



**Orange County  
Board of Commissioners**

**Agenda**

**Virtual Business Meeting**

April 6, 2021

7:00 p.m.

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

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

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

- Written submittals by email
- Speaking during the virtual meeting

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

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

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

**PUBLIC CHARGE**

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

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

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

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

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



b. Matters on the Printed Agenda

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

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

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

- a. Proclamation Recognizing Judicial District 15-B District Court Judge Beverly A. Scarlett Upon Her Retirement
- b. Proclamation Recognizing Thom Freeman-Stuart
- c. Fair Housing Month Proclamation
- d. Presentation by Carolina Common Enterprise on the Resident-owned Community Model for Manufactured Home Communities
- e. Presentation of Manager's Recommended FY 2021-26 Capital Investment Plan (CIP)

**5. Public Hearings**

- a. Future Land Use Map (FLUM) and Zoning Atlas Amendment – Richardson (MA20-0006)

**6. Regular Agenda**

- a. Interlocal Agreement Regarding the Current and Future Use of the Jointly Owned Greene Tract
- b. Follow-up on Orange County's Proposed 2021 Legislative Agenda

**7. Reports**

- a. 2021 Orange County Revaluation Results

**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. Resolution Authorizing Exchange of Property for the Sheriff's Office
  - e. Change in BOCC Meeting Schedule for 2021
  - f. Fiscal Year 2020-21 Budget Amendment #10
  - g. Merritt Mill Apartments Development Updates
  - h. Compliance Plans for CDBG-CV Grant
  - i. Approval of the Continuity of Services Plan to Guide Realignment from Cardinal Innovations Healthcare to Alliance Health

**9. County Manager's Report**

**Projected April 13, 2021 Budget Work Session Items**

Review of Manager's Recommended FY 2021-26 Capital Investment Plan (CIP)



## **Projected April 19, 2021 Legislative Breakfast Items**

2021 Orange County Legislative Issues

## **Projected April 22, 2021 Work Session Items**

County Commissioners: Boards and Commissions – Annual Work Plan Summaries (Second Part)

Behavioral Health Task Force

Advisory Board Appointments Discussion (Five Advisory Boards)

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

### **11. \*Appointments**

### **12. Information Items**

- March 16, 2021 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100
- Memorandum - Update on Upper Neuse River Basin Association (UNRBA) Implementation Strategy

### **13. Closed Session**

### **14. Adjournment**

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

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

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

## **Public Comment Instructions**

### **Public Comment – Written**

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

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

When submitting the comment, include the following:

- The date of the meeting
- The agenda item (example: 5-a) you wish to comment on
- Your name, address, email and phone number



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

**Public Comment – Verbal  
(for Items not on the Agenda, Agenda Items and Public Hearings)**

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

When submitting the request to speak, include the following:

- The date of the meeting
- The agenda item (example: 5-a) you wish to speak on
- Your name, address, email and phone number
- The phone number must be the number you plan to call in from if participating by phone

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

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

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Proclamation Recognizing Judicial District 15-B District Court Judge Beverly A. Scarlett Upon Her Retirement

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**DEPARTMENT:** Board of Commissioners

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**ATTACHMENT(S):**

Proclamation

**INFORMATION CONTACT:**

Laura Jensen, 919-245-2130

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**PURPOSE:** To approve a proclamation recognizing Judicial District 15-B District Court Judge Beverly A. Scarlett upon her retirement.

**BACKGROUND:** Beverly A. Scarlett was appointed as a Judge for Judicial District 15-B of the North Carolina District Court System in 2007, becoming the first Woman of Color to serve the district in this capacity. Judge Scarlett was subsequently elected to the same position by the voters of Orange and Chatham counties in 2012, 2016 and 2020.

Judge Scarlett has served the residents of Orange and Chatham counties tirelessly and with distinction as a District Court Judge, and has announced her plans to retire. The attached proclamation recognizes and expresses sincere gratitude to Judge Beverly A. Scarlett for her exemplary service, and congratulates Judge Scarlett on her retirement.

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

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

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign the proclamation, and express its appreciation to Judge Scarlett for her service.

# ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

## PROCLAMATION

### RECOGNIZING JUDGE BEVERLY A. SCARLETT

WHEREAS, Beverly A. Scarlett was born in rural Orange County into a family with deep and extensive roots in the county; and

WHEREAS, in 1983, Scarlett received her undergraduate degree from Saint Augustine's College, and later enrolled in North Carolina Central University School Law where she earned her Doctor of Jurisprudence in 1993; and

WHEREAS, Scarlett became the first Woman of Color from Orange County to have a solo private law practice in Hillsborough; and

WHEREAS, Scarlett became the first Woman of Color to work in the Prosecutorial District 18 as an Assistant District Attorney; and

WHEREAS, in 2007, former Governor Mike Easley appointed Scarlett to serve as Judge for Judicial District 15-B of the North Carolina District Court System, which includes Orange County and Chatham County, and thus became the first Woman of Color to serve in this capacity in the district; and

WHEREAS, Judge Scarlett subsequently was elected as Judge for Judicial District 15-B in 2012, 2016 and 2020, consistently running without opposition; and

WHEREAS, as many Women of Color, Judge Scarlett has had to fight against sexism and racism during her career; and

WHEREAS, throughout her career, Judge Scarlett has remained a staunch advocate for the rights of children, women and families, and has promoted accountability and community safety to assure safe homes for child well-being and development;

NOW THEREFORE BE IT PROCLAIMED that the Orange County Board of County Commissioners, on behalf of the people of Orange County, hereby recognizes and expresses sincere gratitude to Judge Beverly A. Scarlett for her exemplary service to Orange County, for breaking barriers and challenging systems, and for her numerous contributions for the betterment and advancement of her community; and

BE IT FURTHER PROCLAIMED that the Orange County Board of County Commissioners, on behalf of the people of Orange County, congratulates Judge Beverly A. Scarlett on her retirement, and hopes that her life journey hence forward will abound in excitement and joy.

This the 6<sup>th</sup> Day of April, 2021

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Renée A. Price, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** April 6, 2021

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

**SUBJECT:** Proclamation Recognizing Thom Freeman-Stuart

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**DEPARTMENT:** Board of Commissioners

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**ATTACHMENT(S):**

Proclamation

**INFORMATION CONTACT:**

Laura Jensen, Clerk to the Board, 919-245-2130

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**PURPOSE:** To consider a proclamation recognizing and expressing gratitude to retired Orange County Assistant Deputy Clerk Thom Freeman-Stuart.

**BACKGROUND:** After almost 15 years of dedicated service to Orange County, Thom Freeman-Stuart retired on March 31, 2021.

Following a career in the private sector, Thom Freeman-Stuart joined Animal Services in 2003 as an Office Assistant. He then became an Accounting Technician with the Department of Social Services in 2008. Mr. Freeman-Stuart joined the Board of County Commissioners' office as an Assistant to the Clerk in 2013 and was reclassified to an Assistant Deputy Clerk in 2017.

Mr. Freeman-Stuart managed the advisory boards and commissions process, by recruiting volunteers, maintaining records, ensuring appointments were made in a timely manner, and acting as the liaison between the Board of County Commissioners and the advisory boards and commissions. Mr. Freeman-Stuart also oversaw the day to day financial matters of the Board of County Commissioners' office, and assisted in developing and monitoring the budget each fiscal year. Additionally, he served as the lead person for arranging special functions in the county, including advisory board volunteer and employee recognition events.

**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 that the Board approve and authorize the Chair to sign the attached proclamation recognizing and expressing appreciation to Thom Freeman-Stuart for his service to the people of Orange County and wishing him well in his retirement.

# ORANGE COUNTY BOARD OF COMMISSIONERS

## PROCLAMATION RECOGNIZING AND EXPRESSING GRATITUDE TO THOM FREEMAN-STUART, RETIRING ASSISTANT DEPUTY CLERK

**WHEREAS**, Thom Freeman-Stuart started working with Orange County in 2006 as an Office Assistant with Animal Services; and

**WHEREAS**, Thom earned a promotion to Accounting Technician with the Department of Social Services in 2008; and

**WHEREAS**, Thom transferred to the Board of County Commissioners' Office as an Assistant to the Clerk in 2013 and was later reclassified to Assistant Deputy Clerk in 2017; and

**WHEREAS**, during his time in the Board of County Commissioners' Office, Thom did an exceptional job maintaining and improving the advisory boards and commissions process, as well as managing the budget and finances for the office; and

**WHEREAS**, Thom provided excellent service to both internal and external customers, and was always available to lend a hand; and

**WHEREAS**, Thom is regarded by his coworkers as a wonderful colleague and friend whose kindness and good humor will be missed; and

**WHEREAS**, Thom retired from Orange County on March 31, 2021 after almost 15 years in service to the County and its residents;

**NOW THEREFORE**, we, the Orange County Board of Commissioners, do hereby recognize and express deep appreciation and respect for the services rendered by Thom Freeman-Stuart to the Orange County community, and wish him well in his retirement.

This the 6<sup>th</sup> day of April 2021.

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Renee Price, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Fair Housing Month Proclamation

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**DEPARTMENT:** Human Rights and Relations

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**ATTACHMENT(S):**

Fair Housing Month Proclamation

**INFORMATION CONTACT:**

Annette Moore, Human Rights and  
Relations, 919-245-2317

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**PURPOSE:** To proclaim April 2021 as Fair Housing Month in Orange County, North Carolina.

**BACKGROUND:** The month of April is National Fair Housing Month. April 2021 will mark the 53<sup>rd</sup> anniversary of the enactment of the Federal Fair Housing Act of 1968 and the 27<sup>th</sup> anniversary Fair Housing portion of the Orange County Civil Rights Ordinance. These laws grant every person a right to live where they choose, free from discrimination on the basis of race, color, national origin, sex, religion, familial status, or disability. The Orange County Civil Rights Ordinance, established in 1987, adds additional protection from discrimination based on age and veterans status.

The United States Department of Housing and Urban Development has chosen "Fair Housing: More Than Just Words" as the 2021 Fair Housing Month theme. The chosen theme addresses the idea that ending discrimination in housing is more than providing equal housing opportunities for all. Housing can also be a tool to erase economic and education inequalities and help dismantle systemic racism.

In the 1930s, the federal Government Federal Housing Administration ("FHA") was part of the New Deal, whose job was to guarantee Americans' loans so they could buy a home in subdivisions and suburbs across the United States. FHA made homeownership possible for millions of average Americans by ensuring long-term, low monthly paying mortgages. However, the FHA required deed restrictions that prevented Blacks from purchasing these homes. This housing boom was bolstered by the Serviceman's Readjustment Act of 1944 ("G.I. Bill") that provided \$95 billion into expanding a range of benefits for returning World War II Veterans. Benefits included helping 16 million veterans receive low-cost mortgages, low-interest loans to start a business or a farm, getting one year of unemployment compensation, and receiving education expenses to attend high school, college, or vocational school. Veterans Administration Mortgages guaranteed mortgages for nearly five million new homes for veterans. Between 1946 and 1947, VA mortgages alone accounted for 40% of the homes purchased during that year. Residential ownership became the critical foundation to economic empowerment in the United States. The G.I. Bill was

championed as improving returning veterans' economic prospects, promising each soldier the status of the "unforgotten man."

Ira Katznelson in, *When Affirmative Action Was White: The Untold Story of Racial Inequality in the Twentieth-Century America*<sup>1</sup>, contends that the New Deal and Harry Truman's Fair Deal Programs discriminated and contributed to the widening gap between Black and White Americans. Katznelson says the G.I. Bill "was deliberately designed to accommodate Jim Crow." He argues that President Franklin Roosevelt, to gain legislative support for the G.I. Bill, made compromises with Southern legislators that allowed the G.I. Bill to be drafted in a discriminatory manner. As a result, the G.I. Bill, while race-neutral, disproportionately impact black veterans because the legislation as written allowed the program to be in the hands of state and local officials who could interpret guidelines in a racially discriminatory manner, thus excluding Black veterans from receiving benefits.

A study conducted by the Research Division of Veterans Administration in 1950 demonstrated that between September 1940 and August 1945, returning Black veterans participated almost at the same levels as their white counterparts in G.I. Bill programs. However, they did not benefit in the same way. White local officials, businessmen, bankers, and college administrators were in charge of local programs that disenfranchised programs Black veterans. Depending on locality, Blacks veterans were denied housing and business loans, admission to white-only colleges and universities, unemployment benefits, and excluded from job training programs and career opportunities. It didn't take long after the G.I. Bill's passage for reports of the obstacles Black veterans faced in obtaining benefits to come to light, from securing loans to being discharged without a hearing and given "less than honorable" ratings so Black veterans wouldn't be eligible for benefits.<sup>2</sup> The disparate impact was apparent even in the North, where in New York and Northern New Jersey, less than 100 out of 67,000 G.I. Bill VA Mortgages were provided to Black veterans.<sup>3</sup>

Because of these past discriminatory practices, this year, the Department of Human Rights and Relations highlights the protected class of "Veterans" during Fair Housing Month and throughout this next year. The County honors all veterans' service and the missed opportunities of those who served and did not receive the full benefit of what the Country promised them for their service. This month the Department will host a Webinar with the Equal Employment Opportunity Commission ("EEOC") regarding discrimination issues faced by Veterans in Housing and the Workplace, "Hot Topics for Veterans: COVID & Beyond."

Wednesday, April 21, 2021	Veterans Housing and Employment Hot Topics COVID & Beyond	1:00pm - 4:00pm
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Later in this Spring, the Department will co-host a "Veterans Stand Down" with State and Federal partners, including the EEOC, the Department of Social Services, the N.C. Department of Military and Veterans Affairs, and the U.S. Department of Veterans Affairs to provide additional resources to Veterans in Orange County. More information about these events can be found at [http://www.orangecountync.gov/departments/human\\_rights\\_and\\_relations/index.php](http://www.orangecountync.gov/departments/human_rights_and_relations/index.php)

<sup>1</sup> Katznelson, Ira (2005). *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* ([Norton pbk ed.] ed.). New York: W.W. Norton. [ISBN 978-039334714-2](#).

<sup>2</sup> *Id* at 121.

<sup>3</sup> *Id* at 140.

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

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

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

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

Fair and equal housing opportunities are not only a legal mandate; it is an Orange County priority that can bring about a community that is both harmonious and diverse.

**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 proclamation and authorize the Chair to sign the proclamation.

# ORANGE COUNTY BOARD OF COMMISSIONERS

## PROCLAMATION

### FAIR HOUSING MONTH

**WHEREAS**, April 11, 2021 marks the 53<sup>rd</sup> anniversary of Title VIII of the Civil Rights Act of 1968 (formally known as the Fair Housing Act) and the 38<sup>th</sup> anniversary of the North Carolina Fair Housing Act prohibiting discrimination in housing on the basis of race, color, sex, religion, national origin, disability and familial status; and

**WHEREAS**, the Orange County Board of Commissioners enacted the Orange County Civil Rights Ordinance on June 6, 1994, which affords to the residents of Orange County the protections guaranteed by the Fair Housing Act and additionally encompasses the protected classes of Veteran Status and Age; and

**WHEREAS**, Orange County and the U. S. Department of Housing and Urban Development as well as concerned residents and the housing industry are working to make fair housing opportunities possible for everyone by encouraging others to abide by the letter and the spirit of fair housing laws; and

**WHEREAS**, the U.S. Department of Housing and Urban Development annually declares the month of April as National Fair Housing Month, designating *Fair Housing: More Than Just Words* as the national theme and ideal for 2021; and

**WHEREAS**, despite the protections afforded by the Orange County Civil Rights Ordinance and the Fair Housing Act, illegal housing discrimination still occurs in our nation and within our County; and

**WHEREAS**, by supporting and promoting fair housing and equal opportunity, we are contributing to the strength of our County, State and Nation.

**NOW, THEREFORE**, we, the Board of County Commissioners of Orange County North Carolina, do proclaim April 2021 as **FAIR HOUSING MONTH** and commend this observance to all Orange County residents.

*This the 6th day of April 2021.*

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Renee Price, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Presentation by Carolina Common Enterprise on the Resident-owned Community Model for Manufactured Home Communities

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**DEPARTMENT:** Housing and Community  
Development

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**ATTACHMENT(S):**

**INFORMATION CONTACT:**

Emila Sutton, Director, Housing and  
Community Development, (919) 245-  
2490

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**PURPOSE:** To receive a presentation on Carolina Common Enterprise's implementation of the resident-owned community model for manufactured home communities (MHCs).

**BACKGROUND:** Manufactured homes are an important piece of the affordable housing continuum. The per square foot cost of producing a manufactured home is less than half the cost of constructing a comparable stick-built, single-family detached home, making manufactured housing one of the most affordable options available to both renters and homeowners.<sup>1</sup> Orange County has approximately 100 manufactured home communities collectively containing more than 2,000 lots. Due to the high value of land in the County and the potential for large profit margins, many developers are interested in buying and redeveloping manufactured home communities for other uses, placing residents in danger of displacement and housing insecurity. As such, developing an actionable manufactured housing strategy for the County is a priority.

Carolina Common Enterprise (CCE) is a tax-exempt nonprofit cooperative development center that provides training and technical assistance to cooperatives in North Carolina, including start-up and growing cooperatives, and businesses converting to a cooperative enterprise. Operating as ROC Carolinas, CCE is also the North Carolina network affiliate of ROC USA, a New Hampshire-based nonprofit that establishes resident-owned communities (ROCs) – manufactured home communities that are owned by a cooperative of resident homeowners rather than an outside landlord. In a ROC, residents buy a share in a cooperative that owns the entire community rather than each resident renting or owning an individual lot. To date the ROC USA Network has converted 268 MHCs to resident ownership in 20 states. CCE facilitated the first such North Carolina conversion last year in Randolph County.

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<sup>1</sup> <https://housingmatters.urban.org/articles/how-manufactured-housing-can-fill-affordable-housing-gaps>

CCE will present information on its implementation of the ROC USA development model and the potential of this model as a solution for increasing affordability and stability in manufactured home communities.

**FINANCIAL IMPACT:** There are no financial impacts anticipated with this item.

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

**ENVIRONMENTAL IMPACT:** There are no Orange County Environmental Responsibility Goal impacts applicable to this item.

**RECOMMENDATION(S):** The Manager recommends that the Board receive the presentation and provide any comments and questions.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Presentation of Manager's Recommended FY 2021-26 Capital Investment Plan (CIP)

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**DEPARTMENT:** County Manager and Finance and  
Administrative Services

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**ATTACHMENT(S):**

Attachment 1. County Manager's CIP  
Transmittal Letter

**UNDER SEPARATE COVER**

*Attachment 2. FY 2021-26 Capital  
Investment Plan  
Presentation*

*Attachment 3. Manager Recommended  
FY 2021-26 Capital  
Investment Plan*

**Attachments 2 & 3 To Be Provided  
Prior to or in Conjunction with the  
Meeting; Will also be Available  
Electronically at:**

[http://www.co.orange.nc.us/Archive.aspx?  
AMID=60](http://www.co.orange.nc.us/Archive.aspx?AMID=60)

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**INFORMATION CONTACT:**

Bonnie Hammersley, County Manager,  
(919) 245-2300

Travis Myren, Deputy County Manager,  
(919) 245-2308

Gary Donaldson, Financial Services,  
(919) 245-2453

Paul Laughton, Financial Services,  
(919) 245-2152

**PURPOSE:** To present the Manager's Recommended FY 2021-26 Capital Investment Plan to the Board of County Commissioners.

**BACKGROUND:** Each year, the County produces a Capital Investment Plan (CIP) that establishes a budget planning guide related to capital needs for the County as well as Schools. The current CIP consists of a 5-year plan that is evaluated annually to include year-to-year changes in priorities, needs, and available resources. Approval of the CIP commits the County to the first year funding only of the capital projects; all other years are used as a planning tool and serves as a financial plan.

**Capital Investment Plan – Overview**

The FY 2021-26 CIP includes County Projects, School Projects, and Proprietary Projects. The School Projects include Chapel Hill-Carrboro City Schools, Orange County Schools, and

Durham Technical Community College – Orange County Campus projects. The Proprietary Projects include Water and Sewer, Solid Waste Enterprise Fund, and Sportsplex projects.

The CIP has been prepared anticipating moderate economic growth of approximately 2% in property tax growth and 4% in sales tax growth annually over the next five years. Many of the projects in the CIP will rely on debt financing to fund the projects.

**FINANCIAL IMPACT:** There is no immediate financial impact associated with the presentation of the FY 2021-26 Capital Investment Plan. It is a long-range financial planning tool with a financial impact in Year 1(FY 2021-22), if the first year of the CIP is approved by the Board of County Commissioners with the adoption of the Annual Budget.

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

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

**RECOMMENDATION(S):** The Manager recommends the Board receive the presentation of the Manager's Recommended FY 2021-26 Capital Investment Plan and provide direction to staff in preparation of the April 13, 2021 Budget work session.



April 6, 2021

TO: Board of Orange County Commissioners

FROM: Bonnie Hammersley  
County Manager

Travis Myren  
Deputy County Manager

RE: Manager's Recommended FY 2021-26 Capital Investment Plan

We are pleased to submit the County Manager's Recommended Capital Investment Plan (CIP) for FY 2021-26 for your consideration. During the past fiscal year, the Board conducted a detailed review of the Plan in an effort to accelerate the \$26.5 million Durham Technical Community College (Durham Tech) building expansion in Orange County. This review resulted in the deferral several other capital projects in order to minimize the impact that the Durham Tech project would have on the County's overall five-year debt profile. The Recommended CIP maintains those adjustments and continues to focus on supporting public health and safety needs as well as capital investments in both School and County facilities to extend the life and viability of those buildings.

Although the Board only appropriates funds for the first year of the Capital Investment Plan, the other four years serve as the basis for the County's long range debt model and long range financial planning. The debt model relies on the five-year plan to project debt service requirements and monitor compliance with the County's debt to revenue policy. Projected debt service ultimately manifests in a tax rate equivalent to pay the annual installments on borrowing. The debt service to revenue policy measures the County's ability to pay these annual installments relative to the amount of revenue forecasted. This metric is also used by credit rating agencies to assign a credit rating when the County issues new debt. The County's current debt policy target is fifteen percent (15%) of general fund revenues. Based on the County's thoughtful approach to debt financing and resilient economy, the County has been assigned the highest credit rating (AAA) by three rating agencies for the past seven (7) years. This rating secures the lowest possible interest rates and, therefore, the lowest cost of borrowing in the bond market.

The first year of the Recommended CIP totals \$54 million in capital investments. Of this amount, \$18.6 million is recommended for County capital projects, \$4.9 million is recommended for proprietary fund spending including water and sewer projects, Solid Waste, and Sportsplex, and \$30.6 million is recommended for school capital improvements.

The recommended FY 2021-22 CIP represents an increase of approximately \$20.2 million compared to the FY2020-21 Amended CIP. This increase is attributable to \$8.7 million for the 203 S. Greensboro project moving into year one (1) of the Plan and the final 2016 general obligation bond draw for school facilities. The remaining bond allocations are \$1.9 million for Chapel Hill-Carrboro City Schools and \$11.4 million for Orange County Schools.

The balance of this memorandum describes projects supported by the General Fund that are recommended in the first year of the FY2021-26 CIP as well as any significant changes that are recommended for consideration in future years.

### **Education Capital Improvements**

The recommended CIP includes a total of \$30,584,864 to finance a variety of school capital improvements, more aggressively fund the backlog of deferred maintenance, finalize the 2016 bond projects, and finance a new facility for the Orange County Campus of Durham Technical Community College.

- **Supplemental Deferred Maintenance Program - \$3.6 million**

The Supplemental Deferred Maintenance Program was started in FY2020-21 to address deferred maintenance and life and safety improvements in school facilities. The program was designed to finance \$30 million in school projects over the next three years on a schedule and sequence determined by the Districts.

The total \$30 million was divided between the Districts based on the average daily membership in the FY2020-21 fiscal year. As a result, Chapel Hill-Carrboro City Schools was allocated 60.14% or \$18,042,000 of the \$30 million total while Orange County Schools was allocated 39.86% or \$11,958,000 of the total amount. Given these allocations, each District was asked to provide a three year plan for these expenditures.

Chapel Hill-Carrboro City Schools was appropriated \$1,800,000 this fiscal year. However, due to the demands of the COVID-19 response, these projects have been delayed, so the District is not requesting any additional funding in FY2021-22. Rather, the District has requested to extend the spending timeframe by one year, requesting \$10 million in FY2022-23 and the remaining \$6.2 million in FY2023-24. This request is reflected in the Recommended CIP.

Orange County Schools was appropriated \$4,150,000 this fiscal year. The District is requesting an additional \$3.6 million in FY2021-22 and the remaining amount of approximately \$4.3 million in FY2022-23.

- **Final 2016 General Obligation Bond Allocations - \$13.3 million**

In 2016, Orange County voters approved a bond referendum that included \$120 million for school facility repairs and improvements. FY2021-22 represents the final draw on those funds. Chapel Hill-Carrboro City Schools is requesting \$1.9 million to be applied to the Chapel Hill High School major renovation project. Orange County Schools has requested to use their remaining \$11.4 million to fund mechanical system replacements at Cameron Park Elementary, Hillsborough Elementary, New Hope Elementary, Efland Cheeks Global Elementary, Central Elementary, and A.L. Stanback Middle School.

- **Traditional School Facility Repair and Improvement Projects - \$10.6 million**

The remainder of the funding for school capital projects, \$10.6 million, is used to fund a variety of other capital improvements in schools ranging from accessibility and classroom improvements to technology and sustainability projects. This more traditional allocation is financed by a mix of sources including traditional debt financing, additional pay-as-you-go (from lottery proceeds), and Article 46 sales tax proceeds.

- **Orange County Campus Expansion – Durham Technical Community College - \$3.1 million**

The Recommended CIP for FY2021-22 includes \$3.1 million to complete the site work for a new academic building on the Orange County Campus. The new facility will be approximately 56,000 square feet with about 250 surface parking spaces.

The College is currently updating and verifying program needs for this facility through a facility master planning process that will be completed in late May. Some of the programming may include Health Technology, Skilled Trades, and Public Safety education.

Funding for facility construction of \$22.5 million is recommended in FY2022-23. In addition to capital funding, the County will be responsible for non-instructional operating costs when the facility is operational. Those costs are currently estimated at \$365,000 annually beginning in FY2023-24.

### **Public Health and Safety**

As the County continues to plan for COVID-19 recovery, the FY2021-22 Recommended CIP includes investments that will support the County's public health and safety functions to continue to reliably and efficiently respond to emergencies and to effectively communicate with one another.

- **Emergency Medical Services (EMS) Substation and Location Study - \$2.7 million**

The County has been working with the Orange Rural Fire Department to design and fund a co-located EMS substation and fire station in the Waterstone community in Hillsborough. Co-locations offer the benefit of sharing the construction cost of site infrastructure, mechanical and electrical systems, and common areas as well as the eventual operating costs of the facility.

The Waterstone location was selected based on this location's proximity to current and planned residential and non-residential growth as well as easy access to the Interstate. Orange County's portion of this project is estimated to be approximately \$3.4 million. A portion of this amount, \$950,000, was approved in prior years, so the FY2021-22 Recommended CIP adds the \$2.45 million to fully fund the County's share of the construction budget.

This project also includes \$250,000 to fund an EMS substation location study. Development patterns have changed over time in both the incorporated and unincorporated parts of the County. This location study will identify these changes and the associated projected call volumes to strategically locate future shared or independent substations.

- **Communication System Improvements - \$160,300**

New technology is mandating the phased implementation of Time Division Multiple Access functionality to improve the overall capacity of the State's emergency responder radio system. This technology allows multiple users to share the same frequency by assigning them time slots. Funding is included through FY2025-26 for these radio upgrades. Each year is escalated by a 5% inflationary factor based on recent history.

- **Climate Change Mitigation Project - \$536,645**

The Climate Change Mitigation Project was established in FY2019-20 to fund initiatives to combat climate change. At that time, the Board of Commissioners dedicated a quarter-cent increase on the Ad Valorem property tax to fund this project. In FY2021-22, the quarter-cent tax is expected to generate approximately \$536,645 that will be awarded through a competitive grant process.

Climate Change Mitigation funds are transferred from the General Fund into this multi-year capital fund each year so that funds that are unspent at the end of the fiscal year are preserved in the fund rather than being absorbed into the County's undesignated fund balance.

### **County Facility and Infrastructure Projects**

The FY2021-22 CIP is continuing to recommend repair and improvements to County facilities and infrastructure. These investments are intended to improve resiliency, extend the life of facilities, and improve service delivery to residents.

- ***New Project – Phillip Nick Waters Warehouse Air Handling System - \$685,193***

The Phillips Nick Waters Facility that serves as the administrative home for the Emergency Services Department has undergone significant remediation efforts over the past several years to combat indoor air quality threats. Although the interior of the facility has been completed, the attached warehouse that stores emergency response equipment, ambulance supplies, and basic necessity stockpiles has also been affected by poor humidity control. However, this project was separated from

the interior project since the County was able provide temporary alternative storage sites such as the Cedar Grove Community Center and rented storage space.

This project would fully remediate the warehouse and then install an air handling system to manage heat, humidity, and indoor air quality. The project also modifies the sprinkler system in the warehouse to meet current fire code requirements for high bay storage.

In order to help balance the overall spending in FY2021-22 to accommodate this new project, three more discretionary projects were deferred: a shower at the Cedar Grove Community Center, planning funds to explore expansion options for the Efland Cheeks Center, and the Historic Courthouse Elevator Modernization which is better aligned with other work on that facility scheduled in year five.

- ***Facility Accessibility, Safety and Security Improvements - \$368,200***  
The FY2021-22 CIP recommends \$368,200 to fund accessibility, safety, and security improvements in County facilities. The largest single project in this category (\$150,000) is the Wheelchair Lift Replacement at Central Recreation. The second most significant project is the installation of a dry fire suppression system (\$100,000) in the Register of Deeds Office to prevent water damage from a traditional sprinkler system release in the event of a fire. This project will also be used to install a security fence around the back parking lot of the Emergency Services building where emergency response resources are stored and staged and to upgrade fire alarm systems and security systems at other County facilities.
- ***Heating, Ventilation, and Cooling (HVAC) Projects - \$540,000***  
A total of \$350,000 is recommended to replace HVAC system at the Whitted Office and Clinic Complex. The remaining funds would be used to conduct humidity impact studies at several facilities, replace a small HVAC system in the Eno River Parking Deck Equipment Room, and to install new major components such as compressors and motors to extend the useful life of existing HVAC systems.
- ***Parking Lot Improvements - \$30,000***  
The Parking Lot Improvements Project is used to repaint lines in existing parking lots and to fill cracks in the asphalt to extend the life of the parking lot.
- ***Roofing and Façade Projects - \$98,700***  
The goal of the Roofing and Façade project is to repair known points of failure and to proactively identify measures to protect County facilities from water intrusions. These replacements and repairs are prioritized based on a Roof Asset Management Plan which is being updated in FY2020-21. Funding of \$55,000 annually is recommended for an annual inspection and repair program, and planning and design funds are programmed in FY2021-22 for roof replacements for the Whitted Building A and the Dickson House which is used as the Hillsborough Visitors Center.

- **203 South Greensboro Project *as Amended* – \$8.7 million**

In March of 2021, the Board of Commissioners considered options to fully fund the estimated cost of construction for the 203 South Greensboro Project following an escalation of approximately \$1.8 million in costs associated with the parking structure. The Board deferred \$950,000 in other projects to accommodate this increase and modified other elements of the project budget to result in a net increase of approximately \$275,000 in new borrowing required to proceed with the project. Based on the current project schedule, the Construction Manager at Risk is scheduled present a guaranteed maximum price in October of 2021 with the facility opening in early 2023.

The CIP also continues to recognize the additional operating expenses that will be required to operate the new Library. The net new operating costs are currently estimated at approximately \$537,670 annually after deducting the operating costs associated with the two existing County funded library resources in the Town of Carrboro.

- **Sustainability Projects - \$50,000**

The Capital Investment Plan includes an annual recommendation of \$50,000 per year to design and implement sustainability and renewable energy projects on County property. A portion of funding (\$10,000) is set aside to provide a local match for sustainability grant programs. The balance of funds (\$40,000) is recommended for lighting upgrades and to facilitate the further electrification of the County's vehicle fleet.

### **Economic Development Investments**

In FY2017-18, the Board authorized funding to conduct an analysis of the County's Economic Development Districts (EDD's). This report highlighted the importance of having sites that are prepared for development including the availability of water and sewer service. The County has previously appropriated over \$5.5 million to build out water and sewer infrastructure in the economic development districts to stimulate commercial and industrial development and job creation.

Debt service on water and sewer projects is paid using the portion of Article 46 sales tax revenue dedicated to economic development. Likewise, the improvements to the PFAP facility are recommended to be funded using Article 46 Economic Development sales tax fund balance.

- ***Sewer Extension in the Buckhorn EDD - \$1,235,000***

The recommended CIP for FY2021-22 adds \$1,235,000 to fund sewer installation and associated project management in the Buckhorn EDD. This project will extend sewer service under the interstate to a 200 acre area that has rail access. This area is known as "Area A" in the new Buckhorn Area Plan. Consistent with other sewer extensions

in this area of the County, the system would be owned, operated and maintained by the City of Mebane once it is installed, consistent with the terms of an Interlocal agreement.

- ***Buckhorn-Mebane EDD Potential Investment Area - \$115,000***  
Over the coming months, the Board will consider next steps for the Buckhorn Area Plan. The Recommended CIP currently includes \$115,000 to examine other areas for potential investment. Unless those next steps are defined by the time the budget is ready for approval, staff will recommend deferral of this project.
- ***Piedmont Food Processing Facility Improvements - \$140,000***  
Part of the County's economic development strategy is to facilitate the use of locally grown food and to support the growth of small businesses. The Piedmont Food Processing Facility provides a low cost food production environment to reduce the barriers of entering the food production market. This project recommends installing a roofing system to protect freezers that extend beyond the current roof.

### **Information Technology**

Significant information technology and communication improvements are financed through the Capital Investment Plan. These projects maintain and expand the capabilities of the County's current information technology infrastructure, employ new technologies to better meet the needs of County residents, protect and store critical data, and improve internal operating efficiencies.

- ***Information Technologies Governance Council Initiatives - \$500,000***  
Every other year, new information technology initiatives are proposed by departments and then evaluated and scored by an interdepartmental group called the Information Technologies Governance Council. Those projects receiving the highest scores are funded, up to the available budgeted amount of \$500,000. In FY2021-22, those projects include the Computer Assisted Mass Appraisal system in Tax Administration, the Parcel Identification Number system used by multiple departments involved in land records, an electronic tax bill presentment and processing software, call management software for the Department on Aging, a switchboard upgrade for the Department of Social Services, contactless service delivery for the Library, and enterprise Geographic Information System software upgrades used by several departments.
- ***Information Technology Infrastructure Initiatives - \$1,164,000***  
The FY2021-22 CIP recommends \$1,164,000 for Information Technology Infrastructure Initiatives. Of this total amount, \$100,000 is designated for cybersecurity improvements, \$240,000 is related to server upgrades, data storage, network improvements, wireless expansion and replacements, and file security, outbreak prevention, and outbreak mitigation. The remaining \$824,000 is designated to fund the laptop and desktop replacement schedule.

- ***Register of Deeds Automation - \$80,000***

The Register of Deeds Automation project is funded using automation fees that are specifically designated by State Statute to improve technology capabilities in the Register of Deeds Office. Each year, the County budgets \$80,000 which is allowed to accumulate over time to make significant technology investments.

### **Parks, Open Space, and Trail Development**

The Board has consistently funded projects for parks, open space, and trail development that preserve natural areas of the County and promote nature activities for County residents. Funding recommendations are generally guided by the Parks and Open Space Master Plan, as well as the individual master plans that have been adopted and periodically updated for each park property. The FY2021-22 CIP recommends funding for the following projects:

- ***Blackwood Farm Park – \$15,000***

Blackwood Farm Park is a 152-acre regional park between Chapel Hill and Hillsborough on NC Highway 86 and New Hope Church Road. A variety of improvements will be started in the summer of 2021 to construct new turn lanes into the park and develop an improved entryway and parking using funding appropriated in prior years.

The Park is designed to host recreational and educational events. The FY2021-22 CIP is recommending the addition of a neighborhood electric vehicle (NEV) to provide transportation assistance to individuals with disabilities to fully participate in those events.

- ***Lands Legacy Program - \$500,000***

The Lands Legacy Program was originally established in 2000 to conserve and protect the County's most critical natural and cultural resources, including prime and threatened farmland, future parklands, natural areas, wildlife habitat and prime forests, watershed stream buffers, and historic archaeological sites. Based on planned projects, the existing \$1.7 million balance in this program will be exhausted.

As a result, funding is proposed in FY2021-22 to begin replenishing funds. An annual appropriations approach is recommended in future years to provide ongoing support of the program.

- ***Little River Park - \$100,000***

Little River Park is a cooperative park project, funded fifty percent (50%) each by Orange and Durham counties. Funding of \$100,000 is recommended for FY 2021-22 to repave the park entry road and parking area. These repairs are pending completion of the updated master plan for the full park by both Orange and Durham counties and renewal of the Interlocal agreement that is expected in May 2021. Consistent with the

Interlocal Agreement, Orange County's share of the road and parking improvements is \$50,000.

- ***Mountains to Sea Trail - \$181,000***

The Mountains to Sea Trail (MST) is a part of the N.C. State Parks system and is intended to connect the Great Smoky Mountains to the Outer Banks by trail. The trail route through Orange County was adopted in January 2018. Work on the first phase of the project from Occaneechee Mountain State Natural Area to the County's Upper Eno Nature Preserve (Seven Mile Creek Nature Park) is currently underway.

The Recommended FY2021-22 CIP funds the second phase (\$181,000) of the project that will address the trail segment from Buckhorn Road south on and around the Orange Water and Sewer Authority owned lands at Cane Creek Reservoir continuing to the Alamance County line. The County expects grant funds from North Carolina State Parks of approximately \$35,500 to help with land acquisition. As a result, the County's share of this project is \$145,500.

- ***Implementation of Neuse River Rules for Nutrient Management - \$175,000***

The State-mandated Falls Lake Nutrient Management Rules call for each jurisdiction in the upper Neuse River Basin to reduce total nitrogen levels by 77% and total phosphorus levels by 40% over a period of years to improve water quality. Compliance with these rules would be costly to each of the local governments located in the basin. However, the Upper Neuse River Basin Association has successfully proposed an implementation approach that would be less expensive and include a mix of storm water control or wetlands creation improvements, conservation acquisitions and practices, and other methods. The FY2021-22 CIP recommends that \$175,000 be allocated to the design and implementation of one or more of these measures in Orange County.

- ***Parks and Recreation Facility Renovations and Repairs - \$180,000***

Funding of \$180,000 is recommended in FY 2021-22 for ongoing safety, lighting/energy, park infrastructure, signage, preventive maintenance and landscape improvements to the County's seven parks. Each year, park and recreation equipment and facilities need renovation, safety improvements, repair, replacement and upgrades. This project provides for a scheduled and prioritized funding source for these needs identified in the 2030 Parks & Recreation Master Plan process.

### **Lake Orange Dam Rehabilitation - \$360,000**

Lake Orange is a Class II public water supply reservoir owned by Orange County. The lake's primary uses are to serve as a public water supply and to maintain minimum flows in the Eno River as defined within the Eno River Water Management Plan.

The Lake Orange dam was classified by North Carolina Division of Environmental Quality (NCDEQ) as a "High Hazard" dam in August 2011. This designation means that failure of the dam could

result in severe property damage and/or possible loss of life downstream. In 2018, NCDEQ and a private engineering firm conducted inspections of the dam that identified deficiencies in this 52-year old structure.

Additional inspections conducted in the Fall of 2020 revealed additional structural deficiencies in the intake tower and along the concrete spillway. As a result, individual projects have been reprioritized and sequenced so that the FY2021-22 CIP recommends financing the repair of the erosion control barrier, FY2022-23 addresses the intake tower and gates, and FY2023-24 includes spillway repairs.

### **Vehicle Replacements - \$1.3 million**

The Capital Investment Plan is also used to procure replacement vehicles used by County Departments. In public safety, funding of \$630,341 is recommended in FY 2021-22 to replace Sheriff's Office vehicles, remount an Animal Control vehicle, and purchase one (1) ambulance and one (1) administrative vehicle in Emergency Services. In Transportation Services, \$560,000 is allocated to replace nine (9) buses. State and Federal resources pay for eighty percent (80%) of the cost of vehicles in Transportation Services, so the total County cost of these replacements is \$112,000. Finally, four vehicles used by Asset Management Services and the Department of Agriculture, Parks and Recreation are in need of replacement. The newest vehicle of this group is over seventeen years old with an average of 115,670 miles.

### **Financing the Capital Investment Plan**

The Recommended Capital Investment Plan for FY2021-22 totals \$54 million in expenditures. Of that amount, \$44.1 million is recommended to be financed by County funded debt. Other significant sources of funds include additional pay-as-you-go (from Lottery Proceeds) and Article 46 sales tax proceeds. Both of these sources are dedicated to fund school capital needs and are estimated to contribute approximately \$3.6 million to the resources used to support the CIP.

### **Debt Capacity Target**

County policy establishes a debt service capacity target of fifteen percent (15%) of general fund revenues. Based on prior borrowing approved by the Board, this policy has and is expected to be exceeded in future years. As the Board considers the CIP, staff will provide updates and recommend necessary adjustments so that the Board is comfortable with the current and planned debt over the course of the FY2021-26 CIP.

### **Planning for Future Significant Capital Projects**

As the CIP evolves in the future, two significant capital expenditures may be considered. The first is a replacement of the emergency responder radio system. The total cost of this project was originally expected to exceed \$40 million. However, through additional research and discussions with State partners, this project may cost less than originally anticipated. Until a new, reliable cost estimate is created, this project is programmed in years six through ten of this CIP.

The second major project consideration is whether the County pursues additional general obligation school bonds for school repairs and improvements. The Plan does not currently anticipate additional general obligation bond funding.

**Thanks and Appreciation**

The development of this year's CIP again took place outside of the typical office environment as all of the meetings and problem solving that went into the development of these recommendations were done remotely. Everyone who participated in the development of the CIP deserves thanks and appreciation for their creativity and flexibility during this process. Again, the County's Finance and Administrative Services team, most notably Chief Financial Officer, Gary Donaldson, Deputy Finance Director, Paul Laughton, and Budget Analyst, Kirk Vaughn, provided exemplary support, advice, and attention to detail.

We look forward to working with you over the next several weeks to improve upon the Manager's Recommended Capital Investment Plan. Please contact us if you have any questions.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** April 6, 2021

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

**SUBJECT:** Future Land Use Map (FLUM) and Zoning Atlas Amendment – Richardson  
(MA20-0006)

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**DEPARTMENT:** Planning and Inspections

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**ATTACHMENTS:**

1. Application Package
2. Current County Zoning Map and Future Land Use Map
3. Central Orange Coordinated Area (COCA) Land Use Map
4. Staff Review Letter Dated January 6, 2021
5. Staff Review Comments
6. Excerpt of Draft March 3, 2021 Planning Board Minutes and Signed Statement of Consistency
7. Certification of Mailing
8. Statement of Consistency
9. Ordinance on Rezoning

**INFORMATION CONTACT:**

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

**PURPOSE:** To hold a public hearing, receive the Planning Board/staff recommendation and public comment, close the public hearing, and consider action on applicant initiated amendment(s) to the Comprehensive Plan Future Land Use Map (FLUM) and Zoning Atlas for a parcel within the Hillsborough Township of Orange County.

Specifically, Ms. Gary Carleen Richardson is seeking to rezone an approximately 2.72 acre parcel of property, further identified using Orange County Parcel Identification Number (PIN) 9873-54-6387:

**FROM:** Rural Residential (R-1); Stoney Creek Basin Overlay District (Higher Intensity Development Area)

**TO:** General Commercial (GC-4); Stoney Creek Basin Overlay District (Higher Intensity Development Area)

As part of this proposal, the applicant is requesting modification of the FLUM changing the parcels current land use designation from Rural Residential to Commercial Industrial Transition Activity Node (CITAN).

**BACKGROUND:** The basic facts concerning this application ([Attachment 1](#)) are as follows:

Applicant: Ms. Gary Carleen Richardson

PO Box 4186  
Burlington, NC 27215

- Parcel Information:
- A. **Parcel and Size:** PIN 9873-54-6387. An approximately 2.72 acre parcel.
  - B. **Township:** Hillsborough.
  - C. **Current Zoning:** Rural Residential (R-1) and Stoney Creek Basin Overlay District (Higher Intensity Development Area).  
*STAFF COMMENT:* The parcel is not located within a Watershed Protection Overlay District.
  - D. **Requested Zoning:** General Commercial (GC-4).  
*STAFF COMMENT:* Action to approve this request will not affect the parcel's location within the Stoney Creek Basin Overlay District.  
The potential rezoning of the parcel to GC-4 is not inconsistent with the purpose and intent of this Overlay District.
  - E. **Current Future Land Use Map (FLUM) Designation:** Rural Residential land use category. Please refer to the maps contained in Attachment 2 for more information.  
*STAFF COMMENT:* Applicant has requested the FLUM designation for the property become Commercial Industrial Transition Activity Node (CITAN), which is necessary to approve the rezoning request.  
As detailed in Attachment 2, the parcel to the north is located within the CITAN while property to the west, across NC Highway 86, is located within the Economic Development Activity Node, as detailed on the FLUM.  
Parcel(s) to the south and east are located within the Rural Residential land use category.
  - F. **Growth Management System Designation:** Rural Designated.
  - G. **Existing Conditions/Physical Features:** The parcel is currently undeveloped and heavily wooded with varying topography.
  - H. **Roads:** The parcel has approximately 360 ft. of frontage along NC Highway 86 to the west.
  - I. **Water and Sewer:** Development of the property will rely on individual well and septic systems. The Property is not in an area served by public water/sewer.
- Surrounding Land Uses:
- North:** 4 acre parcel zoned General Commercial (GC-4) supporting a self-storage business;
  - South:** An undeveloped 2.7 acre parcel zoned Rural Residential (R-1);

- West:** NC Highway 86, parcels ranging in size from 2.6 to 30 acres in area zoned Economic Development Hillsborough Limited Officer (EHD-2). The 30 acre parcel is developed and utilized to support a single-family residential land use; and
- East:** An approximately 235 acre parcel zoned Rural Residential (R-1) owned by Duke University School of Forestry.

Development Process, Schedule, and Action: The typical cadence for the review of a General Use Rezoning and Zoning Atlas amendment is:

- **FIRST ACTION** – Submission of a General Use Rezoning application with required supporting documents by the property owner.  
*STAFF COMMENT:* Ms. Richardson provided required document(s) on November 6, 2020, supplemented in January of 2021 with additional information providing support for the requested change in the FLUM designation.
- **SECOND ACTION** – The Planning Board reviews the application at a regular meeting and makes a recommendation to the BOCC.  
*STAFF COMMENT:* The Planning Board reviewed this item at its March 3, 2021 regular meeting where members voted unanimously to recommend denial of the request(s).
- **THIRD ACTION** – The BOCC receives the Planning Board recommendation and makes a decision at a previously advertised public hearing.  
*STAFF COMMENT:* Scheduled for April 6, 2021.  
 Consistent with State legislation regarding virtual/remote meetings, there is a 24-hour waiting period required before a decision becomes effective. The purpose of the 24-hour waiting period is to allow for submission of written comments.

General Use Rezoning: Zoning promotes development of land uses that can co-exist in proximity to one another consistent with the promotion of the public health, safety, and general welfare. Regulations establish opportunities/constraints associated with land development in an attempt to ensure one person's 'reasonable use' of property does not affect another person's ability to make reasonable use of their property.

This request involves a property owner seeking to change the zoning designation of their property from a residential general use zoning district (R-1) to a district allowing for the development of non-residential land uses (GC-4). In acting on this request, the County is unable to impose conditions and the applicant is not required to define what type of development (i.e. permitted use category) is anticipated. If rezoned, all land uses permitted within the GC-4 general use zoning district are suitable for development on the property once compliance with applicable regulations is demonstrated.

General Use Rezoning applications are processed in a legislative manner (i.e., does not require sworn testimony or evidence) and decisions are based on the BOCC's determination the request is consistent with the purpose and intent of the Comprehensive Plan.

Proposal: Applicant requests the general use zoning designation of the property become GC-4 arguing:

*... changing this (property's) zoning to General Commercial (GC-4) will be more in line with the Character of the area. There is a shopping center approximately one mile down the road that includes a Walmart, Home Depot, and various other chain stores and fast food restaurants. On the other side of the road from the shopping center is a newly built Sheetz, which also has space to have another tenet beside them.*

The request also involves changing the future land use designation for the property from Rural Residential to Commercial Industrial Transition Activity Node (CITAN).

