



**Orange County
Board of Commissioners**

Agenda

Business Meeting

March 1, 2022

7:00 p.m.

Richard Whitted Meeting Facility

300 West Tryon Street

Hillsborough, NC 27278

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

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

5. Public Hearings



6. Regular Agenda

- a. Orange County's Proposed 2022 Legislative Agenda

7. Reports

- a. 203 Project Status Update

8. Consent Agenda

- Removal of Any Items from Consent Agenda
 - Approval of Remaining Consent Agenda
 - Discussion and Approval of the Items Removed from the Consent Agenda
- a. Minutes
 - b. Motor Vehicle Property Tax Releases/Refunds
 - c. Property Tax Releases/Refunds
 - d. Applications for Property Tax Exemption/Exclusion
 - e. Approval of Revisions to Orange County Voluntary Farmland Protection Program Ordinance (Code of Ordinances Chapter 48) and Boundary Adjustment for the New Hope Voluntary Agricultural District
 - f. Eno River Farmers' Market – License Agreement Renewal
 - g. 2022 Amendment to Interlocal Agreement with Towns of Chapel Hill and Carrboro Related to the Historic Rogers Road Area Private Sewer Service Lateral Connection Installations for Qualified Low-to-Moderate-Income (LMI) Homeowners – Cost Share
 - h. Acceptance of Planning Jurisdiction over Two (2) Parcels to Orange County
 - i. Women's History Month Proclamation

9. County Manager's Report

Projected March 10, 2022 BOCC Work Session Topics

Advisory Board Annual Summaries/Work Plans (First Group of Advisory Boards)
Review of Upcoming Boards and Commissions Appointments

10. County Attorney's Report

11. *Appointments

12. Information Items

- 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

***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](https://www.orangecountync.gov/967/Meeting-Videos) and Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: March 1, 2022

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

SUBJECT: Orange County's Proposed 2022 Legislative Agenda

DEPARTMENT: County Commissioners

ATTACHMENT(S):

- 1) DRAFT 2022 Orange County Priority Legislative Issues
- 2) DRAFT 2022 Orange County Legislative Interests

INFORMATION CONTACT:

Commissioner Renee Price, 245-2130
Commissioner Anna Richards, 245-2130
John Roberts, County Attorney, 245-2318
Bonnie Hammersley, County Manager, 245-2300

PURPOSE: To:

- 1) review and discuss the Legislative Issues Work Group's (LIWG) proposed 2022 legislative package and any other potential items for inclusion in Orange County's legislative agenda package for the 2022 North Carolina General Assembly Session;
- 2) Consider approval of the 2022 Orange County Priority Legislative Issues document for submittal to Orange County's legislative delegation; and
- 3) Consider approval of the 2022 Orange County Legislative Interests document to also be shared with Orange County's legislative delegation.

BACKGROUND: In preparation for each North Carolina General Assembly session, the Board of Commissioners has historically appointed two members to work with staff on a Legislative Issues Work Group (LIWG) to develop a proposed legislative package for the County. Based on the work of the LIWG, the BOCC has then reviewed and approved packages of legislative items to present to Orange County's legislative delegation.

Commissioners Renee Price and Anna Richards are serving on the 2022 LIWG and have worked with staff on the proposed 2022 legislative package, which consists of the two attached documents, in preparation for the Board's March 21, 2022 Legislative Breakfast meeting with Orange County's legislative delegation.

As the LIWG considered its approach for this year, the Group (similar to last year) decided to identify a set of Legislative Priorities and a broader set of Legislative Interests. The Group ultimately identified five (5) Legislative Priorities, acknowledging that the full Board of Commissioners may consider modifying the list, exchanging one item for another item, other potential revisions, etc. Attachment 1 is the draft list of five (5) recommended 2022 Orange County Priority Legislative Issues from the LIWG.

While the LIWG wanted to focus on the five (5) Priorities in Attachment 1, it also decided that the County should express its positions on other topics. Attachment 2 is a draft broader listing

of 2022 Orange County Legislative Interests. It includes issues the Board has submitted in past years to the County's legislative delegation, with some updates as necessary.

The Board will need to discuss and consider Attachments 1 and 2 as provided by the LIWG.

The work of the Legislative Issues Work Group to this point is based on the current information available for the 2022 General Assembly Session. The issues addressed by the Group may evolve and change over the session and require additional attention by the Group and Board of Commissioners. New issues may also arise necessitating additional review.

FINANCIAL IMPACT: There is no financial impact associated with reviewing and approving Orange County's Proposed 2022 Legislative Agenda.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with reviewing and approving Orange County's Proposed 2022 Legislative Agenda.

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

RECOMMENDATION(S): The Manager recommends the Board:

- 1) review and discuss the Legislative Issues Work Group's (LIWG) proposed 2022 legislative package and any other potential items for inclusion in Orange County's legislative agenda package for the 2022 North Carolina General Assembly Session;
- 2) Consider approval of the 2022 Orange County Priority Legislative Issues document for submittal to Orange County's legislative delegation; and
- 3) Consider approval of the 2022 Orange County Legislative Interests document to also be shared with Orange County's legislative delegation.

Pending action by the Board, staff will work with the Chair to draft a cover letter to be included with Attachments 1 and 2 to be provided to Orange County's legislative delegation in preparation for the March 21, 2022 Legislative Breakfast.

2022 ORANGE COUNTY PRIORITY LEGISLATIVE ISSUES

Mental Health – Seek legislation to develop and fund a plan to:

- provide assistance to NC residents, especially youth, who are dealing with the impacts of COVID;
- reduce the number of people with mental health issues in county detention centers;
- ensure that adequate State-funded mental health, developmental disability and substance use disorder services and facilities are available at the local level, accessible and affordable to all residents;
- ensure that sufficient state resources fund service provision costs, inclusive of crisis intervention and treatment; and
- structure appropriate county participation in governance.

Medicaid Expansion – Support legislation increasing access to the Medicaid program to make health insurance available to North Carolina residents at 138% of the poverty level; broaden the opportunity for coverage for more than 500,000 North Carolinians to address chronic conditions and to prevent illness and disease progression; to provide additional support for rural hospitals; and to protect families from medical debt and bankruptcy.

Racial Equity in Criminal Justice – Support the implementation of the recommendations of the North Carolina Task Force for Racial Equity in Criminal Justice (TREC), including:

- legislation to legalize the possession and use of marijuana and permit licensed businesses to engage in retail sales to adults, as this decriminalization will in turn broaden the agricultural economy and jobs as well as enhance revenue for governments with taxes, licenses, and other associated revenues that can be utilized to address opioid and other drug-related problems and other needs;
- policing reforms to address use of force, community oversight and law enforcement training on crisis intervention;
- Funding at the county level to expand access to diversion and restorative justice programs; and
- the reduction of fines, fees and costs in criminal court, noting that such fines, fees and costs disproportionately impact people of color and people of low income.

Full Funding of the Leandro Remedial Action Plan – Support equity and racial justice by fully funding the Leandro Remedial Action Plan, which details additional comprehensive, targeted education funding over the next eight years, predominantly to low-wealth and minority communities, in order for the State to come into compliance with its constitutional obligation to provide every student a sound basic education.

Broadband/Digital Infrastructure – Support legislation, funding, and other efforts that provide counties with flexibility and opportunities to support options for increasing access to high-speed internet connectivity and expanding digital infrastructure/broadband capability to the un-served and under-served areas of the state. Access to high speed internet connections will reduce disparities, enhance quality of life for all the State's residents, and broaden opportunities in areas such as education, jobs creation, small business development, health care, civic participation, and growth in farm enterprises.

2022 Orange County Legislative Interests

(Note: Italicized Items are Priority Legislative Issues)

HEALTH & HUMAN SERVICES

- 1) **Mental Health** – *Seek legislation to develop and fund a plan to:*
 - *provide assistance to NC residents, especially youth, who are dealing with the impacts of COVID;*
 - *reduce the number of people with mental health issues in county-detention centers;*
 - *ensure that adequate State-funded mental health, developmental disability and substance use disorder services and facilities are available at the local level, accessible and affordable to all residents;*
 - *ensure that state resources fund service provision costs, inclusive of crisis intervention and treatment; and*
 - *structure appropriate county participation in governance;*
- 2) **Behavioral Health Services** – Support increased state funding for behavioral health services and facilities at the state and local level, including dedicated resources for community para-medicine projects and enhanced mobile crisis response. Support Medicaid reimbursement to EMS for behavioral health transport to crisis centers and structure appropriate county participation in behavioral health program governance;
- 3) **Child Care** - Seek legislation to reverse changes made to the childcare subsidy program available to working families, including establishing eligibility for all children at 200% of the federal poverty level and prorating fees to actual hours attended. This change will help working parents to become financially self-sufficient while assisting employers to maintain a stable workforce. Support legislation to increase and ensure stable funding for enhanced quality early care and education through Smart Start and NC Pre-K;
- 4) **Opioid Epidemic Efforts** – Support county efforts to address opioid epidemic impacts by providing funding for: diversionary facilities and programs to provide and expand access for individuals with opioid use disorder to seek and complete treatment and sustain recovery; to collect data regarding opioid overdoses; for additional law enforcement to investigate and enforce drug laws and to divert individuals into treatment resources through pre-arrest deflection or post-charge treatment courts; and funding for harm reduction efforts at the county level is critical and should include access to naloxone kits and fentanyl strips to assist overdose prevention;
- 5) **Crime Intervention Services** – Support legislation and state funding to provide early intervention services through the Juvenile Crime Prevention Councils, and support increased state funding for the prevention, intervention and treatment of adolescent substance use, gang involvement and domestic violence;

- 6) **Adult Protective Services** – Support increased funding and legislation to strengthen adult protective services;
- 7) **Medicaid Expansion** – Support legislation increasing access to the Medicaid program to make health insurance available to North Carolina residents at 138% of the poverty level; broaden the opportunity for coverage for more than 500,000 North Carolinians to address chronic conditions and to prevent illness and disease progression; to provide additional support for rural hospitals; and to protect families from medical debt and bankruptcy;

JUSTICE & PUBLIC SAFETY

- 8) **Racial Equity in Criminal Justice** – Support the implementation of the recommendations of the North Carolina Task Force for Racial Equity in Criminal Justice (TREC), including:
- legislation to legalize the possession and use of marijuana and permit licensed businesses to engage in retail sales to adults, as this decriminalization will in turn broaden the agricultural economy and jobs as well as enhance revenue for governments with taxes, licenses, and other associated revenues that can be utilized to address opioid and other drug-related problems and other needs;
 - policing reforms to address use of force, community oversight and law enforcement training on crisis intervention;
 - Funding at the county level to expand access to diversion and restorative justice programs; and
 - the reduction of fines, fees and costs in criminal court, noting that such fines, fees and costs disproportionately impact people of color and people of low income;
- 9) **Abolish State Death Penalty** – Support legislation to abolish the State of North Carolina’s death penalty;
- 10) **Legislative Study on Educational Requirements for Law Enforcement Officers (LEOs)** – Support a legislative study commission to review the current educational curriculum for law enforcement officers and make recommendations regarding potential modifications/additions. The overarching purpose of curriculum revision would be to instill in future LEOs some depth of understanding of the complex nature of the society they will serve. In addition to members of the Senate and House, study members should include a diverse array of experts in law enforcement and criminal justice education; also in higher education, and specialists in the humanities/social science subject matter;
- 11) **County Jail System/Housing State Inmates Reimbursement** – Support legislation to protect the fiscal viability of the county jail system by reinstating

reimbursement for state inmates housed in county jails sentenced to 90 days or less;

- 12) **Concealed Weapons in Parks** – Seek legislation re-authorizing counties to fully regulate the carrying of concealed weapons on county-owned playgrounds and in county-owned parklands and authorize counties to prohibit the carrying of concealed weapons on county and county funded college/university campuses, in addition to playgrounds;
- 13) **Court Funding** – Support increased state funding for NC courts and for Clerks of Superior Court, including reinstating funding for drug treatment courts and funding for additional clerk positions;
- 14) **Local Government Funding for Law Enforcement** – Oppose any legislation that is designed to limit local government control of local law enforcement funding decisions or practices, or that financially or otherwise penalizes local governments based on local law enforcement funding decisions or practices;
- 15) **Red Flag Law** – Support legislation allowing courts to prevent access to firearms for individuals who show signs of being a danger to themselves or to others. Mental illness, escalating threats, substance abuse and domestic violence are among the circumstances in which a judge should have the authority to order weapon restrictions or surrender;

EDUCATION

- 16) **Full Funding of the Leandro Remedial Action Plan** – *Support equity and racial justice by fully funding the Leandro Remedial Action Plan, which details additional comprehensive, targeted education funding over the next eight years, predominantly to low-wealth and minority communities, in order for the State to come into compliance with its constitutional obligation to provide every student a sound basic education;*
- 17) **Priority School Issues** – Support legislation to address the following issues related to schools:
 - a) Provide local school systems with calendar flexibility;
 - b) Provide full funding for State allotments including Average Daily Membership (ADM) growth and infrastructure/capital, and support legislation to provide for an overall increase in funding based on average daily memberships outside of the current formula system;
 - c) a periodic accounting process for State per pupil funds so that funds and pro-rated funds follow students to their respective schools, as opposed to the current process that only considers State funding allocations based on students' attendance location on a single day during the school year;

- d) Impose class size reductions commensurate with State funding for staffing; and
 - e) Maintain full funding for Driver Education;
- 18) **Maternity/Paternity Leave and Benefits for School Employees** – Support legislation which provides State coverage for maternity/paternity leave for all local school system employees that is similar to the coverage the State already provides to all other State employees; support legislation for the State to provide two (2) paid FMLA days to local school system employees; and oppose any legislation shifting the State’s existing responsibility for employee benefits to local school boards and local governments;
- 19) **Private School Voucher Funding** – Oppose House Bill 32 and any other legislation expanding funding, eligibility, or availability of private school vouchers, which reduces available funding for public education statewide, encourages students to leave public education, and diminishes services and educational opportunities for all remaining public school students;
- 20) **Virtual Charter School Expansion/Funding** – Oppose any legislation expanding or providing additional funding to the State’s current virtual charter school program based on its poor performance, failure to meet the needs of students, and the resulting negative impact on funding for public education statewide;

GENERAL GOVERNMENT

- 21) **Broadband/Digital Infrastructure** – *Support legislation, funding, and other efforts that provide counties with flexibility and opportunities to support options for increasing access to high-speed internet connectivity and expanding digital infrastructure/broadband capability to the un-served and under-served areas of the state. Access to high speed internet connections will reduce disparities, enhance quality of life for all the State’s residents, and broaden opportunities in areas such as education, jobs creation, small business development, health care, civic participation, and growth in farm enterprises;*
- 22) **Repeal of the Monument Protection Act** – Support legislation that repeals the (so-called) Monument Protection Act which was enacted to protect confederate monuments and symbols, and restore the regulation of monuments or symbols on public property to local governments;
- 23) **Non-Partisan Redistricting Process for Elections** – Support legislation to establish a process for an independent, non-partisan redistricting process after each United States Census for the election of representatives from North Carolina to the United States House of Representatives, the North Carolina House, and the North Carolina Senate;

- 24) **Voter Registration and Voting** – Support legislation to maintain and expand access to and participation in the voting process, including early voting, Saturday and Sunday voting, automatic voter registration, and pre-registration of 16 and 17 year olds, and mail-in voting; support legislation to make Election Day a State holiday; and oppose any legislation which creates any barriers or deterrents to voting;
- 25) **Expansion of Protected Classes** – Seek statewide legislative action to provide all North Carolina local governments with the authority to include sexual orientation and gender identity as protected classes in order to protect these classes from discrimination and discriminatory practices; and authorize complaints for discrimination to be brought in North Carolina Courts by any Equal Employment Opportunity Commission recognized protected class;

ECONOMIC DEVELOPMENT

- 26) **Minimum Wage Increase** – Support legislation to raise the minimum wage to at least \$15 per hour for all, not just employees of the State of North Carolina, to enhance people’s economic security, improve access to safe and secure housing, boost the economy with increased spending, decrease dependence on government assistance programs, and improve the lives of families;
- 27) **Agricultural Economic Development** – Support state funding and staffing for agricultural research, Cooperative Extension services and other agriculture-related efforts to support the largest economic driver in North Carolina;
- 28) **Economic Development Efforts** – Support legislation to grow North Carolina's statewide economy through sound state investments, including public infrastructure funding, competitive incentives, and coordinated efforts with county economic development services;

REVENUE & TAX

- 29) **Revenue Options for Local Government** – Support efforts to preserve and expand the existing local revenue base of counties and authorize local option revenue sources already given to any other jurisdiction to all counties. Oppose efforts to divert to the state fees or taxes currently allocated to the counties or to erode existing county revenue streams;
- 30) **Re-instatement of Earned Income Tax Credit** – Support legislation to re-instate the State Earned Income Tax Credit which greatly benefitted low wage earners until its elimination after the 2013 tax year;

- 31) **Homestead Exemption** – Support revisions to the Homestead Exemption provisions of the Machinery Act to:
- a) provide greater opportunities for low-income seniors to remain in their homes and not be displaced due to property tax burdens by approving a one-time ten percent (10%) increase in the base income qualification standard; and maintaining the current provisions which increase the income qualification standard each year based on any cost-of-living adjustment made to the benefits under Titles II and XVI of the Social Security Act for the preceding calendar year; and
 - b) diminish the discriminatory features of the current exemption provisions relating to married couples by establishing graduated income qualification standards for single individuals versus married couples;
- 32) **Sales Tax Distribution Formula** – Support legislation directing that all sales tax be distributed on a per capita basis as it is fair and more equitable for counties with less economic development as compared to the point of delivery basis. The UNC School of Government has indicated that a per capita basis tax "would indeed be a more even distribution of LOST revenue across the state";
- 33) **Machinery Act** – Support local governments' need for more flexibility to remedy measurement and/or condition property appraisal errors related to local property tax functions. North Carolina property tax law substantially limits the ability of local governments to address property tax discrepancies, such as prohibiting the refund of prior years' taxes paid after a measurement and/or condition property appraisal error is discovered. Just as local governments can recoup prior years' property taxes from owners for "discoveries", local governments should likewise be authorized to refund prior years' taxes paid when situations such as measurement and/or condition property appraisal errors are discovered;
- 34) **Agriculture – Support Conservation of Working Lands and Farmland Preservation** – Support a revision to the revenue and acreage requirements of the Use Value Program to reduce acreage requirements, balanced by increasing the income threshold;

PLANNING & ENVIRONMENT

- 35) **Bona Fide Farm Use** – Support legislation clarifying that the farm use and agriculture exemption of 153A-340 that restricts local zoning authority applies only to property on which the production of crops or livestock is the primary use. Clarify that marketing and agri-tourism activities must be secondary uses of the property and do not qualify for the exemption in the absence of the production of crops or livestock;

- 36) **Renewable Energy** – Support renewable energy initiatives available to residential, commercial, industrial and agricultural activities to create a market for energy credits. This support will provide incentives to produce renewable energy, which will become increasingly important to preserving and strengthening the economy and infrastructure, and in the case of agriculture help maintain rural heritage and culture;
- 37) **Eminent Domain** – Oppose adding language to a constitutional amendment on eminent domain that extends any further preemption of county authority to regulate the placement of telecommunication towers;
- 38) **Land, Water and Agricultural Preservation Funding** – Support the Parks and Recreation Trust Fund, the Agricultural Development and Farmland Preservation Trust Fund, the Land and Water Fund, and other existing trust funds established for the protection of the State’s land, water, biological resources, agriculture, and special places before they are irreversibly lost, and request that these funds receive additional funding, preferably through dedicated funding sources;
- 39) **Oppose any shift of state transportation responsibilities to counties** – Oppose legislation to shift the state’s responsibility for funding transportation construction and maintenance projects to counties. Counties cannot afford to assume costs for maintaining secondary roads and/or funding expansion projects;
- 40) **Transportation Funding** – Support increased state funding for transportation construction and maintenance needs, recognize Bike and Pedestrian modes of transportation, and support legislation to ensure that the STI funding formula recognizes that one size does not fit all and that projects in both rural and urban areas are prioritized and funded, and eliminate the cap on light rail funding;
- 41) **Aquatic Vegetation Control** – Support legislation to provide for and fund a comprehensive statewide approach to noxious aquatic vegetation control in public water reservoirs;

SOLID WASTE

- 42) **Maintain Local Government Authority over Solid Waste Management** – Oppose any shift of solid waste management and recycling services away from local governments;
- 43) **Recycling** – Support legislation to provide additional funding to local governments for recycling to cover significant increased costs for recycling these materials, especially for electronics, and to oppose the lifting of restrictions on disposal of electronics in landfills;

OTHER INTERESTS

- 44) **Flexible Billing Options for Water & Sewer Utility Providers** – Support legislation allowing local governments and other water and sewer providers to implement flexible billing practices to establish pricing policies, potential waivers and debt forgiveness opportunities to assist impacted customers;
- 45) **Evictions Information Detailed in Credit Reports** – Support legislation that would remove an eviction from a tenant's credit report (1) that occurred as a result of the pandemic during the period covered by the Governor's State of Emergency Declaration; and (2) after having been on a tenant's credit report for three years;
- 46) **Food Resiliency and Supply Chain Initiatives** – Support food resiliency and supply chain initiatives and funding for equipment, supplies, and other nonrecurring expenses based on the urgency and need created by the COVID pandemic. The average food insecurity rate across North Carolina counties is 14 percent, with that rate projected to rise to 19.3 percent due to the COVID pandemic, and from 19.3 percent to 28 percent for children. A more secure and resilient supply chain will benefit residents and better prepare the State for emergencies that adversely impact the State's food supply;
- 47) **E-911 Funds** – Support maintaining and broadening applications of the NC 9-1-1 Fund to ensure that 9-1-1 systems are able to upgrade existing performance levels and pay for 9-1-1 operations and 9-1-1 related upgrades such as infrastructure and technology enhancements. Orange County has appreciated past efforts and supports future initiatives to assure the public receives full access to emergency services from all sources; and
- 48) **Dangerous Dogs Determinations** – Support legislation to amend the NC Dangerous Dog Law to allow dangerous-dog declarations to be revoked after a period of time, and when there is substantial justification for doing so, in order that a dog does not needlessly live its entire life with restrictions such as being muzzled. Orange County's ordinance includes this language, but that consideration is meaningless without a parallel provision within State law.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 1, 2022

**Action Agenda
Item No. 7-a**

SUBJECT: 203 Project Status Update

DEPARTMENT: Asset Management Services
(AMS)

ATTACHMENT(S):

- 1) Original Project Budget
- 2) Project Bidding, Approval and Financing Memorandum
- 3) Tentative GMP (February 22, 2022)

INFORMATION CONTACT:

Steven Arndt, AMS Director, 919-245-2658

PURPOSE: To receive an update of the 203 Project including the current status of the Guaranteed Maximum Price (GMP) development and to provide direction on the range of options to consider as next steps. Final consideration is currently scheduled for the Board's Business meeting on March 15, 2022.

BACKGROUND: At the March 10, 2020 Orange County Board of Commissioners' Business meeting, the Board approved a final scope and budget for the construction of the 203 Project, named for its address at 203 South Greensboro Street, Carrboro, NC. This project is a joint venture between the Town of Carrboro and Orange County that is intended to construct an Orange County library branch, as well as permanent facilities for the Skill Development office. The Town of Carrboro portion of the project includes meeting spaces, a small theater, and offices. The proposed site of the development at South Greensboro Street is located on an existing Carrboro municipal parking lot near the center of the town. At that meeting, the Board approved a construction budget of **\$11,777,000** for the Orange County portion of the project. The total approved construction budget, including Carrboro's portion, was **\$22,282,000** (*Attachment 1*).

This project is being performed through a Construction Manager at Risk (CMAR) delivery method. This delivery method entails a commitment by the Construction Manager (CM) to deliver the project within a Guaranteed Maximum Price (GMP) which is based on the construction documents and specifications at the time of the GMP plus any reasonably inferred items or tasks. The project architect selected for the project is Perkins & Will and the Construction Manager is the Barnhill Contracting Company.

The design process began shortly after the approval of the project with the start of Schematic Design (SD) development. At the completion of the Schematic Design phase in November 2020, a construction estimate derived from the design showed that the project was significantly over budget. A Value Engineering (VE) effort immediately ensued and scope modifications were made to bring the project costs down. After the completion of Value Engineering, the project was still

over budget, and at the March 2, 2021 BOCC Business meeting, the Board approved additional funding through a combination of capital funding reallocation and a minor scope reduction to close the budget gap of **\$1,807,160**. Including the CMAR fee of \$723,520, Orange County's portion of the construction budget totaled **\$14,232,856**. The total construction budget, including Carrboro's portion, grew from **\$22,282,000** to **\$25,306,336**. The cost overrun was attributed the escalating costs associated with the parking deck. The Town of Carrboro did not incur a cost overrun at that point in time. See the Chart #1, below for further detail:

Chart #1

203 Project			
Original Construction Budget	Town	Orange County	Total
Construction	10,505,000	11,777,000	\$22,282,000.00
CMAR Fee	568,480	723,520	\$1,292,000.00
Total Const	11,073,480	12,500,520	\$23,574,000.00
BOCC Schematic Budget Adjustment		\$1,807,160	\$1,807,160.00
		14,307,680	\$25,381,160.00
Scope Adjustment (Part of BOCC Change)		-74,824	-\$74,824.00
Revised Construction Budget (March 2021)	\$11,073,480	\$14,232,856	\$25,306,336.00

The project next proceeded into the Design Development (DD) phase of project design. Upon completion of Design Development in May 2021, a new construction estimate was prepared and the project was once again found to be significantly over budget. Another round of Value Engineering (VE) ensued, additional modifications were made, and the project cost was brought down within budget.

