



**Orange County  
Board of Commissioners**

**Agenda**

**Virtual Business Meeting**

January 19, 2021

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 19, 2021. 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](http://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. Proclamation Recognizing and Expressing Appreciation to Cordelia Heaney
- b. Proclamation Honoring Dr. Kizzmekia Corbett
- c. National Mentoring Month Proclamation
- d. Presentation of Comprehensive Annual Financial Report for FYE 6/30/2020

**5. Public Hearings**

**6. Regular Agenda**

**NOTE: The public comment period for Item 6-a closed at 9:00AM on January 14, 2021. The BOCC will not accept any further public comment on that agenda item.**

- a. Zoning Atlas Amendment: Master Plan Development Conditional Zoning District (MPD-CZ) for Efland Station (formerly Beaver Crossing)
- b. Amendment to the Code of Ordinances – Non-Discrimination Ordinance

**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 – None
- 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. Request for Road Addition to the State Maintained Secondary Road System for Bennett Orchard Trail in The Orchard Subdivision
- g. Fiscal Year 2020-21 Budget Amendment #6
- h. Resolution in Support of NCACC Presidential Initiative to Promote Food System Resiliency

**9. County Manager's Report**

**10. County Attorney's Report**

**11. \*Appointments**



## 12. Information Items

- December 15, 2020 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

## 13. Closed Session

## 14. Adjournment

*Note: Access the agenda through the County's web site, [www.orangecountync.gov](http://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](http://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](mailto: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: 5-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](mailto: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: 5-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 19, 2021

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

**SUBJECT:** Proclamation Recognizing and Expressing Appreciation to Cordelia Heaney

**DEPARTMENT:** County Commissioners

---

**ATTACHMENT(S):**

Proclamation

**INFORMATION CONTACT:**

Commissioner Sally Greene, 919-245-2130  
Greg Wilder, 919-245-2300

---

**PURPOSE:** To consider a proclamation recognizing and expressing gratitude to Cordelia Heaney for her devotion and service to the people of Orange County.

**BACKGROUND:** After approximately 5 years of service to the Compass Center for Women and Children in Orange County, Cordelia Heaney is stepping down as the Executive Director.

Ms. Heaney has served the Compass Center and the residents of Orange County providing support for victims of domestic violence with temporary housing, crisis counseling, safety planning, support groups, and the Triangle community with career and financial education and legal resources.

Ms. Heaney is leaving the Compass Center on January 31, 2021 for a new professional opportunity in New Orleans.

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

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with consideration of the proclamation.

**ENVIRONMENTAL IMPACT:** There is no Orange County Environmental Responsibility Goal impact associated with consideration of the proclamation.

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign the attached proclamation recognizing and expressing appreciation to Cordelia Heaney for her service to the people of Orange County and wishing her well in her future endeavors.

# ORANGE COUNTY BOARD OF COMMISSIONERS

## PROCLAMATION RECOGNIZING AND EXPRESSING APPRECIATION TO CORDELIA HEANEY

**WHEREAS**, the Compass Center for Women and Families in Orange County supports victims of domestic violence with temporary housing, crisis counseling, safety planning, support groups, and the Triangle community with career and financial education, legal resources, and more; and

**WHEREAS**, Cordelia Heaney joined the Compass Center as Executive Director in 2015; and

**WHEREAS**, under Ms. Heaney's leadership, the Compass Center has changed lives by helping people navigate their journey to health, self-respect, and safety, empowering them and their families to lead productive lives; and

**WHEREAS**, Ms. Heaney has promoted equal access to the services of the Center regardless of gender, gender identity, or economic status; and

**WHEREAS**, Ms. Heaney grew the Center's revenue from approximately \$700,000 to almost \$2 million; and

**WHEREAS**, Ms. Heaney has grown the organization to include its first Black African American Communities Services Coordinator, a support group coordinator for the Latinx Program, a full-time communications professional, a finance coordinator, and part-time positions in economic advocacy and enhanced services; and

**WHEREAS**, Ms. Heaney directed a major fundraising campaign to establish the Safe Homes, New Lives program, a sustainable program for emergency shelter, restoring a critical function that had been missing in the community for thirty years; and

**WHEREAS**, this program will consist of six apartments in Orange County to serve as temporary housing for up to 150 survivors of domestic violence a year, with a crisis housing coordinator on staff to coordinate and facilitate the work; and

**WHEREAS**, even given the difficult circumstances of the pandemic, the program has opened its first apartment, and it has reached its \$675,000 goal for the first three apartments and is working toward the fourth; and

**WHEREAS**, the rationale for this "scattered housing" approach is based on extensive research conducted at Ms. Heaney's behest by Professor Rebecca Macy and a team from the UNC School of Social Work; and

**WHEREAS**, the "scattered housing" approach shares overlapping goals with Orange County's practice of "rapid rehousing" for people experiencing homelessness, and Ms. Heaney has worked in collaboration with the Partnership to End Homelessness on the issue of housing; and

**WHEREAS**, Ms. Heaney is leaving the Compass Center on January 31, 2021 to return to New Orleans for a new professional opportunity;

**NOW THEREFORE** we, the Orange County Board of Commissioners, do hereby recognize and express deep appreciation, gratitude, and respect for Cordelia Heaney for her dedicated leadership and her service to the people of Orange County, and we wish her all the best in her future endeavors.

This the 19<sup>th</sup> day of January, 2021.

---

Renee Price, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** January 19, 2021

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

**SUBJECT:** Proclamation Honoring Dr. Kizzmekia S. Corbett

---

**DEPARTMENT:** County Commissioners

---

**ATTACHMENT(S):**

Proclamation

**INFORMATION CONTACT:**

Commissioner Renee Price, 919-245-2130  
Greg Wilder, 919-245-2300

---

**PURPOSE:** To consider a proclamation honoring Dr. Kizzmekia S. Corbett for her role in the development of a vaccine to address the COVID-19 pandemic.

**BACKGROUND:** Kizzmekia S. Corbett, PhD, is currently a research fellow in the Viral Pathogenesis Laboratory at the National Institutes of Health [NIH], National Institute of Allergy and Infectious Diseases [NIAID], Vaccine Research Center.

Dr. Corbett grew up in the Cedar Grove community of Orange County, North Carolina, and attended Orange County Schools during which time she spent two summers in the Project SEED Summer Intern program at the University of North Carolina at Chapel Hill.

After receiving her Bachelor of Science in Biological Sciences, with a secondary major in Sociology, in 2008 from the University of Maryland-Baltimore County, Dr. Corbett earned her Doctorate of Philosophy in Microbiology and Immunology at the University of North Carolina at Chapel Hill in 2014.

Dr. Corbett was subsequently appointed to the Viral Pathogenesis Laboratory in 2014, and has focused her work on developing novel coronavirus vaccines, including mRNA-1273, which has become a primary vaccine against the virus that causes COVID-19.

in response to the COVID-19 pandemic, Dr. Corbett and her team designed the vaccine concept incorporated in mRNA-1273 from viral sequence and rapidly deployed to Moderna, Inc., for FDA-approved Phase 1 clinical trial, which began only 66 days from the viral sequence release, and was shown to be 94.1% effective in Phase 3 trial and received Emergency Use Authorization from the FDA.

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

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with consideration of the proclamation.

**ENVIRONMENTAL IMPACT:** There is no Orange County Environmental Responsibility Goal impact associated with consideration of the proclamation.

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign the attached proclamation honoring Dr. Kizzmekia S. Corbett for her role in the development of a vaccine to address the COVID-19 pandemic.

# ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

## PROCLAMATION

### HONORING DR. KIZZMEKIA S. CORBETT

WHEREAS, Kizzmekia S. Corbett, PhD, is currently a research fellow in the Viral Pathogenesis Laboratory at the National Institutes of Health [NIH], National Institute of Allergy and Infectious Diseases [NIAID], Vaccine Research Center; and

WHEREAS, Kizzmekia Corbett, raised in the Cedar Grove community of Orange County, North Carolina, attended Orange County Schools during which time she spent two summers in the Project SEED Summer Intern program at the University of North Carolina at Chapel Hill, thus becoming a testament to her innate abilities and to the value of investing in the education of youth; and

WHEREAS, Dr. Corbett received her Bachelor of Science in Biological Sciences, with a secondary major in Sociology, in 2008 from the University of Maryland-Baltimore County, where she was a Meyerhoff Scholar and an NIH undergraduate scholar; and

WHEREAS, Dr. Corbett earned her Doctorate of Philosophy in Microbiology and Immunology at the University of North Carolina at Chapel Hill in 2014; and

WHEREAS, a viral immunologist by training, Dr. Corbett was appointed to the Viral Pathogenesis Laboratory in 2014, and has focused her work on developing novel coronavirus vaccines, including mRNA-1273, which has become a primary vaccine against the virus that causes COVID-19; and

WHEREAS, in response to the COVID-19 pandemic, Dr. Corbett and her team designed the vaccine concept incorporated in mRNA-1273 from viral sequence and rapidly deployed to Moderna, Inc., for FDA-approved Phase 1 clinical trial, which began only 66 days from the viral sequence release, and was shown to be 94.1% effective in Phase 3 trial and received Emergency Use Authorization from the FDA; and

WHEREAS, Dr. Corbett has received numerous honors, awards and fellowships, has been a keynote speaker and invited lecturer at universities, medical schools and research centers across the nation, and has published as a co-author, senior author and first author; and

WHEREAS, Dr. Corbett has been acknowledged by Dr. Anthony Fauci, NIAID Director, for her research and successful results in the development of a vaccine for the novel coronavirus, and is now receiving national acclaim; and

WHEREAS, Dr. Corbett is an active member of the NIH Fellows Committee, an advocate of STEM education and vaccine awareness, and a mentor, and engages in outreach to African American youth and adults;

NOW, THEREFORE, the Orange County Board of County Commissioners, on behalf of the people of Orange County, does hereby proclaim this day, Wednesday, January 20, 2021 as

#### **DR. KIZZMEKIA S. CORBETT DAY**

in recognition of her remarkable accomplishments in the sciences and medicine, in acknowledgement of her unprecedented research and success in thwarting a life-threatening pandemic, and in honor of her compassionate dedication to the health, safety and well-being of humanity.

This the 19<sup>th</sup> day of January, 2021.

---

Renee Price, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** January 19, 2021

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

**SUBJECT:** National Mentoring Month Proclamation

---

**DEPARTMENT:** Board of Commissioners

**ATTACHMENT(S):**  
Proclamation

**INFORMATION CONTACT:**  
Commissioner Renee Price, 245-2130  
Greg Wilder, 919-245-2300

---

**PURPOSE:** To consider a proclamation designating January 2021 as National Mentoring Month in Orange County.

**BACKGROUND:** National Mentoring Month is a campaign held each January to promote youth mentoring in the United States. It was inaugurated in 2002, and has been spearheaded by the Harvard School of Public Health and MENTOR: The National Mentoring Partnership.

National Mentoring Month focuses national attention on the need for mentors, as well as how individuals, businesses, government agencies, schools, faith communities and nonprofits can work together to increase the number of mentors to help ensure positive outcomes for young people. The campaign celebrates mentoring and the positive effect it can have on young lives, with goals to:

- Raise awareness of mentoring in its various forms;
- Recruit individuals to mentor, especially in programs that have waiting lists of young people; and
- Promote the rapid growth of mentoring by recruiting organizations to engage their constituents in mentoring.

Mentoring is a critical component in young people's lives, helping them make the decisions and connections that lead to opportunity.

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

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with consideration of the proclamation.

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

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

**ORANGE COUNTY BOARD OF COMMISSIONERS**  
**PROCLAMATION**  
**NATIONAL MENTORING MONTH**

WHEREAS, January 2021 marks the 19<sup>th</sup> anniversary of National Mentoring Month, an annual campaign to focus attention on the need for mentors, as well as how each of us can work together to increase the number of mentors to help ensure positive outcomes for our young people; and

WHEREAS, Orange County honors volunteer mentors who support young people by showing up for them and demonstrating their commitment to helping them thrive; and

WHEREAS, mentoring programs such as MENTOR North Carolina make our communities and our state stronger by building meaningful relationships that increase social capital for young people and provide invaluable support networks; and

WHEREAS, during the COVID-19 pandemic, mentoring programs have stepped up to fill gaps for young people and families, connecting them with resources and ensuring that mentoring relationships continue virtually to ensure social connection despite physical distancing; and

WHEREAS, mentoring plays a pivotal role in career exploration and supports workplace skills by helping young people set career goals, equipping mentors with the skills needed to support the professional growth of young people, and driving positive outcomes for young people and businesses; and

WHEREAS, quality mentoring promotes healthy relationships and communication, self-esteem, emotional growth and well-being for young people; and

WHEREAS, students who meet regularly with their mentors are more than 52 percent less likely than their peers to skip a day of school, and youth who face an opportunity gap and have a mentor are 55 percent more likely to be enrolled in college than those who without a mentor; and

WHEREAS, youth who meet regularly with their mentors are 46 percent less likely than their peers to start using drugs and 27 percent less likely to start drinking; and

WHEREAS, almost half of adults today report having a mentor in their youth and those rates appear to have been rising steadily over the past several decades, and

WHEREAS, National Mentoring Month is the time of year to celebrate and promote mentors, mentees and the mentoring movement;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of County Commissioners does hereby proclaim January 2021 as National Mentoring Month in Orange County and encourages members of the community to elevate and encourage mentoring throughout our county, the state and the nation for the sake of our younger generations and the future.

This the 19<sup>th</sup> day of January, 2021.

---

Renee Price, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** January 19, 2021

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

**SUBJECT:** Presentation of Comprehensive Annual Financial Report for FYE 6/30/2020

**DEPARTMENT:** Finance and Administrative Services

**ATTACHMENT(S):**

1. GFOA Award for Excellence in Financial Reporting
2. PowerPoint Presentation - Mauldin & Jenkins
3. PowerPoint Presentation - FY 2019-20 Financial Review (*For Reference Purposes Only*)

**INFORMATION CONTACT:**

Gary Donaldson, (919) 245-2453  
Paul Laughton, (919) 245-2152

**UNDER SEPARATE COVER**

4. *Comprehensive Annual Financial Report, June 30, 2020*

**ONLY AVAILABLE  
ELECTRONICALLY AT:**

<http://www.co.orange.nc.us/732/Financial-Audit>

**PURPOSE:** To receive the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2020.

**BACKGROUND:** The CAFR reports on all financial activity of the County for the fiscal year July 1, 2019 through June 30, 2020. Mauldin and Jenkins, a firm of Certified Public Accountants, audited the financial statements. The financial statements and audit are required by Chapter 159-34 of the North Carolina General Statutes. The County prepares a Comprehensive Annual Financial Report (CAFR) that meets the standards set by the Government Finance Officers Association (GFOA). The CAFR is submitted to the GFOA in order to be awarded the Certificate of Achievement for Excellence in Financial Reporting. The financial report for the Orange County Sportsplex, as required under the management contract, is included in the County's CAFR.

The County received an unmodified (clean) audit opinion on the financial statements received from the audit. The financial audit results indicate compliance with County financial policies. The representatives of Mauldin and Jenkins will cover highlights of the report and answer any questions.

**FINANCIAL IMPACT:** The financial report indicates a strong financial position for Orange County.

**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.

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

**RECOMMENDATION(S):** The Manager recommends that the Board receive this Report as information.

## Attachment 1



**Government Finance Officers Association**  
203 North LaSalle Street, Suite 2700  
Chicago, Illinois 60601-1210  
312.977.9700 fax: 312.977.4806

11/2/2020

Penny Rich  
Chair, Board of County Commissioners  
Orange County, North Carolina

Dear Ms. Rich:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2019 qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

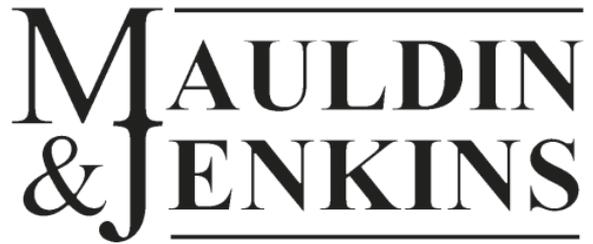
When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. This award has been sent to the submitter as designated on the application.

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and give appropriate publicity to this notable achievement. A sample news release is included to assist with this effort.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

Michele Mark Levine  
Director, Technical Services



## Presentation of 2020 Audit Results

Orange County, North Carolina

December 16, 2020

## Agenda

---

- Engagement Team
- Results of the 2020 Audit
- Financial Ratios
- Comments, Recommendations, and Other Issues
- Questions & Comments



## Engagement Team

---

### ■ Mauldin & Jenkins, LLC; General Information

- Founded in 1918.
- Large regional firm serving the Southeastern United States.
- Offices located in Atlanta, GA, Macon, GA, Albany, GA, Savannah, GA, Bradenton, FL, Chattanooga, TN, Birmingham, AL, and Columbia, SC employing approximately 280 personnel.
- In addition to our governmental practice, we have large banking, healthcare, not-for-profit, benefit plan and tax practices.

### ■ Mauldin & Jenkins, LLC; Governmental Sector

- Largest specific industry niche served by the Firm representing 25% of Firm practice.
- Serve more governmental entities throughout the Southeast than many other certified public accounting firm requiring over 100,000 hours of service on an annual basis.
- Over 100 professional staff persons with current governmental experience.
- Current auditor for over 500 total governments in the Southeast, including approximately:
  - 57 counties;
  - 126 municipalities;
  - 62 school systems;
  - 48 state entities; and,
  - 130+ entities that submit a CAFR to GFOA for participation in Certificate of Achievement program.

### ■ Engagement team leaders for Orange County

- Tim Lyons, Engagement Partner
- James Bence, Quality Review Partner



## Results of 2020 Audit

---

- Our Responsibility Under Auditing Standards Generally Accepted in the United States of America (GAAS) and Government Auditing Standards (GAS)
  - We considered the internal control structure for the purpose of expressing our opinion on the County's basic financial statements and not providing assurance on the internal control structure.
  - Our audit was performed in accordance with GAAS and GAS.
  - Our objective is to provide reasonable—not absolute—assurance that the basic financial statements are free of material misstatement.
  - We did not audit the financial statements of the Orange County ABC Board. We reviewed and relied on the report of other auditors for amounts included in the County's statements related to the ABC Board.
  - The basic financial statements are the responsibility of the County's management.
  
- Report on 2020 Basic Financial Statements
  - We anticipate issuing an **Unmodified** (“clean”) opinion on basic financial statements.
  - Presented fairly in accordance with accounting principles generally accepted in the United States of America.
  - Our responsibility does not extend beyond financial information contained in our report.



## Results of 2020 Audit (continued)

---

### ■ Significant Accounting Policies

- The significant accounting policies used by the County are described in Note 1 to the basic financial statements.
- The policies used by the County are in accordance with generally accepted accounting principles and similar government organizations.
- In considering the qualitative aspects of its policies, the County is not involved in any controversial or emerging issues for which guidance is not available.

### ■ Management Judgment/Accounting Estimates

- The County uses various estimates as part of its financial reporting process – including valuation of accounts receivable, depreciation of capital assets, self-insurance claim liabilities, and pension and OPEB assumptions.
- Management’s estimates used in preparation of financial statements were deemed reasonable in relation to the financial statements taken as a whole. We considered this information and the qualitative aspects of management’s calculations in evaluating the County’s significant accounting estimates.



## Results of 2020 Audit (continued)

---

### ■ Financial Statement Disclosures

- The footnote disclosures to the financial statements are also an integral part of the financial statements and the process used by management to accumulate the information included in the disclosures was the same process used in accumulating the statements. The overall neutrality, consistency, and clarity of the disclosures was considered as part our audit.

### ■ Relationship with Management

- We received full cooperation from the County’s management and staff.
- There were no disagreements with management on accounting issues or financial reporting matters.

### ■ Audit Adjustments

- There were several posted adjustments which were necessary during the audit process. Those entries have been provided to management and have all been recorded on the County’s general ledger by management and they have agreed with all adjustments.
- We have two (2) proposed and passed audit adjustments. The first passed adjustment pertains to depreciation errors that occurred in the prior year (\$468,000) and the second passed adjustment pertains to the County’s net pension liability for LGERS as more contributions were credited to the County’s NPL than were reported as deferred outflows as of June 30, 2019 (\$418,000).

### ■ Management Representation

- We requested, and received, written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested by us.



## Results of 2020 Audit (continued)

---

### ■ Consultation with Other Accountants

- To the best of our knowledge, management has not consulted with, or obtained opinions from, other independent accountants during the year, nor did we face any issues requiring outside consultation.

### ■ Significant Issues Discussed with Management

- There were no significant issues discussed with management related to business conditions, plans, or strategies that may have affected the risk of material misstatement of the financial statements.

### ■ Information in Documents Containing Audited Financial Statements

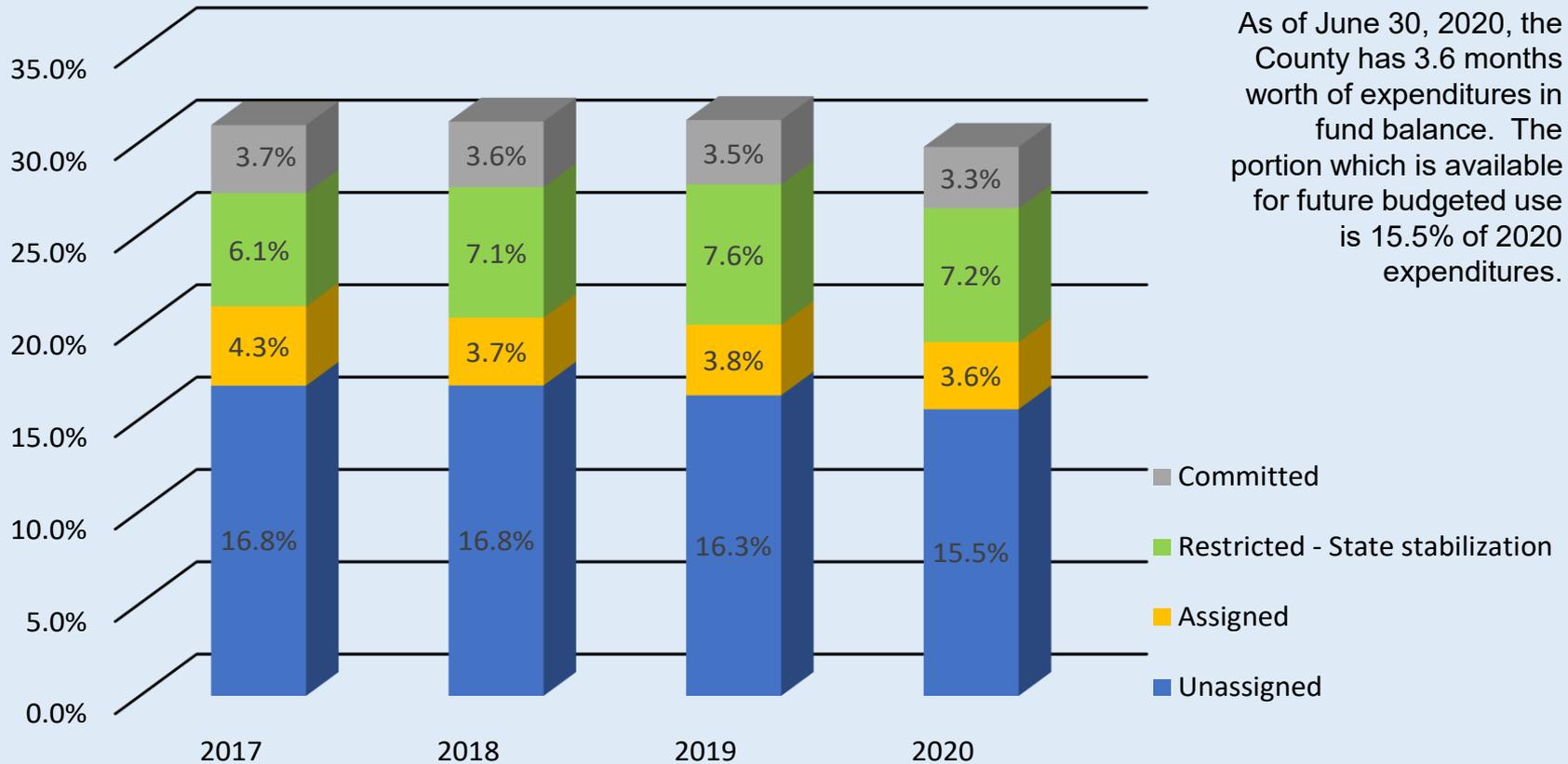
- Our responsibility for other information in documents containing the County's comprehensive annual financial report and our report thereon does not extend beyond the information identified in our report. If the County intends to publish or otherwise reproduce the financial statements and make reference to our firm, we must be provided with printers' proof for our review and approval before printing. The County must also provide us with a copy of the final reproduced material for our approval before it is distributed.

### ■ Auditor Independence

- In accordance with AICPA professional standards, M&J is independent with regard to the County and its financial reporting process.
- There were no fees paid to M&J for management advisory services during fiscal year 2020 that might affect our independence as auditors.



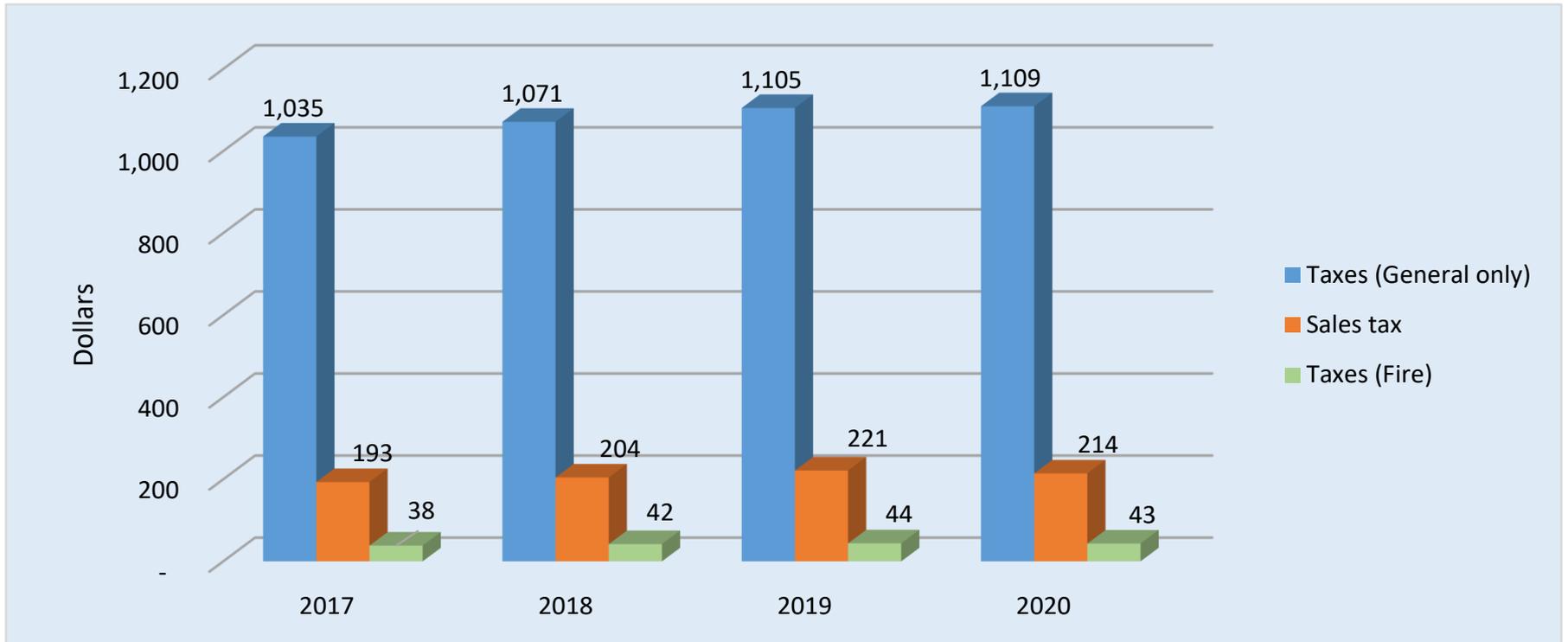
## General Fund Balance Ratio to Expenditures



Source: The County's Comprehensive Annual Financial Reports



## Trend Analysis of Property and Sales Tax Revenue per capita



Source: *The County's Comprehensive Annual Financial Reports*



## General Fund Budget to Actual Results – Fiscal Year 2020

	Original	Amendments	Final	Actual	Variance	
Revenues	\$ 225,185,824	\$ 5,021,220	\$ 230,207,044	\$ 228,292,446	\$ (1,914,598)	-0.8%
Expenditures	229,128,780	7,856,279	236,985,059	226,843,988	10,141,071	4.3%
Net Other Financing Uses	(3,865,050)	1,380,712	(2,484,338)	389,934	2,874,272	115.7%
Net Change	\$ (7,808,006)	\$ (1,454,347)	\$ (9,262,353)	\$ 1,838,392	\$ 11,100,745	119.8%

- ❑ General Fund revenues were .8% less than the amended budgeted amount. The final budget reflects the addition of Round 1 of CARES Act Funding which the GASB requires to remain as unearned revenue until spent.
- ❑ Expenditures for many functional areas were less than budget by \$10.1million (4.3%) from the operating budget. Several departments came in under budget due to personnel vacancies and efforts to spend conservatively.
- ❑ Budgeted use of fund balance was not needed to the extent anticipated, as actual revenues and other financing sources exceeded expenditures.
- ❑ General Fund significant transfers were \$4,247,000 to School Capital Improvement Fund; \$3.0 million from School Capital Improvements; \$2,475,000 from County Capital Improvement Fund; and \$1,732,000 to non-major governmental funds.



