retirees for their devotion and service to Orange County and its residents.

BACKGROUND: The following employees have retired in the second quarter of this fiscal year:

Last Name	First Name	Location Desc	Retirement Date	YRS OF SERVICE
LEMMERMAN	DEBORAH	DEPARTMENT ON AGING	09/30/2021	5
BROOKS	TERRY	HEALTH	09/30/2021	8
POMERLEAU	GARRY	EMERGENCY SERVICES	12/01/2021	11
GALEANA	LEOVITA	HEALTH	09/30/2021	16
INSKO	KURT	SHERIFF'S OFFICE	11/01/2021	16
INGERSOLL	SHERRI	HUMAN RESOURCES	10/29/2021	17
HUPMAN	LINDA	HEALTH	11/30/2021	18
CARR	SCOTT	SHERIFF'S OFFICE	11/01/2021	19
MOORE	ANNETTE	HUMAN RIGHTS & RELATIONS	11/30/2021	23
BAILIN	ROBIN	DEPARTMENT ON AGING	09/30/2021	27
BROOKS	MICHELE	FINANCE AND ADMIN SERVICES	10/31/2021	27
EVERHART	DEBRA	DEPARTMENT OF SOCIAL SERVICES	10/01/2021	27
UNDERWOOD	BOBBIE	TAX ADMINISTRATION	10/31/2021	30

The Orange County Board of Commissioners thanks each of these retirees for their service to Orange County and for their dedication in meeting the primary mission of Orange County, in serving residents with fairness, respect and understanding.

FINANCIAL IMPACT: There is no financial impact associated with consideration of this recognition.

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

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board recognize and express appreciation to the most recent County employee retirees for their devotion and service to Orange County and its residents and wish them well in their retirements.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

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

SUBJECT: Recognition of Felix Nwoko, Former Manager of DCHC MPO

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

Letter of Appreciation

INFORMATION CONTACT:

Renee A. Price, Chair, 919-245-2130
Laura Jensen, Clerk to the Board, 919-
245-2130
Craig Benedict, Planning Director, 919-
245-2575

PURPOSE: To recognize Felix Nwoko, former manager of the Durham Chapel Hill Carrboro Metropolitan Planning Organization, upon his retirement on December 31, 2021.

BACKGROUND: For 27 years, Felix Nwoko played an important role in the development of the Durham Chapel Hill Carrboro Metropolitan Planning Organization (DCHC MPO). Mr. Nwoko helped to professionalize the MPO and develop a technical foundation for planning in the Triangle area. Mr. Nwoko authored the MPO's first three long-range plans and spearheaded the creation of modeling tools that are still used to update long-range planning for the MPO. His extensive knowledge of the transportation planning process and federal policies and procedures benefitted not just the DCHC MPO, but MPOs throughout the state. Mr. Nwoko also worked to increase the representation of underrepresented groups in the transportation field by creating an historically black college and university internship program. Mr. Nwoko recruited a diverse, knowledgeable, and talented staff at DCHC MPO, and his leadership in the community will be missed.

FINANCIAL IMPACT: There is no financial impact associated with this item.

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

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board recognize Felix Nwoko upon his retirement as DCHC MPO Manager, and authorize the Chair to sign a letter of appreciation.

RENEE PRICE, CHAIR
JAMEZETTA BEDFORD, VICE CHAIR
AMY FOWLER
SALLY GREENE
JEAN HAMILTON
EARL MCKEE
ANNA RICHARDS

Orange County Board of Commissioners
Post Office Box 8181
300 West Tryon Street
Hillsborough, North Carolina 27278



18 January 2022

Felix Nwoko, Manager
DCHC MPO

Re: Letter of Appreciation

Dear Mr. Nwoko,

The Orange County Board of County Commissioners, on behalf of the people of Orange County, hereby extends our most heartfelt congratulations to you on your forthcoming retirement. We sincerely appreciate your years of dedicated service at the Durham Chapel Hill Carrboro Metropolitan Planning Organization, and we applaud you for your stellar career in the field of transportation planning.

Working with elected officials, staff members and constituents of the DCHC MPO, you always exhibited diplomacy while balancing the varying interests of the local governments and stakeholders. You demonstrated that transportation planning goes beyond the complex and technical nature of state and federal funding formulas, and you brought this understanding to the households, businesses and institutions affected by transportation projects and initiatives.

Again, the Orange County community is grateful to you for sharing your intellect and talents with us over the years, and for your commitment to the growth and sustainability of our region. May the next phase of your life be filled with joy and laughter. We wish you all the best.

Sincere and warm regards,

Renee A. Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

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

SUBJECT: One Orange Countywide Racial Equity Framework

DEPARTMENT: Human Rights and Relations

ATTACHMENT(S):

One Orange Racial Equity Framework

INFORMATION CONTACT:

Erica Bryant, Child Support Services,
(919) 245-2177
Sharron Hinton, Human Rights &
Relations, (919) 245-2840
Nancy Coston, Social Services, (919)
245-2800

PURPOSE: To review the updated Countywide Racial Equity Framework and to consider approving this framework for moving forward with the multi-jurisdiction collaborative work on racial equity.

BACKGROUND: In January 2021, the GARE Multi-Jurisdictional Task Force, One Orange, established subcommittees to work on each section of this framework. One Orange is comprised of Orange County staff along with staff from the Towns of Carrboro, Chapel Hill and Hillsborough.

The five multi-jurisdictional subcommittees are led by at least one jurisdictional member and include staff from each jurisdiction. The subcommittees are:

- Training
- Racial Equity Tool Kit, now more aptly named the Racial Equity Assessment Lens (REAL)
- Community Engagement
- Racial Equity Index
- Evaluation and Accountability

Through the work of these subcommittees, a draft framework was developed. One Orange is committed to creating a community where race no longer predicts life outcomes and was eager to share this information with the community for feedback.

In June 2021, the Orange County Board of Commissioners received the Orange County Racial Equity Plan: A Framework for Moving Forward. Starting in June 2021, community outreach events were organized, the plan was shared with the community, and valuable feedback was received. In November 2021, a push for additional community engagement resulted in listening sessions at the Senior Center and The Refugee Support Center and the distribution of questionnaires at the DSS Annual Toy Chest event. One Orange utilized the feedback to refine the Racial Equity Framework.

The One Orange Task Force is now presenting the revised framework to each jurisdiction's governing board requesting support for moving forward with this work. The Task Force believes the framework better describes the purpose of this work since specific plans are expected to come mostly from individual jurisdictions, although there may also be joint initiatives. The framework provides structure and oversight as each jurisdiction develops its individual strategies and plans to promote racial equity. The updated framework will be presented to Hillsborough on January 24, 2022, Chapel Hill on January 26, 2022, and Carrboro on February 1, 2022.

Although there are no substantive changes to the framework, there are additional details about the community engagement and training pillars as well as updates to the staff members who are leading these efforts.

The feedback from the community shows interest and support for this work and the need for action by all jurisdictions.

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUALITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex; gender or sexual orientation; national origin or ethnic background; age military service; disability; familial, residential, or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
The creation and preservation of infrastructure, policies, programs, and funding necessary for residents to provide shelter, food, clothing, and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/ traffic accidents, childhood and senior injuries, gang activity, substance abuse, and domestic violence.
- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**
The fair treatment and meaningful involvement of people of all races, cultures, incomes, and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies.
- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board review and approve the revised framework and collaborative work of One Orange for promoting racial equity throughout Orange County.

One Orange Countywide Racial Equity Framework Catalyst For Moving Forward

Introduction and Overview

Throughout the country, more and more communities are committing to advancing racial equity. Many are pursuing foundation first and following the National Practice - normalize, organize and operationalize the work. Orange County jurisdictions are also committed to this work and that commitment is one of the main reasons why we are members of the Government Alliance on Race & Equity (GARE). GARE is a national network of government agencies working to advance racial equity. Over the past decade, a growing field of practice has emerged based on lessons learned from practitioners, as well as academic experts, studying data and listening to the community so that residents have better outcomes. GARE brings together governments throughout the country to provide racial equity training, racial equity tools, sharing best practices, peer-to-peer learning, and academic resources to help strengthen work across jurisdictions. As a county and within our individual jurisdictions, we continue to benefit from our involvement.

Many people ask, “What is racial equity and why consider race”?

WHAT IS "RACIAL EQUITY"?

GARE defines racial equity as "when race can no longer be used to predict life outcomes and outcomes for all groups are improved."

- The difference between racial equity and equality is that equity is about fairness, while equality is about sameness.
- Equity cannot be achieved until everyone starts from a level playing field.
- Across all indicators of success, racial inequities continue to be a factor (e.g., education, housing, criminal justice, jobs, public infrastructure, and health).

Over the history of our country, government has created and maintained a hierarchy based on race, of who succeeds, fails, benefits, and burdened by the laws, policies, and practices. Inequities are sustained by historic legacies, structures, and systems that support these patterns of exclusion. To achieve racial equity, a fundamental transformation of government is necessary. In prior years, the government has focused on addressing the symptoms of racial inequity by:

- Funding programs and services that have proven to be mostly ineffective at addressing underlying causes; and
- Passing Civil Rights laws, which made racial discrimination illegal, but, after more than 50 years, racial inequity continues to exist.

Government efforts, instead of focusing on symptoms of racial inequity, should focus on the policies and institutional strategies that are driving the production of inequities.

WHY RACE?

Race is a social construct and not biological, as people often think. Defining racial categories has changed over the years. Issues involving race are often "the elephant in the room" but rarely discussed with a shared understanding. To advance racial equity, it is necessary we talk about race.

In the United States, while race, income, and wealth are closely connected, racial inequity is not just about income. Even when income is the controlling factor, there still exist many inequities across multiple indicators of success, including education, jobs, housing, health and incarceration. It is important to talk about race to advance racial equity. To advance racial equity, we must normalize the conversation about race and operationalize strategies for advancing racial equity. In advancing racial equity, we will also be building systems that allow us to address income and wealth inequity and recognize the bias that exists based on gender, sexual orientation, ability, age, and religion. Focusing on race allows us to develop a framework, tools, and resources that apply to other areas of marginalization, recognizing that different strategies will be necessary to achieve equity in other areas.

RESULTS - ADVANCING RACIAL EQUITY IMPROVES OUR COLLECTIVE SUCCESS

Focusing on racial equity is critical in helping us achieve different outcomes for our communities. The goal is not just to eliminate the inequities between whites and people of color, but to increase and enhance the success of all groups. To eliminate disparities, we must strategize based on the experiences of communities being underserved by existing institutions, systems, and structures. To understand the experience of those communities, they must be included and engaged. In this process, we move past looking at disparities and find racialized systems that are costly, suppress outcomes, and life chances for all groups. Systems that are failing communities of color are failing us all by suppressing life chances and outcomes.

The One Orange Countywide Racial Equity Framework: Catalyst for Moving Forward is designed with the commitment of uncovering and addressing implicit biases in our jurisdictions to ensure that race no longer can be used to predict life outcomes in the Orange County community. Since August 2020, a multi-jurisdictional workgroup collaborated on this framework using GARE methodology and listening to the community. The workgroup presented a recommendation to develop a countywide framework to elected officials of the Towns of Carrboro, Chapel Hill, and Hillsborough and Orange County between October 2020 and January 2021.

Upon receiving support from the elected officials, the multi-jurisdictional workgroup formed sub-committees and began working on this framework for change. Sub-committees began researching, collaborating, compiling findings and drafting sections of the framework in April 2021. The first draft of the framework was shared with elected officials and other stakeholders in June 2021.

This working document embodies racial equity as the strategy for change. The change materializes using five pillars – 1) Training, 2) Community Engagement, 3) Racial Equity Index, 4) Racial Equity Assessment Lens and 5) Evaluation/Accountability. Each jurisdiction will use this framework as guidance to take action on a county and jurisdictional level.

One Orange Community Engagement in Action

The initial framework draft was presented in June 2021, and community engagement remains a touchstone of the framework. The multi-jurisdictional workgroup offered three general presentation sessions, followed by targeted outreach presentations to various communities and demographic groups and collected questionnaire feedback.

The general sessions, held online, were designed to inform, involve, and consult with the community by sharing the purpose and status of the draft plan and by asking a series of questions to gauge if the plan met the community's interests and needs in advancing racial equity. See questions and response summaries below. During targeted outreach, the length of the presentations adjusted due to time constraints. Information about the racial equity plan was provided along with the questionnaire.

In total, there were 660 responses, some participants selected more than three results regarding racial equity that they would like to see. Overwhelmingly we encountered equity friendly community members and many of those have lived experiences as a person of color. Many of the comments denoted a lack of trust that progress towards racial equity will be achieved. Through further development and full implementation of each of the pillars listed below, we intend to restore that trust.

Question 1: What is one hope and one fear about this Countywide Racial Equity Framework?

- **Hopes** – Community, change, people being treated fairly, unity, and peace.
- **Fears** – Lack of action, initiative will fail, increased racial tension, and violence.

Question 2: What three results regarding racial equity would you like to see?

There were 11 major themes noted. The top four results were:

1. Improved Education Outcomes for Children of Color
2. Increased Affordable Housing Options
3. Increased Employment Opportunities for People of Color
4. Improved Health Outcomes for People of Color

See additional details and tables in Appendix A.

Racial Equity Pillars

A sub-committee was developed for each pillar - Training, Community Engagement, Racial Index, Racial Equity Assessment Lens, and Evaluation and Accountability. Each subcommittee included staff from Carrboro, Chapel Hill, Hillsborough and Orange County.

Pillar 1 – Training and Organizational Capacity

Organizational capacity is a key component in advancing racial equity efforts. This includes a plan to provide training to build capacity and advance racial equity in countywide systems. It is important to provide adequate racial equity training to ensure that employees, Elected Officials, advisory boards and commissions, community partners and other stakeholders build a foundation including definitions of key terminology and commonality. It is also important to evaluate policies, services and new initiatives incorporating an equity lens and encompassing racial equity in everyday operations and decision-making processes.

GARE racial equity training topics include:

- History of race
- Implicit and explicit bias
- Institutional and structural racism
- How to use and apply racial equity tools
- Understanding the role of government in advancing racial equity
- Be motivated to take action

Targeted training groups:

- Elected officials
- Management/supervisors
- Non-management
- Advisory board and commission members
- Community/business partners
- General public

To ensure that an organization is ready to train the various groups, each organization should look at the organization's readiness to make a change. Leadership needs to be supportive of efforts and establish a clear vision. An organization must also have appropriate resources such as staff time and budget. Training can be provided as a requirement for all staff or as a voluntary opportunity.

While the specific training implementation will be determined by each jurisdiction, a benefit of this countywide effort is the opportunity to leverage one another and collaborate on training, when possible.

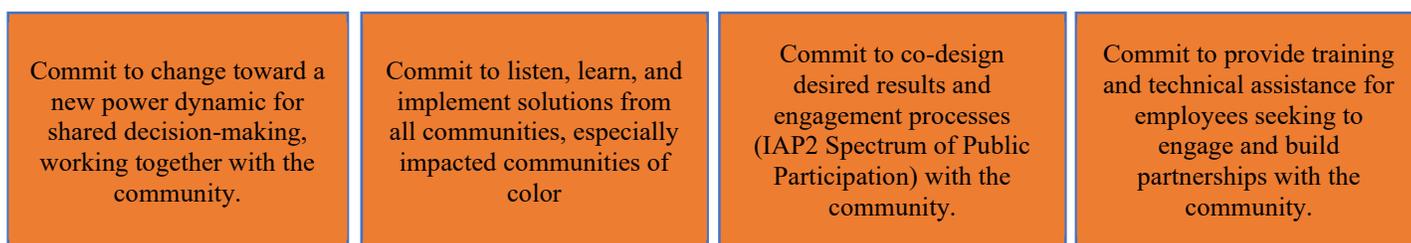
Appendix B has more detailed information developed as a set of best practice guidelines to review and consider prior to implementing racial equity training.

Pillar 2 – Community Engagement

Community Engagement, a vital strategy in centering and advancing racial equity in the community, requires the expertise and people of lived experiences. To effectively remove race as a predictor of success, residents and employees of color should also be engaged as subject matter experts on institutional barriers and the strategies to dismantle those barriers. This engagement will make for better procedures, policies, and programs.

This sub-committee established the following shared principles for shifting the power dynamics in government to prioritize the perspective of communities most impacted by racism.

ONE ORANGE RACIAL EQUITY COMMUNITY ENGAGEMENT PRINCIPLES



Each jurisdiction has community engagement methods and strategies, and the strategy laid out in Appendix C can be used to strengthen and supplement those efforts. The Spectrum of Public Participation below is a tool of the International Association for Public Participation (IAP2). The international professional organization works to advance the practice of public participation globally, and the spectrum is considered a best practice. Additional tools adapted from various sources are provided to help operationalize community engagement.

Use the 3-Step Community Engagement Process to select the best engagement approach. This process can assist jurisdictions in creating an engagement process that centers equity and honors the wealth of knowledge in each jurisdiction. Community engagement provides an opportunity to repair or replicate harm and to build relationships and community. For all community members, each interaction and each engagement contribute to the experience of their relationship with the government. Our focus on racial equity acknowledges that interactions and lack of engagement have historically led to disparate outcomes for communities of color. Community engagement fulfills the social justice maxim, “Nothing About Us, Without Us,” and increases the likelihood of community buy-in during implementation.

GARE also suggests providing a form of reimbursement for their time and expertise — not as an incentive but as compensation. Jurisdictions are encouraged to explore community engagement compensations strategies, begin piloting the 3-Step Community Engagement Process and provide feedback as we continue to refine the One Orange Community Engagement Strategy.

The One Orange Racial Equity Framework requires a pragmatic approach informed by the analysis racially disaggregated data from the Racial Equity Index covered in the next section of this report, coupled with the information learned through community engagement.

Pillar 3 – Racial Equity Index

The overall goal of this pillar is to develop an index depicting the correlations of key indicators to predict outcomes and impacts on racial disparity in identified areas such as income, education and health in the county and jurisdictions. The use of data and analytics is integral to the work of GARE to present a descriptive picture of where the county and municipalities are currently in racial equity work, and to track progress overtime.

The first work deliverable will be developing an overview of available relevant data and organizing it into a user-friendly public-facing web page. Some of this work is anticipated to build on current intergovernmental work being completed through Carolina Demography.

The second deliverable will be an analysis of the county workforce data utilizing the SAS modeling. After this pilot, a decision will be made about the platform to use for future index work.

Pillar 4 – Racial Equity Assessment Lens

Evaluation of existing and new policies, practices, services and initiatives is another component of advancing racial equity efforts. The Racial Equity Assessment Lens is designed with a user-friendly approach incorporating a racial equity emphasis. The findings can effectuate change that results in better community outcomes. To maintain the effectiveness of this approach, periodic review of this assessment lens should occur based on real life experiences. See Appendix D for FAQ's and assessment lens.

Pillar 5 – Evaluation and Accountability

The Evaluation and Accountability Sub-committee is working on an evaluation process based on the Results-Based Accountability principles (RBA) framework. The RBA framework provides a disciplined, data-driven decision-making process to help local governments take action to solve problems. RBA is embedded in the Racial Equity Assessment Lens that "starts with the desired result and works backward to the means, to ensure the desired results that your plan works toward community results with stakeholder-driven implementation." Results-based accountability helps distinguish between population level (whole group), and performance measure (activity-specific) indicators that organizations use to determine whether they are having an actual impact. The RBA framework indicates the relationship over time between results, indicators, and activities. It is based on seven questions of population accountability: What are the desired results? What would the results look like? What are the community indicators that would measure the desired results? What does the data tell us? Who are your partners? What works to change the data trend toward racial equity? What actions should you start with?

Performance Accountability for Actions: The Road to Getting to Results

In using the RBA framework, the groundwork has already been set. For each community indicator, the group has identified a set of actions. Facilitated action planning sessions help to refine the steps. Population-level indicators and results will then help to build a performance plan. Performance measures will ensure actions or activities are crafted in a way to decrease racial disparities. More details are outlined in Appendix E.

Some questions asked in this process are:

1. Who do you serve?
2. What is an action's intended impact?
3. What is the quality of the action?
4. What is the story behind the data?
5. Who are the partners with a role to play?
6. What works to have a greater impact?
7. What are the next steps?

Community outreach is a necessity in evaluation and accountability. A performance measure is a quantifiable measure of how well an action is working and an action are the specific things that a jurisdiction will do to achieve the outcomes. Some questions to consider includes: Are there outcomes and actions that are receiving less attention than others? Is there a need to change the plan? Have plan actions been implemented or are in progress? What do the results indicate as to how to improve? Is there an explanation and/or proposal for resolving the issue if there are unmet or blocked actions Are there racially diverse staff working on the plan over the year(s)? Are residents of color engaged in the

implementation of the plan over the year(s)? Are measures being recorded and updated as actions change, or are they completed? Is the jurisdiction reporting on challenges and successes?

The One Orange Racial Equity Framework is designed so that evaluation and accountability of racial equity work is aided by the Racial Equity Assessment Lens which is rooted in Results Based Accountability. Evaluation of actions and outcomes is a continual process that relies on community outreach, transparency, and effective data analysis.

Implementation

The multi-jurisdictional task force will continue to work collaboratively on education, projects, community engagement and communication. Racial equity work should be guided by the Racial Equity Goals and decisions of Elected officials in each jurisdiction. Each jurisdiction will use the five pillars as the foundation to take action on a jurisdictional level.

Acknowledgements

Jurisdictional CORE Team Members:

Carrboro

Anita Jones-McNair, Lakisha White-Kelly, Allie Hansen, Chris Clark, Catherine Lazorko, Jon Hartman-Brown, Cary McNallan, James Walker, Zequel Hall, Greg Sherman, Julie Eckenrode, Laura Janway Mary Bryant, Trish McGuire and Will Potter

Chapel Hill

Shenekia Weeks, Rae Buckley, Celisa Lehew, Lisa Edwards, Tom Clark, and Shannon Bailey

Hillsborough

Haley Bizzell, Jen Della Valle, Stephanie Trueblood, Eli Valsing, and Catherine Wright

Orange County

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Appendices

APPENDIX A. - One Orange Community Engagement in Action Results

General Organizational Invite	Targeted Outreach Presentation
Marian Cheek Jackson Center	Refugee Support Center
El Centro Hispano members	Northern Orange Branch of the NAACP members
Cedar Grove Community Center	Public housing residents
Rogers-Eubanks Neighborhood Association (RENA)	Orange County Changemakers
Juvenile Justice Crime Control Commission	Orange County Partnership to End Homelessness
Third Sector Alliance	Chapel Hill-Carrboro of the NAACP members
Orange County Community Remembrance Coalition	Long -Term Recovery Groups/contacts
Refugee Community Partnership members	Inter-Faith Council residents
Orange Congregations In Missions	Local Reentry Council
United Voices of Efland Cheeks	Intergovernmental Park Work Group
Orange County Juvenile Crime Prevention Council	Orange County Toy Chest
A Helping Hand	Orange County Senior Center
Art Therapy Institute	Chapel Hill - Carrboro Public Housing
Big Brothers Big Sisters of the Triangle, Inc	Joint Board of Health
Boys and Girls Club of Durham and Orange County	Chapel Hill – Carrboro School Board
Transplanting Traditions Community Farm, Inc.	Carrboro Racial Equity Commission
Farmer Food Share	Chapel Hill Public Housing Resident Council meeting
Piedmont Health Services	Orange County School Board
Boomerang Youth, Inc.	Orange County Commissioners
Table NC	Orange County Board of Health meeting
Club Nova Community, Inc.	
The Arc of the Triangle	
Chapel Hill Meals on Wheels	
Hope Renovations	
Pathway to Change	
Community Members	

Specifically, the following community input was gathered. Using the interactive tool Mentimeter, during the general sessions, the visual representation below captures attendees responses displaying the most frequent words more prominently.

The multi-jurisdictional workgroup learned it is easier to connect with community bodies formed with decision-making authority, specific planning responsibilities, or service providers. By leveraging Orange County's Toy Chest, we were able to reach voices that would otherwise go unheard. Conversely, engaging people of color in the community with different lived experiences of institutional racism through general invitation can be challenging for many reasons. However, many of the families opted to take the survey, going beyond checking a box to thoughtfully crafting sentences to voice their desire for racial equity. As we move forward to effectuate this plan, each jurisdiction is encouraged to use the communities' input as they apply a racial equity lens to their policies, practices, and initiatives

APPENDIX B. TRAINING/ORGANIZATIONAL CAPACITY FRAMEWORK

Purpose: The training committee will develop a plan to provide training to policymakers, managers, staff, boards and commission members, community partners, and the general public to build capacity to advance racial equity and to embed racial equity into countywide systems.

1. Each organization should identify the following prior to providing racial equity training:

- a. Organization's racial equity vision – this will allow the organization to determine how the training can align with and make progress toward the overall equity vision.
- b. Purpose of the training
- c. Training goals
- d. Assessment of what has already been done, such as policy revisions and previous trainings including the content, focus, and perspectives of previous trainings.
- e. Next steps after training and who is responsible for moving those efforts forward.

2. Questions to ask prior to training:

- a. What is the staff's capacity to take on this training and time commitment?
- b. Does the organizational culture support candid conversations around race and equity?
See Organizational Capacity section below.
- c. Is leadership invested in transformative change?
- d. What do employees expect and/or want to get out of the training? Training can then be tailored to those interests.
- e. What are timely next steps for participants?

3. Structure of training: Below are guidelines and/or suggestions and considerations for the structure of racial equity training.

- a. Adapt presentation style for each member group ensuring diversity of participants within each training session.
 - Elected officials
 - Management/supervisors
 - Non-management
 - Advisory board members
 - Community/business partners
 - General public
- b. Multiple training facilitators across jurisdictions & a technical support person
 - Have diverse facilitators to keep trainees engaged including at least one facilitator that is representative of the majority of the group regarding gender and race.
 - Consider having a technical support person to help facilitate.
- c. Offer initial training to start the conversation around racial equity and provide background information.
 - Balance lecture with discussion, breakout sessions, and group discussions.
 - GARE training should be completed consecutively.
 - Training length, including the number of days and hours, will likely vary for each organization depending on the culture, goals, purpose of the training, and the number of people in attendance.

Suggested preparation

- Practice presenting the training beforehand.
- Review GARE's FAQs to prepare for answering staff questions.
- Share resources including training content and FAQs with facilitators across organizations.

4. Training Content:

- a. Initial background/information session on racial equity. This introductory training would be geared toward new employees or people who have not attended racial equity training. The initial training helps build a shared language and understanding of basic

concepts. When presenting the training content, consider varied literacy and learning styles across participants.

- b. On-going/follow-up training
 - Implicit and explicit bias
 - Institutional and structural racism
 - Racial equity tool – what it is and how to use it for your organization.
 - Inclusive outreach and public engagement
 - Operationalizing and organizing racial equity
- c. After the training, ask for feedback or an evaluation to help improve future training content.

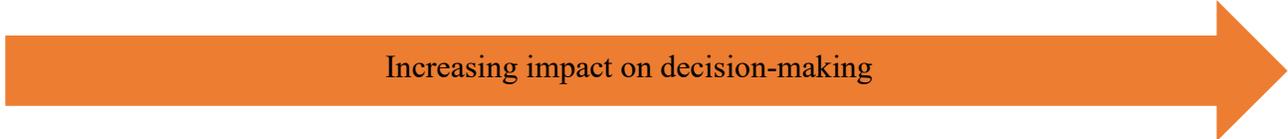
5. Organizational Capacity:

- a. Organization's culture
 - Is the organization ready to make changes to advance racial equity?
- b. Develop, engage and maintain a core team of employees from multiple levels of influence across departments.
- c. Time commitment
 - Facilitators and participants
 - Initial training from GARE and learning COHORT process.
 - Train the trainer approach.
 - Management & supervisors time to attend trainings and complete assignments outside of training.
- d. Resources
 - Budget
 - Community partners
 - Employee commitment
 - Full-time diversity, equity, and inclusion position
- e. Cross-organizational teams
 - Facilitation

APPENDIX C. Suggested Community Engagement Strategy

Spectrum of Public Participation

	Inform 	Consult	Involve 	Collaborate 	Empower 
Public Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision, including the development of alternatives and identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Public	<i>We will keep you informed.</i>	<i>We will keep you informed, listen and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.</i>	<i>We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed, and we will provide feedback on how public input influenced the decision.</i>	<i>We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decision to the maximum extent possible.</i>	<i>We will implement what you decide.</i>



Levels of Participation Defined

[Organizing Engagement](#) provides a detailed description of each level of participation and its benefits and limitations.

LEVEL OF PARTICIPATION	BENEFITS	LIMITATIONS
<p>Inform: In an informing process, participants are largely passive recipients of information, although they may use the information they receive later to vote or choose to participate in additional engagement efforts.</p>	<p>At its most effective and beneficial form, the information shared with the public is as objective, accurate, and fact-based as possible and an informing process keeps the public apprised of the rationales motivating the decisions being made by leaders.</p>	<p>In its most potentially harmful manifestation, an informing process can be used as a manipulative tactic to mollify legitimate public concerns or deceive the public into supporting a decision or policy that is not in their interest.</p> <p><i>*Use the Racial Equity Assessment Lens to investigate benefits and burdens of your project on the community.</i></p>
<p>Consult: In a consulting process, participants contribute their viewpoints, opinions or preferences, and leaders then use this information to inform decisions.</p>	<p>At its most effective and beneficial form, a consulting process improves the outcomes of a decision-making process by giving public officials a more accurate understanding of the beliefs, needs, concerns, or priorities of those their decisions will impact.</p>	<p>At its most harmful form, a disorganized consulting process can take a large amount of the public's time or resources but produce few tangible results, or it can be manipulatively designed to make the public feel it has been heard when leaders are ignoring the public's recommendations.</p> <p><i>*Provide compensation when possible.</i></p>
<p>Involve: In an involving process, participants are actively involved in a decision-making process organized by leaders.</p>	<p>At its most effective and beneficial form, an involving process includes members of the public in meaningful roles, with the public included from the beginning stages of the process through its conclusion.</p>	<p>At its most harmful form, an involving process can be intentionally and selectively exclusionary to empower some members, groups, or viewpoints over others, or it can be so mismanaged, disingenuous, or even fraudulent that the public begins to distrust those in leadership positions, lose faith in their public institutions, or question whether any participatory process can be genuine.</p> <p><i>*Racial equity requires that we are race explicit, not exclusive. Center the voice of people of color and lived experiences.</i></p>
<p>Collaborate: In a collaborative process, leaders work in partnership with members of the public to identify problems and develop solutions.</p>	<p>At its most effective and beneficial form, genuine collaborative processes and partnerships give leaders and participants equal status, with those who hold the power sharing some degree of control, management, or decision-making authority with participants.</p>	<p>At its most harmful form, leaders use their position, authority, influence, or power to exploit or disempower their partners or ask them to do all the work on a project while the leaders derive most of the benefits, funding, or accolades.</p> <p><i>*Provide compensation when possible.</i></p>
<p>Empower: In an empowering process, leaders may partially or entirely turn over control, management, or decision-making authority to public participants, or the public may mobilize to develop a decision-making process instead of institutional leadership or action on an important issue.</p>	<p>At its most effective and beneficial form, an empowering process entrusts the public with decision-making authority and, thereby, builds greater trust among the public. It also provides the necessary resources to members of the public who may be disadvantaged or unable to participate without accommodations or assistance.</p>	<p>In a problematic or harmful form, organizations or individuals are entrusted to manage a process they may not have the capacity or resources to manage competently, or institutional leaders, professionals, and experts remove themselves from the process that requires institutional leadership, specialized expertise, or professional skills to achieve a successful conclusion or resolution.</p> <p><i>*You may have to provide capacity building or technical assistance.</i></p>
<p>Adapted from Organizing Engagement <i>*Indicates ways to center equity principles to avoid causing harm to historically marginalized populations.</i></p>		

Determining the Best Approach (3-Step Community Engagement Process)

To determine the best approach to engage the community, use this three-step process that asks a series of clarifying questions which, when answered thoughtfully, lead to several engagement methods. The steps include:

1. Community Engagement Design Tool — a question-based tool to clarify your engagement's context, scope, people needed, and purpose.
2. Community Engagement Matrix Tool — a grid-based tool used to detail and tailor your engagement needs with potential engagement methods located in the International Association for Public Participation (IAP2) Matrix.
3. IAP2 Methods Matrix — a curated list of engagement methods aligned and organized by level of participation on the spectrum, engagement context, engagement purpose, and scale used to generate engagement methods that match your needs.

STEP 1: COMMUNITY ENGAGEMENT DESIGN TOOL

The Policy Project’s Community Engagement Design Tool was adapted below to help determine the best approach to engagement on the IAP2 Spectrum of Public Participation by considering the key factors on your policy or project — namely, the context, scope, people and purpose.

<p>Context: for policy-making supported by engagement. What’s the broader context that shapes the environment, likely reaction or readiness of the community to consider the problem or opportunity under consideration?</p> <p><input type="radio"/> Inform <input type="radio"/> Consult <input type="radio"/> Involve <input type="radio"/> Collaborate <input type="radio"/> Empower</p> <p>Engagement level is more likely to be on the left side of the spectrum if there are few complex, significant or controversial factors in the context. Engagement moves further right the more complex, controversial, or challenging the factors are.</p>		<p>Scope: of the problem or opportunity. What’s the scope of the problem, opportunity, or outcome? Are there any limits on the potential solution?</p> <p><input type="radio"/> Inform <input type="radio"/> Consult <input type="radio"/> Involve <input type="radio"/> Collaborate <input type="radio"/> Empower</p> <p>Engagement level is positioned further left on the spectrum the smaller the policy problem-solving scope is. Engagement moves further right the broader the scope is.</p>				
<p>People: individuals and groups affected. Who are the people, stakeholders, and organizations who will be affected? What’s the nature of our relationship and connection to these people?</p> <p><input type="radio"/> Inform <input type="radio"/> Consult <input type="radio"/> Involve <input type="radio"/> Collaborate <input type="radio"/> Empower</p> <p>Engagement level moves toward the right on the spectrum the more significant the policy question is to the public, stakeholders, and community organizations.</p>		<p>Purpose: of engagement. What’s the purpose of community engagement?</p> <p><input type="radio"/> Inform <input type="radio"/> Consult <input type="radio"/> Involve <input type="radio"/> Collaborate <input type="radio"/> Empower</p> <p>Engagement level moves toward right of the spectrum to receive permission or endorsement or to create solutions. Engagement moves toward center to critique or develop proposals. Engagement moves toward left to provide feedback on a policy proposal.</p>				
<p align="center">Design Factors</p> <p>Provide brief statement of rationale describing each of the design factors.</p>		<p align="center">Spectrum of Public Participation Levels</p> <p align="center">Check all that apply.</p>				
		Inform	Consult	Involve	Collaborate	Empower
Context						
Scope						
People						
Purpose						
<p align="center">Public Participation Levels to Be Used</p> <p>Based on your assessment of the design factors, decide the best public participation level to meet your program’s needs. The following public participation levels will be used:</p>						

STEP 2: COMMUNITY ENGAGEMENT MATRIX TOOL

Once use of the Community Engagement Design Tool is complete, the public participation level best suited for your project will emerge. The next step is to consider additional sub-categories that help tailor a community engagement strategy that best fits your community’s needs by using the Community Engagement Matrix Tool adapted from [The Policy Project’s Selecting Methods of Community Engagement Resource Guide](#).

1. Indicate the level of public participation on the spectrum. *Check all that apply.*
2. Indicate the engagement context. *Check all that apply.*
3. Indicate the engagement purpose. *Check all that apply.*
4. Indicate the anticipated engagement scale. *Check the one that best applies.*

Engagement Project	Spectrum					Engagement Context					Engagement Purpose										Scale											
	Inform	Consult	Involve	Collaborate	Empower	Low Trust	High Complexity	Tight Timeframes	Need New Solutions	Hard to reach audiences	Highly political	High emotion or outrage	Need to understand community better	Share information	Legal compliance	Understand reactions, implications, and consequences	Generate alternatives	Improve quality of policy, strategy, plans	Relationship development	Community capacity building	Generate support	Behavior Change	Social License (community acceptance)	Community adaptive (impact causes major life changes)	Identify or address problems	Make decisions	Innovations	Individual	Small group	Large group	Public	

STEP 3: SELECTING COMMUNITY ENGAGEMENT STRATEGY (IAP2 METHODS MATRIX)

After completing use of the Community Engagement Matrix Tool, by indicating which elements are most relevant to your community engagement project, use the IAP2 Methods Matrix found on pages 6-10 in [The Policy Project’s Selecting Methods of Community Engagement Resource Guide](#) to identify possible methods.

The matrix contains 67 innovative methods for engagement. It is arranged by name of the method, followed by a brief description, then by the appropriate Spectrum of Public Participation levels, the engagement context criteria, the engagement purpose criteria, and finally the engagement’s scale. Select the method or a combination of methods that meets your capacity, needs, and resources.

METHOD	DESCRIPTION	SPECTRUM					ENGAGEMENT CONTEXT					ENGAGEMENT PURPOSE										SCALE													
		Inform	Consult	Involve	Collaborate	Empower	Low trust	Low interest	High complexity	Tight timeframes	Need new solutions	Hard to reach audiences	Highly political	High emotion or outrage	Need to understand community better	Share information	Legal compliance	Understand reactions, implications, consequences of preparation	Generate alternatives	Improve quality of policy, strategy, plans	Relationship development	Community capacity & capability building	Generate support for action	Behaviour change	Social license	Community adaptive capacity	Identify problems / opportunities to address	Make decisions	Innovation	Individual	Small group	Large group	Public		
35 shuffle	A group activity to identify and then prioritise issues, concerns or ideas. Individuals develop issues, concerns or ideas which are then circulated five times and ranked on a scale of 1 to 7 to prioritise.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Action research	Research involving a community of practice trying to solve a problem through action. Communities act as ‘co-researchers’.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Advertising	Advertisements paid for in print, broadcast or online mediums. Can be used to promote projects, engagement activities or to meet legal obligations.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Appreciative inquiry	A structured process for decision making that focuses on building on strengths (what works well), rather than focusing on problems and limitations. In AI Summits, participants follow a four-stage process of Discover, Dream, Design, Destiny.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Blogs	An online series of posts about an engagement project or issues, which the community can share and comment on.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Briefings	Presentations and discussions with community or stakeholder groups. Can vary widely from informing to gathering feedback, ideas or options.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Portion of IAP2 Methods Matrix to illustrate design Source: [Selecting Methods of Community Engagement](#)

Using the three-step process described above can aid jurisdictions in creating an engagement process that centers equity and honors the wealth of knowledge in each jurisdiction. Community engagement provides an opportunity to repair or replicate harm, to build relationships and community. For all community members, each interaction and each engagement contribute to the experience of their relationship with the government. Our focus on racial equity acknowledges that historically interactions and lack of engagement have led to disparate outcomes for communities of color. Community engagement fulfills the social justice maxim, “Nothing About Us, Without Us,” and increases the likelihood of community buy-in during implementation.

Next Steps

The committee learned it is easier to connect with community bodies formed with decision-making authority, specific planning responsibilities, or service providers. Conversely, engaging people of color in the community with different lived experiences of institutional racism can be challenging for many reasons. GARE suggests providing a form of reimbursement for their time and expertise — not as an incentive but as compensation.

The One Orange Racial Equity Framework requires a pragmatic approach that relies heavily on analyzing racially disaggregated data detailed in the Racial Equity Index covered in the next section of this report. Throughout every step of the process, the committee will use the 3-Step Community Engagement Process to select the best engagement approach. Jurisdictions are encouraged to explore community engagement compensations strategies, begin piloting the 3-Step Community Engagement Process and provide feedback as we continue to refine the One Orange Community Engagement Strategy.

APPENDIX D. RACIAL EQUITY ASSESSMENT LENS

One Orange – Let's Get REAL on Racial Equity

RACIAL EQUITY ASSESSMENT (REAL)

Goal: When we achieve racial equity, race will no longer predict opportunities, outcomes, or the distribution of resources for residents of Orange County, North Carolina, particularly for communities of color. Therefore, it is important to evaluate initiatives and demonstrate how it aligns with the County's and/or Town's racial equity goals.

FAQ's:

What is the purpose of conducting this assessment? Conduct this assessment to measure how communities of color are affected by short and long term governmental decisions. It should be used by decision makers to evaluate new and existing initiatives. The word "initiative" is broadly used to cover policies, practices, processes, procedures, services, projects and the like.

Who should use this assessment? Elected officials, boards, commissions, staff, community partners, and stakeholders to answer and evaluate "who, what, where, why and how" through a racial equity assessment lens.

When should the assessment be conducted? Each jurisdiction will determine when the assessment should be conducted. Once that decision is made, orientation on the assessment shall be provided to all relevant staff and/or stakeholders.

How do I conduct the assessment? The assessment is a worksheet that prompts users to consider the intention of the initiative and how it impacts communities of color. The assessment should generate discussion and analysis that helps government align its initiatives with the racial equity goal stated above. There is not a "correct" answer to the questions. The completion of the assessment has value based on its merit.

How can I get a copy of the lens? The Racial Equity Assessment Lens is included on pages ____.

Racial Equity Assessment Lens (REAL) Lens

NAME OF INITIATIVE	New or Existing?	Who is Conducting the Assessment?

ORIGIN AND DESCRIPTION

- For New initiatives – Why this initiative and why now?
- For existing initiatives- include background information and milestone dates

DESIRED RESULTS

What specific results/outcomes are intended for the community or organization? (How will this initiative achieve this goal? Is anything being created, removed, incentivized, mandated, allowed or assigned by this initiative?)

What policies are relevant to this initiative? How do racial and social inequities impact these areas? Consider topics and subtopics related to what you are trying to achieve, ie: business and economic development, labor and workforce development and retention, the judiciary, public safety, housing, education, health, transportation, environment, human services, youth, recreation and COVID-19.

Topic/Issue	Baseline Data and Racial Disparities	Historical Root Causes of Disparities
For example, rather than write “education” below, list “attendance, school discipline, and commutes.”	What does available data or research say about this issue? What disparities already exist within this issue?	What caused the numbers to look like they do today? Were the causes in the distant past and/or more recent? Were they purposeful or unintentional?