On February 4, 2022, a memorandum was sent to the BOCC and Carrboro Town Council (*Attachment 2*) that provided a project bidding, approval and financing schedule. Per the schedule, thirty-two bid packages were released for bidding on January 17, 2022 with received bids opened on February 9, 2022. Unfortunately, several bid packages could not be opened on that date due to insufficient bidding by members of the construction community.

Re-bidding of those deficient packages began on February 10, 2022 and were opened on February 17, 2022. The tabulation of all of the bid packages has produced a tentative Guaranteed Maximum Price of **\$34,692,067** (*Attachment 3*). This GMP is **\$9,385,731** over the March 2021 revised approved construction budget of **\$25,306,336**. Orange County's share of the construction costs rose from **\$14,232,856** to **\$19,202,063**, an increase of **\$4,969,207** over the March 2021 budget adjustment. See Chart #2 below for more details:

Chart #2

	Town	Orange County	Total
Revised Construction Budget (March 2021)	\$11,073,480.00	\$14,232,856.00	\$25,306,336.00
Project GMP (tentative)	\$15,490,004.00	\$19,202,063.00	\$34,692,067.00
Estimated Additional Funds Needed	\$4,416,524.00	\$4,969,207.00	\$9,385,731.00

The escalation of construction costs can be attributed to the unprecedented supply chain disruptions and labor shortages associated with the ongoing COVID 19 pandemic. While all sub-

components of the construction budget experienced some escalation in the range of 3-5%, several areas stand out for their outsized contribution to the overall escalation:

- Glass and Glazing increased 84% from \$800,000 to \$1,470,000.
- Drywall and metal studs increased 40% from \$999,000 to \$1,398,609.
- Electrical costs increased 36% from \$2,900,000 to \$3,946,000.

Barnhill Contracting Company is now in the process of reviewing and revising these numbers and is expected to provide a final GMP by March 7, 2022. An agenda item requesting final review of the project GMP is scheduled for the Board's March 15, 2022 Business meeting.

A **total** project cost based upon this tentative GMP, including design fees, Furniture, Fixtures and Equipment (FFE) and contingencies, is shown below:

03/01/22 Total Project Budget (Updated with GMP)			
	Town	Orange County	Total
A. Construction			
Total Construction & CMAR	\$15,490,004.00	\$19,202,063.00	\$34,692,067.00
B. Design			
Architectural Fees (Ratio of CBO/OC Sq. Ft. = 44.52/55.48)	\$752,074.13	\$937,220.87	\$1,689,295.00
Supp. Architectural Fees (Ratio of CBO/OC Sq. Ft. = 44.52/55.48)	\$252,784.56	\$315,015.44	\$567,800.00
	\$1,004,858.69	\$1,252,236.31	\$2,257,095.00
C. FFE & Contingency			
Furniture , Fixtures and Equipment (FF&E)	\$1,688,850.00	\$802,225.00	\$2,491,075.00
Owner's Contingency (5%) @ Ratio of CBO/OC 44.52/55.48	\$772,245.00	\$962,358.00	\$1,734,603.00
Subtotal FFE&Contingency	\$2,461,095.00	\$1,764,583.00	\$4,225,678.00
TOTAL Project Budget	\$18,955,957.69	\$22,218,882.31	\$41,174,840.00

FINANCIAL IMPACT: Orange County's share of the project construction budget overrun is approximately **\$4,968,033**. Project Owner's Contingency, based upon a 5% of the GMP, rose from \$530,050 to \$962,358, an additional **\$432,300**. Total construction financial impact is **\$5,400,333**. Additional operating costs for the new Library are currently estimated to be **\$537,670** in the first full year of operation. Final consideration of next steps is scheduled for the Board's March 15, 2022 Business meeting.

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

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

Proceeding with the 203 Project will allow the County to provide amenities for the surrounding Carrboro community.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impacts are applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**

Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.

- **CLEAN OR AVOIDED TRANSPORTATION**

Implement programs that monitor and improve local and regional air quality by: 1) promoting public transportation options; 2) decreasing dependence on single-occupancy vehicles, and 3) otherwise minimizing the need for travel.

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**

Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

The design of the 203 Project embraces many energy efficiency technologies and green construction methodologies. The building site is located on a public transportation route and includes a bus stop.

RECOMMENDATION(S): The Manager recommends that the Board review and discuss the information on the 203 Project and provide direction to staff on the final range of options to consider at the Board's March 15, 2022 Business meeting.

Attachment #1: Original Project Budget

Option 1 - Budget Allocation with Skills Development					
Function	Square Feet	Cost Per Unit	Carrboro Cost	Orange County Cost	Total Cost
A. Construction Costs					
Recreation and Parks Program and Office Space	15,000	\$ 315	\$ 4,725,000	\$ -	\$ 4,725,000
WCOM Radio *during SD to be reduced to 500 sqft with grossing factor	850	\$ 370	\$ 314,500	\$ -	\$ 314,500
Seed Library	200	\$ 315	\$ 63,000	\$ -	\$ 63,000
Virtual Justice Center	500	\$ 315	\$ 157,500	\$ -	\$ 157,500
Teen Space	1,200	\$ 315	\$ 378,000	\$ -	\$ 378,000
Black Box	4,200	\$ 500	\$ 2,100,000	\$ -	\$ 2,100,000
Library	15,000	\$ 315	\$ -	\$ 4,725,000	\$ 4,725,000
Skills Center	12,600	\$ 315	\$ -	\$ 3,969,000	\$ 3,969,000
Common Area Site and Civil Work (Ratio of CBO/OC Sq. Ft. = 44/56)	-	-	\$ 792,000	\$ 1,008,000	\$ 1,800,000
Parking (Ratio CBO/OC Spaces = 79/83)	-	\$ 25,000	\$ 1,975,000	\$ 2,075,000	\$ 4,050,000
Subtotal - Construction	49,550	-	\$ 10,505,000	\$ 11,777,000	\$ 22,282,000
B. Design & CMAR Fees					
Architectural Fees (Ratio of CBO/OC Sq. Ft. = 44/56)	-	-	\$ 743,290	\$ 946,005	\$ 1,689,295
Supp. Architectural Fees (Ratio of CBO/OC Sq. Ft. = 44/56)	-	-	\$ 249,832	\$ 317,968	\$ 567,800
CMAR Fees (Ratio of CBO/OC Sq. Ft. = 44/56)	-	-	\$ 568,480	\$ 723,520	\$ 1,292,000
Subtotal - Design & CMAR Fees			\$ 1,561,602	\$ 1,987,493	\$ 3,549,095
C. FFE & Contingency					
Furniture , Fixtures and Equipment (FF&E)				\$ 1,250,000	
Owner's Contingency (5%) @ Ratio of CBO/OC 44/56			\$ 525,250	\$ 588,850	\$ 1,114,100
D. Total Construction and Service Fees	49,550	-	\$ 12,591,852	\$ 15,603,343	\$ 28,195,195
Carrboro Square Footage	21,950	44%			
Orange County Square Footage	27,600	56%			
Total Square Footage	49,550	100%			

Attachment #2: 203 Project Bidding, Approval and Financing Memorandum



MEMORANDUM

TO: Orange County Board of County Commissioners
Town of Carrboro Town Council

FROM: Bonnie Hammersley, County Manager
Richard J. White III, Town Manager

DATE: February 4, 2022

SUBJECT: The 203 Project Construction Bidding and Approval Schedule

On December 22, 2021, County and Town staffs met to discuss the progress of the 203 Project and to develop a construction bidding and approval schedule. The purpose of this memorandum is to share that schedule with you.

Meeting agenda items will be scheduled such that Orange County Board of County Commissioners (BOCC) and Carrboro Town Council approvals occur on the same night.

The 203 Project Bidding Schedule and Approval Milestones (governing board meetings in **Bold**) follow:

1. January 17th – Bid Advertisement by Barnhill
2. February 9th – Public Bid Opening (Town Hall)
3. February 16th – Re-bid specific scopes if needed
4. February 16th through March 4th – Detailed scope & bid review by Barnhill
5. **March 1st** – Update provided to governing boards with status of Guaranteed Maximum Price (GMP) – Barnhill available to attend both meetings
6. March 7th – Final GMP provided to town staff by Barnhill
7. **March 15th** – Final GMP presented and voted on by governing boards, Town Council authorizes contract with Barnhill, BOCC & Town Council authorize Development Agreement amendment
8. April 2nd – Application submitted to Local Government Commission (LGC)
9. May 3rd – LGC approval
10. **May 3rd** – Town Council approves financing

The Town will issue a Request for Proposals (RFP) for the implementation of solar photovoltaic (PV) systems in conjunction with the 203 Project construction bid documents so that the Town can fully understand the cost implications of such development through a variety of potential financing options, e.g., full ownership, leasing, and/or debt financing. The Town has received an Orange County Community Climate Action Grant in the amount of \$40,568 that will help fund a portion of the solar photovoltaic panels and the green roof.

Town staff is planning for communications regarding construction and parking impacts on the downtown. A formal groundbreaking will be coordinated with Orange County and the Town.

Please let us know if we can provide additional information.

cc: Travis Myren, Orange County Assistant County Manager
Gary Donaldson, Orange County Finance Director
Steve Arndt, Orange County Asset Management Services Director
Arche McAdoo, Carrboro Finance Director
Trish McGuire, Carrboro Planning Director
Ben Schmadeke, Carrboro Capital Projects Manager

Attachment #3

Tentative GMP (2/22/22)



GUARANTEED MAXIMUM PRICE - DRAFT

February 22, 2022

The 203 Project

Carrboro, NC

Building Area = 109,338 SQFT

	Amount	Total	Cost/SF
Cost of the Work			
Subcontract Base Bid	\$28,796,592		\$0.00
Subtotal Cost of Work	\$28,796,592	\$28,796,592	\$263.37
Contingencies			
Construction Contingency	\$1,505,178		\$13.77
Subtotal Contingencies	\$1,505,178	\$30,301,770	\$277.14
General Conditions			
Labor	\$0		\$0.00
Subtotal General Conditions	\$1,900,577	\$32,202,347	\$294.52
Bonds & Insurances			
CMAR Insurances & Bonds	\$726,297		\$6.64
Subcontractor Default Insurance	\$359,957		\$3.29
Subtotal Bonds & Insurances	\$1,086,254	\$33,288,602	\$304.46
Fees & Allowances			
Construction Management Fees	\$1,296,959		\$11.86
Subtotal Fees & Allowances	\$1,296,959	\$34,585,560	\$316.32
Cost of the Work with Accepted Alternates			
Accepted Alternates:			
E-1: EV-Ready Parking Spaces (Shared)	\$25,224		\$0.23
L-1: Soil Cells (Town of Carrboro)	\$41,600		\$0.38
QT-1: Theatrical Drapes (Town of Carrboro)	\$39,683		\$0.36
Subtotal Cost of Work with Accepted Alternates	\$106,507	\$34,692,067	\$317.29
GMP Total with Alternates		\$34,692,067	\$317.29

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 1, 2022

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

SUBJECT: Minutes

DEPARTMENT: Board of County Commissioners

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

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

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

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

Attachment 1: February 1, 2022 Virtual Business Meeting

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

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

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

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

1 **DRAFT**

2 **MINUTES**
3 **ORANGE COUNTY**
4 **BOARD OF COMMISSIONERS**
5 **VIRTUAL BUSINESS MEETING**
6 **February 1, 2022**
7 **7:00 p.m.**

8 The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday,
9 February 1, 2022 at 7:00 p.m.

10
11 **COUNTY COMMISSIONERS PRESENT:** Chair Renee Price, Vice Chair Jamezetta Bedford,
12 and Commissioners Amy Fowler, Jean Hamilton, Sally Greene, Earl McKee, and Anna
13 Richards

14 **COUNTY COMMISSIONERS ABSENT:** None.

15 **COUNTY ATTORNEYS PRESENT:** John Roberts

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

19
20 Chair Price called the meeting to order at 7:00 p.m. Chair Price noted the beginning of
21 Black History Month.

22
23 A roll call was called; all members were present.

24
25 Due to current public health concerns, the Board of Commissioners is conducting a Virtual
26 Business Meeting on Tuesday, February 1, 2022. Members of the Board of Commissioners
27 participated in the meeting remotely. As in prior meetings, members of the public were able to
28 view and listen to the meeting via live streaming video at
29 <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on
30 channels 1301 or 97.6 (Spectrum Cable).

31
32 In this new virtual process, there are two methods for public comment.

- 33
 - Written submittals by email
 - Speaking during the virtual meeting

34
35
36 **Detailed public comment instructions for each method are provided at the bottom of this**
37 **agenda. (Pre-registration is required.)**

38
39 **1. Additions or Changes to the Agenda**
40 None.

41
42 **Chair Price dispensed with reading the public charge.**

43
44 **2. Public Comments (Limited to One Hour)**

45 a. Matters not on the Printed Agenda
46 None.

47
48 b. Matters on the Printed Agenda

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

50

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

2 Commissioner Richards said she does not have any announcements or comments.

3 Commissioner Bedford announced that the retreat planning committee met over the
4 weekend and determined it should be postponed until June. The Clerk will send a Doodle poll to
5 determine the date.

6 Commissioner Fowler said the first Library Task Force meeting took place recently and
7 they are just at the beginning of the process. She said that the group determined they will use a
8 facilitator and discussed the history of the libraries to this point. She said the group will meet
9 again using a facilitator.

10 Commissioner Hamilton said she attended the Board of Health meeting on January 26,
11 2022. She said that the Capital Needs Work Group met on January 27, 2022 and received
12 reports from the schools on maintenance needs. She said there was good discussion on best
13 practices and making plans for the future. She said that the Solid Waste Advisory Group met on
14 January 31, 2022 and they are working on a master plan and educating the public on recycling
15 of appropriate materials. She noted that the recycling center at University Place will be closed
16 on May 31, 2022 due to redevelopment of the area. She petitioned the Board to form a
17 subcommittee to determine how best to evaluate the county attorney, manager, and clerk since
18 the county is rolling out a new evaluation system for all other employees.

19 Commissioner Greene said she and Commissioner Richards attended a tour of the
20 Bonnie B. Davis Environment and Agricultural Center. She said that the Ag Summit is
21 scheduled for February 8-10th online.

22 Chair Price clarified the dates for the Ag Summit are February 15, 16, and 17, 2022 and
23 noted that the agendas are posted for each day.

24 Commissioner McKee said he and Commissioner Fowler met with the GoTriangle
25 Special Tax Board and he was elected Chair. He said he will send the Board PowerPoints and
26 other materials received at that meeting. He announced that he and Commissioner Greene will
27 be meeting with the Broadband task Force tomorrow. He said that the subcommittee of the task
28 force has been meeting to go over the four RFPs received, so there will likely be quick
29 movement after the next couple of weeks.

30 Chair Price thanked the towns for their participation in the Assembly of Governments
31 meeting. She also announced that the Workforce Development Board will be discussed at the
32 February 8, 2022 Work Session.

33
34 **4. Proclamations/ Resolutions/ Special Presentations**

35
36 **a. Presentation of Annual Comprehensive Financial Report for FYE 6/30/2021**

37 The Board received the Annual Comprehensive Financial Report (ACFR) for the fiscal year
38 ended June 30, 2021 and considered approving a Local Government Commission (LGC)
39 Amended Audit Contract.

40
41 **BACKGROUND:** The ACFR reports on all financial activity of the County for the fiscal year July
42 1, 2020 through June 30, 2021. Cherry Bekaert, LLP, a firm of Certified Public Accountants,
43 audited the financial statements. The financial statements and audit are required by Chapter
44 159-34 of the North Carolina General Statutes. The County prepares an Annual Comprehensive
45 Financial Report (ACFR) that meets the standards set by the Government Finance Officers
46 Association (GFOA). The ACFR is submitted to the GFOA in order to be awarded the Certificate
47 of Achievement for Excellence in Financial Reporting. The financial report for the Orange
48 County Sportsplex, as required under the management contract, is included in the County's
49 ACFR.

50 The County received an unmodified (clean) audit opinion on the financial statements from the
51 audit. The financial audit results indicate compliance with County financial policies. The Chief

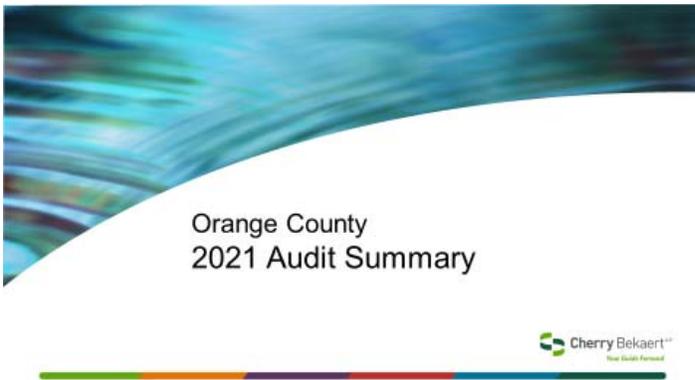
1 Financial Officer and representatives of Cherry Bekaert, LLP will present highlights of the report
2 and answer any questions.

3
4 The ACFR and other associated documents are available electronically at:
5 <https://www.orangecountync.gov/finance/statements>.
6
7

8 Gary Donaldson, Chief Financial Officer, explained the attachments for this item and
9 noted that representatives of Cherry Bekaert, LLP will make a presentation.

10 April Adams and Mike Carey of Cherry Bekaert, LLP, made the following PowerPoint
11 presentation:

12
13 Slide #1
14



15
16 April Adams began the presentation. She said they would be presenting the results of
17 the June 30, 2021 financial audit.
18

19 Slide #2



Agenda

- ▶ Role of External Auditor
- ▶ Internal Controls
- ▶ Significant Audit Areas
- ▶ Results of the Audit and Required Communications
- ▶ Financial Results
- ▶ Questions and Comments

20
21
22
23

1 Slide #3

Role of the External Auditor

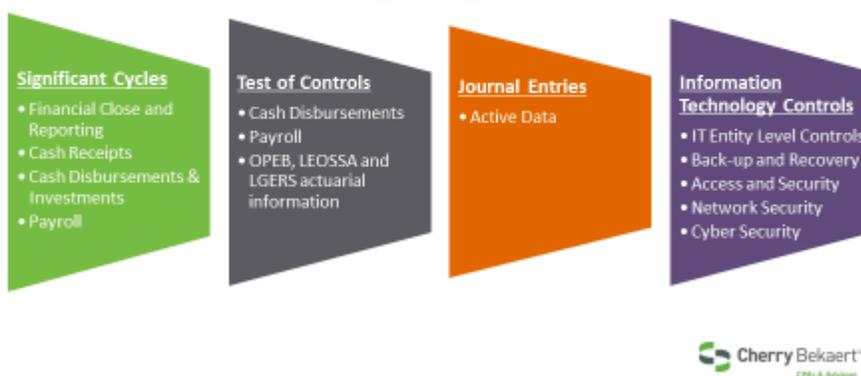


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3
4 Mike Carey continued the presentation. He said Cherry Bekaert uses a risk-based
5 approach in planning the audit. He said that includes review of prior year adjustments, annual
6 reports, inquiry with management, preliminary analytics and a review of industry trends in North
7 Carolina. He said that the information is used to assess areas of significance in the county's
8 audit and to develop Cherry Bekaert's risk assessment. He said that based on the risk
9 assessment, the team then develops the audit approach and testing procedures. He said that
10 the procedures are used to obtain reasonable assurance of the audit results not absolute
11 assurance. He explained that based on the test, they draw conclusions that the annual report is
12 free from material misstatements or if adjustments are required. He said that after the audit is
13 performed, they develop opinions based on components of the county's annual report, internal
14 controls over financial reporting, and internal controls over county's compliance with reporting
15 on federal and state program funding. He said that certain components are included based on
16 required communications and that those are contained in the governance letter for the audit.

17 Slide #4

Internal Controls



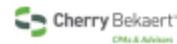
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18
19 Mike Carey said that part of risk assessment process identifies certain audit areas to
20 gain an understanding of internal control processes. He said that once that is done, they
21 complete a "cradle to grave" walk through of any significant audit area.

1 Slide #5

Significant Audit Areas

Financial Statements



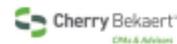
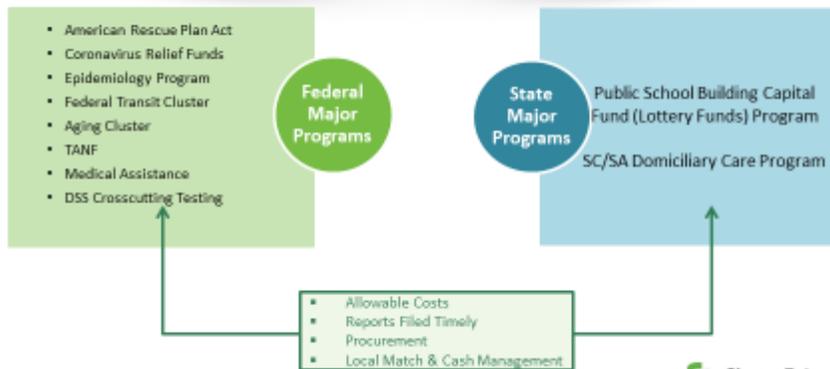
5

2 Mike Carey explained that cash and investments were audited and assessed by
 3 comparing program reports versus actual ledgers and receivable reports. He explained that for
 4 liabilities and expenditures they perform expenditure analytics and turnover analytics and
 5 compare those. He said that they also review any legal claims against the county that would
 6 need to be disclosed and accounted for.

8 Slide #6

Significant Audit Areas

Single Audit



6

10 Mike Carey explained that for major program testing, they obtain the county's schedule
 11 of expenditures of state and federal awards from management and then review the compliance
 12 results of the last few years to develop a testing approach for the county's major programs.
 13
 14
 15
 16
 17

1 Slide #7

Audit Results

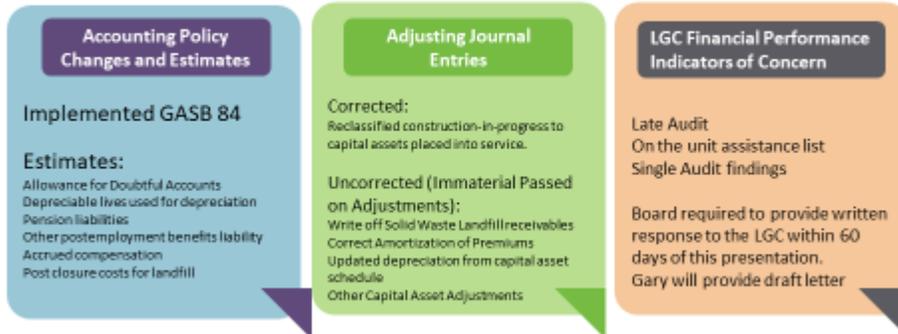


7

2
3 April Adams continued the presentation. She explained that for audit results, there are
4 four opinions that are issued. She said that all four of the county's opinions are unmodified. She
5 said that unmodified means a clean opinion and this is the highest level of assurance that an
6 audit firm can provide to a client. She said that the financial statement is calling to the Board's
7 attention two items. She explained that the first is related to the County's implementation of
8 Governmental Accounting Standards Board (GASB) Standard 84 and associated changes of
9 reporting around that. She said that the second item of attention is an previous adjustment
10 related to debt for the Sportsplex fund and that there was a correction that needed to take place
11 from last year to this year. She said that the single audit, for the federal and state dollars that
12 the county administers, identified two finding. She said that both findings are related to the
13 Temporary Assistance to Needy Families (TANF) program. She explained that the tested twenty
14 of the MOE cases and that one of those files indicated that there was a child in the home when
15 in fact it was a 26-year-old person and thus an incorrect determination of eligibility based upon
16 that test. She explained that this resulted in a nonmaterial, noncompliance finding. She said that
17 the second finding was a material weakness, and it relates controls around the operation of the
18 program and the determination of eligibility. She stated that the state sent out a directive letter
19 that said that 25% of all the cases that get determined during the year need to be reviewed as
20 part of the quality control to ensure that all of the right documentation is there. She said that the
21 audit found that 25% review was not being done.
22
23

1 Slide #8

Required Communication



2
3 April Adams said that the audit was submitted after December 1st and that makes it a
4 late audit. She said that Orange County is on the Local Government Commission (LGC) unit of
5 assistance list and that is an indicator of concern. She said there are also the two single audit
6 findings that were reported on the previous slide. These items require a response from the
7 Board to the LGC within 60 days and a draft letter will be provided to the Board that addresses
8 how the county will address the performance areas of concern.

9
10 Slide #9

Financial Results

General Fund – Budget to Actual

Revenues beat budget by \$4.3 million

Expenditures under budget by \$10.8 million

Fund Balance:

- Original budget appropriated balance was \$1.9.
- Final budget of \$6.8 million through budget amendments.
- County did not use total fund balance it added back \$9 million.

9

Cherry Bekaert™
CPAs & Advisors

11
12 April Adams explained how the general fund is performing compared to budget. She said
13 that revenues exceeded the budget and that this had to do with sales tax being higher than
14 anticipated across the state. She said expenditures were under budget and that results in an
15 addition of \$9 million to fund balance.

16
17

1 Slide #10

Financial Results

General Fund – Fund Balance

- County Policy is to maintain a minimum of 16% of expenditures or approximately 2 months of expenditures in unassigned fund balance in the General Fund

Unassigned Fund Balance
as a % of General Fund
Expenditures as of June 30:

2021: 16.94%

2020: 15.62%

10



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April Adams said that the percentage of unassigned fund balance should be two months of general fund expenditures and that as of June 30, 2021 the county is meeting the policy.

Slide #11

Questions & Comments?