## Enterprise Results

	Solid Waste Landfill Fund	SportsPlex Fund
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Receipts from customers and users	\$ 10,912,639	\$ 3,153,162
Payments to suppliers	(5,133,123)	(1,591,106)
Payments to employees	(4,387,604)	(1,125,122)
Net cash provided by (used in) operating activities	<u>1,391,912</u>	<u>436,934</u>
<b>CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES</b>		
Transfers to other funds	-	(9,402)
Transfers from other funds	11,695	-
Receipt of intergovernmental revenues	3,681	-
Net cash provided by (used in) non-capital financing activities	<u>15,376</u>	<u>(9,402)</u>
<b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</b>		
Purchases and acquisition of capital assets	(488,914)	(245,623)
Interfund reimbursement for capital projects	-	(432,022)
Proceeds from issuance of debt	1,334,030	585,000
Principal payments on long-term debt	(569,073)	(432,713)
Bond premium	51,952	78,930
Refunding deposits with escrow agent	(364,395)	-
Proceeds from the sale of capital assets	9,221	-
Interest paid and fiscal fees paid	(171,687)	(160,427)
Net cash used in capital and related financing activities	<u>(198,866)</u>	<u>(606,855)</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Interest received	153,738	-
Net cash provided by investing activities	<u>153,738</u>	<u>-</u>
Net increase (decrease) in cash and cash equivalents	1,362,160	(179,323)
Cash and cash equivalents, beginning of year	14,730,640	451,206
Cash and cash equivalents, end of year	<u>\$ 16,092,800</u>	<u>\$ 271,883</u>

- Solid Waste Fund reported income from operations of \$242,000 and an overall increase in net position of \$301,000. At year end, the fund reports approximately \$8.4 million in unrestricted net position.
- The SportsPlex Fund income from operations of \$179,000 and an overall increase in net position of \$19,000. At year end, the fund reports approximately \$521,000 in unrestricted net position.



## Recommendations and Comments in the Management Letter

- (1) The Information Technology environment is characterized by rapid change and there has been no shortage of headlines about cybersecurity attacks. While breaches of large organizations have been very high profile and have received a lot of press coverage, organizations of all sizes face the same types of threats and are experiencing similar breaches. Many organizations are still struggling to effectively address cybersecurity issues; however, they are no longer ignoring them. During the performance of our audit of the financial statements of the County, we noted that the organization is taking measures to prevent such an attack on the County, but is lacking some elements of a Cybersecurity Framework or Cybersecurity Risk Management Program (CRMP). A functioning CRMP will assist the County with comprehensively identifying cybersecurity weaknesses, potential threats and risks, and controls used to safeguard information and systems. We recommend that the entity investigate and consider implementation of a Cybersecurity Risk Management Program including: continued coverage of monitoring and testing of controls in place.
- (2) During the current year, the County entered into a debt transaction that refunded several notes and bonds payable. At the time of the transaction, the proceeds from the new debt were deposited with an escrow agent to retire the previously outstanding debt. While the net effect of the transactions was minimal (i.e., cash from the new debt relatively equaled the escrow agent deposits), generally accepted accounting principles (GAAP) require that the County's governmental funds reflect both the proceeds from the refunding debt as well as the payments made to the escrow agent to retire the refunded debt. As a result, audit adjustments were required to properly reflect the full transaction and correct the amounts reflected by the County on a "net" basis. Going forward, we recommend the County identify and categorize a debt transaction as either new money or as a refunding so that reviews of the accounting and reporting after the fact will more easily identify the proper accounting treatment to be applied to ensure amounts are presented in the County's financial statements in accordance with GAAP.



■ **New GASB Pronouncements for Future Years**

**Statement No. 84, *Fiduciary Activities*,** was issued in January 2017 and is effective for the first reporting period beginning after December 15, 2018. However, in light of the COVID-19 Pandemic, in May 2020 the GASB issued Statement No. 95 (*Postponement of the Effective Dates of Certain Authoritative Guidance*) which changed the effective date of Statement No. 84 to reporting periods beginning after December 15, 2019.

**Statement No. 87, *Leases*,** was issued in June 2017 and is effective for the first reporting period beginning after December 15, 2019. However, in light of the COVID-19 Pandemic, in May 2020 the GASB issued Statement No. 95 (*Postponement of the Effective Dates of Certain Authoritative Guidance*) which extended the effective date of Statement No. 87 by eighteen months. This statement increases the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the principle that a lease is the financing of the right to use an underlying asset.

Under this statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities.

**Definition of a Lease:** A lease is defined as a contract that conveys control of the right to use another entity's nonfinancial asset (the underlying asset) as specified in the contract for a period of time in an exchange or exchange-like transaction. Examples of nonfinancial assets include buildings, land, vehicles, and equipment. Any contract that meets this definition should be accounted for under the leases guidance, unless specifically excluded in this statement.



■ **New GASB Pronouncements for Future Years (Continued)**

**Statement No. 87, Leases (Continued)**

**Lease Term:** The lease term is defined as the period during which a lessee has a non-cancelable right to use an underlying asset, plus the following periods, if applicable:

Periods covered by a lessee's option to extend the lease if it is reasonably certain, based on all relevant factors, that the lessee will exercise that option;

Periods covered by a lessee's option to terminate the lease if it is reasonably certain, based on all relevant factors, that the lessee will not exercise that option;

Periods covered by a lessor's option to extend the lease if it is reasonably certain, based on all relevant factors, that the lessor will exercise that option;

Periods covered by a lessor's option to terminate the lease if it is reasonably certain, based on all relevant factors, that the lessor will not exercise that option.

A fiscal funding or cancellation clause should affect the lease term only when it is reasonably certain that the clause will be exercised. Lessees and lessors should reassess the lease term only if one or more of the following occur:

The lessee or lessor elects to exercise an option even though it was previously determined that it was reasonably certain that the lessee or lessor would not exercise that option;

The lessee or lessor elects not to exercise an option even though it was previously determined that it was reasonably certain that the lessee or lessor would exercise that option; and/or

An event specified in the lease contract that requires an extension or termination of the lease takes place.



■ **New GASB Pronouncements for Future Years (Continued)**

**Statement No. 87, Leases (Continued)**

A lessor should recognize interest revenue on the lease receivable and an inflow of resources (for example, revenue) from the deferred inflows of resources in a systematic and rational manner over the term of the lease. The notes to financial statements should include a description of leasing arrangements and the total amount of inflows of resources recognized from leases.

**Lease Modifications and Terminations:** An *amendment* to a lease contract should be considered a lease modification, unless the lessee's right to use the underlying asset decreases, in which case it would be a partial or full lease termination. A lease termination should be accounted for by reducing the carrying values of the lease liability and lease asset by a lessee, or the lease receivable and deferred inflows of resources by the lessor, with any difference being recognized as a gain or loss. A lease modification that does not qualify as a separate lease should be accounted for by re-measuring the lease liability and adjusting the related lease asset by a lessee and re-measuring the lease receivable and adjusting the related deferred inflows of resources by a lessor.

**Subleases and Leaseback Transactions:** Subleases should be treated as transactions separate from the original lease. The original lessee that becomes the lessor in a sublease should account for the original lease and the sublease as separate transactions, as a lessee and lessor, respectively.

A transaction qualifies for sale-leaseback accounting only if it includes a sale. Otherwise, it is a borrowing. The sale and lease portions of a transaction should be accounted for as separate sale and lease transactions, except that any difference between the carrying value of the capital asset that was sold and the net proceeds from the sale should be reported as a deferred inflow of resources or a deferred outflow of resources and recognized over the term of the lease.

A lease-leaseback transaction should be accounted for as a net transaction. The gross amounts of each portion of the transaction should be disclosed.



■ **New GASB Pronouncements for Future Years (Continued)**

**Statement No. 89, *Accounting for Interest Cost Incurred Before the End of a Construction Period*** was issued in June 2018 and is effective for reporting periods beginning after December 15, 2019 (meaning June 30, 2021). However, in light of the COVID-19 Pandemic, in May 2020 the GASB issued Statement No. 95 (*Postponement of the Effective Dates of Certain Authoritative Guidance*) which changed the effective date of Statement No. 89 to reporting periods beginning after December 15, 2020.

**Statement 90, *Majority Equity Interests – An Amendment of GASB’s No.14 and 61*** was issued in August 2018, and is effective for reporting periods beginning after December 15, 2018 (meaning June 30, 2020). However, in light of the COVID-19 Pandemic, in May 2020 the GASB issued Statement No. 95 (*Postponement of the Effective Dates of Certain Authoritative Guidance*) which changed the effective date of Statement No. 90 to reporting periods beginning after December 15, 2019.

**Statement No. 91, *Conduit Debt Obligations*** was issued in May 2019 and is effective for the first reporting period beginning after December 15, 2020, meaning for those with year ends of December 31, 2021 and beyond. However, in light of the COVID-19 Pandemic, in May 2020 the GASB issued Statement No. 95 (*Postponement of the Effective Dates of Certain Authoritative Guidance*) which changed the effective date of Statement No. 91 to reporting periods beginning after December 15, 2021.

**Statement No. 92, *Omnibus 2020*** was issued in January 2020 and is effective as follows: upon the effective date of Statement No. 87 and implementation Guide No. 2019-3, reinsurance recoveries, and terminology used to refer to derivative instruments are effective upon issuance. For fiscal years beginning after June 15, 2020, relative to the requirements related to intra-entity transfers of assets and those related to the applicability of Statements No. 73 and 74. For reporting periods beginning after June 15, 2020, relative to the requirements related to application of Statement No. 84 to postemployment benefit arrangements and those related to nonrecurring fair value measurements of assets or liabilities. For government acquisitions occurring in reporting periods beginning after June 15, 2020. The requirements related to the measurement of liabilities (and assets, if any) associated with AROs in a government acquisition.



■ **New GASB Pronouncements for Future Years (Continued)**

**Statement No. 93, *Replacement of Interbank Offered Rates*** was issued in March 2020 and is effective for reporting periods ending after December 31, 2021, meaning December 31, 2022 for the Authority. However, in light of the COVID-19 Pandemic, on April 15, 2020 the GASB has proposed to postpone the effective date of this pronouncement for one additional year. As a result of global reference rate reform, the London Interbank Offered Rate (“LIBOR”) is expected to cease to exist in its current form at the end of 2021, prompting governments to amend or replace financial instruments for the purpose of replacing LIBOR with other reference rates, by either changing the reference rate or adding or changing fallback provisions related to the reference rate.

**Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*** was issued in March 2020 and is effective for fiscal years beginning after June 15, 2022 which means year ends of June 30, 2023 and following

**Statement No. 95, *Postponement of Effective Dates of Certain Authoritative Guidance*** was issued as temporary relief to governments in light of the COVID-19 pandemic. Statement No. 95 delays the implementation of certain, other standards by 12 months (83,84,88,89,) and GASB Statement No. 87 by 18 months. However, during the current year the City has implemented GASB Statement No. 88, *Certain Debt Disclosures*.

**Statement No. 96, *Subscription-Based Information Technology Arrangements*** was issued in May 2020 and is effective for reporting periods ending after June 15, 2022. This statement provides guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITAs) for government and end users. This statement (1) defines a SBITA; (2) establishes that a SBITA results in a right-to-use subscription asset as an intangible asset and a corresponding subscription liability; (3) provides the capitalization criteria for outlays other than subscription payments, including implementation costs of a SBITA; and (4) requires note disclosures regarding a SBITA. To the extent relevant, the standards for SBITAs are based on the standards established in Statement No. 87, *Leases*, as amended.



■ **New GASB Pronouncements for Future Years (Continued)**

**Other Pending or Current GASB Projects** - As noted by the numerous pronouncements issued by GASB over the past decade, the GASB continues to research various projects of interest to governmental units. Subjects of note include:

**Re-examination of the Financial Reporting Model** - GASB has added this project to its technical agenda to make improvements to the existing financial reporting model (established via GASB 34). Improvements are meant to enhance the effectiveness of the model in providing information for decision-making and assessing a government's accountability. GASB anticipates a final standard expected in early 2022.

**Conceptual Framework** - A constant matter being looked at by GASB. Current measurement focus statements (for governmental funds) to change to near-term financial resources measurement. May dictate a period (such as 60 days) for revenue and expenditure recognition. May expense things such as supplies and prepaid assets at acquisition. Will look into which balances (at all statement levels) are measured at acquisition and which need to be re-measured at year-end. Project placed on hold for now.

**Revenue and Expense Recognition** - Another long-term project where the GASB is working to develop a comprehensive application model for recognition of revenues and expenses from non-exchange, exchange, and exchange-like transactions. The final standard is expected in 2023.

**Compensated Absences** - A technical topic being examined by the GASB currently due to significant changes in benefits offered by governmental employers. Current GAAP does not address certain items such as paid time off (PTO) and there is a wide divergence in practice. A final standard on this topic is expected towards the end of 2021

**Prior-Period Adjustments, Accounting Changes, and Error Corrections** - A technical topic being examined by the GASB due to a wide diversity in practice regarding required presentation on the face of the financial statements, disclosures, etc. A final standard on this topic is expected in early 2022.



## Free Quarterly Continuing Education for Governmental Clients

### ■ Since March of 2009:

- Mauldin & Jenkins provides free quarterly continuing education for all of our governmental clients. Topics are tailored to be of interest to governmental entities. In an effort to accommodate our entire governmental client base, we offer the sessions several times per quarter at a variety of client provided locations resulting in greater networking and knowledge sharing among our governmental clients. We normally see approximately 100 people per quarter.
- Examples of subjects addressed in the past few quarters include:
 

Revenue Accounting Requirements	GASB Updates
Internal Controls – Revenues & Receipts	Internal Controls – Expenses, Disbursements & Payroll
Collateralization of Deposits	SPLOST Accounting, Reporting & Compliance
Capital Asset Accounting	Grant Accounting, Processes and Controls
Policies & Procedures Manuals	Segregation of Duties
GASB No. 51 – Intangible Assets	Single Audits for Auditees
GASB No. 54 – Governmental Fund Balance	Best Budgeting Practices, Policies and Processes
Internal Revenue Compliance (Payroll)	CAFR Preparation
GASB No. 60 – Service Concession Arrangements	GASB No. 61, the Financial Reporting Entity
GASB No. 63 & 65 – Deferred Inflows and Outflows	GASB No 67 & 68, Accounting/Reporting Pension Plans



---

# Questions & Comments





**FY 2019-20**  
**Financial Audit Report Summary**

**Gary Donaldson, Chief Financial Officer**

**January 19, 2021**

# FY 2019-20 Operating and Capital Funds Summary

25

- Clean Audit Opinion for FY 2019-20 Financial Audit submitted to Local Government Commission (LGC)
- Federal and State Grant Audit In Progress March 31, 2021 LGC extended deadline due to COVID;
- Unassigned Fund Balance at 15.6%; General Fund Cash advances for pending FEMA reimbursable expenses;
- Favorable Budget versus Actuals Performance and Fund Reserve Levels consistent with Quarterly Financial reports and Long-Term Financial Model;
- No General Fund Subsidy to Solid Waste Fund;
- Affirmation of 'AAA' Bond Rating by all Three Major Credit Rating Agencies
- Series 2020 General Obligations Bonds: \$20 million for OCS-Cedar Ridge HS Wing and Various School Improvements and Series 2020 Limited Obligation Bonds: \$40.7 million for Northern Campus, Solid Waste Vehicles and Equipment

# FY 2019-20 General Fund Summary Results

	<u>Original</u>	<u>Amendments</u>	<u>Final</u>	<u>Actual</u>	<u>Variance</u>	
Revenues	\$ 225,181,824	\$ 5,021,220	\$ 230,207,044	\$ <b>228,292,446</b>	\$ (1,914,598)	<b>-0.8%</b>
Expenditures	229,128,780	7,856,279	236,985,059	<b>226,843,988</b>	10,141,071	<b>4.3%</b>
Net Transfers	(3,865,050)	1,380,712	(2,484,338)	<b>389,934</b>	2,874,272	
<u>Net Change</u>	<u>\$ (7,808,006)</u>	<u>\$ 1,454,347</u>	<u>\$ (9,262,353)</u>	<u>\$ <b>1,838,392</b></u>	<u>\$ 11,100,745</u>	

- Revenue exceeded Expenditures by \$1.8 million; 228.2 million in revenues compared to \$226.8 million. The revenues and expenditures above excludes transfers in and out;
- General Fund actual revenues were .8% less than the amended budget. The final budget reflects the addition of Round 1 CARES Act Funding (only \$1.3M of the \$2.6M in the Actual Revenues) which the accounting standard requires to remain as deferred revenue until spent;
- General Fund actual expenditures were 4.3% below the amended budget; attributed to salary savings and curtailment of discretionary operational spending;
- No use of appropriated fund balance was necessary; revenues exceeded expenditures for third consecutive fiscal year;
- General Fund major transfers to Affordable Housing Fund (Section 8), County Capital Projects and School Capital Projects

# FY 2019-20 General Fund Budget versus Actual

	Budget		Actual Amounts	Variance with Final Budget
	Original	Final		Positive (Negative)
<b>Revenues</b>				
Property taxes	\$ 164,693,098	\$ 164,980,316	\$ 164,688,450	\$ (291,866)
Sales tax	27,122,861	27,122,861	28,126,263	1,003,402
Intergovernmental revenue	18,813,941	23,171,928	20,472,870	(2,699,058)
Charges for services	11,928,834	11,760,652	11,720,638	(40,014)
Investment earnings	415,000	449,723	709,277	259,554
License and permits	313,260	313,260	267,010	(46,250)
Miscellaneous	1,898,830	2,408,304	2,307,938	(100,366)
Total revenues	225,185,824	230,207,044	228,292,446	(1,914,598)
<b>Expenditures</b>				
Current:				
Community service	13,552,637	14,079,760	12,755,492	1,324,268
General government	10,539,767	10,895,770	9,896,723	999,047
Public safety	26,628,096	28,021,766	26,088,189	1,933,577
Human services	41,679,917	42,405,672	38,881,489	3,524,183
Education	93,508,573	93,508,573	93,136,287	372,286
Support services	12,465,362	17,319,090	15,178,951	2,140,139
Debt service:				
Principal retirements	24,045,822	24,045,822	21,749,149	2,296,673
Interest	6,708,606	6,708,606	8,958,547	(2,249,941)
Cost of issuance	-	-	199,161	(199,161)
Total expenditures	229,128,780	236,985,059	226,843,988	10,141,071

# FY 2019-20 Audited Fund Balances and Net Positions

<b>County Funds</b>	<b>Beginning Fund Balance</b>	<b>Ending Fund Balance</b>
General Fund-Unassigned Fund Balance	\$ 35,697,519	\$ 35,238,474
Article 46 Sales Tax Fund	\$ 4,241,654	\$ 5,430,687
Community Development Fund	\$ 1,756,359	\$ 2,266,246
Housing Section 8 Fund	\$ 363,492	\$ 496,333
Emergency Telephone Fund <sup>1</sup>	\$ 67,661	\$ 17,589
Fire District Tax Funds	\$ 1,551,004	\$ 1,587,359
Visitors Bureau Fund	\$ 755,377	\$ 521,555
Spay/Neuter Fund	\$ 50,448	\$ 44,724
<b>Enterprise Fund Net Positions</b>	<b>Beginning Net Position</b>	<b>Ending Net Position</b>
Solid Waste Enterprise Fund-Unrestricted	\$ 7,042,248	\$ 8,423,192
Sportsplex Enterprise Fund-Unrestricted	\$ 164,252	\$ 520,709

**Notes.**

- 1) E-911 Board Mandated use of Fund Balance which was budgeted for one-time call taking equipment requirements and a prerequisite for subscriber fee funding increase. E-911 Board approved additional funding December 2020.

# COVID Fiscal Challenges for remainder of FY 2020-21 and FY 2021-22

- Sustained Revenue declines consistent with Economist Reports;
  - Moody's Analytics December Report indicates Nationwide Negative Revenue Climate throughout 2021 for State and Local governments
  
- General Fund Cash Outlays for pending FEMA reimbursements;
  - FEMA reimbursements within FY 2020-21 is key element on unassigned fund balance
  
- Forecast Financial Model and Mid-Year Projections and County Measures

# Questions/Comments

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: January 19, 2021**

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

**SUBJECT:** Zoning Atlas Amendment: Master Plan Development Conditional Zoning District (MPD-CZ) for Efland Station (formerly Beaver Crossing)

---

**DEPARTMENT:** Planning and Inspections

---

**ATTACHMENTS:**

1. Aerial Map of Properties
2. Applicant Proposed Modifications
3. Applicant Response to Public Comments
4. Statement of Consistency
5. Final Draft Conditions of Approval

**INFORMATION CONTACT:**

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

---

**PURPOSE:** To receive updates, consider Planning Board and staff recommendations, begin deliberation, and provide direction/take action on an applicant initiated Zoning Atlas Amendment for parcels north of Interstate 85/40, east of Mt. Willing Road, to Master Plan Development Conditional Zoning (MPD-CZ) district.

Specifically, the Board will be taking action on an application submitted by Buc-ee's Limited to rezone two parcels with PIN numbers 9854-16-1576 and 9854-36-3711 (hereafter 'the Property'):

**FROM:** Office/Research and Manufacturing (O/RM); Upper Eno Protected Watershed Protection Overlay District; Major Transportation Corridor (MTC) Overlay District; Efland Interstate Overlay District.

**TO:** Master Plan Development Conditional Zoning (MPD-CZ) district; Upper Eno Protected Watershed Protection Overlay District; Major Transportation Corridor (MTC) Overlay District; Efland Interstate Overlay District.

As indicated during the BOCC's January 12, 2021 meeting, the public comment period for this item closed at 9:00 a.m. on January 14, 2021. **As a result, the BOCC will not be accepting further public comment on this item at tonight's meeting.**

**BACKGROUND:** BOCC review of this item began at the BOCC's December 15, 2020 Business meeting and concluded with the closure of the public hearing on January 12, 2021. Agenda materials from the public hearing can be accessed at:

<http://server3.co.orange.nc.us:8088/WebLink/Browse.aspx?startid=61357&row=1&dbid=0>.

Video from the December 15, 2020 and January 5 and 12, 2021 meetings can be accessed at:

<https://www.orangecountync.gov/967/Meeting-Videos>

As indicated at the December 15 BOCC meeting, staff recommended the imposition of several conditions designed to address potential impacts of the Project, including:

- i. Stormwater: Imposition of a condition that requires the applicant to either:
  - a. Abide by nutrient reduction strategies as detailed in Section 6.14.7 of the UDO without participation in the State recognized offsite mitigation program; or
  - b. Any off-site mitigation has to occur in Orange County near the Property, within the County's Upper Eno Protected or Critical Watershed Protection Overlay District, to ensure preservation of local water quality.
- ii. Access Management:
  - a. Driveway access from the Interstate on/off ramp be restricted to two driveways, one allowing access to the Project east of Mt. Willing Road (i.e. a right turn only into the Project) and one allowing access to the on/off ramp west of the US Highway 70/I-85 Connector Road (i.e. a right turn only out of the Project);

Staff has continued to work with the applicant and NCDOT officials to preserve westbound Exit 160 as being part of a dual westbound exit for both Exit(s) 160 and 161 at the existing Exit 161 location.

Attachment 2 contains the applicant's response to several recommended condition(s), including:

1. Alteration of land uses:
  - a. District 1: Proposed car wash eliminated;
  - b. Development Area 5: Building square footage reduced from 150,000 to 75,000 sq.ft..
2. Impervious area versus Open Space:
  - a. Impervious area limited to 60% or approximately 2,718,144 sq.ft. (62.4 acres) of land area;
  - b. Open space increased to 40% or approximately 1,812,096 sq.ft. (41.6 acres) of land area.
3. Setbacks: Northern boundary property line/land use buffer area increased to 50 ft. as requested by staff;
4. Stormwater:
  - a. Install debris screens on all stormwater inlets to address comment(s) from the Eno River Association;
  - b. Nutrient Removal: Project will not exceed:
    - i. Nitrogen: 1.2 pounds per acre per year; and
    - ii. Phosphorous: 0.24 pounds per acre per year.

Nutrient export loads are equal to/less than export loads from property in current, undeveloped state.
5. Use of Private Mitigation Credits: Consistent with 6.14.7(D) of the UDO applicant shall:
  - a. Purchase approved 'private mitigation bank credits' within the Upper Eno River Watershed. If no credits are available, applicant shall:

- i. Purchase approved private mitigation bank credits within Orange County (if available); OR
- ii. Purchase approved private mitigation bank credits in the Falls Lake Watershed (if available); OR
- iii. Utilize any mitigation option permitted by the UDO.

Conditions must mutually be agreed to by the applicant. Staff is seeking direction from the BOCC on said condition(s) for final review/agreement by the applicant. The current list of condition(s) is contained within Attachment 5.

During review of the Project, local residents identified the following concerns:

- a. The Project is out of character with the rural Efland community;
- b. There has been insufficient public outreach, including concerns the Town of Hillsborough had not been more involved in reviewing the Project;
- c. Economic development benefits have been exaggerated and are overestimated;
- d. The Project will not generate the types of jobs desired by the County (i.e. provision of a living wage, jobs meeting County social justice goals, etc.);
- e. Development of a '60 pump/120 individual fuel station' travel center is inconsistent with a County goal of reducing dependency on fossil fuels;
- f. There is no guarantee that 'Phase 2' of the Project (i.e. hotel, offices, retail, manufacturing, etc.) will ever be developed;
- g. Proposed traffic changes, including the elimination of Exit 160 and prohibition of left turns from Ben Johnson Road to the I-85/US Highway 70 connector road, will have negative impacts on motorists.  
Traffic redesign will exacerbate existing traffic congestion and create public safety concerns;
- h. Stormwater runoff will have a negative impact on adjacent sensitive water features as well as the County's Seven Mile Creek Preserve;
- i. Insufficient information has been provided ensuring adequate protection of groundwater from fuel contamination;
- j. The Project will significantly increase/exacerbate existing light pollution in the area;
- k. There is no justification for an 80 ft. tall freestanding sign advertising the Project.

Attachment 3 contains the applicant's responses to these concern(s). Staff's comments will be provided separately.

Effect of Denial or Withdrawal: In the event the rezoning application is denied or withdrawn, it should be noted that Section 2.2.8 of the UDO states that no application for the same or similar amendment, affecting the same property or portion thereof, may be submitted for a period of one year. The one year period begins on the date of denial or withdrawal.

Planning Director's Recommendation: The Planning Director recommends **approval** of the:

1. Statement of Consistency indicating the zoning atlas amendment(s) are reasonable and in the public interest as contained in Attachment 4.

2. Ordinance amending the Zoning Atlas, as well as imposing development conditions, for the identified parcels as contained in Attachment 5.

**FINANCIAL IMPACT:** This request has been reviewed by various County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services. Costs associated with advertising, including the public hearing notice and mailings, were paid by the applicant in accordance with the adopted Orange County Fee Schedule.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this item:

- **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.

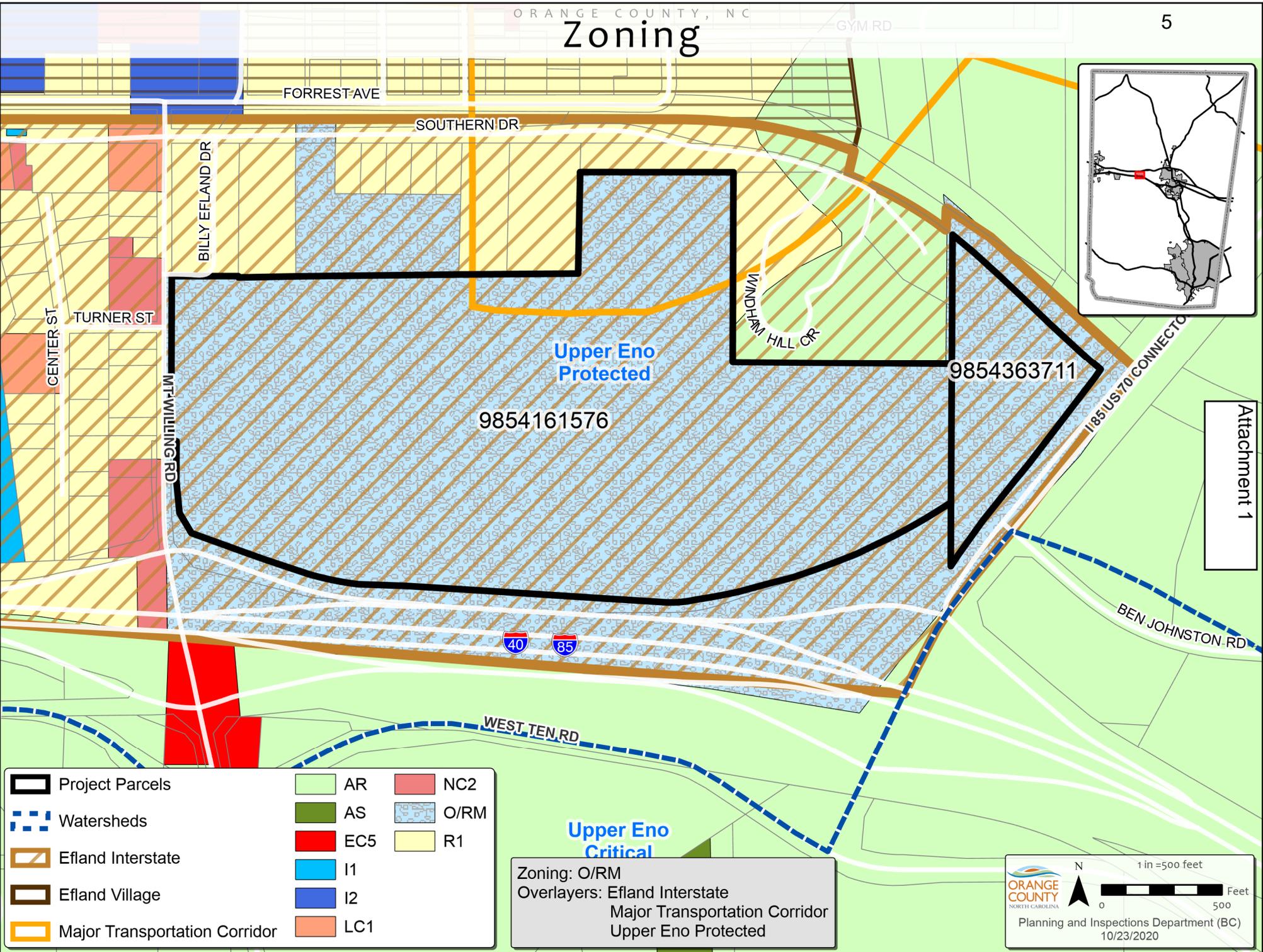
**ENVIRONMENTAL IMPACT:** There is no Orange County Environmental Responsibility Goal impact associated with this item notwithstanding the Project will adhere to existing adopted local, State, and Federal environmental regulations.