*STAFF COMMENT:* This change is necessary to approve the rezoning request.

The applicant argues current development trends along NC Highway 86, as well as existing land use designations on parcels to the north and west, support changing the designation of the subject property to CITAN.

Other pertinent information concerning the property is as follows:

- Comprehensive Plan: The subject parcel is currently located within the Rural Residential land use category.

Per Appendix F, "*Relationships Between Land Use Categories and Zoning Districts Matrix*" of the adopted Orange County Comprehensive Plan, GC-4 is not an allowable general use zoning category for property located within a Rural Residential land use category.

The GC-4 general use zoning district is permitted within the Commercial-Industrial Transition Activity Node (CITAN).

Per Appendix G *Land Use Classification and Overlay Locational Criteria* of the Comprehensive Plan, CITAN is located in areas meeting specific criteria including, but not limited to:

- Areas currently, or could be reasonably and efficiently, served by centralized public services and utilities;
- Located at the intersection of arterial and/or collector highways or in proximity to other major transportation networks;
- In areas near major transportation routes that could be provided with public water and wastewater services, which are appropriate for non-residential and higher density residential uses.

As detailed by staff (Attachment 5), the subject parcel is not located in an area currently or planned to be served by public utilities (i.e. water and/or sewer).

In order for the property to have access to public utilities, the Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan and Water and Sewer Management, Planning and Boundary Agreement (WASMPBA) would need modification first.

For more information on the definition of CITAN, and to review the allowed zoning designations permitted within same, the Comprehensive Plan is accessible at:

<http://www.orangecountync.gov/1242/2030-Comprehensive-Plan>.

- Future Land Use Map (FLUM) Designation: The FLUM can be accessed at:  
<http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-PDF>.
- Growth Management System Map Designation: The property is Rural Designated.  
STAFF COMMENT: The Growth Management System Map is a tool utilized by staff to identify permit review thresholds for residential (i.e., subdivision) projects.
- Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan: COCA is a joint land use document defining locations of 'future land use categories' to achieve desired and coordinated pattern(s) of development. Implementation of the COCA Land Use Plan is achieved through consistency with the County's Comprehensive Plan Future Land Use Map, application of County zoning, and a coordinated approach to rezoning.

The subject parcel is outside of the Town's Urban Service area.

Consistent with COCA, the Town may not extend utilities outside the service area. The applicant approached the Town in 2012 about moving the Urban Service boundary to include this parcel. In recommending approval of COCA, Hillsborough's planning board supported the concept of amending the boundary but did not take action to do so. COCA can be accessed at:

<https://www.orangecountync.gov/DocumentCenter/View/14011/Central-Orange-Coordinated-Area-COCA-Land-Use-Plan-PDF>.

Please refer to the map in Attachment 3 for more information. As previously indicated, COCA modifications are necessary to extend the Urban Service Area allowing the property to qualify for utility service.

- Water and Sewer Management, Planning and Boundary Agreement (WASMPBA): Property is located within the Town of Hillsborough Long-term Interest Area. Public utilities (i.e. water and sewer) are available only if the property owner seeks voluntary annexation into the Town and the WASMPBA Primary Service Area boundary is amended to include the parcel. The WASMPBA agreement can be accessed at:  
<http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF>.
- Environmental Assessment (EA): Per Section 6.16.2 (A) of the UDO, the application is exempt from the Environmental Assessment (EA) requirement. Once a formal development proposal (i.e. site plan) is submitted, it will be evaluated for compliance with the provisions of the UDO. Please note, an environmental assessment application is typically required only for projects exceeding two acres of proposed land disturbance.

Analysis: As required under Section 2.8.5 of the UDO, the Planning Director is required to: '*cause an analysis to be made of the application*' and provide analysis to the reviewing body. In analyzing this request, the Planning Director offers the following:

1. The application is complete in accordance with the requirements of Section 2.8.3 of the UDO;
2. The Rural Residential land use category is defined within the adopted Comprehensive Plan as:

*Land in the rural areas of the County which is appropriate for low intensity and low-density residential development and which would not be dependent on urban services during the plan period.*

3. The Commercial Industrial Transition Activity Node (CITAN) is defined within the adopted Comprehensive Plan as:

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

4. The property is not eligible for service by public water and wastewater services based on:
- The Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan; and
  - The Water and Sewer Management, Planning and Boundary Agreement (WASMPBA).

As a result, extension of CITAN is not viable at this time as the parcel is ineligible for public water and wastewater services;

5. The request, while potentially representing a logical extension of the CITAN land use category along NC Highway 86 as well as the GC-4 general use zoning district, is inconsistent with applicable planning document(s) are detailed herein;
6. Existing agreement(s) between the County and the Town of Hillsborough do not identify this property as being suitable for high intensity residential and/or non-residential development. These agreements would have to be modified to allow the request to receive a favorable recommendation.

Public Notifications: In accordance with Section 2.8.7 of the UDO, notices were mailed via first class mail to property owners within 1,000 ft. of the subject parcel providing the date/time of the BOCC public hearing where the proposal is to be reviewed on March 18, 2021, 19 days before the meeting. Staff also posted the subject parcel with a sign indicating the date/time of the public hearing on March 22, 2021, 15 days before the meeting. For more information, please refer to Attachment 7.

Planning Board Recommendation: The Planning Board reviewed this request at its March 3, 2021 regular meeting where the following comments were made:

- A Board member asked if another future land use designation that would be appropriate for the property. There was discussion on the merits of extending the Economic Development Transition Activity Node, west of the property across NC Highway 86, as an alternative to CITAN.

STAFF COMMENT: According to the Comprehensive Plan, the GC-4 general use zoning district is only permitted within the:

- Commercial Transition Activity Node, and
- Commercial Industrial Transition Activity Node (CITAN).

Based on surrounding land use designations, and the applicant's wishes, CITAN was the only option.

Unfortunately, the area is not suitable for non-residential zoning/development based on existing agreement(s) between the Town and County. Until these

agreement(s) are modified, neither CITAN or Economic Development Transition Activity Node could be extended onto the subject property.

- Board members acknowledged receipt of two emails from adjacent property owners requesting the application be denied due to anticipated traffic impact(s) from non-residential development and extension of 'urban development intensities' into what they perceived to be a 'rural' area of the county.
- The applicant did not speak at the Planning Board meeting.

After discussing the request, and reviewing staff's recommendation, Board members voted **unanimously** to recommend **denial** of the Statement of Consistency (Attachment 8) and the proposed Zoning Atlas Amendment (Attachment 9). Excerpts of the minutes from the meeting, as well as the Board's signed statement of consistency, are included in Attachment 6.

Agenda materials from the meeting can be viewed at: <https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26>.

Planning Director's Recommendation: The Planning Director recommends the request be **denied** due to the following:

- a. Extension of the Commercial Industrial Transition Activity Node (CITAN) is not viable at this time as the property cannot be provided with *public water and wastewater services*;
- b. The requested rezoning (i.e. R-1 to GC-4) cannot be approved without the extension of CITAN;
- c. The requested rezoning is inconsistent with the current policies of the adopted County Comprehensive Plan, the Town of Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan and the Water and Sewer Management, Planning and Boundary Agreement (WASMPBA);
- d. Existing agreement(s) between the County and the Town of Hillsborough do not identify this property as being suitable for high intensity residential and/or non-residential development.

If amendment(s) to COCA and WASMPBA occur, specifically making the subject parcel suitable for service by public utilities, staff could make an affirmative recommendation on requested future land use map and rezoning amendments. These amendments would have to occur before such a recommendation could be made.

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

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

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

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**

The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

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

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

1. Receive the request;
2. Conduct the public hearing and accept the Planning Board recommendation and staff/public comment(s);
3. Close the public hearing
4. Authorize the acceptance of written comment(s) via e-mail to the Board at [ocboecc@orangecountync.gov](mailto:ocboecc@orangecountync.gov) or by delivery to the Planning Department's office at 131 West Margaret Lane, 2<sup>nd</sup> floor, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday April 8, 2021;
5. Schedule a vote to take action on the:
  - a. Statement of Consistency (Attachment 8), and
  - b. Zoning Atlas Amendment (Attachment 9)

at the Board's April 20, 2021 Business meeting as recommended by the Planning Board and Planning Director. **No additional public comments shall be received on this item at the April 20, 2021 Business meeting.**



Orange County Planning and Inspections Department

APPLICATION FOR ZONING ATLAS AMENDMENT GENERAL USE REZONING REQUEST

APPLICANT INFORMATION:

Date: 10-8-2020
Applicant: Gary Carleen Richardson
Address: P.O. Box 4186 Burlington N.C. 27215
Phone: 336 226-2846
Cell Phone:
E-mail:

PROPERTY SUBJECT TO REQUEST:

Parcel Identification Number (PIN): 9873546387
Address of property:
Owner of property: Gary Carleen Richardson
Future Land Use Designation for Property: GC4
Current Zoning Designation: R1
Requested Zoning Designation: GC4

\*\* If Applicant/Owner are different people, include a signed, notarized, statement indicating that the owner has authorized the applicant to submit the request. In cases where there are multiple property owners, please attach an additional document containing their signatures authorizing the submission of the application or other legal documentation establishing the applicants right to file on their behalf. \*\*

SUBMITTAL INFORMATION - Section 2.8.3 of the Unified Development Ordinance (UDO)

- 1) A Map, at a legible scale, showing the property(s) subject to the request.
2) A legal description of the property(s) proposed for rezoning
3) A list showing the names and addresses of all adjacent property owners within 1000'feet of the subject property.
4) A detailed narrative denoting the following:
a. The alleged error in the Zoning Atlas (if any) that will be corrected by the proposed request.
b. The changed, or changing, conditions (if any) that makes the proposed amendment reasonable necessary to promote the public health, safety, and general welfare.
c. How the proposed amendment is consistent with, or carries out the intent and purpose of, the Orange County Comprehensive Plan,





FLETCHER RD

86

9873546387

 PIN 9873-54-6387

 Parcels

 N  
1 in = 100 feet  
0 100 Feet  
Planning and Inspections Department (BC)  
1/4/2021

# Zoning



FLETCHER RD

86

9873546387

	PIN 9873-54-6387
	Stoney Creek Basin Overlay
	EDH-2
	GC4
	PD-OI
	R1

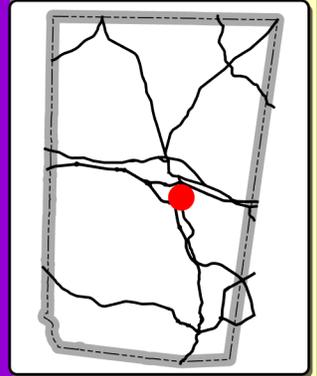
ORANGE COUNTY NORTH CAROLINA

1 in = 100 feet

0 100 Feet

Planning and Inspections Department (BC)

1/4/2021



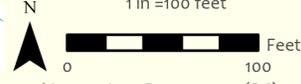
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86

9873546387

-  PIN 9873-54-6387
-  Rural Residential
-  Commercial-Industrial Transition
-  Economic Development Transition

N 1 in = 100 feet



ORANGE COUNTY NORTH CAROLINA  
 Planning and Inspections Department (BC)  
 1/4/2021

### Rezoning Narrative

Gary Richardson is requesting her property which is currently zoned Rural Residential (R1) to be changed to General Commercial (GC-4). This property is located to the South of Wood Brothers Storage. The Parcel Identification number (PIN) is 9873-54-6387. Ms. Richardson believes that changing this zoning to General Commercial will be more in line with the Character of the area. There is a shopping center approximately one mile down the road that includes a Walmart, Home Depot, and various other chain stores and fast food restaurants. On the other side of the road from the shopping center is a newly built Sheetz, which also has space to have another tenet beside them.

**RICHARDSON REZONING – JUSTIFICATION FOR REQUESTED ATLAS AMENDMENT AND CHANGE IN COUNTY FUTURE LAND USE MAP:**

1. The parcel has frontage on NC Highway 86, a heavily travelled State roadway. In my opinion, residential development on this 2.7 acre parcel is not the highest and best use of the property;
2. There are parcels north and west of this property zoned to allow for non-residential development. According to the County zoning atlas, the parcels are zoned:
  - a. General Commercial (GC-4); and
  - b. Economic Development (lot across NC Highway 86).

I believe the area is already zoned to allow for non-residential development and my request is consistent with this existing classification/trend for the area with respect to existing development to the north and anticipated development to the west;

3. As I understand it, there will also have to be a change to the land use category designation of my property based on the County's Comprehensive Plan.

Staff has explained that my parcel is located within a Rural Residential land use category, which is intended to promote/allow for residential development activities. The GC-4 commercial zoning is not allowed within this land use category.

Based on the maps provided to me, the parcel to the north (developed as a self-storage business) is within a Commercial Industrial Node, which is how the parcel to the north was able to be zoned GC-4.

Given current development trends in the area, and the high volume of traffic on NC Highway 86, I believe my property is better suited for commercial development. I also think it is appropriate to expand this Commercial land use category to include my property as the parcel to the north is already located within this land use category.

I should also point out, according to the Comprehensive Plan, property to the west of my parcel are within an Economic Development Transition Node, which also allows for commercial development. I am, effectively, surrounded by property classified as being suitable for commercial development activities.

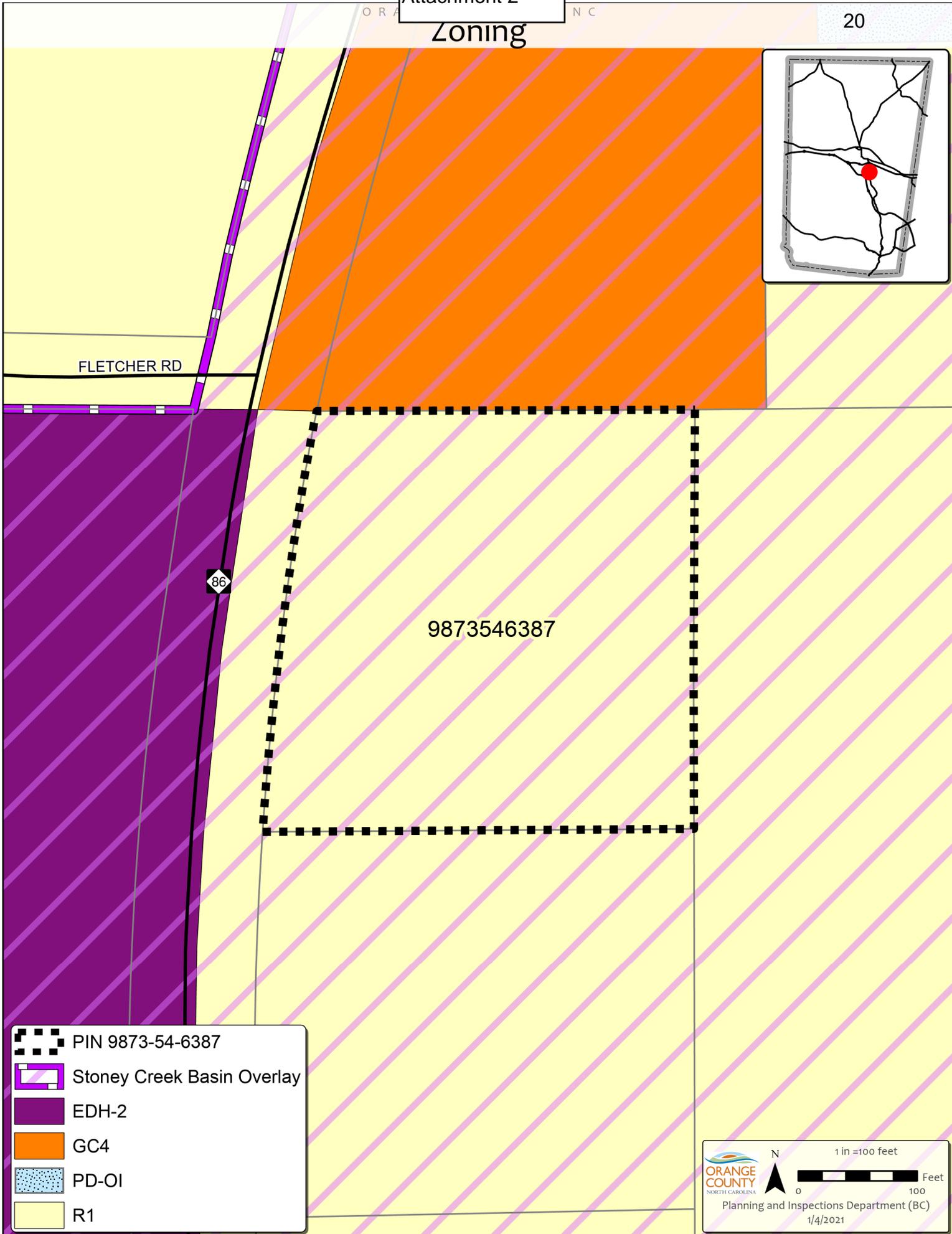
As part of my request, I respectfully ask that my parcel's future land use designation be changed from Rural Residential to Commercial-Industrial Transition as I believe commercial development is the most appropriate land use for this property;

PIN	OWNER1_LAST	OWNER1_FIRST	OWNER2_LAST	OWNER2_FIRST
9873432226	HARMONY AT WATERSTONE TOWNHOMES	HOMEOWNERS ASSOCIATION INC		
9873435958	DRYSDALE	STEVEN M	DRYSDALE	CYNTHIA R
9873435965	OMOLE	DEJI		
9873437743	TERRY	MARY		
9873445041	ALCID	ROMEO HERMINIO JR		
9873445246	FLOWERS	SYLVIA DENISE		
9873445276	TOMFOHR	JOHN KARL		
9873445296	DIAZ	CAROL	DIAZ	DAVID
9873445477	HOUSTON	SARA		
9873445497	OATLEY	MARGARET C TRUSTEE		
9873445708	DONOVAN	TERENCE E		
9873446426	BENJAMIN	SAMUEL		
9873447724	BULLOCK	WAYNE THOMAS	BULLOCK	NANCY H
9873449629	WHITTEMORE	AUDENRIED		
9873455195	NESBIT	SAMUEL PAUL	NESBIT	LINDA RUTH
9873457193	SIMEONSSON	RUNE	SIMEONSSON	NANCY E
9873458459	SALLARD	BENJAMIN W JR	MARLES	CANDACE A
9873459190	RIDDLE	STEPHEN KELLER		
9873459438	CONRAD	RITA MAE		
9873533681	WOODS	ERIC L		
9873534207	WOODS	ERIC L		
9873536772	WOODSEdge PROPERTIES LLC			
9873537326	WOODSEdge PROPERTIES LLC			
9873541969	DISHNER	LYNN MARIE ANDERSON		
9873543114	LYNN	SUSAN R ETAL	MCGUIRE	GARY W TRUSTEE
9873546064	WOODSEdge PROPERTIES LLC			
9873546387	RICHARDSON	GARY C		
9873547960	WOODS BROTHERS INC			
9873550926	CARTER	JASON P	CARTER	RENEE M
9873551405	SCHNEIDEWIND	BRIAN C	SCHNEIDEWIND	EMILY M
9873551494	HARPER	BRIAN S	HARPER	KATHLEEN A
9873552457	WOODS BROTHERS INC			
9873552485	MAYHEW	KAREN FOREHAND	MAYHEW	STEVEN B
9873553062	WOODS BROTHERS INC			

9873553638 MANDAL	ANIRBAN		
9873554336 WOODS BROTHERS INC			
9873554432 CENTEX HOMES RALEIGH	DIVISION		
9873554509 SMITH	JODY D		
9873554566 FLOYD	JANE E		
9873555556 HALL	KEITH		
9873556425 NGUYEN	CHINH T		
9873556587 MALONEY	MARY E		
9873556614 GASSEN	ANKE M		
9873557414 NEWBY	WILLIAM ANDREW	NEWBY	SHARON S
9873557567 LEMMERMAN	MARC D	LEMMERMAN	DEBORAH S
9873558615 EDWARDS	GEORGE E		
9873646782 JONES	RICHARD W	JONES	THELMA W
9873656477 PIEDMONT ELECTRIC MEMBERSHIP	CORP		
9873727869 DUKE UNIVERSITY SCHOOL OF	FORESTRY		

ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
4112 BLUE RIDGE RD STE 100	C/O ELITE MANAGEMENT PROFESSIONAL INC	RALEIGH	NC	27612
625 GREAT ENO PATH		HILLSBOROUGH	NC	27278
629 GREAT ENO PATH		HILLSBOROUGH	NC	27278
2909 NC 86S		HILLSBOROUGH	NC	27278
382 CURRY AVE		ENGLEWOOD	NJ	7631
178 WALKING PATH LN		HILLSBOROUGH	NC	27278
212 5TH AVE #20B		NEW YORK	NY	10010
186 WALKING PATH PLACE		HILLSBOROUGH	NC	27278
181 WALKING PATH PL		HILLSBOROUGH	NC	27278
185 WALKING PATH PL		HILLSBOROUGH	NC	27278
727 FLETCHER RD		HILLSBOROUGH	NC	27278
189 WALKING PATH PL		HILLSBOROUGH	NC	27278
809 FLETCHER RD		HILLSBOROUGH	NC	27278
821 FLETCHER DR		HILLSBOROUGH	NC	27278
800 FLETCHER RD		HILLSBOROUGH	NC	2.73E+08
PO BOX 1120		HILLSBOROUGH	NC	2.73E+08
2804 BECKETTS RIDGE DR		HILLSBOROUGH	NC	27278
814 FLETCHER RD		HILLSBOROUGH	NC	2.73E+08
2806 BECKETT'S RIDGE DR		HILLSBOROUGH	NC	27278
P O BOX 1882		ALBEMARLE	NC	2.8E+08
P O BOX 1882		ALBEMARLE	NC	2.8E+08
909 OAKDALE DR BOX 38		HILLSBOROUGH	NC	27278
909 OAKDALE DR BOX 38		HILLSBOROUGH	NC	27278
828 FLETCHER RD		Hillsborough	NC	27278
2571 LOVETTE LANE		GRAHAM	NC	27253
909 OAKDALE DR	BOX 38	HILLSBOROUGH	NC	27278
PO BOX 4186		BURLINGTON	NC	2.72E+08
2707 NC 86S		HILLSBOROUGH	NC	27278
2808 BECKETTS RIDGE DR		Hillsborough	NC	27278
2810 BECKETT'S RIDGE DR		HILLSBOROUGH	NC	27278
2812 BECKETTS RIDGE DR		HILLSBOROUGH	NC	27278
2707 NC HWY 86 S		Hillsborough	NC	27278
2814 BECKETTS RIDGE DR		HILLSBOROUGH	NC	27278
2707 NC 86S		HILLSBOROUGH	NC	27278

2520 SUMMIT DR		HILLSBOROUGH	NC	27278
2707 NC HWY 86		Hillsborough	NC	27278
1225 CRESCENT GREEN DR STE 250		CARY	NC	27518
2615 WADE HAMPTON RD		HILLSBOROUGH	NC	27278
2614 WADE HAMPTON RD		HILLSBOROUGH	NC	27278
2612 WADE HAMPTON RD		HILLSBOROUGH	NC	27278
242 AURORA DR		HILLSBOROUGH	NC	27278
1203 BRAXTON BRAGG CT		HILLSBOROUGH	NC	27278
2610 WADE HAMPTON		HILLSBOROUGH	NC	27278
2821 BECKETTS RIDGE		HILLSBOROUGH	NC	27278
1205 BRAXTON BRAGG CT		HILLSBOROUGH	NC	2.73E+08
1204 BRAXTON BRAGG CT		HILLSBOROUGH	NC	2.73E+08
1642 COSMOS DRIVE		HILLSBOROUGH	NC	27278
PO BOX 1179		HILLSBOROUGH	NC	27278
324 BLACKWELL ST	STE 850	DURHAM	NC	27701



	PIN 9873-54-6387
	Stoney Creek Basin Overlay
	EDH-2
	GC4
	PD-OI
	R1

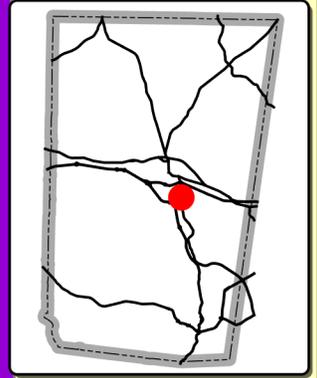
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1 in = 100 feet

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Planning and Inspections Department (BC)

1/4/2021



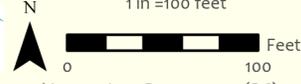
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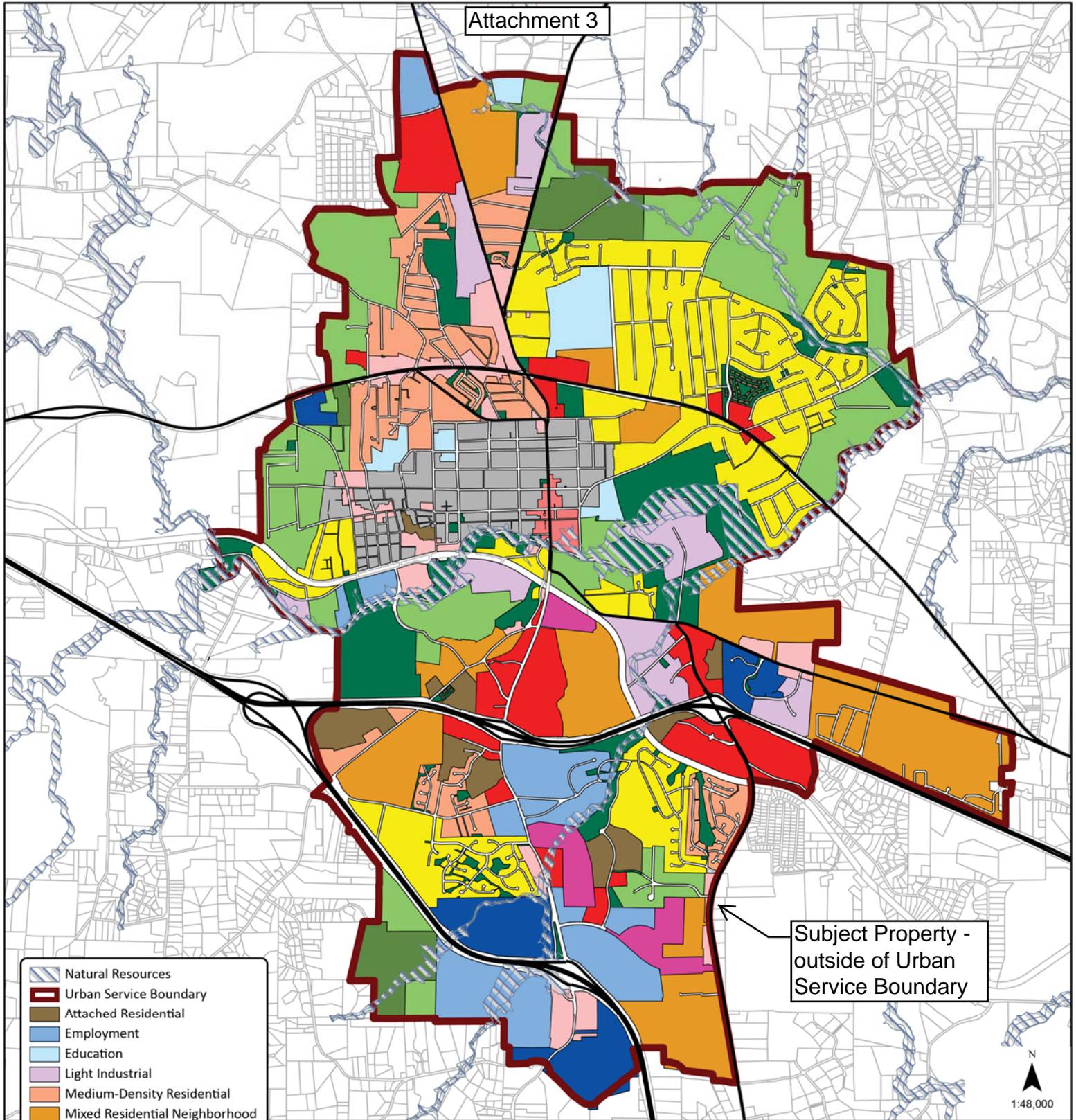
-  PIN 9873-54-6387
-  Rural Residential
-  Commercial-Industrial Transition
-  Economic Development Transition

N 1 in = 100 feet



ORANGE COUNTY NORTH CAROLINA  
 Planning and Inspections Department (BC)  
 1/4/2021

Town of Hillsborough/Orange County Central Orange Coordinated Area Land use Plan  
 Areas Within the Town's Urban Service Boundary 22



The **Urban Service Boundary** indicates the limits of Hillsborough water and sewer service consistent with an Inter-local Agreement with Orange County, OWASA, Chapel Hill, Carrboro, and Hillsborough. Future Land Uses would be used by Hillsborough and Orange County as the basis for approving zoning designations on colored parcels and those within the boundary, consistent with the Inter-local Agreement between Orange County and Hillsborough.

Areas **outside** the Urban Services Boundary with a Future Land Use designation are due to the boundary crossing a parcel. Areas **outside** the Urban Services Boundary with current utility service from the Town of Hillsborough **will retain service**.

Approved by Hillsborough 3-11-13  
 Approved by the BOCC 11-5-13  
 Amended by the BOCC and Hillsborough 9-12-16  
 Amended by Hillsborough (3-26-18) and the BOCC (10-6-20)

PLANNING & INSPECTIONS DEPARTMENT  
Craig N. Benedict, AICP, Director

Current Planning  
(919) 245-2575  
(919) 644-3002 (FAX)  
www.orangecountync.gov



131 W. Margaret Lane  
Suite 201  
P. O. Box 8181  
Hillsborough, NC 27278



January 5, 2021

Gary Carleen Richardson  
PO Box 4186  
Burlington NC 27215

Re: STATUS and PROCESS – Review of General Use Rezoning request  
**MA20-0006:** Rezoning of property on NC Highway 86 S  
(PIN 9873-54-6387)

Dear Ms. Richardson:

On or about October 8, 2020 staff received an incomplete application and check associated with a proposed zoning atlas amendment for a parcel of property off NC Highway 86 within the Hillsborough Township of Orange County.

At the time, staff informed you the submittal package was deemed incomplete as the required narrative outlining the justification for the request was not included.

On or about November 6, 2020, a narrative outlining your justification for the request was submitted to this office for review. Staff began processing the request over the following 2 weeks, and on December 4, 2020 formally accepted same for processing. The delay was caused by staffing shortages and the Thanksgiving Holiday.

The request involves rezoning a 2.5 acre parcel of property, further identified utilizing Orange County Parcel Identification Number (PIN) 9873-54-6387:

**FROM:** Rural Residential (R-1)

**TO:** General Commercial (GC-4)

The parcel is currently undeveloped and heavily wooded, with approximately 360 ft. of frontage along NC Highway 86. There is an existing GC-4 zoned parcel, developed as a self-storage center, to the north, property zoned Economic Development Hillsborough Limited Officer (EDH-2) to the west, and parcels zoned R-1 to the south and east. The parcel is located within the Rural Residential Land Use Category, as defined within the 2030 Comprehensive Plan. Please refer to Attachment 1 for maps denoting the subject parcel (hereafter 'the Property').

In reviewing your submittal, staff has the following comment(s):

1. REZONING – REVIEW PROCESS:

- a. The Planning Board will review your request at its February 3, 2021 regular meeting and make a recommendation to the Board of County Commissioners (BOCC);
- b. The BOCC will be required to hold a public hearing to review the request, which at this time the earliest hearing date would be March 2, 2021.

Due to the COVID pandemic, advisory board and elected official meetings are being held virtually. You should verify you have the ability (i.e. have a computer with reliable internet access) to attend each meeting and be prepared to participate in the review of your request.

As with all zoning atlas amendment requests, the applicant has the burden to provide an argument/documentation on the ‘changing conditions’ justifying approval of the request.

2. COMPLIANCE WITH COUNTY COMPREHENSIVE PLAN:

- a. As part of this request, the future land use designation of the Property will have to change in order to allow the requested rezoning to be approved. The requested zoning designation is inconsistent with the Property’s current land use designation of Rural Residential;
- b. The request appears to represent the logical extension of an existing Commercial Industrial Transition Activity Node (CITAN), located north of the Property, defined within the Comprehensive Plan as:

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

- c. CITAN allows for the rezoning of property to GC-4.

Your application will need to be modified to include a request to change the land use designation of the Property, ideally to CITAN. This modification will need to include your argument(s) supporting the request.

3. PROVISION OF UTILITIES:

- a. The parcel is outside of the Town’s primary utility service area as depicted on the Water and Sewer Management, Planning, Boundary Agreement (WASMPBA), which can be accessed utilizing this link:

<https://www.orangecountync.gov/DocumentCenter/View/13804/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF>.

As a result, the parcel is currently not able to be served by Town utility services (i.e. water and sewer);

- b. Successful rezoning of the property to a County non-residential general zoning district designation **does not** guarantee provision of utility services;

- c. According to Town of Hillsborough staff, the Property will have to be formally annexed in order for utility services to be made available. Once annexed, the property would be zoned in accordance with the Town's land use regulations and policies.

As you may already be aware, provision of utility services east of NC Highway 86, including your Property, have been reviewed by the Town. Provision services, however, will require modification of several existing plans/agreements to change the primary utility service area boundary for the Town. At this time, there is no timeline on initiation of these required modification(s).

If your ultimate goal is to market and/or develop the Property with the ability to connect to utilities, it might be prudent for you to pursue annexation/zoning with the Town rather than continuing with the currently submitted zoning atlas amendment through Orange County. Absent the extension of utility services, development of the Property will be served by private utility systems (i.e. well and septic system).

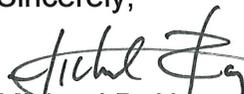
Staff is concerned you are, effectively, paying to rezone the Property twice if you continue with the process through Orange County given the Town will have to formally annex and rezone the property for utility services to be provided.

- 4. Presuming successful rezoning of the Property, development will need to be consistent with applicable land use regulations as detailed in the County Unified Development Ordinance (UDO) including, but not limited to:
  - a. Preservation of an undisturbed 100 ft. vegetative land use buffer along with western and southern property lines, adjacent to R-1 zoned property, consistent with Section 6.8 of the UDO.

Staff will, of course, be more than happy to continue processing the request and is available to offer guidance on how you can prepare for the aforementioned meetings. Unfortunately, we are unable to make arguments on your behalf to either the Planning Board of BOCC.

Please feel free to contact me if you have any questions or concerns. I can be reached via email at [mharvey@orangecountync.gov](mailto:mharvey@orangecountync.gov) or my direct line at (919) 245-2597.

Sincerely,

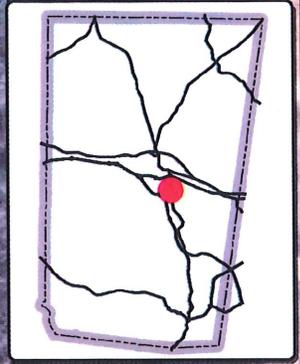


Michael D. Harvey AICP, CFM, CZO  
Current Planning Supervisor  
Orange County

CC: Craig Benedict, Director  
James Bryan, Staff Attorney  
Tom Altieri, Comprehensive Planning Supervisor  
Margaret Hauth, Town of Hillsborough  
File

# 2017 Imagery

Attachment 1



FLETCHER RD

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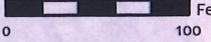
9873546387

 PIN 9873-54-6387

 Parcels

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1 in = 100 feet

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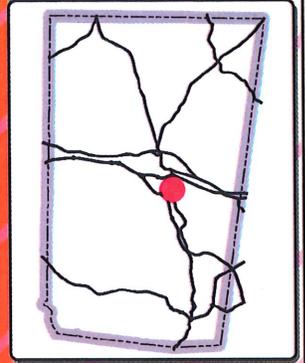
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ORANGE COUNTY SOUTH CAROLINA

Planning and Inspections Department (BC)

1/4/2021

# Zoning



FLETCHER RD

86

9873546387

-  PIN 9873-54-6387
-  Stoney Creek Basin Overlay
-  EDH-2
-  GC4
-  PD-OI
-  R1

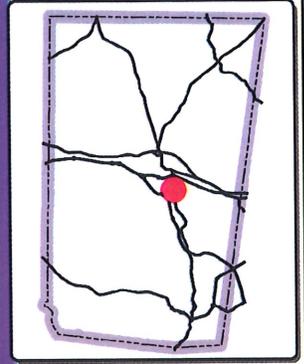
1 in = 100 feet



ORANGE COUNTY  
NORTH CAROLINA

Planning and Inspections Department (BC)  
1/4/2021

# Future Land Use



FLETCHER RD

86

9873546387

	PIN 9873-54-6387
	Rural Residential
	Commercial-Industrial Transition
	Economic Development Transition

ORANGE COUNTY  
NORTH CAROLINA

N

1 in = 100 feet

0 100 Feet

Planning and Inspections Department (BC)  
1/4/2021

The logo for the Town of Hillsborough, featuring the name "TOWN OF HILLSBOROUGH" in gold, serif, all-caps font on a dark maroon background with a gold border and decorative flourishes below the text.

TOWN OF HILLSBOROUGH

February 19, 2021

Michael D. Harvey AICP, CFM, CZO  
Orange County Current Planning Supervisor  
PO Box 8181  
Hillsborough, NC 27278

RE: Courtesy Review comment(s) - General Use Rezoning request

Dear Michael:

Thank you for sharing this request, although it is below the threshold necessary under our courtesy review agreement. The provision of water and sewer service seem somewhat central to this application.

The Hillsborough-Orange Interlocal Land Management Agreement for the Central Orange Coordinated Area adopted in 2009 placed this parcel (and the east side of NC 86) outside the town of Hillsborough's Urban Service area. Under that agreement the town may not extend utilities or annex properties outside the service area.

The town developed the Future Land Use Map to be consistent with the interlocal agreement and reflect the Urban Service area. That service area is also memorialized in the Water and Sewer Boundary and Planning Area agreement approved by the three municipalities, the county and Orange Water and Sewer Authority.

As the map was being developed in 2012, Ms. Richardson approached the town about moving the boundary to include properties on the east side on NC 86. In their motion to recommend plan approval, the planning board supported the concept of amending the boundary. The final action by the town board to adopt the map in 2013 did not move the boundary.

No direction has been provided to staff to amend the boundary, despite two subsequent boundary adjustments in 2017 and 2020. The town is updating models to understand its water and sewer capacity at the present time. Extending the boundary prior to the completion of those studies is not in the town's best interest.

The Orange County Unified Development Ordinance (paraphrasing) indicates that water and sewer service should be available at the time of rezoning, made available at the time of development, or the lot should be sized to accommodate the needed on-site services. The referenced agreements prevent this property from meeting the first condition. The other two conditions are uncertain as no development is proposed at this time.

The town has not been recently or formally approached by Ms. Richardson to adjust the boundary in this area.

While the property and decision are wholly in Orange County's jurisdiction, this request does appear to conflict with long standing and adopted interlocal agreements.

Sincerely,

A handwritten signature in black ink that reads "Margaret A. Hauth".

Margaret A. Hauth, AICP  
Planning Director/Assistant Town Manager  
919.296.9471  
[margaret.hauth@hillsboroughnc.gov](mailto:margaret.hauth@hillsboroughnc.gov)

**Michael Harvey**

---

**From:** Tom Altieri  
**Sent:** Thursday, February 18, 2021 11:59 AM  
**To:** Perdita Holtz; Craig Benedict; Michael Harvey  
**Cc:** Elaina Cheek  
**Subject:** CP Locational Criteria, Appendix G -- RE: Ready for Craig's Review - Richardson rezoning - March 3, 2021 Planning Board

I have reviewed the application, abstract and materials as well and have added a comment to the Abstract on S: I find the info Michael has provided to be accurate and I agree with his assessment and conclusion. Michael, if you wish to add my name to the Abstract, feel free. I am not sure I feel strongly either way but I think you are looking for indication that I have reviewed and that there is concurrence. While a Memo as an attachment to the materials could do that, the Comp Planning Division is internal to the Dept and obviously, not an outside agency or other County Dept. Just thinking that it is the Abstract that show's that Craig's Dept is speaking of one voice. Anyway, trying to provide you with what you need in a way that makes sense to me. I'm open to ideas and this email is me thinking out loud after reviewing the rezoning request and how best to offer input. Feel free to call me, if I can be more helpful.

Following are the pertinent aspects (yellow highlight) of the Comp Plan to which I have made note on the Abstract and have included here for Craig's benefit and to help inform his PD Recommendation:.

***Appendix G: Land Use Classification and Overlay Locational Criteria***

The land use classifications and overlays are determined by a set of locational criteria specific to each classification.

<p><b>Commercial-Industrial Transition Activity Node</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Land/Slope:</b> Located on land with slopes of less than 15% grade. Where slopes of 15% or greater are present, protection shall be provided through proper site design and construction practices.</li> <li>▪ <b>Hydrology:</b> Located outside of 100-year flood areas as identified by Corps of Engineers. Where special flood hazard areas and wetlands exist, protection shall be provided through proper site design and construction practices in accordance with County, State and Federal requirements.</li> <li>▪ <b>Flora and Fauna:</b> Located away from sites that would, if developed, create a threat to unique or endangered species as identified by the state or federal government.</li> <li>▪ <b>Soil Conditions:</b> Located in areas where general soil conditions are suitable for urban uses because of good drainage characteristics and load bearing capacity for site development.</li> <li>▪ <b>Public Services/Utilities:</b> Located in areas which are or could be reasonably and efficiently served by centralized public services and utilities.</li> <li>▪ <b>Transportation System:</b> Located at the intersection of arterial and/or collector highways or in proximity to other major transportation networks.</li> <li>▪ <b>Energy Use:</b> Located within less than a 10 minute commute from an Urban area.</li> <li>▪ <b>Placement:</b> Located in areas near major transportation routes that could be provided with public water and wastewater services, which are appropriate for non-residential and higher density residential uses.</li> <li>▪ <b>Agriculture and Forestry:</b> Located away from areas where development would have a detrimental impact on productive agricultural uses and managed forest land.</li> <li>▪ <b>Population Density:</b> Located in areas with moderate to high population densities.</li> <li>▪ <b>Historic and Cultural:</b> Located away from areas where development would have a detrimental impact on state or federally acknowledged historic-cultural sites or County identified Public Interest Areas.</li> </ul>
--	---

Thank you,  
Tom

---

**From:** Perdita Holtz <pholtz@orangecountync.gov>  
**Sent:** Thursday, February 18, 2021 9:28 AM  
**To:** Craig Benedict <cbenedict@orangecountync.gov>  
**Cc:** Elaina Cheek <echeek@orangecountync.gov>; Tom Altieri <taltieri@orangecountync.gov>; Michael Harvey <mharvey@orangecountync.gov>  
**Subject:** Ready for Craig's Review - Richardson rezoning - March 3, 2021 Planning Board

Craig,

The abstract and available materials on the GC-4 rezoning are available for your review on the [S: drive](#). Please complete your review **no later than noon on Monday**, Feb. 22.

Thanks,

Perdita

DRAFT

MEETING MINUTES  
ORANGE COUNTY PLANNING BOARD  
MARCH 3, 2021  
REGULAR MEETING

(Due to current public health concerns, this meeting was held virtually.  
Members of the Planning Board, staff and public participated remotely)

**MEMBERS PRESENT:** David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair), Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Randy Marshall, At-Large Representative; Alexandra Allman, At-Large Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative; Whitney Watson, At-Large Representative; Charity Kirk, At-Large Representative

**MEMBERS ABSENT:** Gio Mollinedo, At-Large Representative

**STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Support

**OTHERS PRESENT:** Lamar Proctor, Drew Wilgus, MotoE5plus

*Perdita reviewed the technical processes and rules for the virtual meeting*

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

Chair David Blankfard called the meeting to order.

**AGENDA ITEM 2: INFORMATION ITEMS**

- a. Planning Calendar for March and April
- b. Acknowledgement and thanks to Patricia Roberts as she finishes her second term and rotates off the Board effective 3/31/21

**AGENDA ITEM 3: APPROVAL OF MINUTES**

January 6, 2021 Regular Meeting Minutes

Kim Piracci: It didn't state anything about Craig's suggestion, when we voted to approve a basket of things. I wanted to make sure that it reflected that Craig suggested a different procedure for the Board to use when asking and making requests of developers. I remember that I asked if that procedure change was in the packet and he said no, or somebody said no, so I voted yes to approve the work plan and that isn't in the meeting minutes. I would like that to be in the meeting minutes. That change isn't in there.

David Blankfard: We said we would circle back on that issue. It's not in the annual report going to the BOCC so there is no procedure for how we ....

Kim Piracci: I know, I just want that we did vote yes on everything and originally the procedure change was in that. I want it noted.

David Blankfard: It's not in there.

Kim Piracci: I know it's not in there and I want that noted. I did bring it up.

Perdita Holtz: Kim there's something on page 11 of the packet, line 238 that I think addresses what you're talking about.

## DRAFT

113  
 114 MOTION by Adam Beeman to approved the January 6, 2021 Regular Meeting Minutes. Seconded by Melissa Poole.  
 115

116 **ROLLCALL VOTE:**

117 Charity Kirk Yes  
 118 Randy Marshall: Yes  
 119 Susan Hunter: Yes  
 120 Kim Piracci: No  
 121 Adam Beeman: Yes  
 122 Carrie Fletcher Yes  
 123 Whitney Watson Yes  
 124 Melissa Poole: Yes  
 125 Alexandra Allman Yes  
 126 Patricia Roberts: Yes  
 127 David Blankfard: Yes

128 **MOTION PASSED 10 – 1**

129  
 130 Kim Piracci: I'm going to say no because I still want it documented that that procedure wasn't included in the vote even if  
 131 it's not customary to include all amendments.  
 132

133  
 134 **AGENDA ITEM 5: CONSIDERATION OF ADDITIONS TO AGENDA.**

135  
 136 There were none  
 137

138  
 139 **AGENDA ITEM 6: PUBLIC CHARGE**

140  
 141 **INTRODUCTION TO THE PUBLIC CHARGE**

142 The Board of County Commissioners, under the authority of North Carolina General Statute, appoints  
 143 the Orange County Planning Board (OCPB) to uphold the written land development law of the County.  
 144 The general purpose of OCPB is to guide and accomplish coordinated and harmonious development.  
 145 OCPB shall do so in a manner, which considers the present and future needs of its citizens and  
 146 businesses through efficient and responsive process that contributes to and promotes the health, safety,  
 147 and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive  
 148 governance and quality public services during our deliberations, decisions, and recommendations.  
 149

150 **PUBLIC CHARGE**

151 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its citizens to  
 152 conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At  
 153 any time, should any member of the Board or any citizen fail to observe this public charge, the Chair will  
 154 ask the offending member to leave the meeting until that individual regains personal control. Should  
 155 decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment  
 156 to this public charge is observed.  
 157

158  
 159 **AGENDA ITEM 7: CHAIR COMMENTS**  
 160

161  
 162 **AGENDA ITEM 8: ZONING ATLAS AMENDMENT (GENERAL USE DISTRICT) – To review and make a recommendation to the**  
 163 **BOCC on an applicant-initiated zoning atlas amendment rezone 2.72 acres from Rural Residential (R-1)**  
 164 **to General Commercial (GC-4). The Parcel (PIN 9873-54-6387) is located on the east side of NC Hwy 86**  
 165 **(no physical street address) across from Fletcher Road and south of an existing self-storage business,**  
 166 **within the Hillsborough Township. This item is scheduled for BOCC public hearing on April 6, 2021.**  
 167 **Presenter: Michael Harvey, Current Planning Supervisor**  
 168

## DRAFT

169 *Michael Harvey Presented the Abstract and Application found in the Planning Board packet to the Planning Board.*

170  
171 Kim Piracci: Is there something between Residential and Commercial that this could be rezoned to?

172  
173 Michael Harvey: When you look at the appendices of the Comprehensive Plan (Appendix F), there is a chart listing out the  
174 allowable land uses, general use zoning districts and various land use categories we are obligated to follow when  
175 considering atlas amendments. Unfortunately, you will note from our abstract that within the Rural Residential Land Use  
176 category there is not a commercial zoning designation that applies. As a result there is no commercial option available in  
177 the current future land use category for the subject parcel. There has to be a future land use designation change to this  
178 property in order to accommodate a commercial or non-residential general use zoning district.

179  
180 Kim Piracci: Is there any other alternative between this and commercial?

181  
182 Michael Harvey: This is the request we have received from the applicant. If an alternative land use designation is to be  
183 studied, that request needs to come from the applicant. This is a conversation the staff has had with the applicant on at  
184 least four separate occasions. This is the zoning designation she believes is most viable and I will say there can be no  
185 zoning of the property to a non-residential zoning designation without the future land use category on the property being  
186 modified. I would also say that given the existing Future Land Use categories in the area, there is no other designation  
187 that makes sense other than the Commercial Industrial Transition Activity Node (CITAN) or the Economic Development  
188 Activity Node which would also require access to public water and sewer in order for it to be changed. As a reminder, the  
189 larger issue here is that the parcel is not viable for being placed in either of these future land use categories due to several  
190 joint planning efforts we are party to with the Town.