April Adams, CPA
Audit Partner
aadams@cbh.com
919.782.1040

Mike Carey, CPA, CFE
Audit Senior Manager
michael.carey@cbh.com
919.782.1040



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Commissioner Bedford congratulated Finance Administrative Services for receiving Certificate of Achievement for Excellence in Financial Reporting. She said she skimmed the compliance report, but wants to know where to find the management letter with the findings.

April Adams said that the findings are in the 30 page document.

Commissioner Bedford asked about where to find the letter to the Board of Governance.

April Adams said the Board should have received that but that she can make sure to send it again.

Commissioner Bedford said that it was the first year that the statement of position includes all of the liabilities for the school debts but none of the assets. She said she understands why it shows a negative now.

April Adams stated that when pensions and OPEB were added that it made the results look much worse.

1 Commissioner Bedford asked if the state determines the OPEB number.

2 April Adams said that the OPEB number is based on each employee or past employee
3 that is eligible for those OPEB. She said the number of employees is provided to the actuary
4 and then the actuary provides the dollar amount. She explained that auditors make sure the
5 information supplied to the actuary is accurate.

6 Chair Price congratulated Gary Donaldson and his team for the clean audit.
7

8 A motion was made by Commissioner Bedford, seconded by Commissioner Fowler, to
9 approve and authorize the Chair to sign the Local Government Commission Amended Audit
10 Contract.
11

12 **Roll call ensued**

13
14 **VOTE: UNANIMOUS**
15

16 **5. Public Hearings**

17 None.
18

19 **6. Regular Agenda**

20 **a. Resolution of Approval – Conservation Easement on Draper-Savage Memorial**
21 **Foundation (Moorefields) and Approval of Budget Amendment #7-A**

22 The Board considered approving a resolution to approve the purchase of and acceptance by
23 Orange County of conservation easement(s) and trail easement for Draper Savage Memorial
24 Foundation (Moorefields) property, and approve Budget Amendment #7-A.
25

26 **BACKGROUND:** The acquisition of conservation easements to protect highly important natural
27 and cultural resource lands in Orange County is a longstanding goal of the Board of
28 Commissioners, and is a priority of the Lands Legacy Program. Since 2001, the County has
29 partnered with landowners and other entities to protect 2,850 acres of significant natural areas
30 and prime farmland with permanent conservation easements, leveraging well over \$3 million in
31 outside funding and grants toward these easements.
32

33 Over the past several years, DEAPR has worked with Moorefields Foundation, the group
34 deeded to manage and caretaker of the grounds, on a project to conserve approximately
35 seventy-two acres of Draper-Savage Memorial Foundation lands located on Moorefields Road
36 in the Cheeks Township.
37

38 The farm property is located in the Upper Eno Critical Watershed, a priority watershed for
39 acquiring agricultural easements in a dual effort to protect prime farmland and drinking water
40 quality. The farm has over 1,900 linear feet of stream frontage on a tributary to and of Rocky
41 Run, a major tributary of the Eno River, which supplies drinking water for the Town of
42 Hillsborough and City of Raleigh. In addition, with the presence of Natural Heritage sites, the
43 historic Moorefields property and other areas of high cultural/archaeological significance, and
44 the property's adjacency to the County-owned Seven Mile Creek Natural Area, conservation of
45 this tract is a high priority for the Lands Legacy Program.
46

47 The Moorefields Foundation intends to grant permanent conservation easement(s) that will
48 restrict future development to protect prime open space and streams, as well as scenic views of
49 the open space from Moorefields Road and the adjacent County park. The Foundation also
50 intends to grant a trail easement for the Mountains to Sea Trail, allowing for further extension
51 from the County owned lands east towards Dimmocks Mill Road. All other non-agricultural and

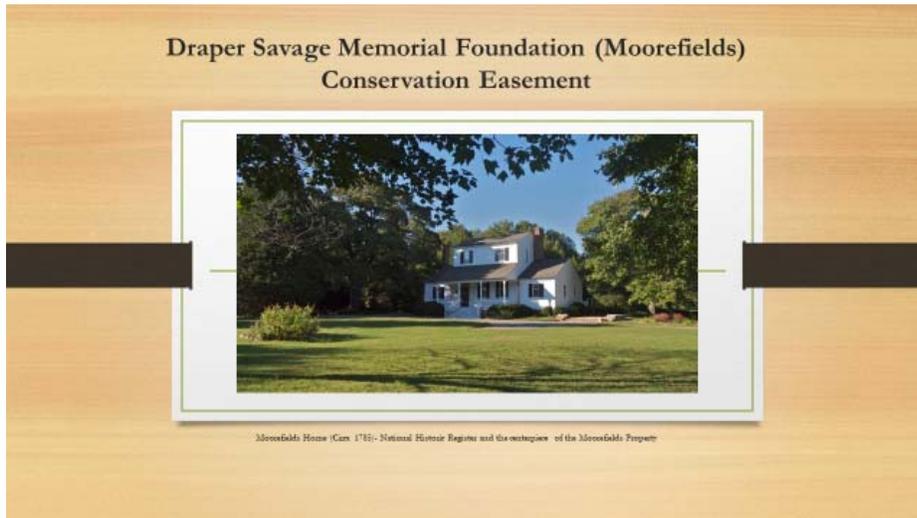
1 historical restoration/renovation development rights will be extinguished through the
2 conservation easement.

3
4 There will be three separate yet concurrent easements on the property. The Natural Heritage
5 Area and stream buffers will be held in easement by the North Carolina Land and Water Fund
6 (NCLWF), and monitored by the Eno River Association through State contract. The remaining
7 open lands planned conservation easements would be held jointly by Orange County and the
8 Eno River Association. This easement would enhance the protection of this historic home and
9 grounds, which is listed on the National Register of Historic Places. The trail easement will be
10 held by Orange County with planning, management, and construction assistance with the
11 Friends of the Mountains to Sea Trail.

12
13 The planned conservation easement areas are depicted on the attached site map. The draft
14 deeds of conservation easement and the trail easement are also provided.

15
16 David Stancil, Department of Agriculture, Parks, and Recreation (DEAPR) Director,
17 made the following PowerPoint presentation:

18
19 Slide #1



20
21 David Stancil said this is a historic site, actually on the National Register of Historic
22 Places. He said that it is in the Falls Lake Watershed with stream frontage on a tributary to the
23 Eno River. He said it is on the route of the Mountains to Sea Trail and is also adjacent to Seven
24 Mile Creek natural area.

25 Christian Hirni, Lands Conservation Manager, said this property is more commonly
26 known as Moorefields. He said that in 2018, Barry Jacobs, executive director of the Friends of
27 Moorefields approached Orange County staff with interest in granting a conservation easement
28 on the property. He reviewed the next steps taken by staff after this offer.

29
30 Christian Hirni continued the presentation:
31
32

1 Slide #2

Partnership with the Friends of Moorefields, Eno River Association, and the State of NC Land and Water Fund

- 2 Easements, and a Trail Easement for the Mountains to Sea Trail
- 1 (~24 acres) to be held by the State of NC Land and Water and monitored by Eno River Association
- 1 (~48 acres) to be co-held by Orange County and Eno River Association, as a “working lands” easement
- 100 foot wide Trail Easement (~3 acres) to be layered over (recorded last) the previous two

2
3 Christian Hirni said that the easements allow the high value natural areas and significant
4 stream buffers to be held to more restrictive easement language and provides for the highest
5 protection of those in their natural condition. He said that this will allow for the best possible
6 benefit for the sensitive eco systems and the water quality of Rocky Run. He said that the Eno
7 River Association will be contracted by the state to monitor the easement in perpetuity. He said
8 the remaining forty-eight acres will be offered as a “working lands” easement. He said these
9 easements will provide the highest level of protection while allowing Moorefields caretakers the
10 ability to continue utilizing the property in its current form, including fundraising and special
11 events. He said there will also be a 100 foot trail easement to traverse the northern property line
12 for the Mountains to Sea Trail. He said that this will add to the trail and connectivity efforts to
13 connect to the Town of Hillsborough’s Eno River Walk.
14

15 Slide #3

Conservation Easement(s) to match the values at hand

16
17 Christian Hirni said that the easements are custom-made for the property. He explained
18 how the property will be split into three separate easements, thus allowing the whole property to
19 be permanently protected.
20
21

1 Slide #4



2
3 Commissioner Fowler said this is a wonderful opportunity and shared that she went to
4 the site today and learned some of the history. She asked about the area immediately
5 surrounding the house on the property and whether or not the current event activities occur in
6 that area.

7 Christian Hirni said some activity will take place outside of that area, but not within the
8 24-acre area where the Eno River Association is maintaining.

9 Former Commissioner Barry Jacobs spoke on behalf of the Moorefields Foundation. He
10 thanked county staff and commissioners for helping to make this possible. He said that the
11 Moorefields easement can be thought of as a complement to the Seven Mile Creek nature
12 preserve because it is adjacent to it and extends it. He said that a natural areas inventory was
13 completed in the 1980s and that this area was considered the most significant natural area in
14 the county. He said that Moorefields has tried to serve as a community resource and has been
15 on national register of historic places list since 1950. He said they also lobbied for Cheeks
16 Township zoning which adds another layer of protection to the property. He said that Draper
17 Savage left in his will that the house and grounds would be maintained in perpetuity, and that
18 the grounds be maintained as wildlife preserve. He said that the special events on the property
19 help fundraise to offset operating costs. He said that between gifts, grants, partnerships, and
20 events, the organization tries to break even every year. He said that these easements will make
21 Moorefields a resource available for Orange County in perpetuity.

22 Commissioner Bedford thanked the foundation for their work. She said she has been
23 waiting to celebrate these easements and it is good to see the state funding. She said she likes
24 that the property will tie into the Mountains to Sea Trail. She asked when the actual building of
25 the trail will begin and about the next steps for the trail development.

26 Christian Hirni said staff has visited the property twice with Mr. Jacobs and members of
27 the Friends of the Mountains to Sea Trail to determine the best potential location for the
28 easement. He said that once the easement is recorded, the will work with Friends of the
29 Mountains to Sea Trail and Moorefields foundation to determine the exact route for the trail. He
30 said that volunteers will help to construct the trail, with the county taking over monitoring and
31 maintenance needs, in perpetuity.

32 Chair Price said this is a wonderful addition and thanked Mr. Jacobs and the foundation
33 for making the offer and making this resource available to the public. She said that she looks
34 forward to the safe return of festivals once the pandemic ends.

35 Former Commissioner Jacobs said he appreciates the partnerships and noted
36 partnerships with the Eno River Association, NC Land and Water Fund, and the City of Raleigh.
37 He said they are always looking for partnerships to make good things happen in Orange
38 County.

1 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
2 adopt and authorize the Chair to sign the resolution approving the acceptance by Orange
3 County of the conservation easements, and approve and authorize the Chair and the Clerk to
4 sign the conservation easement agreements and trail easement documents, subject to final
5 review by staff and County Attorney, with a closing and recordation of the document expected to
6 occur on or about March 30, 2022, and approve Budget Amendment #7-A.

7
8 **Roll call ensued**

9
10 **VOTE: UNANIMOUS**

11
12 **7. Reports**

13 **a. Orange County Crisis/Diversion Facility – Updated Progress Report by the Orange**
14 **County Behavioral Health Task Force and Special Recognition of Tony Marimpietri**

15 The Board received updated information from the Crisis/Diversion Facility Subcommittee of the
16 Orange County Behavioral Health Task Force, and expressed special recognition to Tony
17 Marimpietri, the Chair of the Subcommittee.

18
19 **BACKGROUND:** In April 2019, over thirty community stakeholders from the criminal justice
20 system, healthcare, behavioral health system, and housing came together to participate in the
21 Orange County Sequential Intercept Mapping (SIM) Workshop facilitated by the North Carolina
22 Department of Health and Human Services. The SIM process is designed to inform and address
23 community-based responses to the involvement of individuals with behavioral health issues and
24 intercepts with the criminal justice system. An intercept map and Final Report were created
25 ([SIM Final Report](#)), and one of the identified community gaps that emerged from this process
26 was the critical need for a Crisis/Diversion facility that would support diverting individuals in
27 behavioral health crisis from the criminal justice system and the Emergency Departments at
28 UNC Hospitals.

29
30 The Behavioral Health Task Force (BHTF), co-chaired by Deputy County Manager Travis Myren
31 and Caitlin Fenhagen, Criminal Justice Resource Department Director, and with subject matter
32 expertise from Barbara-Ann Bybel, Director of Inpatient Psychiatry Services at UNC Hospitals,
33 formed in 2019 to address the behavioral health intercept gaps identified in Orange County. The
34 mission of the BHTF is to improve outcomes for individuals with behavioral health disorders
35 through partnerships across justice, law enforcement, mental health, homelessness and
36 substance use service systems. Later in 2019, the Crisis/Diversion Facility Subcommittee was
37 formed and tasked with developing recommendations and a plan for a dedicated Facility.

38
39 This Facility will offer behavioral health crisis services and allow for law enforcement and
40 hospital ED diversion. The Subcommittee, under Tony Marimpietri's leadership as Chair, has
41 met diligently and frequently over the last two years, to address this high priority need. The
42 process has included a lengthy literature review of best-practices and elements for a
43 crisis/diversion facility, studying existing state and national crisis/diversion facilities, seeking
44 input from critical local stakeholders, looking at use case scenarios, examining available data
45 and determining the appropriate scope and function for an Orange County Facility.

46
47 In April 2021, the BOCC received a presentation with the detailed findings and
48 recommendations of the Subcommittee's work. An overview of these findings and
49 recommendations has previously been shared with the Behavioral Health Task Force, the
50 Justice Advisory Council and Orange County's law enforcement leaders. These presentations
51 have been met with broad support and interest. It is the Behavioral Health Task Force's strong

1 belief that the proposed Facility, and its evidence-based, holistic, trauma-informed policies and
2 practices, will lead to necessary enhancements in Orange County crisis system capabilities, will
3 increase diversion and deflection from the criminal justice system and will improve healthy and
4 safe outcomes for residents of Orange County.

5
6 Since April, the Subcommittee has continued its work to plan for the next phase of
7 implementation, with a specific focus on stakeholder use and operational needs and facility
8 design specifications. This effort, which included subject matter and use expertise from a wide
9 variety of crisis stakeholders, has resulted in updates to the scope of services and design. This
10 Progress Report will address these updates and share the roadmap for implementation.

11
12 Finally, special recognition from the BOCC is proposed for Tony Marimpietri, who voluntarily
13 took on the role of Chair of the Subcommittee. Mr. Marimpietri’s expertise as a retired Senior
14 Project Manager at the Research Triangle Institute (RTI), and member of the National Alliance
15 on Mental Illness (NAMI) Local Board, has been invaluable to Orange County. Tony has spent
16 over two years and hundreds of hours of work leading the Subcommittee and guiding its work.
17 This important effort to address Orange County’s critical gap in behavioral health crisis services
18 would not be possible without his efforts.

19
20 Caitlin Fenhagen reviewed the background information for the item.
21 Tony Marimpietri gave the following PowerPoint presentation:

22
23 Slide #1



24
25
26 Slide #2

-
- TOPICS
- Progress Overview.
 - Recent Guidelines and Reports.
 - Stakeholders Update.
 - Design Update.
 - Scope of Services Update.
 - Other Ongoing Work.
 - Implementation Road Map.
 - Discussions and Questions

27
28

1 Slide #3

PROGRESS OVERVIEW: WHERE DO WE STAND REGARDING NEXT STEPS

Next Step Item	Work Completed to Date and Planned
Risk Mitigation (validation)	<ul style="list-style-type: none"> Updating projection of number of patients expected to be served by Facility per month and per year. Updating literature review. Validating use of Facility by key Orange County stakeholders.
Design	<ul style="list-style-type: none"> Translated services recommended in April 2021 to physical layout. This document will be used with architect. Funds budgeted for implementation planning. Architect selection and contract will be by Orange County in consultation with BH health facility SMEs.
Licensing	<ul style="list-style-type: none"> Confirmed that Facility can be licensed as: 1) Behavioral Health Urgent Care -Tier 4 (ages 4 and above) and 2) Facility Based Crisis (adults only), which will allow for all recommended services to be implemented. Will be developing regulatory roadmap in conjunction with operator once one is selected.
Operations	<ul style="list-style-type: none"> Subcommittee will develop operational guidelines and quality metrics. Staffing and operations plan will be determined by the Operator as specified in regulatory and contractual documents.
Governance	<ul style="list-style-type: none"> Discussions underway among OC and potential operators regarding building design, location, and operations.
Policy, Procedures (stakeholders)	<ul style="list-style-type: none"> Address community-wide collaboration with multiple stakeholders in our Stakeholder Workgroup. Included: EMS, LE, Magistrate, Detention Ctr., Juvenile Justice, CHCCS/OPS, DSS, UNC ED/PES, UNC CAPS
Projected Savings	<ul style="list-style-type: none"> Develop a model for estimating savings likely to be accrued by various stakeholders in Orange County. Will use a model from Crisis Now for health system savings and will be tailoring it for Orange County.
Sources & Uses of Funds	<ul style="list-style-type: none"> Identify possible sources of funding including Orange County, Alliance Health, Insurance Companies (want to serve all payers), government grants, philanthropic organizations. Prepare an information packet based on work done to date for use in engaging funding sources.

Note: Items highlighted in Green indicate work has started and is on-going.

3

Tony Marimpietri said they anticipate 280 patients will be served per month.

2
3
4
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Slide #4

RECENT GUIDELINES AND REPORTS

- There continues to be a steady stream of publications and forums around BH crisis response.
- Three recent notable items are listed in the text box on the right.
- Each of these add to a series of publications which further underpin a consensus around BH crisis response at the community level.
- Each is aligned with and supports the guidance referenced in our April 2021 Report to the BOCC.

- Roadmap To The Ideal Crisis System, March 2021**
 - National Council for Behavioral Health
 - Builds on and consolidates guidance previously published by others including SAMHSA 2020 Best Practices Toolkit, which is cited in the April 2021 report presented to the BOCC.
- NAMI 988 Call for Action, November 2021**
 - A weeklong focus on mental health crisis response.
 - Underscored issues and best practices, citing recent guidelines, and envisioning a 988 future.
- Protecting Youth Mental Health, December 2021**
 - U.S. Surgeon General's Advisory
 - Presents a call for action by society regarding child mental health at all levels: policy, institutional, and individuals/families.

4

Tony Marimpietri said they continue to review guidance as new best practices are published. He noted that 988, a crisis hotline, is scheduled to come online in 2022.

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7
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10

1 Slide #5

STAKEHOLDERS UPDATE: WORKGROUP OUTPUT AND FOLLOW UP

- **Purpose.** Engage all stakeholders who are likely to have an operational relationship with the Facility and its staff.
- **Who.** Subcommittee facilitated 5 Stakeholders Workgroup meetings and engaged over 15 representatives of Orange County organizations: EMS, OCSO, CHPD, Courts/Magistrate, juvenile justice, public schools, Department of Social Services, UNC ED/PES, individuals involved in sobering services.
- **Focus.** Discussion centered on how each group might use the Facility and what input they have regarding Facility services that would best support their programs.
- **Results.** An action plan for follow up with each stakeholder group regarding policies, procedures, and practices that would best facilitate community-wide collaboration around crisis response. This Workgroup also provided input to the Facility Design Workgroup.
- **Follow-up.** Will be following up on the action items over the next several months to ensure policies, procedures, and practices among various stakeholders and the Facility are aligned. This work will parallel the design and operations planning for the facility.
- **Contents of Stakeholder Action Plan:**
 - A. EMS
 - B. Law Enforcement
 - C. Courts/Magistrate/Detention Center
 - D. Juvenile Justice
 - E. Social Services and Schools
 - F. UNC ED/PES, UNC CAPS
 - G. Sobering Services
 - H. Homeless/Street Outreach and Harm Reduction.

5

2
3
4 Tony Marimpietri said they convened two workgroups. He said that the stakeholder
5 group's purpose was to try to engage all that are likely to have an operational relationship with
6 the facility and the staff.

7
8 Slide #6

DESIGN UPDATE: WORKGROUP OUTPUT AND FOLLOW UP

- **Purpose.** Translate the services recommended in our April 2021 report into a description of the *physical layout* of the Facility and its special infrastructure needs and to clarify *regulatory requirements*.
- **Who.** Subcommittee facilitated about 4 workgroup meetings and engaged approximately 10 SMEs who have expertise in crisis facility regulation and design. Draw on experience from other similar facilities.
- **Focus.** Discussion centered on key elements of the Facility and the quality of user experience where users ranged from EMS/LE, courts/detention center, general public with special attention to the needs of specific patient cohorts (e.g., adults, children, special needs).
- **Results.** Created a description of the physical layout of the Facility, special infrastructure components, and regulatory requirements.
- **Follow-up.** The output from this workgroup will be used when working with the architect firm to be selected to develop a preliminary design and cost estimates.
- **Contents of Design Workgroup report:**
 - A. Front Entrance/Waiting Areas.
 - B. Rear Entrance.
 - C. BHUC Clinical Areas.
 - D. Adult FBC Areas.
 - E. Medical Areas.
 - F. Facility Security.
 - G. Outpatient Service Areas.
 - H. General Purpose Areas.
 - I. Community Partner Offices/Workspace.
 - J. Communications Infrastructure.

6

1 Tony Marimpietri said the second workgroup was the design update workgroup. He said
 2 the main purpose of the design group was to translate the recommended services from the
 3 2021 report into a description of the physical layout of the facility and any special infrastructure
 4 needed for regulatory compliance.

5
 6 Slide #7

SCOPE OF SERVICES UPDATE: ADDITIONS TO APRIL 2021 REPORT

- **Children**
 - Discussion with stakeholders, LME, and insurers underscore the need for services focused on children. Demand for these services is loud and clear.
 - Regulatory review confirmed that children 4 years of age and older can be served in a BHUC – Tier 4.
 - Recommended scope of services has been revised to include BHUC services for minors ages 4 -17.
- **Sobering Services**
 - Discussions with stakeholders focused on sobering center related issues underscore that such services are critical to the diversion mission of the Facility.
 - Current demand for sobering services burdens UNC ED, EMS, LE, detention center, and homeless programs.
 - Recommended scope of services has been revised to include routine and surge sobering services.
- **Outpatient Services**
 - Recommend adding outpatient services as an adjunct to Facility's crisis services (see text box).
 - These services should focus on Children (see notes under *Children*).

Definitions

Partial Hospitalization Program (PHP) is a structured mental health treatment program that runs for several hours each day, three to five days per week. Clients participate in scheduled treatment sessions during the day and return home at night. This program is a step down from 24-hour inpatient treatment. It can also be used to prevent the need for an inpatient hospital stay.

Intensive Outpatient Program (IOP) is a treatment program used to address addictions, depression, eating disorders, or other dependencies that do not require detoxification or round-the-clock supervision. They enable patients to continue with their normal, day-to-day lives.

7
 8 Tony Marimpietri said they intend to bring any deviations from the April 2021 report to
 9 the Board for their review and approval. He noted that before they had thought they could
 10 include minors 16-17 but now they have expanded to allow ages 4-17.

11
 12 Slide #8

OTHER ONGOING WORK

- Continue with briefings for elected boards.
 - Met with Carrboro Town Council in May 2021.
 - Scheduling briefings for Chapel Hill and Hillsborough Town Councils and public-school boards.
- Update projection of number of patients expected to be served by the Facility per month/year.
 - Update is occurring in January-February 2022.
 - Will compile data for all of 2021 and add categories not included in previous projections.
- Savings
 - Develop cost saving models for various sectors.
 - Estimate cost saving by sector.
- Governance.
 - Land ownership and use.
 - Facility construction, maintenance, and operations.
- Transportation.
 - Resolve identified transportation issues that could impede the efficient use of facility.
 - Include perspectives of both stakeholders and general public.

1 Tony Marimpietri said they will be looking into their projected numbers of patients and
 2 reviewing how many of those are actually below 18. He said that transportation is a key to
 3 overall effectiveness, and they will dive into that topic going forward.

4
 5 Slide #9

IMPLEMENTATION ROAD MAP

Work Streams	2022												2023
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
1. Preliminary Design and Costing	>>	>>	>>	>>	>>								
2. Identify Facility Partners	>>	>>	>>	>>	>>	>>	①						
3. Identify Facility Operator(s)									>>	>>	>>		
4. Pre-construction Regulatory Roadmap					>>	>>	>>	>>	>>	>>	>>		
5. Operations QA and Guidelines					>>	>>	>>	>>					
6. Select Location and Approvals			>>	>>	>>	>>	>>	>>	>>	>>	>>	②	
7. Demand Projections	>>	>>						>>	>>	>>			
8. Final Design									>>	>>	>>	>>	③
9. Funding and Savings				>>	>>	>>	>>	>>	>>	>>	>>	>>	④
10. Issue Contract for Construction													☆

Milestone 1. Key partners who will be responsible for construction/maintenance and for operations of Facility are identified.
 Milestone 2. Location for Facility is selected and associated approvals for site use are completed.
 Milestone 3. Final Facility design is complete – plans are ready for construction. To be completed in early 2023.
 Milestone 4. All costs/savings identified and funds for construction/maintenance/operations are secured. To be completed in 2023.
 Note. Items highlighted by red text are high priority for maintaining schedule that targets starting construction in 2023

6
 7 Tony Marimpietri said that this slide is their implementation roadmap. He reviewed the
 8 milestones listed below the chart.

9 Commissioner Hamilton thanked Tony Marimpietri and Caitlin Fenhagen for this
 10 presentation and their progress on the work. She asked what department in the county will
 11 manage this facility. She noted this is a medical facility and will have requirements and reviews.

12 Tony Marimpietri said the most prominent models in North Carolina are WakeBrook in
 13 Wake County and the C3 Comprehensive Care Facility in Asheville. In both of these models, the
 14 facilities are owned and maintained by the county. In Asheville, a provider is contracted to run
 15 the facility and take care of clinical, medical, and operational services. In WakeBrook, the
 16 county owns the buildings, but UNC runs the clinical services. He said that it has not been
 17 decided how Orange County will manage and run the facility.