**RECOMMENDATION:** The Manager recommends the Board:

1. Review and provide direction to staff on recommended conditions (Attachment 5); or
2. Take action on

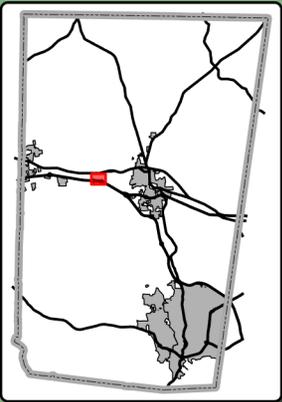
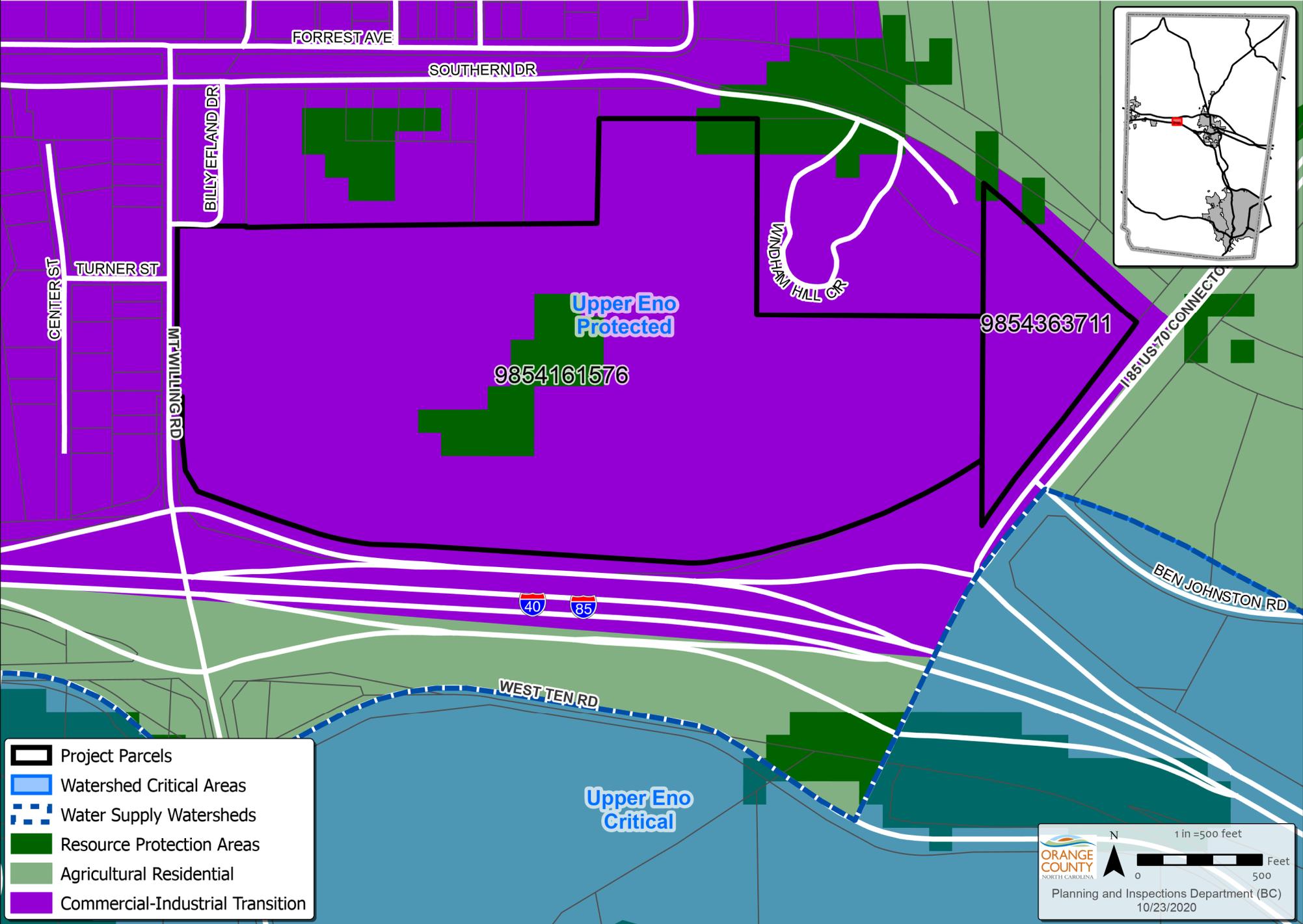
the Zoning Atlas amendment for parcels north of Interstate 85/40, east of Mt. Willing Road, to Master Plan Development Conditional Zoning (MPD-CZ) district.

# Zoning



Attachment 1

# Future Land Use Map



-  Project Parcels
-  Watershed Critical Areas
-  Water Supply Watersheds
-  Resource Protection Areas
-  Agricultural Residential
-  Commercial-Industrial Transition

1 in = 500 feet

ORANGE COUNTY  
NORTH CAROLINA

Planning and Inspections Department (BC)  
10/23/2020



NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

Beth Trahos  
(919) 329-3884

beth.trahos@nelsonmullins.com

4140 Parklake Ave, Suite 200  
Raleigh, NC 27612  
T 919.329.3800 F 919.329.3799  
nelsonmullins.com

January 8, 2021

Mr. Michael Harvey  
Orange County Planning Department  
131 W. Margaret Lane, Suite 201  
Hillsborough, NC 27278  
Via Email: mharvey@orangecountync.gov

Dear Michael:

We have listened to the comments made by the public in the various board meetings and by email to the Board of County Commissioners. In response, we offer the following changes to the Efland Station Master Plan focused on improving our stormwater management plan:

- We will alter development densities as follows: (a) in Development Area 5, we will reduce the permitted square footage from 150,000 square feet to 75,000 square feet; and (b) in Development Area 1, we will remove the car wash use.
  - This will allow us to reduce impervious area to no greater than 60% and increase open space to 40% of the subject property, allowing more area for stormwater infiltration.
- We will increase setbacks on the northern boundary of Development Area 5 to 50'.
  - This meets Planning Staff's recommendation for buffering in this area.
- We will install debris screens on all stormwater inlets to prevent trash and other debris from entering stormwater control measures, an added protection for area streams.
  - We offer this change in response to a comment received from the Eno River Association.
- Rather than meeting the State and County standards for nutrient removal found in Section 6.14.7(A)(1)(a) and (b) of the UDO, the subject property will not exceed the following unit-area mass loading rates: (a) Nitrogen, 1.2 pounds per acre per year; and (b) Phosphorous, 0.24 pounds per acre per year.
  - These nutrient export loads are equal to or less than export loads from subject property in its existing, undeveloped state.
- For offset fees pursuant to 6.14.7(D), commonly referred to as "credits", the property owner shall purchase approved private mitigation bank credits within the Upper Eno River Watershed, if available. If no approved private mitigation bank credits are available within the Upper Eno River Watershed, the property owner shall purchase approved private mitigation bank credits within Orange County, if available. If no approved private mitigation bank credits are available in Orange County, the property owner shall purchase

Orange County Planning Department  
January 7, 2021  
Page 2

approved private mitigation bank credits in the Falls Lake Watershed, if available. If no approved private mitigation bank credits are available in the Falls Lake Watershed, the property may utilize any mitigation option permitted by the UDO.

Please let me know if you have questions. Thanks!

With best regards,

A handwritten signature in blue ink, appearing to read 'Elizabeth C. Trahos', with a long, sweeping flourish extending to the right.

Elizabeth C. Trahos

Efland Station Domestic Water Demand Estimate (by Fixture Type)													
Fixture or Appliance	No. of Fixtures	Wastewater Demand (GPM)		Wastewater Demand (GPD)		Average Daily Demand (GPM)		Average Daily Demand (GPD)		Peak Flow (GPM)		Peak Flow (GPD)	
		Standard	Efficient	Standard	Efficient	Standard	Efficient	Standard	Efficient	Standard	Efficient	Standard	Efficient
Flush Valve Toilet	79	17.6	14.0	25,300	20,300	21.1	16.9	30,360	24,360	52.7	42.1	75,900	60,900
Tank Toilet	120	0.4	0.3	600	500	0.5	0.4	720	600	1.2	1.0	1,800	1,500
Urinal	39	2.0	1.0	3,000	1,500	2.4	1.2	3,600	1,800	6.1	3.0	9,000	4,500
Kitchen Faucet	32	4.4	3.0	6,400	4,400	5.3	3.6	7,680	5,280	13.2	9.0	19,200	13,200
Bathroom Faucet	166	7.6	5.2	11,000	7,500	9.1	6.2	13,200	9,000	22.8	15.6	33,000	22,500
Shower	120	1.4	1.2	2,100	1,700	1.7	1.4	2,520	2,040	4.3	3.5	6,300	5,100
Bath Tub	120	2.3	1.3	3,400	2,000	2.8	1.6	4,080	2,400	7.0	4.0	10,200	6,000
Dish Washer	24	0.7	0.4	1,000	600	0.8	0.5	1,200	720	2.0	1.2	3,000	1,800
Buc-ee's	-	16.0	11.6	23,100	16,700	19.3	13.9	27,720	20,040	48.1	34.8	69,300	50,100
<b>Total</b>		<b>52.5</b>	<b>38.0</b>	<b>75,600</b>	<b>54,800</b>	<b>63.0</b>	<b>45.7</b>	<b>90,720</b>	<b>65,760</b>	<b>157.4</b>	<b>114.1</b>	<b>226,800</b>	<b>164,400</b>
Percentage Saved		27%											
* This estimate is preliminary in nature and is intended to be used for high-level planning. All values provided are subject to change during final design.													
** Buc-ee's water demand is from water usage data taken from an existing site.													
*** Sewer Flow for Efland Station to be permitted based on the Standard Flows approved by State O2T Requirements													

Efland Station Domestic Water Demand Estimate (by Development Area)													
Development Area	No. of Fixtures	Wastewater Demand (GPM)		Wastewater Demand (GPD)		Average Daily Demand (GPM)		Average Daily Demand (GPD)		Peak Flow (GPM)		Peak Flow (GPD)	
		Standard	Efficient	Standard	Efficient	Standard	Efficient	Standard	Efficient	Standard	Efficient	Standard	Efficient
1	-	16.0	11.6	23,100	16,700	19.3	13.9	27,720	20,040	48.1	34.8	69,300	50,100
2	208	25.3	18.8	36,500	27,100	30.4	22.6	43,800	32,520	75.9	56.4	109,500	81,300
3	6	0.8	0.6	1,200	900	1.0	0.7	1,440	1,080	2.4	1.9	3,600	2,700
4	480	9.7	6.6	14,000	9,500	11.6	7.9	16,800	11,400	29.0	19.7	42,000	28,500
5	6	0.6	0.5	1,000	700	0.8	0.6	1,200	840	1.9	1.4	3,000	2,100
<b>Total</b>		<b>52.5</b>	<b>38.0</b>	<b>75,600</b>	<b>54,800</b>	<b>63.0</b>	<b>45.7</b>	<b>90,720</b>	<b>65,760</b>	<b>157.4</b>	<b>114.1</b>	<b>226,800</b>	<b>164,400</b>
Percentage Saved		27%											
* This estimate is preliminary in nature and is intended to be used for high-level planning. All values provided are subject to change during final design.													
** Buc-ee's water demand is from water usage data taken from an existing site.													
*** Sewer Flow for Efland Station to be permitted based on the Standard Flows approved by State O2T Requirement!													

Efland Station Domestic Water Demand Estimate (by Use)													
Development Area	No. of Fixtures	Wastewater Demand (GPM)		Wastewater Demand (GPD)		Average Daily Demand (GPM)		Average Daily Demand (GPD)		Peak Flow (GPM)		Peak Flow (GPD)	
		Standard	Efficient	Standard	Efficient	Standard	Efficient	Standard	Efficient	Standard	Efficient	Standard	Efficient
Buc-ee's	-	16.0	11.6	23,100	16,700	19.3	13.9	27,720	20,040	48.1	34.8	69,300	50,100
Restaurants	184	22.4	16.6	32,300	24,000	26.9	19.9	38,760	28,800	67.3	49.8	96,900	72,000
Retail	21	2.6	2.0	3,700	2,900	3.1	2.4	4,440	3,480	7.7	5.9	11,100	8,700
Office	3	0.3	0.2	500	400	0.4	0.3	600	480	1.0	0.7	1,500	1,200
Medical Office Building (MOB)	6	0.8	0.6	1,200	900	1.0	0.7	1,440	1,080	2.4	1.9	3,600	2,700
Short Term Rental	480	9.7	6.6	14,000	9,500	11.6	7.9	16,800	11,400	29.0	19.7	42,000	28,500
Office/Service/Manufacturing	6	0.6	0.5	1,000	700	0.8	0.6	1,200	840	1.9	1.4	3,000	2,100
<b>Total</b>		<b>52.5</b>	<b>38.0</b>	<b>75,600</b>	<b>54,800</b>	<b>63.0</b>	<b>45.7</b>	<b>90,720</b>	<b>65,760</b>	<b>157.4</b>	<b>54.8</b>	<b>226,800</b>	<b>164,400</b>
Percentage Saved		27%											
* This estimate is preliminary in nature and is intended to be used for high-level planning. All values provided are subject to change during final design.													
** Buc-ee's water demand is from water usage data taken from an existing site.													
*** Sewer Flow for Efland Station to be permitted based on the Standard Flows approved by State O2T Requirements													

	Initial Flow Units	Standard	Efficiency	Time in Use (mins)	Loads per day	Flushes per day	Flow (GPM)		Flow (GPD)	
							Standard	Efficiency	Standard	Efficiency
Flush Valve Toilet	GPF	1.60	1.28			200	0.22	0.18	320	256
Tank Toilet	GPF	1.60	1.28			3	0.00	0.00	5	4
Urinal	GPF	1.00	0.50			75	0.05	0.03	75	38
Kitchen Faucets	GPM	2.20	1.50	90			0.14	0.09	198	135
Bathroom Faucet	GPM	2.20	1.50	30			0.05	0.03	66	45
Shower	GPM	2.50	2.00	7			0.01	0.01	17	14
Bath Tub	GPM	7.00	4.00	4			0.02	0.01	28	16
Dish Washer	GPL	5.00	3.00		8		0.03	0.02	40	24

GPF	gallons per flush
GPM	gallons per minute
GPL	gallons per load

Development Area	Uses	Area (SF)	Area Per Facility	No. of Units	Toilet		Urinals		Kitchen Faucets		Bathroom Faucets		Shower		Bath Tub		Dish Washer	
					Assumption per Unit	Total												
2	Restaurants	32,000	8,000	4	16	64	8	32	8	32	8	32	0	0	0	0	6	24
	Retail	30,000	10,000	3	3	9	1	3	0	0	3	9	0	0	0	0	0	0
	Office	3,500	3,500	1	1	1	1	1	0	0	1	1	0	0	0	0	0	0
3	Medical Office Building (MOB)	8,000	8,000	1	3	3	1	1	0	0	2	2	0	0	0	-	0	0
4	Short Term Rental	-	-	120	1	120	0	0	0	0	1	120	1	120	1	120	0	0
5	Office/Service/Manufacturing	75,000	37,500	2	1	2	1	2	0	0	1	2	0	0	0	0	0	0
<b>Total</b>					199	799	39	159	32	128	166	666	120	120	120	120	24	24

**Sources**

- Buc-ee's Flows from existing stores with low flow fixtures
- Toilets <https://www.epa.gov/watersense/commercial-toilets>
- Urinals <https://www.epa.gov/watersense/urinals>
- Faucets <https://www.epa.gov/watersense/bathroom-faucets>
- Dishwasher <https://www.cnet.com/how-to/how-much-water-do-dishwashers-use/#:~:text=Getting%20them%20clean%20in%20the,gallons%20of%20water%20per%20year.>
- Bath Tub <https://www.qualitybath.com/discover/post/18226/guide-water-flow-rates#:~:text=Most%20tub%20faucets%20run%20at%20approximately%204%20to%207%20gallons%20per%20minute.>



NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

Beth Trahos  
(919) 329-3884

beth.trahos@nelsonmullins.com

4140 Parklake Ave, Suite 200  
Raleigh, NC 27612  
T 919.329.3800 F 919.329.3799  
nelsonmullins.com

January 14, 2021

Chair Price and Members of the Orange  
County Board of Commissioners  
Via Email: [ocbocc@orangecountync.gov](mailto:ocbocc@orangecountync.gov)

RE: Efland Station Master Plan

Dear Chair Price and Commissioners:

Thank you for the time you have taken over the past three meetings to listen to our presentation in support of the Efland Station Master Plan and to receive community input about the project.

Most of you will recall that Stan Beard of Buc-ee's approached Orange County early last year to inquire as to the viability of the property that is the subject of the Efland Station Master Plan for a mixed use, master planned project anchored by a Buc-ee's. He spent time talking with your Planning staff, Economic Development staff, the County Manager's office and even with the then-serving Board of County Commissioners. Given the positive feedback from all interested parties, Buc-ee's proceeded to file an application with an engineered master plan providing a detailed concept plan for Efland Station.

Efland Station will be a mixed-use, master planned project that will allow for 425,000 square feet (recently reduced from 500,000 square feet) of gross building area on a 104± acre tract currently used primarily for grazing cattle. Under the Efland Station Master Plan, no more than 60% of the subject property may be impervious area, as compared to 70% under the current zoning, and at least 40% of the site must be open space, as compared to 30% under the current zoning.

The subject property is located north of Interstate 85/40, south of the railroad and west of the 70/85 Connector. Approximately 125,000 cars drive by the site on Interstate 85/40 every day. Noise from the heavily traveled highway and busy railroad can be heard on the site today. The area is currently well lit as the North Carolina Department of Transportation has installed light poles along the frontage to provide for highway safety.

Efland Station will be anchored by a Buc-ee's Travel Center which will create more than \$1,000,000.00 in much needed tax revenue for Orange County and up to 200 full time, good jobs with starting pay at \$15 per hour<sup>1</sup> and benefits, including 3 weeks of vacation, access to health insurance and a 401(k). **Orange County has identified \$15 per hour as a living wage and pays**

---

<sup>1</sup> This results in an annual wage of \$31,200 per year for employees working 40 hours each week, including 3 weeks of vacation.

**some of its employees at a similar rate<sup>2</sup>.** All jobs, with the exception of two management positions brought in to start the store, will be filled locally.

Buc-ee's Travel Center has identified this site as a good location for their business because of the existing 125,000 cars traveling daily along Interstate 85/ 40, as well as Highway 70. The great majority of visitors to Buc-ee's will already be driving down one of these major roadways. A stop at Buc-ee's will create increased awareness of and interest in Efland that will likely generate opportunities for other businesses to flourish. Efland Station plans to capitalize on this renewed interest in Efland.

In addition to Buc-ee's, the Efland Station Master Plan plans for neighborhood services and retail shops, full service, sit-down restaurants (drive-thru restaurants are prohibited), a hotel with 120 rooms, offices and financial services, medical uses, and select light manufacturing uses. This Phase II could result in another \$1,000,000.00 in tax revenue and additional good jobs in more varied fields for nearby residents.

The subject property is in the Upper Eno River Watershed outside of the critical watershed area. Consistent with Orange County's watershed policy, this area that has been designated by Orange County's 2030 Comprehensive Plan as a Commercial-Industrial Transition Activity Node. **Orange County intends for the most intense uses permitted in the county to be developed in this area.** Development in other areas of the Upper Eno River Watershed has been curtailed to allow for intense land uses in the area adjacent to busy highways and the railroad with access to public utilities.

Since then, your professional staff and appointed boards and commissions have spent significant time and effort in providing a detailed review of the proposal. More specifically, Efland Station has been reviewed by the following:

#### **I. Planning Staff and Planning Board Review**

Planning staff review of the Efland Station Master Plan has been on-going since the plan was filed in August 2020. The resulting 19-page staff report addressed every planning related topic including access, transportation improvements, utilities, erosion control, stormwater, solid waste, land use buffers and setbacks, an environmental assessment, analysis regarding the Orange County Comprehensive Plan and the Efland-Mebane Small Area Plan, the financial impact, the social justice impact and the environmental impact of the Efland Station Master Plan.

This thorough and professional review resulted in a back and forth dialogue with the applicant agreeing to many changes to address Planning staff concerns. These commitments are

---

<sup>2</sup> Indeed.com advertises COVID Temporary Certified Medical Assistant jobs with Orange County Health Department with starting pay of \$15.32 an hour. In addition, Indeed.com is advertising a Veterinary Health Care Technician ("Vet Tech") with the Orange County Animal Services Department that pays a starting wage of \$34,472, just \$3,272 more than an entry level Buc-ee's employee. Employment as a Vet Tech requires an Associate's degree in Veterinary Medical Technology or related field, or three (3) years of veterinary experience; whereas, a position with Buc-ee's requires no special experience or education.

memorialized in a 24-page zoning ordinance containing conditions to address areas of impact or concern identified by the Planning Department.

The Planning Board reviewed the Efland Station Master Plan on November 4, 2020, hearing comments from staff, the applicant and other interested parties.

**The Planning Director and the Orange County Planning Board unanimously recommend approval of the Efland Station Master Plan.**

## **II. Department of Environment, Agriculture, Parks and Recreation (“DEAPR”) Orange County Commission for the Environment Review**

The DEAPR reviewed the Efland Station Master Plan providing scant comments in two letters.

The first letter, dated October 13, 2020, described the use and condition of the subject property today noting the existence of two ephemeral streams on site that flow south toward the Seven Mile Creek. The letter indicated that protecting these two tributaries is in the public interest and recognized that the applicant’s site plan protects the streams by placing them in open space. DEAPR staff suggests that a conservation easement may be appropriate for this open space area if the landowner desires to retain ownership of the area. Under such an arrangement, the county would maintain the sensitive area.

The second letter, dated October 20, 2020, indicated that there was a historic resource on the subject property which has collapsed and no longer possesses any physical integrity.

DEAPR staff made no other comments and raised no other concerns.

The Commission for Environment reviewed the Efland Station Master Plan on January 11, 2021. The DEAPR staff report consisted of a list of environmental concerns apparently gathered from community input. No staff analysis of these concerns was provided. The applicant was not permitted to speak and no formal presentation was allowed about the Efland Station Master Plan or the 1000+ pages of materials on the topic.

Much of the board discussion focused on a letter prepared by a member of the commission in opposition to the project and apparently circulated to DEAPR staff and other board members in advance of the meeting. The applicant was not provided a copy of the letter in advance of the meeting. A slightly revised version of that letter was adopted by the Commission for the Environment in recommending denial of the project.

The Commission for the Environment failed to consider the many environmental benefits of the Efland Station Master Plan made apparent in our letter to the commission attached hereto.

## **III. Orange County Economic Development Review**

Economic Development Staff prepared a report entitled “Potential Economic Value of Efland Station to Orange County: Forecast of Jobs & Benefits and Annual Property & Sales Tax Revenue Projections” which has been provided as a part of the overall packet. The report concurs with the applicant’s assessment that Buc-ee’s will provide \$1,000,000 in needed tax revenue and 200 good jobs in Phase I plus additional revenue and jobs as Phase II develops.

**The Orange County Economic Development Commission unanimously recommends approval of the Efland Station Master Plan.**

Efland Station offers many benefits: good jobs paying a living wage with benefits, tax dollars to alleviate the burden on residential tax payers countywide, needed infrastructure investment for roads and utilities at no cost to taxpayers, all in a historically underutilized area of the county while also minimizing negative impacts by voluntarily agreeing to more open space and less building area and increased stormwater treatment measures than are required under the current zoning ordinance at the behest of your professional staff.

We hope that you retain the interest and excitement you showed when Stan Beard first approached you about bringing Buc-ee's and Efland Station to Orange County more than one year ago. We hope you will join the Orange County Planning Board and the Orange County Economic Development Advisory Board in supporting the Efland Station Master Plan.

With best regards,

A handwritten signature in blue ink, appearing to read 'E. Trahos', with a long, sweeping flourish extending to the right.

Elizabeth C. Trahos



NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

Beth Trahos  
(919) 329-3884

beth.trahos@nelsonmullins.com

4140 Parklake Ave, Suite 200  
Raleigh, NC 27612  
T 919.329.3800 F 919.329.3799  
nelsonmullins.com

January 8, 2021

Orange County Commission for the Environment  
c/o Mr. David Stancil  
Department of Environment, Agriculture, Parks & Recreation  
Via Email: [dstancil@orangecountync.gov](mailto:dstancil@orangecountync.gov)

RE: Efland Station Master Plan

Dear Chair and Members of the Commission for the Environment:

I write to provide information in support of the Efland Station Master Plan.

By way of introduction, Efland Station is a mixed-use, master planned project that will allow for 425,000 square feet of gross building area on a 104± acre tract used primarily for grazing cattle. The subject property is located north of Highway 85/40, south of the railroad and west of the 70/85 Connector. Approximately 125,000 cars drive by the site on Highway 85/40 every day. Noise from the heavily travelled highway and busy railroad can be heard on the site today. The area is currently well lit as the North Carolina Department of Transportation has installed light poles ranging from 90 feet to 120 feet in height along the frontage to provide for highway safety.

Efland Station will be anchored by a Buc-ee's Travel Center which will create more than \$1,000,000.00 in much needed tax revenue for Orange County and more than 175 good jobs with starting pay at \$15 per hour and benefits, including 3 weeks of vacation, access to health insurance and a 401(k). All management jobs, with the exception of two management positions brought in to start the store, will be filled locally.

Buc-ee's Travel Center has identified this site as a good location for their business because of the existing 125,000 cars traveling daily along Interstate 85/Interstate 40, as well as, Highway 70. The great majority of visitors to Buc-ee's will already be traveling along the highway and simply stop to visit the travel center.

In addition to Buc-ee's, the Efland Station Master Plan plans for neighborhood services and retail shops, full service, sit-down restaurants (drive-thru restaurants are prohibited), a hotel with 120 rooms, offices and financial services, medical uses, and select light manufacturing uses.

The subject property is in the Upper Eno River Watershed outside of the critical watershed area. Consistent with Orange County's watershed policy, this area that has been designated by Orange County's 2030 Comprehensive Plan as a Commercial-Industrial Transition Activity Node. **Orange County intends for the most intense uses permitted in the county to be developed in this area.** Development in other areas of the Upper Eno River Watershed has been curtailed to

allow for intense land uses in the area adjacent to busy highways and the railroad with access to public utilities.

We offer the following information related to the environmental efficacy of the Efland Station project:

**I. Efland Station requires more open space and allows less building area than the existing zoning.**

Efland Station proposes a maximum of 425,000 square feet of building area with commitments to no more than 60% impervious area and at least 40% of the site required to be open space. These commitments far exceed requirements for by-right development under existing zoning, which development requires no further public review.

The chart below compares development opportunities under the current zoning and as proposed by Efland Station.

<b>Development Intensity</b>	<b>Efland Station</b>	<b>By-right Development Under Current Zoning with No Further Public Review</b>
Permitted Building Area	425,000 sq. ft.	2,000,000+ sq. ft.
Permitted Impervious Area	60% (62.4± acres)	70% (72.8± acres)
Required Open Space	40% (41.6± acres)	30% (31.2± acres)

**II. Efland Station includes stormwater mitigations that meet or exceed current, undeveloped conditions.**

The subject property is located in the Upper Eno River Watershed outside of the critical watershed area. The property is downstream of the West Fork Eno Reservoir (the Town of Hillsborough's drinking water source) and all Orange-Alamance Water System intake facilities. **There is no opportunity for stormwater from the subject property to reach these public water supplies.**

That being said, Efland Station recognizes that all water eventually flows into a watershed potentially used for drinking water and is committed to being a good steward of water resources. Efland Station has committed to meeting the existing nitrogen export load from site in its current undeveloped state and reducing the phosphorus export load from the site in its current undeveloped state. The chart below compares the state and county standards, current conditions on the undeveloped site, proposed standards for Efland Station and by-right development under current zoning. The Efland Station Master Plan commitments include a significant reduction from current regulations for nitrogen loading rates and results in lower phosphorous loading rates than the existing, undeveloped condition.