191  
192 David Blankfard: How close is water and sewer to this property?

193  
194 Michael Harvey: I'm not sure where existing utilities lines are but this property is not listed as being viable for service by  
195 public water and sewer by any of the planning documents we mentioned. As noted by the memorandum provided by the  
196 Town of Hillsborough, on page 41, Margaret Hauth, the Planning Director for the Town of Hillsborough, has indicated they  
197 (the Town) have no plans to provide water and sewer service to this property. The Water and Sewer Management,  
198 Planning, and Boundary Agreement (WASMPBA) map would have to be amended and the Central Orange Coordinated  
199 Area (COCA) Future Land Use map would also have to be amended indicating this parcel is viable for water/sewer and I  
200 would say the Town would require annexation in order for it to be served.

201  
202 Charity Kirk: To clarify, to actually convert this to commercial, you first have to get it approved for future water and sewer  
203 use? Which is not in our realm, is that something that Hillsborough has to do. The other option, is if she had a plan for  
204 commercial that didn't require water and sewer, it could potentially be rezoned?

205  
206 Michael Harvey: The Comprehensive Plan requires that CITAN be extended or placed on properties that could be served  
207 by water and sewer. This property can't be served by water and sewer based on current plans the County is party to. You  
208 are correct, that extending water/sewer to this property requires a modification of two external documents the WASMPBA  
209 and Town of Hillsborough Orange County Coordinated Land Use Plan (COCA). During development of COCA, Town staff  
210 and advisory boards chose not to extend water and sewer services to the eastern side of NC Hwy 86 to serve these  
211 parcels. You will note from Ms. Hauth's memo, the Town has not expressed an interest in pursuing extension. If the  
212 applicant wanted to pursue it, they could but I think the Town would require annexation of this parcel into the corporate  
213 limits of the Town of Hillsborough for water and sewer to be extended. We and the Town have made Ms. Richardson  
214 aware of this potential.

215  
216 *Craig Benedict reviewed areas of the COCA map on screen and some of the history of the process when created*

217  
218 David Blankfard: Could the applicant put in their own line and connect to the sewer and water?

219  
220 Michael Harvey: I think if the applicant approached the Town of Hillsborough and requested voluntary annexation, they  
221 would then be able to spend the appropriate amount of money to extend water/sewer to serve this property but it would be  
222 developed in accordance with the Town of Hillsborough's Land Use Regulations and Comprehensive Plans versus the  
223 County. Could the applicant go through the existing separate processes with the Town and with the WASMPBA partners -  
224 Orange County, Chapel Hill, Carrboro, Hillsborough and OWASA - and amend the various planning documents allowing

## DRAFT

225 this parcel to be served by public utilities? Yes, she could and that would make this property viable for the extension of  
226 CITAN. I think the applicant is rezoning the property to begin marketing it for sale. I don't have a path forward for the  
227 applicant and the other concern is that if this applicant were allowed to proceed, we would inadvertently be setting her up  
228 for a couple of years' worth of work and effort because if the property were marketed for commercial purposes,  
229 development would not be practical until two planning documents were modified through separate processes that they  
230 require in order for utilities to be extended, unless annexed which is a separate process. I don't dispute the applicant's  
231 assertion this is, in many cases, a logical extension. The problem is it doesn't meet the requirements of the  
232 Comprehensive Plan which is why the Director and I have had to complete the analysis as we have and make the  
233 recommendation that has been made.

234  
235 Charity Kirk: What would happen if we voted to approve this?

236  
237 Michael Harvey: The Planning Board can make their recommendation, the staff's recommendation would still be to deny  
238 based on the inconsistency with the Comprehensive Plan. You can make your own recommendations based on your own  
239 reasons, I don't want to give the impression that you have to follow staff but the staff can't change its recommendation.  
240 We have to maintain the consistency of the Comp Plan.

241  
242 Charity Kirk: I understand that, what would happen if we voted yes?

243  
244 Michael Harvey: The County Commissioners would get your recommendation separate from the staff recommendation  
245 and the abstract presented to the County Commissioners say the Planning Board has recommended you approve this  
246 request and here's our rationale. Staff would have a separate recommendation with a separate rationale. The County  
247 Commissioners, upon holding the public hearing, would then make a determination as to the best way forward.

248  
249 Craig Benedict: Exactly, the Planning Board is an advisory board they can recommend for or against with the rationale  
250 and in any event it proceeds to the Commissioners for public hearing and then their final action on the item, which could be  
251 approval or denial also.

252  
253 Adam Beeman: What would it take to change all those documents for future growth on 86? With Virginia legalizing  
254 marijuana and Danville getting a casino it is going to become a very busy place.

255  
256 Craig Benedict: Usually every 5 to 8 years we reanalyze our joint cooperation agreements with our local governments to  
257 see if areas have been built out in the areas that are intended for growth and if there need for additional areas. The  
258 dialogue would begin with a joint meeting with the planning directors and myself or Michael Harvey with the applicant to  
259 say are there conditions showing that it is appropriate at this time to start expanding the urban growth area of Hillsborough.  
260 In our conversations with Hillsborough, they do not have any interest at this time to expand their growth boundary. I think  
261 it's a timing issue. As Waterstone and other areas expand out and undeveloped properties become built this can be  
262 reanalyzed in the coming years.

263  
264 Whitney Watson: I appreciate that the staff has been thoughtful about trying to find a way forward for Ms. Richardson and  
265 respecting all the planning work that has gone on into creating the underlying documents. That's how I do feel that this  
266 staff recommendation is what it is. I also understand that the property owner wants to see their greatest realization from  
267 sale or development of that piece of property but as I looked at the map and saw, moving south on 86, those parcels  
268 become smaller and smaller making them less desirable as areas for development and since they back up onto Duke  
269 Forest, unless Duke University is willing to sell part of that, there is no real opportunity to extend commercial areas to the  
270 east. Perhaps the applicant could be encourage to think about how that area could be developed for residential and the  
271 idea that it backs up to a forested area with rich habitats and opportunities for nature encounters would seem to be a  
272 natural marketing advantage for high end homes in that area. I would hate to see us continue to land lock or lock up Duke  
273 Forest and make it even less accessible.

274  
275 **MOTION** by Randy Marshall to take the Planning Director's recommendation and that the request be denied because the  
276 extension of the Commercial Industrial Transition Activity Node is not viable at this time as the property cannot be provided  
277 with public water and wastewater services; the requested rezoning cannot be approved without the extension of CITAN;  
278 the requested rezoning is inconsistent with the current policies of the adopted County Comprehensive Plan, the Town of  
279 Hillsborough/Orange County Central Orange Coordinated Area (COCA) Land Use Plan and the Water and Sewer  
280 Management Planning and Boundary Agreement (WASMPBA). Seconded by Melissa Poole.

## DRAFT

281  
282 Charity Kirk Yes  
283 Kim Piracci: Yes  
284 Melissa Poole: Yes  
285 Randy Marshall: Yes  
286 Susan Hunter: Yes  
287 Adam Beeman: Yes  
288 Carrie Fletcher Yes  
289 Whitney Watson Yes  
290 Patricia Roberts: Yes  
291 Alexandra Allman Yes  
292 David Blankfard: Yes  
293 **MOTION PASSED UNANIMOUSLY**

294

295

296 **AGENDA ITEM 10: ADJOURNMENT**

297 Meeting was adjourned by consensus at 7:46 p.m.

298

299

300

301

302

---

David Blankfard, Chair

**STATEMENT OF CONSISTENCY  
OF A PROPOSED ZONING ATLAS MAP AMENDMENT  
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

An applicant-initiated amendment to the Zoning Atlas to rezone a parcel as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning	Proposed Zoning
9873-54-6387	Hillsborough	Ms. Gary Carleen Richardson	<ul style="list-style-type: none"> <li>• Rural Residential (R-1);</li> <li>• Stoney Creek Basin Overlay District (Higher Intensity Development Area)</li> </ul>	<ul style="list-style-type: none"> <li>• General Commercial (GC-4);</li> <li>• Stoney Creek Basin Overlay District (Higher Intensity Development Area)</li> </ul>

The Planning Board finds:

1. The requirements of Section 2.8 of the UDO have been deemed complete; and,
2. Pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section(s) 1060D-604(d) and 160D-605 of the North Carolina General Statutes, the Planning Board finds sufficient documentation within the record denoting that the amendment **is not consistent** with the adopted 2030 Comprehensive Plan based on the following
  - a. The General Commercial (GC-4) is not an allowable general use zoning designation within the Rural Residential land use category as defined within the adopted Comprehensive Plan. The applicant has sought to change the land use designation of the property from Rural Residential to Commercial Industrial Transition Activity Node (CITAN), which would allow for the parcel to be rezoned to GC-4.

The CITAN is defined within the adopted Comprehensive Plan as:

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

- b. Per Appendix G *Land Use Classification and Overlay Locational Criteria* of the Comprehensive Plan, CITAN is intended for location in areas meeting specific criteria including, but not limited to:
  - i. In areas which are currently, or could be reasonably and efficiently, served by centralized public services and utilities;

Staff has determined the subject parcel **is not** located in an area currently or planned to be served by public utilities (i.e. water and/or sewer).

As a result, the parcel is not suitable for location within CITAN at this time as it does not comply with locational criteria.

The Planning Board hereby adopts this Statement of Consistency and the findings expressed herein and recommends the Board of County Commissioners consider denial of the proposed Future Land Use Map (FLUM) modification and Zoning Atlas Amendment as proposed by the applicant.



---

David Blankfard, Chair

03.11.2021

---

Date

**PLANNING & INSPECTIONS DEPARTMENT**  
**Craig N. Benedict, AICP, Director**

Administration  
 (919) 245-2575  
 (919) 644-3002 (FAX)  
 www.orangecountync.gov



131 W. Margaret Lane  
 Suite 201  
 P. O. Box 8181  
 Hillsborough, NC 27278

**CERTIFICATION OF MAILING AND SIGN POSTING--**  
**Board of County Commissioner Public Hearing**

**MS. GARY CARLEEN RICHARDSON**  
**COMPREHENSIVE PLAN FUTURE LAND USE MAP (FLUM) CHANGE: CHANGING**  
**PARCEL FROM RURAL RESIDENTIAL TO COMMERCIAL INDUSTRIAL TRANSITION**  
**ACTIVITY NODE (CITAN)**  
**AND**  
**GENERAL USE REZONING:**  
**RURAL RESIDENTIAL (R-1) TO GENERAL COMMERCIAL (GC-4)**  
**PIN 9873-54-6387**

I, Michael Harvey, Current Planning Supervisor with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Sections 2.8.7 of the Orange County Unified Development Ordinance (UDO), I mailed/caused to be mailed a notice of a public hearing being held by the BOCC on April 6, 2021.

Specifically, staff sent a public hearing notice to property owners within 1,000 feet of the subject property (PIN 9873-54-6387), providing:

- A summary of the applicant's FLUM and Zoning Atlas Amendment requests;
- The date/time of the public hearing, and
- The process by which interested parties can participate within the virtual public hearing.

As required by the UDO, staff utilized Orange County Tax Records to obtain address information for those property owners within 1,000 feet. Staff sent the public hearing notice through first class mail to surrounding property owners, and via certified mail to the applicant/property owner, on March 18, 2021 (**19 days before the public hearing**).

Staff posted a sign on the subject parcel indicating the date/time of the public hearing on March 22, 2021 (**15 days before the meeting**).

WITNESS my hand, this 22<sup>nd</sup> day of March, 2021.

Michael Harvey, AICP, CFM, CZO  
 Planner III/Current Planning Supervisor

**STATEMENT OF CONSISTENCY  
OF A PROPOSED ZONING ATLAS MAP AMENDMENT  
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

An applicant-initiated amendment to the Zoning Atlas to rezone a parcel as follows:

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The BOCC finds:

1. The requirements of Section 2.8 of the UDO have been deemed complete; and,
2. Pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section(s) 1060D-604(d) and 160D-605 of the North Carolina General Statutes, the Planning Board finds sufficient documentation within the record denoting that the amendment **is not consistent** with the adopted 2030 Comprehensive Plan based on the following
  - a. The General Commercial (GC-4) is not an allowable general use zoning designation within the Rural Residential land use category as defined within the adopted Comprehensive Plan. The applicant requested the land use designation of the property be changed from Rural Residential to Commercial Industrial Transition Activity Node (CITAN) allowing the parcel to be rezoned to GC-4.

The CITAN is defined within the adopted Comprehensive Plan as:

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

- b. Per Appendix G *Land Use Classification and Overlay Locational Criteria* of the Comprehensive Plan, CITAN is intended for location in areas meeting specific criteria including, but not limited to:
  - i. Areas currently, or could be reasonably and efficiently, served by centralized public services and utilities (i.e. water/sewer);

Staff has determined the subject parcel **is not** located in an area currently or planned to be served by public utilities (i.e. water/sewer).

As a result, the parcel is not suitable for location within CITAN at this time as it does not comply with locational criteria.

- c. Denial of the request is reasonable and in the public interest because it:
  - i. Ensures consistency with applicable location criteria as detailed in Appendix F of the adopted Comprehensive Plan; and
  - ii. Achieves the desired/coordinated pattern(s) of development consistent with existing inter local agreements and adopted joint land use plans between the County and the Town of Hillsborough.

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

---

Renee Price, Chair

---

Date

Attachment 9

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

WHEREAS, Orange County has received and processed a petition submitted by Ms. Gary Coleen Richardson (hereafter ‘the Applicant’) seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO); and

WHEREAS, the proposed rezoning consists of the following; and

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning	Proposed Zoning
9873-54-6387	Hillsborough	Ms. Gary Carleen Richardson	<ul style="list-style-type: none"> <li>• Rural Residential (R-1);</li> <li>• Stoney Creek Basin Overlay District (Higher Intensity Development Area)</li> </ul>	<ul style="list-style-type: none"> <li>• General Commercial (GC-4);</li> <li>• Stoney Creek Basin Overlay District (Higher Intensity Development Area)</li> </ul>

hereafter ‘the Property’; and

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

WHEREAS, the proposal **has not** been found to be consistent with the 2030 Orange County Comprehensive Plan, and

WHEREAS, the Board **has not** found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the request to amend the Orange County Zoning Atlas is hereby **denied**.

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

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

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

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

SEAL

\_\_\_\_\_

Clerk to the Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** April 6, 2021

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

**SUBJECT:** Interlocal Agreement Regarding the Current and Future Use of the Jointly Owned Greene Tract

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**DEPARTMENT:** Attorney's Office, Planning and Inspections

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**ATTACHMENT(S):**

1. Draft Interlocal Agreement
2. 2020 Greene Tract Resolution
3. Greene Tract Update
4. Greene Tract Vicinity Map

**INFORMATION CONTACT:**

John Roberts, County Attorney, 919-245-2318  
Craig Benedict, Planning Director, 919-245-2575

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**PURPOSE:** To consider approval of an Interlocal Agreement between Orange County, the Town of Chapel Hill, and the Town of Carrboro regarding the current and future use of the jointly owned Greene Tract.

**BACKGROUND:** The Greene Tract is a 164 acre parcel of which 104 acres is jointly owned by Orange County/Chapel Hill/Carrboro and 60 acres owned by Orange County (Headwaters Preserve). The parcel is located east of the Rogers Road community within the Town of Chapel Hill's ETJ (Extra-Territorial Jurisdiction) – see vicinity map in [Attachment 4](#). In May 2017, a joint staff work group began to examine the preservation and development potential of the Greene Tract. This process included specific elements and goals including, but not limited to:

- incorporate a future elementary school and park site,
- preserve valuable environmental features and corridors,
- protect historical and cultural resources,
- encourage cost effective infrastructure, and
- identify areas for future development.

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

**Greene Tract Resolution for a Path Forward**

In January 2020, the Towns and County adopted the 2020 Greene Tract resolution. Not only did this resolution identify land use acreages for the Greene Tract and initiate an environmental assessment, but it also initiated the drafting of an Interlocal Agreement between the three jurisdictions. This document would provide a decision-making process for the three jurisdictions to agree to.

**Managers, Mayors, and Chair (MMC) Meetings**

On February 14, 2020, the Managers, Mayors, and Chairs (MMC) met to review the draft Greene Tract Interlocal Agreement (ILA). At that meeting, the group completed a thorough

reading of the document and proposed revisions. Following this meeting, the Orange County Attorney edited the document, based on comments received, and provided the revised ILA to the MMC.

On February 26, 2021, the MMC reviewed and discussed the revised draft of the ILA. Due to concerns with Section 5, Disputes, revisions were made to the document. At that meeting, the MMC decided to move forward with presenting the ILA to their respective Boards in April.

### **Greene Tract Interlocal Agreement**

The attached Interlocal Agreement (“Agreement”), contained in Attachment 1, related to the Greene Tract is intended to begin the process of resolving longstanding issues related to the property that began with the adoption of the 1999 Agreement for Solid Waste Management by and between the Towns of Carrboro and Chapel Hill and Orange County. The Greene Tract was addressed briefly in the 1999 agreement primarily in requiring the parties to determine the ultimate uses of the property. The process to make the determination of uses was initiated several times over the years, but was never completed.

The key aspects of the Agreement include the following:

- An initial two-year term followed by five five-year terms;
- Termination of the Agreement by either mutual agreement of all parties or by any single party upon 60 days’ written notice to the other parties;
- Requiring that the parties act jointly in selecting professional services, entering development agreements, engaging in public outreach, receiving public input, assigning the Mayors, Chair, and Managers to form a working group to negotiate ultimate uses of the Greene Tract before submitting their recommendations to the governing boards of the parties, and reaching final determinations of the ultimate uses of the property within 18 months of execution of the Agreement;
- Agreeing that the initial intent of the parties is for the property to include mixed use and affordable housing, a school site with a public recreation component, a joint preserve area, and connectivity (pedestrian, vehicular, utility, transportation);
- Providing a dispute resolution process that requires good faith participation by the parties and includes initial negotiation by the working group followed by mediation if necessary;
- Providing a means by which the parties may partition their ownership interests and dispose of the property if agreement cannot be reached on the ultimate uses of the property.

The Interlocal Agreement is planned for adoption consideration at the April 6, 2021 Carrboro Town Council meeting and the April 7, 2021 Chapel Hill Town Council meeting. Any amendments to the Interlocal Agreement by the Town of Chapel Hill or the Town of Carrboro would prompt a return to the BOCC for consideration.

### **Greene Tract Update**

Additional information on the Greene Tract, including next steps following the adoption of the Interlocal Agreement, is contained in Attachment 3. Staff will not present the update at the BOCC meeting, but will be available to address any questions.

**FINANCIAL IMPACT:** There is no direct financial impact associated with the Greene Tract ILA.

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**  
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**  
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

**ENVIRONMENTAL IMPACT:** 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 the Board:

1. Receive the Interlocal Agreement;
2. Discuss as appropriate; and
3. Approve the Interlocal Agreement contained in Attachment 1 and authorize the Chair to sign.

**INTERLOCAL AGREEMENT BETWEEN ORANGE COUNTY AND THE TOWNS OF  
CARRBORO AND CHAPEL HILL REGARDING THE CURRENT AND FUTURE USE  
OF THE JOINTLY OWNED GREENE TRACT**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021 between Towns of Carrboro and Chapel Hill, North Carolina municipal corporations, of Orange County, North Carolina (hereinafter referred to individually as the “Town” and jointly as “Towns”); and Orange County, a political subdivision of the State of North Carolina (hereinafter referred to as the “County”), regarding the use of the jointly owned Greene Tract, having approximately 104 acres and identified by PIN 9870739888 in the Orange County Registry (hereinafter referred to as the “Property”) and the 60 acres owned exclusively by Orange County and identified by PIN 9870855283 in the Orange County Registry (hereinafter referred to as the “Headwaters Preserve”). (County and Towns may be referred to collectively as the “Parties”).

**WITNESSETH**

**WHEREAS**, the Parties are public bodies, politic and 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 Statutes Chapter 160A to enter into this Interlocal Agreement (hereinafter referred to as the “Agreement”); and

**WHEREAS**, the 164 acres, more or less, was purchased in 1984 for \$608,000 for use as a future landfill; and

**WHEREAS**, the Property and the Headwaters Preserve are located within the Chapel Hill’s Extraterritorial Jurisdiction and subject to the Town of Chapel Hill’s development regulations; and

**WHEREAS**, the Parties jointly own the Property with Orange County having a 43% interest, the Town of Chapel Hill having a 43% interest, and the Town of Carrboro having a 14% interest in 104 acres of the Greene Tract and Orange County owns 100% interest in the Headwaters Preserve (60 acres) ; and

**WHEREAS**, the Parties desire to establish procedures, rights, responsibilities, and uses of and for the Property; and

**WHEREAS**, the Parties agree that some portion of the Property should be dedicated to providing affordable and mixed income housing and other uses; and

**WHEREAS**, the Parties agree that some portion of the Property should be reserved for a future school site with public recreation; and

**WHEREAS**, the Parties agree that the 60 acres currently owned by Orange County should be reconfigured to preserve the most environmentally sensitive area and preserved as the Headwaters Preserve following evaluation of an Environmental

Assessment Report, opportunity for public engagement and further deliberation by the governing boards of the Parties

**WHEREAS**, the Parties desire to ensure their goals and principles for the use of the Property are followed and adhered to, including connectivity for example access, infrastructure, and environmental, and the preservation of some natural areas within the Property.

**WHEREAS**, the Parties on January 21 and 22, 2020 adopted resolutions to develop an agreement regarding the uses of the Greene Tract; and

**NOW, THEREFORE**, in consideration of the foregoing and 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**

The initial term of this Agreement shall be for a period of two (2) years from the date first above recorded.

This Agreement shall automatically renew for five (5) five-year terms unless sooner terminated.

This Agreement may be terminated by the Parties hereto upon mutual written agreement of all the Parties.

Any Party may withdraw from this Agreement without penalty or further obligation with 60 days' notice to the other Parties.

### **2. RESPONSIBILITIES OF THE PARTIES**

The Parties shall, in good faith, work together to determine the best uses of the Property. In no particular order this shall include:

- a. Jointly developing necessary Requests for Qualifications for professional services for any and all studies or plans for the Property;
- b. Review of and, to the extent practical, implementation of best practices pursuant to an environmental assessment and any other relevant study of the Property;
- c. Consideration of public input into the ultimate uses of the Property;
- d. Potential subdivision of the Property to more closely align with agreed upon uses and goals such as connectivity, access to services, and/or preservation;

- e. Preservation of the Headwaters Preserve, as it may be reconfigured;
- f. Respecting the rights of each of the other Parties as joint owners of the Property;
- g. Assigning the Mayors, Chair, and Managers to be the Representatives of the Parties for the purpose of negotiating the ultimate uses of the Property and working directly with staff to bring such negotiated results to the governing boards for final approval and determination;
- h. Maintaining financial responsibility for all costs associated with the implementation of this Agreement in direct proportion to each Party's ownership interest in the 104 acre portion of the Property (43/43/14);
- i. Jointly conducting all public engagement and conducting no individual public engagement regarding the Property;
- j. The Parties' staffs shall develop a work plan that includes, among other things, a decision point timeline regarding development of the Property;
- k. Reaching Final Determinations on the uses of the Property within 18 months of the execution of this Agreement.

### **3. PUBLIC PARTICIPATION AND DECISION-MAKING**

**Public Engagement.** It is the intent of the Parties to engage public participation in determining the final uses of the Property. The public engagement contemplated in this Agreement shall occur jointly. The Parties shall not engage in individual staff or individual governing board public engagement. This public input will be considered as part of the next steps.

**Affordable and Mixed Income Housing and other uses.** It is the present intent of the Parties that approximately 66 acres of the Property shall be used for the development of affordable and mixed income housing and other uses. The Parties' staffs shall consult with affordable housing stakeholders to seek input regarding preferred sites, special needs, connectivity, and any other information relevant to the ultimate selection of the site(s) for affordable and mixed income housing. The Parties shall work together to retain a developer(s) to develop that portion of the Property ultimately reserved for affordable and mixed income housing.

**School Site with Public Recreation.** It is the present intent of the Parties that approximately 16 acres of the Property are reserved for a future school site for a public school site with public recreation. The Parties' staffs shall consult with

school administration to seek input regarding preferred sites, special needs, and any other information regarding the ultimate selection and/or size of the site.

**Joint Preserve.** It is the present intent of the Parties that approximately 22 acres of the Property shall be reserved for preservation of environmentally sensitive areas in addition to the Headwaters Preserve. The Parties' will consider ownership, use, operation, and maintenance.

**Connectivity.** The parties will work together to draft a connectivity plans including vehicular, bicycle and pedestrian modes, public transportation, and utilities.

**Recombination.** The Property may be subdivided and/or recombined with neighboring parcels, including the Headwaters Preserve, to provide for better connectivity, access to services, and/or preservation.

**Development Agreement.** The present intent of the Parties is to draft a Development Agreement and to set forth parameters for development regulations applicable to the Property. The Parties shall work together ensure such development plans adhere to the intent of this Agreement.

#### **4. FINAL DETERMINATION**

The final number of and intended uses have not been finalized and are subject to change. Following receipt of the Environmental Assessment, any opportunities for public engagement directed by the local governments, and governing board comment staff of each Party will jointly examine the best uses of the Property and the number of acres for and locations of those uses on the Property, will jointly seek further public input on those issues, and will make recommendations to their governing boards for a final determination. Such Final Determination shall be evidenced by a written amendment to this Agreement to be executed within 18 months of its execution.

#### **5. DISPUTES**

During the first 18 months, should disputes arise regarding implementation of this Agreement during any intermediate or implementation responsibility phase or subsequent term resolution of such disputes shall include a Resolution Meeting as described in this Section 5, which may include third party facilitation. If the dispute is not resolved within 60 days of initial consideration at a Resolution Meeting the governing boards shall *seek to* resolve the dispute by mediation.

If, 18 months after this Agreement is executed by the Parties, disputes have emerged regarding the ultimate uses of the Property, the size of the portions of the Property for designated uses, or any other aspect of the Property such that a Final Determination of the uses and related decisions regarding the Property cannot be agreed upon the Parties shall attempt to resolve the disputes as follows:

**Resolution Meeting.** The Representatives shall notify each other of the specific disputes that need discussion and meet together with each Party's attorney to attempt to resolve the disputes. If discussion is successful, the proposed resolution will be submitted to each Party's governing board for approval of the Representatives' decision. If resolution is unsuccessful within 60 days the Parties shall mediate the disputes.

**Mediation.** The Representatives and the Parties' attorneys shall jointly agree on and select a mediator to assist in resolving the dispute. Mediation must occur and be concluded within three months of the notification required for a Resolution Meeting. The governing boards of the Parties must approve any mediated resolution.

## **6. DIVISION OR SALE**

No Party shall 1) file any legal action or proceeding to force sale or division of the Property without having engaged in all dispute resolution procedures set out herein, if applicable, and, subsequent thereto, without first providing 60 days' written notice to the other Parties, or 2) enter into any agreement to sell, mortgage, or otherwise transfer all or any part of its ownership interest in the Property without first offering the other Parties the option to receive, purchase, or otherwise obtain the selling Party's interest in the Property. If the other Parties fail to respond to such option within 60 days of the offer the transferring Party may divest itself of its ownership interest in the Property according to property divestiture laws of North Carolina.

## **7. NOTICE**

Any notice pursuant to this Agreement, or any amendment or renewal, shall be in writing and delivered by United States Mail to the following:

### **To the County:**

Orange County  
County Manager  
P.O. Box 8181  
Hillsborough, NC 27278

### **To Chapel Hill:**

Town of Chapel Hill  
Town Manager  
405 Martin Luther King, Jr. Blvd.  
Chapel Hill, NC 27514

### **To Carrboro:**

Town of Carrboro  
Town Manager  
301 West Main Street  
Carrboro, NC 27510

**8. ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement of the Parties hereto and supersedes all prior agreements between or among the Parties regarding uses of the Property and any such agreements are hereby declared void. This Agreement is effective the date first above recorded.

[SIGNATURE PAGE TO FOLLOW]

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

\_\_\_\_\_  
Mayor, Town of Carrboro

\_\_\_\_\_  
Mayor, Town of Chapel Hill

ATTEST:

ATTEST:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Chair, Orange County

ATTEST:

\_\_\_\_\_  
Clerk to the Board

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

\_\_\_\_\_  
Carrboro Finance Director

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

\_\_\_\_\_  
Chapel Hill Finance Director

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

\_\_\_\_\_  
Orange County Finance Director

RES-2020-001

**RESOLUTION****A RESOLUTION FOR A PATH FORWARD PROCESS FOR FURTHER ASSESSMENT OF THE GREENE TRACT**

**WHEREAS**, in 1984, Orange County and the Towns of Carrboro and Chapel Hill jointly purchased the property known as the Greene Tract (164 acres more or less); and

**WHEREAS**, in 2000, title to 60 acres of this property was deeded exclusively to the Orange County Solid Waste Enterprise Fund for non-landfill solid waste purposes under provisions of the 1999 Interlocal Agreement for Solid Waste Management; and

**WHEREAS**, at that time, the remaining 104 acres was retained in joint ownership by the three governments (with the intent that the future uses of the property would be determined at a future time); and

**WHEREAS**, the 60-acre parcel (designated as the Headwaters Preserve by the Orange County Board of Commissioners on October 18, 2016) was purchased by Orange County via reimbursement to the Solid Waste Enterprise Fund in 2016; and

**WHEREAS**, in 2002 Orange County and the Towns of Carrboro and Chapel Hill adopted the 2002 Resolution which called for approximately 86 acres for open space and 18 acres for affordable housing on the jointly-owned land; and

**WHEREAS**, the Greene Tract is part of the Historic Rogers Road Neighborhood where the Towns of Chapel Hill and Carrboro have researched market development potential and zoning to implement a planning program in the overall area; and

**WHEREAS**, over the last 16 years, various joint planning studies including the Historic Rogers Road Task Force Report and Mapping Our Community's Future, and collaborations with the community and school district have suggested land use and acreage needs; and

**WHEREAS**, Mayors for Carrboro and Chapel Hill and the Orange County Commissioners Chair have agreed to jointly pursue an update to the 2002 Resolution and have been meeting with respective management and supporting staff, as suggested by the elected officials at an Assembly of Governments meeting in 2017, to determine next steps for preservation and development of the Greene Tract; and

**WHEREAS**, on February 12, 2019 the Carrboro Board of Aldermen and on February 19, 2019 the Orange County Commissioners voted to approve a resolution to support adjusting the property lines of the 104-acre jointly-owned tract and the 60-acre Headwaters Preserve, creating a jointly-owned preserve, indicating land uses, and conceptually agreeing to consider development of the Greene Tract; and

**WHEREAS**, on February 20, 2019 the Chapel Hill Town Council voted to approve the exploration of ways to protect the County-owned Headwaters Preserve and a proposed jointly-owned preserve area; and

**WHEREAS**, the Chapel Hill Carrboro City Schools in a letter dated May 22, 2019, have

RES-2020-001

indicated the district's continued interest in designation of a school site to be located on the Greene Tract; and

**WHEREAS**, on July 15, 2019 the Chapel Hill Town Council adopted a resolution to support adjusting the property lines on the tract and the Headwaters Preserve, creating a jointly-owned preserve, and conceptually agreeing to consider development of the Greene Tract; and

**WHEREAS**, at that time the Chapel Hill Town Council did not agree to designating the land uses indicated on the maps attached to the Carrboro and County's resolutions; and

**WHEREAS**, the three jurisdictions agreed conceptually to the following land use designations:

- Approximately 22 acres for joint preserve;
- A minimum of 16 acres for public school site and public recreational facility site;
- Approximately 66 acres for housing/mixed use; and

**WHEREAS**, the Chapel Hill Town Council also adopted a resolution on July 15, 2019 committing to holding a series of community meetings, soliciting input from the public and respective advisory boards regarding land uses and densities, initiate environmental and connectivity assessment; and initiate steps to protect the jointly-owned preserve and the Headwaters Preserve in perpetuity; and

**WHEREAS**, an environmental assessment would be based on the highest protective environmental regulations of the three jurisdictions (Carrboro, Chapel Hill, and Orange County) and as also defined by the Army Corps of Engineers for wetlands determination; and

**WHEREAS**, in the interest of working together, Carrboro, Chapel Hill, and Orange County elected boards have considered this resolution to determine a joint path forward; and

**WHEREAS**, each board will consider this resolution in January 2020 outlining next steps and provide direction to their respective staff; and

**WHEREAS**, this resolution attempts to consolidate the differences and supersede the resolutions adopted in February 2019 by the Carrboro Board of Aldermen and the Orange County Commissioners and the resolution adopted in July 2019 by the Chapel Hill Town Council; and

**WHEREAS**, analysis of the Greene Tract's past, present, and future identified the following land use needs and goals:

- Promote mixed-income housing opportunities; development of housing that serves a range of incomes
- Preserve valuable environmental features including tree canopy, open space, stream buffers, and wildlife corridors;
- Protect historical and cultural resources;
- Promote cost effective infrastructure;
- Incorporate school and recreation sites;
- Earmark development areas for mixed income housing and mixed use potential; and

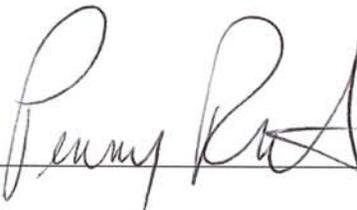
**WHEREAS**, the staff work group considered direction from the respective governing boards, specialized staff, housing partners, and community in developing a conceptual process for the

RES-2020-001  
Greene Tract.

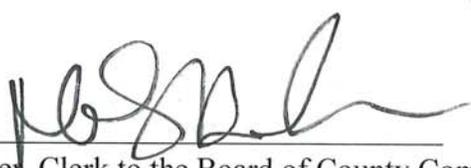
**NOW, THEREFORE, BE IT RESOLVED THAT** the Orange County Board of Commissioners:

1. Jointly pursue an environmental assessment of the entire 164 acres to consider designating the most environmentally sensitive area as the Headwaters Preserve with a cost share Interlocal Agreement for that analysis of 43/43/14 percent (Orange County/Chapel Hill/Carrboro respectively).
  - a. Environmental assessment of the site should include site topography, habitat for species of special concern, wetlands, stream corridors, and cultural and historic resources.
  - b. Best practical alternative shall be evaluated to balance environmental and infrastructure needs (i.e. roadway, water, sewer, stormwater, etc.).
2. Jointly pursues a Memorandum of Understanding for future decision-making process. This document will be used to ensure the parties participate in good faith in the planning process for potential development of the Greene Tract. The document will describe community outreach efforts.
3. Jointly agrees to have a joint public information session that includes Orange County, Chapel Hill and Carrboro a minimum of 2 months after the Environmental Assessment has been completed by the consultant and received by the jurisdictions.
4. Jointly agrees to not initiate formal further public engagement until completion of the Memorandum of Understanding document.
5. Jointly agrees any potential developers of the Greene Tract may rely upon and utilize the environmental assessment contemplated herein and shall not be required to conduct or obtain a separate environmental assessment.
6. Agrees to discussion of the Greene Tract at the 2020 Assembly of Governments meeting on January 28, 2020.

This the 21 day of January, 2020.

  
\_\_\_\_\_  
Penny Rich, Chair  
Orange County Board of County Commissioners

ATTEST:

  
\_\_\_\_\_  
Donna Baker, Clerk to the Board of County Commissioners



# Greene Tract Update

April 2021

## Background

### January 2020 – Greene Tract Resolution for a Path Forward

- The Towns and County adopted the 2020 Greene Tract Resolution. The resolution included the following:
  - Identified land use acreages for the Greene Tract
  - Initiated an environmental assessment
  - Initiated drafting of an Interlocal Agreement between the three jurisdictions

### February 2020 – Managers, Mayors, and Chair (MMC) Meeting

- MMC met to review the draft Greene Tract Interlocal Agreement (ILA). The MMC completed a thorough reading and review of the draft ILA. Minor modifications were proposed by the MMC.

### April 2020 – Greene Tract Environmental Assessment

- Orange County entered into an agreement with SynTerra to complete the Greene Tract Environmental Assessment (EA).
- SynTerra reviewed background information, conducted fieldwork, and completed an environmental analysis of the Greene Tract.
- Jurisdictional Determination of wetlands application was completed and submitted it to US Army Corps of Engineers
- The final EA was provided to the three jurisdictions over the summer and can be found at the following links:
  - <https://www.orangecountync.gov/DocumentCenter/View/14103/2020-Greene-Tract-Environmental-Assessment>
  - <https://www.townofcarrboro.org/DocumentCenter/View/8688/Greene-Tract-Environmental-Assessment--Suitability-Analysis-July-2020?bidId=>
  - <http://chplan.us/GreeneTract>

### January 2021 – Managers, Mayors, and Chair (MMC) Meeting

- MMC reviewed the Greene Tract Environmental Assessment and determine next steps for the Greene Tract including the draft ILA and community outreach.

### February 2021 – Managers, Mayors, and Chair (MMC) Meeting

- MMC reviewed the draft ILA from February 2020 and agreed to present the ILA to their Boards in April 2021.

### April 2021 - Greene Tract Interlocal Agreement

- Greene Tract Interlocal Agreement was presented to the three local governments for adoption consideration.
  - Town of Carrboro – April 6, 2021
  - Orange County – April 6, 2021
  - Town of Chapel Hill – April 7, 2021

## **Next Steps**

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### **Implementation Strategy – Ongoing**

- Staff work group has commenced work on an implementation strategy which includes the following steps:
  - Determining preservation and development goals
  - Re-initiate discussions regarding land use type and location, density, affordable housing, and infrastructure
  - Creating a framework for a future development plan
  - Developing a community outreach plan
  - Site analysis of the proposed elementary school site (led by Chapel Hill – Carrboro City Schools)

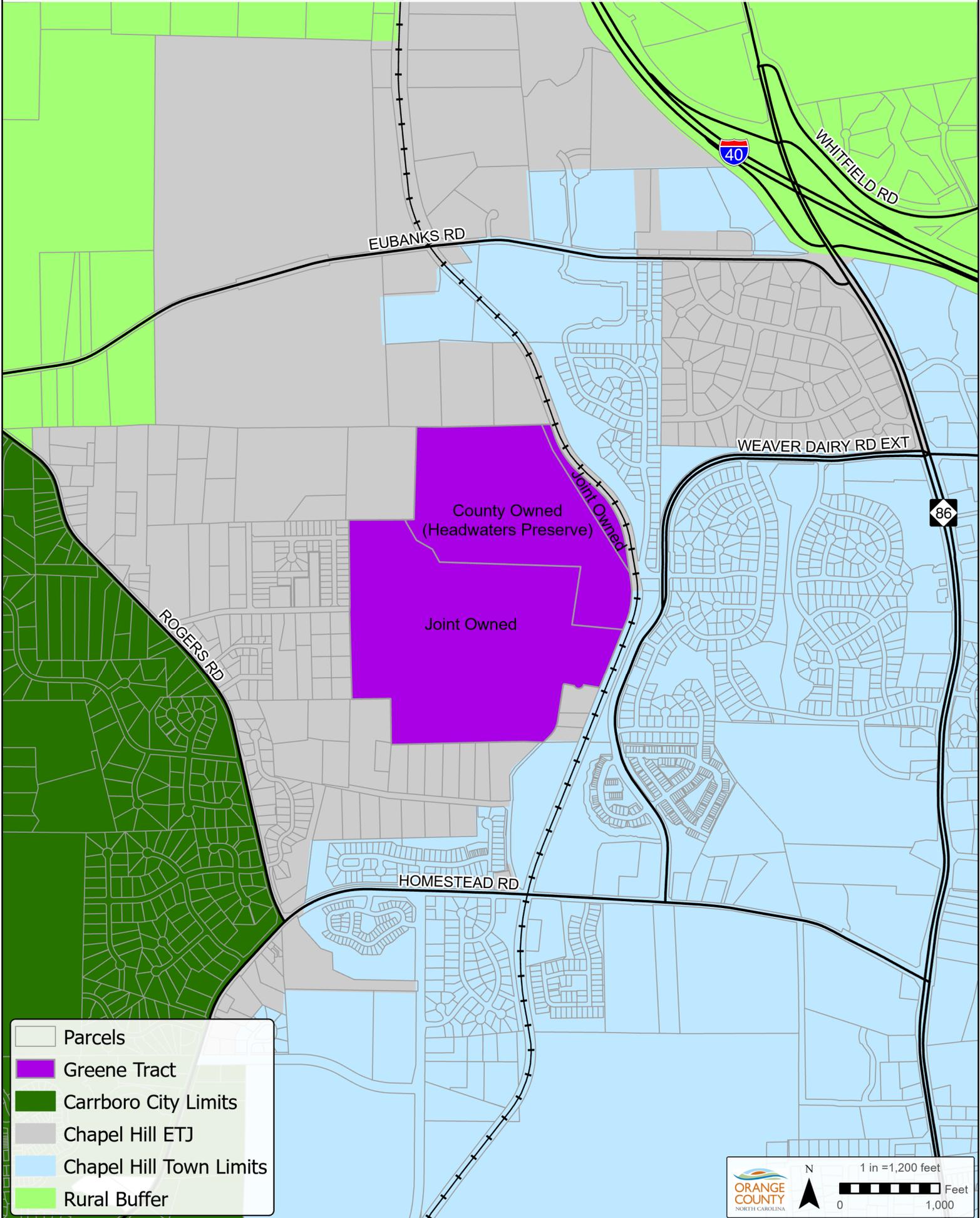
### **Community Outreach – Ongoing**

- Over the last couple of months, the MMC discussed various options to present the Greene Tract Environmental Assessment and review the next steps with the community.
- Due to concerns with public safety and equitable access, the MMC decided to delay in-person and/or virtual public meetings or outreach at this time and agreed to:
  - Revisit in late summer to determine how to proceed
  - Develop a public engagement timeline once community outreach resumes
- Planning staff is proceeding with the drafting of a virtual webinar in order to present the findings of the Greene Tract Environmental Assessment to the public and Board members.
  - Webinars will be made available on all three local governments' webpages.
  - Listening sessions and other options to make the webinars accessible to the community will be explored.

### **Joint Resolution – Winter 2021**

- Following approval of the ILA and community outreach, staff will initiate the drafting of a joint resolution for adoption.
- Resolution for recombination of the Greene Tract to include:
  - New County-owned Headwaters Preserve area (60 acres),
  - Joint-owned preserve area (approximately 22 acres), and
  - Development area, which will contain the elementary school and recreational site (approximately 82 acres).
- Recombination survey will be presented to all three local governments for approval.

# Greene Tract Vicinity Map



	Parcels
	Greene Tract
	Carrboro City Limits
	Chapel Hill ETJ
	Chapel Hill Town Limits
	Rural Buffer

ORANGE COUNTY  
NORTH CAROLINA

N

1 in = 1,200 feet

0 1,000 Feet

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** April 6, 2021

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

**SUBJECT:** Follow-up on Orange County's Proposed 2021 Legislative Agenda

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**DEPARTMENT:** County Commissioners

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**ATTACHMENT(S):**

- 1) DRAFT 2021 Orange County Legislative Priority Issues
- 2) DRAFT Orange County 2021 Legislative Interests

**INFORMATION CONTACT:**

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

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**PURPOSE:** To:

- 1) review and discuss an updated Draft 2021 legislative package in follow-up to the Board of Commissioners' discussion of the Legislative Issues Work Group's (LIWG) recommended package at the March 16, 2021 Business meeting;
- 2) Consider approval of an updated Draft 2021 Orange County Legislative Priority Issues document for submittal to the County's legislative delegation; and
- 3) Consider approval of the Orange County 2021 Legislative Interests document (which also includes the Priority Issues) to also be shared with Orange County's legislative delegation.

**BACKGROUND:** The 2021 North Carolina General Assembly session convened on January 27, 2021. The Board of Commissioners has historically appointed a Legislative Issues Work Group (LIWG) to work with staff 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 Amy Fowler are serving on the 2021 LIWG and worked with staff on the proposed 2021 legislative package, which consisted of the two documents, in preparation for the Board's April 19, 2021 Legislative Breakfast meeting with Orange County's legislative delegation.

The LIWG identified twenty-two (22) Legislative Priorities, acknowledging that the full Board of Commissioners may want to consider modifying the list, exchange one item for another item, other potential revisions, etc. The LIWG also recommended that the County express its positions on other topics with a draft Other Orange County 2021 Legislative Interests document.

The Board of Commissioners discussed and considered the Legislative Priorities and the Other Orange County 2021 Legislative Interests documents at the Board's March 16, 2021 Business meeting. As part of the discussion, the Board provided feedback to staff on additions, revisions and repackaging of the materials.

The updated Draft documents are provided as Attachment 1 and 2 for Board discussion and consideration for approval as amended.

**FINANCIAL IMPACT:** There is no financial impact associated with reviewing and approving Orange County's Proposed 2021 Legislative Agenda.

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with reviewing and approving Orange County's Proposed 2021 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 an updated Draft 2021 legislative package in follow-up to the Board of Commissioners' discussion of the Legislative Issues Work Group's (LIWG) recommended package at the March 16, 2021 Business meeting;
- 2) Consider approval of an updated Draft 2021 Orange County Legislative Priority Issues document for submittal to the County's legislative delegation; and
- 3) Consider approval of the Orange County 2021 Legislative Interests document (which also includes the Priority Issues) 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 April 19, 2021 Legislative Breakfast.

## 2021 ORANGE COUNTY PRIORITY LEGISLATIVE ISSUES

**Mental Health** – Seek legislation to develop and fund a plan to reduce the number of people with mental health issues in county jails as well as ensure that adequate State-funded mental health, developmental disability and substance abuse services and facilities are available at the local level, accessible and affordable to all residents and that sufficient state resources fund service provision costs inclusive of sufficient crisis intervention and treatment, and to structure appropriate county participation in governance.

**Racial Equity in Criminal Justice** – Support the recommendations of the North Carolina Task Force for Racial Equity in Criminal Justice (TREC), and specifically legislation to legalize the possession and use of marijuana and permit licensed businesses to engage in retail sales to adults, and 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.