18 Travis Myren said the county will contract clinical services out.

19 Commissioner Hamilton asked how much those contracts cost, how often there are price
 20 increases, and what happens if the contractors do not do a good job. She noted there is limited
 21 staffing for behavioral health services. She asked how this might impact services. She asked if
 22 there would be service priorities if it is determined there is not capacity to do everything right off
 23 the bat. She also asked how many beds would be available for short term stays. She asked if
 24 there would be rooms for outpatient services.

25 Tony Marimpietri said that he does not have an answer for that just yet. He said that is
 26 reason they are doing projections on the number of cases. He said they are trying to get details
 27 on adults vs. children, how many chairs, and how many beds will be needed. He said that they
 28 have describe the facilities but they have not quantified the number of facilities that will be
 29 needed. He said that he does not know the capacities of the two models discussed but that
 30 those could be scaled on a population basis. He said that he anticipates that the architect will be
 31 able to take the information that they provide to them to adequately design the facilities.

1 Commissioner Hamilton said it would be helpful to get an idea from WakeBrook on how
2 many beds they have, the number they serve, etc.

3 Caitlin Fenhagen said that while they do not have those numbers with them tonight, they
4 have had conversations with other model facilities and received a lot of information. She said
5 that further data analysis is needed to determine needs for Orange County specifically. She said
6 the facility in Orange County will be smaller than the ones in Wake and Buncombe counties.

7 Commissioner Hamilton said when the numbers are available, she would like to see the
8 estimated costs for building the facility. She said that she sees the need for a crisis facility in
9 Orange County.

10 Commissioner Fowler said she has been on the Behavioral Health Task Force and
11 agrees that the facility is needed. She said there is also a need for warm handoffs and that she
12 is happy to see inclusion of outpatient services. She said that providers are also needed and
13 she is not sure how to address that issue. She asked if patients are charged for services at
14 WakeBrook like any other medical facility and if they accept insurance. She asked if patients do
15 not have insurance how their services are paid for. She asked if the county pays into operations
16 of the facility. She asked if UNC has made any commitments to Orange County for operational
17 services and if not, are there any other providers that the County is considering.

18 Travis Myren said they formally reached out to UNC Health Care two weeks ago and
19 should receive a response soon about their interest. He said that Alliance Health has been
20 involved in all task force meetings but he does not know of any funding commitment they might
21 be able to make but they are certainly at the table. He said that in terms of operating costs, they
22 want to be sure the facility can accept all forms of payment from private insurance to Medicaid
23 or any funds that Alliance Health administers.

24 Tony Marimpietri said a typical model would include the operator of the facility does
25 billing and where possible, through insurance. He said the county would also pay for operational
26 expenses and Alliance Health would pay for the uninsured. He said this would allow the facility
27 to accept all patients and payers.

28 Commissioner Greene thanked the task force for their work and thoughtful planning. She
29 said that she was on the simulated mapping and that this is more needed than ever. She said
30 that even though opioid settlement money is not in hand yet, it is not too soon to ask questions
31 to the NC Department of Justice on how they can determine exactly how much of this need is
32 attributed to opioid use disorders. She said that would be an approved use of the facility.

33 Caitlin Fenhagen said the Buncombe County facility got a large grant from NC
34 Department of Health and Human Services for their facility. She said there are also capital
35 campaigns and private funders who may be interested. She said that Buncombe facility had
36 multiple streams of funding to create what they have now. She said they are not just looking at
37 county resources.

38 Commissioner Richards said this is her first-time seeing details about this facility. She
39 said she is really glad to see the expansion for minors to include ages 4-17. She said that
40 almost every parent she knows is searching for support at one point or another for their
41 children. She asked if UNC Hospital or University was part of the stakeholder group.

42 Tony Marimpietri said it was UNC Hospitals emergency department since it is frequently
43 loaded with behavioral health cases. He said that one of the goals of the facility is to help with
44 the emergency department capacity. He said it was not the university.

45 Commissioner Richards said that anything the county does usually involved students
46 and asked if it was being looked at as a service to the university in terms of funding and
47 partnership. She asked if the cost savings review was a cost avoidance model and how the
48 savings are being factored.

49 Tony Marimpietri said they have not started that yet, but there are savings to health
50 facilities and the full impacts have yet to be determined.

1 Commissioner Richards asked if staff would build a model to show future avoidance of
2 needing to add facilities or care in other areas.

3 Travis Myren said the hope is the model will show the cost savings/avoidance to each of
4 the sectors.

5 Commissioner Richards said that 2023 seems ambitious. She asked if there would be
6 definitive funding before construction begins. She asked who is looking at grants and other
7 forms of funding.

8 Tony Marimpietri said the target date is to focus the mind on a date. He said he will not
9 promise it will be ready by 2023, but whatever date that is chosen will help focus attention on
10 how fast these tasks need to be worked through. He said that the funding campaign needs to be
11 activated soon and a subset of the subcommittee will likely take that on.

12 Caitlin Fenhagen said there has been outreach with UNC Wellness, which formed a task
13 force following the tragic suicides at UNC earlier in the year. She said that they can and will
14 continue to look beyond UNC hospitals and into partnering with other UNC groups going
15 forward. She said that it is not just a cost avoidance model and that there will be a cost savings
16 in the foster care system, criminal justice system, long term health care and resources the
17 county is providing on the back end, when this facility can address the issues on the front end at
18 the time of crisis. She said that the first phase was the recommendations and planning and that
19 the next phase will be meeting with Alliance Health and RHA and the county within the next
20 couple of weeks to talk specifics about interest. She noted that they are also awaiting a
21 response from UNC Health on their interest.

22 Chair Price said many stakeholders have been talking about this since before 2019. She
23 said that it will not just be keeping mental health out of other detention and health facilities, but it
24 is how they can intervene in people's lives in other places. She said that people are not getting
25 care they really need because departments are full. She said that she took a tour at WakeBrook
26 and at Asheville and suggested doing that again for other commissioners. She said that she
27 wants to advocate to the warm handoff where law enforcement can bring people to facility and
28 drive away. She said she likes seeing the 2023 date because these services are already past
29 due.

30 Commissioner Hamilton requested she be sent any research article that is available to
31 talk about cost savings so that she can review that and provide feedback on cost savings as a
32 whole. She also wants to consider long-term aspects of how people are successful at
33 overcoming mental health issues.

34 Tony Marimpietri said that outpatient and stepdown facilities are also important to bridge
35 those services.

36 Commissioner Bedford said she's been serving on the subcommittee, and she is very
37 much in favor of moving forward. She said that as a parent, years ago, her daughter attended a
38 facility out of state. She asked if others read the News and Observer's articles from December
39 2021 regarding the atrocious and abusive facilities that are out of state, and some even in the
40 state, and these were sometimes the only option for local children. She said that they just
41 closed one down in Garner. She said that having one close for families helps facilitate the family
42 involvement for patient success. She said that people go on to have very healthy quality lives
43 following treatment and that it does work. She said whatever the costs are, the work is
44 necessary because these are human beings.

45 Chair Price said it is more important to save lives and save communities than money.
46 She said that opioid money may be available as early as July. She also noted that the general
47 assembly has created a Medicaid expansion subcommittee and that this could help fund
48 services.

49 Chair Price recognized Tony Marimpietri for serving and leading the subcommittee
50 voluntarily.

1 Tony Marimpietri said that he appreciates the kind words and there are a lot of shoulders
2 pushing the cart forward. He said that Alliance Health is highly engaged and providing great
3 value.

4 Chair Price asked for a tour of the facilities to be scheduled in the future for the
5 commissioners.

6
7 **b. Regulation of Large Gatherings**

8 The Board received information regarding a means of regulating large gatherings in Orange
9 County.

10
11 **BACKGROUND:** The Board of Commissioners asked for information on how the County may
12 regulate protests or large gatherings in Orange County. The attachments include a legal
13 overview of the regulation of protests and gatherings that was previously provided to the Board
14 together with examples of how other jurisdictions approach this issue and some relevant state
15 statutes.

16
17 John Roberts reviewed the background information for the item. He said the county can
18 impose time, place, and manner restrictions and limitations on large gatherings. He said that the
19 county can restrict the display of weapons. He said the county can require permits, notification
20 of upcoming gatherings, and can create buffer zones. He said that the Board generally can't
21 restrict gatherings on private property, except during a declaration of emergency or where the
22 gathering is commercial in nature and the property is zoned residential. He said that the state
23 has some regulations regarding the riot acts that address gatherings. He said that this prohibits
24 the incitement of lawlessness, rioting, injury to person or property and allows law enforcement to
25 break up a crowd.

26 John Roberts said he has included some examples of what other local jurisdictions have
27 done on this topic. For example, the City of Raleigh requires permits for protests but not for
28 "peaceful picketing," but "peaceful picketing" is not clearly defined. He said that the ordinance
29 gives police the authority to break up crowds that are blocking streets or sidewalks.

30 Commissioner McKee asked John Roberts to clarify imminent threats. He said that some
31 of the issues in Orange County have included people using loud noises and bullhorns.

32 John Roberts said that an immediate or imminent threat to people, speaks for itself. He
33 said that it is not just someone that may be offensive or insulting someone. He said that if they
34 are holding a baseball bat and swinging it at somebody, but they have not contacted anyone
35 yet, this is an imminent threat to somebody's health and could cause physical injury. He said
36 that if they are acting like they are going to start hitting cars or windows that is an immediate
37 threat or if they are actually hitting people with their hands or with an object or damaging. He
38 said that threatening language that does not result in imminent potential is not enough. He said
39 that you can't break something up just because someone's feelings are hurt, or they get mad.

40 Commissioner McKee asked what the dividing line between threat and imminent threat
41 is. He asked if they are in a meeting and someone is voicing their opinion in a loud and
42 boisterous manner, and he feels intimidated, does that constitute removal.

43 John Roberts said that will be fact specific and depend on the circumstances. He said
44 that if it is a public meeting like this one, there's statutory law protecting the disruption of a
45 meeting and they can be removed from public property. He said that if they are on the sidewalk
46 using a bullhorn, he would not say that the county would have the authority to remove someone.

47 Commissioner McKee asked about if someone is standing across the street on a
48 bullhorn on private property.

49 John Roberts said that if someone were standing on private property, the county would
50 not lawfully be able to remove by ordinance unless they were violating a land use restriction in

1 the UDO. He said that would not allow for removal but could provide for penalties against the
2 landowner.

3 Commissioner Hamilton said part of the issue is the way we deal with threats; it protects
4 against imminent threat of physical harm but not against a threat when people feel intimidated.
5 She said so there almost has to be physical damage before someone has been harmed. She
6 said that society and legal system doesn't make that clear line but doesn't mean that people
7 that people are not harmed by a threat. She said that especially the harm that is done to
8 children, could have long-term mental effects on them. She said that just because you cannot
9 see it does not mean it is not harmful, especially to children. She said that needs to be thought
10 of with this. She said she understands they have to work within the confines of the laws. She
11 said she is looking for something to help regulate where they can occur. She said she would be
12 in support of something that said they cannot occur at school but can occur on designated
13 portions of county land. She said she is not looking at controlling speech, but she is looking for
14 a way to protect children from adult business and the long-term impacts. She said that an
15 ordinance that regulates time, place, and requires a permit that she will be in support of as long
16 as people are still allowed to voice their opinions in a peaceful manner.

17 Commissioner Greene said she was trying to determine the difference in what goes on
18 inside and outside a meeting and that John Roberts had addressed that question and she has a
19 clear understanding of inside of a meeting versus outside.

20 Chair Price asked about jurisdiction. She said that her familiarity of the issue is one that
21 was going on at a road outside of a school. She said her question is about determining who has
22 jurisdiction in that scenario and that it is likely a conversation between the Sheriff and the
23 schools. She asked who gets to issue the permits and also who gets to have a permit and who
24 does not get one. She also asked who determines when a group has to disburse. She said a
25 few years ago there was a march in Hillsborough from a cemetery into town. She said that
26 brought in mixed jurisdictions and some of the frustration from constituents arises when there
27 are several jurisdictions involved. She said that a few things have bothered her. She said one of
28 those is the idea of a threat that is imminent, because there are also adults who also feel
29 threatened by speech. She said that some speech is intended to incite. She said that she has
30 an issue with restrictions on what people can do. She said a lot of this goes back to when they
31 did not want workers to picket or union or they did not want people of color to be gathering so
32 she expressed concern on the three-person limit. She asked specifically about the question of
33 jurisdiction.

34 John Roberts said the Sheriff has jurisdiction throughout the county but leaves issues in
35 town limits to the town police. He said that if there was an ordinance that prohibited
36 demonstrations on school grounds that would only be effective within unincorporated areas of
37 the county so the Sheriff would be the one to enforce that ordinance. He said that if the towns
38 also had that ordinance, they would be the ones to enforce that.

39 Commissioner McKee said he appreciates Commissioner Hamilton's comments
40 regarding the threat and harm to children versus adults. He said that he has no doubt there is a
41 line, but he has a hard time identifying the line. He said that what he wants to make sure is that
42 people are not prohibiting people from being loud and voicing their first amendment rights. He
43 said that this is how social injustices have been addressed and will continue to be done. He said
44 that people should be able to be loud, up to the point they become threatening.

45 Commissioner Hamilton agrees with the ability to voice opinions loudly. She said that
46 she has heard from some people that have found it difficult to mount a demonstration and feel
47 protected, so they would welcome having a clear process so that they would understand from a
48 permit process. She said that police protection could be built in and protect those people. She
49 said that she has spoken with people at the Sheriff's office, and they have expressed favor in
50 having a regulatory manner for protests so that they could know what was coming and they

1 would know how to handle behavior because it will be regulated. She said that she thinks the
2 ordinance can protect children and also protect adults' rights to protest.

3 Commissioner Greene said she is in alignment with what Commissioner Hamilton has
4 said. She said that when it comes to controlling an event, the Sheriff has at their capacity tools
5 to deal with destructive behavior, and she would not want to oppose on free speech any more
6 than the Supreme Court says they can. She said that she is not prepared to make a decision on
7 this tonight, and she would like to know which county properties would be appropriate to
8 regulate.

9 John Roberts said there are few county properties where demonstrations would be
10 allowed. He said the courthouse steps, the open area around the courthouse, maybe one of the
11 county parks. He said that certainly not in or adjacent to office buildings. He said not many
12 properties at all.

13 Chair Price said that jurisdiction is confusing to people. She said that when there was a
14 protest at school inside of the Town of Hillsborough, calls were made to various offices, but
15 there were no responses because of the confusion around jurisdiction. She said that she is not
16 in favor of limiting anyone's freedom of speech, but some speech can be very hateful. She said
17 that hate speech can be inciteful.

18 Commissioner Richards said there was an incident where people were alleged to be on
19 a county road in front of a school. She said when they start thinking about properties and
20 jurisdictional issues, it gets complicated. She asked if there a way to normalize the ordinances
21 between the county and the towns, so that they are the same. She said that Chapel Hill requires
22 a permit.

23 John Roberts said if the Board wanted to adopt a county ordinance that looked like a
24 town's they could do that, or the towns could adopt a county ordinance for enforcement within
25 the towns' jurisdictions.

26 Commissioner Hamilton said Commissioner Richards's point is important and it would be
27 good to have consistency. She suggested that the BOCC take leadership on this and take the
28 steps necessary to protect school children. She asked John Roberts if they can regulate where
29 demonstrations can take place by being specific or can they regulate by saying you can
30 demonstrate anywhere "except" certain places.

31 John Roberts said he would recommend the second option because the vast majority of
32 land in the county is privately owned. He said the second option would be easier to do because
33 you can say where protests can occur and where it cannot occur. He said he also thinks you
34 can say you may not picket or demonstrate on public school properties.

35 Commissioner McKee said this is good conversation and he wants to bring Sheriff's
36 office into the conversation. He commended the Sheriff's department for their involvement in
37 calm demonstrations in the past.

38 Commissioner Bedford said sometimes students want to have demonstrations on
39 campus so should look at what school districts policies are about those, so they do not eliminate
40 student demonstrations.

41 John Roberts said an exception could be made for student protests on school property.

42 Commissioner Fowler said she likes the idea of it being a certain distance from a
43 property or something similar. She said that she participated in a parent demonstration in
44 support of schools. She said making it a certain distance would protect free speech and entry
45 ways to the buildings.

46 Chair Price reiterated importance for consistency between towns and county. She
47 suggested that this come back at a work session and a discussion with schools. She said that
48 law enforcement and the schools should be included and suggested that public comment be
49 allowed by waiving the rules about comment during work sessions.

50 Commissioner McKee agreed with running it through as a work session with law
51 enforcement and the schools.

1 Commissioner Hamilton said she also agrees with that and the Sheriff and schools being
 2 present at the work session. She asked about how to allow public input without waiving the
 3 rules for public comment at work sessions.

4
 5 **8. Consent Agenda**

- 6
 7 • Removal of Any Items from Consent Agenda
 8 • Approval of Remaining Consent Agenda
 9 • Discussion and Approval of the Items Removed from the Consent Agenda

10
 11 Commissioner Greene noted that one of the budget adjustments is financial support
 12 from the Town of Chapel Hill that is supporting the Street Outreach, Harm and Reduction
 13 Deflection (SOHRAD) team by adding another member. She thanked the Town of Chapel Hill
 14 for the support.

15
 16 A motion was made by Commissioner Greene, seconded by Commissioner McKee, to
 17 approve the consent agenda.

18
 19 **Roll call ensued**

20
 21 **VOTE: UNANIMOUS**

22
 23 **a. Minutes**

24 The Board approved minutes from the January 18, 2022 Board of County Commissioners
 25 meeting.

26 **b. Refund of Overpayment of Excise Tax**

27 The Board approved a refund of overpayment of excise tax of \$406 to the Canaday Law Firm.

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

29 The Board adopted a resolution to release property tax values for five taxpayers with a total of
 30 eight bills that will result in a reduction of revenue.

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

32 The Board considered four untimely applications for exemption/exclusion from ad valorem
 33 taxation for four bills for the 2021 tax year.

34 **e. Request for Road Additions to the State Maintained Secondary Road System for
 35 Folsom Court and Weldon Ridge Drive in the Weldon Ridge Subdivision**

36 The Board forwarded the Petition for Addition to the State Maintained System to the NCDOT for
 37 Folsom Court and Weldon Ridge Drive in the Weldon Ridge Subdivision; and recommended the
 38 Department of Transportation accept the roads for maintenance as State Secondary Roads.

39 **f. Construction Contract for High Rock Road Waste and Recycling Center Renovation**

40 The Board approved and authorized the County Manager to sign a contract with Bar
 41 Construction Company, Inc. for the renovation of the Orange County High Rock Road Waste
 42 and Recycling Center.

43 **g. Fiscal Year 2021-22 Budget Amendment #7**

44 The Board approved a budget amendment for Fiscal Year 2021-22.

45
 46 **9. County Manager's Report**

47 Bonnie Hammersley reminded the board of their work session on February 8th and
 48 reviewed the items on the agenda. She also mentioned the last information item. She said that
 49 upon further review, it was determined that this did not require Board approval, only signature
 50 by the Chair. She said that clarifications are submitted as information item.

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10. County Attorney's Report

John Roberts said the Supreme Court will soon hear the review of the electoral districts tomorrow so a decision should be made shortly thereafter.

11. *Appointments

None.

12. Information Items

- January 18, 2022 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Assessor's Report – Releases/Refunds under \$100
- Memorandum – Fourth Quarterly Report (2021 Q4) and 2021 Annual Report for Orange County's CDBG-CV Grant

13. Closed Session

None.

14. Adjournment

A motion was made by Commissioner McKee and seconded by Commissioner Fowler to adjourn the meeting at 9:31 p.m.

Roll call ensued

VOTE: UNANMIOUS

Renee Price, Chair

Tara May
Deputy Clerk to the Board

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

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 1, 2022

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

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for two taxpayers with a total of two 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 \$500.33 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2021-2022 is \$13,803.03.

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

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

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

- Accept the report reflecting the motor vehicle property tax releases/refunds requested in accordance with the NCGS; and
- Approve the attached release/refund resolution.

NORTH CAROLINA

RES-2022-008

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached “Request for Property Tax Refund/Release” has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2022.

Clerk to the Board of Commissioners

**BOCC REPORT - REGISTERED MOTOR VEHICLES
MARCH 1, 2022**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Erhardt, Laura	64622961	2021	19,460	0	(342.55)	County changed to Chatham (illegal tax)	
McGee, Kaylin Diane	64468822	2021	18,400	500	(157.78)	Antique plate (property classification)	
					(500.33)		

Adjustment Descriptions

Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.

Illegal tax G.S. 105-381(a)(1)(b): e.g. when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.

Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.

Appraisal appeal G.S. 105-330.2(b): e.g. reduction in value due to excessive mileage or vehicle damage.

**Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.*

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.

Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

Military Leave and Earning Statement (LES): Is a document given on a monthly basis to members of the United States military which reports their pay, home of record and service status. The LES is required when applying for exemption from Motor Vehicle Property Taxes. Active duty, non-resident military personnel may be exempt from North Carolina motor vehicle property tax as allowed by United States Code, Title 50, Service members' Civil Relief Act of 1940. (Amended in 2009 by The Military Spouse's Residency Relief Act)

Titles and Brands: Section 1, Chapter 7
NCDMV Title Manual 14th Edition Revised January 2016

Title: Document that records the ownership of vehicles and the liens against them.

Custom-Built: A vehicle that is completely reconstructed or assembled from new or used parts. Will be branded "Specially Constructed Vehicle"

Flood Vehicles: A motor vehicle that has been submerged or practically submerged in water to the extent that damage to the body, engine, transmission or differential has occurred.

Reconstructed Vehicles: A motor vehicle required to be registered that has been materially altered from original construction due to the removal addition or substitution of essential parts.

Salvaged Motor Vehicles: Is a vehicle that has been damaged by collision or other occurrence to the extent that the cost of repairs exceeds 75% of fair market value, whether or not the motor vehicle has been declared a total loss by an insurer. Repairs shall include the cost of parts and labor, or a vehicle for which an insurance company has paid a claim that exceeds 75% of the Fair Market Value. If the salvaged vehicle is six model years old or newer, an Anti-Theft Inspection by the License and Theft Bureau is required.

Salvage Rebuilt Vehicle: A salvaged vehicle that has been rebuilt for title and registration.

Junk Vehicle: A motor vehicle which is incapable of operation or use upon the highways and has no resale value except as scrap or parts. The vehicle shall not be titled.

Antique Vehicle: A motor vehicle manufactured in 1980 and prior

Commercial Trucking (IRP): The International Registration Plan is a registration reciprocity agreement among jurisdictions in the US and Canada which provides for payment of license fee on the basis of fleet miles operated in various jurisdictions.

Total Loss: Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.

Total Loss/Rebuilt: Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.

Certificate of Destruction: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 1, 2022

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

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release property tax values for ten taxpayers with a total of sixteen bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received ten 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 \$4,054.09 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

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

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

RECOMMENDATION(S): The Manager recommends that the Board approve the attached resolution approving these property tax release/refund requests in accordance with North Carolina General Statute 105-381.

NORTH CAROLINA

RES-2022-009

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached “Request for Property Tax Refund/Release” has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2022.

Clerk to the Board of Commissioners

Clerical error G.S. 105-381(a)(1)(a)
 Illegal tax G.S. 105-381(a)(1)(b)
 Appraisal appeal G.S. 105-330.2(b)

**BOCC REPORT - REAL/PERSONAL
 MARCH 1, 2022**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Bennett, Michael Leon	1053407	2015	11,570	0	(204.95)	Assessed in error (illegal tax)	Vehicle sold July 2014 and taxed through registration. Taxes remain unpaid, release allowed per NCGS 105-381(a)(2)
Bennett, Michael Leon	1053407	2016	11,570	0	(204.95)	Assessed in error (illegal tax)	Vehicle sold July 2014 and taxed through registration. Taxes remain unpaid, release allowed per NCGS 105-381(a)(2)
Bennett, Michael Leon	1053407	2017	8,890	0	(151.33)	Assessed in error (illegal tax)	Vehicle sold July 2014 and taxed through registration. Taxes remain unpaid, release allowed per NCGS 105-381(a)(2)
Bennett, Michael Leon	1053407	2018	8,890	0	(154.52)	Assessed in error (illegal tax)	Vehicle sold July 2014 and taxed through registration. Taxes remain unpaid, release allowed per NCGS 105-381(a)(2)
Bennett, Michael Leon	1053407	2019	6,860	0	(121.76)	Assessed in error (illegal tax)	Vehicle sold July 2014 and taxed through registration. Taxes remain unpaid, release allowed per NCGS 105-381(a)(2)
Bennett, Michael Leon	1053407	2020	6,860	0	(121.76)	Assessed in error (illegal tax)	Vehicle sold July 2014 and taxed through registration. Taxes remain unpaid, release allowed per NCGS 105-381(a)(2)
Bennett, Michael Leon	1053407	2021	6,860	0	(114.38)	Assessed in error (illegal tax)	Vehicle sold July 2014 and taxed through registration. Taxes remain unpaid, release allowed per NCGS 105-381(a)(2)
Hall, George Eshton Jr.	3189435	2020	4,310	0	(263.33)	Assessed in error (illegal tax)	Gap bill: Vehicle listed as unregistered vehicle during gap period
He, Max Min	3183025	2019	7,500	0	(526.17)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Ohio during gap period
Isaac, Malik Zablou	3197216	2021	11,330	0	(242.63)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Florida during gap period
Law, Reed Gwillim III	3198432	2021	3,410	0	(180.90)	Assessed in error (illegal tax)	Gap Bill: Vehicle registered in California during gap period
Oakley, Mark Edward	3197341	2021	16,330	0	(412.52)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Durham County during gap period
Offenbaker, Laura Lorraine	3198458	2021	16,340	0	(229.70)	Assessed in error (illegal tax)	Gap bill: License plate replacement created erroneous gap
Stroud, Hillary Rose	3196487	2021	14,480	0	(621.85)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Utah during gap period
Visco, Zachary	3193687	2020	9,500	0	(307.68)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Virginia during the gap period
Zirkle, Caitlin	3189840	2020	14,550	0	(195.66)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in New York during the gap period
				Total	(4,054.09)		
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: March 1, 2022

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

SUBJECT: Applications for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

INFORMATION CONTACT:

Nancy T. Freeman, Tax Administrator
(919) 245-2735

PURPOSE: To consider three untimely applications for exemption/exclusion from ad valorem taxation for three bills for the 2021 tax year.