Nutrient Export (pounds/per acre/per year)	State/County Standards	Current Condition	Efland Station <sup>1</sup>	By-right Development Under Current Zoning <sup>2</sup>
Nitrogen	2.20	1.20	1.20	2.20
Phosphorous	0.33	0.52	0.24	0.33

In addition, Efland Station commits to obtaining credits for off-site mitigation in the immediate area to the extent they are available. By-right development would be permitted to buy credits from the state credit bank, which may not directly improve the watershed in which the site is located.

### III. Buc-ee's Travel Center has never had a reportable fuel leak.

Buc-ee's Travel Center includes a gas fueling facility with 60 gas pumps and 120 fueling positions, plus at least 10 electric vehicle charging stations. There are many more gas fueling positions planned than electric vehicle charging stations because there are many more gas vehicles on the road today. Although electric vehicles are becoming more affordable, today they are not affordable for most people. As the ratio of electric vehicles increases, so too will the ratio of electric charging stations. Buc-ee's Travel Center aims to serve the traveling public whatever fuel source they utilize.

Regardless of the fuel source, the number of fueling positions will remain a minimum of 120 positions. This number of fueling positions is needed because visitors tend to leave their vehicles at the fueling positions when they enter the store and often remain in the store for 20-30 minutes. Buc-ee's store is not a typical convenience store but instead more like a general store that stocks fresh foods made on the premises, home goods, local (North Carolina) arts and crafts, Buc-ee's themed merchandise, clothing, hats and the like.

Fuel is stored in underground storage tanks constructed of multi-layered fiberglass/resin, double-walled tanks with interstitial monitoring for leaks. If a leak is detected, an audible alarm sounds and an email will be sent to the fuel and environmental team in Efland and in Texas. All federal and North Carolina system requirements will be met.

The fuel delivery system is the most vulnerable to leaks. As a result, Buc-ee's has designed their fuel delivery system to exceed applicable environmental requirements. The fuel delivery system is comprised of double-walled piping with initial probe monitoring in every sump pump connected to a pipe. Here again, if a leak is detected, an audible alarm sounds and an email will be sent to the fuel and environmental team in Efland and in Texas. In addition, the fuel control system is programmed to immediately cut power to any fuel motors which pump fuel when a leak is detected. This allows for faster detection of any leak, and the immediate shut down feature significantly reduces the chances of a significant release.

<sup>1</sup> Includes on-site stormwater treatment and off-site mitigation payments

<sup>2</sup> Includes on-site stormwater treatment and off-site mitigation payments

Finally, all stormwater inlets in the fueling areas will be equipped with oil/water separator systems which will prevent incidental fuel spills at the pump from entering the stormwater system. Buc-ee's personnel also monitor and manually clean incidental fuel spills at the pump.

**IV. Efland Station is committed to water conservation and waste reduction.**

Efland Station will utilize low-flow fixtures throughout the development in an effort to conserve water. Stormwater from the Buc-ee's building roof will be used for irrigation on site. The planned car wash has been eliminated because of water use concerns.

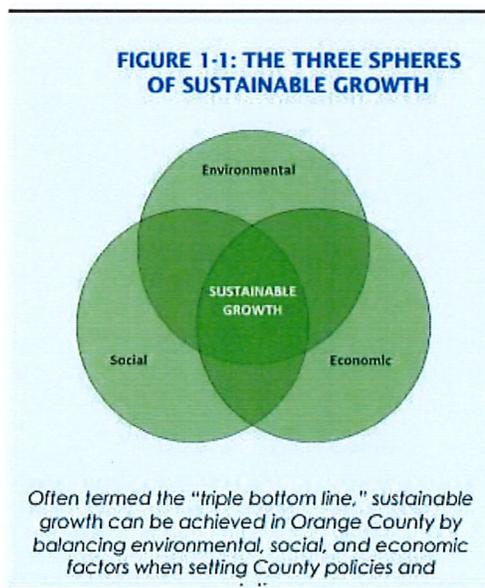
Efland Station has committed to the standards and guidelines of Orange County Solid Waste Management. These guidelines provide for the separate treatment of solid wastes, recyclable materials (including corrugated cardboard) and food wastes.

**V. Providing jobs and services within Efland reduces carbon emissions created by commuting long distances to work and other service uses.**

Efland is home to few businesses today. Efland Station will create an opportunity for Efland residents to work, shop and eat in close proximity to their homes, thereby, reducing carbon emissions associated with commuting to these necessary activities. In addition, drive-thru restaurants are prohibited, thus eliminating a common source of vehicle idling.

**VI. Efland Station is in accordance with Orange County's Comprehensive Plan, including commitment to the three spheres of sustainable growth.**

The Orange County 2030 Comprehensive plan identifies three spheres of sustainable growth: social, economic and environmental. Please see the graphic from Section 1.3 of the 2030 Comprehensive Plan below.



In creating its policies, the Comprehensive Plan addresses the “triple bottom line” created by these three equally important elements.

The Future Land Use Map of the Comprehensive Plan designates the Property and portions of nearby land as “Commercial-Industrial Transition Activity Node,” which is defined under the Comprehensive Plan as:

*“Commercial-Industrial Transition Activity Node: Land near major transportation routes that could be provided with public water and wastewater services and is appropriate for retail and other commercial uses; manufacturing and other industrial uses; office and limited (not to exceed 25% of any Node) higher density residential uses.”*

It is noted that the Future Land Use Map calls for very few such Commercial-Industrial Transition Activity Nodes, which reinforces the appropriateness of the location of the Project being squarely at “major transportation routes” and accompanying interchange of I-40/85 and Mt. Willing Road and interchange of I-40/85 and I-85 Connector. The appropriateness of the subject property, including its location along these major transportation routes, for the designation of intensification for commercial-industrial uses, makes the subject property one of the most appropriate locations within the County for the proposed uses that will support in a balanced manner the corresponding community planning goal for providing job opportunities of area residents.

The Property is located within the Southeast portion of the planning area of the Efland-Mebane Small Area Plan, a portion of the planning area that “enjoys access to major transportation facilities including Interstate 40/85 and the US 70 Connector. Because of this, development potential for the area is high.”

Orange County planned for the subject property to be utilized in this manner.

Efland Station fulfills Orange County’s plans for the subject property and meets or exceeds all environmental regulations. We hope that you will join the Orange County Planning Board and the Orange County Economic Development Advisory Board in supporting the Efland Station project.

With best regards,



Elizabeth C. Trahos



## RESPONSE TO INNACURATE & FALSE INFORMATION

Efland Station thanks the hundreds of Orange County residents who participated in the public input process as we seek to bring a mixed-use development to an underserved part of the county. Unfortunately, a number of individuals opposed to Efland Station cited inaccurate or false information during their public comments. As Orange County Commissioners begin their discussions to approve the rezoning request, it is important that the public record be corrected on a number of fronts.

### 1) **False:** Buc-ee's is not conducive to Orange County's goal of transitioning toward electric vehicles and away from gasoline powered vehicles

**True:** These assertions are not true and ignore Buc-ee's commitment to install an Electric Vehicle Charging Station infrastructure. Buc-ee's will initially install no fewer than 10 Electric Vehicle stations, which will increase by more than 50 percent the number of EV stations currently available in ALL of Orange County.

Opponents failed to cite the fact that true "Plug-In" EVs (not hybrids that rely on a combustion engine and use gasoline) amount to less than 1% of all vehicles on the road today. Buc-ee's Charging Stations will account for 8% of the total fueling positions, thus serving as a model for other companies. As more EV's become prevalent, Buc-ee's will transition accordingly.

### 2) **False:** Buc-ee's Fuel Storage Tanks Negatively Impact Environmental Quality

**True:** A number of opponents all cited a Columbia University study that looked at "two large gas stations" for "approximately three weeks." A short study of two gas stations that are not identified by size, construction, type or age of the tanks and vents should not be the basis for alleging negative environmental impact. Other studies and verification should be obtained before giving this particular study credence. Even if the study is accurate, which we do not concede, the study advocates not for the abolition of gas stations but for increased setbacks. The Efland Station Buc-ee's is located central to the 100-plus acre site with ample setbacks from adjacent properties all around it.

Opponents also stated that Buc-ee's gas pumps will vent 600 gallons of fuel per day at half capacity. This is simply false. There is no evidence in any of our operating gas stations to support such an assertion. All of Buc-ee's fuel storage and delivery systems are state-of-the-art and engineered, constructed, installed, inspected and operated to meet or exceed all federal, state, and local requirements.

No Buc-ee's Travel Center has ever experienced a reportable release. Fuel storage and delivery at the Efland Station location will be monitored 24 hours a day, 365 days a year, and we will be prepared with on-site cleanup protocols and immediately activate response teams if needed.

**3) False: Efland Station is a general threat to Hillsborough and Orange-Alamance Water systems**

**True:** This not only a false assertion, but it is physically impossible for it to happen. The site location is downstream of the West Fork Eno Reservoir (Hillsborough source) and downstream of all Orange-Alamance Water System Intake facilities. These facts have been confirmed by the Orange County Planning Department.

**4) False: Efland Station Stormwater controls are inadequate**

**True:** Efland Station will provide stormwater quality systems that will reduce both nitrogen and phosphorus loads beyond what is required by Orange County strict standards. In the case of phosphorus, the system will reduce levels to below what is being currently produced as an undeveloped cattle pasture. These facts have been confirmed by the Orange County Planning Department.

Efland Station will be developed in accordance with the Orange County 2030 Comprehensive Plan promulgated to protect 20,000 acres of critical watershed basins. Efland Station accounts for 100 acres of the 2000 acres specifically designated for commercial development defined as a Commercial-Industrial Transition Activity Node between an Interstate and a railway.

**5) False: Efland Station Stormwater controls use the “Preserved Green Space” thereby rendering them “not preserved”**

**True:** Efland Station will create Preserved Green Space as what it is intended to be: 40 acres of pervious green area including undisturbed wetlands and properly buffered streams, walking paths, managed landscaping, and detention ponds. No more than 10 acres of the 40 acres will be used as stormwater quality devices. These facts have been confirmed by the Orange County Planning Department.

**6) False: Rezoning the property to MPD-CZ is less beneficial to the area than the “by-right” ORM zoned development**

**True:** While the benefits of the Efland Station proposed uses can be subjectively reviewed, the hard number comparison between the two zoning designations clearly shows the benefits of MPD-CZ status:

- i. Impervious Cover: 70% for ORM Development; 60% for Efland Station.
- ii. Required Open Space: 31 acres for ORM; 41 acres for Efland Station.
- iii. Permitted Building Area: 2MM square feet for ORM; 425,000 square feet for Efland Station.

There were also false assertions that ORM zoned developments, such as a million square foot distribution facility and 500,000 square feet of light manufacturing, would be open to scrutiny and public input before being approved. That is not the case. The County Commission and public has significantly more input for MPD-CZ zoning projects. These facts have been confirmed by Orange County Planning Department.

**7) False: Efland Station is a Water and Sewer Consumption Glutton**

**True:** False data or willful ignorance is the source of this claim. Buc-ee's utility use estimates, shared with Planning Department, are taken specifically from a multitude of fully operating Buc-ee's stores with years of historical data. At full build-out, Efland Station Water Usage will consume less than 20% of available capacity. Efland Station Sewer Usage will consume less than 15% of available capacity.

Buc-ee's will also construct its first ever rainwater collection system for irrigation purposes. We have voluntarily deleted the carwash as part of the re-zoning application, and we will follow or exceed all standards required by OC Solid Waste Management.

**8) False: Buc-ee's is limited to water consumption of 10,000 GPD per UDO 4.2.3.**

**True:** Opponents who cited this reference failed to note that this limit refers to industrial users that incorporate water into their manufacturing process. It is not applicable to Efland Station.

**9) False: Buc-ee's is a horrible place to work**

**True:** Multiple opponents cited website references and job sites such as Indeed.com to claim that Buc-ee's is not a suitable employer for Orange County. These speakers were very selective in their reviews. A visit to the Indeed.com website shows:

i. Buc-ee's Employer Rating is 3.0 using a 5-Star system.

1. For context, Orange County's Employer rating is 3.7 out of 5.

ii. Buc-ee's has almost an equal number of 5-Star Rating (134) as 1-Star Ratings (144).

Buc-ee's is proud of our work environment and opportunities provided to more than 4,000 current employees.

**10) False: Buc-ee's management and higher paying jobs are given to existing employees from Texas:**

**True:** Opponents continue to ignore or disregard Buc-ee's repeated commitment that other than the General Manager and one other manager who will transfer from existing stores, all other hires (200 Full Time) will come from the local community. This includes as many as 20 store management positions.

**11) False: Traffic Will Be "A Nightmare"**

**True:** Statements about traffic patterns have been distorted or taken out of context. All of our data for traffic generation has been reviewed and approved by NCDOT. All of our data for traffic generation comes directly from Buc-ee's operating stores and years of historical data. Repeated references to our Robertsdale store and the requirement of Buc-ee's Blvd to be built by state or federal money are patently false; the "900-foot length" of an existing county road was renamed to Buc-ee's Blvd to enhance traffic flow with signage at the adjacent intersection.

NDCOT has conceptually approved our traffic plan as a safer, more efficient, and long-term solution to a growing problem acknowledged by NDCOT and the County. The proposed traffic plan allows for a renewed discussion for the completion of the south and west bound connections from I-85 to Highway 70 and a realignment of Ben Johnston Road.

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

An applicant initiated amendment to the Zoning Atlas to rezone 2 parcels as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning District	Proposed Zoning District
9854-16-1576	Cheeks	SL Efland Heirs LLC	Office Research Manufacturing (O/RM); Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Efland Station; Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District.
9854-36-3711	Cheeks	Chad Lloyd Land Investment Company LLC	Office Research Manufacturing (O/RM); Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Efland Station; Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District.

The Board of County Commissioners finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
  - 1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:
    - Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County’s population and economy consistent with other Comprehensive Plan element goals and objectives.

The County and City of Mebane have engaged in numerous studies/joint planning efforts over the last several identifying

areas viable for the extension of utilities (i.e. sewer) in support of high intensity residential and non-residential land uses.

The requested rezoning will allow development consistent with the overall spirit and intent of the adopted Comprehensive Plan as well as applicable joint planning efforts completed by the County and the City with respect to providing utility (i.e. sewer) services.

This area was part of a small area plan, specifically the Efland-Mebane Small Area Plan (hereafter 'the Plan'), adopted by the County in 2006. The purpose and intent of the Plan was to identify areas for urban style development focusing on viable locations for housing, community services, open space areas, and non-residential development.

Upon adoption, the UDO was amended creating various overlay districts designed to implement the goals/policies of the adopted Plan.

One of these districts was the *Efland Interstate Overlay District*.

Per Section 4.4 of the UDO the intent of the overlay district is to: '*... provide for a more urban style of development in an area of the county served, or intended to be served, by public water and sewer systems*'.

The properties subject to this rezoning request have been pre-determined to be suitable for urban style development and higher intensities consistent with the Plan.

- Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

The atlas amendment is consistent with this goal and objective with the approval of a rezoning of property creating a district allowing for the development of high density non-residential land uses in an area of the County designated for the location of adequate supporting infrastructure (i.e. water and sewer).

The rezoning is also consistent with the goals/policies of the Efland-Mebane Small Area Plan, which identified the area in question as being suitable for higher intensity, urban scale, development due to the proximity to the Interstate and availability of utility services (i.e. water/sewer).

- c. The amendment is reasonable and in the public interest because it:
  - 1. Expands economic development prospects within the County, while continuing to protect adjacent and nearby land uses, consistent with the Comprehensive Plan as well as adopted Small Area Plans for the area.

The atlas amendment involves the approval of a master plan establishing a detailed list of allowable non-residential land uses to aid in the marketing on an area designated within the Comprehensive Plan as being suitable for high intensity non-residential development.

The expansion is consistent with County and City of Mebane plans outlining those parcels suitable for service by sewer that are prime for high intensity non-residential development.

Further, the approved master plan establishes mandatory land use buffers and setbacks for development within the project to ensure off-site impacts are mitigated.

The Board of County Commissioners hereby adopts this Statement of Consistency and findings expressed herein.

\_\_\_\_\_  
Renee Price, Chair

\_\_\_\_\_  
Date

Attachment 5
--------------

**AN ORDINANCE AMENDING  
THE ORANGE COUNTY ZONING ATLAS**

WHEREAS, Orange County has received and processed a petition submitted by Buc-ee's Limited (hereafter 'the Applicant') seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO); and

WHEREAS, This petition seeks to rezone 2 parcels totaling approximately 104 acres of property to Master Plan Development Conditional Zoning District (MPD-CZD) for the purpose of developing the Efland Station development (hereafter 'the Project'); and

WHEREAS, The properties subject to this rezoning are identified, utilizing Orange County Parcel Identification Numbers (PIN), as:

- i. A 92 acre tract of land PIN 9854-16-1576, and
- ii. A 12 acre parcel of land PIN 9854-36-3711

hereafter 'the Property'; and

WHEREAS, The applicant has voluntarily chosen to establish development and land use limitations on the Project to address potential conflicts with surrounding properties; and

WHEREAS, This petition has been submitted in concert with a formal master plan in accordance with the provisions of Section 2.9.2 (C) of the UDO; and

WHEREAS, the requirements of Section 2.8 and 2.9.2 of the UDO have been deemed complete; and

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone aforementioned 2 parcels of property to Master Plan Development Conditional Zoning (MPD-CZ) and allow development of the Project as detailed within the submitted application.

BE IT FURTHER ORDAINED THAT The terms and conditions contained herein shall encumber the Property and bind the owners and lessees thereof, their successors in title and interest. The development of the Project as well as all necessary site improvements, both internal and external to the Project, shall be reviewed, approved, and developed in accordance with:

- a. The applicable provisions of the Orange County Unified Development Ordinance (UDO),
- b. Any and all applicable Federal, State, and local regulations, and
- c. The application package, including traffic impact analyses, as submitted by the Applicant and as approved by the Orange County Board of Commissioners on \_\_\_\_\_.

BE IT FURTHER ORDAINED THAT in accordance with Section 2.9.2 (F) of the UDO the approval of this Conditional Zoning application is subject to the following mutually agreed to conditions:

I. GENERAL:

- a. Approval of the Project does not constitute an explicit guarantee for utility services (i.e. water and sewer) by either the City of Mebane or Orange-Alamance Water System (OAWS). Provision of services shall be consistent with applicable utility connection policies and/or any existing utility agreements between the City of Mebane, OAWS, and Orange County;
- b. Approval of the Project does not constitute an explicit guarantee for roadway closures/development as denoted on the Master Concept Plan.

Closure of the existing Exit 160, and development of right-in/right-out driveways on the existing Interstate on/off ramp, shall require additional review/hearings as part of NC DOT and Federal Highway Administration (FHWA) processes taking action on the request independent on this approval.

If roadway realignment is approved, the Project will move forward consistent with the approved plan. If denied, the applicant will have to address necessary modification(s) at a future date.

- c. The Project shall be composed of 2 individual properties totaling approximately 104 acres of land area further defined as follows:
  - i. **PIN 9854-16-1576:** An approximately 92 acre parcel currently zoned:
    - 1. Office/Research and Manufacturing (O/RM);
    - 2. Upper Eno Protected Watershed Protection Overlay District;
    - 3. Efland Interstate Overlay District; and
    - 4. Major Transportation Corridor (MTC) Overlay District.
  - ii. **PIN 9854-36-3711:** An approximately 12 acre parcel currently zoned:
    - 1. Office/Research and Manufacturing (O/RM);
    - 2. Upper Eno Protected Watershed Protection Overlay District;
    - 3. Efland Interstate Overlay District; and

#### 4. Major Transportation Corridor (MTC) Overlay District.

**NOTE:** Overlay District boundaries/designations are not impacted by this proposal.

- d. The Zoning Atlas for Orange County shall be designated MPD-CZ. Development shall be in accordance with the approved application packet, master concept plan, and the conditions detailed herein.

## II. SITE PLAN:

- a. All site plans proposing development within the Project shall be reviewed by City of Mebane and OAWS staff as part of existing courtesy review agreements;
- b. All site plans shall provide detail denoting the anticipated daily water and sewer needs for proposed land use(s). Further, all submitted site plans shall track cumulative water/sewer allocation for each proposed land use as part of submittal(s).

A lack of water and/or sewer capacity shall result in the denial of the site plan;

- c. Consistent with existing inter-local utility agreements between Orange County and the City of Mebane, and the approved Application, the Project will have a daily sewer utility allotment of approximately 77,000 gallons a day of sewer service.

Site plans proposing development/land uses exceeding cumulative daily sewer allotments shall be required to provide documentation from the City of Mebane indicating there is sewer capacity to serve the proposed development;

- d. Prior to the approval of a site plan allowing development within the Project, the County will need documentation from OAWS indicating there is sufficient water capacity to serve the Project. A lack of water capacity for a proposed use shall result in the denial of the site plan;
- e. The Orange County Staff Engineer, OAWS staff, and the City of Mebane Utility Director shall review and approve location(s) of proposed water and sewer lines prior to site plan approval and the initiation of land disturbing activity;
- f. The Orange County and City of Fire Marshal(s) shall review and offer comment on:
  - i. Road layout and construction methodology,
  - ii. Location of fire lanes,
  - iii. Location of fire hydrants, and
  - iv. Location of the proposed stand-pipe(s).

as part of all site plan review.

- g. Each site plan shall be required to demonstrate compliance with Section 6.16 *Environmental Assessment* of the UDO. In those cases where development exceeds established thresholds, a formal Environmental Impact Statement (EIS) may be required allowing for site plan approval;
- h. In addition to the standards detailed in Section 2.5 of the UDO, all landscaping plans shall include information denoting the proposed method of care (i.e. underground sprinklers, maintenance personnel, etc.) for the development.
- i. Identified conflicts associated with landscaping shall be resolved prior to the approval of the site plan for a given project;
- j. For all site plans submitted for the Project the Efland Volunteer Fire Department shall be considered a member of the County Development Advisory Committee (DAC) as outlined in Section 1.9 of the UDO to review a projects compliance with applicable development standards including, but not necessarily limited to: land use regulations, conditions of MPD-CZ approval, applicable State fire/building codes.
- k. Site plans shall contain documentation outlining proposed and/or existing cumulative impervious surface area as well as building/open space ratios within the Project.

### III. DIMENSIONAL STANDARDS:

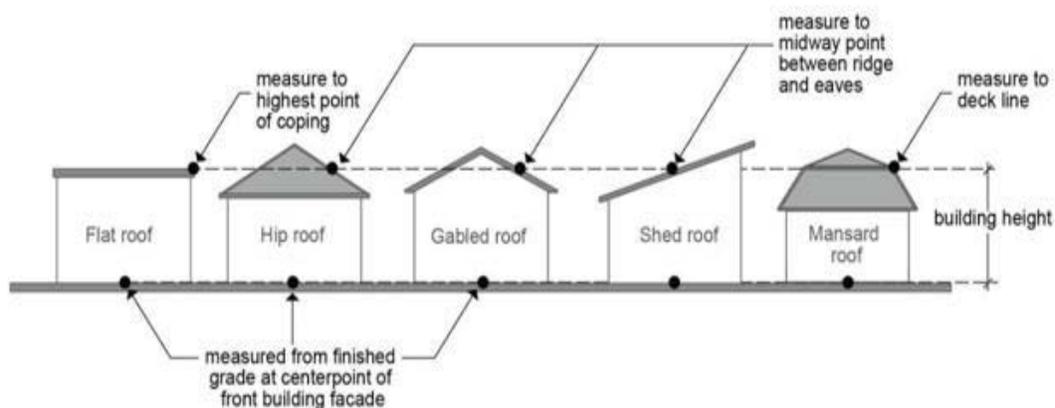
- a. The Project shall observe a building square footage limit of 500,000 sq.ft. consistent with the submitted and approved Traffic Impact Analysis (TIA) approved as part of this master concept plan.

Additional floor area may be developed with the submittal of a revised, updated, TIA processed and reviewed in accordance with the provisions of the UDO.

- b. Height – Principal Structures: Consistent with the definition of *building height* in Article 10 *Definitions* and Section(s) 6.2.2 and 6.5 3 of the UDO, the following height limitations shall be observed within the Project:
  - i. Development Area(s) 1 and 5: 40 ft.
  - ii. Development Area(s) 2 and 3: No structure shall exceed 5 stories or 60 ft. in height;
  - iii. Development Area 4: No structure shall exceed 6 stories or 72 ft. in height. This shall be limited to the proposed Short-Term Rental Non-host occupied land use.
  - iv. Development Area 6: 40 ft.

There shall be an allowance of an additional 10 ft. of building height to accommodate telecommunication equipment, utility infrastructure including elevator housing, and alternative energy devices.

Measurement shall be taken from finished grade at the center point of the front building façade.



**NOTE:** drawing for illustrative purposes only. Determination of height shall be consistent with applicable County land use regulations, the various conditions herein, and shall be determined prior to site plan approval.

- c. Height – Water Tower Accessory Structure: Shall not exceed 110 ft. in height including any/all antenna apparatus erected on same.<sup>1</sup>
- d. Setbacks: The Project shall observe the following setbacks:

Property Line:	Freestanding Building/Structures:	Vehicular Use Areas:	Signage:
Interstate 85/40 right-of-way	100 ft. including any gas station canopy or fuel pump.	100 ft. and 40 ft. consistent with the proposed MTC buffer break denoted on the approved Master Concept Plan <sup>2</sup>	10 ft. <sup>3</sup>
US Highway 70/Interstate Connector Road right-of-way	40 ft. <sup>4</sup>	40 ft. <sup>4</sup>	10 ft. <sup>5</sup>

<sup>1</sup> The applicant is requesting language be modified to indicate water tower height shall be based on utility service needs rather than an arbitrary height limit.

<sup>2</sup> Staff is comfortable with the proposed vehicular use area setback as the condition is written. The applicant is proposing a managed break in the MTC buffer, consistent with existing allowances. They are, however, proposing to have landscaping in this area where none would normally be required. Staff is comfortable with the provision.

<sup>3</sup> Staff will be recommending a minimum 25 ft. setback for signage erected adjacent to an Interstate right-of-way.

<sup>4</sup> Staff is recommending 50 ft.

<sup>5</sup> Staff is recommending a minimum 20 ft. setback for signage erected adjacent to the road right-of-way.

Property Line:	Freestanding Building/Structures:	Vehicular Use Areas:	Signage:
Mt. Willing Road right-of-way	40 ft. <sup>6</sup>	40 ft. <sup>6</sup>	10 ft. 100 ft. from residential land uses. <sup>7</sup>
External Property Lines	40 ft. <sup>8</sup>	40 ft. <sup>9</sup>	
Development Area 1 - Internal setbacks	10 ft. <sup>10</sup>	10 ft. <sup>11</sup>	5 ft. from private right-of-way 10 ft. from public right-of-way <sup>12</sup>
Other Development Areas - Internal setbacks	20 ft.	20 ft.	5 ft. from private right-of-way <sup>13</sup>

- e. Open Space: 40 acres (38%) of land within the Project shall be preserved as open space area. No building and/or parking areas shall be permitted. Walking trails, picnic tables, and/or other recreation amenities may be permitted consistent with the standards contained herein and in accordance with the provisions of the UDO;
- f. Cumulative impervious surface area for the Project shall not exceed 62%.

IV. ACCESS AND TRANSPORTATION: In addition to the requirements of Section 6.10 *Roadway Improvements and Multi-modal Transportation* of the UDO the following standards shall apply:<sup>14</sup>

<sup>6</sup> Staff is recommending 50 ft.

<sup>7</sup> Staff is seeking confirmation from the applicant this includes 100 ft. from residentially zoned property west of Mt. Willing Road.

<sup>8</sup> Staff is recommending the following: 100 ft. from external property lines abutting a residential land use/zoned parcel of property and 50 ft. adjacent to a non-residential land use/zoned parcel of property.

<sup>9</sup> Staff is recommending 50 ft.

<sup>10</sup> Staff is recommending 20 ft. The Master Concept Plan denotes a variable 15 to 20 ft. landscape buffer separating vehicular use/building area from internal rights-of-way. Staff's proposed setback preserves this landscape area as shown.

<sup>11</sup> IBID.

<sup>12</sup> As all roadways are to be constructed to public right-of-way standards, and site visibility will be a concern, staff recommends a 10 ft. setback for signage from internal roadways.

<sup>13</sup> Staff is recommending a 10 ft. setback.

<sup>14</sup> As detailed in the December 15, 2020 staff abstract, staff has recommendation(s) on the imposition of additional conditions for access drives off of the Interstate on/off ramp as well as westbound Exit 160.

- a. Internal streets shall be privately maintained;
- b. External roadway construction/improvements shall be completed or appropriately bonded prior to the issuance of a Certificate of Compliance (C of C) allowing the occupancy of a structure triggering completion of same;
- c. External roadway improvements shall be constructed in accordance with NC Department of Transportation requirements and guidelines, approved Traffic Impact Analysis (TIA), and the standards outlined herein;
- d. Final roadway layout, including pavement widths and driveways, shall be approved by the Orange County Fire Marshal's office and NC DOT as part of the final site plan review process required under Section 2.5 of the UDO and as detailed herein;
- e. Phase 1 shall involve development of a gravel access road off of Mt. Willing Road for emergency vehicle access. When the final driveway access allowing access to the Project from Mt. Willing Road is constructed, this gravel roadway can be eliminated;<sup>15</sup>
- f. Site plan submittals shall be required to demonstrate internal/external traffic improvements necessary to address development impacts consistent with the submitted Transportation Impact Analysis (TIA);
- g. Any and all internal streets, sidewalks, bicycle lanes, etc. shall be designated for public access/use for employees/customers/visitors to the site;
- h. Driveway permits, when required, shall be applied for and issued by the North Carolina Department of Transportation;
- i. Orange County and North Carolina Department of Transportation shall approve the location of all proposed external utility poles housing street signals prior to installation;
- j. Segregated entrances and exits for pedestrian, construction vehicle, and non-construction vehicular traffic shall be developed to avoid conflict during construction activities for internal roadways;
- k. Any required or requested bus pullouts and/or transit shelters shall be constructed to serve the Project consistent with transit plans adopted by Orange County and shall be developed in accordance with the following:
  - i. Outside of Development Area 6, there shall be a maximum of 2 bus stops serving the Project. Location of these stops shall be determined with each site plan submittal;
  - ii. Each transit stop shall be a covered and enclosed on 3 sides to shield users from the elements,

---

<sup>15</sup> The applicant is proposing a gravel roadway for emergency vehicle access (i.e. fire, EMS, Sheriff, etc.) to the Project. This has been approved by the County Fire Marshal. Staff would prefer the proposed driveway access from Mt. Willing Road be constructed in Phase 1 making it easier for Efland residents to access the Project.