**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.

**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.

**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.

## **Orange County 2021 Legislative Interests**

### **HEALTH & HUMAN SERVICES**

- 1) **Mental Health** – *Seek legislation to develop and fund a plan to reduce the number of people with mental health issues in county jails as well as ensure that adequate State-funded mental health, developmental disability and substance abuse services and facilities are available at the local level, accessible and affordable to all residents and that sufficient state resources fund service provision costs inclusive of sufficient crisis intervention and treatment, and to 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 paramedicine projects. 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, to help many working parents who are trying to become more financial self-sufficient, and to prorate fees for children attending based on the hours attended;
- 4) **Opioid Epidemic Efforts** – Support adequate 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, as well as increased funding to collect data regarding opioid overdoses and to provide for additional law enforcement to investigate and enforce drug laws;
- 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 abuse, gang involvement and domestic violence;
- 6) **Adult Protective Services** – Support increased funding and legislation to strengthen adult protective services;
- 7) **Increase Access to Medicaid** – Support legislation to increase access to the Medicaid program to make health insurance available to North Carolina residents at 138% of the poverty level and as additional support for rural hospitals;

## **JUSTICE & LAW ENFORCEMENT**

- 8) **Racial Equity in Criminal Justice** – *Support the recommendations of the North Carolina Task Force for Racial Equity in Criminal Justice (TREC), and specifically legislation to legalize the possession and use of marijuana and permit licensed businesses to engage in retail sales to adults, and 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;*
- 9) **Abolish State Death Penalty** – Support legislation to abolish the State of North Carolina's death penalty;
- 10) **Bail Reform** – Support legislation to develop and fund a plan to help reduce unnecessary arrests by expanding the use of citations or summons, replace money bail with non-financial, least restrictive conditions, restrict detention to the small number of people for whom no condition or combination of conditions can reasonably assure appearance in court and public safety, and reduce disparity within the pretrial justice system. Currently, indigent or poor people charged with crimes are often unable to get out of jail prior to trial because of their inability to pay;
- 11) **Legislative Study on Educational Requirements for Law Enforcement Officers** – Support legislation to establish 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. Potential topics for consideration include sociology, American history and literature, psychology, philosophy, and conflict resolution. In addition to members of the Senate and House, members should include a diverse array of experts in law enforcement and criminal justice education; also in higher education, specialists in the humanities/social science subject matter listed above;
- 12) **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;
- 13) **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;
- 14) **Court Funding** – Support increased state funding for NC courts, including reinstating funding for drug treatment court;

- 15) **Local Government Funding for Law Enforcement** – Oppose Senate Bill 100 and any other similar 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;
- 16) **Red Flag Law** – Support legislation allowing courts to prevent individuals who show signs of being a danger to themselves or to others from having access to firearms. 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**

- 17) **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;*
- 18) **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;
- 19) **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;

- 20) **School Impact Fee Authority** – Support legislation authorizing all North Carolina local government jurisdictions providing funding for public education to levy impact fees on new residential development to help pay for school construction. The North Carolina General Assembly approved legislation in the 1980's for some jurisdictions to levy these impact fees to support public school infrastructure. The authority to levy the fee to support school facility needs should be available to all local government jurisdictions providing funding for public education;
- 21) **Smart Start and NC Pre-K** – Support legislation to increase and ensure secure and stable funding, enhanced quality early care and education, and family access and benefits in settings public and private;
- 22) **State/County Partnership for Education** – Seek legislation to establish a new state-county partnership to address statewide public school capital challenges-- including but not limited to maintenance, renovation, construction and debt-- through a dedicated, stable funding stream that is consistent from county to county and sufficient to meet the school facility needs of all 100 counties;
- 23) **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;
- 24) **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**

- 25) **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;*
- 26) **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 in the wake of the murders of nine African Americans in

South Carolina in 2015, and that restores the regulation of monuments or symbols on public property to local governments;

- 27) **Legislative Leadership Term Limit** – Support legislation that limits the length of time a North Carolina General Assembly member can serve in the same leadership position to eight consecutive years;
- 28) **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;
- 29) **Voter Registration and Voting** – Support legislation to expand access to and participation in voting, including early voting, Saturday voting, automatic voter registration, pre-registration of 16 and 17 year olds, mail-in voting, and by making Election Day a State holiday;
- 30) **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**

- 31) **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;*
- 32) **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;
- 33) **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**

- 34) **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;
- 35) **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;
- 36) **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;
- 37) **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";
- 38) **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;
- 39) **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**

- 40) **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;
- 41) **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;
- 42) **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;
- 43) **Fees-In-Lieu – NCDOT as Additional Recipient** – Support legislation amending North Carolina General Statute 153A-331 to add a provision allowing counties to transfer fees collected as part of subdivision development, and in lieu of required street construction, to be transferred to and held by the North Carolina Department of Transportation (NCDOT) for the future construction of roads intended to be added to the State Maintained system. Presently there is no mechanism where a county can collect fees in lieu of transportation improvement construction based on conditions agreed to by both parties during a conditional zoning process. These fees may be for a developer fair share of a future comprehensive intersection improvement but would not be built by NCDOT until other funding could be assigned to do a complete improvement;
- 44) **Land, Water and Agricultural Preservation Funding** – Support Park, Agricultural Preservation, Clean Water Management 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;
- 45) **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;
- 46) **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;

- 47) **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**

- 48) **Maintain Local Government Authority over Solid Waste Management** – Oppose any shift of solid waste management and recycling services away from local governments;
- 49) **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**

- 50) **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;*
- 51) **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 their credit report for three years;
- 52) **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;
- 53) **E-911 Funds** – Support protection and broader applications of the NC 9-1-1 Fund to be used primarily for assuring that 9-1-1 systems are able to upgrade existing performance levels in order to pay for 9-1-1 operations or 9-1-1 related upgrades such as the infrastructure needed to migrate to next-generation

(NG911) technology. Orange County has appreciated past efforts and supports future initiatives to assure our residents are provided continued access to emergency services from all sources; and

- 54) **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:** April 6, 2021

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

**SUBJECT:** 2021 Orange County Revaluation Results

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**DEPARTMENT:** Tax Administration

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**ATTACHMENT(S):**  
PowerPoint Presentation

**INFORMATION CONTACT:**  
Nancy Freeman, Tax Administrator,  
(919) 245-2735

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**PURPOSE:** To receive an overview of findings from the 2021 countywide revaluation.

**BACKGROUND:** North Carolina counties must conduct a revaluation at least once every eight years. Orange County's last revaluation took effect January 1, 2017. The effective appraisal date of the 2021 revaluation is January 1, 2021. Tax office staff began working on the 2021 revaluation in 2019. A collaborative approach was taken throughout the entire 2021 revaluation, and community involvement helped improve the process.

In February 2020, the tax office proactively sent each real property owner a snapshot of the property's public record. Property owners were asked to return the form with any corrections to the data provided. This was an effort to ensure accurate records. Of the approximately 41,500 forms that were mailed out, the Tax Office received approximately 4,300 responses.

Conducting a countywide revaluation takes significant effort and staff dedication. Orange County has approximately 57,100 real property parcels, and each of those parcels has been modified to reflect a current estimate of market value. The schedule of completing the revaluation has been affected by the pandemic. During the height of the pandemic, appraisers limited field visits to curbside reviews. For the majority of the last year, appraisers have based their work from home with minimal time in the office in order to maintain the health and safety of staff and the public. Revaluation notices were mailed on March 24, 2021, and an appeal form was included in each notice.

**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 Impact associated with this item.

**RECOMMENDATION(S):** The Manager recommends that the Board receive this overview.

# 2021 REVALUATION RESULTS

APRIL 2021

# What is a Revaluation?

- Process of updating real property tax assessments to market value and present-use value as of a single appraisal date
- Primary goal is to equalize tax base
- Effective appraisal date for Orange County's revaluation is January 1, 2021

# What is Included in a Revaluation

- All residential and commercial land throughout Orange County and permanent structures.
  
- What is not included?
  - Business personal property
  - Motor vehicles, boats, airplanes
  - Public utility property

# Community Outreach

- Real Property Record Card website launched July 2019
  - ▣ Provide current information on record
  - ▣ Interactive webpage: review property data, report Issues
  
- Public Comper website launched July 2019
  - ▣ Review property as compared to similar properties
  
- Validation Form Mailing in February 2020
  - ▣ Partnered with the community to gather the most accurate data possible
  - ▣ Over 4,300 responses to update data

(continued next page)

# Community Outreach (continued)

- Revaluation Information Insert mailed with 2020 Tax Bill in July 2020
- Revaluation Video Launched on Website in July 2020
  - ▣ Explains the basics of a Revaluation
- Presentation at Schedule of Values Public Hearing for the at Board of Commissioners meeting in October 2020
- Revaluation Information Insert mailed with 2021 Listing Form in December 2020

# Commercial Appraisals

- Local commercial real estate appraisal firm provided market research, sales
- A second commercial appraisal firm interpreted market research and provided recommended values for all commercial parcels, taking into account effects of pandemic
- Orange County senior appraisal staff reviewed recommended values

# Residential Properties

- Strong seller's market for residential properties
  - ▣ Demand for residential properties driven by:
    - Federal government's continued actions to keep interest rates low
    - Pandemic-related circumstances of stay-at-home orders
    - Increased demand, decreased inventory due to cessation of construction early in pandemic
- Comparison to other counties
  - ▣ Survey of counties conducting a revaluation in 2021 show average county-wide growth of 16.8%.
  - ▣ Range from 8% to 36%
  - ▣ Twelve counties responded

# Real Property Change by Area

Jurisdiction	2021 Estimated Tax Base	Percentage of Growth From 2020	Growth Since 2017 Revaluation
Countywide	\$21,739,530,791	12.6%	20.1%
Carrboro	\$2,806,444,019	14.6%	19.0%
Chapel Hill	\$8,874,302,213	13%	18.3%
Hillsborough	\$1,491,892,443	20.5%	46.7%
Mebane	\$570,146,470	44.2%	49.9%

# Countywide Tax Base

- 2021 Countywide Tax Base is \$21,739,530,791
- Overall percentage of growth from 2020 to 2021 is 12.6%
- Overall percentage of growth from the most recent revaluation in 2017 is 20.1%
- Residential represents approximately 77% of the 2021 tax base, and commercial 23%
- Residential overall growth is approximately 36%
- Commercial overall growth is approximately 11%

# Industry Standards

<b>Sales Ratio Industry Standards</b>				
<b>Jurisdiction</b>	<b>Median Ratio</b>	<b>Actual</b>	<b>Coefficient of Dispersion</b>	<b>Actual</b>
Countywide	.90 - 1.10	100.5	5.0 - 15.0	7.7
Chapel Hill	.90 - 1.10	100.1	5.0 - 15.0	7.4
Carrboro	.90 - 1.10	100.2	5.0 - 15.0	7.4
Hillsborough	.90 - 1.10	1.01	5.0 - 15.0	5.4
Mebane	.90 - 1.10	101.1	5.0 - 15.0	7
<i>*Standards taken from the International Association of Assessing Officers</i>				

# Industry Standards

- Sales Ratios are verified by category of property. The ratios indicate tax assessments represent about 100% of current market sales. The coefficient of dispersion (COD) indicates the data spread, and the goal is 15 or lower.
- Countywide: Sales Ratio 100.5, COD 7.7
- Improved Residential: Sales Ratio 100.5, COD 7
- Improved Commercial: Sales Ratio 100.6, COD 14.8
- Vacant Land: Sales Ratio 100.1, COD 15.2

# Average Value of Home

## □ Average Values of Homes based on Jurisdiction

Jurisdiction	Average Value	Median Value
Countywide	\$368,319	\$310,600
Carrboro	\$393,657	\$369,300
Chapel Hill	\$483,643	\$417,200
Hillsborough	\$277,180	\$236,200
Mebane	\$223,381	\$222,100

- Values include building, land and other features such as garages/sheds. Townhomes and condominiums are excluded.

# Remaining Schedule

- New values available on website March 22, 2021
- Notices mailed March 24, 2021
- Final mailing of revaluation notices of approximately 300 commercial properties, anticipated by March 31, 2021
- Deadline for informal appeals April 30, 2021
- Board of Equalization & Review to convene Monday, May 3, 2021

# Revaluation Notice Mailing

- Revaluation notice
  - ▣ Includes information on webpage to appeal online
  
- Informal appeal form included
  
- Informal appeal form instructions
  - ▣ Information on websites to review data and find comparable sales included

# Appeal Process

- Review property characteristics at Real Property Search Webpage: [bit.ly/3k2Lfv3](http://bit.ly/3k2Lfv3)
  - ▣ Check square footage, bath count, etc.
    - Please allow reasonable margin of difference: 5% per NC Residential Square Footage Guidelines
  
- Compare property to nearby property sales at Comper Webpage: [bit.ly/2MhUpau](http://bit.ly/2MhUpau)
  - Please allow reasonable margin of difference: 5%
  
- Submit appeal form included with revaluation notice, or complete appeal process online at <https://appeals.spatiallest.com/nc-orange>

# For More Information

- Contact the Orange County Tax Office:
  - 919-245-2100
  - [reval@orangecountync.gov](mailto:reval@orangecountync.gov)
  - Live chat by visiting:  
[www.orangecountync.gov/departments/tax/](http://www.orangecountync.gov/departments/tax/)

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Minutes

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**DEPARTMENT:** Board of County Commissioners

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

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

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**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: March 2, 2021                      Virtual Business Meeting  
Attachment 2: March 9, 2021                    Virtual Work Session

**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.

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**MINUTES  
ORANGE COUNTY  
BOARD OF COMMISSIONERS  
VIRTUAL BUSINESS MEETING  
MARCH 2, 2021  
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, March 2, 2021 at 7:00 p.m.

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

**COUNTY COMMISSIONERS ABSENT:** NONE

**COUNTY ATTORNEYS PRESENT:** John Roberts

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

Chair Price called the meeting to order at 7:05 p.m., a few minutes late, due to technical difficulties.

A roll call was called; all members were present.

Due to current public health concerns, the Board of County Commissioners (BOCC) is conducting a Virtual Business Meeting on Tuesday, March 2, 2021. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

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

Chair Price requested to move consent agenda item 8-h to Proclamations/ Resolutions/ Special Presentations, as well as allowing Katie Murray, Arts Commission Director, to present about the Big Night In.

A motion was made by Commissioner McKee, seconded by Commissioner Hamilton to change the agenda as suggested.

**Roll call ensued.**

**VOTE UNANIMOUS**

1 Chair Price dispensed with reading the public charge.  
2

3 **Public Charge:** The Board of Commissioners pledges its respect to all present. The Board asks  
4 those attending this meeting to conduct themselves in a respectful, courteous manner toward  
5 each other, county staff and the commissioners. At any time should a member of the Board or  
6 the public fail to observe this charge, the Chair will take steps to restore order and decorum.  
7 Should it become impossible to restore order and continue the meeting, the Chair will recess  
8 the meeting until such time that a genuine commitment to this public charge is observed. The  
9 BOCC asks that all electronic devices such as cell phones, pagers, and computers should  
10 please be turned off or set to silent/vibrate. Please be kind to everyone.  
11

12 **Arts Moment** – No Arts Moment was available for this meeting.  
13

14 **2. Public Comments**

15 **a. Matters not on the Printed Agenda**  
16

17 Ellen Perry emailed a statement to Commissioner Greene, who read the statement on  
18 her behalf:  
19

20 Dear County Commissioners  
21

22 My name is Ellen Perry and I live in in my own house on Starlit Dr. I am a woman with a  
23 physical disability along with Intellectual Developmental Disabilities. I am also an advocate for  
24 the community that has helped with other people in the community who have disabilities around  
25 our community, statewide, and nationally.  
26

27 I understand that in Orange County is very unique. Cardinal is unique as well. I do not want to  
28 lose what I have gained with the past several years. In my option, as a person with disabilities,  
29 having Cardinal as my MCO had been very beneficial to me. Cardinal has helped me not have  
30 to pay a very large amount to the state for a long time. I have a Care Coordinator that knows  
31 who I am as a person and has taken the time to get to know me. She knows my wants and  
32 needs. She knows how to talk to me like I am a person, and we get a long great.  
33

34 Here are some reasons why I am happy with Cardinal:

- 35 • Happy with your care coordinator
- 36 • Do not want to lose services
- 37 • Not wanted to retrain someone for a different MCO
- 38 • Don't want to lose your self-determination wavier
- 39 • I do not want to train a new company on the wavier that I am on
- 40 • Not wanting to keep calling and checking in with the care coordinator about my stuff
- 41 • This will end my deal with Cardinal on my skill books to be used
- 42 • I am happy with my Care Coordinator. I feel it is better to have a person that I know and  
43 who knows what I am capable of doing than having to tell someone new about who I am.

44 If you can keep the families that are happy at Cardinal at Cardinal and then the families that are  
45 not happy go to alliance. A suggestion would be to have a survey for families that have services  
46 through Cardinal and go from there.  
47

48 Thank you for hearing me out,  
49 Sincerely  
50 Ellen Perry

1  
2 Perrin de Jong said he is a Staff Attorney for the Center for Biological Diversity in  
3 Asheville. He said he wanted to speak about the Buckhorn Area Plan. He said his Center  
4 believes the Buckhorn Area Plan will threaten three species in a large area of the environment,  
5 and he is specifically concerned about Seven mile Creek. He said the Neuse River Waterdog,  
6 the Mad Tom catfish and the Atlantic Pigtoe muscle are all proposed to be listed as protected  
7 under the endangered species act. He urged the Board of County Commissioners (BOCC) to  
8 keep intact the status quo, and the Water and Sewer Management Planning and Boundary  
9 Agreement (WASMPBA). He said he submitted written topics, and urged the Board to review  
10 them.

11  
12 John Dempsey, read the following statement:

13 I welcome the Buckhorn Area Plan as an opportunity to discuss the future of Sevenmile Creek.  
14 Much of the land classified as 'developable' in the plan is problematic. Areas B and C have  
15 drainage directly into Sevenmile Creek and D uses Sevenmile Creek as its southern border.  
16 The December, 2020 draft of the Buckhorn Area Plan report states on page 30...

17  
18 "These parcels contain two threatened or endangered bivalves known to live in the Neuse  
19 drainages (including Sevenmile Creek). These species are threatened at a state level but are  
20 not a federally listed species. It is not thought that these species would significantly restrict  
21 development."

22  
23 This is misleading. In addition to the mussels mentioned there are two species whose habitats  
24 are on the Eno River, including a stretch that the United States Fish & Wildlife Service has  
25 proposed to Congress for protections under the Endangered Species Act. In addition to the  
26 Atlantic Pigtoe mussel there are the Carolina Madtom, a catfish, and the Neuse River waterdog,  
27 a salamander.

28  
29 Sevenmile Creek, is classified surface freshwater WS-II, a source clean enough for  
30 drinking water supply and is nutrient sensitive. It runs into the Eno River within one 20+  
31 mile stretch of habitat that is currently under review for protection by Congress. More  
32 than 10 years into this process, and with a new Congress in place, protections to prevent the  
33 extinction of these North Carolina treasures could be characterized as "inches" away.

34  
35 Why should we care? It is estimated that at least 47 species have become extinct  
36 while awaiting final approval of protections under the Federal Endangered Species Act.  
37 It is the decisions made by local jurisdictions such as this Board that offer the only  
38 protection while this process of approval takes place.

39  
40 The Board of County Commissioners should make no decisions that would lead to  
41 lifting zoning that currently offers some protections for Sevenmile Creek.  
42 Orange County, North Carolina and US residents, property owners, mussels,  
43 catfish and salamanders would all benefit from studying conservancy options for the  
44 area surrounding our Class II gem, Sevenmile Creek.

45  
46 Rather than studying how to lift those slim protections under current zoning why  
47 not put concerned residents, the Committee for the Environment, Orange County staff  
48 and other resources to work studying options available that would guarantee owners  
49 interests while protecting this treasure for future generations.

50  
51 Fiona Johann read the following statement:

1 I want to start by thanking the commissioners for listening to public comments made about the  
2 Buckhorn Area Plan, and setting up a working session with Mebane City Council. I come to you  
3 and the public today to share information I have about the Buckhorn Area Plan, as I believe the  
4 best plans come from groups of interested and informed parties coming together.  
5

6 To our residents, Orange County and The City of Mebane are working on a plan to extend the  
7 economic development district in western Orange County. The first step in doing so was to  
8 commission a study of land in the area, this study is known as The Buckhorn Area Plan. It  
9 recommends extending the boundaries for industrial development and discourages rural  
10 residential growth in favor of light industrial manufacturing. This is a major shift from the long-  
11 standing land use plans for economic development, in place by both The City of Mebane and  
12 Orange County. I encourage you all to view the 2030 Orange County Comprehensive Land Use  
13 Plan and the Mebane by Design Plan and compare it to the proposed Buckhorn Area Plan. This  
14 plan will encourage industrial growth around, not only, rural residential housing, but also  
15 Gravelly Hill Middle School, local farms, Seven Mile Creek, and the soccer complex.  
16 To the commissioners, I ask that you and the Mebane City Council members address at least  
17 the following questions during the March 9 working session:

- 18 1. How and when will the public be able to engage? When will Orange County  
19 Commissioners and Mebane City Council come together to hear from the public on this  
20 matter?
- 21 2. If you feel you must continue with this area plan I ask you and the council members to  
22 consider a binding agreement on a joint area plan instead of the BAP plan as it stands  
23 now. The most important aspect of a binding agreement is that Orange County and  
24 Mebane City would both need to agree on any rezoning in the area. This means that both  
25 Orange County and Mebane City residents would have equal representation and be able  
26 to weigh in on changes made to local zoning.  
27

28 To both residents and Commissioners, I want to make clear that I do not oppose development  
29 nor do I oppose neighbor's rights to sell their land. I appreciate and respect that we are in need  
30 of jobs for our local residents and tax money for our municipalities. Industrial builds will not bring  
31 the jobs our community is looking for, it is well known that industrial companies are moving  
32 toward automation, not hiring large groups of people. Furthermore, the entire plan seems to  
33 serve up land to developers on a silver platter while not addressing those who are currently  
34 underserved in our community, helping the 1%, not the majority. I hope that our local  
35 governments and community can come together and create a plan that truly would benefit the  
36 citizens of the area and both governments. I ask our residents, council members and  
37 commissioners to think outside the industrial box and come up with a better plan that helps this  
38 area preserve the area's natural feel and supports its residents.  
39

40 Margo Lakin said she is concerned about misleading advice from Planning Department,  
41 to increase industrial development. She said the Buckhorn Area Plan will target Seven Mile  
42 Creek. She said safe drinking water should be guaranteed for us all, and expressed frustration  
43 over the continual rezoning of land. She said Seven Mile Creek is designated as a drinking  
44 water source, a paramount reason to protect this gem. She said she gets the impression that  
45 some see it as a loophole, and want to degrade this water source by a few levels to achieve  
46 development goals. She said it so important to get the facts straight before any more decisions  
47 are made, and Orange County turns into Flint, Michigan. She asked that the Commission for  
48 the Environment be involved; a hydrology report be commissioned; a forensic audit on the  
49 watershed be performed, etc. She said the County must balance its watershed checkbook.  
50

51 Janine Zanin, showed maps to the Commissioners, and read the following comments:

1 My name is Janine Zanin and I live in Efland. If you are considering adopting any part of the  
2 Buckhorn Area Plan, I'm asking you to please follow your own agreements and governing  
3 documents before taking any action on expanding the existing utility service agreement with  
4 Mebane. The Mebane City Council has said that the ball is in your court and they are waiting  
5 for direction from you. I'd like to re-acquaint you with the plan from an Orange County  
6 perspective because at your information session, you were presented with Mebane's maps, not  
7 Orange County's.  
8

9 This map here is a zoomed in version of the Orange County Future Land Use Map. I've drawn  
10 in the "Future Growth Areas" proposed by the BAP so that you can see them in the context of  
11 our land use map. As you can see, area B is currently zoned Rural Residential; areas C & D  
12 are zoned Agricultural residential and are also predominantly located within critically protected  
13 watershed, as is a portion of E. Area A is zoned Economic Development Transition.  
14 By its own terms, the BAP recommends the expansion of manufacturing, wholesale, distribution,  
15 and service uses in the "future growth areas." It recommends that Mebane expand the  
16 Buckhorn Economic Development District and incorporate a new zoning district that encourages  
17 documented research, office and manufacturing facilities in these "Future Growth Areas."  
18

19 THIS IS A CHANGE TO OUR FUTURE LAND USE MAP AS WELL. To amend the Orange  
20 County Future Land Use Map our own rules provide that the following must happen:  
21 Signs are posted and notice is mailed to area residents.  
22 The development advisory board considers the plan.  
23 The planning board reviews the plan (and receives public comment).  
24 A public hearing is held before the BOCC.  
25 The BOCC makes a decision.  
26

27 NONE OF THAT HAS HAPPENED.  
28

29 The BAP also recommends extending sewer and water to the future growth areas. The county  
30 is a signatory to the Water and Sewer Management, Planning and Boundary agreement in  
31 which it has made collective promises with Chapel Hill, Carrboro, Hillsborough and OWASA.  
32 Here's a close up of the map that goes along with that agreement.  
33

34 Areas B, C, D & E all contain land where the county has previously agreed NOT to extend water  
35 and sewer. That's the light yellow area. To change this agreement, requires the consent of  
36 ALL PARTIES TO THE AGREEMENT. To withdraw from the agreement requires a public  
37 hearing and written notice to all parties to the agreement within 30 days of the hearing.  
38

39 NONE OF THAT HAS HAPPENED.  
40

41 I heard the planning department staff characterize the BAP as a "study" at your information  
42 session. It also represented that no action had been taken yet. That isn't true. This plan was  
43 presented to the Mebane City Planning Board on November 9th with a request to "Adopt the  
44 Buckhorn Area Plan and Amend the Mebane Comprehensive Land Development Plan." Craig  
45 Benedict, our planning director, was present at that meeting and participated in that meeting.  
46 The Mebane Planning Board voted to adopt the plan and amend the Mebane Comprehensive  
47 Land Development Plan. This was before ANY PUBLIC INPUT HAD BEEN RECEIVED ON  
48 THE PLAN. The public information session was scheduled for the following day and the lucky  
49 few who received notice (only those landowners who owned land within the proposed future  
50 growth areas), only received a few days' notice of what was happening before the planning  
51 board took a vote.

1  
2 Orange County has essentially initiated an effort to get out of its responsibilities to its citizens by  
3 bringing in the City of Mebane to do its dirty work. The plan is simple, advertise this as prime  
4 Mebane industrial development land, and then get Mebane to annex it through the less  
5 protective utility service agreement that we have with them. Then you don't have to deal with  
6 messy public input or the opinions of your incorporated towns. At a time when respect for the  
7 rule of law is at risk all over this country, I am certain Orange County can do better.  
8

9 Patricia O'Connor read the following statement:

10 Good evening board members;

11  
12 My name is Patty O'Connor and I live on Squires Road, directly across from the Medline  
13 Warehouse. Thank you for allowing me the opportunity to speak this evening—my comments  
14 are about the Buckhorn Area Plan.  
15

16 My principal concern about the BAP is the speed with which a very complex plan seems to be  
17 unfolding. I say this in light of the recent zoning changes and annexation of properties by  
18 Mebane, specifically on the south side of West Ten Road. Two parcels on the south side of  
19 West Ten Road have been rezoned from Residential/Ag to M2. One property was sold to  
20 Medline and rezoned at the end of 2019—their plans to develop it are not immediate but most  
21 definitely in the forecast. The second property, The Neyer property, close to the intersection of  
22 Buckhorn, was just recently rezoned and two warehouses, totaling 500,000 square feet, is in the  
23 works. This means a definite 1.7 million square feet of warehouse space with its accompanying  
24 truck and car traffic on a quarter mile stretch of a 2-lane country road; a road that has a middle  
25 school, a soccer field, a church and multiple residences. When the Medline parcel on the south  
26 side is developed, a small, wooded community (mine) will be embedded in a rural industrial  
27 park.  
28

29 We really have NO idea what the impacts of this development, its traffic congestion, noise and  
30 water run-off will be on the community and home property values. Because of this, I would like  
31 to go on record as being opposed to approving the BAP in its current form and would like to  
32 request that the BOCC allow time for more thoughtful discussion and public engagement before  
33 making any kind of recommendation on this plan.  
34

35 When I purchased my home, with due diligence I researched the surrounding zoning. I was  
36 comfortable living across from the road from industrial development—I am not comfortable  
37 being surrounded by it. Zoning is in place to offer some protection to property owners and I feel  
38 the rug has been pulled out from under me. My way of life will be sorely impacted and my most  
39 important investment put at risk. Please plan thoughtfully and carefully. Preserving the rural  
40 character of our area is important. Development, other than a string of warehouses, is possible  
41 for this area.  
42

43 Catherine Matthews read the following statement:

44 When will enough be enough? Hello County Commissioners. My name is Catherine Matthews  
45 and I hope you remember me from the Buc-ees provocation. Thank you for efforts to prevent  
46 Buc-ees from becoming a welcoming symbol in rural Orange County and thank you for this  
47 opportunity to address you again this evening.  
48

49 Just as a reminder, I live in Efland, have lived here for 20+ years and my street, Chestnut Ridge  
50 Church Road, runs north to Mt. Willing to the Interstate to what was once the future home of

1 Buc-ees and south to Buckhorn, to the looming home of who knows what industrial  
2 development.

3  
4 Once again, the Orange County Planning Department, this time in conjunction with the Mebane  
5 City Council, has presumed to know what is best for our county and for our residents who live in  
6 and near the Efland area. The Buckhorn Area Plan is a plan conceived in darkness and cloaked  
7 in the betterment of our county by proposing to convert our rural lands into economic  
8 development opportunities, whether we want them or not. And more importantly, whether they  
9 are appropriate or not for the environment in which we live.

10  
11 Yes, just like the proposed Buc-ees, The Buckhorn Area Plan's proposed industrial  
12 development opportunities sit on top of a protected watershed, a watershed that provides our  
13 drinking water, a watershed that replenishes our well water, a watershed that protects animals  
14 and plants that have thus far received far too little protection.

15  
16 The lack of planning by the Planning Departments of Orange and Mebane is staggering. We  
17 have evidence that the stormwater runoff from the under construction Medline is bringing  
18 sediment into the very waters of Seven Mile Creek that we must protect.

19  
20 Those of us who have chosen to live in Efland have done so because of the rural character of  
21 the area. Two weeks ago my husband and I hiked the Orange County Seven Mile Creek Natural  
22 Area. It was easy to see the sediment loads from recent rains. If Orange County is not very,  
23 very, very careful then soon our parks will resemble many parks in Cary and Raleigh where  
24 attempts to preserve habitats have fallen far short due to the long reach of development – both  
25 residential and industrial.

26  
27 I am opposed to the Buckhorn Area Plan. Area residents and commissioners need more time  
28 for thoughtful discussion and public engagement before any additional action is taken on this  
29 proposed plan. I strongly suggest that each of you drive by this area on West Ten, the site of  
30 MedLine, to see the environmental devastation that has occurred and will now continue long  
31 past our life spans in Efland. It is far easier to prevent environmental devastation than it is to  
32 remediate it.

33  
34 Del Ward said the opponents of Buc-ee's were not elitists, and he has similar concerns  
35 about Buckhorn Area Plan as he did to Buc-ee's. He said most Orange County residents do not  
36 know about the BAP, and the Planning Department has kept out public input. He said two  
37 parcels of land are in a protected watershed, and surround Gravely Hill Middle School. He said  
38 parents of children in schools need to be involved. He said more people will come to speak at  
39 meetings if Planning does not include residents more, and the public has not had the proper  
40 engagement, to which it is entitled. He asked the County to please slow this process down, and  
41 encourage community engagement and public input. He said the current actions are a violation  
42 of due process. He said he is anti-polluting water, not anti-development

43  
44 Andrea Riley read the following statement:

45  
46 The Orange County Board of County Commissioners has just had the opportunity to decide  
47 whether protecting Seven Mile Creek, the Eno River, and the water supply for Hillsborough,  
48 Raleigh and communities further downstream was more important than the tax dollars or jobs  
49 that might have arisen from the development of a gas station on land that feeds those  
50 waterways. For your sensitivity to the need for water protection, we thank you. Now you are  
51 faced with the same dilemma again.

1  
2 The push for industrial development in the Buckhorn Area Plan requires the rezoning of  
3 agricultural and residential land, the extension of sewer and water to that land, and the  
4 annexation of that land by the city of Mebane. Industrial development in this area will threaten  
5 the same water supply that you wanted to protect by vastly increasing the amount of impervious  
6 land in the Buckhorn Area and by creating ground water runoff which will carry immense  
7 amounts of sediment into Seven Mile Creek, eventually polluting the Eno River and the water  
8 supplies of communities downstream. Annexing by Mebane will create a way around the  
9 existing water and sewer agreement signed by Orange County, Chapel Hill, Carrboro,  
10 Hillsborough, and OWASA in 2001, the Water and Sewer Management, Planning, and  
11 Boundary Agreement. This plan was created in order to share water and sewer obligations and  
12 to protect the rural buffers of all of the communities in Orange County. The limits to the  
13 extension of water and sewer provisions for these communities, and the protection of Orange  
14 County's rural buffers agreed to in this plan need to be upheld.

15  
16 Residents of Efland and northern Orange County have been promised water and sewer service  
17 for a long time. The decision about whom to serve, however, has been decided by County  
18 Planning in favor of industrial development and tax dollars instead of equitable service to all of  
19 the residents of this county. Orange County residents need to be involved in the process of  
20 deciding what kind of development should be undertaken in Orange County, where it needs to  
21 be located, and who should benefit.

22  
23 We hope that the Commissioners will take the time to learn about all of the issues involved with  
24 the Buckhorn Area Plan. The protection of clean water, agricultural and rural buffer zones, and  
25 residential zones; equitable access to water and sewer service for all Orange County citizens;  
26 freedom from air, light, and noise pollution and from traffic congestion for nearby residents- all  
27 of these issues should be considered and debated by citizens of Orange County and the Board  
28 of County Commissioners.

29  
30 We hope the BOCC will insist upon public input regarding the plan, will uphold the already  
31 agreed upon Comprehensive Land Use Plan, Efland/Mebane Small Area Plan, Unified  
32 Development Ordinance regulations, and Orange County Water and Sewer Management,  
33 Planning, and Boundary Agreement, and will enter into a binding agreement joint-area plan with  
34 Mebane so that both parties will be required to agree to any rezoning. The decisions made now  
35 about development in Orange County will impact the environment and citizens of Orange  
36 County for generations to come. We look forward to being able to engage with you on this  
37 important area plan. Thank you.

38  
39 Tim Spruill read the following statement:

40  
41 Hello. I am Tim Spruill and a resident of Efland in Orange County. I am here today to bring your  
42 attention to the Buckhorn Area Plan which this Board will focus on at the upcoming March 9th  
43 meeting. I was not aware of the BAP, the plan that is being considered between Orange County  
44 and the City of Mebane, until this last November. This plan has, before any public discussion or  
45 comment, unofficially already been implemented, with the construction of Medline. In its current  
46 form, it is a poorly thought-out plan that has in my opinion, severely ignored physical and  
47 biological impacts on the primary water-supply for Hillsborough (the Eno River and the  
48 contributing tributary, Seven Mile Creek) and on groundwater that provides local well-water  
49 supplies and baseflow to Seven Mile Creek. Extensive creation of impervious surfaces will  
50 ultimately severely damage Seven Mile Creek and potentially cause siltation and flooding issues  
51 downstream. Most of the land within the Plan boundaries is in agricultural or rural residential

1 use. The BAP will create difficulties for people who live in these areas, which have been  
 2 previously zoned for these uses, by changing the zoning to industrial use categories. If the  
 3 development extends south of West Ten Road, this will violate the existing agreement  
 4 (WASAMBA) between Carrboro, Chapel Hill, and Hillsborough, which is intended to limit urban  
 5 expansion into rural areas. Mebane should honor this agreement before the BAP is ever  
 6 approved by the BOCC. There are multiple social, business, infrastructure, agricultural, traffic,  
 7 and environmental issues that will impact people who live in the area, as well as others in  
 8 Orange County. All of us, including you, the board of commissioners, need more time to  
 9 adequately evaluate and discuss a more rational, inclusive and generally acceptable Buckhorn  
 10 Area Plan.

11  
 12 The Orange County Planning Department must stop trying to manipulate the BOCC and the  
 13 public by keeping its plans under wraps until the last minute, much like what happened with the  
 14 Buc-ees Efland Station plan. It is supposed to be a democratic process.

15  
 16 I absolutely do not support the Buckhorn Area Plan in its current form-it is badly inadequate and  
 17 is a breach of public trust in the system. I strongly urge the Board of Commissioners to allow  
 18 much more time for public input and discussion, in order to ultimately produce a more broadly  
 19 acceptable and perhaps even good plan before approving.

20 Thank you for your consideration.

21  
 22 Jared Cates said he lives a mile and a half from Area E of Buckhorn Area Plan. He said  
 23 he works with a lot of Planners, and has always appreciated the Planning profession for  
 24 engaging the community. He said the AICP principles for planners places the highest priority on  
 25 responsibility to the public, and giving the public the opportunity to participate. He said most  
 26 planners have held that in the highest regard, insuring community engagement, bringing  
 27 information to the public, and being a sounding board. He said the current situation is really  
 28 confusing. He said he has never heard of the BAP, yet thought he had done his due diligence  
 29 when buying property. He said when the Mebane Planning Department passed the BAP he  
 30 reached out to Jesse Day, Director of Piedmont Triad Regional Council, and expressed concern  
 31 over the process. He said Jesse Day also expressed concern. He said this process is bad and  
 32 undemocratic, and asked the BOCC to pump the brakes to allow input from community.

### 33 34 **b. Matters on the Printed Agenda**

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

### 37 38 **3. Announcements, Petitions and Comments by Board Members**

39 Commissioner Fowler said the Chamber of Commerce is leading a 10-week series on  
 40 Covid, and she gave opening remarks at the first session last week. She said she attended the  
 41 Pauli Murray awards last week, and they were very well done and very moving. She  
 42 congratulated all involved.

43 Commissioner McKee reiterated his suggestion that the BOCC consider moving back  
 44 into a public meeting format for the budget season. He said more vaccines are available; more  
 45 groups are eligible for vaccinations; and the Commissioners can move back into in-person  
 46 meetings to increase access for those who cannot join the meetings, due to technology  
 47 limitations.

48 Commissioner Dorosin asked if the legislative breakfast is still happening.

49 Laura Jensen said it is scheduled for April 19, 2021.

50 Commissioner Dorosin said he recently attended a Durham Tech board meeting, and  
 51 there is a priority focus on racial equity, especially due to Covid. He said given that Orange

1 County has prioritized Durham Tech's new building in the Capital Investment Plan (CIP), he  
2 raised the question of renaming Durham Tech to include Orange County, as the school serves  
3 multiple communities. He said he also raised the idea of adding representatives of Orange  
4 County and Chapel Hill Carrboro City Schools to the Durham Tech Board, just as has been  
5 done with the Durham Public Schools.

6 Commissioner Hamilton said she also attended the Pauli Murray Awards ceremony,  
7 and was inspired.

8 Commissioner Greene said she also was impressed by the Pauli Murray awards, and  
9 extended congratulations to the winners, participants, and planners.

10 Commissioner Bedford said the Pauli Murray Awards speakers and presenters were  
11 very inspiring.

12 Chair Price said the Pauli Murray Awards ceremony was amazing, and she was pleased  
13 to be there.

14 Chair Price said she attended a GoTriangle committee meeting, where a guest, Hill  
15 Carroll, spoke about bringing World University Games to the Triangle in 2027. She said this  
16 could be a revenue generator, and GoTriangle would be involved for providing transportation.

17 Chair Price said she attended a meeting regarding the Greene Tract. She said plans  
18 are moving forward for a memorandum of understanding (MOU) and a public information  
19 meeting.

20 Chair Price said that the Governor has eased some of the restrictions for COVID-19, but  
21 everyone should still wear a mask, remain six feet apart, and get vaccinated when possible.  
22 She said there is a basketball game this weekend in Chapel Hill against Duke, and the  
23 university is making preparations to keep people safe and prevent spread of the virus.

24 Chair Price said she got a phone call asking about the libraries reopening, and asked if  
25 the Manager would coordinate with the library director on this.

26 Chair Price said World Water Day is on March 22, 2021, asked if a resolution from  
27 Brennan Bouma, Sustainability Director, could be prepared for the meeting on March 16<sup>th</sup>.

28 Commissioner Dorosin referred to the information about the Greene Tract MOU, and  
29 asked if there is an update on this process.

30 Chair Price said the environmental study was completed, and the group talked about  
31 how to work together, how decisions will be made, and how to inform the community at one  
32 time, via a public information outreach strategy.

33 Commissioner Dorosin asked if there is a timeline for the MOU to come back to the  
34 Board.

35 Bonnie Hammersley said the leadership went through the MOU at the last meeting, and  
36 agreed to forward it to the elected bodies. She said it should come to the Board in April. She  
37 said a major sticking point was whether there should be a majority vote or a unanimous vote.  
38 She said the decision was made for it to be unanimous, but there is a clause that a party can  
39 leave if it so chooses. She said the hope of the meeting was that all will work together. She  
40 said the environmental assessment has been completed, and community meetings will be held  
41 to explain the results.

42 Commissioner Dorosin asked if the environmental assessment has been sent to elected  
43 officials and posted on the website.

44 Bonnie Hammersley said yes, because there was a Freedom of Information Act (FOIA)  
45 request on the environmental assessment.

46 Commissioner Greene said this is the same MOU on which the Board was working  
47 many months ago, which was paused to allow for the environmental study. She said the results  
48 of the study are in line with what all expected.

49 Bonnie Hammersley said yes.

50  
51 **4. Proclamations/ Resolutions/ Special Presentations**

1  
2 **a. Resolution Supporting the CROWN Act and Amending Chapter 12 of the Orange**  
3 **County Civil Rights Ordinance**  
4

5 The Board considered voting to approve a resolution supporting local, state, and federal  
6 laws that prohibit discrimination based on a person's hair texture or hairstyle if that style or  
7 texture is commonly associated with a particular race, religion, or national origin; and also  
8 adopting an amendment to the Orange County Civil Rights Ordinance prohibiting this  
9 discrimination and authorizing the Chair to sign the resolution amending the Code of  
10 Ordinances.

11 Annette Moore, Human Rights and Relations Director, stated the term "discrimination  
12 because of sex" includes sexual orientation and gender discrimination. She said in the  
13 ordinance, Section 12, 54-c, this resolution will make it unlawful to discriminate on the basis of  
14 hair texture or hairstyle, if it is commonly associated with race, national origin, or religion.

15 Chair Price said the ordinance pertains to men and women. She read the resolution:  
16

17 **BACKGROUND:**

18 The Resolution and Amendment support local, state, and federal laws that prohibit  
19 discrimination based on a person's hair texture or hairstyle if that style or texture is commonly  
20 associated with a particular race, religion, or national origin. Specifically, if those laws prohibit  
21 discrimination based on hair texture or hairstyle when participating in federally, state, and local  
22 assisted programs, housing programs, public accommodations, and employment.  
23

24 While a wide range of hair textures are typical among people of African descent, the decision to  
25 wear one's hair in a particular style is highly personal. The reason behind the decision may  
26 differ depending on the individual. Some wearers adapt styles designed as "protective" to  
27 maintain hair health, or as part of cultural identity, and or a variety of other personal, financial,  
28 medical, religious, or spiritual reasons. There has been a widespread belief that Black  
29 hairstyles are not suited for formal settings, maybe unhygienic, messy, disruptive, or unkempt.  
30 In 2014, the U.S. Department of Defense generally prohibited Black hairstyles. After a backlash  
31 by Black women serving in the Armed Forces, the ban was reversed in 2017, and the terms  
32 "matted and unkempt" were removed from the appearance regulations. These changes  
33 reflected a reevaluation of longstanding bias and discriminatory impact and the harms they  
34 caused on the military troops.  
35

36 A 2019 Joy Collective Study CROWN Research Study found that discrimination based on  
37 hairstyles has a real, measurable social and economic impact on Black women. The Crown  
38 Study also found that Black women were 80% more likely to agree with the statement that they  
39 had to change their hair from its natural state to fit in at the office than White women. Wearing  
40 one's hair in a natural or protective style may also have significant physical and psychological  
41 harm to those who have to choose between maintaining their livelihood and education or their  
42 cultural identity and hair health. Black women have faced significant socio-economic pressure  
43 to conform to white or European beauty standards by straightening or relaxing their hair, which  
44 can cause emotional distress, including dignitary and stigmatic harm. Because of this stress,  
45 Black women are likely to spend more money on their hair, spend more money on professional  
46 hair styling appointments and products, and experience anxiety related to hair. These  
47 experiences highlight the consequences of being compelled to conform to the standards of  
48 White and European beauty standards or stigmatized for wearing one's hair in a natural style.  
49

50 The North Carolina Supreme Court, in 2003, declared the employment law section of the  
51 Orange County Civil Rights Ordinance (the Civil Rights Ordinance") unconstitutional. Later that

1 year, the Board of Commissioners attempted to get statewide legislation passed that would  
2 allow counties to pass local ordinances protecting the rights of residence against employment  
3 discrimination. The legislation passed the House but stalled in the Senate. Today, North  
4 Carolina does not have a statewide Fair Employment Law, nor does it allow localities to protect  
5 its residents from employment discrimination.

6  
7 Staff recommends the following:

- 8
- 9 1. Supporting H.R 5309, Creating a Respectful and Open World for Natural Hair  
10 (CROWN) Act of 2020 prohibiting discrimination based on the individual’s hair  
11 texture or hairstyle. (See Report Accompany H.R. 5309)
- 12
- 13 2. Supporting a similar CROWN Act legislation in North Carolina AND a North  
14 Carolina Fair Employment law to support the enforcement of the CROWN Act and  
15 other employment discrimination laws in North Carolina
- 16
- 17 3. Amending Chapter 12 of the Civil Rights Ordinance to prohibit discrimination  
18 based on a individual’s hair texture or hairstyle, if the hair texture or hairstyle is  
19 commonly associated with the person’s race, national origin, or religion (including  
20 a hairstyle in which hair is tightly coiled, locs, cornrows, twists, braids, Bantu knots,  
21 and Afros)
- 22

23 The terms “national origin” and “religion” have the same meaning as in §12-6 of  
24 the Orange County Civil Rights Ordinance. The terms “national origin,” “religion,”  
25 and “race” include discrimination based on hair texture or hairstyle commonly  
26 associated with a particular race, national origin, or religion (including a hairstyle in  
27 which hair is tightly coiled, locs, cornrows, twists, braids, Bantu knots, and Afros).

28  
29  
30 **ORANGE COUNTY BOARD OF COMMISSIONERS**

31  
32 **RESOLUTION OF AMENDMENT**  
33 **RESOLUTION IN SUPPORT OF ADOPTION OF *THE CROWN ACT* OR OTHER**  
34 **LEGISLATION PROHIBITING RACE-BASED HAIR DISCRIMINATION IN ORANGE COUNTY**  
35 **AND THE STATE OF NORTH CAROLINA**  
36

37 **WHEREAS**, Orange County is a community that prides itself on being composed of people who  
38 value diversity of backgrounds, cultures, beliefs, traditions and experiences; and

39  
40 **WHEREAS**, appreciation for diversity in all forms strengthens a community, fosters a welcoming  
41 environment, and is critical to a thriving, successful city; and

42  
43 **WHEREAS**, discrimination based upon natural hair texture and styles remains a source of racial  
44 bias, impacting educational and employment opportunities for people of color, particularly  
45 women and men of Black African descent; and

46  
47 **WHEREAS**, Orange County has developed a locally applicable non-discrimination ordinance  
48 that will prohibit discrimination in employment, public accommodations, and fair housing access  
49 against individuals who wear “protected hairstyles,” which is defined in the pending ordinance  
50 as “any hairstyle, hair type, or hair texture historically associated with race such as, but not  
51 limited to, braids, locks, twists, tight coils or curls, cornrows, Bantu knots, and afros”; and

1  
2 **WHEREAS**, current state and federal law prohibit discrimination on the basis of race and  
3 ethnicity in employment, public accommodations, housing and schools, yet offers no protection  
4 to individuals with specific hair styles or textures related to race or ethnicity; and  
5

6 **WHEREAS**, a national movement to address the effects of long-term, insidious race  
7 discrimination in reaction to hairstyles and textures commonly associated with communities of  
8 color is being spearheaded by the CROWN Coalition, a national alliance founded by Dove, the  
9 National Urban League, Color of Change, and the Western Center on Law & Poverty; and  
10

11 **WHEREAS**, with the assistance of the Coalition, a wave of legislation has been enacted across  
12 the United States over the past eighteen months, both at the federal and state level, which  
13 specifically adds race-based hair discrimination to the legal definition of race discrimination; and  
14

15 **WHEREAS**, beginning in California in July 2019, *The CROWN Act* (“Creating a Respectful and  
16 Open Workplace for Natural Hair”) now has been adopted in seven states and legislation is  
17 under consideration in more than twenty other states, as well as in Congress; and  
18

19 **WHEREAS**, at the federal level, the “CROWN Act of 2019” has been introduced by  
20 Representative Cedric Richmond (LA-2) in the form of H.R. 5309 in December 2019 and by  
21 Senator Cory Booker (NJ) in the form of S. 3167 in January 2020, and would amend a panoply  
22 of existing federal civil rights law prohibiting race discrimination in federally assisted programs,  
23 housing programs, public accommodations, employment, and access to equal rights under the  
24 law; and  
25

26 **WHEREAS**, the stated purpose of the identical bills is “to institute definitions of race and  
27 national origin for Federal civil rights laws that effectuate the comprehensive scope of protection  
28 Congress intended to be afforded by such laws and Congress’ objective to eliminate race and  
29 national origin discrimination in the United States”; and  
30

31 **WHEREAS**, the pending federal bills include an initial section of Congressional “findings”  
32 providing an eloquent and compelling argument for the necessity of the proposed Act, as  
33 follows:

- 34 (1) Throughout United States history, society has used, in conjunction with skin color, hair  
35 texture and hairstyle to classify individuals on the basis of race.
- 36 (2) Like one’s skin color, one’s hair has served as a basis of race and national origin  
37 discrimination.
- 38 (3) Racial and national origin discrimination can and do occur because of longstanding  
39 racial and national origin biases and stereotypes associated with hair texture and  
40 style.
- 41 (4) For example, routinely, people of African descent are deprived of educational and  
42 employment opportunities because they are adorned with natural or protective  
43 hairstyles in which hair is tightly coiled or tightly curled, or worn in locks, cornrows,  
44 twists, braids, Bantu knots, or Afros.
- 45 (5) Racial and national origin discrimination is reflected in school and workplace policies  
46 and practices that bar natural or protective hairstyles commonly worn by people of  
47 African descent.
- 48 (6) For example, as recently as 2018, the United States Armed Forces had grooming  
49 policies that barred natural or protective hairstyles that servicewomen of African  
50 descent commonly wear and that described these hairstyles as “unkempt”.