BACKGROUND: North Carolina General Statutes (NCGS) typically require applications for exemption to be filed during the listing period, which is usually during the month of January. Applications for Elderly/Disabled Exclusion, Circuit Breaker Tax Deferment and Disabled Veteran Exclusion should be filed by June 1st of the tax year for which the benefit is requested. NCGS 105-282.1(a1) does allow some discretion. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this provision applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

Two 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 exemption based on NCGS 105-278.6 (8), which allows an exemption of a nonprofit organization providing housing for individuals or families with low or moderate incomes.

Including these three (3) applications, the Board will have considered a total of thirty-one (31) untimely applications for exemption of 2021 taxes since the 2021 Board of Equalization and Review adjourned on September 1, 2021. Taxpayers may submit an untimely application for exemption of 2021 taxes to the Board of Commissioners through December 31, 2021.

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

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of the exemption application will result in a reduction of FY 2021/2022 taxes due to the County, municipalities, and special districts in the amount of \$5,339.55.

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

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

RECOMMENDATION(S): The Manager recommends that the Board approve the attached resolution for the above-listed applications for FY 2021/2022 exemption.

NORTH CAROLINA

RES-2022-010

ORANGE COUNTY

EXEMPTION/EXCLUSION RESOLUTION

Whereas, North Carolina General Statutes 105-282.1 empowers the Board of County Commissioners to approve applications for exemption after the close of the listing period, and

Whereas, good cause has been shown as evidenced by the information packet provided, and

Whereas, the Tax Administrator has determined that the applicants could have been approved for 2021 had applications been timely.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF ORANGE COUNTY THAT the properties applying for exemption for 2021 are so approved as exempt.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business meeting of said Board held on _____ said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this ____ day of _____, 2022.

Clerk to the Board of Commissioners

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

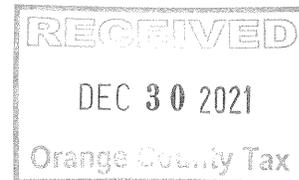
**BOCC REPORT - REAL/PERSONAL
LATE EXEMPTION/ EXCLUSION
MARCH 1, 2022**

NAME	ACCOUNT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
McCarron, Kathleen	291414	2021	245,800	122,900	(1,727.60)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Russell-Williams, Tammy	3183270	2021	76,300	38,150	(536.27)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Weaver Community Housing Association	987955	2021	191,500	0	(3,075.68)	Late application General Statute 105-278.6 (low or moderate income housing)
					(5,339.55)	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.

January 12, 2022 thru February 9, 2022



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

Date: 12/30/21

To Whom It May Concern:

I, (PRINT NAME) Kathleen McCarron,
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2021 and forward
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9863679650.

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.

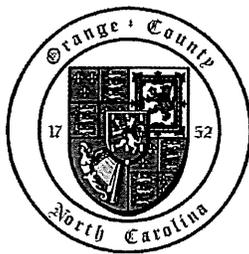
Please explain:

I was unaware of the audit and the form that needed to be returned so I missed the
deadline to return the form

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

Thank you,

Kathleen McCarron
(Signature)



FILED

DEC 28 2021

ORANGE COUNTY
TAX ADMINISTRATION

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

Date: 12-28-2021

To Whom It May Concern:

I, (PRINT NAME) TAMMY LYNETTE RUSSELL - WILLIAMSON,
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2021
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9864996860.

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:

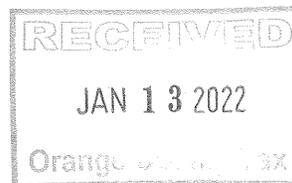
CAN'T AFFORD TAXES

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

Was on Program Before

Thank you,

Tammy L. Russell-Williamson
(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: 1/14/22

To Whom It May Concern:

I, (PRINT NAME) WEAVER COMMONITY HOUSING ASSOCIATION, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2021 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9778787640.001.

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:

When we purchased this property in 2020, there was a period of transition in the Treasurer position for us as the paperwork was not filled out.

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

Thank you,

[Signature]
Signature

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 1, 2022

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

SUBJECT: Approval of Revisions to Orange County Voluntary Farmland Protection Program Ordinance (Code of Ordinances Chapter 48) and Boundary Adjustment for the New Hope Voluntary Agricultural District

DEPARTMENT: Environment, Agriculture, Parks and Recreation (DEAPR)

ATTACHMENT(S):

- 1) Ordinance With Proposed Revisions
- 2) Maps Showing Proposed District Boundary Adjustment

INFORMATION CONTACT:

Peter Sandbeck, (919) 245-2517
Jessica Perrin, (919) 245-2753

PURPOSE: To:

- 1) approve minor technical adjustments to the language in the Orange County Voluntary Farmland Protection Program Ordinance (Chapter 48, Orange County Code of Ordinances) to update the Ordinance to make it consistent with revisions made by the North Carolina General Assembly in 2021; and
- 2) approve an adjustment to the boundary line of the New Hope Voluntary Agricultural District.

BACKGROUND: Orange County's Voluntary Farmland Protection Program provides a range of benefits to encourage the preservation and viability of the County's farms. Authority for this program was established by the State in 1985 (North Carolina General Statutes 106-735 to 106-744). In 1992, the County adopted its own ordinance (Chapter 48 – Voluntary Farmland Preservation Program) to help encourage the County's farm owners to protect their farm operations through a program of short-term voluntary conservation agreements. Farms enrolled in the program enjoy certain benefits and protections as allowed by State law. To date, 138 farms have enrolled in the Voluntary Agricultural District (VAD) program, totaling 16,845 acres within the seven districts comprising the non-urban portions of the County. The Agricultural Preservation Board oversees this program.

In 2021, the North Carolina General Assembly amended the underlying General Statutes for the program to clarify certain program definitions and requirements needed to qualify for the program. DEAPR staff collaborated with the County Attorney's Office to incorporate these revisions into existing Ordinance, last updated in 2015. The Agricultural Preservation Board voted unanimously at its regular meeting on January 19, 2022, to recommend the approval of these technical changes to the County's Voluntary Farmland Protection Program ordinance. The proposed changes will bring the Ordinance and program into alignment with the revised State legislation.

A minor technical adjustment is also proposed to the boundary line of the New Hope Voluntary Agricultural District, which is one of the County's seven existing Voluntary Agricultural Districts. This is necessary because the original boundary lines, drawn in 1992, inadvertently excluded several parcels of eligible farmland located outside of the Hillsborough extra-territorial jurisdiction (ETJ), near the Eno River, and just north of the junction of I-40 and I-85. The attached maps show this as follows: 1) the existing boundary southwest of Hillsborough; 2) the proposed boundary adjustment; and 3) a detailed map showing exactly where the line is proposed for relocation. The Agricultural Preservation Board voted unanimously at its regular meeting on January 19, 2022, to recommend the approval of the new map showing the boundary adjustment.

FINANCIAL IMPACT: There is no financial impact associated with this item. Voluntary Agricultural Districts are non-monetary and non-binding conservation agreements. Enhanced Voluntary Agricultural Districts are non-monetary and are binding 10-year conservation agreements.

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.

The Voluntary Farmland Preservation Program conserves, protects and encourages the preservation and improvement of agricultural land within the County boundaries as a critical component of the County's cultural and rural character and its economy. It provides a way for owners of farms ranging from one acre to hundreds of acres to protect their active farmland from development through a program of voluntary conservation easements, thus helping farm owners keep their land in active production of food, fiber and other products, thereby enhancing the availability of local farm produce to all residents.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impact is applicable to this item:

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**

Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

The Voluntary Farmland Protection Program is a land conservation program that allows farm owners to keep their land in active production in agriculture, horticulture and/or forestry. Farms enrolled in this program are protected from various forms of development, thereby preserving the County's soil and water resources, reducing storm water runoff, enhancing wildlife habitat and preserving the scenic and historic vistas that have defined the County's rural character.

RECOMMENDATION(S): The Manager recommends that the Board adopt the proposed language adjustments to the County's Voluntary Farmland Protection Program ordinance (Chapter 48, Orange County Code of Ordinances) and approve the boundary adjustment for the New Hope Voluntary Agricultural District.

Attachment 1: Revisions to Voluntary Farmland Protection Program OrdinanceChapter 48 - VOLUNTARY FARMLAND PRESERVATION PROGRAM¹¹

Footnotes:

--- (1) ---

Editor's note—Ord. of June 23, 2005, revised the former Ch. 48, §§ 48-1—48-12, and enacted a new Ch. 48 as set out herein. The former Ch. 48 pertained to similar subject matter and derived from Ord. of Mar. 24, 1992, §§ I—XII, eff. Apr. 1, 1992; Ord. of Sept. 22, 1992; Ord. of Feb. 22, 1993; Ord. of May 24, 1993; Ord. of June 1, 1999, §§ III—V, VII; Ord. of Apr. 17, 2000.

Cross reference— Businesses, ch. 8; planning and development, ch. 30.

State Law reference— Farmland Preservation Enabling Act, G.S. 106-735 et seq.

Sec. 48-1. - Title.

An ordinance of the Board of County Commissioners of Orange County, North Carolina, entitled, "Voluntary Farmland Protection Ordinance."

(Ord. of 03-24-1992, Art. I, eff. 04-01-1992)

Sec. 48-2. - Authority.

The articles and sections of this ordinance are adopted pursuant to authority conferred by the N.C. Gen. Stat. §§ 106-735 through 106-744 and Chapter 153A.

(Ord. of 03-24-1992, Art. II, eff. 04-01-1992)

Sec. 48-3. - Purpose.

Through its plans, ordinances and other programs, it is the expressed policy of Orange County to conserve, protect and encourage the preservation and improvement of agricultural land within the County boundaries as a critical component of the County's cultural and rural character and its economy by virtue of the production of food, fiber and other products. The purpose of this Ordinance is to reduce the loss of productive and existing farmland by promoting agricultural values and the general welfare of the County, recognize the existence of important farmlands by seeking to ~~minimize risks~~decrease the likelihood of legal disputes such as nuisance ~~suits~~actions that arise from the onset of other land uses, encourage participation in voluntary programs to preserve and protect farmland from non-farm development and increase identity and awareness of the agricultural community, and its role in the economic and cultural quality of life for all County residents.

(Ord. of 03-24-1992, Art. III, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005)

Sec. 48-4. - Definitions.

The following are defined for purposes of this Ordinance:

Agricultural district: Voluntary Agricultural District and Enhanced Voluntary Agricultural District.

Board: Orange County Agricultural Preservation Board.

Board of commissioners: Orange County Board of Commissioners.

Certified qualifying farm: A farm that has met the criteria as a "qualifying farm" above, and has executed the provisions of subsection 48-7(a), including the conservation agreement as specified herein.

Chair: Chairperson of the Orange County Agricultural Preservation Board.

District: Voluntary Agricultural District as established by this Ordinance.

Enhanced district: Enhanced Voluntary Agricultural District as established by this ordinance.

Qualifying farm: A farm that has met the qualification criteria set out in section 48-7 of this ordinance, is certified for the Voluntary or Enhanced Voluntary Agricultural District Program.

(Ord. of 03-24-1992, Art. IV, eff. 04-01-1992; Amend. of 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-5. - Agricultural preservation board.

(a) *Creation.* An Orange County Agricultural Preservation Board, consisting of seven initial members appointed by the Board of County Commissioners, is hereby established. The Agricultural Preservation Board shall consist of up to eight at-large members plus one member from each Agricultural District Region created and existing under this Ordinance, with members selected from Certified Qualifying Farms within Voluntary and Enhanced Voluntary Agricultural Districts, appointed by the Board of County Commissioners. Additional appointments may be made to satisfy the requirements of subsection 48-5(b)(1)(b) of this Ordinance. In addition to the requirements of this Ordinance and applicable North Carolina General Statutes the Board is and shall remain subject to the requirements of the Orange County Board of Commissioners Advisory Board Policy and the Agricultural Preservation Board Policies and Procedures. In the event of a conflict between the terms of this Ordinance and said policies the terms of said policies shall control.

(b) *Membership.*

(1) Requirements.

- a. Each Board member shall be a resident of Orange County.
- b. Each Agricultural District existing pursuant to this ordinance shall be represented on the Board by a person owning farmland on a Certified Qualifying Farm within the Agricultural District. The Board of County Commissioners shall appoint the Agricultural District representatives and shall make its selection of a representative for each Agricultural District from among Certified Qualifying Farms within the Agricultural District.
- c. The remaining members of the Board shall be appointed at-large by the Board of County Commissioners to represent a broad range of agricultural interests.
- d. Additional members may be appointed to the Board in an ex officio capacity from the Soil and Water Conservation District Board, North Carolina Cooperative Extension, the U.S. Farm Service Agency, or other agencies, as deemed necessary by the Board of County Commissioners. Members serving in an ex officio capacity shall neither vote nor count toward quorum requirements.

e. The members of the Board shall be chosen to provide the broadest possible representation of the geographical regions of the local government and to represent, to the extent possible, all segments of agricultural production existing within the local government. A majority of the members of the Board shall be actively engaged in agriculture.

(2) *Tenure.* Each member shall serve a term of three years, except that the initial Board is to consist of two appointees for terms of two years, two appointees for terms of three years, and three

appointees for terms of four years. Thereafter, all appointments are to be for terms of three years, with reappointments permitted. Notwithstanding the term limits contained in this section, Agricultural District representatives may be appointed and re-appointed as necessary to insure that each Agricultural District is represented as provided in subsection 48-5(b)(1)b of this Ordinance.

- (3) Vacancies. Any vacancy on the Board is to be filled for the remainder of the unexpired term.
- (c) *Removal.* Any member of the Advisory Board may be removed by the Board of Commissioners upon a two-thirds vote of the Commissioners. No cause for removal shall be required. The Board may recommend that members not meeting attendance standards be removed by the Board of Commissioners. If an appointee, in any calendar year has absences which constitute more than 25 percent of the regularly scheduled Board meetings or three consecutive meetings, whichever comes first, which he or she is required to attend, he or she is obligated to resign. The Board of Commissioners may consider extenuating circumstances. If the individual refuses to resign, he or she may be removed by action of the Board of County Commissioners, by a majority vote, subject to state or local law. A leave of absence may be granted for extraordinary circumstances, such as illness or personal circumstances, upon request to the Board of Commissioners.
- (d) *Board procedure.* The Board shall develop procedures for the conduct of its meetings, in addition to those listed here, which shall be consistent with this Ordinance, other provisions of State law, and Robert's Rules of Order.
 - (1) Chair and Vice-Chair. The Board shall elect a Chair and Vice-Chair each year at its February meeting. The Chair shall preside over all regular or special meetings of the Board. In the absence or disability of the Chair, the Vice-chair shall preside and shall exercise all the powers of the Chair. Additional officers may be elected as needed. The Chair and Vice-Chair shall serve terms of one year and shall be eligible for re-election. Both may be eligible to succeed themselves for three terms.
 - (2) Advisory Board Year. The Board shall use the Orange County fiscal year as its meeting year.
 - (3) Meetings.
 - a. Regular meetings of the Board shall be held on the third Wednesday of each month at a time established by the Board. When the regular meeting day falls on a legal holiday, the Board may call a special meeting.
 - b. Special meetings may be called by the Chair or by written request of two members of the Board, submitted to the Board or the Chair. Written or oral notice of special meetings shall be given to all members at least 48 hours prior to the meeting and shall state the time, place and purpose of the meeting.
 - c. All meetings shall be open to the public.
 - (4) Quorum and Majority Vote. A quorum of the Board shall consist of a majority of the appointed members of the Board. All issues shall be decided by a majority vote of the members of the Board, except as otherwise stated herein or in the adopted Rules of Procedure.
 - (5) Records. The Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board and shall be a public record.
- (e) *Duties.* The Board shall have the authority to:
 - (1) Review and approve the form of the conservation agreement to sustain agriculture required in section 48-~~5-7~~ of this Ordinance;
 - (2) Review and approve applications for qualifying farmland certification and make recommendations concerning the establishment and modification of Agricultural Districts and participating farms therein as defined in this Ordinance;

- (3) Review and make recommendations concerning proposed amendments to this Ordinance;
- (4) Conduct public hearings;
- (5) Hold joint public hearings with the Orange County Board of Commissioners on public projects likely to have an impact on agricultural operations within Orange County;
- (6) Advise the Board of County Commissioners on projects, programs or issues affecting the agricultural economy or activities within the County and that will affect Agricultural Districts;
- (7) Study additional methods of farmland preservation and make recommendations to the Orange County Board of Commissioners; and
- (8) Perform other related tasks or duties assigned by the Orange County Board of County Commissioners; and
- (9) Provide recommendations and input on modifications to the Orange County Agricultural Development and Farmland Protection Plan, as defined in N.C. Gen. Stat. § 106-744 (e)(1) and the County's Lands Legacy Program, for presentation to the Board of Commissioners.

(Ord. of 03-24-1992, Art. V, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010; Res. No. 2015-064, Att., 12-7-2015, eff. 12-7-2015)

Sec. 48-6. - Creation of voluntary agricultural districts and enhanced voluntary agricultural districts.

- (a) *Regions.* Orange County is hereby divided into seven Agricultural District Regions that will become effective upon implementation as provided in this Section. The boundaries of each Region are identified as follows and are depicted on the map which is Exhibit A to this Ordinance:
 - (1) Cedar Grove,
 - (2) High Rock/Efland,
 - (3) Cane Creek/Buckhorn,
 - (4) White Cross,
 - (5) New Hope,
 - (6) Schley/Eno,
 - (7) Caldwell.
- (b) *Implementation.*
 - (1) In order to implement the purposes stated in Section 48-3, this program provides for the creation of Voluntary Agricultural Districts that meet the following standard:
 - (2) The District or Enhanced District shall consist of a minimum of one or more Certified Qualifying Farms.
 - (3) Farmland that does not meet the minimum acreage requirement to be certified but that meets all other certification qualifications may be added to an existing District or Enhanced District upon execution by the owner and the recording of a conservation agreement between the County and the owner.
 - (4) All land enrolled in a Region, defined in Section 48-6(a), above, shall be part of a single district, whether enrolled in the District or the Enhanced District. If a single farm has acreage in two or more regions, the farm shall participate in the district where the largest acreage is found. All land in a region as defined in Section 48-6(a), above, shall be treated as a single district whether enrolled in the District or the Enhanced District.

- (c) *Education.* The County may take such action as it deems appropriate through the Board or other entities or individuals to encourage the formation of the Districts or the Enhanced Districts and to further their purposes and objectives, including the implementation of public information programs to reasonably inform landowners of the agricultural district program.
- (d) *Addition and withdrawal.*
- (1) Qualifying farmland in a Region shall be added to the Agricultural District as provided in this Ordinance.
 - (2) In the event that one or more Certified Qualifying Farms in the Agricultural District withdraws and the acreage in the District or Enhanced District becomes less than the minimum acreage required or results in the remaining land being noncontiguous, any Agricultural District will continue to exist so long as there is one Certified Qualifying Farm in the Agricultural District.

(Ord. of 03-24-1992, Art. VI, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-7. - Certification and qualification of farmland.

Requirements. To secure County certification as qualifying farmland (Certified Qualifying Farm), a farm must be real property that meets the following requirements:

- (1) Be located in the unincorporated area of Orange County;
- (2) ~~Be engaged in agriculture as that word is defined in NC. Gen Stat. § 106-581.1; Be used for bona fide farm purposes, as that term is defined in G.S. 106-743.4(a) and G.S. 160D-903;~~
- (3) ~~Be in accordance with the minimum size requirements, which are as follows:~~
 - ~~(a) Consist of at least (i) one contiguous acre of land in production for horticultural or agricultural purposes; or (ii) at least twenty total acres of land under management for forestry;~~
 - ~~(b) In the event that a landowner has multiple tracts of qualifying farmland that are eligible, and those tracts are located within one mile or less of each other, then they may comprise a Voluntary Agricultural District.~~
- ~~(3) Be certified by the Natural Resources Conservation Service of the United States Department of Agriculture as being a farm on which at least two-thirds of the land is composed of soils that are best suited for providing food, seed, fiber, forage, timber, forestry products, horticultural crops and oil seed crops;~~
- (4) Be managed in accordance with the Natural Resources Conservation Service and N.C. Division of Soil and Water Conservation Service defined erosion-control practices and have a current conservation farm plan and/or forestry management plan associated with the current usages and owner; and
- (5) Be the subject of a conservation agreement, as defined in N.C. Gen. Stat. § 121-35, between the County and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable County zoning and subdivision regulations.

(Ord. of 03-24-1992, Art. VII, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010; Amend. of 6-2-2015, eff. 6-2-2015)

Sec. 48-8. - Application, approval, and appeal procedure.

- (a) *Application and certification procedures.* A farmland owner may apply for either certification as qualifying farmland or for qualifying farmland designation. For a farmland owner to receive the benefits provided by this Ordinance, the farm must be certified as qualifying farmland (Certified Qualifying Farm) by the Board and approved and designated as a Voluntary or Enhanced Voluntary Agricultural District by the Board of Commissioners.
- (1) Applications for qualifying farmland certification shall be made to the County Department of Environment, Agriculture, Parks and Recreation on forms provided by the Department.
 - (2) The Department of Environment, Agriculture, Parks and Recreation shall review each application for completeness. When complete, the application shall be forwarded to:
 - a. ~~___The tax supervisor's office;The Tax Administration- Land Records GIS Division;~~ and
 - b. The local office of the Natural Resources Conservation Service of the United States Department of Agriculture.
- The Department of Environment, Agriculture, Parks and Recreation shall submit the application along with ~~the findings of supporting information from~~ the Tax Administration Department – Land Records GIS Division and the Natural Resources Conservation Service of the United States Department of Agriculture to the Board ~~at its first regular meeting after expiration of the 30 day period specified in this subsection (a)(2) or any extension thereof.~~
- (3) The Board shall render a decision within 60 days of the meeting at which the application and ~~findings supporting information of the Tax Administration Department and the Natural Resources Conservation Service of the United States Department of Agriculture~~ were presented for consideration. If applicable, the Board shall prepare a recommendation to the Board of County Commissioners regarding the establishment of a Voluntary or Enhanced Voluntary Agricultural District ~~within 60 days of the meeting.~~
 - (4) Upon receipt of the recommendation of the Board, the Board of Commissioners may consider establishment of a Voluntary or Enhanced Voluntary Agricultural District. ~~In deciding whether to establish an Agricultural District, the Board of Commissioners shall consider the findings of the tax supervisor and Natural Resources Conservation Service offices as well as the recommendation of the Board.~~
 - (5) Upon approval by the Board of Commissioners, the establishment of a Voluntary or Enhanced Voluntary Agricultural District shall become effective upon ~~recordation-execution~~ of the necessary conservation agreements, prepared in accordance with section 48-7, subsection 48-7(a)(5), executed by the landowner and the county, ~~and Enhanced Voluntary Agricultural District agreements shall be~~ recorded in the County register of deeds as provided in N.C. Gen. Stat. § 121-41.
 - (6) Upon ~~recordation-execution~~ of the ~~requisite number of~~ conservation agreement(s), the Department of Environment, Agriculture, Parks and Recreation will notify the Tax Administration Department – Land Records GIS Division of the Agricultural District established. The Agricultural District and each requisite conservation agreement will be identified on the County GIS.
- (b) *Appeal.* If an application is denied by the Agricultural Preservation Board, the landowner may, within 15 days of notification of disapproval of the application, request in writing that the Agricultural Preservation Board reconsider its decision. The request for reconsideration shall state the reason(s) therefore. Upon either an initial denial, if no request for reconsideration was made, or denial after reconsideration, the landowner shall have 30 days from the date of notification to appeal the decision to the Board of County Commissioners. Such appeal shall be presented in writing. The decision of the Board of County Commissioners is final.

(Ord. of 03-24-1992, Art. VIII, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-9. - Revocation and renewal of conservation agreement.

- (a) *Revocation.* By written notice to the Board, a landowner of qualifying farmland may revoke the Conservation Agreement or the Board may revoke the same Conservation Agreement based on noncompliance by the landowner, subject to the same provisions as contained in Section 48-8 for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in an Agricultural District. Absent noncompliance by the landowner, neither the Board nor the Board of Commissioners shall revoke any conservation agreements prior to its expiration.
- (b) *Renewal.*
- (1) *District.* A Conservation Agreement for land with a Voluntary Agricultural District shall be automatically renewed unless that landowner(s) provides 30-day written notice to the Agricultural Preservation Board of intent not to renew. Absent noncompliance by the landowner, neither the Agricultural Preservation Board nor the Board of County Commissioners shall fail to renew any Conservation Agreement unless this Ordinance or its authorizing legislation has been repealed.
 - (2) *Enhanced District.* A Conservation Agreement for land within a Voluntary Agricultural District shall be automatically renewed for an additional term of ten years unless either the Agricultural Preservation Board or the landowner(s) gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each ten-year term, the Conservation Agreement shall automatically renew for an additional ten-year term unless notice of termination is given.