What is the specific desired result statement - _____

DEMOGRAPHICS (be as specific as possible)

<ul style="list-style-type: none"> • Who is this initiative focused on? (Neighborhoods, geographic areas, racial groups, income groups, etc.) • What data can you provide to describe the target population? • What data is missing? <p>Consider groups based on race, earnings, education, geography, occupation, age, gender identity, sexual identity, religion, immigration status, etc. Consider atypical groupings.</p>		
	BENEFITTING INDIVIDUALS OR GROUPS	BURDENED INDIVIDUALS OR GROUPS
Funded initiatives		
If the new initiative is funded		
Existing initiative is funded		
Non funded initiatives		
If the new initiative is not funded		
If the existing initiative is no longer funded		

COMMUNITY ENGAGEMENT

List the individuals or groups who will potentially benefit the most or be burdened the most by this Initiative.

<ul style="list-style-type: none"> • How have you involved community members in developing this initiative? • Have you involved those directly impacted? • How have you addressed the concerns raised by community members? Especially those directly impacted. • Going forward, how do you plan to include voices of those most impacted / burdened? How? <p>Please note if they are: (1) Already involved in the drafting of the process; (2) What is your first step in involving them; or (3) Why you are not involving them in the process.</p>	
Individual or Group	Already Involved, First Step to Involve, or reason for No Involvement

Who else from the community should be involved in designing, governing, or executing the Initiative? Please note if they are: (1) Already involved in the drafting of the process; (2) What is your first step in involving them; or (3) Why you are not involving them in the process.	
Individual or Group	Already Involved, First Step to Involve, or reason for No Involvement

BENEFITS

- Which area(s) of the County/Town could be impacted by this Initiative?
- Share any relevant data (link to jurisdictional map and/or information)
- Consider differences such as towns, density between residential, commercial, rural and suburban, access to resources, transit, geography, and proximity to health care services.

AREA	HOW AREA WOULD BENEFIT	HOW AREA WOULD BE BURDENED

If you mentioned communities of color in the table of above, how might this Initiative negatively impact them?

If you mentioned people with low incomes in the table above, how might this Initiative negatively impact them?

IMPACTS

Considering the Section above when filling out the table below on unintended consequences.

<ul style="list-style-type: none"> • What are the unintended consequences of this Initiative? Investigate if there have been other Initiatives of this type. If yes, what is known about the effect of these Initiatives, especially of different racial groups? • What can be done to mitigate any negative impacts? • Are there any challenges that need to overcome? How? • Share any relevant data 		

Type	Potential Unintended Consequence	Mitigation Strategies To Prevent Consequences And Advance Racial Equity
<p style="text-align: center;">SOCIAL</p> <p>Consider native and long term residents, rural residents, transit, trust in government, education, etc.</p>		
<p style="text-align: center;">ECONOMIC</p> <p>Consider wages, competition, tourism, unemployment, small businesses, etc.</p>		
<p style="text-align: center;">HEALTH</p> <p>Consider impacts on pollution, health access, existing health disparities, etc.</p>		
<p style="text-align: center;">ENVIRONMENT</p> <p>Consider impacts on pollution, natural resources, transit, etc.</p>		
<p style="text-align: center;">OTHER</p> <p>Consider how a resident might interact with this measure “start to finish.” Think through the best- and worst-case scenarios</p>		

What challenges should be overcome? How?

Share any relevant data?

ACCOUNTABILITY

How will the impact of the initiative be measured?

What success indicators or progress benchmarks are incorporated in the proposed Initiative? (Provide indicators/benchmarks/metrics)

What is missing? What will happen if these metrics are met and what will happen if they are not met?

In what way does this Initiative deeply consider the experience of the residents it will impact?

How will you share your results with your leadership and other funders?

How will you share results with community members and stakeholders?

How will you acquire feedback from community members and stakeholders and incorporate findings?

Recommendations –

Signature of Assessor(s)

APPENDIX E. EVALUATION AND ACCOUNTABILITY

PURPOSE: The Evaluation and Accountability Committee will develop an Evaluation Plan based on the principles of [the Results-Based Accountability \(“RBA”\) framework](#). RBA is a national model and provides a disciplined, data-driven, decision-making process to help local governments take action to solve problems. The approach delineates between community conditions/ results and performance accountability/outcomes. Our Evaluation Plan will help us apply racial equity principles embedded into the Results-Based Accountability (RBA) methodology into the Orange County Racial Equity Action Plan.

Results and Community Indicators that Create Outcomes

1. What needs or opportunities were identified during the research and assessment phase of this process?
2. What needs to be different in our jurisdiction’s culture, workforce, policies, practices, and procedures?
4. What change do we ideally want (not just for what we would settle)?
5. What does our jurisdiction define as the most important racially equitable outcomes? (Should be answered by the Community)
6. What are some known racial inequities in your jurisdiction? What does population level data reveal about root causes or factors influencing the racial inequity?
7. What are the root causes or factors creating these racial inequities?
8. How does your jurisdiction’s relationship with communities of color need to change?
9. How can those most adversely affected by an issue be actively involved in solving it?
10. How will proposed outcomes address root causes of racial disparities and advance institutional and/or systemic change?
11. What government programs will this proposal impact? What are the opportunity areas? I.e. budget, health, jobs, social services, criminal justice?
12. How do you ensure your proposal is working and sustainable over time?

Creating Actions to Achieve Outcomes

1. Were actionable solutions identified during the information gathering phase of this process by communities of color?
2. Which actions were identified as priorities by the communities of color?
3. What is a specific change in policy, practice, or procedure that could help produce more equitable outcomes? Are these changes working together, in a complementary way?
4. How will an action decrease racial disparities?
5. Are there any unintended consequences? Who benefits; who will be burdened? Can they be mitigated?
6. Will the proposal impact specific geographic areas and what are the racial demographics of those areas?
7. What capacity is needed to successfully implement the action? Is it adequately funded?
8. How will an action be implemented and by whom?
9. Is the action achievable within the lifetime of the plan?
10. Is the action measurable and how will it be measured?
11. What performance level data is available for the proposal? Are there gaps in the data that need to be filled and/or tell us about the racial inequity in our community.

12. How will the racial equity plan be communicated, internally and externally? Is the communication reaching the intended audience?
13. How can the plan be systematized?

Who is Responsible or Accountable for Completion of Each Action (Stewardship Plan)

1. Ongoing coordination
 - a. What is needed?
 - b. Who is accountable?
 - c. How will they be held accountable?
 - d. Is the plan durable?
 - e. Does the plan allow for continuity and succession?
2. Ongoing, Racially Equitable and Relevant Engagement
3. Community Engagement
 - a. Stakeholder Engagement
 - b. Staff Engagement
 - c. Boards and Commissions
 - d. Elected Officials
4. Annual Progress Reporting prior to the Budget Process
 - a. Are there outcomes and actions that are receiving less attention than others?
 - b. Is there a need to change the plan? (Process Improvements annually)
 - c. Have plan actions been implemented or are in progress? What do the results indicate as to how to improve?
 - d. If there are unmet or blocked actions, is there an explanation and/or proposal for resolving the issue?
 - e. Are racially diverse staff working on the plan over the year(s)? How many?
 - f. Are residents of color engaged in the implementation of the plan over the year(s)? How many?
 - g. Are measures being recorded and updated as actions change or are completed?
 - h. How many citizens are engaged?
 - i. Each jurisdiction reports on challenges and success annually to elected officials.
5. What are the resource gaps?
6. How will we prioritize the needs?
 - a. What is needed?
 - b. Who is accountable?
 - c. How will they be held accountable?
 - d. Is the plan durable?
 - e. Does the plan allow for continuity and succession?

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

**Action Agenda
Item No.** 8-a

SUBJECT: Minutes

DEPARTMENT: Board of County Commissioners

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

INFORMATION CONTACT:
Laura Jensen, Clerk to the Board, 919-
245-2130

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

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

Attachment 1: November 16, 2021 Virtual Business Meeting

Attachment 2: December 6, 2021 Virtual Business Meeting

Attachment 3: December 14, 2021 Virtual Business Meeting

FINANCIAL IMPACT: There is no financial impact associated with this item.

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

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

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

MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
November 16, 2021
7:00 p.m.

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, November 16, 2021 at 7:00 p.m.

COUNTY COMMISSIONERS PRESENT: Chair Renee Price, Vice Chair Jamezetta Bedford, and Commissioners Amy Fowler, Jean Hamilton, Sally Greene, Earl McKee, and Anna Richards

COUNTY COMMISSIONERS ABSENT: None.

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Laura Jensen. (All other staff members will be identified appropriately below)

Chair Price called the meeting to order at 7:00 p.m.

A roll call was called; all members were present.

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business Meeting on Tuesday, November 16, 2021. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

In this new virtual process, there are two methods for public comment.

- Written submittals by email
- Speaking during the virtual meeting

Detailed public comment instructions for each method are provided at the bottom of this agenda. (Pre-registration is required.)

Chair Price dispensed with reading the public charge.

Public Charge:

The Board of Commissioners pledges its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, county staff and the commissioners. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. The BOCC asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate. Please be kind to everyone.

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

2 None

3
4 **2. Public Comments**

5
6 **a. Matters not on the Printed Agenda**

7 None

8
9 **b. Matters on the Printed Agenda**

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

12
13 **3. Announcements, Petitions and Comments by Board Members**

14 Commissioner Greene said she hoped to take a hot air balloon ride above Orange
15 County on November 7th as part of first Annual Balloon Festival hosted by Lloyd's Dairy Farm,
16 but was unable to do so, due to bad weather. She said on Friday night she joined Chair Price at
17 the Justice Advisory Council meeting, where she gave a presentation on the national opioid
18 settlement and how the money will flow to Orange County. She said stakeholders talked in
19 detail about the problem in Orange County and various ways to use the money. She said it was
20 a good discussion and the providers had a lot to say.

21 Chair Price said there will be more discussion on the National Opioid Settlement later on
22 the agenda.

23 Commissioner McKee said he has no announcements tonight.

24 Commissioner Richards said she was in attendance with several other commissioners at
25 the Veteran's Day commemoration, and was able to see the progress on the monument. She
26 said on Friday, she attended a meeting of the Triangle Trails organization on behalf of Chair
27 Price and will submit notes to her. She said it was a fall meeting of commissioners from the
28 region, and she learned a great deal about the work going on to connect trails across North
29 Carolina. She said she subsequently had a great conversation with Department of
30 Environment, Agriculture, and Park and Recreation (DEAPR) Director, David Stancil, about
31 where Orange County is in that work, and she hopes to be able to promote some of the things
32 the County has done and is doing. She said she is learning every day about the sacred spaces
33 here and does not think enough is done to promote the work that is done, not only on the
34 Mountains-to-Sea Trail (MST), but all the other connectivity work through trails and preservation
35 the county is doing. She said she is looking forward to working more on that. She said she
36 participated today in the Chapel Hill-Carrboro City Schools (CHCCS) Safety Task Force, which
37 looks at how safety is provided in schools. She said this is an issue the community should
38 continue to pay attention to.

39 Commissioner Fowler said she attended the Juvenile Crime Prevention Committee
40 (JCPC) meeting on November 5th, with the purpose of approving previously unallocated funds.
41 She said about \$3,000 went to the Dispute Settlement Center to attend a Restorative Justice
42 conference, and about \$7,000 went to Haven/Wrenn House for replacing flooring. She said
43 there is \$25,000 left in unallocated funds and JCPC is going to try to meet again if there are
44 local providers that have other needs. She said the funds need to be allocated by the end of
45 December.

46 Commissioner Hamilton said she has no announcements tonight.

47 Commissioner Bedford said the Board's retreat subcommittee met this week and
48 commissioners should have received an email from the Clerk to the Board asking for any
49 particular discussion topics. She said she attended the Orange County Partnership to End
50 Homelessness meeting last night.

1 Chair Price reiterated that the county held the Veteran's Day program. She said the
 2 medallions are ready to be placed in the surface of the memorial, but the granite is not yet
 3 ready. She said anyone may purchase pavers in honor or memory of someone and the paver
 4 will be placed right into the foundation. She said Sheriff Charles Blackwood was the guest
 5 speaker for the event, and it was a memorable time. She said the event was well-attended,
 6 which was uncertain due to COVID, but there ended up being more people than chairs in
 7 attendance.

8 Chair Price said the Arts Commission sponsored an open-air painting event with an
 9 exhibit at the Arts Mill. She said the event was well attended. She said one could see where
 10 people originated next to the paintings, and there were people from all across the United States.

11 Chair Price said she and the town mayors will meet with Quintana Stewart, Public Health
 12 Director for an update on the status of the pandemic. She said the Board has received a lot of
 13 questions about when the mask mandate will be lifted. She said the county is still looking at the
 14 number of cases per day for seven days, and will use that metric to make decisions. She noted
 15 that flu and cold season is beginning at this time as well.

16 Chair Price said the county is doing away with library fines, which may make it easier for
 17 people to use the library. She asked if the County Manager would give a brief update on the
 18 203 project during her report.

19 20 **4. Proclamations/ Resolutions/ Special Presentations**

21 22 **a. Native American Heritage Month Proclamation**

23 The Board considered approving a proclamation recognizing November 2021 Native
 24 American Heritage Month.

25 26 **BACKGROUND:**

27 For thousands of years, various nations of Indigenous Peoples with their own tribal
 28 governments, social organizations and cultural traditions inhabited the lands that are now
 29 known as the United States of America. North Carolina is home to eight state recognized tribes
 30 including the Coharie, Eastern Band of Cherokee, Haliwa-Saponi, Lumbee, Meherrin,
 31 Occaneechi Band of the Saponi Nation, Sappony and Waccamaw-Siouan. The Occaneechi
 32 Band of the Saponi Nation lived in this region now known as Orange County, with their own
 33 social, economic, and political systems.

34
35 Native Americans and Alaska Native peoples have struggled and persevered to maintain their
 36 identity and their civilization despite centuries of inhumane and unjust Federal policies focused
 37 on genocide, removal, and forced assimilation. In recognition of this history, President Joseph
 38 R. Biden signed a Presidential Memorandum committing his administration to fulfilling Federal
 39 trust and treaty responsibilities, respecting Tribal self-governance, and consulting with Native
 40 American Nations on policy issues.

41
42 On August 3, 1990, President George H. W. Bush declared November as National Native
 43 American Heritage Month. The month is a platform for Native Americans to share their culture,
 44 traditions, arts, and concepts of life, as well as a time for others to celebrate contributions by
 45 Native Americans and honor their influence on the advancement of the United States. The
 46 theme of November 2021 is "Strong Roots in Changing Times" to reflect the resilience of Native
 47 Americans throughout the pandemic and continued preservation of their culture and traditions.

48
49 Chair Price said guests from the Occaneechi-Saponi Tribal Council were in attendance.
 50 Chair Price read the following proclamation:
 51

**ORANGE COUNTY BOARD OF COMMISSIONERS
NATIVE AMERICAN HERITAGE MONTH PROCLAMATION**

1
2
3
4 WHEREAS, for millennia, various nations of Indigenous Peoples with their own tribal
5 governments, social organizations and cultural traditions had inhabited the lands, now the
6 United States of America; and
7

8 WHEREAS, North Carolina is home to eight state recognized tribes including the Coharie,
9 Eastern Band of Cherokee, Haliwa-Saponi, Lumbee, Meherrin, Occaneechi Band of the Saponi
10 Nation, Sappony and Waccamaw-Siouan; and
11

12 WHEREAS, the Occaneechi Band of the Saponi Nation, having their own social, economic, and
13 political systems, dwelt in this region now known as Orange County; and
14

15 WHEREAS, in the 18th century, the United States of America was founded on a concept that all
16 people are created equal, yet Native Americans and Alaska Native peoples have struggled and
17 persevered to maintain their identity and their civilization despite centuries of inhumane and
18 unjust Federal policies focused on genocide, removal, and compulsory assimilation; and
19

20 WHEREAS, Native Americans have served and continue to serve in the Armed Forces –
21 including the Native American Code Talkers in World War I and World War II – defending the
22 United States and continue to serve at a higher rate than any other ethnic group in the Nation;
23 and
24

25 WHEREAS, President Joseph R. Biden signed a Presidential Memorandum committing his
26 Administration to fulfilling Federal trust and treaty responsibilities, respecting Tribal self-
27 governance, and conducting regular and robust consultations with Native American Nations on
28 a range of policy issues; and
29

30 WHEREAS, Deb Haaland of the Pueblo of Laguna now serves as United States Secretary of
31 the Interior, becoming the first Native American in United States history to serve in the Cabinet;
32 and
33

34 WHEREAS, on August 3, 1990, then-President George H. W. Bush declared November as
35 National Native American Heritage Month with a landmark bill honoring the Tribal People of
36 America, which began in 1976, when Jerry C. Elliott-High Eagle, a Cherokee/Osage Indian,
37 authored Native American Awareness Week legislation; and
38

39 WHEREAS, National Native American Heritage Month is a platform for Native Americans to
40 share their culture, traditions, arts, and concepts of life, as well as a time for others to celebrate
41 the myriad of contributions by Native Americans and honor their influence on the advancement
42 of the United States; and
43

44 WHEREAS, the theme this year is “Strong Roots in Changing Times” to reflect the resilience of
45 Native Americans throughout the pandemic and continued preservation of their culture and
46 traditions;
47

48 NOW, THEREFORE, the Orange County Board of Commissioners does hereby proclaim
49 November 2021 as NATIVE AMERICAN HERITAGE MONTH, and urges all residents to
50 observe this month by participating in activities and ceremonies, to celebrate November 26,

1 2021 as Native American Heritage Day this month and every month, and to honor the cultures
2 and contributions of Native Americans by committing to freedom, peace, and justice for all.
3

4 This 16th day of November 2021.
5

6
7 Renée A. Price, Chair
8 Orange County Board of Commissioners
9

10 A motion was made by Commissioner McKee, seconded by Commissioner Hamilton, to
11 approve the proclamation recognizing November 2021 as Native American Heritage Month and
12 authorize the Chair to sign.
13

14 **Roll call ensued**
15

16 **VOTE: UNANIMOUS**
17

18 Tony Hayes said the Tribal Council and the entire Occaneechi Nation are very
19 appreciative of the support always given by Orange County and continued collaboration. He
20 said the Tribe is appreciative of the awareness, recognition and the work the county does in the
21 name of all diversity and including American Indians. He said he is honored to be here and to
22 be recognized by the commissioners. He said he looks forward to continued collaboration and
23 support from the county.

24 Beverly Payne thanked the commissioners for this recognition and said it has been a
25 pleasure to work with the commissioners on different boards and projects and hopes it has been
26 theirs as well.

27 Tammy Hayes-Hill thanked the commissioners for this recognition. She said she is a
28 tribal member and council member. She said she manages the website and currently has the
29 proclamations from the President and Governor Cooper on the website, and is proud to place
30 this proclamation there as well.

31 Chair Price asked Beverly Payne if she wanted to speak about the dedication coming up
32 next year.

33 Beverly Payne said the tribe is having a dedication of the reconstructed village in
34 Hillsborough on April 23, 2022. She said the hope is to make it at least a four-hour event with
35 re-enactors acting out the late 1600-1700 period, and there will also be tribal members acting in
36 the present day. She said this will be a “then and now” type of demonstration and everyone is
37 invited to attend.

38 Commissioner Fowler said she remembers when she was five years old, and someone
39 came by her house in Davie County and told her that her backyard was a Native American
40 graveyard. She said as she grew up she learned that all of the land here belonged to Native
41 Americans. She said she has always tried to learn more and hopes others will also make an
42 effort to understand that Native Americans were not only here first but continue to be here and
43 be strong and have communities that people do not learn about in history books. She said she
44 appreciates the effort the Tribal Council is making to educate everyone.

45 Commissioner Bedford said she remembers her son took AP U.S. History and then went
46 on to Appalachian State to study Recreation Management. She said preserving and enhancing
47 Native American lands and cultural artifacts came up in class and another student said, “let’s
48 just have a treaty.” She said due to growing up in Orange County her son was able to say that
49 every single treaty has been violated and that is not a solution. She said as more people learn
50 history and more is taught in schools, everyone will benefit. She said she will put the April 23rd
51 event on her calendar.

1 Commissioner Richards said one of the things she did with her children when they were
2 growing up was try to learn the traditions of the native people, and one of the things they try to
3 do is incorporate gratitude in their daily lives. She said native people are thankful for everything
4 in nature from the stars, to the sky, to the ground upon which we all walk. She thanked the
5 native tribes for sharing this land and their customs, and honored the ancestors that have come
6 before.

7 Commissioner Hamilton said thank you for the proclamation and recognition of a
8 community that has persisted through many challenges in the national history. She said it
9 reminds her that there is Native American lineage in her own background, and while her African
10 American heritage tends to be emphasized, she remembers the family stories of Native
11 Americans in her family tree. She said she hopes to attend on April 23rd because it is
12 something she wants to learn more about and remember as part of her identity.

13 Commissioner Greene thanked the Tribal Council members for attending and said she
14 has learned that Native Americans have always lived with a respect for the earth. She said the
15 culture of the native peoples can be instructive to others in at least trying to go back to ways of
16 cooperating with the earth rather than consuming the earth.

17 Commissioner McKee said it is essential to recognize everything in the proclamation,
18 and he is looking forward to the event next year. He said there was a display hung up in the
19 Link Government Services Building that was put together by some of the tribal elders and it
20 included tobacco that was grown on his farm.

21 Chair Price said, like Commissioner Hamilton, her great-great grandmother was
22 Cherokee and little is known about her besides having a picture of her and knowing she was a
23 schoolteacher. She said it is so important to know who we are and where we come from and
24 that we all are one. She said when there are events and meetings, it is important to give thanks
25 first to the First Nations People to acknowledge that the land belongs to them.

26 Tony Hayes invited the commissioners to attend the biggest annual festival of American
27 Indians happening virtually on November 20th at the NC Museum of History. He said the event
28 is free and is the largest gathering of all the tribes in North Carolina. He said it is a good place
29 to start for those wanting to learn more.

30 31 **5. Public Hearings**

32 33 **a. Public Hearing on 2020 Consolidated Annual Performance Report (CAPER) for the** 34 **HOME Investment Partnerships (HOME Program)**

35
36 The Board held a public hearing on the draft Consolidated Annual Performance Report
37 (CAPER) for the HOME Investment Partnerships (HOME) Program.

38 39 **BACKGROUND:**

40 Each year, Orange County reports on activities undertaken with funds from the U.S. Department
41 of Housing and Urban Development through the HOME Program. This annual report, called the
42 Consolidated Annual Performance Report (CAPER), documents the progress towards
43 implementing the priorities and activities identified in the Annual Action Plan. During the 2020
44 CAPER period (July 1, 2020 through June 30, 2021), the County disbursed approximately
45 \$200,000 in HOME funds and an additional \$45,000 in local matching funds (contributed by the
46 Towns of Chapel Hill, Carrboro, and Hillsborough, as well as the County) for eligible housing
47 activities. These activities included provision of down payment assistance for low-income
48 homebuyers and provision of tenant-based rental assistance.

49
50 Orange County must hold a public hearing to obtain residents' comments and feedback on the
51 Consolidated Annual Performance Report (CAPER). Members of the public may also submit

1 comments during the public comment period (November 16 – December 1, 2021) to Erika
2 Brandt, Community Development Manager, by email (ebrandt@orangecountync.gov), by mail
3 (PO Box 8181, Hillsborough, NC 27278) or by telephone (919-245-4331).
4

5 Erika Brandt, Housing and Community Development Manager, reviewed the background
6 information for the item. She said HOME is a federal block grant program from the Department
7 of Housing and Urban Development (HUD) that allocates funds to communities across the
8 country based on a formula that looks at population and other factors. She said Orange County
9 is a consortium of the county and towns, and is the entity that receives the HOME funds. She
10 said the Local Government Affordable Housing Collaborative is made up of one elected official
11 from each jurisdiction in the consortium. She said this group makes funding recommendations
12 on how the consortium should award HOME funds. She said recommendations go before each
13 of the governing boards of the four jurisdictions for approval. She said the CAPER is an annual
14 report that talks about how the consortium allocated HOME funds from a given program year,
15 and how funds were actually dispersed in that program year. She said even though the
16 program year aligns with the county's fiscal year, the actual timeline for dispersing those funds
17 spans a lot longer than a year. She said it is common for an agency to receive funds during a
18 program year but not spend them until a year or more later. She said typically agencies apply
19 for HOME funds well before they are needed, in order to plan in advance. She reviewed the
20 executive summary from the evening's agenda packet.

21 Commissioner Fowler asked if CASA kept the same allocation for the nine units for
22 people with disabilities.

23 Erika Brandt said she can look into that and get back to her.

24 Commissioner Richards asked what happens to returned funds.

25 Erika Brandt said the funds are put back to the pot and added to the 2021 pot of funds.
26 She said this is the first year there was enough funding to fully fund all requests.

27 Commissioner Richards clarified that those funds are not part of this report.

28 Erika Brandt said that is correct, that award was just made last fiscal year and this report
29 is from the previous year.

30 Commissioner Richards asked if the funds have been dispersed.

31 Erika Brandt said no the funds have not been dispersed, but the award went to Habitat
32 for homeownership assistance, but they are still drawing down funds for past fiscal years.

33 Commissioner Richards asked if other organizations can apply for the funds.

34 Erika Brandt said yes organizations did apply and the funds were awarded to Habitat.

35 Commissioner Hamilton asked if project-based vouchers could be explained.

36 Erika Brandt said the Housing Authority administers the Section 8 Housing Choice
37 Voucher Program, which has always been tenant-based in past. She said project-based
38 vouchers are going to be for rental subsidies that are tied to a particular unit rather than a
39 tenant. She said this will be more similar to public housing or any kind of affordable subsidized
40 housing where the unit is subsidized and the renter can live there if they apply and qualify.

41 Commissioner Greene said CASA applied for low income housing tax credit (LIHTC)
42 status and was not successful, so then applied for HOME money and tried again for LIHTC and
43 was awarded. She said because they knew that was their goal, they were strictly following
44 federal guidelines for percentages of units that have to be affordable to different levels of
45 people, and she does not think the allocation of units will change.

46 Chair Price asked if there is a time limit for when the projects need to be completed.

47 Erika Brandt said the funds have to be expended within five years of the funds being
48 committed, which is not the same date as when the county awards them. She said the
49 commitment happens after an environmental review is done, if one needs to be done for a
50 project, and once the development agreement is signed. She said this typically happens around
51 one year after the award is made, and thus funds are typically spent within six years.

1
2 A motion was made by Commissioner Fowler, seconded by Commissioner McKee, to
3 open the public hearing.

4
5 **Roll call ensued**

6
7 **VOTE: UNANIMOUS**

8
9 **PUBLIC COMMENT:**

10 None

11
12 Chair Price noted that no one is signed up to speak for the public hearing and said the
13 public has until December 1, 2021 to submit written comments.

14
15 A motion was made by Commissioner Greene, seconded by Commissioner Hamilton, to
16 close the public hearing and allow the public to submit any additional comments to the county
17 through the methods noted above by December 1, 2021.

18
19 **Roll call ensued**

20
21 **VOTE: UNANIMOUS**

22
23 **b. Public Hearing on Orange County's HOME-ARP Allocation Plan**

24
25 The Board held a public hearing on Orange County's HOME-ARP Allocation Plan.

26
27 **BACKGROUND:**

28 The American Rescue Plan Act of 2021 appropriated \$5 billion nationwide to provide housing,
29 services, and shelter to individuals experiencing homelessness and other vulnerable
30 populations. The funds were allocated by formula to jurisdictions through the U.S. Department
31 of Housing and Urban Development (HUD) HOME Investment Partnership (HOME) Program.
32 This funding is called "HOME-ARP". In September 2021, HUD awarded the Orange County
33 HOME Consortium (which consists of the County – the "lead entity" for the Consortium – and
34 the Towns of Carrboro, Chapel Hill, and Hillsborough) \$1,371,401 in HOME-ARP funds.

35
36 HOME-ARP can fund the following eligible activities:

- 37 (1) development of affordable housing;
38 (2) tenant-based rental assistance;
39 (3) provision of supportive services (such as housing counseling, homelessness prevention,
40 moving costs) and;
41 (4) acquisition and/or development of non-congregate shelter units.

42
43 Funds must primarily benefit individuals and households in the following "Qualifying
44 Populations":

- 45 • Experiencing homelessness
46 • At risk of homelessness
47 • Fleeing domestic violence, dating violence, sexual assault, stalking, or human trafficking
48 • Other populations with high risk of housing instability (including highly cost-burdened
49 low-income households, households who have moved two or more times in the last 60
50 days, and households living in a hotel)

1
2 Led by the Local Government Affordable Housing Collaborative (a group made up of one
3 elected official from each jurisdiction that comprises the Consortium), the Orange County HOME
4 Consortium must develop an Allocation Plan to identify priority housing and service needs in the
5 community that may be supported with HOME-ARP funds and to describe the process that will
6 be used to distribute HOME-ARP funds. The Consortium's \$1.3 million in HOME-ARP may not
7 be used for eligible housing projects or activities until an Allocation Plan is approved by HUD. It
8 is not expected that any funds will be committed or disbursed in the near future, since the
9 Consortium is just now starting the planning process. The Allocation Plan will determine how the
10 HOME-ARP funds will be awarded to projects or activities and lay out, broadly, which types of
11 eligible uses the Consortium plans to prioritize.
12

13 Once the Allocation Plan is created, staff will follow the process outlined in the Plan. For
14 example, if (based on the community engagement and needs assessment process) the
15 Collaborative decides to distribute HOME-ARP funds through a competitive application process
16 and to prioritize development of affordable housing, staff would then issue a funding application
17 for affordable housing development projects.
18

19 As part of the development of the Plan, Orange County must consult with stakeholders that
20 work with the "Qualifying Populations" listed above. County and town staff are actively engaging
21 stakeholders by presenting at meetings, soliciting feedback through a survey, and incorporating
22 feedback from the Towns' community engagement processes around ARPA funding.
23

24 As the lead entity of the Consortium, the county must hold a public hearing to obtain residents'
25 comments and feedback on how the HOME-ARP funds should be awarded. Members of the
26 public may submit comments at the public hearing and during the public comment period
27 (November 16 – December 1, 2021) to Erika Brandt, Community Development Manager, by
28 email (ebrandt@orangecountync.gov), by mail (PO Box 8181, Hillsborough, NC 27278) or by
29 telephone (919-245-4331).
30

31 The county will hold a second public hearing in the next 3-6 months. Between the first and
32 second public hearings, staff will develop a draft HOME-ARP Allocation Plan based on the
33 feedback received during the first public hearing and public comment period, from the other
34 community engagement and stakeholder consultation efforts (including a survey and
35 presentations at community meetings), and from the ARPA public participation processes being
36 conducted by the Towns of Carrboro and Chapel Hill.
37

38 After the second public hearing on the draft HOME-ARP Allocation Plan, staff will incorporate
39 public feedback into the Plan and present a final version for approval by the Collaborative. Once
40 the Collaborative approves, the four governing boards of the jurisdictions that comprise the
41 HOME Consortium (the towns and the county) must approve the Plan and authorize Orange
42 County, as lead entity, to submit the Plan to HUD. HUD is responsible for final approval of the
43 Plan, at which point, the Consortium may begin to use its HOME-ARP funds. To use the funds,
44 the county will submit draw requests to HUD through its finance system on a reimbursement
45 basis. Any HOME-ARP funds not disbursed by September 30, 2030 will revert back to HUD.
46

47 Corey Root, Housing and Community Development Director, reviewed the background
48 information for this item. She said this money is coming into the county in addition to the HOME
49 funding Erika Brandt just spoke on. She said like the HOME funding, the HOME-ARP funding is
50 awarded to the county through the consortium. She said traditional HOME funds and HOME-
51 ARP funds have some similar eligible activities but some differences as well. She said the

1 eligible activities as well as the population the funds are geared toward for HOME-ARP funds
2 are detailed above in the background information for the item.

3 Corey Root said non-congregate sheltering was used during the pandemic for folks in
4 the congregate shelters in the county. She said the HOME-ARP funds may be used for the
5 acquisition of non-congregate sheltering and explained that communities found in doing that,
6 COVID transmission was lower, but it also allowed people who were not able to tolerate
7 congregate shelters to have shelter and be connected to resources where they may not have
8 been otherwise.

9 Corey Root said this public hearing is the beginning of a lot of planned public outreach
10 before the consortium begins awarding funds. She said the community input survey can be
11 found at www.tinyurl.com/OC-Home-ARP, and comments can also be sent to staff through
12 December 1, 2021. She said Orange County has \$1.3 million, one time, nonrecurring funding.

13 Commissioner Greene asked if there is any real possibility of purchasing a hotel or some
14 suitable structure for non-congregate shelter in Orange County.

15 Corey Root said staff is looking into this option after being asked by the Local
16 Government Affordable Housing Collaborative to do so. She said it is something that other
17 communities are looking at and is a very specific project communities might consider with this
18 funding.

19
20 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
21 open the public hearing.

22
23 **Roll call ensued**

24
25 **VOTE: UNANIMOUS**

26
27 **PUBLIC COMMENT:**

28 None

29
30 A motion was made by Commissioner Fowler, seconded by Commissioner Hamilton, to
31 close the public hearing and allow the public to submit any additional comments to the county
32 through the methods noted above by December 1, 2021.

33
34 **Roll call ensued**

35
36 **VOTE: UNANIMOUS**

37
38

1 **6. Regular Agenda 52**

2
3 **a. Green Tract Resolution Approving the Draft Recombination Plan and Conceptual**
4 **Plan**

5
6 The Board considered approval of the Greene Tract *Resolution Approving the Draft*
7 *Recombination Plat and Conceptual Plan for the 60-acre Portion of the Greene Tract in County*
8 *Ownership and the 107-acre Portion of the Greene Tract in Joint Ownership* between Orange
9 County, the Town of Chapel Hill, and the Town of Carrboro.

10
11 **BACKGROUND:**

12 The Greene Tract is a 167 acre parcel of which 107 acres is jointly owned by Orange
13 County/Chapel Hill/Carrboro and 60 acres owned by Orange County (Headwaters Preserve).
14 The parcel is located east of the Rogers Road community within the Town of Chapel Hill's ETJ
15 (Extra-Territorial Jurisdiction) – see vicinity map in Attachment 2.

16
17 In May 2017, a joint staff work group began to examine the preservation and development
18 potential of the Greene Tract. This process included specific elements and goals including, but
19 not limited to:

- 20 ▪ Incorporate a future elementary school and park site,
- 21 ▪ Preserve valuable environmental features and corridors,
- 22 ▪ Protect historical and cultural resources,
- 23 ▪ Encourage cost effective infrastructure, and
- 24 ▪ Identify areas for future development.

25 In addition, the Managers, Mayors, and Chair (MMC) group recommended staff examine the
26 reconfiguration of the joint-owned and County-owned tracts.

27
28 **Greene Tract Resolution for a Path Forward**

29 In January 2020, the Towns and County adopted the 2020 Greene Tract resolution. Not only did
30 this resolution identify land use acreages for the Greene Tract and initiate an environmental
31 assessment, but it also initiated the drafting of an Interlocal Agreement between the three
32 jurisdictions.

33
34 **Greene Tract Environmental Assessment**

35 The Greene Tract Resolution for a Path Forward initiated the drafting of an environmental
36 assessment in order to obtain site-specific information on environmental and cultural conditions
37 present on the Greene Tract. Following a Request for Proposal (RFP) and bid process,
38 SynTerra was selected to complete the Environmental Assessment. Beginning in May 2020,
39 SynTerra reviewed background information, conducted fieldwork, and completed an
40 environmental analysis of the Greene Tract. The final assessment was presented to the local
41 governments in July 2020 and can be found at the following link:

42 [https://www.orangecountync.gov/DocumentCenter/View/14103/2020-Greene-Tract-](https://www.orangecountync.gov/DocumentCenter/View/14103/2020-Greene-Tract-Environmental-Assessment)
43 [Environmental-Assessment.](https://www.orangecountync.gov/DocumentCenter/View/14103/2020-Greene-Tract-Environmental-Assessment)

44
45 **2021 Greene Tract Interlocal Agreement**

46 The *Interlocal Agreement Between Orange County and the Towns of Carrboro and Chapel Hill*
47 *Regarding the Current and Future Use of the Jointly Owned Greene Tract* adopted by the three
48 local governments in April 2021 provided a decision-making process for the three local
49 governments and other key elements including:

- 50 ▪ Required that the parties act jointly in selecting professional services; entering into
51 development agreements; engaging in public outreach; receiving public input; assigning

1 the Mayors, Chair, and Managers to form a working group to negotiate ultimate uses of
 2 the Greene Tract before submitting their recommendations to the governing boards of
 3 the parties; and reaching final determinations of the ultimate uses of the property within
 4 18 months of execution of the Agreement;

- 5 ■ Agreed that the initial intent of the parties is for the property to include mixed use (e.g.
 6 residential and/or low intensity commercial, service uses, and maker/incubator space,
 7 which serve the needs of the surrounding neighborhoods) affordable housing, a school
 8 site with a public recreation component, a joint preserve area, and connectivity
 9 (pedestrian, vehicular, utility, transportation).

11 **Modifications to the County-Owned (Headwaters Preserve) and Joint-Owned Tracts**

12 Over the summer, planning, environmental, stormwater, transportation, surveying, and
 13 engineering staff met to review the findings of the Greene Tract Environmental Assessment and
 14 discuss other key elements (i.e. connectivity, green space, infrastructure, land use, transit, etc.)
 15 in order to assist in determining the modified parcel lines of the County-owned (60 acres) and
 16 Joint-owned (107 acres) tracts.

17
 18 One of the main goals of this process was to encompass the most environmentally sensitive
 19 features of the Greene Tract within the County-owned (Headwaters Preserve) or future Greene
 20 Tract Preserve areas. The purpose of this was to protect and preserve these areas in the future
 21 while balancing development goals of the Greene Tract related to affordable and mixed income
 22 housing (housing which is affordable to residents at different income levels) needs and the
 23 public school and recreational site. In order to achieve this, environmental staff reviewed
 24 preservation plans from 2019 and the Environmental Assessment, completed fieldwork, and
 25 drafted new parcel lines for the County-owned and Joint-owned tracts. The proposed parcel
 26 lines were presented to the MMC for their review. Based on comments received from the MMC,
 27 land use acreages designated in the 2020 Resolution, and additional analysis and fieldwork,
 28 modified parcel lines for the County- and Joint-owned tracts were drafted (Attachment 3). The
 29 final draft of the proposed County-owned and Joint-owned parcels was utilized in preparing the
 30 draft recombination plat and conceptual plan contained in Attachment 1.

32 **September 30 and October 21 Managers, Mayors, and Chair (MMC) Meetings**

33 The Greene Tract staff work group presented the draft Resolution and conceptual plan for
 34 review and comment. In addition, the group reviewed and outlined next steps including
 35 community outreach meetings.

37 **November 2021 Community Open House and Virtual Meeting**

38 Local government staff members conducted two outreach events in order to update the
 39 community on the status of the Greene Tract, present the draft resolution and conceptual plan,
 40 review next steps, and receive any questions or comments.

- 41 ■ Sunday, November 7 - In-person Open House at RENA Community Center
- 42 ■ Monday, November 8 - Virtual Engagement Session

43 Information regarding these events, including comments and questions received at both events,
 44 can be found at the following link: <https://www.orangecountync.gov/2127/Greene-Tract>. A
 45 summary of key themes and comments received at these events will be shared at the BOCC
 46 meeting.

47
 48

1 **Greene Tract Resolution Approving the Draft Recombination Plat and Conceptual Plan**

2 The proposed Resolution (Attachment 1) continues efforts outlined in the 2020 *Greene Tract*
 3 *Resolution for a Path Forward* and the 2021 Interlocal Agreement. Furthermore, this resolution
 4 includes a culmination of work and contribution including the community, planning,
 5 environmental, surveying, transportation, and engineering staff, and the Managers, Mayors, and
 6 Chair (MMC) group. The main elements of the resolution include the following:

- 7 1. Approve the draft recombination plat contained in Exhibit 1 of Attachment 1.
 8 ▪ This will allow for modifications to the County-owned tract (60 acres) and Joint-
 9 owned tract (approximately 107 acres). Additional maps illustrating the
 10 modifications to the existing Greene Tract parcel lines are contained in
 11 Attachments 3 and 4. Attachment 4 illustrates the exchange of acreage from
 12 Joint ownership to County ownership and County ownership to Joint ownership.
 13 This map is related to land owner and transfer changes, which may occur
 14 through the recombination process.
 15
- 16 2. Approve the Greene Tract Conceptual Plan contained in Exhibit 2 of Attachment 1.
 17 ▪ This will allow for land uses and acreages, originally designated in the 2020
 18 Greene Tract Resolution, to be identified and located on a conceptual plan.
 19 Please note the proposed land uses identified and sited on the Joint-owned
 20 portion of the Greene Tract contains net acreage totaling approximately 104
 21 acres. This total excludes approximately 3 acres which is contained within the
 22 railway right of way.
 23 ▪ The Greene Tract Conceptual Plan is a proposed schematic for future planning
 24 purposes and shall not be considered a development plan or application. The
 25 following land uses and acreages are designated on the plan:
 26 – Headwaters Preserve – 60 acres
 27 – Greene Tract Preserve – 22 acres
 28 – Development – 66 acres
 29 – Public School and Recreational site – 16 acres
 30
- 31 3. Authorize Managers to sign the final recombination plat as the property owners for the
 32 three local governments.
 33 ▪ Once the draft recombination plat is approved as part of this Resolution, Town of
 34 Chapel Hill Surveying staff will move forward with completing the final
 35 recombination plat. This action will allow for the County and Town Managers to
 36 sign the recombination plat as owners. Once signed, the final recombination plat
 37 will be reviewed by the Town of Chapel Hill Planning staff before final recordation
 38 at the Orange County Register of Deeds Office.
 39
- 40 4. Continue to solicit input from the public, governing boards, specialized staff, and housing
 41 partners, during the master plan and development agreement process.
 42

43 The Joint Resolution is planned for adoption consideration at the November 16 Carrboro Town
 44 Council meeting and the November 17 Chapel Hill Town Council meeting. Any amendments to
 45 the Joint Resolution by the Town of Chapel Hill or the Town of Carrboro would prompt a return
 46 to the BOCC for consideration.
 47

48 **Greene Tract Update**

49 Additional information on the Greene Tract is contained in Attachment 5. Staff will not present
 50 the update at the BOCC meeting, but will be available to address any questions. Additional
 51 background information related to the Greene Tract, including the 2020 Resolution and 2021

1 Interlocal Agreement, can be found at this link: <https://www.orangecountync.gov/2127/Greene->
2 [Tract.](https://www.orangecountync.gov/2127/Greene-)

3
4 Chair Price thanked staff for all of the work they have put into this issue in all three
5 jurisdictions, including coming up with the plans, working with SynTerra, making sure that
6 everyone got to see the report when it was completed, keeping information up to day on the
7 website, and for the cooperation with Town of Carrboro and Town of Chapel Hill. She also
8 specifically thanked Public Information Officer, Todd McGee, for sending information out in his
9 weekly newsletter each week.