- iii. Kiosks shall be developed to provide transit information, including schedule and route information, and shall be illuminated to five (5) average maintained foot-candles.
  - I. Traffic directional signage shall be required for all internal and external roadway as directed by Orange County and the North Carolina Department of Transportation including but not limited to:
    - i. Stop signs,
    - ii. Yield signs,
    - iii. Bus parking and unloading informational signs
    - iv. Lane ends,
    - v. Merge signs,
    - vi. Caution Pedestrian Traffic – Yield Signs,
    - vii. Traffic safety signs designed to direct construction traffic throughout the site,
    - viii. Traffic warning signs indicating the location of private driveways and forbidding public access to the various properties, and
    - ix. Through traffic signs.
  - m. Applicant shall be responsible for designating a speed limit for the Project, posting signage denoting same;
  - n. Development of Area 6 shall be coordinated with the applicant, NC DOT, and Orange County Transportation Services consistent with the standards detailed herein and within the UDO. The applicant bears no responsibility for the development of Area 6.
- V. PERFORMANCE STANDARDS:
  - a. The Project shall comply with Section(s) 6.4.2 through 6.4.7 of the UDO inclusive;
  - b. **Solid Waste Management:** The following specific standards shall apply:
    - i. Development within the Project shall contract for the private collection and disposal of solid wastes and for the collection and marketing of mixed recyclables (including corrugated cardboard), and food waste;
    - ii. All site plans shall designate external space for the proper storage and collection of solid waste, recyclable materials (including corrugated cardboard) and food waste;
    - iii. Storage/collection areas shall be located in such a manner as to provide convenient access for users of the facility and for safe and efficient access by collection vehicles. Their location shall be reviewed and approved as part of the site plan submittal/review process.

External space for collection of solid waste and recyclable materials. Materials collected shall be consistent with the County's Solid Waste Management ordinance. Waste collection areas shall be located in such a manner as to provide convenient access for users of the facility and safe passage for service vehicles.

- iv. In those cases where storage/collection areas are located across property or district lines for shared areas, developer shall prepare and record a joint access agreement, including a shared storage/collection facility agreement, establishing the sharing of the proposed storage/collection facility and that they can be serviced across property lines or district lines.

This agreement shall be reviewed and approved by Orange County Solid Waste and representatives of the County Attorney's office;

- v. For food service and lodging operations, space shall be reserved for the storage/collection of food waste collection;
- vi. The layout and design of waste/storage facilities for solid wastes, recyclable materials (including corrugated cardboard), and food wastes shall comply with the standards and guidelines of Orange County Solid Waste Management (OCSW) and the Orange County Environmental Health Food & Lodging Division.

Further, such waste/storage facilities shall be designed and situated so not to negatively affect adjacent properties; and shall be located so not to impact internal traffic flow or located in loading zones.

- vii. The following standards notes shall be placed on all site plan(s) addressing compliance with the County's Regulated Recyclable Materials Ordinance (RRMO):
  1. Clean wood waste, scrap metal, and corrugated cardboard present in construction and demolition waste shall be recycled;
  2. All haulers of construction and demolition waste shall be licensed with OCSW;
  3. Prior to the issuance of a permit to demolish any structure five hundred (500) square feet or greater in size, the permittee or owner shall have requested and received a deconstruction assessment by OCSW Enforcement staff in accordance with the RRMO.
- viii. The following additional notes shall be provided on any submitted site plan:
  1. Gate design will include gate retainers.
  2. Orange County will not be responsible for any pavement damage that may result from service vehicles.

3. The developer shall reserve space within all solid waste collection areas for segregated grease rendering/recycling collection facilities and shall provide space for segregated food waste collection near the delivery entrance for any building that houses, proposes to include, or may at some future date incorporate a restaurant, cafeteria, bar, or other food service facility at any time.
  4. All solid waste containers, dumpsters, recycling bins, etc. shall be located within an enclosure, buffered in accordance with the standards contained herein, and meeting the following criteria:
    - a. Loading areas shall be designed and situated not to negatively affect adjacent properties.
    - b. Solid waste enclosures shall be so located as to not impact internal traffic flow,
    - c. Loading zones shall not be located within areas designated as housing for solid waste facilities.
- c. **Architectural Design:** In addition to the standards detailed in Section 6.5 of the UDO, the following specific standards shall apply to the Project:
- i. **Development Area 1:**
    1. Development shall abide by the information detailed in Exhibit 1 of the approved Application package.
  - ii. **Development Area(s) 2 through 5:**
    1. Permitted exterior finishes and/or siding materials shall be limited to:
      - a. Cement/concrete siding, such as Hardi-plank,
      - b. Brick and/or stucco,
      - c. Concrete in pre-cast or cast-in-place (CIP) applications.
        - i. Where utilized, large expanses shall be broken-up and modulated with architectural variations like scoring, reveals, ornamental embellishments, etc.
      - d. Concrete masonry units (CMU's) limited to:
        - i. Standard block, painted for service areas out of public view, rears of parapets, etc. OR
        - ii. Split-face and/or ground face CMU's

- e. Dry-stack and/or ashlar stone shall be permitted only when utilized as an identifying characteristic for a structure.
- f. All storefronts and glass walls shall utilize glazing. Reflective and/or mirrored glass is prohibited.

2. Roofs shall abide by the following standards:

- a. Roof design that serve to enhance the capture of natural light shall be encouraged;
- b. All rooftop HVAC equipment, elevator overrides, and other similar devises shall be screened utilizing 1 of the following methods:
  - i. Clad in exterior materials that are non-reflective or illuminated, OR
  - ii. Designed as an architectural feature of the proposed structure, OR
  - iii. Screened through some vegetative buffer or fencing.
- c. Solar panels shall be allowed to be installed along roof tops, including raised panels to allow for tracking of the sun's rays, in accordance with the following:
  - i. The panels shall oriented or designed to prevent glare, and
  - ii. Roof mounted panels shall be screened from view at through an architectural feature.
  - iii. Metal roofs shall be non-reflective and designed to blend in with the architecture of the building.
- d. Ground mounted solar shall be screened from view by fencing or vegetative buffer.
- e. Sloped standing seam metal roofs shall be permitted as long as they are designed to blend in with the architecture of the building and the district,
- f. Flat roofs comprised of TCP, EPDM, rubber single-ply membrane and other similar products shall be permitted as long as the applicant demonstrates that the roof shall be hidden or shielded from the public's street view through the use of parapets, railings, or balusters.

3. Service Areas & Mechanical Equipment shall be screened from the adjoining Public Roads with walls designed to complement the building architecture of the adjacent buildings and/or landscaping. Architectural features such as, but not limited to, banding, medallions, changes in color or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls;
  4. Screening of Structures. Meter banks, transformers and similar utility structures will be screened where visible from public view at grade level;
  5. Backflow Preventers. Above ground back flow preventers and transformers will not be located within the Open Space Areas or within the required Urban Open Space unless they are required to serve the Open Space Areas in which they are located. Above ground back flow preventers and transformers that are located within the Open Space Areas as allowed by this Section will be screened;
  6. Mechanical Equipment Screening. Roof top HVAC and related mechanical equipment will be screened from public view at grade level at the right-of-way location;
  7. Dumpster Screening. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building;
  8. Accessory Buildings. Any and all accessory buildings and enclosures whether attached to or detached from the main building, including automatic teller machines, shall be designed to complement the site architecture and shall be integrated with the same scale, texture, color and detailing of adjacent architectural design;
  9. The applicable components of the Project will comply with applicable provisions of the ADA;
  - 10 Any required deviation to address NCDOT drive slope requirements shall be limited to occur along access drives and/or between individual districts to avoid internal tract slope conflict creating accessibility issues.
- iv. Development Area 6: Development within this area shall be consistent with County architectural guidelines.
- d. **Landscaping/Buffering:** In addition to the standards contained in Section 6.8 of the UDO, the following specific standards shall apply to the Project:

- i. All required landscaping shall be installed and maintained by the developer or their successor in perpetuity;
- ii. Existing vegetation shall be preserved, where possible, in identified buffer areas as indicated on the approved Master Concept Plan. If existing vegetation is utilized, a minimum of fifty percent (50%) of the critical root zone of the existing tree must be within the buffer and must remain undisturbed in order to apply towards land use buffer standards;
- iii. If a portion of any land use buffer must be disturbed to facilitate development, the disturbed portion shall be re-planted consistent with the approved Landscape Buffer Plan (Sheet C-6.0) of the Master Plan;
- iv. Landscaping shall comply with the following:

Buffer Type (denoted on Master Concept Plat)	Planting(s) – per 100 linear ft.	
10' or 20' Type A Mixed Option	<ul style="list-style-type: none"> <li>• 1 Deciduous Canopy Tree</li> <li>• Deciduous Understory Tree</li> <li>• 2 Evergreen Understory Trees</li> <li>• 13 Shrubs</li> </ul>	
40' Type C Overhead Utility Option	<ul style="list-style-type: none"> <li>• 7 Deciduous Understory Trees</li> <li>• 5 Evergreen Understory Trees</li> <li>• 30 Shrubs</li> </ul>	
40' Type C Mixed Option	<ul style="list-style-type: none"> <li>• 3 Deciduous Canopy Trees</li> <li>• 1 Evergreen Canopy Tree</li> <li>• 2 Deciduous Understory Trees</li> <li>• 5 Evergreen Understory Trees</li> <li>• 40 Shrubs</li> </ul>	
40' Type B Deciduous Option	<ul style="list-style-type: none"> <li>• 2 Deciduous Canopy Trees</li> <li>• 2 Deciduous Understory Trees</li> <li>• 12 Shrubs</li> </ul>	
Enhanced 40' Type D Mixed Option	<ul style="list-style-type: none"> <li>• 6 Deciduous Canopy Trees</li> <li>• 1 Evergreen Canopy Tree</li> <li>• 4 Deciduous Understory Trees</li> <li>• 9 Evergreen Understory Trees</li> <li>• 70 Shrubs</li> </ul>	

	<ul style="list-style-type: none"> <li>• 6 ft. tall fence erected at the edge of landscaping</li> </ul>	
100' Type F Deciduous Option	10 Deciduous Canopy Trees 13 Deciduous Understory Trees 80 Shrubs	
200' Type F Deciduous Option	10 Deciduous Canopy Trees 13 Deciduous Understory Trees 80 Shrubs	

- v. **Planting Requirements – Street Trees.** All required street trees will be installed along existing and proposed public streets, not including alleys, when above and below ground utilities and stormwater infrastructure allow as shown on the Landscape Buffer Plan (Sheet C6.0) included in the Rezoning Plan. Street trees shall be at least 1½ inches in caliper at time of planting. Canopy trees required as part of land use buffers may also be applied towards the Street Tree requirement.
- vi. **Planting Requirements – Between Lot Plantings:** Between lot plantings will not be required on any Development Area except as shown as shown on the Landscape Buffer Plan (Sheet C6.0) included in the Rezoning Plan.
- vii. **Planting Requirements – Foundation Plantings:** The required foundation plantings shall be in accordance with the following:
1. **Development Area 1:** Plantings will be provided within proximity to all buildings using the following standards:
    - a. Landscape islands will be directly adjacent to the primary sidewalks to each building. Total square footage provided for all landscape islands will be equivalent to 5 feet times the total length of the three primary sides (excluding the rear) of all buildings. Landscaping will not be placed in direct proximity to the building foundation due to safety and foundation infiltration concerns.
  2. **Development Areas 2 – 6:** Landscape area at least five feet (5') wide for a minimum of fifty percent (50%) of the primary frontage side of the building.
- viii. **Interior landscaping shall be consistent with the following:**
1. **In-general:**

- a. Unless otherwise modified herein, parking lot landscaping shall be provide consistent with Section 6.8.7 (d) (2) of the UDO;
- b. Shade trees shall be provided at a ratio of one (1), one and one half-inch (1.5") minimum caliper tree for every ten (10) car parking spaces; Caliper size is measured at the time of planting;
- c. No more than ten parking spaces shall be permitted in any single continuous row without being interrupted by a terminal landscape island except when directly adjacent to a building.  
  
No terminal landscape islands will be required for the first row of parking spaces when directly adjacent to any side of any building;
- d. When required, terminal landscape islands will be a minimum of 200 square feet and may include pavers and / or decorative stone within the required 200 square feet of the landscape island;
- e. Each terminal landscape island will be planted with a minimum of one canopy tree, as well as shrubs and / or ground cover.

## 2. Development Area 1:

- a. No landscape area shall be provided between the vehicular use areas and the right of way or adjacent property line except as shown on the Landscape Buffer Plan (Sheet C6.0) included in the Rezoning Plan. Plantings required as part of the Land Use Buffers may be used to satisfy this requirement;<sup>16</sup>

## 3. Development Areas 2 through 6:

- a. A landscape area at least five feet in width (which may include drainage and/or utility easements) shall be installed within parking areas. Plantings required as part of the Land Use Buffers may be used to satisfy this requirement.<sup>17</sup>
- ix. Rainwater harvesting shall be encouraged to serve as irrigation for landscaping including the use of all regional stormwater ponds developed within the Project.

---

<sup>16</sup> Staff recommends a 10 ft. vegetated buffer shall be provided between vehicular use areas, including parking stalls, and internal access roads. These areas should exclude drainage/utility easements. Also this language contradicts applicant's recommended condition(s) on encouraging/promoting internal landscaping.

<sup>17</sup> IBID.

- x. The Project shall comply with the provisions of Section 6.6.4 of the UDO related to preservation of required buffers within the Major Transportation Corridor (MTC) overlay district. This includes the ability to create visual breaks in the buffer in accordance with Section 6.6.4 (A) (5).
- g. **Parking:** In addition to the standards contained in Section 6.9 of the UDO, the following specific standards shall apply to the Project:
  - i. Space(s) shall be required based on the following standard(s):
    1. Retail: 1 space for every 300 sq.ft. of gross floor area;
    2. Bank/Financial Institution: 1 space for every 200 sq.ft. of gross floor area. 5 stacking spaces shall be provided per individual drive-in window;
    3. Office: 1 space for every 300 sq.ft. of gross floor area;
    4. Eating and Drinking Establishment: 1 space for every 40 seats or 1 space for every 50 sq.ft. of floor area for public use whichever is greater;
    5. Short-Term Rental Non Host Occupied: 1 space per room plus 1 space per shift employee;
    6. Manufacturing: 1 space per 1,000 sq.ft. of floor area.
  - ii. Car wash: there will be stacking/storage space provided to accommodate a minimum of 10 vehicles waiting for access to the proposed car wash facility.
- h. **Signage:** In addition to the standards contained in Section 6.12 of the UDO, the following specific standards shall apply to the Project:
  - a. In general:
    - i. Signs or marketing of any kind are prohibited within the common areas/open space of the Project;
    - ii. In addition to the requirement of Section 6.12.7 of the UDO, sign submittals shall include a photo of the actual building exterior and a rendering with the proposed sign superimposed same;
    - iii. All signs shall be internally illuminated;
    - iv. Window signs or graphics of shall be limited to 25% of the window surface as defined from floor to ceiling.
  - b. Specific sign limits:
    - i. Development Area 1:
      1. Freestanding Sign:
        - a. Maximum Number: 1

- b. Maximum Height: 80 ft. from natural grade;<sup>18</sup>
- c. Maximum Width: 22 ft.;
- d. Maximum Size of Sign: 470 sq.ft. further broken down as follows:
  - i. Logo: 380 sq.ft.
  - ii. Cabinet: 90 sq.ft.

2. Monument Sign:

- a. Maximum Number: 1
- b. Maximum Height: 8 ft. from natural grade;
- c. Maximum Width: 13 ft.;
- d. Maximum Size of Sign: 65 sq.ft.

3. Wall Sign – Retail Center:

- a. Maximum Number: 3
- b. Maximum Height: N/A;
- c. Maximum Width:
  - i. Logo: 9 ft;
  - ii. Sign Cabinet: 7 ft.
- d. Maximum Size of Sign:
  - i. Logo 64 sq.ft.
  - ii. Cabinet: 206.5 sq.ft.

4. Wall Sign – Car wash:

- a. Maximum Number: 4
- b. Maximum Height: N/A;
- c. Maximum Width:
  - i. Logo: 5 ft;
  - ii. Sign Cabinet: 20 ft.
- d. Maximum Size of Sign:
  - i. Logo 25 sq.ft.
  - ii. Cabinet: 52 sq.ft. per sign.

ii. Development Areas 2 through 6:

1. Monument Sign:

---

<sup>18</sup> Staff has heard concerns from BOCC members the sign height is too high. Staff is asking for direction on appropriate height and size for the Project.

- a. Maximum Number:
    - i. 2 signs in Development Area(s) 2 and 3;
    - ii. 1 sign in Development Area 4;
    - iii. 3 signs in Development Area 5
  - b. Maximum Height: 20 ft. from natural grade;
  - c. Maximum Width: 16 ft.;
  - d. Maximum Size of Sign Panel Area: 240 sq.ft.;
2. Wall Sign:
- a. Multi-tenant Building:
    - i. Maximum horizontal length or span of sign shall not exceed 80% of the width of the usable, one surface storefront of a particular Tenant's space;
    - ii. Sign shall not exceed 64 square feet in area;
    - iii. If the width of the storefront contains more than one building/facade material, the Tenant shall use only one building/facade material width to determine 80%;
    - iv. No sign may cover two different façade surfaces.
  - b. Single-tenant Building:
    - i. One wall sign per building façade;
    - ii. Allowable sign area shall not exceed 1 square foot of sign area per 1 foot of building length of each façade up to a maximum size limit of 64 square feet;
    - iii. No sign may cover two different façade surfaces.
3. Directional Sign:
- a. Limited to necessary information for patrons (e.g. entrance/exit, directional, one-way)
  - b. May not exceed 4 square feet in sign area
  - c. May not exceed 4 feet in height
  - d. Maximum of four (4) per building within any particular Development Area
4. Temporary Real Estate, Construction, and Financing Signs:

- a. No sign shall exceed 24 square feet in area
  - b. No more than two (2) signs per building site
  - c. Construction and Financing Signs must be removed within 10 days of receipt of certificate of occupancy for any one building site.
- i. **Lighting:** In addition to the standards contained in Section 6.9 of the UDO, the following specific standards shall apply to the Project:
- i. All lighting shall be full-cut off fixtures;
  - ii. Lighting in parking areas shall observe a height limit of 36 ft.;
  - iii. All lighting shall comply with maximum foot-candle limits at property lines as noted in Section 6.11.6.A of the UDO. There shall be no net increase in existing lighting levels along the Interstate 85/40 on/off ramp beyond existing lighting installed and maintained by NC DOT;
  - iv. Lighting within the Project shall abide by the standards detailed in Section 6.11.8 of the UDO.
- i. **Stream Buffers:** The Project shall comply with the provisions of Section 6.13 of the UDO.
- j. **Stormwater regulations:** The Project shall comply with the provisions of Section 6.14 of the UDO.<sup>19</sup>
- A Master Stormwater Management Plan (SMP) shall be developed to address stormwater runoff for the entire development even though individual parcels may be responsible for installing stormwater control measures (SCMs). Stormwater facilities will be designed to meet current Ordinances with the development of each individual Development Area within the Project.
- Nitrogen and Phosphorus load contributions leaving the site must be held to 2.20 lbs per acre per year and 0.33 lbs per acre per year respectively. These standards shall be met via offset payments (nutrient buy-down payments) and/or on-site SCMs consistent with State law and the UDO.
- k. **Erosion Control regulations.** The Project shall comply with the provisions of Section 6.15 of the UDO.
- l. **Flood regulations:** The Project shall comply with the provisions of Section 6.21 of the UDO.<sup>20</sup>

## VI. PERMITTED AND PROHIBITED LAND USES:

---

<sup>19</sup> As detailed in the December 15, 2020 staff abstract, staff has recommendation(s) on the imposition of additional conditions associated with stormwater management.

<sup>20</sup> At this time there are no identified floodplains on the Property.

- a. Permitted Uses: Shall be limited to those identified uses consistent with existing definitions contained within the UDO.
- i. Development Area 1: Approximately 26.59± acres in area developed within Phase I of the Project. Permitted uses shall be limited to:
    1. Motor Vehicle Service Station limited to no more than 60 gas dispensers with a maximum of 120 fueling stations.<sup>21, 22</sup>
    2. Retail and Eating and Drinking Establishment uses subject to the following conditions:
      - a. Located within a single structure no more than 70,100 sq.ft. in area;
      - b. Accessory use shall be limited to a car wash.
  - ii. Development Area 2: Approximately 17.07 ± acres in area developed within Phase 2 of the Project. Permitted uses shall be limited to:
    1. Eating and Drinking Establishments limited to 32,000 sq.ft. of building area;
    2. Retail uses limited to 30,000 sq.ft. of building area; and
    3. Office and Financial Services uses limited to 4,000 sq.ft. of building area.
  - iii. Development Area 3: Approximately 3.88 ± acres in area developed within Phase 2 of the Project. Permitted uses shall be limited to:
    1. Eating and Drinking Establishments limited to 8,000 sq.ft. of building area; and
    2. Retail Uses limited to 16,000 sq.ft. of building area
  - iv. Development Area 4: Approximately 3.84 ± acres in area developed within Phase 2 of the Project. Permitted uses shall be limited to:
    1. Short-Term Rental- Non-Host Occupied.
  - v. Development Area 5: Approximately 21.05 ± acres in area developed within Phase 2 of the Project. Permitted uses shall be limited to:
    1. Medical Uses;
    2. Office and Financial Service;

---

<sup>21</sup> The applicant has indicated the need for the proposed individual fuel pumps is that motorists will stop to fuel their cars then go into the retail center for a prolonged period of time thereby limiting access to the fuel pump. Staff has heard numerous concerns from adjacent property owners related to the number of proposed pumps as well as the storage tanks necessary to support same.

<sup>22</sup> The applicant will be providing a schematic for inclusion within the conditions detailing what a fueling station will look like.

3. Manufacturing, Assembly, Processing and Distribution Uses-Food Uses;
  4. Manufacturing, Assembly, Processing and Distribution Uses-Other Uses limited specifically to Research Facility with Manufacturing,
- totaling no more than 150,000 square feet in approximately four (4) buildings.
- vi. Development Area 6: Approximately 1.62± acres directly adjacent to the railroad tracks. This area will be reserved for development by others to support area transit. No buildings or parking are planned for this site as a part of the Project. Bus/Rail Passenger Shelters are permitted.
- b. With the exception of Development Area 1 (Travel Center), Area 4 (Short-term Rental Non-Host Occupied), and Area 6 land uses/building square footage allotments can be transferred between development areas 2, 3, and 5.
  - c. Prohibited Uses:
    - i. No Eating and Drinking establishment with a drive-thru facility shall be permitted to be developed on the Property except as follows:
      1. A take-out window shall be permitted for picking up pre-ordered food.
    - ii. Except for Development Area 1, no Motor Vehicle Service Station, including but not limited to gas station, convenience store/gasoline sales uses, shall be allowed on the Property. For the purposes of this provision, the term “gasoline sales” shall include petroleum, ethanol, diesel or other motor vehicle fuels;<sup>23</sup>
    - iii. The following Manufacturing, Assembly, Processing and Distribution Uses – Food land uses are expressly prohibited:
      1. Animal Feed Preparation, Manufacturing, Packaging, and Distribution;
      2. Animal Slaughtering and Processing, Packaging and Distribution;
      3. Seafood Preparation, Packaging and Distribution;
      4. Starch, Vegetable Fats and Oils Manufacturing;
      5. Tobacco Processing, Preparation, Packaging and Distribution.

---

<sup>23</sup> This condition means the only Motor Vehicle Service land use (i.e. gas station) developed within the Project shall be in Development Area 1.

- iv. All Manufacturing, Assembly, Processing and Distribution Uses – Other land uses are expressly prohibited except for Research Facility with Manufacturing land uses.
- v. The following Medical Uses are expressly prohibited:
  - 1. Hospital; and
  - 2. Veterinary Hospital.
- vi. The following Office and Financial Services Uses are expressly prohibited:
  - 1. Building/Trade contractor offices with external equipment storage; and
  - 2. Pawnshop/ payday loan services.
- vii. All Automotive/Transportation Uses are prohibited with the exception of:
  - 1. Motor Vehicle Service limited to development within Development Area 1; and
  - 2. Bus/Rail Passenger Shelters.
- viii. All Service Uses are prohibited with the exception of:
  - 1. Eating and Drinking Establishments;
  - 2. Car Wash as a customary accessory use to a Motor Vehicle Service land use limited to Development Area 1; and
  - 3. Short-Term Rental- Non-Host Occupied limited to development within Development Area 4.

## VII. UTILITIES:

- a. Development within the Project shall be served by utility systems provided and maintained by:
  - i. Public water - Orange Alamance Water System (OAWS)
  - ii. Sewer services – City of Mebane

Additional and/or alternative water and/or wastewater systems shall not be permitted.

- b. A written, signed agreement between a developer, Orange County, and the aforementioned utility providers shall be executed describing the timing, phasing, design, and financing of public water distribution and public sanitary sewer collection mains;
- c. Water systems and water pressure shall comply with all applicable OAWS utility standards, building, and fire codes based on the proposed land use;

- d. Sizing/looping of utility lines shall be based on the proposed development, including water flow test data and shall be reviewed and approved by County staff and appropriate utility entity;
- e. Fire-flow test(s) of all installed hydrants shall be conducted, in coordination with OAWS and Orange County Emergency Services, to ensure compliance with applicable State Fire Code standards.

VIII OTHER:

- a. Structures erected within the Project shall be designed to allow for incorporation of solar infrastructure installation on rooftops or in adjacent areas.
- b. Electric Vehicle Charging Stations:
  - i. A paved EV charging station area serving no less than ten (10) vehicles including the required electrical conduit system will be constructed within Development Area 1, (completion of the charging station installation would occur at Applicant's sole discretion)
  - ii. EV charging stations will be encouraged within other Development Areas provided that such facilities shall be ancillary to a principal land use and as a service to patrons or employees
- c. Consideration of L.E.E.D certified practices for components of the Project where feasible

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

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

I, Laura Jensen, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on \_\_\_\_\_, 2021 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

SEAL

---

Clerk to the Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: January 19, 2021**

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

---

**SUBJECT:** Amendment to the Code of Ordinances – Non-Discrimination Ordinance

---

**DEPARTMENT:** County Attorney

---

**ATTACHMENT(S):**

Draft Ordinance  
Resolution

**INFORMATION CONTACT:**

John Roberts, County Attorney, 245-  
2318

---

**PURPOSE:** To amend the Code of Ordinances to add a Non-Discrimination Ordinance.

**BACKGROUND:** In 2016 the North Carolina General Assembly adopted House Bill 2, widely known as the “bathroom bill.” This law had the effect of discriminating against transgender people in the use of public facilities and established a limited statewide non-discrimination law while simultaneously prohibiting local governments from adopting their own non-discrimination ordinances. In 2017 Governor Roy Cooper signed a repeal of the bathroom bill. Among the terms of that repeal was a provision that repealed the prohibition on local governments enacting non-discrimination ordinances, and it provided that local governments could only consider action after December 1, 2020. In early 2020 the Board instructed the County Attorney to draft a non-discrimination ordinance for consideration by the Board. The draft ordinance was submitted to the Human Relations Commission for review and comment and the Commission’s recommendations are incorporated. The attached draft non-discrimination ordinance is offered for the Board’s consideration.

If adopted the ordinance would:

- Establish a clear policy of non-discrimination in Orange County.
- Create a protected class consisting of persons who may not be discriminated against based on “age (as defined in the Orange County Civil Rights Ordinance), race, ethnicity, color, national origin, religion, creed, sex, gender, gender identity, gender expression, marital status, familial status, source of income, disability, political affiliation, veteran status, disabled veteran status.”
- Prohibit the denial to any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation on the basis of protected class status.
- Prohibit the printing, circulation, posting, or mailing of a statement, advertisement, or sign which indicates that the full and equal enjoyment of the transportation, access, goods, services, facilities, privileges, advantages, and accommodations of a place of public

accommodation will be refused, withheld from, or denied any person on the basis of protected class status.

- Prohibit actions which directly or indirectly result in an individual's bodily injury or property damage where such act is directed at an individual or a group of individuals because of that person's or that group's perceived or actual protected class status.
- Require all potential contractors submitting a bid or proposal to certify they do not and will not discriminate against any person based on the protected class status and to require their subcontractors to do the same. Falsification or violation of the certification would result in rejection of the bid or proposal or termination of the contract.
- Provide for the same investigation, enforcement, and remedies authorized by the Orange County Civil Rights Ordinance. The relevant enforcement provisions may be reviewed at [https://library.municode.com/nc/orange\\_county/codes/code\\_of\\_ordinances?nodeId=PTIG\\_EOR\\_CH12CIRI](https://library.municode.com/nc/orange_county/codes/code_of_ordinances?nodeId=PTIG_EOR_CH12CIRI).