(Ord. of 03-24-1992, Art. IX, eff. 04-01-1992; Amend. of 04-20-2010, eff. 04-20-2010; Amend. of 6-4-2013, eff. 6-4-2013)

Sec. 48-10. - Additional enhanced agricultural district benefits.

Land enrolled in the Enhanced Voluntary Agricultural District program is entitled to all of the benefits available under the Voluntary Agricultural District program, and to the following additional benefits:

- (a) *Sale of non-farm products.* Landowners participating in Enhanced Districts may receive up to 25 percent of gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from County zoning regulations under N.C. Gen. Stat. § 153A-340(b). A farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of nonfarm products did not exceed 25 percent of its gross sales.
- (b) *Agricultural cost share program* Landowners participating in Enhanced Districts are eligible under N.C. Gen. Stat. § 143-215.74(b) to receive the higher percentage of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program established pursuant to Part 9 of Article 21 of Chapter 143 of the General Statutes for funds to benefit that farmland.
- (c) *Priority consideration.* State departments, institutions, or agencies that award grants to farmers are encouraged to give priority consideration to landowners participating in Enhanced Districts.
- (d) *Utility assessment waiver.* As provided in Section 48-19 below, waiver of all County utility assessments in addition to waiver of water and sewer assessments is available to all participants in Enhanced Districts.

(Ord. of 03-24-1992, Art. X, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-11. - Public hearings.

- (a) *Purpose.* Pursuant to N.C. Gen. Stat. § 106-740, no State or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within an Agricultural District until such agency or unit has requested the Board to hold a public hearing on the proposed condemnation.
- (b) *Procedure.*
- (1) Upon receiving a request, the Board shall publish notice describing the proposed action in the appropriate newspapers of Orange County within five business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within ten days of receipt of the request.
 - (2) The Board shall meet to review:
 - a. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
 - b. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the Agricultural District within which the proposed action is to take place.
 - (3) The Board shall consult with the Department of Environment, Agriculture, Parks and Recreation, County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Board to be necessary for its review of the proposed action.
 - (4) Within five business days after the hearing, the Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
 - (5) There will be a period of ten days allowed for public comment on the report of the Board.
 - (6) After the ten-day period for public comment has expired, the Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.
 - (7) The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition, shall not exceed 30 days. If the agency agrees to an extension, the agency and the Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
 - (8) Pursuant to N.C. Gen. Stat. § 106-740, the Board of Commissioners shall not permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Board.

(Ord. of 03-24-1992, Art. XI, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-12. - Notification.

- (a) *Record notice of proximity to voluntary agricultural districts and enhanced voluntary agricultural districts.*
- (1) *Procedure.* The Orange County Tax Administration Department and the Register of Deeds shall implement and enforce the following requirements outlined in this section. Upon certification of qualifying farmland and designation of real property as an Agricultural District, the PIN History to that qualifying farmland and real property, which is contained in the Orange County Tax Administration Department and the Register of Deeds, shall be changed to include a notice

reasonably calculated to alert a person researching the title of a particular tract that is located within one-half aerial mile of a qualifying farm's property line in a Voluntary Agricultural District or an Enhanced Voluntary Agricultural District of the existence of that district.

- (2) *Limit of liability.* In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this ordinance.
 - (3) *No cause of action.* In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or voluntary agricultural district as defined in this Ordinance.
- (b) *Signage.* Signs identifying approved agricultural districts shall be placed along the rights-of-way of major roads that pass through or next to those districts. Additionally, signs shall be posted at the perimeter of qualifying farms that have executed the Conservation Agreement to participate in the Agricultural District. Placement of signage shall be coordinated with the N.C. Department of Transportation.
- (c) *Maps.* Maps identifying approved Voluntary Agricultural Districts and Enhanced Voluntary Agricultural Districts qualifying farms shall also be provided to the following agencies or offices:
- (1) Register of Deeds;
 - (2) U.S. Natural Resources Conservation Service/N.C. Soil and Water Conservation District;
 - (3) North Carolina Cooperative Extension Service;
 - (4) The Department of Environment, Agriculture, Parks and Recreation;
 - (5) Planning and Inspections Department; and
 - (6) Any other such agency or office the Board deems appropriate.

(Ord. of 03-24-1992, Art. XII, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-13. - Subdivision regulations and zoning ordinance review.

Developers of major subdivisions or planned unit developments shall designate on any final plats to be recorded the existence of the Agricultural Districts within one aerial mile(s) of the proposed development.

(Ord. of 03-24-1992, Art. XIII, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-14. - Waiver of water and sewer assessments.

- (a) *Abeyance.* Water and sewer assessments for systems owned or operated by Orange County shall be held in abeyance, without interest, for farms in an Agricultural District, until improvements on such property are connected to the water or sewer system for which the assessment was made.
- (b) *Termination of abeyance.* When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.
- (c) *Suspension of statute of limitations.* Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.
- (d) *Other statutory abeyance procedures* Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under N.C. Gen. Stat. § 153A-201, or other applicable law.

- (e) *Conflict with water and/or sewer system construction and improvements grants.* To the extent that this section conflicts with the terms of federal, state, or other grants under which county water and/or sewer systems are constructed this Section shall not apply.

(Ord. of 03-24-1992, Art. XIV, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-15. - County land use planning.

- (a) *Duty of the board.* It shall be the duty of the Board and the Department of Environment, Agriculture, Parks and Recreation to advise the Board of Commissioners on the status, progress, and activities of the county's Agricultural District program and to also coordinate the formation and maintenance of agricultural Districts with the County's comprehensive planning and elements of the County Comprehensive Plan.
- (b) *Posting of notice.* The following notice, of a size and form suitable for posting, shall be posted in the office of the Register of Deeds and may be posted in other County offices such as the vestibule of the West Campus Office Building.

Orange County has established Agricultural Districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the County to inform all purchasers of real property that certain agricultural and forestry activities, including standard agricultural practices that may occur in these districts in accord with Federal, State and local ordinances and laws. Maps and information on the location and establishment of these districts can be obtained from the Department of Environment, Agriculture, Parks and Recreation.

(Ord. of 03-24-1992, Art. XV, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-16. - Consultation authority.

The Board may consult with the Department of Environment, Agriculture, Parks and Recreation, the North Carolina Cooperative Extension Service, the Natural Resources Conservation Service office, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the Board deems necessary to properly conduct its business. The Department of Environment, Agriculture, Parks and Recreation is designated as the primary staff support to the Board.

(Ord. of 03-24-1992, Art. XVI, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-17. - North Carolina Agency Notification.

Annual Report to the North Carolina Department of Agriculture and Consumer Services

A copy of this Ordinance shall be sent to the Office of the North Carolina Commissioner of Agriculture and Consumer Services, the Board of Commissioners, the County Office of the North Carolina Cooperative Extension Service, and the Soil and Water Conservation District office after adoption. At least annually the County shall submit a written report to the Commissioner of Agriculture and Consumer Services on the County's agricultural district program, including the following information:

- (1) Number of ~~landowners~~ farms enrolled;
- (2) Number of acres enrolled;
- ~~(3) Number of acres certified during the reporting period;~~

~~(4) Number of acres denied during the reporting period;~~

~~(5) Number of acres for which applications are pending;~~

(36) Copies of any amendments to the ordinance; and

(47) Any other information the Advisory Board deems useful.

(Ord. of 03-24-1992, Art. XVII, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-18. - Legal provisions.

(a) *Severability*. If any article, section, subsection, clause, phrase, or portion of this ordinance is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(b) *Amendments*. This ordinance may be amended from time to time by the Board of Commissioners.

(Ord. of 03-24-1992, Art. XVIII, eff. 04-01-1992; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-19. - Purchase of agricultural conservation easements.

As provided in the N.C. Gen. Stat., § 106-744, and included in the County's Lands Legacy Program, Orange County may, with the voluntary consent of landowners, acquire by purchase agricultural conservation easements on qualifying farmland as defined in this ordinance and located within a Voluntary Agricultural District or Enhanced Voluntary Agricultural District as defined in this ordinance.

(Ord. of 03-24-1992, Art. XIX, eff. 04-01-1992; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 06-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-20. - Effective and adoption dates.

This ordinance shall be effective from and after April 1, 1992.

Duly adopted by the Board of Commissioners of the County of Orange, North Carolina, this 24th day of March, 1992.

(Ord. of 03-24-1992, Art. XX, eff. 04-01-1992; Amend. of 05-24-1993, eff. 05-24-1993; Amend. of 04-17-2000, eff. 04-17-2000; Amend. of 6-23-2005, eff. 06-23-2005; Amend. of 04-20-2010, eff. 04-20-2010)

Sec. 48-21. - Enactment.

The Orange County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance.

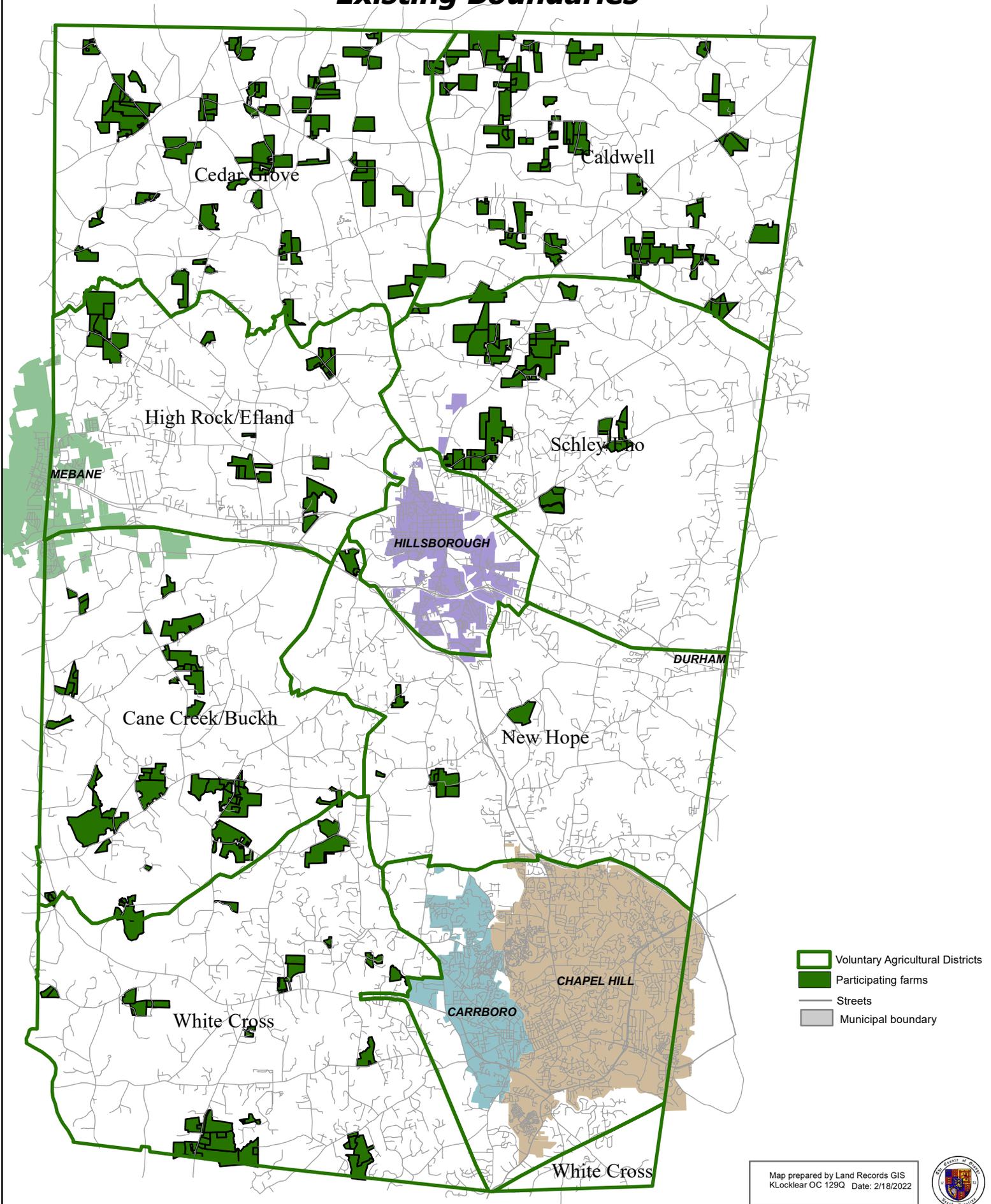
(Ord. of 03-24-1992, Art. XXI, eff. 04-01-1992)

Exhibit A

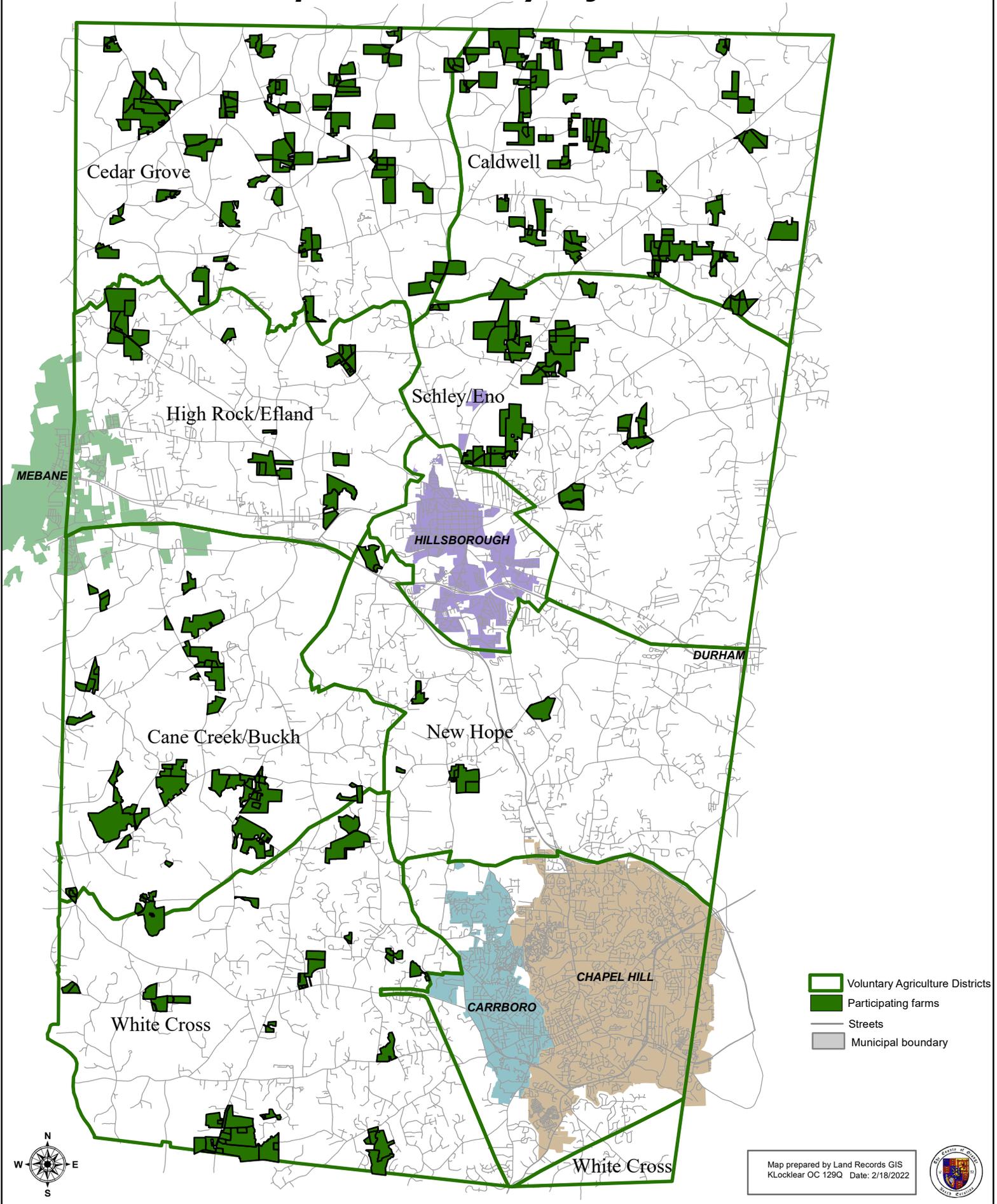
Agricultural District Regions Map

Editor's note— It should be noted the Exh. A referenced above is not set out at length herein, but is on file and available for inspection in the office of the Orange County Clerk.

Voluntary Agricultural Districts: Existing Boundaries



Voluntary Agricultural Districts: Proposed Boundary Adjustment



Voluntary Agricultural Districts: Proposed Boundary Adjustment

17

High Rock/Efland

HILLSBOROUGH

New Hope

-  Proposed VAD Boundary
-  Existing VAD Boundary
-  Participating farms
- Streets
-  Municipal boundary



Map prepared by Land Records GIS
KLocklear OC 129Q Date: 2/18/2022



**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 1, 2022

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

SUBJECT: Eno River Farmers' Market – License Agreement Renewal

DEPARTMENT: Environment, Agriculture,
Parks, & Recreation (DEAPR)

ATTACHMENT(S):
Proposed Three Year Renewal License
Agreement

INFORMATION CONTACT:
Travis Bogle, 919-245-2673

PURPOSE: To approve the renewal of a license agreement, for a period of three years, between Orange County and the Eno River Farmers Market (ERFM) for Saturday use of the David Price Farmers' Market Pavilion.

BACKGROUND: Orange County has allowed use of the Farmers' Market Pavilion at River Park by ERFM since 2009 via a License Agreement that provides for continual usage on Saturdays from 6:00 a.m. until 1:00 p.m. ERFM uses the Pavilion to operate a farmers' market on Saturdays, and the current license agreement is set to expire on March 31st of this year. Both parties are interested in renewing the License Agreement. The renewal agreement (attached) keeps the same terms as the current agreement in terms of use and payment.

The BOCC has previously approved the license agreements, and the current agreement renewal requires Board approval.

FINANCIAL IMPACT: The ERFM pays \$300 annually as a lump sum, payable within 30 days of execution of the License Agreement. Based on historical trends, the ERFM has minimal electricity usage during its hours of operation, and requires no other financial resources from the County. The ERFM cleans the pavilion after each use. County staff from DEAPR and Asset Management Services perform periodic maintenance on the facility.

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.

The ERFM allows local farmers, producers, and growers an avenue to present and sell their produce to local citizens of Orange County and tourists visiting the area. The David Price Farmers' Market Pavilion provides an affordable location for ERFM to continue serving the public.

ENVIRONMENTAL IMPACT: There is no specific Orange County Environmental Responsibility Goal impact associated with this item. The ERFM does promote local farms that grow organic fruits and vegetables that minimize chemicals and utilize growing systems to reduce the environmental impact to the local area.

RECOMMENDATION(S): The Manager recommends that the Board approve the License Agreement renewal as proposed, and authorize the Chair to sign the agreement.

North Carolina

Orange County

LICENSE AGREEMENT

This License Agreement is made effective as of this the 1st day of April, 2022 by and between the ENO RIVER FARMERS MARKET, INC., a North Carolina non-profit corporation having an address of PO Box 487, Hillsborough, NC 27278 (the “Market”) and ORANGE COUNTY, NORTH CAROLINA, a body politic and corporate, a political subdivision of the State of North Carolina, having an address of P.O. Box 8181, Hillsborough, North Carolina 27278 (the “County”).

WITNESSETH:

WHEREAS, in February 2008 the County approved the temporary administration and operation of a Farmers’ Market at the County owned Farmers’ Market Pavilion by the County; and

WHEREAS, the County directed at that time that its operation and administration of the Farmers’ Market be wholly replaced by an entity independent of the County as soon as practicable thereafter; and

WHEREAS, on January 14, 2009, the Market was organized in the State of North Carolina as an independent non-profit corporation by the filing of Articles of Incorporation with the North Carolina Secretary of State; and

WHEREAS, the Market assumed the administrative duties and operational responsibilities for the Farmers’ Market beginning in May of 2009; and

WHEREAS, the Market desires a license for the use of the County’s Farmers’ Market Pavilion for farmers’ markets subject to the terms of this License Agreement; and

WHEREAS, the County desires the Market to utilize the County’s Farmers’ Market Pavilion for farmers’ markets subject to the terms of this License Agreement.

NOW, THEREFORE, for good and valuable consideration, and subject to the terms and conditions hereinafter set forth, the County does hereby license unto the Market and Market does hereby accept as market of the county the use of the Farmers’ Market Pavilion as described more fully herein.

SECTION ONE

GRANT OF LICENSE: DESCRIPTION OF PREMISES AND HOURS OF OPERATION

The County hereby grants to the Market a license to occupy and use the County owned facility commonly known as the “Orange County Farmers’ Market Pavilion” (henceforth, “the Pavilion”) located in River Park at 140 East Margaret Lane, Hillsborough, North Carolina.

The Market shall be permitted hereby to occupy the Pavilion as follows:

(A) Every Saturday throughout the term of this Agreement during the hours of 6:00 AM-1:00 PM, including one Saturday each year designated as Hog Day, provided that the Market and the Hog Day Committee find a mutually agreeable arrangement that includes the ability to hold and conduct a market on that day at or in close proximity to the Pavilion location as shown in Exhibit “B”, attached. This arrangement shall be discussed, scheduled, and agreed upon by the Market and Hog Day Committee during the early planning stages of Hog Day by at least November 1st of the prior year and

(B) Up to three (3) additional days and times throughout the calendar year to serve such specialty and holiday markets on a “first come first served” basis, with initial opportunity for scheduling of Market events during the annual agreement discussion, as scheduled and pre-approved by the Director of Orange County Department of Environment, Agriculture, Parks and Recreation, or his/her designee; and

(C) In the event of a public emergency or unusual maintenance situation in which the Pavilion is needed for County use or maintenance during a time scheduled for Market use, the County may temporarily suspend the terms of this License Agreement without penalty to the County or the Market and without such suspension being deemed a breach of this License Agreement. The County will communicate planned maintenance at least 60 days prior to the project if possible, and make all efforts to schedule this maintenance on non-market days.

The County hereby agrees not to schedule other events at the Pavilion during the times and dates set forth in subsections A- B above. The County further agrees to make utilities (including power and water) available at the market house to be included in the license rate and to provide the market with access to the restrooms and water fountain located near the Pavilion during the times and days listed above, and for up to three special events sponsored by the market as described in Section One (B) above.

SECTION TWO

LIMITATION TO DESCRIBED PURPOSE

The Market shall utilize the Pavilion for the limited purpose of operating a farmers' market in the Pavilion. Any other use of the Pavilion must comply with all applicable federal, state and local laws and must be approved in writing by the County. Any such other use shall constitute an expansion subject to the terms set out in this Section Two.

It is intended that the Market may have limited use of the parking area surrounding the Pavilion. Such use shall in no way interfere with or restrict the operations of, nor the use of the parking area by the Orange County Sheriff. At the discretion of the County such use of the parking area shall be limited to the areas shown on Exhibit A, a map of the adjacent parking area, which is attached hereto.

Any expansion of the use of the Pavilion may only be approved through a written amendment to this License Agreement. Such written amendment must be signed by both Parties. All such expansions must comply with the Orange County Facilities Use Policy. Any unauthorized expansion may be immediately terminated by the County.

SECTION THREE

LUMP SUM PAYMENT

The Market shall pay County for this License at the rate of \$300.00 annually, for each year of the term of the Agreement, as a lump sum payable within 30 days of execution of this License Agreement.

SECTION FOUR

TERM & TERMINATION

This License Agreement shall be valid for a period of three (3) years beginning on April 1, 2022, and concluding on March 31, 2025.

Either party may terminate this License Agreement at any time, without regard to payment periods by giving written notice to the other specifying the date of termination. The County and the Market shall use their best efforts to provide the other party a minimum of thirty (30) days prior written notice of its intent to terminate this Agreement.

SECTION FIVE

MARKET CONTACT

The Market hereby provides the County with the contact information of two (2) individuals that the County may contact during the hours in which the farmers market is open to address any and all immediate issues that may arise in regard to this License Agreement. Notice by electronic mail shall be sufficient for purposes of this License Agreement. Any notice required by this License may be made by delivering said notice to both individuals listed below at either the physical or post office address provided or at the electronic mail address provided:

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Email: _____

Email: _____

SECTION SIX

CONDITION OF PAVILION & COMPENSATION FOR DAMAGE

The Market shall clear the Pavilion (including the restrooms) of all trash and debris at the end of each day in which the Market operates throughout the term of this License Agreement.

The Market agrees that it shall compensate the County for the cost of repairs (outside of normal wear and tear) to the Pavilion for damages directly attributed to its use of the Pavilion by the Market or by any vendor or client at the Market. Such damages shall be documented by the County, and an invoice for the repair work undertaken conveyed to the Market, with such invoice payable within 90 days of receipt.

SECTION SEVEN

INSURANCE

The Market shall obtain, at its sole expense, general liability insurance insuring against any and all losses at the Pavilion during the Market's use thereof. This policy shall provide coverage in the amount of no less than One Million Dollars (\$1,000,000). Insurance policies shall be endorsed (1) to show Orange County as additional insured, as their interests may appear, (2) to include the policy endorsement, and (3) to amend cancellation notice to show "thirty (30) days' notice of change or cancellation will be given to the Orange County Risk Manager by

certified mail”, pursuant to North Carolina law. Certificates of insurance shall be signed by a licensed North Carolina agent.

SECTION EIGHT

RELATIONSHIP OF PARTIES

It is expressly agreed and understood that this License Agreement shall not operate or be construed to create the relationship of landlord and tenant between County and Market whatsoever.

Neither the Market nor any employee of the Market shall be deemed an officer, employee or agent of the County.

SECTION NINE

INDEMNIFICATION

The Market agrees to defend, indemnify, and hold harmless the County, for all loss, liability, claims or expense (including reasonable attorney’s fees) arising from bodily injury, including death or property damage, to any person or persons caused in whole or in part by the negligence or misconduct of the Market, or any third party user of, or vendor at, the Pavilion during Market’s licensed use, except to the extent same are caused by the negligence or willful misconduct of the County.