10
11 Craig Benedict made the following PowerPoint presentation:

12
13 Slide #1



14
15
16 Craig Benedict said he is presenting on behalf of the three local governments because
17 Carrboro is voting on this Resolution tonight and Chapel Hill is voting on this Resolution
18 tomorrow night. He said this is a common resolution between all three jurisdictions, and will
19 approve the Draft Recombination Plat and the Conceptual Plan for the Greene Tract. He
20 resumed the PowerPoint presentation:

21
22

1 Slide #2

Preamble

➤ 2020 Resolution adopted by all three local governments

➤ Orange County adopted January 21, 2020

<https://www.orangecountync.gov/DocumentCenter/View/17256/2020-Resolution-for-a-Path-Forward-Process-for-Further-Assessment-of-the-Greene-Tract>

1. Agree to acreages and land uses

A. 22 acres - Greene Tract Preserve

B. 16 acres - Public school and recreational site

C. 66 acres - Housing and mixed-use

2. Reconfigure 60 acres - Orange County

Headwaters Preserve (following the completion of items 3 and 4)

2
3

4 Craig Benedict said there was a 2020 resolution, adopted by all three local governments,
5 which instructed the next steps that staff took. He said while acreage and land uses were
6 assigned in the resolution, it did not put them on a map. He said by doing an environmental
7 analysis and outreach, the next step was creating a map.

8 Craig Benedict said in the late 1990s, there was a 160 acre area purchased for landfill
9 purposes, and through an agreement between the three jurisdictions, the land was split into two
10 pieces: 60 acres that went to the solid waste enterprise fund and 104 acres was put into joint
11 ownership and is now known as the Greene Tract area. He said when Orange County
12 repurchased the 60 acre area from itself, it was renamed the Headwaters Preserve. He said for
13 the purposes of tonight's discussion, the Greene Tract is focused on the 104 acres which is
14 jointly owned, and the Headwaters Preserve will also be mentioned, which is the 60 acres the
15 county purchased from itself.

16 Craig Benedict said the 2020 resolution pointed out that the 60 acres may not have been
17 the best environmental lands for the county to preserve. He said the 2020 resolution discussed
18 reconfiguring acreage for preservation of the best environmental lands. He said with 82 total
19 acres of preserved lands, there are also 82 acres of land with development potential, and those
20 82 acres would be used for housing and mixed use, as well as some for the school site that was
21 identified. He said the resolution also sought to keep in mind limited open land for schools in
22 Chapel Hill and Carrboro, and that land banking may be a possibility. He resumed the
23 PowerPoint presentation:

24
25

1 Slide #3

Preamble

➤ 2020 Resolution Continued

3. Conduct Environmental Assessment to determine best 82 acres to preserve

- ✓ Completed July 2020 (in partnership with SynTerra and the Towns)

4. Conduct public engagement (ongoing)

- ✓ Ongoing and includes the Rogers Road Neighborhood
- ✓ Completed
 - ✓ Environmental Assessment Webinar and Survey – April 2021
 - ✓ Open House - November 7, 2021
 - ✓ Virtual Meeting – November 8, 2021

5. Greene Tract MOU/ILA (for decision making)

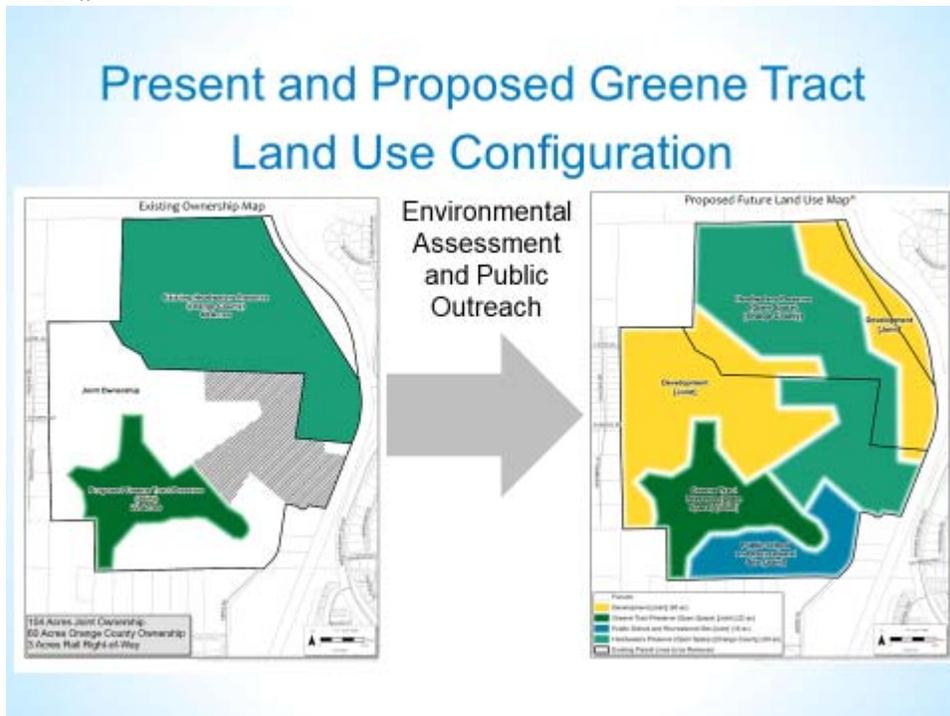
- ✓ Completed April 6, 2021

2
3

4 Craig Benedict said the only other environmental assessments done since 2000 were
5 reports done by environmental staff from each of the jurisdictions. He said the SynTerra report
6 found the best 82 acres to preserve. He said it also determined the 82 acres ideal for
7 development were oriented in size and shape so that it could be served by infrastructure,
8 including what roads are necessary for the development side, where to get water and sewer
9 from, etc. He said the SynTerra report balanced issues between environmental preservation
10 and development potential. He said this work was completed in July 2020, and due to COVID,
11 public engagement had to be delayed. He said a video of the findings has been made available.
12 He said as years have continued, there has always been a staff team from local governments
13 and other people involved as well. He said a public survey was also completed in 2021, as well
14 as open house and virtual meetings in November 2021.

15 Craig Benedict's said tonight's goal is to put acreages on a map and reconnect the
16 Green Tract and Headwaters Preserve. He said the 2020 resolution also asked for there to be
17 a memorandum of understanding (MOU) between the three local governments, as this process
18 is taking a long time with incremental steps. He said there is a great deal to still be done, and
19 they need to discuss what exactly goes in those future developable areas. He said there is
20 agreement between the three local governments as to how to keep the process for moving
21 forward in the face of potential barriers/disagreements. He resumed the PowerPoint
22 presentation:
23
24

1 Slide #4



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Craig Benedict said the previous ownership map is shown on the left, and the 60-acre medium green area is the Headwaters Preserve. He said the area is not contiguous to other identified wetland and stream buffer areas noted as the Greene Tract Reserve. He said the right side map is a new configuration, and the medium green color would be a total of 60 acres of county-owned preserved land, and the darker green Greene Tract Reserve would equal a total 82 acres of preserved land. He said Syn Terra's analysis determined which areas are jurisdictional and those that are regulatory. He said the strictest restrictions were observed, and the review only come up with 40 total acres of jurisdictional and regulatory areas, but the group doubled the amount and came up with buffers upon buffers to reach 82 acres. He said the yellow area to the east on the map is part of the 66 acres to be developed. He said when this is added to the 16-acre school site, it gives a total of 82 acres of potentially developable land, balanced with 82 acres of preserve. He said in the agenda, there is mention of the plat being 107 acres rather than 104 acres. He said a surveyor took a look and found 3 extra acres along the rail right of way, which is on the eastern part of the site. He said a plat will eventually be created to show 3 acres of joint owned land as a rail right of way. He resumed the PowerPoint presentation:

1 Slide #5

Tonight's Purpose

To consider approval of the 2021 Greene Tract Resolution

- Approve the Draft Recombination Plat (i.e. shifts property lines) for the:
 - County-owned tract (60 acres) and
 - Joint-owned tract (approximately 107 acres)

- Approve the Conceptual Plan (i.e. placement of acreage and land uses on the map) for the:
 - 104-acre portion of the Greene Tract in Joint Ownership between OC, CH, and C
 - 60-acre reconfigured OC Headwaters Preserve

2
3

4 Craig Benedict said within the last four years, there has been a lot more interest from
5 local governments and community to move forward. He said there are affordable housing
6 needs, but no decisions have been made on how this area will be developed. He said adopting
7 this resolution is an incremental step to determine what lands could be available and what lands
8 could be preserved. He said next steps will involve non-profits, the housing department, etc.
9 He said tonight's resolution would provide for roughly 23 acres for what was originally orange
10 county land will become jointly owned, and 23 acres of joint land will become part of
11 Headwaters Preserve, so all balances out. He said this is a conceptual plan, not developments,
12 and just seeks to find the best place for preservation areas and developmental areas. He said
13 part of that process involves the school board. He said the conceptual plan does show the
14 different uses on a map. He said Orange County and Carrboro did agree to put them on a map
15 in a 2020 resolution, but decided to do an investigation for the environmental preserve area
16 instead. He said 95% is the same as it was previously, but the school board has also been
17 involved in additional discussions to determine best school site. He resumed the PowerPoint
18 presentation:

19

20 Slide #6

Recommendation

The Manager recommends the Board:

- Receive the Resolution;
- Discuss as appropriate; and
- Approve the Resolution contained in Attachment 1 and authorize the Chair to sign.

21

1 Craig Benedict said Carrboro suggested yesterday putting in information on other
2 studies and reserves from past 20 years under the 6th whereas clause of the resolution. He said
3 the website has a host of history for steps and decisions taken and made to date. He resumed
4 the PowerPoint presentation:

5
6 Slide #7



Questions and Comments

7
8
9 Commissioner Bedford said some people are saying the land will be sold to a for-profit
10 developer, and asked if Craig Benedict could clarify.

11 Craig Benedict said no decisions about how housing will be placed on the development
12 have been made. He said nothing can move forward without an additional resolution agreed
13 upon by the three local governments.

14 Commissioner Bedford said usually the land is not sold, but rather is donated. She said
15 developers are typically contracted to do what the three local governments have determined will
16 be done.

17 Craig Benedict said the three local governments will likely set parameters of what they
18 expect, which is one of the methods to create affordable-housing. He said since there are 50-
19 60 acres that could be used, there are different opportunities available, and it is completely in
20 the local governments' control.

21 Commissioner Fowler said Craig Benedict addressed a lot of the background
22 information, but one concern she has is about access roads, and considering where roads will
23 go prior to any agreements being made. She said some people do not want roads running
24 through the preserved areas, due to wildlife. She asked if staff would address the issue of
25 roads cross-cutting preserved areas and speak about potential traffic that would come through
26 the Rogers Road community.

27 Craig Benedict said there is another road being planned through Chapel Hill that goes
28 from the far northwest corner that swings around and out through the future church property out
29 to Rogers Road. He said there would be a southern road as well, and would go out to
30 Homestead Road, which would be the primary access to the school site. He said there are
31 historic dirt roads that go through the site. He said this would not disturb any environmental
32 lands. He said it would be land within the preserve, but outside of the jurisdictional and
33 regulatory buffers for the most part. He said the road would swing into the development joint
34 area and be able to connect with some sort of internal network. He said it is not likely that there
35 will be roads over the train tracks to the east. He said no roads are on the map yet, and there is
36 still the opportunity to decide how the roadways would be placed on the map and can be

1 tweaked as necessary to accommodate the roads. He said the Headwaters preserve is a
2 headwaters for three different sub-basins, and to get sewer to this area would require having
3 sewer services flow in three different directions. He said when sewer was installed in the
4 Rogers Road community some extensions were made out to this area.

5 Commissioner Fowler asked for a cost to develop water and sewer.

6 Craig Benedict said he could not say that right now, but there are options from where it
7 could come. He said the school site has two stub outs to the property. He said the Rogers
8 Road sewer project extended sewer past the animal shelter and up to the Nunn property. He
9 said the northern part of the site and the eastern area near the tracks would be served to the
10 north at that time. He said as next steps are examined in a master plan, costs for infrastructure
11 would be established. He said the Rogers Road sewer project was a joint effort between
12 jurisdictions, and he hopes any future sewer work would be accomplished similarly.
13

14 **PUBLIC COMMENT**

15 John Dempsey said the Greene Tract Forest is a 164-acre parcel of publically owned
16 land. He said elected officials are being asked to transfer much publically owned land for
17 eventual private development. He referred to proposal 6A, noting this proposal targets 66 acres
18 for unspecified mixed use and commercial development. He said acreage could vary up to 15%
19 for a total of 76 acres, and 21 acres along the eastern side of the Greene tract will remain as
20 public owned and undeveloped land in the short term, but may be evaluated for development in
21 the future depending on needs at that time. He said that brings the total of public land being
22 developed to 97 acres, over 59% of the property. He said 16 acres are designated for public
23 schools and recreation site, equaling a total of 113 acres out of 164-acre tract that is being
24 targeted for development. He said there is no affordable housing mandated by the joint
25 resolution, but it includes a goal of affordable and mixed income opportunities. He said the
26 Board and town councils should vote no and direct planning staff to work on a plan that is more
27 in line with the Rogers Road: Mapping Our Community's Future report from May of 2016. He
28 believes doing so would garner more public support.

29 Nancy Oates said she is a long-time advocate for affordable housing. She said voting
30 on this resolution is problematic because the public still does not know the ramifications of
31 switching the boundaries around. She said she does not see any reason to rush. She said
32 there was tremendous public turnout at the in person and online meetings, but their questions
33 still have not been answered. She said 50 years ago elected officials dealt duplicitously with the
34 residents of Rogers Road, promising a recreation area, but instead the landfill was expanded,
35 tainting the local wells, and she has a sick feeling this duplicitousness is happening again. She
36 said residents of Rogers Road voices have been clear they do not want "stack them and pack
37 them" housing, but that is what mixed use for all income levels is. She said she did not get
38 support from colleagues when she suggested removing mixed use high rises from allowable
39 uses in 2016. She said in talking with them later, they said the plan was to sell off the land to
40 private developers to pay for the infrastructure and would get more money with mixed use
41 developments. She said the land could be donated to a nonprofit, and if that is the Board's
42 intent, it should be spelled out in the resolution tonight. She said potential traffic impacts have
43 not been explored. She said in 2019, then school board chair Joal Broun said the land was too
44 small for a school and wanted to discuss preserving other land in Chapel Hill for a school site.
45 She said the smallest school that would fit on this site is an elementary school, only if it took up
46 all of the recreation space. She said the Chapel Hill Town Council is leaning on the three newly
47 elected officials to support this and be a team player. She said the environmental report states
48 clearly that no infrastructure is to be laid on top of the protected areas, but maps show that this
49 will indeed happen.

50 Robert Campbell said the Commissioners should move forward with this resolution. He
51 said he is not here to talk about where roads will go or how many houses will be built. He said

1 he is talking about moving this resolution forward so the governments and community can come
2 together to have discussions about those things. He said he is looking forward to the future,
3 and people would rather have somewhere to live than somewhere to play. He said one cannot
4 live on a bike or on a walking trail, but one can live in affordable, mixed-use, work force housing.
5 He said now is the time to do the right thing and stop dividing the community when the
6 naysayers say they have met with certain people. He said this is about coming together and
7 doing the right thing, and loving one another. He said this resolution should move forward.

8 Margo Lakin said she is a resident of Orange County. She said the three jurisdictions
9 voting for the Greene Tract proposal are holding meetings concurrently tonight, so the public
10 had to choose which meeting to attend. She said there is a real chance the Commissioners will
11 vote without hearing from constituents, and the Commissioners cannot attend the two other
12 meetings where they could learn further information that could influence their vote. She said
13 she does not see how this process equitable and inclusive. She said throughout the community
14 hearings, there has been no voice opposed to affordable housing. She said the Rogers Road
15 plan is transparent and inclusive, and specifically lists the creation of quality affordable homes
16 as its priorities. She said this progressive plan has been replaced with what the Board will vote
17 on tonight with ambiguity and double speak, but more land open for development and has
18 affordable housing as a goal rather than a mandate. She said the public needs to ask itself why
19 the plan includes mixed use and commercial development, and perhaps it is paving the way for
20 commercial and market rate housing development by using the pretext of much needed
21 affordable housing as a means to garner community support and votes no matter how much the
22 public has been gas slighted. She said no public questions have been answered. She said she
23 is concerned for the environment, and asked the BOCC to vote no on this plan.

24 Delores Bailey said she is a long time resident of Orange County and the Executive
25 Director of EmPOWERment Inc. She said she is flustered because she has been working on
26 the Green Tract since 2003, so she is assuming that people are just finding out about it and that
27 is why they feel it is being rushed through, but it is not. She said 2003-2021 is a long time, and
28 she urged the BOCC to approve the resolution, as it is in line with the work of the Rogers Road
29 community. She said that the area everyone is so proud of now used to be a landfill and
30 somewhere no one wanted to live. She said the people living on Rogers Road stood through all
31 of that and fought that environmental fight, and what they want should happen. She said this
32 resolution is in complete alignment with what the Rogers Road community has asked for in
33 mapping the future. She said is has not been rushed at all. She said she understands that not
34 everyone understands the terminology, but this plan is very much environmentally sensitive.
35 She said tonight's resolution is just so the next step can happen and planning can continue.
36 She said this did not start last year, and tonight is the night to approve this resolution and move
37 to the next step.

38 Abel Hastings said 167 acres should be enough to do two things, but somehow the
39 debate has been turned into a 'this or that' decision. He said affordable housing and preserved
40 green spaces are both important to the community. He said he had first hand experience with
41 communities working together, and though he was not part of the 2016 Rogers Road team, he
42 was a member of Neighbors United Around the Green Tract. He said, like the 2016 team, this
43 citizen group took part in an inclusive planning discussion that talked about tough issues. He
44 said this plan does not reflect the community's common themes in 2016 or now. He said the
45 resolution has a few alarming features, such as the reserved land being much smaller than ever
46 before and does not reflect guidance from county's environmental experts. He said roadways
47 and sewer does not sound like environmental preservation. He said development area can
48 include affordable housing which is great, but there is no restriction on the amount of market
49 rate commercial development. He said the Greene Tract is the largest forested area, and while
50 unofficial, it should be acknowledged as a park that is set to turn into development. He said he
51 is sad that the local governments did not follow through on recommendations from previous

1 teams to turn Greene Tract into both development and a park, because 167 acres should be
2 enough to do both.

3 Karen Reid said this is the culmination of years and years of planning. She thanked the
4 three municipalities. She said the issues of conservation and buffers for community and
5 headwaters are important, but she urged commissioners to move forward with the proposal and
6 continue having critical dialogue going forward.

7 Bishop Larry Reid said he lived through the Greene Tract being proposed as a landfill.
8 He said he has much to be thankful for that they have moved on from that, but the Rogers Road
9 community has still suffered greatly because of the landfill. He said this mistreatment can be
10 rectified by allowing the property owners to have a say in decisions. He urged the Board of
11 County Commissioners to please move forward.

12 Commissioner McKee said he has been involved in this conversation for 12 years now
13 and it was going on long before he got there. He said he hopes it will not continue long after he
14 is gone. He said many promises were made, but not kept, and the BOCC has tried to rectify
15 this in recent years. He said he appreciates Reverend Campbell's comments, which were
16 eloquent and true. He said he has heard no conversation about selling the land to commercial
17 development, and does not believe for one minute that the local governments will sell it to
18 developers. He said assigning only 20% to affordable housing is not acceptable. He said the
19 BOCC can lead, follow, or get out of the way. He said the county cannot get out of the way as it
20 is a landowner, so it needs to continue to lead. He said this is a concept plan, and it is not
21 meant to decide where every road and stop sign should go. He said the community can be
22 involved in making those decisions later. He said this plan needs to proceed.

23 Commissioner Richards thanked staff for the presentation, and said she is concerned by
24 lack of trust from the community. She said the county has proven itself to be committed to
25 affordable housing and conservation. She said accusations and misinformation from the public
26 are troubling. She said staff doubled the preservation area, and the reconfiguration is meant to
27 connect the two preserved areas so they are contiguous, and the Rogers Road community has
28 been able to speak for itself. She said as a citizen, she went to many meetings at Rogers Road
29 and they are speaking clearly for themselves. She said she will support moving forward.

30 Commissioner Hamilton thanked staff and community and elected officials for all the
31 years working on the Greene Tract. She said it has been 20 years of work towards this point.
32 She said it is an important process to hear the voice of the Rogers Road community but also the
33 voice of all of Orange County. She said she struggles with how and why the decision is timed.
34 She said there was public engagement/community outreach on November 7th and 8th, where
35 questions and accusations were raised, and also confusion that staff has not had the time to
36 respond to. She said there is information on the website, but staff has not been able to respond
37 to the questions people have asked and staff has not had time to address due to the vote on
38 November 16th. She said the lack of trust and transparency hurts the County's ability to do
39 things in the long run. She suggested delaying the vote to December 14th meeting. She said
40 she does not want to delay process, and is committed to seeing this property used to the benefit
41 of residents, and can still move this forward but do it in a way to allow people to have questions
42 answered. She said the municipalities and the county are committed to getting this done and
43 can do it in a way that is more transparent.

44 Commissioner Fowler said she believes in good faith that all are trying to move towards
45 what the community needs. She said she want to reserve green space, but there is a dire lack
46 of affordable housing. She said her main complaint is also about the process. She said she
47 first learned that this item would be on the agenda last Monday, and feels the BOCC should be
48 aware of upcoming items prior to the public being informed. She said she still has many
49 questions: the number of affordable units, roads, traffic, etc. She said it seems that the Rogers
50 Road community is in favor, based on comments tonight, and she wants to honor those desires.
51 She said she does not want to turn the neighborhood into a highway access. She said all

1 details will be decided in the future and she will be pushing on those details going forward but
2 will likely vote in favor of this.

3 Commissioner Greene said this has been a long process, and she was around in 2003,
4 and thoughts were very different then about what the needs of the community were, etc. She
5 said this plan has evolved to a clear point for a couple of years now. She said she appreciates
6 neighbors for speaking on behalf of the Rogers Road community who suffered the
7 consequences of the existing landfill. She agreed that the lack of trust is disturbing, but she
8 does not share discomfort about the lack of details at this time. She said the BOCC is
9 reconfiguring the land to preserve that, which should be preserved. She said there is much to
10 talk about later, but she wants to move forward tonight.

11 Commissioner Bedford agreed with her colleagues, and noted that the BOCC does not
12 have any new members to seat. She said she participated in one of the zoom public sessions,
13 and wants to talk about what future public events should involve. She said she also found it
14 concerning that the public knew about this being on agenda before she did. She said she
15 supports moving this process forward, as she has voted for it previously. She agreed that there
16 are many details to determine in future conversations, especially regarding affordable housing.
17 She said home based businesses may be a good option, along with other small stores. She
18 said the voices of the Rogers Road and Eubanks Road have to be respected, and they put up
19 with the landfill nonsense for far too long. She said in 2007, the CHCCS asked the towns and
20 counties to do a search for more land for schools, and 10 properties came back. She said
21 several were inappropriate for school sites, and this land is truly the last and only site for a
22 school. She said she wants to reassure people that around 2013-2014 the schools and the
23 BOCC decided to put new funds towards renovating older facilities. She said the older buildings
24 are smaller and capacity can be expanded. She said there is a lot to consider in next steps,
25 and she wants to be able to respect the change in affordable housing needs as the years go on.
26 She said Chapel Hill's planning department will take the lead on how everyone will be involved
27 in the planning. She said COVID has caused delays and she looks forward to being in person
28 to make great progress moving forward. She said it would have been better for this to be
29 brought to a work session to hash out wording before bringing it to an actual vote. She said it is
30 not too early to think about funding while working on the budget, and do some capital banking
31 now. She said the county committed last \$2.5 million of its affordable housing bond to
32 Homestead Road projects. She said there is a lot of work to do, but she is committed to it.

33 Chair Price said it is time to invest in the Rogers/Eubanks community. She said the
34 county and municipalities have treated this community unfairly for decades, and she sees this
35 as another step in the right direction to provide housing, stability, and other services. She said it
36 would be great to have a local school. She said it is important to respect the voices of people
37 who live there. She said she walked around the neighborhood over the years and heard about
38 issues with their wells in the early 1990s. She said 30 years later the county is still trying to
39 provide a decent neighborhood for people who have been burdened for so long. She said there
40 was no intention of deception from staff or elected officials, and this evening's resolution is not
41 too far off from what the majority of the Board vote on two years ago. She said she is surprised
42 by the complaints and concerns. She said the towns and the county are trying to work jointly
43 and have things approved in the same timeline, so by the end of the week all boards are on the
44 same page. She said several statements went out to the general public to show that the towns
45 and county are trying to work together for the benefit of the community. She said she is ready
46 to support the resolution.

47 Commissioner McKee agreed with Chair Price's comments, and said the three partners
48 have to be in agreement. He said this is a reconfiguration, but is the same concept on which
49 the Board voted several years ago that will allow for recreation and animal movement. He said
50 he understands the concern with process, but there will always be a concern with process, and
51 at some point in time the BOCC has to move forward and now is the time.

1 Commissioner Richards said she is very unhappy with the process as she stood at the
2 Rogers Road meeting and told people the Board was not voting this week because she did not
3 know the Board was voting. She said she wants to be able to stand by her word. She said she
4 has evolve since that time and feels strongly that her personal vulnerability should not take
5 precedent over doing the right thing. She said moving this forward is the right thing, but wants
6 to have her strong displeasure with the process noted for the record. She does not want to be
7 put in that position again.

8 Commissioner Hamilton said process is important and the Board was not told this vote
9 was happening. She said it was not a matter of not paying attention or missing an email. She
10 said integrity is following a process where everyone is told, and this community is evolving with
11 new people are moving in all the time. She said this topic has been discussed for many years,
12 but some people will not have heard about it as they are new. She said just putting information
13 on a website is not acceptable. She said she will go ahead and support this now, but think that
14 answers to questions from November 7th and 8th should be on the website. She said the Mayors
15 and Chair need to rethink the whole way these meetings are done so there is no lack of
16 accountability to the rest of the commissioners. She said minutes may be needed. She said
17 timelines must be clear, and communicated well in advance. She said there is a lack of trust in
18 the government, and the structures are frustrating with one-way communication. She said the
19 BOCC needs to take responsibility to go above and beyond to make sure everyone is heard and
20 get the information out. She said the BOCC has the power, and bears the burden to use best
21 practices when working with people. She said she hopes this is the last time the Board is in this
22 position, as trust is important. She said the BOCC can address historical wrongs against
23 Rogers Eubanks community and make sure everyone gets their questions answered.

24 Commissioner Greene said she was also uncomfortable and unhappy that the Board did
25 not know this was on the agenda. She said her feelings have evolved on the issue, like
26 Commissioner Richards. She said there have been a lot of steps over years to get to this point,
27 and tonight's vote does not make any substantive decisions. She said she hopes public input is
28 handled in a better way going forward.

29 Commissioner Bedford said she wants to bring back the process from a couple of years
30 ago where the Mayors and Chair meetings include the vice chair and other deputies.

31
32 A motion was made by Commissioner Bedford, seconded by Commissioner McKee, to
33 approve the Greene Tract Resolution Approving the Draft Recombination Plat and Conceptual
34 Plan, and authorize the Chair to sign.

35
36 Chair Price made a friendly amendment to Commissioner Bedford's motion, to amend it
37 to 104 acres.

38 Commissioner McKee seconded.

39
40 Chair Price said she did not realize the commissioners were not getting the emails from
41 Maggie Chotas, facilitator for the Mayors/Chair meetings. She said she will be sure to send all
42 notes to the BOCC moving forward.

43
44 **Roll call ensued**

45
46 **VOTE: UNANIMOUS**

47
48 Chair Price said this has been a long process, and all are acting with good intent. She
49 said the purpose of the meeting at the Rogers Eubanks Neighborhood Association was to make
50 sure everyone had access to the same information.

51

1 **b. Opt-in to the National Settlement with Janssen and National Distributors**

2
3 The Board considered entering the national settlement as previously approved by the
4 Board of Commissioners in Closed Session.

5
6 **BACKGROUND:**

7 As previously reported to the Board of Commissioners, the County's national attorneys have
8 been negotiating with multiple defendants in the national opioid litigation in order to reach a
9 settlement. There are two proposed nationwide settlement agreements ("Settlements") that
10 have been reached that will resolve all opioid litigation brought by states and local political
11 subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health,
12 and AmerisourceBergen ("Distributors"), and one manufacturer, Janssen Pharmaceuticals, Inc.,
13 and its parent company Johnson & Johnson (collectively, "Janssen"). This leaves open
14 litigation against numerous other and generally smaller corporate defendants.

15
16 The proposed Settlements require the Distributors and Janssen to pay billions of dollars to
17 abate the opioid epidemic. Specifically, the Settlements require the Distributors to pay up to \$21
18 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of
19 \$26 billion (the "Settlement Amount"). Of the Settlement Amount, approximately \$22.7 billion is
20 earmarked for use by participating states and subdivisions to remediate and abate the impacts
21 of the opioid crisis.

22
23 The Settlements also contain injunctive relief provisions governing the opioid marketing, sale
24 and distribution practices at the heart of the states' and subdivisions' lawsuits and further
25 require the Distributors to implement additional safeguards to prevent diversion of prescription
26 opioids.

27
28 Each of the proposed Settlements has two key participation steps. First, each state decides
29 whether to participate in the Settlements. North Carolina has joined both Settlements. Second,
30 the subdivisions within each participating state must then decide whether to participate in the
31 Settlements. The Board of Commissioners has approved participation in closed session and
32 this action is to formally enter the settlement.

33
34 By formally entering the settlement and executing the attached documents, Orange County will
35 release the Distributors and Janssen from further liability related to opioid impacts in Orange
36 County and the County will gain access to the settlement funds allotted to North Carolina.

37
38 John Roberts, County Attorney, reviewed the background information for the item, and
39 said this is something the Board previously tentatively approved in closed session. He said the
40 BOCC was previously advised as the litigation progressed, and authorized him to communicate
41 to the national attorneys that Orange County was willing to participate in the settlement. He said
42 in open session, the Board approved a memorandum of agreement with the state on how to
43 divide up the settlement and bankruptcy funds for the defendants. He said the settlement
44 agreement has a little over \$22 billion from the defendants that are settling this particular
45 litigation that is going to be governed by the memorandum of agreement with the state. He said
46 funds from bankruptcies of defendants will also be governed by the memorandum of agreement
47 with the state. He said 80% of the funds will go directly to local governments, and will come to
48 the county over the next 18 years. He said the Board is being asked to sign the participation
49 agreements, which will formally enter Orange County into the settlement agreement.

50 Commissioner Greene asked if the county and Chapel Hill will be entitled to 85% rather
51 than 80% for signing before October 1st.

1 John Roberts said the county will get a distribution from that extra 5%, not receive 5%
2 more total. He said he does not know the dollar amount, but it is an incentive fund for counties
3 that got larger towns in their jurisdictions to also sign onto the settlement.

4 Commissioner Greene said North Carolina's share of the settlement is \$750 million, so
5 Chapel Hill's share (based on deaths, pills distributed, etc.) is a little over 1%, which is roughly
6 \$7.5 million. She said if the Purdue settlement is finalized, it will add another \$1 million to
7 Orange County over 18 years.

8
9 A motion was made by Commissioner Greene and seconded by Commissioner Fowler,
10 to approve final entry into the settlement and authorize the Chair to sign the opt-ins and any
11 other documentation necessary to enter and finalize the settlement on behalf of Orange County.
12

13 **Roll call ensued**

14
15 **VOTE: UNANIMOUS**

16
17 **7. Reports**

18 None

19
20 **8. Consent Agenda**

21
22 • **Removal of Any Items from Consent Agenda**

23 None

24
25 • **Approval of Remaining Consent Agenda**

26
27 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
28 approve the consent agenda.
29

30 **Roll call ensued**

31
32 **VOTE: UNANIMOUS**

33
34 • **Discussion and Approval of the Items Removed from the Consent Agenda**

35 None

36
37 **a. Minutes**

38 The Board approved minutes from the October 5, 2021 Virtual Business Meeting.

39 **b. Tyler Technologies Multi-Year Contract Addendum**

40 The Board approved and authorized the Manager to sign a five year software maintenance and
41 support contract addendum (paid annually) with Tyler Technologies, Inc.

42 **c. Approval of Inter-local Agreement Renewal and Master Plan – Little River Regional**
43 **Park and Natural Area**

44 The Board renewed the inter-local agreement for Little River Regional Park and Natural Area
45 between Orange and Durham counties, for the jointly-owned park and natural area, and to
46 approve the Park Master Plan (which includes the Management Plan).

47 **d. Approval of Trail Easement and Conservation Easement Amendment – Carl and Eve**
48 **Shy Property**

1 The Board accepted a trail easement donation for the purpose of construction of a section of the
 2 NC Mountains-to-Sea Trail (MST) and a small parking area, and to approve an amendment of
 3 an existing conservation easement held by the County.

4 **e. Orange County Sportplex Field House Stormwater Control Measure Access and**
 5 **Maintenance Easement and Agreement with Town of Hillsborough (103 Meadowlands**
 6 **Drive, Hillsborough)**

7 The Board approved a Stormwater Control Measure Access and Maintenance Easement and
 8 Agreement with the Town of Hillsborough for the Orange County Sportsplex Field House
 9 Stormwater Control Measures; and considered authorizing the Chair to sign the necessary
 10 paperwork upon final County Attorney review.

11 **f. Fiscal Year 2021-22 Budget Amendment #4**

12 The Board approved budget, grant, and capital project ordinance amendments for Fiscal Year
 13 2021-22 for the Department of Social Services; Library Services; County Attorney; Health
 14 Department; and the Planning and Inspections Department.

15 **g. Fine Free Initiative for Orange County Library Services and Approval of Budget**
 16 **Amendment #4-A**

17 The Board approved the elimination of late fines for Orange County library patrons, including the
 18 immediate elimination of all late fines and forgiveness of all existing fines, and approve Budget
 19 Amendment #4-A.

20 **h. Approval of WatchGuard Agreement for In-Car Video System and Evidence**
 21 **Management Software**

22 The Board approved the WatchGuard Agreement for in-car video system and evidence
 23 management software for the Sheriff's Office.

24 **i. Approval of Chapel Hill-Orange County Visitors Bureau Advisory Board Amended**
 25 **Policies and Procedures**

26 The Board approved amendments to the Chapel Hill/Orange County Visitors Bureau Advisory
 27 Board Policy and Procedures document to remove the Orange County residency requirement
 28 for members, and to address other housekeeping updates.

30 **9. County Manager's Report**

31 Bonnie Hammersley reiterated that the library is going fine free. She said current fines
 32 will be forgiven, and a press release is ready to go out in the morning so that residents know.
 33 She said this was an anticipated item for the 2021-2022 budget, and the county tried to
 34 coordinate timing with the Chapel Hill Library, but the town did not make the decision in time for
 35 Orange County to catch on board. She said the libraries try to do the same things and have
 36 similar policies and procedures. She said this is something that will be worked on by the Library
 37 Task Force, and she looks forward to coordinating efforts between the county and town
 38 libraries.

39 Bonnie Hammersley gave an update on the 203 Greensboro Project in Carrboro, which
 40 will eventually potentially house a southern branch library and workforce development center.
 41 She said Travis Myren sent email to the commissioners on November 11th indicating the
 42 increase of \$5.9 million for cost of project. She said staff is conducting a value engineering
 43 exercise, and is working on timeline for that and will bring it to the Board. She hopes to find
 44 ways to reduce the increase. She said the value engineering does take time, and the cost
 45 increases are unfortunate. She said there was detail in the memo that highlighted some of the
 46 increases, some of which were incredibly significant. She said the increases have to do with
 47 what is happening in the economy, but it seems higher than staff expected this project to go.
 48

49 **10. County Attorney's Report**

50 John Roberts said the legislature is considering three elections bills tomorrow: one
 51 adjusts dates and times certain ballots have to be in, the other prohibits private money to be

1 used in funding elections or hiring elections personnel. He said the main focus is still on getting
2 the budget done.

3 Commissioner McKee asked if John Roberts to explain the second bill.

4 John Roberts said he does not know what led to this bill, but it adds the following
5 language to the elections section of the general statute “nothing in this chapter shall grant
6 authority to county boards of elections to accept private monetary donations, directly or
7 indirectly, for conducting elections or employing individuals on a temporary basis”. He said if
8 the Commissioners are interested, he can ask for more information from the North Carolina
9 Association of County Commissioners (NCACC) staff. He said sometimes these bills are
10 directed at one county that acted in a way the legislature didn’t like.

11 Commissioner McKee said he is interested to know more, because he does not
12 understand how that behavior could have been legal to start with.

13 John Roberts said he does not understand either, but sometimes a county will do
14 something the legislature does not like and they will simply clarify the law based on the
15 circumstance. He said he will look into the cause of the bill and report back.

16
17 **11. *Appointments**

18 None

19
20 **12. Information Items**

- 21
22 • November 4, 2021 BOCC Meeting Follow-up Actions List
23 • Memorandum – Outreach Status as Follow-up to the Buckhorn Area Study
24

25 **13. Closed Session**

26 None

27
28 **14. Adjournment**

29
30 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
31 adjourn the meeting at 9:38 p.m.
32

33 **Roll call ensued**

34
35 **VOTE: UNANMIOUS**

36
37 Renee Price, Chair

38
39 Tara May
40 Deputy Clerk to the Board

41
42 Submitted for approval by Laura Jensen, Clerk to the Board.

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MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
December 6, 2021
7:00 p.m.

The Orange County Board of Commissioners met for a Virtual Business Meeting on Monday, December 6, 2021 at 7:00 p.m.

COUNTY COMMISSIONERS PRESENT: Chair Renee Price, Vice Chair Jamezetta Bedford, and Commissioners Amy Fowler, Jean Hamilton, Sally Greene, Earl McKee (arrived at 7:05 p.m.), and Anna Richards

COUNTY COMMISSIONERS ABSENT: None.

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Laura Jensen. (All other staff members will be identified appropriately below)

Chair Price called the meeting to order at 7:00 p.m.

A roll call was called; all members were present, except Commissioner McKee.

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business Meeting on Monday, December 6, 2021. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

In this new virtual process, there are two methods for public comment.

- Written submittals by email
- Speaking during the virtual meeting

Detailed public comment instructions for each method are provided at the bottom of this agenda. (Pre-registration is required.)

Chair Price dispensed with reading the public charge.

Public Charge: The Board of Commissioners pledges its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, county staff and the commissioners. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. The BOCC asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate. Please be kind to everyone.

1 **Board Organization**

2
3 **a. Election of Chair and Vice-Chair**

4 Laura Jensen described the process the Board of County Commissioners (BOCC) will
5 follow to nominate and vote on the nominees for Chair and Vice Chair. She said she will ask
6 the Board for nominations for Chair, which will need to receive a first and second. She said she
7 will then ask for a motion to close the nominations, which will also need to be first and
8 seconded. She said there will be a roll call vote to close the nominations, followed by a roll call
9 vote for the nominees.

10 Chair Price paused the process to allow Commissioner McKee to join.

11 Commissioner Fowler said she would like to make a nomination when Commissioner
12 McKee has joined.

13
14 *Commissioner McKee arrived at 7:05 p.m.*

15
16 Laura Jensen asked the Board for nominations for the Chair of the Board of County
17 Commissioners.

18
19 Commissioner Fowler nominated Commissioner Price to serve as Chair of the Board.
20 Commissioner McKee seconded the nomination.

21
22 A motion was made by Commissioner Bedford, seconded by Commissioner Greene, to
23 close the nominations.

24
25 **Roll call ensued**

26
27 **VOTE: UNANIMOUS**

28
29 Laura Jensen said the Board would now take a vote on Commissioner Price as the
30 nominee to serve as Chair of the Board of County Commissioners.

31
32 **Roll call ensued**

33
34 **VOTE: UNANIMOUS**

35
36 Laura Jensen asked the Board for nominations for Vice-Chair of the Board of County
37 Commissioners.

38
39 Commissioner McKee nominated Commissioner Bedford to serve as Vice-Chair of the
40 Board. Commissioner Greene seconded the nomination.

41
42 A motion was made by Commissioner Hamilton, seconded by Commissioner Fowler, to
43 close the nominations.

44
45 **Roll call ensued**

46
47 **VOTE: UNANIMOUS**

48
49 Laura Jensen indicated the Board would now take a vote on Commissioner Bedford as
50 the nominee to serve as Vice-Chair of the Board of County Commissioners.

51 **Roll call ensued**

1
2 **VOTE: UNANIMOUS**
3

4 Chair Price thanked the Commissioners for entrusting her to serve as Chair for an
5 additional year. She said the Board works well together and she enjoys the comradery.

6 Commissioner Bedford thanked the Board for voting for her for Vice-Chair. She said she
7 knows Chair Price will be busy this year and encouraged her to call on colleagues if needed.
8

9 **b. Designation of Voting Delegate for all North Carolina Association of County**
10 **Commissioners (NCACC) and National Association of Counties (NACo) Meetings**
11 **for Calendar Year December 1, 2021-2022**
12

13 Commissioner McKee nominated Commissioner Greene to serve as the NCACC voting
14 delegate for the coming year. Commissioner Bedford seconded the nomination.
15

16 **Roll call ensued**
17

18 **VOTE: UNANIMOUS**
19

20 Commissioner Fowler nominated Chair Price to serve as the NACo delegate for the
21 coming year. Commissioner McKee seconded the nomination.
22

23 **Roll call ensued**
24

25 **VOTE: UNANIMOUS**
26

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

28 None.
29

30 **2. Public Comments**
31

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

33 None.
34

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

36 (These matters will be considered when the Board addresses that item on the agenda
37 below.)
38

39 **3. Announcements, Petitions and Comments by Board Members**

40 Commissioner Fowler said she attended the Behavioral Health Task Force meeting on
41 November 18th. She said the big news from the meeting is the county's switch from Cardinal to
42 Alliance as its MCO, and continued work on a diversion facility. She said news should be
43 forthcoming on the architectural plans for the facility. She said she attended the JCPC meeting
44 last Friday and \$15,000 of the \$25,000 in leftover funding was allocated to Wren House for
45 much needed renovations. She said with this allocation, only \$10,000 will have to be given
46 back to the state. She said among the various providers, numbers served are up again from
47 where they were down due to COVID.