- 1 (7) In 2018, the United States Armed Forces rescinded these policies and recognized that  
 2 this description perpetuated derogatory racial stereotypes.  
 3 (8) The United States Armed Forces also recognized that prohibitions against natural or  
 4 protective hairstyles that African-American servicewomen are commonly adorned  
 5 with are racially discriminatory and bear no relationship to African-American  
 6 servicewomen's occupational qualifications and their ability to serve and protect the  
 7 Nation.  
 8 (9) As a type of racial or national origin discrimination, discrimination on the basis of  
 9 natural or protective hairstyles that people of African descent are commonly adorned  
 10 with violates existing Federal law, including provisions of the Civil Rights Act of 1964  
 11 (42 U.S.C. 2000e et seq.), section 1977 of the Revised Statutes (42 U.S.C. 1981),  
 12 and the Fair Housing Act (42 U.S.C. 3601 et seq.). However, some Federal courts  
 13 have misinterpreted Federal civil rights law by narrowly interpreting the meaning of  
 14 race or national origin, and thereby permitting, for example, employers to  
 15 discriminate against people of African descent who wear natural or protective  
 16 hairstyles even though the employment policies involved are not related to workers'  
 17 ability to perform their jobs.  
 18 (10) Applying this narrow interpretation of race or national origin has resulted in a lack of  
 19 Federal civil rights protection for individuals who are discriminated against on the  
 20 basis of characteristics that are commonly associated with race and national origin.  
 21 (11) In 2019, State legislatures and municipal bodies throughout the United States have  
 22 introduced and passed legislation that rejects certain Federal courts' restrictive  
 23 interpretation of race and national origin, and expressly classifies race and national  
 24 origin discrimination as inclusive of discrimination on the basis of natural or  
 25 protective hairstyles commonly associated with race and national origin; and  
 26

27 **WHEREAS**, the Orange County Board of County Commissioners has the responsibility to  
 28 advocate on behalf of all of residents, and recognizes, as espoused by the CROWN Act of  
 29 2019, that "clear, consistent, and enforceable legal standards must be provided to redress the  
 30 widespread incidences of race and national origin discrimination based upon hair texture and  
 31 hairstyle in schools, workplaces, housing.....and other contexts" and to "explicitly prohibit the  
 32 adoption or implementation of grooming requirements that disproportionately impact people of  
 33 African descent";  
 34

35 **NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of County  
 36 Commissioners hereby:  
 37

- 38 1. Supports the passage of H.R. 5309 Creating a Respectful and Open World for  
 39 Natural Hair Act of 2020 into law;
- 40 2. Requests the North Carolina General Assembly pass legislation similar to H.R.  
 41 5309 and a Fair Employment law that will protect all North Carolinians from all  
 42 forms of employment discrimination; and  
 43
- 44 3. Support the inclusion of religious discrimination as a category of protected class in  
 45 federal and state law.  
 46

47  
 48 **BE IT FURTHER RESOLVED** that the Clerk to the Board is directed to send copies of this  
 49 resolution to the Orange County delegation to the North Carolina Legislature, Governor Roy

1 Cooper, North Carolina Senators Richard Burr and Thom Tillis, and US Representative David  
2 Price; and

3  
4 BE IT FURTHER RESOLVED that the Code of Ordinances, Orange County, North Carolina,  
5 Chapter 12, Section 54(c) be amended to add the following numbered section 12-54(c)(3),  
6 which section reads as shown in the attached revised ordinance to prohibit discrimination in  
7 Orange County.

8  
9 This the 2<sup>nd</sup> day of March 2021.

10  
11 \_\_\_\_\_  
12 Renee Price, Chair  
13 Orange County Board of Commissioners  
14

15 A motion was made by Commissioner Hamilton, seconded by Commissioner Greene, to  
16 approve the Resolution and adopt the Ordinance and authorize the Chair to sign the Resolution  
17 amending the Code of Ordinances.

18  
19 Commissioner Dorosin asked if there is a reason why religious discrimination was  
20 included under the resolved section, as religion is protected by the first amendment. He  
21 expressed concern over inclusion of religious discrimination, as it could be used for justification  
22 for non-compliance for non-discrimination laws.

23 Commissioner Dorosin said he would like to remove the third point under the “now  
24 therefore be it resolved” section.

25 Commissioner Hamilton agreed.

26 Annette Moore said it is for protection of hairstyles that are associated with religions, like  
27 Rastafarianism. She said she was not including religion as a protected class, but rather wanting  
28 to insure that people would not be forced to change a hairstyle that is worn due to religious  
29 reasons.

30 Commissioner Dorosin said the way the third item is written, does not reflect the intent  
31 just outlined by Annette Moore.

32 Annette Moore said the background in the agenda abstract aligns with the third item.

33 Commissioner Greene said it would be better to phrase it as support for the inclusion of  
34 religion as a protected class, rather than religious discrimination. She said overall she  
35 supported Commissioner Dorosin’s request that item 3 not be included.

36 Commissioner Dorosin said the ordinance is consistent with the way Annette Moore  
37 described, but the resolution is not. He made a friendly amendment to remove item 3 under  
38 “NOW, THEREFORE, BE IT RESOLVED.”

39 Commissioners Hamilton and Greene accepted the friendly amendment.

40 Commissioner Fowler said there was a typo in the ordinance, “hair textures of hair  
41 styles,” which should read, “hair textures or hairstyles.”

42 Chair Price said she the Clerk to the Board would correct the typos in the resolution and  
43 the ordinance, as well as remove number three under “NOW, THEREFORE, BE IT  
44 RESOLVED.”

45  
46 **Roll call ensued**

47  
48 **VOTE: UNANIMOUS**

49  
50 **b. Resolution Recognizing March 3, 2021 as a Day of Reflection, Commemorating the**  
51 **First North Carolinian Diagnosed with COVID-19**

1 The Board considered voting to approve a resolution recognizing March 3, 2021 as a  
2 day of reflection, commemorating the first North Carolinian diagnosed with COVID-19 and  
3 authorizing the Chair to sign.

4 Chair Price asked Quintana Stewart, Public Health Director, to introduce the item.

5 Quintana Stewart said it is hard to believe it has been a year since the first Covid case  
6 was identified in North Carolina. She expressed thanks to the Commissioners and the County  
7 Manager’s Office for their support over the last year.

8 Commissioner Hamilton read the resolution:  
9

10 **BACKGROUND:** On March 3, 2020, Governor Roy Cooper identified the first case of COVID-19  
11 as a person who had traveled to Washington State and was exposed at a long-term care facility.  
12 The second case in NC was identified on March 6, 2020 in a person who had traveled to Italy.  
13 By March 7th, NC had five new additional cases. On March 10th, Governor Cooper issued an  
14 executive order declaring a State of Emergency.

15  
16 As of February 24, 2021, Orange County has administered 26,716 first doses and 17,911  
17 second doses COVID vaccinations. Frontline Healthcare workers, essential workers, first  
18 responders, and a host of community volunteers continue to work tirelessly to vaccinate the  
19 community.  
20

21  
22 **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**

23  
24 **A RESOLUTION RECOGNIZING MARCH 3, 2021 AS A DAY OF REFLECTION,**  
25 **COMMEMORATING THE FIRST NORTH CAROLINIAN DIAGNOSED WITH COVID-19**  
26

27 WHEREAS, North Carolina reported its first case of COVID-19 on March 3, 2020; and

28  
29 WHEREAS, since the start of the COVID-19 pandemic, North Carolina has experienced nearly  
30 845,000 COVID cases and 11,000 deaths; and

31  
32 WHEREAS, Orange County has experienced over 7,500 COVID cases and 93 deaths over the  
33 past year; and

34  
35 WHEREAS, the United States has recently surpassed over 500,000 deaths from COVID-19;  
36 and

37  
38 WHEREAS, our frontline health care and essential workers have faced incredible challenges as  
39 we battled the pandemic and continue providing the services our residents need; and

40  
41 WHEREAS, the COVID-19 pandemic has taken a physical, mental and emotional toll on our  
42 frontline health care and essential workers and residents; and

43  
44 WHEREAS, our county, state and nation are grieving the hundreds of thousands lives lost as  
45 well as personal, financial, economic and other impacts of the pandemic; and

46  
47 WHEREAS, we continue to fight the pandemic by caring for those battling the virus, continuing  
48 our research on treatment and prevention, and vaccinating our residents; and

49  
50 WHEREAS, we will continue working together as a community until we can bring an end to the  
51 COVID-19 pandemic;

1  
2 NOW THEREFORE BE IT RESOLVED by the Orange County Board of Commissioners that  
3 March 3, 2021 is declared a Day of Reflection for the lives lost and severely impacted by the  
4 COVID-19 pandemic. This day will also recognize the hard work, dedication and sacrifices of  
5 our frontline health care and essential workers that have selflessly served our community during  
6 this time.

7  
8 This the 2<sup>nd</sup> day of March, 2021.  
9

10  
11  
12 \_\_\_\_\_  
13 Renee Price, Chair  
14 Orange County Board of Commissioners

15 A motion was made by Commissioner Hamilton, seconded by Commissioner Dorosin, to  
16 approve and authorize the Chair to sign the resolution recognizing March 3, 2021 as a day of  
17 reflection, commemorating the first North Carolinian diagnosed with COVID-19.  
18

19 **Roll call ensued**

20  
21 **VOTE: UNANIMOUS**  
22

23 Emily Ziegler, UNC Director of Local Government Affairs, said the battle is not yet over,  
24 but reflected on the perseverance of the community. She said health care workers have worked  
25 tirelessly over the past year. She said UNC Health is always here as a partner for Orange  
26 County.

27 Commissioner McKee thanked the Health Department for everything it is doing to get the  
28 community vaccinated.

29 Commissioner Bedford reiterated Commissioner McKee's remarks. She said she is  
30 grateful for public health workers, and noted the care that the Health Department is working to  
31 identify those in the community who are disproportionately harmed by Covid.

32 Chair Price said the work the Public Health Department is doing is phenomenal.

33 Quintana Stewart said North Carolina is ranked #1 from Kaiser Family Foundation for  
34 vaccinating those over age 65. She said she will share the BOCC feedback with her  
35 employees. She said UNC Health has been a huge partner, and she is grateful for the  
36 community volunteers who have been assisting with the vaccine clinics.  
37

38 **c. Presentation on Orange County Bail Reform Initiatives**

39 The Board received a presentation regarding the ongoing Bail Reform Initiatives in  
40 Orange County facilitated by Jessica Smith, W.R. Kenan, Jr. Distinguished Professor and  
41 Director of the Criminal Justice Innovation Lab at UNC's School of Government.  
42

43 **BACKGROUND:**

44 In April 2018, the Orange County Board of Commissioners unanimously adopted a Resolution  
45 Supporting 3 Days Count – A Nationwide Effort to Make Communities Safer and Ensure Better  
46 Outcomes for All by Applying Common Sense Solutions to Widespread Pretrial Justice  
47 Challenges. The Resolution recognized that pretrial detention, even for a few days, is de-  
48 stabilizing to people's lives and can have severe consequences. The money bail system in  
49 North Carolina disproportionately impacts people of color and those with insufficient financial  
50 resources and does not adequately address true risk to the community. While Orange County  
51 has implemented many of the evidence-based best pretrial practices including an internalized

1 Pretrial Services program in the Criminal Justice Resource Department (CJRD), the use of an  
2 empirical risk assessment tool, providing defense counsel at the first appearance, the increased  
3 use of pre-arrest diversion and citations in lieu of arrest, Orange County was still incarcerating  
4 individuals on secured bonds in the majority of cases.

5  
6 Since 2019, Orange County senior court stakeholders and the Criminal Justice Resource  
7 Department have collaborated to implement new bail reform initiatives that build on the efforts  
8 that have been underway here for many years. A Pretrial Work Group was established and led  
9 by Senior Resident Superior Court Judge Allen R. Baddour. In addition to court, law  
10 enforcement and pretrial services stakeholders, the Work Group includes Commissioner Renee  
11 Price and bail reform advocates in Orange County. The Work Group received funding from the  
12 County Manager, the CJRD and the District 18 Judicial Bar to contract with Professor Smith to  
13 facilitate the design and implementation of these new initiatives. The goal of the Working Group  
14 is to eliminate the unnecessary pretrial detention of individuals who do not present a significant  
15 risk but who are detained pretrial because they are unable to afford money bonds imposed in  
16 their cases.

17  
18 The Work Group decided on two critical reforms to address initially:  
19 A new structured decision-making tool to guide magistrates' bail decisions; and  
20 A new decision-making process for responding to non-appearances in District Court.

21  
22 Following many meetings and the support of all stakeholders, the decision-making tool became  
23 effective in October 2020. The Non-Appearance policy became effective in January 2021. The  
24 District 18 Local Bond Policy was amended to include these new reforms.

25  
26 The CJRD supported the Criminal Justice Innovation Lab's application for grant funding to  
27 complete an evaluation of the impact of these reforms. The grant funding was awarded and the  
28 evaluation will examine the impact of the reforms on release conditions being imposed, jail  
29 bookings, non-appearance rates, new pretrial criminal activity and other justice system metrics.  
30 The funding also will support a validation of the County's pretrial risk assessment tool and  
31 assistance to the Work Group and Judge Baddour in issuing a new, comprehensive local bail  
32 policy. The Lab's first quarterly evaluation report is scheduled to be released in May 2021.

33  
34 Caitlin Fenhagen, Criminal Justice Resource Director, introduced Judge Samantha H.  
35 Cabe and Judge Allen R. Baddour. She made the following PowerPoint presentation.

Bail Reform Initiatives in Orange  
County

Presentation to Orange County Board of Commissioners  
March 2, 2021 Business Meeting

Caitlin Fenhagen, CJRD Director  
Judge Allen R. Baddour, Senior Resident Superior Court Judge  
Judge Samantha H. Cabe, Chief District Court Judge



36  
37  
38

### Inequities in Pretrial Release Practices

- ▶ Reliance on only a money-based pretrial system is racially and economically biased. It automatically disadvantages people of color, who are less likely to afford money bond.
- ▶ African-Americans are 66% and Latino individuals are 91% more likely to remain in jail pretrial than similarly situated White individuals.
- ▶ Compared to White men charged with the same crime and with the same criminal histories, African-American men receive bail amounts 35% higher; Latino men receive bail amounts 19% higher.

\*Data from Pretrial Justice Institute



1  
2  
3

### Impacts of Pretrial Detention

- ▶ De-stabilization: employment, housing, family, health, later recidivism
- ▶ Worse Case Outcomes:
  - 4 x more likely to receive sentence of incarceration
  - 3 x more likely to receive a longer sentence
  - More likely to accept a plea when innocent

\* Data from the Pretrial Justice Institute



4  
5  
6

### Benefits of Pretrial Reform for Orange County

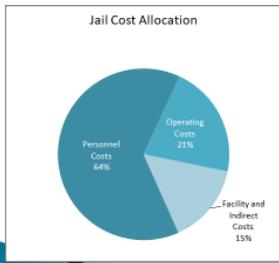
- ▶ Reduce Inequities and Disparities
- ▶ Reduce Explicit and Implicit Bias
- ▶ Using an Evidence-Based Tool to Assess Risk Promotes Safety
- ▶ Pretrial Supervision and Accountability Allows for an Opportunity to Address Needs and Enhance Court Appearance Rates
- ▶ Increase Stability and Improve Outcomes for Justice-Involved Individuals
- ▶ Reduce Pretrial Population and Costs to County



7  
8  
9

### Understand the Costs

▶ Daily Cost of Incarceration – \$111+ per day



Jail Costs	
Personnel Costs	\$ 3,238,000
Operating Costs	\$ 1,088,000
Facility and Indirect Costs	\$ 776,000
<b>Total Annual Cost</b>	<b>\$ 5,094,000</b>
Inmate Fee Revenue	\$ (272,000)
<b>Net Annual Cost</b>	<b>\$ 4,823,000</b>
Average Daily Population	123.5
Annual Cost Per Inmate	\$ 40,519
<b>Daily Cost per Inmate</b>	<b>\$ 111.02</b>

1  
2  
3

### Orange County Pretrial Practices

- Internalized Pretrial Services under CJRD
- Dedicated Case Manager with supporting behavioral health specialists to assist with case management needs
- Everyone booked is seen in-person by Case Manager and Intake Completed. Risk and Needs Assessed.
- Empirical Risk Assessment tool completed; information verified; summaries and recommendation provided prior to court
- First Appearances held at 2:00pm Mon – Fri on Misdemeanors, Felonies and Orders for Arrest
- District Attorney and PD Present
- GPS monitoring available only for higher risk individuals
- No cost to individuals for Pretrial supervision or GPS
- Court date notification and check-ins are automated
- Data collected by Jail dashboard and CJRD Pretrial software
- Shrink the Funnel: Increased Use of Citations, Pre-Arrest Deflection Programs, Decriminalization
- COVID-19 Urgent Measures
- Strike Order Hearings held Thursdays

4  
5  
6

### New Bail Reform Initiatives

- ▶ Pretrial Work Group created in early 2019
- ▶ Mission: Eliminate unnecessary pretrial detention for individuals who do not pose a significant risk but are unable to afford a money bond
- ▶ Members Include: Judge Baddour, Judge Cabe, DA Jim Woodall, Asst. PD Phoebe Dee, Chief Magistrate Tony Oakley, Commissioner Renee Price, CJRD Director and Pretrial Case Manager, Sheriff Charles Blackwood, Chapel Hill Police Chief Chris Blue, Clerk of Court Mark Kleinschmidt, community bail reform advocates
- ▶ Facilitation by UNC School of Government Criminal Justice Innovation Lab and professor Jessica Smith (support from County Manager, CJRD and District Bar)

7  
8  
9  
10

Judge Allen R. Baddour presented the following slide:

Core Reforms

New Structured Decision-Making Tool to Guide Magistrates' Initial Bail Decisions

[Link Here](#)

- Flowchart Matrix with Checklist
- Presumption for conditions other than a secured bond for Class 1-3 Misdemeanors
  - Allows for Release to Pretrial Services
- Requires documentation for a secured (money) bond
  - Form completed in every case
  - Preserves magistrate discretion

Implemented October 2020



1  
2  
3  
4

Judge Samantha H. Cabe presented the following slide:

Core Reforms

New Decision-Making Process for Responding to Non-Appearances in District Court

[Link Here](#)

- Encourages alternatives to Orders for Arrest for Non-Appearance
  - Applies only in District Court
- Suggests rescheduled court date for first non-appearance in low level misdemeanor cases
  - Preserves judicial discretion
- Judge completes form for each non-appearance explaining decision

Implementation January 2021



5  
6  
7  
8  
9

Cait Fenhagen resumed the presentation:

Evaluation and Next Steps

❖ The Criminal Justice Innovation Lab was awarded a grant to execute an evaluation of the impact of these changes over the next year. The first report will be released in May 2021

❖ The Lab will work with Judge Baddour and key stakeholders to finalize a new, comprehensive Local Bail Policy



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## Questions/Concerns



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Commissioner Bedford asked if Strike Order Court could be explained.

Caitlin Fenhagen said this is unique to Orange County. She said it is for when a person fails to appear at court, and an order of arrest is issued. She said the person can come into court, prior to being arrested, and ask the judge to strike the order and explain why they failed to appear. She said every Thursday morning individuals can attend Strike Order Court, and do not have to appear before a judge to request it, if it is their first time failing to appear. She said those with multiple failures to appear give information to pretrial services, which is provided to the judge, and hopefully that warrants a strike order.

Commissioner Hamilton commended everyone for the effort, and noted the collaboration between Commissioners, Judges and Magistrates, the University, the criminal justice resource center, etc. She said this is a model for other actions in the County.

Commissioner Dorosin echoed Commissioner Hamilton's comments and praise. He asked if other states were researched in the design of this project, and if there are plans to expand the project in the future. He also asked if this work is coordinated with other projects in the County, such as the driver's license restoration project.

Judge Cabe said the driver's license restoration project was brought back into discussions. She said, previously, individuals who failed to appear would be put in the 20-day pile, and the license revoked by DMV. She said this practice was determined to be harmful, despite the lack of arrest, and information is now provided with the reschedule information to those who are not facing DWI charges. She said if people miss court twice, they are still provided with restoration information when they do appear at court.

Caitlin Fenhagen said this work is completely integrated, and involved in the strike court process. She said there is an intake, which identifies outstanding issues to help people.

Caitlin Fenhagen said Mecklenburg County has no money bond guidelines at all, and is the only place in North Carolina to do so. She said five or six states have eliminated cash bail altogether, but that presents its own problems as it allows people to be held under a preventative detention statute, which can also lead to disparities. She said there are lots of ideas nationally, but she would want to proceed cautiously when making changes.

Judge Baddour said Orange County is a model, and the work being done is forward thinking and systemic. He said there is more work to do, and they will keep doing it. He asked if people would forward ideas, as all are open to any suggestions. He said Orange County is at the forefront of these issues, and he hopes all are proud of what is being done.

### **d. Women's History Month Proclamation (moved from Consent Agenda item 8-h to Special Presentations)**

The Board considered voting to approve a proclamation recognizing March 2021 as Women's History Month in Orange County authorizing the Chair to sign.

Chair Price asked if Commissioner Greene would read the resolution:

1  
2 **BACKGROUND:**

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

10  
11 At the inception of Women’s History Month, feminists in the United States saw the designation  
12 of the month as a way to celebrate a history that had largely overlooked the contributions of  
13 women in America. Women’s History Month has its origins as a national celebration in 1981  
14 when Congress authorized and requested President Jimmy Carter proclaim the week beginning  
15 March 7, 1982 as “Women’s History Week.” In 1987, the Women’s History Month Project  
16 petitioned the US Congress to designate the month of March as “Women’s History Month.”  
17 Ronald Reagan was the first president to proclaim March as Women’s History Month.

18  
19 Currently, local, state and federal governments annually proclaim March as “Women’s History  
20 Month.” Each year the National Women’s History Alliance declares a theme. The 2021 theme is  
21 “Valiant Women of the Vote – Refusing to be Silenced.”

22  
23 **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**

24  
25 **WOMEN’S HISTORY MONTH**  
26 **PROCLAMATION**

27  
28 WHEREAS, American women of every race, class, and ethnic background have made  
29 historic contributions to the growth and strength of our Nation in countless recorded and  
30 unrecorded ways; and

31  
32 WHEREAS, American women have played and continue to play critical economic,  
33 cultural, and social role in every sphere of the life of the Nation by constituting a significant  
34 portion of the labor force working inside and outside of the home; and

35  
36 WHEREAS, American women of every race, class, and ethnic background served as  
37 early leaders in the forefront of every major progressive social change movement;

38  
39 WHEREAS, American women have been leaders, not only in securing their own rights of  
40 suffrage and equal opportunity, but also in the abolitionist movement, the emancipation  
41 movement, the industrial labor movement, the civil rights movement, and other movements,  
42 especially the peace movement, which create a more fair and just society for all; and

43  
44 WHEREAS, because of the courage of so many bold women who dared to transcend  
45 preconceived expectations and prove they were capable of doing all that a man could do and  
46 more, advances were made, discoveries revealed, barriers were broken and progress  
47 triumphed; and

48  
49 WHEREAS, despite these contributions, the role of American women in history has been  
50 consistently overlooked and undervalued, in the literature, teaching and study of American  
51 history; and

1  
2 WHEREAS, the Orange County Board of County Commissioners on March 25, 1976,  
3 established the Orange County Commission for Women to promote the growth and  
4 development of all Orange County women and continue to promote the efforts of women and it  
5 has been doing for more than 40 years.

6  
7 NOW, THEREFORE, do we, the Board of Commissioners of Orange County, North  
8 Carolina hereby proclaim March 2021 as "**Women's History Month**" and commend this  
9 observance to Orange County residents and call upon them to celebrate the women in their  
10 lives with appropriate programs, celebrations and activities.

11  
12 THIS THE 2<sup>nd</sup> DAY OF MARCH, 2021.

13  
14  
15 \_\_\_\_\_  
16 Renee Price, Chair  
17 Orange County Board of Commissioners

18 A motion was made by Commissioner Greene, seconded by Commissioner Hamilton, to  
19 approve and authorize the Chair to sign the resolution recognizing March 3, 2021 as a day of  
20 reflection, commemorating the first North Carolinian diagnosed with COVID-19.

21  
22 **Roll call ensued**

23  
24 **VOTE: UNANIMOUS**

25  
26 Vicki Jones, Orange County Training and Performance Manager, said one of the  
27 Department of Equity and Inclusion initiatives is to offer Virtual Lunch and Learns to the County.  
28 She said the March Lunch and Learn will feature Dr. Joanne Wilson from Duke Health. She  
29 invited the Commissioners to attend the Lunch and Learn, on Tuesday, March 16, 2021, and to  
30 submit ideas for future Lunch and Learns.

31  
32 **e. Big Night in for the Arts (added to Special Presentations during Additions or**  
33 **Changes to the Agenda)**

34 Katie Murray made the following PowerPoint presentation:  
35



36  
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38

**THE IMPACT OF COVID-19** **BIG NIGHT IN**  
*for the Arts*  
 PRESENTED BY 5 WISHL

**The arts has been one of the hardest-hit industries of the Coronavirus Pandemic.**

Every part of the arts sector has been impacted:

- Museums
- Teaching spaces
- Festivals & events
- Live music venues
- Galleries & retailers
- Theater & film venues
- Actors
- Dancers
- Musicians
- Set builders
- Visual artists
- Sound/lighting engineers

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**THE IMPACT OF COVID-19** **BIG NIGHT IN**  
*for the Arts*  
 PRESENTED BY 5 WISHL

**One year of closed arts venues:**

- = One year of unemployment for most creative workers
- = One year of lost tax revenue for local and state government
- = One year of no audience spending in neighboring businesses

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**THE IMPACT OF COVID-19** **BIG NIGHT IN**  
*for the Arts*  
 PRESENTED BY 5 WISHL

**OCAC Response:**

- Orange County Arts Support Fund: \$101,322 raised to date
- Disbursed \$166k state CARES grants and \$50k county support grants
- Served as source of information for local arts community

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**WHAT IS BIG NIGHT IN?** 

A **regional initiative** that will be broadcast and live streamed in partnership with **WRAL**, featuring performances from local and national talent.

Funds raised will help **local artists and arts/cultural organizations** begin their path to recovery.

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**FEATURING...** 

CHAPEL HILL		DURHAM	GARNER	PITTSBORO	RALEIGH
					
MANDOLIN ORANGE	BRANFORD MARSALIS	SCOTTY MCCREERY	MIKE WILEY	ARIANA DEBOSE	

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**FEATURING...**

**BIG NIGHT IN**



- Jaki Shelton Green
- C.J. Suitt
- Fred Joiner
- Jonathan Byrd
- XOXOK
- UNC Arts Everywhere
- Hillsborough Arts Council
- The ArtsCenter
- Ginger Wagg / Wild Actions
- Sisters' Voices
- Carlos Gonzales
- Voices Chorus
- Puppet Show, Inc.
- Meet the Moment Art Walk
- FRANK Gallery
- Playmakers Repertory Company
- Carolina Performing Arts
- Local public art

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**FUNDS RAISED**

**BIG NIGHT IN**



**\$265,000** four-county total as of March 1

**LOCAL SPONSORS:**



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**HOW TO DONATE**

**BIG NIGHT IN**



**DONATE ONLINE >>>** [www.BigNightIn.org](http://www.BigNightIn.org)

**CALL IN >>>** 5pm-8:30pm on March 11 (number TBA)

**TEXT >>>** Text "ARTS" to 919-869-1015

7

**BIG NIGHT IN**

*for the Arts*



**One night, four counties.**

Join us as we celebrate and support the arts communities of the Triangle. Proceeds will fund arts programming, initiatives for equity in the arts, and arts relief efforts.

**THURSDAY, MARCH 11 | 7PM**

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1 Commissioner Greene said Katie Murray and others have raised over \$100,000 for the  
2 community.

3 Commissioner Fowler recognized the difficulties artists have faced over the last year,  
4 including not being able to express their art.

5 Chair Price thanked those who put the event together, and encouraged the community  
6 to watch.

7  
8 A motion was made by Commissioner Fowler and seconded by Commissioner Hamilton  
9 to recess the meeting for 3 minutes.

10  
11 **Roll call ensued**

12  
13 **VOTE: UNANIMOUS**

14  
15 **RECONVENE THE MEETING**

16  
17 Commissioner Fowler was not yet present, but due to a quorum of board members being  
18 present, Chair Price asked for a motion to reconvene the meeting.

19  
20 A motion was made by Commissioner Dorosin and seconded by Commissioner  
21 Hamilton to reconvene at 9:22 p.m.

22  
23 Roll call ensued.

24  
25 **VOTE: UNANIMOUS**

26  
27 **5. Public Hearings**  
28 **None**

29  
30 *Commissioner Fowler returned to the meeting at 9:25 p.m.*

31  
32 **6. Regular Agenda**

33  
34 **a. 203 South Greensboro Project – Southern Branch Library and Skills Development**  
35 **Center**

36  
37 The Board reviewed options and authorized the approach necessary to reconcile the  
38 budget for the 203 Greensboro Project, which, at the completion of the Schematic Design  
39 phase, is estimated to be \$1,807,160 over the approved budget.

40  
41 **BACKGROUND:**

42 At the March 10, 2020 Orange County Board of Commissioners Business meeting, the Board  
43 approved a final scope and budget for the construction of the 203 Project, named for its address  
44 at 203 South Greensboro Street, Carrboro, NC. This project is a joint venture between the  
45 Town of Carrboro and Orange County that is intended to construct an Orange County Southern  
46 library branch as well as permanent facilities for the Skills Development Center. The Town of  
47 Carrboro's portion of the project includes meeting spaces, a small theater, and office space.  
48 The proposed site of the development is an existing Carrboro municipal parking lot.

49  
50 The design process began in April 2020 and involved a series of interviews and meetings with  
51 the proposed building occupants. This work continued through the year and culminated in the

1 development of a Schematic Design (SD) including a detailed cost estimate. As shown in the  
 2 chart below, the total SD cost estimate was **\$2,592,533** over budget. Orange County's portion of  
 3 the project was estimated to be **\$2,409,812** over the authorized budget of \$15.6 million.  
 4 *Attachment 1* provides the detailed Schematic Design estimate for the project.

<b>Approved Project Budget</b>	<b>\$22,282,000.00</b>
<b>Schematic Design Estimate</b>	<b>\$24,874,533.00</b>
<b>Deficit</b>	<b>-\$2,592,533.00</b>

5  
 6  
 7 Of the total estimated deficit, **\$2** million can be attributed to parking deck costs that exceeded  
 8 initial budget assumptions. The approved budget anticipated the construction of a pre-cast  
 9 parking deck costing \$25,000 per parking stall. However, the limited size of the building site  
 10 imposed constraints that required the construction of a "cast in place" parking deck costing  
 11 \$36,170 per parking stall. In addition, the original budget was based upon the construction of 83  
 12 Orange County parking stalls while the deck design requested by the building occupants  
 13 increased that total to 112 stalls. The following chart summarizes this information.

	<b># of stalls</b>	<b>Cost per stall</b>	<b>Parking Cost</b>
<b>Original Parking Budget</b>	<b>83</b>	<b>\$25,000</b>	<b>\$2,075,000</b>
<b>Schematic Design Estimate</b>	<b>112</b>	<b>\$36,170</b>	<b>\$4,075,274</b>

14  
 15  
 16 During December 2020, the project team conducted a Value Engineering (VE) exercise in an  
 17 effort to close the funding gap. A number of reduction strategies were employed, resulting in a  
 18 reduction of Orange County's portion of the deficit to **\$1,807,160**. *Attachment 2*, the 203  
 19 Schematic Design Cost Reduction Summary, provides details regarding the VE efforts taken to  
 20 date. *Attachment 3* provides a cost allocation matrix that divides the VE savings between the  
 21 Town of Carrboro and Orange County.

22  
 23 Several strategies can be used to reduce the remaining \$1.8 million deficit. The following table  
 24 outlines different strategy combinations in five different options.  
 25

<b>203 Project Budget Options</b>					
	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Option 4</b>	<b>Option 5</b>
Eliminate 20 stalls from parking deck to Town Ordinance minimums	\$ (401,970)	\$ (401,970)	\$ (401,970)		
Eliminate an additional 20 stalls from parking deck and replace with offsite leased spaces	\$ (780,788)	\$ (780,788)			
Transfer FFE to construction budget	\$ (447,775)	\$ (375,000)	\$ (84,390)		
Reduce STC rating in window glazing in 57% of windows, opt 1 and 36% opt 3	\$ (117,827)	\$ (74,824)			
Reduce Construction Contingency from 5% to 4.5%	\$ (58,800)	\$ (58,800)	\$ (58,800)		

Shell Out Library and Eliminate Library FFE			\$(1,262,000)		
Shell Out Orientation Room		\$ (63,000)			
Remove Outdoor Terrace and Green Roof		\$ (52,778)			
<b>Total Cost Reduction Strategies</b>	<b>\$(1,807,160)</b>	<b>\$(1,807,160)</b>	<b>\$(1,807,160)</b>		
<b>Debt Finance Total Project Deficit</b>				<b>\$1,807,160</b>	
<b>Debt Finance with \$950,000 in Project Offsets</b>					<b>\$857,160</b>

1  
2 **Option #1**  
3

- 4 • **Reduce parking stalls to the number required under the Town's Land Use Ordinance - \$401,970**

5  
6 Through the design process, the facility occupants requested 20 more parking stalls than the  
7 number that would be required under the Town's Land Use Ordinance. This request was made  
8 prior to knowing the very high cost of the cast in place structure. Since these parking spaces  
9 would be considered excess, this reduction can be accomplished without replacing those  
10 spaces.  
11

- 12 • **Reduce and replace an additional 20 parking spaces - \$780,788**

13 The Town's ordinance would allow the County to replace constructed parking spaces on site  
14 with leased spaces in the surrounding area. The elimination of 20 additional spaces in the  
15 parking deck would result in a construction cost savings of \$780,778 and an addition of  
16 approximately \$6,000 to the annual operating budget to lease off site spaces.  
17

- 18 • **Reduce furniture, fixtures, and equipment (FFE) - \$447,775**

19 The total FFE budget is \$1,250,000. A portion of the FFE budget (\$447,775) could be  
20 transferred to the construction budget. This reduction would leave \$802,225 for FFE and result  
21 in reusing some of the existing classroom furniture, office furniture, and AV equipment.  
22

- 23 • **Reduce Sound Transmission Class (STC) rating of the window glazing in 57% of the windows - \$117,827**

24 Sound Transmission Class (STC) is an integer rating of how well a building partition or window  
25 attenuates sound. A reduction in the STC rating of window glazing will make the building  
26 noisier. The windows will transmit more outside noise from traffic into the building.  
27  
28

- 29 • **Reduce construction contingency from five percent (5%) of construction costs to four point five percent (4.5%) - \$58,800**

30 Reducing the project contingency to 4.5% would accomplish the remaining savings. Since this  
31 project is using a Construction Manager at Risk construction method, the need for a robust  
32 owner's contingency is slightly reduced.  
33  
34

35 **Option #2**  
36

- 37 • **Option #1 Parking Reductions - \$1,182,758**

38 Utilize the same parking reduction strategies contained in Option #1

1  
2     • **Smaller reduction of FFE - \$375,000**

3 A smaller FFE reduction would reduce the reuse of existing furniture and equipment. This  
4 reduction would leave \$875,000 for FFE.

5  
6     • **Reduce the STC rating of fewer windows - \$74,824**

7 This option reduces the STC rating on thirty-six percent (36%) versus fifty-seven percent (57%)  
8 in Option #1.

9  
10     • **Maintain construction contingency reduction from five percent (5%) to (4.5%) –**  
11 **58,800**

12 This option maintains the same contingency reduction as Option #1.

13  
14     • **Shell out orientation room - \$63,000**

15 The facility design currently includes an orientation room that is intended to support the Skills  
16 Development Office as they introduce new clients to services offered by the office. This option  
17 would shell out that room meaning that interior mechanical, electrical, structural, life safety, and  
18 finishes would not be constructed at this time. Rather, the space would be ready for renovation  
19 should funds become available.

20  
21     • **Remove outdoor terrace and green roof - \$52,778**

22 The facility design currently includes an outdoor terrace that would be used for outdoor social  
23 gatherings. Removal of the third floor outdoor terrace would eliminate a building amenity, but it  
24 would not impair the services provided in the facility.

25  
26 **Option #3**

27  
28 The third reduction option would reduce the scope of the overall project that was approved by  
29 the Board. It is included only to represent the full range of options available to eliminate the  
30 estimated project deficit.

31  
32     • **Reduce parking stalls to the number required under the Town's Land Use**  
33 **Ordinance - \$401,970**

34 This option only reduces the number of parking stalls to the minimum required under the Town's  
35 ordinance. This option does not contemplate replacing an additional 20 spaces with leased  
36 stalls.

37  
38     • **Shell out library and eliminate the library FFE budget - \$1,262,000**

39 This option would defer construction of the library portion of the facility but preserve the buildout  
40 of the library at a future date when funds become available. Shelling out the space would save  
41 \$512,000. Since the library would not be functional, this option also eliminates \$750,000  
42 associated with the library's FFE budget.

43  
44     • **Smaller reduction of FFE for Skills Development - \$84,390**

45 This reduction would leave \$415,610 for FFE in the Skills Development Center which would be  
46 sufficient to eliminate or minimize the reuse of furniture and equipment.

47  
48     • **Maintain construction contingency reduction from five percent (5%) to (4.5%) –**  
49 **58,800**

50 This option maintains the same contingency reduction as Option #1.

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**Option #4**

This option would increase the budgeted amount for the project to accommodate the schematic design cost estimate. It would add \$1,807,160 to the project budget. This option would require a budget amendment. Borrowing an additional \$1,807,160 would add up to \$160,000 in annual debt service payments.

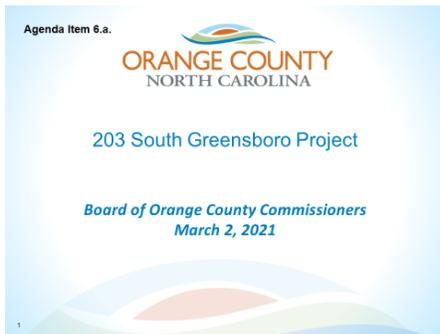
**Option #5**

This option increases the project budget by \$1,807,160 but also provides \$950,000 in offsetting project reductions in the Capital Investment Plan (CIP) to reduce the overall impact on the County’s debt requirements to \$857,160. Specifically, the Board could choose to eliminate the conservation easement project budgeted in Year 1 of the CIP and eliminate the Justice Center generator project. The conservation easement project is funded by \$500,000 in debt financing while the generator project is funded with \$450,000 in debt financing. This option would also require a budget amendment.

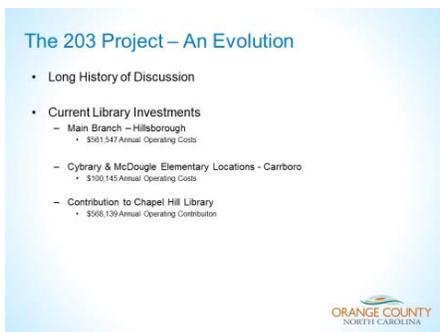
**Next Steps**

Assuming that the library space is constructed and fully functional, it will require an increase in annual operating costs of approximately \$538,000. This new resource may also shift library usage from the Chapel Hill library to the County’s Southern Branch site. Since FY 14-15, Orange County has contributed \$568,139 annually to support library services to Orange County residents who live outside the municipal limits of the Town of Chapel Hill. When the Southern Branch Library is open, County staff will evaluate the impact the new branch has on the demand for services at the Chapel Hill Library. This analysis will inform funding decisions that will be necessary to operate the Southern Branch Library.

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



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31  
32



33

### The 203 Project – An Evolution

- December 2017 – Execution of Joint Development Agreement
  - Town Administrative Space
  - The Arts Center of Carboro
  - Orange County Southern Branch Library
  - County's Cost Allocation – 41% of Shared Costs
  - Total Project Budget - \$6,797,500
- Spring 2020 – Initial Cost Estimates and Scope Adjustments
  - The Arts Center of Carboro Withdraws from Project due to Costs
  - Town Adds 6,950 square feet
  - County Adds Permanent Site for Skills Development Center (12,600 square feet)
  - County's Cost Allocation – 56% of Shared Costs
  - Total Project Budget - \$15,603,343



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### The 203 Project – An Evolution

- Spring 2020 – Design Process Begins
- Winter 2020 – Schematic Design Cost Estimates
  - Count Costs - \$2,409,812 Over Budget
- Preliminary Value Engineering
  - Reduce Core Height by 4 feet
  - Use Lower Grade Quartz
  - Use Gypsum Instead of Metal in Soffits
  - Remove Terrazzo Flooring and Substitute with Polished Concrete
  - Total Value Engineering Savings of \$802,652
- Remaining Project Deficit - \$1,807,160



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### The 203 Project – Cost Comparison

203 South Greensboro Cost Comparison			
	Approved Budget	Schematic Design	Difference
Site Work	\$ 1,008,000	\$ 717,593	\$ 290,407
Building Construction	\$ 8,694,000	\$ 8,791,233	\$ (97,233)
Parking	\$ 2,075,000	\$ 4,075,335	\$ (2,000,334)
<b>Total Construction Costs</b>	<b>\$ 11,777,000</b>	<b>\$ 13,584,161</b>	<b>\$ (1,807,160)</b>
Professional Fees	\$ 1,987,493	\$ 1,987,493	\$ -
Furniture, Fixtures, and Equipment	\$ 1,250,000	\$ 1,250,000	\$ -
Owners Contingency @ 5%	\$ 588,850	\$ 588,850	\$ -
<b>Total Other Costs</b>	<b>\$ 3,826,343</b>	<b>\$ 3,826,343</b>	<b>\$ -</b>
<b>Total Project Costs</b>	<b>\$ 15,603,343</b>	<b>\$ 17,410,504</b>	<b>\$ (1,807,160)</b>
Total Projected Net New Annual Operating Costs	\$ 659,054	\$ 537,468	\$ 121,586



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The 203 Project – Parking Difference

	# of stalls	Cost per stall	Parking Cost
Original Parking Budget	83	\$25,000	\$2,075,000
Schematic Design Estimate	112	\$36,170	\$4,075,274

- Number of Stalls Increased by 29
  - 20 Stalls in Excess of Town Land Use Ordinance
- Cost per Stall Increased by \$11,170
  - Due to Site Constraints (Cast in Place vs. Pre-Cast)



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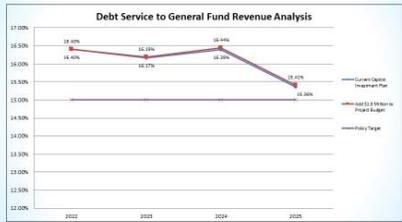
The 203 Project – Options to Eliminate Deficit

203 Project Budget Options					
	Option 1	Option 2	Option 3	Option 4	Option 5
Eliminate 20 stalls from parking deck to Town					
Debitance movement	\$ (461,970)	\$ (461,970)	\$ (461,970)	\$ (461,970)	\$ (461,970)
Eliminate an additional 20 stalls from parking deck and replace with up/inline leased spaces	\$ (780,788)	\$ (780,788)	\$ (780,788)		
Transfer FEE to construction budget	\$ (147,773)	\$ (175,000)	\$ (84,390)		
Reduce SIC rating to window glazing in 57% of windows, opt 1 and 50% opt 3	\$ (117,827)	\$ (74,854)			
Reduce Construction Contingency from 5% to 4.5%	\$ (58,800)	\$ (58,800)	\$ (58,800)		
Shut Out Library and Eliminate Library FEE			\$ (1,262,000)		
Shut Out Orientation Room		\$ (61,000)			
Remove Outdoor Terrace and Green Roof		\$ (52,778)			
<b>Total Cost Reduction Strategies</b>	<b>\$1,807,140</b>	<b>\$1,807,140</b>	<b>\$1,807,140</b>		
<b>Debt Finance Total Project Deficit</b>				<b>\$1,807,140</b>	
<b>Debt Finance with \$950,000 in Project Offsets</b>				<b>\$857,140</b>	



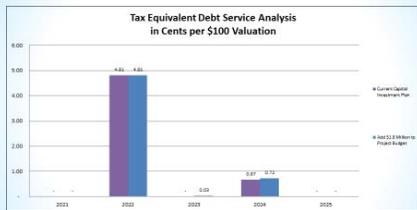
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The 203 Project – Debt Analysis



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The 203 Project – Tax Equivalent Analysis



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### The 203 Project – Board Action

- Approve one or more of the 203 Greensboro Street Project options outlined above to eliminate a projected \$1,807,160 project deficit.
- If necessary, authorize staff to present a budget amendment at an upcoming meeting to effectuate the changes.



1  
2  
3 Commissioner Fowler referred to parking, and asked if these numbers were reached  
4 through discussions with the construction manager. She said if the first twenty spaces are  
5 removed, it adjusts the cost by \$400,000, but removing the next 20 adjusts the cost by  
6 \$780,000. She asked if there is a reason for this difference.

7 Travis Myren said removing spots in increments of 40 adjusts the building's core and the  
8 elevator would not have to go up as far. He said this adjusts the building's infrastructure.

9 Chair Price referred to the Justice Center generator, and asked if the impacts of deleting  
10 this could be identified.

11 Travis Myren said the Sheriff's department is the only area of the Justice Center with an  
12 emergency generator. He said if the power is out, court cannot meet until power is restored.  
13 He said the new Clerk of Court requested the generator.

14 Commissioner Dorosin said he is most in favor of the last option, with offsetting capital  
15 costs, and reduced incremental debt service by \$85,000 a year. He said the County is currently  
16 giving over \$568,000 to Chapel Hill Library. He said if \$85,000 is taken out of this funding, it  
17 would cover the debt service increase. He said the money would still be related to library  
18 services. He said does not want to cut the library or reduce the parking. He said reusing  
19 fixtures and furniture from buildings and centers that will be vacated will reduce costs.

20 Commissioner McKee asked for clarification on differences between the approved  
21 budget for the project, and the new costs for the schematic design.

22 Travis Myren reviewed them.

23 Commissioner McKee confirmed the combined cost for Carrboro and Chapel Hill, and  
24 said Orange County would fund over half of the costs.

25 Commissioner McKee asked if the \$2 million change is a result of the new schematic  
26 design, and has come into play since last spring.

27 Travis Myren confirmed, and said this came into play in November 2020.

28 Commissioner McKee said he is concerned that the difference between pre-fabricated  
29 versus poured in place was not known earlier in the design process. He said this seems like an  
30 obvious factor to consider. He said the costs have been escalating, and he expects this to  
31 continue.

32 Travis Myren said the guaranteed maximum price will be known in late September.

33 Commissioner McKee said the price could increase between now and September.

34 Travis Myren said yes, that is possible.

35 Commissioner McKee asked if there is a reason the BOCC is looking at this now before  
36 the start of the budget process. He said he does not think it is financially responsible to borrow  
37 even more money.

38 Commissioner McKee said he is not interested in building a shell building, and the  
39 proposed savings is not that great, given the importance of the project.

40 Commissioner Greene said the reason the BOCC is looking at this tonight is because  
41 Carrboro has to get approval from the Local Government Commission (LGC) for their funding  
42 process.

1 Commissioner Greene said this branch library has been discussed for a long time, and  
2 this discussion at the meeting is part of the political process. She said Carrboro considered the  
3 parking issue for a long time. She said she is not interested in changing the parking structure.  
4 She said she is most interested in options 4 and 5. She said under option 5, the County could  
5 reduce payments to the Chapel Hill Library, once the new library begins attracting patrons.

6 Commissioner Bedford asked if reviewing the CIP would delay the project by 3 months.

7 Travis Myren said if there is a delay, the next opportunity to get a borrowing package in  
8 front of the LGC was January 2022.

9 Commissioner Bedford said she would like to take the time to understand how it impacts  
10 the CIP, and possible tax rate increases. She said she is not interested in a shell building and  
11 wants to preserve the parking spaces. She said the BOCC will hear from the Behavioral Task  
12 Force in April, as well as from the schools, and so many needs are unknown at this time. She  
13 said the BOCC does not have updated revenue projections, and it is important to consider the  
14 things that counties are required to do, like maintenance at the schools and courts. She said all  
15 County projects have an equity element. She said she wants to see the full picture with the  
16 budget.

17 Commissioner Hamilton asked if Carrboro's timeline could be identified.

18 Bonnie Hammersely said there is a requirement for a decision within 45 days of the end  
19 of schematic design, which is March 7, 2021. She said there is liability if the Board does not go  
20 forward with the project after that date. She said, because of audits, the timing of when a  
21 financing package goes before the LGC is significant. She said there can be delays to review  
22 and approval, if the package is submitted too late. She said the final design will be done by  
23 September, so the project can go before the LGC.

24 Commissioner Hamilton asked if September is the real deadline.

25 Bonnie Hammersely said yes, September is the deadline for the maximum spending to  
26 be known. She said in order to get everything done by September the design process needs to  
27 be started. She said it could not start until the schematic phase was done, which was just  
28 completed after a period of pause.