It is the intent of this section to require the Market to indemnify the County to the extent permitted under North Carolina law.

SECTION TEN

MISCELLANEOUS

It is agreed that this Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of North Carolina.

Food trucks or other mobile dispensaries of food products shall have all appropriate licenses, inspections, and permits. Any such trucks without the requisite licenses, inspections and permits shall not be allowed on the premises until these requirements have been secured. Such food trucks or mobile dispensaries of food products shall be restricted to operating in the Parking location(s) set out in Exhibit A.

The Market shall not issue sublicenses for the use of the Pavilion. Any sublicense shall be void and any attempt to issue a sublicense shall constitute breach of this License Agreement.

A Market representative shall meet annually with the County Manager or County Manager’s designee to review this License Agreement, discuss the parties’ compliance therewith, review proposed special Market events as described in Section One (B), and discuss suggested modifications thereto.

This Agreement together with any amendments or modifications may be executed electronically. All electronic signatures affixed hereto evidence the consent of the Parties to utilize electronic signatures and the intent of the Parties to comply with Article 11A and Article 40 of North Carolina General Statute Chapter 66.

Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

By signing below, the representative of the Market warrants that he/she is authorized to execute this Agreement on behalf of the Market, and that he/she has obtained all authorizations, approvals, and resolutions from the Market that are necessary in order to duly bind the Market to this Agreement.

In witness whereof, each party to this agreement has caused it to be executed on the date first written above.

ENO RIVER FARMERS’ MARKET, INC.

ORANGE COUNTY

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: March 1, 2022

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

SUBJECT: 2022 Amendment to Interlocal Agreement with Towns of Chapel Hill and Carrboro Related to the Historic Rogers Road Area Private Sewer Service Lateral Connection Installations for Qualified Low-to-Moderate-Income (LMI) Homeowners – Cost Share

DEPARTMENT: Planning & Inspections

ATTACHMENTS:

1. Proposed 2022 Amendment to Interlocal Agreement for Approval Consideration
(amendments are highlighted in yellow)

INFORMATION CONTACT:

Craig Benedict, Planning Director,
919-245-2592
Christopher Sandt, Staff Engineer,
919-245-2583

PURPOSE: To consider approval of a proposed 2022 amendment to an existing Interlocal Agreement between Orange County, the Town of Chapel Hill, and the Town of Carrboro to jointly fund the costs of private sewer service lateral connection installations for qualified Low-to-Moderate-Income (LMI) homeowners in the Historic Rogers Road sewer service area. The proposed 2022 amendment primarily relates to adding preamble language to the previously amended 2020 Interlocal Agreement to expand the potential number of Historic Rogers Road Area properties that may be eligible to receive public financial support to cover the capital costs of private sewer lateral connections.

BACKGROUND: The recently constructed Historic Rogers Road Area gravity sewer system is a public system owned by Orange County and operated by the Orange Water and Sewer Authority (OWASA). The general contractor for the sewer expansion project installed approximately 108 sewer service stub-outs/clean-outs to lots within the Historic Rogers Road sewer service area. The design and construction of the Historic Rogers Road Area gravity sewer system was initiated based on the recommendations contained within the Historic Rogers Road Neighborhood Task Force Final Report dated September 17, 2013. The 67-page Report is available on-line at <https://www.townofchapelhill.org/home/showdocument?id=25341>. The costs associated with the design and construction of the gravity sewer system were shared between Orange County, the Town of Chapel Hill, and the Town of Carrboro as specified in an Interlocal Agreement entered into on December 13, 2016.

Orange County, in partnership with the Towns of Chapel Hill and Carrboro, will be providing joint funding to cover the costs of private sewer service lateral connection installations, septic tank abandonments and payments of OWASA sewer system development fees for qualified LMI homeowners of existing dwellings located on Heritage Lots within the Historic Rogers Road sewer service area. The costs associated with private sewer service lateral connection installations for qualified LMI homeowners were shared between Orange County, the Town of

Chapel Hill, and the Town of Carrboro as specified in a separate Interlocal Agreement entered into on July 1, 2019.

The sewer lateral connection installation cost-share Interlocal Agreement was amended in 2020 to incorporate minor revisions based on a joint collaborative review effort by the Rogers Road Staff Working Group. The 2020 amendment to the Interlocal Agreement was entered into on June 4, 2020, subsequent to previous reviews and approvals by the BOCC and the Towns' respective Councils.

To date, eight (8) new sewer service lateral connections have been installed for qualified LMI homeowners using the funding mechanism established under the cost-share Interlocal Agreement. Orange County, the Town of Chapel Hill, and the Town of Carrboro intend to continue this initiative by extending the timeline of the current cost-share Interlocal Agreement.

The proposed 2022 amendment to the Interlocal Agreement (Attachment 1) will nullify and replace the previously amended 2020 Interlocal Agreement that was executed on June 4, 2020. The overall cost share percentages within the Interlocal Agreement will remain unchanged (i.e. 14% Carrboro, 43% Chapel Hill, 43% Orange County). The proposed 2022 amendment to the Interlocal Agreement is identical to the previously amended 2020 Interlocal Agreement that was executed on June 4, 2020, with the exception of the following items:

1. Additional WHEREAS clauses have been incorporated to accommodate the amendment;
2. A reference to the appropriate Orange County Capital Investment Plan (CIP) account (#10054) has been added;
3. The TERM AND TERMINATION date has been extended from June 30, 2023 to June 30, 2025.

The proposed amendments are highlighted in yellow within Attachment 1. Town of Carrboro staff is presenting the 2022 amendment to the Interlocal Agreement for review and approval by Town Council at the March 8, 2022 Town Council Meeting. Town of Chapel Hill staff is presenting the 2022 amendment to the Interlocal Agreement for review and approval by the Town Council at the March 9, 2022 Town Council Meeting. The 2022 amendment to the Interlocal Agreement will be executed by all three parties subsequent to collective approvals by the BOCC, Carrboro Town Council, and Chapel Hill Town Council.

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: The following Orange County Environmental Responsibility Goal impacts are applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**

Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**

Access and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gasses.

This proposed 2022 amendment to the Interlocal Agreement to jointly fund the costs of private sewer service lateral connection installations for qualified Low-to-Moderate-Income (LMI) homeowners in the Historic Rogers Road sewer service area will encourage homeowners to move forward with connecting to the public sewer system, thereby reducing the use of both failing and functioning private septic systems which could potentially have impacts on the groundwater and other community natural resources.

FINANCIAL IMPACT: There is adequate existing Planning & Inspections staff and Housing & Community Development staff to complete the responsibilities enumerated in the proposed 2022 amendment to the Interlocal Agreement (Attachment 1). The installation of private sewer service lateral connections will occur over the next three years (2022, 2023, 2024), commencing upon the adoption of the proposed amendment to the Interlocal Agreement and upon the solicitation of competitive bids from qualified licensed plumbers to complete the private sewer service lateral connection installation work. Orange County has budgeted funds in the associated Capital Investment Plan (CIP #10054) to fund this program, with the expectation of reimbursement by the Towns, as detailed in the Interlocal Agreement. If Planning & Inspections staff determines that the costs of private sewer service lateral connection installations for LMI-qualified Heritage Lot homeowners may exceed the allocated budget, the staff will present a CIP amendment to the BOCC for consideration.

RECOMMENDATIONS: The Manager recommends the Board:

- 1) Review and approve the proposed 2022 amendment to the Interlocal Agreement (Attachment 1) and authorize the County Manager and Finance Director to sign; and
- 2) Direct staff to move forward with implementation by completing the responsibilities listed in Article 4 of the proposed 2022 amendment to the Interlocal Agreement contained in Attachment 1.

**NORTH CAROLINA
ORANGE COUNTY**

2022 REVISED INTERLOCAL AGREEMENT BETWEEN AND AMONG ORANGE COUNTY AND THE TOWNS OF CARRBORO AND CHAPEL HILL REGARDING THE REIMBURSEMENT OF COSTS FOR INSTALLATION OF PRIVATE SEWER SERVICE LATERAL CONNECTIONS FOR LOW-TO-MODERATE INCOME HOMEOWNERS OF HERITAGE LOTS WITH EXISTING DWELLINGS IN THE ROGERS ROAD SEWER PROJECT AREA

THIS 2022 REVISED INTERLOCAL AGREEMENT, made and entered into **this ___ day of March, 2022** between and among the Towns of Carrboro and Chapel Hill, both North Carolina municipal corporations (hereinafter jointly referred to as the “Towns”), and Orange County, a political subdivision of the State of North Carolina (hereinafter referred to as the “County”), for reimbursement to the County by the Towns for the County’s expenditures for the installation of private sewer service lateral connections for low-to-moderate income homeowners of Heritage Lots with existing dwellings in the Rogers Road Sewer Project Area (hereinafter referred to as “LMI Heritage Lot Households”). County and Towns may be referred to collectively as the “Parties”. This **2022 Revised Interlocal Agreement** supersedes and replaces the Interlocal Agreement between the Parties entered into as of July 1, 2019 **and the Revised Interlocal Agreement between the Parties entered into as of June 4, 2020.**

WITNESSETH

WHEREAS, the Parties entered into an Interlocal Agreement on July 1, 2019, hereinafter referred to as the “Original Agreement”; and

WHEREAS, the Parties entered into a Revised Interlocal Agreement on June 4, 2020, hereinafter referred to as the “2020 Revised Agreement”; and

WHEREAS, the Parties have determined that it is necessary to enter into a **2022 Revised Interlocal Agreement** to replace and supersede the Original Agreement **and the 2020 Revised Agreement**; and

WHEREAS, the County and Towns are public bodies, politic and/or corporate, under the laws of the State of North Carolina and are vested with the power and authority by Article 20 of North Carolina General Statute Chapter 160A to enter into this **2022 Revised Interlocal Agreement** (hereinafter referred to as the “Agreement”); and

WHEREAS, the Historic Rogers Road Neighborhood Task Force Report (dated September 13, 2013) identified 86 parcels in the Rogers Road Sewer Project Area as Heritage Lots, as defined and shown in exhibits therein; and

WHEREAS, representatives of the County and Towns have previously agreed in principle that the total number of Heritage Lots in the Rogers Road Sewer Project Area

has been reduced from 86 Heritage Lots to 84 Heritage Lots, due to lot configuration and engineering feasibility corrections that were completed subsequent to the release of the Historic Rogers Road Neighborhood Task Force Report; and

WHEREAS, representatives of the County and Towns have previously agreed in principle that 65 of the 84 Heritage Lots in the Rogers Road Sewer Project Area had existing dwellings located on the respective Heritage Lot parcels concurrent with the release date of the Historic Rogers Road Neighborhood Task Force Report (based on the evaluation of March 2013 aerial imagery), and have identified within Exhibit A herein the 65 “Heritage Lots With Pre-Existing Dwellings”; and

WHEREAS, the 65 Heritage Lots in the Rogers Road Sewer Project Area with existing dwelling units may have household income levels at or below 80% of the area median income as defined by U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, representatives of the County and Towns have previously agreed in principle to jointly fund the installation of private sewer service lateral connections for the 65 Heritage Lots with existing dwellings and with household income levels at or below 80% of the area median income (LMI Heritage Lot Households) to the public sewer system; and

WHEREAS, in 2022, representatives of the County and Towns have previously agreed in principle that there are “Potentially Serviceable Lots” as defined within Exhibit A herein that may have existing dwellings and may have household income levels or below 80% of the area median income as defined by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, in 2022, representatives of the County and the Towns have previously agreed in principle to jointly fund the installation of private sewer service lateral connections for “Potentially Serviceable Lots” with existing dwellings and with household income levels at or below 80% of the area median income (LMI Heritage Lot Households) to the public sewer system; and

WHEREAS, as defined in the following schedule, the timeline for joint funding coverage will begin after the execution of this Agreement by all Parties and upon the County’s receipt of a valid dated application from the LMI Heritage Lot Household: Year 1 and Year 2 (100% cost coverage); Year 3 (50% cost coverage); Year 4 and beyond (0% cost coverage); and

WHEREAS, representatives of the County and Towns have previously agreed in principle that the County will solicit competitive bids from licensed local plumbing contractors, and will select the lowest responsive and responsible bidder for the installation of private sewer service lateral connections for LMI Heritage Lot Households; and

WHEREAS, the County has pre-allocated \$220,000 as part of the Historic Rogers Road Area Capital Investment Program (CIP) #10054 for the installation of private sewer service lateral connections for LMI Heritage Lot Households wishing to connect, to be reimbursed by the Towns, in part, in accordance with this Agreement; and

WHEREAS, the County's expenditures for the installation of private sewer service lateral connections for LMI Heritage Lot Households will include the cost of installation by the lowest responsive and responsible bidder of the private sewer service lateral and associated appurtenances (i.e. from the existing sewer service stub-out at the property line to the household to be served), the cost of disconnecting and abandoning the existing septic system per County standards, the Orange Water and Sewer Authority (OWASA) sewer system development fee, and all other applicable fees; and

WHEREAS, the total number of LMI Heritage Lot Households wishing to connect within the specified three-year period for joint funding (i.e. Year 1, Year 2, Year 3) and the exact cost for each LMI Heritage Lot Household wishing to connect are unknown at this time due to the variable sizes of the dwellings to be served, the variable distances between the dwellings and the public sewer service stub-outs, and other specific characteristics of each lot; and

WHEREAS, representatives of the County and Towns have previously agreed in principle on an educated estimate of ten (10) LMI Heritage Lot Households wishing to connect within Town of Carrboro jurisdictional areas within the specified three-year period for joint funding (i.e. Year 1, Year 2, Year 3) and on an educated estimate of fifteen (15) LMI Heritage Lot Households wishing to connect within Town of Chapel Hill jurisdictional areas within the specified three-year period for joint funding (i.e. Year 1, Year 2, Year 3); and

WHEREAS, representatives of the County and Towns have previously agreed in principle that each LMI Heritage Lot Household wishing to connect within Year 1 and Year 2 following the execution of this Agreement will have an estimated 100% coverage joint funding cost of approximately \$8,800 per LMI Heritage Lot Household; and

WHEREAS, representatives of the County and Towns have previously agreed in principle that each LMI Heritage Lot Household wishing to connect within Year 3 following the execution of this Agreement will have an estimated 50% coverage joint funding cost of approximately \$4,400 per LMI Heritage Lot Household; and

WHEREAS, the County and Towns desire to formally establish the terms of the Towns' reimbursements to the County for the installation of private sewer service lateral connections for LMI Heritage Lot Households connections.

NOW, THEREFORE, in consideration of the foregoing and based on mutual promises and obligations set forth herein, the receipt and sufficiency of which is hereby acknowledged, the County and Towns agree as follows:

1. TERM AND TERMINATION

- a. This Agreement shall commence upon execution by all Parties and shall continue until all reimbursements are paid in full with such payment in full occurring no later than **June 30, 2025.**
- b. The Original Agreement is hereby superseded and replaced by this Agreement.
- c. The Town of Carrboro shall provide payment to the County up to 14% of the current total project estimate, or \$30,800, whichever is less, plus any financing costs (up to 3 percent annually) incurred by the County for the installation of LMI Heritage Lot Household sewer connections within the Town of Carrboro's jurisdiction unless mutually agreed by both the Town of Carrboro and the County. These payments are for the installation of up to ten (10) LMI Heritage Lot Household sewer connections within the Town of Carrboro's jurisdiction. The Town of Carrboro shall, within thirty (30) days of receipt of a County generated invoice, reimburse the County for the Town of Carrboro's respective share of the total principal and interest associated with the installation of LMI Heritage Lot Household sewer connections within the Town of Carrboro's jurisdiction.
- d. The Town of Chapel Hill shall provide payment to the County of up to 43% of the current total project estimate, or \$94,600, whichever is less, plus any financing costs (up to 3 percent annually) incurred by the County for the installation of LMI Heritage Lot Household sewer connections within the Town of Chapel Hill's jurisdiction unless mutually agreed by both the Town of Chapel Hill and the County. These payments are for the installation of up to fifteen (15) LMI Heritage Lot Household sewer connections within the Town of Chapel Hill's jurisdiction. The Town of Chapel Hill shall, within thirty (30) days of receipt of a County generated invoice, reimburse the County for the Town of Chapel Hill's respective share of the total principal and interest associated with the installation of LMI Heritage Lot Household sewer connections within the Town of Chapel Hill's jurisdiction.
- e. If overall participation by LMI Heritage Lot Households exceeds the \$220,000 pre-allocated by the County, the County will request additional funds and this Agreement will be amended so as to adjust Sections 1-4 accordingly, subject to funding availability and approval by governing boards of the Parties.
- f. This Agreement may be renewed or amended upon written agreement of the Parties.

2. TOTAL COSTS

Item	Carrboro Cost	Chapel Hill Cost	County Cost	Total Cost
<u>Carrboro Lots</u> (10 LMI Heritage Lot Household connections within Carrboro jurisdiction)	\$30,800	\$0	\$57,200	\$88,000
<u>Chapel Hill Lots</u> (15 LMI Heritage Lot Household connections within Chapel Hill jurisdiction)	\$0	\$94,600	\$37,400	\$132,000
TOTALS	\$30,800 (14% of total)	\$94,600 (43% of total)	\$94,600 (43% of total)	\$220,000 (100%)

3. RESPONSIBILITIES OF TOWNS

- a. As provided in Section 1c above, the Town of Carrboro is responsible for up to 14% of the current total project estimate, or \$30,800, whichever is less. The Town of Carrboro shall, within thirty (30) days of receipt of a County generated invoice, reimburse the County for the Town of Carrboro's respective share of the total principal and interest associated with the installation of LMI Heritage Lot Household sewer connections within the Town of Carrboro's jurisdiction.
- b. As provided in Section 1d above, the Town of Chapel Hill is responsible for up to 43% of the current total project estimate, or \$94,600, whichever is less. The Town of Chapel Hill shall, within thirty (30) days of receipt of a County generated invoice, reimburse the County for the Town of Chapel Hill's respective share of the total principal and interest associated with the installation of LMI Heritage Lot Household sewer connections within the Town of Chapel Hill's jurisdiction.
- c. The Town of Chapel Hill's funding contribution shall be used for the benefit of low and moderate income residents, as defined by HUD, residing within the Town of Chapel Hill's Extraterritorial Jurisdiction (ETJ).

- d. The Towns shall pay their full agreed upon obligation as set out in this Section 3 within thirty (30) days of receipt of the County's invoice.
- e. The Towns shall have no further obligation for the cost of maintenance or repair of the private sewer laterals installed with the assistance of their funding, it being agreed by the Parties that the private sewer laterals and all associated work pursuant to this agreement shall upon completion belong to and be the responsibility of the private resident/homeowners.

4. RESPONSIBILITIES OF COUNTY

- a. The County shall issue an informal request for proposals (RFP) so as to solicit competitive bids from licensed local plumbing contractors for the installation of private sewer service lateral connections for LMI Heritage Lot Households. The County will formally award the private sewer service lateral connection installation work for LMI Heritage Lot Households to the lowest responsive and responsible bidder.
- b. Contracts for the installation of the private sewer lateral connections and associated work shall clearly state that neither the County nor the Towns shall have any financial responsibility or liability beyond providing the financial assistance and arranging for payment to the contracted plumbers (other than any permitting or inspections responsibilities they may have in their governmental capacities). Said contracts shall provide that the contracting plumbers shall indemnify and hold harmless the Parties for any and all claims arising out of the contracting plumbers' work for the LMI Heritage Lot Households.
- c. The County is responsible for up to 43% of the current total project estimate as shown in Section 2 above, or \$94,600 whichever is less.
- d. The County shall invoice the Towns for the specified reimbursement amounts and/or percentages as shown in Section 3. This invoice will be in the form of a single invoice upon the conclusion of the services contemplated in Section 1 and Section 2 within the respective jurisdiction of each Town and said invoice shall be accompanied by a written statement indicating those services have concluded.

5. THIRD PARTY RIGHTS

Nothing in this Agreement is intended to create, grant, or convey rights in or to any third party. Nothing herein is enforceable by any third party and the rights of the parties hereto to terminate or amend this Agreement are not subject to the consent of any third party.

6. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement of the Parties hereto and is effective the date first above recorded.

[Signature Page to Follow]

Including pre-audit certificates for all Parties.

2022 REVISED INTERLOCAL AGREEMENT BETWEEN AND AMONG ORANGE COUNTY AND THE TOWNS OF CARRBORO AND CHAPEL HILL REGARDING THE REIMBURSEMENT OF COSTS FOR INSTALLATION OF PRIVATE SEWER SERVICE LATERAL CONNECTIONS FOR LOW-TO-MODERATE INCOME HOMEOWNERS OF HERITAGE LOTS WITH EXISTING DWELLINGS IN THE ROGERS ROAD SEWER PROJECT AREA

In witness whereof, the Parties, by and through their authorized agents, have hereunder set their hands and seals as of the day and year first above written.

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Manager, Orange County

Finance Director, Orange County

ATTEST

By: _____
Clerk

2022 REVISED INTERLOCAL AGREEMENT BETWEEN AND AMONG ORANGE COUNTY AND THE TOWNS OF CARRBORO AND CHAPEL HILL REGARDING THE REIMBURSEMENT OF COSTS FOR INSTALLATION OF PRIVATE SEWER SERVICE LATERAL CONNECTIONS FOR LOW-TO-MODERATE INCOME HOMEOWNERS OF HERITAGE LOTS WITH EXISTING DWELLINGS IN THE ROGERS ROAD SEWER PROJECT AREA

In witness whereof, the Parties, by and through their authorized agents, have hereunder set their hands and seals as of the day and year first above written.

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Manager, Town of Carrboro

Finance Director, Town of Carrboro

ATTEST

By: _____
Clerk

2022 REVISED INTERLOCAL AGREEMENT BETWEEN AND AMONG ORANGE COUNTY AND THE TOWNS OF CARRBORO AND CHAPEL HILL REGARDING THE REIMBURSEMENT OF COSTS FOR INSTALLATION OF PRIVATE SEWER SERVICE LATERAL CONNECTIONS FOR LOW-TO-MODERATE INCOME HOMEOWNERS OF HERITAGE LOTS WITH EXISTING DWELLINGS IN THE ROGERS ROAD SEWER PROJECT AREA

In witness whereof, the Parties, by and through their authorized agents, have hereunder set their hands and seals as of the day and year first above written.

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Manager, Town of Chapel Hill

Finance Director, Town of Chapel Hill

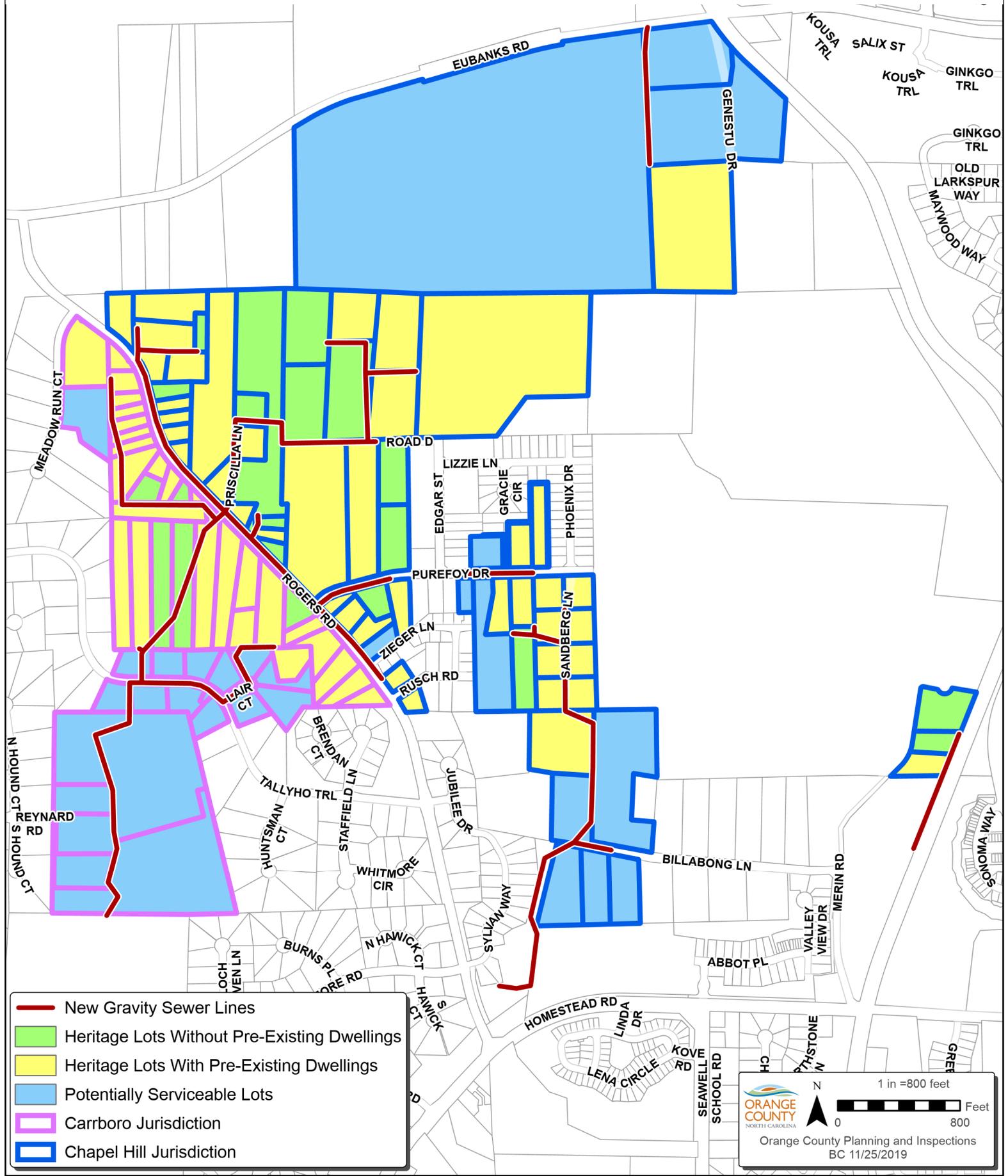
ATTEST

By:_____

Clerk

Historic Rogers Road Sewer Expansion

Which Lots Can be Served by the New Public Gravity Sewer Lines?