48 Commissioner Richards said she has nothing to report.

49 Commissioner Hamilton said the first meeting of the Capital Needs Work Group took
50 place November 29th. She said this group was formed to look at the facility needs of the K-12

1 public schools, and it is comprised of elected officials and staff from the County as well as the
 2 Orange County Schools (OCS) and Chapel Hill-Carrboro City Schools (CHCCS) districts. She
 3 said she is serving as the Chair with Bonnie Hauser, member of the OCS board of education,
 4 serving as Vice-Chair. She said Gary Donaldson, Orange County Chief Financial Officer, gave
 5 a presentation on the finances for capital needs for schools. She said the work group will meet
 6 again on January 10th at 8:00 a.m. She said Chair Price is the other commissioner on the
 7 Capital Needs Work Group. She said the Board of Health also met on November 17th and
 8 wrapped up work for the year.

9 Commissioner Bedford said she sat in on the Alliance Health Board Meeting last
 10 Thursday, and the transition is effective December 1st. She said it will take a billing cycle to
 11 work through some of the wrinkles, due to the transition. She said she forwarded a letter from
 12 the Alliance Board Chair welcoming Orange County.

13 Commissioner Greene said the Cedar Ridge High School women's volleyball team won
 14 the state championship, which is the school's first state championship since 2003, when the
 15 men's track team won. She said she became aware of this achievement during the
 16 Hillsborough Holiday Parade, where she was positioned in front of the team's float.

17 Commissioner McKee said the parade was well received, and there was a large crowd in
 18 attendance. He said there is a milestone coming up for the Broadband Task Force in the next
 19 couple of weeks when RFPs are due back. He said the task force will be meeting on
 20 Wednesday to discuss how those will be opened, followed by another meeting in a couple of
 21 weeks to actually look over and evaluate them. He said the group will also look into some short
 22 term wireless options, until the fiber fix can be implemented. He said this will be an expensive
 23 and long project, but he is glad that it is moving forward.

24 Chair Price said there is draft Rules of Procedure as an information item in tonight's
 25 packet, and the Board will be voting on that at the December 14th meeting. She said the main
 26 changes were just correctional updates. She said the rules can be amended in the future, but
 27 she hopes this can serve as a basis that is accurate. She reminded the public that the mask
 28 mandate is still in effect in public indoor spaces, in light of the Omicron variant. She asked if the
 29 board would like to recognize the Cedar Ridge volleyball team at their next meeting with a
 30 proclamation. She said December 6, 1865 was the day of the ratification of the 13th
 31 Amendment, declaring the abolition of slavery and involuntary servitude, except as punishment
 32 for a convicted crime. She said therein lies the rub because there are issues with that clause,
 33 and vestiges still remain, but today marks 156 years since the abolition of slavery in the United
 34 States.

35 Commissioner Greene said there was an item in the Rules of Procedure, to which she
 36 wanted to propose an amendment.

37 Chair Price said that can be considered next week, if the Board would like. She said it
 38 was not her intention to go through the Rules of Procedure thoroughly, but just to make
 39 corrections for accuracy.

40 Commissioner Bedford asked if Commissioner Greene would send the proposed
 41 amendment to the Clerk for distribution to the Board.

42
 43 **4. Proclamations/ Resolutions/ Special Presentations**

44 None.

45
 46 **5. Public Hearings**

47 None.

48
 49 **6. Regular Agenda**

50

1 **a. First Reading of Amendments of Portions of the Code of Ordinances to Comply**
 2 **with North Carolina Session Law 2021-138**

3 The Board considered the first reading of ordinances having misdemeanors as one of
 4 the available enforcement options and repealed the misdemeanor provision as may be required
 5 by law. The proposed updates and revisions will be presented for second reading approval at
 6 the Board's December 14, 2021 Business meeting.

7
 8 **BACKGROUND:**

9 As previously reported to the Board of Commissioners, the North Carolina General Assembly
 10 recently passed and the Governor signed into law an act that prohibits certain local government
 11 ordinances from having criminal penalties and requires a new adoption process for other local
 12 government ordinances that have criminal (misdemeanor) penalties. Part XIII of North Carolina
 13 [Session Law 2021-138](#) reads in pertinent part:

14 § 153A-123. *Enforcement of ordinances.*

15
 16
 17 (b) *Except for the types of ordinances listed in subsection (b1) of this section, violation of*
 18 *a county ordinance may be a misdemeanor or infraction as provided by G.S. 14-4 only if*
 19 *the county specifies such in the ordinance. An ordinance may provide by express*
 20 *statement that the maximum fine, term of imprisonment, or infraction penalty to be*
 21 *imposed for a violation is some amount of money or number of days less than the*
 22 *maximum imposed by G.S. 14-4. Notwithstanding G.S. 153A-45, no ordinance*
 23 *specifying a criminal penalty may be enacted at the meeting in which it is first*
 24 *introduced.*

25
 26 (b1) *No ordinance of the following types may impose a criminal penalty:*

27 (1) *Any ordinance adopted under Article 18 of this Chapter, Planning and*
 28 *Regulation of Development or, its successor, Chapter 160D of the General*
 29 *Statutes, except for those ordinances related to unsafe buildings.*

30 (2) *Any ordinance adopted pursuant to G.S. 153A-134, Regulating and licensing*
 31 *businesses, trades, etc.*

32 (3) *Any ordinance adopted pursuant to G.S. 153A-138, Registration of mobile*
 33 *homes, house trailers, etc.*

34 (4) *Any ordinance adopted pursuant to G.S. 153A-140.1, Stream-clearing*
 35 *programs.*

36 (5) *Any ordinance adopted pursuant to G.S. 153A-143, Regulation of outdoor*
 37 *advertising or, its successor, G.S. 160D-912, Outdoor advertising.*

38 (6) *Any ordinance adopted pursuant to G.S. 153A-144, Limitations on regulating*
 39 *solar collectors or, its successor, G.S. 160D-914, Solar collectors.*

40 (7) *Any ordinance adopted pursuant to G.S. 153A-145, Limitations on regulating*
 41 *cisterns and rain barrels.*

42 (8) *Any ordinance regulating trees.*

43
 44 In considering the recommended changes, the Board may wish to examine the full section of
 45 the ordinance in addition to the subsections shown on Attachment 1. Due to the number of
 46 sections in need of amendment or re-adoption, it is not practical to attach the entire 600 plus
 47 Code of Ordinances. The Board and the public may view the [Code of Ordinances](#) at this link.
 48 Each section may be accessed by clicking the Chapters linked on the left hand side of the page.
 49

50 In order to comply with the provisions of subsection (b1) of the session law, the following
 51 ordinances should have the misdemeanor penalties removed from the ordinance.

- 1
- 2 • Code of Ordinances --- First Reading --- Text Amendments as reflected in Attachment 1
- 3
- 4 ○ Chapter 1; Section 1-7 - General Penalties --- Language amended
- 5 ○ Chapter 4; Section 4-51 ---Animal Control Generally ----Clarifies that now all
- 6 violations of the animal control ordinance are intended to automatically be
- 7 misdemeanors
- 8 ○ Chapter 8; Section 8-42 – Regulation of Massage Businesses --- Misdemeanor
- 9 language replaced by civil penalty
- 10 ○ Chapter 8; Section 8-81 – Tax on Gross Receipts for the lease or rental of motor
- 11 vehicles --- Misdemeanor language removed
- 12 ○ Chapter 8; Section 8-100 – Regulation of Sexually Oriented Businesses ---
- 13 Misdemeanor language replaced by civil penalty
- 14 ○ Chapter 8; Section 8-122 – Regulation of Mobile Food Vending Businesses ---
- 15 Misdemeanor language replaced by civil penalty
- 16 ○ Chapter 18; Section 18-156 – Weapons --- Clarifies possession on County
- 17 property is a misdemeanor rather than relying on the general language in Section
- 18 1-7
- 19

20 There is consensus among local government attorneys that the substantial change in the
 21 manner in which ordinances that have a misdemeanor penalty are adopted into law should be
 22 addressed by the governing board, out of an abundance of caution, by re-adopting those
 23 provisions under the new method. The ordinances in the Code that provide for a misdemeanor
 24 penalty include the following sections.

- 25
- 26 • Code of Ordinances --- First Reading --- No Changes to Language
- 27
- 28 ○ Chapter 4; Section 4-42 --- Control of Dangerous Animals
- 29 ○ Chapter 4; Section 4-51 --- Animal Control Generally
- 30 ○ Chapter 4; Section 4-133 --- Display of Wild Animals
- 31 ○ Chapter 4; Section 4-184 --- Keeping Wild Animals
- 32 ○ Chapter 14; Section 14-42 --- State of Emergency
- 33 ○ Chapter 14; Section 14-83 --- Emergency Management
- 34 ○ Chapter 14; Section 14-129 --- Rescue Franchise Agreements
- 35 ○ Chapter 14; Section 14-261 --- Oil Pollution and Hazardous Substances
- 36 ○ Chapter 16; Section 16-37 --- Smoking
- 37 ○ Chapter 16; Section 16-57 --- Noise
- 38 ○ Chapter 24; Section 24-1 --- Hunting and Fishing
- 39 ○ Chapter 24; Section 24-3 --- Firearms Discharge
- 40 ○ Chapter 24; Section 24-4 --- Fireworks Display
- 41 ○ Chapter 34; Section 34-1 --- Disposal of Solid Waste
- 42 ○ Chapter 34; Section 34-47 --- Solid Waste Collection and Disposal
- 43 ○ Chapter 34; Section 34-77 --- Recyclable Materials
- 44 ○ Chapter 36; Section 36-34 --- General Water Conservation
- 45 ○ Chapter 36; Section 36-67 --- Emergency Water Conservation
- 46 ○ Unified Development Ordinance; The UDO has provisions that must be
- 47 amended, however, the process to amend the UDO is more involved than that of
- 48 the Code and the Planning Department is moving the UDO amendments through
- 49 that process.
- 50

1 There has been discussion previously by Board members about the necessity for the
2 misdemeanor penalty provisions of some ordinances. Contrary to what may be generally
3 believed, the goal of the penalty sections of the ordinances is compliance rather than
4 punishment. Generally a civil citation for a violation would issue prior to any misdemeanor
5 citation. And, for the most part, once the offender is in compliance the civil penalty, if any was
6 assessed, may be waived in whole or in part depending on the circumstances. Having a
7 misdemeanor option is another avenue to encourage compliance either through the threat of
8 enforcement or when a civil penalty fails. The only ordinance violations that regularly involve
9 misdemeanor penalties are violations of the Animal Control Ordinance. When misdemeanor
10 violations are charged, the outcome is out of the hands of County staff and is decided by the
11 District Attorney. For these reasons misdemeanor penalties are rarely pursued for violations of
12 ordinances other than for violations of the Animal Control Ordinance.
13

14 John Roberts reviewed the background information for the item. He said several months
15 ago, the Governor signed a bill into law that is the result of several years of research done by
16 the General Assembly, looking at each county and city's ordinances for misdemeanor
17 provisions. He said he believes the intention was to remove most misdemeanor authority from
18 local governments. He said the advisory committee for the study came back with a limitation on
19 what local governments could adopt misdemeanor penalties for. He said the documents
20 provided in the agenda packet were actually a draft, and he will share his screen to show to
21 correct final documents.

22 John Roberts focused on subsection b1 as written above, which has the limitation. He
23 said the UDO has to be amended, and will be on the December 14, 2021 agenda. He said this
24 evening the Board will see subsection 2, which refers to ordinances regulating businesses. He
25 said he is recommending addressing with amendments to misdemeanor language. He said
26 much of subsection b1 is not something for which Orange County has an ordinance. He said
27 prior boards have asked why misdemeanor penalties are there at all. He said these are not
28 something intended to fine or convict people, but rather are intended to encourage compliance.
29 He said most ordinances have multiple avenues for pursuing penalties, including civil and
30 criminal penalties up to a Class 3 misdemeanor. He said since he has been at the county, he is
31 not aware of any misdemeanors being enforced other than the Animal Control Ordinance. He
32 said the Board can look at removing misdemeanors in the future if it would like. He said the first
33 section has some minor amendments to change the misdemeanor language, and the second
34 thing is readopting misdemeanors as a best practice measure to address the new method
35 imposed by the General Assembly. He said there are very few sections where he is
36 recommending the Board make any change. He reviewed the few changes.

37 Chair Price said the language in the ordinance is "punished by a fine", and asked John
38 Roberts to clarify his point that these provisions are not intended as punishment. She said it
39 seems contradictory to say this.

40 John Roberts said a fine can be a civil fine as well. He said this language is in here
41 because some of the misdemeanor language refers back to 1-7, and he felt it needed to be
42 clearer. He asked if the Board would like to change this.

43 Chair Price said no because she does not have any alternate suggestions, but just
44 wanted to point out the language of the ordinance goes against the idea that these provisions
45 are in place to encourage compliance, rather than impose punishment.

46 John Roberts said since he has been with the county, the only misdemeanors enforced
47 were for violations of the Animal Control Ordinance.

48 John Roberts continued his presentation. He went over the section where he is
49 recommending no changes as shown in the background information for the item and on
50 Attachment 1. He said he is asking the Board to readopt these sections at the December 14,
51 2021 meeting. He clarified that no vote on this is necessary tonight.

1 Commissioner Richards asked if the state is limiting what local governments can do, and
2 if this is the legislature trying to come in and recriminalize things in light of local governments
3 attempting to decriminalize.

4 John Roberts said this is not related to the movement to decriminalize some things. He
5 said, several years ago, the General Assembly asked local governments to provide a list of all
6 ordinances with misdemeanor penalties. He said this is the culmination of that request. He
7 said this started out as the legislature trying to strip authority from local governments as they
8 have done continuously over the last 10-12 years. He said this list resulted from these
9 discussions. He said a lot of the items that local governments can no longer regulate via
10 misdemeanor are things the General Assembly likes, such as planning, billboards, businesses,
11 etc.

12 Chair Price said the remedies indicate the County Manager or their designee may
13 assess civil penalties. She said a lot of this is under the UDO, and asked if there is a process in
14 place if there is a violation.

15 John Roberts said a previous manager delegated enforcement of ordinances to the
16 department that deals with that ordinance, for example: Animal Services and the Dangerous
17 Dogs Ordinance. He said Animal services issues a citation and works with the County
18 Attorney's office, who then works with Assistant District Attorney assigned to it. He said there
19 will be either a misdemeanor, out of court settlement, or some other enforcement action for
20 violation of the ordinance.

21 Chair Price asked if department heads have authority to issue citation based on a report
22 from a member of the public.

23 John Roberts said in some departments, yes, but in others they would have to call the
24 Sheriff and ask for an investigation.

25 Chair Price said this item will be brought back next week, December 14, 2021, for a
26 second reading and vote.

27 28 **b. Approval of an Allocation Framework for the FY2020-21 Financial Results**

29 The Board considered approving an allocation framework for the FY2020-21 financial
30 results, which resulted in a total net positive financial position of approximately \$12 million, with
31 the approved framework to be codified in a budget amendment for consideration at a future
32 meeting.

33 34 **BACKGROUND:**

35 This abstract provides a high level summary of the attached *Update on FY2020-21 Year End*
36 *Financial Results* report which provides a more detailed discussion of the sources and proposed
37 uses of the County's positive net financial position ending on June 30, 2021.

38
39 The results of the FY2020-21 financial audit will show positive results in two areas. On an
40 operating basis, the audit will show a surplus of approximately \$8.9 million before transfers. Of
41 that amount, approximately \$8 million is available for a mid-year budget adjustment. In addition,
42 the fund balance reconciliation contained in the audit will show \$4 million in available one time
43 resources resulting from a decrease in the fund balance appropriation used to balance the
44 FY2020-21 Budget compared to the smaller amount appropriated to balance the FY2021-22
45 Budget.

46
47 The positive operating results relied on revenue collections that exceeded budgeted
48 expectations and intentional expenditure restrictions that limited expenditures to below
49 budgeted amounts. Some of these variances are expected to be recurring or ongoing while
50 others are non-recurring or one time occurrences.

51

Source	Amount	Recurring vs. Non-Recurring
Property Tax Collection Rate <ul style="list-style-type: none"> 98.7% Budgeted 99.27% Actual 	\$1,600,000	Recurring
Motor Vehicle Tax Collection Rate <ul style="list-style-type: none"> 99.4% Budgeted 103.8% Actual (exceeds 100% due to payment of delinquent bills) 	\$ 400,000	Recurring
Sales Tax Collections (Articles 39, 40 and 42) <ul style="list-style-type: none"> Budgeted to decrease by 4.5% Actual Collections exceed Budget by 17.4% 	\$4,000,000	Recurring
Medicaid Hold Harmless <ul style="list-style-type: none"> Budgeted at \$1.75 million Actual Payment - \$3.75 million 	\$2,000,000	Non-Recurring
No Use of Fund Balance to Balance Budget <ul style="list-style-type: none"> \$8,200,000 Budgeted \$1,900,000 Assigned to FY2021-22 Budget \$2,300,000 Allocated to maintain 16% Unassigned Fund Balance \$4,000,000 Available for Allocation 	\$4,000,000	Non-Recurring
TOTAL	\$12,000,000	

1
2 Based on the recurring and non-recurring nature of the variances outlined above, the following
3 table proposes specific uses for those funds. A more detailed description of the proposed
4 allocations is contained in the attached *Update on FY2020-21 Year End Financial Results*
5 report.
6

Proposed Allocation	Amount	Recurring vs. Non-Recurring
Employee Wage Adjustment <ul style="list-style-type: none"> Three percent wage increase retroactive to July 1, 2021 	\$ (1,883,875)	Recurring
Schools Opportunity Gap & Mental Health Fund <ul style="list-style-type: none"> Allocated by average daily membership Schools to provide spending plan Track progress on key indicators 	\$ (1,500,000)	Recurring
FEMA Back Stop <ul style="list-style-type: none"> Reserved for unreimbursed COVID-19 emergency expenditures May be repurposed if reimbursement occurs 	\$ (407,543)	Non-Recurring
Ineligible Federal Expenses	\$ (2,228,629)	Non-Recurring

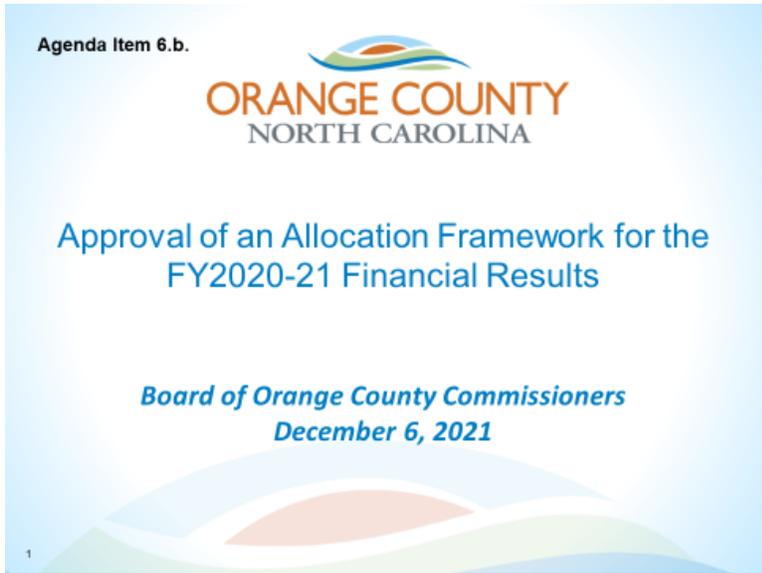
<ul style="list-style-type: none"> • Sportsplex Deficit • Visitors Bureau Deficit • Information Technology Expenses for County use • Expenses not eligible under evolving federal regulations 		
<p>Outside Agencies</p> <ul style="list-style-type: none"> • Substitute general fund resources for proposed ARPA funding due to rigorous reporting requirements for sub recipients 	\$ (1,729,953)	Non-Recurring
<p>Crisis Diversion Facility Design</p> <ul style="list-style-type: none"> • Conceptual design funding for potential new facility 	\$ (250,000)	Non-Recurring
<p>Transfer to Capital Reserve</p> <ul style="list-style-type: none"> • Reserved to fund existing debt financed projects or increase capital funding for priority projects • A decision on how to allocate this funding could be made at a later date 	\$ (4,000,000)	Non-Recurring
GRAND TOTAL		\$ (12,000,000)

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Commissioner Bedford said it is always good news when there is an adjustment due to additional revenue, rather than additional expenses. She said the suggested framework was thoughtful and captured the will of what the Board previously wanted to do with the budget, but could not.

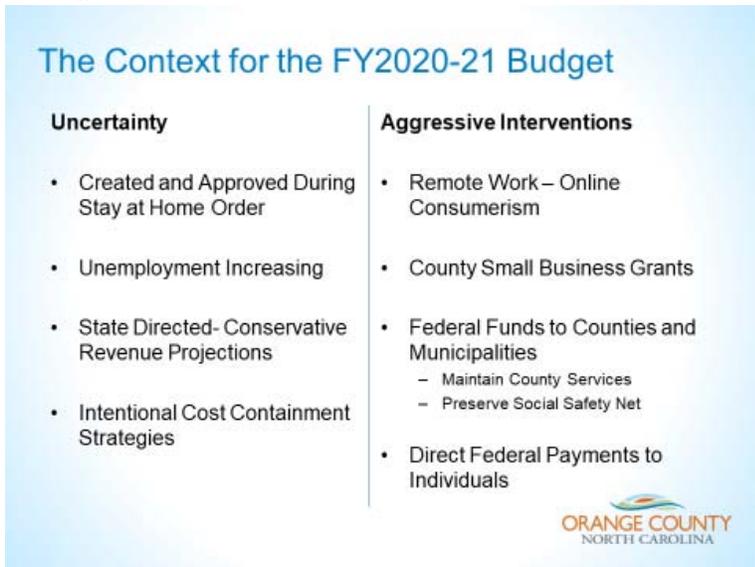
Travis Myren said this additional revenue is good news, but is not something that is expected to happen every year. He said the county should typically be projecting better, but the pandemic caused this discrepancy in projection and reality. He made the following PowerPoint presentation:

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Slide #2



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Travis Myren said staff had no idea what to expect when the 2020-2021 budget was first proposed, only six weeks into the stay-at-home order. He said the idea was to operate conservatively, as the Department of Revenue was advising counties to be careful about projecting revenues and to not rely on the same hold harmless payment as received in the past. He said, due to a change in how sales tax was delivered a few years ago, an increase in online shopping during pandemic resulted in higher sales tax revenue. He said stimulus payments also had an impact on this, as seen in slide #4. He resumed the PowerPoint presentation:

1 Slide #3

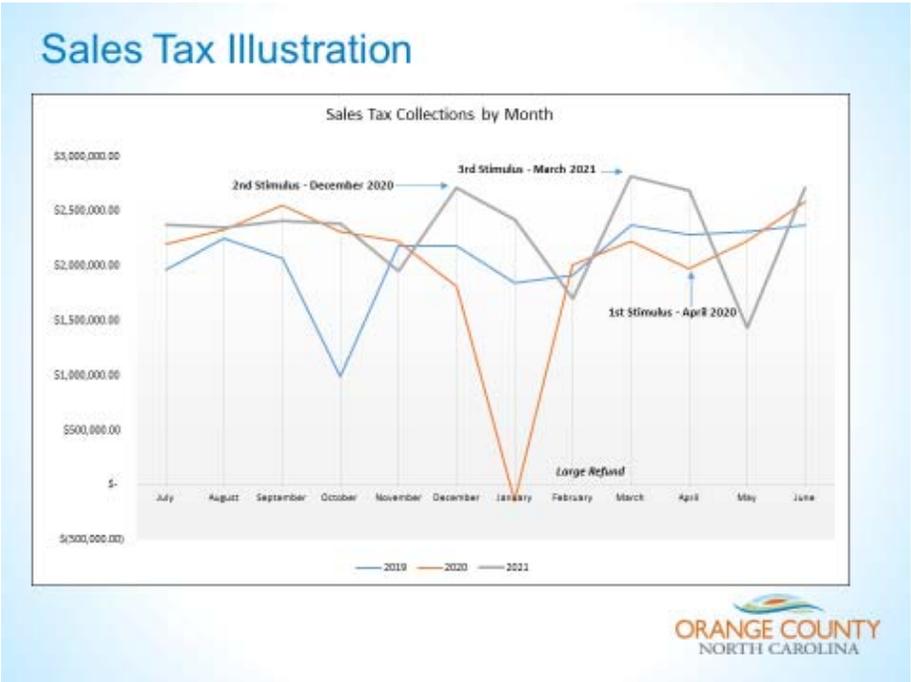
FY2020-21 Year End Results

**Actual Operating Revenues Over Budgeted Levels
Actual Operating Expenditures Under Budget**

Source	Budget vs. Actual Difference	Recurring vs. Non-Recurring
Property Tax Collection Rate	\$1,600,000	Recurring
<ul style="list-style-type: none"> 98.7% Budgeted 99.27% Actual 		
Motor Vehicle Tax Collection Rate	\$400,000	Recurring
<ul style="list-style-type: none"> 99.4% Budgeted 103.8% Actual (exceeds 100% due to payment of delinquent bills) 		
Sales Tax Collections	\$4,000,000	Recurring
<ul style="list-style-type: none"> Budgeted to decrease by 4.5% Actual Collections exceed Budget by 15.6% 		
Medicaid Hold Harmless	\$2,000,000	Non-Recurring
<ul style="list-style-type: none"> Budgeted at \$1.75 million Actual Payment - \$3.75 million 		
No Use of Fund Balance to Balance Budget	\$4,000,000	Non-Recurring
<ul style="list-style-type: none"> \$8,200,000 Budgeted \$1,900,000 Assigned to FY2021-22 Budget \$2,300,000 Allocated to maintain 16% Unassigned Fund Balance \$4,000,000 Available for Allocation 		
TOTAL	\$12,000,000	

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Slide #4



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1 Slide #5

Framework for Mid-Year Budget Adjustment

Proposed Allocation	Amount	Recurring vs. Non-Recurring
Employee Wage Adjustment <ul style="list-style-type: none"> Three percent (3%) wage increase retroactive to July 1, 2021 	\$ (1,883,875)	Recurring
Schools Opportunity Gap & Mental Health Fund <ul style="list-style-type: none"> Allocated by average daily membership Schools to provide spending plan Track progress on key indicators 	\$ (1,500,000)	Recurring
FEMA Back Stop <ul style="list-style-type: none"> Reserved for unreimbursed COVID-19 emergency expenditures May be repurposed if reimbursement occurs 	\$ (407,543)	Non-Recurring
Ineligible Federal Expenses <ul style="list-style-type: none"> Sportsplex Deficit Visitors Bureau Deficit Information Technology Expenses for County use 	\$ (2,228,629)	Non-Recurring
Outside Agencies <ul style="list-style-type: none"> Substitute general fund resources for proposed ARPA funding due to rigorous reporting requirements for sub recipients 	\$ (1,729,953)	Non-Recurring
Crisis Diversion Facility Design <ul style="list-style-type: none"> Conceptual design funding for potential new facility 	\$ (250,000)	Non-Recurring
Transfer to Capital Reserve <ul style="list-style-type: none"> Reserved to fund existing debt financed projects or increase capital funding for priority projects A decision on how to allocate this funding could be made at a later date 	\$ (4,000,000)	Non-Recurring
GRAND TOTAL	\$ (12, 000,000)	

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Travis Myren said the county has not been able to provide an across the board wage increase to county employees for two fiscal years. He said if approved, employees would see a retroactive lump sum check at the end of December, and wages would go up 3% for the rest of the fiscal year.

Travis Myren said allocation for schools would be based on average daily membership. He said the County Manager has spoken to the superintendents, who are ready and able to provide a spending plan for the use of these funds, as well as the key indicators to track that the funds are being used as they are intended.

Commissioner McKee asked if the Board could set tight parameters about what the money could be spent on.

Travis Myren said yes, but this is not being recommended. He said staff is asking for a specific plan from the schools.

Commissioner McKee said he would like to set parameters around the use of these funds for students who are currently non-proficient from grades 3-8. He said the Board must intervene in closing the achievement gap in the school districts. He asked if there is support from other Board members on this.

Commissioner Greene thanked Bonnie Hammersley for talking to the superintendents. She said she spoke with a CHCCS school board member, and feels the Board must collaborate with the schools. She said everyone wants to address the same problems, but she does not want to dictate how this should be done. She said they need the metrics, and end of grade scores are not always the best metrics. She said the schools can offer an appropriate metric.

Commissioner Hamilton said she agrees with Commissioner Greene. She said the schools need more money, and it is the responsibility of the school board to provide education for all children, and hire professionals to close the gap. She said she has watched what the school boards do over the years, and there has been a lot of effort put forth to address the achievement gap. She said it is important to understand what the metrics say and do no say. She said she does not agree with the metrics that have been proposed, if they are too broad to capture what is actually happening. She said if the Board just keeps demanding change without understanding what drives the gap, it will cause more stress for students and staff alike. She

1 said county commissioners do not know enough, and must work in partnership with the schools.
2 She said the Board needs to hear more from the schools to better understand the root of the
3 achievement gap. She said there is a broad range of students in this community, and the Board
4 needs to have a better idea before setting outlines that may not help and may actually harm.
5 She said she supports providing the money for mental health and the Board should look back at
6 the details of what the school asked for, and what was not provided for previously. She said the
7 Board should ask the schools what needs they currently have, and be clear on who is
8 responsible for what. She said she does not agree with current proposal.

9 Commissioner Richards said the job of the school district should be geared toward all
10 children achieving success at all times. She said she does not want to throw more money at a
11 program to address closing the achievement gap, which is a hot buzz word these days. She
12 said she does not believe either school district is working up to its mission, and wants to see
13 better quality educational and outcome for all students. She said this money should go to social
14 emotional health, and the ramifications of COVID-19, isolation, and stress. She said she
15 understands the county should not micromanage, but she thinks what the schools asked for, but
16 was unable to be funded, should dictate how the money is allocated. She said she would like to
17 know the gaps in terms of the overall district request, and what was funded and what was not.
18 She said she supports money going to mental health, social emotional learning (SEL), because
19 there has never been enough support in this area.

20 Commissioner Fowler said the surplus came about through austerity and online sales
21 tax. She said the county was austere in what it provided to the schools, and she supports this
22 money and thinks the schools should dictate where the emphasis and dollars go. She said she
23 would like to know if the schools have already received other funds in this area, and may no
24 longer need it. She said if funds are needed, she supports giving them to the schools.

25 Chair Price said she is in favor of \$1.5 million going to mental health and SEL, which
26 were both highlighted as needed areas in the budget from the schools. She said if students are
27 unable to learn because of some other reason, achievement scores will go down. She said she
28 falls in the middle on whether or not the county should have some say in how the money is
29 spent. She said what is outlined here can help with collaboration between schools and the
30 county. She said she would like to see a spending plan with indicators contained within, prior to
31 Board approval. She said the Board does have some degree of fiduciary responsibility, and
32 wants everyone to work together for the best of the children. She said it helps the Board if
33 progress is tracked with key indicators, so as to better budget in the future. She said the needs
34 are likely endless.

35 Commissioner McKee said none of his comments were meant to denigrate any
36 individual or board. He said no one can say that the proficiency rates are acceptable, and these
37 rates are his focus. He said he is happy to approve the proposal tonight, but he very much
38 wants to address these issues in the future. He said it was not intent to change anything
39 tonight, but he will not accept the proficiency levels, and will keep hounding the issue until
40 students achieve a significant increase in proficiency rating overall. He said he refuses to see
41 students matriculate out of schools without being proficient.

42 Commissioner Bedford said she supports this amount, but this is a recurring expense for
43 future years. She asked if actual enrollment will be used for this year.

44 Travis Myren said he was going to use projected ADM, but would have to look at that in
45 advance of the budget amendment coming back on the 14th.

46 Commissioner Bedford said she became a school board member in 2003, and heard a
47 lot about community mental health services being offered in schools out of state, and local
48 schools hoping to do the same. She said over the years, some mental health services have
49 been cobbled together through various measures, but there has never been anything
50 comprehensive. She said Orange County leads in ratios of mental health counselors in
51 schools, but is still less than what is recommended by national standards. She said she would

1 like to see these additional dollars focused on mental health and SEL with broad definitions.
2 She said she has not attended school board meetings recently, and does not know what school
3 boards are doing to address issues. She said she wants to leave it up to schools to determine
4 on what to spend the money specifically, but does also like to have a plan because of ESSR
5 funds the schools boards got this year.

6 Chair Price asked the County Manager if she could explain the current situation with
7 counselors and social workers in the schools.

8 Bonnie Hammersley said she wanted to share a conversation she had with the
9 superintendents. She said the schools will provide a spending plan to school boards for
10 approval, then to the BOCC for approval. She said there would be an agreement that this would
11 not go to current expense, and they are intended to be ongoing funds. She said they also
12 discussed that schools should be able to determine priorities within plan. She said ultimately
13 the BOCC would have the opportunity to speak into the plan, but she has always relied on
14 superintendents as experts in their fields. She said both schools boards requested funds in
15 their expansion budgets for these issues, and she imagines these are the most pressing needs,
16 as students were not in school for many months. She said a question was raised as to whether
17 these funds could also be used for mental health for school employees. She told the schools to
18 work with the boards and bring the plan forward. She said they also talked about metrics, which
19 the schools thought should be different. She said the BOCC will approve a framework of funds,
20 but will have to go through additional approval for more details.

21 Commissioner Hamilton said CHCCS had \$1 million in its expansion budget for SEL and
22 mental health, but the county could not fund it. She said there are words in the information
23 provided about what the plan is, but she does not feel comfortable approving it unless it is clear
24 it is just a framework. She said anyone who is paying attention and reading the documents
25 would make the assumption that if it is in the document it will be done. She said she wants to
26 be specific.

27 Commissioner Richards said employees have gone two years without increases, and
28 there have also been no trainings. She said this may be a onetime opportunity to catch up more
29 with employees. She asked if there is any consideration to this issue.

30 Commissioner Richards asked if the Sportsplex is meant to be self-sustaining.

31 Bonnie Hammersley said the Sportsplex is an enterprise fund, and does not receive
32 general funds from the county, but the county is the safety net. She said the county did provide
33 some support during COVID-19, but the Sportsplex is now back on track. She said the county
34 has two enterprise funds: Solid Waste and Sportsplex.

35 Commissioner Richards said she assumed part of the funds available came through
36 department austerity measures, and asked if departments had delayed projects, etc. that can be
37 corrected.

38 Travis Myren said department savings from delayed projects have been re-budgeted.

39 Bonnie Hammersley said the 5% reduction of operating funds was meant to be
40 sustainable, i.e.: there is no expectation for the money to be put back. She said this is not
41 uncommon in county government.

42 Commissioner Richards asked if salaries will be maintained in the new budget.

43 Bonnie Hammersley said the county is currently 6% behind the market before this
44 increase. She said she cannot say what will be done in next budget because projections are
45 not available yet. She said the full impact of the pandemic is not known, as the pandemic is not
46 over. She said she hopes to make up some of the loss.

47 Commissioner Richards said when she spoke with department heads, each department
48 brought up the amount of work employees have to do, nature of work changed due to COVID-
49 19, and vacancies in departments. She said it is important to stay competitive.

50 Bonnie Hammersley said one area where the county can remain competitive, is to allow
51 remote working. She said the private sector is doing tremendous amounts of remote work,

1 which is attractive to young professionals. She said one of her goals for the upcoming budget,
2 will be to look at some type of retention package to retain employees. She said there is a labor
3 shortage right now, with boomers retiring, and employees have opportunity they did not have
4 with opportunities to go other places. She said the county must compete with private sector in
5 that way. She said it is also evident that the pandemic has left everyone exhausted. She said
6 when this surplus came up, she knew it was important to put some funding towards employees.

7 Commissioner Richards asked if county employees have emotional and mental health
8 services/support.

9 Bonnie Hammersley said yes, there is employee assistance and a strong benefits
10 package.

11 Chair Price thanked the County Manager for putting the salary increase in the budget.
12 She said she wanted a cost of living increase for employees during the budget, but it was not
13 available at the time. She said the County Manager promised to put any excess funds towards
14 the employees, and she has done so.

15 Travis Myren referred to Commissioner Bedford's earlier question, and said the ADM
16 share for CHCCS would go down a bit if using current enrollment.

17 Commissioner Bedford said she would like it to be reflective of current enrollment for
18 accuracy.

19 Travis Myren asked if Board wants to address specific wording of how the money can be
20 used by the schools.

21 Commissioner Greene said a good way to synthesize the discussion would be to offer
22 money to schools under the joint umbrella of opportunity gap and mental health/SEL, and let
23 them come back to board with priorities based on their needs. She said she is persuaded that
24 both school systems could use it all for mental health, but to honor the intent of the Board, she
25 would like the wording to be proposed as both, as it gives schools greater flexibility.

26 Commissioner McKee said Commissioner Greene's comments were spot on, and
27 agrees with her proposal.

28 Commissioner Richards said she will go along with this plan, but will remain concerned
29 as long as the opportunity gap is discussed but the system is not held accountable for the
30 results of a sound education for all.

31 Commissioner Richards referred to planning funding for the crisis intervention center,
32 and asked if these funds would be in addition to the planning funding. She said she asked for a
33 list of ARPA funds expenses, and there was a line item of planning funding for the crisis center.

34 Travis Myren said the crisis center is on both lists, but it is not eligible for ARPA
35 expenditures

36 Commissioner Richards said \$160,000 is not happening but \$250,000 is happening.

37 Travis Myren said yes, as it is not eligible for APRA funding.

38 Commissioner Richards asked if the costs went up.

39 Travis Myren said staff is recommending an increase in funding for the planning stage,
40 to allow the process to move further down the road. He said it will come off ARPA list at the
41 next BOCC meeting.

42 Commissioner Richards asked if staff will let the BOCC know if other items are removed
43 from the list.

44 Travis Myren said he will go back to those ARPA fund items which are be replaced with
45 general fund monies at the end of his presentation.

46 Commissioner Bedford said she would take out the sentence about measuring outcomes
47 by end of grade tests (EOG's). She said she would prefer to let the school superintendents
48 propose the measures.

49 Commissioner Hamilton said this is one slice of the budget, and she is unclear why the
50 Board would require it if not required for the rest of the school budgets. She said the Board is
51 micromanaging the process, and she believes it should fund generally and let the school

1 experts do their work. She said tying funding to specific metrics is an over stepping of
2 boundaries, as the BOCC does not understand these metrics sufficiently. She said this will not
3 help students. She said it is very important to have conversations with the schools, and to gain
4 understanding, but she disagrees with tying funding to certain metrics. She said the BOCC
5 would not like if the state micromanaged in this way.

6 Commissioner Hamilton said she does agree with the employee wage adjustment and
7 thanks staff for their sacrifices. She said she would like to have a list for what ARPA funds were
8 originally allocated versus what these funds cannot be used for. She said she would like to
9 know how much funding remains and how the BOCC can assign it.

10 Chair Price said the achievement gap, mental health and SEL are interrelated, and the
11 BOCC is addressing both in this funding category. She said she feels good about letting
12 schools make decision about how to spend this money within this category.

13 Bonnie Hammersley said the superintendents suggested that the districts can provide
14 key performance indicators for both and would be doing it anyway. She said the
15 superintendents do not feel like the Board is micromanaging them and are extremely pleased.
16 She said the state requires the county to provide key performance indicators for everything it
17 does, so it is not unusual to receive money and have to do this.

18 Commissioner Greene proposed striking the last paragraph under “Opportunity Gap
19 Reduction and Student Mental Health Support Fund” of the attached memo. She suggested
20 keeping paragraphs 1 and 2, and making the next to last sentence of 2nd paragraph, “as
21 proposed, each district would provide a spending plan each year **with key performance**
22 **indicators**, which could not supplant current spending.”

23
24 A motion was made by Commissioner Greene, seconded by Commissioner McKee, to
25 amend the Update in FY2020-21 Year End Financial Results memo as indicated above.

26
27 Commissioner Bedford made a friendly amendment to correct the allocation amounts in
28 the second paragraph under “Opportunity Gap Reduction and Student Mental Health Support
29 Fund” based on average daily membership.

30 Commissioner Greene and Commissioner McKee accepted Commissioner Bedford’s
31 amendment.

32 Travis Myren said the actual budget amendment for these changes will come back on
33 December 14, 2021 and he will attach the updated memo to the actual budget amendment so
34 the Board can take final action.

35 Chair Price said the Board does need to vote on the motion on the floor.

36 Commissioner Fowler asked if the Board should wait to vote on the proposed
37 amendment until the rest of the items on the memo are discussed in case there are additional
38 amendments.

39 Chair Price recommended voting on any amendments separately.

40 The Board decided to move forward with a vote on the motion made by Commissioner
41 Greene.

42
43 **Roll call ensued**

44
45 **VOTE: UNANIMOUS**

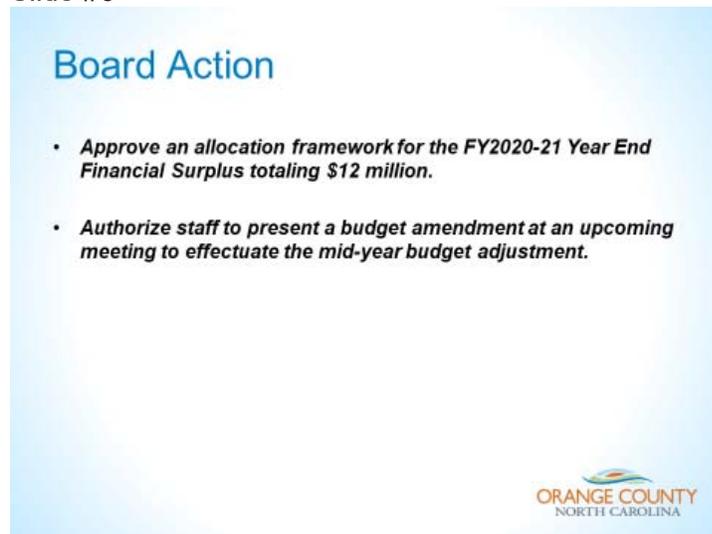
46
47 Commissioner McKee thanked staff for the \$4 million for capital reserve, and would like
48 for it to be left standing for a wireless solution or other need.