**FINANCIAL IMPACT:** The financial impact associated with this action is unknown. Enforcement of this ordinance could lead to the need for more investigative personnel in the Human Rights and Relations Department.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is 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.

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

**RECOMMENDATION(S):** The Manager recommends the Board adopt the Ordinance and Resolution of approval and authorize the Chair to sign the Resolution amending the Code of Ordinances.

**Chapter 12 Civil Rights.****Sections 12-23 – 12-49 Reserved.****AN ORDINANCE PROHIBITING DISCRIMINATION THROUGHOUT ORANGE COUNTY****Sec. 12-50. - Title.**

This Ordinance shall be known and may be cited as the Orange County Non-Discrimination Ordinance.

**Sec. 12-51. – Policy and Severability.**

- (a) It is the policy of Orange County not to enter into a contract with any business, company, or firm that has discriminated in the solicitation, selection, hiring or treatment of vendors, suppliers, subcontractors or commercial customers against a Protected Class, or on the basis of any otherwise unlawful use of individual or personal characteristics regarding such vendor's, suppliers, commercial customers, employees, or owners in connection with a county contract or solicitation; provided that nothing in this non-discrimination policy shall prohibit or limit otherwise lawful efforts to remedy the effects of discrimination that has occurred or is occurring in the marketplace.
1. It is the policy of Orange County that every Orange County created contract and subcontract for goods or services shall contain a non-discrimination clause that prohibits discrimination as that term is defined herein.
- (b) It is further the policy of Orange County that discrimination has no place in Orange County, North Carolina and it is the intent of this ordinance to provide uniform legal protection to individuals in all Protected Classes, making it unlawful for any person to discriminate in housing, public accommodations, and transportation.
- (c) Should any provision of this Ordinance be found to be unconstitutional by a court of law such provision shall be severed from the remainder of the Ordinance and such action shall not affect the enforceability of the remaining provisions of the Ordinance.

**Sec. 12-52. - Definitions.**

- (a) *Discrimination* means any disadvantage, difference, or distinction in the solicitation, selection, hiring, service to, or treatment of a vendor, supplier, subcontractor, or customer on the basis of Protected Class status or on the basis of any otherwise unlawful use of personal or individual characteristics.
- (b) *Housing* and *public accommodations* have the same common meaning as those terms are defined in the Orange County Civil Rights Ordinance.

- (c) *Person* means any individual, business, or company, regardless of organizational structure, providing for profit goods, facilities, services, accommodations, transportation, or access to the general public.
- (d) *Protected Class* means age (as defined in the Orange County Civil Rights Ordinance), race, ethnicity, color, national origin, religion, creed, sex, sexual orientation, gender, gender identity, gender expression, marital status, familial status, source of income, disability, political affiliation, veteran status, disabled veteran status.
- (e) *Public Accommodation* has the same meaning as that term is defined in the Orange County Civil Rights Ordinance except that for purposes of this Ordinance Public Accommodation includes:
1. Transportation companies and transportation providers operating company-owned or privately-owned vehicles providing transportation to the general public; and
  2. Private residences providing short-term rentals to members of the general public. A short-term rental means the provision of a room, space, or residential unit that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

**Sec. 12-53. - Contractor bid requirements.**

- (a) All requests for bids or proposals issued for county contracts shall include a certification to be completed by the bidder or proposer in substantially the following form:

The undersigned bidder or proposer hereby certifies and agrees that the following information is correct:

1. In preparing its enclosed bid or proposal, the bidder or proposer has considered all bids and proposals submitted from qualified, potential subcontractors and suppliers, and has not engaged in discrimination as defined in Section 12-52 of the Orange County Non-discrimination Ordinance.
2. Without limiting any other remedies that Orange County may have for a false certification, it is understood and agreed that, if this certification is false, such false certification will constitute grounds for Orange County to reject the bid or proposal submitted with this certification, and terminate any contract awarded based on such bid or proposal. It shall also subject the bidder or proposer to disqualification from participating in county contracts or bid processes for up to two years.
3. As a condition of contracting with Orange County, the bidder or proposer agrees to promptly provide to Orange County all information and documentation that may be requested by Orange County from time to time regarding the solicitation and selection of suppliers and subcontractors in connection with this solicitation process. Failure to maintain or failure to provide such information constitutes grounds for Orange County to reject the bid or proposal and to terminate, without penalty to Orange County, any contract awarded on such bid or proposal. All

such information and documentation shall be maintained for a period of three years after the expiration of the contract.

4. As part of its bid or proposal, the bidder or proposer shall provide to Orange County a list of all instances within the past ten years where a complaint was filed or pending against bidder or proposer in a legal or administrative proceeding alleging that bidder or proposer discriminated against its subcontractors, vendors, suppliers, or commercial customers, and a description of the status or resolution of that complaint, including any remedial action taken.
5. As a condition of submitting a bid or proposal to Orange County the bidder or proposer agrees to comply with the Orange County Non-discrimination Ordinance. Falsification of this certification shall constitute a violation of the Orange County Non-Discrimination Ordinance and shall be grounds for rejection of the bid or proposal or termination, without fault to Orange County, of a contract.
6. As a condition of submitting a bid or proposal to Orange County the bidder or proposer agrees that Orange County may consider the information submitted as part of this certification in its determination of the responsibility of the bidder or proposer. The bidder or proposer, as the case may be, waives the right to challenge the rejection of a bid or proposal when such rejection is based, in its entirety, on information contained in this certification.

**Sec. 12-54. - Prohibited acts.**

- (a) It shall be unlawful for any person to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation on the basis of Protected Class status or on the basis of any otherwise unlawful use of individual or personal characteristics.
- (b) It shall be unlawful for any person to make, print, circulate, post, mail or otherwise cause to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the transportation, access, goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be refused, withheld from, or denied any person on the basis of Protected Class status or on the basis of any otherwise unlawful use of individual or personal characteristics, or that any person's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable on the basis of Protected Class status or on the basis of any otherwise unlawful use of individual or personal characteristics; provided, however, this section does not apply to a private club or other establishment not, in fact, open to the public.
- (c) It shall be unlawful for any person to intentionally or knowingly:
  1. Perform or attempt to perform any act which directly or indirectly results in an individual's bodily injury or property damage where such act is directed at an individual or a group of individuals because of that person's or that group's perceived or actual Protected Class status or on the basis of any otherwise unlawful use of individual or personal characteristics.

2. Solicit, encourage, compensate, assist, or conspire with another to perform or attempt to perform any act which directly or indirectly results in an individual's bodily injury or property damage where such act is directed at an individual or a group of individuals because of that person's or that group's perceived or actual Protected Class status or on the basis of any otherwise unlawful use of individual or personal characteristics.
- (d) No person shall be found to have violated this Ordinance solely on the basis of the content of any speech or communication used by such person.

**Sec. 12-55. Exemptions.**

- (a) All applicable exemptions found in Section 12-11 of the Orange County Civil Rights Ordinance related to housing shall apply to alleged violations of Section 12-54 of this Ordinance.

**Sec. 12-56. Investigation, Enforcement, and Remedy.**

- (a) Sections 12-16 through and including 12-21 of the Orange County Civil Rights Ordinance shall be followed and adhered to during the investigation of any alleged violation of this Ordinance. Any remedies available through said sections of the Orange County Civil Rights Ordinance shall be available hereunder.

**RESOLUTION OF AMENDMENT**

**A RESOLUTION AMENDING CHAPTER 12 OF THE ORANGE COUNTY CODE OF ORDINANCES**

Be it Resolved and Ordained by the Board of Commissioners of Orange County, North Carolina:

WHEREAS, in 2016 the North Carolina Legislature passed and Governor Pat McCrory signed Session Law 3, a law that came to be known as the “bathroom bill,” which among other things, restricted the authority of local governments to prohibit discrimination against groups and classes of residents of North Carolina; and

WHEREAS, in 2017 the North Carolina Legislature passed and Governor Roy Cooper signed Session Law 4, a repeal of Session Law 2016-3, which among other things, removed the restriction on the authority of local governments to prohibit discrimination against groups and classes of residents of North Carolina in the provision of public accommodations effective December 1, 2020; and

WHEREAS, the Board of Commissioners of Orange County believes all residents of Orange County who may seek public services or public accommodations should be free to do so without encountering discrimination based on age (as defined in the Orange County Civil Rights Ordinance), race, ethnicity, color, national origin, religion, creed, sex, gender, gender identity, gender expression, marital status, familial status, source of income, disability, political affiliation, veteran status, and disabled veteran status.

NOW THEREFORE BE IT RESOLVED AND ORDAINED, that the Code of Ordinances, Orange County, North Carolina, Chapter 12, is hereby amended by adding sections to be numbered 12-50 through 12-56, which sections read as shown in the attached revised ordinance to further prohibit discrimination in Orange County.

This Amendment is effective upon adoption.

Adopted by the Orange County Board of Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By:

Attest:

\_\_\_\_\_  
Renee Price, Chair  
Orange County Board of Commissioners

\_\_\_\_\_  
Laura Jensen, Clerk to the Board

[SEAL]

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** January 19, 2021

**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 five taxpayers with a total of five 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 \$2,107.06 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2020-2021 is \$17,138.74.

**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-2021-002

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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Laura Jensen, Clerk to the Board of Commissioners

**BOCC REPORT - REGISTERED MOTOR VEHICLES  
JANUARY 19, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Carolina Meadows, Inc.	58153309	2020	26,030	-	(464.46)	County changed to Chatham (illegal tax)	
Hawkins, Jason	46245714	2018	25,034	25,034	(217.87)	*Situs error (illegal tax)	
Johnson, Matthew Steven	58373908	2020	12,410	12,410	(214.65)	Military exemption (illegal tax)	
Keogh, Renee	58401156	2020	14,820	-	(277.36)	County changed to Durham (illegal tax)	
Lawler, Daniel Jarrett	42966468	2019	58,300	500	(932.72)	Antique plate (property classification)	
					(2,107.06)	<b>TOTAL</b>	

<b>Adjustment Descriptions</b>
<i>Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation</i>
<i>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</i>
<i>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</i>
<i>Appraisal appeal G.S. 105-330.2(b): e.g. reduction in value due to excessive mileage or vehicle damage</i>
<i>*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</i>
<i>Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.</i>
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 14<sup>th</sup> 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 19, 2021

**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 fifteen taxpayers with a total of fifteen bills that will result in a reduction of revenue.

**BACKGROUND:** The Tax Administration Office has received fifteen 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 \$9,302.25 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-2021-003

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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Laura Jensen, 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 19, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Buch, Peter	3185023	2019	6,950	-	(473.67)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Chatham County during gap period
Ellison, Elizabeth	3189731	2020	9,140	9,140	(499.93)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Georgia during gap period
Empowerment, Inc.	183935	2020	110,100	-	(1,776.68)	Assessed in error (illegal tax)	Exempt property billed in error
Guthrie, John Michael	3184221	2020	27,936	9,899	(287.54)	Value adjustment (appraisal appeal)	Value corrected to reflect bill of sales purchase price
Lawrence, Brian Keith Jr.	3190073	2020	4,480	-	(433.76)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Massachusetts during gap period
MacDermut, Hunter	3190142	2020	10,530	-	(665.53)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Colorado during gap period
Medical Arts Dental Studio, Inc.	34733	2018	24,202	-	(382.44)	Assessed in error (illegal tax)	Discovered in error - business closed November 1, 2017
Noblit, Richard Jay	227981	2020	151,800	110,830	(406.35)	Incorrect value (clerical error)	Homestead exemption application was timely filed but documentation was received late
O'Dell, David W.	169996	2020	165,200	99,800	(630.91)	Assessed in error (illegal tax)	Manufactured home removed from property in October 2019
Redden, James	3182316	2019	8,160	8,160	(272.41)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Tennessee during the gap period
Regency Warehouse LLC	997711	2020	103,179	-	(1,665.00)	Double billed (illegal tax)	Also listed on account 3185423
Tran, Tuy Quoc	3189811	2020	6,930	-	(250.19)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Tennessee during gap period
Vilcom Campus Association	3183830	2020	1,300	1	(20.97)	Assessed in error (illegal tax)	Property valued inconsistent with other owners association common area
Waba Café LLC dba Margarets Cantina	1055215	2020	26,086	-	(420.95)	Double billed (illegal tax)	Equipment double listed
Zou, Fei	3190093	2020	18,860	-	(1,115.92)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Florida during the gap period
				<b>Total</b>	<b>(9,302.25)</b>		
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 19, 2021

**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 nine untimely applications for exemption/exclusion from ad valorem taxation for nine bills for the 2020 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 1<sup>st</sup> 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.

Seven 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 nine applications, the Board will have considered a total of fifty-four untimely applications for exemption of 2020 taxes since the 2020 Board of Equalization and Review adjourned on June 25, 2020. Taxpayers may submit an untimely application for exemption of 2020 taxes to the Board of Commissioners through December 31, 2020.

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 2020/2021 taxes due to the County, municipalities, and special districts in the amount of \$ 11,438.15.

**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 2020/2021 exemption.

NORTH CAROLINA

RES-2021-004

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 2020 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 2020 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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Laura Jensen, Clerk to the Board of Commissioners

Late exemption/exclusion application - GS 105-282.1(a1)

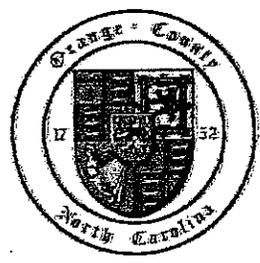
**BOCC REPORT - REAL/PERSONAL  
LATE EXEMPTION/ EXCLUSION  
JANUARY 19, 2021**

NAME	ACCOUNT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Cordeiro, Christopher	277928	2020	50,600	50,600	-	Late application for exemption General Statute 105-277.1 (homestead exemption)
Graves, Joanna	3743	2020	116,700	59,875	(531.71)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Holt, Barbara	242622	2020	140,100	77,328	(604.30)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Jackson, Catherine	262521	2020	95,400	56,620	(362.86)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Lane, Walter	250515	2020	118,300	59,150	(880.09)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Residential Services, Inc.	243836	2020	491,000	-	(7,923.26)	Late application for exemption General Statute 105-278.7 (other charitable, educational, scientific, literary or charitable purposes)
Rigsbee, Bobby	47514	2020	950	-	(9.16)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Weaver, Frederick	128112	2020	170,600	125,600	(751.09)	Late application for exemption General Statute 105-277.1C (disabled veteran exemption)
Wikrent, Karen	309381	2020	80,300	40,150	(375.68)	Late application for exemption General Statute 105-277.1 (homestead exemption)
					(11,438.15)	Total
*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.						

FILED

NOV 11 2020

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: 11/10/20

To Whom It May Concern:

*(Community Home Trust)*

I, (PRINT NAME) Christopher Cordeiro *(filed by John Cordeiro father & legal guardian)*  
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020  
on Tax Abstract or Parcel Identification Number(s) (PIN) # 9870923592

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 thought we already had the tax exemption. I had contacted someone when we first purchased the property. I was told we already had the exemption but I guess they never checked and realized the property had changed hands. Chris too is disabled and is also eligible for the exemption.*

Thank you.

*John Cordeiro for Christopher Cordeiro  
Father & legal guardian*

*We were just notified on 11/10/20.*



**FILED**  
**DEC 22 2020**  
**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: 12/22/2020

To Whom It May Concern:

I, (PRINT NAME) Joanna Harris Graves  
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020  
on Tax Abstract or Parcel Identification Number(s) (PIN) #  
9835436540

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 didn't complete the audit questionnaire for 2020

How did you find out about the program(s)? \_\_\_\_\_

Thank you,

Joanna Graves  
(Signature)

**FILED**  
DEC 11 2020  
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: 12/11/2020

To Whom It May Concern:

I, (PRINT NAME) Barbara Jean Holt  
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020  
on Tax Abstract or Parcel Identification Number(s) (PIN) #  
9883398173

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 son put the application in the mail but I didn't find out that there is still an issue until October 8th. From my understanding, the appliction was never recieved.

How did you find out about the program(s)? Neighbor

Thank you,  
Barbara Jean Holt  
(Signature)

RECEIVED  
DEC 10 2020  
Orange County Tax



**Request for Approval of  
Property Tax Exemption, Exclusion or Deferral  
Due to Showing of Good Cause for Failure to Make a Timely Application**

Date: 12-10-20

To Whom It May Concern:

I, (PRINT NAME) Catherine L. Jackson  
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020  
on Tax Abstract or Parcel Identification Number(s) (PIN) #  
9835711282

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 still receiving the same benefits that I have received for more than 20 yrs, My disability benefits havent changed but due to covid and all I was unable to see my Dr's in person to get them to sign my papers and ss is sending me a back dated 2019 pay out to send to you all as well

How did you find out about the program(s)? \_\_\_\_\_

Thank you,

Catherine L. Jackson  
(Signature)



FILED 9

DEC 21 2020

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: 12-20-2020

To Whom It May Concern:

I, (PRINT NAME) WALTER EUGENE LANE, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9864347760.

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:

I ONLY JUST RECENTLY LEARNED I WAS ELIGIBLE FOR THIS PROGRAM.

How did you find out about the program(s)? INTERNET SEARCH

Thank you,

Walter Lane  
Signature



FILED

DEC 08 2020

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: 12/8/2020

To Whom It May Concern:

I, (PRINT NAME) Residential Services, Inc by Theresa West,  
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020  
on Tax Abstract or Parcel Identification Number(s) (PIN) #  
9880637413

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.

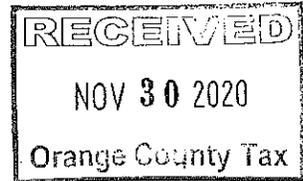
Please explain:

This home was going to be under renovation this year to be used for our group homes. But due to Covid was not. However we did use this home to house our Covid residents to prevent spread. This will be used as a group home for developmentally disabled as stated in our mission to serve Orange County.

How did you find out about the program(s)? Have used since 1974

Thank you,

Theresa West  
(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: 11-18-2020

To Whom It May Concern:

I, (PRINT NAME) Bobby R. Riggsbee wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2018, 2019, on Tax Abstract or Parcel Identification Number(s) (PIN) # 2020 for 0000047514.

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:

Simply old and poor plus Homestead Exclusion Grant

How did you find out about the program(s)? A Relative

Thank you, Bobby R. Riggsbee (Signature)

**FILED**  
SEP 29 2020  
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: 9-29-2020

To Whom It May Concern:

I, (PRINT NAME) FREDERICK + Sherdenia Weaver  
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020  
on Tax Abstract or Parcel Identification Number(s) (PIN) #  
977-897-6130

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: Was not aware of the dead line

How did you find out about the program(s)? Department of Veterans Affairs

Thank you,  
Frederick + Sherdenia Weaver  
(Signature)

DEC 16 2020

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: 12-11-2020

To Whom It May Concern:

I, (PRINT NAME) KAREN D LYLES WIKRENT  
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020  
on Tax Abstract or Parcel Identification Number(s) (PIN) #  
9835310752

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:

IRS federal tax return was not filed until Nov. 20  
because of tax loss. We then turned our attention  
to county property tax exemption and was not  
aware of deadline until we downloaded the form.

How did you find out about the program(s)? Online.

Thank you,  
Karen Lyles Wikrent  
(Signature)

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** January 19, 2021

**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) List of Unpaid 2020 Taxes: On File in the Clerk to the Board of Commissioners' 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 March 31, 2021 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 2020 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 2020 taxes in order to avoid being advertised is March 10, 2021. 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.

In most years, the Tax Administrator requests that the Board approve a date in mid-March for the tax lien advertisement. Due to the pandemic, staff is requesting a later date of March 31, 2021 to extend the amount of time that a taxpayer has in order to pay their tax bill before it is advertised.

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:** 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 date for March 31, 2021.

## Attachment 1

**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 2020 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 Wednesday, March 31, 2021.**

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

---

Renee Price  
Chair, Board of County Commissioners

Attest:

---

Lauran Jensen  
Clerk to the Board of County Commissioners

NCGS § 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 19, 2021**, I am hereby advertising tax liens for the year 2020 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 5, 2021), 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, 2020 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, 2020, as shown in this advertisement. **This list includes all properties in Orange County.**

This, the 31 day of March 2021.

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 19, 2021**, I am hereby advertising tax liens for the year 2020 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 5, 2021), 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, 2020 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, 2020, as shown in this advertisement. **This list includes all properties in Orange County.**

This, the 31 day of March, 2021.

Nancy T. Freeman  
Orange County Consolidated  
City-County Tax Collector

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** January 19, 2021

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

**SUBJECT:** Request for Road Addition to the State Maintained Secondary Road System for Bennett Orchard Trail in The Orchard Subdivision

**DEPARTMENT:** Planning and Inspections

**ATTACHMENT(S):**

1. Maps
2. Subdivision Final Plat
3. NCDOT Petition Information

**INFORMATION CONTACT:**

Tom Ten Eyck, 919-245-2567  
Tom Altieri, 919-245-2579  
Craig Benedict, 919-245-2592

**PURPOSE:** To make a recommendation to the North Carolina Department of Transportation (NCDOT), and the North Carolina Board of Transportation (NC BOT), concerning a petition to add Bennett Orchard Trail in The Orchard Subdivision to the State Maintained Secondary Road System.

**BACKGROUND:** This request includes a petition for one (1) road addition to the State Maintained Secondary Road System. The road length and width are as follows:

Road Name	Length in Miles	Number of Frontage Lots with Houses	Pavement/Right-of-way Widths in Feet
Bennett Orchard Trail	0.40	9	20/50
<b>Total</b>	<b>0.40</b>	<b>9</b>	<b>20/50</b>

The Orchard Subdivision is located in a Rural Buffer (RB) zone, north of Jones Ferry Road and southwest of the Jones Ferry Road/Old Greensboro Road intersection (Attachment 1). The single-family residential subdivision is located within Orange County's planning jurisdiction and was developed and approved subject to the County's zoning and subdivision regulations. There is no known subdivision violation associated with The Orchard Subdivision.

The Orchard Subdivision was recorded on February 21, 2008 (Book 103/Pages 86-89) (Attachment 2). Bennett Orchard Trail was designed to public road standards but has been a private road in the interim; it was intended to become a public road when conditions met NCDOT maintenance responsibility and ownership criteria.

Bennett Orchard Trail has a length of 0.40 miles and provides access for nine fully developed lots. The road has a right-of-way width of 50 feet, and a pavement width of 20 feet. The road serves as the singular access road for vehicular ingress/egress at its intersection with Jones Ferry Road (State Road 1942), and terminates at the northeast end of the subdivision with a cul-de-sac.

NCDOT has investigated this request and has submitted a petition to the Board of County Commissioners (BOCC) for its recommendation (*Attachment 3*). North Carolina General Statute §136-62 requires that road petitions for additions to the State system be made by the Board of County Commissioners (BOCC).

**Conclusion:** The above-referenced application meets the criteria endorsed by the BOCC for recommending acceptance of public roads into the State Maintained System for roads approved through the governing jurisdiction's subdivision process (NCDOT Subdivision Roads Minimum Construction Standards, January 2010, revised July 2020).

**FINANCIAL IMPACT:** There is no direct financial impact to the County associated with this item. NCDOT will incur additional maintenance responsibilities and costs.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is associated with 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.

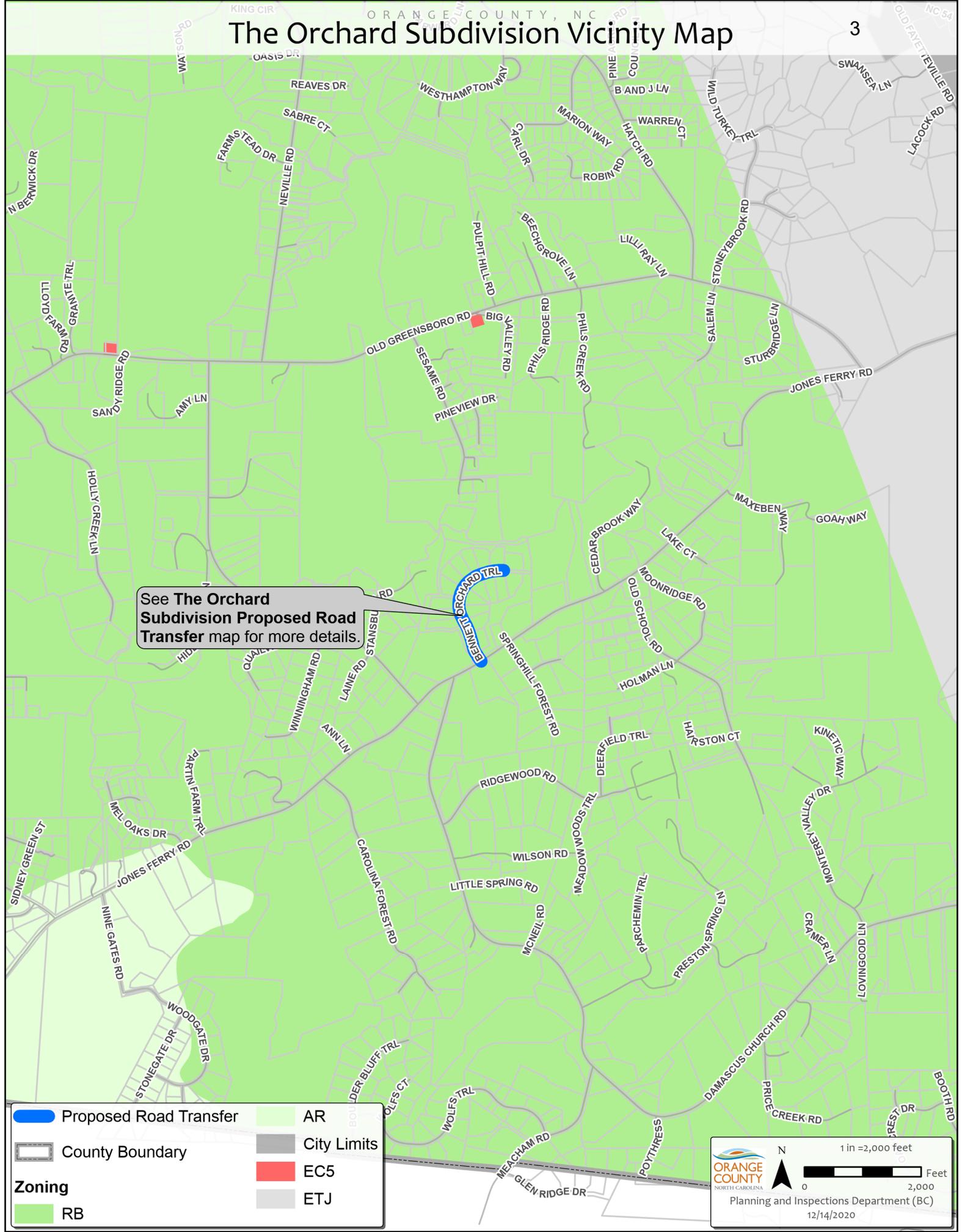
The addition of County private residential streets to the State Maintained Secondary Road System results in positive outcomes related to the aforementioned goal.

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

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

1. Forward the Petition for Addition to the State Maintained System to the NCDOT for Bennett Orchard Trail in The Orchard Subdivision; and
2. Recommend the Department of Transportation accept the road for maintenance as a State Secondary Road.

# The Orchard Subdivision Vicinity Map



See The Orchard  
Subdivision Proposed Road  
Transfer map for more details.