- New Gravity Sewer Lines
- Heritage Lots Without Pre-Existing Dwellings
- Heritage Lots With Pre-Existing Dwellings
- Potentially Serviceable Lots
- Carrboro Jurisdiction
- Chapel Hill Jurisdiction

1 in = 800 feet

0 800 Feet

N

ORANGE COUNTY
NORTH CAROLINA

Orange County Planning and Inspections
BC 11/25/2019

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 1, 2022

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

SUBJECT: Acceptance of Planning Jurisdiction over Two (2) Parcels to Orange County

DEPARTMENT: Planning & Inspections

ATTACHMENT(S):

- 1) Chapel Hill Resolution
- 2) Petition
- 3) Two Maps of Parcels
- 4) Consent of Landowner

INFORMATION CONTACT:

Craig Benedict, Planning & Inspections
Director, (919) 245-2585

PURPOSE: To receive the property owner petition and Town of Chapel Hill resolution, and accept assignment of planning jurisdiction into Orange County for two (2) parcels.

BACKGROUND: Under North Carolina General Statute (NCGS) 160D-203, when a parcel lies within two planning jurisdictions, those governments can agree to assign which entity has planning jurisdiction. The request/assignment does not change any city or county boundaries.

The parcels associated with this petition are PINS 9787-32-6186 and 9787-42-0000. The Chapel Hill Town Council agreed by resolution (Attachment 1) on January 12, 2022 to the assignment of the two parcels to Orange County's planning jurisdiction.

The total amount of land is approximately 13.2 acres of which the majority is in Orange County's jurisdiction. The land is primarily within the joint planning area, Jordan Lake protected Watershed and either Chapel Hill zoning or Rural Buffer in Orange County. The property lies west of Old Lystra Road and north of and across from Old Orchard Road. An application for the proposed subdivision shown in the petition has not been received, processed or approved by Orange County at this time. The land development regulations and residential density will be reviewed.

FINANCIAL IMPACT: There is no financial impact associated with accepting the assignment of planning jurisdiction. If a development proposal is subsequently submitted, existing Orange County Planning staff will review the proposal for compliance with applicable development regulations.

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: The following Orange County Environmental Responsibility Goal impact is applicable to this item:

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**

Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

RECOMMENDATION(S): The Manager recommends that the Board receive the property owner petition and Town of Chapel Hill resolution, and accept the assignment of the two (2) parcels under Orange County's planning jurisdiction.

File #: [22-0022], Version: 2

A RESOLUTION APPROVING ASSIGNING THE EXCLUSIVE PLANNING AND DEVELOPMENT REGULATION JURISDICTION OVER TWO PARCELS TO ORANGE COUNTY (2022-01-12/R-2)

WHEREAS, on November 17, 2021, Paul Dubbeling on behalf of Mendall, LLC petitioned the Town of Chapel Hill Council; and

WHEREAS, recent changes to the North Carolina General Statutes 160D-203, when a parcel lies within the planning and development jurisdictions of more than one local government, those governments may agree to assign that parcel to the exclusive jurisdiction of one of them; and

WHEREAS, the assignment of jurisdictional review as per 160D-203 does not change the jurisdictional boundaries; and

WHEREAS, the petitioner represents ownership of two parcels that straddle the jurisdiction limits of the Town of Chapel Hill and Orange County; and

WHEREAS, the petitioner requests the Town Council consider the exclusive planning and development regulation jurisdiction for parcels identified as Parcel Identifier Numbers 9787-32-6186 and 9787-42-0000; and

WHEREAS, the petition requests that the Chapel Hill Town Council assign the exclusive planning and development regulation jurisdiction of these two parcels to Orange County; and

WHEREAS, the property owner has consented in writing to this assignment; and

WHEREAS, the property owner will pursue a similar process through Orange County and be responsible for obtaining Orange County agreement for this request; and

WHEREAS, the property owner has expressed interest in pursuing a subdivision under Orange County's regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council assigns the exclusive planning and development regulation jurisdiction for PINs 9787-32-6186 and 9787-42-0000 to Orange County.

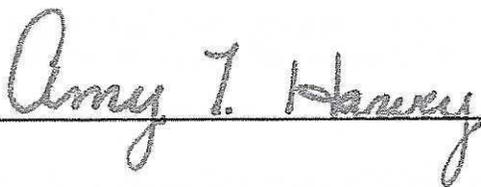
This the 12th day of January, 2022.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council assigns to Orange County the exclusive planning and development regulation jurisdiction for the property on Homeplace Drive and Old Lystra Road.

I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2022-01-12/R-2) adopted by the Chapel Hill Town Council on January 12, 2022.

This the 13th day of January, 2022.



Amy T. Harvey
Deputy Town Clerk



P.M. Dubbeling, PLLC

210 North Columbia Street
Chapel Hill, NC 27514

Paul M. Dubbeling
Phone: 919-635-6005
Fax: 919-404-7074
paul.dubbeling@pmdubbeling.com

15 November 2021

**Petition for Council to Assign Exclusive Planning and Development Regulation
Jurisdiction over Parcel Numbers 9787-32-6186 and 9787-42-0000 to Orange
County pursuant to N.C.G.S. § 160D-203**

Chapel Hill resident and long-time real estate attorney Kendall Page, on behalf of her company Mendall, LLC, petitions the Town of Chapel Hill to assign to Orange County exclusive planning and development regulation jurisdiction for the parcels of land with parcel identification numbers 9787-32-6186 and 9787-42-0000 located along Homeplace Drive near the intersection with Old Lystra Road. This petition is made for the following reasons:

Background

As shown on Exhibit A, Mendall, LLC owns several parcels of land lying between Homeplace Drive and Old Lystra Road to the south of Chapel Hill. These parcels lie in the planning and development regulation jurisdictions of Orange County and Chapel Hill, and in the joint planning area shared between them. This petition concerns parcel numbers 9787-32-6186 and 9787-42-0000 (collectively, the "Land"). The Land lies (at least partially) in the joint planning area of Orange County and Chapel Hill. On Exhibit A, the Land is outlined in red and the joint planning area is the cross-hatched section of the map (with

P.M. Dubbeling, PLLC

Chapel Hill's exclusive jurisdiction shown in gray and Orange County's exclusive jurisdiction in green).

Mendall, LLC wishes to subdivide its land. As shown on Exhibit B, the proposed subdivision (Lots D-1 through D-8) lies almost entirely within the exclusive jurisdiction of Orange County, but lots D-7 and D-8 (subdividing what is now parcel number 9787-42-0000) would extend into the joint planning area. As part of this plan of subdivision, Mendall, LLC wants to dedicate parcel number 9787-32-6186 to be open space for the enjoyment and benefit of future owners of the surrounding land. Orange County has approved this subdivision in concept and, if this petition is granted by the Town, Mendall, LLC will submit a formal request for subdivision in accordance with Exhibit B.

Legal Authority

In 2019, the North Carolina Legislature enacted N.C.G.S. Chap. 160D specifically to address local planning and development regulation. In doing so, the Legislature created a specific mechanism for local authorities to handle situations in which a parcel lies within the jurisdiction of more than one planning authority but it makes more sense for one authority to handle a proposed project.

Under N.C.G.S. § 160D-203, when a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, those governments may agree to assign that parcel to the exclusive jurisdiction of one on them. Importantly, this does not require a redrawing of jurisdictional boundaries. Instead, by mutual agreement (and with the written consent of the landowner) the two governments assign a specific parcel of land to the exclusive planning and development regulation jurisdiction of one of them. By doing so, the local governments avoid the need for duplicative work in reviewing, approving, and monitoring proposed land use.

P.M. Dubbeling, PLLC

To demonstrate that the governments have agreed, each government passes a resolution so assigning the land.

Petition

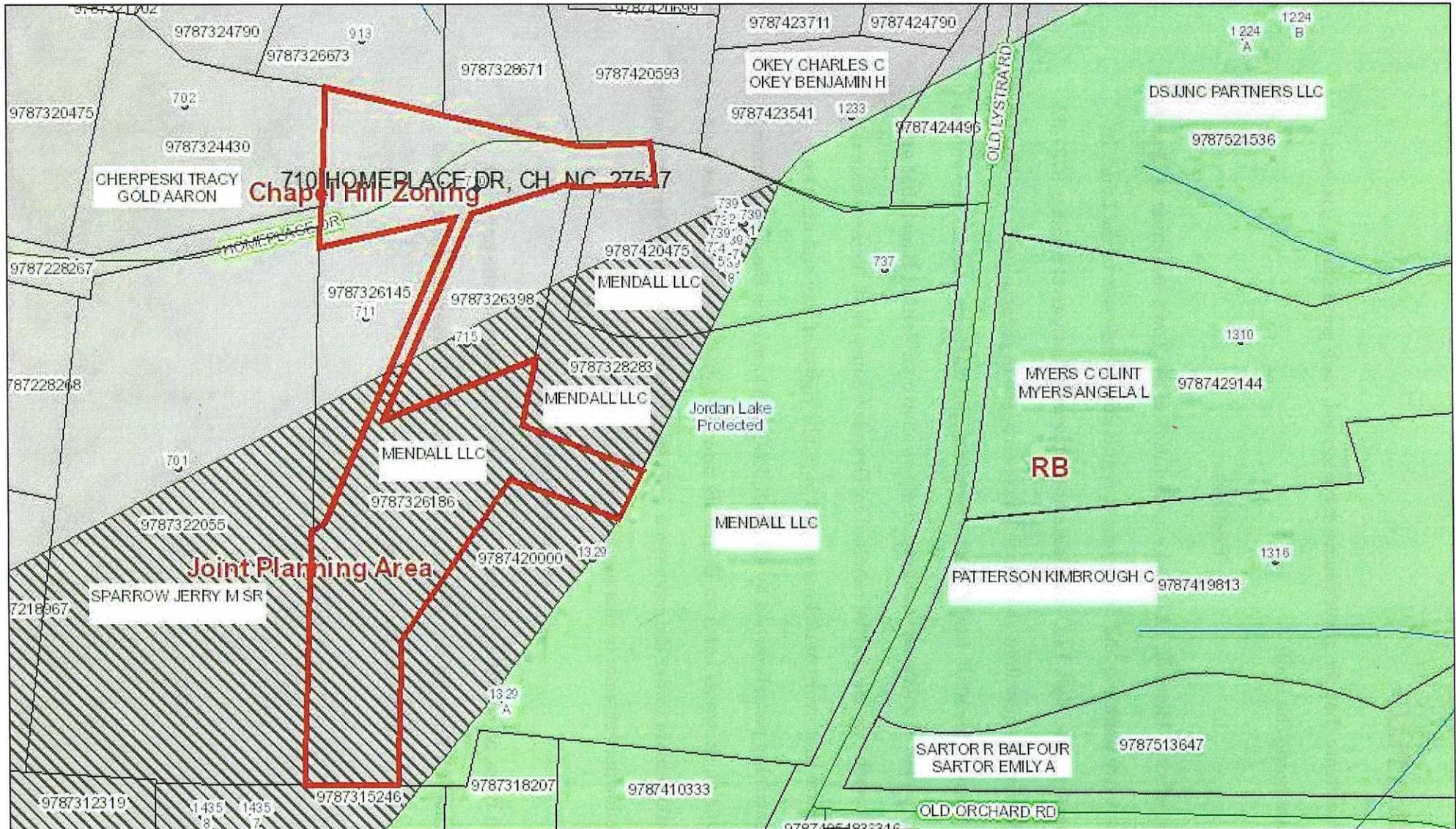
By this petition, Mendall, LLC seeks a resolution of the Town assigning to Orange County the exclusive planning and development regulation jurisdiction of the Land. In making this petition, Mendall, LLC covenants and warrants that parcel number 9787-32-6186 or its substantial equivalent shall be left as open space in perpetuity for the benefit of adjoining landowners. Mendall, LLC further covenants and warrants that it shall submit to Orange County a plan of subdivision substantially as shown on Exhibit B and that any modifications to such plan as may be required by Orange County shall have easements sufficient to ensure that every parcel has access to public rights of way and utilities. Finally, the remaining parcels owned by Mendall, LLC and located in the joint planning area (9787-32-6398, shown as Lot A on Exhibit B; and 9787-42-0475, shown as Lot B on Exhibit B) would remain under the concurrent jurisdiction of the Town and Orange County.

The landowner consents to this assignment (Exhibit C).

Conclusion

Kendall Page, on behalf of Mendall, LLC respectfully requests the proposed assignment. This will allow for the efficient, sustainable development of the area and provide to Chapel Hill dedicated open space.

Exhibit A: Showing Parcel 9787-32-6186 and Jurisdiction Lines



September 22, 2021 This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.

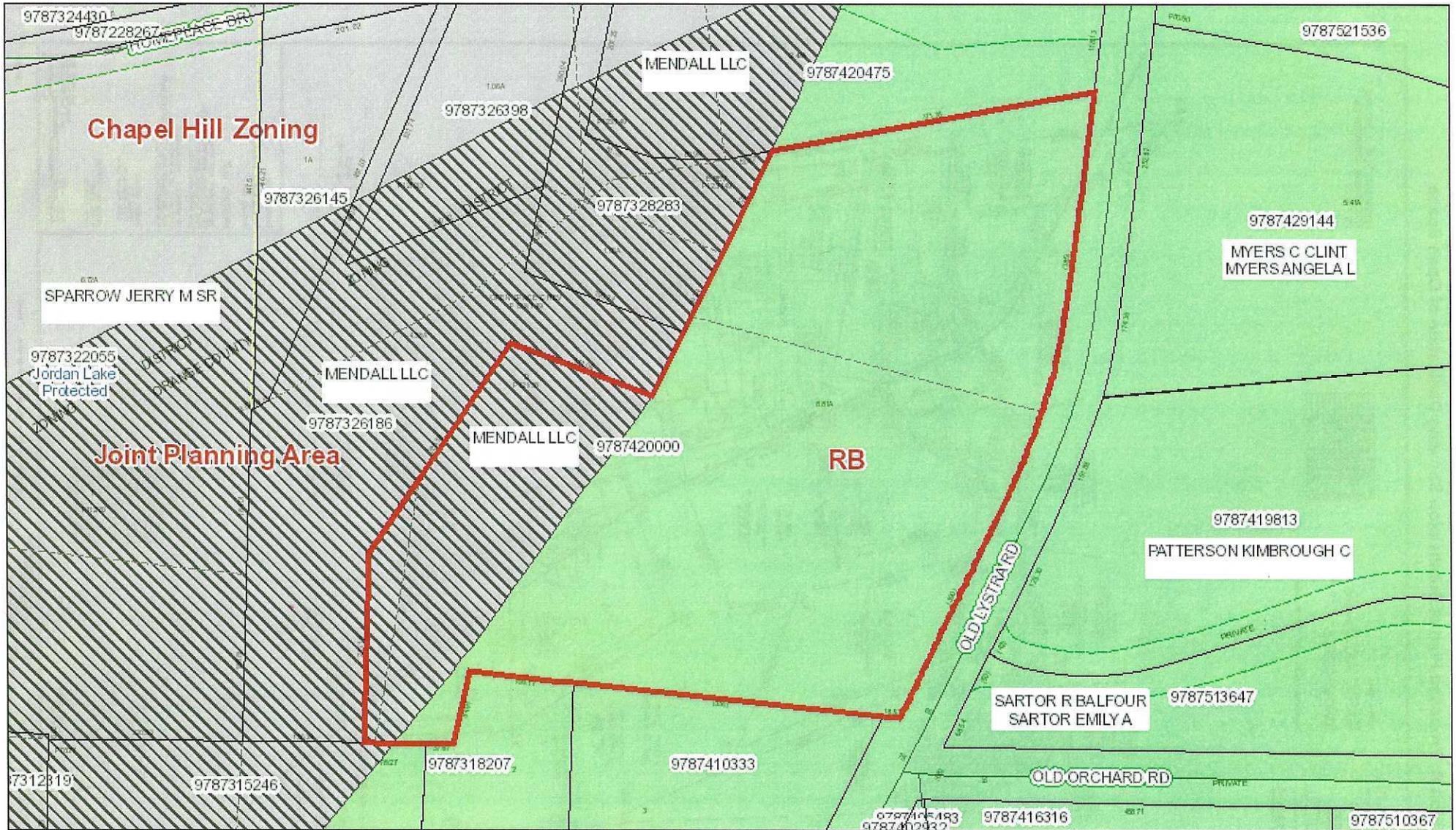
PIN: 9787326186
 OWNER 1: MENDALL LLC
 OWNER 2:
 ADDRESS 1: 210 N COLUMBIA ST
 ADDRESS 2:
 CITY: CHAPEL HILL
 STATE, ZIP: NC 27514
 LEGAL DESC: OPEN SPACE C REV RECOMB MENDALL LLC P123/149

SIZE: 4.38 A
 DEED REF: 6698/1272
 RATECODE: 17
 TOWNSHIP: CHAPEL HILL
 BLDG SQFT:
 YEAR BUILT:

BUILDING COUNT:
 LAND VALUE:
 BLDG_VALUE:
 USE VALUE: \$0
 TOTAL VALUE:
 DATE SOLD: 07/22/2021
 TAX STAMPS:



Exhibit A: Showing Parcel 9787-42-0000 and Jurisdiction Lines



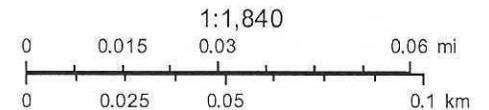
November 14, 2021 This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

The county and its mapping companies assume no legal responsibility for the information on this map.

PIN: 9787420000
 OWNER 1: MENDALL LLC
 OWNER 2:
 ADDRESS 1: 210 N COLUMBIA ST
 ADDRESS 2:
 CITY: CHAPEL HILL
 STATE, ZIP: NC 27514
 LEGAL DESC: D CHILDRESS PAGE PROPERTIES LLC P121/33

SIZE: 8.81 A
 DEED REF: 6701/512
 RATECODE: 17
 TOWNSHIP: CHAPEL HILL
 BLDG SQFT: 4719
 YEAR BUILT: 1954

BUILDING COUNT: 2
 LAND VALUE:
 BLDG_VALUE:
 USE VALUE:
 TOTAL VALUE:
 DATE SOLD: 1/21/2021
 TAX STAMPS:



**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: March 1, 2022

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

SUBJECT: Women's History Month Proclamation

DEPARTMENT: County Manager

ATTACHMENT(S):

Proclamation

INFORMATION CONTACT:

Bonnie Hammersley, (919) 245-2300

PURPOSE: To approve a proclamation recognizing March 2022 as Women's History Month in Orange County.

BACKGROUND: Celebration of Women's History Month had its roots in the socialist and labor movements in New York City. The first "Women's Day" took place on February 28, 1909. The day honored the one year anniversary of the garment worker's strikes that had taken place in New York, where thousands of women marched for economic rights. That strike followed another strike that occurred in 1857 when garment workers marched for equal rights and 10-hour work days. Within two years the event grew into an international event. In 1975, the United Nations officially began International Women's Day; which will be celebrated on March 8th this year.

At the inception of Women's History Month, feminists in the United States saw the designation of the month as a way to celebrate a history that had largely overlooked the contributions of women in America. Women's History Month has its origins as a national celebration in 1981 when Congress authorized and requested President Jimmy Carter proclaim the week beginning March 7, 1982 as "Women's History Week." In 1987, the Women's History Month Project petitioned the US Congress to designate the month of March as "Women's History Month." President Ronald Reagan was the first president to proclaim March as Women's History Month.

Currently, local, state and federal governments annually proclaim March as "Women's History Month." Each year the National Women's History Alliance declares a theme. The 2022 theme is "Women – Providing Healing, Promoting Hope."

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

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

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

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

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

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

WOMEN'S HISTORY MONTH PROCLAMATION

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, because of the courage of so many bold women who dared to transcend preconceived expectations and prove they were capable of doing all that a man could do and more, advances were made, discoveries revealed, barriers were broken and progress triumphed; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history;

NOW, THEREFORE, do we, the Board of Commissioners of Orange County, North Carolina hereby proclaim March 2022 as "**Women's History Month**" and commend this observance to Orange County residents and call upon them to recognize the women in their lives with appropriate programs, activities and celebrations.

THIS THE 1st DAY OF MARCH, 2022.

Renee Price, Chair
Orange County Board of Commissioners

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Property Tax Collection - Tax Effective Date of Report: February 11, 2022						
Tax Year 2021	Amount Charged in FY 21-22	Amount Collected	Accounts Receivable	Amount Budgeted in FY 21-22	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 165,001,124.00	\$ 163,115,158.76	5,136,308.04	165,001,124.00	\$ 1,885,965.24	98.86%
Real and Personal Prior Year Taxes	\$ 3,676,980.95	\$ 765,281.01	2,480,074.52	\$ 1,155,000.00	\$ 389,718.99	66.26%
Total	\$ 168,678,104.95	\$ 163,880,439.77	\$ 7,616,382.56	\$ 166,156,124.00	\$ 2,275,684.23	98.63%
Registered Motor Vehicle Taxes		\$7,064,181.72	\$7,868.36	\$ 10,339,468.00	\$ 3,275,286.28	68.32%
Tax Year 2020	Amount Charged in FY 20-21	Amount Collected	Accounts Receivable	Amount Budgeted in FY 20-21	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 154,198,531.00	\$ 152,320,519.64	4,874,196.91	\$ 154,198,531.00	\$ 1,878,011.36	98.78%
Real and Personal Prior Year Taxes	\$ 3,818,647.51	\$ 919,220.46	2,537,719.78	\$ 1,155,000.00	\$ 235,779.54	79.59%
Total	\$ 158,017,178.51	\$ 153,239,740.10	\$ 7,411,916.69	\$ 155,353,531.00	\$ 2,113,790.90	98.64%
Registered Motor Vehicle Taxes		\$7,180,124.80	\$17,105.75	\$ 10,770,627.00	\$ 3,590,502.20	66.66%
2021 Current Year Overall Collection Percentage - Real & Personal			96.95%			
2021 Current Year Overall Collection Percentage - with Registered Motor Vehicles			97.07%			
2020 Current Year Overall Collection Percentage - Real & Personal			96.90%			
2020 Current Year Overall Collection Percentage - with Registered Motor Vehicles			97.02%			

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

-
Fiscal Year 2021-2022

Effective Date of Report: December 31, 2021

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	12	19	18	27	12	-	57						
Bank attachments	8	6	6	4	4	10	19						
Certifications	-	-	-	-	-	-	-						
Rent attachments	-	-	-	-	-	-	2						
Housing/Escheats/Monies	2	2	16	15	14	6	26						
Levies	-	-	-	-	-	-	-						
Foreclosures initiated	-	-	3	3	1	-	-						
NC Debt Setoff collections	\$2,819.45	\$ 1,699.69	\$ 748.44	\$ 1,426.64	\$ 4,239.34	\$ 1,306.23	\$ -						

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2021-22. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

The Tax Collector will update these figures once each month, after each month's reconciliation process.

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation
Blalock, Sammy	64490307	2021	3,000	500	(22.29)	0	(22.29)	Antique plate (property classification)	RMV-VTS	Approve	1/28/2022	
Cole, Bernadette Robinson	64482583	2021	6,030	6,030	(27.60)	(30)	(57.60)	*Situs error (illegal tax)	RMV-VTS	Approve	1/28/2022	
Cook, Darrell Dean	64257696	2021	6,935	500	(71.76)	0	(71.76)	Antique plate (property classification)	RMV-VTS	Approve	1/28/2022	
Fox, Michael Roy	3189908	2020	2,570	-	(25.03)	0	(25.03)	Assessed in error (illegal tax)	Personal	Approve	2/9/2022	Gap bill: Vehicle registered in Utah during gap period
Landon, Janie Teele	3190418	2021	1,580	-	(13.93)	0	(13.93)	Double billed (illegal tax)	Personal	Approve	2/9/2022	Also billed on account 12549
Maldonado, Ondina A.	1073130	2021	2,840	0	(27.86)	0	(27.86)	Assessed in error (illegal tax)	Personal	Approve	1/28/2022	Mobile Home listed and paid in Granville County for 2021
Murphy, Stephen	1074032	2021	1,200	0	(19.27)	0	(19.27)	Assessed in error (illegal tax)	Personal	Approve	1/28/2022	Taxpayer has been deceased since 2018
Murphy, Stephen	1074032	2020	1,230	0	(20.53)	0	(20.53)	Assessed in error (illegal tax)	Personal	Approve	1/28/2022	Taxpayer has been deceased since 2018
Murphy, Stephen	1074032	2019	1,300	-	(21.69)	0	(21.69)	Assessed in error (illegal tax)	Personal	Approve	1/28/2022	Taxpayer has been deceased since 2018
Olson, Denise	52998919	2019	8,770	8,770	(84.60)	0	(84.60)	County changed to Durham (illegal tax)	RMV-VTS	Approve	1/28/2022	
Olson, Denise	52998919	2020	7,650	7,650	(73.60)	0	(73.60)	County changed to Durham (illegal tax)	RMV-VTS	Approve	1/28/2022	
Ventre, Frederic	324181	2016	1,500	-	(26.58)	0	(26.58)	Assessed in error (illegal tax)	Personal	Approve	1/28/2022	No longer rental property
							(464.74)	Total				
*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.												
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.												
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.												
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.												