49 Travis Myren said he can talk about the rest of the framework. He said a lot of non-
50 congregate sheltering was paid for during the pandemic assuming there would be Federal
51 Emergency Management Agency (FEMA) reimbursement, but now there is pushback from the

1 State and FEMA for full reimbursement for these expenses. He said staff thinks they will
2 ultimately be reimbursed but, if not, is recommending around \$400,000 that can be repurposed.

3 Travis Myren said when ARPA guidance first came out, it was clear that revenue deficits
4 were an eligible use of funds; however, guidance changed, and money is now needed to cover
5 the deficits experienced by the Sportsplex and Visitors Bureau. He said as reporting
6 requirements came out for ARPA funds, it became clear that many outside agencies, funded
7 using those funds, do not have the administrative capacity to follow those requirements. He
8 said if the sub-recipients failed to report properly it becomes a liability for the county. He said
9 general fund money is recommended to replace the ARPA funds used for Outside Agencies.
10 He resumed the PowerPoint presentation:

11
12 Slide #6



13
14
15 Commissioner Richards referred to the table on slide #5, and asked if the designation of
16 funds as recurring or non-recurring could be explained.

17 Travis Myren said non-recurring means that those particular funds will not be used to
18 fund the expense in the future.

19 Commissioner Richards said the school district expenses are listed as recurring, but
20 these funds will not be used, which leads to her confusion.

21 Bonnie Hammersley said the sales tax will continue to increase at that level, and sales
22 taxes are used for the schools and employees, because the source of fund is recurring.

23 Commissioner Richards clarified that the designation refers to whether or not the source
24 of funding is recurring or non-recurring, as opposed to the expense itself.

25 Bonnie Hammersley said yes.

26 Chair Price asked for the difference between recurring and non-recurring to be specified
27 in the framework in the budget amendment for next week as a reminder.

28 Travis Myren said he would do that.

29
30 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
31 approve the allocation framework totaling \$12 million and authorize staff to present a budget
32 amendment at a future meeting to codify this framework.

33
34 Chair Price asked if the memo needs to be approved.

35 Travis Myren said staff has what they need in order to describe the Board's expressed
36 intent for the funds.

1 Chair Price asked if the memo would have to be approved next week.
 2 Travis Myren said it will be attached to the budget amendment for approval.
 3 Chair Price asked the BOCC to send any other changes to Travis Myren.

4
 5 **Roll call ensued**

6
 7 **VOTE: UNANIMOUS**

8
 9 Chair Price thanked Chief Financial Officer, Gary Donaldson, and Deputy Financial
 10 Services Director, Rebecca Crawford, for their work on this item.

11
 12 **7. Reports**

13 None.

14
 15 **8. Consent Agenda**

16
 17 • **Removal of Any Items from Consent Agenda**

18 None.

19
 20 • **Approval of Remaining Consent Agenda**

21
 22 Chair Price noted some changes to the minutes sent by the Clerk by email, which will be
 23 reflected in the adoption of the minutes.

24
 25 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
 26 approve the consent agenda.

27
 28 **Roll call ensued**

29
 30 **VOTE: UNANIMOUS**

31
 32 • **Discussion and Approval of the Items Removed from the Consent Agenda**

33 None

34
 35 **a. Minutes**

36 The Board approved minutes from the October 7, 2021 Virtual Joint Meeting with the Orange
 37 County Chiefs' Association and Work Session, the October 19, 2021 Virtual Business Meeting,
 38 and the November 4, 2021 Virtual Business Meeting.

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

40 The Board adopted a resolution, which is incorporated by reference, to release motor vehicle
 41 property tax values for two taxpayers with a total of two bills that will result in a reduction of
 42 revenue.

43

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

2 The Board adopted a resolution, which is incorporated by reference, to release property tax
3 values for eighteen taxpayers with a total of twenty one bills that will result in a reduction of
4 revenue.

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

6 The Board considered five untimely applications for exemption/exclusion from ad valorem
7 taxation for five bills for the 2021 tax year.

8 **e. Updates to the Assistance Policies for the North Carolina Housing Finance**
9 **Agency (NCHFA) 2021 Urgent Repair Program (URP21) and the 2020 Essential**
10 **Single Family Rehabilitation Loan Pool (ESFRLP20), and the Orange County**
11 **Procurement and Disbursement Policy**

12 The Board authorized the County Manager to sign, and thereby adopt, the amended URP21
13 Assistance Policy, ESFRLP20 Assistance Policy, and Orange County Procurement and
14 Disbursement Policy for Urgent Repair and Housing Rehabilitation Programs.

15 **f. Three Party Right of Way Encroachment Agreement on Primary and Secondary**
16 **System Associated with the Orange County Emergency Services Substation**

17 The Board approved a Three Party Right of Way Encroachment Agreement on Primary and
18 Secondary System between the North Carolina Department of Transportation (NCDOT),
19 Orange County, and Orange Alamance Water System (OAWS); and authorized the County
20 Manager to sign the Encroachment Agreement on Primary and Secondary System contingent
21 upon final review by the County Attorney and upon Orange Alamance Water System's
22 execution of the Agreement.

23 **g. Advisory Board and Commissions - Appointments**

24 The Board approved the Advisory Boards and Commissions appointments as reviewed and
25 discussed during the November 11, 2021 Work Session.

26
27 **9. County Manager's Report**

28 Bonnie Hammersley said ARPA fund discussion will be on December 14, 2021 and the
29 County is still receiving guidance on that. She said she will bring forward what is known for sure
30 to be eligible at this time. She said tomorrow is the Chair/Vice-Chair agenda meeting and will be
31 publishing December 14th agenda on Thursday December 9th, and encouraged Commissioners
32 to contact staff with any changes before then.

33
34 **10. County Attorney's Report**

35 John Roberts said the General Assembly met briefly today and recessed until Friday. He
36 said the Panel of Court of Appeals issued a stay today in legislative redistricting, but full Court of
37 Appeals reversed it for the full court to hear it. He said the Governor and Attorney General
38 petitioned the State Supreme Court to intervene, so hopefully it will intervene and make
39 adjustments.

40
41 **11. *Appointments**

42 None.

43
44 **12. Information Items**

- 45
46
- 47 • Tax Collector's Report – Numerical Analysis
 - 48 • Tax Collector's Report – Measure of Enforced Collections
 - 49 • Tax Assessor's Report – Releases/Refunds under \$100
 - 50 • Memorandum - Draft Rules of Procedure for Review

1 **13. Closed Session**

2 None.

3
4 Chair Price reminded the Board that it will be choosing committees and boards at its
5 next meeting, and encouraged commissioners to think about the boards on which they would
6 like to serve.

7 Commissioner McKee said he appreciates the accommodation for the in person work
8 session in November, and looks forward to hearing feedback on that experience.

9 Commissioner Bedford said the Chair is talking with mayors about the Assembly of
10 Governments meeting because of the number of people required for attendance and a lack of
11 safe venue.

12
13 **14. Adjournment**

14 A motion was made by Commissioner McKee, seconded by Commissioner Bedford, to
15 adjourn the meeting at 9:11 p.m.

16
17 **Roll call ensued**

18
19 **VOTE: UNANMIOUS**

20
21 Renee Price, Chair

22
23
24 Tara May
25 Deputy Clerk to the Board

26
27 Submitted for approval by Laura Jensen, Clerk to the Board.

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MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
December 14, 2021
7:00 p.m.

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, December 14, 2021 at 7:00 p.m.

COUNTY COMMISSIONERS PRESENT: Chair Renee Price, Vice Chair Jamezetta Bedford, and Commissioners Amy Fowler, Jean Hamilton, Sally Greene, Earl McKee, and Anna Richards

COUNTY COMMISSIONERS ABSENT: None.

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Laura Jensen. (All other staff members will be identified appropriately below)

Chair Price called the meeting to order at 7:00 p.m.

A roll call was called; and all members were present.

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business Meeting on Tuesday, December 14, 2021. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

In this new virtual process, there are two methods for public comment.

- Written submittals by email
- Speaking during the virtual meeting

Detailed public comment instructions for each method are provided at the bottom of this agenda. (Pre-registration is required.)

1. Additions or Changes to the Agenda

The Board considered adding a discussion of an appointment to the Orange County Broadband Taskforce under item 11 – Appointments.

A motion was made by Commissioner McKee, seconded by Commissioner Greene, to add the appointment discussion to item 11 – Appointments.

Roll call ensued

VOTE: UNANIMOUS

Chair Price dispensed with reading the public charge.

1 **Public Charge:** The Board of Commissioners pledges its respect to all present. The Board asks
2 those attending this meeting to conduct themselves in a respectful, courteous manner toward
3 each other, county staff and the commissioners. At any time should a member of the Board or
4 the public fail to observe this charge, the Chair will take steps to restore order and decorum.
5 Should it become impossible to restore order and continue the meeting, the Chair will recess
6 the meeting until such time that a genuine commitment to this public charge is observed. The
7 BOCC asks that all electronic devices such as cell phones, pagers, and computers should
8 please be turned off or set to silent/vibrate. Please be kind to everyone.
9

10 **2. Public Comments**

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

12 None.

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

14
15 (These matters will be considered when the Board addresses that item on the agenda
16 below.)
17

18 **3. Announcements, Petitions and Comments by Board Members**

19 Commissioner Fowler said she attended the Chamber of Commerce's legislative forum
20 on December 9th. She said David Price, Valerie Foushe, Verla Insko, and Graig Meyer all
21 spoke. She said Congressman Price said the bipartisan infrastructure bill mentioned potential
22 transit funds that could cover things such as the MLK BRT, broadband funds, and possibly
23 public housing for repair and renovation funds. She said the county should be on the lookout
24 for that opportunity. She said she attended the Triangle Area Regional Planning Organization
25 (TARPO) meeting on December 9th, and they reminded attendees that the STIP 6.0 process
26 was halted due to lack of funds. She said they provided scoring for considering how to improve
27 projects for the STIP 7.0 process. She said updates for current projects are available for review
28 on TARPO.org. She said parts of I-40 will be renamed after Dean Smith and Roy Williams.
29 She said earlier in the day she attended the North Carolina Association of County
30 Commissioners (NCACC) Public Education Steering Committee and heard an update from
31 Nathan Maune of the Department of Public Instruction (DPI). She said Maune discussed using
32 lottery funds for school capital. She said the 2017 needs based public school capital fund was
33 originally opened to only Tier 1 and 2 counties but is now available to Tier 3 counties. She said
34 she would like the county to look at that fund for potential school capital projects. She said they
35 also mentioned that the PS repair and renovation fund in the 2021 budget provides \$500,000
36 per county for classroom facilities. She said she also attended the Health and Human Services
37 Steering Committee earlier in the day. She said there is a website called
38 NCOpioidSettlement.org which provides information on how the funds can be spent. She said
39 she wondered if the funds could be spent towards a diversion facility.
40

41 Commissioner McKee reminded the Board of his petition to go back to in-person
42 meetings as soon as possible, despite the new COVID-19 variant. He said the Board of County
43 Commissioners (BOCC) is considering going back to in-person meetings in January, and he
44 would like to give it serious consideration. He said he believes the Board should be meeting
45 publicly if at all possible.

46 Commissioner Hamilton wished everyone happy holidays.

47 Commissioner Bedford said on October 5th, Andy Henry from the Durham-Carrboro-
48 Chapel Hill Metropolitan Planning Organization (DCHC MPO) presented information on the
49 2050 Metropolitan Transit Plan. She said it is a fiscally constrained plan, but reasonable fiscal
50 assumptions are allowed to be made. She said at the November MPO meeting, there was
51 discussion about the potential for a half-cent sales tax increase for transit, and she said that it

1 would require approval by the General Assembly. She said when she read the minutes prior to
 2 the Board meeting, she noted that it said a half-cent equivalent and does not have to be on
 3 sales tax. She said the half-cent equivalent was already assumed and had been increased to
 4 one cent. She said she consulted with the Deputy County Manager Travis Myren and was able
 5 to vote yes, but included for the recorded minutes that Orange County was not promising or
 6 obligated to put any sales tax increase on a referendum or to fund the equivalent. She said
 7 every four years the plan is updated and the expectation for the increase is not until 2031. She
 8 said the positive for the increase was a more aspirational vision to do more for bicyclists and
 9 pedestrians and multi-modal versus just widening or adding traffic lanes. She said she wanted
 10 the rest of the Board to know that she did not obligate the Board to a one-cent sales tax
 11 referendum. She said Wake County is working on this and there will be legislative advocacy by
 12 other counties to get permission. She said she hopes to attend the NCACC session on the
 13 environment on December 15th.

14 Commissioner Richards said she was looking forward to working with the newly elected
 15 officials in Chapel Hill and Carrboro who were sworn in the previous week and learning more
 16 about how the County can work together with those communities. She said she was impressed
 17 with the health department's webinar on alcoholism in Orange County, and it was an informative
 18 session, giving a good overview of where we are as a county. She wished everyone happy
 19 holidays.

20 Commissioner Greene said she attended the NCACC Justice and Public Policy
 21 subcommittee meeting. She said she was happy to see that Cait Fenhagen of Orange County
 22 gave a presentation about pretrial diversion. She wished everyone happy holidays.

23 Chair Price said Governor Cooper held a press conference to mark the one-year
 24 anniversary of administering the first COVID-19 vaccine. She said a very low percentage of
 25 younger children are vaccinated. She said Dr. Kizzy Corbett was honored in Time Magazine,
 26 and continues to make Orange County proud. She said Dr. Corbett is a product of Orange
 27 County Schools. She said she attended the Chamber of Commerce legislative event. She said
 28 the local economy is mainly based on "EdMedBed," which stands for education, medicine, and
 29 the hospitality industry. She said the agenda for the Assembly of Governments meeting is
 30 being developed and the meeting will be virtual on January 25, 2022, due to it occurring after
 31 the holidays and the number of people involved. She said she attended the WCHL "Forum on
 32 the Hill". She said she did a segment on economic development. She said she was in
 33 conversation with Aaron Keck and Ryan Stewart of Trinsic Residential, who is responsible for
 34 the Aura development in Chapel Hill. She thanked Steve Brantley, Economic Development
 35 Director, for his briefings. She said Commissioner Richards led a segment on social justice.
 36 She said the Orange County Department of Social Services is holding its annual toy chest event
 37 from December 13th through 17th from 9 am to 7 pm on Mayo Street. She said it is an event to
 38 bring holiday joy to children in low-wealth households. She said the One Orange Committee will
 39 be conducting a survey on the racial equity plan and will be at the toy chest event. She said this
 40 information can also be accessed online.

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

44 **a. Recognition of Cedar Ridge High School Volleyball Team for Winning the 2021 State Championship**

46 The Board approved a proclamation recognizing the Cedar Ridge High School Volleyball
 47 Team on winning the 2021 State Championship.
 48
 49

1 **BACKGROUND:**

2 The Cedar Ridge High School Volleyball Team won the State 3A championship with its victory
3 in the state finals on November 6, 2021.

4
5 Chair Price introduced Fiona Cunningham, Coach of the Cedar Ridge High School
6 Volleyball Team.

7 Chair Price read the following proclamation:
8

9
10 **PROCLAMATION OF RECOGNITION ON**
11 **CEDAR RIDGE HIGH SCHOOL WOMEN'S VOLLEYBALL TEAM**
12 **WINNING THE 2021 STATE CHAMPIONSHIP**

13 **WHEREAS**, on November 6, 2021, Cedar Ridge High School Women's Volleyball Team
14 captured the North Carolina High School Athletic Association's (NCHSAA) 3A
15 State Championship; and
16

17 **WHEREAS**, under the guidance of Coach Fiona Cunningham, the Cedar Ridge High School
18 Women's Volleyball Team won its first NCHSAA title; and
19

20 **WHEREAS**, the Red Wolves completed the season with a 31-2 record; and
21

22 **WHEREAS**, the Red Wolves brought honor upon themselves, Cedar Ridge High School, the
23 Orange County Schools District and Orange County;
24

25 **NOW, THEREFORE**, be it proclaimed that the Orange County Board of Commissioners
26 expresses its sincere appreciation and respect to the Cedar Ridge High School
27 Women's Volleyball Team and Coach Fiona Cunningham for the team's
28 outstanding achievement, and their inspiration to youth across North Carolina
29 through their dedication, teamwork, and athletic prowess.
30

31 This the 14th day of December 2021.
32
33
34

35 _____
36 Renee Price, Chair
37 Orange County Board of Commissioners

38 A motion was made by Commissioner McKee, seconded by Commissioner Hamilton, to
39 approve the proclamation recognizing the Cedar Ridge High School Volleyball Team for winning
40 the 2021 State 3A Championship and honoring the players and coaches for representing the
41 community with the highest ideals of sportsmanship and integrity, and authorize the Chair to
42 sign.
43

44 **Roll call ensued**
45

46 **VOTE: UNANIMOUS**
47

48 Commissioner Bedford said she participated in high school sports herself, and coaches
49 help form character. She thanked Coach Cunningham and congratulated the team.

50 Commissioner Richards said she was a high school and college athlete. She said
51 winning a state championship is the pinnacle. She echoed the comments that coaches play a

1 role in lives of athletes, and setting examples. She thanked Coach Cunningham for mentoring
2 these girls, and congratulated the team.

3 Commissioner Greene extended her congratulations, and wished the team good luck.

4 Commissioner Fowler extended her congratulations. She said she was a former student
5 athlete. She said engagement in schools is importance, and participation in a team is
6 important. She said coaches make a special mark on students.

7 Commissioner Hamilton extended her congratulations to the team, and echoed the
8 comments of other Board members.

9 Commissioner McKee extended his congratulations to the team, the coaches, the staff
10 and everyone who made it happen.

11 Chair Price said she was very impressed by the athletes on the team and thanked them.

12 Coach Cunningham expressed thanks to the Board. She said the athletes earned this
13 honor with the support of their families, the school and the community. She said the school and
14 community empowered the girls to believe in themselves. She said the team worked hard to
15 grow the sport and to get more student athletes involved.

17 5. Public Hearings

19 a. **Proposed Unified Development Ordinance Text Amendment – Modification of 20 Enforcement Provisions Addressing Changes in State Law**

21 The Board held a public hearing, received the Planning Board/staff recommendation and
22 public comment, closed the public hearing, and considered action on staff initiated amendments
23 to the Orange County Unified Development Ordinance (UDO) eliminating existing language
24 allowing criminal penalties for violations of certain land use regulations.

26 **BACKGROUND:**

27 On September 2, 2021, Governor Roy Cooper signed Session Law 2021-138. Portions of the
28 legislation, excerpt contained in [Attachment 1](#), decriminalizes certain types of ordinances
29 including planning and development regulations. Violation(s) of certain provisions of the UDO
30 are no longer potential criminal offences. The full version of the law is viewable here: [Session
31 Law 2021-138](#).

32 The amendment was reviewed by the Board's Ordinance Review Committee (ORC) at its
33 November 3, 2021 regular meeting. Agenda materials are available at:

34 <https://www.orangecountync.gov/AgendaCenter/ViewFile/Agenda/11032021-1326>.

35 [Attachment 2](#) contains the draft ORC meeting notes.

- 36 • What the Amendment Does: Eliminates existing language in Section 9.6.5 giving staff
37 the option of seeking criminal penalties for violations of the UDO. The proposal
38 renumbers appropriate sections to address the elimination of Section 9.6.5 of the UDO.
- 39 • What the Amendment Does Not Do: Eliminate language allowing for potential criminal
40 penalties for violation(s) of floodplain management (Section 9.7), soil erosion and
41 sedimentation control (Section 9.8) and stormwater management (Section 9.9)
42 regulations. The Session Law does not modify enabling authority under which these
43 provisions were adopted.

44 As previously indicated the amendment(s) are necessary to address the County's compliance
45 with applicable State law. The County Attorney's office has reviewed the proposal and found it
46 to be legally sufficient.

47 **Planning Board Recommendation:** The Planning Board reviewed this item at its December 1,
48 2021 regular meeting (held via Zoom due to current public health concerns) and voted 9 to 1 to
49 recommend **approval** of the amendments. The member voting no indicated they were not
50 comfortable with the recent State law changes eliminating the County's ability to seek criminal
51 charges for land use violations.

1
2 Excerpt draft minutes from the meeting and the signed statement of consistency are included in
3 Attachment 3. Agenda materials for the meeting are available at:
4 <http://orangecountync.gov/AgendaCenter/Planning-Board-26>.

5
6 Planning Director's Recommendation: The Planning Director recommends **approval** of the
7 Statement of Consistency, indicating the amendments are reasonable and in the public interest,
8 contained in Attachment 4 and the proposed ordinance contained in Attachment 5.

9
10 Note Regarding Written Public Comments: [Session Law 2021-35 \(House Bill 812\)](#) became
11 effective on July 1, 2021. A portion of the amended law pertains to written comments for public
12 hearings held in remote meetings during declared emergencies. The Session Law updated the
13 parameters for public written comments. Written comments on the subject of the public hearing
14 can be submitted by interested persons until 24 hours prior to the scheduled time for the
15 beginning of the public hearing.

16
17 Chair Price introduced Craig Benedict, Orange County Planning Director.

18 Craig Benedict said the amendment decriminalizes violations of the UDO. He said staff
19 went through the UDO to remove any language about criminal penalties. He said this does not
20 change potential criminal penalties for violation of floodplain management, soil erosion and
21 sedimentation control, and stormwater regulations. He said these changes were mandated by
22 state law. He reviewed the County Manager's recommendations.

23
24 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
25 open the public hearing.

26
27 **Roll call ensued**

28
29 **VOTE: UNANIMOUS**

30
31 **PUBLIC COMMENT:**

32 None.

33
34 A motion was made by Commissioner Fowler, seconded by Commissioner Hamilton, to
35 close the public hearing.

36
37 **Roll call ensued**

38
39 **VOTE: UNANIMOUS**

40
41 A motion was made by Commissioner Bedford, seconded by Commissioner Fowler, to
42 approve the statement of consistency and the ordinance approving the UDO text amendments.

43
44 **Roll call ensued**

45
46 **VOTE: UNANIMOUS**

47
48 **b. Proposed Amendments to the Comprehensive Plan Future Land Use Map and**
49 **Zoning Atlas - Eno Economic Development District (EDD)**

50 The Board held a public hearing, received the Planning Board/staff recommendation and
51 public comment, closed the public hearing, and considered action on BOCC-initiated

1 amendments to the Comprehensive Plan Future Land Use Map and to the Zoning Atlas. As
 2 adopted, the amendments will contract a portion of the boundary of the Eno Economic
 3 Development District (EDD).

4
 5 **BACKGROUND:**

6 At its September 14, 2021 meeting, the BOCC voted to initiate amendments to contract the
 7 boundary of the Eno EDD and directed staff to proceed with the amendments. Video of the
 8 meeting is available at <http://orangecountync.gov/967/Meeting-Videos> (agenda item 6-b).

9
 10 In 2012, the boundary of the Eno EDD was expanded in anticipation of water and sewer
 11 availability. However, recent joint engineering studies have retracted the larger area's viability
 12 for public sewer due to Durham system constraints and prohibitive cost. At this time, a smaller
 13 primary economic development focus area of 200 acres between I-85 and US 70 remains viable
 14 for public sewer and an existing water line adjacent to the area.

15
 16 The proposed Future Land Use Map and Zoning Atlas amendments affect 112.2 total acres,
 17 comprised of 34 parcels. The proposed amendments will prescribe the land uses that will be
 18 allowed in the areas that would no longer be part of the Eno EDD.

- 19
 20 1. The *Orange County Comprehensive Plan Future Land Use Map (FLUM)* defines the
 21 location of future land use categories and is designed to accommodate a particular
 22 combination of general land uses. The FLUM helps achieve a desired pattern of
 23 development over time and is implemented primarily through zoning. The proposed
 24 amendment to this plan would change the affected areas from an Economic
 25 Development Activity Node to a 10-Year Transition Activity Node which is a designation
 26 primarily for residential land uses.
 27
 28 2. The *Orange County Zoning Atlas* is a map of the County's planning and zoning
 29 jurisdiction that assigns all parcels a zoning district. Each zoning districts includes
 30 specific standards, as outlined in Article 3 of the Unified Development Ordinance (UDO),
 31 and specific allowable uses, as are found in the Table of Permitted Uses in Section 5.2
 32 of the UDO. The proposed amendment would rezone the affected parcels from EDE-1
 33 (Economic Development Eno Lower Intensity) to R-1 (Rural Residential).

34
 35 Maps depicting the affected areas are included in Attachment 2. As contained in Attachment 4,
 36 notifications for the public hearing were mailed to affected property owners and those within
 37 1,000-feet of the affected areas on November 29. Signs were posted by staff in the affected
 38 areas on November 29.

39
 40 Public Information Meeting – October 26, 2021

41
 42 Planning staff held an on-line public information meeting on October 26. Other than staff, 9
 43 people, including 3 BOCC members, attended the meeting. Questions from attendees focused
 44 on basic zoning information and a comment about increasing traffic noise impacts over the
 45 years. The video recording can be viewed at:

46 [https://orangecountync.zoom.us/rec/share/0JQhU-2iBUVOnTqRdP6j_YudlCN7mn-](https://orangecountync.zoom.us/rec/share/0JQhU-2iBUVOnTqRdP6j_YudlCN7mn-nKt_laJi9emmX_oD8eZMsT9pNn2HLoEAA.JleGSD2Ns2pGsqKx)
 47 [nKt_laJi9emmX_oD8eZMsT9pNn2HLoEAA.JleGSD2Ns2pGsqKx](https://orangecountync.zoom.us/rec/share/0JQhU-2iBUVOnTqRdP6j_YudlCN7mn-nKt_laJi9emmX_oD8eZMsT9pNn2HLoEAA.JleGSD2Ns2pGsqKx) Passcode: ?1KV92kl
 48

49 A combined notice for the public information meeting and Planning Board meeting was mailed
 50 to affected property owners and those within 1,000-feet of the affected areas on October 11,

1 2021 (see Attachment 4 for materials). Signs were posted by staff in the affected areas on
2 October 13, 2021.

3
4 Planning Board Recommendation: The Planning Board reviewed this item at its November 3,
5 2021 regular meeting (held via Zoom due to current public health concerns) and voted
6 **unanimously** to recommend **approval** of the amendments. Approved minutes from the
7 meeting and the signed statement of consistency are included in Attachment 3 and meeting
8 materials are available at: <http://orangecountync.gov/AgendaCenter/Planning-Board-26>. No
9 members of the public attended the Planning Board meeting.

10
11 Planning Director’s Recommendation: The Planning Director recommends **approval** of the
12 Statement of Consistency, indicating the zoning atlas amendments are reasonable and in the
13 public interest, contained in Attachment 1 and the proposed ordinance, which includes both the
14 FLUM and Zoning amendments, contained in Attachment 2.

15
16 Note Regarding Written Public Comments: [Session Law 2021-35 \(House Bill 812\)](#) became
17 effective on July 1, 2021. A portion of the amended law pertains to written comments for public
18 hearings held in remote meetings during declared emergencies. The Session Law updated the
19 parameters for public written comments. Written comments on the subject of the public hearing
20 can be submitted by interested persons until 24 hours prior to the scheduled time for the
21 beginning of the public hearing.

22
23 Perdita Holtz, Planner III, made the following PowerPoint presentation:

24
25 Slide #1



26
27
28

1 Slide #2

Tonight's Purpose

- To hold a public hearing, receive the Planning Board/staff recommendation and public comment, close the public hearing, and consider action on BOCC-initiated amendments to the Comprehensive Plan Future Land Use Map and to the Zoning Atlas
 - Initiated at the September 14, 2021 BOCC Meeting
 - If adopted, the amendments would contract a portion of the boundary of the Eno Economic Development District (EDD).

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Slide #3

Brief History of the Eno EDD

- Most of the area had been designated for economic development purposes since 1981, when the County adopted a Comprehensive Plan.

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Perditz Holtz reviewed the map of the Eno EDD. She said all of the area in lavender is designated for the Eno EDD since 1981. She resumed the PowerPoint presentation:

10 Slide #4

Brief History of Eno EDD (continued)

- Small Area Plan adopted in 2008.
- In 2012, the boundaries of the Eno EDD were expanded in anticipation of water and sewer availability.
- Recent joint engineering studies have retracted the larger area's viability for public sewer due to Durham system constraints and prohibitive cost.

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1 Slide #5

Brief History of Eno EDD (continued)

- At this time, a smaller primary economic development focus area of 200 acres between I-85 and US 70 still remains viable for public sewer and an existing water line adjacent to the area.
 - Necessary Utility Services Agreement with the City of Durham is in process.



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Slide #6

Proposed Amendments

- Comprehensive Plan Future Land Use Map and Zoning Atlas
 - Reduce the size of designated economic development areas (FLUM aspect) near the existing Whispering Pines subdivision and suggest lower intensity uses (zoning aspect).
 - No development proposals are related to these proposed changes.

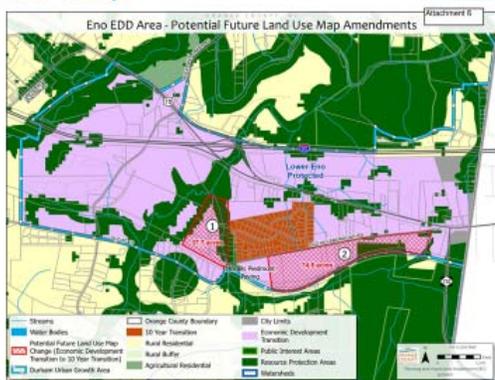


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Slide #7

Potential Amendments – Future Land Use Map

112.2 total acres (comprised of 34 parcels)



8
9

1 Perdita Holtz said that EDE-1 is a mixed-use category, and that many of Orange County
 2 non-residential zoning districts are also mixed use. She said the county does not have a highly
 3 segregated zoning ordinance. She resumed the PowerPoint presentation:

4
 5 Slide #10

Implications of Amendments, if adopted

Appendix F: Land Use and Zoning Matrix

Land Use Classifications & Outlines		ZONING DISTRICTS																									
		MB	AR	R-1	R-2	R-3, R-4	R-5, R-6, R-13	LG-1	NC-2	CC-3	GG-4	RG-5	BBW	SI	I-2	I-3	E1	RECREATIONAL, COMMERCIAL, INDUSTRIAL, RESIDENTIAL	Special Zoning Overlay District	PB	ABE-1D	MFD-1D	IF-CD	R-CD	WR-CD		
Chopped HR Transition Carbons Transition 10-Year Transition 20-Year Transition Commercial Transition Artistic Node Commercial/Industrial Transition Artistic Node Economic Development Transition Artistic Node		Permit Administration by Municipalities under the provisions of the Joint Planning Agreement: Contact appropriate Municipality for applicable Zoning Standards.																									
Transition	Chopped HR Transition			*	*	*	*														*		*	*	*	*	*
	Carbons Transition			*	*	*	*														*		*	*	*	*	*
Residential	10-Year Transition			*	*	*	*													*		*	*	*	*	*	
	Commercial Transition							*	*	*	*	*								*		*	*	*	*	*	
	Artistic Node							*	*	*	*	*								*		*	*	*	*	*	
	Commercial/Industrial Transition							*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
	Artistic Node							*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
	Economic Development							*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Rural	Transition																			*		*	*	*	*	*	
	Artistic Node	*																		*		*	*	*	*	*	
	Rural Residential			*																*		*	*	*	*	*	
	Agricultural Residential		*																	*		*	*	*	*	*	
	Rural Community Activity Node								*	*										*		*	*	*	*	*	
	Rural Neighborhood Activity Node								*	*										*		*	*	*	*	*	
Public	Rural Industrial Activity Node									*										*		*	*	*	*	*	
	Rural Industrial Activity Node									*										*		*	*	*	*	*	
Public	Public Interest Area																			*		*	*	*	*	*	

Amended 5-18-21

Orange County Comprehensive Plan Page F-1

6
 7
 8 Perdita Holtz showed the planning and zoning matrix, which shows the zoning districts
 9 that are allowable and shows land use designations. She said the matrix shows that the
 10 existing economic development zoning districts are allowed, along with the conditional districts.
 11 She said the change to a 10-year transition means that the appropriate zoning districts are
 12 residential, R-1 through R-13, along with some of the conditional districts. She resumed the
 13 PowerPoint presentation:

14
 15

1 Slide #11

Implications of Amendments, if adopted

Uses Allowed in EDE-1 (current zoning)

Care Facility	Bus & Rail Passenger Shelter
Schools, Performing Arts, Sports, Recreation	Retail Uses
Governmental Facilities	Service Uses
Manufacturing, Assembly, Processing (various types)	Car Wash
Medical Uses	Restaurants
Office and Financial Services	Funeral Home
Research Facility without Manufacturing	Storage of Goods
Parks	Telecom Towers & Utilities
Recreational Facilities (SUP)	Wholesale Trade Uses
Dwellings, Single-family, Multi-family, duplex, others	Assembly (people) Uses, variety of types

Uses Allowed in R-1 (proposed zoning)

Stables, Commercial (SUP)	Dwellings, Single-family, duplex, others (Multi-family not permitted)
Care Center in a Residence	Bus & Rail Passenger Shelter
Care Facility (SUP)	Cemetery (SUP)
Governmental Facilities	Short-Term Rental – Host Occupied (SUP for some)
Botanical Gardens & Arboretums	kennel Class II (SUP)
Camp (SUP)	Telecom Towers & Utilities
Parks	Assembly (people) Uses, variety of types
Recreational Facilities (SUP)	

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Slide #12

Implications of Amendments, if adopted (cont.)

- Reconfiguration of EDD boundaries shift the parcels that would provide the required 100-foot buffers new development must provide on the boundary of the EDD.
- Any new development would be subject to the various standards in the UDO for the type of development proposed.
 - Additional standards within the EDDs would no longer apply to properties that are not designated EDD.

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7

1 Slide #13

Public Notification / Process

- October 26, 2021 - **Public Information Meeting**
 - Combined Mailed Notice for PIM/PB mailed on October 11
 - Certified mail for property owners whose zoning is proposed for amendment.
 - Regular first class mail to property owners within 1,000 – feet of amendment areas
 - Combined Signs posted in area on October 13
- November 3, 2021 –**Planning Board Review and Recommendation**
- December 14, 2021 - **BOCC Public Hearing/Potential Decision**
 - Additional mailed notice / sign posting on November 29.
 - Legal Ad publication on December 1 and 8.

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Slide #14

Planning Board's and Planning Director's Recommendations

- Approval of the Statement of Consistency, indicating the zoning atlas amendments are reasonable and in the public interest, contained in Attachment 1 and the proposed ordinance, which includes both the FLUM and Zoning amendments, contained in Attachment 2.

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Slide #15

Manager's Recommendation

1. Conduct the public hearing and accept the Planning Board recommendation and staff/public comment(s);
2. Close the public hearing;
3. Deliberate as desired; and
4. Vote to approve the Statement of Consistency (Attachment 1) and Ordinance Approving the Future Land Use Map and Zoning Atlas Amendments (Attachment 2).

8
9

1 A motion was made by Commissioner Fowler to open the public hearing.

2
3 Commissioner Fowler asked if the designation EC could be explained.

4 Perdita Holtz said it means existing commercial, and refers to properties that had
5 commercial uses on them when zoning was first applied in the township. She said in the Eno
6 Township, zoning was first applied in the late 1980s and there was an existing commercial
7 property there.

8 Commissioner Hamilton thanked Perdita Holtz for the informative presentation. She
9 asked how the new zoning would make parcels less dense.

10 Perdita Holtz said that the majority of the parcels that are proposed for rezoning already
11 have only a single-family residence on them. She said that if someone purchased a residence
12 and redeveloped or split a lot, they could only do so if there is enough water and sewer. She
13 said the availability of water and sewer is a component of how dense any development can be
14 anywhere, because you have to be able to dispose of wastewater.

15 Commissioner Hamilton asked if the average parcel size in the area could be identified.

16 Perdita Holtz said she thought it was at least an acre. She said in the Whispering Pines
17 subdivision, the lots are smaller and are zoned R-2. She said the subdivision does not have
18 water and sewer and that many of the undeveloped lots in the subdivision remained
19 undeveloped because they could not find percolation sites for septic systems.

20 Chair Price said this will also prevent a major business from developing next to existing
21 residential.

22 Commissioner Richards asked if the county takes 122 acres out of the development
23 area, is it replaced or does the county continue to reduce economic development areas.

24 Perdita Holtz said that is a policy decision by the Board of County Commissioners. She
25 said in 2018 there was interest in retracting some of the EDDs where the county knew it would
26 not be served by water and sewer and expanding other EDDs, but this idea never really took off.

27 Chair Price said at that time there was more activity in the Buckhorn area, closer to
28 Mebane.

29
30 The motion to open the public hearing was seconded by Commissioner McKee.

31
32 **Roll call ensued**

33
34 **VOTE: UNANIMOUS**

35
36 **PUBLIC COMMENT:**

37 None.

38
39 A motion was made by Commissioner Greene, seconded by Commissioner Hamilton, to
40 close the public hearing.

41
42 **Roll call ensued**

43
44 **VOTE: UNANIMOUS**

45
46 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
47 approve the statement of consistency and the ordinance approving the future land use map and
48 zoning atlas amendments.

49
50 Commissioner Richards said she has ongoing questions about designations and what
51 they mean. She said she struggles with the lack of development in economic development

1 district areas from an infrastructure standpoint. She said the county is reliant on Mebane and
 2 Durham and their capacity and capability. She said it runs counter to her to have an economic
 3 development district when the vast majority of the county is rural and lower density. She said
 4 there are only a few areas that are designed for higher density, and she does not understand
 5 why there is a lack of infrastructure after 40 years. She said she has spoken with the Planning
 6 Department and she was told that this was a political decision that this how the county wants to
 7 move. She said the county would have to explore if it wants to do something else.

8 Chair Price said she met with residents in Whispering Pines five years ago who were
 9 expressing concern with the intensity and type of use in their community. She said they wanted
 10 something that would be compatible with residential as opposed to more manufacturing or high
 11 intensity uses. She said since the existing zoning was reliant on Durham and nothing had been
 12 done in 40 years, she said it seemed like time to relieve some of the anxiety felt by the residents
 13 and put a border around the residential areas. She said they talked about the development on
 14 the western side of the County and how that was moving more quickly.

15 Commissioner Richards said her concerns were not so much with this particular item.
 16 She said her concerns are global, and she wonders about the county's overall plan and how the
 17 county intends to move forward with development when possible. She said she understands
 18 the concerns of the residents who spoke at the public meetings

19
 20 **Roll call ensued**

21
 22 **VOTE: UNANIMOUS**

23
 24 **6. Regular Agenda**

25
 26 **a. Fiscal Year 2021-22 American Rescue Plan Act Allocations Round 2**

27 The Board approved the next allocation of American Rescue Plan Act funding to
 28 projects, also known as Coronavirus State and Local Fiscal Recovery Funds (CSLRF).
 29

30 **BACKGROUND:**

31 The Federal American Rescue Plan Act (ARPA) provides direct allocations to local
 32 governments. Orange County is designated to receive approximately \$28.8 million. The first
 33 draw down of approximately \$14.4 million was approved by the Board of Commissioners on a
 34 budget amendment on June 1, 2021. The second draw down will occur before the end of the
 35 current fiscal year. ARPA funds must be obligated by December 31, 2024 and must be fully
 36 expended by December 31, 2026.
 37

38 The ARPA funds are intended to broadly address the negative impacts of the COVID-19
 39 pandemic on individuals, government agencies, organizations, and small businesses. The
 40 Treasury Department has issued interim guidance on the use of ARPA funds for local
 41 governments. This guidance establishes five broad categories for potential investments:

- 42 1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical
 43 expenses, behavioral healthcare, and certain public health and safety staff;
- 44 2. Address negative economic impacts caused by the public health emergency, including
 45 economic harms to workers, households, small businesses, impacted industries, and the
 46 public sector;
- 47 3. Replace lost public sector revenue, using this funding to provide government services to
 48 the extent of the reduction in revenue experienced due to the pandemic;
- 49 4. Provide premium pay for essential workers, offering additional support to those who
 50 have borne and will bear the greatest health risks because of their service in critical
 51 infrastructure sectors; and,

- 1 5. Invest in water, sewer, and broadband infrastructure, making necessary investments to
 2 improve access to clean drinking water, support vital wastewater and stormwater
 3 infrastructure, and to expand access to broadband internet.
 4

5 County departments were once again asked to submit proposals consistent with the interim
 6 guidance and the goals established by the Board of Commissioners in prior funding allocations.
 7 County departments submitted requests totaling over \$6.4 million. \$3,345,793 is recommended
 8 for funding in this round based on project eligibility, ability of the project administration to meet
 9 required reporting guidelines, and the positive impact on long term recovery in our community.
 10

11 Those projects recommended for funding in this allocation are listed below by department.
 12 Project descriptions may be found as an attachment to this item.
 13

Department	Program Name	FY 21-22 Request Round 2
Asset Management Services & Sheriff	Install Point Ionization equipment in new detention center	\$68,800
Economic Development	Tourism and Hospitality Recovery	\$150,000
Emergency Services	County First Responder Behavioral Health Program	\$45,000
Emergency Services	Powered Air Purifying Respirators (PAPRS)	\$124,000
Finance	Contract ARPA Coordinator	\$66,886
Housing	Direct EHA Program Expenditures	\$2,700,000
Housing	Housing Helpline Coordinated Entry Specialist	\$32,202
Housing	Landlord Incentive Program	\$55,000
Information Technologies, Tax, & Housing	Software to administer the Long Time Homeowner Assistance Program	\$8,905
Social Services	Food and costs to support distribution and storage	\$60,000
Social Services	Stabilization Program for Former Foster Youth	\$10,000
Social Services	Support for Low Income Families	\$25,000
Grand Total		\$3,345,793

14 ARPA Funding Status Update as of December 14, 2021:

- 15 • Total Award: \$28,839,722
- 16 • Total Approved as of June 15, 2021: \$8,283,869*
- 17 • Total Remaining to be Distributed as of June 15, 2021: \$20,555,853
- 18 • Total FY 2021-22 Round 2 for BOCC Consideration: \$3,345,793
- 19 • Total Remaining to be Distributed if Round 2 Approved: \$17,210,060

20
 21
 22 *\$4,182,392 in previously approved projects were replaced with general fund support after new
 23 guidance from the Treasury Department deemed them ineligible or that reporting requirements
 24 would cause an undue burden on our local partners. These projects include Outside Agency
 25 funding, Visitor's Bureau revenue replacement, Sportsplex revenue replacement, and some
 26 Information Technologies projects.
 27

28 Travis Myren, Deputy County Manager, made the following PowerPoint presentation:
 29

30 Slide #1



1
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3

Slide #2

Summary to Date

- American Rescue Plan Act (ARPA)
 - \$28.8 million total allocation
 - Obligate by December 31, 2024
 - Expend by December 31, 2025

Reconciliation of Funds	
Total Allocation	\$ 28,839,722
Initial Allocations – June 3, 2021	\$ 12,466,261
Ineligible Expenditures – December 5, 2021	\$ (2,452,439)
Outside Agencies – December 5, 2021	\$ (1,729,953)
Total Round 1 Allocation - Revised	\$ 8,283,869
Balance of ARPA Allocation 12-14-2021	\$ 20,555,853

- Eligibility different from Coronavirus Aid, Relief, and Economic Security Act, (CARES Act)

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Commissioner McKee asked if funds were set aside for broadband infrastructure. Travis Myren said these funds are included in the Total Round 1 Allocation-Revised amount.