	Proposed Road Transfer		AR
	County Boundary		City Limits
<b>Zoning</b>			EC5
	RB		ETJ

1 in = 2,000 feet

0 2,000 Feet

**ORANGE COUNTY**  
NORTH CAROLINA

Planning and Inspections Department (BC)  
12/14/2020

# The Orchard Subdivision Proposed Road Transfer



Add 0.4 mile

- Proposed Road Transfer
- The Orchard Subdivision

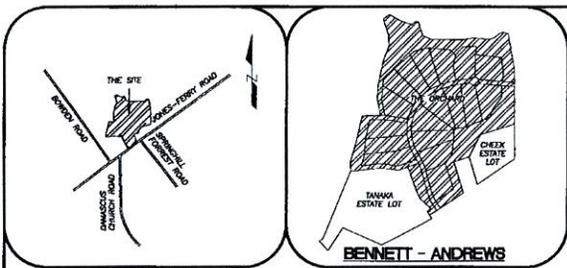
ORANGE COUNTY NORTH CAROLINA

N

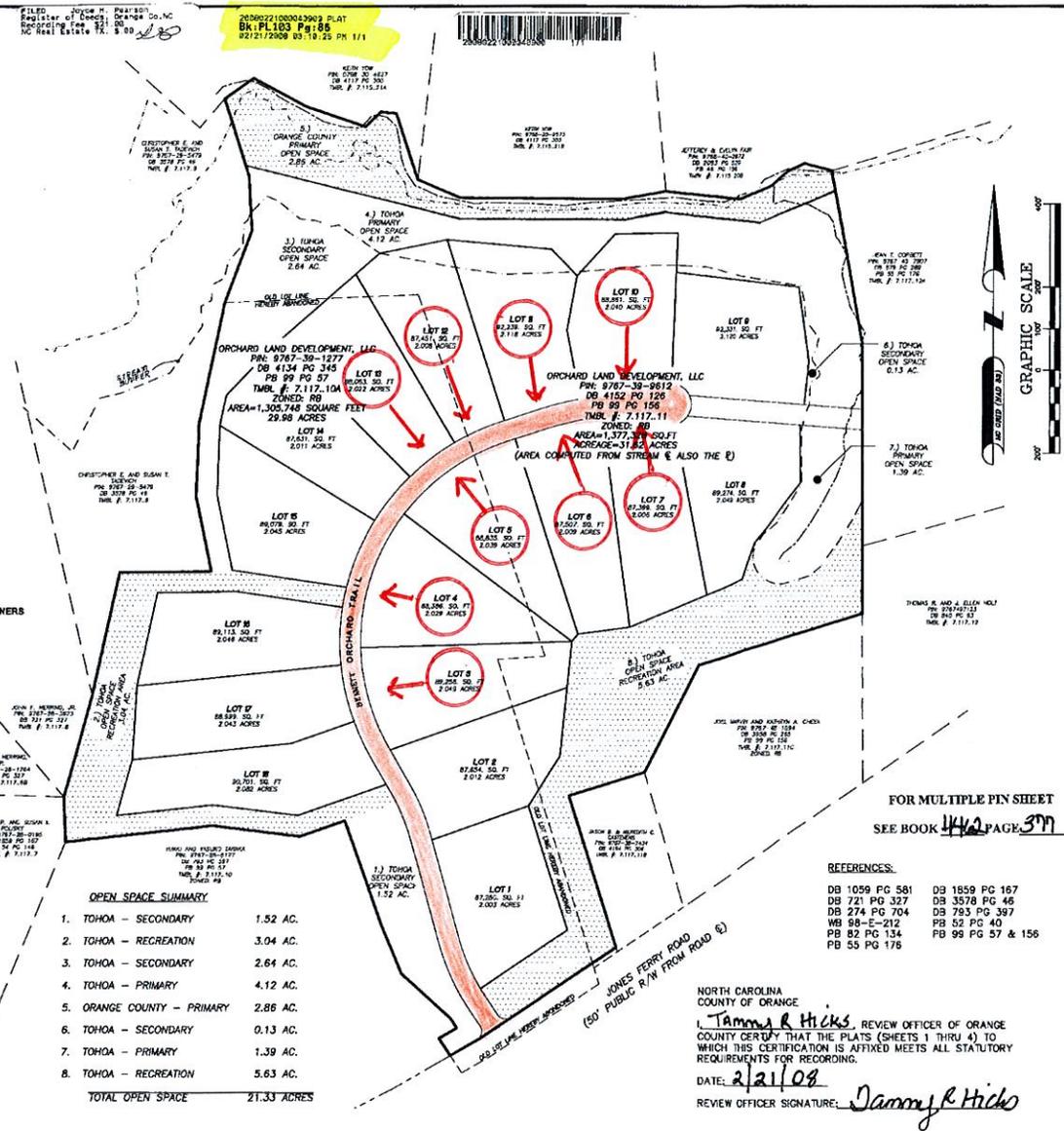
1 in = 350 feet

0 350 Feet

Planning and Inspections Department (BC)  
12/14/2020



- NOTES:
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
  - AREAS COMPUTED BY COORDINATE COMPUTATION METHOD.
  - THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, THIS SURVEY IS SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
  - THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, BUFFERS AND RESTRICTIONS SHOWN HEREON AND ALL OTHERS OF RECORD NOT SHOWN HEREON.
  - BUILDING SETBACK REQUIREMENTS PER ORANGE COUNTY SUBDIVISION REGULATIONS FOR RB (RURAL BUFFER) ZONING:  
FRONT YARD: 40'  
SIDE YARD: 20'  
REAR YARD: 20'
  - ONLY THE NORTHERLY PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER FEMA PANEL 371097600J AND 371097600K WITH EFFECTIVE DATE FEBRUARY 2, 2007. THE DEPICTED 100 YEAR FLOOD LINE WAS APPROXIMATED FROM SAID FEMA MAPS.
  - OWNERS' ADDRESS: ORCHARD LAND DEVELOPMENT, LLC  
ATTN: BRUCE BALLENTINE  
221 PROVIDENCE ROAD  
CHAPEL HILL NC 27514
  - A 10' WIDE UTILITY EASEMENT LOCATED ALONG EACH SIDE OF THE ORCHARD TRAIL RIGHT-OF-WAY IS HEREBY DEDICATED.
  - THE PROPERTY IS LOCATED IN THE UNIVERSITY LAKE PROTECTED WATERSHED.
  - OPEN SPACE OUTSIDE OF INDIVIDUAL LOTS SHALL BE DEEDED TO THE ORCHARD OF CHAPEL HILL HOMEOWNERS ASSOCIATION (TOHOA) WITH THE EXCEPTION OF THE OPEN SPACE IN THE NORTHERN PORTION THAT WILL BE DEEDED TO ORANGE COUNTY.
  - THE "STREAM BUFFER" SHOWN ALONG THE REAR OF LOTS 10, 11 AND 12 HAVE THE SAME DEVELOPMENT LIMITATIONS AND PERMITTED USES AS THE ADJACENT TOHOA OPEN SPACE. DEED RESTRICTIONS FOR EACH OF THESE THREE LOTS AND THE RESTRICTIVE/PROTECTIVE COVENANTS OF THE ORCHARD SUBDIVISION SHALL DESCRIBE IN DETAIL THE AFORESAID DEVELOPMENT LIMITATIONS AND PERMITTED USES. ENFORCEMENT SHALL BE BY TOHOA. THE STREAM BUFFER AREAS ON LOTS 10, 11, AND 12 SHALL REMAIN IN THEIR EXISTING NATURAL CONDITION AND SHALL BE PERMANENTLY PROTECTED THROUGH TOHOA COVENANTS.
  - WATER AND SEWER SERVICE WILL BE PROVIDED THROUGH THE USE OF INDIVIDUAL WELL AND SEPTIC SYSTEMS. SEPTIC SYSTEM LOCATIONS MAY RESTRICT THE SIZE AND LOCATION OF OTHER SITE IMPROVEMENTS.
  - NO TREES IN (REQUIRED FRONT, SIDE, AND REAR YARD SETBACKS) OF LOTS 1-18 SHALL BE REMOVED TO INSTALL ONSITE PRIVATE SEPTIC DRAIN FIELDS OR REPAIR FIELDS.
  - EXISTING TREES SHALL BE PRESERVED TO MEET THE LANDSCAPING REQUIREMENTS OF SECTION IV-B-8-d-1 OF THE ORANGE COUNTY SUBDIVISION REGULATIONS.
  - ALL REQUIRED LANDSCAPING SHALL BE DESCRIBED ON THE LANDSCAPE PLAN SUBMITTED BY THE APPLICANT.
  - CLEAR CUTTING OR OTHER REMOVAL OF ANY TREES OR OTHER VEGETATION ON INDIVIDUAL LOTS IS PROHIBITED. RETRY TO SECTION IV-B-8-c OF THE ORANGE COUNTY SUBDIVISION REGULATIONS REGARDING PROTECTION OF EXISTING VEGETATION. NO EXISTING TREES SHALL BE CUT, DAMAGED OR DESTROYED WITHIN THE PRIMARY TREE PROTECTION AREA (REQUIRED OPEN SPACE, FRONT, SIDE AND REAR YARD SETBACK AREAS, AND LAND USE BUFFERS). TREES AND VEGETATION WITHIN THE SECONDARY TREE PROTECTION AREAS (ALL AREAS OF INDIVIDUAL LOTS NOT DEFINED AS PRIMARY TREE PROTECTION AREA) MAY ONLY BE REMOVED WITH PRIOR APPROVAL BY TOHOA. NO TREES LARGER THAN 12" DBH SHALL BE REMOVED WITHIN THE SECONDARY TREE PROTECTION AREA UNLESS MEETING THE EXCEPTIONS LISTED IN SECTION IV-B-8-c.
  - THE THIRTY FOOT (30') TYPE "A" LAND USE BUFFER EASEMENT ALONG BOTH SIDES OF ORCHARD TRAIL SHALL BE CONVEYED TO TOHOA.
  - THE STRIP OF LAND SHOWN ADJACENT TO THE CREEK IS HEREBY CONVEYED TO ORANGE COUNTY FOR USE AS A POTENTIAL FUTURE GREENWAY TRAIL. A FIFTY FOOT (50') WIDE ACCESS EASEMENT AS SHOWN IS HEREBY DEDICATED TO ORANGE COUNTY.
  - ALL LOTS (1-18) SHALL RECEIVE DRIVEWAY ACCESS FROM ORCHARD TRAIL. NO DRIVEWAYS SHALL BE PERMITTED WITHIN FIFTY FEET (50') OF THE INTERSECTION OF ORCHARD TRAIL WITH JONES FERRY ROAD.
  - ALL OPEN SPACE IS RESTRICTED FROM DEVELOPMENT POTENTIAL AS SET FORTH IN SECTION IV-B-2 OF THE ORANGE COUNTY SUBDIVISION REGULATIONS.
  - THE PLANNING DEPARTMENT SHALL APPROVE A LIGHTING PLAN SUBMITTED BY THE APPLICANT BEFORE THE FINAL PLAT IS SIGNED.
  - THE ACREAGE FIGURES ON EACH LOT ARE EXCLUSIVE OF PUBLIC ROAD RIGHT-OF-WAY.
  - THE DECLARATION LANE ON THE NORTH SIDE OF JONES FERRY ROAD, EAST OF ORCHARD TRAIL INTERSECTION SHALL BE CONSTRUCTED TO NCDOT STANDARDS.
  - THE PLANNING DEPARTMENT SHALL APPROVE ALL SUBDIVISION SIGNAGE BEFORE THE FINAL PLAT IS SIGNED.



I, J. BRUCE BALLENTINE, PLS, HEREBY CERTIFY THAT THESE PLATS (SHEETS 1 THRU 4) WERE DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEEDS AND MAPS OF RECORD AS SHOWN, THAT THE RATIO OF PRECISION IS GREATER THAN 1:10,000, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES, THAT THESE PLATS WERE PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.

FURTHERMORE, I CERTIFY THAT THESE PLATS ARE OF THE FOLLOWING TYPE: G.S. 47-30 (f)(11)(a). THIS SURVEY CREATES SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY HAND AND SEAL THIS 15 DAY OF Jan 20 08

J. Bruce Ballentine, PLS L-2275

NOTARY PUBLIC  
J. Bruce Ballentine  
SEAL 1-2275

THE UNDERSIGNED OWNER HEREBY CERTIFIES THAT THE LAND SHOWN HEREON IS LOCATED WITHIN THE SUBDIVISION-REGULATION JURISDICTION OF ORANGE COUNTY AND HEREBY FREELY DEDICATES ALL RIGHTS-OF-WAY, EASEMENTS, STREETS, RECREATION AREAS, OPEN SPACES, COMMON AREAS, UTILITIES AND OTHER IMPROVEMENTS TO PUBLIC OR PRIVATE COMMON USE AS NOTED ON THIS PLAT, AND FURTHER ASSUMES FULL RESPONSIBILITY FOR THE MAINTENANCE AND CONTROL OF SAID IMPROVEMENTS UNTIL THEY ARE ACCEPTED FOR MAINTENANCE AND CONTROL BY AN APPROPRIATE PUBLIC BODY OR BY AN INCORPORATED NEIGHBORHOOD OR HOMEOWNERS ASSOCIATION OR SIMILAR LEGAL ENTITY.

J. B. Ballentine, MANAGER 15 Jan 08 DATE  
Red Wilson, MANAGER 15 Jan 08 DATE

NORTH CAROLINA, ORANGE COUNTY  
I, Jill C. Addison, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID CERTIFY THAT  
J. BRUCE BALLENTINE, MANAGER & RED WILSON, MANAGER  
PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING CERTIFICATE.  
WITNESS MY HAND AND SEAL, THIS 15th DAY OF January 20 08  
Jill C. Addison, NOTARY PUBLIC  
MY COMMISSION EXPIRES: 2-11-2012

THE COUNTY MANAGER HEREBY CERTIFIES THAT ALL IMPROVEMENTS REQUIRED BY THE ORANGE COUNTY SUBDIVISION REGULATIONS HAVE BEEN INSTALLED AS SPECIFIED BY THE APPROVED PRELIMINARY PLAT FOR ORCHARD SUBDIVISION AND THAT SAID IMPROVEMENTS COMPLY WITH ORANGE COUNTY SPECIFICATIONS.

ACCEPTANCE OF DEDICATION  
ORANGE COUNTY HEREBY ACCEPTS, FOR THE USE OF THE GENERAL PUBLIC, WITHOUT MAINTENANCE RESPONSIBILITY, THE OFFER OF PUBLIC DEDICATION OF ALL PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS, PUBLIC STREETS, PUBLIC RECREATION AREAS, PUBLIC OPEN SPACE, PUBLIC UTILITIES AND OTHER PUBLIC IMPROVEMENTS SHOWN ON THIS PLAT.

North Carolina  
County Manager  
Sam E. Chalmers, COUNTY MANAGER 2-8-8 DATE

REVIEW OFFICER SIGNATURE: Jammy R. Hicks

**BALLENTINE ASSOCIATES, P.A.**  
CHAPEL HILL, N.C. 27514  
(919) 487-4788 (DURHAM)

**ORCHARD LAND DEVELOPMENT, LLC**  
OWNER INFORMATION  
ORCHARD LAND DEVELOPMENT, LLC  
DB 4152 PG 126 & DB 4134 PG 345

FINAL PLAT OF THE ORCHARD SURVEY FOR ORCHARD LAND DEVELOPMENT, LLC

TOWNSHIP: CHAPEL HILL  
COUNTY: ORANGE  
FAMILY ID: 9767-39-1277  
ZONING: RB  
DATE OF SURVEY: FEBRUARY 7, 2006  
DATE PREPARED: JANUARY 11, 2008  
SCALE: 1"=200'  
PROJECT NUMBER: 105002.00  
SURVEYED BY: SH/T  
DRAWN BY: RAM  
CHECKED BY: JBB  
SHEET NO: 1 OF 4

Book 102 Page 86

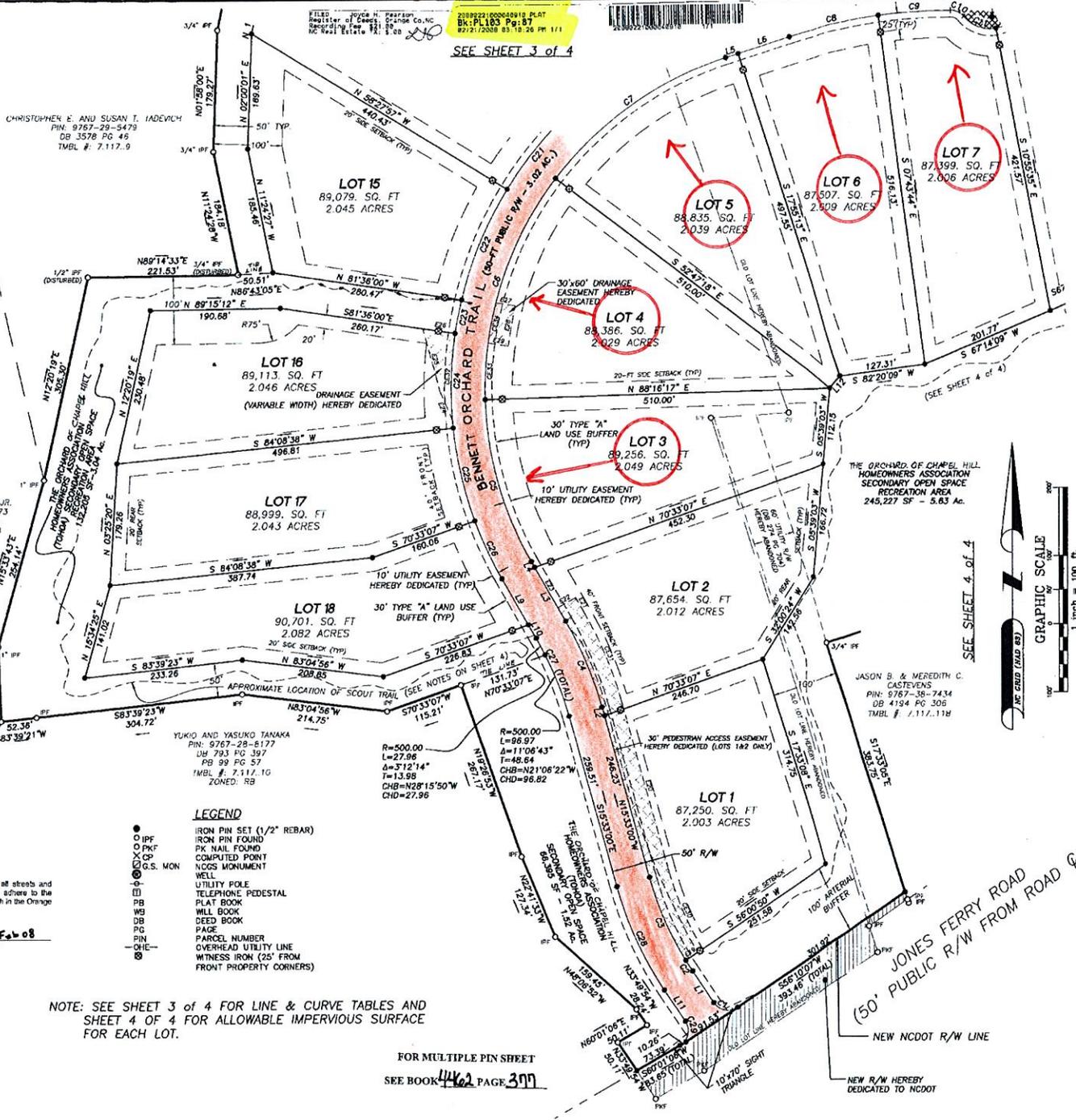
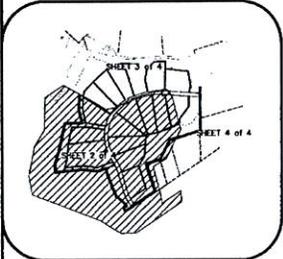
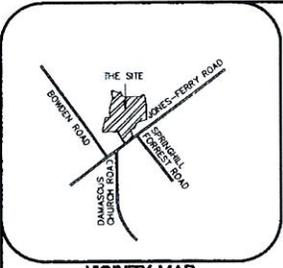
# BALLENTINE ASSOCIATES, P.A.

CHAPEL HILL, NC 27614  
(919) 488-4788 (OFFICE)  
(919) 488-4788 (FURNISH)

## THE ORCHARD SURVEY FOR ORCHARD LAND DEVELOPMENT, LLC ORCHARD LAND DEVELOPMENT, LLC ORCHARD LAND DEVELOPMENT, LLC

OWNER INFORMATION  
DB: 4152 PG. 126 & DB: 4134 PG. 345

TOWNSHIP	CHAPEL HILL
COUNTY	ORANGE
TAX ID	9767-39-1277
ZONING	RB
DATE OF SURVEY	FEBRUARY 07, 2006
DATE PREPARED	JANUARY 11, 2008
SCALE	1"=100'
PROJECT NUMBER	105002.00
SURVEYED BY	SH/T
DRAWN BY	RAM
CHECKED BY	JBB
SHEET NO.	2 OF 4



JOHN F. HERRING, JR.  
PIN: 9767-28-3973  
DB 721 PG 327  
TMBL #: 7.117.8

JOHN F. HERRING, JR.  
PIN: 9767-28-1764  
DB 721 PG 327  
TMBL #: 7.117.69

EUGENE H. AND SUSAN E. POLISKY  
PIN: 9767-28-0195  
DB 1639 PG 157  
PB 54 PG 145  
TMBL #: 7.117.7

YUKIO AND YASUKO TANAKA  
PIN: 9767-28-6177  
DB 793 PG 37  
PB 99 PG 57  
TMBL #: 7.117.10  
ZONED: RB

JASON B. & MEREDITH C. CASTEVENS  
PIN: 9767-38-7434  
DB 4194 PG 306  
TMBL #: 7.117.118

I hereby certify that all lights to be installed on all streets and commonly owned lands as depicted on this plat will adhere to the provisions of the Outdoor Lighting Standards as set forth in the Orange County Zoning Ordinance.

*J.R. Ballentine*  
Owner's Manager, Member  
Date: 11 Feb 08



Book 103 Page 87

THE ORCHARD SURVEY FOR ORCHARD LAND DEVELOPMENT, LLC  
ORCHARD LAND DEVELOPMENT, LLC  
ORCHARD LAND DEVELOPMENT, LLC

DB: 4152 PG. 126 & DB: 4134 PG. 345







STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

December 11, 2020

**ORANGE COUNTY**

Ms. Bonnie Hammersley  
County Manager  
Orange County  
P.O. Box 8181  
Hillsborough, North Carolina 27278

SUBJECT: Request for Road Addition  
**Bennett Orchard Trail**  
**The Orchard Subdivision**

Dear Ms. Hammersley,

Please find attached Form SR-4 Secondary Road Addition Investigation Report, Form SR-1 Petition for Road Addition, recorded plat, and a location map for the above subject.

This is being forwarded to you for consideration by your Board of Commissioners.

Sincerely,

C.N. Edwards, Jr., P.E.  
District Engineer

Attachments  
CNE

North Carolina Department of Transportation  
Division of Highways  
Petition for Road Addition

RECEIVED

JUN 04 2018

N.C. Dept. of Transportation  
Division of Highways - 7th Div.  
District 1 - Graham

**ROADWAY INFORMATION:** (Please Print/Type)

County: ORANGE Road Name: BENNETT ORCHARD TRAIL  
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: THE ORCHARD Length (miles): 2000 ft

Number of occupied homes having street frontage: 6 Located (miles): 700'

miles N  S  E  W  of the intersection of Route SR 1942 and Route SR 1940.  
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of THE ORCHARD in ORANGE County, do hereby request the Division of Highways to add the above described road.

**CONTACT PERSON:** Name and Address of First Petitioner. (Please Print/Type)

Name: BRUCE BALENTINE, MEMBER/MANAGER Phone Number: (919) 210-9891  
PRESIDENT, ORCHARD HOA  
Street Address: ORCHARD LAND DEVELOPMENT, LLC  
221 PROVIDENCE RD  
Mailing Address: CHAPEL HILL, NC 27514

**PROPERTY OWNERS**

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
JAMES BROWN & EVE BOGGS		
DORIAN BURTON		
CRAIG & ERICA LEWIS		
LEE & EVA NACKMAN		
MICHAEL & WENDY BELIKOF		
DAVID & MICHELLE YATES		
REID & BERTHA WILSON		
PJ. BRUCE BALENTINE ORCHARD LAND DEVELOPMENT, LLC	221 PROVIDENCE RD CHAPEL HILL, NC 27514	(919) 210-9891
J. B. Baleant		
CATHY WILHELM AKS DEVELOPMENT/STRATA SOLAR		

**INSTRUCTIONS FOR COMPLETING PETITION:**

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

**FOR NCDOT USE ONLY:** Please check the appropriate block

- Rural Road   
  Subdivision platted prior to October 1, 1975   
  Subdivision platted after September 30, 1975

**REQUIREMENTS FOR ADDITION**

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>	<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>
BENNETT ORCHARD TRAIL	6	2000LF			



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

DATE: December 7, 2020  
TO: Chuck Edwards, Jr., PE, District Engineer  
FROM: Sandy Taylor, Real Property Agent II  
SUBJECT: Addition to the System: Bennett Orchard Trail  
The Orchard Subdivision, Orange County

I have examined the plats of the Orange County Registry, furnished by your office. Based on my examination of the plats, it appears the right of way for **Bennett Orchard Trail, The Orchard Subdivision**, is as follows, as well as utility easements and sight distances, as shown on the plats, if any.

Bennett Orchard Trail

50 ft.

If you need any additional information, please feel free to contact me.

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY UNIT  
P.O. BOX 14996  
GREENSBORO, NC 27415-4996

*Telephone:* 336-334-3515  
*Fax:* 336-334-5331  
*Customer Service:* 1-877-368-4968

*Location:*  
1101 EAST WENDOVER AVENUE  
SUITE 200  
GREENSBORO, NC 27405

**North Carolina Department of Transportation  
Division of Highways  
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-18-08 Date: 12/03/2020  
 Township: Chapel Hill Div. File No: \_\_\_\_\_ Div. No: 7

Local Name: Bennett Orchard Trail Subdivision Name: The Orchard  
 Length: 0.40 Width: 20' Surface: SF9.5A PVMT Condition: Good  
 Surface Thickness: 2" Base Type: ABC Base Thickness: 8"

\*Bridges Yes \_\_\_\_\_ No X \* Pipe > 48" Yes \_\_\_\_\_ No X \*Retaining Walls Within Right of Way Yes \_\_\_\_\_ No X

**\* If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02/21/2008 Book: 103 Page: 86,87,88,89

Number of homes having entrances into road: 9

Other uses having entrances into road: \_\_\_\_\_

Right-of-Way Width: 50' If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? \_\_\_\_\_

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ \_\_\_\_\_

Grade, drain, stabilize: \$ \_\_\_\_\_ Drainage: \$ \_\_\_\_\_ Other: \$ \_\_\_\_\_

Remarks and Recommendations: Meets Requirements. Recommend Addition

Submitted by:  DISTRICT ENGINEER Reviewed and Approved: \_\_\_\_\_ DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: \_\_\_\_\_

	Do not write in this space- For Use by Secondary Roads Unit          Petition #
--	---

ORD-2021-002

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** January 19, 2021

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

**SUBJECT:** Fiscal Year 2020-21 Budget Amendment #6

---

**DEPARTMENT:** Finance and Administrative Services

---

**ATTACHMENT(S):**

Attachment 1. Budget As Amended  
Spreadsheet

Attachment 2. Year-to-Date Budget  
Summary

**INFORMATION CONTACT:**

Paul Laughton, (919) 245-2152  
Gary Donaldson, (919) 245-2453

---

**PURPOSE:** To approve budget, grant and capital project ordinance amendments for fiscal year 2020-21.

**BACKGROUND:**

**Animal Services**

1. Orange County Animal Services has received a \$25,000 grant from the American Society for the Prevention of Cruelty to Animals (ASPCA) to be used toward the department's veterinary assistance program, as well as unexpected spay/neuter costs. The grant service period runs through March 31, 2021. This budget amendment provides for the receipt of these grant funds for the above stated purpose. *(See Attachment 1, column #1)*

**SOCIAL JUSTICE IMPACT:** There are no Orange County Social Justice Goals associated with this item.

**Health Department**

2. The Orange County Health Department has received \$128,566 from the FY 2017-18 Final Medicaid Cost Settlement Funds. These funds will be appropriated to the Medicaid Maximization account to support capital renovation projects for the medical and dental clinics. This budget amendment provides for the receipt of these funds and amends the following capital project ordinance:

**Medicaid Maximization (\$128,566) - Project # 30012**

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Medicaid Maximization Funds	\$11,714,483	\$128,566	\$11,843,019
<b>Total Project Funding</b>	<b>\$11,714,483</b>	<b>\$128,566</b>	<b>\$11,843,019</b>

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Medicaid Maximization Project	\$11,714,483	\$128,566	\$11,843,019
<b>Total Costs</b>	<b>\$11,714,483</b>	<b>\$128,566</b>	<b>\$11,843,019</b>

3. The Orange County Health Department has received \$180,855 in federal pass-through grant funds from the North Carolina Department of Health and Human Services, Division of Public Health to support the COVID-19 pandemic response. The grant service period runs through May 31, 2021. This grant is similar to the one approved by the BOCC at its October 20, 2020 meeting in the amount of \$198,940 which ran through December 15, 2020. Funding will support a Coordinator position and six (6) temporary trainers to provide infection control education in congregate living facilities across Orange, Alamance, Caswell, Chatham, Durham, Guilford, Person, Randolph, and Rockingham counties. This budget amendment provides for the receipt of these funds, increases the current Emergency Preparedness Coordinator from a 0.6 FTE to a time-limited 1.0 FTE position, through May 31, 2021, to serve as the Coordinator for this team. *(See Attachment 1, column #2)*

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to these items:

- **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.

**Department on Aging**

4. The Department on Aging has received an additional \$25,000 from the Carol Woods Retirement Community Board of Directors to help fund the work of the Department on Aging during the COVID-19 pandemic, including, but not limited to, supporting the Home Preservation Coalition and the Handy Helper program with minor home repairs and ramps, so older adults can remain in their homes rather than being placed in long term care; supporting the department's expanding virtual programming offerings; and supporting the department's senior employment initiative to assist seniors in finding work. This budget amendment provides for the receipt of these additional funds in the multi-year grant project fund, outside of the General Fund, and amends the following grant project ordinance: *(See Attachment 1, column #3)*

**Department on Aging – Master Aging Plan Project (\$25,000) - Project # 71099**

Revenues for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Carol Woods Donations	\$427,411	\$25,000	\$452,411
<b>Total Project Funding</b>	<b>\$427,411</b>	<b>\$25,000</b>	<b>\$452,411</b>

Appropriated for this project:

	Current Budget FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised Budget
Master Aging Plan Initiatives	\$427,411	\$25,000	\$452,411
<b>Total Costs</b>	<b>\$427,411</b>	<b>\$25,000</b>	<b>\$452,411</b>

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goals are 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.
- **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.