29 Commissioner Hamilton asked if holding a decision on the project for a month would  
30 affect the design process.

31 Bonnie Hammersley said yes, waiting would make the design timeline too tight, and  
32 getting in front of the LGC would not be possible.

33 Commissioner Hamilton asked how the project got into this situation. She said the  
34 County is in a corner.

35 Bonnie Hammersley said the County is not managing this project. She said the parking  
36 question has been discussed for several years. She said the timing is unfortunate.

37 Commissioner Hamilton expressed concern about not funding the Justice Center  
38 generator, due to the impact on those who are in the court system. She said access to the  
39 courts is important.

40 Chair Price asked for an explanation on the conservation easement, and the pros and  
41 cons of eliminating.

42 Travis Myren said there was \$1 million in the conservation easement project. He said  
43 two projects will likely closely in by the end of the fiscal year, which would leave a remaining  
44 balance of about \$400,000. He said the next time the County could borrow for conservation  
45 easements is 2023.

46 Chair Price asked if there is a reason why the County went from 42% funding to over  
47 50%. She said she understands that one partner pulled out, but wants to understand why the  
48 County is responsible more than 50% of the project.

49 Travis Myren said the increase is a result of locating the skills development center at the  
50 site.

1 Commissioner Dorosin said the most important thing is the development agreement that  
2 the County signed. He said he feels the County is bound to that agreement, and the County  
3 has a long-term commitment to the project. He said there is an important racial equity aspect to  
4 it. He said the property is currently used as a parking lot, so the parking needs are important to  
5 the project. He said, with any delay, the County can expect the costs to go up.

6 Commissioner Dorosin said he was not sure how valuable the generator would be to the  
7 courthouse, given that a power outage would affect many other people in the community. He  
8 said almost half of the users of the Chapel Hill Library come from out of town. He said the  
9 library has been closed the last year, but the County still gave over \$500,000. He referred to  
10 school capital projects, and said he will want to know how money was used last year, given the  
11 absence of students from the buildings. He said he hopes that projects were addressed. He  
12 said budget adjustments can be made throughout the year, and he felt that revenues will  
13 improve.

14 Commissioner McKee asked if the liability of not meeting the March 7, 2021 deadline  
15 could be identified. He said he feels that he is being rushed into making a decision, due to  
16 Carrboro instructing the designer to go ahead with the design process.

17 Bonnie Hammersley said Carrboro has instructed the design process to proceed.

18 Commissioner McKee said he feels that his back is against the wall, and Carrboro made  
19 a decision without talking to its partners. He asked if missing the September deadline would kill  
20 the project.

21 Bonnie Hammersley said Carrboro does not want to abandon the project. She said staff  
22 has been working for a while on various options for providing parking, and she apologized for  
23 the Commissioners feeling rushed.

24 Commissioner McKee said he supports building the parking spaces and having a final  
25 building constructed, rather than a shell building. He said he wants to wait until the guaranteed  
26 maximum price is available, and look at the building with the other budget and CIP issues. He  
27 said a delay at this point is not significant, given the length of time the project has been  
28 discussed.

29 John Roberts said if a decision is not reached, both parties could walk away without any  
30 penalties, and just responsible for their own costs. He said if neither party wants to walk away,  
31 then there are fewer liability concerns.

32 Commissioner Greene said there is no desire to walk away from the project, and the  
33 County entered into a development agreement. She said she feels the generator for the court  
34 system is important, but it was added at the request of the new Clerk of Court, and she feels it  
35 could be removed from the list. She referred to the conservation easements, and said she  
36 would like to soften the blow by reducing the contingency fee. She referred to the windows, and  
37 would be interested in option 2, knowing that windows can be replaced at a later time. She said  
38 this option would bring the conservation easement down by a few hundred thousand dollars.  
39 She said everyone wants to support this project, and, in general, this has been a good  
40 partnership, and she wants the County to come to the table.

41 Commissioner Fowler said the rental income for the parking spaces would take 130  
42 years to make up for the costs of the parking spaces, and this is an expensive way to increase  
43 economic development. She said she would take funding from the conservation easements, as  
44 well as the justice center generator, plus Option 1-rows 3, 4, and 5, which would leave \$300,000  
45 to be financed by debt. She said if the BOCC must make a decision tonight, she wants to  
46 minimize the debt financing. She said this is a nice project, and something the County would  
47 very much like to do, but the County has obligations, such as school construction. She said  
48 she would like to reduce the amount of parking, in an effort to reduce the amount of cars, in  
49 favor of public transportation and biking.

1 Commissioner McKee said a reduction of 20 parking stalls in Option 1, in addition to  
 2 Commissioner Fowler's suggestions would provide enough money to make up the difference in  
 3 costs.

4 Chair Price said she wanted to move forward on the project, as the library is an essential  
 5 community resource for families and for providing equity. She said the location is a good home  
 6 for the skills development center. She said the BOCC has to move forward and cannot  
 7 stagnate, despite the pandemic. She said any changes made are budget amendments to this  
 8 year's budget. She said she is interested in options 1 and 5. She said the windows could be  
 9 removed and existing furniture can be reused, but she wants to keep the parking spaces. She  
 10 said she would be willing to delay the conservation easements, and forego the court generator.

11 Commissioner Dorosin asked if, in the future, funds could be moved around again, if  
 12 revenue projections change.

13 Bonnie Hammersley said yes, funding is only adopted for 1 year, and changes can be  
 14 made to the plan at a later date. She said power outages typically do not happen at the justice  
 15 center, as the court usually shuts down when there is bad weather.

16  
 17 A motion was made by Commissioner Dorosin to transfer the FFE in Option 1, reduce  
 18 the construction contingency, reduce the STC rating for window glazing to 36%, remove the  
 19 justice center generator and delay the conservation easements.

20  
 21 Commissioner Bedford asked if changing the windows affects energy efficiency.

22 Steve Arndt of Asset Management Services said the energy efficiency remains intact.

23  
 24 Commissioner Fowler seconded Commissioner Dorosin's motion.

25  
 26 Commissioner McKee asked if these changes total \$1.5 million in savings.

27 Travis Myren said yes.

28 Commissioner McKee offered a friendly amendment to reduce the parking stalls by 20,  
 29 and to reduce the degree of reuse in FFE.

30 Commissioners Dorosin and Fowler did not accept the amendment, and said the  
 31 remaining amount would be funded by debt.

32 Commissioner Bedford said she supports the motion, and wants to see the usage of the  
 33 library before removing funding from the Chapel Hill Library.

34 Commissioner Bedford asked for clarification of moving CIP budget amounts around  
 35 within 5 years.

36 Travis Myren said moving items around within the five years would not affect the overall  
 37 tax rate impact.

38 Commissioner McKee said he will support this motion, but he was frustrated by having to  
 39 act fast on the project. He said he is pleased to see the support the library has among the  
 40 Commissioners. He agreed with Commissioner Bedford about observing usage numbers, and  
 41 possibly renegotiating the funding for Chapel Hill Library down the road.

42  
 43 Roll call ensued

44  
 45 **VOTE: UNANIMOUS**

46  
 47 **7. Reports**  
 48 **NONE**

49  
 50 **8. Consent Agenda**  
 51

- 1 • Removal of Any Items from Consent Agenda
- 2 • Approval of Remaining Consent Agenda
- 3 • Discussion and Approval of the Items Removed from the Consent Agenda

4  
5 Item 8-h was approved earlier in the meeting during Special Presentations.

6  
7 A motion was made by Commissioner Greene, seconded by Commissioner McKee, to  
8 approve the remaining consent agenda items

9  
10 Roll call ensued.

11  
12 **VOTE: UNANMIOUS**

13  
14 **a. Minutes**

15 The Board approved the draft minutes for the January 22 and 23, 2021 virtual Board of County  
16 Commissioners retreat.

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

18 The Board adopted a resolution, which is incorporated by reference, to release motor vehicle  
19 property tax values for five taxpayers with a total of five bills that will result in a reduction of  
20 revenue.

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

22 The Board adopted a resolution, which is incorporated by reference, to release property tax  
23 values for twelve taxpayers with a total of nineteen bills that will result in a reduction of revenue.

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

25 The Board considered three untimely applications for exemption/exclusion from ad valorem  
26 taxation for three bills for the 2020 tax year.

27 **e. Fiscal Year 2020-21 Budget Amendment #8**

28 The Board approved budget and grant project ordinance amendments for fiscal year 2020-21  
29 for the Department on Aging; Housing and Community Development; Board of Elections;  
30 Orange County Public Transportation; Health Department; and Arts Commission.

31 **f. Updates to the Assistance Policies for the 2020 North Carolina Housing Finance**  
32 **Agency (NCHFA) Urgent Repair Program (URP20) and Essential Single-Family**  
33 **Rehabilitation Loan Pool (ESFRLP20)**

34 The Board approved and authorized the County Manager to sign the revised URP20 and  
35 ESFRLP20 Assistance Policies, thereby adopting the revised policies.

36 **g. Robert & Pearl Seymour Center Corporate Water Easement and Dedication Letter with**  
37 **Orange Water and Sewer Authority (2551 Homestead Road, Chapel Hill)**

38 The Board:

- 39 1) Approved a Corporate Water Easement and dedication letter with Orange Water and Sewer  
40 Authority (OWASA) for the Robert and Pearl Seymour Center;
- 41 2) Authorized the Chair to sign the Corporate Water Easement paperwork upon final County  
42 Attorney review; and
- 43 3) Authorized the County Manager to sign the Dedication Letter upon final County Attorney  
44 review.

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

47 Bonnie Hammersley referred to the requests to reopen the library, and said many library  
48 staff are assigned to work at vaccination clinics or to respond to calls. She said these  
49 employees are not essential employees, and do not qualify for the vaccination yet. She said,  
50 therefore, the library will remain closed for the time being.

1 Bonnie Hammersley reminded the Commissioners that the City of Mebane will be  
2 present at the March 9<sup>th</sup> work session.

3 Commissioner McKee asked for confirmation that the waitlist for vaccinations is updated  
4 regularly,

5 Bonnie Hammersley said the list is reviewed regularly, and the Health Department said it  
6 is quite accurate.

7 Commissioner Hamilton reminded everyone that there are other partners throughout the  
8 community that can provide vaccinations.

9 Commissioner Greene said the county makes it easy to opt out of the waitlist if you get  
10 vaccinated elsewhere

11  
12 **10. County Attorney's Report**

13 **NONE**

14  
15 **11. \*Appointments**

16 **NONE**

17  
18 **12. Information Items**

- 19  
20 • February 16, 2021 BOCC Meeting Follow-up Actions List  
21 • Tax Collector's Report – Numerical Analysis  
22 • Tax Collector's Report – Measure of Enforced Collections  
23 • Tax Assessor's Report – Releases/Refunds under \$100  
24

25  
26 **13. Closed Session**

27 **NONE**

28  
29 A motion was made by Commissioner McKee, seconded by Commissioner Dorosin, to  
30 adjourn the meeting at 10:49 p.m.

31  
32 Roll call ensued

33  
34 **VOTE: UNANMIOUS**

35  
36  
37 Renee Price, Chair

38  
39  
40 Laura Jensen  
41 Clerk to the Board

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

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**MINUTES**  
**ORANGE COUNTY**  
**BOARD OF COMMISSIONERS**  
**VIRTUAL WORK SESSION**  
**MARCH 9, 2021**  
**7:00 p.m.**

8 The Orange County Board of Commissioners met for a Virtual Work Session on Tuesday,  
9 March 9, 2021 at 7:00 p.m.

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

14 **COUNTY COMMISSIONERS ABSENT:** NONE

15 **CITY COUNCIL MEMBERS PRESENT:** Mayor Ed Hooks, Mayor Pro Temp Jill Auditori,  
16 Everette Greene, Patty Philipps, Tim Bradley and Sean Ewing.

17 **CITY COUNCIL MEMBERS ABSENT:** NONE

18 **COUNTY ATTORNEYS PRESENT:** John Roberts

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

22  
23 Chair Price called the Board of County Commissioners meeting to order at 7:00 p.m.

24  
25 Due to current public health concerns, the Board of Commissioners is conducting a Virtual Work  
26 Session on Tuesday, March 9, 2021. Members of the Board of Commissioners participated in  
27 the meeting remotely. As in prior meetings, members of the public were able to view and listen  
28 to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos>  
29 and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

30  
31 A roll call of the County Commissioners was called; all members were present.

32 The City Council of Mebane was present for the beginning of the work session for a  
33 presentation on the Buckhorn Area Plan (Study).

34 Ed Hooks, City of Mebane Mayor, called the City of Mebane meeting to order. All  
35 members of the City Council were present.

36 Chair Price welcomed the Mebane City Council, and invited everyone to introduce  
37 themselves.

38  
39 **1. Joint Discussion with Mebane City Council on Buckhorn Area Plan (Study)**

40 The Board received a short presentation on the Buckhorn Area Plan (Study) and discuss  
41 with the Mebane City Council.

42  
43 **BACKGROUND:**

44 Orange County utilized funds available in the FY 2019-2020 budget to reimburse the City of  
45 Mebane for half of the consulting expenses of the Buckhorn Area Plan. The original goals have  
46 been to work together with a consultant to further analyze areas within Orange County –  
47 adjacent to and near Mebane – and to develop recommendations for a growth strategy. In  
48 January 2020, the Piedmont Triad Regional Council (PTRC) was selected as the consultant,  
49 and beginning on February 6, 2020, Orange County, the City of Mebane, and PTRC have met  
50 monthly to discuss the geographic area of the study, the parcel development suitability criteria  
51 and mechanisms for feedback on the analysis.

1  
 2 The City of Mebane and Orange County hosted an open house virtual meeting with the public  
 3 on November 10, 2020. The meeting was held via Zoom and welcomed guest questions,  
 4 comments, and concerns after a short presentation on the overview of the plan. The Mebane  
 5 City Council discussed the Buckhorn Area Plan at meetings in December 2020 and in January  
 6 of this year. The City Council agreed to take NO action on the Buckhorn Area Plan until Orange  
 7 County reviewed the Plan and offered comments. The Orange County BOCC received a  
 8 presentation on the Plan at its February 16, 2021 Business Meeting and scheduled this item for  
 9 discussion with Mebane City Council.

10  
 11 **THE BUCKHORN AREA PLAN (STUDY):**  
 12 A copy of the full document can be downloaded via the following link:  
 13 <https://www.ptrc.org/Home/ShowDocument?id=10489>  
 14

15 The study uses GIS mapping to determine parcels most suitable for development within the  
 16 focus area. The process allows for a technical review of multiple development factors including:  
 17 developable acres, preservation areas, mean slope, watershed, sewer infrastructure, water  
 18 infrastructure, interstate access, interstate visibility, roadway access, and access to existing rail.  
 19 Through the scoring analysis, most suitable parcels and five potential areas for growth are  
 20 identified (Attachment A).

21  
 22 Attachments B through E are provided in response to questions and requests from Members of  
 23 the Board of Commissioners at the February 16 BOCC Business Meeting.

24  
 25 Cy Stober, Mebane City Development Director, made the following PowerPoint  
 26 presentation:  
 27



28  
 29  
 30



31  
 32

1

**6 PROJECT BACKGROUND**  
 6 PLAN NEED  
 8 HISTORY ON SEWER/WATER AGREEMENT  
 9 PREVIOUS RELEVANT PLANS  
 9 RELEVANT PLANS

**11 AREA DESCRIPTION**  
 11 STUDY AREA  
 11 LAND USE  
 11 ENVIRONMENT  
 15 WATERSHEDS  
 15 INFRASTRUCTURE

**21 ECONOMIC DEVELOPMENT**  
 21 LOCATION  
 21 INDUSTRIAL AND COMMERCIAL POTENTIAL  
 23 PERFORMANCE BASED INCENTIVES  
 24 SMALL BUSINESS GRANT PROGRAM

**25 PUBLIC INPUT**

**27 PARCEL ANALYSIS**  
 27 METHODOLOGY  
 27 PARCEL ANALYSIS LAYERS

**50 RECOMMENDATIONS**  
 50 1. LAND USE  
 64 2. WATER SEWER AGREEMENT EXTENSION  
 64 3. FUTURE LAND USE DISTRICTS  
 66 4. ORANGE COUNTY PLANNING ASPECTS

[www.ptrc.org/Buckhorn](http://www.ptrc.org/Buckhorn)

FEDMONT TREAD REGIONAL COUNCIL

2

3

4

**Buckhorn Area Plan**

The BAP is...	The BAP is NOT...
An Analysis of a Potential Utility Service Area	A Rezoning Study
Action Required by State Law	A Study to Support Eminent Domain
An Expansion of the City's Future Growth Area	An Annexation Study

5

6

7

**Buckhorn Area Plan**

The BAP is...	The BAP is NOT...
An Analysis of a Potential Utility Service Area	A Rezoning Study
Action Required by State Law	A Study to Support Eminent Domain
An Expansion of the City's Future Growth Area	An Annexation Study

CITY OF MEBANE  
 ZONING MAP  
 SUBJECT PROPERTIES  
 9834546079 & 9834742184  
 DATE: 11/12/19  
 DRAWN BY: SKS

8

9

10

**Buckhorn Area Plan**

The BAP is...	The BAP is NOT...
An Analysis of a Potential Utility Service Area	A Rezoning Study
Action Required by State Law	A Study to Support Eminent Domain
An Expansion of the City's Future Growth Area	An Annexation Study

CITY OF MEBANE  
 Comprehensive Land Development Plan  
 GROWTH STRATEGY  
 MEAN OVERVIEW

11

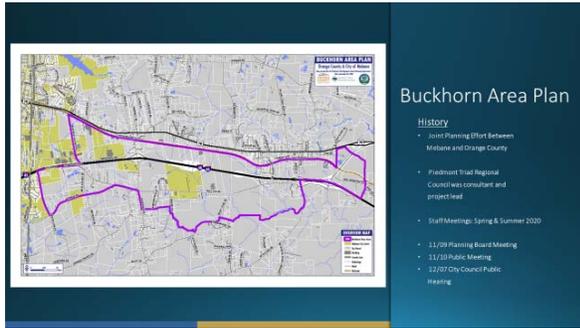
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Cy Stober said the City of Mebane reached out to Orange County in Spring 2020, to evaluate for utilities and economic development opportunities.

1 Jesse Day, Piedmont Triad Regional Council Planning Director, continued the  
 2 presentation:  
 3



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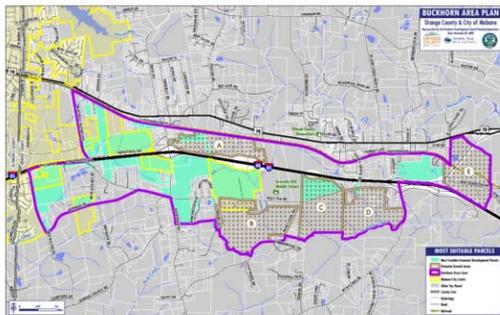
**Greater Buckhorn Economic Development District  
 Proposed Analysis Layers**

Layer	GIS	Other	Points
Developable Acres (Consistent rezoned, targeted areas considered)	Developable	Under 2 Acres City 15' County 30' Other 50'	1 1 1 1
Preservation Areas	WQI Conservation Easement or Heritage Area	Wetland Wetland - Ag District (extra points) Significant Natural Heritage Area (quarter)	-1 -1 -1
Mean Slope (of parcels in study area, Mean is 2.0% (20:1))	Slope	0.0 - 2.0	1
Watershed (of parcels already rezoned from rural areas)	Watershed	Watershed	-1
Sewer Infrastructure	Sewer	Outfalls Proximity to sewer Proximity to storm	4 4 4
Water Infrastructure	Water	Proximity to stream Proximity to spring	4 4
Interstate Access (Using driving distance to I-85/88/91)	Int. Access	Within 1.0 Miles Driving Distance	2
Interstate Visibility	Int. Vis.	Yes (adjacent)	1
Boundary Proximity	Bound. Proxim.	Proximity to public boundaries Proximity to public boundaries	1 1
Access to Existing Rail	Rail Access	Yes	1

**Selection Criteria**

- Developable Acres
- Preservation Areas
- Mean Slope
- Watershed
- Sewer Infrastructure
- Water Infrastructure
- Interstate Access
- Interstate Visibility
- Roadway Access
- Access to Existing Rail

10  
 11 Jesse Day explained the criteria listed in the above chart. He said certain criteria added  
 12 or took away points from the viability score. He resumed the PowerPoint presentation:  
 13



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Jesse Day said findings were presented in November, and sent to the City Council of Mebane in December. He resumed the PowerPoint presentation:

**1. LAND USE**

The areas defined as highly suitable parcels may be considered for manufacturing, wholesale distribution, and service uses. The other growth areas have elements in the plan to consider prior to development.

The Mebane Comprehensive Land Development Plan, Mebane By Design, is in the process of being amended to include priority growth areas and part of B. The amendment should refer directly to this plan, which shall serve as an appendix to the CLP and in revisions to the City's Future Growth Area and G-2 Industrial (V) Primary Growth Area.

Jesse Day said growth Areas A and B were amended in the City's Comprehensive Land Development Plan in December. He resumed the PowerPoint presentation:

**2. WATER SEWER AGREEMENT EXTENSION**

This area plan looks to update the Buckhorn Economic Development District (BEDD) plan, Eland Small Area plan, and the 2012 utility services agreement.

Jesse Day said the Water Sewer Agreement needs to be looked at in a way that improves the ability to respond to development in this area. He resumed the PowerPoint presentation:

### 3. FUTURE LAND USE DISTRICT

#### Zoning Districts

It is recommended that the City of Mebane provide a development ordinance update to incorporate a new zoning district that encourages documented research, office and manufacturing facilities and also support walkability, mixing of uses and practical design that is compatible with the surrounding land uses.

- OFFICE AND RESEARCH (O-R)
  - Modeled after the 2020 Orange County UDO O/RM

#### Potential Uses for District

- O-R
  - O-R USES: Allowable uses may include: Child Care Facilities, Schools, Libraries, Universities, Hotels, Motels, Offices and Personal Services, Warehouses, Wholesale Trade, Governmental Facilities, Winery, Light 05 Industrial (Assembly/Packaging), Parks, Botanical Gardens and Arboretums, Farmer's Markets, Hospitals, Health Services, Bus Shelter, Parcel Delivery Services, Clubs/Lodges, Community Center, Research and Manufacturing Facility, and Utilities.



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### Development Standards and Considerations

#### Lighting

- All lighting should be located, angled, shielded, or limited in intensity so as to cast no direct light upon adjacent properties. Light pollution should be limited to preserve the nighttime environment.

#### Trails

- The addition of trails and greenways should be encouraged where possible and connected to the Mountains to Sea Trail and the Gravelly Hill Middle School

#### Buffers

- At least 100' should be accommodated for property developed adjacent to existing residential land use or residential zoning districts
- Appropriately protect residential areas from noise, light or other nuisances created by the new development for the residential district

#### Transportation

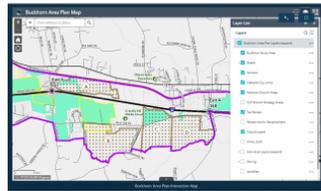
- Should be minimized at Gravelly Hill Middle School, with attention to drop-off and pick-up hours
- Shared driveway requirement for contiguous non-residential land uses should be considered whenever feasible
- Freight and automobile traffic safety in the study area



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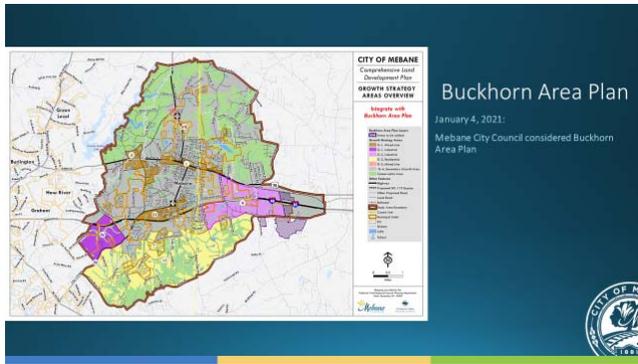
[www.ptrc.org/Buckhorn](http://www.ptrc.org/Buckhorn)




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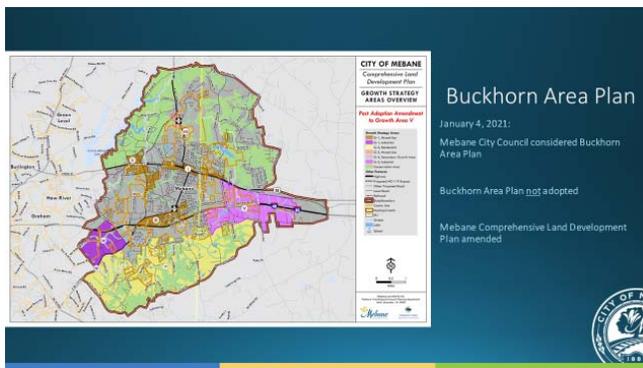
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Jesse Day said the story map is available on the Piedmont Triad Regional Council's website, and provides a variety of options for people to look at data on the area in question. Cy Stober resumed the PowerPoint presentation:



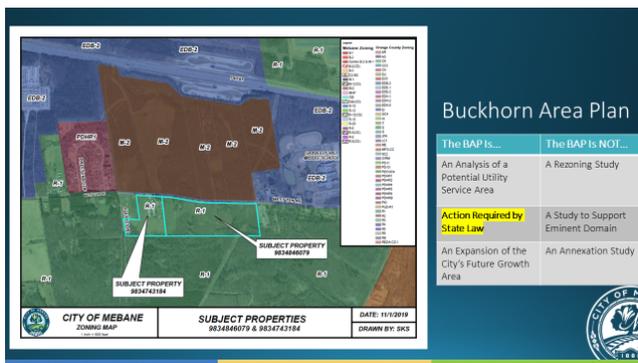
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Cy Stober said no action has been taken by the City of Mebane to adopt the Buckhorn Area Plan.

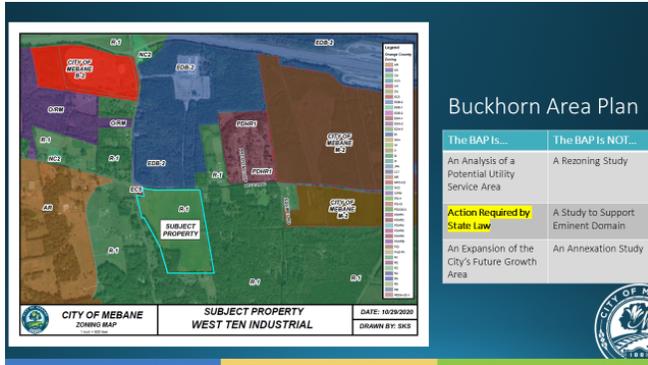


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Cy Stober said the three properties brought into the Comprehensive Land Development Plan Future Growth area are the two Medline south properties and the 46 acres at the corner of West Ten Road and Buckhorn Rd, which were presented to the Mebane City Council for annexation and rezoning. He reiterated that state law required these changes. He resumed the PowerPoint presentation:



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## Thank You

[www.ptrc.org/buckhorn](http://www.ptrc.org/buckhorn)

### Contact Information:

Cy Stober, Development Director

919-563-9990

[planning@cityofmebane.com](mailto:planning@cityofmebane.com)

4  
5

Commissioner Greene asked if the 46 acres at the corner of West Ten Road and Buckhorn Road were on the south or north side of the road.

Cy Stober said it is at the southeastern quadrant of the intersection, excluding the used car lot that has been present for many years.

Commissioner Greene asked if this area has water and sewer.

Cy Stober said yes.

Commissioner Greene referred to the proposed new recreational area, and asked if the location of this area could be identified.

Cy Stober said it is approximately 35 acres at the corner of West Ten Road and Bushy Cook Road. He said it was deeded to the Meridien Community Foundation, which intends to partner with Hillsborough Youth Athletics Association to develop new athletic fields.

Commissioner Greene asked for clarification on the location for the recreational area.

Cy Stober said it is the triangular parcel at the east of Gravelly Hill Middle School.

Commissioner Greene asked if it is known what is going on in Area A.

Cy Stober said it has not been rezoned, but it has been reclassified in the Comprehensive Development Plan.

Commissioner Dorosin referred to the two Medline South properties and the 36-acre parcel, and asked if the city has already annexed those.

Cy Stober said yes, annexation was required, and the public hearing was held prior to rezoning.

Commissioner Dorosin asked if these changes are present on the maps.

Cy Stober said the maps have not been updated, but the properties are not incorporated into the City of Mebane.

Commissioner Fowler referred to the green parcels, to the left of Preston Loop, on slide 10, and asked if there is a reason why they are not in the Economic Development District (EDD).

29  
30  
31

1 Cy Stober said the green areas are immediately actionable for economic development.  
2 He said the growth areas A-E are not immediately actionable, but have potential for growth.

3 Jesse Day said the areas west of A and B are already in the city's Comprehensive Land  
4 Development Plan.

5 Craig Benedict, Orange County Planning Director, said these areas are also in the  
6 county's economic development district (EDD). He said this is about 140 acres, and is where  
7 the Buckhorn flea market is located.

8 Commissioner Fowler said A-E are further in the future, as compared to the light green  
9 areas. She asked if there is a next step

10 Cy Stober said the city may put municipal utilities in area A, or it can do the same as  
11 what Medline did. He said these areas are deficient in being immediately accessible, unlike the  
12 teal properties. He said the two properties east of the middle school are not in the city's future  
13 growth area, and would not be addressed in the Comprehensive Area Plan. He said the one in  
14 C is.

15 Commissioner Fowler asked if there is a plan to address recreational areas, walking  
16 trails, sidewalks, etc.

17 Jesse Day said a site plan would be necessary. He said the state would determine the  
18 best way for trails to go through to connect with other trails

19 Commissioner McKee asked for the two properties to be noted on the map by staff. He  
20 said he wanted to highlight properties that are already built out or will be built out, in addition to  
21 Medline.

22 Cy Stober said the Nair property was annexed and rezoned by the city.

23 Commissioner Hamilton expressed appreciation for the City of Mebane holding off with  
24 its approval process so that the Board of Orange County Commissioners (BOCC) could see the  
25 plan. She said the study was a technical study, showing which lands could be developed, but is  
26 missing the impacts to the community. She said she wants to consider the costs to the  
27 community, not just the benefits. She said she would like to see sustainability and the  
28 environment reflected in the Buckhorn Area Plan. She said residents have expressed concerns  
29 about the full costs and benefits of going forward. She said everyone wants the best for the city  
30 and the county.

31 Tim Bradley, Mebane City Council, said when he first heard the plan, he thought it was a  
32 joint study with Orange County and reflected the long-range plan for Orange County. He said  
33 when the city held its public hearing, it realized the county had not given input. He said the city  
34 wants to work together to make plans that align with each entity's needs.

35 Chair Price asked if Mebane is seeking to be involved in economic development in  
36 properties adjacent to the city. She asked if there are property owners in these areas interested  
37 in selling.

38 Tim Bradley said there is some interest in Area A. He said both Mebane and Orange  
39 County have extended utility infrastructure, which helps people plan for the future. He said the  
40 city is ready for the next person who comes forward with land they wish to develop in the area.

41 Chair Price asked if the boundaries in the Buckhorn Area Plan are consistent with the  
42 Buckhorn EDD.

43 Craig Benedict said some parts of the B, C, D, and E are outside of the EDD. He said  
44 the process is to do a study, and then take action based on the study. He said Morinaga is one  
45 example of this happening in the past.

46 Commissioner Dorosin asked if the city desires to have the parcels be contiguous, and is  
47 that a factor for prioritizing certain parcels. He said the Orange County Comprehensive Plan will  
48 expire in 2030, and asked if there is a schedule for the next comprehensive plan.

49 Mayor Ed Hooks said there is no intent to start at the city limits and move forward. He  
50 said the City was asked to provide water and sewer, and future growth will be hopscotched due

1 to different needs and priorities of property owners. He said there is no intent to grow, and  
2 Mebane is responding to a development request.

3 Chris Rollins, Mebane City Manager, said there is some land in the back that would link  
4 to the City limits. He said the Buckhorn area is one of the hottest markets in the I-40/I-85  
5 corridor right now, and he would not be surprised to see site plans submitted in the next 3-6  
6 months. He said there is a rumor that Area B is already under contract for a housing  
7 development. He said the properties annexed in non-contiguous spots are due to requests by  
8 property owners.

9 Commissioner Dorosin said the utilities already run through the high priority areas, which  
10 makes sense why they are the focus.

11 Craig Benedict said the Comprehensive plan was completed in 2008, and is updated  
12 every 5-8 years. He said staff is waiting on 2020 census results, which will be used to create a  
13 new comprehensive plan by looking at trends, population and growth. He said this new plan will  
14 require a lot of public input, and took 2 years last time it was updated. He said staff will go  
15 around the County explaining the trends to residents. He said the process will likely start early  
16 2022.

17 Everette Greene asked if there has been any engagement, thus far, with residents on  
18 the comprehensive plan. He said the area will be developed by the time the plan is updated.

19 Chair Price said there has not been a lot of public engagement on new development  
20 plans. She said there has not been an open meeting in Orange County.

21 Jesse Day said there were mailings in the area for the November public involvement  
22 meeting with the City of Mebane and the meeting with Mebane, PTRC, and County Planning  
23 Department.

24 Commissioner Greene referred to an area on the map at the corner of Bowman Road,  
25 which is a housing development. She clarified that this was an annexed after a developer  
26 requested it to be so.

27 Staff indicated yes.

28 Commissioner Greene asked if Mebane could create a plan, where it would refuse to  
29 annex areas not covered by infrastructure, if the land is not in the future growth plan for  
30 Mebane.

31 Chris Rollins said the land area, to which Commissioner Greene referred, is in the future  
32 growth plan for Mebane, and was there before the housing developer requested annexation.

33 Commissioner Greene said she is hearing concerns from residents south of Bowman  
34 Road that more annexations could happen in areas that are not in the future growth plan. She  
35 asked if Mebane has a response to requests for development in area B.

36 Chris Rollins said the request just came in today, and the city would have to evaluate it.

37 Commissioner Greene asked if this area is in Mebane's future plan for growth

38 Jesse Day showed a map of the area in question.

39 Cy Stober said Area B is not addressed in the comprehensive plan, with the exception of  
40 the two Medline South properties, which were the stimulus for this entire study.

41 Commissioner Greene asked if there is a limit to Mebane's annexation plans: a line  
42 beyond which Mebane will not annex.

43 Tim Bradley said there is not a rule for this, and if there had been, Medline would not  
44 have been possible. He said requests are considered on an individual basis.

45 Commissioner Greene said Medline is right near the highway, and is already completed.  
46 She said area B does not have water and sewer, and is not in the EDD. She asked if those  
47 facts would make a difference to Mebane.

48 Chris Rollins said the proposal in question does have access to water and sewer, along  
49 west 10 road. He said the City has been considering including area B in its long-range plan.  
50 He said residents in C, D, and E expressed great concern, and the City removed those from  
51 consideration. He said there are many developers interested in area B.

1 Commissioner Greene asked if area E is not of interest due to the difficulty of installing  
2 water and sewer.

3 Chris Rollins said there are no active developers interested in Area E, thus there is not a  
4 reason to consider that area at this time.

5 Patty Philipps said she is glad this conversation is taking place. She said residents in  
6 this area cannot vote in the City of Mebane, but she is interested in their needs as they are  
7 neighbors. She said she supports healthy development that improves the quality of life. She  
8 said there are many details that need to be ironed out, but there is not a lot time to make  
9 decisions. She said some planning will need to be expedited.

10 Commissioner Bedford asked for clarification on Areas C and D.

11 Chris Rollins said the City is not actively talking to any developers for areas C and D.

12 Commissioner Bedford said there has not been a formal presentation to the BOCC, so it  
13 needs more time to consider the proposal. She said the more residential development that  
14 occurs; the more push back there will be against commercial development in areas C and D.  
15 She said she is concerned about the environmental concerns in Area D. She said areas B and  
16 C have more areas that are safer to develop. She said Area E already has sewer infrastructure,  
17 and a reserve of sewer capacity should be made in this area. She said given the middle school,  
18 maybe area C would be good for residential development. She said as residential growth  
19 continues, the County may ask the City to help identify an elementary school site.

20 Sean Ewing asked for the city and the county to have urgent dialogue to find a way  
21 forward. He said a comprehensive plan will take too long.

22 Commissioner McKee said he appreciates the discussion with the city, and said it is a bit  
23 overdue. He said the county went to Mebane for water and sewer for partnerships in order to  
24 secure Morinaga. He said several years ago, the county and city did not realize the  
25 development interest that would be coming. He said this interest has grown, and changed the  
26 perception of Orange County as being anti-business. He said the railroad and two major  
27 interstates are bound to attract attention.

28 Chair Price asked if Mebane would consider low-impact residential or mixed use  
29 development in area C or D.

30 Chris Rollins said it is hard to answer and depends on sewer system. He said this area  
31 is on the far end of the sewer system, and housing uses much more sewer capacity than  
32 industry.

33 Commissioner Greene said she also greatly appreciated this conversation. She said  
34 she wants to come to an agreement on overlapping lines, so residents have some certainty that  
35 areas beyond that line will not be considered for development.

36 Tim Bradley agreed with Commissioner Greene. He said things happen fast, and  
37 Mebane needs to have the plans in place soon, so it can respond.

38 Jill Auditori agreed with Tim Bradley, and wants to move forward together, recognizing  
39 the need for flexibility.

40 Mayor Hooks said the relationship between the city and the county has been a good one  
41 in previous partnerships. He said there is good communication between both planning  
42 departments.

43 Chair Price said she appreciated the conversation, and the two groups will meet again.  
44 She said staff will set up times for future meetings.

45 Mayor Hooks agreed, and thanked everyone for the meeting.

46  
47 A motion was made by Everette Greene, seconded by Tim Bradley, to adjourn the City  
48 Council meeting at 8:27 p.m.

49  
50 Roll call of the city council ensued

51

1 **VOTE: UNANMIOUS**

2

3 A motion was made by Commissioner Dorosin, seconded by Commissioner Hamilton, to  
4 recess the County Commissioner meeting for 5 minutes.

5

6 Roll call ensued

7

8 **VOTE: UNANIMOUS**

9

10 **RECONVENE THE MEETING**

11

12 A motion was made by Commissioner Fowler, seconded by Commissioner McKee, to  
13 reconvene at 8:36 p.m.

14

15 Roll call ensued.

16

17 **VOTE: UNANIMOUS**

18

19

20 **2. County Commissioners: Boards and Commissions – Annual Work Plan**  
21 **Summaries**

22

23 The Board provided feedback and direction on the first group of boards and  
24 commissions' annual work plan summaries with their Chairs (or representatives) in attendance.  
25 (A second group of boards and commissions' annual work plan summaries is scheduled for the  
26 Board's April 22, 2021 work session.)

27

28

1 **BACKGROUND:**

2 In the past, as part of the Board of Commissioners' annual planning and goal setting retreats,  
3 the Board requested and reviewed/provided feedback on annual plan summaries from the  
4 County's internal advisory boards and commissions. This information provided the Board with a  
5 yearly overview of the boards and commissions and their projected goals for the upcoming year.  
6 This particular process ended in 2007. The Board decided at its April 13, 2010 meeting to  
7 reinstate this process independent of the Board's annual retreats.  
8

9 **Advisory Boards and Commissions Represented at this meeting:**

11 <u>Board Name</u>	12 <u>Representative(s) Presenting</u>
13 Chapel Hill Orange County Visitors Bureau	Anthony Carey
14 Economic Development Advisory Commission	Anthony Carey
15 Orange County Planning Board	Dave Blankfard
16 Orange Unified Transportation Board	Eric Broo

17  
18 Anthony Carey discussed the work plan summary for the Chapel Hill Orange County  
19 Visitors Bureau. He said since March 2020 hotel revenue is down 69.9%, and tourism revenue  
20 is down 55%. He said together that is about a \$122 million decrease in Orange County, due to  
21 the pandemic. He said CARES Act funds have been used promote businesses as the economy  
22 begins to open back up. He said weddings and small events are beginning to be scheduled.  
23 He said James Taylor will have an interactive exhibit at the new Visitors Center location.

24 Anthony Carey discussed the work plan summary for the Economic Development  
25 Advisory Commission. He said the corridor around the Buckhorn Area Plan is of great interest  
26 to the Commission. He said the Advisory Commission gave out over \$1 million in grants to  
27 small businesses and farmers. He said Steve Brantley, Economic Development Director, is  
28 working on long-term recovery plan and is encouraging non-residential growth.

29 Commissioner Greene referred to the future plans for 2021. She said one of the items  
30 on which the Commissioners would like to focus is affordable housing partnerships.

31 Anthony Carey said the Commission knows affordable housing is needed in Orange  
32 County, and economic recovery would need to keep affordable housing in mind. He said  
33 affordable housing is related to economic development. He said residents travel outside of the  
34 county to find employment, and it would be good to find ways to have jobs closer to home.

35 Commissioner Greene asked if there is an update on a food processing center.

36 Anthony Carey said there needs to be more focus on processing plants for farmers and  
37 restaurants. He said the pandemic put a pause on some of those developments.

38 Chair Price encouraged continued relationships between the two boards represented by  
39 Anthony Carey.

40 Dave Blankfard, Planning Board Chair, gave an update on its work plan. He reviewed  
41 the outputs from the Planning Board, amendments, and development projects. He said the  
42 Planning Board's projects, specifically RTLP and Buc-ee's, generated a lot of discussion. He  
43 said the 2020 census will assist the Planning Board in planning for the future, and will result in  
44 tweaks to the comprehensive plan. He said future initiatives will include streamlining some  
45 processes, but also creating processes that give developers time to analyze requests.

46 Commissioner Dorosin said the RTLP and Buc-ee's projects generated a lot of bad  
47 feelings in the community and concerns about transparency in the process. He said the  
48 Planning Board is made up of community members, and he would like to consider how the  
49 process can be made better for the residents. He said if policies are in place, whether or not  
50 proposals meet the policies is a different question. He asked if the County can more effectively  
51 communicate the role and responsibilities of the Planning Board.

1 Dave Blankfard said those two particular projects had no give on either side. He said  
 2 staff has started conveying information online to clear up misconceptions, with FAQs, etc.

3 Chair Price said in the past there were neighborhood meetings that helped alleviate  
 4 concerns, and people tend to respond better when they have had time for input. She said RTLP  
 5 did agree to negotiate on the terms.

6 Dave Blankfard said sometimes negotiations are possible, but it requires give from the  
 7 Planning Board and the public.

8 Chair Price said negotiation is more likely when all stakeholders are involved in the  
 9 discussion as early as possible.

10 Commissioner Hamilton encouraged good communication and transparency, and putting  
 11 information online does not truly reach everyone. She said people need to be included early  
 12 and want to be heard. She said it can be difficult for residents to understand planning  
 13 processes. She asked if there is anything the Planning Board needs to improve its processes.

14 Dave Blankfard said there is training for Planning Board members. He said he would like  
 15 more direction on growth for Hillsborough that reflects the needs of the community and is most  
 16 beneficial for the residents. He said Orange County does not only need high-end development.

17 Chair Price said the Planning Board can provide a lot of that direction.

18 Commissioner Fowler said she would like the Planning Board to have an open mind  
 19 when residents are providing feedback. She encouraged the Planning Board to use the existing  
 20 plans for making decisions.

21 Dave Blankfard said the Planning Board is having a lot more discussion in recent years,  
 22 and there is more dissent than in past years.

23 Erik Broo reviewed the work plan summary for the OUTBoard. He said meetings slowed  
 24 down due to changes in transportation due to the pandemic. He said the OUTBoard assists  
 25 Orange County Transportation Planning Board. He said in 2020 the OUTBoard made  
 26 recommendations on transportation plans, reviewed Orange County Environmental Justice data  
 27 and is incorporating that in its process. He said the OUTBoard receives regular updates on  
 28 transit plans and studies. He said bikeway limitation studies are important to the OUTBoard, as  
 29 it wants to include bicyclists' needs in more transit planning. He said multi modal transport is a  
 30 priority. He said in 2021, the OUTBoard is pursuing smaller projects that do not need to go  
 31 through the Department of Transportation (DOT) scoring process, such as small road  
 32 improvements and safety measures. He said the OUTBoard created a radio ad to promote bike  
 33 safety around motorists. He said the OUTBoard is working with STIP projects for DOT review  
 34 and scoring.

35 Chair Price said the OUTBoard might have more acronyms than the Planning  
 36 Department.

37 Erik Broo said the level of information that the Planning Department has to manage  
 38 impresses him, and he values the staff.

39 Commissioner Bedford said she is BOCC rep to the Durham Chapel Hill Carrboro  
 40 Metropolitan Planning Organization (DCHCMPO), and the 70 corridor study will be a focus of for  
 41 the next year. She said it will be critically important for Orange County and Durham.

42 Erik Broo said the OUTBoard would be reviewing it as well.

43  
 44 **3. Advisory Boards Appointments Discussion**

45 The Board discussed appointments to four Orange County Advisory Boards.

46  
 47 **BACKGROUND:** The following appointment information is for Board consideration:

48  
 49 **Animal Services Hearing Panel Pool**

50

NAME	SPECIAL	TYPE OF	EXPIRATION
------	---------	---------	------------

	REPRESENTATIVE	APPOINTMENT TERM	DATE
Debra Cunningham	Town of Carrboro	Second Full Term Re-appointment	03/31/2024
Alan Polak	Public Safety Field	First Full Term Re-appointment	03/31/2024
Meggie Romick	At-Large	First Full Term Re-appointment	03/31/2024

**NOTE - If the individuals listed above re-appointed, the following vacancies remain:**

POSITION DESIGNATION	EXPIRATION DATE	VACANCY INFORMATION
Town of Hillsborough	03/31/2024	This position has been vacant since 2/12/2020.

Thom Freeman-Stuart asked if the Commissioners would review the applicants for the Town of Hillsborough position on the Animal Services Hearing Pool. He said Mark Solomon is the only applicant.

Commissioner Greene nominated Mark Solomon for the Town of Hillsborough position. Commissioner Fowler seconded.

Commissioner Bedford asked to also nominate Debra Cunningham, Alan Polak and Meggie Romick for the Animal Services Hearing Pool.

The addition was accepted by Commissioner Greene, seconded by Commissioner Fowler.

The Board agreed by consensus.

**Arts Commission**

NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Lindsay Metivier	At-Large	First Full Term	03/31/2024
Dr. Crystal Wu	At-Large	First Full Term	03/31/2024

**NOTE - If the individuals listed above are appointed, the following vacancies remain:**

POSITION DESIGNATION	EXPIRATION DATE	VACANCY INFORMATION
At-Large	03/31/2024	Please see notation concerning this position in the recommendation Memo from Katie Murray.

Chair Price said she was considering Lamar Richards. Commissioner Greene asked if there are reasons why Lamar Richards is of interest. Chair Price said to encourage diversity on the board.

Thom Freeman-Stuart said staff has tried to reach Lamar Richards to confirm his interest, and he has not responded to those requests.

Commissioner Greene asked if Marcela Slade was not interested in a second term.

1 Thom Freeman-Stuart said no, she is not interested.  
 2 Chair Price said it was unfortunate that Lamar Richards could not be reached, as she  
 3 was hoping to get some younger people on boards.  
 4 Commissioner Dorosin said there will be another opportunity to fill a position at the end  
 5 of March, if attempts to reach Lamar Richards are successful.  
 6 Thom Freeman-Stuart said another attempt will be made to reach out to Lamar  
 7 Richards.  
 8 Commissioner Greene said Lindsay Metivier and Crystal Wu seemed like qualified  
 9 applicants and nominated them to fill the seat on the Arts Commission.  
 10 Commissioner Hamilton seconded.  
 11 The Board agreed by consensus.

12  
 13 **Board of Equalization and Review – Discussion on Date Correction Action and**  
 14 **Appointment of New Members and Chair**

15  
 16 The Board chose to address this item earlier than it was scheduled in the agenda.

17  
 18 The Board discussed a correction of the term expiration dates for all positions listed on the  
 19 member roster for the Board of Equalization and Review; and to discuss making appointments  
 20 and selecting a Chair for the Board of Equalization and Review.

21  
 22 **BACKGROUND:** The following information is for Board consideration:

23  
 24 During a BOCC Business Meeting on March 19, 2019, the open positions were listed in the  
 25 abstract for the Board of Equalization and Review (see attached). The “Expiration Date” listed  
 26 on the chart was incorrect. The date should have been listed as March 31, 2021, but was  
 27 incorrectly noted as September 30, 2021. The minutes for this meeting were approved by the  
 28 BOCC and included this date discrepancy.