Chair Price clarified that the full \$20 million could not be drawn down at one time. Travis Myren said yes, and resumed the PowerPoint presentation:

1 Slide #3

Round 1 Allocations

ARPA Allocations - Round 1		
Expanded Senior Lunch Program	\$ 119,229	FY2021-22 Budget
Street Outreach Harm Reduction and Deflection	\$ 160,000	ARPA Allocation 6-3-2021
.5 FTE Grants Admin position in the CJRD	\$ 38,751	FY2021-22 Budget
Increase youth enhancement fund	\$ 25,000	ARPA Allocation 6-3-2021
Continuation of Language Access Services	\$ 15,000	FY2021-22 Budget
Government Alliance on Race and Equity Youth Program	\$ 46,540	FY2021-22 Budget
Eviction Diversion Program Staffing	\$ 167,046	FY2021-22 Budget
Direct Emergency Housing Assistance (EHA) Expenditures – Four Months	\$ 1,300,000	ARPA Allocation 6-3-2021
Admin (Personnel) - EHA and Housing Helpline Temp Staff	\$ 626,357	FY2021-22 Budget
Replenish funds in locally-funded urgent repair program	\$ 120,000	FY2021-22 Budget
Housing Locator - Partnership to End Homelessness	\$ 28,810	ARPA Allocation 6-3-2021
Restart the Arts Grants for cultural organizations	\$ 100,000	ARPA Allocation 6-3-2021
Arts Commission Aid to Impacted Agencies	\$ 16,000	ARPA Allocation 6-3-2021
Tourism and Hospitality Recovery	\$ 150,000	FY2021-22 Budget
Replace temporary facility modifications with permanent modifications	\$ 51,136	ARPA Allocation 6-3-2021
Long Time Homeowner Assistance Program	\$ 250,000	ARPA Allocation 6-3-2021
Durham Technical Community College for Small Business Center	\$ 70,000	ARPA Allocation 6-3-2021
Broadband Infrastructure Design and Implementation	\$ 5,000,000	ARPA Allocation 6-3-2021
TOTAL	\$ 8,283,869	

30% allocated to Housing and Eviction Diversion
60% allocated to Broadband Project



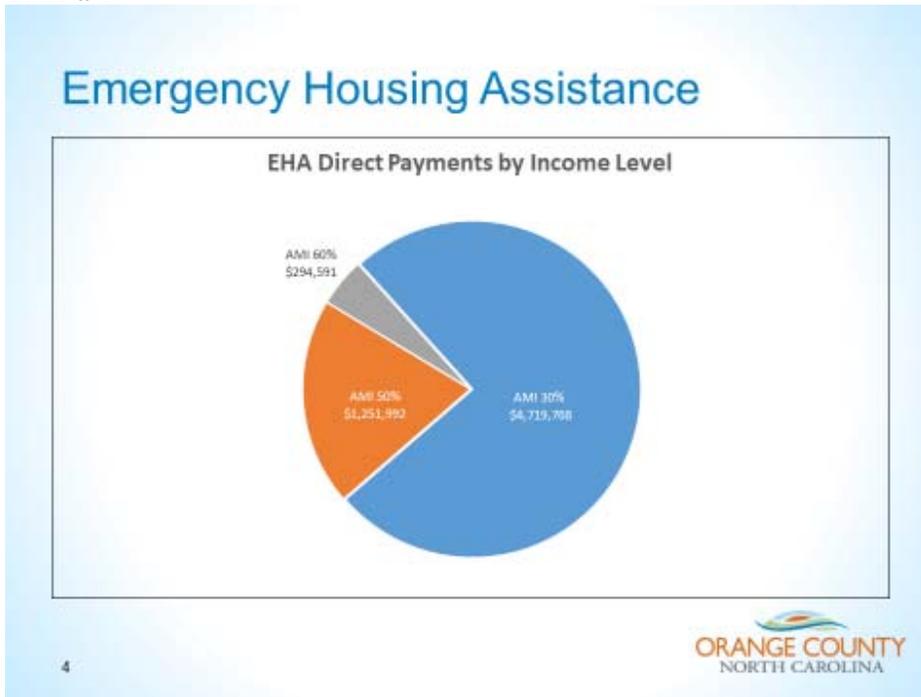
ORANGE COUNTY
NORTH CAROLINA

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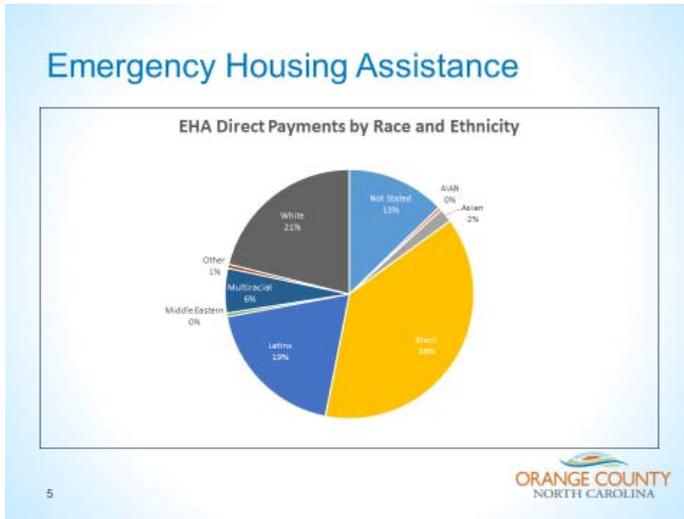
Travis Myren said 30% was designated for direct housing assistance or eviction diversion programming, and 60% was designated to the Broadband project. He resumed the PowerPoint presentation:

Slide #4



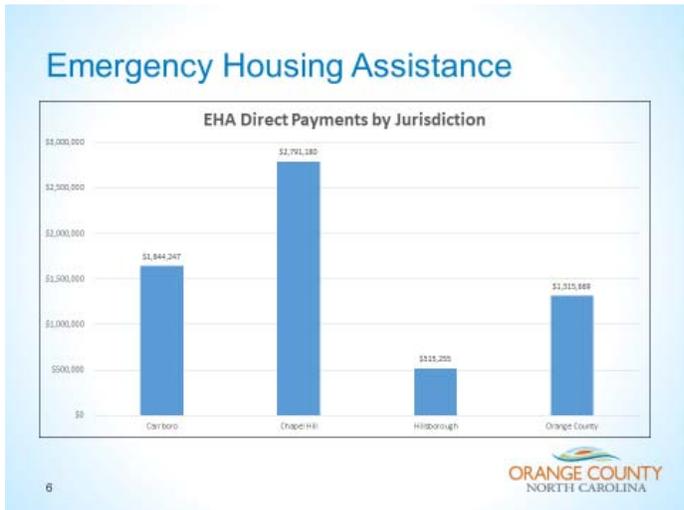
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1 Slide #5



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Slide #6



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Slide #7

Round 2 Allocation Recommendations

- General Approach
 - Sustain existing programs through end of fiscal year
 - Exceptions

• First Responder Behavioral Health Services	\$45,000
• Contracted ARPA Compliance Assistance	\$66,886
• Stabilization Program for Former Foster Youth	\$10,000
• TOTAL	\$121,886
 - Use FY2022-23 Budget to introduce new projects

ORANGE COUNTY
NORTH CAROLINA

8

1 Slide #8

Round 2 Allocation Recommendations

Department	Program Name	FY 21-22 Round 2 Recommended
Asset Management Services & Sheriff	Install Point Ionization equipment in new detention center	\$68,800
Economic Development	Tourism and Hospitality Recovery	\$150,000
Emergency Services	County First Responder Behavioral Health Program	\$45,000
Emergency Services	Powered Air Purifying Respirators (PAPRS)	\$124,000
Finance	Contract ARPA Coordinator	\$66,886
Housing	Direct EHA Program Expenditures	\$2,700,000
Housing	Housing Helpline Coordinated Entry Specialist	\$32,202
Housing	Landlord Incentive Program	\$55,000
Information Technologies, Tax, & Housing	Software - Long Time Homeowner Assistance Program	\$8,905
Social Services	Food and costs to support distribution and storage	\$80,000
Social Services	Stabilization Program for Former Foster Youth	\$10,000
Social Services	Support for Low Income Families	\$25,000
Grand Total		\$3,345,793



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Slide #9

Reconciliation with Round 2 Recommendations

Reconciliation of Funds		
Total Allocation	\$	28,839,722
Round 1 Initial Allocations – June 3, 2021	\$	12,466,261
Ineligible Expenditures from Round 1 – December 5, 2021	\$	(2,452,439)
Outside Agencies – December 5, 2021	\$	(1,729,953)
Total Round 1 Allocation Revised	\$	8,283,869
Total Round 2 Allocation Recommendations	\$	3,345,793
Balance of ARPA Allocation 12-14-2021	\$	17,210,060



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Commissioner McKee asked if Round 2 funding would be available to allocate in the spring.

Travis Myren said yes.

Commissioner Richards asked if the budget process could be clarified.

Travis Myren said there is an established process for requesting funds for projects and programming, which would also be used for evaluating ARPA requests. He said the budget would show the portion being funded by the ARPA dollars.

Commissioner Richards asked if there are separate guidelines for requesting ARPA funds versus regular budget funds.

Travis Myren said there may be some things funded by ARPA that would not normally be supported by the General Fund.

Commissioner Richards said these funds are designed to respond to a unique situation, and she is troubled by the amount going directly to people coming out of the pandemic.

1 Travis Myren said there is a long-term recovery plan that assessed needs, which is a
2 joint, multi-jurisdictional effort. He said this plan lays out a variety of direct services and needs
3 in the community, public and private, that could affect future allocations.

4 Commissioner Hamilton echoed Commissioner Richards's concerns. She said it seems
5 like in a pandemic, there would be more needs. She said the Board may be missing
6 opportunities to get more funds to folks in need. She said the money was intended to help with
7 recovery, and the Board should want to invest now.

8 Commissioner Hamilton asked about the \$150,000 going to the welcome center. She
9 wanted to know how that fits with ARPA. She said it is not clear that using funds for promotional
10 things is a good use.

11 Travis Myren said the welcome center is an allowable use since it was impacted by the
12 pandemic. He said the use of the funds would be for a marketing campaign, to get group
13 activities back.

14 Bonnie Hammersley said group activities will help increase revenue, and there has been
15 a significant loss of revenue in the hospitality industry.

16 Bonnie Hammersley said there are direct funds coming into the community for social
17 services and foster care, and the funds being discussed in this item are in addition to those
18 funds. She said the projects identified in Round 1 and Round 2 are clearly eligible expenses.
19 She said the county is being cautious in spending to make sure that all projects are eligible
20 uses. She said the guidelines are constantly changing, which can be frustrating.

21 Bonnie Hammersley said the Board will have the opportunity to make amendments to
22 the recommended budget as part of the budget process in the spring.

23 Bonnie Hammersley said there are other funds coming into the community for workforce
24 development.

25 Commissioner Greene said the visitors' center took a large hit during the pandemic and
26 it is a challenge to encourage people to come back to Chapel Hill. She said they are developing
27 marketing campaigns.

28 Commissioner Bedford referred to the housing helpline coordinated entry specialist, and
29 asked if a position such as this would potentially be folded in to the regular budget funding when
30 ARPA ends.

31 Travis Myren said there will be some programs that will need to be sustained, and they
32 may be integrated into future funding cycles.

33 Bonnie Hammersley said any positions funded with ARPA are time-limited positions and
34 will be eliminated when ARPA funding ends. She said if the positions are needed to continue,
35 she will find more funds.

36 Travis said an example is the state is covering fees for early childcare payments. He
37 said this will likely need to be extended, and is on the county's list for future ARPA funding, but
38 is not needed right now.

39 Chair Price said the hospitality center took a hit, and anything related to the creative arts
40 took a hit. She said tourism is a big percentage of the local economy. She said places around
41 the country are trying to reintroduce themselves, and the county needs to do something to boost
42 the economy.

43 Chair Price said she and the Mayors thought the long-term recovery plan could be
44 presented at the Assembly of Governments meeting in January.

45 Chair Price said NCACC received \$10 million from the state to assist local governments
46 with compliance. She said she would like for the Deputy County Manager to work with NCACC
47 to see how they may be able to help.

48 Chair Price referred to page 6, asked if staff could provide the percentage of the
49 populations in each town and unincorporated areas requested housing assistance at a future
50 meeting.

1 Commissioner Hamilton thanked Travis Myren for his presentation. She said she would
2 like to understand the needs when the Board is allocating funding. She said she wanted to
3 think about the other priorities in the county for capital and educational needs.

4 Commissioner Greene said Triangle J Council of Governments (TJCOG) also received
5 substantial funding to help local governments with spending ARPA funding appropriately.

6 Bonnie Hammersley said Lee Worsley at TJCOG contacted her this morning.
7

8 A motion was made by Commissioner Bedford, seconded by Commissioner Hamilton, to
9 approve the allocation of ARPA funding for the proposed projects.
10

11 **Roll call ensued**

12
13 **VOTE: UNANIMOUS**
14

15 **b. Review and Approval of Updated Draft BOCC Rules of Procedure**

16 The Board reviewed the updated draft BOCC Rules of Procedure, made changes if
17 appropriate, and approved a final version.
18

19 **BACKGROUND:**

20 The Board of County Commissioners first adopted a Rules of Procedure in May 2002. There
21 have been multiple amendments to the Rules of Procedure since that time. When the Rules of
22 Procedure were first drafted, contextual information was included in the form of comments.
23 These comments were drawn from North Carolina General Statutes, literature regarding best
24 practices for local government meetings, and Robert's Rules of Order, and were intended to
25 help the reader understand the purpose of the rule.
26

27 In Spring 2021, the Clerk to the Board, in consultation with the County Attorney, suggested
28 revisions to the Rules of Procedure to reflect updated North Carolina General Statutes
29 regarding local government meetings, the location of the office of the Clerk to the Board,
30 practices for publishing agendas, and the current process for evaluating the County Manager,
31 Clerk to the Board, and County Attorney. The entire document was also edited for clarity and
32 grammatical errors. The draft was then reviewed and edited by the Chair and Vice-Chair of the
33 Board of County Commissioners. The table of contents will be finalized upon publication. The
34 updated draft was included as an information item to the Board of County Commissioners in the
35 December 6, 2021 Virtual Business Meeting agenda packet.
36

37 Chair Price reviewed the background information for this item. She said the BOCC can
38 amend the proposed rules this evening, and her goal is to have an accurate and up to date set
39 of rules.

40 Laura Jensen said there have been rules of procedure since 2002, and they have gone
41 through many revisions. She said it is a working document and should reflect the Board and
42 how it operates.

43 Commissioner Greene said she proposed amending rule 19(b)(13), about how the Board
44 can vote. She said it currently says a commissioner can call for a revote after a vote has been
45 taken but it must be done in the same meeting. She said this requires commissioners to really
46 think on their feet, and sometimes voting late at night can require further thought after the fact,
47 and a revote may be necessary. She said this would rarely come into play, but it is important to
48 make this change. She said she would propose mirroring the procedural language of the Town
49 of Chapel Hill, which she read.

50 John Roberts said Commissioner Greene's proposal is appropriate, as it is the will of the
51 Board.

1 Commissioner Hamilton asked if there is a difference between reconsidering a motion
2 and making a new motion. She said the current rules allow for a new motion to be made that
3 can undo a previous motion. She said she wonders if Commissioner Greene's language
4 change is really necessary.

5 Commissioner Greene said that is a good question, but it seems more straightforward to
6 her to revoke on a motion, as the wording would stay the same, as opposed to creating an
7 opposite motion. She said she would not put a time limit on this action either.

8 Commissioner Hamilton said she would want a time limit.

9 Commissioner Greene asked if there is a time limit currently.

10 Commissioner Hamilton said no, and currently a new motion has to be made.

11 Chair Price said she recalls the Board doing a revoke, but it was done within the same
12 meeting. She said she thought there was a certain amount of time to rethink a vote. She said it
13 would be strange to be allowed to bring something up years later for a revoke.

14 John Roberts said a new motion having an opposite effect is similar to Commissioner
15 Greene's proposal. He said he would ask the BOCC to consider the second paragraph is
16 section 14 and see if it affects the Board's thinking.

17 Commissioner Fowler said she is not opposed to rethinking items, but it would depend
18 on the item, as some items have immediate impact or effect.

19 Commissioner Fowler asked if there is still a bulletin board. She also referred to the
20 requirement that all meetings be in North Carolina, unless at a conference, and asked if there
21 are rules regarding virtual meetings, and participant's locations.

22 Laura Jensen said the words "bulletin board" are in the general statute. She said in lieu
23 of a bulletin board, the front doors may also be used. She said the doors of the Whitted
24 Building are functioning as a bulletin board currently, but should she get a bulletin board later
25 this can also be used. She said the statute also requires participants to be in the county for
26 meetings, and the electronic meetings law section has been updated by the County Attorney in
27 the procedures prior to tonight's discussion.

28 Commissioner Greene read the Chapel Hill Town Council procedures that do impose
29 some time limits are taking re-votes.

30 Commissioner Bedford referred to page 86 of the PDF, Section IV Meetings, Rule 6(a)
31 and questioned the need for wording about print media. She asked if print media is currently
32 being used for noticing. She also asked if putting it in the procedures requires it to be done.
33 She recommended removing these words.

34 Laura Jensen said the county is not currently noticing in print media, and a rough
35 estimate of cost would be \$200-\$300 per notice.

36 John Roberts said including the wording, but not following the practice, would open the
37 Board's decisions to potential challenge.

38 Commissioner Greene said certain notices have to be in the newspaper, but most do
39 not, unless newspapers or radio specifically ask for the notice.

40
41 A motion was made by Commissioner Bedford, seconded by Commissioner Fowler, to
42 approve the amended Rules of Procedure with the words "in print media and" removed from
43 Section IV Meetings, Rule 6(a).

44
45 Commissioner McKee said he will vote against this as there are still people for whom the
46 newspaper is the only source of information.

47 Chair Price asked when the county stopped putting the notice in the newspaper.

48 Laura Jensen said the County Manager's Office was not certain, but notices of the
49 calendar have not been done for at least 10-15 years.

50
51 **Roll call ensued**

1
2 **VOTE: Ayes, 6; Nays, 1 (McKee)**
3

4 A motion was made by Commissioner Greene, seconded by Commissioner Bedford, to
5 amend rule 19(b)13 to read, "the motion to reconsider a previous action may be in order at the
6 same meeting at which the action was taken, or at a subsequent meeting. For certain types of
7 actions, the Board is limited in its ability to reconsider without following additional procedural
8 steps. For example, an ordinance amended or a permit issued following notice and hearing
9 requirements proscribed by ordinance or law cannot be modified without following procedures
10 similar to those followed in the initial consideration. Where a motion to reconsider is in order, it
11 must be made by a Board member who voted with the prevailing side on the action to be
12 reconsidered. Such a motion requires a second and the seconder may be any member of the
13 Board. When such a motion is made and seconded and stated by the chair, the question is,
14 "Shall the Board reconsider its action on the matter to which the motion is addressed?" If such a
15 motion fails, the matter is not reopened or reconsidered. If adopted, the motion is again on the
16 floor for consideration, discussion and action."
17

18 John Roberts asked if all the current language is being eliminated or just the first
19 paragraph. He said it is on page 101 of the packet.

20 Commissioner Bedford said it is page 23 of this item.

21 Chair Price said there is something to prevent reconsideration for 6 months.

22 Commissioner Greene said it may be best to consider this at another meeting, once the
23 language is fully worked out.

24 Commissioner Greene withdrew her motion.

25 Commissioner Bedford agreed.
26

27 A motion was made by Commissioner Bedford, seconded by Commissioner McKee, to
28 accept the rules of procedure as amended.
29

30 **Roll call ensued.**

31
32 **VOTE: UNANIMOUS**
33

34 A motion was made by Commissioner Hamilton, seconded by Commissioner Bedford, to
35 take a four-minute recess.
36

37 **Roll call ensued**
38

39 **VOTE: UNANIMOUS**
40

41 A motion was made by Commissioner McKee, seconded by Commissioner Bedford, to
42 reconvene the meeting at 9:04 p.m.
43

44 **Roll call ensued**
45

46 **VOTE: UNANIMOUS**

47 **c. BOCC Boards and Commissions Assignments**

48 The Board selected the boards and commissions on which Board members would like to
49 serve during 2022.
50

51 **BACKGROUND:**

1 BOCC members serve on various County and County-related boards and commissions. On an
2 annual basis, BOCC members indicate their desire to continue serving on specific boards or
3 commissions or their desire to make changes.
4

5 Chair Price reviewed the process for selecting boards and commissions assignments.
6 She said each commissioner gets to save one board or commission position in order of
7 seniority, with the exception of Commissioner Richards, who does not currently sit on any
8 boards or commissions. She said Commissioner Richards will then get to pick a board or
9 commission position, and then the selection process will go in reverse order of seniority. She
10 said the process would continue to go back and forth until all positions were filled.

11 Chair Price said there are three task forces on the handout in the agenda packet that
12 were listed separately, due to the nature of the group. She said those task forces are not going
13 to be included in the selection process for boards and commissions assignments.

14 Chair Price said it was discussed during agenda review whether or not it was necessary
15 to continue having the Chatham Orange Joint Planning Task Force. She said there was not
16 much business for the task force, and Chatham County did not seem interested in continuing it.

17 Commissioner Greene said she thought there was a fourth task force that should be
18 removed from the selection process: the Transit Policy Steering Committee. She said the group
19 has always been voted for separate from other boards and commissions. She listed previous
20 Orange County Commissioners who were on the committee and said she served along with
21 former Commissioner Dorosin, who was replaced with Commissioner Fowler.

22 Commissioner Bedford said she supported Commissioner Greene's suggestion, but
23 wanted to make sure that Commissioner Fowler wanted to continue to serve on the committee.

24 Commissioner Greene agreed and said the Board could vote on the members of the
25 Transit Policy Steering Committee at the meeting, but that it should be a different process than
26 the boards and commissions selection process.

27 Commissioner Fowler said she had no problem with the committee being voted upon
28 separately, and she said there have been no meetings since she agreed to serve and she does
29 not feel tied to the committee.

30 Chair Price asked Commissioner Fowler if she would like to continue to serve on the
31 committee.

32 Commissioner Fowler said if no one else was interested, she was fine to continue to
33 serve. She asked about the schedule of the meetings.

34 Commissioner Greene said the next meeting is in January, and she would give
35 Commissioner Fowler the information.

36 Chair Price said the Strategic Communications Work Group has only met once. She
37 said she was not sure if Commissioner Hamilton wants to stay on the group.

38 Commissioner Hamilton said she is happy to stay on the group, but she questioned the
39 number of committees and the process for determining which committees should be chosen in a
40 round robin format and which should not. She said there should be criteria for why the Board
41 would treat some differently. She said groups with a specific task should not be decided in a
42 round robin process, but those that have ongoing work should be decided in a round robin
43 process. She said every commissioner should have a chance to serve on a committee and that
44 at some point each board or commission should be evaluated based on whether their work is
45 ongoing.

46 Chair Price said that evaluation took place during agenda review and highlighted the
47 library task force, the school capital needs task force, and the broadband task force. She said
48 she could see the broadband task force continuing, but right now the task force is getting ready
49 to look at bids. She said the Transit Policy Steering Committee was created after the light rail
50 issue.

51 Commissioner Greene said it had a specific task to revise the transit plan.

1 Chair Price agreed and said it could potentially sunset or become something else later
2 on.

3 Commissioner Bedford said the Strategic Communications Work Group should remain in
4 the round robin selection process.

5 The Board of Commissioners made the following selections for boards and commissions
6 assignments:
7

Board Name	2022 BOCC Member
ABC Board	Commissioner Fowler
Alliance Board	Commissioner Fowler
Board of Health	Commissioner Hamilton
Board of Social Services	Commissioner Bedford
Burlington/Graham MPO Transportation Advisory Committee	Commissioner Bedford-member Commissioner Richards-alternate
Climate Council	Commissioner Fowler
Community Home Trust Board of Directors	Commissioner McKee
Cooperative Extension Leadership Council	Commissioner McKee
Durham- Chapel Hill – Carrboro Metropolitan Planning Organization Board	Commissioner Bedford-member Commissioner Greene-alternate
Durham Tech Board of Trustees	Commissioner Price
Family Success Alliance Advisory Council	Commissioner Richards
Fire Chief's Association of Orange County	Commissioner McKee
Food Council	Commissioner Greene
Go Triangle Board of Trustees	Commissioner Price
Go Triangle Special Tax Board	Commissioner McKee Commissioner Fowler
Go Triangle Transit Advisory Committee	Commissioner McKee
Healthy Carolinians	Commissioner Hamilton
Intergovernmental Parks Work Group	Commissioner Richards-member Commissioner Hamilton-Alternate
JCPC (Orange County Juvenile Crime Prevention Council)	Commissioner Fowler
Joint Public Safety Training Facility Work Group	Commissioner Hamilton Commissioner Price
Jordan Lake One Water Association-Elected Officials	Commissioner Richards
Justice Advisory Council	Commissioner Richards Commissioner Bedford
Legislative Issues Work Group (LIWG)	Commissioner Richards Commissioner Price
North/South Bus Rapid Transit (N/S BRT) policy committee	Commissioner McKee

Orange County Behavioral Health Work Group	Commissioner Fowler
Orange County Local Government Affordable Housing Collaborative	Commissioner Greene
Orange County Partnership for Young Children	Commissioner Richards
Orange County Partnership to End Homelessness	Commissioner Bedford
Piedmont Food Processing Center	Commissioner Greene
Small Business Loan Program	Commissioner Price
Solid Waste Advisory Group (SWAG)	Commissioner Bedford Commissioner Hamilton
Strategic Communications Work Group	Commissioner Hamilton Commissioner Price
The Chamber For a Greater Chapel Hill-Carrboro Board of Directors	Commissioner Richards
Triangle Area Rural Planning Organization (TARPO) Transportation Advisory Committee	Commissioner Fowler-member Commissioner Greene-alternate
Triangle J. Council of Governments (TJCOG)	Commissioner Greene-member Commissioner Bedford-alternate
Upper Neuse River Basin Association	Commissioner Greene-member Commissioner Bedford-alternate
Visitor's Bureau Advisory Board	Commissioner McKee

1
2 A motion was made by Commissioner Bedford, seconded by Commissioner Fowler, to
3 approve the boards and commissions assignments as selected by the Board of Commissioners.
4

5 **Roll call ensued**

6
7 **VOTE: UNANIMOUS**
8

9 **7. Reports**

10 None.

11
12 **8. Consent Agenda**

13
14 • **Removal of Any Items from Consent Agenda**

15 None.

16
17 • **Approval of Remaining Consent Agenda**
18

19 A motion was made by Commissioner McKee, seconded by Commissioner Hamilton, to
20 approve the consent agenda.
21

22 **Roll call ensued**

23
24 **VOTE: UNANIMOUS**
25

1 • **Discussion and Approval of the Items Removed from the Consent Agenda**

2 None.

3
4 **a. Minutes**

5 The Board approved minutes from the November 11, 2021 Board of County Commissioners Meeting.

6
7 **b. Second Reading of Amendments of Portions of the Code of Ordinances to Comply with North Carolina Session Law 2021-138**

8
9 The Board considered the second reading of ordinances having misdemeanors as one of the available enforcement options and to repeal or re-adopt the misdemeanor provisions as may be required by law and adopted the proposed amendments and re-adopt existing language as described.

10
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12
13 **c. Schools Adequate Public Facilities Ordinance (SAPFO) – Approval of Membership and Capacity Numbers**

14
15 The Board approved the November 15, 2021 membership and capacity numbers for both school districts (Orange County and Chapel Hill-Carrboro City Schools) which will be used in developing 10-year student membership projections and the 2022 SAPFO Technical Advisory Committee (SAPFOTAC) Report.

16
17
18
19 **d. Lake Orange Erosion Control Barrier Replacement Project - Construction Contract Award**

20
21 The Board awarded a contract for the construction of the Lake Orange Erosion Control Barrier Replacement Project.

22
23 **e. Approval of Trail Easement – Edward Johnson Property**

24 The Board accepted a trail easement donation for the purpose of construction of a section of the NC Mountains-to-Sea Trail (MST).

25
26 **f. Contract for the Development of a Solid Waste Master Plan**

27 The Board approved and authorized the County Manager to sign a contract with Gershman, Brickner & Bratton, Inc. (“GBB”) for the development of a Solid Waste Master Plan.

28
29 **g. Fiscal Year 2021-22 Budget Amendment #5**

30 The Board approved a budget amendment for Fiscal Year 2021-22 for the Health Department; Northern Campus Energy Incentives; Department of Social Services; and Arts Commission.

31
32 **h. Fiscal Year 2021-22 Budget Amendment #5-A**

33 The Board approved Budget Amendment #5-A for Fiscal Year 2021-22 for the Employee Wage Adjustment; Schools Achievement Gap and Mental Health Funding; American Rescue Plan Act Funding Replacement; Crisis Diversion Facility Design; and Future Capital Pay-As-You-Go Funding.

34
35
36
37 **i. Fiscal Year 2021-22 Budget Amendment #5-B – ARPA**

38 The Board approved Budget Amendment #5-B for Fiscal Year 2021-22.

39 **j. Authorization to Approve an Interim Senior Lunch Caterer Contract**

40 The Board authorized the approval of an interim food service caterer contract to provide noon meals for the Home and Community Care Block Grant-funded Senior Lunch Program at the Seymour and Passmore Centers for the period January 18, 2021 through June 30, 2022.

41
42
43
44 **9. County Manager’s Report**

45 Bonnie Hammersley highlighted the informational items in the Board’s agenda packet. She said there is information about the Mountains to Sea Trail from OWASA. She wished the Board happy holidays.

46
47
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49 **10. County Attorney’s Report**

50 John Roberts said he did not have a report and wished the Board happy holidays.

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11. *Appointments

a. Orange County Broadband Task Force – Appointment Discussion

The Board approved an appointment to the Orange County Broadband Task Force. This item was added to the agenda at the beginning of the meeting.

BACKGROUND:

The Orange County Broadband Task Force is charged to discuss broadband solutions to improve the quality of high-speed Internet services to Orange County residents; and recommend a plan to the Board of Orange County Commissioners to expand reliable high-speed internet services to all county residents and businesses.

The Board of County Commissioners appoints all 12 members.

The following member is recommended for appointment for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Erica Bryant	County Manager Designee	First Full Term	01/31/2023

If the individual listed above is appointed, no vacancies remain.

Chair Price reviewed the recommendation to appoint Erica Bryant to the task force.

A motion was made by Commissioner McKee, seconded by Commissioner Greene, to approve Erica Bryant as the County Manager Designee for the Orange County Broadband Task Force.

Roll call ensued

VOTE: UNANIMOUS

12. Information Items

- December 6, 2021 BOCC Meeting Follow-up Actions List
- Memorandum - Meeting with OWASA Management and Staff on MST

1 **13. Closed Session**

2 None.

3

4

5 **14. Adjournment**

6

7 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
8 adjourn the meeting at 9:50 p.m.

9

10 **Roll call ensued**

11

12 **VOTE: UNANMIOUS**

13

14

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16

17

18 Laura Jensen

19 Clerk to the Board

20

21

Submitted for approval by Laura Jensen, Clerk to the Board.

Renee Price, Chair

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

**Action Agenda
Item No. 8-b**

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for three taxpayers with a total of three bills that will result in a reduction of revenue.

BACKGROUND: North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

- (a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
- (b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
- (c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of \$1,359.11 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2021-2022 is \$13,302.70.

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

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

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

- Accept the report reflecting the motor vehicle property tax releases/refunds requested in accordance with the NCGS; and
- Approve the attached release/refund resolution.

NORTH CAROLINA

RES-2022-001

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached “Request for Property Tax Refund/Release” has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2022.

Clerk to the Board of Commissioners

**BOCC REPORT - REGISTERED MOTOR VEHICLES
JANUARY 18, 2022**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Cales, Russell	63661878	2021	10,650	10,650	(107.05)	*Situs error (illegal tax)	
Gagnon, Claudette	63702434	2020	31,860	0	(600.32)	County changed to Chatham (illegal tax)	
Rose, Sherri	63909669	2020	37,250	0	(651.74)	County changed to Chatham (illegal tax)	
				Total	(1,359.11)		

Adjustment Descriptions

Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.

Illegal tax G.S. 105-381(a)(1)(b): e.g. when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.

Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.

Appraisal appeal G.S. 105-330.2(b): e.g. reduction in value due to excessive mileage or vehicle damage.

**Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that*

Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.

Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

Military Leave and Earning Statement (LES): Is a document given on a monthly basis to members of the United States military which reports their pay, home of record and service status. The LES is required when applying for exemption from Motor Vehicle Property Taxes. Active duty, non-resident military personnel may be exempt from North Carolina motor vehicle property tax as allowed by United States Code, Title 50, Service members' Civil Relief Act of 1940. (Amended in 2009 by The Military Spouse's Residency Relief Act)

Titles and Brands: Section 1, Chapter 7
NCDMV Title Manual 14th Edition Revised January 2016

Title: Document that records the ownership of vehicles and the liens against them.

Custom-Built: A vehicle that is completely reconstructed or assembled from new or used parts. Will be branded "Specially Constructed Vehicle"

Flood Vehicles: A motor vehicle that has been submerged or practically submerged in water to the extent that damage to the body, engine, transmission or differential has occurred.

Reconstructed Vehicles: A motor vehicle required to be registered that has been materially altered from original construction due to the removal addition or substitution of essential parts.

Salvaged Motor Vehicles: Is a vehicle that has been damaged by collision or other occurrence to the extent that the cost of repairs exceeds 75% of fair market value, whether or not the motor vehicle has been declared a total loss by an insurer. Repairs shall include the cost of parts and labor, or a vehicle for which an insurance company has paid a claim that exceeds 75% of the Fair Market Value. If the salvaged vehicle is six model years old or newer, an Anti-Theft Inspection by the License and Theft Bureau is required.

Salvage Rebuilt Vehicle: A salvaged vehicle that has been rebuilt for title and registration.

Junk Vehicle: A motor vehicle which is incapable of operation or use upon the highways and has no resale value except as scrap or parts. The vehicle shall not be titled.

Antique Vehicle: A motor vehicle manufactured in 1980 and prior

Commercial Trucking (IRP): The International Registration Plan is a registration reciprocity agreement among jurisdictions in the US and Canada which provides for payment of license fee on the basis of fleet miles operated in various jurisdictions.

Total Loss: Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.

Total Loss/Rebuilt: Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.

Certificate of Destruction: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

**Action Agenda
Item No.** 8-c

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release property tax values for sixteen taxpayers with a total of seventeen bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received sixteen taxpayer requests for release or refund of property taxes. North Carolina General Statute 105-381(b), "Action of Governing Body" provides that "upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the Taxing Unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made". North Carolina law allows the Board to approve property tax refunds for the current and four previous fiscal years.

FINANCIAL IMPACT: Approval of this change will result in a net reduction in revenue of \$318,910.26 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

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

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the attached resolution approving these property tax release/refund requests in accordance with North Carolina General Statute 105-381.

NORTH CAROLINA

RES-2022-002

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached “Request for Property Tax Refund/Release” has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2022.

Clerk to the Board of Commissioners

Clerical error G.S. 105-381(a)(1)(a)
 Illegal tax G.S. 105-381(a)(1)(b)
 Appraisal appeal G.S. 105-330.2(b)

**BOCC REPORT - REAL/PERSONAL
 JANUARY 18, 2022**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Armstrong-Carter, Emma	3197208	2021	7,860	0	(144.60)	Assessed in error (illegal tax)	Gap Bill: Vehicle registered in California during gap period
Clements, Susan Annette	3191514	2021	20,000	0	(321.22)	Assessed in error (illegal tax)	Property tax was paid in Chatham County for 2021
Cook, Alex Scott	3180326	2019	5,940	0	(272.51)	Assessed in error (illegal tax)	Gap bill: Vehicle was registered in South Carolina during gap period
Davis, Von Brian	3197238	2021	5,870	0	(237.26)	Assessed in error (illegal tax)	Gap bill: Vehicle was registered in Virginia during gap period
Edwards, Wanda	311202	2021	177,800	88,900	(1,347.46)	Incorrect value (clerical error)	Homestead exemption application was timely filed but documentation was received late
Gimson, Ryan Knowlton	3197068	2021	3,480	0	(176.99)	Assessed in error (illegal tax)	Gap bill: Vehicle was registered in Vermont during gap period
Long, Joel	153102	2021	171,700	85,850	(1,206.79)	Incorrect value (clerical error)	Homestead exemption application was timely filed but documentation was received late
NR Edge Apartments Property Owner LLC	3183778	2021	52,390,200	0	(285,002.69)	Double billed (illegal tax)	Annexation bill created in error. Original bill already included the Chapel Hill district. Annexation ordinance filed July 2021 but effective in 2018
NR Edge Property Owner LLC	3183825	2021	1,786,000	0	(9,715.84)	Double billed (illegal tax)	Annexation bill created in error. Original bill already included the Chapel Hill district. Annexation ordinance filed July 2021 but effective in 2018
NR Edge Property Owner LLC	3183826	2021	3,158,400	0	(17,181.70)	Double billed (illegal tax)	Annexation bill created in error. Original bill already included the Chapel Hill district. Annexation ordinance filed July 2021 but effective in 2018
Orange Grove Volunteer Fire Company Inc.	254313	2021	120,600	0	(1,204.97)	Assessed in error (illegal tax)	Government exempt property billed in error. This property was newly acquired by the Fire Department in 2020
Ragone, Christina	3197237	2021	6,040	6,040	(244.13)	Assessed in error (illegal tax)	Gap bill: Vehicle was registered in Virginia during gap period
Rockford Development LLC	3190654	2021	97,300	1	(1,063.11)	Assessed in error (illegal tax)	Value changed due to the road parcel being incorrectly valued as developable land
Thompson, Mary Burch Etal	56777	2021	20,000	0	(182.72)	Assessed in error (illegal tax)	Property was incorrectly mapped and should not have been created
Wallace, James Harry Sr.	3197182	2021	20,190	0	(133.65)	Assessed in error (illegal tax)	Gap bill: Vehicle was registered in Florida during gap period
Wilkinson, Maris D Etal	3191450	2021	35,280	0	(322.32)	Double billed (illegal tax)	Singlewide mobile home was also assessed as real property on account 3190987
Zornick, Alexandra	3197252	2021	4,100	0	(152.30)	Assessed in error (illegal tax)	Gap bill: Vehicle was registered in Texas during gap period
				Total	(318,910.26)		
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.							
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.							
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.							

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

**Action Agenda
Item No.** 8-d

SUBJECT: Applications for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider six untimely applications for exemption/exclusion from ad valorem taxation for six bills for the 2021 tax year.

BACKGROUND: North Carolina General Statutes (NCGS) typically require applications for exemption to be filed during the listing period, which is usually during the month of January. Applications for Elderly/Disabled Exclusion, Circuit Breaker Tax Deferment and Disabled Veteran Exclusion should be filed by June 1st of the tax year for which the benefit is requested. NCGS 105-282.1(a1) does allow some discretion. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this provision applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

Four of the applicants are applying for homestead exclusion based on NCGS 105-277.1, which allows exclusion of the greater of \$25,000 or 50% of the appraised value of the residence.

One applicant is applying for exclusion based on NCGS 105-277.1C, which allows for an exclusion of \$45,000 for an honorably discharged Disabled American Veteran.

One applicant is applying for exemption based on NCGS 105-278.7 which allows for an exemption from property taxes for property used for educational, scientific, literary or charitable purposes.

Including these six applications, the Board will have considered a total of twenty-four untimely applications for exemption of 2021 taxes since the 2021 Board of Equalization and Review adjourned on September 01, 2021. Taxpayers may submit an untimely application for exemption of 2021 taxes to the Board of Commissioners through December 31, 2021.

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

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of the exemption application will result in a reduction of FY 2021/2022 taxes due to the County, municipalities, and special districts in the amount of \$14,849.05.

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

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the attached resolution for the above-listed applications for FY 2021/2022 exemption.

NORTH CAROLINA

RES-2022-003

ORANGE COUNTY

EXEMPTION/EXCLUSION RESOLUTION

Whereas, North Carolina General Statutes 105-282.1 empowers the Board of County Commissioners to approve applications for exemption after the close of the listing period, and

Whereas, good cause has been shown as evidenced by the information packet provided, and

Whereas, the Tax Administrator has determined that the applicants could have been approved for 2021 had applications been timely.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF ORANGE COUNTY THAT the properties applying for exemption for 2021 are so approved as exempt.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business meeting of said Board held on _____ said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this ____ day of _____, 2022.