**Housing and Community Development**

5. The Department of Housing and Community Development has received notification from the Town of Carrboro that it has been awarded a \$900,000 CDBG-CV from the State. The grant was written to designate Orange County as the administrator of these funds to continue the work of the County's Emergency Housing Assistance program. The grant period runs through June 30, 2023. This budget amendment provides for the receipt of these funds from the Town of Carrboro for the above stated purpose within the Community Development Fund and approves the creation of a 1.0 FTE Time-limited Emergency Housing Assistance Specialist position through June 30, 2023 to assist in administering the grant. *(See Attachment 1, column #4)*
6. The Orange County Partnership to End Homelessness Program has received notification of a \$40,730 Emergency Solutions Grant award from the North Carolina Department of Health and Human Services, Division of Aging and Adult Services. This is a reimbursable grant with the service period of January 1, 2021 through December 31, 2021. These funds will be used to address the needs of the vulnerable homeless population in Orange County. This budget amendment provides for the receipt of these funds within the Community Development Fund. *(See Attachment 1, column #5)*
7. Orange County Housing and Community Development has received additional funds of \$100,000 in federal pass-through Coronavirus Relief Funds/CARES Act grant funds from the North Carolina Department of Health and Human Services to strategically respond to the COVID-19 pandemic response. This funding represents additional funding from the \$195,000 in grant funds awarded and approved by the BOCC at its November 5, 2020 meeting. Funding will support the Street Outreach and Rapid Rehousing programs within

the Partnership to End Homelessness Program, including Homelessness Prevention rental and financial assistance, hotel/motel assistance, essential move-in goods, housing unit upfits/repairs, and transportation. This budget amendment provides for the receipt of these additional funds for the above stated purposes. *(See Attachment 1, column #6)*

**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.

**ENVIRONMENTAL IMPACT:** There are no Orange County Environmental Responsibility Goal impacts associated with these items.

**FINANCIAL IMPACT:** Financial impacts are included in the background information above. This budget amendment provides for the receipt of these additional funds in FY 2020-21 and increases the General Fund by \$205,855; increases the Multi-year Grant Projects Fund by \$25,000; increases the Multi-year Capital Projects Fund by \$128,566, and increases the Community Development Fund by \$1,040,730.

**RECOMMENDATION(S):** The Manager recommends the Board approve the budget, grant and capital project ordinance amendments for fiscal year 2020-21.

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #5	#1 Animal Services - receipt of a \$25,000 grant from the ASPCA to be used toward the department's veterinary assistance program and the spay/neuter program	#2 Health Department - receipt of \$180,855 in federal pass-through grant funds from the NC Department of Health and Human Services to support the COVID-19 pandemic response.	#3 Department on Aging - receipt of an additional \$25,000 from Carol Woods Retirement Community to help fund the work of the Department on Aging's Master Aging Plan during the COVID-19 pandemic	#4 Housing and Community Development - receipt of a \$900,000 CDBG-CV grant from the State through the Town of Carboro, to continue the work of the County's Emergency Housing Assistance program	#5 Housing and Community Development - receipt of a \$40,730 Emergency Solutions Grant award from the NC Department of Health and Human Services to be used to address the needs of the vulnerable homeless population in Orange County	#6 Housing and Community Development - receipt of an additional \$100,000 in federal pass-through CRF/CARES Act grant funds to be used to support the Street Outreach and Rapid Rehousing programs within the Partnership to End Homelessness program	Budget as Amended Through BOA #6
<b>General Fund</b>										
<b>Revenue</b>										
Property Taxes	\$ 167,694,880	\$ -	\$ 167,694,880	\$ 167,694,880	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 167,694,880
Sales Taxes	\$ 23,827,353	\$ -	\$ 23,827,353	\$ 23,827,353	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,827,353
License and Permits	\$ 274,550	\$ -	\$ 274,550	\$ 274,550	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 274,550
Animal Services	\$ 286,924	\$ -	\$ 286,924	\$ 286,924	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ 311,924
Health	\$ 1,615,735	\$ -	\$ 1,615,735	\$ 2,310,805	\$ 180,855	\$ -	\$ -	\$ -	\$ -	\$ 2,491,660
Intergovernmental	\$ 17,710,005	\$ -	\$ 17,710,005	\$ 23,996,927	\$ 25,000	\$ 180,855	\$ -	\$ -	\$ -	\$ 24,202,782
Charges for Service	\$ 12,645,090	\$ -	\$ 12,645,090	\$ 12,645,090	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,645,090
Investment Earnings	\$ 515,000	\$ -	\$ 515,000	\$ 515,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 515,000
Miscellaneous	\$ 2,624,009	\$ -	\$ 2,624,009	\$ 3,206,960	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,206,960
Transfers from Other Funds	\$ 5,486,817	\$ -	\$ 5,486,817	\$ 6,701,817	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,701,817
Fund Balance	\$ 8,268,603	\$ -	\$ 8,268,603	\$ 7,977,969	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,977,969
<b>Total General Fund Revenues</b>	<b>\$ 239,046,307</b>	<b>\$ -</b>	<b>\$ 239,046,307</b>	<b>\$ 246,840,546</b>	<b>\$ 25,000</b>	<b>\$ 180,855</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 247,046,401</b>
<b>Expenditures</b>										
Support Services	\$ 12,773,209	\$ -	\$ 12,773,209	\$ 15,152,769	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,152,769
General Government	\$ 25,639,107	\$ -	\$ 25,639,107	\$ 26,094,128	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,094,128
Animal Services	\$ 2,325,362	\$ -	\$ 2,325,362	\$ 2,325,362	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ 2,350,362
Community Services	\$ 14,322,250	\$ -	\$ 14,322,250	\$ 14,950,592	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ 14,975,592
Health	\$ 10,461,605	\$ -	\$ 10,461,605	\$ 11,176,675	\$ -	\$ 180,855	\$ -	\$ -	\$ -	\$ 11,357,530
Human Services	\$ 41,614,328	\$ -	\$ 41,614,328	\$ 42,937,557	\$ -	\$ 180,855	\$ -	\$ -	\$ -	\$ 43,118,412
Public Safety	\$ 27,994,203	\$ -	\$ 27,994,203	\$ 28,277,419	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28,277,419
Education	\$ 111,737,971	\$ -	\$ 111,737,971	\$ 111,857,971	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 111,857,971
Transfers Out	\$ 4,965,239	\$ -	\$ 4,965,239	\$ 7,570,110	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,570,110
<b>Total General Fund Appropriation</b>	<b>\$ 239,046,307</b>	<b>\$ -</b>	<b>\$ 239,046,307</b>	<b>\$ 246,840,546</b>	<b>\$ 25,000</b>	<b>\$ 180,855</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 247,046,401</b>
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Community Development Fund (Housing Displacement Program)</b>										
<b>Revenues</b>										
Transfer from General Fund	\$ 75,000	\$ -	\$ 75,000	\$ 2,060,977	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,060,977
Intergovernmental	\$ -	\$ -	\$ -	\$ 3,604,265	\$ -	\$ -	\$ 810,000	\$ -	\$ -	\$ 4,414,265
<b>Total Revenues</b>	<b>\$ 75,000</b>	<b>\$ -</b>	<b>\$ 75,000</b>	<b>\$ 5,665,262</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 810,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,475,262</b>
<b>Expenditures</b>										
Housing Displacement Program	\$ 75,000	\$ -	\$ 75,000	\$ 5,665,262	\$ -	\$ -	\$ 810,000	\$ -	\$ -	\$ 6,475,262
<b>Community Development Fund (Homelessness Partnership)</b>										
<b>Revenues</b>										
General Government Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Intergovernmental	\$ 271,716	\$ -	\$ 271,716	\$ 556,716	\$ -	\$ -	\$ 90,000	\$ 40,730	\$ 100,000	\$ 787,446
Appropriated Fund Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Transfer from General Fund	\$ 91,603	\$ -	\$ 91,603	\$ 234,830	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 234,830
<b>Total Revenues</b>	<b>\$ 363,319</b>	<b>\$ -</b>	<b>\$ 363,319</b>	<b>\$ 791,546</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 90,000</b>	<b>\$ 40,730</b>	<b>\$ 100,000</b>	<b>\$ 1,022,276</b>
<b>Expenditures</b>										
Homelessness Partnership Program	\$ 363,319	\$ -	\$ 363,319	\$ 791,546	\$ -	\$ -	\$ 90,000	\$ 40,730	\$ 100,000	\$ 1,022,276
<b>Grant Project Fund</b>										
<b>Revenues</b>										
Intergovernmental	\$ 480,481	\$ -	\$ 480,481	\$ 665,588	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 665,588
Charges for Services	\$ 75,000	\$ -	\$ 75,000	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,000
Transfer from General Fund	\$ 103,420	\$ -	\$ 103,420	\$ 118,420	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 118,420
Miscellaneous	\$ -	\$ -	\$ -	\$ 252,411	\$ -	\$ 25,000	\$ -	\$ -	\$ -	\$ 277,411
Transfer from Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Appropriated Fund Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Revenues</b>	<b>\$ 658,901</b>	<b>\$ -</b>	<b>\$ 658,901</b>	<b>\$ 1,111,419</b>	<b>\$ -</b>	<b>\$ 25,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,136,419</b>
<b>Expenditures</b>										
Support Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
General Government	\$ 72,629	\$ -	\$ 72,629	\$ 89,127	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 89,127
Community Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Master Aging Plan	\$ 175,000	\$ -	\$ 175,000	\$ 427,411	\$ -	\$ 25,000	\$ -	\$ -	\$ -	\$ 452,411
Human Services	\$ 401,272	\$ -	\$ 401,272	\$ 686,883	\$ -	\$ 25,000	\$ -	\$ -	\$ -	\$ 711,883
Public Safety	\$ 185,000	\$ -	\$ 185,000	\$ 335,409	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 335,409
<b>Total Expenditures</b>	<b>\$ 658,901</b>	<b>\$ -</b>	<b>\$ 658,901</b>	<b>\$ 1,111,419</b>	<b>\$ -</b>	<b>\$ 25,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,136,419</b>

## Year-To-Date Budget Summary

*Fiscal Year 2020-21*

### General Fund Budget Summary

Original General Fund Budget	\$239,046,307
Additional Revenue Received Through Budget Amendment #5 (December 15, 2020)	
Grant Funds	\$1,955,019
Non Grant Funds	\$6,335,709
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	\$0
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	(\$290,634)
<b>Total Amended General Fund Budget</b>	<b>\$247,046,401</b>
Dollar Change in 2020-21 Approved General Fund Budget	\$8,000,094
% Change in 2020-21 Approved General Fund Budget	3.35%

**Paul:**

includes 0.4 FTE time-limited increase of the current Emergency Preparedness Coordinator (BOA #2)

**Paul:**

includes 1.0 FTE Rapid Rehousing Case Manager; 2.0 FTE Peer Support Specialists; .375 FTE increase of Programs Coordinator; 3.0 FTEs time-limited Social Work positions; and 1.0 FTE time-limited Harm Reduction Clinical Coordinator (BOA #1); 1.0 FTE time-limited Emergency Housing Administrator (BOA #5); 1.0 FTE time-limited Family Success Navigator (BOA #5); 1.0 FTE time-limited Emergency Housing Assistance Specialist (BOA #6)

### Authorized Full Time Equivalent Positions

Original Approved General Fund Full Time Equivalent Positions	940.480
Original Approved Other Funds Full Time Equivalent Positions	100.950
<b>Total Approved Full-Time-Equivalent Positions for Fiscal Year 2020-21</b>	<b>1,041.430</b>

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** January 19, 2021

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

**SUBJECT:** Resolution in Support of NCACC Presidential Initiative to Promote Food System Resiliency

---

**DEPARTMENT:** Board of Commissioners

---

**ATTACHMENT(S):**  
Resolution

**INFORMATION CONTACT:**  
Commissioner Renee Price, 245-2130  
Greg Wilder, 919-245-2300

---

**PURPOSE:** To consider a Resolution in Support of NCACC Presidential Initiative to Promote Food System Resiliency.

**BACKGROUND:** North Carolina Association of County Commissioners (NCACC) President and Martin County Commissioner Ronnie Smith is leading an initiative to address food system resiliency in North Carolina during NCACC's 2020-21 year. The goal of the presidential initiative is to identify ways counties can help ensure all North Carolinians have access to high-quality, affordable food and local producers are able to help meet this need.

Counties are extensively involved in addressing food insecurity, particularly through their departments of social services which administer the food and nutrition service programs for families in need of assistance, public school systems that distribute meals to students and cooperative extensions which are in every county and provide research-based knowledge and educational programs enabling people to make practical decisions to improve their quality of life. There are many aspects of the food delivery system that counties directly impact and influence. Ensuring all residents have access to high-quality, affordable food contributes to the physical, mental, and societal health of a community. Counties can work directly with food providers, create pathways for partnerships and innovative solutions to increase food cultivation and distribution and can provide financial, technical and other in-kind support for initiatives that are supporting increased access to food systems. All of these efforts combined help build food system resiliency.

President Smith has convened a task force to identify ways counties can provide more food resources and food security to their residents. Given the negative impacts of the COVID pandemic on food delivery systems, this task force will be charged with providing a range of actions, including short-term ideas and solutions that counties can undertake in real-time to immediately address food security issues in their communities. The task force will release findings and solutions after each convening so that counties can begin to work on this issue immediately. The task force will compile the action steps they promote throughout the fall into a final report to serve as a roadmap for counties utilize in developing their plans to address this critical issue.

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

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with consideration of the resolution.

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

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

**ORANGE COUNTY BOARD OF COMMISSIONERS****RESOLUTION IN SUPPORT OF NCACC PRESIDENTIAL INITIATIVE  
TO PROMOTE FOOD SYSTEM RESILIENCY**

**WHEREAS**, access to food is a basic human need and is vital to the well-being of a community; and

**WHEREAS**, all 100 North Carolina counties are committed to ensuring the needs of their residents are met; and

**WHEREAS**, food security, defined as reliable access to quality, affordable food, is vital to a thriving community and food insecurity threatens the fabric of a healthy society; and

**WHEREAS**, according to the annual Map the Meal Gap study by Feeding America, conducted to improve understanding of food insecurity and food costs at the local level, the average food insecurity rate across North Carolina is 14 percent, and Feeding America projects that the rate will rise to 19.3 percent due to the pandemic; and

**WHEREAS**, Orange County has a food insecurity rate of 10.8 percent, and this rate is predicted to rise to 13.6 percent; and

**WHEREAS**, the current pandemic is further exacerbating the issue of food insecurity, and households are facing difficult decisions in making ends meet; and

**WHEREAS**, the food insecurity rate in North Carolina is projected to rise to 19.3 percent due to the pandemic and the child food insecurity rate is projected to rise from 19.3 percent to 28.6 percent; and

**WHEREAS**, according to state officials, agriculture and agribusiness account for 17% of all jobs in the state and an annual economic impact of \$91.8 billion and is a vital aspect of the economy in North Carolina; and

**WHEREAS**, the North Carolina Association of County Commissioners (NCACC), under the direction of President Ronnie Smith, is leading a task force to address food system resiliency to help counties take actions to ensure that resources are getting to the people in need; and

**WHEREAS**, the NCACC Task Force will be meeting to examine the various issues that go into creating and sustaining a resilient food system for North Carolina residents; and

**WHEREAS**, the Orange County Board of County Commissioners jointly funds and participates in the Orange County Food Council, whose mission is to grow a sustainable and equitable local food system in Orange County, North Carolina, guided by values of a community-driven economy, food access, inclusivity, racial equity, and sustainability; and

**WHEREAS**, by supporting our farmers, supply chains, agribusiness, food industry, and hungry families, counties can help build resilient communities;

**NOW, THEREFORE, LET IT BE RESOLVED**, that the Orange County Board of Commissioners does hereby resolve to support the work of the NCACC Task Force and will commit to examining the food system in Orange County and take steps to work in partnership with the Orange County Food Council and other local initiatives to further efforts that strengthen the system in the service of sustaining a thriving community.

This the 19<sup>th</sup> day of January, 2021.

---

Renee Price, Chair  
Orange County Board of Commissioners

**BOCC Meeting Follow-up Actions**

(Individuals with a \* by their name are the lead facilitators for the group of individuals responsible for an item)

<b>Meeting Date</b>	<b>Task</b>	<b>Target Date</b>	<b>Person(s) Responsible</b>	<b>Status</b>
12/15/20	Review and consider request by Commissioner Dorosin that the Board discuss with the Sheriff the opportunity to implement a written informed consent policy from drivers before a vehicle is searched	2/2021	Bonnie Hammersley Sheriff Blackwood	Manager to confer with Sheriff; Potential discussion item at February 9, 2021 work session
12/15/20	Review and consider request by Commissioner Price to look at discussing the option of breaking at 10:00pm when Board meetings tend to be longer than normal	2/2021	Chair	Chair to pursue
12/15/20	Review and consider request by Commissioner Price to consider a proclamation recognizing January as “National Mentoring Month”	1/2021	Clerk’s Office Chair Price Greg Wilder	<b>DONE</b> Included on the January 19, 2021 Business meeting agenda
12/15/20	Review and consider request by Commissioner Price to recognize Dr. Kizzmekia Corbett for her involvement in the Covid-19 vaccine process	1/2021	Clerk’s Office Chair Price Greg Wilder	<b>DONE</b> Included on the January 19, 2021 Business meeting agenda
12/15/20	Review and consider request by Commissioner Price to challenge the Orange County Transportation Services (OCTS) to plan a recognition to commemorate the 60 <sup>th</sup> Anniversary Freedom Riders	5/2021	Theo Letman	To be pursued

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

<b>Property Tax Collection - Tax Effective Date of Report: December 15, 2020</b>						
<b>Tax Year 2020</b>	<b>Amount Charged in FY 20-21</b>	<b>Amount Collected</b>	<b>Accounts Receivable</b>	<b>Amount Budgeted in FY 20-21</b>	<b>Remaining Budget</b>	<b>% of Budget Collected</b>
Real and Personal Current Year Taxes	\$ 154,198,531.00	\$ 94,723,442.41	\$ 62,481,418.19	\$ 154,198,531.00	\$ 59,475,088.59	61.43%
Real and Personal Prior Year Taxes	\$ 3,818,647.51	\$ 762,817.15	\$ 2,694,871.58	\$ 1,155,000.00	\$ 392,182.85	66.04%
<b>Total</b>	<b>\$ 158,017,178.51</b>	<b>\$ 95,486,259.56</b>	<b>\$ 65,176,289.77</b>	<b>\$ 155,353,531.00</b>	<b>\$ 59,867,271.44</b>	<b>61.46%</b>
Registered Motor Vehicle Taxes		\$5,258,239.55	\$14,565.59	\$ 11,175,116.00	\$ 5,916,876.45	47.05%
<b>Tax Year 2019</b>	<b>Amount Charged in FY 19-20</b>	<b>Amount Collected</b>	<b>Accounts Receivable</b>	<b>Amount Budgeted in FY 19-20</b>	<b>Remaining Budget</b>	<b>% of Budget Collected</b>
Real and Personal Current Year Taxes	\$ 152,142,471.00	\$ 90,695,470.95	\$ 63,414,264.35	\$ 152,142,471.00	\$ 61,447,000.05	59.61%
Real and Personal Prior Year Taxes	\$ 3,378,823.17	\$ 480,832.35	\$ 2,691,139.09	\$ 1,100,000.00	\$ 619,167.65	43.71%
<b>Total</b>	<b>\$ 155,521,294.17</b>	<b>\$ 91,176,303.30</b>	<b>\$ 66,105,403.44</b>	<b>\$ 153,242,471.00</b>	<b>\$ 62,066,167.70</b>	<b>59.50%</b>
Registered Motor Vehicle Taxes		\$4,873,627.96	\$6,448.52	\$ 10,770,627.00	\$ 5,896,999.04	<b>45.25%</b>
<b>2020 Current Year Overall Collection Percentage - Real &amp; Personal</b>		60.25%				
<b>2020 Current Year Overall Collection Percentage - with Registered Motor Vehicles</b>		61.54%				
<b>2019 Current Year Overall Collection Percentage - Real &amp; Personal</b>		58.85%				
<b>2019 Current Year Overall Collection Percentage - with Registered Motor Vehicles</b>		60.11%				

# INFORMATION ITEM

## Tax Collector's Report - Measures of Enforced Collections

-  
*Fiscal Year 2020-2021*

**Effective Date of Report: NOVEMBER 30, 2020**

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	95	62	84	44	106								
Bank attachments	22	17	32	3	16								
Certifications	-	-	-	-	-								
Rent attachments	1	1	-	-	1								
Housing/Escheats/Monies	-	-	17	6	30								
Levies	-	-	-	-									
Foreclosures initiated	2	8	3	6	3								
NC Debt Setoff collections	\$2,350.26	\$ 1,991.76	\$ 869.25	\$ 67.51	\$ 1,413.97								

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2020-21. 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
Barnes, Peter	57997887	2020	50,930	50,930	(28.21)		(28.21)	*Situs error (illegal tax)	RMV-VTS	Approve	12/30/2020	
Barton, David Scott	1059403	2020	3,850	-	(37.14)		(37.14)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Mobile home moved to Granville County
Burgess, Elizabeth B. Trustee	1073953	2019	1,080	-	(10.42)		(10.42)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Mobile Home Demolished in 2019
Burgess, Elizabeth B. Trustee	1073953	2020	950	-	(9.17)		(9.17)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Mobile Home Demolished in 2019
Carson, Levi M.	1055132	2015	705	-	(6.78)		(6.78)	Assessed in error (illegal tax)	Personal	Approve	12/3/2020	Vehicles no longer in located in Orange County
Carson, Levi M.	1055132	2016	665	-	(6.40)		(6.40)	Assessed in error (illegal tax)	Personal	Approve	12/3/2020	Vehicles no longer in located in Orange County
Carson, Levi M.	1055132	2017	1,100	-	(10.22)		(10.22)	Assessed in error (illegal tax)	Personal	Approve	12/3/2020	Vehicles no longer in located in Orange County
Carson, Levi M.	1055132	2018	1,100	-	(10.36)		(10.36)	Assessed in error (illegal tax)	Personal	Approve	12/3/2020	Vehicles no longer in located in Orange County
Carson, Levi M.	1055132	2019	1,100	-	(10.56)		(10.56)	Assessed in error (illegal tax)	Personal	Approve	12/3/2020	Vehicles no longer in located in Orange County
Carson, Levi M.	1055132	2020	1,100	-	(10.59)		(10.59)	Assessed in error (illegal tax)	Personal	Approve	12/3/2020	Vehicles no longer in located in Orange County
Claypool, Shebra	3182827	2020	950	-	(9.15)		(9.15)	Double billed (illegal tax)	Personal	Approve	12/30/2020	Also billed on account 3178854
Cooper, Kyeisha	57677826	2020	8,370	8,370	(59.13)	(30.00)	(89.13)	*Situs error (illegal tax)	RMV-VTS	Approve	11/4/2020	
Elliott, Willie	50996445	2020	19,510	16,779	(45.59)		(45.59)	High mileage (appraisal appeal)	RMV-VTS	Approve	12/30/2020	
Ezzell, Joseph	49110333	2019	1,860	1,860	(13.20)	(30.00)	(43.20)	*Situs error (illegal tax)	RMV-VTS	Approve	11/4/2020	
Ezzell, Richard	39207540	2017	2,040	2,040	(14.27)	(30.00)	(44.27)	*Situs error (illegal tax)	RMV-VTS	Approve	11/4/2020	
Hardee, Ray Dexter	1066232	2019	1,290	-	(19.20)		(19.20)	Double billed (illegal tax)	Personal	Approve	11/4/2020	Also billed on account 64462
Hawkins, Jason	40400441	2017	7,181	7,181	(55.77)	(30.00)	(85.77)	*Situs error (illegal tax)	RMV-VTS	Approve	12/30/2020	
Hawkins, Jason	45214953	2018	1,460	1,460	(10.29)	(30.00)	(40.29)	*Situs error (illegal tax)	RMV-VTS	Approve	12/30/2020	
Hawkins, Jason Frank	50736892	2019	13,901	13,901	(98.65)	(30.00)	(128.65)	*Situs error (illegal tax)	RMV-VTS	Approve	12/30/2020	
Hogue, Cyrus	58128317	2020	14,510	14,510	(26.29)		(26.29)	*Situs error (illegal tax)	RMV-VTS	Approve	12/30/2020	
Hoover, Vance	263872	2018	2,300	-	(21.79)		(21.79)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Mobile home sold
Howell, Lawrence	57623323	2020	3,000	500	(24.07)		(24.07)	Antique plate (property classification)	RMV-VTS	Approve	11/4/2020	
Jenkins, Gordon	58151398	2020	5,630	5,630	(39.77)	(30.00)	(69.77)	*Situs error (illegal tax)	RMV-VTS	Approve	12/30/2020	
Kachgal, Tara	44822083	2020	14,680	14,210	(7.58)		(7.58)	Purchase price (appraisal appeal)	RMV-VTS	Approve	12/30/2020	
Kimrey, Jennifer	26987008	2020	6,690	3,345	(31.30)		(31.30)	High mileage (appraisal appeal)	RMV-VTS	Approve	11/4/2020	
Leon, Aaron	1055712	2017	35,060	25,800	(5.38)		(5.38)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Watercraft located in Wake County
Maixner, Viravan	58358657	2020	1,800	500	(20.97)		(20.97)	Antique plate (property classification)	RMV-VTS	Approve	12/30/2020	
Majors, Frank	57411737	2019	9,800	500	(87.01)		(87.01)	Antique plate (property classification)	RMV-VTS	Approve	11/4/2020	
Mayo, Eugene Kirby Trust	286873	2018	1,310	-	(19.26)		(19.26)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Property destroyed
Mayo, Eugene Kirby Trust	286873	2019	1,210	-	(18.00)		(18.00)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Property destroyed
Mayo, Eugene Kirby Trust	286873	2020	1,130	-	(16.82)		(16.82)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Property destroyed
McDuffie, Patrick	310397	2020	950	-	(11.20)		(11.20)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Mobile home is no longer on the property
Medina, Ernesto Juarez	303221	2011	950	-	(8.72)		(8.72)	Double billed (illegal tax)	Personal	Approve	10/22/2020	Also billed on account 310394
Medina, Ernesto Juarez	303221	2012	950	-	(8.72)		(8.72)	Double billed (illegal tax)	Personal	Approve	10/22/2020	Also billed on account 310394
Medina, Ernesto Juarez	303221	2013	950	-	(8.91)		(8.91)	Double billed (illegal tax)	Personal	Approve	10/22/2020	Also billed on account 310394
Medina, Ernesto Juarez	303221	2014	950	-	(9.10)		(9.10)	Double billed (illegal tax)	Personal	Approve	10/22/2020	Also billed on account 310394
Medina, Ernesto Juarez	303221	2015	950	-	(9.10)		(9.10)	Double billed (illegal tax)	Personal	Approve	10/22/2020	Also billed on account 310394
Medina, Ernesto Juarez	303221	2016	950	-	(9.10)		(9.10)	Double billed (illegal tax)	Personal	Approve	10/22/2020	Also billed on account 310394
Medina, Ernesto Juarez	303221	2017	950	-	(8.78)		(8.78)	Double billed (illegal tax)	Personal	Approve	10/22/2020	Also billed on account 310394
Medina, Ernesto Juarez	303221	2018	950	-	(9.00)		(9.00)	Double billed (illegal tax)	Personal	Approve	10/22/2020	Also billed on account 310394
Medina, Ernesto Juarez	303221	2019	950	-	(9.17)		(9.17)	Double billed (illegal tax)	Personal	Approve	10/22/2020	Also billed on account 310394
Morrow, Angelo	111143	2011	950	-	(8.54)		(8.54)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Property located in Alamance County
Morrow, Angelo	111143	2012	950	-	(8.63)		(8.63)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Property located in Alamance County
Morrow, Angelo	111143	2013	950	-	(8.72)		(8.72)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Property located in Alamance County
Morrow, Angelo	111143	2014	950	-	(8.91)		(8.91)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Property located in Alamance County
Morrow, Angelo	111143	2015	950	-	(8.91)		(8.91)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Mobile home located in Alamance County
Morrow, Angelo	111143	2016	950	-	(9.01)		(9.01)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Mobile home located in Alamance County
Morrow, Angelo	111143	2017	950	-	(8.61)		(8.61)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Mobile home located in Alamance County

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation
Morrow, Angelo	111143	2018	950	-	(8.73)		(8.73)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Mobile home located in Alamance County
Morrow, Angelo	111143	2019	950	-	(8.90)		(8.90)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Mobile home located in Alamance County
Morrow, Angelo	111143	2020	950	-	(8.90)		(8.90)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Mobile home located in Alamance County
Powell, Ted	252341	2020	6,830	-	(60.91)		(60.91)	Assessed in error (illegal tax)	Personal	Approve	11/4/2020	Property repossessed
Rodriguez, Christina	58197226	2020	3,950	3,950	(13.08)	(30.00)	(43.08)	*Situs error (illegal tax)	RMV-VTS	Approve	12/30/2020	
Sherron, Hope Laverne	1060845	2017	720	-	(6.69)		(6.69)	Assessed in error (illegal tax)	Personal	Approve	12/30/2020	Property was sold
Sherron, Hope Laverne	1060845	2018	720	-	(6.78)		(6.78)	Assessed in error (illegal tax)	Personal	Approve	12/30/2020	Property was sold
Tezai, John M.	3186768	2020	20,947	-	(22.83)		(22.83)	*Situs error (illegal tax)	Personal	Approve	10/22/2020	Personal property was listed Person County
Werner, Paul	58137856	2020	21,390	16,348	(75.02)		(75.02)	Value adjustment (appraisal appeal)	RMV-VTS	Approve	12/30/2020	
Wilcoxon, Marshall	44864203	2019	10,350	-	(95.96)		(95.96)	County changed to Durham (illegal tax)	RMV-VTS	Approve	10/22/2020	
Wilson, Conrad	49693512	2020	9,740	4,870	(45.56)		(45.56)	Damage (appraisal appeal)	RMV-VTS	Approve	12/30/2020	
							<b>(1,529.83)</b>	<b>Total</b>				
*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.												