29  
 30 According to the Tax Administrator and County Attorney, the BOCC should, by official action of  
 31 the Board, correct the Expiration Date of current members of the Board of Equalization and  
 32 Review from September 30, 2021 to March 31, 2021. Afterward, new appointments should be  
 33 made for all positions on the Board of Equalization and Review with a term to be served of April  
 34 1, 2021 through March 31, 2023. Upon appointment of the new members, the Board should  
 35 discuss designating a regular member to serve as Chair. Pending this March 9, 2021  
 36 discussion, the date correction, appointments, and designation of the Chair will be scheduled for  
 37 approval during the Board’s March 16, 2021 Business Meeting.

38  
 39 The positions to be filled for the new terms on the Board of Equalization and Review are as  
 40 follows:

41  
 42 **\*\*\*\*PLEASE NOTE THAT THERE ARE ONLY FIVE (5) APPLICANTS ON THE INTEREST**  
 43 **LIST ALTHOUGH MANY ATTEMPTS HAVE BEEN MADE TO SOLICIT APPLICATIONS.**  
 44 **(WHEN ADDITIONAL APPLICATIONS ARE RECEIVED, THEY WILL BE PRESENTED TO**  
 45 **THE BOCC FOR REVIEW AND APPOINTMENT)**

46

POSITION NO.	NAME	SPECIAL REPRESENTATIVE	EXPIRATION DATE
1	To Be Determined	Regular Member	03/31/2023
2	To Be Determined	Regular Member	03/31/2023

3	To Be Determined	Regular Member	03/31/2023
4	To Be Determined	Alternate	03/31/2023
5	To Be Determined	Alternate	03/31/2023
6	To Be Determined	Alternate	03/31/2023
7	To Be Determined	Alternate	03/31/2023
8	To Be Determined	Alternate	03/31/2023
9	To Be Determined	Alternate	03/31/2023
10	To Be Determined	Alternate	03/31/2023

1  
2 Thom Freeman-Stuart explained the error that was made on March 19, 2019 for the term  
3 end date for positions appointed at the meeting. He said the County Attorney advised him that  
4 the Board of County Commissioners need to approve that correction.

5 John Roberts said, as this was a technical correction, rather than a matter of public  
6 concern, the BOCC could vote to approve the correction at the work session.

7 The Board decided to vote to approve the correction at the work session rather than at a  
8 business meeting.

9  
10 A motion was made by Commissioner Fowler, seconded by Commissioner McKee to  
11 correct the expiration date for the positions in question to March 31, 2021.

12  
13 Roll call ensued.

14  
15 **VOTE: UNANIMOUS**

16  
17 Chair Price asked if staff could clarify the next steps the Board of County Commissioners  
18 needed to take for the Board of Equalization and Review.

19 Thom Freeman-Stuart said the Board would need to again vote in the members for this  
20 corrected term date. He said there is also another applicant for this board that came in too late,  
21 but will be up for discussion at the April 22, 2021 work session

22 Chair Price asked the County Attorney if the Board needed to vote the members back in.

23 John Roberts said new members could be approved at the next regular business  
24 meeting along with other advisory board and commission appointments.

25 Commissioner Greene asked if staff could confirm that the number of applicants is less  
26 than the number of available positions.

27 Thom Freeman-Stuart confirmed.

28 Chair Price asked if the Board had to vote the members back in, because of the date  
29 change.

30 John Roberts said yes, because of the date change, the Board needed to approve a new  
31 full slate of appointees at its next meeting.

32 Commissioner Dorosin suggested the following for the Board of Equalization and  
33 Review:

34 Hunter Beattie for Chair

35 Daron Satterfield for a regular position

36 Barbara Levine for a regular position

37 Reginald Morgan for an alternate position

38  
39 Commissioner Dorosin said Pamela Davis should not be on the list as the Board of  
40 County Commissioners removed her two months ago.

41 Commissioner Hamilton said some people have been on this board for a long time, and  
42 asked if there are rules for how long people can serve, and is there any efforts in place to  
43 increase diversity.

1 Commissioner Dorosin said with three regular members it could be one of the more  
 2 diverse boards with the individuals he suggested.

3 Commissioner Greene and Commissioner Hamilton did not have an application for  
 4 Daron Satterfield.

5 Chair Price said she did not see his application, but he is already on the board.

6 Commissioner McKee said the only applications received seem to be those on the  
 7 applicant interest list.

8 Thom Freeman-Stuart said those on the applicant interest list are those that indicated a  
 9 desire to return on the board. He said Daron Satterfield did not want to return.

10 The Board clarified the willing applicants with Freeman-Stuart.

11 Commissioner Dorosin suggested Hunter Beattie as chair, Barbara Levine and Andrew  
 12 Landstrom as regular members, and Reginald Morgan and Karen Morrisette as alternates.

13 Commissioner Bedford said this would allow for good geographical representation.

14 The Board agreed by consensus.  
 15

16 **Commission for the Environment**  
 17

NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Kristie Mather	At-Large	First Full Term	12/31/2023
Veronica Beattie	At-Large	First Full Term	12/31/2023
Ulrich Hartmond	At-Large	Partial Term	12/31/2021

18 **NOTE - If the individual listed above is appointed, the following vacancies remain:**  
 19

20 None  
 21

22 Commissioner Dorosin asked staff if the format of the background information on  
 23 advisory boards and commissions could include the recommendations with the applicant list to  
 24 reduce confusion.

25 The rest of the Board concurred.

26 The Board agreed by consensus to the recommended individuals listed above.  
 27

28 **Orange County Board of Adjustment**  
 29

NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Leon Meyers	At-Large	Move from an Alternate Position to a Regular At-Large Position	06/30/2022

30 **NOTE – If the individuals listed above are appointed, the following vacancies remain:**  
 31

POSITION DESIGNATION	EXPIRATION DATE	VACANCY INFORMATION
Alternate	06/30/2022	This position has been vacant since 08/10/2020.
Alternate	06/30/2021	This position has been vacant since

	02/16/2021.
--	-------------

1  
2 Commissioner Dorosin recommended Elizabeth Bronson for an alternate position.

3 Commissioner Hamilton seconded Commissioner Dorosin's recommendation

4 Commissioner Hamilton said Adam Beeman is on the Planning Board and now  
5 potentially on the Board of Adjustment. She asked if there was a position on the Board of  
6 Adjustment that was intended for a member of the Planning Board. She said she is concerned  
7 about a person serving on both boards.

8 Thom Freeman-Stuart said there is not a position for a member of the Planning Board on  
9 the Board of Adjustment.

10 Chair Price said she thought Adam Beeman was expressing in his application that a  
11 position should be held on the Board of Adjustment for a member of the Planning Board.

12 Commissioner Hamilton said she does not think a person should be on both boards, due  
13 to a potential conflict of interest.

14 Commissioner Dorosin agreed with Commissioner Hamilton.

15  
16 The Board agreed by consensus to appoint Nathan Robinson and Elizabeth Bronson to  
17 alternate positions on the Board of Adjustment.

18 The Board agreed by consensus to appoint Leon Meyers to a Regular At-Large Position.

19  
20 John Roberts said there may be a requirement in the UDO for a member of the Planning  
21 Board to serve on the Board of Adjustment, and requested time to research.

22 Chair Price asked if the BOCC agreed to appoint Leon Meyers to the Regular At-Large  
23 position.

24 The Board agreed by consensus.

25 Commissioner Dorosin asked if any member of the Planning Board is already a member  
26 of the Board of Adjustment.

27 Thom Freeman-Stuart said there is a person appointed to the position that used to be a  
28 member of the Planning Board. He said this position was an At-Large position that was formerly  
29 a member of the Planning Board.

30 Commissioner Bedford asked if that member was Kent Qandil.

31 Thom Freeman-Stuart confirmed.

32 Commissioner Fowler said that the UDO states that, "one regular member of the Board  
33 of Adjustment shall be a member of the Planning Board."

34 Chair Price asked if the Planning Board determines who of its members will serve on the  
35 Board of Adjustment.

36 Thom Freeman-Stuart said no one volunteered to be on both boards.

37 Chair Price said it seems that Adam Beeman is volunteering to be on both boards, at  
38 this point.

39 Chair Price asked if this was a decision that had to be made by the Planning Board or  
40 the Board of County Commissioners.

41 Commissioner Hamilton said it is a requirement of the UDO.

42 Commissioner Fowler said the Board of Adjustment webpage says one regular member  
43 shall be a member of the Planning Board.

44 Commissioner Dorosin said with that information, Adam Beeman should be appointed.

45 Chair Price confirmed that Elizabeth Bronson and Adam Beeman will be appointed to  
46 the alternate positions, and Leon Meyers will move to the Regular At-Large position.

47 Commissioner Fowler said the UDO says the Planning Board position on the Board of  
48 Adjustment must be a regular member, not an alternate.

49 Commissioner Bedford said this requirement has not been adhered to in some time, and  
50 asked the County Attorney to research the issue and report back to the Board.

1 Commissioner Dorosin agreed and asked that the Board appoint Elizabeth Bronson in  
2 the meantime.

3  
4 **4. Board of Equalization and Review – Discussion on Date Correction Action and**  
5 **Appointment of New Members and Chair**

6  
7 This item was discussed as part of item 3.

8 As recognition of Thom Freeman-Stuart’s retirement at the end of the month, the Board  
9 extended congratulations to him and wished him well.

10  
11 A motion was made by Commissioner McKee, seconded by Chair Price to adjourn the  
12 meeting at 9:38 p.m.

13  
14 Roll call ensued

15  
16 **VOTE: UNANMIOUS**

17  
18  
19 Renee Price, Chair

20  
21  
22 Laura Jensen  
23 Clerk to the Board

24  
25 Submitted for approval by Laura Jensen, Clerk to the Board.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Motor Vehicle Property Tax Releases/Refunds

---

**DEPARTMENT:** Tax Administration

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**ATTACHMENT(S):**

Resolution  
Releases/Refunds Data Spreadsheet  
Reason for Adjustment Summary

**INFORMATION CONTACT:**

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

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

**BACKGROUND:** North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

- (a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
- (b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
- (c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

**FINANCIAL IMPACT:** Approval of these release/refund requests will result in a net reduction of \$2,195.15 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2020-2021 is \$23,565.34.

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

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

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

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

NORTH CAROLINA

RES-2021-018

ORANGE COUNTY

**REFUND/RELEASE RESOLUTION (Approval)**

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

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

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

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

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

Ayes: Commissioners \_\_\_\_\_

Noes: \_\_\_\_\_

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

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

\_\_\_\_\_  
Clerk to the Board of Commissioners

**BOCC REPORT - REGISTERED MOTOR VEHICLES**  
**APRIL 6, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Baity, Caroline	59530741	2020	21,700	-	(392.19)	County changed to Chatham (illegal tax)	
Harrison, David Haskell	59081344	2020	27,720	-	(492.67)	County changed to Chatham (illegal tax)	
Hills, Christina	59312116	2020	21,610	21,610	(105.14)	*Situs error (illegal tax)	
Khayrallah, Moise	25125304	2020	39,376	31,380	(134.62)	Value adjustment (appraisal appeal)	
May, Hessie	59569072	2020	9,781	9,781	(102.58)	*Situs error (illegal tax)	
Schrecengost, Gene	58838085	2020	34,998	34,998	(286.68)	*Situs error (illegal tax)	
Tillman, Jacob	58862978	2020	11,830	-	(227.45)	County changed to Durham (illegal tax)	
Tillman, Julia	58863169	2020	11,830	-	(227.45)	County changed to Durham (illegal tax)	
Weathers, Veonta	58764469	2020	16,920	-	(226.37)	County changed to Alamance (illegal tax)	
					(2,195.15)	<b>TOTAL</b>	

<b>Adjustment Descriptions</b>
<i>Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.</i>
<i>Illegal tax G.S. 105-381(a)(1)(b): e.g. when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.</i>
<i>Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.</i>
<i>Appraisal appeal G.S. 105-330.2(b): e.g. reduction in value due to excessive mileage or vehicle damage.</i>
<i>*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.</i>
<i>Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.</i>
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

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

### **Titles and Brands: Section 1, Chapter 7**

NCDMV Title Manual 14<sup>th</sup> Edition Revised January 2016

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

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

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

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

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

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

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

**Antique Vehicle:** A motor vehicle manufactured in 1980 and prior

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

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

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

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

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Property Tax Releases/Refunds

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**DEPARTMENT:** Tax Administration

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**ATTACHMENT(S):**

Resolution  
Releases/Refunds Data Spreadsheet

**INFORMATION CONTACT:**

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

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

**BACKGROUND:** The Tax Administration Office has received eleven 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 \$4,226.03 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

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

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

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

NORTH CAROLINA

RES-2021-019

ORANGE COUNTY

**REFUND/RELEASE RESOLUTION (Approval)**

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

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

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

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

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

Ayes: Commissioners \_\_\_\_\_

Noes: \_\_\_\_\_

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

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

\_\_\_\_\_  
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  
 APRIL 6, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Boucher, Kelsey Marie	3184486	2019	8,280	-	(332.34)	Assessed in error (illegal tax)	Gap bill: Registered in California during gap period
Chapel Hill Housing Authority	3183528	2020	37,800	-	(609.98)	Assessed in error (illegal tax)	Exempt property billed in error
Chen, Jason YU Chang	3184050	2019	3,910	-	(199.81)	Assessed in error (illegal tax)	Gap bill: Registered in Forsyth County during gap period
Ellenson, James Lee	3191822	2020	28,805	-	(428.59)	Assessed in error (illegal tax)	Gap bill: Registered in Orange County during gap period
Higgins, Christopher Daniel	3182325	2019	13,060	-	(544.96)	Assessed in error (illegal tax)	Gap bill: Registered in California during gap period
Khan, Zeba	3191894	2020	17,620	-	(260.64)	Assessed in error (illegal tax)	Gap bill: Registered in Florida during gap period
McKinney, Vivian	3190484	2020	6,870	-	(127.77)	Assessed in error (illegal tax)	Gap bill: Registered in West Virginia during the gap period
Ni, Edward	3190051	2020	10,950	-	(692.08)	Assessed in error (illegal tax)	Gap bill: Registered in Texas during the gap period
Rojas, Mario	3190523	2020	6,540	-	(290.22)	Assessed in error (illegal tax)	Gap bill: Registered in Fresno California during gap period
Sparrows Cemetery	3183112	2020	46,500	-	(566.79)	Assessed in error (illegal tax)	Exempt property billed in error
Underwood Tree Service & Landscaping Mate	3189979	2020	53,865	-	(172.85)	Assessed in error (illegal tax)	Vehicle's registration period was changed in error by NCDMV at registration renewal; Covid 19 extension for June renewals is November 2020. However when the taxpayer renewed in October, DMV changed the registration date to October triggering a four month gap in registration
				<b>Total</b>	<b>(4,226.03)</b>		
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.							
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.							
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.							

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Resolution Authorizing Exchange of Property for the Sheriff's Office

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**DEPARTMENT:** Sheriff's Office

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**ATTACHMENT(S):**

Resolution

**INFORMATION CONTACT:**

Sheriff Charles S. Blackwood,  
919.245.2900

Jennifer Galassi, Legal Advisor to the  
Sheriff, 919.245.2952

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**PURPOSE:** To approve a resolution authorizing the exchange of surplus ammunition for credit from AmChar Wholesale, Inc.

**BACKGROUND:** The Orange County Sheriff's Office is in possession of surplus ammunition that is either no longer needed by or not best suited for the agency. The Sheriff does not authorize the use of the Winchester 12 gauge slugs, and they are therefore obsolete. The Winchester 00 buckshot does not employ flitecontrol technology, which is an innovative and important feature necessary to deliver the tightest buckshot patterns available for law enforcement. Pursuant to North Carolina General Statutes § 160A-271, the Sheriff's Office has obtained an agreement with AmChar Wholesale, Inc. for exchange of the ammunition for full and fair consideration in the form of credit to be used for the purchase of law enforcement equipment, accessories, ammunition, etc.

**FINANCIAL IMPACT:** Following the required procedure under the General Statutes, a notice of the proposed exchange was published in the *News of Orange*. Upon the Board of Commissioner's adoption of the attached resolution, AmChar Wholesale, Inc. will take possession of the ammunition and provide the Sheriff's Office with credit in the amount of \$11,875, which can be used to purchase equipment needed for the Sheriff's Office.

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

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

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

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

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

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

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

**ORANGE COUNTY BOARD OF COMMISSIONERS**

## RESOLUTION AUTHORIZING EXCHANGE OF PROPERTY

WHEREAS, the Orange County Sheriff's Office is in possession of surplus ammunition that is either no longer needed by or not best suited for the agency; and

WHEREAS, AmChar Wholesale, Inc. has been in the firearms business since 1980. It is one of the top distributors in the industry for law enforcement entities and independent dealers in the United States; and

WHEREAS, the County and AmChar Wholesale, Inc. wish to make an even exchange of the surplus ammunition for merchandise credits; and

WHEREAS, North Carolina General Statute § 160A-271 authorizes the county to make such an exchange if authorized by the Board of Commissioners by a resolution adopted at a regular meeting of the board upon at least 10 days' public notice; and

WHEREAS, the county has given the required public notice, and the board is convened in a regular meeting.

THEREFORE, THE BOARD OF COMMISSIONERS OF ORANGE COUNTY HEREBY RESOLVES THAT:

1. The exchange of properties described above is authorized.
2. The appropriate county officials are directed to execute the appropriate instruments necessary to carry out the exchange.

Adopted April 6, 2021.

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Renee Price, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Change in BOCC Meeting Schedule for 2021

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**DEPARTMENT:** Board of Commissioners

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**ATTACHMENT(S):**

**INFORMATION CONTACT:**

Laura Jensen, Clerk to the Board, 919-245-2130

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**PURPOSE:** To consider changes to the Board of Commissioners' meeting calendar for 2021.

**BACKGROUND:** Pursuant to North Carolina General Statute 153A-40, the Board of County Commissioners must fix the time and place of its meetings or provide a notice of any change in the Meeting Schedule.

There is one proposed Meeting Calendar change for 2021, an addition of a virtual work session for Tuesday, May 11, 2021, following the virtual budget public hearing scheduled to begin at 7:00 pm. Members of the Board of Commissioners would be participating in the meeting remotely. As in prior meetings, members of the public would be able to view and listen to the meeting via online streaming video or on Spectrum Cable TV. The meetings would be streamed in real-time on the County's website for public viewing/listening, real-time broadcast on Spectrum Cable, and video-recorded for future television broadcast and reference on the County's website.

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

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

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

**RECOMMENDATION(S):** The Manager recommends the Board amend its meeting calendar for 2021 by adding a virtual work session for Tuesday, May 11, 2021 to begin after the conclusion of the virtual budget hearing scheduled for 7:00 pm.

ORD-2021-009

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Fiscal Year 2020-21 Budget Amendment #10

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**DEPARTMENT:** Finance and Administrative Services

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**ATTACHMENT(S):**

Attachment 1. Budget As Amended  
Spreadsheet

Attachment 2. Year-to-Date Budget  
Summary

**INFORMATION CONTACT:**

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

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

**BACKGROUND:**

**Health Department**

1. The Orange County Health Department has received the following additional funds:
  - **Delta Dental Grant** – receipt of \$2,500 in grant funding from Delta Dental. The funds will be used to purchase take-home cavity preventative items for child patients and teeth sealant and fluoride varnish to help younger patients with cavity prevention.
  - **COVID-19 Vaccination Program Grant** - The Orange County Health Department has received additional federal pass-through grant funds of \$379,285 from the North Carolina Department of Health and Human Services, Division of Public Health to support the COVID-19 pandemic response. The grant service period runs from March 1, 2021 through May 31, 2021. This funding will reimburse personnel expenses for staff assisting with vaccination activities, and decreases the fund balance appropriation in the General Fund by \$379,285 for the reimbursement of personnel funds the department will realize.

This budget amendment provides for the receipt of these funds for the purposes mentioned above. (See Attachment 1, column #1)

**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.

### Emergency Services

2. The Orange County Emergency Services Department has received additional grant funds totaling \$18,753 from the N.C. Department of Crime Control and Public Safety related to the Emergency Management Performance Grant awards. The department plans to use these funds to assist in maintaining the comprehensive Emergency Management Program. This budget amendment provides for the receipt of these grant funds, and amends the following grant project ordinance: *(See Attachment 1, column #2)*

**Emergency Management Performance Grant (\$18,753) - Project # 71049**

Revenues for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
EM Performance Grant Funds	\$483,420	\$18,753	\$502,173
<b>Total Project Funding</b>	<b>\$483,420</b>	<b>\$18,753</b>	<b>\$502,173</b>

Appropriated for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
EM Performance Grant	\$483,420	\$18,753	\$502,173
<b>Total Costs</b>	<b>\$483,420</b>	<b>\$18,753</b>	<b>\$502,173</b>

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

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

### Board of County Commissioners/Clerk's Office

3. The Board of County Commissioners (BOCC)/Clerk's Office is requesting the use of \$20,000 from the BOCC Contingency to contract facilitation services for the BOCC Elections Advisory Group. The facilitator for the BOCC Elections Advisory Group will:
  - Schedule a two-hour (+/-) meeting of the full Group to be held on the fourth Thursday of each month, unless otherwise necessary, beginning March 25th with the final scheduled meeting to occur on July 22nd.
  - Schedule other meetings of the full group as needed up to a total of ten meetings.
  - Draft agendas for each meeting based on input from group members and co-chairs for the Group and share with staff.
  - Finalize agendas that incorporate input.

- Review materials and plan for each meeting.
- Help facilitate Zoom meetings.
- Draft minutes for each meeting and if necessary review recordings of meetings.
- Develop and write final report for BOCC with input and review from Group members.
- Present, along with the Group Co-Chairs, the final report to the Board of Orange County Commissioners.

This budget amendment provides for the allocation of \$20,000 from the BOCC Contingency account to the department's contract services account to cover the above mentioned expenses. With this appropriation, \$704 remains available in the Contingency account for FY 2020-21. (See Attachment 1, column #3)

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

### Orange County Southern Branch Library Capital Project Ordinance

3. At its March 2, 2021 meeting, the Board of County Commissioners (BOCC) approved several reduction strategies in order to eliminate the projected \$1,807,160 deficit in the Orange County Southern Branch Library construction component of the project budget. Although most of the strategies will be incorporated as part of the FY 2021-26 Manager Recommended Capital Investment Plan (CIP) in Year 1 (FY 2021-22) funding, two of the reduction strategies approved by the BOCC impact current FY 2020-21 funding for this project. This budget amendment provides for the re-purposing of FY 2020-21 budgeted funds in the Conservation Easement Capital Project of \$500,000 and in the Generator Capital Project of \$450,000 to the Orange County Southern Branch Library Capital Project and amends the following Capital Project Ordinances:

#### **Conservation Easements (-\$500,000) - Project # 20006**

Revenues for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
Alternative Financing	\$3,233,947	(\$500,000)	\$2,733,947
From General Fund	\$696,521	\$0	\$696,521
Donations	\$1,020	\$0	\$1,020
NC Agriculture Development Grant	\$135,480	\$0	\$135,480
Eno River Association	\$252,843	\$0	\$252,843
Upper Neuse Clean Water Initiative	\$54,000	\$0	\$54,000
NC Conservation Reserve Program	\$18,800	\$0	\$18,800
Contribution from Hillsborough	\$6,157	\$0	\$6,157
USDA Farmland Protection	\$2,436,000	\$0	\$2,436,000
<b>Total Project Funding</b>	<b>\$6,834,768</b>	<b>(\$500,000)</b>	<b>\$6,334,768</b>

Appropriated for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
Conservation Easements	\$6,834,768	(\$500,000)	\$6,334,768
<b>Total Costs</b>	<b>\$6,834,768</b>	<b>(\$500,000)</b>	<b>\$6,334,768</b>

**Generator Projects (-\$450,000) - Project # 10050**

Revenues for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
Alternative Financing	\$958,000	(\$450,000)	\$508,000
From General Fund	\$30,000	\$0	\$30,000
<b>Total Project Funding</b>	<b>\$988,000</b>	<b>(\$450,000)</b>	<b>\$538,000</b>

Appropriated for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
Generator Projects	\$988,000	(\$450,000)	\$538,000
<b>Total Costs</b>	<b>\$988,000</b>	<b>(\$450,000)</b>	<b>\$538,000</b>

**Orange County Southern Branch Library (\$950,000) - Project # 10050**

Revenues for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
Alternative Financing	\$6,933,500	\$950,000	\$7,883,500
From County Capital	\$264,000	\$0	\$264,000
<b>Total Project Funding</b>	<b>\$7,197,500</b>	<b>\$950,000</b>	<b>\$8,147,500</b>

Appropriated for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
OC Southern Branch Library	\$7,197,500	\$950,000	\$8,147,500
<b>Total Costs</b>	<b>\$7,197,500</b>	<b>\$950,000</b>	<b>\$8,147,500</b>

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

**Coronavirus Relief Funding (CRF) – Round 2 Technical Amendment**

- As part of the Round 2 Coronavirus Relief Funding (CRF), the Town of Chapel Hill received \$806,852 as its per capita allocation. As part of Budget Amendment #4 on November 17, 2020, the Town allocated \$349,077 of these funds back to the Orange County Housing and Community Development Department, with \$55,206 to be used toward Emergency

Housing Assistance (EHA)/Housing Helpline personnel expenses, and \$293,871 to be used toward the County's Housing Stabilization efforts. The Town has allocated an additional \$99,990 to the Orange County Housing and Community Development Department to be used toward the County's Housing Stabilization efforts. This budget amendment provides for the receipt of these additional funds from the Town of Chapel Hill for the above stated purposes. *(See Attachment 1, column #4)*

**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.

### **Library Services**

5. Orange County Library Services has received additional State Aid funds of \$4,692 from the State Library of North Carolina. This brings the total budgeted funds to \$104,492 in FY 2020-21. The department has also received a \$1,000 donation from the Triangle Community Foundation. Both of these additional funds will be used to increase cataloging efforts to better tag and trace Diversity, Equity, and Inclusion (DEI) library collection materials within the collection. This budget amendment provides for the receipt of these additional funds for the above stated purpose. *(See Attachment 1, column #5)*

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

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

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

### **Department of Social Services**

6. The Department of Social Services has received notification from Cardinal Innovations of funds totaling \$487,200 for a broad set of services designed to support children in custody of the County who are presumptively Medicaid eligible and therefore also members of Cardinal. This sub-capitated payment arrangement includes Cardinal Innovations paying Social Services a per-member, per-month rate for each child in the custody of the County for whom Cardinal received Foster Children capitation payments from the North Carolina Department of Health and Human Services during the previous month. This amount is for July 2020 through March 2021. This budget amendment provides for the receipt of these funds in the DSS Client Services Fund, outside of the General Fund. *(See Attachment 1, column #6)*

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

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

### **Arts Commission**

7. The Arts Commission has received \$2,300 in donations for the Orange County Arts Support Fund relief efforts. These funds will be dispersed as grants in the next funding cycle. This budget amendment provides for the receipt of these donations for the above stated purpose in the Visitors Bureau Fund, outside of the General Fund (*See Attachment 1, column #7*).

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

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

**FINANCIAL IMPACT:** Financial impacts are included in the background information above. This budget amendment provides for the receipt of these additional funds in FY 2020-21, and increases the General Fund by \$8,192, the Emergency Telephone System Fund by \$18,753, the Community Development Fund by \$99,990, the DSS Client Services Funds by \$487,200, and the Visitors Bureau Fund by \$2,300.

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

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #9	#1 Health Department - receipt of additional federal pass-through grant funds of \$379,285 from the North Carolina Department of Health and Human Services to support the COVID-19 pandemic response; this funding reimburses personnel expenses for staff assisting with vaccination activities, and decreases the fund balance appropriation in the General Fund; also, receipt of \$2,500 in grant funds from Delta Dental	#2 Emergency Services - receipt of additional grant funds of \$18,753 from the N.C. Department of Crime Control and Public Safety; these funds will be used to assist in maintaining the comprehensive Emergency Management Program	#3 Board of County Commissioners/Clerk's Office - allocation of \$20,000 from the BOCC Contingency account to the department's contract services account to cover facilitation services for the BOCC Elections Advisory Group	#4 Coronavirus Relief Funding Technical Amendment - receipt of funds totaling \$99,990 from the Town of Chapel Hill from a portion of their per capita allocation of Round 2 Coronavirus Relief Funds to be used toward the County's Housing Stabilization efforts	#5 Library Services - receipt of additional State Aid funds of \$4,692 from the State Library of North Carolina; and a \$1,000 donation from the Triangle Community Foundation	#6 Social Services - receipt of \$487,200 from Cardinal Innovations for a broad set of services designed to support children in custody of the County who are presumptively Medicaid eligible and therefore also members of Cardinal.	#7 Arts Commission - receipt of \$2,300 in donations for the Orange County Arts Support Fund relief efforts. These funds will be dispersed as grants in the next funding cycle.	Budget as Amended Through BOA #10
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**General Fund**

<b>Revenue</b>												
Property Taxes	\$ 167,694,880	\$ -	\$ 167,694,880	\$ 167,694,880	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 167,694,880
Sales Taxes	\$ 23,827,353	\$ -	\$ 23,827,353	\$ 23,827,353	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,827,353
License and Permits	\$ 274,550	\$ -	\$ 274,550	\$ 274,550	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 274,550
Health	\$ 1,615,735	\$ -	\$ 1,615,735	\$ 2,717,154	\$ 381,785	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,098,939
Library	\$ 100,000	\$ -	\$ 100,000	\$ 132,438	\$ -	\$ -	\$ -	\$ -	\$ 4,692	\$ -	\$ -	\$ 137,130
<b>Intergovernmental</b>	<b>\$ 17,710,005</b>	<b>\$ -</b>	<b>\$ 17,710,005</b>	<b>\$ 25,139,587</b>	<b>\$ 381,785</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4,692</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 25,526,064</b>
Charges for Service	\$ 12,645,090	\$ -	\$ 12,645,090	\$ 12,645,090	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,645,090
Investment Earnings	\$ 515,000	\$ -	\$ 515,000	\$ 515,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 515,000
Miscellaneous	\$ 2,624,009	\$ -	\$ 2,624,009	\$ 3,281,960	\$ -	\$ -	\$ -	\$ -	\$ 1,000	\$ -	\$ -	\$ 3,282,960
Transfers from Other Funds	\$ 5,486,817	\$ -	\$ 5,486,817	\$ 6,701,817	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,701,817
Fund Balance	\$ 8,268,603	\$ -	\$ 8,268,603	\$ 7,562,411	\$ (379,285)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,183,126
<b>Total General Fund Revenues</b>	<b>\$ 239,046,307</b>	<b>\$ -</b>	<b>\$ 239,046,307</b>	<b>\$ 247,642,648</b>	<b>\$ 2,500</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,692</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 247,650,840</b>

**Expenditures**

Non-Departmental	\$ 687,264	\$ -	\$ 687,264	\$ 1,937,147	\$ -	\$ -	\$ -	\$ (99,990)	\$ -	\$ -	\$ -	\$ 1,837,157
<b>Support Services</b>	<b>\$ 12,773,209</b>	<b>\$ -</b>	<b>\$ 12,773,209</b>	<b>\$ 15,115,991</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (99,990)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 15,016,001</b>
County Commissioners	\$ 975,122	\$ -	\$ 975,122	\$ 975,122	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 975,122
<b>General Government</b>	<b>\$ 25,639,107</b>	<b>\$ -</b>	<b>\$ 25,639,107</b>	<b>\$ 26,169,128</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 26,169,128</b>
<b>Community Services</b>	<b>\$ 14,322,250</b>	<b>\$ -</b>	<b>\$ 14,322,250</b>	<b>\$ 15,002,995</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 15,002,995</b>
Health	\$ 10,461,605	\$ -	\$ 10,461,605	\$ 11,615,793	\$ 2,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,618,293
Library Services	\$ 2,483,318	\$ -	\$ 2,483,318	\$ 2,520,556	\$ -	\$ -	\$ -	\$ -	\$ 5,692	\$ -	\$ -	\$ 2,526,248
<b>Human Services</b>	<b>\$ 41,614,328</b>	<b>\$ -</b>	<b>\$ 41,614,328</b>	<b>\$ 43,608,256</b>	<b>\$ 2,500</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,692</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 43,616,448</b>
Public Safety	\$ 27,994,203	\$ -	\$ 27,994,203	\$ 28,281,419	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28,281,419
Education	\$ 111,737,971	\$ -	\$ 111,737,971	\$ 111,857,971	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 111,857,971
Transfers Out	\$ 4,965,239	\$ -	\$ 4,965,239	\$ 7,606,888	\$ -	\$ -	\$ -	\$ 99,990	\$ -	\$ -	\$ -	\$ 7,706,878
<b>Total General Fund Appropriation</b>	<b>\$ 239,046,307</b>	<b>\$ -</b>	<b>\$ 239,046,307</b>	<b>\$ 247,642,648</b>	<b>\$ 2,500</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,692</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 247,650,840</b>
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

**Visitors Bureau Fund**

<b>Revenues</b>												
Occupancy Tax	\$ 1,243,068	\$ -	\$ 1,243,068	\$ 1,243,068	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,243,068
Sales and Fees	\$ 500	\$ -	\$ 500	\$ 49,243	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 49,243
Intergovernmental	\$ 366,963	\$ -	\$ 366,963	\$ 569,224	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 569,224
Investment Earnings	\$ 4,000	\$ -	\$ 4,000	\$ 4,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,000
From General Fund	\$ -	\$ -	\$ -	\$ 230,667	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 230,667
Small Business Loan Funds	\$ -	\$ -	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Miscellaneous	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,300	\$ 2,300
Appropriated Fund Balance	\$ 6,486	\$ -	\$ 6,486	\$ 9,986	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,986
<b>Total Revenues</b>	<b>\$ 1,621,017</b>	<b>\$ -</b>	<b>\$ 1,621,017</b>	<b>\$ 2,156,188</b>	<b>\$ -</b>	<b>\$ 2,300</b>	<b>\$ 2,158,488</b>					

**Expenditures**

General Government	\$ 225,199	\$ -	\$ 225,199	\$ 288,942	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,300	\$ 291,242
Community Services	\$ 1,395,818	\$ -	\$ 1,395,818	\$ 1,867,246	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,867,246
<b>Total Visitors Bureau Fund Expenditures</b>	<b>\$ 1,621,017</b>	<b>\$ -</b>	<b>\$ 1,621,017</b>	<b>\$ 2,156,188</b>	<b>\$ -</b>	<b>\$ 2,300</b>	<b>\$ 2,158,488</b>					

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #9	#1 Health Department - receipt of additional federal pass-through grant funds of \$379,285 from the North Carolina Department of Health and Human Services to support the COVID-19 pandemic response; this funding reimburses personnel expenses for staff assisting with vaccination activities, and decreases the fund balance appropriation in the General Fund; also, receipt of \$2,500 in grant funds from Delta Dental	#2 Emergency Services - receipt of additional grant funds of \$18,753 from the N.C. Department of Crime Control and Public Safety; these funds will be used to assist in maintaining the comprehensive Emergency Management Program	#3 Board of County Commissioners/Clerk's Office - allocation of \$20,000 from the BOCC Contingency account to the department's contract services account to cover facilitation services for the BOCC Elections Advisory Group	#4 Coronavirus Relief Funding Technical Amendment - receipt of funds totaling \$99,990 from the Town of Chapel Hill from a portion of their per capita allocation of Round 2 Coronavirus Relief Funds to be used toward the County's Housing Stabilization efforts	#5 Library Services - receipt of additional State Aid funds of \$4,692 from the State Library of North Carolina; and a \$1,000 donation from the Triangle Community Foundation	#6 Social Services - receipt of \$487,200 from Cardinal Innovations for a broad set of services designed to support children in custody of the County who are presumptively Medicaid eligible and therefore also members of Cardinal.	#7 Arts Commission - receipt of \$2,300 in donations for the Orange County Arts Support Fund relief efforts. These funds will be dispersed as grants in the next funding cycle.	Budget as Amended Through BOA #10
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**Community Development Fund (Housing Displacement Program)**

**Revenues**

Transfer from General Fund	\$ 75,000		\$ 75,000	\$ 2,134,572				\$ 99,990				\$ 2,234,562
Donations				\$ 11,294								\$ 11,294
Intergovernmental				\$ 5,445,145								\$ 5,445,145
<b>Total Revenues</b>	\$ 75,000	\$ -	\$ 75,000	\$ 7,591,011	\$ -	\$ -	\$ -	\$ 99,990	\$ -	\$ -	\$ -	\$ 7,691,001

**Expenditures**

Housing Displacement Program	\$ 75,000		\$ 75,000	\$ 7,591,011				\$ 99,990				\$ 7,691,001
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**Grant Project Fund**

**Revenues**

Intergovernmental	\$ 480,481		\$ 480,481	\$ 665,588		\$ 18,753						\$ 684,341
Charges for Services	\$ 75,000		\$ 75,000	\$ 75,000								\$ 75,000
Transfer from General Fund	\$ 103,420		\$ 103,420	\$ 118,420								\$ 118,420
Miscellaneous			\$ -	\$ 277,411								\$ 277,411
Transfer from Other Funds			\$ -	\$ -								\$ -
Appropriated Fund Balance	\$ -	\$ -	\$ -	\$ -								\$ -
<b>Total Revenues</b>	\$ 658,901	\$ -	\$ 658,901	\$ 1,136,419	\$ -	\$ 18,753	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,155,172

**Expenditures**

Support Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
General Government	\$ 72,629	\$ -	\$ 72,629	\$ 89,127	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 89,127
Community Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Human Services	\$ 401,272	\$ -	\$ 401,272	\$ 711,883	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 711,883
EM Performance Grant	\$ 35,000	\$ -	\$ 35,000	\$ 70,000	\$ -	\$ 18,753	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 88,753
Public Safety	\$ 185,000	\$ -	\$ 185,000	\$ 335,409	\$ -	\$ 18,753	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 354,162
<b>Total Expenditures</b>	\$ 658,901	\$ -	\$ 658,901	\$ 1,136,419	\$ -	\$ 18,753	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,155,172

**DSS Client Services Fund**

**Revenues**

Intergovernmental	\$ -		\$ -	\$ 25,635								\$ 25,635
General Government	\$ -		\$ -	\$ 3,914					\$ 487,200			\$ 491,114
Transfer from Grant Projects	\$ -		\$ -	\$ -								\$ -
<b>Total Revenues</b>	\$ -	\$ -	\$ -	\$ 29,549	\$ -	\$ -	\$ -	\$ -	\$ 487,200	\$ -	\$ -	\$ 516,749

**Expenditures**

General Assistance			\$ -	\$ 29,549					\$ 487,200			\$ 516,749
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## Year-To-Date Budget Summary

*Fiscal Year 2020-21*

### General Fund Budget Summary

Original General Fund Budget	\$239,046,307
Additional Revenue Received Through Budget Amendment #10 (April 6, 2021)	
Grant Funds	\$2,680,571
Non Grant Funds	\$6,630,154
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	\$0
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	(\$706,192)
<b>Total Amended General Fund Budget</b>	<b>\$247,650,840</b>
Dollar Change in 2020-21 Approved General Fund Budget	\$8,604,533
% Change in 2020-21 Approved General Fund Budget	3.60%

### Authorized Full Time Equivalent Positions

Original Approved General Fund Full Time Equivalent Positions	940.480
Original Approved Other Funds Full Time Equivalent Positions	102.450
<b>Total Approved Full-Time-Equivalent Positions for Fiscal Year 2020-21</b>	<b>1,042.930</b>

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Merritt Mill Apartments Development Updates

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**DEPARTMENT:** Housing and Community  
Development

**ATTACHMENT(S):**

**INFORMATION CONTACT:**

Emila Sutton, Director, Housing and  
Community Development, (919) 245-  
2490

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**PURPOSE:** To receive an update on changes to the Merritt Mill developments being financed in part with Affordable Housing Bonds Funds and consider authorizing the developments to move forward as detailed.

**BACKGROUND:** In the fall of 2016, Orange County voters approved a \$5 million Affordable Housing Bond. Half of the bond funds (\$2.5 million) were awarded in 2017, with CASA, a 501(c)3 affordable housing developer, receiving two allocations totaling \$1,373,366 for the construction of affordable rental units. CASA's Merritt Mill East project was awarded \$636,533 to fund the development of 12 new rental units and Merritt Mill West received \$736,833 to construct 16 new rental units. Both developments were proposed to serve families earning at or below 50% of the area median income, with priority for people with disabilities and/or experiencing homelessness.

Since 2017, the projects have evolved to provide more affordable housing opportunities for low- and moderate-income Orange County residents. The two separate projects have merged into one 48-unit apartment development to serve families and individuals earning less than 60% of the area median income, and in 2020, CASA received a Low-Income Housing Tax Credit award from the North Carolina Housing Finance Agency to finance the project.

Due to these changes, all future documents such as development agreements will need to be executed between the County and Merritt Mill Apartments, LLC rather than CASA. CASA will be the managing member of the LLC. The ceremonial groundbreaking for Merritt Mill is scheduled for April 2021, with construction to begin later in the spring. CASA has consistently communicated its progress on this development with County staff, and requests approval from the Board to make the necessary changes to the development agreement for County Bond funding in order to execute the agreement.

**FINANCIAL IMPACT:** There are no financial impacts anticipated with this item.

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

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**  
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**  
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**  
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

**ENVIRONMENTAL IMPACT:** There are no Orange County Environmental Responsibility Goal impacts applicable to this item. Before implementation, all proposed projects will undergo review according to applicable planning, zoning, and environmental health authorities.

**RECOMMENDATION(S):** The Manager recommends that the Board approve the changes described herein to the Merritt Mill Apartments development agreement and authorize the County Manager to sign the agreement and all other necessary legal documents associated with the Bond awards to CASA following approval by the County Attorney's office.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Compliance Plans for CDBG-CV Grant

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**DEPARTMENT:** Housing and Community  
Development

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**ATTACHMENT(S):**

Attachment 1: Orange County CDBG-CV  
Fair Housing Plan  
Attachment 2: Orange County CDBG-CV  
Language Access Plan  
Attachment 3: Orange County CDBG-CV  
Section 3 Plan  
Attachment 4: Orange County CDBG-CV  
Equal Employment and  
Procurement Plan

**INFORMATION CONTACT:**

Emila Sutton, Director, Housing and  
Community Development, (919) 245-  
2490

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**PURPOSE:** To approve four plans required by the NC Department of Commerce as part of Orange County's Community Development Block Grant – Coronavirus (CDBG-CV) award.

**BACKGROUND:** On August 25, 2020, Governor Roy Cooper announced the availability of \$28 million from federal Community Development Block Grant – Coronavirus (CDBG-CV) funding to be disbursed to support rental and utility payments and prevent evictions for those with a demonstrated need. The funding will be distributed to eligible community agencies around the state that will work directly with North Carolinians on an application and disbursement process.

Orange County applied for and was awarded CDBG-CV funds to be used with the County's existing Emergency Housing Assistance (EHA) program, which prevents eviction and homelessness by providing financial assistance to help Orange County residents with low incomes secure and maintain stable housing. EHA assistance is available to households in Orange County that earn no more than 60% of the area median income, have an urgent need for housing assistance, and lack resources to cover the cost of their housing need.

As part of the CDBG-CV grant compliance requirements, Orange County must adopt the following plans that will apply to activities using CDBG-CV funds and use the templates provided by the NC Department of Commerce:

- Fair Housing Plan (Attachment 1)
- Language Access Plan (Attachment 2)
- Section 3 Plan (Attachment 3)
- Equal Employment and Procurement Plan (Attachment 4)

In order to adopt these plans, the Board of Commissioners must authorize the Board Chair to sign the Fair Housing Plan, Language Access Plan, Section 3 Plan, and Equal Employment and Procurement Plan.

**FINANCIAL IMPACT:** Approval of these plans is required in order to maintain Orange County's \$900,000 CDBG-CV grant.

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

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**  
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**  
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**  
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

**ENVIRONMENTAL IMPACT:** There are no Orange County Environmental Responsibility Goal impacts applicable to this item.

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign the Fair Housing Plan, Language Access Plan, Section 3 Plan, and Equal Employment and Procurement Plan for activities funded with Orange County's CDBG-CV award.

## Attachment 1

**Recipient's Plan to Further Fair Housing****Grantee:** Orange County**Recipient's Address:** PO Box 8181  
Hillsborough, NC 27278**Contact Person:** Erika Brandt**Contact Phone #:** 919-245-4331**Contact Email:** [ebrandt@orangecountync.gov](mailto:ebrandt@orangecountync.gov) **TDD #:****I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.**First Time  X  Past Activities  **II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community.** (Use additional pages as necessary)

In 2020, Orange County worked with the Center for Urban and Regional Studies at the University of North Carolina Chapel Hill to conduct an Analysis of Impediments to Fair Housing Choice (AI). The AI includes an analysis of Orange County laws, regulations, and administrative policies, procedures, and practices that affect the location, availability, and accessibility of housing. The AI also includes an assessment of conditions, both public and private, that affect fair housing choice.

The AI identified the following impediments to fair housing:

- **A lack of affordable housing has resulted in severe rent burdens among many renters, especially those with low and moderate incomes.** A majority of renters in the county are rent burdened—spending over 30% of household income toward rent and utilities; this figure exceeds 85% for households earning below \$35,000 and is still over half for households earning \$35,000–\$49,999. Meanwhile, over 80% of households earning under \$20,000 are severely rent burdened (meaning they pay over half their income toward rent and utilities), as are nearly 40% of households earning \$20,000–\$34,999.
- **African Americans and Hispanics face difficulties receiving conventional mortgage loans.** The denial rate for first-lien, conventional mortgages for African Americans is consistently over four times that of Whites, and the denial rate for Hispanics is between two and four times that of Whites as well. The most common reasons for denial, as noted in the HMDA data, are credit history for African Americans (33% of all denial reasons) and debt-to-income ratio for Hispanics (49% of all denial reasons).
- **Based on the number of fair housing complaints filed, disabled persons face difficulties accessing fair housing.** Nearly half of all fair housing complaints

filed in the 2010–2018 period were filed due to discrimination based on disability. Given that the county’s population with a disability is approximately 12,500, and that over a quarter of the elderly are also disabled, this is a significant barrier to fair housing.

- **There exists a lack of subsidized rental properties outside the Towns of Chapel Hill and Carrboro.** The only public housing in the county is located in Chapel Hill, and the vast majority of other subsidized properties are located in either Chapel Hill or Carrboro. To that end, six subsidized developments exist in Hillsborough, one exists in the Orange County portion of Mebane, and only one subsidized property exists in unincorporated Orange County.
- **Zoning throughout the county largely restricts the development of denser, more affordable housing.** Only a handful of areas in the county are zoned for moderately dense residential development (over four lots or units per acre), and resident opposition can complicate or inhibit the development of denser housing in those areas. Given the high cost of land in service-rich neighborhoods of Chapel Hill and Carrboro, low-density zoning can prevent the construction of affordable housing.

Based on the impediments above, the AI makes the following recommendations. :

- Seek more funds for subsidized housing. Low- and moderate-income households are disproportionately rent-burdened, and recently, rents have increased faster than wages.
- Encourage development of some subsidized housing outside of Chapel Hill and Carrboro.
- Educate landlords, property managers, and other housing providers about fair housing law and reasonable accommodation, especially as they pertain to persons with disabilities.
- Offer educational courses on mortgage lending and building credit scores that are geared toward African American and Hispanic borrowers.
- Encourage cooperation and coordination between the affordable housing advisory boards in the county.
- Explore funding options for a best-practices Rapid Rehousing program to serve homeless individuals and families in Orange County.
- Identify ways to protect residents of mobile home parks who may be under threat of displacement.
- Consider areas to strategically up-zone to promote the development of affordable housing.