Clerk to the Board of Commissioners

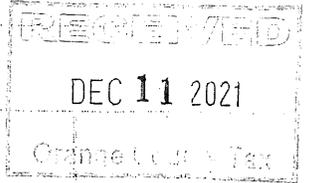
Late exemption/exclusion application - GS 105-282.1(a1)

**BOCC REPORT - REAL/PERSONAL
LATE EXEMPTION/ EXCLUSION
JANUARY 18, 2022**

NAME	ACCOUNT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Defoe, Pamela	1074506	2021	156,400	78,200	(1,099.26)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Felix, Ethel	280639	2021	208,100	104,050	(1,577.08)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Flowers, Sylvia	1074654	2021	246,900	201,900	(632.56)	Late application for exemption General Statute 105-277.1C (disabled veteran exemption)
Healing Justice Center	3190985	2021	968,100	0	(8,844.56)	Late application for exemption General Statute 105-278.7 (other charitable, educational, scientific, literary or charitable purposes)
Simmons, Peddy	101283	2021	226,300	121,624	(956.32)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Wilson, Odessa	3175761	2021	229,500	114,750	(1,739.27)	Late application for exemption General Statute 105-277.1 (homestead exemption)
				Total	(14,849.05)	

*Circuit Breaker does not result in a reduction in value. The exemption received is based on the income of the taxpayer.

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.



Application

Date: 12/10/21

To Whom It May Concern:

I, (PRINT NAME) Pamela G. DeFor
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2021
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9873255560

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:
I am 64 years old and closed on my first home (Habitat For Humanity) August 2020. I was not sure what to do about my tax. I am, and was, not aware of the deadline + applicable period.
How did you find out about the program(s)? Word of mouth (neighbors).

Thank you,
Pamela G. DeFor
(Signature)



**Request for Approval of
Property Tax Exemption, Exclusion or Deferral
Due to Showing of Good Cause for Failure to Make a Timely Application**

Date: Oct. 6, 2021

To Whom It May Concern:

I, (PRINT NAME) Ethel Felix,
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2021
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9788184570.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

The reason for delay in submitting my application is because the county is re-evaluating my property valuation and I have not received my corrected tax bill to know how much I will owe. Also I do not file income taxes and do not have a copy of my SS amount.

How did you find out about the program(s)? I heard about this program through the Marian Cheek Jackson Center

Thank you,

E - Felix
(Signature)



Request for Approval of Property Tax Exemption, Exclusion or Deferral Due to Showing of Good Cause for Failure to Make a Timely Application

Date: 11-30-2021

To Whom It May Concern:

I, (PRINT NAME) Sylvia Flowers, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2021 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9873445246. Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain: Certification for disabled veteran's Property Tax Exclusion

How did you find out about the program(s)? NC DVA

Thank you, [Signature] (Signature)



FILED

NOV 22 2021

ORANGE COUNTY
TAX ADMINISTRATION

**Request for Approval of
Property Tax Exemption, Exclusion or Deferral
Due to Showing of Good Cause for Failure to Make a Timely Application**

Date: November 19, 2021

To Whom It May Concern:

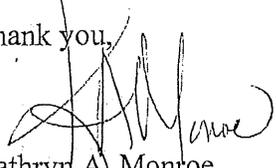
I, Kathryn A. Monroe on behalf of the Healing Justice Center, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2021 on Tax Abstract or Parcel Identification Number(s) 9856438738, located at 1800 Halls Mill Road in Hillsborough, NC.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

Please explain: The nonprofit I lead, called the Healing Justice Center, purchased this property in October 2020. We were informed by realtors at the time that we would be exempt from paying property taxes because we are an IRS-determined 501(c)(3) public charity. We assumed that this information was correct, and only learned that this it was incorrect when we received a property tax bill due September 1, 2021. We undertook research and sought legal advice on how to receive an exemption. That legal advice led to our filing the current application for exemption. We apologize for not knowing the process before and, therefore, being delayed in submitting this application. We will be timely with our annual applications going forward.

How did you find out about the program(s)? Through the Orange County Tax Office.

Thank you,


Kathryn A. Monroe
Executive Director



**Request for Approval of
Property Tax Exemption, Exclusion or Deferral
Due to Showing of Good Cause for Failure to Make a Timely Application**

Date: 12/12/2021

To Whom It May Concern:

I, (PRINT NAME) Peddy Anne Simmons,
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2021
on Tax Abstract or Parcel Identification Number(s) (PIN) #
988 4511701.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

Too hard to pay bills on only
Social Security for income.

How did you find out about the program(s)? friend

Thank you,

Peddy Anne Simmons
(Signature)



**Request for Approval of
Property Tax Exemption, Exclusion or Deferral
Due to Showing of Good Cause for Failure to Make a Timely Application**

Date: December 13, 2021

To Whom It May Concern:

I, Odessa Wilson, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2021 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9788078622.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

My reason for the delay was because my property was audited and I did not know that I needed to resubmit my application for the Homestead Exemption until the deadline had passed.

How did you find out about the program(s)? Marian Cheek Jackson Center

Thank you,


(Signature)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

**Action Agenda
Item No. 8-e**

SUBJECT: Advertisement of Tax Liens on Real Property

DEPARTMENT: Tax Administration

ATTACHMENT(S):

- 1) Order of the Board of County Commissioners in Accordance with NCGS 105-369
- 2) Advertisement Headers
- 3) North Carolina General Statute 105-369
- 4) List of Unpaid 2021 Taxes: On File in the Clerk to the Board of Commissioner's Office

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To report the amount of unpaid taxes for the current year that are liens on real property as required by North Carolina General Statute 105-369 and to request on or about March 23, 2022 as the date set by the Board for the tax lien advertisement.

BACKGROUND: North Carolina General Statute 105-369 requires the Tax Administrator to report to the governing board the total amount of unpaid taxes for the current year that are liens on real property. This report is available in the Clerk to the Board of County Commissioners' office. Upon receipt of this report, the governing board must order and set a date for the lien advertisement. Tax liens may be advertised any time between March 1 and June 30. All properties that were sold during the year of 2021 will be advertised in the new owners' names.

The process includes that a notice alerting property owners to the pending advertisement must be mailed at least 30 days in advance of the date of advertisement. This mailed notice will state that the last day to pay 2021 taxes in order to avoid being advertised is March 9, 2022. Between the mailed notice and the advertised notice, property owners are advised that collection efforts are underway. North Carolina General Statute 105-369 mandates both these notices.

The Tax Administrator will post the list of advertised delinquent property owners, using the same information and a similar format, on the Tax Office website. There will be a link on the Tax Office home page to view the list of advertised delinquent property owners: <http://www.orangecountync.gov/728/Tax-Administration>. The list will be posted on the same date as the list will be advertised in the newspapers and remain posted for 30 days.

North Carolina General Statute 105-369 (d) requires the Tax Administrator to determine the actual cost of the advertisement and to set a fee to cover the actual costs. The cost for advertisement

will be \$5.75 per parcel to cover the costs to advertise all tax liens in *The News of Orange* and *The Herald Sun*.

FINANCIAL IMPACT: All financial impacts related to the tax lien advertisement process are already addressed in the approved FY 2021-22 budget, and there will be no net financial impact to the County.

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

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board accept the report and approve and authorize the Chair to sign the Order setting the lien sale advertisement on or about March 23, 2022.

**ORDER OF THE BOARD OF COUNTY COMMISSIONERS
IN ACCORDANCE WITH G.S. 105-369**

State of North Carolina
County of Orange

To: Nancy T. Freeman, Tax Collector of Orange County

You are hereby authorized, empowered, and commanded to advertise tax liens on real property for failure to pay 2021 taxes. You shall advertise said liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. **Advertisement of the tax liens shall be made on or about Wednesday, March 23, 2022.**

This order shall be a full and sufficient authority to direct, require, and enable you to advertise said tax liens in accordance with North Carolina General Statute 105-369.

Witness my hand and official seal, this ___ day of _____, 2022

Renee Price
Chair, Board of County Commissioners

Attest:

Laura Jensen
Clerk to the Board of County Commissioners

Attachment 2

§ 105-369. Advertisement of tax liens on real property for failure to pay taxes.

(a) Report of Unpaid Taxes That Are Liens on Real Property. - In February of each year, the tax collector must report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property. A county tax collector's report is due the first Monday in February, and a municipal tax collector's report is due the second Monday in February. Upon receipt of the report, the governing body must order the tax collector to advertise the tax liens. For purposes of this section, district taxes collected by county tax collectors shall be regarded as county taxes and district taxes collected by municipal tax collectors shall be regarded as municipal taxes.

(b) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1013.

(b1) Notice to Owner. - After the governing body orders the tax collector to advertise the tax liens, the tax collector must send a notice to the record owner of each affected parcel of property, as determined as of the date the taxes became delinquent. The notice must be sent to the owner's last known address by first-class mail at least 30 days before the date the advertisement is to be published. The notice must state the principal amount of unpaid taxes that are a lien on the parcel to be advertised and inform the owner that the name of the record owner as of the date the taxes became delinquent will appear in a newspaper advertisement of delinquent taxes if the taxes are not paid before the publication date. Failure to mail the notice required by this section to the correct record owner does not affect the validity of the tax lien or of any foreclosure action.

(c) Time and Contents of Advertisement. - A tax collector's failure to comply with this subsection does not affect the validity of the taxes or tax liens. The county tax collector shall advertise county tax liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. The municipal tax collector shall advertise municipal tax liens by posting a notice of the liens at the city or town hall and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. Advertisements of tax liens shall be made during the period March 1 through June 30. The costs of newspaper advertising shall be paid by the taxing unit. If the taxes of two or more taxing units are collected by the same tax collector, the tax liens of each unit shall be advertised separately unless, under the provisions of a special act or contractual agreement between the taxing units, joint advertisement is permitted.

The posted notice and newspaper advertisement shall set forth the following information:

(1) Repealed by Session Laws 2006-106, s. 2, effective for taxes imposed for taxable years beginning on or after July 1, 2006.

(1a) The name of the record owner as of the date the taxes became delinquent for each parcel on which the taxing unit has a lien for unpaid taxes, in alphabetical order.

(1b) After the information required by subdivision (1a) of this subsection for each parcel, a brief description of each parcel of land to which a lien has attached and a statement of the principal amount of the taxes constituting a lien against the parcel.

(2) A statement that the amounts advertised will be increased by interest and costs and that the omission of interest and costs from the amounts advertised will not constitute waiver of the taxing unit's claim for those items.

(3) In the event the list of tax liens has been divided for purposes of advertisement in more than one newspaper, a statement of the names of all newspapers in which advertisements will appear and the dates on which they will be published.

(4) A statement that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes.

(d) Costs. - Each parcel of real property advertised pursuant to this section shall be assessed an advertising fee to cover the actual cost of the advertisement. Actual advertising costs per parcel shall be determined by the tax collector on any reasonable basis. Advertising costs assessed pursuant to this subsection are taxes.

(e) Payments during Advertising Period. - At any time during the advertisement period, any parcel may be withdrawn from the list by payment of the taxes plus interest that has accrued to the time of payment and a proportionate part of the advertising fee to be determined by the tax collector. Thereafter, the tax collector shall delete that parcel from any subsequent advertisement, but the tax collector is not liable for failure to make the deletion.

(f) Listing and Advertising in Wrong Name. - No tax lien is void because the real property to which the lien attached was listed or advertised in the name of a person other than the person in whose name the property should have been listed for taxation if the property was in other respects correctly described on the abstract or in the advertisement.

(g) Wrongful Advertisement. - Any tax collector or deputy tax collector who willfully advertises any tax lien knowing that the property is not subject to taxation or that the taxes advertised have been paid is guilty of a Class 3 misdemeanor, and shall be required to pay the injured party all damages sustained in consequence. (1939, c. 310, s. 1715; 1955, c. 993; 1971, c. 806, s. 1; 1983, c. 808, s. 1; 1983 (Reg. Sess., 1984), c. 1013; 1993, c. 539, s. 725; 1994, Ex. Sess., c. 24, s. 14(c); 1999-439, s. 1; 2000-140, s. 73; 2006-106, s. 2.)

(Advertisement to appear in *The Herald Sun*)

**NOTICE OF ADVERTISEMENT OF TAX LIENS ON REAL PROPERTY
ORANGE COUNTY AND
TOWNS OF CARRBORO, CHAPEL HILL, HILLSBOROUGH AND MEBANE**

Under and by virtue of the authority vested in me by Section 105-369 of the North Carolina General Statutes and pursuant to an order of the Board of Commissioners of Orange County dated **January 18, 2022**, I am hereby advertising tax liens for the year 2021 upon the real estate described below. The amount advertised will be increased by interest and cost. The omission of interest and cost from the amount advertised will not constitute a waiver of the taxing unit's claim for these items. The real estate subject to the lien, the name of the taxpayer (owner as of January 6, 2022), and the amount of taxes due are set out below. If the taxes remain unpaid the lien will be foreclosed by the taxing unit and the property sold to satisfy the claim for the taxes. These collection procedures do not apply to taxpayers under a current US Bankruptcy plan. When a parcel was subdivided after January 1, 2021 and the ownership of one or more of the resulting parcels was transferred, the amount of the tax lien on each parcel is the amount of the lien on the original parcel, as it existed on January 1, 2021, as shown in this advertisement. **This list includes all properties in Orange County.**

This, the 23 day of March 2022.

Nancy T. Freeman
Orange County Consolidated
City-County Tax Collector

(Advertisement to appear in *The News of Orange*)

**NOTICE OF ADVERTISEMENT OF TAX LIENS ON REAL PROPERTY
ORANGE COUNTY AND
TOWNS OF CARRBORO, CHAPEL HILL, HILLSBOROUGH AND MEBANE**

Under and by virtue of the authority vested in me by Section 105-369 of the North Carolina General Statutes and pursuant to an order of the Board of Commissioners of Orange County dated **January 18, 2022**, I am hereby advertising tax liens for the year 2021 upon the real estate described below. The amount advertised will be increased by interest and cost. The omission of interest and cost from the amount advertised will not constitute a waiver of the taxing unit's claim for these items. The real estate subject to the lien, the name of the taxpayer (owner as of January 6, 2022), and the amount of taxes due are set out below. If the taxes remain unpaid the lien will be foreclosed by the taxing unit and the property sold to satisfy the claim for the taxes. These collection procedures do not apply to taxpayers under a current US Bankruptcy plan. When a parcel was subdivided after January 1, 2021 and the ownership of one or more of the resulting parcels was transferred, the amount of the tax lien on each parcel is the amount of the lien on the original parcel, as it existed on January 1, 2021, as shown in this advertisement. **This list includes all properties in Orange County.**

This, the 23 day of March 2022.

Nancy T. Freeman
Orange County Consolidated
City-County Tax Collector

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 18, 2022**

**Action Agenda
Item No. 8-f**

SUBJECT: Human Relations Commission – Approval of Request for Changes to the Meeting Schedule

DEPARTMENT: Human Rights and Relations

ATTACHMENT(S):
HRC Board Policies and Procedures
(Proposed Amendment)

INFORMATION CONTACT:
Sharron Hinton, 919-245-2840

PURPOSE: To approve amendments to the Orange County Human Relations Commission's Policies and Procedures regarding the Commission's monthly meeting schedule.

BACKGROUND: The Orange County Human Relations Commission currently meets on the second Monday of each month. The Orange County Schools (OCS) Board of Education also has a similar meeting schedule. As educational equity is one of the Commission's priorities, several members expressed a desire to attend the OCS Board of Education meetings. However, the current Commission meeting schedule prohibits attendance at OCS Board meetings.

The possibility of changing the meeting date was discussed by the Commission at its November 2021 meeting. The members subsequently voted unanimously to submit a request to the BOCC that the Human Relations Commission meeting date and time be changed to the fourth Tuesday of the month at 6:00 pm.

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the proposed amendments to the HRC Board Policies and Procedures regarding the Commission's meeting schedule.

APPROVED 11/8/2012
 AMENDED 12/174/202117

HUMAN RELATIONS COMMISSION POLICIES AND PROCEDURES

SECTION I: SCOPE

A. Purpose

1. To establish a policy and procedures whereby the Orange County Board of Commissioners will establish the specific policies and procedures governing the Human Relations Commission.
2. The Orange County Board of Commissioners may appoint an advisory board whose duty is to serve in an advisory capacity to make recommendations concerning human relations and social justice issues.

B. Authority

1. North Carolina General Statute §153A-76 grants boards of county commissioners the authority to establish advisory boards.
2. The Orange County Code of Ordinance Chapter 12 Civil Rights § 12-18(j) grants the Human Relations Commission the authority to review the administrative law judge's recommendation of a Complaint made under this Chapter and make a Final Agency Decision.
3. The Orange County Advisory Board Policy serves as the underlying policy document to which the Human Relations Commission, in addition to this policy and procedure document, is subject. The Orange County Advisory Board Policy is attached hereto as "Exhibit A".

43. In the event that there is a conflict between the Orange County Advisory Board Policy and this Policies and Procedures document this Policies and Procedures document shall control.

C. Charge

1. The charge of the Human Relations Commission is as follows:
 - a. study and make recommendations concerning problems in the field of human relationships;
 - b. anticipate and discover practices and customs most likely to create animosity and unrest and to seek solutions to problems as they arise;
 - c. make recommendations designed to promote goodwill and harmony among groups in the County irrespective of their race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability, age, marital status or status with regard to public assistance;
 - d. monitor complaints involving discrimination;
 - e. address and attempt to remedy the violence, tensions, polarization, and other harm created through the practices of discrimination, bias, hatred, and civil inequality; and
 - f. promote harmonious relations within the county through hearings and due process of law.

SECTION II: GOALS AND OBJECTIVES

A. Goals

1. The Human Relations Commission shall seek to prevent and eliminate bias and discrimination because of race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability, age, marital status, or status with regard to public assistance.
2. Advise the Orange County Board of Commissioners with respect to matters relating to human relations and/or social justice issues.
3. Cooperate with and seek to advise and coordinate the activities of persons or groups interested in human relations and/or social justice issues.

APPROVED 11/8/2012
 AMENDED 12/174/202117

4. Conduct inquiries and hear appeals as may reasonably appear necessary to find the facts with respect to allegations of discrimination.
 5. Gather and disseminate information to governmental agencies and to the public regarding human relations and/or social justice issues.
- B. Objectives
1. The Human Relations Commission shall by means of education, persuasion, conciliation and enforcement and utilize all of the powers at its disposal to achieve its goals.
 2. Keep abreast of national, state, and local human rights and social justice issues and advise, make recommendations and/or provide information to the Board of County Commissioners regarding human relations and/or social justice issues.
 3. Develop and maintain collaborative relationships/partnerships within the various communities (faith, business, residents, government, for-profit and non-profit sectors, etc.).
 4. Received allegations of discriminatory housing and public accommodation practices
 5. Host public meetings/events regarding human rights and/or social justice issues.

SECTION III: MEMBERSHIP

- A. Authority
1. North Carolina General Statute 153A-76 grants boards of county commissioners the authority to establish advisory boards and to appoint members to and remove members from those advisory boards. In acting on this authority the Orange County Board of Commissioners hereby establishes certain general conditions to which applicants and members of advisory boards should conform.
- B. Composition
1. The Human Relations Commission is composed of eighteen (18) members.
 2. Members shall represent the following geographic area: at least one member from each of the towns of Chapel Hill, Carrboro and Hillsborough.

SECTION IV. MEETINGS

- A. Staffing
1. Orange County staff may serve a support function to advisory boards upon the approval of the Orange County Manager.
- B. Agendas
1. Items for agendas shall be approved by the Human Relations Commission Executive Committee members including the Chair Vice-Chair, Immediate Past Chair and staff.
- C. Subcommittee Meeting
1. Subcommittees may meet on a date and time outside of regular meeting dates.
- D. Regular meetings
1. Regular meetings shall be held on the ~~fourth~~~~second~~ Tuesday~~Monday~~ of each month at 6:030 p.m. in the Animal Services Building in Chapel Hill.
- E. Executive Committee Meetings
1. The Executive Committee may meet by teleconference.
- F. Closed Session
1. The Commission whether meeting in full or as a subcommittee may meet in closed session for the purpose of preventing the premature disclosure of any

APPROVED 11/8/2012

AMENDED 12/17/2021

scholarship, prize or similar award as provided in N.C. Gen. Stat. §143-318.11(2).

SECTION V. ORIENTATION

A. Attendance

1. Each member shall attend an orientation and training on the Orange County Civil Rights Ordinance presented by the Human Rights and Relations Department to familiarize the Commission members with the operation of County government, the Human Rights and Relations organizational chart, the Orange County Civil Rights Ordinance and the operating procedures of the advisory board.
2. Each voting member will be encouraged to complete the orientation within three months of his or her appointment and to attend training on the Civil Rights Ordinance yearly as provided.

SECTION VI. BY-LAWS

A. By-Laws

1. Any Bylaws adopted by the Human Relations Commission are void and no further bylaws shall be adopted. Procedure shall be governed solely by this policy document and the General Advisory Board Policy Document.
2. Should the Human Relations Commission determine modifications to policies and procedures are necessary the Human Relations Commission may petition the Board of County Commissioners for such modifications.

ORD-2022-001

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

**Action Agenda
Item No.** 8-g

SUBJECT: Fiscal Year 2021-22 Budget Amendment #6

DEPARTMENT: Finance and Administrative Services

ATTACHMENT(S):

Attachment 1. Year-to-Date Budget
Summary

INFORMATION CONTACT:

Rebecca Crawford, (919) 245-2152
Gary Donaldson, (919) 245-2453

PURPOSE: To approve a budget amendment for fiscal year 2021-22.

BACKGROUND:

Northern Campus Energy Incentives

- The Asset Management Department has received notice from Duke Energy that it will receive two additional energy incentives for the installation of solar panels at Northern Campus. These two incentives will total \$129,000. These incentive payments will be appropriated in the Northern Campus Capital Project to purchase any remaining furnishings and equipment required at the buildings.

Orange County Northern Campus (\$129,000) - Project # 10064

Revenues for this project:

	Current FY 2021-22	FY 2021-22 Amendment	FY 2021-22 Revised
Alternative Financing	\$40,085,906	\$0	\$40,085,906
Transfer from General Fund	\$119,700	\$0	\$119,700
Energy Incentive	\$131,500	\$129,000	\$260,500
Total Project Funding	\$40,337,106	\$129,000	\$40,466,106

Appropriated for this project:

	Current FY 2021-22	FY 2021-22 Amendment	FY 2021-22 Revised
Northern Campus Project Expenditures	\$40,337,106	\$129,000	\$40,466,106
Total Costs	\$40,337,106	\$129,000	\$40,466,106

ENVIRONMENTAL IMPACT: The following Orange County Environmental Impact Goals are applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**

Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.

Department of Social Services

2. The department has received an allocation of ARPA funding from the state to provide energy payment assistance to low income households. The program will run from January 2022 to June 2022, and the County will receive \$682,524 for direct payments.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

Health Department

3. The Orange County Health Department has received the following additional funds:
 - **UNC Health Alliance** - An incentive payment of \$51,418 from UNC Health Alliance for its performance in Blue Premier and Next Generation Accountable Care Organization (ACO) alternative payment models for 2020. These funds will be utilized to purchase necessary furnishings, equipment and supplies throughout the department, as well as supplement operational expenses in the Nicotine Replacement Therapy program. This amendment provides for the appropriation of these funds.
 - **UNC FIT** - \$32,000 subcontract from the University of North Carolina School of Medicine, Department of Family Medicine's Community Health Grant, to support an additional Community Health Aide for the Formerly Incarcerated Transition (FIT) program. These funds will cover a full time time-limited position through June 30, 2022. This amendment provides for the appropriation of these funds and the creation of this time-limited FTE.
 - **CDC COVID-19 Vaccination Program** - \$263,260 in federal pass-through grant funding to support the COVID-19 pandemic response. The grant service period ends May 31, 2022. This amendment provides for the appropriation of \$115,003 of this funding to be used towards personal mileage of staff, costs associated with renting a van for mobile vaccine clinics, PPE, and printing of way-finding signage and promotional flyers/postcards to inform residents of the vaccine clinics. The

remaining \$148,257 will reimburse personnel expenses of existing Health and emergency medical services (EMS) staff work in the vaccine clinics. This amendment decreases the fund balance appropriation in the General Fund by \$148,257 for the reimbursement of personnel funds the department will realize.

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

Efland Fire Department

4. The Efland Fire Department has received reimbursement funds of \$25,000 from the NC Department of Transportation for driveway paving costs at Station #3 located on Harmony Church Road. This budget amendment provides for the receipt of these reimbursement funds.

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

- **GOAL: CREATE A SAFE COMMUNITY**

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

Capital – Major Plumbing Repairs

5. The Asset Management Services Department has received notice that due to a long delay in the State Plumbing Inspectors office, the bid for the Orange County Public Transportation sewer improvements project has gone over budget by \$23,570. The work is to disconnect the existing sewer from the tanks and route a new sewer connection into the city sewer system. The existing system is failing and requires the County to pump the tanks monthly in order to keep the restrooms open. The State Plumbing Inspectors office has to approve and provide the permit as they do not allow taps onto city systems without their approval and inspection. County Staff have identified savings in the completed Battle Courtroom Remediation project to fund this overage. This amends the following Capital Ordinances:

Major Plumbing Repairs (\$23,570) - Project # 10075

Revenues for this project:

	Current FY 2021-22	FY 2021-22 Amendment	FY 2021-22 Revised
Alternative Financing	\$295,778	\$23,570	\$319,348
Total Project Funding	\$295,778	\$23,570	\$319,348

Appropriated for this project:

	Current FY 2021-22	FY 2021-22 Amendment	FY 2021-22 Revised
Major Plumbing Expenditures	\$295,778	\$23,570	\$319,348
Total Costs	\$295,778	\$23,570	\$319,348

Battle Courtroom Remediation (-\$23,570) - Project # 10067

Revenues for this project:

	Current FY 2021-22	FY 2021-22 Amendment	FY 2021-22 Revised
Alternative Financing	\$175,000	(\$23,570)	\$151,430
Transfer from General Fund	\$534,000	\$0	\$534,000
Total Project Funding	\$709,000	(\$23,570)	\$685,430

Appropriated for this project:

	Current FY 2021-22	FY 2021-22 Amendment	FY 2021-22 Revised
Battle Courtroom Remediation Expenditures	\$709,000	(\$23,570)	\$685,430
Total Costs	\$709,000	(\$23,570)	\$685,430

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

FINANCIAL IMPACT: Financial impacts are included in the background information above. This budget amendment provides for the receipt of funds in FY 2021-22, which will increase the General Fund by \$1,029,202, the Efland Fire District Fund by \$25,000, and the County Capital Fund by \$129,000.

ENVIRONMENTAL IMPACT: Other than as noted above, there are no Orange County Environmental Responsibility Goal impacts associated with this item.

RECOMMENDATION(S): The Manager recommends the Board approve the budget amendment for Fiscal Year 2021-22.

Year-To-Date Budget Summary

Fiscal Year 2021-22

Fund Budget Summary	General Fund	Fire Districts Fund	County Capital
Original Budget	\$240,762,361	\$7,242,735	\$0
Additional Revenue Received Through Budget Amendment #6 (January 18, 2021)			
Grant Funds	\$3,375,652	\$25,000	\$1,072,716
Non Grant Funds	\$590,781		\$260,500
Fund Balance for Anticipated Appropriations (i.e. Encumbrances)			
Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	\$4,413,785	\$31,750	\$4,454,000
Total Amended Budget	\$249,142,579	\$7,299,485	\$5,787,216
Dollar Change in 2021-22 Approved Budget	\$8,380,218	\$56,750	\$5,787,216
% Change in 2021-22 Approved Budget	3.48%	\$0	\$0

Authorized Full Time Equivalent Positions

Original Approved Full Time Equivalent Positions (includes Permanent and Time Limited)	947.980	0.000	0.000
Changes to Full Time Equivalent Positions	4.625		
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2021-22	952.605	0.000	0.000

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

**Action Agenda
Item No.** 8-h

SUBJECT: Approval of Financing Arrangements for New Hope Volunteer Fire Department to Purchase Fire Truck

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

Attachment 1. November 10, 2021 Public Hearing Notice
Attachment 2. Board of Directors Letter and November 22, 2021 Public Hearing Notes
Attachment 3. Fire Service Agreement
Attachment 4. Certificate of Approval

INFORMATION CONTACT:

Gary Donaldson, 919-245-2453
Rebecca Crawford, 919-245-2152

PURPOSE: To approve New Hope Volunteer Fire Department (NHFD) entering into a financing arrangement to purchase a fire engine truck, and authorize the Board of Commissioners' Chair to sign the appropriate documents related to the financing arrangements.

BACKGROUND: NHFD intends to purchase a fire engine to replace an aging engine originally purchased in 1990. The department went through a competitive bid process and awarded the bid to Atlantic Coast Fire Trucks. The purchase price of the truck is \$621,715. The department will make a down payment of \$221,715 (not from tax supported dollars) and will borrow the remaining \$400,000 in an interest free loan from Piedmont Electric Membership Corporation. The department's unassigned fund balance of \$37,682 will not be impacted by this request.

Volunteer fire departments are required to obtain Board of County Commissioners approval of such purchases only when they use tax-exempt debt financing to pay for a purchase. Volunteer fire departments are not mandated to obtain Board of County Commissioners approval when making purchases that do not require debt financing.

Section 147(f) of the Internal Revenue Code of 1986 outlines specific steps that must occur when a tax supported fire department enters into a financing arrangement. The department has completed the required steps to comply with Section 147.

- **Conduct a public hearing** – On November 22, 2021, NHFD held a public hearing regarding the purchase. NHFD advertised the hearing in *The News of Orange* (Attachment 1). Per the hearing notes in the Board of Directors Letter (Attachment 2), no individuals signed up for comment or made comment when the floor was open during the hearing.

- **Obtain approval of the “applicable elected representatives”** – In accordance with Section 147, the Board of County Commissioners must approve the Department’s plan to enter into the debt arrangement. This approval does not create liability on the part of Orange County nor does it make the County responsible for the repayment of any debt assumed by the fire department. The approval provides a mechanism for the Board of Commissioners to acknowledge that, through this financing arrangement, the Fire Department is pledging use of the Fire Tax District’s tax dollars to repay the loan. In order to comply with this IRS requirement, the Chair of the Board of Commissioners must sign the Fire Service Agreement and Certificate of Approval for the district (Attachment 3 and 4).

FINANCIAL IMPACT: NHFD plans to finance a portion of the cost of the truck in the amount of \$400,000. The Department Board of Directors have agreed to an interest free, 10-year loan with the Piedmont Electric Membership Corporation. The department does not anticipate the purchase will cause an increase in its current district tax rate.

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

- **GOAL: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse, and domestic violence.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

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

1. Approve New Hope Volunteer Fire Department entering into a financing arrangement to purchase a replacement fire truck; and
2. Authorize the Board of County Commissioners’ Chair to sign the appropriate documents related to the financing arrangement.

NORTH CAROLINA
ORANGE COUNTY

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of Orange County, North Carolina, duly commissioned, qualified, and authorized by law to administer oaths and affirmations, personally appeared Melanie Davis who, being duly sworn or affirmed, according to law, doth depose and say that they are an authorized employee of The News of Orange County Newspaper, engaged in the publication of a newspaper known as The News of Orange County Newspaper, issued and entered as second class mail in the Town of Hillsborough in said County and State; that they are authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto was published in The News of Orange County on the following dates: Nov 10, 2021; that the said newspapers in which such notice, paper, document, or legal advertisement was published at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section I-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section I-597 of the General Statutes of North Carolina.

DONNA S ROSE
Notary Public
Person Co., North Carolina
My Commission Expires April 6, 2025

This, the 12 day of Nov, 2021

Melanie Davis

Sworn to and subscribed before me, this 12 day of Nov, 2021

Donna Rose Notary Public

My Commission Expires: 4-6-2025

The New Hope Volunteer Fire Department of Orange County, Inc. will hold its annual meeting on November 22, 2021, at 7:00pm at 4012 Whitfield Road, Chapel Hill, NC 27514. During this meeting, elections for officers and board members for the year 2022 will be held. The fire department is purchasing a new Spartan fire truck and a public hearing will be held for residents of the fire district to provide comments. The public hearing is intended to comply with section 147(f) of the Internal Revenue Code of 1986.



Attachment 2

Street Address (Station 1):
4012 Whitfield Road
Chapel Hill, NC 27514
Phone: (919) 493-1001
Fax: (919) 419-0241

4
Mailing Address:
P.O. Box 16484
Chapel Hill, NC 27516
www.newhopefire.com

New Hope Volunteer Fire Department of Orange County, Inc.

December 9, 2021

Mr. Gary Donaldson
Orange County Finance and Administrative Services
PO Box 8181
Hillsborough, NC 27278

Dear Gary,

The New Hope Volunteer Fire Department is in the process of purchasing a new fire engine to replace and aging 1990 fire engine. Specifications for the new truck were sent to fire truck dealers to meet the requirement for a competitive bid process to purchase the truck. Low bid was awarded to Atlantic Coast Fire Trucks in the amount of \$621,715.00. The fire department will make a down payment of \$221,715.00. The fire department applied for and received an interest free loan in the amount of \$400,000. from Piedmont Electric Membership Corporation to finance the remaining balance on the truck.

The fire department had a public notice published in the New of Orange on November 10, 2021 and documentation is included with this letter. The fire department held a public hearing on November 22, 2021 at 7:00pm. No one from the public attended and there were no comments offered during the public hearing which closed at 7:20pm. The fire department board of directors ask that the Board of County Commissioners approve and sign the necessary documents to meet the requirements of section 147(f) of the Internal Revenue Service. If you need additional information, please contact me at cliff.carroll@newhopefire.com. Thank you for your assistance with this matter.

Regards,

Cliff Carroll, President
Board of Directors
New Hope Fire Department

Fire Service Agreement

This agreement, dated this _____ day of January, 20_____, by and between New Hope Volunteer Fire Department, Inc., a body corporate organized under the Laws of the State of North Carolina, the ("Fire Department"), and Orange County, a body politic, the ("Political Subdivision").

WHEREAS, Fire Department is a not for profit organization duly authorized for the purpose of providing firefighting services in an area within the jurisdiction of the Political Subdivision; and,

WHEREAS, the New Hope Volunteer Fire District is a designated fire district with prescribed boundaries pursuant to NCGS § 153A-233; and,

WHEREAS, the parties wish to enter into an agreement setting forth the area and duties of the Fire Department.

NOW THEREFORE, the Fire Department and Political Subdivision do hereby agree as follow:

1. Political Subdivision recognizes that Fire Department provides firefighting services to the hereafter generally described area or areas: primary firefighting responsibilities (area of responsibility) is New Hope Volunteer Fire District.
2. Political Subdivision shall not be liable or responsible for the conduct and activities of Fire Department.

IN WITNESS WHEREOF, the parties have had this agreement executed by duly authorized representatives thereof.

New Hope Volunteer Fire Department

By _____

Name _____

Title _____

Orange County

By _____

Name _____

Title _____



ORANGE COUNTY
NORTH CAROLINA
FINANCE AND ADMINISTRATIVE SERVICES

405 Meadowlands Drive
Post Office Box 8181
Hillsborough, North Carolina 27278

Phone (919) 245-2151
Fax (919) 644-3324

Certificate of Approval

Section 147(f) Approval and Written Agreement

The undersigned Official of Orange County, NC (hereinafter referred to as "County") pursuant to section 147(f) of the Internal Revenue Code of 1986, as amended (the "code"), hereby approves the entering into by New Hope Volunteer Fire Department of an Agreement in an aggregate principal amount not to exceed \$400,000.00 to finance equipment consisting of One (1) New Atlantic Coast Fire Engine Truck, which will be located at the fire house of the New Hope Volunteer Fire Department. This approval does not in any way constitute any financial involvement or obligation of the County.

Furthermore, this document acknowledges that for consideration, the receipt and sufficiency of which are hereby acknowledged, the New Hope Volunteer Fire Department has provided firefighting and other services for the County for many years and New Hope Volunteer Fire Department hereby agrees to meet the requirement to continue to provide firefighting and other services for the County.

Dated as of _____ - _____

New Hope Volunteer Fire Department

Orange County, NC

Cliff Carroll, President

Signature of authorized representative

Name and Title

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

**Action Agenda
Item No. 8-i**

SUBJECT: Fourth Quarterly Report (2021 Q4) and 2021 Annual Report for Orange County's CDBG-CV Grant

DEPARTMENT: Housing and Community Development

ATTACHMENT(S):

Attachment 1: Quarterly Report on Orange County's CDBG-CV Grant for Emergency Housing Assistance

Attachment 2: 2021 Annual Performance Report on Orange County's CDBG-CV Grant for Emergency Housing Assistance

INFORMATION CONTACT:

Corey Root, Director, Housing and Community Development, (919) 245-2490

PURPOSE: To receive the fourth quarterly update for calendar year 2021, and an annual report for calendar year 2021, on Orange County's Community Development Block Grant – Coronavirus (CDBG-CV) grant from the NC Department of Commerce.

BACKGROUND: On August 25, 2020, Governor Roy Cooper announced the availability of \$28 million from federal Community Development Block Grant – Coronavirus (CDBG-CV) funding to be disbursed to support rental and utility payments and prevent evictions for those with a demonstrated need. The funding will be distributed to eligible community agencies around the state that will work directly with North Carolinians on an application and disbursement process.

Orange County applied for and was awarded CDBG-CV funds to be used with the County's existing Emergency Housing Assistance (EHA) program, which prevents eviction and homelessness by providing financial assistance to help Orange County residents with low incomes secure and maintain stable housing. EHA assistance is available to households in Orange County that earn no more than 30% of the area median income, have an urgent need for housing assistance, and lack resources to cover the cost of their housing need. The County received approval to begin expending CDBG-CV funds on March 17, 2021.

As part of the CDBG-CV grant compliance requirements, Orange County staff must provide quarterly written status reports to the Board of Commissioners on the use of CDBG-CV funds. Each quarterly report must be signed by the Chair and submitted to the NC Department of Commerce. The fourth quarterly report for the grant, covering the fourth quarter of calendar year 2021, covers funds disbursed from October 1 through December 31, 2021 (Attachment 1). Orange

County must also submit an Annual Performance Report that covers CDBG-CV activities for the whole calendar year 2021 (Attachment 2).

FINANCIAL IMPACT: Review and submission of the quarterly report is required in order to maintain Orange County's \$900,000 CDBG-CV grant.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts applicable to this item.

RECOMMENDATION(S): The Manager recommends that the Board review the quarterly report and authorize the Chair to sign the report for submission to the NC Department of Commerce.



Quarterly Report on Orange County's CDBG-CV Grant for Emergency Housing Assistance

Quarter: 2021 Q4

Amount of Funds Disbursed: \$136,829.62

Number of Households Assisted: 38

DEMOGRAPHICS

Applicant Race	Count	% of Total	Applicant Ethnicity	Count	% of Total
White/Caucasian	13	34.2%	Hispanic and/or Latinx	7	18.4%
Black/African American	18	47.4%	Not Hispanic and/or Latinx	31	81.6%
Multiracial	7	18.4%			

Household Income	Count	% of Total
30% AMI	32	84.2%
50% AMI	4	10.5%
60% AMI	2	5.3%

ASSISTANCE PROVIDED

Expense Type	Amount	% of Total Funds Disbursed
Rent Payments (current and/or future)	\$37,247.07	27.2%
Rent Arrears	\$33,477.72	24.5%
Utility Payments	\$16,078.89	11.8%
Mortgage Payments	\$26,352.93	19.3%
Mortgage Arrears	\$18,598.01	13.6%
Security Deposit	\$4,820.00	3.5%
Application Fees + Other Lease Fees	\$255.00	0.2%

This quarterly report was received and reviewed by the Orange County Board of Commissioners on the _____ day of _____, 2022.

Renée Price, Chair
Orange County Board of Commissioners

**NORTH CAROLINA DEPARTMENT OF COMMERCE
STATE ADMINISTERED COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

2021 ANNUAL PERFORMANCE REPORT COVER PAGE

Grantee Name: Orange County, NC

Grant Number: 20-V-3505

Grants Management Representative: Maria Dewees

Grantee Address: Office: 300 W. Tryon Street, Hillsborough, NC 27278 | Mailing: PO Box 8181, Hillsborough, NC 27278

Preparer Information

Name: Maria Dewees

Address: PO Box 8181, Hillsborough, NC 27278

Telephone Number: 919-245-2490

Email Address: mdewees@orangecountync.gov

Local Government Primary Contact: Maria Dewees

Phone Number: 919-245-2490

Email: mdewees@orangecountync.gov

The Annual Performance Report (APR) is required by 4 NCAC 19L.1101. **One original signed hardcopy of this report must be submitted to NC Commerce by January 31, 2022.** The grant recipient's Board Designated Representative certifies on this signatory Cover Page that all the Data in the APR Report are true and correct to the best of her/his knowledge and belief.

Renee Price
Chair, Orange County Board of Commissioners

Typed Name of Authorized Representative

Signature and Date of Authorized Representative

NC COMMERCE - RURAL DEVELOPMENT OFFICE USE ONLY			
Documents Included:			
Coversheet	<input type="checkbox"/>	Contractor Info	<input type="checkbox"/>
Main Summary	<input type="checkbox"/>	Fair Housing Report	<input type="checkbox"/>
Activity Indicators	<input type="checkbox"/>	LAP Report	<input type="checkbox"/>
Other Indicators	<input type="checkbox"/>	Section 3 Form	<input type="checkbox"/>
		Section 504 Report	<input type="checkbox"/>

Main Summary

Grantee: Orange County, NC

Grant Number : 20-V-3505

Note: Reconstruction activities, Clearance activities related to Rehabilitation and Temporary Relocation related to Rehabilitation should all be classified under Rehabilitation.

Contents	Check
Acquisition	
Architectural Barriers	
Clearance Activities	
Code Enforcement	
Disposition	
Fire Protection	
Flood & Drainage	
Historic Preservation	
Machinery & Equipment	
Neighborhood Facilities	
Other Activities	
Other Public Facilities	
Parking Facilities	
Parks & Playgrounds	
Pedestrian Improvements	
Public Services	X
Public Utilities	
Rehabilitation, Commercial	
Rehabilitation, Private	
Rehabilitation, Public	
Relocation Assistance	
Senior Handicapped Centers	
Sewer Improvements	
Solid Waste Facilities	
Street Improvements	
Water and Sewer	
Water Improvements	
Working Capital	
Contractor Information	

An Activity Indicator Form or Other Indicators Form are not required for Administration or Planning. Please provided the requested information below:

Administration		
		State Office Use Only
Budgeted :		
Requisitions Paid between 01/01/2021 and 12/31/2021:		

Planning		
		State Office Use Only
Budgeted :		
Requisitions Paid between 01/01/2021 and 12/31/2021:		

**2020 Annual Performance Report
Activity Indicators**

Grantee: Orange County, NC	Check (X) C-1:	
Project Name: Emergency Housing Assistance	Check (X) E-1:	
Grant Number: 20-V-3505	Check (X) L-1:	
Activity Name, Number and Code: <i>Select from Dropdown list below</i>		

Amount of money leveraged for the activity, if applicable (*Funds other than CDBG fund as part of activity.*)

--

(Proposed is for entire grant activity, Actual is only for the year 2021.)

Housing Program Indicators	Proposed (For Entire Grant)	Actual (2021)
Housing Activities		
Single Units -Rental		
Total number of rental units acquired		
Total number of rental units cleared		
Total number of rental units disposed		
Total number of rental households relocated		
Total number of rental units rehabilitated		
Number of units brought from substandard to standard condition (NC Rehab Standards)		
Number of units brought into compliance with the lead safe housing rule (24 CFR part 35)		
Number of units occupied by elderly (62 years of age or above)		
Single Units - Owner		
Total number of owner units acquired		
Total number of owner units cleared		
Total number of owner units disposed		
Total number of owner households relocated		
Total number of owner occupied units rehabilitated		
Number of units brought from substandard to standard condition (NC Rehab Standards)		
Number of units brought into compliance with the lead safe housing rule (24 CFR part 35)		
Number of units occupied by elderly (62 years of age or above)		
Multi-Units Rental		
Total number of rental units acquired		
Total number of rental units cleared		
Total number of rental units disposed		
Total number of rental households relocated		
Total number of rental units rehabilitated		
Number of units brought from substandard to standard condition (NC Rehab Standards)		
Number of units brought into compliance with the lead safe housing rule (24 CFR part 35)		
Number of units occupied by elderly (62 years of age or above)		
Development of Single-Family Housing		
Total number of owner units created		
Number of affordable units created		
Development of Multi-Unit Rental Housing		
Total number of rental units created		
Total number of rental units rehabilitated		

Non-Economic Development Public Facility Program Indicators	Proposed <i>(For Entire Grant)</i>	Actual (2021)
Number of persons assisted		
Number of persons assisted with new access to a public facility		
Number of persons assisted with improved access to a public facility		
Number of persons assisted where public facility quality was improved		
Non-Economic Development Public Infrastructure Program Indicators	Proposed <i>(For Entire Grant)</i>	Actual (2021)
Water		
Number of persons assisted		
Number of persons assisted with new access to public water		
Number of persons assisted with improved access to public water		
Number of persons assisted where public water quality was improved		
Sewer		
Number of persons assisted		
Number of persons assisted with new access to public sewer		
Number of persons assisted with improved access to public sewer		
Number of persons assisted where public sewer quality was improved		
Streets		
Number of persons assisted		
Number of persons assisted with new access to public streets		
Number of persons assisted with improved access to public streets		
Number of persons assisted where public street quality was improved		
Drainage		
Number of persons assisted		
Number of persons assisted with new access to public drainage		
Number of persons assisted with improved access to public drainage		
Number of persons assisted where public drainage quality was improved		
Sidewalks		
Number of persons assisted		
Number of persons assisted with new access to public sidewalks		
Number of persons assisted with improved access to public sidewalks		
Number of persons assisted where public sidewalk quality was improved		
Other Public Infrastructure		List:
Number of persons assisted		
Number of persons assisted with new access to public sidewalks		
Number of persons assisted with improved access to public sidewalks		
Number of persons assisted where public sidewalk quality was improved		
Public Service Program Indicators		
Number of persons assisted	250	181
Number of persons with new access to service	200	90
Number of persons with improved access to service	250	181
Number of persons where service quality was improved	250	181
Brownfield Projects		
Number of square acres of brownfields remediated		

Comments

2020 Annual Performance Report
Other Indicators: Accomplishments and Beneficiaries

Grantee:	Orange County, NC	Check (X) C-1:	
Project Name:	Emergency Housing Assistance	Check (X) E-1:	
Grant Number:	20-V-3505	Check (X) L-1:	
Activity Name, Number and Code: <i>Select from Dropdown list below</i>			

	Check Box
Units	
Households	X
Persons	

Budgeted \$	\$ 900,000.00
Actual \$	

General Information	Proposed (For Entire Grant)	Actual (2021)
Total Jobs		
Linear Feet		
Square Feet		
Properties		
Households Benefiting		
Rental Units		
One to One Replacement		
Displacements		
594 accessible units		
Elderly		
Female-Head of Household		
Census Data (http://www.census.gov/) or (http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml)	Proposed (For Entire Grant)	Actual (2021)
County Code		
Census Tract		
Block Groups		
Block Groups		
Census Tract		
Block Groups		
Block Groups		
Income Levels	Proposed (For Entire Grant)	Actual (2021)
Please Select One: <input checked="" type="checkbox"/> Households <input type="checkbox"/> Persons		
Extremely Low		148 (81.8%)
Low		25 (13.8%)
Moderate		8 (4.4%)
Non-Low/Moderate		
Total		

Race Code	Proposed (For Entire Grant)		Actual (2021)	
Please Select One: <input type="checkbox"/> Households <input type="checkbox"/> Persons				
Owner	Total	Hispanic	Total	Hispanic
11 White			3	

Other Indicators: Accomplishments and Beneficiaries

12 Black/African American			13	
13 Asian				
14 American Indian/Alaskan Native				
15 Native Hawaii/Other Pacific Islander				
16 American Indian/Alaskan Native & White				
17 Asian & White				
18 Black/African American & White				
19 Amer. Indian/Alaskan Native & Black/African Amer.				
20 Other multi-racial			1	1
Race Code	Proposed		Actual	
Please Select One: <input type="checkbox"/> Households <input type="checkbox"/> Persons	<i>(For Entire Grant)</i>		<i>(2021)</i>	
Renter	Total	Hispanic	Total	Hispanic
11 White			58	9
12 Black/African American			64	1
13 Asian				
14 American Indian/Alaskan Native				
15 Native Hawaii/Other Pacific Islander				
16 American Indian/Alaskan Native & White				
17 Asian & White				
18 Black/African American & White				
19 Amer. Indian/Alaskan Native & Black/African Amer.				
20 Other multi-racial			42	36
Survey Data				
Percent of low and moderate income in service area				
Total number of low and moderate income in service area				
Total number of low and moderate income universe				

Comments: *If you are designating the number of households, how many households are in each unit and how many persons per household.*

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

**Action Agenda
Item No. 8-j**

SUBJECT: Change in BOCC Meeting Schedule for 2022

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

INFORMATION CONTACT:

Laura Jensen, Clerk to the Board, 919-
245-2130

PURPOSE: To consider changes to the Board of Commissioners' meeting calendar for 2022.

BACKGROUND: Pursuant to North Carolina General Statute 153A-40, the Board of County Commissioners must fix the time and place of its meetings or provide a notice of any change in the Meeting Schedule.

It is proposed that all meetings scheduled to occur through June 2022 at the Southern Human Services Center be relocated to the Whitted Building in Hillsborough. The change in location will allow for greater distancing between attendees due to current public health concerns.

It is also proposed to reschedule the May 17, 2022 Business Meeting to May 24, 2022, due to the primary election scheduled for May 17, 2022.

The proposed amended calendar through June 2022 is as follows:

February 2022 Meetings

February 1	BOCC Business Meeting – 7:00 pm – Whitted Building
February 8	BOCC Work Session – 7:00 pm – Whitted Building
February 17	BOCC Business Meeting – 7:00 pm – Whitted Building
February 22	BOCC Joint Meeting with Schools – 7:00 pm – Whitted Building

March 2022 Meetings

March 1	BOCC Business Meeting – 7:00 pm – Whitted Building
March 10	BOCC Work Session – 7:00 pm – Whitted Building
March 15	BOCC Business Meeting – 7:00 pm – Whitted Building
March 21	Legislative Breakfast – 8:30 am – Whitted Building

April 2022 Meetings

April 5	BOCC Business Meeting – 7:00 pm – Whitted Building
April 12	BOCC Budget Work Session - CIP – 7:00 pm – Whitted Building
April 14	BOCC Work Session – 7:00 pm – Whitted Building
April 26	BOCC Business Meeting – 7:00 pm – Whitted Building
April 28	BOCC Joint Meeting with Schools – 7:00 pm – Whitted Building

May 2022 Meetings

May 3	BOCC Business Meeting – 7:00 pm – Whitted Building
May 10	BOCC Budget Public Hearing and Work Session – 7:00 pm Whitted Building
May 12	BOCC Budget Work Session – 7:00 pm – Whitted Building
May 19	BOCC Budget Work Session – 7:00 pm – Whitted Building
May 24	BOCC Business Meeting – 7:00 pm – Whitted Building
May 26	BOCC Budget Work Session – 7:00 pm – Whitted Building

June 2022 Meetings

June 2	BOCC Budget Public Hearing – 7:00 pm – Whitted Building
June 7	BOCC Business Meeting – 7:00 pm – Whitted Building
June 9	BOCC Budget Work Session – 7:00 pm – Whitted Building
June 13	BOCC Staff Evaluation Closed Session – 7:00 pm – Whitted Building
June 21	BOCC Business Meeting – 7:00 pm – Whitted Building

FINANCIAL IMPACT: There is no financial impact associated with this item.

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

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board amend its meeting calendar for 2022 and conduct all meetings previously scheduled to occur at the Southern Human Services Center at the Whitted Building, and to reschedule the May 17, 2022 BOCC Business Meeting to May 24, 2022 at 7:00 pm.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: January 18, 2022

**Action Agenda
Item No. 8-k**

SUBJECT: West End Revitalization Association Letter of Support

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

Draft Letter of Support
WERA Request
WERA Flyer

INFORMATION CONTACT:

Renee Price, BOCC Chair, 919-245-
2130

PURPOSE: To authorize the Chair to sign a letter supporting the West End Revitalization Association's Clean Energy and Climate Justice initiative.

BACKGROUND: In early January, the West End Revitalization Association (WERA) distributed an email requesting that the County "formally endorse and support our collaborative Clean Energy and Climate Justice initiative in writing."

According to the Association's website (www.wera-nc.org), the West End Revitalization Association, Inc. (WERA) is Alamance County's first and only community development corporation (CDC). WERA services residents, homeowners, and landowners of five African American communities in Alamance County and Orange County. These communities were settled by former slaves, just beyond Mebane's city limits, shortly after the Civil War and are 85% to 95% African American.

The Association's original request and description of the Clean Energy and Climate Justice initiative is attached. It is proposed that the Board authorize the Chair to sign the attached Letter of Support on behalf of the Board of Commissioners.

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**

The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impacts are applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**

Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.

- **CLEAN OR AVOIDED TRANSPORTATION**

Implement programs that monitor and improve local and regional air quality by: 1) promoting public transportation options; 2) decreasing dependence on single-occupancy vehicles, and 3) otherwise minimizing the need for travel.

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**

Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

RECOMMENDATION(S): The Manager recommends that the Board authorize the Chair to sign the attached Letter of Support.

January 18, 2022

West End Revitalization Association
PO Box 661
Mebane, NC 27302

I am writing today on behalf of the Board of Orange County Commissioners to convey the Board's support for the Clean Energy and Climate Justice initiative being led by the West End Revitalization Association. We understand that this initiative is being funded by the Environmental Defense Fund, Winward Fund, and the Z Smith Reynolds Foundation.

We also understand that this project includes three major components as Federal, State, and Local governments make decisions about funding provided through the Infrastructure Investment and Jobs Act:

1. Bundling infrastructure for Black, Indigenous, Latinx, and low wealth communities including investments in broadband and environmental protections
2. Electric charging stations for electric vehicles and solar energy cells in public and private developments
3. Benefits to an equitable quality of life including better air quality and lower energy costs

Orange County supports these goals as evidenced by a commitment to make a significant investment in broadband access to unserved and underserved parts of the County, the installation of electric vehicle charging stations in all new or redeveloped County facilities, and the application of the highest regulatory standards allowed by law to maintain environmental quality.

We look forward to working with you to further advance these goals.

Sincerely,

Renee Price, Chair
Board of Orange County Commissioners



West End Revitalization Association (WERA) wera1usa@gmail.com
(WERA) **(336) 675-1608**
PO Box 661 www.weranc.org
Mebane, NC 27302
(Non-Profit 501©-3 1995)

“Cherish every drop of water you drink, Cherish every leaf that’s green, Cherish every hand keeping it clean.”

December 23, 2021

Jamezetta Bedford, Vice Chair jbedford@orangecountync.gov
 Orange County Commissioner
 P.O. Box 8181
 Hillsborough, NC 27278

The West End Revitalization Association (WERA) recently established a Clean Energy and Climate Justice (CECJ) initiative with collaborative funding from the Environmental Defense Fund, Windward Fund, and Z Smith Reynolds Foundation. This CECJ initiative supports numerous federal government agency and local, state, and national grassroots efforts.

WERA is requesting your government agency or organization to formally endorse and support our collaborative Clean Energy and Climate Justice initiative in writing.

The Mebane, NC area’s mega industrial and distribution centers and 119-bypass interstate highway corridor construction present specific challenges that can be addressed to implement Clean Energy and Climate Justice mitigations for local, state, and national environmental safeguards. Construction on the 119-bypass interstate project began a few years ago after a 16-year moratorium resulting from a 1999 Title VI of the Civil Rights Act of 1964 administrative complaint that referenced Environmental Justice Executive Order 12898 filed by WERA at the U.S. Department of Justice. That administrative complaint brought attention to the NCDOT plan targeting destruction of Black, Indigenous, and Latinx communities in Mebane, NC that were denied access to basic public health amenities infrastructure (safe drinking water, sewer connection, paved streets, and stormwater management).

Thousands of acres of farmland and forests are being cleared for the construction of the 27-mile four-lane highway corridor from I-85-40 in Mebane, NC to Danville, VA. Walmart, Lidl, UPS, Chick-Fil-A, and many more mega industrial and distribution centers being constructed overburden the environment and existing public health infrastructure of the area without substantial implementation of measures to engage in green and equitable energy practices to reduce their carbon footprint. These major construction sites are recognized as among the largest on the east coast and in the nation.

US Congressional Senators Thom Tillis and Richard Burr voted for the \$1.2-trillion Infrastructure Bill.

[Sen. Tillis praises infrastructure bill as “big win for North Carolina” \(wect.com\)](#): *“As a member of the bipartisan infrastructure group in the Senate, I worked hard to ensure this package improves North Carolina’s roads, highways, and bridges, as well as major funding for clean water. I am proud we could get this important legislation signed into law,”* Tillis said (Nov. 15, 2021, WASHINGTON, D.C. (WITN))

WERA and collaborative partners are requesting that local, regional, and state government planning and zoning authorities formally include the following in their policies for permitting and zoning of major construction projects for accessing and using funding for the [H.R.3684 - 117th Congress \(2021-2022\): Infrastructure Investment and Jobs Act | Congress.gov | Library of Congress](#)

A. Bundling Infrastructure for Black, Indigenous, Latinx, and low wealth communities:

1. First-time safe drinking water and sewer services.
2. Residential street paving and repair.

3. Broadband & internet services for residential areas and schools.
4. Storm water management

B. Electric charging stations for electric vehicles (EV) and solar energy cells:

1. Distribution and Industrial centers
2. Schools and colleges / universities
3. Grocery stores and malls
4. Equitable neighbor Siting

C. Benefits to Equitable Quality of Life!

1. Diesel Emission Reduction
2. Less Asthma, Lung Disease, and Cancer
3. Ecosystems Renewal
4. Reduction of Heat Waves, Superstorms, and Wildfires
5. Energy Costs Reduction for Homes, Schools, Government Agencies, Businesses, and Industry

We are looking forward to valuable collaborative, collective efforts, and processing of this request of your government agency or organization in the next sixty days.

Please feel welcome to contact us to arrange further discussions and be sure to see the attached flyer.

Respectfully,

Ayo B Wilson, WERA Director of Clean Energy & Climate Justice, ayobwilson@yahoo.com

Omega and Brenda Wilson, WERA Co-Founders, wera1usa@gmail.com or (336) 675-1608

Evon P Connally, WERA Board Chair & Healthcare Professional at Alamance Regional Medical Center

NOTE: Omega and Brenda Wilson are the first couple to receive the Damu Smith Award from the Environmental Section of the American Public Health Association (APHA) [WERA co-founders receive American Public Health Association award | News | mebaneenterprise.com Damu Smith Award recognition for Alumnus Omega and Brenda Wilson, Co-Founders of the West End Revitalization Association \(WERA\) \(shawu.edu\)](#)

SUPPORT> Infrastructure Bundle for Clean Energy & Climate Justice

Black, Indigenous, and Latinx POC communities often lack access to basic public health infrastructure:

- a) First-time safe drinking water and sewer services.
- b) Residential street paving and repair.
- c) Broadband & internet services for residential areas and schools.
- d) Storm water management



What Should be New!

Electric charging stations for electric vehicles (EV) and solar energy cells:

- a) Distribution centers
- b) Industrial centers
- c) Schools and colleges / universities
- d) Grocery stores and malls
- e) Equitable Neighbor Siting



Benefits to Equitable Quality of Life!

- ✓ **Human Health Improves**
Less Asthma and Lung Disease
Less Cancer
- ✓ **Ecosystems Renew**
Heat Wave Reduction
Diesel Emission Reduction
Hurricanes Subside
Superstorms Reduction
Wildfire Containment
- ✓ **Energy Costs Reduction**
Homes & Schools
Government Agencies
Businesses
Industry



West End Revitalization Association (WERA) collaboration and funding:
Environmental Defense Fund Windward Foundation
Z Smith Reynolds Foundation

www.weranc.org

(336) 675-1608

wera1usa@gmail.com

DRAFT

INFORMATION ITEM

Date Prepared: 01/03/22

Date Revised: 00/00/22

BOCC Meeting Follow-up Actions

(Individuals with a * by their name are the lead facilitators for the group of individuals responsible for an item)

Meeting Date	Task	Target Date	Person(s) Responsible	Status
12/14/21	Provide percentage breakdown on requests for housing assistance from the towns and unincorporated Orange County areas	2/2022	Travis Myren	Percentage breakdown to be provided

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Property Tax Collection - Tax Effective Date of Report: December 28, 2021						
Tax Year 2021	Amount Charged in FY 21-22	Amount Collected	Accounts Receivable	Amount Budgeted in FY 21-22	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 165,001,124.00	\$ 128,916,691.38	39,355,969.11	165,001,124.00	\$ 36,084,432.62	78.13%
Real and Personal Prior Year Taxes	\$ 3,676,980.95	\$ 649,689.17	2,595,888.68	\$ 1,155,000.00	\$ 505,310.83	56.25%
Total	\$ 168,678,104.95	\$ 129,566,380.55	\$ 41,951,857.79	\$ 166,156,124.00	\$ 36,589,743.45	77.98%
Registered Motor Vehicle Taxes		\$5,313,384.97	\$5,664.55	\$ 10,339,468.00	\$ 5,026,083.03	51.39%
Tax Year 2020	Amount Charged in FY 20-21	Amount Collected	Accounts Receivable	Amount Budgeted in FY 20-21	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 154,198,531.00	\$ 112,933,216.68	44,289,169.95	\$ 154,198,531.00	\$ 41,265,314.32	73.24%
Real and Personal Prior Year Taxes	\$ 3,818,647.51	\$ 791,246.89	2,666,440.51	\$ 1,155,000.00	\$ 363,753.11	68.51%
Total	\$ 158,017,178.51	\$ 113,724,463.57	\$ 46,955,610.46	\$ 155,353,531.00	\$ 41,629,067.43	73.20%
Registered Motor Vehicle Taxes		\$5,258,239.55	\$14,565.59	\$ 10,770,627.00	\$ 5,512,387.45	48.82%
2021 Current Year Overall Collection Percentage - Real & Personal			76.61%			
2021 Current Year Overall Collection Percentage - with Registered Motor Vehicles			77.33%			
2020 Current Year Overall Collection Percentage - Real & Personal			71.83%			
2020 Current Year Overall Collection Percentage - with Registered Motor Vehicles			72.74%			

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

-
Fiscal Year 2021-2022

Effective Date of Report: December 31, 2021

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	12	19	18	27	12	-							
Bank attachments	8	6	6	4	4	10							
Certifications	-	-	-	-	-	-							
Rent attachments	-	-	-	-	-	-							
Housing/Escheats/Monies	2	2	16	15	14	6							
Levies	-	-	-	-	-	-							
Foreclosures initiated	-	-	3	3	1	-							
NC Debt Setoff collections	\$2,819.45	\$ 1,699.69	\$ 748.44	\$ 1,426.64	\$ 4,239.34	\$ 1,306.23							

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2021-22. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

The Tax Collector will update these figures once each month, after each month's reconciliation process.

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation
Cook, Kenneth Kipling	58350357	2021	3,000	500	(22.85)	0	(22.85)	Antique plate (property classification)	RMV-VTS	Approve	12/15/2021	
Payne, Clarence	230336	2021	950	0	(14.70)	0	(14.70)	Assessed in error (illegal tax)	Personal	Approve	12/1/2021	Mobile home removed August 26, 2020
Ricci, Charles	63745180	2021	3,090	500	(22.84)	0	(22.84)	Antique plate (property classification)	RMV-VTS	Approve	12/29/2021	
Wallace, James Harry Sr.	3197175	2021	4,980	0	(36.63)	0	(36.63)	Assessed in error (illegal tax)	Personal	Approve	12/15/2021	Gap bill: vehicle registered in Florida during gap period
							(97.02)	Total				
*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.												
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.												
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.												
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.												

PLANNING & INSPECTIONS DEPARTMENT
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MEMORANDUM

TO: Board of County Commissioners
FROM: Nishith Trivedi, Orange County Transportation Planner
CC: Craig Benedict, Orange County Planning Director
 Tom Altieri, Comprehensive Planning Supervisor
DATE: January 18, 2022
SUBJECT: SPOT 6.0/STIP 2024-2033
Attachment: SPOT 6 Project Scores in Orange County

This memo is to provide an update to the Board of County Commissioners (BOCC) on the Strategic Prioritization of Transportation (SPOT) cancellation, project scores in Orange County, and the status of the State Transportation Improvement Program (STIP).

Background:

Biennially, the North Carolina Board of Transportation (BOT) adopts a ten-year STIP that funds and schedules transportation projects throughout the state for all modes of transportation. The STIP implements the adopted Comprehensive Transportation Plans (CTP) and Metropolitan Transportation Plans (MTP) of Metropolitan and Rural Planning Organizations (MPO/RPO). The CTPs and MTPs are used by MPO/RPOs to determine which projects are submitted for consideration in the STIP using the SPOT process.

In November, NCDOT’s SPOT Office released the quantitative scores for projects that had been submitted for scoring in the most recent cycle Prioritization 6.0 (P6.0). **These scores were released for informational purposes only, and will not be used in the prioritization or selection of projects. The P6.0 process has been halted, and a different process will be used to develop the next STIP for Fiscal year 2024-2033.** However, the scores can still provide us with insight to help our decision making when it is time to submit projects in Prioritization 7.0 a few years from now.

Orange County and local towns’ project scores are included in the attachment for reference. Key highlights for Orange County-sponsored projects are summarized below:

Highway Projects:

- Old NC-86 (SR-1009) Modernization – Eubanks Road to I-40 – highest scoring Division Needs fundable project.
 - Future SPOT – rural roads should focus on being brought to modern standards
 - Division Needs projects are limited to Secondary Routes (SR) and individual jurisdictions
- NC 54 Improvements – Mebane Oaks Road to Old Fayetteville Road – highest scoring Regional Impact
 - Future SPOT regional corridors (US and NC) should focus on capacity improvements.

Transit, Rail and Bike/Pedestrian Projects:

- Chapel Hill Transit's North-South Bus Rapid Transit (BRT) will not be in the Draft STIP 2024-2033
 - Transit projects compete against all other non-highway projects per SPOT normalization process.
- Dimmocks Mill Road – highest scoring rail project in Orange County – Hillsborough
 - Rail projects typically do well in Regional and Statewide funding categories
- Buckhorn Road – submitted by NCDOT Rail Division – 2nd highest scoring rail project
 - Future SPOT project should focus on the portion south of I-85/I-40
- Orange County may need to address local match and local administration prior to submitting bike/pedestrian projects.

The Draft STIP 2024-2033 will be released in spring 2022 for public comment. It will include revised cost estimates for all projects brought on by increasing project expenses. NCDOT does anticipate some revenue from the new Federal transportation authorization bill called Infrastructure Investment and Jobs Act (IIJA). However, NCDOT has been presenting their financial outlook to local and regional agencies across the state, expressing the following key points as they prepare drafting the 2024-2033 STIP:

- Cost projections may exceed \$11 billion, IIJA funding to NC may provide about \$8 billion.
 - Draft STIP was initially estimated at \$7 billion in October 2021
 - Current and previous STIPs were limited to \$2 – 3 Billion
- Some committed STIP 2020-2029 projects will be removed to ensure a financially constrained Transportation Improvement Program (TIP).
 - NCDOT will work with MPO and RPO to coordinate on project schedule

This concludes the current SPOT cycle. Transportation planning staff will continue to keep the BOCC apprised of the state's STIP process. Feel free to contact staff with any questions.

**SPOT 6 Project Scores in Orange County
Highway Projects**

SPOT ID	Funding Category	Project	From	To	Description	Cost to NCDOT	Statewide Mobility (Out of 100)	Regional Impact (Out of 70)	Division Needs (Out of 50)
H111162*	Division Needs	SR 1005 (Old Greensboro Road)	NC 87 in Alamance County	SR 1942 (Jones Ferry Road)	Modernize roadway	\$ 42,500,000	N/A	N/A	26.05
H185154*	Division Needs	SR 1006 (Orange Grove Road)	I-85	SR 1102 (Dodsons Crossroads)	Modernize roadway including wider lanes and paved shoulders. Includes addition of turn lanes at multiple intersections.	\$ 9,500,000	N/A	N/A	24.20
H185157*	Division Needs	SR 1102 (Dodson Crossroads)	SR 1006 (Orange Grove Road)	NC 54	Modernize roadway including wider lanes and paved shoulders. Improve multiple intersections by adding turn lanes.	\$ 15,000,000	N/A	N/A	20.43
H185158*	Division Needs	SR 1007 (Mebane Oaks Road)	NC 54	SR 2126/2128 (Old Hillsborough Road)	Modernize roadway including wider lanes and paved shoulders. Improve multiple intersections by adding turn lanes.	\$ 15,300,000	N/A	N/A	22.75
H185159*	Division Needs	SR 1009 (Old NC 86)	I-40	SR 1727 (Eubanks Road)	Modernize roadway including wider lanes and paved shoulders. Improve multiple intersections in corridor by adding turn lanes.	\$ 10,700,000	N/A	N/A	33.59
H190432	Division Needs	SR 1727 (Eubanks Road)	Rex Road / Kousa Trail - end of four-lane cross-section	SR 1725 (Millhouse Road)	Widen to four lanes with pedestrian, bicycle, and transit facilities.	\$ 5,800,000	N/A	N/A	14.56
H192437*	Division Needs	SR 1006 (Orange Grove Road)	SR 1148 (Eno Mountain Road)	SR 1192 (Mayo Street)	Create two roundabouts along Orange Grove Road, one at Eno Mountain Road and one at Mayo Street.	\$ 5,800,000	N/A	N/A	21.48
H192689	Division Needs	SR 1734 (Erwin Road)	SR 1731 (Whitfield Road)		Construct a one-lane roundabout.	\$ 3,200,000	N/A	N/A	21.16

**SPOT 6 Project Scores in Orange County
Highway Projects**

SPOT ID	Funding Category	Project	From	To	Description	Cost to NCDOT	Statewide Mobility (Out of 100)	Regional Impact (Out of 70)	Division Needs (Out of 50)
H190523*	Division Needs	SR 1306 (Lebanon Road)	SR 1345 (Mill Creek Road)	SR 1004 (Efland-Cedar Grove Road)	Improve the intersections with the following roads with turn lanes: - SR 1412 (Daniel Farm Road) - SR 1343 (Doe Run Road) - SR 1352 (North Frazier Road) - SR 1340 (High Rock Road) Install a roundabout at SR 1004 (Efland-Cedar Grove Road)	\$ 5,100,000	N/A	N/A	10.04
H192878	Division Needs	New Route - NC 57	US 70	NC 57	Construct a road on a new location to connect US 70 to NC 57, northwest of Hillsborough.	\$ 28,700,000	N/A	N/A	16.34
H111036*	Regional Impact	NC 86	US 70 Bypass	North of NC 57	Widen to four lanes with a median and Improve intersections at US 70 Bypass and NC 57.	\$ 21,300,000	N/A	37.97	25.23
H140374-E	Regional Impact	NC 54	SR 1107/1937 (Old Fayetteville Road)	West Main Street	RCI corridor improvements along NC 54 from the vicinity of Old Fayetteville Rd through the intersection of W Main St and east towards James St in Carrboro with full use of updated Complete Streets policy components.	\$ 8,100,000	N/A	37.02	29.54
H170804*	Regional Impact	US 70	US 70 Connector		Reconstruct interchange to an at-grade intersection.	\$ 18,200,000	N/A	15.55	9.59
H185160*	Regional Impact	NC 54	SR 1007 (Mebane Oaks Road)	SR 1107 (Old Fayetteville Road)	Widen to multilanes	\$ 125,500,000	N/A	39.08	32.18

**SPOT 6 Project Scores in Orange County
Highway Projects**

SPOT ID	Funding Category	Project	From	To	Description	Cost to NCDOT	Statewide Mobility (Out of 100)	Regional Impact (Out of 70)	Division Needs (Out of 50)
H190035	Regional Impact	US 70	SR 1004 (Efland-Cedar Grove Road)		Add left turn lanes on all four approaches of the intersections.	\$ 3,000,000	N/A	34.35	25.98
H191598	Regional Impact	NC 54	NC 119	Mebane Oaks Road	Access management of driveways, sidewalks and shared use path facilities, four lane curb and gutter cross section, intersection and roundabout improvements	\$ 106,000,000	N/A	28.45	25.44
H149000-A	Statewide Mobility	NC 54 (Raleigh Road) (TIP U-5774A)	US 15/501		Improve Interchange	\$ 21,500,000	46.12	30.22	22.58
H149001-A	Statewide Mobility	US 15, US 501 (TIP U-5304A)	NC 54/86 (South Columbia Street)		Improve interchange	\$ 38,100,000	55.24	33.54	26.66
H149001-B	Statewide Mobility	US 501, US 15 (TIP U-5304B)	Sage Road		Intersection Improvement for an standalone superstreet intersection concept	\$ 28,286,000	57.61	35.44	28.11
H149001-C	Statewide Mobility	US 15, US 501 (TIP U-5304E)	Manning Drive		Construct Interchange	\$ 37,446,000	66.46	45.04	34.65
H149001-D	Statewide Mobility	US 15, US 501 (TIP U-5304D)	US 15/501, NC 54 interchange (Raleigh Road)	SR 1742 (Ephesus Church Road)	Construct operational improvements and add sidewalks, sidepaths, and transit accommodations.	\$ 35,343,000	52.89	37.94	31.34
H149001-E	Statewide Mobility	US 15, US 501 (TIP U-5304F)	SR 1742 (Ephesus Church Road)	I-40	Construct capacity and operational improvements and add sidewalks, sidepaths, and transit accommodations.	\$ 38,000,000	74.51	48.12	39.03

* Orange County Priorities

**SPOT 6 Project Scores in Orange County
Bike/Ped Projects**

SPOT ID	Project	From	To	Description	Cost to NCDOT	Statewide Mobility (Out of 100)	Regional Impact (Out of 70)	Division Needs (Out of 50)
B192919	East Franklin Street Sidepath	Booker Creek Greenway Trail	Bolin Creek Greenway Trail	Construct sidepath along north side of Franklin Street to connect Bolin and Booker Creek Greenway Trails	\$ 2,030,000	N/A	N/A	43.06
B193089	NC 86 (Martin Luther King, Jr. Parkway) SR 1777 (Homestead Road)	SR 1770 (Estes Drive)	SR 1777 (Homestead Road)	Construct multi-use sidepaths along NC 86	\$ 4,836,700	N/A	N/A	41.85
B192899	Estes Drive	Caswell Rd	East Franklin Street	Construct bicycle lanes on both sides of the street and a sidewalk on the south side of the street.	\$ 423,800	N/A	N/A	40.55
B171175	SR 1843 (Seawell School Road)	SR 1780 (Estes Drive Extension)	SR 1777 (Homestead Road)	Construct a sidepath along the entire corridor from Estes Drive to Homestead Road.	\$ 3,289,000	N/A	N/A	37.99
B150258	Tanyard Branch-Carrboro Connector	Broad Street	Village Drive & Tanyard Branch Greenway	Construct an off-road multi-use path providing bicycle and pedestrian safety.	\$ 1,273,000	N/A	N/A	32.61
B193180	Bolin Creek Greenway Extension Estes Drive	Umstead Park	Estes Drive	Extend Bolin Creek Greenway from Umstead Park to Estes Drive to connect bike-ped facilities	\$ 1,850,000	N/A	N/A	32.28
B170403	SR 1008 (Mt. Carmel Church Road)	US 15/501	SR 1913 (Bennett Road)	Construct a multi-use sidepath on one side of Mt. Carmel Church Road.	\$ 808,000	N/A	N/A	31.90
B193177	Ephesus Church Road Pope Road	Pinehurst Drive	Pope Road	Construct bicycle lanes and sidewalks.	\$ 756,000	N/A	N/A	27.83
B190579	US 70 MUP	N Ninth Street	Ashbury Boulevard	Construct a 10' multiuse path on the north side of US 70.	\$ 1,108,000	N/A	N/A	22.80

**SPOT 6 Project Scores in Orange County
Transit Projects**

SPOT ID	Funding Category	Project	Description	Cost to NCDOT	Statewide Mobility (Out of 100)	Regional Impact (Out of 70)	Division Needs (Out of 50)
T190598	Division Needs	Mebane Park and Ride Lot	Final location to be determined but generally in the vicinity between I-40 and Mebane Oaks Road	\$ 4,342,800	N/A	N/A	27.43
T192636	Division Needs	Chapel Hill-RTP BRT	BRT service from the Chapel Hill Transit Center at UNC Hospital to the new Regional Transit Center in RTP	\$ 55,768,100	N/A	N/A	39.43
T192652	Division Needs	North-South BRT	Eubanks park-and-ride to Southern Village. Entire route is within the limits of the Town of Chapel Hill.	\$ 9,444,380	N/A	N/A	37.57
T192656	Division Needs	North-South BRT w/ Hillsborough	North-South BRT from Eubanks park-and-ride to Southern Village; includes express service to Hillsborough.	\$ 13,589,406	N/A	N/A	35.00
T193079	Division Needs	Expansion vehicle for CT Express Route	CT Express Route runs between Pittsboro and Chapel Hill (with some runs also serving Siler City). In long-term, vehicle may also be used for future possible connecting service to Sanford, or future fixed route services related to Chatham Park.	\$ 450,000	N/A	N/A	4.86
T193096	Division Needs	Hybrid Vans for Shared Ride Service	Specified zones within the Orange County Public Transportation service area	\$ 345,600	N/A	N/A	14.25
T193141	Regional Impact	Durham-Carrboro BRT	Service begins at North Carolina Central University and terminates in Carrboro. Serves downtown Durham, Duke University, South Square, Patterson Place, Easttowne, downtown Chapel Hill, UNC Campus, UNC hospitals, and Carrboro.	\$ 14,154,480	N/A	65.93	47.00
T192949	Regional Impact	GoTriangle Route 800 Headway Reduction	UNC Hospital in Chapel Hill to the Regional Transit Center in RTP/Durham. Serves UNC campus and Southpoint.	\$ 205,215	N/A	61.71	45.00

**SPOT 6 Project Scores in Orange County
Transit Projects**

SPOT ID	Funding Category	Project	Description	Cost to NCDOT	Statewide Mobility (Out of 100)	Regional Impact (Out of 70)	Division Needs (Out of 50)
T192852	Regional Impact	Carrboro-RTP BRT	Begins in Carrboro, serving downtown Carrboro, downtown Chapel Hill, UNC campus, UNC hospital, Southpoint, and RTP.	\$ 55,815,340	N/A	59.00	41.00
T192845	Regional Impact	Durham-Chapel Hill BRT	BRT service from North Carolina Central University in Durham to UNC Hospital in Chapel Hill. Using primarily the 15/501 corridor.	\$ 44,226,075	N/A	55.07	39.86
T192955	Regional Impact	GoTriangle Route 400 Headway Reduction	Durham Station in downtown Durham to UNC Hospital in Chapel Hill. Serves Duke University, South Square, Patterson Place, Easttowne, downtown Chapel Hill and the UNC campus.	\$ 136,810	N/A	54.00	39.86
T192947	Regional Impact	North-South BRT w/ Pittsboro	From Eubanks park-and-ride in Chapel Hill to Chatham Park in Pittsboro.	\$ 16,717,048	N/A	51.71	35.00
T192908	Regional Impact	Chapel Hill to North Hills BRT	BRT service along NC 54, Western Blvd, and Wake Forest Rd serving Chapel Hill, RTP, Morrisville, Cary, and Raleigh.	\$ 100,000,000	N/A	50.79	34.71
T192957	Regional Impact	GoTriangle Route 405 Headway Reduction	UNC Hospital in Chapel Hill to Durham Station in Downtown Durham. Express service serving UNC campus, downtown Chapel Hill, and Duke Universtiy.	\$ 273,620	N/A	47.86	36.43
T171722	Regional Impact	ODX Route Headway Reduction	Durham Station in Downtown Durham to Efland-Cheeks Community Center in Orange County. Serves Duke University, Durham Tech Orange Campus, downtown Hillsborough, and Mebane in Alamance County.	\$ 68,405	N/A	33.86	27.71

**SPOT 6 Project Scores in Orange County
Rail Projects**

SPOT ID	Funding Category	Project	Location	Description	Cost to NCDOT	Statewide Mobility (Out of 100)	Regional Impact (Out of 70)	Division Needs (Out of 50)
R190451	Division Needs	NCRR/NS H Line	SR 1146 (Mattress Factory Road) northward across East Washington Street to US 70	Close the existing the at-grade crossing of SR 1402 (Crossing # 735 474S) which connects East Washington Street and US 70. Replace with a new at-grade crossing by extending Mattress Factory Road (SR 1146) northward across East Washington Street and the NCRR/NS H Line right-of-way to intersect US 70.	\$ 30,000,000	N/A	N/A	16.27
R150318	Statewide Mobility	NCRR/NS H Line	NS/NCRR H Line crossing of Dimmocks Mill Road in Hillsborough.	Construction of grade separation at Dimmocks Mill Road (Crossing # 735 154S) and closure of Bellvue Street existing at-grade crossing (Crossing # 735 152D) and West Hill Avenue existing at-grade crossing (Crossing # 735 151W). Project includes a pedestrian tunnel at Hill Avenue.	\$ 23,711,440	71.43	46.08	34.52
R191321	Statewide Mobility	NCRR/NS H Line	Mt. Willing Rd	This project would realign Mt. Willing Road to line up with Efland Cedar Grove Road at US 70 and would remove the at-grade crossing (735 145T) of the Norfolk Southern Rail Line at mile post H-37.31 and would construct a bridge over this line. This line serves as a connect from Greensboro to Durham.	\$ 31,000,000	65.74	43.29	31.53
R170029	Statewide Mobility	NCRR/NS H Line	Exchange Park Lane (Crossing #735 158U)	Construction of new railroad bridge or other railroad approved method over Exchange Park Lane (Crossing #735 158U) to accommodate pedestrian traffic within the structure.	\$ 19,900,000	14.47	9.65	14.47
R150319	Statewide Mobility	NCRR/NS H Line	Control Point Funston (MP 49.8) to East Durham Yard (MP 56) in Durham	Construction of second main track from Control Point Funston (MP 49.8) to East Durham Yard (MP 56) in Durham.	\$ 50,800,000	14.39	12.08	14.39

**SPOT 6 Project Scores in Orange County
Rail Projects**

SPOT ID	Funding Category	Project	Location	Description	Cost to NCDOT	Statewide Mobility (Out of 100)	Regional Impact (Out of 70)	Division Needs (Out of 50)
R170033	Statewide Mobility	NCRR/NS H Line	MP H 38 to MP H 40.4 near Efland	Construction of curve radius improvements from MP H 38 to MP H 40.4 near Efland.	\$ 4,000,000	14.26	11.95	14.26
R170032	Statewide Mobility	NCRR/NS H Line	MP H 44.5 to MP H 48 east of Hillsborough	Construction of curve radius improvements from MP H 44.5 to MP H 48 east of Hillsborough.	\$ 4,000,000	13.95	11.64	13.95
R192631	Statewide Mobility	NCRR/NS H Line	NCRR H Line from MP 41.7 to MP 42.2.	Construction of curve radius improvements near Collins Ridge in Hillsborough from approximately MP 41.7 to MP 42.2. According to local officials, property for realignment of track was previously obtained.	\$ 5,900,000	13.29	10.98	13.29
R190351*	Statewide Mobility	NCRR/NS H Line	The intersection of Buckhorn Road and the railway. Between E Washington Street and S Frazier Road.	Construction of grade separation east of Frazier Road of a realigned SR 1114 (Buckhorn Road) in Mebane, NC. Project also includes closure of existing at-grade crossing of Buckhorn Road (Crossing # 735 141R). This is part of a larger project that involves realigning the widened SR 1114 (Buckhorn Road) north of the I-40 interchange with US 70 to a 4-lane divided highway as per Design Alternative 2.	\$ 23,600,000	68.82	45.18	33.64

* Submitted by NCDOT Rail Division