**III. Will the above activities apply to the total municipality or county?**

Yes  X  No \_\_\_\_\_

**If no, provide an explanation.**  
(Use additional pages as necessary)

**IV. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. *Activities must be scheduled for implementation at least on a quarterly basis.* (Use attached table)**

**Grantee Name:** Orange County

<b>Quarterly Fair Housing Activity</b>	<b>Months</b>	<b>Year</b>	<b>Estimated Cost</b>	<b>Actual Cost</b>
<p><b>Seek more funds for subsidized housing.</b></p> <p>Orange County Housing and Community Development Department, and its partners in the Towns of Carrboro, Chapel Hill, and Hillsborough are constantly seeking funding opportunities for affordable housing in the community, and will continue to do so ongoing throughout the CDBG-CV grant period.</p> <p>Examples of recent funding secured for affordable housing – in addition to this CDBG-CV grant – include Coronavirus Relief Funds (CRF) allocated to the County, CRF funds from the NC Department of Health and Human Services, and Emergency Solutions Grant (ESG) funds from the NC Department of Health and Human Services.</p>	Jan-Mar	2021	\$0	
	Apr-Jun	2021	\$0	
	Jul-Sep	2021	\$0	
	Oct-Dec	2021	\$0	
	Jan-Mar	2022	\$0	
	Apr-Jun	2022	\$0	
	Jul-Sep	2022	\$0	
	Oct-Dec	2022	\$0	
	Jan-Mar	2023	\$0	
	Apr-Jun	2023	\$0	
<p><b>Explore funding options for a best-practices Rapid Rehousing program to serve homeless individuals and families in Orange County.</b></p> <p>Orange County Housing and Community Development Department and the Orange County Partnership to End Homelessness set up and funded a best-practice Rapid Rehousing program in 2020, using ESG funds, ESG – Coronavirus (ESG-CV) funds, and HOME Investment Partnerships Program (HOME) funds. We estimate that at full capacity – with two full-time case managers with full caseloads – the annual budget requirement will be \$432,000.</p>	Jan-Mar	2021	\$108,000	
	Apr-Jun	2021	\$108,000	
	Jul-Sep	2021	\$108,000	
	Oct-Dec	2021	\$108,000	
	Jan-Mar	2022	\$108,000	
	Apr-Jun	2022	\$108,000	
	Jul-Sep	2022	\$108,000	
	Oct-Dec	2022	\$108,000	
	Jan-Mar	2023	\$108,000	
	Apr-Jun	2023	\$108,000	

<p><b>Identify ways to protect residents of mobile home parks who may be under threat of displacement.</b></p> <p>Orange County Housing and Community Development Department is working with the Towns of Chapel Hill, Carrboro, and Hillsborough to align mobile home park displacement prevention and relocation strategies.</p> <p>The County currently has funds for mobile home park infrastructure upgrades (about \$1 million) and a small amount of funds for mobile home replacement and relocation when a resident faces displacement. The County and the Towns plan to create a joint plan to ensure how a rapid response when opportunities to prevent displacement of mobile home park residents and/or assist with relocation arise, and propose broadening the allowable uses of existing funds to provide the flexibility needed to respond to mobile home needs as they arise.</p> <p>Once the joint plan is developed, we estimate an annual budget of at least \$500,000 will help fund expenses related to park upgrades, relocation, etc.</p>	Jan-Mar	2021	\$125,000	
	Apr-Jun	2021	\$125,000	
	Jul-Sep	2021	\$125,000	
	Oct-Dec	2021	\$125,000	
	Jan-Mar	2022	\$125,000	
	Apr-Jun	2022	\$125,000	
	Jul-Sep	2022	\$125,000	
	Oct-Dec	2022	\$125,000	
	Jan-Mar	2023	\$125,000	
	Apr-Jun	2023	\$125,000	

- V. Describe recipient's method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures. (Use additional pages as necessary)**

From the Orange County Civil Rights Ordinance:

<http://orangecountync.gov/DocumentCenter/View/2673/Orange-County-Civil-Rights-Ordinance-PDF>

- a) Any person or persons wishing to file a complaint of housing discrimination in Orange County may do so by submitting the complaint to the Orange County Human Relations Commission.
- b) Complaints shall be in writing, signed and verified by the Complainant. Complaints shall state the facts upon which the allegation of an unlawful discriminatory practice is based and shall contain such other information and be in such form as the Commission requires.
- c) Commission staff shall assist Complainants, if necessary, in reducing Complaints to writing and shall assist in setting forth the information in the Complaint as may be required by the Commission.
  - 1) The Complaint must be filed with the Commission no later than one (1) year from the date of the occurrence, or cessation of the alleged unlawful practice.
- d) The Commission staff shall serve upon the Respondent and Complainant, in accordance with the North Carolina Rules of Civil Procedure, a copy of the Complaint and a notice advising the Respondent and Complainant of his or her procedural rights and obligations under this Ordinance within ten (10) days after the Complaint is filed with the Commission.
- e) A Respondent may file an answer to the Complaint within ten (10) days after receiving a copy of the Complaint. Answers shall be signed and verified by the Respondent and shall be filed with the Commission.
- f) With leave of the Commission staff, which leave shall be granted whenever it would be reasonable and fair to do so, Complaints and Answers may be amended at any time. Amendments shall be reduced to writing, signed, verified, and filed with the Commission. Amendments shall relate back to the date the original Complaint or Answer was filed.
- g) The Commission staff shall, within thirty (30) days after the filing of a Complaint, commence an investigation into the allegations contained in the Complaint.
- h) In conducting an investigation, the Commission staff shall have access at all reasonable times to premises, records, documents, individuals, and other evidence

- or possible sources of evidence to ascertain the factual basis of the allegations contained in the Complaint. Further, the Commission staff may examine, record, and copy such materials and take and record the testimony or statements of such persons as reasonably necessary for the furtherance of the investigation.
- i) In conducting an investigation, the Commission staff may, in accordance with the North Carolina Rules of Civil Procedure:
    - 1) issue subpoenas compelling access to or production of documents, materials, or other evidence;
    - 2) issue subpoenas compelling witnesses, including any party, to appear and give testimony before the Commission staff;
    - 3) issue subpoenas compelling witnesses, including any party, to appear and give testimony at a deposition;
    - 4) take depositions of witnesses, including any party; and
    - 5) issue interrogatories to a Respondent.
  - j) Upon written application to the Commission staff, a Respondent shall be entitled to the issuance of interrogatories directed to the Complainant, to the issuance of a reasonable number of subpoenas for the taking of depositions, and to the issuance of a reasonable number of subpoenas for the production of evidence.
  - k) In the case of refusal to obey a subpoena, answer an interrogatory, answer a question propounded in a deposition, or answer a question propounded during an interview conducted by the Commission staff pursuant to this section, the Commission staff or the Respondent may make a motion in the Superior Court to compel a person to obey the subpoena, answer the interrogatory, or answer the question. The North Carolina Rules of Civil Procedure shall apply to the making of such motions. If a person fails to obey an order issued pursuant to this subsection, the court may apply any or all of the sanctions available in Rule 37 of the North Carolina Rules of Civil Procedure.
  - l) Whenever the Commission staff concludes on the basis of a preliminary investigation of a Complaint that prompt judicial action is necessary to carry out the purposes of this Ordinance, the Commission may commence a civil action in the Superior Court for injunctive relief pending final disposition of the Complaint. Any injunctive relief shall be ordered in accordance with Rule 65 of the North Carolina Rules of Civil Procedure. The commencement of a civil action to obtain injunctive relief shall not affect the continuation of the Commission staff's investigation or the initiation of a separate civil action provided for in this Ordinance.
  - m) Complaints may be resolved at any time by informal conference, conciliation, or persuasion. Nothing said or done in the course of such informal procedure may be made public by the Commission or used as evidence in any subsequent proceeding without the written consent of the person concerned. However, all

resolutions of complaints shall be reduced to writing, shall be signed by the Complainant, the Respondent, and by the Commission staff and shall be enforceable as a binding contract by the Commission pursuant to the applicable provisions of North Carolina law, statutory and common.

**Approved By:**

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<b>Name and Title of Chief Elected or Executive Officer</b>	<b>Signature</b>	<b>Date</b>
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## Providing Meaningful Communication with Persons with Limited English Proficiency

*Orange County, North Carolina  
NC CDBG-CV Program  
January 2021 – June 2023*

*The purpose of this Policy is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.*

### **POLICY:**

*The language below is from the Orange County Language Access Policy, approved by the Orange County Board of Commissioners on June 16, 2020:*

<https://www.orangecountync.gov/DocumentCenter/View/11565/>

#### **I. Policy Statement**

It is the policy of Orange County to provide timely meaningful access for Limited English Proficiency (“LEP”) persons to all Orange County government services, programs and activities. All language assistance services are free to all LEP individuals who requests language assistance services.

#### **II. Purpose and Authority**

The purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, for Orange County employees to follow when providing services to, or interacting with, individuals who have limited English proficiency (“LEP”). Following this Policy is essential to the success of our mission to provide meaningful access to the LEP community to all Orange County services, programs and activities.

#### **III. Staff Compliance**

Orange County personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. Each County Department Director is responsible to ensure their respective departments have a Language Access Plan, LEP persons have access to the services their department provides, and to ensuring department staff receives training on providing language access services to the LEP community.

#### **IV. Definitions**

- A. Bi-lingual staff – A staff person employed by Orange County who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language as authorized by his or her department.
- B. Interpretation – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning. C.
- C. Language Assistance Services – Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with

- meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Department.
- D. Limited English Proficient (LEP) Individuals – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).
  - E. Meaningful Access – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual.
  - F. Primary Language – An individual’s primary language is the language in which an individual most effectively communicates.
  - G. Program or Activity – The term “program or activity” and the term “program” mean all of the operations of the Department.
  - H. Qualified Translator or Interpreter – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through testing by the Department of Human Rights and Relations, Certification by a qualified entity, or is authorized to do so by contract with the Department and if a County employee approved by his or her department.
  - I. Sight Translation – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.
  - J. Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
  - K. Vital Document – Paper or electronic written material that contains information that is critical for accessing a component’s program or activities, or is required by law.

## **V. Language Assistance Measures**

Ensuring the quality and accuracy of language assistance services provided by each Department is critical to providing LEP individuals with meaningful access to department programs and activities.

- A. Identification of LEP Communities. Orange County shall assess the number or proportion of LEP persons from each language group in The County to determine appropriate language assistance services. The analysis shall include persons in Orange County with whom your departments comes into contact while carrying out service functions. The assessment shall include all communities who are eligible for services or are likely directly affected by programs or activities. Departments may determine the linguistic characteristics of an LEP population in their Orange County service area by reviewing available data from federal, state, and local government agencies, community, and faith based organizations. A department should also identifying and tracking the primary language of LEP individuals that seek and receive programs and services. By regularly collecting and updating this data, departments will be able to accurately identify and efficiently address the changing needs of their LEP communities.
- B. Quality of Language Access Services. The Department of Human Rights and Relations is delegated with the authority to ensure that the County will take reasonable steps to ensure that all staff or contracted personnel who serve as translators, interpreters or who communicate “in-language” with LEP persons are competent to do so. Considerations of competency in light of particular tasks may include:

1. Demonstrated proficiency in and ability to communicate information accurately in both English and the other language;
  2. Identifying and employing the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation), translating, or communicating fluently in the target language;
  3. Knowledge in both languages of any specialized terms or concepts particular to the component's program or activity and of any particularized vocabulary used by the LEP person;
  4. Understanding and following confidentiality, impartiality, and ethical rules to the same extent as Department staff;
  5. Understanding and adhering to their role as interpreters, translators, or bi-lingual staff. Department liaisons shall also take reasonable steps to ensure that when translating text, all staff or contracted personnel who serve as translators are briefed by department staff on the context and intended audience.
  6. Absent exigent circumstances, Departments shall avoid using family members (including children), neighbors, friends, acquaintances, and bystanders to provide language assistance services. Departments shall also avoid using individual opposing parties, adverse witnesses, or victims to a dispute as interpreters. Using family, friends, bystanders, or parties to a dispute to interpret could result in a breach of confidentiality, a conflict of interest, or inadequate interpretation.
- C. Types of Language Assistance Services. There are two primary types of language assistance services: oral and written.
1. Interpretation Services. Oral language assistance service may come in the form of "in-language" communication (a qualified bi-lingual staff member communicating directly in an LEP person's language) or interpreting. An interpreter renders a message spoken in one language into one or more other languages. Interpretation can take place in-person, through a telephonic interpreter, or via internet or video interpreting. Departments shall ensure the Department of Human Rights and Relations has designated interpreters as "qualified" prior to engaging them for services.
  2. Translation of Vital Documents. Departments should proactively translate vital written documents into the frequently encountered languages of LEP groups served or likely to be affected by the benefit, program or service in Orange County. When Department staff have reason to believe that an individual is LEP, the department must respond to that LEP individual in a language he or she understands. For example, a letter sent to a specific LEP person should be translated into the appropriate language for that individual to ensure effective communication. Departments should also have a language access plans in place for handling written communication with LEP individuals in less frequently encountered languages.
    - a. Departments shall prioritize translation of vital documents. Classification of a document as "vital" depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. The determination of what documents are considered "vital" is left to the discretion of individual department, which are in the best position to evaluate their circumstances and services within their language access planning materials.

- b. Types of vital documents – There are two types of Vital Documents, those meant for the general public or a broad audience, and those that are specific communications regarding a case or matter between an individual and the Department. Each department should exercise its discretion in creating a process for identifying and prioritizing vital documents or texts to translate. Departments should ensure all translations are completed by translators who are designated as “qualified” by the Department of Human Rights and Relations.
- c. Documents that may be considered “vital” may include, but are not limited to, certain:
  - i. Administrative complaints, release, or waiver forms;
  - ii. Claim or application forms;
  - iii. Public outreach or educational materials (including web-based material);
  - iv. Letters or notices pertaining to policies changes or updates;
  - v. Written notices of rights, denial, loss, or decreases in benefits or services, or hearings;
  - vi. Forms or written material related to individual rights;
  - vii. Notices of community meetings or other community outreach;
  - viii. Notices regarding the availability of language assistance services provided by the component at no cost to LEP individuals;

D. Notice of Language Assistance Services. Departments must inform LEP individuals of their eligibility for benefits, programs, and services in a language they understand. Departments should assess all points of contact, telephone, in-person, mail, and electronic communication its staff has with the public and LEP individuals when determining the best method of providing notice of language assistance services. A Department should not only provide oral and written language access services, but also must explain how LEP individuals can access available language assistance services.

## VI. Staff Training

- A. Language Access Training is mandatory for department directors, supervisors, interpreters, translators, or frontline staff who encounter LEP individuals. Staff shall receive training on identifying LEP customers and the procedures for accessing language assistance services provided by the County. New employees will receive training at new employee orientation on available language access resources. Yearly training will be available to existing staff to ensure effective implementation of the policies and procedures.
- B. Supervisors will be responsible for department level training on the department’s language access plan. They will provide training for all staff before this new plan is implemented. Included in the training will be a review of the Language Access Policy and Procedures; training on utilizing translation services for written materials, and utilizing currently used language and sign language interpreter services. Subsequent training of new or existing staff will be the responsibility of the manager/supervisor.
- C. Training for language access services will include training on LEP services, cultural sensitivity, and customer service to help staff deliver effective and efficient language access services to our LEP clients. The training will be delivered via a blended approach, using a variety of tools, such

as in-person classroom style training, and on-line webinars designed to enhance skills, including the language skills of our employees.

## **VII. Bilingual Staff**

Orange County has a multi-lingual hiring preference for positions that provide direct, critical services to LEP clients, these position are advertised to attract bi-lingual candidates. Positions, the County Manager determines provide direct critical services to the LEP community, may require that bi-lingual persons serve in those positions. Prior to becoming an Orange County employee, a candidate shall be tested to ensure that are competent in each required language. Bi-lingual employees may receive additional remuneration.

## **VIII. Performance Measurement**

Orange County shall conduct an audit of language assistance services on an annual basis. An audit consists of monitoring, evaluating and updating the Language Access Policy, plan and procedures as needed.

## **IX. Language Access Plan**

The Department of Human Rights shall develop a Language Access Plan and procedures under the direction and with the approval of the County Manager. The Language Access Plan and any procedures shall assist County departments in defining tasks, setting deadlines and priorities, assigning responsibility, and allocating the resources necessary to come into or maintaining compliance with language access requirements. It will also describes how departments will meet the service delivery standards.

## **ADDITIONAL DEFINITIONS:**

***Title VI Compliance Officer:*** The person or persons responsible for administering compliance with the Title VI LEP policies.

***Substantial number of LEP:*** 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

## **PROCEDURES:**

### **1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE**

Orange County will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or "I speak cards," provided by the Rural Economic Development Division (REDD) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

### **2. OBTAINING A QUALIFIED INTEPRETER**

List the current name, office telephone number, office address and email address of the Title VI compliance officer:

**Marlyn Valeiko, LEP Specialist**

Orange County Human Rights and Relations Department

Phone: 919-245-2498

Email: [mvaleiko@orangecountync.gov](mailto:mvaleiko@orangecountync.gov)Office Address: 1000 Corporate Dr, Suite 400  
Hillsborough, NC 27278

***(Note: The agency must notify the REDD Compliance Office immediately of changes in name or contact information for the Title VI compliance officer.)***

**Check all methods that will be used:**

Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff (*provide the list*):

Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;

Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

***(Identify the agency(s) name(s) with whom you have contracted or made arrangements)***

- **American Sign Language:** Communication Services for Deaf and Hard of Hearing
- **Arabic:** Samar Shawa
- **Chinese (Mandarin):**
  - Cindy Chen
  - Daniel Qiao
- **Karen:** Margaret Toe
- **Burmese:** Margaret Toe
- **Spanish:**
  - Benjamin Beaton
  - Lissette Saca
  - Lucia Centeno
  - Patricia Nadabar
  - Spanish Without Borders
  - TILDE Language Justice Cooperative
- **Various Languages:**
  - CHICLE Language Institute
  - FLUENT Language Solutions
  - Telelanguage
  - Refugee Community Partnership (Chin, Karen, Burmese, Kinyamulenge, Kinyarwanda, Kirundi, Lingala, Swahili, French)
  - United Language Group

Have/has agreed to provide qualified interpreter services. The agency's (or agencies') telephone number(s) is/are (*insert number (s)*), and the hours of availability are (*insert hours*).

Other (*describe*):

**All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.**

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

### 3. PROVIDING WRITTEN TRANSLATIONS

- i. Orange County will set benchmarks for translation of vital documents into additional languages. (*please ensure to keep records of those documents that apply to your agency*)
- ii. When translation of vital documents is needed, Orange County will submit documents for translation into frequently-encountered languages.
- iii. Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

### 4. PROVIDING NOTICE TO LEP PERSONS

Orange County will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. Example: The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the main lobbies, waiting rooms, etc.

*(Include those areas that apply to your agency).*

Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations

*(Include those that apply to your agency).*

## **5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION**

On an ongoing basis, Orange County will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, Orange County will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

### **I. Compliance Procedures, Reporting and Monitoring**

#### **A. Reporting**

The agency will complete an annual compliance report and send this report to REDD. (Format will be supplied by REDD)

#### **B. Monitoring**

The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system proposed by the local government. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the REDD upon request.

The agency will cooperate, when requested, with special review by the REDD.

### **II. Applicant/Recipient Complaints of Discriminatory Treatment**

#### **A. Complaints**

The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy. The form can be found at <https://www.nccommerce.com/documents/cdbg-compliance-plans>.

The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.

The agency will notify the appropriate section within REDD of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

#### **B. Resolution of Matter**

If the matter cannot be resolved by informal means, the individual will be informed of his or her right to appeal further to REDD. This notice will be provided in the primary language of the individual with Limited English Proficiency.

The REDD Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.

If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.

If not resolved by REDD, then complaint will be forwarded to Department of Justice (DOJ), Department of Housing and Urban Development (HUD) Field Office.

SUBMITTED AND ADOPTED BY:

\_\_\_\_\_

Name of County Manager or Chairman of Board

\_\_\_\_\_

Signature of County Manager or Chairman of Board

\_\_\_\_\_

Date

**Local Jobs Initiative**  
**Section 3 Plan**  
**Local Economic Benefit for Low- and Very Low-Income Persons**

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*NC Department of Commerce and its sub-recipient  
Orange County, North Carolina  
NC CDBG-CV Program*

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*January 2021 – June 2023*

#### I. APPLICATION AND COVERAGE OF POLICY

*NC Commerce and any of its sub-recipients* are committed to the policy that, to the greatest extent possible, opportunities for training and employment be given to lower income residents of the community development project area and contracts for work in connection with federally assisted community development project be awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, *NC Commerce and any of its sub-recipients* of the Community Development Block Grant - Coronavirus (CDBG-CV) has developed and hereby adopts the following Plan:

*NC Commerce and any of its sub-recipients* will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (24 CRF Part 135), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development, and all applicable rules and orders of the Department issued thereunder.

This Section 3 covered project area for the purposes of this grant program shall include *NC Commerce and any of its sub-recipients* and portions of the immediately adjacent area.

*NC Commerce and any of its sub-recipients* will be responsible for implementation and administration of the Section 3 plan. In order to implement the *NC Commerce and any of its sub-recipient's* policy of encouraging local residents and businesses participation in undertaking community development activities, the *NC Commerce and any of its sub-recipients* will follow this Section 3 plan which describes the steps to be taken to provide increased opportunities for local residents and businesses.

This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

When in need of a service, *NC Commerce and any of its sub-recipients* will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and Small Business Administration local offices. Word of mouth recommendation shall also be used as a source.

## Attachment 3

The *State of North Carolina and any of its sub-recipients* will include the Section 3 clause and this plan in all contracts executed under this Community Development Block Grant (CDBG) Program. Where necessary, listings from any agency noted above deemed shall be included as well as sources of subcontractors and suppliers. The Section 3 Plan shall be mentioned in the pre- bid meetings and preconstruction meetings.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the North Carolina Employment Security Commission – Orange County shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in our project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise the pertinent information regarding the project including all Section 3 required information. Community Investment and Assistance (CI) should be contacted with the Bid Materials to distribute the information throughout their list serve to reach out the communities.

## II. AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION

*NC Commerce and any of its sub-recipients* will take the following steps to assure that low income residents and businesses within the community development project area and within Orange County are used whenever possible: (Describe below)

- Use the HUD Section 3 Business Registry to identify qualified Section 3 businesses in Orange County
- Assure that qualified businesses and Section 3 residents are solicited whenever they are potential sources of contracts, services or supplies for projects funded by Orange County's CDBG-CV program
- Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by businesses and residents
- Establish delivery schedule, where the requirements permits, which encourages participation by area for businesses and residents

Please check the methods to be used for the Section 3 program in your community:

*NC Commerce and any of its sub-recipients* will place a display advertisement in the local newspaper containing the following information:

- i. A brief description of the project
- ii. A listing of jobs, contracts and supplies likely to be utilized in carrying out the project.
- iii. An acknowledgement that under Section 3 of Housing and Community Development Act, local residents and businesses will be utilized for jobs, contract and supplies in carrying out the project to the greatest extent feasible.

## Attachment 3

- iv. A location where individuals interested in jobs or contracts can register for consideration
- v. A statement that all jobs will be listed through and hiring will be done through the local office of the North Carolina Employment Security Commission; a statement that all contracts will be listed with the North Carolina Division of Purchase and Contracts; and a statement that potential employees and businesses may seek development and training assistance through various state and local agencies, or which Orange County will maintain a list for individuals and business concerns inquiring information

Training and technical assistance will be provided by the local community college for low income residents requiring skills to participate in community development project activities. Referrals will be made to the community college, local Private Industry Councils, Job Training Partnership Act (29 U.S.C. 1579 (a)) (JTPA) Programs, and job training programs provided by local community action agencies as appropriate. Residents and businesses will be encouraged to participate in state and/or federal job training programs that may be offered in the area.

Low income residents and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:

- i. Advertisement in the local newspaper
- ii. Posting of Section 3 Plan at the County Courthouse
- iii. County Board meeting when project activities and schedules are discussed
- iv. Open meetings of Project Advisory Committee when everyone in neighborhood is invited
- v. Notification to other agencies that provide services to low-income people.

Other (describe):

***NC Commerce and any of its sub-recipients*** will, to the greatest extent feasible, utilize lower income area residents as trainees and employees:

1. Encourage rehabilitation contractors to hire local area residents
2. Encourage public works contractors to hire local area residents

***NC Commerce and any of its sub-recipients*** will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area

1. Contract with local contractors to perform demolition activities, and housing rehabilitation activities.
2. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.
3. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores

### III. RECORDS AND REPORTS

***NC Commerce and any of its sub-recipients*** will maintain such records and accounts and furnish such information and reports as are required under the Section 3 regulations, and permit authorized

Attachment 3

representatives of State CDBG, and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with this Section 3 Plan.

NC Commerce and any of its sub-recipients shall report annually the Section 3 numbers using the form HUD 60002 to State CDBG at the end of the calendar year as part of the Annual Performance Report (APR).

IV. MONITORING COMPLIANCE

*NC Commerce and any of its sub-recipients* may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notice, and published information will be kept to document the implementation of the plan.

V. COMPLAINTS CONTACT

Please provide the main contact in case that any complaint is received from the general public on Section 3 compliance (including name, phone number, address, and email):

Erika Brandt, Housing and Community Development Manager  
Phone: 919-245-2490  
Email: [ebrandt@orangecountync.gov](mailto:ebrandt@orangecountync.gov)  
Office Address: 300 W. Tryon St  
Hillsborough, NC 27278

\_\_\_\_\_  
\_\_\_\_\_

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ (*Chief Elected Official*)

ATTEST: \_\_\_\_\_ (*Clerk*)

## Attachment 4

**Orange County, NC**  
**NC CDBG-CV Grant**  
*Grant Number 20-V-3505*

**Equal Employment and Procurement Plan**

Orange County, NC maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy, Orange County prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

Orange County shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the County Manager and/or other persons designated by the Chief Elected Official to assist in the implementation of this policy statement.

Orange County shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the Chief Elected Official.

Orange County is committed to this policy and is aware that with its implementation, Orange County will receive positive benefits through the greater utilization and development of all its human resources.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
*(Chief Elected Official)*

ATTEST:

\_\_\_\_\_  
 (Clerk)

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** April 6, 2021

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

**SUBJECT:** Approval of the Continuity of Services Plan to Guide Realignment from Cardinal Innovations Healthcare to Alliance Health

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**DEPARTMENT:** County Manager's Office

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**ATTACHMENT(S):**  
Continuity of Services Plan

**INFORMATION CONTACT:**  
Travis Myren, Deputy County Manager,  
919-245-2308

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**PURPOSE:** To approve the Local Management Entity/Managed Care Organization (LME/MCO) Continuity of Services Plan to guide the process of disengaging from Cardinal Innovations Healthcare and realigning with Alliance Health to administer Medicaid and uninsured behavioral health and intellectual/developmental disability services for Orange County residents that are insured by Medicaid or are uninsured.

**BACKGROUND:** North Carolina General Statutes and the North Carolina Administrative Code authorize and prescribe the process through which a County may seek permission to disengage from one LME/MCO and realign with another. The final decision making authority rests with the Secretary of the North Carolina Department of Health and Human Services.

The Board of Commissioners initiated this disengagement process by approving the County's Intent to Disengage on November 5, 2020. Formal notice of the Intent to Disengage was transmitted to the Secretary of the North Carolina Department of Health and Human Services, the Co-Chairs of the Joint Legislative Oversight Committee on Health and Human Services, and the affected counties on November 16, 2020.

The disengagement process also required the Board of Commissioners to approve a Disengagement Plan. This Plan created a Realignment Committee consisting of key county officials and agencies, Alliance Health and Cardinal Innovations Healthcare representatives, and other appropriate stakeholders and initiated a sixty (60) calendar day public comment period. During the comment period, the County is required to solicit comments from consumers, advocates, self-advocates, and Consumer and Family Advisory Committees (CFACs). Following the sixty (60) day comment period, the comments will be posted on the County's website for a minimum of thirty (30) calendar days. The Board approved the Disengagement Plan on February 16, 2021.

## **Continuity of Services Plan**

This abstract continues the legally mandated disengagement process by proposing approval of a Continuity of Services Plan that outlines how the management of Medicaid and uninsured behavioral health and intellectual/developmental disability services will transition from Cardinal Innovations Healthcare to Alliance Health.

- **Members Served**

The goal of the Plan is to facilitate a seamless transition for the members served. Alliance Health has committed to bring into its network to continue to serve members all such members' providers that are in good standing and meet all applicable state imposed rules and requirements. Additionally, Alliance Health has committed to honor all open service authorizations for members to prevent any disruption in services.

- **Community Services**

Each LME/MCO has some unique services that are not necessarily offered by its counterparts in a different region. Alliance Health has committed to ensuring a full complement of services is available to meet the behavioral health and intellectual and developmental disability needs of County residents that are insured by Medicaid or are uninsured. For example, Alliance will continue to offer transitional employment such as the service administered by Club Nova. Additionally, Alliance will continue to offer peer bridging from crisis facilities, such as Freedom House Recovery Center, to community providers.

- **Community and Member Engagement**

Alliance Health will engage the current CFAC members in the County and begin the development of a charter and member recruitment for a local Alliance Orange County CFAC. Alliance Health also employs a system of care approach that will work with local organizations and public partners to address social and environmental factors, including homelessness, food insecurity, and lack of transportation, that particularly impact the overall health and quality of life of individuals that lack health coverage. Finally, Alliance Health will utilize its Outreach and Education and Member and Community Engagement teams to help individuals navigate the human services system and utilize all available resources.

- **Provider Network**

Alliance Health has agreed to extend its network of care to include all providers that are currently serving Orange County residents that are in good standing with Cardinal Innovations Healthcare and Alliance and meet all applicable state imposed rules and requirements. Additionally, Alliance Health will develop an expedited credentialing process to assist providers not currently contracted with Alliance.

## **Timeline**

The realignment process is expected to proceed on the following timeline:

- February 17, 2021 – Public comment period opened for sixty (60) days
- April 6, 2021 – Approval of the Continuity of Services Plan
- April 18, 2021 – Post public comments received (30 days)

- May 20, 2021 – Submit the formal Request to Disengage to the Secretary with the required documentation. A decision by the Secretary is required within 90 days.
- August 17, 2021 – Anticipated approval by the Secretary
- Following Secretary Approval – Implementation phase
- January 1, 2022 – Effective date of transition

**FINANCIAL IMPACT:** No financial impact is associated with approving the Continuity of Services Plan.

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

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

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

**RECOMMENDATION(S):** The Manager recommends the Board approve the attached Continuity of Services Plan and authorize the County Manager to take all necessary steps to implement the Plan.

*Renee Price, Chair*  
*Jamezetta Bedford, Vice-Chair*  
*Mark Dorosin*  
*Amy Fowler*  
*Sally Greene*  
*Jean Hamilton*  
*Earl McKee*

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



## **Continuity of Services Plan**

On February 16, 2021, the Orange County Board of Commissioners unanimously approved an LME/MCO Disengagement Plan to transition the management of Medicaid and uninsured behavioral health and intellectual/developmental disability (“I/DD”) services from Cardinal Innovations Healthcare (“Cardinal”) to Alliance Health (“Alliance”). This Continuity of Services Plan (“Plan”) is intended to outline and frame how services will be managed when transitioning from Cardinal to Alliance. It is recognized that the process must allow for flexibility to respond to changes as the collaborative work moves forward.

Throughout this process the Orange County Board of Commissioners has and will continue to focus on listening to and receiving information from stakeholders, including in particular the providers and most importantly the residents who are served by the providers of public behavioral health and I/DD services and supports in Orange County. Both the County and Alliance recognize the importance of sharing information as transparently as possible with County residents and families currently served by Cardinal (such residents receiving services referred to herein as “Members”), current members of the Cardinal provider network working in the County, and other impacted stakeholders. The County, Alliance, and Cardinal will work in collaboration to provide relevant information to such stakeholders throughout this transition in a timely manner, including by utilizing our respective websites and social media platforms and through live and/or virtual town hall meetings and other community events.

### **Members Served**

We believe that the most important aspect of this disengagement is ensuring that those individuals and families that will be impacted are well informed and understand the change happening in Orange County. It is our collective intent to create a seamless transition from Cardinal to Alliance so that services are not interrupted. Notification of the transition will be made to all Orange County Members at least 60 days prior its effective date, which we anticipate will be January 1, 2022.

The County has received assurance from Alliance that it will honor all open service authorizations for Orange County residents from Cardinal. The County will look to and reasonably expects Cardinal to provide that service authorization information to Alliance in a timely and suitable format to ease this transition and to ensure there are no delays in services to existing recipients of care. The County needs and requests the assurance of the North Carolina Department of Health and Human Services (“NCDHHS”) that it will assist, as needed, in ensuring this exchange of information.

### **Community Services**

Cardinal and Alliance are both Local Management Entities/Managed Care Organizations (“LME/MCOs”). Each LME/MCO has some unique services that are not necessarily offered by its counterparts in a different region. Alliance will work with Orange County to ensure a full complement of services is available to meet the behavioral health and I/DD needs of County residents that are insured by Medicaid or are uninsured. Moreover, Cardinal has provided assurances that it will continue to provide services to Members during this transition to Alliance.

Through the due diligence process, we learned of some different services between the two LME/MCOs. In situations where Cardinal offers a Medicaid service that Alliance does not, we will work with Alliance to either add that service to the Medicaid Benefit Plan, if the County and Alliance agree it is appropriate to do so, or we will ensure Alliance’s community array has like or comparable services to meet the needs of Members.

All LME/MCOs in the state must offer a basic array of Medicaid services that is substantially comparable, even if named or branded differently, but such services and process for authorization may not be identical. In cases where there are such differences, Alliance will provide training and support to providers impacted by changes and will notify Medicaid beneficiaries at least 30 days prior to the effective date of a significant change to their healthcare plan. In instances where Orange County has non-Medicaid services in place that are not included in the Alliance Non-Medicaid Benefit Plan, Alliance will re-evaluate such service array annually in relation to applicable state funding allocations.

### **Community and Member Engagement**

Alliance will reach out to current Consumer and Family Advisory Committee (CFAC) members in Orange County to connect with them directly and establish a dialogue to regularly receive their input on issues affecting the public behavioral healthcare system locally and statewide. Alliance will also begin the development of a charter and member recruitment for a local Alliance Orange County CFAC.

Alliance prioritizes a system of care approach to build on the strengths of individuals, forge partnerships, improve access to services, and understand the story of the people and families it serves in a more complete way. To build a community-based System of

Care in Orange County, Alliance will work with local organizations and public partners to address social and environmental factors, including homelessness, food insecurity, and lack of transportation, that particularly impact the overall health and quality of life of individuals that lack health coverage. Alliance utilizes community collaboratives and roundtables with shared goals and accountability to achieve worthwhile, sustainable outcomes and Alliance will begin to establish these opportunities in Orange County.

Additionally, Alliance has Outreach and Education as well as Member and Community Engagement teams that help individuals navigate the human services system and utilize available local resources. These teams provide various trainings on topics including Medicaid transformation and health wellness and prevention. By providing diverse communities the tools they need to succeed – from education and training, to the development of care guidelines and wayfinding through the system – Alliance aims to enable people to lead healthier, more satisfying lives.

### **Provider Network**

Through the process of due diligence, the County learned that there is some overlap in the provider networks between Cardinal and Alliance, yet there are differences as well. Alliance contracts with 21 of the 38 total Orange County providers currently contracted with Cardinal. In addition to informal outreach to providers, the County, in coordination with Alliance, will send these providers written notice of the transition from Cardinal to Alliance.

Alliance has agreed to bring into its network to continue to serve Members and the County providers that are in good standing with Cardinal and Alliance and meet all the applicable state imposed rules and requirements. Further, Alliance will develop an expedited credentialing process to confirm whether a provider is enrolled in the Alliance network and to assist providers not currently contracted with Alliance with entering such network upon confirmation of applicable state and other requirements. Lastly, there are providers in the Alliance network who do not serve individuals in Orange County who have expressed an interest and desire to do so. The Realignment Committee described in the LME/MCO Disengagement Plan will provide guidance on this subject in its work during the transitional phase to help facilitate increased access within the County to provide further choice and service capacity for Members.

As the County continues to move forward, the work of the Realignment Committee does as well. This Committee, comprised of a cross section of community leaders overseen by the County Manager, will continue to develop the broader transition plan focused on the impact on individuals in need of services and providers. As part of that work, the Committee will have direct community leadership expectations to ensure the Plan is executed in such a way that minimizes the disruption to individuals receiving services and their providers. The Realignment Committee will also be responsible for coordinating communication sessions with key audiences (including Members and their families, providers, and stakeholders) to ensure the implementation period from

approval by the NCDHHS Secretary to the effective transition date is filled with many productive exchanges of information with a wide range of groups.

DRAFT

**BOCC Meeting Follow-up Actions**

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

<b>Meeting Date</b>	<b>Task</b>	<b>Target Date</b>	<b>Person(s) Responsible</b>	<b>Status</b>
3/16/21	Review and consider request by Commissioner Bedford that the Board review the potential addition of a Commissioner liaison position to the Affordable Housing Advisory Board, and also discuss the service of two Commissioner liaison positions for the Family Success Alliance (FSA)	12/2021	Laura Jensen	To be brought back for Board discussion in September 2021 for potential implementation with December 2021 Board & Commissions selection process
3/16/21	Review and consider request by Commissioner Dorosin that the Board receive information regarding funding, including operations, personnel (example: SROs) and capital for the County and both school systems, that was allocated in FY 2020-21 for programs but not spent due to Covid, how that money might have been re-directed - potentially to Covid-related needs, and any funding that was not spent at all due to Covid	4/2021	*Gary Donaldson Paul Laughton	To be discussed as part of the April 27, 2021 Joint meeting with Schools
3/16/21	Review and consider request by Commissioner Dorosin that staff provide information to the Board on next steps/action steps and a short and mid-term timeline of activities relative to the Buckhorn Area Plan	4/2021	Travis Myren *Craig Benedict	Manager provided a verbal update at the meeting; Mebane and County staffs are developing a plan of steps and timeframes to be shared with the BOCC
3/16/21	Follow-up in writing to the BOCC responding to questions related to the CAPER, funding allocations for 2019 projects and plans for the remaining funds	4/2021	Emila Sutton Erika Brandt	Staff briefly explained at the meeting; staff to provide follow-up information in writing
3/16/21	Update the DRAFT 2021 Legislative Agenda Package based on Board discussion and bring the package back to the April 6, 2021 Business meeting for consideration	4/2021	*Greg Wilder John Roberts	<b>DONE</b> Item scheduled for April 6, 2021 Business meeting

**INFORMATION ITEM**  
**Tax Collector's Report - Numerical Analysis**

<b>Property Tax Collection - Tax Effective Date of Report: March 15, 2021</b>						
<b>Tax Year 2020</b>	<b>Amount Charged in FY 20-21</b>	<b>Amount Collected</b>	<b>Accounts Receivable</b>	<b>Amount Budgeted in FY 20-21</b>	<b>Remaining Budget</b>	<b>% of Budget Collected</b>
Real and Personal Current Year Taxes	\$ 154,198,531.00	\$ 154,513,979.24	\$ 2,670,815.90	\$ 154,198,531.00	\$ (315,448.24)	100.20%
Real and Personal Prior Year Taxes	\$ 3,818,647.51	\$ 1,014,088.59	\$ 2,438,573.08	\$ 1,155,000.00	\$ 140,911.41	87.80%
<b>Total</b>	<b>\$ 158,017,178.51</b>	<b>\$ 155,528,067.83</b>	<b>\$ 5,109,388.98</b>	<b>\$ 155,353,531.00</b>	<b>\$ (174,536.83)</b>	<b>100.11%</b>
Registered Motor Vehicle Taxes		\$8,114,039.47	\$18,331.80	\$ 11,175,116.00	\$ 3,061,076.53	72.61%
<b>Tax Year 2019</b>	<b>Amount Charged in FY 19-20</b>	<b>Amount Collected</b>	<b>Accounts Receivable</b>	<b>Amount Budgeted in FY 19-20</b>	<b>Remaining Budget</b>	<b>% of Budget Collected</b>
Real and Personal Current Year Taxes	\$ 152,142,471.00	\$ 151,549,458.84	\$ 2,410,084.99	\$ 152,142,471.00	\$ 593,012.16	99.61%
Real and Personal Prior Year Taxes	\$ 3,378,823.17	\$ 756,452.85	\$ 2,414,456.74	\$ 1,100,000.00	\$ 343,547.15	68.77%
<b>Total</b>	<b>\$ 155,521,294.17</b>	<b>\$ 152,305,911.69</b>	<b>\$ 4,824,541.73</b>	<b>\$ 153,242,471.00</b>	<b>\$ 936,559.31</b>	<b>99.39%</b>
Registered Motor Vehicle Taxes		\$7,603,739.75	\$8,913.71	\$ 10,770,627.00	\$ 3,166,887.25	<b>70.60%</b>
<b>2020 Current Year Overall Collection Percentage - Real &amp; Personal</b>		98.30%				
<b>2020 Current Year Overall Collection Percentage - with Registered Motor Vehicles</b>		98.37%				
<b>2019 Current Year Overall Collection Percentage - Real &amp; Personal</b>		98.43%				
<b>2019 Current Year Overall Collection Percentage - with Registered Motor Vehicles</b>		98.50%				

## INFORMATION ITEM

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

-  
*Fiscal Year 2020-2021*

**Effective Date of Report: January 31, 2020**

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	95	62	84	44	106	8	3	16					
Bank attachments	22	17	32	3	16	3	8	6					
Certifications	-	-	-	-	-	-	-	-					
Rent attachments	1	1	-	-	-	-	1	-					
Housing/Escheats/Monies	-	-	17	6	30	4	-	42					
Levies	-	-	-	-	-	-	-	-					
Foreclosures initiated	2	8	3	6	3	1	-	3					
NC Debt Setoff collections	\$2,350.26	\$ 1,991.76	\$ 869.25	\$ 67.51	\$ 1,413.97	\$ 188.39	\$ -	\$ 964.00					

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2020-21. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

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

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation
Butler, Robin Hennessey	3184052	2019	15,690	-	(21.10)	-	(21.10)	Assessed in error (illegal tax)	Personal	Approve	2/25/2021	Gap bill: due to license plate exchange during gap period
Castaneda, Mayra Alicia Herrera	1073575	2020	8,820	-	(82.56)	-	(82.56)	Double billed (illegal tax)	Personal	Approve	2/25/2021	Also billed on account 3185430
Crisp, LaShonda Michelle	3181653	2019	19,100	-	(25.68)	-	(25.68)	Assessed in error (illegal tax)	Personal	Approve	2/25/2021	Gap bill: due to license plate registration processing
Green, Tony	59210276	2020	4,480	4,480	(34.49)	(30.00)	(64.49)	*Situs error (illegal tax)	RMV-VTS	Approve	2/25/2021	
Horton, Walter	1019744	2020	500	500	(4.81)	-	(4.81)	*Situs error (illegal tax)	Personal	Approve	2/25/2021	Property listed in Alamance County
Mellott, Brent	3181807	2019	6,350	-	(31.16)	-	(31.16)	Assessed in error (illegal tax)	Personal	Approve	2/25/2021	License plates were surrendered
Hills, Christina	59311673	2020	10,560	10,560	(66.73)	-	(66.73)	*Situs error (illegal tax)	RMV-VTS	Approve	3/11/2021	
Leiter, Tina	41626188	2020	4,290	2,145	(20.34)	-	(20.34)	Damage (appraisal appeal)	RMV-VTS	Approve	3/11/2021	Branded Title
Pinnix, Rose	49672657	2020	18,600	15,996	(24.36)	-	(24.36)	High mileage (appraisal appeal)	RMV-VTS	Approve	3/11/2021	
Prisk Children Family Trust	59107371	2020	29,730	25,879	(37.16)	-	(37.16)	Value adjustment (appraisal appeal)	RMV-VTS	Approve	3/11/2021	
Ramage, Steven	1062327	2017	1,020	-	(9.47)	-	(9.47)	Double billed (illegal tax)	Personal	Approve	3/11/2021	Also billed on account 987598
Ramage, Steven	1062327	2018	950	-	(8.95)	-	(8.95)	Double billed (illegal tax)	Personal	Approve	3/11/2021	Also billed on account 987598
Ramage, Steven	1062327	2019	950	-	(9.12)	-	(9.12)	Double billed (illegal tax)	Personal	Approve	3/11/2021	Also billed on account 987598
Ramage, Steven	1062327	2020	950	-	(9.15)	-	(9.15)	Double billed (illegal tax)	Personal	Approve	3/11/2021	Also billed on account 987598
							<b>(415.08)</b>	<b>Total</b>				
*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.												
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.												
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.												
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.												

**INFORMATION ITEM****MEMORANDUM**

**To: Bonnie Hammersley, County Manager**

**From: David Stancil, DEAPR Director**

**Date: March 25, 2021**

**Re: Update on Upper Neuse River Basin Association (UNRBA) Implementation Strategy**

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This memo serves to provide an update to the Board of County Commissioners (BOCC) and yourself on follow-up actions that have occurred since our report to the BOCC at their November 5, 2020 meeting. That report shared upcoming activities to operationalize the Upper Neuse River Basin Association's (UNRBA) planned Interim Alternative Implementation Approach (or IAIA) to address the nutrient management reductions required for the Falls Lake watershed. As you know, most of central and northern Orange County is within the Upper Neuse and Falls Lake watershed (please see attached map) and is subject to the Falls Lake nutrient management rules.

This memo was prepared with the assistance of County Staff Attorney James Bryan, Water Resources Coordinator Wesley Poole, Planning Director Craig Benedict and Staff Engineer Christopher Sandt.

**Overview of Recent Actions**

As noted at the November 5 meeting, Orange County and the other local government and public water provider members of the UNRBA have developed and now gained concurrence from the NC Division of Water Quality for an alternative strategy to address needed nutrient reductions for the adopted Falls Lake Watershed Rules to meet the Stage 1 rules requirements, beginning in FY 2021-22. This strategy is the aforementioned IAIA, which has each participating jurisdiction that is subject to the watershed rules agreeing to undertake a spectrum of different measures each year to decrease nutrient loading of nitrogen (N) and phosphorus (P) in Falls Lake, as required. In this strategy, each of the local governments and partners will begin implementing projects from a menu of nutrient reduction measures – implemented on a cost-wise basis for the next three to five years based on a jurisdictional share formula used by the UNRBA.

At the November 5 meeting, the Board of Commissioners agreed to participate in the IAIA strategy and plan effective with the 2021-22 fiscal year. Orange County's funding share of annual projects to reduce nutrient loading is \$161,943.

As noted in the November update, the mechanism to create and approve the IAIA approach and package was determined to best be accomplished through a revision to the UNRBA bylaws. These changes were drafted by the UNRBA Legal Group and presented for consideration in March. On March 18, the UNRBA Board of Directors approved changes to the bylaws that enable the IAIA process, and Vice-Chair Jamezetta Bedford, as the Orange County UNRBA delegate, represented the County in this action consistent with BOCC direction from November. Plans are now underway for each jurisdiction to identify planned projects for the upcoming fiscal year.

The full IAIA document may be found at the following link:

<https://www.orangecountync.gov/DocumentCenter/View/15307/Interim-Alternative-Implementation-Approach-for-UNRBA->

### **Orange County IAIA Nutrient Reduction Funding and Possible Projects**

Funding for Orange County's share of the IAIA has been included in the adopted Capital Investment Plan, beginning in the upcoming fiscal year. A total of \$175,000 was approved for this effort in Board actions from spring and fall 2020, and will be included again in the Manager's Recommended CIP for FY 2021-26 this spring. It should be noted that conservation projects that protect stream and riparian corridors and preserve certain other sensitive lands toward this program will be able to leverage additional funds from the County's Lands Legacy Program, as well as other grants and donations for the conservation projects.

As noted above, the approved IAIA has a menu of different activities and projects that will count toward addressing the required nutrient management reductions. These include stormwater management improvements and retrofits, conservation activities and stream buffer protection, stream buffer and floodplain restoration, and wetland creation, among others. (A complete listing of possible measures is included in the IAIA program link shown above).

Staff from DEAPR, Planning and the County Attorney's office have participated in the UNRBA deliberations and plans to date, and there are a variety of projects that have been identified for future approval (to be addressed in more detail as the CIP is discussed this spring). These include:

- A conservation easement project that will protect a significant stretch of a tributary of Seven Mile Creek and the Eno River
- Wetland creation and conversion of an existing sediment basin at an Orange County school in the Upper Eno watershed
- Protection of a long stretch of Seven Mile Creek and adjacent tributaries through a conservation acquisition to add to the Seven Mile Creek Natural Area
- Creation of a floating wetland within an existing stormwater pond in the Eno basin
- Installation of stormwater control measures (SCM's) on selected County properties and/or parkland
- Ongoing Hydrilla management programs in the Eno River and upstream impoundments

- Other projects to be identified

In summary, it is expected that Orange County will be able to easily meet – and likely exceed - the required commitment on nutrient reduction measures in FY 21-22 through the above actions. Worthy of note is the fact that project expenditures and activities in excess of the County's annual financial commitment share may be carried forward into future fiscal years.

### **Next Steps**

At the upcoming CIP worksession, staff will share with the Board more details about identified nutrient reduction projects for consideration in the IAIA commitments for FY 21-22. The UNRBA continues to work towards coordination of this new and innovative initiative among the member jurisdictions, and exploring possible joint efforts by jurisdictions to meet the nutrient reduction needs.

Concurrently, the UNRBA's Legal Group, which includes Orange County Attorney James Bryan, and outside counsel are watching nationwide developments to similar processes for any future implications.

Please feel free to contact me for any additional information or questions.

Copies:           Travis Myren, Deputy County Manager  
                      Craig Benedict, Planning and Inspections Director  
                      James Bryan, Staff Attorney  
                      Wesley Poole, Water Resources Coordinator  
                      Christopher Sandt, Staff Engineer

# Watersheds

